

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF PROJECT MANAGEMENT AND PERMITTING

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Brian Mills
U.S. Department of Energy
Office of Electricity Delivery and Energy Reliability (OE-20)
1000 Independence Avenue, SW
Washington, DC 20585

For submission electronically to Brian.Mills@hq.doe.gov

Dear Mr. Mills:

This letter constitutes the State of Alaska's consolidated agency comments on the "*Advance Notice of Intent to Prepare a Programmatic Environmental Impact Statement for the Designation of Energy Corridors on Federal Lands in 39 States; Amend Relevant Agency Land Use or Equivalent Plans and Notice of Floodplain and Wetlands Involvement.*"

According to the Federal Register Notice of October 3, 2008, the purpose of this effort is "*to identify corridors (Section 368 corridors) on Federal lands in 39 States... that might be used for oil, gas and hydrogen pipelines and electricity transmission and distribution facilities....*" Given that most of Alaska is in Federal ownership, this effort has the potential to impact us more than any of the other states included in this study. We wish to call attention to some of the significant differences in Alaska, and urge the Department of Energy (DOE) to work closely with us as this effort progresses.

First, Alaska presents many unique challenges, including large size, lack of infrastructure, complex land ownership patterns, and literally hundreds of remote communities with no road access. Usefully predicting where future corridors may be necessary, economic and environmentally feasible will be a complex undertaking. In Alaska, potential sources of energy in numerous forms (e.g., oil and gas, wind, coal, geothermal) are widely dispersed throughout the state. The need for some future corridors will likely be decades or more away. Such an exercise will need the close involvement of the State of Alaska, Native corporations, affected local governments, and other landowners. Such external input will initially be needed to further define the scope of the Programmatic Environmental Impact Statement (PEIS). For example, does DOE intend to consider corridor needs far into the future (e.g., 50-100 years) or will it focus on probable needs in the more immediate future? Also, will potential corridors need to be of a certain length or scale to qualify for consideration under this process?

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Secondly, any effort to identify energy corridors should not preclude existing statutory provisions to identify new corridors in the future. In 1980, Congress passed Public Law 96-487. The Alaska National Interest Lands Conservation Act (ANILCA) established more than 100 million acres of Federal land in Alaska as new or expanded conservation system units (CSUs). Title XI of ANILCA, along with implementing regulations at 43 CFR 36, established an expedited process for authorizing corridors when a specific need is identified. Before passage of ANILCA, Congress itself grappled with the issue of transportation and utility corridors. Rather than attempting to predict future corridors in 1980, Congress chose to specify a process for authorizing corridors for reasons illustrated in the following introductory language in Title XI:

SEC. 1101. Congress finds that -

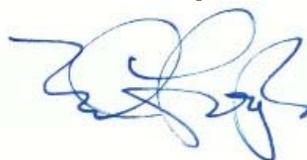
- (a) Alaska's transportation and utility network is largely undeveloped and the future needs for transportation and utility systems in Alaska would best be identified and provided for through an orderly, continuous decisionmaking process involving the State and Federal Governments and the public;

The rationale in 1980 for an “*orderly, continuous decisionmaking process*” remains just as relevant today. Thus any contemporary effort to identify or reserve specific corridors should not preclude consideration of additional corridors under ANILCA Title XI in the future. The Section 368 PEIS must recognize that future energy development in Alaska must not be limited to these corridors. ANILCA Title XI must be explicitly referenced with an explanation that nothing in the PEIS will preclude consideration of corridors under 43 CFR 36, regardless of whether they are addressed in the PEIS. This includes corridors across parks, refuges, and wilderness areas that might otherwise be restricted in other states according to the “*Screening Criteria*” in the Federal Register notice. In addition, Section 1110(b) of ANILCA guarantees adequate and feasible access for economic and other purposes to state and private land, including any other less-than-fee valid occupancy. These rights may include the transport of energy or energy resources and may not be precluded.

As previously noted, further defining the scope of this project will necessitate extensive state and public involvement. At the very minimum, scoping and draft PEIS meetings should include Anchorage, Fairbanks, and Juneau. We also recommend that meetings be held in the regional communities, including Barrow, Kotzebue, Bethel, Dillingham, Kenai, and Ketchikan. Any identification of potential future corridors in rural Alaska will require additional public involvement in any number of affected smaller communities on and off the road system.

Thank you for your consideration of these preliminary comments. If you have any questions, please contact Sally Gibert, State ANILCA Program Coordinator, at 907-269-7477 or via email at Sally.Gibert@alaska.gov.

Sincerely,



Ed Fogels
Director