

LEGISLATIVE REQUEST FORM
(The original is blue)

LOG # ⁸⁹~~88~~-27

LEGISLATIVE REQUEST FORM INSTRUCTIONS:

COMMISSIONER'S OFFICE TRACT # _____
(if applicable)

DATE REQUESTED 10-3-88

DATE DUE _____

RESPONSE DATE _____

- 1) The person receiving a legislative request must fill out the information above dotted line and call Hettie Witter at x5151 to obtain a log number.
- 2) Follow your division's procedures to determine the "person assigned to follow-up" or contact John Martin (5150), Jonathan Widdis (2428), or Jerry Rafson (2424).
- 3) Send a copy of this form to Hettie Witter immediately and forward the blue copy of this form "person assigned to follow-up".
- 4) The "person assigned to follow-up" should send the completed blue form to Hettie Witter when response is completed.

LEGISLATOR: Sen Coghill REQUESTED BY: Sen Coghill

ADDRESS: Box 470 NENAWA 99760 PHONE: _____

SUBJECT: RS2477 documentation project

SUMMARY OF REQUEST: he wants a copy of the criteria by which we are selecting candidate trails. Then he will be better able to input possible candidate trails.

REQUEST RECEIVED BY: N Piispanen

PERSON(S) ASSIGNED TO FOLLOW UP: Norm Piispanen JAW

FURTHER CONTACTS:

NAME	DATE OF CONTACT	MODE OF CONTACT	DATE OF RESPONSE
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RESPONSE BY LETTER (ATTACHED) BY TELEPHONE

SUMMARY: sent scope of work for project, to include criteria for selection of candidate trails.

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION, REGIONAL DIRECTOR

Proj. msh
STEVE COWPER, GOVERNOR

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
PHONE: (907) 451-2210

October 3, 1988

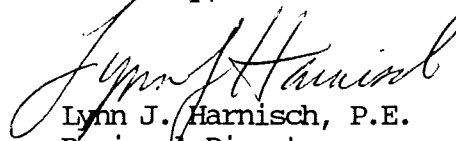
Re: RS2477
Log #89-27

The Honorable Jack Coghill
Alaska State Senate
P.O. Box 470
Nenana, Alaska 99760

Dear Senator Coghill:

Attached, as per your October 3, 1988 telephone conversation with Norm Piispanen of my staff, is the scope of work for our RS2477 documentation project. The criteria, which you discussed, for selection of candidate trails is included as an appendix. We have directed Claus Naske to start work on Stampede Road, Serpentine Hot Springs Road, Nabesna to Chisana, Rex to Kantishna and Rex to Minchumina. As noted in the scope of work, we expect to document a total of 22 trails under this project. We would welcome suggestions for candidate trails which meet the attached criteria.

Sincerely,


Lynn J. Harnisch, P.E.
Regional Director

NP/lcl

Attachment

cc: Susan Fleischhauer, Legislative Liaison, Northern Region
Mark Hickey, Commissioner
Jonathan A. Widdis, Acting Chief, Planning & Research, Northern Region

PROPOSAL

TO

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

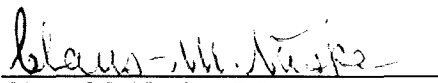
FROM

UNIVERSITY OF ALASKA FAIRBANKS
HISTORY DEPARTMENT

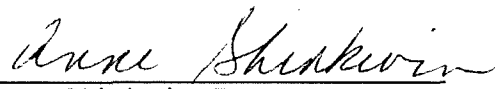
TITLE

NORTHERN ALASKA'S RS 2477 HISTORICAL TRAILS

MAY 1988



Claus-M. Naske, P.I.
Professor of History
(907) 474-6504



Anne Shinkwin, Dean
College of Liberal Arts
(907) 474-7231



Jerome L. Trojan, Vice Chancellor
for Administration (907) 474-7340

UNIVERSITY OF ALASKA, FAIRBANKS

MEMORANDUM

Date: May 25, 1988

To: Jerome Trojan, Vice Chancellor
for Administration

Through: Anne Shinkwin, Dean *AS*
College of Liberal Arts

From: Claus-M. Naske, Professor *C.M.N.*
History Department

Subject: Overhead Reduction

I am applying for a grant in the amount of \$30,000 from the Alaska state Department of Transportation and Public Facilities. This grant will provide summer salary, travel funds, and xeroxing for the principal investigator to conduct research in Juneau and Seattle as well as the Rasmuson Library and other state agencies in Fairbanks.

I am requesting a reduction in overhead to 10%.

APPROVED: *[Signature]*

Jerome Trojan, Vice Chancellor
for Administration

5/24/88

sl

RESEARCH PROPOSAL

Summary

The principal investigator solicits support to research and document information on approximately 22 individual trails which may be important in claiming RS 2477 rights of way.

The investigator proposes to research and assemble the following information for specific trails:

- a) when was the trail established, what type of trail was it, and how long was it used?
- b) all available information on the construction and/or maintenance of the trails in question.
- c) what public monies were expended to maintain the trails?
- d) what was the legal status of the lands at the time of construction, maintenance, and use, and how, if at all, did this change?
- e) who built and used the trails?
- f) was the Alaska Road Commission involved in the construction and maintenance of the trails? If so, how?
- g) what were the purposes and importance of these trails to Alaska's transportation system and economy?

The proposed study will collect all available data on these trails enabling the state to assert a right of way under RS 2477.

Background

"The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

This simple phrase became law in 1866. The statute in question, R.S. 2477 (43 U.S.C. S932) was originally section 8 of the Act of July 25, 1866 (14 Stat. 253).

In 1976 Congress repealed it by section 706(a) of the Federal Land Policy and Management Act (FLPMA).

During its 122 year history, R.S. 2477 has been the subject of inconsistent state statutes and state court decisions, as well as a handful of inconsistent federal court decisions. Unfortunately research in The Congressional Globe (39th Cong. 1st S., 1866) does not reveal any debates among the lawmakers as to the meaning of this section. What seems certain is that a valid R.S. 2477 highway right of way is a valid existing right protected by FLPMA's sections 701(a) (43 U.S.C. S1769(a)).

Since the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, the RS 2477 rights of way have become a major issue in Alaska. These rights of way provide prescribed legal access across federal lands. This research project intends to establish the validity of the listed trails across federal land for the state.

Objectives

The objectives of the proposed study are:

1. Scholarly research documenting the construction, use, maintenance, and importance of these trails in Alaska's transportation system and economic life.
2. To assemble a publishable document presenting the information for the listed trails.
3. To provide xerox copies of pertinent documents which the state can use to prove the validity of these trails.
4. To publish and circulate the results of this study widely within state government.

Need

The administration of Governor Steve Cowper has taken the initiative, through its Washington office, to settle the RS 2477 issue, and to do so favoring the state's position. Negotiations between the state and the appropriate federal agencies promise to lead to a solution. It is important, therefore, that the state be ready to claim various trails as RS 2477 right of ways as soon as the criteria for recognizing these rights have been worked out.

Approach

Information on these trails exists in widely scattered sources. Priority will be given to interviewing individuals, such as miners and long-time residents who may have knowledge of the trails. This work is important because many of these individuals are quite old and their memories are in danger of perishing. Since human memory is faulty, however, and courts demand a written record as well, every effort will be made to supplement these interviews with written documentation.

The University of Alaska Fairbanks Oral History Collection contains thousands of interviews. It will be necessary to look at the collection and try to determine which tapes might contain valuable information. Very few transcripts have been made. If valuable tapes are found, they will be excerpted.

For the Fairbanks and Seward Peninsula regions, the dozens of newspapers published over the years needs to be consulted. Unfortunately, no indexes exist to Alaska's many newspapers with the exception of the Sitka Times. Finding needed information will be time consuming, since it necessitates scanning reels of microfilm for pertinent information.

The UAF archives contain many individual collections, including those of miners, businessmen, delegates to Congress and others. Finding aids need to be consulted to pinpoint pertinent information.

It is absolutely imperative that the investigator search pertinent records in the State Archives in Juneau, Alaska and the Federal Records Center in Seattle. Most individuals assume that records in depositories are safe. That, unfortunately, is not the case. Archivists determine which records are of historical importance. About five percent of all records deposited are permanently retained, the rest are kept for varying lengths of time and are then pulped. The principal investigator wants to remind DOT&PF personnel that the records of the Alaska Road Commission were about to be destroyed. Fortunately, the principal investigator had a contract from DOT&PF which necessitated use of these records, one of the criteria for retention. Personal intervention with the Archivist of the United States at that time, James Rhoads, saved these records. Since that time, the decision has been made to retain them permanently. The argument the P.I. made to the archivist was that these records were essential in helping the state prove the legitimacy of RS 2477 trails. Therefore, the records of both the Alaska Road Commission and the Bureau of Public Roads, both housed in the Federal Records Center, need to be consulted.

The P.I. proposes to donate his 25 percent research time in his 9 months University of Alaska Fairbanks contract to the project. That will enable him to locate the pertinent records during the academic year, make the research trips to Juneau and Seattle, and start assembling the necessary information.

Full-time attention to the project is needed, however. The P.I. intends to spend the three months in collating the information, filling in gaps, scanning newspapers, and writing narratives of each historical trail. Each narrative also needs the pertinent documentation in the form of an appendix.

Interim Products

The P.I. intends to proceed on a trail-by-trail basis. As the available documentation is assembled and collated, he will deliver it to DOT&PF. He could also, if so desired, write the necessary narrative at the time the documentation is assembled. The only problem is that often additional materials are discovered about a particular trail while working on another one.

The P.I. justifies donating 25 percent of his University-paid research time by intending to research and write a scholarly paper on the thorny RS 2477 issue and presenting it to a professional meeting.

Budget

The investigator proposes a budget of \$30,000 for a period from August 15, 1988 to August 15, 1989. Below are the details of the budget.

Salary:		
3 months salary	\$19,500	
staff benefits @ 19.3%	<u>3,763</u>	
		\$23,263
Travel:		
Fairbanks-Seattle - \$482;		
per diem @\$80/7 days = \$560	\$ 1,042	
Fairbanks-Juneau - \$268;		
per diem @\$80/7 days = \$560	<u>\$ 828</u>	
		\$ 1,870
Services:		
Xeroxing -	\$ 2,140	<u>\$ 2,140</u>
	Sub-total	<u>\$27,273</u>
Overhead rate @ 10%:		<u>\$ 2,727</u>
	TOTAL	\$30,000

DOT&PF is in the process of selecting approximately 22 trails for this study.

Appendix

State criteria for selecting trails or documentation work:

- ^ Federal land, preferably a mixture NPS, F&WS, and BLM.
- ^ Most successful case can be assembled.
- ^ Most documentation can be found.
- ^ Least in-state objection by various interest groups, such as Native Regional or Village Corporations or other private land owners.
- ^ Importance of the trails in terms of resources, land, activity access.
- ^ Limited liability, especially as far as maintenance is concerned.
- ^ Identified access need, such as in a state or local plan.
- ^ Predictable need to improve.
- ^ Threatened loss or blockage.
- ^ Where information might otherwise be lost.
- ^ Portion of an existing state road system.

**Preliminary List of Trails
to be Researched**

Stampede (Lignite to Kantishna)

Harrison Creek Road

Serpentine Hot Springs

Taylor-Deering

Dalton Highway to Chandalar Lake

Chisana Trails

Rex to Kantishna

Rex to Minchumina

Fortymile Mining District Trail(s)

Trails into Swede Lake, Landmark Gap (Denali Highway)

Other trails to be determined

TITLE

NORTHERN ALASKA'S RS 2477 HISTORICAL TRAILS

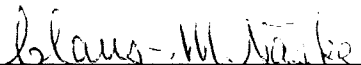
BY

UNIVERSITY OF ALASKA FAIRBANKS
HISTORY DEPARTMENT

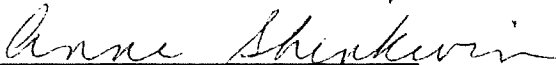
FOR

DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

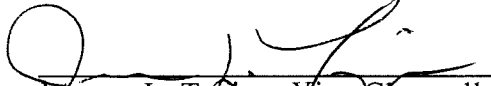
MAY 1988



Claus-M. Naske, P.I.
Professor of History
(907) 474-6504



Anne Shinkwin, Dean
College of Liberal Arts
(907) 474-7231



Jerome L. Trojan, Vice Chancellor
for Administration (907) 474-7340

SCOPE OF WORK

Summary

The principal investigator will research and document information on approximately 22 individual trails which may be important in claiming RS 2477 rights of way.

The investigator will research and assemble the following information for specific trails:

- a) when was the trail established, what type of trail was it, and how long was it used?
- b) all available information on the construction and/or maintenance of the trails in question.
- c) what public monies were expended to maintain the trails?
- d) what was the legal status of the lands at the time of construction, maintenance, and use, and how, if at all, did this change?
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The proposed study will collect all available data on these trails enabling the state to assert a right of way under RS 2477.

Background

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Since the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, the RS 2477 rights of way have become a major issue in Alaska. These rights of way provide prescribed legal access across federal lands. This research project intends to establish the validity of the listed trails across federal land for the state.

Work Tasks

The tasks to be performed are:

1. Scholarly research documenting the construction, use, maintenance, and importance of these trails in Alaska's transportation system and economic life.
2. To assemble a publishable document presenting the information for the listed trails.

3. To provide Xerox copies of pertinent documents which the state can use to prove the validity of these trails.
4. Furnish camera ready copy of results of this study to DOT&PF.

Approach

Information on these trails exists in widely scattered sources. Priority will be given to interviewing individuals, such as miners and long-time residents who may have knowledge of the trails. This work is important because many of these individuals are quite old and their memories are in danger of perishing. Since human memory is faulty, however, and courts demand a written record as well, every effort will be made to supplement these interviews with written documentation.

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The UAF archives contain many individual collections, including those of miners, businessmen, delegates to Congress and others. Finding aids need to be consulted to pinpoint pertinent information.

The investigator will research pertinent records in the State Archives in Juneau, Alaska, and the Federal Records Center in Seattle. These will include Alaska Road Commission and Bureau of Public Roads records.

The P.I. will donate his 25 percent research time in his 9 months University of Alaska Fairbanks contract to the project. That will enable him to locate the pertinent records during the academic year, make the research trips to Juneau and Seattle, and start assembling the necessary information.

The P.I. will spend the three months in collating the information, filling in gaps, scanning newspapers, and writing narratives of each historical trail. Pertinent documentation of each narrative will be included in the form of an appendix.

Interim Products

The P.I. will proceed on a trail-by-trail basis. Documentation for seven trails will be delivered by November 15, 1988. Documentation for the next seven trails will be delivered by March 15, 1989, and documentation for the remaining trails will be delivered by July 15, 1989. A final report on all the trails, including additional information recovered on each, will be delivered by August 15, 1989.

A progress report on the project will be prepared and delivered to DOT&PF by the 15th of each month starting September 15, 1988.

The P.I. will donate 25 percent of his University-paid research time to research and write a scholarly paper on the thorny RS 2477 issue for presentation to a professional meeting.

Budget: \$30,000

Time Frame: August 15, 1988 to August 15, 1989

Salary:

3 months salary	\$19,500
staff benefits @ 19.3%	<u>3,763</u>

\$23,263

Travel:

Fairbanks-Seattle - \$482;	
per diem @ \$80/7 days	
= \$560	\$ 1,042
Fairbanks-Juneau - \$268;	
per diem @ \$80/7 days	
= \$560	<u>828</u>

\$ 1,870

Services:

Xeroxing -	\$ 2,140
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\$ 2,140

Sub-total

\$27,273

Overhead rate @ 10%:

\$ 2,727**Total****\$30,000**

Project will consist of documentation of approximately 22 trails which will be identified by DOT&PF.

Appendix

State criteria for selecting trails for documentation work:

- ^ Federal land, preferably a mixture NPS, F&WS, and BLM.
- ^ Most successful case can be assembled.
- ^ Most documentation can be found.
- ^ Least in-state objection by various interest groups, such as Native Regional or Village Corporations or other private land owners.
- ^ Importance of the trails in terms of resources, land, activity access.
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to be Researched

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Dalton Highway to Chandalar Lake

Chisana Trails

Rex to Kantishna

Rex to Minchumina

Fortymile Mining District Trail(s)

Trails into Swede Lake, Landmark Gap (Denali Highway)

Other trails to be determined

History Department
Fairbanks, Alaska 99775-0860

May 1, 1989

Norman Piispanen
Northern Region Planning
DOT&PF
600 University Avenue, Suite B
Fairbanks, AK 99709-1096

Dear Norman,

This letter serves as a progress report on the historic trails project.

In April, we put all the information from the annual reports of the Alaska Road Commission into the trails data base. We are only missing the 1909 annual report. I have requested a copy through inter-library loan. When received, we will xerox the pertinent information and add it to the data base.

We received the 2,014 pages of xeroxed materials from Record Group 30, housed in the Federal Records Center in Seattle, which I had tagged in March. The information was extracted and added to the data base.

At the present, we are extracting pertinent information from 33 microfilm rolls of the Alaska Governor's Papers, Record Group 348. The total collection contains more than 300 rolls of film. We went through the index and identified the 33 rolls. We shall make copies of the information, and add the material to the data base.

We are also examining the manuscript holdings of the University of Alaska Fairbanks Archives for collections which might contain trails information. So far, we have examined about 30 collections and extracted information from about 5, also to be added to the data base.

Late in April, the P.I. delivered xerox copies of documents as well as a printed guide to the computer disks to your office. It is incomplete, of course, because many more materials need to be examined. The disks, however, will be easy to use once completed. The trails are alphabetized, and alternative names are given as well.

It will be important for DOT&PF to keep the xerox copies of the documents together in one collection so that they can easily be consulted and furnish the evidence lawyers look for in a court of law.

In May, we plan to interview a variety of individuals who have used trails. DOT&PF will identify some of these individuals for us.

Sincerely,



Claus-M. Naske, Ph.D.
Professor of History

STEVE COWPER, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION, REGIONAL DIRECTOR

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
PHONE: (907) 451-2210

June 14, 1990

Re: RS2477
Historic Trails Information

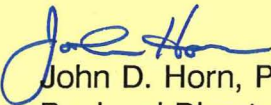
1~
2~
3~

Dear 4~:

As the result of a research project conducted for us by the University of Alaska Fairbanks, we have accumulated an extensive file of information on historic Alaskan Trails. It consists of approximately 14,000 individual citations of information collected through an exhaustive survey of the Alaska Road Commission Annual Reports; Alaska Road Commission and Bureau of Public Roads records in the Seattle Federal Records Center; and records, reports, collections and newspapers in the University of Alaska Rasmuson Library. While the information is not all that may be available on the subject of Alaskan Trails, and may not address all such trails, it should serve as a useful source of information for trail related research.

Hard copy and computer based listings are available. Access to this material and additional information may be obtained by contacting Norm Piispanen in our Planning Division at 474-2423.

Sincerely,


John D. Horn, P.E.
Regional Director

NP/bdm

cc: Dan Beardsley, Chief, Right-of-Way, Central Region
John Bennett, Acting Chief, Right-of-Way, Northern Region
John D. Martin, P.E., Chief of Planning & Research, Northern Region
Norman Piispanen, Urban Planner, Northern Region
Clyde Stoltzfus, Special Assistant to the Commissioner, Headquarters

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P.O. Box 74446
Fairbanks, AK 99707

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STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

NORTHERN REGION PLANNING

2301 PEGER ROAD
FAIRBANKS, ALASKA 99709-5316
PHONE: (907) 451-2380
TDD: (907) 451-2363

December 28, 1993

Re: Historical Trails Documentation
RSA #2520805

Dr. Paul B. Reichardt
Interim Provost
Provost Office
University of Alaska
P.O. Box 757580
Fairbanks, AK 99775-7580

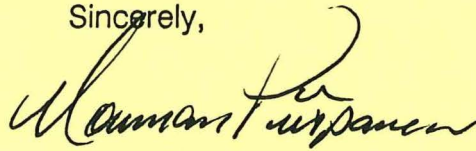
Dear Mr. Reichardt:

Through a 1988 Reimbursable Services Agreement between ADOT&PF and the UAF History Department, Claus Naske researched several repositories of historical records. After suggesting a major (productive) change in the format of the project, he built a file of all of the trail related documentation that was found. He furnished us with a copy of the material, as well as with computer and hard copies of a searchable index.

That information has since been furnished to the State Library System as well as to local, State and federal land managing agencies. It has proven valuable to us as well as to the land managing agencies. It has served as a base for the current Department of Natural Resources RS2477 Rights-of-Way Documentation Project. We expect that the information which Mr. Naske assembled will continue to prove valuable to land management/right-of-way documentation efforts for a long time.

We appreciate the working relationship we had with Mr. Naske and the History Department during development of this project. We value the product. We look forward to working with Mr. Naske and the History Department on future projects as the opportunity may arise in the future.

Sincerely,



Norm Piispanen
Access Planner
Northern Region

/mrh