



**SEWARD HIGHWAY RIGHT OF WAY STUDY  
MP 90-97  
PROJECT No. 59765**

**HISTORY**

In 1907 the Chugach National Forest was established and in 1909 the Chugach National Forest was expanded to include lands along Turnagain Arm. Alaska became a territory in 1912. In 1914 Congress agreed to fund a railroad from Seward to Fairbanks. The 1914 Alaska Railroad Authorization Act states that there is a 100 foot Right of Way (R.O.W.) reserved to the United States either side of the centerline of the railroad. The Alaska Railroad was completed from Seward to Anchorage in 1917. The Seward Highway road project began in approximately 1918 according to Bureau of Public Roads (BPR) construction records. Public Land Order (PLO) No. 601 was signed on August 10, 1949 reserving public lands for highway purposes and classifying road rights of way. Between 1949 and 1951 the section of road between Girdwood and Indian was constructed. In June of 1951 a set of asbuilt drawings were prepared by the BPR titled "Seward-Anchorage Highway" Sec. F-2, Portion from Girdwood to Indian. On June 22, 1951 a set of paving plans for the Anchorage to Girdwood portion of the Highway was approved by the Alaska Road Commission. Small sections of the railroad had to be rerouted to accommodate the highway at this time. On October 16, 1951 PLO No. 757 was signed amending PLO No. 601 and establishing the Right of Way width withdrawn for the Seward-Anchorage Highway at 150 feet either side of centerline (exclusive of that part thereof within the boundaries of the Chugach National Forest). On October 16, 1951, Secretarial Order No. 2665 was signed confirming the Seward Hwy. R.O.W. width with no reference to the Chugach National Forest. The PLO's did not affect this portion of the Seward Highway as the land was not under the jurisdiction of the Department of the Interior (DOI).

PLO No. 797 was signed January 25, 1952 excluding certain lands from the Chugach National Forest. The lands excluded extend from approximately three miles east of Girdwood to approximately 1.5 miles west of Indian and from the mean high tide line of Turnagain Arm to the north several miles. The lands were returned to the jurisdiction of the DOI and reserved for classification. At this time the PLO's can apply to this portion of the highway. The portion of land lying between the south R.O.W. of the highway and the shore of Turnagain Arm in this area was reserved for the preservation and protection of scenic values.

On April 7, 1958 PLO No. 1613 revoked PLO No. 601. This retained the 300 foot width of the Seward Highway but changed the R.O.W. status from a withdrawal to an easement.

Alaska became a state on January 3, 1959. On June 30, 1959 the (Omnibus Act) Quitclaim Deed was signed transferring the interest in the Seward-Anchorage Highway from the federal government to the State of Alaska.

PLO No. 2210 was signed on November 28, 1960 and revoked portions of PLO No. 797. The lands along the highway that were excluded from the Chugach National Forest and not reserved for the preservation and protection of scenic values were then open for settlement.

On March 27, 1964 a Tentative Approval (TA0019640160) was given to the State of Alaska, Division of Lands from the DOI. All of T10N R1E, S.M. was transferred, excluding PLO 797 (the lands between the highway and the shore of Turnagain Arm).

PLO No. 3773 was signed on August 10, 1965 and revoked portions of PLO No. 797. The lands between the highway and the shore of Turnagain Arm were then open for settlement.



During this time frame, State of Alaska Department of Highways (DOH) Right of Way Maps for Route F-031 were prepared. Control section 003108 is from Portage Glacier Road to Girdwood and Control Section 0031009 is from Girdwood to Indian. The alignment is identical with the one on the June 22, 1951 BPR Sec. F-2 asbuilt drawings. There is no date on the DOH Control Section drawings. On April 7, 1966, Right of Way Map, Alaska Project, ERAO-27(1), Seward Highway, S.R. -1 from Girdwood west to Mile 101.6 was approved. The plans accompanied a realignment project that was done at the same time. A Federal R.O.W. Grant (A067568) was issued along with the project.

On September 17, 1967 the Notice of Location Posting for the "Paige 1" Mine (ADL 59480) was recorded in Book M-3 on Page 45, Anchorage Recording District (ARD). The claim is in Lot 1 of Sec. 30 T10N R1E, S.M. and still active. On November 29, 1967 the Notice of Location Posting for the "Centennial" Mine (ADL 59481) was recorded in Book M-3 on Page 46, ARD. The claim is in Lot 1 of Sec. 30 T10N R1E, S.M. and still active. The Centennial claim overlaps the Seward Highway and a portion of ADL 22793, Alaska Department of Transportation & Public Facilities (AK DOT&PF) Material Site 31-2-022-1.

Chugach State Park was established in 1970 by AS 41.21.121

The Alaska Railroad Transfer Act (ARTA) was passed by Congress in 1982. The Act outlined procedures to be followed during the transition period of the conveyance. Section 1209(b) declares that if the State discontinues use of any land within the Right of Way, the State's interest in such land shall revert to the United States. Section 1209(c) declares that upon such reversion the Secretary of the Interior shall convey the land to abutting landowners. The Alaska Railroad Corporation (ARRC) was created by legislature in 1984. On January 5, 1985 an "Exclusive License" for real property was granted to ARRC from the USA Department of Transportation. The license is subject to valid leases, permits and other instruments issued before the date of transfer. Listed in the document is any interest in the Seward/Anchorage Highway transferred to the State of Alaska by the quitclaim deed dated June 30, 1959 within Secs. 22, 23, 24 and 30, T10N R1E, S.M. Also listed is the Federal Right of Way grant (A-067568) issued along with Alaska Project No. ERAO-27(1).

A Tentative Approval was recorded November 22, 1985 (Doc. No. 85-80113) transferring lands from the United States Bureau of Land Management (BLM) to the State of Alaska Department of Natural Resources (DNR). Those lands previously within public land order 797 (the lands between the highway and the shore of Turnagain Arm) in sections 20-24, 29 and 30 T10N R1E; excluding the 200 foot Alaska Railroad R.O.W. were transferred.

U.S. Survey No. 9011 (Railroad R.O.W. within T10N R1E, S.M.) was accepted on March 2, 1988.

In 1992 the AK DOT&PF survey section located the centerline of the Seward Highway from the railroad crossing west of Girdwood to Bird Point. In 1993 the AK DOT&PF Seward Hwy Gird to Bird Supermap was created for Project No. IR-OA3-1(11)\59189. It showed the existing highway and railroad R.O.W. plus the proposed R.O.W. The embankment construction for the new road was to be completed in phases. Phase III was completed in November of 1996. Phase IV was completed in October of 1998 and the road was opened. A contract to reclaim the old road and turn it into a pathway was awarded in August of 1989 and the construction was complete in August of 2000. The project was sponsored by the DNR in cooperation with the AK DOT&PF.

In October of 2001 a Memorandum of Agreement (MOA) was signed by the DNR, the AK DOT&PF and the ARRC. This MOA is a successor agreement to a prior Memorandum of Understanding (MOU) between DOT&PF and DNR dated August 10, 1990 and amended August 26, 1993. A similar agreement between DOT&PF and ARRC was also dated August 26, 1993. The Alaska Legislature supported and approved the principles of the 2001 MOA by Ch. 116 SLA 2000, SB 235, passed in June, 2000. The MOA memorializes the prior agreements in 1990 and 1993 and authorizes past and planned Seward Highway and ARRC track realignments along the Potter Station to Girdwood section within Chugach State Park. The term of the agreement is 10 years (unless extended), making the expiration date October of 2011. The MOA document is



the basis of the R.O.W. for the relocated 300 foot wide R.O.W. of the Seward Highway. In those cases where the ARRC track has been relocated, a relocated 200' wide R.O.W. exists under the MOA, in addition to the exclusive use easement R.O.W. surveyed and patented to ARRC by the federal government. The MOA provides for joint use of the R.O.W. corridor where the Seward Highway and ARRC R.O.W. overlap. Under the MOA, DOT&PF committed to relinquishing all rights, title and interest to lands outside the relocated Seward Highway right of way.

On March 17, 2006 a corrected Patent No 50-2006-0161 was issued to the ARRC from the USA for those lands issued through the "Exclusive License" on January 5, 1985. More particularly: Lot 1 and Parcels A to K, U.S. Survey No. 9011 and Lots 1, 2, 3 and Parcels A to K, U.S. Survey No. 9012. The Patent recognizes the interest held in the Seward-Anchorage Highway.

In the summer of 2012 the Seward Hwy MP 89-96.6 resurfacing Project No. IM-0A3-1(47)/52991 was completed. Paving, Signing and Striping was done. The centerline alignment established for this project is the current R.O.W. centerline.

## UTILITIES

On August 16, 1955 a 100 foot wide transmission line R.O.W. Permit (A 029885) was approved by the BLM for Chugach Electric Association, Inc. (CEA). The line ran from Potter to Portage. The ARRC "Exclusive License" recognizes and is subject to this R.O.W. within Secs. 20 through 24, T10N R1E, S.M. The State of Alaska "Tentative Approval" recognizes and is subject to this R.O.W.

In May of 1957 the Federal Energy Regulatory Commission (FERC) issued a license for the Cooper Lake Hydroelectric Project to CEA. The license is referred to as "Power Project 2170". The license included a 100 foot wide R.O.W. permit for the 90.4 mile long transmission line from the Quartz Creek substation to the Anchorage substation. On April 21, 1995 the license was amended to relocate the transmission line to accommodate reconstruction of a portion of the Seward Highway. The ARRC "Exclusive License" recognizes and is subject to this R.O.W. within Secs. 20 through 24, 29 and 30, T10N R1E, S.M. The State of Alaska "Tentative Approval" recognizes and is subject to this R.O.W. also.

On July 2, 1959 a 100 foot transmission line R.O.W. Permit (A 046811) was approved for CEA by the BLM. The line ran from Campbell Creek to Bird Point. The Permit expired on June 30, 2009.

On April 12, 1966 a 30 foot wide corridor (A-067518) was authorized for use by the Corps of Engineers (Corps) by the BLM. A 44Ld513 notation was requested by the Corps for the Anchorage-Whittier Pipeline. On April 20, 1966 the Corps filed an application with the SOA DNR for a 50 foot wide Permit (ADL 32606) for the construction of the Anchorage-Whittier Pipeline. On April 27, 1966 a letter of non-objection was issued for construction of the pipeline. On May 1, 1974 a R.O.W. Permit was signed with a width of 30 feet and no expiration date. On June 14, 1978 the legal description was amended to include the Cathodic Protection Installation at Girdwood.

## AK DOT&PF MATERIAL SITES

On June 22, 1964 the Department of Highways filed an application with the AK DNR for a free use material site, M.S. 31-2-022-1 (ADL 22793). The permit was approved on June 11, 1964. The site is in section 30 T10N R1E, S.M. and is still valid.



On June 29, 1964 the Department of Highways filed an application with the AK DNR for a free use material site, M.S. 31-2-023-1 (ADL 23920). The permit was approved on July 15, 1964. The site is in section 23 T10N R1E, S.M. and is still valid.

On December 7, 1964 the Department of Highways filed an application with the AK DNR for a free use material site, M.S. 31-2-008-1 (ADL 25342). The permit was approved on February 8, 1965. The site is in section 23 T10N R1E, S.M. and is still valid.