

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

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