

Alaska settles RS 2477 trails dispute

State establishes clear title, gains right to build road to Coldfoot-Chandalar area, with federal-Native corporation settlement

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For Mining News

The State of Alaska has established clear ownership of two historic trails in northern Alaska under a settlement reached with federal and Native corporation officials of the state's claim to the trails under federal law RS 2477, a top Palin administration official announced Jan. 11.

Members of Alaska's mining industry Jan. 18 applauded the settlement, which ends a lawsuit filed by state officials against the U.S. government nearly two years ago. The suit sought to establish Alaska's clear title to rights of way for the 65-mile Coldfoot-Chandalar Lake trail and the 85-mile Caro-to-Coldfoot trail, which share a common route across federal land managed by the U.S. Bureau of Land Management, off the Dalton Highway north of Fairbanks.

"As far back as 1906 the Coldfoot-Chandalar Lake trail was used to access gold in the Chandalar area," acting Alaska Commissioner of Natural Resources Marty Rutherford said in announcing the settlement. "As such, the trail is one of many rights of way established within Alaska under federal law. Establishing clear title to such historical routes is key to preserving our statehood rights and critical to opening access across the state."

Federal government didn't recognize routes under RS 2477

In the settlement, both the federal government and Alaska Native regional corporation Doyon Ltd. agreed to accept entry of a judgment quieting title to the rights of way in the state. Other defendants included other non-federal stakeholders with claims to land adjoining or surrounding the trails.

While the settlement confirms the state's rights of way for the two RS 2477 routes, the federal government did not formally recognize them as established under RS 2477.

However, the willingness of U.S. officials to recognize the state's rights of way resolved the costly litigation and assured that Alaskans gain the access they need to more than 1 million acres of state lands, Rutherford said.

The state asserted its claim to these two routes for several reasons, including well-documented historical usage, current use for mining, hunting, subsistence and recreation, and the access to state lands, she said.

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Clearing up the title to the trails will be



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beneficial to people who have been mining in the area for the past 20 years, said Steve Borell, executive director of the Alaska Mining Association.

"Though the state doesn't get fee simple ownership of the rights of way, this clears up an access question that has been lingering for some time," Borell said Jan. 18. "Hopefully, this will clear the way for a surface road that can be used for most of the year."

Susan Schenk, a spokeswoman for Little Squaw Gold Mining Co., said the settlement is good news for the company's efforts to develop gold mining claims in the area.

"This is a win-win for us, a definitive positive," Schenk said. "It removes a large impediment to opening the Chandalar area to development, and it's also a positive for the general public that enjoys recreational activities in the area."

Though the settlement will bring no immediate benefits, Schenk said it is the beginning of a process that should eventually result in a road through the area.

The two trails are among many access routes that Alaska claims under RS 2477, a federal law by which the government granted rights of way across federal lands not otherwise reserved for public use, to encourage miners and settlers to expand into the western states and Alaska. Though RS 2477 was repealed in 1976, existing rights of way created under it are preserved under federal law. ●