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## Cassell Case Update Alaska Supreme Court Rules Against Cassell

*We want to thank RHAK VP Bob Cassell for sticking up for all Alaskans by funding and bringing this case before the courts! He did it for all of us and we owe him a debt of gratitude, even though the courts didn't find in his and our favor. Thanks, Bob!*

In their May 2nd, 2025 decision, the Alaska Supreme Court ruled against Bob Cassell, who sued the Board of Game and the state, claiming it was unconstitutional according to Article 8 of our state constitution to allocate such a high percentage of Kodiak brown bear permits to nonresident guided hunters. RHAK intervened in support of Cassell with our own Amicus brief outlining how the Kodiak "draw" permit system gave a clear preference to nonresidents over residents.

A part of the court's decision revolved around the "maximum benefit" clause in Article 8, section 2, of our state constitution, which says *"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."*

benefit to the people of Alaska in terms of the economic benefit it provides to ADF&G via license and tag fees, and to Kodiak businesses and resident guides, as long as it does not give a special hunting opportunity privilege to nonresident hunters. However, the court stated that the body that determines what is and is not a maximum benefit to the people of Alaska in terms of allocation of wildlife resources is the legislature or the executive, not the courts. The only duty the court has is to ensure the agency (state and Board of Game) has taken a 'hard look' at all factors material and relevant to the public interest. With that, the court concluded *"that the Board of Game has taken a sufficiently hard look at the factors relevant to regulating Kodiak brown bear hunting for the maximum benefit of Alaskans. We thus have no authority to impose, by judicial fiat, Cassell's view of maximum beneficial use."*

It is this part of the court's decision that has us very troubled, where the court writes ***"Nor has the hunter shown that the system gives nonresidents an unconstitutional special privilege to hunt Kodiak brown bears."***

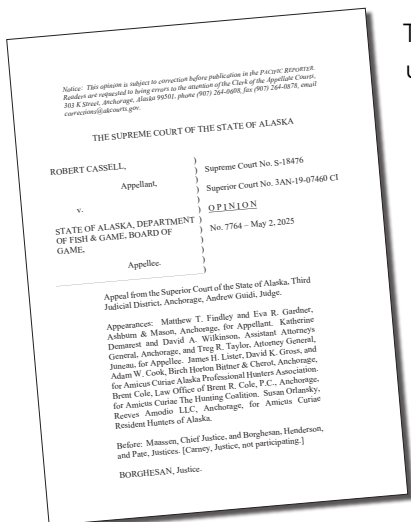
The court determined that the up-to 40% of Kodiak brown bear permits allocated to nonresident guided hunters could provide a maximum

We don't understand how the court came to this conclusion. The Board of Game (BOG) itself is on the record clearly showing that nonresident Kodiak brown bear hunters have a special privilege to hunt Kodiak brown bears. Here's what former BOG chairman, Jerry

Read the court's conclusion here:

<https://038ca3bb-132f-4602-921d-07904be3c94f.usrfiles.com/ugd/038ca3d96b72bdabbd4090aed5b789dddaef50.pdf>

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Burnett, said when the board deliberated RHAK Proposal 78 at the 2023 Southcentral meeting, which asked the board yet again to require nonresident Kodiak brown bear hunters to go through the same random lottery draw permit process as residents (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 Kodiak brown bear 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."

And this is **not** a federal process as the Department of Law attorney told the board. Even though these hunts take place on federal lands where guides have exclusive federal concessions, this is a state-managed hunt under state regulations. It isn't the feds that pretend this is a draw hunt for nonresidents and allows those nonresidents to skip the state-run permit process; it's the Board of Game!

We are extremely disappointed with the court's decision, but it illustrates that a legislative solution is now more necessary than ever. RHAK will continue to advocate for legislative fixes to these issues that will reign in the Board of Game and require our wildlife resources to be managed and allocated with a clear resident hunting priority emphasis.

## Board of Game Reports Central/Southwest Meeting January 10–15, 2025

*Note: Board member Ruth Cusack was unable to attend the Central/Southwest meeting due to illness. Ruth was recovering from a brain aneurysm and subsequently resigned her seat on board. We are happy to report that Ruth recently returned home after treatment and rehabilitation and wish her a full recovery.*

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### New Chairman, Two New Members, and One Member Absent

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The board elected Jake Fletcher as the new chairman at their work session meeting and I thought he did a good job stepping into the chair's seat and running the meeting. Stosh Hoffman remains the vice-chair. This was the first meeting for new members Jim Baichtal and Jake Garner and both seemed to get more comfortable with the process as the meeting went on. With only six board members, there were some proposals that ended with a 3–3 tie vote, meaning the proposal failed.

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### Wireless Game Cameras at Bait Stations

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Proposal 3, which asked to allow cellular (wireless) game cameras at bear bait stations in several units, got a lot of attention but was voted down 0–6. The board believed it was a step too far ethically and would set a precedent they didn't want.

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*Board of Game 2025 Statewide Meeting.*

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## Any-Ram Hunts

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What got even more attention and comments were the proposals regarding keeping, or doing away with, the any-ram hunts (proposals 54 & 73). There was testimony for and against, but most of the testimony leaned toward doing away with any-ram hunts. The board acknowledged that any-ram hunts were an alternate and sustainable way to manage some sheep populations but took the side that full-curl management was the most conservative and proper way to manage our sheep. They voted 5-1 in support of Proposal 54 to do away with the DS 160 and DS 260 any-ram hunts in 13D West. Those hunts will now have a full-curl bag limit in 2026. Proposal 73, which asked to return the 14A sheep draw hunts to any-ram, was also voted down. Those hunts remain a full-curl bag limit.

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## Trapping Setbacks on Recreational Trails

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Proposal 82, from the Alaska Wildlife Alliance (AWA), asking for trapping setbacks along some popular recreational trails, was unanimously supported by the board after Alaska Trappers Association president Randy Zarnke and AWA executive director Nicole Schmitt testified together in support of the proposal. Hats off to them both for working together on a compromise for these specific trails. Nobody wants dogs caught in traps and for these trails the consensus was that this was necessary.

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## Archery-Only Hunts

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The board declined to support numerous proposals for new archery-only moose and sheep hunts, whether pre or post season, with the rationale that there was already plenty of archery opportunity in the general hunts as well as the already-existing archery-only hunts.

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## More Opportunities for Brown Bear Over Bait

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The board extended the baiting season for brown bear in Units 14A & B to go to June 30th. Don't get too excited for this spring, as that new regulation will not go into effect until the 2026 season.

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## Unit 9 Brown Bear & Loss of Resident-Only Season

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There were several proposals from guides to extend the spring and fall registration hunt (RB 268 and RB 370) brown bear seasons in Unit 9. RHAK supported extending the fall season for both residents and nonresidents but opposed extension of the nonresident spring season because it would do away with the resident-only late-spring season (RB 370) in Units 9D & E that we had worked so hard to get passed during the last cycle. We felt this was a fair compromise.

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We outlined that the conservation concerns the board had in 2019 for the Unit 9 brown bear population that resulted in shortening the seasons for all had nothing to do with resident harvests. Nonresident guided hunters take 80% of the Unit 9 brown bear harvest and 3-4 times as many sows as residents. Resident hunters should not have paid the price for no limits on nonresidents with the shortening of the seasons in 2019. In 2022, RHAK proposed that we get back part of the seasons we lost, and the board agreed, passing our proposal for a resident-only spring season in Units 9D & E. That season had only been in place for one year (2024), with five bears harvested, and while ADF&G said there were no longer any bear conservation concerns, that didn't mean the board should take away the short resident-only season where resident hunters finally had the opportunity to access the area without harassment from, and conflicts with, guides.

Interestingly, the guide industry representative testified that guides had agreed to the shortening of seasons in 2019 because they had the same conservation concerns for the bears at that time, but the ADF&G data showed that after the shortening of seasons guides continued

to take the same number of bears. The shortening of seasons did absolutely nothing to reduce guided brown bear harvests! Guides just booked more clients for the shorter seasons.

The first proposal regarding Unit 9 brown bears was Proposal 9, asking to lengthen the spring and fall seasons for both residents and nonresidents in Unit 9. Member Lorrington made an amendment to keep the resident-only spring season, which was adopted, but the final vote on the amended proposal ended in a 3-3 tie, which meant the proposal did not pass. However, there were other proposals specific to just Units 9D & E, and we're sorry to say that the board ended up passing Proposal 15 to extend the nonresident spring brown bear season to include the resident-only portion. We lost the tiny slice of time where we didn't have to deal with conflicts with guides and access issues. That vote was 5-1 with member Lorrington the sole no vote.

Member Barrette amended a different proposal to have a new June 1-6 resident-only spring season, with the amendment being adopted, but that too ended in a 3-3 tie vote, so it didn't pass.

The full Central/Southwest Meeting summary is here:

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2024-2025/csw/soa-csw.pdf>

## Statewide BoG Meeting March 21-27, 2025 Including Deferred Unit 19C Proposals

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### Residents Lose Sheep Hunting Opportunity in Unit 19C

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The board took away resident general season sheep hunting opportunity in Unit 19C with the passage of Proposal 190 from the Unit 19C Sheep Working Group. The vote was 5-2 with members Baichtal and Lorrington voting no.

So, this fall (2025), the resident sheep season is closed in Unit 19C, along with the nonresident season. It will be a draw hunt for all for the 2026 and 2027 seasons with an 80/20 percent resident/nonresident allocation of permits with a total of 20 permits available. 16 will go to residents, 3 to nonresidents, and 1 to a nonresident

hunting with a 2nd-degree-of-kindred resident relative. If the guide concession program is implemented in 2028, it will go back to a general season hunt for all. If not, it remains a draw hunt.

The board heard plenty of strong testimony from RHAK members, RHAK board members, the public, and RHAK Executive Director Mark Richards, in opposition to Proposal 190, explaining to the board that restrictions on resident sheep hunting opportunity in Unit 19C were not biologically necessary.

Even the Department's own Unit 19C area biologist told the board during deliberations that he had no sheep conservation concerns at all with continued resident general season sheep hunting opportunity. Member

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Baichtal made an amendment to the proposal to exempt resident sheep hunters from the restrictions, but his amendment was only supported by himself and member Lorrington, so it failed on 2-5 vote.

After years of RHAK putting in proposals to limit nonresident sheep hunters in Unit 19C, which were all voted down, and the board allowing nonresident guided sheep hunters to take 90% of the 19C ram harvest in 2022 from a severely reduced sheep population, the board believes that “the burden of conservation should be shared” between residents and nonresidents. Which is absurd, as resident sheep hunting in Unit 19C never posed a conservation concern. The process was clearly manipulated for a desired outcome and resident sheep hunters were unfairly disenfranchised.

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## Sheep Added to Intensive Management List of Species

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Sheep were added to the Intensive Management list of species important for providing food for Alaskans with the passage of Proposal 101. That makes it less burdensome for ADF&G to do predator reductions to benefit sheep if needed.

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## Night Vision Scopes

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Night vision scopes and forward-looking infrared devices are now allowed Statewide with the passage of proposal 126. This is only for furbearers taken during a trapping season under a trapping license. Includes wolf, coyote, wolverine, fox, and lynx.

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## New Goat & Sheep Education Course Required Before Hunting

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All goat and sheep hunters will now be required to take an online education course prior to hunting with the passage of proposals 90 & 92. The Department does



*RHAK Member Anna Deal with her two daughters testifying against Proposal 190.*

not yet have an online sheep orientation and education course, so they will be working on that. We expect it to mirror the pamphlet the Department has on judging a legal ram.

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## Moose Orientation Course

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All nonresident moose hunters will be required to take an online moose orientation course prior to hunting (Proposal 89).

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## Aerial Spotting of Sheep

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The restriction on spotting sheep from aircraft will be extended and now will run from August 1st to September 20th (Proposal 97). This encompasses the youth hunt season and five days prior to the general season start.

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## Mulchatna Caribou Herd Intensive Management Program

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The board spent quite a bit of time on an emergency regulation to continue the bear and wolf reductions on the calving grounds of the Mulchatna herd after a lawsuit from the Alaska Wildlife Alliance (AWA) was successful to halt the program. The board voted to adopt the emergency regulation during miscellaneous business at the end of the meeting. The AWA sued again over the emergency regulation but was unsuccessful in halting the program.

Thanks to everyone who testified! We want to thank everyone who sent in comments to the board and/or showed up to testify and make your voice heard. The full Statewide Meeting summary is here:

<https://www.adfg.alaska.gov/static/regulations/regprocess/gameboard/pdfs/2024-2025/swr/soa-swr.pdf>

# Board of Game **Appointments**

**Carri Ann Mueller:** Carri Ann was appointed to the Board of Game by Governor Dunleavy to replace Ruth Cusack. Carri Ann is an avid hunter and pilot, hunter-ed instructor and is a member of many hunting organizations in Alaska, including RHAK. She volunteers her time to educate hunters and in particular tries to bring more women hunters into the fold. RHAK fully supports Carri Ann's appointment and looks forward to working with her on proposals before the board.

**Al Barrette:** Al was reappointed to the board by Governor Dunleavy and RHAK is supporting his confirmation. Al is an assistant guide from Fairbanks and RHAK has always supported him, prior to the board being stacked with other guides. Al is fair and is one of the few board members who votes against the board's manipulation of the public process. We made it clear that while we continue to support Al on the board, we will not support the reappointment of other guides currently on the board or the appointment of any more guides to the board.

## Renew Your Membership | Send Us Your Photos

Membership renewal is quick and easy at <https://www.residenthuntersofalaska.org/join-renew> or by contacting Mark Richards at 371-7436 or email [info@residenthuntersofalaska.org](mailto:info@residenthuntersofalaska.org).

If you'd like to share your hunting adventures for our website, Facebook page, and/or newsletter, please email them to Mark.

## Federal Subsistence Board **Update**

The Federal Subsistence Board (FSB) is holding a public comment period on proposed changes to federal subsistence hunting and trapping regulations. These proposed changes would affect seasons, harvest limits, methods and means, and customary and traditional use determinations for the taking of wildlife for the 2026–2028 regulatory years (July 1, 2026, through June 30, 2028). The Board will accept written comments through June 30, 2025. Comments should reference the

proposal number or wildlife closure review number and should be emailed to [subsistence@ios.doi.gov](mailto:subsistence@ios.doi.gov) by June 30, 2025. RHAK will send in comments on many of the proposed closures to non-federally qualified users on federal lands and continues to be involved in the FSB process. Most recently, we sent in comments opposing a deer hunting closure in Unit 2 for non-federally qualified users on federal lands, and in support of eliminating the doe bag limit.

FSB proposals and wildlife closures:

[https://www.doi.gov/subsistence/wildlife/2026-2028\\_Proposals\\_and\\_Closure\\_Reviews?fbclid=IwY2xjawKMwRleHRuA2FlbQlXMAbicmlkETFjbXVNM0NROG0xU1pPc0I2AR7Kb0lceWkQE3tz86qwF7irKVqLQ7QASWIJXMeRH5saAPb7guHbj5LZU\\_Pk0w\\_aem\\_gbFDn1V9clAyCzuDKy8pOg](https://www.doi.gov/subsistence/wildlife/2026-2028_Proposals_and_Closure_Reviews?fbclid=IwY2xjawKMwRleHRuA2FlbQlXMAbicmlkETFjbXVNM0NROG0xU1pPc0I2AR7Kb0lceWkQE3tz86qwF7irKVqLQ7QASWIJXMeRH5saAPb7guHbj5LZU_Pk0w_aem_gbFDn1V9clAyCzuDKy8pOg) views?fbclid=IwY2xjawKMwRleHRuA2FlbQlXMAbicmlkETFjbXVNM0NROG0xU1pPc0I2AR7Kb0lceWkQE3tz86qwF7irKVqLQ7QASWIJXMeRH5saAPb7guHbj5LZU\_Pk0w\_aem\_gbFDn1V9clAyCzuDKy8pOg

RHAK's opposition to deer hunting closure:

[https://038ca3bb-132f-4602-921d-07904be3c94f.usrfiles.com/ugd/038ca3\\_06776521db254555851f92890af35e76.pdf](https://038ca3bb-132f-4602-921d-07904be3c94f.usrfiles.com/ugd/038ca3_06776521db254555851f92890af35e76.pdf)

## RHAK 2025 Juneau Trip

RHAK board members Bob Cassell & Dick Cameron, and Executive Director Mark Richards, met with one-third of our legislators at the capitol in late February to outline some of the issues affecting resident hunters and our wildlife populations and advocate for changes and reforms to the Board of Game process and the state's continued practice of managing our wildlife based on who brings in the most money.

While most legislators are supportive of what we are trying to accomplish, the current administration is not supportive of a resident hunting priority that would impose limits on nonresident hunting opportunities that would negatively affect guides. Our meetings took place prior to the Alaska Supreme Court ruling against Cassell in the Cassell case. We will continue to educate legislators on the issues and how the Cassell case decision makes it more important than ever to introduce legislation to reign in the Board of Game and get residents a clear hunting priority.

RHAK also hosted an evening reception for legislators and staff at *The Hangar on the Wharf* ballroom for a more informal meet and greet that was well attended.



*RHAK Legislative Reception.*



*Bob Cassell introduced on Senate floor by Senator Yundt.*

## RHAK 2025 Fundraising Banquets

Our annual banquets in Fairbanks and Anchorage were a big success in raising funds and getting RHAK members together for a fun evening out with family and friends. Thanks to everyone who came to support RHAK and our mission! The Anchorage banquet took place during the same time the Board of Game was meeting at the Egan Center for the Statewide meeting, and it was great to have some board members and ADFG staff

attend. A big thank you to Rick Rodgers, our Anchorage Banquet chairman, for all his hard work in making the Anchorage banquet a success! And a special thanks to these Fairbanks banquet committee members for their continued help in making the Fairbanks banquet a success: Aldean Kilbourn, Matt & Amie Greer, Diane Jewkes, John Wisniewski, Danny Sanoja, Rick Mann, Scotty Berg, and Tom Lamal.



*RHAK Anchorage Banquet 2025.*



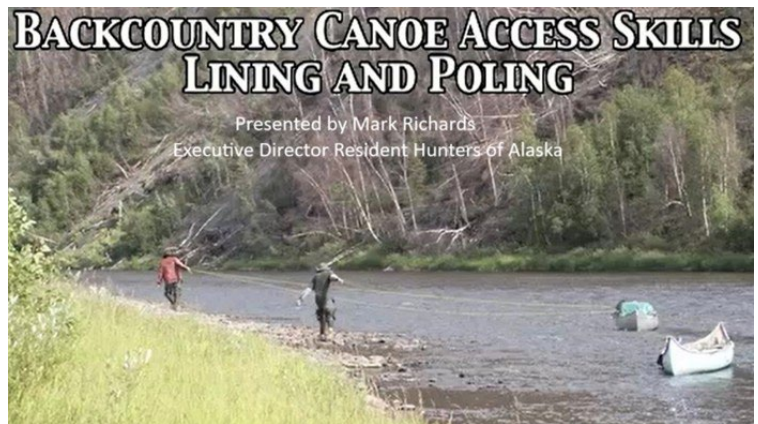
# RHAK Spring Outdoor Shows

Thanks to our new members who joined at the Mat-Su Outdoorsman Show and the Fairbanks Outdoor Show, and to those who renewed their membership! The spring shows are always a fun time for us to engage with hunters and talk about the issues and answer questions. RHAK Executive Director Mark Richards gave a seminar at the Mat-Su Show on how to access the backcountry with a canoe that was jam-packed!



*Top: RHAK VP Bob Cassell & Lori Richards at Mat-Su Show booth.*

*Bottom: Mark Richards' seminar and presentation slide at the Mat-Su Outdoorsman Show.*



## Legislation of Interest

### SB 97 – Big Game Guide Concession Program

<https://www.akleg.gov/basis/Bill/Text/34?Hsid=SB0097A>

RHAK opposed SB 97 as drafted for several reasons, not the least of which was that it would exacerbate the problems in other areas by pushing guides out of the pilot program area in Unit 19C into other problem areas.

Read the op-ed that Mark Richards wrote about how this whole bill was jammed into another bill last session to get it passed and how it's now getting being pushed through the legislature this year: **Big Game Guiding Bill in the Alaska Legislature Had Problems Last Year And Has Problems Now** <https://www.residenthuntersofalaska.org/editorials>.

SB 97 passed the Senate and is now before the House. The up-front cost is \$500,000, which will create a new bureaucracy within the Department of Natural Resources to administer the program. The state, rather than the guide industry, will fund the program that the guide industry asked for. Nonresident guides will be allowed to hold a concession area permit, and guides will be allowed to "transfer" their concession permit, which will lead to selling concessions under the table.

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## HB 93 – Residency requirement for hunt/fish/trap license

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<https://www.akleg.gov/basis/Bill/Text/34?Hsid=HB0093A>

HB 93 would tie the requirement to hold a resident hunting/fishing/trapping license to the Permanent Fund Dividend (PFD). If you are not eligible to receive a PFD, then you are not eligible to receive a resident hunt/fish/trap license.

This is the rationale for the bill from the sponsor statement: "Under existing law, you can qualify for a resident license and still be indefinitely absent if you meet the low threshold of intending to remain in Alaska, maintaining a domicile in Alaska, and not establishing residency elsewhere. Currently, individuals who only spend a few months of the year in Alaska, but still meet the low bar of residency for licensing purposes, can enjoy our generous resident bag and possession limits as well as reduced license and tag fees. House Bill 93 will close this loophole by closely aligning the requirements for an individual to receive a resident hunting, trapping, or sport fishing license with the residency requirements to receive a permanent fund dividend (PFD)."

RHAK supported the intent of this legislation but asked for amendments to cover certain Alaskans who may need to travel out of state for work, or for other reasons, that don't fall under the current PFD exemptions. HB 93 will likely pass the House soon and we expect it to also pass the Senate.

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## HB 125 – Board of Fisheries Membership

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<https://www.akleg.gov/basis/Bill/Text/34?Hsid=HB0125C>

RHAK has long asked for reforms to the Board of Game that would provide a real balance on the board. During our visit to Juneau in February where we again advocated for reforms to the Board of Game, several legislators asked us about similar reforms to the Board of Fisheries. Both boards tended to favor commercial interests over what's best for our fish and game resources and resident Alaskans who depend on those resources.

HB 125 was introduced shortly after our visit, but did not also include the Board of Game. We have asked legislators to include the Board of Game if any reforms are to be made, however we don't support the idea of designated seats that HB 125 asks for. Read our letter here: [https://www.akleg.gov/basis/get\\_documents.asp?session=34&docid=4839](https://www.akleg.gov/basis/get_documents.asp?session=34&docid=4839)

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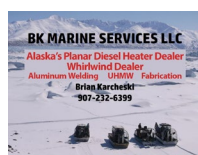
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