

**STATE OF ALASKA
THE LEGISLATURE**

2001

Source

HCS SJR 30(RES)

**Legislative
Resolve No.**

29



Urging the United States Forest Service to acknowledge all of the rights of the state to rights-of-way to state highways that pass through federal land.

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

WHEREAS the State of Alaska owns, maintains, and operates hundreds of miles of state roads and highways that pass through federal land; and

WHEREAS some federal agencies, through aggressive, unwarranted, and unlawful actions, have attempted to erode the state's ownership and authority over the use of these highways and appurtenant public facilities located within the rights-of-way; and

WHEREAS the most recent and egregious instance of this aggressive federal action occurred in Yakutat, where the United States Forest Service has attempted to require a permit for commercial hauling on that portion of Forest Highway 10 in the north Tongass National Forest, over which the state has for decades had exclusive management and maintenance authority; and

WHEREAS the Forest Service has attempted to control access to one of the state's navigable waterways by limiting use of a boat launch located entirely within the right-of-way

of Forest Highway 10; and

WHEREAS the aggressive assertion of authority by the Forest Service in Yakutat bodes ill for state highways and appurtenant facilities located within the state's rights-of-way throughout the Tongass and Chugach National Forests; and

WHEREAS a precedent set by the Forest Service at Yakutat could provide an open door for it and other aggressive federal agencies that control land surrounding state highways and facilities throughout Alaska;

BE IT RESOLVED that the Alaska State Legislature urges the United States Forest Service to recognize that the State of Alaska has sole authority to control public access and use of rights-of-way for all state highways passing through Forest Service lands.

COPIES of this resolution shall be sent to the Honorable Ann Veneman, United States Secretary of Agriculture; the Honorable Gale Norton, United States Secretary of the Interior; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.