

STATE OF ALASKA

THE LEGISLATURE

1977

Source

HCR 30

Legislative
Resolve No.

99



Relating to the North Slope Haul Road.

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

WHEREAS the legislature enacted AS 19.40.010 - 19.40.080 in 1970, which provides in part at AS 19.40.010(a): "The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean"; and

WHEREAS the road now known as the North Slope Haul Road was constructed by Alyeska Pipeline Service Company (Alyeska) under an agreement dated June 11, 1971; and

WHEREAS the agreement, in part 3, specifically provides: "The Highway shall be a State highway and may be used by (Alyeska) ... for the construction and operation of the Trans-Alaska Pipeline"; and

WHEREAS the attorney general of the State of Alaska has proclaimed in a letter dated September 7, 1976 to Dr. Robert LeResche of the Office of the Governor, division of policy development and planning: "The Haul Road is a Public Highway."; and

WHEREAS the division of policy development and planning has submitted a statement of policy options through which the governor has been advised: "There are conflicting views on the exact statutory authority under which this right-of-way was granted. It is relatively clear, however, that it was granted for the construction of a 'public highway'. It is not totally clear exactly what type of access policy is consistent with this 'public highway' status; whether such a highway must be open to general public access or whether a more restrictive access policy will be legally permissible."; and

WHEREAS the division of policy development and planning has made the following recommendation to the governor: "Our recommendation is that the State allow access only to industrial users; that access be controlled through a permit system, and that this policy be declared effective until completion of any natural gas pipeline. The primary reason for endorsing this policy is that it will give the State the greatest flexibility over future management options for the Haul Road. It will also permit completion of land use and transportation planning for the entire Northern region."; and

WHEREAS the Alaska Growth Policy Council has made the following recommendation to the governor on November 11, 1975: "The Alaska Growth Policy Council endorses the active planning program for the North Slope Corridor by the Bureau of Land Management, State Division of Lands, and other State and Federal agencies. The council recommends that no public use be made of the North Slope Haul Road except by major industrial users, without State expense, pending final decision of land use and transportation in the corridor."; and

WHEREAS Gene A. Hanna, Division Administrator, Federal Highway Administration, in a memorandum dated December 19, 1975 to Walter B. Parker, Commissioner, Department of Highways, stated: "... The stipulations made at the time this route [FAS Route No. 681, North Slope Haul Road] was placed on the FAS system and Federal funds were committed to the project were the assurances by the state that the completed roadway would be maintained by the state and would be open for the use of the general public" This correspondence was the result of a desire by Mr. Hanna to notify the state policymakers of the federal position regarding a permanent use policy for the North Slope Haul Road; and

WHEREAS on August 23, 1976 the governor announced his interim use policy as being: "The interim policy on the North Slope Haul Road I am announcing has two parts. There is a policy for access, and there is a policy for revenues to meet the costs of opening the Haul Road. My decision is: The road will be opened for use by industrial and mining interests much as it is today. We will expect them to pay for the use of the road, just as they do today."; and he further stated: "This decision is an interim policy, to be in effect until the peak industrial demands for the road have subsided and until the Joint Federal-State Land Use Planning Commission and local governments have developed a rational plan for the sound and profitable management of State and Federal lands in the area affected by the road"; and

WHEREAS the Federal-State Land Use Planning Commission has suggested that it will need until June 1978 to complete all planning preparatory to the formulation of a permanent use policy for the North Slope Haul Road;

BE IT RESOLVED by the Alaska State Legislature that the State of Alaska be committed to:

(1) the submission of a timely and efficient comprehensive land-use and management plan for Northern Alaska; and

(2) compliance with a time table for final formulation of the permanent use policy for the North Slope Haul Road

which provides for a completion date of all land-use, management, and transportation planning related to the North Slope Haul Road no later than January 1, 1978; and be it

FURTHER RESOLVED that the legislature shall establish an interim committee of the Legislative Council consisting of three members of the senate appointed by the president of the senate and three members of the house of representatives appointed by the speaker of the house. No more than one appointee from each body shall be from the membership of the Legislative Council. The committee, to be known as the North Slope Road Committee, shall be responsible for:

- (1) monitoring and reviewing the progress of the comprehensive land-use and transportation plan for Northern Alaska as it specifically relates to the interim and permanent uses to which the North Slope Haul Road is dedicated;
- (2) the study of legislative options for implementing a permanent use policy for the North Slope Haul Road; and
- (3) submission of a report of its findings and recommendations at the beginning of the Second Session, Tenth Legislature.