

HIGHWAY EASEMENT DEED

THIS DEED, made this 25th day of October, 19 78.

by and between the UNITED STATES OF AMERICA, acting by and through the DEPARTMENT OF TRANSPORTATION, FEDERAL HIGHWAY ADMINISTRATION, hereinafter referred to as the DEPARTMENT, and the State of Alaska; Department of Transportation and Public Facilities; hereinafter referred to as the GRANTEE:

## WITNESSETH:

WHEREAS, the GRANTEE has filed application under the provisions of the Act of Congress of August 27, 1958, as amended (23 U.S.C. 317) for the right-of-way of a highway over certain land owned by the United States in the State of Alaska which is under the jurisdiction of the Department of Agriculture, United States Forest Service; and,

WHEREAS, this transfer is further authorized under the provisions of the Act of Congress approved October 15, 1966 [80 Stat. 931, 937, Section 6(a)(1)(A)]; and,

WHEREAS, the Regional Federal Highway Administrator, pursuant to delegations of authority from the Secretary of Transportation, has determined that an easement over the land covered by the application is reasonably necessary for a right-of-way for the existing Alaska Federal Aid Primary Highway, Route FAP-31; "Seward Highway"; and

WHEREAS, the Department of Agriculture, acting by and through the Forest Service, has agreed to the transfer by the DEPARTMENT of an easement over the land to the GRANTEE:

NOW THEREFORE, the DEPARTMENT, as authorized by law, does hereby grant to the GRANTEE an easement for a right-of-way for the construction, operation, and maintenance of a highway, and use of the space above and below the established grade line of the highway pavement for highway purposes on, over, across, in and upon the following described lands of the United States within the Chugack National Forest, State of Alaska:

SURVEYED

BOOK 48

158

RANGE 1 West Township 1 North Sections 13 and 14 Seward Meridian

UNSURVEYED

<u>RANGE</u>	<u>TOWNSHIP</u>	<u>SECTION(S)</u>	<u>MERIDIAN</u>
1 W	1 N	1, 12	SEWARD
1 W	2 N	24, 25, 36	SEWARD
1 E	2 N	6, 7, 18, 19	SEWARD
1 E	3 N	6, 7, 18, 19, 31	SEWARD
1 W	2 N	24, 25, 36	SEWARD
1 E	4 N	31	SEWARD
1 W	4 N	1, 12, 13, 24, 25, 36	SEWARD
1 W	5 N	7, 17, 18, 20, 21, 22	SEWARD
2 W	5 N	2, 11, 12	SEWARD
2 W	6 N	13, 24, 25, 26, 35	SEWARD
1 W	6 N	5, 6, 7, 18	SEWARD
1 W	7 N	4, 9, 16, 17, 20 29, 32	SEWARD
1 W	8 N	14, 15, 21, 22, 23, 25, 26, 28, 33, 36	SEWARD
1 E	7 N	3, 4, 5, 6	SEWARD
1 E	8 N	12, 13, 14, 23, 26, 27, 31, 34	SEWARD
2 E	8 N	5, 6, 7	SEWARD
2 E	9 N	26, 27, 28, 32, 33, 35, 36	SEWARD

and as shown on the following described plats:

Right-of-Way map, Alaska Project FAP81, "Seward Highway, 15 sheets marked "EXHIBIT A" attached hereto and made a part hereof, subject, however, to the following terms, conditions and covenants:

- (1) Outstanding valid claims, if any, existing on the date of this grant, and the GRANTEE shall obtain such permission as may be necessary on account of any such claims.

(2) The GRANTEE and the Regional Forester shall make determinations as to the necessity for archaeological and paleontological reconnaissance and salvage within the right-of-way, and such reconnaissance and salvage to the extent determined necessary because of construction of the highway facility is to be undertaken by the GRANTEE in compliance with the Act entitled "An Act for the preservation of American antiquities" approved June 8, 1906 (34 Stat. 225, 16 USC 432-433), and State laws where applicable.

(3) Unless the GRANTEE and Regional Forester stipulate as to a shorter time, the easement herein granted shall terminate ten (10) years from the date of the execution of this deed by the United States of America in the event construction of a highway on the right-of-way is not started during such ten year period.

(4) The easement herein granted is limited to use of the described right-of-way and the space above and below the established grade line of the highway pavement for the purposes of construction, operation and maintenance of a highway in accordance with the approved plans described in the condition numbered (5) and does not include the grant of any rights for non-highway purposes or facilities:

Provided, That the right of the Forest Service to use or authorize the use of any portion of the right-of-way for non-highway purposes shall not be exercised when such use would be inconsistent with the provisions of Title 23 of the United States Code and of the Federal Highway Administration Regulations issued pursuant thereto to would interfere with the free flow of traffic or impair the full use and safety of the highway, and in any case the GRANTEE and the Federal Highway Administration shall be consulted prior to the exercise of such rights: And Provided, Further that nothing herein shall preclude the Forest Service from locating National Forest and other Department of Agriculture information signs on the portions of the right-of-way outside of construction clearing limits.

(5) Consistent with highway safety standards, the GRANTEE

shall:

- (a) Protect and preserve soil and vegetative cover and scenic and esthetic values on the right-of-way outside of construction limits.
  - (b) Provide for the prevention and control of soil erosion within the right-of-way and adjacent lands that might be affected by the construction, operation or maintenance of the highway, and shall vegetate and keep vegetated with suitable species, all earth cut or fill slopes feasible for revegetation, or other areas on which ground cover is destroyed where it is deemed necessary during a joint review between the Regional Forester and the GRANTEE, shall maintain all terracing, waterbars, lead-off ditches, or other preventive works that may be required to accomplish this objective. This provision shall also apply to slopes that are reshaped following slides which occur during or after construction.
- (6) The GRANTEE shall establish no borrow, sand, or gravel pits, stone quarry, or permanent storage areas, sites for highway operation and maintenance facilities, camps, supply depots or disposal areas within the right-of-way, unless shown on approved construction plans, without first obtaining approval of the Regional Forester.
- (7) The GRANTEE shall maintain the right-of-way clearing limits by means of chemicals only after specific written approval has been given by the Regional Forester. Application for such approval must be in writing and specify the time, method, chemicals, and the exact portion of the right-of-way to be chemically treated.

(8) The GRANTEE, in consideration of the grant of this easement, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns that:

(a) No person shall, on the grounds of race, color, sex, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination with regard to any facility located wholly or in part on, over or under such lands hereby conveyed;

(b) The GRANTEE shall use said easement and right-of-way so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally assisted programs of the Department of Transportation, effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

(9) When need for the easement herein granted shall no longer exist, the Grantee shall give notice of that fact to the Secretary of Transportation and the rights herein granted shall terminate and the land shall immediately revert to the full control of the Department of Agriculture.

IN WITNESS WHEREOF, I, Robert B. Rutledge,  
Regional Counsel, pursuant to delegations of authority from the Secretary of Transportation, the Federal Highway Administrator, the Regional Federal Highway Administrator, and Chief Counsel, Federal Highway Administration, by virtue of authority in me vested by law, have hereunto subscribed my name as of the day and year first above written.

UNITED STATES OF AMERICA

DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION

By Robert B. Rutledge  
Robert B. Rutledge  
Regional Counsel

STATE OF OREGON           )  
                                  )  
COUNTY OF MULTNOMAH   )

I, J. J. Amundson, a Notary Public in and for the State of Oregon, do hereby certify that on this the 25th day of October, 19 78, before me personally appeared Robert B. Regional Counsel, Federal Highway Administration, and acknowledged that the foregoing instrument bearing date of Oct. 25, 19 78, was executed by him in his official capacity and by authority in him vested by law, for the purposes and intents in said instrument described and set forth, and acknowledged the same to be his free act and deed as Regional Counsel, Federal Highway Administration.

Witness my hand and seal this 25th day of October, 19 78.

J. J. Amundson  
Notary Public

My Commission expires Aug. 14, 1980.

In compliance with the conditions set forth in the foregoing deed, the State of Alaska, Department of Transportation and Public Facilities; certifies, and by the acceptance of this deed, accepts the right-of-way over certain lands herein described and agrees for itself, its successors and assigns forever to abide by the conditions set forth in said deed.

By Donald Harris

STATE OF ALASKA )  
 )  
 )  
CITY AND BOROUGH OF JUNEAU )

I, LINDA J. HARTENBERGER, Notary Public in and for said Borough and State, hereby certify that Donald Harris whose name is signed to the foregoing conveyances and who is known to me, acknowledged before me on this day that, being informed of the conveyance, he in his capacity as Commissioner DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES executed the same voluntarily on this day.

Given under my hand and seal of office this 25<sup>th</sup> day of October, 1978.

Linda J. Hartenberger  
Notary Public

(SEAL)  
My Commission Expires May 1, 1979  
My Commission Expires \_\_\_\_\_.

# STATE OF ALASKA DEPARTMENT OF HIGHWAYS

RIGHT OF WAY MAP  
ALASKA PROJECT  
FAP 31

SEWARD HIGHWAY

## ENGINEER'S STATEMENT

JACK M. SPATE  
STATES THAT HE IS BY OCCUPATION A CIVIL ENGINEER EMPLOYED BY THE ALASKA DEPARTMENT OF HIGHWAYS TO SUPERVISE THE TRANSFER OF RIGHT OF WAY FOR FAP ROUTE 31. AS SHOWN ON THIS MAP, THAT THIS IS AN EXISTING HIGHWAY, AND THAT ITS LOCATION IS ACCURATELY SHOWN UPON THIS MAP.

END OF PROJECT  
STA 516+03.27

BEGIN OF PROJECT  
STA 210+00.00

CHUGACH

FOREST

## APPLICANT'S CERTIFICATE

JACK M. SPATE  
THIS IS TO CERTIFY THAT THE PERSON WHO SUBMITTED THE STATEMENT HEREON IS THE PERSON WHO OBTAINED THE RIGHT OF WAY FOR THE PROJECT DESCRIBED HEREON. THE PREPARATION OF THIS MAP WHICH HAS BEEN ADOPTED BY THE APPLICANT AS THE APPROXIMATE FINAL LOCATION OF THE PROJECT THEREBY SHOWN, AND THAT THIS MAP IS FILED AS A PART OF THE COMPLETE APPLICATION, AND IN ORDER THAT THE APPLICANT MAY OBTAIN THE BENEFITS OF THE ACT OF AUGUST 21, 1958, 172 STAT. 96, 23 USC 3171, AND I FURTHER CERTIFY THAT THE RIGHT OF WAY HEREIN DESCRIBED IS DESIRED FOR ALASKA HIGHWAY PROJECT NUMBER F.A.P. ROUTE 31.

COMMISSIONER OF HIGHWAYS, ALASKA DEPARTMENT OF HIGHWAYS

ARTIST

State of Alaska  
Department of Transportation  
Civil Engineering Section  
Juneau, Alaska 99802

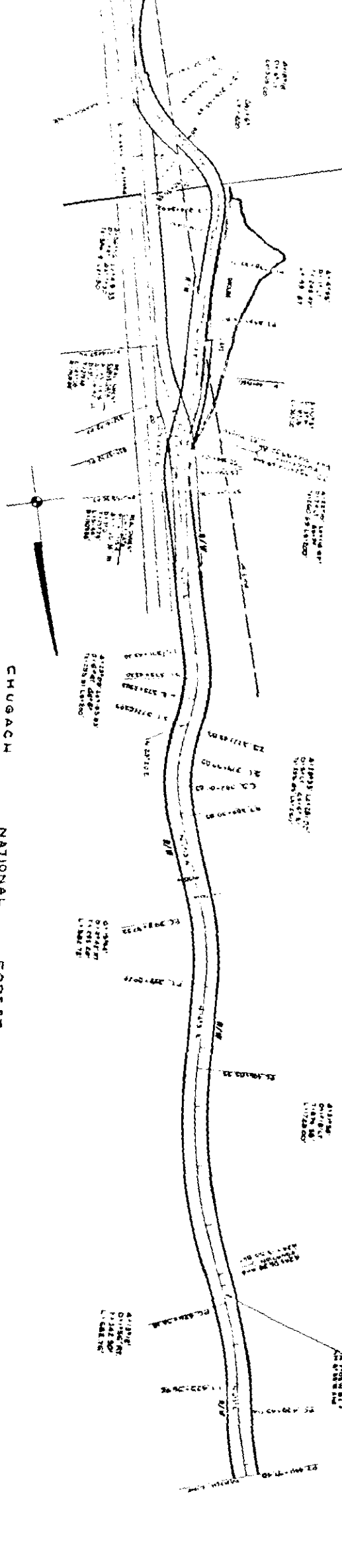
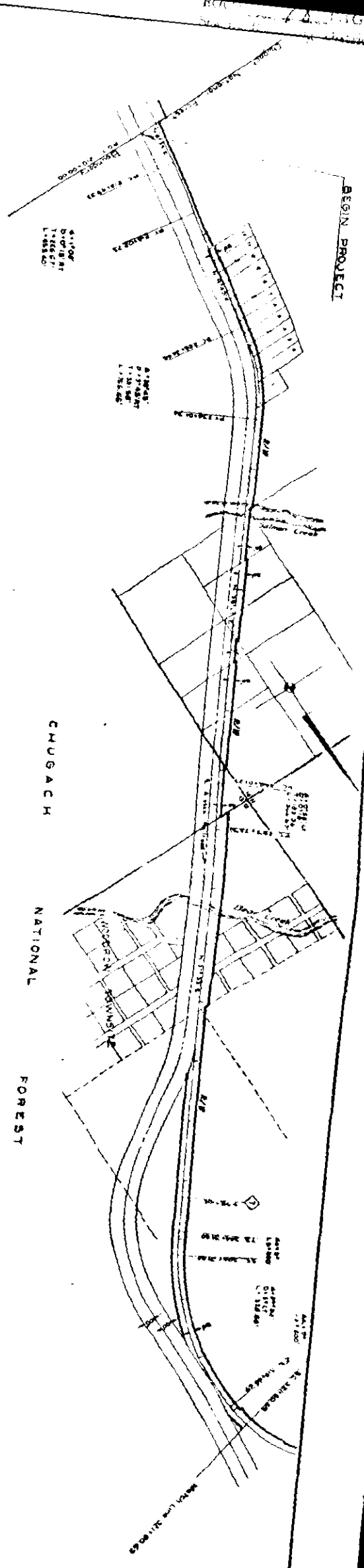
SCALE

PROJECT LENGTH 69.772 MI

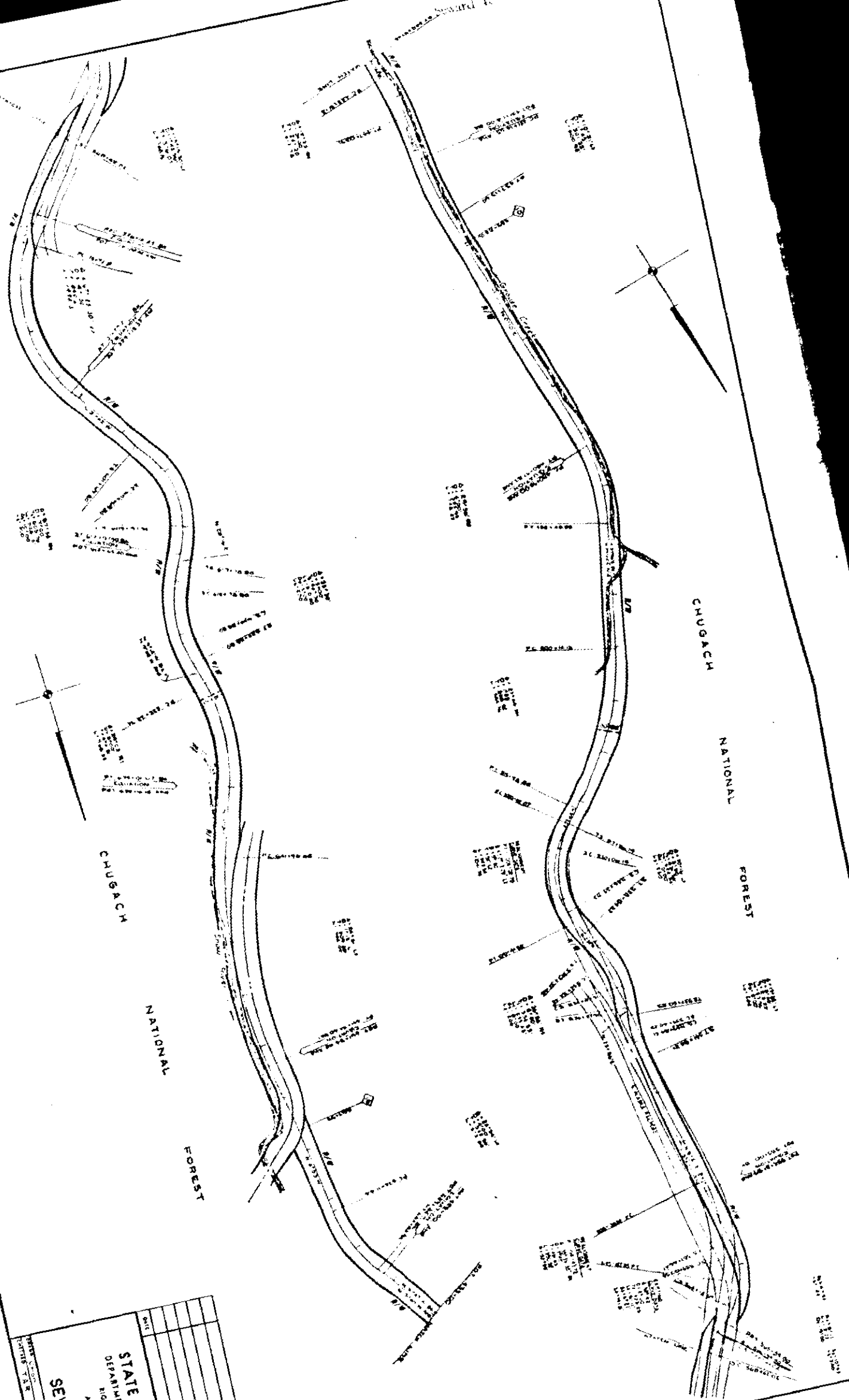
PROJECT NO. FAP 31

PACIFIC OCEAN

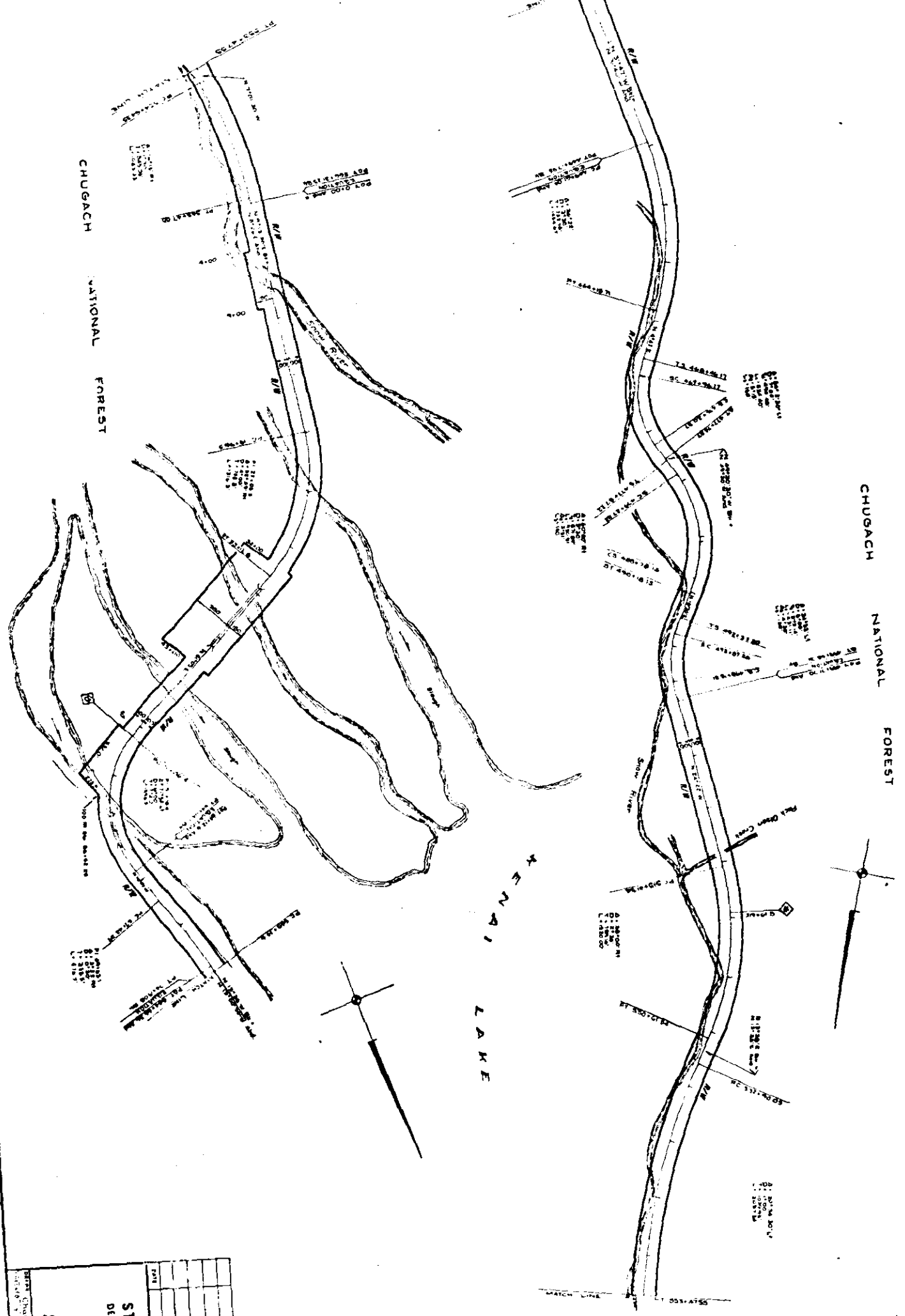




STATE OF ALASKA	
DEPARTMENT OF HIGHWAYS	
RIGHT OF WAY MAP	
ALASKA PROJECT NO.	
Seward Highway	
Map No.	
Scale	
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Drawn by	
Checked by	
Approved by	

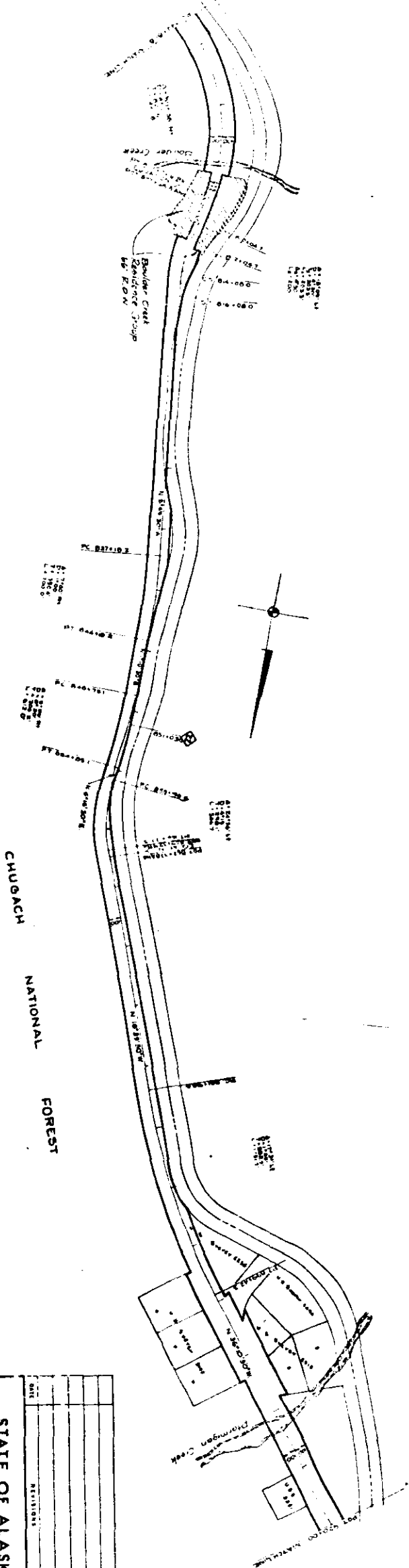


STATE OF ALASKA	
DEPARTMENT OF HIGHWAYS	
RIGHT OF WAY MAP	
ALASKA PROJECT	
F.A.R. 31	
SEWARD HIGHWAY	
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CHUGACH RIVER	
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STATE OF ALASKA DEPARTMENT OF HIGHWAYS RIGHT OF WAY MAP ALASKA PROJECT NO. FAR 31	
DATE	1950
BY	ALASKA PROJECT NO.
REVISIONS	
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**SEWARD HIGHWAY**



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STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS

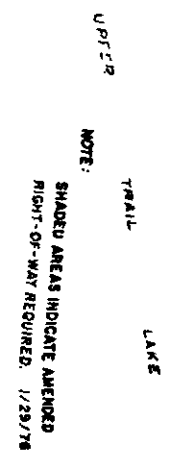
RIGHT OF WAY MAP  
ALASKA PROJECT NO  
7-2-31

SEWARD HIGHWAY

1900	1901	1902	1903	1904	1905	1906	1907	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308</
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STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP  
ALASKA PROJECT NO.  
FAP 51  
SEWARD HIGHWAY

[illegible]

CHUGACH NATIONAL FOREST

W.F.S. NO. 140  
WILLIAM W. ESTES

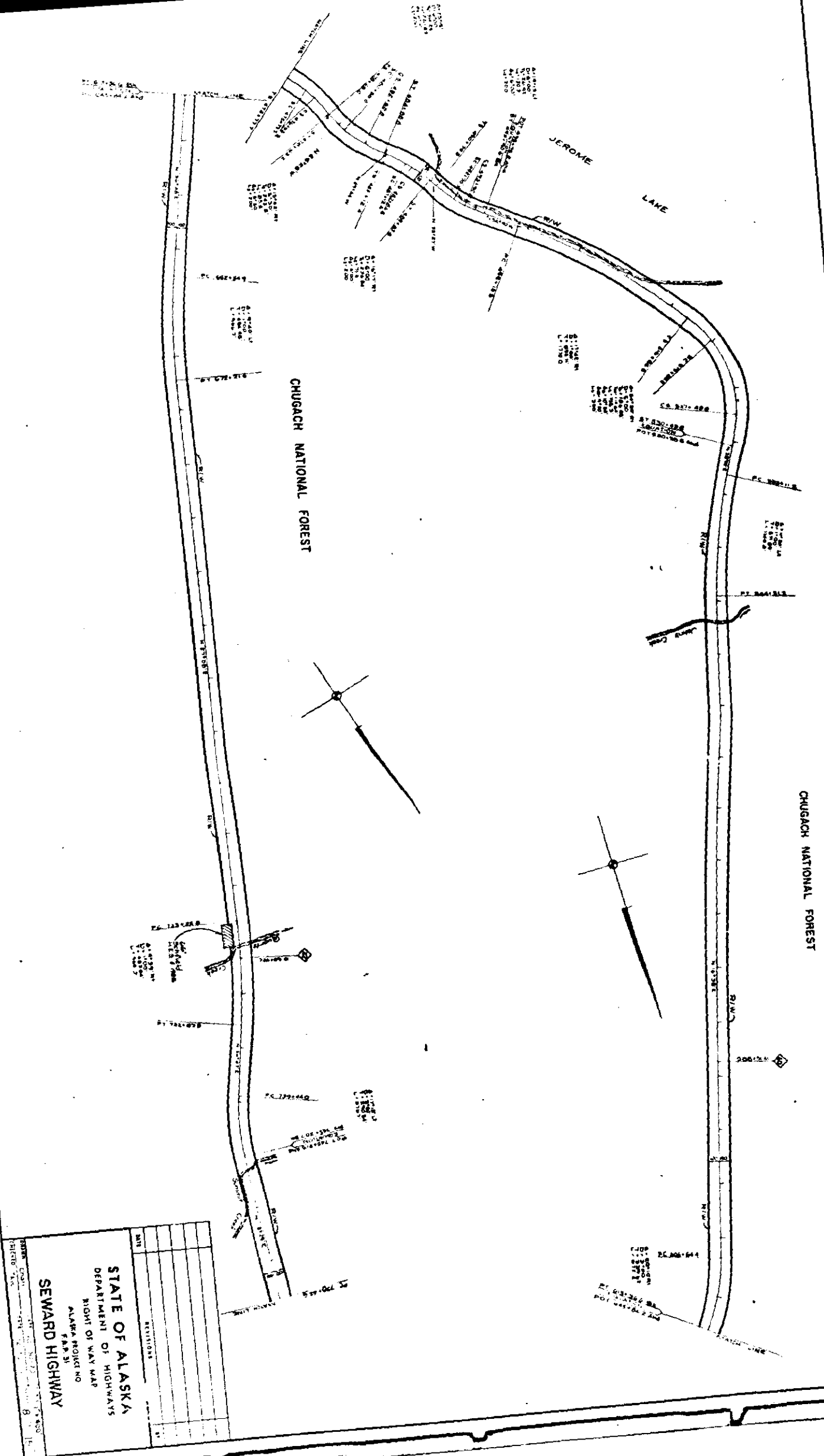
SEWARD HIGHWAY

ALASKA PROJECT NO

ALASKA PROJECT  
FAP 31

FAP 31

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CONFIDENTIAL	TAM	EY	2-29-0	7-1-59





Colorado	Creek
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LOWER SUMMIT LAKE

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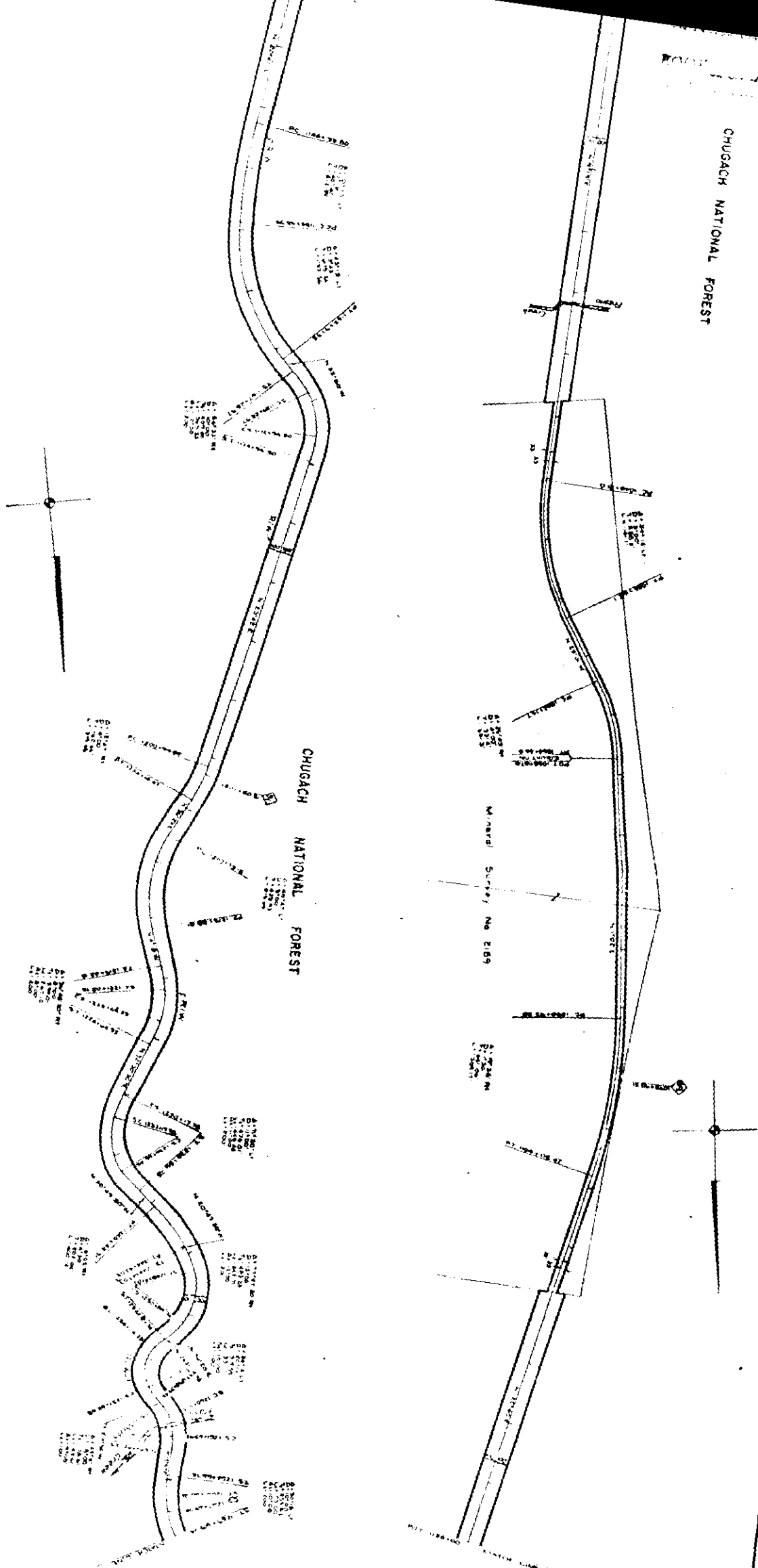
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STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP  
ALASKA PROJECT INC  
FAP-31  
SEWARD HIGHWAY

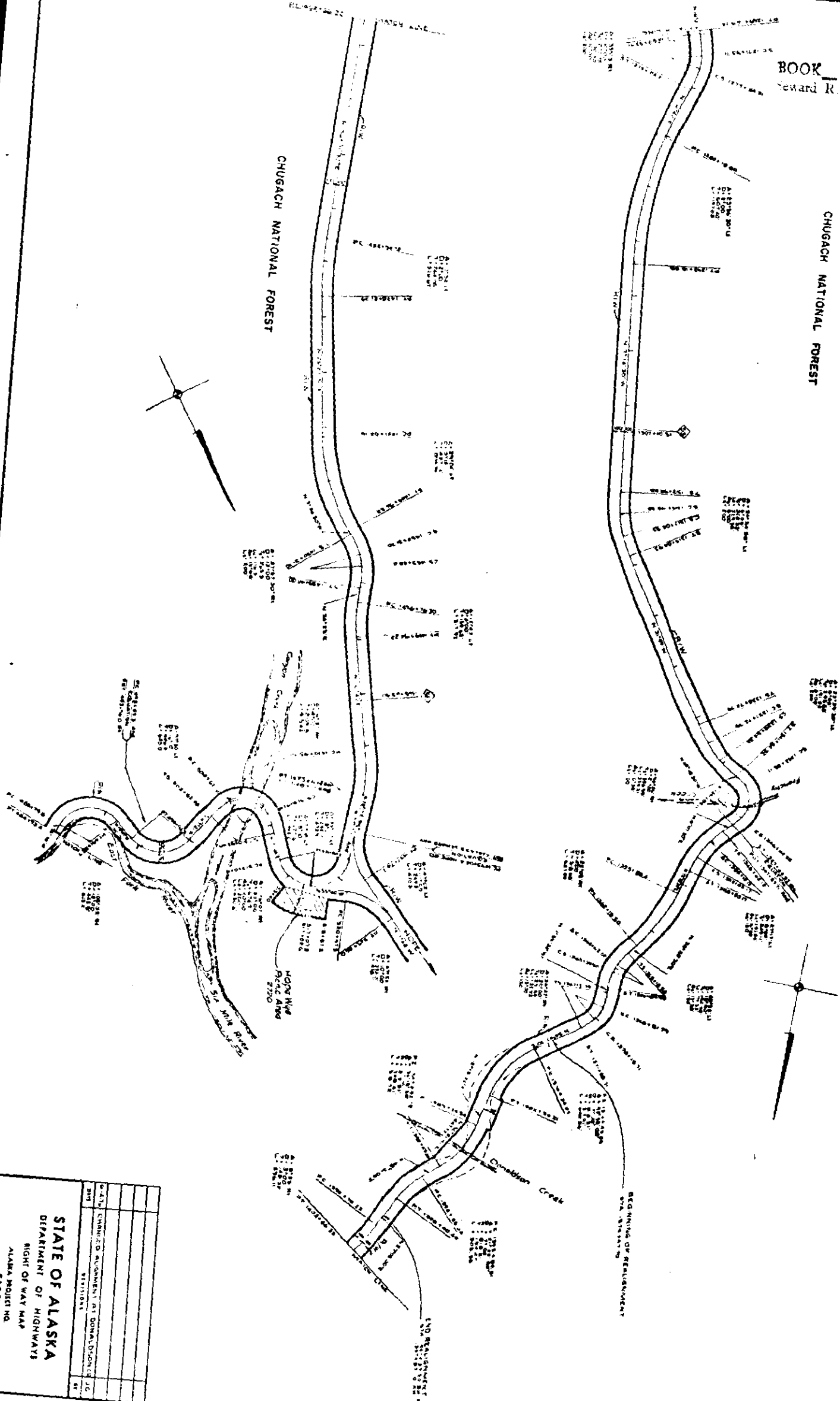
CHUGACH NATIONAL FOREST



STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP  
ALASKA PROJECT NO. 248-31  
SEWARD HIGHWAY

CHUGACH NATIONAL FOREST

CHUGACH NATIONAL FOREST



STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
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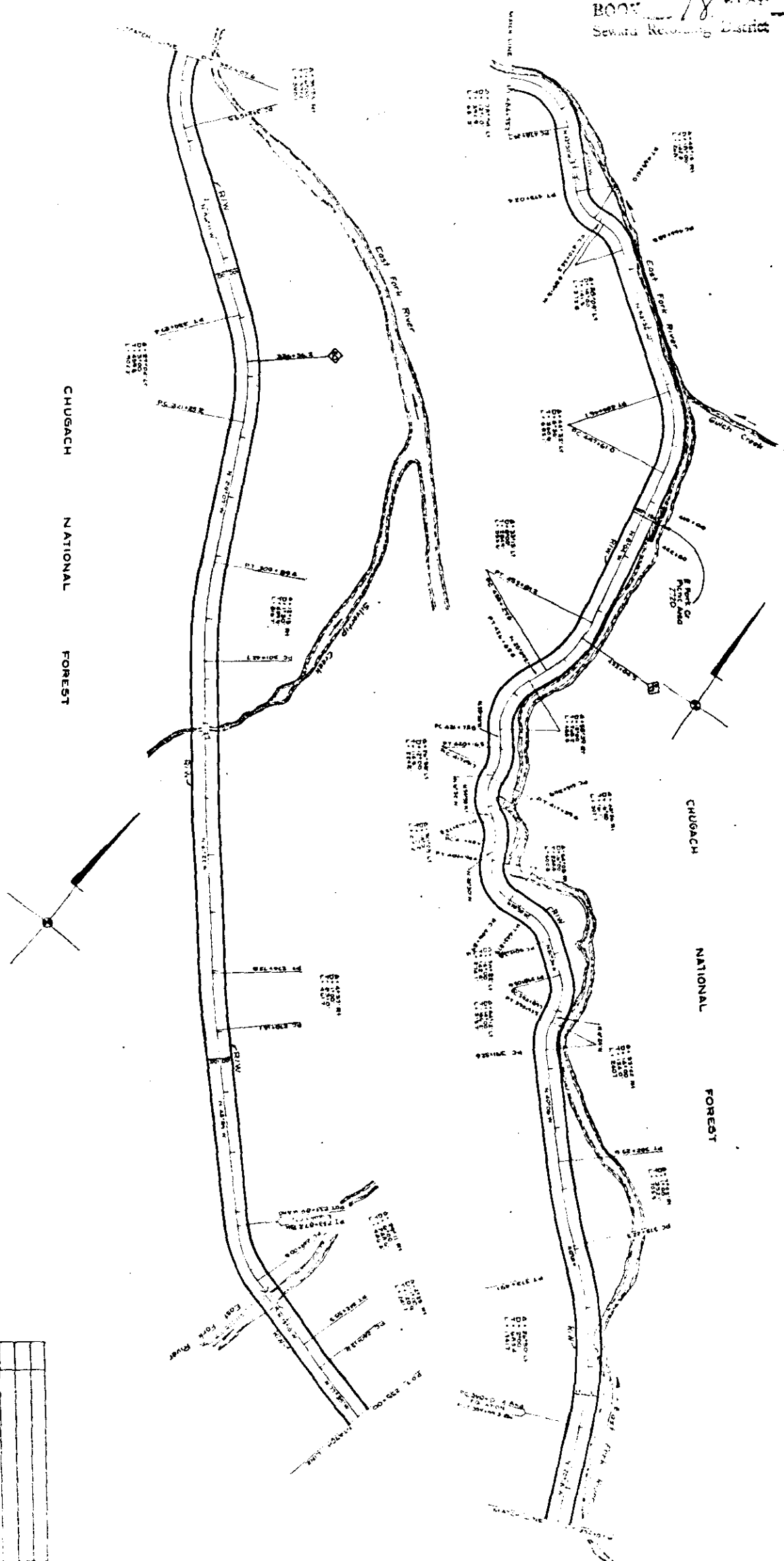
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CHUGACH NATIONAL FOREST

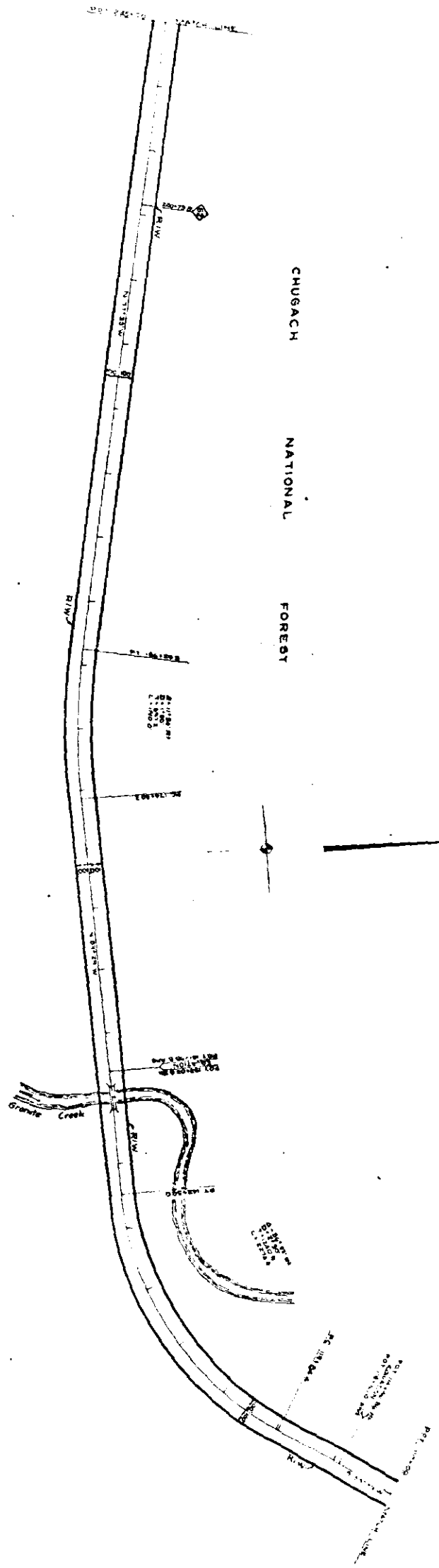
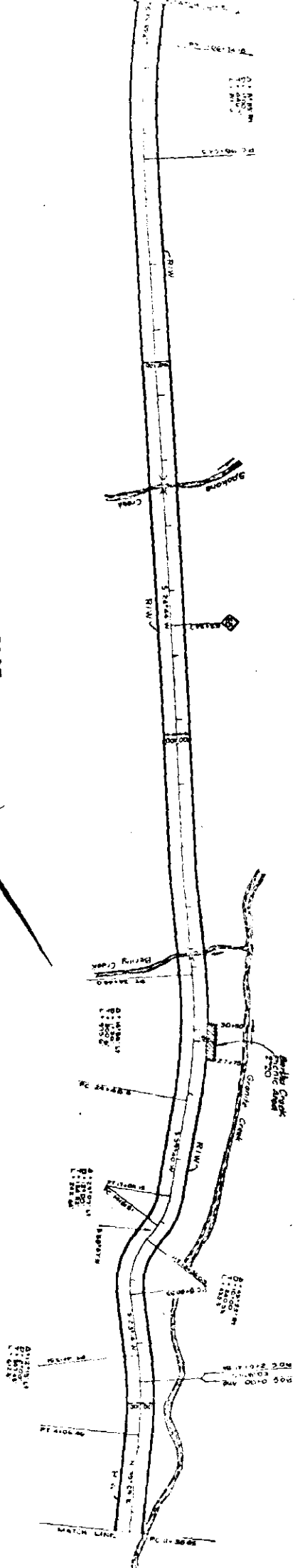
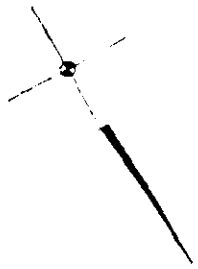
CHUGACH NATIONAL FOREST

DATE	REVISION

STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP  
ALASKA PROJECT NO.  
FAP 51  
SEWARD HIGHWAY

CHUGACH NATIONAL FOREST

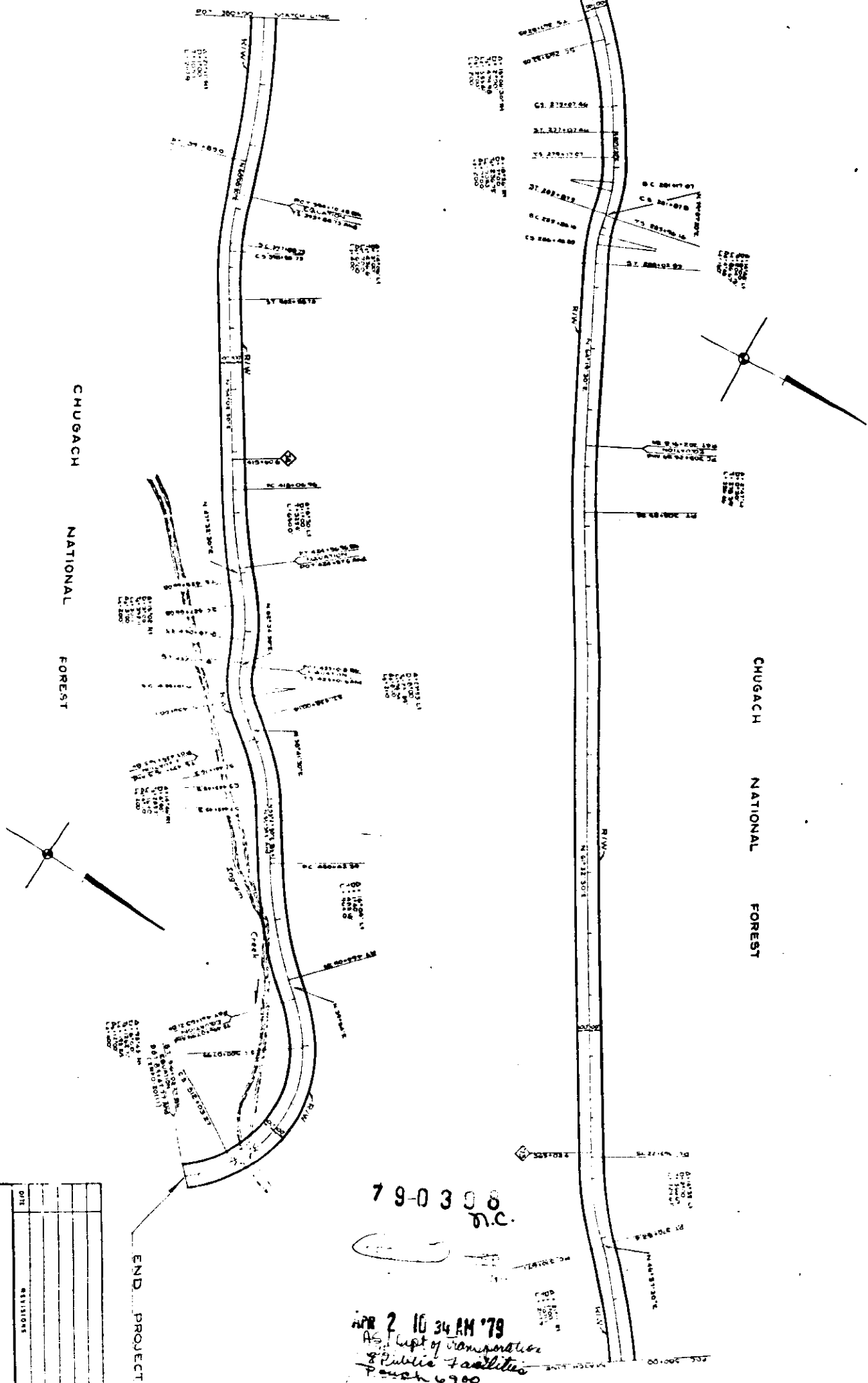
CHUGACH NATIONAL FOREST



DATE	REVISIONS

STATE OF ALASKA  
DEPARTMENT OF HIGHWAYS  
RIGHT OF WAY MAP  
ALASKA PROJECT NO.  
FAP-31  
SEWARD HIGHWAY





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D.C.

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As. Capt of Transportation  
8 Public Facilities  
Pouch 6900  
anch. a 649202


# STATE OF ALASKA

## DEPARTMENT OF HIGHWAYS

RIGHT OF WAY MAP  
ALASKA PROJECT NO.  
**P-8709**

# Seward Highway

DIST.	COUNTY	TOWNSHIP	RANGE	SECTION	REVISIONS	BY