

**Meeting Date:** May 14, 2009

**Agenda Item No. 19**

**Agenda Item:** Aerial Gunning and the Use of Power  
Gliders

**Bureau Chief Approval:** JKH

**Prepared by:** Jon Heggen

**Background:**

- 1) Aerial Hunting of certain wildlife species is authorized under the Airborne Hunting Act, 16 USC, 742 and delegates to the states authority to permit. The Idaho Dept. of Agriculture is the designated state agency to regulate and authorize aerial hunting in Idaho under IC 22-102A, and IDAPA 2.01.03.
  - a. IDAPA 2.01.03 describes the conditions and requirements for an Airborne Control of Unprotected or Predatory Animals to protect land, water, livestock, wildlife, domesticated animals, human life, or crops.
  - b. There are currently 15 of these permits issued by the Dept. of Agriculture, Animal Damage Control Board.
  - c. The use of powered parachutes and ultra lights is regulated by the FAA. These aircraft can be flown under FAR Part 103-Ultralight Vehicles . No pilot's license is required to fly these aircraft under Part 103. Two-seat versions may be flown under the new Sport Pilot license. These aircraft, flown under Part 103, are to be flown for recreational purposes, cannot be flown for hire or compensation, except an instructor teaching someone to fly. These aircraft are not required to become registered with FAA and have no airworthiness certificate.
  - d. To fulfill and be used with the Airborne Control permits, powered parachutes and ultra lights can become registered with FAA under FAR Part 91.319 as an "Experimental Aircraft". Experimental Aircraft cannot be flown for hire or compensation. I believe these types of craft flown under Part 91 would require a minimum of a Sport Pilots license.
  - e. The SE Region, IDFG, has identified some areas on maps where we would encourage people to harvest predatory wildlife as part of MDI.
- 2) The use of powered parachutes and ultra lights to conduct aerial wildlife surveys is being investigated. Wikipedia reported the use of powered parachutes for herding reindeer and counting the Saimaa ringed seal, although they did not report who or where this activity was being conducted. There are also reported uses by private individuals who have used ultra lights to monitor migration of whooping cranes in the US. We are still seeking information whether other agencies in the US are using ultra lights and/or powered parachutes for wildlife management purposes.
  - a. Due to the classification of these aircraft by the FAA, they cannot be used for hire or compensation (commercially) without a specific exemption from the FAA.
  - b. Wikipedia reports that powered parachutes are safer than normal fixed wing aircraft, and NTSB records tend to support this by the low number of reported accidents they have investigated. However, it is recommended that powered parachutes "should not be attempted in winds exceeding 10-15 mph or in gusty conditions."
  - c. Idaho Aeronautics Chief Pilot and Director of Flight Operations does "not believe the ultra light, powered parachute or light sport aircraft would safely fit any operational need of the F&G."
  - d. The state Director for Wildlife Services, USDA says these aircraft are not suitable nor allowed for their services.
  - e. We currently contract with Aviation Management Services, Dept. of the Interior, to monitor our safety protocols for the use of aircraft in conducting wildlife management activities. We have requested their input.

**Statutory Authority and/or Policy issues:****Policy Issue:**

**09-xx** Commissioner Budge moved and Commissioner Wheeler seconded a motion that staff investigate the issues surrounding aerial gunning and the use of power sails for both predator control and or for assisting in big game survey work done by the department and provide a report to the Commission at the next meeting if possible or at the following meeting. Based upon the results of the report the Commission can determine at that point if it is necessary to go further or adopt any specific policy related to those matters.

Commissioner Wheeler would like the Department to pursue this issue a little bit beyond the aerial gunning and take a look at the possibility of using this for aerial flying for survey work. Commissioner Wheeler stated that it could be a savings for the Department.

**Statutory Authority****AIRBORNE HUNTING ACT**

16 U.S.C. § 742j-1, November 18, 1971, as amended 1972. The Act, a section of the Fish and Wildlife Act of 1956, prohibits harassing, capturing or killing birds, fish and other animals from aircraft, with certain limited exceptions.

Idaho Code 22-102A: AIRCRAFT USE IN CONTROLLING UNPROTECTED OR PREDATORY ANIMALS. The director of the department of agriculture is hereby designated as the authorized agent of this state to aid in the administration or protection of land, water, wildlife, livestock, domesticated animals, human life or crops for the purposes of issuing permits to persons to shoot or attempt to shoot, capture, harass or kill unprotected or predatory animals, as designated by the director, while such person is airborne in an aircraft, under authority vested in such agency by public laws 92-159 and 92-502.

Idaho Dept. of Agriculture Rule: **02.01.03 - Idaho Department of Agriculture Airborne Control of Unprotected or Predatory Animals Rules**

FAA rules pertaining to classification and use of certain aircraft: FAR parts 103.1; 91.319

**Public Involvement Process:**

None

**Staff Recommendation:**

For Information Only

**Justification:**