

Department of the Interior

Departmental Manual

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Series: Public Lands

Part 601: Federal Areas Within States

Chapter 4: Administration of ANCSA 17(b) Easements

Originating Office: Bureau of Land Management

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4.1 Purpose. This chapter sets out procedures for the administration of easements under the Department of the Interior jurisdiction that have been reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act, (43 U.S.C. 1616(b)). Easements serving lands under other Federal agency administration shall be the responsibility of that agency.

4.2 Policy. An easement reserved pursuant to Section 17(b) of the Alaska Native Claims Settlement Act shall be administered by the Interior bureau whose land is accessed by the easement. Site easements which are a necessary and integral part of the access easement shall also be administered by the bureau whose land is accessed by the linear easement. Where that easement accesses or is a part of the access to a conservation system unit, that easement shall become part of that unit and be administered accordingly. When an easement accesses non-Federal lands, the easement shall be administered by the Bureau of Land Management. If an easement connects two conservation system units managed by two different bureaus, the bureau with the larger conservation system unit shall administer the access easement. If the easement connects a conservation system unit with other public lands then the bureau managing the conservation system unit shall administer the easement. Any segment of an easement crossing lands within the exterior boundary of a conservation system unit shall be administered by the bureau managing the conservation system unit in consultation with any other bureau or agency managing the remainder of the easement outside of the conservation system unit. Each bureau is authorized to negotiate with other Federal agencies, the State of Alaska, an Alaska borough or municipal government to transfer the administration of a specific easement, if authorized by law.

4.3 Administration Procedures.

A. The Alaska State Director, Bureau of Land Management, shall notify the appropriate bureau or Federal agency when an easement accessing a conservation system unit or Federal property has been reserved in a conveyance document to Native corporation. Where that easement is external to the boundary of a conservation system unit, that easement shall be made part of that unit by authority in Section 103(b) of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3103). The notice shall include the easement identification number, Federal unit accessed, the servient landowner's name and mailing address, the size, length and acreage of the easement, authorized uses and a map depicting the easement.

B. Each Alaska Regional Director or State Director shall maintain necessary maps or other appropriate reference materials which display the location of, and authorized uses for each easement under its administration. This information shall be available in the bureau's office which has direct administration of the lands which are accessed by the easement. The Alaska State Office, Bureau of Land Management, shall also maintain records of all easements. Each bureau is responsible for making necessary supplemental use information available to the Bureau of Land Management.

C. Each bureau has the right to remove and use vegetal materials and common varieties of soil, sand, gravel, and stone within the easement, at no cost, to the extent necessary for the development or management of the particular easement, except as limited by specific negotiated agreements with the servient owner(s). Vegetal materials and common varieties of soil, sand, gravel, and stone not necessary for the development or management of the particular easement remain the property of the servient owner. However, nothing in this manual gives or shall be considered to give an easement user the right to appropriate vegetal or mineral materials.

D. Any use authorization granted for an activity on publicly owned land may include the necessary authorization for the appropriate use of the accessing public easements. The authorization shall not allow uses which are not provided for in the easement reservation. If authorization is required to construct and use a reserved easement, the administering bureau may grant such authority.

E. When funds are available, the bureaus may contract with private entities, including, but not limited to, Native corporations to perform functions which may be needed as part of the administration of the easement, including, but not limited to, the installation of signs, construction and maintenance of trails and sites and litter control.

F. Prior to on-the-ground activities such as locating, marking or developing an easement by an administering bureau, the servient owner(s) should be consulted.

G. The physical location of an easement may be adjusted to rectify a usability problem, or to accommodate the servient owner's development of the land and shall be made only after the bureau and the servient owner agree to the adjustment. Such adjustments shall be reduced to writing and recorded.

H. An easement is a property interest which may be exchanged. An easement may be exchanged if an acceptable alternate easement or benefit is offered by the servient landowner(s).

4.4 Transfer of Administration. Administration of an easement may be transferred to the State of Alaska, an Alaska Borough or municipal government if the Secretary determines that it is in the best interest of the United States or public and is otherwise authorized by law.

A. Each bureau may, under appropriate authority, negotiate the transfer of its administration of any easement to any appropriate unit of Federal or State government. Upon successful transfer, the bureau transferring administration shall notify the BLM State Director of the action and provide BLM with a signed copy of the agreement. The transferring bureau shall

continue to maintain a record of the easement and make the information available to the public.

B. Prior to transferring administration of an easement to the State of Alaska, a borough or municipal government, the bureau shall make the transfer document available to the servient owner(s) for inspection and comment for a period of not less than 30 days prior to execution of the transfer. All comments submitted by the servient owner(s) should be considered prior to the final transfer.

C. When a bureau determines that an easement is no longer necessary for the purpose for which it is reserved, the Regional Director of that bureau shall request that the BLM State Director either assume administration of the easement or initiate proceedings to relinquish the easement to the servient land owner. The request shall be supported with documentation that:

- (1) An alternate easement has been offered by the landowner; or
- (2) Termination is required by law.

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