

PROPOSAL 78

92.061 Special provisions for brown bear drawing permit hunts.

Require all hunters to apply for Unit 8 brown bear drawing permits as follows:

Amend language in 5AAC 92.061 to close any existing loopholes, to absolutely require that all nonresidents or their guides **must** file a draw permit application and pay the fee during the application period in order to have an opportunity to hunt. 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.

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.

Resident hunters must go through a “lottery” draw permit selection process with very low odds in order to have the opportunity to hunt brown bears on most of Kodiak Island. Residents must apply for a Kodiak brown bear draw permit during the Nov. 1 – Dec. 15 draw permit application period and pay an application fee for a chance to hunt, and many residents put in for decades without ever drawing a permit.

Nonresident guided hunters are allocated up to 40 percent of all Kodiak brown bear draw permits, but unlike residents they (or their guide) do not have to submit a draw permit application during the Nov. 1 – Dec. 15 application period or pay an application fee. They simply contact the guide with an exclusive guide concession within Kodiak National Wildlife Refuge, which encompasses most of the island, agree to a fee, sign a contract, then pick up an over-the-counter permit when they arrive on Kodiak.

Here are some examples of what is happening:

“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.”

- Above is an 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)

“12-day spring Kodiak Island brown bear for 1 hunter. License and tag fees not included. DATES: This hunt must be scheduled for spring April 22 - May 4th, 2022. This includes travel days to and from camp. This hunt cannot be delayed.”

- Above is a donated Kodiak brown bear hunt from a guide with concession on Kodiak National Wildlife Refuge for a hunt that was supposed be applied for during the previous year application period. Hunt was auctioned off in January 2022.

What is happening is also clearly evident by looking at the draw permit supplement results over the years for the DB 100 series of nonresident draw permits. Going down the list of the 2021 results there are many instances of zero applications received and zero permits awarded. Yet most all of those hunts were actually conducted by guides and their clients who chose to skip the draw permit process entirely. Other DB 100 series hunts list fewer applications than the total number of draw permits available, and most all of those hunts were conducted as well without going through the draw permit process.

For the 2021 DB 100 series of nonresident guided-only draw hunts, DB 107, 114, 116, 117, 122, 123, 137, 124, 125, 141, and 144 had zero applications. DB 105, 110, 113, 137, 140, 145, 149, 150, and 152 had fewer applications than the number of permits available.

In speaking with department staff, we were informed that this is not how the permit process is supposed to work and that guides who choose to skip the permit application process create headaches when they show up at a crowded time at the office expecting to pick up an over-the-counter permit for their client who did not go through the draw permit application process.

We submitted a similar proposal (#151) at the 2022 Statewide Board of Game (BOG) meeting that included other nonresident guided-only draw permit hunts on USFWS Refuge lands. Proposal 151 was widely opposed by guides and the guide industry, with guides saying that these permits do **not** go to the guides, while at the same time saying that they “take permits off the table” for their concession area for various reasons. How can a guide take a permit “off the table” if in reality the permit doesn’t actually go to the guide? This is semantics and **the truth is that guides on USFWS lands with exclusive concessions control the draw permits that are allocated to their specific concession area.** They can and do choose to use them or not use them as they see fit.

Guides also stated in opposition to Proposal 151 at the 2022 Statewide BOG meeting that if it was required for them or their client to turn in a draw permit application during the application period (as required!) it would somehow infringe on consumer protections to their clients, because any cancellations would then not allow them to choose an “alternate” client. But that is the reason for the “alternate list” described in the regulation that is not being followed.

Also at the 2022 Statewide BOG meeting, the department stated that Proposal 151 should be a regional proposal, so it could be considered specific to the regions it encompassed. Hence this proposal now before the board specific to Region II Unit 8.

5AAC 92.061 Special provisions for Unit 8 brown bear permit hunts, reads:

“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;

(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

in [AS 16.05.407](#) (a);

(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 fails to furnish proof that the applicant will be accompanied by a guide, 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;” [our emphasis]

What is going on has nothing to do with any “alternate list.” Draw permit applications are purposely not being submitted during the application period, even though the regulation states that the department “shall” enter each complete draw permit application from a nonresident who will be accompanied by a guide. The only way there can be an alternate list according to the regulation is “after the successful applicants have been selected by drawing.”

This loophole that allows guides and their nonresident clients to skip the draw permit process and have a 100 percent opportunity to hunt needs to be fixed. The abuse of the current regulation was never intended but is now widespread to the point it has become a norm for many guides and their clients. To mandate that resident hunters go through a draw permit lottery process in order to have a chance for the opportunity to hunt one of the most iconic brown bear populations in the world, yet allow nonresident hunters with enough money to bypass such a lottery process and have a 100 percent opportunity to hunt is clearly not constitutional.

PROPOSED BY: Resident Hunters of Alaska

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