

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

ROBERT CASSELL,)
)
 Plaintiff,)
)
 v.)
)
 STATE OF ALASKA, BOARD OF)
 GAME,)
)
 Defendant.)
)
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RECEIVED

JUL 16 2019

ASHBURN & MASON

Case No. 3AN-19-7460 CI

ANSWER

The Defendant, State of Alaska, by and through the Office of the Attorney General, answers the complaint in this action as follows:

1. The State admits that the Board of Game ("Board") allocates hunting permits between residents and nonresidents and that some Kodiak Brown Bear drawing permits are allocated for nonresidents. The remainder of Paragraph 1 is denied.
2. The State is without sufficient information to admit or deny the allegations in Paragraph 2 and therefore denies the allegations.
3. The State admits Dr. Cassell is known to reside in Wasilla, Alaska. The State is without sufficient information to admit or deny the remainder of the allegations in Paragraph 3 and therefore denies the allegations.
4. Admit.

5. Admit.
6. Paragraph 6 contains legal conclusions regarding jurisdiction to which no response is required.
7. Paragraph 7 contains legal conclusions regarding jurisdiction to which no response is required.
8. Paragraph 8 contains legal conclusions regarding jurisdiction to which no response is required.
9. Paragraph 9 contains legal conclusions regarding venue to which no response is required.
10. The State admits that Alaska's natural resources, including its wildlife, belong to the State, which holds them in trust for all Alaskans. The referenced provisions of the Alaska Constitution speak for themselves and no response is required. The remainder of Paragraph 10 contains legal conclusions to which no response is required.
11. AS 16.05.221 speaks for itself and no response is required. The State admits that the Board of Game adopts drawing permit requirements for some hunts. The remainder of Paragraph 11 is denied.
12. Denied.
13. Admit.
14. The State admits there are approximately 3500 brown bears, approximately 0.7 bears per square mile, on Kodiak Island. The State denies the brown

bears are “relatively scarce” and affirmatively states that they are a healthy and sustainable population. The remainder of Paragraph 14 is denied.

15. The State admits that Kodiak is in GMU 8. The regulation partially quoted in Paragraph 15 speaks for itself and no answer is required.
16. Admit.
17. The 2018-2019 Alaska Drawing Permit Hunt Supplement speaks for itself and no response is required.
18. The State admits Cassell applied for several hunts in December 2017 but denies that he was notified in February 2018 that “he had not received a permit.”
19. The State admits that a proposal was submitted by Cassell and given the number 99. The proposal speaks for itself and no response is required. The provision of the Alaska Constitution that is partially quoted in paragraph 19 speaks for itself and no response is required.
20. Proposal 99 speaks for itself and no response is required.
21. Admit.
22. Admit. The State affirmatively states that the Board also met on March 20, 2019.
23. The State admits there was some support for Proposal 99 and affirmatively states there was both support and opposition presented to the Board of Game. The State denies that Exhibit 4 to Cassell’s Complaint is a copy of RHAK presentation materials.

24. Admit. The State affirmatively states that ADF&G does not take a position for or against allocation proposals because the department lacks allocation authority.
25. Admit.
26. The record speaks for itself and no response is required. The State affirmatively states that the Board has the authority to make allocation decisions.
27. The record speaks for itself and no response is required.
28. The record speaks for itself and no response is required.
29. The record speaks for itself and no response is required. The State specifically denies that the Board was regulating the economy.
30. Denied.
31. The State incorporates responses to Paragraphs 1 through 30.
32. Article VIII, § 3 of the Alaska Constitution speaks for itself and no response is required.
33. Denied.
34. The State incorporates responses to Paragraphs 1 through 33.
35. Article VIII, § 3 of the Alaska Constitution speaks for itself and no response is required.
36. Denied.
37. The State incorporates responses to Paragraphs 1 through 36.

38. Article VIII, § 3 of the Alaska Constitution speaks for itself and no response is required.
39. Denied.
40. The State incorporates responses to Paragraphs 1 through 39.
41. Article VIII, § 3 of the Alaska Constitution speaks for itself and no response is required.
42. Denied.

AFFIRMATIVE DEFENSES


The State reserves the right to assert affirmative defenses and other matters as the case proceeds.


REQUEST FOR RELIEF

The State asks this Court to dismiss Cassell's complaint with prejudice, award the State its costs and attorney's fees, and grant the State such other relief as the court deems just and proper.

DATED July 15, 2019.

KEVIN G. CLARKSON
ATTORNEY GENERAL

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CERTIFICATE OF SERVICE

I certify that on this date, true and correct copies of the **Answer**, and this

Certificate of Service were served via U.S. Mail on the following:

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7/15/19

Date