

ALASKA LEGISLATURE COMMITTEE FILES 1999-2000 8672

9987 HOUSE RESOURCES

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SB 273

Revision Date/Time (Note if correction) 04/13/2000

Dept. Affect: DCED

Title Spill response legislation

BRU ARRC

Component _____

Sponsor Senator Drue Pearce

Requester _____

Component No. _____

Expenditures/Revenues

Thousands of Dollars

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

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual		1,650.0	750.0	750.0	750.0	750.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1,650.0	750.0	750.0	750.0	750.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

FUND SOURCE	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Railroad		1,650.0	750.0	750.0	750.0	750.0
TOTAL	0.0	1,650.0	750.0	750.0	750.0	750.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

POSITIONS	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

Information attached outlines ARRC's proof of financial responsibility and provides estimates for oil discharge, prevention and contingency plans.

Prepared by: Wendy Lindskoog

Phone 265-2498

Division ARRC

Date/Time 4/13/00 9:53 AM

Approved by Commissioner 

Date 4/13

Agency _____

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SB 273: By Senator Drue Pearce

Alaska Railroad Corporation Financial Responsibility:

Over the last several years, the Alaska Railroad corporation has had in place two \$10,000,000 lines of credit. One to meet self insurance requirements and one to meet operational requirements. These credit lines are with two separate national banks. They are currently for one year and are renewable annually. At this time, the lines of credit are whole and have not been drawn on.

The proposed legislation would require the Alaska Railroad to have proof of financial responsibility to respond to damages of approximately \$5,450,000. This amount is derived from a maximum of 100 tank cars per train, multiplied by 545 barrels per tank car, multiplied by \$100 per barrel. Typically, an Alaska Railroad fuel train pulls approximately 50 car loads of fuel.

It is the railroad's intent to use a portion of an existing line of credit as proof of financial ability.

The Alaska Railroad also estimates the following cost for oil discharge prevention and contingency plans:

- 1) Contingency plan development: \$250,000
Includes mapping, environmental assessment, response needs (personnel and equipment), public involvement, agency review
- 2) Risk assessment: \$400,000
Includes risk assessment and recommendations by consultants and public review
- 3) Contingency plan implementation: \$1,000,000 – first year, \$750,000 – subsequent years
Assumes cost of equipment, personnel, training, drills annually

SCR

2

FISCAL NOTE

No. 1
 Bill Version: SCR 2
 (S) Publish Date: 2/10/99

STATE OF ALASKA
 1999 LEGISLATIVE SESSION

Revision Date 1/22/99 Dept. Affected _____
 Title Mangement of Fish and Wildlife BRU _____
 Component _____
 Sponsor Taylor _____
 Requester _____ Component Serial No. _____

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 00	FY 01	FY 02	FY 03	FY 04	FY 05
Personal Services						0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES []						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution is anticipated to have no fiscal impact on state agencies.

Prepared by Senate Resources Committee Phone 465-4907
 Division _____ Date 1/29/99
 Approved by Senator Rick Halford, Chairman *Rick Halford* Date _____
 Agency _____

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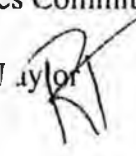
Vice Chairman,
Resources Committee

State Capitol
Juneau, Alaska 99801-1182
(907) 465-3873
Fax: (907) 465-3922

50 Front Street
Suite 203
Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

TO: Representative Scott Ogan, Chair
House Resources Committee

FROM: Senator Robin Taylor 

DATE: March 9, 1999

RE: SCR 2 Management of Fish and Wildlife

Please schedule SCR 2 for hearing as soon as possible. This resolution is similar to the resolution that was before you last year. Thank you for your consideration in this request. I have attached backup material for inclusion in the packets.

District A:

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Alaska State Legislature

Chairman,
Judiciary Committee
Administrative Regulations
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Vice Chairman,
Resources Committee



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50 Front Street
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Ketchikan, Alaska 99901
(907) 225-8088
Fax: (907) 225-0713

Senator Robin L. Taylor

REVISED

SPONSOR STATEMENT

SCR 2

Relating to management of Alaska's wildlife and fish resources.

Over the past few years, we have seen a decline in our wildlife and fish populations in several areas. This decline has continued to the point where serious shortages currently exist and are continuing unabated. For example, moose populations in the Kuskokwim Delta and moose and caribou in the Forty Mile area have declined to the point where there are not enough animals to meet the subsistence demand. Residents of the area testified to this last year before the House Resources Committee when a similar resolution was before the Legislature. Yet to date, our Department of Fish and Game has not implemented a management plan to rectify this situation. On the fish side, Bristol Bay has been declared a disaster area for the past two years because of the poor sockeye runs in that area. The MatSu drainages have had continuing low runs in several species; and, Cook Inlet commercial fishing was closed down early last year because of low sockeye runs there. These are just a few examples, there are more.

The elected leaders of Alaska have the responsibility of protecting our resources by ensuring that the constitutional mandate for sustained yield management of Alaska's wildlife and fish resources is followed for the benefit of all Alaskans. It is in the best interest of all Alaskans that the replenishable resources of our state be managed not only for sustained yield but for abundance as well. An abundance of wildlife and fish will benefit all user groups and will greatly reduce competition among Alaskans for wildlife and fish resources. Abundance of fish and wildlife resources could be a key to solving the subsistence dilemma. Continued passive monitoring of declining wildlife and fish populations is no longer acceptable. Active, aggressive management is mandatory, including predator control where necessary, if we are to achieve and maintain healthy wildlife and fish populations in the future.

Management of Alaska's wildlife and fish resources was delegated to the Alaska Board of Fisheries, the Alaska Board of Game, and the Alaska Department of Fish and Game by the Legislature. Therefore the Legislature needs to make it crystal clear that it expects active aggressive management and SCR 2 sends this message. SCR 2 requests the Governor, the Board of Fisheries, the Board of Game, and the Department of Fish and Game to do everything within the scope of their powers, duties, and responsibilities to manage Alaska's wildlife and fish resources on a biological basis for abundance; and, to develop and implement regulations, policies, and programs to restore an abundance of wildlife and fish in Alaska using all methods and means available to accomplish this goal as quickly as possible.

District A:

Hyder • Ketchikan • Kupreanof • Meyers Chuck • Petersburg • Saxman • Sitka • Wrangell

2451

ALASKA CONSTITUTIONAL CONVENTION PROCEEDINGS

on that until the members have had a chance to have a look at them. I believe it is the Chairman's thought that we start with the statement of purpose and go right through the article. A few of the articles haven't anything in the nature of a preamble because we are operating somewhat on uncharted seas here. We thought it desirable to include in the outset a statement of purpose, and we feel that shows the Committee's basic thinking; the doctrine of putting all of our resources, both to maximum use while, at the same time, safeguarding the public interest in the avoidance of waste. The second paragraph, which is Section 1, simply repeats the enabling bills and boundary coverage. That's the identical language contained in House Measure 2535. Section 2 indicates the state's proprietary interest, which shall provide for utilization, conservation and development of all of the resources. Now, it was proposed to the Committee by, I believe, Delegate Hurley, yesterday, that our recital of various acts in this language in accordance with provisions and applicable acts of Congress, including the act admitting Alaska to the union, might be redundant, and I'll go along with that. It probably is, but I think it calls attention at once to the Congress that our proposal is subject to the very act which to the Congress is of prime importance as concerns Alaska statehood. I think that it might have some merit, even though redundant, for that reason.

[Section 3 states that replenishable resources shall be administered on the sustained yield principle. I won't go into that in detail here, beyond saying that, in our reference to sustained yield, we have in mind no narrow definition of "sustained yield," as is used, for example, in forestry, but the broad premise that insofar as possible a principle of sustained yield shall be used with respect to administration of those resources which are susceptible of sustained yield, and where it is desirable. For example, predators would not be maintained on a sustained yield basis. Section 4 merely states the general reservation of fish, wildlife, and the waters. Section 5 is the controversial section which Mr. Smith referred to when he stated that with few exceptions the Committee has gone along with recommendations which have come to it from outside the Committee proper. The members will all recall that we have been advised of the wishes of many in the Territorial Sportsmen Association and the local chapters of that organization. It was the consensus, not unanimous, of the Committee, that the language set forth in Section 5 go into the committee proposal. I'm sure that when we come to that, later, further comment will be made. Section 6 might be a little obscure. Its purpose is to authorize the state to provide those aids and facilities which might assure the fuller utilization of resources, such aids as roads, for example, to undeveloped areas; the provision of soil studies in agricultural areas should the Territory in its administrative structure have such talent at hand to go out in the field and assist settlers in testing their ground for particular agricultural capacity; forest management, advice from any forestry agencies which might be sought from the owners

]

SJR

5

Alaska State Legislature

Senate

Official Business

**RICK
HALFORD**

State Capitol
Juneau, Alaska
99801-1182
Phone (907) 465-4958
Fax (907) 465-4928

P.O. Box 670190
Chugiak, Alaska 99567
Phone (907) 694-4958
Fax (907) 694-0549

600 E. Railroad Avenue
Wasilla, Alaska 99654
Phone (907) 376-4958

Senate Joint Resolution 5 am S Sponsor Statement

"A Resolution opposing the closure of the former Mount McKinley portions of Denali National Park and Preserve to snowmachine use."

In November of 1998, the National Park Service (NPS) announced their plan to temporarily close two million acres of Denali National Park snowmachine access. On February 4, 1999 the NPS implemented the temporary closure ignoring the protest of affected Alaskans and our Congressional Delegation.

This closure, without proper documentation of detrimental impacts to the resource values of the park and preserve, is not in compliance with the provisions of the Alaska National Interest Lands Conservation Act (ANILCA) which guarantee traditional access and set out specific procedures for regulatory action affecting that access.

The law is clear - ANILCA, Section 1110, expressly authorizes access to federal conservation system units for traditional activity. Allowing the National Park Service to ignore clear legislative direction and impose this closure without regard to the procedure specifically outlined in law is not only improper, but has tremendous implications in setting undesirable precedent for the over 200 million acres of other Federal Conservation Units throughout Alaska

Passage of this resolution will reiterate the Alaska State Legislature's continued opposition to extra-jurisdictional action by federal agencies, and the Legislature's resolve to preserve access to all Federal Conservation Units as was promised in their enabling legislation. In addition, SJR 5 am S also calls upon the Governor to take all available administrative and legal measures to protect the public access rights guaranteed under ANILCA.

I urge the members support for this resolution.



750 W. 2nd Ave. #109, Anchorage AK 99501 / Ph. 907-258-6171 / Fax 907-258-6177

P.O. Box 22151, Juneau AK 99802 / Ph. 907-463-3366 / Fax 907-463-3312 / unite@akvoice.org

February 23, 1999

Dear Legislators,

The Alaska Conservation Voice is a coalition of twenty-seven conservation organizations representing over 15,000 individuals statewide. We are writing in opposition to SJR 5, a resolution opposing the closure of the former Mountain McKinley portions of Denali National Park and Preserve to snowmachine use. We are disappointed in the Alaska State Legislature's attempt to circumvent the National Park Service's decision to close one third of the Park and Preserve to snow machine use for one year.

In 1917 the US Congress recognized the unique and outstanding natural beauty of two million acres in Alaska by designating Mount McKinley National Park. Since its creation, the National Park Service has managed Mountain McKinley National Park to provide for traditional means of non-motorized access, including dog-mushing, snow shoeing, and cross-country skiing- all of the uses that were in place in 1917. The park has never been open to motorized access in its designated Wilderness Area.

We take issue with your interpretation of the Alaska National Interest Land Conservation Act of 1980 (ANILCA). We do not agree with your legal analysis that ANILCA automatically opens all affected public lands to snowmachine use. Taking into account the diverse ways of life present in Bush Alaska, Congress thoughtfully enacted legislation which allowed snowmachines to be used for access for traditional activities such as travel to and from villages and homesites. They were attempting to preserve a unique Alaskan way of life, not open all public lands to motorized recreation.

Further, it is unfortunate that at a time when conflict between snowmachiners and other winter recreationists is at a flash point (see attachments) that the Alaska State Legislature does not take this opportunity to provide leadership in resolving these conflicts.

We urge you to stop SJR 5.

Thank you,

A handwritten signature in black ink, appearing to read "Kirsten Shelton", written in a cursive style.

Kirsten Shelton
Organizer/Lobbyist

Conserve Alaska. It's Only Natural.

THE
FOLLOWING
DOCUMENT(S)
ARE
POOR
ORIGINAL
COPIES

of retaliation

By STEVEN LEE MYERS
The New York Times

WASHINGTON — Iraq threatened on Monday to attack an air base in southeastern Turkey if American and British jets based there continue to patrol northern Iraq.

The threat, delivered by Iraq's vice president, Taha Yassin Ramadan, came after weeks of strikes by American and British warplanes against military targets in the northern and southern no-flight zones of Iraq, including new attacks on Monday. His remarks about the base at Incirlik, Turkey, also followed sharply worded Iraqi threats against Kuwait and Saudi Arabia on Sunday.

The comments appeared to reflect mounting Iraqi frustration with the air strikes, which have steadily eroded Iraq's defenses in the weeks since the United States and Britain pounded Iraq for four nights in December.

Despite those air raids and continuing attacks that have clearly weakened Iraq, mil-

Please see Back Page, IRAQ

samba school dances Monday in the favela of Rio de Janeiro, Brazil. The country comes to a

standstill for the annual four-day Carnival bash that precedes the Christian observance of Lent, which begins Wednesday.

BRAND LOPEZ-MILLER / The Associated Press

Heater as scholarship promises fade

The company that awarded the scholarship to her and 50 other students across the country — Houston-based AdamsVision USA — has admitted it doesn't have the money and never did.

The revelation has left students nationwide scrambling for financial assistance and their parents looking for answers and, in some cases, legal remedies. One parent has filed a complaint with the Texas attorney general's office.

"It's really disappointing," said Bowlin, 18. "Here I have a chance to follow my dream, and somebody basically throws a monkey wrench in here and says, you know, it may not be possible."

Her parents were devastated. "She wanted to go to Cornell. She should go to Cornell. But all of a sudden, the money is not there," said Bob Bowlin, her father.

Both parents, Mat-Su area elementary teachers, said they can afford \$20,000 a year but not

\$30,000. They were counting on the scholarship to make up the difference. Now they are considering postponing retirement, even though a doctor has told Bob Bowlin to stop working because of a stress-related illness.

"We had it all worked out," said Sue Bowlin.

AdamsVision founder Val Adams has said that he's still trying to come up with funds, but

Please see Page A-4, SCHOLARSHIP

Snowmobile runs down, injures Iditasport cyclist

By CRAIG MEDRED
Daily News outdoors editor

One thing Iditasport mountain biker Pierre Ostor knows for certain is that the snowmobile that ran him down on Big Lake Sunday morning knew he was there.

That's because it was the driver's second pass.

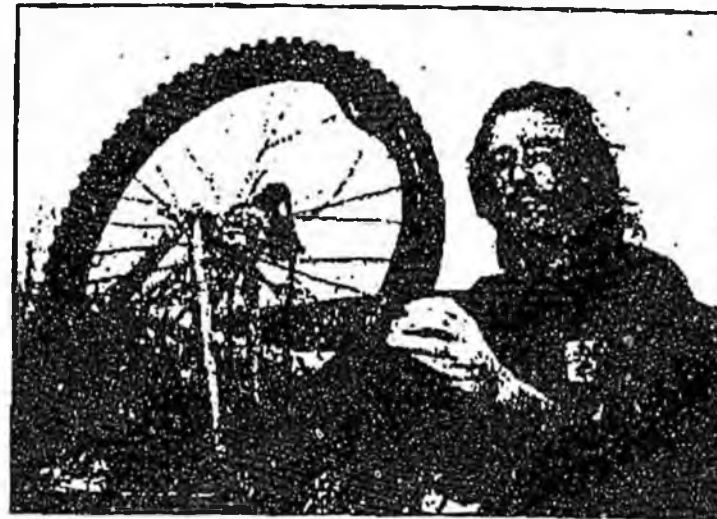
At the time, about 1 a.m. Sunday, Ostor was pedaling the ice road across the frozen surface of the lake toward the

■ **THEY DID IT:** Eighty-six competitors walked, rolled or slid across the Big Lake finish line to complete the Iditasport 100. C-3

Iditasport finish line. More than 90 miles of the 100-mile race were behind him.

The taillight on the Minnesota rider's mountain bike

Please see Back Page, IDITASPORT



Iditasport cyclist Pierre Ostor was 2 1/2 miles from the finish line Sunday morning when he was hit from behind by a snowmobile on Big Lake.

BILL ROTH / Anchorage Daily News

ADN 2/15/99

STATE NEWS

Snowmachine severs man's leg

GLENNALLEN — A Glennallen man lost his leg after being struck Saturday by a snowmachine, Alaska State Troopers said. Wayne Tyone, 39, was walking along a trail parallel to the Richardson Highway when he was struck by a snowmachine driven by a 15-year-old Glennallen boy. The accident severed Tyone's leg below the knee. Tyone was taken to Crossroads clinic in Glennallen and transferred to Anchorage. He was in stable condition Monday at Alaska Native Medical Center. Troopers were investigating. The name of the boy was not released.

Snowmachine flips, killing driver

NOME — A Golovin man has died after a weekend snowmachine accident. Alaska State Troopers said other snowmachiners found the body of Dean Sockpealuk, 29, three miles south of White Mountain on Saturday. An investigation by troopers and the White Mountain village public safety officer indicated that Sockpealuk was riding on the trail from White Mountain to Golovin when he struck uneven ice on the Fish River. Troopers said the snowmachine flipped and rolled more than 200 feet. Sockpealuk was thrown and suffered a fatal head injury. Investigators said he was not wearing a helmet.

Daily News wire reports

NOTICE OF PUBLIC HEARINGS



Since 1917, the core of Denali National Park has been closed to motorized uses, including snowmachines. This core area is a key place in interior and northern Alaska where wildlife protection has been assured through minimal summer or winter disturbance to wildlife and habitat. This area is essential to the experience of more than a quarter-million visitors who travel into the park's interior each season.

The current rules are inadequate to legally maintain this 81-year tradition. Therefore, public hearings will be held on a proposed regulation to close the pre-ANILCA portion of Denali National Park and Preserve to snowmachine use. This leaves about two-thirds of the 6-million acre park and preserve open to snowmachine use during adequate snow cover. The 1980 additions to the park, such as the areas near the Tokositna, Ruth and Yentna Glaciers, remain open.

The hearings will inform the public of the nature and extent of the closures, gather information on concerns of effects on park resources, and collect information on any traditional snowmachine activity that occurred before 1980 in the area of the closure.

Maintaining the status quo for the wilderness core of Denali is an important action to prevent any deterioration in wildlife habitat and use patterns, and to maintain the traditional non-motorized visitor use area. This closure is in accordance with the provisions of Title 36 Code of Federal Regulations (CFR), Section 13.30 and 43 CFR 36.11(h). This closure will begin December 1, 1998 and will be in effect for one year.

HEARING LOCATIONS:

- **Sunday, November 22, from 5:30 p.m. to 7:30 p.m. In the East Gold Room of the Westmark Hotel, 813 Noble St., Fairbanks**
- **Monday, November 23, from 6 p.m. to 8 p.m. In the McKinley Village Community Center, Mile 230 Parks Highway**
- **Tuesday, November 24, from 6 p.m. to 8 p.m. In the Library of the Susitna-Valley High School, Mile 98.6 Parks Highway**
- **Wednesday, November 25, from 5:30 p.m. to 7:30 p.m. In Space 1 of the Egan Convention and Civic Center, 555 West Fifth Avenue, Anchorage**

1 of 2

November 10, 1998

CONTACT: Jane Tranel

FOR IMMEDIATE RELEASE

Public Information Office: (907) 683-9583

Snowmachine Proposal Extends Riding Prohibition in Wilderness Core of Denali National Park

The National Park Service is establishing temporary regulations to maintain the closure of a portion of Denali National Park and Preserve to snowmachine use this winter.

This continued closure of the two million acres that formed the pre-Alaska National Interest Lands Conservation Act of 1980 (ANILCA) portion of Mount McKinley National Park will be effective for one year while the National Park Service gathers additional information on potential impacts of snowmachine use and begins work on a backcountry management plan. Public hearings on the temporary regulations will be held in Fairbanks, the Healy-Cantwell area, the Talkcctna/Trapper Creek area, and Anchorage during the week of November 22, 1998. The National Park Service intends to introduce additional regulations in early 1999 to allow completion of planning in 2001.

The temporary action applies to about one-third of Denali National Park and Preserve. The original Mount McKinley National Park, most of which was designated as wilderness ANILCA, has never been open to snowmachine. The remaining two-thirds of the park and preserve – some 4 million acres – remains open to snowmachine use when there is adequate snow cover for traditional activities. Snowmachine riding on the south side of the range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Township and areas southwest of the West Fork of the Chulitna River. The Stampede Corridor and northern tier of the park in the ANILCA additions remain open.

"We're taking the proposed action to protect park resources and values such as wildlife habitat, natural vegetation, wilderness recreation, and traditional recreational uses in this area. Recreational snowmachine use outside the core of Denali National Park and Preserve is increasing rapidly, and this use is expanding into some pre-ANILCA park areas such as the south side of the Alaska Range near the Parks Highway at Broad Pass," said Superintendent Steve Martin. "The existing closure established under the 1986 General Management Plan needs to be clarified to the public," he said.

While traditional snowmachine use in the park additions and the preserve was provided for in the 1980 law, it was not allowed in the former Mount McKinley National Park. "We believe the potential for entirely new levels and locations of use is an unacceptable risk for an internationally significant resource. No public input, planning, resource studies, or National Environmental Policy Act compliance supports this use of snow machines in the pre-ANILCA areas of the park," Martin said.

ANILCA provides that snowmachine use for traditional activities will continue to be allowed in the

park additions, subject to reasonable regulation. Denali National Park is beginning work on a backcountry management plan and general management plan amendment to address this and many other issues. The plan will include a management strategy for snowmachine use and an environmental impact statement in compliance with the National Environmental Policy Act.

The proposed temporary regulation will allow time for the necessary planning, information gathering, and public input. Regulations can be amended after the plan is completed in two to three years.

The National Park Service does not believe any traditional activities provided for ANILCA will be affected by the proposed action. Any current use in the closed area is very recent or of a type that does not reflect the traditional uses protected by the 1980 law. Recreational use of snowmachines in the former Mount McKinley National Park was neither customary or traditional, and was, in fact, prohibited by regulation.

The proposed regulation applies only to the one-third of Denali National Park and Preserve which has a unique history relative to snowmachine use. The National Park Service believes other adequate opportunities for economic development of snowmachine-related winter tourism exist.

Public hearings have been scheduled to provide information on the temporary closure and to solicit comments and ideas from the public to ensure that all information has been considered.

Date Time Location

November 22, 1998 5:30-7:30 p.m. Westmark Hotel, 10th and Noble Streets, Fairbanks

November 23, 1998 6-8 p.m. McKinley Village Community Center, Mile 230 Parks Highway

November 24, 1998 6-8 p.m. Susitna Valley High School Mile 99 Parks Highway

November 25, 1998 5:30-7:30 p.m. Egan Center, Anchorage

Comments will also be accepted by mail, and further information is available, by writing to Steven P. Martin, Superintendent, Denali National Park and Preserve, P.O. Box 9, Denali Park, Alaska 99755 Telephone (907) 683-2294.

- END -



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 9
Denali Park, Alaska 99755

By Stephen P. Martin
Superintendent, Denali National Park and Preserve

In the heart of Denali, on lands designated by Congress in 1917 as Mount McKinley National park, a special relationship has developed between people and the natural environment. This core area is a key place in Interior and Northern Alaska where wildlife and habitat have been protected through minimal summer or winter disturbance. This area is essential to the experience of more than a quarter-million visitors who travel into the park's interior each season. The wildlife and scenery, the rugged and essentially untrammelled wilderness are key ingredients to the region's economic success; a wild Denali is the icon for Alaska.

Since 1917, the National Park Service has managed this core area of Denali (about one-third of the total park and preserve) for non-motorized winter recreation such as dog mushing, snowshoeing and cross-country skiing. The area was closed to snowmachine use prior to the 1980 Lands Act and continues to be closed by the park's General Management Plan. The 1980 law provided for use by snowmachines in Denali for traditional activities only where such use was generally occurring at the time. This use is to be regulated to insure it does not conflict with the natural and other values of the park.

The core of Denali contains important wintering ground for moose, sheep, wolves and caribou and is denning habitat for wolves and bears. Research has shown unregulated snowmobile use could change the distribution of wildlife and other natural and aesthetic park values. Snowmachine use in the core area would end the quiet and solitude that dog mushers, cross-country skiers and other non-motorized users have long enjoyed.

Maintaining the status quo is the primary reason the Park Service has continued the long-time closure of the old park to snowmachine use. We've started a plan to establish reasonable regulations for snowmachine use in the portions of the park and preserve added by ANILCA and will review the long-standing closure of the original park. Until this plan is complete, continuing the closure of snowmachine use in the heart of Denali and maintaining the existing motor vehicle limits on the park road are essential to protect outstanding visitor experiences and natural systems in the park. Public involvement in decision making is an integral part of managing Denali. Allowing snowmachines in the

core of the park without meeting our public involvement and environmental review responsibilities would be a breach of the public trust.

The status quo allows continued snowmachine use in the other 66 percent of Denali (about 4 million acres) during periods of adequate snow cover. Riding on the south side of the Alaska Range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Township and areas southwest of the West Fork of the Chulitna River. The Stampede Corridor and the northern tier of the park in the ANILCA additions remain open. Other park areas are unaffected by this month's action.

Keeping an 81-year-old tradition in place still could become a nasty fight. But we're hopeful the Park Service, the snowmobile community, non-motorized interests and all park users can map out a path of mutual benefit. Consider a few possibilities:

- The 1996 development plan for Denali's South Side calls for trails and cabins. Can we join with State Parks, residents and the visitor industry to get these facilities built for year-round use?
- Snowmachine use can develop as a significant draw for winter tourism. The Lower 48 lesson is that riders seek a variety of experiences, from groomed trails to unmarked country. Alaska is big enough to offer all options. Snowmachine use in Denali needs to be linked to a winter park visit and done in a manner that protects resources and provides balanced opportunities. Can the snowmachine community, landowners and Park Service advance a plan that includes groomed trails, shelters, and parking, helps grow a year-round economy, and protects unique park values?
- Alaskans and our visitors are an untapped market for packages that offer snowmachine and cross country ski vacations. Can the snowmachine community and the Park Service work with businesses to promote a mix of skiing or dog mushing in the heart of Alaska's oldest wilderness and snowmachining outside the core of Denali?

We think these are exciting possibilities and hope you choose to join in an effort that looks after not only the heart of Denali National Park but the future of winter recreation across interior Alaska.



United States Department of the Interior

NATIONAL PARK SERVICE
Denali National Park and Preserve
Post Office Box 0
Denali Park, Alaska 99755

Briefing Statement

November 9, 1998

Region/Office: Alaska Region/Denali National Park and Preserve

Project/Issue: Snowmachine Use - Temporary Closure of Pre-ANILCA (Alaska National Interest Lands Conservation Act) Mt. McKinley National Park

- Denali National Park is establishing a temporary closure to the use of snowmachines in the pre-ANILCA (1980) portions of the park. This represents about 2.2 of the 6.2 million acres of park lands. The temporary closure is required to prevent snowmachine use in an area that has been administratively closed to mechanical winter access since 1917. A recent interpretation of ANILCA based regulations requires a specific regulatory action to continue to enforce this closure. This 12 month closure will be done according to 36 Code of Federal Regulations (CFR), Section 13.30, and 43 CFR 36.11(h). The temporary closure will give the NPS time to establish longer term regulations so that study, planning and compliance can take place on parkwide snowmachine use. This will be done through the currently funded GMP amendments and is anticipated to take 2-3 years.
- A snowmobile advocacy group is currently encouraging its members to ride throughout the former Mt. McKinley National Park, especially along the park road corridor and on the south side of the Alaska Range near the Parks Highway at Broad Pass.
- The only snowmachine use allowed by ANILCA is for traditional activities generally occurring in 1980. The 1986 General Management Plan (GMP) documented the fact that snowmachine use for traditional activities did not occur in the original pre-ANILCA Mt. McKinley National Park. There are no traditional activities occurring currently in this part of the park that require the use of snowmachines, and no requests for this access have occurred.
- New levels and locations of use and resource impacts may potentially present unacceptable risks for an internationally significant resource. No public input, planning, resource studies, or National Environmental Policy Act (NEPA) compliance supports this dramatic change in park management.

BACKGROUND INFORMATION

- From 1917 until 1980 the core two million acres of Denali National Park and Preserve have been closed to the use of any mechanized travel, including snowmachines in the winter. Beginning in 1980, Title XI of ANILCA provided for snowmachine use in Denali National Park for traditional activities. The congressional record on ANILCA clarifies the use of snowmachines to include only those uses generally occurring in an area prior to 1980. ANILCA provides for using snowmachines for travel to and from villages and homesites, subsistence activities, and in support of other traditional activities. Snowmachine

- use and other traditional uses are subject to reasonable regulations to protect the natural and other values of the park unit.
- Recreational use of snowmachines in Denali National Park has not been the subject of any planning documents or been analyzed in any NEPA document.
- Analysis of extensive information on natural resources and park values strongly indicates that snowmachine use within the former Mt. McKinley National Park would be detrimental to the resource values of the park by impacting wildlife habitat, natural vegetation, wilderness recreation, and natural sounds.
- When the park was expanded in 1980 from approximately 2 million acres to 6 million acres, the NPS realized that a greater level of protection was needed for the park. Regulations prohibiting snowmachine use in the core wilderness area of the park is consistent with the enabling legislation of the original Mt. McKinley National Park and the need to protect the natural balance in wildlife populations within the core wilderness area of the park.
- The former Mt. McKinley National Park was closed to snowmachine use from 1917 until 1980 by the Code of Federal Regulations, providing for nonmotorized wilderness recreation during the winter.
- The 1986 GMP stated that recreational snowmachining would only be allowed where it was traditional. "Traditional" was defined as a pattern of use that occurred prior to ANILCA. Based on this public planning process, the NPS continued to prohibit, through the Superintendent's Compendium, all snowmachine use in the former Mt. McKinley National Park. Park staff patrolled and contacted snowmachine users, providing information on the location of park boundaries, marking the boundary, maintaining signs stating that this particular portion of the park was closed to snowmachine use. Violations were infrequent.
- In the late 1980s, recreational snowmachine use began to increase dramatically throughout the state because of technological improvements in equipment. While the additional use did not occur in the former Mt. McKinley National Park except in a limited area on the south side of the Alaska Range, it became common in the ANILCA additions by 1993.
- Scientific research shows that detrimental environmental and social changes can occur when snowmachine use is introduced into an ecosystem and a recreational setting such as the area of Denali that has been traditionally closed to snowmachine use.

CURRENT ACTIONS

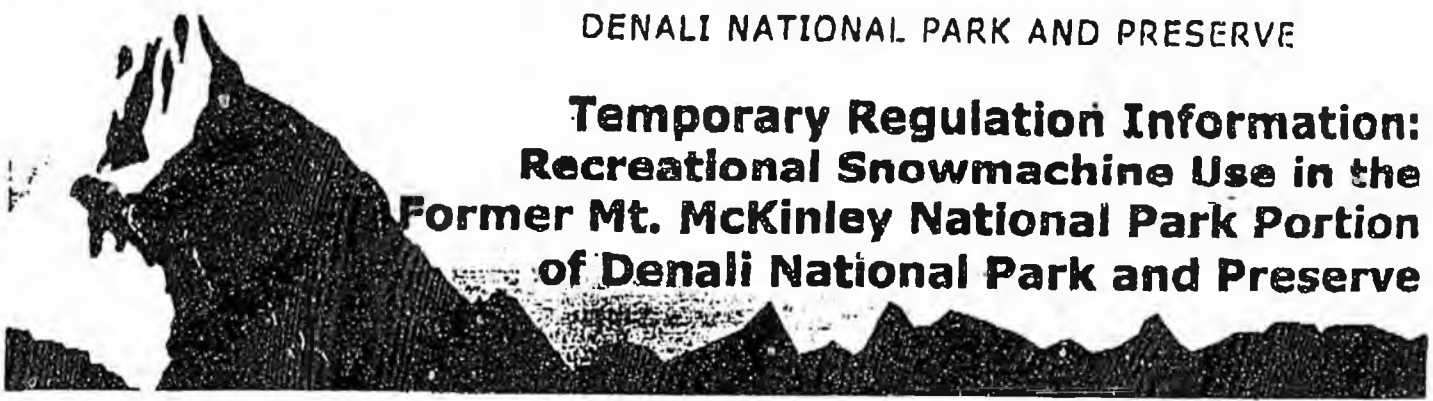
- Denali National Park staff will continue gathering and analyzing data on snowmachine use during the next several winters. A literature review documenting impacts from snowmachine use in other protected areas has been completed. Documented impacts include noise, packed trails, stress on wildlife when food supplies are low and when animals need to conserve energy that is critical to their survival, and damage to vegetation and soils. The impact of snowmachine use on the values of solitude and natural quiet is one of the most significant concerns.
- New site-specific studies are planned to determine the impact of additional snowmachine use on park values in ANILCA additions to Denali.
- To insure that no resource impacts occur during the planning process, a longer term regulatory action is required. A proposed regulation which will close the pre-ANILCA portions of Denali National Park until the planning for parkwide snowmachine use is completed will be published in draft form early in 1999.

CONCLUSION

- The possibility of extensive snowmachine use in the former Mt. McKinley National Park has created a threat to one of the most important ecosystems and wilderness resources on earth. The last five years of technological advances and increased popularity have clearly demonstrated that this use pattern can quickly move into new areas and reach a high density. The potential for such rapid change, coupled with the lack of information on the impacts that could result, places extremely valuable resources at risk. Since the level of risk is unknown and the consequences of error extremely high, Denali should be protected until uncertainty can be removed.
- The NPS does not believe that any traditional activities provided for in ANILCA will be affected by this closure. Any current use in the closure area is very recent or of a type that does not reflect the traditional uses that were intended to be protected by ANILCA.
- Millions of acres of multiple use lands of similar geographic character and accessibility are available as alternative recreation sites in south-central and interior Alaska. This decision applies to only the one-third of Denali National Park and Preserve which has a unique history relative to snowmachine use. The NPS believes ample opportunities for economic development of snowmachine-related winter tourism exist in other areas.
- Snowmachine use for traditional activities will continue to be allowed in the park additions. The NPS will provide for recreational snowmachine use in the park additions and the preserve, subject to reasonable regulations, according to ANILCA. Denali National Park is beginning work on a backcountry management plan and a general management plan amendment to address this and many other issues. The plan will include a management strategy for snowmachine use and an environmental impact statement in compliance with the National Environmental Policy Act.
- Statewide snowmobile organizations, recreation users, other interested groups, and the State of Alaska have been consulted about the proposed regulations to close the former Mt. McKinley National Park to snowmachine use.
- Public hearings as required by 36 CFR 13.30 and 43 CFR 26.11(h), will be held in Fairbanks, the Healy-Cantwell area (McKinley Village), Talkeetna/Trapper Creek, and Anchorage during the week of November 22, 1998. The NPS will provide information on the temporary closure and solicit comments and ideas from the public and ensure that all the information that is provided is considered.

Contact: Stephen P. Martin, Superintendent, Denali National Park and Preserve (907) 683-9581.

DENALI NATIONAL PARK AND PRESERVE



Temporary Regulation Information: Recreational Snowmachine Use in the Former Mt. McKinley National Park Portion of Denali National Park and Preserve

November 1998
Public Meetings

What will this temporary regulation do?



This temporary regulation will preserve the existing pattern of winter use in Denali National Park and Preserve while the National Park Service develops a backcountry management plan. The 12-month temporary regulation will clarify that recreational snow-machine use is not allowed in the former Mt. McKinley portion of Denali

National Park and Preserve, which is approximately 1/3 of the park. Snow-machine use for traditional activities will continue to be allowed, subject to reasonable regulations, in the other 2/3 of the park that was added by the Alaska National Interest Lands Conservation Act of 1980 (ANILCA).

Send us your comments by December 1, 1998:

- Write us at:
Superintendent's Office
Denali National Park and Preserve
P.O. Box 9
Denali Park, AK 99755
- Email us at:
denalisnowmachinecomments@nps.gov

Why is a temporary regulation needed now?

The possibility of extensive snow-machine use in the former Mt. McKinley National Park portion of Denali National Park and Preserve represents a new level of use and a major departure from the established management policies of the area. The National Park Service (NPS) is required by the National Environmental Policy Act (NEPA) to evaluate any new uses that could have significant environmental impacts and any highly controversial actions before allowing them to occur. The last five years of technological advances in equipment and increased popularity of recreational snowmachine

use has clearly demonstrated that this activity will continue to increase rapidly. The potential for rapid change as snowmachine use moves into new areas and becomes increasingly common, coupled with uncertainty about the impacts that will result, places internationally significant resources at risk. Since the level of risk is uncertain and the consequences of error could be extremely high, resources of high value such as the core area of Denali should not be exposed to that risk. A temporary closure provides the time to plan and accurately evaluate impacts as required by law.

What will happen in the future?

During the next 2-3 years, Denali National Park will work on a backcountry management plan and general management plan amendment to address snowmachine use and many other issues. An interim regulation on snowmachine use may be initiated after the temporary regulations to maintain existing winter use patterns until the backcountry management plan is complete. The backcountry management plan will include an environmental impact statement in compliance with the National Environmental Policy Act and continuing op-



portunities for public comment. Management options such as zoning for different uses and creating designated, maintained trails will be considered in this process. The NPS believes that many opportunities for economic development of snowmachine-related winter tourism exist in other areas of Denali and throughout the state. Denali National Park staff will continue gathering and analyzing data on snowmachine use during the next several winters.

What area will be closed and what will remain open?

The temporary action applies to only about one-third of Denali National Park and Preserve, the original Mount McKinley National Park, most of which was designated as the Denali Wilderness by ANILCA. The remaining two-thirds of the park and preserve – some 4 million acres – remains open to snowmachine use when there is adequate snow cover for traditional activi-

ties. Snowmachine riding on the south side of the range near the Yentna, Kahiltna, and Ruth Glaciers is unchanged, as is riding in the Dunkle Hills and areas southwest of the West Fork of the Chulitna River. The Stampede Corridor and northern tier of the park in the ANILCA additions remain open.

How much other public land is open to recreational snowmachine use in Alaska?



Millions of acres of multiple use lands of similar geographic character and accessibility are available as alternative recreation sites in south-central and interior Alaska. According to Alaska State Parks figures, over 95% of south central Alaska public lands are open to recreational snowmachine use. Of the

87.7 million acres in Alaska under Bureau of Land Management jurisdiction, only 16,281 acres are closed to snowmachine use. Of the 2,598,920 acres of legislatively designated lands managed by the Alaska Division of Lands, 99% are open to snowmachine use.

Didn't ANILCA open the former Mt. McKinley to Snowmachine use?

In a Conservation System Unit such as the Denali Wilderness, ANILCA provides for:

"...the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers),...for traditional activities (where such activities are permitted by the Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natural and other values of the conservation system

units... and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area."

The legislative history of ANILCA lists several examples of traditional activities: "subsistence and sport hunting, fishing and berry picking, and travel between villages." It also states that the traditional activity must also have been generally occurring in the CSU before its designation by ANILCA in 1980.



Did recreational use of snowmachines by the general public ever occur in this area prior to ANILCA?

The legal use of mechanized equipment for winter recreation by the general public never occurred in the core 2 million acres of Denali National Park and Preserve from 1917 to 1980. In fact, this portion of the park (former Mt McKinley National Park) was specifically closed to public recreational

snowmachine use by a nationwide regulation in 1972. This closure was in direct response to the increasing use of snowmachines and a growing concern from the public about their impacts to the resources and other values of park areas.

How has the NPS managed snowmachine use in this area since ANILCA?

The historic focus on non-motorized use has continued. Since passage of ANILCA in 1980, the NPS managed this core area for non-motorized winter recreation such as dog mushing, snowshoeing, and cross-country skiing. Three dog sled tour businesses now use the park area and their services depend on the wilderness resources of the area such as solitude and natural quiet. The NPS has continued to prohibit recrea-

tional snowmachine use in the core area of Denali, and park staff have continued to patrol boundaries. Information on the location of park boundaries has been provided to snowmachine users, boundary signs have been placed at likely access points, and signs informing the public of the continued closure have been erected and maintained.



How much recreational snowmachine use has occurred in this area since ANILCA?

Unauthorized snowmachine use of the former Mt. McKinley National Park area was extremely infrequent and occurred near the boundaries. Only very recently has the growing popularity of recreational snow-

machine use on adjacent lands begun to expand into this core area, requiring clearer regulations to prevent harm to resources and other values of the area.

How often does the NPS use snowmachines in this area?

The NPS experimented with new mechanized transport technology that became available in the 1950s and 1960s for administrative purposes. By the mid 1970s, the NPS determined that these new forms of technology were both ineffective and inappropriate for use in Mt. McKinley National Park. Park managers returned to relying on dog teams for winter patrols in the park. This commitment to retain the

non-motorized tradition of the area continues today with park dog teams traveling hundreds of miles each winter to patrol and maintain facilities. In recent years, snowmachines have only been used in emergency rescue operations such as the death last year of a recreational snowmachiner who was caught in an avalanche at over 6,000 feet on a steep mountain-side.

How much is known about the impacts of snowmachine use on the environment?

Studies conducted elsewhere indicate that snowmachine use can harm resource values critical to Denali, especially in the former Mt. McKinley National Park area. Snowmachine use is known to cause a variety of animals to alter activity patterns or in some cases avoid areas altogether. Snowmachine use occurs during the time of year when food supplies are low and an animal's ability to conserve energy may be critical to survival. Other studies indicate that packed trails created by snowmachines change the distribution of animals. Changes in animal populations can occur due to alterations in natural survival rates from increased movements outside of protected areas, improved access for predators, or altered access to food resources. These changes in the core area of Denali could result in altering the summer viewing opportunities enjoyed by about 300,000 park visitors each year. Snowmachine use causes direct damage to

vegetation and soils during periods of inadequate snow cover, and other studies have documented indirect damage from compacted trails created by snowmachines. Visible evidence of regularly used winter trails can appear in the summer months. Observations in areas adjacent to Denali National Park and Preserve confirm that these impacts can occur. The impact of snowmachine use on the values of solitude and natural quiet is one of the most significant concerns. Motorized activities displace many non-motorized users who depend upon these protected areas. A major unknown factor is the long-term, cumulative impact of snowmachine use, especially from widespread, crosscountry travel. Additional studies are needed to adequately evaluate this region, and the temporary regulation will provide time to initiate these studies and begin the planning process required by law.

SEND YOUR COMMENTS TO US ON THE
INTERNET AT:

DENALISNOWMACHINECOMMENTS@NPS.GOV

(3) requirements to insure that activities in connection with the right-of-way will not violate applicable air and water quality standards and related facility siting standards established pursuant to law;

(4) requirements, including the minimum necessary width, designed to control or prevent—

(A) damage to the environment (including damage to fish and wildlife habitat),

(B) damage to public or private property, and

(C) hazards to public health and safety;

(5) requirements to protect the interests of individuals living in the general area of the right-of-way who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes; and

(6) requirements to employ measures to avoid or minimize adverse environmental, social or economic impacts.

(b) **WILD AND SCENIC RIVERS SYSTEM.**—Any transportation or utility system approved pursuant to this title which occupies, uses, or traverses any area within the boundaries of a unit of the National Wild and Scenic Rivers System shall be subject to such conditions as may be necessary to assure that the stream flow of, and transportation on, such river are not interfered with or impeded, and that the transportation or utility system is located and constructed in an environmentally sound manner.

(c) **PIPELINE RIGHTS-OF-WAYS.**—In the case of a pipeline described in section 28(a) of the Mineral Leasing Act of 1920, a right-of-way issued pursuant to this title shall be issued in the same manner as a right-of-way is granted under section 28, and the provisions of subsections (c) through (j), (l) through (q), and (u) through (y) of such section 28 shall apply to rights-of-way issued pursuant to this title.

STUDY OF TRANSPORTATION AND UTILITY SYSTEMS

SEC. 1108. Except for systems which do not require an environmental impact statement, no application shall be approved pursuant to this title after two years from the date of enactment of this provision unless the need for such system has been identified in a study of the regional requirements for transportation and utility systems which—

(1) has been conducted by the State in consultation with the Secretaries of Transportation, the Interior, and Agriculture and the Alaska Land Use Council;

(2) is updated in a similar manner no less than every five years; and

(3) includes the considerations set forth in section 1104(d)(1) (B) through (I).

EXPEDITED JUDICIAL REVIEW

SEC. 1109. (a) It is the intent of Congress that any judicial review of any administrative actions, including compliance with the National Environmental Policy Act of 1969, pursuant to this title shall be expedited to the maximum extent possible.

(b) Any proceeding before a federal court in which an administrative action, including compliance with the National Environmental Policy Act of 1969, pursuant to this title is challenged shall be assigned for hearing and completed at the earliest possible date, and shall be expedited in every way by such court, and such court shall render its final decision relative to any challenge within one hundred and twenty days from the date such challenge is brought unless such court determines that a longer period of time is required to satisfy the requirements of the United States Constitution.

(c) No court shall have jurisdiction to grant any injunctive relief lasting longer than ninety days against any action pursuant to this title except in conjunction with a final judgment entered in a case involving an action pursuant to this title.

SPECIAL ACCESS AND ACCESS TO INHOLDINGS

SEC. 1110. (a) Notwithstanding any other provision of this Act or other law, the Secretary shall permit, on conservation system units, national recreation areas, and national conservation areas, and those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the use of snowmachines (during periods of adequate snow cover, or frozen river conditions in the case of wild and scenic rivers), motorboats, airplanes, and nonmotorized surface transportation methods for traditional activities (where such activities are permitted by this Act or other law) and for travel to and from villages and homesites. Such use shall be subject to reasonable regulations by the Secretary to protect the natu-

ral and other values of the conservation system units, national recreation areas, and national conservation areas, and shall not be prohibited unless, after notice and hearing in the vicinity of the affected unit or area, the Secretary finds that such use would be detrimental to the resource values of the unit or area. Nothing in this section shall be construed as prohibiting the use of other methods of transportation for such travel and activities on conservation system lands where such use is permitted by this act or other law.

(b) Notwithstanding any other provisions of this Act or other law, in any case in which State owned or privately owned land, including subsurface rights of such owners underlying public lands, or a valid mining claim or other valid occupancy is within or is effectively surrounded by one or more conservation system units, national recreation areas, national conservation areas, or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, the State or private owner or occupier shall be given by the Secretary such rights as may be necessary to assure adequate and feasible access for economic and other purposes to the concerned land by such State or private owner or occupier and their successors in interest. Such rights shall be subject to reasonable regulations issued by the Secretary to protect the natural and other values of such lands.

TEMPORARY ACCESS

SEC. 1111. (a) IN GENERAL.—Notwithstanding any other provision of this Act or other law the Secretary shall authorize and permit temporary access by the State or a private landowner to or across any conservation system unit, national recreation area, national conservation area, the National Petroleum Reserve—Alaska or those public lands designated as wilderness study or managed to maintain the wilderness character or potential thereof, in order to permit the State or private landowner access to its land for purposes of survey, geophysical, exploratory, or other temporary uses thereof whenever he determines such access will not result in permanent harm to the resources of such unit, area, Reserve or lands.

(b) STIPULATIONS AND CONDITIONS.—In providing temporary access pursuant to subsection (a), the Secretary may include such stipulations and conditions he deems necessary to insure that the private use of public lands is accomplished in a manner that is not inconsistent with the purposes for which the public lands are reserved and which insures that no permanent harm will result to the resources of the unit, area, Reserve or lands.

NORTH SLOPE HAUL ROAD

SEC. 1112. (a) IN GENERAL.—So long as that section of the North Slope Haul Road referred to in subsection (c) is closed to public use, but not including regulated local traffic north of the Yukon River, regulated industrial traffic and regulated high occupancy buses, such regulation to occur under State law, except that the Secretary, after consultation with the Secretary of Transportation, and the Governor of Alaska shall agree on the number of vehicles and seasonality of use, such section shall be free from any and all restrictions contained in title 23, United States Code, as amended or supplemented, or in any regulations thereunder. Prior to executing an agreement pursuant to this subsection, the Secretary and the Governor of Alaska shall consult with the head of any unit of local government which encompasses lands located adjacent to the route of the North Slope Haul Road. The State of Alaska shall have the authority to limit access, impose restrictions and impose tolls, notwithstanding any provision of Federal law.

(b) RELEASE.—The removal of restrictions shall not be conditioned upon repayment by the State of Alaska to the Treasurer of the United States of any Federal-aid highway funds paid on account of the section of highway described in subsection (c), and the obligation of the State of Alaska to repay these amounts is hereby released so long as the road remains closed as set forth in subsection (a).

(c) APPLICATION OF SECTION.—The provisions of this section shall apply to that section of the North Slope Haul Road, which extends from the southern terminus of the Yukon River Bridge to the northern terminus of the Road at Prudhoe Bay.

VALID EXISTING RIGHTS

SEC. 1113. Nothing in this title shall be construed to adversely affect any valid existing right of access.



ANCHORAGE SNOWMOBILE CLUB

Dear Snowmobiler,

As a user group of the Alaskan outdoors and a proponent of the Alaskan way of life, I am sure you are aware of the National Park's Service's recent attempt to close the Old Denali Park to snowmobilers.

Park Superintendent Steve Martin has initiated this closure without following due process of the law. No findings of environmental damage have been made available to the public, nor has any of the required studies been conducted. Congressman Don Young wrote a strong letter to Don Barry, Assistant Secretary of Fish, Wildlife and Parks, Department of Interior, requesting this ban be lifted as Martin did not follow due process of the law.

What started out as a snowmobile issue has escalated into an interpretation and manipulation of the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. Snowmobilers were merely dealt the first blow. If the National Parks Service is allowed to interpret and manipulate ANILCA without following due process of the law ANILCA's intent and purposes will be undermined. Alaskans will find rights granted under ANILCA severely eroded.

ASSA has employed the services of Bill Horn of Birch, Horton, Bittner and Cherot. Bill Horn was involved with the drafting of ANILCA and has a unique insight into the legal ramifications of the document. Per ASSA's request, he drafted a six page letter to Don Barry. To date, no reply has been forthcoming to either the ASSA, Congressman Young or Bill Horn.

The ASSA has made it clear since 1997 it is willing to accept closures of certain areas as long as ANILCA is not stepped on. Only a portion of the Park has been requested for riding purposes.

The Alaska State Snowmobile Association is asking your support as we continue to pursue this legal battle with the National Parks Service. A Denali Access Defense Fund has been created to finance this endeavor. Remember, Denali is not the only area in Alaska to fall under ANILCA. This action will set a precedence to be followed.

Equally important is writing or emailing your legislature, the National Parks Service, Congressman Don Young and Senators Stevens and Murkowski. It is imperative they realize that Alaskans understand the purpose of the ANILCA document.

For more information, addresses or telephone numbers, call the ASSA hotline at 1-888-825-7669. Your call will be returned. Thank you very much for your time and consideration.

Sincerely,

Michele T. Trainor
President, ASSA



P.O. BOX 210427 ANCHORAGE, AK 99521-0427

27 January 1999

Governor Tony Knowles
Office of the Governor
PO Box 11001
Juneau, AK 99811

Dear Governor Knowles:

Although I have not yet received a response from you concerning this matter, I'm sure you are aware of the National Park Service's move to prohibit snowmobiles in the wilderness zone of Denali National Park and Preserve. Even though use of snowmobiles is guaranteed under section 1110a of ANILCA, Steve Martin, Park Superintendent, is intent on closing what he terms the "old park" to snowmobiling. While this proposed closure currently affects only snowmobilers, Martin's disregard for the specific provisions of ANILCA raises concern among more than just Alaskans who snowmobile. Our position has always been one of cooperation and compromise from our first meeting with Martin in 1997. We even suggested some areas to be left closed. Superintendent Martin chose to ignore us and continues to this day.

Congressman Don Young's letter to Don Barry, Assistant Secretary of Fish & Wildlife, is evidence of the importance of this issue to Alaskans. Additionally, we expect the legislature to oppose the closure, along with numerous other outdoor groups, in state and out of state. Also, the Alaska State Snowmobile Association has retained Bill Horn, of Birch, Horton, Bittner and Cherot to represent us in this matter. Since Bill Horn was involved with the drafting and implementation of ANILCA he has a unique insight into and understanding of the document. Mr. Horn is anxious to assist in any way possible, including a cooperative effort with the Attorney Generals office.

While this may at first glance seem to be a "federal" matter best handled as such, the National Park Service disregard for ANILCA, a document drafted specifically to protect the rights of Alaskans, demands a response from our state at the highest level. What started out as a snowmobile issue has now escalated into Alaska's struggle to preserve the original intent and purpose of ANILCA.

The Alaska State Snowmobile Association has two requests. We ask that the Office of the Governor issue a statement opposing the closure of the wilderness zone of Denali National Park and Preserve to snowmobile use, with an appeal to the NPS to work with us. Such a statement will insure the National Park Service realizes ANILCA is a document not subject to interpretation. Second, we request you have the Attorney Generals office contact us or Bill Horn to see if there is anything they can do to assist us in our struggle. How this matter is resolved will affect future closure actions for all lands falling under ANILCA guidelines. Let us make sure ANILCA stands as written and does what it was designed to do.

Thank you for your time and consideration.

Michele T. Trainor
President, Alaska State Snowmobile Association



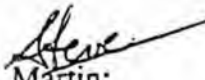
Citizens' Advisory Commission on Federal Areas

3700 Airport Way
Fairbanks, Alaska 99709-4699
(907) 451-2775
Fax: 451-2761

December 15, 1998

DEC 21 1998

Mr. Steve Martin
Superintendent
Denali National Park & Preserve
Post Office Box 9
Denali Park, AK 99755


Dear Mr. Martin:

The Citizens' Advisory Commission on Federal Areas strongly opposes the National Park Service proposal to implement temporary closure regulations for snowmachine use in the former Mt. McKinley National Park portion of Denali National Park & Preserve. There are a number of reasons we oppose the proposed action, foremost of which is the continuing failure of the NPS to follow its own regulatory procedures under 36 CFR Part 13 and 43 CFR Part 36 for implementing these types of closures. Until such time as these procedural requirements are met, we do not believe that a legitimate and meaningful discussion of the appropriateness of restricting snowmachine use in any portion of this park unit can occur.

Additionally, we are particularly concerned about the inaccurate and misleading information contained in the handouts distributed by the NPS at the November public meetings. At best, these handouts demonstrate little understanding of the provisions of the Alaska National Interest Lands Conservation Act (ANILCA), its legislative history or the history of this particular issue. At worst, they represent a revisionist history that needlessly complicates the issue and further confuses the public.

Mr. Steve Martin
December 15, 1998

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For example, the handouts wrongly assert that snowmachine use in the former Mt. McKinley portion of Denali National Park & Preserve is not allowed because such use did not occur there prior to 1980. There is no dispute that little snowmachine use occurred in most of the original park area prior to 1980. Nor is there any dispute that their use was prohibited by regulation. Under the provisions of ANILCA, however, these facts are irrelevant and provide no legitimate justification for the current proposed action. Section 1110(a) of ANILCA, which authorizes use of snowmachines for traditional activities in all conservation system units in Alaska, superseded any regulation in place at the time of passage of the statute and clearly authorized their use in the entire park, including the former Mt. McKinley.

There is a general misconception, which has been carefully nurtured by the NPS, that the special access provisions of ANILCA 1110(a) somehow do not apply to the parks and monuments which predated ANILCA. There is absolutely no evidence of this found in the statute, nor the legislative history. In fact, ANILCA Section 1110(a) applies to all conservation system units. Conservation system unit is defined in Section 102 as "any unit in Alaska of the National Park System, National Wildlife Refuge System, National Wild and Scenic River Systems, National Trails System, National Wilderness Preservation System, or a National Forest Monument, including existing units, units established, designated, or expanded by or under the provisions of this Act, additions to such units, and any such unit established, designated, or expanded hereafter." (emphasis added) Not only is there no exclusionary language for the pre-ANILCA park units, those units are specifically included by definition.

The supplementary information accompanying publication of the final Title XI regulations (43 CFR Part 36) in September 1986 further supports this interpretation:

"Other comments suggested that the provisions of this section should not apply to parks and monuments which predated ANILCA. The argument is made that Congress did not intend to open the pre-ANILCA areas to the uses described in section 1110(a), since these pre-ANILCA areas had been closed to such uses prior to the enactment of ANILCA. Interior does not find any statutory support for this position, since section 1110(a) provides no exception for the pre-ANILCA areas. Accordingly,

Mr. Steve Martin
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no exception for pre-ANILCA areas is provided for in these regulations." (51 FR 31627)

Even before the Title XI regulations were adopted in 1986, the National Park Service recognized that ANILCA authorized the use of snowmachines in the former Mt. McKinley National Park. Proposed regulations, which would have closed portions of the original park to snowmachines and other motorized access were released in April 1983. While these proposed regulations were never adopted, given that the NPS felt it necessary to promulgate regulations to close portions of the old park to snowmachine and other motorized uses, the obvious conclusion which must be drawn from that action is that ANILCA not only authorized snowmachine use in all of Denali National Park, but that the NPS recognized that it did so. Is the NPS now suggesting that the agency was in error in that instance? We would welcome the opportunity to review any legal analysis that would support such a change in interpretation.

Previous actions, notwithstanding, the NPS now claims that snowmachine use is not allowed in the former Mt. McKinley since their use was not allowed prior to 1980 and is, therefore, not a traditional activity. It cites statements in the park's 1986 General Management Plan which documented the fact that snowmachine use did not occur in the original Mt. McKinley National Park as support for this claim. The fact that the 1986 GMP contains such a statement is also irrelevant to the current issue. More importantly, no documentation that such use occurred prior to ANILCA is required under the law. Congress was quite clear that use of snowmachines (and other motorized uses) for conducting traditional activities, where such activities are otherwise allowed, was to continue in the park units created or expanded by ANILCA. On the issue of special access and access to inholdings, the legislative history of ANILCA states:

The Committee amendment guarantees access subject to reasonable regulation by the Secretary on conservation system units, National Recreation Areas and National Conservation Areas, for traditional or customary activities such as subsistence and sport hunting, fishing, berrypicking, and travel between villages.

Mr. Steve Martin
December 15, 1998

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The Committee recommends that traditional uses be allowed to continue in those areas where such activities are allowed. This is not a wilderness type pre-existing use test. Rather, if uses were generally occurring in the area prior to its designation, those uses shall be allowed to continue and no proof of pre-existing use will be required.

The transportation modes covered by this section are float and ski planes, snowmachines, motor boats, and dog sleds. The adverse environmental impacts associated with these transportation modes are not as significant as roads, pipelines, railroads, etc. both because no permanent facilities are required and because the transportation vehicles cannot carry into the country large numbers of individuals. Existing law does not guarantee this form of access into Parks, Wildlife Refuges, Wild Rivers, or Wildernesses, although in all cases the law does permit provision of such access in the land manager's discretion. Even in wilderness, access by airplane and motorized boat may be permitted at pre-existing levels of intensity.

In order to prevent the land manager from using his discretion to unnecessarily limit such access, the Committee amendment provides that such access shall not be prohibited unless the Secretary finds after holding a hearing in the area that it would be detrimental to the resource values of the unit." (Senate Report 96-413, pp 247-248)

The NPS mistakenly argues that in order for snowmachine use to be allowed in the former Mt. McKinley, the use itself must be recognized as a "traditional" activity. What the statute clearly says is that snowmachine use is permitted for traditional activities (where such activities are permitted by this Act or other law). This is a critical distinction. Obviously, snowmachines to support sport hunting would not be allowed as that use is not allowed in this portion of Denali. However, there are a number of winter-time activities, such as camping, ice-fishing, and sight-seeing that may be supported by use of snowmachines and are activities that are allowed and were generally occurring in the area of Mt. McKinley National Park before its 1980 expansion.

Mr. Steve Martin
December 15, 1998

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If we extend the NPS interpretation to other forms of access, wintertime park visitors who may access the park by dog team or cross-country skis could not engage in an activity while in the park unless that activity had occurred prior to 1980. It is not the method of access that must meet the "traditional" test, it is the underlying activity which must do so. This is a critical element among the compromises that were made in enacting this statute. Snowmachine, aircraft and motorboat use within a park unit may be an anathema to some, but they are, nevertheless, a statutorily recognized, legitimate means of access.

The National Park Service also claims that the proposed temporary closure maintains the "status quo" because the area continues to be closed by the park's General Management Plan. In fact, no portion of Denali National Park or any other national park unit in Alaska can be legally closed to snowmachine use under the terms or provisions of a management plan. This has been acknowledged numerous times by the NPS during the development of the General Management Plans and other planning documents for Alaskan park units. Any closure of a National Park Service managed area to snowmachine use or other means of access specifically provided for under Section 1110(a) of ANILCA requires compliance with the regulations at 36 CFR §13.30 and 43 CFR 36.11. These procedures have never been followed for Denali National Park & Preserve. This so-called "status quo" is artificial and is precisely the reason that the current "closures" have been determined to be legally insupportable.

The National Park Service also claims that it continues to prohibit, through the Superintendent's Compendium, all snowmachine use in the former Mt. McKinley portion of Denali National Park & Preserve. We find this particularly objectionable because of our longstanding opposition to the use of compendia in Alaskan park units to implement these types of closures and because your agency has acknowledged that legal deficiencies exist with these documents. We strongly protest use of these improper compendium restrictions as justification for the current action.

In an August 1994 letter to this Commission, Steve Shackleton, Chief, Branch of Law Enforcement for the National Park Service Alaska Region, stated that the NPS would recommend special regulations be proposed to address procedural concerns about snowmachine use restrictions contained in the compendium for Denali NP&P. Shackleton and other regional office staff have also verbally acknowledged that

Mr. Steve Martin
December 15, 1998

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adopting these types of restrictions in a park compendium was inappropriate and that the snowmachine closures in the compendium were not legally enforceable. To now use these same legally flawed documents to support this regulatory effort is completely unacceptable. Such misuse clearly validates our original fears that these illegal compendium restrictions and closures would, at some future point, be used for precisely this purpose.

The National Park Service asserts that recreational use of snowmachines in Denali National Park has not been the subject of any planning documents or been analyzed in any National Environmental Protection Act (NEPA) document. No analysis of snowmachine use in a planning document or a NEPA document for Denali NP is required for that use to continue. As we have shown, snowmachine use in this park is statutorily recognized. We view this purported need to complete a NEPA document before this use can be "allowed" as simply another attempt to justify this closure. However, any closure of any portion of the park and preserve, even on a temporary basis, does require compliance with ANILCA standards, including presentation of the necessary findings of resource impacts.

National Park Service has stated that a literature review documenting impacts from snowmachine use in other protected areas has been completed. Documentation of impacts on resources in the area in question, in this case Denali NP, are required under ANILCA and the regulations at 43 CFR Part 36. The supplementary information published with these regulations states: "For purposes of this section, only if it is determined that a proposed use otherwise authorized by this section would be detrimental to the resource values of a particular area may that area be closed to the use, unless the closure is authorized under other agency law." (51 FR 31627, September 4, 1986) We believe that studies conducted elsewhere, while useful as background information for beginning the examination of potential impacts in Denali NP&P, do not, by themselves, meet the threshold required by the regulations.

We want to make it clear that this Commission is willing to discuss certain restrictions on snowmachine use should the NPS decide first to comply with the statutory and regulatory requirements for making such restrictions. This includes collection and presentation of park specific findings that continued snowmachine use is detrimental to the resource values of the park. In the current action, the NPS has failed to adequately support the need for implementing the proposed closure. Additionally, it is inappropriate for the NPS

Mr. Steve Martin
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to restrict a statutorily permitted use while it conducts planning activities. This current proposed action is precisely the type of discretionary and arbitrary use restriction that Congress intended to prevent when it adopted Section 1110(a) of ANILCA.

In conclusion, while we do not question the legal authority of the National Park Service to implement closures of this nature, we must point out that it must comply fully with the legal standards and procedural requirements established by ANILCA and its implementing regulations. The agency has not met those standards or requirements. Therefore, this proposed temporary closure must be withdrawn.

Because of our working relationship with you and your staff, an explanation of our adamant opposition to this proposed closure is perhaps appropriate. The issue at hand has far less to do with snowmachine use in this or any other park unit in Alaska than it does with process and precedent. It has less to do with an agency's ability to exercise its legal power and authority than with that agency acting responsibly and dealing with the public in an open and honest manner. It has to do with the National Park Service meeting its responsibilities, not only for the land it manages, but also to the public for which it manages them. The significance of this issue transcends Denali National Park and Preserve. If this Commission acquiesces to this failure of process and allows statutorily protected activities to be improperly restricted, then we will have failed to meet our legal mandate. We strongly urge you to reconsider your approach to addressing this issue.

Sincerely,



Stan Leaphart
Executive Director

cc: Senator Ted Stevens
Senator Frank Murkowski
Congressman Don Young
Governor Tony Knowles
Robert Barbee- Alaska Regional Director

01
ALASKA

ALASKA BOATING ASSOCIATION



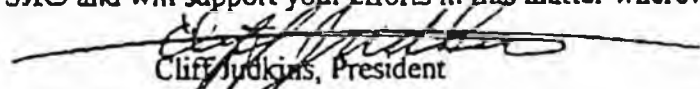
Rick Halford Senator
Chairman, Senate Resources Committee
Alaska State Legislature
State Capitol (MS3100)
Juneau, Alaska 99801-1182

January 28, 1999

Dear Senator Halford:

Thank you for the opportunity to comment on SJR 5. The Alaska Boating Association continues to appreciate your commitment to maintaining traditional access to Alaska's resources for all Alaskans. We are definitely in support of SJR 5. While it is not suppressing it is certainly disparaging that the National Park Service would act to close Denali Park and Preserve to snowmachine use in complete disregard of the letter and the spirit of the Alaska National Interest Lands Conservation Act. Snowmachines are a traditional means of access to and transportation within the Denali Park and Preserve. I have personal snowmachined in the area as far back as 35 years ago. In fact I still have the old 1960 Fox Track that was used in those days-albeit in pieces. We are committed to the support of equal access for all user groups.

In these days of revenue shortfalls, the tourism and recreational industries are becoming more and more important to our economy. Motorized recreation enthusiasts spend thousands of dollars at businesses along our highways in pursuit of their activities. Area closures such as this will have a negative effect on the Alaskan economy. Again we endorse SJRS and will support your efforts in this matter wherever we can.


Cliff Judkins, President
Alaska Boating Association

cc.
Co-sponsors

- Senators:
Drue Pearce
Pete Kelly
Robin Taylor
Gary Wilken
Dave Donley
Jerry Ward
Loren Leman
Mike Miller

Cliff Judkins - President • P.O. Box 874124 • Wasilla, Alaska 99687
(907) 373-3591 • Fax 373-3592 • E-Mail: cjudkins@customcpu.com

Subject: Resolution
Date: Wed, 27 Jan 1999 15:48:46 -0900
From: "Michele Trainor" <mtt@knix.net>
To: <Senator_Rick_Halford@legis.state.ak.us>

Senator Halford,

It was brought to my attention your intent to introduce a resolution opposing the Denali closures as an attack on ANILCA. For your information, I am forwarding a copy of a letter ASSA mailed to Governor Knowles recently. His office was approached on this matter earlier, but no answer was ever forthcoming. Take care, and thanks so much for taking the time to address this matter. It is much appreciated.

Michele

Michele T. Trainor
President, ASSA
mtt@knix.net

Subject: =20
Date: Wed, 27 Jan 1999 15:47:23 -0900

Dear Governor Knowles:

Although I have not yet received a response from you concerning this matter, I'm sure you are aware of the National Park Service's move to prohibit snowmobiles in the wilderness zone of Denali National Park and Preserve. Even though use of snowmobiles is guaranteed under section 1110a of ANILCA, Steve Martin, Park Superintendent, is intent on closing what he terms the "old park" to snowmobiling. While this proposed closure currently affects only snowmobilers, Martin's disregard for the specific provisions of ANILCA raises concern among more than just Alaskans who snowmobile. Our position has always been one of cooperation and compromise from our first meeting with Martin in 1997. We even suggested some areas to be left closed. Superintendent Martin chose to ignore us and continues to this day.

Congressman Don Young's letter to Don Barry, Assistant Secretary of Fish & Wildlife, is evidence of the importance of this issue to Alaskans .

Additionally, we expect the legislature to oppose the closure, along with numerous other outdoor groups, in state and out of state. Also, the Alaska State Snowmobile Association has retained Bill Horn, of Birch, Horton, Bittner and Cherot to represent us in this matter. Since Bill Horn was involved with the drafting and implementation of ANILCA he has a unique insight into and understanding of the document. Mr. Horn is anxious to assist in any way possible, including a cooperative effort with the Attorney Generals office.

While this may at first glance seem to be a "federal" matter best handled as such, the National Park Service disregard for ANILCA, a document drafted specifically to protect the rights of Alaskans, demands a response from our state at the highest level. What started out as a snowmobile issue has now escalated into Alaska's struggle to preserve the original intent and purpose of ANILCA. The Alaska State Snowmobile Association has two requests. We ask that the Office of the Governor issue a statement opposing the closure of the wilderness zone of Denali National Park and Preserve to snowmobile use, with an appeal to the NPS to work with us. Such a statement will insure the National Park Service realizes ANILCA is a document not subject to interpretation. Second, we request you have the Attorney Generals office contact us or Bill Horn to see if there is anything they can do to assist us in our struggle. How this matter is resolved will affect future closure actions for all lands falling under ANILCA guidelines. Let us make sure ANILCA stands as written and does what it was designed to do.

Thank you for your time and consideration.

Michele T. Trainor
President, Alaska State Snowmobile Association

FEB 09 1999

Alaskan Independence Party

P.O. Box 60231
Fairbanks, Alaska 99706
(907) 496-1790 pager
February 5, 1999

Dear Sen. Rick Halford:

The Alaskan Independence Party urges the members of the 21st Alaska State Legislature to oppose the closure of 2,000,000 acres of Denali National Park and Preserve to snowmachine use by the National Park Service. This move by the Park Service is a contravention of existing regulation and is a violation of the civil rights of a specific user group, i.e., snowmachiners.

ANILCA specifically allows for the use of Denali Park in its entirety by snowmachine riders "during times of adequate snow cover or frozen river conditions in the case of wild and scenic rivers." ANILCA, for good or ill, is at present the law of the land in this regard, and the move by the Park Service to limit access to Denali National Park and Preserve by snowmachiners is a violation not only of the letter of the law but also is a violation of the spirit of the regulation as well.

The need of Alaskans to traverse federal lands was recognized by the drafters of ANILCA and provisions to accommodate this need were included within the body of the regulation. This closure in effect removes large portions of the Alaska Range from access by the average Alaskan, and this has occurred without the due process spelled out for cases such as this in ANILCA.

ANILCA regulations specifically call for definitive studies and public input prior to any closure. There is no provision for the closure of any area without a determination of dire impact prior to closure. There has been no such determination in this case.

This closure of Denali National Park and Preserve is a violation of the civil rights of snowmachiners and other possible motorized users as it specifically favors one user group (non-motorized) over another (motorized). This closure is discriminatory on its face and creates two distinct classes of citizens it also denies equal access to public property. And even if all this were right and proper, all of this has occurred without the due process prescribed in pertinent regulation.

The closure of Denali National Park and Preserve is simply regulation by bureaucratic edict. This decision is arbitrary, discriminatory and the procedures used do not meet the criteria spelled out in ANILCA for such actions. For these reasons, and others, the Alaskan Independence Party opposes the closure of Denali National Park and Preserve to snowmachiners. The Alaskan Independence Party urges the members of the 21st Alaska State Legislature to oppose this closure and take active steps to show your displeasure concerning this arbitrary and discriminatory action by the National Park Service.

Sincerely,



Mark Chryson, Chairman
Alaskan Independence Party
www.akip.org
(907) 376-8285



John Fields, Vice-Chairman
Alaskan Independence Party
www.akip.org
(907) 496-1790 pager



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the SENATE RESOURCES
 Committee Name
 Committee on SJR 5 Dated 2/3/07
 Bill / Subject

THE ALASKA OUTDOOR COUNCIL FULLY SUPPORTS
 SJR 5, THE U.S. NATIONAL PARK SERVICE HAS NO
 BUSINESS ATTEMPTING TO CREATE REGULATIONS
 OUTSIDE OF THEIR OWN REQUIRED PROCEDURES,
 NOR SHOULD THEY MISINFORM PEOPLE ABOUT EXISTING
 APPLICABLE STATUTES & REGULATIONS TO BIAS
 PUBLIC PERCEPTION ABOUT THOSE LAWS.

YOU MAY RECEIVE ADDITIONAL AUC TESTIMONY ON
 THIS ISSUE. I WOULD STICK AROUND FOR
 THE HEARING BUT I HAVE TO GO HOME &
 THROW MORE WOOD IN THE STOVE!

SIGNED: DICK BISHOP
 Testifier

ALASKA OUTDOOR COUNCIL
 Representing

POB 73A02, FHL AV, 99707 (907) 455 4262, 455 6151(A)
 Address / Phone Number

Subject: Date: Fri, 29 Jan 1999 14:47:47 -0900
From: "Darrell L. Bohn" <dlb@gvea.COM>
To: "senator_rick_halford@legis.state.ak.us"
<Senator_Rick_Halford@legis.state.ak.us>

Dear Sir

I do not support the closing of Denali Park by the National Park Service. I think ANILCA gave us the right to ride in the park. (Which I have done every year since 1987.) I see no reason why snowmachine's shouldn't be allowed in the park, it is unproven that snowmachine cause any damage to plants, wildlife or add to soil erosion. Please help block another Federal reversal on agreed procedure. I see no reason that Denali Park couldn't become the kind of winter tourist attraction that Yellowstone Park is.

Thank You

Darrell Bohn
1504 27 Ave
Fairbanks Ak. 99701

Curry

Curry Ridge Riders

FEB 03 1999


Wednesday, February 3, 1999

Senator Rick Halford
Fax: 907-465-4928

Dear Senator Halford,

Curry Ridge Riders is the snowmobile club in the Trapper Creek area. We support Senate Joint Resolution 5 which opposes the closure of the former Mount McKinley Portion of Denali National Park to snowmobile use.

We have a membership of approximately 30 individuals and businesses who support responsible snowmobiling. Please let us know if there is anything else we can do to help support this resolution.



Linnea Crosby

President

P.O. Box 13355
Trapper Creek, Alaska 99683

Cell: 907-740-2282

Delta Snow Seekers



PO Box 324 ♦ Delta Jct., AK 99737
Fax 907-895-4254 ♦ Email mtt@knox.net

2 February 1999

Senator Rick Halford
Alaska State Senate
Room 121
Juneau, Alaska 99801-1182.

Dear Senator Halford,

The Delta Snow Seekers Snowmobile Club extends its support in passage of Senate Joint Resolution 5. As snowmobilers and as Alaskans we realize the importance of passing such a resolution. First and foremost to a snowmobile club, it is crucial in retaining access to snowmobile areas. Past experience shows once land loss begins it is difficult to keep in check. Special interest groups use the opportunity to attempt to shut riders out of other areas, creating a snowball effect.

Additionally, Superintendent Steve Martin's proposed ban is in violation of ANILCA. ANILCA states plainly that snowmobiling will be allowed in the event of adequate snow cover. If Superintendent Martin is allowed to interpret ANILCA as he sees fit he is undermining the principles of the document. How this is handled in reference to Denali will set a precedence for other ANILCA areas. It will be used to dictate access to other user groups and set policies for other preserves and land areas falling under ANILCA measures.

On behalf of the Delta Snow Seekers, I thank you and all your co sponsors for taking the time to prepare and present SJR 5.

Sincerely,

A handwritten signature in cursive script that reads "Dale Williby".

Dale Williby
President, Delta Snow Seekers

ELLIS

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use. Alaska has become our most backward State in regard to Snowmobile useage. Other States now have thousands of Miles of Trails all State, City, and Fed. maintained. We have an uphill fight everyday just to maintain what Riding we have. I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5
FirstName: Mr. Lynn
LastName: Ellis
Address: P O Box 105
City: Glennallen
State: AK
Zip: 99588

Email: lellis@alaska.net

Senator Rick Halford

Re: Senate Joint Resolution No. 5

Sir,

The Fairbanks Snow Travelers would like to express it's support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

We appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

John E. Johnston
President, FST Board of Directors

Fields



POM for Senator Halford

From: Mr. John Fields
2050 Resolution Rd

Telephone: 490-1790

Fairbanks, AK 99712

NON Constituent

Registered Voter: Y

Bill: SJR 5 Title: SNOWMACHINE USE IN DENALI NAT'L PARK
Message:

THE ALASKAN INDEPENDENCE PARTY URGES THE ALASKA STATE LEGISLATURE TO OPPOSE THE FEDERAL CLOSURE OF 2,000,000 ACRES IN DENALI NATIONAL PARK TO SNOWMACHINE USE. THIS MOVE BY THE PARK SERVICE IS A VIOLATION OF ANILCA AND WE URGE THE LEGISLATURE TO TAKE ACTION TO SHOW OPPOSITION TO THIS MOVE.

Entered in FBX on 2/05/99 POMID: 386

Distribution: 60

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Message 2 out of 2.

To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5

FirstName: sheila
LastName: gauna
Address: 7421 silver birch dr
City: anchorage
State: ak
Zip: 99502

Email: sjgauna@juno.com

snogooz@alaska.net wrote:

Senator Halford.

The Copper Country Snowmobile Club sends this email in support of passage of Senate Joint Resolution 5. If Superintendent Steve Martin is allowed to impose a ban contrary to ANILCA it will not only begin a process of land denials to snowmobiler, but will also undermine the ANILCA document. The CCSC commends Senator Halford and all co-sponsors for taking the time to draft and present this Resolution. Not only does this affect snowmobilers, but it will set standards against which other areas covered by ANILCA will be judged.

Respectfully,

Eric P. Goozen
President, Copper Country Snowmobile Club

GRANT

To: Senator Rick Halford

State Capitol, Room 121

Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Henry W & Wyan L Grant

Subject: Follow the Guidelines of ANILCA

FirstName: Henry W & Wyan L

LastName: Grant

Address: 604 Cambridge Dr

City: Fairbanks

State: AK

Zip: 99709-6758

Email: fnhgw@aurora.alaska.edu

District: 29-460 Party: N

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

As a Snowmobile Club President, and member of the Board of Directors for the Montana Snowmobile Association, I see first hand the direction our public lands are headed. There is a concerted effort by those extremist groups who profess locking them up to everyone but "them" is the answer. We in Montana have plenty of congressionally declared Wilderness, just as you do in Alaska. Enough is enough. What we need is responsibly managed multiple use public lands.

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted,

Guyle Guderian

Subject: Support SJR No. 5
FirstName: Guyle
LastName: Guderian
Address: 609 Redwood
City: Missoula
State: MT
Zip: 59802
Email: KGSnowline@aol.com

Subject: SJR 5
Date: Mon, 01 Feb 1999 07:08:20 -0900
From: "Scott Heidorn" <sheidorn@igloo.pplant.uaf.edu>
To: Senator_Rick_Halford@legis.state.ak.us

February 1, 1999

Senator Rick Halford

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support in favor of the Senate Joint Resolution No. 5 to oppose the closure of any portion of Denali National Park and preserve to snowmachine use.

Over the years I have ridden with friends and family in DNP+P and found the snowmobile an outstanding means for accessing this winter wonderland. As a conservationist I am always concerned with my potential to impact the environment I enjoy and I can say with confidence that the thousands of miles I've ridden in DNP+P have had no significant impact on the Park.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to Alaska National Parks is maintained as outlined in ANILCA.

Respectfully,

Scott Heidorn
PO Box 84591
Fairbanks AK, 99708

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

As an officer of the Alaska State Snowmobile Association and a recreationist, I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use. You will hopefully be receiving many letters of support on this resolution. As the former President of both the ASSA as well as the Anchorage Snowmobile Club, I have had the opportunity to speak with you on several issues. Your input on the Ptarmigan Valley trail issue was most helpful.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Kevin Hite
Alaska State Snowmobile Association

Subject: Support SJR No. 5
FirstName: Kevin
LastName: Hite
Address: 8050 Summerset Drive
City: Anchorage
State: AK
Zip: 99518

Email: kehite@gci.net

POM for Senator Halford



From: Mr. Howard Davis Jr
PO Box 395

Telephone: 262-5124

Clam Gulch, AK 99568

NON Constituent

Registered Voter: Y

Bill: SJR 5 Title: SNOWMA HINE USE IN DENALI NAT'L PARK

Message:

THE CARIBOU HILLS CABIN HOPPERS WITH A MEMBERSHIP IN EXCESS OF 250, REPRESENTING IN EXCESS 1000 INDIVIDUALS, OPPOSES THE CLOSURE OF THE FORMER MT MCKINLEY PORTION OF DENALI NATIONAL PARK AND PRESERVE TO SNOWMACHINE USE.

Entered in SOL on 2/02/99 POMID: 258

Distribution: 60

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Message 1 out of 2.

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

The notion that it is wrong to get to particularly scenic or remote locations by snowmobile rather than other means of transport is discriminatory and offensive to those who choose to do so, especially when ANILCA says it shall be allowed. There is no exception noted in section 1110a of ANILCA. Accordingly, wilderness zones (in Alaska) are no different from any other conservation system unit with respect to access.

I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Support SJR No. 5
FirstName: Charlie
LastName: Little
Address: 22306 - 36th Ave. W
City: Mountlake Terrace
State: WA
Zip: 98043

Email: EFI600CAT@aol.com

To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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Respectfully submitted

Subject: Support SJR No. 5

FirstName: Jeff

LastName: Mausolf

Address: 4404 Oakley St

City: Duluth

State: MN

Zip: 55804-1226

Email: MnUSA1@aol.com

11/11/11

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

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I currently ride my snowmobiles in New Hampshire, Maine, and the Province of Quebec, Canada. Though Alaska is a far stretch for me to go my fear is that if I decided to plan a trip I would be restricted.

Respectfully submitted

Guy T. Pappalardo

Subject: Support SJR No. 5
FirstName: Guy T.
LastName: Pappalardo
Address: 9 McKinley Ave.
City: Methuen
State: Ma
Zip: 01844
Email: GUY.PAPPALARDO@COMPAQ.COM

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

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Why does the US Government want to take away my rights and also force me to pay for something I can not use.

Respectfully submitted
Bert Smith

Subject: Support SJR No. 5
FirstName: Bert
LastName: Smith
Address: 1415 Butte St
City: Green River
State: Wy
Zip: 82935
Email: bsco@sweetwater.net

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

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If we do not stop this closer who will be there to stop them from closing other parks to riding?

What will stop them at just snowmachines, are 4-wheelers next. Many Alaskans find enjoyment on their public lands with these forms of transportation.

Respectfully submitted

Subject: Support SJR No. 5

FirstName: Lance
LastName: Stevens
Address: 17419 Kantishna
City: Eagle River
State: AK
Zip: 99577

Email: gizmo@arctic.net

Subject: Fw: sjr 5
Date: Fri, 29 Jan 1999 20:05:27 -0900
From: glenn e swan <tgswany@juno.com>
To: Senator_Rick_Halford@legis.state.ak.us

----- Forwarded message -----

From: tgswany@juno.com
To: senator_risk_halford@legis.state.ak.us
Date: Fri, 29 Jan 1999 19:34:47 -0900
Subject: sjr 5 Message-ID: <19990129.193606.-424565.1.tgswany@juno.com>

AS THE PRESIDENT OF THE ANCHORAGE SNOWMOBILE CLUB WE ARE
IN STRONG SUPPORT OF SJR 5 ITS TIME THAT THE STATE OF ALASKA
STOOD UP TO THE FEDERAL GOVERNMENT AND ASSERT STATE RIGHT
REMEMBER ITS THE FEDS THAT WANT USE TO CHANGE ARE
CONSTITUTION TO GET IN COMPLIANCE OF ANILCA AND HERE THEY
ARE NOT EVEN FOLLOWING WHAT IS ALL READY THERE SOME ONE IN
JUNO SHOULD BRING THAT UP!!!!

Glenn Sw: .1
pres. ASC

To:
Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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Respectfully submitted

Glenn Swan

Subject: Support SJR No. 5

FirstName: glenn
LastName: swan
Address: po box 770794
City: eagle river
State: ak
Zip: 99577

Email: tgswany@juno.com

FEB 28 1999

February 9, 1999

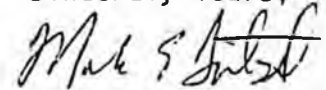
6400 Peppertree Circle
Anchorage, Alaska 99504

Senator Rick Halford
Chairman, Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Dear Senator Halford:

Thank you for your efforts to prevent the National Park Service from closing 2 million acres of Denali National Park to snowmachine access by introducing SJR 5. Unfortunately it appears that the National Park Service snubbed their nose at Alaska's leaders by proceeding with the closure inspite of widespread opposition. Is there anything else that can be done to reverse the actions of the National Park Service or to prevent them from enacting further restrictions on access to this public land? As members of the Alaska Boating Association, the Anchorage Snowmobile Club and the Harley Owners Group (HOG) we are especially interested in maintaining the freedoms of open access to publically owned lands and waters.

Sincerely Yours,



Mark and Lucy Teitzel

Cc: Co-sponsors of SJR 5

Senator Drue Pearce
Senator Pete Kelly
Senator Robin Taylor
Senator Gary Wilken
Senator Dave Donley
Senator Jerry Ward
Senator Loren Leman
Senator Mike Miller

Local District Senators and Representatives

Representative Andrew Halcro
Representative Lisa Murkowski

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Machines are more reliable today and emissions and noise have been reduced as the machines are improved. This leads to increased safety to humans and more environmentally friendly to the land.

I have been to Denali Park in the fall and would love to see the area again in the winter time.

Respectfully submitted,

Glenn Warren
442 Bundy Hollow
Dayton, WA 99328

Email: flyingw@bmi.net

Subject: SJR5 Legislation
Date: Fri, 29 Jan 1999 12:49:14 -0800
From: "Steven J. & Linda L. Wilhelmi" <wilhelmi@alaska.net>
Organization: S & L Enterprise
To: Senator_Rick_Halford@legis.state.ak.us

Thank you for introducing and sponsoring the trails liability legislation. I strongly support it.

Steven J. Wilhelmi
1801 Crescent Drive
Anchorage, AK 99508

To: Senator Rick Halford

State Capitol, Room 121

Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Subject: Follow the Guidelines of ANILCA

FirstName: Julie

LastName: Williamson

Address: HC 01 Box 300

City: Gakona

State: AK

Zip: 99586

Email: teamifr@alaska.net

District: 36-537 Party: R Sex: F

To: Senator Rick Halford
State Capitol, Room 121
Juneau, AK 99801-1182

Re: Senate Joint Resolution No. 5

Sir,

I would like to express my support for SENATE JOINT RESOLUTION NO. 5 to Oppose the closure of any portion of Denali National Park and Preserve to snowmachine use.

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I appreciate and wholly support this resolution by our State Senate to insure that snowmobile access to our conservation system units is held intact as outlined by ANILCA.

Respectfully submitted

Tylor Wilson
5906 Mego
Anchorage Alaska
99507
aktufftrucks@usa.net

GLENNALLEN LEGISLATIVE INFORMATION OFFICE

P O Box 68 [Mile 186 Glenn Highway] Glennallen, Alaska 99588

Phone 822-5588 Fax 822-5591

E-mail: glennallen_lfo@legis.state.ak.us

Memo

To: House Resources Committee
From: Emilie Frisbie, Glennallen LIO
Date: March 8, 1999
Re: Written Testimony - TC 90309

The follow fax of two pages is written testimony that was dropped by the office for today's hearing on SJR 5.

*Some good
thoughts and
suggestions -
D*

To all legislators:

I support the passage of SJR 5.

I am a snowmobile user off and on ever since the early 70s. At first, I did it as a hobby and a sport. I learned early to respect property rights and to ride as safe as possible. I could remember as it was yesterday that I would ride in the woods of East Anchorage and at Cheney Lake with friends in the early 70s before the city and borough governments of Anchorage united. I remember as the city life in Anchorage crowded out the snowmachines in the 80s.

In the fall of 1991, I moved to the Copper River Basin, being sick of city life in Anchorage, having to drive hundreds of miles out of town to ride snowmachines. Since the winter of 1992 I had owned 4 different snowmachines. At first, I rode for the fun of it. In the last 2 years or more since, I also more and more used the snowmachine for carrying out life's smallest needs. I now use the snowmachine to drive to work instead of using the car which is less reliable in cold or hazardous road conditions. I also use the snowmachine in gathering of firewood near my home in Glennallen. These uses are meeting my basic needs of life in the face of a sometimes hostile winter climate. I believe if I was denied the use of my snowmachine in this manner, it would be a deadly violation of my right to life without due process under the Federal and State Constitutions.

I am sure there are hundreds and even thousands like me in the bush areas of Alaska that rely on their snowmachines in their everyday lifestyles. In areas away from the Cities like Anchorage and Fairbanks, the tourism industries can be aided greatly by the increased access to public lands by snowmachines and ATVs. I work as a dishwasher in a restaurant in the town of Glennallen. Even on the road system, an increased access to more snowmachine trails and areas would create an increase in the economic wellbeing in this area.

There are many people who are against the use of snowmachines anywhere in the State of Alaska or elsewhere. Some are so narrowed minded about the issue. They hate the snowmobiles. They have their selfish reasons. They complain consistantly about the noise, the pollution, they think the snowmachines are downright too dangerous and many more reasons. Their reasoning are based entirely on emotions instead of education and cooperation. Some have turned against snowmachine use because of the headlines about someone getting hurt. Some are disturbed about the loss of quiet that they crave.

I have recently joined a local snowmobile club. I believe that a difference can be made. I will to the best of my powers promote my sport by example and service. I will inform myself on the issues and safety programs available.

Enclosed is a proposed constitutional amendment related to the equal access of public lands to motorized uses. I hope that you carefully consider passing it for our protection of our rights.

I thank you for taking my written comments as I can't testify at my local L10 at this time because of work commitments. I do

believe that my input can make a difference. Thank you again.

Harvey L. Harris

Harvey L. Harris

P.O. Box 661

Glennallen, AK 99588-0661

proposed constitutional amendment:

Equal Motorized access to public lands within the State of Alaska

Be it enacted by the People of the State of Alaska.

Article VIII is amended by adding a new section to read:

SECTION 19. EQUAL MOTORIZED ACCESS TO PUBLIC LANDS. The equal access to public lands within the State of Alaska by motorized means shall not be denied without just cause. The Legislature, the executive and judicial branches shall enforce this section in a manner prescribed by law.

COMMENTS: The continued denial of equal access of public lands within Alaska by the governments of the State and Federal agencies had greatly damaged the ability of the people of Alaska to make a living and to enjoy the beauty of the State. Snowmobile owners are continued to be singled out of the process in determining policies concerning their use on public lands. This amendment asserts the right of the owners of ATVs and snowmobiles to equal access to the resources and equal protection under the law. The government agencies should uphold the rights of the motorized use of the public lands in accordance with provisions of the Federal and State Constitutions.



Alaska State Legislature

Please enter into the record my testimony to the

House Resources
committee name

committee on

5JR5

, dated _____

bill/subject

Six winters ago, as our son turned from 2 to 3 years of age, my wife and I tent-camped across the northern U.S. from Maine to Washington State, climbing State Highpoints. We camped in 31 different places. Only one was quiet. That was in the Boundary Waters area, north of Lake Superior, almost in Canada. For some reason, jets do not fly over this area, at least not at night. We learned many things on our trip, but my most vivid realization was that we are a noisy culture. We returned to Alaska, very thankful to live here, and determined to defend the relative tranquility we take for granted.

Two years ago, I skied in from Kantishna to climb Mt. Silverthorne. Our trip took two weeks. We heard two small fixed wing planes and a few faraway jets. My most vivid impression? It is wonderfully quiet on the north side of the Alaska Range in winter. As a visitor to the old McKinley National Park since 1963, I would not say "no" to snowmachines in the old national park -----

I would say, "HELL NO!"

testimony by Dave Johnston

P.O. Box 711

Talkeetna, Alaska 99676

24 November, 1998

Su Valley High School

SJR

18

TEN-YEAR TIMELINE OF EXXON VALDEZ LITIGATION

- March 24, 1989: Exxon Valdez grounds on Bligh Reef and spills 11 million gallons of crude oil.
- May 2, 1994: Trial begins in federal court - +5 years after spill.
- September 16, 1994: Jury in federal court returns \$5 billion punitive damages verdict in Phase III of case.
- September 30, 1994: Exxon files 12 motions to overturn the jury verdicts.
- October 3, 1994: Exxon files 3 motions to overturn the jury verdicts.
- January 27, 1995: Judge Holland denies Exxon's motions to overturn the jury verdicts (Order 267).
- February 7, 1995: Exxon files motion asking to depose the jurors and a motion to adjust the Phase IIA verdict.
- February 7, 1995: Exxon files motion to reconsider the order re: chum price and to reconsider order re: UCI setnetter harvest.
- May 5, 1995: Judge Holland denies Exxon's motion to reconsider the jury verdict regarding chum salmon price.
- June 13 and 14, 1995: Judge Holland conducts jury interviews.
- July 12, 1995: Exxon files motion to depose Juror Rita Wilson and Reporter Natalie Phillips.
- July 12, 1995: Exxon seeks access to Jurors Murray and Dean original juror questionnaires filed under seal.
- August 11, 1995: Judge Holland denied Exxon's motion for the juror questionnaires.
- August 16, 1995: Judge Holland denied Exxon's motion to depose Wilson and Phillips.
- September 6, 1995: Exxon files motion for a new trial claiming juror misconduct and coercion.
- October 24, 1995: Exxon files motion to amend the Phase II(a) findings and adjust verdict re: UCI setnetters.
- October 24, 1995: Exxon files motion attacking punitive damages verdict.

- November 13,1995: Exxon opposes Plaintiffs' motion to finalize the Phase IIA verdict.
- February 14,1996: Plaintiffs are served with a complaint for declaratory relief from the Seattle Seven seeking a percentage of plaintiffs' damages on behalf of Exxon
- February 20,1996: Judge Holland denies Exxon's motion for new trial based on possible juror misconduct and coercion (Order 308).
- March 6, 1996: Seattle Seven intervene in litigation on behalf of Exxon.
- March 18, 1996: Exxon files motion attacking punitive damage verdict and Seattle Seven object to Plan of Allocation acting on Exxon's behalf.
- April 5, 1996: Judge Holland denied Exxon's fourth attack on the UCI setnetter verdict (Order 316).
- June 11, 1996: Judge Holland approves Plan of Allocation and denounces Seattle Seven/Exxon scheme (Order 317)
- June 18,1996: Exxon files motion to reconsider Court's order re: Seattle Seven.
- August 6,1996: Judge Holland rejects Exxon's attempt to attack the punitive damages verdict based on credits claimed from the Seattle Seven releases (Order 326).
- September 6,1996: Judge Holland denies Exxon's motion to reconsider order re: Seattle Seven finding that Exxon perpetuated a deception upon the court and the jury (Order 327).
- September 24,1996: Judgment finally entered on federal court jury verdicts, including \$5 Billion punitive damages award - +7 years after spill -- +2 years after verdict.
- September 30,1996: Exxon and Seattle Seven file joint notice of appeal on Seattle Seven kickback.
- October 8, 1996: Exxon files motion to alter or amend the judgment and files its bill of costs against certain plaintiffs.
- November 20, 1996: Judge Holland dismisses the Seattle Seven complaint with prejudice.

- December 19, 1996: Seattle Seven and Exxon file appeal challenging dismissal of complaint.
- January 17, 1997: Judge Holland issues order on Exxon's Motion to Amend Judgment (Order 332).
- February 12, 1997: Exxon files notice of appeal to Ninth Circuit.
- March 18, 1997: Plaintiffs filed motion for approval of Plans of Distribution.
- September 23, 1997: Exxon moved for a new trial on the ground of "newly discovered" evidence.
- January 5, 1998: The Ninth Circuit issued a limited remand to permit the district court to consider Exxon's motion for new trial.
- March 16, 1998: Exxon deposed Juror Rita Wilson.
- July 31, 1998: Judge Holland denied Exxon's second motion for a new trial (Order 339).
- August 7, 1998: Exxon filed an appeal on the denial of the second motion for a new trial.
- November 27, 1998: Exxon files its final brief in its second motion for a new trial.
- May 3, 1999: The U.S. Court of Appeals for the Ninth Circuit, sitting in Seattle, hears Exxon's appeal.

[Back to Litigation Page](#) | [Introduction to Litigation](#)

NATIONAL ASSOCIATION OF ATTORNEYS GENERAL
750 FIRST STREET NE, SUITE 1100
WASHINGTON, DC 20002
(202) 526-5053
(202) 462-7614

CHRISTINE T. MILLIKEN
*Executive Director
General Counsel*

March 25, 1999

PRESIDENT
MIKE MOORE
Attorney General of Mississippi

PRESIDENT-ELECT
CHRISTINE O. GREGOIRE
Attorney General of Washington

VICE PRESIDENT
ANDREW KETTERER
Attorney General of Maine

IMMEDIATE PAST PRESIDENT
JAMES E. DOYLE
Attorney General of Wisconsin

Lee R. Raymond
Chairman and CEO
Exxon Corporation
225 East John Carpenter Freeway
Irving, TX 75062

Dear Mr. Raymond:

The Exxon Valdez oil spill occurred 10 years ago. We, the undersigned Attorneys General, urge the Exxon Corporation to end the protracted litigation over the spill and honor the unanimous judgment of the jury in the lawsuit that followed. Substantial volumes of crude oil are shipped by supertankers every day off the coasts of our nation. Major oil spills from supertankers seriously harm the marine environment and the local communities and individuals that depend on the sea for their livelihood.

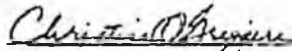
In September 1994 a unanimous federal jury found Exxon Corporation liable for the Exxon Valdez oil spill and awarded damages of \$5.3 billion to 40 thousand people injured by the spill, including Alaska native people, commercial fishermen, small business people, and land owners, as well as local governments and other entities injured by the spill. It has now been 10 years since the spill that devastated Prince William Sound and Exxon Corporation has not yet paid its debts to those who suffered from the spill.

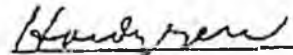
Each year Exxon delays payment of its obligation it earns an estimated \$400 million from the difference between the statutory interest rate on judgments of 6 percent and the company's internal rate of return of about 14%. The U.S. District Judge who heard the case clearly recognized: "Exxon can more profitably employ its capital elsewhere, even at the risk of paying great amounts of interest on the prospective judgment in this case. Put more simply, the court is concerned that delay in paying plaintiff's judgment will profit Exxon." In the meantime, each year many of the individuals who have been awaiting compensation die, and many continue to live in dire economic straits. Exxon must do the right thing and honor its obligations to the people its actions have injured.

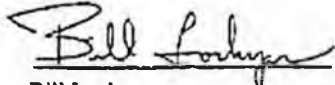
Exxon's use of its economic strength to delay, and in many cases to deny, justice to the 40 thousand people it has injured by the Exxon Valdez spill raises a significant concern. As State Attorneys General we have limited jurisdiction to deal with such an abuse of the legal system. However, as our states' chief legal officers, we call upon the Exxon Corporation to acknowledge its corporate responsibility to the people, businesses, and communities affected

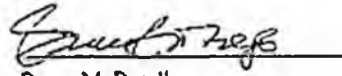
by the spill by paying the federal jury verdict awarded five years ago.

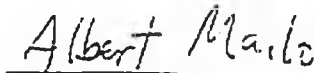
Very truly yours



Christine O. Gregoire
Attorney General of Washington

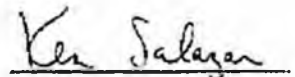

Hardy Myers
Attorney General of Oregon

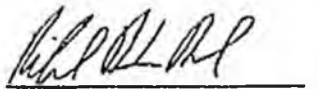

Bill Lockyer
Attorney General of California

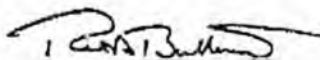

Bruce M. Borelho
Attorney General of Alaska

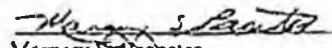

Toetagata Albert Mailo
Attorney General of American Samoa

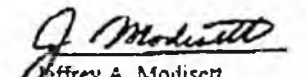

Mark Pryor
Attorney General of Arkansas

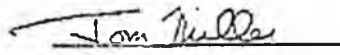

Ken Salazar
Attorney General of Colorado



Richard Blumenthal
Attorney General of Connecticut



Robert A. Butterworth
Attorney General of Florida

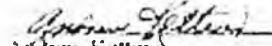

Margery S. Bronster
Attorney General of Hawaii

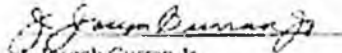

Jeffrey A. Modisett
Attorney General of Indiana

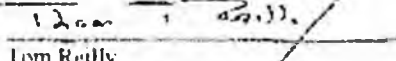

Tom Miller
Attorney General of Iowa

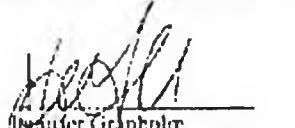

Carla J. Stovall
Attorney General of Kansas

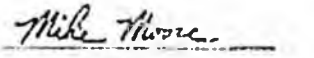

Albert Benjamin "Ben" Chandler III
Attorney General of Kentucky

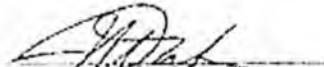

Andrew Ketterer
Attorney General of Maine

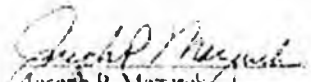

J. Joseph Curran Jr
Attorney General of Maryland

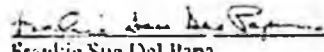

Tom Reilly
Attorney General of Massachusetts

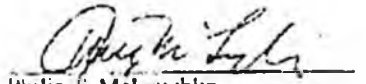

Jennifer Granholm
Attorney General of Michigan

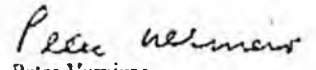

Mike Moore
Attorney General of Mississippi



Jeremiah W. (Jay) Nixon
Attorney General of Missouri

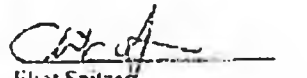

Joseph P. Mazurek
Attorney General of Montana



Frankie Sue Del Papa
Attorney General of Nevada



Philip T. McLaughlin
Attorney General of New Hampshire



Peter Verniero
Attorney General of New Jersey

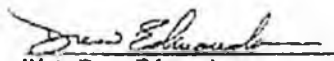

Patricia Madrid
Attorney General of New Mexico

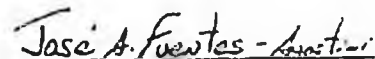

Eliot Spitzer
Attorney General of New York


Michael F. Easley
Attorney General of North Carolina

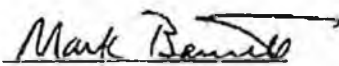

Heidi Heitkamp
Attorney General of North Dakota

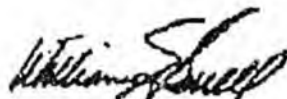

Betty D. Montgomery
Attorney General of Ohio

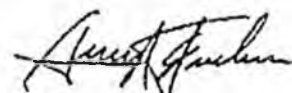

W.A. Drew Edmondson
Attorney General of Oklahoma

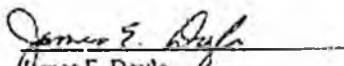

José A. Fuentes-Agostini
Attorney General of Puerto Rico

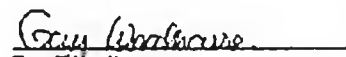

Sheldon Whitehouse
Attorney General of Rhode Island


Mark Barnett
Attorney General of South Dakota


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