

# BUREAU OF LAND MANAGEMENT

Citizen's Advisory Commission on  
Federal Areas

June 12, 2015



## Sec. 17(b) Easements Pursuant to ANCSA:

- BLM is ultimately responsible for record keeping, identification and reservation and termination for all easements regardless of administering entity (43 CFR 2650.47 governs identification and termination).
- BLM may transfer some administrative functions and on the ground management to the federal or state agency whose land is accessed by the easement.
- Only the BLM may terminate 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.

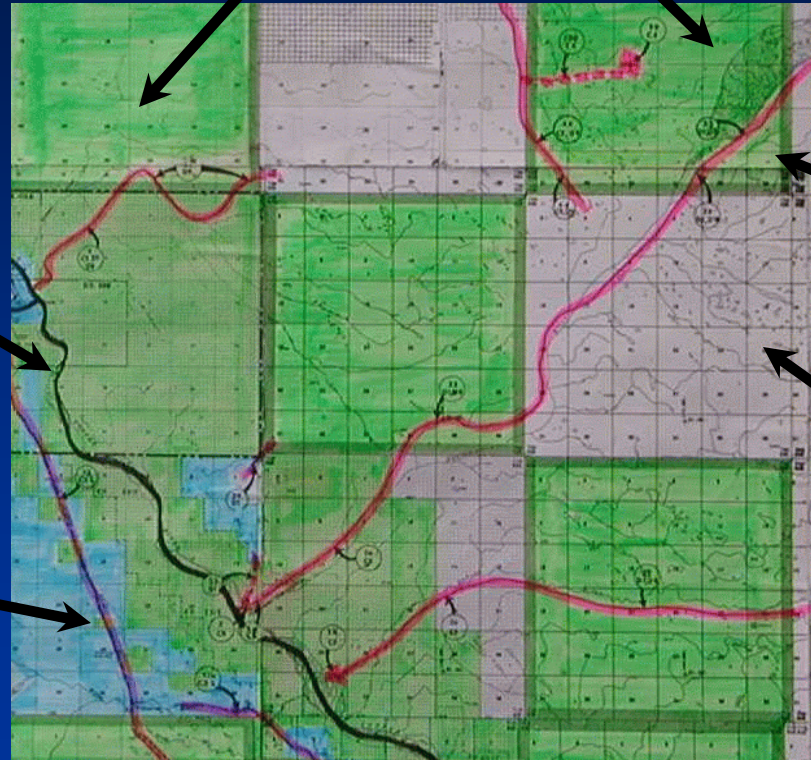
**The use** of an easement must be as reasonable and as little of a burden to the land owner as the nature or purpose will permit.

**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.

**Possession** includes the right to exclude others from the property. Since an easement is a non-possessory interest, it doesn't carry with it the right to exclude others or to stop them from also enjoying the property.

**The U.S.** has no authority to take legal action against easement users who wander off of the easement or don't follow the allowed uses.

**ANCSA Corporation Land**  
(Interim conveyed (IC) or patent)



**Sec. 17(b) Public Easement**  
(only exists on ANCSA conveyed land)

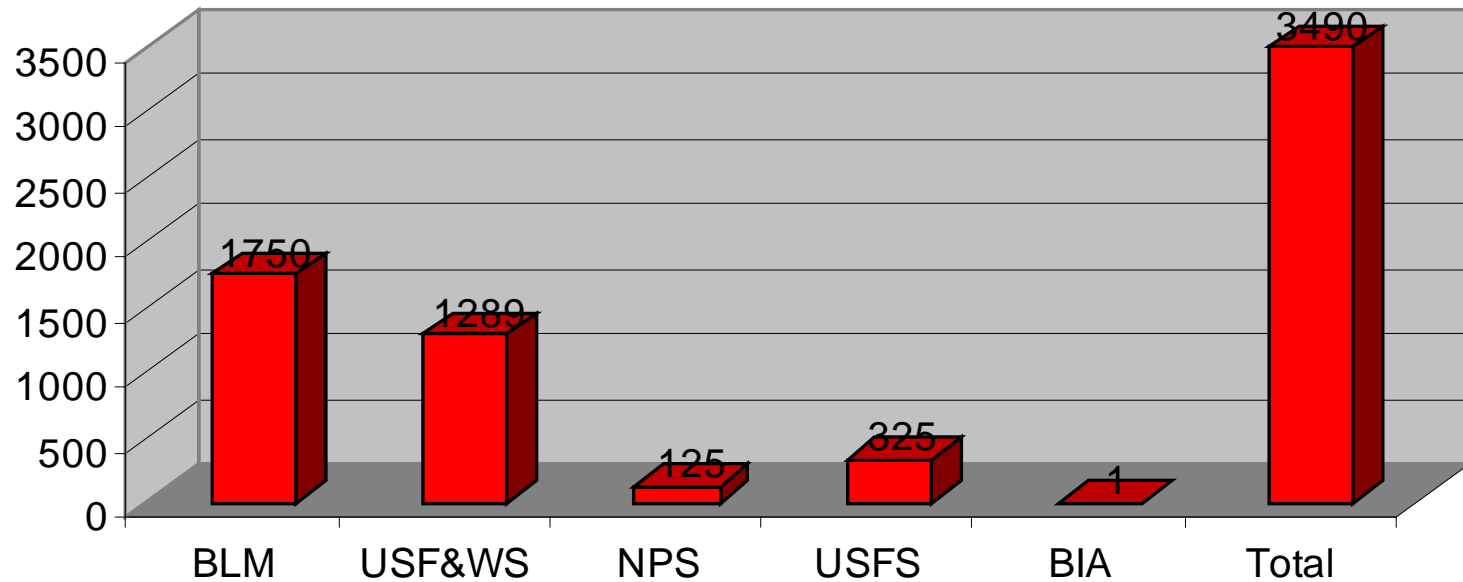
Copper River

**State owned Public Land**  
(Tentative approval (TA) or patent)

**Federal Public Land**

**Primary Purpose:**  
Access to Public Lands and Major Waterways  
and Between Communities

## Sec. 17(b) Easement Numbers



- Includes non-public use easements reserved only for utility purposes and the government.
- Approximately 1,500 of the easements are individual trails and roads. The majority of the roads and trails are classified as existing.
- Approximately 300 of these access state lands, but only one easement is currently administered by AKDOT-PF
- Approximately 10% of the easements are/were signed.

## Submerged Lands-Statehood Compact January 3, 1959:

- Title to unreserved public lands beneath navigable waters at the time of statehood instantly reverted to the State.
- Water bodies are navigable in fact when they are used, or susceptible to be used, in the ordinary condition, as highways for commerce, over which travel and trade are or may be conducted in the customary modes of trade and travel on water.
- Secretary of Interior makes the final administrative determination, but federal courts are the final decision makers.
- Recordable Disclaimer of Interest document is a very cost effective administrative tool, equivalent to bringing Quiet Title Action to a summary judgment in federal court.

## RS 2477 Mining Act of 1886:

- Federal Land Policy Management Act ( October 21 1976) repealed RS 2477, but preserved all valid RS 2477 existing as of the date of appeal.
- Ability to accept RS 2477 in Alaska Likely ended on December 14, 1968 when all lands were withdrawn by PLO 4582.
- Federal government does not acknowledge RS 2477 until recognized by a federal court of competent jurisdiction
- BLM is precluded from using RDI process on RS 2477s by WO Policy .





THANK YOU





[http://web.ak.blm.gov/ak\\_progs.html](http://web.ak.blm.gov/ak_progs.html)

<http://web.ak.blm.gov/landdocs.html>

- Easements Online
- MTP's Online
- Conveyance Documents Online
- Surveys Online

