

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.

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