

**Municipality of Anchorage**  
**WEST ANCHORAGE LAND TRADE TASK FORCE**  
**MEETING #6**

Tuesday, March 11, 2014 10:00 am – 12:00 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**

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

Dr. Kluwe outlined Meeting 5 highlights and the whole parcel and partial parcel land exchange scenarios. She then outlined the format for Meeting 6, with the primary objective of evaluating each exchange scenario or proposal against relevant goals, needs, and uses. Included in each evaluation should be the specific conditions for implementation.

Following this, Cathy Gleason stated that she disagreed with the terminology being used regarding “exchange scenario,” stating that the Task Force has not discussed any specific “scenarios.” Dr. Kluwe indicated that this has been the terminology that we have been using throughout the meetings. Specific proposals would be developed from the more general scenarios.

**2. Limited Exchange Scenario**

Dr. Kluwe began the discussion by outlining the limited exchange scenario and the specific issue categories that encompassed each of the proposals. Initial discussion focused on clarifying questions regarding the extent of the snow dump on parcel 13 and the terminology (interim vs. long term) used to describe potential lease agreements under the limited parcel exchange scenario. Thede Tobish, MOA, indicated that any lease for parcel 13 would need to be greater than 20 years and John Parrott, TSAIA, added that that the length of any lease agreement was more important than the terminology used to describe the lease, and that all leases are interim.

Robin Ward, HLB, provided a summary of the status and issues associated with the 1986 entitlement process. She emphasized that there are many issues still remaining on pending land claims surrounding the airport. There are six airport area parcels involved in the entitlement, including parcel numbers 12, 13, 25, portion of 2, 3, 7, 14 and 8. from our Task Force map. (Some of the parcels as indicated on the working map do not match platted parcel boundaries; platted parcels may contain more than one of our working parcel numbers.) These parcels have a unique set of conditions preventing further action, including FAA requirements such as the runway protection zone, location of navigation

aids, and other restrictions. She added that beyond the conditions, acquisition of these lands would also require a payment at fair market value. There was discussion on why fair market value payment is needed and if an 810 application would have to be completed. Ms. Ward and Mr. Tobish reminded the Task Force that the entitlement process has been discussed and pursued for many years and has never got past initial discussions because of multiple conditions associated with each parcel. Additional discussion followed on the history of the entitlement process regarding these parcels and the viability of the entitlement process as a means to address the current land use needs and objectives. Ms. Gleason requested information on the prior appraisal of parcel 13 and information regarding the municipality's efforts to purchase parcel 13.

Dr. Kluwe moved the discussion to the limited exchange of parcel 4 for parcel 13. Mr. Tobish, Ms. Ward, and Mr. Parrott provide a summary of the current uses, easements, and permits occurring at parcel 4. They explained that most existing use is occurring on the "tug road" with permits for the access road for organic waste disposal. Mr. Parrott indicated that, if necessary, the airport could easily relocate the access road to airport land. There was discussion regarding the net imbalance between the two parcels in regard to assessed values, given that the airport has already purchased an easement for use of parcel 4 and the access road currently under a use agreement with the municipality can be easily replaced by the airport. However, parcel 13 is property that can be developed and has a higher value. This was followed by a discussion of public interest, financial restrictions, and the motivation for the airport to divest their interest in these lands given the FAA restrictions. Mr. Tobish reminded the Task Force that there is a tendency to think of the airport as public land similar to public land in parks; however, it is important to remember the airport is federally regulated, with a mandate to operate as a business, despite state ownership.

Subsequent questions from the public concerned how the snow dump issue would be handled if the airport was owned by the municipality rather than the state. Mr. Tobish indicated that there would likely be very little difference because of FAA regulations.

At this point, Ms. Gleason reiterated her multiple information requests:

- Clarify if there are federal patent restrictions on HLB and other parcels around the airport that limit uses to parks and other public
- Appraisal information for parcel 13
- What was MOA's latest offer to purchase parcel 13
- **Background on the entitlement act and the 1986 claim.**

### **3. No Exchange Scenarios**

Dr. Kluwe outlined the no exchange scenario and the issue categories. She then asked the Task Force if there was additional information, beyond what was discussed for the limited exchange scenario, that would help evaluate the proposals under the parks and trails categories; many of the proposals were similar.

The discussion initially focused on the use and approval of a lease in the airport protection zone. Holly Spoth-Torres, MOA Parks Department, reminded the Task Force that this would be a large lease area and MOA would have to figure out how to pay for these leases. There was a brief discussion of the operational value and need to move from discussions of general intent to a more detailed assessment of specific needs. Ms. Gleason repeated her request to have the FAA answer her questions regarding how FAA regulations would be applied under various scenarios. Mr. Tobish indicated that the FAA had been invited to join the Task Force but they had declined the offer. The FAA, through prior conversations, has indicated that it would be inappropriate for the FAA to help develop a solution to the airport land issues and then be in the position to approve the agreement. The FAA is available to answer specific questions and Mr. Tobish can pass these along to the FAA. This was followed by clarifying questions and comments from the public.

There were questions and discussion regarding the use of conservation easements and questions about the existing agreements that allow for recreation use on airport lands. Mr. Parrott explained that recreation uses are currently occurring under a maintenance agreement but this practice is out of compliance with FAA regulations. There was follow up discussion of other airports within Alaska that were also out of compliance with FAA regulations. After several clarifying questions, Dr. Kluwe speculated that the FAA is more likely to approve a land trade scenario that meets everyone's needs and complies with FAA regulations, rather than a scenario that addresses only a single aspect of needs. It was also determined that a land trade would not have to go through the 810 process.

Dr. Kluwe moved the conversation to a discussion of the proposals under the airport operations category. Mr. Parrott explained that use of eminent domain would depend on the specific needs of the airport. He added that eminent domain would likely only be used to acquire land for a new runway since most other needs could be met using existing land held by the airport.

There was a suggestion that without the airport having a pressing need for parcel 17, it would be better to wait until there was a proven need rather than proceed with a land exchange.

Ms. Spoth-Torres reminded everyone of the other parcels that could be used by the airport that are now used as park land. She added that if an eminent domain process moves forward, the municipality would lose the ability to gain ownership or interest in these lands in exchange for portions of parcel 17. Parcel 17 would simply be lost.

At this point, Dr. Kluwe reviewed the no exchange proposal under the municipal land uses and facilities category. After some initial clarifying questions regarding the snow dump leases, Ms. Gleason cited the 1999 Federal Register regarding FAA regulations and the ability of the airport to lease land at less than a fair market value. Following this, the Task Force discussed how the exemptions for park and recreation land that Ms. Gleason referred to may not allow for a snow dump, which is considered an industrial use. Ms

Gleason asked that the Task Force obtain a definitive finding from FAA on this subject and for the pertinent regulations.

This was followed by discussion and questions regarding the HLB parcels. Nick Moe recommended that the Task Force solve the parcel 13 issues before addressing the more complicated land exchange scenarios. Many Task Force members indicated that it was in the airport and municipality's interest to resolve all land use issue now, rather than just parcel 13. In regards to parcel 4, it was pointed out that over \$1 million in parcel 4's value had already been permanently sold in the easement to the airport; the remainder of the interest in the parcel would have limited value.

Dr. Kluwe moved the discussion towards the proposals regarding airport buffers and environmental issues. After clarifying questions and comments on the nature of any potential buffers, it was determined that buffers would likely be natural visual buffers with some noise buffering capacity. This was followed by a brief discussion of whether parcels 7, 8, and 9 would serve as good natural buffers.

Steven Holley, a representative from the Native Village of Tyonek, asked if additional protections, beyond existing SHPO restrictions, could be put in place to protect the archeological site, possibility through the use of a covenant. It was determined that a conservation easement might be put in place that could extend above and beyond the SHPO regulation. Mr. Parrott followed by saying that a government regulated process would have to be followed in any potential land trade arrangement or future development near this site.

Ms. Gleason repeated her request for any existing data and documentation regarding the wetlands and wildlife values of existing MOA lands. In particular she requested access to the MOA technical report used to assess wildlife data for the Anchorage 2020.

Merle Akers, member of the public, asked if other parcels, outside of the proposed 30 parcels, could be included in a potential land exchange. He then requested a list of who owns all of the 30 parcels. Mr. Tobish indicated that a land ownership table was included in the WADP and was distributed at the first Task Force meeting. The table will be provided again. Mr. Akers followed by requesting that the old sales agreement between the municipality and the airport be provided for the Lake Spenard property.

#### **4. Meeting 7**

The next meeting was scheduled for Monday March 24<sup>th</sup> from 11am – 1pm at the FCC Conference room. The time will be confirmed. TIME & ROOM ARE CONFIRMED.