

**From:** John Bennett  
**To:** [REDACTED]  
**Subject:** Status of Seward Highway ROW through Chugach State Park  
**Date:** Friday, December 12, 2014 3:59:00 PM

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[REDACTED] the questions below are the key items to moving our long suffering "land exchange" along. I've provided a little history of the highway ROW and Chugach State Park interest and can get into more detail as you believe is necessary to develop your response. As we go back and forth I will likely refine or have additional questions. Also, I'm hoping I can see a draft before you send anything out in final as I occasionally find when I read a final that I have not stated my questions well or have done so incompletely. I believe you said that it would be after the first of the year before you can get started. I will continue to send additional items along that you might find helpful and once you do get started feel free to ask me to help fill in the blanks. JohnB

### **Seward Highway History**

The Seward Highway road project began in approximately 1918 according to Bureau of Public Roads (BPR) construction records. A set of as-builts dated June 1951 and titled "Seward-Anchorage Highway – Anchorage to Girdwood" indicate the alignment and grade of the highway as of that date.

Public Land Order (PLO) No. 601 dated August 10, 1949 withdrew public lands for highway purposes and classified the "Anchorage-Potter-Indian" road as a "Feeder" route with a reservation of 200-foot, 100-foot on each side of centerline, subject to valid existing rights and withdrawals for other purposes. Public Land Order No. 757 dated October 16, 1951 established a 300-foot wide highway withdrawal ("Through" road), 150-foot on each side of centerline for the "Seward-Anchorage Highway (exclusive of that part thereof within the boundaries of the Chugach National Forest)", also subject to valid existing rights. PLO 1613 dated April 7, 1958 converted "Through" classified roads including the Seward Highway from withdrawals to highway easements. The June 30, 1959 "Omnibus Act" Quitclaim Deed conveyed the interest held by the federal Department of Commerce to the State of Alaska for all highways under its jurisdiction including Federal Aid Primary Route No. 31, described as "From the port of Seward via Moose Pass, Portage, Girdwood and Anchorage to Elmendorf Air Force Base, with a spur to Anchorage International Airport."

Our current projects run from the Girdwood intersection (Alyeska Highway) with the Seward Highway at Milepost 90 and within T10N, R1E, SM, northwesterly through T10N, R1W, SM; T10N, R2W, SM; T11N, R2W, SM and T11N, R3W, FM near Milepost 117.

### **Chugach State Park**

Tentative Approvals for most of the State lands that formed the Park along Turnagain Arm were issued by the federal government in the early to mid-1960's.

See attached map of Chugach State Park Generalized Land Ownership. The Park includes most of the uplands on the north side of Turnagain Arm through the above reference townships as well as a large amount of tidelands.

The Chugach State Park was signed into law on August 6, 1970 under AS 41.21.121. The purpose of AS 41.21.120 - 41.21.125 is to restrict state-owned land and water described in AS 41.21.121 to use

as a state park. Under AS 38.05.300, state land, water, or land and water containing more than 640 acres may be closed to multiple purpose use only by act of the legislature. Because the area described in AS 41.21 .121 exceeds 640 acres, AS 41.21.120 - 41.21.125 are intended to provide for the closing of the described land and water to multiple purpose use in conformity with AS 38.05.300 and its subsequent designation as a special purpose site in accordance with art. VIII, Sec. 7, of the Constitution of the State of Alaska.(§ 1 ch 112 SLA 1970)

### **Questions To Be Answered**

- What is the nature of the title interest held by DOT&PF of the Omnibus QCD right of way for the Seward Highway through the Chugach State Park?
- Was the Seward Highway ROW excluded from the legislatively designated area of the Chugach State Park?
- If DOT owns the fee estate for the surface interest in the Seward Highway ROW, may it unilaterally convey its title for the old ROW to Chugach State Park or the Alaska Railroad subject to utility easements for previously permitted utilities?
- If DOT can unilaterally convey its fee title to the surface estate, what reservations should be state to preserve DNR's management and ownership rights?

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