

HB

276

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 406
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT House Bill 276

“An Act amending the description of parcels within the Fort Rousseau Causeway State Historical Park; and providing for an effective date.”

The description of the Fort Rousseau Park boundary in the legislation forming the park inadvertently included uplands, tidelands, and water immediately adjacent to the Sitka Rocky Gutierrez Airport. The parcel in question must remain part of the airport to allow the state to meet airport safety and security responsibilities.

This bill will correct the boundary by excluding all property within 1,100 feet of the runway centerline from the park. The uplands that will be retained within the airport are an area next to the runway, where a number of critical navigational aids and communications equipment are located, and a short adjacent section of the causeway.

If the property boundary is not corrected, the state could be precluded from management actions that are essential to airport operations such as restricting access to the property, precluding activities that are unsafe, or constructing additional facilities that become necessary. This would place the state in an untenable position as the airport owner and operator.

Finally, the Federal Aviation Administration requires that the state demonstrate adequate property interest in any airport for which it accepts Airport Improvement Program (AIP) grant funds. This program provides 95% of the funding for capital improvements that are made at our airports—Sitka has received over \$32 million dollars in AIP grants since 1982. Failure to comply with the AIP grant assurances regarding control over airport property can result in the FAA's withholding additional grants.

26-LS0826E
Bullock
2/1/10

CS FOR HOUSE BILL NO. 276()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVE PEGGY WILSON

A BILL
FOR AN ACT ENTITLED

1 **"An Act amending the description of parcels within the Fort Rousseau Causeway State**
2 **Historical Park; and providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1. AS 41.21.191 is amended to read:**

5 **Sec. 41.21.191. Fort Rousseau Causeway State Historical Park established.**

6 **Except for upland, shoreland, tideland, and water overlying the land lying**
7 **northeasterly of a line running parallel to and 1100 feet offset southwesterly from**

8 **the runway centerline of the Sitka Airport, the [THE] upland, shoreland, tideland,**
9 **and water overlying the land owned or acquired by the state within the following**
10 **described parcels are established as the Fort Rousseau Causeway State Historical Park:**

11 **Township 56 South, Range 63 East, Copper River Meridian, described as:**

12 **The following lots located within United States Survey 3926:**

13 **Section 2: That portion of Lot 86 within Section 2**

14 **That portion of Lot 86A within Section 2**

- 1 That portion of Lot 90 within Section 2
- 2 Lot 91
- 3 Lot 92
- 4 Section 3: E1/2SE1/4NW1/4NE1/4NW1/4
- 5 E1/2NE1/4SW1/4NE1/4NW1/4
- 6 NW1/4SE1/4NE1/4NW1/4
- 7 SW1/4NE1/4NE1/4NW1/4
- 8 Lot 74
- 9 Lot 75
- 10 Lot 75A
- 11 Lot 76
- 12 That portion of Lot 77 within Section 3
- 13 Lot 78
- 14 Lot 78A
- 15 Lot 79
- 16 Lot 80
- 17 Lot 80A
- 18 Lot 81
- 19 Lot 81A
- 20 Lot 82
- 21 Lot 82A
- 22 That portion of Lot 83 within Section 3
- 23 Lot 84
- 24 Lot 84A
- 25 Lot 85
- 26 Lot 85A
- 27 That portion of Lot 86 within Section 3
- 28 That portion of Lot 86A within Section 3
- 29 Lot 87
- 30 Lot 88
- 31 Lot 89

1
2
3
4

That portion of Lot 90 within Section 3

Section 4: That portion of Lot 77 within Section 4

That portion of Lot 83 within Section 4.

* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: _____
() Publish Date: _____

Identifier (file name): HB276-DOT&PF-CO-1-28-10

Dept. Affected: DOT&P

Title Fort Rousseau Causeway Park

RDU Admin and Support Services

Sponsor Rep. Wilson

Component Commissioner's Office

Requester H. CRA

Component Number 530

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
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	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

CHANGE IN REVENUES ()								
-------------------------------	--	--	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
1002 Federal Receipts							
1003 GF Match							
1004 GF							
1005 GF/Program Receipts							
1037 GF/Mental Health							
Other Interagency Receipts							
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2010) cost: _____

POSITIONS

	FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact to the Department by the passage of this bill

Prepared by: Mary Siroky, Legislative Liaison
Division: DOT&PF, Commissioner's Office
Approved by: Frank Richards
Deputy Commissioner, DOT&PF

Phone 465-4772
Date/Time 1/28/10 4:30pm
Date 1/28/2010

ALASKA STATE LEGISLATURE

Interim:
P.O. Box 109
Wrangell, AK 99929
Phone: (907) 874-3088
Fax: (907) 874-3055

Session:
State Capitol, Room 406
Juneau, AK 99801-1182
Phone: (907) 465-3824
1-800-686-3824
Fax: (907) 465-3175

REPRESENTATIVE PEGGY WILSON HOUSE DISTRICT 2

Fact Sheet House Bill 276

“An Act amending the description of parcels within the Fort Rousseau Causeway State Historical Park; and providing for an effective date.”

Why is this bill necessary?

The description of the Fort Rousseau Park boundary in the legislation forming the park inadvertently included uplands, tidelands, and water immediately adjacent to the Sitka Rocky Gutierrez Airport. The parcel in question must remain part of the airport to allow the state to meet airport safety and security responsibilities.

What will the effect be on the Fort Rousseau Park if the bill becomes law?

The exclusion of the property that needs to remain part of the airport will not have a significant effect on the Park. The parcel includes uplands that are immediately adjacent to the runway and a small section of causeway that is already separated from the remaining causeway and islands by a security fence. Access to the area is restricted for safety and security purposes so it does not contribute to the park in any practical way.

Will the public's access to Fort Rousseau Park be impaired because of the boundary change?

No. The Park is not accessed through or across the airport, so the exclusion of this property has no effect on public access to the Park.

If access to the property is already restricted, why does the Park boundary have to be corrected?

Although access to the area is restricted, its inclusion within the Park boundary creates ambiguity concerning the management of the area. The FAA's insistence on airport sponsors having adequate property interest is intended, in part, to eliminate any ambiguity that might result in actions or activities that are detrimental to aviation safety.

How might the inclusion of this property within the Park boundary be detrimental to aviation safety?

The property in question is immediately adjacent to the runway and an area where electronic navigation aids and other essential equipment are located. This equipment has to be protected from intentional or inadvertent disruption that may result from seemingly innocuous activities. Additional equipment may become necessary in the future as aviation

technology changes, and its installation could be hampered by the inclusion of the property in the Park.

Additionally, the airport's unconditional control of the property is necessary to protect the close-in airspace against potentially hazardous activities or structures.

What would the effect be to the airport if this bill is not enacted?

If the property is not excluded from the Park, the FAA may determine that the state is violating its Sponsor Grant Assurances relating to Right of Way requirements. This could endanger future funding for airport projects. In the event that a non-standard or hazardous situation developed that could not be corrected because of the Park designation, it is also possible that the airport would be subject to corrective action under the requirements of its Federal Aviation Regulations Part 139 operating certificate which is a prerequisite for Alaska Airlines and other air carrier operations.



U.S. Department
of Transportation

**Federal Aviation
Administration**

Alaskan Region Airports Division
222 W. 7th Avenue, Box 14
Anchorage, Alaska 99513-7587

JAN 29 2010

Gary L. Davis
Regional Director, Southeast Region
Department of Transportation and Public Facilities
6860 Glacier Hwy
Juneau, AK 99811

Sitka Rocky Gutierrez Airport Property Boundary

Dear Mr. Davis,

Thank you for your recent inquiry regarding the Sitka Airport and the Fort Rousseau Park boundary. As owner and operator of the Sitka Rocky Gutierrez Airport, the State of Alaska Department of Transportation and Public Facilities (DOTPF) must retain adequate land interest sufficient to protect lands needed for aviation and airport uses to be in compliance with airport operational requirements and DOTPF's obligations as a recipient of FAA Airport Improvement Program grant funds.

The existing Airport Layout Plan approved by the Federal Aviation Administration (FAA) depicts lands needed for Airport purposes. During the Environmental Impact Statement for the Sitka Rocky Gutierrez Airport completed September 28, 2009, the FAA reaffirmed that the boundary depicted on the Sitka Airport Layout Plan is needed to ensure control of lands necessary for airport and aviation uses and public safety.

The Airport property boundary depicted on the Sitka Airport Layout Plan is 1100' from runway centerline. Some of the lands immediately adjacent to the Airport, within the Airport property boundary were included in the description of the Fort Rousseau Park boundary in the legislation forming the park. A number of critical navigational aids and communications equipment are located on the lands.

The FAA believes that the lands depicted on the attached Figure prepared by DOTPF showing the overlap between the Airport property boundary and the Fort Rousseau Park boundary are needed to satisfy DOTPF's obligations to maintain control of lands needed for airport and aviation purposes.

Sincerely,

A handwritten signature in black ink, appearing to read "James W. Lomen". The signature is fluid and cursive, with a long horizontal stroke at the end.

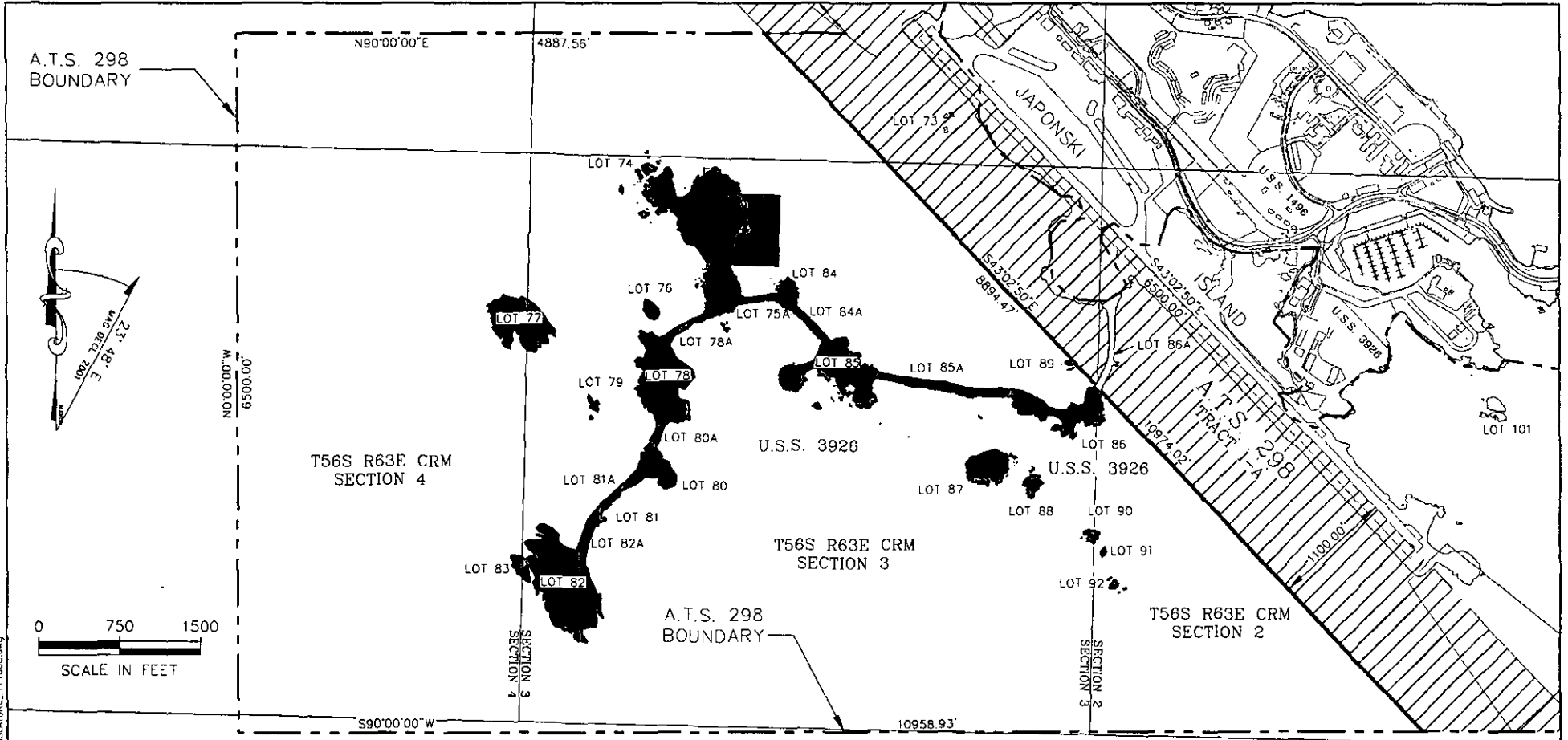
James W. Lomen, P.E.
Deputy Division Manager

Attachment:

Sitka Airport – Fort Rousseau Boundary Overlap

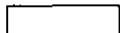
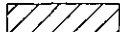

Cc:

Verne Skagerberg
Transportation Planner, SE region DOTPF



SITKA - FORT ROUSSEAU CAUSEWAY STATE HISTORICAL PARK &
SITKA AIRPORT BOUNDARY OVERLAP

LEGEND

-  AIRPORT/STATE PARK OVERLAP - 6.5± Ac.
-  SITKA AIRPORT
-  FORT ROUSSEAU CAUSEWAY STATE HISTORICAL PARK

JANUARY 26, 2010

