

North Slope Borough

PLANNING AND COMMUNITY SERVICES DEPARTMENT



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Rhoda Ahmaogak, Director

March 21, 2014

The Honorable Dennis Egan
Alaska State Senate
State Capital Building
Juneau, Alaska

Subject: Senate Bill 211

Dear Senator Egan:

This letter is to offer comments and recommendations from the North Slope Borough Planning Department regarding Senate Bill 211, an Act providing the Department of Transportation & Public Facilities with numerous authority regarding land, easements, materials, and other matters.

First, please let me take this opportunity to thank you and your office for taking the time to consider our comments and interests.

Our primary concern is with Section 15 of the bill. This section authorizes the transfer of the surface estate, including material site development, at Franklin Bluffs and Happy Valley on the Dalton Highway from the Department of Natural Resources to the Department of Transportation & Public Facilities. The concept of a development node at these locations is undermined if the existing gravel pads are given to DOTP&F, and the NSB is left with bare tundra.

There is a long history of efforts between the North Slope Borough (NSB) and the Department of Natural Resources (DNR) towards completing the transfer of title to the NSB as a municipal land entitlement. As recently as January of this year, NSB staff met with DNR staff to discuss the status of this process. The Borough considers these two sites along the Dalton Highway among our top priorities for conveyance, but contamination at the sites had stalled consideration originally.

It came as a complete surprise to read in Section 15 of Senate Bill 211 that the Department of Transportation & Public Facilities (DOT&PF) was seeking the conveyance of the same property at Happy Valley and Franklin Bluffs. In addition, we don't understand why there is a desire to establish state airports at these locations when there are already state airports located in the vicinity.

The NSB is willing to listen and try to obtain a better understanding of the goals of the DOT&PF. Until we are able to reach that understanding, we would respectfully request consideration by the Senate Transportation Committee towards entirely removing Section 15 and section 13 from Senate Bill 211.

The NSB, DOT&PF and DNR are all partners in the management of the Dalton Highway corridor. Issues related to this partnership need to be resolved through a collaborative process and not through a legislative designation that prevents public involvement. We need to tackle policy considerations together, not separately, to ensure that development nodes are in place for the next large scale project in the corridor.

We would also like to offer some comments regarding other sections of Senate Bill 211.

Section 1 of the bill adds powers to DOT&PF for state airport operations. With respect to issues of land and gravel use, SB211 ignores that there are numerous examples of municipal airport operators who may desire similar authority. We would be happy to discuss this potential with DOT&PF and the Transportation Committee if there is an interest in pursuing this idea.

Sections 2, 3, 4, and 5 broaden DOT&PF's powers over land disposal, which is currently an authority of DNR. Under Sections 3 and 5, the department is given the authority to use gravel that may be contrary to local land use codes, and also fails to protect public interests related to land use and asset disposal. For example, it does not appear that DOT&PF will be subject to the requirements of a Best Interest Determination.

Sections 6, 8, and 9 relate to the Dalton Highway. There may be some inconsistencies between the authorizations in these sections of SB211 with the Dalton Highway Master Plan, and also with NSB land entitlement selections. These issues need to be resolved through the ongoing municipal entitlement process, not this way. These sections appear to provide eminent domain powers for one department of the State over another.

Section 10 appears to allow DOT&PF to determine that a sale of state land is in the public's best interest without public input. Blanket public interest findings without public input is generally not a good process. Perhaps the Transportation Committee and DOT&PF could consider how to develop standards for a public disposal process.

Section 13 appears to be inconsistent with NSB local land use code (Title 19), and also is void of public input on material sales. NSBMC discourages development of multiple material sites which has been DOT&PF's practice along the Dalton Highway. Perhaps this authority should be clarified to be subject to local land use codes and processes.

Thank you for the opportunity to offer comments on SB211. We appreciate the efforts of the Senate Transportation to review this bill, and we are willing to discuss the points of this letter with DOT&PF.

Sincerely,



Rhoda Ahmaogak, Director
Department of Planning
North Slope Borough

CC: Office of the Governor
DOT&PF Commissioner Kemp
Senator Donald Olson
Representative Ben Nageak