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Conservationists confront state over road plan

Groups say contract may violate federal law

The state Department of Transportation could be violating federal law if it awards a contract for a pioneer road north of Juneau, environmental groups said Friday.

State officials announced Wednesday that contractors could begin submitting bids Nov. 21 for the project, which would extend 23 miles north from Cascade Point to Slate Creek.

The road, which would be closed to the public, is a necessary step for building the 51-mile Lynn Canal highway, said Mary Siroky, special assistant to transportation commissioner Mike Barton.

"It allows us to just get things in place so it we can be ready to go. If we didn't do this, we could be in the position of not having the contracts awarded," she said.

The building period lasts just nine months, and having the contractor in place will assure the time is well-used and money well-spent, she said.

"You don't want to have to be competing for the last bulldozer," she said.

Environmental organizations sent a letter Friday to the Federal Highway Administration asking for intervention, contending that U.S. law requires the DOT to have necessary permits in hand before a contract is awarded.

Permits include one to assure compliance with the Clean Water Act and two from the Tongass National Forest for right-of-way access.

Earthjustice attorney Michael LeVine said that awarding a contract "is unwise fiscally and illegal."

The groups include Southeast Alaska Conservation Council, Alaska Public Interest Research Group, Skagway Marine Access Commission, Sierra Club,

and the Natural Resources Defense Council.

They said they hope to avoid a lawsuit; LeVine said if the project is not stopped until the required permitting are obtained, they will continue "evaluating all possible options" including legal action.

Siroky said that since the pioneer road would be built with \$30 million state dollars, federal rules don't apply.

"The federal laws require the state to have the permits in hand before a contract is awarded. We re-did the contract for a smaller scope that can be accomplished with only state dollars," she said.

"And what we gained by doing that (is that) we can get a contractor in place, and equipment supplies and materials. When we get the permits, the contractor will be able to hit the ground running."

She said the department is confident that the permits will be granted.

The conservationists' letter calls the effort a "last desperate attempt to commit the State to the outgoing administration's unrelenting desire to construct this road extension at all costs."

It says the project cannot be considered an independent state project because it could not be built without federal aid, and therefore should be subject to federal rules.

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