

**SB**

**85**

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 1/31/05

FURTHER: Resources

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 2/17/05

Transportation Committee considered SENATE BILL NO. 85

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

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ (\_\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

<b>Senate Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	New Title
<b>House Bill:</b>	
<input type="checkbox"/>	Same Title
<input type="checkbox"/>	Technical Title Change
<input type="checkbox"/>	New Title w/ SCR # _____


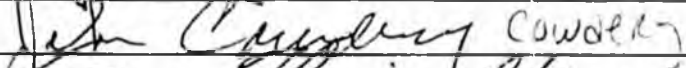
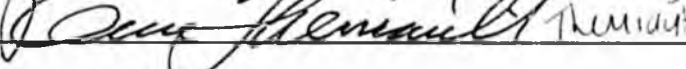
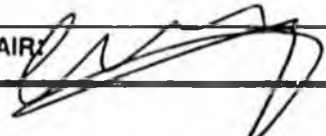
**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#
DOT	2/4/05			✓	1
DPS	2/7/05			✓	2
DMVA	2/7/05			✓	3

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Indet.	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
 French		X		
 Cowley	✓			
 Thériault	✓			
CHAIR:  Hugain	X			

March 1, 2005

To: Honorable Senator of Alaska

From: June Reakoff  
FAX: No. 907-678-9001

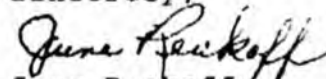
Dear Alaskan Senator:

My following letter to the Senators and Representatives of Alaska has my appeal to vote against Senator Ralph Seekins SB.85, which would allow ORV use in the Dalton Highway Corridor.

I, along with our posterity, will be most grateful if you defend our perilous situation regarding this unnecessary action against the lands, treaties, and peoples of this great Arctic region.

With every good wish, and thank you in advance for any efforts you make on this behalf.

Sincerely,

  
June Reakoff  
Wiseman Village  
4 Kalhabuk Lane  
Wiseman, AK. 99790

Phone and FAX: 907-678-9001  
Personal phone: 907-678-4444

February 28, 2005

To: Alaska State Senators  
and  
Alaska State House of Representatives

Dear Alaskan Legislators:

This letter is to ask you please vote against SB.85 which would open the Dalton Highway Corridor to ORV (off-road vehicle) use.

As a grandmother and great-grandmother, also a long-time resident of this Arctic area at Wiseman, (since before the Trans-Alaska Pipeline and highway), it is grievous to me envisioning the gross destruction of this primitive priceless treasure of lands in this corridor, along this vital road leading to the Arctic Ocean. The proposed careless intrusion by these fierce machines will effectively strip, rob, and cheat our posterity of their rightful inheritance to many of the great potentials, endowments, and enjoyments residing in and on these lands presently which comprise the last great wilderness of the world.

Having been in this country while the Trans-Alaska Pipeline was in the planning stage and construction, it was common knowledge that millions of dollars were spent in intense scientific studies, and evaluations were done by some of the greatest minds of the world, contributing a vast collection of wisdom and knowledge, in order to produce the massive pipeline project. Stringest requirements were imposed to maintain safety to the environment bringing about orderly progress, land compatibility, along with utilization. Practices of ethical conduct maintained honorable respect for the lands, wildlife, and resident peoples with their rightful usages.

Subsequently, many thousands of people have already come into this country using the Dalton Highway to view the breathtaking scenery, explore, and pursue their particular interest; yet causing minimal surface damage to the land, allowing it to have a pristine character. These attributes are nurtured through diligent stewardship, lawful order, and watchful surveillance. Intense ORV use is counteractive usage to all of the above, creating major challenges and degradation in this fragile ecosystem.

Questions arise regarding what safeguards and accountability will be required if this bill should be enacted? What proven environmental considerations, and true monetary costs will be involved to maintain the present standards of quality now enjoyed? Are the assured consequences being considered that will undoubtedly be passed on to our Alaskan posterity? Comparing user groups of people involved, does prudence disregard all previous standards of knowledge and effort to accommodate transient antagonistic gratification & pandemonium for monetary or political edge?

Thank you for reading this. May common sense prevail.

Sincerely,  
June Reakoff  
Wiseman Village (907-678-9001)  
4 Kalkabuk Lane (907-678-4444)  
Wiseman, Ak. 997



# ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the

SENATE TRANSPORTATION

Committee on

SB 85

Bill/Subject

Committee Name

Dated

2/18/05

Opening the Haul Road corridor to the use of motorized vehicles will have several adverse effects, and I therefor oppose doing so. Among these effects are (but not limited to):

(1) Serious environmental damage. (2) A 100-fold (my guess) increase in the traffic on a very narrow and already dangerous road, not to mention the destruction of the road or increased maintenance costs. (3) Very negative ramifications as far as hunting up there is concerned. I surmise that the caribou herd(s) will be devastated or there will need to be a caribou "hunt" established like there is on the Steese Hwy. (This "hunt" is referred to as the Circle Slaughter, and is a 2-day (or so) madness of machinery, carnage, and chaos.) At the very least, we will lose one of the few places to which a person can drive and hunt in peace, without having to purchase the requisite Alaskan set of motorized toys. (4) A law enforcement nightmare. (5) A potentially expensive Fish and Game management problem generated by the resultant close monitoring of the game that will occur.

If people want to "open up the acreage", I would caution against going from, essentially, no access to, essentially, unlimited access. Why not take a small step in the "opening up" direction and give people time to study its impact before we go full throttle on this? Why not reduce the corridor to only 2 miles wide, still prohibiting machinery? That would increase the number of people utilizing the area for hunting, in turn relieving pressure on other areas and affording more individuals access to the game up there.

In an email to me, Senator Seekins made a few comments to which I would like to reply for the sake of information to the committee.

(1) He stated that he saw a "caravan of ATVs in pickup trucks" when he visited the Haul Road last summer, and used that, apparently, as support to the "fact" that the present non-motorized laws are not enforced anyway. I disagree. I have hunted up the Haul Road a dozen times and have never seen a machine, or its trail, in the tundra. A few of my friends, who have been up there more than I and at different times, agree with me. Seeing ATVs in a pickup and then assuming they are out on the tundra is not entirely logical.

(2) Allowing the use of motorized vehicles a year after the law is passed so that we have time to develop a usage plan is putting the horse before the cart. Why not develop a usage plan first, then people will have solid information on exactly what we are talking about. I can only imagine what would happen if we "open the place up" and then, for whatever reason, do not have a coordinated, rational plan in place.

SIGNED:

John Klingel JOHN KLINGEL  
Testifier

myself  
Representing

1025 EASTWOOD LN FRB, AK 99712 (457-7024)  
Address/Phone Number

February 17<sup>th</sup> 2005

Re: Senate Bill 85  
Isla Myers-Smith  
Fairbanks Resident, Senate District D  
1833 Musk Ox Trail, Fairbanks AK 99709  
(907) 456-1427

To: Senator Charlie Huggins  
Cc: Senator Ralph Seekins and Members of the Senate Transportation Committee

As an Alaskan Resident, a biologist investigating disturbance in the boreal forest and tundra, and a recreational user of the Dalton corridor, I wish to voice concerns about repealing the ban on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway. I have studied the impact of the Dalton Hwy. on the adjacent tundra in the corridor in question. This study of road disturbance is currently in review for publication in the European journal for applied ecology: *Ecography*. I am also a recreational user of the Dalton Hwy. corridor and have visited this area for the last three summers. This past summer, my car was vandalized and items stolen from it at the Galbraith Lake Parking Lot, north of Atigun Pass on the Dalton Hwy. Reporting this incident made me realize how limited police jurisdiction is in the Dalton corridor. My professional and personal experiences as a scientist and a recreational user of the Dalton corridor have motivated me to voice the following concerns with Senate Bill 85.

### **1. Law Enforcement and Public Safety Costs**

The Dalton Hwy. corridor from the Yukon River to Atigun Pass is currently policed by one state trooper based in Coldfoot. The Dalton Hwy. north of Atigun pass is in the jurisdiction of the Barrow Police. They will not deploy officers. They refer you to the police stationed at Prudhoe. There is no active enforcement of current use of the corridor and there are limited emergency services in this area. Increased use in this area will necessitate increased spending expenditures for the Alaska Department of Natural Resources, Alaska Department of Transportation, and the Alaska Department of Public Safety in order to address the current limited public services in the Dalton corridor.

### **2. Ecological Impacts**

This repeal could open the entire Dalton Hwy. corridor to off road vehicles depending on the policies of the effected land management agencies. Tundra ecosystems are extremely sensitive to disturbance. My colleagues and I have documented a 200 meter corridor of significant disturbance to the adjacent tundra from dust from the Dalton Hwy. Other studies have shown that vehicle damage to the tundra can persist for decades (Walker and Walker, 1991). Also, behavioral impacts to wildlife are likely from noise, pollution, and ecosystem disturbance (Forman and Alexander, 1998). Off road access to the sensitive tundra ecosystems should be distinguished from more resilient boreal ecosystems. A reasonable compromise would be to allow

off road access in the boreal regions south of Atigun pass where vehicles will cause less disturbance. There are currently no definitions of the term off road vehicles allowing for large trucks, in addition to ATVs and snow machines. A reasonable compromise would be to allow snow machine access in the winter months when the ground is frozen and there is adequate snow cover.

### 3. Fire Suppression Costs

Human caused fire ignitions in this fire prone area will increase. Currently human caused fires are 10 times more frequent within a 5 mile corridor of roads in Interior Alaska (Alaska Fire Database). Increasing vehicle traffic in this corridor will lead to more fire starts and therefore increase cost of fire suppression.

The repeal of this law to allow off-road vehicle use on the Dalton Highway will have significant negative impacts on the ecologically sensitive tundra and boreal ecosystems of Northern Alaska. It will reduce public access to the undisturbed landscape and wildlife. And it will significantly increase pressures on state agencies responsible for policing and protecting both the ecosystem and the public users. I encourage the Senate Transportation committee to consider these impacts.

A handwritten signature in cursive script, appearing to read "Isla Myers-Smith". The signature is written in dark ink and is positioned above the printed name.

Isla Myers-Smith

#### References:

- Forman, R. T. and L. E. Alexander. 1998. Roads and their major ecological effects. *Annual Review of Ecology and Systematics* 29:207-231.
- Walker, D. A., and M. D. Walker. 1991. History and pattern of disturbance in Alaskan arctic terrestrial ecosystems: a hierarchical approach to analyzing landscape change. *Journal of Applied Ecology* 28:244-276.

**Subject: Senate Bill 85**

**Date: Thu, 17 Feb 2005 12:21:50 -0800**

**From: Lou Brown and Jon Miller <loubrown@gci.net>**

**To: fairbanks\_ljo@legis.state.ak.us**

Dear LJO Staff:

I would like to send the following message to all members of the Senate Transportation Committee, and was told by phone that your office would FAX my message to the appropriate senators before today's transportation committee meeting at 1:30 pm.

Thank you for your assistance.

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Transportation Committee Members

Dear Senator:

I am writing to voice my concern about Senator Seekins' proposal to eliminate the state statute that prohibits off road vehicle use within the Dalton Highway corridor (SB 85).

I have hunted caribou and moose from the Dalton for over ten years, and am disturbed by the prospect that much of the country I and hundreds of other Alaskans have used for subsistence and recreation may be invaded in the near future by ATV use.

I typically line a canoe through the five mile limit to hunt, while others use outboard motors on their boats. Many acquaintances bowhunt within the corridor, which provides bowhunters with an outstanding opportunity to access large areas that are not depleted of game. Tourists and residents alike appreciate the relative peace and quiet of the Dalton Highway, its magnificent scenery, and the opportunity to see wildlife from the road.

If the Dalton corridor is opened to ATV use, I predict that motorized access and greatly increased overall use of the area will result in the following undesirable consequences:

--increased access and hunting pressure will be the demise of the world-class bowhunting opportunities that now exist;

--bag limits and hunting seasons will be curtailed in response to greater hunting pressure;

--subsistence use by area residents will be negatively impacted due to increased competition and more stringent regulations;

--increased enforcement funding will be hard to come by, resulting in poor enforcement, environmental degradation due to ATV use (look at the Denali Highway, as an example), and increased poaching (already a significant problem along the highway).

--security concerns for the Trans Alaska Pipeline will increase in proportion to ease of access and the number of visitors using the road. Anyone who spends much time on the Dalton Highway realizes that the pipeline is a serious and probably irreparable weakness in national security, and poses unfortunate opportunities for vandalism and terrorist activities.

Current statutory and management objectives for the Dalton corridor are working well for Alaskans. Hunting and recreating off the Dalton highway is accessible and offers great rewards for Alaskans and visitors who are willing to "rough it" just a bit. Let's try to keep Alaska's frontier character intact when it serves us well. Please work to defeat this bill.

Sincerely,

Jon Miller  
2630 Home Run  
Fairbanks, AK 99709

(907)479-5629

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**Date: Thu, 17 Feb 2005 12:21:50 -0800**

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**To: fairbanks\_ljo@legis.state.ak.us**

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I typically hire a canoe through the five mile limit to hunt, while others use outboard motors on their boats. Many acquaintances bowhunt within the corridor, which provides bowhunters with an outstanding opportunity to access large areas that are not depleted of game. Tourists and residents alike appreciate the relative peace and quiet of the Dalton Highway, its magnificent scenery, and the opportunity to see wildlife from the road.

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Sincerely,

Jon Miller  
2630 Homo Run  
Fairbanks, AK 99709

(907)479-5629



## **SB 85- Off Road Vehicles Near Dalton Highway** Senate Transportation 2/17/2005

SB 85 repeals AS 19.40.210, which restricts off-road vehicles in a 5-mile corridor on either side of the Dalton Highway.

**SB 85 would be burdensome and expensive for state agencies, violate long-standing agreements with local residents, and result in damage to sensitive tundra habitat.**

**1) *SB 85 would be burdensome and expensive for state agencies:***

→ Under SB 85, the **Dept. of Natural Resources** would spend a year developing land use plans and regulations for the Corridor. In future years, DNR would revisit these plans. This costs money.

→ Intensified hunting and fishing pressure in and around the Dalton Highway corridor would require the **Dept. of Fish and Game** to increase biological monitoring, fish and wildlife enforcement, and regulation review. Sen. Seekins has testified that the Board of Game would have to consider regulation changes associated SB 85's effects. This costs money.

→ Intensified use will result in greater frequency of accidents, mischief, and other problems along the Haul Road corridor. The **Dept. of Public Safety's** fiscal note for SB 85 recognizes the need for increased state trooper presence along the Corridor. This costs money.

→ Intensified traffic resulting from SB 85 will strain **Dept. of Transportation** resources. Road traffic largely determines maintenance requirements. Additionally, DOT may need to construct new pull-outs on the Haul Road to accommodate trailers. This costs money.

→ Fiscal notes from DNR, ADF&G, Public Safety, and DOT should reflect SB 85's true cost.

**2) *SB 85 violates long-standing promises made to area residents:***

→ SB 85 opens up the door for high-income urban hunters to harvest caribou from herds on which area residents depend for subsistence. Before the Dalton Highway was built, local area residents have testified they were assured it would be maintained as an industrial road and that access would be limited to ensure protection of caribou and other important subsistence resources.

**3) *SB 85 will result in damage to sensitive tundra habitat:***

→ Scientists conduct world-class research on arctic ecosystems at Toolik Field Station at milepost 284. Researchers have testified that opening the watershed to off-road vehicles will compromise their experiments, some of which have been running for almost 30 years.

→ A large body of scientific research confirms driving off-road vehicles over tundra, even only once, can result in drastic, and sometimes irreversible, damage. SB 85 should be amended to limit off-road vehicle activity to winter months. Frozen ground and snow cover should be required to prevent damage to tundra and underlying permafrost. Motorized activity should be limited to specific access points and trails to concentrate damage in least-sensitive areas.

## Haven Harris

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**From:** Julie A.K. Maier [ftjak@uaf.edu]  
**Sent:** Wednesday, February 16, 2005 4:15 PM  
**To:** Sen. Donny Olson  
**Cc:** Sen. Ralph Seekins

Dear Honorable Senator Olson,

I am writing this letter so that you know that many urban hunters from Fairbanks OPPOSE Senator Seekins' attempt to open the Dalton Highway corridor to vehicular traffic. The Dalton Highway is the only hunting area left that has a plethora of game with easy availability for hunters who are willing to walk in. All other areas near Fairbanks are inundated with hundreds, if not thousands, of hunters on motorized vehicles. The vehicles disturb the wildlife, damage the vegetation, and result in such fierce competition that the hunts eventually have to be turned into permit hunts. The Central Arctic caribou hunt is the only caribou hunt on the road system that is open to everyone without a special permit. If you have a hunting license, you can go up the haul road, walk off the road and get 2 caribou. If you bow-hunt, you can do so just off the road surface. If you use a rifle, you have to walk 5 miles. If you are disabled, you can get special accommodations.

Many of us don't own snow machines and 4-wheelers. We don't have our own private aircraft and cabins in the mountains. We depend on wild game for our freezer and we have to hunt the old fashioned way to get it - we walk.

The only people to whom "large areas of land are closed" are those who want to access the land while sitting on their hind ends. Much of state land throughout Alaska is accessible to people on vehicles and the Dalton Highway corridor is open to them also - they can hunt with a bow or walk in.

I have a Ph.D. in wildlife management from the University of Alaska Fairbanks. I served as Vice Chair of the Board of Game under Gov. Knowles. Mark my words, if the Dalton Highway corridor is opened to vehicular access, the impact on the Central Arctic Caribou Herd will be excessive and the hunt will become a permit hunt. The change will negatively impact North Slope subsistence hunters and Fairbanks hunters as well.

Keep the Dalton Highway Corridor closed to vehicular traffic.

Respectfully,

Julie Maier  
2140 Twin Flower Dr.  
Fairbanks, AK 99709

## Karen Sawyer

---

**From:** Heidi Schoppenhorst [boreallodge@juno.com]  
**Sent:** Thursday, February 17, 2005 5:54 AM  
**To:** Sen. Charlie Huggins; Sen. John Cowdery; Sen. Gene Therriault; Sen. Albert Kockesh; Sen. Hollis French; Sen. Donny Olson  
**Cc:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Mary Kapsner; Rep. Woodie Salmon; drice@newsminer.com  
**Subject:** Comment on SB 85

Dear Senators & Representatives;

Please consider my comments in determining the future of Senate Bill 85, regarding lifting the ban on off road vehicles in the Dalton Highway corridor.

I grew up & live in the village of Wiseman within the Dalton Highway corridor. I wrote to many of you voicing my opposition to a similar bill introduced by Seekins last year, and am very disappointed to see this issue resurface again this session. My feelings, & the reasons why this bill will impose detrimental impacts on this area have not changed in the past year.

1.) To start with, this Dalton Highway runs through a "utility corridor", that means this development & road were established for a utility route. I watched the road & pipeline being built, we all know the incredible study & research that were put into developing this pipeline without causing any serious impact to fragile habitat, wildlife, and human populations. My whole life I have seen Alyeska security patrol daily with helicopters to ensure their pipe is secure & nothing is amice, people are not to use the pipeline pad without their knowledge, as it poses security risks. This pipeline has financially benefited every Alaskan equally. There is now new talk of a gas line running through this corridor, this I would imagine, if constructed, will follow similar low impact guidelines for development, and can safely be installed in this utility corridor with much care & consideration for the environment & populations. This will also most likely benefit all Alaskans if established. Opening this utility corridor to ATV's & snowmobiles, in other words allowing anyone to drive freely anywhere within & beyond the corridor, pipe pad, etc at will, in light of these utilities & the care exercised to maintain these utilities alone I would think is reason enough to throw out this proposed bill. Don't forget there is only 1 (one) trooper stationed at Coldfoot to patrol this entire Brooks Range & North Slope stationed at Coldfoot.

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

3.) The Dalton Highway in the last 10 years has seen a steady increase of summer visitors, these visitors are taking tours or driving the road to experience the "last frontier", see the wilderness & wildlife in their natural state, and see for themselves the unique landscape & vegetation of the Arctic. This area is becoming actually a very popular tourist destination, and tourism as we all know helps the Alaskan economy. I would think the people in Fairbanks would actually want to secure the present state of this somewhat pristine environment to the north of them, as most all the visitors to this area have to pass through Fairbanks & spend money on their way north. I work in the Arctic Interagency Visitor Center in Coldfoot during the summer months, my

husband & I also own & operate a small Lodge here in Wiseman, so I have talked with literally thousands of these visitors coming to this country, and had opportunity to ask why they came to this place. The majority of visitors are coming here to see it just as it is, wilderness, and they don't want to see more roads, signs, or watch ATV's driving across the tundra, or snowmobile's high marking on the hills. As it is, the north slope caribou hunters are so numerous during fall months, they end up chasing most of the caribou away from the road, disappointing to a tourist with a camera. But - they can still view the occasional bear or moose along other parts of the road that haven't been chased away, so it's still worth their while at this point. Let's keep it that way? If ATV's and snowmobiles are allowed to range the corridor it will tear up the vegetation, which is underlain by permafrost, which then melts & leaves very ugly scars (it doesn't, from what I've seen in 38 years, tend to regenerate much either). Also this increase of motorized humans ranging through the area will end up chasing the few remaining animals far from the road, where I would imagine many of them will also be harassed & shot by hunters since they will have free access road, and the animals will no longer have any sanctuary to reach.

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

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

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

Please weigh the current facts with the potential risks involved while considering this

Bill. Please take my thoughts & comments into consideration, and do not pass SB 85.

Thank you for taking the time to read this, Sincerely, Heidi Schoppenhorst Scott  
Schoppenhorst boreallodge@Juno.com Ph / Fax: 907-678-4566  
#1 Timberwolf Trail  
Wiseman Village, Alaska 99790

January 12, 2006

The Honorable Charlie Huggins  
State Capitol Room 417  
Juneau, Alaska 99801-1182

Dear Senator Huggins,

I applaud the proud history of our state's legislature in opening natural resources to development and use by Alaska's residents. I believe that by introducing Senate Bill 85 "An Act repealing the ban on the use of certain off-road vehicles (ORVs) within five miles of the right-of-way of the James Dalton Highway; and providing for an effective date," Senator Ralph Seekins intends to continue this honorable trend. I can understand how this bill could quickly be labeled "pro-development" and find easy support from the legislative majority. On the contrary, while the sponsor's intention is to open public land to use, SB 85 has the potential to do irrevocable damage to higher priority access issues, specifically oil and gas development on Alaska's North Slope. This bill is not malevolent or ill intentioned, it is simply short sighted.

I am a graduate student in geology at the University of Alaska—Fairbanks. For the past three summers, I have guided tours and operated tour coaches and vans on the Dalton Highway three to five days per week between Fairbanks and Prudhoe Bay. I believe that the Dalton Highway is a model of multi-use management and compatible development of Alaska's natural resources for oil and gas, tourism, and recreation. I think that the Dalton Highway is clear proof that wilderness experience can coexist with oil and gas development. I find that many of my guests come to the Arctic with the classic preconception (also misconception) that resource development will destroy wilderness. If anything, my guests find that the presence of the pipeline enhances rather than detracts from their experience. They are able to observe firsthand that despite the presence of the road and the pipeline, wilderness exists a few feet away. Rather than reinforcing the stereotype that resource development and wilderness cannot coexist, the Dalton Highway demonstrates that responsible development of our natural energy resources is perfectly compatible with development of tourism, existence of wilderness, and recreational use by hikers and hunters alike.

I do not believe that regulated use of snow machines or all-terrain vehicles (ATVs) along the Dalton Highway would truly destroy the wilderness of the area, but I strongly believe that creation of any ATV trails will quickly destroy the *appearance* of wilderness along the Dalton Highway, as there is no place between the Yukon River and Deadhorse where ATV trails would not be permanent and highly visible. Unfortunately, the discussion over SB 85 has become a classic, polarized debate between development and conservation, ignoring the most important points and repercussions for the state. To me, the real issue is this: over thirty years ago, the young state of Alaska fought for and narrowly won the right to develop the Trans Alaska Pipeline, which has funded state government to this day. Nearly everyone who visits the pipeline feels amazed by this responsible development and impressed that thirty years later, little harm has been done to the natural environment. Today, we are fighting once again to open more of Alaska's North Slope to oil and gas development. I am concerned that the single act of allowing ATVs along the Dalton Highway has the capability to quickly turn local and national sentiment against development: if locals or visitors see that the "wilderness" along the Dalton Highway has been torn up by ATVs, they will not blame the ATVs, but they will blame oil development. My specific arguments against the bill are listed below.

1. **Keeping A Promise:** Many of the residents of the North Slope Borough and Dalton Highway corridor remember that the state promised not to allow off-road vehicles along the Dalton Highway in return for their support when the highway was built. While this agreement may never have been in writing, and is almost certainly not legally binding, the intent to limit off-road vehicle use is clear in the existence of the ban in the first place. The memory of this promise is strong in the minds of the residents; whether or not it was more than a verbal commitment, it has become part of the legend of the Dalton Highway. Breaking this promise sends a clear message that the state is not to be trusted; a poor idea at a time when the state is asking residents of the North Slope (as well as the rest of the country) to trust them regarding development of places like ANWR and Teshekpuk Lake.

2. **Trusting One's Word:** Senator Seekins claims that a commitment from the state government to local residents that off-road vehicles would always be prohibited along the Dalton Highway never existed because a legally binding, written resolution cannot be found (except of course the ban itself). At the same time, he claims that the purpose of SB 85 is not to allow ATVs to wantonly damage the tundra and asks the public to trust that this is not his intent. When Senator Seekins is not willing to respect a verbal promise made 20 years ago, how can he possibly expect today's North Slope and Dalton Highway corridor residents to trust a verbal promise from him? If the true intent of SB 85 is to allow non-damaging use of snow machines along the Dalton Highway, why not put it in writing, and clarify this issue in the bill itself?
3. **Trusting Public Process:** At Senate Resource Committee meetings held this fall, Senator Seekins argued that specific restrictions on ATV use along the Dalton Highway need not be included in the bill because we should trust the public process and allow land managers (in this case the BLM and DNR) to do their jobs, which would involve having public hearings and developing a management plan for the area. At those same meetings, Senator Seekins defended SB 170, another bill he authored, by claiming that the public process of managing Fish and Game has not been successful and therefore needs to be legislated. SB 170 spells out a wildlife management plan in such detail (over 9000 words) that it leaves little interpretation left to public process. Why should North Slope residents believe that the same public process, which Senator Seekins does not trust for wildlife management, would work for management of ORVs? Why should we believe that the same detailed approach he has taken in SB 170 would not work for SB 85? I think that if the wording of the bill were changed to apply only to snow machines and not ATVs, opposition would dwindle, as would the negative impact of the bill, because snow machines would not leave visible trails near the highway.
4. **Need:** It is still unclear to me who exactly, besides Senator Seekins, supports SB 85. The Alaska Outdoor Council (AOC) has come out in support of the bill, but its member clubs are not united on this position. The Senate Resources Committee meetings in Fairbanks, Coldfoot, Barrow and Chugiak did nothing to clarify this for me. In Fairbanks, over 30 persons spoke out against the bill, while only two spoke in support of it; the first person read a prepared statement from the AOC, and the second person's testimony was so vague that at the end the Senators had to ask whether it was for or against SB 85. Indeed, I observed at least one AOC member speak out *against* the bill. In Coldfoot, all except one of those who testified spoke against the bill. In Barrow, everyone opposed the bill. In Chugiak, a place where recreational ORV use is popular, a handful of people supported the bill and a similar number opposed it. Senator Seekins indicated that he believes the Northern Center for the Environment packed the Fairbanks meeting and that he could have done the same but chose not to. I disagree with this assessment. I am not affiliated with the Northern Environmental Center, and I testified in Fairbanks. Some of those who testified against the bill in Fairbanks were certainly environmentalists, but an equal number proclaimed themselves hunters, trappers, and ATV users who nonetheless oppose the bill. Perhaps Senator Seekins could have used his influence to pack the meeting with AOC members, but the fact that these supposed bill-supporters did not show up on their own leads me to conclude that they do not feel as strongly about the issue as Senator Seekins claims. Where is the public outcry to lift the ORV ban? What problem is this legislation solving? There is no point in passing legislation that does not fill a public need, and certainly no excuse for passing legislation that could put development at risk when there is no identifiable beneficiary of the legislation.
5. **Economic Advantage:** Passing SB 85 would produce no economic benefit for the State of Alaska or its residents, and it could very likely cause economic damage. It is the perception of wilderness that draws visitors to Alaska's Arctic; opening the road to ATV use would create the perception that the area along the Dalton Highway is no longer real wilderness. Oil and gas are non-renewable resources, but if we continue to manage the Dalton Highway with a ban on ATV use, its secondary resource, tourism, will remain renewable. I see no reason to risk threatening future economic development of the state's two largest industries by lifting this ban, which could not only threaten public support for oil and gas development, but also hurt tourism, when Senator Seekins has not shown that lifting the ORV ban would produce any economic benefit to the state.

January 12, 2006

Governor Murkowski listed responsible development of Alaska's resource wealth at the top of his list of priorities during his January 2006 State of the State Address and suggested that the State of Alaska begin a campaign to generate nationwide support. The Dalton Highway, as currently managed, would be a perfect poster-child for this ad campaign. I think that the Dalton Highway should be held up for the country to see as a paragon of responsible development. At a time when our federal legislators are trying to convince the country that opening ANWR to development will not adversely affect the wilderness of the area, the state should be asking the country to take a close look at the Dalton Highway. We should be bragging that twenty-nine years after the pipeline was completed, twenty-three years after this road was opened to the public, absolute wilderness still exists on either side of the road. We should be able to claim that our Republican-majority state legislature is so committed to responsible development that it defeated a bill that could have upset the perfectly balanced resource, recreation, and subsistence use of the area. We should feel confident that while responsibly managing our non-renewable resources (oil and natural gas), we are preserving our renewable resources (tourism and recreation) for a time when the non-renewable resources run out. The management of the Dalton Highway corridor should be our proof that the American people can trust the state of Alaska to develop ANWR for oil and gas. At the very least, it should not provide anti-development advocates with fodder for debate.

Respectfully,

A handwritten signature in cursive script that reads "Rebecca D. Bailey". The signature is written in dark ink and is positioned to the right of the typed name.

Rebecca D. Bailey

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## FACSIMILE TRANSMITTAL SHEET

TO: Senator Huggins	FROM: Bill Rohan, Information Officer
COMPANY: STRA Chairman	DATE: 2/16/2005
FAX NUMBER: 907-465-3265	TOTAL NO. OF PAGES INCLUDING COVER: 9
PHONE NUMBER: 907-465-3878	SENDER'S REFERENCE NUMBER:
RE:	YOUR REFERENCE NUMBER:

URGENT  FOR REVIEW  PLEASE COMMENT  PLEASE REPLY  PLEASE RECYCLE

## NOTES/COMMENTS:

Senator Huggins,  
 Here are 3 written testimonies from persons opposing SB85. One of which NSB Chief of Police, Paul Carr did have a chance to speak to STRA on 2/15/05 and is submitting in writing also, two other persons are leaving town and will not be able testify 2/17/05 and would like to submit they're opposition testimony in writing.  
 Thank you,  
 Bill Rohan  
 Information Officer  
 Barrow LIO

[CLICK HERE AND TYPE RETURN ADDRESS]

**SB 85 Comments**

Chairman Huggins, Committee Members

My Name is Paul Carr, Chief of Police for NSB

I speak in opposition to SB85.

I will focus my concerns regarding the repeal of AS 19.40.210 to 3 areas

**First, This bill seeks to repeal the ban on "certain off-road vehicles."**

There is no real good definition of an off road vehicle in AS 28 or 13 ACC. The most applicable description of an "off-road vehicle" is found in 05AAC 92.004 "policy for off road vehicle use for hunting and transporting game." This section describes an off road vehicle as "four-wheel drive trucks and automobiles, motorcycles, three- to eight-wheeled all-terrain recreation and utility vehicles, vehicles with two tracks, air-cushioned vehicles, and airboats operated outside of a navigable waterway.

SB 85 is a complete and total roll back off the vehicle use prohibition. I believe there are significant issues regarding the operation of such vehicles, especially four wheel drive trucks or tracked vehicles off-road in the Dalton highway corridor and around, under and over the Alyeska Pipeline. There may be certain areas where use of off road vehicles along the Dalton Highway may be practical. But a blanket repeal of 19.40.210 does not take into consideration the potential damage to wetlands and other fragile ecosystems in other areas along the highway that such vehicles can cause.

**The Second is security:**

A repeal of AS 19.40.210 will increase accessibility and activity around the Alyeska Pipeline. At present access is limited, hunting is limited, and people who do not belong in the area are fairly obvious to security patrols. I am concerned that increased accessibility will impact our ability as a State, and Alyeska's ability as the operator to protect this asset. I am also concerned about the potential increased cost of security that may accompany increased access.

**My final concern is the potential impact that increased access will have on Public Safety and Emergency Services:**

At present, individual trekking into the pipeline/highway corridor do so on foot. As a result, they remain fairly close to the roadway. The further from the road a person ventures, the greater the difficulty for us to respond to an emergency situation they may find themselves in. Short of responding by aircraft, we do not have the equipment to respond to an incident more than walking distance off the highway. Admittedly, such incidents have been rare, but increased activity will increase our exposure to these kinds of situations.

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. As you may know, 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. 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.

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. Nearly all of the hunts in Unit 26B are designed around the fact that there is limited access of hunters from the Corridor. Some regulations would need to be rewritten and some hunts would be nearly impossible to conduct.

2. Increased summer ATV use will result in a lot of damage to the tundra and the river bottoms. Anyone that has lived near tundra has seen the great amount of damage that 4-wheelers do to tundra.

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. This could be particularly serious during the winter when caribou and muskoxen are generally sedentary.

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

5. Enforcement demand and expenses for both traffic and wildlife regulation will increase. With more hunters spread over a larger area, there will be a need for more wildlife enforcement. With more traffic and more accidents there will be more need for road patrolmen. The increased traffic, particularly people unloading ORV's along the road, will increase hazards for truckers. With more people more facilities will be needed. All of these things will be expensive

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 5 mile Dalton Highway Corridor.

February 15, 2005

To: Alaskan Senate Transportation Committee

From: Brian Person, Wildlife Biologist  
North Slope Borough  
Department of Wildlife Management

RE: Testimony in opposition to SB85

Dear Senators,

Please accept my written testimony. I attempted to give oral testimony on February 8, 10, and 15, 2005. Unfortunately your busy schedule did not allow time to hear all testimonies and my schedule prevents me from presenting oral testimony when your committee reconvenes on February 17, 2005. We are encouraged at your willingness to take more time from your schedules to hear public testimony on February 17, 2005.

The North Slope Borough Department of Wildlife Management is in opposition to Senate Bill 85 because of the potential negative impacts to the subsistence harvest of caribou and furbearers, damage to tundra, wetlands, and riparian systems caused by off road vehicle (ORV) use, and the lack of law enforcement that will be required to protect both the public and its resources at large. Additionally we are concerned about the damage ORV access would cause to the many important long-term experiments ongoing at the Toolik Lake Field Station operated by the Institute of Arctic Biology as well as those conducted by the State Department of Natural Resources in the Happy Valley region of the Dalton Corridor. We applaud your consideration of restricting the types of ORV's and their use within the Toolik Lake Field Station.

Allowing unfettered access to ORV use along the James Dalton Highway (hereafter Dalton Hwy.) will result in increased hunting pressure on the Central Arctic Caribou Herd (CAH) and Teshekpuk Caribou Herd (TCH). Although these populations have grown over the past two decades, management of the herds has required considerable financial resources from numerous agencies and private industries. Despite having no mandate or direct management authority over any of the wildlife resources involved we have contributed great financial, staff and other resources over the past three decades to improve the quality of decisions where our North Slope resources are at risk. These internal Borough resources could easily have been spent on essential services which are typically the duty of a municipal government. Instead, we chose to expend them when the trust agencies either were not doing the necessary work or needed our assistance to do so.

Prior to North Slope Borough (NSB) financial subsidies to the Alaska Department Fish and Game (ADF&G) a paucity of data existed on TCH caribou migration routes, fine-scale movements that identified key corridors, and traditional wintering, calving, and

summer foraging areas used by caribou (Prichard and Murphy 2004). Without these data mitigation of the impacts to caribou from oil and gas development and exploration would have been lacking from the mandate agencies. It is in this vain that we oppose ORV use along the Dalton highway. The ADF&G's budget is inadequate to man check stations along the Dalton Highway that would be required to get precise estimates of sport harvest and its herd composition while simultaneously evaluating the impacts of oil and gas development to these herds. Similarly, law enforcement in these remote regions is lacking and harassment of wildlife, illegal harvest of game, and wonton waste will go unchecked without substantial financial resources dedicated to mandate agencies. It is of particular concern to the North Slope Borough that increased sport hunting pressure will jeopardize an adequate harvest of game by subsistence users on the North Slope, most notably being the residents of Anaktuvuk Pass who rely heavily on the harvest of caribou which comprises over 85% of their diet (Fuller and George 1997). At a minimum your committee should carefully consider designating a controlled use zone in the northern foothills of Anaktuvuk Pass while evaluating SB85.

Executive Orders were signed by presidents Nixon and Carter restricting the use of ORV's on federal lands due to their negative impacts on these lands (EO 11644, 1972; EO 11989, 1977, respectively). These orders required the mandate agencies to designate and mark trails and to monitor the effectiveness of trail management, abandonment, as well as to facilitate regeneration of native plant species at considerable financial cost to these agencies (USDA 2002). ORV's cause damage to vegetation, increase soil erosion, and alters 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 requires decades to recover (NRC 2003). Similarly, ATV's act as vectors to invasive plant species that change competitive interactions within plant communities which often results in plant assemblages that do not resemble original plant community composition (Lacey et al. 1997). Similarly, ORV's have been responsible for decreasing species diversity in stream and riparian systems (Edward and Burns 1986, Peterson 1994, Zampella 1994). Management of degraded trails in sensitive environments is often cost prohibitive. Currently the NSB Department of Wildlife Management is developing a hardened trail system to prevent further damage to tundra and wetland vegetation around Barrow at considerable expense. At a minimum we suggest that you restrict ATV use to hardened trails along the Dalton Hwy. and that ORV use is limited to snow machine use following the requirements currently used by the Alaskan Department of Natural Resources to ensure adequate protection of the tundra vegetation, underlying soils and permafrost, and numerous stream and riparian systems which characterize the Arctic Slope of Alaska.

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# Fairbanks Daily News-Miner

## Dalton proposal gets first hearing

By DANIEL RICE

Wednesday, February 16, 2005 - News-Miner Juneau Bureau

JUNEAU--The first Senate panel to address the continued effort by Sen. Ralph Seekins, R-Fairbanks, to allow off-road vehicle use in the Dalton Highway corridor heard mostly one side of the issue Tuesday, with several Fairbanks-area residents testifying in favor of repealing a ban they say locks up millions of acres of public land.

Senate Bill 85 seeks to delete a section of state law that bars off-road vehicle use within 5 miles of either side of the Dalton.

The ban extends from the crossing at the Yukon River all the way to the Arctic Coast, and many who favor lifting it say the ban also effectively prevents access to the public areas beyond the corridor by not allowing people to take a vehicle through the corridor.

"We've closed a much larger area than just the corridor," said Fairbanks resident Tom Scarborough, one of several people who testified on SB 85 during a Senate Transportation Committee hearing Tuesday.

Seekins also introduced a proposal to lift the ban last year. That bill never made it out of the Senate committee process, but it drew both support and concerns from all over the state during hearings.

The concerns haven't gone away, said Sen. Donny Olson, a Democrat from Nome who has been one of the Legislature's chief opponents of lifting the ban.

Although most of the people who testified on the bill Tuesday spoke in favor of allowing off-road vehicle use, the committee adjourned before hearing teleconferenced testimony from many Barrow residents. The committee will hear a different perspective when the people who live in the Dalton Highway region have a chance to speak at the next meeting, Olson said.

Residents in the area have expressed concerns about factors such as the effects increased use will have on area caribou herds, more competition for subsistence hunters and trappers and potential damage to the landscape.

People in the region view opening the corridor to off-road vehicle use as a further descent down the "slippery slope" that started when the Dalton Highway was first opened to public travel, Olson said.

He also questioned why Seekins' bill does not include a fiscal note indicating that the measure will carry a cost when Seekins acknowledged that there would be an increased level of maintenance, law enforcement and fish and game monitoring.

"I would say there has been some things that have been overlooked," Olson said after the transportation committee meeting. "I wonder what else has been overlooked."

Seekins' bill features one change from the measure introduced last session. This year's bill would not take effect until one year after enactment, a time period that he said could be used for land managers to develop plans for how to protect sensitive areas and ensure the best use of the area.

The same land-management practices used in road areas south of the Yukon River could be applied north of the river, he said.

Senate Transportation Committee Chair Charlie Huggins, R-Wasilla, held Seekins' bill until Thursday, when more public testimony is expected. The bill would need the support of the full Senate and House of Representatives, plus the governor's signature, to take effect.

Reporter Daniel Rice can be reached at [drice@newsminer.com](mailto:drice@newsminer.com) or (907) 463-4893.



# Alaska State Legislature

Official Business

State Capitol  
Juneau, AK 99801-1182

February 11, 2005

## MEMORANDUM

To: Sen. Huggins, Chair  
Senate Transportation Committee

From: Sen. Olson  
Sen. Kookesh

Re: Hearing of SB 85, Dalton Highway Corridor Access.

We would appreciate if you schedule one of your hearings on SB 85 to be teleconferenced. There is a lot of interest in this bill from citizens in our districts. They are concerned about the ramifications of the legislation and wish to testify on its shortcomings and the problems they foresee. Since some of these people reside in remote villages near the corridor, it is important that there is ample notification time so that they can be informed of the meeting.

Thank you for consideration of this request.

# ALASKA STATE SENATE

Session:  
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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

**Peter R. Buist**  
**Box 71561**  
**Fairbanks, AK 99707**

February 3, 2005

Senator Ralph Seekins  
State Capitol  
Juneau, AK 99801-1182

Dear Senator Seekins:

Re: SB 85

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

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

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

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

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

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

Sincerely,

Pete Buist

2-3-05

TO: SENATOR RALPH SEEKING  
(907) 458-3717 FAX: (907) 465-5241

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

SUBJECT: OFF ROAD VEHICLES OFF THE DALTON HIGHWAY

ATTN: BRYAN HOVE

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

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

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

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

THANKS,

LEO HOLLAND  
LANDOWNER OFF DALTON HIGHWAY



# DALTON HIGHWAY

(Figure Three)



# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB 85  
 ( ) Publish Date: \_\_\_\_\_

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  
 Component Homeland Security and  
 Sponsor Senator Seekins Emergency Management  
 Requester Transportation Component No. 2657

**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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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)

There is no fiscal impact.

Prepared by: John Cramer Phone (907) 465-4602  
 Division Division of Administrative Services Date/Time 2/7/05 3:55 PM  
 Approved by: Commissioner Craig E. Campbell Date 2/7/2005  
 Agency Department of Military and Veterans Affairs

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB85-DOT-CO-2-4-05  
 () Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title Off-Road Vehicle Use on Dalton RDU Administration & Support  
Highway 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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 Phone 465-3904  
 Division: Legislative Liaison, DOT&PF Date/Time 2/4/05 12:06 PM  
 Approved by: Mike Barton Date 2/4/2005  
 Agency: Commissioner, DOT&PF

# FISCAL NOTE

**STATE OF ALASKA**  
**2005 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB085-DPS-AST-2-7-05  
 ( ) Publish Date: \_\_\_\_\_

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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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

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

Estimate of any current year (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