

15 March 2018

Re: Senate Bill 199

Dear Senator Kelly and Senate Transportation Committee Members,

I am writing in support of Senate Bill 199, a bill related to use of off-road vehicles within the Dalton Highway Corridor that amends AS 19.40.210 to extend access for private landowners.

AS 19.40.210 discusses the prohibition of off-road vehicles on land within five miles of the right-of-way of the Dalton Highway. However, according to statute, an exception is granted to persons who hold a mining claim in the vicinity of the highway and who must use land within five miles of the right-of-way of the highway to gain access to the mining claim.

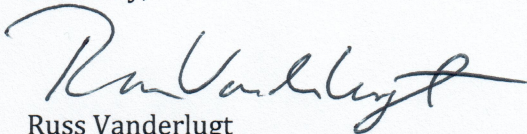
Given the current language of AS 19.40.210, a person who holds a mining claim has a significantly greater right of access than a person who owns private property with regard to access across public lands administered by BLM. This disadvantages land owners who hold historic properties under the Homestead Act in Alaska, and who are therefore considerable stakeholders in Alaska, with rights and privileges of access that are arguably greater than holders of mining claims.

I am a private landowner of a Headquarters Site north of Wiseman, originally patented by Charles L. Gray pursuant to the Act of May 14, 1898, 30 Statute 413, as amended and supplemented by 43 U.S.C. 687a. Therefore, this private property is land patented under the federal Homestead Act after it was extended to Alaska in 1898 and federal homestead laws were subsequently amended due to Alaska's unique environment.

Consequently, I am requesting that AS 19.40.210, as it currently reads, be amended so that the current exemption allowing access to mining claims is expanded to include access for private landowners who hold patents granted under federal homestead laws. According to thorough research conducted in conjunction with the BLM and DNR, this narrow exemption applies to approximately six landowners along the Dalton Corridor, so minimal traffic and impact is expected. In addition, access to private parcels should be limited to following existing RS 2477 trails, ANCSA 17(b) easements, and river corridors to further reduce impact concerns while providing fair access across public lands.

Not passing this legislation presents an unfair treatment and access situation that would continue to bar access to property owners, who as Alaska stakeholders have long-time abiding interests in our state. Moreover, if amended, this legislation presents no changes to existing hunting regulations in the Dalton Corridor or general ORV use not associated with travel necessary to access privately held land under federal homestead laws.

Sincerely,



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