

ACR #6 – Define the beginning and terminus of the Nine Mile trail in the Ladue River Controlled Use Area.

SUBMITTED BY: Alaska Wildlife Troopers

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.

Alaska Administrative Code Number 5 AAC: 92.540(3)(I)(ii)

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.

This controlled use area allows exceptions for use of motorized vehicles on the Nine Mile and Liberty Creek trails. Neither of these trails are defined in regulation as to their official start, terminus, or scope.

Recent development of a large mine in the area of the Nine Mile trail has caused a dramatic increase in vehicle traffic and new branches of trails have begun to appear making it impossible to know which trail(s) are the original Nine Mile trail and which are continuations or offshoots.

AWT has received numerous complaints annually about moose hunters straying beyond the original Nine Mile trail however enforcement has proved challenging without a clear delineation and definition of where the trail exists and/or ends.

WHAT SOLUTION DO YOU PREFER?

5AAC 92.540(3)(I)(iii). The Nine Mile Trail as referenced in this regulation refers to the single primary ATV trail beginning along the Taylor Highway at coordinates (1) N63 24.233 x W142 28.422, entering the western portion of the defined controlled use area at coordinates (2) N62 23.879 x W142 9.073, and terminating at coordinates (3) N62 32.420 x W141 27.995. Only the single primary trail including connected bypasses no more than 20 feet.

STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:

1) To correct an error in regulation.

This change will better define the beginning and terminus of the Nine Mile trail and uses the same GPS coordinates where Tok ADF&G has established markers designating the beginning and terminus of the trail. It additionally spells out that side trails and extensions are not considered part of the trail and thus motorized vehicles are not allowed in those areas.

2) To correct an effect of a regulation that was unforeseen when a regulation was adopted.

When the exclusion for the Nine Mile trail was put in there was little ATV traffic on this trail and due to the remoteness of the area, there was little traffic to keep the trail established against overgrowth. The re-establishment of a large gold mining operation near the terminus

of the Nine Mile trail has introduced additional traffic that has caused the trails system to be expanded well beyond the original trail. A defined beginning and end to the excluded trail within the CUA is needed for enforcement to be able to properly charge violations by users taking motorized vehicles deeper into the CUA beyond the original established trail.

- 3) Does the request identify a biological concern for the population or a threat to meeting objectives for the population?**

N/A

- 4) Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?**

N/A

- 5) Does the request identify an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome because the resource would be unavailable in the future?**

N/A

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

There will continue to be more motorized vehicle impact within the Ladue Controlled Use Area branching further and further off of the original established Nine Mile Trail. AWT will be unable to enforce many of these violations without a clearly defined beginning and end of this trail

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This does not affect allocation of the resource as it merely defines a trail already listed as an exclusion to motorized access within a controlled use area. Further the points listed are the same used by Tok ADF&G to advise users where the trail system starts and ends and are also the locations where notices are posted. This ACR simply adds those GPS points into the regulation for enforceability by AWT.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

N/A

STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.

The Alaska Wildlife Troopers are the primary enforcement agency for Alaska's Fish and Wildlife laws and regulations. AWT occasionally faces situations where the intent of the board or wildlife managers cannot be enforced due to incorrect, confusing or missing definitions that are required

for a successful legal action against a violator. AWT has had concerns with this particular situation within the Ladue CUA for more than a decade however until recently, very few people accessed the area via motorized vehicles and the trail system therefore was shrinking by overgrowth, not growing in size and scope.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.

It has not.