Staff Report

Dalton Highway Corridor Management Area (DHCMA)

Proposals #63 & #64
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

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)
### 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

### State Jurisdiction Lands

- Redundant Layers of Law
- Highway Vehicle “loophole”

<table>
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<tr>
<th>Limited</th>
<th>Unlimited</th>
<th>Hunting</th>
<th>Trapping</th>
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<td><strong>Federally Qualified Users</strong></td>
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<td>travel</td>
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Federal Jurisdiction Lands
• Redundant Layers of Law
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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
**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

**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
South Side (1/4 mi)
• Wiseman

South Side (1/4 mi.)
• Coldfoot Airport
• Slate Creek Rd.
**North Side**
- Oilfield Road Network (Nuiqsut & Utqiagvik)

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

Exempted Roads
- Haul Road
- Bettles Winter Road
North Side (A)
• Two roads > 1 mile
• One road > 5 miles
• Remaining roads on State lands < 1 mile

Exempted Roads
• Galbraith Lake Rd.
• Toolik Lake Rd.

North Side (B)
• “One” road > 5 miles
• State Land/Private Managed
• Remaining roads on State Land < 1 mile

Exempted Roads
• Pump Station 2
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.

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
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

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
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.

DHCMA – 21

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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.
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

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.”
DHCMA

Questions?