

11990 SENATE RESOURCES

Mary Jackson

From: Florian Sever [zerocut@gci.net]
Sent: Monday, April 11, 2005 9:17 AM
To: Mary Jackson
Subject: Emailing: Tracks under upper Twin Lake 9 13 02 - Photo by Florian Sever

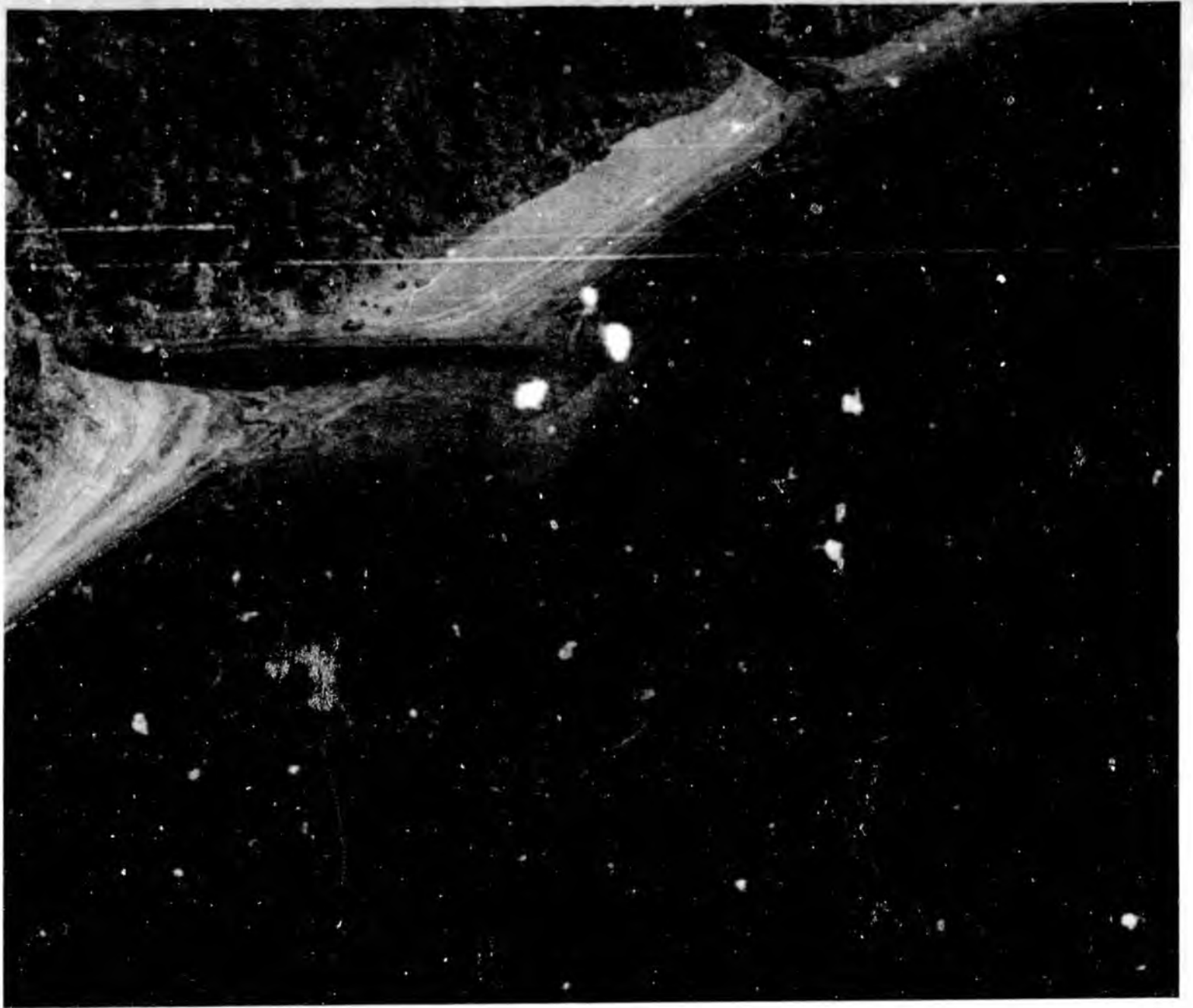
Ms. Mary Jackson:

Please add this photo to my (Florian Sever) testimony before the Senate Resource Committee. It shows underwater OHV tracks in a freshwater, fish-rearing lake on Kruzof Island.

Florian Sever

The message is ready to be sent with the following file or link attachments:
Tracks under upper Twin Lake 9 13 02

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



Mary Jackson

From: Florian Sever [zerocut@gci.net]
Sent: Monday, April 11, 2005 9:22 AM
To: Mary Jackson
Subject: Emailing: Plowing the creek for the fun of it 8 17 02 - photo by Florian sever

Ms. Jackson:

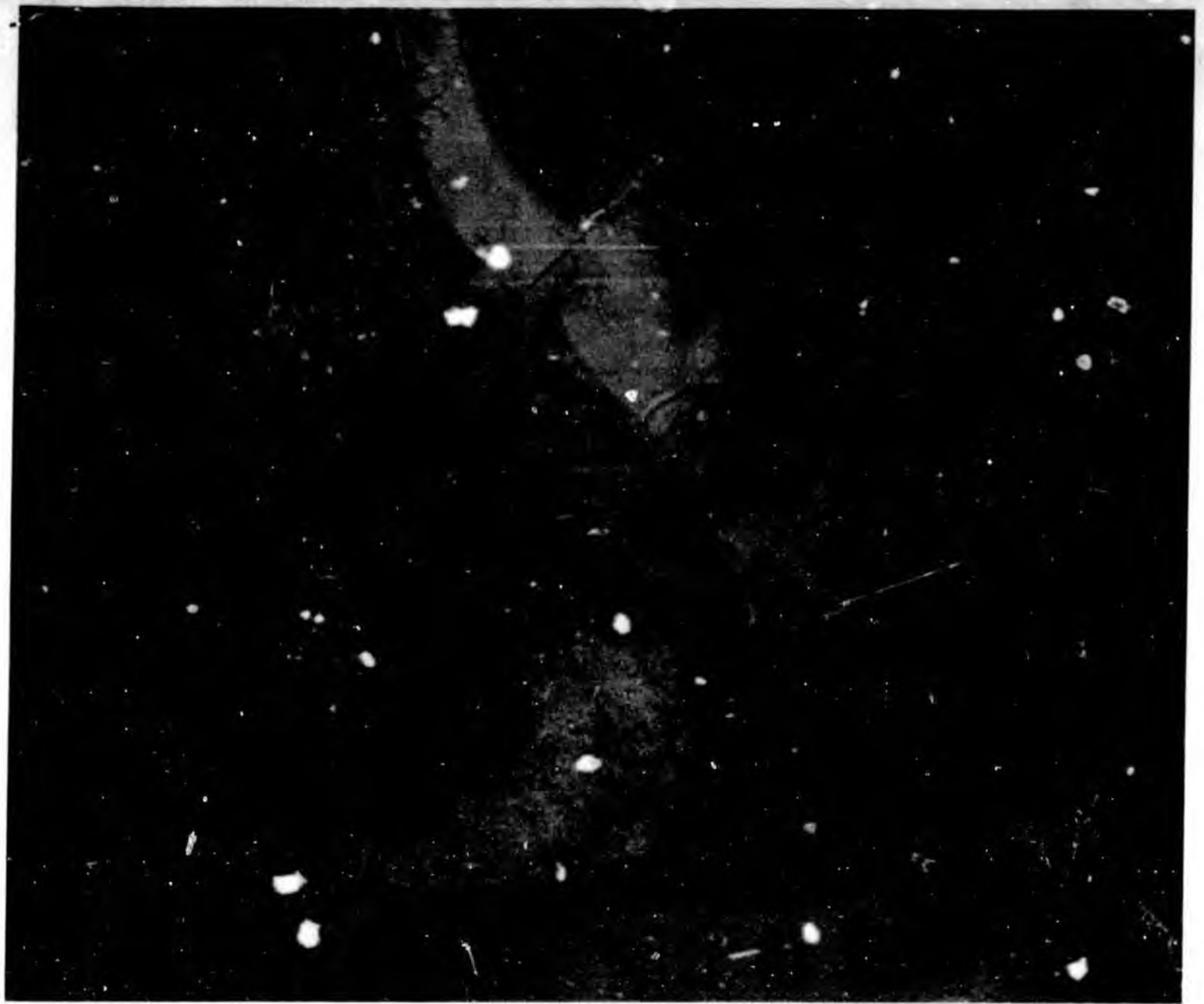
Please add this photo to my testimony, this date, regarding SB85. It shows a person on a 4-wheeler riding down the length of a freshwater stream, in violation of standing state law.

Florian Sever

The message is ready to be sent with the following file or link attachments:
Plowing the creek for the fun of it 8 17 02

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

4/11/2005



North Slope Borough
Fish and Game Management Committee
Barrow, Alaska
7 April 2005

RESOLUTION 2005-04

**A RESOLUTION OPPOSING PASSAGE OF SENATE BILL 85 THAT WOULD OPEN
THE DALTON HIGHWAY CORRIDOR TO OFF-ROAD VEHICLE USE**

WHEREAS, the 414-mile James Dalton Highway stretches from the Livengood turnoff of the Elliott Highway 70 miles north of Fairbanks to the industrial facility at Deadhorse; and

WHEREAS, the Dalton Highway Corridor (Corridor), extending for five miles on either side of the James Dalton Highway (Highway), is presently closed to travel by motorized vehicles; and

WHEREAS, Senate Bill 85 would remove such long-standing restrictions against off-road vehicle, hereafter ORV, use within the Corridor north of the Yukon River; and

WHEREAS, the Highway and the Corridor north from a point just south of mile 235 lie within the North Slope Borough; and

WHEREAS, increased access for urban hunters and sport hunters would impact the true subsistence harvest of caribou and furbearers by full-time North Slope residents who depend on these resources; and

WHEREAS, ORV use along the Highway would result in increased hunting pressure on the Central Arctic and Teshekpuk Caribou Herds, the management of which have required the commitment of considerable staff and financial resources from numerous agencies and private entities; and

WHEREAS, far more intensive management and oversight would be required, along with an associated commitment of substantial financial resources, if the bill becomes law; and

WHEREAS, with a declining budget and no mandate or direct management authority over any of the wildlife resources involved, the North Slope Borough would be hard-pressed to commit to any financial role in the intensified fish and game management and monitoring that will be required upon passage of the bill; and

WHEREAS, the bill is overly broad in applying to the entire Corridor rather than focusing on specific areas to which urban hunters seek access; and

WHEREAS, harm to sensitive tundra, wetlands, and riparian systems would be unchecked and prohibitions against such damage would be unenforceable; and

WHEREAS, ORV access to the Corridor would further tax the already strained ability of state law enforcement to protect both the public and its resources at large given that the lone trooper seasonally stationed in Coldfoot already must patrol an area larger in size than many of the Lower 48 states; and

WHEREAS, the bill fails to provide a clear definition of "off-road vehicle" and thereby would appear to allow use of virtually anything on wheels, tracks, or skis in the area; and

WHEREAS, ORV access could lead to significant damage to the many important long-term experiments ongoing at the Toolik Lake Field Station operated by the Institute of Arctic Biology, as well as those conducted by the State Department of Natural Resources in the Happy Valley region of the Corridor; and

WHEREAS, ORV access would significantly increase threats to the security of the TransAlaska Pipeline and associated facilities over an area that is already extremely difficult to secure; and

WHEREAS, ORV access off the Highway would certainly increase the traffic on the Highway, with commensurate increased needs for sanitary facilities, signage, air-based search and rescue and other emergency response capabilities; and

WHEREAS, increased public traffic would mean increased risks to the industrial traffic that is necessary to maintain the smooth and uninterrupted operation of oilfields that are the economic assets of the state;

NOW THEREFORE BE IT RESOLVED THAT the North Slope Borough Fish and Game Management Committee strongly opposes passage of Senate Bill 85 and the removal of existing restrictions against ORV use within the Dalton Highway Corridor.

ADOPTED by a duly called quorum of the F&GMC at Barrow, Alaska on this 7th day of April, 2005.

Ned J. Arey Sr. April 7, 2005
Ned Arey Sr., Chairman Date

Harry Brower Jr. April 7, 2005
Harry Brower Jr., Executive Manager Date

Members at Large:

Charlie Nageak, Kaktovik; Ben Ita, Barrow; Enoch Oktolik, Wainwright; George Paneak, Anaktuvuk Pass; James Aiken Sr., Atkasuk; Ray Koonuk Sr., Point Hope; Eli Nukapigak, Nulqsut; Julius Rexford, Point Lay

Mary Jackson

From: Robert Howard [rvhoward@mac.com]
Sent: Friday, April 08, 2005 5:59 PM
To: Sen. Tom Wagoner
Cc: Sen. Lyda Green; Rep. Carl Gatto; Mary Jackson; KRWG; Sen. Fred Dyson
Subject: SB 85

Dear Senator Wagoner,

I have huge concerns over this bill allowing unmanageable ATV access and speak from experience founded in my 16 year effort to obtain appropriate sustainable management in the infamous Knik River Valley / Jim Creek area. ATV erosion trails in the fragile dunes at the mouth of Jim Creek have become deeper than the roof of a full size ORV in a decade's time. We have lost an anadromous stream (documented on AF&G maps) due to destruction of banks and commingling with multiple ATV trails. There is not near enough available enforcement to even enforce DNR posted streams (specific to ATVs). A wetlands is about to be circled by ATV trail - this action accelerated by by no management with protested and documented increased access. DNR requests to remedy Mat-Su Borough's mistakes on one of these accesses has gone ignored since 1992. I have, thus far, been not able to obtain remedy on confirmed DNR and F&G violations that occurred last October only 3 miles up a trail and directly on anadromous streams and valuable waterfowl/wildlife habitat. In short, this experience is a text book example of uncontrolled access without adequate enforcement and management. Gov. Sheffield tried to pass a bill turning this area into a park in 1984. The value is widely documented and studied.

The point I would like to make, is that this problem exists in the fastest growing area of the state and we have not yet been able to obtain remedy for this high profile example! I would suggest that we need to learn how to manage an area of recognized value right in our suburban neighborhood and give great pause to unleashing this problem on more public lands! I am not anti - ATV and use them myself responsibly.

You may learn more of my example at knikriver.org or by contacting us at info@knikriver.org. I also have a PowerPoint program I can get to you ,which unfortunately is not yet on the website.

We are currently making an vigorous effort to get a bill introduced for funding and planning for the Knik Basin, thankfully and finally with support from DNR and MSB as well as others. A USFWS grant is also now part of the picture.

I would very much appreciate seeing an example of success before witnessing another mess such as I have cited!

Representative Stoltze and Senator Huggins are well aware of this example.

Sincerely,
Robert Howard
Knik River Watershed Group steering committee member
907-745-1868
Palmer, Alaska

Mary Jackson

From: Sen. Tom Wagoner
Sent: Friday, April 08, 2005 5:02 PM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Friday, April 08, 2005 4:43 PM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Garvan Bucaria
Po Box 870298

Wasilla 99687-0298,

Damage to tundra from too much use during the thaw period would accelerate plant succession favoring shrubs. Don't change an ecosystem taking thousands of years to form by allowing ORVs. Walking from the Dalton Highway or non motorized use works. I oppose SB 85. Why change a system that works?

Mary Jackson

From: Sen. Tom Wagoner
Sent: Friday, April 08, 2005 4:24 PM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Friday, April 08, 2005 4:21 PM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Glenn Hollett
3240 Plato Way

North Pole 99705-7427,

I have lived and worked on the Dalton Highway for 14 years. BLM is using this law to deny access and permits for trapping cabins and traplines that have been established over 20 years. Please pass this bill and allow us access to our public lands.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:15 AM
To: Mary Jackson
Subject: FW: SB 85

-----Original Message-----

From: Owner [mailto:stoller@gi.net]
Sent: Sunday, April 10, 2005 10:30 PM
To: Sen. Tom Wagoner
Subject: SB 85

Senator Wagoner,

I am writing to you as chairman of the Senate Resources Committee urging your support of Senate Bill 85 repealing the ban on off road vehicle (ORV) use in the Dalton Hwy. corridor.

It would seem to me that this bill is simply a matter of allowing the public reasonable access to millions of acres of public land available along the Dalton Hwy. I am not, nor have I heard any other supporters, asking for allowing unfettered access of all kinds of ORV's at all times. I actually agree with a lot of the opposition on this bill that there are large areas that are too sensitive to allow ORV's to be operated on them during the snow-free months. However, I don't agree that we need to keep the present ban on all ORV's at all times to maintain protection for these areas. It has been shown virtually all over the state that with adequate snow cover, ORV's can be operated with virtually no impact on the ground and plants in the area. It would seem to me that the 12 month buffer period written into this bill between passage and implementation, should give the various land managers involved ample time to enact management plans with specific regulations that would allow reasonable access for the public while still protecting the resources in the area. I feel that having some specific regulations regulating ORV use while still protecting the environment is a much better way of managing the area and would let a larger segment of the public be able to use the area than the current total ban on all ORV use at all times.

Again, I would urge your support in passing this bill and thank you for listening to my concerns on this matter.

David Stoller
880 Hickman
North Pole, AK 99705

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:24 AM
To: Mary Jackson
Subject: FW:

From: Syndonia Bret-Harte [mailto:ffmsb@uaf.edu]
Sent: Sunday, April 10, 2005 3:08 PM
To: Sen. Tom Wagoner; Sen. Ralph Seekins; Sen. Ben Stevens; Sen. Fred Dyson; Sen. Bert Stedman; Sen. Kim Elton; Sen. Gretchen Guess
Subject:

Dear Chairman Wagoner and members of the Senate Resources Committee,

We believe that there may have been some misunderstanding concerning Dr. Bret-Harte's testimony Friday, 8 April, 2005 in reference to SB 85. Hopefully this letter will clarify these points. The testimony that Dr. Bret-Harte gave is the position of the Institute of Arctic Biology, University of Alaska Fairbanks. As managers of the Toolik Field Station, we do have concerns about the effects of future off-road vehicle traffic on the research there, sponsored by the National Science Foundation and conducted by universities throughout the U.S. Damage done by even single passes by 4-wheeled vehicles in summer could disrupt the research, and we would prefer that off-road vehicle access be restricted to snowmachines only in winter, only in support of science and under permit from BLM. We very much appreciate that Senator Seekins met with us and has urged that protection for the Toolik Field Station research area be provided in land use plans by the BLM, and we are confident that the BLM would approve off-road vehicle restrictions in our area of concern.

However, restrictions only through land use plans may not provide sufficient protection for the research sites if the necessary resources for enforcement are not also provided. Currently, there is no fiscal note on this bill to account for the costs of land-use planning, the impacts to safety, and the costs of adequate enforcement of restrictions on off-road vehicle use in the area of Toolik Field Station or anywhere else. It is quite clear that the number of people visiting the area will be greatly increased if SB 85 is passed, and there will be a substantial financial impact in these areas. These costs should be addressed before repealing the existing statute.

In addition, to ensure protection of the research investment based at Toolik, we urge that restrictions of ORV use in the 25 mile reach of the Dalton Hwy centered at the Toolik Field Station be part of SB 85, or as an amendment to the existing statute, rather than left as an agreement to be negotiated following passage of this bill. We greatly appreciate your comment that the need to protect Toolik Field Station will be mentioned in a "sidebar" to this legislation. We look forward to seeing the language of this "sidebar" and also Senator Seekins' letter of intent, which he mentioned at the end of Friday's testimony. Please ensure that the long-term, substantial investment in research at TFS, which provides opportunities for Alaskan scientists and students as well as researchers from around the nation and the world, is not jeopardized by this legislation.

Sincerely,

Dr. Syndonia Bret-Harte, Associate Science Director, Toolik Field Station
Dr. Brian Barnes, Director, Institute of Arctic Biology, and Science Director, TFS
Institute of Arctic Biology
University of Alaska

4/11/2005

Fairbanks, AK 99775

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Dr. Syndonia 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>

Mary Jackson

From: Sen. Tom Wagoner
Sent: Friday, April 08, 2005 2:24 PM
To: Mary Jackson
Subject: FW: *****SPAM***** No to off-road vehicle use along Dalton Highway

From: Charity Hall [mailto:charityhall@yahoo.com]
Sent: Friday, April 08, 2005 11:32 AM
To: Sen. Lyda Green; Sen. Donny Olson; Sen. Gene Therriault; Sen. Fred Dyson; Sen. Gretchen Guess; Sen. Ralph Seekins; Sen. Tom Wagoner; Sen. Johnny Ellis; Sen. Lyman Hoffman; Sen. Bert Stedman; Sen. Gary Wilken; Rep. John Harris; Rep. John Coghil; Rep. Ethan Berkowitz
Subject: *****SPAM***** No to off-road vehicle use along Dalton Highway

I am highly opposed to opening a corridor along the Dalton Highway to off-road vehicles. As a botanist, I have witnessed the effects of off-road travel in several western states and studied the area along the Dalton Highway last year. Off-road vehicle travel negatively impacts drainage patterns, wildlife habitat, and soils as well as plant life. Please do not allow this measure to pass.

Thank you,
Charity Hall
Sevilleta Field Crew
325 59th St. NW
Albuquerque, NM 87105

Yahoo! Messenger
Show us what our next emoticon should look like. Join the fun.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:37 AM
To: Mary Jackson
Subject: FW: SB 85

-----Original Message-----

From: Sonja Benson [mailto:sonja@mosquitonet.com]
Sent: Saturday, April 09, 2005 1:21 PM
To: Sen. Tom Wagoner; Sen. Ralph Seekins; Rep. David Guttenberg
Subject: SB 85

Your Honorable Chairman Wagoner, Senator Seekins, Representative Guttenberg, and members of the Senate Resources Committee:

I am writing to let you know of my opposition to lifting the restrictions on off-road vehicle (ORV) use along the Dalton Highway corridor.

Please make this letter part of the official record for SB 85 and for the Senate Resources Committee.

I feel that this bill's passage would result in extensive and irreparable damage to fragile wilderness areas, including critical wildlife habitat, that need and deserve protection. This damage, in turn, would only serve to reduce availability of wildlife for hunters and others who enjoy this resource.

In the beginning, the Haul Road was intended for construction and maintenance of the trans-Alaska oil pipeline. Many area residents and other Alaskans were concerned about the ill effects of increased traffic along the road, and were assured that it would not be open to unrestricted public traffic. Later, when the public was allowed to travel the highway without a permit, the highway corridor was to be protected from ORV use.

Now, it appears the peoples' worst fears are to be realized. Allowing unrestricted ORV use of this area will have very harmful effects on the delicate tundra, the wildlife and its habitat, and the people who subsist on and enjoy these wilderness resources.

Many of the experiments at the University's Toolik Field Station, which have been ongoing at considerable expense and human effort for many years, would be lost.

In addition, allowing ORVs will also increase risks to the pipeline and its security.

Passage of this bill would worsen the problems already found along the Dalton because of increased traffic: noise, pollution, damage to the land, and access to the pipeline corridor. It is quite alarming that the lessons learned from mistakes made in the lower 48 are not being applied in Alaska. Instead, the mistakes are only to be repeated.

Please, keep the promises made to residents of the North Slope Borough and all Alaskans who value our great wilderness heritage. Do not allow the Dalton Highway corridor to be opened to unrestricted ORV use; do not pass SB 85.

Thank you for your consideration of my comments, which are respectfully submitted.

Sincerely,
Sonja L. Benson
1718 Chena Ridge
P.O. Box 82860,
Fairbanks, Alaska 99708
(907) 474-8403
sonja@mosquitonet.com

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:45 AM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Saturday, April 09, 2005 11:23 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

James Todhunter
Po Box 58328

Fairbanks 99711-0328,

I support SB85. Please unlock our winter time recreational resource. We need this resource!

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:46 AM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Saturday, April 09, 2005 11:22 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

William Bunch
3345 Aileron Ct

North Pole 99705,

I support SB85. Please hear me! I am a taxpayer who lives and works in this area. We need this resource. Thank you.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:46 AM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Saturday, April 09, 2005 11:20 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Dean Morin
428 Marshall Dr

Fairbanks 99712-1332,

Pass SB85. Please.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:47 AM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Saturday, April 09, 2005 11:18 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

James Fairchild
1320 Polar Dr

Fairbanks 99712-2816,

People aren't flocking to ride south of Yukon River Bridge so I seriously don't think we will have a flood of people north of the bridge. I would like to be able to explore with my children, fishing & panning & enjoying the wilderness in general on atv's, responsibly & respectfully.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:48 AM
To: Mary Jackson
Subject: FW: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

-----Original Message-----

From: POMS@legis.state.ak.us [mailto:POMS@legis.state.ak.us]
Sent: Saturday, April 09, 2005 11:13 AM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Robert Buggy
Po Box 83144

Fairbanks 99708-3144,

I would like to see it opened so they will quit giving me a hard time with trapping.

Mary Jackson

From: Sen. Tom Wagoner
Sent: Monday, April 11, 2005 8:58 AM
To: Mary Jackson
Subject: FW: Regarding SB 85

-----Original Message-----

From: Mark Luttrell [mailto:loraxx@ptialaska.net]
Sent: Friday, April 08, 2005 4:30 PM
To: Sen. Ralph Seekins
Cc: Sen. Fred Dyson; Sen. Bert Stedman; Sen. Gary Stevens; Sen. Tom Wagoner; Sen. Ben Stevens; Sen. Gretchen Guess; Sen. Kim Elton
Subject: Regarding SB 85

Mr Seekins:

Thanks for listening to me on the teleconference for SB 85 in the Senate Resources Committee today.

I wanted to follow up with something. You stated that it would be a personal insult to you for people to claim that you support unregulated, destructive ORV use on the Dalton Highway corridor. I'm sure you don't. Who would. And I don't accuse you of that.

But that will be the result of SB 85.

It will. No matter how many safeguards in the regulations, no matter the good intentions of you and the land managers, there is no enforcement and there never will be enforcement.

I know you won't change your mind. You are locked into the tried and failed land management policies of the 1950's in the lower 48.

But other Senators will do the right thing.

Mark Luttrell
Seward

119 N. Cushman St. Ste 101 Fairbanks, Alaska 99701
Phone: (907) 452-4448 Fax (907) 456-1346

**Fairbanks Legislative
Information Office**

Fax

To: Senato Resources Committee **From:** Nancy Kelly

Fax: 465-4779 **Pages:** 4

Phone: **Date:** 3/22/05

Re: Written Testimony SB 85 **CC:**

Urgent **For Review** **Please Comment** **Please Reply** **Please Recycle**

● **Comments:**

Please find attached written testimony from yesterday's hearing on SB 85. Neither participant was able to testify yesterday due to the telephone outage.



ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the State Resources
 Committee on SB 85 Committee Name
Bill / Subject Dated 3/21/05

I am opposed to this bill.

1. It will lead to more environmental destruction, damaging subsistence and tourism resources.
2. It will not be needed, access can be gained with the use of ORVs
3. Promises were made to protect this area.
4. All ecological niches are filled there so there is no room for added pressure by putting more potential abusers in there.
5. Will need more enforcement that is not afforded now.
6. Security concerns about the pipeline make this a bad move at this time.

SIGNED:

[Signature] Dave Lacey
 Testifier

[Signature]
 Representing

PO: Box 81265, FBK, AK 99708 474-8224
 Address / Phone Number

March 21st, 2005

Re: Senate Bill 85
Isla Myers-Smith
Fairbanks Resident, Senate District D
1833 Musk Ox Trail, Fairbanks AK 99709
(907) 456-1427

To: Senator Ralph Seekins
Cc: Members of the Senate Resources Committee

As an Alaskan Resident, a biologist investigating disturbance in the boreal forest and tundra, and a recreational user of the Dalton corridor, I wish to voice concerns about repealing the ban on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway. I have studied the impact of the Dalton Hwy. on the adjacent tundra in the corridor in question. This study of road disturbance is currently in review for publication in the European journal for applied ecology: *Ecography*. I am also a recreational user of the Dalton Hwy. corridor and have visited this area for the last three summers. This past summer, my car was vandalized and items stolen from it at the Galbraith Lake Parking Lot, north of Atigun Pass on the Dalton Hwy. Reporting this incident made me realize how limited police jurisdiction is in the Dalton corridor. This seriously limits the ability of the individual land managers to enforce any protection of infrastructure, sensitive wildlife habitat and to promote public safety and prevent wildfire. My professional and personal experiences as a scientist and a recreational user of the Dalton corridor have motivated me to voice the following concerns with Senate Bill 85.

1. Law Enforcement and Public Safety Costs

The Dalton Hwy. corridor from the Yukon River to Atigun Pass is currently policed by one state trooper based in Coldfoot. The Dalton Hwy. north of Atigun pass is in the jurisdiction of the Barrow Police. They will not deploy officers. They refer you to the police stationed at Prudhoe. There is no active enforcement of current use of the corridor and there are limited emergency services in this area. Increased use in this area will necessitate increased spending expenditures for the Alaska Department of Natural Resources, Alaska Department of Transportation, and the Alaska Department of Public Safety in order to address the current limited public services in the Dalton corridor.

2. Ecological Costs

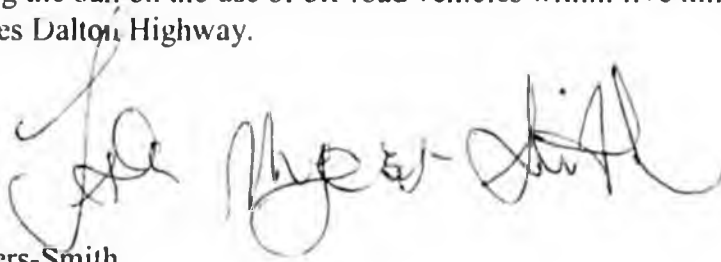
This repeal could open the entire Dalton Hwy. corridor to off road vehicles depending on the policies of the effected land management agencies. Tundra ecosystems are extremely sensitive to disturbance. My colleagues and I have documented a 200 meter corridor of significant disturbance to the adjacent tundra from dust from the Dalton Hwy. Other studies have shown that vehicle damage to the tundra can persist for decades (Walker and Walker, 1991). Also, behavioral impacts to wildlife are

likely from noise, pollution, and ecosystem disturbance (Forman and Alexander, 1998). Off road access to the sensitive tundra ecosystems should be distinguished from more resilient boreal ecosystems. A reasonable compromise would be to allow off road access in the boreal regions south of Atigun pass where vehicles will cause less disturbance. There are currently no definitions of the term off road vehicles allowing for large trucks, in addition to ATVs and snow machines. A reasonable compromise would be to allow snow machine access in the winter months when the ground is frozen and there is adequate snow cover. It is the state's responsibility to set these guidelines as it is too great a burden to leave to the individual land management agencies.

3. Fire Suppression Costs

Human caused fire ignitions in this fire prone area will increase. Currently human caused fires are 10 times more frequent within a 5 mile corridor of roads in Interior Alaska (Alaska Fire Database). Increasing vehicle traffic in this corridor will lead to more fire starts and therefore increase cost of fire suppression.

The repeal of this law to allow off-road vehicle use on the Dalton Highway will have significant negative impacts on the ecologically sensitive tundra and boreal ecosystems of Northern Alaska. It will reduce public access to the undisturbed landscape and wildlife. And it will significantly increase pressures on state agencies responsible for policing and protecting both the ecosystem and the public users. I encourage the Senate Resources committee to consider the increased financial burden on state land management before repealing the ban on the use of off-road vehicles within five miles of the right-of-way of the James Dalton Highway.



Isla Myers-Smith

References:

- Forman, R. T. and L. E. Alexander. 1998. Roads and their major ecological effects. *Annual Review of Ecology and Systematics* 29:207-231.
- Walker, D. A., and M. D. Walker. 1991. History and pattern of disturbance in Alaskan arctic terrestrial ecosystems: a hierarchical approach to analyzing landscape change. *Journal of Applied Ecology* 28:244-276.

Mary Swan

From: Sen. Tom Wagoner
Sent: Tuesday, March 22, 2005 9:44 AM
To: Mary Swan
Subject: FW: SB 85

-----Original Message-----

From: Susie Hallinan [mailto:shallinan@gci.net]
Sent: Monday, March 21, 2005 4:22 PM
To: Sen. Tom Wagoner
Subject: SB 85

Dear Mr. Wagoner,

I strongly oppose ATV use on the Dalton Highway corridor and therefore urge you to vote against SB 85.

My property, abutting Fort Wainwright, sees a lot of snowmachine traffic. The engines are noisy; sometimes the roar of racing snowmachines jerks me awake at night. When I go for a walk, the air is heavy with exhaust fumes that remain long after the vehicles pass.

If snowmachine traffic is so unpleasant for me, it must be unbearable for wild animals!

Additional environmental issues that must be addressed:

--air pollution from ATV emissions (2-cycle engines release tremendous numbers of particulates into the air.) --air pollution from vehicles used to transport ATVs (typically large, low-gas-mileage trucks).

--noise pollution from ATVs, and from increased traffic on the highway --erosion from 4-wheeler tracks (which lasts for decades) --altered habitat for caribou, birds, other wild animals

Financial issues:

--increased costs for Dalton Highway maintenance --potential costs for rescuing stranded ATV users --potential harm to pipeline with consequent costs --harm to UAFs tundra studies (UAF DOES bring in a tremendous amount of research funding. We should support their activities which are so good for Alaskans and the Alaskan economy.)

The calm approach of this letter does not reflect the intensity of my opinion. PLEASE let's not create financial, environmental, security, and scientific issues by passing this bill. WE HAVE ENOUGH PROBLEMS ALREADY!

Sincerely,
Susan Hallinan
Life-long Alaskan and small business owner
803 Shannon Drive
Fairbanks, AK 99701

P.S. Please include this message in the official committee record on the bill.



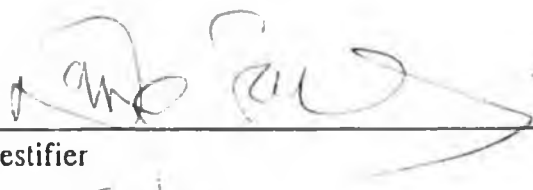
ALASKA STATE LEGISLATURE

Please enter into the record my testimony to the State Resources
 Committee on SB 85 Committee Name
 Dated 3/21/95
Bill / Subject

I am opposed to this bill.

1. It will lead to more environmental destruction, damaging subsistence and tourism resources.
2. It will not be needed. Access can be gained with the use of ORVs.
3. Promises were made to protect this area.
4. All ecological niches are filled there so there is no room for added pressure by putting more potential abusers in there.
5. Will need more enforcement that is not afforded now.
6. Security concerns about the pipeline make this a bad move at this time.

SIGNED:

 Dave Lacey
 Testifier

Self
 Representing

PO Box 81765, FBKS, AK 99708 4748224
 Address / Phone Number

David Payer
PO Box 73108
Fairbanks, AK 99707

March 23, 2005

Alaska State Senate Resources Committee
State Capital
Room 427
Juneau, AK 99801

Dear Senators:

I am writing to express my opposition to SB 85. I firmly believe the Dalton Highway corridor should remain closed to off-road vehicles with the exception of currently allowed uses. The fragile habitats and low-density wildlife populations typical of the corridor and adjoining state lands will not sustain intensive use by these vehicles and the hunting pressure such use would allow. Current restrictions on tundra travel, as exemplified by regulations imposed by Alaska DNR on the oil and gas industry, ensure that the land receives appropriate protections. Further, the current situation ensures both a high-quality hunt for those willing to access corridor lands using traditional means, and that wildlife populations are harvested according to sustained yield principles without extraordinary needs for management and enforcement. Please do not pass SB 85.

Thank you.



Cc: Senator Gary Wilken

Reichardt
2086 Toboggan Lane
Fairbanks, AK 99709

Senator Thomas Wagoner
State Capitol Building
Juneau, AK 99801

March 24, 2005

Dear Senator Wagoner:

I'm writing to you with regards to Ralph Seekins' bill, which is presently in your committee, to open the corridor along the Dalton Highway to all-terrain vehicle (ATV) use. My husband and I and our adult children have hunted caribou on the north slope of the Brooks range ever since the road was open to the public. I cannot overstate our enthusiasm for the way that the corridor is presently managed. Because no ATV traffic is allowed, we are able to enjoy quality hunting experiences within easy walking distance of the road. We have hunted caribou all over the state and the 5 mile hike from the Dalton Highway to where we can hunt with rifles is the easiest hike of any walk-in area we have hunted. We have taken friends with us who are not in particularly fit conditions and all have had delightful times. With no vehicle traffic allowed, one can have a wilderness experience almost as soon as leaving the road. Since the road is not paved, sound does not travel far.

Although we know many, many people who enjoy this hunt with rifles in the same way that we do, there are many more people who enjoy bow and arrow hunting within the corridor. There is no where else in the state that provides such accessible bow and arrow hunting. The hunters are able to camp by the road and hunt right by their camps. Opening the 5 mile corridor to ATVs during hunting season would actually decrease access because the ATVs would undoubtedly move the caribou away from the highway.

Another advantage is that the present restrictions prevent conflict with residents of the area who are more likely to be encountered when greater distances are attained with off-road vehicle travel. For the most part, the present system has resulted in happy sport hunters as well as happy local subsistence hunters.

We have also spent many years canoeing, hiking, fishing, hunting and skiing south of the Brooks Range between the Yukon River and Coldfoot. Again, the experiences have been superb specifically because of the present management that does not allow off-road vehicle use within the 5 mile corridor. It is the only place we know in the state where a person does not have to go far from the road to have a wilderness experience, to find great fishing and to find good hunting.

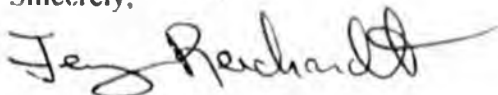
My daughter and son-in-law have worked in the tourist industry for several years, taking tourists up the Dalton Highway. The ability to see game so close to the road is a tremendous attraction to tourists. If you were a tourist would you pay to see four wheelers instead of caribou?

At least for the section of the Dalton Highway north of the Brooks Range, our experience during caribou season is much different than that portrayed by Senator Seekins, in that we have not heard one hunter, of the hundreds we've encountered, ever say, "I wish people could use ATVs here."

Please do not open this corridor up to vehicle travel. The change in management would destroy a precious treasure that is extremely popular with many people in our state.

I have sent letters to all members of the Resource Committee including Senator Seekins and also to Senators Therriault, Wilken and Representatives Guttenberg and Fate.

Sincerely,

A handwritten signature in cursive script that reads "Terry Reichardt". The signature is written in dark ink and is positioned above the printed name.

Terry Reichardt

March 23, 2005

To: Senate Resources Committee

Re: Senate Bill 85

Dear Sirs and Madam:

Senate Bill 85 is not a good bill.

The Dalton Highway/Haul Road was intended just for that to haul equipment and supplies to the North Slope oil fields.

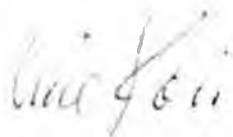
The road was not designed to accommodate campers, tour buses, SUV's with trailers or a large number of tourists and recreational visitors. It would be dangerous to have these kinds of vehicles on the road. This would lead to helicopter rescues, the need for emergency vehicles, extra troopers, more facilities, more road upkeep, and more management costs.

Opening up the Haul Road would mean a great deal of expense to the State at a time when revenues are declining and other roads are in need of repair and maintenance. And this would happen at the expense of other more important needs such as education, basic social services, fuel needs, and power generation that need to be addressed in this state.

Furthermore, it would open up lands to ATV usage and abuse that would be unsupervised. As it is there are large areas along the Glenn, Richardson, Parks, Seward, and Alaska highways that are open for recreational ATV usage. The degradation of the landscape there is something that is not very well publicized, but has been documented. Most of the recreational ATV users live in the cities. It is easier and safer for them to use their ATV's within driving distance, which is already available.

I do not favor the passage of this bill. Please include this letter in the testimony for Senate Bill 85.

Thank you,



Adeline Kari
1089 Bruhn Road
Fairbanks, Alaska 99709

April 1, 2005

Distributed by
Senator Albert Kookesh

Re: SB 85

Dear Legislators,

I am strongly opposed to SB 85 sponsored by Senator Ralph Seekins of Fairbanks. It repeals the statute that promised the Alaskan people before the pipeline was built to protect the land and animals from the extreme pressure that would be felt by a highway stretching to the oil fields of the North Slope of Alaska. For this reason alone this bill should be struck down. But there is another important reason to vote no on this bill, it is absents of law enforcement by Alaska Fish & Game in the field. As a resident of Manley Hot Springs I see more and more hunters showing up here for four weeks each year and camping in every pull out along the Elliott Highway. They race up and down the highway on 4-wheelers equipped with radios, trying to chase down their trophy moose. There are also a lot of hunters that park their trucks here in town and launch their boats in Hot Springs Slough. Often times when they return they have been successful proudly displaying antlers. I always wonder where all that meat is.

To conclude I would only say to Senator Seekins, if you want to propose legislation that Alaskans would support try implementing check stations (i.e. Koyukuk River) at strategic sites along the major highways and waterways to ensure that want and waste and other laws of the state are being enforced.

Sincerely,

Lawrence Bredeman
148.5 Elliott Highway
Manley Hot Springs, Alaska 99756
(907) 672-3511
lbredeman@starband.net



[Redacted text block]

Sea Kayak Baja & Belize

Backpack Copper Canyon

Raft Mexico



ALL ABOUT ADVENTURE

Ron Yarnell

PO Box 84651

Fairbanks, AK 99708

(907) 451-8148 fax: (907) 452-1823

rd@adventure.com
adventure



Please Forward To:
Kenai LIO
5 Main Street Loop Ste
Kenai AK 99611

10/2/05

Senate Resource Committee members

We urge you not to pass SB85.

This is a bad bill that will
disrupt tourism, hunting, the
landscape + research. ATV

use along the Dalton highway corridor should
continue to be restricted. This is a very special
area. Thanks for your consideration. Ron Yarnell

Senate Resource
Committee
State of
Juneau AK 99802

Backpack the Brooks Range

Raft Alaska

KAYAK Alaska

SB

85/170

(FILE 1)

Senate Bill 85
NSB Resident of Nuiqsut
October 14, 2005

DID NOT
TESTIFY - TELE

My name is Dora Nukapigak Subsistence hunter in opposition of senate bill 85
I come from a strong subsistence family and strong subsistence community. We depend on the caribou that migrates up north from Anaktuvuk and from the teshekpuk, it brings food to our table to sustain us for the up coming winter months. We hunt in July and August when the caribous are nice and fat on the Colville River and then some more throughout the year.

With development coming onto the west the people of Nuiqsut are starting to go to the south on the Colville River to hunt for caribou and moose. Colville River has been providing our resources for thousand of years. Anaktuvuk and Nuiqsut have in the past walked up and down the Colville to hunt and fish to keep them alive. There are historical sites that our ancestors have left us to care for. At one point they hunted in the areas of Sagvaniktok River, Olikto.. Pt. and the foot hills of the Franklin Bluffs.

Inupiaqs in the past had no boundaries as they do today.

Tundra damage will occur and the vegetation that our animals depend on in the summer will be affected.

Sports hunter will come from all walks of life, and they do not know to let the first of the herd to pass a day and half before we go and hunt. Who will educate this to outsiders? Who will go out there to manage the wildlife and the sports hunters? What kind of regulations will be there? Will these regulations have to be followed by Subsistence hunters or people of the North Slope? ATV and off road users will be in conflict with subsistence hunters, who are trying to bring food to their tables. And the sports hunters are just trying to show off how big their caribou rack are. Do they even eat caribou?

Anaktuvuk People who depends on the caribou will be hurting because of this bill. Migration routes will be diverted, who will compensate on their behalf when they don't harvest? These are issues that are not being looked at, and it scares me to see this bill go through. Anaktuvuk and Nuiqsut have exchanged food or bartered for years. We love the way Anaktuvuk make their dried caribou, and in exchange we send muktuk and what have you.

This bill is and will affect the communities of the North Slope.

Truly Concerned

Dora Nukapigak

SB-85 SCHEDULE

10-13-05

7:14pm Todd, Marla, Reggie, Greta and Sam arrive Barrow evening flight

10-14-05

8:00am Roper does KBRW radio show

9:30am State Senators and Staff arrive Barrow morning flight.
Roper, Todd, Marla and Sam meet plane with 2 vehicles.

10:00am Roper and Marla take staff (Mary Jackson) to NSB Building to set-up hearing.

10:00am Todd and Sam take Senators/Staff on road tour of Barrow area.

11:00am Entire group meet at Heritage Center for tour.

12:15pm Gov't Affairs host luncheon at Northern Lights Restaurant.
(Buffet Style)

1:30pm Group goes to NSB Building for hearing.

2:00-5:00pm Hearing at NSB Assembly Room.
Note: Hearing is teleconferenced to all NSB Committees
1-800-478-3378/30496#

5:30-6:00pm Gov Affairs host dinner at Pepe's. (Buffet Style)

6:30pm To Barrow airport for check in and departure scheduled at 7:49pm.

20
COPIES

PUBLIC NOTICE

Senate Resource Committee Hearing

Date: October 14, 2008

Time: 2:00 PM

Subject:

**SB 85 OFF-ROAD USE ON
DALTON HIGHWAY**

**SB 170 BD/DEPT. OF FISH & GAME
POWERS & DUTIES**

**Sponsor: SENATE RESOURCE
COMMITTEE**

**Place: NORTH SLOPE BOROUGH
ASSEMBLY CHAMBERS**

ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

Senator Tom Wagoner, Chair

State Capitol, Room 427

Juneau, AK 99801-1182

Phone: (907) 465-4907 Fax: (907) 465-4779

Senator Ralph Seekins, Vice-Chair

Senator Ben Stevens

Senator Kim Elton

Senator Fred Dyson

Senator Bert Stedman

Senator Gretchen Guess

For immediate Release: October 6, 2005
For Information Contact: Mary Jackson, (907) 283-7996

Senate Resources Committee Public Notice

The Senate Resources Committee will hold work sessions on **SB 85 – Off-Road Vehicle use on Dalton Highway** and **SB 170- Board/Department of Fish & Game Powers & Duties**. The schedule is listed below.

Monday - October 10 th : 6:30pm – 8pm:	Nome, Alaska Old St. Joseph's Church
Tuesday – October 11 th : 6:30pm – 9pm	Fairbanks, Alaska Fairbanks City Hall
Wednesday – October 12 th : 6:30pm – 9pm	Coldfoot, Alaska Coldfoot Camp
Friday – October 14 th : 2 pm	Barrow, Alaska North Slope Borough Assembly Chambers
Saturday – October 15 th 3pm	Chugiak – Peters Creek, Alaska Peters Creek Christian Center

None of the meeting sites are state teleconference facilities and so teleconferencing will not be available.

**Testimony on SB85, Repealing ban on ORVs in the Haul Road corridor
by George N. Ahmaogak, Sr.
Mayor, North Slope Borough**

**Senate Resources Committee hearing
October 14, 2005 – 2:00pm
NSB Assembly Chambers
Barrow, Alaska**

I want to welcome Senator Waggoner – Chairman of the Senate Resources Committee; also Senator Seekins – sponsor of SB 85; committee member Senator Elton, our Senator Donny Olson, and any of your staff who came along. I also want to thank our local community leaders and citizens who have come out today to testify at this hearing. The committee came to Barrow to hear North Slope perspectives, and I appreciate all of you who have come out to testify.

The history of the Haul Road has been very much like the history of oil development in our borough. It started out small and contained, but over time it has expanded and changed into something very different from what we thought we were getting.

With oil development, what started out as a project at Prudhoe Bay gradually spread across the tundra into a series of fields that marched all the way to the Colville River – and now are spreading out across NPR-A.

In the same way, the Dalton Highway was originally planned and built as an industrial supply road with only one purpose – to get material up to Prudhoe. Over time, its purpose has expanded – first, there were four buses allowed,

then the road was opened to public traffic, and now we're told that off-road vehicles may be allowed on the restrictive corridor.

This is how things have happened up here. First, we are asked to go along with one project that has limited and definable impacts on our traditional subsistence and our village life. But once it's built, it becomes a stepping stone to other uses with all kinds of impacts that nobody has planned for.

It's important for you to understand the way we see these things. Otherwise our objections won't make any sense to you. You've come all this way to hold a hearing, and I'd like you to leave with a better sense of why we feel the way we do. You may not agree with it, but at least you'll see where we're coming from.

When we are told that a road is going to be built, a road that's going to cut across 170 miles of our borough, and it's going to slice right through a major migration route of our caribou, and it's going to have 18-wheelers kicking up dust and making noise, we naturally get worried about the impacts of this road on subsistence.

But the State of Alaska reassures us that the impacts will be limited, because the road will only be used by the oil companies, and their employees will not be allowed to hunt. So the Haul Road opens to industrial traffic, and we're still nervous, and we see impacts. But we feel we have been given a promise of limited use on that road and limited impacts. We make the compromise and we accept that road based on these promised restrictions.

Here's the important part – we don't forget the promises that have been made to us. We respect the people who gave us their word on behalf of the State of Alaska.

Mr. Chairman, SB-85 is proposed legislation that the NSB adamantly opposes. However, I know that it is important for you to understand how it looks from our view. Up here, we still remember the promise of limited use, which was based on a commitment not to mess up the natural movement of the caribou and other animals. We remember the promise not to create any more than an absolute minimum of impacts on our traditional subsistence and our village way of life. We're tired of tolerating one impact after another until the cumulative impacts have done serious damage to the wildlife that are trying to survive up here and to the people who are trying to maintain a traditional way of life.

That's where we're coming from. Mr. Chairman, we have welcomed the oil industry and we have worked with the State and the Feds to accommodate the needs of a healthy oil and gas economy. Our people have spent more time in D.C. lobbying for ANWR than any other municipality in the state. We have been a good partner. But we don't feel as though we're being treated like a partner in return. Bit by bit, we're losing ground. We're losing our local control. We're losing our financial stake in the resource activity that eats up more and more of our landscape every day.

This borough was formed 33 years ago for two major reasons:

- 1) so that we could have a meaningful role in land use decisions that affect subsistence, and

2) so that local residents could have a stake in all this oil and gas activity through our local property tax.

But in recent years, federal and state policies have constantly chipped away at both of these forms of local participation.

It's happening with coastal zone management, where our local program is being gutted by the State.

It's happening with NPR-A, where sensitive habitat is being leased over our objections, and legislation is introduced to take away the impact aid we were promised in federal law.

It's happening with offshore leasing, where deferral areas that were designed to protect the bowhead whale migration have been dropped.

It's happening with state road projects on the North Slope, where hundreds of miles of new roads will open up vast stretches of subsistence territory in the borough and further degrade traditional subsistence use patterns for our people.

Mr. Chairman, our people see this pattern of taking away more and more of our local control. How are we supposed to feel? I'll tell you one thing – people up here are not feeling like partners. Partners engage in give-and-take, but with this type of proposed legislation and other state actions the state is doing all the taking, and people up here are doing all the giving.

Mister Chairman, I'm only mayor for another month, then I'm history. But I'm talking to you as a mayor whose record has been pro-development. I'm just telling you what I see on the horizon. That is if these types of

negotiative actions continue to flow into the NSB, our positive development posture could change.

SB 85 is just one issue that could weaken our quality of life. I don't need to go into the details of our objections to this bill, because there are others here who can do that. You already know that there's no provision in this bill for additional fish and game enforcement or police protection to handle the additional traffic and off-road activity. The zero fiscal notes are proof of that. It's just like opening the Haul Road to public traffic without adding any traveler services along the road. It guarantees that there will be a lot of impacts, and show little regards for those impacts. If there was any level of commitment to protection, there would be dollars to go along with this bill.

But dollars wouldn't fix this bill. A few more enforcement officers couldn't stop the damage that public access could cause. Let me give you an example. If you went to Anaktuvuk Pass and talked with people there, the first thing they might do is translate the word "Anaktuvuk" for you. It means "a place of refuge." The traditional migratory path of the caribou, The Anaktuvuk Pass residents will tell you this because it shows how important caribou are to that community. The herd migrates right by the village, and it is the main source of their subsistence food.

One thing they've learned from generations of dependence on the caribou is that you never want to shoot into the first wave of animals coming through. If you do that, it can cause the rest of the herd to change course, and all of a sudden your migration has gone somewhere else.

You can imagine how a few inexperienced hunters wandering around the tundra at the wrong time could have a serious impact on the course of the migration and the ability of people in Anaktuvuk Pass to continue their traditional harvest.

That's just one example of the concerns our people have. Mr. Chairman, I know this bill is not intentionally trying to harm people who live on the North Slope. But the bottom line is that it would harm us, and in reality there is no adjustment or fiscal note that can fix it. Like I said, we are faced with new impacts from oil and gas development every day and this, proposed bill will bring even more impacts.

We were promised long ago that the Haul Road would not be used in ways that would seriously compromise the North Slope environment or the subsistence animals moving through. This bill would harm the environment. It would disrupt the normal movements of caribou. It would be totally unmanaged. It could cause serious harm to our traditional way of life. There's nothing in this bill that offers us anything except pain and suffering. Quyanaqpak.

Mr. Chairman – Some of the individuals providing testimony here today will feel more comfortable speaking in their own language. With your permission, I'll provide interpretation.

BARROW

Testimony on Senate Bill 170
"Missing the Big Picture"

Chairman Wagoner,

My name is Edward Itta. I am the Director of the North Slope Borough Department of Public Works. I am here today as a private citizen. Senate Bill 170 starts with an important initiative and that is to generate more revenue for Game Management in this great state. I support that whole heartedly and applaud the creative measures to invest everyone that enjoys our wildlife resources in sharing the expense of managing it properly.

It am concerned that it goes too far though. It seems to punish the Department of Fish and Game for a holistic approach to Game Management. Essentially, if it not something that we stock the freezer with, then this bill would prevent revenue from license fees from being used to manage it. This shortsightedness is easy to develop when much of our state's needs are fulfilled at the grocery store, but it is "Missing the Big Picture".

I am a Whaling Captain and Subsistence Hunter. So were my father and his father. We know that the songbirds and lemmings are as much a part of the fabric that sustains our culture as the caribou and the whale. As a public leader I also know that this state receives federal money for wildlife management that requires biologists to consider the big picture. There are many indicator species whose success or demise can foreshadow climate change, peaks in predation species and the migration patterns of the animals we harvest for food. For this reason, I am not sure it is a good idea to transfer authority from Wildlife Department Biologists to the Game Board and the Legislature for Game Management.

I applaud accountability, but again I think this Bill may go too far. This bill prohibits transferring more than \$10,000 from one game management project to another without legislative approval. Seasons, climate and many logistics impact game management projects and I'm not sure our legislature needs to be involved at this level of detail.

The Bill also bars the Department of Wildlife or Board of Game from prohibiting the sale of animal parts such as bear-gall bladders. We know that anytime a commercial purpose is served by the harvesting of wildlife, then conservancy yields to revenue potential and wild life is wasted whether lawful or not.

The Bill, for its intended purpose, seems extremely complicated and I believe it conceals future changes in Wildlife Management even its author may not have intended. I do not understand all its implications, but I do know that Wildlife Management in this state is underfunded and I encourage you to use this Bill to solve that problem.

Please do not lose sight of the "Big Picture". Game Management is much more complicated than the contents of our freezer.

(BARROW) SB05



October 14, 2005

Senator Thomas Wagoner, Chair
Alaska Senate Resources Committee
State Capitol, Room 427
Juneau, AK 99801-1182

ASRC Opposition to Alaska Senate Bill 85

Sen. Wagoner, and Resource Committee Members,

Arctic Slope Regional Corporation (ASRC) thanks you for bringing your Committee to the North Slope to accept testimony on Alaska Senate Bill 85, which would open the North Slope Haul Road to Off-Road Vehicles (ORV's) used by those from outside of the North Slope region. ASRC is against this bill. The use of ORV's from the Haul Road would trigger many undesirable effects on the North Slope, and jeopardize the safety of the ORV users themselves.

The North Slope Haul Road was intended to be an industrial road with some access for nearby North Slope villagers. Now it allows charter buses, bow hunters, and tourists. Opening the Haul Road to ORV use will continue the slide, and all of the impacts and little of the benefits will fall to North Slope residents.

If SB 85 were to pass, ORV use from the Haul Road would increase the negative impacts of sport hunters and joy riders on the subsistence needs of our villages like Anaktuvuk Pass. For example, a few snow machines launched from the Haul Road at the wrong time could disrupt the hunt of an entire village. The snow-machiners might apologize, but the damage would be done.

There are places in our state where ORV users can traverse powder-snow-covered open country and be relatively safe, with emergency options available from many directions. The North Slope of Alaska, especially the Haul Road Corridor, is not such a place. Our land is harsh, our help is far away.

If non-North Slope residents wish to use ORV's in our region, let them forge partnerships with our villages and begin their North Slope experience from a village. Start with all the necessary local involvement and safety measures in hand. North Slope residents urge this Committee and the Legislature to stop SB 85.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Glenn", is written over a horizontal line.

Arctic Slope Regional Corporation

Richard Glenn Vice President, Lands

P.O. Box 329
Nuiqsut, Alaska 99789

facsimile transmittal

To: *Maysis office* Fax: *8820337*

From: Rosemary Date: /2005

Re: Pages:

CC:



Urgent

For Review

Please Comment

Please Reply

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DN - SB 85 Public
testimony from Dora
Nuhapijale written
Comments



BARROW

Senate Bill 85
Dalton Highway Hearing

I want to welcome everyone to Barrow, especially the Senators.

I want to thank the Senate Resource Committee for coming to Barrow to hear our concerns in regards to the use of the Dalton Highway within the 5-mile corridor with off-road vehicles.

I also want to recognize the citizens of Fairbanks for their opposition on the off-road use of the Dalton Highway.

The original indent of the MOA between the late NSB Mayor Eben Hopson and the late Governor Jay Hammond of Alaska must be adhered to, to assure that the original habitants of the North Slope and the current subsistence hunters that rely on the abundance and the availability of the caribous, fish and wildlife is not jeopardized by others that will do more harm than good.

The safety of the Dalton Highway will need to be addressed with fiscal responsibility from the Sate of Alaska so that the NSB will be able to respond to emergencies that occur on the highway.

Currently the NSB Fire Department and the NSB Search and Rescue are obligated to respond to emergencies on the highway when the need arises. The NSB Public Safety has the responsibility to respond to emergencies as they may occur as well, under any conditions.

I will oppose SB 85 to the fullest extend possible as the North Slope "Homerule" Borough Assembly President to protect the subsistence needs of our Inupiaq.

Quyanak



George Olemann

Barrow

Good afternoon, senators, and distinguished guests:

Senate Bill 85 has the potential to negatively impact the residents of Nuiqsut and Anaktuvuk Pass as well as other residents within the North Slope. Nuiqsut is a whaling and subsistence community that is already impacted by the oil and gas industries. Throughout the year the Nuiqsut residents rely upon and hunt caribou and other game in the area. They also fish in nearby rivers and lakes. As well, Anaktuvuk Pass has a strong subsistence lifestyle, with many residents dependent on caribou and other game as their primary food source.

When the Barrow Whaling Captains joined other whaling captain associations to form the Alaska Eskimo Whaling Commission they had the foresight to plan ahead to protect the coastal waters and minimize offshore activities that would otherwise be detrimental to whaling activities and the migration of Bowhead and other whales. Since being formed, the Alaska Eskimo Whaling Commission has been a strong force along side local whaling commissions in a joint effort to prevent offshore industry activities from seriously affecting our subsistence way of life.

Unfortunately, Anaktuvuk Pass and Nuiqsut do not currently have a strong commission that helps them in regulating caribou migratory and calving issues, but they do get support from the North Slope Borough Wildlife Department along with other North Slope Borough assistance. Together as one, the North Slope communities will fight to maintain our hunting and subsistence way of life.

When the late Eben Hopson Sr. and the late Governor Jay Hammond agreed to terms with regard to the use of the Haul Road, they both had the

foresight to see what we are up against today. They knew future leaders would come and go, some good and some not so good. They also understood some future politician or group may attempt to change regulations to fit their own agenda rather than considering the overall impact decisions make upon the people they are sworn to serve. Today, the North Slope Borough and other neighboring regions like the Northwest Arctic Borough are experiencing the infiltration of outside bow and other sport hunters in areas that residents use for subsistence hunting and fishing. In some cases this impact goes back to the use of the Haul Road.

From my experience the overwhelming majority of North Slope Borough and Northwest Arctic Borough residents do not want to see these kinds of negative impacts in and around our communities. As senators, sworn to serve in the best interests of all Alaskans regardless of the district you represent, we call on you to look further into why Haul Road changes are being proposed. We call on you to look at the impacts of the people who live in these areas.

I urge you, PLEASE DO NOT NEGATIVELY IMPACT OUR COMMUNITIES, SAY "NO" TO SENATE BILL 85.

One other quick issue of concern is the By-Pass mail system, specifically the transport of North Slope mail via the Haul road. Who are folks trying to fool, the Haul Road is not a reliable means of transporting our mail, certainly not in a timely manner or to the equivalent level of service provided in similar Alaskan regions. We ask that you do all that is in your power to influence the reversal of the U.S. Postal Service's decision. North Slope mail must be fully transported by air on the North Slope just as it has been transported for the past fifty years. Quyanuk!

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government



P.O. Box 934 • Barrow, Alaska 99723

Ph: (907) 852-4227 1-888-788-4227 Fax: (907) 852-4246

TESTIMONY OF

Dorothy Edwardson, Realty Officer 

Inupiat Community of the Arctic Slope

SENATE BILL NO. 85 "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; and providing for an effective date."

For the record, my name is Dorothy Edwardson, Realty Officer, Inupiat Community of the Arctic Slope IRA Regional Tribal Government a federally recognized regional tribal government under the Indian Re-Organization Act of 1934 as amended for Alaska in 1936.

ICAS Realty Department is charged with the responsibility of protecting all native restricted lands owned by its membership from the member tribes living in Anaktuvuk Pass, Atkasuk, Kaktovik, Nuiqsut, Point Lay and Wainwright from exploitation. These native restricted lands are used for sustaining our Inupiat heritage, culture, traditions and customs. Most importantly, ICAS Realty is charged with the utmost responsibility of protecting our renewable resources and environment.

A major concern about this bill and if approved is the impacts and trespass to Native Allotments and subsistence use by the villages of Anaktuvuk Pass, Nuiqsut and Kaktovik. The Caribou migrate following ancient migration trails and if there was any activity by off-road vehicles, it would be

damaging to the subsistence hunting of caribou for these three villages and in turn would affect the other villages in the North Slope. The Arctic Slope Villages truly depend on a subsistence lifestyle due to high cost of living and remoteness.

Another concern is the damage to the environment by off-road vehicles. How will the damage affect fish and wildlife, endangered species, water run off from creeks? Forrest or Tundra fires? These are just a few environmental issues to consider for Senate Bill 85 and the cost it will bring to the State of Alaska.

Another Major concern is the fiscal impact it will have on our Municipal Government. Not only will our Police Department see increased off-road traffic due to the unrestricted access for hunting, fishing and other recreational purposes, the local Search and Rescue will also be impacted as well.

What about the Trans-Alaska Pipeline? We know that most big game hunters use high powered rifles that go long range and could cause damage to structures such as the pipeline and maybe even subsistence hunters or other big game hunters.

The Inupiat Community of the Arctic Slope Realty Department strongly opposes Senate Bill 85.

INUPIAT COMMUNITY of the ARCTIC SLOPE

an IRA Regional Tribal Government



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October 14, 2005

To: Alaskan Senate Transportation Committee

From: Price D. Leavitt, Sr., Executive Director *pol, SR.*
Inupiat Community of the Arctic Slope

RE: Testimony in opposition to SB 85.

Dear Senators:

I am presenting this testimony on behalf of Inupiat Community of the Arctic Slope villages that are directly impacted by the continuing onslaught of industrial and technological intrusion of the environment that is depended by surrounding villages of the Dalton Highway. Secondly, the wildlife and vegetation that has given perpetual life to the Inupiat people should be given strong consideration.. It is enough the urban life has had adverse effects in the political and social livelihood of our people and at the same time have had a ripple effect in economic depression in the whole North Slope region. Now, the continuing permanent impression of the technological equipments whether large or small are affecting the natural resources and wildlife where its functions and value will be irreplaceable once the damage is done. To us opening the Dalton Highway, which was placed right through the middle of a natural caribou migration route and where furbearers were abundant, to uncontrolled "off road vehicles" use will have unknown additional negative effects on our subsistence use of resources we depend on for food and other important cultural uses.

I am in agreement with the original intent of the legislators who had good understanding of the Inupiat whose subsistence resources must be kept at its natural state as much as possible. The Dalton Highway must only be used for industrial purposes and opening of recreational and sport hunting should not jeopardize the other villages' natural resources and wildlife they depend to survive when monetary gain in employment is nonexistent. It is my understanding one village whose subsistence way of life had gone on indefinitely has been abolished due to pipeline construction and industrial traffic. If the SB 85 is passed the other villages' subsistence livelihood will definitely be changed negatively, and the social responsibility to protect the delicate ecosystem by the federal/state governments for the Inupiat will have profound negative impact to both animals and human alike.

I am appalled if "off road vehicles" are permitted in the proximities of the James Dalton Highway the surrounding villages that depend on Central Arctic Caribou, Teshepuk Caribou and the Western Arctic Herds subsistence lifestyle will be adversely

affected or reduced while it benefits urban dwellers recreational or sports hunting desires that do not depend on the land. Currently, I understand the 5 mile corridor of the Dalton Highway "off road vehicles" are banned for either recreational or sports hunting purposes. Our people depend on the regular migration or the presence of any of the herds for spiritual or nutritional uses within their communities. If added personal or socially motivated recreational and/or sport hunting is allowed the state's wildlife agencies will lack enforcement capabilities or be able to continue their research in climate, wildlife or vegetation studies for the benefit of all people.

When tribes funding resources are continually cut due to national or global external events that have minimal impact on the subsistence way of life, it is good the Inupiat can fill up their stomachs because the marine and land animals are still abundant. However, when legislators begin making plans for their constituents or the urban population to benefit them for recreational or sport hunting, it is contrary to our philosophy on how we depend on our environment and wildlife and vegetation to endure. The legislators are only thinking globally where wealthy individuals can enjoy the trophy or hunting excursions in the wild Alaska. On the other, the traditional Inupiat hunt only to fulfill their spiritual and nutritional way of life which is the very heart of their existence.

Legislators and urban dwellers must understand the Inupiat still has a concept of a hunter gatherer society despite the modern amenities have benefited most of the Inupiat in the North Slope region. I am speaking on behalf of the impoverished people (who majority of them are unemployed and are affected by gas prices) in the villages who cannot come to tell you the continuing onslaught of the industrial and technological development only unsettle our minds, spirits and hearts. I, too, am appalled at the legislators who do not live here to think their ideas will work as planned, and we the Inupiat have no say on the changing tides of the American Dream. On the basis of what has been laid out as serious concerns for North Slope Inupiat subsistence opportunity and well being of the natural resources we depend on in this brief statement, the Inupiat Community of the Arctic Slope and its tribal members urges you to not pass this legislation.

#3 BARROW

Testimony on Senate Bill 85
"Another Broken Promise"

Chairman Wagoner,

My name is Edward Itta. I am the Director of the North Slope Borough Department of Public Works. I am here today as a private citizen, a whaling captain and subsistence hunter. As we all know, former Governor Jay Hammond died this year. Mr. Hammond made a promise to the original people of the North Slope that a corridor of limited access would protect our subsistence lifestyle and the environment. This looks like another broken promise to me.

At a time when we say that development in the Arctic National Wildlife Refuge can be accomplished without harm to one of the few pristine environments left in the United States, representatives of our state propose that we take away the protective corridor of limited access surrounding the Dalton Highway that has been instrumental in preserving that same environment. The very suggestion erodes the state's integrity on other promises. A new industrial road with no public access is in the works right now. Will that promise be broken too?

I would like to recognize for a moment the process you have undertaken to hear our concerns. This is "proposed legislation" not law yet. You have traveled very far from the urban centers of our state to hear us and I thank you for that.

Currently, you can travel from the Brooks to the Beaufort and view caribou, bear, moose, musk ox, wolves and many other species from the road. You can even hunt many of them, but you cannot erode the tundra or pursue wildlife with an off road vehicle. How many in this room could refrain from approaching a herd of musk ox if you accessed the corridor with a four wheeler or snow machine? These sedentary creatures are declining in numbers now and cannot survive being this accessible. The Central Arctic and Teshekpuk herds of caribou that we depend upon for food are currently harvested at a very high but sustainable rate by people who have lived off the land for thousands of years. What will happen to this food source if there is unrestricted access to it? Similar restrictions were lifted from the Paxton highway near Cantwell and now Caribou hunting is limited to a drawing for permits and there are not enough moose to sustain a hunt.

What about Pipeline Security; Game Management; Road Maintenance; Public Safety? I do not see these addressed in the Bill. Currently there is one Game Management officer located in Coldfoot. Law enforcement in the area is already minimal and this legislation is proposing to change portions of the highway into the equivalent of a tailgate party.

Everything we know about managing healthy wildlife populations near the corridor has been based on limited access. All of the Game Management regulations are based on limited access. There are also long-term experiments in the area that will be jeopardized by making these areas accessible by Off Road Vehicles or ORV's as the Bill calls them. By the way, I looked that up to see just what I could drive onto the tundra from the Dalton Highway if this bill passes: Four Wheel drive trucks qualify, Humvees, virtually anything with wheels, tracks or skis qualify. And before it is said that this could be addressed, accept some advice from the original people here. A single ORV track can wreak havoc on tundra over continuous permafrost and permanently alter vegetation and drainage patterns. We know from experience and that is why the wisdom of our founders and Governor Hammond was instrumental in creating the protective corridor that this Bill takes away.

The integrity of State Government is at stake with this proposed legislation. Remember past promises and commitments that have been made to North Slope Borough Residents. We want to remain a willing partner in development of the vast natural resources on the Slope; however, Senate Bill 85 clearly sends the wrong message.

#3 BARROW

1

To: Alaskan Senate Resources Committee

Date: October 14, 2005

RE: Testimony in opposition to SB85

I'd like to thank Chairman Wagoner and the Senate Resources committee members for offering this opportunity to testify in opposition to SB85. I want to thank you Chairman Wagoner for choosing to hold hearings in some of the communities that will be uniquely impacted by this bill should it pass into law.

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

The North Slope Borough is opposed to removing any part of the Dalton Highway 5 mile corridor to the use of off road vehicles (ORV). The Dalton Highway was originally established only to allow production of- and service to oil and gas development that has served to become the economic mainstay of the State. The Dalton Highway was originally closed to public use because of the broad and justifiable concerns over public safety issues, wildlife harassment, increased user conflicts over wildlife, wildlife violation problems, pipeline security concerns, and because of the damage and changes ORV would cause to the landscape of this northern region of Alaska. These visions were legally challenged and ultimately overturned but not without retaining insights towards the original plan to protect the land, its wildlife resources, and the people that both traditionally and want to depend on its resources for the future of their children. This bill clearly disrupts these protections despite its sponsors' claim that the following issues have been or will be addressed by Federal and States planning efforts AFTER the bill is passed into law.

Off road vehicles cause damage to vegetation, increase soil erosion, and alter permafrost development and stability (Payne et al. 1983, Judd et al. 1989, Snyder et al. 1976,

Edward and Burns 1986). Tundra and wetland vegetation are particularly susceptible to ORV damage and often require decades to recover (NRC 2003). ORVs act as vectors to invasive plant species that can change competitive interactions within plant communities, and often result in plant assemblages that do not resemble original plant community composition (Lacey et al. 1997). Executive Orders were signed by presidents Nixon and Carter restricting the use of ORVs on federal lands due to their negative impacts (EO 11644, 1972; EO 11989, 1977, respectively). These orders required the federal agencies to designate and mark trails and to monitor the effectiveness of trail management and abandonment, as well as to facilitate regeneration of native plant species. This has been accomplished with mixed results and at considerable financial expense to these agencies (USDA 2002).

Removing the 5-mile corridor along the Dalton Highway will increase hunting pressure and harassment to wildlife on the North Slope of Alaska by snow machine and ATV users alike. The Teshekpuk Caribou Herd is utilized by all communities of the North Slope and experiences one of the highest harvest rates of all caribou herds in the State. This bill will increase harvest rates on the TCH by sport hunters using snow machines because it is the only herd that remains on the North Slope throughout the winter. Increased harvest could result in changes to State Fish and Game regulations that would affect the ability of subsistence hunters to harvest an adequate number of animals to support themselves and their communities.

The Central Arctic Caribou Herd (CAH) has served as a good study herd for oil development impacts on caribou life history parameters because it has a low harvest rate (USGS, 2002; NRC, 2003). Increases in hunting pressure on the CAH will change our ability to investigate oil development impacts to caribou.

Increases in traffic along the Dalton would likely affect caribou migration patterns because caribou are sensitive to both the speed and quantity of vehicular traffic (Cameron and Whitten 1979; Lawhead et al. 1993). Two years ago caribou from the TCH were delayed from crossing the Dalton Highway and failed to reach their traditional calving

grounds and this past fall a group of TC's migratory path appears to have been deflected by the Dalton Highway. Opening the 5-mile corridor will only increase these disruptions in caribou movements.

Removing the Dalton corridor will require an increased presence by law enforcement because an increase in hunting violations will likely occur along the Dalton Corridor and throughout the Arctic Coastal Plain. Law enforcement has traditionally been lax along the Dalton Highway and adjoining lands. Traditionally there has only been one, if any, active State Trooper at Cold Foot and passage of this bill will require a substantial increase in Trooper presence and financial resources necessary to police this remote region.

Finally when the Nation is increasing its vigilance for national security reasons I find it surprising that the State of Alaska is considering fostering access to the National Petroleum Reserve without careful evaluation of security issues. The two largest losses of oil in Alaska have resulted from sabotage. First the bombing of the Trans Alaskan Pipeline (TAPS) near Fairbanks in 1978, and the recent shooting of the TAPS. Together, these two instances alone caused the loss of 60% of the total crude oil spilled from the TAPS since it has begun operation (NSB, 2003). It took days to control the spill that resulted from the pipeline shooting incident north of Fairbanks because of its remote location. A similar spill on the coastal plain would likely take longer to detect and control both because of the regions truly remote location and severe weather that prohibits the use of aircraft.

I urge you not to adopt SB 85 into law because of the reasons that I've outlined. Removing the corridor will only increase user conflicts in this region. These conflicts will likely disrupt the ability of subsistence users to harvest an adequate amount of wildlife. Currently the public has access from the Dalton Highway. They can dog sled, ski and hike throughout the region. Similarly, hunters have the opportunity for a truly unique hunt that is free from a carnival of ORV's. The damage that ORV's will cause to

the land will change the unique opportunities that the public currently has to enjoy in this pristine region.

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**Testimony on SB85, Repealing ban on ORVs in the Haul Road corridor
by George N. Ahmaogak, Sr.
Mayor, North Slope Borough**

**Senate Resources Committee hearing
October 14, 2005 – 2:00pm
NSB Assembly Chambers
Barrow, Alaska**

I want to welcome Senator Waggoner – Chairman of the Senate Resources Committee; also Senator Seekins – sponsor of SB 85; committee member Senator Elton, our Senator Donny Olson, and any of your staff who came along. I also want to thank our local community leaders and citizens who have come out today to testify at this hearing. The committee came to Barrow to hear North Slope perspectives, and I appreciate all of you who have come out to testify.

The history of the Haul Road has been very much like the history of oil development in our borough. It started out small and contained, but over time it has expanded and changed into something very different from what we thought we were getting.

With oil development, what started out as a project at Prudhoe Bay gradually spread across the tundra into a series of fields that marched all the way to the Colville River – and now are spreading out across NPR-A.

In the same way, the Dalton Highway was originally planned and built as an industrial supply road with only one purpose – to get material up to Prudhoe. Over time, its purpose has expanded – first, there were four buses allowed,

then the road was opened to public traffic, and now we're told that off-road vehicles may be allowed on the restrictive corridor.

This is how things have happened up here. First, we are asked to go along with one project that has limited and definable impacts on our traditional subsistence and our village life. But once it's built, it becomes a stepping stone to other uses with all kinds of impacts that nobody has planned for.

It's important for you to understand the way we see these things. Otherwise our objections won't make any sense to you. You've come all this way to hold a hearing, and I'd like you to leave with a better sense of why we feel the way we do. You may not agree with it, but at least you'll see where we're coming from.

When we are told that a road is going to be built, a road that's going to cut across 170 miles of our borough, and it's going to slice right through a major migration route of our caribou, and it's going to have 18-wheelers kicking up dust and making noise, we naturally get worried about the impacts of this road on subsistence.

But the State of Alaska reassures us that the impacts will be limited, because the road will only be used by the oil companies, and their employees will not be allowed to hunt. So the Haul Road opens to industrial traffic, and we're still nervous, and we see impacts. But we feel we have been given a promise of limited use on that road and limited impacts. We make the compromise and we accept that road based on these promised restrictions.

Here's the important part – we don't forget the promises that have been made to us. We respect the people who gave us their word on behalf of the State of Alaska.

Mr. Chairman, SB-85 is proposed legislation that the NSB adamantly opposes. However, I know that it is important for you to understand how it looks from our view. Up here, we still remember the promise of limited use, which was based on a commitment not to mess up the natural movement of the caribou and other animals. We remember the promise not to create any more than an absolute minimum of impacts on our traditional subsistence and our village way of life. We're tired of tolerating one impact after another until the cumulative impacts have done serious damage to the wildlife that are trying to survive up here and to the people who are trying to maintain a traditional way of life.

That's where we're coming from. Mr. Chairman, we have welcomed the oil industry and we have worked with the State and the Feds to accommodate the needs of a healthy oil and gas economy. Our people have spent more time in D.C. lobbying for ANWR than any other municipality in the state. We have been a good partner. But we don't feel as though we're being treated like a partner in return. Bit by bit, we're losing ground. We're losing our local control. We're losing our financial stake in the resource activity that eats up more and more of our landscape every day.

This borough was formed 33 years ago for two major reasons:

- 1) so that we could have a meaningful role in land use decisions that affect subsistence, and

2) so that local residents could have a stake in all this oil and gas activity through our local property tax.

But in recent years, federal and state policies have constantly chipped away at both of these forms of local participation.

It's happening with coastal zone management, where our local program is being gutted by the State.

It's happening with NPR-A, where sensitive habitat is being leased over our objections, and legislation is introduced to take away the impact aid we were promised in federal law.

It's happening with offshore leasing, where deferral areas that were designed to protect the bowhead whale migration have been dropped.

It's happening with state road projects on the North Slope, where hundreds of miles of new roads will open up vast stretches of subsistence territory in the borough and further degrade traditional subsistence use patterns for our people.

Mr. Chairman, our people see this pattern of taking away more and more of our local control. How are we supposed to feel? I'll tell you one thing – people up here are not feeling like partners. Partners engage in give-and-take, but with this type of proposed legislation and other state actions the state is doing all the taking, and people up here are doing all the giving.

Mister Chairman, I'm only mayor for another month, then I'm history. But I'm talking to you as a mayor whose record has been pro-development. I'm just telling you what I see on the horizon . That is if these types of

negotiative actions continue to flow into the NSB, our positive development posture could change.

SB 85 is just one issue that could weaken our quality of life. I don't need to go into the details of our objections to this bill, because there are others here who can do that. You already know that there's no provision in this bill for additional fish and game enforcement or police protection to handle the additional traffic and off-road activity. The zero fiscal notes are proof of that. It's just like opening the Haul Road to public traffic without adding any traveler services along the road. It guarantees that there will be a lot of impacts, and show little regards for those impacts. If there was any level of commitment to protection, there would be dollars to go along with this bill.

But dollars wouldn't fix this bill. A few more enforcement officers couldn't stop the damage that public access could cause. Let me give you an example. If you went to Anaktuvuk Pass and talked with people there, the first thing they might do is translate the word "Anaktuvuk" for you. It means "a place of refuge." The traditional migratory path of the caribou, The Anaktuvuk Pass residents will tell you this because it shows how important caribou are to that community. The herd migrates right by the village, and it is the main source of their subsistence food.

One thing they've learned from generations of dependence on the caribou is that you never want to shoot into the first wave of animals coming through. If you do that, it can cause the rest of the herd to change course, and all of a sudden your migration has gone somewhere else.

You can imagine how a few inexperienced hunters wandering around the tundra at the wrong time could have a serious impact on the course of the migration and the ability of people in Anaktuvuk Pass to continue their traditional harvest.

That's just one example of the concerns our people have. Mr. Chairman, I know this bill is not intentionally trying to harm people who live on the North Slope. But the bottom line is that it would harm us, and in reality there is no adjustment or fiscal note that can fix it. Like I said, we are faced with new impacts from oil and gas development every day and this, proposed bill will bring even more impacts.

We were promised long ago that the Haul Road would not be used in ways that would seriously compromise the North Slope environment or the subsistence animals moving through. This bill would harm the environment. It would disrupt the normal movements of caribou. It would be totally unmanaged. It could cause serious harm to our traditional way of life. There's nothing in this bill that offers us anything except pain and suffering. Quyanaqpak.

Mr. Chairman – Some of the individuals providing testimony here today will feel more comfortable speaking in their own language. With your permission, I'll provide interpretation.

Barrow

Comments on SB85

Repeals the statute that prohibits the use of ORV's in the 5 mile Dalton Highway Corridor

Geoff Carroll representing self
Box 1012
Barrow AK 99723

907-852-5320

My name is Geoff Carroll. I am the Fish and Game Area biologist for GMU 26A, but today I will be speaking as a private citizen and a resident of the North Slope. What I say does not represent an ADFG position on this bill.

Thank you for giving us an opportunity to testify.

One very important reason not to pass SB-85 is what it would do to the state's credibility. When decisions were being made as to whether the Haul Road would be built or not, *it was promised* North Slope people were assured that the road would not be open to the public. Then the road was opened to the public. Another promise was that wildlife resources and the land would be protected by not allowing people to use ORV's to access the land surrounding the Haul Road. Now there is a threat of that promise being broken too. The state is now proposing to build more roads on the North Slope for access to petroleum prospects. Of course, the first thing that is said is that these roads will be used exclusively for development and that general public access will not be allowed. Why would anyone believe that, particularly if this legislation passes? If the state wants to have any credibility on this issue, then the legislature should not pass SB-85.

(1)

There could be several detrimental effects if the corridor is opened to the use of ATV's:

1. Repealing the statute would throw wildlife regulations in GMU 26B into disarray because nearly all of the hunts are designed around the fact that there is limited access of hunters from the Corridor. The regulations for some hunts would need to be rewritten and some hunts would be nearly impossible to conduct.

2. There will be increased competition and conflicts with subsistence hunters.

One example of a wildlife situation that would be difficult to resolve relates to the Teshekpuk Caribou Herd. The herd numbers about 45,000 caribou and is very important for North Slope subsistence hunters. We harvest them at a relatively high rate and the harvest rate, in addition to natural mortality, is currently in balance with the productivity of the herd. During the last 2 winters much of the herd has wintered east of their normal range. Last fall about 1/2 the herd moved into the area surrounding the Dalton Highway and wintered there. If the use of ORV's were allowed there would be an increase in the harvest of caribou in the area adjacent to the Dalton Highway corridor. If harvest of the TCH increased in that area, we would have to decrease harvest somewhere else in order to stay in balance. It would create a major user-conflict situation between people hunting off the Dalton Highway and North Slope subsistence hunters.

Right now we can monitor the herd fairly closely because we have a lot of satellite radio collars on the herd thanks to NPRA Impact funds that the NSB receives. In the future, if Mr. Wilkins is successful in diverting those funds we wouldn't be able to afford such close monitoring and we wouldn't know if the TCH caribou are near the Dalton Highway Corridor or not. Not knowing would make it very difficult to make good management decisions.

3. Impact on wildlife. Access of ORV's to the area in the winter will result in increased hunting pressure and harassment by people that want to get a closer look at the wildlife. With bunches of muskoxen standing around it is inevitable that people will drive up for a closer look. We are currently having population problems with muskoxen on the north Slope and the last thing they need is harassment, particularly during winter months when they are supposed to be sedentary.

4. Enforcement demand and expenses will increase. For many years the state's wildlife enforcement on the North Slope has been minimal. Currently there is only one wildlife enforcement officer located in Coldfoot, and, he is expected to cover an area of 78,000 miles. If the area around the Dalton Highway is opened up to access by ORV's, there will be more hunters spread over a larger area, which will increase the need for more wildlife enforcement. The state will either need to increase funding for enforcement or the enforcement in that area will be completely inadequate.

I don't know if the officer in Coldfoot has been able to speak freely on this issue, but in personal conversations and in a teleconference with the NSBFGMC he has made it clear that he thinks that opening the corridor to ATV's would be create serious enforcement problems and be a disaster for wildlife and land resources.

Plan of SECTIONS *Land Use Planning Process*

In summary, in order to maintain its credibility the state should honor its promise to limit access to North Slope lands and minimize the impact on the land, the wildlife, and people of the North Slope by continuing the statute that prohibits the use of ORV's in the Dalton Highway Corridor.

3)

The official ADFG policy is that, whether or not the corridor is opened to the use of ATVs, we can deal with it. This is true, but that doesn't mean that it is a good idea. We can come up with a contingency plan for just about anything. If it was decided that North Slope hunters should be allowed to drive their 4 wheelers thru Anchorage and shoot moose, we could come up with a plan to minimize the impact, but that doesn't necessarily mean that it would be a good idea.

Another example is a Tier 1 subsistence registration muskox hunt that takes place east of the Corridor. The hunt is stopped when 4 muskoxen are harvested. This would be impossible to do if there were 30 people lined up on the Dalton with their ORV's on opening day. Probably have to turn it into a Tier 2 hunt.

If you need a clear example of what 4-Wheelers do to wet tundra, all you need to do is look out the window of the plane as you are approaching or leaving Barrow. There has been a trade-off around here because it makes it a lot easier to access camps and hunting areas in the summer, but there is no question that it makes a mess of the tundra. That is true in many areas of the state where there is 4-wheeler access. Denali Highway.

Currently there is a statute that bans ORV use in the corridor and a BOG regulation that bans the use for hunting and transporting game. What would be the end result of your regulation? Would it affect the BOG regulation? Your stated purpose in passing the regulation is to provide more recreational and hunting opportunity for state residents, so it appears that part of the plan is to remove the ban on the use of ATVs for transportation of game and hunting gear in the corridor.

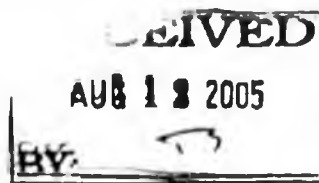
Repeal the regulation that bans the use of ORV's in the Dalton Highway Corridor.

NORTH SLOPE BOROUGH

OFFICE OF THE MAYOR

Anchorage Liaison Office
3000 C Street, Suite N201
Anchorage, AK 99503

Phone: 907-561-5144
Fax: 907-562-1940



August 4, 2005

SD: _____

ASD: jd

faxed to FDO, Bob S.

Henri R. Bisson, State Director
Bureau of Land Management
Alaska State Office
222 W. Seventh Avenue, #13
Anchorage, Alaska 99513-7599

Dear Mr. Bisson:

I enjoyed our recent meeting in Barrow, and to follow up on our discussion I have enclosed copies of three documents pertaining to haul road conditions. One document is the MOU signed by North Slope Borough founding mayor Eben Hopson and former governor Jay Hammond.

As North Slope Borough issues develop, contact me any time you think I can be of assistance. I am always available by telephone or for a meeting in Anchorage.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Dennis Roper".

Dennis Roper
Special Assistant to the Mayor

JAY S. HAMMOND
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

RECEIVED JUN 29 1978

June 21, 1978

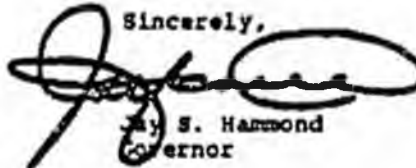
The Honorable Eben Hopson
Mayor
North Slope Borough
P.O. Box 69
Barrow, Alaska 99723

Dear Mayor Hopson:

Enclosed is the signed memorandum of understanding between the North Slope Borough and the State of Alaska.

My staff had made some adjustments in the memorandum of understanding and I believe that you are aware as to the changes we have proposed and have indicated no strong objections to those changes. Therefore, I have signed this memorandum and am transmitting it to you. I would appreciate having a copy of the memorandum once you have also affixed your signature to it.

We are looking forward to close cooperation between the North Slope Borough and the State of Alaska, together with the Bureau of Land Management. It is our desire to come up with the best plan for management of the North Slope Haul Road.

Sincerely,

Jay S. Hammond
Governor

Enclosure

Copy of signed memo. of understanding given to Planning & EPO.

K 7/11
EXHIBIT A
PAGE 1 OF 4

MEMORANDUM OF UNDERSTANDING

between

THE NORTH SLOPE BOROUGH

and

THE STATE OF ALASKA

WHEREAS, the North Slope Borough, a home rule government, has prepared plans and passed ordinances to protect the Haul Road and its adjacent areas from improper and unnecessary development and to encourage sound planning responsive to local traditions and needs; and

WHEREAS, the State of Alaska has goals and policies aimed at full coordination of planning and development efforts with local governments, including home rule boroughs;

WHEREAS, Alaska Statutes require that, in most cases, state departments shall submit plans for construction of public projects to municipal planning commissions for review and approval (AS 35.30.010), and shall comply with local planning and zoning ordinances (AS 35.30.020), and that state subdivisions shall comply with ordinances and other local regulations (AS 40.15.200); and

WHEREAS, the Borough's home rule powers are directly concerned with the use of the Haul Road and secondary development adjacent to it.

EXHIBIT A
PAGE 2 OF 4

NOW, THEREFORE, the Governor of the State of Alaska will ensure:

- 1) That any major state applications to the Bureau of Land Management for conveyances, permits and leases in the Haul Road zoning district will at the time of application also be forwarded to the North Slope Borough for review and comment. Major applications shall generally be defined as those which are being made for developments which require a conditional use permit under the Borough's Haul Road zoning.
- 2) That all applications to the state for leases and special permits for development subject to conditional use permits in the Borough's Haul Road zoning district shall likewise be forwarded to the Borough for review and comment.
- 3) That plans for state public works and related developments on state land or existing state leases in the Haul Road zone be forwarded to the Borough for conditional use permits where appropriate, prior to any land alteration or construction.
- 4) That where appropriate, all state permit and lease holders on lands in the Haul Road zone be required by the state to comply with all Borough ordinances and regulations applicable to the area. The state will continue to cooperate with the Borough in joint planning efforts for the development of the Haul Road.

The Mayor of the North Slope Borough will ensure:

EXHIBIT A

PAGE 3 OF 4

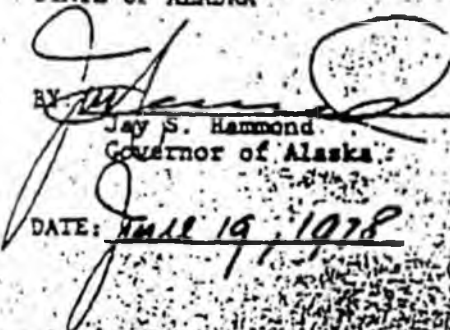
- 1) That the Governor and appropriate state departments shall be provided with copies of appropriate Borough plans and regulations for the Haul Road area.
- 2) That the Borough will review and comment on all applications forwarded to it under this Memorandum of Understanding within 90 days of receipt.
- 3) That the Borough will notify the state prior to public meetings and hearings held on issues affecting development within the Haul Road zoning district.
- 4) That the Borough will continue to cooperate with the state in joint planning efforts for the development of the Haul Road.

This Memorandum of Understanding shall become effective on the date when last signed and shall remain in force until terminated by mutual agreement, by amendment, or by either party upon 60 days notice in writing to the other party of its intention to terminate upon a date indicated.

IN WITNESS WHEREOF, the parties hereto have caused this document to be executed, the Governor of the State of Alaska and the Mayor of the North Slope Borough.

STATE OF ALASKA

BY

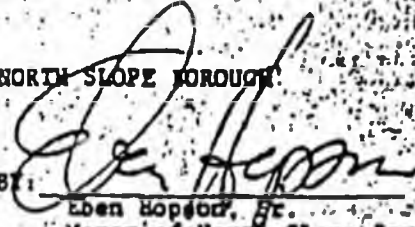

Jay S. Hammond
Governor of Alaska

DATE:

July 19, 1978

NORTH SLOPE BOROUGH

BY


Eben Hopson, Jr.
Mayor of North Slope Borough

DATE:

July 11, 1978

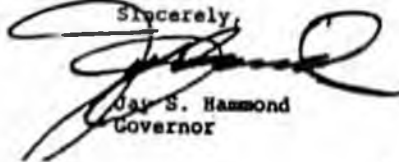
EXHIBIT

July 10, 1980

HCS take precedence over entertainment television. Almost
SB all provisions for entertainment television have
165 been stricken from this bill in accordance with
(FCC) recommendations made to me by the Department of
Education, University of Alaska, the Department of
Transportation and Public Facilities, and Lieutenant
Governor Terry Miller, Chairman of the State
Telecommunications Task Force.

A funding level of approximately \$8.5 million in
Senate Bill 165 still allows for a comprehensive
educational television package in the State of Alaska.
This money will bring a separate instructional television
channel into 132 communities throughout the state, as
well as provide for local program production and teacher
training in how to use video and other educational
components of the telecommunications system.

Sincerely,


Jay S. Hammond
GovernorSCS
HB
207
ams

July 3, 1980

Dear Mr. President and Mr. Speaker:

The Attorney General advised me that SCSHB 207 am S, the
Haul Road Bill, cannot become law because the same version
of the bill was not approved by both houses. I am, there-
fore, returning the bill to its house of origin.

According to the Attorney General, the version of the bill
which passed the Senate included a provision which would
have provided for one section of the bill not to take effect
until June 1, 1983. In legal effect, this provision was the
same as inserting words "beginning on June 1, 1983" into the
middle of the bill's provision for opening the road to the
public between June 1 and September 1 each year. The version
approved by the House of Representatives did not include a
similar provision, and therefore, had a different legal
effect. Under that version of the bill, the road would have
become open for public use on June 1, 1981, a difference of
two years. The two houses did not, therefore, approve the
same bill and none can take effect.

I support the provisions of the bill, and recognize the
benefit of a longer term resolution. Therefore, I am
adopting, administratively, the basic policies laid out in
the bill -- with an effective date for public use of June 1,
1983, or sooner if the required public facilities and services
are in place. Furthermore, I intend to introduce legislation
next session which will institutionalize this policy and

July 10, 1980

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207
ams

provide the necessary funding with which to accomplish it.
Briefly, this legislation will:

- 1) continue year-round maintenance of the road for industrial
and commercial traffic (including resource exploration,
development and support activities; access by local
residents to their property; official governmental
uses; and tour buses);
- 2) allow public access between June 1 and September 1 as far
north as the Dietrich area starting June 1, 1983, or
sooner if possible;
- 3) prohibit hunting with firearms within five miles of the
road;
- 4) prohibit off-road vehicle use on land within five miles
of the road, except for the necessary access to mineral
claims;
- 5) prohibit disposal of State land within five miles of
the road;
- 6) declare that public access may be suspended during the
construction phase of gas pipeline; and
- 7) provide for the State's continued participation in
cooperative planning for the haul road and surrounding
lands to ensure coordinated management among federal,
State and local governments.

There are several reasons for my support of this policy
change now. Our previous policy, announced in January,
1978, was an interim one based on a concern that the road
not be thrown open precipitously without adequate planning
and before the facilities necessary to accommodate an influx
of travelers and the necessary safeguards of natural and
cultural values were in place. At this time, the Bureau of
Land Management (BLM), in cooperation with the State and
North Slope and Fairbanks North Star Borough, has completed
its overall land use plan for the haul road corridor. In
addition, construction of the gas pipeline continues to be
delayed, with no firm start-up date as yet.

However, it is critical that a certain minimum level of
facilities and services be available to the public before
allowing private vehicles on the road. Such facilities and
services would include fuel and vehicle repair services,
food and overnight lodging facilities, emergency services
and facilities, law enforcement, litter control, roadside
rest areas and campgrounds, and an adequate communications
system.

An implementation plan is being compiled which will serve as
a "blueprint" for all the necessary steps which must be
taken if this policy is to be successfully and efficiently
implemented. Because of the numerous agencies involved and
the myriad of individual tasks (ranging from emergency
medical service to litter pickup), it will take a serious
planning and coordination effort on the part of all involved.