

HB

205

1-LS0540\G
Utermohle/
5/4/99

CS FOR HOUSE BILL NO. 205()
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - FIRST SESSION

BY

Offered:
Reterred:

Sponsor(s): REPRESENTATIVE JOULE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of snow machines to travel across the Dalton
2 Highway corridor."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. AS 19.40.210 is amended to read:

5 Sec. 19.40.210. Prohibition of off-road vehicles. Off-road vehicles are
6 prohibited on land within five miles of the right-of-way of the highway. However, this
7 prohibition does not apply to

8 (1) off-road vehicles necessary for oil and gas exploration,
9 development, production, or transportation;

10 (2) [OR TO] a person who holds a mining claim in the vicinity of the
11 highway and who must use land within five miles of the right-of-way of the highway
12 to gain access to the mining claim; or

13 (3) the use of a snow machine to travel across the highway corridor
14 from land outside the corridor to access land outside the other side of the

1 corridor; this paragraph does not permit the use of a snow machine for any
2 purpose within the corridor if the use begins or ends within the corridor or within
3 the right-of-way of the highway or if the use is for travel within the corridor that
4 is parallel to the right-of-way of the highway; in this paragraph, "highway
5 corridor" means land within five miles of the right-of-way of the highway.

Harry Brower Jr
PO Box 69
Barrow, Alaska
99723
Phone # 907 852-0350
Fax # 907 852-0351

Comment on House Bill No. 205

I am in support of House Bill
No. 205 as it is written

The Bill helps the Local Hunters with
the access problem that they have
been faced with for many years.

Traveling across the Corridor will
much safer. The current situation
is to travel out in to the
Ocean, then back to Land and to the
destination or Hunting area.

Traveling out into the ocean is dangerous, large crack and Ice shifting makes it unpredictable to see the danger. In other words traveling over Land would be much safer for the local people.

Thank you all for the opportunity to comment on House Bill No. 205

Harry Brower, Jr.

BARROW LEGISLATIVE OFFICE
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA
COURTHOUSE, ROOM 305
BARROW, ALASKA 99723
PHONE (907) 852-7111 / FAX 852-7114

FACSIMILE TRANSMITTAL SHEET

TO:	HOUSE TRANSPORTATION	FROM:	Rebekah Garlock
COMPANY/ORGANIZATION:	Wildlife	DATE:	March 23, 2000
FAX NUMBER:	465-2418	TOTAL NUMBER OF PAGES:	3
PHONE NUMBER:	465-4939	REGARDING:	HB 205

FOR YOUR INFORMATION

PLEASE REPLY

NOTES/COMMENTS:

Please accept this testimony from Harry Brower Jr. in regards to HB 205.

Thank you.

Subject: Teleconference sites for HB 205

Date: Wed, 22 Mar 2000 10:26:33 -0900

From: Tom Panamaroff <Tom_Panamaroff@legis.state.ak.us>

Organization: Alaska State Legislature

To: Kevin Hand <Kevin_Hand@legis.state.ak.us>

Kevin,

With regard to HE 205 tomorrow, we'd like the Barrow LIO on-line. North Slope Borough Wildlife Department director Charles Brower will probably be on line.

In addition, Fenton Rexford, of the village of Kaktovik would like to testify. He is the chairman of the North Slope Fish and Game Advisory Committee.

#640-6120

Please let me know the number Fenton needs to call and I'll pass it on to him.

Thanks.

Tom

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833

representative_reggie_joule@legis.state.ak.us



During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3380
Fax (907) 442-3022

Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

SPONSOR STATEMENT

HB 205

**AN ACT RELATING TO THE USE OF SNOW MACHINES TO TRANSPORT
HUNTERS AND GAME ACROSS THE DALTON HIGHWAY CORRIDOR**

HB 205 would exempt snowmachine crossings from the current prohibition on the use of off road vehicles within 5 miles of the Dalton Highway corridor. This bill would allow people to cross the Dalton Highway corridor on their snowmachines in order to hunt, or transport their game. Similar exemptions currently include the use of off road vehicles necessary for the oil & gas industry as well as the use of off road vehicles to access a mining claim that is in the vicinity of the highway.

In 1998, the Board of Game attempted to provide for this access across the corridor for hunters by regulation but was advised by the Department of Law that the regulation would not comply with statute. HB 205 would simply allow for people to cross the corridor on their snowmachines.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 205

Revision Date/Time (Note if correction) _____ Dept. Affected Fish and Game
 Title Snowmachines Crossing the Dalton Highway BRU Wildlife Conservation
 Component Wildlife Conservation
 Sponsor Rep. Joule
 Requester House Resources Component No. 473

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES (-)						
---------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Wayne Regelin, Director *WR*
 Division Wildlife Conservation
 Approved by: Commissioner Frank Rue *Frank Rue for*
 Agency Department of Fish and Game

Phone 465-4190
 Date/Time 1/28/00 2:01 PM
 Date 01/28/2000

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. HB 205

Revision Date 1/27/00 Dept. Affected Public Safety
 Title An Act relating to the use of snow machines BRU Fish and Wildlife Protection
to transport hunters and game across the Dalton Highway Component: Detachments
 Sponsor Rep. Joule
 Requester H. TRA Component No. 490

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING						

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

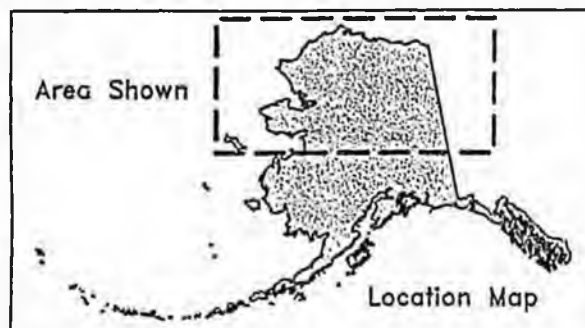
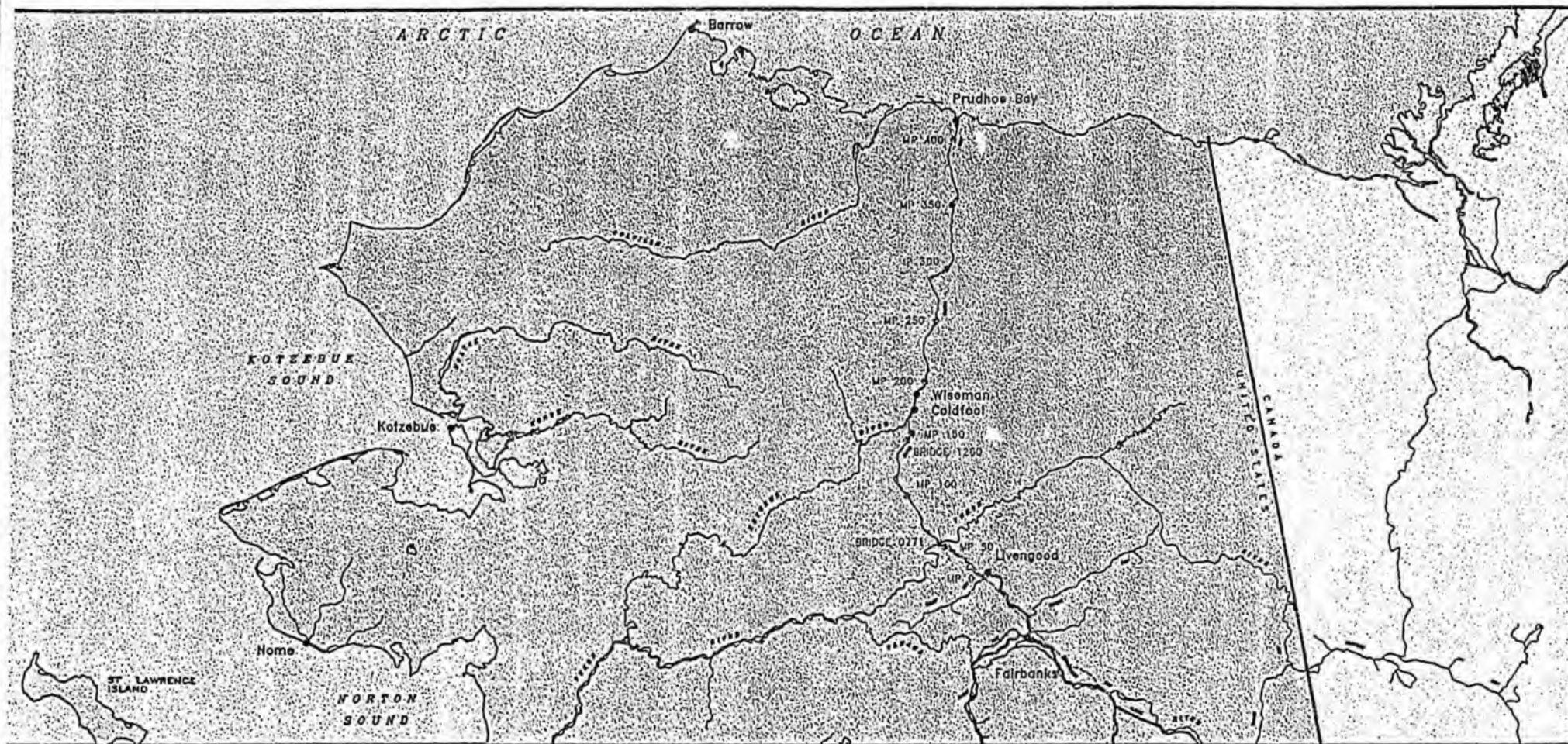
ANALYSIS: (Attach a separate page if necessary)

This bill does not significantly impact our budget.

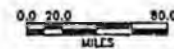
Prepared by: Lieutenant Howard Starbard Phone 746-9107
 Division Fish & Wildlife Protection Date/Time 1/28/00 12:00 PM
 Approved by: [Signature] Date 1-31-00
 Agency Commissioner Ronald L. Otte, Dept. of Public Safety

PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE

For further distribution information, call the Governor's Legislative Office



JAMES DALTON HIGHWAY



**NORTH SLOPE BOROUGH PLANNING COMMISSION
RESOLUTION NO. 98-12**

**A RESOLUTION RECOMMENDING THE ALASKA STATE LEGISLATURE ADOPT
AN AMENDMENT TO THE ALASKA STATUTES TO ADDRESS AN INEQUITY
CREATED ALONG THE DALTON HIGHWAY CORRIDOR MANAGEMENT AREA**

WHEREAS, there exists a Fish and Game statute that prohibits hunters from traveling across the Dalton Highway Corridor by snowmachine;

WHEREAS, the Alaska Department of Fish & Game has initiated a permit hunt on the East side of the Dalton Highway;

WHEREAS, snowmachine travel is the primary mode of transportation for hunters on the North Slope;

WHEREAS, this statute that prevents access by snowmachine effectively eliminates hunters from all North Slope Communities except Kaktovik; and

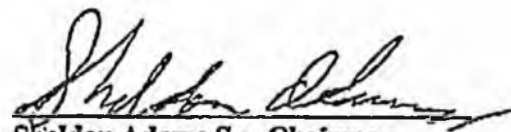
WHEREAS, this statute does not effectively address the issue identified which is hunting from the Dalton Highway Corridor.

NOW, THEREFORE BE IT RESOLVED THAT:

The North Slope Borough Planning Commission recommends the Alaska State legislature amend the Alaska Statutes to allow snowmachines to be used for transport of game or hunters only for the purposes of direct crossing through the corridor only when originating outside the management area.

Passed and approved by a duly constituted quorum of the North Slope Borough Planning Commission on this 29th day of October 1998.

INTRODUCED: October 29, 1998
ADOPTED: October 29, 1998


Sheldon Adams Sr., Chairman

10/29/98
Date

ATTEST:

George Tagarook Clerk

10/29/98
Date

**NORTH SLOPE BOROUGH FISH AND GAME MANAGEMENT COMMITTEE
RESOLUTION NO. 98-02**

**A RESOLUTION URGING THE ALASKA STATE LEGISLATURE TO AMEND ALASKA
STATUTE 19.40.210 TO ALLOW USE OF SNOW MACHINES TO CROSS THE
DALTON HIGHWAY CORRIDOR MANAGEMENT AREA**

WHEREAS, Alaska Statutes 19.40.210 prohibits off-road vehicles on land within five miles of the right-of-way of the Dalton Highway, known as the Dalton Highway Corridor; and

WHEREAS, the Alaska Board of Game has opened a Tier I subsistence registration hunt on the east side of the Dalton Highway; and

WHEREAS, snow machine travel is the primary mode of overland transportation for North Slope community subsistence hunters; and

WHEREAS, AS 19.40.210 effectively bars North Slope community subsistence hunters from traditional harvest areas access to which requires crossing the Dalton Highway Corridor and excludes them from the newly approved Tier I subsistence hunt; and

WHEREAS, at its Spring 1998 meeting, the Alaska Board of Game adopted a regulation under which snow machines could be used to transport hunters and game for purposes of making a direct crossing of the Dalton Highway Corridor when travel originates outside of the Management Area; and

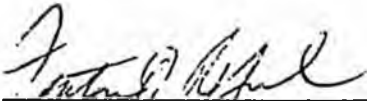
WHEREAS, the Alaska Department of Law later reviewed the regulation and issued an August 1998 determination that the Board of Game had exceeded its authority and that the Alaska Legislature must amend AS 19.40.210 to permit use of snow machines within the Dalton Highway Corridor Management Area.

NOW THEREFORE BE IT RESOLVED THAT:

The North Slope Borough Fish and Game Management Committee urges the Alaska Legislature to amend Alaska Statute 19.40.210 to allow snow machines to be used for transport of game or hunters for the purpose of making a direct crossing through the Dalton Highway Corridor Management Area only when originating outside the management area.

Pass and approved by a duly constituted quorum of the North Slope Borough Fish and Game Management Committee on this 19th day of November, 1998.


INTRODUCED: 11/19/98
ADOPTED: 11/19/98



F&GMC Chairman
11/19/98

Date

ATTEST:



F&GMC Executive Manager
11/19/98

Date

Post-It® Fax Note	7671	Date	# of pages
To	Geoff	From	John
Co/Dept		Co.	
Phone #	Did I see?	Phone #	
Fax #	get this?	Fax #	

September 14, 1998

Fenton Rexford, Chair
P.O. Box 143
North Slope Fish and Game Management Committee
Kaktovik, AK 99747

Dear Mr. Rexford:

The Board of Game recently received notice that the proposal it passed during the spring 1998 meeting that allows a direct crossing through the Dalton Highway Corridor will not be put into regulation. A copy of the memorandum from the Department of Law is included with this letter for your information.

As you know, the board passed an amended version of the proposal jointly submitted by the North Slope Fish and Game Management Committee and the Department of Fish and Game. The board saw this proposal as an opportunity to provide access to traditional hunting areas for local users without creating the potential for conservation problems.

Board members will receive a briefing about this opinion from the Department of Law at the fall 1998 meeting. The board will then have an opportunity to explore options that are available, including discussions with the legislature and the administration about possible remedies.

Please call me if I can answer any questions.

Sincerely,

Diana L. Cote
Executive Director
Alaska Board of Game

Enclosure

cc: Kevin Saxby, Dept. of Law
Wayne Regelin, Dept. of Fish and Game

PROPOSAL - 5 AAC 92.530 (7). MANAGEMENT AREAS.

Amend the wording of the Dalton Highway Corridor Management Area, as follows:

(7) the Dalton Highway Corridor Management Area:

266

- (A) the area consists of those portions of Units 20 and 24 - 26 extending five miles from each side of the Dalton Highway, including the driveable surface of the Dalton Highway, from the Yukon River to the Prudhoe Bay Closed Area;
- (B) the area is closed to hunting; however, big game, small game, and fur animals may be taken in the area by bow and arrow only; no motorized vehicle, except aircraft, boats, and licensed highway vehicles may be used to transport game or hunters within the Dalton Highway Corridor Management Area; except that hunters who originate from outside the corridor may use snow machines to travel through the corridor to hunt on the opposite side of the corridor, and to transport harvested animals back through the corridor; any hunter traveling on the Dalton Highway must stop at any check station operated by the department within the Dalton Highway Corridor Management Area;

ISSUE: Since the creation of the Dalton Highway Corridor Management Area hunters from the North Slope have been prohibited by the wording of the regulation from using snow machines to travel across the corridor and hunt on the other side. This has prevented them from utilizing areas where they have traditionally hunted.

Including the definition of the driveable surface of the Dalton Highway as part of the management area is necessary to close a possible loophole in the definition of the area outside of the management area. Without this wording change it is possible to interpret the highway as being 'outside' the management area because the area is defined as 5 miles from the 'east side' and 'west side' of the Dalton Highway.

WHAT WILL HAPPEN IF NOTHING IS DONE?

North Slope hunters will continue to be excluded from areas where they have traditionally hunted.

WHO IS LIKELY TO BENEFIT? North Slope hunters.

WHO IS LIKELY TO SUFFER? No-one

OTHER SOLUTIONS CONSIDERED?

PROPOSED BY: North Slope Borough Fish and Game Management Committee, North Slope Borough Department of Wildlife Management, and Alaska Department of Fish and Game.

INTER-DIVISIONAL COORDINATION: 12/23 draft review Bente/Pedersen and Smith; 12/29 - draft review and edits by Bente, Lenart, and Pedersen; final developed 12/29; final reviewed with C2 toll 1/5/98

OTHER COORDINATION: 12/23 draft to NSB: Hepa/Rexford; 12/29 second/final draft to Hepa/Rexford; final draft approved by Hepa 1/5/98; 1/6/98 - final draft approved by Rexford (NSBF&GMC).