

SB

85/170

(FILE 1)

Senate Bill 85
NSB Resident of Nuiqsut
October 14, 2005

DID NOT
TESTIFY - TELE

My name is Dora Nukapigak Subsistence hunter in opposition of senate bill 85
I come from a strong subsistence family and strong subsistence community. We depend on the caribou that migrates up north from Anaktuvuk and from the teshekpuk, it brings food to our table to sustain us for the up coming winter months. We hunt in July and August when the caribous are nice and fat on the Colville River and then some more throughout the year.

With development coming onto the west the people of Nuiqsut are starting to go to the south on the Colville River to hunt for caribou and moose. Colville River has been providing our resources for thousand of years. Anaktuvuk and Nuiqsut have in the past walked up and down the Colville to hunt and fish to keep them alive. There are historical sites that our ancestors have left us to care for. At one point they hunted in the areas of Sagvaniktok River, Olikto.. Pt. and the foot hills of the Franklin Bluffs.

Inupiaqs in the past had no boundaries as they do today.

Tundra damage will occur and the vegetation that our animals depend on in the summer will be affected.

Sports hunter will come from all walks of life, and they do not know to let the first of the herd to pass a day and half before we go and hunt. Who will educate this to outsiders? Who will go out there to manage the wildlife and the sports hunters? What kind of regulations will be there? Will these regulations have to be followed by Subsistence hunters or people of the North Slope? ATV and off road users will be in conflict with subsistence hunters, who are trying to bring food to their tables. And the sports hunters are just trying to show off how big their caribou rack are. Do they even eat caribou?

Anaktuvuk People who depends on the caribou will be hurting because of this bill. Migration routes will be diverted, who will compensate on their behalf when they don't harvest? These are issues that are not being looked at, and it scares me to see this bill go through. Anaktuvuk and Nuiqsut have exchanged food or bartered for years. We love the way Anaktuvuk make their dried caribou, and in exchange we send muktuk and what have you.

This bill is and will affect the communities of the North Slope.

Truly Concerned

Dora Nukapigak

SB-85 SCHEDULE

10-13-05

7:14pm Todd, Marla, Reggie, Greta and Sam arrive Barrow evening flight

10-14-05

8:00am Roper does KBRW radio show

9:30am State Senators and Staff arrive Barrow morning flight.
Roper, Todd, Marla and Sam meet plane with 2 vehicles.

10:00am Roper and Marla take staff (Mary Jackson) to NSB Building to set-up hearing.

10:00am Todd and Sam take Senators/Staff on road tour of Barrow area.

11:00am Entire group meet at Heritage Center for tour.

12:15pm Gov't Affairs host luncheon at Northern Lights Restaurant.
(Buffet Style)

1:30pm Group goes to NSB Building for hearing.

2:00-5:00pm Hearing at NSB Assembly Room.
Note: Hearing is teleconferenced to all NSB Committees
1-800-478-3378/30496#

5:30-6:00pm Gov Affairs host dinner at Pepe's. (Buffet Style)

6:30pm To Barrow airport for check in and departure scheduled at 7:49pm.

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COPIES

PUBLIC NOTICE

Senate Resource Committee Hearing

Date: October 14, 2008

Time: 2:00 PM

Subject:

**SB 85 OFF-ROAD USE ON
DALTON HIGHWAY**

**SB 170 BD/DEPT. OF FISH & GAME
POWERS & DUTIES**

**Sponsor: SENATE RESOURCE
COMMITTEE**

**Place: NORTH SLOPE BOROUGH
ASSEMBLY CHAMBERS**

ALASKA STATE LEGISLATURE

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

For immediate Release: October 6, 2005
For Information Contact: Mary Jackson, (907) 283-7996

Senate Resources Committee Public Notice

The Senate Resources Committee will hold work sessions on **SB 85 – Off-Road Vehicle use on Dalton Highway** and **SB 170- Board/Department of Fish & Game Powers & Duties**. The schedule is listed below.

Monday - October 10 th : 6:30pm – 8pm:	Nome, Alaska Old St. Joseph's Church
Tuesday – October 11 th : 6:30pm – 9pm	Fairbanks, Alaska Fairbanks City Hall
Wednesday – October 12 th : 6:30pm – 9pm	Coldfoot, Alaska Coldfoot Camp
Friday – October 14 th : 2 pm	Barrow, Alaska North Slope Borough Assembly Chambers
Saturday – October 15 th 3pm	Chugiak – Peters Creek, Alaska Peters Creek Christian Center

None of the meeting sites are state teleconference facilities and so teleconferencing will not be available.

**Testimony on SB85, Repealing ban on ORVs in the Haul Road corridor
by George N. Ahmaogak, Sr.
Mayor, North Slope Borough**

**Senate Resources Committee hearing
October 14, 2005 – 2:00pm
NSB Assembly Chambers
Barrow, Alaska**

I want to welcome Senator Waggoner – Chairman of the Senate Resources Committee; also Senator Seekins – sponsor of SB 85; committee member Senator Elton, our Senator Donny Olson, and any of your staff who came along. I also want to thank our local community leaders and citizens who have come out today to testify at this hearing. The committee came to Barrow to hear North Slope perspectives, and I appreciate all of you who have come out to testify.

The history of the Haul Road has been very much like the history of oil development in our borough. It started out small and contained, but over time it has expanded and changed into something very different from what we thought we were getting.

With oil development, what started out as a project at Prudhoe Bay gradually spread across the tundra into a series of fields that marched all the way to the Colville River – and now are spreading out across NPR-A.

In the same way, the Dalton Highway was originally planned and built as an industrial supply road with only one purpose – to get material up to Prudhoe. Over time, its purpose has expanded – first, there were four buses allowed,

then the road was opened to public traffic, and now we're told that off-road vehicles may be allowed on the restrictive corridor.

This is how things have happened up here. First, we are asked to go along with one project that has limited and definable impacts on our traditional subsistence and our village life. But once it's built, it becomes a stepping stone to other uses with all kinds of impacts that nobody has planned for.

It's important for you to understand the way we see these things. Otherwise our objections won't make any sense to you. You've come all this way to hold a hearing, and I'd like you to leave with a better sense of why we feel the way we do. You may not agree with it, but at least you'll see where we're coming from.

When we are told that a road is going to be built, a road that's going to cut across 170 miles of our borough, and it's going to slice right through a major migration route of our caribou, and it's going to have 18-wheelers kicking up dust and making noise, we naturally get worried about the impacts of this road on subsistence.

But the State of Alaska reassures us that the impacts will be limited, because the road will only be used by the oil companies, and their employees will not be allowed to hunt. So the Haul Road opens to industrial traffic, and we're still nervous, and we see impacts. But we feel we have been given a promise of limited use on that road and limited impacts. We make the compromise and we accept that road based on these promised restrictions.

Here's the important part – we don't forget the promises that have been made to us. We respect the people who gave us their word on behalf of the State of Alaska.

Mr. Chairman, SB-85 is proposed legislation that the NSB adamantly opposes. However, I know that it is important for you to understand how it looks from our view. Up here, we still remember the promise of limited use, which was based on a commitment not to mess up the natural movement of the caribou and other animals. We remember the promise not to create any more than an absolute minimum of impacts on our traditional subsistence and our village way of life. We're tired of tolerating one impact after another until the cumulative impacts have done serious damage to the wildlife that are trying to survive up here and to the people who are trying to maintain a traditional way of life.

That's where we're coming from. Mr. Chairman, we have welcomed the oil industry and we have worked with the State and the Feds to accommodate the needs of a healthy oil and gas economy. Our people have spent more time in D.C. lobbying for ANWR than any other municipality in the state. We have been a good partner. But we don't feel as though we're being treated like a partner in return. Bit by bit, we're losing ground. We're losing our local control. We're losing our financial stake in the resource activity that eats up more and more of our landscape every day.

This borough was formed 33 years ago for two major reasons:

- 1) so that we could have a meaningful role in land use decisions that affect subsistence, and

2) so that local residents could have a stake in all this oil and gas activity through our local property tax.

But in recent years, federal and state policies have constantly chipped away at both of these forms of local participation.

It's happening with coastal zone management, where our local program is being gutted by the State.

It's happening with NPR-A, where sensitive habitat is being leased over our objections, and legislation is introduced to take away the impact aid we were promised in federal law.

It's happening with offshore leasing, where deferral areas that were designed to protect the bowhead whale migration have been dropped.

It's happening with state road projects on the North Slope, where hundreds of miles of new roads will open up vast stretches of subsistence territory in the borough and further degrade traditional subsistence use patterns for our people.

Mr. Chairman, our people see this pattern of taking away more and more of our local control. How are we supposed to feel? I'll tell you one thing – people up here are not feeling like partners. Partners engage in give-and-take, but with this type of proposed legislation and other state actions the state is doing all the taking, and people up here are doing all the giving.

Mister Chairman, I'm only mayor for another month, then I'm history. But I'm talking to you as a mayor whose record has been pro-development. I'm just telling you what I see on the horizon. That is if these types of

negotiative actions continue to flow into the NSB, our positive development posture could change.

SB 85 is just one issue that could weaken our quality of life. I don't need to go into the details of our objections to this bill, because there are others here who can do that. You already know that there's no provision in this bill for additional fish and game enforcement or police protection to handle the additional traffic and off-road activity. The zero fiscal notes are proof of that. It's just like opening the Haul Road to public traffic without adding any traveler services along the road. It guarantees that there will be a lot of impacts, and show little regards for those impacts. If there was any level of commitment to protection, there would be dollars to go along with this bill.

But dollars wouldn't fix this bill. A few more enforcement officers couldn't stop the damage that public access could cause. Let me give you an example. If you went to Anaktuvuk Pass and talked with people there, the first thing they might do is translate the word "Anaktuvuk" for you. It means "a place of refuge." The traditional migratory path of the caribou, The Anaktuvuk Pass residents will tell you this because it shows how important caribou are to that community. The herd migrates right by the village, and it is the main source of their subsistence food.

One thing they've learned from generations of dependence on the caribou is that you never want to shoot into the first wave of animals coming through. If you do that, it can cause the rest of the herd to change course, and all of a sudden your migration has gone somewhere else.

You can imagine how a few inexperienced hunters wandering around the tundra at the wrong time could have a serious impact on the course of the migration and the ability of people in Anaktuvuk Pass to continue their traditional harvest.

That's just one example of the concerns our people have. Mr. Chairman, I know this bill is not intentionally trying to harm people who live on the North Slope. But the bottom line is that it would harm us, and in reality there is no adjustment or fiscal note that can fix it. Like I said, we are faced with new impacts from oil and gas development every day and this, proposed bill will bring even more impacts.

We were promised long ago that the Haul Road would not be used in ways that would seriously compromise the North Slope environment or the subsistence animals moving through. This bill would harm the environment. It would disrupt the normal movements of caribou. It would be totally unmanaged. It could cause serious harm to our traditional way of life. There's nothing in this bill that offers us anything except pain and suffering. Quyanaqpak.

Mr. Chairman – Some of the individuals providing testimony here today will feel more comfortable speaking in their own language. With your permission, I'll provide interpretation.

BARROW

Testimony on Senate Bill 170
"Missing the Big Picture"

Chairman Wagoner,

My name is Edward Itta. I am the Director of the North Slope Borough Department of Public Works. I am here today as a private citizen. Senate Bill 170 starts with an important initiative and that is to generate more revenue for Game Management in this great state. I support that whole heartedly and applaud the creative measures to invest everyone that enjoys our wildlife resources in sharing the expense of managing it properly.

It am concerned that it goes too far though. It seems to punish the Department of Fish and Game for a holistic approach to Game Management. Essentially, if it not something that we stock the freezer with, then this bill would prevent revenue from license fees from being used to manage it. This shortsightedness is easy to develop when much of our state's needs are fulfilled at the grocery store, but it is "Missing the Big Picture".

I am a Whaling Captain and Subsistence Hunter. So were my father and his father. We know that the songbirds and lemmings are as much a part of the fabric that sustains our culture as the caribou and the whale. As a public leader I also know that this state receives federal money for wildlife management that requires biologists to consider the big picture. There are many indicator species whose success or demise can foreshadow climate change, peaks in predation species and the migration patterns of the animals we harvest for food. For this reason, I am not sure it is a good idea to transfer authority from Wildlife Department Biologists to the Game Board and the Legislature for Game Management.

I applaud accountability, but again I think this Bill may go too far. This bill prohibits transferring more than \$10,000 from one game management project to another without legislative approval. Seasons, climate and many logistics impact game management projects and I'm not sure our legislature needs to be involved at this level of detail.

The Bill also bars the Department of Wildlife or Board of Game from prohibiting the sale of animal parts such as bear-gall bladders. We know that anytime a commercial purpose is served by the harvesting of wildlife, then conservancy yields to revenue potential and wild life is wasted whether lawful or not.

The Bill, for its intended purpose, seems extremely complicated and I believe it conceals future changes in Wildlife Management even its author may not have intended. I do not understand all its implications, but I do know that Wildlife Management in this state is underfunded and I encourage you to use this Bill to solve that problem.

Please do not lose sight of the "Big Picture". Game Management is much more complicated than the contents of our freezer.

(BARROW) SB05



October 14, 2005

Senator Thomas Wagoner, Chair
Alaska Senate Resources Committee
State Capitol, Room 427
Juneau, AK 99801-1182

ASRC Opposition to Alaska Senate Bill 85

Sen. Wagoner, and Resource Committee Members,

Arctic Slope Regional Corporation (ASRC) thanks you for bringing your Committee to the North Slope to accept testimony on Alaska Senate Bill 85, which would open the North Slope Haul Road to Off-Road Vehicles (ORV's) used by those from outside of the North Slope region. ASRC is against this bill. The use of ORV's from the Haul Road would trigger many undesirable effects on the North Slope, and jeopardize the safety of the ORV users themselves.

The North Slope Haul Road was intended to be an industrial road with some access for nearby North Slope villagers. Now it allows charter buses, bow hunters, and tourists. Opening the Haul Road to ORV use will continue the slide, and all of the impacts and little of the benefits will fall to North Slope residents.

If SB 85 were to pass, ORV use from the Haul Road would increase the negative impacts of sport hunters and joy riders on the subsistence needs of our villages like Anaktuvuk Pass. For example, a few snow machines launched from the Haul Road at the wrong time could disrupt the hunt of an entire village. The snow-machiners might apologize, but the damage would be done.

There are places in our state where ORV users can traverse powder-snow-covered open country and be relatively safe, with emergency options available from many directions. The North Slope of Alaska, especially the Haul Road Corridor, is not such a place. Our land is harsh, our help is far away.

If non-North Slope residents wish to use ORV's in our region, let them forge partnerships with our villages and begin their North Slope experience from a village. Start with all the necessary local involvement and safety measures in hand. North Slope residents urge this Committee and the Legislature to stop SB 85.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Glenn", is written over the typed name.

Arctic Slope Regional Corporation

Richard Glenn Vice President, Lands

P.O. Box 329
Nuiqsut, Alaska 99789

facsimile transmittal

To: *Maysis office* Fax: *8820337*

From: Rosemary Date: /2005

Re: Pages:

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Urgent

For Review

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BARROW

Senate Bill 85
Dalton Highway Hearing

I want to welcome everyone to Barrow, especially the Senators.

I want to thank the Senate Resource Committee for coming to Barrow to hear our concerns in regards to the use of the Dalton Highway within the 5-mile corridor with off-road vehicles.

I also want to recognize the citizens of Fairbanks for their opposition on the off-road use of the Dalton Highway.

The original indent of the MOA between the late NSB Mayor Eben Hopson and the late Governor Jay Hammond of Alaska must be adhered to, to assure that the original habitants of the North Slope and the current subsistence hunters that rely on the abundance and the availability of the caribous, fish and wildlife is not jeopardized by others that will do more harm than good.

The safety of the Dalton Highway will need to be addressed with fiscal responsibility from the Sate of Alaska so that the NSB will be able to respond to emergencies that occur on the highway.

Currently the NSB Fire Department and the NSB Search and Rescue are obligated to respond to emergencies on the highway when the need arises. The NSB Public Safety has the responsibility to respond to emergencies as they may occur as well, under any conditions.

I will oppose SB 85 to the fullest extend possible as the North Slope "Homerule" Borough Assembly President to protect the subsistence needs of our Inupiaq.

Quyanak



George Oleman

Barrow

Good afternoon, senators, and distinguished guests:

Senate Bill 85 has the potential to negatively impact the residents of Nuiqsut and Anaktuvuk Pass as well as other residents within the North Slope. Nuiqsut is a whaling and subsistence community that is already impacted by the oil and gas industries. Throughout the year the Nuiqsut residents rely upon and hunt caribou and other game in the area. They also fish in nearby rivers and lakes. As well, Anaktuvuk Pass has a strong subsistence lifestyle, with many residents dependent on caribou and other game as their primary food source.

When the Barrow Whaling Captains joined other whaling captain associations to form the Alaska Eskimo Whaling Commission they had the foresight to plan ahead to protect the coastal waters and minimize offshore activities that would otherwise be detrimental to whaling activities and the migration of Bowhead and other whales. Since being formed, the Alaska Eskimo Whaling Commission has been a strong force along side local whaling commissions in a joint effort to prevent offshore industry activities from seriously affecting our subsistence way of life.

Unfortunately, Anaktuvuk Pass and Nuiqsut do not currently have a strong commission that helps them in regulating caribou migratory and calving issues, but they do get support from the North Slope Borough Wildlife Department along with other North Slope Borough assistance. Together as one, the North Slope communities will fight to maintain our hunting and subsistence way of life.

When the late Eben Hopson Sr. and the late Governor Jay Hammond agreed to terms with regard to the use of the Haul Road, they both had the

foresight to see what we are up against today. They knew future leaders would come and go, some good and some not so good. They also understood some future politician or group may attempt to change regulations to fit their own agenda rather than considering the overall impact decisions make upon the people they are sworn to serve. Today, the North Slope Borough and other neighboring regions like the Northwest Arctic Borough are experiencing the infiltration of outside bow and other sport hunters in areas that residents use for subsistence hunting and fishing. In some cases this impact goes back to the use of the Haul Road.

From my experience the overwhelming majority of North Slope Borough and Northwest Arctic Borough residents do not want to see these kinds of negative impacts in and around our communities. As senators, sworn to serve in the best interests of all Alaskans regardless of the district you represent, we call on you to look further into why Haul Road changes are being proposed. We call on you to look at the impacts of the people who live in these areas.

I urge you, PLEASE DO NOT NEGATIVELY IMPACT OUR COMMUNITIES, SAY "NO" TO SENATE BILL 85.

One other quick issue of concern is the By-Pass mail system, specifically the transport of North Slope mail via the Haul road. Who are folks trying to fool, the Haul Road is not a reliable means of transporting our mail, certainly not in a timely manner or to the equivalent level of service provided in similar Alaskan regions. We ask that you do all that is in your power to influence the reversal of the U.S. Postal Service's decision. North Slope mail must be fully transported by air on the North Slope just as it has been transported for the past fifty years. Quyanuk!

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government



P.O. Box 934 • Barrow, Alaska 99723

Ph: (907) 852-4227 1-888-788-4227 Fax: (907) 852-4246

TESTIMONY OF

Dorothy Edwardson, Realty Officer

A handwritten signature in cursive script, appearing to read 'Dorothy Edwardson', written in black ink.

Inupiat Community of the Arctic Slope

SENATE BILL NO. 85 "An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date."

For the record, my name is Dorothy Edwardson, Realty Officer, Inupiat Community of the Arctic Slope IRA Regional Tribal Government a federally recognized regional tribal government under the Indian Re-Organization Act of 1934 as amended for Alaska in 1936.

ICAS Realty Department is charged with the responsibility of protecting all native restricted lands owned by its membership from the member tribes living in Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Lay and Wainwright from exploitation. These native restricted lands are used for sustaining our Inupiat heritage, culture, traditions and customs. Most importantly, ICAS Realty is charged with the utmost responsibility of protecting our renewable resources and environment.

A major concern about this bill and if approved is the impacts and trespass to Native Allotments and subsistence use by the villages of Anaktuvuk Pass, Nuiqsut and Kaktovik. The Caribou migrate following ancient migration trails and if there was any activity by off-road vehicles, it would be

damaging to the subsistence hunting of caribou for these three villages and in turn would affect the other villages in the North Slope. The Arctic Slope Villages truly depend on a subsistence lifestyle due to high cost of living and remoteness.

Another concern is the damage to the environment by off-road vehicles. How will the damage affect fish and wildlife, endangered species, water run off from creeks? Forrest or Tundra fires? These are just a few environmental issues to consider for Senate Bill 85 and the cost it will bring to the State of Alaska.

Another Major concern is the fiscal impact it will have on our Municipal Government. Not only will our Police Department see increased off-road traffic due to the unrestricted access for hunting, fishing and other recreational purposes, the local Search and Rescue will also be impacted as well.

What about the Trans-Alaska Pipeline? We know that most big game hunters use high powered rifles that go long range and could cause damage to structures such as the pipeline and maybe even subsistence hunters or other big game hunters.

The Inupiat Community of the Arctic Slope Realty Department strongly opposes Senate Bill 85.

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government



P.O. Box 934 • Barrow, Alaska 99723

Ph: (907) 852-4227 1-888 788-4227 Fax: (907) 852-4216

October 14, 2005

To: Alaskan Senate Transportation Committee

From: Price D. Leavitt, Sr., Executive Director *pol, SR.*
Inupiat Community of the Arctic Slope

RE: Testimony in opposition to SB 85.

Dear Senators:

I am presenting this testimony on behalf of Inupiat Community of the Arctic Slope villages that are directly impacted by the continuing onslaught of industrial and technological intrusion of the environment that is depended by surrounding villages of the Dalton Highway. Secondly, the wildlife and vegetation that has given perpetual life to the Inupiat people should be given strong consideration.. It is enough the urban life has had adverse effects in the political and social livelihood of our people and at the same time have had a ripple effect in economic depression in the whole North Slope region. Now, the continuing permanent impression of the technological equipments whether large or small are affecting the natural resources and wildlife where its functions and value will be irreplaceable once the damage is done. To us opening the Dalton Highway, which was placed right through the middle of a natural caribou migration route and where furbearers were abundant, to uncontrolled "off road vehicles" use will have unknown additional negative effects on our subsistence use of resources we depend on for food and other important cultural uses.

I am in agreement with the original intent of the legislators who had good understanding of the Inupiat whose subsistence resources must be kept at its natural state as much as possible. The Dalton Highway must only be used for industrial purposes and opening of recreational and sport hunting should not jeopardize the other villages' natural resources and wildlife they depend to survive when monetary gain in employment is nonexistent. It is my understanding one village whose subsistence way of life had gone on indefinitely has been abolished due to pipeline construction and industrial traffic. If the SB 85 is passed the other villages' subsistence livelihood will definitely be changed negatively, and the social responsibility to protect the delicate ecosystem by the federal/state governments for the Inupiat will have profound negative impact to both animals and human alike.

I am appalled if "off road vehicles" are permitted in the proximities of the James Dalton Highway the surrounding villages that depend on Central Arctic Caribou, Teshepuk Caribou and the Western Arctic Herds subsistence lifestyle will be adversely

affected or reduced while it benefits urban dwellers recreational or sports hunting desires that do not depend on the land. Currently, I understand the 5 mile corridor of the Dalton Highway "off road vehicles" are banned for either recreational or sports hunting purposes. Our people depend on the regular migration or the presence of any of the herds for spiritual or nutritional uses within their communities. If added personal or socially motivated recreational and/or sport hunting is allowed the state's wildlife agencies will lack enforcement capabilities or be able to continue their research in climate, wildlife or vegetation studies for the benefit of all people.

When tribes funding resources are continually cut due to national or global external events that have minimal impact on the subsistence way of life, it is good the Inupiat can fill up their stomachs because the marine and land animals are still abundant. However, when legislators begin making plans for their constituents or the urban population to benefit them for recreational or sport hunting, it is contrary to our philosophy on how we depend on our environment and wildlife and vegetation to endure. The legislators are only thinking globally where wealthy individuals can enjoy the trophy or hunting excursions in the wild Alaska. On the other, the traditional Inupiat hunt only to fulfill their spiritual and nutritional way of life which is the very heart of their existence.

Legislators and urban dwellers must understand the Inupiat still has a concept of a hunter gatherer society despite the modern amenities have benefited most of the Inupiat in the North Slope region. I am speaking on behalf of the impoverished people (who majority of them are unemployed and are affected by gas prices) in the villages who cannot come to tell you the continuing onslaught of the industrial and technological development only unsettle our minds, spirits and hearts. I, too, am appalled at the legislators who do not live here to think their ideas will work as planned, and we the Inupiat have no say on the changing tides of the American Dream. On the basis of what has been laid out as serious concerns for North Slope Inupiat subsistence opportunity and well being of the natural resources we depend on in this brief statement, the Inupiat Community of the Arctic Slope and its tribal members urges you to not pass this legislation.

#3 BARROW

Testimony on Senate Bill 85
"Another Broken Promise"

Chairman Wagoner,

My name is Edward Itta. I am the Director of the North Slope Borough Department of Public Works. I am here today as a private citizen, a whaling captain and subsistence hunter. As we all know, former Governor Jay Hammond died this year. Mr. Hammond made a promise to the original people of the North Slope that a corridor of limited access would protect our subsistence lifestyle and the environment. This looks like another broken promise to me.

At a time when we say that development in the Arctic National Wildlife Refuge can be accomplished without harm to one of the few pristine environments left in the United States, representatives of our state propose that we take away the protective corridor of limited access surrounding the Dalton Highway that has been instrumental in preserving that same environment. The very suggestion erodes the state's integrity on other promises. A new industrial road with no public access is in the works right now. Will that promise be broken too?

I would like to recognize for a moment the process you have undertaken to hear our concerns. This is "proposed legislation" not law yet. You have traveled very far from the urban centers of our state to hear us and I thank you for that.

Currently, you can travel from the Brooks to the Beaufort and view caribou, bear, moose, musk ox, wolves and many other species from the road. You can even hunt many of them, but you cannot erode the tundra or pursue wildlife with an off road vehicle. How many in this room could refrain from approaching a herd of musk ox if you accessed the corridor with a four wheeler or snow machine? These sedentary creatures are declining in numbers now and cannot survive being this accessible. The Central Arctic and Teshekpuk herds of caribou that we depend upon for food are currently harvested at a very high but sustainable rate by people who have lived off the land for thousands of years. What will happen to this food source if there is unrestricted access to it? Similar restrictions were lifted from the Paxton highway near Cantwell and now Caribou hunting is limited to a drawing for permits and there are not enough moose to sustain a hunt.

What about Pipeline Security; Game Management; Road Maintenance; Public Safety? I do not see these addressed in the Bill. Currently there is one Game Management officer located in Coldfoot. Law enforcement in the area is already minimal and this legislation is proposing to change portions of the highway into the equivalent of a tailgate party.

Everything we know about managing healthy wildlife populations near the corridor has been based on limited access. All of the Game Management regulations are based on limited access. There are also long-term experiments in the area that will be jeopardized by making these areas accessible by Off Road Vehicles or ORV's as the Bill calls them. By the way, I looked that up to see just what I could drive onto the tundra from the Dalton Highway if this bill passes: Four Wheel drive trucks qualify, Humvees, virtually anything with wheels, tracks or skis qualify. And before it is said that this could be addressed, accept some advice from the original people here. A single ORV track can wreak havoc on tundra over continuous permafrost and permanently alter vegetation and drainage patterns. We know from experience and that is why the wisdom of our founders and Governor Hammond was instrumental in creating the protective corridor that this Bill takes away.

The integrity of State Government is at stake with this proposed legislation. Remember past promises and commitments that have been made to North Slope Borough Residents. We want to remain a willing partner in development of the vast natural resources on the Slope; however, Senate Bill 85 clearly sends the wrong message.

113 BARROW

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To: Alaskan Senate Resources Committee

Date: October 14, 2005

RE: Testimony in opposition to SB85

I'd like to thank Chairman Wagoner and the Senate Resources committee members for offering this opportunity to testify in opposition to SB85. I want to thank you Chairman Wagoner for choosing to hold hearings in some of the communities that will be uniquely impacted by this bill should it pass into law.

My name is Dr. Brian Person and I am a Wildlife Biologist working for the North Slope Borough Department of Wildlife Management and I am testifying within that responsibility today.

The North Slope Borough is opposed to removing any part of the Dalton Highway 5 mile corridor to the use of off road vehicles (ORV). The Dalton Highway was originally established only to allow production of- and service to oil and gas development that has served to become the economic mainstay of the State. The Dalton Highway was originally closed to public use because of the broad and justifiable concerns over public safety issues, wildlife harassment, increased user conflicts over wildlife, wildlife violation problems, pipeline security concerns, and because of the damage and changes ORV would cause to the landscape of this northern region of Alaska. These visions were legally challenged and ultimately overturned but not without retaining insights towards the original plan to protect the land, its wildlife resources, and the people that both traditionally and want to depend on its resources for the future of their children. This bill clearly disrupts these protections despite its sponsors' claim that the following issues have been or will be addressed by Federal and States planning efforts AFTER the bill is passed into law.

Off road vehicles cause damage to vegetation, increase soil erosion, and alter permafrost development and stability (Payne et al. 1983, Judd et al. 1989, Snyder et al. 1976,

Edward and Burns 1986). Tundra and wetland vegetation are particularly susceptible to ORV damage and often require decades to recover (NRC 2003). ORVs act as vectors to invasive plant species that can change competitive interactions within plant communities, and often result in plant assemblages that do not resemble original plant community composition (Lacey et al. 1997). Executive Orders were signed by presidents Nixon and Carter restricting the use of ORVs on federal lands due to their negative impacts (EO 11644, 1972; EO 11989, 1977, respectively). These orders required the federal agencies to designate and mark trails and to monitor the effectiveness of trail management and abandonment, as well as to facilitate regeneration of native plant species. This has been accomplished with mixed results and at considerable financial expense to these agencies (USDA 2002).

Removing the 5-mile corridor along the Dalton Highway will increase hunting pressure and harassment to wildlife on the North Slope of Alaska by snow machine and ATV users alike. The Teshekpuk Caribou Herd is utilized by all communities of the North Slope and experiences one of the highest harvest rates of all caribou herds in the State. This bill will increase harvest rates on the TCH by sport hunters using snow machines because it is the only herd that remains on the North Slope throughout the winter. Increased harvest could result in changes to State Fish and Game regulations that would affect the ability of subsistence hunters to harvest an adequate number of animals to support themselves and their communities.

The Central Arctic Caribou Herd (CAH) has served as a good study herd for oil development impacts on caribou life history parameters because it has a low harvest rate (USGS, 2002; NRC, 2003). Increases in hunting pressure on the CAH will change our ability to investigate oil development impacts to caribou.

Increases in traffic along the Dalton would likely affect caribou migration patterns because caribou are sensitive to both the speed and quantity of vehicular traffic (Cameron and Whitten 1979; Lawhead et al. 1993). Two years ago caribou from the TCH were delayed from crossing the Dalton Highway and failed to reach their traditional calving

grounds and this past fall a group of TC's migratory path appears to have been deflected by the Dalton Highway. Opening the 5-mile corridor will only increase these disruptions in caribou movements.

Removing the Dalton corridor will require an increased presence by law enforcement because an increase in hunting violations will likely occur along the Dalton Corridor and throughout the Arctic Coastal Plain. Law enforcement has traditionally been lax along the Dalton Highway and adjoining lands. Traditionally there has only been one, if any, active State Trooper at Cold Foot and passage of this bill will require a substantial increase in Trooper presence and financial resources necessary to police this remote region.

Finally when the Nation is increasing its vigilance for national security reasons I find it surprising that the State of Alaska is considering fostering access to the National Petroleum Reserve without careful evaluation of security issues. The two largest losses of oil in Alaska have resulted from sabotage. First the bombing of the Trans Alaskan Pipeline (TAPS) near Fairbanks in 1978, and the recent shooting of the TAPS. Together, these two instances alone caused the loss of 60% of the total crude oil spilled from the TAPS since it has begun operation (NSB, 2003). It took days to control the spill that resulted from the pipeline shooting incident north of Fairbanks because of its remote location. A similar spill on the coastal plain would likely take longer to detect and control both because of the regions truly remote location and severe weather that prohibits the use of aircraft.

I urge you not to adopt SB 85 into law because of the reasons that I've outlined. Removing the corridor will only increase user conflicts in this region. These conflicts will likely disrupt the ability of subsistence users to harvest an adequate amount of wildlife. Currently the public has access from the Dalton Highway. They can dog sled, ski and hike throughout the region. Similarly, hunters have the opportunity for a truly unique hunt that is free from a carnival of ORV's. The damage that ORV's will cause to

the land will change the unique opportunities that the public currently has to enjoy in this pristine region.

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**Testimony on SB85, Repealing ban on ORVs in the Haul Road corridor
by George N. Ahmaogak, Sr.
Mayor, North Slope Borough**

**Senate Resources Committee hearing
October 14, 2005 – 2:00pm
NSB Assembly Chambers
Barrow, Alaska**

I want to welcome Senator Waggoner – Chairman of the Senate Resources Committee; also Senator Seekins – sponsor of SB 85; committee member Senator Elton, our Senator Donny Olson, and any of your staff who came along. I also want to thank our local community leaders and citizens who have come out today to testify at this hearing. The committee came to Barrow to hear North Slope perspectives, and I appreciate all of you who have come out to testify.

The history of the Haul Road has been very much like the history of oil development in our borough. It started out small and contained, but over time it has expanded and changed into something very different from what we thought we were getting.

With oil development, what started out as a project at Prudhoe Bay gradually spread across the tundra into a series of fields that marched all the way to the Colville River – and now are spreading out across NPR-A.

In the same way, the Dalton Highway was originally planned and built as an industrial supply road with only one purpose – to get material up to Prudhoe. Over time, its purpose has expanded – first, there were four buses allowed,

then the road was opened to public traffic, and now we're told that off-road vehicles may be allowed on the restrictive corridor.

This is how things have happened up here. First, we are asked to go along with one project that has limited and definable impacts on our traditional subsistence and our village life. But once it's built, it becomes a stepping stone to other uses with all kinds of impacts that nobody has planned for.

It's important for you to understand the way we see these things. Otherwise our objections won't make any sense to you. You've come all this way to hold a hearing, and I'd like you to leave with a better sense of why we feel the way we do. You may not agree with it, but at least you'll see where we're coming from.

When we are told that a road is going to be built, a road that's going to cut across 170 miles of our borough, and it's going to slice right through a major migration route of our caribou, and it's going to have 18-wheelers kicking up dust and making noise, we naturally get worried about the impacts of this road on subsistence.

But the State of Alaska reassures us that the impacts will be limited, because the road will only be used by the oil companies, and their employees will not be allowed to hunt. So the Haul Road opens to industrial traffic, and we're still nervous, and we see impacts. But we feel we have been given a promise of limited use on that road and limited impacts. We make the compromise and we accept that road based on these promised restrictions.

Here's the important part – we don't forget the promises that have been made to us. We respect the people who gave us their word on behalf of the State of Alaska.

Mr. Chairman, SB-85 is proposed legislation that the NSB adamantly opposes. However, I know that it is important for you to understand how it looks from our view. Up here, we still remember the promise of limited use, which was based on a commitment not to mess up the natural movement of the caribou and other animals. We remember the promise not to create any more than an absolute minimum of impacts on our traditional subsistence and our village way of life. We're tired of tolerating one impact after another until the cumulative impacts have done serious damage to the wildlife that are trying to survive up here and to the people who are trying to maintain a traditional way of life.

That's where we're coming from. Mr. Chairman, we have welcomed the oil industry and we have worked with the State and the Feds to accommodate the needs of a healthy oil and gas economy. Our people have spent more time in D.C. lobbying for ANWR than any other municipality in the state. We have been a good partner. But we don't feel as though we're being treated like a partner in return. Bit by bit, we're losing ground. We're losing our local control. We're losing our financial stake in the resource activity that eats up more and more of our landscape every day.

This borough was formed 33 years ago for two major reasons:

- 1) so that we could have a meaningful role in land use decisions that affect subsistence, and

2) so that local residents could have a stake in all this oil and gas activity through our local property tax.

But in recent years, federal and state policies have constantly chipped away at both of these forms of local participation.

It's happening with coastal zone management, where our local program is being gutted by the State.

It's happening with NPR-A, where sensitive habitat is being leased over our objections, and legislation is introduced to take away the impact aid we were promised in federal law.

It's happening with offshore leasing, where deferral areas that were designed to protect the bowhead whale migration have been dropped.

It's happening with state road projects on the North Slope, where hundreds of miles of new roads will open up vast stretches of subsistence territory in the borough and further degrade traditional subsistence use patterns for our people.

Mr. Chairman, our people see this pattern of taking away more and more of our local control. How are we supposed to feel? I'll tell you one thing - people up here are not feeling like partners. Partners engage in give-and-take, but with this type of proposed legislation and other state actions the state is doing all the taking, and people up here are doing all the giving.

Mister Chairman, I'm only mayor for another month, then I'm history. But I'm talking to you as a mayor whose record has been pro-development. I'm just telling you what I see on the horizon. That is if these types of

negotiative actions continue to flow into the NSB, our positive development posture could change.

SB 85 is just one issue that could weaken our quality of life. I don't need to go into the details of our objections to this bill, because there are others here who can do that. You already know that there's no provision in this bill for additional fish and game enforcement or police protection to handle the additional traffic and off-road activity. The zero fiscal notes are proof of that. It's just like opening the Haul Road to public traffic without adding any traveler services along the road. It guarantees that there will be a lot of impacts, and show little regards for those impacts. If there was any level of commitment to protection, there would be dollars to go along with this bill.

But dollars wouldn't fix this bill. A few more enforcement officers couldn't stop the damage that public access could cause. Let me give you an example. If you went to Anaktuvuk Pass and talked with people there, the first thing they might do is translate the word "Anaktuvuk" for you. It means "a place of refuge." The traditional migratory path of the caribou, The Anaktuvuk Pass residents will tell you this because it shows how important caribou are to that community. The herd migrates right by the village, and it is the main source of their subsistence food.

One thing they've learned from generations of dependence on the caribou is that you never want to shoot into the first wave of animals coming through. If you do that, it can cause the rest of the herd to change course, and all of a sudden your migration has gone somewhere else.

You can imagine how a few inexperienced hunters wandering around the tundra at the wrong time could have a serious impact on the course of the migration and the ability of people in Anaktuvuk Pass to continue their traditional harvest.

That's just one example of the concerns our people have. Mr. Chairman, I know this bill is not intentionally trying to harm people who live on the North Slope. But the bottom line is that it would harm us, and in reality there is no adjustment or fiscal note that can fix it. Like I said, we are faced with new impacts from oil and gas development every day and this, proposed bill will bring even more impacts.

We were promised long ago that the Haul Road would not be used in ways that would seriously compromise the North Slope environment or the subsistence animals moving through. This bill would harm the environment. It would disrupt the normal movements of caribou. It would be totally unmanaged. It could cause serious harm to our traditional way of life. There's nothing in this bill that offers us anything except pain and suffering. Quyanaqpak.

Mr. Chairman – Some of the individuals providing testimony here today will feel more comfortable speaking in their own language. With your permission, I'll provide interpretation.

Barrow

Comments on SB85

Repeals the statute that prohibits the use of ORV's in the 5 mile Dalton Highway Corridor

Geoff Carroll representing self
Box 1012
Barrow AK 99723

907-852-5320

My name is Geoff Carroll. I am the Fish and Game Area biologist for GMU 26A, but today I will be speaking as a private citizen and a resident of the North Slope. What I say does not represent an ADFG position on this bill.

Thank you for giving us an opportunity to testify.

One very important reason not to pass SB-85 is what it would do to the state's credibility. When decisions were being made as to whether the Haul Road would be built or not, *the state promised* North Slope people were assured that the road would not be open to the public. Then the road was opened to the public. Another promise was that wildlife resources and the land would be protected by not allowing people to use ORV's to access the land surrounding the Haul Road. Now there is a threat of that promise being broken too. The state is now proposing to build more roads on the North Slope for access to petroleum prospects. Of course, the first thing that is said is that these roads will be used exclusively for development and that general public access will not be allowed. Why would anyone believe that, particularly if this legislation passes? If the state wants to have any credibility on this issue, then the legislature should not pass SB-85.

(1)

There could be several detrimental effects if the corridor is opened to the use of ATV's:

1. Repealing the statute would throw wildlife regulations in GMU 26B into disarray because nearly all of the hunts are designed around the fact that there is limited access of hunters from the Corridor. The regulations for some hunts would need to be rewritten and some hunts would be nearly impossible to conduct.

2. There will be increased competition and conflicts with subsistence hunters.

One example of a wildlife situation that would be difficult to resolve relates to the Teshekpuk Caribou Herd. The herd numbers about 45,000 caribou and is very important for North Slope subsistence hunters. We harvest them at a relatively high rate and the harvest rate, in addition to natural mortality, is currently in balance with the productivity of the herd. During the last 2 winters much of the herd has wintered east of their normal range. Last fall about 1/2 the herd moved into the area surrounding the Dalton Highway and wintered there. If the use of ORV's were allowed there would be an increase in the harvest of caribou in the area adjacent to the Dalton Highway corridor. If harvest of the TCH increased in that area, we would have to decrease harvest somewhere else in order to stay in balance. It would create a major user-conflict situation between people hunting off the Dalton Highway and North Slope subsistence hunters.

Right now we can monitor the herd fairly closely because we have a lot of satellite radio collars on the herd thanks to NPRA Impact funds that the NSB receives. In the future, if Mr. Wilkins is successful in diverting those funds we wouldn't be able to afford such close monitoring and we wouldn't know if the TCH caribou are near the Dalton Highway Corridor or not. Not knowing would make it very difficult to make good management decisions.

3. Impact on wildlife. Access of ORV's to the area in the winter will result in increased hunting pressure and harassment by people that want to get a closer look at the wildlife. With bunches of muskoxen standing around it is inevitable that people will drive up for a closer look. We are currently having population problems with muskoxen on the north Slope and the last thing they need is harassment, particularly during winter months when they are supposed to be sedentary.

4. Enforcement demand and expenses will increase. For many years the state's wildlife enforcement on the North Slope has been minimal. Currently there is only one wildlife enforcement officer located in Coldfoot, and, he is expected to cover an area of 78,000 miles. If the area around the Dalton Highway is opened up to access by ORV's, there will be more hunters spread over a larger area, which will increase the need for more wildlife enforcement. The state will either need to increase funding for enforcement or the enforcement in that area will be completely inadequate.

I don't know if the officer in Coldfoot has been able to speak freely on this issue, but in personal conversations and in a teleconference with the NSBFGMC he has made it clear that he thinks that opening the corridor to ATV's would be create serious enforcement problems and be a disaster for wildlife and land resources.

Plan of SECTIONS *Land Use Planning Process*

In summary, in order to maintain its credibility the state should honor its promise to limit access to North Slope lands and minimize the impact on the land, the wildlife, and people of the North Slope by continuing the statute that prohibits the use of ORV's in the Dalton Highway Corridor.

3)

The official ADFG policy is that, whether or not the corridor is opened to the use of ATVs, we can deal with it. This is true, but that doesn't mean that it is a good idea. We can come up with a contingency plan for just about anything. If it was decided that North Slope hunters should be allowed to drive their 4 wheelers thru Anchorage and shoot moose, we could come up with a plan to minimize the impact, but that doesn't necessarily mean that it would be a good idea.

Another example is a Tier 1 subsistence registration muskox hunt that takes place east of the Corridor. The hunt is stopped when 4 muskoxen are harvested. This would be impossible to do if there were 30 people lined up on the Dalton with their ORV's on opening day. Probably have to turn it into a Tier 2 hunt.

If you need a clear example of what 4-Wheelers do to wet tundra, all you need to do is look out the window of the plane as you are approaching or leaving Barrow. There has been a trade-off around here because it makes it a lot easier to access camps and hunting areas in the summer, but there is no question that it makes a mess of the tundra. That is true in many areas of the state where there is 4-wheeler access. Denali Highway.

Currently there is a statute that bans ORV use in the corridor and a BOG regulation that bans the use for hunting and transporting game. What would be the end result of your regulation? Would it affect the BOG regulation? Your stated purpose in passing the regulation is to provide more recreational and hunting opportunity for state residents, so it appears that part of the plan is to remove the ban on the use of ATVs for transportation of game and hunting gear in the corridor.

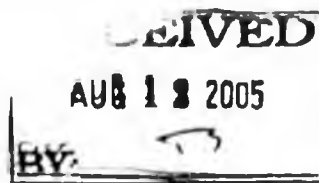
Repeal the regulation that bans the use of ORV's in the Dalton Highway Corridor.

NORTH SLOPE BOROUGH

OFFICE OF THE MAYOR

Anchorage Liaison Office
3000 C Street, Suite N201
Anchorage, AK 99503

Phone: 907-561-5144
Fax: 907-562-1940



August 4, 2005

SD: _____

ASD: jd

faxed to FDO, Bob S.

Henri R. Bisson, State Director
Bureau of Land Management
Alaska State Office
222 W. Seventh Avenue, #13
Anchorage, Alaska 99513-7599

Dear Mr. Bisson:

I enjoyed our recent meeting in Barrow, and to follow up on our discussion I have enclosed copies of three documents pertaining to haul road conditions. One document is the MOU signed by North Slope Borough founding mayor Eben Hopson and former governor Jay Hammond.

As North Slope Borough issues develop, contact me any time you think I can be of assistance. I am always available by telephone or for a meeting in Anchorage.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dennis Roper".

Dennis Roper
Special Assistant to the Mayor

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED JUN 29 1978

June 21, 1978

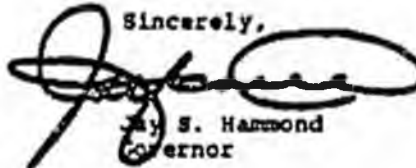
The Honorable Eben Hopson
Mayor
North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear Mayor Hopson:

Enclosed is the signed memorandum of understanding between the North Slope Borough and the State of Alaska.

My staff had made some adjustments in the memorandum of understanding and I believe that you are aware as to the changes we have proposed and have indicated no strong objections to those changes. Therefore, I have signed this memorandum and am transmitting it to you. I would appreciate having a copy of the memorandum once you have also affixed your signature to it.

We are looking forward to close cooperation between the North Slope Borough and the State of Alaska, together with the Bureau of Land Management. It is our desire to come up with the best plan for management of the North Slope Haul Road.

Sincerely,

Jay S. Hammond
Governor

Enclosure

Copy of signed memo. of understanding given to Planning & EPO.

K 7/11
EXHIBIT A
PAGE 1 OF 4

MEMORANDUM OF UNDERSTANDING

between

THE NORTH SLOPE BOROUGH

and

THE STATE OF ALASKA

WHEREAS, the North Slope Borough, a home rule government, has prepared plans and passed ordinances to protect the Haul Road and its adjacent areas from improper and unnecessary development and to encourage sound planning responsive to local traditions and needs; and

WHEREAS, the State of Alaska has goals and policies aimed at full coordination of planning and development efforts with local governments, including home rule boroughs;

WHEREAS, Alaska Statutes require that, in most cases, state departments shall submit plans for construction of public projects to municipal planning commissions for review and approval (AS 35.30.010), and shall comply with local planning and zoning ordinances (AS 35.30.020), and that state subdivisions shall comply with ordinances and other local regulations (AS 40.15.200); and

WHEREAS, the Borough's home rule powers are directly concerned with the use of the Haul Road and secondary development adjacent to it.

EXHIBIT A
PAGE 2 OF 4

NOW, THEREFORE, the Governor of the State of Alaska will ensure:

- 1) That any major state applications to the Bureau of Land Management for conveyances, permits and leases in the Haul Road zoning district will at the time of application also be forwarded to the North Slope Borough for review and comment. Major applications shall generally be defined as those which are being made for developments which require a conditional use permit under the Borough's Haul Road zoning.
- 2) That all applications to the state for leases and special permits for development subject to conditional use permits in the Borough's Haul Road zoning district shall likewise be forwarded to the Borough for review and comment.
- 3) That plans for state public works and related developments on state land or existing state leases in the Haul Road zone be forwarded to the Borough for conditional use permits where appropriate, prior to any land alteration or construction.
- 4) That where appropriate, all state permit and lease holders on lands in the Haul Road zone be required by the state to comply with all Borough ordinances and regulations applicable to the area. The state will continue to cooperate with the Borough in joint planning efforts for the development of the Haul Road.

The Mayor of the North Slope Borough will ensure:

EXHIBIT A

PAGE 3 OF 4

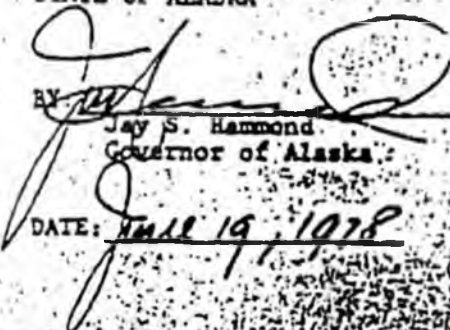
- 1) That the Governor and appropriate state departments shall be provided with copies of appropriate Borough plans and regulations for the Haul Road area.
- 2) That the Borough will review and comment on all applications forwarded to it under this Memorandum of Understanding within 90 days of receipt.
- 3) That the Borough will notify the state prior to public meetings and hearings held on issues affecting development within the Haul Road zoning district.
- 4) That the Borough will continue to cooperate with the state in joint planning efforts for the development of the Haul Road.

This Memorandum of Understanding shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment, or by either party upon 60 days notice in writing to the other party of its intention to terminate upon a date indicated.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed, the Governor of the State of Alaska and the Mayor of the North Slope Borough.

STATE OF ALASKA

BY

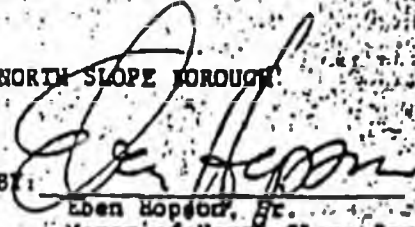

Jay S. Hammond
Governor of Alaska

DATE:

July 19, 1978

NORTH SLOPE BOROUGH

BY


Eben Hopson, Jr.
Mayor of North Slope Borough

DATE:

July 11, 1978

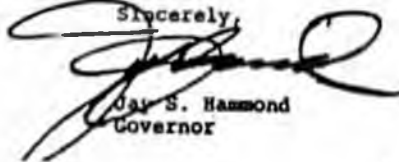
EXHIBIT

July 10, 1980

HCS take precedence over entertainment television. Almost
SB all provisions for entertainment television have
165 been stricken from this bill in accordance with
(FCC) recommendations made to me by the Department of
Education, University of Alaska, the Department of
Transportation and Public Facilities, and Lieutenant
Governor Terry Miller, Chairman of the State
Telecommunications Task Force.

A funding level of approximately \$8.5 million in
Senate Bill 165 still allows for a comprehensive
educational television package in the State of Alaska.
This money will bring a separate instructional television
channel into 132 communities throughout the state, as
well as provide for local program production and teacher
training in how to use video and other educational
components of the telecommunications system.

Sincerely,


Jay S. Hammond
GovernorSCS
HB
207
ams

July 3, 1980

Dear Mr. President and Mr. Speaker:

The Attorney General advised me that SCSHB 207 am S, the
Haul Road Bill, cannot become law because the same version
of the bill was not approved by both houses. I am, there-
fore, returning the bill to its house of origin.

According to the Attorney General, the version of the bill
which passed the Senate included a provision which would
have provided for one section of the bill not to take effect
until June 1, 1983. In legal effect, this provision was the
same as inserting words "beginning on June 1, 1983" into the
middle of the bill's provision for opening the road to the
public between June 1 and September 1 each year. The version
approved by the House of Representatives did not include a
similar provision, and therefore, had a different legal
effect. Under that version of the bill, the road would have
become open for public use on June 1, 1981, a difference of
two years. The two houses did not, therefore, approve the
same bill and none can take effect.

I support the provisions of the bill, and recognize the
benefit of a longer term resolution. Therefore, I am
adopting, administratively, the basic policies laid out in
the bill -- with an effective date for public use of June 1,
1983, or sooner if the required public facilities and services
are in place. Furthermore, I intend to introduce legislation
next session which will institutionalize this policy and

July 10, 1980

SCS
18
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ams

provide the necessary funding with which to accomplish it.
Briefly, this legislation will:

- 1) continue year-round maintenance of the road for industrial
and commercial traffic (including resource exploration,
development and support activities; access by local
residents to their property; official governmental
uses; and tour buses);
- 2) allow public access between June 1 and September 1 as far
north as the Dietrich area starting June 1, 1983, or
sooner if possible;
- 3) prohibit hunting with firearms within five miles of the
road;
- 4) prohibit off-road vehicle use on land within five miles
of the road, except for the necessary access to mineral
claims;
- 5) prohibit disposal of State land within five miles of
the road;
- 6) declare that public access may be suspended during the
construction phase of gas pipeline; and
- 7) provide for the State's continued participation in
cooperative planning for the haul road and surrounding
lands to ensure coordinated management among federal,
State and local governments.

There are several reasons for my support of this policy
change now. Our previous policy, announced in January,
1978, was an interim one based on a concern that the road
not be thrown open precipitously without adequate planning
and before the facilities necessary to accommodate an influx
of travelers and the necessary safeguards of natural and
cultural values were in place. At this time, the Bureau of
Land Management (BLM), in cooperation with the State and
North Slope and Fairbanks North Star Borough, has completed
its overall land use plan for the haul road corridor. In
addition, construction of the gas pipeline continues to be
delayed, with no firm start-up date as yet.

However, it is critical that a certain minimum level of
facilities and services be available to the public before
allowing private vehicles on the road. Such facilities and
services would include fuel and vehicle repair services,
food and overnight lodging facilities, emergency services
and facilities, law enforcement, litter control, roadside
rest areas and campgrounds, and an adequate communications
system.

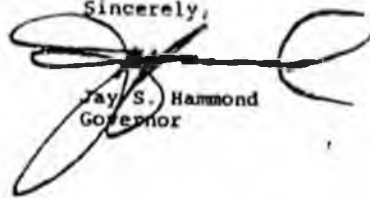
An implementation plan is being compiled which will serve as
a "blueprint" for all the necessary steps which must be
taken if this policy is to be successfully and efficiently
implemented. Because of the numerous agencies involved and
the myriad of individual tasks (ranging from emergency
medical service to litter pickup), it will take a serious
planning and coordination effort on the part of all involved.

July 10, 1980

SCS
HB
207
amS

It is my view, which has been reaffirmed by the Legislature's attempt to pass a bill with substantially similar provisions, that the haul road and adjacent lands deserve special attention and careful management by both the State and federal governments to ensure that all their beneficial values are maximized and the adverse impacts minimized.

Sincerely,



Jay S. Hammond
Governor

The following messages, dated July 3, 1980, were received on July 4, 1980 stating the Governor had signed the following and was transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SCS
HB
729

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 729 (relating to works of art in state buildings and facilities; and providing for an effective date)

Chapter 176, SLA 1980

CSSS
HB
779

COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 779 (relating to state resources and the development of geothermal resources)

Chapter 175, SLA 1980

CSHB
1002
amS

July 3, 1980

Dear Mr. President and Mr. Speaker:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1002 am S
(making a special appropriation to the fisheries business tax grant fund in the Department of Revenue; making appropriations to the Alaska Housing Finance Corporation; the Department of Community and Regional

July 10, 1980

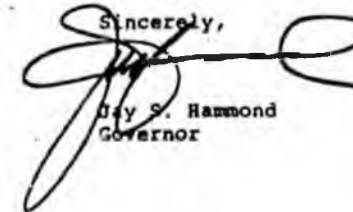
SCS
CSHB
1002
amS

Affairs; the division of business loans in the Department of Commerce and Economic Development; the Alaska Industrial Development Authority; and the mining loan fund in the Department of Commerce and Economic Development; appropriating for the operating and capital expenses of the state government; and providing for an effective date.)
chapter 120, SLA 1980

I have made various deletions and reductions in SCS CS HB 1002 am S (FY 81 budget). Many of the deletions were of intent language with the funding levels left intact, or at least sufficient funding left to carry out the function.

The increasing use of the budget document to preempt the role of the Executive Branch is a serious problem and the deletions of intent language reflect my concern over this issue. As examples of the legal concerns expressed by the Department of Law, I have attached their detailed comments.

Sincerely,



Jay S. Hammond
Governor

Attachment

The following letter and appendix from the Department of Law accompanied the above: [It was later revised on page 2250 of the journal]

June 30, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: SCS CSHB 1002 am S (the general appropriations bill)
Our file: J-88-169-80

Dear Governor Hammond:

At your request, we have reviewed SCS CSHB 1002 am S, the general appropriations bill.

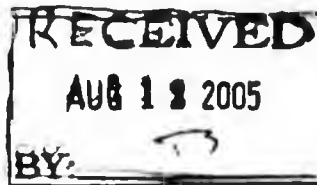
The bill appropriates from the general fund the negotiable instruments representing the state's investments of surplus cash in various state loan programs to AHFC and

NORTH SLOPE BOROUGH

OFFICE OF THE MAYOR

Anchorage Liaison Office
3000 C Street, Suite N201
Anchorage, AK 99503

Phone: 907-561-5144
Fax: 907-562-1940



August 4, 2005

SD: _____

ASD: *jd* _____

faxed to FDO, Bob S.

Henri R. Bisson, State Director
Bureau of Land Management
Alaska State Office
222 W. Seventh Avenue, #13
Anchorage, Alaska 99513-7599

Dear Mr. Bisson:

I enjoyed our recent meeting in Barrow, and to follow up on our discussion I have enclosed copies of three documents pertaining to haul road conditions. One document is the MOU signed by North Slope Borough founding mayor Eben Hopson and former governor Jay Hammond.

As North Slope Borough issues develop, contact me any time you think I can be of assistance. I am always available by telephone or for a meeting in Anchorage.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis Roper".

Dennis Roper
Special Assistant to the Mayor

JAY S. HAMMOND
GOVERNOR



RECEIVED JUN 29 1978

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

June 21, 1978

The Honorable Eben Hopson
Mayor
North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear Mayor Hopson:

Enclosed is the signed memorandum of understanding between the North Slope Borough and the State of Alaska.

My staff had made some adjustments in the memorandum of understanding and I believe that you are aware as to the changes we have proposed and have indicated no strong objections to those changes. Therefore, I have signed this memorandum and am transmitting it to you. I would appreciate having a copy of the memorandum once you have also affixed your signature to it.

We are looking forward to close cooperation between the North Slope Borough and the State of Alaska, together with the Bureau of Land Management. It is our desire to come up with the best plan for management of the North Slope Haul Road.

Sincerely,

Jay S. Hammond
GOVERNOR

Enclosure

Copy of signed memo. of understanding given to Planning & EPO.

8/11
EXHIBIT A
PAGE 1 OF 4

MEMORANDUM OF UNDERSTANDING

between

THE NORTH SLOPE BOROUGH

and

THE STATE OF ALASKA

WHEREAS, the North Slope Borough, a home rule government, has prepared plans and passed ordinances to protect the Haul Road and its adjacent areas from improper and unnecessary development and to encourage sound planning responsive to local traditions and needs; and

WHEREAS, the State of Alaska has goals and policies aimed at full coordination of planning and development efforts with local governments, including home rule boroughs;

WHEREAS, Alaska statutes require that, in most cases, state departments shall submit plans for construction of public projects to municipal planning commissions for review and approval (AS 35.30.010), and shall comply with local planning and zoning ordinances (AS 35.30.020), and that state subdivisions shall comply with ordinances and other local regulations (AS 40.15.200); and

WHEREAS, the Borough's home rule powers are directly concerned with the use of the Haul Road and secondary development adjacent to it.

EXHIBIT A
PAGE 2 OF 4

NOW, THEREFORE, the Governor of the State of Alaska will ensure:

- 1) That any major state applications to the Bureau of Land Management for conveyances, permits and leases in the Haul Road zoning district will at the time of application also be forwarded to the North Slope Borough for review and comment. Major applications shall generally be defined as those which are being made for developments which require a conditional use permit under the Borough's Haul Road zoning.
- 2) That all applications to the state for leases and special permits for development subject to conditional use permits in the Borough's Haul Road zoning district shall likewise be forwarded to the Borough for review and comment.
- 3) That plans for state public works and related developments on state land or existing state leases in the Haul Road zone be forwarded to the Borough for conditional use permits where appropriate, prior to any land alteration or construction.
- 4) That where appropriate, all state permit and lease holders on lands in the Haul Road zone be required by the state to comply with all Borough ordinances and regulations applicable to the area. The state will continue to cooperate with the Borough in joint planning efforts for the development of the Haul Road.

The Mayor of the North Slope Borough will ensure:

EXHIBIT A
PAGE 3 OF 4

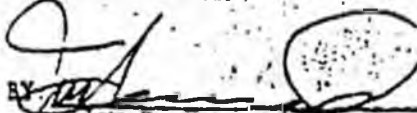
- 1) That the Governor and appropriate state departments shall be provided with copies of appropriate Borough plans and regulations for the Haul Road area.
- 2) That the Borough will review and comment on all applications forwarded to it under this Memorandum of Understanding within 90 days of receipt.
- 3) That the Borough will notify the state prior to public meetings and hearings held on issues affecting development within the Haul Road zoning district.
- 4) That the Borough will continue to cooperate with the state in joint planning efforts for the development of the Haul Road.

This Memorandum of Understanding shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment, or by either party upon 60 days notice in writing to the other party of its intention to terminate upon a date indicated.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed, the Governor of the State of Alaska and the Mayor of the North Slope Borough.

STATE OF ALASKA

BY



Jay S. Hammond
Governor of Alaska

DATE:

June 19, 1978

NORTH SLOPE BOROUGH

BY


Eben Hopson
Mayor of North Slope Borough

DATE:

July 11, 1978

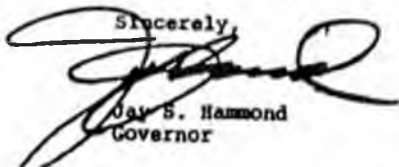
EXHIBIT

July 10, 1980

HCS take precedence over entertainment television. Almost
SB all provisions for entertainment television have
165 been stricken from this bill in accordance with
(FCC) recommendations made to me by the Department of
Education, University of Alaska, the Department of
Transportation and Public Facilities, and Lieutenant
Governor Terry Miller, Chairman of the State
Telecommunications Task Force.

A funding level of approximately \$8.5 million in
Senate Bill 165 still allows for a comprehensive
educational television package in the State of Alaska.
This money will bring a separate instructional television
channel into 132 communities throughout the state, as
well as provide for local program production and teacher
training in how to use video and other educational
components of the telecommunications system.

Sincerely,



Jay S. Hammond
Governor

SCS
HB
207
amS

July 3, 1980

Dear Mr. President and Mr. Speaker:

The Attorney General advised me that SCSHB 207 am S, the
Haul Road Bill, cannot become law because the same version
of the bill was not approved by both houses. I am, there-
fore, returning the bill to its house of origin.

According to the Attorney General, the version of the bill
which passed the Senate included a provision which would
have provided for one section of the bill not to take effect
until June 1, 1983. In legal effect, this provision was the
same as inserting words "beginning on June 1, 1983" into the
middle of the bill's provision for opening the road to the
public between June 1 and September 1 each year. The version
approved by the House of Representatives did not include a
similar provision, and therefore, had a different legal
effect. Under that version of the bill, the road would have
become open for public use on June 1, 1981, a difference of
two years. The two houses did not, therefore, approve the
same bill and none can take effect.

I support the provisions of the bill, and recognize the
benefit of a longer term resolution. Therefore, I am
adopting, administratively, the basic policies laid out in
the bill -- with an effective date for public use of June 1,
1983, or sooner if the required public facilities and services
are in place. Furthermore, I intend to introduce legislation
next session which will institutionalize this policy and

July 10, 1980

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provide the necessary funding with which to accomplish it.
Briefly, this legislation will:

- 1) continue year-round maintenance of the road for industrial
and commercial traffic (including resource exploration,
development and support activities; access by local
residents to their property; official governmental
uses; and tour buses);
- 2) allow public access between June 1 and September 1 as far
north as the District area starting June 1, 1983, or
sooner if possible;
- 3) prohibit hunting with firearms within five miles of the
road;
- 4) prohibit off-road vehicle use on land within five miles
of the road, except for the necessary access to mineral
claims;
- 5) prohibit disposal of State land within five miles of
the road;
- 6) declare that public access may be suspended during the
construction phase of gas pipeline; and
- 7) provide for the State's continued participation in
cooperative planning for the haul road and surrounding
lands to ensure coordinated management among federal,
State and local governments.

There are several reasons for my support of this policy
change now. Our previous policy, announced in January,
1978, was an interim one based on a concern that the road
not be thrown open precipitously without adequate planning
and before the facilities necessary to accommodate an influx
of travelers and the necessary safeguards of natural and
cultural values were in place. At this time, the Bureau of
Land Management (BLM), in cooperation with the State and
North Slope and Fairbanks North Star Borough, has completed
its overall land use plan for the haul road corridor. In
addition, construction of the gas pipeline continues to be
delayed, with no firm start-up date as yet.

However, it is critical that a certain minimum level of
facilities and services be available to the public before
allowing private vehicles on the road. Such facilities and
services would include fuel and vehicle repair services,
food and overnight lodging facilities, emergency services
and facilities, law enforcement, litter control, roadside
rest areas and campgrounds, and an adequate communications
system.

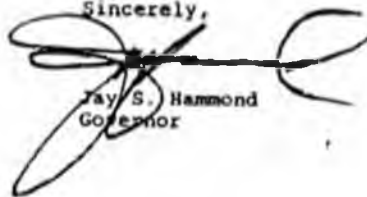
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taken if this policy is to be successfully and efficiently
implemented. Because of the numerous agencies involved and
the myriad of individual tasks (ranging from emergency
medical service to litter pickup), it will take a serious
planning and coordination effort on the part of all involved.

July 10, 1980

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It is my view, which has been reaffirmed by the Legislature's attempt to pass a bill with substantially similar provisions, that the haul road and adjacent lands deserve special attention and careful management by both the State and federal governments to ensure that all their beneficial values are maximized and the adverse impacts minimized.

Sincerely,



Jay S. Hammond
Governor

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HB BILL NO. 729 (relating to works of art
729 in state buildings and facilities; and
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Chapter 176, SLA 1980

CSSS COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTI-
HB TUTE FOR HOUSE BILL NO. 779
779 (relating to state resources and the
development of geothermal resources)

Chapter 175, SLA 1980

CSHB
1002
amS

July 3, 1980

Dear Mr. President and Mr. Speaker:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

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COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1002 am S
(making a special appropriation to the
fisheries business tax grant fund in the
Department of Revenue; making appropriations
to the Alaska Housing Finance Corporation;
the Department of Community and Regional

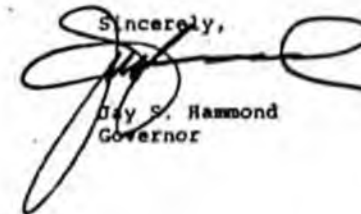
SCS
CSHB
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amS

Affairs; the division of business loans in the Department of Commerce and Economic Development; the Alaska Industrial Development Authority; and the mining loan fund in the Department of Commerce and Economic Development; appropriating for the operating and capital expenses of the state government; and providing for an effective date.)
chapter 120, SLA 1980

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The increasing use of the budget document to preempt the role of the Executive Branch is a serious problem and the deletions of intent language reflect my concern over this issue. As examples of the legal concerns expressed by the Department of Law, I have attached their detailed comments.

Sincerely,



Jay S. Hammond
Governor

Attachment

The following letter and appendix from the Department of Law accompanied the above: [It was later revised on page 2250 of the journal]

June 30, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: SCS CSHB 1002 am S (the general appropriations bill)
Our file: J-88-169-80

Dear Governor Hammond:

At your request, we have reviewed SCS CSHB 1002 am S, the general appropriations bill.

The bill appropriates from the general fund the negotiable instruments representing the state's investments of surplus cash in various state loan programs to AHFC and

Senate Resources Work Session

SB 85 Packet – Oct. 10th week

New Information

1. Letters from Chair Wagoner dated 9-15-05 to: (4 pages)
Alyeska Pipeline Service Company; BLM; DNR; & DPS
2. Letter from DNR to Sen. Seekins dated 9-19-05 (2 pages)
3. Letter for DPS to Chair Wagoner dated 10-06-05 (1 page)
4. Bill History Display (1 page)

Previous Packet Information

1. Resources Committee Letter of Intent 4/11/05: 2 pages
2. Sponsor Statement – 1 page
3. Sponsor Supplied information & maps: 3 pages
4. SB 85 - 1 page
5. #1 Fiscal Note – DOTP&F: 1 page
6. #2 Fiscal Note – DPS: 1 page
7. #3 Fiscal Note – DMVA: 1 page



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-8127

September 15, 2005

Mr. David Wight, President & CEO
Alyeska Pipeline Service Company
P.O. Box 196660
Anchorage, AK, 99519-6660

Dear Mr. Wight;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session. As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been your company's position on the bill. To date, my office has not received any correspondence from you on this nor have we heard directly from anyone in your company during the hearings on the bill.

I ask that you have a representative at meetings we will be holding on this bill during the week of October 10th. If that is not possible, then I respectfully ask that you provide me with a position paper on this bill. For developing the packet for those hearings, I would appreciate receiving the paper no later than Oct. 4.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom".

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
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Interim: May - December

145 Main Street Loop, Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2011

Mr. Henri Bisson, Director
Alaska State Office
Bureau of Land Management
222 W. 7th Ave., #13
Anchorage, AK 99513

Dear Director Bisson;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session.

As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been the role that BLM has in the planning process.

I respectfully request that you have a representative at meetings we will be holding on this bill during the week of October 10th. Both the committee members and the public will benefit from your presence.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom".

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
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Interim: May - December

145 Main Street Loop, Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2005

Mr. Tom Irwin, Commissioner
Department of Natural Resources
400 Willoughby Ave.
Suite 500
Juneau, AK 99801

Dear Commissioner;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session. As you probably know, there has been considerable discussion regarding this possibility.

I will be holding hearings on this measure around the state. I ask that you have a representative at the meetings we will be holding during the week of October 10th. I believe it is important that you have someone able to speak for the department.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Wagoner".

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
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Interim: May - December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2005

Mr. Bill Tandeske, Commissioner
Department of Public Safety
450 Whittier Street
PO Box 111200
Juneau, Alaska 99811-1200

Dear Commissioner Tandeske;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session.

As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been the fiscal note from your department – which is zero. I have been asked to inquire for backup to that fiscal note. Specifically, an explanation of the zero note in the context of assigning additional troopers on a year around basis. (Please refer to the Analysis section of the fiscal note on the legislation.)

I ask that you have a representative at meetings we will be holding on this bill during the week of October 10th. If that is not possible, than please provide a detailed explanation for the fiscal note.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

Senator Tom Wagoner, Chair
Senate Resources Committee

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

September 19, 2005

The Honorable Senator Ralph Seekins

State Capitol, Room 125
Juneau, AK 99801-1182
fax: 907-465-5241

Dear Senator Seekins:

I am writing concerning SB 85, Off-Road Vehicle Use on Dalton Highway. There has been some discussion of activities that would be required of DNR after the bill passes. I am writing to clarify the tasks that DNR would be required to accomplish.

Except for particular development nodes, the State of Alaska owns no land along the Dalton Highway between the Yukon River and the crest of the Brooks Range at Atigun Pass. At present, DNR has no jurisdiction over this land (except for the development nodes). DNR has selected the pipeline corridor, but the BLM Public Land Order 5150 has withdrawn the land from conveyance to the State. While the Administration and DNR have requested that BLM lift the order and convey the land, the federal BLM has shown extreme reluctance to do so.

DNR manages all the land north of the Atigun Pass on the North Slope. A Special Use Area, adopted in 1970, requires a permit for off-road motorized use in this area. I understand it was adopted because of the sensitivity of this wet area to disturbance, and the need to ensure that the activity, primarily oil exploration activity, did not degrade the tundra and cause widespread rutting and thermokarsting. The Special Use Area is adopted in regulation as 11 AAC 96.014(b)(1).

DNR has an active program to open the tundra to winter travel for the oil companies. Staff is active in the area both to facilitate oil exploration and protect the environment. Oil companies receive a permit with a stipulation requiring that they do not travel on the tundra, except on summer-approved vehicles, until DNR determines that snow and cold have readied the tundra for winter travel.

For activity originating from the Dalton Highway, the Special Use Area has no effect because currently law prohibits motorized activity within five miles of the highway. SB 85 would, of course, lift that prohibition. This change will require DNR to re-examine its Special Use Area.

When the Special Use Area was adopted, I do not believe that winter travel, other than oil company travel, was anticipated. The Special Use Area therefore requires a permit for snowmobiles and other winter travel, though I doubt that was the intent. It is a relatively simple regulatory fix to change the DNR's Special Use Area and regulations to allow this type of activity each year once there is enough snow. The only part of the change that will require significant analysis is the need to provide a security

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

zone for the oil fields, and to ensure that private winter travel does not disrupt the extensive oil exploration that is expected to occur surrounding the haul road in the Brooke's Range foothills. At the same time, DNR would check to determine if there are areas that are appropriate for summer travel for some vehicles.

After the bill becomes law, I do not expect that this work will require a lot of time. Within 150 days after the bill becomes law, I expect that DNR would be able to distribute to the public a proposal to revise its regulations in a manner that is more appropriate to winter travel.

I hope this information is helpful. Please let me know if you have any questions.

Sincerely,

A handwritten signature in dark ink, appearing to read "T. Irwin", with a horizontal line extending to the right.

Tom Irwin
Commissioner

cc: Bob Loeffler, Director; DMLW
Janet Burleson-Baxter, Legislative Liaison; DNR



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 6, 2005

The Honorable Tom Wagoner
Chairman, Senate Resources Committee
145 Main Street Loop, Suite 226
Kenai, AK 99611

Re: Senate Bill 85 – Off-road use on the Dalton Highway

Dear Senator Wagoner:

This letter is written in response to your correspondence dated September 15, 2005 regarding the same subject.

In your letter, you inquire about the Department of Public Safety's fiscal note regarding this legislation. Part of the rationale behind our zero fiscal note and analysis is the fact that the Bureau of Land Management (BLM) and the Alaska Department of Natural Resources have done a good job when it comes to managing our land in Alaska. As it has been noted in public testimony, the first 180 miles of this road is federal property and BLM has had a draft land use plan for this area since 1991. Another consideration is that the repeal on the ban would not take effect for one year from the date when the bill is signed into law.

If this bill passes, the Alaska State Troopers do expect to see an increase in off-road traffic due to the unrestricted access for hunting, fishing and other uses. Eventually, this will lead us to supplement staffing at the Coldfoot Post with additional troopers on a seasonal basis. From our management standpoint, this can be done by assigning AST personnel from Fairbanks on temporary duty (TDY) to this area. I feel this is a prudent and responsible approach to administer the increased demands that we will face on the Dalton corridor.

Since a land use plan will be in effect, I feel that the impact on the department along the Dalton corridor will be moderate for the foreseeable future.

If you should have any further questions about our fiscal note or need additional information, please don't hesitate to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner

cc: Tom Irwin, Commissioner
Department of Natural Resources

Bill History/Action Display



BILL: SB 85

SHORT TITLE: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

BILL VERSION:

CURRENT STATUS: (S) RLS

STATUS DATE: 04/12/05

SPONSOR(s): SENATOR(S) SEEKINS, Bunde, Therriault

- HEARING:** (S) RES Oct 10 6:30 PM NOME <Pending Referral>
- HEARING:** (S) RES Oct 11 6:30 PM Fairbanks <Pending Referral>
- HEARING:** (S) RES Oct 12 6:30 PM Coldfoot <Pending Referral>
- HEARING:** (S) RES Oct 14 2:00 PM Barrow <Pending Referral>
- HEARING:** (S) RES Oct 15 3:00 PM Chugiak <Pending Referral>

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

Bill Root:	Display Bill Root	Next Bill	
Full Text	Fiscal Notes	Intent	
Committee Action with Bill History			

Jrn-Date	Jrn-Page	Action
01/31/05	0192	(S) READ THE FIRST TIME - REFERRALS
01/31/05	0192	(S) TRA, RES
02/04/05	0225	(S) COSPONSOR(S): BUNDE, THIERRIAULT
02/18/05	0337	(S) TRA RPT 3DP 1DNP
02/18/05	0337	(S) DP: HUGGINS, COWDERY, THIERRIAULT
02/18/05	0337	(S) DNP: FRENCH
02/18/05	0338	(S) FN1: ZERO(DOT)
02/18/05	0338	(S) FN2: ZERO(DPS)
02/18/05	0338	(S) FN3: ZERO(MVA)
04/12/05	0900	(S) RES RPT 2DP 1DNP 4NR
04/12/05	0900	(S) LETTER OF INTENT WITH RES REPORT
04/12/05	0900	(S) NR: WAGONER, GUESS, DYSON, STEDMAN
04/12/05	0900	(S) DP: SEEKINS, STEVENS B
04/12/05	0900	(S) DNP: ELTON
04/12/05	0900	(S) FN1: ZERO(DOT)
04/12/05	0900	(S) FN2: ZERO(DPS)
04/12/05	0900	(S) FN3: ZERO(MVA)
04/12/05	0900	(S) REFERRED TO RULES

Similar Subject Match or Exact Subject Match
 HIGHWAYS
 MOTOR VEHICLES
 PUBLIC LAND

Bill Root:	Display Bill Root	Next Bill	
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SB 85

Previous

INFO

mg

Senate Resources Work Session

SB 85 Packet – Oct. 10th week

New Information

1. Letters from Chair Wagoner dated 9-15-05 to: (4 pages)
Alyeska Pipeline Service Company; BLM; DNR; & DPS
2. Letter from DNR to Sen. Seekins dated 9-19-05 (2 pages)
3. Letter for DPS to Chair Wagoner dated 10-06-05 (1 page)
4. Bill History Display (1 page)

Previous Packet Information

1. Resources Committee Letter of Intent 4/11/05: 2 pages
2. Sponsor Statement – 1 page
3. Sponsor Supplied information & maps: 3 pages
4. SB 85 - 1 page
5. #1 Fiscal Note – DOTP&F: 1 page
6. #2 Fiscal Note – DPS: 1 page
7. #3 Fiscal Note – DMVA: 1 page

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

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.

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 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.

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 PENALTIESSec. 19.45.001. Definitions.

In AS 19.05 - AS 19.40

(1) "commissioner" means the commissioner of transportation and public facilities;

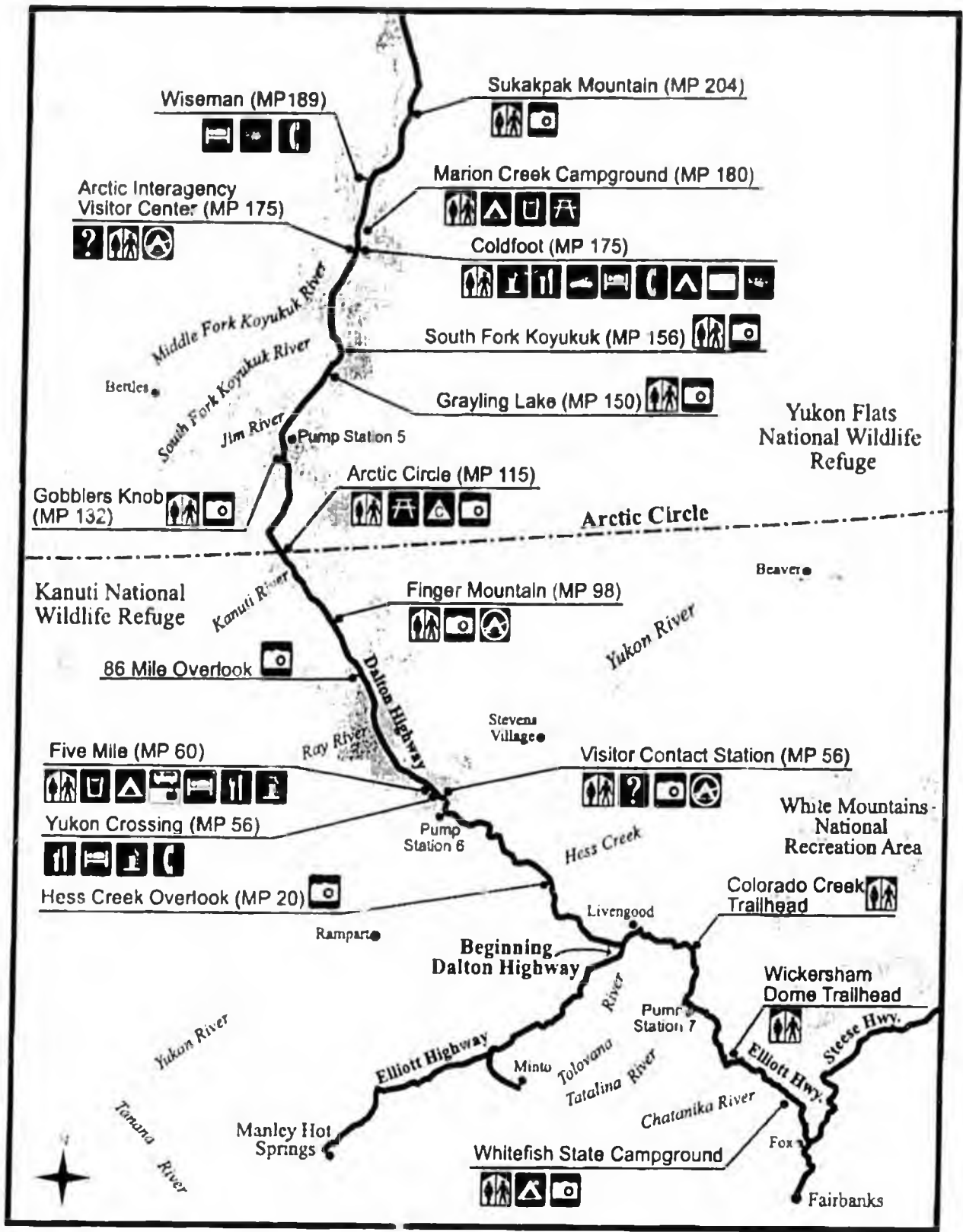
(2) "construction" or any derivation means construction, reconstruction, alteration, improvement or major repair;

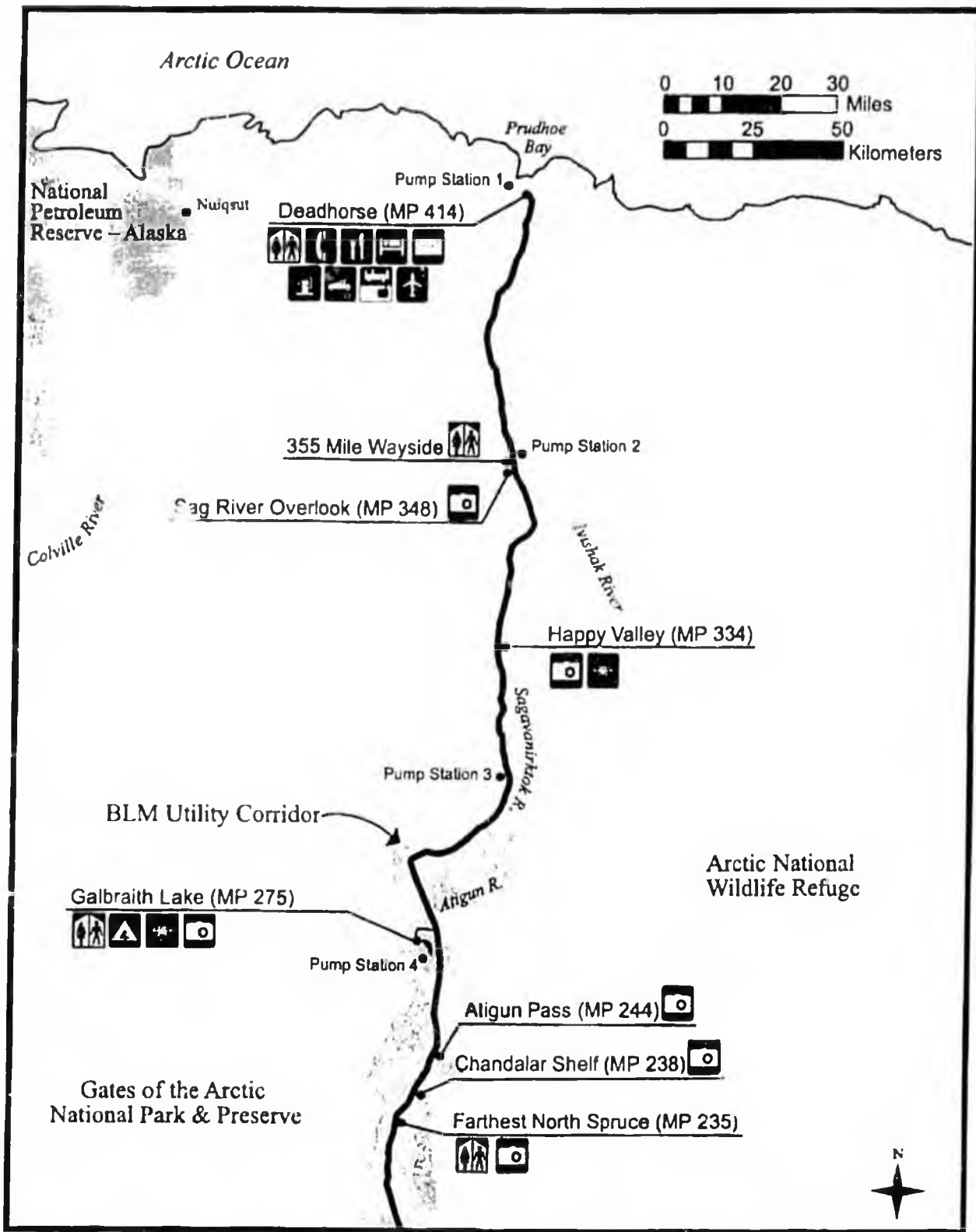
(3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have either no right or easement or only a controlled right or easement of access, light, air, or view;

(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





SENATE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS SEEKINS, Bunde, Therriault

Introduced: 1/31/05

Referred: Transportation, Resources

A BILL

FOR AN ACT ENTITLED

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

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

4 * **Section 1.** AS 19.40.210 is repealed.

5 * **Sec. 2.** This Act takes effect on the first anniversary of the date on which this Act
6 becomes law.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

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

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) 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)

Prepared by: Nona Wilson
 Division: Legislative Liaison, DOT&PF
 Approved by: Mike Barton
 Agency: Commissioner, DOT&PF

Phone 465-3904
 Date/Time 2/4/05 12:06 PM
 Date 2/4/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: An Act repealing ban for use of certain off-road RDU: Alaska State Troopers
vehicles within the Dalton Hwy right of way Component: Alaska Bureau of Wildlife Enforcement
 Sponsor: Senator Seekins
 Requester: _____ Component No.: 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) 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. However, repealing 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 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 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: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 2/7/05 3:27 PM
 Approved by: Commissioner William Tandeske Date 2/7/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and 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 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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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)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 00

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)

There is no fiscal impact.

Prepared by: John Cramer
 Division: Division of Administrative Services
 Approved by: Commissioner Craig E. Campbell
 Agency: Department of Military and Veterans Affairs

Phone: (907) 465-4602
 Date/Time: 2/7/05 3:55 PM
 Date: 2/7/2005

Barrow

10/14/2005 SB 85 & 170 - Fish Hunting fees
Dalton Hi Way

- ⊖ George Ahmaogak: (impact) ^{starts small + grows} into a tidal wave
- ⊖ Geoff Carroll: state credibility

Teshukluk Herd: 45,000 caribou

- ⊖ Brian Pearson (NSB biologist) ORV damage vegetation
1978 Bombing traps & Gun shot
- ⊖ Edward Itta: corridor of limited access
- ⊖ Carl Brower (NUI)
- ⊖ Jera Nukpiag (NUI)
- ⊖ John Ahtungarak (aged) (NUI)
- ⊖ Rosemary Ahtungarak (NUI)
- ⊖ Nate Oleson Jr
- ⊖ Raymond Pareek - (AKP)

"I came to listen. I did not come here to be threatened" Ralph Jackson

- ⊖ Earl Kingik 368-2008 (PHP) "Delmy O-thix"
- ⊖ Jack Schoffet. (P+10?)

~~Andra~~ Joash Tulde

⊖ Arnold Brower Jr: knew James Dalton 1937- f work w/ Bore ^{off headed}

⊖ Ruth Nukpiag (elder) 4 in. id. 48 up heads

⊖ Paul Carr: security ^{west} Toll: \$1000/person \$100-150 m/yr team ranges

Charles Hopson 4356 properties - state assessor \$1.5 B

⊖ Arnold Brower Jr: trophy mounted hunters in jail, public pressure

⊖ Josh Bacon: traffic - slows oil spill response

⊖ Price Leavitt

⊖ Marie Carroll

⊖ Randy Crosby \$6000 in expenses BRW-PHB-BRW

⊖ George Oleson

⊖ Eugene Brower Eben Hopson - J. Hamper Agreement

⊖ Tazudik Heat W-Life Director (NSC)