



Department of Law

CIVIL DIVISION

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November 28, 2022

VIA CERTIFIED MAIL
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Honorable Deb Haaland
Secretary of the Interior
1839 C Street NW
Washington D.C. 20240

Re: Yukon–Charley Rivers National Preserve RS 2477 rights-of-way

Dear Secretary Haaland:

Pursuant to 28 U.S.C. §2409a(m), the State of Alaska (“State”) hereby notifies you, in your official capacity as Secretary of the United States Department of the Interior with jurisdiction to manage federal lands within the State of Alaska, of the State’s intention to file suit regarding the ownership of certain rights-of-way on federal lands within the Yukon–Charley Rivers National Preserve.

The basis for the suit is the State’s position that the grant by the United States of America of “the right of way for the construction of highways over public lands, not reserved for public uses” under United States Revised Statutes § 2477 (43 U.S.C. § 932 (repealed October 21, 1976, with proviso recognizing the validity of rights-of-way already established)) was accepted on behalf of the State of Alaska as this grant pertains to the rights-of-way addressed in this letter.

The United States’ failure to recognize the State’s interest in these rights-of-way creates a cloud on title that impairs the ability of the State to exercise its legal rights regarding the herein described rights-of-way.

The State of Alaska intends to file a real property quiet title action for the following described rights-of-way:

Eagle–Alder Creek Trail aka RST 11: This trail begins on the west side of the Eagle, Alaska townsite and travels upstream along Mission Creek to the confluence with Excelsior Creek. Continuing up Excelsior Creek

for approximately one mile, the trail then heads up an unnamed creek entering Excelsior Creek from the north. From this creek the route continues overland in a northwesterly direction through the headwaters of Phoenix Creek, then descends Rock Creek to its confluence with Hudson Coulee. The trail then splits to the north and west before coming back together in the Seventymile River valley. The trail then continues approximately two miles to Curtis Bar Creek where it branches to either side of the Seventymile River before meeting itself again near the mouth of Crooked Creek. After this point, the trail continues up the Seventymile River drainage and splits south paralleling both Flume Creek and Alder Creek while the western branch continues up the drainage to the base of Mt. Sorenson. The route is located in the United States Geological Survey 1:63,360 Eagle Quadrangle D-1, D-2, D-3, and D-4 as well as Charley River Quadrangle A-3 and A-4. The total length of the trail is approximately 60 miles.

Eagle–Circle Mail Trail aka RST 67: This trail begins on the west side the town of Eagle, Alaska. From the western edge of town, this route follows the Yukon River until Boulder Creek where it heads northwesterly overland to Ford Lake, then continues until it rejoins the Yukon River at the mouth of the Seventymile River. This trail then follows the Yukon River for approximately 135 miles occasionally traveling on uplands or across islands. The route is located in the United States Geological Survey 1:63,360 Eagle Quadrangle D-1, Charley River Quadrangle A-1, A-2, B-2, B-3, B-4, B-5, B-6, C-6, as well as Circle Quadrangle C-1, and D-1. The total length of the trail is approximately 160 miles.

Trout Creek Trail aka RST 803: Starting at the mouth of Trout Creek, this trail heads south following the creek upstream for approximately 6 miles. At Gillman Creek the trail forks to the southwest and ascends the draw onto the ridge. This trail continues west along the ridge before dropping into Little Washington Creek and joining the Eagle-Alder Creek Trail aka RST 11. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle A-2 as well as Eagle Quadrangle D-2. The total length of the trail is approximately 16 miles.

Nation River-Rampart House Trail aka RST 466: RST 466 begins on the alluvial fan where the Nation River meets the Yukon River. The trail crosses the Nation River multiple times as it follows the valley bottom

upstream and includes spurs and tributary routes entering the river from the southeast. After Jungle Creek, the trail follows a drainage north before reaching the US-Canadian border. Once at the border the trail heads north, weaving in and out of Canada for the remainder of its length. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle A-2, B-1, B-2, C-1, D-1, Black River Quadrangle A- 1, B-1, C-1, D-1 as well as Collen Quadrangle A-1, B-1. The total length of the trial is approximately 170 miles.

Fourth of July Creek Trail aka RST 286: Fourth of July Creek trail begins near a side channel of the Yukon River south of Nation Reef. The trail follows the side channel and parallels Michigan Creek for approximately 0.75 miles. The trail then leaves Michigan Creek heading south approximately 2 miles before it meets Fourth of July Creek. After joining Fourth of July Creek, the trail continues upstream to the creek's headwaters. At the confluence of Crowley Creek and Fourth of July Creek, a spur trail heads downstream to a cabin near the confluence. From the headwaters of Fourth of July Creek, the trail turns south up Ruby Creek. The route ascends to the ridge and follows the sidehill into the headwaters of Washington Creek. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle A-2, and A-3. The total length of the trial is approximately 20 miles.

Rock Creek Trail: Rock Creek Trail begins at the Yukon River on the north, opposite the mouth of Logan Creek, and proceeds north following the Rock Creek valley. The route ascends to the top of the valley and crosses a low pass, then descends north through an unnamed creek valley before it meets the Kandik River upstream of Johnson Gorge. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle B-2. The total length of the trial is approximately 19 miles.

Washington Creek Trail aka RST 1921: This route starts on the Yukon River near the location of the Washington Creek roadhouse. The trail crosses lowlands as it heads southeast toward Washington Creek. The trail continues up the valley paralleling the river for approximately 13 miles to the vicinity of Strawberry Dome. The terminus of this route is approximately 4 miles past Strawberry Dome near the headwaters of Washington Creek valley. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle A-3 and B-3. The total length of the trial is approximately 19 miles.

Sam Creek Cutoff: From the confluence of the Yukon River and Sam Creek this route follows the valley of Sam Creek south along the western slope. The route then parallels Ben Creek to the West as it ascends the draw and forks to gain the northern ridgeline in two different locations. After rejoining at the crest of the ridge, the Sam Creek Cutoff then follows the ridge before descending a drainage south of the Coal Creek landing strip to meet RST 226 near the confluence of Coal and Boulder creeks. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle B-4 and B-5. The total length of the trial is approximately 14 miles.

Woodchopper-Coal Creek aka RST 226: This route begins at the confluence of Woodchopper Creek and the Yukon River. Before leaving the alluvial plain, a spur trail heads upriver to the Woodchopper Roadhouse. The main route continues up the Woodchopper Creek valley primarily staying on the western slope. After meeting the Woodchopper placer mine and associated cabins the trail splits into two spurs near the confluence of Mineral Creek. The first spur intersects the Bielenberg Trail and continues for approximately 2 miles down the Woodchopper valley. The second spur leaves the area of the placer mine and ascends the Mineral Creek drainage. From this point, the trail follows the prominent southeast ridge toward Slaven Dome before descending into the Coal Creek valley. Once at the valley floor the trail splits to ascend and descend the Coal Creek valley. The route that ascends the valley continues for approximately 9 miles. The descending route connects through Coal Creek Camp to Slaven's Roadhouse along the western slope of the Coal Creek valley. The route is located in the United States Geological Survey 1:63,360 Charley River Quadrangle B-5. The total length of the trial network is approximately 30 miles.

Bielenberg Trail aka RST 230: This route begins just east of Circle Hot Springs and heads east across lowlands. After intersecting Birch Creek, the trail turns south for approximately 1.5 miles before crossing Birch Creek and continuing along the north slope of the Steese area mountains. The trail then follows Thanksgiving Creek north for approximately 2.5 mile before turning southwest again. The trail then crosses Webber Creek and traverses the north slope of Webber Mountain before descending into Woodchopper valley via Green Gulch. Once at Woodchopper the trail intersects Woodchopper-Coal Creek aka RST 226. The route is located in the United States Geological Survey

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1:63, 360 Circle B-1, B-2 as well as Charley River Quadrangle B-5, and B-6. The total length of the trial is approximately 45 miles.

Please note that even though the rights-of-way in question cross lands owned by multiple property owners, for the purposes of this notice, only those rights-of-way crossing lands owned by the United States and administered by the Department of the Interior are noticed at this time.

Sincerely,

TREG R. TAYLOR
ATTORNEY GENERAL

By:



Ronald W. Opsahl
Senior Assistant Attorney General

RWO/cmf

cc:

Akis Gialopsis, Acting Commissioner, Alaska Department of Natural Resources
Steven Cohn, Alaska State Director, Bureau of Land Management
Seth Deam, Regional Solicitor, Department of the Interior