

ALASKA LEGISLATURE COMMITTEE FILES 1985-1986 8672

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SECTION IV - STATE OF ALASKA

Alaska State Legislature

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Senate Committee on Transportation

TO: Commissioner Dick Knapp, DOT/PF
Commissioner Esther Wunnicke, DNR

FROM: Senator Jack Coghill, Chairman *Jack*

RE: R.S. 2477 Rights-of-Way

DATE: July 9, 1985

Thank you for the meeting yesterday on the R.S. 2477 issue. We were pleased to discover that, as in your words Commissioner Knapp, "We are all working for the same team," and that we share a common concern on behalf of the people of Alaska. We look forward to close cooperation during the ensuing weeks as we work together to meet a challenging deadline.

Our goal is to provide the National Park Service with the appropriate maps and documentation so that possible R.S. 2477 trails will be reflected in the draft General Management Plans that will be sent to Congress in December of this year.

I am grateful that you, Commissioner Knapp, have lent your full support and have set in motion the identification by your people of the R.S. 2477 rights-of-way that touch or cross the CSU's.

Likewise, the immediate response of your people, Commissioner Wunnicke, to help us locate the existing documentation and to help guide us in establishing priorities and how we should prepare this information is much appreciated.

I look forward to my task force meeting with Messrs. Hickey, Hawkins and Gustafsen on Friday morning, July 12th and joining us for our meeting with the National Park Service Area Director and his staff that afternoon. At that time, Mr. Contor has promised they will outline what they require in terms of receiving R.S. 2477 rights-of-way assertions.

Again, my thanks for your assistance. We look forward to accomplishing our mutual goals for Alaska's future.

cc: Mark Hickey
Gary Gustafson
Tom Hawkins
Malcolm Roberts
Valerie Chavez

BILL SHEFFIELD, GOVERNOR

November 6, 1985

Dear Reviewer:

Attached for your review and comment is a draft RS 2477 Rights-Of-Way (ROW) Policy and Procedures document cooperatively prepared by the Department of Natural Resources (DNR) and the Department of Transportation and Public Facilities (DOT/PF).

The purpose of this document is to provide comprehensive and uniform policy and procedures for addressing potential RS 2477 historical roads and trails in Alaska by the two state agencies primarily responsible for this issue. Included in this document is a brief discussion of the general background and history of RS 2477 roads and trails, followed by procedures for state decisions related to assertion, validation, disclaimer of interest, vacation and arrangements for ensuring adequate agency and public notice and review. The document also identifies the roles and responsibilities of DNR and DOT/PF during the process and outlines management responsibilities, legal considerations and other related issues.

In addition to review by the general public, we are submitting this document to numerous affected parties and interest groups for comment, including the Alaska Land Use Council, the Alaska Land Use Advisors Committee, the Alaska Miners Association, the Senate and House Transportation and Resources Committees, the Alaska Federation of Natives, the Alaska Native Land Managers Association, the Resource Development Council, the Citizens Advisory Commission on Federal Lands, and environmental groups. DNR and DOT/PF will sponsor informal meetings in Anchorage and Fairbanks to discuss this document. The Anchorage meeting is scheduled for 10:00 AM on Tuesday, December 3rd in the DNR Commissioner's Conference Room, 12th Floor, Frontier Building at 36th and C Streets. The Fairbanks meeting is scheduled for 10:00 AM, Wednesday, December 4th in the DOT/PF Conference Room, Suite D, 600 University Plaza.

The formal comment period will close on December 20, 1985. Thereafter, we expect to adopt policies and procedures and begin implementation. It may be necessary to follow this effort with formal regulations implementing portions of this proposal. If that proves necessary, every effort will be made to do so as expeditiously as possible.

DRAFT

NOVEMBER 6, 1985 DRAFT

ALASKA DEPARTMENT OF NATURAL RESOURCES
ALASKA DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES

RS 2477 RIGHTS-OF-WAY POLICY AND PROCEDURES

I. Policy

The State of Alaska, acting through the Department of Natural Resources (DNR) and Department of Transportation and Public Facilities (DOT/PF), recognizes a need to develop and implement coordinated statewide procedures that better define and establish state goals and responsibilities pertaining to the identification and establishment of historical roads and trails in Alaska under federal Revised Statute (RS) 2477.

Therefore, it is the policy of the state, as implemented by the procedures contained herein, to help promote public access opportunities, provide guidance to public and private officials with land resource and transportation management and planning decisions, ensure adequate public and agency participation in the state decision making process, respect private property rights and help resolve uncertainty over possible valid existing RS 2477 rights-of-way (ROW's) on public and private lands.

In April of 1974, the Alaska Department of Highways submitted the 1974 Existing Trail System Inventory to the Bureau of Land Management (BLM). This submission was a further documentation by the state of its intent to accept the grant for approximately 1400 possible RS 2477 ROW's statewide. However, this inventory was not intended to represent a comprehensive listing of all possible statewide RS 2477's. There may be other historical roads and trails in Alaska which qualify under the grant and which may eventually be identified and asserted by the state or another party.

On September 28, 1984, DNR, DOT/PF and the BLM entered into a Memorandum of Understanding (MOU) which specified how the federal land status plats would be noted to identify the approximate location of possible RS 2477 ROW's in the Northern Region of Alaska. The MOU outlined a process whereby BLM would plot each possible RS 2477 ROW on federal master title plats, if in accord with specific criteria included in the BLM Manual (2801.24.B.1, Rel. 2-152). However, on November 28, 1984, BLM issued an Instructional Memorandum (No. 85-72) which stated that BLM would note RS 2477 assertions on its official land records only if it

municipalities under AS 29.18 and to private individuals under various state land disposal and lease programs.

For purposes of state RS 2477 ROW decisions, DNR shall be responsible for those claims not part of the designated state or federal-aid highway system (including trails where state management is considered likely or where alternative third-party management has been arranged through mutual agreement) or claims proposed as additions to the system. All proposed RS 2477 ROW decisions by DNR shall be reviewed in advance by DOT/PF.

9. Department of Transportation and Public Facilities

DOT/PF has broad statutory responsibilities to plan, design, construct and maintain modes of transportation and transportation facilities pursuant to AS 19.05.010, 19.05.030, 19.010.010-040, 44.42.020, and 44.42.050. This includes the specific responsibility to protect and preserve the rights-of-way and land holdings for the state's existing transportation systems (includes federal-aid highways) and to plan for and acquire rights-of-way for future state transportation needs. In addition, DOT/PF is the designated state agency responsible for rep-

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Therefore, it is the policy of the state, as implemented by the procedures contained herein, to help promote public access opportunities, provide guidance to public and private officials with land resource and transportation management and planning decisions, ensure adequate public and agency participation in the state decision making process, respect private property rights and help resolve uncertainty over possible valid existing RS 2477 rights-of-way (ROW's) on public and private lands.

II. Background

Revised Statute 2477 (43 U.S.C. 932) was a federal law in effect from 1866 to October 21, 1976. It provided that,

"The right-of-way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

The Alaska Supreme Court held in Hamerly v. Denton, 359 P. 2d 121, 123 (1961) that before a RS 2477 ROW can be accepted as valid, there must be: a) proof that the route was located on unreserved public land; and b) either a positive act on the part of the appropriate public authorities (of the state or territory) clearly manifesting an intention to accept the grant, or public use for such period of time and under such conditions as to prove that the grant was accepted.

In Girves v. Kenai Peninsula Borough, 536 P. 2d 1221 (1975) the Alaska Supreme Court held that enactment of AS 19.10.010 by the territorial legislature was a positive act manifesting the legislature's intent to accept the federal grant of right-of-way for the construction and use of highways over unreserved public lands on section lines.

In April of 1974, the Alaska Department of Highways submitted the 1974 Existing Trail System Inventory to the Bureau of Land Management (BLM). This submission was a further documentation by the state of its intent to accept the grant for approximately 1400 possible RS 2477 ROW's statewide. However, this inventory was not intended to represent a comprehensive listing of all possible statewide RS 2477's. There may be other historical roads and trails in Alaska which qualify under the grant and which may eventually be identified and asserted by the state or another party.

On September 28, 1984, DNR, DOT/PF and the BLM entered into a Memorandum of Understanding (MOU) which specified how the federal land status plats would be noted to identify the approximate location of possible RS 2477 ROW's in the Northern Region of Alaska. The MOU outlined a process whereby BLM would plot each possible RS 2477 ROW on federal master title plats, if in accord with specific criteria included in the BLM Manual (2801.24.8.1, Rel. 2-152). However, on November 28, 1984, BLM issued an Instructional Memorandum (No. 85-72) which stated that BLM would note RS 2477 assertions on its official land records only if it

administered the affected land. This decision significantly altered the original intent of the parties with respect to this MOU.

III. Responsibilities

DNR and DOT/PF each have specific statewide public access responsibilities, which include RS 2477 ROW's. However, DNR and DOT/PF recognize a need to more precisely articulate respective responsibilities for RS 2477 ROW identification, recognition and management.

A. Department of Natural Resources

DNR has broad public access responsibilities for state land and water pursuant to AS 38.04.050, 38.04.055, 38.05.035, 38.05.850 and 38.35.020. In addition, DNR is the designated state agency responsible for recommending public easement reservations to BLM in land conveyances to Native corporations, pursuant to Section 17(b) of ANCSA. DNR is also responsible for the reservation of public access easements on state land conveyed to boroughs and

municipalities under AS 29.18 and to private individuals under various state land disposal and lease programs.

For purposes of state RS 2477 ROW decisions, DNR shall be responsible for those claims not part of the designated state or federal-aid highway system (including trails where state management is considered likely or where alternative third-party management has been arranged through mutual agreement) or claims proposed as additions to the system. All proposed RS 2477 ROW decisions by DNR shall be reviewed in advance by DOT/PF.

B. Department of Transportation and Public Facilities

DOT/PF has broad statutory responsibilities to plan, design, construct and maintain modes of transportation and transportation facilities pursuant to AS 19.05.010, 19.05.030, 19.010.010-040, 44.42.020, and 44.42.050. This includes the specific responsibility to protect and preserve the rights-of-way and land holdings for the state's existing transportation systems (includes federal-aid highways) and to plan for and acquire rights-of-way for future state transportation needs. In addition, DOT/PF is the designated state agency responsible for rep-

representing state interests under the transportation and utility system application and approval process in Title XI of the Alaska National Interest Lands Conservation Act (ANILCA).

For purposes of state RS 2477 ROW decisions, DOT/PF shall be responsible for all existing and proposed state or federal-aid highway system ROW's and claims associated with future state transportation system needs, including realignment of existing state facilities. All proposed RS 2477 ROW decisions by DOT/PF shall be reviewed in advance by DNR.

C. Regional Offices

DNR and DOT/PF each maintain departmental regional offices located in Anchorage, Fairbanks and Juneau. Although the geographical responsibilities of these offices are not identical, they generally correspond to the Central/Southcentral, Northern and Southeast portions of the state.

For purposes of state RS 2477 ROW decisions, it is agreed by DNR and DOT/PF that their respective regional offices shall be responsible for receiving RS 2477 ROW claims and processing such claims in accord with the process specified in Section IV.

An RS 2477 ROW claim may be accepted by any DNR or DOT/PF regional office, which in accord with this section, will be responsible for processing a claim or forwarding such claim to the regional office having jurisdictional responsibility for the geographic area encompassing the potential RS 2477 ROW. If a claim should cross regional office jurisdictional boundaries, the regional office responsible for the area traversed by the majority of the route shall assume the lead role for purposes of subsequent state decisions.

Representatives from each DNR and DOT/PF regional office agree to meet as necessary with their counterparts to review all new RS 2477 ROW claims and clarify responsibilities for further processing in accord with this section and Section IV (below).

IV. Procedures

The State of Alaska, acting through DNR or DOT/PF, will use the following procedures to guide future state assertion, disclaimer of interest or vacation decisions relative to possible RS 2477

ROW's. The state may also decide to delay or postpone a final decision if it is determined that insufficient information or evidence exists to fully document what otherwise appears to be a valid claim. The procedure involves preliminary review, written state best interest finding, public notice, comment, and final decision. Nothing in this policy statement shall affect the right of private citizens or other parties from independently asserting ROW's under RS 2477. A decision by the state to undertake an RS 2477 claim review is contingent upon the availability of sufficient funds and resources.

The RS 2477 ROW assertion process is generally depicted on the flow chart attached as Figure 1 (page 9).

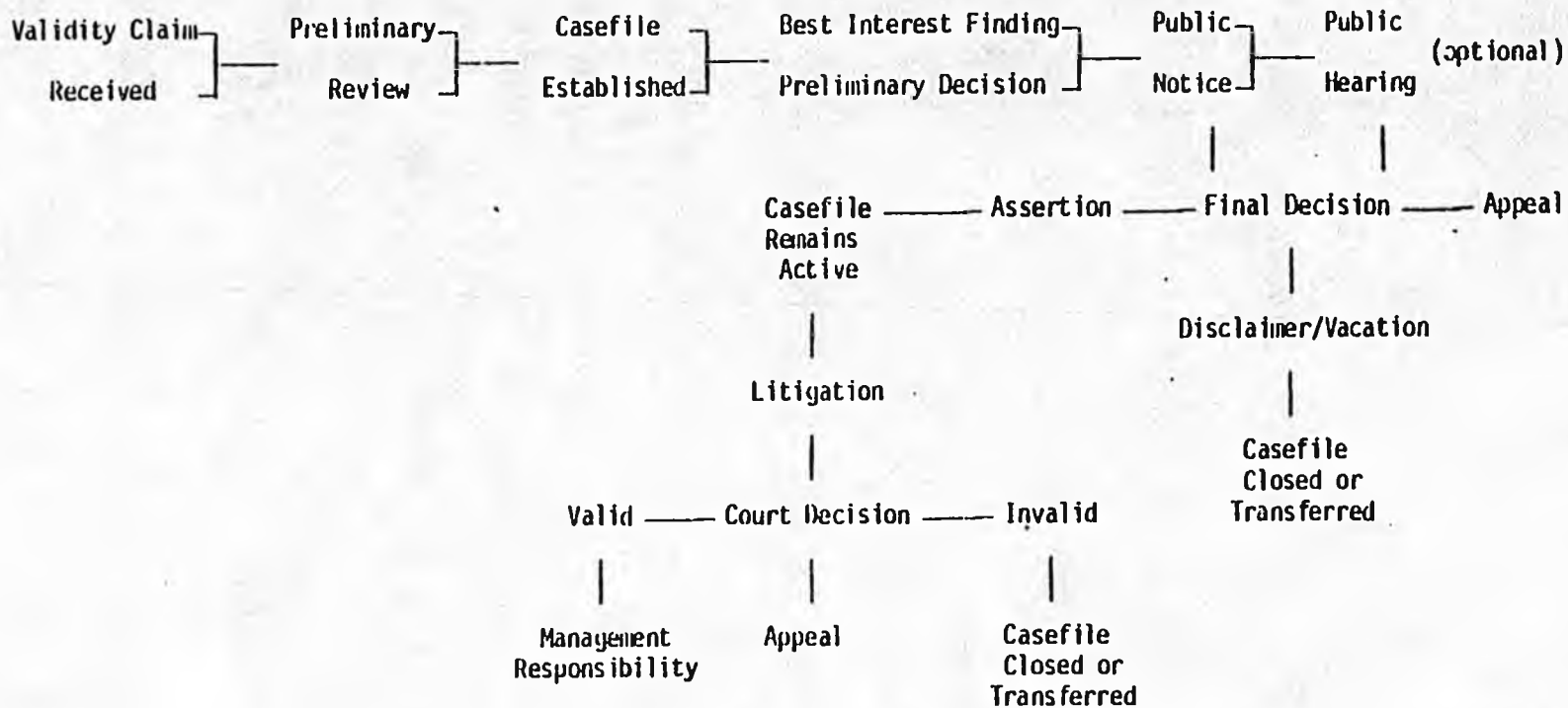
A. Preliminary Review

DNR and DOT/PF agree to comprehensively review and categorize the 1974 Existing Trail System Inventory and other available information regarding possible RS 2477 ROW's. The following steps will be used to perform this work:

FLOW CHART

STATE RS 2477 ROW ASSERTION PROCESS

(conducted by regional offices of DNR or DOT/PF)



1. Categorize all possible RS 2477 ROW's as "active" or "inactive" on the basis of historic purpose, evidence of prior public use, identification as section line easement, availability of documentation, land title conflicts, etc.
2. Assign responsibility to DNR or DOT/PF for potential RS 2477 ROW's included on the "active" list, in accord with Section III of this document.
3. Prioritize the "active" list for purposes of formal state assertion decisions, based upon documentation, public benefits and potential cost savings to the state.

A draft report will be issued and circulated by DNR and DOT/PF for public and agency review and comment. The report will then be finalized, and serve as the guide for subsequent DNR or DOT/PF actions pertaining to possible RS 2477 ROW's. DNR and DOT/PF agree to update this document as necessary, assuming the availability of sufficient funding and resources.

B. Assertions

The State of Alaska, acting through DNR or DOT/PF, may decide to formally assert the existence of RS 2477 ROW claims, using the results of the preliminary review process in Section IV.A. (above) as a guide. At least one of the following conditions must be present for the state to initiate a formal assertion review:

1. An RS 2477 ROW claim involves a portion of the designated state or federal-aid highway or trail system.
2. An RS 2477 ROW claim involves a portion of a right-of-way needed for future state transportation and access purposes, as identified in DNR's and DOT/PF's planning processes.
3. An RS 2477 ROW claim involves public access rights being curtailed or blocked by other parties.
4. A formal request has been made to pursue an RS 2477 assertion, or to vacate or disclaim an interest in a particular RS 2477 ROW claim.
5. An RS 2477 assertion is needed to preserve documentation of use and existence that might otherwise be lost.

6. An RS 2477 assertion enhances the state's legal position regarding RS 2477 ROW's.

Following a determination that one or more of the above conditions are present, and in accord with the responsibilities established in Section III (above), the DNR or DOT/PF regional office shall immediately establish a casefile for the claim. This casefile shall subsequently become the administrative record used by the state as the basis for any future decisions. The regional office, working in concert with the DNR and/or DOT/PF central offices, shall then proceed to gather all available information concerning the route and prepare a written best interest finding and preliminary decision which shall address the below referenced criteria.

1. Identification of the land involved and the periods of time when it was "unreserved public land". In addition, identification of any positive acts on the part of the appropriate public authorities clearly manifesting an intention to accept the grant, or evidence of public use for such time and conditions to prove that the grant was accepted.

2. Identification of any reasonable, practical and legal alternative access which may be available to serve the intended purpose of the RS 2477 ROW (i.e., Omnibus Act Roads, ANCSA Section 17(b) easements).
3. Suitability of the route (i.e., grade, location) for the existing or proposed road, trail or other highway use.
4. Whether an RS 2477 ROW assertion is necessary to establish or confirm state ownership of an existing or proposed state maintained highway or trail (including realignment or extension).
5. Identification of the public benefits of the potential RS 2477 ROW, including but not limited to preservation of transportation system options, enhanced public use access for economic or recreational purposes, cost savings through avoidance of condemnation, negotiated purchase, land exchange or other more costly acquisition method.
6. If the route will adversely affect the land management practices of the underlying and/or adjacent landowner, and

if so, what mitigating measures could be implemented to alleviate or eliminate any adverse impacts.

7. Identification of sufficient evidence to support a finding the the route qualifies as a valid RS 2477 ROW, such as the manner, type and frequency of public use, existence of the public records pertaining to the ROW, on-the-ground verification of the existence of the ROW and historical documentation (i.e., maps, newspaper/periodical references, Alaska Road Commission reports, treatises, etc.).

The best interest finding and preliminary decision shall then be referenced in a public notice to be issued by the regional office, consistent with the requirements of AS 38.05.945. This process entails distribution in newspapers of statewide circulation and notification of any parties known or likely to be affected by the action (including municipalities and ANCSA corporations). DNR and DOT/PF shall also compile and maintain a mailing list of interested parties which will receive notice of all RS 2477 ROW actions. The regional office also shall have the discretion to hold a public hearing on an action, if determined necessary. A written comment period of at least 30 days shall be

included in the process. Following completion of the public notice and written comment period, the regional office shall issue a final decision which may be subject to appeal. Affected parties including landowner(s) will be notified of the decision.

Once it is determined that an assertion is in the state's best interest, the route shall be identified as an RS 2477 ROW on state title plats. It is the position of the state that federal agencies should also note applicable federal title plats.

The final decision is an official state position regarding the validity of the RS 2477 ROW claim and constitutes a determination by the state that there is both sufficient evidence in the casefile to support an affirmative action on the claim by a court, and that the assertion is in the best interest of the state.

Unless otherwise included in the final decision, an assertion decision by the state does not constitute formal acceptance of management responsibility by the state or assumption of liability for the ROW over non-state land. The state contends that management responsibility over a potential RS 2477 ROW can only accrue

to the state following a validity determination by the court or if the state voluntarily accepts management authority and gives notice prior to such action. Specific state management responsibilities over valid RS 2477 ROW's are articulated in Section V.

C. Vacation/Disclaimer

In addition to a decision to assert an RS 2477 ROW, the assertion review process can result in a decision by the state to vacate or disclaim an interest in the ROW.

A decision to disclaim an interest/vacate an RS 2477 ROW claim is similarly a determination that the claim will not be supported by the state. This decision does not preclude the right of the state or the public to again assert the claim at a later date. However, an effort to reassert a previously disclaimed/vacated RS 2477 ROW claim must be based upon significant new evidence or information which might be anticipated to influence and alter the original decision.

A vacation is appropriate where the route has already been determined by the court to be a valid RS 2477 ROW. In the case of

either a vacation or disclaimer of interest, the state casefile will be closed or remain inactive, depending upon circumstances. The state may provide another party with a copy of the casefile if such party decides to independently pursue the claim.

D. Validation

Once a decision is made to formally assert that a given RS 2477 ROW is valid, DNR or DOT/PF may also take steps to validate this interest.

A decision by the state to assert ownership of an RS 2477 ROW is also a determination that the state will defend the assertion from adverse claims, if necessary, in court and may proceed to initiate quiet title action or seek declaratory judgement from the court. In some cases, agreements may also be reached with affected landowners to address unresolved questions (such as width of the ROW).

E. Public Requests

Individual citizens may also assert and seek validation of RS 2477 ROW's. Additionally, the public may petition the state to assert, disclaim, or vacate its interest in a particular ROW. Procedures will be established providing the public single points of contact at DNR regional offices for this purpose. DNR will be responsible for coordinating the state's response with DOT/PF. Filing and processing fees may be charged to assist delivery of a timely response. All requests of the state by the public will be processed in accordance with the procedures contained in this section.

V. Management

A. State

Under Alaska Statutes, DOT/PF has management authority for RS 2477 ROW's on non-state land if recognized and accepted by the state and held to be valid by the courts. Where such recognized, accepted and valid ROW's occur on state land, DOT/PF and the state agency having management authority over the state land, usually DNR, have concurrent management authority over the ROW.

In the case where another state agency (other than DNR or DOT/PF) has management authority over the ROW, efforts may be made by DNR and/or DOT/PF to assume management responsibility.

Consistent with the responsibilities outlined in Section III, DOT/PF agrees to accept management authority for all RS 2477 ROW's asserted by the state and held to be valid, which are part of the designated state or federal-aid highway system. For those portions of the RS 2477 ROW's on the designated state highway system that occur on state land, concurrent management authority with DNR will continue, with DOT/PF as the lead agency. For all other RS 2477 ROW interests that have been held to be valid, DOT/PF agrees to transfer management responsibility to DNR. If a valid RS 2477 ROW is subsequently made part of the state or federal-aid highway system, management responsibility will be transferred from DNR to DOT/PF, consistent with this section.

B. Local Government

In the case of a preliminary decision by DNR or DOT/PF to disclaim or vacate an RS 2477 ROW, local governmental entities can petition the responsible state agency (either DNR or DOT/PF) to reverse that decision, pursue validation (if appropriate), and transfer management responsibility to the local government entity if the following conditions are met:

1. The local governmental entity agrees to pay all of the state's costs to complete the assertion and validation process;
2. The local governmental entity agrees to hold the state harmless and accept all maintenance and legal liabilities associated with management of the RS 2477 ROW;
3. The local governmental entity furnishes reasonable proof of an ability to meet these management and legal responsibilities.

VI. General Provisions

A. Highway Definition

The reference in RS 2477 to "right-of-way for the construction of highways" did not mean the construction of something akin to a modern public street. In its proper historical context, the "highways" language was used generically to include any public way, such as a path, wagon road, pack trail, street, alley, and so forth. The United States Department of the Interior, Office of the Solicitor, concurs that state law controls what constitutes a highway within each state. DNR and DOT&PF accept this view and recognize AS 19.45.001(8) as the governing definition for the term "highway." AS 19.45.001 (8) defines "highway" to include a highway (whether included in primary or secondary systems), road, street, trail, walk, bridge, tunnel, drainage structure and other similar or related structure or facility, and right-of-way thereof.

B. Use

The state takes the position that once determined valid, an RS 2477 ROW may be used for any "highway" purpose as defined in Section VI.A. above. Such use may be limited, however, by the width of the ROW (see Section VI.C.) and be subject to specific management practices as applied by the state to the ROW.

C. Width

The width of an RS 2477 ROW depends on the way it was established. If established by statute or ordinance, or other formalized public agency dedication, then the language of such will control. For example, AS 19.10.010 was amended to specify 100 foot section line rights-of-way on land owned or acquired by the state. However, if the method for establishment of the RS 2477 ROW was by construction or use, width may be determined by the nature and extent of that construction or use, depending upon the date established.

Most RS 2477 ROW's fall into the public construction or use category. Accordingly, the width for each of these types of RS 2477 ROW's should be outlined by the state during the

assertion and validation process. The width is usually set as the distance from the farthest limit of backslope to the farthest limit of backslope on the opposite side. However, in the past, some courts have established the width for an RS 2477 ROW as that commonly established for highways designed for that particular mode of transportation (i.e., pedestrian trail, secondary road, etc.).

D. ANILCA Conservation System Units

Section 1109 of ANILCA specifically provides for the protection of valid existing rights. As valid existing rights may include RS 2477 ROW's, it is essential that these routes be identified and addressed through the federal Conservation System Unit (CSU) planning process.

In 1985, progress was made by the state to better coordinate RS 2477 efforts on a statewide basis with federal agencies, other affected landowners and the general public. State Senator Jack Coghill, his staff from the Senate Transportation Committee, and staff from the U.S. National Park Service, worked to ensure that possible RS 2477 roads and

trails will be noted and identified in the National Park Service General Management Plans. Similar efforts are also being taken, working with the U.S. Fish and Wildlife Service, to include similar material in future Fish and Wildlife Service Comprehensive Conservation Plans. The purpose of this effort is to heighten awareness on the part of land managing agencies, affected landowners and the public as to the existence of possible RS 2477 ROW's. This is not meant to imply that these roads and trails are necessarily available for public use prior to formal validation of the existence of the potential RS 2477 ROW's.

The following language was developed for inclusion in each federal CSU Plan:

RS 2477 (formally codified as 43 U.S.C. 932; enacted in 1866) provides that: "The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." The Act was repealed by P.L. 94-579 as of October 21, 1976, subject to valid existing claims.

The (name of CSU unit) is subject to valid existing rights, including rights-of-way established under RS 2477. The validity of these rights-of-way will be determined on a case by case basis. The following list identifies rights-of-way that the state contends may be valid under RS 2477:

(list of potential RS 2477 ROW's)

A map illustrating the above list is found on page _____. This list and map are not necessarily all inclusive. Private parties or the State of Alaska may identify and seek recognition of additional RS 2477 rights-of-way within the (CSU unit). Supporting material regarding those rights-of-way identified by the state may be obtained through the Alaska Department of Transportation and Public Facilities, or the Alaska Department of Natural Resources.

Identification of potential rights-of-way on the list and map does not establish the validity of these RS 2477 rights -of-way and does not necessarily provide the public the right to travel over them.

DNR and DOT/PF will continue to provide pertinent RS 2477 ROW information to appropriate federal agencies during the CSU plan review process. This information will include a list and description of those potential RS 2477 ROW's (as determined by the state) within the CSU plan area and a map generally depicting their location.

Any attempt by the state to assert or validate an RS 2477 ROW in a CSU will occur in accord with the procedures outlined in Section IV.

E. Legal Considerations

The policies and procedures in this document do not apply to any ROW held under Public Land Orders (PLO), the Omnibus Act

Quit Claim Deed, ROW grants under Title 23 of the United States Code, or ROW interests other than those under RS 2477.

If necessary to respond to a challenge of the state's interest in a possible RS 2477 ROW that has not yet been processed under the procedures under Section IV of this document, DNR and DOT/PF reserve the right to suspend those procedures and assert that a particular RS 2477 ROW is valid.

A map illustrating the above list is found on page _____. This list and map are not necessarily all inclusive. Private parties or the State of Alaska may identify and seek recognition of additional RS 2477 rights-of-way within the (CSU unit). Supporting material regarding those rights-of-way identified by the state may be obtained through the Alaska Department of Transportation and Public Facilities, or the Alaska Department of Natural Resources.

Identification of potential rights-of-way on the list and map does not establish the validity of these RS 2477 rights -of-way and does not necessarily provide the public the right to travel over them.

DNR and DOT/PF will continue to provide pertinent RS 2477 ROW information to appropriate federal agencies during the CSU plan review process. This information will include a list and description of those potential RS 2477 ROW's (as determined by the state) within the CSU plan area and a map generally depicting their location.

Any attempt by the state to assert or validate an RS 2477 ROW in a CSU will occur in accord with the procedures outlined in Section IV.

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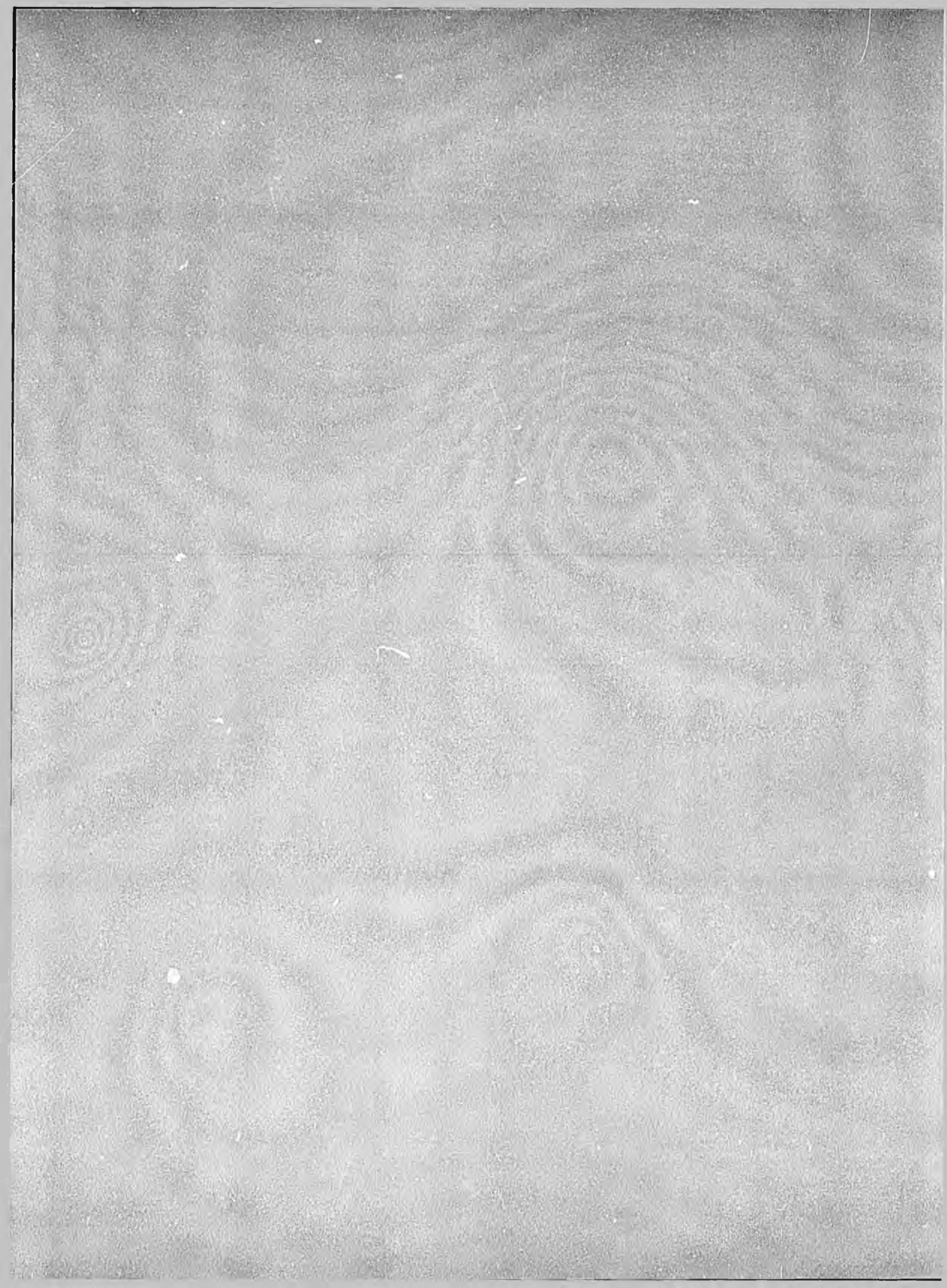
The aforementioned RS 2477 ROW policy and procedures become effective upon the signature of both parties and will remain in effect unless terminated by mutual agreement.

Esther C. Wunnicke, Commissioner
Department of Natural Resources

Date

Richard J. Knapp, Commissioner
Department of Transportation
and Public Facilities

Date



APPENDIX

State lays claim to some park lands

by Mary Scarpinato
Times Writer

The 10-year management plans for Alaska's national parks may be changed to include the state's claim to 87 historic roads and trails scattered across the parks, a U.S. Interior Department spokesman announced Thursday.

Current draft versions of the plans are now in the public comment stage and final versions are due before Congress on Dec. 2. Alaska's nine national parks cover nearly 50 million acres.

A task force to study issues related to these historic transportation corridors has been ordered by Assistant Interior Secretary Bill Horn, according to Ric Davidge, a special assistant to Horn.

That task force, which is to prepare its report within 30 days, will be composed of representatives of federal agencies here, the Alaska Federation of Natives and state Sen. Jack Coghill, R-Nenana, who chairs the senate Transportation Committee.

Coghill has been pushing for the inclusion of this transportation network in the park plans and addressed Thursday's breakfast meeting of the Resource Development Council for Alaska Inc., on the topic.

According to Coghill, many of these transportation rights-of-way were allowed to be established under federal legislation during Alaska's territorial years. They were established by miners and other developers when no

other access ways existed.

Coghill said an inventory of some 1,700 historic roads and trails was compiled by the state in the early 1970s. The state considers 87 of these corridors as potentially useful in the future.

It is not (the state's) intention to activate any of these trails (in the near future) but we need to assert them because we

may need them for resource development (at some later time)," Coghill said. "But we may not need them tomorrow."

Coghill added that if the state lays its claim for use of these corridors across federal lands it also might be required to assume any related liabilities. This is a matter the state is investigating, he said.

—The Anchorage Times 8/23/85

Alaska must pursue historic trails access

By SEN. JACK COGHILL

Alaska's surface transportation system, or lack of it, is one of the most unique things about our vast state.

Add to that the fact that current events are putting any future road/highway expansion in jeopardy.

To demonstrate one "uniqueness" in our Alaskan surface transportation, consider this: Alaska has more than 225 communities, towns, and cities. Only a few of those are connected by road or highway. But, just about every community is, or has been, connected with one another by trails.

In the other 49 states, it's difficult to find any city, town, village or hamlet that cannot be reached by road.

These early Alaska trails were historically used by dog teams, wagons, automobiles, and people who walked. Many are still in use. Many of these trails and early roads could be the location of roads or highways we will be forced to build in the future.

Presently, we are facing the possible loss of Alaska's historic trails. The issue is surfacing as federal agencies prepare management plans which will govern the use of park lands created by the Alaska National Interest Lands Conservation Act.

Alaska has 13 national parks, 16 national wildlife refuges, 25 wild and scenic rivers, four national forests and two conservation/recreation areas, that were created by ANILCA.

The responsibility for managing these vast areas lies with the National Park Service, U.S. Fish and Wildlife Service and the Bureau of Land Management. While I am generally in agreement with the idea that the parks and refuges need to be managed, I am always cautious when people in Washington start making decisions that affect us in Alaska.

Guest Opinion

out appropriate public input). This is one of the reasons that the Senate Transportation Committee decided to focus attention on how these plans will affect Alaska's historic trails, otherwise known as RS 2477 trails.

The historic trails have been pegged as "RS 2477s" because the statute that established their existence is known as Revised Statute 2477, which was passed by an Act of Congress on July 26, 1866. The act provided for rights-of-way for "highways" over unreserved public lands. In Alaska, this established a network of public rights-of-way that were used for trade routes, homesteading, mining access and general transportation.

Along the western coast of Alaska, the 500-mile trail used by Eskimos from Kotzebue to Point Hope is classified as a RS 2477 trail. Many of the old mail trails in the Interior are probably RS 2477s that were used by dog teams—the Iditarod trail is a classic example.

In 1974, Commissioner of Highways Bruce Campbell compiled an inventory of 1,700 known historic trails. The state of Alaska asserted claim to these trails in April 1974 when documentation of the trails was delivered to the Bureau of Land Management.

Today, we use these trails for hunting, fishing, inter-village travel and for access to homesites, mineral development, forestry and agriculture. It is important for the state and its people to maintain ownership rights to these trails not only for the present but, more importantly, for the future. These trails preserve history.

may be needed in the future by our children and our grandchildren.

This issue was the focus of Senate hearings sponsored by Sen. Bettye Fahrenkamp last spring. We found that more emphasis was needed in the eyes of the public and in the federal planning processes to recognize Alaska's existing rights-of-way. As a result, the Senate Transportation Committee formed a task force to ensure that the federal management plans adequately recognize these historic trails. This task force has been working since July 1 to prepare maps and a list of approximately 100 trails that exist within the National Parks lands.

There are two important elements to the assertions that must be understood.

First, in no way does the list of trails prevent future assertions by the state or any citizen under the provisions of RS 2477.

Second, it is important to understand that when a RS 2477 right-of-way is asserted, it must go through a validation process before it may be utilized. We are in the process of formulating such a process.

The Senate Transportation Committee is "re-asserting" because no acknowledgement by the federal government has been made for the 1974 assertions of 1,700 trails and roads which had been identified and documented by the state of Alaska. Seems that the issue may have fallen through some crack somewhere on the Potomac.

We in Alaska have to identify and create the means for a workable planning process and a validation process. Our Transportation Committee will be re-asserting these 1,700 roads and trails the state has documented years ago. We will be asking for acknowledgement of those assertions.

We're in a serious time crunch. The land plans must be submitted to Congress soon with the first (the national parks) Dec

In the future, when we wish to activate one of these "assertions," we will go through a process of "validation." I anticipate a long, detailed procedure before we can use the road or trail as a public right-of-way. Long as it may be, it's got to be done. The alternative is a complete land lockup where only an Act of Congress could recognize our traditional historic roads and trails.

When Assistant Secretary of the Interior Bill Horn was in Alaska in mid-August, he indicated that a task force within the Department of Interior will be set up to issue a report on this issue within 30 days. The group will include representatives from affected landowners.

I personally have been meeting with various interested groups on 9/85 Fairbanks Daily News Miner

this issue to hear individual concerns relating to management, liability, weight restrictions, seasonal use, etc. I feel that we must include all the various interests in order to come up with good public policy.

The bottom line of my effort as chairman of the Senate Transportation Committee is to insure that these historic roads and trails are not forgotten. Our citizens have the right to know that these trails exist and on the basis of knowledge, all of us—environmentalists, developers, Natives, homesteaders, hikers, hunters and fishermen—can work together to determine how to provide for the needs of our people and our state.

Jack Coghill is a Republican state senator from Nenana. He is chairman of the Senate Transportation Committee.



Finding ways to protect our historic system of trails

By Sen. Jack Coghill

ALASKA'S SURFACE transportation system, or lack of it, is one of the most unique things about our vast state.

Add to that the fact that current events are putting any future road/highway expansion in jeopardy.

To demonstrate one "uniqueness" in our Alaskan surface transportation, consider this: Alaska has more than 225 communities. Only a few of those are connected by road or highway. But, just about every community is, or has been, connected with one another by trails.

In the other 49 states, it's difficult to find any city, town, village or hamlet that can not be reached by road.

These early Alaska trails historically were used by dog teams, wagons, automobiles, and people who walked. Many are still in use. Many of these trails and early roads could be the location of roads or highways we will be forced to build in the future.

Presently, we are facing the possible loss of Alaska's historic trails. The issue is surfacing as federal agencies prepare management plans which will govern the use of park lands created by the Alaska National Interests Lands Conservation Act (ANILCA).

Alaska has 13 national parks, 16 national wildlife refuges, 25 wild and scenic rivers, four national forests and two conservation/recreation areas, that were created by ANILCA.

THE RESPONSIBILITY for managing these vast areas lies with the National Park Service, U.S. Fish & Wildlife and the Bureau of Land Management. While I am generally in agreement with the idea that the parks and refuges need to be managed, I am always cautious when people in Washington start making decisions that affect people in Alaska (without appropriate public input). This is one of the reasons that the Senate Transportation Committee decided to focus attention on how these plans will affect Alaska's historic trails, otherwise known as R.S. 2477 trails.

The historic trails have been pegged as "R.S. 2477's" because the statute that established their existence is known as Revised Statute 2477, which was passed by an act of Congress on July 28, 1866. The act provided for rights-of-way for "highways" over unreserved public lands. In Alaska, this established a network of public rights-of-way that were used for trade routes, homesteading, mining access and general transportation.

Along the western coast of Alaska, the 500 mile trail used by Eskimos from Kotzebue to Point Hope is classified as a R.S. 2477 trail. Many of the old mail trails in the Interior are probably R.S. 2477's that were used by dog teams — the Iditarod trail is a classic example.

In 1974, the commissioner of highways, Bruce Campbell, compiled an inventory of 1,700 known historic trails. The state of Alaska asserted claim to these trails in April 1974 when documentation of the trails was delivered to the Bureau of Land Management.

TODAY, WE use these trails for hunting, fishing, inter-village travel and for access to homesites, mineral development, forestry and agriculture. It is important for the state and its people to maintain ownership rights to these trails not only for the present but, more importantly, for the future. These trails represent rights of way that may be needed in the future by our children and our

grandchildren.

This issue was the focus of Senate hearings sponsored by Sen. Bettye Fahrenkamp last spring. We found that more emphasis was needed in the eyes of the public and in the federal planning processes to recognize Alaska's existing rights of way. As a result, the Senate Transportation Committee formed a task force to ensure that the federal management plans adequately recognize these historic trails. This task force has been working since July 1 to prepare maps and a list of approximately 100 trails that exist within the national park lands.

There are two important elements to the assertions that must be understood.

First, in no way does the list of trails prevent future assertions by the state or any citizen under the provisions of R.S. 2477.

Second, it is important to understand that when a R.S. 2477 right of way is asserted, it must go through a validation process before it may be utilized. We are in the process of formulating such a process.

The Senate Transportation Committee is "re-asserting" because no acknowledgment by the federal government has been made for the 1974 assertions of 1,700 trails and roads which had been identified and documented by the state of Alaska. Seems that the issue may have fallen through some crack somewhere back on the Potomac.

We in Alaska have to identify and create the means for a workable planning process and a validation process. Our transportation committee will be re-asserting these 1,700 roads and trails the state has documented years ago. We will be asking for acknowledgment of those assertions.

We're in a serious time crunch. The land plan must be submitted to Congress soon with the first (the national parks) due Dec. 2.

In the future, when we wish to activate one of these "assertions," we will go through a process of "validation." I anticipate a long, detailed procedure before we can use the road or trail as a public right of way. Long as it may be, it's got to be done. The alternative is a complete land lockup where only an Act of Congress could recognize our traditional historic roads and trails.

WHEN ASSISTANT Secretary of the Interior Bill Horn was in Alaska in mid-August, he indicated that a task force within the Department of Interior will be set up to issue a report on this issue within 30 days. The group will include representatives from affected landowners.

I personally have been meeting with various interested groups on this issue to hear individual concerns relating to management, liability, weight restrictions, seasonal use, etc. I feel that we must include all the various interests in order to come up with good public policy.

The bottom line of my effort as Chairman of the Senate Transportation Committee is to insure that these historic roads and trails are not forgotten. Our citizens have the right to know that these trails exist and on the basis of knowledge, all of us... environmentalists, developers, natives, homesteaders, hikers, hunters and fishermen... can work together to determine how to provide for the needs of our people and our state.

Jack Coghill, a Republican from Nenana, is chairman of the Senate Transportation Committee.

Monday, October 7, 1985, The Anchorage Times

Alaska's historic roads, trails should not be forgotten

By JACK COGHILL

Alaska's surface transportation system, or lack of it, is one of the most unique things about our vast state. Consider this: Alaska has more than 225 communities, towns, and cities. Only a few of those are connected by road or highway. But just about every community is, or has been, connected with one another by trails.

These early Alaska trails were historically used by dog teams, wagons, automobiles, and people who walked. Many are still in use. Many of these trails and early roads could be the location of roads or highways we will be forced to build in the future.

Currently, we are facing the possible loss of Alaska's historic trails. The issue is surfacing as federal agencies prepare management plans which will govern the use of park lands created by the Alaska National Interest Lands Conservation Act (ANILCA).

Alaska has 13 national parks, 16 national wildlife refuges, 25 wild and scenic rivers, four national forests and two conservation/recreation areas that were created with ANILCA.

The responsibility for managing these vast areas lies with the National Park Service, U.S. Fish & Wildlife and the Bureau of Land Management. While I generally agree that the parks and refuges need to be managed, I am always cautious when people in Washington start making decisions that affect people in Alaska (without appropriate public input). This is one of the reasons that the Senate Transportation Committee decided to focus attention on how these plans will affect Alaska's historic trails, otherwise known as R.S. 2477 trails, for Revised Statute 2477,



which was passed by Congress on July 26, 1866. The Act provided for rights of way for "highways" over unreserved public lands. In Alaska, this established a network of public rights of way that were used for trade routes, mining access and general transportation.

Along the western coast of Alaska, the 500-mile trail used by Eskimos from Kotzebue to Point Hope is classified as a R.S. 2477 trail. Many of the old mail trails in the Interior are probably R.S. 2477's that were used by dog teams — the Iditarod Trail is a classic example.

In 1974, Commissioner of Highways Bruce Campbell compiled an inventory of 1,700 known historic trails. The state of Alaska asserted claim to these trails that year when documentation was delivered to the Bureau of Land Management.

Today, we use these trails for hunting, fishing, inter-village travel and for access to homesites, mineral development, forestry and agriculture. It is important for the state and its people to maintain ownership rights to these trails not only for the present but, more importantly, for the future. These trails represent rights of way that may be needed in the

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In no way does the list of trails prevent future assertions by the state or any citizen under the provisions of R.S. 2477. And it is important to understand that when a R.S. 2477 right of way is asserted, it must go through a validation process before it may be utilized. We are in the process of formulating such a process.

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Jack Coghill is an Alaska state senator from North Pole.

Legislative Digest

A Forecast and Review

Nov. 25 1985

Senate Transportation - Preserving Access Corridors

A special interim legislative work project will preserve the options to establish public access corridors across federally-managed national parks and wildlife refuges in Alaska.

Alaska trails and mining roads, many still being used, are being catalogued and included on federal National Park Service and Fish and Wildlife Service land management plans through the efforts of the Senate Transportation Committee. The committee took on the job of updating a 1974 Alaska trails inventory put together by former Highway Commissioner Bruce Campbell, and then working with the Interior Department to get trail rights-of-way noted in management plans now being prepared for parks and refuges in Alaska.

Campbell, in 1974, had located about 1700 historic trails and roads in his inventory. Not all of these will be submitted to Interior, but many rights-of-way still actively used can be preserved.

Committee staff were able to get maps and backup data to Interior in time to include the trail identification in nine of 13 National Park Service plans being finalized this year. These alone include

149 access routes. By end of this year, maps and data for trails to be included in 12 wildlife refuge plans scheduled to be done in 1986-7 will be submitted by the committee. The four park plans that were missed were completed in 1984, before the committee started its work. To retain some legal leverage in asserting rights-of-way in these areas, the committee will consider publishing the maps.

Most of the national park areas have just a handful of trails. One of them - Noatak - has none, while Wrangell-St. Elias, an area that was extensively used for mining, has over a hundred, including many still being used.

Including the trails in federal plans and maps doesn't establish a right-of-way but it does preserve the option for the state to assert a historic public use of a trail or road at some future time. If the old trails hadn't been included in federal management plans, Alaskans would have had to go to congress for legislation to get an access corridor across a park or refuge. Nana Regional Corporation had to do this recently for road access across Cape Krusenstern National Monument to the Red Dog mine location.

"Cleanup" Needed on Air Carrier Bill

Technical amendments to HB-133 passed last year (financial responsibility for truckers and air carriers) are needed to clean up problems, air carriers told the Senate Transportation Committee in November. Carriers' association spokesman suggested more 'teeth' in penalty provisions by increasing fines and upgrading violations to Class A misdemeanor for failure of air operators to carry insurance. Also, there are no penalties in the law for failure to actually get a state certifi-

cate for all practical purposes. The Department of Commerce has been administering it with existing staff on a 'time available' basis.

From the Back Room

Anchorage Mayor Tony Knowles is headed for a collision with some of the Anchorage delegation over highway-building: Sen. Jan Faiks says the municipality is building "parks with a road down the middle",

VIEWPOINT



RS-2477's IN ALASKA

Article - by Senator Jack Coghill

Alaska's surface transportation system is one of the unique characteristics of our State. Consider this: Alaska has more than 225 communities, towns, and cities. Only a few of those are connected by road or highway. But just about every community is, or has been, connected to one another by trails, many of which are possible RS 2477 rights-of-ways.

Revised Statute 2477 was an Act passed by Congress in 1866 which provided for rights-of-way for "highways" over unreserved public lands. Under Alaska statutes, the definition of a highway is very broad and includes roads, streets, trails and walks.

Alaska's historic trails were used by dog teams, wagons, motorized vehicles and people who walked. Many of these trails are still in use; some could be critical links to tie our people together in the future.

The RS 2477 issue has received more attention in recent months as Federal agencies prepare management plans which will govern the use of parks and refuge lands created by the Alaska National Interest Lands Conservation Act (ANILCA).

ANILCA conveyed millions of acres of Alaska's land into 13 national parks, 16 national wildlife refuges, 25 wild and scenic rivers, 4 national forests and 2 conservation/recreation areas. The responsibility for managing these vast areas lies with the National Park Service, U.S. Fish & Wildlife and the Bureau of Land Management.

This management responsibility, through the general management plans, must not exclude the rights of the people of Alaska to continue to use our historic trails. This is one of the reasons that the Senate Transportation Committee decided to call attention to how the general management plans will affect Alaska's historic trails. The Senate Resources Committee also held hearings on this issue last spring because they, too, saw a need for more public input in the Federal planning processes.

As a result, the Senate Transportation Committee formed a task force to ensure that the Federal management plans adequately recognize these historic trails. Working with the Alaska Departments of

Natural Resources and Transportation/Public Facilities, the task force prepared maps and a list of possible RS 2477 rights-of-way that the State wants included in these Federal plans.

Trail information was derived from the 1974 Alaska Trails System Inventory, an atlas developed by then-Commissioner of Highways Bruce Campbell to catalog the State's 1,400 known trails. The inventory was sent to the Bureau of Land Management in 1974, before that agency had any authorization to deal with RS 2477's. However, the inventory was shelved by BLM and no formal response was made to acknowledge the State's ownership of these trails.

Only now has an inter-agency effort begun to respond to the rising interest in RS 2477. The Department of Interior has formed an RS 2477 Task Force, under the leadership of Ric Davidge, of the U.S. Fish and Wildlife Service. The members include representatives of the Fish and Wildlife Service, National Park Service, Bureau of Land Management, U.S. Forest Service, Bureau of Indian Affairs, Alaska Federation of Natives, Alaska Native Land Managers Association, Alaska Department of Natural Resources, Alaska Department of Transportation/Public Facilities, and the Office of Management and Budget - CSU Coordinator.

The State of Alaska has recently taken a positive posture by publishing for public comment draft policies and procedures governing RS 2477 trails. This well-written and well researched document spells out the State's intent to deal with all the issues surrounding these trails in a fair manner. It includes the criteria used to determine a RS 2477, as well as issues relating to liability, maintenance and use. Copies can be obtained from the Department of Natural Resources or the Department of Transportation/Public Facilities.

This entire issue is vitally important because if the State had let these valid existing rights become forgotten, only the giant corporations or large government entities could afford to get the attention of the Federal government to respond to their access needs.

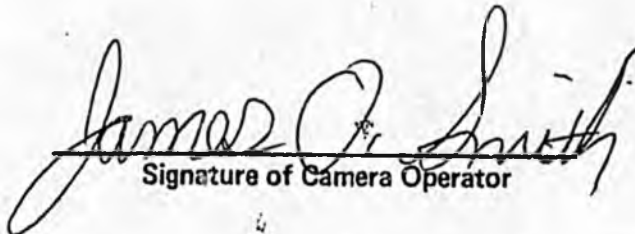
The road to Red Dog is a classic example. It was only through a combination of NANA Corporation and Cominco with the backing of the Governor and the support of the Congressional delegation that a right-of-way was granted by Congress. I don't believe that an individual or small corporation should have to mount an expensive lobbying campaign to secure a right-of-way, especially if there are already valid rights-of-way in existence.

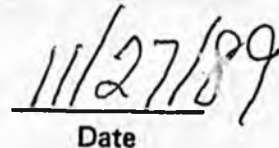
It is essential that the State and its people maintain their ownership rights to these trails. What's at stake is access for homesites, fishing, recreation, mineral development, forestry, agriculture and travel between villages, not only for the present but for many generations in the future.



RECORDS CERTIFICATION

I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original records after microfilm reproductions have been made.


Signature of Camera Operator


Date

OVERVIEW

1-15-86

Alaska State Legislature

Senate Transportation Committee



Sen. John B. (Jack) Coghill, Chairman
Sen. Paul Fischer, Vice-chairman
Sen. Mitch Abood
Sen. Jan Faiks
Sen. Joe Josephson

Douch V
Juneau, Alaska 99811

TO: All Committee members
FROM: Senator Coghill
RE: Bills in committee
DATE: January 13, 1986

HB 100--" An act relating to detention of vessels as security for oil-pollution damages; clarifying a definition relating to discharge of hazardous substances; and providing for an effective date."

Sponsor--House Rules by request of the Governor

A housekeeping measure which makes the bond posting provision in the statute on detention of vessels involved in oil spills consistent with the 1976 amendment of the statute providing for damages for oil pollution. Detention statute presently limits bond to \$100,000. The 1976 amendment eliminates any reference to a maximum amount of damages; it only states that damages must not be punitive and must be remedial and compensatory in nature.

Section 2 clarifies the definition of "owner" with regard to strict liability for oil spills and other hazardous substances.

The bill is intended to correct two statutory oversights brought to light as a result of the oil spill from the M/V Cepheus in 1984.

CSHB111--"An Act relating to local service roads and trails; and providing for an effective date."

Sponsor--House Transportation

This is a housekeeping measure and has no fiscal impact on either the operating or capital budget. It revises AS 19.30 in a number of areas:
1) Allocation boundaries are reworded to coincide with DOT/PF regional boundaries to simplify the LSR&T allocation process.

2) First class cities are removed from district allocation. This returns first class cities to their former status which allows them to receive adequate funds to construct a project.

3) LSR&T projects constructed on a federal aid secondary route will require approval by the Commissioner of DOT/PF to assure that federal requirements are met.

4) LSR&T projects will be limited to low volume roads. This is a correction of an oversight of past legislation in defining specific routes of the federal aid highway system.

SB 14--"An Act making a special appropriation to the Department of Transportation and Public Facilities for highway construction and repairs in Southcentral Alaska; and providing for an effective date."
"

Sponsors--Senators Kerttula, Kelly and Faiks

Requests an appropriation of \$200,000,000 from the general fund for capital projects.

SSSB 15--"An Act making a special appropriation for construction of a highway from Eklutna to the junction of the Parks Highway and the Glenn Highway; and providing for an effective date."

Sponsors--Senators Kerttula, Kelly and Faiks

Requests a \$65,000,000 appropriation from the general fund to DOT/PF for construction of a four land highway from Eklutna to the junction of the Parks and Glenn Highways.

SB 141--"An Act releasing claims of the state to land within certain rights-of-way; and providing for an effective date."

Sponsor--Senator Coghill

This releases certain highway rights-of-way claimed by the state that are causing economic hardship and distress to persons who hold title under a reservation to the state by a number of federal land orders.

If the right-of-way is not physically occupied by a road, roadway, highway, tramway, trail, bridge or appurtenant structure, the commissioner of DOT/PF shall vacate and relinquish the right-of-way. This does not divest the state of any interest in a currently occupied right-of-way.

SB 175--"An Act making a special appropriation to DOT/PF for design and construction of the DeArmoun-Rabbit Creek interchange; and providing for an effective date."

Sponsor--Senator DeVries

Requests the sum of \$18,500,000 be appropriated to DOT/PF. \$925,000 from the general fund and \$17,575,000 from federal receipts.

SB 308--"An Act providing for the issuance of general obligation bonds in the amount of \$350,000,000 for the purpose of paying the cost of transportation projects; calling for a special election on the question, and providing for an effective date."

Sponsors--Senators Rodey and Ferguson

Establishes a "Transportation Projects Fund" which would be credited with the proceeds of a bond sale. The amount of \$350,000,000 would be used for a multitude of state-wide transportation projects.

SB 315--" An Act making special appropriations to the principal of the permanent fund, to the dividend fund, and for various capital projects of the state; and providing for an effective date.

Sponsor--Senator Ferguson

Appropriates \$400 million from the undistributed income account to the principal of the Alaska permanent fund. Appropriates \$400 million from the general fund to the principal of the Alaska permanent fund. The source of these funds shall only come from litigation or settlement receipts. Appropriates \$105 million from the undistributed account to the dividend fund. Approximately \$348 million is appropriated from the undistributed income account to various state agencies for state-wide projects.

SB 318--" An Act making a special appropriation to the principal of the permanent fund, and for various capital projects of the state; and providing for an effective date."

Sponsors--Senators Ferguson and Josephson

Very similar to SB 315. Does not appropriate \$105 million from the undistributed account to the dividend fund. Approximately \$348 million is appropriated from the undistributed income account to various state agencies for capital projects.

Introduced: 1/23/85
Referred: Transportation and
Resources

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 100

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to detention of vessels as security
7 for oil-pollution damages; clarifying a definition
8 relating to discharge of hazardous substances; and
9 providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. AS 46.03.770 is amended to read:

12 Sec. 46.03.770. DETENTION OF VESSEL WITHOUT WARRANT AS SECURITY
13 FOR DAMAGES. A vessel which is used in or in aid of a violation of
14 AS 46.03.740 -- 46.03.750 may be detained after a valid search by the
15 department, an agent of the department, a peace officer of the state,
16 or an authorized protection officer of the Department of Fish and
17 Game. Upon judgment of the court having jurisdiction that the vessel
18 was used in or the cause of a violation of AS 46.03.740 -- 46.03.750
19 with knowledge of its owner or under circumstances indicating that the
20 owner should reasonably have had this knowledge, the vessel may be
21 held as security for payment to the state of the amount of damages
22 assessed by the court under AS 46.03.760(b), and if the damages so
23 assessed are not paid within 30 days after judgment or final deter-
24 mination of an appeal, the vessel shall be sold at public auction, or
25 as otherwise directed by the court, and the damages paid from the
26 proceeds. The balance, if any, shall be paid by the court to the
27 owner of the vessel. The court shall permit the release of the vessel
28 upon posting of a bond set by the court in an amount not to exceed the
29 maximum amount of damages available under AS 46.03.758, 46.03.760, and

1 46.03.822 [\$100,000]. The damages received under this section shall
2 be transmitted to the proper state officer for deposit in the general
3 fund. A vessel seized under this section shall be returned or the
4 bond exonerated if no damages are assessed under AS 46.03.758, 46.03.-
5 760, or 46.03.822 [46.03.760(b)].

6 * Sec. 2. AS 46.03.826(5) is amended to read:

7 (5) "[OWNING OR] having control over a hazardous substance"
8 means producing, handling, storing, transporting or refining a hazard-
9 ous substance for commercial purposes immediately before entry of the
10 hazardous substance in or upon the waters, surface or subsurface lands
11 of the state, and specifically includes bailees and carriers of a
12 hazardous substance;

13 * Sec. 3. This Act takes effect immediately in accordance with AS 01.-
14 10.070(c).

Offered: 3/15/85
Referred: Resources

Original sponsor: Rules/Governor

1 IN THE HOUSE BY THE TRANSPORTATION COMMITTEE
2 CS FOR HOUSE BILL NO. 111 (Transportation) am
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL

6 For an Act entitled: "An Act relating to local service roads and trails;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 19.30.131(a) is amended to read:

10 (a) During each fiscal year the commissioner shall allocate sums
11 appropriated or otherwise designated for expenditure upon local
12 service roads for that fiscal year among the five allocation districts
13 in the following manner: one-half in the ratio which the area of each
14 allocation district bears to the total area of the state and one-half
15 in the ratio which the population of each allocation district bears to
16 the total population of the state as shown by the latest available
17 federal or state census or other census approved by the Department of
18 Community and Regional Affairs.

19 * Sec. 2. AS 19.30.131(b) is amended to read:

20 (b) The commissioner shall also further allocate the sums in
21 each allocation district to the boroughs within each allocation dis-
22 trict in the following manner: one-half in the ratio which the area
23 of each organized borough (excluding salt water areas) within that
24 district bears to the total area of the allocation district and
25 one-half in the ratio which the population of each organized borough
26 area within that district bears to the total population of the
27 allocation district as shown by the latest available federal or state
28 census or other census approved by the Department of Community and
29 Regional Affairs.

1 * Sec. 3. AS 19.30.131(c) is amended to read:

2 (c) The commissioner shall also further allocate portions of the
3 sum allocated to any borough, either organized or unorganized, and to
4 any home rule [OR FIRST CLASS] city within the borough in the follow-
5 ing manner:

6 (1) one-half in the ratio which the area of each home rule
7 [OR FIRST CLASS] city bears to the total area of the borough excluding
8 salt water areas; and

9 (2) one-half in the ratio which the population of each home
10 rule [OR FIRST CLASS] city bears to the total population of the bor-
11 ough as shown by the latest available federal or state census or other
12 census approved by the Department of Community and Regional Affairs.

13 * Sec. 4. AS 19.30.141 is amended to read:

14 Sec. 19.30.141. ACQUISITION AND CONSTRUCTION PROGRAMS. Before
15 October 1 of each fiscal year each local government eligible for
16 allocation of funds under AS 19.30.131 shall submit to the commis-
17 sioner for approval a five-year plan for the acquisition and construc-
18 tion of local service roads and trails. Before December 1 of each
19 fiscal year the commissioner shall submit to the governor a five-year
20 plan for the acquisition and construction of local service roads and
21 trails, including the approved local government programs. An or-
22 ganized borough shall include in its five-year plan local servi road
23 acquisition and construction programs for all cities other t' s home
24 rule [AND FIRST CLASS] cities within the boundaries of the borough.
25 The commissioner shall include in the [HIS] five-year plan local
26 service road and trail acquisition and construction with . the unor-
27 ganized borough.

28 * Sec. 5. AS 19.30.161 is amended to read:

1 Sec. 19.30.161. DESIGN STANDARDS, RIGHTS-OF-WAY AND WIDTHS.
2 Design standards, rights-of-way and widths for each local service road
3 and trail project must [SHALL] have the prior approval of the commis-
4 sioner, unless the project is under the supervision of a local govern-
5 ment that has assumed local road powers. If the project is under the
6 supervision of a local government that has assumed road powers, and
7 the project is not located on a federal-aid secondary route, design
8 standards, rights-of-way and widths shall be established by the local
9 government. If a project under the supervision of a local government
10 that has assumed road powers is located on a federal-aid secondary
11 route, design standards, rights-of-way, and widths must have the prior
12 approval of the commissicner.

13 * Sec. 6. AS 19.30.241(3) is amended to read:

14 (3) "local government" means an organized borough of any
15 class, a unified municipality organized under AS 29.68.240 - 29.68.-
16 440, [A HOME RULE CITY,] or a city of any [THE FIRST] class;

17 * Sec. 7. AS 19.30.241(4) is amended to read:

18 (4) "local service road" means a public road that is used
19 by an average of fewer than 750 vehicles each day and that [WHICH] is
20 not designated as a route on the approved primary, urban, or inter-
21 state federal-aid highway system;

22 * Sec. 8. This Act takes effect immediately in accordance with AS 01.-
23 10.070(c).

Introduced: 1/14/85
Referred: Transportation and Finance

<u>Funding Information</u>	
General Fund	\$200,000,000
Other Funds	-0-
	<u>\$200,000,000</u>

1 IN THE SENATE

BY KERTTULA, KELLY AND FAIKS

2

SENATE BILL NO. 14

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Transportation and Public Facilities for highway construction and repairs in Southcentral Alaska; and providing for an effective date."

7

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. It is the intent of the legislature that to the extent
12 allowed by federal law, these funds shall supplement any available federal
13 funds.

14 * Sec. 2. The sum of \$200,000,000 is appropriated from the general fund
15 to the Department of Transportation and Public Facilities for road construction and repairs within Southcentral Alaska.

17 * Sec. 3. The appropriation made by this Act is for a capital project
18 and is subject to AS 37.25.020.

19 * Sec. 4. The unexpended and unobligated portion of the appropriation
20 made by this Act lapses into the general fund June 30, 1989.

21 * Sec. 5. This Act takes effect July 1, 1985.

Introduced: 1/18/85
Referred: Transportation and Finance

Funding Information

General Fund	\$65,000,000
Other Funds	-0-
	<u>\$65,000,000</u>

1 IN THE SENATE BY KERTTULA, KELLY AND FAIKS
2 SPONSOR SUBSTITUTE FOR SENATE BILL NO. 15
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 FOURTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act making a special appropriation for construc-
7 tion of a highway from Eklutna to the junction of the
8 Parks Highway and the Glenn Highway; and providing
9 for an effective date."
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
11 * Section 1. The sum of \$65,000,000 is appropriated from the general
12 fund to the Department of Transportation and Public Facilities for con-
13 struction of a four-lane highway from Eklutna to the junction of the Parks
14 Highway and the Glenn Highway.
15 * Sec. 2. The appropriation made by this Act is for a capital project
16 and is subject to AS 37.25.020.
17 * Sec. 3. This Act takes effect July 1, 1985.

Introduced: 2/8/85
Referred: Transportation
and Resources

1 IN THE SENATE

BY COGHILL

2

SENATE BILL NO. 141

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act releasing claims of the state to land within
7 certain rights-of-way; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. LEGISLATIVE PURPOSE AND FINDING. The purpose of this Act
11 is to release certain highway rights-of-way claimed by the state that are
12 causing economic hardship and physical and mental distress to persons who
13 hold title to land under a reservation to the state by virtue of 33 Stat.
14 616 (Act of January 27, 1905); 47 Stat. 446 (Act of June 30, 1932); 48
15 U.S.C. secs. 321(a) - 327 (Act of July 24, 1947); Public Land Order 601, 14
16 Fed. Reg. 5048 (1949); Public Land Order 757, 16 Fed. Reg. 10, 749 (1951);
17 Public Land Order 1613, 23 Fed. Reg. 2376, 2378 (1958); or Departmental
18 Order 2665, 16 Fed. Reg. 10, 752 (1951).

19 * Sec. 2. RELINQUISHMENT OF RIGHT-OF-WAY. The commissioner of trans-
20 portation and public facilities shall vacate and relinquish to the adjoin-
21 ing property owners any and all rights-of-way for a road, roadway, highway,
22 tramway, trail, bridge, or appurtenant structure created, withdrawn or
23 reserved under 33 Stat. 616 (Act of January 27, 1905); 47 Stat. 446 (Act of
24 June 30, 1932); 48 U.S.C. secs. 321(a) - 327 (Act of July 24, 1947); Public
25 Land Order 601, 14 Fed. Reg. 5048 (1949); Public Land Order 757, 16 Fed.
26 Reg. 10, 749 (1951); Public Land Order 1613, 23 Fed. Reg. 2376, 2378
27 (1958); or Departmental Order 2665, 16 Fed. Reg. 10, 752 (1951) if the
28 right-of-way on the effective date of this Act is not physically occupied
29 by a road, roadway, highway, tramway, trail, bridge, or appurtenant

1 structure.

2 * Sec. 3. TAKING OF RIGHT-OF-WAY WITHOUT JUST COMPENSATION VOID. The
3 vacated and relinquished right-of-way under sec. 2 of this Act may not be
4 taken, claimed, asserted, or used by the state without the payment of just
5 compensation.

6 * Sec. 4. PHYSICAL OCCUPATION OF RIGHT-OF-WAY. (a) The provisions of
7 this Act do not divest the state of its interest in a right-of-way to land
8 or require compensation by the state for land physically occupied on the
9 effective date of this Act by a road, roadway, highway, tramway, trail,
10 bridge, or appurtenant structure then constructed within the right-of-way
11 created, withdrawn, or reserved under the Acts of Congress and the orders
12 described in sec. 2 of this Act; nor do the provisions of this Act divest
13 the state of an interest in an easement of specific width set out in the
14 original patent from the state or federal government.

15 (b) Expansion beyond an existing road, roadway, highway, tramway,
16 trail, bridge, or appurtenant structure requires the payment of just com-
17 pensation to the owner of the land and no other acts or actions by the
18 state constitute a physical occupation within the meaning of this section.
19 The state has the burden of proof to show by clear and convincing evidence
20 that the physical occupation occurred before the effective date of this
21 Act.

22 * Sec. 5. APPLICATION TO FEDERAL LAND. The provisions of this Act do
23 not divest the state of its interest in a right-of-way that affects land in
24 which fee title is, on the effective date of this Act, vested in the United
25 States of America.

26 * Sec. 6. DEFINITION. As used in this Act, "physically occupied" means
27 the construction of the actual roadway, including its shoulders and ditch-
28 ing, highway, tramway, trail, bridge, or appurtenant structures, before the
29 effective date of this Act.

1 * Sec. 7. RETROACTIVE APPLICATION. This Act does not relieve, alter,
2 or void a voluntary conveyance of an easement including an easement dedi-
3 cated by plat.

4 * Sec. 8. EFFECTIVE DATE. This Act takes effect immediately in accor-
5 dance with AS 01.10.070(c).

Introduced: 2/21/85
Referred: Transportation
and Finance

Funding Information
General Fund \$ 925,000
Other Funds 17,575,000
\$18,500,000

1 IN THE SENATE

BY DEVRIES

2

SENATE BILL NO. 175

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act making a special appropriation to the Department of Transportation and Public Facilities for design and construction of the DeArmoun-Rabbit Creek interchange; and providing for an effective date."

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10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11

* Section 1. The sum of \$18,500,000 is appropriated to the Department of Transportation and Public Facilities of which \$925,000 is from the general fund and \$17,575,000 is from federal receipts for design and construction of the DeArmoun-Rabbit Creek interchange.

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* Sec. 2. The appropriation made by this Act is for a capital project and is subject to AS 37.25.020.

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* Sec. 3. This Act takes effect July 1, 1985.

Introduced: 5/3/85
Referred: Transportation
and Finance

1 IN THE SENATE

BY RODEY AND FERGUSON

2

SENATE BILL NO. 308

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act providing for the issuance of general obligation bonds in the amount of \$350,000,000 for the purpose of paying the cost of transportation projects; calling for a special election on the question; and providing for an effective date."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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* Section 1. For the purpose of paying the cost of transportation projects, general obligation bonds of the state in the principal amount of not more than \$350,000,000 shall be issued and sold. The full faith, credit, and resources of the state are pledged to the payment of the principal of and interest and redemption premium, if any, on these bonds. These bonds shall be issued under the provisions of AS 37.15 as those provisions read at the time of issuance.

* Sec. 2. If the issuance of these bonds is authorized by the qualified voters of the state, a special fund of the state to be known as the "1985 Transportation Projects Fund" shall be established, to which shall be credited the proceeds of the sale of the bonds described in sec. 1 of this Act except for the accrued interest and premiums.

* Sec. 3. (a) The amount of \$350,000,000 is appropriated from the "1985 Transportation Projects Fund" to the Department of Transportation and Public Facilities to be allocated in accordance with the following projects and estimates:

(1) transportation projects within the Municipality of Anchorage:

1	West Northern Lights	21,000,000
2	Eklutna Transportation Project	28,000,000
3	Lake Otis Drive	15,500,000
4	Boniface Parkway and interchanges	26,300,000
5	C St., Tudor to ARR	2,000,000
6	100th and Minnesota interchange	3,500,000
7	C St., - Klatt Road	2,600,000
8	Spenard Road	12,600,000
9	36th Avenue	3,100,000
10	Dimond Blvd	5,600,000
11	Arctic Blvd	5,600,000
12	Pedestrian improvements	1,700,000
13	Traffic circulation improvements	2,000,000
14	Anchorage road district service areas	3,500,000
15	Limited road service areas	2,000,000
16	Eagle River Hiland Road bridge	3,000,000
17	Chugiak-E.R.-Birchwood road improvements	1,400,000
18	Old and New Seward Highway Intersections	
19	improvements	5,600,000
20	Eagle River-Birchwood-Chugiak State	
21	Road improvements	5,000,000
22	Total	\$150,000,000

23 (2) transportation projects in the following house election
24 districts, in the respective amounts:

25	District 1	17,392,439
26	District 2	8,695,565
27	District 3	8,695,565
28	District 4	17,391,304
29	District 5	17,391,304

1	District 6	8,695,565
2	District 16	17,391,304
3	District 17	8,695,565
4	District 18	8,695,565
5	District 19	8,695,565
6	District 20	17,391,304
7	District 21	8,695,565
8	District 22	8,695,565
9	District 23	8,695,565
10	District 24	8,695,565
11	District 25	8,695,565
12	District 26	8,695,565
13	District 27	8,695,565
14	Total	\$200,000,000

15 (b) The proceeds of the bond issue may be reallocated among the
16 listed projects as provided by law.

17 * Sec. 4. If the issuance of these bonds is authorized by the qualified
18 voters of the state, the amount of \$1,225,000 or as much of that amount as
19 is found necessary is appropriated from the general fund of the state to
20 the state bond committee to carry out the provisions of this Act and to pay
21 expenses incident to the sale and issuance of the bonds authorized in this
22 Act. The amounts expended from the appropriation authorized by this sec-
23 tion shall be reimbursed to the general fund from the proceeds of the sale
24 of the bonds authorized by this Act.

25 * Sec. 5. The amount withdrawn from the public facility planning fund
26 for the purpose of advance planning for the improvements financed under
27 this Act shall be reimbursed to the fund from the proceeds of the sale of
28 bonds authorized by this Act.

29 * Sec. 6. The question whether the bonds authorized in this Act are to

Introduced: 5/9/85
Referred: Transportation, HESS,
and Finance

Funding Information

General Fund \$ 400,000,000
Other Funds 400,000,000 UIA/PF
350,000,000 UIA/Capital
105,000,000 UIA/PFD
\$1,255,000,000

1 IN THE SENATE

BY FERGUSON

2

SENATE BILL NO. 315

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: An Act making special appropriations to the principal
7 of the permanent fund, to the dividend fund, and for
8 various capital projects of the state; and providing
9 for an effective date."

10

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

11

* Section 1. The sum of \$400,000,000 is appropriated from the undis-
12 tributed income account in the Alaska permanent fund to the principal of
13 the Alaska permanent fund.

14

* Sec. 2. The sum of \$400,000,000 is appropriated from the general fund
15 for deposit in the principal of the Alaska permanent fund. This money
16 shall be deposited only from receipts from litigation or settlement of
17 litigation.

18

* Sec. 3. The sum of \$105,000,000 is appropriated from the undistrib-
19 uted income account to the dividend fund (AS 43.23.045(a)) for increased
20 payments of the 1985 permanent fund dividend.

21

* Sec. 4. The sum of \$226,428,850 is appropriated from the undis-
22 tributed income account to the Department of Administration for payment as
23 municipal grants for the following capital projects:

24

Project

Amount

25

Anchorage West Northern Lights

21,000,000

26

Anchorage Eklutna Water Project

28,000,000

27

Anchorage Lake Otis Drive

15,500,000

28

Anchorage Boniface Parkway and interchanges

26,300,000

29

Anchorage C St., Tudor to ARR

2,000,000

5

1	Anchorage 100th and Minnesota interchange	3,500,000
2	Anchorage C St., - Klatt Road	2,600,000
3	Anchorage Spenard Road	12,600,000
4	Anchorage 36th Avenue	3,100,000
5	Anchorage Dimond Blvd.	5,600,000
6	Anchorage Arctic Blvd.	5,600,000
7	Anchorage pedestrian improvements	1,700,000
8	Anchorage traffic circulation improvements	2,000,000
9	Anchorage road district service areas	3,500,000
10	Anchorage limited road service areas	2,000,000
11	Anchorage Eagle River Hiland Road bridge	3,000,000
12	Anchorage Chugiak-ER Birchwood road improvements	1,400,000
13	Anchorage Old and New Seward Highway intersections	
14	improvements	5,600,000
15	Anchorage downtown parking garage	5,000,000
16	Kenai River bridge	6,000,000
17	Juneau street improvements	8,500,000
18	Kodiak harbor	11,000,000
19	Aniak dike/riverbank stabilization - Phase II	1,225,000
20	Fort Yukon dust control	275,000
21	Galena riverbank stabilization - Phase III	3,000,000
22	Shismaref erosion control	1,400,000
23	Ruby generator/heavy equipment garage	400,000
24	Kiana roads	550,000
25	Dillingham public works facilities	1,000,000
26	Klawock water and sewer	300,000
27	Kenai water and sewer	1,600,000
28	Bristol Bay Borough water sewer/solid waste	750,000
29	Craig water source	2,000,000

1	St. Mary's water and sewer	575,000
2	Fairbanks water and sewer	2,900,000
3	Petersburg water and sewer system	850,000
4	Cordova water and sewer	1,900,000
5	Valdez water and sewer	1,500,000
6	St. Paul water and sewer	800,000
7	St. George water and sewer	850,000
8	Palmer water and sewer	1,500,000
9	Juneau water and sewer	7,500,000
10	Emmonak water and sewer	900,000
11	Ketchikan Gateway Borough sewer project	850,000
12	Soldotna water and sewer	1,100,000
13	Selawik water and sewer feasibility study	50,000
14	Ncnana water and sewer	2,700,000
15	North Pole water and sewer	3,500,000
16	Koyuk water and sewer	1,600,000
17	McGrath water system - Phase III	962,000
18	Mountain Village water and sewer system	483,000
19	Shungnak water/sewer/solid waste	420,000
20	Bethel alcohol treatment facility	700,000
21	Anderson medical center and roads	768,850
22	Fort Yukon community health facilities	240,000
23	Tanana senior center upgrade	115,000
24	Angoon water storage tanks	165,000
25	Haines Port Chilkoot dock rehabilitation	700,000
26	Hoonah water and sewer	750,000
27	Hydaburg port development project	1,500,000
28	Pelican creek dam reconstruction	1,700,000
29	Skagway water tank	25,000

1 Yakutat road projects 175,000

2 Seward-marine industrial park 650,000

3 * Sec. 5. The sum of \$5,429,600 is appropriated from the undistributed
4 income account to the Department of Transportation and Public Facilities
5 for the following capital projects:

6 Dillingham airport project 2,800,000

7 Birch Creek dock 65,000

8 Chalkyitsik runway lighting 280,000

9 Grayling road improvements 337,700

10 Huslia erosion control Phase II 1,000,000

11 Kaltag road extension completion 245,900

12 Nilolai maintenance shop/community center Phase II 150,000

13 Nulato street lights 42,000

14 Rampart road improvements 50,000

15 Russian Mission heavy equipment 125,000

16 Edna Bay marine facilities development phase II 150,000

17 Gustavus boat harbor improvements 184,000

18 * Sec. 6. The sum of \$2,252,500 is appropriated from the undistributed
19 income account to the Department of Environmental Conservation for the
20 following capital projects:

21 Holy Cross water and sewer 700,000

22 Hughes wellhouse modification 250,000

23 Upper Kuskokwim water wells 365,000

24 Pitkas Point water sewer study 50,000

25 Venetie water and sewer feasibility 12,500

26 Port Protection water system 875,000

27 * Sec. 7. The sum of \$2,101,550 is appropriated from the undistributed
28 income account to the University of Alaska for the following capital proj-
29 ects:

1	Valdez/Prince William Sound Community College addition	1,300,000
2	UAF - Statewide computer and library network	801,550
3	* Sec. 8. The sum of \$47,983,000 is appropriated from the undistributed	
4	income account to the Department of Education for the following capital	
5	projects:	
6	Matanuska-Susitna/Knik/Vine Road elementary school	9,000,000
7	Fairbanks/University Park school expansion	3,500,000
8	Fairbanks/Lathrop High school addition	5,300,000
9	Fairbanks/Tanana Jr. High addition	700,000
10	Lower Kuskokwim/Tununuk Elementary	1,100,000
11	Bering Straits School District/Unalakleet elementary	
12	Phase I	2,500,000
13	Kodiak Schools asbestos removal	2,000,000
14	Bering Straits School District/Golovin School life	
15	safety code repairs	1,000,000
16	Copper River/Glennallen school project	2,000,000
17	Iditarod/Anvik pre-school	200,000
18	Nome elementary school	10,000,000
19	Iditarod/Grayling school	1,000,000
20	Yukon-Koyukuk School District/Manley Hot Springs	
21	school addition	200,000
22	St. Mary's community education center	350,000
23	Northwest Arctic School District/Kotzebue	
24	elementary school	4,500,000
25	Chatham School District/Tenakee school Phase II	800,000
26	Kake School District elementary school Phase II	1,633,000
27	Hoonah School District gym project	900,000
28	Sitka School District/Sitka High/Blatchley Jr. High	
29	renovations and repairs	1,300,000

1 * Sec. 9. The sum of \$60,286,500 is appropriated from the undistributed
2 income account to the Department of Health and Social Services for the
3 following capital projects:

4	Wrangell, Seward, Bartlett (Juneau), Central Peninsula	
5	(Kenai), Cordova, Ketchikan, Kodiak, Norton Sound Hospital	
6	and related facilities (Nome), Providence House (Anchorage),	
7	South Peninsula (Kenai), St. Ann's Nursing Home (Juneau),	
8	Wesleyan Nursing Home (Seward)	34,750,000
9	Fairbanks regional mental health facility	25,000,000
10	Pilot Station new clinic building	200,000
11	Tyonek emergency medical equipment	20,000
12	Fortuna Ledge alternative center	316,500

13 * Sec. 10. The sum of \$5,298,000 is appropriated from the undistributed
14 income account to the Department of Community and Regional Affairs for
15 payment as grants for the following capital projects:

16	Evansville fire truck/warm storage building	200,000
17	Shageluk fire hall	60,000
18	Kotzebue electrification and facilities	700,000
19	Stony River electrification	55,000
20	Low-Income housing program statewide	3,500,000
21	Gustavus fire hall completion	33,000
22	Boys and Girls Club of Alaska - educational/training	
23	facility	750,000

24 * Sec. 11. The sum of \$70,000 is appropriated from the undistributed
25 income account to the Alaska Power Authority for the Elfin Cove electrical
26 distribution system.

27 * Sec. 12. The sum of \$150,000 is appropriated from the undistributed
28 income account to the Department of Fish and Game for the Paint River
29 Stocking Program.

1 * Sec. 13. The appropriations made by secs. 4 - 12 of this Act are
2 for capital projects and are subject to AS 37.25.020.

3 * Sec. 14. This Act takes effect July 1, 1985.
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Introduced: 5/9/85
Referred: Transportation, Resources
State Affairs and Finance

Funding Information

General Fund \$ 400,000,000
Other Funds 400,000,000 UIA/PF
350,000,000 UIA/Capital
\$1,150,000,000

BY JOSEPHSON, FERGUSON
AND V. FISCHER

1 IN THE SENATE

2 SENATE BILL NO. 318

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making special appropriations to the princi-
7 pal of the permanent fund, and for various capital
8 projects of the state; and providing for an effective
9 date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 * Section 1. The sum of \$400,000,000 is appropriated from the undis-
12 tributed income account in the Alaska permanent fund to the principal of
13 the Alaska permanent fund.

14 * Sec. 2. The sum of \$400,000,000 is appropriated from the general fund
15 for deposit in the principal of the Alaska permanent fund. This money
16 shall be deposited only from receipts from litigation or settlement of
17 litigation.

18 * Sec. 3. The sum of \$226,428,850 is appropriated from the undistributed
19 income account to the Department of Administration for payment as municipal
20 grants for the following capital projects:

21 Project	Amount
22 Anchorage West Northern Lights	21,000,000
23 Anchorage Eklutna Water Project	28,000,000
24 Anchorage Lake Otis Drive	15,500,000
25 Anchorage Boniface Parkway and interchanges	26,300,000
26 Anchorage C St., Tudor to ARR	2,000,000
27 Anchorage 100th and Minnesota interchange	3,500,000
28 Anchorage C St., - Klatt Road	2,600,000
29 Anchorage Spenard Road	12,600,000

1	Anchorage 36th Avenue	3,100,000
2	Anchorage Dimond Blvd.	5,600,000
3	Anchorage Arctic Blvd.	5,600,000
4	Anchorage pedestrian improvements	1,700,000
5	Anchorage traffic circulation improvements	2,000,000
6	Anchorage road district service areas	3,500,000
7	Anchorage limited road service areas	2,000,000
8	Anchorage Eagle River Hiland Road bridge	3,000,000
9	Anchorage Chugiak-ER Birchwood road improvements	1,400,000
10	Anchorage Old and New Seward Highway intersections	
11	improvements	5,600,000
12	Anchorage downtown parking garage	5,000,000
13	Kenai River bridge	6,000,000
14	Juneau street improvements	8,500,000
15	Kodiak harbor	11,000,000
16	Aniak dike/riverbank stabilization - Phase II	1,225,000
17	Fort Yukon dust control	275,000
18	Galena riverbank stabilization - Phase III	3,000,000
19	Shismaref erosion control	1,400,000
20	Ruby generator/heavy equipment garage	400,000
21	Kiana roads	550,000
22	Dillingham public works facilities	1,000,000
23	Klawock water and sewer	300,000
24	Kenai water and sewer	1,600,000
25	Bristol Bay Borough water sewer/solid waste	750,000
26	Craig water source	2,000,000
27	St. Mary's water and sewer	575,000
28	Fairbanks water and sewer	2,900,000
29	Petersburg water and sewer system	850,000

1	Cordova water and sewer	1,900,000
2	Valdez water and sewer	1,500,000
3	St. Paul water and sewer	800,000
4	St. George water and sewer	850,000
5	Palmer water and sewer	1,500,000
6	Juneau water and sewer	7,500,000
7	Emmonak water and sewer	900,000
8	Ketchikan Gateway Borough sewer project	850,000
9	Soldotna water and sewer	1,100,000
10	Selawik water and sewer feasibility study	50,000
11	Nenana water and sewer	2,700,000
12	North Pole water and sewer	3,500,000
13	Koyuk water and sewer	1,600,000
14	McGrath water system - Phase III	962,000
15	Mountain Village water and sewer system	483,000
16	Shungnak water/sewer/solid waste	420,000
17	Bethel alcohol treatment facility	700,000
18	Anderson medical center and roads	768,850
19	Fort Yukon community health facilities	240,000
20	Tanana senior center upgrade	115,000
21	Angoon water storage tanks	165,000
22	Haines Port Chilkoot dock rehabilitation	700,000
23	Hoonah water and sewer	750,000
24	Hydaburg port development project	1,500,000
25	Pelican creek dam reconstruction	1,700,000
26	Skagway water tank	25,000
27	Yakutat road projects	175,000
28	Seward-marine industrial park	650,000

29 * Sec. 4. The sum of \$5,429,600 is appropriated from the undistributed

1 income account to the Department of Transportation and Public Facilities
2 for the following capital projects:

3	Dillingham airport project	2,800,000
4	Birch Creek dock	65,000
5	Chalkyitsik runway lighting	280,000
6	Grayling road improvements	337,700
7	Huslia erosion control Phase II	1,000,000
8	Kaltag road extension completion	245,900
9	Nilolai maintenance shop/community center Phase II	150,000
10	Nulato street lights	42,000
11	Rampart road improvements	50,000
12	Russian Mission heavy equipment	125,000
13	Edna Bay marine facilities development Phase II	150,000
14	Gustavus boat harbor improvements	184,000

15 * Sec. 5. The sum of \$2,252,500 is appropriated from the undistributed
16 income account to the Department of Environmental Conservation for the
17 following capital projects:

18	Holy Cross water and sewer	700,000
19	Hughes wellhouse modification	250,000
20	Upper Kuskokwim water wells	365,000
21	Pitkas Point water sewer study	50,000
22	Venetie water and sewer feasibility	12,500
23	Port Protection water system	875,000

24 * Sec. 6. The sum of \$2,101,550 is appropriated from the undistributed
25 income account to the University of Alaska for the following capital
26 projects:

27	Valdez/Prince William Sound Community College addition	1,300,000
28	UAF - Statewide computer and library network	801,550

29 * Sec. 7. The sum of \$47,983,000 is appropriated from the undistributed

1 income account to the Department of Education for the following capital
2 projects:

3	Matanuska-Susitna/Knik/Vine Road elementary school	9,000,000
4	Fairbanks/University Park school expansion	3,500,000
5	Fairbanks/Lathrop High school addition	5,300,000
6	Fairbanks/Tanana Jr. High addition	700,000
7	Lower Kuskokwim/Tununuk Elementary	1,100,000
8	Bering Straits School District/Unalakleet elementary	
9	Phase I	2,500,000
10	Kodiak Schools asbestos removal	2,000,000
11	Bering Straits School District/Golovin School life	
12	safety code repairs	1,000,000
13	Copper River/Glennallen school project	2,000,000
14	Iditarod/Anvik pre-school	200,000
15	Nome elementary school	10,000,000
16	Iditarod/Grayling school	1,000,000
17	Yukon-Koyukuk School District/Manley Hot Springs	
18	school addition	200,000
19	St. Mary's community education center	350,000
20	Northwest Arctic School District/Kotzebue	
21	elementary school	4,500,000
22	Chatham School District/Tenakee school Phase II	800,000
23	Kake School District elementary school Phase II	1,633,000
24	Hoonah School District gym project	900,000
25	Sitka School District/Sitka High/Blatchley Jr. High	
26	renovations and repairs	1,300,000

27 * Sec. 8. The sum of \$60,286,500 is appropriated from the undistributed
28 income account to the Department of Health and Social Services for the
29 following capital projects:

1 Wrangell, Seward, Bartlett (Juneau), Central Peninsula
 2 (Kenai), Cordova, Ketchikan, Kodiak, Norton Sound Hospital
 3 and related facilities (Nome), Providence House (Anchorage),
 4 South Peninsula (Kenai), St. Ann's Nursing Home (Juneau),
 5 Wesleyan Nursing Home (Seward) 34,750,000
 6 Fairbanks regional mental health facility 25,000,000
 7 Pilot Station new clinic building 200,000
 8 Tyonek emergency medical equipment 20,000
 9 Fortuna Ledge alternative center 316,500

10 * Sec. 9. The sum of \$5,298,000 is appropriated from the undistributed
 11 income account to the Department of Community and Regional Affairs for
 12 payment as grants for the following capital projects:

13 Evansville fire truck/warm storage building 200,000
 14 Shageluk fire hall 60,000
 15 Kotzebue electrification and facilities 700,000
 16 Stony River electrification 55,000
 17 Low-income housing program statewide 3,500,000
 18 Guscavus fire hall completion 33,000
 19 Boys and Girls Club of Alaska - educational/training
 20 facility 750,000

21 * Sec. 10. The sum of \$70,000 is appropriated from the undistributed
 22 income account to the Alaska Power Authority for the Elfin Cove electrical
 23 distribution system.

24 * Sec. 11. The sum of \$150,000 is appropriated from the undistributed
 25 income account to the Department of Fish and Game for the Paint River
 26 Stocking Program.

27 * Sec. 12. The appropriations made by secs. 4 - 8, 10 and 11 of this Act
 28 are capital projects and are subject to AS 37.25.020.

29 * Sec. 13. This Act takes effect July 1, 1985.