



U.S. Department of the Interior  
Bureau of Land Management

# Alaska Native Claims Settlement Act (ANCSA) Sec. 17(b) Easements

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# What is an Easement?

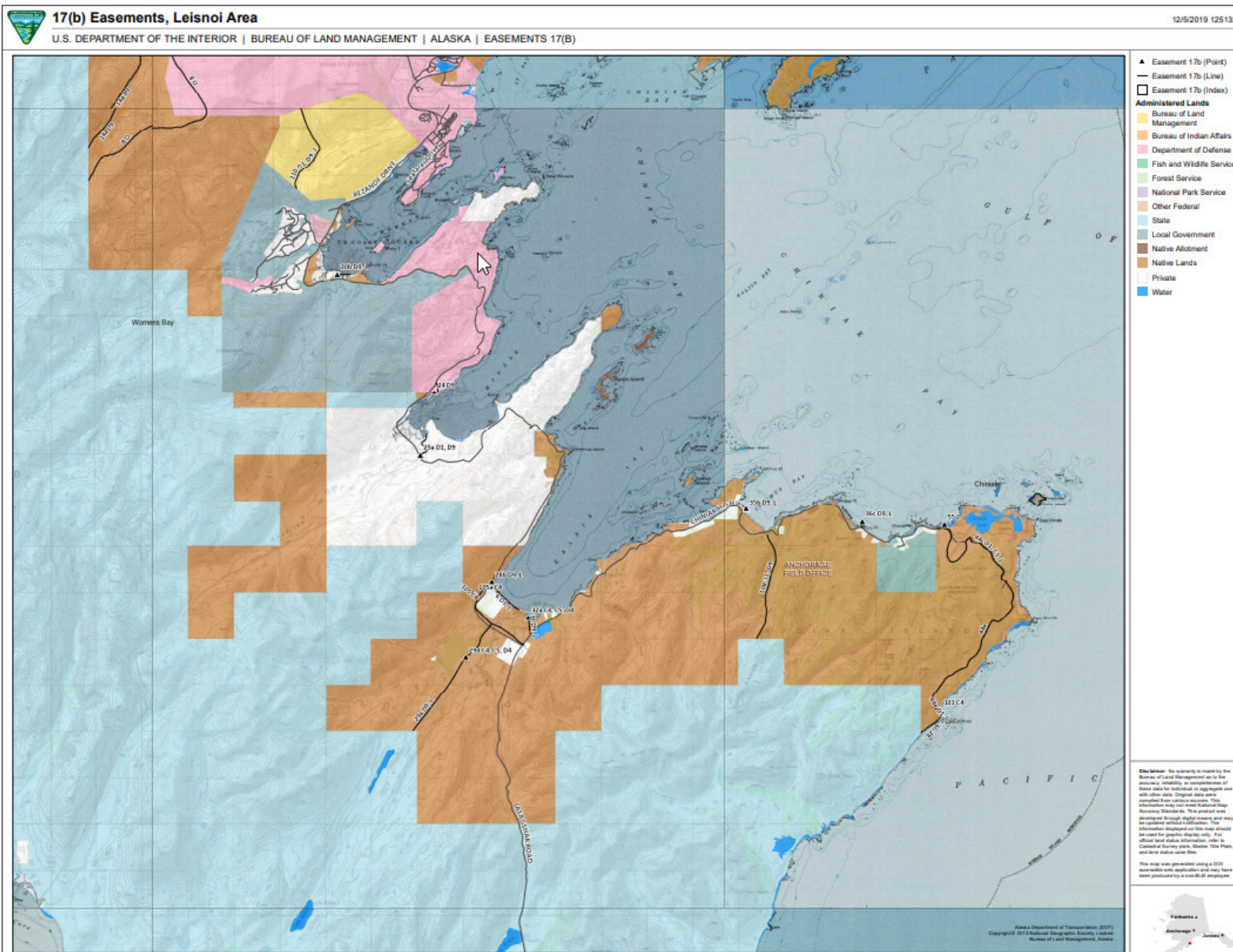
An **Easement** is the right to use the land of another for a specific purpose and is not a right of possession in the sense of being able to exclude others. Easements effect **title** to the land.

The land owner has complete control over and use of the land up to the point where such control interferes with the use of the easement.





# Identifying 17 (b) easements on a map

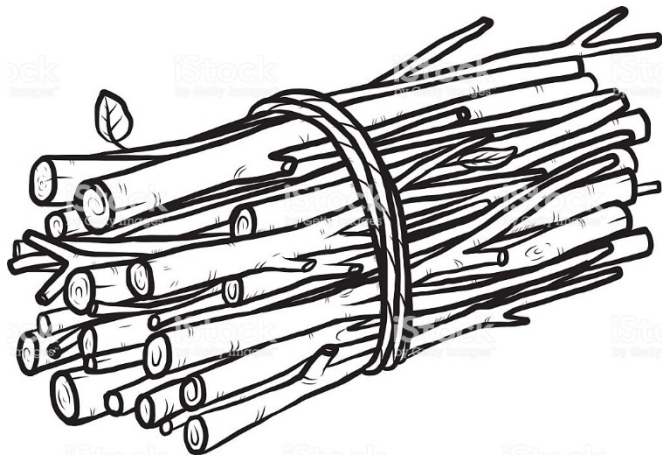




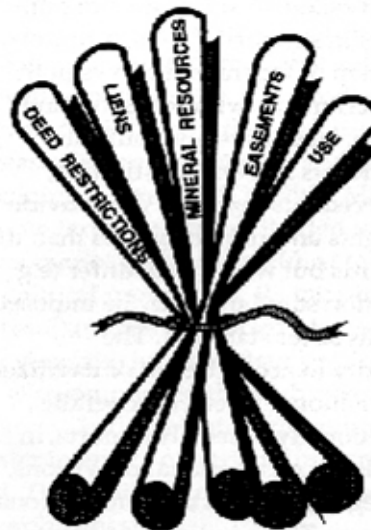


# What is title?

*Property ownership is like a bundle of sticks.*



*Fee or Fee Simple*



*Interest in lands*

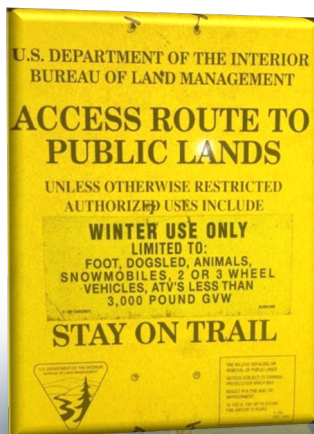
**Title is evidence of ownership.** Title is a broad term that covers a whole set of legal concepts, all based in real property law, which is derived from English common law. Common Law is the body of law derived from judicial decisions, rather than from statutes or constitutions

Title can be transferred or conveyed through a number of instruments:

- Warranty Deeds
- Quit Claim Deeds
- Easement Deeds
- **Patents or Interim Conveyance (IC)** – used for original transfer out of Federal ownership



# What is a ANCSA 17(b) Easement?



- Public easement reserved under the **Alaska Native Claims Settlement Act (ANCSA)** authority provided by sec. 17(b), in accordance with 43 CFR 2650.4-7.
- Provides public **access** across lands conveyed to Native Regional and Village Corporations (private lands) to publicly owned lands\* and major waterways as determined reasonably necessary (43 CFR 2650.4-7(a)).





# Easement Nomination and Reservation

## Notice of Proposed Easements (NOPE):

- 45-day process
- public nominates easements

## Final Easement Memo (FEM):

- After NOPE reviewed
- Identifies easement nominations recommended for reservation
- Can be amended prior to DIC

## Decision to Issue Conveyance (DIC):

- based on FEM
- 30 days to appeal
- Reserved in patent or IC





# Recommendations for reservation - Criteria for a 17(b) easement

- Are reasonably necessary to guarantee access
  - Have present existing use, unless any of the following applies:
    - Necessary to guarantee international treaty obligations
    - No reasonable alternative route or site available
    - Access to an isolated tract or area of publicly owned lands.
- Least impact on Native culture, etc.
- Easements are specific
- Natural environment considered.





# Transportation Easement considered for reservation

- Limited in number, and do not duplicate other access\*
- Follow existing routes\*
- Reserved in topographically suitable locations\*
- Reserved for future roads\*
- Reserved from publicly owned uplands to the marine coastline\*

\*Each asterisk is a “but”, “only if”, or “unless”. There are many considerations.



The [Tonsina River Trail](#) is a popular 17 (b) easement for hikers. BLM photo.





# Site Easement considered for reservation



Bicyclists watch as a small plane takes off from Bold Airstrip, a 17 (b) site easement, at Eklutna Lake, summer 2019. Photo courtesy Recreation Aviation Foundation – Alaska.

- Limited in number, and do not duplicate other sites
- No larger than one (1) acre in size (unless otherwise justified)
- Reserved in topographically suitable locations
- Provide a reasonable pattern of travel on the waterway
- Located on existing site (unless otherwise justified)
- Aircraft landing strips with present significant use and not suitable for reservation under section 14(c)(4) of ANCSA.



# Types of 17(b) Easements

## 1. Transportation easements - 43 CFR 2650.4-7(b)(2):

- 25` trail easement
- 50` trail easement
- 60` road easement







# Types of 17(b) Easements Part II

## 2. Site Easement – 43 CFR 2650.4-7 (b)(3)

Aircraft landing, parking, camping, loading, coasts, waterways etc.

- ❖ Camping, loading, and unloading limited to 24 hours
- ❖ A vehicle can be parked for the length of time necessary to travel to your destination and back.







# What a 17(b) easement is **NOT** 43 CFR 2650.4-7(a)(7):

Scenic easements or easements for recreation on lands conveyed pursuant to the Act shall not be reserved. Nor shall public easements be reserved to hunt or fish from or on lands conveyed pursuant to the Act.





# Verifying a 17 (b) Easement Part I:

## BLM's Spatial Data Management System

<https://sdms.ak.blm.gov/sdms/>

The screenshot shows the BLM Alaska SDMS website. The left sidebar contains a navigation menu with the following items: SDMS ALASKA, HOME, ACRES, MAP INTERFACE, CONVEYANCE DOCUMENTS, MASTER TITLE PLATS, SURVEY PLATS, ANCSA 17(B) EASEMENTS, ALASKA PUBLIC LAWS, DOWNLOAD DATA, TOOLS AND UTILITIES, FAQ, and FEEDBACK. The main content area is titled "SPATIAL DATA MANAGEMENT SYSTEM" and includes a welcome message. Below the welcome message, there are several links with descriptions, each highlighted by a green arrow:

- [Alaska Case Reporting Enterprise System \(ACRES\)](#)**: 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.
- [Lands, Minerals, and Realty \(LMaR\) Interactive Map](#)**: The Lands, Minerals, and Realty interactive map provides access to multiple geospatial layers including: mining claims, mining plans, conveyed lands, selected lands, withdrawals, easements and more. Layers within the map provide direct hyperlinks to case information, master title plats, historical indexes, survey information, and mining information.
- [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.



# Verifying a 17 (b) Easement part II

Use BLM's Land Minerals and Realty application (LMaR)

LMaR: <https://arcgis.is/Dmebi>

The screenshot displays the LMaR application interface. The map shows Kodiak Island with various land parcels and features. A black arrow points to a specific area on the map labeled "KODIAK C-2". A green arrow points to the "Layers" panel on the right side of the screen.

**Layers Panel:**

- ☐ Highway Milepost
- ☒ Highway
- ☐ ANCSA Regional Corporation Boundary
- ☐ Surveyed Land
- ☐ Township and Section
- ☒ USGS Quad 1:63,360
- ☒ Easements 17(b)
  - ☒ Easement 17(b) point
  - ☒ Easement 17(b) line
- ☐ Master Title Plats
- ☐ Federal Mining Claims
- ☐ State Mining Claim
- ☐ Mining Plans and Notices
- ☐ Area of Critical Environmental Concern
- ☐ BLM Land Use Planning Boundary
- ☒ BLM Administrative Unit Boundary
- ☐ BLM National Landscape Conservation System

**Map Labels:**

- ANCHORAGE FIELD OFFICE
- KODIAK D-4
- KODIAK D-3
- KODIAK D-2
- KODIAK D-1
- KODIAK C-4
- KODIAK C-2
- KODIAK C-1
- KODIAK B-4
- KODIAK B-3
- KODIAK B-1 & B-2
- WHALE ISLAND
- SPRUCE ISLAND
- WOODY ISLAND
- LONG ISLAND
- Chiniak Bay
- Ugak Bay

**Text Annotations:**

- Quad map codes tell you which map to select
- Be sure to select the quad map and 17 (b) easement layers





# Verifying a 17 (b) Easement part III

## Using quad map code to select easement map



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

### SDMS ALASKA

- HOME
- ACRES
- MAP INTERFACE
- CONVEYANCE DOCUMENTS
- MASTER TITLE PLATS
- SURVEY PLATS
- ANCSA 17(B) EASEMENTS
- ALASKA PUBLIC LAWS
- DOWNLOAD DATA
- TOOLS AND UTILITIES
- FAQ
- FEEDBACK

### SPATIAL DATA MANAGEMENT SYSTEM

#### Sec. 17(b) Easements Online

DjVu format:

PDF format:



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

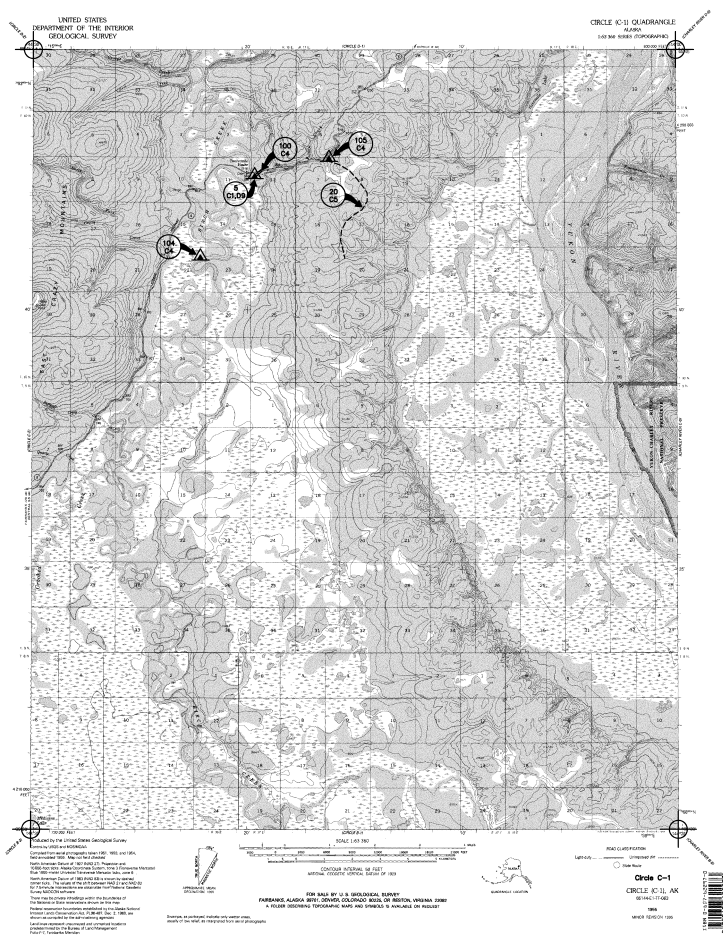
Note: The DjVu format requires that you have the [DjVu](#) plugin installed for your browser.



# Verifying a 17 (b) Easement Part IV: Viewing USGS Quad Maps

Easements: [https://sdms.ak.blm.gov/perl-bin/scanned\\_images/easement/get\\_esmt.pl](https://sdms.ak.blm.gov/perl-bin/scanned_images/easement/get_esmt.pl)

Conveyance Docs: [https://sdms.ak.blm.gov/scanned\\_images/patentindex.html](https://sdms.ak.blm.gov/scanned_images/patentindex.html)



## The United States of America

To all to whom these presents shall come, Greeting:

### Patent

FF-14989-A  
FF-14989-B

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to Danzhit Hanlaih Corporation, P.O. Box 16, Circle, Alaska, 99733 as GRANTEE, for lands in the Fairbanks Recording District.

### WHEREAS

Danzhit Hanlaih

is entitled to a patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(a), of the surface estate in the following-described lands, which were transferred by Interim Conveyance No. 630 issued March 31, 1983, Interim Conveyance No. 662 issued May 31, 1983, Interim Conveyance No. 1129 issued September 30, 1985, and Interim Conveyance No. 1162 issued May 2, 1986:

### Section 12(a) Lands

Lot 16, U.S. Survey No. 9480, Alaska.

Containing 8.80 acres, as shown on the plat of survey officially filed on February 17, 1989.

Lot 28, U.S. Survey No. 9480, Alaska.

Containing 11.09 acres, as shown on the plat of survey officially filed on July 1, 2002.

Patent No. **50-2008-0283**



# Verifying a 17 (b) Easement Part V: Easement Descriptions

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b) (1976), the following public easements, referenced by Easement Identification Number (EIN) on the easement maps, copies of which can be found in the Bureau of Land Management's public land records, 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.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, small and large all-terrain vehicles (ATV's), tracked vehicles and four-wheel-drive vehicles.

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, small and large all-terrain vehicles (ATV's), tracked vehicles, four-wheel-drive vehicles, automobiles, and trucks.

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

- a. (EIN 5 C1, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 12, T. 10 N., R. 16 E., Fairbanks Meridian, on the right bank of Birch Creek adjacent to the Steese Highway. The uses allowed are those listed above for a one (1) acre site.
- b. (EIN 7a C5, E) An easement twenty-five (25) feet in width for a proposed trail from public land in Sec. 14, T. 11 N., R. 16 E., Fairbanks Meridian, southeasterly, to site easement EIN 101 C4. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- c. (EIN 9 C5) A one (1) acre site easement, upland of the ordinary high water mark in Sec. 33, T. 13 N., R. 18 E., Fairbanks Meridian, on the right bank of the Yukon River. The uses allowed are those listed above for a one (1) acre site easement.
- d. (EIN 11 C1, C5, D1, D9) An Easement for an existing access trail twenty-five (25) feet in width, from Circle in Sec. 31, T. 12 N., R. 18 E., Fairbanks Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- e. (EIN 17 M) An easement for an existing access trail twenty-five (25) feet in width, from Circle in Sec. 30, T. 12 N., R. 18 E., Fairbanks Meridian, westerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.





# Understanding USGS Quad Maps and Site Descriptions

## For example: USGS Quad Map Kodiak C-2

BOOK ZZ PAGE 132

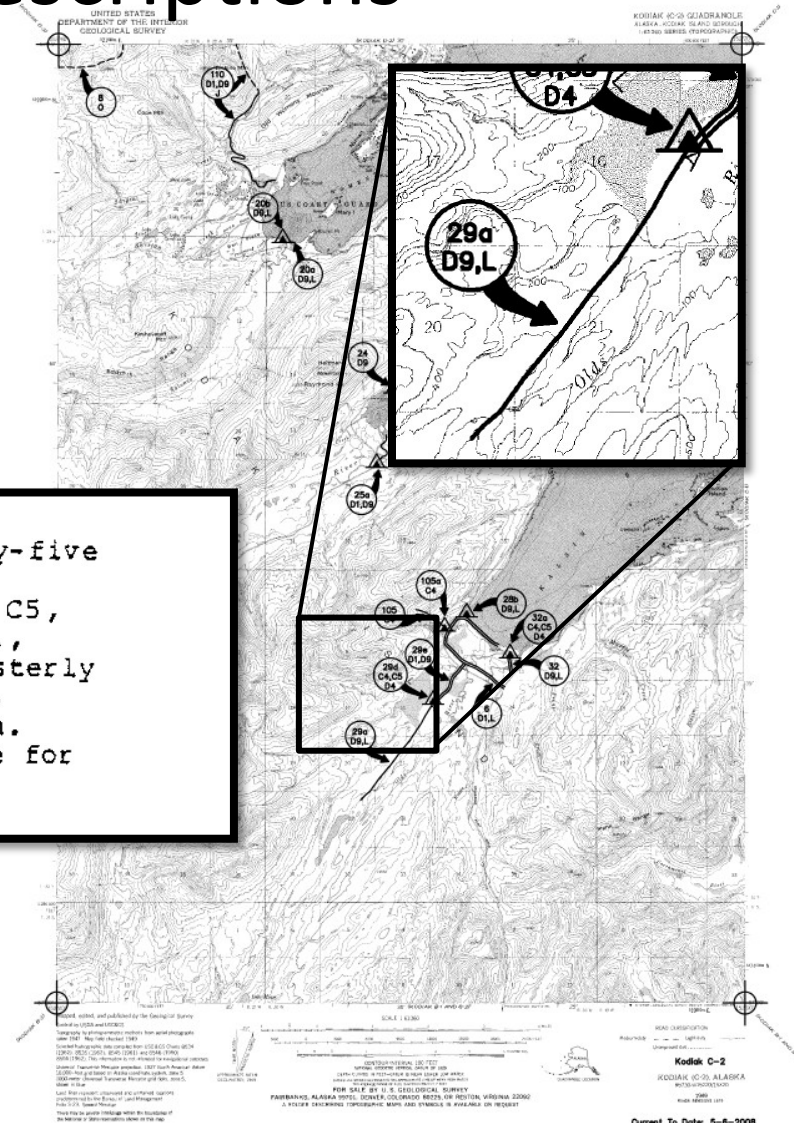
- d. (EIN 25 D9, L) An easement for an existing access trail twenty-five (25) feet in width from the Kodiak Island Highway (FAS Route No. 391) to the mouth of the American River in Section 21, T. 29 S., R. 20 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- e. (EIN 25a D1, D9) A two (2) acre site easement adjacent to the Kodiak Island Highway (FAS Route No. 391) at the American River Bridge. The uses allowed are those listed above for a one (1) acre site easement.
- f. (EIN 28b D9, L) A one (1) acre site

- g. (EIN 29a D9, L) An easement twenty-five (25) feet in width for an existing access trail from site EIN 29d C4, C5, D4, in Secs. 15 and/or 16, T. 30 S., R. 20 W., Seward Meridian, southwesterly to public lands located in Sec. 29, T. 30 S., R. 20 W., Seward Meridian. Uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

- h. (EIN 29d C4, C5, D4) A one (1) acre site easement located in Secs. 15 and/or 16, T. 30 S., R. 20 W., Seward Meridian, at the junction of trail EIN 29a D9, L and road easement EIN 29e D1, D9. Uses allowed are those listed above for a one (1) acre site easement.

CORRECT PATENT NUMBER **50-86-0067**

**50-85-0067**



Kodiak C-2  
KODIAK C-2, ALASKA  
SECTION 29, T. 30 S., R. 20 W., SEWARD MERIDIAN

Current To Date: 5-8-2008



# 17(b) Management

The BLM is responsible for record keeping, identification, reservation and termination for all easements.

The BLM may transfer management of the easement to another Federal agency, the State of Alaska, and Borough or Municipal government if:

1. It is in the best interest of the United States and guarantees public access.
2. Landowner is involved in the transfer process when proposed to transfer to state or local government.
3. The state or local government must consent, however refusal to accept the transfer of administration is NOT justification for termination of a 17(b) easement

**Only the BLM can terminate a 17(b) easement**





# 17(b) Easement Management Part II

- 17(b) easement management is
- Locating and making a 17(b) easement is done on a case-by-case basis
- Consult with the landowner
- BLM may enter into agreements with user groups or others to mark, monitor, and maintain 17(b) easements.
- 17(b) easements can be temporarily closed or restricted
- Priorities for conducting on-the-ground management:
  - ❖ Easement is for accessing lands that are permanently managed by BLM
  - ❖ Easement receives high use
  - ❖ Landowner supports activity
  - ❖ Action will mitigate environmental damage to the easement and BLM managed lands.

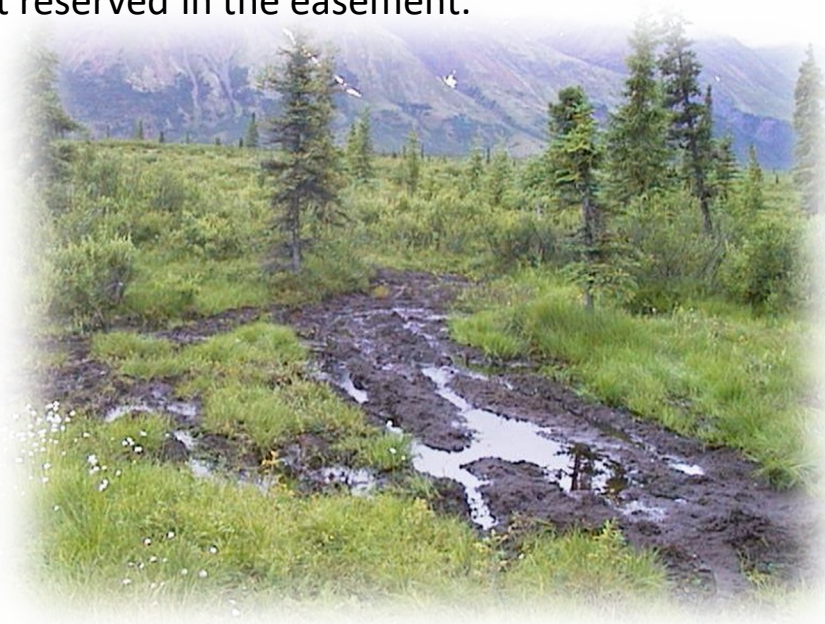






# Issues with 17(b) Easements

- Trespass
  - The United States holds a non-possessory interest in a reserved easement, which is the right to use the land for a specific purpose, which means we cannot stop people from using a co-located ROW, or the landowner from authorizing other to use the route **UNLESS** the uses interfere with or prevent the easement's use.
  - The United States cannot stop someone from leaving the easement right-of-way.
  - The United States cannot regulate uses not reserved in the easement.
- Landowner liability
- Environmental Impacts
- Traditional Use pressures
- GIS/GPS data and maps





# Terminating a 17(b) Easement

Public easements must be terminated with the same formality they are reserved.

- Absence of public use does not qualify
- Trespass, environmental impacts, etc. don't qualify

BLM determines easement termination

- Omnibus route granted to the states
- The landowner conveys a ROW to the municipal corporation (utility easement)
- Easement no longer provides access to public lands  
(Native selected lands are conveyed)

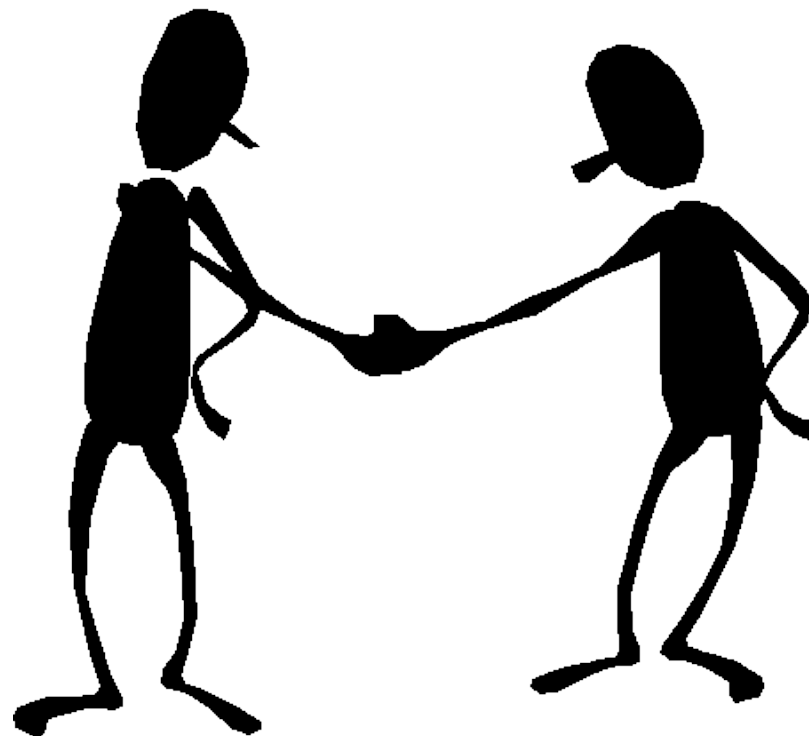




# Easement Relocation

## Recordable Memorandum of Agreement

When the easement relocation **will not alter the description** of the easement in the patent or Interim conveyance (IC), a **recordable** memorandum of agreement (MOA) can be used to make adjustments to the easement quad map.







# Easement Relocation Exchange

When the easement relocation **will alter the description** of the easement as written in the conveyance document, it is considered a title action.

Normal acquisition protocols of lands or interest in lands must be followed, including:

- Environmental Site Assessments (Haz-mat)
- Certificate Inspection and Possession (CIP)
- Title commitment insurance
- Preliminary and Final title opinions
- Land Surveyor Report
- NEPA, and other environmental laws, etc.
- Appraisal (unless by donation)



Most of these actions require advance planning for funding and staff time, as the workload can be significant.