

**SB**

**85**

# ALASKA STATE SENATE

Session:  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-2327  
(907) 465-5241 Fax



Interim:  
119 N. Cushman, Suite 201  
Fairbanks, Alaska 99701  
(907) 456-8161  
Senator\_Ralph\_Seekins@legis.state.ak.us

Senator Ralph Seekins  
District D

## Senate Bill 85 Sponsor Statement

**"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."**

A substantial portion of Alaska's landmass lies on the north side of the Yukon River. Only one road exists in that entire area – the James Dalton Highway. Current law, with very limited exceptions, unilaterally bans the use of off-road vehicles within five miles of the highway's right-of-way starting at mile 57 (the Yukon River crossing) and extending 357 miles north to the Arctic Ocean.

This law (AS 19.40.210) essentially prohibits access for average Alaskans to recreate on tens of millions of acres of public lands that would otherwise be open to their use. Senate Bill 85 *removes* the prohibition on the use of off-road vehicles within the five mile right-of-way of the Dalton Highway 12 months *after* the bill becomes law.

With the removal of the ban, this legislation clears the way for land owners (federal and state government via the BLM and DNR, respectively) to develop and implement land use plans for the first time. Then, in accordance with these plans, campgrounds, trails and public-use cabins could be built all while protecting sensitive areas. In this respect it would be no different from many other parts of the state where multiple user groups co-exist while maintaining certain restrictions where necessary.

On the Dalton, the fact is the Bureau of Land Management already has turnouts, restrooms and visitor centers constructed to accommodate increased public interest in this part of Alaska. Planned, orderly recreational development along the Dalton is not a matter of time — it's a reality today. What's more, the BLM has already prepared a Dalton Highway management plan. But it's been sitting on a shelf since 1991 waiting for the state to remove the outdated ban on off-road vehicles.

Continued prohibition of off-road vehicles will only foster an increasingly untenable situation. The Dalton is attracting more and more visitors. It's only reasonable to expect this to continue on a year-round basis. Furthermore, dropping the ban would allow state agencies to continue doing valuable research work without being placed in the awkward position of violating state law.

Current law essentially requires that you be either wealthy enough to fly, or healthy enough to walk, into vast areas of public lands north of the Yukon. SB 85 will open this area to the rest of us as well.

# ALASKA STATE LEGISLATURE



Official Business

## SENATE RESOURCES COMMITTEE

Senator Tom Wagoner, Chair

State Capitol, Room 427

Juneau, AK 99801-1182

Phone: (907) 465-4907 Fax: (907) 465-4779

Senator Ralph Seekins, Vice-Chair

Senator Ben Stevens

Senator Kim Elton

Senator Fred Dyson

Senator Bert Stedman

Senator Gretchen Guess

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### Letter of Intent – April 11, 2005

### **SB 85: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY**

The legislature acknowledges the provision of Article VIII, Sections 1, 2 and 3 of the Alaska State Constitution. These sections provide, seriatim, that:

- (1) it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;
- (2) the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people; and
- (3) wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.

The legislature thus recognizes that it is the policy of the state to encourage the development of its land and resources, but in a manner that recognizes the collective interests of the people as the owners of these lands and resources. It is consistent with the public interest that resources be developed responsibly – not ruined or plundered.

It is the intent of the Legislature, by removing the AS 19.40.210 blanket prohibition of all recreational off-road vehicles on the lands within the Dalton Highway corridor north of the Yukon River bridge, to encourage and provide for a broad range of

public access alternatives to public lands consistent with the multiple use principle and to do so in concert with modern principles of stewardship.

However, it is not the intent of the legislature to allow unfettered or irresponsible use of off-road vehicles on either public or private lands. And, in the case of the lands north of the Yukon River bridge, the legislature is aware that time will be needed for the appropriate federal and state land and resource managers to design and implement plans that balance access with care for the lands and resources. Therefore, it is also the intent of the Legislature to allow sufficient time for State and Federal land and resource managers to develop and implement appropriate land use and resource management plans for the Dalton Highway corridor and adjacent lands before the current statutory prohibition is removed.

With the foregoing in mind, the effective date for this bill is 12 months following the date of passage into law. Following consultation with the appropriate land and resource managers, it is the understanding of the Legislature that this 12-month delay is sufficient time for the agencies and boards to complete their processes – all of which include public hearings – and to have their respective land use and resource use plans in place prior to the removal of the prohibition.

It is also the intent of the Legislature that, if the 12-month delay is not sufficient time for the orderly completion of the public process necessary to implement appropriate land and resource management plans, it will meet in regular session and extend the effective date for an additional period not to exceed 12 months.

# FISCAL NOTE

STATE OF ALASKA  
2006 LEGISLATIVE SESSION

Fiscal Note Number: 4  
Bill Version: SB 85  
(S) Publish Date: 2/6/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
Title: Off-Road Vehicle Use on Dalton Highway RDU: Administration & Support  
Component: Commissioner's Office  
Sponsor: Senator Seekins  
Requester: \_\_\_\_\_ Component No.: 530

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Prepared by: John Manly  
Division: Legislative Liaison, DOT&PF  
Approved by: Mike Barton  
Agency: Commissioner, DOT&PF

Phone 465-8994  
Date/Time 2/3/06 5:00 PM  
Date 2/3/06

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 5  
 Bill Version: SB 85  
 (S) Publish Date: 2/6/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Military & Veterans Affairs  
 Title: Off-Road Vehicle Use on Dalton Highway RDU: Military and Veterans Affairs  
 Sponsor: Senator Seekins Component: Homeland Security and  
 Requester: Transportation Component No: 2657  
 Emergency Management

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
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<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

No Fiscal impact.

Prepared by: John Cramer Phone 907-465-4602  
 Division: Division of Administrative Services Date/Time 2/3/06 5:10 PM  
 Approved by: Commissioner Craig E. Campbell Date 2/3/2006  
 Agency: Department of Military and Veterans Affairs

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: 6  
 Bill Version: SB 85  
 (S) Publish Date: 2/6/06

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: Public Safety  
 Title: "An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way..." RDU/ Alaska State Troopers  
 Component: Alaska Bureau of Wildlife Enforcement  
 Sponsor: Senator Seekins  
 Requester: Senate Rules Committee Component No. 2746

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** (Attach a separate page if necessary)

Passage of this bill will have no direct fiscal impact on the Department of Public Safety.

The repeal of AS 19.40.210 would allow the use of off-road vehicles, within the five miles of the right of way of the Dalton Highway. This right of way is known as the "highway corridor". If repealed, the Alaska State Troopers would expect to see increased off-road traffic due to the unrestricted access for hunting, fishing, and other recreational purposes. To explain further, there is currently only one trooper stationed in Coldfoot. Additional troopers will have to be temporarily assigned to this area to assist with enforcement efforts on a year around basis, rather than only during periods of high use, which has traditionally been during the late summer and early fall seasons.

Prepared by: Special Assistant Cliff Stone  
 Division: Commissioner's Office  
 Approved by: Commissioner William Tandeske  
 Agency: Department of Public Safety

Phone 907-465-2649  
 Date/Time 2/6/06 9:40 AM  
 Date 2/6/2006

Sec. 19.40.210. 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; or
- (3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

## Sec. 19.40.290. Definitions.

In this chapter

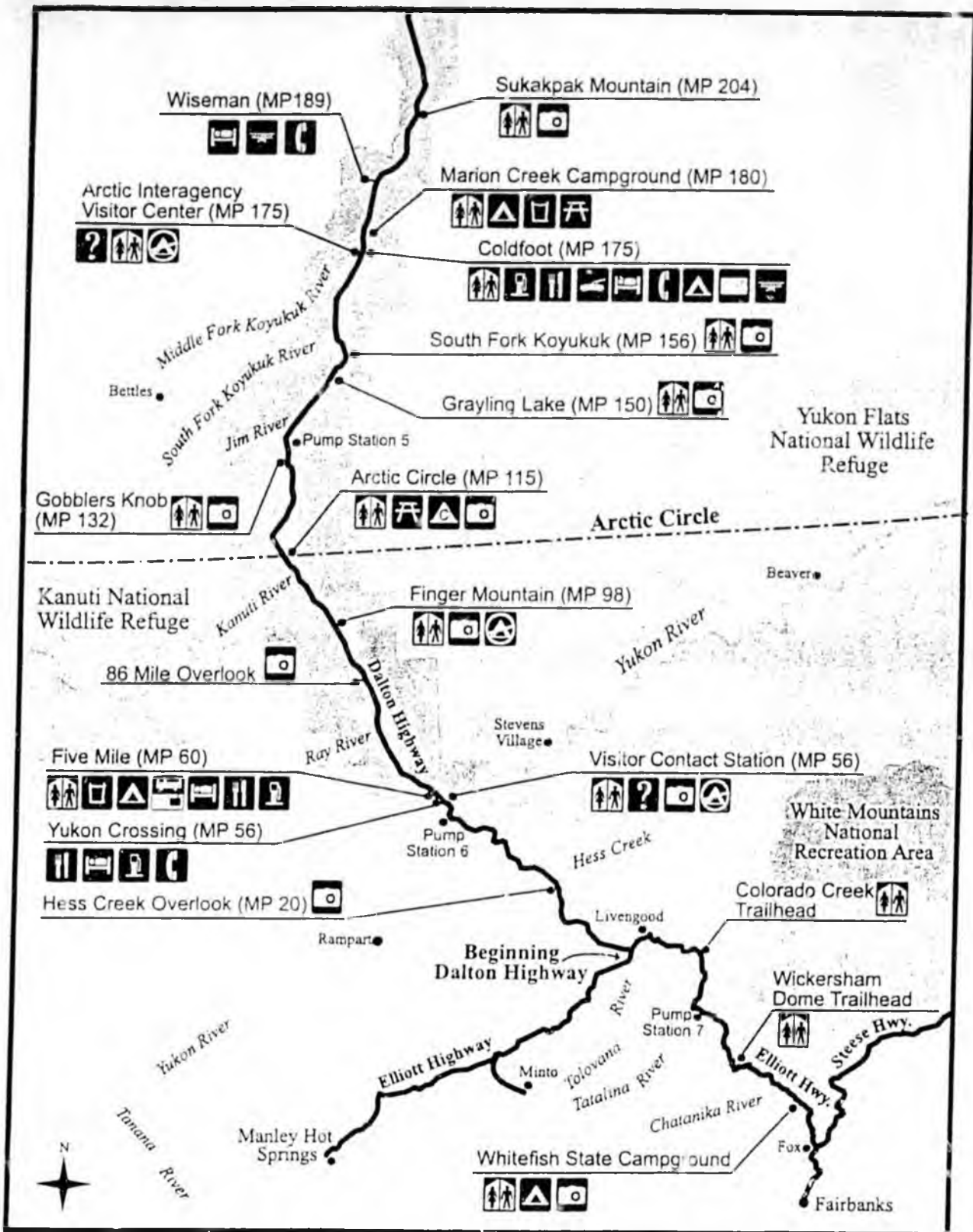
- (1) *[Repealed, Sec. 53 ch 30 SLA 1996].*
- (2) "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

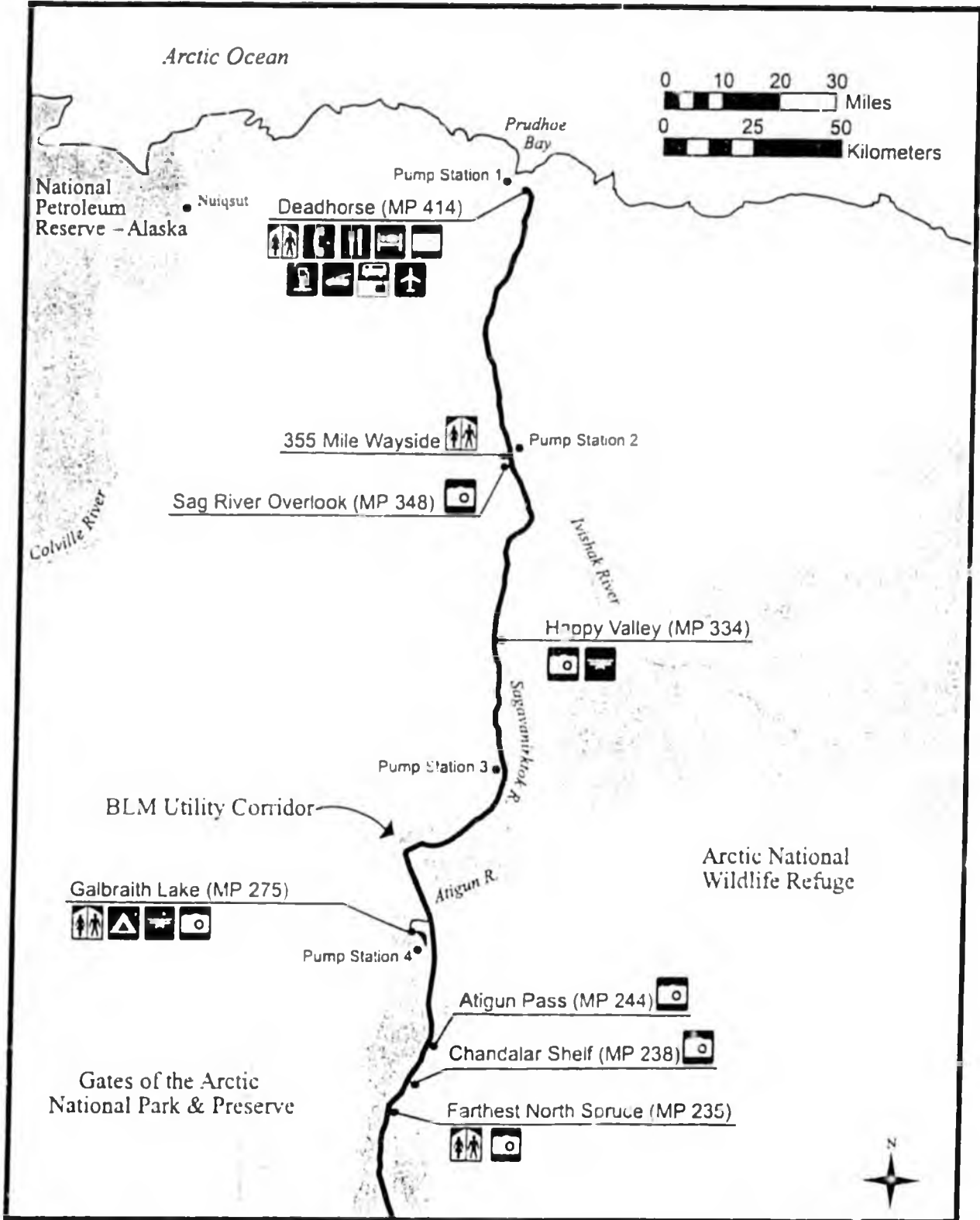
## Chapter 19.45. MISCELLANEOUS PROVISIONS, DEFINITIONS AND PENALTIES

## Sec. 19.45.001. Definitions.

In AS 19.05 - AS 19.40

- (1) "commissioner" means the commissioner of transportation and public facilities.
- (2) "construction" or any derivation means construction, reconstruction, alteration, improvement or major repair.
- (3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have either no right or easement or only a controlled right or easement of access, light, air, or view.
- (4) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also be subtracted from the entire cost any salvage value derived from the old facility.
- (5) "department" means the Department of Transportation and Public Facilities;
- (6) "encroachment" means and includes a tower, pole, pole line, pipe, pipeline, driveway, private





# OPINION

letters@newsminer.com

Fairbanks Daily News-Miner, Tuesday, April 5, 2005

## Dalton bill promotes wise use

I have read with great interest the many myths public-access opponents have created regarding Senate Bill 85—an act that would remove the state statute prohibiting off-road vehicles along the Dalton Highway corridor north of the Yukon River. Now that the Dalton Highway has evolved from a pipeline construction road into a state highway and land ownership has been solidified, the prohibition should be replaced with land-use plans that allow for reasonable recreational access.

Almost all the lands along the corridor are designated as "multiple-use" public lands. Our state constitution emphatically requires that we utilize, develop and conserve all our natural resources, including land, waters and wildlife, for the maximum benefit of all our people. In other words, our lands are to be developed and used responsibly in a manner that recognizes our collective interests as owners of these public lands and resources.

Our lands are not to be ruined or plundered. They are to be carefully developed consistent with the multiple-use principle yet in concert with the modern principles of wise stewardship. This is exactly what Senate Bill 85 finally allows.

Senate Bill 85 has an important provision that delays the date for removing the current prohibition until 12 months after the bill becomes law. This legislatively imposed delay provides the land managers—the Bureau of Land Management for federal lands and the Department of Natural Resources for



Ralph  
Seekins

Community Perspective

state lands—with plenty of time to work through the public process necessary to have land-use plans in place before the current prohibition goes away.

The managers tell us they can have plans in place with time to spare. In fact, BLM has had a draft plan on the shelf since the early 1990s. Our state law is the only thing that has kept them from going forward. And, even then, some facilities have already been completed. Right now, there are turnouts, campgrounds, restrooms and visitor centers in place on the Dalton Highway that are intended to accommodate increased public interest in this huge part of Alaska.

The Alaska Board of Game has also committed to have regulations in place within the 12-month delay that would protect wildlife stocks from overharvest. And, just to be clear, harassment of wildlife continues to be illegal in all of Alaska.

In addition, a legislative letter attached to this bill makes it clear that if for some reason the 12-month delay is not enough time for orderly completion of the necessary land and resource management plans, the Legislature will extend the effective date for an additional 12 months. We are willing to wait

if that's what it takes to get a good plan.

Clearly, there are precious resources along this road that demand protection. A good example is the Toolik Lake Research Station—a world-class facility whose mission demands that it not be disturbed. But we don't need to close an entire area equal to the distance between Fairbanks and Anchorage to do so.

There are thousands, maybe millions, of acres of land where snowmachines could be allowed when adequate snow cover is in place. Alaskans know such activity is not detrimental to the environment and recognize that continued prohibition of such recreational opportunity is uncalled for.

Trails can be developed for wheeled vehicles in areas specifically designed for and dedicated to such use. Overnight cabins can be provided—much like they are now in the White Mountains National Recreation Area. Whole families—from grandchildren to grandparents—can enjoy the backcountry together. Possibilities for sound recreational uses abound.

Removing the statutory prohibition will not result in rampant ruin of these lands. It does not mean there will be no restrictions or protections. It simply provides for a well-reasoned, orderly planning process to take place that will allow wise public use of these public lands that are owned by all the people.

Sen. Ralph Seekins, Republican of Fairbanks, is the prime sponsor of Senate Bill 85.

In the overheated moment, the real drama, which was honest enough in its own dimension, was exploded into claims that grand issues involving the meaning of life, the poise of the republic, the very relation of humankind to the deity were at stake.

They were not, but no end of axes were borne to the unknowing woman's bedside for grinding. The usual suspects of anti-abortion activism flocked in, taking the clueless woman political hostage and making her husband out a villain for holding to a decision that was no one's proper business but his own.

Advocates for the handicapped decided, altogether arbitrarily, to declare that closing Terri's feeding tube would be the act of a society preparing to murder its disabled, weak and infirm. Spectral Nazis were invoked.

And of course politicians leaped for the bandwagon, with no less than the president of the United States making a theatrical midnight flight to the capital to "rescue" Terri from—well, from just what was never very clear. She had been effectively dead for 15 years.

Now the House Majority Leader, Tom DeLay, is menacing judges who handled the case. They "thumbed their nose at Congress and the president," he says, and will "answer for their behavior."

It is unclear just what DeLay may have in mind but, considering the source, no doubt something unpleasant and untoward.

The judiciary was the only steady source of sanity in this whole sorry affair.

The real issues of the case



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Northern Field Office  
1150 University Avenue  
Fairbanks, Alaska 99709-3844  
<http://www.ak.blm.gov>



*In reply refer to*  
F-93144  
2920 (025)

## CERTIFIED MAIL RETURN RECEIPT

Ace Patrick Calloway  
P.O. Box 70630  
Fairbanks, Alaska 99707

JAN 20 2004

Dear Mr. Calloway;

This letter concerns permit F-93144 that you have with BLM for parking, access and a tent camp at the South Fork of the Koyukuk River. This permit expired on October 31, 2003.

We have become aware of Alaska Statute 19.40.210 that states regarding the Dalton Highway:

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; or

(3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway, in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

The third subsection was added in 2000, and seems to make the permits we have issued you and others for snowmachine access off the Dalton Highway a violation of state law. Generally, state law regulating off highway vehicle use prevails when it is more restrictive than our regulations. We have requested a legal opinion and guidance from our Solicitor's Office.

Meanwhile, we have decided to extend your permit and the others to May 1 to finish the trapping season, provided you pay the rent and are in compliance with the permit.

The rental to extend the permit to May 1 will be the minimum of \$100 in the permit

We note that you have not submitted your report for the last half of the 2001, and all of the 2002 and 2003 season.

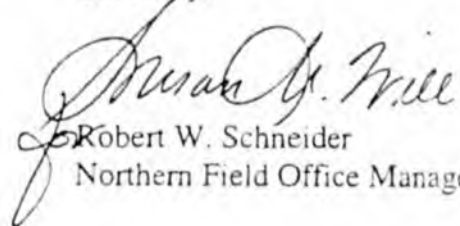
We also note that you do not have the \$1,000 bond required by the permit.

We hope to have a Solicitor's Opinion and guidance before May 1. If the outcome is that we cannot issue permits for snowmachine use off the Dalton Highway, you will have to use non-motorized access in the future. If non-motorized access is not practical or possible, you will need to tear down your cabin at the end of the season.

We offer to extend your permit to May 1, 2004, after you submit the \$100 rental, use reports, and proof of bonding. This offer expires thirty days after you receive this letter.

Please call Boyce Bush at 474-2334 or Martha Woodworth at 474-2323 if you have any questions.

Sincerely,

 AM-NFO  
Robert W. Schneider  
Northern Field Office Manager

## Brian Hove

---

**From:** David Stoller [stoller@gci.net]  
**Sent:** Monday, February 07, 2005 8:24 PM  
**To:** Brian Hove  
**Subject:** Re: Senate Bill 85 Dalton Highway Corridor

**Attachments:** ATT2364645.htm



ATT2364645.htm (3  
KB)

Brian,

I have included below a letter in support of SB 85. If you would keep me informed about the progress of this bill I would appreciate it. Also, if you could let me know if it is ever scheduled for any testimony by teleconference, I will try to attend or send someone else. Thanks

David Stoller

Senator Seekins,

I am writing in support of your Senate Bill 85 repealing Alaska Statute 19.40.210. I am skeptical that AS 19.40.210 was ever a necessary law and it certainly isn't necessary today. This bill, in my opinion, is simply a matter of whether or not the public should have reasonable access to millions of acres of public land. I (and several of my friends) would argue that they should.

The key here is "reasonable". I certainly don't think that people should be allowed to take any off road vehicle (OPV) they want, anywhere they want, at any time. However, neither is there any reason for the current blanket prohibition of no motorized access at any time. Additionally, it seems rather contradictory for the Alaska Department of Natural Resources (ADNR) to do a study and determine that they can lessen restrictions for driving multi-ton oil exploration and development equipment across the tundra with no damage concerns, while at the same time the legislature is saying the public can't ride a 500 pound snowmachine across there. The entire Dalton Hwy Corridor lies on ground managed by either the Federal Bureau of Land Management (BLM) or the ADNR. These two land management agencies have ample regulatory powers available to them to allow motorized access while still providing protection for the natural resources involved. Having specific regulations such as seasonal restrictions, size or weight restrictions, limiting ATVs to existing trails, etc. would be a far better way of managing the area for the public's best interest than the current total prohibition of all motorized access at all times approach. As written, the 12 month buffer period between passage and implementation of this bill should give the agencies involved plenty of time to come up with suitable regulations.

In conclusion, I feel it is time for the legislature to allow the natural resource managers involved with this area of the state to do their jobs to manage this area for the best interest of the public. A job they currently cannot do, due to the restrictions imposed by AS 19.40.210. It is time to finally allow the public reasonable access to the millions of acres of public land that are available along the Dalton Hwy.

Sincerely,

*Peter R. Buist*  
*Box 7561*  
*Fairbanks, AK 99707*

February 3, 2005

Senator Ralph Seekins  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Seekins:

Re: SB 85

Thank you for introducing SB 85 to facilitate access to a vast amount of our public lands in the vicinity of the Dalton Highway.

I am not unfamiliar with the area, its characteristics and its problems. I have hunted in GMU's 24,25 and 26 for a long while, including before the road was constructed and later opened to the public. I also guided in ANWR for a long time, from a base camps along the Dalton, first at Happy Valley and later at Galbraith Lake. I have seen first hand the affect of the concentration of tourists, recreationists and hunters along the road. This crowding often results in resource conflicts and allocation issues that are unnecessarily divisive. Recently they have taken a lot of the Board of Game's time.

Much of the area, particularly north of Atigun Pass, is not conducive to travel by wheeled vehicles anyway, but simply allowing snowmachine access through the corridor here would go a long toward solving most of the problems.

Senator, these are PUBLIC lands that have been de facto made OFF LIMITS to most of the public. I think that it is unfair and poor public policy to allow access to vast amounts of public land only to those rich enough to fly in, or fit enough walk 5 miles across this closed area.

Please remind your colleagues that limiting corridor access to hunters on foot can also actually cause more wanton waste violations.

By allowing hunters and other recreationists to disperse, many of these issues would easily be mitigated. Again, my thanks for introducing this legislation.

Sincerely,

Pete Buist

2-3-05

TO: SENATOR RALPH SEEKING  
(907) 456-3717 FAX: (907) 465-5241

FROM: LEO M. HOLLAND  
3418 HARRY B. ROAD  
NORTH POLE, AK 99705  
(907) 488-1309

SUBJECT: OFF ROAD VEHICLES OFF THE DALTON HIGHWAY

ATTN: BRYAN HOVE

I OWN A HOMESTEAD APPROXIMATELY 8 MILES OFF THE DALTON HIGHWAY. PRESENTLY, TO GET TO THIS PROPERTY I MUST WAIT UNTIL THE YUKON AND BIG SALT RIVER FREEZES THEN GO BY SNOW MACHINE 10 MILES DOWN RIVER FROM THE YUKON RIVER BRIDGE THEN 23 MILES, NOT TO COUNT LOTS OF OVER FLOW ON THE BIG SALT. (THE BIG SALT IS NOT NAVIGABLE BY BOAT.)

MY PROPERTY HAS EXCELLENT ACCESS FROM THE DALTON. STARTING APPROXIMATELY 12 MILES NORTH OF THE YUKON RIVER BRIDGE WHERE THERE IS A PULL OFF AND ROOM FOR AT LEAST 3 SEMI TRUCKS WITH TRAILERS TO PARK. AN OLD ROAD LEADS DOWN THE HILLS A WESTERLY DIRECTION FOR APPROXIMATELY 3 MILES OF THE 8 MILES NEEDED TO ACCESS MY PROPERTY. LEAVING THE ROAD WOULD BE WITHIN THE PIPELINE CORRIDOR FOR WHICH THE PIPELINE IS ON THE OTHER SIDE OF THE DALTON HIGHWAY. THE REST OF THE WAY WOULD BE BLM LAND.

THIS BILL, #SB85, IF APPROVED WOULD GREATLY SAVE A LOT OF WALING IN SUMMER, CARRING HEAVY LOADS NOT TO TALK ABOUT TIME SAVED BY BEING ABLE TO USE SNOW MACHINE IN WINTER AND ATV IN SUMMER.

THIS ACCESS WILL NOT AFFECT ANIMAL HERDS, IT WILL NOT AFFECT THE TUNDRA BECAUSE MOST OF THE ROAD IS ALREADY THERE AND SECURITY OF THE PIPELINE WON'T BE EFFECTED BECAUSE IT LEADS AWAY FROM THE PIPELINE

THANKS,

LEO HOLLAND  
LANDOWNER OFF DALTON HIGHWAY

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

case: We're not back to the economic misery of the 1970s. But the fact that we're already experiencing mild stagflation means that there will be no good options if something else goes wrong.

Suppose, for example, that the consumer pullback visible in recent data turns out to be bigger than we now think, and growth stalls. (Not that long ago many economists thought that an oil price in the \$50s would cause a recession.) Can the Fed stop raising interest rates and go back to rate cuts without causing the dollar to plunge and inflation to soar?

Or suppose that there's some kind of oil supply disruption—or that warnings about declining

thing much more serious.

How do we get out of this bind? As the old joke goes, I wouldn't start from here. We should have spent the years of cheap oil encouraging conservation, we should have spent the years of modest growth in medical costs reforming our health care system. Oh, and we'd have a wider range of policy options if the budget weren't so deeply in deficit.

So if any of these things does come to pass, we'll just have to see how well an administration in which political operatives make all economic policy decisions, and the Treasury secretary is only a salesman, handles crises.

Distributed by The New York Times News Service.

es received in exchange were only fair or poor.

Of course, every taxpayer is surely around April 15. I know I am. But I also think we can do better.

One specific tax reform I'd like to see is an incentive for people to save money.

We know Americans have a problem saving money. Our household savings rate is at a 25-year low, and most Americans are loaded with debt. Too many people have so much credit card debt that their "net worth" is zero. (Now that Congress has rewritten bankruptcy laws, there will be a rush to file under the old law.)

But can a country's tax code reverse the trend? What if we used the tax code to change our spending nature? What if there were a tax strategy that helped people reduce debt and increase savings? Would people do it?

I think so. This shift to a "savings" society could take place through a consumption tax, but I'd like to see that include a road map for people to get out of debt. For example, There could be a three-, four- or five-year window for people to get tax credits as they pay off debt.

The current tax code is supposed to be fair because it's progressive. It doesn't work out that way, though. On the lower end of the income scale, more people pay payroll taxes than income taxes.

But the interest paid on consumer debt is a progressive tax in reverse (and it doesn't even fund the government).

One economist even suggests a national requirement to save.

"Many would object that requiring families to save a portion of each year's income growth would be an infringement of individual liberty. Yet it is the very absence of such a requirement that currently prevents most American families from saving as much as they wish to," wrote Cornell's Robert H. Frank in *The New York Times*.

I am not sure we could make national savings a law, but we could reward every penny saved through our tax code. This shift would be a nice way to start a new year.

Mark Trahan is editorial page editor for the *Seattle Post-Intelligencer*.

es of herb. Personally, I get from legal drugs such as and pharmaceuticals than I ana.

us step back from this so- and see what products can be e plant's stalks (hemp). I uses into these categories: toiletries, textile, household Below are a few products agery

oil. It's high in essential can be drizzled over salad, s, and used for baking. omotherapy, salve and nutri-

Lipstick, sunscreen, soaps, lotions and shampoo. cks, shirts, shoes, tarps, wal- bags, belts, and napkins.

Rugs carpet, paint, shoe pol- cordage, candles, crayons and gent

Pulp and paper, plaster, plas- wood chips and bio-diesel

the people realize we are run- sources? When will we adapt and stop prosecuting others for more than a medicinal herb? able resource should be t criminalized!

or

## Hurray for Seekins

April 16, 2005

To the editor:

I'm very proud to see Sen. Seekins reaffirming that Alaska lands are for the use and enjoyment of all Alaskans. Senate Bill 85 sponsored by Sen. Seekins will remove the state statute that prohibits the use of off road vehicles along the Dalton Highway corridor north of the Yukon River. A few Alaskans, however, want to keep this restriction in place in order to keep fellow Alaskans out. They feel that their own recreation, hunting and fishing uses should be considered before that of other Alaskans.

Our lands are for common use by all Alaskans, and our lands can support a diversity of uses and users. A small minority should not be able to hold our lands for their personal benefit and deny access to other Alaskans.

By sitting down together and developing a multi-use plan, we can ensure that our lands can be enjoyed and conserved. Designated trails, overnight cabins, campgrounds and other facilities will be needed. SB 85 and Alaskans working together will allow more Alaskans to enjoy access to highly valued recreational areas.

Cal Skaugstad  
Fairbanks

FDNM  
4/19/05

FORM 4/21/05

make it impossible for poorer people to come to the parks, and, finally, the administration made us privatize the most lucrative fee areas. Now there was an immense demand to raise the fees even higher to make the parks "profitable" as small businesses. This completely changed the idea of the commons, owned and operated by the people.

Wish agencies would tell folks the truth. Charging fees is not about slipping budget or maintenance shortfalls or more fish. It's about supporting government and the commons through user fees rather than graduated taxes. This eventually takes our commons from ordinary folks and gives them squarely to the wealthy. Case in point: Denali National Park used to be a place you could drive into nearly free. Now a family of four pays \$160 for a 12-hour visit riding the required, privatized bus system. Second example: I used to love to hunt waterfowl in our short September season. But, with all the fees paid to hunt waterfowl, I haven't been able to afford that for years.

Mike Lee  
Fairbanks

**Sawyer's column**

April 17, 2005

To the editor:

After reading Bob Sawyer's "Community Perspective" in Sunday's (April 17) edition, I am deeply offended and want to say he does not represent me on the Fairbanks North Star Borough School Board Ethnic Committee.

I have been an educator in the FNSBSD for 17 years. I have been a member of the FNSBSD for 39 years. In all of the years I have been a participant of the FNSBSD, I have never seen the "educational establishment, especially teachers, far too willing to make excuses for minority failure." I am offended that Mr. Sawyer has made these off-hand remarks.

I teach at a Title I school, which gets federal funding because of our low-income, minority base. I believe we, the educational establishment, have formed an educational program that benefits all of our students.

We, as educators, give all of our students the same opportunities and the same expectations. How dare Mr. Sawyer say we make excuses for any students.

Come in and visit our classrooms, our schools and our educational communities.

Finally, I do not believe the No Child Left Behind Act is a good "checks and balances" act.

It may have some good points; however, it is unrealistic. To expect and mandate that all schools will have 100 percent proficiency by 2014 is like asking all the state Houses, state Senates, the U.S.

House of Representatives and the U.S. Senate to have 100 percent attendance 100 percent of the time. Looking at their attendance rates, all I can say is "go figure!" I bet the NCLB bill was passed through both the House and the Senate with less than a 25 percent attendance rate.

Katherine F. Shira  
Fairbanks

**North Slope spill**

April 18, 2005

To the editor:

I don't think that it was OK for the spill to happen and I think that someone should be held responsible.

I read the article in the paper about the natural gas spill at Prudhoe Bay. I think this wouldn't have happened, and there wouldn't have been a costly clean up, if they were checking the welding regularly.

My dad used to work up north and said they do check the welding regularly. He said it was regular but sometimes they didn't get to it in time. I say they need to check it every time they weld and make sure it is OK and keep checking it so that when it get to the point of decay they can fix it before it spills.

Haven't different oil spills caused us enough problems throughout the years? When will they stop making excuses and start finding a solution?

Kayla Burns  
Fairbanks

**Dalton trails**

April 18, 2005

To the editor:

OK, folks, for the uninformed who think that the area off the Dalton is pristine and trackless, think again. There are already trails there. There is no reason that the existing trails should be off limits. This is a large portion of our state that is being locked up for no good reason. I also don't see any reason for not allowing hunting with a firearm along the Dalton. If anyone is going to shoot the pipeline, that silly little restriction won't stop them, as we have already seen.

Almost every truck and car traveling the Dalton has at least one gun aboard, often more. So the guns are there and the pipeline is not being shot every day as some would make you think it would. I could see a restriction of maybe a quarter of a mile or half mile from the actual pipe for safety purposes, but five miles, that's ridiculous. As for access to the trails, why should only miners and locals have access?

What about the rest of us Alaskans, don't we have the same rights? Sen. Seekins should get that bill passed.

Roggie L Hunter  
North Pole

**Road to Chitina**

April 18, 2005

To the editor:

Now the Million Dollar Bridge will soon be back on its pier. Most of the old railbed could be opened up with little cost per mile.

There are ways to make inexpensive bridges on the three streams between the bridge and Chitina. This area could be a real boost to summer tourism. If our governor is serious about building roads, here is a chance to prove it.

Sincerely yours,  
Carl Nichols  
Fairbanks

**Ultralight misconduct**

April 19, 2005

To the editor:

In the summer months, several ultralights based at Bradley Field near North Pole have continuously circled very low over residential areas, late night, early mornings, waking homeowners. They continuously fly very low over homes to see what people are doing in their backyards.

This practice is extremely intrusive, disrespectful and violates personal privacy. Simple solution: Ultralighters based at Bradley fly a left-hand pattern, 0.8 mile west of the strip. Stay at 400 feet until final approach. I believe there aren't any homes on this route. Stop flying over residential areas! Problem solved. Good for everyone!

I feel the Federal Aviation Administration has, and is, failing in regard to public safety and economic stability concerning ultralights. Air freedom was passed with many laws, 500 feet minimum altitude, registered identification numbers, etc.

According to the FAA, ultralights aren't airplanes. So they basically have no laws. I reported two ultralighters to FAA for diving at me while I was working on my roof. FAA responds, they have no identification numbers, so how can we identify them? There have been many ultralight crashes in the last few years. These aircraft often come within 100 feet of school buses and Richardson Highway commuters. Should an accident occur, there is no requirement for them to have insurance.

Does the airstrip owners' liability insurance cover this potential hazard? "Some ultralighters can only give lessons, rides are illegal," signs have been posted along federally funded highway stating "ultralight rides." This practice deceives the public. To give rides with-

out insurance at the public is wrong.

One standard of flying over this public safe FAA? Many people at Chena L. some public as been witnessed School and vari-

Personally, I of the pilots. I conduct continue adopted, airstrip undeveloped laying the future o

My best wish ultralighters. Phil Zastrow North Pole

**Historic tr**

To the editor:

This letter is bal and physical governor of the ing ownership trails across Al.

Historically, accessing rem- Alaska were Alaskans for ce before the mo invasion by oil systems providers, fishing gma and avia berries, or acce Some of those have also bee between tribes Alaskans long

Within the l ers, missionary same trails as t souls, or satisf old Native tr: world renowne route to Nom Nomites from early part of th

The point I those old tra claimed by the ment. If any claim ownersh nous Alaskans bly, if the sta those historic down the road oped into h actions by the bigger pictur develop and a Ron Mancil Fairbanks

I am in support of SB85, the opening of the Dalton Hwy to off road vehicles. I have lived and worked on the Dalton Hwy for the last 14 years and drive it weekly from Fairbanks to Jim River Maintenance Station (mp 138 Dalton Hwy). I have listened to public testimony on "Gavel to Gavel," read your "Letters to the Editor," and I am dismayed by the "doom and gloom" forecast by the neigh Sayers.

In the first place, this bill is NOT about hunting or changing hunting regulations. So any reference to hunting or subsistence use is irrelevant. Fish and Game has done a fine job of game management in this area and I am confident in their ability to continue in the future.

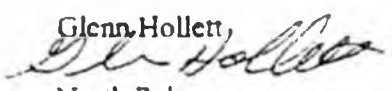
To the folks who like to drive up the Dalton to hunt caribou, hike, or sightsee without off road vehicles, they need to be reminded that not too many years ago the public was not allowed access to the Dalton Hwy beyond the Yukon River. Somebody had the foresight to open the road to the public so we all could enjoy more of this great state.

What SB85 is really about is that we have a State Law limiting public access to federal land, of which most is zoned for "Public Use". However, there are people up here riding off road vehicles; BLM, State Troopers, University Employees, and other government agencies continually drive by with their off road vehicles in tow, heading north to do their "OFFICIAL BUSINESS". Local residents of the mining community of Wiseman are allowed to ride off road vehicles and miners have special permits from BLM to ride their off road vehicles into their mines. This is not right; all Alaskans should have equal access to this vast area of our state.

When this bill passes, there will not be the huge rush of wild riders tearing up the tundra and ruining the scenery, as some would have you believe. The first 56 miles of the Dalton hwy to the Yukon River is already open to off road vehicles. Yet you will be hard pressed to find a four-wheeler track or trail. I know of three trails in the entire 56 miles.

At a minimum, access should be allowed to snowmachines, which have no impact on the ground once adequate snow coverage is attained for riding. Understanding the area surrounding this part of our state and the facts concerning this bill is imperative to making the right decision for all Alaskans not for the select privileged few whom enjoy off road vehicle ridding in the Dalton corridor.

Glenn Hollett,

  
North Pole

4-10-05

# Fairbanks Daily News-Miner

## Dalton Highway corridor controversy matter of perspective

By Wayne E. Heimer

**Sunday, April 17, 2005** - Public testimony at the April 8 teleconference on Senate Bill 85--a bill opening the pipeline corridor to management of surface vehicles by repealing the state's long-standing motorized vehicle ban along the pipeline--was dominantly negative. At the end of the teleconference, SB 85 sponsor, Sen. Ralph Seekins, R-Fairbanks, mused that he didn't understand why. "I think I do, here's my perspective.

Opposition to SB 85 has three major components. Many opponents see the existing law as an anti-development symbol, and these folks commonly cite unmanaged ORV use leading to abuse as an environmental sin. Next, some Alaskans have learned to exploit the law for their personal benefit and don't want to lose their perceived advantage. Finally, there's partisan politics. Senator Seekins perceives his approach as constitutionally objective. The opposition perspectives are primarily subjective, hence a perception problem. Reviewing the history of our existing law should make it easier for all of us to think objectively about this issue.

The present law exists because of opposition to the oil pipeline in the early 1970s. The dominant parties in this opposition were affected Alaska Natives and environmental protectionists. Concerned Alaska Natives resisted the pipeline because it would provide "outsiders" access to the North Slope, which they alleged would eliminate traditional subsistence. The environmental protectionists predicted mass ecological disaster would result from terrestrial oil development. Evaluation of these claims after 30-plus years shows both were exaggerated. The ecological disasters protectionists predicted in the arctic didn't occur. Alaska's North Slope Natives have weathered oil development, and support more.

After analyzing opposition to SB 85, I suggest University of Alaska Fairbanks professor Dave Klein's recent Community Perspective exemplifies "symbolic opposition."

Klein, a prominent member of several development-averse groups, often argues against arctic alterations. Klein writes, "There is abundant evidence that all vehicle traffic, both on-road and off-road, tends to displace ... caribou, mountain sheep and moose in Alaska and Canada."

This doesn't square with practical experience or recent scientific literature. The earlier published work on caribou pipeline avoidance has been professionally challenged, and Klein surely knows mountain sheep and moose (along the pipeline and elsewhere) are poor "poster children" for mechanized disturbance. Canada's most productive bighorn sheep thrive amid noisy heavy equipment and burning coal seams at Alberta's Cadomin mine, and Dall sheep thrive along the Turnagain Highway, the Parks Highway, the Dalton at Atigun Pass, Black Mountain and seasonally underneath the pipeline adjacent to the road. Moose flourish in urban settings like the municipality of Anchorage, which may support the highest moose density (and vehicular traffic) in Alaska.

Presuming Klein is familiar with these data, I conclude he opposes SB 85 on principle.

Second, many regular Alaskans have adapted to the existing restrictions. These include bowhunters, walk-in hunters, ecotourism guides and others who have learned to exploit the corridor without actually violating the letter of the law. These folks typically argue ethical issues (walking being noble than riding and potentially ugly tracks) to exclude competitors.

Finally, there's politics. I consider Brendan Buckley's Community Perspective (April 3) partisan politics because his sponsor, "Alaska Conservation Voters," is a political action group dedicated to electing Democrats by exploiting environmental issues. Buckley argued Sen. Seekins misrepresented reality by saying SB 85 wouldn't cost the state any money. Buckley was conceptually correct. Protective management costs more than protective prohibition, and expenses increase with management effort. So do benefits. Still, arguing against management because it costs money is perverse when Alaska's Alaska Constitution mandates management.

Buckley also invoked the specter of losing Toolik Research Station as rational opposition. He predicted Toolik's scientists will move to "Scandinavian locales where they know their work will be safe" if SB 85 passes. This is a Scandinavian red herring. In teleconference, Seekins emphasized meeting earlier with Toolik's directors and assuring Toolik's protection. Nevertheless, Toolik's director opposed SB 85. "Symbolic" or "special interest" opposition?

Alaskans collectively settled for the present law 30 years ago because we had unfounded fears about what might happen.

The underlying assumption justifying opposition to SB 85 is that we've learned nothing during the last 30 years that would make us capable managers today. This is not a strong rational position. Hence, I suggest opposition to SB 85 simply expresses human nature.

Opponents of SB 85 are defending their particular turf/interests using every possible justification. We're all human; it's what we do. Still, Alaska's constitution demands objective consideration of SB 85.

Wayne E. Heimer is a retired Alaska Fish and Game biologist whose work experience included documenting environmental concerns and considerations for planning, construction and operational stages of the trans-Alaska oil pipeline. He lives in Fairbanks.

# Fairbanks Daily News-Miner

## State files suit to claim trails

By SAM BISHOP News-Miner Washington Bureau

**Tuesday, April 12, 2005 - WASHINGTON--**The state of Alaska filed suit against the federal Department of the Interior, Doyon Ltd. and several individuals Monday to claim two trails in the southern Brooks Range near Coldfoot.

Gov. Frank Murkowski visited the area over the weekend, took a short sled dog ride on one trail and announced that the lawsuits would be filed Monday in U.S. District Court in Anchorage.

The state will take ownership of these and other trails to protect the rights of Alaskans to use such routes, the governor said.

Eleanor Huffines, Alaska director of The Wilderness Society, said the governor's action threatens the wildlife and wildlife habitat protected by the state's large federal parks and refuges.

Interior Department spokesman Dan DuBray said Monday afternoon in Washington that officials had not yet seen the suit and so would have no comment. The suit is a quiet title action, an effort to get a court's stamp of approval on the two rights of way for which the state claims ownership. At the same time, the state hopes to set some guidelines for judging about 600 other such claims.

The state argues that the trails are "highways" under the former federal Revised Statute 2477. The law allowed people to build roads over unreserved federal land until it was repealed in 1976. Government, industry and conservation groups have been arguing since then about what criteria should be used to judge which old roads and trails remain as legal rights of way. One trail covered in the state's suit runs 65 miles between Coldfoot and Chandalar Lake. The other follows part of the same route but veers off to Caro at the North Fork of the Chandalar River, covering 85 miles. The governor named a third trail Sunday, but his office reported that legal technicalities delayed that filing for now.

The trails were first used in 1906 to reach gold mining areas but continue to be used for mining, recreation, hunting and access to a state land sale, according to a summary from the state Department of Natural Resources. In all, the trails provide access to about 1 million acres of state land.

To do so, they cross land managed by the federal Bureau of Land Management. They also cross land selected by the regional corporation Doyon as part of the Native claims settlement. A number of unpatented federal mining claims and a trade and manufacturing site, a type of homestead, also lie on the routes.

The two routes cross no federal land set aside for conservation, the state noted.

Huffines said no one doubts that breaking open easy access routes into parks and refuges is the governor's goal.

Federal law already describes other modern ways that rights of way can be established over federal land in Alaska, she said.

"Using an ancient mining loophole from the 1800s is not the way to solve Alaska's legitimate transportation needs," Huffines said.

Huffines said Alaska does have some legitimate R S 2477 rights of way created by real construction work. She said she wasn't sure if the Coldfoot trails were among them.

However, the Murkowski administration's statements indicate that they want to claim mere trails, not just constructed roads, and that runs contrary to established law, she said.

If successful, the state's arguments could open the door to the eventual construction of numerous roads through federal conservation lands, to the detriment of wildlife and wildlife habitat, Huffines said.

The DNR fact sheet acknowledged that the suit was designed to set a broader precedent.

R.S. 2477 rights of way are considered highways, the state argues, even if they aren't built. "State law defines highways to include trails and walks," the state's fact sheet observed.

Once a right of way is recognized, then the state and underlying landowners will have to work out its precise route, width and uses, the state said. The federal government would have a role, it said.

"Future construction and any use that alters the existing trail may still be subject to some regulation by the federal agency that manages the underlying and surrounding land, subject to a standard of reasonableness," the fact sheet said.

Washington, D.C., reporter Sam Bishop can be reached at (202) 662-8721 or [sbishop@newsminer.com](mailto:sbishop@newsminer.com).

# Fairbanks Daily News-Miner

## State asserts rights to trails

By TIM MOWRY

Monday, April 11, 2005 - Staff Writer

COLDFOOT--Gov. Frank Murkowski went out of his way Sunday to show the federal government that Alaska means business about asserting its rights on historic trails the state has identified as RS 2477 routes.

The governor flew from Fairbanks to the remote settlement of Coldfoot, 250 miles north of Fairbanks on the Dalton Highway, where he met Iditarod musher Remy Brooks of Healy and took a dogsled ride on one of three trails the state will file suit on today in the southern Brooks Range to get the Department of Interior to turn over unrestricted rights of way.

"This is the best way to assert jurisdiction, being on the trail and really seeing what this RS 2477 statute is all about," declared Murkowski, after Brooks took the governor and his wife, Nancy, each for a short, 3- or 4-mile spin on the Coldfoot to Chandalar Lake Trail with 10 of his Iditarod huskies.

Sitting in a dog sled behind a team of Iditarod-hardened huskies beats sitting behind a desk in Juneau or Anchorage, the governor said with a smile.

Decked out in a parka and a pair of bunny boots on a gloriously sunny day in the Brooks Range, the governor was clearly enjoying himself while trying to make a point.

The Coldfoot to Chandalar Lake Trail, a mining trail established by prospectors in 1906 seeking to strike it rich in the Chandalar Lake gold fields, is one of more than 650 trails the state has identified as historic routes that should have unrestricted public rights of way.

The state will file suit against the Department of Interior today in federal district court in Washington, D.C., for quiet title to three of those trails, all located in the vicinity of Coldfoot, as an attempt to gain control of the three trails "for whatever future need we might want." All three trails cross land controlled by the Bureau of Land Management.

"We think by initiating this action we might prompt the Department of the Interior to move on the legitimacy of our claim," Murkowski told reporters on the 45-minute flight from Fairbanks to Coldfoot on a twin-engine C-12 turboprop. "It puts the burden on them."

The state has been feuding for years with the Department of Interior over Revised Statute 2477, a defunct federal law that was established in 1867 as part of the Federal Mining Law. The law stated "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

While Congress repealed the law in 1975, rights of way established under its terms continue to exist.

The definition of what a "highway" is has been a matter of debate for decades but for the most part the law has been interpreted to mean roads.

But given the vast, remote and undeveloped nature of Alaska, not to mention the fact that the ground is covered with snow for up to eight months a year, trails are the equivalent of roads, Murkowski said. Most of the roads in Alaska started out as trails established by miners or mushers, he said.

Currently, miners can use the Coldfoot to Chandalar Lake Trail, but they must get a permit to cross BLM lands. Murkowski mentioned several times during Sunday's trip that he did not want Alaska to become a permit society.

"We were assured there would not be a permit requirement," said Murkowski, referring to the passage of the Alaska National Interest Lands Conservation Act that designated 106 million acres of Alaska land as federal conservation units. "That gets in the craw of some old-timers."

Murkowski is a strong supporter of public access and mining.

In addition to the 65-mile Coldfoot to Chandalar Lake Trail (RST 9), which was established by gold miners in 1906, the other two routes included in the suit are the 85-mile Caro to Coldfoot Trail (RST 262), another gold mining trail established in 1906, and the 60-mile Wiseman To Chandalar Trail (RST 254), which was created by prospectors and miners seeking access into the central Brooks Range in the 1930s.

"These were identified by Alaska miners as the three most important," Murkowski said, explaining why the three trails were chosen for the lawsuit.

The fact that none of the three trails pass through a national park or wildlife refuge, which a number of the RS 2477 routes the state has identified do, was also a bonus, the governor said.

After arriving in Coldfoot, a tourist and trucker stop surrounded by snow-capped mountains on the Dalton Highway, the governor was given the Alaska equivalent of a police escort to the trailhead to meet Brooks.

He and his wife hopped into a blue Chevrolet Suburban belonging to the state and Alaska State Trooper Curt Bedingfield, along with a few other locals on snowmachines, rode in front of the vehicle while trooper Fred Johnson, who serves as one of Murkowski's two pilots, followed Murkowski in a four-wheel-drive trooper pickup truck.

At the trailhead, Murkowski chatted briefly with Brooks, the 1999 Yukon Quest champion, before climbing into the musher's sled and disappearing down the trail while his wife followed on the back of a snowmachine. After a short, 3- or 4-mile ride, Brooks turned the team around and the governor switched places with his wife.

Fresh off a fifth-place finish in the Iditarod Trail Sled Dog Race in March, Brooks, a personal friend of the Murkowskis, was more than happy to accommodate the governor's request for a ride to publicize the lawsuit, even if it did mean a 12-hour drive up and down the highway for a 30-minute ride.

Besides, the governor made it worth his while, said Brooks.

"They're covering expenses," he said with a grin as he hooked up his team.

The Coldfoot to Chandalar Lake Trail has significance for Brooks, too, who is of Athabascan heritage. While he agreed to the deal several months ago, it wasn't until last week that Brooks discovered his great-grandfather, Arthur Wright, had traveled on the trail as an interpreter and dog handler for Archdeacon Hudson Stuck in 1908.

"I thought that was kind of a cool coincidence," Brooks said.

While he didn't say how much Sunday's trip cost, Murkowski, who was in Fairbanks on Saturday for a meeting concerning Fairbanks International Airport, felt it was more than worth the time and fuel it cost to fly to Coldfoot.

"To me, this is worth a lot more than the lawyers were paying, it might even reduce the lawyers' bill," said Murkowski. "The idea of timing this in conjunction with the suit is going to create some controversy and interest. We think that's necessary."

If the state wins the suit, it will recover any litigation costs, the governor added.

"We want to get it over with and I think this is the best time to do it, with an administration that at least acknowledges the RS 2477 law," Murkowski said, adding that the Clinton administration refused to address the issue.

News-Miner staff writer Tim Mowry can be reached at [tmowry@newsminer.com](mailto:tmowry@newsminer.com) or 459-7587.



# Alaska State Legislature

Please enter into the record my testimony to the House Transportation Committee  
 committee name  
 committee on SB 85 , dated May 2, 2006  
 bill/subject

I grew up in Fairbanks and now live in Anchorage. I have used the Dalton Highway to access a variety of recreational opportunities throughout my life.

I am strongly opposed to SB85. I feel that ORV use in the corridor will jeopardize the physical and social environment of the area.

In terms of the physical environment, the habitat and wildlife degradation would ensue from opening the corridor to ORVs would be devastating. Specifically I have concerns about impacts to tundra vegetation, wetland function, fish habitat, and wildlife behavior.

In terms of the human environment, I feel that there is extreme value to the kind of experience you can have in non-motorized areas. In this sense, the Dalton corridor is an amazing asset to Alaskans and anyone else who wishes to venture there. The non-motorized corridor allows people to hike and camp in places that are free from most motor noises, where wildlife has not been spooked and where the landscape remains unscarred by rutted, eroding ORV trails.

I feel that ORV use in the corridor will ruin a unique and valuable recreational opportunity for the State of Alaska, one that cannot be replaced.

Signed: Kyle Pearson

Testifier

myself and my family

Representing (Optional)

12566 Tanada Loop Anchorage AK 99515

Address

(907) 868-2946

Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House Transportation Committee  
committee name

committee on SB85 , dated May 2, 2006  
bill/subject

Mr. Seekins states that under the current management of the Dalton Highway that the haul road is only open to those wealthy enough to fly or healthy enough to walk. By opening the Dalton Highway, the result will be that the game along the Dalton Highway will not be accessible to anyone. The result will be game populations will only be accessible to those who can fly out of those areas to access the game populations.

Mr. Seekins has pledged that the management scheme will protect the area, game and habitat. No management scheme is in the legislation. We simply do not know what the management scheme will be, not the actual use if implemented. I urge the House Transportation Committee to vote against this Bill.

Signed: William M. Pearson  
Testifier

N/A

Representing (Optional)

3544 Heartwood Place, Anchorage AK 99504

Address

(907) 337-3757

Phone No.

## List of facts relating to S.B. 85

- **FACT:** Ground contact ORV use will be concentrated on limited state and certain BLM lands. These tracts of state and BLM lands are sandwiched between federally designated refuges and parks. This will create high impact zones of use. Half of Alaska will not be "unlocked" for "orderly" use.
- **FACT:** State lands north of the Yukon are currently managed at maximum sustained yield. This level of use is achieved through traditional means of access. These legal accesses are boat, airplane, horses, dogs, and walking.
- **FACT:** Ground contact ORV use is permitted for mineral and oil exploration and to access private property or valid mining claims.
- **FACT:** Recreational ORV use is not widespread off the Dalton highway.
- **FACT:** BLM rangers have issued citations for recreational use.
- **FACT:** State of Alaska wildlife protection officers have issued many tickets for transporting hunters, hunting gear and game with ORVs. Per Alaska Department of Public safety.
- **FACT:** Current restrictions are enforced.
- **FACT:** In the Dalton highway corridor rural residents are not allowed to use ground contact ORVs for any reason including subsistence.
- **FACT:** Snow machine use is permitted for rural residence only for subsistence activities. Recreational use is not permitted.
- **FACT:** Replacement cost of 1 lb of meat in rural Alaska, as set by ADF&G's subsistence division, is \$5.00/lb. Using five house holds in Wiseman as a example they take in on average 6,800 lbs of meat per year, for a \$34,000 direct economic benefit. The use of these resources are a primary economic source. With limited trapping and other seasonal sources of cash income game meat supports local economies. This is a true and accurate condition across our region and other rural areas of our state.

- **FACT: The Dalton highway corridor, north of the Yukon, is used by four caribou herds: ray mountain, central arctic, western arctic and tishikpuk.**
- **FACT: All of the caribou herds in Alaska exposed to road system, ground contact ORV use are depleted. These are now currently requiring intensive management and controversial predator control measures to achieve constitutionally mandated sustainability.**
- **FACT: None of the areas to be "opened up" are currently requiring predator suppression. See attached example of Wisemans average predator harvests and corresponding ungulate savings.**
- **FACT: In Wiseman/Coldfoot/Nolan not one person is on public assistance. With healthy resources we are self sufficient and self sustaining.**
- **FACT: People in Wiseman are all willing to access wilderness without ground contact ORVs and are already doing so.**
- **FACT: In the mountainous parts of Alaska, north of the Yukon, moose population densities are .1-.2 /sq mi. in the road corridor ADF&G has already had to address increased access by going to a drawing hunt. The corridor was already managed as a bow hunting only area. This method and means restriction was put in place to manage our low densities of animals.**
- **FACT: Only in partnership with federal agencies is ADF&G able to accomplish game surveys north of the Yukon.**
- **FACT: Additional use will necessitate more intensive/expensive population monitoring.**
- **FACT: Additional access will require public safety appropriation to assure sustained yield.**
- **FACT: People from all over the world use the Dalton Highway corridor for non consumptive use. These uses include but are not limited to hiking, rafting, birding, skiing, climbing, driving, sightseeing, geological recreation, aurora viewing, wildlife viewing. These guests contribute the cash economy. The primary draw of this remote and expensive region to visit is its "untracked" wilderness.**

Dear Senators and Representatives,

The co-authors to this list of facts relating to S.B. 85 are Jack Reakoff and Thor Stacey. All of the compiled facts are true. We put these down to refute some common misperceptions about this issue. Also, we recognize that the lands north of the Yukon are very remote and there is a lack of common knowledge about our renewable resources. We hope that these facts will dispel some common myths and rectify misperceptions of rural and non rural use. Please direct questions regarding this sheet to Jack Reakoff or Thor Stacey. Fax/phone 907 678-2007 or post mail to either author@ 114 Newhouse Wiseman AK 99790. All statements are true to the best of our knowledge.

A handwritten signature in cursive script that reads "Thor Stacey".A handwritten signature in cursive script that reads "Jack Reakoff".

# Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

March 3, 2006

## SUBREGIONS

### UPPER

#### KURKOKWIM

McGrath  
Medfra  
Nikolai  
Takatna  
Tetida

Representative Vic Kohring  
PO Box 110001  
Juneau, AK 99811-0001

Re: Opposition to SB 85

### LOWER YUKON

Anvik  
Grayling  
Holy Cross  
Shageluk

Dear Representative Kohring:

### UPPER TANANA

Dot Lake  
Eagle  
Healy Lake  
Northway  
Tanacross  
Tetlin  
Tok

I am writing to inform you of Tanana Chiefs Conference's (TCC) strong opposition to SB 85 because of the negative impact that the proposed opening of the Haul Road will have on the Tribes in the Tanana Chiefs Conference region.

TCC, by resolution from member villages, directs this tribal consortium of 42 Interior villages to oppose the lifting of the ban of all-terrain vehicles in the Dalton Highway corridor. This resolution requests the State to mitigate the negative effects of the Haul Road on affected villages and also requests it to work to improve the subsistence economy of those areas. See attached Resolution 1988-88.

### YUKON FLATS

Arctic Village  
Beaver  
Birch Creek  
Canyon Village  
Chalkyitsik  
Circle  
Fort Yukon  
Venette

All-terrain vehicle use can be observed in increasing numbers on a yearly basis in many highway communities, mostly during the hunting season. As I am sure you are aware, hunting opportunities in highway corridors are becoming more limited because of the use of long range all-terrain vehicles. Such vehicle use only pushes the opportunities for game farther away from the highway. While we encourage our tribal members to pursue subsistence activities, we do not agree with the use of all-terrain vehicles in and around our communities by tribal members or anyone else.

### YUKON

#### KOYUKUK

Galena  
Huslia  
Kattag  
Koyukuk  
Nulato  
Ruby

From the air, it is quite visible that all-terrain vehicle trails are becoming muddier and wider over time – wider because vehicles can get stuck in mud and riders will often create a newer trail around the former trail. Existing trails can be seen on the Kenai Peninsula and the Parks, Richardson, Denali and other highways. The problem of torn up and melted tundra is exasperated by the ever increasing reality of global warming.

### YUKON TANANA

Alatna  
Allakaket  
Evansville  
Fairbanks  
Hughes  
Lake  
Minchumina  
Monley Hot  
Springs  
Minto  
Nenana  
Rampart  
Stevens Village  
Tanana

In the larger picture, the tribes in the Interior began dialogue with gas line developers, intending to become partners in many aspects of these projects, especially in the protection of the environment and subsistence resources. Responsible energy development is recognized by oil and gas producers with financial resources directed at protection of pristine areas.

Thank you for the opportunity to voice TCC's strong opposition to SB 85. If you have any questions or further concerns please contact Paul Mayo, Acting Director of Cultural and Natural Resources, at extension 3261. Aana baasee'.

Sincerely,

TANANA CHIEFS CONFERENCE

A handwritten signature in black ink, appearing to read "Harold M. Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Harold "Buddy" Brown, Esq.  
President and Chairman

Attachment

TANANA CHIEFS CONFERENCE, INC.

Board of Directors

Resolution No. 88-88

NORTH SLOPE HAUL ROAD

- WHEREAS, the haul road cuts right through the lands used by Interior villages such as Stevens Village, Allakaket, Evansville, Hughes, Rampart, Alatna, Huslia and Anaktuvuk Pass to make a living; and,
- WHEREAS, the haul road was built with State involvement with little or no input from the public, especially the affected villages; and,
- WHEREAS, the State has not done anything to mitigate the haul road impacts to the villages to date or to educate the public about the Athabascan and Inupiaq culture and the subsistence economy; and,
- WHEREAS, the impacts of the haul road to the villages has caused much hardship to the people and their traditional land; and,
- WHEREAS, the State's current fiscal position and the expense involved in maintaining and patrolling the haul road leaves it unable to afford to open the haul road; and,
- WHEREAS, HB115 proposes to open the haul road to the ocean;
- NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors opposes HB115 and requests the State to take immediate action to mitigate the negative impacts of the haul road to the villages affected, and work to improve the subsistence economy of those areas.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 17, 1988 at Fairbanks, Alaska and a quorum was duly established.



Daisy Northway  
Secretary-Treasurer  
Tanana Chiefs Conference, Inc.

Submitted by: Fairbanks Subregion

Y



Steve Jones, Chancellor  
(907) 474-7119  
(907) 474-6785 fax  
sjchanc@uaf.edu  
www.uaf.edu

Office of the Chancellor

390 Signers' Hall, P.O. Box 757500, Fairbanks, Alaska 99775-7500

Received

MAR 29 2006

Office of Rep. Elkins

TO: Representative Jim Elkins, Co-Chair  
 Representative Carl Gatto, Co-Chair  
 House Transportation Committee

FROM: UAF Chancellor Steve Jones *Steve Jones*

DATE: March 22, 2006

RE: SB 85 – Access along the Dalton Highway  
 “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”

Research conducted by UAF scientists is a major economic sector in Alaska. We expended nearly \$140 M on research during calendar year 2005. The vast majority of those dollars derive from grants and contracts for research related to the people, places and things of this vast sweep of the Far North. Our state is a unique laboratory for the discovery of knowledge to benefit mankind. We maintain some of the world's longest running, most intensively monitored, high latitude research sites along the Dalton Highway north of the Brooks Range. UAF's research economic engine and the integrity and value of those sites would be threatened by uncontrolled and unlimited motorized vehicle access to the highway corridor north of the Range.

The University of Alaska Fairbanks has been conducting research in the Toolik Lake area of Alaska since 1976, but state and federally funded research along the Dalton Highway corridor commenced with initiation of construction of the Trans Alaska Pipeline and has never slowed since then. We have meteorological and hydrological sites along the Dalton highway, extending from the northern foothills of the Brooks Range to the coast. An expanded research area includes the Upper Sagavanirktok and Kuparuk basins, up to the divide in the Brooks Range. UAF operates more weather stations on the North Slope than the National Weather Service. These stations are used by NWS forecasters and FAA Flight Service to help guide pilots and travelers on the Dalton Highway. The sites in the upper Kuparuk watershed have been an intensive and continuous hydrological research study area for over 20 years, and numerous vegetation plots, beyond those at Toolik, are being analyzed. It is also the site of the Arctic LTER (Long Term Ecological Research Program), of which many of our UAF scientists are participants. Research in some of the lakes near Toolik was initiated prior to the last International Polar Year in 1958. All of these sites have provided value back to our State in terms of improving designs for river and stream crossings, developing techniques to minimize environmental disturbance, and

providing greater understanding of the environmental conditions needed to improve infrastructure construction and maintenance.

In addition to the extensive network of research sites that are currently active, we anticipate continued intense research activity for at least the next two decades. UAF has numerous grant proposals into the federal level, including a proposal to affirm the Kuparuk Watershed as a Long-Term Hydrologic Observatory. There are many federal documents calling for this project, so the probability of its creation is very high. We anticipate initiating new sites next year in association with the National Science Foundation International Polar Year and SEARCH proposal competition that is currently underway.

We are concerned about protecting the research sites we have along the highway, starting with Toolik Lake, Sagwon Hills and Franklin Bluffs, as well as those a short distance off the highway in the Upper Kuparuk River. These are the last off-road research sites of undisturbed tundra in the state. We have had some problems with vandalism the past few years along the highway, and are concerned that if access is opened up, these research projects, some which have been 50 years in the making, will be in jeopardy. Other universities have projects in the area as well. ATV and snowmachine access poses a new threat to these sensitive sites, not only in terms of ORV track damage to the tundra, but also in terms of tools that could be brought to the sites--you need a wrench to tamper with our monitoring sites and ATV/snowmachine folks carry them, but backpackers do not. Enforcement of any restrictions that may be put on the area via future regulation will be difficult due to remoteness and the vast area involved.

An example of research is the unique Permafrost Observatory network, established by Dr. T.E. Osterkamp in the late 1970's - early 1980's along the Dalton. Uninterrupted more than 20 years, long permafrost temperature records from the depths between 0m and 70-80m have been collected from these sites. These boreholes provided some of the first conclusive evidence that the climate of the Arctic was indeed warming. It was a landmark paper on permafrost warming published in Science that initiated national concerns about climate change. These sites are useful only if the surface condition remains undisturbed. The subtle signal of a warming climate is not distinguishable amid conflicting signals caused by disturbance. We continue to monitor these sites and have funding to continue to do this in the future. All these sites are in undisturbed conditions, but some of them are close to the Dalton Highway. They are all very vulnerable and could be easily destroyed by vandals. The primary value of all of these sites arises through comparisons to previous years. If the site is disturbed, then the record, in essence, ends. The site may be relocated, but comparisons to previous measurements become tenuous at best and evaluation of environmental responses to a warming climate must be abandoned at that disturbed site.

UAF scientists have on their own attended a number of hearings concerning SB 85 and have voiced their concern about this legislation. Senator Seekins has assured me he would work with BLM and other entities over the next twelve months to develop

appropriate regulations and measures to protect UAF scientific sites, although I remain concerned with the vulnerability of those numerous installations.

Protecting our research interests is a UAF imperative. Without adequate regulations and ample enforcement, opening the corridor past the Brooks Range to off-road vehicles will almost certainly impact our research projects and the fragile tundra ecosystem. The surest way to protect these valuable research sites is to restrict motorized vehicle use north of the Brooks Range from Atigun Pass northward. Short of such restriction, the cost of enforcement will be high. We urge that SB 85 language recognize these anticipated costs and the need for enforcement funding.

Thank you.

Attachments:

map w/site locations

Research projects:

<http://www.uaf.edu/water/projects/NorthSlope/currentconditions.html>

[http://www.uaf.edu/toolik/gis/skipdnr\\_maps\\_a.jpg](http://www.uaf.edu/toolik/gis/skipdnr_maps_a.jpg)

<http://ecosysems.mbl.edu/ARC>

[http://www.uaf.edu/toolik/gis/arctic\\_lter\\_terrestrial.jpg](http://www.uaf.edu/toolik/gis/arctic_lter_terrestrial.jpg)

[www.uaf.edu/toolik/gis/126720land3.jpg](http://www.uaf.edu/toolik/gis/126720land3.jpg)

[www.uaf.edu/toolik/gis/126720land\\_taro.j](http://www.uaf.edu/toolik/gis/126720land_taro.j)

cc: House Transportation Committee Members:

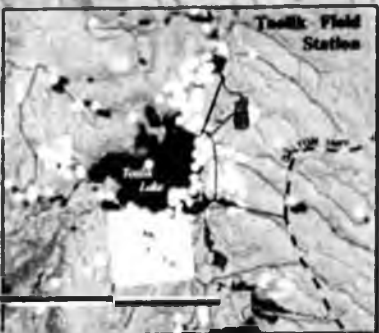
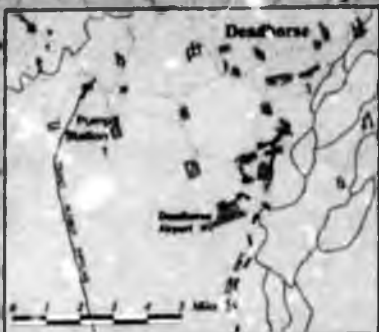
Representative Vic Kohring  
Representative Mark Neuman  
Representative Bill Thomas  
Representative Mary Kapsner  
Representative Woody Salmon

Senator Ralph Seekins, sponsor

# ARCTIC OCEAN

Beaufort Sea

## Research Sites



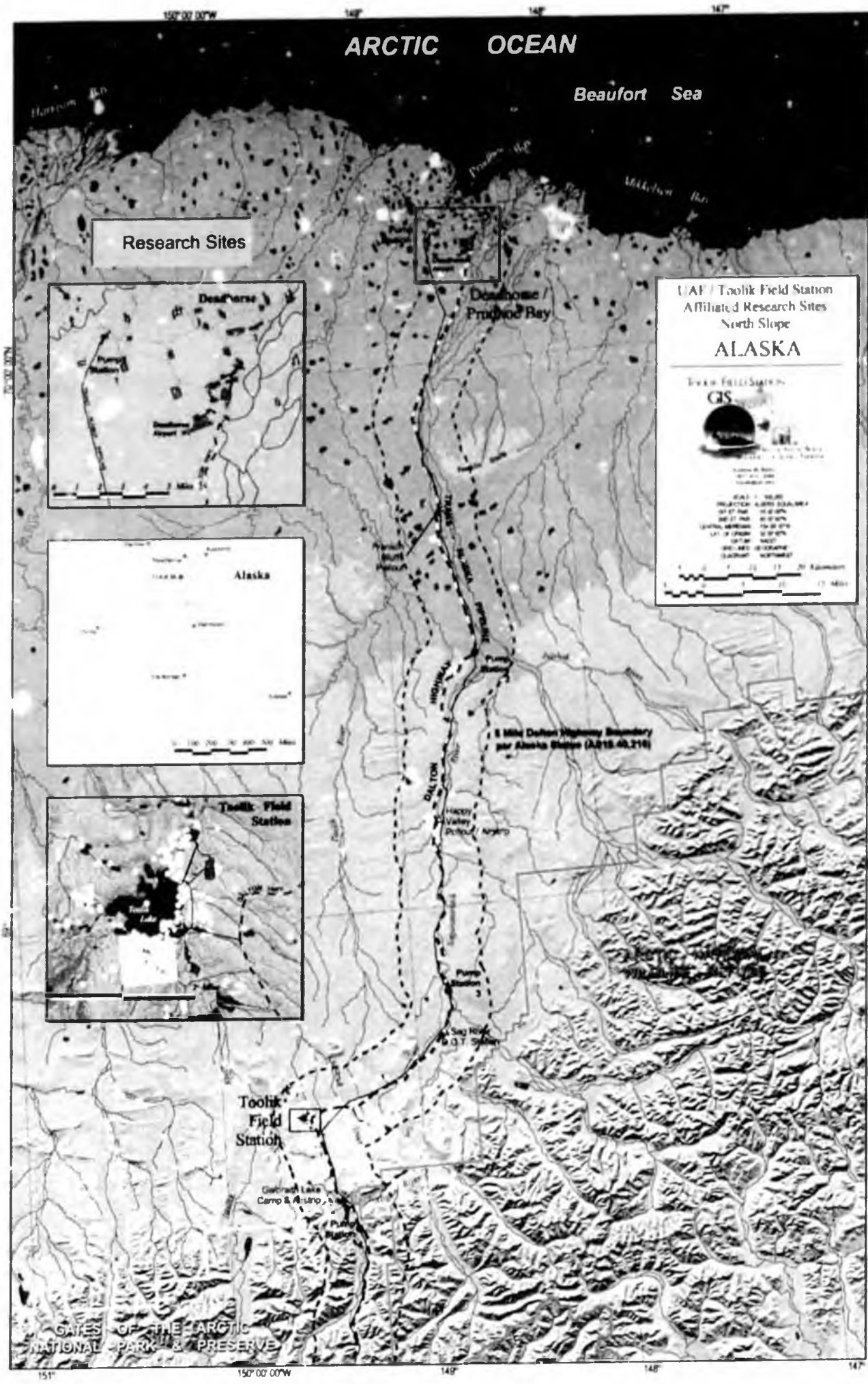
UAF / Toolik Field Station  
Affiliated Research Sites  
North Slope  
**ALASKA**

EVAN FRIEDSMAN  
GIS

Scale: 1:50,000  
Projection: UTM  
Datum: NAD 83  
Units: Meters  
North Arrow: UTM  
Scale Bar: 0 1 2 3 4 Kilometers

5 Mile Dalton Highway Boundary per Alaska Statute (AS 18.40.210)

GATES OF THE ARCTIC  
NATIONAL PARK & PRESERVE



Jack Reakoff  
Wiseman, AK, 99790  
907 678 2007  
PH889X

BLM Recourse advisory Council  
Regarding: SB 85 Repeal OHV restriction Dalton Hwy.

Dear Council,

One only need take a look at this Bill to see that there is no direction given to planning or is funding provided. There is nether funding provided for enforcement or penalties for violation of restricted areas.

The simplicity of SB 85 simply has no protections of the here tofore wilderness areas near the Dalton Hwy. With out funding for planning by the State or enforcement by all agencies the best voiced intentions are meaningless.

It is incumbent on the BLM-RAC to protect these lands from loss and degradation by keeping them closed to OHV use. Funding requests of excess of three million dollars will have to be made for adaguate planning and enforcement. Game surveys, terrain mitigations, meetings, ANILCA. 810 Title III, and additional enforcement officers.... all very expensive.

Thank you, Jack Reakoff

**Co-Chair Representative Jim Elkins**  
State Capitol, Room 416  
Juneau, AK 99801-1182  
Fax: (907) 465-3793

**Written testimony for SB85**

I am testifying to state my opposition to SB85. Before the Dalton Highway was built, local area residents have testified they were assured it would be maintained as an industrial road and that access would be limited to ensure protection of caribou and other important subsistence resources. There is no question that ORV use off the Dalton highway would damage sensitive tundra habitat that is currently used by many hunters.

Thank you,



Alan Baldivieso

3610 E 65<sup>th</sup> Ave  
Anchorage, AK 99507

Cliff Eames and Ruth McHenry  
HC 60 Box 306T  
Copper Center, AK 99573

Received  
MAR 16 2006  
Office of Rep. Elkins

March 16, 2006

House Transportation Committee  
Rep. Jim Elkins, Co-Chair  
State Capitol, Room 416  
Juneau, AK 99801

Re: SB 85

Dear Representative Elkins:

We are writing to ask you to oppose SB 85, which would repeal the ban on the use of certain off-road vehicles within five miles of the right-of-way of the Dalton Highway.

The repeal would have a number of adverse effects. It would encourage additional sport hunting and sport trapping in the area, which would compete with local subsistence activities.

It would also move game away from the highway corridor. This would have several harmful effects. It would reduce success for those without ATVs, and it would deprive game of the use of the habitat. Both of these effects have been of concern to the Department of Fish and Game in other parts of the State. The department raised these issues with regard to the Talkeetna Mountains almost two decades ago, and they are of concern to the department at the present time in other parts of the Copper Basin. Furthermore, pushing game away from the highway corridor would also make it less likely that those driving the highway for pleasure, both Alaskans and visitors, would be able to view wildlife on their trip.

Finally, we have seen the effects of virtually unregulated cross country (off-trail) ATV use, most of it for recreational purposes, in the Talkeetna and other mountains off of the Glenn and Denali highways, and in the Susitna Valley, and we don't believe that these effects should be tolerated. Vegetation is destroyed, soils are degraded, water quality is reduced (with ADF&G predicting adverse effects on fisheries as a result), and beautiful Alaskan landscapes are made ugly. We have no reason to believe that ATV use in the Dalton Highway corridor will be any more responsibly managed than it has been on general State and BLM lands elsewhere in Alaska.

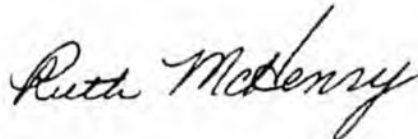
Please oppose SB 85, and thank you for your serious consideration of our concerns.

We would appreciate it if this letter were distributed to all committee members and were included in the administrative record for the bill.

Sincerely,



Cliff Eames



Ruth McHenry

**Lesley Bullock**

**From:** Heidi Schoppenhorst [boreallodge@juno.com]  
**Sent:** Friday, March 03, 2006 1:46 AM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas  
**Cc:** Rep. Reggie Joule  
**Subject:** Comment on Senate Bill 85  
**Attachments:** Points of opposition SB85.doc

Dear Representatives,

I recently learned that Senate Bill 85 has passed the Senate, and you will be holding hearing of this Bill in the House Transportation Committee March 5th. Please consider my comments on this matter before making a decision on the Bill.

I testified at a Senate hearing on this Bill last spring, submitted written comment, and again voiced opposition at Coldfoot while further public opinion was being collected. (See attached file; Points of Opposition to SB85, presented at Coldfoot to Seekins and others)  
 Most all of the other public comment I have heard, and that has been reported, does not favor this Bill. I am curious as to how SB85 could pass the Senate in direct opposition to strongly voiced public majority opinion? It seems the majority of Senators are not properly representing Alaskans, and my hope is that you all will be more sensitive to the concerns & desires of the people represented. I am also attaching below comments that were submitted to the Senate last Feb ('05). My feelings, & the reasons why this Bill will impose detrimental impact on this area have not changed in the past year. Thank you for taking time to read & consider my concerns.

I grew up & live in the village of Wiseman within the Dalton Highway corridor. I wrote to many of you voicing my opposition to a similar bill introduced by Mr. Seekins last year (2004), and am very disappointed to see this issue resurface again this session.

1.) To start with, this Dalton Highway runs through a "utility corridor", that means this development & road were established for a utility route. I watched the road & pipeline being built, we all know the incredible study & research that were put into developing this pipeline without causing any serious impact to fragile habitat, wildlife, and human populations. My whole life I have seen Alyeska security patrol daily with helicopters to ensure their pipe is secure & nothing is amiss, people are not to use the pipeline pad without their knowledge, as it poses security risks. This pipeline has financially benefited every Alaskan equally.

There is now new talk of a gas line running through this corridor, this I would imagine, if constructed, will follow similar low impact guidelines for development, and can safely be installed in this utility corridor with much care & consideration for the environment & populations. This will also most likely benefit all Alaskans if established. Opening this utility corridor to ATV's & snowmobiles, in other words allowing anyone to drive freely anywhere within & beyond the corridor, pipe pad, etc at will, in light of these utilities & the care exercised to maintain these utilities alone I would think is reason enough to throw out this proposed bill. Don't forget there is only 1 (one) trooper stationed at Coldfoot to patrol this entire Brooks Range & North Slope stationed at Coldfoot.

2.) A very large portion of the land mass surrounding the Dalton Highway corridor north of the Yukon River is Federally managed Wildlife Refuge & Park lands. North of the Yukon River to the east is Yukon Flats Wildlife Refuge, to the West is Kanuti National Wildlife Refuge, within the Brooks Range bordering most of the entire road

to the west through the Range is Gates of the Arctic National Park & Preserve, and once you are over Atigun Pass, Arctic National Wildlife Refuge comes within a mile to the East. ATV's are not permitted on the Park & Refuge lands, however, they do not draw lines on the ground that show when you are crossing into Park or Refuge land, so most riders will not have a clue. The corridor itself is federally managed BLM land, and they also do not have a provision for free for all ATV use. There is only 1 (one) BLM Ranger weekly patrolling the road, and once again, only one AK State Trooper to patrol this area. There is also one NPS Ranger stationed at Marion Creek, who has multiple duties, and it is impossible for him to patrol the Park border continuously to ensure folks are not overstepping borders.

3.) The Dalton Highway in the last 10 years has seen a steady increase of summer visitors, these visitors are taking tours or driving the road to experience the "last frontier", see the wilderness & wildlife in their natural state, and see for themselves the unique landscape & vegetation of the Arctic. This area is becoming actually a very popular tourist destination, and tourism as we all know helps the Alaskan economy. I would think the people in Fairbanks would actually want to secure the present state of this some what pristine environment to the north of them, as most all the visitors to this area have to pass through Fairbanks & spend money on their way north. I work in the Arctic Interagency Visitor Center in Coldfoot during the summer months, my husband & I also own & operate a small Lodge here in Wiseman, so I have talked with literally thousands of these visitors coming to this country, and had opportunity to ask why they came to this place. The majority of visitors are coming here to see it just as it is, wilderness, and they don't want to see more roads, signs, or watch ATV's driving across the tundra, or snowmobile's high marking on the hills. As it is, the north slope caribou hunters are so numerous during fall months, they end up chasing most of the caribou away from the road, disappointing to a tourist with a camera. But - they can still view the occasional bear or moose along other parts of the road that haven't been chased away, so it's still worth their while at this point. Let's keep it that way? If ATV's and snowmobiles are allowed to range the corridor it will tear up the vegetation, which is underlain by permafrost, which then melts & leaves very ugly scars (it doesn't, from what I've seen in 38 years, tend to regenerate much either). Also this increase of motorized humans ranging through the area will end up chasing the few remaining animals far from the road, where I would imagine many of them will also be harassed & shot by hunters since they will have free access roam, and the animals will no longer have any sanctuary to reach.

4.) I am not an anti hunter by any means, I grew up on moose & caribou and depend on these animals for survival here, but I also care about our wildlife populations here in the north. As you must know, Arctic populations (other than caribou) are not as plentiful as in other areas of the state due to severe weather conditions, and available food resources. The maze of both hunting and land use management regulations in this area have evolved over the years to provide for continued healthy wildlife populations, and although complex, they seem to be working for the most part to ensure wildlife will be a part of this area for generations & years to come. (With the exception of regulations pertaining to sheep hunting on state land to the east that is getting somewhat out of control.) Contrary to popular belief of the apparently uneducated to the area; the arctic is not teeming with unlimited numbers of wildlife. there is a lot of land north of the Yukon River, but for the amount of land, it is somewhat scarcely populated by wildlife. This is once again because of harsh living conditions, rough winters, predators, and hunters which all take a share of them every year, some years already going beyond the limit of healthy harvest. Hunters can already access area populations with aircraft, and highway vehicles - the addition of ATV's and snowmobiles is unnecessary. There needs to remain a place in this state where a hunter can drive up this road, and actually hike out to hunt an accessible animal. The hunters that can't afford an ATV or snowmobile will not have that opportunity if this proposal is passed, the game will be chased to far from the road. The ban on ATV's & snowmobiles within the corridor is an important part of this management system, if this is changed, it will disrupt every other aspect of the complex management in the area, and create somewhat of a domino effect on the management structure that has taken decades to build. If you don't really care about the wildlife & arctic landscape, or human populations in the area, think of it this way: this disruption will also end up costing every state, federal, and independent management participant involved in the area unknown amounts of \$ in increased enforcement, reclamation, etc.

5.) There is also the issue of safety. There are no emergency medical facilities available up here. There are no roads to speak of, and no ATV or snowmobile trails, winters are harsh & the terrain can be treacherous in places. The landscape, creeks & rivers can all pose a threat to someone inexperienced to the area - especially someone up for a weekend to joy ride who is unfamiliar with the country. I can see the potential for a drastic increase in accidents & potentially life threatening situations for these folks should this corridor open up. People will be traveling further from the road, into more hazardous & remote country, and if they get hurt, who is going to find them? There is only one trooper in the area, and a long way to go for medical help.

I will sum this up: right now, people are able to travel to this country north of the Yukon River, people with legitimate traplines are able to trap them, miners are able to access their mining claims with ATV's, hunters are able to come up & hunt, guides are able to guide hunters, backpackers, and conduct river trips, people are able to ride horses, researchers are able to conduct sensitive research, and tourists are able to come up & take pictures & hike or float or whatever in a still relatively undisturbed wilderness setting. It seems to me there are a few people whining that they can't ride machines around up here, but if they have a legitimate cause to, they probably can if they would check into it. I'm sure all over the nation there are many who would like to see less regulations regarding one thing or another, but we all know regulations and management are essential to a healthy environment.

Please weigh the current facts with the potential risks involved while considering this Bill. Please take my thoughts & comments into consideration, and do not pass SB 85.

Thank you for taking the time to read this,

Sincerely,

Heidi Schoppenhorst

Scott Schoppenhorst

[boreallodge@Juno.com](mailto:boreallodge@Juno.com)

Ph / Fax: 907-678-4566

#1 Timberwolf Trail

Wiseman Village, Alaska 99790

**Lesley Bullock**

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**From:** Dave and Angela [ridgeturker@gci.net]  
**Sent:** Thursday, March 02, 2006 10:21 PM  
**To:** Rep. Jim Elkins  
**Subject:** Please vote no on SB85

Dear Representative Elkins:

Please vote to oppose SB 85, which would open the Dalton Highway corridor to off-road vehicles. This fragile area, consisting predominantly of tundra unlain by permafrost, cannot withstand use by these vehicles without suffering severe, long-term damage. Further, motorized access for hunting here would surely lead to overexploitation of naturally low-density arctic wildlife populations, paradoxically leading to reduced hunting opportunities. The state and adjacent federal land managers are not prepared to address the multitude of law-enforcement problems that would result from passage of this unwise legislation. Loss of revenue to needs for additional enforcement personnel and infrastructure, plus damage to the state's burgeoning arctic tourist economy, would be severe. Perhaps most importantly, the reputation of the state's oil industry as a leader in environmental protection would suffer as visitors wrongly assumed that visible damage from off-road vehicles in the pipeline corridor caused by recreationists and hunters was instead associated with industrial activities. I attended a public meeting in Fairbanks last fall regarding this bill, and public opinion was overwhelmingly against its passage. Please act in the public's best interest and vote no on SB 85.

Thank you,

Dr. David Payer  
PO Box 73108  
Fairbanks, AK 99707

**Jennifer Baxter**

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**From:** kershal [kershal@gci.net]  
**Sent:** Saturday, March 04, 2006 8:31 AM  
**To:** Rep. Jim Elkins  
**Cc:** "Rep Bill Thomas"@legis.state.ak.us; "Rep Reggie Joule"@legis.state.ak.us  
**Subject:** SB 85

SB-85

This is a BAD idea!

I Have had a cabin in the Glennallen area for 20+ years and have seen the impact of 4 wheel vehicles on the bush! ATVs' and 4 wheel buggys do monumental damage to the vegetation. They hunt an area too heavily, we rarely see caribou around our cabin any more and we are 5 miles south of the highway. The noise level found in the wilderness around these ATV users is absurd. These users show amazing disregard for the privalege of using our public lands. If you have any love at all for wilderness "KILL" this bill.  
I repeat, it is a BAD idea!!

Don Kerr  
Anchorage Alaska

**Jennifer Baxter**

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**From:** Sydonia B. et Harte [ffmsb@uaf.edu]  
**Sent:** Friday, March 03, 2006 5:25 PM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas; Rep. Carl Gatto  
**Cc:** ffbmb@uaf.edu  
**Subject:** written testimony concerning SB 85

Dear Co-Chair Representative Jim Elkins and other members of the House Transportation Committee,

We write to you today concerning SB 85. As managers of Toolik Field Station (TFS), we have concerns that off-road vehicle use could harm our extensive research program, which is located primarily within the Dalton Highway Corridor.

Toolik Field Station is located at mile 284.5 on the Dalton Highway, and is owned and operated by the Institute of Arctic Biology, University of Alaska, Fairbanks. TFS has been a national center for Arctic research for 30 years. Research there focuses on (1) the adaptations of animals, birds, insects, and plants to the arctic environment, (2) the Arctic environment as a whole system, and how this system feeds back to affect global climate patterns, and (3) the controls over productivity in arctic ecosystems, and how productivity is influenced by the movement of water, nutrients and sediment between different types of arctic landscapes, as well as between land and freshwater streams and lakes.

Research at TFS involves monitoring as well as long-term experiments, and much of what we know about the functioning of arctic ecosystems comes from the 30-year record of scientific research and observation at TFS. There are approximately 14,000 research plots within the Dalton Highway Corridor near TFS. Currently, about 350 researchers work at TFS every year, coming from 70 universities and other institutions representing all 50 states and from some international institutions. The National Science Foundation (NSF) of the United States of America has made a substantial investment in research at TFS. Currently, funding for research at TFS totals \$36,000,000 (averaging \$8,600,000 annually), and the TFS receives annual support from NSF for operations, logistics, facility support and facilities upgrades of approximately \$2,700,000.

More than 500 scientific papers have been published in peer-reviewed journals on work done at TFS, including publications in high-profile journals such as *Science*, *Nature*, *BioScience*, and *Ecology*. Research based at TFS has also been instrumental for critical policy and management documents such as the National Research Council's report on Cumulative Environmental Effects of Oil and Gas Activities on the Alaska's North Slope (2003). The Bureau of Land Management has recognized the area around TFS as Research Natural Area/ Area of Critical Environmental Concern. TFS is a flagship U.S. terrestrial arctic research station, and the NSF anticipates that research activity will continue to grow and expand.

Continued integrity of the landscape is critical to continued federal support of TFS. Currently, off-road vehicle use is prohibited around TFS, except that limited snow-machine use is allowed during a short window in late winter each year, for point-to-point use in support of science, under permit from BLM. Because off-road vehicle use, especially by 4-wheelers in summer, can damage vegetation, cause permafrost melting and change drainage paths, it could severely compromise our research programs. Many of the nutrients that we follow, such as nitrogen and phosphorus, are present in the environment at very low concentrations. Even if a vehicle does not run over an experimental plot directly, changes in the drainage caused by off-road vehicle use upstream have the potential to affect research negatively.

As managers of Toolik Field Station (TFS), we have concerns that off-road vehicle use could harm our extensive research program. It would meet our needs if off-road vehicle activity originating within the Dalton Highway corridor is restricted from mile 275 (Atigun River Bridge #2) to mile 300 (Okskuruyuk Creek Bridge) within the corridor, so that only limited snow machine use is allowed in winter, only in support of science, and only with permits from the land manager. No summer 4-wheeler use near research plots is acceptable, because of the high environmental impact. We urge that this restriction be written in as an amendment to SB 85 or to 19.40.210, because of the magnitude of the research investment at TFS. As professional scientists, it is our opinion that use of off-road, wheeled vehicles, especially in summer, would cause long-term environmental damage in tundra anywhere in the corridor on the north slope. Alaska DNR has set out extensive regulations for tundra travel that oil and gas producers have to follow, and recreational users should follow the same guidelines.

If enforcement is adequate, restricting off-road vehicles to snowmachines only in support of science, under permit, from miles 275-300, could meet the needs of TFS. We certainly appreciate Senator Seekins' understanding of our concerns and desire to protect the substantial research investment at TFS. While we have a good working relationship with the BLM and Alaska DNR, and believe that the restrictions we need would be put into land management plans for the area, we believe that land use plans alone are not sufficient. There must be sufficient resources for enforcement of those provisions. We are very concerned about enforcement of these restrictions, because the current state trooper with responsibility for the area around TFS is based in Barrow, and the Fish and Game representative based in Coldfoot has to cover almost the entire Brooks Range and the North Slope by himself. The BLM similarly has very few people with responsibility for a very large area.

Passage of SB 85 should not occur without adequate funding to enforce a restriction on off-road vehicle use from mile 275-300 within the Dalton Highway corridor to protect the scientific integrity of research based at TFS.

Please make these comments part of the official record for SB 85 and for the House Transportation Committee.

Thank you.

Sincerely,

Dr. Brian Barnes, Science Director, Toolik Field Station, and Director, IAB  
Dr. Sydonia Bret-Harte, Associate Science Director, Toolik Field Station  
Institute of Arctic Biology  
University of Alaska  
Fairbanks, AK 99775

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\*\*\*\*\*

Dr. Sydonia Bret-Harte  
Research Assistant Professor  
Associate Science Director, Toolik Field Station  
Institute of Arctic Biology  
room 311, Irving 1 Building  
University of Alaska  
Fairbanks, AK 99775

907-474-5434 or leave message at 907-474-6038  
FAX: 907-474-6967

Email Address: <Syndonia.BretHarte@uaf.edu> or <ffmsb@uaf.edu>

\*\*\*\*\*

**Lesley Bullock**

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**From:** fft [fft@uaf.edu]  
**Sent:** Thursday, March 02, 2006 4:42 AM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas; Rep. Carl Gatto  
**Subject:** VOTE NO

**SB 85**

**VOTE NO!!!!!!!!!!**

**Tim and Debbie Tilsworth  
1900 Raven Drive, Fairbanks, Alaska 99709-8358  
MacAfee AntiVirus, Firewall and Spam 2004/05 Protected  
fft@uaf.edu, 907-479-0643**

**Lesley Bullock**

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**From:** Dickie Byrd [dbyrd@mosquiltonet.com]

**Sent:** Thursday, March 02, 2006 2:07 AM

**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner

**Subject:** Re: SB 85

SB 85 Removes the prohibition on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway.

I, Dickie L. Byrd, Fairbanks, Alaska, oppose this bill.

I have been hunting and fishing the Interior of Alaska for 40 years, (since hunting season of 1964). In the Fairbanks area I have seen what the ATV's have done to the hillsides, creek banks, and soft tundra areas. A small trail I used to walk on at 51 mile Steese Highway began to be used by 4-wheelers in the early 1990's. Today the trail is 200 feet wide in places. That is because the ground has been turned into a soup during hunting season and a new trail has to be made through the Black Spruce. For 150-200 yards up a gentle slope the original trail is now a 6-ft deep gully, 10 to 12 feet wide. Farther up the tributary where these ATV's are going to hunt, the trail they have made was 4 feet deep in the soft tundra when I was last up there 4 years ago.

I have seen this same damage to the fragile ground on the hills at 69-mile Steese and of the ridge system around Mt. Ryan, (near 71-mile Steese). I have also seen this damage on several trails around Tangle Lakes on the Denali Highway and behind Livengood on the Elliott Highway. Each year when I visit one of these areas I see a remarkable amount of new damage cause by extensive use of ATV's over the fragile ground.

For the past 10 years I have been hunting and fishing along the Dalton Highway north of the Yukon River. Mainly, the Bonanza Creek drainage, the Kuparuk River valley, and in Happy Valley area, (10 miles either side of Milepost 320). I have walked over much of this land and I can testify that it will not stand up to ATV use. North of Atigun Pass, almost all of the ground will not support 3 consecutive passes of a 4-wheeler. Between Toolik Lake and the Kuparuk River bridge 5 years ago a 4-wheeler drove across the ridge once in one direction. Those tracks are two strings of water in the fall of 2005. Once north of Slope Mountain, the ground is all soft, fragile tundra. Any ATV traffic on it will leave deep ruts that will remain for many years.

I have walked the mountain ridges between Prospect Creek, Bonanza Creek North Fork, Bonanza Creek South Fork and Fish Creek. I have also walked the hills downstream of the Bonanza Creek bridges. While there are areas on these ridges that would make good ATV trails, (they would even make good highway car roads in places), between those solid, rock ground areas are long wet, boggy areas with standing water. (Many times I have felt I was walking uphill when the ground sloped downward in front of me.)

As you discuss the options and the passage of SB 85, I implore you to consider the repercussions on the ecology and possible damage done to the environment of this fragile area. I am sure there are area's south of Kanuti River Valley, (a beautiful valley that would scared irreparably by ATV's), that would be suitable for ATV use. Maybe there are some areas north of Coldfoot also. Or even in the areas I mention. But please consider all aspects. Maybe open some existing trails or rocky alpine areas to ATV's. But do not open the whole area for indiscriminant ATV usage. The damage would be too much

and would last for too long.

Thank you for reading this. I wish I had taken pictures of the damaged areas I have seen to pass on to you. But I have not, so have to rely on describing them to you.

Dickie L. Byrd  
P.O. Box 10084  
Fairbanks, AK 99710

(907) 457-4138 (home)

[dbyrd@mosquitonet.com](mailto:dbyrd@mosquitonet.com)

**Lesley Bullock**

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**From:** Pat Valkenburg [patv@eagle.ptialaska.net]  
**Sent:** Wednesday, March 01, 2006 10:55 PM  
**To:** Rep. Woodie Salmon; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Jim Elkins;  
Rep. Carl Galto; Rep. Mary Kapsner  
**Cc:** Rep. Reggie Joule; Rep. David Guttenberg  
**Subject:** SB 85 (Haul Road)

Dear Members of the House Transportation Committee:

I oppose SB 85. It is not that I am opposed to ORVs. It is just that, at the present time, the general DNR land use regulations are so poorly crafted with no mechanism for enforcement that any planning effort is meaningless. The only way that DNR has been successful in punishing illegal users of ATVs is through civil litigation. Also, there is no large, untapped hunting opportunity up there and the area is already popular with walk-in bowhunters. ATVs will just displace the present users and the Board of Game will be forced to impose permits hunts or something else to reduce hunting pressure. All the state-owned land is north of Slope Mountain and that is all tussock tundra that is not suitable for use by 4-wheelers. I worked for many years on the North Slope as a caribou biologist with ADF&G. I am now retired. I am very familiar with the area and the issue.

Sincerely yours,

Patrick Valkenburg  
3680 NON Rd  
Fairbanks, AK 99709

**Lesley Bullock**

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**From:** Chris Boone [ejcboone@gmail.com]  
**Sent:** Wednesday, March 01, 2006 9:58 PM  
**To:** Rep. Jim Elkins  
**Subject:** HB 85 and SB 85 support

Dear Mr. Elkins,

I am writing to support the objectives of HB and SB 85, to open the areas on each side of the Dalton Highway to all Alaskans for motorized access and hunting with rifles with appropriate controls.

As a retiree of the Bureau of Land Management and a former employee of the Joint Pipeline Office, I am familiar with all the country around the Dalton from many trips over the entire length of the road as well as helicopter and fixed wing flights.

This is beautiful country and similar to the Denali Highway, Steese Highway and many other tundra areas like around Barrow and Anaktuvak Pass, all of which have hunting and ATV use and have survived quite well. This is not private native land and is not a park. There will be some people who want to treat it as one or the other depending on their race.

Don't listen to those people. We have quite enough native land that is private and where all uses by non-natives can be prohibited. We also have more than enough parks where no hunting or motorized use is permitted. I think both the state and BLM have had plenty of experience in multiple-use management of lands and it can be done successfully.

Thanks for your initiative and efforts on behalf of this cause.

Earl J. Boone

**Lesley Bullock**

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**From:** Kenny [kenk@ak.net]  
**Sent:** Wednesday, March 01, 2006 9:01 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Carl Gatto  
**Subject:** HB85

As a hunter and Licensed Assistant Big Game Guide, I am **against**, opening the area north of the Yukon river to OHRV's.

Kenneth F. Kendall Jr.  
907-490-6058

## Lesley Bullock

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**From:** tparagi@alaska.net  
**Sent:** Wednesday, March 01, 2006 8:41 PM  
**To:** Rep. Woodie Salmon; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Mary Kapsner  
**Cc:** Rep. Reggie Joule; Rep. David Guttenberg  
**Subject:** please oppose S.B. 85

Dear House Transportation Committee:

I strongly oppose S.B. 85 to open up motorized access to public lands along the Dalton Highway. I have hunted and worked across a broad cross section of Alaska since the mid-1990s and am a member of the Alaska Outdoor Council. The haul road corridor already provides opportunity unmatched anywhere else in the state for the average person to hunt caribou during long seasons. The Alaska Board of Game created the 5-mile motorized closure in the 1980s after witnessing a rapid increase in caribou and moose harvest that occurred with growing snowmachine use by hunters. Archery hunting of moose is also popular in the corridor and has been limited to drawing permits for several years. The sustained harvest of about 600 caribou from the Central Arctic Herd (about 1/3 of the harvest from archery) by nearly 1,000 hunters is within the guidelines set by the Board of Game. The corridor is popular with bowhunters willing to walk or ski a short distance, and for many years rifle hunters have already accessed those public lands beyond the corridor that are open to hunting via boating navigable waters, aircraft, or dog team in winter. Any gains in motorized hunting opportunity will be offset by losses of opportunity for users who have adapted to the restrictions over the last two decades.

In my experience traveling the haul road back to 1987, the potential to view big game and their predators from a private highway vehicle in the open terrain north of the Chandalar Shelf on the Dalton Highway is presently rivaled only by a drive on the Denali Park road, which is open to private vehicles only by drawing permit in September. ATV and snowmachine traffic in the Dalton corridor would disturb wildlife (particularly during stressful periods in winter), reduce viewing success, and ruin a world-class bowhunting opportunity for many people who can't afford expensive fly-in hunts. The history of ATV traffic spreading to new areas of Alaska includes repeated examples of vegetation damage and erosion, which will be highly visible in open terrain and slow to regrow (if indeed traffic were stopped at some point, which is doubtful without heavy-handed law enforcement).

There is nothing "broken" in the corridor, so there is no need to "fix" it. We also don't need to repeat the experience of failed policies to regulate snowmachine and ATV use in an area that has one trooper and one game warden for much of the North Slope. Public testimony at hearings in several communities across the state last fall was overwhelmingly against this bill. I ask that you please oppose S.B. 85.

Tom Paragi  
1271 Lowbush Lane  
Fairbanks, AK 99709-6039

**Lesley Bullock**

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**From:** holeski@holeproofindustries.com  
**Sent:** Wednesday, March 01, 2006 8:02 PM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep\_Vic\_Kohring@legis.state  
**Subject:** SB 85:Off-Road Vehicle Use on the Dalton Hwy

***SB 85:Off-Road Vehicle Use on the Dalton Hwy***

To whom it concerns,

My family and I would like to voice our opinion as responsibly minded enthusiasts. I am for the use of 4-wheel drive and other offroad vehicles in the area affected by the ban that SB 85 will lift.

Offroad and 4-Wheel drive vehicles are a huge user grope left out in the State of Alaska. Please help me and others like me recreate safely and legally.

Thank you for your time,

Please feel free to contact me in any way.

Mr. Eric M Whitebread-Dukes  
Master Tread Trainer for Tread Lightly  
[www.treadlightly.org/](http://www.treadlightly.org/)  
Holeproof Industries  
3338 Montana Circle  
North Pole Alaska 99709  
907-490-0045  
holeski@holeproofindustries.com  
[www.holeproofindustries.com](http://www.holeproofindustries.com)

**Lesley Bullock**

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**From:** Brook Green [akfabshop@gmail.com]  
**Sent:** Wednesday, March 01, 2006 7:01 PM  
**To:** Rep. Vic Kohring  
**Subject:** Support for SB 85

I own and administrate an online discussion forum that represents a very large cross section of Alaskan motorized vehicle users (over 2100 of members and growing daily) and am writing to express my interest and support of the great opportunities that SB 85 will provide to Alaskan outdoor enthusiasts. As an avid outdoorsman and motorized vehicle user, I believe this bill will allow this and future generations of Alaskans unparalleled access to the great resource we love so much, Alaskan Wilderness!

If there is anything I can do to help, please contact me.

Sincerely,

Brook Green  
[www.alaska4x4network.com](http://www.alaska4x4network.com)  
P.O. Box 532  
Soldotna, AK 99669  
(907)-776-8899 Home  
(907)-398-3569 Cell

**Lesley Bullock**

---

**From:** Arleta & Pat O'Connor [patarleta@gci.net]  
**Sent:** Wednesday, March 01, 2006 6:31 PM  
**To:** Rep. Jim Elkins  
**Subject:** HB85

Representative Elkins:

I would like you to support HB85 to open more land for the people of Alaska. One of the big problems of the state is a very large part of the state land is restricted to public use (Parks, scenic rivers, wilderness and Federal lock-up).

I also support the work on the Stampede Road out of Healy. I can remember in 1971 when it was not much more than a goat trail. The first 6-8 miles was rebuilt and residents and businesses moved in. Now, they are the same people that oppose the next 5 miles of improvement.

Respectfully,  
Patrick O'Connor  
PO Box 3687  
Palmer, AK 99645

**Lesley Bullock**

---

**From:** Patti & Kenny Barber (pkbarber@alaska.net)  
**Sent:** Wednesday, March 01, 2006 5:46 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Carl Gatto; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Woodie Salmon;  
Rep. Mary Kapsner  
**Subject:** SB 85

Dear Members of the House Transportation Committee,

I am writing to express my support of Senate Bill 85, a bill to repeal the ban of Off-Road Vehicles in the Dalton Highway Corridor. Access has been denied to many user groups not just motorized users looking for a hunting experience, but elderly people and handicapped people have been denied from using a vehicle to access the area beyond the highway. Therefore, I support the passage of Senate Bill 85.

Kenny Barber  
17367 E Melin Rd  
Palmer, Ak 99645  
907 745-4446

**Lesley Bullock**

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**From:** Joseph Fanslau [sacker1998@yahoo.com]  
**Sent:** Wednesday, March 01, 2006 5:18 PM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Mary Kapsner; Rep. Vic Kohring; Mark Newman; Rep. Woodie Salmon; Rep. Bill Thomas  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* SB85

I have been following the progress of this bill for a short while, and as a member of Fairbanks' local off-roading and 4x4 vehicle club Arctic Offroad [www.arcticoffroad.com](http://www.arcticoffroad.com). I am very interested in the outcome, as are most of the members of this club. We foster responsible offroad practices, and we are members of Tread Lightly!, an organization dedicated to teaching and upholding responsible activities while driving, camping, and hunting in the wild, including 4x4 offroad vehicle usage.

I also have further interest in the opening of this area for public access as I am currently enrolled at the University of Alaska, Fairbanks and will soon be graduating Magna Cum Laude with a Bachelor's of Science degree in Geology, and this would allow me to conduct personal research in this area without requiring a permit. I strongly suggest that you consider carefully the issues put forth with the signing of this bill and hope that you all come to a positive conclusion that benefits all Alaskans.

Sincerely,

Joseph S. Fanslau

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Yahoo! Mail  
Bring photos to life! New PhotoMail makes sharing a breeze.

**Lesley Bullock**

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**From:** Joseph Fanslau [sacker1998@yahoo.com]  
**Sent:** Wednesday, March 01, 2006 5:13 PM  
**To:** Rep. Carl Gatto  
**Cc:** Rep. Jim Elkins  
**Subject:** SB85

I have been following the progress of this bill for a short while, and as a member of Fairbanks' local offroading and 4x4 vehicle club Arctic Offroad [www.arcticoffroad.com](http://www.arcticoffroad.com) I am very interested in the outcome, as are most of the members of this club. We foster responsible offroad practices, and we are members of Tread Lightly!, an organization dedicated to teaching and upholding responsible activities while driving, camping, and hunting in the wild, including 4x4 offroad vehicle usage.

I also have further interest in the opening of this area for public access as I am currently enrolled at the University of Alaska, Fairbanks and will soon be graduating Magna Cum Laude with a Bachelor's of Science degree in Geology, and this would allow me to conduct personal research in this area without requiring a permit. I strongly suggest that you consider carefully the issues put forth with the signing of this bill and hope that you all come to a positive conclusion that benefits all Alaskans.

Sincerely,

Joseph S. Fanslau

---

Yahoo! Mail  
Bring photos to life! New PhotoMail makes sharing a breeze.

**Lesley Bullock**

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**From:** Ron and Nancy Alien [ronandnancy@gci.net]

**Sent:** Wednesday, March 01, 2006 12:31 PM

**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner

**Subject:** SB 85 Support

Dear Representatives,

I am conveying my support of SB 85 for opening up land along the Dalton Highway for off road vehicle use. I believe that access rules can be developed to mitigate game and environmental concerns voiced by those opposed to the bill while making publically owned lands truly accessible to the public as they should be. The present five mile restriction unfairly discriminates against the majority of citizens who are physically unable to hike and transport game five miles off the highway in order to hunt.

Here are some suggestions: Possible restrictions could include ATV use permits, use of marked trails only, speed limits, restriction of chains, horsepower/weight limits, etc. Fee boxes such as those used at state boat launches could be placed at trail heads to collect trail maintenance fees, track use information, and aid enforcement officials.

Sincerely,

Ronald Allen  
1288 Rangeview Drive  
North Pole, AK 99705

907-488-3965  
ronandnancy@gci.net

**Lesley Bullock**

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**From:** Heuer, Raymond H Mr MEDDAC-AK [Raymond.Heuer@us.army.mil]  
**Sent:** Wednesday, March 01, 2006 11:36 AM  
**To:** ak.us; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner; Rep. Carl Gatto; Rep. Jim Elkins  
**Subject:** SB 85, Support

My name is Raymond H. Heuer I live at 1303 Denaliway, Fairbanks, AK 99701, and I support SB 85.

I moved to Alaska in December 1997. Since then I have hunted the Dalton corridor more than twenty times for various species. I have two young children that I would love to take up above the Brookes Range to go hunting, but they cannot handle the rigors of this region without the use of a motorized land vehicle. To expect a twelve year old boy or an eight year old girl to hike more than five miles off of the road and pack out even half of a caribou or dall sheep is unreasonable. Further more I can no longer participate in this hunt since being injured in the military (My back can not handle the abuse of hiking more than 5 miles and packing out an animal). I have several other friends that are disabled Veterans that also can not use this area without the use of motorized land vehicles. This means that over 3,570 square miles of Alaska is inaccessible to users that are not physically capable of using this area without the use of ATV's.

There currently are access exceptions available to use ATV's and ORV's in the Dalton corridor if you are a resident of the area or have a mining claim in the corridor. The use of ATV's and ORV's allows for the management of the mineral resources as is directed by constitution. Allowing ATV and ORV use for the management of the remaining resources, and for recreational use only makes sense. If you do nothing but allow for corridors of access this would serve the purpose without allowing for the potential for damage to the ecosystem. The use of snow mobiles in the winter would likely result in minimal impact to the ecosystem if any at all.

In short I would like to see this law passed. Thank you for your consideration and your time.

Alaskan Resident and Resource User  
Ray Heuer

**Lesley Bullock**

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**From:** Tony Russ [aruss@pobox.mtaonline.net]  
**Sent:** Wednesday, March 01, 2006 8:09 AM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep\_Mark\_Newman@legis.state.ak.us;  
Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner  
**Subject:** SB 85: Off-Road Vehicle Use on the Dalton Hwy

Regarding SB 85;

As a 50-year Alaskan outdoorsman I do have some reservations about this bill, because of the actual guidelines once it is passed. In general I think it is a good thing for us Alaskans who love the outdoors, so I WOULD LIKE YOU TO SUPPORT THIS BILL. I hope to think, and I am pretty sure this will happen, that responsible, wise persons would be on the planning committee to make sure the fragile Alaska tundra and forests will be protected by appropriate regulations regarding use of ORV on any new lands open to such. Wise stewardship of our lands is as important as our justifiable use of the land.

Tony Russ - "Guiding You to Success in the Alaskan Outdoors"  
Author, Publisher, Speaker, Consultant, Guide, Hunting Authority  
tony@TonyRuss.com http://www.TonyRuss.com, fax 907-373-6474  
Northern Publishing, P.O. Box 871803, Wasilla, AK, 99687 Be sure to check out our  
UPCOMING TITLES

**Lesley Bullock**

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**From:** James Bowden [jbowden@acsalaska.net]  
**Sent:** Wednesday, March 01, 2006 7:00 AM  
**To:** 'James Bowden'; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* RE: HB85

2<sup>nd</sup> transmission

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**From:** James Bowden [mailto:jbowden@acsalaska.net]  
**Sent:** Wednesday, March 01, 2006 6:54 AM  
**To:** 'Rep\_Jim'; 'Rep\_Carl'; 'Rep\_Vic'; 'Rep\_Mark\_Newman@legis.state.ak.us'; 'Rep\_Bill\_Thomas@legis.state.ak.us'; 'Rep\_Woodie\_Salmon@legis.state.ak.us'; 'Rep\_Mary\_Kapsner@legis.state.ak.us'  
**Subject:** HB85

Representatives –

We respectfully submit the following comments in support of HB 85. We believe that the Dalton Highway Corridor should be open to motorized access of public lands and that the ban should be repealed.

James and Earlina Bowden  
2360 Inclination Drive  
Fairbanks, Alaska 99709

**Lesley Bullock**

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**From:** Jerry Dixon [js2dixon@hotmail.com]  
**Sent:** Monday, February 27, 2006 9:20 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Bill Thomas  
**Subject:** SB 85 and Dalton Highway and ORV use

Dear Representatives,

I ask that you vote against SB 85 which would have very negative effects in the area of the Dalton Highway. SB 85 would repeal restrictions on off-road vehicle (ORV) use within the five mile corridor surrounding the Dalton Highway north of the Yukon river, thereby opening delicate tundra ecosystems to joyriders and ATV hunters.

This is an area that is familiar to me as I lived in the NW Arctic for seven years and as a smokejumper fought fire there.

Law enforcement in the area is already strained, with the entire corridor and surrounding lands patrolled by a single Trooper. Allowing unrestricted ORV access could potentially result in increased vandalism, human-caused fires, and hunting pressure. Fish and Game also only has one individual to patrol the vast 78,000 square mile area that includes the Dalton Highway.

SB 85 would also be ecologically devastating. As Wiseman residents and tundra biologists have testified, a single ORV track can wreak havoc on tundra and permanently alter vegetation and drainage patterns.

I live just outside Seward and ORV/ATV run rampant in this area. We have one Trooper that is responsible for 100 miles of Seward and Sterling Highways and all subdivisions outside Seward. The scoflaws ride anywhere, anytime they want. We have ATV's riding in Seward, on the school grounds and on our trails (all of which is illegal). If our Troopers are stretched so thin that responding to scoflaw ATV in a subdivision near Seward is difficult, what kind of enforcement can you expect on the Dalton. Even though our Alaska State Troopers are world class, there is no way that vast area can be patrolled.

Additionally, SB 85 breaks a long-standing promise with area residents, who were told access would stay restricted to protect their subsistence resources and livelihood. As Sen. Hollis French noted when he objected to SB 85's passage out of the Senate Transportation Committee, SB 85 even fails to define what an ORV is, opening up the doorway for Humvees and any other type of vehicle to drive across the delicate tundra.

Thank you for voting NO on this bill. Sincerely, Jerry S. Dixon Box 1058 Seward, Alaska 99664

907 224-5844

Jerry S. Dixon Biologist/Teacher of the Gifted

Science Advisory Committee Alaska SeaLife Center

1997 McAuliffe Fellow 2001 BP Teacher of the Year

USFS/BLM/NPS smokejumper/FMO/fire ecologist (Ret.)

Co-Chair Representative Jim Elkins  
State Capitol, Room 416  
Juneau, AK 99801-1182  
907-465-3424  
800-303-2455  
fax: 907-465-3793  
Rep\_Jim\_Elkins@legis.state.ak.us

Representative Bill Thomas  
State Capitol, Room 428  
Juneau, AK 99801-1182  
907-465-3732  
888-461-3732  
fax: 907-465-2652  
Rep\_Bill\_Thomas@legis.state.ak.us

Representative Reggie Joule  
State Capitol, Room 405  
Juneau, AK 99801-1182  
907-465-4833  
800-782-4833  
fax: 907-465-4586  
Rep\_Reggie\_Joule@legis.state.ak.us

# **THE WILDLIFE SOCIETY**

## **ALASKA CHAPTER**

P.O. Box 242454  
Anchorage, Alaska 99524-2454



**February 24, 2006**

**Re: Senate Bill 85  
Off-Road Vehicle Use on Dalton Highway**

Dear Representative Elkins:

The Alaska Chapter of The Wildlife Society opposes Senate Bill 85 (SB 85) that if passed, would repeal Alaska Statute 19.40, Section 19.40.210: "Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the [Dalton] highway."

The Alaska Chapter of The Wildlife Society (Alaska Chapter) is a professional society founded in 1971 comprised of over 200 wildlife biologists and managers employed by state, federal, and borough resource agencies, academic institutions, non-governmental conservation organizations, and private industry. Our mission is to enhance the ability of wildlife professionals to conserve biological diversity, sustain productivity, and ensure responsible use of wildlife resources in Alaska for the benefit of society.

SB 85 is a poorly conceived and unfunded bill that if passed, will:

- nullify a law that represents one of the most important habitat protection statutes tied directly to the exploration, development, production, and transportation of petroleum resources in Alaska;
- result in unacceptable disturbance and displacement of wildlife and degradation of wildlife habitat;
- change the fundamental nature of a unique and irreplaceable highway corridor where the public may see muskox, Dall sheep, grizzly bears, caribou, and other wildlife;
- remove an effective mitigative measure for petroleum development within the range of the nationally scrutinized Central Arctic caribou herd;
- fail to provide critical financial support to state and federal agencies to:
  - implement a public-planning process to assure protection of the public and fish, wildlife, and habitat resources;

- allow development of management plans that reflect consideration of a suite of alternatives and the preferred alternative determined by Alaska residents;
- enforce regulatory measures designed to ensure public safety and the protection of natural resources; and,
- initiate environmental monitoring and adaptive management plans to avoid unnecessary degradation of wildlife populations and wildlife habitat.

The existing Dalton Highway Corridor Management Area has provided for both public access and protection of habitat and wildlife for three decades.

SB 85 would repeal a law that has effectively provided wildlife habitat protection for ungulates, grizzly bears, Dall sheep, and migratory birds for 30 years, concurrent with allowing recreational and subsistence hunting and world-class wildlife viewing to the public. SB 85 will increase the number of hunters by allowing mechanized transport via off-road vehicles (ORVs) and snow machines to access lands open to rifle hunting beyond the Dalton Highway corridor. ORV access will result in significant scarring and erosion of both tundra and wetland habitats as seen near the Denali, Steese, and Taylor highways. Importantly, the public currently has access to these lands for hunting and scenic viewing opportunities.

ORV access will disturb and displace wildlife in and adjacent to the Dalton Highway Corridor Management Area (hereafter, Dalton Corridor), particularly on coastal tundra habitats. During winter, human-caused disturbance can cause critical energy loss in ungulates during direct flight, displacement from preferred habitat, or indirect physiological stress. Severe disturbance that reduces fat reserves in pregnant cows in the Central Arctic, Ray Mountain, and Teshekpuk Lake caribou herds could lower productivity due to higher calf mortality and susceptibility of adults to predation. Cumulative effects of increased disturbance from ORVs, potential increased harvest, adverse weather, and disturbance from current and proposed oil and gas development could lead to a population decline in the Central Arctic Herd, likely subverting years of careful management to maintain the herd within population objectives that allow a sustainable harvest.

The Dalton Corridor provides world-class viewing opportunities for wildlife, particularly in open terrain north of the Brooks Range. The Arctic Interagency Visitor Center in Coldfoot reported a 22% increase in Dalton Highway travelers since 1994, with 31% of the 8,600 visitors in 2004 on commercial guided tours. It is likely that several thousand visitors continue north to Deadhorse each summer to view arctic scenery and wildlife. The Dalton Highway provides the unique opportunity to view wild muskoxen, as well as grizzly bears, wolves, wolverines, caribou, moose, Dall sheep, and arctic-breeding

waterbirds and raptors. The Alaska Chapter believes the risk of ORVs displacing wildlife and degrading this viewing resource for residents and visitors to Alaska is unacceptable.

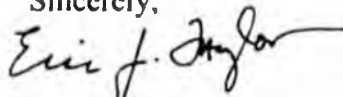
The current Dalton Highway Management Plan allows hunting opportunities beyond compare to any other region in the State or Nation.

Hunters have been accessing the Dalton Highway corridor for archery hunting and areas beyond the corridor for rifle hunting without the use of motorized vehicles since the early 1980s. Allowing motorized access to these lands will disrupt bowhunters within the corridor and increase competition for those already accessing hunting areas outside of the corridor by foot, ski, dog team, horse, aircraft, and boats on navigable rivers.

Archery hunting for caribou is popular in the Dalton Corridor because of a long season, liberal bag limit, and lack of competition from hunters on ORVs and snowmachines. The harvest objective for the Central Arctic Herd is 600-800 caribou. In 2004-05, 965 hunters hunted in Game Management Units 26B-C, and harvested 613 caribou. Bowhunters accounted for 36% of reported harvest. We predict the long-term and net effect of increasing motorized access through the Dalton Corridor will be restricted seasons and bag limits adjacent to the corridor to ensure sustained yield of these populations.

In summary, The Alaska Chapter opposes SB 85 because of the unacceptable risks of disturbance and displacement of wildlife and degradation of wildlife habitat, the unrealistic time frame to develop adequate planning, and because of the absence of funding provisions required to enforce regulations and implement adaptive management to protect wildlife and habitat resources. We appreciate the opportunity to comment. If you have questions regarding any of the comments in this letter, please contact me at 301-897-9770 or via electronic mail at [eric@wildlife.org](mailto:eric@wildlife.org).

Sincerely,



Eric J. Taylor, Ph.D.

President, Alaska Chapter of The Wildlife Society

cc.

Edward Itta, Mayor, North Slope Borough  
Henri Bisson, State Director, U.S. Bureau of Land Management  
Rowan Gould, Regional Director, U.S. Fish and Wildlife Service  
Michael Menge, Commissioner, Alaska Department of Natural Resources  
McKie Campbell, Commissioner, Alaska Department of Fish and Game  
Mike Barton, Commissioner, Alaska Department of Transportation and Public Facilities  
Brian Barnes, Director, Institute of Arctic Biology, University of Alaska Fairbanks

## Lesley Bullock

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**From:** John Lyle [kayak@gci.net]  
**Sent:** Thursday, March 02, 2006 9:12 AM  
**To:** Rep. Reggie Joule  
**Cc:** Rep. Carl Gatto; Rep. Bill Thomas; Rep. Jim Elkins  
**Subject:** SB85

Dear Sirs,

I testified against SB 85 last year in Fairbanks, where overwhelmingly folks spoke out against SB 85 for many well-founded reasons, but apparently even with similar negative responses from Alaskans from Eagle River to Coldfoot to Nome to Barrow, legislators continue to push this terrible piece of legislation. What about this don't you understand? People do not want the Dalton Corridor trashed by ATV's. Period. Not only that, the presence of ATV's will push game farther and farther away, requiring more resources to reach them, producing more damage to fragile soils and vegetation, dangerously coming close to the borders of National Wildlife Reguges, creating more emergency situations for troopers and rescue teams, producing more trash and refuge, creating additional scars from campsites and on and on...

Really Gentlemen, I am astounded that some in the legislature continue to push such a ridiculous bill despite such strong opposition from so many hunters and biologists who know and study this land. With so much of the state already open to ATV's, opening this fragile corridor will ultimately be a great disservice to future Alaskans. Sure, some few may benefit in the short term, but the long-term benefit will be negligible, if not absent altogether.

When I lived and hunted in Gaathdon Takatlee Tondin on the Middle Yukon River (Kaltag), we experienced negative results from increased hunting traffic from Fairbanks and the military bases in the Interior, with increases of waste piles of meat left after sport hunters took the head and rack and left the rest. Though the Kaiyuh was not so much impacted by ATV's, the sudden influx of hunters had a noticeably detrimental effect on local subsistence hunters from Ruby to Nulato to Kaltag and beyond. There's no way that the villages in and near the Dalton would not also experience similar negative effects should SB 85 become law.

Please think hard about this. It's an unwise bill. It might be supported by vocal hunting rights people, but it is NOT in the interests of healthy, sustainable game populations. Thank you for your time, and I hope you make the right decision here. There's a lot at stake.

Sincerely,

John D. Lyle  
Box 83715  
Fairbanks, AK  
99708

**Jennifer Baxter**

---

**From:** Thor Stacey [thorstac\_y@yahoo.com]  
**Sent:** Monday, February 27, 2006 4:34 PM  
**To:** Jennifer Baxter  
**Subject:** Request for teleconference

Dear Jennifer,

my name is Thor Stacey and I'm writing you to try and schedule a call to Representative Elkins. I had the opportunity to meet representative Elkins last March in Juneau and we had a good talk. The purpose for my visit and for my call is to talk about Senate Bill 85, the repeal of the ban on ORVs north of the Yukon off of the Dalton Highway.

I'm a year round resident of Wiseman, we are 3 miles from the Dalton, and this bill will have a impact on my life. I would appreciate Representative Elkins time and a chance to catch up with him on this issue. I plan to send a similar e-mail to Representative Gatto, I was unable to meet with him last year, I would be willing to talk to both of them at the same time if that could be scheduled. Wiseman is a long way from Representative Salmon's part of his district so we are kind of on our own here, I would really appreciate your forwarding my request to Representative Elkins. Also, I have information to provide the Transportation committee and I would like to know who to forward that too.

Currently I'm working at a gold mine 8 miles from Wiseman, in Nolan creek, I'm on nite shift. My work schedule is 7 PM to 5 AM seven days a week. I'm available to talk on the phone from 8 AM to 9 AM and from 3 PM to 5 PM. If these times don't work I will wake up at any time of the day to follow through with this. Jennifer I appreciate your time and I hope to talk to you soon. Best wishes...Thor

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Yahoo! Mail

Bring photos to life! [New PhotoMail](#) makes sharing a breeze.

**Jennifer Baxter**

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**From:** Ben and Lisa [BushWings@StarBand.net]  
**Sent:** Monday, March 06, 2006 7:39 PM  
**To:** Rep. Jim Elkins  
**Subject:** SB 85

Please vote to keep the five mile buffer on the Haul Road intact, and keep it off-limits to 4-wheelers.  
Tundra and wildlife recover too slowly from unlimited ATV impacts.

Lisa Stevenson  
PO Box 1222  
Chickaloon, AK 99674  
907-232-4620

3/7/06

**Representative Jim Elkins - Transportation  
State Capitol Room 3  
Juneau AK 99801-1182**

Received

MAR 13 2006

Office of Rep. Elkins

Please find enclosed comments regarding the Seward Highway!  
*Thank you for your consideration!*

*Linda M. Herr*

Linda Herr  
PO Box 1368  
Girdwood, AK 99587-1368

## **SEWARD HIGHWAY COMMUNITY MEETING WRITTEN COMMENTS**

As a resident of Bird Creek, Alaska and frequent traveler on the Seward Highway, I wish to express my utter disbelief that our State Government or State Transportation Officials have taken the \$122 million allotted to Seward Highway Turnagain Arm improvements. The safety issues on this highway are of extreme importance to any and every one who travels this highway. They are of more serious consequence than any new bridge work. The number of people who are being killed, and hurt on this stretch of highway is inexcusable and the monies **MUST** be used to improve highway conditions. **WE ARE VERY TIRED OF LOSING OUR FRIENDS, FAMILY AND NEIGHBORS TO THIS ROAD AND THE DRIVERS ON IT.**

**\$122 FUNDING SHOULD BE IMMEDIATELY RETURNED TO THIS HIGHWAY PROJECT. FUNDING SHOULD ALSO BE PROVIDED FOR. ANY MONIES FOR "BRIDGES TO KNIK ARM OR KETCHIKAN-GRAVINA" MUST GO UP FOR VOTES BY ALL VOTING ALASKANS. IF THE FUNDS ARE NOT TO BE USED ON THE POTTER TO INDIAN SECTION THEY MUST BE USED TO ACCOMMODATE THE FOLLOWING SAFETY ISSUES.**

I attended the January 11, 2006 Seward Highway Community meeting in Girdwood. I agree with many there regarding:

### **DIVIDED HIGHWAY – SPLIT LEVEL At Least from Mile 104 south to Mile 98**

It IS ESSENTIAL that the highway be divided to minimize cross over killings. The split-level idea of putting the outgoing traffic lane down towards the Inlet along the railroad is the VERY BEST idea for this area from Indian south past Mile 98.

### **TURNAGAIN PASS**

More has to be done to prevent the excessive number of accidents at the Pass (Miles 70-80.)

### **SPEED LIMIT**

There should be a **WINTER** driving speed of 55 miles per hour.

Special areas should be marked as **SAFETY CORRIDORS**. Those that have had several accidents close to them, those that are tourist bottlenecks (for instance - the area near Windy where everyone stops to see the sheep up on the rocks; Potter Marsh- especially when the baby ducks are crossing) areas where traffic is exiting and entering the highway (for instance - Bird through Indian), the curve at Rainbow. **Speed must BE REDUCED** in these special corridors and tickets should be seriously increased for any infraction, say over 3 miles per hour.

Because of the dark, shades of gray along Turnagain Arm and throughout most of Alaska, **MANDATORY HEADLIGHTS THROUGHOUT ALL OF ALASKA IS CRITICAL!**  
**SERIOUS FINES MUST BE GIVEN TO ANYONE WITHOUT THEIR HEADLIGHTS ON – ON THE SEWARD HIGHWAY!**

### **SIGNAGE IMPROVEMENTS**

That there be Warning Signs and Reflectors posted regarding **BLIND CORNERS**.

That the **PULLOUTS** be "advertised" with better signage. Many of the current pull-outs are fine for sight-seers. However most of the larger ones are useless for those instances when slow drivers are holding up traffic. Drivers cannot tell where the pull-out begins, they have to slow down to about 35 mph to pull in to many of them, drivers are too afraid to slow down that fast (beside it being crazy to do so) with all the traffic piled up behind them. So they just continue driving.

**The MOST important pull-outs to advertise (good signage) and LIGHT** are those that the driver can see the highway behind them for a long distance to be able to pull back out (otherwise he may pull out before another long line of traffic or pull-out from a place where he can't see on-coming traffic approaching.) Falls Creek is such a good pull-out (when going North) however it is almost impossible to see that pull-out, the right lane where you pull out is very dark and hard to identify where the actually pull-out portion begins. Several of these type of pull-outs (those that afford a good view of on-coming traffic from the rear) need to be well-identified (signage), lighted and have lots of reflectors to guide the slow drivers in to them.

**Some good pullouts to light** - If going North (these are ones that have good visibility of traffic coming up from the South so you have room to safely pull out and also to safely return to the highway.) These are all on the right side going North:

- \*The pull out near Mile Post 108
- \*There is a good open space at Mile 109 that would make a good pullout
- \*Pull out near Mile post 110
- \*There is one just before Mile 111 and another one just before McHugh Creek
- \*The pull out after the curve at 113 and the next pullout after that.

#### **EXISTING BILLBOARDS**

The hugely expensive electronic billboard at Potter is rarely being used. The Mat-Valley - Chugiak board either.

- Emergency messages listed on them should identify the Miles (or other locations of distress.) Current messages often read something like "Highway is extremely icy."

- Location should be specified. These messages often refer to conditions at "The Pass". If drivers leaving Anchorage haven't seen much ice on the highway all the way to Portage, they aren't paying attention to it when they get to The Pass.

A Billboard coming from the south on the highway is also necessary. Something like "Black ice on Highway - especially at Mile 100" might have saved those Anchor Point people the other day.

- As soon as any traffic tie-up occurs, the signs should be posting the location and approximate delay time and whether you are able to "get thru" even if your speed is reduced.

Billboards, when not identifying traffic and emergency conditions should be used to keep constantly remind people of the consequence of their driving.

- Fatality statistics should be posted frequently. How many killed this month, this year. How many killed on a specific stretch of road. Names of people killed - with... Mother of 3 children; long-time resident of Girdwood; Trooper (name); whatever to make it more "real" or "Don't kill my friend today." "Don't kill my mother today!"

- Have Fish & Wildlife suggest some seasonal reminders - ("Potter- Baby ducks are out this week- please drive slowly- not to squish them." ("Potter- Gulls are back! Watch out for low-flying birds this week!" ("Bird Creek -High Moose Traffic this week, this month" (during seasons or in areas where they are seen more frequently than other times.) ("Windy- Salt lick time -Watch out for Sheep on the road.

Signs on highway that read "Call "Report Emergency Driving Conditions! Call (phone #)" so that drivers can report issues quickly and the information be posted on the billboard.

Signs that read "Report Dangerous Drivers! Call (phone #)".

**MORE Mile Markers** are needed- along the entire Seward Highway.

**GIRDWOOD**

The State seems to be intent on bringing hundreds of thousands of people to Girdwood each summer and now intends on developing more of Girdwood for more residents. They are NOT TAKING THE STEPS necessary to build the proper infrastructure to support these changes. Road safety issues from Anchorage to Girdwood MUST be greatly improved to accommodate these changes. **The State MUST provide the funding necessary to do so.**

**I IMPLORE THOSE THAT REPRESENT US IN ALASKA TO DO WHATEVER IT TAKES TO MAKE SURE THESE CONSIDERATIONS ARE MADE REGARDING OUR SEWARD HIGHWAY AND THE LIVES OF THOSE WHO DRIVE IT. NO OTHER ISSUES ARE OF AS GREAT IMPORTANCE.**

**I GREATLY APPRECIATE THE EFFORTS OF REP. MIKE HAWKER IN FIGHTING FOR THE \$122 MILLION STATE TRANSPORTATION OFFICIALS STRIPPED FROM THE SEWARD HIGHWAY PROJECT.**

If funding is needed for "Bridges" let Governor Murkowski sell his plane. (Maybe he wants to travel by plane because he knows how unsafe our roads are.) Why should our people be forced to live with unsafe roads while he purchased a plane disregarding the Alaskan voter's opinion at our expense? **GIVE US BACK OUR MONEY!!!!**

I greatly appreciate the work of the Troopers. It is very obvious from the increase in calls (I believe that Anchorage Trooper Starbard said Girdwood community calls for assistance had increased from 27,000 to 33,000) that the GIRDWOOD community is in greater need of another Trooper. One for the community issues and one for the highway issues.

Thank you Bill Chadwick, Chief of Girdwood's Fire Department, Jim Doepken, Girdwood Minister and Troopers for facilitating this meeting. Thank you Alyeska Day Lodge for use of your facility for this very important community meeting. Your employee, Diane Bahnson, who died on this highway in June would be pleased with your assistance on this matter of Seward Highway safety.

Linda Herr - P.O. Box 1368, Girdwood, AK 99587-1368 907-653-7725

Originally written Jan 13, 2006

3/7/06 Additional comments - Thank you to the wonderful Troopers and those who put on additional Troopers to aid in the "stepped up" trooper surveillance on the highway. They have pulled over many offenders since this was written. Also the billboard sign at Potter HAS been used to remind drivers of driving safely. But lots of cars continue to travel the Seward Highway daily with no lights on.

*Linda M. Herr*

Jim Elkins  
State Capitol Room 416  
Juneau, Alaska 99801

Dear Rep. Elkins:

I was dismayed to think that the area north of the Yukon would be opened to off-road vehicles within 5 miles of the right of way of the Dalton Highway, SB 85.


Please do not allow this abuse of the tundra. I have lived for 18 years just east of the Dalton Highway in a small cabin on Bob Johnson Lake and know the kind of destruction ATV's bring to this pristine wilderness area.

We have only one Trooper to patrol an area the size of Italy. Enforcement of the law is already a problem.

SB85 would be ecologically devastating and area residents were told long ago that access would be restricted assuring protection of subsistence living.

I am counting on you to see that SB 85 does not pass.

Sincerely,



Donna Lee  
Bob Johnson Lake  
Brooks Range, Alaska

And

Box 1193  
Chickaloon, Alaska  
99674

Received

MAR 17 2006

Office of Rep. Elkins

85

**Lesley Bullock**

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**From:** dawn b [akaurora@hotmail.com]  
**Sent:** Tuesday, March 07, 2006 10:49 AM  
**To:** Rep. Bill Thomas; Rep. Jim Elkins  
**Subject:** Dalton Highway Bill

Dear Representatives Thomas and Elkins,

I am writing to urge you **not** to open the Dalton Highway to ATV use. I am an Alaskan resident who has driven the Dalton Highway twice. I have had the opportunity to witness incredible wildlife sightings along the Dalton Highway including mating bears within 1/2 mile of the roadway. If SB 85 passes, it will allow a 10 mile swath of tundra to be trampled by ATV's. This loss of habitat will push wildlife farther away from the road, making wildlife observations obsolete and forcing hunters to travel farther distances to find game. Clearly, this bill is bad for Alaskan wildlife, Alaskan resources, Alaskan hunters, and wildlife viewing.

Furthermore, there is no need for ATV's to destroy this fragile tundra because the area can already be accessed by motor vehicles. The only people who will initially benefit from this bill are joyriders who will tear up the tundra. But once the tundra is torn up, and the wildlife displaced, what will be the attraction? Thus, even the joyriders will lose in the end. Additionally, joyriders can easily find a better place to recreate without such a devastating impact to the environment. Allowing joyriders access while denying access to hunters and wildlife viewers, displacing wildlife and destroying tundra is not a balanced equation. Please do what is best for Alaska and Alaskans by voting no on SB 85.

**PLEASE DO NOT ALLOW ATV ACCESS ON THE DALTON HIGHWAY.** Once this corridor is open, the Dalton Highway will never be the same and a beautiful driving tour will be gone forever. Please don't allow this to happen on your watch. Thank you for your time and please vote responsibly.

Sincerely,  
Dawn Bragg  
Wasilla, AK

**Lesley Bullock**

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**From:** Jennings Michael J DA Police CPT FRA [michael.j.jennings@us.army.mil]  
**Sent:** Tuesday, March 07, 2006 11:05 AM  
**To:** Rep. Jim Elkins  
**Subject:** SB 85

Representative Elkins, Was curious to outcome of the vote on SB 85, lifting the ban on off road vehicles along the Dalton Highway. Mike Jennings

**Lesley Bullock**

---

**From:** Joshua Hejl [halejosh@hotmail.com]  
**Sent:** Monday, March 06, 2006 5:11 PM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas  
**Subject:** Dalton Highway.

Dear Representatives Elkins and Thomas,

As an Alaska Native I am saddened to think that more of Alaska's wilderness may be opened to the use of ATV's. As a hunter and an advocate of the environment, I understand the issues present. I am also very aware of the destruction that ATV's cause land.

Especially ecologically sensitive land such as that in Northern Alaska. Trails quickly become swamps and soon a myraid of trails exist cutting a widemud swatha across what was once a pristine area. Voting against opening up ATV use along the Dalton Highway is a good idea not only for the environment but also for Alaska's economy, environment, and hunters, but also for those to come after us. At 23 I would like to be able to enjoy The Last Frontier into my retirement. Thank you for your concern, responsibility, and decision to vote correctly on difficut issues.

Joshua C. Hejl

**Lesley Bullock**

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**From:** Delight Rose [drose@gci.net]  
**Sent:** Monday, March 06, 2006 2:40 PM  
**To:** Rep. Jim Elkins  
**Subject:** SB 85 NO

Representative Jim Elkins,  
I strongly urge you to vote NO on SB 85. It is totally ridiculous to open up land along the Haul Road to ATV travel.

The main reasons to vote NO are:

1. Avoid damaging this extremely fragile environment
2. Security, how the heck could the government protect the pipeline from all the people who would now have access via ATVs?

Vote No on SB 85.

Delight Rose  
P.O.Box 1168  
Palmer, AK 99645

**Lesley Bullock**

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**From:** Steve Charles [mcharles@ak.net]  
**Sent:** Monday, March 06, 2006 1:26 PM  
**To:** Rep. Jim Elkins  
**Subject:** Senate Bill 85

Rep. Elkins,

Senate Bill 85 which would open up the Dalton Highway corridor to motorized use, is the absolutely wrong way to manage this area.

I have seen repeatedly around my home in Willow that damage done by ATV use in wetland areas. That same type of use and degradation in the fragile area around the corridor would not only make hunting more difficult for subsistence and sport hunters, but would show the world that the State cannot manage resources prudently. It would be an ethical collapse on the part of the State.

Please circular file this SB 85 now. Thank you.

Steve Charles  
Willow, AK

**Lesley Bullock**

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**From:** Howell Powder [powder80@gci.net]  
**Sent:** Monday, March 06, 2006 1:21 PM  
**To:** Rep. Jim Elkins; Rep\_Bill\_Thomas@legis.state.ak.us\_  
**Subject:** SB 85

THE DALTO HWAY CORRIDOR SHOULD REMAIN CLOSED TO ALL ATV AND OFF ROAD VEHICLE USAGE. I WORKED THRU THE 1980'S BETWEEN PUMP 1 AND DIETRICH CAMP I AND AM WELL AWARE OF THE POTENTIAL DAMAGE THAT CAN OCCUR FROM ATV USE. THIS IS A FRAGILE AREA AND SHOULD BE PROTECTED. HAVING ALSO CARIBOU HUNTED THRUOUT THIS APEA FOR 25 YEARS THERE IS NO NEED TO ACCESS THIS AREA BY OFF RAOD VEHICLES. IT WOULD BE A SAD DAY IF THIS AREA TURNED INTO ANOTHER DENALI HWAY WITH ALL THE OFF ROAD VEHICLE DAMAGE.

THANK YOU FOR YOUR TIME

HOWELL POWDER

**Lesley Bullock**

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**From:** Erik Gutgesell [erikgutgesell@yahoo.com]  
**Sent:** Friday, March 03, 2006 4:11 PM  
**To:** Rep. Berta Gardner; Rep. Beth Kerttula; Rep. Bill Stoltze; Rep. Bill Thomas; Rep. Bob Lynn; Rep. Bruce Weyhrauch; Rep. Carl Gatto; Rep. Carl Moses; Rep. David Guttenberg; Rep. Eric Croft; rep\_ethan\_burkowitz@legis.state.ak.us; Rep. Gabrielle LeDoux; Rep. Harry Crawford; Rep. Jim Elkins; Rep. Jim Holm; Rep. John Coghill; Rep. John Harris; Rep. Kevin Meyer; Rep. Kurt Olson; Rep. Les Gara; Rep. Lesil McGuire; rep\_mark\_newman@legis.state.ak.us; Rep. Mary Kapsner; Rep. Max Gruenberg; Rep. Mike Chenault; Rep. Mike Hawker; Rep. Mike Kelly; Rep. Nancy Dahlstrom; Rep. Norman Rokeberg; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Pete Kott; Rep. Ralph Samuels; Rep. Reggie Joule; Rep. Richard Foster; Rep. Sharon Cissna; Rep. Tom Anderson; Rep. Vic Kohring; Rep. Woodie Salmon  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Senate Bill 85

As a lifelong Fairbanksan and avid outdoorsman, I oppose Senate Bill 85 and urge you to vote NO.

Thank you for your time and consideration,

Erik Gutgesell

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Do You Yahoo!?

Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>



American Planning Association  
Alaska Chapter

February 14, 2006

Con Bunde,	Ben Stevens,	Les Gara,	Bob Lynn,
John Cowdery,	Gary Stevens,	Berta Gardner,	Lesil Mcguire,
Bettye Davis,	Gene Therrault,	Carl Gatto,	Kevin Meyer,
Fred Dyson,	Thomas Wagoner,	Max Gruenberg,	Carl Moses,
Johnny Ellis,	Gary Wilken,	David Guttenberg,	Mark Neuman,
Kim Elton,	Tom Anderson,	John Harris,	Kurt Olson,
Hollis French,	Ethan Berkowitz,	Mike Hawker,	Jay Ramras,
Lyda Green,	Mike Chenault,	Jim Holm,	Norman Rokeberg,
Gretchen Guess,	Sharon Cissna,	Reggie Joule,	Woodie Salmon,
Lyman Hoffman,	John Coghill,	Mary Kapsner,	Ralph Samuels,
Charlie Huggins,	Harry Crawford,	Michael Kelly,	Paul Seaton,
Albert Kookesh,	Eric Croft,	Beth Kertula,	Bill Stoltze,
Donny Olson,	Nancy Dahlstrom,	Vic Kohring,	William Thomas, Jr.,
Ralph Seekins,	Jim Elkins,	Pete Kott,	Bruce Weyhrauch
Bert Stedman,	Richard Foster,	Gabrielle Ledoux,	

Re: **SB 85** ---Senator Seekins Bill to remove prohibition on the use of certain off-road vehicles within five miles of the right-of-way of the Dalton Highway.

Dear Alaska Legislator,

I am writing on behalf of our Board of Directors, and as president of the Alaska Chapter of the American Planning Association (APA), to **oppose SB 85** and urge the Legislature to continue to keep Sec. 19.40.210. (Prohibition of off-road vehicles) as currently written.

The Alaska Chapter is a state chapter of the American Planning Association (APA) serving planners and planning commissioners in Alaska. APA is a nonprofit public interest and research organization committed to good planning. APA and its professional institute, the American Institute of Certified Planners, advance the art and science of planning to meet the needs of people and society. The Alaska Chapter, with over 120 members, strongly **endorses sound local and regional planning**, including that being done by boroughs such as the North Slope Borough.

During decades of research and planning for the 177 miles of the Dalton Highway Corridor and adjacent lands at the north end of the highway, the North Slope Borough has developed plans and zoning ordinances to protect the extensive subsistence, environmental, historical and cultural resources in the area. The Borough's Transportation Plan, which is part of its Comprehensive Plan, includes a policy to



American Planning Association  
Alaska Chapter

"continue to support Alaska Statute 19.40.210 which restricts off-road vehicle use within five miles of the Dalton Highway Corridor."

**We encourage the Legislature to respect such local plans and policies, and not to remove such protections as approved by earlier Legislatures.**

On behalf of the Board of Directors of the American Planning Association, Alaska Chapter, I respectfully request your consideration of our concerns.

Sincerely,

*John McPherson, AICP*

John McPherson, AICP  
President, APA Alaska Chapter

Testimony on SB 85, Repealing ban on ORVs in the Haul Road corridor  
By Edward S. Itta, Mayor  
North Slope Borough

House Transportation Committee  
Tuesday, May 2, 2006 – 1:30pm  
Legislative Information Office  
Barrow, Alaska

Mr. Chairman, thank you for this opportunity to share some thoughts with the committee on Senate Bill 85. It is a simple bill with a clear purpose – to open the Haul Road corridor to anyone and everyone. As public policy, I believe it is simply and clearly wrong. It is wrong in terms of history and subsistence protection and land management practices and security and public safety. I would like to quickly go through these one at a time.

The Haul Road was designed and built as an industrial supply road. It was the first road access to the North Slope, and our people were very nervous about how it might impact our subsistence traditions. In response to these concerns, Governor Jay Hammond and Mayor Eben Hopson signed a memorandum of understanding that committed the state to manage the Haul Road corridor in partnership with the borough. That may not carry much weight with some current legislators, but the spirit of that agreement was very important to us. It was the state's promise to limit use and limit impacts along the highway, and to develop any access plans together with the borough. Our people have a lot to lose from changes like SB85, and we expect the state to honor the partnership that it formed with us when the Haul Road was built.

The Dalton Highway slices through major migration routes for caribou from the Central Arctic herd and the Teshekpuk Lake herd. The Teshekpuk Lake herd is the one that is most heavily used by North Slope subsistence hunters. As you'll hear from our Wildlife Department, that herd migrates right along the Haul Road, and it will be easy pickings for hunters with access from the highway.

It's not just the increased harvest that worries our subsistence users. Traditional knowledge has taught us that it doesn't take much to seriously disrupt the caribou migrations. Anaktuvuk Pass hunters have learned over the years that if you shoot at caribou at the front of the herd, it can deflect the whole migration. For that community, a deflection in the customary migration route can affect their food supply for a whole season. All it takes is one inexperienced hunter coming off the highway to ruin it for the whole community.

A well-enforced management plan can make a big difference in protecting the animals and the subsistence hunt. But any talk of a management plan under the terms of this bill is just hot air. You can't plan for impacts or enforce a legitimate plan without spending money. With zero fiscal notes from all the agencies, the sponsor is sending a clear message – the message is that planning and management issues created by this bill are

not worth a dime of extra spending. Well, you get what you pay for. The old BLM management plan that has been promoted as a solution may be a good start, but it is only the outline of a plan. There is a lot more work to be done on it.

Even with a good plan, there is no management without enforcement, and the state will continue to have one state trooper for the entire length of the highway and one fish and game officer for the entire North Slope. Their ability to handle the increased traffic from this bill will be almost nonexistent. So what is the bottom line? More hunting, more violations, damage to habitat, and less enforcement – that will be the effect of SB 85. That is not responsible public policy.

The truth is that – if the state handles this responsibly - there will be very real and substantial costs associated with this bill. There will be planning costs to flesh out BLM's management plan. There will be enforcement costs for Fish and Game and the State Troopers, as well as local government costs for police and emergency services. This bill has fiscal notes all over it, and they should be recognized if this bill is to be considered seriously.

There are others who can address pipeline security issues better than I can. I know the pipeline will always be vulnerable to some extent, but with all the current worries about homeland security, it does not seem very wise to make the situation worse. This vulnerability also has environmental impacts. Two of the largest pipeline spills have been caused by acts of sabotage. One was a bombing in 1978 and the other was a shooting incident in 2001. We all know that al-Qacda websites have listed the pipeline as a target. If we leave more of it exposed, we are asking for more trouble.

In addition to the security issue, there are very real concerns about the availability of public safety and emergency services in the area. With more people spreading out into the corridor, there will be accidents and other problems that require police or search-and-rescue response. Again, these services are not reflected in any fiscal notes, and while the borough has a police officer stationed at Prudhoe and search-and-rescue capability based in Barrow, these services have been reduced in recent years, and we are not willing to pick up the tab for services that are the state's responsibility and are being ignored by this legislation.

As I said before, our expectations for use of the Haul Road area are based on the original partnership agreement between the state and the borough. I understand that the bill's sponsor has been criticizing us by asking the question, "Is the North Slope Borough part of Alaska or not?" My response to that question is this: We thought we were part of Alaska, but bills like this one make us wonder if the state hasn't abandoned us. We are constantly asked to be good partners in North Slope oil development, and we have been good partners. We have cooperated with careful and respectful development. We have played a larger role in promoting ANWR than any other municipality in the state. We have made many compromises, sometimes against our will and our better judgment.

But the Legislature seems to forget that partnership is a two-way street. All we are asking for here is respect for our subsistence heritage and protection of the wildlife and habitat we depend on. Is that too much to ask? I don't think so.

This bill is a slap in the face, and to us it is like being abandoned by our partners. I hope this committee will honor the partnership we formed with the state almost 30 years ago. I hope we can continue to work together on the two issues that bring us together: developing the resources we have been blessed with, and protecting the subsistence traditions that are among Alaska's most important resources.

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