

SB

199

**<TARGET><BILL>SB 199</BILL><SUBJECT>SB
199</SUBJECT><COMM></COMM></TARGET>**

Alaska State Legislature



SESSION:
Alaska State Capital
Juneau, AK 99801
Phone: (907) 465-3709
Fax: (907) 465-4714


INTERIM:
1292 Sadler Way Suite 308
Fairbanks, AK 99701
Phone: (907) 451-4347
Fax: (907) 451-4348

SENATE PRESIDENT PETE KELLY

Memorandum

March 15, 2018

TO: Senator Bert Stedman, Chair
Senate Transportation Committee

FROM: Senator Pete Kelly 

RE: SB 199 – Dalton Hwy: Access to Private Property

I respectfully request that SB 199 “An Act relating to the use of off-road vehicles within the James Dalton Highway corridor” be scheduled for a hearing by the Senate Transportation Committee at your earliest opportunity.

SB 199 would allow individuals to cross the Dalton Highway corridor with an off-road vehicle to access private property with a history of use as a homestead.

Please find the following documents attached which will be supplied electronically:

- SB 199 (30-LS1416\D)
- Sponsor Statement
- Sectional Analysis
- Supporting Documentation:
 - BLM History of Alaska Homesteading
 - BLM Map of the Dalton Highway Coldfoot to Deadhorse

Please contact Joe Byrnes (465-2872) in my office with any further questions

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Sponsor Statement

Senate Bill 199

“An Act relating to the use of off-road vehicles within the James Dalton Highway corridor.”

Senate Bill 199 would allow for the use of off-road vehicles within the James Dalton Highway corridor to access private property with an established history of use as a homestead.

Under AS 19.40.210, off-road vehicles are only permitted within the James Dalton Highway corridor in a few select instances:

1. If they are necessary for oil and gas exploration, development, or transportation;
2. To gain access to a mining claim within the vicinity of the highway;
3. To travel across the corridor from a point outside the corridor to another point outside the corridor with a snow machine.

Unfortunately, this leaves no exception for individuals and their families who hold private homesteaded land adjacent to the corridor. By law, they are prevented from using snow machines or other off-road vehicles to access their property by land from the corridor. SB 199 would correct this oversight in the law and give private property holders the same access rights held by those in the oil, gas, and mining industries. SB 199 would not change any hunting regulations by the Board of Game or remove prohibitions on rifle hunting within the corridor.

This issue came to my attention by a constituent who owns homesteaded land within the Brooks Range adjacent to the Dalton Highway corridor. Unfortunately, without the use of an airplane, the land is virtually inaccessible in the winter.

I urge your support.

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SENATE PRESIDENT PETE KELLY

Sectional Analysis

Senate Bill 199

“An Act relating to the use of off-road vehicles within the James Dalton Highway corridor.”

Please note that this is a sectional summary and not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1

Amends AS 19.40.210 regarding the prohibition of off-road vehicles within the James Dalton Highway Corridor, adding an exception for a person who must use land in the corridor to gain access to private property with an established use as a homestead outside of the corridor.

Section 2

Adds a new subsection to AS 19.40.210, defining “highway corridor” or “corridor” as land within five miles of the right-of-way of the highway.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: SB 199
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB199-DOT-NRHA-3-23-18
Title: DALTON HWY: ACCESS TO PRIVATE
PROPERTY
Sponsor: KELLY BY REQUEST
Requester: Senate Transportation

Department: Department of Transportation and Public Facilities
Appropriation: Design, Engineering and Construction
Allocation: Northern Design and Engineering Services
OMB Component Number: 2299

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2019 Request	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 (separate capital appropriation required)
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

Original version.

Prepared By: Mike Lesmann	Phone: (907)465-4772
Division: Commissioner's Office	Date: 03/23/2018
Approved By: Amanda Holland	Date: 03/23/18
Agency: DOT&PF	

FISCAL NOTE ANALYSIS

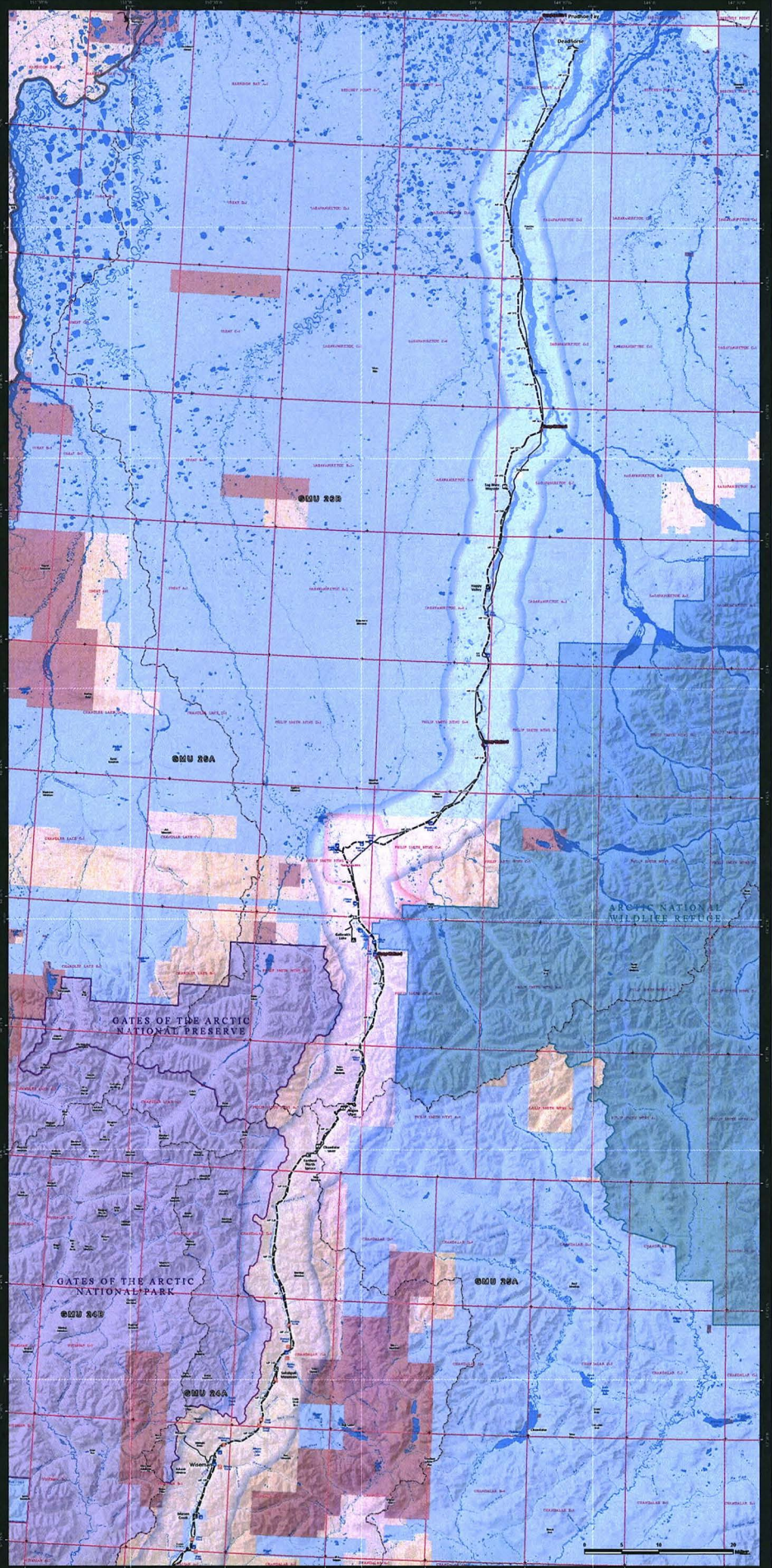
STATE OF ALASKA
2018 LEGISLATIVE SESSION

BILL NO. SB 199

Analysis

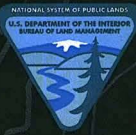
This proposal adds a new user group, i.e., a person who must use land in the highway corridor to gain access to private property, to the existing list of exceptions for prohibited off-road vehicle use within five miles of the right-of-way of the James Dalton Highway.

This proposal has no operational or fiscal impact on the Department.



Symbol	Description
[Red line]	BLM 200
[Orange line]	BLM 200
[Blue line]	BLM 200
[Green line]	BLM 200
[Black line]	BLM 200
[Red square]	BLM 200
[Orange square]	BLM 200
[Blue square]	BLM 200
[Green square]	BLM 200
[Black square]	BLM 200





NATIONAL SYSTEM OF PUBLIC LANDS
U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

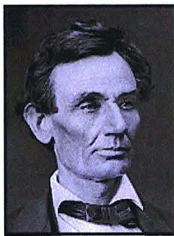
U.S. Department of the Interior
Bureau of Land Management

History of Alaska Homesteading

The Last Chapter in America's Homestead Experience



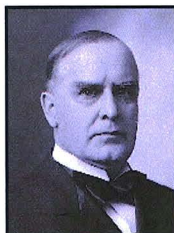
Commemorating America's Homestead Past



Homesteading in America began when President Lincoln (left) signed the 1862 Homestead Act enabling over 1.6 million people to claim federal land intended for small farms. Homesteaders included men, women, freed slaves, and European settlers. During the homestead era, about 270 million acres of federal land were claimed in 30 states, from Florida to Michigan to Alaska. This is over one-tenth of all the land in America.

Descendants of homesteaders today are estimated at about 93 million Americans, with many thousands still living on farms claimed by their ancestors.

Preserving Alaska's Homestead Heritage (1898-1988)



Homesteading began in Alaska when President William McKinley (left) signed 1898 legislation extending homestead laws to the then District of Alaska. Few homesteads were claimed until after Alaska became a territory in 1912, with most after WWII. By the time the last homestead claims were made in the 1980s, around 3,500 people had received land in Alaska.

What was homesteading?

Homesteading was a way people could obtain federal land virtually free if they met certain requirements, including living on the land and cultivating a portion of it. Homesteading has not been possible on federal lands in Alaska since Oct. 21, 1986, although it was allowed for 88 years before that. Congress passed the original homestead law in 1862 to provide small farms to anyone over age 21, the head of a family, or to immigrants willing to become citizens. The purpose was to help settle the country and provide new opportunities. From the start, women, minorities, and immigrants were allowed to homestead.

When did homesteading begin?

Homesteading originated with President Lincoln signing the original Homestead Act on May 20, 1862. Starting on January 1, 1863, people began filing land claims at Land Offices in the Midwest and West. Later, homesteading was allowed in all 30 states or territories with federal land, from Florida to Michigan to California. Homesteading was not allowed in Alaska until May 14, 1898, when President William McKinley signed legislation extending various homestead laws to Alaska.

When did homesteading end?

Homesteading officially ended on October 21, 1976 with the passage of the Federal Land Policy and Management Act of 1976. On that day, all homestead laws were repealed nationwide, however, a 10-year extension was allowed in Alaska since it was a new state with fewer settlers. The last time anyone could file any type of homestead claim in Alaska was on October 20, 1986. After that day, no more new homesteading was allowed on federal land in Alaska.

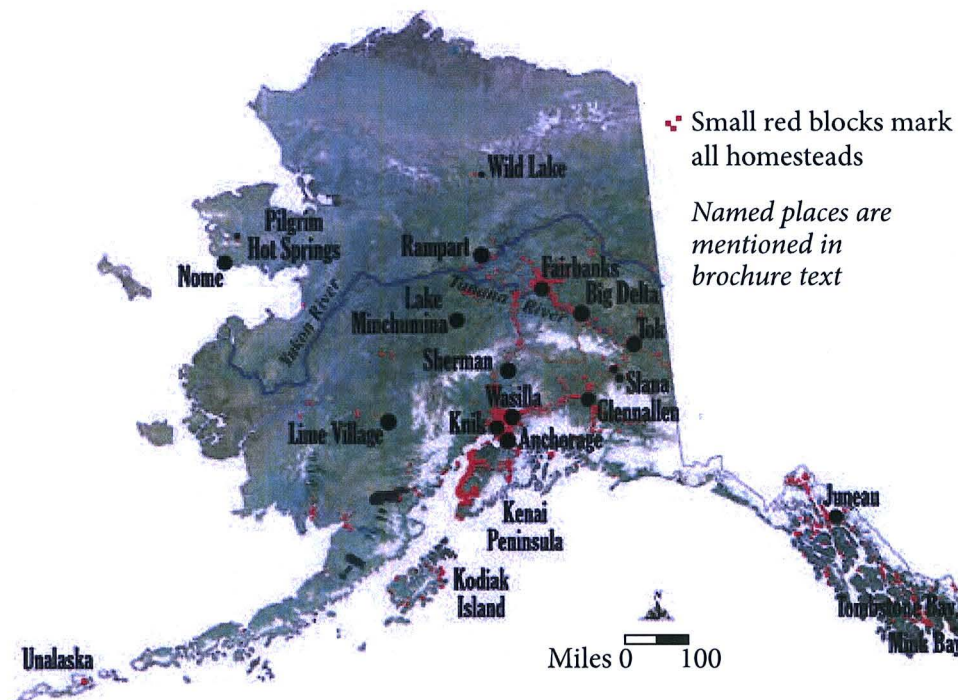
How did a person get a homestead in Alaska?

When homesteading started in Alaska on May 14, 1898, people were required to stake their land selection and register it at the nearest Land Office. Those offices existed at different times in one or more of these places: Sitka, Juneau, Anchorage, Fairbanks, Nome, St. Michael, Rampart, Weare (near Tanana) and briefly even in Circle City, Alaska. Later, only Juneau, Fairbanks, and Anchorage would have such offices, with Juneau's office also now closed. To register their homestead claims, people paid a small filing fee at the Land Office and could continue to "prove up" the claim by meeting certain specific homestead requirements. After July 16, 1946, all homestead claims were filed with the Bureau of Land Management (BLM), when the General Land Office functions were absorbed into that newly created agency.

Where did people homestead in Alaska?

People could stake a homestead claim on federal land in most parts of Alaska, except federal lands previously withdrawn for other purposes such as National Parks and Monuments. National Forests were mostly unavailable for homesteading, although later legislation in 1906 allowed filings in areas deemed suitable for agriculture. The 1906 legislation resulted in only eight homesteads patented in Forests. By the time homesteading ended in 1986, the majority of homesteads had been patented south of the Alaska Range mountains, while many were in other locations. These included numerous homesteads in areas around Delta Junction and Fairbanks, Alaska, and others off the Richardson and Parks highways. Additionally, homesteads were established within the Tanana River and Yukon River drainages. For example, part of the gold rush town of Rampart on the Yukon River was homesteaded. Other homesteads were on the Seward Peninsula, Kodiak Island and in western Alaska. The most northern homestead in Alaska was claimed by a World War II veteran James L. Langston (1924-1994). Nearly 107 acres were patented to him in 1955 in the Brooks Range mountains at Wild Lake above the Arctic Circle.

Alaska Homestead Map, 1898-1988



What were the requirements for acquiring a homestead in Alaska?

When homesteading started in Alaska in 1898, the general requirements were that a person had to:

1. live on the claimed land for most of five consecutive years,
2. live in a habitable dwelling (a tent would not count), and
3. cultivate at least one-eighth of the land.

At different times in Alaska's history, these requirements changed. People who served honorably in the Armed Services could apply a portion of their service time to substitute for the homesteading time requirement for living on their land. The land had to be surveyed before a claimant could get a homestead. Starting in 1918, special legislation for Alaska allowed settlers to enter homestead claims on un-surveyed lands, with the option of either waiting for a government survey at no cost, or paying for one themselves as a way of expediting receiving patent to the land. Further, special legislation in 1926 allowed settlers to have irregular shaped homestead claims with natural boundaries such as meandering streams, lakeshores, or other land features. Previously, only rectangular homesteads were allowed.



Early Homesteader:

John M. Heady (1849-1920s), a native of Indiana, came by boat to Alaska in 1899 during the gold rush, and mined with a partner in the Jack Wade Mining District northeast of Fairbanks, Alaska. In 1909, he was working as a miner in the Juneau area. By 1915, he was employed at nearby Thane by the Alaska Gold Mining Company. In the later 1910s, Heady resumed his pre-Alaska occupation of farming and filed for a homestead near Wasilla, Alaska. On March 12, 1922, a few months before his 73rd birthday, he was awarded title to a 160-acre homestead.

*Photo © Alaska Railroad Collection,
Anchorage Museum, AEC.G998*

Changes in homestead requirements in Alaska

#1 Homestead size: From May 14, 1898, to March 2, 1903, people could only claim up to 80 acres for a homestead. From March 3, 1903 until July 7, 1916, they could claim up to 320 acres. From July 8, 1916 through the 1980s, the maximum size for a homestead was 160 acres.

#2 Time on the land: From May 14, 1898 until June 5, 1912, people had to live on their homesteads for five years, with some allowance made for short stays off their claims for medical reasons, short-term work, or short vacations. On June 6, 1912, the requirement dropped to three years. By the 1950s, the time requirements to live on the claim for each of those three years was reduced to a minimum of not less than seven months.

#3 Required cultivation & veterans' preference: While the standard rule when homesteading started in Alaska in 1898 was for a settler to do some type of farming on not less than one-eighth of the land, after World War II, certain war veterans could get special exceptions. Under certain circumstances until June 18, 1954, it became possible for veterans with over 19 months of military service to get a 160-acre homestead in a year without doing any cultivation. After that time, it was possible for veterans who met special circumstances to cultivate just one-sixteenth of the claimed land. Overall, after World War II, veterans were customarily given first preference for a certain amount of time to claim homesteads in areas opened for homesteading. After that preference period ended, non-veterans could file homestead claims on any remaining unclaimed land.

Commuting or "buying out" a homestead

The original 1862 Homestead Act allowed homesteaders under certain conditions to get title to their claims faster than their time requirement to live on the claim (five years, later three years). This was a process called "commutation" of a claim, or "commuting" a claim. When commuting a claim, the homesteader still had to live on and cultivate the claim for 14 months. The homesteader usually paid \$1.25 per acre for the land. Many "commuted homesteads" were also patented in Alaska, with title documents indicating that they were acquired by purchase and not under homestead laws for "free." One of these "commuted homesteads" was near the community of Chicken in northern Alaska, around 60 miles north of Tok. The homestead was patented in 1972.

Were there restrictions to claiming a homestead on federal land in Alaska?

Similar to homesteading in the contiguous Lower 48 states, federal land in Alaska had to be officially open to homestead entry before homestead claims could be filed. Prior to 1918, the land had to be surveyed to register claims with the General Land Office. Even so, people who settled on land before an official opening or survey generally had preference rights to file a claim on their land. Early newspapers in Alaska often carried information on new land openings. For instance, a notice in the Valdez, Alaska paper on August 11, 1912 reported that the “first surveyed township in Alaska will be thrown open to entry next Thursday, Aug. 15.” It was for land near the Copper River. The article also stated: “Actual settlers on the land prior to the survey thereof are allowed a preference right of ninety days in which to present their filings.” In that way, many settlers from the early 1900s got homesteads but with patent dates long after their original settlement on the land, sometimes 20 or more years later. For example, John McCrary, an early settler at Copper Center, Alaska in 1902 finally received patent to his homestead claim in 1938.

See document at right issued by the General Land Office in Washington, D.C.

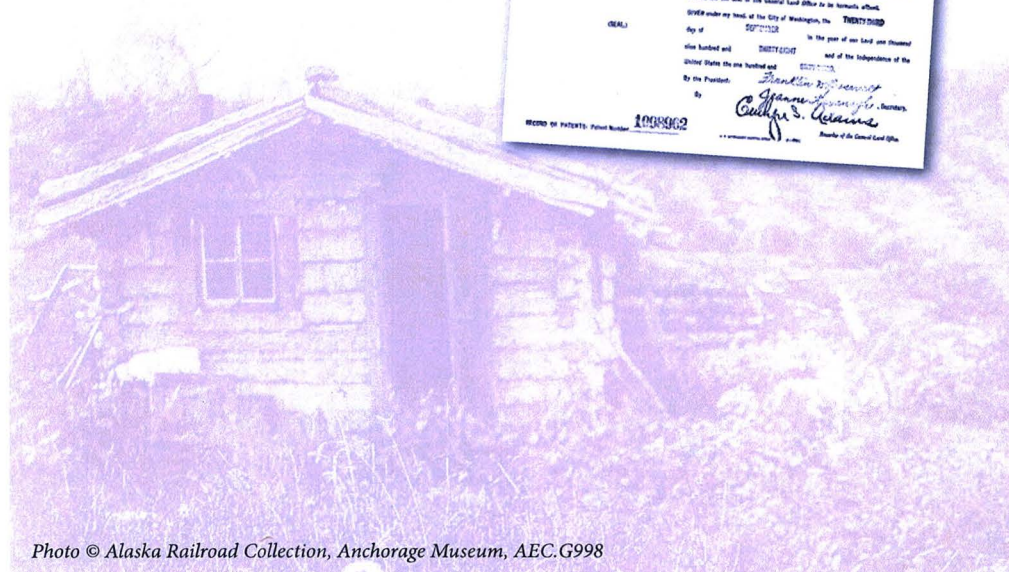
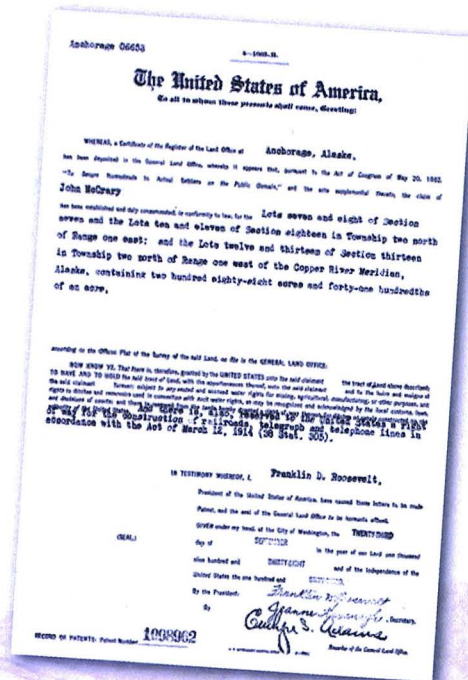


Photo © Alaska Railroad Collection, Anchorage Museum, AEC.G998



Photo courtesy Robert E. King

Eugene E. Swanson was an African-American and a Spanish American war veteran. He homesteaded at the former Gold Rush town of Rampart, Alaska in 1928, using this house (shown). Samuel Heeter had previously built the house in 1903 when Rampart was a booming community.

Homestead statistics for Alaska

Before 1910, around 20 homesteads had been patented in all of Alaska, with under a thousand before 1940. This was a very small number compared to the rest of the country.

Between 1901 and 1988, fewer than 3,500 homestead patents were awarded to individuals in Alaska based on farming a portion of the land. Beginning in the 1930s, Alaska-only legislation prompted several thousands more patents for five-acre homesteads, also called “homesites” and “headquarter” sites, that didn’t require any cultivation. These 5-acre, non-agricultural “homesteads” required living on the land for most of three years. Claimants also paid \$2.50 per acre. Technically these homesteaders “bought” the land instead of getting it for “free” by traditional homesteading. The last few of these unusual types of small-size “homestead” claims were still being patented near Slana and Lake Minchumina in the early twenty-first century, with some filed as recently as the 1980s.

The first homesteaders in Alaska

When the 1862 Homestead Act was extended to Alaska in 1898, veterans had special rights to obtain homesteads faster than the normal homesteading requirements. As early as 1901, some veterans were selling their rights to homesteads to fish companies who then received homestead patents in coastal areas of Alaska. By 1903-1908, a few Alaska homesteads were patented to people who apparently actually met the 1862 Homestead Act requirements of living on the land for most of five years, building a habitable dwelling, and cultivating a portion of the claim.

Non-agricultural “homesteads” in Alaska



The 1898 law allowing homesteading in Alaska was amended on March 27, 1927, under President Calvin Coolidge (upper left). It created a new category of land claim also called “homestead.” A further amendment under President Franklin Roosevelt (lower left) on May 26, 1934 added additional terms. Under these laws, people could claim up to five acres without doing any cultivation of the land. Two types of claims were possible. One was for a dwelling called a “homestead” and the other was for business purposes. To receive the five-acre dwelling type “homestead” (later called a “homesite”), claimants had to live on the land for three years, have a habitable dwelling, and pay \$2.50 per acre at the end of the proving up process. For the business site five-acre claim (sometimes also called a “homestead” but later termed “headquarters site”), people had to show that the full amount of land (up to five acres) was needed for business purposes.



Claimants also paid \$2.50 per acre and could not receive title to the land until three years had passed during which they were using the land for business needs. People were also allowed to get one each of both types of five-acre special “homesteads” by meeting requirements for both, for a total of up to 10 acres.

The last areas in Alaska opened to homesteading - Lake Minchumina, North Slana and South Slana

In the early 1980s, the BLM opened 40,250 acres of public lands in three final blocks of federal lands to a form of homesteading. One area near Lake Minchumina, northeast of Mount McKinley, had three land openings in 1981-1983, allowing potential settlement on a total of 30,000 acres. The other two areas near the old village of Slana were two tracts separated by the Tok Cutoff, part of the Glenn Highway. These were the North Slana and South Slana settlement areas opened in 1983 that added another 10,250 acres to federal lands available for homesteaders. These three settlement areas, the last in America to be opened for homesteading by the federal government, remained open for homesteading claims until October 21, 1986. Only two unusual forms of non-agricultural homesteads created under special 1927 and 1934 legislation for Alaska were possible. These were claims for homesites (for personal dwellings), or for headquarter sites (for businesses). Both types were not to exceed 5 acres in size. Additionally, non-homestead claims up to 80 acres for trade and manufacturing purposes were allowed for business needs. After the three settlement areas closed for new claims on October 21, 1986, relatively few five-acre non-agricultural homesteads were

eventually patented along with only a few trade and manufacture sites. The combined totals for North Slana and South Slana were: 119 homesite patents, 30 headquarter site patents, and eight trade and manufacture site patents. The Lake Minchumina area had fewer numbers of these types of land patents. Initially, several thousands of people throughout the U.S. and even some foreign countries expressed interest in these areas, including many who wrote to the BLM for more information. A 1986 Oprah Winfrey TV show discussing the “end of homesteading in Alaska” helped prompt the onslaught of interest. Also, the late Paul Harvey discussed this historic milestone in a nationwide radio broadcast. In this way, homesteading ended in Alaska (and in America’s history), with some unexpected twists involving popular culture that would have been impossible to predict when homesteading began over a century earlier.

Homesteading in Alaska before the 1970s

Farming was possible in some parts of Alaska, like portions of the Matanuska and Tanana river valleys, and around Delta, but was hard or impossible in many other areas. This was one reason why few homesteads were awarded based on cultivating the land. Other factors facing Alaska homesteaders included remoteness, cold weather, short growing seasons, high expense for supplies, problems marketing crops, and for many 20th century Alaskan settlers, a lack of desire to become farmers. After railroads were built in Alaska in the early 1900s and the Alaska Highway opened in 1947, increased accessibility in some areas spurred more homesteading. For the first time, people could come to Alaska by car, hauling trailers, to begin homesteading. Better roads in Alaska after the 1950s, including to the Kenai Peninsula, also encouraged new homestead claims. Yet the lack of roads didn’t prevent some early homesteaders from filing claims in remote areas with limited access. Over 100 years ago, Henry Beckus claimed the only homestead on the Seward Peninsula. His 319.96-acre homestead on the Pilgrim River, including Pilgrim Hot Springs, was 70 miles north of Nome. He received patent on September 24, 1908, at a time when 320-acre homesteads were possible before World War I, and less than a decade after the start of the Nome Gold Rush.

The final years of homesteading in Alaska

Very little land had been available for homesteading for more than a decade before Oct. 21, 1986, when no new homesteads could be filed in Alaska. Tens of millions of acres of federal land were withdrawn from homestead entry to allow the State of Alaska and Alaska Native corporations to select millions of acres under terms in the 1958 Alaska Statehood Act and the 1971 Alaska Native Claims Settlement Act. Other federal lands that had not been evaluated as suitable for cultivation by the BLM remained closed to homestead entry.

First Homesteads in Alaska

1st Man who had rights to an Alaska homestead: This distinction may go to William J. Abbott. Abbott assigned his rights to a 9.92-acre homestead on the Kvichak River about 270 miles west of Anchorage, to the Horse Shoe Fishing and Mining Company. The company received a patent to the land under the 1862 Homestead Act on February 27, 1901. Abbott was probably a military veteran, which is why he could have received his rights prior to that date.

1st Women who had rights to an Alaska homestead: Three orphaned sisters, Mary Belle, Carrie Irene, and Lillian Dee, inherited rights to their deceased father James H. Sackett's 29.72-acre homestead on Taku Inlet, about 20 miles southeast from Juneau. On Jan. 13, 1908, the sisters assigned the land to the Northwest Fisheries Company.

Homesteading in Alaska at the extremes

- **Most northern homestead:** James L. Langton
(May 23, 1955 patent): 106.88-acre homestead in the Brooks Range mountains on Wild Lake, about 60 miles west of Wiseman, Alaska and 100 miles north of the Arctic Circle.
- **Most southern and most western homestead:** Charles H. Hope
(April 12, 1961 patent): 4.87-acre homestead on Captains Bay on Unalaska Island in the eastern Aleutian Islands, about two miles southwest of Unalaska, Alaska.
- **Most southern homestead on mainland Alaska:** Philip Kelley
(Jan. 20, 1908 patent): 34.53-acre homestead on Mink Bay of Boca de Quadra inlet, about 70 miles southeast of Ketchikan, Alaska and less than 40 miles from the southernmost part of mainland Alaska.
- **Most eastern homestead:** Nikolas Kristovich
(April 25, 1939 patent): five-acre homestead on Tombstone Bay off the Portland Canal that divides the USA from Canada, about 60 miles south of Hyder, Alaska.

Is "homesteading" allowed anywhere in Alaska today?

No. Homesteading ended on all federal lands on October 21, 1986. The State of Alaska currently has no homesteading program for its lands. In 2012, the State made some state lands available for private ownership through two types of programs: sealed-bid auctions and remote recreation cabin sites. The Alaska Department of Natural Resources has information on its website about these programs.

The last female and last male homesteaders in Alaska

The distinction of being Alaska's and America's last female homesteader to receive a homestead requiring cultivation of the land, goes to Elizabeth M. Smith. She received a homestead patent on Oct. 18, 1984 for 116.32 acres of land near Big Delta, Alaska. She was among a group of 10 homesteaders, including her son William J. Smith, who filed adjoining homestead claims in 1974 on land west of the Richardson Highway. All received patents to their homesteads in 1984, with Elizabeth Smith the only woman in the group. All people who got homesteads later in Alaska were men.



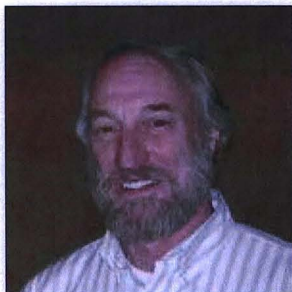
Photos courtesy Elizabeth M. Smith & Smith family



Elizabeth M. Smith

America's last woman homesteader (1984)
near Big Delta, Alaska

The distinction of being Alaska's last male homesteader, and the last homesteader in the entire nation to receive a homestead requiring cultivation of the land, goes to Kenneth W. Deardorff. He received a homestead patent on May 5, 1988 to 49.97 acres of land on the Stony River near Lime Village in southwestern Alaska. He filed his homestead claim in 1974, but its remoteness caused delays in his receiving patent to the land until the spring of 1988.



Photos courtesy Kenneth W. Deardorff



Kenneth W. Deardorff

America's last homesteader (1988)
near Lime Village, Alaska

The Legacy of Homesteading



Alaska's homestead experience represents the final chapter in the longer Homestead Era that began in 1862 in American history, five years before Alaska even became a part of the United States. Relatively few homesteads were awarded in Alaska between its start in 1898 and end in 1986 when Ronald Reagan (left) was President. Homesteading remains important to many Alaskans today, and many homesteaders or their families still own original claims. Nationwide, over 1.6 million homesteads were granted in 30 states, with hundreds of thousands of homesteaders and their families getting an economic boost in America through receiving federal land for "free" as homesteads. The terms for granting homesteads in certain states other than Alaska left the federal government with ownership of the mineral subsurface or other special land management situations. Homesteading truly played an important part in creating the Nation we have today. Some remains of older homesteads are now being managed as historic archaeological sites.

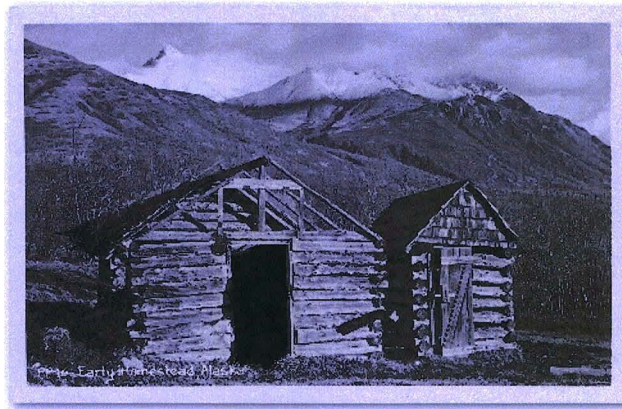


Photo courtesy Robert E. King

For further information on the history of homesteading in Alaska

visit us on the Internet at:

www.blm.gov/ak/st/en/prog/cultural.html

or contact us at:

Bureau of Land Management

222 W. 7th Ave. #13

Anchorage, AK 99513-7504

(907) 271-5960

BLM/AK/GI-12/011+8152+9310 rev2016

CHARLES GRAY

311 Slater Street
FAIRBANKS, ALASKA 99701

15 March 2018

Subject: Senate Bill 199

Dear Senate Transportation Committee Members,


I am writing in support of Senate Bill 199 to open limited access to private land owners along the Dalton Corridor. Currently, mining claim owners and oil and gas prospectors can pass through the corridor but not land owners. Surely, owners of fee simple land obtained under the Federal Homestead Act should be as entitled to traverse the corridor in the same manner as an owner of a temporary mining prospect.

In 1967, I filed an application for a Headquarters Site under the Federal Homestead Act of 1898. I eventually obtained a land patent north of Wiseman and approximately eight miles east of what is now the Dalton Highway, long before there was a highway and corridor. My access, summer and winter, was primarily by aircraft. After many years of use, the property is now in the hands of my friend Russ Vanderlugt who does not own an airplane. He and his family use the area more for recreation than hunting and would like to access the property occasionally by snow machine in the winter, but are prohibited.

Russ Vanderlugt is currently a student at UAF working on a PhD in Arctic Studies. He has researched all pertinent maps and resources with BLM and DNR assistance to ascertain how many property owners might be affected along this section of the Corridor who own land obtained under federal homestead laws, and the conclusion is approximately six.

Please consider adding legitimate property owners to those who can cross the Corridor. It will not be a land rush, but a matter of fairness.

Sincerely,



Charles L. "Chuck" Gray
Publisher Emeritus, Fairbanks Daily News-Miner
Fairbanks, Alaska
[907-452-3788](tel:907-452-3788)
cgray.ak@gmail.com

From: Mike Tinker <miketinkerak@gmail.com>
Sent: Monday, March 26, 2018 12:37
To: Sen. Pete Kelly
Subject: SB 199 Private Property Access through the Dalton Highway non-motorized corridor

Senator, I'm writing on behalf of the Laundry House Gang in support of the bill. Years ago before the Dalton Hwy was open to non-commercial traffic, I had an exclusive guide area overlaying the corridor from Atigun Pass to Galbraith. Although we always hiked or used horses for access, it seemed strange to see motorized Alaskans with a mining claim within or through the non-motorized area. These folks had a non title interest in their claims but could take motorized equipment back and forth from the highway to their claims.

It is a prudent and reasonable action to add those who own private property within or through the corridor to be able to access using motorized vehicles. I predict these property owners will use motorized equipment that is much more environmentally friendly than the miners!

The LHG has never opposed reasonable access within or through the corridor. We hope you be able to help several Alaskans with this legislation.

Sent from my iPad

15 March 2018

Re: Senate Bill 199

Dear Senator Kelly and Senate Transportation Committee Members,

I am writing in support of Senate Bill 199, a bill related to use of off-road vehicles within the Dalton Highway Corridor that amends AS 19.40.210 to extend access for private landowners.

AS 19.40.210 discusses the prohibition of off-road vehicles on land within five miles of the right-of-way of the Dalton Highway. However, according to statute, an exception is granted to persons who hold 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.

Given the current language of AS 19.40.210, a person who holds a mining claim has a significantly greater right of access than a person who owns private property with regard to access across public lands administered by BLM. This disadvantages land owners who hold historic properties under the Homestead Act in Alaska, and who are therefore considerable stakeholders in Alaska, with rights and privileges of access that are arguably greater than holders of mining claims.

I am a private landowner of a Headquarters Site north of Wiseman, originally patented by Charles L. Gray pursuant to the Act of May 14, 1898, 30 Statute 413, as amended and supplemented by 43 U.S.C. 687a. Therefore, this private property is land patented under the federal Homestead Act after it was extended to Alaska in 1898 and federal homestead laws were subsequently amended due to Alaska's unique environment.

Consequently, I am requesting that AS 19.40.210, as it currently reads, be amended so that the current exemption allowing access to mining claims is expanded to include access for private landowners who hold patents granted under federal homestead laws. According to thorough research conducted in conjunction with the BLM and DNR, this narrow exemption applies to approximately six landowners along the Dalton Corridor, so minimal traffic and impact is expected. In addition, access to private parcels should be limited to following existing RS 2477 trails, ANCSA 17(b) easements, and river corridors to further reduce impact concerns while providing fair access across public lands.

Not passing this legislation presents an unfair treatment and access situation that would continue to bar access to property owners, who as Alaska stakeholders have long-time abiding interests in our state. Moreover, if amended, this legislation presents no changes to existing hunting regulations in the Dalton Corridor or general ORV use not associated with travel necessary to access privately held land under federal homestead laws.

Sincerely,



Russ Vanderlugt
Arctic and Northern Studies PhD Student, University of Alaska
Fairbanks, Alaska
907-251-7513
rwvanderlugt@alaska.edu