

SENATE JOINT RESOLUTION NO. 30

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Introduced: 4/27/01

Referred: Rules

A RESOLUTION

1 **Urging the United States Forest Service to acknowledge all of the rights of the state to**
2 **rights-of-way to state highways that pass through federal land.**

3 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **WHEREAS** the State of Alaska owns, maintains, and operates hundreds of miles of
5 state roads and highways that pass through federal land; and

6 **WHEREAS** some federal agencies, through aggressive, unwarranted, and unlawful
7 actions, have attempted to erode the state's ownership and authority over the use of these
8 highways and appurtenant public facilities located within the rights-of-way; and

9 **WHEREAS** the most recent and egregious instance of this aggressive federal action
10 occurred in Yakutat, where the United States Forest Service has attempted to require a permit
11 for commercial hauling on that portion of Forest Highway 10 in the north Tongass National
12 Forest, over which the state has for decades had exclusive management and maintenance
13 authority; and

14 **WHEREAS** the Forest Service has attempted to control access to one of the state's
15 navigable waterways by limiting use of a boat launch located entirely within the right-of-way
16 of Forest Highway 10; and

1 **WHEREAS** the aggressive assertion of authority by the Forest Service in Yakutat
2 bodes ill for state highways and appurtenant facilities located within the state's rights-of-way
3 throughout the Tongass and Chugach National Forests; and

4 **WHEREAS** a precedent set by the Forest Service at Yakutat could provide an open
5 door to other aggressive federal agencies that control land surrounding state highways and
6 facilities throughout Alaska;

7 **BE IT RESOLVED** that the Alaska State Legislature urges the United States Forest
8 Service to recognize that the State of Alaska has sole authority to control public access and
9 use of rights-of-way for all state highways passing through Forest Service lands.

10 **COPIES** of this resolution shall be sent to the Honorable Ann Veneman, United
11 States Secretary of Agriculture; the Honorable Gale Norton, United States Secretary of the
12 Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S.
13 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
14 delegation in Congress.