

## **DNR Bill Presentation**

- **This bill includes:**
  - Statute revisions that will provide uniform land disposal language across DOT's three separate authorities for airports, highways and public facilities. (Sec.2, 4 & 10)
  - Revisions to A.S. 38.05.030 exempting DOT's acquisition, management and disposal of lands from the Alaska Land Act to (Sec. 11 & 12)
  - Miscellaneous provisions relating to:
    - The acquisition of Alaska Railroad land by DOT; (Sec. 14)
    - The transfer of state owned harbor facilities to municipalities; (Sec. 7)
    - The transfer of certain Dalton Highway maintenance stations and airstrips from DNR to DOT; (Sec. 15)
    - Modification of the terms for reciprocal easements between the State and the U.S. Forest Service. (Sec. 16)
  - Clarification that under Article VIII, s. 6 of the Alaska Constitution that DOT has primary authority to manage the surface estate for highway, airport and public facility lands. These sections will resolve an ambiguity in state law regarding overlapping management authorities held by DOT and DNR. (Sec. 1, 6 & 9)

### **Most significant are the:**

- Provisions allowing for the efficient appropriation by DOT of state public domain land for airport, highway and public facility purposes. (Sec. 3, 5 & 8)
  - A provision allowing DOT to use State owned material sites without payment and without time or quantity limitations. (Sec. 13)
- **Primary Purpose:** The initial and primary purpose of the bill was in recognition of potential funding reductions and the need to create efficiencies and cost savings wherever possible. This effort is focused on land acquisition necessary for the development of public infrastructure.
    - The regional Right of Way section is a support group to the Pre-Construction design effort and is but one of the puzzle pieces necessary to bring a proposed project to advertising.
    - Due to the interactions with individuals, agencies and businesses during the right-of-way phase, acquisition of land interests often results in the delay of project delivery.
    - The approximate allocation of land ownership in Alaska indicates that:
      - 59% is held by the Federal government;
      - 13% is private including ANCSA lands;
      - 28% is owned by the State of Alaska.

- Given the allocation of land ownership, and accepting that it is likely proportional to the ownership of lands required for public infrastructure projects, we considered where our greatest opportunities would be to streamline the acquisition process.
  - Private land acquisition is governed by the federal and state constitutions, statutes, regulations and case law and provides limited opportunity for streamlining.
  - Federal land acquisition is governed by federal rules again leaving limited opportunities for increasing efficiencies.
  - State land acquisition is governed by state law which is entirely within the jurisdiction of the legislature to revise as it sees fit.
  
- The most significant provisions in the bill intend to revise the process by which DOT appropriates state public domain lands and state owned materials from DNR for airport, highway and public facility projects.

**Discussion of existing and proposed processes.**