



UNITED STATES
DEPARTMENT OF THE INTERIOR
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

August 13, 1969

Dear Mr. Chairman:

I have your letter of August 7 indicating that, subject to certain conditions, the House Interior Committee has no objection to the proposed modification of Public Land Order 4582 to allow the State of Alaska to take a right-of-way from Livengood to the Yukon for the construction of a secondary highway. Your reply was subject to receiving assurance from this Department that the total environment and the rights of the native people would be considered and would be fully protected.

Under Revised Statute 2477 jurisdiction over lands for highway rights-of-way will pass from the Secretary of the Interior to the Governor of the State concerned without any act whatever taken by the Secretary. Because a right-of-way under this authority is a statutory right-of-way grant, as contrasted with one made under discretionary authority delegated to the Secretary of the Interior, I do not have the legal authority to impose conditions and stipulations upon the road construction.

Governor Miller has given his personal assurance that environmental values will be protected and native interests safeguarded during the construction and maintenance of this 53-mile secondary highway.

Further, I have commended to Governor Miller the set of proposed road and pipeline stipulations which have been drafted by Federal agencies in Alaska and Washington, with the close cooperation and participation of departments of the State of Alaska. I enclose a copy of my letter to Governor Miller.

I am today signing the necessary order to modify Public Land Order 4582 as requested by the State of Alaska.

Thank you for the Committee's prompt response to my letter of July 27, as signed by Acting Secretary Klein.

With best regards,

Sincerely yours,
Walter H. Hickel
Secretary of the Interior

Honorable Wayne N. Aspinall
Chairman, Committee on Interior
and Insular Affairs
House of Representatives
Washington, D. C. 20515

Enclosure