

**Municipality of Anchorage**  
**WEST ANCHORAGE LAND TRADE TASK FORCE**  
**MEETING #4**

Wednesday, February 12, 2014      11:00 am – 1:00 pm  
Federation of Community Councils Conference Room  
URS Corporation, Meeting Facilitators  
<http://www.muni.org/Departments/OCPD/Planning/Projects/Pages/WestAnchorageLandTrade.aspx>

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**AGENDA**

**1. Welcome and Introductions**

Dr. Joan Kluwe, meeting facilitator, welcomed the participants and conducted the introductions of facilitation staff, task force members, and public attendees.

**2. Task Force Purpose & Format**

Dr. Kluwe outlined the agreed upon purpose of the task force, as follows:

- The purpose of the task force is, at the request of the Mayor, to develop potential land trade scenario recommendations that would serve to resolve the near and long term airport parcel and land use issues.
- Land use conflicts have been well documented for many years. Many plans have highlighted these issues, including the *Anchorage 2020* plan (2000), the *Anchorage Bowl Park, Natural Resource, and Recreation Facility Plan* (2006), and the West Anchorage District Plan (2012).
- At the January meeting, a purpose statement was distributed. The purpose statement focuses on implementation of the West Anchorage District Plan, including establishment of this task force; working with the airport to develop buffers; and resolve airport perimeter parcel and land use conflicts, including preserving the Coastal Trail, which is reflected in the task force's working assumptions.

Meeting highlights of the first three meeting were provided by Dr. Kluwe, as follows:

- Meeting 1 identified needs; many focused on retaining park lands, neighborhood integrity resolving known conflicts, including operation issues (the snow dump, and potential expansions for the airport and AWWU facilities).
- Meeting 1 also identified outcomes for the process, which included: resolving land use issues, development of a range of scenarios, and emphasis on protection of park lands and lands managed as parks.
- Many of these needs from Meeting 1 are summarized in one of the tables that we will begin using today.
- Meetings 2 and 3 developed a list of potential uses for 30 parcels in the general vicinity of the airport. Some parcels had an array of potential uses, others were more focused. Moving forward, it is expected that the array of potential uses would be reflected in the range of scenarios that are developed.

Dr. Kluwe gave an overview of the handouts provided for Meeting 4:

1. Court case on land use at Spenard Beach parcel.#11 [Older files are incomplete or buried in archives and unreachable]. This directs the state to use the parcel for airport purposes.
2. Example of an airport-municipality maintenance agreement (Connors Dog Park parcel).
3. Lease Agreement for Utility Substation on airport land.
4. Land Trade Agreement between the state and municipality. [The dedication of Pt. Woronzof Park is not a condition of the agreement—it is listed as a benefit of the trade.]
5. Information on use of bond funds for Kloep Snow Dump expansion.
6. Summary of working notes from Meeting 2 & 3 for potential parcel uses.
7. Near and Long Term Planning Needs and Issues table, by category.

There was a comment that the information provided was insufficient regarding the municipal regulations governing the use of bond funds for the snow dump. A question was asked regarding prior meeting notes, specifically, why the notes from Meeting 3 did not include information on Parcel 10. Dr. Kluwe explained that the Parcel Use Table was intended to capture the parcel information and supplement the meeting notes. It was also clarified that the question mark for Parcel 10 regarding terms and conditions of the Heritage Land Bank transfer has not been resolved. Comments or corrections on the meeting notes should be sent to Thede Tobish.

### **3. No Exchange Scenario Discussion**

The municipality understands that some people feel that a land exchange is not needed and they want to consider input for how to address the array of needs that have been identified without exchanging land. Developing a proposal under the “No Exchange Scenario” will be the focus of Meeting 4. Proposals for exchange scenarios will be developed at later meetings.

The task force was asked to look at how the No Exchange Scenario can accomplish the goals and issues identified the “Near and Long Term Planning Needs and Issues” table, provided as a handout. This table attempts to summarize some of the land use issues in this area as identified in *Anchorage 2020*, *West Anchorage District Plan*, and the *Airport Master Plan*, and the goals or needs as identified from our initial meeting.

*Parks and Trails* – Maintain the integrity of the Coastal Trail, Point Woronzof Park, Anchorage lands used as parks, future trails, etc.

*Airport Operations/Expansion* – Future runway, airport operations and maintenance, airport new land uses and expansions

*Municipal Land Uses* – Allow for AWWU operations and expansions, snow dump upgrades

*Neighborhoods* – Maintain permanent buffers and airport setbacks

*Environmental* – Address bluff erosion; maintain wetlands, wildlife, and archeological site

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A task force member asked for clarification on what was meant by “no exchange.” Did “no exchange” imply no change from the current conditions or did this entail all actions other than exchanging land parcels? It was clarified that this scenario was intended to include all options other than an exchange of land parcels. The scenario could include the acquisition of interest in a property (such as an easement).

The task force will evaluate the benefits, impacts, and ramifications of each scenario, or the ability to resolve near and long term needs and issues. The facilitator emphasized considering regulations or legal requirements, adopted plans, and working agreements of the task force, and individual goals.

Dr. Kluwe emphasized that many discussions by the group have revolved around the Coastal Trail and that this issue is important to everyone in the task force. Mr. Moe stated there is a distinction between a contiguous Coastal Trail and the existing Coast Trail. He also indicated that the task force should strive to maintain the existing Coastal Trail, with no movement of the trail except for erosion and AWWU expansion. He felt moving the trail for airport or runway expansion was not appropriate. Ms. Gleason indicated support for Mr. Moe’s comments. The facilitator emphasized there is a lot of passion around this issue and that a range of options would likely be developed. The task force agrees that retaining the Coastal Trail with buffer is a common goal.

There was a comment from the public, indicating that in the airport master plan meetings, the Coastal Trail was pictured going through a tunnel. Mr. Parrott clarified that the airport put forth pictures of walkways, pads, and a picture of tunnel as examples of what was done by other communities in similar situations. The facilitator emphasized that discussions in other planning processes, while relevant, are not the proposal of this task force. The purpose of today’s discussion was to put forth a proposal for consideration by the Mayor to address the existing land use issues without entering into a land exchange. Mr. Parrott stated that there is no such thing as a “no change” option for the trail; the erosion on the bluff will take its toll and the FAA’s interest is to protect the airport in the long run.

At this point, Dr. Kluwe made reference to the “Near and Long Term Planning Needs and Issues” table provided as a handout for Meeting 4, that summarized the discussion of issues from prior meetings. During the facilitator overview of the “Parks and Trails” category, Ms. Gleason asked if discussions were going to refer only to the parcels identified on the map. This was confirmed by Dr. Kluwe. Ms. Gleason emphasized that Point Woronzof Park is a permanent park should be included as an issue in the Parks section of the “Near and Long Term Planning Needs and Issues” table. Mr. Tobish indicated that the wording in the table was intended to include Point Woronzof Park; discussion on the park is anticipated.

A question was asked regarding a rumor that the final disposition of the GSA parcels (# 16 and 1) was being held up. Mr. Parrott replied that GSA had asked if the submitters of the two proposals (Airport & MOA) could come to a conclusion on dividing the property; however, both parties indicated that they would prefer that GSA make this determination. The GSA has indicated that they will address the issue; the timeframe for resolution is

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unclear. The facilitator asked the task force to consider other scenarios to address who they would like to own this land in the future, based on the proposed potential land uses.

A question was asked if tidal areas were under MOA ownership. Mr. Tobish indicated that all ownership boundaries were reflected on parcel map and that the Coastal Wildlife Refuge statute boundary extends up to the 20ft contour. The MOA owns portions of that refuge that extend between the 20 ft. contour and mean high tide. The rest is under State ownership. Land under MOA ownership that lies within the statute boundary of the Refuge is managed as part of the Refuge by the State via a formal agreement.

Ms. Gleason stated that a native representative should be added to the task force in consideration of the archeological site in Parcel 17. Mr. Tobish indicated that they anticipate working with the State Historic Preservation Officer (SHPO) on any scenario that may potentially impact the site and that a SHPO advisor would be requested as needed. Ms. Gleason said SHPO should be invited to the meeting and then let them make the decision to attend or not. For the purpose of the task force, this would be very helpful. A comment was made that rather than invite SHPO, the task force should send specific questions to SHPO. Another comment was made suggesting that the discussion was mixing consultation with native groups with protection of historical sites. Dr. Kluwe clarified that the task force is to develop scenarios. As any scenario is further developed, the municipality could be required to coordinate with SHPO to undertake formal consultation with native groups, depending on what is proposed. Any land use that involved the archeological site requires this consultation.

### **Discussion by Category**

The discussion focused on specific proposals that could be applied under the No Exchange Scenario that would resolve the specific near and long term issues identified for each category.

### **Parks and Trails**

Mr. Tobish started by asking the task force to consider if and how it would be possible to match the goals of the applicable plans regarding parks and trails using the no exchange scenario. He indicated that the most likely way to permanently ensure the existence of the Coastal Trail would be through an easement. He added that right now the MOA only owns parts of the Coastal Trail. Dr. Kluwe presented a figure that showed which portions of the trail are currently owned by the MOA. Mr. Tobish emphasized that existing conditions do not achieve the goal of permanent protection for the Coastal Trail.

There was a general discussion of the terms of existing lease/maintenance agreements, stipulations, and areas covered by the agreements. Mr. Tobish confirmed that three airport parcels involving the Coastal Trail were in the original lease agreements, which were for a renewable five year lease, but are now on a month to month maintenance agreement. Ms. Gleason expressed a desire to review the maintenance agreements in addition to the lease agreements.

The task force brought up that the lease agreement would have to be permanent to meet the planning goals of the West Anchorage District Plan. There was general agreement that a lease permanent agreement, easement, or ownership would be the primary scenarios that would achieve the planning goals. The task force brought up the fact that

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an easement would not move with the trail if it was deemed necessary to realign the trail because of erosion or other issues, and that leases are not permanent since there is a lease end date. Ms. Gleason asked what is considered a “long term” lease and said that she would consider “permanent” to be a “20 year” long term lease. The Airport and FAA would have to determine if a 20 year lease is feasible.

The facilitator emphasized the need to develop a range of scenarios. After the range of scenarios is developed, we will then assess how each meet the goals and issues set forth.

Ms. Spoth-Torres indicated that the Municipal Parks Department is interested in permanently protecting the Coastal Trail and that they feel this could be accomplished through an easement. Specifically an easement crafted in such a way that it captures the characteristics of the trail that are desired (i.e. buffers). Mr. Parrott indicated that the FAA would likely not allow the airport to surround itself with an easement that would not allow for future change; however, the FAA could better answer this specific question.

Ms. Gleason again indicated her preference for a long term/20 year lease. She indicated that FAA grant assurances allow airport land to be used for public purpose and cited the Federal Register. She emphasized that the Coastal Trail and its existence has not affected the security or safety of the airport and that all lands being used for a public purpose meet the needs of the FAA. Ms. Gleason said a 20 year agreement would meet these needs.

Mr. Parrott pointed out that if the airport needs to stop the recreation use in the future, that option is always available. He emphasized that the task force needed to consider the fair market value of all options since this was a stipulation of FAA regulations; maintenance agreements require that the airport gets paid. Continuing on this point, Mr. Parrott indicated that the FAA would like the airport to discontinue the use of maintenance agreements and develop a solution that allows the airport to come into compliance with FAA regulations. The FAA no longer has a separate policy for airports in Alaska and the FAA cares about the dollar amount negotiated with MOA because they are trying to offset costs to the airlines.

The facilitator again reminded the task force that this meeting was not intended to evaluate each proposal or scenario at this time; instead the group should focus on developing potential scenarios.

There was a comment from the task force that airport development is required to mitigate impacts. Ms. Spoth-Torres indicated that the Parks Department couldn't think of a way to completely protect current park lands and trails without ownership, other than through a permanent easement.

Ms. Gleason said it was hard to trust any proposal by the airport when eminent domain can be used in the future to take ownership of lands involved in any potential solution. She emphasized that there is nothing that protects any lands, including parks, that can't be later taken away through eminent domain.

The facilitator highlighted that no one wants to see the airport use eminent domain; it is an ugly process that often leaves everyone unhappy. She then reminded the task force that the purpose of these meetings is to avoid eminent domain and develop a solution that resolves the identified issues and avoids this scenario. Ms. Gleason said this is a long term threat by the airport. Mr. Parrott indicated that a solution can be found using the

parcels around the airport to make park lands and the Coastal Trail more permanent and craft boarders that protect those areas as long as possible. The facilitator reminded everyone that with eminent domain, the state takes that land it wants in return for a fair market value, other land would not likely be conveyed as a mitigation measure. With this process, the group can try to meet the needs of all parties to make park lands as permanent as possible, specifically for those lands that are most valued, for as long as possible.

Ms. Gleason asked for a response from the FAA, if the agency would agree to a permanent or long term easement for the Coastal Trail around the airport and if it would agree to a less than a fair market value lease agreement. Ms. Gleason said current uses of airport property include recreation purposes and this could be included in a long term lease, which she proposed to be 20 years. It was mentioned that the airport plan does not show any lands being used for recreation purposes.

*Information Request: What are the FAA restrictions that would govern the stipulations of a potential long term lease for current park lands? Would the FAA allow ANC to enter into long term leases (>20 yrs) with the MOA for coastal trail and parks?*

Ms. Gleason stated that the final land exchange agreement for Point Woronzof Park says this land will be dedicated as park lands because it is one of the premier park areas in the city. Under a no trade scenario Point Woronzof Park should remain a park.

***Proposal: MOA should acquire a permanent easement for those portions of the Coastal Trail and park lands currently owned by the airport.***

***Proposal: Establish a long term lease agreement in assurance with FAA regulations to maintain public recreation for those portions of the Coastal Trail and park lands currently owned by the airport.***

***Proposal: Purchase/acquire ownership of Coastal Trail and temporary park lands.***

### **Airport Operations/Expansion**

Mr. Parrott stated that if and when the property is needed, eminent domain would/could be used to acquire the necessary lands. Ms. Gleason asked what is the threshold needed to acquire the lands through eminent domain. A discussion followed on eminent domain's stipulation for "highest public need" and the role that the state would take in determining what the "highest public need" would be in this instance.

***Proposal: Pursue eminent domain if required for airport expansion.***

### **Municipal Land Uses & Facilities**

There was brief comment from Mr. Baus, AWWU representative, describing the technical memo that was prepared to describe the lands needed for a potential expansion. Ms. Gleason said that the memo was good news because the diagram shows that the trail would be rerouted and that it documents that there will be plenty of buffer zones in a potential trail move.

Mr. Baus indicated that an easement existed for the portion of the Coastal Trail passing through AWWU's parcel. In the event that the trail would have to be moved because of

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AWWU expansion, this easement would have to be resolved in the future. Ms. Gleason indicated that a proposed move would meet the needs of the public in terms of the buffer and continuous trail. Mr. Baus indicated that AWWU did not hold any real legal right to the mixing zone. He indicated that if there was an impact to the mixing zone (increased erosion, extension of runway, etc.) that changes the way the water mixes, then AWWU could not prove that the treatment was effective. If this is lost, then the city would be forced to build the secondary treatment.

In regards to the snow dump, a proposal was made for the airport to accept a new, >20 year interim lease for the snow dump property from the MOA. Mr. Tobish indicated that the MOA had already rejected a long term lease agreement because it did not meet their needs, particularly due to cost. Mr. Parrott mentioned that the airport requires payment for properties and that all agreements need to be in the airport's best interest since the airport has to show FAA that aviation needs are being met. Dr. Kluwe then reminded everyone again to hold the evaluative discussion and focus on proposed solutions. Ms. Gleason asked what the previous timeline for the snow dump lease was. There was not a clear answer. Mr. Parrott indicated that the previous lease was no longer in compliance with FAA regulations and could not be renewed.

***Information Request:*** Information on the length of the prior lease agreements for the snow dump.

***Information Request:*** Would FAA allow for a less than fair market value, 20+ year lease for the snow dump property, and if so what are the limitations of such a lease?

A discussion of the Heritage Land Bank (HLB) parcel lease (Parcel 4) for airport use followed. The airport does not have a permanent interest in this land. Is it an issue for the airport to use this land? Mr. Tobish indicated that the airport pays for an annual easement to these lands from the MOA. These are lands within airport fence that belong to MOA, but the airport is permitted to drive on the road to access their lands. The Airport also paid for an easement for approach Nav Aids.

***Proposal:*** The airport should accept a new, 20+ year interim lease from the MOA for the current snow dump property.

***Proposal:*** With Parcel 4, establish a long term lease agreement for the airport to use HLB lands in exchange for public use of airport lands.

***Proposal:*** All HLB lands within Parcel #4 should be transferred to the Anchorage Parks Department and become dedicated park lands.

### Neighborhoods

***Proposal:*** Establish permanent noise and site buffers for neighborhoods surrounding the airport (berms, trees, etc.). This buffer would apply to all existing undeveloped airport property currently serving as buffer areas under the no exchange scenario. This would be done through an easement by the airport on these lands. Specifically, Parcels 9, 8, 7, 5, and 3 should be included in this proposal.

***Proposal:*** The MOA should consider adding buffers on their lands surrounding the airport to buffer the airport site and noise.

### **Environmental**

There was a brief discussion on the information that SHPO does not make publically available, such as maps of archeological/historic sites. This is done to prevent looting or damage. Mr. Tobish indicated that all development proposals have to go through the SHPO review process and that an easement would not provide additional protection. Ms. Gleason indicated that she would like to permanently protect the archeological site in a manner beyond its current status.

Ms. Gleason requested more information on the specific wildlife and wetlands assessment that exist for the lands around the coast trail. Mr. Tobish responded that the Open Space Plan and the Anchorage 2020 natural open space map cover the environmental evaluation of wildlife and wetlands within the parcel under discussion.

*Information Request: Status of the erosion report by Corps.*

***Proposal: The MOA, Corps, Airport, Community Councils, and Legislative/Congressional delegation should begin to work to address the bluff erosion by actively working to secure additional funding to begin the planning and restoration process.***

***Proposal: Permanent easement should be established for the archeological site to protect it from future development.***

***Proposal: Under the State Land Entitlement Act, the State could compensate the MOA with lands that they have not received, which were promised to them. This could occur for park lands under airport ownership. This would be a transfer to the MOA, not a land exchange, thereby resolving the land issue.***

***Proposal: Pursue the municipal land entitlements.***

### **4. Public Comment**

There was a clarifying question and discussion regarding how the mixing zone is tested, and what exactly affects the water and how would this prevent AWWU from meeting the requirement set forth by the federal government.

There was question about the status of the Lake Spenard land use information request. Mr. Tobish indicated that the records in existence are not complete and/or deeply archived, but the court case provided today as a handout contains the information necessary to answers the previous questions. Additional comment was made that the discussion today did not include the entire airport boundary around Spenard Lake and this should be taken into consideration. The original sale conditions might have applied to all MOA land that was sold to the State around Spenard Lake.

Mr. Moe brought up the *State Land Entitlement Act* and if the MOA has considered using other lands within the MOA, but have not received, to resolve Airport issues and the entitlement process. He indicated that strong leadership could make this happen. Mr. Tobish indicated that while it maintains the State Entitlement process on the HLB work program the MOA has abandoned hope of getting these lands around the Airport.

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**5. Meeting Logistics / Next Steps**

**Next meeting: Wednesday, February 26<sup>th</sup>, 11am -1pm, pending room availability.**

Ms. Gleason requested that the recommendations/proposals be made available sooner rather than later so that they could be edited to ensure the intent is correct.