

# **Hunting and Other Permits**

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## **PROPOSAL 146**

### **5 AAC 92.052. Discretionary permit hunt conditions and procedures.**

Limit big game registration permits to one per species, per year as follows:

5 AAC 92.052 (19) a person may be limited to one big game registration permit **per species per year**.

**What is the issue you would like the board to address and why?** In recent years, hunters have been picking up multiple late season registration goat tags for different hunt areas in which the number of tags and the hunt dates are limited. It is not physically possible due to the limited hunt dates and distribution of hunts for a hunter to effectively access more than one area. By picking up multiple tags these hunters are taking away opportunities from other hunters. ADF&G cannot simply increase the number of tags available to deal with the issue because the number of hunters that might do in any given year is unknown and this species is sensitive to overharvest.

**PROPOSED BY:** Tom Young

(EG-F20-013)

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## **PROPOSAL 147**

### **5 AAC 92.031. Permit for selling skins, skulls, and trophies.**

Allow the sale of prepared game trophies under a permit as follows:

**5 AAC 92.031. Permit for selling skins, skulls, and trophies.** (a) A licensed taxidermist may sell an unclaimed, finished skin or trophy under a permit issued by the department after the finished skin or trophy has been unclaimed for six month, and after the taxidermist sends notice of intent to sell, by registered mail at least 15 days before the sale, to the last known address of the person who ordered the taxidermy work.

(b) A court appointed or duly authorized estate executor, or a reference in a bankruptcy, may sell a game skin or trophy in a bankruptcy or probate action if that person first obtains a permit from the department.

(c) Repealed 7/1/2008.

(d) Repealed 7/1/2008.

(e) Repealed 7/1/2008.

(f) A person who has obtained ownership of a big game trophy as a result of a divorce may sell that big game trophy only if that person first obtains a permit from the department after providing the department with a list of the big game trophies being sold and a divorce decree documenting ownership.

(g) A person may sell, advertise, or otherwise offer for sale a skull or hide with claws attached of a brown bear harvested in an area where the bag limit is two brown bears per regulatory year only after first obtaining a permit from the department. Any advertisement must include the permit number assigned by the department, and the department will permanently mark all hides and skulls intended for sale. All bears sold under this permit must be reported to the department within the time frame specified on the permit.

**(h) A person may sell a lawfully harvested and prepared big game trophy if that person first obtains a permit from the department.**

**What is the issue you would like the board to address and why?** To allow the sale of prepared game trophies. Currently only taxidermists, estates, divorced and bankrupt persons are allowed to sell prepared big game trophies by permit. 2018 was the last time this regulation was changed, with regards to advertising the sale of certain grizzly bears, but in 2008 the regulation was changed to allow the sale of trophies from the proceeds of a divorced settlement. This regulation only allows Alaskans who fit one of these four reasons to sell a prepared big game trophy and discriminates against any other Alaskan, with no option to sell their prepared big game trophy.

The reason I am asking to allow Alaskans to have an option to sell their big game trophy by permit is. (1) At some point the state has to relinquish its ownership/control over legally harvested big game trophies, big game that has been lawfully harvested and was part of the sustained yield management plans implemented by the Board of Game, and the sale of a prepared big game trophy does not violate the sustained yield principles set out in our constitution. (2) I believe once a lawfully harvested/salvage of a big game animal has taken place and the trophy has been prepared, ownership of that trophy belongs to the harvester, just like the meat, yet Alaskans are allowed by law to barter meat for cash. Currently the only private property an Alaskan cannot sell is tobacco, alcohol, and pharmaceuticals.

**PROPOSED BY:** Russell Knight

(EG-F20-025)

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**PROPOSAL 148**

**5 AAC 92.031. Permit for selling skins, skulls, and trophies.**

Allow persons over the age of 65 to sell trophies and rugs as follows:

Our request and proposal to the Board of Game is that a permit to sell skins or trophies be granted to persons over 65 under the additional following conditions:

1. Request the person owning the bear rug to give the approximate date and place of the kill.
2. Age of the person requesting a permit to sell: a suggestion would be 65 years and older
3. Age of the bear rug: a suggestion would be the bear rug be 25 years old or older
4. Years of Alaska residency
5. Reason for selling. This could be a notarized statement

**What is the issue you would like the board to address and why?** We had submitted an initial proposal on September 27, 2017 and have had further communication since then with no result. We are respectfully re-submitting the proposal change again.

In reading and speaking with authorities, we learned that you may not receive a “permit to sell” a grizzly bear rug in the State of Alaska except for some very restrictive criteria. We understand the underlying premise that if this were not a regulation, there would be the possibility of an unscrupulous group of persons that may indiscriminately kill bears for profit.

We are requesting an amendment to this regulation that there be additions to the exceptions that presently exist. It is our understanding that “a permit to sell” can only be issued under the following circumstances:

1. That the person killing the bear passed away (the family could then sell the bear rug)
2. The person or family was declaring bankruptcy
3. Or the person owning the rug wanted to donate it.

This regulation is discriminatory toward other Alaska persons who own bear rugs and choose to sell them.

In our situation, my husband who killed the bear is now 78 years old. Our child has no interest in the rug. We are in the process of downsizing and it is our desire to sell this bear rug.

**PROPOSED BY:** Thomas and Rose Shearer (HQ-F20-003)  
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**PROPOSAL 149**

**5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.**

Create separate Dall sheep permit draw for second-degree-kindred hunters in areas that limit the number of nonresident hunters as follows:

The newly created 2DK permits would be as follows:

**Unit 13D - DS365- East - 1 permit 2DK only. This is one of 7 nonresident permits for the 13D area.**

**Unit 14A - DS385- Friday Creek 2nd hunt-1 permit 2DK only. This is one of 5 nonresident permits for 14A.**

**Unit 14C- DS336- Ship Creek 1st hunt- 1 permit 2DK only. This is one of 8 nonresident rifle permits. This would eliminate DS236.**

**Unit 14C- DS340- Areawide Archery only. 1 permit 2DK only. This is one of 4 archery only nonresident permits.**

**Delta- DS313- First hunt- 1 permit 2DK only. This is one of a possible 7 nonresident permits.**

**Delta- DS314- Second hunt- 1 permit 2DK only. This is one of a possible 7 nonresident permits.**

**Tok- DS302- First hunt- 1 permit 2DK only. This is one of a possible 5 nonresident permits.**

**Tok- DS303- Second hunt- 1 permit 2DK only. This is one of a possible 5 nonresident permits.**

**What is the issue you would like the board to address and why?** Less than 15% of nonresident sheep hunters are second degree of kindred (2DK) hunters statewide, (hunting with a relative) but yet there is no limit to the amount of nonresident permits that they can draw in most of the draw permit areas. The Tok area is the exception, and they can draw up to 50% of the possible nonresident permits there. This large number of permits that 2DK sheep hunters can draw is greatly disproportional to their percentage of participation in sheep hunting statewide. 2DK sheep hunters also have to compete with guided hunters in the draws with no guarantee of getting any permits at all.

My solution is to create a separate draw for 2DK hunters in draw permit areas that limit the amount of nonresident hunters. Only 2DK hunters could apply for them and they could not apply for the other permits allocated to nonresidents. These permits would be taken from existing nonresident permit allocation and would not create any new nonresident permits or allocation. The areas these permits would be created for would be Units 13D, 14A, 14C, Tok management area and Delta controlled use area. There will be only one 2DK permit in Unit 13D, 14A and two in Unit 14C but 1 will be for archery only because of the very limited number of permits allocated to nonresidents in these areas. These permits will be in a 300's series to identify them as 2DK permits. All other current sheep permits are in either a 100's or 200's series format. If ADF&G can arrange for the 2DK applicants to be able to apply as partners with their relative that would be desirable. By passing this proposal the board will stabilize the sheep draws in these areas for both groups of hunters, guided and 2DK and guarantee a very fair allocation to 2DK hunters. I ask the Board of Game to create a policy that no more than 20% of allocated nonresident permits be issued to 2DK hunters in the future using this proposal as a guide.

**PROPOSED BY:** Dan Montgomery

(EG-F20-133)

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## **PROPOSAL 150**

### **5 AAC 92.052. Discretionary permit hunt conditions and procedures.**

Increase the number of times a hunter may apply for drawing permit hunts for each species as follows:

Change the maximum number of times a hunter can apply for a draw permit for each species from 6 to 10.

**What is the issue you would like the board to address and why?** Hunters can currently apply for draw permits up to six times for each species of big game. You can put all six of your opportunities in for one hunt or 6 different hunts. When this regulation was first passed in 2016 the Board of Game just doubled the number of permits applications from three to six. It has given

hunters a better chance at drawing the permit they want the most by being able to put in for it all six times. It is Alaska's version of a preference point system. I propose that we increase this from six per species to 10 per species. This would give a hunter, if they choose to put in all 10 times, an even a better chance of drawing the permit they want.

**PROPOSED BY:** Dan Montgomery

(EG-F20-048)

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## **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.**<sup>1</sup> 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)”

<sup>1</sup> 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)  
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**PROPOSAL 152**

**5 AAC 92.050. Required permit hunt conditions and procedures.**

Require all drawing permit hunts available to residents be available for application online as follows:

**Amend 5 AAC 92.050 Required permit hunt conditions and procedures to add:**

(a) The following conditions and procedures for permit issuance apply to each permit hunt:

- (1) the applicant or the or the applicant’s agent shall complete the application form; two hunters may apply as a party in a drawing permit hunt, and if drawn, both applicants will receive a permit; a permit application that is incomplete, or that does not include, if required, an Alaska big game hunting license number, or that contains false statement, is void; the applicant must obtain or apply for an Alaska big game hunting license before submitting a drawing permit application; **All drawing permit hunts available to resident Alaskans shall be made available for application online;** and

(A) to apply for a drawing permit hunt that requires a registered or master guide....

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

**Resident draw permit applications not available online.**

There are several resident-only draw permits in various parts of the state for moose, but you must travel to the region first to pick up a permit, typically within a limited timeframe well ahead of when the hunt occurs.

The idea behind this provision to not allow all Alaskans to apply online for a draw permit equally available to all, is to curtail opportunity for residents who may not live within that area or region by making it so expensive to fly out (and back) to another part of the state ahead of time just to pick up a permit.

This would seem contrary to the Alaska constitution in which we all should be treated equally in terms of “common use” of our wildlife resources. If a hunt is a draw-only hunt, and any Alaskan is eligible to participate, then any Alaskan should be able to apply online as with most other draw permit hunts.

**PROPOSED BY:** Resident Hunters of Alaska

(HQ-F20-021)

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**PROPOSAL 153**

**5 AAC 92.050. Required permit hunt conditions and procedures.**

Establish a bonus point system for bison and muskox drawing hunts as follows:

I suggest the Board of Game come up with a bonus point system for both bison and muskox similar to many of the western states. Each year an individual does not get drawn, he or she will get a bonus point. The following year, the hunter will get his or her name in the hat twice instead of once. Every unsuccessful year an application is submitted, the hunter gets his or her name in the hat an equal number of times to unsuccessful attempts. Individuals may be able to apply for a hunt after he or she will be the age ten or older at the time of the hunt. Bonus points will be lost after someone successfully draws the hunt or the species is not applied for two consecutive years. Bonus points allow everyone a chance to win but is weighted toward individuals who have been applying longer. Bonus points also help the state to generate more income since it encourages individuals to have the maximum points possible. Most western states make millions from applications alone. Within this system, the Alaskan resident would have a large preference to our wildlife resources (bison and muskox).

Currently, Alaska residents have no preference for muskox or bison in the drawing applications. This proposal would allow a strong preference to residents, potentially limiting nonresidents to only one tag every two to three years depending on the data and what the Board of Game decides. A nonresident should never have an equal or close to equal opportunity to a limited wildlife resource where the Alaskan resident draw odds are less than 1%

**What is the issue you would like the board to address and why?** Draw-only permit hunts for both residents and nonresidents reflect a need to limit the number of hunters afield for reasons that could be related to conservation, trophy-quality, hunt aesthetics, crowding etc. Whatever the rationale for a draw-only hunt for all user groups, and whatever the species, resident hunters should have a clear and substantial priority to draw a permit and an opportunity to hunt.

Resident hunters don't currently have that preference. Currently, we have bison and muskox draw-only hunts for both residents and nonresidents that allow equal opportunity for a nonresident to draw a permit. Examples are: DI 403 and DX 001/003. If an individual hunter lives in Alaska, Florida, Montana, or Texas, each individual hunter has equal odds to our extremely limited Alaskan resource. The DI 403 Delta bison permit had 15,570 applicants for 45 permits in 2020 for less than one percent chance of drawing for all applicants. The DX 001 and DX 003 Nunivak Island Muskox permits are similar. These rare and highly sought-after draw permit hunts should not allow nonresidents an equal opportunity to draw. Currently, the nonresident draw percentage for Delta bison is about one percent. That is the same odds of drawing as a resident. That is not fair to the resident hunter who has been putting in for decades for that permit, who lives here and contributes all year to the economy, and does not have reciprocal hunting opportunities in any of the western states.

**PROPOSED BY:** Brad Sparks

(HQ-F20-022)

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**PROPOSAL 154**

**5 AAC 92.050. Required permit hunt conditions and procedures.**

Direct ADF&G to issue an additional permit when a party application is drawn as last permit as follows:

The language and intent in 5 AAC 92.050 are clear, and no changes are necessary. I am asking the Board of Game to direct the Department of Fish and Game to issue an additional permit when a party application is drawn as the last permit.

This protocol **would not apply** in hunts where less than 10 permits are issued.

**What is the issue you would like the board to address and why? In 5 AAC 92.050. Required permit hunt conditions and procedures.** (a) The following conditions and procedures for permit issuance apply to each permit hunt:

- 1. the applicant or the applicant's agent shall complete the application form; two hunters may apply as a party in a drawing permit hunt, and if drawn, both applicants will receive a permit, etc.

The intent of this regulation is clear but it is not the procedure followed in every draw hunt. If a party application is drawn as the last available permit to be issued, those applicants are not awarded a permit. Under the current system, the next single applicant is awarded that "last" permit.

According to information from department staff, this is not a common occurrence but does happen several times each year where a party application is drawn when only one permit is available. Draw permits are so difficult to win, it seems unfair to not award a permit to a person that was a winner.

**PROPOSED BY:** Ted Spraker (EG-F20-026)  
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**PROPOSAL 155**

**5 AAC 92.XXX. New regulation.**

Establish protocol for ADF&G to issue "any bull" resident moose permit in selective harvest hunts as follows:

Establish a protocol to issue a limited number of resident draw permits for "any bull" moose in units managed by the selective harvest strategy as follows. In units managed by the selective harvest strategy, the department shall issue a limited number of "any bull" moose permits consistent with the sustained harvest principle.

As an example, in the following (current) selective harvest units or portions of Units: 1B, 1C, 3, 6A, 7, 9E, 11, 12, 14A, 14B, 14C, 15A, 17B, 17C, 19B, 19C and 21A, the department could issue a limited number of "any bull" moose permits consistent with the sustained harvest principle. Unless a larger number is warranted in an area, 3 to 10 any bull moose permits will be offered annually in the draw.

**What is the issue you would like the board to address and why?** Under the current system, there are only three units under selective harvest management where a small number of "any bull" permits are offered for hunting moose. In Unit 13, five permits were offered and 8,815 applications received; in subunits 15B and 15C, 28 permits were offered and about 9,000 applications received; in subunit 16A, 10 permits were offered and 2,918 applications were received. These three hunts generated \$103,665 for wildlife management during a time when management funds are in decline. Currently, there are 17 additional units or portions of units managed under selective harvest that should be opened to a small number of any bull permits, consistent with the sustained harvest management principle. Equally important, by providing more areas hunters will be afforded an opportunity to apply in their local area, resulting in improved odds for all hunters.

**PROPOSED BY:** Ted Spraker

(EG-F20-027)

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## **PROPOSAL 156**

### **5 AAC 92.050. Required permit hunt conditions and procedures.**

Allow qualified crossbow hunters the ability to apply for Methods and Means Exemption permits for archery only hunts as follows:

5 AAC 92.050(a) The following conditions and procedures for permit issuance apply to each permit hunt:

...

(9) an applicant for a certified bowhunters only permit hunt must successfully complete a department-approved bowhunter education course before submitting a permit application. **Applicants who intend to apply for a Methods and Means Exemption permit to use a crossbow in an archery only hunt must successfully complete a department-approved crossbow hunter certification course before submitting an application for a certified bowhunters only permit.**

**What is the issue you would like the board to address and why?** With the implementation of a crossbow education course, people are no longer able to take the bowhunter education (IBEP/NBEF) course with a crossbow. As a result, only applicants with a bowhunter education certification (IBEP/NBEF) can apply for archery only drawing permits, while applicants who have only completed the crossbow education certification course cannot apply for archery only drawing permit hunts.

The Board of Game can allow those crossbow hunters who want to participate in archery only hunts to apply with their crossbow education certification number. If successfully drawn, the applicant would still be required to apply for and obtain a Methods and Means Exemption permit in order to use a crossbow in the archery only hunt.

If no action is taken, crossbow hunters who physically cannot use archery equipment are unable to apply for archery only hunts. There are physically disabled hunters that apply for and receive Methods and Means Exemption permits to use crossbows in archery only hunts. Those hunters

are no longer able to apply for archery only drawing permit hunts. Adoption of this proposal would provide those disabled crossbow hunters the opportunity to apply for archery only drawing permit hunts.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-054)

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## **PROPOSAL 157**

### **5 AAC 92.104. Authorization for methods and means disability exemptions.**

Amend the language in the existing regulation for authorizing methods and means disability exemptions to be more consistent with the statute as follows:

5 AAC 92.104(a) A person with a disability, or their personal representative, may submit an application on a form available from the department for an exemption from a methods and means requirement set out in this chapter. The application must

(1) include a signed statement from a **physician licensed to practice medicine in the state of Alaska** [LICENSED PHYSICIAN] explaining the nature and extent of the person’s disability;

AS 16.05.940(25) “person with developmental disabilities” means a person who presents to the department an affidavit signed by a physician licensed to practice medicine in the state stating that the person is experiencing a severe, chronic disability

(A) attributable to a mental or physical impairment or a combination of mental and physical impairments;

(B) that is manifested before the person reaches 18 years of age;

(C) that is likely to continue indefinitely;

(D) that results in substantial functional limitations in three or more of the following areas of major life activity: self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living, and economic self-sufficiency;

(E) that reflects the person’s need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services that are of lifelong or extended duration and are individually planned and coordinated;

(F) and that the person is not a danger to themselves or others; and

(G) and that the person does not suffer from a mental illness; in this subparagraph, “mental illness” means an organic, mental, or emotional impairment that has substantial adverse effects on a person’s ability to exercise conscious control of the person’s actions or ability to perceive reality or to reason or understand.

AS 16.05.940(26) “person with physical disabilities” means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

**What is the issue you would like the board to address and why?** The Department of Fish and Game regularly receives applications for Methods and Means Exemption permits signed by nurses, nurse practitioners, physician’s assistants, chiropractors, and medical doctors. The inconsistency between regulation and statute makes it unclear exactly which signatures are allowed. In addition

to changing the language in the regulation to more closely match the statute, the department is also asking the board to provide guidance regarding which level of physician can sign the application.

If no action is taken the department will continue to receive applications signed by medical professionals that are not authorized to sign them (e.g. nurses), which results in denial of permits, additional doctor visits, and additional staff time reviewing otherwise straightforward applications.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F20-056)  
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**PROPOSAL 158**

**5 AAC 92.210. Game as animal food or bait.**

Allow dog mushers to be eligible to receive game from the state by permit for use as dog food as follows:

Add “dog musher” as an approved group who the state could permit to take inedible game furnished by the state, like they do with trappers now.

**What is the issue you would like the board to address and why?** We would like to add “dog musher” to the group of who can be called by the state to take inedible for human consumption, road kill or seized animals. Dog mushers would have to be called by the state and obtain a permit to utilize game furnished by the state like trappers can already do. This would give the state more options of trying to find a group trapper or dog musher to use an animal that can’t be used for human consumption but is still good for use by trappers or dog mushers.

**PROPOSED BY:** Copper Basin Advisory Committee (EG-F19-157)  
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*Note: The following proposal is an updated submission for Proposal #152.*

## **PROPOSAL 239**

### **5 AAC 92.050. Required permit hunt conditions and procedures.**

Require all resident registration permit hunts be available for application online as follows:

#### **Possible Solution: Amend 5 AAC 92.050 Required permit hunt conditions and procedures to add:**

(a) The following conditions and procedures for permit issuance apply to each permit hunt:

(1) the applicant or the or the applicant's agent shall complete the application form; two hunters may apply as a party in a drawing permit hunt, and if drawn, both applicants will receive a permit; a permit application that is incomplete, or that does not include, if required, an Alaska big game hunting license number, or that contains false statement, is void; the applicant must obtain or apply for an Alaska big game hunting license before submitting a drawing permit application; **All registration permit hunts available to residents shall be made available for application online;**

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

##### **Resident registration permits not available online everywhere in the state.**

There are several resident registration permit hunts in various parts of the state that require travel to the region to pick up a permit, typically within a limited timeframe well ahead of when the hunt occurs. Other registration permit hunts with a limited number of permits require a trip to a local ADF&G office, where hunters often show up the night prior and camp out or stand in line awaiting a chance to pick up a permit.

The rationale behind the provision to not allow all Alaskans to apply online for a registration permit equally available to all, and to have to travel to a more remote area to pick up a permit, is to curtail opportunity for non-local residents who may not live within that area or region by making it so expensive to fly out (and back) to another part of the state ahead of time just to pick up a permit. The rationale to require hunters to pick up a limited number of registration permits at a local ADF&G office, rather than allow online applications, appears to center on an in-person first-come first-serve basis that gives priority to those willing to show up early and stand in line, or to locals who live in the area, over those who sit ready at the computer keyboard awaiting the permit application start.

If a hunt is a registration permit hunt, and any Alaskan is eligible to participate, whether permits are limited or not, then all Alaskans should be able to apply online for that hunt, just like they can for other registration permits. If the ADF&G or the Board of Game wants to give a defacto priority to local Alaskans over non-local Alaskans regarding the ability to receive a registration permit, that is no different really than the federal system that gives a priority to local federally qualified subsistence users.

The intent of this submission is to withdraw proposal #152 and replace it with this proposal which addresses registration permits, NOT draw permits.

**PROPOSED BY:** Resident Hunters of Alaska (HQ-F21-011)

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**PROPOSAL 240**

**5 AAC 92.031(b). Permit for selling skins, skulls, and trophies.**

Allow the sale of a game skin or trophy from a revokable trust as follows:

**5 AAC 92.031(b). Permit for selling skins, skulls and trophies.**

(b) A court appointed or duly authorized estate executor, or a referee in a bankruptcy, may sell a game skin or trophy in a bankruptcy or probate action, **or from a revokable trust**, if that person first obtains a permit from the department.

**What is the issue you would like the board to address and why?** I went down to get a permit to sell my husband's sheep mount a few years after he passed away, but since our estate is in a revokable trust, thereby avoiding probate entirely, the wording of this regulation wouldn't allow them to give me the permit, even though I am the executor and trustee of his estate.

(From NOLO.com legal encyclopedia, "the main feature of a living trust is that it appoints a trustee to manage and distribute trust property after your death and this takes the place of the executor working with the probate court").

**PROPOSED BY:** Cheryl Beckley (EG-F21-012)

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**PROPOSAL 241**

**5 AAC 92.057. Special provisions for Dall sheep and mountain goat drawing permit hunts.**

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

**5 AAC 92.069. Special provisions for moose and caribou drawing permit hunts.**

Remove allocations between guided and nonguided nonresident hunters as follows:

Amend the various draw permit regulations under 5 AAC 92.057, 92.061, and 92.069 for all current must-be-guided species and must-be-guided species hunts so that there is no distinction or differing allocations among nonresident hunters. Draw permit allocations among all nonresident hunters are equal and all nonresident hunters, whether required to hire a guide or hunting with the second degree of kindred relative have an equal chance to draw a permit by lottery.

**What is the issue you would like the board to address and why?** All nonresident draw permits should be equally available to all nonresidents, whether hunting with a guide or a resident relative within second degree of kindred.

There are several nonresident draw permit hunts in the state where currently the Board of Game has instituted differing allocations to nonresidents hunting with a registered guide and those hunting with a resident relative within second degree of kindred.

When the 5<sup>th</sup> Alaska legislative session in 1967 considered a new law requiring all nonresident U.S. citizens and nonresident aliens to hire a guide when hunting certain species, there was a lot of contention over the initial draft of the bill (SB 51) to require nonresident U.S. citizens with family living in Alaska to hire a guide. Many legislators at the time felt that nonresidents with family members living in the state should be able to hunt those species with their resident relative(s). And so the first draft of the bill was amended as it went through committee hearings, and the law as it stands today states:

**AS 16.05.407. Nonresident Hunting Big Game Animals Must Be Accompanied.**

(a) It is unlawful for a nonresident to hunt, pursue, or take brown bear, grizzly bear, mountain goat, or sheep in this state, unless personally accompanied by

(1) a person who is licensed as

(A) a registered guide-outfitter or a master guide-outfitter under AS 08.54 and who is providing big game hunting services to the nonresident under a contract with the nonresident; or

(B) a class-A assistant guide or an assistant guide under AS 08.54 and who is employed by a registered guide-outfitter or a master guide-outfitter who has a contract to provide big game hunting services to the nonresident; or

(2) a resident over 19 years of age who is

(A) the spouse of the nonresident; or

(B) related to the nonresident, within and including the second degree of kindred, by marriage or blood.

This law as passed was clear that all nonresident U.S. citizens were equal in terms of whether they had to hire a guide or not for certain species. But over time as more draw-only hunts were created for nonresident hunters, the guide industry complained to the Board of Game that too many nonresidents with family members living in the state were receiving permits over those who were required to hire a guide, and successfully advocated for the board to make distinctions among nonresident hunters from other states in order to secure more permits for those required to hire a guide.

So in many cases we now have several draw permit hunts across the state that differentiate between nonresident hunters and allocate a specific percentage of permits to nonresidents who are required to hire a guide, and those who hunt with a relative within second degree of kindred. In Unit 8, not only are the nonresident second degree of kindred brown bear draw permits but a fraction of those allocated to nonresident must-be-guided hunters, but those nonresident second degree of kindred permits are in the resident pool of tags. In Units 12, 13C, and 20D in the Tok Management area, the Dall sheep draw permits are split equally among the must-be-guided and second degree of kindred nonresident hunters. The board even went beyond the intent of the legislature by instituting their own must-be-guided species hunts for moose and in one such case (DM 809/810/811) separated out the draw permits by allocating 50% of the available permits to nonresidents, and out of those allocated 70% to the nonresident hunter who is now required to hire a guide.

Yet for other hunts, like the Delta Controlled Use Area sheep hunts, there are no distinctions between the nonresident hunter allocation. All nonresidents are equal and have equal chance to draw a permit, as the law intended.

**PROPOSED BY:** Resident Hunters of Alaska (HQ-F21-013)

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### **PROPOSAL 242**

#### **5 AAC 92.050(a)(6)(B). Required permit hunt conditions and procedures.**

Allow hunting permits to be reissued for military personnel under "any official military deployment" as follows:

Change verbiage from "Combat Zone" for transfer and reissues to " any official military deployment which covers the entirety of the prescribed season". As military we are often ordered to conduct missions that are not in a combat zone such as NATO support, humanitarian/ disaster relief, or on-going presence missions in certain countries. Many military are not qualified for certain hunts until one-year residency is established if they draw a tag their second year in Alaska and have to deploy in support of another non-combat requirement they are ineligible to draw the third year and may never experience that hunt. If a service member is not on orders for the entirety of the season they have an opportunity. (Page 11 of the 2020-2021 regulation book.)

**What is the issue you would like the board to address and why?** Term "Combat Zone" in permit transfers and reissues for Department of Defense military personnel.

**PROPOSED BY:** Brian Rethage (EG-F21-019)

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### **PROPOSAL 243**

#### **5 AAC 92.050. Required permit hunt conditions and procedures.**

Update 5 AAC 92.050 to recognize changes made by the Alaska Legislature regarding the transfer of drawing permit hunts as follows:

5 AAC 92.050(a) The following conditions and procedures for permit issuance apply to each permit hunt:

(5) except as provided in (6) of this subsection, a permit is nontransferable; however, the department may reissue an invalidated Tier II subsistence hunting permit to the highest-ranked applicant remaining in the original pool of eligible applicants;

(6) the commissioner may reissue or transfer a permit as follows:

**(D) upon request, a drawing hunt permit may be transferred to a qualified substitute in the event of the original permit holder's death, as provided for in AS 16.05.404 and AS 16.05.420(c).**

**What is the issue you would like the board to address and why?** In May 2021, the Alaska Legislature adopted SB125 that allows the transfer of a draw hunt permit to an eligible substitute, which is defined as an "immediate family member" meaning parent, sibling, or child related by

blood, marriage, or adoption. The transfer must be applied for before the end of the hunting season for which the permit is valid, can only be reissued for the same hunt, and the substitute must meet all qualifications that the original awardee met including, but not limited to, holding a valid hunting license, and being eligible to receive the permit. The original permit holder must be an Alaska resident, and the qualified substitute must be an Alaska resident as well. Changes need to be made to 5 AAC 92.050 because 5 AAC 92.050(a)(6) listed the specific instances under which the commissioner may reissue or transfer a permit, and this new statutory provision provides for additional permit transfer opportunity.

**PROPOSED BY:** Alaska Department of Fish and Game (HQ-F21-044)

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**PROPOSAL 244**

**5 AAC 92.072. Community subsistence harvest hunt area and permit conditions.**

Eliminate all community subsistence harvest hunts as follows:

Abolish all community subsistence permit hunting.

**What is the issue you would like the board to address and why?** Abolish the community subsistence hunts.

The community subsistence hunts have gone away from their original intent of subsistence living and have instead become a free for all for any groups of 25 people to gain extra days to hunt before the general season, giving them an unfair advantage to harvest game that should be available to all residents. There are no check or limits to the number of people who can obtain the community harvest permits.

Currently there are 2741 community harvest tags for moose and caribou in Unit 13, an extremely high percentage of those tags are going to people located in Anchorage and other urban areas as well as several tags going to people that do not even have Alaska addresses. This is not subsistence. Furthermore, the way the community harvest permits are handed out, it leaves this program wide open to fraud and abuse. This can be seen by the number of urban addresses and out of state addresses given in this year's permit winners. The way that the community harvest regulations are written, a person does not even have to be in the state while someone else is hunting his or her tag. Subsistence hunting is the act of hunting for survival. Those that live in rural environments already qualify for federal subsistence hunting areas and tags. There are also ways to proxy hunt for the elderly and disabled. The community subsistence hunts are an unfair advantage to a few and are currently being abused. Giving preferences to a group of any size would be considered unconstitutional. Article 8, Section 3 of Natural Resources states, Common Use — wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.

**PROPOSED BY:** Tony Gillham (HQ-F21-015)

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