

ALASKA STATE LEGISLATURE
SENATE TRANSPORTATION STANDING COMMITTEE

February 15, 2005

1:32 p.m.

MEMBERS PRESENT

Senator Charlie Huggins, Chair
Senator John Cowdery, Vice Chair
Senator Gene Therriault
Senator Albert Kookesh
Senator Hollis French

MEMBERS ABSENT

All members present

OTHER LEGISLATORS PRESENT

Senator Donny Olson
Senator Ralph Seekins

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."

HEARD AND HELD

SENATE BILL NO. 40

"An Act relating to the establishment of the Kuskokwim Port Authority; and providing for an effective date."

SCHEDULED BUT NOT HEARD

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

BILL: SB 40

SHORT TITLE: KUSKOKWIM PORT AUTHORITY

SPONSOR(S): SENATOR(S) COWDERY, HOFFMAN

01/11/05 (S) PREFILE RELEASED 1/07/05
01/11/05 (S) READ THE FIRST TIME - REFERRALS
01/11/05 (S) TRA, FIN
02/03/05 (S) TRA AT 1:30 PM BUTROVICH 205
02/03/05 (S) <Bill Hearing Postponed to 02/08/05>
02/08/05 (H) TRA AT 1:30 PM CAPITOL 17
02/08/05 (S) Heard & Held
02/08/05 (S) MINUTE(TRA)
02/15/05 (S) TRA AT 1:30 PM BUTROVICH 205

WITNESS REGISTER

Senator Ralph Seekins
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Sponsor of SB 85

Mr. Brian Hove, Legislative Aide
Staff to Senator Seekins
Alaska State Capitol
Juneau, AK 99801-1182

POSITION STATEMENT: Commented on SB 85

Mr. Tom Scarborough
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 85

Mr. Cal Skaugstad
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 85

Mr. David Stoller
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 85

Mr. Bill Larry
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 85

Mr. Mike Tinker
Fairbanks, AK

POSITION STATEMENT: Testified in support of SB 85

Mr. Paul Hugo
Anaktuvik, AK

POSITION STATEMENT: Testified in opposition to SB 85

Mr. Brian Barnes, director
Institute of Biology
Fairbanks, AK

POSITION STATEMENT: Commented on SB 85

Mr. Mike Thompson
Department of Natural Resources
400 Willoughby Ave.
Juneau, AK 99801-1724

POSITION STATEMENT: Neutral on SB 85

Mr. Paul Carr, Chief of Police
Barrow, AK

POSITION STATEMENT: Commented on SB 85

ACTION NARRATIVE

CHAIR CHARLIE HUGGINS called the Senate Transportation Standing Committee meeting to order at [1:32:09 PM](#). Present were Senators Hollis French, John Cowdery, Donnie Olson, and Chair Charlie Huggins.

SB 85-OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

[1:33:04 PM](#)

SENATOR RALPH SEEKINS introduced SB 85. A substantial portion of Alaska's landmass lies close to the James Dalton Highway. Current law bans the use of off-road vehicles within five miles of the right-of-way, starting at mile 57. The law essentially prohibits access for average Alaskans to recreate on tens of millions of acres of public lands. A removal of the ban would clear the way for development of cabins, trails, and campgrounds. These could all be built while protecting sensitive areas. The Bureau of Land Management (BLM) already has some accommodations in place for the public.

[1:35:25 PM](#)

Senator Albert Kookesh joined the committee.

Continued prohibition of off road vehicles will only foster an increasingly untenable situation. Dropping the ban would allow state agencies to continue doing valuable research work without violating state law.

Senator Seekins referred to a map of the area in question and pointed out several areas of reference.

[1:38:42 PM](#)

SENATOR JOHN COWDERY asked the rules for people trapping and hunting in the area.

SENATOR SEEKINS advised there are current restrictions of high-powered rifles near the pipeline. Hunting takes effort because of the motorized vehicle restrictions. The BLM would protect the wildlife from over harvest.

SENATOR COWDERY asked whether subsistence people have access to the corridor.

SENATOR SEEKINS said under current law, no. They have to start outside the five-mile corridor.

SENATOR COWDERY asked Senator Seekins to explain "outside."

SENATOR SEEKINS advised there is a five-mile corridor that is against the law to cross.

[1:40:31 PM](#)

SENATOR SEEKINS added a person is not allowed to go anywhere within the five-mile corridor boundary beginning at the road. A person has to live outside the area in order to go thru the area.

[1:42:29 PM](#)

Senator Seekins presented a Powerpoint slide presentation: The presentation was a series of photographs taken along the James Dalton Highway. Slides included photos of people recreating: tourists, cyclists, campers, buses, visitor centers, etc. No winter slides were on the presentation, however reference was made to heavy use by snowmachiners. The pipeline was visible in many roadside slides.

[1:55:02 PM](#)

End of slide presentation. Senator Seekins referred back to the map.

Some parts of the area are environmentally sensitive and are research areas. SB 85 would not harm those projects. Landowners would put into process restrictions and allow for reasonable access to public lands.

[1:57:15 PM](#)

SENATOR SEEKINS explained the map of the James Dalton Highway.

CHAIR HUGGINS explained for those who couldn't see the map, BLM is the owner of the land in the corridor.

SENATOR SEEKINS agreed but said there are some private lands and small Native allotments as well.

[2:00:56 PM](#)

SENATOR HOLLIS FRENCH asked the original rationale for the ban.

SENATOR SEEKINS responded fighting over lands propelled the state to try to accommodate everyone and still have a corridor. With planning wildlife concerns could be easily addressed.

SENATOR FRENCH asked whether SB 85 would change the rules regarding access to the Arctic National Park.

SENATOR SEEKINS said no.

CHAIR HUGGINS noted at one time the James Dalton Highway was closed.

SENATOR SEEKINS affirmed it used to be a private road closed to public access without a permit.

[2:03:36 PM](#)

CHAIR HUGGINS asked whether the committee should be aware of any entrepreneurship issues.

SENATOR SEEKINS said there is a burden on Alyeska Pipeline Service Company because of their good neighbor policy.

CHAIR HUGGINS asked Senator Seekins whether he was representing any special interest groups.

SENATOR SEEKINS said no. He represents access for all.

[2:07:11 PM](#)

CHAIR HUGGINS asked whether there was access to the area for handicapped people.

SENATOR SEEKINS said no.

SENATOR FRENCH noted arguments against the bill concern wildlife. He asked Senator Seekins to respond to those concerns.

SENATOR SEEKINS said the Board of Game agrees if the road were opened they would look at suggestions regarding game populations.

[2:09:28 PM](#)

SENATOR SEEKINS asserted the Department of Fish and Wildlife (DFW) anticipates no problems addressing concerns.

SENATOR FRENCH asked whether the DFW would overlay their own restrictions on the area.

SENATOR SEEKINS said yes, through the public process.

[2:10:51 PM](#)

SENATOR SEEKINS referred back to the map and claimed caribou are thriving but the Board of Game would craft limits on hunting.

[2:13:27 PM](#)

SENATOR DONNY OLSON asked Senator Seekins whether he was considering Native lands to be private.

SENATOR SEEKINS said yes.

SENATOR OLSON noted there was no fiscal note yet there would be increased traffic, increased road maintenance, as well as increased cost to law enforcement and fish and game personnel.

SENATOR SEEKINS advised that has been taken into consideration. The road maintenance is kept up to supply oil fields on the North Slope. It is difficult to determine how many people would use the road when it's opened up.

[2:16:11 PM](#)

SENATOR SEEKINS asserted it would not be a huge impact. There probably would be a fiscal impact but it is indeterminate.

Senator Therriault joined the committee.

SENATOR SEEKINS added the Department of Public Safety determined there would be no great impact initially.

[2:19:40 PM](#)

MR. TOM SCARBOROUGH, Fairbanks, testified in support of SB 85.

MR. CAL SKAUGSTAD, Fairbanks, testified in Support of SB 85.

[2:21:01 PM](#)

MR. DAVID STOLLER, Fairbanks, testified in support of SB 85.

[2:24:00 PM](#)

SENATOR GENE THERRIAULT asked Mr. Stoller whether the Board of Game manages resources within the corridor.

MR. STOLLER replied yes. Currently the regulations do not allow use of off road vehicles to transport game or hunters through the corridor.

SENATOR THERRIAULT asked whether he had first hand experience hunting outside the corridor and having to pack the game five miles.

MR. STOLLER said he has hunted there but has yet to bag game.

MR. BILL LARRY, Alaska Trailblazers, Alaska Snowmobile Association, testified in support of SB 85.

MR. MIKE TINKER, Fairbanks Advisory Committee, testified he has helped the Board of Game work with subsistence folks. Access to the corridor has been an issue for years. He expressed support for the bill.

[2:30:24 PM](#)

SENATOR OLSON asked Mr. Tinker the ability of the state to respond to pipeline vandalism.

MR. TINKER responded the oil spill contingency plan is in place but it is not an issue within the corridor.

[2:33:08 PM](#)

MR. BRIAN BARNES, director, University of Alaska Fairbanks, Institute of Biology, testified about his concerns of off roads vehicles on the road near the research station where there is a 30-year history of scientific research. The Arctic ecosystems are known to be world class. There are 350 scientists performing eight million dollars worth of research annually on 78,000 acres of critically sensitive lands. Off road use in the area could compromise the research station. He urged the committee to

consider restrictions between milepost 275-300 to snow machines only by permit.

[2:38:22 PM](#)

SENATOR OLSON asked Mr. Barnes whether he had proof of compromise to the area.

MR. BARNES informed research papers show the affects of ATVs (all terrain vehicles) on tundra by production of dust and sediment in the waters. He offered to provide research to the committee.

SENATOR OLSON asked the kinds of fish that inhabit the rivers.

MR. BARNES said grayling, char, and lake trout.

[2:40:22 PM](#)

CHAIR HUGGINS asked the number of ATVs the research station has.

MR. BARNES said none for use off road. They have one for use from building to building.

CHAIR HUGGINS asked the distance between buildings.

MR. BARNES said the research station pad is twelve acres.

CHAIR HUGGINS asked the number of automobiles at the research station.

MR. BARNES responded there were a dozen.

[2:41:44 PM](#)

CHAIR HUGGINS asked the number of snow machines.

MR. BARNES said four.

CHAIR HUGGINS asked Mr. Barnes whether he opposes or supports SB 85.

MR. BARNES responded he would support it if he were able to participate on the bill and provide some restrictions.

[2:43:23 PM](#)

MR. PAUL HUGO, Anaktuvuk, testified in opposition to ATV usage. He urged the committee to have public hearings in the affected areas. Passage of SB 85 would affect subsistence living and have a negative impact on the wildlife. The state should consider the

best interest of the people in the region. SB 85 would only benefit people from outside the area.

[2:46:29 PM](#)

CHAIR HUGGINS asked Mr. Hugo whether he was concerned about people outside of Alaska accessing the land.

MR. HUGO said yes.

CHAIR HUGGINS asked Mr. Hugo if he understood the lands were public.

MR. HUGO reminded him there were also Native allotments.

[2:48:34 PM](#)

CHAIR HUGGINS informed him the proposal is to have a 12-month window to shape the usage areas, putting in some restrictions and prohibitions.

MR. HUGO maintained his opposition to SB 85.

SENATOR COWDERY asked Mr. Hugo the number of animals his community takes each year.

MR. HUGO answered over one thousand.

CHAIR HUGGINS asked the amount of trapping that goes on.

MR. HUGO said lately people have been catching wolves and wolverines. They are conscious and sensitive to the wildlife, looking out for pregnant female wolves and the like.

[2:52:57 PM](#)

MR. MIKE THOMPSON, Department of Natural Resources, (DNR), state pipeline coordinators office commented they were neutral on the bill.

CHAIR HUGGINS asked Mr. Thompson whether the previous conversations were accurate in the description of the corridor and history of the lands.

MR. THOMPSON responded the DNR has no position on SB 85. Senator Seekins' testimony is accurate.

SENATOR THERRIAULT asked Mr. Thompson whether the DNR has any concern regarding access to the pipeline.

2:55:38 PM

MR. THOMPSON responded the DNR has worked with Alyeska pipeline to provide public access to certain areas. Issues have been discussed.

MR. PAUL CARR, chief of police, North Slope Borough, testified his concern there was no definition of "off road vehicle."

CHAIR HUGGINS held 85 in committee. There being no further business to come before the committee, he adjourned the meeting at 3:00:58 PM.