

ACR #5 – Require all hunters to apply for Unit 8 brown bear drawing permits.

SUBMITTED BY: Resident Hunters of Alaska

CITE THE REGULATION THAT WILL BE CHANGED IF THIS ACR IS HEARD.

5 AAC: 92.061 Special provisions for Unit 8 brown bear permit hunts

WHAT IS THE PROBLEM YOU WOULD LIKE THE BOARD TO ADDRESS? STATE IN DETAIL THE NATURE OF THE CURRENT PROBLEM.

Unit 8 Kodiak Island nonresident guided brown bear permit hunts are listed as “draw” hunts in regulation even though they are not really draw hunts. During the last Southcentral Region cycle in 2023, RHAK submitted a proposal to fix the loophole in regulations that allowed nonresident guided hunters to skip the permit process entirely (proposal #78).

Residents are required to pay an application fee and go through an actual draw permit lottery process, in order to win a coveted Kodiak brown bear permit. The odds of a resident hunter drawing a permit are very low, typically 1 – 3 percent. A resident hunter can put in for a Kodiak brown bear permit his or her entire life and never draw a permit.

Nonresident guided hunters, who are allocated up to 40% of all Kodiak brown bear permits, do not have to pay an application fee nor do they have to go through an actual random draw lottery process. A nonresident guided hunter with enough money simply calls the guide with an exclusive concession and makes a deal and then can participate in the hunt via an over-the-counter permit.

During deliberations on RHAK Proposal 78 at the March 2023 Soldotna meeting, the Chairman made these comments, transcribed from the audio recording: *“Why do we pretend that these are draw hunts, other than the fact that we’ve identified them as draw hunts, putting them in the draw supplement; no one can draw except for the very few people, there are no odds, it’s 100 percent or zero. Why can’t we identify those separately?”*

WHAT SOLUTION DO YOU PREFER?

Amend language in 5 AAC 92.061 to absolutely require that all nonresidents or their guides, and the Department, **must** submit a draw permit application and pay the application fee during the application period in order to have an opportunity to hunt. An alternate list for cancellations may be implemented, but if there was no application and application fee received during the application period, that hunter is not eligible to hunt that permit. There will be no over-the-counter tags awarded outside the draw permit application process.

Amend language to make it against the law for guides to donate these “draw” permits or “take them off the table,” as some guides have said they do.

STATE IN DETAIL HOW THIS ACR MEETS THE FOLLOWING CRITERIA:

A. To correct an error in regulation.

As the Chairman stated on the record, for nonresident guided hunters the Unit 8 Kodiak Island “draw” permit hunt is not actually a “draw” permit. We ask the same question the Chairman did: “Why do we pretend that these are draw hunts”? This is an error in regulation.

B. To correct an effect of a regulation that was unforeseen when a regulation was adopted.

RHAK has provided ample evidence that nonresident guided brown bear hunters are able to skirt the draw permit process and hunt a Kodiak brown bear every four years. We showed social media posts of a hunter who hunted with a certain guide five times until he finally got a ten-foot bear. We showed evidence of guides donating the nonresident guided “draw” permits they are allocated for their exclusive concession area.

5AAC 92.061(3) states that “the department shall enter, in a guided nonresident drawing, each complete application from the nonresident who will be accompanied by a guide.”

The Department is *not* entering completed applications. If they were, the nonresident hunter would have had to pay an application fee. The nonresident guided hunters and their guides are also not entering applications as intended by the regulation.

We ask these questions: Is the intended effect of this regulation to allow nonresident guided brown bear hunters, their guides, and the Department, to skip the outlined draw permit process? Is the intended effect of this regulation to “pretend that this is a draw hunt” when it isn’t? Is the intended effect of this regulation to allow the permits to go to the guide with that concession area to do with as he or she wants?

If the above were intended effects of this regulation, then the board should state such on the record. If these are not intended effects, but rather unforeseen effects, then the board has no choice but to accept this ACR for the next regularly scheduled regulatory meeting and fix these issues.

C. Does the request identify a biological concern for the population or a threat to meeting objectives for the population?

Not applicable.

D. Does the request identify an unforeseen, unexpected event or effect that would otherwise restrict or reduce a reasonable opportunity for customary and traditional wildlife uses, as defined in AS 16.05.258(f)?

Not applicable.

E. Does the request identify an unforeseen, unexpected resource situation where a biologically allowable resource harvest would be precluded by delayed regulatory action and such delay would be significantly burdensome because the resource would be unavailable in the future?

Not applicable.

WHAT WILL HAPPEN IF THIS PROBLEM IS NOT SOLVED PRIOR TO THE REGULAR CYCLE?

The guided nonresident Unit 8 Kodiak brown bear “draw” permit hunt will continue to allow nonresidents to skip the permit process entirely, and not pay an application fee. The guided nonresident Kodiak brown bear “draw” permit hunt will continue to be advertised in regulation as a random lottery “draw” draw permit hunt. It cannot be a “draw” permit hunt if a hunter does not have to pay an application fee and is not awarded a permit via a random draw lottery process. Guides with exclusive concessions where these hunts take place will continue to be allowed to do with as they choose with these permits.

Resident Kodiak brown bear hunters will continue to be disenfranchised by forcing them to go through a low-odds random draw process whereby nonresident guided hunters have a 100% opportunity to hunt.

STATE WHY YOUR ACR IS NOT PREDOMINANTLY ALLOCATIVE.

This ACR has absolutely nothing to do with allocation. Nonresident guided hunters currently receive up to 40 percent of all Kodiak brown bear “draw” permits. We are simply asking to fix the regulation that is supposed to require them to go through a random draw lottery process like residents and pay the same application fee as residents.

IF THIS REQUEST IS ALLOCATIVE, STATE THE NEW INFORMATION THAT COMPELS THE BOARD TO CONSIDER AN ALLOCATIVE PROPOSAL OUTSIDE OF THE REGULAR CYCLE.

Not applicable.

STATE YOUR INVOLVEMENT IN THE ISSUE THAT IS THE SUBJECT OF THIS ACR.

Resident Hunters of Alaska (RHAK) is a hunting conservation organization advocating for sustainable wildlife management policies with an emphasis on protecting and enhancing resident hunting opportunities.

STATE WHETHER THIS ACR HAS BEEN CONSIDERED BEFORE, EITHER AS A PROPOSAL OR AS AN ACR, AND IF SO, DURING WHICH BOARD OF GAME MEETING.

Similar proposals to this ACR were considered twice during the regular Southcentral Region cycle and voted down each time by the Board of Game. However, at the March 2023 Southcentral Region meeting when a similar proposal was before the board, the Chairman made comments that clearly illustrate the hypocrisy and unforeseen effects of what this regulation is allowing, and how it is being abused. Those statements should serve as a warning to this board that now it is time to fix the errors in this regulation and the unforeseen effects that continue to happen.