

HJR

60

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HJR60

Revision Date: Original Dept Affected Natural Resources
 Title: Relating to Revised Statute BRU: Resource Development
2477 rights-of-way Component: Land Development
 Sponsor: House State Affairs
 Requestor: _____ Component Serial No. 431

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY97	FY98	FY99	FY00	FY01	FY02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost: \$ none

POSITIONS	FY97	FY98	FY99	FY00	FY01	FY02
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Last year the Department of Interior drafted regulations that attempted to ignore over 100 years of state law, defined "construction" in a way that was not in Alaska's best interest, and tried to establish a statute of limitations on assertions.

In response Congress prevented the federal government from expending any funds to finalize their draft regulations until after September 30, 1996. Pending legislation was also introduced in both houses that would adopt standards for identifying and processing RS 2477s that are the opposite of the Department of Interior draft regulations.

The resolution urges Congress to protect the state's interest and to include a reasonable period and process for assertion of RS 2477 regulations.

Prepared by: Jane Angvik, Director Phone: 269-8503
 Division: Land Date: 21-Feb-96
 Approved by Commissioner: _____ Date: 21-Feb-96
 Agency: Natural Resources

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. HSR 60

Title: Relating to RS 2477
Sponsor: Rep. James
Requestor: _____

Dept. Affected: LAA
BRU: _____
Components: _____
Serial #: _____

EXPENDITURES/REVENUES: (THOUSANDS OF DOLLARS)

OPERATING	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants, Claims						
Miscellaneous						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (THOUSANDS OF DOLLARS)

General Fund						
Federal Fund						
Other						
TOTAL	0	0	0	0	0	0

POSITIONS:

Full-Time						
Part-Time						
Temporary						

ANALYSIS: (ATTACH A SEPARATE PAGE IF NECESSARY)

see attached analysis

Prepared by: H. State Affairs Committee
by Walt Wilcox
Leg Aiden
Paul Klein

Date: 2/19/96
Phone: 465-3743
Phone: _____



STATE OF ALASKA

THE ALASKA STATE LEGISLATURE

House of Representatives

Representative Jeannette James

Chair of House State Affairs Committee

Capitol Building

Juneau, AK 99801-2197

(907) 465-3743 ph

(907) 465-2381 fax

Sponsor Statement

February 19, 1996

HJR 60 RS 2477 highway rights of way

By Rep. Jeannette James

Federal Revised Statute 2477 (RS 2477) provided for "the right-of-way" for the construction of highways over public lands, not reserved for public use. HJR 60 preserves access all over Alaska using traditional roads and trails for future roads and trails.

Congress repealed RS 2477 in 1976, but reserved existing rights-of-way created under RS 2477.

The US Department of the Interior is attempting to administratively recind the long-standing and widely accepted interpretation of RS 2477 by adopting regulations restrictively defining key statutory terms contrary to the intent of the Congress and virtually eliminating all RS 2477 rights-of-way in Alaska.

S. 1425 has been introduced in the US Senate, and H.R. 2081 has been introduced in the US House to preserve the long standing judicial and executive interpretation of RS 2477 and to protect the existing rights-of-ways previously granted by the federal government under RS 2477.

HJR 60 supports the federal legislation and asks that the US government allow us a reasonable period and process for the assertion, recognition, and determination of the existence RS 2477 rights-of-way.

FEB 20 1996



STATE OF ALASKA

THE ALASKA STATE LEGISLATURE

House of Representatives

Representative Jeannette James

Chair of House State Affairs Committee

Capitol Building

Juneau, AK 99801-2197

(907) 465-3743 ph

(907) 465-2381 fax

February 20, 1996

To: House Resources Committee

Attn: Rep. Green

From: Rep. Jeannette James

Re: HJR 60 hearing request

Please schedule HJR 60 for a hearing at your earliest opportunity, it is explained below.

Federal Revised Statute 2477 (RS 2477) provided for "the right-of-way" for the construction of highways over public lands, not reserved for public uses. This preserves access all over Alaska using traditional roads and trails for current and future roads and trails.

Congress repealed RS 2477 in 1976, but reserved existing rights-of-way created under RS 2477.

The US Department of the Interior is attempting to administratively recind the long-standing and widely accepted interpretation of RS 2477 by adopting regulations restrictively defining key statutory terms contrary to the intent of the Congress and virtually eliminating all RS 2477 rights-of-way in Alaska.

S. 1425 has been introduced in the US Senate, and H.R. 2081 has been introduced in the US House to preserve the long standing judicial and executive interpretation of RS 2477 and to protect the existing rights-of-ways previously granted by the federal government under RS 2477.

HJR 60 supports the federal legislation and asks that the US government allow us a reasonable period and process for the assertion, recognition, and determination of the existence RS 2477 rights-of-way.

3/12/96
Version A

AMENDMENT

OFFERED IN HOUSE RESOURCES

BY REPRESENTATIVE JOHN DAVIES

TO: HJR 60:

Page 2, line 25-29:

Delete all material

TYONEK NATIVE CORPORATION

1689 C Street, Suite 219
Anchorage, Alaska 99501
(907)272-0707

Senator Georgianna Lincoln
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

March 14, 1996

Faxed this date to (907)465-2652

Dear Senator Lincoln:

Tyonek Native Corporation and The Native Village of Tyonek are requesting your assistance in conveying our concerns over House Joint Resolution No. 60. relating to Revised Statute 2477 right-of-way(RS2477).

Please be aware that the State has made a claim of RS2477(#200) that crosses the Chuitna River at its mouth, takes out a 100 feet through the village, and violates the Russian Orthodox cemetery in the village, then travels on to the old village site where it terminates in the old village cemetery(also Russian Orthodox), turns around and comes back.

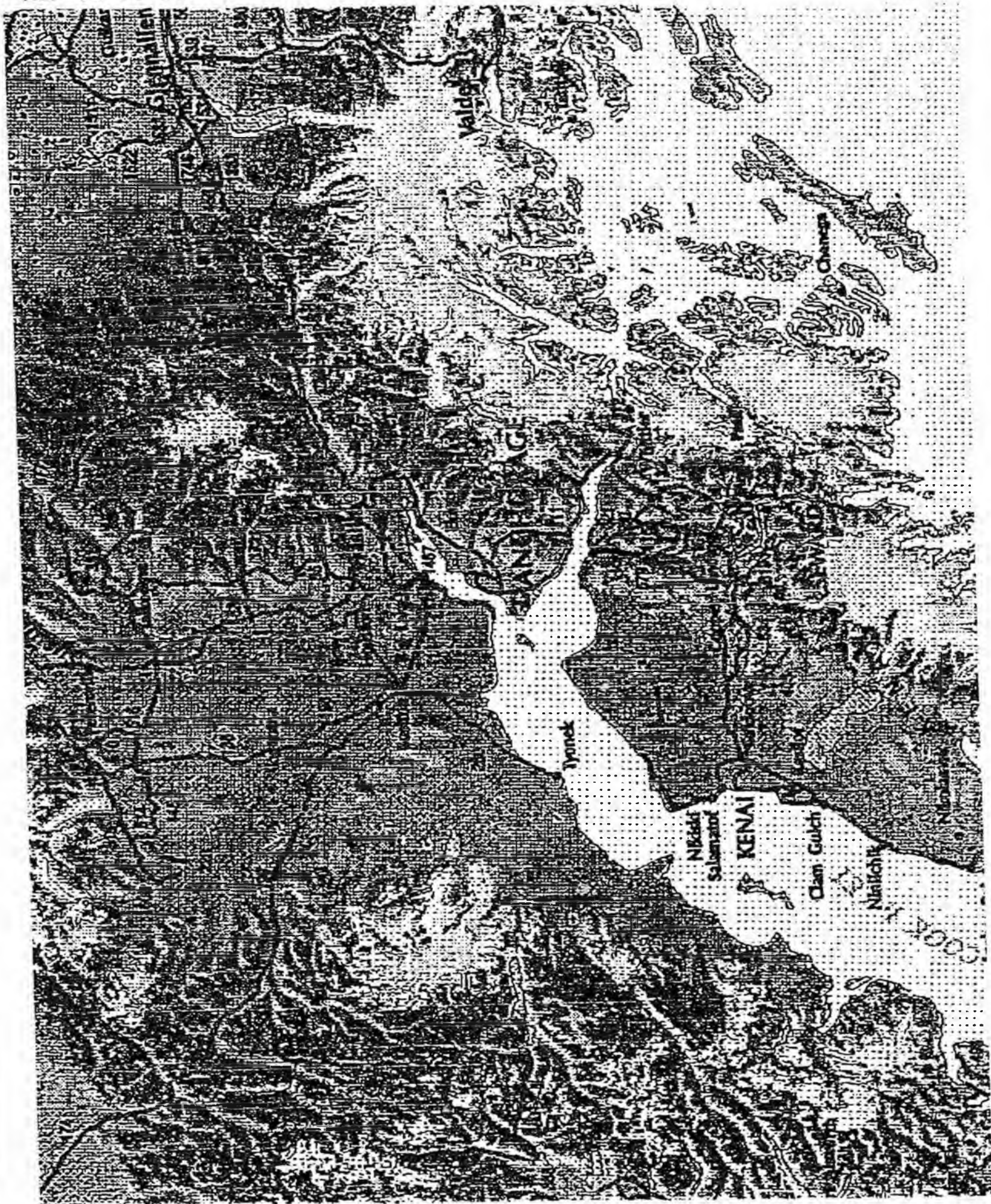
The purpose of RS2477 is supposedly to provide access to mineralized areas to the general public. As you know, Tyonek is a private community much like the private communities elsewhere in the lower 48. However to meet the needs of the resource development industry, Tyonek has already provided access to resource developers such as ARCO, Placer Dome, Unocal, to name a few. Such access was provided by Tyonek, at no cost to the State of Alaska and without disrupting the community. Why then is RS2477#200 needed? Why does the State need access to Tyonek's cemeteries?

RS2477 as written and proposed by U.S. Congress Bill H.R. 2081, provides for no public review or comment on any R.S. 2477 right-of-way, no permitting or environmental impact review, no compensation to the land owner(constituting a taking under the 5th Amendment), and no commitment by the State to maintain the right-of-way after its taken. While we agree that there are certain rights-of-way that everyone can agree to support, we cannot and do not support RS 2477 #200 in its present format, and have grave concerns about the constitutionality of RS2477 in its present form. Thank you for your support and consideration on this issue.

Sincerely,



Tom Harris
CEO, TNC





Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

Phone: 907-463-3366

Fax: 907-463-3312

The Alaska Environmental Lobby cannot support HJR 60

This resolution accurately quotes the language of RS 2477 providing that *"the right-of-way for the construction of highways over public lands, not reserved for public use, is hereby granted."*

It correctly notes the Federal Land Policy and Management Act repealing RS 2477 in 1976 expressly reserves existing rights-of-way created under RS 2477.

It laudably commits Alaska "to a balanced philosophy of the development and wise use of Alaska's scenic beauty, mineral wealth, wildlife, and other natural resources coupled with environmental protection to ensure future generations" might experience Alaska as we still know it.

However, this resolution's reliance on case law supporting the intent of a Congress that governed the United States 130 years ago might very well be misplaced. "The law must be stable, but it cannot stand still."

The resolution's confidence in a definition of "construction" satisfied by mere use is tenuous and-at the very least-will make lawyers wealthy.

Ultimately, however, HJR 60 fails to deserve support because it endorses bad legislation: US Senate Bill 1425 and US House Bill 2081. These Bills are open ended and do not address major concerns of many Alaskans such as the "taking" of private lands; the status of Native Lands; the disposition of surveyed and unsurveyed section lines, the scope of "upgrades" (winter trails across wetlands to all weather highways); unmanaged motorized access, and access to and through National Parks.

Unfortunately, Alaska is acquiring a poor reputation as steward of its resources. This resolution does nothing for that image and only provides more ammunition for those who say we're not.

3/13/96

ALASKA CENTER FOR THE ENVIRONMENT • ALASKA CHAPTER, SIERRA CLUB • ALASKA FRIENDS OF THE EARTH
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • CLEAN AIR COALITION • DENALI CITIZENS' COUNCIL
DENALI GROUP, SIERRA CLUB • JUNEAU AUDUBON SOCIETY • JUNEAU GROUP, SIERRA CLUB
KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KNIK CANOERS AND KAYAKERS
KNIA GROUP, SIERRA CLUB • KODIAK AUDUBON SOCIETY • LYNN CANAL CONSERVATION • NORTHERN ALASKA ENVIRONMENTAL CENTER
PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • SITKA CONSERVATION SOCIETY • SOUTHEAST ALASKA CONSERVATION COUNCIL • TONGASS CONSERVATION SOCIETY



March 12, 1996

Hello, my name is Robert Fox, and I am speaking on behalf of the Governmental Affairs Committee of the Fairbanks Chamber of Commerce.

I am speaking today in support of HB-469, legislation to transfer _____ acres of land to the University of Alaska. The University of Alaska is a Land Grant institution, and as such, should depend upon the land it was to receive as a means to bridge the financial valleys of Alaska's economy.

The University of Alaska has the infrastructure in place to properly manage and wisely develop grant lands, and to become stronger in the areas of instruction, research, and public service.

In the Chamber's resolution #95-0607, dated June 8, 1995, the Fairbanks Chamber of Commerce Board of Directors voiced their support for Senate Bill 16, and I have been directed to reaffirm our support and urge the passage of _____.

I am also before you to voice the Fairbanks Chamber of Commerce support for HJR 60, relating to RS-2477 rights of way. The right of the citizens of Alaska to access our lands, our wilderness, our hunting and fishing areas, and our resources are at stake. The Fairbanks Chamber of Commerce voiced ~~our~~ support of RS-2477 routes in Resolution 95-0511 and other communications, and remains firmly convinced that these routes are vital to all levels of our economy. We strongly urge the legislature and Gov. Tony Knowles to support the issue 100%!

Post-It™ brand fax transmittal memo 7671		# of pages > /
To: <u>Rep Williams</u>	From: <u>FBX LIO</u>	
Co: <u>HRES CMTF</u>	Co:	
Dept: <u>WRITTEN TESTIMONY</u>	Phone: <u>FDR</u>	
Case: <u>HB 469 + HJR 60</u>	Fax:	

LEGISLATIVE REFERENCE LIBRARY

**LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA**

(907) 465-3808
FAX (907) 465-2029
Mail Stop 3101

*130 Seward Street, Suite 400
Juneau, Alaska 99801-2105*

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

House Resources
3-14-96 1:12pm
HJR 60

Mary Pagenkopf