



61762

T.&M. 5476

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IN REPLY REFER TO:

UNITED STATES

DEPARTMENT OF THE INTERIOR

W-04834 (102.1)

BUREAU OF LAND MANAGEMENT

Washington Land Office
Room 670 Bon Marche Building
Spokane 1, Washington

JUN 5 1963

DECISION

Applicant: Northern Pacific Railway : Serial Number: WASHINGTON 04834
Company :

Name of Project: Spirit Lake-Iron : Rights-of-Way in Nature of
Creek Road No. 100 : Permanent Non-Exclusive Ease-
Gifford-Pinchot National Forest : ments.

Land Traversed: Described in Sched- : Type: Roads
ule 1 attached here- :
to and made a part :
hereof. :

Map Filed: April 29, 1963. A copy : Act of March 3, 1899, (30 Stat.
of said map is attached : 1233; 16 U.S.C. 525)
hereto and made a part :
hereof. :

Expiration date: Abandonment, non- : Regulations: 43 CFR Subparts
use, or failure to : A and F of Part 244, except
construct. : sections 244.9 and 244.16.

Rental: Reciprocal rights-of-way :
granted. :

Rights-of-Way Approved

The above-described application and map for the rights-of-way have been examined and found to conform to the appropriate regulations. All interested Government agencies have recommended favorable action thereon.

Pursuant to the above-cited act and regulations, the rights-of-way in the nature of permanent non-exclusive easements over National forest lands described in Schedule 1 as shown on the map marked Schedule 2 are approved for use in the administration, protection and utilization of forest lands and the resources thereof, owned or controlled by Applicant, subject to:

1. All valid rights existing on this date.

RECEIVED
JUN 6 1963

2. Compliance with the Stipulations incorporated in the above-described application. A copy of said Stipulations marked Schedule A of Application is attached hereto and made a part thereof.

John G. Walters
Manager

cc: Forest Service (serialized copy of Application)
(2 copies of Dec. with attachments)

Director w/map

State of Washington)
County of Spokane) SS

I, Ruby A. Tippie, Notary Public in and for said County and State, do hereby certify that on this 5th day of June, 1963, personally appeared before me John G. Walters, to me known to be the individual who executed the above instrument, and acknowledge that he signed and sealed the same as his free and voluntary act and deed for the uses and purposes therein mentioned. Given under my hand and seal this 5th day of June, 1963.

Ruby A. Tippie
Notary Public in and for the State of
Washington, residing in Spokane, Wash-
ington. My Commission expires

November 15, 1966

Applicant: Northern Pacific

SCHEDULE A OF APPLICATION

Railway Company

Name of Project: Spirit Lake-

800X

51 387

WASH

04834

Iron Creek Road No. 100

Gifford Pinchot National Forest

STIPULATIONS

1. The road rights-of-way applied for are parts of the Spirit Lake-Iron Creek Road System, Gifford Pinchot National Forest, in consideration for which ~~the Applicant has conveyed to the United States other needed reciprocal rights-of-way over its property for the development and use of this road system: The needed rights-of-way conveyed by the Applicant to the United States are described in conveyance dated March 15, 1963~~.

2. The road rights-of-way shall be non-exclusive and shall not exceed 66 feet in width except for such additional widths as are necessary to protect cuts and fills.

3. The road rights-of-way are subject to all valid rights.

4. The Applicant will comply with the applicable rules and regulations of the Department of Agriculture, those applicable rules and regulations of the Department of the Interior set forth in 43 C.F.R. Subparts A and F of Part 244, except Sections 244.9 and 244.16, and with applicable Executive Orders, State and Federal laws.

5. National Forest timber will not be cut or destroyed without first obtaining a permit from the Forest Service.

6. The Applicant will take all reasonable precautions to prevent forest fires and will not dispose of material by burning in open fires during the closed season established by law or regulations without a written permit from the Forest Service.

7. The United States shall have unrestricted use of the rights-of-way and roads thereon in connection with the administration, protection and utilization of the National Forests and the resources thereof.

8. Construction, reconstruction, improvement, resurfacing, use and maintenance of said roads shall be in accordance with the terms and conditions set forth in the right-of-way conveyance and in the Road Right-of-Way and Use Agreement between the Applicant and the United States dated March 28, 1963, and/or as it may be amended.

9. The Applicant shall have the right to charge and to enforce collection from users of said roads for construction, reconstruction, improvement, maintenance and resurfacing performed by Applicant, in accordance with the reservations, agreements, terms and conditions set forth in the right-of-way conveyance and in the Road Right-of-Way and Use Agreement between the Applicant and the United States dated March 28, 1963, and/or as it may be amended.

10. The United States and its authorized users shall have the right to cross and recross said roads at any place by any reasonable means and for any purpose deemed necessary or desirable in connection with the control, management, administration, and utilization of the National Forests and the resources thereof.

11. Except as expressly stated in the right-of-way conveyance and in these Stipulations, these roads may be opened by the United States to such public and private use as will not interfere unduly with the use by the Applicant, and subject to such restrictions as may be imposed by the Regional Forester.

12. The rights-of-way herein granted and roads constructed thereon shall not be subject to charge by the Applicant or for Applicant's use except as herein provided.

13. In the event the rights-of-way herein applied for are not granted, the rights-of-way conveyed to the United States by the conveyance mentioned in clause 1, shall be reconveyed to the Applicant under the provision of Public Law 120 (5 U.S.C. 567).

14. Any segment of the rights-of-way shall cease and determine in the event the road is not constructed, or in the event it is abandoned or shall cease to be used for a continuous period of 5 years, except when maintained in a "put to bed status," for the purpose granted.

Northern Pacific Railway Company
Applicant

Acting Richard P. McRary
Regional Forester,
Forest Service,
U. S. Department of Agriculture

By W. F. Swan
Title, if corporate official
Vice President

March 28, 1963

Date

Independence Pass Area
Gifford-Pinchot National Forest

SCHEDULE 1

The rights-of-way herein applied for cross the following described National Forest lands within the Gifford-Pinchot National Forest, Skamania County, Washington.

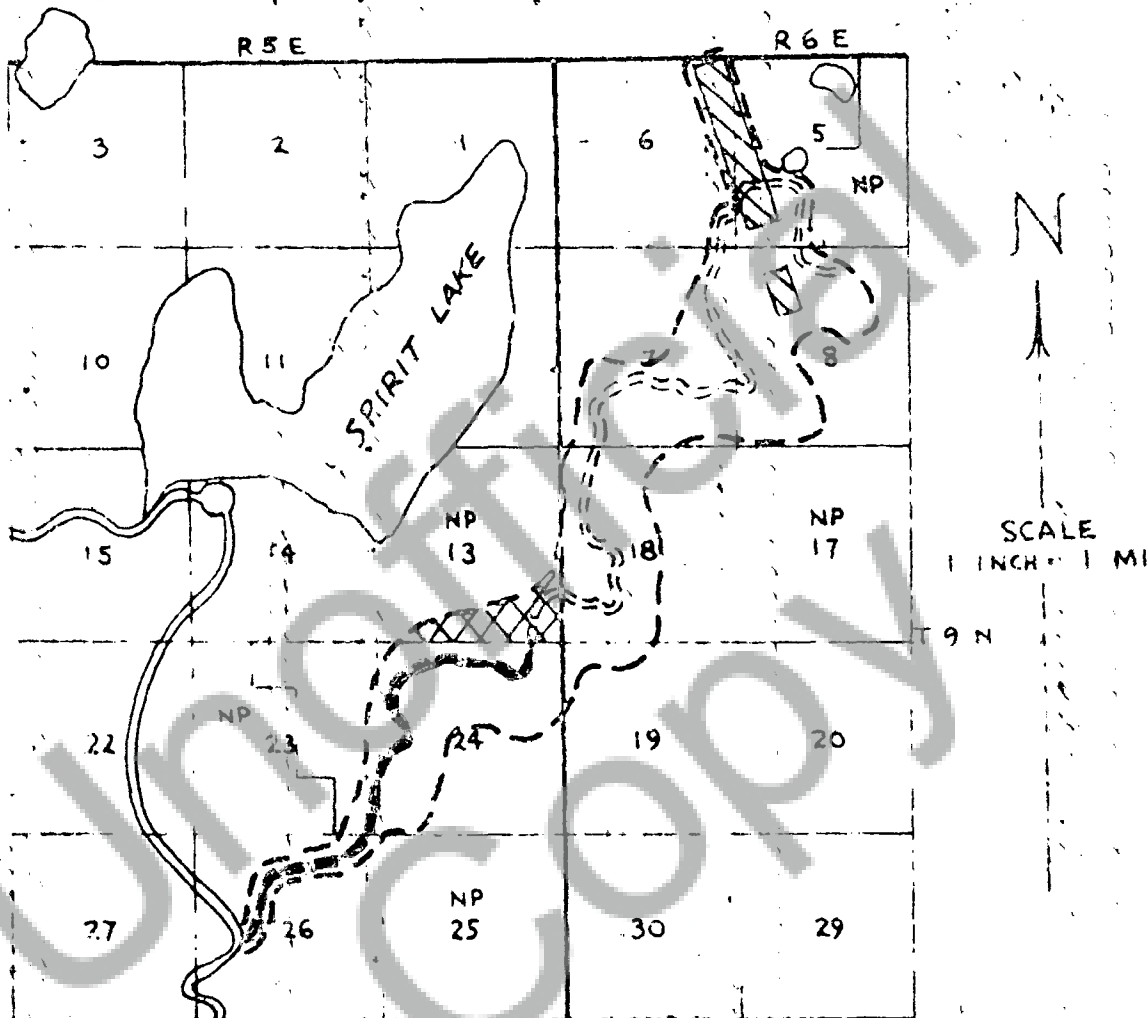
All legal descriptions herein contained are based on the Willamette Meridian.

Project Road					
No.	Twp.	Rge.	Section	Subdivision	
100	9 N.	5 E.	23	E $\frac{1}{2}$ SE $\frac{1}{4}$	
	9 N.	5 E.	24	W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	
	9 N.	5 E.	26	E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$	

EXHIBIT A

WASH. 04834

PART OF T9N, R5&6E, W.M.
SKAMANIA COUNTY, WASHINGTON



LEGEND

BOUNDARY OF COST SHARE AREA

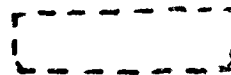
LAND OWNERSHIP IN COST SHARE AREA

NORTHERN PACIFIC

ROBBINS & WINEBERG

USFS - ALL OTHER

ROAD TO BE CONSTRUCTED

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IN AASA