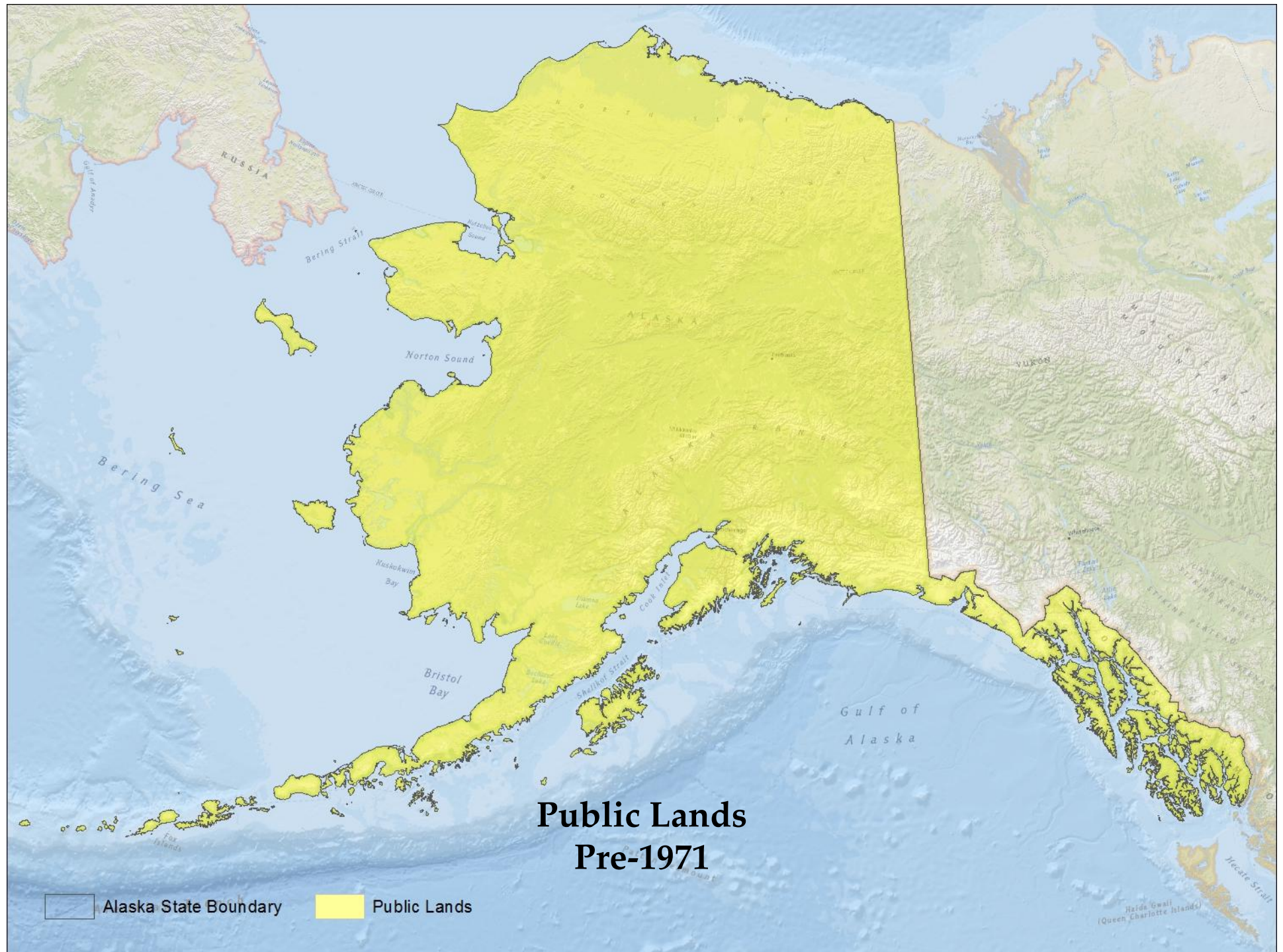


## **Background – Alaska Land Status Prior to 1971**

- During the period of expansion of the Western frontier (1796-1976), the U.S. Government embraced a policy of disposal of the federal lands, transferring them to private individuals, railroads, and states in order to provide a revenue base.



# Legal Definitions



- The statute reads: *"The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."*
- On the ADNR-DML&W website it states: *"the word highway was historically used to refer to foot trails, pack trails, sled dog trails, crudely built wagon roads, and other corridors for transportation."* The term highway is defined in state statute AS.19.59.001(8) *"as a road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility and right-of-way thereof..."*
- 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 private landowners.
- The Alaska Legislature instructed in its 1998 law that, while providing for the public's right to use these historic access easements, *"every effort should be made to minimize the effect on private property owners."*

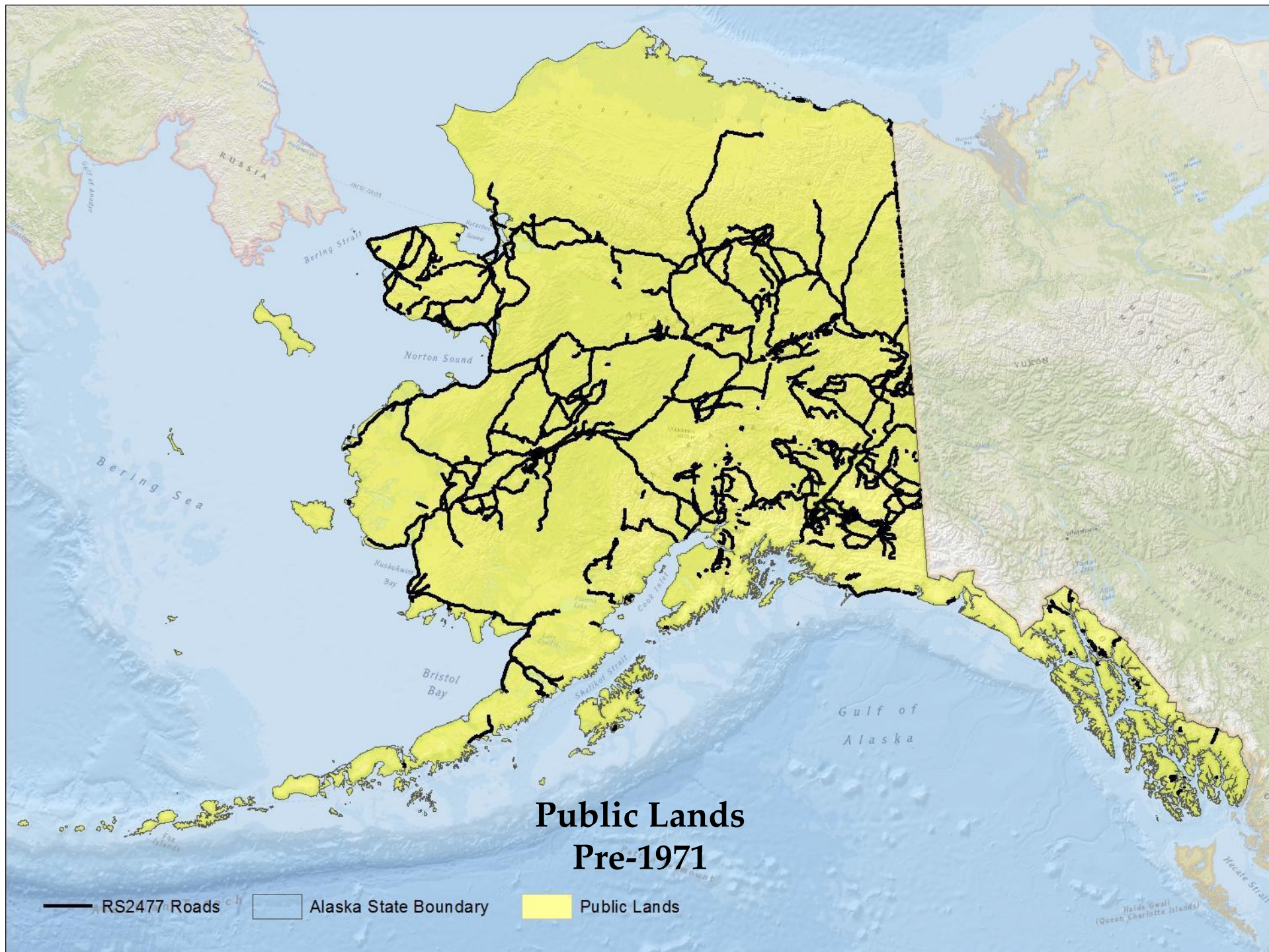
## Current Alaska Land Status

- 669 - RS2477s in the state – examples range from DeBarr Road in Anchorage and Farmer's Loop Road in Fairbanks to numerous unimproved foot trails, some of which may not be visible with the naked eye or to the prospective purchaser of the property.
- 142 - RS2477s in the Ahtna region.

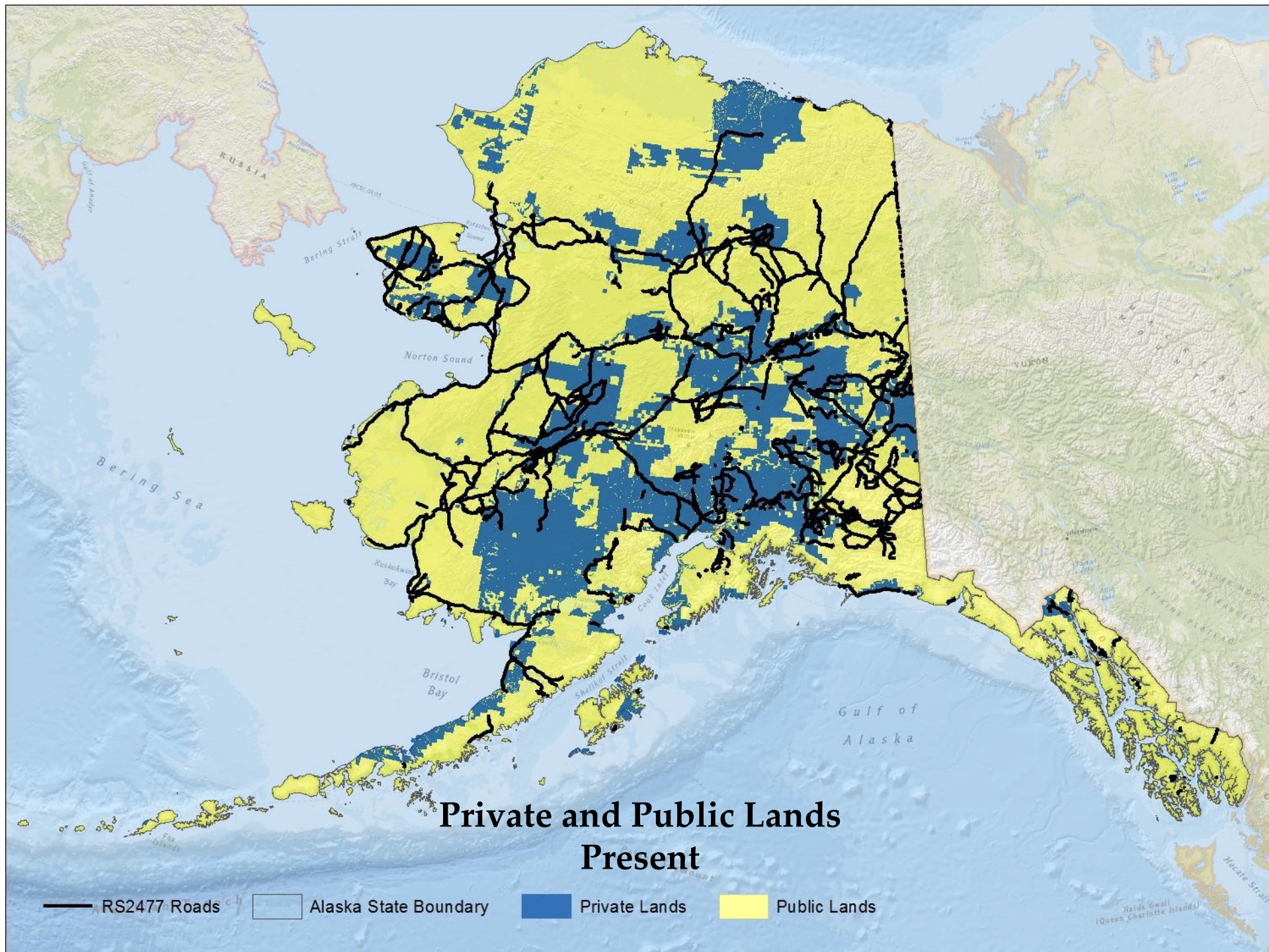


## Public Lands Pre-1971

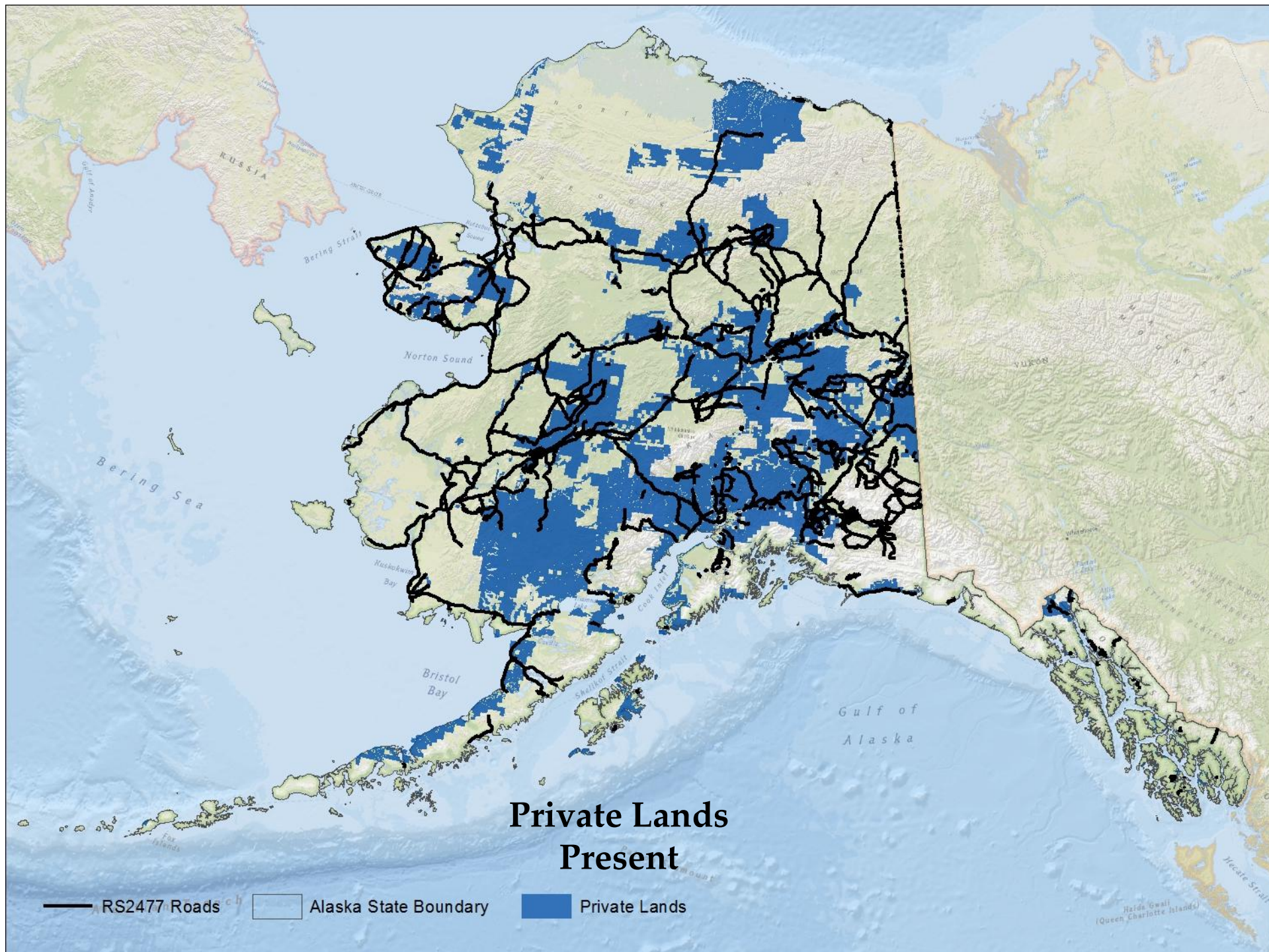
— RS2477 Roads     Alaska State Boundary     Public Lands











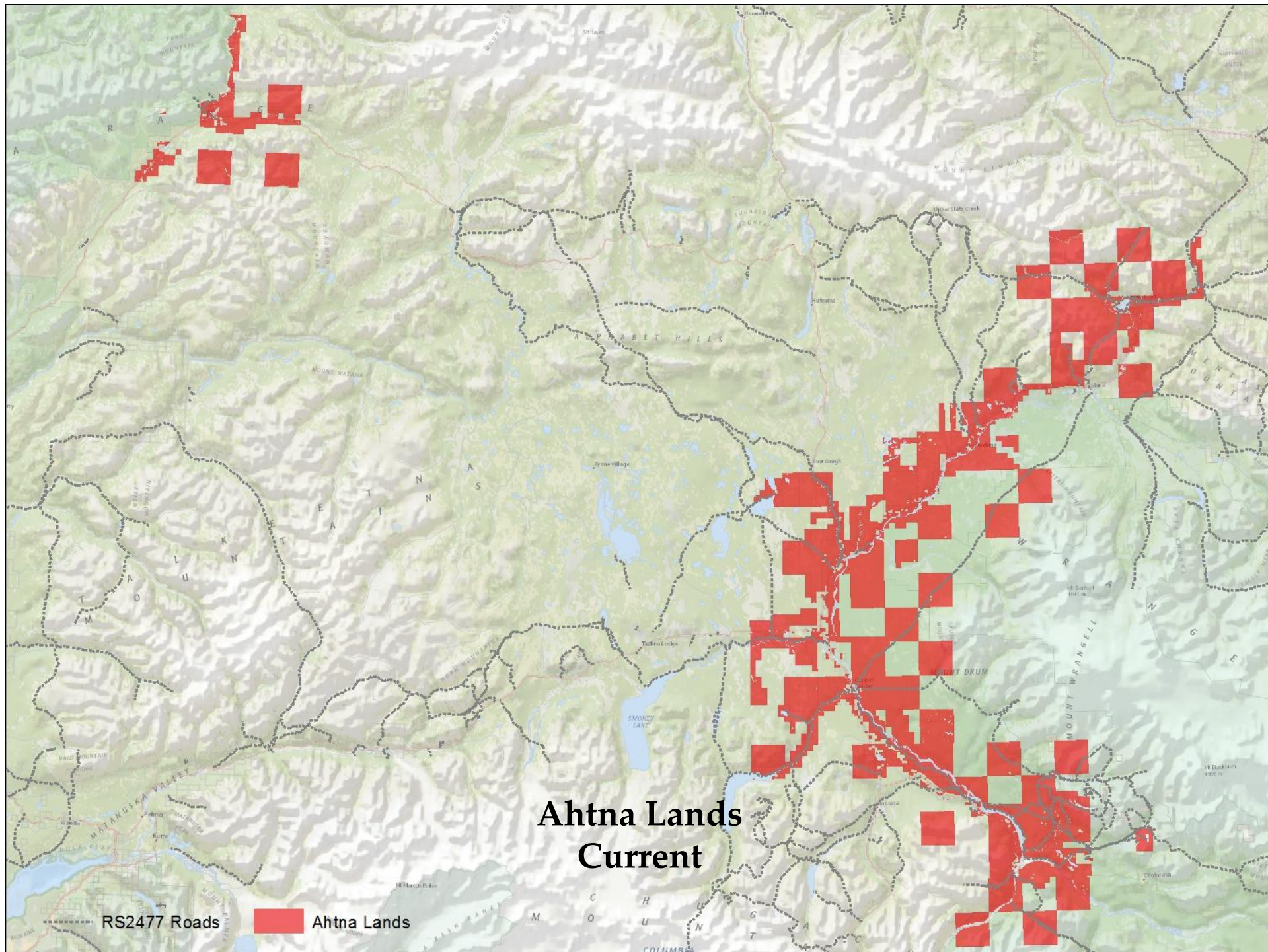
## Current Ahtna Land Status and RS2477/17(b) Roads

- Ahtna Lands contain 402 linear miles of RS2477 classified roads.
- Proposed 100' R-O-W will consume 9,406 acres of Ahtna Land.





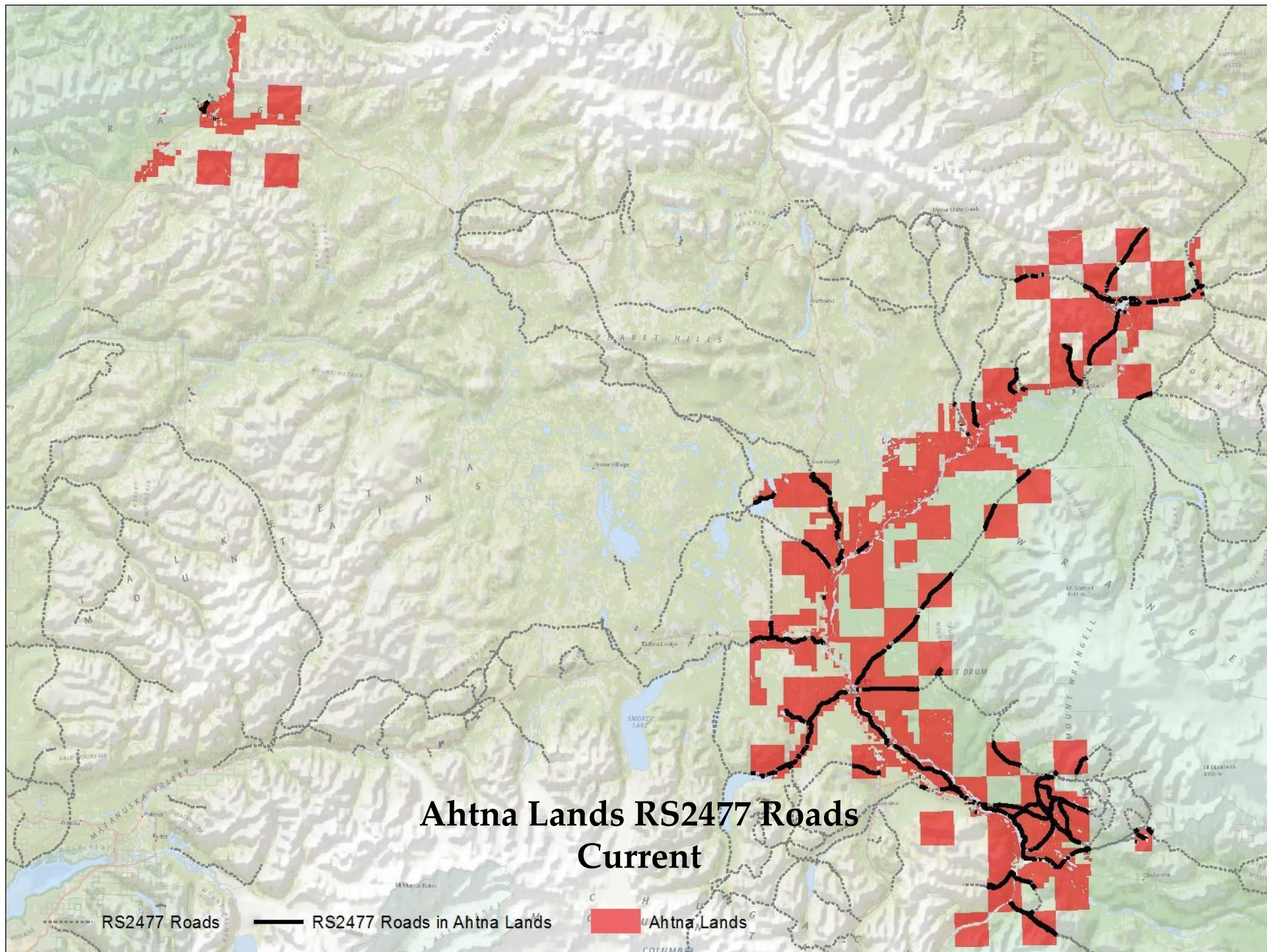




# Ahtna Lands Current

RS2477 Roads      Ahtna Lands

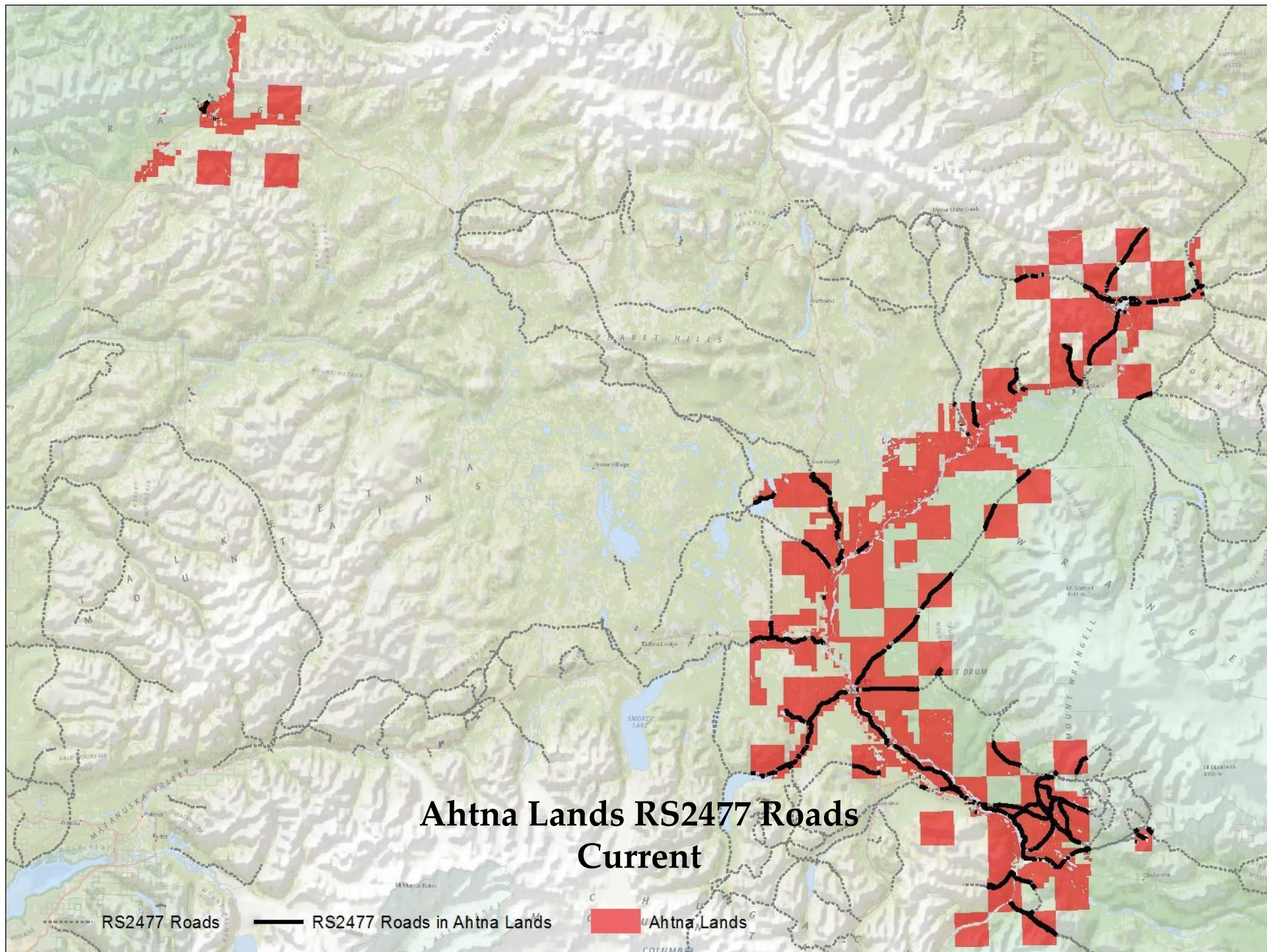




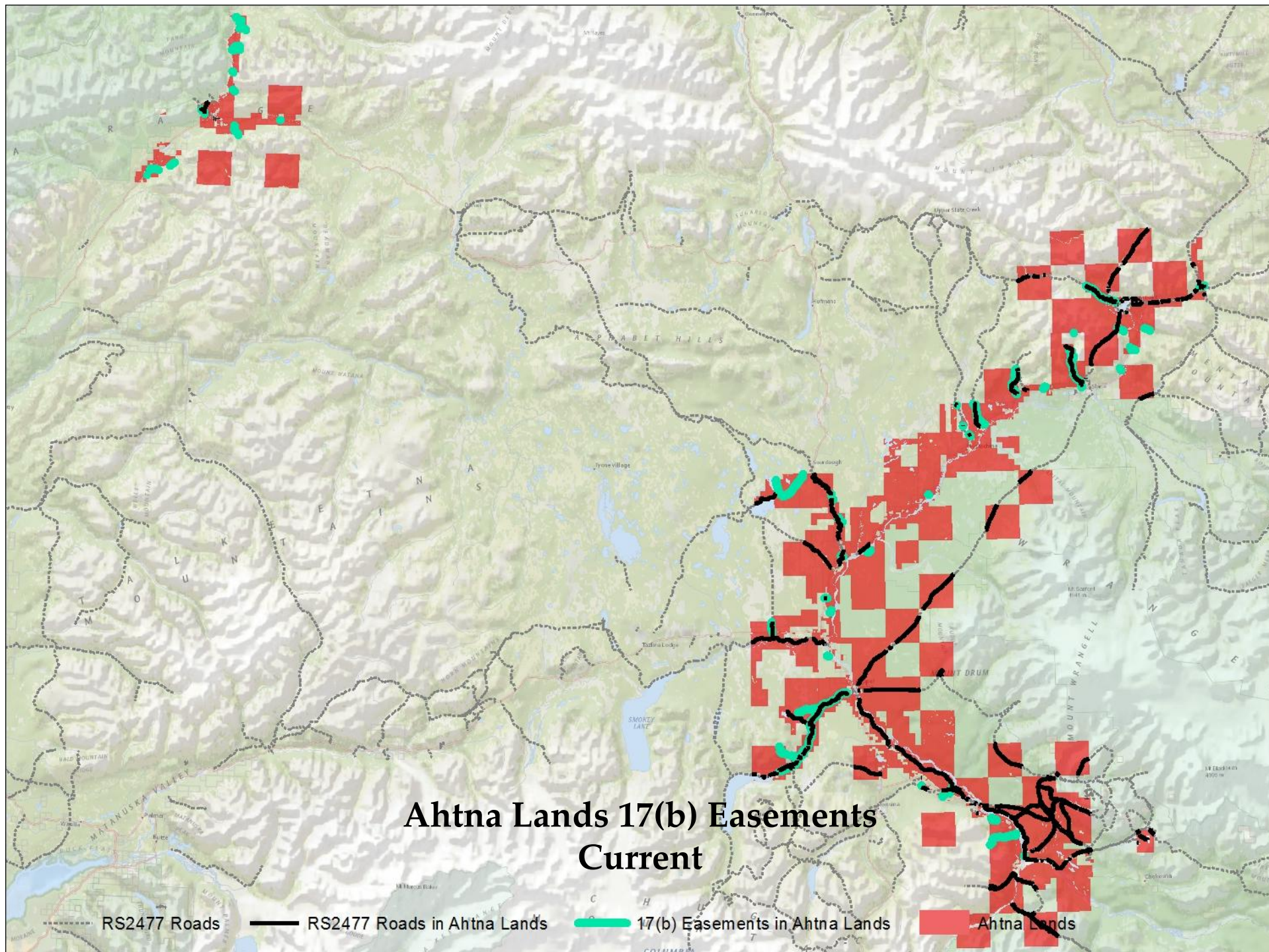
## Current Ahtna Land Status and RS2477/17(b) Roads

- Ahtna Lands contain 402 linear miles of RS2477 classified roads.
- Proposed 100' R-O-W will consume 9,406 acres of Ahtna Land.
- Ahtna Lands contain over 221 linear miles of 17(b) easements.
- Many are duplicative of existing ANCSA 17(b)'s or approximately 529 miles worth.
- Approximately 98 linear miles of 17(b) easements are duplicative of RS2477 roads in Ahtna Lands.
- 17(b)'s are public easements ranging from 25' – 60' in width.





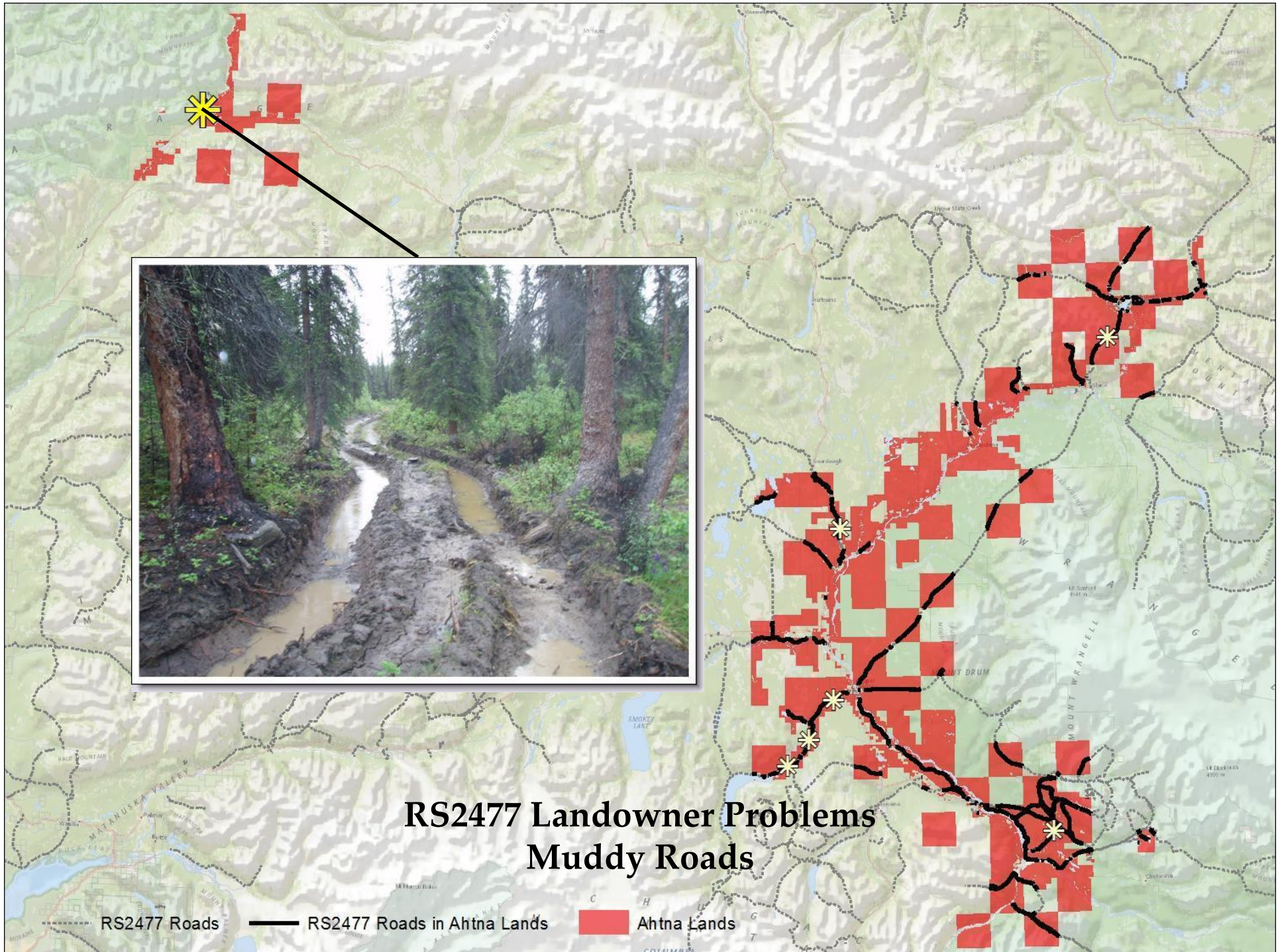






# Problems of RS2477 Roads for Landowners

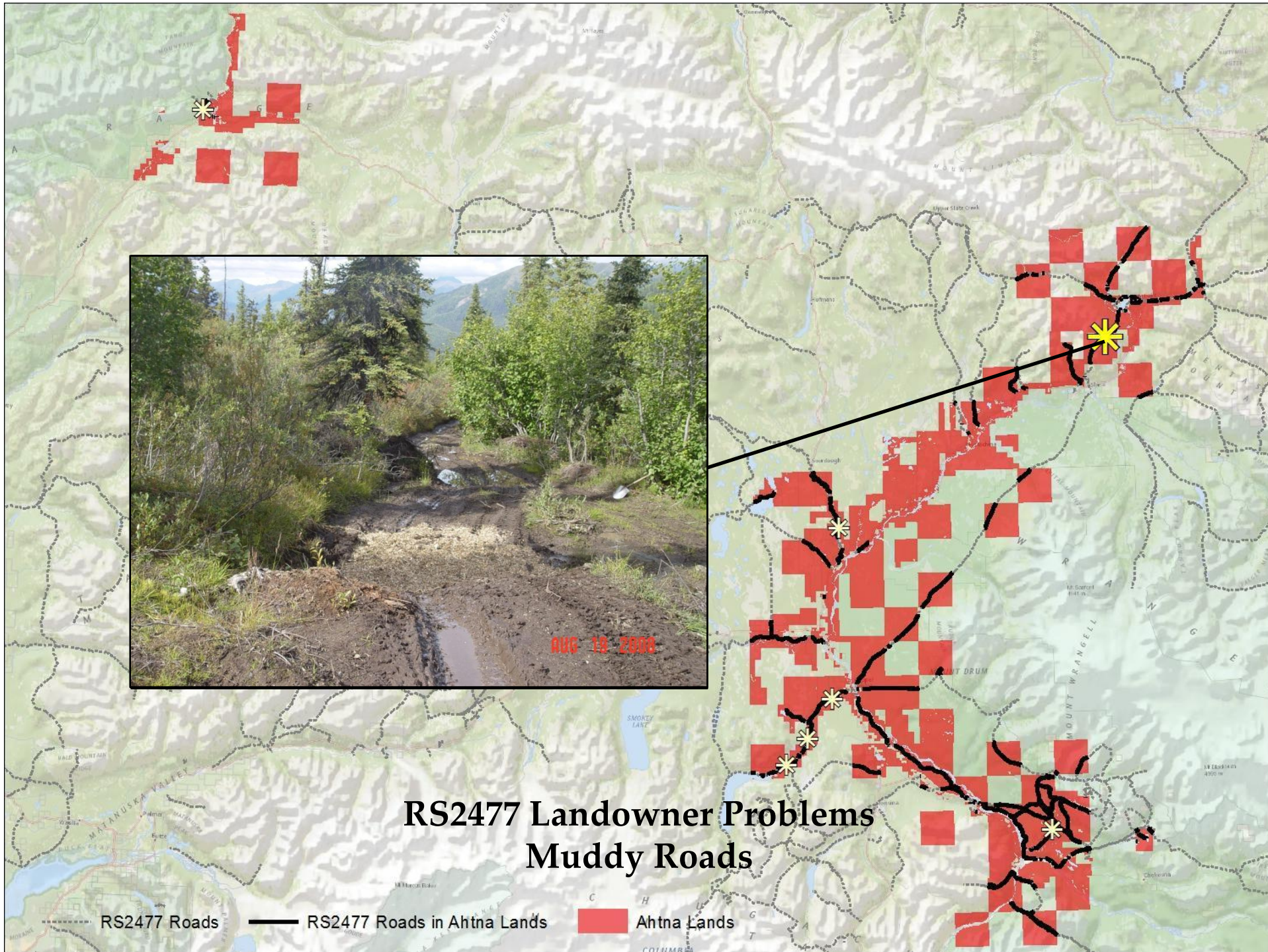
- RS 2477 R-O-W's are a significant burden on the underlying landowner.



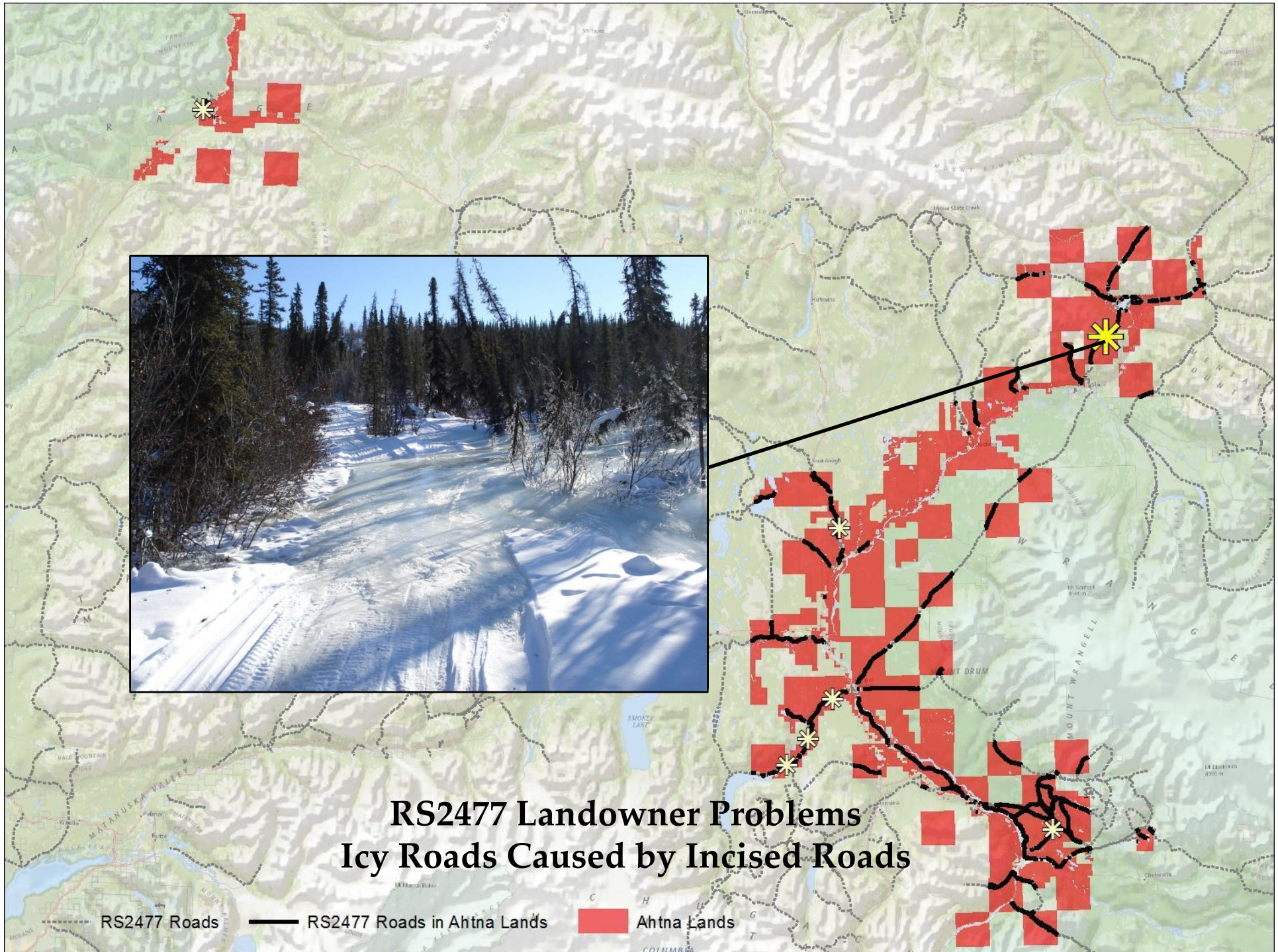








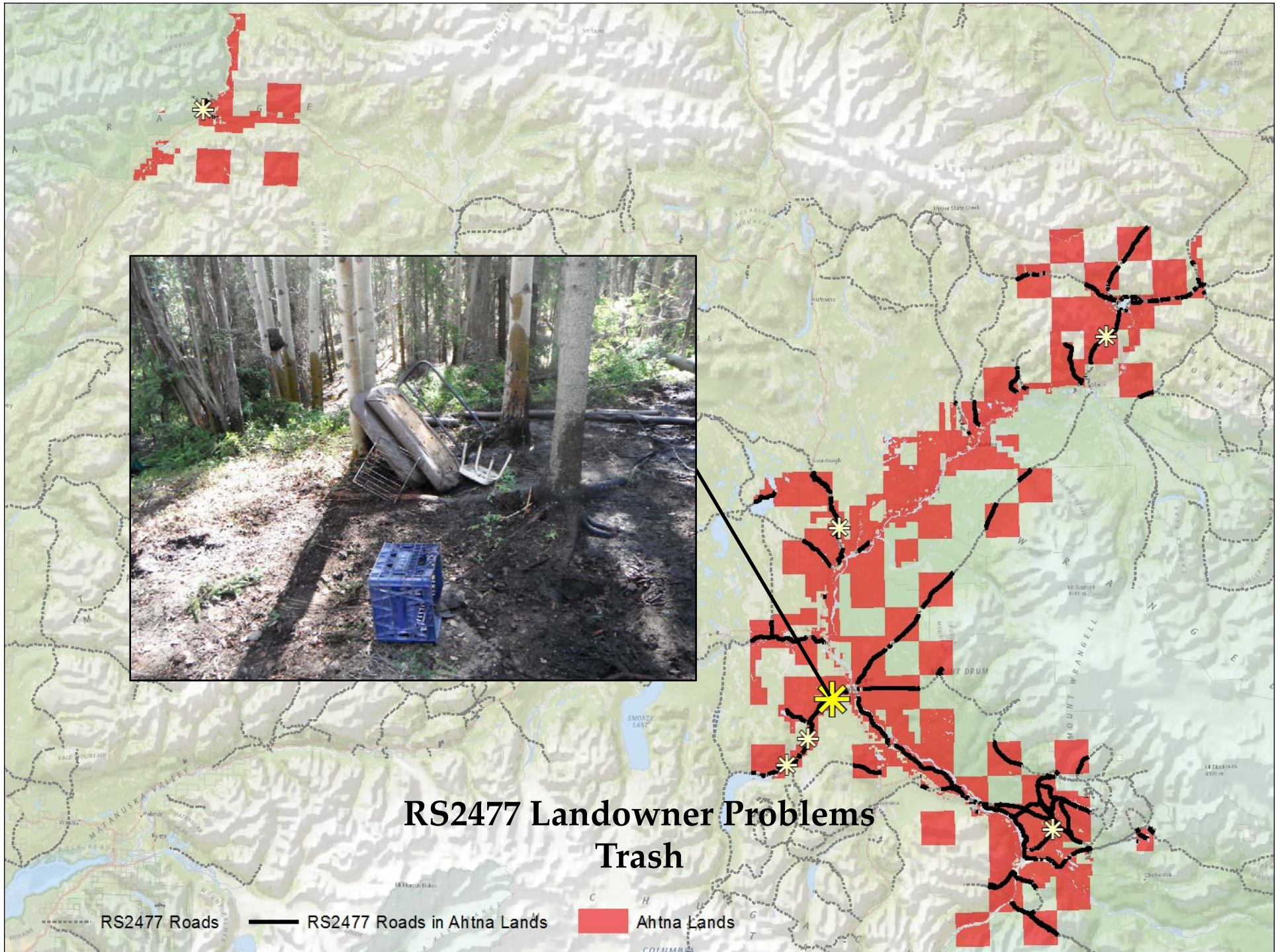


























# Problems of RS2477 Roads for Landowners

- RS 2477 R-O-W's are a significant burden on the underlying landowner.
- The State claims that, in general, RS 2477 R-O-W'S are 100 feet wide and can be relocated as necessary if natural conditions make the route impassable or unsafe.
- The State also claims the right to enter property to perform maintenance and repair work such as paving, leveling, grading, installation of culverts and rip rap, maintenance of drainage ditches, clearing vegetation, and realigning the road.
- The State contends that the public has extensive use rights within the R-O-W that include not only transportation, but also rest stops, pullouts, boat launches, picnic areas, fishing access and campgrounds.
- Particularly troubling is that even if a trail is not presently visible or in use, the State can, without warning, assert title to the R-O-W and, if proven, establish a 100 foot thoroughfare through the property with all the attendant uses and maintenance activities described above.
- The underlying landowner has very little power other than expensive litigation, to interfere with the State's conduct once the RS 2477 R-O-W is established.





**Well Maintained RS2477 Road**



## Stakeholder Coordination Required to Reach Solutions





## Stakeholder Coordination Required to Reach Solutions

- Require consultation with the private landowner prior to engaging in anything other than routine maintenance or improvement activities.
- Require consultation with the private landowner prior to realigning damaged segments of the R-O-W and requiring payment of just compensation to the landowner for any additional acreage burdened by the realigned R-O-W.
- The legislation would also specifically vacate the RS 2477 R-O-W along the Klutina Lake Road, effectively ending Ahtna's litigation with the State by utilizing the existing 60 foot wide public easement.



# Thank You

*"Our Culture Unites Us, Our Land Sustains Us, Our People are Prosperous."*

