

**ALASKA STATE LEGISLATURE**  
**SENATE TRANSPORTATION STANDING COMMITTEE**

March 4, 2004

1:35 p.m.

**TAPE(S) 04-9,10**

**MEMBERS PRESENT**

Senator John Cowdery, Co-Chair  
Senator Thomas Wagoner, Co-Chair  
Senator Gene Therriault  
Senator Georgianna Lincoln  
Senator Donny Olson

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 358

"An Act relating to the performance of railroad track construction work for the Department of Transportation and Public Facilities by the Alaska Railroad Corporation."

MOVED SB 358 OUT OF COMMITTEE

SENATE BILL NO. 298

"An Act repealing the ban on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway."

HEARD AND HELD

**PREVIOUS COMMITTEE ACTION**

BILL: SB 358

SHORT TITLE: ALASKA RAILROAD TRACK WORK

SPONSOR(S): TRANSPORTATION

03/03/04	(S)	READ THE FIRST TIME - REFERRALS
03/03/04	(S)	TRA, L&C
03/04/04	(S)	TRA AT 1:30 PM CAPITOL 17

BILL: SB 298

SHORT TITLE: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

SPONSOR(S): SENATOR(S) SEEKINS

02/06/04 (S) READ THE FIRST TIME - REFERRALS  
02/06/04 (S) TRA, FIN  
02/24/04 (S) TRA AT 1:30 PM CAPITOL 17  
02/24/04 (S) Heard & Held  
02/24/04 (S) MINUTE(TRA)  
03/04/04 (S) TRA AT 1:30 PM CAPITOL 17

**WITNESS REGISTER**

MS. WENDY LINDSKOOG  
Director of External Affairs,  
Alaska Railroad Corporation  
PO Box 107500  
Anchorage, AK 99510-7500  
**POSITION STATEMENT:** Testified on SB 358.

MR. MARK O'BRIEN  
Chief Contracts Officer  
Department of Transportation &  
Public Facilities  
3132 Channel Dr.  
Juneau, AK 99801-7898  
**POSITION STATEMENT:** Answered questions on SB 358.

MS. EILEEN RILEY  
Vice President of Projects  
Alaska Railroad Corporation  
PO Box 107500  
Anchorage, AK 99510-7500  
**POSITION STATEMENT:** Testified on SB 358.

SENATOR RALPH SEEKINS  
Alaska State Capitol  
Juneau, AK 99801-1182  
**POSITION STATEMENT:** Sponsor of SB 298.

MR. PAUL CARR,  
Chief of Police for the North Slope Borough  
Barrow, Alaska  
**POSITION STATEMENT:** Regarding SB 298, expressed concerns with  
repealing AS 19.40.210.

MR. PAUL HOGAN,  
North Slope Borough Assembly  
**POSITION STATEMENT:** Testified against SB 298.

MR. MIKE BILLBE

Fairbanks, Alaska

**POSITION STATEMENT:** Regarding SB 298, expressed confusion that the land is closed to some people.

MS. ROSEMARY AHTUANGORUAK

Barrow, Alaska

**POSITION STATEMENT:** Testified on SB 298 that the changes will be enormously negative.

MS. TAQULIK HEPA

**POSITION STATEMENT:** Testified in opposition to SB 298.

MR. BILL LEARY

Fairbanks, Alaska

**POSITION STATEMENT:** Supports SB 298.

MR. GEOFF CARROLL

Barrow, Alaska

**POSITION STATEMENT:** Regarding SB 298, testified that repealing the statute would be a bad idea.

MR. TOM BURGESS,

Office of Homeland Security

State of Alaska

**POSITION STATEMENT:** Spoke to SB 298, asking that prudent management of the corridor be taken into consideration.

MR. MIKE TINKER,

Fairbanks Fish and Game Advisory Committee

Fairbanks, Alaska

**POSITION STATEMENT:** Testified on SB 298 that land management officials could handle problems.

MS. DOREEN LAMPE

Fairbanks North Star Borough

PO Box 71267

Fairbanks, Alaska 99707

**POSITION STATEMENT:** Testified on SB 298, expressing a desire for the state to honor the NSB municipal land selections.

MR. MATT ROBUS

Director of Wildlife Conservation

Department of Fish & Game

PO Box 25526

Juneau, AK 99802-5226

**POSITION STATEMENT:** Answered questions pertaining to SB 298.

**ACTION NARRATIVE**

**TAPE 04-9, SIDE A**

**CO-CHAIR THOMAS WAGONER** called the Senate Transportation Standing Committee meeting to order at 1:35 p.m. Senator Olson, Co-Chair Cowdery, and Co-Chair Wagoner were present at the call to order. Senators Therriault and Lincoln arrived as the meeting was in progress. Also present was Senator Seekins.

**SB 358-ALASKA RAILROAD TRACK WORK**

The committee took up SB 358.

**CO-CHAIR COWDERY**, as the bill's sponsor, provided the sponsor statement as follows:

Senate Bill 358 amends the procurement code so that the Department of Transportation and Public Facilities [DOT&PF] can work directly with the Alaska Railroad Corporation [ARRC] track work through a reimbursable service agreement similar to other utilities, like power and water lines.

Prior to 1996, ARRC could conduct track work for DOT&PF projects under utility agreements. After 1996, the procurement code was amended requiring DOT&PF to contract for track work under the competitive bid process. For a time, contractors bid - and won - such work. Recently, however, contractors have shown less interest in bidding such work. They don't have the specialized, expensive equipment to conduct the work, and they experience high costs trying to meet the specifications required.

To remedy this situation and ensure DOT&PF projects move forward, SB 358 will allow DOT&PF flexibility to use either the competitive bid process or to work directly with the Alaska Railroad.

The advantage of this arrangement for DOT&PF is possible lower costs and a savings of time. The advantage for the Alaska Railroad will be enhanced quality and assurance that industry standards are met.

CO-CHAIR COWDERY said that AGC [Associated General Contractors] is on board with this bill.

MS. WENDY LINDSKOOG, Director of External Affairs, Alaska Railroad Corporation (ARRC), said that Eileen Reilly, VP of projects, and Tom Brooks, Chief General Engineer were on-line.

MR. MARK O'BRIEN, Chief Contracts Officer, DOT&PF, said the department has been working with the Railroad and the Associated General Contractors on this issue, and is supportive of SB 358. There have been a number of occasions in which contractors have not been able to successfully complete work on their projects, and the Railroad has had to complete projects for them. The problem is that a number of firms have gone out of business, and primarily one firm from the Lower '48 has been doing this Railroad work when it has been bid out. Mobilizing the equipment for - especially smaller jobs - is not cost-effective. It makes sense to enter into an agreement with the Railroad, similarly to how agreements are entered into with utilities, since they have the equipment and the workforce available to do the work, especially on the smaller projects.

MR. O'BRIEN said there are larger projects that may be bid out, for example projects that exceed the capacity of the Railroad, such as the Whittier Tunnel Project, since that project would have tied up resources and manpower over a number of years. In those cases, it's worthwhile to mobilize contractors to do that work. Entering into an agreement with the Railroad will, on a number of occasions, work out to the benefit of both the department and the Railroad.

CO-CHAIR COWDERY asked for a description of some of the smaller projects.

MR. O'BRIEN said any time there's an intersection area or a street improvement project where there are railroad tracks on or nearby, it's not cost-effective to bring contractors in. He said those types of rehabilitative projects involving a railroad crossing are fairly numerous.

CO-CHAIR COWDERY asked if it would be put out to bid if the railroad were to overpass the highway.

MR. O'BRIEN said this bill would only affect track, meaning ties and ballast. Up through sub-grade and all of the work associated with getting that crossing in place would still be under contract and would be done by a prime contractor. They

would quit at the point when the railroad "would take over and do tracks, ties, and ballast."

CO-CHAIR COWDERY said he was mainly wondering if in Willow, the overpass and Railroad, or the Parks Highway would fall under this or would it come under competitive bid.

MR. O'BRIEN said this would likely be competitively bid. The only part likely to be entered into an agreement with the Railroad would be the track alignment and construction portion. The remaining superstructure and sub-base for all of that work would be part of the competitively bid project.

SENATOR GEORGIANA LINCOLN asked if AGC was on board with this as well. She referred to "construction of rails, ties, or ballast for the tracks, and DOT may (not shall) enter in an agreement with the Railroad ... and the railroad may (not shall) perform the work itself without procuring a contractor" saying that she had no problem with any of that. She read, "may perform the work [itself] without procuring a contractor to provide supplies, services, professional services" and asked if this includes construction of rails and ties, saying she hoped that Alaska businesses and Alaskan labor are utilized for supplies, services, and construction services.

MS. LINDSKOOG replied this refers to the fact that often there are stockpiles of equipment and supplies that are needed at the Railroad that have already gone out under the procurement process. She said this refers to a situation in which a project was being done for DOT&PF and there is already a stockpile of materials there.

MS. EILEEN RILEY, Vice President of Projects, ARRC, confirmed that if materials were available, those could be used without delaying the project.

SENATOR DONNY OLSON asked if there was anybody besides AGC, from the private sector, who had an opinion on SB 358.

CO-CHAIR WAGONER said his understanding was that these subcontractors are from outside of Alaska, and no longer are available to do these construction projects.

MR. O'BRIEN confirmed that the last contractors, and subcontractors for the rail portion, were out of state contractors.

CO-CHAIR COWDERY moved to report SB 358 out of committee with individual recommendations and zero fiscal note, and asked for unanimous consent.

CO-CHAIR WAGONER asked if there was any objection. There being none, it was so ordered.

1:49 p.m.

CO-CHAIR WAGONER called for a brief at ease. He announced that Senator Therriault had joined the meeting and the full committee was in attendance.

**SB 298-OFF-ROAD VEHICLE USE ON DALTON HIGHWAY**

The committee took up SB 298.

CO-CHAIR WAGONER announced that he would like to pass this bill out of committee today, and that several people were on-line to testify.

SENATOR RALPH SEEKINS, as the bill's sponsor, began testifying on SB 298 by referring to a map indicating where the Dalton Highway crosses the Yukon River, between Stephens Village and Rampart. Northbound, it goes to Coldfoot, Wiseman, through the pass into the North Slope, Anaktuvuk Pass, over to the left about 75 miles, and then into Deadhorse. The communities of Alatna, Allakaket, Arctic Village, Beaver, Bettles, Coldfoot, Evansville, Hughes, Rampart - which is on the south side of the river - Tanana, Venetie, Wiseman, and Anaktuvuk Pass are within 100 miles of each side of the road. Most of the smaller areas on each side of that road would never be accessed by opening this up to recreational use. There are folks who would want to go to Coldfoot or Wiseman occasionally.

SENATOR SEEKINS continued that the road is now paved almost all the way to the bridge. He said he normally stops about 50 miles out the road and then heads into the area toward Birch Creek, just south of Livengood. This road has been open since the Hickel Administration, and current access is not conducive to use by the people of Alaska for any purpose other than to drive down the road. Some people go up there on foot for bow hunting, and he's not suggesting that this be changed. If vehicles are parked too far off the road, officials can cite them for using vehicles out of the direct right-of-way, into that 5-mile corridor.

SENATOR SEEKINS continued that this has been brought to a head by enforcement and harassment by the BLM. Trappers are being threatened, and if they don't want to go out there by dogsled or foot, they will have their 250 - 275 mile trap lines shut down. He said he continues to look at what the possible impacts would be. BLM has rules on how people can access BLM lands, and those rules prevent unnecessary harm to the environment; nothing in SB 298 will alter that. "We just think that access is important, especially when there are a number of RS 2477 accesses along that road which, because of our own state law, are not accessible for people of the state of Alaska. And that's just not right." The most immediate harm is being done to those who have longstanding trap lines there.

CO-CHAIR COWDERY asked if what was being considered was five miles on each side.

SENATOR SEEKINS explained that there is a corridor in which a motorized vehicle cannot be operated. That is, if you start on one side, you can drive across with a snowmachine to the other side, but you cannot start in the middle and go either way. At one time that whole road was shut to private traffic, and was opened during the Hickel administration. The restriction for going off that road for any purpose was kept in place unless one was a miner going to the mine, or in the oil industry. It's time to consider access for the average Alaskan. Hunters travel out there, but they fly out. Folks with an airplane can hunt, but others can't unless "they want to walk." He said he was not suggesting changing the bow-hunting corridor, which corresponds to that, on either side of the pipeline.

SENATOR SEEKINS said that there was previously talk about the Central Arctic caribou herd. That herd is at its highest number in history; it's five or six times the size of what it was when the road was first built. The road, bow hunters, and other hunters have not had a deleting effect on that herd. The herd that tends to come through the Anaktuvuk area is the Western Arctic caribou herd, which presently consists of over 400,000 animals. The bag limit is five per day and the season is 365 days per year. There is no real problem being posed by people who would want to go 75 miles with a snowmachine or an ATV (all-terrain-vehicle) from the highway over to the Anaktuvuk area, to harvest from the Western Arctic caribou herd.

CO-CHAIR COWDERY asked what the percentage of the take of these herds was for subsistence.

SENATOR SEEKINS responded he didn't know for sure. He said the villages mentioned previously have a total of 1,350 people. He pointed out that Tanana is quite a ways and could never really be accessed from the Haul Road. It's not a situation in which recreation people are going to go out there. He said it takes him a day from the river to get to Tanana in his jet boat, going down river, to get there and back - hopefully before dark - and that boat cruises at about 35 mph.

SENATOR OLSON referred to AS 19.40.210. He said the road was built in the 1970s for the enhancement of the pipeline and there was a restriction put in place. He questioned Senator Seekins' knowledge of this restriction.

SENATOR SEEKINS replied that he thought it was "construction traffic." He said that road was built to a different standard, was highly traversed with trucks and construction machinery and eventually, as people re-considered that restriction, the restriction was removed.

SENATOR OLSON asked who, initially, was involved with restricting the highway.

SENATOR SEEKINS responded that oil companies didn't want people going up north, teamsters didn't want additional traffic for their trucks. There were a lot of dire predictions that did not prove to be true. Now a lot of people go up there, including tourist buses, driving all the way to Prudhoe Bay. The dire predictions of people dying and starving to death along the road just never happened.

SENATOR OLSON asked if the Native community had any input.

SENATOR SEEKINS said it had been inferred that some folks didn't want to have other folks intruding in an area they enjoyed exclusive access to. He commented that he didn't have personal knowledge as to whether this was true or not.

SENATOR OLSON said by Native community, he meant within the state. Also, non-Native people living on the North Slope want to have input on whether the road will be opened. He asked about Senator Seekins' knowledge of this.

SENATOR SEEKINS said "not from personal knowledge." He suggested that either Senator Olson or Senator Lincoln would have a better recollection of this than he would have.

SENATOR OLSON referred to the previous comment about dire predictions that haven't come true. He said one of the problems is the security of the pipeline. After the Hickel Administration, there was a major oil spill. Someone with a mere 30-06 hunting rifle "poked a hole in it and oil went all over the place."

SENATOR SEEKINS said this was south of the river.

SENATOR OLSON said it could have been south of the river, but that was a relatively easy place to go and clean up; north of the river would be very difficult to clean up.

SENATOR SEEKINS confirmed that common sense indicates that it would be more difficult to clean up the further one is away from a major population center. He added that people drive on that road all the time who have guns in their cars, and can shoot out of their trucks as easily as from a snowmachine. He stated, for the record, "I really like Senator Olson."

SENATOR OLSON said that hunters have a fair amount of passion, considering that you're dealing with guns.

SENATOR SEEKINS continued for the record, "I consider Senator Olson to be a good friend and a gentleman. However, I speak that way quite often with my brothers and sisters, and my wife."

SENATOR OLSON asked if the Division of Homeland Security has voiced an opinion on this issue.

SENATOR SEEKINS replied, "None whatsoever."

SENATOR OLSON said this bill would do away with AS 19.40.210 in its entirety.

SENATOR SEEKINS said, "That's the one we're attacking, is that correct? AS 19.40.210 is the one we're saying would be repealed in its entirety. Is that correct?"

SENATOR OLSON asked why the statute was originally put in place.

SENATOR SEEKINS he wasn't here then and could be wrong, but it was all new area up there and there were a lot of fears; the easiest way to approach it was to shut it off.

SENATOR OLSON provided background information that early on there was an understanding between the Native and non-Native

communities in the North Slope area that the Haul Road would not be open to the public when it was initially contemplated, right after the passage of the Land Claims Settlement Act. The people involved have gotten older or are now gone. One of their assurances was [concern for] the migration of caribou herd, which is of paramount importance to the people of the North Slope who are very concerned about interference with the caribou. Because of that, people in that area are adamantly opposed to opening up this right-of-way.

SENATOR LINCOLN stated that she would like to listen to people who would like to testify before "grilling" the sponsor.

CO-CHAIR WAGONER proceeded with public testimony.

MR. PAUL CARR, Chief of Police for the North Slope Borough, said he wanted to express concerns about the repeal of AS 19.40.210 in three different areas, and testified as follows:

The first is security. The repeal of AS 19.40.210 will increase accessibility and activity around the TransAlaska Pipeline at a time when access to critical infrastructure in this country is being tightened and closely scrutinized. It is contrary to efforts taking place across the nation to secure critical infrastructure as a deterrence to potential acts of terrorism.

At present, access is limited, hunting is limited, and people who do not belong in the area are fairly obvious to security patrols. I am concerned that increased accessibility will impact our ability as a state, and Alyeska's ability as the operator to protect this asset.

My second concern is the potential impact that increased access will have on public safety and emergency services. At present, individuals trekking into the pipeline/highway corridor do so on foot. As a result, they remain fairly close to the roadway. The further from the road a person ventures, the greater the difficulty in responding to an emergency situation they may find themselves in. At present, short of responding by helicopter, which is extremely expensive, we do not have the equipment to respond to an incident more than walking distance off the highway. Admittedly, such incidents have been rare,

but increased activity will increase our exposure to these kinds of situations.

Finally, Alaska statutes and the administrative code do not contain a description for a class of vehicles known as "off-road vehicles." While it is clear what AS 19.40.210 is restricting, it is not clear what type of vehicles would be allowed if it is repealed. A definition of what constitutes an off-road vehicle is needed. Is the intent to grant access to off-road capable four-wheel drive vehicles, trucks and automobiles access or ATVs, snowmachines, and four-wheelers? The lack of a clear definition leaves the type of acceptable vehicle open for interpretation.

SENATOR LINCOLN asked how far down, on the pipeline road, he monitors.

MR. CARR responded that the North Slope Borough monitors the entire area inside the borough, which is all the way down to the borough boundary, at Agadak Pass, he believes.

SENATOR LINCOLN asked, within that area, how often is he able to stop folks who are speeding, dumping garbage, taking guns off the road, or using vehicles that they shouldn't use.

MR. CARR said they don't actively patrol that area. Their responses to the southern part of the borough boundary of Deadhorse are done on an as-needed basis. The road is not routinely patrolled.

SENATOR OLSON asked, since off-road vehicles are not defined, does Mr. Carr anticipate four-wheel drive vehicles, trucks, and the likes, going off the road when the ground is frozen, much like they do with the ice roads around Nuiqsut and Atqasuk. How often does he see this happening, or how much does he anticipate it happening on the Dalton Highway?

MR. CARR responded that if the type of vehicles is not clearly defined, if pick-up trucks and things like that are excluded, there will be a pretty dramatic increase in the use of those kinds of vehicles.

SENATOR OLSON asked what kind of problem that might cause, since obviously there will be driving on the ice in Atqasuk and Nuiqsut.

MR. CARR replied that often people who try to drive the ice roads find themselves stranded. The weather changes, there are snowdrifts; we often respond to stranded vehicle situations between Nuiqsut and Deadhorse and other areas across the slope.

SENATOR OLSON said his real question was whether it was anticipated that this would be harmful to the tundra.

MR. CARR said he expects that this possibility exists, depending on the time of year the area is accessed, but others would be better able to speak to tundra damage than he would.

CO-CHAIR COWDERY referred to tundra damage, and asked if subsistence hunters use off-road vehicles.

MR. CARR responded that the subsistence hunters mainly use snowmachines in the winter. During the summer, for example, people in Anaktuvuk Pass have specific travel corridors they are allowed to use, through the National Park Service, and certain types of vehicles are authorized. That's all an attempt to mitigate damage to the land.

SENATOR OLSON asked if there was anybody testifying from the Gateways of the Arctic National Park.

SENATOR SEEKINS said no, but the Gateways of the Arctic National Park have restrictions of their own that they feel are appropriate.

CO-CHAIR WAGONER stated that quite a few people wanted to testify and testimony should be limited to 2 minutes.

MR. PAUL HOGAN, member of the North Slope Borough Assembly testified as follows:

The public testimony given by our North Slope Borough Wildlife Director and North Slope Borough PSO Director and Dr. Brian Pearson and others, should be enough to let you folks know that the residents of the North Slope Borough are totally against this bill. And the intent of this bill would disrupt the residents of my district and the residents of the North Slope Borough as a whole. The five-mile corridor was put in place during the time of the pipeline construction and was an ideal way for a commitment to protect our interests along the pipeline. At that time it was called the Anaktuvuk Pass Corridor. I have been involved in many

ways insuring that the pipeline doesn't affect our residents. The bill would bring an ongoing destruction between the urban state residents and the rural residents. This bill would only benefit the residents out of the North Slope Borough. With the outgoing funds being received for Homeland Security this bill would not benefit the state on getting future funding from the Homeland Security. The residents of the North Slope Borough have and are continuing the subsistence lifestyle near the corridor and this bill would affect us in our yearly winter fur-bearing trapping. It would also disrupt Central Arctic caribou herds [indisc.] and migrating herds during that spring and fall season. My great grandfather and mother had spent many years along the Anakin (ph) Pass. And my father and others had spent many summers along the Anakin Pass and bring us old memories of these areas. Preservation and security is needed along the pipeline and must continue.

SENATOR LINCOLN referred to the sponsor's earlier comment that the Central Arctic caribou herd and the Western Arctic caribou herd as being plentiful, safe, and not a problem. Yet she heard Mr. Hogan say that there is concern for the Central Arctic caribou herd. She asked Mr. Hogan for a response to the sponsor's statement.

MR. HOGAN responded that from many years of hunting the Central Arctic caribou herd and in observing them, he has seen disruption not too far from the pipeline. He continued:

By the time they went into the Brooks Range, they were well over 90 miles west of Anaktuvuk by the time they finally went into the valleys of the Brooks Range. Disruption of our subsistence way of lifestyle on the caribou herds is very sensitive, especially during the months of August and September and October. If we were to get hunting increased along the pipeline I'm pretty sure they're going to move either east or west from the pipeline so years of watching these herds after the pipeline was built, that herd decreased drastically. We weren't getting any herds from [indisc.] for a long time.

CO-CHAIR WAGONER asked what caused that herd to decrease originally.

MR. HOGAN responded that one thing was the pipeline being built.

It took years for it to pick back up. Some season we were getting them from the northeast side of the valley, from the pipeline direction. It took being involved in the Fish and Game committee up here, it took me well over 10 years from the state just to get the central Arctic caribou studies. It took years and years just to get what was public information for us up here. And I finally got one of those studies about two years ago. It remained confidential to the residents up here for a long time.

SENATOR OLSON asked where the Central Arctic herd has calving grounds in relationship to the highway.

MR. HOGAN replied that the North Slope Borough believes the calving ground is southwest of the Prudhoe Bay area. The last couple of years they've been watching the Kuparak to see what's happening in those areas. Every time those herds get in the industrial area, they don't want to move any further eastward.

SENATOR OLSON noted that they've heard about the Central and Western Arctic herds and asked, "What's going on with the populations of the Teshekpuk herd?"

MR. HOGAN responded that it varies.

There's a whole bunch that also wanders right there in the NPR-A. Certain years we'll get them to come through here. When they do that they'll winter about 40 to 50 miles south of the village area. When they winter there, that's a real ideal place for our residents to go to hunt the caribous during the winter. But [indisc.] they're finally starting to open up their studies to the residents here. One of the things that we do in terms of the spring season, probably starting this month right on through May, we go over to that Iktamuk (ph) Valley which is about 10 miles west of the pipeline. We do a lot of ice fishing there, so we get a lot of traffic going through the foothills up there, going to that designation, and spring season is always pretty important for us for ice fishing in that area, if not for the fur bearing animals up north on the foothills.

SENATOR OLSON asked where the calving area is for the Porcupine Herd.

MR. HOGAN:

Porcupine herd? I would leave that up to the North Slope Borough Wildlife, Charlie Brower and Quick George and his excellent staff that keep us informed up here.

MR. MIKE BILLBE thanked Senator Seekins for introducing this bill. He stated that he spent about 12 years up along the Dalton Highway and began his testimony by reading from Sec. 19.40.210 as follows:

Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to (1) off-road vehicles necessary for oil and gas exploration, development, production, or transportation; (2) a person who holds 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.

MR. BILLBE stated this is the law that's posted on the signs along the Dalton Highway and provided the following testimony:

I would like to bring it to the attention of this group that the Dalton is 417 miles long and from mile 1 at Livengood to mile 56 at the Yukon River is state land on both sides of the road. From mile 56 at the Yukon River to mile 302 at Slope Mountain, that is public land managed by the Bureau of Land Management (BLM). Yes that is right. The state has closed 246 miles of non-state land. But the first 56 miles of the Dalton Highway is state land, the state does not seem to manage that at all. There is only one significant trail in that area. If you'd like to go look at it, it's at Hess Creek. That's the only impact that I've seen up there from off-road vehicles, and that's in 56 miles.

I am confused why is the land closed to some people and yet not others? If one lives outside of the corridor they can drive through it. If the people who live in Wiseman can operate snowmachines there, but if

we the public want to go use public land we are told no it's closed. That is not a 10-mile strip of land that is northern Alaska from the Yukon River north. Yes, one can start at the Yukon River and go 5 miles out and then head north but how much gas can you take to take a northern trip? No you can't come into Coldfoot for fuel.

**TAPE 04-09, SIDE B**

MR. BILLBE continued:

Not only does this closure impact you and I, but what kind of businesses can it impact at Coldfoot for winter recreation? Last year there was 3 feet of good snow on public land in the Coldfoot area and none in Fairbanks in the early part of the winter. Yet people had to drive down to Cantwell or Summit to recreate.

This law has been looked at several times in the last 20 years and I do not see where there has ever been a penalty written into this law. Why is that? You may ask if there is no penalty then why is this a big deal? Well BLM has assimilated the state ATV regulations nationwide and they do enforce state regulations under 43 C.F.R 8341. Would the public land be closed if the state law were repealed? Well snowmachine are used up there and ....

CO-CHAIR WAGONER informed Mr. Billbe that he was over the 2-minute limit and asked him to summarize his testimony.

MR. BILLBE said he would submit the rest of his testimony in writing. He concluded by stating that the public land is closed by a state and there are security issues; people can recreationally shoot there as long as they're not hunting. He's heard the chief of police say that people don't belong on public land. He said he's confused; he's a public land user, and he wants to use the federally administered land.

2:30 p.m.

MS. ROSEMARY AHTUANGORUAK testified via teleconference from Barrow as follows:

My name is Rosemary Ahtuangoruak, I live in Nuiqsut outside of Prudhoe Bay. My family and I live a

traditional lifestyle relying on our traditional subsistence resources. We hunt birds, caribou, moose, musk ox, bear, wolves, wolverine, whale, fish, and collect greens and berries. We have chosen to try to raise our children as our elders taught us to provide for our family from the land, sea, and air around us. We base our daily lives preparing for the seasons that have kept our cultures, traditions alive. We have grown in two worlds, as parents exposed us to life in Fairbanks, Anchorage, and Seattle and rural village life.

The changes to us would be enormously negative with the opening of these areas along the Dalton Highway to off-road vehicles. Our resources are migratory and traverse these areas. The changes to their actions along this route jeopardize the successful reaching to our areas and future generations of these resources.

Open use of these areas to off-road vehicles is like asking you to garden or shop in the mall with everyone but you using scooters to shop or garden. How would you feel to try to tend to your needs with this activity occurring? Now add these scooters along with the truck routes to bring your supplies to you. The increased interactions will cause delays to your supplies getting to you. Now add gates that open only once a year to get those supplies to you. Some would not make it.

For us to not get our resources, we go without them. We have increased cost to western goods due to the costs of shipping. We cannot pay the high cost to eat these foods at the level we eat traditional foods.

Our activity in these areas are to protect our resources to continue to sustain our families to the future. We curtail actions during seasons of migration and hibernation to encourage the success of the reproductions. Our actions are based on generations of knowledge based on starvation, illness, and death. We teach our children as we have been taught. We are proactive to educating our future generations. Our strength of our education is based on our elders' losses and suffering.

People coming to the area will not have the protection and use of the area like we do. They would have to be educated as we were to prevent the negative interactions. We are working to ensure our resources return and they are using the area differently than what is currently occurring.

We are concerned about the lack of emergency services to the area. Right now the service sites for the pipeline are the only area and that is not planned to meet these demands that would be placed upon them. The concerns for safety to the pipeline are very concerning to us. There is only one state trooper along the route and there is not adequate enforcement of the current regulations. These changes will need to change the federal management regulations for subsistence as a reaction to these actions. We have to react to the foreseen loss of resources if this passes.

Our community has seen loss of resources due to activities that open the Haul Road to restricted use access for hunters. We went without resources during these times. It is a very strong social impact that occurs to our community with the social ills increasing when we don't have traditional access to our resources. Those kind of horrors we do not want to continue see happening to our future.

MS. AHTUANGORUAK added that she would submit the rest of her testimony in writing, since she wasn't able to include it because of the time limitation.

MS. TAQULIK HEPA, a lifelong resident of the North Slope who has worked for the North Slope Borough Department of Wildlife Management since 1991, testified as follows:

One of my primary responsibilities has been to coordinate a project that documents the level of subsistence harvested animals and identify areas important to subsistence uses for each of the 8 North Slope communities.

I am opposed to SB 298, which repeals the ban on uses of off-road vehicles within five miles of the James Dalton Highway.

I have a number of concerns that I would like to briefly bring to your attention. My first concern is the impacts this bill will have on subsistence uses in Game Management Unit 26, particularly for the communities of Anaktuvuk Pass, Nuiqsut, and to some degree Kaktovik. There is no doubt with the passing of this bill, there will be a dramatic increase in the number of people who use the Dalton Highway either for hunting and/or for recreation uses, and will provide an opportunity for easy access to areas that are important to the residents or the North Slope for subsistence activities. There is bound to be increasing conflicts between sport hunters and local subsistence users, as an example the competition between sport and subsistence hunters for resources such as caribou, furbearers, moose and musk ox.

One of my biggest concerns is that with an increase in hunting activity and motorized traffic to the west of the highway, this will have a devastating impact on the fall migration of caribou through Anaktuvuk Pass. The Nunamiut have a lifestyle that is heavily dependant on the subsistence harvest of terrestrial mammals, with caribou being the single most important resource. Harvest numbers range between 311 caribou to 601 between 1995 to present. When the fall caribou migration through Anaktuvuk Pass is poor, this community is confronted with a serious problem. Other resources available such as Dall sheep, moose, and musk ox are so heavily regulated that the community, their catch, does not meet their nutritional need for fresh meat to last throughout the winter.

I've also heard concerns from Nuiqsut residents about interactions with sport hunters or recreational users on the Colville. In one case, hunters from Nuiqsut were pursuing caribou when they were harassed by sport hunters in an aircraft scouting for bull caribou. The caribou were spooked and scattered before the hunters were able to harvest what they needed. This type of negative interaction is only going to increase, with the passage of the bill.

And how and who are the residents of the North Slope supposed to adequately express their concerns? There is only one state area biologist living on the North Slope, who is stationed out of Barrow, and the state's

local fish and game advisory council of the North Slope have been inactive since before 1990. We've initiated discussions to reactivate the two advisory councils. The response we have received is that it is very unlikely that the state's board section will reactivate them due to the state's current budget situation.

We must all remember the original intent of the Haul Road. It was only supposed to be used for industrial purposes. The people of the North Slope were told at that time that this was how our resources and activities were going to be protected, by limiting its use to industrial purposes. I've recently heard the same type of comment made in a public meeting in Nuiqsut last July about DOT's plan to extend the spine road into NPR-A. It seems as if promises are being broken again, and on and on.

SENATOR LINCOLN referred to Ms. Hepa's comments about there not being enough harvest for the subsistence users and mentioned that according to the sponsor's statement, most of the hunters fly out and there is plenty of caribou for people to use, including for those using off-road vehicles. She asked for her response.

MS. HEPA replied that the populations of caribou herd on the North Slope are doing fine.

I don't think Senator Seekins realizes the impacts off-road vehicles will have on the resources. For example, people using snowmachines from the Dalton Highway during the fall time and going west toward Anaktuvuk Pass will deflect the caribou from into the pass. I'm very concerned about that because traditionally the people of Anaktuvuk Pass allow the [indisc.] of caribou to come through their pass before they harvest without any disturbance. And this insures that the rest of the caribou herd will follow. With people out there using snowmachines and other types of transportation, [they] are going to divert the caribou from coming through the Pass. Even though there may be a lot of caribou there are going to be impacts for people to access the caribou or for the caribou to come in their normal route.

SENATOR LINCOLN said she appreciated that testimony because she, as a neighboring Athabaskan, also feels that the first caribou herd coming through has to pass safely, otherwise it could change the migration pattern.

MR. BILL LEARY, representing the Snowmachine Club, Fairbanks Snow Travelers, and the Fairbanks Trailblazers (as Trailblazers also include ATVs), and also with the Alaska State Snowmobile Association, expressed support of SB 298. He stated this was public land and the beauty should be enjoyed by photographers, tourists, families, and so forth. He said he heard Mr. Peterson state that ATVs were tearing up trails. He countered this by noting that the ground pressure on an ATV is very light; there are big fat high-floatation tires. They weigh very little and do not tear up terrain unless forced into a certain path.

SENATOR LINCOLN referred to the previous testimony, yet Mr. Leary alluded to going on tours and taking photographs. She said she thought it was wonderful for families to get out and do things like that. She asked if the snowmachine clubs and ATV users were also hunters.

MR. LEARY said he imagined that probably one client would be a hunter. He said the winters are so long, and it is good to get out snow machining to enjoy this beautiful country.

SENATOR LINCOLN said she travels from Fairbanks to the bridge on a regular basis and she knows it's a long haul. If that were opened up, what percentage of the snowmachine clubs would use that?

MR. LEARY responded that it would be close to 100 percent, and there are other people who aren't in clubs, as well as tourists, such as the Japanese.

SENATOR LINCOLN asked what he envisioned regarding taking tourists up there, noting that in winter there are short days; she asked if this would include overnight lodging along the way.

MR. LEARY said there are many options such as lodging in Coldfoot, or staying in tents. He added that snowmachining in the dark at night is more mysterious; February, March, and April can be the best snowmachining anywhere.

MR. GEOFF CARROLL mentioned that he had been a Department of Fish and Game biologist for 13 years in the area, and testified from Barrow as follows:

There are several reasons that repealing the statute that prohibits the use of ORVs in the Dalton Highway Corridor would be a very bad idea.

One reason, repealing the statute would throw wildlife regulations in Game Management Unit 26B into disarray. Nearly all of the hunts in Unit 26B are designed around the fact that there is limited access of hunters from the Corridor. Some regulations would need to be rewritten and some hunts would be nearly impossible to conduct. For instance, we have registration hunts for musk oxen and sheep that I don't think we could use with the prospect of 15 or 20 hunters on snowmachines lined up on the Haul Road on opening day. Initially, subsistence hunters will be the most negatively affected and, if it is shown that the subsistence need cannot be met, we will be forced into the Tier II situation, which will exclude hunters that don't have a history of hunting in the area.

Second, there'd be an impact on wildlife. Access of ORVs to the area in the winter will result in caribou and musk oxen being run during the time of the year when they are supposed to be sedentary [by] people just wanting to take a closer look at the musk oxen, and you know they're going to run right up there on their snowmachines.

Another issue is the Central Arctic herd has been used as a test herd for experiments on the impact of oil development on caribou. If the hunting pressure is suddenly changed, it will affect results of ongoing and future studies.

Enforcement demand and expenses for both traffic and wildlife issues will increase. With more hunters spread over a larger area, there will be a need for more wildlife enforcement. With more traffic and more accidents there will be more need for road patrolmen and emergency services. The increased traffic, particularly people unloading ORVs along the road, will increase hazards for truckers. Pullouts will need to be built or it will create a very hazardous

situation. All of these things be expensive and don't make much sense at a time when the state can't seem to afford to provide enough funding for basic services like education.

Another very important issue is honor. I think the state should honor the promises it made when decisions were being made as to whether the Haul Road would be built or not. North Slope people were assured that the road would not be used to transport excessive numbers of people to their lands. When the road was opened to the public it was deemed necessary to protect wildlife resources by not allowing people to use ORVs to access the land surrounding the Haul Road. That need has not changed. This nation has a long but not very honorable history of making deals with local people, taking their land and resources, and then breaking the deals. However, I think that our state can do better than that and honor our promises to limit access to the North Slope lands and minimize the impact on the land, the wildlife, and the people of the North Slope by continuing the statute that prohibits the use of ORVs in the Dalton Highway Corridor. I have more [testimony] but I'll cut off here.

SENATOR OLSON asked if there was any documentation pertaining to the promises given in the 1970s when there was Native input as to whether the road should be built, and what restrictions would remain in place.

MR. CARROLL said he did not have that documentation in hand but it could be researched. He added that this was a well-known understanding and "kind of a matter of honor."

CO-CHAIR WAGONER asked Mr. Carroll if he was representing himself or the department.

MR. CARROLL confirmed that he was speaking for himself.

MR. TOM BURGESS, speaking for the Office of Homeland Security, State of Alaska, asked that prudent management of that corridor be considered. He said he was speaking purely from the point of view of the state's economic health and for purposes of national defense, and that the feeling is that management of the corridor should reflect the threat level established by the governor and his anti-terrorism and disaster cabinet.

SENATOR OLSON asked if he was speaking in favor or not in favor of the bill.

MR. BURGESS responded that they are not in favor of a total lift of the restrictions on that corridor.

SENATOR OLSON asked him to be more specific as to the reasons.

MR. BURGESS said it would create a marginal increase in vulnerability simply through access. It's hard to measure how much increased vulnerability would be there, but the mere increase of activity raises the opportunity for incidents to occur.

SENATOR LINCOLN asked for Mr. Burgess's title.

MR. BURGESS said he was the Deputy Director for Homeland Security and Emergency Services, State of Alaska.

SENATOR LINCOLN asked if he was speaking on behalf of the director and received confirmation that this was so. She asked him to explain what it means to be opposed to the total lift of restrictions.

MR. BURGESS replied that there are threat levels in Homeland Security such as green, blue, orange, red, and so forth, and the feeling is that it is necessary to protect the pipeline in the state's interest and the national interest, and some form of restriction should be in place in that corridor, depending on the threat level, once it's been determined through intelligence processes.

SENATOR LINCOLN asked if under the legislation as written, an ORV could go within five miles of the right-of-way. She asked if his concerns were about the whole pipeline from Prudhoe to Valdez.

MR. BURGESS said yes, the concern was for the pipeline, but the subject at hand was just from the Yukon River to Deadhorse. The more access there is to the Pipeline, the more opportunities there are for injuries to occur either from accidents or intentional acts such as the shooting several years ago.

SENATOR LINCOLN asked if this bill passes, what would he need to do to maintain security under Homeland Security.

MR. BURGESS said this is a pretty long distance and he doesn't believe they have the resources to protect the entire pipeline right now. In conditions of orange and above, they generally post a checkpoint at the Yukon River Bridge in attempts to screen the traffic going up and down that corridor. With the state's current resources, that's about all that can be done.

2:53 p.m.

SENATOR LINCOLN asked if additional resources were needed to maintain security, would he be coming to the state for those resources.

MR. BURGESS replied that they did not anticipate asking for additional resources right now, as the mission is being accomplished by the National Guard, the Alaska State Troopers, and the ADF&G. It's doubtful that the state could afford to significantly increase the amount of resources available to secure that particular zone from the Yukon River to Deadhorse.

SENATOR SEEKINS asked, "When you set up these screenings at the bridge and someone drives through, if they had a snowmachine trailer on the back of their truck, you'd screen that at the same time that you would their truck?"

MR. BURGESS responded, "We have established check point procedures when we set those up, such as there on the Dalton Highway, Yukon River Bridge. The procedures call for asking the occupant of the vehicle to volunteer to an inspection and then contingent upon passage further up the highway. I would say to you that they would look over the snowmachine and they might ask them to open a container or an enclosure on the snowmachine but I think that would be the extent of the inspection."

SENATOR SEEKINS asked, "So there's no greater threat from a snowmachine than there is from a pick-up truck as long as you've inspected them both."

MR. BURGESS replied, "Yes sir."

SENATOR SEEKINS said that more than half the pipeline is below the river than above the river, and asked, "You've driven up the Haul Road haven't you?"

MR. BURGESS said, "Yes sir."

SENATOR SEEKINS said, "Ninety percent of the time the Pipeline is in view of the Haul Road and someone with a pick-up truck could go drive right over underneath it without anybody stopping them. Isn't that correct?"

MR. BURGESS said, "That's correct sir."

SENATOR SEEKINS asked, "Why would, if someone were going to damage the Pipeline, would they want to do it by getting out of their truck that they could drive right underneath the Pipe and get on their snowmachine in order to get underneath the Pipe?"

MR. BURGESS responded, "We hadn't viewed it exclusively as a snowmachine issue. We would think it would be all forms of off-road vehicles."

SENATOR SEEKINS said, "To get to the Pipeline from the road, I mean, my wife drives a Lincoln Navigator and she could do it in most of those places. It would seem to me that that road, just the vehicular traffic up and down that road would constitute any kind of a threat, that being able to use an off-road vehicle to get to your trap line wouldn't be any greater threat than that. The number of people that you have up there, if you have that checkpoint and you've screened them, in order to go any further, you've screened everything that they have in their possession. Am I right in assuming that?"

MR. BURGESS said, "Yes sir. During those periods when we set up the checkpoints we screen the entire vehicle."

SENATOR SEEKINS said, "But you can't stop an airplane that flew from a private airfield someplace north. Am I correct on that?"

MR. BURGESS said, "Yes sir."

SENATOR SEEKINS said he understands the need for security and he wasn't trying to be belligerent but was saying that if someone were to try to deliberately harm the Pipeline north, they probably would not be somebody who is going out for an afternoon of snow machining up there.

MR. MIKE TINKER, Chairman of the Fairbanks Fish and Game Advisory Committee, reported that the Board of Game that morning raised the population objective for the Chesana (ph) caribou herd to 32,000 animals, and set the harvest objective at 2,000. The annual harvest over the last five years has been between 435 and 470 animals of that herd, some of those in the far north of

their range, and over by Nuiqsut, and the others coming from along the corridor, taken under the [indisc.] bull-hunting regulations. Those are increases from the previous population objective of 20,000 and the previous harvest objective around 1,000. His point was that that caribou herd is in very good shape and has been recognized as able to withstand some additional harvest. The Central Arctic caribou herd, according to all of the previous testimony, and expertise from the board, does not mix a lot with the Western Arctic herd, and does not mix much with the Chuck buck herd which is also used by the Nuiqsut folks. The fears of the Alaskans who live in Anaktuvuk Pass and those places are perceived more than actual.

MR. TINKER continued that it bothers him when Alaskans don't want other Alaskans sharing the publicly owned resources. "We are caring people here in Fairbanks and if we would like to come up and hunt caribou, we would operate in ways that are unlike most of the North Slope residents." That is, if he were to go caribou hunting, he would probably be interested in staying as close to the outside edge of that five-mile corridor as he could, just from an efficiency standpoint. He mentioned going for a short period of time, snow machining across that corridor, getting outside where it was legal to harvest, and then going back home. He said he wasn't interested in going 75 miles along the corridor and then dropping down to Anaktuvuk Pass or all the way up to Nuiqsut or toward Kaktovik; it just wouldn't happen. That might happen under some organized expedition like Mr. Leary talked about.

MR. TINKER summarized by saying the land managers at BLM and DNR can easily handle the conditions under which off-road vehicles get authorization. "Those are the practical, physical natures and that's where I would like you to go with your decision-making process, and try to stay away from all of these perceived problems."

MS. DOREEN LAMPE, with the North Star Borough Planning Department, a land officer and a prior community planner, testified that in 1999 the planning department issued a publication entitled, "Minimum Adequate Public Facilities and Services for the Dalton Highway from Coldfoot to Deadhorse." She read a few pages from the final report of standards and implementing responsibility for the North Slope Borough on the Dalton Highway, Chapter 7, Land Use Plans and Regulations Related to Highway Services and Facilities:

[Borough Land Management Regulations, page 106:]

The Borough has also initiated Borough-wide land use controls to implement the comprehensive plan. The Borough Land Management Regulations (LMR), contained in Title 19 of the Borough code established Transportation Corridor zoning district for uses along the highway. The purpose of this district is to provide a strip of land to accommodate linear transportation facilities such as roads and pipelines. The Transportation Corridor district is to ensure that development complies with all Borough policies including policies that apply specifically to transportation corridors. All of the officially-designated development nodes are zoned by the Borough. Most types of activities require Borough permitting approval.

[Municipal Land Entitlements, page 107:]

Alaska Statute Title 29 establishes a land entitlement for Alaskan municipalities. The North Slope Borough has an entitlement of 89,000 acres. In 1990, the Borough selected state land at the designated nodes: Deadhorse (1,670 acres), north of Happy Valley (5,90-acres), and Franklin Bluffs (2,299 acres). In 1994, the ADOT&PF applied for an Interagency Land Management Agreement (ILMA), which is a transfer of land management authority at Happy Valley. The adjudication of the Borough selections and the ADOT/PF request is still under review by ADNDR.

The ownership of the nodes will be important, as the landowner will be in the primary position to make decisions about which uses will occur and where they will locate. All of the node areas are large (most are over a square mile) but each one has a smaller key developed area, usually adjacent to the airstrip. Ownership of the heart of the nodes, land around the air facilities, gravel pads and along the access roads is especially important in determining future uses and facilities.

MS. LAMPE concluded by saying she doesn't understand why the state continually supports everybody and encourages use of all the land and is always against the North Slope Borough and doesn't even honor the North Slope Borough's municipal land selections in over 30 years.

MR. MATT ROBUS, Director of Wildlife Conservation, Alaska Department of Fish & Game, said he was available to answer questions.

SENATOR LINCOLN asked if there was a fiscal note.

MR. ROBUS said he did not have a fiscal note to report at this time. He said he was ready to talk about the management tools that the department, the Board of Game and the Board of Fisheries could use in managing additional access that would result from this bill.

SENATOR LINCOLN asked how the fish and game would be managed with the opening up of this vast area.

MR. ROBUS replied that depends on what the results were from any action taken to repeal this prohibition on ORVs and the extent to which pressure on wildlife or fish resources increased. Both Boards have the power to take information provided by the department regarding how harvest pressure is affecting populations, and take actions that can range anywhere from restrictions on access - such as what's in the five mile corridor, either side of the road at present for the purpose of hunting - to much milder types of tools such as changing bag limits or changing season dates where it can be ensured that the affordable amount of harvest won't be exceeded, so that those populations would continue to do well.

SENATOR OLSON asked if he was saying that a plan is not currently in place, should this repeal of the statute go forward.

MR. ROBUS replied that season and bag limits are already in place. What would happen is that through reporting of the harvest, and monitoring by staff, the department would report any recommendations for changes to the regulations to the Boards, should those be necessary. Similarly, advisory committees and members of the public have the same opportunity to put recommendations to the Boards of Game and Fisheries if it is felt that adjustments need to be made. There is no plan per se, but there is certainly a mechanism on both the wildlife and the fisheries side to deal with any management issues that may come up as a result of this.

SENATOR SEEKINS asked if he was saying that they would use the same process that is already used on these lands and used on other public lands.

MR. ROBUS confirmed this was correct. He added that the department has emergency order authority in case closures are necessary.

SENATOR LINCOLN said she was a little confused. She said the sponsor had indicated that to get to those areas one would have to fly or walk in. "Now, to open up this tremendous area for off-road vehicles, when you say 'observation' I am still puzzled - and I guess Finance will have to take it up - that your department will observe what's going on here and then take action. "How are you going to do that with the personnel that's on hand right now?"

MR. ROBUS said perhaps his wording had been misleading. He explained that throughout the state most of the department's observing of hunting seasons and estimation of harvest pressure is not through direct observation, but rather through indirect means such as reporting on harvest tickets and permits and so forth. This builds a picture of how harvest pressure changes and how modes of access change while, at the same time, biologists are responsible for keeping track of how different wildlife populations are doing. Based on those two sets of data, the department arrives at the best recommendation for the Board of Game to consider regarding regulation changes. He said he didn't mean that "we'd be out there orbiting overhead the whole time but we would in a fairly short time follow-up on changes and how hunts are conducted and how many people are accessing particular populations."

SENATOR LINCOLN asked how this would be done with the existing staff.

MR. ROBUS responded that much of the current operation was based on prioritization, as there is far more to do in terms of management and research than staff can undertake in any given year. "We would have to kind of move the chess pieces around on the board to deal with changes of this sort that are put into place."

SENATOR LINCOLN asked if he anticipates having to move chess pieces around.

MR. ROBUS said metaphorically speaking, probably some of this would have to be done. He said he imagined that the area biologists responsible for game management units surrounding the Haul Road would have to pay closer attention to access off of the Haul Road, if for no other reason, to try to detect whether substantial differences are resulting from the change in the law.

SENATOR LINCOLN asked if he agreed with earlier testimony indicating that people could change the migration pattern of the caribou herd.

**TAPE 04-10, SIDE A**

MR. ROBUS responded that he was not a caribou biologist but has repeatedly heard that concern in many different parts of the state when either different user groups or development projects or similar types of [indisc.] cause changes in the ranges or migratory corridors for caribou herds. He said he didn't know enough about the Central Arctic herd or its movements to give a professional analysis, but could say that it is an often-heard concern of subsistence users and people living in remote villages.

SENATOR OLSON asked if Mr. Robus was a biologist and received confirmation that he was trained as a biologist. He referred to the testimony from the biologist from the North Slope engaged with the caribou and the musk oxen herd who expressed opposition to the bill, and asked Mr. Robus if he disagreed with that practical, on-site experience.

MR. ROBUS responded that the previous testifier gave personal testimony and expressed concerns of North Slope residents about potential for access from the Haul Road to the corridor. The department does not have a position on this bill. He stated his purpose was to talk about the management tools the department has available through the Board system, to manage the effects of changes like this.

SENATOR OLSON stated the sponsor of this bill has pointed out in a number of other bills that ADF&G has been close to mismanaging the state's resources if one looks at the out of control predator populations, such as bears and wolves; this certainly has had a negative affect on the moose population and nothing has been done until the recent past, thanks to the sponsor of this bill. He said, "It's almost too little too late from the

action we've seen by ADF&G. Is that an unfair characterization of your department?"

MR. ROBUS responded that he would respectfully say that the department has done the best it can, operating within the laws and regulations that exist. He pointed out that while it's a bit unrelated, the department is presently engaged in two predator-control projects for the first time in well over a decade.

SENATOR OLSON said the same has gone on at the other end of the spectrum whereby the caribou population has pretty much exploded. He quoted the Western Arctic caribou herd at 400,000, saying he understood that it is closer to 500,000 and such a large population could be in danger of a crash. It has decimated the reindeer herds on the Seward Peninsula. There were 14 herds and now there are 2. He asked if this was Mr. Robus's understanding.

MR. ROBUS replied that he was not aware of the current situation of the reindeer industry, although he knows that the Western Arctic caribou herd's migrations have been a problem for many years. The Western Arctic herd is still the largest herd in the state and is at the high end of what the range can probably carry. The department biologists have been watching that situation for years and that's why the Board of Game has such a liberal bag limit. Not only is that an important herd for food, but it makes a lot of sense to crop as many animals out of that herd when it's at the high end.

SENATOR OLSON said being a reindeer herder, and owning reindeer himself, he noted the exploding population has had a negative effect on the herders.

CO-CHAIR COWDERY said he understood that Senator Olson will, with the sponsor, address a committee substitute.

SENATOR SEEKINS said he has agreed to sit down with the Senator who represents the North Slope Borough to take a look at some of the concerns and to look at other alternatives. He said as the sponsor he doesn't want to force anything down anyone's throat, but these are public lands and there are Alaskans who believe they are being illegitimately locked out of public lands. He said he wanted to look at those concerns from both sides, and that he was willing to sit down and talk about that with the minority members who have some concerns. He said that hopefully in the time that the bill goes from this committee to Finance, a

CS could be crafted that would allay some concerns that have been addressed.

SENATOR OLSON asked if anybody from the oil company or Alyeska Pipeline would be testifying either for or against this bill.

CO-CHAIR WAGONER said he hadn't seen anybody on the list.

SENATOR SEEKINS said he had told them early on about this bill.

SENATOR OLSON said in reviewing testimony given, this reminds him of the ANWR situation whereby Alaskans who want to open up ANWR are being overruled by those living outside of the state, and that is reprehensible and somewhat offensive. All the testimony heard from people who come from the North Slope, Native and non-Native, professional and not professional, has been against this bill. A number of people from outside the area are the ones in favor of this bill. He said he would have to vote against this bill.

SENATOR SEEKINS said he'd like to make it clear for the record that he thinks that most of the criticism directed at the department is rightfully directed towards the administration further up the chain. There have been administrations that were not interested in managing, but in monitoring wildlife. He said he has great empathy for those members who are employees of the state who are also eager to manage wildlife but are prohibited from doing so by political decisions.

SENATOR LINCOLN said she didn't quite understand this discussion. She thought the Senator was asking that this be held in committee to work out a potential amendment because the area involves a considerable distance (178 miles) from the bridge and affects surrounding communities. She said she would have a great problem if the bill moves out of committee without viewing an amendment, which is rightfully this committee's, not Finance's, to address.

CO-CHAIR WAGONER suggested that the sponsor get together with Senator Olson. He said he had some questions of the sponsor as well. He said this involves a lot of land and maybe there was some middle ground for everybody.

CO-CHAIR COWDERY said there is currently no fiscal note, and one should probably be addressed in Finance.

SENATOR SEEKINS said he agreed with that but he didn't think that there would be a huge cost to allow a small number of people to go up there.

CO-CHAIR WAGONER said he didn't think this would change the way ADF&G or the state troopers manage things. He said the bill would be held in committee until Tuesday.

There being no further business to come before the committee, he adjourned the meeting at 3:28 p.m.