



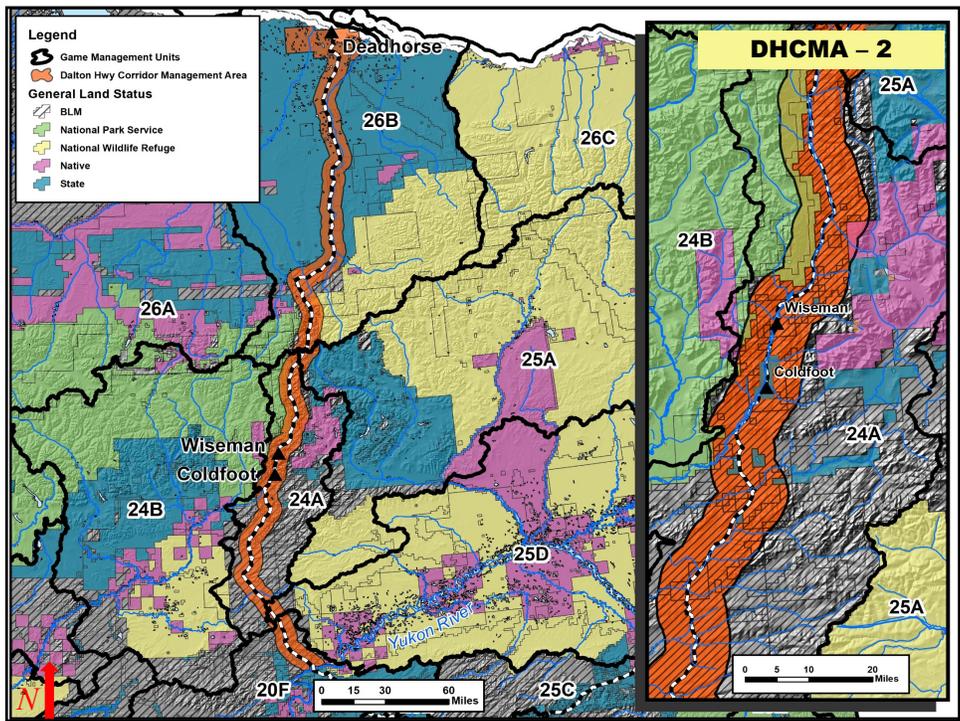
Staff Report

Dalton Highway Corridor Management Area (DHCMA)

Proposals #63 & #64

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Regulations

- 5 AAC 92.530(7) - (DHCMA) - 1975 & 1983
- 5 AAC 92.990 (definitions)

Statutes

- AS 19.40.210 - (Highways) - 1980
- AS 16.05.789 - (Fish and Game) - 1980

Federal Regulations

- 43 CFR 8341.1 (d)(3)/ANILCA section 811(b)

State Regulations (DNR)

- 11 AAC 96.020

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Multi-tiered Management
Aligning Restrictions/Exceptions

5 AAC 92.530

AS 19.40.210

AS 16.05.789

11 AAC 96.020

43 CFR 8341.1 / ANILCA § 811(b)

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History of key changes to 5 AAC 92.530

- 1974 – Emergency Order “Closed Area”
- 1975 – “Closed Area” regulation
- 1983 – “Management Area” created
- 1987 - “Licensed Highway Vehicles” added
- 1992 – “fur animals” added, but trapping closure rejected
- 2004 – “designated roads” added

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State Jurisdiction Lands

- Redundant Layers of Law
- Highway Vehicle “loophole”

		STATE/PRIVATE LANDS							
		hunting				trapping			
allowed		HwyVeh	snowmachine	off-road veh	boat/Air	HwyVeh	snowmachine	off-road veh	boat/Air
limited	travel	5 AAC 92.530	AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside + 5 AAC 92.530	AS 19.40.210 + 5AAC 92.530	yes	yes	AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside	AS 19.40.210	yes
	firearm	AS 16.05.789				yes			
prohibited	travel	5 AAC 92.530	AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside + 5 AAC 92.530	AS 19.40.210 + 5AAC 92.530	yes	yes	AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside	AS 19.40.210	yes
	firearm	AS 16.05.789				yes			

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Federal Jurisdiction Lands

- Redundant Layers of Law
- Highway Vehicle “loophole”

		FEDERAL LANDS							
		hunting				trapping			
		HwyVeh	snowmachine	off-road veh	boat/Air	HwyVeh	snowmachine	off-road veh	boat/Air
allowed	travel	Federal Regulation	yes	Federal Regulation	yes	Federal Regulation	yes	Federal Regulation	yes
	firearms	yes*** some species				yes*** some species, except NPS lands			
limited	travel	Federal Regulation + 5 AAC 92.530	Federal Regulation + AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside + 5 AAC 92.530	AS 19.40.210 + 5AAC 92.530	yes	Federal Regulation	Federal Regulation + AS 19.40.210 - 1) potential exemption on water, 2) potential exemption originating from outside	Federal Regulation + AS 19.40.210	yes
	firearms	AS 16.05.789				yes*** some species, except NPS lands			
prohibited									

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Dalton Highway Corridor Issues

Cause:

- Expansion of Haul Road and changing uses of the road network
- Layered regulations, statutes, land status, type of use, vehicle type, exemptions *evolved*
- Lack of Statute definitions (ORV, LHV, MV, Homestead, etc.)

Effect:

- Inconsistent interpretations among State Departments
- Inconsistent interpretations among State and Federal Agencies
- State Regulation inconsistent with Statute
- Confusion among the public
- Enforcement issues are occurring

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Dalton Highway Corridor

Definition Issues

- Off-Road Vehicle (ORV/OHV) (n.) vs. a vehicle traveling off the road surface (v.)
 - Motorized Vehicle (MV)
 - Licensed Highway Vehicle (LHV)
- Snowmachines
- Land vs. water vs. snow/ice vs. road
- Homestead

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Enforcement Issues Occurring

- Local residents driving home past ¼ mile, then hunting (Wiseman, Nuiqsut, Utqiagvik, Anaktuvuk Pass) – regulation
- Hunters using Coldfoot airport – regulation
- Hunters launching boats using vehicles past ¼ mile – regulation
- Federally Qualified users, firearms/snowmachines on state lands – regulation

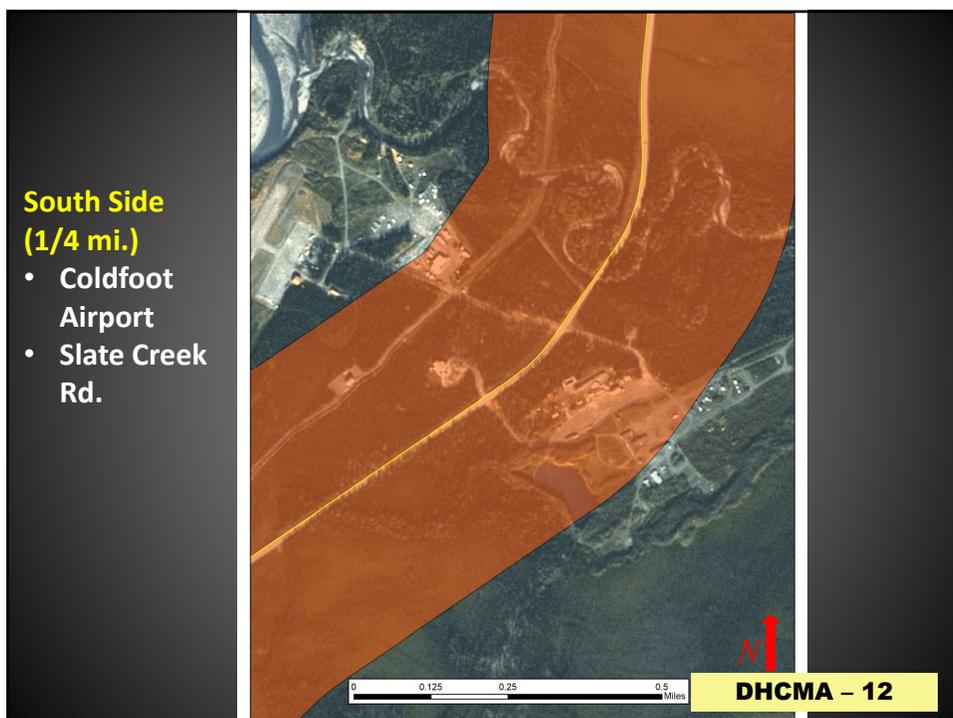
- Non-oil/mining/homestead vehicle transits – statute
- Trappers using snowmachines on state lands – statute
- Researchers using snowmachines – statute
- State “permitted” recreational activities – statute

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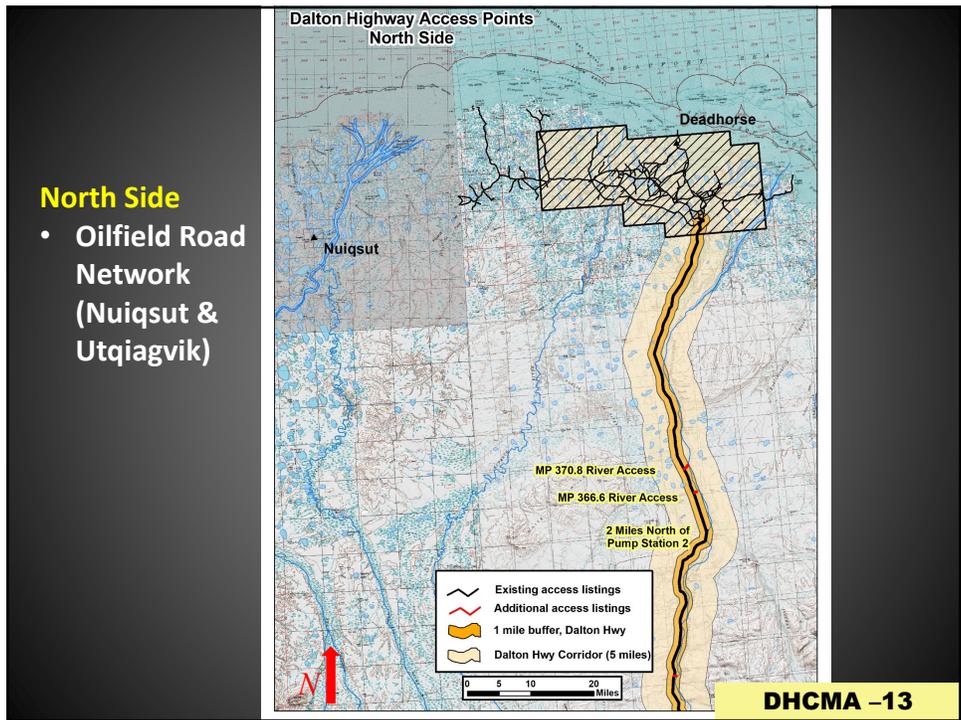
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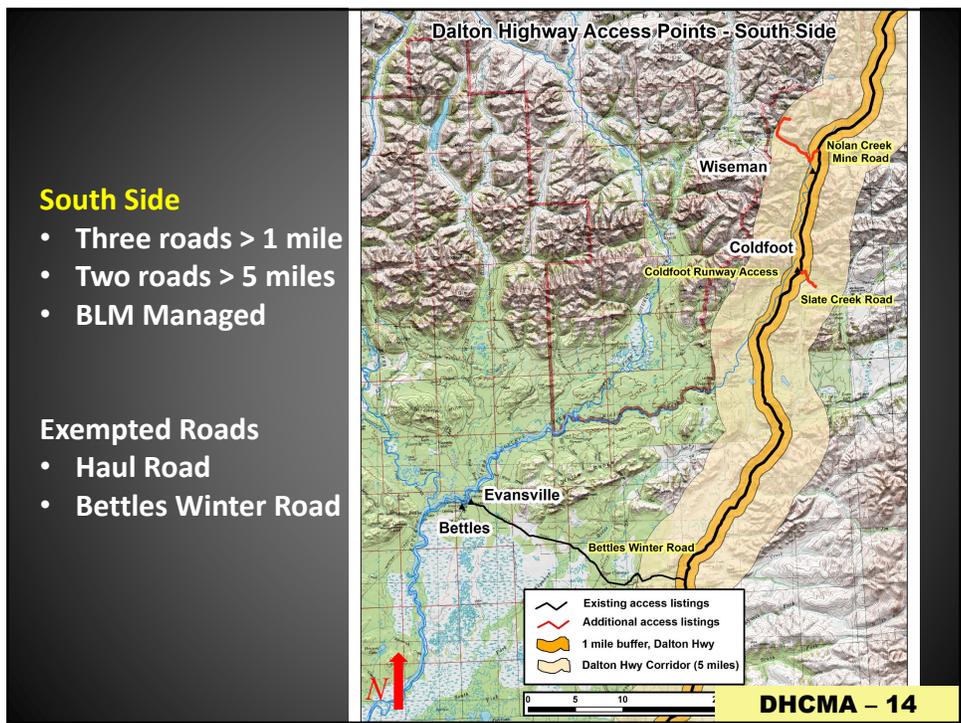
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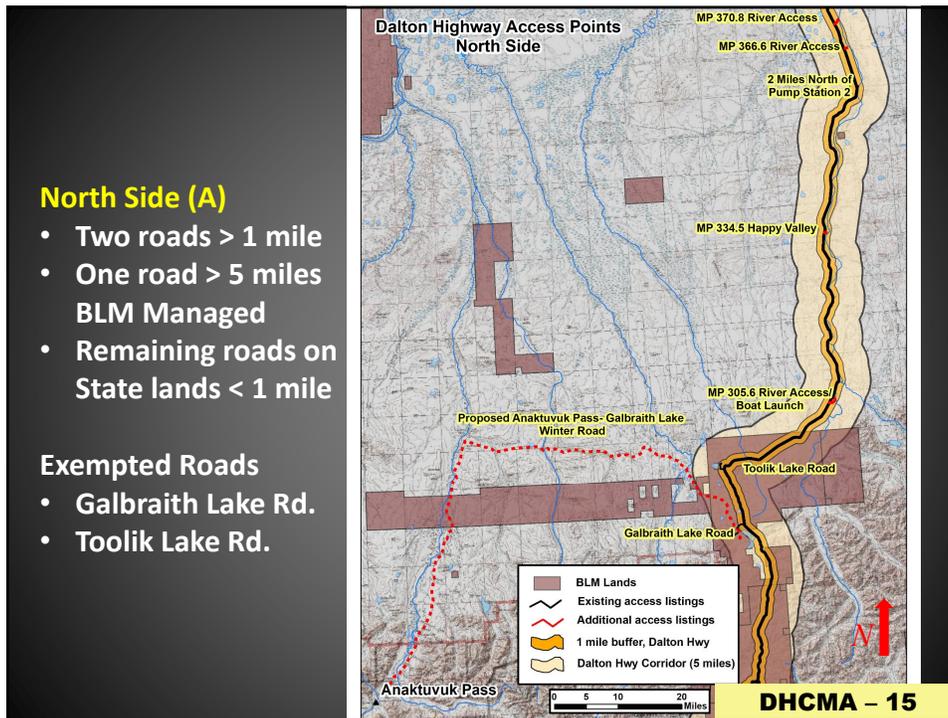
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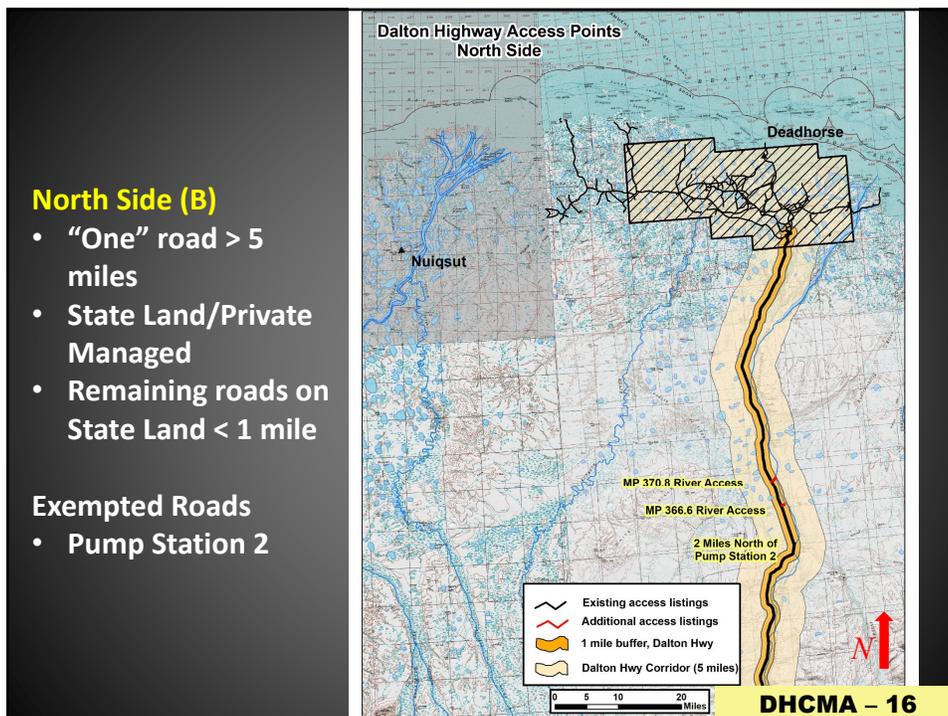
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- South Side**
- Three roads > 1 mile
 - Two roads > 5 miles
 - BLM Managed

- Exempted Roads**
- Haul Road
 - Bettles Winter Road



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Dalton Highway Corridor

Wildlife Management

- Big Game harvest is sustainable under current seasons and bag limits.
- Furbearer trapping has been allowed and harvest is sustainable under the current seasons and bag limits.
- There are no biological issues for any species in the GMUs north of the Yukon, under current management.
- In other words, the DHCMA regulation, is not a factor in population management. Current seasons and bag limits are operating as effective management tools.

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Dalton Highway Corridor

What happens if 5 AAC 92.530 is repealed?

- Less confusion for public; fewer layers of law, doesn't require BOG alignment response (e.g. dual-management)
- Firearm prohibition for hunting; no change
- Off-road travel prohibited; no change
- Vehicles on exempted roads; no change
- Snowmachines (trapping) limited allowed; no change

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Dalton Highway Corridor

What happens if 5 AAC 92.530 is repealed?

- “Current Users” on non-exempted roads would be legalized for hunting; no effective change to what is being enforced
- “Potential Users” on non-exempted roads; Hwy. Veh. “loophole” eliminated, the limiting factor is still few roads, landowner controlled, ... If not repealed, enforcement issues will occur, enforcement needed.
- Land managers responsible for habitat concerns; no change

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Dalton Highway Corridor

What happens if 5 AAC 92.530 is revised using ADFG option?

- Confusion for public; remains unresolved
- Firearm prohibition for hunting; no change
- Off-road travel prohibited; no change
- Vehicles on exempted roads; no change
- Snowmachines (trapping) limited allowed; no change

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Dalton Highway Corridor

What happens if 5 AAC 92.530 is revised using ADFG option?

- “Current Users” on non-exempted roads for hunting; more exempted roads, thus fewer enforcement issues on those roads;
- “Potential Users” on non-exempted roads; limited use...few roads on State lands is still the limiting factor, landowner controlled... enforcement issues will occur, enforcement needed*
- Land managers responsible for habitat concerns; no change

**Statute Change needed: Add AS 19.40.210 (DHCMA) to the list of statutes with assigned punishments, AS 19.40.065.*

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Dalton Highway Corridor

What happens if 5 AAC 92.530 is revised using ADFG option?

- If revised, it will be important to clarify the management intent of the regulation, and why we would simply amend the regulation whenever a new egress road is developed.
- If revised, it will also be important for the Board to provide direction on which restrictions they intend to be enforced.

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Dalton Highway Corridor

Issue Summary

- Redundancy
- Confusion
 - Agencies
 - Public
- Enforcement Issues occurring (Regulation and Statute)
 - Examples
- Road uses have changed
- Road network has expanded
- Laws have evolved (expanded and misalignment)
- Repeal vs. Revise
- No biological issues
- Enforcement

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Dalton Highway Corridor

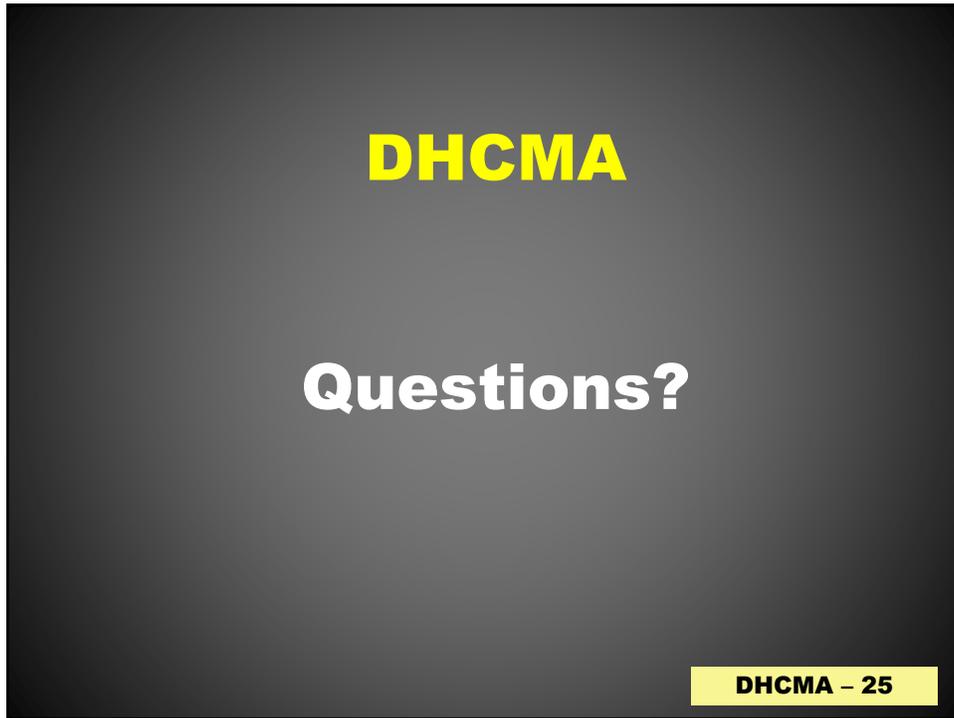
Gov. J. Hammond,

(letter to BLM re: DHCMA plan; Mar. 17, 1981)

- **“Uniform off-road vehicle management on federal and State land along the road should be an objective of State/federal management policies.”**
- **“I intend to request adequate funding from the Legislature to insure that strict compliance with State haul road-related law is achieved.”**

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