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
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
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

Native Regional Corporations

Ahtna, Inc.	Glennallen, AK (907) 822-3476	www.ahtna-inc.com
Aleut	Anchorage, AK (907) 561-4300	www.aleutcorp.com
Arctic Slope	Anchorage, AK (907) 339-6000	www.asrc.com
Bering Straits	Nome, AK (907) 443-5252	www.beringstraits.com
Bristol Bay	Anchorage, AK (907) 278-3602	www.bbnc.com
Calista	Anchorage, AK (907) 279-5516	www.calistacorp.com
Chugach Alaska	Anchorage, AK (907) 563-8866	www.chugach-ak.com
Cook Inlet (CIRI)	Anchorage, AK (907) 274-8638	www.ciri.com
Doyon, Limited	Fairbanks, AK (907) 459-2000	www.doyon.com
Koniag	Kodiak, AK (907) 486-2530	www.koniag.com
NANA	Kotzebue, AK (907) 442-3301	www.nana.com
Sealaska	Juneau, AK (907) 586-1512	www.sealaska.com

ANCSA 17(b) Easements

Access to your public lands

BLM Alaska

New markers help the public identify 17(b) easements.

What are 17(b) easements?

17(b) easements[1] 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[2] 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.

*Native Corporation refers to all corporations established by ANCSA.

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[3] 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) 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.

[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) 2650.4-7.

[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.

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How are 17(b) easements identified and reserved?

The identification process begins when a Native corporation prioritizes selected lands for conveyance. The BLM reviews the lands for public easement needs and requests comments from the Native corporations, other federal agencies, the State of Alaska, and interested parties. The information is analyzed using the 17(b) easement criteria and the results are documented. The BLM includes the approved 17(b) easements in an appealable decision and the lands are later conveyed to the Native corporation with the easements reserved to the United States.

How can I tell the difference between private land and public land, and how do I know where 17(b) easements are found?

Prior to heading out to public lands, visit your nearest BLM public room or local land information office to determine who owns the land you intend to cross to reach your destination. Master title plats show land ownership, but they don't show 17(b) easements. Lands that have been conveyed to a Native corporation are privately owned by that corporation, but public lands that have been selected by the corporation and not yet conveyed are still public lands and may be used by the public.

The 17(b) easement allows the public to cross conveyed lands, but the route reserved in the conveyance document and the uses allowed on that easement must be followed. The public room will assist you with looking up the title documents, which will show you the easements reserved. The documents conveying the land to the Native corporation will identify the 17(b) easements, which are shown on easement maps, but the easement maps do not depict land ownership.

By staying on the easement you avoid not only trespassing, but harming fragile vegetation that takes years to regrow.

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.

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 above. 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.

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.

Be sure to stay on the 17(b) easement trail and be aware of signage. Lands crossed by the easement are private property. Hunting, fishing, trapping, or trespassing without the landowner's permission for any purpose is prohibited. Camping is allowed only on identified site easements.

Respect private property by staying on the trail or site easement!