

HB

267

Alaska State Legislature

Juneau

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Member

House Finance Committee

Representative Mike Kelly

House District 7

SPONSOR STATEMENT – HB 267

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 simply ends the longstanding prohibition on Alaskans' right to travel by snowmachine on this public land corridor north of the Yukon River. 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.

HB 267 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 HB 267 passes, the prohibition on other off-road vehicles would remain. This bill simply offers Alaskans access by snowmachine during the winter months to public lands from a public highway.

26-LS1207\N
Kane
3/25/10

CS FOR HOUSE BILL NO. 267(TRA)

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION**

BY THE HOUSE TRANSPORTATION COMMITTEE

**Offered:
Referred:**

Sponsor(s): REPRESENTATIVES KELLY AND NEUMAN, Tammie Wilson

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to travel by snow machine within five miles of the right-of-way of the**
2 **James Dalton Highway; and providing for an effective date."**

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

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

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

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

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

13 (3) the use of a snow machine to travel south of highway milepost
14 176 between October 1 and April 30 across the highway and on or across the

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highway corridor [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. 2. AS 19.40.210, as amended by sec. 1 of this Act, is amended to read:

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 [SOUTH OF MILEPOST 176 BETWEEN OCTOBER 1 AND APRIL 30] 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;** [AND ON OR ACROSS THE HIGHWAY CORRIDOR] in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

* Sec. 3. AS 19.40.210 is amended by adding new subsections to read:

(b) A person using a snow machine as allowed under (a)(3) of this section is required annually to obtain a permit from the department. The department shall issue a permit at no fee to any person requesting one and shall keep an accurate count of the number of permits issued.

old language that would come back if/when sunset occurs.

new permit

1 (c) A person using a snow machine as allowed under (a)(3) of this section
 2 without a permit is guilty of a violation and upon conviction is punishable by a fine of
 3 not more than ~~\$25~~ ⁷⁵

4 * Sec. 4. AS 19.40.210(b) and 19.40.210(c), as enacted by sec. 3 of this Act, are repealed on
 5 May 1, 2012. *Sunset.*

6 * Sec. 5. Section 2 of this Act takes effect May 1, 2012.

N / Y
|| / ||

Alaska State Legislature House of Representatives

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Representative Tammie Wilson

MEMORANDUM

March 23, 2010

TO: Representative Peggy Wilson, Chair, House Transportation Committee
FROM: Representative Tammie Wilson
Representative Pete Petersen
Representative Craig Johnson
RE: Transportation Subcommittee recommendations on HB 267

The House Transportation Subcommittee convened to address HB 267 on March 17 & 22nd. The committee completed public testimony, received feedback from DOT and the prime sponsors, and discussed options. The committee recommends consideration of one or more of the following:

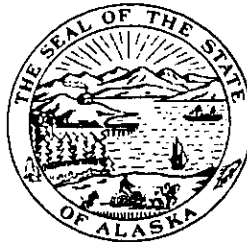
- ← • Request DOT monitor the number of new annual recreational visitors through a "permit" process; regulate the number of permits issued through a biennial review.
 - Posting (via online and phone) weather conditions to confirm adequate snow covering.
- Designate access points within the corridor which correspond with existing pull-outs and parking areas.
- Require recreational users to maintain safety equipment (i.e. GPS and emergency supplies)
- ← • Open the corridor to recreational access to only mile post 176 (Coldfoot).

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2/21

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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.

HB 267 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 HB 267 passes, the prohibition on other off-road vehicles would remain. This bill simply offers Alaskans access by snowmachine during the winter months to public lands from a public highway.

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

Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Chapter 19.40. JAMES DALTON HIGHWAY

Sec. 19.40.010. Declaration of policy.

(a) The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean and that this public highway should be constructed by the State of Alaska at this time because

(1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of the State of Alaska, in which it is provided that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;

(2) it will provide the first year-round, overland route from north of the Yukon River to the Arctic Ocean, and will consequently result in the completion of a highway from the Pacific Ocean to the Arctic Ocean;

(3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid Highway Act of 1956), in which it is declared to be in the national interest to accelerate the construction of certain highways which are of primary importance to the national defense;

(4) it will benefit local and interstate commerce because the area north of the Yukon River is rich in natural resources but is inaccessible at the present time because of the lack of roads and this inaccessibility prohibits the successful use of the natural resources of this area;

(5) it is consonant with art. VIII, Sec. 2, Constitution of the State of Alaska, in which it is provided that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and water, for the maximum benefit of its people, because the highway will benefit not only local and interstate commerce but will also augment the revenue of the state and result in conservation of natural resources, for example, by facilitating a system of wildland fire suppression.

(b) It is the sense of the legislature that the construction of the highway will not impair the natural wilderness adjacent to the highway and will not unreasonably interfere with subsistence hunting, fishing, trapping, and gathering.

(c) It is the intent of the legislature that the state shall be reimbursed for the cost plus interest of constructing the public highway from the Yukon River to the Arctic Ocean.

(d) It is the intent of the legislature that employment of Alaska residents be encouraged and that the provisions of AS 36.10 be complied with.

Sec. 19.40.015. Highway named.

The highway is named the James Dalton Highway.

Sec. 19.40.020. Contractual authority.

(a) Subject to (b) of this section, the department may contract in accordance with AS 36.30 for the construction of a secondary highway from the Yukon River to the Arctic Ocean. The provisions of AS 36.10 govern in employment practices on all work authorized by this chapter.

(b) The authority granted under (a) of this section may not be exercised until the state enters into a contract with the participants in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline from the North Slope (that area of Alaska lying north of 68 degrees latitude). The contract shall provide for reimbursement to the state by the participants, jointly and severally, in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline, of the full amount of the highway's cost of construction plus interest on the state's expenditures at the rate of seven and one-half percent per year. Complete reimbursement together with interest shall be made within five years from the date of the contract. The state may, with the agreement of the participants, elect to construct an oil pipeline from the North Slope. In that event, the provisions of this subsection requiring reimbursement do not apply.

(c) The contract with the participants must include additional terms and conditions that are in the best interests of the state. Any advance payments made under the contract shall be deposited in a special account which will be used for disbursements to the contractor charged with construction of the highway. Disbursements to the contractor shall be made on order of the commissioner of transportation and public facilities on presentation of a proper voucher or the presentation of a voucher by an employee of the department authorized in writing to certify as to such payment.

Sec. 19.40.030. Undertakings of contractors.

The department, in place of the bonds or individual sureties required by AS 36.25.010, may accept corporate undertakings that include the same essential provisions of the bonds or individual sureties required by AS 36.25.010 and that are satisfactory to the department.

Sec. 19.40.040. Exemption.

The Alaska Net Income Tax Act and the Alaska Business License Act do not apply to any money received by the general contractor from the state under a highway construction contract authorized under this chapter if the money is to be paid to a subcontractor for work performed under the construction contract. The money received by the subcontractors is subject to the Alaska Net Income Tax Act, the Alaska Business License Act, and any other applicable state taxes.

Sec. 19.40.050. Highway width.

In accordance with AS 19.10.015, the width of this highway is designated as 200 feet.

Sec. 19.40.060. Conditions to be met.

Construction authorized under AS 19.40.020 - 19.40.050 may not be undertaken until all of the following conditions are met:

(1) certification by the commissioners of natural resources and fish and game that adequate precautions have been taken to protect and preserve the total ecology of the area traversed;

(2) certification by the commissioner of transportation and public facilities that the road design and construction methods will cause minimal landscape defacement or environmental degradation by erosion or waste disposal;

(3) certification by the commissioner of health and social services that adequate and reasonable precautions have been taken for the prevention of pollution during construction and subsequent public use;

(4) all certifications, as well as the regulations, contract provisions, specifications, inspection procedures, and programs necessary to implement and accomplish AS 19.40.020 - 19.40.050 shall be filed with the governor's office and published;

(5) the governor has approved all certifications and supporting material submitted under (4) of this section as being in the best public interest, and has certified that the contract required by AS 19.40.020 has been executed.

Sec. 19.40.065. Regulations and penalties.

All departments and agencies of the state are given the specific authority to adopt under AS 44.62 (Administrative Procedure Act) emergency, temporary, and permanent regulations necessary to accomplish the purposes of AS 19.40.020 - 19.40.050. The violation of any regulation adopted under AS 19.40.020 - 19.40.050 is a misdemeanor and upon conviction the person is punishable by a fine of not more than \$10,000 for each offense.

Sec. 19.40.070. Conflict with other laws.

In the event of a conflict between this chapter and any other law of this state, the provisions of this chapter govern and supersede any such other law.

Sec. 19.40.080. [Renumbered as AS 19.40.290].

Repealed or Renumbered

Renumbered as AS 19.40.290.

Sec. 19.40.100. Use of the highway by industrial or commercial traffic.

(a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) In this section "industrial or commercial traffic" means

(1) travel necessary and related to resource exploration and development or to support of those activities, if the individual engaged in those activities has all necessary permits;

(2) travel necessary and related to access by local residents to their property; or

(3) motor carriers engaged in commerce.

Sec. 19.40.110. Public use of a portion of the highway.

The department shall maintain the section of the highway between the Yukon River and Dietrich Camp and shall keep that section of the highway open to use by the public between June 1 and September 1 each year.

Sec. 19.40.120. Closure of the highway to traffic.

The provisions of AS 19.10.100 apply to the closure of the highway by the department.

Sec. 19.40.200. Disposal of land or materials.

(a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal

(1) to a licensed public utility or a licensed common carrier under AS 38.05.810 (e);

(2) for the reauthorization of leases that were in effect on January 1, 1994, for nonresidential purposes within the following development nodes:

(A) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

(B) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Sections 25 - 27

Sections 34 - 36

(3) for nonresidential development within the following development nodes:

(A) Deadhorse:

Township 10 North, Range 14 East, Umiat Meridian

Township 10 North, Range 15 East, Umiat Meridian

Section 8

Sections 17 - 20

Section 30

(B) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

Township 29 North, Range 12 West, Fairbanks Meridian

Sections 23 - 27

Sections 34 - 35

(C) Franklin Bluffs:

Township 4 North, Range 14 East, Umiat Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

(D) Happy Valley:

Township 3 South, Range 14 East, Umiat Meridian

Sections 19 - 20

Sections 29 - 30

(E) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

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Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Section 25 - 27

Section 34 - 36; or

(4) necessary for

(A) an oil and gas lease or gas only lease under AS 38.05.180;

(B) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(C) a state lease or materials sale for

(i) exploration, development, production, or transportation of oil or gas;

(ii) reconstruction or maintenance of state highways; or

(iii) construction or maintenance of airports.

(c) Before the sale of materials under (b)(4)(C) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

(d) Notwithstanding another provision of law, when the department determines and orders that a utility facility located across, along, over, under, or within the highway right-of-way must be changed, relocated, or removed, the licensed public utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order and is responsible for the cost of the change, relocation, or removal.

(e) Notwithstanding (b) of this section, land described in (b) of this section is not available for disposal if it has been selected by a municipality to satisfy a general grant land entitlement under AS 29.65 unless the selection is disapproved by the state in a final decision.

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. Definition.

In this chapter, "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

Alaska State Legislature House of Representatives

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- Designate access points within the corridor which correspond with existing pull-outs and parking areas.
- Require recreational users to maintain safety equipment (i.e. GPS and emergency supplies)
- Open the corridor to recreational access to only mile post 176 (Coldfoot).

Alaska Department of Community
and Economic Development

Division of Community Advocacy

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August 25, 2004

Mr. Marty McGee, Assessor
Property Appraisal Division
Municipality of Anchorage
P.O. Box 196650
Anchorage, AK 99519-6650

Dear Mr. McGee,

The purpose of this letter is to advise you of my position on the manner in which the Municipality of Anchorage (MOA) assesses property used by and leased by taxable entities, while owned by an exempt entity. The methodology used by the MOA does not capture the entire value that exists for these "leasehold interest." The assessment community in this state refers to these interests as "possessory interests." These interests are assessable by authority granted by Article IX, Section 5 of the Constitution of the State of Alaska and AS 29.45.030(a)(1)(A).

There are two methods used to value these interests, the "rent savings" and the "reversionary" methods. The MOA uses a mix of the two methods while the rest of the state uses only the reversionary method. The mix of methods used by the MOA fails to capture any value for certain leases and under-values the taxable interests of many other leases.

In the latest Alaska Supreme Court decision on possessory interest, *FNSB v. Golden Heart Utilities*, (13 P3d 263- Alaska, 2000), the appellant, GHU, attempted to persuade the court into accepting the rent savings method of valuing leasehold interests as opposed to the reversionary method used by the assessor. The court rejected GHU's argument and reiterated its position in *North Star Alaska Housing* stating, "...we rejected that argument and concluded that it was appropriate to value the leasehold based on the land's market value, as if it were owned (by the leaseholder), minus an adjustment based on the fact that [the leaseholder's] interest is only for a [fixed] term.." The court also noted that they again approved this valuation method (reversionary methodology) in their decision in *Cool Homes v. Fairbanks North Star Borough*.

The court went a long way to distinguish between the two methodologies but, in my opinion, stopped short of saying that the reversionary method was the only method that should be used to ascertain values for leasehold interests.

"Promoting a healthy economy and strong communities"

Mr. Marty McGee, Anchorage Assessor
Possessory Interests
August 25, 2004
Page Two

However, the court's decision is convincing in stating that value of a leasehold interest should reflect a value for possession and use rather than a value for the leaseholders equity position in a lease (the rent savings method). While I know of no other methodology, aside from the reversionary method, that adequately and reasonably captures the value of the interest in the use of otherwise exempt property by a taxable entity, there certainly could be one. And based on that, it would be improper for me to state that the reversionary method is the only method available to your office to capture this value. However, it is clear to me that the current method used by your office does not always capture the leasehold interest value and as such may constitute a major error. I have been reluctant to issue a letter of major error to the MOA because of your failure to capture these values. However, over the last few years, I have added an estimate of these non-captured values to the MOA annual full value determination, which, as you know, is used to calculate the city's local contribution for education.

The MOA methodology for assessing possessory interests does not only undervalue some leasehold properties, and in some cases fails to place any value on these properties, it creates inequities for other taxpayers within the city who are forced to pay an increased share of the tax burden because these properties are not correctly assessed.

I would strongly suggest that the MOA change its methodology for assessing possessory interests. Unless your office has another method that will adequately and justifiably capture these values, I suggest you use the same methodology as used by every other municipality in the state, the reversionary method.

If you have any questions regarding this issue, please feel free to contact me. I will be out of the office until September 13 at which time you may contact with any questions or comments you may have.

Steve Van Sant
State Assessor

Rebecca Rooney

From: Karen Felts [karenfelts@hotmail.com]
Sent: Monday, March 15, 2010 1:01 PM
To: Rep. Peggy Wilson
Subject: HB 267

Representative Wilson,

We strongly support HB 267.

Thank You,

Gary & Karen Felts

9300 E Boyd Road

Palmer, AK 99645

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Rebecca Rooney

From: Paula & Robert Caywood [cmmgen@mtaonline.net]
Sent: Monday, March 15, 2010 8:39 AM
To: Rep. Peggy Wilson
Subject: Dalton Hwy Cor.

Please open this to snowmachining – we have very little access to the state as it is – Paula & Robert Caywood Eagle River Alaska

_____ Information from ESET Smart Security, version of virus signature database 4946 (20100315)

The message was checked by ESET Smart Security.

<http://www.eset.com>

Rebecca Rooney

From: Dave Williams [dewilliams@drydenlarue.com]
Sent: Monday, March 15, 2010 9:14 AM
To: Rep. Peggy Wilson
Subject: HB 267

I support HB267. This bill would open the Dalton Highway corridor to snow machine access. I strongly urge you to support it also.

Thanks

Dave Williams

Rebecca Rooney

From: Tony Russ [aruss@mtaonline.net]
Sent: Monday, March 15, 2010 9:25 AM
To: Rep. Peggy Wilson
Subject: Dalton Corridor

I am in favor of allowing access through the Dalton Highway Corridor with snowmachines during months the tundra is covered with snow. It does need to be well-regulated to protect vegetation and prevent abuses. Alaskans really do need more practical access to our home state. If snowmachine access is not allowed through the corridor, then all of it should stop, particularly the current access that is allowed for those few Alaskans who happen to live next to the corridor but who can travel through it. These type of regulations that give significant privileges to some residents over others continue to divide Alaskans by creating resentment. Whatever the regulations (on any resident privilege or right) it should not be written so some get it and some don't just because of where they live. We are supposed to be one state with one class of Alaskans. DON'T divide us into small groups who no longer enjoy the same rights as our neighbors.

Tony Russ
376-6474
tony@tonyruss.com

Rebecca Rooney

From: Art Kihn Mat-Su Tool Repair [akihn@mtaonline.net]
Sent: Monday, March 15, 2010 10:17 AM
To: Rep. Peggy Wilson
Subject: HB267

As a self employed business family and outdoor enthusiasts, We strongly support HB267.

Thank you,
Art & Eve Kihn
Wasilla Alaska

Rebecca Rooney

From: jtb@gci.net on behalf of Thane Humphrey [jtb@alaska.net]
Sent: Monday, March 15, 2010 10:21 AM
To: Rep. Peggy Wilson
Subject: In strong support of HB267

Dear Peggy:

Please work with your constituents in passing HB267, so that we, the Alaskan people, can have access to that which should by right, be ours to access. I am a third generation Alaskan photographer and a hunter, and having motorized access to the Dalton Highway corridor means a lot to me and my family. It is a very large piece of Alaska, that by rights, should be ours to access but has been restricted so that only those that are healthy enough to trek across the snow and ice on foot, ski, or snow shoe, have that access. There are many Alaskans that do not have the requisite amount of time or are not in good enough shape to trek on foot, and would love an opportunity to do so on snow machine.

Please remember, there are far more Alaskans that participate in motorized activities, than not. We hope that you are looking out for our rights as well, and that you do not succumb to the pressure of those who somehow manage to have enough time on their hands to protest against motorized access at every meeting, while those of us who enjoy motorized activities are tied up working or doing family activities outdoors in Alaska.

In strong support of HB267,

Thane Humphrey

The Proteros Group LLC
P.O. Box 872335
Wasilla, AK 99687

Phone: 907-715-8009
e-mail: jtb@alaska.net

Rebecca Rooney

From: Dave Verbyla [daveverbyla@hotmail.com]
Sent: Monday, March 15, 2010 10:32 AM
To: Rep. Peggy Wilson
Subject: HB 267 would create three major problems

15 March 2010

Representative Peggy Willson
Chair, House Transportation Committee

I have been an Alaskan resident for 18 years,
and I vote every year. I have never written to a legislator.
I am writing now to point out three problems with House Bill 267.

1) Safety.

With low light, high winds, and frequent white-outs in the arctic,
this bill creates a safety problem. Especially since there are
few pullouts for trailers with snow machines. Haul Road Truckers and
Snowplows should not have to contend with this safety hazard.
Why encourage illegal use of pipeline access roads
(these roads are typically the only areas large enough for parking
of snowmachine trailers for many miles north of the Brooks Range).

There are millions of acres of public land accessible by road elsewhere
in Alaska where snowmachines are welcome, snowpack is better,
conditions are safer, parking lots are available, and search and rescue is easier.

2) Damage to Game Populations.

According to the Alaska Chapter of the Wildlife Society (a society
of professional wildlife biologists which supports hunting for game
management) there is a major concern that snowmachines will disturb
stressed populations of Dall's sheep, moose, and muskox in treeless
areas where suitable winter range is limited, particularly during
periods of high energy deficit in late winter.
Snowmachine traffic in mid to late April also has potential to
inadvertently separate newly born muskox calves from their mothers.

In the treeless tundra, snowmachine use will stress
game at a much farther distance compared to most other areas in the
state that are currently used by snowmachiners.

3) Damage to Hunting Opportunities.

Although I am a rifle hunter, I appreciate the Dalton
Highway as a unique resource for bowhunters...the only location
in the entire state where bow hunters can enjoy stalking caribou
near a road system without being harassed by four-wheelers and snowmachines.

The use of snowmachines for caribou hunting will simply push most of the
animals away from the Dalton Highway just as it has done along the Steese
and Taylor Highways with the White Mountain and 40-mile caribou herds.
These highways are already available for 4-wheelers and snow machines to hunt,
why ruin the unique opportunities on the Dalton Highway?

Thank you for voting no and not creating a problem.

Sincerely,

Dave Verbyla
PO Box 81072
Fairbanks, AK 99708

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Rebecca Rooney

From: hschachle@yahoo.com
Sent: Monday, March 15, 2010 11:15 AM
To: Rep. Peggy Wilson
Subject: HB267

I Trent Schachle strongly support HB267. Thank you

Rebecca Rooney

From: Christie [lyonspride5@mtaonline.net]
Sent: Monday, March 15, 2010 11:40 AM
To: Rep. Peggy Wilson
Subject: HB267
Attachments: stampa_girl_line_en.gif

Snowmachining should be allowed along the Dalton Road corridor during the months of Sept to March as long as it is properly frozen. It will not harm the plantlife during that time and opens up the land for Alaskans. It is a shame to close land that is over the size of the entire state of road island from the people who live here when it causes no harm. I feel this is a reasonable compromise to having it closed off completely from the people.

Lydia Lyons



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Sec. 16.05.258. Subsistence use and allocation of fish and game.

(a) Except in nonsubsistence areas, the Board of Fisheries and the Board of Game shall identify the fish stocks and game populations, or portions of stocks or populations, that are customarily and traditionally taken or used for subsistence. The commissioner shall provide recommendations to the boards concerning the stock and population identifications. The boards shall make identifications required under this subsection after receipt of the commissioner's recommendations.

(b) The appropriate board shall determine whether a portion of a fish stock or game population identified under (a) of this section can be harvested consistent with sustained yield. If a portion of a stock or population can be harvested consistent with sustained yield, the board shall determine the amount of the harvestable portion that is reasonably necessary for subsistence uses and

(1) if the harvestable portion of the stock or population is sufficient to provide for all consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) shall adopt regulations that provide for other uses of those stocks or populations, subject to preferences among beneficial uses; and

(C) may adopt regulations to differentiate among uses;

(2) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses and some, but not all, other consumptive uses, the appropriate board

(A) shall adopt regulations that provide a reasonable opportunity for subsistence uses of those stocks or populations;

(B) may adopt regulations that provide for other consumptive uses of those stocks or populations; and

(C) shall adopt regulations to differentiate among consumptive uses that provide for a preference for the subsistence uses, if regulations are adopted under (B) of this paragraph;

(3) if the harvestable portion of the stock or population is sufficient to provide for subsistence uses, but no other consumptive uses, the appropriate board shall

(A) determine the portion of the stocks or populations that can be harvested consistent with sustained yield; and

(B) adopt regulations that eliminate other consumptive uses in order to provide a reasonable opportunity for subsistence uses; and

(4) if the harvestable portion of the stock or population is not sufficient to provide a reasonable opportunity for subsistence uses, the appropriate board shall

(A) adopt regulations eliminating consumptive uses, other than subsistence uses;

(B) distinguish among subsistence users, through limitations based on

(i) the customary and direct dependence on the fish stock or game population by the subsistence user for human consumption as a mainstay of livelihood;

(ii) the proximity of the domicile of the subsistence user to the stock or population; and

(iii) the ability of the subsistence user to obtain food if subsistence use is restricted or eliminated.

(c) The boards may not permit subsistence hunting or fishing in a nonsubsistence area. The boards, acting jointly, shall identify by regulation the boundaries of nonsubsistence areas. A nonsubsistence area is an area or community where dependence upon subsistence is not a principal characteristic of the economy, culture, and way of life of the area or community. In determining whether dependence upon subsistence is a principal characteristic of the economy, culture, and way of life of an area or community under this subsection, the boards shall jointly consider the relative importance of subsistence in the context of the totality of the following socio-economic characteristics of the area or community:

(1) the social and economic structure;

(2) the stability of the economy;

(3) the extent and the kinds of employment for wages, including full-time, part-time, temporary, and seasonal employment;

(4) the amount and distribution of cash income among those domiciled in the area or community;

(5) the cost and availability of goods and services to those domiciled in the area or community;

(6) the variety of fish and game species used by those domiciled in the area or community;

(7) the seasonal cycle of economic activity;

(8) the percentage of those domiciled in the area or community participating in hunting and fishing activities or using wild fish and game;

(9) the harvest levels of fish and game by those domiciled in the area or community;

(10) the cultural, social, and economic values associated with the taking and use of fish and game;

(11) the geographic locations where those domiciled in the area or community hunt and fish;

(12) the extent of sharing and exchange of fish and game by those domiciled in the area or community;

(13) additional similar factors the boards establish by regulation to be relevant to their determinations under this subsection.

(d) Fish stocks and game populations, or portions of fish stocks and game populations not identified under (a) of this section may be taken only under nonsubsistence regulations.

(e) Takings and uses of fish and game authorized under this section are subject to regulations regarding open and closed areas, seasons, methods and means, marking and identification requirements, quotas, bag limits, harvest levels, and sex, age, and size limitations. Takings and uses of resources authorized under this section are subject to AS 16.05.831 and AS 16.30.

(f) For purposes of this section, "reasonable opportunity" means an opportunity, as determined by the appropriate board, that allows a subsistence user to participate in a subsistence hunt or fishery that provides a normally diligent participant with a reasonable expectation of success of taking of fish or game.

Chapter 19.40. JAMES DALTON HIGHWAY

Sec. 19.40.010. Declaration of policy.

(a) The legislature finds and declares that there is an immediate need for a public highway from the Yukon River to the Arctic Ocean and that this public highway should be constructed by the State of Alaska at this time because

(1) it will assist in the fulfillment of art. VIII, Sec. 1, Constitution of the State of Alaska, in which it is provided that it is the policy of the state to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;

(2) it will provide the first year-round, overland route from north of the Yukon River to the Arctic Ocean, and will consequently result in the completion of a highway from the Pacific Ocean to the Arctic Ocean;

(3) it is in conformity with the policy of 23 U.S.C. 101(b) (Federal-Aid Highway Act of 1956), in which it is declared to be in the national interest to accelerate the construction of certain highways which are of primary importance to the national defense;

(4) it will benefit local and interstate commerce because the area north of the Yukon River is rich in natural resources but is inaccessible at the present time because of the lack of roads and this inaccessibility prohibits the successful use of the natural resources of this area;

(5) it is consonant with art. VIII, Sec. 2, Constitution of the State of Alaska, in which it is provided that the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the state, including land and water, for the maximum benefit of its people, because the highway will benefit not only local and interstate commerce but will also augment the revenue of the state and result in conservation of natural resources, for example, by facilitating a system of wildland fire suppression.

(b) It is the sense of the legislature that the construction of the highway will not impair the natural wilderness adjacent to the highway and will not unreasonably interfere with subsistence hunting, fishing, trapping, and gathering.

(c) It is the intent of the legislature that the state shall be reimbursed for the cost plus interest of constructing the public highway from the Yukon River to the Arctic Ocean.

(d) It is the intent of the legislature that employment of Alaska residents be encouraged and that the provisions of AS 36.10 be complied with.

Sec. 19.40.015. Highway named.

The highway is named the James Dalton Highway.

Sec. 19.40.020. Contractual authority.

(a) Subject to (b) of this section, the department may contract in accordance with AS 36.30 for the construction of a secondary highway from the Yukon River to the Arctic Ocean. The provisions of AS 36.10 govern in employment practices on all work authorized by this chapter.

(b) The authority granted under (a) of this section may not be exercised until the state enters into a contract with the participants in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline from the North Slope (that area of Alaska lying north of 68 degrees latitude). The contract shall provide for reimbursement to the state by the participants, jointly and severally, in the Trans Alaska Pipeline System or other organization formed for the purpose of transporting oil by pipeline, of the full amount of the highway's cost of construction plus interest on the state's expenditures at the rate of seven and one-half percent per year. Complete reimbursement together with interest shall be made within five years from the date of the contract. The state may, with the agreement of the participants, elect to construct an oil pipeline from the North Slope. In that event, the provisions of this subsection requiring reimbursement do not apply.

(c) The contract with the participants must include additional terms and conditions that are in the best interests of the state. Any advance payments made under the contract shall be deposited in a special account which will be used for disbursements to the contractor charged with construction of the highway. Disbursements to the contractor shall be made on order of the commissioner of transportation and public facilities on presentation of a proper voucher or the presentation of a voucher by an employee of the department authorized in writing to certify as to such payment.

Sec. 19.40.030. Undertakings of contractors.

The department, in place of the bonds or individual sureties required by AS 36.25.010, may accept corporate undertakings that include the same essential provisions of the bonds or individual sureties required by AS 36.25.010 and that are satisfactory to the department.

Sec. 19.40.040. Exemption.

The Alaska Net Income Tax Act and the Alaska Business License Act do not apply to any money received by the general contractor from the state under a highway construction contract authorized under this chapter if the money is to be paid to a subcontractor for work performed under the construction contract. The money received by the subcontractors is subject to the Alaska Net Income Tax Act, the Alaska Business License Act, and any other applicable state taxes.

Sec. 19.40.050. Highway width.

In accordance with AS 19.10.015, the width of this highway is designated as 200 feet.

Sec. 19.40.060. Conditions to be met.

Construction authorized under AS 19.40.020 - 19.40.050 may not be undertaken until all of the following conditions are met:

(1) certification by the commissioners of natural resources and fish and game that adequate precautions have been taken to protect and preserve the total ecology of the area traversed;

(2) certification by the commissioner of transportation and public facilities that the road design and construction methods will cause minimal landscape defacement or environmental degradation by erosion or waste disposal;

(3) certification by the commissioner of health and social services that adequate and reasonable precautions have been taken for the prevention of pollution during construction and subsequent public use;

(4) all certifications, as well as the regulations, contract provisions, specifications, inspection procedures, and programs necessary to implement and accomplish AS 19.40.020 - 19.40.050 shall be filed with the governor's office and published;

(5) the governor has approved all certifications and supporting material submitted under (4) of this section as being in the best public interest, and has certified that the contract required by AS 19.40.020 has been executed.

Sec. 19.40.065. Regulations and penalties.

All departments and agencies of the state are given the specific authority to adopt under AS 44.62 (Administrative Procedure Act) emergency, temporary, and permanent regulations necessary to accomplish the purposes of AS 19.40.020 - 19.40.050. The violation of any regulation adopted under AS 19.40.020 - 19.40.050 is a misdemeanor and upon conviction the person is punishable by a fine of not more than \$10,000 for each offense.

Sec. 19.40.070. Conflict with other laws.

In the event of a conflict between this chapter and any other law of this state, the provisions of this chapter govern and supersede any such other law.

Sec. 19.40.080. [Renumbered as AS 19.40.290.]

Repealed or Renumbered

Renumbered as AS 19.40.290.

Sec. 19.40.100. Use of the highway by industrial or commercial traffic.

(a) The department shall maintain the highway and keep it open to industrial or commercial traffic throughout the year.

(b) In this section "industrial or commercial traffic" means

(1) travel necessary and related to resource exploration and development or to support of those activities, if the individual engaged in those activities has all necessary permits;

(2) travel necessary and related to access by local residents to their property; or

(3) motor carriers engaged in commerce.

Sec. 19.40.110. Public use of a portion of the highway.

The department shall maintain the section of the highway between the Yukon River and Dietrich Camp and shall keep that section of the highway open to use by the public between June 1 and September 1 each year.

Sec. 19.40.120. Closure of the highway to traffic.

The provisions of AS 19.10.100 apply to the closure of the highway by the department.

Sec. 19.40.200. Disposal of land or materials.

(a) The state may not dispose of state land under AS 38 which is within five miles of the right-of-way of the highway.

(b) The prohibition on disposal of state land under (a) of this section does not apply to a disposal

(1) to a licensed public utility or a licensed common carrier under AS 38.05.810 (e);

(2) for the reauthorization of leases that were in effect on January 1, 1994, for nonresidential purposes within the following development nodes:

(A) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

(B) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Sections 25 - 27

Sections 34 - 36

(3) for nonresidential development within the following development nodes:

(A) Deadhorse:

Township 10 North, Range 14 East, Umiat Meridian

Township 10 North, Range 15 East, Umiat Meridian

Section 8

Sections 17 - 20

Section 30

(B) Coldfoot:

Township 28 North, Range 12 West, Fairbanks Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

Sections 20 - 22

Township 29 North, Range 12 West, Fairbanks Meridian

Sections 23 - 27

Sections 34 - 35

(C) Franklin Bluffs:

Township 4 North, Range 14 East, Umiat Meridian

Sections 3 - 4

Sections 9 - 10

Sections 15 - 16

(D) Happy Valley:

Township 3 South, Range 14 East, Umiat Meridian

Sections 19 - 20

Sections 29 - 30

(E) Yukon River Crossing:

Township 12 North, Range 10 West, Fairbanks Meridian

Sections 6 - 7

Township 12 North, Range 11 West, Fairbanks Meridian

Sections 1 - 2

Section 12

Township 13 North, Range 10 West, Fairbanks Meridian

Sections 29 - 32

Township 13 North, Range 11 West, Fairbanks Meridian

Section 22

Section 25 - 27

Section 34 - 36; or

(4) necessary for

(A) an oil and gas lease or gas only lease under AS 38.05.180;

(B) exploration, development, production, or transportation of oil and gas north of 68 degrees north latitude; or

(C) a state lease or materials sale for

(i) exploration, development, production, or transportation of oil or gas;

(ii) reconstruction or maintenance of state highways; or

(iii) construction or maintenance of airports.

(c) Before the sale of materials under (b)(4)(C) of this section to a private entity or person or to a state agency the state shall give due consideration to the availability of materials from private sources in the area where the materials are needed.

(d) Notwithstanding another provision of law, when the department determines and orders that a utility facility located across, along, over, under, or within the highway right-of-way must be changed, relocated, or removed, the licensed public utility owning or maintaining the facility shall change, relocate, or remove it in accordance with the order and is responsible for the cost of the change, relocation, or removal.

(e) Notwithstanding (b) of this section, land described in (b) of this section is not available for disposal if it has been selected by a municipality to satisfy a general grant land entitlement under AS 29.65 unless the selection is disapproved by the state in a final decision.

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. Definition.

In this chapter, "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

Rebecca Rooney

From: Jennifer J. Reed [jj_reed@hotmail.com]
Sent: Sunday, March 14, 2010 5:07 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote NO on House Bill 267

Dear Representative:

I am an Alaska citizen who remains in this State due to my appreciation for the unique outdoor pursuits available here. There are very few places in the State--and Nation--left where people can go to enjoy non-motorized recreation, subsistence activities, and other outdoor pursuits. Please help keep a wide range of opportunities available to your Alaskan constituents. House Bill 267 threatens these diverse opportunities. I urge you to vote no on HB 267!

Sincerely,

Jennifer J. Reed
1389 Richard Berry Dr.
Fairbanks, AK 99709
(907)-458-8549

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Rebecca Rooney

From: George & Leslie [georgenleslie@mosquionet.com]
Sent: Sunday, March 14, 2010 6:33 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

I am writing as a concerned Alaskan Citizen to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which raises concerns regarding snow machine use in the Dalton Highway Corridor.

If allowed to pass this bill would produce an inevitable increase in recreational traffic into a very remote region in winter, both on, and of course off, the road. Having spent time traveling the Dalton Highway and exploring the land on its own terms, this road has rightfully earned the reputation of being a rough and remote "Haul Road", designed to access and maintain the pipeline. The Dalton Highway never was, and in my humble opinion should not be, intended for recreational ORV use.

Here are some of my concerns should people be allowed to use snow machines in the corridor: Hazardous road conditions (especially for vehicles hauling snow machine trailers combined with the heaviest commercial truck traffic in winter); the lack of emergency medical facilities; the current lack of public safety or law enforcement north of the Yukon River; potential infringement on Alyeska oilfields, pump stations and rising pipeline security issues; private land trespass; the potential of more people without winter wilderness skills needing emergency services in extremely remote conditions; the lack of basic services and phone of any kind along most of the road, just to name a few. Not to mention the significant, detrimental and long-term impact snow machines would make to the land and the wildlife in an area known to be fragile and sensitive to such impacts.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

Leslie Correll-LaBar
Two Rivers, Alaska

P.O. Box 61132
Fairbanks, AK 99706

907-488-5254

Rebecca Rooney

From: Rebecca Redwine Lincoln [auntbot@alaska.net]
Sent: Sunday, March 14, 2010 7:12 PM
To: Rep. Peggy Wilson
Subject: HB 267

"I oppose HB 267"

Rebecca Redwine
auntbot@alaska.net

Rebecca Rooney

From: Heidi [boreallodge@juno.com]
Sent: Monday, March 15, 2010 1:33 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comment on HB 267, attached final copy Dalton Highway Scenic Byway CPP
Attachments: DaltonHighwayScenicBywayCorridorPartnershipPlan_FINAL%20for%20web[1].pdf; Dalton%20Knowles%20Letter%201995[1].pdf; Chapter 40, alaska statuteDaltonHwy.doc

Dear Representatives;

I wrote to you last week in opposition of HB 267, and attached a copy of draft final of the Dalton Highway Scenic Byway Corridor Partnership Plan. I was able to acquire a copy of the Final document containing all final wording, and am submitting it for your review.

I realize you are all very busy, but if you could please at least read page 3 to learn who participated in creation of this document, and pages 16:18 relating to hunting issues, concerns, and possible solutions, and pg. 20 relating to law enforcement and safety, goals & objectives - you will learn that

AS 19.40.210 is an important aspect of management relating to multiple current issues.

(It would be great if in your spare time you could read the entire document to learn more about the Dalton Highway and the unique lands it traverses!)

I am also attaching a copy of a letter written by Tony Knowles in 1995 relating to the opening of the Dalton, the issues and concerns relating to the opening, and would like you to know that to date many of these issues and concerns have not been addressed.

Lastly attached is a copy of Alaska Statute, chapter 40, James Dalton Highway, of which HB 267 address a portion of. I have highlighted areas in this chapter that relate to the overall essence of the statute, section AS 19.40.210 restricting ORV & snowmobile use is written in consistency with the rest of the chapter. If HB 267 is passed, it would create inconsistency within the document, and create innumerable issues that AS 19.40.210 currently addresses.

It is clear from listening to the last meeting that the Representatives introducing HB 267 are not familiar with the Dalton Highway, or any of the pre-history of current rules in effect. They are not even familiar who manages the land within the DHCMA; The Dalton Highway Corridor is managed from the Yukon River to Mile 301 by the Bureau of Land Management, this management is superseded north of Coldfoot to the west of the Dalton Highway by the Gates of the Arctic National Park & Preserve eastern border, and to the north and east by the western border of the Arctic National Wildlife Refuge. There are scattered parcels of private land within the Dalton Highway, including the village of Wiseman, and very large tracts of recently conveyed privately owned DOYON land to the immediate east of the Dalton Highway paralleling from Coldfoot north approx 30+ miles. The Koyukuk mining district within / out of the the Dalton Highway corridor is one of the prominent mining districts in AK, and has active claims and private property located throughout.

The fact is the land along the Dalton Highway north of the Yukon River is a checkerboard of management areas, and a delicate web of regulations to control access, hunting, etc. - this is needed to accommodate a very diverse user group. HB 267 would disrupt current regulations, and encourage violations of many types. Please note there is little to no Trooper presence or public safety north of the Yukon River! This Bill makes no mention of the funding that will be needed to accommodate the many issues imposed by it's passing...

I know you are hearing many voices on this one - please listen to those that know this country and care about the future, PLEASE do not pass HB 267!

Thank you again for reading!

Sincerely,

Heidi Schoppenhorst

Scott & Heidi Schoppenhorst

Boreal Lodging

Boreal Coffee & Gifts

#1 Timberwolf Trail

Wiseman Village, AK 99790

PH/FAX: 907-678-4566

boreallodge@Juno.com

www.boreallodge.com

[Diet Help](#)

[Cheap Diet Help Tips. Click here.](#)

Rebecca Rooney

From: Travis Booms [travisbooms@hotmail.com]
Sent: Sunday, March 14, 2010 9:30 PM
To: Rep. Peggy Wilson
Subject: HB 267 Dalton Highway Snowmachine Access

Dear Representative Wilson,

I am emailing to ask that you vote NO on House bill 267 to open the Dalton Highway corridor to snowmachine use from 1 Oct. – 30 April. This bill would eliminate one of the few places in the state where a person without a snowmachine can have an excellent experience, quality hunt, and a good chance at getting a caribou. The bill would degrade a spectacular place and eliminate the kind of quality experience and hunt many of us Alaskans have enjoyed for years. The following are good reasons why you should vote no on House Bill 267:

1) Threatens wintering Musk Ox and Caribou - HB 267 will likely threaten the well-being of the currently dwindling musk ox herd and the currently increasing Central Arctic Caribou herd by allowing them to be disturbed (intentionally or unintentionally) at the most critical time of year on their wintering grounds. The Central Arctic Caribou herd will crash in the future, regardless of what happens. Though ADF&G can reduce hunter harvest if needed, it will be unable to manage intentional and unintentional disturbance of caribou on their wintering grounds by snowmachiners. Opening access will have a negative effect when the herd is healthy, but disturbance during the winter could decimate the herd when the population is low and lengthening the time it takes for the herd to recover.

2) There is no good reason for the bill. One of the main arguments for the bill is to allow ADF&G to increase access to manage the Central Arctic Caribou herd to avoid a population crash. Al Barrette, Alaska Board of Game member, asked deputy commissioner and 20-yr. caribou biologist Pat Valkenburg at the last Board of Game meeting in Fairbanks if it was possible to manage any caribou herd in the state to avoid a crash and in particular the Central Arctic herd. Valkenberg responded that essentially no matter what ADF&G does, caribou populations always have and always will fluctuate, including crashing after a population high. It's simply what caribou do. Hence, opening the corridor to snowmachine access to increase harvest will not prevent a crash.

3) Reduced access to a wide group of users - The bill will only replace the diverse current user groups including bowhunters, skiers, dog-mushers, hikers, boaters, and others who access the area with non-motorized means with a single user group – snowmachiners. Snowmachine access will replace the current users by: 1) drastically increasing harvest and subsequently reducing harvest quotas or seasons for all potential users year-round. 2) Chasing caribou away from the road and out of reach of those who dog-mush, hike, or ski to access caribou from October through April. 3) Threatening the well-being of wintering caribou. All caribou populations crash and when this one does, no one will be able to stop unintentional disturbance from further weakening caribou that are all ready in a weakened condition in late winter. 4) Significantly degrade the quality of experience, making current users no longer want to spend time in this area.

4) Inability to enforce closed seasons and areas. Even with the current complete ban on motorized vehicles, people have driven trucks across the tundra attempting to retrieve game. Loosening the restriction will only lead to more violations and damaged habitat.

5) Inadequate Law Enforcement. There is inadequate enforcement in the area currently. Who will manage the increase in recreational users and hunters and enforce laws? We don't need to increase the size of our government by adding Troopers to the payroll to manage a single user group.

6) *Public Safety.* The Dalton Highway is an industrial road. No infrastructure exists to support increased use, snowmachine trailers, and added people. This will be a safety hazard for truckers, hunters, and recreationists a like.

7) *Pipeline Security.* The Alaska Pipeline is the economic driver of Alaska. Opening the pipeline corridor to snowmachine traffic in the most remote area of the pipeline only invites terrorist attacks. This simply does not make any sense. Why would you support increase opportunity for terrorists to attack Alaska's economic life line?

8) *Reduced opportunity for current users - bowhunters.* Though most bow hunting occurs in August and September, opening access will increase harvest of caribou and will likely reduce opportunities for bowhunters to harvest an animal either through reduced bag limits, shortened seasons, or changing the hunt from a harvest ticket to a registration or draw hunt. We only need to look at the Steese and Taylor Highway hunts to know what increased access does to the quality of a hunt and to opportunity in general. Those hunts usually close in a matter of days.

9) *Habitat Damage -* Snow cover is often lacking in October, parts of November, and April. Allowing snowmachine access will permanently damage tundra habitats when snow is not present.

If you do not agree with the statements above, I would really appreciate hearing the reasons why you disagree and why you would support this bill.

For the reasons above, I ask that you vote no on this bill and do not let it leave the Transportation Committee.

Respectfully,
Travis Booms

1245 Chili Pepper Ct.
Fairbanks, AK 99709
travisbooms@hotmail.com
907-456-1331

Travis Booms
University of Alaska Fairbanks
Biology and Wildlife Department
211 Irving I
Fairbanks, AK 99775
907-474-6232 phone
907-474-6716 fax

Karisse Ackerman

From: Lee [leeinak@gmail.com]
Sent: Thursday, March 11, 2010 3:57 PM
To: LIO Fairbanks
Subject: HB267 - please forward comments to Transportation Committee

I do not support the opening of the Dalton Hwy 5 mile corridor to snow machine use. The last time this was attempted, every place there was public hearing there was overwhelming opposition to the proposal. The people of Alaska have spoken loud and clear on this issue. Lawmakers should respect that and leave the corridor alone.

I believe that opening the Dalton Highway corridor to snow machine access is a bad idea, for the following reasons:

1. At the time of the pipeline, we made agreements to honor traditional subsistence areas in that corridor. Lets keep those agreements. We have a long and shameful history of breaking agreements with native people. We need to start acting with honor, acting as if our words mean something. We have a chance and an obligation NOW to begin to change that history. If we open that corridor to motorized use, we will be tremendously increasing the pressures on the land and game resources in surrounding areas.
2. The Dalton Highway is an area where hunters of modest means can conduct remote hunts with a little extra work and without expensive fly-ins. It is reasonable to leave road-accessible parts of Alaska without easy motorized access for this type of hunting experience for the common person. There are many many miles of highway in the state where people can drive motorized vehicles from roads. Lets leave this one road corridor in tact.
3. Even if neither of those arguments speaks to you, there is the issue of safety. A good friend of mine was in a terrible accident a few years ago when returning to her home in Wiseman. It took EMS FOUR HOURS to reach them. There were several very serious injuries in that vehicle. It truly is a miracle that they all survived. The Dalton Highway lacks the many pullouts that exist along the Denali Highway, and it has the additional safety hazard of VERY massive trucks and dust clouds which obscure vision. I have driven the Dalton Highway several times in all seasons, and in only those 4 or 5 times I have seen a number of incidents of risky driving behavior around the industrial traffic on that road. I have also been on the Richardson Hwy on the weekend of the Arctic Man and could not believe the places in the pass on the windy roads where I have been passed at high speeds by trucks trailoring snow machines around blind corners (multiple times in one day, and I am not a slow driver!). If we open the Dalton Highway to snow machine use, I believe we will be courting a public safety disaster.

Please kill this bill once and for all.

Sandra Zirnheld
124 Roxie Road
Fairbanks, AK 99709

Comments re HB 267

Since I was not allowed to testify at the Legislative Office today because of two other trivial bills that had to be heard first by the Transportation Committee, I am testifying by email.

General Comment:

Whoever wrote the definitions for Part 3, either doesn't know how to speak or write plain English, or this is a cynical plan to obfuscate the intent of Part 3, which is to allow snow machines to access lands to the east and west of the Dalton Highway north of the Yukon River.

Testimony:

I urge lawmakers to vote this amended bill down because:

1. of the cynical intent of the sponsors to confuse readers of the bill;
2. HB 267 flies in the face of the guarantee by the State since the construction of the TAPS that the sensitive wildlife living in and near the corridor will be protected;
3. the bill also reneges on the bargain the State made to protect local subsistence uses on the north slope and elsewhere along the corridor;
4. increased use of the area guarantees not only increased hunting pressure there and consequent declines in sensitive wildlife populations, but it also guarantees increased harassment of these sensitive animals at a time of year when they need every natural advantage to both survive and reproduce successfully;
5. since there is presently no law enforcement in the area (and only spotty enforcement presence there in the past), there will be no way to ensure that the criminal element involved in the harassment of wildlife, illegal hunting and trapping, and the vandalism of private property (including the oil pipeline) will be brought to justice.

Thank you.

Frank Keim (49 year resident of Alaska)
2220 Penrose Lane,
Fairbanks, Alaska 99709
907-451-9308

Rebecca Rooney

From: Luke Boles [lukeboles@yahoo.com]
Sent: Thursday, March 11, 2010 9:08 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan; Brian Jackson
Subject: HB 267

Dear Transportation Committee Members,

I am a Fairbanks resident and annual user of the Dalton Highway corridor. I am writing to voice my concern with HB 267. I believe that any potential benefits of this bill - in fact, I cannot think of any - would be greatly outweighed by the costs. Please nip this ill conceived bill in the bud.

Environmental costs would be: additional pressure on the Central Arctic caribou herd, disturbance of the tundra vegetation, damage to the scientific research sites located in the area and potential conflict with subsistence hunters that live in North Slope communities.

There are myriad safety concerns if this bill becomes law. How many rescues each year will be required for stranded snow machine users in the back country? How many additional traffic accidents will occur as a result of the increased use of the highway? What additional safety risk would there be to the trucks traveling on the Dalton Highway? Have the economic costs of increased public resources required for additional emergency response been considered? The additional public resources would not come cheap, the area of primary use is a long trip from either Fairbanks or Deadhorse.

The Dalton Highway corridor area need not be opened up for recreational motorized use. There are plenty of other road accessible locations where snow machines can be used.

The Dalton Highway is not a playground for the ill prepared.

Thank you for considering my comments.

Luke Boles

Rebecca Rooney

From: Emily Youcha [eyoucha@yahoo.com]
Sent: Thursday, March 11, 2010 10:11 PM
To: Rep. Mike Kelly; Sen. Joe Thomas; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Sen. John Coghill; Sen. Joe Paskvan; Rep. David Guttenberg; Rep. Jay Ramras; Rep. Scott Kawasaki; Rep. Woodie Salmon; Rep. Les Gara
Subject: against HB267

Hello,

I am writing to let you know I do NOT support HB267 allowing the use of public snowmobile travel along the Dalton Highway. Currently, I believe a permit is required for travel by snowmobile for many good reason. There are many sensitive areas throughout this region that do not have enough snow for snowmobile travel where the tundra would be ruined if travelled on by the general public on snowmobiles. I realize there is a snow depth and soil temperature requirement, but it is unlikely this requirement would be followed by the general public. Secondly, it is very dangerous driving up and down the haul road in the winter and there are no services available. I travel the highway for my job and have observed many car accidents and breakdowns. Many people of been seriously injured or died due to accidents on the highway. Many private vehicles do not carry radios for communication with truckers and other drivers. White out conditions are extremely common, and without radio communication you are driving blind. There are already enough non-motorized hunters driving the road scouting the area for caribou, making for dangerous driving conditions. Lastly, many friends and family members hunt in this area and travel over 5 miles off the road corridor by foot for caribou. They work very hard to get their caribou and it is the highlight of their hunting season if they are able to ski or snowshoe 5-10+ miles into wilderness, set up a camp away from the road, find and stalk a caribou by foot, and pack it all out under man power instead of machine. It is a very magical experience that would be ruined if a hunter drives 5 minutes on a snowmobile and easily takes out a group of caribou in a matter of minutes and hauls it out by machine. We are concerned about the caribou herd being decimated if travel and hunting is allowed in this manner. Remember the military fellows who drove their trucks onto the snow covered tundra a few years ago and got them stuck? If this bill passes, similar problems will occur more frequently. Thank you for listening to my opinion, I am very concerned about this.

Sincerely,

Emily Youcha
1287 Arctic Tern Dr
Fairbanks, AK 99712

Rebecca Rooney

From: Kris Hundertmark [khundert@alaska.edu]
Sent: Thursday, March 11, 2010 9:27 AM
To: Rep. Peggy Wilson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us
Subject: Dalton Highway Corridor legislation HB 267
Attachments: AK TWS Ltr re HB 267.pdf

Dear Representative:

I am writing to you as President of the Alaska Chapter of The Wildlife Society, a professional organization for wildlife managers, researchers, and educators. Our chapter has developed a position on the pending legislation HB 267 and I have attached a letter describing our concerns for wildlife management and recommendations for mitigation. We ask that you review this letter and consider our recommendations when hearing the bill in the Transportation Committee. Thank you for your time and consideration.

Best regards,

Kris Hundertmark

President, Alaska Chapter of The Wildlife Society

Kris Hundertmark
Assistant Professor of Wildlife Ecology
Institute of Arctic Biology
University of Alaska Fairbanks
PO Box 757000
Fairbanks, AK 99775
Voice: 907.474.7159
Fax: 907.474.6967

Address from 10 January--30 June
Mammal Research Institute, Polish Academy of Sciences
17-230 Bialowieza, ul. Waszkiewicza 1c, Poland
khundertmark@zbs.bialowieza.pl
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tel. +48 (85) 682 77 87, fax +48 (85) 682 77 50
cell +48 698 040 283



THE WILDLIFE SOCIETY

ALASKA CHAPTER

Kris Hundertmark, President
PO Box 757000
Fairbanks, AK 99775

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

March 15, 2010

Re: House Bill 267 (snowmachine access in Dalton Highway corridor)

Dear Members of the House Transportation Committee::

The Alaska Chapter of The Wildlife Society strongly encourages you to consider the potential detrimental impacts of HB 267 to wildlife. If HB 267 is passed there is likely to be a substantial increase in snowmachine use in open terrain far beyond the corridor.

HB 267 would remove restrictions, which have existed since the early 1970s, to snowmachine use originating within a 5-mile corridor each side of the 414-mile long Dalton Highway during 1 October to 30 April. Hunting by use of snowmachines is currently prohibited within and beyond the Dalton Highway Corridor Management Area when access originates from the highway. The Management Area is defined as 5 miles each side of the highway north of the Yukon River (Title 5 Section 92.530(7) of Alaska Administrative Code). An exception exists for rural residents living within the corridor to use snowmachines for subsistence hunting on federal lands.

Our primary concern is the disturbance or displacement of Dall's sheep, moose, and muskoxen in treeless areas where suitable winter range is limited, particularly during periods of high energy deficit in late winter. Snowmachine traffic in mid to late April also has potential to inadvertently separate newly born muskoxen calves from their mothers. If this bill is passed, we recommend that some restrictions on snowmachine use remain (in the corridor at a minimum) while the extent of increased snowmachine use and its effect on wildlife populations is evaluated.

If HB 267 becomes law, action by the Alaska Board of Game would be needed to modify harvest regulations to allow hunting by snowmachine access within and beyond the corridor north of the Yukon River (358 miles) for snowmachine travel originating from the highway. Additionally, passage of the bill would likely require federal land managers to evaluate potential effects of hunting and recreation by snowmachine on subsistence activities and other resources before allowing new snowmachine use on federal land. State and federal land managers may also create or amend regulatory provisions to require minimum snow depth for snowmachine use to minimize unnecessary damage to forage plants and ground cover.

We provide the following recommendations for your consideration:

- 1) The Alaska Chapter of the Wildlife Society recommends that any changes to the current statutory prohibition on use of snowmachines within the Dalton Highway corridor include provisions that will ensure protection of wildlife and other resources from disturbance by motorized vehicles
- 2) If HB 267 is passed, the Legislature should consider keeping the 5-mile corridor closed to snowmachine use except for a limited number of marked winter trails roughly perpendicular to the Dalton Highway that will allow motorized access beyond the corridor. This option would minimize additional disturbance to wildlife and existing hunter activity within the corridor while allowing access for hunting, trapping, and snowmachine travel outside the corridor. Trailheads developed for safe parking of non-industrial vehicles during winter could include toilet shelters and bear-proof waste bins that would additionally serve the nearly 10,000 summer visitors now using the highway.
- 3) If HB 267 is passed, an area encompassing the high concentration of research plots surrounding the Toolik Lake Research Station run by the Institute of Arctic Biology at the University of Alaska-Fairbanks should be marked with signage and remain closed to snowmachine use for non-research purposes. More than 13,000 research plots exist in studies dating back to 1975, and many are subject to surface disturbance. These plots support long-term ecological studies on climate, vegetation, and wildlife.
- 4) If HB 267 passes and access for hunting is provided by the Board of Game, the Alaska Wildlife Troopers should increase highway and airborne patrol efforts during October to April to enforce regulations on the expected increase in harvest of caribou, wolves, grizzly bears, and wolverines. The post for the state wildlife trooper in Coldfoot is currently vacant.
- 5) Wildlife and land management agencies should begin scientific investigations on wildlife disturbance from snowmachine use in northern Alaska to identify sustainable practices and, if necessary, mitigation strategies. The Department of Fish and Game and federal wildlife managers should identify treeless habitats where Dall's sheep, moose, and muskoxen concentrate in winter, and evaluate baseline levels of disturbance before opening portions of the corridor to snowmachine use.
- 6) Land management agencies should begin scientific monitoring of public use of lands along the Dalton Highway for hunting, trapping, and non-consumptive recreation during September to May. Efforts to increase access from the Dalton Highway for hunting and recreation by snowmachine should be balanced with the potential of displacing wildlife and reducing opportunity for late winter viewing from the road.
- 7) The fiscal note for HB 267 should identify funding resources and define timeframes for any of the above recommendations that may be followed.

In summary, we strongly encourage the Alaska Legislature to consider the potential long-term effects that HB 267 and subsequent actions would have on wildlife populations and the full range of public uses along the Dalton Highway and public lands beyond the 5-mile corridor.

We appreciate the opportunity to comment on this proposed legislation. If you have questions regarding any of the comments in this letter, please contact me via electronic mail at kris.hundertmark@alaska.edu.

Sincerely,

Kris Hundertmark, Ph.D., President
Alaska Chapter of The Wildlife Society

Date: 11 March 2010

FOR: Alaska House Transportation Committee
RE: Testimony on House Bill 267

I am a property owner in Wiseman, a small village within the Dalton Highway Corridor (further referred to as the Corridor) in the Brooks Range. But, my primary residence is here in Fairbanks. I hunt Dall Sheep and Caribou outside the Corridor by foot and by dog team. There is absolutely no need to change the law as it is currently written - prohibiting off-road vehicles on the land in the Corridor. Only the lazy and uninspired would claim the current law denies their access to the public lands along the Dalton.

As members of the Transportation Committee, you must consider not only the overwhelming evidence that this Bill will threaten the sensitive wildlife and subsistence uses along the Corridor, but you must also consider the following:

First, allowing snowmachines in the Corridor will cost money. It will cost money in the increased demand for emergency services, the increased need for public safety, and the increased need for fish and wildlife protection.

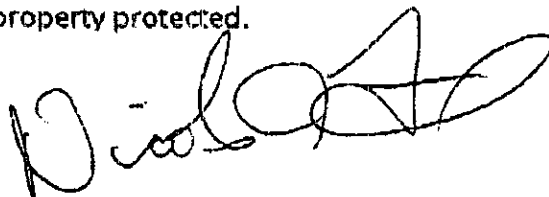
Second, allowing snowmachines in the Corridor will increase accidents on and off the highway; it will increase medical emergencies; it will increase search and rescue needs; it will increase the chance for trespassing violations on private lands; it will increase the chance for vandalism of mining equipment (including explosives), private property of local Alaskans, private property of local tourism operations, private property of Alyeska, and University of Alaska research facilities - all located within the Corridor, all susceptible to this increased risk.

And, there are NO emergency services in place. The one and only State Trooper position in the area - in Coldfoot, was removed this past Fall.

And thirdly, allowing snowmachines in the Corridor will require road improvements including paving, more and larger pullouts, parking areas, outhouses and trash receptacles.

So, I ask the committee, where is the Fiscal Note attached to this obviously costly bill? Without it, the local people, the businesses and the miners are left insecure and unsafe. I want myself and my property protected.

Nicole J. Fliss
408 Nordale Rd N
Fairbanks AK 99712
and
Wiseman AK 99790





Alaska State Legislature

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

Committee on H.B. 267 Access of Dalton Highway dated 03-11-2010
Bill/Subject

The Alaska Boating Association is in strong favor of opening access to snowmachiners in the area along the Dalton Highway for recreational use. Our members thank you for taking the time to consider our stand on this issue.

Sincerely yours

Signed: Vern L. Powell
Testifier

Alaska Boating Association
Representing (Optional)

3531 W. Finch Rd. Wasilla, AK 99654
Address

907-232-0930
Phone number

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Wednesday, March 10, 2010 11:07 AM
To: LIO Fairbanks
Subject: HB267

Please forward to each member of the House Transportation Committee. Thank you.

Dear Transportation Committee members,
Regarding HB267;

I believe passage of this bill would be very detrimental for several reasons;

1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
North Pole
99705
907-322-0242

From: Linda (Lou) Brown [lsbrown@alaska.edu]
Sent: Tuesday, March 09, 2010 4:17 PM
To: LIO Fairbanks
Subject: HB 267

PLEASE FAX TO MEMBERS OF THE TRANSPORTATION COMMITTEE
AND RESOURCES COMMITTEE
THANK YOU!

March 9, 2010

Re: House Bill 267: "An act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

Dear Members of the Transportation Committee and Resources Committee,

My husband and I have hunted caribou off the Dalton Highway beyond the 5-mile limit in the area of the Ribdon River for many years. In order to access this area, we load an 18 ft. canoe with camping and hunting gear and line the boat on foot up the river the five miles and more to arrive at good hunting country. We usually stay for a week to two weeks depending on our luck and the weather. We have done this hunt alone and/or with friends many times. We love the country whether in snow or fall colors and the country has been good to us, as we have usually hunted successfully.

I am writing you to urge you to **continue the prohibition of snow machines across the corridor**. As you know, hunting is a quiet activity and, as common sense would suggest, the presence of snow machines is very likely to interfere with the hunting success of everyone, not only those getting into the country by non-motorized means. We have hunted along many rivers in Interior Alaska since 1988 and we have found that the presence of airboats, snow machines, motor boats, 4-wheelers, etc., is a detriment to our ability to stage a successful hunt. The prohibition against snow-machines across the corridor has been a most welcome buffer between us and that part of the hunting public that prefers to use motorized vehicles. I think it is right and reasonable that since so much of Alaska is open to motorized access, the state should defend the rights of those wishing to pursue our annual hunt using a more old-fashioned approach.

Thank you for considering our thoughts in this matter.

Jon Miller
Lou (Linda) Brown
2630 Home Run
Fairbanks, AK 99709
jonmiller@acsalaska.net

Rebecca Rooney

From: Dan Caldwell [danc302@mtaonline.net]
Sent: Tuesday, March 16, 2010 11:01 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

All-

I strongly support HB267 and would encourage you to vote it its favor.

Best Regards,

Dan Caldwell

I am using the Free version of SPAMfighter.
We are a community of 6 million users fighting spam.
SPAMfighter has removed 1882 of my spam emails to date.
The Professional version does not have this message.

Rebecca Rooney

From: grizzlybear@mosquionet.com
Sent: Tuesday, March 16, 2010 11:29 AM
To: Rep. Peggy Wilson
Subject: HB267 Dalton Highway Corridor

Dear Representative Wilson,

PLEASE SUPPORT HB 267.

It is not fair that this huge chunk of public land is kept off-limits to trappers, hunters and other snowmachine users.

I have canoed, hiked and hunted on the North Slope since before the Haul Road was constructed. The threats of potential damage from the environmental lobby are way overblown.

Thank you,

Pete Buist
Box 71561
Fairbanks, AK 99707



Alaska State Legislature

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

committee on HB 267, dated 3-16-2010
bill/subject

MAR. 15/10

I would like to support Proposition 267
concerning access by snowmobile off Dalton Hwy

David Bates
Amber Bates
Diane Bates

P.O. Box 90291
Anchorage AK 99509

907-229-7883

Signed: DAVID BATES, AMBER BATES, DIANE BATES
Testifier

SELF
Representing (Optional)
P.O. Box 90291 ANCHORAGE AK 99509
Address
907-229-7883
Phone No.

Rebecca Rooney

From: stoller@acsalaska.net
Sent: Tuesday, March 16, 2010 7:51 AM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson
Subject: HB 267

Members of the House Transportation Committee,

I would like to advocate for the passage of HB 267 and offer the following comments.

This bill is strictly about allowing the public to have reasonable access to millions of acres of public lands - not just the land inside the highway corridor but also the vast public lands lying outside the corridor. Currently, virtually all the public land lying outside the corridor (State land, BLM land, ANWR, NPRA, Gates of the Arctic National Park and Preserve, Yukon Flats Wildlife Refuge) allow

snow machine use by the public on their lands. The problem is that the way the law currently stands the average user cannot get there. It is not like if a person were to walk, ski, or snowshoe the 5 miles from the road to get outside the corridor that a snow machine would magically appear and allow them to proceed onward to enjoy the lands that allow snow machine use. The current restriction essentially seals off access to all lands north of the Yukon River by snow machine.

I would also like to urge you not to get caught up in the debate of any effects this bill might have on sport hunting. This bill in itself would make no changes to the current hunting regulations. If passed, it would still not be legal to use a snow machine from the highway for hunting or even in support of hunting. Making those changes would require action by the Board of Game - whose job it is to set hunting regulations. A quick scan of the current hunting regulations reveals over 20 other areas of the state that have various access restrictions in regards to sport hunting. These vary from restricting all motorized access, restricting the use of pack animals, restricting aircraft, restricting airboats, restricting the size of outboard motor, etc. The point being there is ample precedent showing that the Board of Game has the authority to limit access for sport hunting if they desire. We seem to think they can handle setting regulations in the entire rest of the State, why not here.

A comment from last week's testimony that particularly caught my ire was from a lady in Fairbanks (I think) that suggested that anyone who didn't think there was already enough access was just lazy. This would seem to me to be a very narrow minded viewpoint from someone fortunate enough to be in relatively good health.

What about the segment of the public who through no fault of their own but rather due to illness, injury, natural physical disability, or age (either too old or too young) simply cannot walk or ski the 5 miles to get through the corridor. This is their land too - why should they be deprived a chance to go out and enjoy it? And as mentioned above, even if they could somehow get through the corridor, there is not going to be a snow machine waiting at the edge to take them on to enjoy the millions of acres of public land beyond the corridor that allows snow machine use.

Another point I would like to make is that while the current law bans snow machines through the corridor it allows equipment needed for mining and oil and gas exploration and development. How can you possibly justify allowing a miner to walk a bulldozer or some other large equipment or oil and gas exploration and development equipment weighing 50,000 to 100,000 lbs through the corridor but at the same time say a 400 to 500 lb snow machine is banned due to environmental concerns. It just doesn't make sense!

Lastly I would like to offer the opinion that most of the opposing comments seem to boil down to the "not in my back yard" category. The way the laws currently stand the local residents are allowed to do more or less whatever they want with regards to access through the corridor under the authority of Federal Subsistence Regulations. While I can understand the local residents desire to keep everyone out of their "private playground" - it is not right. This is public land and the entire public should be able to use it - not just the local residents.

Thank you for your time,

David Stoller
880 Hickman Ave
North Pole, AK 99705
(907)488-0585

Rebecca Rooney

From: Bill Montagne [mtgt@ak.net]
Sent: Monday, March 15, 2010 4:31 PM
To: Rep. Peggy Wilson
Subject: HB 267

Pass HB 267
You have no right to keep taking from Alaskan's

Bill Montagne

Rebecca Rooney

From: garyatsis@cs.com
Sent: Monday, March 15, 2010 6:24 PM
To: Rep. Peggy Wilson
Subject: HB267

Dear Rep. Wilson,

Please know that I strongly support HB267. Public access to public lands must be a high priority! Please feel free to contact me if questions/concerns.

Sincerely,
Gary Stevens
907-229-4710

Rebecca Rooney

From: Mark Gordon [gordon@mtaonline.net]
Sent: Monday, March 15, 2010 8:11 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Carl Gatto; Sen. Linda Menard; Rep. Mike Kelly; Rep. Mark Neuman
Subject: Dalton Highway Snowmobile Rights

House Transportation Committee:

A change in the state transportation code nearly a decade ago enabled a change in the Dalton Highway Corridor Management Area (DHCMA) rules which enabled snowmobiles to legally cross the corridor from one side to the other for the purpose of hunting while maintaining a prohibition to snowmobiles beginning travel within the corridor. This was clearly to allow easier local hunting access while denying access to other Alaskans.

The west side of the corridor (from the Yukon River to the Koyukuk River mouth, north to the Arctic Ocean, east along the coast to Prudhoe Bay) is an expanse of land larger than the state of Arkansas, with a resident population smaller than a single small town in Arkansas, most of the land in the area is PUBLIC LAND, and the largest herd of animals in North America passes through the area during times when the only logistical access is by aircraft or snowmobile, neither of which harm the ground or vegetation. That's not even to mention the east side of the corridor. To deny access to these lands and resources on the basis of primary residency among state residents is an outrage. There are many better ways to manage hunting harvests than a blanket denial of access. Besides, these residents already have federal hunting priority in addition to local advantages over non-local visiting hunters. There is no need to lock other Alaskans out of the area with needless laws.

I am highly encouraged that Representatives Mike Kelly, Tammie Wilson, and Mark Neuman have sponsored HB 267 to allow the rest of us access to public lands east and west of the Dalton Hwy by snowmobile like the locals. Please don't let this opportunity slip. This is a simple matter of equal rights.

Thank you for your consideration.

Sincerely,

Mark W. Gordon

7950 Duchess Drive

Palmer, AK 99645

745-5520

Rebecca Rooney

From: Roy LaMay [lamaycompany@gci.net]
Sent: Monday, March 15, 2010 10:21 PM
To: Rep. Peggy Wilson
Subject: hb267

yes on hb267

Rebecca Rooney

From: richard or mary bishop [rmbishop@ptialaska.net]
Sent: Monday, March 15, 2010 10:25 PM
To: Rep. Peggy Wilson
Subject: HB267, Dalton Hwy corridor

Please support this bill, HB 267, to open the corridor to snow machine traffic during part of the year. I anticipate that DNR and ADF&G will do an adequate job of regulating the use of the land and the resources so as not to violate appropriate conservation concerns.

Mary Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

Rebecca Rooney

From: jbowden@acsalaska.net
Sent: Monday, March 15, 2010 2:28 PM
To: Rep. Peggy Wilson
Subject: Pleasd vote for this bill
Attachments: Email Alert Test.msg

House Bill No. 267

TITLE: "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

HB 267 when passed in to law would permit snowmachine travel across the Dalton highway corridor from Oct 1st - April 30th. HB 267 is up for consideration in the House Transportation committee H(TRA) TRANSPORTATION on Thursday March 11th at 1:00pm.

State law bans off-road travel across a 10 mile wide highway corridor from the Yukon River north for 350 miles to Prudhoe Bay. Millions of acres of state public domain and federal public lands open to snowmachine travel are blocked of to access from the Dalton highway. While traditionally across the U.S. resources development opened public lands to the public here in Alaska state law bans such use.

The Alaska legislature passed the law banning off road travel within five miles of the Dalton highway and they can amend the law to allow snowmachine access during months of winter snow cover if they have your public support.

Winter snowmachine travel should not interfere with fall walk-in archery hunts within the corridor. Once snow cover is adequate for snowmachine travel with minimal impact on the vegetative mat bow hunters have left the area.

Rebecca Rooney

From: Rich Johnson [rjj15@yahoo.com]
Sent: Monday, March 15, 2010 4:06 PM
To: Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg;
Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please support HB267

I strongly Support HB267! I care about my right to travel state lands.

Thanks!

Richard Johnson

Rebecca Rooney

From: Jarrett Finley [finley375@yahoo.com]
Sent: Monday, March 15, 2010 5:46 PM
To: Rep. Peggy Wilson
Subject: HB 267

Hello,

As an avid hunter of the Dalton Highway corridor, with both bow and rifle, I feel I must weigh in on HB 267. This would be not qualify as much of a hunt as it will be easy to kill caribou from a snowmachine in this area. I have, as many others have, hiked out 5+ miles to harvest a caribou with a rifle. It is not easy but it is very rewarding. The use of snowmachines will greatly increase access and I believe would be very unsporting. Why can't we leave some areas access by foot only? I see no harm in leaving the Dalton corridor as is. I hope that you will not support HB 267 and leave the challenge in hunting caribou in the Dalton Highway.

Regards,

Jarrett Finley
Wasilla, Alaska

Rebecca Rooney

From: Dael Devenport [dael.devenport@gmail.com]
Sent: Monday, March 15, 2010 6:47 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: House Bill 267

Dear Representatives,

Please vote 'No' on House Bill 267, a bill to open the Dalton Highway corridor to snowmachines from October 1st through April 30th.

Thank you,
Dael A. Devenport
Fairbanks, Alaska

Rebecca Rooney

From: Dana Brown [arcticmidwife@yahoo.com]
Sent: Monday, March 15, 2010 6:54 PM
To: Rep. Peggy Wilson
Subject: HB 267

Greetings. I oppose HB 267. Thankyou for considering mmy opinion. Dana Brown

Rebecca Rooney

From: Jeff Walters [jeff.walters2@gmail.com]
Sent: Monday, March 15, 2010 7:00 PM
To: Rep. Peggy Wilson
Subject: snowmachine use along Dalton Highway

Dear Representative Wilson,

I am writing to urge you to NOT open the Dalton Highway corridor to snowmachine or ATV use. I have spent a great deal of time along the Dalton Highway and I appreciate it for the nature of its wilderness. Several of my friends hunt in the area under existing regulations. While I am not opposed to hunting under these current regulations, I AM opposed to changing the nature of the way that this land is accessed.

Please oppose HB 267.

Thank you,
Jeff Walters
PO Box 82708
Fairbanks, AK 99708
(907) 457-3876

Rebecca Rooney

From: Richard Leo [theridgeline@hotmail.com]
Sent: Monday, March 15, 2010 7:21 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Pete Petersen
Subject: Re: HB 267

Sirs/Madames,

Most simply, concisely, and adamantly, I am opposed to opening the Dalton Highway corridor to snowmachines.

Adding my name to the list in opposition of the proposal,

Richard Leo
Box 13227
Trapper CRook, 99683

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Rebecca Rooney

From: Sharon Hamson [sl_hamson@yahoo.com]
Sent: Monday, March 15, 2010 7:50 PM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

I strongly oppose this bill. This land is pristine and should be kept pristine.

Rebecca Rooney

From: housemajority_email@housemajority.org
Sent: Monday, March 15, 2010 9:34 PM
To: Rep. Peggy Wilson
Subject: HR 267

+-----+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To
correspond with the author Hit 'Reply' or 'Forward'.
Then change the TO: address to meltalaska.1@gmail.com If suspected Spam please forward to:
support@housemajority.org
+-----+

From: meltalaska.1@gmail.com

Dear Dear Chairperson Wilson,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

~ Lawrence Freeman
Zip Code: 99709

Rebecca Rooney

From: Torsten Bentzen [fstwb1@gmail.com]
Sent: Monday, March 15, 2010 10:27 PM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson; Rep. Kyle Johansen; Representative_Cathy_Munoz@legisl.state.ak.us; Representative_Pete_Peterson@legis.state.ak.us; Rep. Max Gruenberg; Rep. Tammie Wilson
Subject: HB267

Oppose HB267

This letter is in opposition to HB267. This is not the first time the Dalton hwy corridor has been threatened through legislative action. These attempts have had major opposition in the past and HB267 is no different. Allowing snowmachines will irreparably destroy a premier caribou hunting area available to all Alaskans. I hope you will consider the many Alaskans who value the current situation along the Dalton hwy. Restrictions along the Dalton hwy have created a unique hunting opportunity that cannot be found anywhere else along Alaska's road system. The hunt remains open most of the year and bag limits are large, making these caribou a meaningful subsistence resource for many Alaskan families. Lands outside the Dalton hwy corridor are currently accessible by foot, ski, snowshoe, dog team, boat and airplane. Over the years we have accessed this area using all of these methods and harvested caribou to feed family and friends. Have the tough Alaskans really fallen so far that we cannot hunt without a machine unknown to our fathers and grandfathers? Not the good old boys I know! Don't destroy a good thing, please vote no on HB267.

Sincerely,

Torsten Bentzen
90mile Tok Cutoff
Mentasta, AK
99780

Rebecca Rooney

From: Larry Freeman [meltalaska.l@gmail.com]
Sent: Monday, March 15, 2010 9:37 PM
To: Rebecca Rooney
Subject: HR 267

Ms. Rooney,

Could you please see that this gets entered into the record a public testimony for HR 267 and that all the committee members get copies.

Thank you,
Larry Freeman

Dear Transportation Committee Members,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Fairbanks Alaska 99708
907-456-6358

Rebecca Rooney

From: david sanderlin [learntillyoudie@yahoo.com]
Sent: Tuesday, March 16, 2010 6:37 AM
To: Rep. Cathy Munoz; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Max Gruenberg; Rep. Peggy Wilson; Representative_Pete_Peterson@legis.state.ak.us; Rep. Tammie Wilson
Subject: [SPAM] dalton highway corridor

I would stronly suport opening the dalton Highway corridor to snowmaching

David Sanderlin

To: House Transportation Committee, re HB 267 Hearing - 3/11/10
(I attended and planned to present at the 3/11 hearing at the Fbks. LIO, and wish to submit my comments in writing at this time.)

Thank you for the opportunity to testify on this proposed legislation. When the Dalton Highway was built to support oil development and transportation the state wisely restricted off-road motorized traffic from impinging on the wildlife and the fragile arctic environment. Reversing this decision is not in the best interest of the state or the local residents that rely on that wildlife for their subsistence.

The Division of Alaska Wildlife Troopers currently has no enforcement officers routinely patrolling the Dalton. The resources and manpower required to patrol such a vast area would require a very substantial added state expense to enforce the hunting and wildlife harassment violations that would inevitably occur from such an opening to snow machines.

Another less obvious risk to the state's interests is the very real potential for community opposition to the development of future resource corridors. An example of this is the vehement opposition from the Native community over the Yukon Flats land swap with the Doyon Corporation. The previous legislative attempt several years ago to open the Dalton/pipeline corridor and reverse the state's promise on snow machine restrictions was a significant factor in the strong Native opposition against their own corporation's development plans.

If the state continues to break its promises about protecting sensitive habitat areas and threatening local subsistence by allowing recreational snow machining (snow machines can now travel almost anywhere) it's likely to face increasing opposition to future resource development projects and corridors, especially through Native owned, but also possibly some federal lands. By easily changing the rules and going back on its promises, the state violates the trust that the public so desperately needs and depends upon.

Also, the legislature, when making such potentially high-impact decisions should not fail to consider that most people who travel to, and many people who continue to live in Alaska, do so because it has retained so much of its wild and pristine nature. Legislative decisions that jeopardize the essential qualities that continue to make Alaska unique should only be made with the greatest of care and thought for the greatest good.

I urge this committee to treat this bill the same as the last attempt to reverse the state's original intent to safeguard this corridor, and vote against this legislation. Thank you.

Respectfully,

Daniel Adams (RN, Healthcare Quality Manager for Tanana Chiefs Conf., Retired)
PO Box 428
Ester, AK 99725
479-2882

Rebecca Rooney

From: George & Leslie [georgenleslie@mosquitonet.com]
Sent: Monday, March 15, 2010 2:37 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

As a concerned Alaskan, I am writing to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which opens the door for snow machine use in the Dalton Highway Corridor.

My concerns arising from the changes put forth in this bill basically boil down to this: impacts of wildlife, impacts on the land itself, and impacts to road use. Opening up this area to snow machine access will lead to negative impacts on wildlife, which then impacts all the other user-groups that rely on wildlife. The land itself, and the wildlife as well, are known to be very sensitive to human impacts. The greatest value of the area derives from its integrity as a natural area, as wilderness.

The current system limiting motorized access within the Dalton Highway Corridor has shown that it still allows many user-groups access, limits negative impacts on wildlife, allows multiple-use for hunting, camping, hiking and floating, and does so in a way that is sustainable in the long-term. Please maintain the integrity of the Dalton Highway Corridor and do not allow snow machine access within the corridor.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

George LaBar
Two Rivers, Alaska
P.O. Box 61132
Fairbanks, AK 99706
488-5254

Rebecca Rooney

From: Ken Tape [kdtape@alaska.edu]
Sent: Monday, March 15, 2010 3:45 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan
Subject: dalton highway corridor opening -- please vote NO

Dear Transportation Committee Members,

My name is Ken Tape and I have spent much of the last decade in arctic Alaska. I have crossed it about a dozen times by snowmachine, boat, skis, mushing, helicopter, and fixed-wing airplane. It would be devastating to the tundra landscape, caribou, and all current users if the corridor were opened to motorized access. What is going to happen when people arrive in the arctic in October with a week off work, 4 snowmachines, and a lot invested in their hunt, only to find that there is only a bit of snow between the tussocks? The scars on the landscape leftover from their brief foray will last forever, as are the myriad scars leftover from track vehicle usage in the 50s and 60s.

I'm not politically green, and still this bill is a bad idea. If you're too lazy to get off the road 5 miles under your own power, then you should simply enjoy rest of the state (!) as your playground. Else, get off the machine and stop complaining.

Thanks for considering my opinion on this bill.

Ken Tape

Rebecca Rooney

From: akwildlifeimages@gci.net on behalf of akwildlifeimages [akwildlifeimages@gci.net]
Sent: Tuesday, March 16, 2010 9:27 AM
To: Rep. Peggy Wilson
Subject: HB 267

Dear Representative Wilson

Please note my opposition to HB 267, this will impact wildlife resources and will lead to other OR issues, leave the area as is please.

thank you

Didier Lindsey
an Alaskan

Rebecca Rooney

From: (Bruno) Chris Grunau [cgrunau@yahoo.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Peggy Wilson
Subject: House Bill 267

Dear Representative Wilson;

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they are relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: are people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who **need** to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who do not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote **against House Bill 267**.

All the best,
Bruno C. Grunau
Fairbanks, AK

Rebecca Rooney

From: Valerie Connor [redherring007@hotmail.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

Re:
OPPOSE SNOW MACHINE USE IN DALTON HWY CORRIDOR

Dear Representatives,

There are many good reasons why this legislation should NOT pass. Local residents and Advisory Committees are opposed to this legislation due to the fact that there is virtually no hope of any kind of enforcement to prevent illegal harvest of game and the protection of the fragile ecosystem. Who will determine if there is sufficient snow cover to protect the tundra, and then how will that be enforced?

Advocates for this bill have one goal in mind and it is not about access, it is about making it more convenient to harvest game.

Please go back and look at the original reasons why this corridor was closed and then ask yourselves what has changed since then to justify a change.

Please vote NO on HB 267.
Thank you,

Valerie Connor
Anchorage, AK

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Rebecca Rooney

From: Franziska Kohl [fkohl@alaska.edu]
Sent: Tuesday, March 16, 2010 11:10 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote "NO" on use of snow machines

Dear Legislators of the Transportation Committee,

I urge you to vote 'NO' on the use of snow machines within the 5M radius of the Haul Road (Dalton Hwy).

Am I working in the Arctic in spring and summer since 6 years. During spring, some people are given snow machine use permits by the BLM.

These permits allow them to travel on a snow cover of more than 6", however with nobody wide and far to monitor, I see this rule broken all the time and people are running snow machines over the tundra vegetation, ripping the loosely attached plants out and making them fly through the air. This problem gets worse with spring progressing and the snow becomes more and more patchy, however sadly people put their own comfort over the requirements of the permits.

Later in summer, the damage is easily visible and since the growth rate of the tundra is very slow, it takes decades to recover from the damage done.

I fear for the appearance as especially in the last years more and more visitors drive to the Arctic in summer to enjoy the "untouched" landscape. Additionally the use of loud snow machines would scare wildlife away from the road corridor, where Alaskans, truck drivers as much as tourists enjoy their sight and are always a good proportion for good communication between travelers along the Haul Road on the CB.

Please vote NO on the use of snow machines.

Sincerely,

Franziska Kohl and Pete Reynoldson

Rebecca Rooney

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Tuesday, March 16, 2010 11:17 AM
To: Rep. Peggy Wilson
Subject: HB267

Dear Representative Wilson,
Regarding HB267;

I believe passage of this bill would be very detrimental for several reasons;

1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
North Pole
99705
907-322-0242

Rebecca Rooney

From: Jennifer LaBar [jenlabar@lycos.com]
Sent: Tuesday, March 16, 2010 11:23 AM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

My husband and I are soon to be residents of Alaska and we oppose HB 267. We are moving to Alaska because of the vast wilderness and we would like to see at least one state with such great wilderness preserved.

Jennifer LaBar

Rebecca Rooney

From: kneelandt@alaska.com on behalf of Kneeland Taylor [kneelandt@alaska.com]
Sent: Tuesday, March 16, 2010 11:27 AM
To: Rep. Peggy Wilson
Subject: HB 267 - I OPPOSE

Representative Wilson,

I just learned that there is a bill that would open to snowmachines the Dalton Highway corridor. I strongly oppose this. Alaskans promised many years ago that the pipeline and the haul road would not provide entry for motorized access to the Brooks Range, and its spectacular wildlife and wilderness values. HB 267 if passed would demonstrate that Alaskans cannot be trusted to live up to guarantees that the State of Alaska gives. Guarantees such as the promise to responsibly develop oil and gas reserves located on land. I support responsible development such as development of ANWR.

I also oppose HB 267 because I treasure the spectacular country of the Central Brooks Range. It is fabulous. Unique. It should not be easily accessible by anyone with the money to motor in on a \$10,000 snow machine.

Very truly yours, Kneeland Taylor

Rebecca Rooney

From: Art Greenwalt [dobieman@gci.net]
Sent: Tuesday, March 16, 2010 11:56 AM
To: Rep. Peggy Wilson
Subject: Vote Against HR 267

Dear Rep. Wilson:

I am writing to you concerning HR 267 which comes up for a hearing this afternoon.

This is a terrible piece of legislation that will do nothing less than ruin the caribou herds along the Dalton Highway by not only increasing the take by a very large percentage but will lead to degradation of their habitat as well as considerably increasing the chances of vehicular collisions on the Dalton which is heavily used by large trucks throughout the year.

I find it particularly interesting that Mr. Al Barrette has written a request for this in that he notes only a handful of local residents are opposed to these changes. Just recently, as a member of the Board of Game, he and three other BOG members ignored the 500+ residents of the Denali area and instead eliminated the buffer zones around the park at the behest of "handful" of recreational trappers. Now, he saying the minority should be ignored and the majority favored. It seems Mr.

Barrette is more able to change direction than the flimsiest flag ever flown.

I have lived in Fairbanks over 40 years. I have hunted, hiked, snowmobiled, and have been up the Dalton.

There is plenty of room and opportunity for caribou hunting without destroying a resource vital to local residents.

I urge you to deny this bill, vote against it. Vote the decent vote.

Thank you,
Art Greenwalt
Fairbanks, Ak.

Rebecca Rooney

From: Barbara Brease [brease@mtaonline.net]
Sent: Tuesday, March 16, 2010 12:05 PM
To: Rep. Peggy Wilson
Subject: oppose HB 267

Dear Representative Wilson,

Please vote against HB 267, a bill that would allow snowmachine access within the Dalton Highway corridor from Oct 1 to April 30.

Local Advisory Committees and residents have testified against the bill. The Alaska Board of Game BOG let controversial new appointee, Al Barrette write a letter of support to the legislature from the BOG. At the same time, the board liberalized the central Alaska caribou herd's season dates, only closed two months a year, and bag limit from two caribou to up to 5. They opened up half of the CACH calving grounds to hunting ALL YEAR and increased the bag limit in that region to 10 CARIBOU! This calving area is in easy reach of the haul road by snowmachine.

The Board of Game, especially Al Barette is getting a tremendous amount of scrutiny now for their actions. Voting against HB 267 is the right thing to do..you will be proud that you didn't respond to the corrupt system that is trying to mandate control of the state's wildlife.

Thank you,
Barbara Brease
PO Box 549
Healy, Alaska 99743

Rebecca Rooney

From: Kyle Joly [kjoly@hotmail.com]
Sent: Tuesday, March 16, 2010 8:36 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comments regarding HB 267

HB 267 should not be enacted for the following reasons:

Wildlife

- Wildlife living on the north slope are vulnerable to disturbance by snow machines due to the harsh winter conditions and lack of vegetative cover. Species that would be impacted are: musk ox, moose, Dall sheep, caribou, brown bears, wolverines, wolves and foxes.
- Musk ox are exceptionally vulnerable to disturbance due to the costs of expending additional energy reserves which are limited in winter. They begin giving birth in April, making the new born exposed to abandonment by their mothers fleeing from snow machines. (Musk ox do not always stay in a defensive circle, they often panic and flee, leaving their newborn young behind).
- HB 267 violates a long standing commitment made by the State to protect wildlife on the sensitive north slope.

Subsistence

- This past week, the Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton Highway Corridor, from 2 to 5. Combine this increase bag limit with snowmachine access, and we have massive and unpredictable hunting pressure on the Central Arctic Caribou herd.
- Local subsistence users will be impacted by increased hunting pressure, subsequent declines in wildlife populations and displacement of wildlife due to increased snow machine activity.
- Displacement of wildlife away from the corridor will impact viewing opportunities by tourists and all who drive the road.
- HB 267 violates a long standing commitment made by the State to protect subsistence on the sensitive north slope.

Public Safety

- Increased highway safety issues associated with vehicles pulling snow machine trailers, parking in the road to off-load machines in places where there ALREADY is not adequate room for industrial truck traffic.
- Motorized access via snowmachines WILL increase:
 - o accidents on and off the highway
 - o medical emergencies
 - o search and rescue needs
 - o trespassing on private lands
 - o vandalism to mining equipment
 - o vandalism to private properties of local citizens
 - o vandalism to tourism properties

o vandalism to research facilities of the University of Alaska

o vandalism to Alyeska facilities and those of other pipeline services

· Complete lack of emergency services and public safety services along the entire Dalton Highway. No longer a State Trooper in Coldfoot. This places the entire burden of this responsibility on Alyeska and other local private citizens and businesses.

· Many mining interests exist within and outside the Dalton Highway Corridor. They have existing legal motorized access. Their mining equipment and operations will need increased security provisions to protect against theft, vandalism and tampering with their explosives if recreational snowmachiners are to be allowed in the Corridor.

Thanks.

Kyle Joly
Fairbanks, Alaska

Hotmail is redefining busy with tools for the New Busy. Get more from your inbox. [Sign up now.](#)

Karisse Ackerman

From: janetjon@acsalaska.net
Sent: Tuesday, March 16, 2010 4:29 PM
To: LIO Fairbanks
Subject: House Bill 267

Greetings Legislature Representatives.

I am writing to urge you to vote NO on House Bill 267, the bill to open the Dalton Highway corridor to snow machines from October 1st through April 30th. I have lived in Fairbanks for the past 28 years and am very concerned at the increasing pressure being placed on the legislature to provide more off-road access to motorized vehicles throughout the state. It is hard not to interpret HB 267 as the first step in providing more access to hunters, trappers, and ORV enthusiasts within the Dalton Highway corridor. Ralph Seekins' proposal to open the area to year-round ORV use was overwhelmingly rejected, even by people who use ORVs. I am sure Representative Kelly's proposal is being used as a way to more slowly whittle away at the restrictions to ORV use in the corridor by proposing what some people will interpret as a more modest change in access. If this bill passes, I'm sure it won't be long before the Seekins bill is resurrected.

Recently the Alaska Board of Game increased the bag limit from 2 to 5 for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton corridor. The increased bag limit, combined with the proposed snow machine access will result in increased pressure on the Central Arctic Caribou herd and has serious potential to negatively effect local subsistence users. I guess we can look forward to wolf control soon thereafter.

I am frankly fed up with the push by some ORV user groups in the state to have access everywhere, no matter what the environmental or social cost. If you want to get out into the backcountry from the Dalton Highway in winter, get off your duff and go skiing, mushing, or snowshoeing. Heck, you can already drive most of the way!

Thank you for your consideration.

Sincerely,

Janet Kidd
P.O. Box 82348
Fairbanks, AK 99708



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the House Transportation

Committee Name

Committee on HB 267 AN ACT RELATING TO TRAVEL Dated 3-16-10

Bill / Subject

BY SNOW MACHINE WITHIN

FIVE MILES OF THE RIGHT-OF-WAY OF THE DALTON HWY.

IAD/TOOLIK IS STRONGLY OPPOSED TO HB 267 DUE TO THE IMPACT OF SNOW MACHINE USE ON THE VAST NUMBER OF RESEARCH PLOTS EXISTING IN THE RESEARCH NATURAL AREA SURROUNDING THE STATION ~~ADJACENT~~ AS OUTSIDE OF THE RUNWAY, THIS IMPACT WOULD BE MAGNIFIED IN YEARS OF HIGH SNOWFALL.

IAD/TOOLIK IS ALSO GREATLY CONCERNED DUE TO THE LACK OF A FISCAL NOTE BEING ATTACHED TO THIS BILL, THEREFORE AN ADDITIONAL FUNDING WOULD BE DESIGNATED TO IMPROVE THE LEVEL OF EMERGENCY RESPONSE/ SAFETY SERVICES ON THE DALTON HIGHWAY, BEING THAT TOOLIK FIELD STATION IS OPEN YEAR ROUND AND ONE OF THE FEW STAFFED FACILITIES ALONG THE DALTON, THIS WOULD HAVE AN IMPACT OF MAJORISTS/ SNOWMACHINERS WHO NEED ASSISTANCE. THIS BILL WOULD BE THE CAUSE OF A VAST NUMBER OF SAFETY ISSUES AND POTENTIAL TRAGEDIES.

SIGNED:

CHAD DIESINGER (TOOLIK FIELD STATION MANAGER)

Testifier

INSTITUTE OF ARCTIC BIOLOGY / TOOLIK FIELD STATION

Representing

PO BOX 757000 900 YUKON DRIVE BLDG T-4 FAIRBANKS AK 99775-7000

Address / Phone Number 907-474-7641 OR 570-7339



March 11, 2010

House Transportation Committee Members
State Capitol, Rm. 19
Juneau, AK 99801

For the record, the Northern Alaska Environmental Center (NAEC) does not support HB 267, "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway." The corridor has been closed since the construction of the Trans-Alaska Pipeline and the proposed legislation violates a long standing commitment made by the State of Alaska to protect wildlife and subsistence use on the North Slope.

Recently the Alaska Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton corridor from 2 to 5. The increased bag limit combined with the proposed snow machine access will result in increased pressure on the Central Arctic Caribou herd and has serious potential to negatively affect local subsistence users.

The Dalton Highway was built for industrial purposes, not recreational use. It supplies the North Slope oil fields and provides access to the Trans-Alaska Pipeline, countless mining operations and serves as a take off point for commercial guides and tour operators. The road conditions in winter provide hauling industries with the best opportunity to haul their heaviest loads to Prudhoe Bay. Increased traffic and abandoned snow machine trailers along the Dalton Highway pose a serious hazard for industrial truck traffic. None of the industries mentioned are in favor of allowing recreational motorized access in the Dalton corridor.

The complete lack of emergency and public safety services in this region begs to ask the question of why there is no fiscal note attached to this bill. Opening the Dalton corridor to motorized access would require increased funding for the Division of Fish & Wildlife for law enforcement, increased funding for the Department of Transportation to include paving, building turnouts and parking lots, and increased funding for the Alaska Department of Public Safety to reinstate a year-round pilot Trooper in Coldfoot.

The NAEC urges the State of Alaska to honor its commitment to protect wildlife and subsistence uses along the Dalton corridor, as well as provide a safe environment for industries and user groups that currently utilize the area by not passing HB 267.

Sincerely,

A handwritten signature in cursive script, appearing to read "Lissa Hughes", is written below the word "Sincerely,".

Lissa Hughes
Legislative Liaison & Conservation Solutions Coordinator
Northern Alaska Environmental Center

Comments re HB 267

Since I was not allowed to testify at the Legislative Office today because of two other trivial bills that had to be heard first by the Transportation Committee, I am testifying by email.

General Comment:

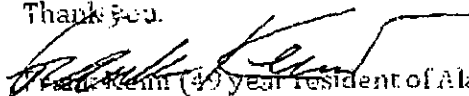
Whoever wrote the definitions for Part 3, either doesn't know how to speak or write plain English, or this is a cynical plan to obfuscate the intent of Part 3, which is to allow snow machines to access lands to the east and west of the Dalton Highway north of the Yukon River.

Testimony:

I urge lawmakers to vote this amended bill down because:

1. of the cynical intent of the sponsors to confuse readers of the bill;
2. HB 267 flies in the face of the guarantee by the State since the construction of the TAPS that the sensitive wildlife living in and near the corridor will be protected;
3. the bill also reneges on the bargain the State made to protect local subsistence uses on the north slope and elsewhere along the corridor;
4. increased use of the area guarantees not only increased hunting pressure there and consequent declines in sensitive wildlife populations, but it also guarantees increased harassment of these sensitive animals at a time of year when they need every natural advantage to both survive and reproduce successfully;
5. since there is presently no law enforcement in the area (and only spotty enforcement presence there in the past), there will be no way to ensure that the criminal element involved in the harassment of wildlife, illegal hunting and trapping, and the vandalism of private property (including the oil pipeline) will be brought to justice.

Thank you.


Frank Kent (40 year resident of Alaska)
2220 Peurose Lane,
Fairbanks, Alaska 99709
907-451-9308

HB 267

Page 1 of 1

HB 267

reich@alaska.net [reich@alaska.net]

Sent: Tuesday, March 16, 2010 11:35 AM

To: LIO Fairbanks

Please forward this message to members of the House Transportation Committee.
Thank you.

House Transportation Committee Members:

My wife and I ask you to please oppose HB 267. Our opposition is based on two considerations:

1) The present wording is unclear. Section 3 (one of the situations to which the prohibition of ORV's in the Dalton Corridor does not apply) reads: "the use of a snow machine to travel across the highway between October 1 and April 30." The most straightforward interpretation of this statement is that it allows one to unload a snow machine on one side of the highway and drive it to the other side. Period. That doesn't make sense.

2) We think the intent is to allow one to unload a snow machine at the side of the highway and then drive it across the corridor to access lands beyond 5 miles. That would greatly increase the probability of illegal hunting and harassment of wildlife and would, at the very least, provide ADF&G with a nearly impossible enforcement situation. In our experience, it has been very challenging for the State to enforce caribou hunting regulations during the Fall hunting season. It is hard to imagine how the regulations would be enforced at all during winter, especially given the huge winter range of the Central Arctic Herd. ADF&G has done a good job of managing the hunting pressure on this herd, and the herd has grown in recent years. We fear that intent of HB 267 puts at risk all this hard work and positive results. The Central Arctic Herd is a great resource for subsistence users, for sports/personal use hunters, and for tourists. Please don't gamble away the future of this caribou herd for the sake of basically unlimited winter access to the Corridor by snowmachiners.

Thank you for your consideration.

Paul and Terry Reichardt

House Bill 267

Page 1 of 1

House Bill 267

(Bruno) Chris Grunau [cgrunau@yahoo.com]

Sent: Tuesday, March 16, 2010 11:11 AM**To:** LIO Fairbanks

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they are relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: are people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who *need* to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who do not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote against House Bill 267.

All the best,
Bruno C. Grunau
Fairbanks, AK

Dear Legislators,

I don't support HB 267. I am a hunter who visits the North Slope every spring, skiing in the five or so miles to set up camp and hunt caribou. It is the highlight of my year, and supplies all the meat I eat. This area is already entirely accessible to anyone who can physically do the work to get beyond the five-mile line.

I worry that allowing snowmachines in this area will essentially push people like me out. A hunt that takes me many hours of travel and a long stalk could easily be ruined by the wanton noise of an ambling machine that can always find another herd.

Please reserve a place in Alaska for people like me who don't own snowmachines, who like to travel under their own power, and enjoy experiencing this country on its own terms.

Sincerely,

Chris Garber-Slaght
PO Box 10186
Fairbanks, AK 99710

① No access problems
 ② Hunters

Testimony in Opposition to HB267

William Lange
 Fairbanks, Alaska
 Wiseman, Alaska

- 408 Nordale Rd, 99712

Madam Chairwoman and members of the committee, thank you for providing this opportunity for people to comment on this bill. My name is William Lange. I live in Fairbanks and also have a secondary residence in Wiseman, Alaska, a small community within the Dalton Highway Corridor (DHC) in the south central Brooks Range. I spend approximately one third of my time in Wiseman. *Not subs, Hunter*

I am opposed to HB 267

I would like to begin by discussing what I call the access myth to lands outside of the DHC north of the Yukon River and also address a few points that were brought up at the previous hearing on March 11th.

Proponents of this bill have made it seem almost as if there is an invisible fence along either side of the Dalton Highway preventing Alaskans from accessing any of the lands along the road. In reality there is no access problem within the DHC. Any Alaskan that chooses to can access lands outside the corridor by a variety of means including airboat, airplane, foot, skis, dogsled and snowshoes.

During the previous hearing a gentleman from Anchorage who was in favor of the bill kept bringing up the idea of the "average person" or "average Alaskan" and justified his support for HB267 by saying that passage of this bill would allow access for this *same* "average" person. I consider myself to be average. I am forty nine years old, ~~fit and~~ *really honest with myself* I could stand to lose a few pounds and sometimes my back hurts for inexplicable reasons. Somehow I manage to harvest caribou every year from outside of the DHC in unit 26B. I access those areas by foot and dog team. It is not always easy but it is certainly nothing beyond the capability of the average person. In fact, contrary to what the gentleman from Anchorage believes, maintaining the restriction on motorized access in the DHC would allow many average Alaskans who can not afford a snow machine and trailer, but are willing to exert a small amount of effort, the opportunity to fill their freezers without having to compete with mechanized hunters.

Again, I would like to emphasize, there is no restricted access within the DHC, just restricted MOTORIZED access.

During the previous hearing Reps Kelly and Neuman seemed to imply that passage of this bill would allow improved access to hunters and allow the Board of Game to fulfill their constitutional mandate to manage game populations for maximum sustainability. They also implied that the CAH is in danger of "crashing". As Jack Reakoff astutely pointed out during his testimony last week, the herd is currently very robust as measured by calving rates and other indicators of herd health. There is no evidence for

biological

solid

imminent crash of the CAH. Furthermore, in February of this year the BOG voted to increase the harvest limit for caribou in the area affected by this bill from two caribou per year to five caribou per day for residents and five caribou total for nonresidents; they also liberalized the cow harvest to allow cows to be taken in September. It would be prudent to see what effect these measures have on the caribou population before increasing access. Fish and game estimates for the CAH are around 67,000 and not the 80,000 mentioned in the previous hearing. I feel that even this estimate is inflated as there were reportedly collared caribou from the Porcupine Herd included in the most recent population census. Finally, in case committee members are not aware, Alaskans who reside north of the Yukon River are not required to report caribou harvest making the estimated 800 caribou taken last year as reported by the sponsors of the bill misleadingly low since many of the animals harvested are taken by local residents. *and thereby not reported*

My personal feeling is that passage of this bill would have a devastating impact on the CAH and would result in a situation such as was seen with the Mulchatna Herd where over hunting, not natural predation or overpopulation of range, was directly responsible for the crash of the herd by depleting productive bulls and changing the bull/cow ratio to an unsustainable level even with predator control. I believe the BOG's real agenda is to institute intensive management practices on the north slope whereby they seek to drastically reduce caribou numbers and then institute "emergency" predator control measures. I feel this is not in keeping with the sustained yield concept as put forth in section 8.4 the Alaska constitution but is an effort to ^{very success} reduce game populations to the breaking point with restricted hunts sure to follow in the future.

At the last hearing there was testimony to the effect that more infrastructure and other public services will be required in the DHC if this bill passes. I agree, Madam Chairwoman, you mentioned that you flew to Prudhoe Bay and drove back down the Dalton Highway with a trucker so you can appreciate the scale of the country. Now imagine all of that country without any public emergency medical services, no State Trooper north of Fairbanks and no other basic services with the exception of those available in Coldfoot which are limited to food, gas and lodging. There will need to be a fiscal note attached to this bill to address these issues.

From an environmental standpoint this bill will have a detrimental effect on other wildlife besides the CAH as testified by others previously, most notably Mr. Carroll from Eiarrow. I believe that setting arbitrary dates for access from October 1 to April 30 will also have detrimental effects not only on wildlife but on the land itself. There is not always adequate snow cover at the extremes of these dates to ensure protection of the tundra on the north slope. Rep Kelly stated at the previous hearing that perhaps a few "knuckleheads" would attempt to ride on a snowless landscape. If anyone followed the Iron Dog snow machine race this year they know that trail conditions were poor and, in some areas, snowless. I don't think any of us would consider Iron Dog racers to be knuckleheads. My point is that for the right incentive, such as winning a race or harvesting caribou, people will ride snow machines on barren ground.

Rebecca Rooney

From: Dan Caldwell [danc302@mtaonline.net]
Sent: Tuesday, March 16, 2010 11:01 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

All-

I strongly support HB267 and would encourage you to vote it its favor.

Best Regards,

Dan Caldwell

I am using the Free version of [SPAMfighter](#).
We are a community of 6 million users fighting spam.
SPAMfighter has removed 1882 of my spam emails to date.
The Professional version does not have this message.

Rebecca Rooney

From: grizzlybear@mosquionet.com
Sent: Tuesday, March 16, 2010 11:29 AM
To: Rep. Peggy Wilson
Subject: HB267 Dalton Highway Corridor

Dear Representative Wilson,

PLEASE SUPPORT HB 267.

It is not fair that this huge chunk of public land is kept off-limits to trappers, hunters and other snowmachine users.

I have canoed, hiked and hunted on the North Slope since before the Haul Road was constructed. The threats of potential damage from the environmental lobby are way overblown.

Thank you,

Pete Buist
Box 71561
Fairbanks, AK 99707



Alaska State Legislature

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

committee on HB 267, dated 3-16-2010
bill/subject

MAR. 15/10

I would like to support legislation 267
concerning access by snowmobile off Dalton Hwy

David Bates
Amber Bates
Deanne Bates

P.O. Box 90291
Anchorage AK 99509

907-229-7883

Signed: DAVID BATES, AMBER BATES, DEANNE BATES
Testifier

SELF
Representing (Optional)

P.O. Box 90291 ANCHORAGE AK 99509
Address

907-229-7883
Phone No.

Rebecca Rooney

From: stoller@acsalaska.net
Sent: Tuesday, March 16, 2010 7:51 AM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson
Subject: HB 267

Members of the House Transportation Committee,

I would like to advocate for the passage of HB 267 and offer the following comments.

This bill is strictly about allowing the public to have reasonable access to millions of acres of public lands - not just the land inside the highway corridor but also the vast public lands lying outside the corridor. Currently, virtually all the public land lying outside the corridor (State land, BLM land, ANWR, NPRA, Gates of the Arctic National Park and Preserve, Yukon Flats Wildlife Refuge) allow

snow machine use by the public on their lands. The problem is that the way the law currently stands the average user cannot get there. It is not like if a person were to walk, ski, or snowshoe the 5 miles from the road to get outside the corridor that a snow machine would magically appear and allow them to proceed onward to enjoy the lands that allow snow machine use. The current restriction essentially seals off access to all lands north of the Yukon River by snow machine.

I would also like to urge you not to get caught up in the debate of any effects this bill might have on sport hunting. This bill in itself would make no changes to the current hunting regulations. If passed, it would still not be legal to use a snow machine from the highway for hunting or even in support of hunting. Making those changes would require action by the Board of Game - whose job it is to set hunting regulations. A quick scan of the current hunting regulations reveals over 20 other areas of the state that have various access restrictions in regards to sport hunting. These vary from restricting all motorized access, restricting the use of pack animals, restricting aircraft, restricting airboats, restricting the size of outboard motor, etc. The point being there is ample precedent showing that the Board of Game has the authority to limit access for sport hunting if they desire. We seem to think they can handle setting regulations in the entire rest of the State, why not here.

A comment from last week's testimony that particularly caught my ire was from a lady in Fairbanks (I think) that suggested that anyone who didn't think there was already enough access was just lazy. This would seem to me to be a very narrow minded viewpoint from someone fortunate enough to be in relatively good health.

What about the segment of the public who through no fault of their own but rather due to illness, injury, natural physical disability, or age (either too old or too young) simply cannot walk or ski the 5 miles to get through the corridor. This is their land too - why should they be deprived a chance to go out and enjoy it? And as mentioned above, even if they could somehow get through the corridor, there is not going to be a snow machine waiting at the edge to take them on to enjoy the millions of acres of public land beyond the corridor that allows snow machine use.

Another point I would like to make is that while the current law bans snow machines through the corridor it allows equipment needed for mining and oil and gas exploration and development. How can you possibly justify allowing a miner to walk a bulldozer or some other large equipment or oil and gas exploration and development equipment weighing 50,000 to 100,000 lbs through the corridor but at the same time say a 400 to 500 lb snow machine is banned due to environmental concerns. It just doesn't make sense!

Lastly I would like to offer the opinion that most of the opposing comments seem to boil down to the "not in my back yard" category. The way the laws currently stand the local residents are allowed to do more or less whatever they want with regards to access through the corridor under the authority of Federal Subsistence Regulations. While I can understand the local residents desire to keep everyone out of their "private playground" - it is not right. This is public land and the entire public should be able to use it - not just the local residents.

Thank you for your time,

David Stoller
880 Hickman Ave
North Pole, AK 99705
(907)488-0585

Rebecca Rooney

From: Bill Montagne [mtgt@ak.net]
Sent: Monday, March 15, 2010 4:31 PM
To: Rep. Peggy Wilson
Subject: HB 267

Pass HB 267
You have no right to keep taking from Alaskan's

Bill Montagne

Rebecca Rooney

From: garyatsis@cs.com
Sent: Monday, March 15, 2010 6:24 PM
To: Rep. Peggy Wilson
Subject: HB267

Dear Rep. Wilson,

Please know that I strongly support HB267. Public access to public lands must be a high priority! Please feel free to contact me if questions/concerns.

Sincerely,
Gary Stevens
907-229-4710

Rebecca Rooney

From: Mark Gordon [gordon@mtaonline.net]
Sent: Monday, March 15, 2010 8:11 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Cc: Rep. Carl Gatto; Sen. Linda Menard; Rep. Mike Kelly; Rep. Mark Neuman
Subject: Dalton Highway Snowmobile Rights

House Transportation Committee:

A change in the state transportation code nearly a decade ago enabled a change in the Dalton Highway Corridor Management Area (DHCMA) rules which enabled snowmobiles to legally cross the corridor from one side to the other for the purpose of hunting while maintaining a prohibition to snowmobiles beginning travel within the corridor. This was clearly to allow easier local hunting access while denying access to other Alaskans.

The west side of the corridor (from the Yukon River to the Koyukuk River mouth, north to the Arctic Ocean, east along the coast to Prudhoe Bay) is an expanse of land larger than the state of Arkansas, with a resident population smaller than a single small town in Arkansas, most of the land in the area is PUBLIC LAND, and the largest herd of animals in North America passes through the area during times when the only logistical access is by aircraft or snowmobile, neither of which harm the ground or vegetation. That's not even to mention the east side of the corridor. To deny access to these lands and resources on the basis of primary residency among state residents is an outrage. There are many better ways to manage hunting harvests than a blanket denial of access. Besides, these residents already have federal hunting priority in addition to local advantages over non-local visiting hunters. There is no need to lock other Alaskans out of the area with needless laws.

I am highly encouraged that Representatives Mike Kelly, Tammie Wilson, and Mark Neuman have sponsored HB 267 to allow the rest of us access to public lands east and west of the Dalton Hwy by snowmobile like the locals. Please don't let this opportunity slip. This is a simple matter of equal rights.

Thank you for your consideration.

Sincerely,

Mark W. Gordon

7950 Duchess Drive

Palmer, AK 99645

745-5520

Rebecca Rooney

From: Roy LaMay [lamaycompany@gci.net]
Sent: Monday, March 15, 2010 10:21 PM
To: Rep. Peggy Wilson
Subject: hb267

yes on hb267

Rebecca Rooney

From: richard or mary bishop [rmbishop@ptialaska.net]
Sent: Monday, March 15, 2010 10:25 PM
To: Rep. Peggy Wilson
Subject: HB267, Dalton Hwy corridor

Please support this bill, HB 267, to open the corridor to snow machine traffic during part of the year. I anticipate that DNR and ADF&G will do an adequate job of regulating the use of the land and the resources so as not to violate appropriate conservation concerns.

Mary Bishop
1555 Gus's Grind
Fairbanks, AK 99709
907-455-6151

Rebecca Rooney

From: jbowden@acsalaska.net
Sent: Monday, March 15, 2010 2:28 PM
To: Rep. Peggy Wilson
Subject: Pleasd vote for this bill
Attachments: Email Alert Test.msg

House Bill No. 267

TITLE: "An Act relating to travel by snow machine within five miles of the right-of-way of the James Dalton Highway."

HB 267 when passed in to law would permit snowmachine travel across the Dalton highway corridor from Oct 1st - April 30th. HB 267 is up for consideration in the House Transportation committee H(TRA) TRANSPORTATION on Thursday March 11th at 1:00pm.

State law bans off-road travel across a 10 mile wide highway corridor from the Yukon River north for 350 miles to Prudhoe Bay. Millions of acres of state public domain and federal public lands open to snowmachine travel are blocked of to access from the Dalton highway. While traditionally across the U.S. resources development opened public lands to the public here in Alaska state law bans such use.

The Alaska legislature passed the law banning off road travel within five miles of the Dalton highway and they can amend the law to allow snowmachine access during months of winter snow cover if they have your public support.

Winter snowmachine travel should not interfere with fall walk-in archery hunts within the corridor. Once snow cover is adequate for snowmachine travel with minimal impact on the vegetative mat bow hunters have left the area.

Rebecca Rooney

From: Rich Johnson [rjj15@yahoo.com]
Sent: Monday, March 15, 2010 4:06 PM
To: Rep. Kyle Johansen
Cc: Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg;
Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please support HB267

I strongly Support HB267! I care about my right to travel state lands.

Thanks!

Richard Johnson

Rebecca Rooney

From: Jarrett Finley [finley375@yahoo.com]
Sent: Monday, March 15, 2010 5:46 PM
To: Rep. Peggy Wilson
Subject: HB 267

Hello,

As an avid hunter of the Dalton Highway corridor, with both bow and rifle, I feel I must weigh in on HB 267. This would not qualify as much of a hunt as it will be easy to kill caribou from a snowmachine in this area. I have, as many others have, hiked out 5+ miles to harvest a caribou with a rifle. It is not easy but it is very rewarding. The use of snowmachines will greatly increase access and I believe would be very unsporting. Why can't we leave some areas access by foot only? I see no harm in leaving the Dalton corridor as is. I hope that you will not support HB 267 and leave the challenge in hunting caribou in the Dalton Highway.

Regards,

Jarrett Finley
Wasilla, Alaska

Rebecca Rooney

From: Dael Devenport [dael.devenport@gmail.com]
Sent: Monday, March 15, 2010 6:47 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: House Bill 267

Dear Representatives,

Please vote 'No' on House Bill 267, a bill to open the Dalton Highway corridor to snowmachines from October 1st through April 30th.

Thank you,
Dael A. Devenport
Fairbanks, Alaska

Rebecca Rooney

From: Dana Brown [arcticmidwife@yahoo.com]
Sent: Monday, March 15, 2010 6:54 PM
To: Rep. Peggy Wilson
Subject: HB 267

Greetings. I oppose HB 267. Thankyou for considering mmy opinion. Dana Brown

Rebecca Rooney

From: Jeff Walters [jeff.walters2@gmail.com]
Sent: Monday, March 15, 2010 7:00 PM
To: Rep. Peggy Wilson
Subject: snowmachine use along Dalton Highway

Dear Representative Wilson,

I am writing to urge you to NOT open the Dalton Highway corridor to snowmachine or ATV use. I have spent a great deal of time along the Dalton Highway and I appreciate it for the nature of its wilderness. Several of my friends hunt in the area under existing regulations. While I am not opposed to hunting under these current regulations, I AM opposed to changing the nature of the way that this land is accessed.

Please oppose HB 267.

Thank you,
Jeff Walters
PO Box 82708
Fairbanks, AK 99708
(907) 457-3876

Rebecca Rooney

From: Richard Leo [theridgeline@hotmail.com]
Sent: Monday, March 15, 2010 7:21 PM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Pete Petersen
Subject: Re: HB 267

Sirs/Madames,

Most simply, concisely, and adamantly, I am opposed to opening the Dalton Highway corridor to snowmachines.

Adding my name to the list in opposition of the proposal,

Richard Leo
Box 13227
Trapper Creek, 99683

The New Busy is not the old busy. Search, chat and e-mail from your inbox. [Get started.](#)

Rebecca Rooney

From: Sharon Hamson [sl_hamson@yahoo.com]
Sent: Monday, March 15, 2010 7:50 PM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

I strongly oppose this bill. This land is pristine and should be kept pristine.

Rebecca Rooney

From: housemajority_email@housemajority.org
Sent: Monday, March 15, 2010 9:34 PM
To: Rep. Peggy Wilson
Subject: HR 267

+-----+
DO NOT REPLY DIRECTLY TO THIS EMAIL: your reply will go to enews@housemajority.org To correspond with the author Hit 'Reply' or 'Forward'. Then change the TO: address to meltalaska.l@gmail.com If suspected Spam please forward to: support@housemajority.org
+-----+

From: meltalaska.l@gmail.com

Dear Dear Chairperson Wilson,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Fairbanks Alaska 99708
907-456-6358

~ Lawrence Freeman
Zip Code: 99709

Rebecca Rooney

From: Torsten Bentzen [fstwb1@gmail.com]
Sent: Monday, March 15, 2010 10:27 PM
To: Rep. Peggy Wilson
Cc: Rep. Craig Johnson; Rep. Kyle Johansen; Representative_Cathy_Munoz@legisl.state.ak.us; Representative_Pete_Peterson@legisl.state.ak.us; Rep. Max Gruenberg; Rep. Tammie Wilson
Subject: HB267

Oppose HB267

This letter is in opposition to HB267. This is not the first time the Dalton hwy corridor has been threatened through legislative action. These attempts have had major opposition in the past and HB267 is no different. Allowing snowmachines will irreparably destroy a premier caribou hunting area available to all Alaskans. I hope you will consider the many Alaskans who value the current situation along the Dalton hwy. Restrictions along the Dalton hwy have created a unique hunting opportunity that cannot be found anywhere else along Alaska's road system. The hunt remains open most of the year and bag limits are large, making these caribou a meaningful subsistence resource for many Alaskan families. Lands outside the Dalton hwy corridor are currently accessible by foot, ski, snowshoe, dog team, boat and airplane. Over the years we have accessed this area using all of these methods and harvested caribou to feed family and friends. Have the tough Alaskans really fallen so far that we cannot hunt without a machine unknown to our fathers and grandfathers? Not the good old boys I know! Don't destroy a good thing, please vote no on HB267.

Sincerely,

Torsten Bentzen
90mile Tok Cutoff
Mentasta, AK
99780

Rebecca Rooney

From: Larry Freeman [meltalaska.l@gmail.com]
Sent: Monday, March 15, 2010 9:37 PM
To: Rebecca Rooney
Subject: HR 267

Ms. Rooney,

Could you please see that this gets entered into the record a public testimony for HR 267 and that all the committee members get copies.

Thank you,
Larry Freeman

Dear Transportation Committee Members,

Since I am a state employee I may not be able to get personal leave to speak to you during the teleconferenced hearing tomorrow afternoon. I want to register my strong opposition to HR 267, sponsored by Representative Kelly and cosponsored by Representatives Neuman and Wilson.

It is a fallacy that the existing Dalton Highway buffer is an artificial restriction on access. ANY Alaskan with some gumption and wits can cross the corridor and harvest caribou with a rifle and successfully transport the meat home for consumption. In fact most of the people that I know that harvest caribou do so without the aid of off road vehicles (ORV) on the north side of the Brooks Range through creative use of skis/snowshoes and sledges or non-motorized boats. When I have traveled the Dalton Highway to the starting point of my trek I have seen large numbers of bow hunters along the road hunting by foot within the corridor.

All the other caribou herds located along highway corridors and have ORV access (eg. Nelchina, Delta, Fortymile) are in annual crisis and under extreme Alaska Department of Fish and Game management at great expense to the state treasury. Registration and drawing hunts are par for the course, emergency closures are annual events. Predator control is a constant battle. Please keep good old Alaskan ingenuity and muscle powered access as the main and successful method of guaranteeing the Central Arctic Caribou herd is managed for abundance and not crisis.

I have actively hunted the Central Arctic Caribou herd using non motorized access since 2005 when I realized how easy it is to access this herd outside of the 5-mile corridor. I and my family have relied on the high quality of the meat we have obtained on these hunts. The hunts have provided my sons and I some of the best quality time that we have had together since they have become adults. Part of the quality is derived is from the remoteness and the physical effort that is required to get in the short 5 mile mile buffer before we can hunt with a rifle. This opportunity should be preserved for all Alaskans.

Respectfully,
Larry Freeman
2635 Hafele Ave,
PO Box 82562
Faribanks Alaska 99708
907-456-6358

Rebecca Rooney

From: david sanderlin [learntillyou@yaho.com]
Sent: Tuesday, March 16, 2010 6:37 AM
To: Rep. Cathy Munoz; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Max Gruenberg; Rep. Peggy Wilson; Representative_Pete_Peterson@legis.state.ak.us; Rep. Tammie Wilson
Subject: [SPAM] dalton highway corridor

I would strongly support opening the dalton Highway corridor to snowmachining

David Sanderlin

To: House Transportation Committee, re HB 267 Hearing - 3/11/10
(I attended and planned to present at the 3/11 hearing at the Fbks. LIO, and wish to submit my comments in writing at this time.)

Thank you for the opportunity to testify on this proposed legislation. When the Dalton Highway was built to support oil development and transportation the state wisely restricted off-road motorized traffic from impinging on the wildlife and the fragile arctic environment. Reversing this decision is not in the best interest of the state or the local residents that rely on that wildlife for their subsistence.

The Division of Alaska Wildlife Troopers currently has no enforcement officers routinely patrolling the Dalton. The resources and manpower required to patrol such a vast area would require a very substantial added state expense to enforce the hunting and wildlife harassment violations that would inevitably occur from such an opening to snow machines.

Another less obvious risk to the state's interests is the very real potential for community opposition to the development of future resource corridors. An example of this is the vehement opposition from the Native community over the Yukon Flats land swap with the Doyon Corporation. The previous legislative attempt several years ago to open the Dalton/pipeline corridor and reverse the state's promise on snow machine restrictions was a significant factor in the strong Native opposition against their own corporation's development plans.

If the state continues to break its promises about protecting sensitive habitat areas and threatening local subsistence by allowing recreational snow machining (snow machines can now travel almost anywhere) it's likely to face increasing opposition to future resource development projects and corridors, especially through Native owned, but also possibly some federal lands. By easily changing the rules and going back on its promises, the state violates the trust that the public so desperately needs and depends upon.

Also, the legislature, when making such potentially high-impact decisions should not fail to consider that most people who travel to, and many people who continue to live in Alaska, do so because it has retained so much of its wild and pristine nature. Legislative decisions that jeopardize the essential qualities that continue to make Alaska unique should only be made with the greatest of care and thought for the greatest good.

I urge this committee to treat this bill the same as the last attempt to reverse the state's original intent to safeguard this corridor, and vote against this legislation. Thank you.

Respectfully,

Daniel Adams (RN, Healthcare Quality Manager for Tanana Chiefs Conf., Retired)
PO Box 428
Ester, AK 99725
479-2882

Rebecca Rooney

From: George & Leslie [georgenleslie@mosquionet.com]
Sent: Monday, March 15, 2010 2:37 PM
To: Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Cathy Munoz; Rep. Kyle Johansen; Rep. Craig Johnson; Rep. Peggy Wilson; Rep. Tammie Wilson
Subject: HB 267 Dalton Highway Corridor

Dear Members of the House Transportation Committee,

As a concerned Alaskan, I am writing to express my strong opposition to HB 267, in particular, Sec. 19.40.210, Part 3, which opens the door for snow machine use in the Dalton Highway Corridor.

My concerns arising from the changes put forth in this bill basically boil down to this: impacts of wildlife, impacts on the land itself, and impacts to road use. Opening up this area to snow machine access will lead to negative impacts on wildlife, which then impacts all the other user-groups that rely on wildlife. The land itself, and the wildlife as well, are known to be very sensitive to human impacts. The greatest value of the area derives from its integrity as a natural area, as wilderness.

The current system limiting motorized access within the Dalton Highway Corridor has shown that it still allows many user-groups access, limits negative impacts on wildlife, allows multiple-use for hunting, camping, hiking and floating, and does so in a way that is sustainable in the long-term. Please maintain the integrity of the Dalton Highway Corridor and do not allow snow machine access within the corridor.

As a hunter, hiker, camper and outdoor enthusiast who appreciates exploring the far north for the rare gift that it allows us right now, I strongly oppose HB 267. I respectfully ask you to vote against HB 267.

Sincerely,

George LaBar
Two Rivers, Alaska
P.O. Box 61132
Fairbanks, AK 99706
488-5254

Rebecca Rooney

From: Ken Tape [kdtape@alaska.edu]
Sent: Monday, March 15, 2010 3:45 PM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen; Rep. Scott Kawasaki; Rep. Mike Kelly; Sen. Joe Thomas; Sen. Joe Paskvan
Subject: dalton highway corridor opening -- please vote NO

Dear Transportation Committee Members,

My name is Ken Tape and I have spent much of the last decade in arctic Alaska. I have crossed it about a dozen times by snowmachine, boat, skis, mushing, helicopter, and fixed-wing airplane. It would be devastating to the tundra landscape, caribou, and all current users if the corridor were opened to motorized access. What is going to happen when people arrive in the arctic in October with a week off work, 4 snowmachines, and a lot invested in their hunt, only to find that there is only a bit of snow between the tussocks? The scars on the landscape leftover from their brief foray will last forever, as are the myriad scars leftover from track vehicle usage in the 50s and 60s.

I'm not politically green, and still this bill is a bad idea. If you're too lazy to get off the road 5 miles under your own power, then you should simply enjoy rest of the state (!) as your playground. Else, get off the machine and stop complaining.

Thanks for considering my opinion on this bill.

Ken Tape

Rebecca Rooney

From: akwildlifeimages@gci.net on behalf of akwildlifeimages [akwildlifeimages@gci.net]
Sent: Tuesday, March 16, 2010 9:27 AM
To: Rep. Peggy Wilson
Subject: HB 267

Dear Representative Wilson

Please note my opposition to HB 267, this will impact wildlife resources and will lead to other OR issues, leave the area as is please.

thank you

Didier Lindsey
an Alaskan

Rebecca Rooney

From: (Bruno) Chris Grunau [cgrunau@yahoo.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Peggy Wilson
Subject: House Bill 267

Dear Representative Wilson;

I'm writing to urge you to protect the highway corridor on the Dalton Highway, which effectively acts as a buffer zone and limits high-impact human activity in our wild areas. We already allow access for obtaining mineral resources such as mining and oil/gas production and exploration; these activities have softer "footprints" on the land because they are relatively well-regulated activities.

Allowing snow machine access from within the corridor will scar the landscape, as snow machine trails (and their remnants) can become permanent fixtures throughout the year. The law, as it stands, urges serious hunters and trappers to make an effort for the reward of taking this abundant wild game in our State. Changing this requirement will make a substantially easier sport of hunting and trapping, thereby placing additional stress on the hunted game populations as well as making our wild game less abundant.

I ask you: are people going hungry because they cannot drive their snow machine from within this corridor? I contest that those who **need** to access to this land for subsistence and sport hunting find a way to do it without snow machines. I fear that opening this access will only open the doors to hunters and trappers who do not need this game, effectively taking it from those who already make the effort.

We do not need to open these doors at this time. Please vote **against House Bill 267**.

All the best,
Bruno C. Grunau
Fairbanks, AK

Rebecca Rooney

From: Valerie Connor [redherring007@hotmail.com]
Sent: Tuesday, March 16, 2010 11:12 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; representative_pete_peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: HB 267

Re:
OPPOSE SNOW MACHINE USE IN DALTON HWY CORRIDOR

Dear Representatives,

There are many good reasons why this legislation should NOT pass. Local residents and Advisory Committees are opposed to this legislation due to the fact that there is virtually no hope of any kind of enforcement to prevent illegal harvest of game and the protection of the fragile ecosystem. Who will determine if there is sufficient snow cover to protect the tundra, and then how will that be enforced?

Advocates for this bill have one goal in mind and it is not about access, it is about making it more convenient to harvest game.

Please go back and look at the original reasons why this corridor was closed and then ask yourselves what has changed since then to justify a change.

Please vote NO on HB 267.
Thank you,

Valerie Connor
Anchorage, AK

Hotmail: Trusted email with Microsoft's powerful SPAM protection. [Sign up now.](#)

Rebecca Rooney

From: Franziska Kohl [fkohl@alaska.edu]
Sent: Tuesday, March 16, 2010 11:10 AM
To: Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Representative_Pete_Peterson@legis.state.ak.us; Rep. Peggy Wilson; Rep. Craig Johnson
Subject: Please vote "NO" on use of snow machines

Dear Legislators of the Transportation Committee,

I urge you to vote 'NO' on the use of snow machines within the 5M radius of the Haul Road (Dalton Hwy).

Am I working in the Arctic in spring and summer since 6 years. During spring, some people are given snow machine use permits by the BLM.

These permits allow them to travel on a snow cover of more than 6", however with nobody wide and far to monitor, I see this rule broken all the time and people are running snow machines over the tundra vegetation, ripping the loosely attached plants out and making them fly through the air. This problem gets worse with spring progressing and the snow becomes more and more patchy, however sadly people put their own comfort over the requirements of the permits.

Later in summer, the damage is easily visible and since the growth rate of the tundra is very slow, it takes decades to recover from the damage done.

I fear for the appearance as especially in the last years more and more visitors drive to the Arctic in summer to enjoy the "untouched" landscape. Additionally the use of loud snow machines would scare wildlife away from the road corridor, where Alaskans, truck drivers as much as tourists enjoy their sight and are always a good proportion for good communication between travelers along the Haul Road on the CB.

Please vote NO on the use of snow machines.

Sincerely,

Franziska Kohl and Pete Reynoldson

Rebecca Rooney

From: Karl Monetti [karlmonetti@gmail.com]
Sent: Tuesday, March 16, 2010 11:17 AM
To: Rep. Peggy Wilson
Subject: HB267

Dear Representative Wilson,
Regarding HB267;

I believe passage of this bill would be very detrimental for several reasons;

1. Everywhere else in Alaska where snow machines are allowed to be used within the road system the experience for those not using snow machines has deteriorated. Areas are criss-crossed with snow machine trails, often a haze of noxious fumes exists in some of the more heavily used areas.
2. While snow machines appear to do no damage to underlying vegetation, the contrary is often found to be the case once the snow melts; heavily used tracks can leave virtual "trails" of damaged vegetation due to excessive compaction and subsequent freezing of that vegetation by snow machine use. The vegetation along the pipeline corridor is, as you are well aware, more fragile, more prone to damage, and less able to repair itself than is vegetation at lower latitudes.
3. There are very few areas along the Alaskan road system that can still be considered wilderness, which definition should include lack of motorized vehicles of any type. Snow machiners currently have access to virtually the whole rest of Alaska's road system-accessible wild lands, while there are few, if any areas reserved solely for non-motorized traffic.
4. Currently, the open season and bag limits for caribou on the North Slope are sustainable in large part due to the limited access by motorized vehicles. If snow machines are allowed along the pipeline corridor, the protection currently afforded the various northern caribou herds by the five mile buffer zone will have been lost, and those herds will surely be decimated.
5. Currently there are hunters and trappers who access the corridor area for caribou and other wild game either on foot or by dog team during winter months precisely because it is within reasonable travel distances for their means of propulsion, and because snow machines cannot access the area and drive away those same game animals. It is one of the few areas foot- or dog sled hunters can find game within reasonable travel distance from any road system where snow machines cannot access.

We live in a huge state. Enough of it has been made aesthetically displeasing from noise or visual degradation, or had the game run out of it by snow machines. Let's leave this area alone. It is too precious to allow it to become just another playground for snow machines. Passage of this bill would ensure access of the northern part of the state by only a select few, whereas currently, that access, though somewhat limited, is shared by all Alaskans on an equal footing. Not everyone can afford to own a snow machine, and many of us would rather not own one or be confronted with one everywhere we go. I would rather know there are places nobody can get to, and revel in the fact such places exist, than know there were no places off limits to our vehicle-crazed society.

Thank you for your consideration.

Karl Monetti
Box 56302
North Pole
99705
907-322-0242

Rebecca Rooney

From: Jennifer LaBar [jenlabar@lycos.com]
Sent: Tuesday, March 16, 2010 11:23 AM
To: Rep. Peggy Wilson
Subject: I oppose HB 267

My husband and I are soon to be residents of Alaska and we oppose HB 267. We are moving to Alaska because of the vast wilderness and we would like to see at least one state with such great wilderness preserved.

Jennifer LaBar

Rebecca Rooney

From: kneelandt@alaska.com on behalf of Kneeland Taylor [kneelandt@alaska.com]
Sent: Tuesday, March 16, 2010 11:27 AM
To: Rep. Peggy Wilson
Subject: HB 267 - I OPPOSE

Representative Wilson,

I just learned that there is a bill that would open to snowmachines the Dalton Highway corridor. I strongly oppose this. Alaskans promised many years ago that the pipeline and the haul road would not provide entry for motorized access to the Brooks Range, and its spectacular wildlife and wilderness values. HB 267 if passed would demonstrate that Alaskans cannot be trusted to live up to guarantees that the State of Alaska gives. Guarantees such as the promise to responsibly develop oil and gas reserves located on land. I support responsible development such as development of ANWR.

I also oppose HB 267 because I treasure the spectacular country of the Central Brooks Range. It is fabulous. Unique. It should not be easily accessible by anyone with the money to motor in on a \$10,000 snow machine.

Very truly yours, Kneeland Taylor

Rebecca Rooney

From: Art Greenwalt [dobieman@gci.net]
Sent: Tuesday, March 16, 2010 11:56 AM
To: Rep. Peggy Wilson
Subject: Vote Against HR 267

Dear Rep. Wilson:

I am writing to you concerning HR 267 which comes up for a hearing this afternoon.

This is a terrible piece of legislation that will do nothing less than ruin the caribou herds along the Dalton Highway by not only increasing the take by a very large percentage but will lead to degradation of their habitat as well as considerably increasing the chances of vehicular collisions on the Dalton which is heavily used by large trucks throughout the year.

I find it particularly interesting that Mr. Al Barrette has written a request for this in that he notes only a handful of local residents are opposed to these changes. Just recently, as a member of the Board of Game, he and three other BOG members ignored the 500+ residents of the Denali area and instead eliminated the buffer zones around the park at the behest of "handful" of recreational trappers. Now, he saying the minority should be ignored and the majority favored. It seems Mr.

Barrette is more able to change direction than the flimsiest flag ever flown.

I have lived in Fairbanks over 40 years. I have hunted, hiked, snowmobiled, and have been up the Dalton.

There is plenty of room and opportunity for caribou hunting without destroying a resource vital to local residents.

I urge you to deny this bill, vote against it. Vote the decent vote.

Thank you,
Art Greenwalt
Fairbanks, Ak.

Rebecca Rooney

From: Barbara Brease [brease@mtaonline.net]
Sent: Tuesday, March 16, 2010 12:05 PM
To: Rep. Peggy Wilson
Subject: oppose HB 267

Dear Representative Wilson,

Please vote against HB 267, a bill that would allow snowmachine access within the Dalton Highway corridor from Oct 1 to April 30.

Local Advisory Committees and residents have testified against the bill. The Alaska Board of Game BOG let controversial new appointee, Al Barrette write a letter of support to the legislature from the BOG. At the same time, the board liberalized the central Alaska caribou herd's season dates, only closed two months a year, and bag limit from two caribou to up to 5. They opened up half of the CACH calving grounds to hunting ALL YEAR and increased the bag limit in that region to 10 CARIBOU! This calving area is in easy reach of the haul road by snowmachine.

The Board of Game, especially Al Barette is getting a tremendous amount of scrutiny now for their actions. Voting against HB 267 is the right thing to do..you will be proud that you didn't respond to the corrupt system that is trying to mandate control of the state's wildlife.

Thank you,
Barbara Brease
PO Box 549
Healy, Alaska 99743

Rebecca Rooney

From: Kyle Joly [kjoly@hotmail.com]
Sent: Tuesday, March 16, 2010 8:36 AM
To: Rep. Peggy Wilson; Rep. Craig Johnson; Rep. Kyle Johansen; Rep. Cathy Munoz; Rep. Tammie Wilson; Rep. Max Gruenberg; Rep. Pete Petersen
Subject: Comments regarding HB 267

HB 267 should not be enacted for the following reasons:

Wildlife

- Wildlife living on the north slope are vulnerable to disturbance by snow machines due to the harsh winter conditions and lack of vegetative cover. Species that would be impacted are: musk ox, moose, Dall sheep, caribou, brown bears, wolverines, wolves and foxes.
- Musk ox are exceptionally vulnerable to disturbance due to the costs of expending additional energy reserves which are limited in winter. They begin giving birth in April, making the new born exposed to abandonment by their mothers fleeing from snow machines. (Musk ox do not always stay in a defensive circle, they often panic and flee, leaving their newborn young behind).
- HB 267 violates a long standing commitment made by the State to protect wildlife on the sensitive north slope.

Subsistence

- This past week, the Board of Game increased the bag limit for caribou in Unit 26B, the unit north of the Brooks Range that encompasses the Dalton Highway Corridor, from 2 to 5. Combine this increase bag limit with snowmachine access, and we have massive and unpredictable hunting pressure on the Central Arctic Caribou herd.
- Local subsistence users will be impacted by increased hunting pressure, subsequent declines in wildlife populations and displacement of wildlife due to increased snow machine activity.
- Displacement of wildlife away from the corridor will impact viewing opportunities by tourists and all who drive the road.
- HB 267 violates a long standing commitment made by the State to protect subsistence on the sensitive north slope.

Public Safety

- Increased highway safety issues associated with vehicles pulling snow machine trailers, parking in the road to off-load machines in places where there ALREADY is not adequate room for industrial truck traffic.
- Motorized access via snowmachines WILL increase:
 - o accidents on and off the highway
 - o medical emergencies
 - o search and rescue needs
 - o trespassing on private lands
 - o vandalism to mining equipment
 - o vandalism to private properties of local citizens
 - o vandalism to tourism properties

o vandalism to research facilities of the University of Alaska

o vandalism to Alyeska facilities and those of other pipeline services

· Complete lack of emergency services and public safety services along the entire Dalton Highway. No longer a State Trooper in Coldfoot. This places the entire burden of this responsibility on Alyeska and other local private citizens and businesses.

· Many mining interests exist within and outside the Dalton Highway Corridor. They have existing legal motorized access. Their mining equipment and operations will need increased security provisions to protect against theft, vandalism and tampering with their explosives if recreational snowmachiners are to be allowed in the Corridor.

Thanks.

Kyle Joly
Fairbanks, Alaska

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To: Chair HTRA Rep Peggy Wilson

Thank you Mr. Chairman, and members of the House Transportation Committee, my name is Taqulik Hepa, I am a life long resident of the North Slope, and am currently the Director of the North Slope Borough Department of Wildlife Management.

I am opposed to House Bill 267.

First, the fact that there is no fiscal note attached to the bill defies common sense. In fact, in its 1994 ruling allowing the Alaska Department of Transportation to open the Dalton Highway to public use, the Alaska Supreme Court agreed that convincing evidence had been presented that beyond clear fiscal implications for DOT, the Department of Public Safety, the Department of Fish & Game, and the Department of Administration all should anticipate a need for additional appropriations in the event the Dalton Highway was to be opened to the general public. The same is clearly true with this bill.

There are also of course very real pipeline security issues, and issues associated with the safety of the industrial traffic that primarily uses the road. In August 2009, DOT released the Draft Dalton Highway Scenic Byway Corridor Partnership Plan. On page 11, the Draft Plan states:

"According to Alyeska Pipeline Service Company employees, Alyeska has become the "cops and docs" of the north; since their pump stations are one of the only groups of physical structures located along the byway, they are oftentimes tasked with responding to accidents and traveler emergencies. Although Alyeska does respond to emergencies, there is a limit to the services they can provide—services that are foremost for their employees. Liability for providing emergency services for the general traveler complicates their business and they are not budgeted for emergency response."

This bill also raises public safety and search and rescue issues. There are issues associated with the near impossibility of enforcing wildlife laws across such a large area that could be accessed if the bill passes. There would certainly be game and land use violations in the newly accessible area. A lot of users don't understand restrictions associated with the complex land use and ownership status of the area; others would choose to ignore them. There would certainly be damage to the tundra, human waste and garbage issues. Damage to

cultural and archeological sites would likely increase. And most importantly for us, there could be potentially serious impacts to the subsistence users of the North Slope and other rural communities already stressed by a rapidly changing ecosystem and high fuel and equipment costs.

I have a number of specific local concerns that I would like to briefly bring to your attention.

My first concern is the impacts this bill will have on subsistence uses in Game Management Unit 26, in particular for our communities of Anaktuvuk Pass, Nuiqsut, and Kaktovik. There is no doubt that with the passing of this bill, there will be a dramatic increase in the number of people who use the Dalton Highway and adjacent Corridor for hunting and/or for recreation uses. HB 267 will provide an opportunity for easy access by other users to areas that are important to the residents of the North Slope for subsistence activities. There is bound to be an increase in user conflicts between sport hunters, recreational users, and local subsistence users. For example, there will likely be significant competition between sport and subsistence hunters for resources such as caribou, furbearers, moose, and muskox.

One of my biggest concerns is that an increase in hunting activity and motorized traffic to the west of the highway will have a devastating impact on the harvest of caribou by our community of Anaktuvuk Pass. The Nunamiut who settled in Anaktuvuk Pass were the last truly nomadic people of Alaska, and have a lifestyle that is heavily dependant on the subsistence harvest of terrestrial mammals. Caribou are the single most important resource. When the fall caribou migration through Anaktuvuk Pass is poor this community is confronted with a serious problem. When caribou are not available, and with the harvest of other resources such as Dall sheep, moose, and muskox so heavily regulated, the families that make up this community do not meet their nutritional need for fresh meat to last through-out the year.

I've also heard concerns from Nuiqsut residents about interactions with sport hunters or recreational users on the Colville River. In one recent case typical of many that have been reported, subsistence hunters pursuing caribou were harassed by sport hunters in an

aircraft scouting for caribou or moose. The caribou were spooked and scattered before the hunters were able to harvest what they needed. The loss of even a single harvest opportunity for one of our village hunters is significant. Time spent hunting is time away from families and jobs, time exposed to the dangers posed by the harsh North Slope climate and rugged terrain, and time spent burning increasingly expensive fuel. This type of interaction, with the subsistence hunter as the loser, is only going to increase with the passage of this bill.

And how are the residents of the North Slope supposed to adequately express their concerns and report conflicts when they occur? There is only 1 state area biologist living on the North Slope. He is stationed out of Barrow and is widely respected, but is already over burdened. The state's local fish and game advisory committees for the North Slope, required under state law, have been inactive since before 1990. We've urged Fish and Game officials to reactivate the two advisory councils. The response we have received is that it is very unlikely that the Department's Board Support Section will reactivate them due to budget constraints.

Over the years, I've attended Board of Game meetings in Fairbanks and Anchorage along with a few local hunters to provide public testimony on proposals related to GMU 26B and 26C. At the most, we've been able to sponsor 3 to 4 hunters to attend. Our local hunters were amazed at the number of sport hunters, non local hunters, and guides who were present and interested in proposals for GMU 26 B and C. I must say it was very intimidating for our village subsistence users to give public testimony in that setting. Only once have I witnessed a BOG meeting held on the North Slope for the region that includes GMU 26 A, and I don't recall any sport hunters attending. What should not be part of this discussion is any issue concerning the imminent crash of the Central Arctic Caribou Herd. We are not aware of any credible scientific evidence to suggest that the herd has reached its carrying capacity, expanded to utilize its full historic range, or is in any danger of collapse in the near future.

We must all remember the original intent of the Dalton Highway. It has come to be known as the Haul Road because it was only supposed to be used for industrial purposes. The people of the North

Slope were told at the time of its construction that restricting its use was one way our resources and subsistence activities were going to be protected. I've recently heard the same type of comments made about plans to extend the spine road into NPR-A. There is a long history of these types of promises and commitments being broken. Damage to our subsistence communities and residents was done when the promise to restrict the Dalton Highway to industrial uses was broken. You can at least keep a bad situation from getting worse by stopping HB 267 here and now.

At this time, I'd be glad to answer any questions you may have and thank you for your time in listening to my comments.



Alaska State Legislature

Please enter into the record my testimony to the H.I.R.A
Committee name

Committee on HB267, dated 3/17/2010
Bill/Subject

I believe the corridor should be open to access Federal and State lands beyond the corridor. People accessing along the southern portion of the pipeline have been able to snowmobile through the area and around the pipeline with little or no impact on the pipeline or the wildlife in the 33 years it has been in existence. It's time DOT hired more employees to create pullouts and facilities and maintenance along the Dalton Highway and the corridor. Funding for Fish and Game and Public Safety could be acquired through Federal and State grants.

Parking should be allowed at the DOT facilities until pullouts and facilities can be developed.

Signed: Kenneth w Barber
Testifier

Representing (Optional)
17367 E. Melin Rd Palmer AK 99645
Address
907-745-4446
Phone number

To Chair HTRA Rep. Peggy Wilson

NORTH SLOPE BOROUGH

Department of Wildlife Management

P.O. Box 69

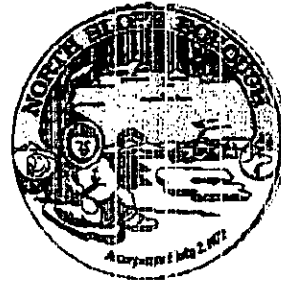
Barrow, Alaska 99723

Phone: Central Office : (907) 852-2611 ext. 350

or: (907) 852-0350

FAX: (907) 852-0351 or 8948

Arctic Research Facility: (907) 852-0352



Taqulik R. Hepa, Director

To: Alaska House Transportation Committee
 Date: March 16, 2010
 RE: Testimony in opposition to HB267
 From: Brian Person

I'd like to thank the Transportation Committee for the opportunity to testify in opposition to HB267; which if it passed, would allow the use of snow machines within the 5 mile corridor along the Dalton Highway from October 1st to April 30th.

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

The North Slope Borough is opposed to removing any part of the Dalton Highway 5 mile corridor to the use of snow machines. The Dalton Highway was originally established only to allow production of and service to oil and gas facilities. The Dalton Highway was originally closed to public use because of the broad and justifiable concerns over public safety issues such as: wildlife harassment, user conflicts, wildlife violation problems, pipeline security concerns, search and rescue responsibilities, and traffic issues to name a few. These visions were legally challenged and ultimately overturned but not without retaining some insights towards the original plan to protect the land, its wildlife resources, and the people that both traditionally and want to depend on its resources for the future of their children. This bill clearly disrupts these protections and does so

without giving consideration to increased funding necessary for the DOT, Alaska State Troopers, and the Division of Fish and Wildlife protection.

I would like to correct some information that was presented to you this past Thursday. The population of the CAH is not over 80,000 animals rather it was estimated to be ~67,000 in the summer of 2008. Also, there is no evidence or data that suggests the herd has exceeded its carrying capacity or that it has exhausted the ranges' resources. In fact, passing this bill will displace caribou from its winter range; effectively restricting its range.

Removing the 5-mile corridor along the Dalton Highway for snow machine use will result in an increase in harassment to wildlife on the North Slope. Muskoxen are very prone to harassment because the groups will often split up when approached by a snow machine and this makes them more susceptible wolf, wolverine, and bear predation. Also, the Teshekpuk Caribou Herd is known to winter on the North Slope in most winters and has wintered in 26B for 3 of the last 6 years. Caribou are energetically stressed during the winter months and cope with this by decreasing their winter movements. Harassment by snow machines will increase their energetic demands and will displace them from their range.

This bill would increase harvest rates on the Teshekpuk Caribou Herd in years that they overwinter in 26B. The Teshekpuk Herd is already harvested at a very high rate. Increased harvest would result in changes to State Fish and Game regulations that would affect the ability of subsistence hunters to harvest an adequate number of animals to support themselves and their communities.

The Board of Game just increased the harvest level in 26B from 2 to 5 caribou. I offered testimony opposing this change because the ADF&G doesn't have good harvest information for this herd and it is likely not under harvested. If snow machines are allowed in the corridor it will only be a matter of time before a proposal would come before the BOG to allow the use of snow machines to transport hunters and their game

through the corridor. The Board of Game has regulations in place that prohibit the use of motorized vehicles used to access and hunt wildlife from the Dalton Highway. However, the Board of Game will change these regulations if this bill moves forward because they cannot resolve the user conflicts over the Fortymile Caribou Herd and they assume this will be a solution. What they don't recognize is that they will create two volatile user group conflicts by allowing the use of snow machines to access game from the Dalton Highway. It is important to note that Board of Game members are politically appointed and that rural Alaskan concerns are greatly under represented by this Board. If this bill is passed it would completely change the way wildlife is managed on the North Slope and increase user conflicts, which are nearly impossible to mitigate.

Increased traffic along the Dalton and within the corridor will also affect caribou migration patterns because caribou are sensitive to both the speed and quantity of vehicular traffic. Five years ago caribou from the TCH were delayed from crossing the Dalton Highway and failed to reach their traditional calving grounds and several years ago a group of TCH's fall migratory path appears to have been deflected by the Dalton Highway. Opening the 5-mile corridor will only increase disruptions in caribou movements.

Removing the corridor will require an increased presence of law enforcement to check for hunting violations, vandalism, and traffic problems. Law enforcement has traditionally been lax along the Dalton Highway and adjoining lands. Traditionally there has only been one, if any, active State Trooper at Cold Foot and passage of this bill will require a substantial increase in Trooper presence and financial resources necessary to police this remote region.

Finally when the Nation is increasing its vigilance for national security reasons I find it surprising that the State of Alaska is considering improving access to the National Petroleum Reserve without careful evaluation of security issues. Two of the largest losses of oil in Alaska have resulted from sabotage; first, the bombing of the Trans

Alaskan Pipeline (TAPS) near Fairbanks in 1978, and the recent shooting of the TAPS just north of Fairbanks. Together, these two instances alone caused the loss of 60% of the total crude oil spilled from the TAPS since it has begun operation. It took days to control the spill that resulted from the pipeline shooting incident north of Fairbanks because of its remote location. A similar spill on the coastal plain would likely take longer to detect and control both because of the regions truly remote location and severe weather that prohibits the use of aircraft.

I urge you not to adopt HB 267 because of the reasons that I've outlined. Removing the corridor will only increase user conflicts in this region. These conflicts will likely disrupt the ability of subsistence users to harvest an adequate amount of wildlife. Currently the public has access from the Dalton Highway. They can dog sled, ski and hike throughout the region.

Respectfully submitted,

Brian Person

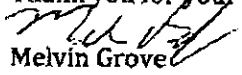
Transportation Committee

3/17/10

Dear Legislatures,

I fully support HB267 that would allow snow machine access within the 5 mile corridor along the Dalton Hwy. For far too long, the land along the highway as been restricted to reasonable access denying Alaskan's the opportunity to visit and explore these areas of the state. Our constitution requires allowing access to the maximum extent possible and as of now only those with an airplane can reasonably use lands outside the corridor. Please support HB267 and provide greater access to more Alaskan's with minimal impact.

Thank you for your time and service,


Melvin Grove
POB 520575
Big Lake, AK 99652
907-440-9148

FAX # 907-465-3175

1 of 2
pages

March 16, 2010

To: Alaska House Transportation
Sub-Committee

Honorable Representative
Chairlady Peggy Wilson

From: June Reakoff
Waieman Village 99790
907-678-4444

Regarding: Bill - HB 267
Opening the Dalton Hwy Corridor
to public snow machine usage.

3-16-10

Alaska House Transportation Committee
Honorable Representative
Chairlady Peggy Wilson

Dear Chairlady Wilson:

Regarding HB 267

Today I testified by teleconference to the House Transportation Committee, with you as Chairlady, and would appreciate my comments be submitted as well in written form for the record.

My name is June Reakoff and I live in Wiseman Village, AK. I came to Alaska in 1957 when it was a territory, and have lived most of my Alaskan years here in the Central Arctic of the Brooks Mountain Range. I have also traveled to such far places as the Northern Transvaal of South Africa and Namibia; yet I have found no place to rival this place I call home for its exquisite landscape and superb variety of beautiful and magnificent animals. Enduring long frigid winters in harsh terrain, with very short summers to replenish their reserves, is cause enough to give thoughtful respect and consideration, especially with their future at stake.

Opening this corridor to indiscriminate snowmachine usage (now with the opportunity to kill 5 caribou per person) would constitute a travesty against the entrustment of prudent stewardship regarding lands, animals, and the rights of all other users in this corridor who are coming in greater numbers - who benignly come and go leaving no great loss to the potential enjoyment for those following. The threat of violence, and violation of the law, along with the lack of enforcement and medical aid availability is a very real issue. Endangerment of depleting to demise a resource through the enablement of snowmachine users, as a large army with impunity, is not a myth. Carnage and excessive waste is not hard to imagine; neither are the empty plates of hungry people who will be victimized by the duplicitous extravagance of the advocates having power and money to indulge.

This is an intimidation, I believe ^{that} will be an embarrassment to Alaskan credibility as to thoughtful governance and trust; a misuse of power in fairness to all people users, reflecting on Alaska's ability to manage our precious resources in the future; and have irreparable repercussions in infamy felt maybe sooner, than later; creating hardship for upcoming generations, unless sound reason prevails to curtail such irrational, unreasonable continuance. This land, animals, as well as the people, heretofore, have represented, symbolically, special freedom, balance, hope, serenity, and purpose.

Those who sow to the wind, will by their actions reap a whirlwind - for we do reap what we sow. I oppose HB267. Thank you for listening.

In summary I would like to repeat my opposition to this bill. A similar bill was introduced in the past by FORMER Senator Ralph Seekins in the form of SB85. There was tremendous public opposition to this bill from many factions who normally don't agree with each other including environmentalists, miners, bowhunters and others. Although that bill proposed year round and not just winter access, much of the testimony in opposition to that bill is just as valid in relation to HB267. I would highly encourage members of the committee to have your staffers dig up a copy of the public opposition testimony for that bill and read it. Members of the committee thank you for your time.

William Lange

A handwritten signature in black ink, appearing to be 'William Lange', with a long horizontal line extending to the right.