

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION COMMITTEE

April 3, 2001
1:35 p.m.

MEMBERS PRESENT

Senator John Cowdery, Chair (via teleconference)
Senator Jerry Ward, Vice Chair
Senator Robin Taylor
Senator Kim Elton

MEMBERS ABSENT

Senator Gary Wilken

COMMITTEE CALENDAR

PRESENTATION BY RICHARD ODSATHER ON RIGHTS-OF-WAY AND
TRANSPORTATION CORRIDORS IN ALASKA

SENATE BILL NO. 44

"An Act establishing an Alaska Toll Bridge and Causeway Authority;
and providing for an effective date."

SCHEDULED BUT NOT HEARD

SENATE BILL NO. 45

"An Act making an appropriation for the design of the Knik Arm
crossing; and providing for an effective date."

SCHEDULED BUT NOT HEARD

PREVIOUS COMMITTEE ACTION

SB 44 - See Transportation minutes dated 3/22/01, 4/3/01.

SB 45 - See Transportation minutes dated 3/22/01, 4/3/01.

WITNESS REGISTER

None

ACTION NARRATIVE

TAPE 01-12 SIDE A

Number 001

VICE-CHAIRMAN JERRY WARD called the Senate Transportation Committee

to order at 1:35 p.m. Present were Senators Taylor and Cowdery, who participated via teleconference. The committee invited Richard Odsather to speak on rights-of-ways and transportation corridors in Alaska.

MR. RICHARD ODSATHER gave the following presentation.

Thank you very much, first of all, for taking notice that this program had been developed back in the early '90s and I'm glad to be able to provide some information to you.

A little bit of my background so that you maybe feel a little bit more secure. My background is Arctic engineering. I was born and raised here in Alaska and educated up in Fairbanks and I've dealt with oil and gas since I graduated from the University in 1970. Prior to going on my own here [indisc.], I was with the state pipeline coordinator's office in Anchorage as deputy pipeline coordinator from 1990 through 1997. During that tenure the commissioner of DNR was provided an appropriation of money to develop transportation corridors and part of that was because the Department of Transportation didn't want to do it. So, we developed that program and there's approximately - just to give you the big numbers, there's approximately 10,000 miles of route.

If you look at the one chart that Don has put together there, it shows an overall map. The corridors are in yellow and then on that are superimposed the selected... [Mr. Odsather was temporarily disconnected from the teleconference system.]

VICE-CHAIRMAN WARD announced that Senator Elton was present. He asked Mr. Odsather to proceed.

MR. ODSATHER continued.

As I said, on the map, the thin yellow lines on there are the corridors that were selected and there's about 10,000 miles of route there that goes southeast, all the way down to Cold Bay, up to Point Lay, and across the top over to the ANWR area. Superimposed on that are the highly valued mineral lands and also the oil and gas areas.

Our particular charge, when that was then to be by Commissioner Heinz, who was commissioner of DNR, was to develop no new routes. In other words, we had to go back through the work that had to be done from the late 1800s, early 1900s, what the Federal Highway Administration had done and what the Department of Transportation and Public Facilities had done and from that to make a synthesis of routes that were multimodal. Multimodal - that means that they're used for oil and gas, they're used for railroads, they're used for roads, for all utilities and so on, and the limiting factor on the corridors was that they could be no more than a percent and a half grade, which is the limiting grade for railroads.

So, with that in mind, what we did is we used those corridors and initially, without regard to any of the land ownership issues, terrain issues, [indisc.] almost anything, was to develop a route for each particular corridor that appeared to be safe, appeared to be constructible, and so on. From that, then we got with the folks in Fairbanks, through the [Division] of Geological and Geophysical Surveys, which was part of the DNR. They, for 60 percent of the routes, developed a geology for five miles on either side of center line and then from that we made a derivative map that showed, what they call, the geology materials map, which to us, the engineering team, means that's gravel or sand - there's organics there even though the construction [indisc.] is to build roads, railroads, lay down areas, airports, villages, whatever.

The third derivative that we had coming out of that, which is also in front of you, is what they call the geologic hazards map. Those are to tell us where there was glaciating, where there were avalanches, what kind of permafrost was in the area. There's another map that you don't have there which is called Geologic Hazards 2, which tells us [indisc.] what happens with rapid movement during earthquakes, where the earthquakes are, where the fault zones are. And then there's another map that also shows what we call Data Quality. If it was good data, it would show up in a certain color. If it was not so good, it would show up and it would tell us that the sources that we were using - we had good sources or we had to use information from satellite imagery, false color photos, that type of thing, to develop our geology.

With that particular information, we also married in the work that had been done by the Alaska Energy Group that identified where there were dams that could be used for hydropower, mine belt power, like up in Northwest Alaska, geothermal power, say down in the southern part of Alaska, and wind power, and let that tie into our overall corridor program. In addition to that, then we also put the port studies for the entire state of Alaska and tied that in. We were apparently limited by the right of the federal government to select the land and stake the land.

If you look at the state lands today, if you had a land ownership map in front of you, you'd find the center core of Alaska is where Alaska can really choose land. Everything around all of the water, the border issues around Canada, were selected by the federal government or by the Native corporations. It had a limiting effect on how we could effectively develop the corridor system. With that in mind, then you looked at the legal issues of how we could get there from here because obviously ANILCA was one of the great contributors to limiting Alaska to achieving its resources. In other words, it made it very difficult to get there from here. For example, if you wanted to go from Ambler up to Point Lay, you had to go through federal land and part of our exercise was, that if you remember back in 1957, much of Alaska wasn't surveyed. It still isn't surveyed by the federal government yet. But in order to get the land done in 1957, the federal government decided that they would use a protracted survey. Now for those of you that are not familiar with that term, that means that they use a pencil, and they drew the section lines with a pencil on paper and they considered that as a legal mechanism for transfer of lands.

If you look at ANILCA, ANILCA recognized those protracted surveys because later on the areas that wanted to be picked up by Udall and so on had to be identified legally and so it was done with protracted surveys. The federal government did that and it was recognized. Using that information through our legal people, we used that as the method to go through the federal lands - through parks and so on. [Indisc.] presentations to our AG, the state attorney general - two specific issues. One was: can we use those protracted surveys for access to Alaska's resources and to tidewater and to existing infrastructure? The second was that back in 1812, there was a treaty between Russia and Great Britain that

allowed free access through the Pacific Ocean to Canada. That means through the Yukon River to Canada, through the Taku, through the Stikine, Bradfield Canal, all those areas are legal access to Canada from the Pacific Ocean. So we asked the attorney general for the reading on that particular issue and, unfortunately, we never got a reading on either one of them. That's something that needs to be pursued.

The corridor system, in talking with DNR last week - the Department of Natural Resources - has not really done anything in the past eight years to assure that those lands are being transferred to the state. All of the lands were identified in a protracted survey, legally identified, and sent to BLM electronically. They were to transfer those lands back to the State of Alaska but there's something going on internally and part of the problem is that the corridor program has not had a champion to assure that DNR's doing its job and that BLM is doing its job.

Part of this presentation is to let you know: a) that the study was done and that the lands were sent over electronically to BLM for transfer to the state and not much has been done since then. I don't know what the status is. When I left, there [were] 23 corridors that were to be transferred to the state as the highest priority. When I called DNR, they have absolutely no knowledge of what the status is.

I think it's important for the state, in its long term view, to take on all of these corridors and get them in the state's ownership because although you may never build them, you will have the opportunity to use the plates and even if you don't use them, at least it's a method to secure the state's future. A lot of those routes are on state land, for example. As far as I know, that was one of the first charges that was going to be handled by Glen Olds, who was an ex-commissioner, [indisc.] and the state lands where the corridors went through were never transferred into state ownership. As a result, there are people that are selecting those corridors for their use, like the Mental Health Trust and so on.

I think that there's going to be a problem in future development and it may cause those corridors to go in another direction, which they may not do because they're

legally bound by federal constraints or that there's going to be a high cost that's going to be added to the corridor system. Maybe the best thing to do at this point is, if there's any questions that any of you have, let me know and I'll try and answer them for you.

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VICE-CHAIRMAN WARD thanked Mr. Odsather for his testimony and noted that committee members may have questions that they will submit to Mr. Odsather once they have reviewed the documents before the committee.

MR. ODSATHER pointed out that the portion of the report that was written in 1993 was sent to Representative Jeanette James.

VICE-CHAIRMAN WARD said he was aware that Representative James used that report for the railroad corridor bill and that he is familiar with the package that she has.

MR. ODSATHER added that there is a three-drawer file at the DOTPF Division of Highways and one in Anchorage at the State Pipeline Coordinator's Office that contains all of the maps, the report and other information. He emphasized the need to get the corridor project going. He offered to help in any way he can.

SENATOR COWDERY noted that he found Mr. Odsather's report very interesting and that he would like to draft some legislation, perhaps with the Senate Resources Committee, "to get this thing going."

VICE-CHAIRMAN WARD stated that Don Smith, committee aide, will be reviewing those files.

SENATOR TAYLOR thanked Mr. Odsather for his comments. He is aware there is a three-drawer file cabinet filled with the summarization that was done under the Hickel Administration in 1993, concerning access corridors, but he would bet that cabinet has not been opened in the last six to eight years.

MR. ODSATHER said regarding the route from Ambler to the Colville area, the cart is before the horse because any land changes from what was originally done on these corridors is going to cost Alaska dearly, from what he hears from BLM.

SENATOR TAYLOR maintained that was intended because nothing has been done in the last six years to protect any of the corridors. He expressed doubt about the legislature's ability to pass a bill to build a road that won't get vetoed.

MR. ODSATHER said the suggestion is not to build a road but to have

that piece of land available for future use out to 150 years.

SENATOR TAYLOR said he understands that. He said, "I've been trying to get them to select the Bradfield Road and the corridor that it lies within. They've refused to do that for six years, and I've tried to get them to select at least an easement of state lands selection across the Cleveland Peninsula so that we could eventually tie Southeast Alaska together and they've refused to do any of that."

VICE-CHAIRMAN WARD thanked Mr. Odsather and informed him that committee staff would prepare three questions for Odsather. He believes the corridor situation needs to be addressed and the committee would begin work with the Senate Resources Committee. He informed participants that SB 44 and SB 45 would not be heard today. He then adjourned the meeting at 1:55 p.m.