

HB

268

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: 307 1 465-4100

February 26, 1985

Mr. John Manly
Committee Aide
Senate Transportation
Committee
c/o Senator Coghill
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Mr. Manly:

This letter is in response to your request dated February 9, 1985, that the department prepare a brief statement on the fish and wildlife values and potential impacts associated with an extension of the state highway system to Kantishna via three alternative routes from the Parks Highway. It is our understanding that the three alternatives under consideration include access:

1. Via the Stampede Trail to Stampede then through the foothills to Kantishna;
2. Via the Rex Trail to the Kantishna River then upriver to Kantishna;
3. Via the proposed Nenana-Totchaket Agriculture access road to the Kantishna River then upriver to Kantishna.

Our Habitat Division has performed a review of the alternatives. An abbreviated summary of the fish and wildlife values and the department's recommendations relative to the three alternative routes follows.

Alternative #1 - Stampede Trail: Wildlife values adjacent to this route are moderate to high in importance. Black bear, grizzly bear, moose, caribou, and a variety of furbearers are present. Dall sheep are present along the north flank of the Alaska Range to the immediate south. The McKinley Caribou Herd historically utilized this area as prime overwintering and limited calving habitat. Although population abundance is currently low, an expansion of the herd size will necessitate use of this historic range. The

proposed route also transects important moose fall and winter concentration areas. Recreational and subsistence use is moderate and occurs predominately along the Stampede Trail. Trapping intensity is moderate to heavy.

Alternative #2 - Rex Trail: Fish and wildlife values adjacent to this route are moderate to high in importance. Black bear, grizzly bear, moose and a variety of furbearers are present in moderate numbers throughout most of the area. Significant populations of these species, however, are present within the Nenana, Teklanika, Toklat, and Kantishna River riparian corridors. Recreational and subsistence use is moderate to heavy within these river corridors. Human use outside of these corridors is limited.

The portions of the upper Kantishna River and Bearpaw River drainages affected by this route are considered critical waterfowl habitat areas, providing nesting and molting habitat for high concentrations of several species of waterfowl and stopover sites for cranes and other species that utilize the western Interior.

The Toklat River Springs located at the confluence of the Toklat and Sushana Rivers supports the largest known population of fall chum salmon in Alaska and is estimated to contribute 27% of the commercial and subsistence fall chum salmon harvest in the Yukon and Tanana River fisheries downstream from the mouth of the Kantishna River. The spring's area also supports a small population (500-600) of overwintering mallards which is believed to be the northern-most freshwater waterfowl wintering area in North America. The Toklat River Springs' fall chum salmon spawning area is considered critical habitat and has been nominated for legislative designation.

Alternative #3 - Totchaket Agriculture Access Road and Extension: Based upon the limited data presently available, most of the area adjacent to this route appears to have moderate to low fish and wildlife habitat value. Recreational hunting, subsistence use and trapping are all very light in the area. There are no critical values yet identified. From the standpoint of potential impacts, the department's primary concerns are (1) the portions of the route which are (a) adjacent to the Kantishna River (which is a designated critical stream) or (2) require crossings of critical streams. Rather than influencing route selection, these concerns are normally addressed by the department's regulatory authorities, through the provision of permits, and are not as a component of route selection.

Mr. John Manly

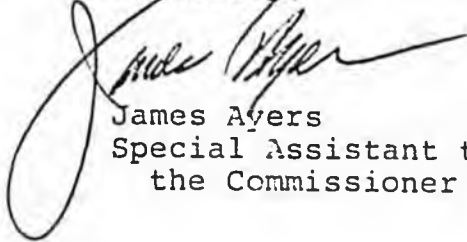
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February 26, 1985

Recommendations: From the sole standpoint of minimizing impacts to fish and wildlife or their habitats, the department prefers that any extension of the state highway system to Kantishna be aligned along the Alternative #3 - Nenana-Totchaket Agriculture Access Road and Extension route.

The department appreciates the Senate Transportation Committee's solicitation of our concerns and recommendations. We remain available to provide additional information as may be needed.

Sincerely,



James Ayers
Special Assistant to
the Commissioner

STATE OF ALASKA

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT**

DIVISION OF TOURISM

February 25, 1985

POUCH E
JUNEAU, ALASKA 99811
PHONE: 465-2010
TELEX: 45331

The Honorable Jack Coghill
Chairman
Senate Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Coghill:

Since statehood, Denali National Park and majestic Mt. McKinley have been one of Alaska's major travel attractions. A recent research report released by our Division of Tourism and compiled by the Department of Labor entitled "Alaska Traveler Survey and Visitor Industry Analysis 1983" shows that more than 70 percent of summer highway pleasure visitors indicated they had visited Anchorage and Fairbanks and 60 percent of these visitors reported they had visited Mt. McKinley/Denali.

Certainly a growing need for access into and through the park suggests that alternative access be explored. The legislation you have proposed in SB 49 calling for a feasibility study of building the Kantishna Access Highway would be a step in this direction.

Because traffic to the park continues to grow and considering the time needed to conduct a feasibility study the sooner the necessary engineering and cost information is compiled, the sooner our State can move to have some control over the traffic flow to this unique vacation destination. The more visitors who can view the mountain and enjoy our wildlife, the more who will return home with an unequalled vacation experience.

Best regards,



Don Dickey
Director

DD/wfs1752W
20585a

THOMAS
&
ASSOCIATES

Box 80783
Fairbanks, AK 99708
(907) 479 4972

February 6, 1985

Senator Jack Coghill
Chairman of the Senate Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Coghill:

I appreciated the opportunity to present the Kantishna highway project to the Senate Transportation Committee. I am writing this letter in response to some of the questions that arose during my presentation.

1. Could federal highway funds be used to fund this reconnaissance effort, essentially reducing the State monies to that required to match federal highway monies? The answer is yes. The funding amount would be approximately five percent (5%) or \$25,000.
2. What is the mechanism whereby the State may construct roads through National Interest Lands? I have included that information as an attachment to this letter.
3. Should not the National Park Service and other interested agencies be approached prior to this project in order to get their approval? The National Park Service has been approached a number of times regarding this project. I believe their position at this time is one that neither approves nor disapproves. In their analysis of the mining potential in the Kantishna area (which they confirmed as substantial) this access scenario was described as one way to serve the mining industry. No position was taken. At this time, it is premature to expect a writeoff of this concept. This does not mean that these agencies are categorically opposed to the concept. There are many questions that need to be answered before any sort of consensus can be had. The location phase of a project is the time these issues are resolved. As an example, of the three basic routes, only one may be acceptable from an environmental standpoint. It takes the location phase analysis to make this determination.

The important considerations from the State's viewpoint at this time are that this proposed project will require the National Park Service to address current, critical access problems. It also gives the State a strong voice in resolving these problems. The process established by the D-2 legislation assures that these problems will be addressed within a short time frame.

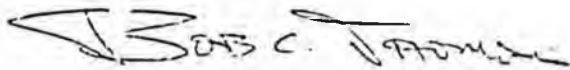
February 6, 1985

I would like to add a bit of personal philosophy to this letter. At one time I enjoyed making the trip on the Park Road to Wonder Lake. I have not done this in the past 15 years. The reason for this is that it is no longer very attractive to me. In order for me to travel the Park Road I must make reservations well in advance and my summers are not that well planned. In addition, it may be heavily overcast and raining during that time. The heavy commercial traffic along the existing Park Road, coupled with the poor condition of that road, make the drive a frustrating one at any rate. As a result, I--and I'm sure many other railbelt residents--do not take advantage of living in close proximity to Denali because of the inconvenience. This project would be very attractive and result in more spontaneous use by Alaskan residents. I believe this extra use would be significant.

It disturbs me at great deal when officials are reluctant to address a serious problem because the Park Service is perceived as a formidable opponent particularly when a logical solution to a serious problem exists.

It is important to keep in mind that tourism is our second largest industry and oil revenues are declining as a result of both lower prices and declining resources. Investment in our second largest industry that is growing and renewable seems prudent.

Sincerely,



Bob C. Thomas, P.E.

Attachment

potential on all public lands in the State of Alaska in order to expand the data base with respect to the mineral potential of such lands. The mineral assessment program may include, but shall not be limited to, techniques such as side-looking radar imagery and, on public lands other than such lands within the national park system, core and test drilling for geologic information, notwithstanding any restriction on such drilling under the Wilderness Act. For purposes of this Act, core and test drilling means the extraction by drilling of subsurface geologic samples in order to assess the metalliferous or other mineral values of geologic terrain, but shall not be construed as including exploratory drilling of oil and gas test wells. To the maximum extent practicable, the Secretary shall consult and exchange information with the State of Alaska regarding the responsibilities of the Secretary under this section and similar programs undertaken by the State. In order to carry out mineral assessments authorized under this or any other law, including but not limited to the National Uranium Resource Evaluation program, the Secretary shall allow for access by air for assessment activities permitted in this subsection to all public lands involved in such study. He shall consult with the Secretary of Energy and heads of other Federal agencies carrying out such programs, to determine such reasonable requirements as may be necessary to protect the resources of such area, including fish and wildlife. Such requirements may provide that access will not occur during nesting, calving, spawning or such other times as fish and wildlife in the specific area may be especially vulnerable to such activities. The Secretary is authorized to enter into contracts with public or private entities to carry out all or any portion of the mineral assessment program. This section shall not apply to the lands described in section 1001 of this Act.

16 USC 1131 note.

Consultation.

Contracts.

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(b) REGULATIONS.—Activities carried out in conservation system units under subsection (a) shall be subject to regulations promulgated by the Secretary. Such regulations shall ensure that such activities are carried out in an environmentally sound manner—

- (1) which does not result in lasting environmental impacts which appreciably alter the natural character of the units or biological or ecological systems in the units; and
- (2) which is compatible with the purposes for which such units are established.

PRESIDENTIAL TRANSMITTAL

Sec. 1011. On or before October 1, 1982, and annually thereafter, the President shall transmit to the Congress all pertinent public information relating to minerals in Alaska gathered by the United States Geological Survey, Bureau of Mines, and any other Federal agency.

Mineral information, transmittal to Congress. 16 USC 1131

TITLE XI—TRANSPORTATION AND UTILITY SYSTEMS IN AND ACROSS, AND ACCESS INTO, CONSERVATION SYSTEM UNITS

FINDINGS

Sec. 1101. Congress finds that—
(a) Alaska's transportation and utility network is largely undeveloped and the future needs for transportation and utility systems in Alaska would best be identified and provided for through an order,

16 USC 3161.

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rocess involving the State and Federal

to approve or disapprove applications systems through public lands in Alaska some cases, absent; and e impacts of siting transportation and established or expanded by this Act and f the decisionmaking process, a single ority for the approval or disapproval of must be provided in this Act.

DEFINITIONS

is title—

"v" means any law of general applicabil- ler which any Federal department or at any authorization (including but not- permit, license, lease, or certificate) n or utility system cannot, in whole or ited.

means any public or private person, , any Federal department or agency. "y" means any Federal department or r duty under applicable law.

tion or utility system" means any type graph (B) if any portion of the route of y conservation system unit, national onservaion area in the State (and the artment or agency having jurisdiction hing incident to its management of the

which subparagraph (A) applies are as

es, laterals, pipes, pipelines, tunnels, ransportation of water.

r systems for the transportation of including oil, natural gas, synthetic and any refined product produced

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nsmission and distribution of electric

ision or reception of radio, television, other electronic signals, and other

ay for snow machines, air cushion in vehicles.

ulroads, tunnels, tramways, airports, and other systems of general

subparagraph includes such related temporary and permanent) along the minimally necessary for the construc- ce of the system. Such related struc- cribed in the application required by ed or disapproved in accordance with title.

EFFECT OF TITLE

SEC. 1103. Except as specifically provided for in this title, applicable 16 USC 3163. law shall apply with respect to the authorization and administration of transportation or utility systems.

PROCEDURAL REQUIREMENTS

SEC. 1104. (a) IN GENERAL.—Notwithstanding any provision of 16 USC 3164. applicable law, no action by any Federal agency under applicable law with respect to the approval or disapproval of the authorization, in whole or in part, of any transportation or utility system shall have any force or effect unless the provisions of this section are complied with.

(b)(1) CONSOLIDATED APPLICATIONS.—Within one hundred and eighty days after the date of enactment of this Act, the Secretary, the Secretary of Agriculture, and the Secretary of Transportation, in consultation with the heads of other appropriate Federal agencies, shall jointly prescribe and publish a consolidated application form to be used for applying for the approval of each type of transportation or utility system. Each such application form shall be designed to elicit such information as may be necessary to meet the requirements of this title and the applicable law with respect to the type of system concerned.

(2) For purposes of this section, the heads of all appropriate Federal agencies, including the Secretary of Transportation, shall share decisionmaking responsibility in the case of any transportation or utility system described in section 1102(4)(B) (ii), (iii), or (vii); but with respect to any such system for which he does not have programmatic responsibility, the Secretary of Transportation shall provide to the other Federal agencies concerned such planning and other assistance as may be appropriate.

(c) FILING.—Each applicant for the approval of any transportation or utility system shall file on the same day an application with each appropriate Federal agency. The applicant shall utilize the consolidated form prescribed under subsection (b) for the type of transportation or utility system concerned.

(d) AGENCY NOTICE.—(1) Within sixty days after the receipt of an application filed pursuant to subsection (c), the head of each Federal agency with whom the application was filed shall inform the applicant in writing that, on its face—

(A) the application appears to contain the information required by this title and applicable law insofar as that agency is concerned; or

(B) the application does not contain such information.

(2) Any notice provided under paragraph (1)(B) shall specify what additional information the applicant must provide. If the applicant provides additional information, the head of the Federal agency must inform the applicant in writing, within thirty days after receipt of such information, whether the information is sufficient.

(e) ENVIRONMENTAL IMPACT STATEMENT.—The draft of any environmental impact statement required under the National Environmental Policy Act of 1969 in connection with any application filed under this section shall be completed, within nine months from the date of filing, by the head of the Federal agency assigned lead responsibility for the statement. Any such statement shall be jointly prepared by all Federal agencies with which the application was filed under subsection (c). The final environmental impact statement shall be com-

42 USC 1321 note.

continuous decisionmaking process involving the State and Federal Governments and the public;

(b) the existing authorities to approve or disapprove applications for transportation and utility systems through public lands in Alaska are diverse, dissimilar, and, in some cases, absent; and

(c) to minimize the adverse impacts of siting transportation and utility systems within units established or expanded by this Act and to insure the effectiveness of the decisionmaking process, a single comprehensive statutory authority for the approval or disapproval of applications for such systems must be provided in this Act.

DEFINITIONS

16 USC 3162.

SEC. 1102. For purposes of this title—

(1) The term "applicable law" means any law of general applicability (other than this title) under which any Federal department or agency has jurisdiction to grant any authorization (including but not limited to, any right-of-way, permit, license, lease, or certificate) without which a transportation or utility system cannot, in whole or in part, be established or operated.

(2) The term "applicant" means any public or private person, including, but not limited to, any Federal department or agency.

(3) The term "Federal agency" means any Federal department or agency that has any function or duty under applicable law.

(4)(A) The term "transportation or utility system" means any type of system described in subparagraph (B) if any portion of the route of the system will be within any conservation system unit, national recreation area, or national conservation area in the State (and the system is not one that the department or agency having jurisdiction over the unit or area is establishing incident to its management of the unit or area).

(B) The types of systems to which subparagraph (A) applies are as follows:

(i) Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.

(ii) Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.

(iii) Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

(iv) Systems for the transmission and distribution of electric energy.

(v) Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

(vi) Improved rights-of-way for snow machines, air cushion vehicles, and other all-terrain vehicles.

(vii) Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

Any system described in this subparagraph includes such related structures and facilities (both temporary and permanent) along the route of the system as may be minimally necessary for the construction, operation, and maintenance of the system. Such related structures and facilities shall be described in the application required by section 1104, and shall be approved or disapproved in accordance with the procedures set forth in this title.

EFFECT

SEC. 1103. Except as specifically provided, this title shall apply with respect to transportation or utility systems.

PROCEDURAL

SEC. 1104. (a) IN GENERAL.—Except as otherwise provided in this title, no action by any Federal agency with respect to the approval or disapproval of any transportation or utility system shall have any force or effect unless the person applying for such system has first filed an application with the Secretary of Agriculture.

(b)(1) CONSOLIDATED APPLICATION.—The Secretary of Agriculture, in consultation with the heads of the other Federal agencies concerned, shall jointly prescribe and publish the form to be used for applying for the approval or disapproval of any transportation or utility system. Each such application shall include such information as may be necessary to carry out the purposes of this title and the applicable law concerned.

(2) For purposes of this section, the Secretary of Agriculture shall have the decisionmaking responsibility in the case of any transportation or utility system described in section 1102(B) with respect to any such system for which the Secretary of Agriculture has the responsibility, the Secretary of the other Federal agencies concerned as may be appropriate.

(c) FILING.—Each applicant for approval or disapproval of any transportation or utility system shall file on the appropriate Federal agency. The application shall be in the form prescribed by the Secretary of Agriculture and shall be filed with the Secretary of Agriculture or the Secretary of the other Federal agency concerned.

(d) AGENCY NOTICE.—(1) Within 30 days after the filing of an application, the agency with whom the applicant has filed the application shall, in writing that, on its face—

(A) the application complies with the requirements required by this title and applicable law; or

(B) the application does not comply with the requirements of this title and applicable law.

(2) Any notice provided under this section shall provide additional information, if available, to inform the applicant in writing of the reasons for the action, and such information, whether the information is favorable or unfavorable to the applicant, shall be provided.

(e) ENVIRONMENTAL IMPACT STATEMENT.—(1) Any application for approval or disapproval of any transportation or utility system shall be accompanied by a statement of environmental impact statement required by the National Environmental Policy Act of 1969 in connection with the construction, operation, and maintenance of the system. This section shall be completed, and the statement shall be filed, by the head of the Federal agency with which the application is filed. Any such statement shall be filed with the other Federal agencies with which the applicant has filed the application (c). The final environmental impact statement shall be filed with the Secretary of Agriculture.

Publication in
Federal
Register.

42 USC 1734.

pleted within one year from the date of such filing. Such nine-month and one-year periods may be extended for good cause by the Federal agency head assigned lead responsibility for the preparation of such statement if he determines that additional time is necessary for such preparation, notifies the applicant in writing of such determination, and publishes notice of such determination, together with the reasons therefor, in the Federal Register. The provisions of section 304 of the Federal Land Policy and Management Act of 1976 shall apply to each environmental impact statement under this subsection in the same manner as such provisions apply to applications relating to the public lands referred to in such section 304. The Federal agency assigned lead responsibility shall, in conjunction with such other Federal agencies before which the application is pending, hold public hearings in the District of Columbia and an appropriate location in the State on each draft joint environmental impact statement and the views expressed therein shall be considered by all Federal agencies concerned before publication of the final joint environmental impact statement.

(f) OTHER VIEWS.—During both the nine-month period, and the succeeding three-month period plus any extension thereof provided for in subsection (e), the heads of the Federal agencies concerned shall solicit and consider the views of other Federal departments and agencies, the Alaska Land Use Council, the State, affected units of local government in the State, and affected corporations formed pursuant to the Alaska Native Claims Settlement Act, and, after public notice, shall receive and consider statements and recommendations regarding the application submitted by interested individuals and organizations.

(g) AGENCY DECISION.—(1) Within four months after the final environmental impact statement is published in accordance with subsection (e) with respect to any transportation or utility system, each Federal agency shall make a decision to approve or disapprove, in accordance with applicable law, each authorization that applies with respect to the system and that is within the jurisdiction of that agency.

(2) The head of each Federal agency, in making a decision referred to in paragraph (1), shall consider, and make detailed findings supported by substantial evidence, with respect to—

(A) the need for, and economic feasibility of, the transportation or utility system;

(B) alternative routes and modes of access, including a determination with respect to whether there is any economically feasible and prudent alternative to the routing of the system through or within a conservation system unit, national recreation area, or national conservation area and, if not, whether there are alternative routes or modes which would result in fewer or less severe adverse impacts upon the conservation system unit;

(C) the feasibility and impacts of including different transportation or utility systems in the same area;

(D) short- and long-term social, economic, and environmental impacts of national, State, or local significance, including impacts on fish and wildlife and their habitat, and on rural, traditional lifestyles;

(E) the impacts, if any, on the national security interests of the United States, that may result from approval or denial of the application for a transportation or utility system;

(F) any impacts that would affect the purposes for which the Federal unit or area concerned was established;

(G) measures which s
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STANDARDS FOR GR

SEC. 1105. In any case i
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AGENCY, PRESIDENT

SEC. 1106. (a)(1) AGEN
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(B) one or more
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such filing. Such nine-month period for good cause by the Federal agency for the preparation of such final time is necessary for such writing of such determination, together with the reasons provisions of section 304 of the Act of 1976 shall apply to each or this subsection in the same applications relating to the public. The Federal agency assigned with such other Federal is pending, hold public hearing at appropriate location in the final impact statement and the considered by all Federal agencies and joint environmental impact

nine-month period, and the any extension thereof provided Federal agencies concerned shall per Federal departments and ail, the State, affected units of affected corporations formed ns Settlement Act, and, after ler statements and recommen- mitted by interested individuals

four months after the final published in accordance with nsportation or utility system, sion to approve or disapprove, ach authorization that applies within the jurisdiction of that

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s of access, including a determi- ere is any economically feasible outing of the system through or it, national recreation area, or not, whether there are alterna- a result in fewer or less severe ation system unit; of including different transpor- me area;

, economic, and environmental local significance, including d their habitat, and on rural,

national security interests of the from approval or denial of the or utility system; fect the purposes for which the as established;

(G) measures which should be instituted to avoid or minimize negative impacts; and

(H) the short- and long-term public values which may be adversely affected by approval of the transportation or utility system versus the short- and long-term public benefits which may accrue from such approval.

STANDARDS FOR GRANTING CERTAIN AUTHORIZATIONS

SEC. 1105. In any case in which there is no applicable law with respect to a transportation or utility system, the head of the Federal agency concerned shall, within four months after the date of filing of any final Environmental Impact Statement, make recommendations, for purposes of section 1106(b), to grant such authorizations as may be necessary to establish such system, in whole or in part, within the conservation system unit concerned if he determines that—

16 USC 3165

(1) such system would be compatible with the purposes for which the unit was established; and

(2) there is no economically feasible and prudent alternative route for the system

AGENCY, PRESIDENTIAL, AND CONGRESSIONAL ACTIONS

SEC. 1106. (a)(1) AGENCY ACTION IN CASES OTHER THAN THOSE INVOLVING SECTION 1105 OR WILDERNESS AREAS.—In the case of any application for the approval of any transportation or utility system to which section 1105 does not apply or that does not occupy, use, or traverse any area within the National Wilderness Preservation System, if, in compliance with section 1104—

16 USC 3166

(A) each Federal agency concerned decides to approve each authorization within its jurisdiction with respect to that system, then the system shall be deemed to be approved and each such agency shall promptly issue, in accordance with applicable law, such rights-of-way, permits, licenses, leases, certificates, or other authorizations as are necessary with respect to the establishment of the system; or

(B) one or more Federal agencies decide to disapprove any authorization within its jurisdiction with respect, to that system, then the system shall be deemed to be disapproved and the applicant for the system may appeal the disapproval to the President.

(2) If an applicant appeals under paragraph (1)(B), the President, within four months after receiving the appeal, shall decide whether to approve or deny the application. The President shall approve the application if he finds, after consideration of the factors set forth in section 1104(g)(2), that such approval would be in the public interest and that (1) such system would be compatible with the purposes for which the unit was established; and (2) there is no economically feasible and prudent alternative route for the system. In making a decision, the President shall consider any environmental impact statement prepared pursuant to section 1104(e), comments of the public and Federal agencies received during the preparation of such statement, and the findings and recommendations, if any, of each Federal agency that rendered a decision with respect to the application. The President's decision to approve or deny the application shall be published in the Federal Register, together with a statement of the reasons for his determination.

Appeals, Presidential review.

Publication in Federal Register:

application under paragraph (2), promptly issue, in accordance with the law, permits, licenses, leases, and other authorizations that are necessary with respect to

application under paragraph (2), the applicant has exhausted his administrative remedies, and the applicant has sought appropriate Federal court to

LIVING SECTION 1105 OR WILDERNESS application for the approval of a right-of-way under section 1105 applies or that any area within the National System of Public Lands of the United States is under the jurisdiction of each Federal agency concerned to provide notification whether the applicant has approved each authorization with respect to the system. Such notification shall include a statement of the reasons and

including all notification referred to in such notifications, any environmental impact statement pursuant to section 1104(e), and any other Federal agency concerned shall decide whether or not the application should be approved. If the applicant shall be deemed to have exhausted his administrative remedies, and may file suit in any court to review such decision. If the President transmits to Congress his recommendation or utility system covered, the application as provided in section 1105 shall include with his recommendation

the subject of his recommendation; a statement of the relevant factual background; the findings and recommendation; the reasons for the recommendation; and stipulations which would be approved by the Congress. No application for any transportation or utility system to which the President makes a recommendation pursuant to subsection (b) shall be approved unless the President and the representatives approve a resolution within the first period of one hundred and eighty days beginning on the day of the session of the Congress beginning on the day of the session of the Senate and House of Representatives.

The Congress is broken only by an adjournment of the House is not in session because of the adjournment of three days to a day certain are the one-hundred-and-twenty-day

The Congress—The legislative power of each House of the United States shall be exercisable only with respect to the House in the case of resolutions

described by paragraph (6) of this subsection; and it supersedes other rules only to the extent that it is inconsistent therewith; and

(B) with full recognition of the constitutional right of either House to change the rules (so far as those relate to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of such House.

(4) For the purposes of this subsection, the term "resolution" means a joint resolution, the resolving clause of which is as follows: "That the House of Representatives and Senate approve the application for a right-of-way under title XI of the Alaska National Interest Lands Conservation Act submitted by the President to the Congress on _____, 19____"; the first blank space therein to be filled in with the appropriate date of transportation or utility system and the second blank therein to be filled in with the date on which the President submits the application to the House of Representatives and the Senate.

"Resolution."

(5) Except as otherwise provided in this subsection, the provisions of section 8(d) of the Alaska Natural Gas Transportation Act shall apply to the consideration of the resolution.

15 USC 719f.

(6) After an application for a transportation or utility system has been approved under subsection 1106(a), the appropriate Federal agencies shall issue appropriate authorizations in accordance with applicable law. In any case in which an application for a transportation or utility system has been approved pursuant to section 1106(b), the appropriate Federal agencies shall issue appropriate authorizations in accordance with title V of the Federal Lands Policy Management Act or other applicable law. After issuance pursuant to this subsection, the appropriate land managing agency shall administer the right-of-way in accordance with relevant management authorities of the land managing agency and title V of the Federal Lands Policy Management Act.

43 USC 1761.

RIGHTS-OF-WAY TERMS AND CONDITIONS

SEC. 1107. (a) TERMS AND CONDITIONS.—The Secretary, or the Secretary of Agriculture where national forest wilderness is involved, shall include in any right-of-way issued pursuant to an application under this title, terms and conditions which shall include, but not be limited to—

16 USC 3167.

(1) requirements to insure that, to the maximum extent feasible, the right-of-way is used in a manner compatible with the purposes for which the affected conservation system unit, national recreation area, or national conservation area was established or is managed;

(2) requirements for restoration, revegetation, and curtailment of erosion of the surface of the land;

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designed to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property; and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and (6) requirements to employ measures to avoid or minimize adverse environmental, social or economic impacts.

(b) WILD AND SCENIC RIVERS SYSTEM.—Any transportation or utility system approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) PIPELINE RIGHTS-OF-WAYS.—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

30 USC 195.

EXPEDITED JUDICIAL REVIEW

SEC. 1108. (a) It is the intent of Congress that any judicial review of any administrative actions, including compliance with the National Environmental Policy Act of 1969, pursuant to this title shall be expedited to the maximum extent possible.

(b) Any proceeding before a Federal court in which an administrative action, including compliance with the National Environmental Policy Act of 1969, pursuant to this title is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

16 USC 3168.

42 USC 4321 note.

VALID EXISTING RIGHTS

SEC. 1109. Nothing in this title shall be construed to adversely affect any valid existing right of access.

16 USC 3169.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system units, national recreation

16 USC 3170.

areas, and national conservation unless, after notice and hearing in the area, the Secretary finds that such resource values of the unit or area are not so construed as prohibiting the use for such travel and activities or such use is permitted by this Act

(b) Notwithstanding any other in any case in which State owned subsurface rights of such owner mining claim or other valid claim surrounded by one or more recreation areas, national conservation designated as wilderness study pier shall be given by the Secretary to assure adequate and feasible purposes to the concerned land occupier and their successors in to reasonable regulations issued natural and other values of such

TEMPORARY

SEC. 1111. (a) IN GENERAL.—of this Act or other law the temporary access by the State conservation system unit, national recreation area, the National Petroleum lands designated as wilderness character or potential or private landowner access geophysical, exploratory, or other he determines such access will resources of such unit, area, Reserve or land

(b) STIPULATIONS AND CONDITIONS pursuant to subsection (a), the conditions he deems use of public lands is accomplished with the purposes for which which insures that no permanent the unit, area, Reserve or land

NORTH

SEC. 1112. (a) IN GENERAL Slope Haul Road referred to but not including regulated regulated industrial traffic a regulation to occur under Section consultation with the Secretary of Alaska shall agree on the use, such section shall be found in title 23, United States Code any regulations thereunder pursuant to this subsection, the Secretary consult with the head of an passes lands located adjacent Road. The State of Alaska

impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) **RELEASE.**—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) **APPLICATION OF SECTION.**—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

STIKINE RIVER REGION

Consultation
with Canadian
Government and
report to
Congress.
16 USC 3173.

SEC. 1113. Congress finds that there is a need to study the effect of this Act upon the ability of the Government of Canada to obtain access in the Stikine River region of southeast Alaska. Accordingly, within five years from the date of enactment of this Act, the President shall consult with the Government of Canada and shall submit a report to the Congress containing his findings and recommendations concerning the need, if any, to provide for such access. Such report shall include, among other things, an analysis of the need for access and the social, environmental and economic impacts which may result from various forms of access including, but not limited to, a road along the Stikine and Iskut Rivers, or other alternative routes, should such access be permitted.

TITLE XII—FEDERAL-STATE COOPERATION

ALASKA LAND USE COUNCIL

16 USC 3181.

SEC. 1201. (a) ESTABLISHMENT.—There is hereby established the Alaska Land Use Council (hereinafter in this title referred to as the "Council").

Presidential
appointment.

(b) **COCHAIRMEN.**—The Council shall have Cochairmen. The Federal Cochairman shall be appointed by the President of the United States with the advice and consent of the Senate. The State Cochairman shall be the Governor of Alaska.

(c) **MEMBERS.**—In addition to the Cochairmen, the Council shall consist of the following members:

(1) the head of the Alaska offices of each of the following Federal agencies: National Park Service, United States Fish and Wildlife Service, United States Forest Service, Bureau of Land Management, Heritage Conservation and Recreation Service, National Oceanic and Atmospheric Administration, and Department of Transportation;

(2) the Commissioners of the Alaska Departments of Natural Resources, Fish and Game, Environmental Conservation, and Transportation; and

(3) two representatives selected by the Alaska Native Regional Corporations (in consultation with their respective Village Corporations) which represent the twelve geographic regions described in section 7(a) of the Alaska Native Claims Settlement Act.

Any vacancy on the Council shall be filled in the same manner in which the original appointment was made.

(d) **STATE DECISION NOT TO PARTICIPATE.**—The State shall not participate on the Council or on the termination of the Council. The Federal Cochairman, the agent, the representatives of the State referred to in subsection (c)(3) shall not perform the administrative functions or make recommendations to Federal officials referred to in subsections (i) and (j) make recommendations from private landowners concerning

(e) COMPENSATION AND EXPENSES

(1) The Federal Cochairman's compensation shall be determined by the President for level IV of the Executive Schedule, United States Code.

(2) The other members of the Council shall receive no additional compensation.

(3) While away from their homes in the performance of their duties on the Council who are Federal employees referred to in subsection (i) shall include per diem in lieu of travel and other authorized expenses under the Federal Travel Regulation, United States Code.

(4) The State Cochairman's compensation shall be determined by the State law.

(f) ADMINISTRATIVE AUTHORITY

(1) The Cochairmen shall create and abolish employment positions and intermittent employment positions, and shall determine the qualifications, appointment, and retirement rights of Council employees, office space, supplies, and other administrative matters.

(2) The office of the Council shall be in Alaska.

(3) Except as provided in this Act, the Federal Government shall bear the costs and other expenses of the Council, including the cetera of members, including the duties under this Act.

(4) The Council is authorized to acquire services, equipment, and other resources from other agencies with or without the consent of the Federal Government and to cooperate with personnel, and facilities, detailed to the Council. Subsection (i) shall be undisturbed for any period such staff is detailed to the Council.

(5) The Council is authorized to accept other contributions and to use such contributions in carrying out its duties.

Applicant states that the proposed subsidiary would engage in the activities of operating an industrial bank in a manner authorized by Colorado law, and engaging in the sale as agent of credit life, credit disability, credit accident and health, loan redemption and loan cancellation insurance in connection with extensions of credit by bank and nonbank subsidiaries of Maryland National Corporation. These activities would be performed from offices of Applicant's subsidiary in Colorado Springs, Colorado, and the geographic areas to be served are entire United States. Such activities have been specified by the Board in section 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of section 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Richmond.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 28, 1981.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-16524 Filed 6-2-81, 8:45 am]
BILLING CODE 6210-01-M

First York Ban Corp.; Proposed Acquisition of First Trust Company of York

First York Ban Corp., York, Nebraska, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y (12 CFR 225.4(b)(2)), for permission to acquire

voting shares of First Trust Company of York, York, Nebraska.

Applicant states that the proposed subsidiary would engage in the activities of a trust company as described in § 225.4(a) of the Board's Regulation Y. These activities would be performed from offices of Applicant's subsidiary in York, Nebraska, and the geographic areas to be served are York County and counties contiguous thereto. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Kansas City.

Any person wishing to comment on the application should submit views in writing to the Reserve Bank to be received not later than June 28, 1981.

Board of Governors of the Federal Reserve System, May 28, 1981.

D. Michael Manies,
Assistant Secretary of the Board.

[FR Doc. 81-16526 Filed 6-2-81, 8:45 am]
BILLING CODE 6210-01-M

GENERAL SERVICES ADMINISTRATION

[E-81-6]

Delegation of Authority to the Secretary of Defense

1. *Purpose.* This delegation authorizes the Secretary of Defense to represent, in conjunction with the Administrator of General Services, the consumer interests of the executive agencies of the Federal Government in proceedings before the

Public Utility Commission of Texas involving electric utility rates.

2. *Effective date.* This delegation is effective immediately.

3. Delegation.

a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 60 Stat. 277, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4), and 466(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the Public Utility Commission of Texas involving the application of the Texas Power and Light Company for an increase in its electric rates. The authority delegated to the Secretary of Defense shall be exercised concurrently with the Administrator of General Services.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

d. The Department of Defense shall forward to the General Services Administration copies of its testimony and briefs within 60 days of formal submission.

Dated: May 22, 1981.

Ray Kline,
Acting Administrator of General Services.

[FR Doc. 81-16441 Filed 6-2-81, 8:45 am]

BILLING CODE 6210-01-M

DEPARTMENT OF THE INTERIOR

DEPARTMENT OF AGRICULTURE

DEPARTMENT OF TRANSPORTATION

Offices of the Secretary

Notice of Uniform Federal Transportation and Utility System Application for Use on Conservation System Unit Lands in Alaska

AGENCY: Department of the Interior.

ACTION: Notice of Uniform Federal Transportation and Utility System Application for use on Conservation System Unit lands in Alaska.

SUMMARY: This notice publishes a consolidated application form for use in applying for Federal approval of transportation or utility systems in the

12
7-1-81

State of Alaska If any portion of the proposed system is within a Federal conservation system unit, national recreation area or national conservation area. This form is not required to be used until each affected Federal agency has secured the necessary clearance from the Office of Management and Budget as required by the Paperwork Reduction Act (44 U.S.C. 3501 et seq.) for information collection requirements.

EFFECTIVE DATE: May 30, 1981.

ADDRESS: Any questions or suggestions should be sent to: Director (330), Bureau of Land Management, 1800 C Street, N.W., Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: Robert E. Mollohan, 202-343-5537 or the above address.

SUPPLEMENTARY INFORMATION: Title XI of the Alaska National Interest Lands Conservation Act, Pub. L. 96-487, 94 Stat. 2371, ("the Act"), specifically Section 1104(b)(1), directs the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Transportation, in consultation with the heads of other appropriate Federal agencies, jointly to prescribe and publish, within 180 days of enactment (December 2, 1980), a consolidated application form. Such form is to be used for applying for the approval of all proposed transportation or utility systems in Alaska in any portion of the system is proposed to be within any Federal conservation system unit, national recreation area or national conservation area. The form is to be used by all Federal agencies which have jurisdiction to grant any authorization, including any right-of-way, permit, license, lease, or certificate, without which a transportation or utility system cannot, in whole or in part, be established. A "conservation system unit" is any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument.

The consolidated application is required to be used for the following types of systems:

1. Canals, ditches, flumes, laterals, pipes, pipelines tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

All of the systems listed above include those minimally necessary related structures and facilities, temporary and permanent, along the routes of such system.

Once the consolidated application form is approved by the Office of Management and Budget for use, no action by any Federal agency under applicable law with respect to the approval or disapproval of the authorization of any of the listed transportation or utility systems shall have any force or effect unless this consolidated application form is used.

The applicant will be required to file the consolidated application form simultaneously with each Federal agency having jurisdiction to grant the authorizations needed for the proposed system. Title XI of the Act provides a special procedure, including time limitations for the review and approval or disapproval of these systems. Other applicable law, including existing agency regulations, applies with respect to the authorization and administration of the transportation and utility systems in the same way it applies to non-Title XI applications.

Both regulatory and land managing Federal agencies are included in the consolidated application procedure. After consultation with many affected agencies, the Departments of Interior, Transportation and Agriculture developed the Uniform Federal Transportation and Utility System Application. Departments and independent agencies that participated are as follows: The Departments of Defense, Energy, Commerce and State, the Interstate Commerce Commission, the National Aeronautics and Space Administration, the Federal Communications Commission and the Environmental Protection Agency.

An attempt has been made to solicit only basic information which is required under current applicable law in determining whether to authorize a proposed system. The scope of response to the questions will vary for each applicant, depending on the simplicity or complexity of the project. In many instances, if the proposed form is

completed properly, little or no further information will be required in order for the agency to approve or disapprove the system.

However, because of the highly specialized nature of most regulatory agency responsibilities, in some instances, these agencies may require additional information from the applicant. Applicants will also be urged to contact all relevant agencies prior to an application submission to learn of any additional or unique submission requirements which have not been incorporated into the consolidated form.

Comments on the consolidated form were requested in the Federal Register of March 12, 1981 (46 FR 16342). Comments were received from 23 sources.

General Comments

Overall the comments received on the draft application form expressed the opinion that the form was clear, concise, and met the intent of Title XI of the Act. Out of 23 respondents, only one opposed the form in its entirety. By and large, the comments were of an editorial nature, i.e., word or phrase changes which provide for a clearer understanding of what information is being requested. Most of these suggestions have been incorporated into the form.

Specific Comments

One respondent suggested that an additional item entitled "resident of Alaska" be added to the citizenship requirement. The suggestion was not adopted in that there is no requirement of law for this information.

Several respondents made various suggestions relating to the "Project Description" section of the form. Most wanted additional items listed. We did not feel that it was necessary to add these requests to the Project Description section of the form. Most of these suggestions were, however, included in the instructions that accompany the form.

Two respondents asked that the word "exact" be removed from the section of the form pertaining to map requirements. This has been done.

Several respondents requested that an additional statement be included in the section on State or local government approval. An additional statement indicating that the applicant has applied for State or local government approval has been included.

Several respondents commented on item 13 of the form. In line with these comments we have replaced the word "chosen" with the word "rejected."

Also, we have broken this item into three parts for clarity.

Four respondents commented on item 15. These comments ranged from eliminating the item to minor word changes. We have removed the phrase "net revenue" and have reworded the instructions for completing this item which are in line with the comments received.

The largest number of comments were directed at items 16 through 18 on the form. Again, these comments ranged from total elimination of the items to minor word changes. Most of the suggested word changes were made and have been incorporated into the form. Other suggestions for clarity were incorporated into the instructions for completing each one of these items. The suggestions for eliminating these items have not been accommodated.

John R. Block,
Secretary of Agriculture,
June 1, 1981.

Andrew L. Lewis,
Secretary of Transportation,
May 29, 1981.

James G. Watt,
Secretary of the Interior,
May 29, 1981.

General Information to Applicant

The Uniform Federal Transportation and Utility System Application form contained in this package is provided for your convenience in applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands that lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, National Forest Monuments. Any individual, business, or governmental entity desiring to establish and operate a transportation system over, upon, under, or through any one of these units must apply for this use by completing the application form contained in this package.

Transportation system uses for which this application is to be used are as follows:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas,

synthetic liquid and gaseous fuels, and any refined product produced therefrom.

3. Pipelines, slurry and emulsion systems and conveyor belts for the transportation of solid materials.

4. Systems for the transmission and distribution of electric energy.

5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communication.

6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.

7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

When filing for any of the above types of transportation systems within any conservation system unit, the applicant is required to file the application contained in this package with each Federal agency on the same day. Federal agencies with whom you must file an application include any agency that must issue a right-of-way, permit, license, lease, or certificate without which the proposed transportation system cannot, in whole or part, be established or operated. For example, if you are filing an application for an airport, you must file with the agency responsible for administering the land and with the Federal Aviation Administration. If you need assistance in determining with which Federal agency(ies) you must file, you should contact any local office of the Bureau of Land Management, Fish and Wildlife Service, Forest Service, or National Park Service.

After you have completed your application, please check to be sure the information you have provided is complete and correct, sign it and return it to all appropriate Federal agencies on the same day.

Thank you for your cooperation.

Steps for Completing the Application Form

We have set up the instructions in this package using 4 steps:

- (1) Pre-Application Meeting;
 - (2) General Application Instructions;
 - (3) General Instructions for Supplemental and
 - (4) Filing Instructions.
- If you follow each step in the order that they are set out and read the line-by-line instructions, your application will generally be found to be complete by the Federal agency(ies) with which you have filed. However, in some instances, the Federal agencies may find it necessary to request additional information from you before application processing can proceed. By carefully following the instructions set out below,

requests for additional information can be held to a minimum with the net result being a reduced timeframe for processing an application and issuing the appropriate authorization(s).

[Step 1]—Pre-Application Meeting

You are encouraged to contact any Federal agency office with which you will be required to file an application to establish or operate the proposed project, prior to completing and filing the application. For your convenience, we have provided a listing of agencies and their locations under STEP 4 of these instructions. This early contact, for the purposes of these instructions, is identified as the *Pre-Application Meeting*. The *Pre-Application Meeting* has been integrated into this process primarily for your benefit. The purpose of the meeting is to afford you the opportunity to explain your proposed project to the affected Federal agency(ies). In return, the agency(ies) will provide you with assistance and information in completing the attached application form. In view of the fact that the Federal agencies with which you may end up filing an application with have no way of knowing what your plans are, it becomes your responsibility to request a *Pre-Application Meeting* with the agency(ies).

It is at this *Pre-Application Meeting* with the Federal agency(ies) that you can acquire specific information to complete each requirement of the application contained in this package. The importance of a *Pre-Application Meeting* cannot be overemphasized. In many instances, you will find it necessary to file the application for the proposed use with two or more Federal agencies. To assist you in determining which Federal agencies you should contact for *Pre-Application Meetings*, the following guidelines are provided:

1. As a minimum you should contact either the Bureau of Land Management, Fish and Wildlife Service, National Park Service, or the U.S. Forest Service. If your proposal crosses land under the administration of only one of these land managing agencies, then only that land managing agency needs to be contacted. However, if your proposal crosses lands under the jurisdiction of two or more of the above mentioned land managing agencies, then you should contact each affected agency.

2. If your proposed project contemplates construction of any kind in navigable waters of the United States or putting structures of any description into or adjacent to these waters, then as a minimum you should contact the land managing agency and either the Coast

Guard or the Corps of Engineers or both. In some instances, and depending upon your project, it will be advisable to contact a representative of the Environmental Protection Agency.

3. Proposed projects involving the installation of air or water navigation aids, you should in addition to contacting the land managing agency, contact the Coast Guard and Federal Aviation Agency. If the navigation aid emits an electronic signal, then the Federal Communications Commission should be contacted along with the other agencies noted above.

4. In the establishment or alteration of any airport runway or taxiway, the Federal Aviation Administration should be contacted in addition to the land managing agency. The Federal Aviation Administration should also be contacted if any construction of a new structure is within a 5 mile radius of an existing airport or if the proposed structure is 200 feet or higher regardless of its proximity to the existing airport.

5. Generally, any project that contemplates transporting water by canals, ditches, flumes, pipeline or tunnels will require you to contact only the land managing agency. However, in some instances involving a water transportation system of if the water system serves the purpose of discharging waste water, then the Environmental Protection Agency, Corps of Engineers, or Coast Guard should be contacted.

6. If the proposed project involves a pipeline for transporting substances other than water including any slurry or emulsion, the land managing agency(ies) should be contacted, and in instances where the pipeline will be a common carrier, the Federal Energy Regulatory Commission and the Department of Transportation should be contacted.

7. In the establishment of any type of communication facility, the land managing agency(ies) on whose land the facility will be situated should be contacted along with the Federal Communications Commission.

8. Any improvement or new construction contemplated for general transportation purposes will require you to contact the land managing agency(ies) across whose land the system affects. Depending on the proposed project, its location, and various other factors, you may need to contact other agencies such as the Corps of Engineers Coast Guard, Federal Aviation Administration, Interstate Commerce Commission, Federal Highway Administration, Environmental Protection Agency, etc.

9. Any system for the transmission and distribution of electrical energy will

require contact with the land managing agency(ies) whose land is crossed by the system. In instances where a powerline interconnects an electric utility and a qualifying cogenerator or small power producer, or where powerlines qualify as primary transmission lines leading from hydroelectric facilities to an interconnection point on the Alaskan distribution grid, you should contact the Federal Energy Regulatory Commission.

10. If the proposed project involves a facility that will emit pollutants into the air, water or land, the land managing agency should be contacted along with the Environmental Protection Agency.

11. If the proposed project involves disturbance to marine life or marine mammals or to their habitat you should check with the National Marine Fisheries Service.

[Step 2]—General Application Instructions

In this step, we have listed *Line-by-Line Instruction* for completing the application form contained in this package. At this point, we caution you that if you have not taken the time to thoroughly read the General Instructions and the instructions set out in STEP 1, you should, before proceeding any further, go back and read those instructions. If you need additional space to complete any line in the application, please put the information on a separate sheet of paper and identify it as follows: "Continuation of Line —, Project Description."

Line-by-Line Instructions

[Line 1]—Give your complete name and address. Some agencies require the names, addresses, and telephone numbers of property owners located adjacent to the proposed project. If you must include this information in your application, identify this information as follows: "Continuation of Line 1, Identification of Adjacent Property Owners."

[Line 2]—If you plan to designate an authorized agent, you must complete this line with the name and address of your designated agent.

[Line 3]—Provide the appropriate telephone number(s).

[Line 4]—You must check at least one block. If you checked "Individual or Federal Agency" you do not have to complete the "Supplemental." If you check any block other than "Individual or Federal Agency," you must complete the entire form including the "Supplemental."

[Line 5]—You must check at least one block. If you checked the block Existing use for which no authorization

received," you must provide information relating to the date use began, type of use, structures or facilities constructed, and vegetative or mineral materials removed or used along or within the area of use. This information should be put on a separate sheet of paper and identified as "Continuation of Line 5, Unauthorized Use Information." If you checked the block for "Other," please explain. This information should be put on a separate sheet of paper and identified as "Continuation of Line 5, Other."

[Line 6]—There are some laws which require the applicant to be a citizen of the United States before a Federal agency can permit the use of Federal lands or issue an authorization, thus the reason for this requirement. Check the appropriate block.

[Line 7]—Before you complete this line, we caution you that if you have not discussed your proposed project with the appropriate Federal agency or agencies as suggested under Step 1 of these instructions, you should do so at this time. Many of the affected agencies have very specific and/or unique requirements, particularly the regulatory agencies such as the Environmental Protection Agency, Interstate Commerce Commission, Federal Energy Regulatory Commission, etc. To list each of these, agency-by-agency, on the form or in these instructions, would not lend assistance to you. Therefore, after you have completed your *Pre-Application* consultation with the various agencies, give as a complete description of the proposed project as possible. If additional space is needed, the information should be put on a separate sheet of paper and identified as "Continuation of Line 7, Project Description." Examples of the type of information to be included are type of use—power transmission, transport oil or gas, vehicular transportation, etc.; units or volume of product to be transported—kilowatts, megawatts generated, cubic feet, barrels, gallons, thousands of board feet of timber, acre feet or water, etc.; the interrelationship of the proposed project with similar existing facilities; physical description of proposed facility—diameter of pipeline, all-weather surfaced road and width of running surface, and generating and transmission capacity of power projects; approximate date use will be terminated or construction completed; if the project involves dredging or filling in bodies of water, the volume and type of material is to be noted along with the name of the body of water. In addition, you may be required to furnish cost estimates of the project to some

agencies, and periods of use if the use will be on an interrupted basis. The above examples are not meant to be all-inclusive for a complete project description, but are only examples. Again, you are cautioned that the pre-application meeting described in STEP 1 will assist you in completing this important part of your application.

[Line 8]—Depending upon the proposed project, the mapping requirement may be satisfied with a relatively simple map or plan, or you may be required to submit a map or plan which shows the project in great detail. Generally, as a minimum, you must show the section, township and range within which the project is to be located and indicate the location of the project on the map as accurately as possible. These requirements are to be considered the minimum. Some agencies, depending upon the project, may require additional data; therefore, prior to preparing your map or plan, please check with the appropriate agencies for their specific mapping requirements. In addition, and depending on the type of use and associated structures to be constructed you may have to provide special maps and/or detailed structural or construction drawings. You should also provide, if required, technical data for specific navigational aids for both water and air travel. Again, you are cautioned to check with any affected agency to see if they require any type of special map or drawing for the type of project and facilities you propose.

[Line 9]—You are to check the appropriate box on this line if your proposed project requires State or local government approval. The various Federal agencies may only require you to furnish proof of application with the State or local government, while others may need the final approval document. For example, some Federal agencies require you to file a copy of the application you have filed with the State for water rights before they will process your application for a water pipeline. There are many variations for this requirement among the Federal agencies, therefore, please check with the agency or agencies with which you are filing this application.

[Line 10]—Some agencies require a nonreturnable application fee at the time of filing, while others do not. The amount or method of computing fees are not uniform among the agencies that do require a fee. Therefore, please check with each agency with which you must file this application for a determination of the fee that must accompany the application.

[Line 11]—If your project crosses the Canadian Boundary, the crossing must

be shown on the map prepared to comply with Line 8. If your project affects any international waterway, the waterway must be identified on the map with a complete project description to be included in Line 7.

[Line 12]—Depending upon which law your proposed use will be authorized under, you may have to submit data on your technical and/or financial capability to construct, operate, maintain, and terminate the proposed project. Therefore, you should check with the affected agencies, to see if they require information of this type.

[Line 13]—Providing the requested information on alternate routes and modes in as much detail as you can and discussing in your analysis why certain routes or modes were rejected and why it is necessary to cross a conservation system unit, will in many cases assist the agency(ies) in processing your application and reaching a final decision within a shorter timeframe than normal. Your analysis should consider only reasonable alternative routes and modes as they relate to current technology and economics. For example, if your project is for a high voltage electric transmission line, you need not analyze the underground modes as an alternative.

[Line 14]—If you have applied for and received authorizations for similar projects in Alaska, please list these authorizations by their identifying number, date, code, or name. Information contained in these files may be useful in analyzing and processing the application you have just filed.

[Line 15]—The objective of this item is to provide information needed to evaluate the benefits, both tangible economic benefits and intangible public interest benefits, of a proposed transportation system for comparison with the magnitude of its detrimental effects on conservation units. The amount of specific information needed will depend on the nature and size of the transportation system. This item should always begin with a simple statement of the purpose of the system, including indications of the quantities of materials to be transported. In many cases, this will be sufficient, since the importance of the purpose would be obvious. However, this is only an abbreviated approximation of a full analysis of the total public and private costs of the proposed system and its next best alternative system. Major systems will require a full analysis for which additional specific information is needed. For transportation systems which will serve a new commercial enterprise, the expected net revenue of the enterprise will be a measure of the

benefits of the transportation system. If there are public benefits in excess of expected revenues, these should be identified. For improved transportation systems to existing enterprises, the saving in transportation cost would be a measure of the economic benefits as well as the public benefits.

[Lines 16 through 18]—Recognizing the fact that some applicants will not have either the expertise or financial resources or both to provide all of the detailed information requested in these lines, you are requested to complete each line to the best of your ability and knowledge. The advantage to you to provide as much of the requested information as possible is that any useful information supplied will assist the Federal agency(ies) in reaching a decision and in all probability speed up the decisionmaking process on your application. In addition, and when providing information requested in these lines, you should use sound judgment in deciding whether certain specifics need to be addressed depending on what your proposed project is. For example, if your project does not encroach into a stream or other body of water, you need not address this item or simply state that it is not applicable.

[Line 19]—Please check the box with the corresponding initials of the agencies with which you are filing this application. By providing this information the affected Federal agencies will be able to begin their coordinating role shortly after you have filed your application. To identify the initials with the appropriate agency, please go to Step 4 of these instructions.

Upon completing Lines 1 through 19 and prior to submitting your application, be sure you have signed and dated it in the space provided.

[Step 3]—General Instructions for Supplemental

The instructions under this Step apply only to the "Supplemental." Only business or governmental entities except for Federal agencies must complete the Supplemental, and then only the appropriate section pertaining to that entity. Regardless of the type of business or governmental entity and if you have any of the required information on file with the agencies and it is still up to date and accurate, check the block entitled "Filed" and note the case number, name, or the appropriate identification code. If any of the required information is not on file with the agency, check the block entitled "Attached" and submit a copy of the required document or information.

Under items "f" and "g" "Private Corporations" a block has been included to mark if you are not filing for an oil and gas pipeline. If, however, you are filing for an oil and gas pipeline, check either the "Attached" or "Filed" and follow the instructions noted in the first paragraph of this Step. The instructions of this paragraph also apply to items "e" under "Public Corporations" and "d" of "Partnership or Other Unincorporated Entities."

[Step 4]—Filing Instructions

Upon completing the application, you must file it with each affected Federal agency from whom you need a right-of-way, permit, license, lease, or certificate to establish and operate your proposed project. For your convenience, we are providing a listing of the participating agencies and their addresses with which you should file your application. In parenthesis following the name of the Federal agency we have included an initial which corresponds to the initials in Line 19 of the application form. Please use these identifying initials for your reference in completing Line 19.

Department of Agriculture

Regional Forester, Forest Service (USFS), Federal Office Building, P.O. Box 1628, Juneau, Alaska 99802; Telephone: (907) 588-7247 (or the appropriate Forest Service office)

Department of the Air Force

Alaskan Air Command (USAF), Headquarters AAC/DE—Bldg. 6800, Elmendorf Air Force Base, Anchorage, Alaska 99506 (or the appropriate installation commander); Telephone: (907) 752-2484

Department of the Army

U.S. Army Corps of Engineers (COE), Office of the District Engineer—Bldg. 21-700, Elmendorf Air Force Base, P.O. Box 7002, Anchorage, Alaska 99510; Telephone: (907) 279-1132

Department of the Navy

Western Division (USN), Naval Facilities Engineering Command, San Bruno, California 94068; Telephone: (415) 877-7601

Department of Commerce

National Marine Fisheries Service (NMFS), Director, Alaska Region, P.O. Box 1688, Juneau, Alaska 99802; Telephone: (907) 586-7221

National Oceanic and Atmospheric Administration (NOAA), Director, Alaska Region, P.O. Box 1688, Juneau, Alaska 99802; Telephone: (907) 586-7221

Department of Energy

Federal Energy Regulatory Commission (FERC), Office of the Secretary, 825 North Capitol Street, N.E., Washington, D.C. 20420; Telephone: (202) 357-8400

Department of the Interior

Bureau of Indian Affairs (BIA), Juneau Area Office, P.O. Box 3-8000, Juneau, Alaska 99802; Telephone: (907) 588-7209

Bureau of Land Management (BLM), 701 (C) Street, Box 13, Anchorage, Alaska 99513; Telephone: (907) 271-5055

National Park Service (NPS), Alaska Regional Office, 540 West 5th Avenue, Room 202, Anchorage, Alaska 99501; Telephone: (907) 271-4190

U.S. Fish & Wildlife Service (FWS), Office of the Regional Director, 1011 East Tudor Road, Anchorage, Alaska 99503; Telephone: (907) 263-3537

Note.—Filings with any Interior Agency may be filed with any office noted above or with the Office of the Secretary of the Interior, Regional Environmental Office, Box 120, 1875 "C" Street, Anchorage, Alaska. This central filing point has been established for

your convenience and may be used in lieu of filing with the individual agencies.

Department of State

Department of State (STATE), Office of Canadian Affairs (EUR/CAN), Washington, DC. 20520

Environmental Protection Agency

Environmental Protection Agency, Region 10 (EPA), Chief, Permits Branch, 1290 6th Avenue, Seattle, Washington 98101, Telephone: (206) 379-1348

Federal Communications Commission (FCC)

Office of the Secretary, 1919 M Street, N.W., Washington, D.C. 20554

Interstate Commerce Commission (ICC)

Federal Building and Court House, 701 C Street, Box 7, Anchorage, Alaska 99513; Telephone: (907) 271-5004

National Aeronautics and Space Administration

National Aeronautics and Space Administration (NASA), Station Director, NASA/STDN Alaska Station, P.O. Box 1307, Fairbanks, Alaska 99707; Telephone: (907) 452-1155

Department of Transportation

Federal Aviation Administration, Alaska Region AAL-4, P.O. Box 14, Anchorage, Alaska 99513

Note.—The Department of Transportation has established a central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

BILLING CODE 4310-10-M

UNIFORM FEDERAL
TRANSPORTATION AND UTILITY SYSTEM
APPLICATION

FORM APPROVED BUDGET BUREAU NO.
FOR AGENCY USE ONLY
Application Number
Date filed

1. Name and address of applicant (include zip code)	2. Name, title, and address of authorized agent if different from item 1 (include zip code)	3. TELEPHONE (area code)
		Applicant
		Authorized agent

4. As applicant are you?	5. Specify what application is for.
<input type="checkbox"/> Individual <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> State Government State Agency <input type="checkbox"/> Local Government <input type="checkbox"/> Federal Agency	<input type="checkbox"/> New authorization <input type="checkbox"/> Renew existing authorization No. <input type="checkbox"/> Amend existing authorization No. <input type="checkbox"/> Assign existing authorization No. <input type="checkbox"/> Existing use for which no authorization received <input type="checkbox"/> Other (describe)

6. If an individual are you a citizen of the United States? Yes No

7. Project description (describe in detail: (a) Type of transportation system (i.e. canal, pipeline, road), (b) related structures and facilities, (c) physical specifications (length, width, grading, etc.), (d) term of years needed, (e) time of year of use or operation, (f) volume or amount of product to be transported, (g) duration and timing of construction, and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

-
8. Attach map covering project area and show approximate location on map.
-
9. State or local government approval: Attached Pending/Applied for Not required
-
10. Nonreturnable application fee: Attached Not required
-
11. Does project cross International Boundary or affect international waterways? Yes No
-
12. Give statement of your technical and financial capability to construct, operate, and maintain the system for which authorization is being requested.

13a. Describe in detail alternative routes and modes considered.

b. If routes or modes rejected, explain why.

c. Give explanation as to why it is necessary to cross Federal lands.

14. List your previous applications for similar projects which may provide additional information to authorizing agency.

15. Provide statement of need for project, including the economic feasibility. Statement should include items such as: (a) cost of proposed transportation utility system (construction, operation, and maintenance), (b) estimated cost of next best alternative system, and (c) expected public benefits provided by the system.

16. Describe probable effects on the population in the area, including socioeconomic effects, and statement of effect on rural traditional lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality, (b) visual impact on the conservation unit, (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water, (e) altering existing noise levels, and (f) altering the surface of the land, including vegetation, permafrost, soil, and effects on soil stability.

18. Describe the probable effects that the proposed project will have on: (a) populations of fish, plant, wildlife, and marine life, including endangered and threatened species, and (b) marine mammals, including hunting, capturing, collecting, or killing of these animals.

19. Check appropriate box to indicate agency(ies) with which you are filing. (For agency identification refer to Step 4 of the instructions.)

USFS USAF COE USN NMFS FERC NOAA BIA BLM NPS FWS STATE
 EPA FCC ICC NASA FAA USCG FHLWA FRA Other (Specify)

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

SUPPLEMENTAL

Note: If file block is checked, give application number of file containing the requested information

I - PRIVATE CORPORATIONS (Check appropriate block(s))	ATTACHED	FILED
a. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
c. If not incorporated in the State of Alaska, a certificate from the Secretary of State showing corporation is in good standing and is entitled to operate in Alaska. If incorporated in Alaska, a certificate from the State Department of Commerce and Commercial Development is required.	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
f. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications. (If does not apply check this block <input type="checkbox"/>)	<input type="checkbox"/>	<input type="checkbox"/>
g. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal. (If does not apply check this block <input type="checkbox"/>)	<input type="checkbox"/>	<input type="checkbox"/>

II - PUBLIC CORPORATIONS

a. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
b. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
c. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
d. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
e. Information required by Items "1f" and "1g" above are required for public corporations. (If does not apply check this block <input type="checkbox"/>)	<input type="checkbox"/>	<input type="checkbox"/>

III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY

a. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
b. If one partner is authorized to sign, resolution authorizing action is.	<input type="checkbox"/>	<input type="checkbox"/>
c. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
d. Information required by Items "1f" and "1g" above are required. (If does not apply check this block <input type="checkbox"/>)	<input type="checkbox"/>	<input type="checkbox"/>

Comments/remarks (attach additional sheets, if necessary and specify page numbers)

[FR Doc. 81-10937 Filed 6-2-81, 8:45 am]

BILLING CODE 4310-10-C



February 26, 1985

MAR 4 1985

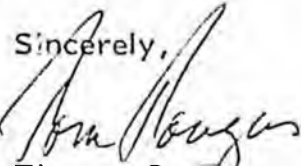
Senator Jack Coghill, Chairman
Senate Transportation Committee
ALASKA STATE LEGISLATURE
Pouch V
Juneau, AK 99811

Dear Senator Coghill:

I have read your Senate Bill #49 and agree wholeheartedly that now is the time to aggressively pursue the development of a road to Kantishna. Mt. McKinley is one of Alaska's greatest assets, however, many people have a disappointing experience in the Park because of inadequate facilities and limited viewing opportunities. Although we will never be able to guarantee a view of the mountain, increased access and facilities would provide us with an increased opportunity to satisfy the Alaska visitors.

We greatly appreciate your interest in this vital segment and fully support the efforts to begin this project.

If we can be of any further assistance please let me know.

Sincerely,


Thomas C. Tougas
Vice President
TRANSPORTATION DIVISION

TCT/ss

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

POUCH 2
JUNEAU, ALASKA 99811
PHONE: (907) 465-3500

OFFICE OF THE COMMISSIONER

January 28, 1985

Re: SB 49; Feasibility of
Building a Road to
Kantishna

A road to Kantishna would have two major economic advantages. First, it would provide a northern access for tourists into Denali Park. The Interior Transportation Study estimates that within twenty years such an access could generate 5,000 vehicles a day in the summer months. Secondly, the road would provide access for mining in the Kantishna area, and possible future extension to the Kuskokwim Valley.

The possible benefits to be derived from this project compare favorably with other major system extensions, such as extension of Chena Hot Springs Road to Twin Mountain, construction of a road to the Slate Creek asbestos deposit or a major rail extension.

Provided we receive the cooperation of the National Park Service, the feasibility study through location approval is expected to take about 27 months to complete. Because of this timeframe, we recommend that the lapse date be extended to June 30, 1987.

The amount of \$500,000 for the study is adequate.

Wm S. Spurr

R.J. Knapp
for Commissioner



Alaska Environmental Lobby, Inc.

419 6th Street, Suite 328 Juneau, Alaska 99801
204 N. Franklin St. Suite 3

907-586 2345

Position Paper on Kantishna Road Feasibility Study SB 49

SB 49 provides for a \$500,000 appropriation for a feasibility study of building the Kantishna Road. All of the proposed routes would cross through Denali National Park whose boundaries were expanded by the Alaska National Interests Lands Conservation Act of 1980. Mt. McKinley National Park was established in 1917 to preserve one of the most spectacular populations of large mammals in North America. The boundaries were expanded in 1980 to afford protection of those populations that were dependent on an ecosystem that extended beyond the original boundaries.

The construction of a four lane highway over any of the proposed routes of SB 49 would be extremely destructive to park wildlife populations. In the Environmental Impact Statement done for the Kantishna Hills-Dunkle Mine Study it was concluded that the development of the Stampede/Kantishna Road would cause excessive disturbance and reduction of large mammal populations and result in reduced wildlife viewing in other sections of the park. The study also found that:

- * * One of the largest populations of moose use the Clearwater Creek drainage and such development of the Kantishna Road would cross that drainage causing damaging disturbance
- * * The road would cross the Toklat River wolf range, reducing wolf activity and bringing disturbance closer to denning and activity sites. Wolves are very intolerant of human disturbance. The mysterious disappearance of the Toklat wolf pack in 1983 was attributed to the probability that they traveled up to the Stampede Road where they were trapped.
- * * Caribou use the Kantishna Hills and Moose Creek for rutting and prerutting activity while the Stampede area is one of the major calving areas of an already unstable herd. Further disturbance of the herd especially during calving time would be detrimental to their survival.
- * * Development of the Kantishna area could lead to both black and brown bears being attracted to the area if facilities do not have adequate garbage disposal. This in turn would lead to the relocation or destruction of problem bears, thus removing one of the most popular animals viewed by visitors to Denali National Park.

Because of the potential damage the construction of a major highway over any of the proposed routes would do to Denali wildlife populations, the Alaska Environmental Lobby opposes any appropriation for a feasibility study for the construction of Kantishna Road.

Prepared by Jane C. Anderson, Staff Lobbyist

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER SIERRA CLUB
ALASKA WILDERNESS GUIDES ASSOCIATION • ANCHORAGE AUDUBON SOCIETY
ARCTIC AUDUBON SOCIETY • DENALI CITIZENS' COUNCIL • FRIENDS OF THE EARTH
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI AUDUBON SOCIETY
KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
SITKA CONSERVATION SOCIETY • SOUTHEAST ALASKA CONSERVATION COUNCIL



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

ALASKA REGIONAL OFFICE
2525 Gambell Street, Room 107
Anchorage, Alaska 99503-2892

A22(ARO-SA)

February 13, 1985

FEB 19 1985

Honorable Jack Coghill
Alaska State Senate
Pouch V
Anchorage, Alaska 99811

Dear Senator Coghill:

We appreciate your request for our review and comments on Senate Bill 49 and the accompanying report and route map.

As you recognize, Denali National Park and Preserve is a major resource and asset to both the State of Alaska and the nation. I believe it is incumbent upon all of us at the state and federal levels to work together to assure that the experience for the visitor is enjoyable and that the wildlife and other resources of the park are preserved.

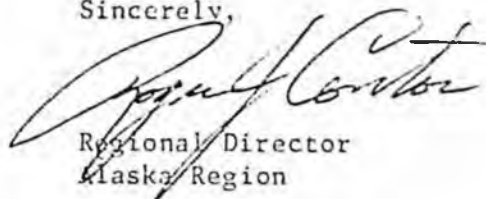
We agree with and support the goal of improving the visitor's experience. However, it would be inappropriate for the National Park Service to take a position on the proposed bill to appropriate \$500,000 for a state feasibility study of a northern access route. As your study recognizes, the Alaska National Interest Lands Conservation Act (ANILCA) and the National Environmental Policy Act set forth procedures for analysis and consideration which must be followed before any decision to allow access across a national park. Title XI of ANILCA sets forth the process for reviewing and permitting construction of a new access route.

The quality of the visitor's experience in Denali National Park has been a major concern within our organization. As you know, we are currently in the process of designing a new visitor access center near the park headquarters and we will soon be contracting with another local firm for the design of the reconstruction of Denali Park Hotel. Recommended budgeting for these two projects totals \$14.2 million. In addition approximately \$15 million is programmed for improvements on the Denali Park Road.

A draft general management plan for Denali National Park will be released in March for public review and comment. This plan invites public comment on alternative ways of improving the visitor's experience while preserving the wildlife and natural features which they come to see. As soon as it is available we will send copies of this draft plan to you and members of the Senate and House Resources Committees. We would very much appreciate your thoughts and recommendations.

This summer we will also be working with the State Department of Natural Resources and the Department of Transportation and Public Facilities under a cooperative agreement to investigate the possibilities for developing visitor access and facilities on the south side of the Alaska Range. We were pleased to note that your report recognizes that development on the north and south sides is not an either or situation, and that the south side development would offer visitors a different experience in a landscape which is much in contrast to that of the north. Further, it is important to distribute the points of access to the natural resources of the Mt. McKinley massif so that they are readily accessible from both Anchorage and Fairbanks. We will keep you informed of the results of this cooperative study and look forward to your comments.

Sincerely,



Regional Director
Alaska Region

cc:

Commissioner, Department of Natural Resources
Commissioner, Department of Transportation and Public Facilities
Members of Senate and House Resources Committees

DESCRIPTION OF THE ALTERNATIVES

INTRODUCTION

The Kantishna Hills study area encompasses approximately 196,500 acres and is located near Wonder Lake north of the former Mount McKinley National Park boundary in a group of rugged low lying hills known as the Kantishna Hills.

Currently, in the Kantishna Hills study area there are 179 unpatented placer claims, 92 unpatented lode claims, 2 patented placer claims, and 37 patented lode claims recorded with the Bureau of Land Management (see Recorded Claims - Kantishna Hills Study Area map). These 310 claims cover approximately 6,960 acres, the majority of which are located in the southern half of the study area.

Additionally, there are 20 unpatented placer claims covering approximately 400 acres located on Moose Creek that are actually located outside the study area boundary; they comprise a portion of a contiguous claim group on Moose Creek recorded with BLM, the remainder of which lies within the study area. For purposes of this DEIS, they are included in the analysis.

Of the total, 14 claims including 2 unpatented placer claims, 7 unpatented lode claims, 2 patented placer claims, and 3 patented lode claims, are located in the northeastern portion of the study area and comprise the Stampede Mill and mines complex. These claims are currently being managed for educational purposes under the 1979 memorandum of understanding between the University of Alaska and the National Park Service. The memorandum provides that the Stampede area be used for educational rather than commercial purposes.

In summary, the total area covered by recorded claims associated with the Kantishna Hills study area is 7,360 acres or 3.7 percent of the study area.

The Dunkle Mine study area, which includes the historic coal mine complex, encompasses approximately 22,400 acres and is located south of the Alaska Range and east of the West Fork of the Chulitna River near Broad Pass. Currently, there are 142 unpatented lode claims recorded with BLM that are located in the Dunkle Mine study area, covering approximately 2,840 acres. There are 8 recorded unpatented placer claims located partially within the study area and 1 recorded unpatented placer claim (part of the same claim group) located outside the study area boundary. These claims cover approximately 180 acres. For purposes of this DEIS, the single claim located outside the study area boundary is included in the analysis. There are no patented claims in this study area. The total area covered by recorded claims associated with the Dunkle Mine study area is 3,020 acres or 13.5 percent of the study area (see Recorded Claims- Dunkle Mine Study Area map).

Kantishna Hills

Refer to the Alternative 2 map for the Kantishna Hills study area for the location of claims affected under this alternative.

Claims Affected Under Alternative 2:

185 unpatented placer claims	-	4,460 acres
5 unpatented lode claims	-	100 acres
34 patented lode claims	-	680 acres
<hr/>		
224 total claims		5,240 acres

Assumptions for Alternative Formulation and Analysis:

The 5 recorded unpatented lode claims and 185 unpatented placer claims assumed valid would pass validity examination and be acquired.

The 2 placer claims on Slate Creek, 10 placer claims on Spruce Creek, and the 80 unpatented lode claims assumed invalid would not be acquired.

Stampede claims would be developed under NPS/University of Alaska memorandum of understanding--claims would not be acquired.

Placer mining effects in alternative 1 would not occur in alternative 2.

Lode mining effects in alternative 1 would not occur in alternative 2.

Dunkle Mine

Refer to the Alternative 2 map for the Dunkle Mine study area for the location of claims affected under this alternative.

Claims Affected Under Alternative 2:

9 unpatented placer claims - 180 acres

Assumptions for Alternative Formulation and Analysis:

Placer Mining Effects Assumptions

Placer mining effects in alternative 1 would not occur in alternative 2.

BILL SHEFFIELD, GOVERNOR

DEPARTMENT OF COMMERCE &
ECONOMIC DEVELOPMENT
OFFICE OF MINERAL DEVELOPMENT

POUCH EE
JUNEAU, ALASKA 99811
PHONE: 465-2023

March 4, 1985

MAR 4 1985

The Honorable Jack Coghill
Chairman
Senate Transportation Committee
Pouch V
Juneau, Alaska 99811

Dear Senator Coghill:

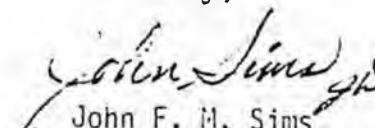
The Office of Mineral Development has reviewed SB 49 calling for a feasibility study on building the Kantishna access highway.

The Kantishna area has long been recognized for its substantial gold resource. Numerous mining claims have been patented. In addition to gold, significant deposits of strategic metals such as tungsten and antimony have been discovered in the area. With access, the region has much enhanced potential to become once again a significant productive mining region.

Currently, traffic on the Denali Park road is restricted by the National Park Service which severely limits mining activity at Kantishna. This restriction also limits Alaska's rapidly growing visitor industry. Access would allow entry to Denali National Park to many more people now unable to visit because of the severe travel restrictions in effect on the Denali Highway. The Kantishna access would enable firms in the travel industry to construct additional hotels and visitor facilities on privately held land at Kantishna. Additionally, it would greatly facilitate the expanded use of the Stampede Mine as a training property for mining students from the University of Alaska.

Of the three alternative routes being considered, this office supports the Old Stampede Road route. This is the shortest of the options being considered. It makes use of a long established trail to Stampede and requires a relatively short extension through the foothills connecting Stampede to Kantishna.

Sincerely,


John F. M. Sims
Director

JFS/cw:REGLR3/Coghill
3485a

A SYNOPSIS OF THE
KANTISHNA ACCESS HIGHWAY

prepared for the

SENATE TRANSPORTATION COMMITTEE

by

Thomas & Associates
P.O. Box 80783
Fairbanks, Alaska 99708
(907)479-4972

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PROJECT DESCRIPTION

The Kantishna access consists of a road north of the Alaska Range that connects the Parks Highway with the Kantishna area and the western end of the Denali National Park Road. There are any number of possible alignments but all can be categorized into three basic routes this road could take:

1. along the old Stampede Road then through the foothills to Kantishna;
2. along the old Sled Road to Kantishna;
3. through the Nenana Agricultural Area to the Kantishna River then up the Kantishna River to Kantishna.

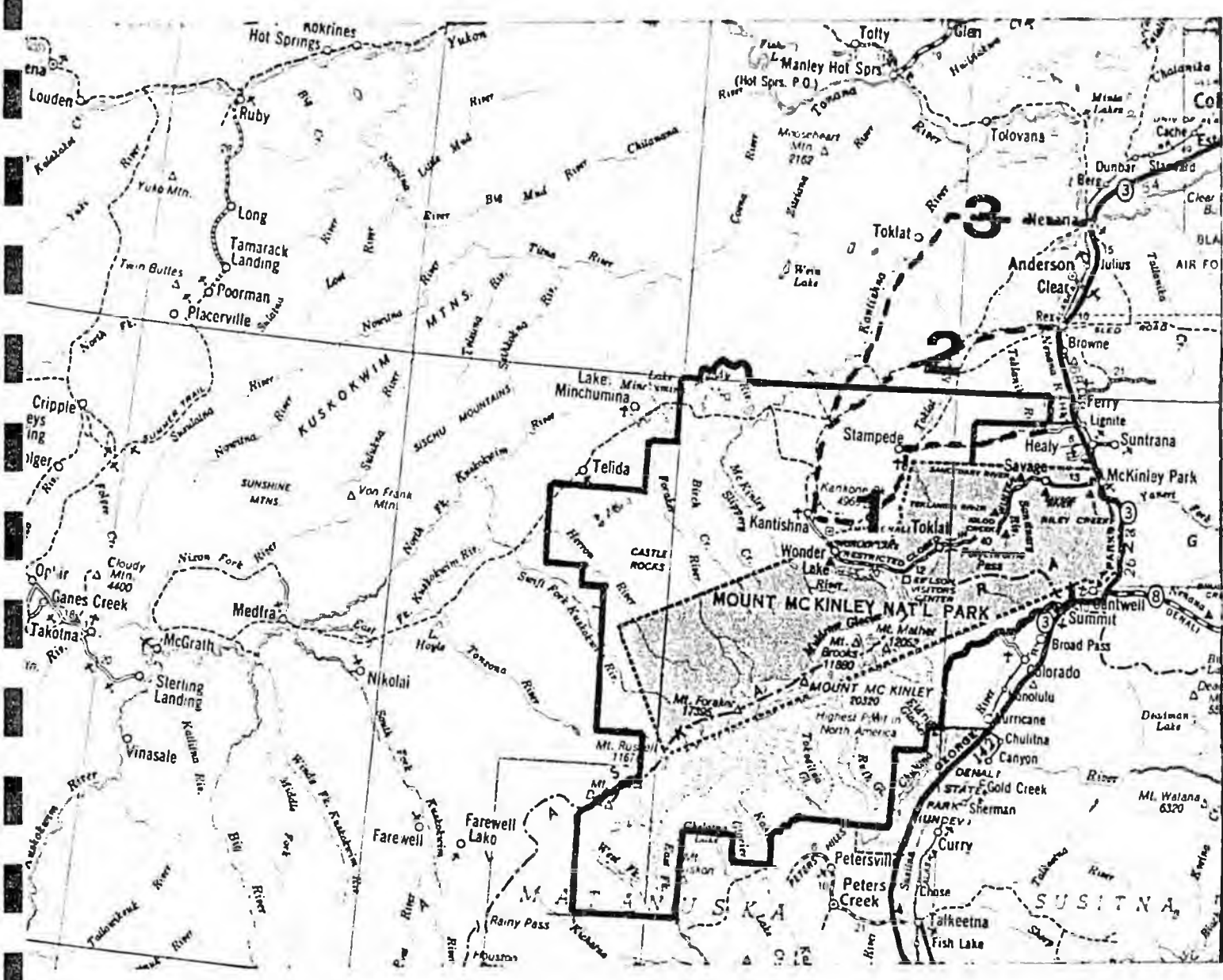
Traffic projections for this road are estimated at 5,000 vehicles per day during the summer months. This suggests a high standard, paved highway consisting of a 40 foot top with curves of five degrees (5°) or less. The highway should be considered for a scenic highway classification.

The map on the following page shows the Denali National Park and the location of the three basic routes.

PROJECT JUSTIFICATION

Tourism

Mt. McKinley is Alaska's number one tourist attraction, and tourism is Alaska's second largest industry and growing at ten percent (10%) annually. Even though Mt. McKinley is Alaska's most popular attraction, many tourists have disappointing viewing experiences using the existing National Park Service shuttle bus system. Park officials estimate that over fifty percent (50%) of visitors fail to get a glimpse of the mountain. This is because of the poor weather that is often encountered near the mountain coupled with only a limited viewing time. The shuttle bus requires a minimum three hour ride to the



BASIC ROUTES

1. Stampede Trail
2. Sled Route
3. Agricultural Area Route

premium viewing area and a similar ride back to the Park hotel. It has been necessary to severely restrict traffic on the existing Park road for safety reasons and to retain at least some wildlife viewing opportunities.

It should be recognized that Alaska's tourist industry receives the brunt of criticism from disappointed visitors in spite of the fact that the State of Alaska has absolutely no control over National Park activities and policies. With tourism growing, the problem will get much worse very quickly.

The subject project will resolve all these issues as well as provide the catalyst and opportunity for the private sector to meet the growing need for more hotel space and tourist facilities. The Kantishna Highway would provide good access to the historical Kantishna mining area where a number of patented mining claims exist. These claims are private property in every sense of the word and can be used by the private sector for locating hotels and other tourist facilities--many with excellent views of Mt. McKinley. Tourists staying at these facilities would have a much better chance of observing the mountain since their time at these facilities would be nearly unlimited. In addition, the existing Park road could be restricted for use as a wildlife tour road enhancing this aspect of Denali National Park.

Mining

Mining is an important industry in the Kantishna area. This is true now as well as historically, and it is documented by the fact that there are numerous federally patented mining claims in the Kantishna area. Along with gold, tungsten occurs in commercial size deposits. Prospecting under the direction of the National Park Service in 1983 and 1984 confirmed the importance of this mineralized area to mining.

At the present time, surface access to the Kantishna area is limited

to the National Park Service Road to Wonder Lake. Because of the overuse this road receives from tour buses, shuttle buses and a limited number of private vehicles, the Park Service has found it necessary to restrict mining traffic to the times of day when other traffic is the lightest. This situation will not improve until there is a major improvement of the existing Park road or until an alternative access is constructed. The Interior Alaska Transportation Study projected 50 vehicles per day would be generated by the mining industry. Most of these vehicles would be trucks hauling ore or supplies. Current restrictions imposed by the Park Service are severe enough to discourage major mining efforts. The proposed highway would not only resolve this conflict in traffic but would access the area with a modern highway which would further encourage mining development.

As noted before, these mining claims could be used for siting hotels and other visitor facilities creating an opportunity for the private sector in the tourism industry.

Mt. McKinley

Mt. McKinley is Alaska's crown jewel and our birthright. Since statehood, access has been under the direct control of the federal government. Congressional action has increased this control through National Interest Lands. In spite of the importance of Mt. McKinley to our tourist industry, the federal government has made little, if any, effort to make that attraction more accessible or convenient. This a serious indictment when one considers the historical and projected growth and importance of our tourist industry.

The proposed highway would allow our State to share in this natural resource. It would also allow the federal government to enhance wildlife viewing along the existing Park road thus emphasizing the original Park mandate, that of perserving wildlife. This could occur by confining development to the mining areas which have already

experienced the touch of man and reserve the existing Park road for wildlife viewing.

Agricultural

The furthest north of the basic routes shown on the attached map would benefit the agricultural industry as well as tourism and mining. This route provides access to the Nenana-Totchaket Agricultural Area already identified as prime agricultural land. It should be noted that access into this area has been planned and designed.

Access Extension

Both the Tanana Valley Development Plan and the Interior Alaska Transportation Study document that access into the Kantishna area is economically justified. In the future, the access needs of the McGrath area may result in extending this highway in that direction. All long range transportation plans for Alaska have shown the Parks Highway - McGrath as a service transportation corridor. While the construction of a highway to Kantishna will not guarantee such an extension, it does provide for the possibility when and if the need is there.

ALTERNATIVES

The alternatives to a northern access into the Kantishna area are limited to:

1. do nothing;
2. upgrade the existing Park road;
3. provide tourist facilities on the south flank of the Alaska Range.

All are discussed briefly in the following paragraphs.

Do Nothing

This is not a viable alternative. It is mentioned to show that it has been considered. The Park Service cannot accommodate the existing visitor demand, and this demand is growing by ten percent (10%) per

year. Alaska has a vital interest in assuring that this growing demand is met because it effects the reputation of our tourist industry.

Upgrading the Existing Park Road

Upgrading the existing Park road to Wonder Lake has several significant disadvantages. First, the existing road traverses through rugged mountainous terrain, and it would be expensive to achieve reasonable standards to accommodate increased traffic. Second, the existing road bisects the most restrictive Park use lands, so designated to protect the wilderness environment. An upgraded road would compromise this situation and further degrade the wildlife experience now enjoyed by visitors. Third, unless travel restrictions were relaxed, the visitors' experience would be much the same as it is now. There would be only limited opportunity to remain at vantage points to see the mountain. There would be no opportunity to create loop routes or enhance wildlife viewing. Fourth, mining activities would likely remain restrictive. There would be little opportunity or incentive for the private entrepreneur to develop visitor facilities.

Provide Tourist Facilities on the South Flank of the Alaska Range

Such a facility has some obvious drawbacks. First, it would be an additional tourist facility and not a substitute of the existing road. Alaskan visitors are making a major vacation. In many instances, it will be the major vacation of their life time. If there are two different tourist's experiences to be had, they will want to experience both of them. Thus, a south flanked visitor facility will not significantly reduce the demand on the existing Park road; however, it may make the Park Service feel less obligated to meet those demands. Second, the climate on the south side of the Alaska Range is wetter than that on the north. Consequently, the viewing opportunities are reduced on that side of the range. A northern facility has a distinct advantage in this regard. Third, a facility on the south side could not be linked with the existing Park road thus precluding any

opportunity for looping or restriction of the existing road for wildlife viewing. Fourth, because of the more rugged terrain on the south side, both capital and maintenance costs would be increased. Fifth, there would be no opportunity for the private entrepreneur to develop tourist facilities except as concessionaire.

In contrast, the northern access provides for all of these things and creates a roadway system that best serves the public and is the most economical to achieve.

NECESSARY ACTION

Both the Interior Alaska Transportation Study and the Tanana Valley Development Plan, both State funded planning studies, recognized the value and feasibility of the Kantishna access highway. The next step is the location phase which consists of a location study report, environmental impact statement and a public involvement plan. Upon completion of this phase, the State would have an approved alignment for this highway and would be ready to enter the next project phase, that of project design. The cost of this phase is estimated at \$500,000.

PROJECT SCHEDULING

There is some urgency to fund this project this session. This urgency stems from the fact that the tourist demand is exceeding the capacity of the Park road resulting in unsafe operations and dissatisfied visitors. The Park Service is obligated to do something. If it adopts a short term solution, the Kantishna access option may be foreclosed. Both the State of Alaska and our tourist industry would be greatly compromised if that were to happen. The current federal administration is more attuned to improved access than has been past administrations. There is no way of knowing the position of future administrations. The Alaskan Congressional Delegation is very concerned over the situation created by the existing Park road. All are looking for

a solution to this problem.

Funds available for capital improvements within the State are shrinking. If the federal government can agree that the northern access route provides the best solution to these problems, there should be opportunity for significant federal funding participation without effecting our regular federal highway resources.

If access is not provided into the Kantishna area, mining may not develop, resulting in the Park Service eventually buying these patented claims up and forever foreclosing on the possibility of the State and the private sector to share the benefits brought on by the highest mountain in North America.

HB 256

Cato, Jenkins, Sund, Thompson and M.W.Miller recommend do pass. Herrmann recommends do pass if amended. Wallis has no recommendation.

A zero fiscal note was attached.

HB 256 was referred to the Finance Committee.

HB 268

The Transportation Committee has considered HOUSE BILL NO. 268 (special appropriation to the Department of Transportation and Public Facilities to determine the feasibility of building Kantishna Road; effective date) and reports it back as follows: Cato (Chairman), Pignalberi and Shultz recommend do pass. Davis has no recommendation. Marrou recommends do not pass.

HB 268 was referred to the Finance Committee.

HB 271

The Transportation Committee has considered HOUSE BILL NO. 271 (special appropriation to the Department of Transportation and Public Facilities for payment as a grant to the Copper Valley Electric Association for construction of electrical distribution lines; effective date) and reports it back as follows: Cato (Chairman) and Shultz recommend do pass. Marrou recommends do not pass. Davis and Pignalberi have no recommendation.

HB 271 was referred to the Finance Committee.

HB 273

The Resources Committee has considered HOUSE BILL NO. 273 (extralateral rights of federal lode mining claims), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 273 (Resources):

"An Act relating to extralateral rights of federal lode mining claims; and providing for an effective date."

and reports it back as follows: Shultz (Co-Chairman), Cato, Jenkins, Pearce, Sund, Thompson and M.W.Miller recommend do pass. Herrmann and Wallis have no recommendation.

A zero fiscal note was attached.

HB 273 was referred to the Judiciary Committee.

HB 208

The Finance Committee has considered HOUSE BILL NO. 208 (authorizing salmon classics) and reports it back as follows: Adams (Chairman), Ringstad, Szymanski, Duncan, Larson, Pourchot, Cotten, Frank and Binkley recommend do pass. Rieger has no recommendation.

HB 208 was referred to the Rules Committee for placement on the calendar.

HB 215

The Finance Committee has considered HOUSE BILL NO. 215 (state assistance for community health aide programs; effective date), recommends it be replaced with COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 215 (Finance) (same title) and reports it back as follows: Adams (Chairman), Duncan, Larson, Pourchot and Binkley recommend do pass. Ringstad, Szymanski, Rieger, Frank and Cotten have no recommendation.

A new fiscal note was attached and appears in House Journal Supplement No. 33.

HB 215 was referred to the Rules Committee for placement on the calendar.

HB 250

The Transportation Committee has considered HOUSE BILL NO. 250 (special appropriation to the Department of Transportation and Public Facilities for bituminous sulfate treatment of Nistler Road; effective date) and reports it back as follows: Cato (Chairman), Shultz, Davis and Pignalberi recommend do pass. Marrou has no recommendation.

HB 250 was referred to the Finance Committee.

HB 251

The Finance Committee has considered HOUSE BILL NO. 251 (extending the termination date of the Board of Veterinary Examiners; effective date) and reports it back as follows: Adams (Chairman), Duncan, Pourchot, Cotten, Frank, Larson, Rieger, Ringstad, Szymanski and Binkley recommend do pass.

HB 251 appears on today's calendar.

HB 256

The Resources Committee has considered HOUSE BILL NO. 256 (establishing the economic development policy of the state) and reports it back as follows: Shultz (Co-Chairman),