

**Petersburg Borough, Alaska
Resolution 2020-21**

A RESOLUTION opposing the expenditure of further funds on the Kake Access Project at this time and requesting a public hearing in Petersburg with representatives of the Alaska Department of Transportation, the US Army Corps of Engineers, representatives of the directly-impacted communities of Petersburg, Kake, Kupreanof and federally-recognized Organized Village of Kake, and Senator Stedman on the matter of completing an Environmental Impact Statement prior to any further activities on the Kake Access Project.

WHEREAS, Senator Stedman originally attached a \$40 million budget allocation for the "Kake-Petersburg Road", in the 2012 State of Alaska capital budget, and

WHEREAS, there was substantial public opposition to the project lodged at that time; and

WHEREAS, this project, in revised format, is again being advocated by Senator Stedman, without an updated public process at the local level and absent a requested, community priority; and

WHEREAS, the State of Alaska has now awarded a no bid contract to Kiewit on the project under an open-ended, "Construction Manager/General Contractor" agreement; and

WHEREAS, these public monies have now been attached to a substantially revised project, while precluding the public process, and without disclosing the actual Purpose and Need of the project, defeating requisite disclosures of social, economic and environmental impacts of the Kake Access Project,¹ which ultimately defeats the public's ability to knowledgeably participate in the disposition of public monies; and,

WHEREAS, the current version of the project contemplates a substantial increase in road 'reconditioning' versus road 'construction', and road reconditioning for the existing road reveals a cost of an initial \$370 thousand per mile (\$15.5 million/42 miles) while the costs of new construction for similar Forest Service roads reveals an average cost of \$250 thousand per mile; and

WHEREAS, the only opportunity for public comment to this recently initiated version of the project, entitled "Kake Access Project", was a 30-day comment period to the US Army Corps of Engineers ADOT & PF Application² ending July 6, 2020, during the height of the summer fishing and work season and also occurring simultaneously with project mobilization despite the absence of final State permitting approval; and

¹ For instance, the original 2012 budget allocation specified construction of "approximately 22 miles of new single lane, unpaved roadway and bridges and upgrade of approximately 23 miles of existing logging roads on the north end of Kupreanof Island to connect the communities of Kake and Petersburg," However, the current Kake Access Project proposal instead specifies new construction of only 5.4 miles, and reconditioning of approximately 42 existing road miles for \$15.5 million, ending at Twelve Mile Creek on the windswept, rocky shore of Kupreanof Island 12 nautical miles distant from Petersburg,

² USACE Public Notice of Application for Permit. ADOT & PF. June 4, 2020.

<https://www.poa.usace.army.mil/LinkClick.aspx?fileticket=arsWCIXMOJY%3D&portalid=34>

WHEREAS, the US Forest Service has historically failed in its obligations to the public trust to adequately maintain the existing roads which would be part of the Kake Access Project, and that cost burden has shifted to cash-strapped State of Alaska funding for \$15.5 million; and

WHEREAS, a 2016 attempt to complete the Kake Access Project through the FHWA Federal Highways administration failed due to public disapproval, insufficient economic cost/benefit analysis to proceed and inadequate State of Alaska funding streams for maintenance and operations due to billion dollar state fiscal deficits and abrogated social contract shortfalls by 2014³; and

WHEREAS, the official Alaska Division of Transportation & Public Facilities (ADOT & PF) Purpose and Need for the current Kake Access Project is described as “subsistence and recreation” public priorities and community, as well as unsupported claims in their USACE application that it would “provide year-round surface transportation access on Kupreanof Island between the community of Kake and a new boat launch on the eastern shore of Kupreanof Island for the public to access lands along the route and to create an additional access point to navigable waters on Frederick Sound,”; and

WHEREAS, due to the SOA Budget crisis, there exists no funding to maintain these miles of current and proposed roadway⁴; and

WHEREAS, for Kake and Borough of Petersburg residents, there already exists adequate, and reasonable access to Frederick Sound through the City of Kake and through Portage Bay, just 10 nautical miles northwest of Twelve Mile Creek; and

WHEREAS, as of July 2019, there already exists 134 of miles of logging roads on North and Western Kupreanof fully accessible to the residents of the Borough of Petersburg and the City of Kake for subsistence and recreation⁵; and

³ Federal Register Notice To Rescind a Notice of Intent for an Environmental Impact Statement for the Kake Access Project in Southeast Alaska. A Notice by the Federal Highway Administration on 04/13/2016 <https://www.federalregister.gov/documents/2016/04/13/2016-08456/notice-to-rescind-a-notice-of-intent-for-an-environmental-impact-statement-for-the-kake-access> “The principal factors supporting the decision to close the project is that the Federal project is not fully funded and the need to operate and maintain a shuttle ferry would add significantly to ADOT&PF’s annual maintenance and operating expense.”

⁴ Alaska State House Candidates Forum. Oct. 14, 6:30pm in Sitka featuring Jonathan Kreiss-Tomkins and Kenny Karl Skafelstad. Statement by Rep. Kreiss-Tomkins @37:00 in audio recording. <https://kfsk.org/wp-content/uploads/2020/10/house35forum101420kcaw.mp3>

⁵ US Forest Service. 2019 Central Tongass Project DEIS at 3-355. The Portage Bay National Forest System road system “consists of 61 miles of National Forest System Road of which 48 miles are currently open for motor vehicle use. Western Kupreanof consists of about 107 miles of NFS roads, of which 86 miles are open for motor vehicle use and connects to the City of Kake.” These figures do not include additional road miles on Non-National Forest logging lands surrounding Kake.

WHEREAS, the City of Kupreanof has by ordinance already expressed its wish to remain a roadless community, and has officially opposed both the prior and current versions of the Kake Access Projects⁶; and

WHEREAS, the Organized Village of Kake,⁷ is solidly on record regarding any road connection to nearby outlying communities resulting in increased competition with Kake residents seeking customary and traditional subsistence resources, while 217 citizens of Kake, representing the vast majority of resident adults, signed a petition opposing the project⁸; and

WHEREAS, there also exists significant, and sustained, community opposition to the project in the Borough of Petersburg, and 118 Borough residents signed a petition on short notice asking for a public hearing and EIS⁹;and

WHEREAS, both candidates currently running for the District 35 Alaska State House of Representatives stated during a recent candidate forum¹⁰ that in the interest of transparency, they support a public hearing for the Kake Access Project; and

WHEREAS, work being proposed would result in the total discharge of approximately 131,000 cubic yards of fill material into wetlands and other Waters of the U.S. (WOTUS) with the potential to harm aquatic organisms¹¹;and

WHEREAS, it is unknown by ADOT & PF how many stream crossings requiring culverts for fish passage will be necessary for this project¹², and dozens of culverts already exist that block fish passage in the project area, due to the failure of the Forest Service to adequately maintain the existing roads, occurring during a time of depleted fish abundance in SE Alaska and harming our local fishing communities.

⁶ KFSK. Most Kake residents are against proposed state road. Posted by Angela Denning. Mar 18, 2020. <https://www.kfsk.org/2020/03/18/most-kake-residents-are-against-proposed-state-road/> “The small city of Kupreanof is against the road altogether.”

⁷ KFSK. Most Kake residents are against proposed state road. Posted by Angela Denning. Mar 18, 2020. <https://www.kfsk.org/2020/03/18/most-kake-residents-are-against-proposed-state-road/> (274 total votes: 217 against the road, 27 for the road, 24 undecided, 6 didn’t vote)

⁸ *Id.*

⁹ Petition attached.

¹⁰ Alaska State House Candidates Forum. Oct. 14, 6:30pm in Sitka featuring Jonathan Kreiss-Tomkins and Kenny Karl Skafelstad. <https://kfsk.org/wp-content/uploads/2020/10/house35forum101420kcaw.mp3>

¹¹ USACE Public Notice of Application for Permit. ADOT & PF. June 4, 2020. <https://www.poa.usace.army.mil/LinkClick.aspx?fileticket=arsWCIXMOJY%3D&portalid=34>

¹² USACE Public Notice of Application for Permit. ADOT & PF. June 4, 2020. <https://www.poa.usace.army.mil/LinkClick.aspx?fileticket=arsWCIXMOJY%3D&portalid=34> ADOT & PF “would install 57 culverts for stream crossings along the alignment. With ‘available data’ up to 14 of these crossings may require anadromous fish passage, however, the number of fish passages may be adjusted as more data is gathered.”

THEREFORE IT BE RESOLVED, that the Petersburg Borough Assembly opposes the expenditure of any further funds on the Kake Access Project and requests a public hearing be scheduled at the earliest possible convenience (and prior to the holidays) with USACE officials, ADOT&PF officials, and Senator Stedman in attendance, to discuss the project and the need for an Environmental Impact Statement to be completed for the project.

Passed and approved by the Petersburg Borough Assembly, Petersburg, Alaska this 2nd day of November 2020.

Attest: Mark Jensen, Mayor

Debra K. Thompson, Borough Clerk

Adopted:
Published:
Effective: