

PROPOSAL 98

5 AAC 92.540. Controlled use areas.

Clarify the types of roads motorized vehicles are allowed to drive within the Lower Kenai Controlled Use Area of Unit 15C during the moose season, and exclude the south side of Kachemak Bay as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

Change the wording in the AAC as follows to reflect improved language regarding roads, and the exclusion of the south side Kachemak Bay communities.

5 AAC 92.540

(4) Unit 15

(B) The Lower Kenai Controlled Use Area

(i) the area consists of Unit 15(C) **north of Kachemak Bay, Kachemak Creek, Bradley River, and Bradley Lake;**

(ii) the area is closed to the use of any motorized vehicle except an aircraft or boat for moose hunting, including the transportation of moose hunters, their hunting gear, or parts of moose from September 16 through September 19 and September 22 through September 25; however this provision does not apply to the use of a motorized vehicle on **platted and improved (graveled, asphalted, or paved) borough, state, or municipal roads** [A HIGHWAY MAINTAINED BY THE STATE OR BOROUGH OR ON THE GRAVEL PORTIONS OF OILWELL, BRODY, AND TUSTUMENA LAKE ROADS] or a driveway used for direct access to a primary residence or business.

(iii) during the periods specified in (ii) of this subparagraph, a moose hunter who travels off that highway system in that motorized vehicle may not hunt moose, including transporting moose hunters, their hunting gear, or parts of moose, or in any other manner initiate or participate in moose hunting activities, until after the hunter returns the motorized vehicle to the Unit 15(C) highway system; upon returning the motorized vehicle to that highway system, the hunter may initiate or participate in legal moose hunting activities so long as the hunter leaves the motorized vehicle on the Unit 15(C) highway system.

What is the issue you would like the board to address and why?

The current wording for the motorized vehicle closure in Unit 15C during moose hunting season is unclear and does not take into consideration the development of new roads over time. The wording is difficult for hunters to interpret and causes confusion with enforcement. In recent years, hunters have been cited while trying to act within the intentions of the regulation. Wording for the regulation needs to take into account the development of new roads, so that continued rewriting is not needed as development continues on the Peninsula. Additionally, this regulation was never intended to be applied to the south side of Kachemak Bay in the communities of Seldovia, Nanwalek, or Port Graham but as written currently applies in these communities as well, and were it to be enforced as written, restricts access for the Tier II subsistence moose hunt in Unit 15C.

Did you develop your proposal in coordination with others, or with your local fish and game advisory committee?

This proposal was developed by the Homer AC in consultation with the Alaska Department of Fish and Game, Alaska Wildlife Troopers, and members of the communities of Homer and Seldovia. Two public meetings focused on this topic were held in Homer and one in Seldovia to receive input from the local communities. All were popular and filled the rooms, indicating great public interest.

PROPOSED BY: Homer Fish and Game Advisory Committee (OI-F25-046)
