

# STATE OF ALASKA

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WALTER J. HICKEL, GOVERNOR

## DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

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### RS 2477 PROJECT

Briefing Paper

June 1993

- Purpose** The RS 2477 Project was created to assert existing rights-of-way for trails of significant importance to the citizens of Alaska for transportation routes. At the present time, there is disagreement on the legal status of these rights-of-way. This project will document and certify valid, existing rights-of-way under RS 2477.
- Background** The Governor, Lieutenant Governor, and State Legislature funded the Division of Land for a major one-year project to identify, nominate, and certify valid RS 2477 trails statewide. Revised Statute 2477 is a federal law passed in 1866 that granted "the right-of-way for the construction of highways over public lands, not reserved for public uses " to the state. Rights-of-way established under RS 2477 are still valid and may be used to provide access for a variety of needs. Generally, RS 2477 applies only to rights-of-way established prior to December, 1968.
- Due to subsequent land actions, these trails now cross a complex land ownership pattern, including federal (Bureau of Land Management, National Park Service, Fish and Wildlife Service, and Forest Service), state and municipal (boroughs and cities), and private owners (native village and regional corporations, mining claims, leases, and other individuals). Estimates of 1400 to 1700 potential RS 2477 rights-of-way exist within Alaska, ranging from 150 yards to many miles long. This project could identify, nominate, and certify about 500 of these trails.
- Process** The project is divided into three groups of trails: Phase I, II, and III. Phase I began in 1992 with ten trails; Phase II begins in July, 1993, with about 200 to 300 trails; and Phase III will include additional trails in late 1993. Once trails are identified for their significance to the state, historical records are prepared for the trail nomination. Public review is required under 11 AAC 51.030 prior to certification.
- Current Status** The ten Phase I trails have been identified and nominated, and are currently receiving public review: Taylor-Serpentine Hot Springs Trail, Eureka-Rampart Trail, Harrison Creek-Portage Creek Loop Trail, Coldfoot-Chandalar Lake Trail, Chicken-Franklin Trail, Eagle-Alder Creek Trail, Poorman-Ophir Trail 1 and 2, Nabesna (Chisana) Trail, and the Marvel Creek Trail.
- Note** This project is strictly a question of whether or not the state has ownership of rights-of-way under RS 2477. Public comment will be limited to the factual accuracy of the trail's historical documentation. This project will not decide how the trails will be managed or developed.