

SPECIAL ASSEMBLY MEETING MINUTES
JANUARY 8, 2010

- I. **Call to Order:** The Special Assembly meeting of January 8, 2010, was called to order by Mayor Daniel O'Hara at 2:02 p.m. The meeting was held in the Assembly Chambers of the Borough Building, Naknek, Alaska.
- II. **Roll Call:** Present: Shelby Boothe, Eddie Clark, J.C. Tudor, Abe Williams, Carvel Zimin, Jr. and the Mayor Daniel O'Hara.
Also Present: Marv Smith, Borough Manager and Tami Johnson, clerk.
Via Teleconference: John Walsh, Borough Lobbyist and Jeff Ottesen, David Post from D.O.T., Adam Berg from Bryce Edgmon's office, Donald Nielsen, and a member from Senator Hoffman's office.
- III. **Business to Discuss: South Naknek River Crossing: Presentation by Jeff Ottesen – State D.O.T.:** Marv Smith stated we will be receiving the reconnaissance report which we have a copy of and a letter soon to be sent. Mr. Jeff Ottesen gave a brief overview as to the FHWA and earmarked funds and STIP, stating plainly that fiscal restraint rules have changed our world in a big way. Mr. Ottesen talked a little bit about new earmarks coming in to fill the gap. Mr. Ottesen stated that they just yesterday got the 2010 earmark list from Congress, for highways it was about 5 million dollars. 2-1/2 of it will go to the Denali Commission and 3 will be going to specifically named projects. No community in the state will get more than 1 million. The rules of Federal Highways, the way they interpret things is getting increasingly tighter, they show less willingness to kind of work outside the box to be flexible, be adaptable. They have an OIG audit coming to Juneau this Summer. Mr. Ottesen also stated on the Alaska Highway system, which is the smallest part of the STIP. It gets about 8% of the STIP each year, a little more than 16 million dollars per year. There's about 1500 miles of roadway that currently exists on the Alaska Highway system, including the Naknek and King Salmon highway and if you do the simple math of how often we take those dollars and spread them around to keep pavement intact, we're looking at a return cycle of over two hundred years long. Said simply, there's not enough money here to keep the pavement we have, let alone spend dollars on new miles of road. That is a pretty compelling number.

Earmarks are controlled by the language in the earmark. That essentially is an act of Congress that tells us what to use the money for. If you want to re-title the earmarks, you need to go to Congress and get them to re-title. This takes a full act of Congress. These may be swept at any time. Mr. Ottesen's recommendation to the Borough is to try to use these funds for other work in the Borough. The longer you sit on these earmarks the greater the risk these will be swept and put in the National pool. There was a short question and answer period and discussion of the three earmarks.

IV. Persons to be Heard

Donald Nielsen via teleconference spoke asking about the earmarks in question. His question is to the state, of the projects that were planned for the Naknek River Bridge is now terminated on their part? The other part to the letter Donald asked is, is the state going to recoup funds that were suspended, do you have any idea as to the amount?

Carvel Zimin, Jr. gave a brief outline from the meeting that was held in South Naknek. Carvel also asked about re-titling the earmarks and about the C.I.P. list categories. Carvel also asked about developing a road from the new gravel source in South Naknek.

David Post from D.O.T. spoke and gave a brief update and had a comment on FHWA and triggering an environmental impact study if a road were started.

John Walsh the Borough Lobbyist asked about the difference of the bridge discretionary money and he thinks it's obligated but wanted to know if there is a different set of rules or terms.

Shelby Boothe asked exactly what would the state do with the money if it were transferred for the Alaska Peninsula Highway? Mr. Ottesen stated maybe for bridges but he would have been more hopeful six months ago doing that, than today. There is tighter interpretations coming out of our Federal partners. Shelby asked if the state would put up some additional funds to match that money and do something really constructive for the highway between Naknek and King Salmon?

Eddie Clark mentioned that from day one in his mind this has been South Naknek Money and has discussed maybe a tram and asked if anything has come from this?

Jeff Elbie a resident of South Naknek spoke via teleconference. He is sad to hear that we have probably lost our bridge. We have our kids that fly across to school and he figured out if our kids go to school every day of the year for twelve years that's over four thousand times just to go to school. If we don't get our bridge, he would like to see the Naknek and South Naknek Airport improvements. South Naknek airport needs about six hundred feet of improvement on the runway.

Anishia Elbie had a question regarding the environmental impact study. When we do Federal Highway projects, sometimes an environmental impact study is required, but does that impact study also have a sunset date? If we go ahead with an environmental impact study for a bridge crossing, even though we know that in the foreseeable future we do not have monies to cover the whole bridge, does that EIS have a sunset date? Jeff Ottesen stated there are two parts to it, the EIS or another class of document there's also environmental assessments on what we think the level of impacts are. We have to do one of those two levels of documents. Once they're done and they have selected a preferred alternative just to build something, that's what triggers the time trap rule, that's what makes the state eligible or susceptible to having to pay the money back. Secondly, you asked how long do they last? Jeff stated there is no hard rule here, the general rule is that after three years you have to reassess them. If no work has occurred or no project has started and three years has kicked by and they take a look at the project and see if things have changed. If things have changed then they have to redo the environmental document and have to do an update or a supplement. If nothing changes, you might get by for five or more years if things remain steady. Jeff gave an example with the environmental document for the bridge between Iliamna and Non Dalton and then along came Pebble and that changed everything and that document was no longer valid even though it had only been three years. Anishia talked about perhaps doing an environmental study for a road to the new gravel source found in South Naknek and get something going. Jeff Ottesen stated that in the past fifty years, this is exactly what we would have done. Things have changed and now in order to do step A, we have to be able to prove we have the money to proceed with step B and we don't have it. Anishia stated she has heard them say no build and is all for re-titlement in the form of airport improvements and road improvements.

There were no more persons from the public to be heard so Dan O'Hara closed the persons to be heard portion of the meeting

There was a short discussion with the Assembly members and persons from D.O.T. via teleconference.

Jeff Ottesen stated we should keep the earmark title as generic as possible and the only thing specific should be naming Bristol Bay Borough. Mr. Ottesen named a possible re-title for the earmark being; Bristol Bay Borough Surface Transportation Improvements.

CARVEL ZIMIN, JR. STATED HIS MOTION TO PROCEED WITH THE ONE STRONG EARMARK AS IS IN THE TITLE AND PROCEED TO RE-TITLE THE OTHER TWO WITH BRISTOL BAY BOROUGH SURFACE TRANSPORTATION IMPROVEMENTS AND SECONDED BY ABE WILLIAMS. J.C. Tudor stated just for clarification that the one that is a strong possibility is going to be reprogrammed for The Alaska Peninsula Highway and the other two attempt to re-title? There was a short discussion. Shelby stated why not try to re-title all three? SHELBY BOOTHE MADE AN AMENDMENT TO THE MOTION TO RE-TITLE ALL THREE EARMARKS FOR LOCAL BRISTOL BAY ;BOROUGH SURFACE TRANSPORTATION NEEDS IF WE ARE UNSUCCESSFUL WE WILL DESIGNATE THE STATE TO TAKE OVER THE EARMARKS AND DO WHATEVER THEY CAN FOR THE ALASKA PENINSULA HIGHWAY AND SECONDED BY CARVEL ZIMIN, JR. There was a short discussion. QUESTION WAS CALLED FOR ON THE AMENDMENT. 2 YES AND 3 NO VOTES. QUESTION WAS CALLED FOR THE MAIN MOTION; 4 YES AND 1 NO MOTION PASSED.

V. **Adjournment**

BY GENERAL CONSENSUS THE MEETING WAS ADJOURNED AT 3:31 P.M.

Daniel O'Hara, Mayor

ATTEST:

Tami Johnson, Clerk