



ASO 2800-1
Rev. May 70

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Fairbanks District Office
P.O. Box 1150
Fairbanks, Alaska 99707

IN REPLY REFER TO:
2800 (220)
F-19207

FEB 2 1973

BOOK 19 PAGE 126
Bethel Recording District

DECISION

RIGHT-OF-WAY GRANTED

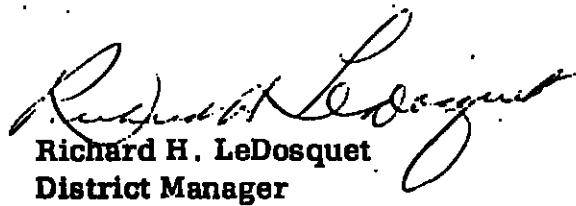
Details of Grant

Serial number of grant	F-19207
Name of grantee	State of Alaska Department of Highways
Map showing the location and dimensions of grant:	
Map designations	Project EMP-RS-0215(1) Quinhagak Village to Airport
Date filed	7-14-72
Permitted use by grantee	Highway Right-of-Way
Authority for grant	Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317)
Regulations applicable to grant:	
Code reference	43 CFR 2800 through 2802.5 and 2821 43 CFR 17
Date of grant	FEB 2 1973
Expiration date of grant	N/A
Rental:	
Amount	N/A
When payable by grantee	N/A

Terms and Conditions of Grant

Pursuant to the authority vested in the undersigned by Order No. 701 of the Director, Bureau of Land Management, dated July 23, 1964 (29 FR 10526), as amended, a right-of-way, the details of which are shown above, is hereby granted for the public lands involved 1/, subject to the following terms and conditions:

1. All valid rights existing on the date of the grant.
2. All regulations in 43 CFR 2800 as more specifically set forth in the attached terms and conditions.
3. Filing of proof of construction within 7 years from date of the grant.
4. Attached Special Stipulations which are made a part hereof by reference.
5. Special Stipulations A which are attached and are made a part hereof by reference.


Richard H. LeDosquet
District Manager

cc:
Dept. of Highways
Right-of-Way Section
P.O. Box 8869
Anchorage, Alaska 99508

Department of Highways
Right-of-Way Section
P.O. Box 589
Douglas, Alaska

Department of Transportation
Federal Highway Administration
P.O. Box 1648
Juneau, Alaska 99801

DM, A (102)

Enclosures
Encl. 1 - Map
Encl. 2 - Stipulations
Encl. 3 - ASO 2800-2
Encl. 4 - ASO 2800-4

1/ For the purpose of this grant, public domain lands include those reserved or withdrawn for specific purposes, entered, selected, occupied and/or settled, and leased.

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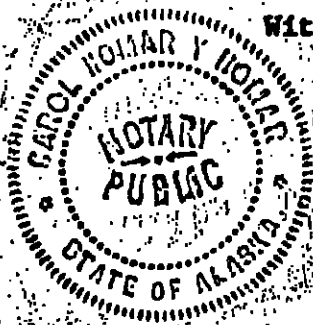
ACKNOWLEDGEMENT

**STATE OF ALASKA
THIRD/FOURTH JUDICIAL DISTRICT**

I, Carol S. Homar y Homar, a Notary Public in and for the
said Third/Fourth Judicial District and State, do hereby certify that
on this the 2nd day of February, 1973, before me personally
appeared Richard H. LeDosquet, being to me personally well
known and known by me to be the Manager, Fairbanks District Office
, Bureau of Land Management, and acknow-
ledged that the foregoing instrument bearing date of February 2, 1973
was executed by him in his capacity and by authority vested in him by
law, for the purpose and intents in said instrument described and set
forth, and acknowledge the same to be his free act and deed as
Manager, Fairbanks District, Bureau of Land Management.

Witness my hand and seal this 2nd day of January, 1973.

Carol Thomas y Thomas
(Notary Public)



(SEAL)

My commission expires May 8, 1976.

**Special Stipulations
Attachment A**

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1. The grantee shall exercise due caution so as not to destroy or damage vertebrate fossils, historic or prehistoric ruins or artifacts. In the event that objects of historic or scientific interest, or antiquities are discovered on the land, they will be left intact and immediately brought to the attention of the Anchorage District Manager of the Bureau of Land Management.
2. This grant does not authorize the removal of road building material from outside the right-of-way boundary or public land. Authority to acquire material from public land for the purpose of constructing the subject roadway must be obtained via separate permit or sales contract and approved extraction mining plan.
3. Vegetative disturbance is to be limited to that area needed for roadbed preparation. No surface disturbance will be allowed outside the right-of-way boundaries.
4. Disturbed areas along the roadway shall be stabilized to minimize erosion.
5. No unsightly litter or debris piles will be allowed to remain on the site. All waste and litter must be removed. It may be burned, but the remainder must be buried or scattered along the right-of-way site so as to minimize unsightliness and to serve as a mulch on the disturbed areas.
6. The roadbed will be constructed in a manner to allow proper drainage and to eliminate any chance of water impoundment.

A. Definitions

As used herein, the following terms have the following meanings:

"Authorized Officer" means the District Manager, Bureau of Land Management having jurisdiction over the permit area, or the person designated or delegated to act in his stead with respect to the subject matter of this permit.

"Permittee" means each and every governmental agency, individual, person or company, including partnerships, corporations, joint ventures, associations, or any other business firms engaged in, or which shall become engaged in, the use of the permit area, together with their employees, agents, contractors and subcontractors, and the employees of each of them.

"Permit" means the grant, license, lease, permit, or other permission by the United States to the Permittee for the use of public lands and resources.

"Permit area" means the specific area involved in the permit together with all structures, facilities, roads, and appurtenances related thereto or used in connection therewith whether located on or off public lands.

B. General

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1. Acknowledgements of Permittee

Permittee, by accepting this permit and commencing activities pursuant thereto, acknowledges each of the following:

- a. That, except where the approval of the Authorized Officer is required before Permittee may commence a particular operation, neither the United States nor any of its agents or employees agrees to or is in any way obligated to examine or review any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer pursuant hereto;
- b. That the absence of any comment by the Authorized Officer or any other employee of the United States with respect to any plan, design, specification, or other document which may be filed by Permittee with the Authorized Officer does not represent in any way whatever any assent to, approval of, or concurrence in such plan, design, specification, or other document or of any action proposed therein;
- c. That this permit, and the rights and privileges granted thereby, is subject to all valid existing rights in and to the land which is the subject of this permit, and that the United States makes no representations or warranties whatever, either express or implied, as to the existence, number, or nature of such valid existing rights;
- d. That Permittee shall have available during construction and for use of the permit area a representative capable of exercising authority in order to assure compliance with the requirements of the Authorized Officer.

2. Authorized Officer

The Authorized Officer, and such representatives of interested Federal agencies as he may designate, may inspect the exploration, construction, operation, or any other activities of Permittee at any time.

For purposes of information and review, the Authorized Officer at any time may call upon Permittee to furnish any or all data related to pre-construction, construction, or operation activities undertaken in connection with the permit and its related facilities. Permittee shall furnish the requested data as promptly as possible, or as otherwise required under the terms of this permit or other applicable permits.

In the event the Authorized Officer determines in his absolute discretion that Permittee has failed or refused to comply with the provisions of this permit, or any other permit issued in connection with this permit, the Authorized Officer, by written order, may suspend or terminate any or all of Permittee's activities. Permittee shall not resume such suspended or terminated activities until given written authorization to do so by the Authorized Officer.

All decisions, orders, and determinations of the Authorized Officer, unless otherwise indicated by him in writing, shall be appealable to the Alaska State Director, Bureau of Land Management and from there in accordance with 43 CFR 1842. During the pendency of any such appeal, the Authorized Officer's decision, order, or determination shall not be suspended, but shall remain in full force and effect until final disposition of the appeal.

3. Changes in Conditions

Unforeseen conditions arising during construction and operation in accordance with the permit may make it necessary to revise or amend these stipulations. In that event, Permittee and the Authorized Officer shall agree as to what revisions or amendments shall be made. If they are unable to agree, the Secretary of the Interior, through the Director and Alaska State Director, Bureau of Land Management, shall have final authority to determine the matter.

4. Equal Opportunity

By accepting this permit, Permittee agrees that during the period of construction, operation on permit area, or for so long as this permit shall be in effect, whichever is the longest:

- a. Permittee will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. Permittee will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Permittee agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Authorized Officer setting forth the provisions of this equal opportunity clause.

- b. Permittee will, in all solicitations or advertisements for employees placed by or on behalf of Permittee, state that all qualified applicants will receive consideration for employment without regard to race, religion, sex, color, or national origin.
- c. Permittee will send to each labor union or representative of workers with which Permittee has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Authorized Officer, advising the labor union or workers' representative of Permittee's commitments under this equal opportunity clause and shall post copies of the notice in conspicuous places available to employees and applicants for employment.
- d. Permittee will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and the rules, regulations, and relevant orders of the Secretary of Labor.
- e. Permittee will furnish all information and reports required by Executive Order No. 11246 of September 24, 1965, as amended, and by the rules, regulations, and orders of the Secretary of Labor, issued pursuant thereto, and will permit access to Permittee's books, records, and accounts, by the Authorized Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.
- f. In the event of Permittee's noncompliance with the equal opportunity clause of this permit or with any of such rules, regulations, or orders, this permit may be cancelled, terminated or suspended in whole or in part and Permittee may be declared ineligible for further Federal government contracts or permits in accordance with procedures authorized in Executive Order No. 11246 of September 24, 1965, as amended, and such other sanctions may be imposed and remedies involved as provided in Executive Order No. 11246 of September 24, 1965, as amended, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

- g. Permittee will include the provisions of paragraphs a. through g. of this equal opportunity clause in every contract, subcontract, or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 204 of Executive Order No. 11246 of September 24, 1965, as amended, so that such provisions will be binding upon each contractor, subcontractor or vendor. Permittee will take such action with respect to any contract, subcontract, or purchase order as the Authorized Officer may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided however, that in the event Permittee becomes involved in, or is threatened with, litigation with a contractor, subcontractor, or vendor as a result of such direction by the Authorized Officer, Permittee may request the United States to enter into such litigation to protect the interests of the United States.

5. Liabilities and Responsibilities of Permittee

- a. Any structure, property, or land harmed or damaged by or during the construction, operation, or maintenance of the permit area shall be reconstructed, repaired, rehabilitated, and restored, as may be necessary, by Permittee as soon as practicable, so that the condition thereof, in the judgment of the Authorized Officer, is at least equal to the condition thereof immediately prior to such damage or destruction. Permittee further shall abate as soon as practicable any condition existing with respect to the permit area or its related facilities, or with respect to the construction, operation, or maintenance thereof, which may be causing harm or damage to any person, structure, property, land, stream, or wildlife.
- b. Permittee shall be liable to the United States for any damage suffered or cost or expense incurred by the United States in any way arising from or connected with any operation under this permit whenever such damage, cost, or expenses result from any breach of the permit or from any wrongful or negligent act of Permittee. Immediately upon written notice by the Authorized Officer of the nature and amount of such damage to or cost or expense of the United States, Permittee shall reimburse the United States therefor.

- c. Permittee further shall indemnify and hold harmless the United States against and from any and all demands, claims, or liabilities of every nature whatsoever, arising directly or indirectly from or in any way connected with any or all of the following: 1) The construction, operation or maintenance of the permit area or of any facility, structure, or road used in connection therewith, whether or not located on Federally-owned land; and 2) The use or occupancy, whether authorized or not, by any person whomsoever of any land owned by the United States which is the subject of any permit or right granted to Permittee; provided however, that the provisions of this paragraph c. shall not be deemed to apply to injuries or damages to the extent caused by employees of the United States acting within the scope of their authority.

6. Public Improvements

Existing telephone, telegram, and transmission lines, fences, ditches, roads, trails, and other improvements shall be protected in all phases of Permittee's construction operations under this permit. Damage to utilities and improvements shall be promptly repaired to a condition which is at least as good as the condition just prior to such damage.

All roads and trails needed for fire protection shall be kept free of logs, slash, and debris.

Construction activities will not be allowed within one-half mile of all designated recreation sites (campgrounds, waysides, parks) unless authorized in writing by the Authorized Officer.

7. Federal, State, and Local Laws and Regulations

Permittee shall comply with all applicable Federal, State, and local laws and regulations thereunder, existing or hereafter enacted or promulgated, affecting in any manner, construction, operation or maintenance of the permit area or any road constructed in connection therewith.

8. Survey Monuments

In surveyed area, Permittee shall mark and protect all survey monument within or near the permit area against destruction, obliteration, or damage during the life of this permit. If any monuments, corners, or accessories are destroyed, obliterated, or damaged, Permittee shall hire a registered land surveyor to reestablish or restore at the same location the monuments, corners, or accessories using surveying procedures in accordance with the "Manual of Instructions for the Survey of Public Lands of the United States, 1947 Ed.," and shall record such survey in the appropriate records. Additional requirements for the protection of monuments, corners, and bearing trees may be prescribed by the Authorized Officer.

9. Environmental Briefing

Prior to and during construction activities, Permittee shall provide for environmental and other pertinent briefings of construction and other personnel by such Federal employees as may be designated by the Authorized Officer. Such briefings shall include fire prevention and suppression training for all construction personnel. Permittee shall arrange the time, place, and attendance for such briefings upon request by the Authorized Officer. Permittee shall bear all costs of such briefings other than salary, per diem, subsistence, and travel costs of Federal employees.

10. Construction Schedule

Prior to commencement of construction, Permittee shall submit a schedule of its construction activities. This schedule shall be in such detail as may be required by the Authorized Officer. During the course of construction, this schedule shall be updated and resubmitted when major changes occur or at the request of the Authorized Officer.

11. Excavations

In excavation operations, Permittee shall use construction methods that will provide maximum protection to animals and human beings.

12. Termination of Use

Upon revocation or termination of the permit or abandonment of any section of the permit area, Permittee shall remove all improvements and restore the land to the satisfaction of the Authorized Officer. Such removal and restoration shall be accomplished within 60 days from the date of revocation, termination, or abandonment, or within 60 days of the time weather and ground conditions permit access to the permit area.

C. Regulation of Public Access

After construction is completed, Permittee shall permit free and unrestricted public access to and upon the permit area for all lawful and proper purposes except areas designated as restricted by Permittee with the consent of the Authorized Officer.

During construction, Permittee may regulate public access and vehicular traffic as required to facilitate operations and to protect the public and wildlife from hazards associated with the permit. For this purpose, Permittee shall provide warnings, flagmen, barricades, and other safety measures as necessary.

During construction, Permittee shall provide alternate routes for existing roads and trails as determined by the Authorized Officer, whether or not these roads or trails are recorded.

D. Pollution Abatement

1. Pesticides and Herbicides

The use of pesticides and herbicides is limited to non-persistent and immobile types. An approved list of pesticides and herbicides, together with application constraints may be obtained from the Authorized Officer.

2. Water Pollution

Permittee shall conduct its activities in a manner to prevent pollution of land and water, thereby protecting aquatic and terrestrial life.

Toxic material or sediments shall not be released in any lake or water drainage in such concentrations as would exceed acceptable water standards. Every effort shall be made to protect water bodies from damage by erosion and unnatural drainage conditions. Criteria for compliance will be the "Alaska State Plan-Water Quality Standards for Interstate Waters within the State of Alaska," as revised.

Unless waived by the Authorized Officer, dikes or cofferdams shall be installed to separate work areas from lakes or streams during construction.

Mobile ground equipment shall be kept out of the waters of lakes, streams, or rivers except for necessary crossings within the permit area limits.

E. Erosion Control

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1. General

The design of the permit area, roads, and associated structures shall include specifications for the construction of erosion control and drainage features that will minimize the concentration of water and thereby reduce erosive effects.

The erosion control measures such as water bars, contour furrows, water spreaders, diversion ditches, plugs, or other control measures shall be constructed to avoid induced and accelerated erosion and to lessen the possibility of forming new drainage channels resulting from construction activity on the permit area.

2. Stream Banks

Excavated cuts through stream banks shall have side slopes that will not erode or slide.

Where practicable, unless otherwise approved by the Authorized Officer, temporary access over stream banks shall be made through use of fill ramps rather than by excavating through stream banks. Permittee shall remove such ramps upon termination of seasonal use or abandonment.

3. Disturbed Areas

Permittee shall conduct all construction, operation, and maintenance activities with minimum disturbance to vegetation.

Disturbed areas shall be restored by Permittee as nearly as practicable to their original condition as follows:

- a. All disturbed area shall be left in a stabilized condition. Stabilization practices shall include, as determined by the needs of specific sites: seeding; planting; mulching; and the placement of mat binders, soil binders, rock or gravel blankets, or structures.
- b. Special attention shall be given to stream and river crossings so as to prevent erosion. Such measures shall not interfere with fish passage.

- c. Seeding and planting shall be conducted during the first growing season and shall be repeated if unsuccessful on the first attempt. All other restoration shall be completed as soon as possible.
- d. Unless other acceptable methods such as controlled burning or burial are approved by the Authorized Officer, all trees, snags, stumps, or other woody material, not having commercial or construction value, shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization, and the minimization of permafrost degradation.

4. Disturbance of Natural Waters

All construction activities of Permittee which may create new lakes, drain existing lakes, significantly divert natural drainages, permanently alter stream hydraulics, disturb significant areas of streambeds, or appreciably degrade water quality, shall be prohibited unless approved in advance by the Authorized Officer.

5. Areas of Unstable Soils

Areas having soils that are susceptible to slides and slumps, excessive settlement, severe erosion, and soil creep shall be avoided wherever possible. However, if these areas cannot be avoided, or are encountered unexpectedly, Permittee shall design its construction to insure maximum stability.

6. Off Area Traffic

Permittee's vehicles shall not be operated outside the boundaries of the permit area, access or other roads, except with the consent of the Authorized Officer or when necessary to protect life, limb, or public property.

F. Sanitation and Waste Disposal

All waste generated during construction and operation under the permit shall be removed or otherwise disposed of in a manner acceptable to the Authorized Officer. All applicable standards and guidelines of the Alaska State Department of Health and Welfare, the United States Public Health Service, and the Federal Water Pollution Control Administration shall be adhered to by Permittee. All incinerators shall meet the requirements of all applicable State and Federal laws and regulations and shall be used with maximum precautions to prevent forest and tundra fires. After incineration, material not consumed in the incinerator shall be disposed of in a manner approved in advance by the Authorized Officer.

Emissions from incinerators, pumps, motors, equipment, and installations and other burning material, must meet the air quality standards of the United States Public Health Service and the State of Alaska.

The term "waste" as used in this stipulation means all discarded matter, including but not limited to human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment. The best practicable portable or permanent waste disposal systems shall be used and shall be approved in advance by the Authorized Officer.

G. Aesthetics

Permittee shall consider aesthetic values in planning, construction, and operation of the permit area and its associated facilities and roads. All permanent structures shall be painted a color or colors that harmonize with their natural setting. The Authorized Officer may require such plans as he deems necessary to protect aesthetic values.

All portions of the existing road which are no longer in use as a result of this improvement work shall be obliterated and rehabilitated, including seeding if deemed necessary by the authorized officer.

II. Timber - Noncommercial Timber

Clearing and grubbing limits shall be along the outside of any cut or fill. Unless other methods, such as controlled burning or logging and burial, are agreed upon between Permittee and the Authorized Officer in the clearing plan as acceptable for a given area, all trees, snags, stumps, or other woody material not having value to Permittee shall be mechanically chipped and spread in a manner that will aid seeding establishment, soil stabilization, and the minimization of permafrost degradation. Permittee shall identify permit area clearing boundaries on-the-ground for each construction area prior to clearing operations.

All timber and other vegetative material outside the permit area clearing boundaries and all blazed, painted, or posted trees which are on or mark the clearing boundaries are reserved from cutting and removal with the exception of danger trees or snags designated as such by the Authorized Officer.

All trees, snags, or other woody material cut in connection with clearing operations shall be cut so that the resulting stumps shall not be higher than six inches measured from the ground on the uphill side.

All trees, snags, and other woody material cut in connection with clearing operations shall be felled into the permit area and away from live water courses.

In areas where heavy equipment would be detrimental under the existing conditions, standard hand clearing operations will be used.

Logs shall not be skidded or yarded across any stream without prior approval of the Authorized Officer.

All debris, such as logs, chunks, and tops resulting from clearing operations and construction which may block stream flow, delay fish migration, contribute to flood damage, or result in streambed scour or erosion shall be removed.

No log landing shall be located within two hundred feet of any live stream course.

Logs having a value to Permittee shall be neatly piled adjacent to the permit area clearing boundary if further use is contemplated by Permittee.

I. Wildlife

1. Hunting, Fishing, and Trapping

Permittee shall inform its employees, agents, contractors, sub-contractors, and their employees, of applicable laws and regulations relating to hunting, fishing, and trapping.

2. Seasonal Concentrations of Fish and Game

Key fish and wildlife areas may be closed to construction activities during periods of wild fowl nesting, migration, and spawning. The Authorized Officer shall provide Permittee written notice of closure.

J. Antiquities and Historical Sites

If in connection with any operation under this permit, Permittee excavates known or previously unknown archeological, paleontological, or historical sites, Permittee shall notify immediately the Authorized Officer and engage an archeologist who shall investigate and provide an on-the-ground opinion regarding the protection measures to be undertaken by Permittee. The Authorized Officer may suspend that portion of Permittee's operations necessary to preserve evidence pending investigation of the site by said archeologist or his representative.

Two copies of all excavation reports shall be filed with the Authorized Officer.

K. Fire Prevention

Permittee shall take all measures necessary or appropriate for the prevention and suppression of fires on the permit area and on other Federal lands. Permittee shall comply with all applicable laws and regulations, and with the instructions and directions of the Authorized Officer concerning the prevention and suppression of fires, including the furnishing of reasonable numbers of personnel and equipment to assist in fire suppression.

I. Civil Rights Act of 1964

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1. The grantee covenants and agrees that it will comply with the provision of Title VI of the Civil Rights Act of 1964, and that it will not, for the period during which the property conveyed by this instrument is used for the purposes designated in this grant, or for another purpose involving the provisions of similar services or benefits, engage in any discriminatory actions prohibited by 43 CFR 17.3, to the end that no person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under the program for which the grantee received Federal financial assistance by this grant. This assurance shall obligate the grantee, or in the case of transfer of the property granted herein, any transferee for the period of this grant.
2. The grantee further agrees that it will not transfer the property conveyed by this instrument for the purpose designated in the grant or for another purpose involving the provision of similar services or benefits, unless and until the transferee gives similar written assurance to the authorized officer, Bureau of Land Management, that it will comply with the provisions of paragraph 1 hereof.
3. The grantee agrees that the right is reserved to the Department of the Interior to declare the terms of this grant terminated in whole or in part and to revest in the United States full title to the property conveyed herein, in the event of a breach of the non-discrimination provisions contained in paragraph 1 hereof during the term of this right-of-way.
4. The grantee agrees that as long as the property conveyed hereby is used for the purpose designated in this grant or for another purpose involving the provision of similar services or benefits, the obligation to comply with the provisions of Title VI of the Civil Rights Act of 1964 shall constitute a covenant running with the land for the term of this grant.
5. The grantee agrees that in the event of a violation or failure to comply with the requirements imposed by paragraph 1, the United States may seek judicial enforcement of such requirements.
6. The grantee agrees that it will, upon request of the Secretary of the Interior or his delegate, post and maintain on the property conveyed by this document signs and posters bearing a legend concerning the applicability of Title VI of the Civil Rights Act of 1964 to the area or facility granted.

BETHEL 73-123
Serial No.

RECORDED - FILED	
Bethel	REC. DIST.
DATE	<u>2/27</u> 19 <u>73</u>
TIME	<u>9:00</u> <u>A.</u> M.
Requested by	<u>Dept. of Highways</u>
Address	<u>5760 Tudor Center</u>
	<u>Anchorage, Alaska</u>