

Note: Proposal 191 was accepted by the Board of Game as an Agenda Change Request for consideration at the Statewide Regulations meeting scheduled for March 2025.

PROPOSAL 191

5 AAC 92.540(3)(I)(ii). Controlled Use Areas:

Define the beginning and terminus of the Nine Mile trail in the Ladue River Controlled Use Area as follows:

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.

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

The Alaska Wildlife Troopers (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.

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.

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.

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.

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 the problem is not solved prior to the regular meeting 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.

PROPOSED BY: Alaska Wildlife Troopers

(HQ-F24-ACR6)
