

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND, AND WATER
SOUTHCENTRAL REGIONAL OFFICE**

Regional Manager's Decision

ADL 234184

Department of Transportation & Public Facilities
Public Access Easement
East Fork Chulitna Parks Realignment

REQUESTED ACTION

On April 7, 2023, the Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Office (SCRO), received an application for an easement the Department of Transportation & Public Facilities (DOT&PF; the applicant) for a proposed bridge and realignment of the Parks Highway on State-owned, DMLW-managed uplands near Cantwell, Alaska. The purpose of the proposed easement is to provide the space necessary to realign portions of the Parks Highway to correct curve design deficiencies and relocate an existing bridge across the East Fork Chulitna River at DOT Mile Post 185. The applicant has requested six public access easement parcels of various lengths and widths, totaling approximately 9.152 acres in size, as depicted on Attachment A.

RECOMMENDED ACTION

In consideration of all events and criteria this easement shall be authorized as follows:

- Type of easement: Public Access Easement
- Length: Varied lengths
- Width: Varied widths
- Acreage: Approximately 9.152 acres
- Term: Indefinite
- Grantee: DOT&PF

SCOPE OF DECISION

The scope of this decision is to determine if it is in the State's interest to create an easement for the proposed use. The scope of administrative review for this authorization is limited to (1) reasonably foreseeable, significant effects of the uses to be authorized; (2) applicable statutes and regulations; (3) facts pertaining to the land or resources; and (4) issues that are material to the determination that issuing the authorization is in the interest of the State of Alaska. All other aspects of the applicant's project are outside the scope of this decision.

STATUTORY AUTHORITY

This easement application is being adjudicated pursuant to AS 38.05.850 and the Alaska Land Act as amended.

ADMINISTRATIVE RECORD

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the 2011 Susitna Matanuska Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 234184.

LOCATION INFORMATION

Geographic Location

Parks Highway, Milepost 183 – 192.

Meridian Township Range Section

Sections 24, 26, and 35 of Township 20 South, Range 10 West, Fairbanks Meridian.

TITLE

The State of Alaska holds title to applicable portions of lands within Sections 24, 26, and 35 of Township 20 South, Range 10 West, Fairbanks Meridian, Alaska per patent number 50-87-0009 recorded at Talkeetna Records Office. The associated DNR land acquisition casefile is GS 1497.

The State of Alaska holds title to lands beneath tidally influenced and navigable waterways within its jurisdiction, including lands underlying the East Fork Chulitna River in the section(s) referenced above, on the basis of the Equal Footing Doctrine, the Submerged Lands Act of 1953, and AS 38.04.062 (Identification of State Submerged Lands).

Although the navigability of the East Fork Chulitna River is undetermined, any State-owned, DMLW-managed lands, or State-selected lands that may be managed by DMLW in the future that are crossed by the authorization considered herein at the time of this decision, which are omitted from this list, and are subsequently identified, are included in this decision. Navigable and public water determinations are subject to change pursuant to future findings.

THIRD PARTY INTERESTS

The applicant has requested an easement that may impact the following interests. Public notice has been sent to all interest holders noted below.

- ADL 47085, Special Land Use Permit, DOT&PF
- ADL 224964, Material Site, DOT&PF
- ADL 224050, Material Site, DOT&PF
- ADL 60679, East Fork Chulitna Rest Area – DOT&PF
- ADL 421297, Other Lease - Non-Comp, Alaska Gasline Development Corporation
- ADL 418997, Other Lease - Non-Comp, Alaska Gasline Development Corporation

PLANNING & CLASSIFICATION

The proposed easement area is within the 2011 Susitna Matanuska Area Plan (SMAP), Map 3-1, Unit N-04 and N-06.

Unit N-04 is designated Habitat (Ha), which converts to classification of Wildlife Habitat Land by the Land Designation – Conversion to Classification Table (Table 4.2, pg. 4-5). These areas serve as a concentrated use area for fish and wildlife species during a sensitive life history stage where alteration of the habitat and/or human disturbance could result in a permanent loss of a population or sustained yield of the species. This designation, when used, applies to localized areas having

particularly valuable or sensitive habitat within the planning boundary (SMAP pg. A-4). Per 11 AAC 55.230, land classified wildlife habitat is land which is primarily valuable for:

1. Fish and wildlife resource production, whether existing or through habitat manipulation, to supply sufficient numbers or diversity of species to support commercial, recreational, or traditional uses on an optimum sustained yield basis; or
2. A unique or rare assemblage of a single or multiple species of regional, state, or national significance.

The management intent of Unit N-04, listed within the Resource Allocation Table (pg. 3-19), is to manage the unit to protect and maintain fish and wildlife habitat and associated hydrologic values and to retain land in state ownership.

Moose are present and the area adjacent to the East Fork is known to be winter concentration and rutting area. Anadromous streams, including the Chulitna River, traverse portions of the unit.

Unit N-06 is designated Settlement (Se), which converts to classification of Settlement Land by the Land Designation – Conversion to Classification Table (Table 4.2, pg. 4-5). Per 11 AAC 55.202, Settlement Land classification serves as an upland area classified settlement is land that is, by reason of its physical qualities and location, suitable for year-round or seasonal residential or private recreational use or for commercial or industrial development.

The management intent of Unit N-06, listed within the Resource Allocation Table (pg. 3-19) states that a riparian buffer of 300' from ordinary high water is to be maintained on the Chulitna River. Land is to be retained for the purpose of supporting state land disposals.

A bridge crossing the Chulitna River currently exists, and the only action contemplated by this decision is to allow for slight relocation. As such, SCRO does not interpret this action to be a new disposal which would infringe on any riparian buffer which may overlap with the current bridge location.

In consideration of the above, the approval of a public utility easement does not conflict with the management intent and goals of SMAP.

ACCESS

Functional legal access to the state land discussed herein exists via the Parks Highway.

PUBLIC NOTICE & AGENCY REVIEW

Public Notice Summary

Public notice of the application was conducted from September 15, 2023, to October 16, 2023. The notice was posted to the State of Alaska Online Public Notice System and was sent to the Cantwell post office for display on their notice board. The notice was also sent to the following recipients:

- Doyon, Limited, Regional Corporation

Public Notice Comment & Response

No comments were received during the public notice period.

Agency Review Summary

Agency review of the application was conducted from September 15, 2023, to October 16, 2023. The notice was sent to the following recipients:

State Agencies:

- DNR Division of Oil and Gas, State Pipeline Coordinator Section
- DNR Division of Parks and Outdoor Recreation (DPOR); Permitting
- DNR DPOR Office of History and Archaeology
- DNR AK Mental Health Trust Land Office
- Department of Fire & Forest Protection
- Department of Transportation & Public Facilities; Statewide ROW
- Alaska Department of Fish & Game, Wildlife Conservation (ADF&G), Access Defense Program, Habitat Program, and Sport Fish Program
- Department of Commerce, Community, and Economic Development, Division of Community and Regional Affairs
- Department of Environment Conservation (DEC), Division of Environmental Health, Drinking Water Program
- DEC, Division of Water - Alaska Pollutant Discharge Elimination System Program
- DEC, Division of Environmental Health, Solid Waste Program
- DEC, Division of Spill Prevention and Response; Contaminated Sites Program

Federal Agencies:

- US Army Corps of Engineers

Local:

- Matanuska Susitna Borough
- Upper Susitna Soil and Water Conservation District

Agency Review Comment & Response

A total of 3 comments were received during the agency review and are summarized below:

Comment: On September 15, 2023, the US Army Corps of Engineers stated that “if there would be discharge of fill material in jurisdictional wetlands or other waters, or if there would be work in a Section 10 (Rivers and Harbors Act) navigable waterway then a permit from the Corps of Engineers would be required.”

Response: SCRO acknowledges the comment.

Comment: On September 19, 2023, the DEC Contaminated Sites program stated “Easement (E-2, E-3, E-4, E-5, E-6 & E-7) will provide the space necessary to realign portions of the Parks Highway in order to correct curve design deficiencies and relocate an existing bridge across the East Fork Chulitna River. The contractor will determine the exact equipment they will need for completing this construction, but we anticipate bulldozers, loaders, excavators, and hauling

trucks. This activity will take place within 1500 feet of the CC-IC ADOT&PF East Fork Maintenance Station site.”

Response: SCRO acknowledges the comment.

Comment: On October 16, 2023, ADF&G stated they have no objection to the authorization of this easement; however, they did provide the following information:

1. During project activities, ensure there is minimal disruption to public access. The Chulitna River is popular for fishing and recreational boating.

Response: SCRO acknowledges the comment.

ENVIRONMENTAL CONSIDERATIONS

DOT&PF will assume the majority of DMLW’s land administration responsibilities within the boundaries of any easement granted under this application, including management of environmental contamination. Therefore, staff recommend that the proposed easement not include any restrictions that may impair DOT&PF’s ability to administer the highway right-of-way.

ECONOMIC BENEFIT & DEVELOPMENT OF STATE RESOURCES

DMLW assesses the economic benefits of the proposed authorization and whether it encourages the development of the State's resources. This authorization will provide an indirect economic benefit to the state as the proposed easement increases the safety of and facilitates the expansion of the public highway system which will promote conditions for economic development.

There are no known competing projects for use of these lands, therefore issuance of this easement provides for the greatest economic benefit to the State and is consistent with the legislative intent expressed in AS 38.05.850.

DISCUSSION

The requested easement will provide the space necessary to realign portions of the Parks Highway to correct curve design deficiencies and relocate an existing bridge across the East Fork Chulitna River. The easement will consist of 6 parcels of varying sizes and shapes as shown on Attachment A and will be issued as a Public Access Easement. Attachment A depicts E2-E7 with irregular widths to accommodate the right-of-way along the Parks Highway.

SCRO recommends that the easement considered herein be granted for an indefinite term from the effective date of this decision as DOT&PF intends for long-term management of the project area. The need for the easement can be expected to last for as long as the highway is in use.

PERFORMANCE GUARANTY

A performance guaranty will not be required at this time as the applicant is a State agency.

INSURANCE

Insurance will not be required because the applicant is self-insured.

SURVEY

A DMLW-approved as-built survey is required to determine the proper location and acreage of installed improvements and the associated easement on State-owned, DMLW-managed lands.

The applicant is required to request survey instructions prior to issuance of the entry authorization. The survey must be produced in accordance with survey instructions provided by the DMLW Survey Section and stamped by a Professional Land Surveyor registered in the State of Alaska.

A final easement will not be issued until the as-built survey has been approved by DMLW.

FEES

Per 11 AAC 05.020(b), interim and one-time issuance fee(s) for this authorization are waived as the request is in the public interest. Additionally, the easement document will be sent to the Recorder “State Business - No Charge” as the applicant is a state agency.

ENTRY AUTHORIZATION

An entry authorization shall be issued for a term ending 5 years from the effective date of this decision for the purpose of constructing, surveying, operating, and maintaining the infrastructure considered herein prior to DMLW’s issuance of a public access easement. The entry authorization may be revoked if the applicant has not submitted DMLW with a draft as-built survey one year prior to the expiration of the entry authorization. An extension of the entry authorization may be granted at the written request of the applicant if granting the extension is deemed appropriate by DMLW and may be subject to applicable fees. If an extension is required, the applicant should contact DMLW at least 30 days prior to the expiration of the entry authorization and certify there have been no changes to the approved development plan.

No authorization shall be granted until the following deliverables have been provided to DMLW:

- Evidence of having made request for survey instructions to the DMLW Survey Section.

RECOMMENDATION

Based upon the information provided by the applicant, as well as review of relevant planning documents, statutes, and regulations related to this application, it is my recommendation that an easement is issued as described above, on the condition that all stipulations are followed as described in the attached authorization.

Savannah Lilyhorn
Savannah Lilyhorn, Natural Resource Specialist 3
DMLW Southcentral Regional Office

3/24/2026
Date

REGIONAL MANAGER'S DECISION

When adjudicating an easement authorization pursuant to AS 38.05.850, DMLW seeks to responsibly develop Alaska's resources by making them available for maximum use and benefit consistent with public interest. In consideration of all events and criteria listed above, I hereby determine that the authorizations to be granted by this decision are consistent with DMLW's mission, that this project is consistent with the overall classification and management intent for this land, and that issuance of an authorization as described above is in the interest of the State of Alaska. The Department assumes no responsibility for maintenance or liability for injury or damages attributable to this authorization.

This decision may be rescinded by written notification if, after 60 days from the effective date of this decision, the applicant has not completed all requirements outlined in this decision for issuance of the authorization. Additional time may be allotted to complete these requirements; however, this will not extend the total term of the authorizations issued under this decision. This decision goes into effect and becomes a final administrative order and decision of the department on the 31st calendar day after issuance.

Brent Reynolds

Brent Reynolds, Natural Resource Manager 2
DMLW Southcentral Regional Office

3/24/2026

Date

ATTACHMENTS

- Entry authorization, unsigned
- Draft easement document

APPEAL

An eligible person affected by this decision may appeal to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any appeal must be received within twenty (20) calendar days after issuance of this decision under 11 AAC 02.040. An eligible person must first appeal a decision to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Appeals may be mailed or hand-delivered to the DNR Commissioner's Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov. Appeals must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160 (a)-(b). A copy of 11 AAC 02 is available on the department's website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>.

Attachment A
Legal Description and Parcel Plat Exhibits

Parcel E2

A parcel of land located within Section 35 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, State of Alaska, known as parcel E2 of Alaska Project No. 0A43021/Z633890000, Parks Hwy MP 183-192 Reconstruction, and is more particularly described as follows:

COMMENCING at a point at the south east corner of the herein parcel, said point being located 199.63 feet left of Design Centerline Station 1076+37.36, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), Alaska R.R. Crossing Near Hurricane North to Summit, said point also being the **TRUE POINT OF BEGINNING**;

THENCE N 04°57'42"W, a distance of 113.14 feet along the Parks Highway right of way;

THENCE S 87°20'01" W, a distance of 79.90 feet;

THENCE S 11°38'46" W, a distance of 190.61 feet;

THENCE N 52°30'12" E, a distance of 97.14 feet;

THENCE N 70°00'12" E, a distance of 54.28 feet to said Parks Highway right of way, and the **TRUE POINT OF BEGINNING**;

Said described parcel contains 0.326 acres, more or less.

EXHIBIT A

Parcel E3

A parcel of land located within Section 35 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, State of Alaska, known as parcel E3 of Alaska Project No. 0A43021/Z633890000, and is more particularly described as follows:

COMMENCING at a point at the south east corner of the herein parcel, said point being located 199.78 feet left of Design Centerline Station 1077+54.20, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), Alaska R.R. Crossing Near Hurricane North to Summit, said point also being the **TRUE POINT OF BEGINNING**;

THENCE N 05°00'14"W, a distance of 167.37 feet along the Parks Highway right of way;

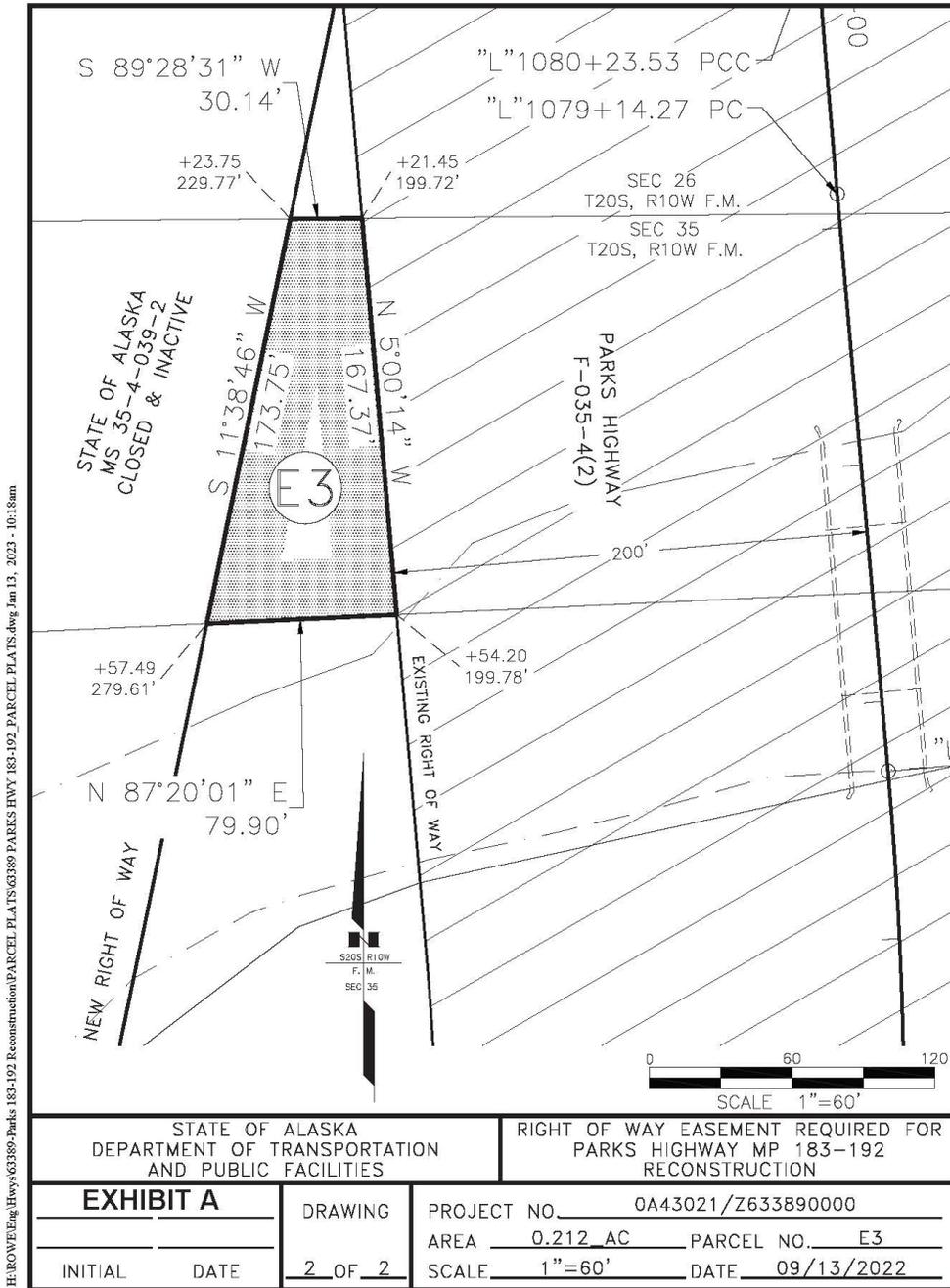
THENCE S 89°28'31" W, a distance of 30.14 feet;

THENCE S 11°38'46" W, a distance of 173.75 feet;

THENCE N 87°20'01" E, a distance of 79.90 feet to said Parks Highway right of way, and the **TRUE POINT OF BEGINNING**;

Said described parcel contains 0.212 acres, more or less.

EXHIBIT A



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STATE OF ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES		RIGHT OF WAY EASEMENT REQUIRED FOR PARKS HIGHWAY MP 183-192 RECONSTRUCTION	
EXHIBIT A		DRAWING	PROJECT NO. 0A43021/Z633890000
INITIAL	DATE	2 OF 2	AREA 0.212 AC PARCEL NO. E3
		SCALE 1"=60'	DATE 09/13/2022

Parcel E4

A parcel of land located within Section 26 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, State of Alaska, known as parcel E4 of Alaska Project No. 0A43021/Z633890000, and is more particularly described as follows:

COMMENCING at a point at the south east corner of the herein parcel, said point being located 199.72 feet left of Design Centerline Station 1079+21.45, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), Alaska R.R. Crossing Near Hurricane North to Summit, said point also being the **TRUE POINT OF BEGINNING**;

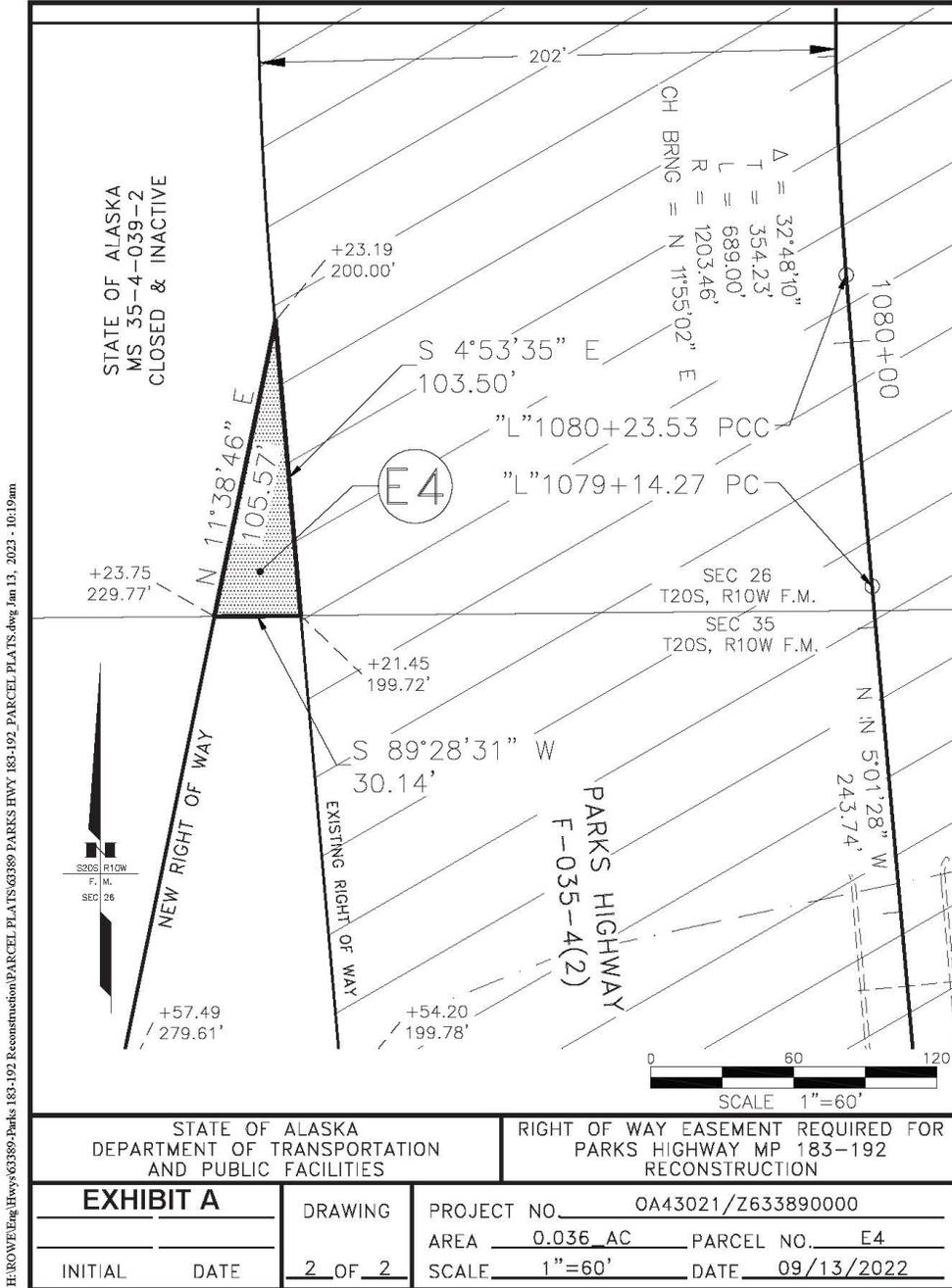
THENCE S 89°28'31"W, a distance of 30.14 feet;

THENCE N 11°38'46" E, a distance of 105.57 feet to the right of way of said Parks Highway;

Thence S 04°53'35" E , a distance of 103.50 feet along said right of way of the Parks Highway to the **TRUE POINT OF BEGINNING**;

Said described parcel contains 0.036 acres, more or less.

EXHIBIT A



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Parcel E5

A parcel of land located within Section 24 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, State of Alaska, known as parcel E5 of Alaska Project No. 0A43021/Z633890000, and is more particularly described as follows:

COMMENCING at a point at the south west corner of the herein parcel, said point being located 198.95 feet right of Design Centerline Station 1153+31.58, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), Alaska R.R. Crossing Near Hurricane North to Summit, said point also being the **TRUE POINT OF BEGINNING**;

THENCE on a curve to the right along the right of way of the Parks Highway, said curve having a radius 13,060.73 feet and an arc length of 641.56 feet to a point, being located on a chord bearing of N 37°41'38"E;

THENCE N 39°43'16"E, a distance of 422.07 feet along the right of way of Parks Highway;

THENCE on a curve to the left along the right of way of the Parks Highway, said curve having a radius 1155.11 feet and an arc length of 697.34 feet to a point, being located on a chord bearing of N 22°12'39"E;

THENCE on a curve to the right, not tangent to the last described curve, said curve having a radius 1126.78 feet and an arc length of 903.77 feet to a point, being located on a chord bearing of S 19°14'28"W;

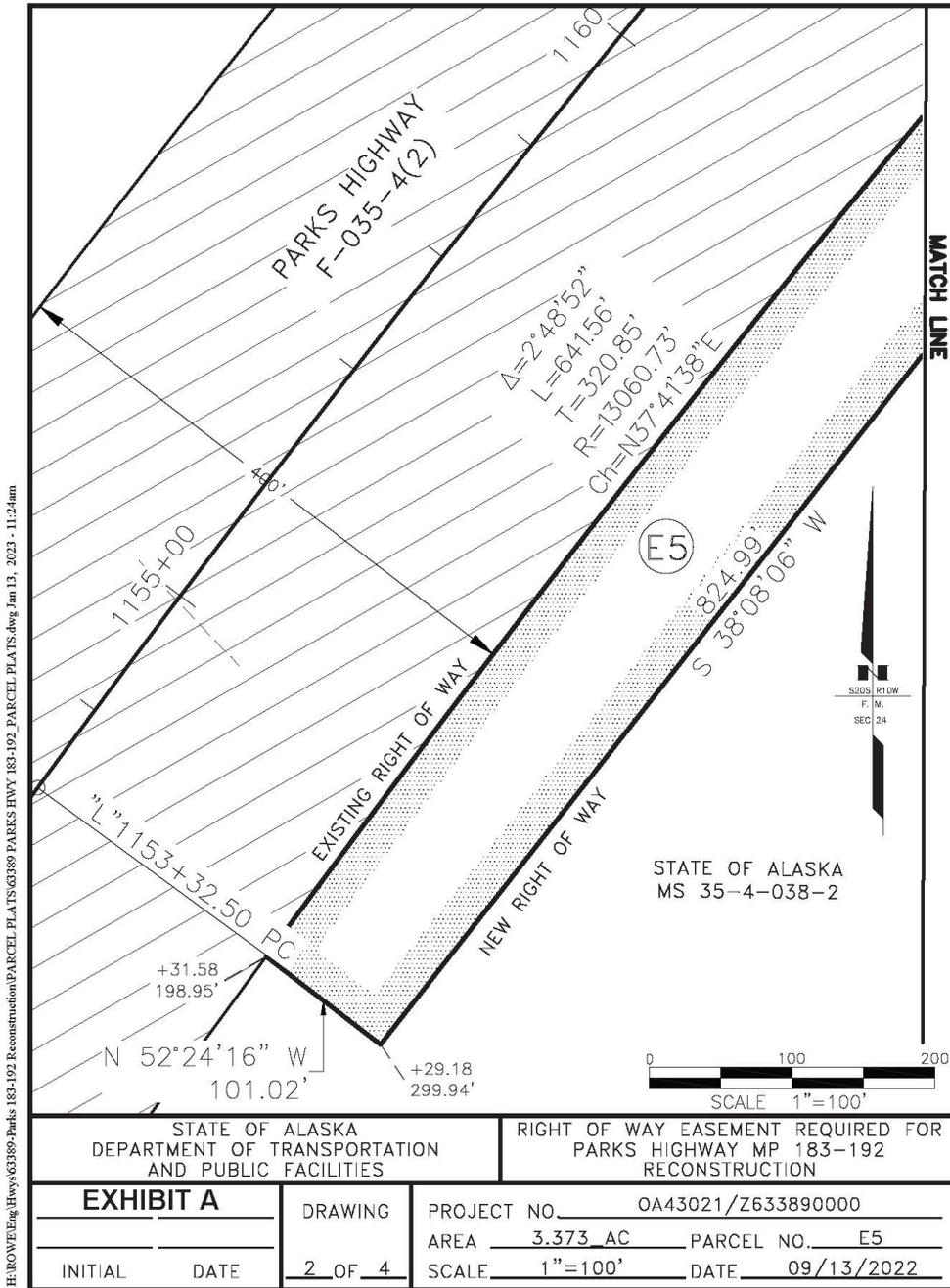
THENCE S 40°01'51" W, a distance of 65.59 feet;

THENCE S 38°08'06" W, a distance of 824.99 feet;

THENCE N 52°24'16" W, a distance of 101.02 feet to said right of way of the Parks Highway, and the **TRUE POINT OF BEGINNING**;

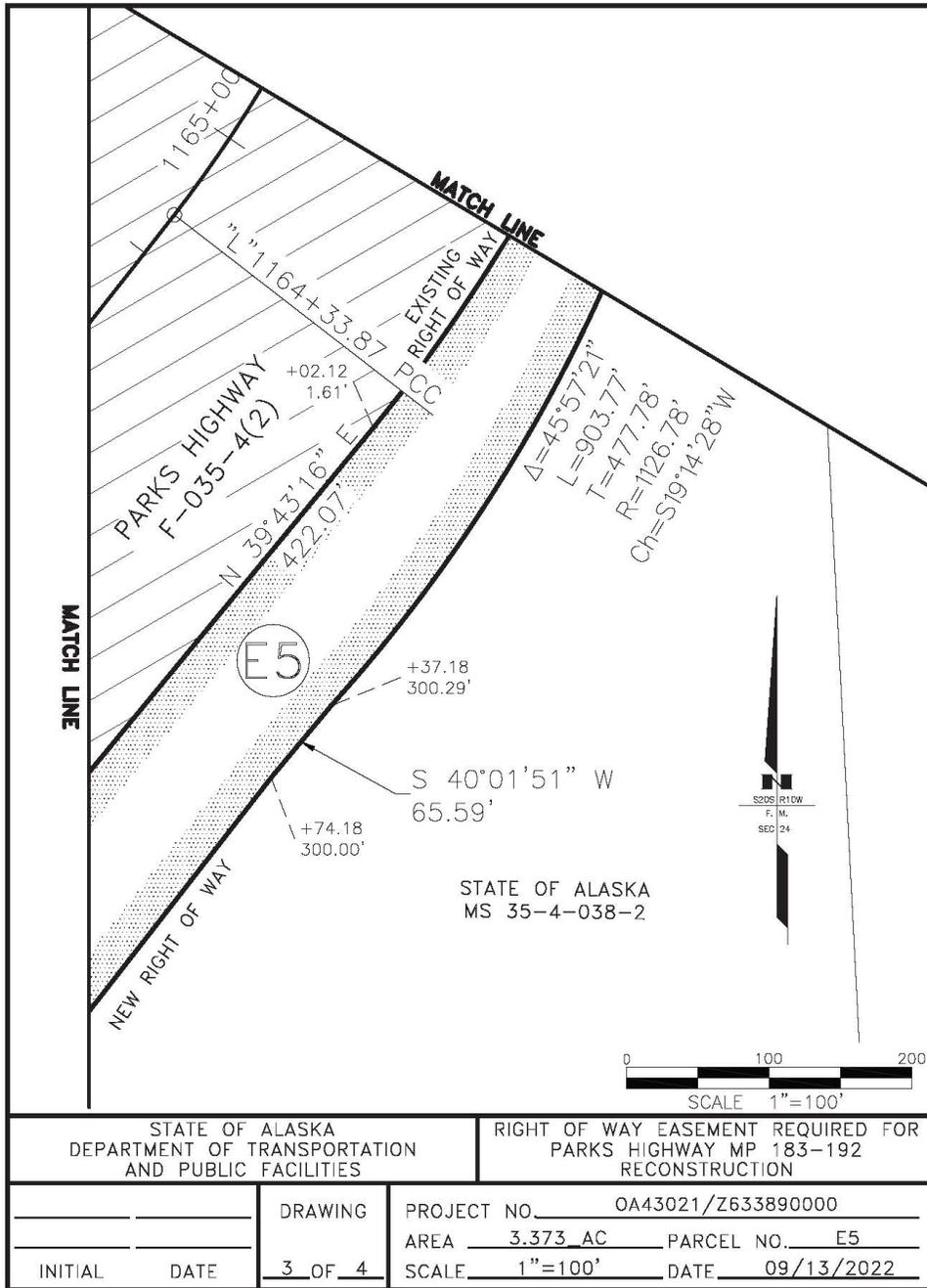
Said described parcel contains 3.373 acres, more or less.

EXHIBIT A



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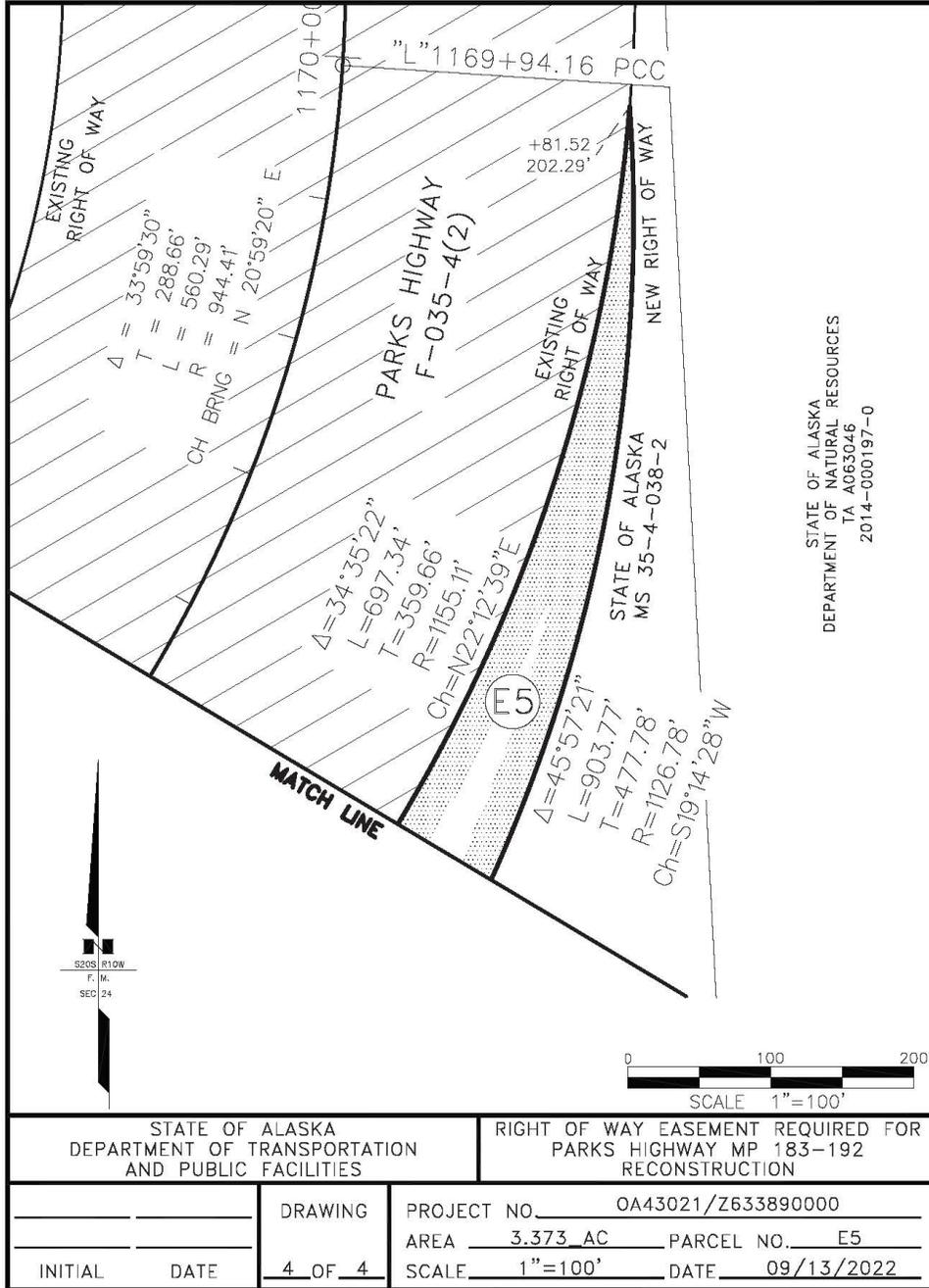


STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY EASEMENT REQUIRED FOR
PARKS HIGHWAY MP 183-192
RECONSTRUCTION

INITIAL _____		DRAWING	PROJECT NO. OA43021/Z633890000
DATE _____		3 OF 4	AREA 3.373 AC PARCEL NO. E5
			SCALE 1"=100' DATE 09/13/2022

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STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
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STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION
AND PUBLIC FACILITIES

RIGHT OF WAY EASEMENT REQUIRED FOR
PARKS HIGHWAY MP 183-192
RECONSTRUCTION

DRAWING		PROJECT NO. OA43021/Z633890000	
4 OF 4		AREA 3.373 AC	PARCEL NO. E5
INITIAL	DATE	SCALE 1"=100'	DATE 09/13/2022

Parcel E6

A parcel of land required for an easement found in Section 24 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, known as parcel E6 of Alaska Project No. 0A43021/Z633890000 State of Alaska, and is more particularly described as follows:

COMMENCING at a point at the south west corner of the herein parcel, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), said point being located 200.00 feet right of Design Centerline Station 1174+27.08, said point also being the **TRUE POINT OF BEGINNING**;

THENCE N 07°07'57"W, a distance of 246.03 feet along the right of way of Parks Highway;

THENCE on a curve to the right along the right of way of the Parks Highway, said curve having a radius 1,204.94 feet and an arc length of 189.00 feet to a point, being located on a chord bearing of N 02°38'21"W;

THENCE S 87°39'50"E, a distance of 143.18 feet;

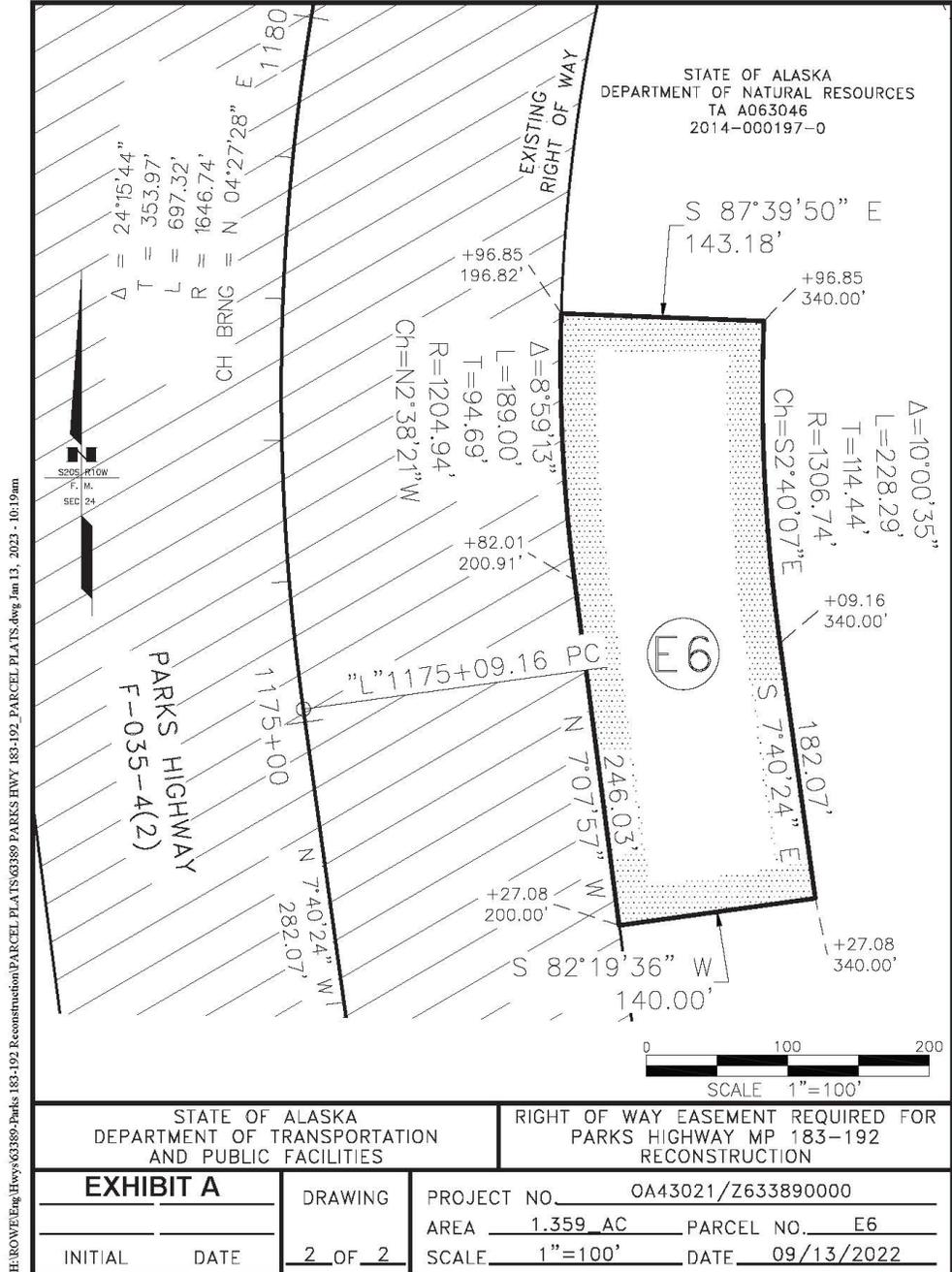
THENCE on a curve to the left, not tangent to the last described line, said curve having a radius 1306.74 feet and an arc length of 228.29 feet to a point, being located on a chord bearing of S 02°40'07"E;

THENCE S 07°40'24" E, a distance of 182.07 feet;

THENCE S 82°19'36" W, a distance of 140.00 feet to said right of way of the Parks Highway, and the **TRUE POINT OF BEGINNING**;

Said described parcel contains 1.359 acres, more or less.

EXHIBIT A



Parcel E7

A parcel of land located within Section 24 Township 20 South, Range 10 West, Fairbanks Meridian, Talkeetna Recording District, Third Judicial District, State of Alaska, known as parcel E7 of Alaska Project No. 0A43021/Z633890000, and is more particularly described as follows:

COMMENCING at a point at the south east corner of the herein parcel, a point on the Parks Highway right of way, State of Alaska Project F-035-4(2), said point being located 99.73 feet left of Design Centerline Station 1181+81.48, said point also being the **TRUE POINT OF BEGINNING**;

THENCE N 16°44'45"E, a distance of 590.40 feet along the right of way of Parks Highway;

THENCE on a curve to the right along the right of way of the Parks Highway, said curve having a radius 2,964.75 feet and an arc length of 919.58 feet to a point, being located on a chord bearing of N 25°48'38"E;

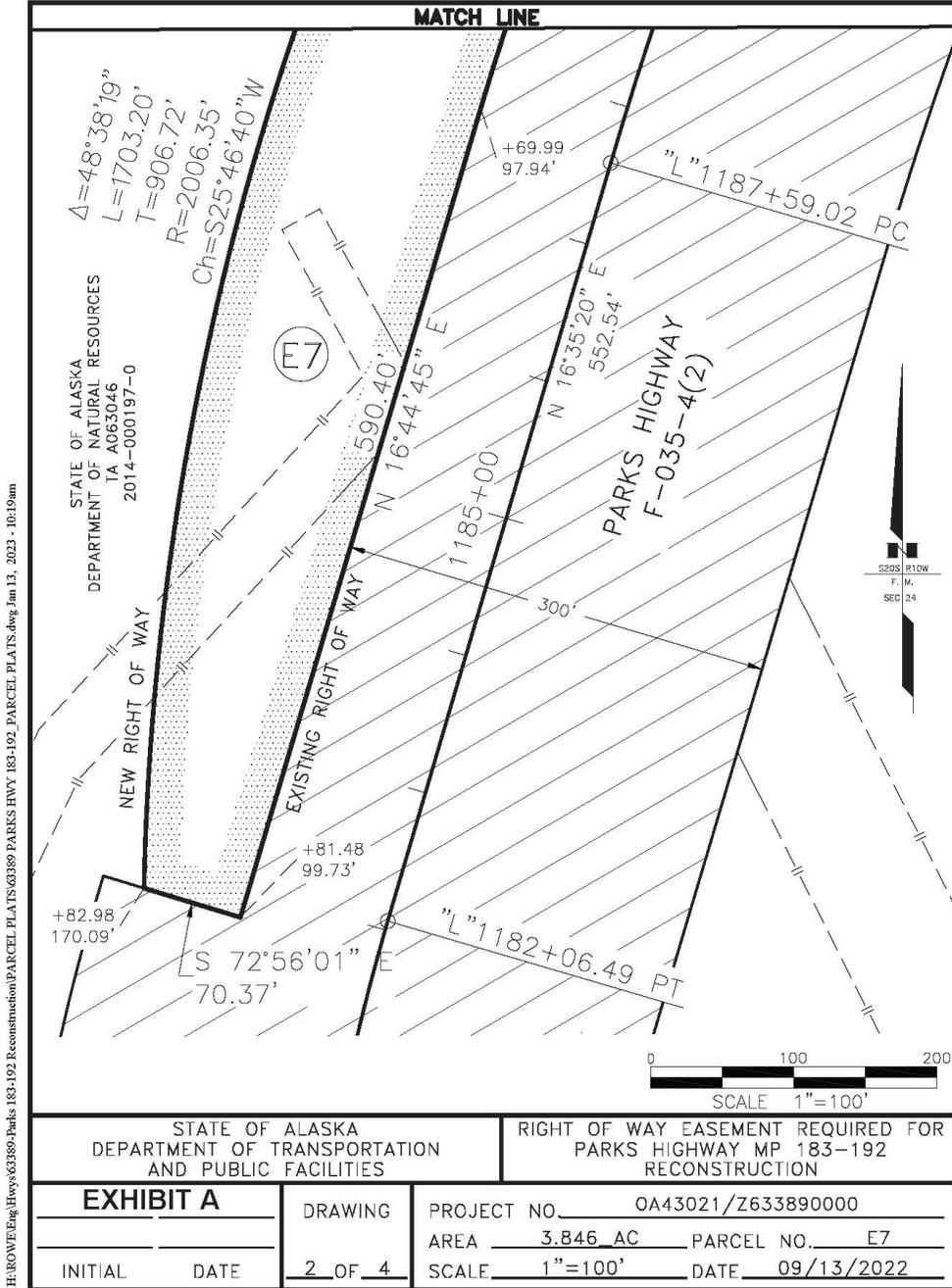
THENCE N 34°45'53"E, not tangent to the last described curve, a distance of 144.66 feet;

THENCE on a curve to the left, not tangent to the last described line, said curve having a radius 2006.35 feet and an arc length of 1703.20 feet to a point, being located on a chord bearing of S 25°46'40"W, to said right of way of the Parks Highway;

THENCE S 72°56'01" E, not tangent to the last described curve, a distance of 70.37 feet along said right of way of the Parks Highway, and the **TRUE POINT OF BEGINNING**;

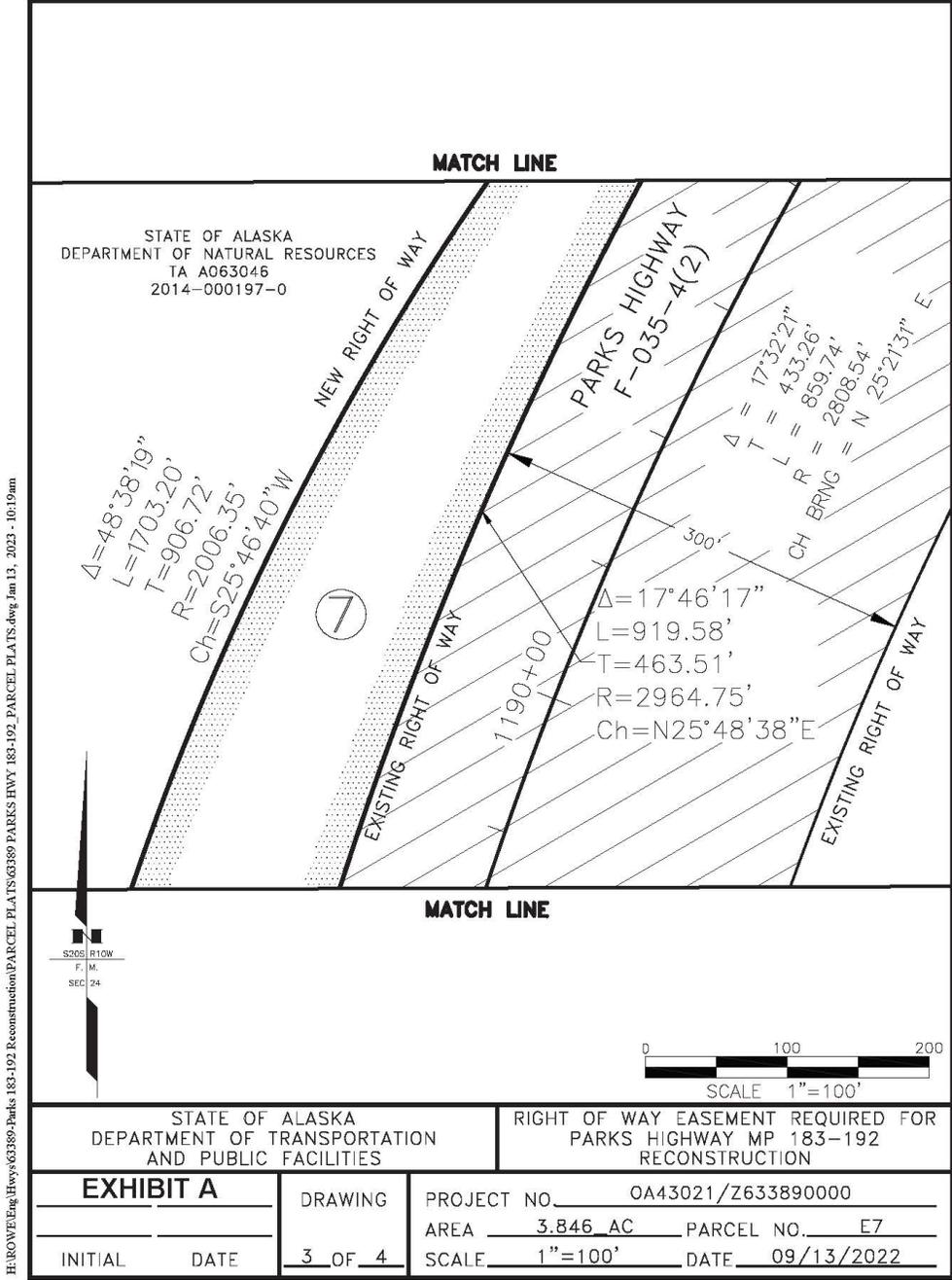
Said described parcel contains 3.846 acres, more or less.

EXHIBIT A

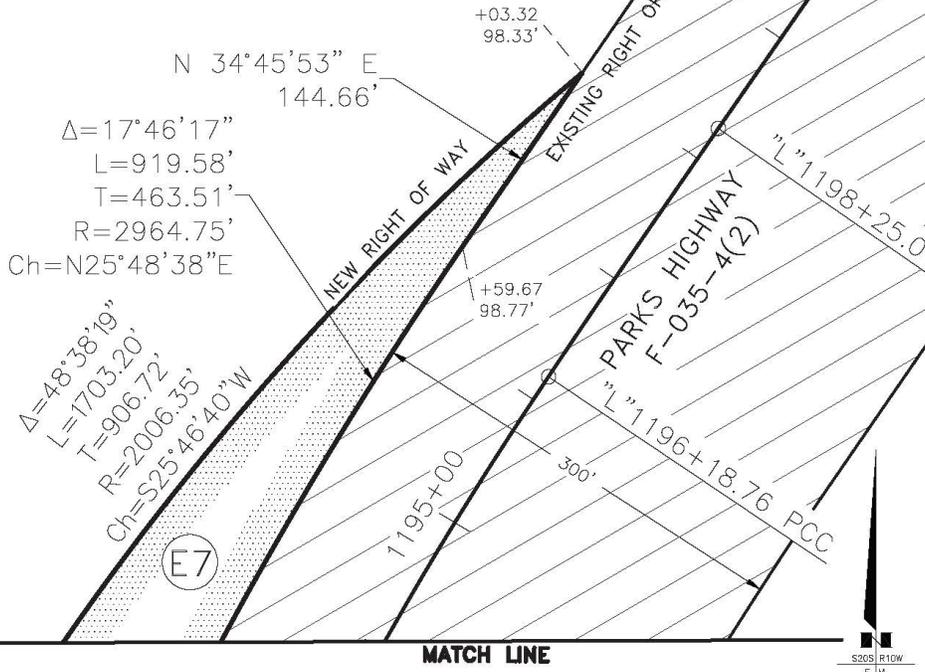


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STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES TA A063046 2014-000197-0		RIGHT OF WAY EASEMENT REQUIRED FOR PARKS HIGHWAY MP 183-192 RECONSTRUCTION	
EXHIBIT A		DRAWING	PROJECT NO. OA43021/Z633890000
INITIAL	DATE	2 OF 4	AREA 3.846 AC PARCEL NO. E7
			SCALE 1"=100' DATE 09/13/2022

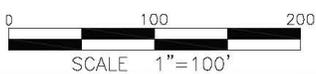


STATE OF ALASKA
 DEPARTMENT OF NATURAL RESOURCES
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MATCH LINE



STATE OF ALASKA
 DEPARTMENT OF TRANSPORTATION
 AND PUBLIC FACILITIES

RIGHT OF WAY EASEMENT REQUIRED FOR
 PARKS HIGHWAY MP 183-192
 RECONSTRUCTION

EXHIBIT A	DRAWING	PROJECT NO. OA43021/Z633890000
	INITIAL DATE	AREA 3.846 AC PARCEL NO. E7
	4 OF 4	SCALE 1"=100' DATE 09/13/2022