

Chichagof Conservation Council

2008

Box 621 Tenakee Springs AK 99841

Sneak Attack on Tongass Timber Reform Act Robs Tenakee of Road Connection Protection

Tenakee's steadfast opposition to road connections with the network of logging roads on northeast Chichagof Island has been a thorn in the side of the federal Forest Service (USFS) and the state Department of Transportation (DOT) for over 30 years. Decades of dispute and litigation were resolved by Congress in the Tongass Timber Reform Act of 1990 (TTRA), which prohibited the USFS from making any further efforts to complete any road connection without the consent of both Tenakee and Hoonah.

In August 2007 Tenakee's Mayor Don Pegues received a startling letter from DOT, announcing planned construction of the long opposed road connection between the Indian River and Game Creek road systems. A flurry of correspondence revealed that in 2005 Representative Don Young stealthily inserted language in a huge national transportation bill (PL 109-59 or SAFETEA-LU) which instructed the USFS to convey numerous Tongass right-of way easements to the State of Alaska. This significant legislative action was reduced to one short sentence that referred to a DOT map by number. To our knowledge there was no legislative history or debate recorded. Affected parties were not notified, nor was there any opportunity for public comment. Apparently no one outside the parties to the Memorandum of Understanding (MOU) that implements the line in PL 109-59 knew anything about it until last summer.

DOT contends that with a right of way easement from the USFS the state is not bound by the TTRA language. In letters dated October 23, 2007, Malcolm Menzies acknowledges the existence of the TTRA prohibition, but states "However, we believe Congress, when it passed Public Law 109-59, Section 4407, directed the US Forest Service to grant the State of Alaska a right-of-way easement for construction, operation, and maintenance of the road in question."

After numerous residents wrote to Governor Palin about this issue, DOT has changed its tune somewhat. Recent letters from DOT Commissioner Leo Von Schweben inform concerned citizens that the proposed "Road to Resources" will only go to the Indian River log dump, and will not connect to Tenakee Springs. Obviously DOT is not well informed about the city boundaries of Tenakee Springs, which extend from Cannery Point to a point four miles west of the town core.

We need to let Governor Palin and DOT know that the uproar will not go away until DOT provides written assurance that plans for the proposed Indian River-Game Creek connection have been terminated.

The state has already acquired the "planning" easements for the road connection, and the MOU provides a greased track for the final construction easement. That construction could be completed very rapidly, with irreversible consequences.

Addresses and comment suggestions on the next page...

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If it is easy for you to make copies, please send them to the City of Tke, Box 52, Tenakee Springs 99841 and to CCC. If not, it is most important to **write to Governor Palin**. Possible comment topics:

- The Indian River log dump is within the city limits of Tenakee Springs.
- The City of Tenakee Springs has consistently opposed this road connection for over 30 years.
- Tenakee values its freedom from automobiles.
- Tenakee's infrastructure cannot support automobiles OR an influx of more ATV's.
- Southeast Alaska communities including Tenakee Springs have consistently called for emphasis on safe, reliable ferry service instead of building roads that are very unlikely to be plowed in the winter.
- Former Alaska Marine Highway head Robin Taylor made it clear that DOT regarded a Tenakee-Hoonah road connection as the way to eliminate direct ferry service to Tenakee Springs.
- This proposal and other grandiose road schemes are leftovers from the Frank Murkowski/Robin Taylor era.
- The legislation cited by DOT (PL 109-59 Section 4407) was stealthily inserted in a massive national transportation bill without legislative history, debate, or notification of affected communities.
- The Indian River road is in such bad shape that the USFS recently designated it "closed" in the recent Sitka Access and Travel Management Decision Notice.
- DOT has already committed survey funds to this project while other needs are underfunded or ignored.
 - DOT director of Program Development Jeff Ottesen estimates that there is a \$10 billion backlog of neglected state transportation maintenance.
 - The State of Alaska currently relies on federal funds for transportation infrastructure more than any other state, with 70% of this year's \$810 million capital budget for transportation from federal sources.
 - In a May 2007 letter DOT Commissioner Leo von Scheben stated that the largest source of federal road money in Alaska (the Highway Trust Fund) is likely to be reduced as much as 25% in 2009.
 - DOT estimates that the agency's maintenance needs are underfunded by at least \$40 million annually.
- Governor Palin has indicated that she favors local control of community futures. Tenakee went all the way to the US Congress to protect its unique character – only to have our own Rep. Don Young undo our efforts.
- In the MOU, the state agreed to exchange tideland easements giving the USFS use of a lengthy list of log dumps and "Marine Access Points" for the Tongass-wide set of road right-of-way easements, apparently cutting out any chance of public involvement. The critical map is based on the 2004 Southeast Alaska Transportation plan that emphasized road construction over ferry service. What's next? Is DOT starting with the Tenakee road connection as a test of public reaction and/or the validity of the MOU?

To see the correspondence, map, MOU (especially section D-2), and other documents on-line, contact Kim Rivera "ccfishc@gci.net". For paper copies contact Molly Kemp (907-736-2305).