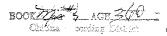
CHITINA 68-60 -

ASO 2234-1

Dec 66



IN REPLY REFER TO:

2234 (921)

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

State Office 555 Cordova Street Anchorage, Alaska 99501

Date: December 9, 1968

DECISION

RIGHT-OF-WAY GRANTED

Details of Grant

Serial number of grant

AA-2868

Name of grantee

State of Alaska

Department of Highways

P.O. Box 7

Valdez, Alaska 99686

Map showing the location and dimensions of grant:

Map designations

Project S-0850(3)

Copper River Bridge at Chitina

82A-2506, M.S. 850-004-5

Date filed

May 17, 1968

Permitted use by grantee

Material Site

Authority for grant

Act of August 27, 1958 (72 Stat. 885; 23 U.S.C. 317)

Regulations applicable to grant:

Code reference

43 CFR 2234.1 through 2234.2-4

and 43 CFR Part 17

Date of grant

December 9, 1968

Expiration date of grant

N/A

Rental:

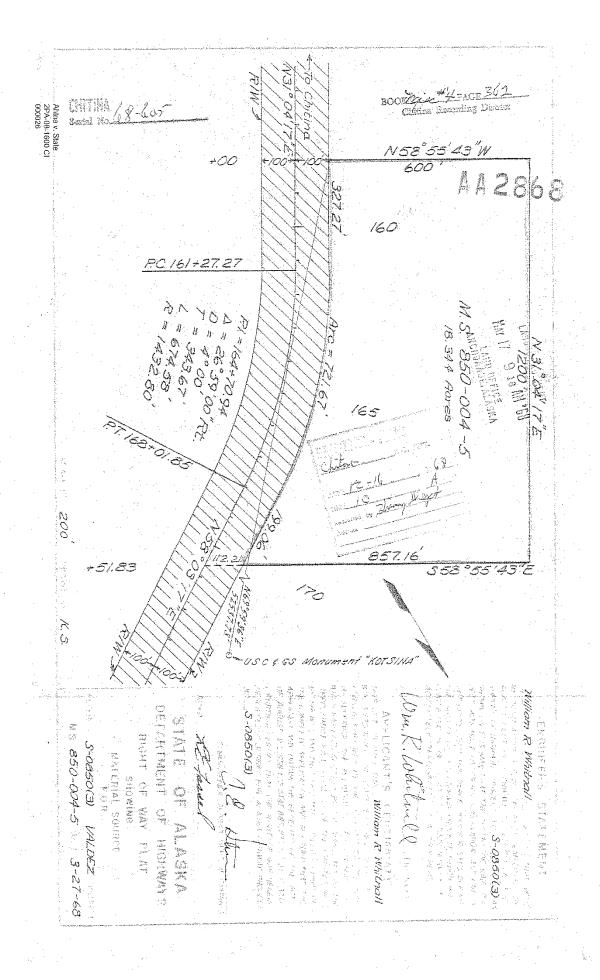
Amount

N/A

When payable by grantee

N/A

Ahtna v. State 2PA-08-1600 CI 000024



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Bk mis #4 836/

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.
- All regulations in 43 CFR 2234 as more specifically set forth in the attached terms and conditions.
- Filing of proof of construction within 7 years from date of the grant.
- 4. Others: The right of the United States, its permittees or licensees to enter upon, occupy and use, any part or all of said land for the purposes set forth in and subject to the conditions and limitations of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075, as amended; 16 U.S.C. 618), and subject to the stipulation that, if and when the land is required in whole or in part for power development purposes, any structures placed thereon which shall be found to obstruct or interfere with such development shall, without any expense to the United States, its permittees or licensees, be removed or relocated insofar as is necessary to eliminate interference with power development.
- 5. Subject to the attached terms and conditions which are made a part hereof by reference, except that item No. 7 is modified to read: "The right-of-way will be developed and used in accordance with the Highway Beautification Act of 1965."

Neil R. Bassett Chief, Branch of Lands

4 Enclosures

Encl. 1 - Map

Encl. 2 - ASO 2234-2

Encl. 3 - ASO 2234-3

Encl. 4 - ASO 2234-4

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.

cc;

State of Alaska, Department of Highways, Right-of-Way Section, Juneau, Alaska 99801 Federal Highway Administration, P.C. Box 1648, Juneau, Alaska 99801



CHITINA 15-605

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

TERMS & CONDITIONS FOR RIGHTS-OF-WAY & MATERIAL SITES

- 1. The grantee or permittee shall comply with State and Federal laws applicable to the project for which the right-of-way or material site is approved, and to the lands which are included in the right-of-way or material site and lawful existing regulations thereunder.
- 2. The grantes or permittee shall protect all public land survey monuments, witness corners, reference monuments and bearing trees against destruction, obliteration, or damage during his operations. If any monuments or corners are destroyed, obliterated, or damaged by his operations, he shall, at his expense, hire a registered surveyor pursuant to applicable State law and Bureau of land Management procedures to re-establish the monuments and corners. Instructions and guidance on such procedures may be obtained from the Chief, Division of Engineering, 555 Cordova Street, Anchorage, Alaska. A penalty is provided for the unauthorized alteration or removal of any government survey monument or marked trees by Section 57 of the Criminal Code of 1909 (35 Stat. 1088, 1099; 18 U.S.C. Sec. 111).
- 3. The grantee or permittee shall not deface, injure, cut or remove trees from lands outside the right-of-way or material site unless so authorized by the Bureau of Land Management.
- 4. The grantee or permittee shall be liable for damages caused by equipment or operations to any trees or landscape feature on the public land outside the right-of-way or material site area. Restoration or other corrective measures will be required by the Bureau.
- 5. When necessary to cut and remove trees from a right-of-way or material site, they shall be cut no higher than 12 inches above the ground and the limbs and branches removed.
 - (a) All logs or combustible material not utilized by the permittee will be disposed of in a manner approved, in advance and in writing, by the authorized officer.
 - (b) Burning of combustible material is authorized and may be done at the discretion of the permittee. However, full responsibility for preventing the escape of fires rests with the permittee. Any fire trespass action which might arise from the escape of permittee's fires will be in accordance to chapter 138, State of Alaska Fire Control Act.
 - (c) Combustible material may be buried in lieu of burning. Burial site and method of burial must have the advance approval of the authorized officer.

BOOM PAGE XI + PAGE XI +

(d) The Bureau Fire Control Dispatcher will be contacted prior to commencing of burning activities.

- 6. All operations will be conducted in such a manner as to prevent the erosion of the land, pollution of the water resources and damage to the watershed and all things done necessary to prevent or reduce to the fullest extent the scarring of the lands.
- 7. The right-of-way will be so developed and used that natural scenic values are preserved. This includes, but is not limited to revegetation of cuts and fills with grass, trees or other appropriate cover, and/or utilization of other accented screening to maintain and enhance the esthetic value in scenic areas. Where material sites are located adjacent to a road right-of-way, an area of 150 feet shall be left reasonably undisturbed, or shall be satisfactorily restored, to serve as a scenic zone to screen the pit area.
- 8. No commercial billboards or signs will be erected within the right-of-way, except with written approval of the Bureau of Land Management.
- 9. The character of streams, lakes, ponds and water holes shall not be modified except by advance approval in writing from the authorized officer.
- 10. The banks of all gravel pits shall be sloped to a grade of at least 3 to 1, pit installations shall be removed and the area restored to a condition satisfactory to the authorized officer.
- ll. Berm piles within the right-of-way or material site area, or area adjacent thereto, are not permitted. Where bulldozing is necessary for construction or maintenance, the area shall be leveled before completion.
- 12. Any roads, trails, fences or other improvements damaged shall be repaired or replaced in a manner satisfactory to the authorized officer.
- 13. For any breach of these stipulations the grantee or permittee will be fully liable and accountable to the Eureau of Land Management.
- 14. 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 demied 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 transferse, for the period of this grant.



- 15. 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 14 hereof.
- 16. 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 14 hereof during the term of this right-of-way.
- 17. 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.
- 18. The grantee agrees that in the event of a violation or failure to comply with the requirements imposed by paragraph 14, the United States may seek judicial enforcement of such requirements.
- 19. The assurances and covenants required by paragraphs 14 through 18 above shall not apply to ultimate beneficiaries under the program for which this grant is made. "Ultimate beneficiaries" are identified in 43 CFR 17.12(h) (1965 edition).
- 20. 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.