

HJR

20

Alaska State Legislature

Co-Chair Resources Committee
Special Committee on Oil & Gas
Legislative Council
Community and Regional Affairs
Fisheries



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House Joint Resolution 20 Sponsor Statement "Opposing the Department of the Interior's RS 2477 policy"

Revised Statute 2477 was a right granted to the states by the United States Congress with the passage of the mining act of 1866. The purpose of this law was to provide for, and guarantee, the public's right to establish access across federal lands. Subsequent congressional action, and more than 100 years of case law, has recognized the state's authority to determine and define R.S. 2477 rights-of-way.

Although Congress repealed R.S. 2477 in 1976 with the adoption of the Federal Land Policy and Management Act, they specifically acknowledged the legal existence of R.S. 2477 rights-of-way established prior to the repeal. Current Federal Regulation explicitly provides that any rights conferred by the R.S. 2477 grant shall not be diminished.(43 CFR § 2801.4)

Disregarding the published federal regulations of his own Department, and the clear congressional prohibition to regulatory change, on January 22, Secretary of the Interior Bruce Babbitt issued an interim departmental policy on R.S. 2477. This "new policy" contains many of the bureaucratic roadblocks and "newly created" definitions present in the Department's 1994 proposed regulations that Congress specifically prohibited.

R.S. 2477 rights-of-way are crucial to the future of our young and still largely undeveloped state. R.S. 2477 rights-of-way are essential to provide surface travel to Alaska's many untapped mineral deposits and other natural resources, recreational areas and tourism opportunities, and access to and between Alaska's rural communities.

R.S. 2477 rights-of-way are an existing state right that we cannot allow to be "regulated away" by the Secretary of the Interior. Passage of HJR 20 provides the Alaska Legislature an opportunity to express our staunch support of this important state right and our strong opposition to what appears to be a continuing "War on the West" waged by Secretary Babbitt and the Clinton Administration.