

Unlawful Methods

PROPOSAL 6 – 5 AAC 92.095. Unlawful methods of taking furbearers; exceptions. Allow the incidental take of up to two furbearers per year during an open season for other furbearers as follows:

Either:

"Allow two (2) total incidental furbearer catch by trapping per licensed trapper per year for any species that have a "no limit" bag limit. The incidental closed season catch must have been taken in traps set for a species that still has an open season.

Or:

"If a trapper incidentally takes a furbearer during a closed season in a trap that is set for a furbearer species that is still open, the Department of Fish and Game (ADF&G) may issue a total of two (2) incidental take tags per licensed trapper per year only for species that have a "no limit" bag limit. The trapper must report these within 30 days to ADF&G for tagging, and sealing if required. The trapper may then keep the incidentally taken furbearer.

What is the issue you would like the board to address and why? Allow two total incidental furbearer catch by trapping per licensed trapper per year. If all seasons are not aligned, there will be some incidental take of the closed species in traps set for species that are still open. You would still need to report to ADF&G within 30 days of take to get animal sealed or otherwise checked-in.

PROPOSED BY: Copper Basin Fish and Game Advisory Committee (EG-F17-045)

PROPOSAL 7 – 5 AAC 92.095 Unlawful methods for taking furbearers; exceptions. Allow the use of bow and arrow to harvest beaver under a trapping license statewide as follows:

Allow harvest of beaver with bow and arrow statewide.

What is the issue you would like the board to address and why? At time of the year when the water is open and beaver season is open it should be legal to take beaver with a bow and arrow. This is confusing in the trapping regulation summary book. On page 13 it says that you may use any method to take furbearers with a trapping license unless it is prohibited below. There does not appear to be any prohibition to taking beaver with a bow and arrow on page 13. However, subsequently in the regulations for each unit there are several places where it specifically says, "You may not take beaver by any means other than steel trap or snare except," then the exceptions are varied and in some areas it is specifically legal to use firearms but sometimes with the requirement that the meat be saved. It would seem that these regulations could be simplified by allowing statewide harvest of beaver by shooting and specifically include bow and arrow.

It is difficult to know the exact wording for the regulation change because in fact it may be that the actual regulations do not prohibit taking beaver statewide during season with bow and arrow. Page 13 of the trapping regulations summary would seem to allow that. It may be somehow the

ADF&G staff responsible for writing the regulation summary book misinterpreted the regulations. There does not seem to be any logical reason to prohibit taking beaver with bow and arrow.

PROPOSED BY: John Frost (EG-F17-059)

Note: Alaska Statute 16.05.783 only allows same day airborne taking of wolves and wolverine as part of a predator control program authorized by the Board of Game.

PROPOSAL 8 – 5 AAC 92.095. Unlawful methods for taking furbearers; exceptions. Remove the same day airborne restrictions for taking wolf and wolverine with a trapping license as follows:

Allow shooting a wolf or wolverine during trapping season on the same day airborne as long a person is more than 300 feet from his airplane and has a trapping license.

What is the issue you would like the board to address and why? Under the trapping regulations it is legal to shoot fox, coyotes and lynx on the same day airborne as long as the trapper is more than 300 feet from his airplane. But it is specifically NOT legal to shoot a wolf or wolverine unless it is already caught in a trap or snare. There are at least two scenarios in which a person operating under the authority of a trapping license might encounter a wolf or wolverine and wish to harvest that animal. In one case, a trapper has flown to a remote trap line and is checking his traps either by foot or snow machine and encounters a wolf or wolverine, perhaps the wolf or wolverine is even raiding the trappers traps of martin but the trapper cannot shoot the wolf or wolverine because he has been airborne that day. In the second case, the trapper is attempting to take furbearers specifically by predator calling. The trapper may fly out in the morning, land his plane in a suitable area and hike while setting up and predator calling every half mile or so. This is an enjoyable way to hunt that is becoming more popular (witness the sales of predator calls at Cabela’s and Bass Pro). If a fox, lynx or coyote comes in to the call it is legal to shoot but not a wolf or wolverine. This does not make much sense especially when the bag limit in essentially every unit except Units 14 and 16A is unlimited for both wolf and wolverine.

PROPOSED BY: John Frost (EG-F17-057)

PROPOSAL 9 – 5 AAC 92.090. Unlawful methods of taking fur animals; and 92.095. Unlawful methods of taking furbearers; exceptions. Modify the land and shoot requirements for harvesting coyotes as follows:

5 AAC 92.090. Unlawful methods of taking fur animals

...

(3) a person who has been airborne may not take or assist in taking a fur animal, **except coyotes**, until after 3:00 a.m. following the day in which the flying occurred; this paragraph does not apply if the person is at least 300 feet from the airplane at the time of taking.

and

5 AAC 92.095. Unlawful methods of taking furbearers; exceptions

...

(8) a person who has been airborne may not use a firearm to take or assist in taking a wolf or wolverine until after 3:00 a.m. on the day following the day in which the flying occurred; or in taking [A COYOTE,] arctic fox, red fox, or lynx, unless that person is over 300 feet from the airplane at the time of the taking; this paragraph does not apply to a trapper using a firearm to dispatch an animal caught in a trap or snare;

What is the issue you would like the board to address and why? The issue is to allow harvesting coyotes by land and shoot methods, that doesn't require you to be more than 300 feet from the airplane under both a hunting and trapping license. There is an abundance of coyotes and this would allow another means of harvesting them.

PROPOSED BY: Upper Tanana/Fortymile Fish and Game Advisory Committee (EG-F17-040)

PROPOSAL 10 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.
Repeal the restrictions on the use of aircraft for taking big game as follows:

Repeal 92.085(8) or Repeal (A), (D), and (G).

What is the issue you would like the board to address and why? Repeal 92.085(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 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. The Board of Game (board) finding 2016-213-BOG, dated March 17, 2016, is adopted by reference. Restrictions in this paragraph do not apply to **(A)** taking deer; **(D)** taking caribou from January 1 through April 15, in Unit 22 if the hunter is at least 300 feet from the airplane at the time of taking; **(G)** a hunter taking a bear at a bait station with the use of bait or scent lures with a permit issued under 5 AAC 92.044, and if the hunter is at least 300 feet from the airplane at the time of taking:...

Board finding #2016-213 dated March 17, 2016 is at variance with the principal of exceptions under 92.085 and the finding stands manifestly in contradiction to previous board actions under 92.085(8)(A)(D)(G).

Board finding #2016-213 acknowledged there was public opposition to Proposal 207 and also public support declaring “support from hunters that did not use aircraft” thus implying that opposition to ‘207’ came only from hunters who used aircraft.

The board also acknowledges in its finding and as a rationalization for its decision that there has been for a decade long complaint regarding the "perception" of crowding and increased competition but fails to affirm through its finding what other action the board has considered and declined to act on that could have the same or more impact in addressing these issues.

The board chairman essentially came at this issue of 'perception' deciding the board had heard enough of a decades old complaint of "controversial practice of hunting for wildlife from aircraft" and the board chose only to address the use of aircraft for sheep hunting through its own board generated proposal supported after the fact by its finding of March 2017. But the contradictions continued in that aircraft use was only considered controversial for sheep and only between August 10 and September 20. This baseline justification for the exception to 92.085 to prohibit a "controversial practice" only serves to continue the contradictions.

Obviously not all hunters use aircraft to hunt deer (A), caribou (D) or bears over bait (G). It must also be true that such promotion of the use of aircraft under 92.085 (A, D, and G) disrupts the efforts of other hunters through displacement of animals and lowers the quality of experience for other hunters. It should not go unnoticed that the board failed to consider whether the broadening of aircraft use corresponding to previously authorized practice of hunting wildlife from aircraft in the taking of deer, caribou or bears over bait factually demonstrates the board promoting a "controversial practice" on the one hand and prohibiting the practice on the other hand and may resemble an arbitrary and capricious act.

The finding further cites technological advances of aircraft as justification to the exception (at 8) ignoring reciprocal technological advances in clothing, optics, ballistics, mapping, communication tools, food, packing/hiking/camping gear, an increase in access to types and sources of information including hunter educational material (*which could and has been used by ADF&G and board as a tool to mitigate controversial issues*) on how to sheep hunt videos, TV programs and a broader range and availability of data and statistics has also advanced considerably in the past decade and is as likely to be promoting the 'perception' of crowding and increased competition as advances in aircraft technology.

Maintaining exceptions for use of aircraft (same day airborne) for the hunting of deer, caribou and bears over bait or the effectiveness of advances in technology as applied to other valid methods of hunting further devalues the authenticity of the board's own proposal or board finding #2016-213.

92.085 (8)(A) (D) (G) simply do not line up. It is requested through this proposal that the board consider each of the exceptions individually and in light of its own Proposal 207 and board finding #2016-213. It is widely recognized by many hunters; those who use aircraft and those who do not, there is likely an undisclosed purpose to (8) and in reconsidering the validity of (A) (D) (G) it is hoped consistency can be re-established to 5 AAC 92.085. Unlawful methods of taking big game; exceptions.

PROPOSED BY: Mike McCrary

(EG-F17-060)

PROPOSAL 11 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.
Modify the restrictions on the use of aircraft for sheep hunting as follows:

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 **intentionally approach any sheep or group of sheep closer than 1000 feet, or repeatedly approach them in a manner that results in them altering their behavior.** [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.] **This prohibition does not intend to prohibit any flight maneuvers that are necessary to make an informed and safe landing in the field.**

What is the issue you would like the board to address and why? 5 AAC 92.085 currently reads: “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 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.”

We support the Board of Game’s (board) efforts to encourage the ethical use of airplanes and to work towards a quality sheep hunting experience for all, but think the current regulation is excessively broad and restrictive. This regulation has caused division among hunters, and causes concern to most pilots, of being suspect of spotting while performing necessary and normal operating procedures. Moose, caribou and bear also live in most sheep country and seasons are open at the same time.

What will happen if nothing is done? Unnecessary division amongst sheep hunters and resentment towards the board by many who otherwise support most of what they do will continue. We think most hunters can agree that approaching sheep during hunting season, close enough that you can tell if they are legal rams, is too close and will disturb the sheep and hunters on the ground. We would like to work towards better language to accomplish this.

Other solutions considered and why did you reject them? We also considered changing the same day airborne law for sheep from 3:00 a.m. to 8:00 a.m. or noon, and discussed different distances. We rejected changing times because that would not restrict spotting and buzzing sheep. We settled on 1,000 feet for distance, because though sheep can be seen as white spots on a hill side from a long way off, to tell whether they are legal rams, you have to be fairly close. Most full-curl sheep horns are about 12 inches in diameter. We went to an airport and ranged aircraft with 12-inch numbers. Standing still, 12-inch numbers are pretty unreadable to the naked

eye of most at 700 feet, and just a blur at 1,000 feet; and that's standing still, not moving at 70 miles per hour.

While some may have concern about the enforceability of our proposed language, we think most hunters want to be legal and obey the law. 1,000 feet is standard pattern altitude at most airports and is an altitude that most pilots should be fairly familiar with. We think text in the hunting regulation encouraging sheep hunters/pilots to fly around the pattern at 1,000 feet above ground level before flying out to sheep hunt, and reminding them to maintain at least that distance between them and any white spots they see in the mountains, would go a long way towards compliance. The last sentence in our proposed language is verbatim per RC 038 from the March 2016 Board of Game meeting.

PROPOSED BY: Alaska Professional Hunters Association (EG-F17-042)

PROPOSAL 12 – 5 AAC 92.085(8). Unlawful methods of taking big game; exceptions.
Remove the restrictions on the use of aircraft for sheep hunting as follows:

Simply rescind the regulations created by passing the Board of Game generated Proposal 207.

What is the issue you would like the board to address and why? The regulation promulgated by the Board of Game (board) commonly referred to as Proposal 207 (regarding use of aircraft during sheep season) is not good for many reasons:

- 1) It promotes crowding at the beginning of sheep season.
- 2) It encourages flying into unsafe conditions for hunters trying to get into position prior to season opening.
- 3) It discourages making several passes to evaluate the safety of a landing area (that may have changed significantly from the previous year).
- 4) Because sheep move from mid-summer ranges to fall ranges it give significant advantage to hunters who hunt the first week of the season or to guides who may have several assistant guides continuously in the field and are able to keep track of sheep movements.
- 5) There is already a federal law (the anti-airborne hunting act) that prohibits disturbing any wildlife with an aircraft. This essentially already prohibits the type of activity that the board intends to limit with Proposal 207.
- 6) If an air taxi operator is flying a client into an area for a drop-off hunt it has been traditional to make one circle around the general area of the drop-off location to give the hunter an idea of the "lay of the land". This is still legal if the hunter is hunting moose, caribou, bear or goats but not sheep. It interferes with the safety and enjoyment of the hunt.
- 7) I can personally say that it adds a layer of repressive regulation that makes sheep hunting less

safe and less enjoyable for resident hunters who own aircraft.

8) It has resulted in some resident sheep hunters not hunting sheep.

9) It resulted in the formation of a resident hunter activist group Resident Hunters of Alaska (RHAK).

10) It was opposed by many advisory committees.

PROPOSED BY: John Frost (EG-F17-055)

PROPOSAL 13 – 5 AAC 92.080(7). Unlawful methods of taking game; exceptions. Clarify the regulation that prohibits the use of a “cellular or satellite telephone” to take game as follows:

Current regulation states that you may not use a “cellular or satellite telephone” to take game. Possible solutions might be that the use of cellular or satellite devices are exempted for certain use. Other possibilities might include re-affirming that cellular or satellite phones cannot be used for any reason to take game.

What is the issue you would like the board to address and why? Clarify the use of cellular or satellite phones to take game animals. 5 AAC 92.080 prohibits certain methods of taking game. One method that is prohibited is the use of cellular or satellite phones. Technology has dramatically increased over the years. Cell phone capabilities, cell service and smart phones have all made it easier for hunters to use these devices for hunting utilizing various technologies. Examples of this technology are game cameras that are communicating with cell phones to let the hunter know an animal is in the area that they are hunting and devices connected by satellite when cell service is not available. This technology is becoming increasingly popular at bear bait sites, for general hunting and with trappers.

As technology changes, it is difficult to interpret the regulations for enforcement purposes. Additionally, regulations should be clear for the public so there is little room for interpretation. The Alaska Wildlife Troopers would like the Board of Game to clarify the use of cell phones and satellite communication devices for the purpose of hunting and taking game. This clarification will benefit both the hunters and the Alaska Wildlife Troopers enforcing the regulation.

Current regulation states that you may not use a “cellular or satellite telephone” to take game. The board should discuss the timeline and specific uses of these devices.

PROPOSED BY: Alaska Wildlife Troopers (HQ-F17-018)

PROPOSAL 14 – 5 AAC 92.080(7). Unlawful methods of taking game; exceptions. Prohibit the taking of bears in dens as follows:

The solution would be to stop the innocent slaughter of bears and their cubs in their dens.

What is the issue you would like the board to address and why? Thank you in advance for reading this proposal, as I am unable to attend the 2017 meeting. I am writing today to voice my views on what I understand to be the results of the law re-instating 5 AAC 92.080 Control of Predation by bears. I hope I have this right, as even the ADF&G folks I have spoken with say it is very complicated and confusing. In specific number (7) seven, as well as other regulations 5 AAC 92.115-118 or anything pertaining to the innocent slaughter of bears in their dens, (with cubs or without). I realize that management of all fish and wildlife is mandatory for survival of animals, as well as humans, and Alaska has the best management in the U.S. I am all for subsistence hunting for food and protection, but the murder of defenseless animals in their own dens “homes” in the middle of winter, where they should be safe is sickening, especially by means of gas, poison, explosives, etc. Imagine if this happened to you in your home with your family? Would extending/changing the hunting laws be an option for the black bear, surely there must be more humane ways of dealing with this issue?

Again, you will have to excuse my attempts at finding the correct language, rulings, laws, regulations etc. You may want to consider referencing a link to the Alaska State Legislature website, so these laws, rulings and regulations can be understood in layman’s terms. Thank you for your time.

PROPOSED BY: Stephanie McCabe (EG-F17-034)

PROPOSAL 15 – 5 AAC 92.260. Taking cub bears and female bears with cubs prohibited.
Remove the exception for taking cub bears and female bears with cubs as follows:

Taking cub bears and female bears with cubs prohibited:

A person may not take a cub bear or a female bear accompanied by a cub bear. [, EXCEPT THAT A BLACK BEAR CUB OR A FEMALE BLACK BEAR ACCOMPANIED BY A CUB BEAR MAY BE TAKEN BY A RESIDENT HUNTER

- (1) UNDER CUSTOMARY AND TRADITIONAL USE ACTIVITIES AT A DEN SITE
 - (A) FROM OCTOBER 15 THROUGH APRIL 30 IN
 - (I) UNIT 19(A);
 - (II) UNIT 19(D), THAT PORTION OF THE KUSKOKWIM RIVER DRAINAGE UPSTREAM FROM THE SELATNA AND BLACK RIVER DRAINAGES;
 - (III) UNITS 21(B), 21(C), AND 21(D); AND
 - (IV) UNIT 24; AND (B) FROM DECEMBER 1 THROUGH THE LAST DAY OF FEBRUARY IN UNIT 25(D); AND
 - (2) FROM JULY 1 THROUGH NOVEMBER 30 AND MARCH 1 THROUGH JUNE 30 IN UNIT 25(D).]

What is the issue you would like the board to address and why? Pursuant to Principle 3 Guideline 3.2 of the Intensive Management Program; practices should be socially sustainable and are closely scrutinized by the public. As such, the Board of Game (board), under the Intensive Management law, must periodically re-evaluate objectives to align with social standards based on feedback from the public stakeholders as defined as inclusive of both

Alaskans and the broader public. The board facilitates this public process for the state's fish and wildlife regulatory system. The exceptions in 5 AAC 92.260 sections 1-2, which permit the practice of taking cub bears and female bears with cubs, have already garnered national attention resulting in negative impact to the Alaskan state tourism business. The associated petition, which has already received over 7,000 signatures and continues to grow in number every day, services as evidence to this growing social awareness and impact. This practice may have some slight impact to reduce predation, but it is clearly not “socially sustainable”. If it is not changed, the awareness and damage to tourism will continue to grow. We ask the board in the best interest of Alaska wildlife and tourism to kindly consider amending 5 AAC 92.260 to remove these two exceptions. The Alaska Administrative Code to be amended has the sections to be removed in all upper case, and the addition underlined and in bold.

PROPOSED BY: Alaska Chapter OneProtest (EG-F17-030)

PROPOSAL 16 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions. Allow the use of high-powered air guns during regular firearms and muzzleloader big game hunting seasons as follows:

Define high-powered air guns as the following:

- “Air gun” means a device that launches a pellet or bullet or other projectile like an arrow through the use of compressed air.
- Minimum .357 minimum caliber
- Minimum muzzle energy of 100 foot pounds (FPE)

Expressly allow using high powered air guns during regular firearms and muzzleloader hunting seasons.

What is the issue you would like the board to address and why? We would like the Board of Game to allow high powered air guns—100 ft./lbs. muzzle energy or more—to be used during regular hunting seasons for taking big game. You can see some of the hunting videos with these incredible high powered air rifles at: www.pyramydair.com/s/m/Dragon_Claw_Dual_Tank_Air_Rifle/2500.

PROPOSED BY: Val Gamerman (EG-F17-008)

PROPOSAL 17 – 5 AAC 92.085. Unlawful methods of taking big game; exceptions. Prohibit the use of airbows for taking big game as follows:

You may NOT take big game with an “airbow,”

Or, "Airbows" are not legal for use in any archery only area, archery season or special archery hunt.

What is the issue you would like the board to address and why? A new device called an "airbow" has recently come on the market. It is essentially a compressed gas device that shoots an arrow-like projectile. The Alaskan Bowhunters Association wants to be certain that this device is not confused with or considered conventional archery tackle.

PROPOSED BY: The Alaskan Bowhunters Association

(EG-F17-061)
