

Submitted by: Assembly Chair
Constant and Assembly
Members Volland and Brawley
Prepared by: Legislative Services Office
For reading: September 12, 2023

ANCHORAGE, ALASKA
AR No. 2023-303

1 **A RESOLUTION OF THE ANCHORAGE ASSEMBLY OPPOSING A PRIVATE LEASE**
2 **REQUEST SUBMITTED TO THE ALASKA RAILROAD CORPORATION (ARRC)**
3 **WHICH IS IN DIRECT CONFLICT WITH THE ANCHORAGE METROPOLITAN AREA**
4 **TRANSPORTATION (AMATS) ACTIVE TRANSPORTATION PROJECT KNOWN AS**
5 **THE FISH CREEK TRAIL CONNECTION.**
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8 **WHEREAS**, the Fish Creek Trail Connection project promises a wide array of benefits
9 to Anchorage residents and visitors, from community and economic development to
10 public health and quality of life. The development of the trail would become an asset
11 that enriches the lives of residents and visitors; and
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13 **WHEREAS**, the Fish Creek Trail Connection project has been a priority for Anchorage
14 since it was first identified in the 1997 Areawide Trails Plan; and
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16 **WHEREAS**, in 2016 Turnagain Community Council, in which the proposed trail
17 connection is located, passed a resolution supporting the Fish Creek Trail to the
18 Ocean Working Group's formal request to the Municipality of Anchorage (MOA) to
19 work with stakeholders and the public to develop and maintain a non-motorized trail
20 in the Fish Creek watershed corridor, from West Northern Lights Boulevard to the
21 Tony Knowles Coastal Trail, noting that a development of a trail in the area enjoyed
22 wide community support and was recognized as being appropriate to local planning
23 priorities; and
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25 **WHEREAS**, a "Fish Creek Trail Connection to the Ocean" was added to the
26 Anchorage Parks & Recreation Department's 2016-2017 workplan, with a specific trail
27 route to be determined; and
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29 **WHEREAS**, AMATS and the Fish Creek Trail Connection project team have worked
30 closely with ARRC since 2017 to scope the Fish Creek Trail Connection project to
31 ensure that the project meets the goals of the railroad to improve safety and minimize
32 trespass in railroad right-of-way; and
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34 **WHEREAS**, in 2020, AMATS in partnership with the State of Alaska DOT&PF and the
35 MOA formalized an agreement to begin design and engineering work on the Fish
36 Creek Trail Connection and have collectively invested over \$1.5 million on the project
37 to date; and
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39 **WHEREAS**, several alternative routes were considered in the planning phases of
40 the Fish Creek Trail Connection with most public comments advocating for reduced
41 environmental impacts, particularly on the estuary and wetlands; and

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2 **WHEREAS**, the Great Land Trust, holder of a conservation easement on the Fish
3 Creek Estuary, has stated that building trail route alternatives within the estuary
4 requires the trail to be unpaved, cannot diminish the Conservation Values of the
5 protected property, and could only be constructed with prior approval of the US Fish
6 and Wildlife Service and Alaska Department of Natural Resources, and instead
7 recommended the MOA follow its 1997 Areawide Trails Plan to establish a trail
8 corridor in cooperation with ARRC within the railroad right-of-way, and further noted
9 that Alternative Route N3 would cause the least impacts to the last remaining
10 undeveloped estuary in the city; and

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12 **WHEREAS**, the chosen route was identified as the least impactful to the estuary and
13 to private property, as well as being the most attainable from a cost perspective. It is
14 estimated that alternative northern routes would add an additional \$4 to \$8 million in
15 project costs, and could more than double the impact on wetlands; and

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17 **WHEREAS**, on August 18, 2023, ARRC published a public notice of a proposal to
18 issue a ground lease of a portion of *Lot 2 of US Survey 9083*, for a proposed term of
19 lease not to exceed 95 years, for personal use access; and

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21 **WHEREAS**, the project team evaluated several alternatives based on costs,
22 feasibility, stakeholder, and community input, with the preferred alternative route
23 identifying the lease property in question as the most suitable location for the Fish
24 Creek Trail Connection to connect to the Tony Knowles Coastal Trail; and

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26 **WHEREAS**, the proposed property for lease will not have any direct bearing on
27 access to private lands or homes, and driveway access to the private residence is
28 located within AKRR right-of-way and on private property, and does not include any
29 portion of the proposed lease area. Thus, if the property is not leased to the private
30 property owner, the property owner would still have driveway access to their
31 residence; and

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33 **WHEREAS**, on August 25, 2023, the AMATS Policy Committee submitted a letter to
34 Andrew Donovan, Director of Real Estate for the ARRC, respectfully requesting the
35 Alaska Railroad Corporation refrain from accepting this lease which is in direct conflict
36 with the AMATS active transportation project known as the Fish Creek Trail
37 Connection; and

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39 **WHEREAS**, should the proposed lease be granted, it is highly likely that the Fish
40 Creek Trail Connection project will be unable to proceed; and

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42 **WHEREAS**, the ARRC Board of Directors will meet on September 22, 2023, to
43 deliberate on the lease and will take comments on the item until September 21, 2023;
44 now, therefore

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46 **THE ANCHORAGE ASSEMBLY RESOLVES** to submit this resolution as the
47 Assembly's official comments to the ARRC Board of Directors, respectfully requesting
48 the Board refrain from issuing this lease to J.L. McCarrey III, Barbara N. McCarrey,
49 Kristin McCarrey and Eric Finseth, as approval would likely halt the long-awaited
50 development of the Fish Creek Trail Connection project.

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This resolution shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 12th day of September, 2023.

Chair of the Assembly

ATTEST:

Municipal Clerk

ATTACHMENTS:

1. Attachment 1 – Public Notice of Proposal to Lease Lot 2 of US Survey 9083.
2. Attachment 2 – Arial photo of proposed lease area and existing driveway access to private residence.
3. Attachment 3 – Fish Creek Trail Connection Project Trail Alternatives.