

ALASKA LEGISLATURE COMMITTEE FILES, 2005-2008 8672

11723 HOUSE TRANSPORTATION

# Fairbanks Daily News-Miner

## State asserts rights to trails

By TIM MOWRY

Monday, April 11, 2005 - Staff Writer

COLDFOOT--Gov. Frank Murkowski went out of his way Sunday to show the federal government that Alaska means business about asserting its rights on historic trails the state has identified as RS 2477 routes.

The governor flew from Fairbanks to the remote settlement of Coldfoot, 250 miles north of Fairbanks on the Dalton Highway, where he met Iditarod musher Remy Brooks of Healy and took a dogsled ride on one of three trails the state will file suit on today in the southern Brooks Range to get the Department of Interior to turn over unrestricted rights of way.

"This is the best way to assert jurisdiction, being on the trail and really seeing what this RS 2477 statute is all about," declared Murkowski, after Brooks took the governor and his wife, Nancy, each for a short, 3- or 4-mile spin on the Coldfoot to Chandalar Lake Trail with 10 of his Iditarod huskies.

Sitting in a dog sled behind a team of Iditarod-hardened huskies beats sitting behind a desk in Juneau or Anchorage, the governor said with a smile.

Decked out in a parka and a pair of bunny boots on a gloriously sunny day in the Brooks Range, the governor was clearly enjoying himself while trying to make a point.

The Coldfoot to Chandalar Lake Trail, a mining trail established by prospectors in 1906 seeking to strike it rich in the Chandalar Lake gold fields, is one of more than 650 trails the state has identified as historic routes that should have unrestricted public rights of way.

The state will file suit against the Department of Interior today in federal district court in Washington, D.C., for quiet title to three of those trails, all located in the vicinity of Coldfoot, as an attempt to gain control of the three trails "for whatever future need we might want." All three trails cross land controlled by the Bureau of Land Management.

"We think by initiating this action we might prompt the Department of the Interior to move on the legitimacy of our claim," Murkowski told reporters on the 45-minute flight from Fairbanks to Coldfoot on a twin-engine C-12 turboprop. "It puts the burden on them."

The state has been feuding for years with the Department of Interior over Revised Statute 2477, a defunct federal law that was established in 1867 as part of the Federal Mining Law. The law stated "the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted."

While Congress repealed the law in 1975, rights of way established under its terms continue to exist.

The definition of what a "highway" is has been a matter of debate for decades but for the most part the law has been interpreted to mean roads.

But given the vast, remote and undeveloped nature of Alaska, not to mention the fact that the ground is covered with snow for up to eight months a year, trails are the equivalent of roads, Murkowski said. Most of the roads in Alaska started out as trails established by miners or mushers, he said.

Currently, miners can use the Coldfoot to Chandalar Lake Trail, but they must get a permit to cross BLM lands. Murkowski mentioned several times during Sunday's trip that he did not want Alaska to become a permit society.

"We were assured there would not be a permit requirement," said Murkowski, referring to the passage of the Alaska National Interest Lands Conservation Act that designated 106 million acres of Alaska land as federal conservation units. "That gets in the craw of some old-timers."

Murkowski is a strong supporter of public access and mining.

In addition to the 65-mile Coldfoot to Chandalar Lake Trail (RST 9), which was established by gold miners in 1906, the other two routes included in the suit are the 85-mile Caro to Coldfoot Trail (RST 262), another gold mining trail established in 1906, and the 60-mile Wiseman To Chandalar Trail (RST 254), which was created by prospectors and miners seeking access into the central Brooks Range in the 1930s.

"These were identified by Alaska miners as the three most important," Murkowski said, explaining why the three trails were chosen for the lawsuit.

The fact that none of the three trails pass through a national park or wildlife refuge, which a number of the RS 2477 routes the state has identified do, was also a bonus, the governor said.

After arriving in Coldfoot, a tourist and trucker stop surrounded by snow-capped mountains on the Dalton Highway, the governor was given the Alaska equivalent of a police escort to the trailhead to meet Brooks.

He and his wife hopped into a blue Chevrolet Suburban belonging to the state and Alaska State Trooper Curt Bedingfield, along with a few other locals on snowmachines, rode in front of the vehicle while trooper Fred Johnson, who serves as one of Murkowski's two pilots, followed Murkowski in a four-wheel-drive trooper pickup truck.

At the trailhead, Murkowski chatted briefly with Brooks, the 1999 Yukon Quest champion, before climbing into the musher's sled and disappearing down the trail while his wife followed on the back of a snowmachine. After a short, 3- or 4-mile ride, Brooks turned the team around and the governor switched places with his wife.

Fresh off a fifth-place finish in the Iditarod Trail Sled Dog Race in March, Brooks, a personal friend of the Murkowskis, was more than happy to accommodate the governor's request for a ride to publicize the lawsuit, even if it did mean a 12-hour drive up and down the highway for a 30-minute ride.

Besides, the governor made it worth his while, said Brooks.

"They're covering expenses," he said with a grin as he hooked up his team.

The Coldfoot to Chandalar Lake Trail has significance for Brooks, too, who is of Athabascan heritage. While he agreed to the deal several months ago, it wasn't until last week that Brooks discovered his great-grandfather, Arthur Wright, had traveled on the trail as an interpreter and dog handler for Archdeacon Hudson Stuck in 1908.

"I thought that was kind of a cool coincidence," Brooks said.

While he didn't say how much Sunday's trip cost, Murkowski, who was in Fairbanks on Saturday for a meeting concerning Fairbanks International Airport, felt it was more than worth the time and fuel it cost to fly to Coldfoot.

"To me, this is worth a lot more than the lawyers were paying, it might even reduce the lawyers' bill," said Murkowski. "The idea of timing this in conjunction with the suit is going to create some controversy and interest. We think that's necessary."

If the state wins the suit, it will recover any litigation costs, the governor added.

"We want to get it over with and I think this is the best time to do it, with an administration that at least acknowledges the RS 2477 law," Murkowski said, adding that the Clinton administration refused to address the issue.

News-Miner staff writer Tim Mowry can be reached at [tmowry@newsminer.com](mailto:tmowry@newsminer.com) or 459-7587.



# Alaska State Legislature

Please enter into the record my testimony to the House Transportation Committee  
 committee name  
 committee on SB 85 , dated May 2, 2006  
 bill/subject

I grew up in Fairbanks and now live in Anchorage. I have used the Dalton Highway to access a variety of recreational opportunities throughout my life.

I am strongly opposed to SB85. I feel that ORV use in the corridor will jeopardize the physical and social environment of the area.

In terms of the physical environment, the habitat and wildlife degradation would ensue from opening the corridor to ORVs would be devastating. Specifically I have concerns about impacts to tundra vegetation, wetland function, fish habitat, and wildlife behavior.

In terms of the human environment, I feel that there is extreme value to the kind of experience you can have in non-motorized areas. In this sense, the Dalton corridor is an amazing asset to Alaskans and anyone else who chooses to venture there. The non-motorized corridor allows people to hike and camp in places that are free from most motor noises, where wildlife has not been spooked and where the landscape remains unscarred by rutted, eroding ORV trails.

I feel that ORV use in the corridor will ruin a unique and valuable recreational opportunity for the State of Alaska, one that cannot be replaced.

Signed: Kyle Pearson

Testifier

myself and my family

Representing (Optional)

12566 Tanada Loop Anchorage AK 99515

Address

(907) 868-2946

Phone No.



# Alaska State Legislature

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

committee on SB85 , dated May 2, 2006  
bill/subject

Mr. Seekins states that under the current management of the Dalton Highway that the haul road is only open to those wealthy enough to fly or healthy enough to walk. By opening the Dalton Highway, the result will be that the game along the Dalton Highway will not be accessible to anyone. The result will be game populations will only be accessible to those who can fly out of those areas to access the game populations. Mr. Seekins has pledged that the management scheme will protect the area, game and habitat. No management scheme is in the legislation. We simply do not know what the management scheme will be, not the actual use if implemented. I urge the House Transportation Committee to vote against this Bill.

Signed: William M. Pearson  
Testifier

N/A

Representing (Optional)

3544 Heartwood Place, Anchorage AK 99504

Address

(907) 337-3757

Phone No.

## List of facts relating to S.B. 85

- **FACT:** Ground contact ORV use will be concentrated on limited state and certain BLM lands. These tracts of state and BLM lands are sandwiched between federally designated refuges and parks. This will create high impact zones of use. Half of Alaska will not be "unlocked" for "orderly" use.
- **FACT:** State lands north of the Yukon are currently managed at maximum sustained yield. This level of use is achieved through traditional means of access. These legal accesses are boat, airplane, horses, dogs, and walking.
- **FACT:** Ground contact ORV use is permitted for mineral and oil exploration and to access private property or valid mining claims.
- **FACT:** Recreational ORV use is not widespread off the Dalton highway.
- **FACT:** BLM rangers have issued citations for recreational use.
- **FACT:** State of Alaska wildlife protection officers have issued many tickets for transporting hunters, hunting gear and game with ORVs. Per Alaska Department of Public safety.
- **FACT:** Current restrictions are enforced.
- **FACT:** In the Dalton highway corridor rural residents are not allowed to use ground contact ORVs for any reason including subsistence.
- **FACT:** Snow machine use is permitted for rural residence only for subsistence activities. Recreational use is not permitted.
- **FACT:** Replacement cost of 1 lb of meat in rural Alaska, as set by ADF&G's subsistence division, is \$5.00/lb. Using five house holds in Wiseman as a example they take in on average 6,800 lbs of meat per year, for a \$34,000 direct economic benefit. The use of these resources are a primary economic source. With limited trapping and other seasonal sources of cash income game meat supports local economies. This is a true and accurate condition across our region and other rural areas of our state.

- **FACT: The Dalton highway corridor, north of the Yukon, is used by four caribou herds: ray mountain, central arctic, western arctic and tishikpuk.**
- **FACT: All of the caribou herds in Alaska exposed to road system, ground contact ORV use are depleted. These are now currently requiring intensive management and controversial predator control measures to achieve constitutionally mandated sustainability.**
- **FACT: None of the areas to be "opened up" are currently requiring predator suppression. See attached example of Wisemans average predator harvests and corresponding ungulate savings.**
- **FACT: In Wiseman/Coldfoot/Nolan not one person is on public assistance. With healthy resources we are self sufficient and self sustaining.**
- **FACT: People in Wiseman are all willing to access wilderness without ground contact ORVs and are already doing so.**
- **FACT: In the mountainous parts of Alaska, north of the Yukon, moose population densities are .1-.2 /sq mi. in the road corridor ADF&G has already had to address increased access by going to a drawing hunt. The corridor was already managed as a bow hunting only area. This method and means restriction was put in place to manage our low densities of animals.**
- **FACT: Only in partnership with federal agencies is ADF&G able to accomplish game surveys north of the Yukon.**
- **FACT: Additional use will necessitate more intensive/expensive population monitoring.**
- **FACT: Additional access will require public safety appropriation to assure sustained yield.**
- **FACT: People from all over the world use the Dalton Highway corridor for non consumptive use. These uses include but are not limited to hiking, rafting, birding, skiing, climbing, driving, sightseeing, geological recreation, aurora viewing, wildlife viewing. These guests contribute the cash economy. The primary draw of this remote and expensive region to visit is its "untracked" wilderness.**

Dear Senators and Representatives,

The co-authors to this list of facts relating to S.B. 85 are Jack Reakoff and Thor Stacey. All of the compiled facts are true. We put these down to refute some common misperceptions about this issue. Also, we recognize that the lands north of the Yukon are very remote and there is a lack of common knowledge about our renewable resources. We hope that these facts will dispel some common myths and rectify misperceptions of rural and non rural use. Please direct questions regarding this sheet to Jack Reakoff or Thor Stacey. Fax/phone 907 678-2007 or post mail to either author@ 114 Newhouse Wiseman AK 99790. All statements are true to the best of our knowledge.

A handwritten signature in cursive script that reads "Thor Stacey". The signature is fluid and somewhat stylized, with a long horizontal stroke at the end.A handwritten signature in cursive script that reads "Jack Reakoff". The signature is very fluid and stylized, with a large, sweeping flourish at the end.

# Tanana Chiefs Conference

Chief Peter John Tribal Building

122 First Avenue, Suite 600

Fairbanks, Alaska 99701-4897

(907) 452-8251 Fax: (907) 459-3850

March 3, 2006

## SUBREGIONS

### UPPER

#### KURKOKWIM

McGrath  
Medfra  
Nikolai  
Takatna  
Tetida

Representative Vic Kohring

PO Box 110001

Juneau, AK 99811-0001

**Re: Opposition to SB 85**

### LOWER YUKON

Anvik  
Grayling  
Holy Cross  
Shageluk

Dear Representative Kohring:

### UPPER TANANA

Dot Lake  
Eagle  
Healy Lake  
Northway  
Tanacross  
Tetlin  
Tok

I am writing to inform you of Tanana Chiefs Conference's (TCC) strong opposition to SB 85 because of the negative impact that the proposed opening of the Haul Road will have on the Tribes in the Tanana Chiefs Conference region.

TCC, by resolution from member villages, directs this tribal consortium of 42 Interior villages to oppose the lifting of the ban of all-terrain vehicles in the Dalton Highway corridor. This resolution requests the State to mitigate the negative effects of the Haul Road on affected villages and also requests it to work to improve the subsistence economy of those areas. See attached Resolution 1988-88.

### YUKON FLATS

Arctic Village  
Beaver  
Birch Creek  
Canyon Village  
Chalkyitsik  
Circle  
Fort Yukon  
Venette

All-terrain vehicle use can be observed in increasing numbers on a yearly basis in many highway communities, mostly during the hunting season. As I am sure you are aware, hunting opportunities in highway corridors are becoming more limited because of the use of long range all-terrain vehicles. Such vehicle use only pushes the opportunities for game farther away from the highway. While we encourage our tribal members to pursue subsistence activities, we do not agree with the use of all-terrain vehicles in and around our communities by tribal members or anyone else.

### YUKON

#### KOYUKUK

Galena  
Huslia  
Kattag  
Koyukuk  
Nulato  
Ruby

From the air, it is quite visible that all-terrain vehicle trails are becoming muddier and wider over time – wider because vehicles can get stuck in mud and riders will often create a newer trail around the former trail. Existing trails can be seen on the Kenai Peninsula and the Parks, Richardson, Denali and other highways. The problem of torn up and melted tundra is exasperated by the ever increasing reality of global warming.

### YUKON TANANA

Alatna  
Allakaket  
Evansville  
Fairbanks  
Hughes  
Lake  
Minchumina  
Monley Hot  
Springs  
Minto  
Nenana  
Rampart  
Stevens Village  
Tanana

In the larger picture, the tribes in the Interior began dialogue with gas line developers, intending to become partners in many aspects of these projects, especially in the protection of the environment and subsistence resources. Responsible energy development is recognized by oil and gas producers with financial resources directed at protection of pristine areas.

Thank you for the opportunity to voice TCC's strong opposition to SB 85. If you have any questions or further concerns please contact Paul Mayo, Acting Director of Cultural and Natural Resources, at extension 3261. Aana baasee'.

Sincerely,

TANANA CHIEFS CONFERENCE

A handwritten signature in black ink, appearing to read "Harold M. Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Harold "Buddy" Brown, Esq.  
President and Chairman

Attachment

TANANA CHIEFS CONFERENCE, INC.

Board of Directors

Resolution No. 88-88

NORTH SLOPE HAUL ROAD

- WHEREAS, the haul road cuts right through the lands used by Interior villages such as Stevens Village, Allakaket, Evansville, Hughes, Rampart, Alatna, Huslia and Anaktuvuk Pass to make a living; and,
- WHEREAS, the haul road was built with State involvement with little or no input from the public, especially the affected villages; and,
- WHEREAS, the State has not done anything to mitigate the haul road impacts to the villages to date or to educate the public about the Athabascan and Inupiaq culture and the subsistence economy; and,
- WHEREAS, the impacts of the haul road to the villages has caused much hardship to the people and their traditional land; and,
- WHEREAS, the State's current fiscal position and the expense involved in maintaining and patrolling the haul road leaves it unable to afford to open the haul road; and,
- WHEREAS, HB115 proposes to open the haul road to the ocean;
- NOW THEREFORE BE IT RESOLVED that the Tanana Chiefs Conference Board of Directors opposes HB115 and requests the State to take immediate action to mitigate the negative impacts of the haul road to the villages affected, and work to improve the subsistence economy of those areas.

CERTIFICATION

I hereby certify that this resolution was duly passed by the Tanana Chiefs Conference, Inc. Board of Directors on March 17, 1988 at Fairbanks, Alaska and a quorum was duly established.



Daisy Northway  
Secretary-Treasurer  
Tanana Chiefs Conference, Inc.

Submitted by: Fairbanks Subregion

Y



Steve Jones, Chancellor  
(907) 474-7119  
(907) 474-6785 fax  
sjchanc@uaf.edu  
www.uaf.edu

Office of the Chancellor

380 Signers' Hall, P.O. Box 757500, Fairbanks, Alaska 99775-7500

Received

MAR 29 2006

Office of Rep. Elkins

TO: Representative Jim Elkins, Co-Chair  
 Representative Carl Gatto, Co-Chair  
 House Transportation Committee

FROM: UAF Chancellor Steve Jones *Steve Jones*

DATE: March 22, 2006

RE: SB 85 – Access along the Dalton Highway  
 “An Act repealing the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway”

Research conducted by UAF scientists is a major economic sector in Alaska. We expended nearly \$140 M on research during calendar year 2005. The vast majority of those dollars derive from grants and contracts for research related to the people, places and things of this vast sweep of the Far North. Our state is a unique laboratory for the discovery of knowledge to benefit mankind. We maintain some of the world's longest running, most intensively monitored, high latitude research sites along the Dalton Highway north of the Brooks Range. UAF's research economic engine and the integrity and value of those sites would be threatened by uncontrolled and unlimited motorized vehicle access to the highway corridor north of the Range.

The University of Alaska Fairbanks has been conducting research in the Toolik Lake area of Alaska since 1976, but state and federally funded research along the Dalton Highway corridor commenced with initiation of construction of the Trans Alaska Pipeline and has never slowed since then. We have meteorological and hydrological sites along the Dalton highway, extending from the northern foothills of the Brooks Range to the coast. An expanded research area includes the Upper Sagavanirktok and Kuparuk basins, up to the divide in the Brooks Range. UAF operates more weather stations on the North Slope than the National Weather Service. These stations are used by NWS forecasters and FAA Flight Service to help guide pilots and travelers on the Dalton Highway. The sites in the upper Kuparuk watershed have been an intensive and continuous hydrological research study area for over 20 years, and numerous vegetation plots, beyond those at Toolik, are being analyzed. It is also the site of the Arctic LTER (Long Term Ecological Research Program), of which many of our UAF scientists are participants. Research in some of the lakes near Toolik was initiated prior to the last International Polar Year in 1958. All of these sites have provided value back to our State in terms of improving designs for river and stream crossings, developing techniques to minimize environmental disturbance, and

providing greater understanding of the environmental conditions needed to improve infrastructure construction and maintenance.

In addition to the extensive network of research sites that are currently active, we anticipate continued intense research activity for at least the next two decades. UAF has numerous grant proposals into the federal level, including a proposal to affirm the Kuparuk Watershed as a Long-Term Hydrologic Observatory. There are many federal documents calling for this project, so the probability of its creation is very high. We anticipate initiating new sites next year in association with the National Science Foundation International Polar Year and SEARCH proposal competition that is currently underway.

We are concerned about protecting the research sites we have along the highway, starting with Toolik Lake, Sagwon Hills and Franklin Bluffs, as well as those a short distance off the highway in the Upper Kuparuk River. These are the last off-road research sites of undisturbed tundra in the state. We have had some problems with vandalism the past few years along the highway, and are concerned that if access is opened up, these research projects, some which have been 50 years in the making, will be in jeopardy. Other universities have projects in the area as well. ATV and snowmachine access poses a new threat to these sensitive sites, not only in terms of ORV track damage to the tundra, but also in terms of tools that could be brought to the sites--you need a wrench to tamper with our monitoring sites and ATV/snowmachine folks carry them, but backpackers do not. Enforcement of any restrictions that may be put on the area via future regulation will be difficult due to remoteness and the vast area involved.

An example of research is the unique Permafrost Observatory network, established by Dr. T.E. Osterkamp in the late 1970's - early 1980's along the Dalton. Uninterrupted more than 20 years, long permafrost temperature records from the depths between 0m and 70-80m have been collected from these sites. These boreholes provided some of the first conclusive evidence that the climate of the Arctic was indeed warming. It was a landmark paper on permafrost warming published in Science that initiated national concerns about climate change. These sites are useful only if the surface condition remains undisturbed. The subtle signal of a warming climate is not distinguishable amid conflicting signals caused by disturbance. We continue to monitor these sites and have funding to continue to do this in the future. All these sites are in undisturbed conditions, but some of them are close to the Dalton Highway. They are all very vulnerable and could be easily destroyed by vandals. The primary value of all of these sites arises through comparisons to previous years. If the site is disturbed, then the record, in essence, ends. The site may be relocated, but comparisons to previous measurements become tenuous at best and evaluation of environmental responses to a warming climate must be abandoned at that disturbed site.

UAF scientists have on their own attended a number of hearings concerning SB 85 and have voiced their concern about this legislation. Senator Seekins has assured me he would work with BLM and other entities over the next twelve months to develop

appropriate regulations and measures to protect UAF scientific sites, although I remain concerned with the vulnerability of those numerous installations.

Protecting our research interests is a UAF imperative. Without adequate regulations and ample enforcement, opening the corridor past the Brooks Range to off-road vehicles will almost certainly impact our research projects and the fragile tundra ecosystem. The surest way to protect these valuable research sites is to restrict motorized vehicle use north of the Brooks Range from Atigun Pass northward. Short of such restriction, the cost of enforcement will be high. We urge that SB 85 language recognize these anticipated costs and the need for enforcement funding.

Thank you.

Attachments:

map w/site locations

Research projects:

<http://www.uaf.edu/water/projects/NorthSlope/currentconditions.html>

[http://www.uaf.edu/toolik/gis/skipdnr\\_maps\\_a.jpg](http://www.uaf.edu/toolik/gis/skipdnr_maps_a.jpg)

<http://ecosysems.mbl.edu/ARC>

[http://www.uaf.edu/toolik/gis/arctic\\_lter\\_terrestrial.jpg](http://www.uaf.edu/toolik/gis/arctic_lter_terrestrial.jpg)

[www.uaf.edu/toolik/gis/126720land3.jpg](http://www.uaf.edu/toolik/gis/126720land3.jpg)

[www.uaf.edu/toolik/gis/126720land\\_taro.j](http://www.uaf.edu/toolik/gis/126720land_taro.j)

cc: House Transportation Committee Members:

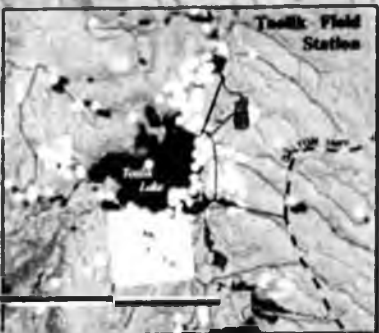
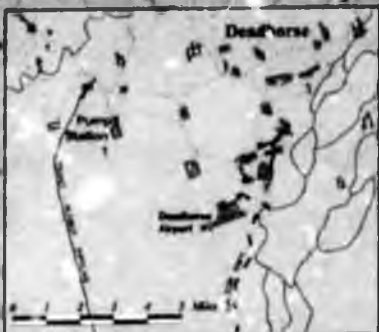
Representative Vic Kohring  
Representative Mark Neuman  
Representative Bill Thomas  
Representative Mary Kapsner  
Representative Woody Salmon

Senator Ralph Seekins, sponsor

# ARCTIC OCEAN

Beaufort Sea

## Research Sites



UAF / Toolik Field Station  
Affiliated Research Sites  
North Slope  
ALASKA

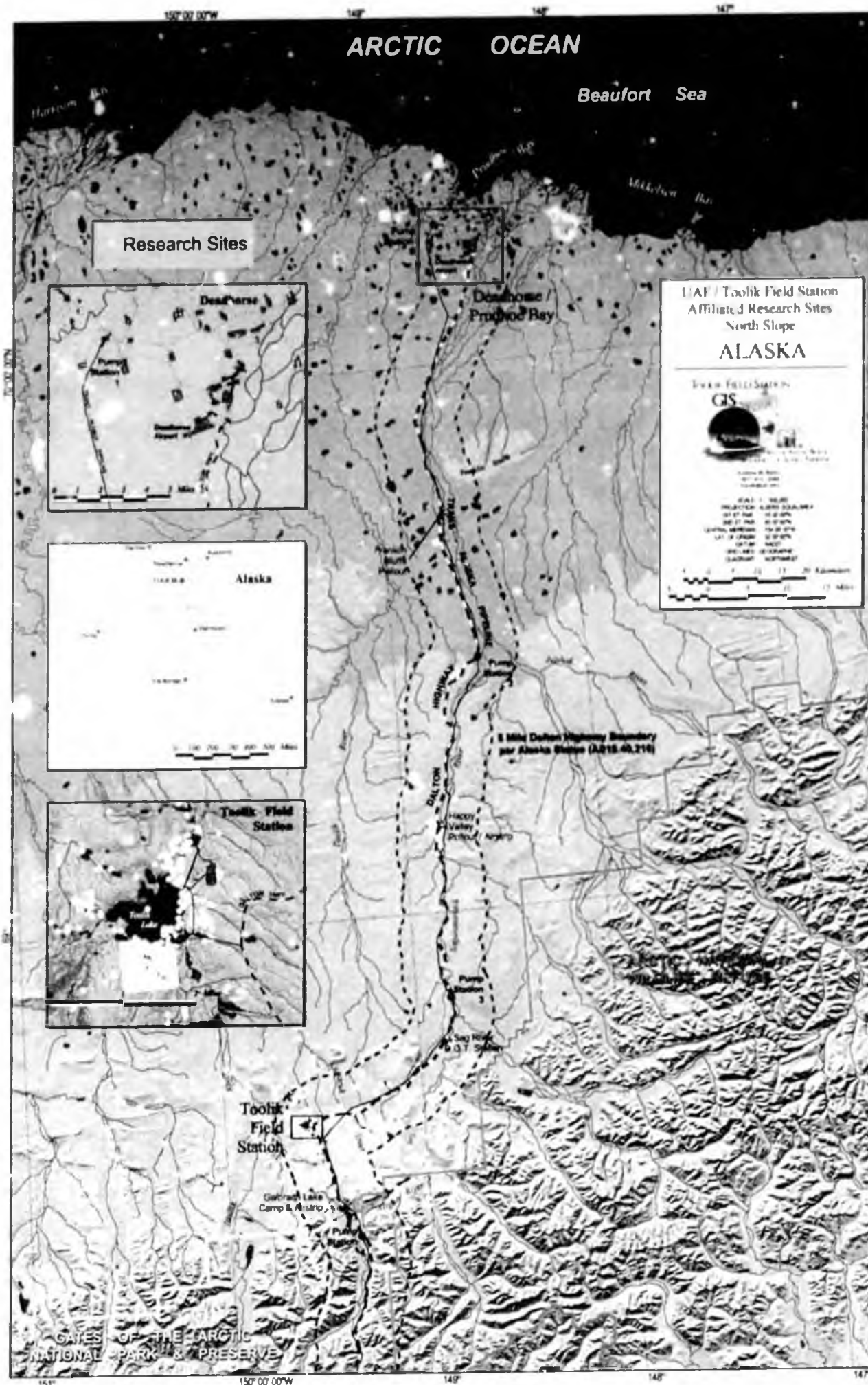
EVAN FRIEDSMAN  
GIS

Scale: 1:50,000  
Projection: UTM  
Datum: NAD 83  
Units: Meters  
North Arrow: True North

0 1 2 3 4 Miles

5 Mile Dalton Highway Boundary per Alaska Statute (AS 18.40.210)

GATES OF THE ARCTIC  
NATIONAL PARK & PRESERVE



Jack Reakoff  
Wiseman, AK, 99790  
907 678 2007  
PH889X

BLM Recourse advisory Council  
Regarding: SB 85 Repeal OHV restriction Dalton Hwy.

Dear Council,

One only need take a look at this Bill to see that there is no direction given to planning or is funding provided. There is nether funding provided for enforcement or penalties for violation of restricted areas.

The simplicity of SB 85 simply has no protections of the here tofore wilderness areas near the Dalton Hwy. With out funding for planning by the State or enforcement by all agencies the best voiced intentions are meaningless.

It is incumbent on the BLM-RAC to protect these lands from loss and degradation by keeping them closed to OHV use. Funding requests of excess of three million dollars will have to be made for adaguate planning and enforcement. Game surveys, terrain mitigations, meetings, ANILCA. 810 Title III, and additional enforcement officers.... all very expensive.

Thank you, Jack Reakoff

**Co-Chair Representative Jim Elkins**  
State Capitol, Room 416  
Juneau, AK 99801-1182  
Fax: (907) 465-3793

**Written testimony for SB85**

I am testifying to state my opposition to SB85. Before the Dalton Highway was built, local area residents have testified they were assured it would be maintained as an industrial road and that access would be limited to ensure protection of caribou and other important subsistence resources. There is no question that ORV use off the Dalton highway would damage sensitive tundra habitat that is currently used by many hunters.

Thank you,



Alan Baldivieso

3610 E 65<sup>th</sup> Ave  
Anchorage, AK 99507

Cliff Eames and Ruth McHenry  
HC 60 Box 306T  
Copper Center, AK 99573

Received  
MAR 16 2006  
Office of Rep. Elkins

March 16, 2006

House Transportation Committee  
Rep. Jim Elkins, Co-Chair  
State Capitol, Room 416  
Juneau, AK 99801

Re: SB 85

Dear Representative Elkins:

We are writing to ask you to oppose SB 85, which would repeal the ban on the use of certain off-road vehicles within five miles of the right-of-way of the Dalton Highway.

The repeal would have a number of adverse effects. It would encourage additional sport hunting and sport trapping in the area, which would compete with local subsistence activities.

It would also move game away from the highway corridor. This would have several harmful effects. It would reduce success for those without ATVs, and it would deprive game of the use of the habitat. Both of these effects have been of concern to the Department of Fish and Game in other parts of the State. The department raised these issues with regard to the Talkeetna Mountains almost two decades ago, and they are of concern to the department at the present time in other parts of the Copper Basin. Furthermore, pushing game away from the highway corridor would also make it less likely that those driving the highway for pleasure, both Alaskans and visitors, would be able to view wildlife on their trip.

Finally, we have seen the effects of virtually unregulated cross country (off-trail) ATV use, most of it for recreational purposes, in the Talkeetna and other mountains off of the Glenn and Denali highways, and in the Susitna Valley, and we don't believe that these effects should be tolerated. Vegetation is destroyed, soils are degraded, water quality is reduced (with ADF&G predicting adverse effects on fisheries as a result), and beautiful Alaskan landscapes are made ugly. We have no reason to believe that ATV use in the Dalton Highway corridor will be any more responsibly managed than it has been on general State and BLM lands elsewhere in Alaska.

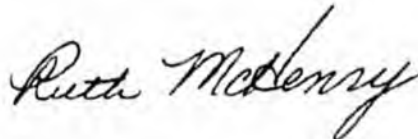
Please oppose SB 85, and thank you for your serious consideration of our concerns.

We would appreciate it if this letter were distributed to all committee members and were included in the administrative record for the bill.

Sincerely,



Cliff Eames



Ruth McHenry

**Lesley Bullock**

**From:** Heidi Schoppenhorst [boreallodge@juno.com]  
**Sent:** Friday, March 03, 2006 1:46 AM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas  
**Cc:** Rep. Reggie Joule  
**Subject:** Comment on Senate Bill 85  
**Attachments:** Points of opposition SB85.doc

Dear Representatives,

I recently learned that Senate Bill 85 has passed the Senate, and you will be holding hearing of this Bill in the House Transportation Committee March 5th. Please consider my comments on this matter before making a decision on the Bill.

I testified at a Senate hearing on this Bill last spring, submitted written comment, and again voiced opposition at Coldfoot while further public opinion was being collected. (See attached file; Points of Opposition to SB85, presented at Coldfoot to Seekins and others)  
 Most all of the other public comment I have heard, and that has been reported, does not favor this Bill. I am curious as to how SB85 could pass the Senate in direct opposition to strongly voiced public majority opinion? It seems the majority of Senators are not properly representing Alaskans, and my hope is that you all will be more sensitive to the concerns & desires of the people represented. I am also attaching below comments that were submitted to the Senate last Feb ('05). My feelings, & the reasons why this Bill will impose detrimental impact on this area have not changed in the past year. Thank you for taking time to read & consider my concerns.

I grew up & live in the village of Wiseman within the Dalton Highway corridor. I wrote to many of you voicing my opposition to a similar bill introduced by Mr. Seekins last year (2004), and am very disappointed to see this issue resurface again this session.

1.) To start with, this Dalton Highway runs through a "utility corridor", that means this development & road were established for a utility route. I watched the road & pipeline being built, we all know the incredible study & research that were put into developing this pipeline without causing any serious impact to fragile habitat, wildlife, and human populations. My whole life I have seen Alyeska security patrol daily with helicopters to ensure their pipe is secure & nothing is amiss, people are not to use the pipeline pad without their knowledge, as it poses security risks. This pipeline has financially benefited every Alaskan equally.

There is now new talk of a gas line running through this corridor, this I would imagine, if constructed, will follow similar low impact guidelines for development, and can safely be installed in this utility corridor with much care & consideration for the environment & populations. This will also most likely benefit all Alaskans if established. Opening this utility corridor to ATV's & snowmobiles, in other words allowing anyone to drive freely anywhere within & beyond the corridor, pipe pad, etc at will, in light of these utilities & the care exercised to maintain these utilities alone I would think is reason enough to throw out this proposed bill. Don't forget there is only 1 (one) trooper stationed at Coldfoot to patrol this entire Brooks Range & North Slope stationed at Coldfoot.

2.) A very large portion of the land mass surrounding the Dalton Highway corridor north of the Yukon River is Federally managed Wildlife Refuge & Park lands. North of the Yukon River to the east is Yukon Flats Wildlife Refuge, to the West is Kanuti National Wildlife Refuge, within the Brooks Range bordering most of the entire road

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

3.) The Dalton Highway in the last 10 years has seen a steady increase of summer visitors, these visitors are taking tours or driving the road to experience the "last frontier", see the wilderness & wildlife in their natural state, and see for themselves the unique landscape & vegetation of the Arctic. This area is becoming actually a very popular tourist destination, and tourism as we all know helps the Alaskan economy. I would think the people in Fairbanks would actually want to secure the present state of this some what pristine environment to the north of them, as most all the visitors to this area have to pass through Fairbanks & spend money on their way north. I work in the Arctic Interagency Visitor Center in Coldfoot during the summer months, my husband & I also own & operate a small Lodge here in Wiseman, so I have talked with literally thousands of these visitors coming to this country, and had opportunity to ask why they came to this place. The majority of visitors are coming here to see it just as it is, wilderness, and they don't want to see more roads, signs, or watch ATV's driving across the tundra, or snowmobile's high marking on the hills. As it is, the north slope caribou hunters are so numerous during fall months, they end up chasing most of the caribou away from the road, disappointing to a tourist with a camera. But - they can still view the occasional bear or moose along other parts of the road that haven't been chased away, so it's still worth their while at this point. Let's keep it that way? If ATV's and snowmobiles are allowed to range the corridor it will tear up the vegetation, which is underlain by permafrost, which then melts & leaves very ugly scars (it doesn't, from what I've seen in 38 years, tend to regenerate much either). Also this increase of motorized humans ranging through the area will end up chasing the few remaining animals far from the road, where I would imagine many of them will also be harassed & shot by hunters since they will have free access roam, and the animals will no longer have any sanctuary to reach.

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

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

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

Please weigh the current facts with the potential risks involved while considering this Bill. Please take my thoughts & comments into consideration, and do not pass SB 85.

Thank you for taking the time to read this,

Sincerely,

Heidi Schoppenhorst

Scott Schoppenhorst

[boreallodge@Juno.com](mailto:boreallodge@Juno.com)

Ph / Fax: 907-678-4566

#1 Timberwolf Trail

Wiseman Village, Alaska 99790

**Lesley Bullock**

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**From:** Dave and Angela [ridgeturker@gci.net]  
**Sent:** Thursday, March 02, 2006 10:21 PM  
**To:** Rep. Jim Elkins  
**Subject:** Please vote no on SB85

Dear Representative Elkins:

Please vote to oppose SB 85, which would open the Dalton Highway corridor to off-road vehicles. This fragile area, consisting predominantly of tundra unlain by permafrost, cannot withstand use by these vehicles without suffering severe, long-term damage. Further, motorized access for hunting here would surely lead to overexploitation of naturally low-density arctic wildlife populations, paradoxically leading to reduced hunting opportunities. The state and adjacent federal land managers are not prepared to address the multitude of law-enforcement problems that would result from passage of this unwise legislation. Loss of revenue to needs for additional enforcement personnel and infrastructure, plus damage to the state's burgeoning arctic tourist economy, would be severe. Perhaps most importantly, the reputation of the state's oil industry as a leader in environmental protection would suffer as visitors wrongly assumed that visible damage from off-road vehicles in the pipeline corridor caused by recreationists and hunters was instead associated with industrial activities. I attended a public meeting in Fairbanks last fall regarding this bill, and public opinion was overwhelmingly against its passage. Please act in the public's best interest and vote no on SB 85.

Thank you,

Dr. David Payer  
PO Box 73108  
Fairbanks, AK 99707

**Jennifer Baxter**

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**From:** kershal [kershal@gci.net]  
**Sent:** Saturday, March 04, 2006 8:31 AM  
**To:** Rep. Jim Elkins  
**Cc:** "Rep Bill Thomas"@legis.state.ak.us; "Rep Reggie Joule"@legis.state.ak.us  
**Subject:** SB 85

SB-85

This is a BAD idea!

I Have had a cabin in the Glennallen area for 20+ years and have seen the impact of 4 wheel vehicles on the bush! ATVs' and 4 wheel buggys do monumental damage to the vegetation. They hunt an area too heavily, we rarely see caribou around our cabin any more and we are 5 miles south of the highway. The noise level found in the wilderness around these ATV users is absurd. These users show amazing disregard for the privalege of using our public lands. If you have any love at all for wilderness "KILL" this bill.  
I repeat, it is a BAD idea!!

Don Kerr  
Anchorage Alaska

**Jennifer Baxter**

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**From:** Sydonia B. et Harte [ffmsb@uaf.edu]  
**Sent:** Friday, March 03, 2006 5:25 PM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas; Rep. Carl Gatto  
**Cc:** ffbmb@uaf.edu  
**Subject:** written testimony concerning SB 85

Dear Co-Chair Representative Jim Elkins and other members of the House Transportation Committee,

We write to you today concerning SB 85. As managers of Toolik Field Station (TFS), we have concerns that off-road vehicle use could harm our extensive research program, which is located primarily within the Dalton Highway Corridor.

Toolik Field Station is located at mile 284.5 on the Dalton Highway, and is owned and operated by the Institute of Arctic Biology, University of Alaska, Fairbanks. TFS has been a national center for Arctic research for 30 years. Research there focuses on (1) the adaptations of animals, birds, insects, and plants to the arctic environment, (2) the Arctic environment as a whole system, and how this system feeds back to affect global climate patterns, and (3) the controls over productivity in arctic ecosystems, and how productivity is influenced by the movement of water, nutrients and sediment between different types of arctic landscapes, as well as between land and freshwater streams and lakes.

Research at TFS involves monitoring as well as long-term experiments, and much of what we know about the functioning of arctic ecosystems comes from the 30-year record of scientific research and observation at TFS. There are approximately 14,000 research plots within the Dalton Highway Corridor near TFS. Currently, about 350 researchers work at TFS every year, coming from 70 universities and other institutions representing all 50 states and from some international institutions. The National Science Foundation (NSF) of the United States of America has made a substantial investment in research at TFS. Currently, funding for research at TFS totals \$36,000,000 (averaging \$8,600,000 annually), and the TFS receives annual support from NSF for operations, logistics, facility support and facilities upgrades of approximately \$2,700,000.

More than 500 scientific papers have been published in peer-reviewed journals on work done at TFS, including publications in high-profile journals such as *Science*, *Nature*, *BioScience*, and *Ecology*. Research based at TFS has also been instrumental for critical policy and management documents such as the National Research Council's report on Cumulative Environmental Effects of Oil and Gas Activities on the Alaska's North Slope (2003). The Bureau of Land Management has recognized the area around TFS as Research Natural Area/ Area of Critical Environmental Concern. TFS is a flagship U.S. terrestrial arctic research station, and the NSF anticipates that research activity will continue to grow and expand.

Continued integrity of the landscape is critical to continued federal support of TFS. Currently, off-road vehicle use is prohibited around TFS, except that limited snow-machine use is allowed during a short window in late winter each year, for point-to-point use in support of science, under permit from BLM. Because off-road vehicle use, especially by 4-wheelers in summer, can damage vegetation, cause permafrost melting and change drainage paths, it could severely compromise our research programs. Many of the nutrients that we follow, such as nitrogen and phosphorus, are present in the environment at very low concentrations. Even if a vehicle does not run over an experimental plot directly, changes in the drainage caused by off-road vehicle use upstream have the potential to affect research negatively.

As managers of Toolik Field Station (TFS), we have concerns that off-road vehicle use could harm our extensive research program. It would meet our needs if off-road vehicle activity originating within the Dalton Highway corridor is restricted from mile 275 (Atigun River Bridge #2) to mile 300 (Okskuruyuk Creek Bridge) within the corridor, so that only limited snow machine use is allowed in winter, only in support of science, and only with permits from the land manager. No summer 4-wheeler use near research plots is acceptable, because of the high environmental impact. We urge that this restriction be written in as an amendment to SB 85 or to 19.40.210, because of the magnitude of the research investment at TFS. As professional scientists, it is our opinion that use of off-road, wheeled vehicles, especially in summer, would cause long-term environmental damage in tundra anywhere in the corridor on the north slope. Alaska DNR has set out extensive regulations for tundra travel that oil and gas producers have to follow, and recreational users should follow the same guidelines.

If enforcement is adequate, restricting off-road vehicles to snowmachines only in support of science, under permit, from miles 275-300, could meet the needs of TFS. We certainly appreciate Senator Seekins' understanding of our concerns and desire to protect the substantial research investment at TFS. While we have a good working relationship with the BLM and Alaska DNR, and believe that the restrictions we need would be put into land management plans for the area, we believe that land use plans alone are not sufficient. There must be sufficient resources for enforcement of those provisions. We are very concerned about enforcement of these restrictions, because the current state trooper with responsibility for the area around TFS is based in Barrow, and the Fish and Game representative based in Coldfoot has to cover almost the entire Brooks Range and the North Slope by himself. The BLM similarly has very few people with responsibility for a very large area.

Passage of SB 85 should not occur without adequate funding to enforce a restriction on off-road vehicle use from mile 275-300 within the Dalton Highway corridor to protect the scientific integrity of research based at TFS.

Please make these comments part of the official record for SB 85 and for the House Transportation Committee.

Thank you.

Sincerely,

Dr. Brian Barnes, Science Director, Toolik Field Station, and Director, IAB  
Dr. Sydonia Bret-Harte, Associate Science Director, Toolik Field Station  
Institute of Arctic Biology  
University of Alaska  
Fairbanks, AK 99775

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Dr. Sydonia Bret-Harte  
Research Assistant Professor  
Associate Science Director, Toolik Field Station  
Institute of Arctic Biology  
room 311, Irving 1 Building  
University of Alaska  
Fairbanks, AK 99775

907-474-5434 or leave message at 907-474-6038  
FAX: 907-474-6967

Email Address: <Syndonia.BretHarte@uaf.edu> or <ffmsb@uaf.edu>

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**Lesley Bullock**

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**From:** fft [fft@uaf.edu]  
**Sent:** Thursday, March 02, 2006 4:42 AM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas; Rep. Carl Gatto  
**Subject:** VOTE NO

**SB 85**

**VOTE NO!!!!!!!!!!**

**Tim and Debbie Tilsworth  
1900 Raven Drive, Fairbanks, Alaska 99709-8358  
MacAfee AntiVirus, Firewall and Spam 2004/05 Protected  
fft@uaf.edu, 907-479-0643**

**Lesley Bullock**

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**From:** Dickie Byrd [dbyrd@mosquiltonet.com]

**Sent:** Thursday, March 02, 2006 2:07 AM

**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner

**Subject:** Re: SB 85

SB 85 Removes the prohibition on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway.

I, Dickie L. Byrd, Fairbanks, Alaska, oppose this bill.

I have been hunting and fishing the Interior of Alaska for 40 years, (since hunting season of 1964). In the Fairbanks area I have seen what the ATV's have done to the hillsides, creek banks, and soft tundra areas. A small trail I used to walk on at 51 mile Steese Highway began to be used by 4-wheelers in the early 1990's. Today the trail is 200 feet wide in places. That is because the ground has been turned into a soup during hunting season and a new trail has to be made through the Black Spruce. For 150-200 yards up a gentle slope the original trail is now a 6-ft deep gully, 10 to 12 feet wide. Farther up the tributary where these ATV's are going to hunt, the trail they have made was 4 feet deep in the soft tundra when I was last up there 4 years ago.

I have seen this same damage to the fragile ground on the hills at 69-mile Steese and of the ridge system around Mt. Ryan, (near 71-mile Steese). I have also seen this damage on several trails around Tangle Lakes on the Denali Highway and behind Livengood on the Elliott Highway. Each year when I visit one of these areas I see a remarkable amount of new damage cause by extensive use of ATV's over the fragile ground.

For the past 10 years I have been hunting and fishing along the Dalton Highway north of the Yukon River. Mainly, the Bonanza Creek drainage, the Kuparuk River valley, and in Happy Valley area, (10 miles either side of Milepost 320). I have walked over much of this land and I can testify that it will not stand up to ATV use. North of Atigun Pass, almost all of the ground will not support 3 consecutive passes of a 4-wheeler. Between Toolik Lake and the Kuparuk River bridge 5 years ago a 4-wheeler drove across the ridge once in one direction. Those tracks are two strings of water in the fall of 2005. Once north of Slope Mountain, the ground is all soft, fragile tundra. Any ATV traffic on it will leave deep ruts that will remain for many years.

I have walked the mountain ridges between Prospect Creek, Bonanza Creek North Fork, Bonanza Creek South Fork and Fish Creek. I have also walked the hills downstream of the Bonanza Creek bridges. While there are areas on these ridges that would make good ATV trails, (they would even make good highway car roads in places), between those solid, rock ground areas are long wet, boggy areas with standing water. (Many times I have felt I was walking uphill when the ground sloped downward in front of me.)

As you discuss the options and the passage of SB 85, I implore you to consider the repercussions on the ecology and possible damage done to the environment of this fragile area. I am sure there are area's south of Kanuti River Valley, (a beautiful valley that would scared irreparably by ATV's), that would be suitable for ATV use. Maybe there are some areas north of Coldfoot also. Or even in the areas I mention. But please consider all aspects. Maybe open some existing trails or rocky alpine areas to ATV's. But do not open the whole area for indiscriminant ATV usage. The damage would be too much

and would last for too long.

Thank you for reading this. I wish I had taken pictures of the damaged areas I have seen to pass on to you. But I have not, so have to rely on describing them to you.

Dickie L. Byrd  
P.O. Box 10084  
Fairbanks, AK 99710

(907) 457-4138 (home)

[dbyrd@mosquitonet.com](mailto:dbyrd@mosquitonet.com)

**Lesley Bullock**

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**From:** Pat Valkenburg [patv@eagle.ptialaska.net]  
**Sent:** Wednesday, March 01, 2006 10:55 PM  
**To:** Rep. Woodie Salmon; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Jim Elkins;  
Rep. Carl Galto; Rep. Mary Kapsner  
**Cc:** Rep. Reggie Joule; Rep. David Guttenberg  
**Subject:** SB 85 (Haul Road)

Dear Members of the House Transportation Committee:

I oppose SB 85. It is not that I am opposed to ORVs. It is just that, at the present time, the general DNR land use regulations are so poorly crafted with no mechanism for enforcement that any planning effort is meaningless. The only way that DNR has been successful in punishing illegal users of ATVs is through civil litigation. Also, there is no large, untapped hunting opportunity up there and the area is already popular with walk-in bowhunters. ATVs will just displace the present users and the Board of Game will be forced to impose permits hunts or something else to reduce hunting pressure. All the state-owned land is north of Slope Mountain and that is all tussock tundra that is not suitable for use by 4-wheelers. I worked for many years on the North Slope as a caribou biologist with ADF&G. I am now retired. I am very familiar with the area and the issue.

Sincerely yours,

Patrick Valkenburg  
3680 NON Rd  
Fairbanks, AK 99709

**Lesley Bullock**

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**From:** Chris Boone [ejcboone@gmail.com]  
**Sent:** Wednesday, March 01, 2006 9:58 PM  
**To:** Rep. Jim Elkins  
**Subject:** HB 85 and SB 85 support

Dear Mr. Elkins,

I am writing to support the objectives of HB and SB 85, to open the areas on each side of the Dalton Highway to all Alaskans for motorized access and hunting with rifles with appropriate controls.

As a retiree of the Bureau of Land Management and a former employee of the Joint Pipeline Office, I am familiar with all the country around the Dalton from many trips over the entire length of the road as well as helicopter and fixed wing flights.

This is beautiful country and similar to the Denali Highway, Steese Highway and many other tundra areas like around Barrow and Anaktuvak Pass, all of which have hunting and ATV use and have survived quite well. This is not private native land and is not a park. There will be some people who want to treat it as one or the other depending on their race.

Don't listen to those people. We have quite enough native land that is private and where all uses by non-natives can be prohibited. We also have more than enough parks where no hunting or motorized use is permitted. I think both the state and BLM have had plenty of experience in multiple-use management of lands and it can be done successfully.

Thanks for your initiative and efforts on behalf of this cause.

Earl J. Boone

**Lesley Bullock**

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**From:** Kenny [kenk@ak.net]  
**Sent:** Wednesday, March 01, 2006 9:01 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Carl Gatto  
**Subject:** HB85

As a hunter and Licensed Assistant Big Game Guide, I am **against**, opening the area north of the Yukon river to OHRV's.

Kenneth F. Kendall Jr.  
907-490-6058

## Lesley Bullock

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**From:** tparagi@alaska.net  
**Sent:** Wednesday, March 01, 2006 8:41 PM  
**To:** Rep. Woodie Salmon; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Mary Kapsner  
**Cc:** Rep. Reggie Joule; Rep. David Guttenberg  
**Subject:** please oppose S.B. 85

Dear House Transportation Committee:

I strongly oppose S.B. 85 to open up motorized access to public lands along the Dalton Highway. I have hunted and worked across a broad cross section of Alaska since the mid-1990s and am a member of the Alaska Outdoor Council. The haul road corridor already provides opportunity unmatched anywhere else in the state for the average person to hunt caribou during long seasons. The Alaska Board of Game created the 5-mile motorized closure in the 1980s after witnessing a rapid increase in caribou and moose harvest that occurred with growing snowmachine use by hunters. Archery hunting of moose is also popular in the corridor and has been limited to drawing permits for several years. The sustained harvest of about 600 caribou from the Central Arctic Herd (about 1/3 of the harvest from archery) by nearly 1,000 hunters is within the guidelines set by the Board of Game. The corridor is popular with bowhunters willing to walk or ski a short distance, and for many years rifle hunters have already accessed those public lands beyond the corridor that are open to hunting via boating navigable waters, aircraft, or dog team in winter. Any gains in motorized hunting opportunity will be offset by losses of opportunity for users who have adapted to the restrictions over the last two decades.

In my experience traveling the haul road back to 1987, the potential to view big game and their predators from a private highway vehicle in the open terrain north of the Chandalar Shelf on the Dalton Highway is presently rivaled only by a drive on the Denali Park road, which is open to private vehicles only by drawing permit in September. ATV and snowmachine traffic in the Dalton corridor would disturb wildlife (particularly during stressful periods in winter), reduce viewing success, and ruin a world-class bowhunting opportunity for many people who can't afford expensive fly-in hunts. The history of ATV traffic spreading to new areas of Alaska includes repeated examples of vegetation damage and erosion, which will be highly visible in open terrain and slow to regrow (if indeed traffic were stopped at some point, which is doubtful without heavy-handed law enforcement).

There is nothing "broken" in the corridor, so there is no need to "fix" it. We also don't need to repeat the experience of failed policies to regulate snowmachine and ATV use in an area that has one trooper and one game warden for much of the North Slope. Public testimony at hearings in several communities across the state last fall was overwhelmingly against this bill. I ask that you please oppose S.B. 85.

Tom Paragi  
1271 Lowbush Lane  
Fairbanks, AK 99709-6039

**Lesley Bullock**

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**From:** holeski@holeproofindustries.com  
**Sent:** Wednesday, March 01, 2006 8:02 PM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep\_Vic\_Kohring@legis.state  
**Subject:** SB 85:Off-Road Vehicle Use on the Dalton Hwy

***SB 85:Off-Road Vehicle Use on the Dalton Hwy***

To whom it concerns,

My family and I would like to voice our opinion as responsibly minded enthusiasts. I am for the use of 4-wheel drive and other offroad vehicles in the area affected by the ban that SB 85 will lift.

Offroad and 4-Wheel drive vehicles are a huge user grope left out in the State of Alaska. Please help me and others like me recreate safely and legally.

Thank you for your time,

Please feel free to contact me in any way.

Mr. Eric M Whitebread-Dukes  
Master Tread Trainer for Tread Lightly  
[www.treadlightly.org/](http://www.treadlightly.org/)  
Holeproof Industries  
3338 Montana Circle  
North Pole Alaska 99709  
907-490-0045  
holeski@holeproofindustries.com  
[www.holeproofindustries.com](http://www.holeproofindustries.com)

**Lesley Bullock**

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**From:** Brook Green [akfabshop@gmail.com]  
**Sent:** Wednesday, March 01, 2006 7:01 PM  
**To:** Rep. Vic Kohring  
**Subject:** Support for SB 85

I own and administrate an online discussion forum that represents a very large cross section of Alaskan motorized vehicle users (over 2100 of members and growing daily) and am writing to express my interest and support of the great opportunities that SB 85 will provide to Alaskan outdoor enthusiasts. As an avid outdoorsman and motorized vehicle user, I believe this bill will allow this and future generations of Alaskans unparalleled access to the great resource we love so much, Alaskan Wilderness!

If there is anything I can do to help, please contact me.

Sincerely,

Brook Green  
[www.alaska4x4network.com](http://www.alaska4x4network.com)  
P.O. Box 532  
Soldotna, AK 99669  
(907)-776-8899 Home  
(907)-398-3569 Cell

**Lesley Bullock**

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**From:** Arleta & Pat O'Connor [patarleta@gci.net]  
**Sent:** Wednesday, March 01, 2006 6:31 PM  
**To:** Rep. Jim Elkins  
**Subject:** HB85

Representative Elkins:

I would like you to support HB85 to open more land for the people of Alaska. One of the big problems of the state is a very large part of the state land is restricted to public use (Parks, scenic rivers, wilderness and Federal lock-up).

I also support the work on the Stampede Road out of Healy. I can remember in 1971 when it was not much more than a goat trail. The first 6-8 miles was rebuilt and residents and businesses moved in. Now, they are the same people that oppose the next 5 miles of improvement.

Respectfully,  
Patrick O'Connor  
PO Box 3687  
Palmer, AK 99645

**Lesley Bullock**

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**From:** Patti & Kenny Barber (pkbarber@alaska.net)  
**Sent:** Wednesday, March 01, 2006 5:46 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Carl Gatto; Rep. Vic Kohring; Rep. Mark Neuman; Rep. Bill Thomas; Rep. Woodie Salmon;  
Rep. Mary Kapsner  
**Subject:** SB 85

Dear Members of the House Transportation Committee,

I am writing to express my support of Senate Bill 85, a bill to repeal the ban of Off-Road Vehicles in the Dalton Highway Corridor. Access has been denied to many user groups not just motorized users looking for a hunting experience, but elderly people and handicapped people have been denied from using a vehicle to access the area beyond the highway. Therefore, I support the passage of Senate Bill 85.

Kenny Barber  
17367 E Melin Rd  
Palmer, Ak 99645  
907 745-4446

**Lesley Bullock**

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**From:** Joseph Fanslau [sacker1998@yahoo.com]  
**Sent:** Wednesday, March 01, 2006 5:18 PM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Mary Kapsner; Rep. Vic Kohring; Mark Newman; Rep. Woodie Salmon; Rep. Bill Thomas  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* SB85

I have been following the progress of this bill for a short while, and as a member of Fairbanks' local off-roading and 4x4 vehicle club Arctic Offroad [www.arcticoffroad.com](http://www.arcticoffroad.com). I am very interested in the outcome, as are most of the members of this club. We foster responsible offroad practices, and we are members of Tread Lightly!, an organization dedicated to teaching and upholding responsible activities while driving, camping, and hunting in the wild, including 4x4 offroad vehicle usage.

I also have further interest in the opening of this area for public access as I am currently enrolled at the University of Alaska, Fairbanks and will soon be graduating Magna Cum Laude with a Bachelor's of Science degree in Geology, and this would allow me to conduct personal research in this area without requiring a permit. I strongly suggest that you consider carefully the issues put forth with the signing of this bill and hope that you all come to a positive conclusion that benefits all Alaskans.

Sincerely,

Joseph S. Fanslau

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Yahoo! Mail  
Bring photos to life! New PhotoMail makes sharing a breeze.

**Lesley Bullock**

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**From:** Joseph Fanslau [sacker1998@yahoo.com]  
**Sent:** Wednesday, March 01, 2006 5:13 PM  
**To:** Rep. Carl Gatto  
**Cc:** Rep. Jim Elkins  
**Subject:** SB85

I have been following the progress of this bill for a short while, and as a member of Fairbanks' local offroading and 4x4 vehicle club Arctic Offroad [www.arcticoffroad.com](http://www.arcticoffroad.com) I am very interested in the outcome, as are most of the members of this club. We foster responsible offroad practices, and we are members of Tread Lightly!, an organization dedicated to teaching and upholding responsible activities while driving, camping, and hunting in the wild, including 4x4 offroad vehicle usage.

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Sincerely,

Joseph S. Fanslau

---

Yahoo! Mail  
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**Lesley Bullock**

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**From:** Ron and Nancy Alien [ronandnancy@gci.net]  
**Sent:** Wednesday, March 01, 2006 12:31 PM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner  
**Subject:** SB 85 Support

Dear Representatives,

I am conveying my support of SB 85 for opening up land along the Dalton Highway for off road vehicle use. I believe that access rules can be developed to mitigate game and environmental concerns voiced by those opposed to the bill while making publically owned lands truly accessible to the public as they should be. The present five mile restriction unfairly discriminates against the majority of citizens who are physically unable to hike and transport game five miles off the highway in order to hunt.

Here are some suggestions: Possible restrictions could include ATV use permits, use of marked trails only, speed limits, restriction of chains, horsepower/weight limits, etc. Fee boxes such as those used at state boat launches could be placed at trail heads to collect trail maintenance fees, track use information, and aid enforcement officials.

Sincerely,

Ronald Allen  
1288 Rangeview Drive  
North Pole, AK 99705

907-488-3965  
ronandnancy@gci.net

**Lesley Bullock**

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**From:** Heuer, Raymond H Mr MEDDAC-AK [Raymond.Heuer@us.army.mil]  
**Sent:** Wednesday, March 01, 2006 11:36 AM  
**To:** ak.us; Rep\_Mark\_Newman@legis.state.ak.us; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner; Rep. Carl Gatto; Rep. Jim Elkins  
**Subject:** SB 85, Support

My name is Raymond H. Heuer I live at 1303 Denaliway, Fairbanks, AK 99701, and I support SB 85.

I moved to Alaska in December 1997. Since then I have hunted the Dalton corridor more than twenty times for various species. I have two young children that I would love to take up above the Brookes Range to go hunting, but they cannot handle the rigors of this region without the use of a motorized land vehicle. To expect a twelve year old boy or an eight year old girl to hike more than five miles off of the road and pack out even half of a caribou or dall sheep is unreasonable. Further more I can no longer participate in this hunt since being injured in the military (My back can not handle the abuse of hiking more than 5 miles and packing out an animal). I have several other friends that are disabled Veterans that also can not use this area without the use of motorized land vehicles. This means that over 3,570 square miles of Alaska is inaccessible to users that are not physically capable of using this area without the use of ATV's.

There currently are access exceptions available to use ATV's and ORV's in the Dalton corridor if you are a resident of the area or have a mining claim in the corridor. The use of ATV's and ORV's allows for the management of the mineral resources as is directed by constitution. Allowing ATV and ORV use for the management of the remaining resources, and for recreational use only makes sense. If you do nothing but allow for corridors of access this would serve the purpose without allowing for the potential for damage to the ecosystem. The use of snow mobiles in the winter would likely result in minimal impact to the ecosystem if any at all.

In short I would like to see this law passed. Thank you for your consideration and your time.

Alaskan Resident and Resource User  
Ray Heuer

**Lesley Bullock**

---

**From:** Tony Russ [aruss@pobox.mtaonline.net]  
**Sent:** Wednesday, March 01, 2006 8:09 AM  
**To:** Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep\_Mark\_Newman@legis.state.ak.us;  
Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner  
**Subject:** SB 85: Off-Road Vehicle Use on the Dalton Hwy

Regarding SB 85;

As a 50-year Alaskan outdoorsman I do have some reservations about this bill, because of the actual guidelines once it is passed. In general I think it is a good thing for us Alaskans who love the outdoors, so I WOULD LIKE YOU TO SUPPORT THIS BILL. I hope to think, and I am pretty sure this will happen, that responsible, wise persons would be on the planning committee to make sure the fragile Alaska tundra and forests will be protected by appropriate regulations regarding use of ORV on any new lands open to such. Wise stewardship of our lands is as important as our justifiable use of the land.

Tony Russ - "Guiding You to Success in the Alaskan Outdoors"  
Author, Publisher, Speaker, Consultant, Guide, Hunting Authority  
tony@TonyRuss.com http://www.TonyRuss.com, fax 907-373-6474  
Northern Publishing, P.O. Box 871803, Wasilla, AK, 99687 Be sure to check out our  
UPCOMING TITLES

**Lesley Bullock**

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**From:** James Bowden [jbowden@acsalaska.net]  
**Sent:** Wednesday, March 01, 2006 7:00 AM  
**To:** 'James Bowden'; Rep. Jim Elkins; Rep. Carl Gatto; Rep. Vic Kohring; Rep. Bill Thomas; Rep. Woodie Salmon; Rep. Mary Kapsner  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* RE: HB85

2<sup>nd</sup> transmission

---

**From:** James Bowden [mailto:jbowden@acsalaska.net]  
**Sent:** Wednesday, March 01, 2006 6:54 AM  
**To:** 'Rep\_Jim'; 'Rep\_Carl'; 'Rep\_Vic'; 'Rep\_Mark\_Newman@legis.state.ak.us'; 'Rep\_Bill\_Thomas@legis.state.ak.us'; 'Rep\_Woodie\_Salmon@legis.state.ak.us'; 'Rep\_Mary\_Kapsner@legis.state.ak.us'  
**Subject:** HB85

Representatives –

We respectfully submit the following comments in support of HB 85. We believe that the Dalton Highway Corridor should be open to motorized access of public lands and that the ban should be repealed.

James and Earlina Bowden  
2360 Inclination Drive  
Fairbanks, Alaska 99709

**Lesley Bullock**

---

**From:** Jerry Dixon [js2dixon@hotmail.com]  
**Sent:** Monday, February 27, 2006 9:20 PM  
**To:** Rep. Jim Elkins  
**Cc:** Rep. Bill Thomas  
**Subject:** SB 85 and Dalton Highway and ORV use

Dear Representatives,

I ask that you vote against SB 85 which would have very negative effects in the area of the Dalton Highway. SB 85 would repeal restrictions on off-road vehicle (ORV) use within the five mile corridor surrounding the Dalton Highway north of the Yukon river, thereby opening delicate tundra ecosystems to joyriders and ATV hunters.

This is an area that is familiar to me as I lived in the NW Arctic for seven years and as a smokejumper fought fire there.

Law enforcement in the area is already strained, with the entire corridor and surrounding lands patrolled by a single Trooper. Allowing unrestricted ORV access could potentially result in increased vandalism, human-caused fires, and hunting pressure. Fish and Game also only has one individual to patrol the vast 78,000 square mile area that includes the Dalton Highway.

SB 85 would also be ecologically devastating. As Wiseman residents and tundra biologists have testified, a single ORV track can wreak havoc on tundra and permanently alter vegetation and drainage patterns.

I live just outside Seward and ORV/ATV run rampant in this area. We have one Trooper that is responsible for 100 miles of Seward and Sterling Highways and all subdivisions outside Seward. The scoflaws ride anywhere, anytime they want. We have ATV's riding in Seward, on the school grounds and on our trails (all of which is illegal). If our Troopers are stretched so thin that responding to scoflaw ATV in a subdivision near Seward is difficult, what kind of enforcement can you expect on the Dalton. Even though our Alaska State Troopers are world class, there is no way that vast area can be patrolled.

Additionally, SB 85 breaks a long-standing promise with area residents, who were told access would stay restricted to protect their subsistence resources and livelihood. As Sen. Hollis French noted when he objected to SB 85's passage out of the Senate Transportation Committee, SB 85 even fails to define what an ORV is, opening up the doorway for Humvees and any other type of vehicle to drive across the delicate tundra.

Thank you for voting NO on this bill. Sincerely, Jerry S. Dixon Box 1058 Seward, Alaska 99664

907 224-5844

Jerry S. Dixon Biologist/Teacher of the Gifted

Science Advisory Committee Alaska SeaLife Center

1997 McAuliffe Fellow 2001 BP Teacher of the Year

USFS/BLM/NPS smokejumper/FMO/fire ecologist (Ret.)

Co-Chair Representative Jim Elkins  
State Capitol, Room 416  
Juneau, AK 99801-1182  
907-465-3424  
800-303-2455  
fax: 907-465-3793  
Rep\_Jim\_Elkins@legis.state.ak.us

Representative Bill Thomas  
State Capitol, Room 428  
Juneau, AK 99801-1182  
907-465-3732  
888-461-3732  
fax: 907-465-2652  
Rep\_Bill\_Thomas@legis.state.ak.us

Representative Reggie Joule  
State Capitol, Room 405  
Juneau, AK 99801-1182  
907-465-4833  
800-782-4833  
fax: 907-465-4586  
Rep\_Reggie\_Joule@legis.state.ak.us

# **THE WILDLIFE SOCIETY**

## **ALASKA CHAPTER**

**P.O. Box 242454  
Anchorage, Alaska 99524-2454**



**February 24, 2006**

**Re: Senate Bill 85  
Off-Road Vehicle Use on Dalton Highway**

**Dear Representative Elkins:**

The Alaska Chapter of The Wildlife Society opposes Senate Bill 85 (SB 85) that if passed, would repeal Alaska Statute 19.40, Section 19.40.210: "Prohibition of off-road vehicles. Off-road vehicles are prohibited on land within five miles of the right-of-way of the [Dalton] highway."

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

SB 85 is a poorly conceived and unfunded bill that if passed, will:

- nullify a law that represents one of the most important habitat protection statutes tied directly to the exploration, development, production, and transportation of petroleum resources in Alaska;
- result in unacceptable disturbance and displacement of wildlife and degradation of wildlife habitat;
- change the fundamental nature of a unique and irreplaceable highway corridor where the public may see muskox, Dall sheep, grizzly bears, caribou, and other wildlife;
- remove an effective mitigative measure for petroleum development within the range of the nationally scrutinized Central Arctic caribou herd;
- fail to provide critical financial support to state and federal agencies to:
  - implement a public-planning process to assure protection of the public and fish, wildlife, and habitat resources;

- allow development of management plans that reflect consideration of a suite of alternatives and the preferred alternative determined by Alaska residents;
- enforce regulatory measures designed to ensure public safety and the protection of natural resources; and,
- initiate environmental monitoring and adaptive management plans to avoid unnecessary degradation of wildlife populations and wildlife habitat.

The existing Dalton Highway Corridor Management Area has provided for both public access and protection of habitat and wildlife for three decades.

SB 85 would repeal a law that has effectively provided wildlife habitat protection for ungulates, grizzly bears, Dall sheep, and migratory birds for 30 years, concurrent with allowing recreational and subsistence hunting and world-class wildlife viewing to the public. SB 85 will increase the number of hunters by allowing mechanized transport via off-road vehicles (ORVs) and snow machines to access lands open to rifle hunting beyond the Dalton Highway corridor. ORV access will result in significant scarring and erosion of both tundra and wetland habitats as seen near the Denali, Steese, and Taylor highways. Importantly, the public currently has access to these lands for hunting and scenic viewing opportunities.

ORV access will disturb and displace wildlife in and adjacent to the Dalton Highway Corridor Management Area (hereafter, Dalton Corridor), particularly on coastal tundra habitats. During winter, human-caused disturbance can cause critical energy loss in ungulates during direct flight, displacement from preferred habitat, or indirect physiological stress. Severe disturbance that reduces fat reserves in pregnant cows in the Central Arctic, Ray Mountain, and Teshekpuk Lake caribou herds could lower productivity due to higher calf mortality and susceptibility of adults to predation. Cumulative effects of increased disturbance from ORVs, potential increased harvest, adverse weather, and disturbance from current and proposed oil and gas development could lead to a population decline in the Central Arctic Herd, likely subverting years of careful management to maintain the herd within population objectives that allow a sustainable harvest.

The Dalton Corridor provides world-class viewing opportunities for wildlife, particularly in open terrain north of the Brooks Range. The Arctic Interagency Visitor Center in Coldfoot reported a 22% increase in Dalton Highway travelers since 1994, with 31% of the 8,600 visitors in 2004 on commercial guided tours. It is likely that several thousand visitors continue north to Deadhorse each summer to view arctic scenery and wildlife. The Dalton Highway provides the unique opportunity to view wild muskoxen, as well as grizzly bears, wolves, wolverines, caribou, moose, Dall sheep, and arctic-breeding

waterbirds and raptors. The Alaska Chapter believes the risk of ORVs displacing wildlife and degrading this viewing resource for residents and visitors to Alaska is unacceptable.

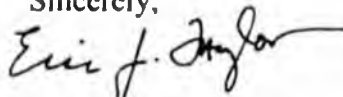
The current Dalton Highway Management Plan allows hunting opportunities beyond compare to any other region in the State or Nation.

Hunters have been accessing the Dalton Highway corridor for archery hunting and areas beyond the corridor for rifle hunting without the use of motorized vehicles since the early 1980s. Allowing motorized access to these lands will disrupt bowhunters within the corridor and increase competition for those already accessing hunting areas outside of the corridor by foot, ski, dog team, horse, aircraft, and boats on navigable rivers.

Archery hunting for caribou is popular in the Dalton Corridor because of a long season, liberal bag limit, and lack of competition from hunters on ORVs and snowmachines. The harvest objective for the Central Arctic Herd is 600-800 caribou. In 2004-05, 965 hunters hunted in Game Management Units 26B-C, and harvested 613 caribou. Bowhunters accounted for 36% of reported harvest. We predict the long-term and net effect of increasing motorized access through the Dalton Corridor will be restricted seasons and bag limits adjacent to the corridor to ensure sustained yield of these populations.

In summary, The Alaska Chapter opposes SB 85 because of the unacceptable risks of disturbance and displacement of wildlife and degradation of wildlife habitat, the unrealistic time frame to develop adequate planning, and because of the absence of funding provisions required to enforce regulations and implement adaptive management to protect wildlife and habitat resources. We appreciate the opportunity to comment. If you have questions regarding any of the comments in this letter, please contact me at 301-897-9770 or via electronic mail at [eric@wildlife.org](mailto:eric@wildlife.org).

Sincerely,



Eric J. Taylor, Ph.D.

President, Alaska Chapter of The Wildlife Society

cc.

Edward Itta, Mayor, North Slope Borough  
Henri Bisson, State Director, U.S. Bureau of Land Management  
Rowan Gould, Regional Director, U.S. Fish and Wildlife Service  
Michael Menge, Commissioner, Alaska Department of Natural Resources  
McKie Campbell, Commissioner, Alaska Department of Fish and Game  
Mike Barton, Commissioner, Alaska Department of Transportation and Public Facilities  
Brian Barnes, Director, Institute of Arctic Biology, University of Alaska Fairbanks

## Lesley Bullock

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**From:** John Lyle [kayak@gci.net]  
**Sent:** Thursday, March 02, 2006 9:12 AM  
**To:** Rep. Reggie Joule  
**Cc:** Rep. Carl Gatto; Rep. Bill Thomas; Rep. Jim Elkins  
**Subject:** SB85

Dear Sirs,

I testified against SB 85 last year in Fairbanks, where overwhelmingly folks spoke out against SB 85 for many well-founded reasons, but apparently even with similar negative responses from Alaskans from Eagle River to Coldfoot to Nome to Barrow, legislators continue to push this terrible piece of legislation. What about this don't you understand? People do not want the Dalton Corridor trashed by ATV's. Period. Not only that, the presence of ATV's will push game farther and farther away, requiring more resources to reach them, producing more damage to fragile soils and vegetation, dangerously coming close to the borders of National Wildlife Reguges, creating more emergency situations for troopers and rescue teams, producing more trash and refuge, creating additional scars from campsites and on and on...

Really Gentlemen, I am astounded that some in the legislature continue to push such a ridiculous bill despite such strong opposition from so many hunters and biologists who know and study this land. With so much of the state already open to ATV's, opening this fragile corridor will ultimately be a great disservice to future Alaskans. Sure, some few may benefit in the short term, but the long-term benefit will be negligible, if not absent altogether.

When I lived and hunted in Gaathdon Takatlee Tondin on the Middle Yukon River (Kaltag), we experienced negative results from increased hunting traffic from Fairbanks and the military bases in the Interior, with increases of waste piles of meat left after sport hunters took the head and rack and left the rest. Though the Kaiyuh was not so much impacted by ATV's, the sudden influx of hunters had a noticeably detrimental effect on local subsistence hunters from Ruby to Nulato to Kaltag and beyond. There's no way that the villages in and near the Dalton would not also experience similar negative effects should SB 85 become law.

Please think hard about this. It's an unwise bill. It might be supported by vocal hunting rights people, but it is NOT in the interests of healthy, sustainable game populations. Thank you for your time, and I hope you make the right decision here. There's a lot at stake.

Sincerely,

John D. Lyle  
Box 83715  
Fairbanks, AK  
99708

**Jennifer Baxter**

---

**From:** Thor Stacey [thorstac\_y@yahoo.com]  
**Sent:** Monday, February 27, 2006 4:34 PM  
**To:** Jennifer Baxter  
**Subject:** Request for teleconference

Dear Jennifer,

my name is Thor Stacey and I'm writing you to try and schedule a call to Representative Elkins. I had the opportunity to meet representative Elkins last March in Juneau and we had a good talk. The purpose for my visit and for my call is to talk about Senate Bill 85, the repeal of the ban on ORVs north of the Yukon off of the Dalton Highway.

I'm a year round resident of Wiseman, we are 3 miles from the Dalton, and this bill will have a impact on my life. I would appreciate Representative Elkins time and a chance to catch up with him on this issue. I plan to send a similar e-mail to Representative Gatto, I was unable to meet with him last year, I would be willing to talk to both of them at the same time if that could be scheduled. Wiseman is a long way from Representative Salmon's part of his district so we are kind of on our own here, I would really appreciate your forwarding my request to Representative Elkins. Also, I have information to provide the Transportation committee and I would like to know who to forward that too.

Currently I'm working at a gold mine 8 miles from Wiseman, in Nolan creek, I'm on nite shift. My work schedule is 7 PM to 5 AM seven days a week. I'm available to talk on the phone from 8 AM to 9 AM and from 3 PM to 5 PM. If these times don't work I will wake up at any time of the day to follow through with this. Jennifer I appreciate your time and I hope to talk to you soon. Best wishes...Thor

---

Yahoo! Mail

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**Jennifer Baxter**

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**From:** Ben and Lisa [BushWings@StarBand.net]  
**Sent:** Monday, March 06, 2006 7:39 PM  
**To:** Rep. Jim Elkins  
**Subject:** SB 85

Please vote to keep the five mile buffer on the Haul Road intact, and keep it off-limits to 4-wheelers.  
Tundra and wildlife recover too slowly from unlimited ATV impacts.

Lisa Stevenson  
PO Box 1222  
Chickaloon, AK 99674  
907-232-4620

3/7/06

**Representative Jim Elkins - Transportation  
State Capitol Room 3  
Juneau AK 99801-1182**

Received

MAR 13 2006

Office of Rep. Elkins

Please find enclosed comments regarding the Seward Highway!  
*Thank you for your consideration!*

*Linda M. Herr*

Linda Herr  
PO Box 1368  
Girdwood, AK 99587-1368

## **SEWARD HIGHWAY COMMUNITY MEETING WRITTEN COMMENTS**

As a resident of Bird Creek, Alaska and frequent traveler on the Seward Highway, I wish to express my utter disbelief that our State Government or State Transportation Officials have taken the \$122 million allotted to Seward Highway Turnagain Arm improvements. The safety issues on this highway are of extreme importance to any and every one who travels this highway. They are of more serious consequence than any new bridge work. The number of people who are being killed, and hurt on this stretch of highway is inexcusable and the monies **MUST** be used to improve highway conditions. **WE ARE VERY TIRED OF LOSING OUR FRIENDS, FAMILY AND NEIGHBORS TO THIS ROAD AND THE DRIVERS ON IT.**

**\$122 FUNDING SHOULD BE IMMEDIATELY RETURNED TO THIS HIGHWAY PROJECT. FUNDING SHOULD ALSO BE PROVIDED FOR. ANY MONIES FOR "BRIDGES TO KNIK ARM OR KETCHIKAN-GRAVINA" MUST GO UP FOR VOTES BY ALL VOTING ALASKANS. IF THE FUNDS ARE NOT TO BE USED ON THE POTTER TO INDIAN SECTION THEY MUST BE USED TO ACCOMMODATE THE FOLLOWING SAFETY ISSUES.**

I attended the January 11, 2006 Seward Highway Community meeting in Girdwood. I agree with many there regarding:

### **DIVIDED HIGHWAY – SPLIT LEVEL At Least from Mile 104 south to Mile 98**

It IS ESSENTIAL that the highway be divided to minimize cross over killings. The split-level idea of putting the outgoing traffic lane down towards the Inlet along the railroad is the VERY BEST idea for this area from Indian south past Mile 98.

### **TURNAGAIN PASS**

More has to be done to prevent the excessive number of accidents at the Pass (Miles 70-80.)

### **SPEED LIMIT**

There should be a **WINTER** driving speed of 55 miles per hour.

Special areas should be marked as **SAFETY CORRIDORS**. Those that have had several accidents close to them, those that are tourist bottlenecks (for instance - the area near Windy where everyone stops to see the sheep up on the rocks; Potter Marsh- especially when the baby ducks are crossing) areas where traffic is exiting and entering the highway (for instance - Bird through Indian), the curve at Rainbow. **Speed must BE REDUCED** in these special corridors and tickets should be seriously increased for any infraction, say over 3 miles per hour.

Because of the dark, shades of gray along Turnagain Arm and throughout most of Alaska, **MANDATORY HEADLIGHTS THROUGHOUT ALL OF ALASKA IS CRITICAL! SERIOUS FINES MUST BE GIVEN TO ANYONE WITHOUT THEIR HEADLIGHTS ON – ON THE SEWARD HIGHWAY!**

### **SIGNAGE IMPROVEMENTS**

That there be Warning Signs and Reflectors posted regarding **BLIND CORNERS**.

That the **PULLOUTS** be "advertised" with better signage. Many of the current pull-outs are fine for sight-seers. However most of the larger ones are useless for those instances when slow drivers are holding up traffic. Drivers cannot tell where the pull-out begins, they have to slow down to about 35 mph to pull in to many of them, drivers are too afraid to slow down that fast (beside it being crazy to do so) with all the traffic piled up behind them. So they just continue driving.

**The MOST important pull-outs to advertise (good signage) and LIGHT** are those that the driver can see the highway behind them for a long distance to be able to pull back out (otherwise he may pull out before another long line of traffic or pull-out from a place where he can't see on-coming traffic approaching.) Falls Creek is such a good pull-out (when going North) however it is almost impossible to see that pull-out, the right lane where you pull out is very dark and hard to identify where the actually pull-out portion begins. Several of these type of pull-outs (those that afford a good view of on-coming traffic from the rear) need to be well-identified (signage), lighted and have lots of reflectors to guide the slow drivers in to them.

**Some good pullouts to light** - If going North (these are ones that have good visibility of traffic coming up from the South so you have room to safely pull out and also to safely return to the highway.) These are all on the right side going North:

- \*The pull out near Mile Post 108
- \*There is a good open space at Mile 109 that would make a good pullout
- \*Pull out near Mile post 110
- \*There is one just before Mile 111 and another one just before McHugh Creek
- \*The pull out after the curve at 113 and the next pullout after that.

#### **EXISTING BILLBOARDS**

The hugely expensive electronic billboard at Potter is rarely being used. The Mat-Valley – Chugiak board either.

- Emergency messages listed on them should identify the Miles (or other locations of distress.) Current messages often read something like "Highway is extremely icy."

- Location should be specified. These messages often refer to conditions at "The Pass". If drivers leaving Anchorage haven't seen much ice on the highway all the way to Portage, they aren't paying attention to it when they get to The Pass.

A Billboard coming from the south on the highway is also necessary. Something like "Black ice on Highway – especially at Mile 100" might have saved those Anchor Point people the other day.

- As soon as any traffic tie-up occurs, the signs should be posting the location and approximate delay time and whether you are able to "get thru" even if your speed is reduced.

Billboards, when not identifying traffic and emergency conditions should be used to keep constantly remind people of the consequence of their driving.

- Fatality statistics should be posted frequently. How many killed this month, this year. How many killed on a specific stretch of road. Names of people killed – with... Mother of 3 children; long-time resident of Girdwood; Trooper (name); whatever to make it more "real" or "Don't kill my friend today." "Don't kill my mother today!"

- Have Fish & Wildlife suggest some seasonal reminders – ("Potter- Baby ducks are out this week- please drive slowly- not to squish them." ("Potter- Gulls are back! Watch out for low-flying birds this week!" ("Bird Creek -High Moose Traffic this week, this month" (during seasons or in areas where they are seen more frequently than other times.) ("Windy- Salt lick time –Watch out for Sheep on the road.

Signs on highway that read "Call "Report Emergency Driving Conditions! Call (phone #)" so that drivers can report issues quickly and the information be posted on the billboard.

Signs that read "Report Dangerous Drivers! Call (phone #)".

**MORE Mile Markers** are needed- along the entire Seward Highway.

**GIRDWOOD**

The State seems to be intent on bringing hundreds of thousands of people to Girdwood each summer and now intends on developing more of Girdwood for more residents. They are NOT TAKING THE STEPS necessary to build the proper infrastructure to support these changes. Road safety issues from Anchorage to Girdwood MUST be greatly improved to accommodate these changes. **The State MUST provide the funding necessary to do so.**

**I IMPLORE THOSE THAT REPRESENT US IN ALASKA TO DO WHATEVER IT TAKES TO MAKE SURE THESE CONSIDERATIONS ARE MADE REGARDING OUR SEWARD HIGHWAY AND THE LIVES OF THOSE WHO DRIVE IT. NO OTHER ISSUES ARE OF AS GREAT IMPORTANCE.**

**I GREATLY APPRECIATE THE EFFORTS OF REP. MIKE HAWKER IN FIGHTING FOR THE \$122 MILLION STATE TRANSPORTATION OFFICIALS STRIPPED FROM THE SEWARD HIGHWAY PROJECT.**

If funding is needed for "Bridges" let Governor Murkowski sell his plane. (Maybe he wants to travel by plane because he knows how unsafe our roads are.) Why should our people be forced to live with unsafe roads while he purchased a plane disregarding the Alaskan voter's opinion at our expense? **GIVE US BACK OUR MONEY!!!!**

I greatly appreciate the work of the Troopers. It is very obvious from the increase in calls (I believe that Anchorage Trooper Starbard said Girdwood community calls for assistance had increased from 27,000 to 33,000) that the GIRDWOOD community is in greater need of another Trooper. One for the community issues and one for the highway issues.

Thank you Bill Chadwick, Chief of Girdwood's Fire Department, Jim Doepken, Girdwood Minister and Troopers for facilitating this meeting. Thank you Alyeska Day Lodge for use of your facility for this very important community meeting. Your employee, Diane Bahnson, who died on this highway in June would be pleased with your assistance on this matter of Seward Highway safety.

Linda Herr - P.O. Box 1368, Girdwood, AK 99587-1368 907-653-7725

Originally written Jan 13, 2006

3/7/06 Additional comments - Thank you to the wonderful Troopers and those who put on additional Troopers to aid in the "stepped up" trooper surveillance on the highway. They have pulled over many offenders since this was written. Also the billboard sign at Potter HAS been used to remind drivers of driving safely. But lots of cars continue to travel the Seward Highway daily with no lights on.

*Linda M. Herr*

Jim Elkins  
State Capitol Room 416  
Juneau, Alaska 99801

Dear Rep. Elkins:

I was dismayed to think that the area north of the Yukon would be opened to off-road vehicles within 5 miles of the right of way of the Dalton Highway, SB 85.


Please do not allow this abuse of the tundra. I have lived for 18 years just east of the Dalton Highway in a small cabin on Bob Johnson Lake and know the kind of destruction ATV's bring to this pristine wilderness area.

We have only one Trooper to patrol an area the size of Italy. Enforcement of the law is already a problem.

SB85 would be ecologically devastating and area residents were told long ago that access would be restricted assuring protection of subsistence living.

I am counting on you to see that SB 85 does not pass.

Sincerely,



Donna Lee  
Bob Johnson Lake  
Brooks Range, Alaska

And

Box 1193  
Chickaloon, Alaska  
99674

Received

MAR 17 2006

Office of Rep. Elkins

**Lesley Bullock**

---

**From:** dawn b [akaurora@hotmail.com]  
**Sent:** Tuesday, March 07, 2006 10:49 AM  
**To:** Rep. Bill Thomas; Rep. Jim Elkins  
**Subject:** Dalton Highway Bill

Dear Representatives Thomas and Elkins,

I am writing to urge you **not** to open the Dalton Highway to ATV use. I am an Alaskan resident who has driven the Dalton Highway twice. I have had the opportunity to witness incredible wildlife sightings along the Dalton Highway including mating bears within 1/2 mile of the roadway. If SB 85 passes, it will allow a 10 mile swath of tundra to be trampled by ATV's. This loss of habitat will push wildlife farther away from the road, making wildlife observations obsolete and forcing hunters to travel farther distances to find game. Clearly, this bill is bad for Alaskan wildlife, Alaskan resources, Alaskan hunters, and wildlife viewing.

Furthermore, there is no need for ATV's to destroy this fragile tundra because the area can already be accessed by motor vehicles. The only people who will initially benefit from this bill are joyriders who will tear up the tundra. But once the tundra is torn up, and the wildlife displaced, what will be the attraction? Thus, even the joyriders will lose in the end. Additionally, joyriders can easily find a better place to recreate without such a devastating impact to the environment. Allowing joyriders access while denying access to hunters and wildlife viewers, displacing wildlife and destroying tundra is not a balanced equation. Please do what is best for Alaska and Alaskans by voting no on SB 85.

**PLEASE DO NOT ALLOW ATV ACCESS ON THE DALTON HIGHWAY.** Once this corridor is open, the Dalton Highway will never be the same and a beautiful driving tour will be gone forever. Please don't allow this to happen on your watch. Thank you for your time and please vote responsibly.

Sincerely,  
Dawn Bragg  
Wasilla, AK

**Lesley Bullock**

---

**From:** Jennings Michael J DA Police CPT FRA [michael.j.jennings@us.army.mil]

**Sent:** Tuesday, March 07, 2006 11:05 AM

**To:** Rep. Jim Elkins

**Subject:** SB 85

Representative Elkins, Was curious to outcome of the vote on SB 85, lifting the ban on off road vehicles along the Dalton Highway. Mike Jennings

**Lesley Bullock**

---

**From:** Joshua Hejl [halejosh@hotmail.com]  
**Sent:** Monday, March 06, 2006 5:11 PM  
**To:** Rep. Jim Elkins; Rep. Bill Thomas  
**Subject:** Dalton Highway.

Dear Representatives Elkins and Thomas,

As an Alaska Native I am saddened to think that more of Alaska's wilderness may be opened to the use of ATV's. As a hunter and an advocate of the environment, I understand the issues present. I am also very aware of the destruction that ATV's cause land.

Especially ecologically sensitive land such as that in Northern Alaska. Trails quickly become swamps and soon a myraid of trails exist cutting a widemud swatha across what was once a pristine area. Voting against opening up ATV use along the Dalton Highway is a good idea not only for the environment but also for Alaska's economy, environment, and hunters, but also for those to come after us. At 23 I would like to be able to enjoy The Last Frontier into my retirement. Thank you for your concern, responsibility, and decision to vote correctly on difficut issues.

Joshua C. Hejl

**Lesley Bullock**

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**From:** Delight Rose [drose@gci.net]  
**Sent:** Monday, March 06, 2006 2:40 PM  
**To:** Rep. Jim Elkins  
**Subject:** SB 85 NO

Representative Jim Elkins,  
I strongly urge you to vote NO on SB 85. It is totally ridiculous to open up land along the Haul Road to ATV travel.

The main reasons to vote NO are:

1. Avoid damaging this extremely fragile environment
2. Security, how the heck could the government protect the pipeline from all the people who would now have access via ATVs?

Vote No on SB 85.

Delight Rose  
P.O.Box 1168  
Palmer, AK 99645

**Lesley Bullock**

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**From:** Steve Charles [mcharles@ak.net]  
**Sent:** Monday, March 06, 2006 1:26 PM  
**To:** Rep. Jim Elkins  
**Subject:** Senate Bill 85

Rep. Elkins,

Senate Bill 85 which would open up the Dalton Highway corridor to motorized use, is the absolutely wrong way to manage this area.

I have seen repeatedly around my home in Willow that damage done by ATV use in wetland areas. That same type of use and degradation in the fragile area around the corridor would not only make hunting more difficult for subsistence and sport hunters, but would show the world that the State cannot manage resources prudently. It would be an ethical collapse on the part of the State.

Please circular file this SB 85 now. Thank you.

Steve Charles  
Willow, AK

**Lesley Bullock**

---

**From:** Howell Powder [powder80@gci.net]  
**Sent:** Monday, March 06, 2006 1:21 PM  
**To:** Rep. Jim Elkins; Rep\_Bill\_Thomas@legis.state.ak.us\_  
**Subject:** SB 85

THE DALTO HWAY CORRIDOR SHOULD REMAIN CLOSED TO ALL ATV AND OFF ROAD VEHICLE USAGE. I WORKED THRU THE 1980'S BETWEEN PUMP 1 AND DIETRICH CAMP I AND AM WELL AWARE OF THE POTENTIAL DAMAGE THAT CAN OCCUR FROM ATV USE. THIS IS A FRAGILE AREA AND SHOULD BE PROTECTED. HAVING ALSO CARIBOU HUNTED THRUOUT THIS APEA FOR 25 YEARS THERE IS NO NEED TO ACCESS THIS AREA BY OFF RAOD VEHICLES. IT WOULD BE A SAD DAY IF THIS AREA TURNED INTO ANOTHER DENALI HWAY WITH ALL THE OFF ROAD VEHICLE DAMAGE.

THANK YOU FOR YOUR TIME

HOWELL POWDER

**Lesley Bullock**

---

**From:** Erik Gutgesell [erikgutgesell@yahoo.com]  
**Sent:** Friday, March 03, 2006 4:11 PM  
**To:** Rep. Berta Gardner; Rep. Beth Kerttula; Rep. Bill Stoltze; Rep. Bill Thomas; Rep. Bob Lynn; Rep. Bruce Weyhrauch; Rep. Carl Gatto; Rep. Carl Moses; Rep. David Guttenberg; Rep. Eric Croft; rep\_ethan\_burkowitz@legis.state.ak.us; Rep. Gabrielle LeDoux; Rep. Harry Crawford; Rep. Jim Elkins; Rep. Jim Holm; Rep. John Coghill; Rep. John Harris; Rep. Kevin Meyer; Rep. Kurt Olson; Rep. Les Gara; Rep. Lesil McGuire; rep\_mark\_newman@legis.state.ak.us; Rep. Mary Kapsner; Rep. Max Gruenberg; Rep. Mike Chenault; Rep. Mike Hawker; Rep. Mike Kelly; Rep. Nancy Dahlstrom; Rep. Norman Rokeberg; Rep. Paul Seaton; Rep. Peggy Wilson; Rep. Pete Kott; Rep. Ralph Samuels; Rep. Reggie Joule; Rep. Richard Foster; Rep. Sharon Cissna; Rep. Tom Anderson; Rep. Vic Kohring; Rep. Woodie Salmon  
**Subject:** \*\*\*\*\*SPAM\*\*\*\*\* Senate Bill 85

As a lifelong Fairbanksan and avid outdoorsman, I oppose Senate Bill 85 and urge you to vote NO.

Thank you for your time and consideration,

Erik Gutgesell

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Tired of spam? Yahoo! Mail has the best spam protection around <http://mail.yahoo.com>



American Planning Association  
Alaska Chapter

February 14, 2006

Con Bunde,	Ben Stevens,	Les Gara,	Bob Lynn,
John Cowdery,	Gary Stevens,	Berta Gardner,	Lesil Mcguire,
Bettye Davis,	Gene Therrault,	Carl Gatto,	Kevin Meyer,
Fred Dyson,	Thomas Wagoner,	Max Gruenberg,	Carl Moses,
Johnny Ellis,	Gary Wilken,	David Guttenberg,	Mark Neuman,
Kim Elton,	Tom Anderson,	John Harris,	Kurt Olson,
Hollis French,	Ethan Berkowitz,	Mike Hawker,	Jay Ramras,
Lyda Green,	Mike Chenault,	Jim Holm,	Norman Rokeberg,
Gretchen Guess,	Sharon Cissna,	Reggie Joule,	Woodie Salmon,
Lyman Hoffman,	John Coghill,	Mary Kapsner,	Ralph Samuels,
Charlie Huggins,	Harry Crawford,	Michael Kelly,	Paul Seaton,
Albert Kookesh,	Eric Croft,	Beth Kertula,	Bill Stoltze,
Donny Olson,	Nancy Dahlstrom,	Vic Kohring,	William Thomas, Jr.,
Ralph Seekins,	Jim Elkins,	Pete Kott,	Bruce Weyhrauch
Bert Stedman,	Richard Foster,	Gabrielle Ledoux,	

Re: **SB 85** ---Senator Seekins Bill to remove prohibition on the use of certain off-road vehicles within five miles of the right-of-way of the Dalton Highway.

Dear Alaska Legislator,

I am writing on behalf of our Board of Directors, and as president of the Alaska Chapter of the American Planning Association (APA), to **oppose SB 85** and urge the Legislature to continue to keep Sec. 19.40.210. (Prohibition of off-road vehicles) as currently written.

The Alaska Chapter is a state chapter of the American Planning Association (APA) serving planners and planning commissioners in Alaska. APA is a nonprofit public interest and research organization committed to good planning. APA and its professional institute, the American Institute of Certified Planners, advance the art and science of planning to meet the needs of people and society. The Alaska Chapter, with over 120 members, strongly **endorses sound local and regional planning**, including that being done by boroughs such as the North Slope Borough.

During decades of research and planning for the 177 miles of the Dalton Highway Corridor and adjacent lands at the north end of the highway, the North Slope Borough has developed plans and zoning ordinances to protect the extensive subsistence, environmental, historical and cultural resources in the area. The Borough's Transportation Plan, which is part of its Comprehensive Plan, includes a policy to



American Planning Association  
Alaska Chapter

"continue to support Alaska Statute 19.40.210 which restricts off-road vehicle use within five miles of the Dalton Highway Corridor."

**We encourage the Legislature to respect such local plans and policies, and not to remove such protections as approved by earlier Legislatures.**

On behalf of the Board of Directors of the American Planning Association, Alaska Chapter, I respectfully request your consideration of our concerns.

Sincerely,

*John McPherson, AICP*

John McPherson, AICP  
President, APA Alaska Chapter

Testimony on SB 85, Repealing ban on ORVs in the Haul Road corridor  
By Edward S. Itta, Mayor  
North Slope Borough

House Transportation Committee  
Tuesday, May 2, 2006 – 1:30pm  
Legislative Information Office  
Barrow, Alaska

Mr. Chairman, thank you for this opportunity to share some thoughts with the committee on Senate Bill 85. It is a simple bill with a clear purpose – to open the Haul Road corridor to anyone and everyone. As public policy, I believe it is simply and clearly wrong. It is wrong in terms of history and subsistence protection and land management practices and security and public safety. I would like to quickly go through these one at a time.

The Haul Road was designed and built as an industrial supply road. It was the first road access to the North Slope, and our people were very nervous about how it might impact our subsistence traditions. In response to these concerns, Governor Jay Hammond and Mayor Eben Hopson signed a memorandum of understanding that committed the state to manage the Haul Road corridor in partnership with the borough. That may not carry much weight with some current legislators, but the spirit of that agreement was very important to us. It was the state's promise to limit use and limit impacts along the highway, and to develop any access plans together with the borough. Our people have a lot to lose from changes like SB85, and we expect the state to honor the partnership that it formed with us when the Haul Road was built.

The Dalton Highway slices through major migration routes for caribou from the Central Arctic herd and the Teshekpuk Lake herd. The Teshekpuk Lake herd is the one that is most heavily used by North Slope subsistence hunters. As you'll hear from our Wildlife Department, that herd migrates right along the Haul Road, and it will be easy pickings for hunters with access from the highway.

It's not just the increased harvest that worries our subsistence users. Traditional knowledge has taught us that it doesn't take much to seriously disrupt the caribou migrations. Anaktuvuk Pass hunters have learned over the years that if you shoot at caribou at the front of the herd, it can deflect the whole migration. For that community, a deflection in the customary migration route can affect their food supply for a whole season. All it takes is one inexperienced hunter coming off the highway to ruin it for the whole community.

A well-enforced management plan can make a big difference in protecting the animals and the subsistence hunt. But any talk of a management plan under the terms of this bill is just hot air. You can't plan for impacts or enforce a legitimate plan without spending money. With zero fiscal notes from all the agencies, the sponsor is sending a clear message – the message is that planning and management issues created by this bill are

not worth a dime of extra spending. Well, you get what you pay for. The old BLM management plan that has been promoted as a solution may be a good start, but it is only the outline of a plan. There is a lot more work to be done on it.

Even with a good plan, there is no management without enforcement, and the state will continue to have one state trooper for the entire length of the highway and one fish and game officer for the entire North Slope. Their ability to handle the increased traffic from this bill will be almost nonexistent. So what is the bottom line? More hunting, more violations, damage to habitat, and less enforcement – that will be the effect of SB 85. That is not responsible public policy.

The truth is that – if the state handles this responsibly - there will be very real and substantial costs associated with this bill. There will be planning costs to flesh out BLM's management plan. There will be enforcement costs for Fish and Game and the State Troopers, as well as local government costs for police and emergency services. This bill has fiscal notes all over it, and they should be recognized if this bill is to be considered seriously.

There are others who can address pipeline security issues better than I can. I know the pipeline will always be vulnerable to some extent, but with all the current worries about homeland security, it does not seem very wise to make the situation worse. This vulnerability also has environmental impacts. Two of the largest pipeline spills have been caused by acts of sabotage. One was a bombing in 1978 and the other was a shooting incident in 2001. We all know that al-Qacda websites have listed the pipeline as a target. If we leave more of it exposed, we are asking for more trouble.

In addition to the security issue, there are very real concerns about the availability of public safety and emergency services in the area. With more people spreading out into the corridor, there will be accidents and other problems that require police or search-and-rescue response. Again, these services are not reflected in any fiscal notes, and while the borough has a police officer stationed at Prudhoe and search-and-rescue capability based in Barrow, these services have been reduced in recent years, and we are not willing to pick up the tab for services that are the state's responsibility and are being ignored by this legislation.

As I said before, our expectations for use of the Haul Road area are based on the original partnership agreement between the state and the borough. I understand that the bill's sponsor has been criticizing us by asking the question, "Is the North Slope Borough part of Alaska or not?" My response to that question is this: We thought we were part of Alaska, but bills like this one make us wonder if the state hasn't abandoned us. We are constantly asked to be good partners in North Slope oil development, and we have been good partners. We have cooperated with careful and respectful development. We have played a larger role in promoting ANWR than any other municipality in the state. We have made many compromises, sometimes against our will and our better judgment.

But the Legislature seems to forget that partnership is a two-way street. All we are asking for here is respect for our subsistence heritage and protection of the wildlife and habitat we depend on. Is that too much to ask? I don't think so.

This bill is a slap in the face, and to us it is like being abandoned by our partners. I hope this committee will honor the partnership we formed with the state almost 30 years ago. I hope we can continue to work together on the two issues that bring us together: developing the resources we have been blessed with, and protecting the subsistence traditions that are among Alaska's most important resources.

Quyanaqpak.

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**SB**

**304**

# ALASKA STATE LEGISLATURE

## SENATE TRANSPORTATION COMMITTEE

### Committee Members

Senator Huggins, Chairman  
Senator Cowdery, Vice-Chair  
Senator Therriault  
Senator Kookesh  
Senator French



State Capitol, Room 417  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265

## MEMORANDUM

To: Representative Carl Gatto  
Co-Chair, House Transportation Committee

From: Senator John Cowdery

Date: March 20, 2006

Re: Request for Hearing, SB 304 "An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport."

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I respectfully request that SB 304 "An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport" be scheduled in House Transportation committee at your earliest convenience.

1. Sponsor Statement
2. SB 304
3. Current Ground Transportation Fee Schedule
4. Fiscal Note (DOT & PF)

If you have any questions please feel free to contact me personally, or my staff, Ryan Makinster, at 3879. Thank you for your time and consideration.

# ALASKA STATE LEGISLATURE

## SENATE TRANSPORTATION COMMITTEE

Committee Members  
Senator Huggins, Chairman  
Senator Cowdery, Vice-Chair  
Senator Therriault  
Senator Kookesh  
Senator French



State Capitol, Room 417  
Juneau AK 99801-1182  
907-465-3878  
Fax: 907-465-3265

### Sponsor Statement

#### Senate Bill 304

**"An Act relating to the privileges of airport parking shuttles and to fees or charges imposed on a person who is not a lessee or holder of a privilege to use the property or a facility of an airport."**

Under Alaska law, commercial vehicles that deliver people to the airport fall into one of six general categories: limos, tour buses, standard bus service, off airport shuttles, off airport car rental shuttles and courtesy vehicles. Depending upon the vehicle's classification, a fee is charged for what is essentially use of the airport's curb and roadway. The authority for the setting of these specific rates can be found in AS 02.15.090 which requires the fees charged to be "reasonable and uniform for the same class of privileges and services... and [to be established] with due regard to the property and improvements used and the expense of operation by the state."

At present, the rates charged by the Department of Transportation for these different vehicles to utilize the airport curb at the Anchorage International Airport varies from \$50.00 per year for a courtesy vehicle, taxi, or limo, to \$100 per year for a tour passenger vehicle, up to a maximum of \$1000.00 per year for a regularly scheduled bus.

In early 2005, the Department of Transportation proposed regulations, which would charge "off-airport valet parking services" a tax equal to 8% of their gross revenues. This change would constitute a drastic shift from the statutory language, which requires that the fees charged be "reasonable and uniform for the same class of privileges and services." While other courtesy services such as free hotel shuttles are charged a \$50 per vehicle fee, the proposal would charge free parking shuttles 8% of gross sales or \$250 annual minimum (whichever is greater). The two services are essentially the same class because both are "a free courtesy"; both offer an airport patron an off-site service and both require the same amount of accommodations on part of the Airport.

The purpose of SB304 is to clarify the law with regard to the charging of off-airport businesses who simply drop patrons at the curb or pick them up upon return and reflects the sentiment that the Department should set rates, which are based on use and not as a percentage of gross revenues. SB304 simply and specifically directs the Department that charges for usage must be consistent with other services that receive similar privileges and accommodations, may not be on a gross revenue basis and shall not have the effect of singling out one type of accommodations because it may currently or in the future compete with the airport.

**GROUND TRANSPORTATION FEES  
17 AAC 42.095**

<b>COURTESY VEHICLE, TAXI CAB</b>	<b>\$50 PER VEHICLE PER YEAR</b>
<b>LIMOUSINE</b>	<b>\$500 FOR THE FIRST VEHICLE AND \$50 FOR EACH THEREAFTER PER YEAR</b>
<b>TOUR BUS</b>	<b>\$100 PER VEHICLE PER YEAR OR \$50 PER VEHICLE PER YEAR IF LESS THAN 10 TRIPS</b>
<b>SCHEDULED BUS SERVICE</b>	<b>\$1,000 PER VEHICLE PER YR.</b>
<b>OFF AIRPORT SHUTTLE</b>	<b>\$500 FOR THE FIRST VEHICLE AND \$50 . OR EACH VEHICLE THEREAFTER PER YEAR</b>
<b>OFF AIRPORT CAR RENTAL</b>	<b>GREATER OF 8% OF GROSS SALES OR \$250 ANNUAL MINIMUM</b>

# FISCAL NOTE

**STATE OF ALASKA**  
**2006 LEGISLATIVE SESSION**

Fiscal Note Number: \_\_\_\_\_  
 Bill Version: SB304-DOT-1649-02-28-06  
 ( ) Publish Date: \_\_\_\_\_

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: DOT&PF  
 Title: Airport Parking Shuttles/Charges RDU: Aviation  
 Component: International Airport System Office  
 Sponsor: Senate Transportation Committee  
 Requester: \_\_\_\_\_ Component No.: 1649

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
-----------------------------	--	--	--	--	--	--

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

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

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill will not have a fiscal impact on the operations of the Department; however, its likely effect will be to shift a cost burden of between \$10,000 and \$200,000 from the off-site businesses to the signatory airlines that use the facilities of the International Airport System at Anchorage and Fairbanks. This is because, under the residual agreement between the airlines and the Department, the operations of the airports are revenue-neutral. Signatory airlines are obligated to pay the cost of operating the airports. Some of those costs are off-set by other airport users, such as car rental agencies and gift shops, which obtain their leases at a fair market value. If some of those sources of funds are eliminated, then the cost will be shifted to higher landing fees and terminal rental rates, and downstream to the ticket purchaser. The bill would undermine changes the Legislature enacted last year to AS 02.15.090(h) and (1) to provide the financing mechanism (customer facility charge) for the Anchorage airport rental car facility, currently under construction. The 8 percent Airport Parking Service fee is currently under administrative appeal.

Prepared by: John Manly  
 Division: Commissioner's Office DOT&PF  
 Approved by: Mike Barton, commissioner  
 Agency: DOT&PF

Phone 465-8994  
 Date/Time 2/28/06 at 11 am  
 Date 2/28/06

Budget Rent a Car of Anchorage  
An integral part of Budget System Licenses



**URGENT! URGENT! URGENT! URGENT!**

**FOR HEARING ON HB304**

**TO: Representative Carl Gatto, Transportation Committee Co-Chair**

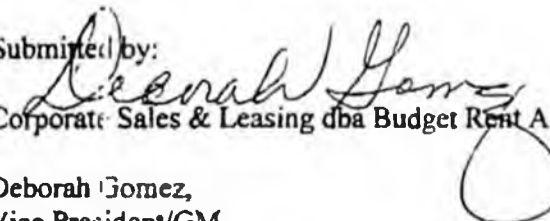
Corporate Sales & Leasing dba Budget Rent a Car in Anchorage, Fairbanks, Juneau and Kenai opposes the language to "exempt off-airport car rental companies from paying the existing "percentage of gross" fee, or 8% currently charged by the airport for the following reasons:

- The airport and the car rental industry have already created a current balance of revenue and expense which is well monitored and promotes quality service to airport passengers. Removal of the fee for off airport rental car companies will provide an unfair competitive advantage without participating in the cost of the benefits of access and marketing to airport passengers.
- The current 8% fee charged for off-airport rental customers is still less than the 10% fee charged to airport customers. A great deal of effort goes into planning to continually improve customer service at the airport, and the current car rentals existing at the airport are together working diligently to ensure quality service. The current 8% for off-airport rental companies is minimal while they do benefit from the efforts of the others who work to maintain a high quality of customer service and nice facilities at the airport.
- Any reduced revenue from this change will only be absorbed by the airlines and the existing car rental companies currently at the airport, which would result in higher rate structures for airline passengers.
- The increased competitive advantage to off-site rental companies would only encourage existing airport rental car business to move offsite, which would negatively impact revenue for airport facilities in the future.

In summary, **THE ONLY FAIR DECISION** would be to **KEEP AND MAINTAIN THE CURRENT** percentage of gross fee, which represents *competitive equity* for all involved. It would also be the **CORRECT BUSINESS APPROACH** that would be **IN THE BEST INTEREST OF THE STATE** because of the improvements to the airports and the maintenance of quality customer service and facilities borne by the car rental agencies at the airports... including generating revenues for the state to support airport operations and improvements.

We very strongly encourage you to **NOT APPROVE HB 304 AS IT CURRENTLY STANDS.**

Submitted by:

  
Corporate Sales & Leasing dba Budget Rent A Car

Deborah Gomez,  
Vice President/GM

5011 Lepus Lake Road, #101  
(907) 243-0173

Anchorage, Alaska 99502

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