

HB

267

Alaska State Legislature

Juneau

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Member

House Finance Committee

Representative Mike Kelly

House District 7

REVISED SPONSOR STATEMENT – CSHB 267 (TRA)

Dalton Highway Access Bill

Since 1980, state law has prohibited virtually all off-road vehicle use within five miles of the Dalton Highway north of the Yukon River. Miners and oil workers are allowed to cross the corridor for business use and local resident snowmachine use is permitted. HB 267, as introduced, ended the prohibition on Alaskan's right to travel by snowmachine on this public land corridor during the winter months.

The House Transportation Committee amended the bill in 3 ways:

- Lift the prohibition for snowmachine use, but "only to south of Coldfoot" (milepost 176);
- Provides that after May 1, 2012 the existing prohibition would take effect again, effectively sunseting the bill after two years; and
- Requires users to obtain a permit prior to accessing the Corridor by snowmachine, so the State can obtain reliable data before making long-term policy decisions for Dalton Corridor access in the future.

Many Alaskans believe that travel by snowmachine in the Dalton Corridor is prevented by federal law. Wrong. The problem is state law.

A February 20, 2010 *Fairbanks Daily News Miner* editorial stated (excerpt):

Some argue that the state must prohibit snowmachines in the corridor to protect wildlife from renegade hunters. If this is a reasonable argument, shouldn't the state apply the same five-mile buffer to the rest of its remote road system? Most of our highways traverse lightly populated areas where law enforcement is spotty.

The Dalton Highway is more remote, yes, but that actually argues against more stringent regulation. Its remoteness, lack of services and unpaved surface discourage most Alaskans from venturing up it – fewer people, fewer enforcement problems.

The blanket prohibition north of the Yukon River is overkill.

CSHB 267(TRA) will allow snowmachine use on the Dalton highway corridor from Oct. 1 to April 30 when soil is frozen and snow covered. The resulting impact on surface vegetation should be minimal. If CSHB 267(TRA) passes, the prohibition on other off-road vehicles would remain.

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Representative Mike Kelly

House District 7

MEMORANDUM

DATE: March 29, 2010
TO: Representative Mike Kelly
FROM: Derek Miller
RE: Changes to HB 267 in CSHB 267(TRA)
(26-LS1207\K)

Section 1.

Amended this section to limit access by snow machine within the Dalton Highway Corridor to south of Coldfoot, milepost 176. Also, inserted language clarifying access along the corridor to mean across the highway and on or across the highway corridor. The CS also included language in this section that defines "highway corridor" to mean land within five miles of the right-of-way of the highway.

Section 2.

New section of the bill inserting language prohibiting all off-road vehicles along the Dalton Highway Corridor after May 1, 2012.

Section 3.

New section of the bill requiring persons using a snow machine allowed under section 1 of the bill to obtain a permit. The permits will be issued at no fee and the Department of Transportation will use these permits to maintain an accurate count of the number of permits issued. A person found guilty of using a snow machine as permitted under section 1 of the bill, but who does not obtain a permit is punishable by a fine of not more than \$375.

26-LS1207\K

3/29/2010

Section 4.

New section repealing the requirement to obtain a permit to use a snow machine along the Dalton Corridor as specified in section 1 of the bill and repealing language subjecting a person to face a fine of up to \$375 for failing to obtain a permit after May 1, 2012.

Section 5.

Provides for an effective date for the prohibition of all off-road vehicles after May 1, 2012.

FISCAL NOTE

STATE OF ALASKA
2010 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 267(TRA)
 (H) Publish Date: 3/26/10

Identifier (file name): HB267-DNR-MLW-03-08-10 Dept. Affected: Natural Resources
 Title: SNOW MACHINE USE IN DALTON HWY CORRIDOR RDU: Resource Development
 Component: Claims, Permits and Leases
 Sponsor: Rep. Kelly, Rep. Neuman, Rep. T. Wilson
 Requester: House TRA Component Number: 2460

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2011	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015	FY 2016
OPERATING EXPENDITURES								
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	0.0	0.0

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

Estimate of any current year (FY2010) cost: 0.0

POSITIONS

Full-time								
Part-time								
Temporary								

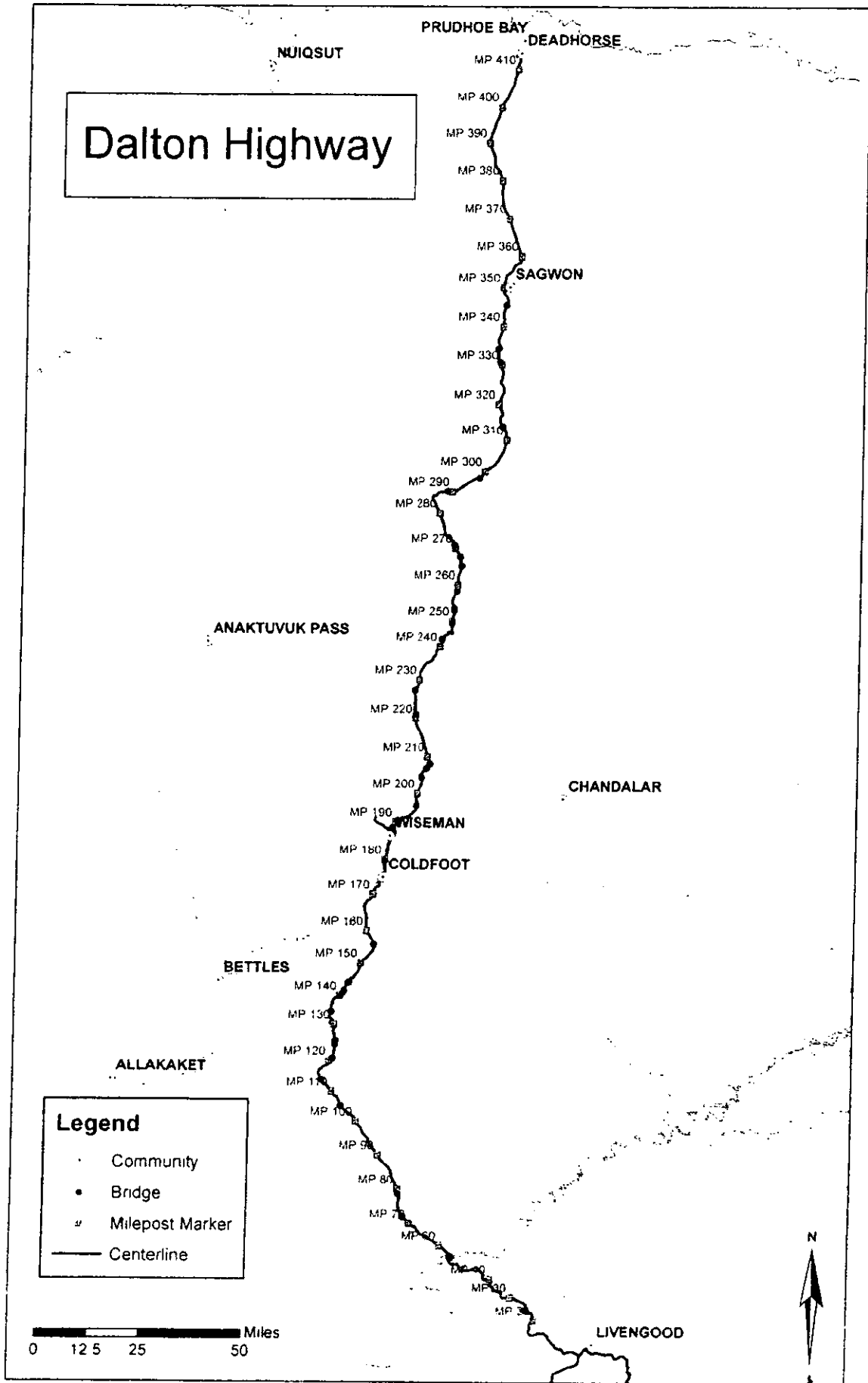
ANALYSIS: (Attach a separate page if necessary)

DNR anticipates no need for additional funding under this proposed legislation.

Prepared by: Dick Mylius, Director
 Division: Mining, Land and Water
 Approved by: Tom Irwin, Commissioner
Natural Resources

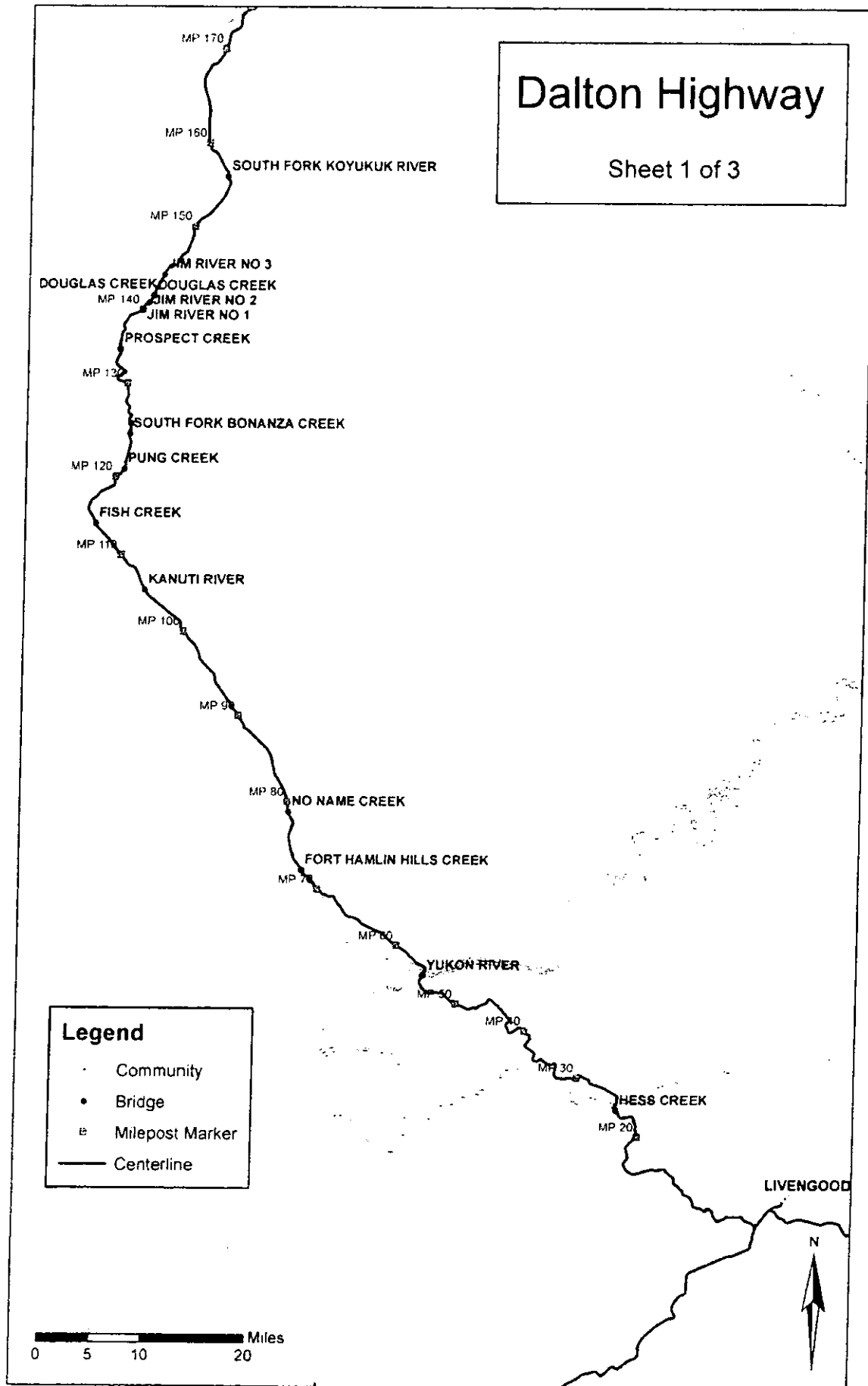
Phone 269-8600
 Date/Time March 8, 2010
 Date March 8, 2010

Dalton Highway



Dalton Highway

Sheet 1 of 3



Legend

- Community
- Bridge
- ◻ Milepost Marker
- Centerline

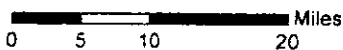
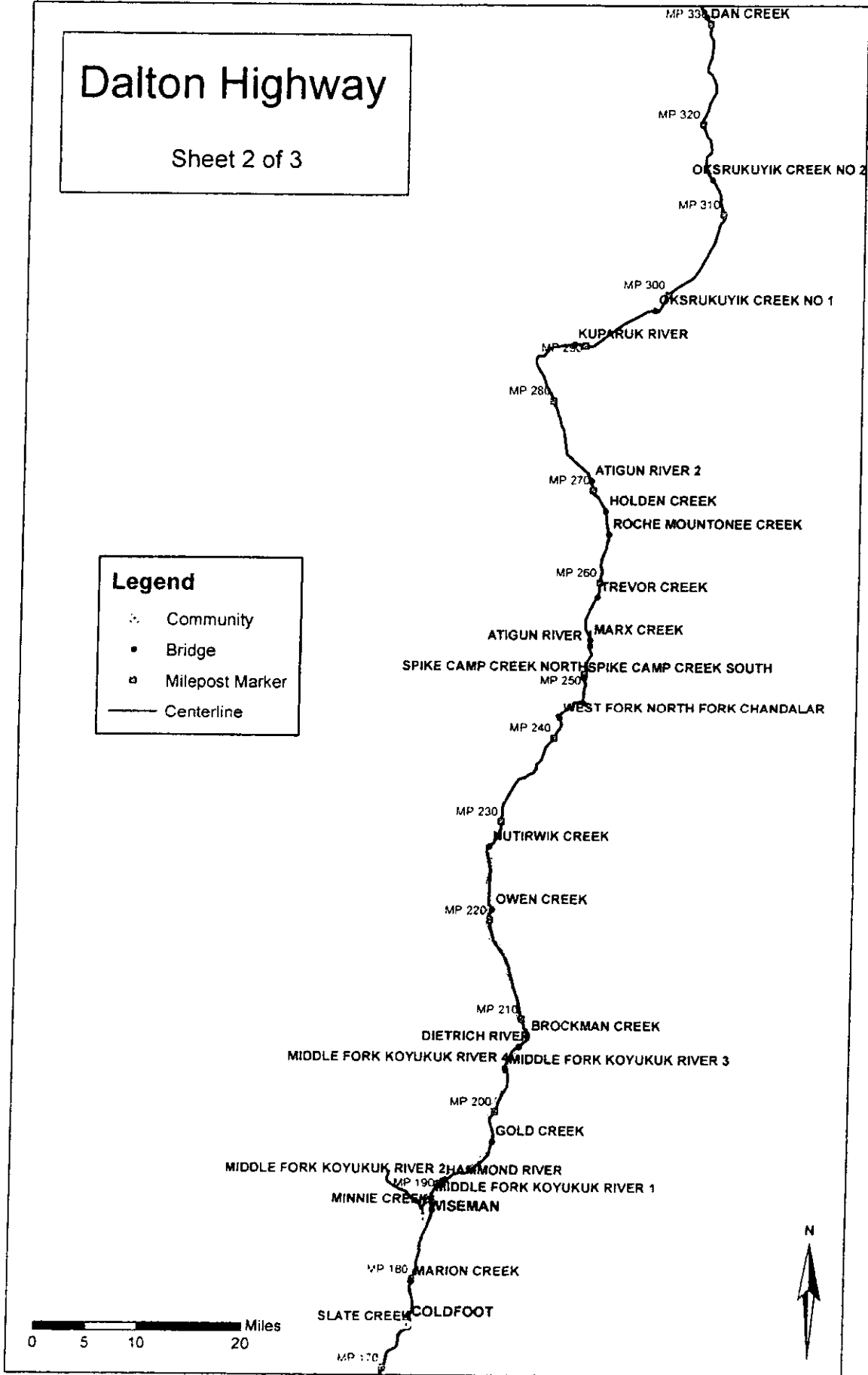
0 5 10 20 Miles

Dalton Highway

Sheet 2 of 3

Legend

- Community
- Bridge
- Milepost Marker
- Centerline



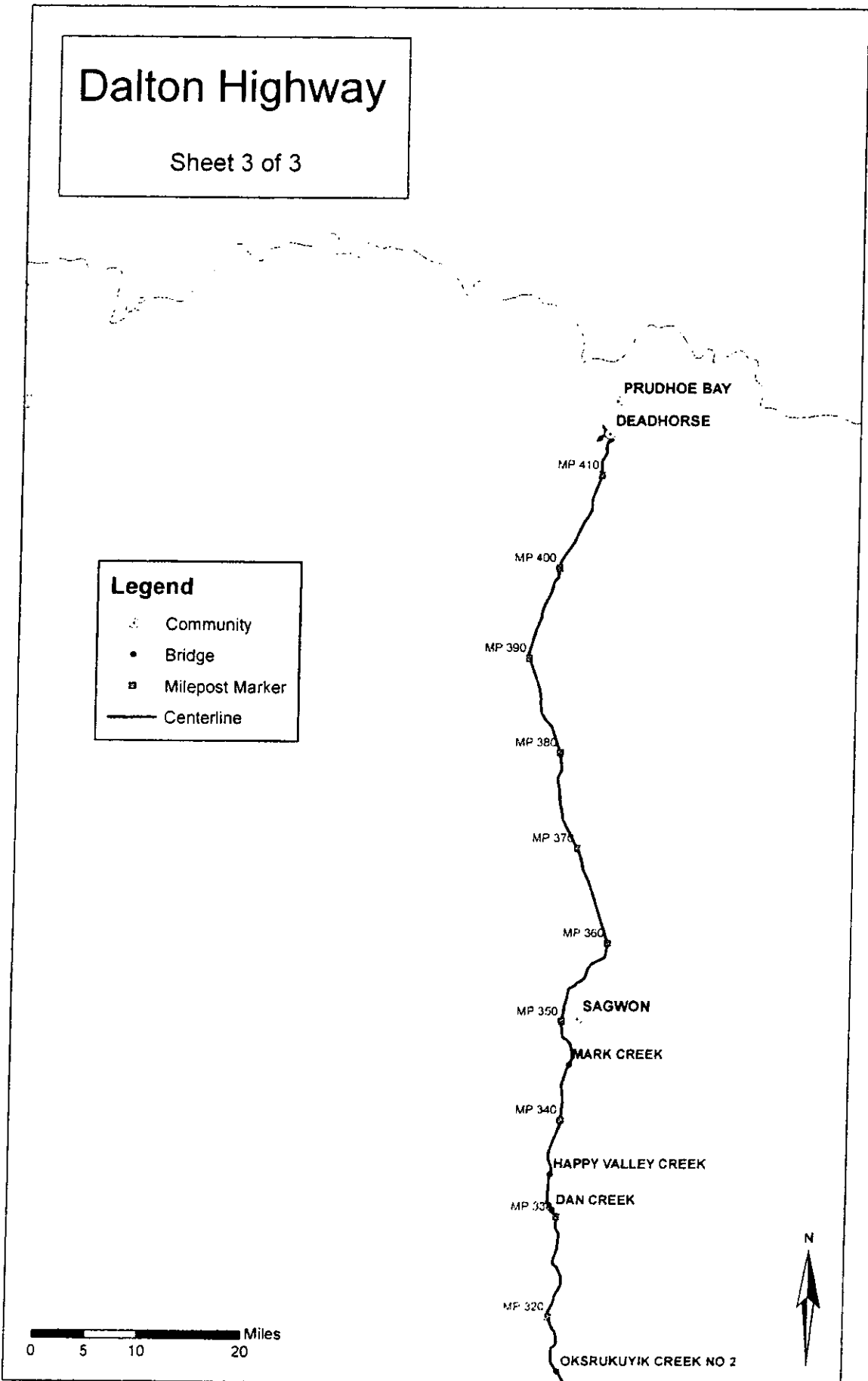
Dalton Highway

Sheet 3 of 3

Legend

- Community
- Bridge
- Milepost Marker
- Centerline

0 5 10 20 Miles



Allow access: Dalton Highway corridor closure should be loosened

Legislators in Juneau have before them a simple bill to end a longstanding, unreasonable limitation on Alaskans' right to travel across public land north of the Yukon River.

Reps. Mike Kelly of Fairbanks and Mark Neuman of Wasilla have proposed allowing snowmachine travel on the Dalton Highway corridor during winter months. Rep. Tammie Wilson of North Pole has signed on as a co-sponsor.

For many years, state law has prohibited virtually all off-road vehicle use within five miles of the highway. Miners and oil workers are allowed on business. And some local snowmachine use is allowed — crossings of the 10-mile wide corridor are permitted if the rider starts from outside the corridor and is on his way to somewhere on the other side. Starting or stopping a snowmachine trip within the corridor is not allowed.

This, of course, eliminates the use of the Dalton Highway as a take-off point for most travel via snowmachine.

The rule is something Alaskans might expect from Washington, D.C., not Juneau. But it has a long history of political compromises that have sustained it in state law.

Some argue that the state must prohibit snowmachines in the corridor to protect wildlife from renegade hunters. If this is a reasonable argument, shouldn't the state apply the same five-mile buffer to the rest of its remote road system? Most of our highways traverse lightly populated areas where law enforcement is spotty.

The Dalton Highway is more remote, yes, but that actually argues against more stringent regulation. Its remoteness, lack of services and unpaved surface discourage most Alaskans from venturing up it — fewer people, fewer enforcement problems.

The ban on off-road vehicles in the corridor was passed in part to discourage urban hunters from using the road and competing with villagers. If that's such an issue, the state could limit access in areas that might be considered too near to the few villages along the route. The blanket prohibition north of the Yukon River is overkill.

The legislation in Juneau would allow snowmachines on the highway corridor from Oct. 1 to April 30. That roughly matches the season of frozen soil and snow cover, so the resulting travelers would have minimal impact on tender surface vegetation.

Even if the legislation passes, the prohibition on all other off-road vehicles would continue. So, too, would state regulations that prohibit hunting, except with bow and arrow, and the transport of hunters using motorized vehicles in the corridor.

The proposal would simply offer Alaskans access during the winter months to public lands from a public highway, with far more limits than they face on any other remote Alaska road.

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Fairbanks Daily News Miner — Editorial February 20, 2010

Dalton Highway snowmachine debate continues in Juneau

By Christopher E. Smith, a resident and a news reporter for the Juneau Daily News

JUNEAU — A House subcommittee continued Wednesday to collect a blend of comments on a proposal to open thousands of square miles of land along the Dalton Highway to winter snowmachine use.

The bill would open the highway corridor to snowmachines during the seven coldest months. Snowmachines and ATVs are banned except for resource development work and travel by local residents.

About 150 people had commented by letter or e-mail or verbally by the time the subcommittee met shortly after noon. Comments were generally split, with 69 in favor and 80 opposed, according to the office of Rep. Tammie Wilson, R-North Pole.

The disagreement kept coming Wednesday afternoon.

Supporters said state law inappropriately bans almost all use of off-road vehicles of the highway north of the Yukon River. They said the soil there is generally frozen solid through the winter, so snowmachine travel from October through April would have little environmental impact.

"Many Alaskans believe that travel by snowmachine in the Dalton corridor is prevented by federal law," lead sponsor Rep. Mike Kelly, R-Fairbanks, said in a statement on the bill. "Wrong. The problem is state law."

Heidi Schoppenhorst, with Boreal Lodging in the Brooks Range, told the subcommittee the bill would open areas with few public safety personnel and difficult access to medical care. Schoppenhorst said increased snowmachine access also would conflict with a scenic byway plan for the area.

"I'm highly opposed to (House Bill) 267," she said.

Kelly said some have misinterpreted the bill as a move to change hunting regulations. The bill would not remove the prohibitions on rifle hunting within the Dalton Highway corridor or on the use of motorized vehicles to transport hunters anywhere within it (except on the highway and a few designated side roads); it only looks to improve people's opportunity to take advantage of outdoor opportunities already allowed, Kelly said.

"If this bill is passed it does not change any hunting along the Dalton Highway," Kelly said. "That was not the intent and it was never the intent."

Wilson, chairwoman of the subcommittee, said the group will meet again Monday to review options. Wilson is a co-sponsor of the bill.



Alaska Outdoor Council

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Website: www.alaskaoutdoorcouncil.org

March 9, 2010

Dear Representative Peggy Wilson and House Transportation Committee members,

Thank you for the opportunity to submit written testimony in support of House Bill 267 on behalf of the Alaska Outdoor Council (AOC). AOC has a statewide membership of over 10,000 Alaskans who regularly access public lands in order to gather public resource as well as travel on public lands for the sheer joy of being there.

Throughout the settling of North America by people of European descent outdoor's people have followed the trails laid down by developers. Fur trappers, gold miners, lumberjacks, and farmers all lead the way to public lands. The James Dalton highway is a latter day example of how today energy development is providing that same service to outdoors people. There are millions of acres of public lands along the Dalton highway north of the Yukon River that are inaccessible to the majority of people. Had it not been for the relatively inexpensive road access to Deadhorse thousands of tourist would have never been able to visit Alaska's North Slope. I personally had the privilege of driving the Haul road for 25 years while working for an Alaska big game guide in ANWR. He was able to make his remote guiding operation an economic success by reducing his air charter bill because he could drive his supplies into Deadhorse to fly out to camp. Access to public lands provides the State and its people with economic opportunity.

Today in Alaska we are witnessing an ever increasing loss of access to federal public lands as federal land managers are using federal law created by the Alaska National Interest Lands Conservation Act (ANILCA) to restrict travel. The opportunities for Alaskans to access federal public lands is being reduced at an alarming rate by the loss of RS 2477 right-of-ways, reductions in section 17(b) easements and sites, section 810 analyses of ANILCA, EIS determinations, and Records of Decisions regarding BLM Resource management planning.

The brunt of these federal closures will fall on State DNR land managers as they try to fulfill the constitutional mandates in Article VIII, Sections 1 and 2. The legislature will find it hard to meet their legislative mandate if they continue to allow State public domain to be locked up just five miles beyond the closed corridor.

"Protecting your Hunting, Trapping, Fishing and Access Rights"

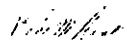
"Alaska state affiliate for the NRA"

AOC feels it will be in the State's best interest to allow seasonal (October - April) snow machine access to public lands north of the Yukon River along the James Dalton highway. Locking up access to public lands and resources is not what Alaskans want to see their legislators do. Rather AOC would like to see legislators support and fund sound scientific management of the habitat and the resources that depend on quality habitat, trail improvements, plus adequate enforcement necessary to ensure sustain-yield management of renewable resources.

AOC asks that you pass HB 267 out of H(TRA) committee with unanimous consent.

Thank you for your consideration of AOC's membership regarding access to public resources.

Rod Arno



Executive Director
Alaska Outdoor Council

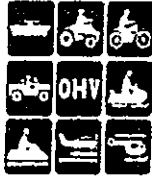
Bill Iverson



President
Alaska Outdoor Council

"Protecting your Hunting, Trapping, Fishing and Access Rights"

"Alaska state affiliate for the NRA"



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March 9, 2010

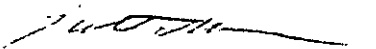
Subject: House Bill No. 267

Dear Legislators:

On behalf of the Alaska Outdoor Access Alliance (herein AOAA) I write to request your support of House Bill No. 267 "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway." This bill sponsored by Representative Mike Kelly and Representative Mark Neuman, and co-sponsored by Representative Tammie Wilson is a step in the right direction for the State to rescind its unnecessary and unfair limitations on snow machine use within 5-miles of the James Dalton Highway. I encourage you to pass this bill as written.

The AOAA endorses the concept of maximizing the sustainable use of Alaska's public lands and waters. We believe that Alaska's lands and waters should be managed in a way that maximizing the enjoyment for the most Alaskans possible. AOAA was created in 2004 and represents over a dozen clubs and associations related to recreation across the State.

Sincerely,


Scott C. Hala
President
Alaska Outdoor Access Alliance

HB 267 – DALTON HIGHWAY TALKING POINTS

FACTS:

- Highway built in 1974 as a pipeline construction service road.
- Starts at Livengood and ends at Deadhorse – Just over 400 miles in length.
- Along most of its length, you'll see no restaurants, no gift shops, no service stations – just forest, tundra, and mountains, crossed by a double ribbon of road and pipe.
- The highway was closed – by state law – in 1980 to all recreational off-road vehicle use within 5 miles of the road right-of-way north of the Yukon River (AS 19.40.210).
- Became a public highway in 1991 with open access to anyone traveling north.
- Named after James Dalton, arctic engineer involved in early oil exploration efforts on the North Slope.
- Almost all land along the route is public land (millions of acres) with two different land managers: Federal Bureau of Land Management and the Alaska Department of Natural Resources.
- Prohibition starts at mile 57 of the Yukon River Crossing and extending 357 miles north to the Arctic Ocean.
- Highway corridor means lands within five miles of the highway right-of-way. (10-mile stretch that you can't unload the snow machine off your truck and use it anywhere in there).

Q & A:

Q: Would HB 267 have an adverse affect on game management and destroy game populations?

No. HB 267 does not speak to game management along the Dalton Corridor. There are current regulations in place that establish the Dalton Hwy Corridor Management Area that prevents motorized vehicle use to transport hunters, hunting gear, or parts of game, within the DHCMA. This bill in itself does not change hunting regulations in the area and the Board of Game would still regulate the area.

Q: Won't there be a lack of enforcement of Fish & Game regulations?

No more than what we have currently. Life safety services and enforcement will expand proportional to demand, just as in other areas of the state.

Q: Won't the lack of pull-outs along the Dalton create a safety concern?

The Department of Transportation and Public Safety can work collaboratively on a public safety awareness campaign. We could also look for future money to go towards building pull-outs along the Dalton. Before we do that however, it would be important to determine how much actual use there will be following passage of HB 267.

Q: Will HB 267 negatively impact wildlife and subsistence hunting due to the disturbance caused by snow machines?

Millions of acres of land lie along both sides of the Dalton Highway, north of the Yukon River. There should be room for all Alaskans.

Points to Consider:

- Large chunk of public land with limited opportunities for public uses due to the restrictions on motorized vehicles.
- HB 267 makes sense because it provides for much better access while reducing potential conflicts and habitat damage concerns by its **seasonal provision and limitation of motorized access to snow machines**.
- Given the limitations on so much of Alaska's lands do to federal land management regulations, loss of access on lands transferred to Native corporations under the terms of the Alaska Native Claims Settlement Act, the impasse over RS2477 access recognition, and the limited State trails program, it is important to responsibly promote public access on State lands where and when it can be done. HB 267 does this.