

RS 474, derived from Sec 8 of the 1864 mining law (act of July 26, 1864) states

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

The grant became effective through construction. Later S.O. 2665 deemed the act of survey staking and posting public notice sufficient for acceptance of the grant

The right of way under early appropriations was deemed to include only the road prism or as was commonly known as ditch to ditch. With the advent of the 2<sup>nd</sup> world war and recognition of Alaska's strategic location, a number of highway withdrawals were made up to 40 miles wide for the Alaska Hwy. These were subsequently reduced in width and expanded in scope until S.O. 2665 created easements for all <sup>public</sup> roads and trails in Alaska ranging from 100 feet to 300 feet in width.

RS 2477 rights-of-way are unrecorded. Only a few are noted to the public land records. Their existence must be proved through research and often through court action. No unit of government to date has been willing to protect the public interest in these grants

Not only are these grants left to be protected by the citizens ~~but~~ from closure by other citizens but often units of government must be fought by citizens to protect the public interest. To the further endangerment of these public interest grants, BLM recently proposed to require

survey within three years of any such grants to allow  
posting to the public record. All such grants not  
surveyed within the time limit would be lost

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