

# ANCSA 17(b) Easements



**Access Law and Issues Affecting Public and Private Lands In Alaska**  
**February 26, 2016**

# 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.

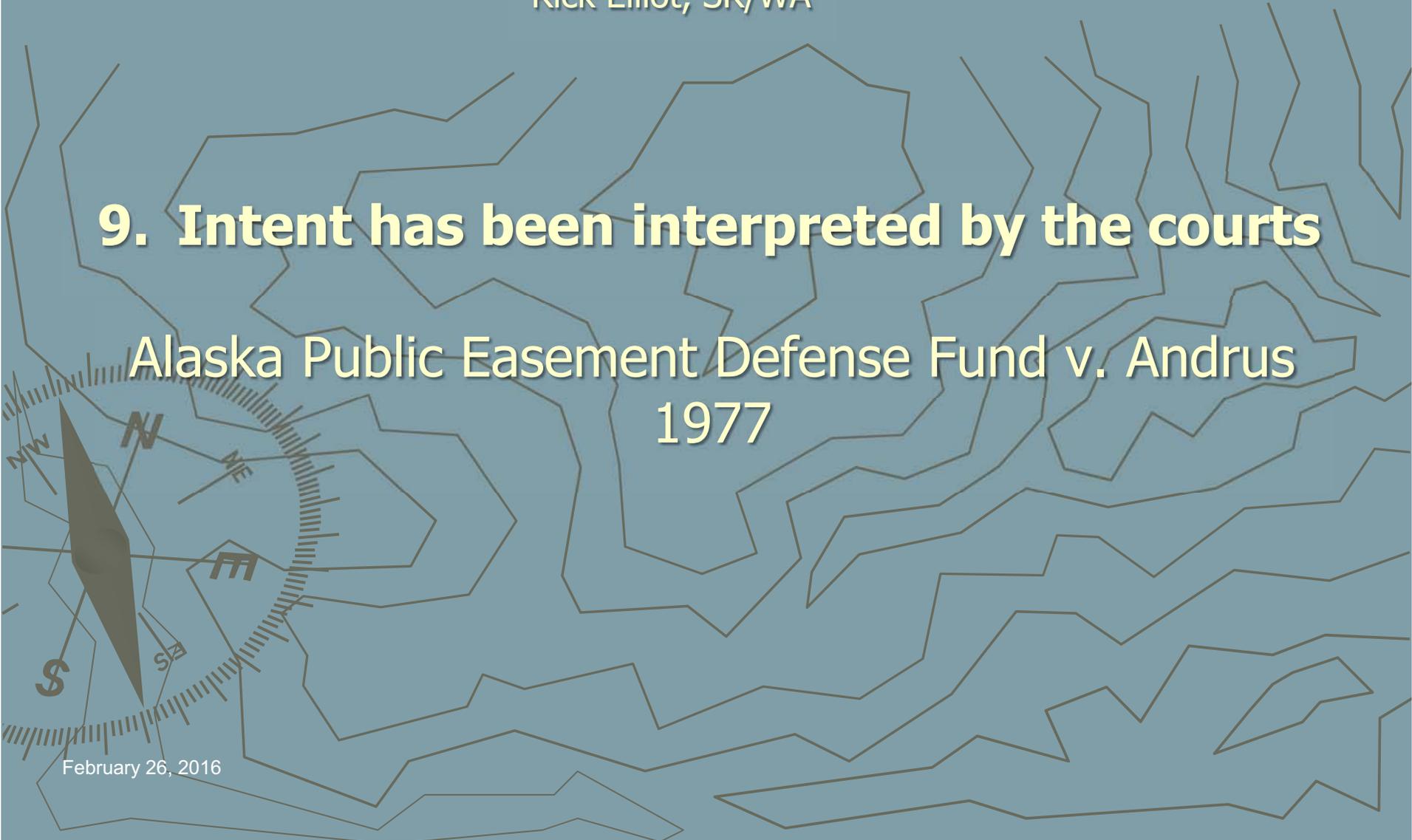
February 26, 2016

# 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

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

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.

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# 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.)

# 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

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**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

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.

# Top 10 Things About ANCSA 17(b) Easements

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## **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.

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



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### 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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**Sec. 17(b) Easements Online  
DjVu format:**

--- Select an Easement Map --- ▼

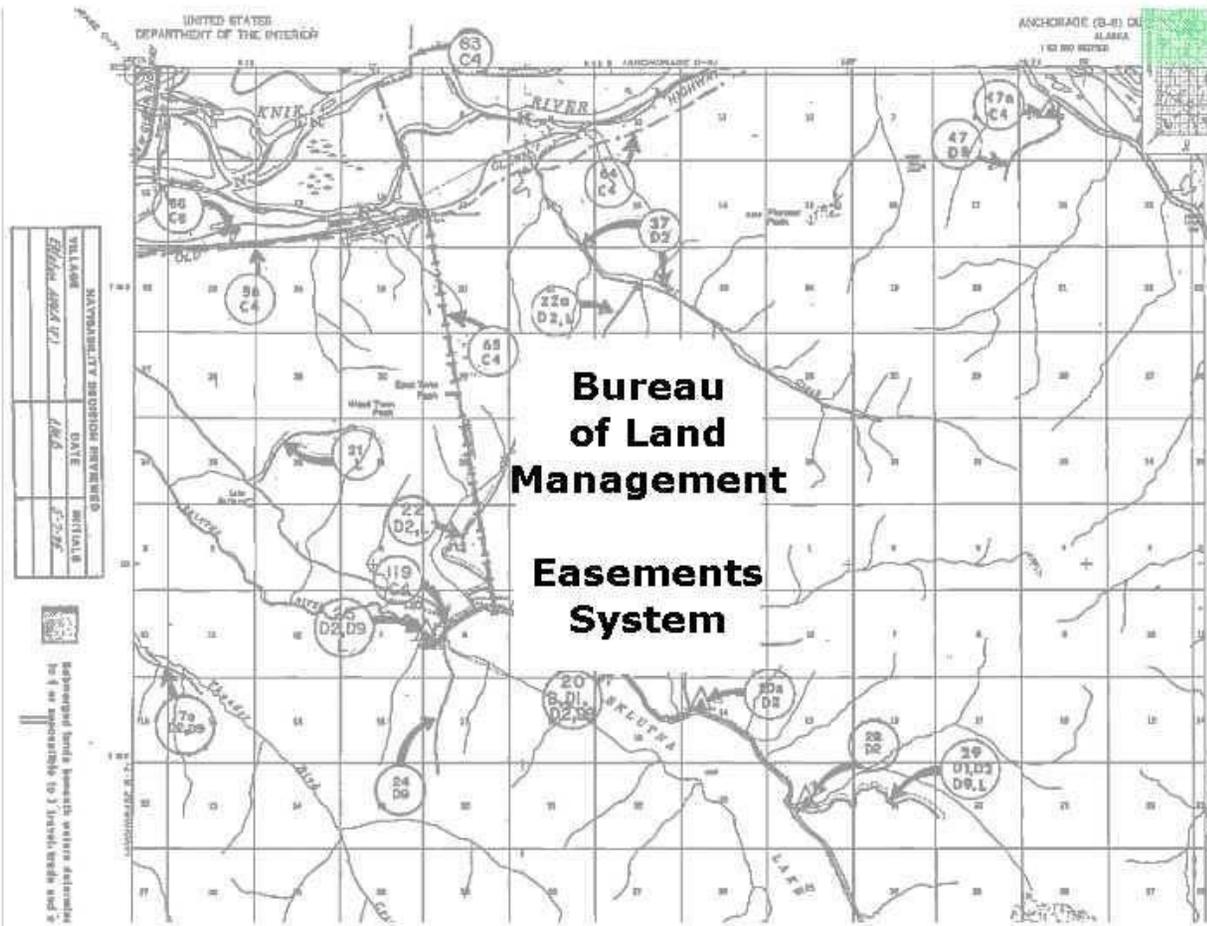
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Enter the first letter of the name of the desired quadrangle map. Click the desired map from the dropdown menu.

Note: The DjVu format requires that you have the **DjVu** plugin installed for your browser.



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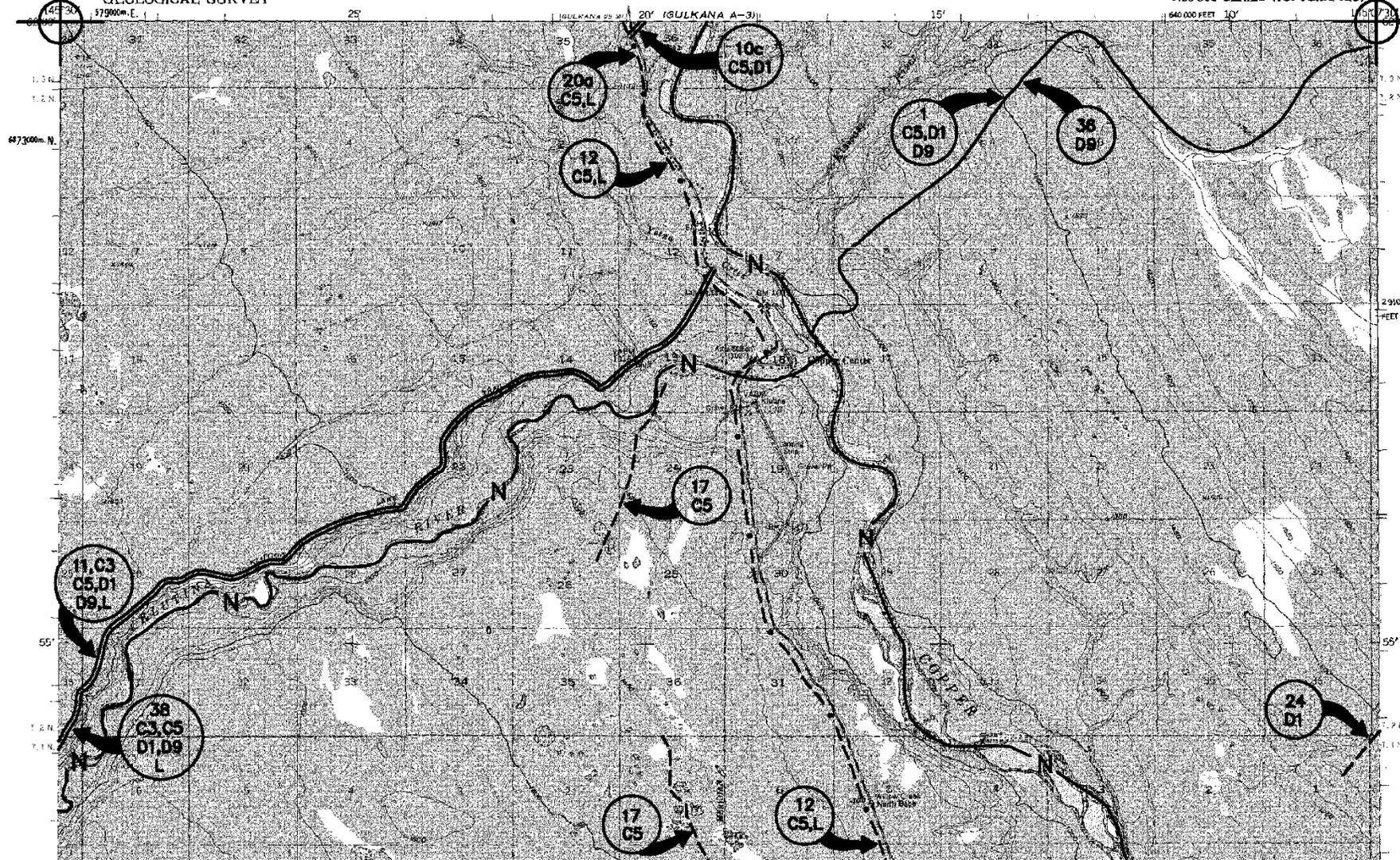
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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

VALDEZ (D-4) QUADRANGLE  
ALASKA

1:63 560 SERIES (TOPOGRAPHIC)

640 000 FEET 10'

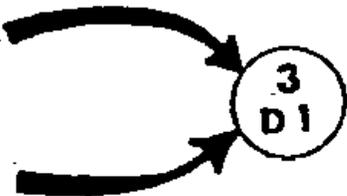


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[http://sdms.ak.blm.gov/scanned\\_images/esmtindex.html](http://sdms.ak.blm.gov/scanned_images/esmtindex.html)

# Easement Identification Numbers (EIN) Sponsor Codes

EASEMENT NUMBER:



SPONSOR CODE

## EASEMENT SPONSOR CODE

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

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## Section 17(b) easement general information

17(b) easements<sup>1</sup> 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 reserved<sup>2</sup> 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 lands<sup>3</sup> 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:

<sup>1</sup> 17(b) easements 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) 2650.4-7 for a complete listing of the types of public easements.

<sup>2</sup> 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) 2650.4-7.

<sup>3</sup> 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?

17(b) easement General Information

What can I do on 17(b) easements?

More Information

Seldovia 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 (1b) (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)

[http://www.blm.gov/ak/st/en/prog/lands\\_realty/17b\\_easements.html](http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements.html)

  
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### 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, dogsleds, animals, snowmobiles, 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) easements?  
More Information  
Seldovia 17b easement

#### General Legal Authorities & Agreements

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- 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 2650.4-7 and 2650.0-5 (public easements)
- Code of Federal Regulations 43 CFR 4.410 (who can appeal)
- Departmental Manual 601 DM 4 (Department)

[http://www.blm.gov/ak/st/en/prog/lands\\_realty/17b\\_easements/allowable\\_uses.html](http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements/allowable_uses.html)

  
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**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

17 (b) easement General Information

What can I do on 17(b) easements?

More Information

Seldovia 17b easement

**Federal Land Agencies**

**Bureau of Land Management** [www.blm.gov/ak](http://www.blm.gov/ak)  
Alaska State Office (907) 271-5960  
Anchorage District Office  
Anchorage Field Office (907) 267-1246  
Glennallen 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  
1-888-697-9826  
<http://alaska.fws.gov/nwr/realty/map/easements.htm>

**National Park Service** [www.nps.gov/state/ak](http://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](http://www.adfg.state.ak.us)  
Anchorage Office (907) 267-2463

**Dept. of Natural Resources** [www.dnr.state.ak.us](http://www.dnr.state.ak.us)  
Anchorage Office (907) 269-8400  
Fairbanks Office (907) 451-2705

**General Legal Authorities & Agreements**

- Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1616 (1b) (authority for reserving public easements)
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[http://www.blm.gov/ak/st/en/prog/lands\\_realty/17b\\_easements/more\\_info.html](http://www.blm.gov/ak/st/en/prog/lands_realty/17b_easements/more_info.html)

# BLM ANCSA 17(b) Easement Brochure



17(b) easement roads/trails allow public access to otherwise isolated acres of public land or major waterways.

## 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.



Some 17(b) road or trail easements have an adjacent site easement designated for changing modes of transportation. Don't block the road or trail easement to off-load an ATV or other equipment.

## General Legal Authorities & Agreements

Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1616 (1b) (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 2650.4-7 and 2650.0-5 (public easements)

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

Departmental Manual 601 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 12/12/88 (governs which agency will administer, the process for administering, and the termination of Section 17(b) easements)

MOU between the BLM and the USFS dated 9/4/90 (governs which agency will administer, the process for administering, and the termination of Section 17(b) easements)

There are hundreds of 17(b) easements all over the state. The BLM, FWS, NPS and Native Corporations are striving to mark most of the popular ones with trailhead information and new markers. Leave the markers where they are to help others navigate and avoid trespass.

Cover: Riding along a 17(b) easement near Glennallen



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

### Federal Land Agencies

**Bureau of Land Management** [www.blm.gov/ak](http://www.blm.gov/ak)  
Alaska State Office (907) 271-5960  
Anchorage District Office  
Anchorage Field Office (907) 267-1203  
Glennallen Field Office (907) 822-3217  
Fairbanks District Office (907) 474-2251

**US Fish and Wildlife Service**  
Anchorage Division of Realty and Natural Resources (907) 786-3490  
1-888-697-9826  
<http://alaska.fws.gov/nwr/realty/map/easements.htm>

**National Park Service** [www.nps.gov/state/ak](http://www.nps.gov/state/ak)  
Alaska Regional Office (907) 614-3427

### State of Alaska Agencies

**Dept. of Fish and Game** [www.adfg.state.ak.us](http://www.adfg.state.ak.us)  
Anchorage Office (907) 267-2463

**Dept. of Natural Resources** [www.dnr.state.ak.us](http://www.dnr.state.ak.us)  
Anchorage Office (907) 269-8400  
Fairbanks Office (907) 451-2705

### Native Regional Corporations

Ahtna, Inc.	Glennallen, AK	<a href="http://www.ahtna-inc.com">www.ahtna-inc.com</a>
Aleut	Anchorage, AK	<a href="http://www.aleutcorp.com">www.aleutcorp.com</a>
Arctic Slope	Anchorage, AK	<a href="http://www.asrc.com">www.asrc.com</a>
Bering Straits	Nome, AK	<a href="http://www.beringstraits.com">www.beringstraits.com</a>
Bristol Bay	Anchorage, AK	<a href="http://www.tbnc.com">www.tbnc.com</a>
Callista	Anchorage, AK	<a href="http://www.callistacorp.com">www.callistacorp.com</a>
Chugach Alaska	Anchorage, AK	<a href="http://www.chugach-ak.com">www.chugach-ak.com</a>
Cook Inlet (CIRI)	Anchorage, AK	<a href="http://www.ciri.com">www.ciri.com</a>
Doyon, Limited	Fairbanks, AK	<a href="http://www.doyon.com">www.doyon.com</a>
Koniag	Kodiak, AK	<a href="http://www.koniag.com">www.koniag.com</a>
NANA	Kotzebue, AK	<a href="http://www.nana.com">www.nana.com</a>
Sealaska	Juneau, AK	<a href="http://www.sealaska.com">www.sealaska.com</a>

# ANCSA 17(b) Easements



Access to your public lands

BLM

Alaska



[http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/rec/17b.Par.64524.File.dat/17b\\_easement\\_brochure07.pdf](http://www.blm.gov/pgdata/etc/medialib/blm/ak/aktest/rec/17b.Par.64524.File.dat/17b_easement_brochure07.pdf)

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# 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](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](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/](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](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/8itv/alaska-public-easement-defense-fund-v-andrus/>



Alaska Department of Natural Resources

# Mining, Land & Water

## ANSCA 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), 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 (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.

February 26, 2016

<http://dnr.alaska.gov/mlw/trails/17b/>

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

<input checked="" type="checkbox"/>	ENGINEERING	
<input checked="" type="checkbox"/>	APPRAISALS	
<input checked="" type="checkbox"/>	NEGOTIATIONS	
	Education/Prop. Mgmt.	
	UTILITIES	
	RETURN TO:	
<input checked="" type="checkbox"/>	FILE	

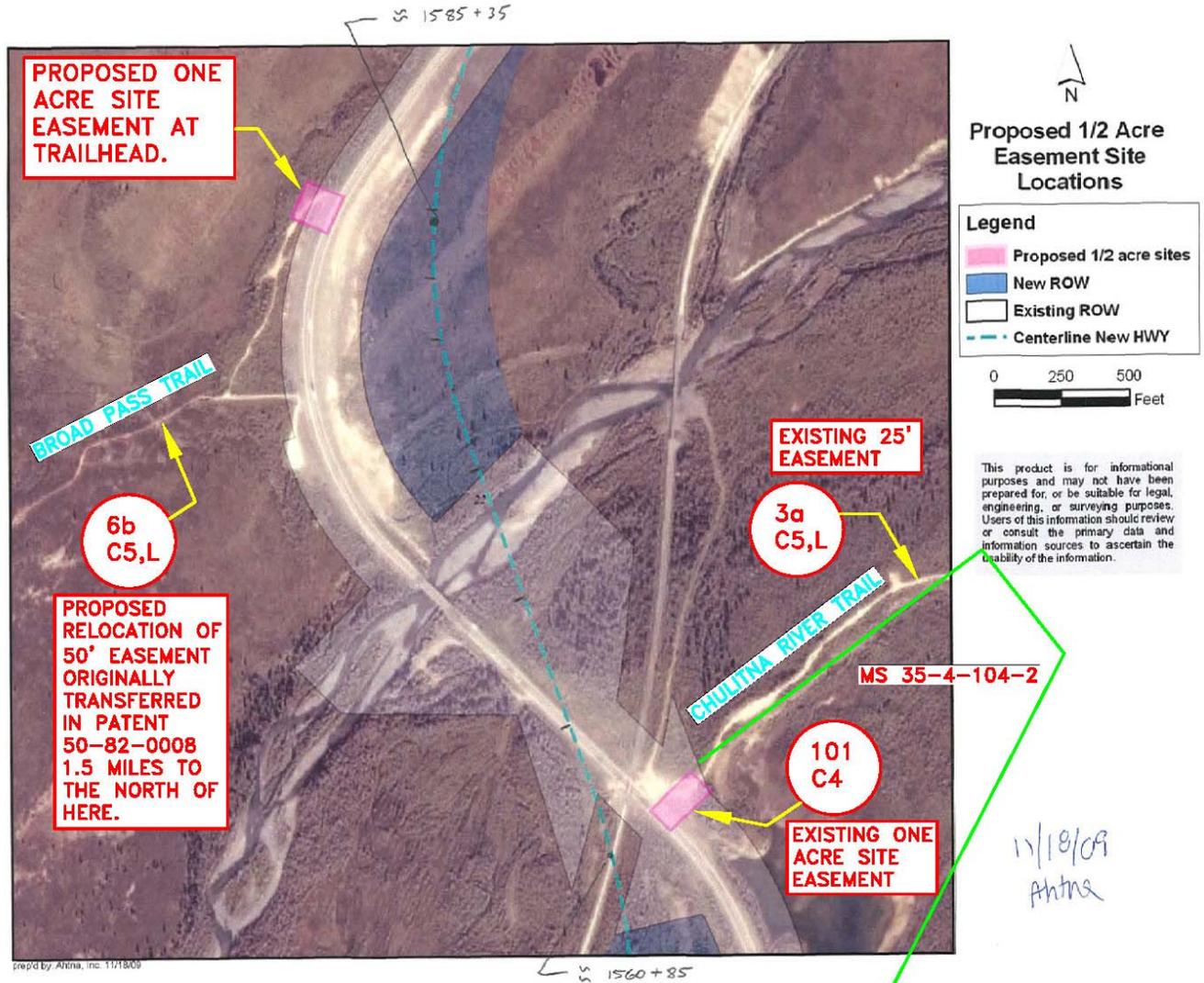
Dear Mr. Miller:

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.**



February 26, 2016

17(b) Transfer of Administration



February 26, 2016

# Parks Highway – Broad Pass 17(b) Relocation

# AHTNA



INCORPORATED

## WELCOME TO KLUTINA LAKE TRAIL

AHTNA, INC. WELCOMES YOU. THIS IS A FEE AREA. DAY USE IS \$5.00 PER PERSON. OVERNIGHT CAMPING IS \$20.00. THE TRAIL IS A PUBLIC 17(B) EASEMENT THAT ALLOWS FOR VEHICULAR TRAFFIC TO MILE 23. IF YOU WISH TO DRIVE TO MILE 23 THERE IS NOT A CHARGE, HOWEVER IF YOU WISH TO STOP AND CAMP OR FISH, A PERMIT IS REQUIRED. A PERMIT IS REQUIRED FOR CAR OR TRUCK TO TRAVEL BEYOND MILE 23. PLEASE TAKE A PERMIT, FILL IT OUT, PLACE YOUR PAYMENT IN THE ENVELOPE, DETACH THE TOP OF THE PERMIT AND PLACE IT VISIBLY ON THE DASH OF YOUR VEHICLE, AND DEPOSIT THE ENVELOPE IN THE BOX. CAMP HOSTS WILL MAKE DAILY VISITS TO THE AREA TO ASSIST YOU AND TO ENSURE THAT PERMITS HAVE BEEN PAID FOR. PLEASE RESPECT OUR EFFORTS TO MAINTAIN THE BEAUTY OF THE AHTNA REGION.

WE HOPE THAT YOU ENJOY YOUR STAY.

THANK YOU. CHEEN-AN.

17b Easement: Public Access



## Brenwick-Craig Easement System

EASEMENT MARKER

This is an easement system through land owned by the Native Village of Kluti-Kash. Please respect the private property you have the privilege of traveling through. Travel off of this easement system is considered trespassing.

**17b Easement Markers**  
You will see a marker, like the one shown to the left, every half mile along this easement. If you do not see a marker, you know you're off the easement and are trespassing.

**What is a 17b Easement?**  
Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) reserved easements across privately owned Native land to maintain access to public land. Please respect private land by staying on the easement and not littering on or damaging private land. Know and adhere to the allowable uses for each easement. Contact Ahtna, at the number below, to obtain a permit for travel off of this easement.

*"The Ahtna people hold this land sacred"*  
While using this public easement, please remember that any camping or river access along the easement requires a permit from Ahtna Inc.

Please give this land the honor and protection it deserves by packing out all garbage.

### Allowable Uses

There are 4 different parts to the Brenwick-Craig Easement System. See the map for the allowable uses based on which part of the easement you are traveling on.

- 1) 60 ft. wide road
- 2) 1/2 mile easement
- 3) 1/4 mile easement
- 4) 25 ft. wide trail

### Prohibited

- travel off of easement
- hunting from easement
- camping on easement outside of 1 acre site
- fishing from easement
- blocking the easement
- launching river craft from easement



Thank you  
Tsin'aen

Ahtna, Incorporated  
11100 Kluti-Kash  
Copper Center, Alaska 99566  
Phone: (907) 822-6474  
Fax: (907) 822-6495

Native Village of Kluti-Kash  
PO Box 99  
Copper Center, Alaska 99567  
Phone: (907) 822-2141  
Fax: (907) 822-1331

Lightly

February 26, 2016

Klutina Lake Road – Copper Center

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

February 26, 2016



## 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 EIN 10a C5. 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.

February 26, 2016

6 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA  
7 THIRD JUDICIAL DISTRICT AT ANCHORAGE

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)

February 26, 2016

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

**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.

# The End



February 26, 2016