



- Kodiak Brown Bear Permit Allocations – Alaska Supreme Court to hear Cassell v State of Alaska, Board of Game
- Board of Game Interior Region Meeting in Fairbanks March 15-22
- Introducing New RHAK Board Members
- RHAK 2024 Banquets
- Member Photos



## The Time is Nigh – Alaska Supreme Court to Hear Cassell v. State of Alaska & Board of Game!

*RHAK Vice-President Bob Cassell has sued the state and Board of Game over the nonresident Kodiak Brown Bear allocation policy that guarantees nonresident guided hunters up to 40% of all available draw permits. RHAK has intervened with our own Amicus friend-of-the-court briefs. An explainer on what this case is about is in the next section. Before you read that, we wanted to give a bit more background about the Kodiak “draw” permit allocation system. These aspects of that scheme are not technically a part of the Cassell case; the court won’t rule on these specific shenanigans, only the incredibly high allocation of permits to nonresidents and whether that complies with our state constitution. **But they are being made aware of it!***

A few years ago, we noticed in the draw hunt supplement that there were blanks, or zeroes, for the previous year’s Kodiak brown bear guided-nonresident draw hunt applications, and for those hunts it showed zero permits awarded. Others showed more permits available than were applied for. How could this be? The Kodiak brown bear draw hunt is one of the most coveted hunts in the world! What was going on?

Well, it turns out that for those hunts – most of Kodiak Island is within the Kodiak National Wildlife Refuge – and other must-be-guided draw hunts on other federal lands where guides have exclusive concessions, it really isn’t a “draw” permit system for nonresident hunters. They are not required to submit a draw permit application or pay an application fee; they contact the guide with the exclusive concession area to which those permits are allocated, make a deal, sign a contract, and then pick up an over-the-counter permit at the F&G office in Kodiak.

Holy Moly! Not only are nonresident guided hunters allocated up to 40% of all Kodiak brown bear draw permits, but they don’t even have to “draw” at all!

So, we investigated further and discovered ads like this: **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!**

And true stories like this, from a social media post:

“I made my fifth trip to Kodiak island this spring, first trip 2006 killing a 9 foot nice hided bear, 2nd trip in 2011 harvesting 9’6” bear. Then I had two trips looking for a bigger legit 10 foot bear I came home empty.... but had plenty of opportunity to fill my tag. Finally spring of 2021 the Lord blessed me and I found my bear! 10 foot and a skull over 28”. It has been quite a journey with lots of memories, big bear hunting gets in your blood. Thanks for reading my post.”

And this reply:

“How does a person draw Kodiak 5 times? It took me 10 years to draw it once? Man these outfitter concessions have got to come to an end this isn’t right. I congratulate you, it’s just doesn’t sit well knowing I may never draw again unless I pay for an guide.”

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And much more! So, we petitioned the Board of Game to fix this intentional loophole in the regulations with a proposal showing those same social media posts and other documentation that nonresidents were able to hunt Kodiak brown bear every four years guaranteed if they had the money to pay a guide. We requested that they require all nonresidents – just like residents – to submit a draw hunt application, pay the fee, and go through the same random draw lottery process as residents.

The board voted down our proposal. And subsequently, at a future meeting when we again asked the board to fix this loophole, the chairman questioned on the record why this was even listed as a “draw” permit hunt when in reality all nonresident guided hunters had a 100% opportunity to hunt. He alluded that it is really more of a registration hunt, but somehow it’s listed as a draw hunt. Even after those comments, the chairman and the rest of the board again voted down our proposal.

The above is just another aspect of how the Kodiak brown bear draw permit system is set up in a way that benefits nonresidents over residents. As far as that “up-to 40 percent” of permits allocated to nonresident guided hunters, that’s what the Cassell case is about; see the explainer below.

Hunt Number	Apps Received	Permits Available	Percent Drawn
DB140	0	3	0
DB141	1	4	100
DB142	1	3	100
DB143	0	3	0
DB144	0	3	0
DB145	2	3	100
DB146	4	4	100
DB147	3	3	100
DB148	3	4	100
DB149	2	3	100
DB150	3	3	100
DB151	2	3	100
DB152	3	4	100

*Here’s an example from the 2020 draw hunt supplement results for some of the guided-nonresident DB100 series of hunts.*

## Cassell v State of Alaska, Board of Game Explainer & Update on the Case

**WHAT THE LAWSUIT IS ABOUT:** Up to 40% of all Kodiak Brown Bear draw permits are allocated to nonresident out-of-state guided hunters. This type of allocation of permits to nonresident hunters is a special privilege not allowed according to the “common use” clause in Article 8 of our state constitution:

*Section 2. General Authority. The legislature shall provide for the utilization, development, and conservation of all natural resources belonging to the State, including land and waters, for the **maximum benefit of its people.***

*Section 3. Common Use. Wherever occurring in their natural state, fish, wildlife, and waters are **reserved to the people for common use.***

**INTERVENORS OPPOSING CASSELL LAWSUIT:**  
*Alaska Professional Hunters Association, “The Hunting*

*Coalition” made up of Safari Club International, Safari Club International Alaska Chapter, Alaska Outdoor Council.*

**INTERVENORS SUPPORTING CASSELL LAWSUIT:**  
*Resident Hunters of Alaska.*

**ARGUMENTS THE STATE AND INTERVENORS ARE USING TO SUPPORT CONTINUED NONRESIDENT ALLOCATION SYSTEM:**

- Allocating up-to 40% of permits to nonresidents is necessary to ensure proper conservation of the resource.
- Allocating up-to 40% of permits to nonresidents is necessary because it provides economic benefits to the state, to guides, and the Division of Wildlife Conservation (i.e., “maximum benefit” in Section 2, Article 8).
- Federal Refuge status on Kodiak Island, where almost

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all of these hunts take place, allows for such a high allocation of permits to nonresidents.

### **ARGUMENTS CASSELL AND INTERVENOR ARE USING TO OPPOSE CONTINUED NONRESIDENT ALLOCATION SYSTEM:**

- Alleged conservation and economic benefits do not cure constitutional violations (“The specific trumps the general” in Article 8, i.e., the “maximum benefit” in Section 2 does not trump the specific clause in Section 3 that wildlife “are reserved to the people for common use.”).
- The fact that some permits remain set aside for residents does not render the practice of setting aside permits exclusively to nonresidents constitutional.
- Guiding is not a constitutionally protected use because guiding does not require resident status.
- State of Alaska has wildlife management authority within Kodiak National Wildlife Refuge. Article 8 does not “conflict with federal interests.”

Think about some of the twisted arguments the state and guide industry are making. They are saying that the brown bear population on Kodiak Island cannot be sustainably managed without a significant allocation of hunting permits to nonresidents, and that the federal Refuge status on Kodiak Island preempts the “common use” clause of our state constitution. And the other organizations who have joined them are complicit in these arguments that are contrary to everything our state constitution stands for.

This case is currently on appeal to the Alaska Supreme Court after a Superior Court ruling against Cassell. In the footnote of that decision, Judge Guidi stated: *“The regulation adopted by the Board in 1976 grants roughly two out of three drawing permits to Alaska residents,*

*and there is not a single Kodiak brown bear permit that excludes residents.” (our emphasis)*

Judge Guidi somehow misunderstood the essential tenet of the case, and his footnote is clearly not correct. The “up-to 40%” allocation of Kodiak brown bear permits in question are **allocated exclusively to nonresident guided hunters. Resident hunters are not eligible to receive any of those permits.**

Oral arguments before the Alaska Supreme Court will take place on February 13, 2024, at 2:30pm. Each side will get 25 minutes to speak. Interestingly, the state has granted the *Alaska Professional Hunters Association* attorney 10 minutes of the state’s time to speak.

We will send out a link for the AK Supreme Court hearing when it becomes available. All legal briefs and documents from all parties are on our website:

<https://www.residenthuntersofalaska.org/lawsuit>

RHAK Vice-president Bob Cassell is spending his own hard-earned money on this lawsuit as a favor to all Alaskan hunters. RHAK is spending your membership dollars as well because this is a large part of why we formed and what we advocate for: *Compliance with the mandates in our state constitution that are supposed to guarantee a clear resident hunting priority.*

Of course, we are hopeful that the outcome of this case is in our favor. If Mr. Cassell is successful, it will be a landmark decision that will benefit all resident hunters now and in the future. If the Alaska Supreme Court does not rule in favor of Mr. Cassell, It will then hopefully shed light on why legislative fixes are necessary to ensure we comply with our Alaska constitution.

## **Board of Game Interior Region Meeting** **March 15 – 22, 2024**

**THIS IS THE TIME TO GET INVOLVED! SEND IN COMMENTS; SHOW UP TO TESTIFY IN FAIRBANKS!**

The Board of Game will be meeting in Fairbanks from March 15 - 22 and sheep issues will be front and center. If you are in the interior and care about our sheep resource and future over-the-counter resident sheep hunting opportunities, we encourage you to come to the meeting and testify and stand up for a resident sheep hunting priority and limits on nonresident sheep hunting opportunities. There will be many other issues and proposals before the board as well, with nearly 150 proposals to be heard.

continued on page 4

continued from page 3

**THE BOARD OF GAME PAGE WHERE YOU CAN VIEW ALL OF THE INTERIOR PROPOSALS BY AREA:**

<https://www.adfg.alaska.gov/index.cfm?adfg=gameboard.meetinginfo&date=03-15-2024&meeting=fairbanks>

**DOWNLOAD THE ENTIRE PROPOSAL BOOK HERE:**

[https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/iea\\_all.pdf](https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/iea_all.pdf)

**SUBMIT YOUR COMMENTS ON PROPOSALS HERE:**

<https://survey123.arcgis.com/share/0a626c4b68e64da1b49e051bae04a137>

**RHAK HAS 8 PROPOSALS BEFORE THE BOARD AT THE MARCH MEETING, LISTED BELOW.  
CLICK ON THE LINKS TO READ THE FULL PROPOSALS AND OUR RATIONALE.**

**PROPOSAL 82** – All nonresident sheep hunters in Unit 19C to draw permits only with a limited allocation if/when it is open again to nonresidents.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/82.pdf>

**PROPOSAL 112** – Restrict nonresident Fortymile caribou hunters to Zone 2 only until the population increases. The winter subsistence hunt for residents-only should be a priority.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/112.pdf>

**PROPOSAL 144** – All nonresident sheep hunters in Units 24B & 26B to draw permits only with a limited allocation.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/144.pdf>

**PROPOSAL 155** – Increase the resident caribou bag limit for the Central Arctic Herd from 4 bulls to 5 caribou. (Based on recent ADF&G info on herd increases and a return to past regs that allowed the taking of cows by residents).

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/155.pdf>

**PROPOSAL 158** – All nonresident sheep hunters in the Arctic National Wildlife Refuge to draw only permits with limited allocation. The state should set sheep allocations, not the feds.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/158.pdf>

**PROPOSAL 176** – Rescind the any-bull moose and cow hunting opportunities for nonresidents in the Fairbanks Management area and above Goose Creek on the Salcha River. Any-bull & cow hunts are designed to provide more opportunity for residents to put food in their freezer.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/176.pdf>

**PROPOSAL 180** – Change the DC 827 caribou draw permit allocation from 75/25 percent resident/nonresident to a 90/10 percent resident/nonresident allocation.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/180.pdf>

**PROPOSAL 181** – All nonresident sheep hunters in Unit 20A to draw permits only with a limited allocation.

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2023-2024/proposals/181.pdf>

We will pass along updates, our RHAK comments on proposals, and how and when to testify as we get closer to the meeting.

***Public testimony will likely take place on Saturday and Sunday, March 16th & 17th in Fairbanks. Save the dates and show up to protect your sheep hunting opportunities!***



# Unit 19C Sheep Working Group Formed

The Board of Game subcommittee on Unit 19C sheep has chosen the roster for the new Unit 19C Sheep Working Group (SWG). It will have a total of nine members:

Jerry Burnett, Board of Game, Chair

**Stosh Hoffman**, Board of Game Member

**Jake Fletcher**, Board of Game Member

Scott Crowther, Anchorage AC

Brett Gibbens, McGrath AC

**Mike Litzen**, Guide with Dall sheep hunting experience in Unit 19C

Michelle Quillin, fall season Dall sheep resident hunter

Chait Borade of CIRI, Unit 19C private landowner

Dave Schirokauer with the Denali National Park & Preserve, non-hunting use of Unit 19C

Highlighted in red are Stosh Hoffman (former guide), Jake Fletcher (guide) and Mike Litzen (guide). The 9-member SWG will have one-third of its representation from commercial hunting interests.

The rationale for the Unit 19C SWG according to the charge statement is to “develop a “Management Plan”

*for Dall Sheep in GMU 19. This plan should ensure that the BOG and ADF&G have appropriate tools to maintain access for all user groups to hunting opportunities for sheep in GMU 19C. The plan should be flexible enough to maintain user opportunity and maximum benefit over a wide range of sheep populations. The group is expected to develop regulatory and/or policy proposals and report to the BOG at a future meeting of the Board.”*

Initially, the board subcommittee wanted recommendations from the group prior to the upcoming March Board of Game meeting in Fairbanks where there are over a dozen sheep proposals, many of them seeking to reopen Unit 19C again to unlimited nonresident sheep hunting opportunity, and/or to limit resident sheep hunting opportunity. They now don't expect recommendations prior to the March meeting, but Chairman Burnett stated that they will incorporate anything that is discussed in the group into their decisions at the March meeting.

The public will be allowed to testify by teleconference at future meetings.

## Introducing New RHAK Board Members!

**Tom Lamal** - We are pleased to announce that Tom Lamal has re-joined the RHAK Board!

Tom grew up in Ashland, Wisconsin and had dreams of coming to Alaska starting in the 3rd grade. “I was totally focused on hunting and fishing from a young age and enjoyed running a trap line during high school.” Tom went to Regis College in Denver, Colorado and after graduation moved to Fairbanks. He has commercial fished (seined) in Southeast Alaska, drift netted in Bristol Bay and on the Lower Yukon and gill netted herring in Norton Sound. He worked on the pipeline and several rural airports as a surveyor, taught school in Fairbanks, ran heavy equipment and has his own mining claims in the Chisana District. “My wife Kate and I try to keep our freezer full of wild game. We have four retrievers and hunt ducks and upland birds. We also hunt moose, caribou and sheep in various places and have good friends that share when we aren't lucky.” Tom resigned from the RHAK Board in 2017, to avoid a conflict of interest, after being appointed to the Board of Game by Governor Walker.



*continued on page 6*

continued from page 5



**Anthony Henry** – We are also excited to announce that Anthony Henry joined the RHAK Board!

Anthony was raised in Pennsylvania and, after college, joined the Army with the intent to be stationed in Alaska where he had always dreamed of hunting and fishing. Prior to coming to Alaska, Anthony spent five years in Colorado hunting mule deer and black bear and fishing the streams and lakes in the Upper Beaver Creek Wilderness Area. It was here that he first met his wife’s family who owned a guide and outfitting businesses focused on hunting bear, lion, sheep, deer, and elk. He moved to Fort Wainwright Army Base in 1987. He got out of the Army in 1991 and moved to Anchorage. Anthony is currently retired after 39 years in law enforcement. He

and his wife, Tara, are avid outdoor enthusiasts spending their time hunting, fishing, boating, hiking, backpacking, snowshoeing, and cross-country skiing. Anthony is also a volunteer instructor with the Alaska Department of Fish and Game’s Hunter Safety Education Program. He joined RHAK because he believes in prioritizing hunting opportunities for residents of Alaska over the commercial interests of non-resident hunters.

*If you are interested in helping RHAK move forward and ensuring sustainable wildlife management policies that prioritize our future resident hunting opportunities and would like to join the RHAK Board of Directors, please contact RHAK Executive Director Mark Richards.*

## RHAK Fairbanks & Anchorage Banquets

COME JOIN US FOR A GREAT NIGHT OUT WITH FAMILY AND FRIENDS IN SUPPORT OF A GREAT CAUSE!

**Fairbanks Banquet – February 24, 2024 at Birch Hill Recreation Area**  
<https://event.auctria.com/73a199ba-d590-4d2b-9f32-73f9f56d9481/>

**Anchorage Banquet – March 23, 2024 at the Egan Center**  
<https://event.auctria.com/a9e50bf7-053e-4fcf-81ab-9182dba9e157/>

Resident Hunters of Alaska (RHAK)  
**Fairbanks 2nd Annual Fundraising Banquet!**









**Saturday February 24, 2024**  
**Birch Hill Recreation Area**  
101 Wilderness Drive  
Fairbanks, AK 99712  
Doors open 5pm, dinner at 6:30

It's the middle of a cold, dark winter in Fairbanks, what better time to join us for dinner and a fun Saturday night out with friends and family in support of RHAK! Southern smoked pork BBQ buffet, exciting raffles, wall of guns & gear, cash bar, and more. Seating limited to 150.

- **Individual Ticket \$40**
- **Membership Sponsor Table (seats 8) \$500** includes \$250 raffle package
- **Business Sponsor Table (seats 8) \$800** includes \$400 raffle package
- **Platinum Sponsor Table (seats 8) \$2,000** includes \$400 raffle package + gun

Purchase tickets and view raffle items via link at [www.residenthuntersofalaska.org](http://www.residenthuntersofalaska.org) or call (907) 371-7436

RESIDENT HUNTERS OF ALASKA  
**2024 ANNUAL BANQUET**



**MARCH 23**

A FUN NIGHT IN SUPPORT OF ALASKAN RESIDENT HUNTERS, WITH LIVE AUCTIONS, RAFFLES, CASH BAR AND MORE. SEATING LIMITED TO 420.

Egan Center  
555 W 5th Ave, Anchorage  
Doors open 5 pm • Dinner 6:30 pm

**INDIVIDUAL TICKET \$75**

**SILVER SPONSOR TABLE \$1,000**  
10 tickets, 1/4 page ad in program, \$300 raffle package

**PLATINUM SPONSOR TABLE \$2,500**  
10 tickets, 1 gun, 1/2 page ad in program, \$500 raffle package

**BANQUET SPONSOR TABLE \$5,000**  
10 tickets, 1 gun, full page ad in program, banner over stage as main sponsor, \$1000 raffle package

**VENDOR TABLE \$1,000**

**BID ON AN EXCITING GOVERNORS TAG!**

Purchase tickets and view auction items at [www.residenthuntersofalaska.org](http://www.residenthuntersofalaska.org) or mail payment to RHAK at PO Box 60095 Fairbanks AK 99706



# Renew Your Membership & Share Your Photos

Membership renewal is quick and easy at <https://www.residenthuntersofalaska.org/join-renew> or by contacting Mark Richards at 371-7436 or [info@residenthuntersofalaska.org](mailto:info@residenthuntersofalaska.org). Email Mark any time with photos of your Alaskan adventures to share on the RHAK website and newsletter.

## Pictures of Your Alaska Adventures



*(Above and below) Dennis Frederick Jr taking a break on the trapline*



*Hanging bison*

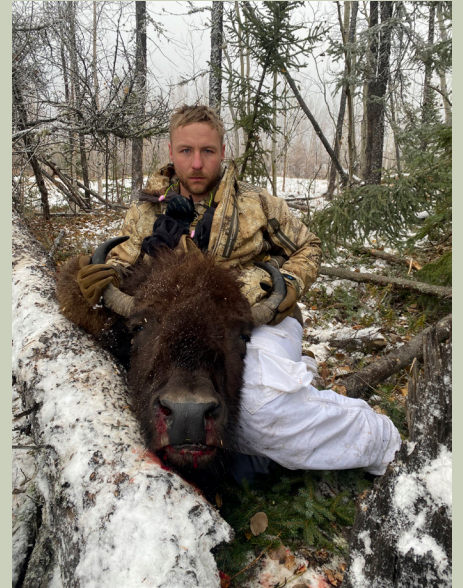
FROM DENNIS FREDERICK



*With a grizzly*



*Bison prep*



*With a Delta bison*



*Bison ribs rub*



*Bison ribs cooking*





*Jason Dashow's black bear*



*Jason Dashow with a mountain goat*



*(Above and below) Legal or not moose in a 50-inch/3 brow tine area, from Jack Harrison*



*John Wisniewski's duck hunt*



*The Jewkes family moose 2023*



*Lenny Jewkes' moose 2023*



*Jeff Wieber's north slope grizz*



*Landen Merrell with waterfowl*



*Landen Merrell's caribou*



*Matt Merrell and son with cranes*





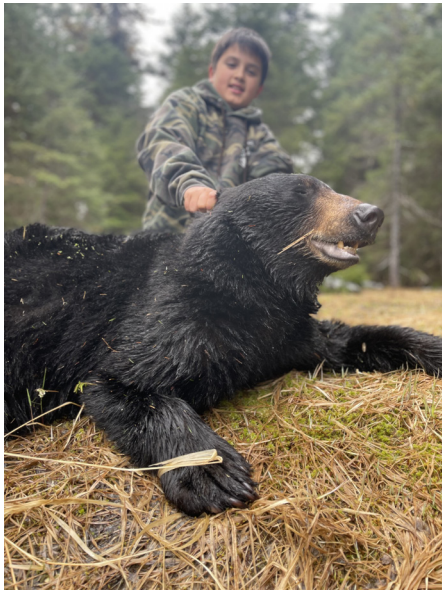
*Robert Ives with Valdez black bear*



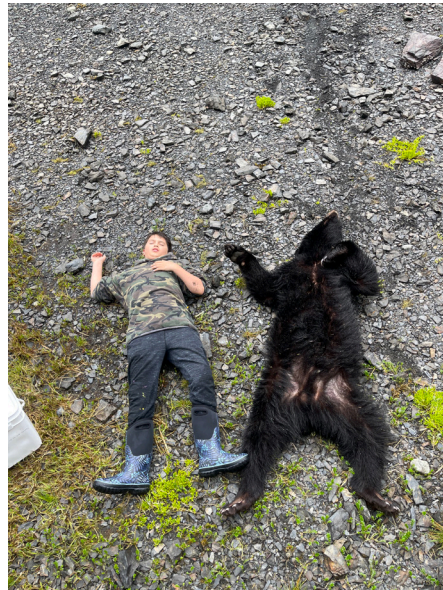
*Aspen Ives, helping with the shrimp pots*



*Nevaeh Ives on father-daughter black bear hunt with Robert Ives*



*Porter Valenzuela black bear*



*Porter Valenzuela black bear*



*Lance Johnson ram*



*Lance Johnson and Porter Valenzuela moose*



*Erik Weingarth and Lance Johnson sheep*





Double rams 2023 for David Scott and Jaques Etcheverry



David Scott and Gabe Davis processing meat



Jaques Etcheverry's dinner prep on sandbar with Kent Rollins Original rub



Jaques Etcheverry cooking ribs

## Board of Directors

- Colt Foster - President
- Bob Cassell - Vice President
- Travis Drake - Treasurer/Secretary
- Dick Cameron
- Pete Dickinson
- Tom Lamal
- Anthony Henry

## Former Board Members

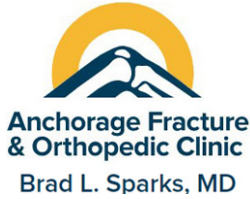
- Brad Sparks
- Doug Malone
- JR Gates
- Rob Stone
- Roger Denny
- Brian Watkins
- Adam Grenda
- Tyler Loken

## Executive Director

- Mark Richards
- (907) 371-7436

[info@residenthuntersofalaska.org](mailto:info@residenthuntersofalaska.org)  
[residenthuntersofalaska.org](http://residenthuntersofalaska.org)

## PLATINUM SPONSORS



**RULIEN**  
+ ASSOCIATES



## GOLD SPONSORS



RHAK needs your support to prioritize and enhance our resident hunting opportunities and to protect and conserve our wildlife resources for future generations of Alaskans. Contact Mark Richards for information on sponsorship levels and please support our sponsors!