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.
9. Intent has been interpreted by the courts


8. Reserves easements across Native corporation land for ACCESS to public lands or major waterways.

Easements are to be minimal and non-duplicative.
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.

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.)
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.

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.
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.

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.
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
Easement Identification Numbers (EIN) Sponsor Codes

**EASEMENT NUMBER**

3

**SPONSOR CODE**

D1

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<tr>
<th>EASEMENT SPONSOR CODE</th>
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<tr>
<td>B Department of Defense</td>
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<td>C Department of Interior:</td>
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<tr>
<td>C1 Bureau of Outdoor Recreation</td>
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<td>C2 National Park Service</td>
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<tr>
<td>C3 Bureau of Mines</td>
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<td>M Village Corporation</td>
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<td>N Regional Corporation</td>
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February 26, 2016

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**Section 17(b) easement general information**

17(b) easements are rights reserved to and from communities, airports, docks, marinas, seaports, marinas, railroads, public roads, and government facilities. Use 43 Code of Federal Regulation (CFR) 2455.3-7 for a complete listing of the types of public easements.

**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 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 your house. 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, marinas, seaports, marinas, railroads, public roads, and government facilities. Use 43 Code of Federal Regulation (CFR) 2455.3-7 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. 1653(b) and 43 Code of Federal Regulation (CFR) 2455.3-7.

3 Publicly-owned land means all Federal, State, or municipal real estate, streets, or interests in submerged lands as defined by the Submerged Lands Act. The definition of public lands also includes lands selected by, but not unclaimed by, a federal corporation.

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February 26, 2016

No hunting, fishing, or trapping is allowed, unless you obtain a permit from the landowner for this purpose.

Can I hunt, fish or trap on or from a 17(b) easement?

No, hunting, fishing, or trapping is allowed, unless you obtain a permit from the landowner for this purpose.


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

General Legal Authorities & Agreements

17(b) easement General Information

What can I do on a 17(b) easement?

More Information

General Information

Select 17(b) easement

U.S. DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT
Yes, but only if the BLM can determine that no objections exist. When the BLM or the easement manager determines that an objection is no longer necessary, the BLM must provide public notice that the easement is prepared for termination and request comments from the public. After reviewing the comments and determining that the easement is no longer necessary, the BLM issues a notice terminating the easement. The BLM performs the public notice when the decision is final by issuing a notice of intent.
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 "ANTSAC" (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 owner. 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, dogmals, 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.

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

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

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.

17(b) Transfer of Administration
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.

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.

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.
21. Defendant and those being directed by him, fail and refuse to recognize the ownership and administrative authority of Plaintiff, fail and refuse to provide notice, fail and refuse to comply with land planning requirements, fail and refuse to restrict activities to the confines of the federal § 17(b) easements and the requirements of federal law all of which are contrary to the intend and purpose of ANCSA and the basic land ownership rights of Plaintiff.

April 2, 2008 ~ Ahtna v. Von Scheben
RS-2477 vs. ANCSA 17(b)

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.
"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

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.