

Presented by: The Manager
Introduced: 06/27/2005
Drafted by: A.A. Heese/
J.W. Hartle

RESOLUTION OF THE CITY AND BOROUGH OF JUNEAU, ALASKA

Serial No. 2271(f)

A Resolution Requesting Transfer of Certain Tidelands Adjacent to the Juneau International Airport From the State of Alaska to the City and Borough, and Assigning Departmental Responsibility for the Administration of Such Lands to the Airport.

WHEREAS, Alaska Statute 38.05.825 provides that the Alaska Department of Natural Resources shall convey to a municipality state tidelands or submerged land requested by the municipality that is occupied or suitable for occupation and development, if certain criteria are met; and

WHEREAS, AS 16.20.034, establishing the Mendenhall Wetlands State Game Refuge, includes provisions under which the City and Borough may acquire land for purposes of expanding the Juneau International Airport; and

WHEREAS, AS 16.20.034, states "if requested by the City and Borough of Juneau, the Departments of Fish and Game and Natural Resources shall assist in filling ponds, lakes or other bodies of water adjacent to the existing airport runway to eliminate them as sites attractive to waterfowl"; and

WHEREAS, the Juneau International Airport is conducting an environmental impact study which includes Airport projects that would impact lands currently owned by the State of Alaska which may be eligible for transfer to the City and Borough pursuant to AS 38.05.825 and AS 16.20.034; and

WHEREAS, by their nature these Airport projects, which are the expansion of the Runway Safety Area (RSA) and wildlife habitat modifications for reduction of aviation hazards, cannot be constructed in other locations; and

WHEREAS, a request for land less than that needed for certain reasonable alternatives would preclude or remove these alternatives from equal consideration under the respective Federal and State Permit Review Process; and

WHEREAS, these Airport projects would be constructed on lands currently owned by the State in an area designated under AS 16.20.034 as the Mendenhall Wetlands State Game Refuge; and

WHEREAS, the Juneau International Airport Board, at its regular meeting on June 9, 2004, reviewed and approved a request for transfer of all applicable state-owned tidelands to the City and Borough for administration by the Juneau International Airport; and

WHEREAS, the Assembly Lands Committee at its meeting of June 14, 2004, reviewed and recommended approval of the transfer of such land; and

WHEREAS, the City and Borough of Juneau recognizes the value of the Refuge and does not have any intention to retain Refuge land over and above the uses allowed by AS 16.20.034; and

WHEREAS, CBJ 53.04.030 provides that real property to be acquired as a grant or as a part of a program of grants from the federal or state government may be acquired only pursuant to a resolution of the Assembly; and

WHEREAS, impacts to Refuge lands must and will be fully mitigated; and

WHEREAS, the Assembly finds it would be in the public interest for the City and Borough to request and accept this transfer; and

WHEREAS, the draft Environmental Impact Statement (EIS) regarding Airport runway expansion has now been published; and

WHEREAS, except for the no-action alternative, all of the RSA alternatives set forth in that draft EIS include some use of refuge land; and

WHEREAS, the Assembly continues to have concerns, based in part on the test results from Fairbanks testing, regarding the efficacy of the Engineered Materials Arresting System (EMAS) as proposed by the Federal Aviation Administration; and

WHEREAS, EMAS is presently scheduled for installation in an Alaska maritime temperate rainforest environment; and

WHEREAS, CBJ proposes that, unless and until that Alaska installation and operation is successfully demonstrated, the Airport refrain from installing EMAS while at the same time using the EMAS footprint as a runway safety area.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU, ALASKA:

Section 1. The Assembly requests, pursuant to AS 38.05.825, that the State of Alaska, Department of Natural Resources, convey to the City and Borough of Juneau those tidelands depicted on the maps attached as Exhibit A.

Section 2. Upon conveyance by the State of Alaska, the Airport Manager is authorized to accept pursuant to CBJ 53.04.030 any land depicted on the maps attached as Exhibit A.

Section 3. Any lands conveyed to CBJ in accordance with this request that are not required for construction of the projects approved in the Record of Decision for the Airport's Final EIS will be returned to the State upon completion of the EIS. Until such time as the return is complete, access and use of the excess land shall be as prior to the transfer to CBJ.

Section 4. All lands designated in Exhibit A, if conveyed to the City and Borough, shall be administered by the Juneau International Airport for use as a Runway Safety Area, wildlife hazards reduction, wetlands access trail, and float-pond and emergency vehicle access roads.

Section 5. The Assembly embraces a compromise solution and hereby asks the FAA to accept the footprint that would be used by EMAS as an adequate runway safety area, without actually installing EMAS unless and until Alaska installation and operation is successfully completed.

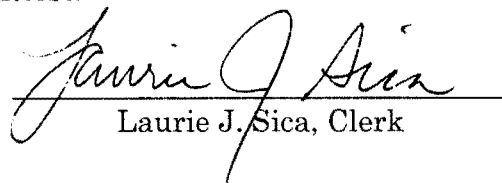
Section 6. Effective Date. This resolution shall be effective immediately upon adoption.

Adopted this 27th day of June, 2005.



Bruce Botelho, Mayor

Attest:



Laurie J. Sica, Clerk