

HB

276

SENATE COMMITTEE REPORT

DATE: 2/12/10

FURTHER:

DATE TURNED
IN TO OFFICE: 2/23/10

Community and Regional Affairs Committee considered CS FOR HOUSE BILL NO. 276(CRA)

HB 276 FORT ROUSSEAU CAUSEWAY HIST PARK

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

and recommends:

- be replaced with SCS or CS _____ (_____)
- adopt previous SCS or CS _____ (_____)
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

SENATE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<hr/>	
HOUSE BILL:	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____

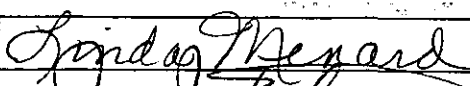
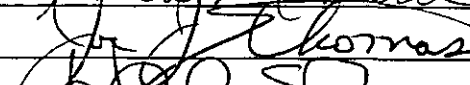

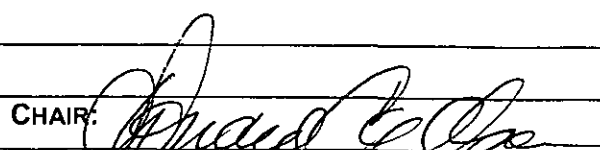
NEW FISCAL NOTE(S):

Department	Date	Fiscal	Indet.	Zero	FN#

PREVIOUS FISCAL NOTE(S):

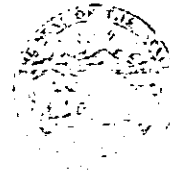
Department	Date	Fiscal	Indet.	Zero	FN#
DOT	1/28			✓	1

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	MENARD	✓			
	THOMAS	✓			
	French			✓	
CHAIR: 	OLSON			✓	

ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

SPONSOR STATEMENT

Committee Substitute for 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.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 276(CRA)
(H) Publish Date: 2/3/10

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								
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CHANGE IN REVENUES ()								
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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

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



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,



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

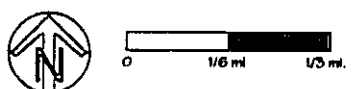
Attachment:

Sitka Airport – Fort Rousseau Boundary Overlap

Cc:

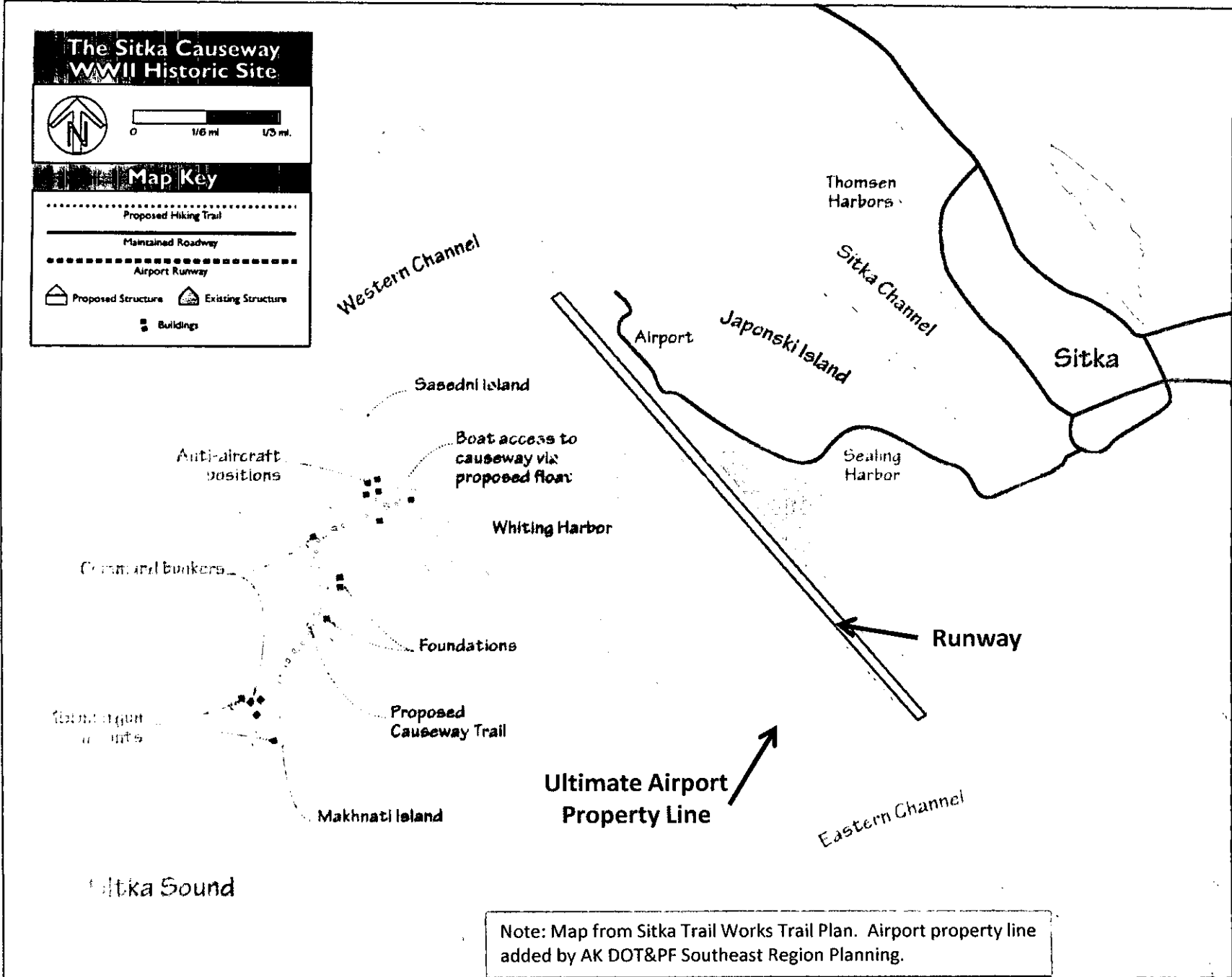
Verne Skagerberg
Transportation Planner, SE region DOTPF

The Sitka Causeway WWII Historic Site

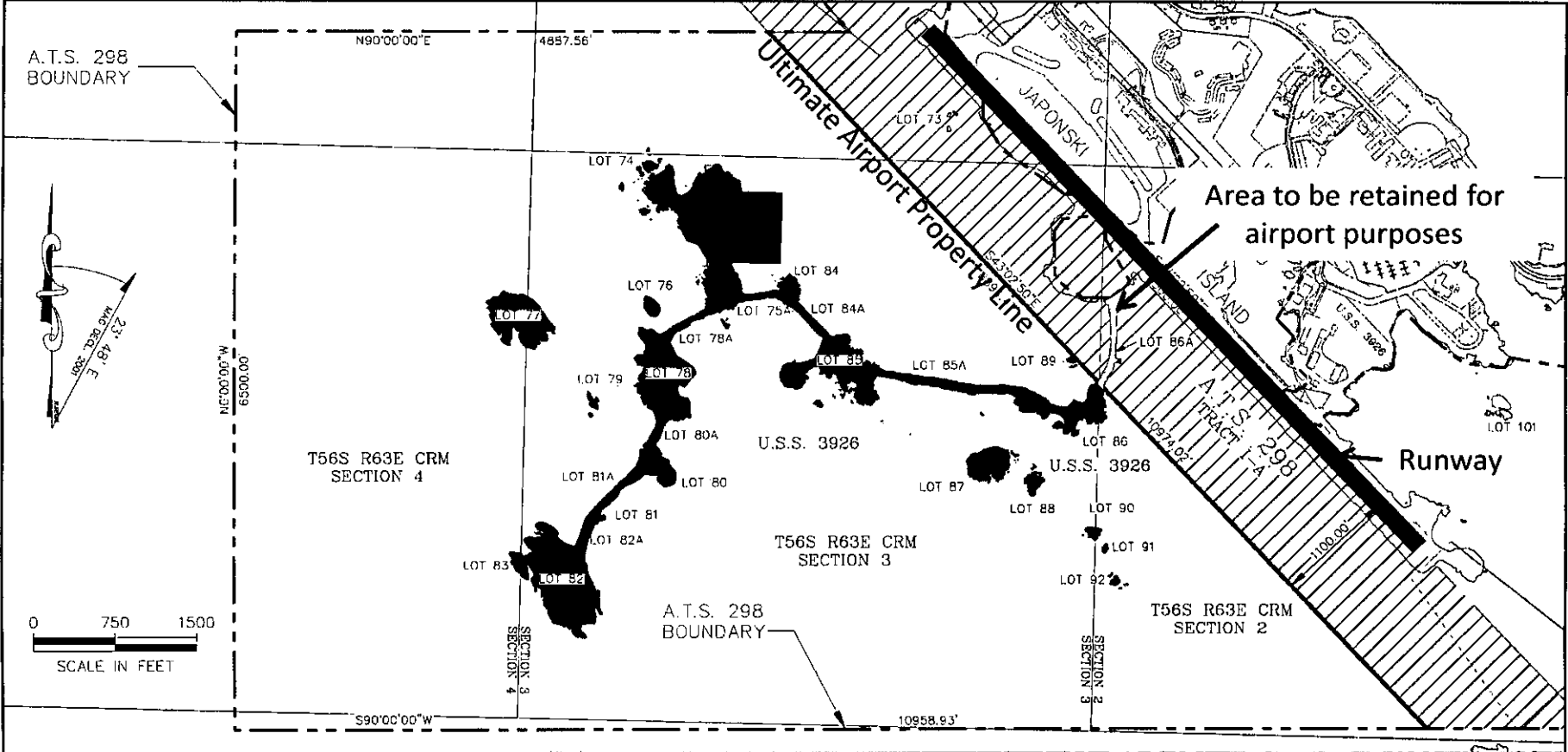


Map Key

- Proposed Hiking Trail
- Maintained Roadway
- Airport Runway
- 🏠 Proposed Structure
- 🏠 Existing Structure
- Buildings

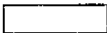
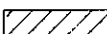



Note: Map from Sitka Trail Works Trail Plan. Airport property line added by AK DOT&PF Southeast Region Planning.



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

D:\VP\AIRPORT15\SW\Airport\Property_Plan\EXPORT_LEGENDATURE_111809.cxd

**FORT ROUSSEAU CAUSEWAY STATE HISTORICAL PARK
MANAGEMENT PLAN**

Working First Draft—50% Complete

Prepared by:

AKDNR, Division of Parks and Outdoor Recreation,
Interpretation and Education Unit

Prepared for:

AKDNR, Division of Parks and Outdoor Recreation
Sitka Trail Works, Inc.
Sitka State Parks Citizens Advisory Board

EXISTING CONDITIONS AND ISSUES

The following section presents an overview of the park's existing conditions and management issues. The next section, "Recommendations," provides ideas for preserving and enhancing the park's conditions and mitigating concerns.

LAND OWNERSHIP

Ownership of the causeway islands, the causeway itself, and the surrounding intertidal zone is complex. The Sitka Naval Operating Base, including Fort Ray and Fort Rousseau, were decommissioned in 1944 and the property was transferred to the federal government. The causeway islands became eligible for state selection in 1963 and the lands were officially conveyed to the state in 1968. The conveyance did not, however, include submerged lands or intertidal areas, which remained under federal ownership by the Bureau of Land Management.³⁹

On March 4, 2008, House Bill 176, sponsored by Representative Peggy Wilson, designated the 60-acre Fort Rousseau Causeway State Historical Park (SHP). Alaska Governor Sarah Palin signed House Bill 176 into law on April 2, 2008. The park, however, still lies within the Sitka Rocky Gutierrez Airport management area, managed by the Alaska Department of Transportation and Public Facilities and overseen by the Federal Aviation Administration. The submerged lands and intertidal area are still under federal ownership by the Bureau of Land Management.

ACCESS

Visitors must use water-based transportation to reach the park; access by land is not permitted. The causeway is attached to the land base of Sitka at Japonski Island; however, the Sitka Rocky Gutierrez Airport and its runway, located on Japonski Island, block access to the causeway. A fence surrounds the airport runway to prevent unauthorized access. Crossing the runway is not only dangerous but violates airport security.

Most park users access the park by boat at Whiting Harbor and disembark on Sasedni Island. Access to other islands is weather and tide dependent.

FACILITIES AND INFRASTRUCTURE

HISTORIC STRUCTURES

The structures on Fort Rousseau were built in 1941-1943. When the fort was decommissioned in 1944, some of the structures were dismantled and sent elsewhere; others were left on the causeway and not maintained. Today, all of the structures are open to exploration; however some of the structures are safer due to less deterioration and better sources of natural light. There are sharp objects strewn about and holes in the floor in many of the structures; some of the holes have been covered with plywood. The structures on Makhnati Island are easier to find due to less vegetation on the island and appear to be in the best shape overall. On Sasedni and Gold islands many of the structures are covered with plants and organic matter. The dampness of the islands is also affecting the structures by causing concrete leeching and creating standing water. Organic matter and metals are staining

³⁹ Carson Dorn, Inc., *Phase I Environmental Assessment for the Sitka World War II Causeway*, 3.

RECOMMENDATIONS

The following section provides recommendations for mitigating concerns/issues presented in the previous section and for enhancing park conditions and the visitor experience.

LAND OWNERSHIP

The plan recommends continuing to foster a good working relationship with the Department of Transportation and Public Facilities and the Sitka Rocky Gutierrez Airport and ultimately finishing the transfer of ownership and management of the causeway islands to the Department of Natural Resources. The plan also recommends continuing to foster a good working relationship with the Bureau of Land Management and the Sitka Tribe of Alaska regarding management and use of the causeway itself and the surrounding intertidal zone.

ACCESS

LAND ACCESS

[REDACTED]

MARINE ACCESS

[REDACTED]

The location and designs for these landing areas have not been determined at this time. Choosing the location, design, and materials will be dependent on funding and further inspection of the area by engineers and park managers. However, it is likely that the kayak and small boat landing zones will be recommended for Whiting Harbor off Sasedni Island.

It is also likely that a kayak or small boat landing area on Makhnati Island will be necessary. The location, design, and materials for this landing will be dependent on funding and further inspection of the area by engineers and park managers. For possible locations, see figure X (NEED TO INCLUDE).

FACILITIES AND INFRASTRUCTURE

The "Facilities and Infrastructure Concept Design" (figure X – TO BE DEVELOPED) presents an idea for how facilities and infrastructure might be placed in the park. The following are explanations for the proposed facilities and infrastructure.

ALASKA STATE LEGISLATURE

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REPRESENTATIVE PEGGY WILSON
HOUSE DISTRICT 2

House Bill 276

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

HB 176 - Create Fort Rousseau Causeway Park (2007)

Excerpts of Committee Minutes

House Resources Committee
House Finance Committee
Senate Resources Committee
Senate Finance Committee

1:20:12 PM

CO-CHAIR JOHNSON inquired whether there is public access to the area by any other means besides the water.

MR. STONE said the water is the only accessible point because airport development resulted in closing the [land] access to the causeway.

MR. STONE, in response to Co-Chair Gatto, said the U.S. Army Corps of Engineers built the causeway.

1:21:07 PM

CO-CHAIR GATTO observed that the airport runway is over a mile long and close to Sitka. He asked whether a car could be driven to the causeway.

MR. STONE explained that there is no longer access by car due to the installation of security fencing, but that the causeway did have car access long ago. In further response to Co-Chair Gatto, Mr. Stone confirmed that permission for access would not be granted by airport authorities. In response to Representative Guttenberg, Mr. Stone stated that the main access to the causeway is by boat. Sitka Trail Works also makes a skiff available to the public, he said. The area gets heavy use during the summer months by local residents who skiff to the causeway to picnic and visit the site.

HOUSE BILL NO. 176

April 19, 2007 testimony in H FIN

An Act creating the Fort Rousseau Causeway State
Historical Park.

C2:07:01 PM

DEBORAH LYONS, (TESTIFIED VIA TELECONFERENCE), EXECUTIVE DIRECTOR, SITKA TRAIL WORKS, SITKA, testified in favor of HB 176, an Act creating the Fort Rousseau Causeway Historical State Park. Sitka Trail Works has over 300 member-households and is in a partnership Memorandum of Agreement with the City and Borough of Sitka.

of the causeway road.

SENATE RESOURCES

May 09, 2007

HB 176-CREATE FORT ROUSSEAU CAUSEWAY PARK

CHAIR HUGGINS announced HB 176 to be up for consideration. [CSHB 176(RES) was before the committee.] He asked Representative Wilson to give them a brief background on the park.

4:08:40 PM

REPRESENTATIVE PEGGY WILSON, sponsor of HB 176, replied that during World War II the Army wanted to have a defense across Sitka in case the Japanese came back. So, they connected 800 ft. of causeway from one island to another and to this day many historical artifacts are still there - like an anti-aircraft gun, bunkers and ammo magazine structures. This causeway has already been added to the National Registry of Historical Places and has been designated as a landmark by the National Park Service. This bill makes sure that it becomes the Fort Rousseau Causeway State Historical Park.

SENATOR STEVENS asked who Rousseau was. When no one knew the answer, he added that he was the commander of the American troops when Sitka became a part of the United States in 1867.

REPRESENTATIVE WILSON said Alaska doesn't have many areas that go back to WWII and this bill is trying to preserve this history. She explained that Sitka Trail Works was awarded a federal grant of \$140,700 to begin work on renovating the Fort Rousseau Causeway and \$60,000 of the grant money was given to the State's Historical Preservation Office in the Department of Natural Resources (DNR) to pay for site mapping, culture survey and inventory work; another \$14,000 was used for a phase 1 environmental assessment. Another federal trails grant is pending for this project in the federal transportation legislation for 2008 and 2009.

She said the causeway business plan shows modest tourism dollars of around \$12,000 per year at first. As the program grows, the budget will be about \$16,800 per year which would eventually be supplanted by tourism dollars with an additional \$20,000 going into the general fund to be used for other parks. She explained further that the idea is to take tourists back and forth and there is no way to get to the island except on a boat.

CHAIR HUGGINS asked if that was what the "boat charter costs

Co-Chair Stedman asked how the Park is accessed.
Representative Wilson said the area is accessible by boat.

Co-Chair Stedman asked why the area is not accessible by car. Representative Wilson explained that the area is closed off to traffic due to its proximity to the airport.

Co-Chair Hoffman MOVED to REPORT CSHB 176 (RES) out of Committee with individual recommendations and the attached fiscal notes.

There being NO OBJECTION, it was so ordered.

CSHB 176(RES) was REPORTED out of Committee with a "do pass" recommendation and fiscal note #2 by the Department of Natural Resources.

AT EASE: 9:37:45 AM
RECONVEINE: 9:42:36 AM

Dike Trail

Reid Harris

From: Siroky, Mary P (DOT) [mary.siroky@alaska.gov]
Sent: Friday, January 29, 2010 2:21 PM
To: Reid Harris
Subject: FW: Dike trail

More info - I still have some questions about these numbers but wanted to share with you

-m-

-----Original Message-----

From: Skagerberg, Verne R (DOT)
Sent: Friday, January 29, 2010 1:54 PM
To: Siroky, Mary P (DOT)
Cc: Davis, Gary L (DOT); Hughes, Andrew N (DOT)
Subject: RE: Dike trail

The short answer to that question is "exceedingly expensive and virtually impossible."

We are constructing a Runway Safety Area extension of 280' at an estimated cost of \$30M. The seawall improvements that we contemplated, but are not going to do, had an estimated cost of \$36M. Anything along the lines of an access trail around the runway would likely require at least as much fill as those two combined because any trail would have to be outside the RSA, the Object Free Area, the Primary Surface, etc., etc. It would also have to be separated from the runway by a security fence that would have to be below the elevation of the runway surface and, therefore, below high tide a goodly part of the time.

If we were able to place additional fill around the runway, we would never do so without using the additional surface for Runway Safety Area until we met FAA standards. The estimated cost of building a full standard RSA at Sitka exceeds \$175M.

-----Original Message-----

From: Siroky, Mary P (DOT)
Sent: Friday, January 29, 2010 10:35 AM
To: Skagerberg, Verne R (DOT)
Subject: Dike trail

In sitka what would it cost?