

ALASKA DEPARTMENT OF FISH AND GAME
STAFF COMMENTS FOR PROPOSAL 129
SOUTHCENTRAL REGION PROPOSALS
ALASKA BOARD OF GAME MEETING
ANCHORAGE, ALASKA
MARCH 14-19, 2019



The following staff comments were prepared by the Alaska Department of Fish and Game for use at the Alaska Board of Game meeting, March 14-19, 2019 in Anchorage, Alaska, and are prepared to assist the public and board. The stated staff comments should be considered preliminary and subject to change, if or when new information becomes available. Final department positions will be formulated after review of written and oral testimony presented to the board.

PROPOSAL 129 5 AAC 92.530(7)(C). Management areas. Clarify whether trappers are allowed to transport furbearers or lawful parts of game as trapping bait by snowmachine within the Dalton Highway Corridor Management Area (DHCMA).

PROPOSED BY: Alaska Wildlife Troopers

WHAT WOULD THE PROPOSAL DO? The proposal requests language to clarify whether trappers are allowed to transport furbearers and parts of game by snowmachine within the DHCMA.

WHAT ARE THE CURRENT REGULATIONS?

5 AAC 92.530. Management areas.

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(7) the Dalton Highway Corridor Management Area:

(A)the area consists of those portions of Units 20 and 24–26 extending five miles from each side of the Dalton Highway, including the drivable surface of the Dalton Highway, from the Yukon River to the Arctic Ocean, and including the Prudhoe Bay Closed Area;

(B)the area within the Prudhoe Bay Closed Area is closed to the taking of big game; the remainder of the Dalton Highway Corridor Management Area is closed to hunting; however, big game, small game, and fur animals may be taken in the area by bow and arrow only, and small game may be taken by falconry;

(C)no motorized vehicle may be used to transport hunters, hunting gear, or parts of game, within the Dalton Highway Corridor Management Area, except that

(i) licensed highway vehicles may be used on the following designated roads:

(1) Dalton Highway,

(2) Bettles Winter Trail during periods when the Bureau of Land Management and the City of Bettles announce that the trail is open for winter travel,

(3) Galbraith Lake Road from the Dalton Highway to the BLM campground at Galbraith Lake, including the gravel pit access road when the gate is open,

(4) Toolik Lake Road, excluding the driveway to the Toolik Lake Research Facility,

(5) the Sagavanirktok River access road two miles north of Pump Station 2, and

(6) any constructed roadway or gravel pit within one-quarter mile of the Dalton Highway;

(ii) aircraft and boats may be used;

(iii) a snowmachine may be used to cross the management area from land outside the management area to access land on the other side of the management area;

(D) any hunter traveling on the Dalton Highway must stop at any check station operated by the department within the Dalton Highway Corridor Management Area;

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WHAT WOULD BE THE EFFECT IF THE PROPOSAL WERE ADOPTED?

If the board adopts language that clearly allows trappers to use motorized vehicles within the DHCMA to transport game, then trapping activities will be consistent with AS 16.05.789, which prohibits hunting with firearms within 5 miles of the highway between the Yukon River and the Arctic Ocean. This may allow some trappers in some areas of the DHCMA to use snowmachines to transport furbearers and parts of game used as bait.

If the board adopts language that clearly prohibits the use motorized vehicles by trappers within the DHCMA, then some trappers who trap under state regulations will not be able to transport furbearers or parts of game legally used for bait within the DHCMA in instances where they had previously thought that it was legal. This is likely to be viewed by some trappers as a change in the regulation.

BACKGROUND: The regulation in place for the Dalton Highway Corridor Management Area (DHCMA) prohibits the use of motorized vehicles (except licensed highway vehicles may be used on the Dalton Highway and on other roads designated by regulation) to transport hunters, hunting gear, and parts of game. This has been interpreted by the Department that hunters cannot operate motorized vehicles off the highway (with 6 exceptions), but trappers could. However, due to the definition of “game,” trappers cannot transport furbearers or lawful bait that consists of parts of game with a motorized vehicle in the DHCMA.

Under AS 19.40.210 no one may use a snowmachine on state lands in the DHCMA (including private property, the Wiseman road, and navigable waters), unless the snowmachine use begins and ends outside the DHCMA. The prohibition in 5AAC 92.530(7), on transporting game (including furbearers and parts of game used as bait) by motor vehicle (including snowmachines) may apply to all users. On federal lands in the DHCMA, federally-qualified users may use a snowmachine to trap, but cannot use a snowmachine to transport furbearers they catch or parts of game used as bait because of the language in 5 AAC 92.530(7). Additionally, nonfederally-qualified users may obtain a permit to cross federal lands in the DHCMA by snowmachine in order to access property outside the DHCMA, but they may not use a snowmachine to trap in the DHCMA or transport game across the DCHMA.

If the Board’s intent was to restrict transport of game during both hunting and trapping none of these user groups would be allowed to use a snowmachine to transport game (including

furbearers or parts of game used as bait) by snowmachine. Additionally, federally-qualified trappers and nonfederally-qualified trappers who obtain a permit could use snowmachines on federal land but could not transport game.

DEPARTMENT COMMENTS: There are no biological concerns with allowing or prohibiting the transportation of game by trappers within the DHCMA, therefore the department is **NEUTRAL** on language that may change allocation among users and **SUPPORTS** language that clearly states the board’s intent regarding transport of furbearers and parts of game used as bait. The board may want to consider the full effect of any changes to 5 AAC 92.530(7) in the context of federal and state regulations and Alaska statutes applicable in the Dalton Highway Corridor Management Area.

COST ANALYSIS: Adoption of this proposal would not result in additional costs for the department.
