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Alaska Senate Transportation Committee
Alaska House of Representatives Transportation Committee
Alaska House of Representatives Resources Committee

Sent via email

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Honorable Senators and Representatives,

This is the third letter I have written to you related to SB 211. The first letter raised several constitutional questions and provided a list of some practical implementation questions related to the bill. The second letter attempted to connect the dots of how the flow of money and management responsibility would change as a result of SB 211. In some ways, this letter is a follow up to the most recent letter, as further reflection has helped me recognize that a good deal of the confusion related to SB 211 results from the lack of a fiscal note that details the impact this legislation would have on the budgets of DOT, DNR, and the State General Fund. But before I get to that question, I want to express the reason I care enough about SB 211 to keep writing to you about it.

I have many friends and colleagues who work at both DOT and DNR in Fairbanks. Over the years, both agencies have earned my respect and gratitude. I appreciate DOT for its can-do attitude and ability to provide needed infrastructure in Alaska. Every time I see DOT employees working road construction or happen to notice a DOT vehicle driving down the road, I am grateful for the monumental work DOT accomplishes every day in creating and maintaining Alaska's transportation infrastructure. At the same time, I appreciate DNR's role in ensuring that the complex web of rights and responsibilities related to land use in Alaska is protected for the benefit of all Alaskans. In its role as land manager, DNR's mandate provides an expanded focus that looks beyond a current project and includes a wide range of multiple uses and environmental impacts.

I am concerned that SB 211 would upset the existing balance between DOT and DNR in ways that would degrade the constitutional and environmental protections currently embedded in Alaska's land management system. I am especially concerned about the provisions that would diminish DNR's management role or transfer title and vest control of material sites to DOT (Sections 3, 5, 8, and 13). Well-managed material sites provide a multitude of benefits to Alaskans. Material sites that are not managed well can diminish private property values and cause significant economic and environmental harm. This is especially true in material sites located within rivers and floodplains.¹

¹ See [Hungry Water: Effects of Dams and Gravel Mining on River Channels](http://www.wou.edu/las/phyci/taylor/g473/refs/kondolf_97.pdf) by Mathias Kondolf at http://www.wou.edu/las/phyci/taylor/g473/refs/kondolf_97.pdf.

DNR plays an important role in identifying these issues and finding solutions that provide DOT with the gravel it needs to maintain Alaska's infrastructure while also protecting Alaska's land and resources for current and future generations.

While I understand DOT's frustration with onerous levels of oversight, I am concerned that the pendulum is swinging too far in the opposite direction. In 2009 DOT the acquired authority to conduct its own NEPA reviews for most of its federally funded projects.² In 2011, the Alaska Coastal Management Program was dissolved, relieving DOT of significant state oversight of many material sites located in rivers and floodplains. Now DOT is attempting to diminish or eliminate DNR's management role, and this is happening in the wake of significant statutory changes in 2012 that were specifically designed to streamline material sales in Alaska. Given these recent changes that reduce the role of other agencies in DOT projects, it seems to me that SB 211 goes too far.

These are the reasons I keep writing to you about SB 211, but I also have concerns about the bill itself. I've already expressed many of these concerns in my first two letters. As I've spent time thinking about the bill and wrestling with the impact it will have, I realized that one reason it's so difficult to understand is because the presentation of the bill has not included an accounting of the fiscal changes that will result to DOT, DNR and the State General Fund as a result of the bill:

- Sections 3, 5, and 8 of the bill require surveys and title transfers of the hundreds of parcels of state land involved in airports, highways, public facilities and material sites included in the bill. What is the expected cost for obtaining these surveys and conveyances of title?
- Section 13 changes the fiscal management of material sales in Alaska so that DNR would no longer charge DOT or DOT contractors for material. How much money is involved? Where will the money go that is no longer paid to DNR? Will DOT simply keep these funds in its own budget? If so, is DOT required to provide an accounting of how SB 211 shifts funding from DNR and the State General Fund to DOT? If there is some other fiscal impact that will result from SB 211, what is it? What is the fiscal impact of SB 211?

AS 24.08.035(c) states that fiscal notes attached to bills must include, among other things, the fiscal impact on existing programs and a line item detail of the fiscal impacts. In my research related to this bill I have attempted to glean an understanding of the fiscal impact of SB 211, and have been unable to do so because the fiscal notes attached to the bill indicate there will be no fiscal impact. I therefore respectfully request that the bill be referred to the Legislative Finance Division for a fiscal analysis. I also request an opportunity to provide public comment to the bill after that analysis has been completed, and therefore request that the Transportation Committee hold the bill until such time as that opportunity becomes available.

I appreciate the opportunity to provide comments in my capacity as a private citizen and resident of the State of Alaska. Thank you for your time and attention.

Sincerely,

Julie Smith

² http://www.dot.alaska.gov/stwddes/dcspubs/assets/pdf/directives/attach/6004_ch1_120412.pdf