

## Easements—

# Secretary signs

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A Secretarial order to establish policy, guidelines and procedures for reserving local public easements in the State of Alaska pursuant to section 17 (b) of the Alaska Native Settlement Act (ANCSA), was signed by the Secretary of the Interior Thomas S. Kleppe, on February 5, 1976.

The Order also delegates to the State Director of the Bureau of Land Management (BLM), Alaska the authority of the Secretary of the Interior to determine which local public easements are necessary and to reserve such easements for public use.

The Secretarial Order deals with public needs for right-of-ways across lands being conveyed to natives for access, transportation, communication, utilities, and recreation.

When granting easements, the State Director must consider public needs, the effect on easement may have on Native lifestyles and subsistence needs, possible environmental effects, and other factors.

Determination of easements to be reserved will be made after review of the recommendations of the Federal-State Land Use Planning Commission, other Federal Agencies, the State, the Natives, and the general public.

Consideration will be given to requests for easement reservations which are submitted to the BLM accompanied by written justification.

Specific easements to be reserved are, roads and trails, marine coastline, recreational rivers and streams, campsites, and beaching sites.

A series of situations in which easements should be reserved according to the policies described in this order are access, marine coastline, recreational rivers and streams, beaching sites, lakes, utility, communication, weather, aircraft, landing sites, space, and agreements.

The right to hunt will not be reserved on any lands conveyed

in accordance to ANCSA. However, the availability of hunting on Federal or State lands will be a factor to be considered in reserving other easements that will be listed later.

A selection application may be processed at any time so that conveyance can be made at the earliest times for those portions having no conflict.

The actions of the State Director under this delegation shall be subject to supervision and review by the BLM director.

The Alaska Native Claims Board (ANCAB) will review decisions pursuant to sections 17(b)(3) of ANCSA only to determine whether the decision to reserve was arbitrary or capricious.

Where no appeal has been filed on decisions to convey or where ANCAB has rendered its decision on an appeal, the BLM State Director may issue the conveyance.