

# R.S. 2477

What it is &

Why it's important to the State of Alaska

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# What is R.S. 2477?

- Section 8, Mining Law of 1866
  - Later re-designated as Section 2477 of Revised Statutes of 1878, a/k/a R.S. 2477
- “The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.”



# How is an R.S. 2477 created?

- Grant is self-executing
- All right of ways existing on the date of repeal of R.S. 2477 in 1977 were expressly preserved
- Arises automatically when a public highway is established across public lands in accordance with the law of the State



# Highways

- Historically, highways included foot trails, pack trails, sled dog trails, crudely built wagon roads and other corridors of transp.
- AS 19.45.001(9): includes a highway, road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility



# Breadth of R.S. 2477

- Includes historic routes which exist not only on Federal lands (including present day B.L.M., Park Service and Forest Service lands), but also on former Federal lands which are now held by the State, or owned by private parties, including Native corporations



# The R.S. 2477 Controversy

- The Federal & Agency Perspective
- The Environmentalist Perspective
- Utah's Current Efforts on R.S. 2477



# Examples of R.S. 2477 Routes



# Dalton Highway – Livengood to Prudhoe Bay





# DeBarr Road - Anchorage



# Farmers Loop Road - Fairbanks



# Klutina Lake Road – Copper Center



# The Iditarod Trail – Interior Alaska



# The Iditarod Trail – Interior Alaska



# RST 592 Chilkoot Trail - Skagway



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R.S. 2477s Vary





# RST 10 Chicken to Franklin – Fortymile Region



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# RST 410 Jack Wade to Steel Creek – Fortymile Region



# RST 1642 Franklin to Chicken/Lilliwig Creek – Fortymile Region



## RST 379 Hutchinson Creek - Fortymile Region



# RST 1374 Copper River Bluff Trail – Copper Center



# RST 1974 Chitina Cemetery Road - Chitina



# RST 421 Chicken Ridge - Fortymile Region





# Local Examples

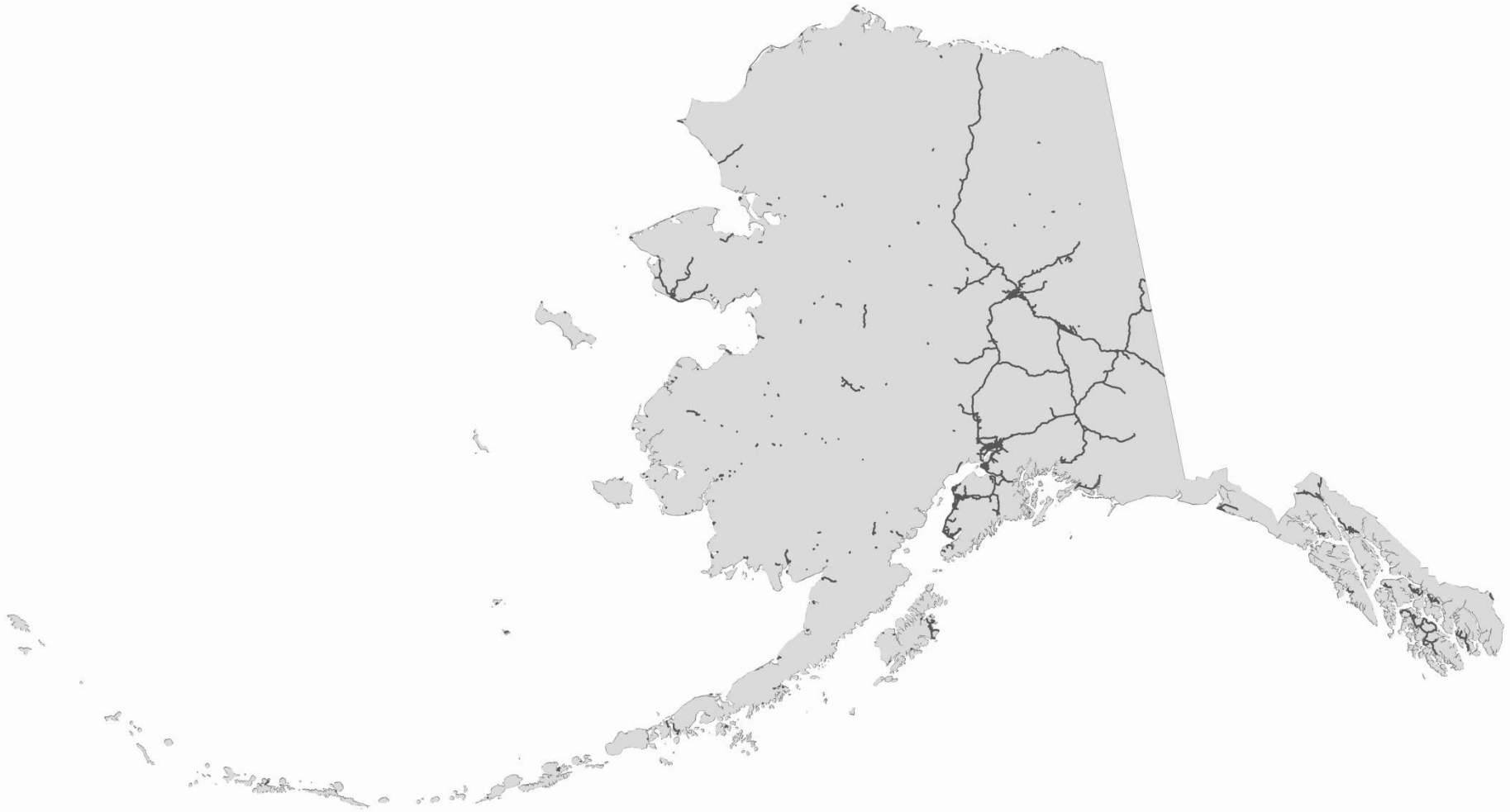
- RST 597 – Perseverance Trail
- RST 599 – Sheep Creek Trail
- RST 601 – Lemon Creek Trail
- RST 602 – Nugget Creek Trail
- RST 603 – Spaulding Meadows Ski Circuit Trail
- RST 604 – Peterson Lake Trail
- RST 606 – Eagle River Trail

# Why are R.S. 2477s important?

- Alaska – The largest state in the country, actually has fewer public roads than Connecticut, the third smallest state in the country.
  - Alaska – 16,302 miles
  - Connecticut – 21,020 miles



# State of Alaska Highway System w/o R.S. 2477 (except the Dalton Highway)



# DNR R.S. 2477 Research, Investigation & Legislative Codification

- Began early 1990's
- Intensive research effort by DNR to identify routes via
  - Alaska Road Commission reports
  - USGS maps, field notes, etc.
  - Postal Service contracts & records
  - Personal accounts & witness interviews
- Effort culminated in Alaska legislative codification & recognition of more than 600 routes as set forth in AS 19.30.400



## R.S. 2477 rights of way are critical to:

- preserve public access to lands & resources
- enable the State to reasonably manage, maintain & develop the lands, resources & opportunities it owns & holds in trust for the public
- maintain State sovereignty & preserve State's rights



# How Can You Help?

- We are losing living witnesses with pre – 1969 knowledge
- Need to locate and interview these witnesses
- Need to identify and inventory additional R.S. 2477 routes





# For Information Contact

- <http://dnr.alaska.gov/mlw/trails/rs2477/> for information about DNR's R.S. 2477 Project





## RS 2477 Project

### Background

Revised Statute 2477 (RS 2477) was a congressional grant of rights of way which provided: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

RS 2477 was repealed in 1976 which marked a dramatic change in federal land management policy. However, the RS 2477 rights of way that existed at that date expressly remained a valid existing right. As a result there are thousands of RS 2477 rights of way across the western United States and Alaska which, as congress intended, provided an important role in settling those areas. In Alaska, these rights of way continue to play an essential role in accessing Alaska's lands. To date, DNR has researched over 2,000 routes and determined that approximately 647 qualify under the RS 2477 statute.

### What are RS 2477 Rights-of-Way?

The RS 2477 right of way was a self executing grant, meaning that the grant required no formal process or action by the federal government, but rather the grant automatically took effect once certain conditions were met. A RS 2477 right of way would come into existence in Alaska automatically if a "public highway" was established (constructed by use or mechanical construction) across public lands according to Alaska law.

Besides the construction of the right of way to complete the grant, there must have been an acceptance of the grant.

#### RS 2477

[Request For Trail Use Information](#)[Search Case Files Online](#)[Download RS 2477 Fact Sheet \(PDF\)](#)[Frequently Asked Questions](#)

# With Witness or R.S. 2477 Information Contact

- <http://dnr.alaska.gov/mlw/trails/paad/index.cfm> for online submittal of information concerning your knowledge of a witness who DNR should contact or of a potential R.S. 2477 route



## Request For Trail Use Information

The State of Alaska Public Access Assertion and Defense needs your assistance to help preserve public access on Alaska roads and trails!

Do you have personal knowledge of historical use of any secondary or primitive road or trail in Alaska before 1968? If you have this knowledge, please share that information with us:

### Alaska Trail Use Information Form

A sample of the information that we need is described below:

1. Local name of the trail, if established.
2. Provide the best trail description possible from one point to the next. Useful information would include section, township, range, meridian, USGS quadrangle map coordinates, survey or other geographical descriptions.
3. Let us know if you have any supporting documentation such as photographs or maps that you would like to share with us. We may ask you to send a copy via mail or email.
4. Identify what type of travel: by ATV, foot, dogsled, snow machines, trucks, etc.
5. Describe why you used this trail (to get from point A to point B).
6. Describe what activities were associated with the trail use: i.e., hunting, fishing, mining, subsistence, or other outdoor activities.
7. Describe if the trail is used only in winter or summer or if the trail is used year-round.
8. During what years did you use this trail? How many

### Trails and Public Access

[17B Easements](#)[Easement Atlases - Public Access](#)[Iditarod Trail Easement Project](#)[Rex Trail Management Program](#)[RS2477 Trails](#)[Navigability Program - Submerged Lands](#)[Public Easements - New Regulations](#)

Questions?

