

MEMORANDUM OF UNDERSTANDING

between

Division of Parks and Outdoor Recreation  
Alaska Department of Natural Resources  
and

Division of Design and Construction  
Alaska Department of Transportation and Public Facilities

regarding

The easement for the Seward Highway through Chugach State Park  
and  
cooperative management of highway and recreational facilities

---

Introduction

The Seward Highway was constructed in 1951 by The federal Bureau of Public Roads on a right-of-way easement established by the federal government and later conveyed to the state. The highway right-of-way is managed by the Alaska Department of Transportation and Public Facilities (hereafter "DOT/PF"). The right-of-way for the Seward Highway is 150 feet each side of the centerline.

After statehood, the Department of Natural Resources (hereafter "DNR or DPOR") selected, under the provisions of the Statehood Act, most of the lands under and adjoining the highway right-of-way. In 1970 these lands became part of Chugach State Park (1 ch 76 SLA 1970, AS 41.21.121) subject to valid entries such as the highway right-of-way easement.

Since the original construction of the Seward Highway, the highway has been relocated or straightened on numerous occasions. It has been assumed by both parties to this MOU that the right-of-way easement has moved with relocation of the highway centerline.

Purpose of this MOU

It is the purpose of this MOU:

- 1) ~~to fix the location of the highway right-of-way easement from the park boundary near Potter Marsh to Bird Point based upon a centerline surveys for Highway Project No. HHS-F-031-2(44), Mile 111 to 115.2 and Project No. F-031-2(55), Bird Flats to Mile 111 which were completed by DOT/PF in 1981 and 1983;~~
- 2) to agree to the relocation of the Seward Highway right-of-way easement between Bird Point and the Park's southern boundary near

Girdwood from the present location to a tidewater location which generally parallels and overlays the Alaska Railroad right-of-way; and,

3) to encourage each party to cooperate in planning, design, construction and operation of their respective facilities along the highway corridor.

#### Authorities

The DOT/PF is authorized by AS 19.05.010 to construct and maintain the Seward Highway. AS 41.21.122 places responsibility for the repair and maintenance of all existing public roads with DOT/PF.

Under the provisions of AS 41.21.122 the DPOR/DNR is assigned the responsibility for control, development and maintenance of the state-owned lands and waters within the boundaries of Chugach State Park. Further, DPOR/DNR is responsible for highway access and the control of roadside structures. AS 41.21.020 (7) authorizes DPOR/DNR to cooperate with other state agencies for the effective supervision, improvement, extension, and maintenance of state parks.

#### DPOR agrees to:

~~1) define the Seward Highway right-of-way from Potter to Bird Point based upon the DOT/PF centerline surveys of 1981 and 1983;~~

2) if the DOT/PF project development process, public review, and DPOR's review of the project finally recommends relocating the Seward Highway to tidewater between Bird Point and Girdwood:

a) to define the highway right-of-way based upon a centerline survey of the reconstructed highway;

b) to permit DOT/PF access to the Old Seward Highway alignment between Bird Point and Girdwood for the purposes of clearing snow from avalanche catchment basins and DOT&PF will maintain the access to the catchment basins as necessary for maintenance and operation of the avalanche catchments;

3) cooperate with DOT/PF in matters of highway maintenance and operation to provide for a safe and efficient highway operation as well as optimize highway related scenic and recreational opportunities; and,

4) inform DOT/PF of plans for the development and operation of park facilities or programs which may affect highway operations as soon as practical.

DOT/PF agrees to:

- 1) define the Seward Highway right-of-way easement between Potter and Bird Point based upon the centerline surveys of 1981 and 1983;
- 2) if the Seward Highway between Bird Point and Girdwood is relocated to tidewater, to define the Seward Highway right-of-way easement based upon a centerline survey of the highway after construction;
- 3) cooperate with DPOR to construct and maintain highway turnouts and pullouts along the Seward Highway for the purposes of highway safety, recreation and scenic viewing;
- 4) recognize the scenic and recreational values of the Seward Highway corridor and Chugach State Park and, insofar as practical, develop and operate the Seward Highway in a manner compatible with these values; and develop turnout parking areas at Bird Point and other locations in conjunction with the Bird Point to Girdwood highway reconstruction project.

Public benefits of the agreement

- 1) Fixing the location of the road right-of-way easement to the present (and proposed Bird-Girdwood segment) centerline:
  - a. reduces uncertainty of a floating easement in the land record systems;
  - b. will reduce the Chugach State Park acreage that is encumbered by transportation easements because the new road is straighter and much of it overlaps the ARR right-of-way;
  - c. facilitates DOT/PF obtaining federal funds for the Bird to Girdwood reconstruction project.
- 2) Relocating the Bird to Girdwood section of road to tidewater will reduce; snow avalanche safety hazards for road and railroad travellers and maintenance costs for DOT/PF and the Alaska Railroad.
- 3) The old roadway between Bird Point and Girdwood will be converted into a park trail with periodic use as a service road for snow catchment clearing and servicing the local electric lines and the military fuel line.
- 4) Highway transportation, recreation and scenic uses of the Turnagain Arm are important public needs. This agreement, which fosters cooperation between the parties, will help to maximize these public needs through cooperative management.

Other terms

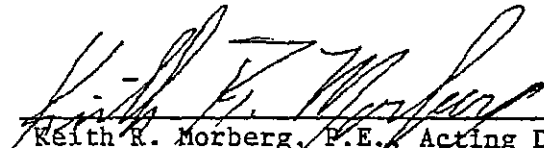
- 1) This agreement may be amended by the parties.
- 2) Nothing in this agreement is intended to conflict with any federal, state or local law or regulation.
- 3) This agreement shall remain in effect for twenty-five years and may be extended, by mutual agreement between the parties, for any length of time that is deemed appropriate.



Neil C. Johannsen  
Director  
Division of Parks and Outdoor Recreation

*Sor*  
8/7/90

date



Keith R. Morberg, P.E., Acting Director  
Design and Construction, Central Region  
Department of Transportation and Public Facilities

8/10/90

date