

Introduced by: Legislative Committee
Date: 4/02/96
Action: Adopted
Vote: Unanimous

**KENAI PENINSULA BOROUGH
RESOLUTION 96-028**

**A RESOLUTION SUPPORTING HOUSE JOINT RESOLUTION 60
REGARDING RS-2477 RIGHTS-OF-WAY**

WHEREAS, Revised Statute 2477 (RS-2477) provided, “the right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted”; and

WHEREAS, in 1976 the Congress repealed RS-2477 in the Federal Land Policy and Management Act, but the Act expressly reserved existing rights-of-way created under RS-2477; and

WHEREAS, with about 60% of the State of Alaska and the Kenai Peninsula Borough owned by the federal government, it is easy to understand that most of our routes must cross over properties managed by one of the several federal property managers; and

WHEREAS, because of this Alaska’s transportation needs still greatly depend upon the property rights the State acquired as RS-2477 grants; and

WHEREAS, use of these routes have had minimal detrimental impact on the environment; and

WHEREAS, the U.S. Department of the Interior is attempting to administratively rescind the long-standing and widely accepted interpretation of RS-2477 by adopting regulations restrictively defining key statutory terms contrary to the intent of the Congress and virtually eliminating all RS-2477 rights-of-way in Alaska; and

WHEREAS, legislation has been introduced in the U.S. Senate and House of Representatives to preserve the long-standing judicial and executive interpretation of RS-2477 and to protect the existence of rights-of-way previously granted by the federal government under RS-2477;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly endorses the efforts of the State of Alaska Legislature and the Alaska delegation in Congress to preserve and protect the original meaning of Revised Statute 2477 to enable this generation and future generations of Alaskans to use the routes established by Native and pioneer Alaskans.

SECTION 2. That the Kenai Peninsula Borough Assembly strongly urges the passage of HJR 60.


SECTION 3. That copies of this resolution shall be sent to Governor Tony Knowles, U.S. Senators Frank Murkowski and Ted Stevens, U.S. Representative Don Young, Senators Judy Salo, John Torgerson, and Georgianna Lincoln, and Representatives Gail Phillips, Mike Navarre, Gary Davis and Irene Nicholai, Commissioner John Shively, Dept. of Natural Resources and Jeff Arnold, NACo.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 2nd DAY OF APRIL, 1996.



Andrew P. Scalzi, Assembly President

ATTEST:



Gaye J. Vaughan, Borough Clerk