

HB

41

Alaska State Legislature

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HB 41 Gates of the Arctic Sponsor Statement

2-16-95

This Bill repeals the section of the AS 42.40.355 that prohibits the State owned railroad from using the Gates of the Arctic as a transportation corridor. In order to build rail a grade of 3% is the maximum, this requirement necessitates use of the Gates of the Arctic National Park.

Attached is 16 U.S.C. 410 hh (b)-(e), which states that Congress finds a need for access across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve, and directs the Secretary (of the Interior) to permit such access.

The Alaska Railroad is the logical long term transportation provider for natural resources from Fairbanks to Nome. Currently there is no transportation corridor from east to west, there is also a future need to have a transportation corridor to access northwest Alaska.

Section 42.40.355

PROHIBITION

Notwithstanding any other provision in this chapter, the state-owned railroad as defined under 45 U.S.C. 1202(14) may not apply for a right-of-way across, or exercise eminent domain in, the western (Kobuk River) unit of the Gates of the Arctic National Preserve under 16 U.S.C. 410hh(4)(b)-(e).

ivers, lakes, and other natural features: to provide continued opportunities, including reasonable access, for mountain climbing, mountaineering, and other wilderness recreational activities: and to protect habitat for and the populations of, fish and wildlife, including, but not limited to, caribou, grizzly bears, Dall sheep, moose, wolves, and raptorial birds. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of title VIII [16 USCS §§ 3111 et seq.].

(b) Congress finds that there is a need for access for surface transportation purposes across the Western (Kobuk River) unit of the Gates of the Arctic National Preserve (from the Ambler Mining District to the Alaska Pipeline Haul Road) and the Secretary shall permit such access in accordance with the provisions of this subsection.

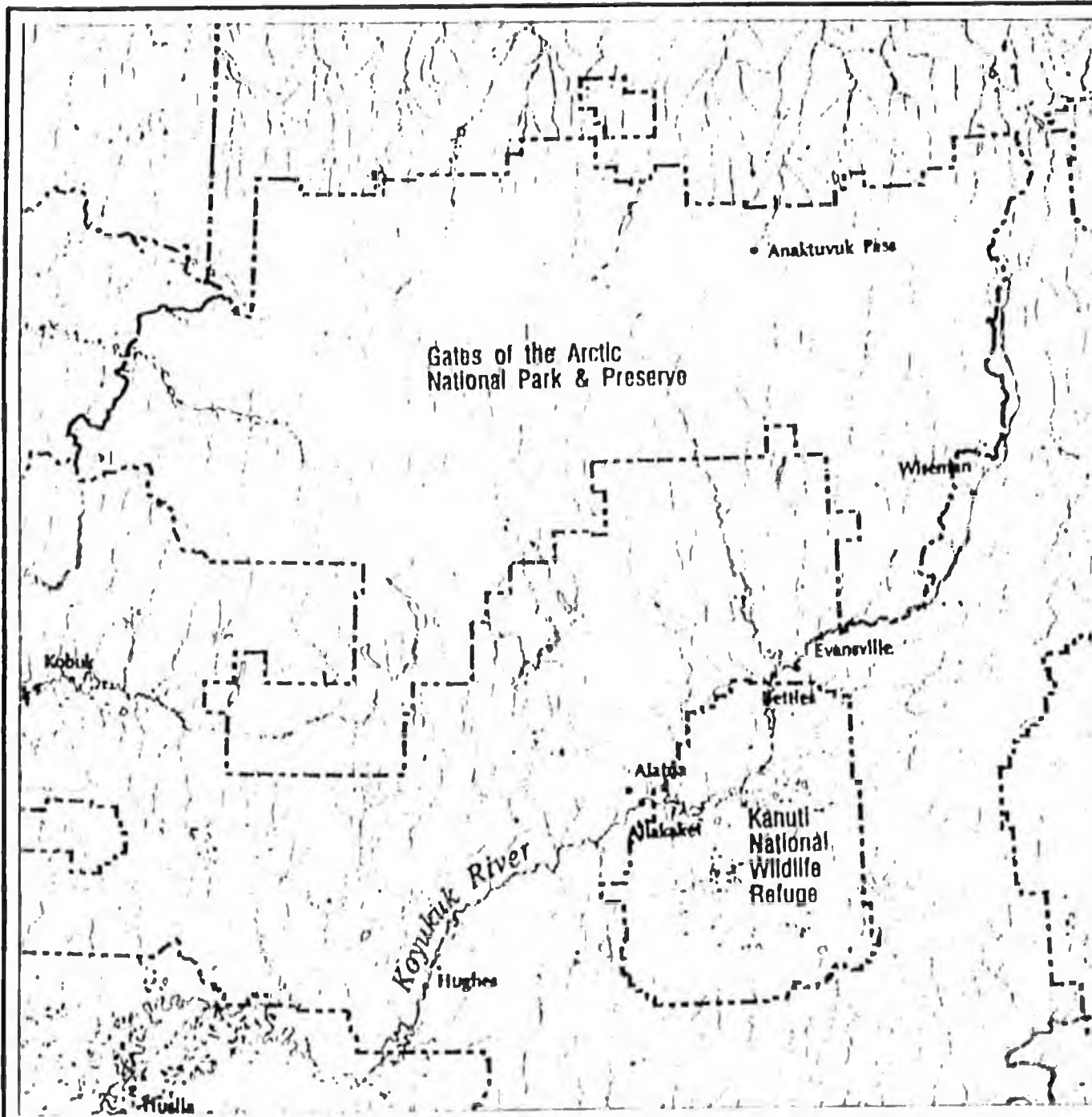
(c) Upon the filing of an application pursuant to section 1104(b), and (c) of this Act [16 USCS § 3164(b), (c)] for a right-of-way across the Western (Kobuk River) unit of the preserve, including the Kobuk Wild and Scenic River, the Secretary shall give notice in the Federal Register of a thirty-day period for other applicants to apply for access.

(d) The Secretary and the Secretary of Transportation shall jointly prepare an environmental and economic analysis solely for the purpose of determining the most desirable route for the right-of-way and terms and conditions which may be required for the issuance of that right-of-way. This analysis shall be completed within one year and the draft thereof within nine months of the receipt of the application and shall be prepared in lieu of an environmental impact statement which would otherwise be required under section 102(2)(C) of the National Environmental Policy Act [42 USCS § 4332(2)(C)]. Such analysis shall be deemed to satisfy all requirements of that Act [42 USCS §§ 4321 et seq.] and shall not be subject to judicial review. Such environmental and economic analysis shall be prepared in accordance with the procedural requirements of section 1104(e) [16 USCS § 3164(e)]. The Secretaries in preparing the analysis shall consider the following—

(i) Alternative routes including the consideration of economically feasible and prudent alternative routes across the preserve which would result in fewer or less severe adverse impacts upon the preserve.

(ii) The environmental and social and economic impact of the right-of-way including impact upon wildlife, fish, and their habitat, and rural and traditional lifestyles including subsistence activities, and measures which should be instituted to avoid or minimize negative impacts and enhance positive impacts.

(e) Within 60 days of the completion of the environmental and economic analysis, the Secretaries shall jointly agree upon a route for issuance of the right-of-way across the preserve. Such right-of-way



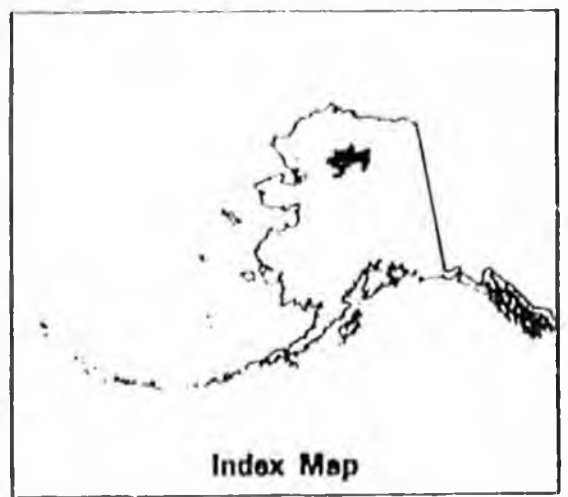
GATES OF THE ARCTIC NATIONAL PARK AND PRESERVE ALASKA

Albers Equal Area Projection

Scale 1:2,000,000



This map illustrates the administrative boundary of the Gates of the Arctic National Park and Preserve. Land status is not represented.



Index Map

FISCAL NOTE

STATE OF ALASKA

BILL NO. HB 41

1995 LEGISLATIVE SESSION

Revision Date:	Dept. Affected: <u>DOT&PF</u>
Title: <u>An Act Repealing prohibition against applications for a R/W across the Gates of the Arctic National Preserve</u>	BRU: <u>Northern Region</u>
Sponsor: <u>Representative Jeannette James</u>	Component: <u>Design and Construction</u>
Requester: <u>Representative Jennette James</u>	COMPONENT SERIAL NO. <u>584</u>

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
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	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

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)

Will not impact the DOT&PF. This proposed legislation deals with the state owned railroad.

Prepared by: Loren Rasmussen
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 Approved by Commissioner: *Joseph P. Haskind*
 Agency: Department of Transportation and Public Facilities

Phone: 465-2960
 Date: 01/24/95
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Fiscal Note

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