

**ALASKA STATE LEGISLATURE**  
**HOUSE TRANSPORTATION STANDING COMMITTEE**

May 2, 2006

1:33 p.m.

**MEMBERS PRESENT**

Representative Jim Elkins, Co-Chair  
Representative Carl Gatto, Co-Chair  
Representative Vic Kohring  
Representative Mark Neuman  
Representative Mary Kapsner  
Representative Woodie Salmon

**MEMBERS ABSENT**

Representative Bill Thomas

**COMMITTEE CALENDAR**

SENATE BILL NO. 85

"An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

- FAILED TO MOVE SB 85 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 85

SHORT TITLE: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

SPONSOR(S): SENATOR(S) SEEKINS

01/31/05	(S)	READ THE FIRST TIME - REFERRALS
01/31/05	(S)	TRA, RES
02/08/05	(H)	TRA AT 1:30 PM CAPITOL 17
02/08/05	(S)	Scheduled But Not Heard
02/15/05	(S)	TRA AT 1:30 PM BUTROVICH 205
02/15/05	(S)	Heard & Held
02/15/05	(S)	MINUTE(TRA)
02/17/05	(S)	TRA AT 1:30 PM BUTROVICH 205
02/17/05	(S)	Moved SB 85 Out of Committee
02/17/05	(S)	MINUTE(TRA)
02/18/05	(S)	TRA RPT 3DP 1DNP
02/18/05	(S)	DP: HUGGINS, COWDERY, THERRIAULT
02/18/05	(S)	DNP: FRENCH
03/21/05	(S)	RES AT 3:30 PM BUTROVICH 205

03/21/05	(S)	Heard & Held
03/21/05	(S)	MINUTE(RES)
04/08/05	(S)	RES AT 3:30 PM BUTROVICH 205
04/08/05	(S)	Heard & Held
04/08/05	(S)	MINUTE(RES)
04/11/05	(S)	RES AT 3:30 PM BUTROVICH 205
04/11/05	(S)	Moved SB 85 Out of Committee
04/11/05	(S)	MINUTE(RES)
04/12/05	(S)	RES RPT 2DP 1DNP 4NR
04/12/05	(S)	LETTER OF INTENT WITH RES REPORT
04/12/05	(S)	NR: WAGONER, GUESS, DYSON, STEDMAN
04/12/05	(S)	DP: SEEKINS, STEVENS B
04/12/05	(S)	DNP: ELTON
10/10/05	(S)	RES AT 6:30 PM NOME
10/10/05	(S)	<Pending Referral>
10/11/05	(S)	RES AT 6:30 PM Fairbanks
10/11/05	(S)	<Pending Referral>
10/12/05	(S)	RES AT 6:30 PM Coldfoot
10/12/05	(S)	<Pending Referral>
10/14/05	(S)	RES AT 2:00 PM Barrow
10/14/05	(S)	<Pending Referral>
10/15/05	(S)	RES AT 3:00 PM Chugiak
10/15/05	(S)	<Pending Referral>
02/09/06	(S)	TRANSMITTED TO (H)
02/09/06	(S)	VERSION: SB 85
02/10/06	(H)	READ THE FIRST TIME - REFERRALS
02/10/06	(H)	TRA, RES
03/05/06	(H)	TRA AT 1:30 PM CAPITOL 17
03/05/06	(H)	-- Meeting Canceled --
05/02/06	(H)	TRA AT 1:30 PM CAPITOL 17

**WITNESS REGISTER**

SENATOR RALPH SEEKINS  
Alaska State Legislature  
Juneau, Alaska  
POSITION STATEMENT: Presented SB 85 as the sponsor.

EDWARD ITTA, Mayor  
North Slope Borough  
Barrow, Alaska  
POSITION STATEMENT: Testified in opposition to SB 85.

GLENN VILLENEUVE  
Fairbanks, Alaska  
POSITION STATEMENT: Testified in opposition to SB 85.

JULIE RAYMOND YAKOUBIAN

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

RANDY MAYO, First Chief

Stevens Village Tribal Council

President, Dinyee Native Corporation

POSITION STATEMENT: Testified in opposition to SB 85.

ROD ARNO, Director

Alaska Outdoor Council

POSITION STATEMENT: Testified in support of SB 85.

WILLIAM PEARSON

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

KATE PEARSON

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

BRIAN PERSON, Wildlife Biologist

Department of Wildlife Management

North Slope Borough

Barrow, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

EARL FINKLER, Planner

North Slope Borough

Barrow, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

FRAN MAUER

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

REBECCA BAILEY, Tour Guide

Dalton Highway

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

KAARLE STRAILEY

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

MARY SHIELDS

Fairbanks, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

TAQULIK HEPA, Director  
Department of Wildlife Management  
North Slope Borough  
Barrow, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

JOHNNY L. AIKEN, Director  
Planning Department  
North Slope Borough  
Barrow, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

SEPP HERRMANN  
(No address provided)

POSITION STATEMENT: Testified in opposition to SB 85.

DARIN MARKWARTT  
(No address provided)

POSITION STATEMENT: Testified in opposition to SB 85.

THOR STACEY  
Wiseman, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

HEIDI SCHOPPENHORST  
Wiseman, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

LUPITA HENRY  
Point Lake, Alaska

POSITION STATEMENT: Testified in opposition to SB 85.

BRIAN HOVE, Staff  
to Senator Ralph Seekins  
Alaska State Legislature  
Juneau, Alaska

POSITION STATEMENT: Provided comments on behalf of the sponsor of SB 85.

#### **ACTION NARRATIVE**

**CO-CHAIR CARL GATTO** called the House Transportation Standing Committee meeting to order at [1:33:33 PM](#). Representatives Elkins, Gatto, Kohring, Neuman, Kapsner, and Salmon were present

at the call to order. Representative Joule was also in attendance.

SB 85-OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

CO-CHAIR GATTO announced that the only order of business would be SENATE BILL NO. 85, "An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

REPRESENTATIVE KAPSNER asked the sponsor of SB 85 if his dealership sells off-road vehicles (ORV).

SENATOR RALPH SEEKINS, Alaska State Legislature, sponsor of SB 85, said yes, but not under the definition of the Bureau of Land Management (BLM), which means vehicles that are 1,500 pounds or less.

The committee took an at-ease from 1:34:49 p.m. to 1:41:49 p.m.

1:41:51 PM

SENATOR SEEKINS said only one road exists north of the Yukon River—the James Dalton Highway, and current law prohibits the use of ORVs within five miles of the highway starting at mile 57 all the way to the Arctic Ocean. He said that distance is equal to the road between Anchorage and Fairbanks. Therefore, he opined, the average Alaskan can't recreate "on tens of millions of acres of public lands that would otherwise be open to their use." He said SB 85 will remove the prohibition on that five-mile right-of-way. Landowners can then develop and implement land use plans, he stated. Campgrounds and cabins could be built while protecting sensitive areas, and multiple user-groups could coexist, he said. The Bureau of Land Management (BLM) already has turnouts, restrooms, and visitor centers to accommodate increased public interest in this part of Alaska. He said BLM has already prepared a management plan "waiting for the state to remove the outdated ban on off-road vehicles." He added that by dropping the ban, state agencies could continue doing valuable research without violating the law. "Current law essentially requires that you be either wealthy enough to fly or healthy enough to walk into the vast areas of public lands north of the Yukon River."

1:45:47 PM

CO-CHAIR GATTO said it is important to identify that Senator Seekins owns an automobile dealership.

SENATOR SEEKINS said he has no conflict of interest because the definition of an ORV is a snow machine or a four-wheeler. He said he sells cars and trucks. "We don't sell off-road vehicles if you define them as snow machines or four-wheelers or any of those others." He has taken in an occasional ORV trade-in.

[1:47:45 PM](#)

SENATOR SEEKINS said the Dalton Highway was built in 1974 as a pipeline construction and service road, and was called "the haul road". The road starts at Livengood and ends at Deadhorse, measuring just over 400 miles in length. The distance between the Yukon River and Deadhorse is about 360 miles, and that portion is closed, by state law, to all recreational off-road vehicle use within 5 miles of the road right-of-way. The road became a public highway in 1991, he stated, and it was named after an oil engineer.

[1:50:39 PM](#)

SENATOR SEEKINS said almost all the land along the route is public land. There are two different land managers, and BLM manages 2.1 million acres along the corridor. He noted that the Department of Natural Resources (DNR) manages "tens of millions of acres of lands north of Atigun Pass. The Yukon River Bridge is at milepost 56, and the span is 2,290 feet--the only bridge crossing the Yukon River. The visitor contact station is located within a few dozen feet of the north side of the bridge, he noted, where visitors can pick up BLM Dalton Highway information and see the Trans-Alaska Pipeline System interpretive station. He spoke of lodging and many airstrips along the highway. There are many pull-outs along the Dalton Highway, and at 42 mile there is an all-weather outhouse.

[1:53:52 PM](#)

SENATOR SEEKINS said there are many access gates crossing the pipeline right-of-way. The Arctic Interagency Visitor Center is in Coldfoot and jointly operated by BLM, the U.S. Fish and Wildlife Service, and the National Park Service. He showed the Brooks Range foothills. The pipeline is easily accessible along its 800-mile length, he said. If someone wanted to damage the pipeline, he/she doesn't have to use a snow machine, he stated. The Marion Creek Campground is 180 miles north of the bridge.

The Chandalar Camp is located four miles inside the North Slope Borough, he noted, and not many people are going to drive that far to recreate. Atigun Pass summit is the highest highway pass in Alaska. The Institute of Arctic Biology field station is located 40 miles north of Atigun Pass. He said caribou seem to co-exist with the pipeline "fairly well."

1:57:32 PM

SENATOR SEEKINS said he considered science and research, fish and game, safety and security when creating SB 85. The Toolik Field Station is located on the north side of the Brooks Range, 370 miles from Fairbanks, and BLM has expressed its intent to close the areas surrounding the field station from any off-road vehicle use. "No one wants to intrude on that," he said. The Boards of Fish and Game will address methods, means, seasons and bag limits to conserve the fish and game populations from over-harvest - just as they do in all other areas of the state. Bow hunting within the corridor is not threatened because the time that ORVs will arrive north of Atigun Pass, the hunting season will be closed. Safety and security services will expand proportional to demand, just as in other areas of the state, he stated. There is no greater threat to the pipeline north of the Yukon River than there is south of it. "More eyes on the pipe is better security," he opined. The public should have access to public lands, he stated, but not unfettered access. It is not true that SB 85 will allow "hummers to go tearing across the tundra." He said SB 85 has a delayed effective date so that BLM and DNR will be prepared. He said DNR will not open any of the state land north of Atigun Pass to wheeled vehicles, but only to snow machines after adequate snow cover.

2:01:54 PM

SENATOR SEEKINS said one of the dangers about having a four-wheeler truck instead of a two-wheeler and going off road is that "you just need a longer cable to pull you out." He said, "BLM has said that wheeled vehicles will be used where it's appropriate—on hardened trails, on areas where they're not going to do environmental damage." Summer use of ORVs will be restricted to designated trails. Half of Alaska lies north of the Yukon River, and there are millions of acres of public lands on both sides of the Dalton Highway. SB 85 takes effect 12 months after it is signed into law, and both BLM and DNR have indicated the 12-month delay is enough to develop and implement land use plans. SB 85 will repeal AS 19.40.210. He has toured the highway with BLM, Alyeska and state officials, and he

consulted with DNR, Alaska Department of Fish & Game, and the University of Alaska at Fairbanks, and he heard no substantive arguments against allowing public access to public lands.

[2:05:35 PM](#)

REPRESENTATIVE KAPSNER asked if he said he heard no substantive reasons to keep it closed.

SENATOR SEEKINS said the key word is "substantive". He said there is no great threat that he can see. He said he has heard lots of reasons why people shouldn't be allowed to go there.

REPRESENTATIVE KAPSNER asked him to define substantive.

SENATOR SEEKINS said he means "nothing that I think is so compelling that we should not allow reasonable recreational access to public lands." He said the protections are there, but he hears people say, "we don't want anybody else coming up here; this is our part of Alaska; we don't want other folks to be able to do what we do up here." He read in the newspaper that [SB 85] would destroy hunting, but he checked with the Board of Game and the dire predictions don't exist. "They're still not going to allow people to drive out there with off-road vehicles to be able to harvest or transport those animals." He spoke of various management strategies in the state. He said he heard people say that [SB 85] will threaten the caribou that go through Anaktuvuk Pass, but the caribou along the highway are among the Central Arctic Herd. "The management systems that are in place in other parts of the state...are adequate to be able to protect those values, at the same time making recreational use available."

[2:09:14 PM](#)

REPRESENTATIVE NEUMAN asked how management plans will be developed for the area.

SENATOR SEEKINS said it will be a standard public process with hearings and public comments. The DNR process won't take long "because they're just going to say no wheeled vehicles, and snow machines will be allowed when we have adequate snow cover and adequate freeze levels." He noted that BLM has a regular process that will take four to six months, as long as it works within budget allocations.

[2:12:43 PM](#)

CO-CHAIR GATTO turned to public testimony.

[2:13:19 PM](#)

EDWARD ITTA, Mayor, North Slope Borough, testified in opposition of SB 85. Opening up the corridor to anyone and everyone is wrong "in terms of history and subsistence protection and land management practices and security and public safety." The road was built as an industrial supply road. It was the first road to the North Slope, "and our people were naturally very nervous" about its impact on subsistence traditions. In response the state committed itself to manage the road in partnership with the North Slope Borough, he said. "The spirit of that agreement was very important to us. It was the state's promise to limit use and limit impacts." His people have a lot to lose and they expect the state to honor the partnership formed when the haul road was built.

CO-CHAIR GATTO asked him to finish in 15 seconds.

MAYOR ITTA said, "I think the half hour that you gave the bill's sponsor is very unfair ... I urge you not to pass this bill because it's just not right." He said his borough has been partners with the state and the industry, "and for certain sponsors of these bills that kindly forget this, I think they need to be reminded that partnerships are a two-way street."

[2:17:09 PM](#)

GLENN VILLENEUVE said he lives part of the year in the Brooks Range with a subsistence life style. He said SB 85 would devastate his way of life there. He said the fish limit has declined because of so much pressure on the fish. Thousands of people visit the region every year, by foot, plane, dog team, snow machine and boat. The lake trout can't be taken along the road any more. Under SB 85 people will be able to take a short four-wheeler ride and get up to many lakes where people have been fishing for food for thousands of years, "and in a very short time all you're going to be able to do there is play with the fish."

REPRESENTATIVE NEUMAN asked if Alaska's resources belong to everybody equally.

MR. VILLENEUVE replied yes, but pointed out that people use and access the resources differently. Fish grow much more slowly up north, and there needs to be less pressure on them.

CO-CHAIR GATTO interjected that is why the bag limit has been reduced and catch-and-release has be instituted.

[2:21:05 PM](#)

JULIE RAYMOND YAKOUBIAN said she hopes that the committee has seen the transcripts from hearings on this issue that were held in Fairbanks, where people were overwhelmingly opposed to SB 85. She said she has worked and recreated in the area and appreciates the lack of motorized vehicles. With only one officer to enforce rules, it will be impossible to monitor off-road activity in the corridor. It has the potential to be an impact to tourism and an environmental disaster. The tundra is too fragile to handle ORVs. She said cultural sites will be exposed to harm. There are no provisions in the bill to address any of these concerns and the costs associated with them, she concluded.

[2:23:00 PM](#)

RANDY MAYO, First Chief, Stevens Village Tribal Council, said he is also the President of the Dinyee Native Corporation, which is a major landowner of adjacent property. He testified in opposition to SB 85. His community is 20 miles from the highway, and the impacts of the highway continue. "Rules and regs are fine, but if there's no enforcement out here, then they're meaningless." He said there is hardly a presence of any state enforcement in the area. He said the entire year can pass when only one or two rangers are seen to drive up and down the road.

CO-CHAIR GATTO surmised that Mr. Mayo's most important concern is the presence of public safety officials.

MR. MAYO said there is no mention of a fiscal note attached to this bill, so how can there be patrols "of this huge area?" He said there might be pullouts, "but you're basically on your own."

CO-CHAIR GATTO asked if cell phones work.

MR. MAYO replied no; the last communication contact is about 30 miles from Fox.

[2:26:51 PM](#)

ROD ARNO, Director, Alaska Outdoor Council, said he supports SB 85 and the common use clause of Alaska's constitution. Earlier restrictions on access to protect industrial development no longer seem necessary, he said. The extended planning period will ensure appropriate regulations, and the council would like to be involved in the planning, he said.

[2:28:21 PM](#)

CO-CHAIR GATTO requested his written statement.

WILLIAM PEARSON said he was born and raised in Fairbanks and he is a sheep hunter. He noted that SB 85 "is a naked opening to the Dalton Highway without any legislative scheme." He said there is no knowledge of the implementation of the bill.

KATE PEARSON said she is not a hunter but believes there is value to non-motorized areas. Currently, the corridor allows for hiking and camping in a place free from motorized noises, where wildlife has not been spooked, and where the landscape remains unscarred by rutted ORV trails. That experience cannot be replaced, she concluded.

[2:29:38 PM](#)

BRIAN PERSON, Wildlife Biologist, Department of Wildlife Management, North Slope Borough, said the sponsor of SB 85 purports to offer responsible public access while in actuality this legislation will remove the benefit that Alaskans are provided by the existing five-mile corridor. Allowing off-road vehicle use will disrupt hunting opportunities to bow and sport hunters who desire the challenge of a hunt under the current regulations. He said people can access the land in the corridor by foot, ski, dogsled, aircraft, and boat. The result of off-road vehicle use is likely going to result in shorter hunting seasons and bag limits for all user groups. He noted that the opposition to SB 85 has fallen on deaf ears. He urged a stop to this legislation, which will increase conflicts between user groups including subsistence users. He said low-income hunters can hunt without competing with those who can afford ORVs.

[2:32:19 PM](#)

EARL FINKLER, Planner, North Slope Borough, said he was the planner in the 1970s when the legislature was struggling with this issue as it opened the road over local objections from indigenous people from up and down the corridor. The restrictions were put in with wisdom and there are no compelling arguments for overturning them. Opening up the corridor with a zero-dollar fiscal note is poor planning and poor management. He said he is the northern Vice President of Alaska Chapter of the American Planning Association, which has opposed this, citing the borough's long planning efforts. He said local plans and policies should be respected.

[2:34:27 PM](#)

FRAN MAUER said he worked and hiked off the Dalton Highway for many years. When the highway was completed, there were already solid reasons for limiting ORVs, which cause significant impacts to soil, water, and vegetation. That body of evidence has grown substantially, he said. He said BLM lands in the White Mountains National Recreation area are currently under an ATV management plan that has failed. He noted that BLM is trying to deal with the damage. Even lands managed under the National Park Service have seen significant damage done by ORVs. He explained that SB 85 is inappropriate because it ignores the historic record of damage, and it is at odds with Alaska's constitution requiring sustainable resource use.

[2:36:47 PM](#)

REBECCA BAILEY, Tour Guide, urged the committee to think about this issue from a larger perspective. She said she is a tour guide along the highway, and she has been telling the story of pipeline development for four years and watching how visitors to Alaska change their perception of resource development in Alaska. She said Alaska residents will benefit from responsible resource development of oil and gas more if visitors see responsible development. If Alaska lifts the ban, it will send the message that it can't be responsible.

[2:39:10 PM](#)

KAARLE STRAILEY said he hikes and bikes along the corridor. There is plenty of access now and the bill is irresponsible. He said there are 240 miles of no facilities, only one state trooper, and he encouraged the committee to vote against SB 85.

[2:40:50 PM](#)

MARY SHIELDS said hearings on this bill had 44 in opposition and only one person in favor. She said Senator Seekins should remember that his constituents have given him clear direction on the bill. She remembers when the haul road was approved and the five-mile buffer zone was implemented. Global climate change is profoundly affecting Alaska and Senator Lisa Murkowski said to take action against it. The research station at Toolik has climate change data, and there will be no enforcement to make sure ORVs don't cause a problem there. Deep ORV ruts are destroying trails in Fairbanks. She wondered if Senator Seekins showed images of the deep ORV ruts on the sides of the trail. Visitors seeing that would be very disappointed, she opined.

[2:43:21 PM](#)

TAQULIK HEPA, Director, Department of Wildlife Management, North Slope Borough, said she is concerned about the impact SB 85 will have on subsistence uses, especially for the communities of Anaktuvuk Pass, Nuiqsut, and Kaktovik. The bill will cause a dramatic increase in hunters and "recreationists." Increases in hunting and motorized traffic to the west of the highway will have a devastating impact on fall migration harvests for Anaktuvuk Pass. "These are the last nomadic people of Alaska and have a lifestyle that is heavily dependent on the subsistence harvest of the terrestrial mammals, with caribou being the most important," she highlighted. If the caribou are unavailable and other mammals such as moose, sheep, and musk ox are heavily regulated, the community will be very impacted. "How are the residents of the North Slope supposed to adequately express their concerns and report conflicts when they occur? The state's local fish and game advisory committee has been inactive since 1990, "and we've urged the fish and game officials to reactivate the two advisory councils." She was told it is unlikely due to budget constraints. It is important to remember the original intent of the Dalton Highway, and she noted the long history of these types of promises being broken.

[2:46:37 PM](#)

JOHNNY L. AIKEN, Director, Planning Department, North Slope Borough, said he strongly opposes SB 85, which does not benefit local, state, or federal interests. He said he had seven points to present, but the Co-Chair told him to mail his testimony.

[2:48:17 PM](#)

SEPP HERRMANN, Trapper, said he traps with a dog team in the Brooks Range and Alaska Range. He has seen what ORVs can do to the trails: three-foot-deep mud ditches. Furthermore, in the last 25 years the game populations have declined due to commercial trophy hunting and allowing ORVs would be totally inappropriate, he concluded. He stated that he is opposed to SB 85.

[2:51:13 PM](#)

MAYOR ITTA related that it's not just increased harvest that worries subsistence users. He mentioned that one inexperienced hunter can scare the migration away and place an entire village at risk. He then related that a well-enforced management plan can make a big difference in protecting the animals and the subsistence hunters, but any talk of a management plan under SB 85 is "a lot of hot air." He opined that one can't plan for impacts or enforce a legitimate plan without spending money and thus the zero fiscal notes from all agencies seems to relate a clear message from the sponsor. He suggested that the sponsor's message is that planning and management issues by this legislation aren't worth any funding. Although the old BLM management plan that has been promoted as a solution may be a good start, it's only the outline of a plan. Much more work is necessary, and moreover without enforcement no management can occur. He pointed out that the state will continue to have one state trooper for the entire length of the highway and one ADF&G officer for the entire North Slope. The aforementioned enforcement won't be able to handle the increased traffic from SB 85. Mayor Itta opined that the result of SB 85 will be more hunting, more violations, damaged habitat, and less enforcement. He further opined that this legislation isn't responsible public policy. He then mentioned the pipeline security. Mayor Itta emphasized that he is merely asking for respect for the subsistence heritage and protection of the wildlife and habitat upon which subsistence depends. Therefore, Mayor Itta expressed hope that this committee will honor the partnership the state made with the North Slope almost 30 years ago and continue to work on developing the resources while protecting the subsistence traditions.

[2:57:20 PM](#)

DARIN MARKWARTT informed the committee that he was born and raised in Alaska and has hiked and hunted extensively in the Talkeetna and Chugach range. He said that he has seen the damage created by ORVs first-hand. Furthermore, ORVs have

turned the Talkeetna Mountains into an elitist hunting area where one can only take a sheep if she/he has a plane to spot it and an ORV to go back into the mountains. With regard to Representative Neuman's earlier question regarding whether resources belong to all Alaskans, Mr. Markwartt emphasized his belief that the answer is yes and added that they also belong to future generations. He opined that the Brooks Range is the last place in Alaska where one can hunt in the old Alaska style, on foot. In conclusion, Mr. Markwartt reminded the committee that former governor Jay Hammond would ask the following before implementing any resource policy: does the project pay for itself; is the public for it; and is the project environmentally sound. On all three aspects, this project fails, he opined.

[2:58:32 PM](#)

THOR STACEY informed the committee that he makes his living in Wiseman, Alaska, as a registered hunting guide, subsistence hunter and trapper. Mr. Stacey opined that the existing land management plan is effective in its exclusion of off-road vehicle use. He highlighted that all caribou herds accessible by road with off-road vehicles are currently under intensive management. Furthermore, passage of SB 85 would allocate the resource and its use to a dominant user group, excluding traditional access methods. Under the current plan, orderly and sustainable growth is occurring and is improving the access to the general public. This particular access via ORVs goes against the aforementioned goals because the land north of the Yukon River is different in that it's low productive, cold, sparse animal populations, and sensitive natural terrain. Mr. Stacey specified his opposition to SB 85, which he said is the sentiment of most Alaskans.

[3:00:17 PM](#)

HEIDI SCHOPPENHORST testified in opposition of SB 85, and noted that she has submitted written testimony.

[3:01:48 PM](#)

LUPITA HENRY testified in opposition to SB 85, adding that it will impact the caribou migration.

CO-CHAIR GATTO announced the closure of public testimony.

[3:02:52 PM](#)

REPRESENTATIVE SALMON highlighted that of the approximately 20 testifiers, all but one testified in opposition to SB 85. The aforementioned speaks for itself, he opined.

REPRESENTATIVE NEUMAN related that it's becoming more and more difficult to find places to recreate in Alaska, although he suggested that certain areas should be protected. He indicated the need to balance both sides of this issue.

[3:05:10 PM](#)

REPRESENTATIVE KAPSNER acknowledged that the use of ORVs is working in the Mat-Su Valley, but she pointed out that the terrain is very different above the Arctic Circle.

[3:06:01 PM](#)

BRIAN HOVE, Staff to Senator Ralph Seekins, Alaska State Legislature, speaking on behalf of the sponsor, acknowledged that there has been a lot of opposition to this legislation. However, he said that the sponsor hasn't rounded up all the supporters that could come in and testify in support of SB 65. Furthermore, this legislation doesn't merely allow the use of ORVs but rather it allows the land use managers charged with ensuring the land resource is managed responsibly to implement plans. Mr. Hove said that the sponsor isn't advocating that the area be opened up "willy-nilly" for ORVs.

[3:07:53 PM](#)

CO-CHAIR ELKINS moved to report SB 85 out of committee with individual recommendations and the accompanying zero fiscal notes.

REPRESENTATIVE KAPSNER objected.

[3:08:12 PM](#)

A roll call vote was taken. Representatives Neuman and Gatto voted in favor of reporting SB 85 out of committee. Representatives Kapsner, Salmon, and Elkins voted against it. Therefore, SB 85 failed to be reported out of committee by a vote of 2-3.

[3:08:49 PM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 3:08 p.m.