

PROPOSAL 237

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

Require all nonresident hunters to apply for Unit 8 brown bear drawing permits and reallocate unused nonresident permits to residents as follows:

What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say?

1) Require all nonresident guided hunters to apply for Unit 8 Kodiak brown bear drawing permits, pay the application fee, and for the Department to submit that application.

2) If guided nonresident Kodiak brown bear permits are not being utilized, reallocate those permits to residents.

There is absolutely no reason why the board should continue to allow nonresident guided hunters to skip the Kodiak brown bear draw permit process. This state-managed draw permit hunt clearly gives a preference to nonresidents over residents and should not be allowed to happen.

If guided nonresident Kodiak brown bear “draw” permits awarded to exclusive or semi-exclusive guide concession areas are not being utilized, those permits for those areas should be re-allocated to the resident draw permits.

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

Guides and their nonresident clients being allowed to intentionally “skip” the Kodiak brown bear “draw” permit process.

5 AAC 92.061 Special provisions for Unit 8 brown bear permit hunts (our emphasis):

“In the Unit 8 general brown bear drawing permit hunt, the department shall issue permits, and a hunter may apply for a permit, as follows:

(1) the department shall issue a maximum of 40 percent of the drawing permits to nonresidents and a minimum of 60 percent to residents; each guide may submit the same number of nonresident applications for a hunt as the number of permits available for that hunt;

(2) the department **shall** enter, in a resident drawing, each application from a resident and each application from a nonresident accompanied by a resident relative who is within the second degree of kindred; for each season, the department shall issue a maximum of four permits to nonresident hunters accompanied by a resident relative who is within the second degree of kindred; however, the department may not issue, within one calendar year, more than one of these permits per individual hunt, as described in the permit hunt guide published each year by the department;

(3) the department **shall** enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide; the department may enter an application and issue a drawing permit for the general hunt only to a successful nonresident applicant who presents proof at the time of application that the applicant will be accompanied by a guide, as required under AS 16.05.407 or 16.05.408;

(4) the following provisions apply to a guided nonresident drawing under this section:

(A) an applicant for a guided nonresident drawing permit may apply for only one such permit per application period;

(B) **after the successful applicants have been selected by drawing**, the department shall create an alternate list by drawing the remaining names of applicants for a specific hunt and placing the names on the alternate list in the order in which the names were drawn;

(C) if a successful applicant cancels the guided hunt, the person whose name appears first on the alternate list for that hunt shall be offered the permit; if an alternate applicant cancels the guided hunt, the permit must be offered in turn to succeeding alternate applicants until the alternate list is exhausted;

(D) if a guided nonresident drawing permit is available, but the alternate list is exhausted, the permit becomes available, by registration at the Kodiak ADF&G office, to the first applicant furnishing proof that the applicant will be accompanied by a guide;”

Resident Hunters of Alaska submitted a similar proposal (Proposal 78) for the 2023 Southcentral meeting, trying to get the board to recognize that these hunts aren’t really a “draw” hunt for nonresidents at all when they can skip the permit process completely. During deliberations on Proposal 78, the chairman of the board made these statements below, transcribed from the audio recording (our emphasis):

Chairman Burnett: *“So, why do we pretend that these are draw hunts? I mean, other than the fact we’ve identified them as draw hunts by putting them in the draw supplement. No one can draw except very few people, there are no odds, it’s 100% or zero. Why can’t we identify those separately? And rather than pretending that it’s a regular random draw like everything else, maybe have people pay a fee as if it were a draw. What prevents us from doing that?”*

Department of Law: *“The Department is kinda limited on what they can do here because of these exclusive guide use areas. It’s really controlled by the federal process. “*

Chairman Burnett: *“Perhaps those should be registration hunts? Identify those hunts and we can make them registration hunts for nonresidents because they can only have one permit. Or something like that rather than pretending they are a draw permit. Because it is...the people support this proposal – and we’ve seen this proposal in the past -- because it’s confusing and it seems unfair. It’s nothing the state’s doing that’s unfair, it’s a fact that there is a federal exclusive guide use area, doesn’t have anything to do with what the state’s actions are here. But, somehow to identify it so it doesn’t provide the confusion that these people are doing something wrong.”.*

The board’s own former chairman has said on the record that these hunts listed as “draw” hunts for nonresidents are not really draw hunts at all, that we are “pretending” these are random draw hunts for nonresidents. Clearly, as he also alludes, this is “unfair.”

We are not going to advocate to make these nonresident Kodiak brown bear hunts registration hunts, as the former Board of Game chairman suggested, because clearly it would be unconstitutional for residents to be required to participate in a random draw hunt for any opportunity to hunt a Kodiak brown bear while nonresidents could hunt whenever they want via a registration hunt.

But for decades now, what the board is allowing is unconstitutional because it is a random lottery draw hunt for residents, but nonresidents have 100% opportunity to hunt.

The regulation is very clear in 5AAC 92.061 where it states that the Department “*shall enter, in a guided nonresident drawing, each complete application from a nonresident who will be accompanied by a guide.*”

Yet the Department is not doing that, and the board is not requiring the Department to do that. The alternate list in 5AAC 92.061 is only to be used “*after the successful applicants have been selected by drawing*”

But the Department is issuing over-the-counter tags to nonresidents who didn’t apply for a draw permit and were not selected as part of the alternate list.

The fact that this happens on federal lands within exclusive guide concession areas doesn’t mean that the Department and the board are “limited” in what they can do, as the Department of Law suggested. **This is a state-managed hunt, under state regulations, and the current regulation isn’t being followed!** Even the Department’s own area biologist agrees that it isn’t being followed.

Details Submitted Previously

RHAK has provided ample evidence in previous proposals how some guides and their clients are taking advantage of the unfair system of how nonresident Kodiak brown bear “draw” permits are issued.

These permits actually go to the guide with the exclusive concession area to allocate as they wish. Some guides don’t use the permits awarded to their area. Some guides donate permits to be auctioned off to the highest bidder before the draw results even come out for that application period. Some nonresident hunters are able to hunt every four years after harvesting a bear, as we have shown, until they get their trophy 10-foot bear.

Draw Permit Supplement shows this is still Happening

Looking through the 2025/2026 Draw Permit Hunt Supplement results from the previous year, you can see that most guides and their clients go through the required draw application process, pay the fee, and the Department submits those applications.

But you can also see that many guides and their clients do not submit a draw application or pay a fee, yet those “draw” permits were hunted. Here are a few examples:

Results of the 2024 Permit Hunt Drawing

Hunt Number	Apps Received	Permits Available	% Drawn
Brown Bear			
DB108*	1	2	100
DB116**	1	2	100
DB122*	1	2	100
DB138*	1	4	100
DB139*	1	3	100
DB145**	1	3	100
DB155*	2	4	100

There are also many examples that appear to show that some guides aren’t even utilizing the permits awarded to their concession area.

Hunt Number	Apps Received	Permits Available	% Drawn
Brown Bear			
DB117**	0	2	0
DB123*	0	1	0
DB125*	0	2	0
DB143**	0	3	0
DB153*	0	2	0

Did you develop your proposal in coordination with others, or with your local fish and game advisory committee?

RHAK always contacts Department biologists when working on proposal submissions. Thanks to Department staff for answering questions and providing harvest information!

PROPOSED BY: Resident Hunters of Alaska

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