

Denies Corridors Are for Land Exchange: BLM

Replying to questions raised by Nunam Kitlutsisti, Curtis McVeigh, Alaska Area Director, BLM reported that "any or all reservations which will be included in the patent must be included in the interim conveyance."

McVeigh declared that only easements and reservations described during the interim conveyance issuance would be held against the village's lands. The question arose concerning trade-offs in later time for identified easements for other Native lands.

David Friday, Chairman of Nunam Kitlutsisti, identified the problem due to Government's declaration that the Secretary could identify easements for the interim conveyance that are not needed, and could be used for future trade-offs when oil and other non-renewable resource location and potential were better identified. "We are concerned that the Secretary could use Section 17(b) 3 as an excuse for an unjustified land grab of Native lands, and then barter with Native land owners for other locations on their land when mineral location and transportation routes are better identified."

McVeigh cited 43 CFR 2650.0-5 as the guiding regulation, and stated that although the Government may terminate easements under certain conditions, "there is no provision to add additional easements or to change the description of an easement once the conveyance is issued."

McVeigh also added that the establishment of an easement for the purpose of transportation of non-renewable resources was not an open agreement for construction of public highways.

"The reservation of this easement (for utility corridors across Native lands) does not authorize construction of the pipeline."

A separate right of way permit must be obtained from BLM, and in this permit would be the conditions of construction and maintenance, including over-land roads to support the pipeline.