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Dalton Highway Right of
Way - Deadhorse to
Ocean Dock

I have reviewed our right of way files with regard to the Dalton right of way beyond Deadhorse and have found the following:

Our Dalton highway ROW ends at the Deadhorse intersection. Our right of way at that point is by virtue of the ADL "Right of Way Agreement" issued on March 16, 1982, and recorded as Instrument No. 82-204. This permit was amended by "Amendment to Right of Way Agreement", Instrument No. 83-0695 on 9/9/83 due to the fact that the description in the original permit erroneously fell several miles short of Deadhorse. The end point of this permit coincides with the as-built haul road plans for the end of Construction Segment No. 7.

The two following paragraphs were extracted from a June 14, 1980 News Miner Article which we had on file.

"Aside from the nation's largest oil field, the primary attraction at the end of the road is the Arctic Ocean. But if the rest of the haul road is ever opened to general traffic, tourism promoters who try to offer a 'Drive to the Arctic Ocean' package may run into a roadblock.

The state highway ends about 10 miles from the Beaufort Sea and without permission from the oil companies, tourists will never get closer to the Arctic Ocean than the cluster of aging mobile homes in downtown Deadhorse."

This article appears to be consistent with certain stipulations in the tidelands lease for the West Dock area (ADL 402409).

"I.D. Tourists desiring to view the Arctic Ocean and not on tours conducted by one of the Prudhoe Bay Unit Operators shall be permitted access through this land only by a tour bus authorized by ARCO and open and available to the public. Access through these lands by private non-commercial vehicles is prohibited, unless otherwise authorized by ARCO."

"V. Pursuant to the provisions of AS 38.05.127(b), access to the dock other than by the owners of the dock, their employees, agents, or authorized representatives is being granted by ARCO and limited by the State in this Appendix in recognition of the overriding public policy requiring strict control of access to the Prudhoe Bay oilfield and the subject dock(s). Any potential easement established by operation of State law is hereby expressly limited or conditioned to the extent necessary to conform with the limitations and rights of access expressed in this Appendix. Such limitations should, at the option of the State, expire at the time this Appendix terminates. Further, this Appendix does not grant any access to any other road, dock, or facility in the Prudhoe Bay area and shall not be construed to establish the roads or dock as public or quasi-public in nature."

The referenced statute, AS 38.05.127 Access to navigable or public water deals with the

provision of access to navigable waters. It states, "Before the sale, lease, grant, or other disposal of any interest in state land adjacent to a body of water or waterway, the commissioner shall, (1) determine if the body of water or waterway is navigable water, public water, or neither; (2) upon finding that the body of water or waterway is navigable or public water, provide for the specific easements or rights-of-way necessary to ensure free access to and along the body of water, unless the commissioner finds that regulating or limiting access is necessary for other beneficial uses or public purposes."

I discussed the access issue with M&O Dalton area manager Dwight Stuller and Bob Elder, ARCO's Pruhoe environmental co-ordinator, and both have the understanding that access is restricted at the first ARCO checkpoint leading out of Deadhorse. Elder states that Nana is authorized to run tours via bus and that on some occasions individuals are given permission to access the oil field road system. This is usually for certain research projects. Dwight recollects that at one time consideration was given to relocating the first ARCO checkpoint and allow public traffic to West Dock if the haul road was opened. In any event, it appears that public access to the ocean will be subject to permission from DNR and ARCO.

With regard to the status of Spine road, I found nothing in our files. Dwight Stuller and Norm Piispanen recall consideration of the use of Spine road as a part of a study for the road link to Nuiqsut. The concept apparently died due to pressure from the North Slope Borough which feared the adverse effects of open access to that area.

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