

Introduced: 2/23/77
Referred: State Affairs and Finance

1 IN THE SENATE

BY BUTROVICH AND HACKNEY

2 SENATE CONCURRENT RESOLUTION NO. 22

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - FIRST SESSION

5 Relating to the North Slope Haul Road.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

7 WHEREAS the legislature enacted AS 19.40.010 - 19.40.080 in 1970, which
8 provides in part at AS 19.40.010(a): "The legislature finds and declares
9 that there is an immediate need for a public highway from the Yukon River to
10 the Arctic Ocean"; and

11 WHEREAS the road now known as the North Slope Haul Road was constructed
12 by Alyeska Pipeline Service Company (Alyeska) under an agreement dated
13 June 11, 1971; and

14 WHEREAS the agreement, in part 3, specifically, provides: "The Highway
15 shall be a State highway and may be used by (Alyeska) ... for the construc-
16 tion and operation of the Trans-Alaska Pipeline"; and

17 WHEREAS the attorney general of the State of Alaska has proclaimed in a
18 letter dated September 7, 1976 to Dr. Robert LeResche of the Office of the
19 Governor, division of policy development and planning: "The Haul Road is a
20 Public Highway."; and

21 WHEREAS the division of policy development and planning has submitted a
22 statement of policy options through which the governor has been advised:
23 "There are conflicting views on the exact statutory authority under which
24 this right-of-way was granted. It is relatively clear, however, that it was
25 granted for the construction of a 'public highway'. It is not totally clear
26 exactly what type of access policy is consistent with this 'public highway'
27 status; whether such a highway must be open to general public access or
28 whether a more restrictive access policy will be legally permissible."; and

29 WHEREAS the division of policy development and planning has made the

1 following recommendation to the governor: "Our recommendation is that the
2 State allow access only to industrial users; that access be controlled
3 through a permit system, and that this policy be declared effective until
4 completion of any natural gas pipeline. The primary reason for endorsing
5 this policy is that it will give the State the greatest flexibility over
6 future management options for the Haul Road. It will also permit completion
7 of land use and transportation planning for the entire Northern region."; and

8 WHEREAS the Alaska Growth Policy Council has made the following recom-
9 mendation to the governor on November 11, 1975: "The Alaska Growth Policy
10 Council endorses the active planning program for the North Slope Corridor by
11 the Bureau of Land Management, State Division of Lands, and other State and
12 Federal agencies. The council recommends that no public use be made of the
13 North Slope Haul Road except by major industrial users, without State ex-
14 pense, pending final decision of land use and transportation in the corri-
15 dor."; and

16 WHEREAS Gene A. Hanna, Division Administrator, Federal Highway Adminis-
17 tration in a memorandum dated December 19, 1975 to Walter B. Parker, Commis-
18 sioner, Department of Highways stated: "... The stipulations made at the time
19 this route [FAS Route No. 681, North Slope Haul Road] was placed on the FAS
20 system and Federal funds were committed to the project were the assurances by
21 the state that the completed roadway would be maintained by the state and
22 would be open for the use of the general public" This correspondence was
23 the result of a desire by Mr. Hanna to notify the state policymakers of the
24 federal position regarding a permanent use policy for the North Slope Haul
25 Road; and

26 WHEREAS on August 23, 1976 the governor announced his interim use policy
27 as being: "The interim policy on the North Slope Haul Road I am announcing
28 has two parts. There is a policy for access, and there is a policy for
29 revenues to meet the costs of opening the Haul Road. My decision is: The

1 road will be opened for use by industrial and mining interests much as it is
2 today. We will expect them to pay for the use of the road, just as they do
3 today."; and he further stated: "This decision is an interim policy, to be
4 in effect until the peak industrial demands for the road have subsided and
5 until the Joint Federal-State Land Use Planning Commission and local govern-
6 ments have developed a rational plan for the sound and profitable management
7 of State and Federal lands in the area affected by the road"; and

8 WHEREAS the Federal-State Land Use Planning Commission has suggested
9 that it will need until June 1978 to complete all planning preparatory to the
10 formulation of a permanent use policy for the North Slope Haul Road;

11 BE IT RESOLVED by the Alaska State Legislature that the State of Alaska
12 be committed to:

13 (1) the submission of a timely and efficient comprehensive land-
14 use and management plan for Northern Alaska; and

15 (2) compliance with a time table for final formulation of the
16 permanent use policy for the North Slope Haul Road which provides for a com-
17 pletion date of all land-use, management, and transportation planning related
18 to the North Slope Haul Road no later than January 1, 1978; and be it

19 FURTHER RESOLVED that the legislature shall establish an interim commit-
20 tee of the Legislative Council consisting of three members of the senate
21 appointed by the president of the senate and three members of the house of
22 representatives appointed by the speaker of the house. No more than one
23 appointee from each body shall be from the membership of the Legislative
24 Council. The committee, to be known as the North Slope Road Committee, shall
25 be responsible for:

26 (1) monitoring and reviewing the progress of the comprehensive
27 land-use and transportation plan for Northern Alaska as it specifically
28 relates to the interim and permanent uses to which the North Slope Haul Road
29 is dedicated; and

1 (2) the study of legislative options for implementing a permanent
2 use policy for the North Slope Haul Road; and

3 (3) submission of a report of its findings and recommendations at
4 the beginning of the Second Session, Tenth Legislature.
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