

**ALASKA STATE LEGISLATURE
HOUSE TRANSPORTATION STANDING COMMITTEE**

April 17, 2018

1:26 p.m.

MEMBERS PRESENT

Representative Adam Wool, Co-Chair
Representative Louise Stutes, Co-Chair
Representative Matt Claman
Representative Harriet Drummond
Representative Chuck Kopp
Representative Mark Neuman
Representative Colleen Sullivan-Leonard

MEMBERS ABSENT

Representative David Eastman (alternate)
Representative Gabrielle LeDoux (alternate)

COMMITTEE CALENDAR

SENATE BILL NO. 199 AM

"An Act relating to the use of off-road vehicles within the James Dalton Highway corridor."

- MOVED SB 199 AM OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 199

SHORT TITLE: DALTON HWY: ACCESS TO PRIVATE PROPERTY

SPONSOR(S): SENATOR(S) KELLY BY REQUEST

02/19/18	(S)	READ THE FIRST TIME - REFERRALS
02/19/18	(S)	TRA
03/29/18	(S)	TRA AT 1:30 PM BUTROVICH 205
03/29/18	(S)	-- MEETING CANCELED --
04/03/18	(S)	TRA AT 1:30 PM BUTROVICH 205
04/03/18	(S)	Heard & Held
04/03/18	(S)	MINUTE(TRA)
04/05/18	(S)	TRA AT 1:30 PM BUTROVICH 205
04/05/18	(S)	Moved SB 199 Out of Committee
04/05/18	(S)	MINUTE(TRA)
04/06/18	(S)	TRA RPT 3DP
04/06/18	(S)	DP: STEDMAN, WILSON, EGAN

04/11/18 (S) TRANSMITTED TO (H)
04/11/18 (S) VERSION: SB 199 AM
04/12/18 (H) READ THE FIRST TIME - REFERRALS
04/12/18 (H) TRA
04/17/18 (H) TRA AT 1:15 PM BARNES 124

WITNESS REGISTER

SENATOR PETE KELLY
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented SB 199 as prime sponsor.

JOSEPH BYRNES, Staff
Senator Pete Kelly
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Testified on behalf of Senator Pete Kelly,
prime sponsor of SB 199.

AARON FRENZEL, Lieutenant; WIU Commander
Headquarters
Division of Alaska Wildlife Troopers
Department of Public Safety (DPS)
Anchorage, Alaska

POSITION STATEMENT: Answered questions during the discussion of
SB 199.

AL BARETTE, Member
Alaska Outdoor Council (AOC)
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 199.

REBEKAH VANDERLUGT
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 199.

RUSS VANDERLUGT
Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 199.

ACTION NARRATIVE

[1:26:05 PM](#)

CO-CHAIR ADAM WOOL called the House Transportation Standing Committee meeting to order at 01:26 p.m. Representative Wool, Stutes, Drummond, Neuman, Sullivan-Lenard were present at the call to order. Representatives Kopp and Claman arrived as the meeting was in progress.

SB 199-DALTON HWY: ACCESS TO PRIVATE PROPERTY

1:26:30 PM

CO-CHAIR WOOL announced that the only order of business would be SENATE BILL NO. 199, "An Act relating to the use of off-road vehicles within the James Dalton Highway corridor."

1:26:45 PM

SENATOR PETE KELLY, Alaska State Legislature, presented SB 199 as prime sponsor. He stated SB 199 would allow for the use of off-road vehicles within the James Dalton Highway corridor to access private property with an established history of use as a homestead, which are adjacent to the pipeline corridor. Currently, [Alaska Statute] AS 19.40.210 allows access for oil and gas activities and to [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 corridor to gain access to the mining claim.] He explained that the issue is if a person tried to access his or her property from the Dalton Highway, the person would be in violation because he/she did not start from outside the Dalton Highway corridor. The bill references protecting private property rights. He related his understanding that a concern relating to Native property lines might be impacted or that it would allow people to cross private property; however, it does not. He cautioned that ultimately without this bill people who have homesteads along the Dalton Highway will only be able to assess their land via airplane.

1:28:17 PM

REPRESENTATIVE STUTES asked whether anyone could use four-wheelers on these roads or if it would be restricted just to the property owners.

SENATOR KELLY responded that the bill would only apply to the people who have homestead land. The issue SB 199 would address is that the landowners can only access their properties by accessing it from a point outside of the corridor; however, if people want to drive the Dalton Highway to get to their

homestead, they must start within the corridor because the point of access would be from the road. He stated that he did not believe this exception was necessarily intentionally left out but rather that it had been overlooked when the statutes related to the Dalton Highway were established.

[1:29:10 PM](#)

REPRESENTATIVE STUTES asked if the homestead lands were right on the Dalton Highway.

SENATOR KELLY answered no; that the homestead property is located on the other side of the [Dalton Highway] corridor. For example, if someone was on the Dalton Highway and wanted to access their homesteads on the other side of the corridor, it would not be possible to do so from the Dalton Highway. Instead, they would have to find a way outside the corridor to cross the corridor to their property. He surmised the statute specified that the corridor could only be used for mining activities and oil and gas. He said that essentially the statutes were written to allow access across the corridor for people, which already exists, but it puts homesteaders in a "tough situation."

[1:30:01 PM](#)

REPRESENTATIVE NEUMAN questioned whether the language restricted access to snow machines only.

SENATOR KELLY answered no; that the bill covered all terrain vehicles (ATVs).

[1:30:20 PM](#)

REPRESENTATIVE NEUMAN questioned whether homesteaders could hunt in the corridor or if was only to obtain access to their property.

SENATOR KELLY answered the bill was only to allow access to homesteads and property.

[1:30:28 PM](#)

CO-CHAIR WOOL related his understanding that anyone observed on an off-road vehicle along this corridor would be in violation of current law if they were not accessing a current homestead.

SENATOR KELLY answered that was correct if the person started within the corridor.

[1:30:47 PM](#)

REPRESENTATIVE KOPP offered his belief that the language would also apply to someone who had permission to access the land such as someone visiting a person's homestead who was lawfully entering the land.

SENATOR KELLY agreed that was correct.

[1:31:02 PM](#)

REPRESENTATIVE DRUMMOND asked for further clarification on whether the corridor was defined by the [darker blue lines] on the map [in members' packets].

[1:31:14 PM](#)

JOSEPH BYRNES, Staff, Senator Pete Kelly, Alaska State Legislature, answered yes; that the [Dalton Highway] corridor was established as five miles on either side of the Dalton Highway.

[1:31:34 PM](#)

CO-CHAIR WOOL asked whether the homesteads were identified on the map and how many homesteads were located within the area.

SENATOR KELLY answered that he thought there were six homesteads.

MR. BYRNES added that the Department of Natural Resources (DNR) has identified 16 homesteads within ten miles of the Dalton Highway. He recalled that there were three different types of homesteads established under the Homestead Act, including homesites, headquarter sites and homesteads. He reiterated that DNR was able to identify 16 sites within ten miles [of the Dalton Highway.]

[1:32:20 PM](#)

CO-CHAIR WOOL asked how these individuals would be identified as someone allowed to access the homestead.

MR. BYRNES answered that only people who had a historical homestead site would be accessing [the corridor]. A person who had a homestead would have a patent to prove it was historically considered a homestead.

[1:33:03 PM](#)

SENATOR KELLY pointed out that a procedure exists for people who have mining claims or oil and gas transportation projects and a right to access those areas.

[1:33:26 PM](#)

REPRESENTATIVE NEUMAN asked if the [original] homesteaders were to sell their homesteads whether the rights would be transferred to the next owner or their children. He further asked whether family members can access the homestead.

SENATOR KELLY related his understanding that the rights traveled with the homestead.

[1:34:09 PM](#)

REPRESENTATIVE KOPP said the bill seemed like "common sense" legislation designed to allow 16 people to access their property.

[1:34:23 PM](#)

CO-CHAIR WOOL asked for further clarification that if someone was going from the [Dalton Highway] to his/her homestead, traveling across and beyond the corridor, whether the person was authorized to hunt along the area or whether the bill limited access to his/her homestead.

SENATOR KELLY answered that it was just for access.

[1:34:41 PM](#)

MR. BYRNES added that the Board of Game restrictions limit the use of off-road vehicles for the transport of game in the area plus the BOG also restricts use of firearms in the area. He reiterated that [SB 199] was not for hunting purposes.

[1:35:03 PM](#)

CO-CHAIR STUTES asked for clarification on the Dalton Highway corridor.

SENATOR KELLY answered that the Dalton Highway corridor was a federal corridor created for the [Trans-Alaska Pipeline System], which was heavily restricted.

[1:35:21 PM](#)

REPRESENTATIVE CLAMAN asked whether homesteaders could drive their snow machines down the Dalton Highway or if they were restricted to adjacent areas.

SENATOR KELLY acknowledged these people would not be considered "accessing" their homestead by driving on the Dalton Highway.

[1:36:10 PM](#)

AARON FRENZEL, Lieutenant; WIU Commander, Headquarters, Division of Alaska Wildlife Troopers, Department of Public Safety (DPS), introduced himself.

[1:36:26 PM](#)

CO-CHAIR WOOL asked whether someone crossing the corridor would be allowed to hunt on the way to his/her homestead.

[1:36:53 PM](#)

MR. FRENZEL answered that regulations established in 5 AAC 92.530 through the Board of Game provide that hunting is unlawful in the [Dalton Highway] corridor.

[1:37:21 PM](#)

AL BARETTE, Member, Alaska Outdoor Council (AOC), representing the AOC, stated that the organization represents 10,000 Alaskans. The AOC fully supports Alaskans' rights to access private property and SB 199 would fulfill the constitutional agreements to settle Alaska's lands; that without access to its lands the state could not settle or use the land. He characterized SB 199 as a good bill. He related that over the years he has acquired two parcels of land outside the Dalton Highway corridor, just south of the Yukon River. He recalled the DNR provided options to access the property by using section lines or permitted roads, which made it easy to develop the property. He said it was unfortunate that the "haul road"

corridor never allowed access to private property that miners and oil and gas development were given. He reiterated the AOC's support for SB 199.

[1:38:42 PM](#)

CO-CHAIR WOOL asked whether the map in members' packets showed the extent of the area [covered by SB 199] or if the area covered was the whole length of the Dalton Highway.

MR. BYRNES answered that it would be the whole length of the [Dalton] Highway beginning at Livengood where the Dalton Highway begins.

[1:39:23 PM](#)

CO-CHAIR WOOL suggested that the concern that people would park cars and get on four-wheelers or snow machines and start hunting off the road has been clarified as not being allowed.

[1:39:45 PM](#)

The committee took a brief at-ease.

[1:40:00 PM](#)

CO-CHAIR WOOL opened public testimony on SB 199.

[1:40:31 PM](#)

REBEKAH VANDERLUGT stated she is a landowner outside the Dalton Highway corridor. She also represents her family, which includes four school-age children. She stated that this bill means being able to access and enjoy their property as a family. Amending the statutes to include private property owners would give property owners equal access alongside those with mining claims in the area.

[1:41:16 PM](#)

RUSS VANDERLUGT stated that he was representing those residents who are landowners along the Dalton [Highway] corridor. He reiterated that his family owns property, which is patented under the federal homestead laws. He acknowledged that the current statute permits an exception for mining claims, but it prevents them from accessing their property via snow machine in

the winter. This bill would allow for fair access for his family and other landowners across the corridor.

[1:41:59 PM](#)

REPRESENTATIVE NEUMAN recalled that Mr. Vanderlugt's father originally homesteaded in the area. He had previously asked whether this bill allowed family members such as him to access the property if the title was in his dad's name. He asked whether it was his sense that [the bill] would include family members.

MR. VANDERLUGT agreed, relating his understanding that the bill would allow his family members to access his property.

[1:42:51 PM](#)

CO-CHAIR WOOL asked for further clarification on whether he was currently accessing his property and if so, how was he gaining getting access.

MR. VANDERLUGT answered that his family has been accessing their homestead via an airplane during the summer. It typically would be unsafe to do so in the winter due to snow depth or snow conditions. He stated that accessing the property by land would be much safer for his family, so he would propose doing so by snow machine.

[1:43:32 PM](#)

CO-CHAIR WOOL closed public testimony on SB 199.

[1:43:52 PM](#)

REPRESENTATIVE DRUMMOND offered her view that the bill is simple and that the committee should act on the bill.

[1:44:07 PM](#)

REPRESENTATIVE STUTES moved to report SB 199 AM out of committee with individual recommendations and the accompanying fiscal note. There being no objection, SB 199 AM was reported from the House Transportation Standing Committee.

[1:44:34 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Transportation Standing Committee meeting was adjourned at 1:44 p.m.