


Slide 1

ANCSA 17(b) Easements



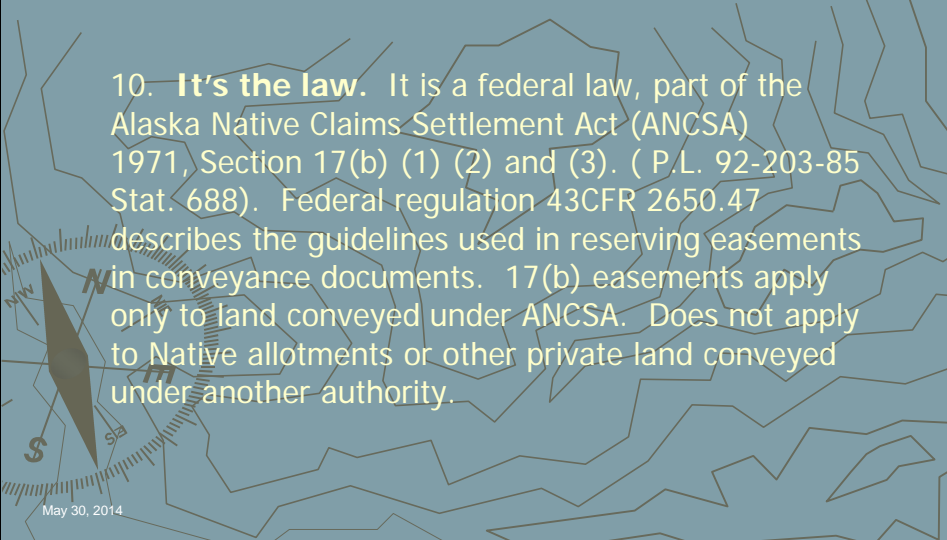
Access Law and Issues Affecting Public and Private Lands In Alaska
May 30, 2014

Slide 2

Top 10 Things About ANCSA 17(b) Easements

Rick Elliot, SR/WA

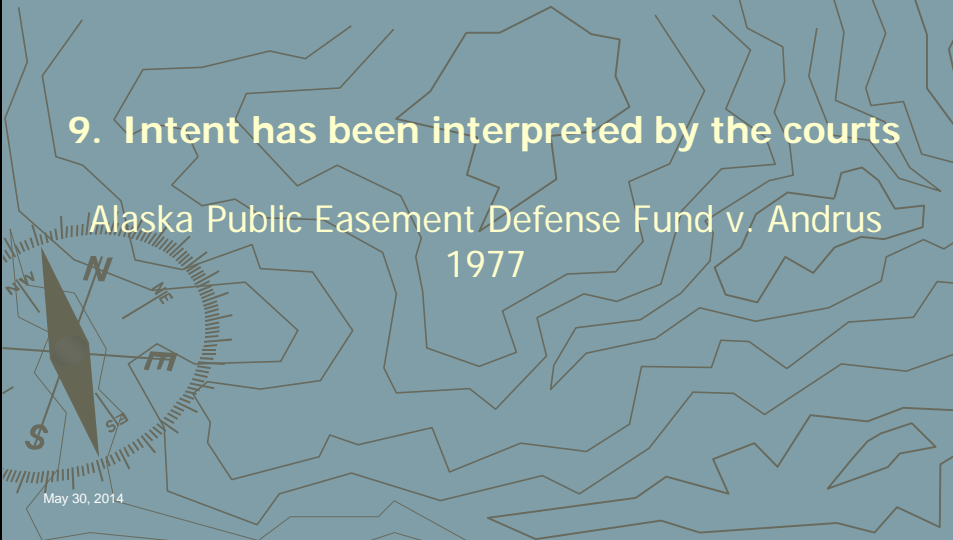
10. **It's the law.** It is a federal law, part of the Alaska Native Claims Settlement Act (ANCSA) 1971, Section 17(b) (1) (2) and (3). (P.L. 92-203-85 Stat. 688). Federal regulation 43CFR 2650.47 describes the guidelines used in reserving easements in conveyance documents. 17(b) easements apply only to land conveyed under ANCSA. Does not apply to Native allotments or other private land conveyed under another authority.



May 30, 2014

Not applicable to state land entitlements.

Slide 3



Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

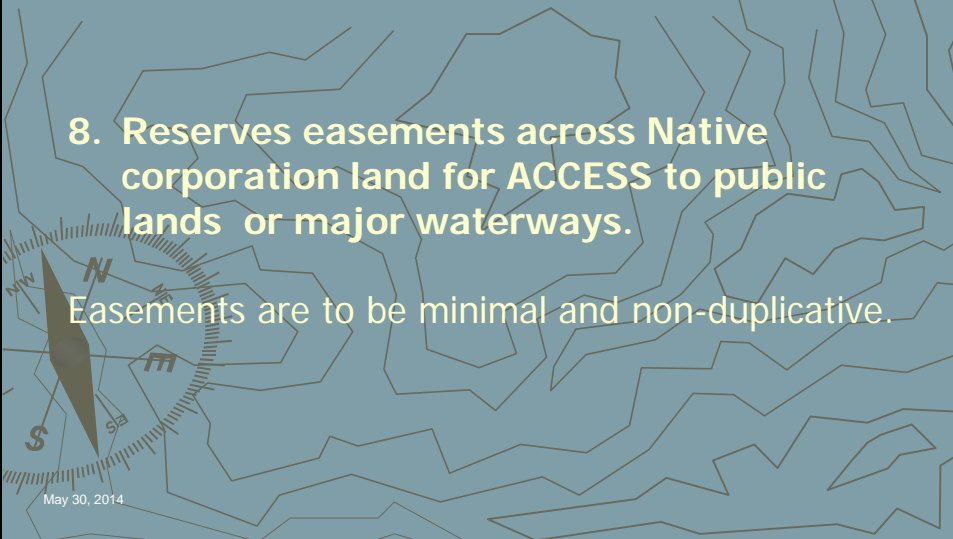
9. Intent has been interpreted by the courts

Alaska Public Easement Defense Fund v. Andrus
1977

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Top 10 Things About ANCSA 17(b) Easements. – later slide has link to decision.

Slide 4



Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

8. Reserves easements across Native corporation land for ACCESS to public lands or major waterways.

Easements are to be minimal and non-duplicative.

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Top 10 Things About ANCSA 17(b) Easements. – For existing trails or proposed access to other public lands.

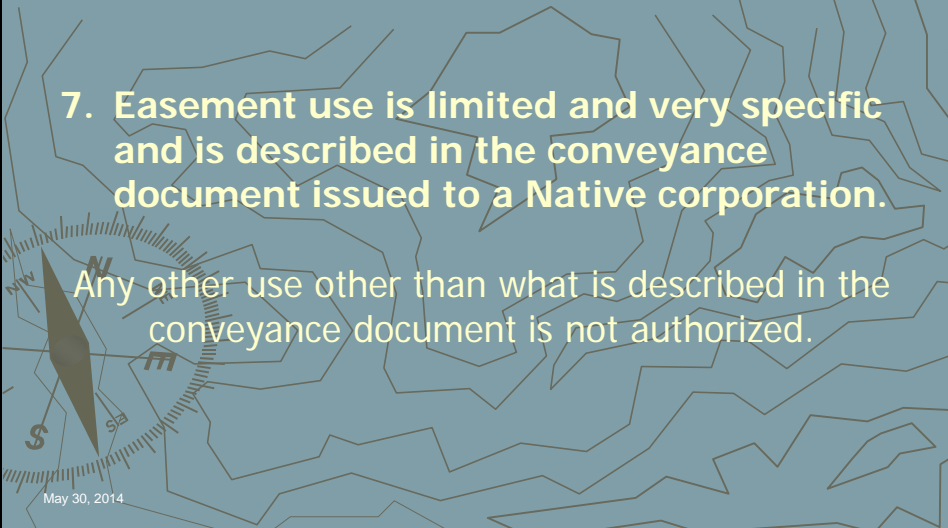
Slide 5

Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

7. Easement use is limited and very specific and is described in the conveyance document issued to a Native corporation.

Any other use other than what is described in the conveyance document is not authorized.

May 30, 2014



Top 10 Things About ANCSA 17(b) Easements. – Limitations on widths and use.

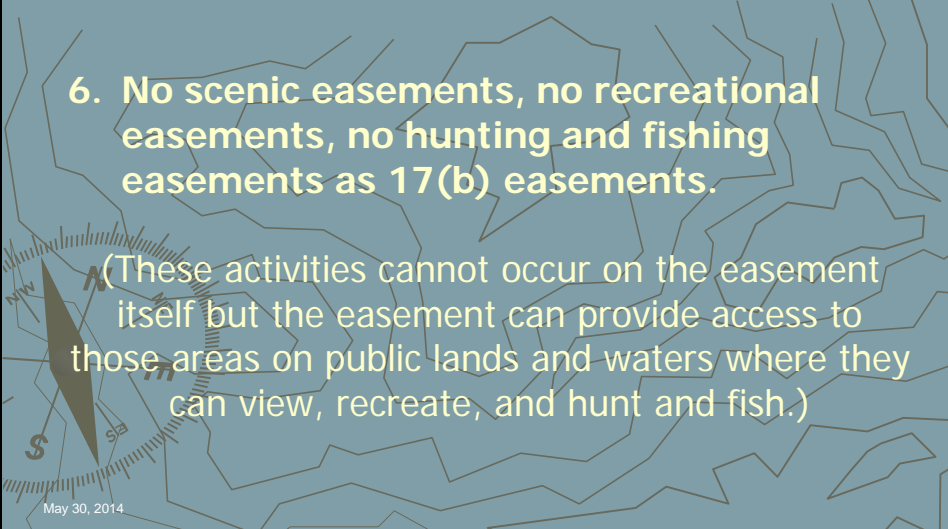
Slide 6

Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

6. No scenic easements, no recreational easements, no hunting and fishing easements as 17(b) easements.

(These activities cannot occur on the easement itself but the easement can provide access to those areas on public lands and waters where they can view, recreate, and hunt and fish.)

May 30, 2014



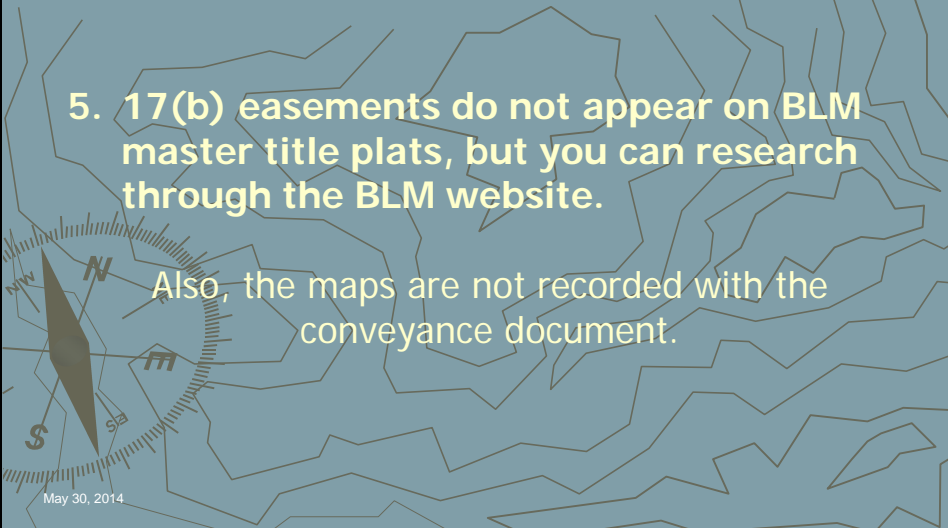
Top 10 Things About ANCSA 17(b) Easements. – Transfer between modes – road/water/air – 1 acre site easements.

Slide 7

Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

5. 17(b) easements do not appear on BLM master title plats, but you can research through the BLM website.

Also, the maps are not recorded with the conveyance document.



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Top 10 Things About ANCSA 17(b) Easements.

Slide 8

Top 10 Things About ANCSA 17(b) Easements
Rick Elliot, SR/WA

4. Management and marking of 17(b) easements is discretionary and may be limited because of funding and/or availability of personnel.

BLM gives high priority to easements with high use, the potential for conflict, or have known safety hazards.



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Top 10 Things About ANCSA 17(b) Easements.

Slide 9

Top 10 Things About ANCSA 17(b) Easements

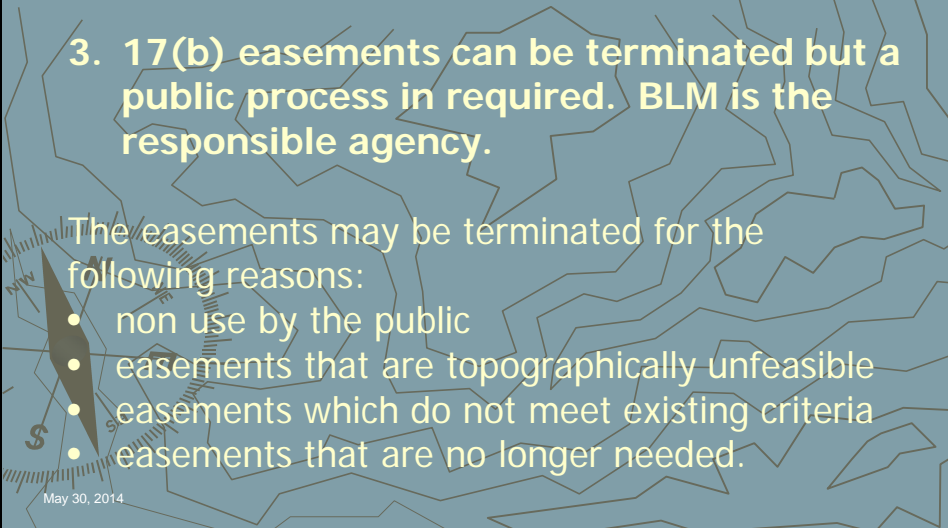
Rick Elliot, SR/WA

3. 17(b) easements can be terminated but a public process is required. BLM is the responsible agency.

The easements may be terminated for the following reasons:

- non use by the public
- easements that are topographically unfeasible
- easements which do not meet existing criteria
- easements that are no longer needed.

May 30, 2014



Top 10 Things About ANCSA 17(b) Easements.

Slide 10

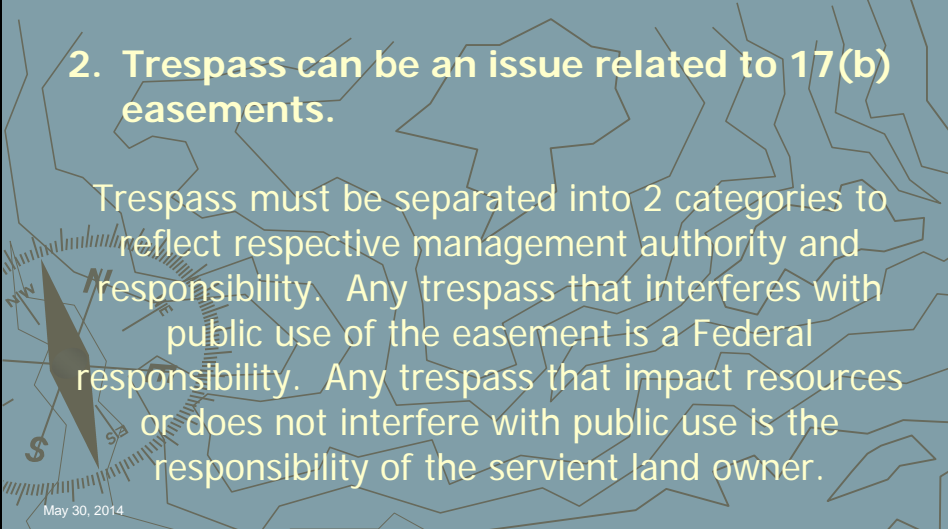
Top 10 Things About ANCSA 17(b) Easements

Rick Elliot, SR/WA

2. Trespass can be an issue related to 17(b) easements.

Trespass must be separated into 2 categories to reflect respective management authority and responsibility. Any trespass that interferes with public use of the easement is a Federal responsibility. Any trespass that impact resources or does not interfere with public use is the responsibility of the servient land owner.

May 30, 2014



Top 10 Things About ANCSA 17(b) Easements.

Slide 11

Top 10 Things About ANCSA 17(b) Easements

Rick Elliot, SR/WA

1. Concerns are many from and different perspectives: government (as easement holder); Native corporations (as land owners) and the public (easement user). Following are some of the concerns:

- Protection of public right of access to public lands
- Liability resulting from public use
- Effective and efficient land management; both public and private land
- Trespass on private land and protection of resources from theft, damage and fire
- Concentration of users on public land by the limited access opportunities
- Documentation of use to preserve the easement reservation
- Termination of unused or unfeasible easements
- Public Safety

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Top 10 Things About ANCSA 17(b) Easements.

Slide 12

5/17/2014 DOI: BLM: Alaska Spatial Data Management System

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Alaska NATIONAL SYSTEM OF PUBLIC LANDS

Search BLM Go

SDMS
Home
ACRES
Map Interface
Conveyance Documents
Master Title Plats
Survey Plats
ANCSA 17(b) Easements
Alaska Public Law Documents
Download Data
Tools and Utilities
WMS
News
Data Updates
FAQ
Feedback

Spatial Data Management System
Welcome to the Bureau of Land Management's Spatial Data Management System website. The SDMS website provides access to on-line BLM-Alaska land record documents, reports and GIS data.

Alaska Case Reporting Enterprise System
The ACRES reports contain BLM Alaska case information. Reports include native, state and private land conveyance cases, as well as, leases, permits, federal mining claims, easements and more.

SDMS Land & Resources Map Interface
Interactive map interface portraying lands and natural resources information in Alaska. Provides data download services, access to land parcel data, documents and case reports. Data streaming service available.

Conveyance Documents
Scanned images of BLM Alaska land conveyance documents including: Patents, Tentative Agreements and Interim Conveyances issued since 1965.

Master Title Plats
Scanned images of BLM Alaska MTPs. These maps portray the Bureau's record of current federal land ownership and land status.

Survey Plats
Scanned images of Cadastral land survey plats and field notes.

ANCSA 17(b) Easement Maps
Scanned images of federal easements across native lands, presented on USGS quadrangles.

Alaska Public Laws, Orders and Directives Online
Scanned images of federal Alaska Public Laws, Orders and Directives

Please note that the on-line data and documents available through this site do not constitute nor replace official legal records, documents or case files. Refer to specific records on file at BLM for official record information.
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May 30, 2014 <http://sdms.ak.blm.gov>

BLM Spatial Data Management System: Source to download ANCSA 17(b) easement maps - 1

Slide 13

Sec. 17(b) Easements Online
DjVu format:
--- Select an Easement Map ---

Download PDF format:
--- Select an Easement Map ---

Download PDF

Enter the first letter of the name of the desired quadrangle map. Click the desired map from the dropdown menu.
Note: The DjVu format requires that you have the DjVu plugin installed for your browser.

**Bureau of Land Management
Easements System**

http://sdms.ak.blm.gov/scanned_images/esmtindex.html

May 30, 2014

BLM Spatial Data Management System: Source to download ANCSA 17(b) easement maps - 2

Slide 14

UNITED STATES DEPARTMENT OF THE INTERIOR GEOLOGICAL SURVEY
VALDEZ (D-4) QUADRANGLE ALASKA 1:63,500 SERIES (TOPOGRAPHIC)

11, C3 C5, D1 D9, L
12 C5, L
17 C5
17 C5
12 C5, L
10c C5, D1
1 C5, D1 D9
36 D9
34 D1

http://sdms.ak.blm.gov/scanned_images/esmtindex.html

May 30, 2014

BLM Spatial Data Management System: Source to download ANCSA 17(b) easement maps – Sample Map at Copper Center

Slide 15

Easement Identification Numbers (EIN) Sponsor Codes

EASEMENT NUMBER → 301

SPONSOR CODE → 03

EASEMENT SPONSOR CODE	
A	Alaska Center for the Environment
B	Department of Defense
C	Department of Interior:
C1	Bureau of Outdoor Recreation
C2	National Park Service
C3	Bureau of Mines
C4	BLM State Office
C5	BLM District Office
C6	Fish and Wildlife Geological Survey
C7	Alaska Power Administration
C8	State of Alaska:
D	Division of Lands
D1	Division of Parks
D2	Division of Parks
D3	Department of Highways
D4	Division of Planning and Research
D5	Division of Aviation
D6	Division of Public Works
D9	Department of Fish and Game
E	Land Use Planning Commission
F	RCA Alaska Communications
G	U.S. Forest Service
H	The Alaska Railroad
I	Federal Aviation Administration
J	U.S. Coast Guard
K	Corps of Engineers
L	General Public
M	Village Corporation
N	Regional Corporation

May 30, 2014

PLO Case Study #1 – Davis Road, Fairbanks.

Slide 16

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Alaska

BLM Alaska Programs, Lands and Realty > 17b Easements

Section 17(b) easement general information

17(b) easements¹ are rights reserved to the United States. They take the form of 60-foot wide roads, 25- and 50-foot trails, and one-acre sites for short-term uses. These rights are reserved² when the BLM conveys land to a Native corporation under the Alaska Native Claims Settlement Act (ANCSA). There are no 17 (b) easements across public lands.

What is the purpose of 17(b) easements?

Most 17(b) easements are reserved to allow the public to cross private property to reach public lands³ and major waterways. Using 17(b) easements does not allow the public to use the private lands these easements cross. It is very similar to the street in front of many homes. The public has the right to travel on the street, but they do not have the right to dump litter on private property or trespass on private lawns.

Notes:

¹ 17(b) easement may also be reserved to and from communities, airports, docks, marine coastline, groups of private holdings sufficient in number to constitute public use and government facilities. See 43 Code of Federal Regulation (CFR) 2450.4-7 for a complete listing of the types of public easements.

² The authorities for reserving 17(b) easements are the Alaska Native Claims Settlement Act, 43 U.S.C. 1616(b) and 43 Code of Federal Regulation (CFR) 2450.4-7.

³ Publicly owned land means all Federal, State, or municipal and borough lands or interests and submerged lands as defined by the Submerged Lands Act. This definition of public lands also includes lands selected by, but not conveyed to, a Native corporation.

How are 17(b) easements identified and reserved?

http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements.html

May 30, 2014

BLM Alaska Website: Source of ANCSA 17(b) information – 1

Slide 17

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Alaska

BLM Alaska Programs Lands and Realty - 17(b) Easements - What can I do?

What can I do on a 17(b) easement?

The uses allowed on a 17(b) easement are limited, and they are described in the conveyance document issued to a Native corporation. Common allowable uses for most 17(b) easements are described below. Any use other than what is described in the conveyance document is not authorized. Please check with the agency managing the easement or the owner of the land it crosses if authorized uses are not posted at the trailhead or site easement.

An example of authorized use is: motorized vehicles on 25-foot-wide trails are generally limited to snowmobiles, two- and three-wheeled vehicles, and all-terrain vehicles having less than 3,000 lbs. gross weight. Larger vehicles are not authorized on a 25-foot public easement, even if the physical condition of the trail would support the use. An easement may also be limited to seasonal use. The land owner is not bound by these restrictions.

Common Allowable Uses

25-Foot Trail— The uses allowed on a 25-foot-wide trail easement are travel by: foot, bicycle, animal, snowmobile, two- and three-wheeled off-highway vehicles, and small all-terrain vehicles (less than 3,000 lbs. gross vehicle weight).

50-Foot Trail— The uses allowed on a 50-foot-wide trail easement are those allowed for a 25-foot trail plus large all-terrain vehicles (more than 3,000 lbs. gross vehicle weight), tracked vehicles, and four-wheel-drive vehicles.

60-Foot Road— The uses allowed on a 60-foot-wide road easement are those allowed for 25- and 50-foot trails plus automobiles and trucks.

1-Acre Site— The uses allowed on a site easement are: vehicle parking (such as aircraft, boats, all-terrain vehicles, snowmobiles, cars, and trucks), temporary camping, and loading or unloading. Temporary camping and loading or unloading is limited to 24 hours.

Can I hunt, fish, or trap on or from a 17(b) easement?

No. Hunting, fishing, or trapping on or from the easement are never allowed, unless you obtain a permit from the landowner for this purpose.

17(b) Easement General Information
What can I do on 17(b) easement?
More Information
Sedovia 17b easement

General Legal Authorities & Agreements

- Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1616 (b) (authority for reserving public easements)
- Federal Land Management Policy Act of 1976 (FLPMA)
- Section 903 (a) and (b) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, (adds guiding principles when reserving easements and authorizes the acquisition of easements)
- Code of Federal Regulations 43 CFR 2550.4-7 and 2650.0-5 (public easements)
- Code of Federal Regulations 43 CFR 4-419 (who can appeal)
- Departmental Manual 512.004-2 (who can appeal)

May 30, 2014

http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements/allowable_uses.html

BLM Alaska Website: Source of ANCSA 17(b) information - 2

Slide 18

U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Alaska

BLM Alaska Programs Lands and Realty - 17(b) Easements - More Info

Where can I find information on 17(b) easements?

Download **Black and White** 17(b) Easement brochure- 2.2 MB

Download **Color** 17(b) Easement brochure- 2.9 MB

Federal Land Agencies

Bureau of Land Management www.blm.gov/ak
Alaska State Office (907) 271-5960
Anchorage District Office
Anchorage Field Office (907) 267-1246
Glenallen Field Office (907) 822-3217
Fairbanks District Office (907) 474-2251

US Fish and Wildlife Service
Anchorage Div. of Realty and Natural Resources (907) 786-3490
1 000 697 9026
<http://alaska.fws.gov/mwr/realty/map/easements.htm>

National Park Service www.nps.gov/state/ak
Alaska Regional Office (907) 644-3427

State of Alaska Agencies

Dept. of Fish and Game www.adfg.state.ak.us
Anchorage Office (907) 267-2463

Dept. of Natural Resources www.dnr.state.ak.us
Anchorage Office (907) 269-8400
Fairbanks Office (907) 451-2705

17(b) Easement General Information
What can I do on 17(b) easement?
More Information
Sedovia 17b easement

General Legal Authorities & Agreements

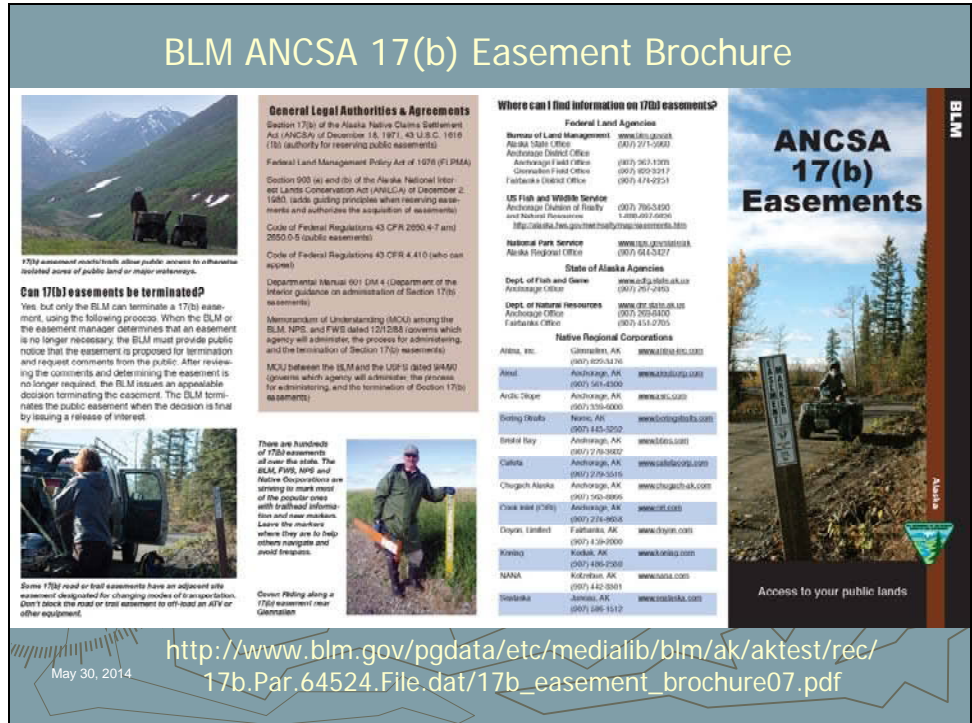
- Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1616 (b) (authority for reserving public easements)
- Federal Land Management Policy Act of 1976 (FLPMA)
- Section 903 (a) and (b) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, (adds guiding principles when reserving easements and authorizes the acquisition of

May 30, 2014

http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements/more_info.html

BLM Alaska Website: Source of ANCSA 17(b) information - 3

Slide 19



BLM ANCSA 17(b) Easement Brochure

General Legal Authorities & Agreements

Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1610 (1b) (authority for reserving public easements)

Federal Land Management Policy Act of 1970 (F.L.M.P.A.)

Section 900 (a) and (b) of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, (adds guiding principles when reserving easements and authorizes the acquisition of easements)

Code of Federal Regulations 43 CFR 2000.4-7 and 2000.0-9 (public easements)

Code of Federal Regulations 43 CFR 4.410 (who can acquire)

Departmental Manual 901 (DM 4) (Department of the Interior guidance on administration of Section 17(b) easements)

Memorandum of Understanding (MOU) among the BLM, NPS, and FWS dated 12/12/86 (covers which agency will administer the process for administering, and the termination of Section 17(b) easements)

MOU between the BLM and the USFS dated 9/30/90 (covers which agency will administer the process for administering, and the termination of Section 17(b) easements)

Can 17(b) easements be terminated?

Yes, but only the BLM can terminate a 17(b) easement, using the following process. When the BLM or the easement manager determines that an easement is no longer necessary, the BLM must provide public notice that the easement is proposed for termination and request comments from the public. After reviewing the comments and determining the easement is no longer required, the BLM issues an appealable decision terminating the easement. The BLM terminates the public easement when the decision is final by issuing a release of interest.

Where can I find information on 17(b) easements?

Federal Land Agencies

Bureau of Land Management	www.blm.gov
Alaska State Office	(907) 271-9997
Archdiocese District Office	
Aurora Range Field Office	(907) 263-1393
Chukchi Field Office	(907) 955-9217
Fairbanks District Office	(907) 474-2923

US Fish and Wildlife Service
Archdiocese District of Interior and Northern Provinces
(907) 788-5100
1-888-487-6888
http://alaska.fws.gov/that/17basessments.htm

National Park Service
Alaska Regional Office
(907) 644-5427

State of Alaska Agencies

Dept. of Fish and Game	www.dfg.alaska.gov
Permitting Office	(907) 263-2493
Dept. of Natural Resources	www.dnr.alaska.gov
Archdiocese Office	(907) 755-6100
Fairbanks Office	(907) 454-0705

Native Regional Corporations

Alutia, Inc.	Central AK	www.alutia.com
	(907) 455-3126	
Anad	Anchorage, AK	www.anad.org
	(907) 561-4300	
Anch. Chgo	Anchorage, AK	www.aic.org
	(907) 576-6000	
Bering Delta	Nome, AK	www.beringdelta.com
	(907) 428-3200	
Bristol Bay	Anchorage, AK	www.bristolbay.com
	(907) 276-3400	
Chukchi	Anchorage, AK	www.chukchi.org
	(907) 276-3515	
Chugach Alaska	Anchorage, AK	www.chugachak.com
	(907) 562-0800	
Chukchi (PWS)	Anchorage, AK	www.chukchi.com
	(907) 276-9608	
Doyon Limited	Fairbanks, AK	www.doyon.com
	(907) 476-2000	
Kenai	Kodiak, AK	www.kenai.com
	(907) 496-2900	
NANA	Ketchikan, AK	www.nana.com
	(907) 442-5001	
Sitka	Juneau, AK	www.sitka.com
	(907) 496-1512	

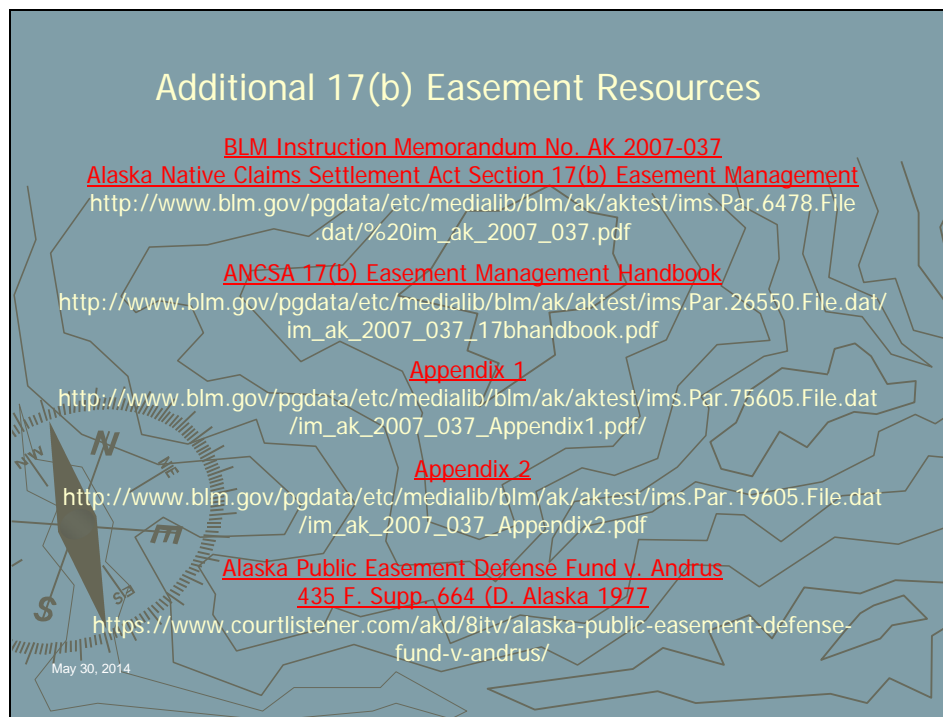
Access to your public lands

http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/rec/17b.Par.64524.File.dat/17b_easement_brochure07.pdf

May 30, 2014

BLM 17(b) easement brochure

Slide 20



Additional 17(b) Easement Resources

BLM Instruction Memorandum No. AK 2007-037
Alaska Native Claims Settlement Act Section 17(b) Easement Management
http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/ims.Par.6478.File.dat/%20im_ak_2007_037.pdf

ANCSA 17(b) Easement Management Handbook
http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/ims.Par.26550.File.dat/im_ak_2007_037_17bhandbook.pdf

Appendix 1
http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/ims.Par.75605.File.dat/im_ak_2007_037_Appendix1.pdf

Appendix 2
http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/ims.Par.19605.File.dat/im_ak_2007_037_Appendix2.pdf

Alaska Public Easement Defense Fund v. Andrus
435 F. Supp. 664 (D. Alaska 1977)
<https://www.courtlistener.com/akd/8/itv/alaska-public-easement-defense-fund-v-andrus/>

May 30, 2014

2007 Memorandum – BLM management is discretionary subject to funds and staff. – Appendices: 17(b) memos/MOUs, APEDF v Andrus: Legislative history, conflicting interpretations, intent. 43 USC 945 & 975d reservations for ditches, canals, railroads – not applicable to ANCSA.

Slide 21

Alaska Department of Natural Resources
Mining, Land & Water

ANCSA 17(b) Easements Information

WHAT ARE THEY?

The "17(b) Easements" are named after the section of the Federal Regulation, Alaska Native Claims Settlement Act "ANCSA" (PL 92-203 - 85 Stat. 688). This Federal Regulation allows reserving easements on lands which will be conveyed to Alaska Native Village and Regional Corporations in order to allow public access to public land and water. The Federal Regulations, 43 CFR 2650.4-7, describe the guidelines which are used in reserving easements in conveyance documents.

HOW CAN EASEMENTS BE USED?

There are different widths of 17(b) trail easements and site easements which allow certain uses. **Please note: Departing from these easements on to Native lands without express permission from the Native Land owners is trespass. Please research land status before using these easements and respect the private property rights of the land owners.** Below is a list of how you can use **each type of easement**.

25-Foot Trail - The uses allowed on a 25-foot-wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (less than 3,000 lbs. gross vehicle weight).

50-Foot Trail - The uses allowed on a 50-foot-wide trail easement are those allowed for a 25-foot trail plus large all-terrain vehicles (more than 3,000 lbs. gross vehicle weight), trucked vehicles, and four-wheel drive vehicles.

60-Foot Road - The uses allowed on a 60-foot-wide road easement are those allowed for 25- and 50-foot trails plus automobiles and trucks.

1-Acre Site - The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, all-terrain vehicles, snowmobiles, cars, and trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading is limited to 24 hours.

May 30, 2014 <http://dnr.alaska.gov/mlw/trails/17b/>

Alaska DNR Website: Source of ANCSA 17(b) information

Slide 22

Department of Transportation
 and Public Facilities
 2301 Peger Road
 Fairbanks, Alaska 99709-5316

Dear Mr. Miller:

Pursuant to the Memorandum of Understanding AK020-9701 of October 24, 1996, the Bureau of Land Management has reviewed the status of the easement listed below that provides access to land or water under State administration. **Administration of the 17(b) easement is hereby transferred to you.**

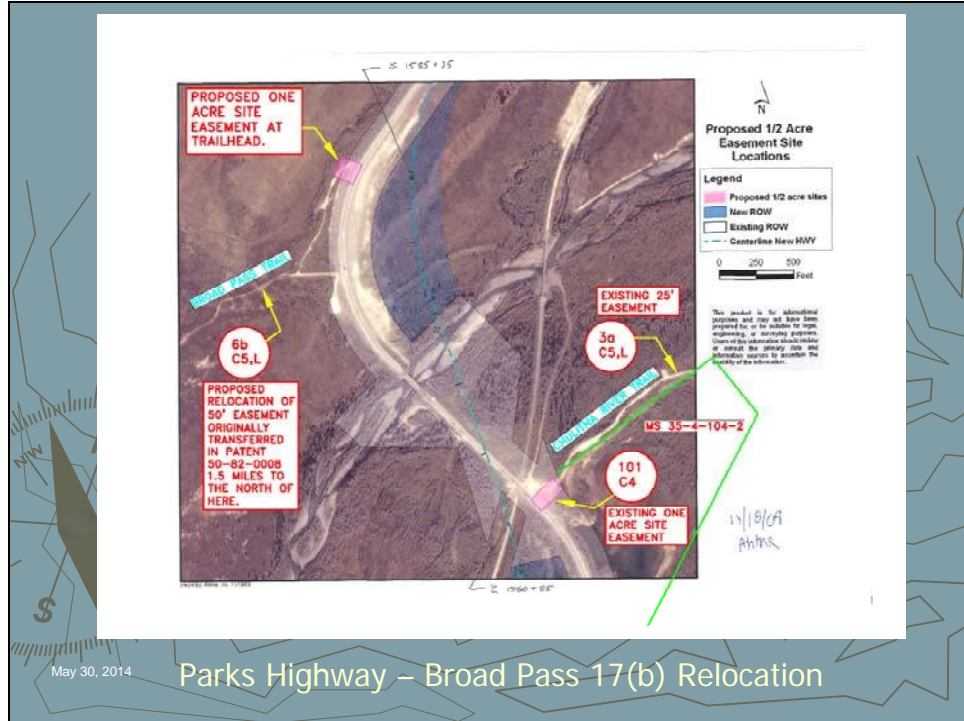
APPROVALS	
APPROVALS	
NEGOTIATING	
PERSONAL/OTHER NOTES	
TITLE/ES	
RETURN TO:	
FILE	

Manley Hot Springs Rd

May 30, 2014 **17(b) Transfer of Administration**

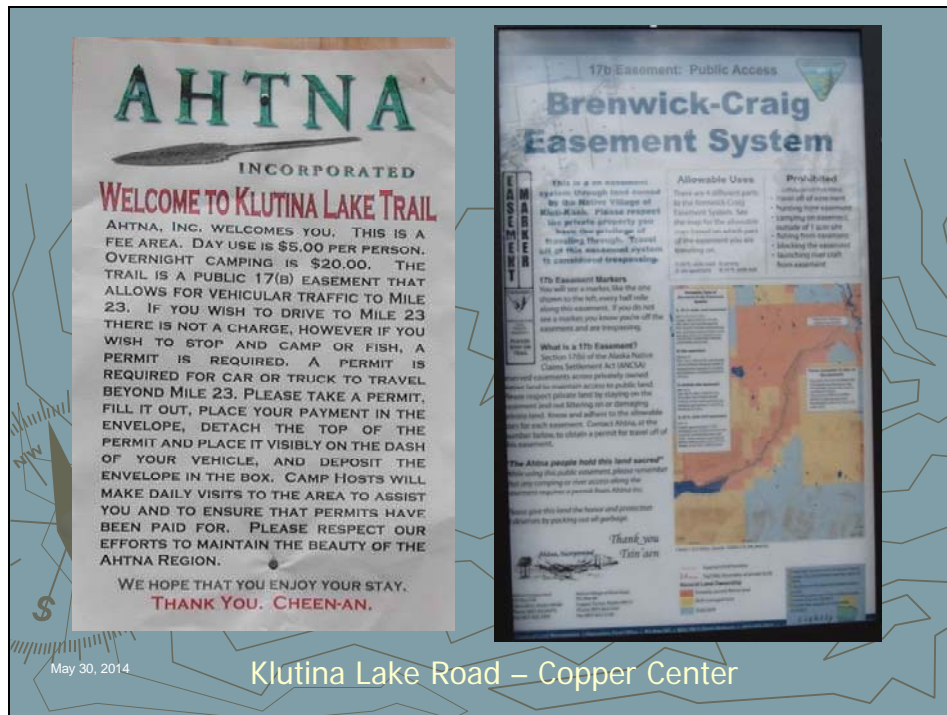
Manley Hot Springs – Manley Landing at Tanana River – 1 acre 17(b) site easement – Transfer of Administration to DOT&PF

Slide 23



Parks Highway – Broad Pass – 17(b) easement relocation and split of 1 acre site easement – BLM public process

Slide 24



Richardson Highway – Copper Center – Klutina Lake road (aka Brenwick – Craig road) – RS2477 or 17(b)? – BLM & Ahtna sign

Slide 25

2002 AGO Opinion: Scope of Klutina Lake Road Right-of-Way

John F. Bennett
A.G. file no: 665-01-0201

July 17, 2002
Page 10

Third, the Department of the Interior recognizes that § 17(b) easements and R.S. 2477 rights-of-way may overlap and that neither easement supplants the other. The Interior Board of Land Appeals has long held that


where “BLM seeks to reserve a sec. 17(b) public easement over an existing road constructed by the State and claimed by the State as an R.S. 2477 right-of-way, the conveyance documents shall contain a provision specifying that the reserved public easement is subject to the claimed R.S. 2477 right-of-way” if valid.

http://www.law.state.ak.us/pdf/opinions/opinions_2002/02-015_665010201.pdf

May 30, 2014

Klutina Lake Road – AGO Opinion – RS2477 vs. 17(b) easement

Slide 26

**United States Department of the Interior**
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

This letter is in response to your inquiry of November 15, 2002, concerning the civil lawsuit, Ahtna, Inc. v. Hughes, et al., involving use of a section 17(b) easement reserved to the United States.

patent 50-2001-0492 issued to Ahtna, Inc. The U.S. rights are subject to any valid rights the State of Alaska may have under R.S. 2477. (See Alaska Department of Transportation, 88 IBLA 106 [1985]).

In summary, the Hughes, as members of the public, have the right to use the Klutina River Road Sec. 17(b) easement to access the Klutina River and offload boats on the road and launch them into the river at those points where the Sec. 17(b) easement abuts State owned lands or at site easement E1N 10a CS. The Hughes cannot use the Sec. 17(b) easement for berry picking or fishing, as these uses were not reserved to the United States.

November 21, 2002 – BLM State Office
Fishing guide used Klutina Lake Road to access Klutina River without Ahtna permit...Ahtna filed trespass action.

May 30, 2014

Ahtna, Inc. v. Hughes – Fishing guide used Klutina Lake road to access Klutina River without Ahtna permit...Ahtna filed trespass action.

Slide 27

6 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
7 THIRD JUDICIAL DISTRICT AT ANCHORAGE
8
9 AHTNA INC.,)
10 Plaintiff,)
11 vs.) Case No. _____
12)
13 LEON VON SCHEBEN, Commissioner,)
14 Department of Transportation & Public)
15 Facilities, State of Alaska,)
16 Defendant.)

20 21. Defendant and those being directed by him, fail and refuse to recognize the
21 ownership and administrative authority of Plaintiff, fail and refuse to provide notice, fail and
22 refuse to comply with land planning requirements, fail and refuse to restrict activities to the
23 confines of the federal § 17(b) easements and the requirements of federal law all of which are
24 contrary to the intend and purpose of ANCSA and the basic land ownership rights of Plaintiff.
25

April 2, 2008 ~ Ahtna v. Von Scheben
RS-2477 vs. ANCSA 17(b)

May 30, 2014

Klutina Lake Road – Ahtna files lawsuit over DOT’s management of road as an RS2477 easement

Slide 28

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file AA-6658-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

c. (EIN 11 C3, C5, D1, D9, L) An easement sixty (60) feet in width for an existing road from the Copper Center area in Sec. 12, T. 2 N., R. 1 W., Copper River Meridian, southwesterly to site EIN 10a C5, on the Klutina River near Klutina Lake. The uses allowed are those listed above for a sixty (60) foot wide road easement.

Kluti-Kaah Corporation Patent 50-80-0108
Ahtna, Inc. – Klutina Lake Road

May 30, 2014

Kluti-Kaah ANCSA village corp. merged with Ahtna – Patent cites and reserves 17(b) easement for Klutina Lake road

Slide 29

SENATE BILL NO. 94
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-EIGHTH LEGISLATURE - FIRST SESSION

"An Act vacating a portion of the Copper Center-Valdez right-of-way; and relating to rights-of-way acquired under former 43 U.S.C. 932 that cross land owned by an Alaska Native corporation."

(10) one overlap of an R.S. 2477 right-of-way and 17(b) easement involves a road and all-terrain vehicle trail that roughly parallel the Klutina River from the New Richardson Highway to partway around Klutina Lake; the road and trail form a portion of the

Sec. 19.30.430. Rights-of-way acquired under former 43 U.S.C. 932 that cross land conveyed to a Native corporation. (a) Notwithstanding AS 19.10.015(a), a right-of-way granted under former 43 U.S.C. 932 (R.S. 2477) that crosses land owned by a Native corporation is limited to the uses of the route established on October 21, 1976, and may not exceed a width of 60 feet.


(b) A right-of-way granted under former 43 U.S.C. 932 (R.S. 2477) that crosses land owned by a Native corporation may be used only for transportation purposes and may not be used for rest areas, parking lots, overnight camping, boat launches, recreation sites, or other similar uses.

May 30, 2014 <http://www.legis.state.ak.us/PDF/28/Bills/SB0094A.pdf>

SB 94/ HB 194 (2013-14) filed on behalf of Ahtna – proposes to limit RS2477 rights across ANCSA lands to 17(b) standards.

Slide 30

The End



May 30, 2014

PLO Case Study #1 – Davis Road, Fairbanks.