

# STATE OF ALASKA

RCVD. 7/31/79  
#8.13  
JAY S. HAMMOND, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

P. O. BOX 1467  
JUNEAU, ALASKA 99802

Copy - w. J. J.  
then bill

July 12, 1979

Mr. Curtis V. McVee  
State Director  
U.S. Bureau of Land Management  
701 "C" Street, Box 13  
Anchorage, Alaska 99513

JUL 10 9 12 AM '79  
INTERIOR REGION OF  
DEPARTMENT OF  
TRANSPORTATION

Re: Public Land Order Rights  
of Way.  
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Dear Mr. McVee:

We have recently had two situations brought to our attention that will undoubtedly cause both our departments considerable problems in the administration of rights of way across lands to be conveyed under ANCSA. This was discussed briefly with Sal DeLeonardis on June 27, during your absence.

The first situation involves the Bureau of Land Management's apparent policy of not indicating on the status maps the rights of way for roads and highways established by various Public Land Orders and subsequent conveyance to the State under the 1959 Omnibus Act. This is specifically brought to light by the pending appeal of the Northway Natives, Inc. Although it is not necessarily the position of this department that the valid existing right of the State established by the Public Land Orders be shown in the ANCSA conveyances as a specific reservation with a specific width, it is our position that they should be shown on the BLM status plats. This would not only aid the Native Groups, but the general public as well. Our Regional offices have listings of all through, feeder and local roads and will be available to assist your department in establishing them on the status plats.

✓	Regional Engr.
✓	Design Engr.
✓	Road Design
✓	E. I. S.
✓	Traffic/Safety
✓	Utilities
✓	Location/Reconn.
✓	Construction Engr.
✓	LSR AT
✓	R. E. O.
✓	Materials Engr.
✓	Planning
✓	Right-of-Way Copy made
✓	Admin. Officer
✓	Director Maint/Ops.
✓	Equipment Maint
✓	RETURN KAS &

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JUL 13 1979  
DEPARTMENT OF  
TRANSPORTATION  
JUNEAU, ALASKA

Paul Wild  
Lee Taylor

Mr. Curtis V. McVee

July 12, 1979

Public Land Order Rights  
of Way.

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Secondly, the practice of BLM of superimposing an easement reservation in the conveyance to the Native Groups over an already valid existing right established by Public Land Orders is causing considerable confusion. This is evidenced by the appeal of Doyon Limited. In this instance, 60 foot easement reservations are proposed over existing State rights of way having a greater width established by the Public Land Orders. The difference in the widths alone is enough to create problems between BLM, the State and Native Groups.

It would appear from the Doyon appeal that BLM may be concerned the State, at some later date, would abandon the rights of way established by the Public Land Orders, thus eliminating access to public lands. It is our position that the State has a valid property interest in these rights of ways by virtue of the Public Land Orders and the Omnibus Act, and this interest could be conveyed to BLM as a public right of way should it no longer be needed by the State. In this way the public access to public lands could be preserved and the contradiction of the easements would be eliminated.

We would appreciate your early review and response to the policy questions raised above. We feel that the matter is of sufficient concern that it be clarified as soon as possible.

Sincerely yours,



Charles S. Matlock  
Director, Highway Design & Construction  
Department of Transportation and  
Public Facilities.

Attachments:

cc: R.D. Shumway  
cc: Martha Mills

HNW/CSM/pr