

PROPOSAL 151

5 AAC 92.061. Special provisions for brown bear drawing permit hunts.

5 AAC 92.069. Special provisions for moose drawing permit hunts.

Require all hunters to apply for permit hunts and pay the application fee during the application period as follows:

Amend language in 5 AAC 92.061 and 5 AAC 92.069 to absolutely require that all nonresidents may only be awarded a draw permit after first applying and paying the application fee during the application period. An alternate list for cancellations may be implemented, but if there was no application and application fee received during the application period, you are not eligible to hunt that permit. There will be no over the counter tags awarded outside the draw permit process. Everyone, both resident and nonresident, must apply for and pay an application fee for a draw permit during the application period, no exceptions.

Close any loopholes, comply with the language in 92.050(1)(A) for all draw permit hunts; do not allow the department to issue discretionary draw permits to anyone who has not first applied and paid the fee during the permit application period.

What is the issue you would like the board to address and why?

Nonresident moose and bear hunters “skipping” the draw permit process. On National Wildlife Refuge (NWR) lands, guides have exclusive guiding rights, and any moose or bear draw permits that take place on those NWR lands actually are awarded to the individual guide who has the right to guide in that guide use area on federal lands. This allows guides and their clients to completely skip the draw permit process, as is outlined in this advertisement from a well-known hunt booking agent in the lower 48 (we have left out the name of the agent but are happy to provide copies of his March 2020 advertisement):

“EXCLUSIVE! NO DRAWING KODIAK BROWN BEAR HUNT – GIANTS OF KODIAK ISLAND, ALASKA. SKIP THE PERMIT DRAWING PROCESS AND HUNT THE WORLD’S LARGEST BROWN BEARS!

We have a few openings for the ultimate bear hunt – Kodiak Island brown bears – and if you book with this outfitter, **you can bypass the permit drawing process and start planning your trip now.**”

This same thing is happening with interior moose hunts in the Nowitna NWR where when you view the draw permit supplement after permits are awarded you will see quite a few zeroed out applications. It shows that no one applied for that particular nonresident guided only draw permit, but in actuality those permits were utilized completely outside the draw permit process. A nonresident doesn’t have to go through a “lottery” draw permit process at all, whereas a resident hunter must pay the \$5 application fee and actually apply during the application period for a **chance** to win a draw permit for these moose and bear hunts on NWR lands.

That is not the way it’s supposed to work and we are asking the Board of Game (board) to fix this by amending the language in 92.061 & 92.069.

An example: **Looking at the draw permit supplement for the 2019 - 2020 draw permit period there were ZERO applications for the seven available DM 811 nonresident must-be-guided moose draw permits for the upper Nowitna drainage within the Nowitna National Wildlife Refuge.** Meanwhile, 28 nonresidents applied for the three DM 809 permits for unguided nonresidents, and 65 Alaskans applied for the 10 DM 810 permits offered to residents. The chances of drawing the DM 809 nonresident unguided permit was around ten percent while the chances of a drawing the DM 810 resident permit was around 15 percent.

Records show, however, that all seven of the DM 811 nonresident must-be-guided draw permits were utilized in 2020, outside the draw permit process.¹ The chance of drawing the DM 811 nonresident must-be-guided permit was 100 percent! Because there was no “chance” or “lottery” involved. Just a phone call to the guide with exclusive refuge guiding rights, a signed guide-client agreement and you get an over the counter tag completely outside the draw permit process.

This alone does not comply with 5AAC 92.069, which reads:

5 AAC 92.069. Special provisions for moose drawing permit hunts

“(a) In a moose drawing permit hunt specified in this section, a nonresident may apply for and obtain a permit only as follows:

(1) the department may issue a drawing permit under this section only to a successful nonresident applicant who meets the requirements of this section;

(2) the department shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; until June 30, 2015, the department may enter an application for the applicable hunt only to a nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a guide, and that the guide has a guide use area registration on file with the Department of Commerce, Community, and Economic Development in accordance with AS 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing permit is valid;

(3) the department shall enter in a non-guided nonresident drawing all other complete applications from nonresidents.

(b) The department shall issue permits as follows:

(3) in Unit 21(B), that portion within the Nowitna River drainage upstream from the Little Mud River drainage and within the corridor extending two miles on either side of and including the Nowitna River, the drawing permit hunt is allocated 50 percent to residents and 50 percent to nonresidents; the department shall issue a maximum of 75 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 25 percent of the available nonresident drawing permits to non-guided nonresidents; if the number of nonresidents applying for permits for either nonresident hunt is insufficient to award the required percentage, the department may award the remaining available nonresident drawing permits to the other nonresident hunt;”

Nothing within the language of 5AAC 92.069 would seem to allow for a nonresident to skip the draw permit process. Neither do we see anything in language about “undersubscribed” permits other than where it states: *“if the number of nonresidents applying for permits for either nonresident hunt is insufficient to award the required percentage, the department may award the remaining available nonresident drawing permits to the other resident hunt.”*

The results of the 2019-2020 draw permit supplement shows ZERO applications for the DM 811 nonresident guided-only hunt and zero permits awarded, yet those apparently available permits were not awarded to the nonresident unguided hunt.

The same is true for the Unit 8 Kodiak brown bear permit system under 5 AAC 92.061. Many guides choose not to have their clients go through the permit process. Some guides even state that they don't always utilize "their" permits allocated to their guide use area for various reasons. The regulation addresses an "alternate" list whereby hunters who had applied but were not chosen have a chance to hunt if there were cancellations, but that isn't what is happening when nonresident clients show up in Kodiak with a signed guide-client agreement and get an over-the-counter tag. In looking at the draw permit supplement, there are typically over 30 zeroed out Kodiak nonresident must-be-guided applications each year, yet it turns out most of those are actually hunted.

Furthermore, under **5AAC 92.050 (1)(A) Required draw permit hunt conditions and procedures**, it clearly states that: "to apply for a drawing permit hunt for any hunt that requires a registered or master guide, a nonresident or a nonresident alien must contract a qualified registered guide or master guide as their agent to submit the application and provide hunting services; the contracting registered guide or master guide, shall provide, at the time of application, their current unique verification code that has been issued pursuant to 12 AAC 75.260.(d)"

¹ Correspondence with ADFG: Correct, we received zero applications for hunt DM811 during the Nov/Dec 2017 drawing application period for the hunt that took place in the fall of 2018. However the 7 permits were made available to hunters following our undersubscribed drawing permit process, and all 7 were picked up by hunters.

PROPOSED BY: Resident Hunters of Alaska (HQ-F20-020)
