

## **Seward Highway Land Exchange**

The Seward Highway Land Exchange effort is a result of plans to reconstruct and realign the Seward Highway from Girdwood towards Anchorage along a corridor between the waters of Turnagain Arm and the base of the Chugach Mountains. The highway realignment would necessarily impact the adjoining Alaska Railroad and the lands of the Chugach State Park.

More than 25 years ago, planning for the highway realignments led to a MOU between DOT&PF and DNR Parks (DPOR) in 1990 and an MOA in 2001 that also included the Alaska Railroad (ARRC). Legislation in 2000 permitted the Chugach State Park (CSP) to re-define its boundaries and for the ARRC to dispose of certain affected rights-of-way in anticipation of a land exchange between the parties that would result from the Seward Highway realignment.

Re-construction of the Seward Highway between MP 90 at Girdwood and MP 105 has been completed based on rights-of-entry issued by the DPOR and the ARRC. In order to proceed with the land exchange it would be necessary to map the new alignments for the highway and railroad centerlines and develop a 200-foot wide corridor for the Railroad and a 300-foot wide corridor for the highway based on the requirements of the 2001 MOA.

In 2013, DOT&PF hired R&M Consultants, Inc. to perform the ROW mapping and facilitate the land exchange. In October of 2014, initial meetings were held with DPOR and ARRC to discuss the mechanics of the land exchange and to identify any issues requiring resolution. The initial conception of the land exchange may have presumed that a square foot of land owned by any of the three parties would be of equal value and so exchanged on an equal basis. With the realigned ARRC and highway corridors retaining their original widths, the exchange was expected to be somewhat balanced. Any imbalance would be resolved through appraisal and compensation. The initial meeting revealed that the parties did not consider their respective land holdings to be of equal value, primarily due to title encumbrances. There were questions relating to the existence of section line easements over the CSP and ARRC properties, the ownership and transferability of tidelands, the nature of the highway interest and the disposition of utilities that had been permitted within the old highway right-of-way. Possibly of greater significance was the identification of Land and Water Conservation Fund (LWCF) grants that were accepted by DPOR and now encumber the entire Chugach State Park. These federal grants place a large burden on any party who seeks to convert park land to another non-recreational use. The conversion process is managed by the National Park Service (NPS) and may require appraisals and in-kind replacement of park lands used for the new highway and railroad corridors.

In December of 2014 and in conjunction with DPOR, meetings were held with NPS staff to discuss LWCF conversion issues and with DNR Assistant Attorney Generals regarding resolution of the title issues. Subsequently, the services of Sean Lynch, an AAG within the DOT&PF section were requested to provide legal guidance regarding the nature of the Seward highway interest and other land exchange issues.

Currently we are formulating a position and support for further discussions with ARRC and DPOR and expect to re-engage the parties my mid to late February in pursuit of a successful conclusion to the Seward Highway land exchange.