

RS2477 Surveys**FY2009 Request: \$100,000**
Reference No: 45274**AP/AL:** Appropriation
Category: Natural Resources
Location: Statewide
House District: Statewide (HD 1-40)
Estimated Project Dates: 07/01/2008 - 06/30/2014**Project Type:** Construction
Contact: Leta Simons
Contact Phone: (907)465-2400**Brief Summary and Statement of Need:**

This CIP request funds the division's efforts to survey high priority Revised Statute 2477 (RS2477s) trails to determine their location on the ground using professional grade GPS instruments. This will help the public know the easement locations, minimize trespass, resolve some ownership disputes, and reduce staff time devoted to addressing issues resulting from the conflicts associated with unsurveyed RS2477s. Ultimately, the final location and existence of an RS2477 must be resolved in court if there is a dispute. The survey adds another layer of accuracy to the administrative record.

Funding:	FY2009	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Gen Fund	\$100,000	\$310,000					\$410,000
Total:	\$100,000	\$310,000	\$0	\$0	\$0	\$0	\$410,000

<input type="checkbox"/> State Match Required	<input type="checkbox"/> One-Time Project	<input checked="" type="checkbox"/> Phased - new	<input type="checkbox"/> Phased - underway	<input type="checkbox"/> On-Going
0% = Minimum State Match % Required		<input type="checkbox"/> Amendment	<input type="checkbox"/> Mental Health Bill	

Operating & Maintenance Costs:

	<u>Amount</u>	<u>Staff</u>
Project Development:	0	0
Ongoing Operating:	0	0
<u>One-Time Startup:</u>	0	
Totals:	0	0

Additional Information / Prior Funding History:

New Project - No Prior Funding History

Project Description/Justification:

Easements established under Federal Revised Statute 2477 (RS2477) from the 1866 Mining Act were established by public use and construction of trails and roads across unreserved federal land. In 1993-1995 the legislature funded a DNR project to research over 2,000 nominated routes to determine which ones would qualify as RS2477s. After this research was completed, the legislature accepted the validity of more than 600 routes as RS2477s. In 1998, the legislature adopted AS 19.30.400, recognizing these qualified RS2477s.

Even though the legal status of these easements was established, there still remains considerable confusion over the location of these RS2477s. The research that documented the historic use of these routes did not include surveys to accurately locate that historic use on the ground. Now with increasingly complex ownership patterns, the public often has disputes whether the RS2477 crosses private property in a certain location. Many RS2477s had historical use that involved multiple routes through an area. Which one is the true historical easement? These types of issues can be settled in court if we end up in a quiet title action. But quiet title actions are expensive. It is more cost effective to administratively resolve the location of these qualified RS2477s by inspecting and surveying them on the ground. Often, the true location of the RS2477 can be determined by historic evidence of ground disturbance, tree cutting, and other materials left on the RS2477.

Presently, if an Alaskan wants to use or maintain a RS2477 that crosses private land where the owner disputes the location, the user has to pay for a survey done to DMLW specifications to determine the location of the easement in order to avoid trespass litigation.

The priority of this project will be to first address RS2477s where there is currently a location dispute or other land management problems. The division would attempt to focus on routes where DNR is already spending State resources to resolve location conflicts on private or public lands due to public pressure, or there is some sort of high priority commercial or recreational use dependent on the easement.

The amount requested in the first year will allow the division to work through land management issues that need to be resolved with the private land owners and the public before survey. The land may have been disturbed since the RS2477 creation, so the division must work with land owners to most appropriately locate or realign the easement to provide the public access. The administrative record must be reviewed to determine if sufficient information exists to accurately locate the easement. In some cases, additional research may be needed. Once this preparatory work is complete, the survey can be completed. The division expects that the majority of the survey work will be conducted in the second year. The division will survey portions or the entirety of some of the RS2477s; afterwards, the surveys would be publicly available on the status plats on DNR's website. This CIP will only address a few high priority segments of RS2477s. It is a far greater scale of project if all of the RS2477s were to be surveyed. The division will evaluate the effectiveness of this effort after the second year to determine if further survey work is needed. Success will be determined by the reduction of staff time spent managing those affected RS2477s and the elimination of the need to litigate to defend those routes.

Why is this Project Needed Now?:

With increased complexity in ownership patterns (ANCSA conveyances and other land entitlements), especially in the boroughs, people are more dependent on the established legal access easements. Without RS2477s, in some locations, it is difficult for miners, hunters, private land owners, and people recreating to access state or private lands. The division is receiving increased public pressure to resolve RS2477 conflicts. Private land owners complain that their land is adversely impacted by these easements, when in fact they may not touch the private property. Without the survey, the debate about the location of the RS2477s continues. This appropriation would allow the Division to proactively, rather than reactively, manage the issue.

Specific Spending Detail:

<u>LINE ITEM</u>	<u>DOLLAR AMOUNT</u>	<u>DESCRIPTION (text)</u>
Personal Services	\$ 73,000	Natural Resource Specialist II for Inspections, Public Issue Resolution, research, small contract management
Travel	\$ 6,000	Site inspections, resolve land management issues, public meetings
Services	\$ 21,000	Small survey contracts.

Project Support:

Public access groups, miners, and certain private property owners would be supportive of this easement identification project.

Project Opposition:

Those opposed to RS2477s. Private land owners that may have these easements crossing their property may not want the location of the easements surveyed and placed on the public record. Federal Conservation Units would be the biggest opposition to any surveys on their land to establish RS2477s, however the Department of Interior has a policy in place to apply for rights-of-way across federal lands. National environmental groups routinely oppose developing RS 2477 accesses.