

ALASKA LEGISLATURE, 2000-2001

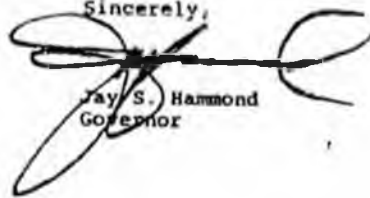
11991 SENATE RESOURCES

July 10, 1980

SCS
HB
207
amS

It is my view, which has been reaffirmed by the Legislature's attempt to pass a bill with substantially similar provisions, that the haul road and adjacent lands deserve special attention and careful management by both the State and federal governments to ensure that all their beneficial values are maximized and the adverse impacts minimized.

Sincerely,



Jay S. Hammond
Governor

The following messages, dated July 3, 1980, were received on July 4, 1980 stating the Governor had signed the following and was transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SCS
HB
729

SENATE COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 729 (relating to works of art in state buildings and facilities; and providing for an effective date)

Chapter 176, SLA 1980

CSSS
HB
779

COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 779 (relating to state resources and the development of geothermal resources)

Chapter 175, SLA 1980

CSHB
1002
amS

July 3, 1980

Dear Mr. President and Mr. Speaker:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1002 am S
(making a special appropriation to the fisheries business tax grant fund in the Department of Revenue; making appropriations to the Alaska Housing Finance Corporation; the Department of Community and Regional

July 10, 1980

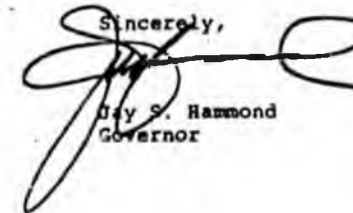
SCS
CSHB
1002
amS

Affairs; the division of business loans in the Department of Commerce and Economic Development; the Alaska Industrial Development Authority; and the mining loan fund in the Department of Commerce and Economic Development; appropriating for the operating and capital expenses of the state government; and providing for an effective date.)
chapter 120, SLA 1980

I have made various deletions and reductions in SCS CS HB 1002 am S (FY 81 budget). Many of the deletions were of intent language with the funding levels left intact, or at least sufficient funding left to carry out the function.

The increasing use of the budget document to preempt the role of the Executive Branch is a serious problem and the deletions of intent language reflect my concern over this issue. As examples of the legal concerns expressed by the Department of Law, I have attached their detailed comments.

Sincerely,



Jay S. Hammond
Governor

Attachment

The following letter and appendix from the Department of Law accompanied the above: [It was later revised on page 2250 of the journal]

June 30, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: SCS CSHB 1002 am S (the general appropriations bill)
Our file: J-88-169-80

Dear Governor Hammond:

At your request, we have reviewed SCS CSHB 1002 am S, the general appropriations bill.

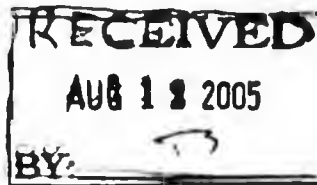
The bill appropriates from the general fund the negotiable instruments representing the state's investments of surplus cash in various state loan programs to AHFC and

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 black ink, appearing to read "Dennis Roper".

Dennis Roper
Special Assistant to the Mayor

JAY S. HAMMOND
GOVERNOR



RECEIVED JUN 29 1978

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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.

RJH
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

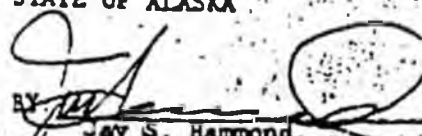
- 1) That the Governor and appropriate state departments shall be provided with copies of appropriate Borough plans and regulations for the Haul Road area.
- 2) That the Borough will review and comment on all applications forwarded to it under this Memorandum of Understanding within 90 days of receipt.
- 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

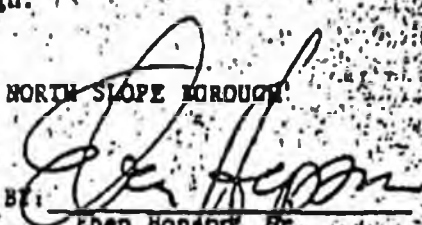

Jay S. Hammond
Governor of Alaska

DATE:

June 19, 1978

NORTH SLOPE BOROUGH

BY


Eben Hopson
Mayor of North Slope Borough

DATE:

July 11, 1978

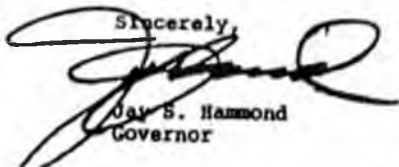
EXHIBIT

July 10, 1980

HCS
SB
165
(FCC) take precedence over entertainment television. Almost all provisions for entertainment television have been stricken from this bill in accordance with 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
Governor

SCS
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, therefore, 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

2741

SCS
18
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 District 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.

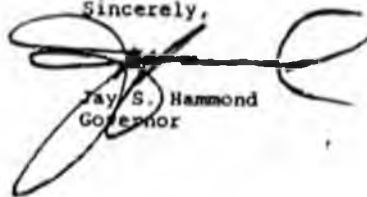
An implementation plan is being compiled which will serve as a "blueprint" for all the necessary steps which must be taken if this policy is to be successfully and efficiently implemented. Because of the numerous agencies involved and the myriad of individual tasks (ranging from emergency medical service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

July 10, 1980

SCS
HB
20/
amS

It is my view, which has been reaffirmed by the Legislature's attempt to pass a bill with substantially similar provisions, that the haul road and adjacent lands deserve special attention and careful management by both the State and federal governments to ensure that all their beneficial values are maximized and the adverse impacts minimized.

Sincerely,



Jay S. Hammond
Governor

The following messages, dated July 3, 1980, were received on July 4, 1980 stating the Governor had signed the following and was transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SCS SENATE COMMITTEE SUBSTITUTE FOR HOUSE
HB BILL NO. 729 (relating to works of art
729 in state buildings and facilities; and
providing for an effective date)

Chapter 176, SLA 1980

CSSS COMMITTEE SUBSTITUTE FOR SPONSOR SUBSTI-
HB TUTE FOR HOUSE BILL NO. 779
779 (relating to state resources and the
development of geothermal resources)

Chapter 175, SLA 1980

CSHB
1002
amS

July 3, 1980

Dear Mr. President and Mr. Speaker:

I have signed the following bill and am transmitting the enrolled and engrossed copies to the Lieutenant Governor's Office for permanent filing:

SENATE COMMITTEE SUBSTITUTE FOR
COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1002 am S
(making a special appropriation to the
fisheries business tax grant fund in the
Department of Revenue; making appropriations
to the Alaska Housing Finance Corporation;
the Department of Community and Regional

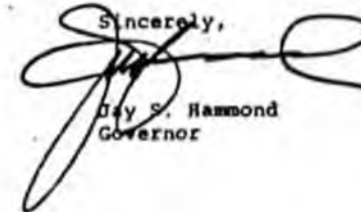
SCS
CSHB
1002
amS

Affairs; the division of business loans in the Department of Commerce and Economic Development; the Alaska Industrial Development Authority; and the mining loan fund in the Department of Commerce and Economic Development; appropriating for the operating and capital expenses of the state government; and providing for an effective date.)
chapter 120, SLA 1980

I have made various deletions and reductions in SCS CS HB 1002 am S (FY 81 budget). Many of the deletions were of intent language with the funding levels left intact, or at least sufficient funding left to carry out the function.

The increasing use of the budget document to preempt the role of the Executive Branch is a serious problem and the deletions of intent language reflect my concern over this issue. As examples of the legal concerns expressed by the Department of Law, I have attached their detailed comments.

Sincerely,



Jay S. Hammond
Governor

Attachment

The following letter and appendix from the Department of Law accompanied the above: [It was later revised on page 2250 of the journal]

June 30, 1980

Honorable Jay S. Hammond
Governor
State of Alaska
Pouch A
Juneau, Alaska 99811

Re: SCS CSHB 1002 am S (the general appropriations bill)
Our file: J-88-169-80

Dear Governor Hammond:

At your request, we have reviewed SCS CSHB 1002 am S, the general appropriations bill.

The bill appropriates from the general fund the negotiable instruments representing the state's investments of surplus cash in various state loan programs to AHFC and

Senate Resources Work Session

SB 85 Packet – Oct. 10th week

New Information

1. Letters from Chair Wagoner dated 9-15-05 to: (4 pages)
Alyeska Pipeline Service Company; BLM; DNR; & DPS
2. Letter from DNR to Sen. Seekins dated 9-19-05 (2 pages)
3. Letter for DPS to Chair Wagoner dated 10-06-05 (1 page)
4. Bill History Display (1 page)

Previous Packet Information

1. Resources Committee Letter of Intent 4/11/05: 2 pages
2. Sponsor Statement – 1 page
3. Sponsor Supplied information & maps: 3 pages
4. SB 85 - 1 page
5. #1 Fiscal Note – DOTP&F: 1 page
6. #2 Fiscal Note – DPS: 1 page
7. #3 Fiscal Note – DMVA: 1 page



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop; Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907--283-8127

September 15, 2005

Mr. David Wight, President & CEO
Alyeska Pipeline Service Company
P.O. Box 196660
Anchorage, AK, 99519-6660

Dear Mr. Wight;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session. As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been your company's position on the bill. To date, my office has not received any correspondence from you on this nor have we heard directly from anyone in your company during the hearings on the bill.

I ask that you have a representative at meetings we will be holding on this bill during the week of October 10th. If that is not possible, then I respectfully ask that you provide me with a position paper on this bill. For developing the packet for those hearings, I would appreciate receiving the paper no later than Oct. 4.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom".

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop, Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2011

Mr. Henri Bisson, Director
Alaska State Office
Bureau of Land Management
222 W. 7th Ave., #13
Anchorage, AK 99513

Dear Director Bisson;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session.

As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been the role that BLM has in the planning process.

I respectfully request that you have a representative at meetings we will be holding on this bill during the week of October 10th. Both the committee members and the public will benefit from your presence.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

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

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop, Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2005

Mr. Tom Irwin, Commissioner
Department of Natural Resources
400 Willoughby Ave.
Suite 500
Juneau, AK 99801

Dear Commissioner;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session. As you probably know, there has been considerable discussion regarding this possibility.

I will be holding hearings on this measure around the state. I ask that you have a representative at the meetings we will be holding during the week of October 10th. I believe it is important that you have someone able to speak for the department.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tom Wagoner".

Senator Tom Wagoner, Chair
Senate Resources Committee



Official Business

ALASKA STATE LEGISLATURE

SENATOR THOMAS H. WAGONER

- Chair, Senate Resources Committee
- Vice-Chair, Senate State Affairs Committee
- Member, Community & Regional Affairs
- Member, Legislative Council
- Member, World Trade

Session: January - May

State Capitol, #427

Juneau, AK 99801

Phone: 907-465-2828 Fax: 907-465-4779

Interim: May - December

145 Main Street Loop, Suite 226

Kenai, AK 99611

Phone: 907-283-7996 Fax 907-283-8127

September 15, 2005

Mr. Bill Tandeske, Commissioner
Department of Public Safety
450 Whittier Street
PO Box 111200
Juneau, Alaska 99811-1200

Dear Commissioner Tandeske;

My committee held hearings on SB 85 (Off-road vehicle use on the Dalton Highway) during the legislative session.

As you probably know, there has been considerable discussion regarding this possibility.

One of the discussion topics has been the fiscal note from your department – which is zero. I have been asked to inquire for backup to that fiscal note. Specifically, an explanation of the zero note in the context of assigning additional troopers on a year around basis. (Please refer to the Analysis section of the fiscal note on the legislation.)

I ask that you have a representative at meetings we will be holding on this bill during the week of October 10th. If that is not possible, than please provide a detailed explanation for the fiscal note.

For information regarding the meetings, please contact Mary Jackson in my office.

Thank you for your time and effort in this request.

Sincerely,

Senator Tom Wagoner, Chair
Senate Resources Committee

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES
OFFICE OF THE COMMISSIONER

FRANK H. MURKOWSKI, GOVERNOR

400 WILLOUGHBY AVENUE
JUNEAU, ALASKA 99801-1796
PHONE: (907) 465-2400
FAX: (907) 465-3886

550 WEST 7TH AVENUE, SUITE 1400
ANCHORAGE, ALASKA 99501-3650
PHONE: (907) 269-8431
FAX: (907) 269-8918

September 19, 2005

The Honorable Senator Ralph Seekins

State Capitol, Room 125
Juneau, AK 99801-1182
fax: 907-465-5241

Dear Senator Seekins:

I am writing concerning SB 85, Off-Road Vehicle Use on Dalton Highway. There has been some discussion of activities that would be required of DNR after the bill passes. I am writing to clarify the tasks that DNR would be required to accomplish.

Except for particular development nodes, the State of Alaska owns no land along the Dalton Highway between the Yukon River and the crest of the Brooks Range at Atigun Pass. At present, DNR has no jurisdiction over this land (except for the development nodes). DNR has selected the pipeline corridor, but the BLM Public Land Order 5150 has withdrawn the land from conveyance to the State. While the Administration and DNR have requested that BLM lift the order and convey the land, the federal BLM has shown extreme reluctance to do so.

DNR manages all the land north of the Atigun Pass on the North Slope. A Special Use Area, adopted in 1970, requires a permit for off-road motorized use in this area. I understand it was adopted because of the sensitivity of this wet area to disturbance, and the need to ensure that the activity, primarily oil exploration activity, did not degrade the tundra and cause widespread rutting and thermokarsting. The Special Use Area is adopted in regulation as 11 AAC 96.014(b)(1).

DNR has an active program to open the tundra to winter travel for the oil companies. Staff is active in the area both to facilitate oil exploration and protect the environment. Oil companies receive a permit with a stipulation requiring that they do not travel on the tundra, except on summer-approved vehicles, until DNR determines that snow and cold have readied the tundra for winter travel.

For activity originating from the Dalton Highway, the Special Use Area has no effect because currently law prohibits motorized activity within five miles of the highway. SB 85 would, of course, lift that prohibition. This change will require DNR to re-examine its Special Use Area.

When the Special Use Area was adopted, I do not believe that winter travel, other than oil company travel, was anticipated. The Special Use Area therefore requires a permit for snowmobiles and other winter travel, though I doubt that was the intent. It is a relatively simple regulatory fix to change the DNR's Special Use Area and regulations to allow this type of activity each year once there is enough snow. The only part of the change that will require significant analysis is the need to provide a security

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

zone for the oil fields, and to ensure that private winter travel does not disrupt the extensive oil exploration that is expected to occur surrounding the haul road in the Brooke's Range foothills. At the same time, DNR would check to determine if there are areas that are appropriate for summer travel for some vehicles.

After the bill becomes law, I do not expect that this work will require a lot of time. Within 150 days after the bill becomes law, I expect that DNR would be able to distribute to the public a proposal to revise its regulations in a manner that is more appropriate to winter travel.

I hope this information is helpful. Please let me know if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "T. Irwin", with a horizontal line extending to the right.

Tom Irwin
Commissioner

cc: Bob Loeffler, Director; DMLW
Janet Burleson-Baxter, Legislative Liaison; DNR



State of Alaska
Department of
Public Safety

Frank H. Murkowski, Governor
William Tandeske, Commissioner

October 6, 2005

The Honorable Tom Wagoner
Chairman, Senate Resources Committee
145 Main Street Loop, Suite 226
Kenai, AK 99611

Re: Senate Bill 85 – Off-road use on the Dalton Highway

Dear Senator Wagoner:

This letter is written in response to your correspondence dated September 15, 2005 regarding the same subject.

In your letter, you inquire about the Department of Public Safety's fiscal note regarding this legislation. Part of the rationale behind our zero fiscal note and analysis is the fact that the Bureau of Land Management (BLM) and the Alaska Department of Natural Resources have done a good job when it comes to managing our land in Alaska. As it has been noted in public testimony, the first 180 miles of this road is federal property and BLM has had a draft land use plan for this area since 1991. Another consideration is that the repeal on the ban would not take effect for one year from the date when the bill is signed into law.

If this bill passes, the Alaska State Troopers do expect to see an increase in off-road traffic due to the unrestricted access for hunting, fishing and other uses. Eventually, this will lead us to supplement staffing at the Coldfoot Post with additional troopers on a seasonal basis. From our management standpoint, this can be done by assigning AST personnel from Fairbanks on temporary duty (TDY) to this area. I feel this is a prudent and responsible approach to administer the increased demands that we will face on the Dalton corridor.

Since a land use plan will be in effect, I feel that the impact on the department along the Dalton corridor will be moderate for the foreseeable future.

If you should have any further questions about our fiscal note or need additional information, please don't hesitate to call my office.

Sincerely,

A handwritten signature in black ink, appearing to read "William Tandeske".

William Tandeske
Commissioner

cc: Tom Irwin, Commissioner
Department of Natural Resources

Bill History/Action Display



BILL: SB 85

SHORT TITLE: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

BILL VERSION:

CURRENT STATUS: (S) RLS

STATUS DATE: 04/12/05

SPONSOR(s): SENATOR(S) SEEKINS, Bunde, Therriault

- HEARING:** (S) RES Oct 10 6:30 PM NOME <Pending Referral>
- HEARING:** (S) RES Oct 11 6:30 PM Fairbanks <Pending Referral>
- HEARING:** (S) RES Oct 12 6:30 PM Coldfoot <Pending Referral>
- HEARING:** (S) RES Oct 14 2:00 PM Barrow <Pending Referral>
- HEARING:** (S) RES Oct 15 3:00 PM Chugiak <Pending Referral>

TITLE: "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."

Bill Root:	Display Bill Root	Next Bill	
Full Text	Fiscal Notes	Intent	
Committee Action with Bill History			

Jrn-Date	Jrn-Page	Action
01/31/05	0192	(S) READ THE FIRST TIME - REFERRALS
01/31/05	0192	(S) TRA, RES
02/04/05	0225	(S) COSPONSOR(S): BUNDE, THIERRIAULT
02/18/05	0337	(S) TRA RPT 3DP 1DNP
02/18/05	0337	(S) DP: HUGGINS, COWDERY, THIERRIAULT
02/18/05	0337	(S) DNP: FRENCH
02/18/05	0338	(S) FN1: ZERO(DOT)
02/18/05	0338	(S) FN2: ZERO(DPS)
02/18/05	0338	(S) FN3: ZERO(MVA)
04/12/05	0900	(S) RES RPT 2DP 1DNP 4NR
04/12/05	0900	(S) LETTER OF INTENT WITH RES REPORT
04/12/05	0900	(S) NR: WAGONER, GUESS, DYSON, STEDMAN
04/12/05	0900	(S) DP: SEEKINS, STEVENS B
04/12/05	0900	(S) DNP: ELTON
04/12/05	0900	(S) FN1: ZERO(DOT)
04/12/05	0900	(S) FN2: ZERO(DPS)
04/12/05	0900	(S) FN3: ZERO(MVA)
04/12/05	0900	(S) REFERRED TO RULES

Similar Subject Match or Exact Subject Match
 HIGHWAYS
 MOTOR VEHICLES
 PUBLIC LAND

Bill Root:	Display Bill Root	Next Bill	
-------------------	-------------------	-----------	--

SB 85

Previous

INFO

mg

Senate Resources Work Session

SB 85 Packet – Oct. 10th week

New Information

1. Letters from Chair Wagoner dated 9-15-05 to: (4 pages)
Alyeska Pipeline Service Company; BLM; DNR; & DPS
2. Letter from DNR to Sen. Seekins dated 9-19-05 (2 pages)
3. Letter for DPS to Chair Wagoner dated 10-06-05 (1 page)
4. Bill History Display (1 page)

Previous Packet Information

1. Resources Committee Letter of Intent 4/11/05: 2 pages
2. Sponsor Statement – 1 page
3. Sponsor Supplied information & maps: 3 pages
4. SB 85 - 1 page
5. #1 Fiscal Note – DOTP&F: 1 page
6. #2 Fiscal Note – DPS: 1 page
7. #3 Fiscal Note – DMVA: 1 page

ALASKA STATE LEGISLATURE



Official Business

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

Letter of Intent – April 11, 2005

SB 85: OFF-ROAD VEHICLE USE ON DALTON HIGHWAY

The legislature acknowledges the provision of Article VIII, Sections 1, 2 and 3 of the Alaska State Constitution. These sections provide, seriatim, that:

- (1) it is the policy of the State to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest;
- (2) the legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the maximum benefit of its people; and
- (3) wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.

The legislature thus recognizes that it is the policy of the state to encourage the development of its land and resources, but in a manner that recognizes the collective interests of the people as the owners of these lands and resources. It is consistent with the public interest that resources be developed responsibly – not ruined or plundered.

It is the intent of the Legislature, by removing the AS 19.40.210 blanket prohibition of all recreational off-road vehicles on the lands within the Dalton Highway corridor north of the Yukon River bridge, to encourage and provide for a broad range of

public access alternatives to public lands consistent with the multiple use principle and to do so in concert with modern principles of stewardship.

However, it is not the intent of the legislature to allow unfettered or irresponsible use of off-road vehicles on either public or private lands. And, in the case of the lands north of the Yukon River bridge, the legislature is aware that time will be needed for the appropriate federal and state land and resource managers to design and implement plans that balance access with care for the lands and resources. Therefore, it is also the intent of the Legislature to allow sufficient time for State and Federal land and resource managers to develop and implement appropriate land use and resource management plans for the Dalton Highway corridor and adjacent lands before the current statutory prohibition is removed.

With the foregoing in mind, the effective date for this bill is 12 months following the date of passage into law. Following consultation with the appropriate land and resource managers, it is the understanding of the Legislature that this 12-month delay is sufficient time for the agencies and boards to complete their processes – all of which include public hearings – and to have their respective land use and resource use plans in place prior to the removal of the prohibition.

It is also the intent of the Legislature that, if the 12-month delay is not sufficient time for the orderly completion of the public process necessary to implement appropriate land and resource management plans, it will meet in regular session and extend the effective date for an additional period not to exceed 12 months.

ALASKA STATE SENATE

Session:
State Capitol
Juneau, Alaska 99801-1182
(907) 465-2327
(907) 465-5241 Fax



Interim
119 N. Cushman, Suite 201
Fairbanks, Alaska 99701
(907) 456-8161
Senator_Ralph_Seekins@legis.state.ak.us

Senator Ralph Seekins
District D

Senate Bill 85 Sponsor Statement

"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."

A substantial portion of Alaska's landmass lies on the north side of the Yukon River. Only one road exists in that entire area – the James Dalton Highway. Current law, with very limited exceptions, unilaterally bans the use of off-road vehicles within five miles of the highway's right-of-way starting at mile 57 (the Yukon River crossing) and extending 357 miles north to the Arctic Ocean.

This law (AS 19.40.210) essentially prohibits access for average Alaskans to recreate on tens of millions of acres of public lands that would otherwise be open to their use. Senate Bill 85 removes the prohibition on the use of off-road vehicles within the five mile right-of-way of the Dalton Highway 12 months *after* the bill becomes law.

With the removal of the ban, this legislation clears the way for land owners to develop and implement land use plans for the first time. Then, in accordance with these plans, campgrounds, trails and public-use cabins could be built all while protecting sensitive areas. In this respect it would be no different from many other parts of the state where multiple user groups co-exist while maintaining certain restrictions where necessary.

On the Dalton, the fact is the Bureau of Land Management already has turnouts, restrooms and visitor centers constructed to accommodate increased public interest in this part of Alaska. Planned, orderly recreational development along the Dalton is not a matter of time — it's a reality today. What's more, the BLM has already prepared a Dalton Highway management plan. But it's been sitting on a shelf since 1991 waiting for the state to remove the outdated ban on off road vehicles.

Continued prohibition of off-road vehicles will only foster an increasingly untenable situation. The Dalton is attracting more and more visitors. It's only reasonable to expect this to continue on a year-round basis. Furthermore, dropping the ban would allow state agencies to continue doing valuable research work without being placed in the awkward position of violating state law.

Current law essentially requires that you be either wealthy enough to fly, or healthy enough to walk, into vast areas of public lands north of the Yukon. SB 85 will open this area to the rest of us as well.

Sec. 19.40.210. Prohibition of off-road vehicles.

Off-road vehicles are prohibited on land within five miles of the right-of-way of the highway. However, this prohibition does not apply to

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

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

(3) the use of a snow machine to travel across the highway corridor from land outside the corridor to access land outside the other side of the corridor; this paragraph does not permit the use of a snow machine for any purpose within the corridor if the use begins or ends within the corridor or within the right-of-way of the highway or if the use is for travel within the corridor that is parallel to the right-of-way of the highway; in this paragraph, "highway corridor" means land within five miles of the right-of-way of the highway.

Sec. 19.40.290. Definitions.

In this chapter

(1) *[Repealed, Sec. 53 ch 30 SLA 1996].*

(2) "highway" means the secondary highway from the Yukon River to the Arctic Ocean.

Chapter 19.45. MISCELLANEOUS PROVISIONS; DEFINITIONS AND PENALTIESSec. 19.45.001. Definitions.

In AS 19.05 - AS 19.40

(1) "commissioner" means the commissioner of transportation and public facilities;

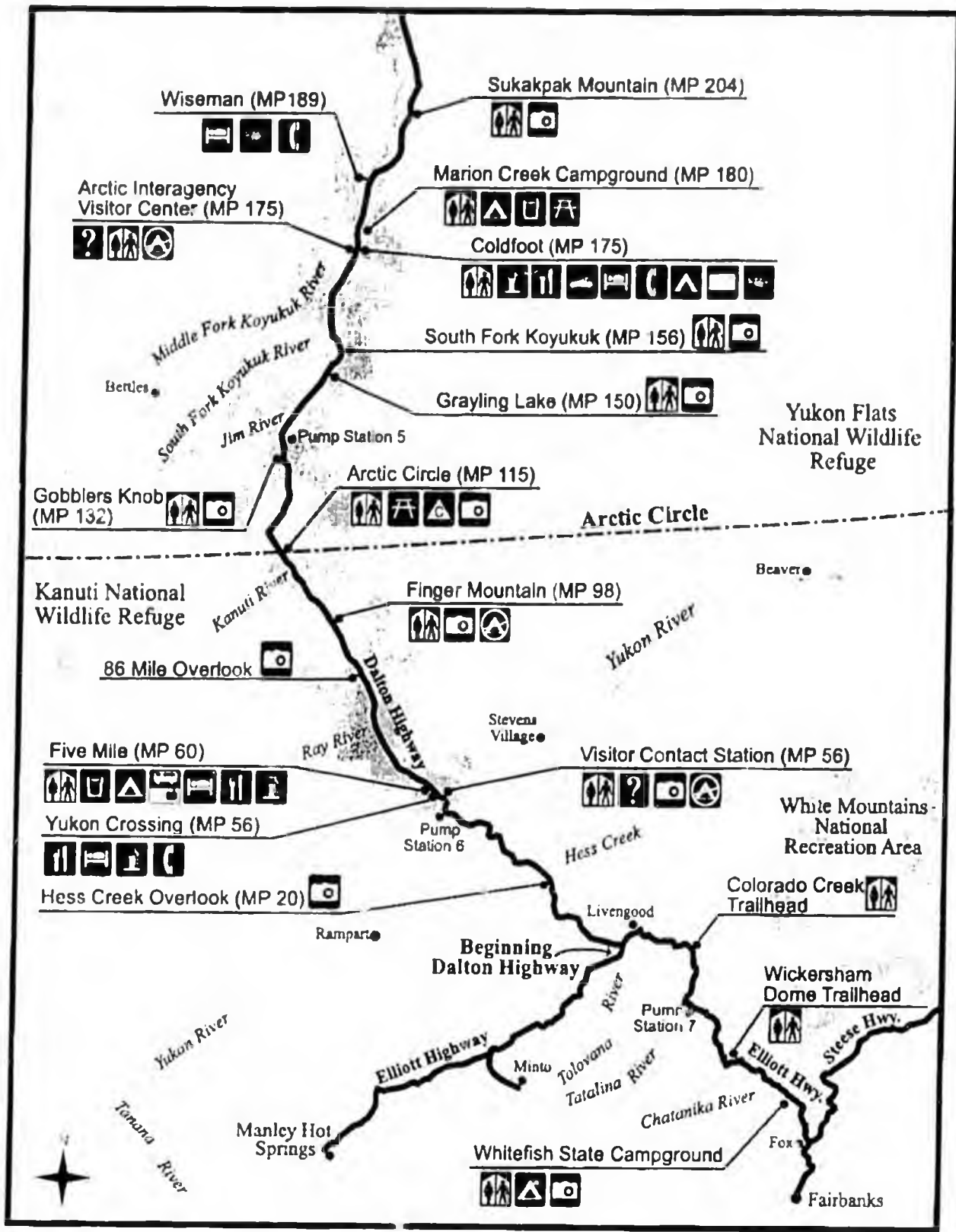
(2) "construction" or any derivation means construction, reconstruction, alteration, improvement or major repair;

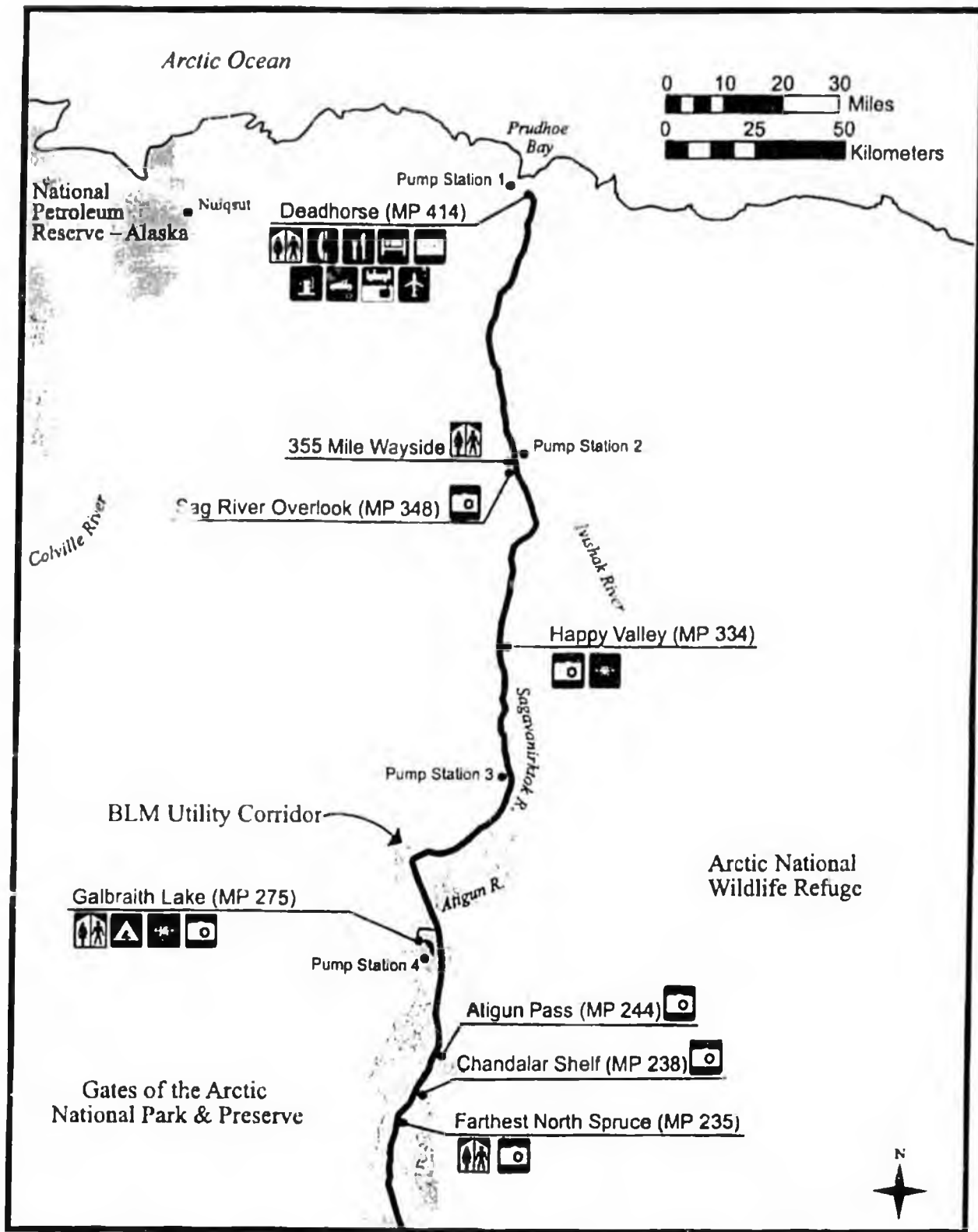
(3) "controlled-access facility" means a highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have either no right or easement or only a controlled right or easement of access, light, air, or view;

(4) "cost of change, relocation, or removal" means the entire cost incurred by the utility properly attributed to the change, relocation, or removal of a facility, less any costs for improvements or upgrading over and above the cost of a functionally equal facility; if a facility is to be relocated and replaced with new equipment, there shall also be subtracted from the entire cost any salvage value derived from the old facility;

(5) "department" means the Department of Transportation and Public Facilities;

(6) "encroachment" means and includes a tower, pole, pole line, pipe, pipeline, driveway, private





SENATE BILL NO. 85

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY SENATORS SEEKINS, Bunde, Therriault

Introduced: 1/31/05

Referred: Transportation, Resources

A BILL

FOR AN ACT ENTITLED

1 "An Act repealing the ban on the use of certain off-road vehicles within five miles of the
2 right-of-way of the James Dalton Highway; and providing for an effective date."

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

4 * **Section 1.** AS 19.40.210 is repealed.

5 * **Sec. 2.** This Act takes effect on the first anniversary of the date on which this Act
6 becomes law.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

Revision Date/Title (Note if correction): _____ Dept. Affected: DOT&PF
 Title: Off-Road Vehicle Use on Dalton Highway RDU: Administration & Support
 Component: Commissioner's Office
 Sponsor: Sen. Seekins
 Requester: Senate Transportation Component No.: 530

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Nona Wilson
 Division: Legislative Liaison, DOT&PF
 Approved by: Mike Barton
 Agency: Commissioner, DOT&PF

Phone 465-3904
 Date/Time 2/4/05 12:06 PM
 Date 2/4/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 2
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act repealing ban for use of certain off-road RDU Alaska State Troopers
vehicles within the Dalton Hwy right of way Component Alaska Bureau of Wildlife Enforcement
 Sponsor Senator Seekins
 Requester _____ Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0 0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this bill will have no direct fiscal impact on the Department of Public Safety. However, repealing AS 19.40.210 would allow the use of off-road vehicles, within the five miles of the right of way of the Dalton Highway known as the "highway corridor". If repealed, the Alaska State Troopers would expect to see increased off-road traffic due to the unrestricted access for hunting, fishing, and other recreational purposes. To explain further, there is currently one trooper stationed in Coldfoot. Additional troopers will have to be temporarily assigned to this area to assist with enforcement efforts on a year around basis, rather than only during periods of high use, which has traditionally been during the late summer and early fall seasons.

Prepared by: Lieutenant Todd Sharp Phone 907-465-3223
 Division: Alaska State Troopers Date/Time 2/7/05 3:27 PM
 Approved by: Commissioner William Tandeske Date 2/7/2005
 Agency: Department of Public Safety

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 3
 Bill Version: SB 85
 (S) Publish Date: 2/18/05

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans Affairs
 Title: Off-Road Vehicle Use on Dalton Highway RDU: Military and Veterans Affairs
 Sponsor: Senator Seekins Component: Homeland Security and
 Requester: Transportation Component No.: 2657

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 00

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

There is no fiscal impact.

Prepared by: John Cramer
 Division: Division of Administrative Services
 Approved by: Commissioner Craig E. Campbell
 Agency: Department of Military and Veterans Affairs

Phone: (907) 465-4602
 Date/Time: 2/7/05 3:55 PM
 Date: 2/7/2005

Barrow

10/14/2005 SB 85 & 170 - Fish Hunting fees
Dalton Hi Way

- ⊖ George Ahmaogak: (impact) ^{starts small + grows} into a tidal wave
- ⊖ Geoff Carroll: state credibility

Teshukluk Herd: 45,000 caribou

- ⊖ Brian Pearson (NSB biologist) ORV damage vegetation
1978 Bombing traps & Gun shot
- ⊖ Edward Itta: corridor of limited access
- ⊖ Carl Brower (NUI)
- ⊖ Jera Nukapiag (NUI)
- ⊖ John Ahtungarak (aged) (NUI)
- ⊖ Rosemary Ahtungarak (NUI)
- ⊖ Nate Oleson Jr
- ⊖ Raymond Pareek - (AKP)

"I came to listen. I did not come here to be threatened" Ralph Jackson

- ⊖ Earl Kingik 368-2008 (PHP) "Delmy O-thix"
- ⊖ Jack Schieffelt (P+10?)

~~Andra~~ Joash Tulde

⊖ Arnold Brower Jr: knew James Dalton 1937-f ^{PH Herd} work w/ Bore

⊖ Ruth Nukapiag (elder) 4 inidana 48 up heads

⊖ Paul Carr: security ^{west} Toll: \$1000/person \$100-150 in/yr from rangers

Charles Hopson 4356 properties - state assessor \$1.5 B

⊖ Arnold Brower Jr: trophy mounted hunters in jail, public pressure

⊖ Josh Bacon: traffic - slows oil spill response

⊖ Price Leavitt

⊖ Marie Carroll

⊖ Randy Crosby \$6000 in expenses BRW-PHB-BRW

⊖ George Oleson

⊖ Eugene Brower Eben Hopson - J. Hamper Agreement

⊖ Tazudik Heat W-Life Director (NSC)











SB

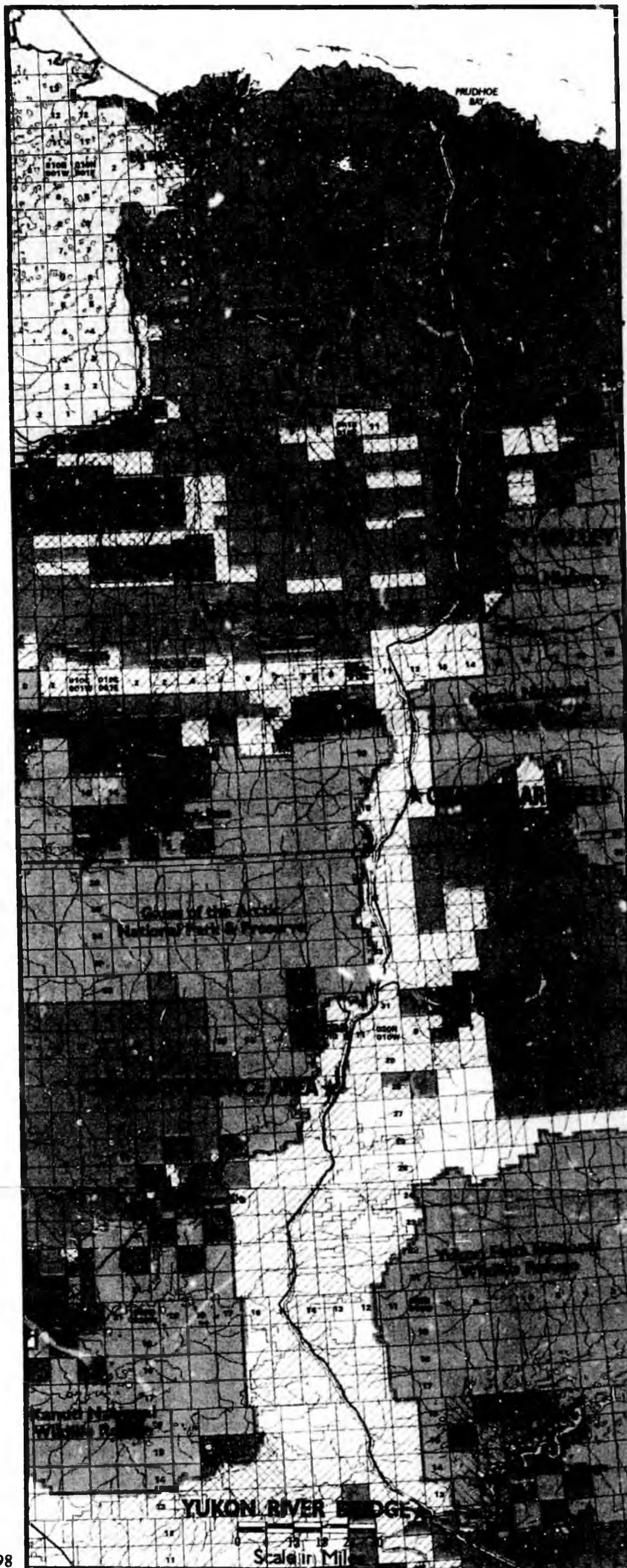
85/170

(FILE 2)

DALTON HIGHWAY CORRIDOR MAP

DALTON HIGHWAY CORRIDOR LAND OWNERSHIP

-  Bureau of Land Management
Public Lands
-  Federal Lands - National Parks,
Preserves, Refuges
-  National Petroleum Preserve
- Alaska (NPRA)
-  State Patented or
Tentatively Approved Land
-  State Selected
-  ANCSA Patented or
Interim Conveyed
-  ANCSA Selected
-  Development Nodes
-  Major Roads
-  Trans-Alaska Pipeline



March, 1998

This map produced by the Department of Natural Resources, Division of Land, Technical & Data Management Section, Anchorage, AK

#3

Talking Points SB85 10-12-05 CF
I am apposed to SB85.

- The current statute is prima facie evidence as to the planning and promises by the legislature and Governor Hammond to manage this area North of the Yukon differently. ~~that they plan~~ when the Haul Road was to be built. It was correctly recognized that these are low density game populations and a wilderness area.
- There are currently many user groups including Bow hunters, ~~from~~ ^{from} the Road, Walk in hunters, Dog teams, Horses, All types of water craft, and aircraft accesses. These users are all ready using these resources at or near Sustained Yield. These groups comprise several thousand people.
- A new type ^{ATV} user group at the magnitude ^(several thousand) of participation ~~is~~ would surely take the major portion of allocation. This is exemplory in other areas of similar terrain. The ATV user group would of course permanently change the Wilderness aspect of this area.
- ~~Thousands~~ ^{Hundreds} of other Americans & Alaskans I have talked to regarding ATV use have voiced opposition to Change in Management on these lands.

of a household completing their harvest goals was on July 17 and the latest occurred on July 31.

- Other areas in Alaska and in the Continental United States have had huge impacts by the expanding use of ground contact ATVs. Mitigations are very expensive.
who is to pay those costs?

- The primary weaknesses of this Bill SB 85 are:

- (1) The failure to recognize why the statute was originally implemented.
- (2) The assumption there is considerable unused recourse and thousands of additional ATV users can be accommodated.
- (3) The main flaw is; there is zero dollars provided for planning and implementation. There would have to be hundreds of thousands of dollars provided by the State for planning alone. Game surveys and population monitoring are very expensive. There would be need for equitable or more for the enforcement of regulations. The Federal agencies are going through budget reductions due to National debt & disasters. Without funding SB 85's safe guards of planning; ~~is~~ ^{is} a bucket with out a bottom and do not hold water. ~~bucket~~

United States Department of the Interior
FISH AND WILDLIFE SERVICE

Fairbanks Fish and Wildlife Field Office

101 12th Ave., Room 222, Box 19

Fairbanks, AK 99701

Phone: (907) 455-1845

Fax: (907) 455-1843

-OR-

Emmonak Field Station

PO Box 125

Emmonak, AK 99581

Phone: (907) 949-1798

Fax: (907) 949-1842

Date: 10/7/05

To: Ray Oney, Lester Wilde Sr., Benedict Jones, Robert Walker, Mickey Stickman,
Gerald Nicholia, Virgil Umphenour, Harry Wilde Sr., Ron Sam, Craig Fleener, Jack
Reakoff, Andy Bassich

From: Katie Mohrman - USFWS

Number of Pages to Follow: 7

Subject: Yukon River Subsistence Interviews Overview

Comments: _____

~~TERRA #1~~
TARA #1

COLDFOOT
- SB 85

Hutchison 2

one year later Alaskan Legislature is in the same position as they were in 2003. The bill has been re-proposed as Senate Bill 85, but with one minor change. If legislators decide to pass the bill they will have twelve months from the day the bill is adopted to figure out how to fund and protect the land and animals from poachers and disrespectful persons.

Senate Bill 85 should not be adopted because it would be expensive to the state, the renewable resources of the tundra will be severely damaged (that comes along with risking loss of a multi-million dollar research center located within the corridor), caribou herds that residents of the area rely on for subsistence could be placed in jeopardy, and enforcing the land management would be a superhuman effort even if multiple troopers were to work around the clock. If Senate Bill 85 were to pass into law, the effects could be seen via Alaska's budget, loss of scientific research, and the many lifestyle changes that would have to be made in rural communities along the corridor.

Senator Seekins wants the Senate and Alaskans to believe that the addition of this bill will not cost the state any money. This is just not the case. An article written by Senator Seekins states what he believes to be true is "Right now, there are turnouts, campgrounds, restrooms and visitor centers in place on the Dalton Highway that are intended to accommodate increased public interest" (Seekins). The highway turnoffs that he would like to use for vehicles carrying trailers with ORVs or camping already serve an important utilitarian purpose. They are meant as safety pullovers for the thousands of semi-truck drivers hauling freight as they race up and down the so cleverly nicknamed "Haul Road" every month. This would need to be reckoned with, and undoubtedly there would be many new pull-offs and break stops created along the highway. To Isla Myers-Smith, an Alaskan Resident, a biologist investigating disturbance in the boreal forest and

at Toolik is 36,000,000 (total), averaging 8,600,000 annually" (IAB). The research that is conducted in Toolik is a privilege for both the state and the field station. It is something that should be supported and protected, not thought of as a burden that is only taking up land for recreation.

3

According to the Senate Bill 85 Sponsor Statement, written by Senator Ralph Seekins, "dropping the ban would allow state agencies to continue doing valuable research work without being placed in the awkward position of violating state law" (Alaska State Senate). It would not be a matter of the Field Station violating state law. The thing that Toolik Field Station and locals worry about is the carelessness of irresponsible recreational users that would increase the deterioration of the sensitive tundra. The well being of the land should also worry the State. Legislature should keep in mind that residents and researchers alike provide educational information so that they may make the right decision and help protect the land for future scientific research and anyone that may someday want to lead an alternative subsistent lifestyle.

4

As of now, enforcement of new policies and guidelines that will need to be created to ensure public safety would have to be patrolled by Officer Kurt Bedingfield, the only state trooper currently stationed in Coldfoot. His jurisdiction reigns from the Yukon River to Atigun Pass. Ensuring the well-being of large quantities of recreational users would not be a task to bestow upon one trooper. If more state troopers were to be stationed north of the Yukon River, it would be adding to the rising costs of passing this bill.

2

For a lot of people, the passing of this bill will hit close to home. The land that residents of villages near the corridor value and depend upon for an alternative subsistent

to the reasoning for slowing the bill for additional hearings, including a fellow Senator. "Juneau's Senator Kim Elton asked why, if Senate Resources genuinely intended to receive public input, they didn't move the bill out of committee" (Alaska Conservation Voters). The hold on any real work being done on this bill over the summer relieves the residents and persons against the bill for the time being, but advocates against the bill will try to increase awareness of the potential of losing an essentially untouched beautiful piece of land.

5 In the end, the passing of Senate Bill 85 or any future altered version will have negative impacts across the state of Alaska. From the research gathered it is apparent that the effects that will be caused by the Bill will be more detrimental to the rural villages and scientific communities alone than any Senator should administer upon the state of Alaska.

NOIA FOOT
SB 85

Points of opposition:

1. First, this fragile arctic ecosystem and the current populations that it supports will not hold up under the impact of increased use of off road vehicles.
2. There is lack of law enforcement to monitor & regulate the potential increased users.
3. Also creating safety issues for these new potential users, and as a result an increased financial burden on the state in dealing with these issues.
4. There is potential for increased security risks associated with fragile climate developments in the area, including both Toolik Lake research, and Alyeska pipeline operations through out the corridor.
5. Majority of current & potential area users do not want to see this legislation passed.
6. This areas current regulations & allowances support an enormous variety of user groups: hunters, trappers, fishermen, gold miners, oil development & infrastructure, sightseers, backpackers, campers, researchers, and ancient cultures of the land.
7. You cannot please all the people all the time, but current regulations are accommodating the majority of people classified as users & potential users of the area. Rules & regulations are based on these majority needs, & management restrictions in place are there to protect these rights & uses of ail concerned.
8. I spoke with thousands of visitors this summer who visited the Dalton highway, and this arctic ecosystem. They came here from Alaska, the US, and around the world to see this place as it is, they were appalled at the thought that there would even be considered a bill to pass legislation that would allow off road vehicle use of this corridor in the fragile arctic. Even strangers to our country are wise enough to realize the potential impacts that off road vehicle use will have on this land & populations. I spoke with no one out of thousands who would support this legislative option, the potential impacts are obvious to all to far outweigh the need for a few individuals the right to scourge one of the last remaining accessible intact arctic ecosystems in the world.
9. In light of such sound opposition, be wise & drop your campaign for arctic destruction, this place is much more valuable left as it is.

Heidi Schoppehorst
Scott Schoppehorst
Wiseman Village











SB

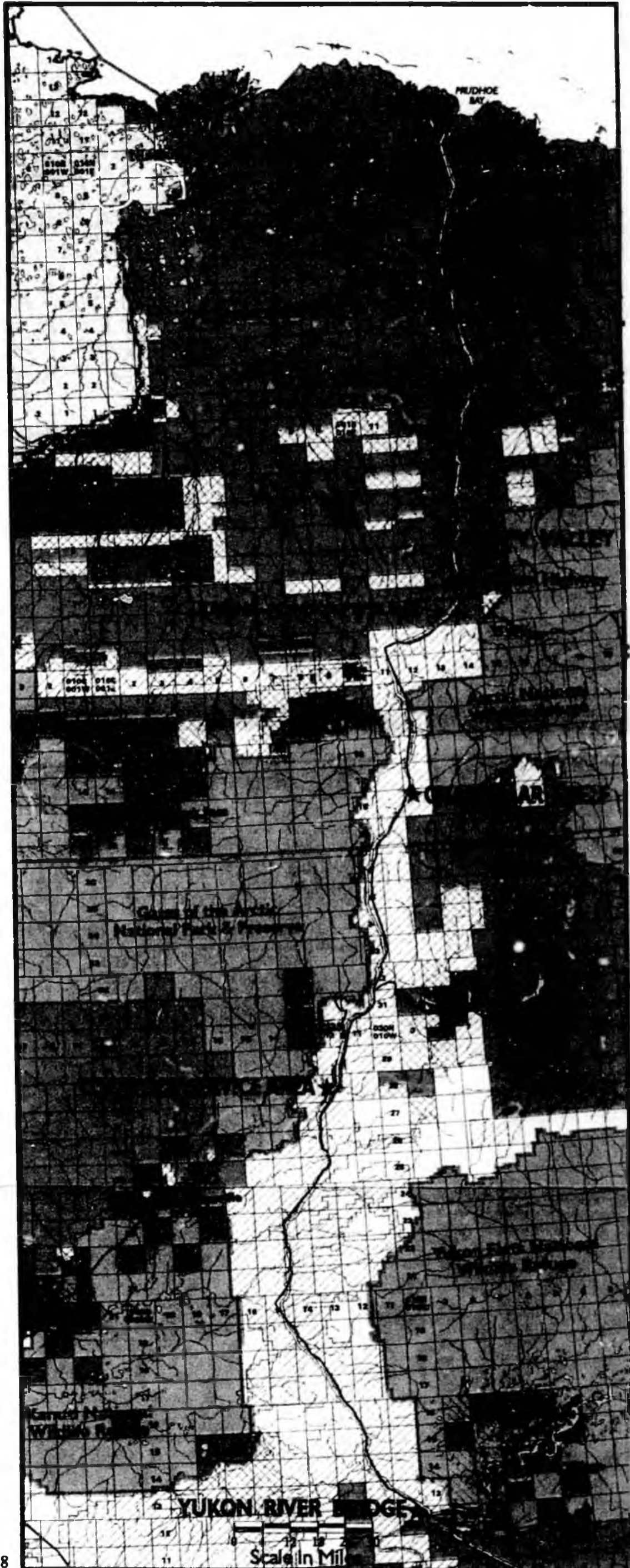
85/170

(FILE 3)

DALTON HIGHWAY CORRIDOR MAP

DALTON HIGHWAY CORRIDOR LAND OWNERSHIP

-  Bureau of Land Management Public Lands
-  Federal Lands - National Parks, Preserves, Refuges
-  National Petroleum Preserve - Alaska (NPRA)
-  State Patented or Tentatively Approved Land
-  State Selected
-  ANCSA Patented or Interim Conveyed
-  ANCSA Selected
-  Development Nodes
-  Major Roads
-  Trans-Alaska Pipeline



March, 1998

This map produced by the Department of Natural Resources, Division of Land, Technical & Data Management Section, Anchorage, AK

Mary Jackson

From: Jerry Dixon [js2dixon@hotmail.com]
Sent: Thursday, October 13, 2005 11:31 AM
To: Mary Jackson
Cc: Sen. Tom Wagoner
Subject: Hearings on Ralph Seekins' controversial ATV bill, SB 85

October 12, 2005

To: Senator Wagoner's, Resource committee chair, 907-283-7996
 Senator_Thomas_Wagoner@legis.state.ak.us
 Please distribute it to the entire committee

Dear Senator Wagoner,

As a biologist who has lived in the Arctic for seven years and was fortunate to visit this area in the 1960's and 1970's I do not want to see the Dalton Highway opened to ATV use. The main reason is security & public safety issues. There is definite lack of funding for increased demands on DOT, Public Safety, Fish & Game. There will be an increased hunting pressure that will cause competition with local subsistence users.

There will be much habitat damage from ground-contact vehicles. Just check out the damage done by ATVs here on the Kenai Peninsula.

Further as a scientist I am concerned about decreases in research funding at Toolik Field Station.

It is my understanding that there is opposition from local communities, including Barrow, Wiseman, and Anaktuvuk Pass

Presently access to the area is sufficient. Right now anyone can park their vehicles anywhere along the highway and walk, ski or hunt in the surrounding countryside.

I live in Seward and right now in the city limits ATVs play on our running and skiing trails. There is little to no enforcement in town let alone on the highways, railroads and private property where they ride all the time. I was amused to here Mr. Seekins comments,

"You have to trust the public process. They're not just going to allow unfettered access."

What a joke. ATVs right now in this valley ride in salmon streams, on beaches, on our in town running trails. I have photo documentation of all this. There is essentially no enforcement anywhere in Alaska except in the major cities, why would there be any in such a remote location?

Please make this part of the hearing record.

Jerry S. Dixon, Biologist/Teacher of the Gifted

Science Advisory Committee Alaska SeaLife Center <http://www.isu.edu/outdoor/SFAuthor.htm>
 1997 McAuliffe Fellow 2001 BP Teacher of the Year
 VP Seward Iditarod Trailblazers <http://www.geocities.com/sewardtrailblazers/>

Judge, National Outdoor Book Award

<http://www.isu.edu/departments/outdoor/bookpol.htm>

Crew Chief, National Smokejumper Assoc. Alaska Trail Project

<http://www.smokejumpers.com/>

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

10/17/2005

end of email - mj

Mary Swan

From: Scott Arko [scott.arko@a1aconsulting.com]
Sent: Sunday, October 09, 2005 11:29 AM
To: Sen. Tom Wagoner
Subject: ORV Ban Along Dalton Hwy

Hello Sen Wagoner,

As an avid Alaskan hunter and fisherman, I cannot express strongly enough my opposition to Senate Bill 85. I have hunted moose and caribou in a number of areas of the state and find the North Slope area to be one of the most rewarding hunting experiences available. This experience would only be diminished by the use of ATVs in this area. I can see no reason that ATVs are required in the Haul Rd corridor. This area provides some of the finest bow hunting in Alaska. That use would be destroyed by the allowance of ATVs. Caribou that are already spooky would be unapproachable after being chased by ATVs. This is one of the last places in the state that hunters who need to worry about their hunting budget can have a truly Alaskan experience without the extreme cost of a fly-out. I ask you to show your support for Alaskan hunters and please oppose this bill.

Kindest Regards,
Scott Arko
4371 Vista Way
Fairbanks, AK 99709

Mary Swan

From: POM3@legis.state.ak.us
Sent: Monday, October 10, 2005 4:11 PM
To: Sen. Tom Wagoner
Subject: New Pom:SB 85 Off-road Vehicle Use On Dalton Highway

Joshua Schmidt

Fairbanks ,

I strongly oppose SB 85. The haul road is one of the few areas still available to hunters without atv's. If opened, the caribou season would have to be greatly restricted. A long open season is part of what makes this hunt so great. Don't ruin it for us, please.

Senate Resources Committee
Work Session
Fairbanks, October 11, 2005

1. Testimony Roster ... 3 pages
2. Meeting Notes ... 10 pages
3. Written Testimony SB 85 ... 19 pages
4. Written Testimony SB 170 ... 36 pages
5. ADF&G: Department Summary - 5 pages

Senate Resources Committee Work Session
Fairbanks, Alaska October 11, 2005

SB 85 – Dalton Highway and SB 170 – Fish and Game Powers & Duties

Testimony Register

SB 85 Dalton Highway

<u>Name and Address</u>	<u>Representing</u>
Fran Mauer, 791 Redpollen, Fairbanks	Self
Lou (Linda) Brown, 2630 Homerun, Fairbanks	Self
Jon Miller, 2630 Homerun, Fairbanks	Self
Larry Paquin, 966 Geldmine Fox	Self
David Payer, 1250 Vixon Way, Fairbanks	Self
John Lyle, Box 83715 Fairbanks	Self
Sean McGuire, 351 Clodberry Fairbanks	Self
Frank Keim, 2220 Penrose Lane, Fairbanks	Self
Mary Shields, 2699 Waldheim Dr., Fairbanks	Self
David Koester, 3751 Old Nenana Hwy, Ester	Self
Jeanne Mars Armstrong, PO Box 83037, Fox	Self
Franz Mueter, 697 Fordham Dr., Fairbanks	Self
Andy Reynolds, PO Box 191, Ester	Self
Douglas Yates, Box 221, Ester	Self
Dan Adams, PO Box 81001, Fairbanks	Self
Julie Raymond-Yakoubian, 2780 Lawlor Rd., Fairbanks	Self
Don Ross, (no address given)	Self
Sandra Zimhela, PO Box 84236, Fairbanks	Self
Ritchie Musick, PO Box 161, Ester	Self
James Kari, 10898 Ruhn Rd., Fairbanks	Self
Dennis Goldback, 915 21 Ave, Fairbanks	Self
Dick Bishop, 1555 Gus's Grind, Fairbanks	AOC
Patrick Lovely, 678 Love Road, Fairbanks	Self

Nancy Fresco, 93 Roxie Rd., Fairbanks	Self
William Lange, 408 Nordale, Fairbanks	Self
Jeremy Mener, PO Box 753602, Fairbanks	Self
Larry Landry, 2240 Railroad Dr., Fairbanks	Self
Sepp Herrmann, 2550 Waldheim Dr., Fairbanks	Self
Glen Villeneuve, 1102 Sundance Loop, Fairbanks	Self
Jay Moore, PO Box 750182, Fairbanks	Self
Andy Keller, PO Box 84235, Fairbanks	Self
Steffanie Reed, PO Box 80261, Fairbanks	Self
Rebecca Bailey, PO Box 81432, Fairbanks	Self
Curt Lusk, 2113 Lakeview Terrace, Fairbanks	Self
Janet Kidd, PO Box 82348, Fairbanks	Self
Rebecca McGuire, PO Box 82511, Fairbanks	Self
Lamar Wood, 2605 Rawak Dr., Fairbanks	Self
Rosemary McGuire, PO Box 83553, Fairbanks	Self
Nathan Doll, PO Box 83553 Fairbanks,	Self
Torsten Bentzen, PO Box 82511, Fairbanks	Self
Brian Barnes, 1170 Sundance Loop, Fairbanks	Tooklik Station
Syndonia Bret Harte, 93 Roxie Road, Fairbanks	Self
Alex Prichard, PO Box 80222, Fairbanks	Self
Bill Payton, 165 Palace Circle, Fairbanks	Self
Carol Steward, 800 College Road, Fairbanks	Self
Thor Stacey, Coldfoot, Alaska	Wiseman, AK

SB 170 Fish and Game Powers & Duties

<u>Name and Address</u>	<u>Representing</u>
Wayne Heimer, 1089 Chena Pump Rd, Fairbanks	Self
Pete Buist, PO Box 71561, Fairbanks	Self
Nancy DeWitt, 813 Lancaster Dr., Fairbanks	Self
Oliver Burris, 2801 Talkeetna Ave., Fairbanks	Self
Dick Bishop, 1555 Gus's Grind, Fairbanks	Self
Mike Tinker, PO Box 289, Ester	Self
Amanda Kolker, PO Box 750566, Fairbanks	Self
Roger Delaney, PO Box 10864, Fairbanks	Self
Tom Scarborough, 1676 Tareka Dr., Fairbanks	Self
Sheila Dufford, 2482 Old Cheena Ridge Rd., Fairbanks	Self

Senate Resources Committee Work Session
Fairbanks, October 11, 2005

SB 85 – Dalton Highway and SB 170 – Fish and Game Powers & Duties

6:45pm

Chair Wagoner introduced Senators sitting at the table and went to public testimony on SB 85 - Dalton Highway, reading from the sign up lists.

Fran Mauer: Position – opposed. See written comments.

Lou (Linda) Brown: Position – opposed. Noted that when the haul road was built it was considered a threat to subsistence. According to original agreement was supposed to close when oil ran out. It opened so broken promise. People on atv's want an easy hunt - bow hunting will be driven out. Enforcement not possible, noting only 1 trooper and 1 wildlife officer. Atv's make a mess and land is public land owned by every one in country and in public trust. Let the bill die now.

Jon Miller: Position – opposed. Let bill die because of negative impacts on existing hunting. He's hunted for years and caribou off the slope is important to family protein needs. Quality of hunting in Fairbanks has deteriorated. Caribou hunting off haul road is good – doesn't take lot of money, people hunt with a bow or take the effort to get beyond 1 mile corridor - lot of his friends use it. Sb 85 will change that – fish and game does not want harvest levels on central herd to increase. Herd is probably near peak size now and will decline in future on it's own. Over 1/3 of herd is taken by bow hunters – does not leave room for rifles on atvs. Won't take long for Dalton to look like the Steese. Please don't try to fix it – it ain't broke.

Larry Paquin: Position – opposed. See written comments.

David Payer: Position – opposed. See written comments.

John Lyle: Position – opposed. The 5 miles corridor is 5 miles or less from the arctic wildlife refuge and 5 miles from the gates of the arctic refuge for over 100 miles. How will BLM enforce their area – not to mention the other refuges. He's seen what atv's do on land and it's not pretty he's opposed.

Sean McGuire: Position – opposed. Thanks for opportunity to speak. He has lived north of Bettles – it's fragile. One scar will be there for 100 years and there are examples all over that area. Bottom line is resource damage - have to have protection for the resource. This bill will damage the land and impact the locals negatively. You can't run atv's without damaging the land. The baseline should be to not damage the resource. Enforcement is going to be a joke and atv's can go where ever they want. There's only one trooper to cover the size of the state of Nevada when he lived there. Urge to please don't unleash this damage on the resource.

Frank Keim: Position – opposed. Residents of the Dalton highway area were promised restrictions - proposing this bill breaks that promise. Other consequences are tundra issues,

hunting pressures, damage to pipeline, security of pipeline, wildlife viewing, threats to research sites. There's no definition of an orv – no can enforce it.

Mary Shields: Position – opposed. Currently, bow hunting you have to work hard at it and sometimes they get one, most times they don't. If orv's are there, game would go further and it would diminish bow hunting. No more funding for protection per the bill. The road was supposed to be support to the pipeline and not open the road, but that has already happened. Keep promises and not allow further orv access to hurt locals.

David Koester: Position – opposed. Original agreement should prohibit this bill. There already is public access off the road – you have to hike in 5 miles.

Jeanne Mars Armstrong: Position – opposed. The land is fragile, delicate ecosystem, keep corridor as is.

Franz Mueter: Position – opposed. He uses corridor for hunting and hiking. It's a common misconception that hunters use off road vehicles. He thinks most hunters don't use orv – maybe because can't afford them and trucks and trailers. Non-motorized area like Dalton is for low budget hunters. This bill will increase impacts and would displace lot of hunters who choose not to or can't afford to hunt with orv's.

Andy Reynolds: Position – opposed. This vampire keeps rising from it's grave he thinks bill is premised on assumption that public access means some right to go anywhere in any way with any vehicle on public lands and that is not correct. There is adequate access to Dalton right now. State constitution requires that state manage lands – resources –with stewardship in mind and opening area to orv is antithetical to stewardship. Short term may be gratifying and would increase hunting pressure but in long term would be disastrous for wildlife and land itself. He has hunted there 2 of past 4 years and those were the successful hunt years. This would be a bad move to open this area.

Douglas Yates: Position – opposed. He thinks bill is unnecessary and sees no call for it. Challenges the sponsor statement that current law prohibits access. If you have two legs you have access. It's not an outmoded ban and for a number of reasons we should not consider the bill. It will probably end a popular bow hunt - force state to pay for more public safety - place first responders at risk and increase budget. He drove the road for tourists and they enjoyed it to see the wildlife. If orv's use it, businesses that now attract people from all over world will suffer because animals will be driven away and it stresses ecosystem.

Dan Adams: Position – opposed. See written comments.

Julie Raymond-Yakoubian: Position – opposed. She uses area - enforcement is a concern, only one trooper and not reasonable to expect that as enforcement. No provisions in bill to put funds to deal with this. Vandalism probably going to increase as will fires. Will increase hunting pressure in general and subsistence in particular. Could also have impacts on local tourism. What is definition of orvs – thought of hummers is horrifying. Very concerned about cultural losses – she is archeologist. Area outside of pipeline has not been inventoried and nowhere in bill is there a concern with this. Looting archeological site is potential problem – see Tangle Lakes as example.

Don Ross: Position – opposed. - former bush pilot. See written comments (poem).

Sandra Zirnheld: Position – opposed. We have a long and shameful history of making/breaking promises to native peoples. Change to remedy that now to kill the bill. Orv's on tundra is a problem, you can hunt now - just have to walk it - so it's not closed. If you must use an orv, go to the Denali highway which is open to that style. Also issue of safety – a vehicle accident near Wiseman took 4 hours to reach them and it was a miracle anyone was alive. Dalton has lack of pullouts and massive vehicles with huge clouds of dust and for safety it doesn't make sense to open it.

Ritchie Musick: Position – opposed. Where would funding come from to protect the 380 mile long area. She was stuck behind a fatal accident and it was 45 minutes before met trooper coming from Fairbanks after being behind the accident for long time. Don't need to open it up.

James Kari: Position – opposed. See written comments.

Dennis Goldback: Position – opposed. Agrees with basic statement but the corridor area – where he has hunted almost 2 times a month – is in 3 parts. Yukon to Coldfoot is regular vegetation. Atigun north is fragile - about 20 years ago BLM discussed it and wanted to keep it like now. Fifteen years ago natives said would be big change in life and so we built access like we did along Denali highway. Up until 2 years ago could use small dirt bikes. Was a loophole in system and didn't change nothing. Somewhere in future will change – he's seen the road grow. If it is authorized, suggest access ways like Galbrith lake. Can already go about 2.5 miles – some sort of collection point or trail. The tundra is fragile and already have rifle hunters up and down the road. They are not going to walk caribou out 5 miles. Will reduce bow hunters – will be hard to supervise. Look at south of Coldfoot and north of Atigun pass as separate areas.

Senator Olson: Question about how would be deterioration of vegetation and animals.

Reply would be to deteriorate area in camp sites like Finger Mountain, where is a congestion of camp sites. The trails become a muddy highway. Once get outside 5 mile corridor they will tear up vegetation - period. Someone once told him will take 100 years to recover from vehicle marks.

Dick Bishop: Position – supports. Interior Alaska Outdoor Council Representative. Thinks that in terms of the constitution to benefit public with public resources this is right. Is necessary to look at alternatives on state lands because the federal lands are tied up. Early restrictions on highway were because of industrial use and are no longer necessary or appropriate. Important part of bill is delay to allow for planning for appropriate regulations and AOC wants to actively participate in that if the bill passes. The concerns expressed tonight can be dealt with at the regulation process. (Also submitted written – see SB 170 written testimony.)

Senator Seekins: Comment about the process done with board of game - through the public process to provide public input and this is similar public process for land use under state law.

Patrick Lovely: Position opposed. See written comments.

Nancy Fresco: Position opposed. Many points already been addressed. Public access already allowed so this is about other specific access. Average Alaskan can certainly walk – despite zero fiscal note there will be a cost including loss of troopers in Fairbanks area to cover this new area. Confused that the bill says is outdated but many rationales for bill still stands. Tundra, public safety, promises made and so on, still stand.

William Lange: Position – opposed. He is a hunter, owns atv, owns snow machine, doesn't feel deprived that he can't access via the Dalton. Agrees with many other points. Subsistence hunting will be negatively impacted. Is competition right now for bow hunters and subsistence. Thinks will see decimation of game and going further away from corridor that in turn will impact bow hunting. Only 2 troopers there and not enough people to control increased access. Value of why people live in Alaska is because it is a wild area. Increase road system slowly but surely diminishes the wild areas. Would like to keep as wild as possible.

Jeremy Mener: Position – opposed. There should be many exceptions and not a blanket repeal like this – can't rely on regulation. Proposed land use is liberal and he hears no outcry for more uses. This upsets current balance and pressure, fears government underestimation of costs. Average Alaskans don't have off road vehicles. Most people can't afford them.

Larry Landry: Position – opposed. Comes home empty handed from hunting but they had a wonderful trip. If it's not broke don't fix it. The goal is to NOT trash the country and don't see a way around that if bill passes. A Kenai person talked about atv use of salmon spawning and it hurt the spawning. It's certain to happen here - especially with a zero fiscal note. Hard to get up there and a lot of people will go unprepared and you have to look at added cost of that.

Sepp Herrmann: Position – opposed. In 1982 he lived north of Chandalar and trapped by dog team - now here in town. Had dog team, snow shoed 500-800 mile to get trail for dogs. Main income is trapping and this would ruin it. Machines will use a trail even if it asks them not to use it. Should go see the Tok cut off by Glenallen - heavily used area. Can't use trails anymore by foot, spread out for hundred of yards. When they get stuck they put chains around the trees and winch themselves out through the mudflats. They go further out and make another trail from the one before them that got stuck. Only a few places in Alaska left to go without being bothered by noise and so forth. One of them is north of the Yukon – it would destroy his life and trapping. A lot of people think now will be more game – he says no, there is less game. If go off corridor there is pressure from commercial game guides. They will have to go further out and all will leave scars. In beginning of 70's there was a trail from atv and can still see it today.

Glenn Villeneuve: Position – opposed. Lives part in Fairbanks and part 60 mile walk off Dalton to the east. Opposed to atv or snow machine. He walks it and never needed atv. Hunts there, traps there and fishes there. Ample opportunity to access area on foot or horse or dog team. Don't have to have atv outside 5 mile corridor to get the meat out. Also hunting pressure by airplane because not in park or ANWR. Not uncommon to see 8-10 plane per day. Ample access by other means, this bill is one particular way – ovr. Hunting regulations will have to change to allow transport hunters and meat and that will affect adversely people who don't hunt with atv. Others will compete with atv use. Keep commitments that were made when haul road was originally built to limit access north of Yukon River. Now a person can drive up the haul

road and walk it. Dalton needs to be kept quiet - no other place in Alaska where this can be done.

Senator Olson: Question in reference to the agreement - is there any way to access that agreement because he's never seen one.

Senator Elton: There's a 1978 agreement MOU with state and North Slope borough which DNR has.

Jay Moore: Position - opposed. There is already access for oil and gas, mining claims, rural residents access. There is nothing that prohibits any one from driving right now and walking in. The bill says that currently you must be either wealthy enough to fly or healthy enough to walk to get in. He is average Alaskan who can't afford atv. If average Alaskan can afford atv he can probably afford plane trip to drop them off.

Senator Seekins: That language is not in the bill it is part of sponsor statement - the bill is only two sentences long.

Andy Keller: Position - opposed. See written comments.

Steffanie Reed: Position - opposed. The last 6 summers she was a guide on Dalton highway. It's a unique experience - stems from things people already said. Also concern with safety - she travels with cb in the vehicle and can talk with all truckers. Other vehicles are not aware was not built as other than industrial road. There will be violations and also tourists will not give way to industrial traffic and this will cause problems. It's a unique and beautiful landscape.

Rebecca Baily: Position - opposed. See written comments.

Curt Lusk: Position - supports. Agrees with people who have spoken. He has hunted up there previously but can't anymore because he's disabled. Putting trail in for miles would be great you could regulate use snow machines but not atvs. Won't hurt the land too much - yes it's fragile but already have snow machine use in it - what's the difference. Who's going to go from Sag River - subsistence hunters would shoot right from the road. Pipeline's been shot a lot but only one time was it a serious problem. Do it for disabled people - Kenai has one hunt for disabled. Maybe the same thing can be done up north. Realizes troopers have a hard job but only go from Nov. 1 to May 15 and limit the time.

Senator Olson: Question - are you in favor?

Reply yes, he is in favor.

Janet Kidd: Position - opposed. See written comments.

Rebecca McGuire: Position - opposed. Thirty year resident shoots off Dalton. She works up north and just walking on tundra makes an impact. There are other places to do atv - please no to Dalton.

Lamar Wood: Position – opposed. Fifty-four year resident - past president bow hunters. Against atv use but he owns one. North of Atigun Pass is fragile - area would be too impacted and greatly reduce opportunity to bow hunters. North slope area is too fragile for atv use.

Senator Elton: Question - is the bow hunting group member of AOC?

Reply is yes, they are members, but disagree with AOC in this particular issue.

Rosemary McGuire: Position – opposed. They are three generations of commercial fishers, hunt and fish motorized and non-motorized. Has to be significant habitat damage with atv use. Reminded committee of Jay Hammond saying of when in doubt, err on side of conservation.

Nathan Doll: Position – opposed. Atv's throughout the state give damage. Only very few place where can go without off-road vehicles and would like to keep Dalton that way.

Torsten Bentzen: Position – opposed. Only 9 years in Fairbanks. Discovered Dalton highway and it is very accessible to get there. He is not bow hunter goes beyond 5 mile corridor. Not impossible for most Alaskans – foot, ski, dogs, aircraft. Keep that area the way it is.

Brian Barnes: Position – opposed. Toolik station is a national asset brings 350 scientists to Alaska. Great concern that change to allow wheeled vehicle would jeopardize research and compromise the future. He said Senator Seekins suggested they work with him to put in restrictions and they intend to do that. He suggests that those restrictions become part of the bill rather than a regulation.

Senator Olson: Questions how long he had been there?

Reply was 20 years.

Syndonia Bretharte: Position – opposed. Toolik field station employee, the arctic tundra is fragile. 1970's tracks are still visible. Oil and gas direct on tundra are restricted and thinks others should also be restricted. Toolik is 36 million dollar industry. Don't jeopardize it.

Alex Pricard: Position – opposed. Reiterated positions of people before him.

Bill Payton: Position – opposed. Archer, rifle hunter and atv user. He's seen the degradation in ever widening trails. Hunted in Atigun and urge to NOT pass the bill.

Carol Stewart: She went to Anaktuvik Lake for one visit. She would like the creatures to have wild experience and in their natural habitat without gatoraid bottles and snow machines. She will probably never go up there again - hoping that her lack of use will help keep it wild.

Thor Stacey: Position – opposed. Thanks for coming through with what you said. The issue affects large part of Alaska renewable and nonrenewable. As you go north, keep eyes open and look at country itself. You will get a chance to talk to locals, enjoy the scenery and watch the details. There's a value to wilderness lands that will be affected. People from across the country visit this. Coldfoot is basically a work camp – Wiseman is a home and community.

SB 170:

Wayne Heimer: Position – supports. See written comments.

Pete Buist: Position – supports. See written comments.

Nancy Dewitt: Position – unknown. See written comments.

Senator Seekins: Planning is 3 to 1 match. He has not had a lot of support for non-game funds but he supports it. Does not appear to be a lot of support for a conservation pass, note Senator Bunde's concept.

Nancy Dewitt: May be problem is can't do dedicated funds.

Senator Seekins: Thinks maybe can for Title 16 programs – there is an AG opinion on it.

Oliver Burris: Retired from ADF&G in 1986. He was elected to Fairbanks fish and game advisory committee. He is vice-chair. It's a lot of years. He was game biologist and retired as same in 1986. Suggest he change division name to game management division. Lack of game management is real problem – not living up to constitutional and legislature mandate to manage. The constitution gives legislature responsibility and authority to manage and legislature has authority to delegate to board of game and fish. But can't delegate responsibility for game management. It has gone downhill – look at unit 19 controversy over wolf control. That predator control program by department was proposed in 1984 but it was 20 years before even a semblance of program came about. Problems seeing on haul road where are only 2/3rds of number of hunters. Some suggest lower numbers because of change in culture - others say is lack of game. Anchorage area probably has 10,000 hunters lost. Guides have to leave because don't have ability to take moose. Fairbanks is fortunate but hunters coming to Fairbanks area and haul road and Koyokuk River because it's failure of system in other areas. In his view it is a series of governors who did not want to manage game but did it via budget.

Comment on haul road – when repeal a law, like in SB 85, you need more money and when you pass one you need more money – strange fiscal note process.

Dick Bishop: Position – supports. See written comments.

Mike Tinker: Position – supports. See written comments.

~~Senator Seekins~~: Please comment on units as a guide.

Mike Tinker: There was loss of moose and sheep had to close business. Noted that mining claims also was at opening of sheep season - their motorized equipment allowed in corridor.

Tom Scarborough: Position – supports. See written comments.

Shiela Dufford: She's a hunter and bird watcher so both consumptive and nonconsumptive user. Would like to see other sources of funds to support non-consumptive user contributions. Not having it available, limiting game license fees to only consumptive use is neither fair nor realistic. Accidents per capita in Alaska is very high and would like to see hunter's education programs. Questions consistency of terms for board of game and wildlife. Maybe name change for boards as well. maybe say Department of Fish and Wildlife? Maximum sustained use – when start managing for a particular species then you start managing against other specifics. Old growth forests were cut down to allow newer ones to come in under maximum sustained use. Almost like farming wild life for harvest. She hunts to get out and enjoy the outdoors and not just food for freezer.

Commissioner Campbell: 10:03 pm.

Matt Robus, Kelly Hepler & Sarah Gilbertson here today. Proud of them as critical part to help restore department to best fish and wildlife agency in the world.

Over past dozen years department has gotten beaten down – agrees with many of sb 170 and six points of outdoor council.

Gov Knowles stopped predator control and that caused legislature to take the tack to starve division of wildlife into submission. (Reference graph on computer for budgets). Whole department has problems but wildlife more than any other.

He came back to department on April 5th and looked at use of fish and game funds. He did not consider them appropriate – not illegal – but he understands how they got there. They used F&G funds and put as federal match to keep people working to keep in place game management because license fees were not enough and GF went away. He has stopped that – a principal of SB 170 that he agrees with is transparency in this public process.

He quickly put out report on expenditures for 04 and didn't receive any feedback. Just have 05 info in draft form on web site, now is a summary – will be doing it project-by-project basis and notify legislature so all can look at it in 1st week of session. License fee people need to see how their fees have been used. But SB 170 is still a wrong fix.

As an example, in many places in SB 170 where every action they do would have to go through board process for approve. Skip that the board would soon become a permanent board - but you make every thing a political battle and process if you move every action before the board. There is a strong risk of unintended consequences if every action is before the board.

Advisory committees are not subject of SB 170 but he agrees with comments heard tonight. They are grossly under funded, he has submitted an increment for that, and is talking to all 82 of them on how to work with them all better, Anchorage, Fairbanks, etc.

He knows it's late and won't go on too much longer, but has a department now that is responding to many of the problems. Back in 1970's and 1980's yes we had the best department. Right now having problem recruiting and retaining people - they could go to feds and do less work and make more money. He's lost two directors this year already. He's going to be coming to legislature about the budget. He is happy to comply with standards, happy to be transparent. With SB 170, urge you to very careful. Will do it later during session to go section by section.

Senator Seekins: Question him which directors left - they retired?

Commissioner Campbell: Doug Meecham retired and went to national marine fisheries service other director moved to the university.

Senator Seekins: So one moved and the other retired plus is getting another salary. Has the department any draft language that would be more appropriate - since you oppose it, have you providing any draft language to help fix this bill?

Commissioner Campbell: We have provided you with a sectional analysis and we have talked. While there are some things we can fix, frankly there are some things in here that are not fixable. Many issues are straight management concerns.

Senator Seekins: So you didn't provide any language.

Commissioner Campbell: We didn't give language on some things because there are some things we can't fix.

Senator Seekins: Did you tell anchorage advisory committee that if SB 170 passed that you would quit?

Commissioner Campbell: No sir, I did not.

Senator Seekins: I want that on the record because their record says you did.

Commissioner Campbell: Let me be unequivocal, check the record, I certainly did not say that.

Senator Seekins: It's in their minutes - you may want to check that.

Commissioner Campbell: I will be happy to check that. I know it's recorded. I may have said if SB 170 passes you don't need a commissioner, just put the boards and LB&A into his office because that's who will be running the department.

Senator Seekins: so you don't think that the same kind of transfer of fund responsibilities that the Department of Transportation is under would be appropriate for the Department of Fish and Game?

Commissioner Campbell: I am not sure of your question. Do they have to have more than \$10,000 per transfer?

Senator Seekins: Addressed question so someone in audience – unidentified person – who answered about LB&A in 1978's but has no idea about process at current time.

Senator Seekins: What he is curious about is that an analysis of what someone doesn't like is one thing, but he is very frustrated. He still hasn't seen a project report as required by 16.130 and is concerned about that. He did get a broad summary but not the project report.

Senator Wagoner: He understands that but thinks this is getting outside of SB 170. If there isn't more to say on SB 170, he's going to adjourn – it's getting very late.

Senator Elton: It's important for the committee to have a discussion, but not tonight, on whether we have a legal problem or a management problem. He thinks is certainly is a management problem based on the comments on this bill. But he's not sure you fix a management problem with a different recipe. He has known the current commissioner a long time and even run against each other in the past. He believes, unequivocally, if there is a management problem then we have the right guy, who is new, to solve the problem. It would be unfair to deny him the ability to solve this management problem.

Senator Wagoner: Noted that it was not only DOT who came under budget restraints, but the University also was in a position of needing legislative approval for \$10,000 or more in expenditures. It may be we have a new manager we can work things out.

Adjourned meeting at 10:15pm.

Senate Resources Committee
Work Session
Fairbanks, October 11, 2005

Written Comments:
SB 85 – Dalton Highway

#1

Testimony by Fran Mauer
On SB 85
October 11, 2005
City Hall, Fairbanks, AK

My name is Fran Mauer. I live at 791 Redpoll Ln, Fairbanks, AK 99712.

Thank you for coming to Fairbanks to hear our concerns.
This proposed legislation would lift the current restriction on the use of all terrain vehicles in the Dalton Highway corridor. If ~~passed~~ it would:

enacted

- **Result in significant damage to sensitive tundra vegetation, soils and cause erosion, siltation of streams, and create a maze of unsightly scars and quagmires.** (We need to only look at areas off the Denali Highway to see how these vehicles can be. The Dalton Highway area is more sensitive with nearly continuous permafrost, ice rich fine soils, and sensitive vegetation that is extremely slow to heal).
- **This proposal would negate a carefully crafted measure to prevent such damage which was implemented ~~some during~~ the construction of the pipeline and haul road.** *incorporation with*
- **Provisions regarding the development of management plans for ATV's in the Dalton Highway corridor are a farce.** The extensive amount of sensitive vegetation, soils, terrain and slow recovery rate in this region make it literally impossible to prescribe any reasonable plan to protect resources. Besides, there is no conceivable means to enforce provisions that might be developed. These machines are designed to travel off roads and trails, they are advertised to do so, and most operators want to use them that way.
- **This proposal would result in increased hunting pressure on extremely vulnerable game species. The Fish & Game department has already indicated that if enacted this bill would likely result in implementation of additional hunting restrictions to try to compensate. There will be reduced bag limits, seasons and other restrictions.**
- **It will have severe impacts on the subsistence activities of local residents, and especially bow hunters who currently can hunt in the corridor. The influx of ATV's will interfere with bow hunters stalking caribou, and can also disturb caribou away from the road, impacting bow hunters, and opportunities for wildlife viewing from the road.**
- **Problems associated with enforcement of management measures will also result in damage to long term scientific study plots in the Toolik Lake Research Station. These study sites represent millions of dollars of funding to establish and monitor. This proposal will threaten existing studies, and discourage future investment by various funding institutions ~~in~~ doing business in Alaska.**

From

PAQUIN

October 11, 2005

SB 85 Needs a No Vote

When the Haul Road or Dalton Highway was constructed, restrictions on off-road vehicles (ORV) were part of the original agreement upon which the highway was built. This good faith agreement then provided assurances to arctic communities and others affected by this construction project. SB 85 severely undercuts those guarantees. Restrictions on ORV's were put in for a good reasons.

There are security and public safety issues with ORV access of the pipeline corridor. Within the entire corridor and surrounding lands, a single trooper patrols. The already strained law enforcement capability in the area would become untenable. As it is there is a lack of funding for the Departments of Transportation, Public Safety; and Fish and Game. These stretched agencies then could not provide the security, safety, or enforcement necessary if unrestricted ORV access were allowed in the corridor.

Without restrictions on ORV use there would be increased hunting pressure on local subsistence users within the corridor area. Conflicts over resources would likely occur to the detriment of the impacted communities. Just how quickly could the underfunded and undermanned agencies respond to some distant disturbance?

As the public has seen in a recent News Miner article, ATV trails that are not especially prepared or laid out for hard impact wheeled vehicles quickly turn into mudholes. The land along the corridor is even less hardy than the Fairbanks area and if ORV access is allowed it would turn into a quagmire that would alter drainage patterns and vegetation. Those problems would quickly become long lasting. SB 85 just doesn't address the impacts it would create.

There is united opposition against unrestricted ORV use in the corridor from Barrow, Wiseman, and Anaktuvuk Pass. They know increased competition over limited resources can wreck havoc on the land. SB 85 and its attempts to repeal original restrictions on ATV's breaks faith with the communities.

Thus SB 85 needs to be defeated. While it seeks short term gains, it does so at the expense of local subsistence users; compromises safety and security in the pipeline corridor and will result in extensive and permanent damage to sensitive tundra habitat.

Larry Paquin

PAYER

Thank you for the opportunity to comment on SB85.

I staunchly oppose this bill for the following reasons:

1. Allowing increased access to this area by liberalizing current restrictions on some types of motorized use would create serious security concerns for the trans-Alaska pipeline. The events in Livengood a few years back just miles from Fairbanks serve to warn us how vulnerable this structure, and the economy that depends on it, really is. It is not reasonable to believe that the state and industry could ensure adequate surveillance and enforcement of this area if use of the pipeline corridor increased dramatically as it likely would if this bill was to pass.
2. Likewise, given increased hunting pressure, adequate surveillance and enforcement of regulations would be impossible to provide in this vast and remote area. This includes the pipeline corridor itself and adjacent lands under both state and federal management.
3. Displacement of wildlife by off-road vehicles in open landscapes such as those typical of northern Alaska is well documented. These populations are extremely vulnerable to disturbance. A paradoxical result of this bill could very well be reduced success for all hunters, regardless of means of access. This would have a significant impact on rural residents that rely on the area for their subsistence. Further, the growing numbers of people who visit the area to view arctic and subarctic species may be deprived of this unique opportunity, which could have significant repercussions to the nascent tourist industry in the region.
4. The threat that this bill poses to the integrity of the research carried out at the Toolik Field Station is simply unacceptable. The work of this world-class research facility is too significant for the state of Alaska to be jeopardized by lifting restrictions on ORVs in this region.
5. In the last 2 years we have seen nearly unprecedented levels of wildfire activity in Interior Alaska. Projections for future climate support the conclusion that the vulnerability of our Alaskan landscapes to catastrophic wildfire will remain elevated. The

heightened potential for increased human-caused fires in the corridor and beyond must be given serious consideration in the debate on the wisdom of this bill. I submit that an analysis of this risk will result in the conclusion that the bill is untenable in light of our already overwhelmed fire suppression systems.

6. The vegetation and soils of this region are fragile, and do not heal well following disturbance. Passage of this bill would inevitably result in widespread damage that would be essentially irreversible well beyond the lifetimes of our children. I have seen too many examples of this throughout our beautiful state to remain silent on this issue. The situation would only be worse in the north because of the unique fragility of the vegetation and soils found there. The Senate should consider the extraordinary efforts of state and federal regulators to right earlier wrongs committed during North Slope development and to mitigate on-going impacts to the environment by industrial activities there. The Dalton Highway corridor is considered by many to be a showcase of responsible resource development balanced with environmental protection. This point can be debated, but the fact remains that passage of SB85 would have severe negative effects on the aesthetics and ecology of the Dalton Highway corridor, and would thereby impart a negative image to the State's plans to continue responsible development of its resources. I urge you to consider that the Nation is watching how we manage these lands.

Mgmt plans should precede consideration of
the bill!

Submitted 10/11/05 by:

DAVID PAYER

1250 VIXON WAY, PO BOX 73108

FAIRBANKS, AK 99707

Written #1

There are serious concerns with the enactment of legislation to open the Haul Rd corridor to motorized vehicles. First, this legislation does not benefit the majority of Alaskans but is special interest legislation that opens sensitive wild lands to off-road vehicle use that makes these lands vulnerable to all sorts of abuse. Some, ~~some~~ of these special interest groups won't be satisfied until every square inch of Alaska is opened to off-road vehicles. The vast majority of Alaskans want protections from this kind of vehicular invasion.

Secondly this corridor was carefully thought out and established to prevent the kinds of habitat destruction, highway safety risks, and enforcement issues that this legislation would completely dissolve. When these corridor protections were put into place the state made a promise to its citizens to avoid the host of potential problems that were a major concern to so many. Does this bill mean that the bill's sponsor^s and its legislative supporters can no longer be trusted whenever they make promises that the lands and the public's interests will be protected? Trust, the public's trust in all legislative promises is what's at stake here.

Safety and security is at stake. Alyeska never even wanted the road opened to the public for safety and security reasons. I'm sure the gas pipeline developers don't want to face those same security and worker safety risks. This bill needs to be scrapped.


Dan Adams

PO Box 81001

Fairbanks, AK 99708

3750 CHIGMIT Dr.

Fax 92709

Testimony of Don Ross
2532 Roland Rd., Fairbanks, AK 99709

ATVs have no place above the trees
Here the caribou still roam free
I've seen the nuts left in our trails
Hence it is a sound tale
Let's not spoil a place by leaving nuts.
Your bill if passed, I say is nuts.

WRITEN

Comments on Senate Bill 85.

I am very opposed to S.B. # 85. The timing of this bill is ironic, as presumably its proponents support the opening of ANWR sec. 1002 lands to oil development. However, by removing the 5-mile ~~cor~~ ban on OHV useages, we will be inviting OHV trail proliferation adjacent to and even within the 1002 lands.

The OHV community must consider its ^{most} abusive element. Clearly Alaska will have to deal with irreversible impacts of trail proliferation, ^{and trail} damage, as well as increased volume of traffic projecting into the future.

I oppose S.B. 85. Also I advocate that the Alaska public have current information on OHV impacts through the ~~step~~ pooling of information, aerial photos, ~~land~~ ^{sat} photos for assessing current & recent trail conditions. This needs to be addressed for borough, state, federal

lands (NPS, BLM, + military lands)

Thus, I see 5885 as an example of a faulty political assessment of both the specific issue of OML expansion into the Dalton corridor, as well as the growing Alaska ~~public~~ public concern over the serious impacts of OML ~~on~~ damage in many parts of Alaska.

James Kari
1089 Burtin Ad.
Fairbanks AK 99709

10/11/05

FAIRBANKS

**Testimony of the Alaska Outdoor Council
To the Senate Resources Committee
on SB 170 and SB 85,**

Fairbanks, October 11, 2005
By Dick Bishop, Interior Vice President

Mr. Chairman: I am Dick Bishop, Interior Vice President of the Alaska Outdoor Council. Thank you for holding hearings on these important bills. The Council appreciates the efforts of Senator Seekins, his staff and advisors in developing these bills.

SB 170

The Council appreciates that SB 170 addresses the Division of Wildlife Conservation's need for additional funding. SB 170 contains considerable detail with regard to how the Division and Department function. Rather than attempt to comment on all these matters at this time, The Council offers the following comments on what it believes SB 170 should help accomplish:

1. Financial accountability and transparency – which encompasses the notion that not only do we want to see where the money is going, but we want it to be *easy to see* where the money is going.
2. Enforceability – This encompasses the notion that the current statute has allowed regulations and rules that are not enforceable, and could not possibly be enforced. This leads to inconsistency and confusion among hunters and people at fish and game. The new bill language should be clear in this regard.
3. Efficient organizational structure – which encompasses the notion that license fees pay for fish and game programs. As payers, we want an organization structure that gets us the most bang for the buck.
4. Increased hunter harvest – we want more game available to harvest; not simply more opportunity, we want more production.
5. Attract qualified management biologists – which encompasses the notion that a number of experienced biologists have left the department in recent years and another large group is nearing retirement. We would like to see a statutory framework that gives managers the tools to make a positive difference in the field, which we believe will make ADF&G a more attractive place to work.
6. Integrate and empower boards and advisory committees – which encompasses the notion that our system envisions a bottom-up approach in establishing management goals and objectives, which we may have gotten away from in recent years.

Alaskans have always held the conservation of their fish and wildlife in high regard, as reflected in Alaska's Constitution, which emphasizes management on the sustained yield principle and common use by all Alaskans. Early in Statehood the Legislature chose to establish a separate Department of Fish and Game. The Legislature also established an extensive public input system, the Board of Fisheries and Game and their Advisory Committees. These provisions are virtually unique in the United States.

It follows, then that adequate funding is essential to accomplish these important functions. The Council has over the past year or so, advocated increased funding, both from the General Fund and other sources, to improve research, management and enhancement of fisheries and wildlife. The Council has also advocated that dollars derived from fishers, hunters, and trappers be used to the best advantage to provide for fishing, hunting and trapping.

SB 85

The Alaska Outdoor Council has supported SB 85 since soon after its introduction. The Council agrees with the Legislative intent which cites Sections 1 through 3 of the Alaska State Constitution.

Lands and waters adjacent to the Dalton Highway provide greatly expanded opportunities for public uses of public resources. Early restrictions on access and activities in the Dalton Highway corridor to accommodate industrial development no longer seem necessary or appropriate.

The bill's provision for an extended planning period will ensure that appropriate regulations will apply to access and uses of the lands and waters adjacent to the Dalton Highway. The Council wishes to emphasize its interest and intent in participating in the planning process established under SB 85.

Thank you.

W. B. Bristow

P. LOVELY (?)

- **It will confound safety and security of the Trans Alaska Pipeline, and if a gas pipeline is approved, opening the corridor during construction and operation will create additional problems.**
- **Lifting the current restrictions will exacerbate law enforcement programs in the area. (Only 1 game enforcement official covers all of northern Alaska)**

Summary:

When you drive up the Dalton Highway it is evident how carefully the builders of the pipeline avoided undue damage to the surrounding tundra. It is an amazing example doing things right. Passage of SB 85 will change all of this by creating unsightly scars, displacing wildlife away from the road, impacting local subsistence activities, and bow hunting, and tourism. It will damage scientific sites. It will be a clear demonstration of how not to do things. I'm in favor of using this area, but that use should not ABUSE the land and its wildlife. Therefore, I urge you to not pass this legislation.

Thank you for the opportunity to comment.

Andy Keller

My name is Andy Keller and I reside at 1043 Musers Road, P.O. Box 84235, Fairbanks.

I speak today in opposition to S.B. 85, a bill introduced by my state senator Ralph

Seekins. This bill would repeal the restrictions on ORV use within the Dalton Highway corridor.

Wilderness
guide in the
Arctic Refuge
+ former
Ranger in
Gates of the
Arctic N.P.

I oppose this bill for a number of reasons.

Twenty-five years ago I studied permafrost and tundra vegetation changes on seismic lines in the Arctic National Wildlife Refuge. Vegetation crushed by heavy equipment died and led to bare ground exposure to sunlight and thus permafrost melting. In some locations pond formation resulted from these permafrost changes and after three decades it is still possible to see many of these lines.

I served as an employee of the national park service in parks in all four of North America's deserts where ORV use was a chronic problem. Many soils in arid environments are stabilized and nourished with a thin crust produced over many decades through complex physical and chemical reactions. These highly important shields, referred to as cryptobiotic crusts, can be damaged by a single pass by a dirt bike or ATV.

After the crust is destroyed, it can take as long as 250 years for it to completely recover (Belnap and Gillette 1997).
Meanwhile soil erosion is accelerated. The arctic has similar soils.

As an employee at the Public Lands Information Center, in 2000, I lived and worked in Coldfoot and had interactions with thousands of Dalton Highway visitors. I was

impressed by the recreational value that people from all over the world placed on the area. People enjoyed the open tundra and the opportunity to observe wildlife and wild landscapes. Local residents shared these same values and also the high quality subsistence hunting available to them along the corridor. I am concerned that scars from ORV tracks would be visible along the corridor and significantly detract from the landscape and that public motorized access would increase pressure on the subsistence resources necessary for the small communities along the corridor.

On May 18, 2001 my wife and I hiked the entire Stiles/Colorado Creek route in the Chena River Recreation Area. We observed ruts over four feet deep created by ORV's and places where the trail was expanded by as many as eight lanes as riders simply impact new ground after continually creating areas that are too wet to drive on. Much of Alaska's land is simply unable to sustain this type of impact. Many times this summer while vacationing, my wife and I were unable to hike on designated state hiking trails because of the destruction caused by ORV use. We constantly observed this pattern of new tracks impacting a larger area with wet and unstable ground that it is not able to drive on and difficult or impossible to walk on. For these reasons I oppose S.B. 85. Thank you for the opportunity to express my views.

Rebecca Bailey P.O. Box 8432 FBIS, 99708

graduate student (MS. geology UAF) & Dalton Hwy tour guide
For the past 3 yrs between May & September I have spent several days
a week on the Dalton Highway and I would like to comment on my
~~BA Land Management Resource Development experience,~~
I would like to talk about how I think passing oil fields

Currently, Dalton Highway, is an excellent example
of compatible and concurrent use for resource
development tourism, ~~and~~ subsistence activities
and recreation. This road, which was built to
support oil industry, our biggest industry in the state,
has become an asset for the second largest industry
in the state - tourism. I feel that it is proof
that responsible resource development and tourism
are compatible with each other and with wilderness.
I find that the presence of the pipeline does not
degrade the tour experience for my guests -
if anything it enhances it. Nearly all of my
guests come away from the Dalton Highway with
the idea that oil development has not adversely
affected the arctic wilderness, and more likely
to support future development in the arctic. They
feel this way because they see wilderness
within feet of the road - I can tell them
that there are no roads for hundreds of miles
in either direction. I feel that the presence of
tracks and trails ~~created~~ from OTHs would
change their experience, and make them less
likely to support future resource development
or road building in the arctic. Even though they
could understand that industry itself did ~~not~~ make those
tracks, they would see it as a result of development.

~~Whether or not there exists written proof of the agreement made~~

Also, I'd like to point out that whatever written proof may or may not exist of the "promise" that was made to keep the highway free of off road vehicles, it exists in public memory and in the minds of the people who live there. Breaking this promise whether it existed in legal terms or not, would cause people to be less likely to trust, ^{and support} development in the future.

I think it is important to continue to be far sighted with this issue and think about how it can affect more important access issues to resources. It is important to have access, but I agree with others' statements that ~~the~~ management of o.v. use in other areas of the state, including the Kenai Peninsula and the Denali Highway has not proven sustainable and effective, and see no reason why it would be different here. I am afraid that passing this bill will cause irreparable damage not only to the Dalton Highway ~~corridor~~ corridor itself, but to the ~~trust~~ ability of local residents and people from other areas of the ~~country~~ United States to trust the state of Alaska to responsibly develop our natural resources.

Janet Kidd

My name is Janet Kidd and I am here tonight to voice my opposition to SB85, which would repeal the ban on the use of certain off-road vehicles within five miles of the right-of-way of the James Dalton Highway. I have worked as an environmental consultant to the oil and mining industries in Alaska and Canada for the past 15 years and have been involved in a number of studies evaluating the effect of ORV use on ~~the~~ ^{ecosystems} tundra. Despite what I suspect are the best intentions of ~~rider~~ ^{ORV users} in terms of minimizing impacts, ORVs are not compatible with the soil and vegetation conditions you will find along the Dalton Highway. This includes both wetlands and uplands. For wetlands, the potential impacts are obvious: disruption of the organic mat and underlying permafrost, leading to thermokarst and the development of impoundments and other thaw settlement features. Typically a result of this disturbance is the spider effect, where trails begin to widen (or new trails are established to avoid the heavily degraded areas). For uplands, many of these areas have a thin veneer of organic soil that is easily stripped with ORV travel. The vegetation in these areas is commonly dominated by dwarf ericaceous (evergreen) species that have a slow growth rate and are not typically adapted to disturbance. Once the thin organic soil is stripped, these areas can remain barren for decades because species are not locally present adapted to colonize bare soils. In addition, these areas become more susceptible to wind erosion that can lead to further degradation. Resource agencies already are considering restricting ORV travel in other parts of the state (e.g., the White Mountains) because they recognize that impacts to soil, vegetation, and aquatic resources are significant in some areas.

As with others, I also am concerned with the increased hunting pressure that a bill like this would inevitably lead to. I do not see how improving access to areas that would otherwise be limited to non-motorized travel could not have an effect on game populations along the highway.

Access by 4-wheelers ^{also} will force people who would otherwise use non-motorized transportation to use ORVs because of the unequal access to game this bill would result in.

Resident Address: 1618 Emma Way, Fairbanks, AK
Mailing Address: P.O. Box 82398 Fbks., AK 99708 99709

WRITTEN

TO THE SENATE COMMITTEE

FROM SAN O'NEIL
2590 HOME RUN
FAIRBANKS, AK 99709
4792988

OCT 11, 2005

Dear Sir,

I am a 30-year resident and have hunted everyone of those 30 years. I have successfully hunted both moose and caribou in the Brooks Range. I hunt the old fashioned way by lining my canoe 8 or 10 miles up a river, then hunting on foot. I'm 55 years old, and I still do it. I object to the proposal before you for many reasons. But one I will mention now is this. We need to retain the old fashioned values of rewarding hard work in our hunting regs. Not rewarding those who expect an easy deal when all they are willing to do is sit on their rumps and make me to hunt. Most of these people hunt while motorizing. It is called "slot hunting" by traditional sportsmen. Please reject this ill advised proposal and strike a blow for the traditional values of hunting, where a hunter earns his way into the country by his effort.

Sincerely,

San O'Neil