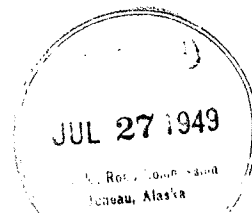




UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska



July 25, 1949

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MEMORANDUM

To: Managers, District Land Offices, Region VII

From: Regional Administrator

Subject: Notation of rights-of-way on records, under Departmental instructions of January 13, 1916 (44 L.D. 513).

In view of the increased activities by agencies of the Federal Government in Alaska, it is anticipated that maps and plans for various projects will be filed in the District Land Office for notation of the rights-of-way, with request that an excepting clause be inserted in any final certificate and patent which may be subsequently issued for the land affected, in accordance with Departmental instructions of January 13, 1916 (44 L.D. 513). These instructions have been held by the Department to apply to projects constructed by any Federal Agency, upon the public lands.

By memorandum from the Director, dated May 13, 1949, I have been authorized to cause the appropriate notation to be made on the records of such projects when initially filed in the district land office, without the necessity of first obtaining direction from the Washington office to do so, as heretofore under the previous practice.

In order that there may be uniformity in the processing of such cases, the following procedure will be adopted:

Section 1. Project maps. Maps should be filed in triplicate, showing the definite location of the right-of-way for the project, with relation to the public land surveys by courses and distances from the nearest corner, unless that corner is more than six miles distant, in which case the survey should be connected with some prominent natural object or permanent monument, which can be readily recognized and recovered.

Section 2. Filing of project maps. The maps should be filed in the proper District Land Office by the Chief Officer of the Federal Agency or its duly authorized representative, together with a written application for notation on the tract book records of the Bureau of Land Management of the right-of-way for the project, in accordance with Departmental Instructions of January 13, 1916 (44 L.D. 513). The application should contain the following showings:

(a) That construction of the project has been authorized and is to be paid for with money appropriated by Congress.

(b) If the project has been constructed, the date and cost of construction should be given, or if not constructed, that its construction

will immediately follow, as no right may be acquired by reason of the filing of such maps for future construction as against a subsequent entryman (47 L.D. 181).

(c) If the project is, or is to be located on reserved or withdrawn public lands under the jurisdiction of a Federal Agency other than the Bureau of Land Management, a clearance from such agency must accompany the application and maps.

Sec. 3. Action by Manager. Upon receipt of the application and maps, the Manager will proceed as follows:

(a) Examine the tract books and other available records and ascertain whether the project involves vacant and unappropriated lands. If the land affected is entered or patented, he will return the application and maps to the agency filing the same with notice of that fact.

(b) If the project affects vacant and unappropriated public land, including land in withdrawal or reservation, he will assign a current serial number to the application and maps, stamping thereon the date of filing, and otherwise treat the same as a right-of-way application, and will take the following steps:

(i) Examine the application and maps as to their factual sufficiency and requirements, as set forth in secs. 1 and 2, above.

(ii) Call upon the agency filing the application for any additional showing, if required, to complete the application or to furnish proper maps.

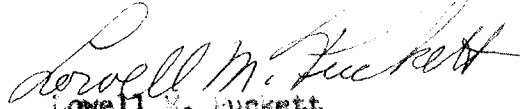
(iii) When the application and maps are found to be satisfactory, or made so after further showing, and the lands affected are under the jurisdiction of an agency other than the Bureau of Land Management, and proper clearance by such other agency is shown to have been obtained, the Manager will make appropriate notations of the right-of-way for the project on his tract book records, if the lands are surveyed, or on appropriate maps if unsurveyed, and shall insert in any final certificate which may be issued for the land affected and subsequently entered, an excepting clause similar to that quoted in the instructions of January 13, 1916 (44 L.D. 513), and shall notify the interested agency of the action taken. He will then transmit a copy of his notice of the action taken, together with a copy of the map, to the Director, Bureau of Land Management, Washington, D. C., and one copy of the notice and map to the Regional Administrator, retaining the remaining copy of the map for the files of his office.

(iv) Where the project affects lands under the jurisdiction of the Bureau of Land Management, the Manager shall proceed as provided in Sec. 3(a), (b), (i) and (ii), and will then transmit

the application and two copies of the map, together with a status report, to the Regional Administrator. No notation of the right-of-way for such projects will be made on the tract books or other records until directed by the Regional Administrator.

Sec. 4. Action by the regional Administrator. Upon receipt of the application and maps for a project in the cases mentioned in Sec. 3(b)(iv) above, the Regional Administrator shall determine whether or not there are any objections to the construction of the project on the location indicated. If there is no objection, he will by memorandum instruct the Manager to make the appropriate notations on the tract book and other records in the District land office, and will transmit a copy of the memorandum and map to the Director, Bureau of Land Management, and notify the agency in question of the action taken.

Should there be any objection to the acceptance of the maps and to their notation on the records, the Regional Administrator shall refer the case to the Director, for appropriate instructions.

  
Lowell M. Fickett  
Regional Administrator

I concur:



Abe Barber  
Regional Counsel

cc: DLO - Anchorage  
Fairbanks  
Nome

Director, BLM  
SAA, Anchorage  
Alaska Road Commission ✓