

Land is Changing Hands - Alaska Land Transfer Program

The Alaska Statehood Act, the Native Allotment Act, the Native Veteran Allotment Act, and the Alaska Native Claims Settlement Act (ANCSA) all require the Bureau of Land Management (BLM) to transfer title of lands from federal public lands to individual Alaska Natives, Native corporations, and the State of Alaska. The BLM must adjudicate conflicting applications, issue administrative decisions, complete cadastral surveys, and convey land titles. Filing deadlines for prioritizing final land selection titles were December 10, 2007 for Native village corporations and June 10, 2008 for Native regional corporations. The State of Alaska's deadline is December 10, 2008.

The 2004 Alaska Land Transfer Acceleration Act helps facilitate land transfers, but the Act does not relieve the BLM of time-consuming and expensive required surveys. BLM-Alaska's goal is to convey 94% of the corporation land entitlements and 96% of the State of Alaska land entitlements by December 2009. Native corporations and the State of Alaska are entitled to 45.8 million acres and 104.5 million acres of federal public land, respectively. As of February 2008, the corporations have received title to 38.5 million acres, while the State has received title to 96.2 million acres. Less than 1,000 Native allotments filed under the 1906 Native allotment Act or under the 1998 Native Veteran Allotment Act are still pending.

As the BLM works toward completing land transfers under ANCSA, final reviews of ANCSA Section 17(b) easements are being completed to ensure that continued access to public lands and waters is reserved as the remaining acreage entitlements are conveyed. At this time, the BLM is focusing on 17(b) easement reservations related to lands to be conveyed out of the public domain.

In areas along the highway system that still have pending conveyances, especially within the Doyon and Ahtna regions (including the Fortymile, Copper River Basin, and Cantwell areas), public interest is high. Some frequently asked questions include:

How do I get to public land through private land?

ANCSA 17(b) easements are rights reserved under ANCSA to provide access to public land across Native private land. These easements are reserved when the land title is transferred. The BLM must follow specific guidelines when reserving these easements.

What is the purpose of a 17(b) easement?

ANCSA 17(b) easements are intended primarily to provide access to publicly owned lands and to those waterways that have been determined by the BLM to be "major." 17(b) easements ARE NOT intended to ensure continued use of all existing trails, create trail systems, or to themselves provide a recreation opportunity or experience.

A 17(b) easement can exist only where it has been legally reserved over private lands, conveyed under the provisions of ANCSA. An existing, on-the-ground trail may continue beyond a 17(b) easement reservation, but not all segments of a given trail may necessarily be reserved as a 17(b) easement.



What if the reserved easement does not follow the best route to public lands?

Once an easement is reserved, it is managed by one of the BLM-Alaska field offices, and issues related to the easement, including those related to reconciliation of reserved and existing on-the-ground or alternate locations, are addressed on a case-by-case basis.

How do I know which land is private land and which land is public land?

Contact the BLM or the Alaska Department of Natural Resources for most current information on land status. By 2010, final land management patterns within the state should stabilize, and new maps will then be less subject to change. If you have access to the internet, land status information can be found at: <http://plats.landrecords.info/>. Information specific to the land transfer process can be found at: http://www.blm.gov/ak/st/en/prog/land_trans_prog.1.html.

I have seen "No Trespassing" signs. Are they accurate?

Many private land owners are trying to help the public become aware of what lands are now in private ownership by posting these lands. If you believe that a "No Trespassing" sign has been posted in an inaccurate location, you may contact the BLM or the Alaska Department of Natural Resources to obtain current land status information. It is helpful if you record specific information related to the posting, such as a highway milepost or GPS coordinates. A photo may also be helpful in identifying the location in question.

If I use a 179b) easement, can I be charged for parking at the trailhead?

In some places, a one-acre site easement exists at the 17(b) easement trailhead for changing modes of transportation. If a one-acre site easement exists, parking, temporary camping, and loading or unloading is permitted (camping, loading, and unloading are only permitted up to 24 hours) and does not require a permit. If a one acre-site easement does not exist at the trailhead, then parking on the easement is not an allowable use of the easement. This action would be considered trespassing to the private land holder. It also may be considered as blocking the easement. Parking on private land at the trailhead would require permission or a permit from the private land holder. The 17(b) easement in this case allows the public to cross private land, but the allowable uses of that easement must be followed.

Can I be charged to use a trail that is not a 17(b) easement?

If the trail exists on private land and was not reserved as a 17(b) public easement, the private land holder has full ownership of this trail. If you want to use a trail on private land, you would have to obtain permission or a permit from the land holder.

How do I know which trails are public easements that I can use?

The BLM is developing brochures and maps that identify ANCSA 17(b) easements and high-use trailheads. Contact your local BLM office for more information.

Can a 17(b) easement be reserved after lands have already been transferred into private ownership?

Once the land has been transferred to a private owner by the BLM, clear title of that land has also been transferred. Easements cannot be reserved after the transfer of title to the land. Private land owners can give permission or permits to cross their land, even if an easement was not reserved. The BLM also has the authority to negotiate acquisition of easements, where the landowner is receptive.

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

You can refer to the BLM's "ANCSA 17(b) Easements" brochure. This brochure answers the most common questions about these easements, explains the different types of easements, and outlines the allowable uses of the easements. This information is also available on the BLM Web site at: [www.blm.gov/ak/st/en/prog/land_realty/17\(b\)_easements.html](http://www.blm.gov/ak/st/en/prog/land_realty/17(b)_easements.html).

How can I get answers about public trails and trail management on public lands?

If the trail is on lands that are federally managed by the BLM, you can contact the BLM and ask for the current management plan covering that trail. Information on contacting the correct BLM office can be found at: <http://www.blm.gov/ak/st/en.html>.

Contact Information

Information on use of lands conveyed to Doyon Regional Corporation can be obtained from:

Lands and Natural Resources Department
Doyon, Limited
1 Doyon Place, Suite 300
Fairbanks, Alaska 99701-2941
Phone: 459-2000
web: <http://www.doyon.com/contact.html>
email: filutj@doyon.com

Information on use of lands conveyed to Ahtna, Incorporated can be obtained from:

Ahtna, Incorporated
P.O. Box 649
Glennallen, Alaska 99588-0649
Phone: 822-3476
web: <http://www.ahtnagov.com/main.htm>

Contact information for community leaders can be obtained from the following State of Alaska web page:

http://www.dced.state.ak.us/dca/commdb/CF_COMDB.htm