Cook Inletkeeper * Northern Alaska Environmental Center * Alexander Creek Inc. * Chickaloon Village Traditional Council[1]

October 29, 2026

Alaska DOT&PF,
Division of Statewide Planning,
P.O. Box 112500,
Juneau, AK 99811–2500

Sent via email to dot.stip@alaska.gov

Re: Proposed FFY2027–2030 Statewide Transportation Improvement Program

On behalf of the above-listed organizations and our members, we provide the attached comments on the Alaska Department of Transportation and Public Facilities' (AKDOT) Proposed FFY2027–2030 Statewide Transportation Improvement Program (FFY2027-2030 STIP).

The West Susitna Access Road (WSAR), Project Number 34206, is not eligible to receive federal funding because the project violates multiple federal laws. Although the project is described as a connection between the Alaska highway system and recreational lands west of the Susitna River, it is in fact the first segment of an over 100-mile road intended to access mining claims in remote regions of the Susitna Basin. The remaining 78.5-mile isolated road fragment is being pursued in a separate process by the Alaska Industrial Development and Export Authority (AIDEA). These purportedly "separate" projects are plainly a single road that cannot be lawfully permitted in isolated segments. Doing so violates the National Environmental Policy Act (NEPA) and other provisions of federal law. It also obscures the project's true scope, foreclosing the public's ability to understand or meaningfully comment on the significant direct, indirect, and cumulative impacts of the full 100-mile corridor.

Additionally, AKDOT must fully comply with Section 4(f) of the Department of Transportation Act in order for the WSAR to be eligible for federal funding. As explained below, Section 4(f) prohibits the allocation of federal funding for projects that utilize historic sites and other federally protected lands unless the project meets specific, enumerated criteria. As explained below, AKDOT has not shown that the WSAR meets these criteria. Because the WSAR would violate Section 4(f), NEPA and other provisions of federal law, it is not eligible for federal funding and should be removed from the STIP.

Finally, the anticipated full cost of the 22-mile section proposed by AKDOT comes in at an eye-watering total of more than $227 million, making it the sixth most expensive project proposed in the FFY2027-2030 STIP. Considering the vehement local opposition to this project that threatens to run roughshod over the wishes of Alaskans in favor of out-of-state and international mining

[1] Comments prepared by Trustees for Alaska.

interests, this money should be spent repairing and improving other degrading infrastructure throughout Alaska.

If you have any questions or wish to clarify anything in our comments, please do not hesitate to contact Scott Lake at slake@trustees.org or Megan Backsen at mbacksen@trustees.org. Thank you for your prompt attention to our comments.

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Background

Cook Inlet and the Susitna Basin contain some of the most valuable and productive fish and wildlife habitat in Alaska. Fed by glaciers in the Alaska Range, the Susitna River watershed supports a rich ecosystem of undisturbed forest, tundra, wetlands, and anadromous rivers and streams. The Susitna is home to the fourth-largest Chinook salmon population in the state, and its drainages support extensive and diverse recreational fisheries for all five species of Pacific salmon, rainbow trout, Dolly Varden trout, Arctic grayling, burbot, Arctic char, and lake trout. Eulachon (hooligan) runs on the Susitna are among the largest in the world, with returning spawners numbering in the tens of millions each year. Recognized for their unique natural features and premier fishing opportunities, six designated Recreational Rivers, including the Little Susitna and Alexander Creek, are located within the watershed. The watershed also supports large populations of brown and black bear, caribou, moose, and Dall sheep, and vast numbers of migratory birds, including sandhill cranes and trumpeter swans.

The West Susitna region currently has minimal to no road access, and travel within the area is primarily done by airplane, boat, snowmachine, mushing, ski, foot, or bike. Because of the lack of roads, the watershed and surrounding lands support a thriving hunting, fishing, and recreation-based economy, generating thousands of jobs and millions of dollars for local communities. Activities range from remote hunting and sport-fishing opportunities to hiking, skiing, rafting, snow machining, and mushing. A section of the Iditarod National Historic Trail runs straight through the area. The region is also home to personal use cabins and backcountry lodges. And the watershed is within the traditional and customary lands of the Dena'ina and Ahtna peoples whose ancestors lived, traveled, hunted, and traded throughout the area.

The West Su Road was first proposed in 2013 when AKDOT commissioned a study to evaluate the need for road access west of the Susitna River to approximately 6.2 million acres of land[2] to support exploration for and development of natural resources, including hardrock, placer, and coal mining, oil and gas projects, timber, and agriculture.[3] A secondary goal of the road was to provide greater opportunities for hunting, fishing, recreation, and settlement.[4]

After the study was completed in 2014, the project languished until 2019, when AIDEA and the Borough signed a memorandum of agreement to study the feasibility of the proposed 100-mile

[2] HDR Inc., West Susitna Access Reconnaissance Study – West Susitna Access to Resources Development, Transportation Analysis Report at ix, 1-1 (Jan. 2014) (2014 Transportation Analysis Report).
[3] *Id*. at 1-3, 1-5.
[4] HDR Inc., Project Description to Support DA Permit Application POA-2022-00165, West Susitna Access Project at 7-8 (May 23, 2022) (2022 Permit Application Project Description); AKDOT, West Su Access, Draft Brief Statement of Purpose & Need at 1-2 (July 2024) (AKDOT Purpose & Need Statement).

road.[5] In 2020, Nova Minerals partnered with AIDEA and the Matanuska-Susitna Borough "to investigate the viability of permitting and constructing an all-season industrial direct access road to [Nova Mineral's] Estelle Gold Project."[6] The parties reached multiple agreements under which Nova Minerals spent $255,000 toward the road's development.[7]

From 2019 until 2021, as AIDEA and the Borough conducted the feasibility analysis, outreach to affected communities and opportunities for public input were severely limited. On the few opportunities when public comment was invited, the overwhelming majority of people spoke in opposition to the road due to the threats it would pose to the region's fishing, hunting, and recreational opportunities, and the intact habitat and wildlife those activities rely upon.

In 2021, Governor Dunleavy asked for, and the Legislature approved, $8.5 million in State funding for AIDEA to advance the road toward a Clean Water Act Section 404 permit.[8] AIDEA submitted a permit application for the proposed road to the U.S. Army Corps of Engineers (Corps) in May 2022.[9] Considered part of the State of Alaska's "Roads to Resources" program,[10] the West Su Road, as initially proposed, was an approximately 100-mile industrial toll road from the existing highway system in the Matanuska-Susitna Borough (the Borough) through the Susitna River watershed, ending near the Yentna mining district.[11] AIDEA's proposal included as many as 182 stream crossings, 171 culverts, and 11 bridges, including at least a 1,600-foot span crossing the Susitna River as well as crossings of the Little Susitna and Alexander Creek.[12] The proposal also included approximately 28 material sites, three maintenance stations, two airstrips, and two boat launches as well as temporary access roads, construction staging areas, and worker camps.[13] Costing a minimum of $360 million to build,[14] AIDEA's 2022 proposal was slated to affect

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[5] AIDEA, *West Susitna Access,* Project Update (July 25, 2025) (last visited Oct. 8, 2026).
[6] Press Release, Nova Minerals, *AIDEA Approves Agreement to Work with Nova Minerals on the West Susitna Access Road to the Estelle Gold District* (April 20, 2020) (last visited Oct. 8, 2026).
[7] Under an initial agreement reached in April 2020, Nova agreed to contribute $100,000 toward the development of an industrial access road to the Yentna Mining District. *See id.*; *see also* Non-Binding Memorandum of Understanding, between Nova Minerals, AIDEA, and Matanuska-Susitna Borough (Non-Binding Memorandum of Understanding) (undated) (indicating Nova Minerals would contribute $100,000 toward same). Under a second agreement reached in July 2020, Nova agreed to contribute a minimum of $155,000 toward the same road project. *See* Memorandum of Understanding Phase 2, between AIDEA, Matanuska-Susitna Borough, and AK Operations, LLC. (July 8, 2020).
[8] Non-Binding Memorandum of Understanding, *supra* note 6.
[9] AIDEA, Application for Department of the Army Permit (POA-2022-00165) (May 23, 2022).
[10] 2014 Transportation Analysis Report at ix, 1-4 to 1-6, *supra* note 1.
[11] *See* 2022 Permit Application Project Description, *supra* note 3; McKinley Research Group, Economic Impacts of West Susitna Access Road Development (West Su Access Economic Impacts Report) at 1 (Oct. 2022).
[12] *See* 2022 Permit Application Project Description, *supra* note 3.
[13] *Id*.
[14] West Su Access Economic Impacts Report at 1, *supra* note 10.

thousands of acres of uplands and wetlands and divert over 10,000 linear feet of streams, affecting anadromous waterbodies throughout the Susitna River valley.[15] It also required crossing the Iditarod National Historic Trail at least four times as well as other "miscellaneous recreational trails."[16]

In July 2023, in an abrupt change and after the State received substantial federal funding from the 2021 Bipartisan Infrastructure Law, AKDOT announced a change in focus from "an industrial road concept to a public road."[17] While AIDEA would continue to work on "an industrial access corridor to advance access to several mines,"[18] AKDOT announced it would focus on a shorter 22-mile segment of the road allegedly to provide "improved access [that] would allow for increased recreation, guiding, and settlement opportunities" and would secondarily provide opportunities for the "economic development of State and Borough resources including forestry, agriculture, minerals, and energy."[19] AKDOT launched the scoping phase of a National Environmental Policy Act (NEPA) process for its 22-mile road in July of 2024.[20] There has since been considerable delay. On October 14, 2025, the Advisory Council on Historic Preservation determined that AKDOT's process and findings under Section 106 of the National Historic Preservation Act (NHPA) had failed to meet regulatory requirements.[21] It is unclear what the status of AKDOT's NEPA process is or when the public process will continue. Meanwhile, the Corpsrecently held a comment period on a Clean Water Act Section 404 permit for the AIDEA portion of the road.[22] The Corps received numerous letters in opposition from citizens, business and property owners, Tribes, and others within the Mat-Su Borough and across the region.

I. The Entire West-Su Access Road Must Comply with Department of Transportation Act Section 4(f).

As noted above, the proposed 100-mile access road will cross the Iditarod National Historic Trail multiple times. The road's impacts on the Trail, and AKDOT's intention to utilize federal funding for the road's first 22 miles, trigger Section 4(f) of the Department of Transportation Act.

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[15] *See* 2022 Permit Application Project Description, *supra* note 3.
[16] *Id.* at 16.
[17] Press Release, AKDOT, *West Susitna Access Changes Agencies, Changes Focus to Public Rec Road* (July 27, 2023) (last visited Oct. 8, 2026).
[18] Press Release, AIDEA, *West Susitna Access Project Update* (July 28, 2023) (last visited Oct. 8, 2026).
[19] AKDOT Purpose & Need Statement at 1, *supra* note 3; AKDOT, *Frequently Asked Questions: What is the West Susitna Access Road Project* (last visited Oct. 7, 2026).
[20] AKDOT, Public Notice, West Susitna Access Road Project Environmental Phase Public Comment Period 7/23/24 – 8/23/24 (July 22, 2024).
[21] Letter from Jaime Loichinger, Office of Federal Agency Programs, to Erik Hilsinger, State of Alaska, Dept. of Transportation and Public Facilities, (Oct. 14, 2025).
[22] U.S. Army Corps of Engineers, Public Notice re: permit No. POA-2022-00165 (Oct. 27, 2026).

The Department of Transportation Act applies whenever federal funding is used or may be available for construction of a road.[23] Section 4(f) of the Act is a mandatory, substantive provision that prohibits federal and state agencies from approving "any program or project … which requires the use of any … land of an historic site of national, State, or local significance" unless the agency first determines that "there is no feasible and prudent alternative," and "the program includes all possible planning to minimize harm" to the historic property.[24] Regulations promulgated by the U.S. Department of Transportation (DOT)[25] provide that "use" occurs where (1) "land is permanently incorporated into a transportation facility"; (2) a temporary land occupancy contravenes Section 4(f)'s preservation purpose according to criteria provided in regulation; or (3) constructive use occurs according to the regulatory definition.[26] "Constructive use" encompasses adverse effects on protected lands that fall short of physical occupation, including impacts that "impair[] esthetic features or attributes of a property," restriction of access that "substantially diminishes the utility of … a historic site," and vibration that "substantially impairs the use of a Section 4(f) property."[27] In addition, compliance with NEPA is required before any project subject to Section 4(f) can proceed.[28] Critically, state and federal authorities cannot avoid these requirements by splitting a project into several segments.[29]

The Iditarod National Historic Trail is a 4(f) property, and West Susitna Access Road would utilize federal funding for a portion of its construction, making Section 4(f) applicable. The State has indicated in the proposed 2027-2030 STIP, that it intends to utilize approximately $227 million in federal funding for the road's first 22 miles.[30]

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[23] 49 U.S.C. § 303, 23 U.S.C. § 138; *see also See La Raza Unida v. Volpe*, 488 F.2d 559, 560-62 (9th Cir. 1973); *N. Idaho Cmty. Action Network v. United States DOT*, 545 F.3d 1147, 1159 (9th Cir. 2008). FHWA has delegated its authority under Section 4(f) and NEPA to AKDOT pursuant to 23 U.S.C. § 327. *See* U.S. Dept. of Transp., FHWA, Welcome to the FHWA Alaska Division (last visited Oct. 7, 2026).

[24] 23 U.S.C. § 138(a)(3); 49 U.S.C. § 303(c).

[25] DOT has promulgated regulations pursuant to Section 4(f), codified at 23 C.F.R. 774.1-774.17.

[26] 23 C.F.R. § 774.17.

[27] *Id.*

[28] 42 U.S.C. § 4332.

[29] *See e.g., N. Idaho Cmty. Action Network v. United States DOT*, 545 F.3d 1147, 1159 (9th Cir. 2008) ("[A]n agency is required to complete the § 4(f) evaluation for the entire Project prior to issuing its ROD. The Agencies concede that they have taken a phase-by-phase approach, that they have not completed the § 4(f) evaluation for the entire Project, and that they already have issued the ROD. The Agencies have accordingly violated § 4(f).").

[30] State of Alaska, Department of Transportation and Public Facilities, Proposed Statewide Transportation Improvement Program, 2027-2030 (Sept. 14, 2026), at V2-177 to V2-180. It is presently unclear whether AIDEA intends to utilize federal funding sources for its portion of the road, but due to the anti-segmentation doctrine, the entire 100-mile road must be considered a single-federally funded project.

AKDOT has not shown that the West Susitna Access Road complies with Section 4(f) and NEPA. As discussed above, the 100-mile proposed road is a single project, and cannot be arbitrarily divided into "segments" in order to avoid the requirements of State and federal law. Without a connection to the federally funded AKDOT segment, the proposed 78.5-mile AIDEA segment has no logical termini and no independent utility.

Because the West-Su project would not comply with federal law, it is ineligible for federal funding and should not be included in the STIP. Failure to comply with Section 4(f) and other mandatory requirements of federal law not only imperils the West-Su road project, but may also impact other federally funded transportation projects throughout the State.[31]

II. The Funding Proposed for the West-Su Access Road is Better Spent Elsewhere

The total combined lifecycle cost for the AKDOT segment of the West-Su Access road is projected to exceed $227 million.[32] It is the sixth most expensive project listed in the FFY2027-2030 STIP, with the other five being repairs of major transportation systems.[33] The AIDEA segment of the West-Su Access Road recently underwent a comment process and received thousands of comments in opposition to the project. The federal funding earmarked for this project should be used to repair and upgrade other existing infrastructure in Alaska, as the vast majority of Alaskans would prefer.

[31] *See* 23 C.F.R. § 1.36 (authorizing the Federal Highway Administration to withhold funding for "projects in the State" when a State fails to comply with federal law).
[32] FFY2027-2030 STIP at V2-117.
[33] *See* FFY2027-2030 STIP at V2-29, 104, 145, 160, 162.