

PUBLIC ACCESS

Members of the public, in pursuing settlement entries in the Slana blocks, need to be aware that gaining legal access to their entries is their responsibility. With the passage of the Federal Land Policy and Management Act in 1976, older statutes allowing creation of automatic public access based on use have been repealed. At present there are four situations requiring action by an entryman to gain legal access.

A. Access across vacant public lands

In order to gain legal access across public land, an entryman must apply for and be granted right-of-way under the Federal Land Policy and Management Act by BLM. In certain situations where a road already exists, BLM may permit access as casual use but this will not give the entryman firm legal access, only a right-of-way grant can do that. Casual use does, however, allow the entryman to cross the public lands to initially establish his claim and will suffice until a right-of-way is granted.

B. Access across public lands covered by prior State and Native Corporation applications

Gaining legal access across State and Native Corporation selected lands requires filing for a right-of-way in the same fashion as for vacant public lands. In this case, however, the applicant needs to contact the State, Village and/or Regional Corporations involved for their comments or views prior to granting a right-of-way. Since the land is still under BLM's jurisdiction until title is transferred, it is responsible for granting such rights-of-way and may do so even if the Corporation does not concur if the action is found to be in the public interest. This requires State Director approval. Crossing such selected lands under casual use for initial entry still applies.

C. Access across lands already conveyed to private interest such as an individual, a Native Corporation or the State of Alaska

In this instance, the entryman must negotiate right of access across private lands with the owner of those lands. BLM will play no role in this process.

D. Access across public lands already claimed by a previously filed entry

Until proven otherwise through formal contest procedures, an existing entryman is considered to have a right to title which prevents BLM from taking any actions such as granting a right-of-way across his/her entry. Access across such entry will have to be negotiated between the two entrymen in the same fashion as for private lands. If an entry with such an agreement on it does not go to patent, the lands involved will return to BLM's jurisdiction at which time the second entryman, still needing legal access, would have to file for a right-of-way.

NOTE: Right-of-way applications must be submitted on Bureau Form SF-299 and be accompanied by the proper filing fee (\$50 per mile or fraction thereof for less than five miles, and \$500 for five to twenty miles).