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

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Honorable Senators and Representatives

I am providing written comments in response to Senate Bill 211 and House Bill 371, relating to relating to DOT&PF taking lands and materials sites from DNR management. I have lived in Alaska since the mid 70's and I worked for DOT&PF 79-82 before going into private practice as a Professional Land surveyor owning my own business for almost 25 years. I currently work for DNR, however these comments are offered as a private citizen and not to be construed as the Department's position.

I do support making the process for developing infrastructure easier, but these bills are not in the State's or the Public's best interest.

I do not support:

Sections 3, 5 & 8 requires DNR to transfer title, within four months, all state-owned public domain lands upon receipt of a DOT&PF written determination that the lands are reasonably necessary for a DOT&PF facility. These sections states the transfer of land from DNR to DOT&PF is not a "disposal" of state land, thereby eliminating any consideration of ongoing DNR projects, public interest, compensation and possibly 3rd party interest (lease or sale contracts) in the land. Case in point, DOT&PF is currently looking at a bypass that goes through a subdivision DNR created a few years ago where the development costs were extensive. DNR is subdividing lands for disposal under Constitutional mandate under Article 8.1 "to encourage settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest". Under these sections of the proposed bills, DOT&PF can determine they need the land through the subdivision without compensating DNR for any development costs required in meeting the Constitutional mandate. DNR's land disposal program is required to be self-supporting. DOT&PF's taking land without compensation will most likely defeat DNR's ability to meet the Constitutional mandate.

Section 12 expands DOT&PF's authority to dispose property excess to its needs to include property that was formerly held in the state's public domain. In general I believe this beneficial, however I believe that if DOT&PF received the land from DNR without fair market compensation any monies received should be distributed to DNR.

Section 13 allows DOT&PF to use state-owned material sites without payment and without term or quantity limitations. Money received from material sales helps DNR perform its duties required to manage the State's resources. Without term allows DOT&PF to identify property for a material site for an area much larger than the anticipated need to be held in abeyance for years even if DOT&PF does not actually access or use the site for decades. Case in point an old IMLT form 1980's for 160 acres was requested for a new highway realignment. Department of Highways (DOH) stated that they did not know the exact relocation alignment at the time of reservation, however once identified DOH would willingly release the majority of the property. Under Section 13, DOT&PF could decide not to fulfill their earlier promise.

I appreciate this opportunity to participate as a private citizen in the legislative process and thank you for your time and attention.

Sincerely,

Cliff Baker