

Unlawful Methods

PROPOSAL 121

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow the use of dogs to hunt big game as follows:

The use of dogs is permitted to hunt, track, and retrieve large game.

What is the issue you would like the board to address and why? It's currently illegal to use hunting dogs for large game such as deer, bear, etc... It is a method used for thousands of years and completely ethical. It promotes safety, 100% ethical, and still fair chase.

PROPOSED BY: George Lewis

(EG-F19-149)

PROPOSAL 122

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Lower the minimum draw weight for bows for hunting big game as follows:

The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080:

(3) with a longbow, recurve bow, or compound bow, unless the

(A) bow is not less than (i) [40] **35** pounds peak draw weight when hunting black-tailed deer, wolf, wolverine, black bear, Dall sheep, and caribou; (ii) [50] **45** pounds peak draw weight when hunting mountain goat, moose, elk, brown/grizzly bear, musk ox, and bison;

What is the issue you would like the board to address and why? Archery equipment, if set up and used correctly, is extremely efficient even when using lower draw weights. Numerous studies have proved that penetration on animals has much more to do with proper arrow set up and tuning than in the power of the bow itself. In many states, deer are regularly killed with 30-pound bows and moose with 40-pound bows. Dr. Ed Ashby's studies and experiments show evidence in favor of this argument. Out of the 49 other states, 9 have a minimum draw weight of 30 pounds, 12 have a minimum of 35 pounds, 10 have a minimum of 40 pounds, and 18 have no draw weight requirements.

Out of the 9 other states with moose seasons, 1 has a minimum draw weight requirement of 30 pounds, 2 have a minimum of 35 pounds, 3 have a minimum of 40 pounds, 1 has a minimum of 45 pounds, 1 has a minimum of 50 pounds, and 1 has no draw weight requirements.

Of the 10 other states with mountain goat seasons, 2 have a minimum draw weight of 30 pounds, 1 has a minimum of 35 pounds, 4 have a minimum of 40 pounds, 1 has a minimum of 50 pounds, and 2 have no draw weight requirements.

For the 13 other states with sheep seasons, 1 has a minimum draw weight requirement of 30 pounds, 2 have a minimum of 35 pounds, 4 have a minimum of 40 pounds, 1 has a minimum of 50 pounds, and 5 have no draw weight requirements.

Out of the 4 other states with seasons for bison, 1 has a minimum draw weight requirement of 30 pounds, 1 has a minimum of 50, and 2 have no requirements. Out of the top 10 other elk hunting states, the average draw weight requirement is 40 pounds.

Every province in Canada except for New Brunswick has a minimum draw weight requirement of 18 kilograms (39.6 pounds) for all species including brown bear, moose, musk ox, sheep, mountain goat, elk, and bison. New Brunswick's minimum draw weight requirement is 20 kilograms (44 pounds).

Lowering the minimum draw weight requirements would allow more youth to be able to pursue big game animals as well as individuals who can no longer pull heavier bows. This would be especially true for those who choose to use traditional equipment with no let off. As long as bowhunters continue to hunt ethically and use efficient arrow and broadhead combinations, this lower draw weight minimum would not result in any negative effects.

PROPOSED BY: Mike Harris

(EG-F20-044)

PROPOSAL 123

5 AAC 92.085(10)(A). Unlawful methods of taking big game; exceptions.

Allow electronic range finders mounted on bows be used for hunting big game as follows:

Update 5 AAC 92.085(10)(A) to read:

~~(10) with the following archery equipment or devices in a restricted weapons hunt that authorizes taking by bow and arrow:

(A) any type of electronic device, or light attached to the bow, arrow, or arrowhead, except a non-illuminating camera, **range finding device**, or a lighted nock on the end of an arrow;

What is the issue you would like the board to address and why? I would like the Board of Game to add an exception to the definition of "electronic device" which would allow the use of an electronic range finder to be mounted to the bow. The use of a laser range finder is currently allowed and a normal practice of most bow hunters when determining yardage. Using a range finder gives a more accurate yardage determination than just a visual estimation and provides for a more ethical harvest. However, often times an archer will make a yardage determination using a range finder, draw his/her bow, and see that the animal has moved. The archer must then either visually estimate the yardage change or let down from the shot and re-range the animal using a handheld range finder, which can lead to allowing the animal to move farther away and a longer shot distance. Several companies, including Garmin and Burris, have recently developed range finders which are incorporated into a bow's sighting system. This allows the archer to continuously range the animal throughout the entire shot sequence, up to and including right before the release of the arrow. This method doesn't allow the archer to do anything that isn't already allowed under

law, but merely makes it easier and allows for more ethical and humane harvests of game by giving the archer the best and most accurate range estimation possible when making a shot determination.

PROPOSED BY: Brian Vanderbunt

(EG-F19-007)

PROPOSAL 124

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow use of integrated bow sights\laser range finders for hunting big game with bows as follows:

The existing equipment regulations from page 20 of the 2018-2019 regulations for weapons restricted hunts. My proposal would read as follows with my changes listed in bold and underlined:.

Equipment:

You MAY NOT hunt big game with a bow, UNLESS:

- the bow is at least:
 - 40 pounds peak draw weight when hunting black-tailed deer, wolf, wolverine, black bear, Dall sheep, and caribou;
 - 50 pounds peak draw weight when hunting mountain goat, moose, elk, brown/grizzly bear, muskox, and bison;
- the arrow is at least 20 inches in overall length, tipped with a broadhead, and at least 300 grains in total weight;
- the broadhead is a fixed, replaceable or mechanical/retractable blade type and not barbed.
- **an integrated bow sight\laser rangefinder may be used providing the device does not provide an optical advantage as listed in the restrictions below and does not provide an illumination on the animal being hunted (laser sight).**

You MAY NOT use electronic devices or lights attached to the bow, arrow, or arrowhead with the exception of a nonilluminating camera or a lighted nock on the end of the arrow or a battery-powered sight light **or an integrated bow sight\laser range finder as specified in the previous paragraph.**

You MAY NOT use scopes or other devices attached to the bow or arrow for optical enhancement.

You MAY NOT use any mechanical device that anchors a nocked arrow at full or partial draw unaided by the bowhunter.

What is the issue you would like the board to address and why? On page 19 of the 2018-2019 regulations, under the general hunt guidelines for archery hunting equipment, an integrated bow sight\laser range finder mounted to the bow is allowed for use. On page 20 of the same regulation year, under the weapons restricted hunts guidelines, this same piece of equipment is not allowed because it is considered an “electronic device”. I am asking the Board of Game (board) to consider allowing an integrated bow sight\laser range finder be used in a weapons restricted hunt, providing

the equipment meets the other restrictions listed in the regulations, specifically no optical advantage and visible light projected onto the game animal.

There are several reasons why I am asking the board to allow use of integrated bow sights\laser range finders, which meet the other restrictive measurements, for use in weapons restricted hunts.

Handheld range finders are already allowed for use in weapons restricted hunts for archery.

The International Bowhunter Education Program (IBEP) training certification program for archery hunters encourage range finders to be used. Specifically, they are encouraged for use to keep the hunter informed of ethically shooting within the range of their equipment. The idea is the hunter will not take shots that would most likely result in the injury of an animal vs the killing of an animal.

By allowing the integrated bow sight\laser range finder to be mounted on the bow, the hunter has the ability to dynamically track the distance to the animal while holding the bow in the drawn position ready to shoot. This would allow the hunter to be more informed during their shot process and allow them to shoot more accurately because they would know the exact distance to their target. At best, it would deter unethical long-distance shots that would most likely end up injuring an animal versus killing the animal.

PROPOSED BY: Bruce Brown (HQ-F20-004)

PROPOSAL 125

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow the use of crossbows for hunting big game in weapons restricted hunts as follows:

Crossbows are allowed in the weapons restricted hunt with the following: The crossbows used in this specific hunt are not allowed scopes, only iron sights and peep sights. The hunters using crossbows in this hunt must have successfully completed the crossbow certification course and carry that certification in the field with them.

What is the issue you would like the board to address and why? The issue is how crossbows are not allowed in the weapons restricted hunt, except for the "exemption hunters" which couldn't even hunt with a bow in the first place. For there are other big game hunters that would jump at the chance to hunt game in the weapons restricted hunt if they were allowed to do so with crossbows.

PROPOSED BY: Orion Peter Harper (EG-F19-154)

PROPOSAL 126

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow the use of muzzleloaders equipped with scopes in the taking of big game as follows:

The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080:

(c) the use of [A MUZZLELOADER EQUIPPED WITH A SCOPE, OR] a muzzleloader using smokeless powder as a charge during any permitted, registered or special season hunts is prohibited.

NOTE: This is the exact wording as currently exists in the regulation, with the proposed text to be deleted, mentioning scope restrictions regarding muzzleloaders for any weapons restricted hunts, being bracketed, capitalized and struck through.

What is the issue you would like the board to address and why? This proposal would be to eliminate wording in subsection (c) of 5 AAC 92.085 which prohibits the use of a muzzleloading weapon equipped with a scope during any permitted, registered or special season hunt for muzzleloading firearms only.

This proposal would also eliminate the wording which prohibits the use of a scope during muzzleloading weapons certification field day qualifications.

The underlying premise behind ethical big game hunting is to ensure a clean, efficient and humane take of an animal as possible. Technology has allowed the use of a scope mounted weapons to ensure the greatest potential of that being possible - significantly greater than with the use of open sights.

This proposal would allow hunters the opportunity to harvest game using the most effective technology available and minimize the number of wounded animals being lost due to poor shot placement as a result of not being able to utilize the most effective technology available. As a side note, up until a few years ago, crossbows were not permitted as an allowable alternative weapon in hunts restricted to bows and muzzleloaders, as they were considered in the same category as high-powered weapons.

Now, crossbows are permitted in this exception category for some hunts, but it is permissible for use of scopes with crossbows, but not with muzzleloading weapons.

If it is now permissible for using crossbows with scopes, should not muzzleloading weapons with scopes also be permissible?

PROPOSED BY: Kurt Wellong

(HQ-F20-033)

PROPOSAL 127

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Allow air rifles for hunting big game as follows:

The use of air rifles are permitted for all game so long as the caliber is appropriate for the game size.

What is the issue you would like the board to address and why? Allow air rifles and air bows to be used for large game. There have been significant improvements in the technology that makes it safe and ethical.

PROPOSED BY: George Lewis (EG-F19-146)

PROPOSAL 128

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit the use of mechanical powered body suit or devices as follows:

The following methods of taking game are prohibited: **with the use of a mechanical or powered body suit or device unless the device or suit is being worn to restore function of a limb that otherwise would not function as in the case of a paraplegic.**

What is the issue you would like the board to address and why? Power suits or exoskeletons (powered mechanical body suits and devices) are becoming commercially available to the general public. Such suits allow an individual to carry heavier loads and travel greater distances over difficult terrain using mechanical assistance and an external energy source. Such suits may currently be legal in nonmotorized access areas within the state and yet would violate the intention for which such areas were set aside. The use of such suits would allow hunters to access normally inaccessible areas and provide an unsporting physical advantage to the hunter. If the use of such suits is allowed a guide could purchase one suit and use it for many different clients throughout the year, dramatically changing the nature of a guided hunt. If a regulation is not passed, we are likely to see hunters using these devices in the near future.

PROPOSED BY: Tom Young (EG-F20-014)

PROPOSAL 129

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Require the use of expanding (soft point) bullets for big game hunting, excluding wolf and wolverine, as follows:

The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080:

1. with the use of a firearm other than a shotgun, muzzleloader, or rifle or pistol using a center-firing cartridge, except that

(A) in Units 23 and 26, swimming caribou may be taken with a firearm using rim fire cartridges;

(B) the use of a muzzleloader is prohibited unless the firearm is a shoulder mounted long gun, 45 caliber or larger, with a barrel that is rifled or smoothbore, and discharges a single projectile; and

(C) the use of a muzzleloader equipped with a scope, or a muzzleloader using smokeless powder as a charge, during any permitted, registration, or special season hunt for muzzleloaders only, is prohibited;

(D) taking big game, other than wolf or wolverine, using non-expanding bullets is prohibited

What is the issue you would like the board to address and why? Require the use of an expanding (soft point) bullet when hunting big game, except wolf and wolverine taken under provisions of a hunting license.

Justification for this change is to reduce wounding loss of big game shot with non-expanding (solid) bullets and promote an ethical hunting practice. During many years of public testimony at Board of Game meetings, testifiers complained about hunters wounding moose, bear and caribou when using full metal jacket bullets in high velocity, small caliber rifles. Research and hunter experience clearly show big game animals shot with non-expanding bullets produce a narrow-wound channel when compared to results using expanding design bullets. The bullet from small caliber, high velocity ammunition, that does not hit bone, is likely to pass through an animal without causing sufficient damage to humanely kill it. Large game, such as moose and bears can travel long distances after being shot with solid bullets, and are generally not recovered. Although shot-placement is critical to humanly harvest big game, use of expanding bullets increase your odds of ethically killing an animal.

With some ammunition, there will be a slight increase in cost, however, the use of more lethal ammunition will reduce the number of shots required to humanly harvest an animal.

PROPOSED BY: Ted Spraker (EG-F20-019)

The title to this proposal was clarified 9/21/20 to indicate the proposed change prohibits use of urine from any species of the deer family and is not limited to deer or elk urine.

PROPOSAL 130

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Prohibit use of urine from any species of the deer family as bait or scent lures as follows:

The following methods of taking game are prohibited:

...

(15) with the use of [DEER OR ELK] urine **from any species of the deer (Cervidae) family**, and while in immediate personal possession of [DEER OR ELK] urine **from any species of the deer (Cervidae) family**, including scent lures;

...

(18) **repealed; 7/1/2021.** [WITH THE USE OF MOOSE, CARIBOU, AND REINDEER URINE AS SCENT LURES, AND WHILE IN IMMEDIATE PERSONAL POSSESSION OF MOOSE, CARIBOU, OR REINDEER URINE, INCLUDING SCENT LURES, IN UNITS 12, 19, 20, 21, 24, 25, 26(B), AND 26(C).]

What is the issue you would like the board to address and why? Chronic Wasting Disease (CWD) can be transmitted by urine, and more types (species) of urine are becoming available to hunters to use as bait or scent lures. In 2012, the Board of Game (board) prohibited the use of deer or elk urine for hunting statewide, and in March of 2020 the board prohibited the use of moose, caribou, and reindeer urine for hunting in the Interior and Eastern Arctic Region. At that meeting, the department recommended the board adopt the proposal statewide. Due to the legal meeting notice not covering statewide topics, and not wanting to delay taking action on the proposal, the board adopted the proposal for the Interior and Eastern Arctic Region only. The department is now proposing a broader prohibition on the use of natural urine as bait or scent lures, in order to further protect Alaska’s game populations.

PROPOSED BY: Alaska Department of Fish and Game (HQ-F20-043)

PROPOSAL 131

5 AAC 92.210. Game as animal food or bait.

Allow the use of game bird wings and backs to be used for trapping bait as follows:

I recommend that bird wings of all game birds including swan, geese, and cranes including the humerus, radius and ulna, and the meat of the humerus radius and ulna be allowed for other human uses such as trapping bait statewide. The back and the meat of the back should also be used for other human uses like trapping.

What is the issue you would like the board to address and why? I would like to be able to use all bird wings and backbones from swan, cranes, and geese for trapping bait statewide. Bird wings and carcasses, including the backbone, have a long historical use for trapping, and I would like to be able to continue that use. I feel it is more appropriate to use natural baits rather than bring a bunch of trash into the wilderness like compact discs (CDs) and other shiny baubles.

PROPOSED BY: Sam Hancock (EG-F19-152)

PROPOSAL 132

5 AAC 92.990. Definitions.

5 AAC 92.210. Game as animal food or bait.

5 AAC 92.220. Salvage of game meat, furs, and hides.

Allow bird wings and parts to be used for trapping as follows:

Proposed Regulation

5 AAC 92.990. Definitions.

(26)“edible meat” means,... in the case of cranes, geese, and swan **outside of Unit 18**, the meat of the breast, back, and the meat of the femur and tibia-fibula (legs and thighs), and the meat of the wings, excluding metacarpals;... **and for cranes, geese, and swan in Unit 18, the meat of the breast, and the meat of the femur and tibia-fibula (legs and thighs)**

5 AAC 92.210. Game as animal food or bait.

A person may not use game as food for a dog or furbearer, or as bait, except for the following... **for cranes, geese, and swan in Unit 18, the bones, and meat of the back and wings.**

5 AAC 92.220. Salvage of game meat, furs, and hides.

Subject to additional requirements in 5 AAC 84 – 5 AAC 85, a person taking game shall salvage the following parts for human use... **for cranes, geese, and swan in Unit 18, the bones, and meat of the back and wings.**

Current Regulation

5 AAC 92.990. Definitions.

(26)“edible meat” means,... in the case of cranes, geese, and swan, the meat of the breast, back, the meat of the femur and tibia-fibula (legs and thighs), and the meat of the wings, excluding metacarpals;...

What is the issue you would like the board to address and why? Bird wings or other parts that don’t have much meat should be able to be used as tools for other things. Our ancestors used bones as different tools, something that is natural off the land. I believe that the person who put in the proposal they did to make it illegal except for consumption hasn’t lived in coastal villages. They have unknowingly made criminals out of all the people who can’t always afford materials they don’t make on their own. Most houses you visit in certain villages use some dried bird wings as a broom. Now that we don’t live a nomadic lifestyle as much as our ancestors we need simple ways to help keep a cleaner and healthy home. Most likely they don’t realize they are breaking the law by doing this.

Allowing for these parts to be used for trapping would be another way for people to not have to buy materials made of plastics or etc. that would be more expensive because of shipping. If the bird parts are being used, this is not a waste. It’s just not being used similar to other areas where they may live in a hub and can afford to not have to buy materials for keeping a house clean or trapping bait. They may eat that small part if they so choose.

PROPOSED BY: Felix Magallanes

(EG-F20-139)

PROPOSAL 133

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.

Add bow and arrow as a legal method for taking beaver as follows:

Statewide:

You may not take a beaver with any means other than steel trap or snare except: **bow and arrow**

What is the issue you would like the board to address and why? A bow and arrow can be an effective and efficient method of taking beaver during periods of the beaver trapping season when water is not frozen. It is already legal in much of the state. I see no reason to prohibit it when in most units of the state (exception is Unit 26 no open season) the bag limit is "No Limit."

PROPOSED BY: John Frost (EG-F20-129)

PROPOSAL 134

5 AAC 92.080.(7)(H). Unlawful methods of taking game; exceptions.

Allow the use of cameras or sensory devices to monitor trap locations for trapping as follows:

Any camera or sensory device that can send messages through wireless **communications unless the device is specifically used on trap locations for the taking of furbearers which are actively in a trap.**

What is the issue you would like the board to address and why? Modern technology of wireless cameras which are commercially produced can aid in prevention of trap and fur theft. As the Alaska Court System and state District Attorney has proven, fur and trap thieves are not prosecuted. I was a victim of the theft of two Manning #9 wolf traps and one wolf by a non-trapper in Unit 2. The suspect was observed on a traditional trail camera which allowed the Alaska Wildlife Troopers to file theft charges against the person. Just by chance the suspect had never seen the camera. If he had seen the camera, he surely would have prevented the images from being used against him. The wolf was recovered and the suspect pled guilty to the crimes. After a long period of time and a few hundred dollars in boat fuel, I was never able to locate the stolen traps in the various locations the suspect said he had put them. I lost the use of the traps for the remainder of the open wolf season only to have the suspect produce the traps prior to being sentenced for the crimes. His case was then dismissed because he returned all stolen items. A modern cellular trail camera would have alerted me at the time of the trap and fur theft. Instant notification would have allowed for a fast response and possibly recovered the traps in a much quicker time period. Cellular cameras will also allow a trapper quick response to dispatch an animal in a foothold trap. At the same time, cellular trail cameras should not be allowed to aid in taking an animal unless that animal is legally a trapped furbearer.

PROPOSED BY: John Ryan (EG-F20-175)

PROPOSAL 135

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Repeal the restriction on the use of aircraft for locating Dall sheep for hunting as follows:

Repeal 5 AAC 92.085(8): [AND FROM AUG 10 THROUGH SEPT 20, AIRCRAFT MAY NOT BE USED BY OR FOR ANY PERSON TO LOCATE DALL SHEEP FOR HUNTING OR DIRECT HUNTERS TO DALL SHEEP DURING THE OPEN SHEEP HUNTING SEASON, HOWEVER AIRCRAFT OTHER THAN HELICOPTERS MAY BE USED BY AND FOR SHEEP HUNTERS TO PLACE AND REMOVE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE HARVESTED SHEEP.]

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

5 AAC 92.085(8) regarding the use of aircraft during sheep season to locate and spot sheep for harvest.

5 AAC 92.085(8) stemmed from a board generated proposal commonly known as Proposal 207 that came out of nowhere and had little support from the public and Advisory Committees. Even the Alaska Wildlife Troopers say it is virtually unenforceable. Yet it has the potential – regardless of the caveats in the regulation – to make pilots act in unsafe ways they may not normally over fears of being turned in for spotting sheep.

The Board of Game (board) determined that using aircraft to spot sheep from the air in order to potentially harvest was unethical. Even though the board allows for the spotting of caribou from the air and same day land and shoot in an area. How is that “ethical” but the spotting of sheep from the air and the same-day-airborne restriction in place is not? This regulation was put in effect for the entire August 10 – September 20 sheep season. However, this regulation was never applied to the youth hunt season August 1–5. That is not at all consistent with the intent of the regulation when one group of sheep hunters is unfairly perceived as different from another.

PROPOSED BY: Fairbanks Fish and Game Advisory Committee (EG-F20-064)

PROPOSAL 136

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Rescind the restriction on use of aircraft for locating Dall sheep for hunting as follows:

This language in 5 AAC 92.085(8) should be rescinded:

[FROM AUGUST 10 TO SEPTEMBER 20, AIRCRAFT MAY ONLY BE USED TO PLACE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE MEAT AND TROPHIES WHILE USED FOR THE PURPOSE OF DALL SHEEP HUNTING. USING AN AIRCRAFT FOR THE PURPOSE OF SPOTTING SHEEP OR LOCATING DALL SHEEP DURING THE OPEN SEASON IS PROHIBITED.]

What is the issue you would like the board to address and why? The Matanuska Valley AC believes that the language that was adopted from Proposal 207, in March of 2015, that restricts the use of aircraft while hunting sheep, should be rescinded. The present language reads:

"From August 10 to September 20 aircraft may only be used to place hunters and camps, maintain existing camps, and salvage meat and trophies while used for the purpose of Dall sheep hunting. Using an aircraft for the purpose of spotting sheep or locating Dall sheep during the open season is prohibited."

After this proposal was adopted by the Board of Game (board), our AC had unprecedented attendance at its next meeting, and everyone was very upset by the action. Subsequently, on May 28 of 2015, the board held a special meeting at the request of two of its members, to reconsider and rescind Proposal 207's language. Proposal 207 was a board generated proposal, that they produced on their own, not at the request of anyone from the public, and which didn't address any biological concerns. Nobody had ever proposed these kind of extreme restrictions before. At the May 28 special meeting there were 224 public comments on this proposal; 184 were in opposition to it and wanted to see it rescinded, while only 27 were in support of it. All three of the largest ACs (Anchorage, Mat Valley and Fairbanks), representing over half of the state's population, voted unanimously to rescind Proposal 207. Despite this overwhelming opposition, the board retained Proposal 207, ignoring the public's will. The Alaska Wildlife Troopers said from the very beginning that these restrictions were unenforceable, and to our knowledge no one has ever been cited for a violation of them. The issues the proposer purported to address with Proposal 207 were already addressed by other statutes regarding harassing, chasing or herding animals with an airplane.

Proposals to rescind what started as Proposal 207 have been brought forward in 2016 and 2017 and both times the public has supported rescinding the restrictions by a 2 to 1 margin, but were ignored by a small board majority. We believe that, in the absence of any biological concern being addressed, the public should be listened to, and the overwhelming majority want Proposal 207 language rescinded. The board has rejected applying these same restrictions to all other game species, in Proposal 70 introduced at the statewide meeting in Fairbanks in 2016, and should reject the restrictions for sheep also.

PROPOSED BY: Matanuska Valley Fish and Game Advisory Committee (HQ-F20-009)

PROPOSAL 137

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Repeal the restriction on the use of aircraft for locating Dall sheep for hunting as follows:

Amend 5 AAC 92.085(8) by deleting the language set forth below, commonly referred to as Proposal 207:

[(8) ... FROM AUGUST 10 THROUGH SEPTEMBER 20 AIRCRAFT MAY NOT BE USED BY OR FOR ANY PERSON TO LOCATE DALL SHEEP FOR HUNTING OR DIRECT HUNTERS TO DALL SHEEP DURING THE OPEN SHEEP HUNTING SEASON, HOWEVER, AIRCRAFT OTHER THAN HELICOPTERS MAY BE USED BY AND FOR SHEEP HUNTERS TO PLACE AND REMOVE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE HARVESTED SHEEP.]

What is the issue you would like the board to address and why? The pertinent part of 5 AAC 92.085(8) states as follows:

[(8) ... from August 10 through September 20 aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep during the open sheep hunting season, however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.]

I am a law-abiding citizen, a pilot and a sheep hunter. For many reasons that I will state below I find this regulation (commonly referred to as Proposal 207) wrongfully applied to our state sheep hunting regulations.

For the youth sheep hunt August 1-5 there is no restriction as to when you can fly. During this time frame there are also many outfitters flying their area prior to the season looking and scouting for sheep. Why can a pilot fly and hunt with a youth hunter during this time frame but five days later all of a sudden it is illegal?

This regulation is extremely vague in the sense that there is no way possible to tell what animal a pilot saw or even looked for from an aircraft. I could easily have bear, sheep, goat and caribou harvest tickets with me during sheep season. There is nothing stopping me from flying around and scouting for caribou during this time frame. How will someone know what animals I was looking for or what animal I saw? Can I fly around and see a herd of caribou I intend to hunt and land and go hunt them the next day and if I see a sheep be afraid to shoot it?

One of the main reasons I am writing this proposal to change this regulation is to be a voice for your average hard-working pilot in Alaska. Flying is extremely dangerous with many variables and deaths each and every year. We do not need to restrict or limit the way a pilot should be able to fly and cause unnecessary risks to be placed upon them creating more danger than they already face.

I would like to describe a couple of very realistic scenarios for the pilot who owns his own airplane and plans to use it for sheep hunting. Please take note that the purpose of having an airplane is for the pilot to distance himself from other hunters and outfitters. I never want to land at an airstrip

because I know that there has been hunting pressure there and airplanes are likely to return to that know location to hunt sheep. My objective is to distance myself from others by utilizing my hours of preseason research, aviation skill set and my airplane to find area where I can hunt and not worry about running into others.

Example 1-

A pilot follows all rules and regulations to not fly during sheep season and does his scouting and flying all in the month of July. He finds an adequate place with some sheep and a location he can safely operate the airplane. Work duties or bad weather delay his arrival into his sheep camp and he isn't able to fly until opening day August 10. The pilot knows it is illegal to fly and look for sheep since the season is now open but he intends to not hunt or encroach on other hunters in this particular drainage so he flies at over 1000' above the ground to the head end of the drainage he plans to hunt to see if there are any other airplanes or bright colored tents before he decides this is where he wants to invest the only week he has off work for sheep hunting this year. This rationale only makes sense to any logical person. As I stated previously, the pilot wants to distance himself from other hunters. By doing this and looking for hunters where there may potentially be sheep after Aug 10 has this pilot violated this regulation?

Example 2-

A pilot does all of his pre-season scouting in July and finds a nice drainage with a big gravel bar he can land on safely. He camps here and is able to glass some rams and is excited for the opening day of sheep season to arrive. He can't get the opener of sheep season off from work so he comes in a week late. The area he intends to hunt has had heavy rains the last four days and when he flies over his 1000' gravel bar he sees that it is almost completely covered by swift moving water and is now an unsafe area to land. (I personally have had water rise and lost a runway in a matter of hours). He needs to now find a new location to sheep hunt. Since he is not flying to place or remove hunters from a camp, maintain an existing camp or salvage harvested sheep, will he be in violation of flying during sheep season as the rules state?

Example 3-

A pilot doesn't have the extra time or finances to scout prior to sheep season. He will take one week off for sheep hunting and that week will fall in late August. When pioneering a landing area that likely no other airplane has ever landed at there is a sequence of things that must be done. Extreme amounts of time and concentration are put into these efforts as it is a matter of life and death. When a pilot is landing in an area that he has never been able to walk on before is it very challenging. All of your knowledge and information of the landing site is received while you are in the cockpit flying the aircraft.

Sometimes a pilot will need to do 15 or more passes to see if a runway is suitable to land and to gain an increased level of confidence in their ability to safely land the airplane. These passes consist of high passes above 1000' to low passes at maybe 5' above the ground. The pilot may need to do a few circles at altitude and at a lower level to see what the wind direction/speed is especially in mountainous terrain. Also, a pilot will likely drag his tires a couple times along the strip to gauge how rough it is and visualize the exact touchdown spot for the airplane. This is a very timely process and it should not be rushed. When pilots rush things are usually when an accident will occur.

For the best possible outcome these passes should be very similar in speed and dimension that would simulate a traffic pattern. The more consistent they are the more variables that are managed the better the landing will turn out in most cases. These passes to the fellow sheep hunter on the hillside may look like the pilot could potentially be looking for sheep when they are only trying to safely land an airplane.

I have myself flown in these conditions and have wondered will this type of flying get me in trouble especially if there happen to be sheep nearby. I have also talked to fellow aviators who have rushed this off-airport evaluation process during sheep season for fear of prosecution. That is complete nonsense. A pilot should be able to fly an airplane and not have to wonder who will be turning him in.

Most recently in July of 2019 I did all my preseason scouting of sheep hunting locations. I found some good places to land and more importantly good places to tie up an airplane that was secure. With it being a very hot year the sheep I had found in July stayed very high and were inaccessible. My hunting partner and I decided we needed to go to a different area we had scouted pre-season. While flying over the first area we could see hunters in that drainage, so we decided to go to the next spot I had found.

While over flying this area looking at the strip we had cleared, it was impossible to not notice the white dots on the hillside that were in fact Dall sheep. So now what am I supposed to do? I've done preseason scouting, cleared a strip to use and located and glassed up sheep in this drainage. Now that I've moved into this drainage and looking over my strip, I see sheep on the hillside. Now I wonder while I do my passes to evaluate my landing zone if there is some hunter is on the hillside with a video camera taping all of this. Will I be getting a phone call from the troopers after sheep season is over? I reluctantly couldn't take that risk and we cut our sheep hunt short. I told my hunting partner "I love to fly and I love to hunt. Combining those things is my favorite thing do to in the entire world but right now I don't feel the same. I feel as I may be wrongfully accused for only trying to hunt sheep based on the patterns my plane is flying." This feeling made me sick and is not what hunting is about. A sheep hunter should be able to fly their airplane and not worry about wrongful accusations.

This law is also unenforceable and below are the comments from Board of Game proposals for 2019 about this regulation since it has passed from the Alaska Wildlife Troopers.

"The Alaska Wildlife Troopers are the primary enforcement agency for this regulation. Since this regulation was enacted, the Alaska Wildlife Troopers have received reports of aircraft and sheep hunters violating this regulation across the state. Investigation of this crime takes considerable time and effort for the Wildlife Troopers to look into these types of violations. **To date, there has been no successful prosecution of a hunter for a violation of this regulation.**"

The main enforcement agency in the state knows this law is ridiculous and unenforceable. The skills, resources and money used by our conservation officers should be used to find and prosecute real criminals not a resident pilot who wants to hunt sheep.

Proposal 207 has accomplished nothing. There are already wildlife harassment laws in place to keep pilots from buzzing or harassing sheep. There are also same day airborne regulations set in

place to manage that ethical dilemma. This regulation was set in place to target the **Alaskan Resident Sheep Hunters** and should be removed from the regulations.

PROPOSED BY: Adam Grenda (HQ-F20-028)

PROPOSAL 138

5 AAC 92.085. Unlawful methods of taking big game; exceptions.

Restrict aircraft use for locating Dall sheep for hunting, for all open seasons as follows:

Change the time that aircraft may not be used to locate Dall sheep in order to cover all open sheep seasons as follows:

(8) a person who has been airborne may not take or assist in taking a big game animal and a person may not be assisted in taking a big game animal by a person who has been airborne until after 3:00 a.m. following the day in which the flying occurred, and [FROM AUGUST 10 THROUGH SEPTEMBER 20] aircraft may not be used by or for any person to locate Dall sheep for hunting or direct hunters to Dall sheep **in any area where there is an open sheep hunting season** [DURING THE OPEN SHEEP HUNTING SEASON], however, aircraft other than helicopters may be used by and for sheep hunters to place and remove hunters and camps, maintain existing camps, and salvage harvested sheep.

What is the issue you would like the board to address and why? The way this regulation is currently written, hunters may still use aircraft to locate Dall sheep during sheep hunting seasons that fall outside of the August 10 through September 20 time frame. This change would include every sheep season regardless of when it is held including any new sheep seasons that may be enacted in the future.

PROPOSED BY: Mike Harris (EG-F20-043)

PROPOSAL 139

5AAC 92.085 Unlawful methods of taking big game; exceptions.

Restrict the use of aircraft for making multiple, consecutive approaches near Dall sheep for hunting as follows:

Change 5 AAC 92.085(8) by repealing the language in brackets and replacing it with the underlined language.

5 AAC 92.085 Unlawful methods of taking big game: exceptions....

(8) a person who has been airborne may not take or assist in taking a big game animal until after 3:00 a.m. following the day in which the flying occurred, and from August 10 - September 20 aircraft may not be used **to make multiple, consecutive approaches near any sheep or group of sheep** [BE USED BY OR FOR ANY PERSON TO LOCATE DALL SHEEP FOR HUNTING OR DIRECT HUNTERS TO DALL SHEEP DURING THE OPEN SHEEP SEASON, HOWEVER, AIRCRAFT OTHER THAN HELICOPTERS MAY BE USED BY AND FOR

SHEEP HUNTERS TO PLACE AND REMOVE HUNTERS AND CAMPS, MAINTAIN EXISTING CAMPS, AND SALVAGE HARVESTED SHEEP].

What is the issue you would like the board to address and why? The aircraft restrictions that apply only to sheep hunting between August 10 and September 20 are not enforceable, not supported by the vast majority of residents who commented since the inception of this rule (2015) and arose from a Board of Game proposal that was improperly offered as there was no biological concern being addressed. I would like to see it replaced with language that is already in definition (harassment).

PROPOSED BY: Daniel Montgomery

(EG-F20-162)

PROPOSAL 232

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions.

Allow the use of dogs to recover wounded furbearers as follows:

Add regulatory language that would better facilitate recovery of furbearing animals as follows:

Methods for Trapping

You may use any method to take furbearers with a trapping license unless it is prohibited below. The following methods and means are illegal for taking furbearers;

YOU MAY NOT:

- use a dog (except to retrieve dead **and wounded** furbearers);

What is the issue you would like the board to address and why? Recovery rates for wounded and crippled small game and waterfowl go up substantially when utilizing a well trained hunting dog to track, locate and retrieve them. The same could be said of wounded furbearers such as fox, lynx, coyote, etc. if a dog is allowed to be used for recovery. This change would not change any restrictions already established on the use of dogs while hunting furbearers but would only allow for the recovery of furbearers already wounded by the hunter/trapper. This small regulation change would only be a benefit to recovery of game.

PROPOSED BY: Elijah Barbour

(EG-F21-041)

PROPOSAL 233

5 AAC 92.085 (3)(a). Unlawful methods of taking big game; exceptions.

Eliminate the requirement for peak draw weight of bows or establish peak draw weight for taking species as follows:

The most preferable solution would be to eliminate the regulatory requirements for peak draw weight of bows. The current goal of educating hunters in the appropriate tackle used for taking game can be accomplished through the required bowhunter's education certification.

A secondary solution could be to restructure the regulations to coordinate with the anatomical resilience of game. 5 AAC 92.085(3)(a) would read:

(3) with a longbow, recurve bow, or compound bow, unless the

(a) bow is not less than

(i) **35** [40] pounds peak draw weight when hunting black-tailed deer, wolf, wolverine;[BLACK BEAR, DALL SHEEP, AND CARIBOU]

(ii) **45** [50] pounds peak draw weight when hunting **black bear, Dall sheep,** mountain goat, and caribou; [MOOSE, ELK, BROWN/GRIZZLY BEAR, MUSKCOX, AND BISON,]

(iii) 55 pounds peak draw weight when hunting moose, elk, brown/grizzly bear, musk ox, and bison.

What is the issue you would like the board to address and why? The current regulations do not accomplish the goal of their intent. The goal is to reduce unrecovered game through the use of tackle appropriate for the species. However, the regulations allow great latitude in the tackle available to hunters. For example, a 50 pound homemade longbow can be crafted which casts an arrow inefficiently, but is legal for the taking of moose. Conversely, a 40 pound modern compound bow would deliver much more kinetic energy, but is illegal for the taking of moose.

Additionally, black bear are grouped with black-tailed deer under this regulation. I don't think that anyone would argue that black bear are far more resilient anatomically than black-tailed deer. Mountain goat are likewise grouped with moose, muskox, and brown bear.

To reiterate, the current set of regulations restricting archery tackle does not accomplish the goal of reducing unrecovered game.

PROPOSED BY: Tyler Riberio (EG-F21-002)

PROPOSAL 234

5 AAC 92.080. Unlawful methods of taking game; exceptions.

Allow use of stationary game cameras that transmit photos wirelessly as follows.

There are two possible solutions I would suggest to provide for a legal and responsible means to utilize stationary game cameras that can transmit photos wirelessly. #1: Specifically pertaining to bear bait stations under the 3:00 a.m. requirements listed in 5 AAC 92.080 (7) (I), OR #2 Pertaining to a more broad change that would bring all wireless communication into uniformity with the "3:00 a.m. on the following day standard" listed in 5 AAC 92.080 (7)(I)

Solution #1:

5 AAC 92.080

(7)

(H) any camera or other sensory device that can send messages through wireless communication; **except stationary sensory cameras capable of sending messages, photos, or videos through wireless communication may be used if placed within 100 feet of a bear bait station.**

OR

Solution #2: (remove (H))

5 AAC 92.080

(7)

[(H) ANY CAMERA OR SENSORY DEVICE THAT CAN SEND MESSAGES THROUGH WIRELESS COMMUNICATION;]

(I) wireless communication, including audible, text, photo, or video, sent to or from a wireless transmitting device, to take a specific animal by a person until 3:00 a.m. following the day after the use of the device, except that.....(I) continues as currently written.

What is the issue you would like the board to address and why? I would like the Board of Game to address the inconsistency of the language regarding unlawful methods of take in 5 AAC 92.080 (7) (H) “any camera or other sensory device that can send messages through wireless communication”, as compared to allowances for other forms of wireless communication (I) “wireless communication to take a specific animal by a person until 3:00 a.m. following the day after the use of the device,” specifically as it pertains to bear bait stations. Since adoption several years ago, many of these newer items dealing with wireless communication have been confusing to hunters, and some hunters have been given conflicting information from ADF&G and even state troopers on the subject. The language in (H) completely prohibits the possibility of legal use of stationary game cameras that are able to send photos through wireless signals and it could also be interpreted to include any use of cell phones (regardless of time and location), being that most contemporary cell phones are cameras capable of sending messages through wireless communication as well.

Stationary game cameras that can wirelessly transmit photos can be a valuable tool at a bear bait station if they happen to be in areas that have cellular reception. They can provide a benefit to the hunter primarily by saving them time and fuel, but can also be useful for monitoring bait levels, and for safety purposes, to know if there have been grizzly or brown bears, or sows with cubs in the area before going into a bait site. I do not believe them to provide an unfair advantage beyond what a non-transmitting camera provides to the hunter. Even if it was legal, the idea that a hunter can sit at home, get a picture, then immediately go kill that bear simply isn't realistic. Further, the scarcity of cellular reception in many (or most) areas is a limiting factor in itself. I don't think that a person should be able to sit at home or a few hundred yards away, waiting for a picture, to sneak in and immediately shoot the animal (even if possible in some circumstances), but bringing these types of devices in line with the 3:00 a.m. allowance listed in (I) would both allow hunters to use these cameras in a responsible manner without detriment to the resource, and would clear up interpretation issues such as whether a text message about a recent bait site check would be in violation of the statute. Most of these cameras can be programmed to send all images from a 24-hour period at once, so it would be very easy to stay in compliance with a 3:00 a.m. allowance.

PROPOSED BY: Tyler Freel

(EG-F21-010)

PROPOSAL 235

5 AAC 92.080. Unlawful methods of taking game.

Allow the use of artificial light while hunting small game animals that have no closed seasons and no bag limit as follows:

Page 18 of the Hunting Regulations Handbook:

- Using artificial light, EXCEPT:

--While hunting small game animals that have no closed season *and* no bag limit.

What is the issue you would like the board to address and why? Snowshoe hares are extremely abundant in certain areas of the state, which is reflected in many places having no closed season and no bag limit for snowshoe hares. Because of the high reproductive rate of snowshoe hares, as well as the difficulty in effectively hunting them, allowing the use of artificial light while hunting would provide a new, unique opportunity without damaging the population. Using artificial lights would increase the time when hunters could effectively take hares, and also provide an advantage. Because of this, the regulation would only take effect in game management units where there is no closed season *and* no bag limit. Since similar logic would apply to other small game animals with no closed season and no bag limit, the proposed legislation allows for artificial light while hunting any small game animal that meets the requirements of no closed season and no bag limit.

PROPOSED BY: Paul Warta

(EG-F21-024)
