

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.

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