



American Land Rights Association

30218 N.E. 82nd Ave, PO Box 400
Battle Ground, WA 98604



RS 2477 RESOURCES

[ALRA-AK](#) [AGENCIES, LAWS, REGS and SOURCES](#) [ANILCA](#) [NAVIGABILITY](#) [TRAIL MAINT.](#) [FIREWOOD - LOGS](#) [FIRE PROTECTION](#)

[ACCESS CLOSURE TO PATENTED PRIVATE LAND IN LOWER 48 STATES](#)

[Alaska DNR RS 2477](#)

[AS 19.30.400. Identification and acceptance of rights-of-way.](#) [includes list of 659 accepted RS2477 routes]

[11 AAC 51.055. Identification of R.S. 2477 Rights-of-Way](#)

[11 AAC 51.100. Management of Public Easements, Including R.S. 2477 Rights-of-Way](#)

[11 AAC 53.110. General survey standards](#) - Class III required for RS 2477, seems excessive!

[STATE OF ALASKA COMMENTS ON PROPOSED RULES RS 2477 RIGHTS-OF-WAY](#)

Published at 59 Fed.Reg. 49216 et seq. (August 1, 1994)

ALASKA RS 2477 TRAILS

The State of Alaska has achieved Quiet Title to the Harrison Creek - Portage Creek Trail (RST 8) in the Circle Mining District. Because the original trail has been moved many times to accommodate active mining since 1976, (the deadline for identification of existing rights-of-way), the State has entered into a consent decree accepting a mutually agreeable 60-foot right-of-way to substitute for abandonment of portions of the existing trail. This was one of 11 of the 620 "Qualified" trails that was "Certified" as a test case, and was selected for litigation because it had the broadest potential for setting precedent. The Department of Law and the Division of Mining, Land & Water require funds for this legal effort to file "quiet title" actions in court to determine the validity of the routes.

[U.S. v VOGLER](#)

1988 granted permanent injunction prohibiting placer miner from operating off-road vehicles in national preserve without first obtaining access permit and from conducting placer miner operations without submitting and obtaining approval of mining operations plan. Miner appealed. The Court of Appeals, held that: (1) Federal Government had authority to regulate access and mining within Alaska's national parks; (2) regulations did not deprive placer miner of "adequate and feasible" access to his claims and were within power granted under property clause; (3) Federal Government had authority to regulate travel on trail, even assuming it was established right-of-way; and (4) claim alleging unconstitutional taking of property rights was not ripe for judicial resolution.

[SHULTZ v DEPARTMENT OF ARMY](#)

Shultz v. Army, 1993, concerning a right-of-way claim across Fort Wainwright, established that the public right-of-way between the origin and termini of the route need not be absolutely fixed, and upheld the broad definition of a highway found in state law. On rehearing, the 9th Circuit Court of Appeals reversed its original ruling in the Shultz case. However, the legal reasoning that produced that original decision has been used to support other cases. Paul G. Shultz appeals the district court's judgment in favor of the government in his quiet title action under 28 U.S.C. S 2409a. Shultz argued that he has a right-of-way across Fort Wainwright to get back and forth between Fairbanks and his property under either R.S. 2477, 43 U.S.C. S 932, or Alaska common law, or both. Because we ultimately agree with the district court that Shultz has not sustained his burden to factually establish a continuous R.S. 2477 route or a right-of-way under Alaska common law, we affirm the district court. We do not reach Shultz's argument that the district court erred by holding that his action was time-barred by 28 U.S.C. S 2409a(g).

[Exchange with NPCA on RS 2477 in Wrangell St. Elias News 5/04](#)

2/03 FEDERAL RECORDABLE DISCLAIMER REGULATION

11/25/03 - [Off-road organizations, San Bernardino County, petition to own areas](#) - DON THOMPSON, Associated Press - The county's claim was the nation's first under the new federal regulation adopted by the Interior Department in February.

OTHER RS 2477 RESOURCES

[GOOGLE SEARCH: RS2477 AND SALT LAKE TRIBUNE](#) -- A bonanza of information on the unfolding RS 2477 process in Utah

4/9/02 - MOU U.S. Dept of the Interior and State of Utah - <http://www.doi.gov/news/mours2477.htm>

7/16/03 - [Congress likely to kill roads deal](#), Christopher Smith, Salt Lake Tribune - WASHINGTON -- Congress is poised to kill Utah's landmark agreement with the Department of Interior to transfer rights to old roadbeds across federal lands to counties as the House begins debate on the Interior appropriations bill today, with a vote expected Thursday.

8/17/03 - [History essential to understand road rights](#), Alan D. Gardner, Salt Lake Tribune - In April the Department of Interior announced that it had signed an MOU Utah resolving the road issue (R.S. 2477). Southern Utah Wilderness Alliance and other extreme environmental groups (including some of the groups that want to drain Lake Powell) are very strongly opposed to this decision, stating that these "aren't roads, but ways." It seems as if their goal is to eliminate public access to public land. To make a fair judgment on this issue, some background history is essential. As each new area of this country developed, the federal government owned all of the land. Gradually land was sold or homesteaded, with almost all land transferring to private ownership. However, in the Western states, this transfer from federal to private ownership in many cases was never completed.

5/20/03 - [Greedy Socialists](#) - Salt Lake Tribune - Until wilderness advocates and R.S.2477 opponents tell the truth about socioeconomic impacts on rural communities and the tax base of Utah, I and many other rural citizens will remain angry with greedy, socialistic environmental groups striving to take away our rights to "life, liberty and the pursuit of happiness."

7/29/97 - [Letter to GAO about RS2477](#)

[Utah County Roads \(R.S. 2477\) Presentation](#) BE PATIENT! LONG TIME TO LOAD (12 MB Adobe PDF Document)

4/20/03 - [Finding Common Ground on County Roads](#) - Op-Ed by Governor Mike Leavitt - Imagine the confusion that would result if the county recorder's office burned down and ownership records for the entire community were lost. Utah finds itself in a somewhat similar situation with respect to county roads. Our mostly rural transportation system used by ranchers, miners, hikers, hunters, federal land managers, county officials, tourists and others is caught in a divisive and costly legal battle over rights of way on potentially thousands of roads.

[What is "Revised Statute R.S. 2477"?](#) - National Public Lands News

[What is "Jarbidge South Canyon Road" ?](#)

R.S. 2477 - BLM is proposing new rules to process "road claims" on public lands. The subject law, a one-sentence, 21-word statutory provision, known as Revised Statute 2477, was passed on July 26, 1866. Twenty six years after its repeal by FLPMA, the process of asserting claims under the statute is far from consistent and has been the subject of litigation between the Federal government, the states and the counties. 43 CFR Part 1860 [WO-350-1864-24 1A] RIN 1004-AD50 Conveyances, Disclaimers and Correction Documents
AGENCY: Bureau of Land Management, Interior. ACTION: Final rule.

<http://www.nplnews.com/fedregister/2003/jan62003-blm-rs2477.htm>

SUMMARY: The Bureau of Land Management (BLM) amends its regulations pertaining to recordable disclaimers of interest in land. We are amending the regulation by: removing the 12-year regulatory filing deadline for states; removing the requirement that an applicant be a "present owner of record" to be qualified under the Act; allowing any entity claiming title, not just current owners of record, to apply for a disclaimer of interest; defining the term "state" as it is used in this rule; clarifying how we will approve disclaimer applications involving another Federal land managing agency.

12/28/02 - [Little Wyo interest in old road law](#) - Casper Star Tribune - The state of Wyoming has not taken much interest in an old federal law making it possible for local governments to claim rights-of-way through federal lands.

RS 2477 in California

<http://www.death-valley.us/article500.html>

<http://www.death-valley.us/article499.html>

http://www.worldnetdaily.com/news/article.asp?ARTICLE_ID=18049

ACCESS CLOSURE TO PATENTED PRIVATE LAND IN LOWER 48 STATES

9/11 - Catron Co, NM - [Forest Service Probes Road Grading](#) - There are 4 parcels of unimproved, uninhabited tracts of land located on the San Francisco River that are surrounded by national forest lands. The road servicing these tracts is an old historic road (RS 2477) connecting Glenwood with Reserve. This 17 mile stretch of road has not been maintained by the county for many years. However travelers and landowners have continually gone up the river anyway. The Gila Forest wishes to purchase this property and has had it appraised. Our county land plan calls for no net loss of private land. Private land is our tax base and provides a nucleus for any future economic benefits. One of the landowners would not consent to sell. This land owner received a letter from Gila Forest Supervisor Kelly M. Russell stating that the area had been designated as the Devils Park Road-less area. He was informed that his only access was by foot or horseback. He could be granted a vehicle permit if he consented to pay the forest service to do a full blown NEPA study. Nobody else, to our knowledge was informed of this road-less designation including Catron County. One of the strongest rights in the U.S. is to have full access to ones private land.

For More Information Contact:
American Land Rights Association
Tel: 360-687-3087
FAX: 360-687-2973

[\[_private/navbar.htm\]](#)

Send mail to alra@pacifier.com with questions or comments about this web site.
All pages on this website are ©1999-2001, American Land Rights Association. Permission is granted to use any and all information herein, as long as credit is given to ALRA.