

*The Board of Game accepted this proposal for consideration at the October meeting as an Agenda Change Request.*

**PROPOSAL 1 - 5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts for nonresidents; 5 AAC 92.061. Special provisions for Unit 8 brown bear permit hunts; and 5 AAC 92.069. Special provisions for moose drawing permit hunts for nonresidents.** This is a housekeeping proposal intended to align and streamline the regulations governing nonresident drawing permits in anticipation of future areas being included in the guide-client agreement requirements. 5 AAC 92.057 and 5 AAC 92.069 have been reorganized and renamed to provide clarification and to allow future permit hunts for the same species approved by the board to be added to the regulations.

**5 AAC 92.057. Special provisions for Dall sheep drawing permit hunts for nonresidents.** *The regulation has been rewritten as follows:*

(a) In the sheep drawing permit hunts listed in this section, a nonresident may apply for a permit, as follows:

(1) the department shall enter 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

(A) the applicant will be accompanied by a guide, as required under AS 16.05.407 or 16.05.408, and

(B) the guide has a Guide Use Area registration on file at the time his/her guide-client agreement is signed, in accordance with 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing hunt permit is valid;

(2) the requirements in (1) do not apply if the successful applicant is a nonresident and will be accompanied by a resident over 19 years of age who is a spouse or a relative within the second degree of kindred, as described in AS 16.05.407(a);

(b) the department shall issue permits as follows:

(1) **Units 12, 13(C) and 20(D), Tok Management Area:** the department shall issue a maximum of 10 percent of the drawing permits to nonresidents and a minimum of 90 percent to residents;

(2) **Unit 13(D):** the department shall issue a maximum of XX percent of the drawing permits to nonresidents and a minimum of XX percent to residents;

(3) **Unit 14(A):** the department shall issue a maximum of XX percent of the drawing permits to nonresidents and a minimum of XX percent to residents.

**5 AAC 92.061. Special provisions for Unit 8 brown bear permit hunts.** *The regulation has been modified as follows:*

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:

...

(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

**(a) the applicant will be accompanied by a guide, as required under AS 16.05.407 or 16.05.408, and**

**(b) the guide has a Guide Use Area registration on file, at the time her/his guide-client agreement is signed, in accordance with 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing hunt permit is valid;**

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

...

(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** [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;

**5 AAC 92.069. Special provisions for moose drawing permit hunts for nonresidents.**

*The regulation has been rewritten as follows:*

...

(b) In the moose drawing permit hunts listed in this section, a nonresident may apply for a permit, as follows:

(1) the department shall enter 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

(A) the applicant will be accompanied by a guide, as required under AS 16.05.407 or 16.05.408, and;

(B) the guide has a Guide Use Area registration on file in accordance with 08.54.750 and 12 AAC 75.230, for the applicable guide use area during the season the drawing hunt permit is valid;

(2) the requirements in (1) do not apply if the successful applicant is a nonresident and will be accompanied by a resident over 19 years of age who is a spouse or a relative within the second degree of kindred, as described in AS 16.05.407(a);

(c) the department shall issue permits as follows:

**(1) In Units 21(D) and 24, the Koyukuk Controlled Use Area:**

(A) the department shall issue a maximum of 50 percent of the available drawing permits to guided nonresidents, and a minimum of 50 percent of the available drawing permits to non-guided nonresidents; if the number of guided nonresidents applying for permits is insufficient to award 50 percent of the available drawing permits, the department may award the remaining available drawing permits to non-guided nonresidents;

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

(C) 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;

(D) 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;

(E) if a guided nonresident drawing permit is available, but the alternate list is exhausted, the department shall issue permits by registration at the Fairbanks division of wildlife conservation office, to the next succeeding non-guided nonresidents, awarded in the order in which the names were drawn, until the alternate list is exhausted;

(2) **In Unit 21(D), outside the Koyukuk Controlled Use Area:** if the drawing permit hunt is allocated between residents and nonresidents, the department shall issue a maximum of 50 percent of the available nonresident drawing permits to guided nonresidents, and a minimum of 50 percent of the available nonresident drawing permits to non-guided nonresidents; if the number of guided nonresidents applying for permits is insufficient to award 50 percent of the available drawing permits, the department may award the remaining available drawing permits to non-guided nonresidents;

**ISSUE:** The Board of Game implemented a new policy concerning nonresident allocations and drawing permit hunts in March 2006 (Findings 2006-162-BOG). This finding referenced the requirement of a guide-client agreement, but was nonspecific. Upon implementation of the new policy, problems and confusion resulted due to generic terminology. The board clarified their policy statement (Findings 2007-173-BOG) but the policy does not have the force of regulation. This proposal modifies the necessary regulations and clarifies the board's intent.

**Explanation of issues and terminology:**

**Registered in the area**—generally refers to a guide who is certified to guide in a specific game management unit (GMU). Guides may be registered in more than one area. The State of Alaska is divided into 26 Game Management Units (GMU). The Big Game Commercial Services Board has divided each GMU into "Guide Use Areas" (GUA). Some GMU's have only one GUA while others have multiples GUAs.

**Selected a guide use area**—A Master/Registered Guide-Outfitter must register annually for the GUA in which they will be providing big game services, at least 30 days prior to providing big game services. They are allowed to choose up to three GUA's during a calendar year. All GUAs expire annually on December 31.

It is unlawful for a Master/Registered Guide-Outfitter to contract, to provide big game services in a GMU for which they are not certified or a GUA they are not registered for.

**At the time of application**—Department policy has been to require all paperwork to be completed prior to the end of the relevant application period.

**WHAT WILL HAPPEN IF NOTHING IS DONE?** Guides and hunters will struggle to comply with new requirements for drawing hunts.

**WILL THE QUALITY OF THE RESOURCE HARVESTED OR PRODUCTS PRODUCED BE IMPROVED?**

**WHO IS LIKELY TO BENEFIT?** The hunting public and big game guides will have clear guidelines.

**WHO IS LIKELY TO SUFFER?** Hunters applying for drawing permits who don't complete the required paperwork in time. Guides who fail to complete all of the necessary paperwork and who are unable or unwilling to use up one or more of their Guide Use Area allocations not knowing if they will draw a successful hunter long before the hunting season.

**OTHER SOLUTIONS CONSIDERED?**

**PROPOSED BY:** Alaska Department of Fish and Game for the Board of Game

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*Emergency Regulations Adopted by the Board of Game on April 17<sup>th</sup>, 2007*

**Title 5. Fish and Game.**

**Part 3. Game.**

**Chapter 85. Hunting.**

**Article 12. Restricted Areas.**

5 AAC 92.530(6) a new section is added, (6)(A) is amended, and (6)(B) is repealed and readopted, to read:

**5 AAC 92.530. Management areas.**

(6) Skilak Loop Wildlife Management Area:

(A) the area consists of that portion of Unit 15(A) **and 15(B)** bounded by a line beginning at the easternmost junction of the Sterling Highway and the Skilak Loop (milepost 76.3), then due south to the south bank of the Kenai River, then southerly along the south bank of the Kenai River to its confluence with Skilak Lake, then westerly along the north shore of Skilak Lake to Lower Skilak Lake Campground, then northerly along the Lower Skilak Loop Campground Road and the Skilak Loop Road to its westernmost junction with the Sterling Highway, then easterly along the Sterling Highway to the point of [BEGINNING] **origin**;

(B) the area is closed to hunting and trapping, except that

(i) moose may be taken by permit only;

(ii) small game may be taken:

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(a) by bow and arrow only from October 1-March 1, and

(b) by standard .22 caliber rimfire firearm and shotgun only,

in that portion of the area west of a line from the access road from the Sterling Highway to Kelley Lake, the Seven Lakes Trail, and the access road from Engineer Lake to Skilak Lake Road, and north of Skilak Lake Road; during each weekend from Nov. 1 through Dec. 31, including the Friday following Thanksgiving day, by youth hunters 16 years old or younger accompanied by a licensed hunter 18 years old or older who has successfully completed a certified hunter education course if the youth has not successfully completed a certified hunter education course;

(C) a firearm may not be discharged within one-quarter mile of any campground.

(Eff. 8/20/89, Register 111; am 8/9/90, Register 115; am 8/10/90, Register 115; am 8/12/90, Register 115; am 12/27/90, Register 116; am 6/16/91, Register 118; am 7/1/92, Register 122; add'l am 7/1/92, Register 122; readopt 5/13/93, Register 126; am 7/7/94, Register 131; am 7/16/95, Register 135; am 4/25/96, Register 138; am 6/28/96, Register 138; am 7/26/97, Register 143; am 7/1/98, Register 146; add'l am 7/1/98, Register 146; am 7/1/99, Register 150; am 7/1/2000, Register 154; am 7/1/2001, Register 158; add'l am 7/1/2001, Register 158; am 12/28/2001, Register 160; am 7/1/2002, Register 162; am 7/25/2002, Register 163; am 12/20/2002, Register 164; am 7/1/2003, Register 166; am 7/1/2004, Register 170; am 7/1/2005, Register 174; add'l am 7/1/2005, Register 174; am 7/27/2005, Register 175; am 9/12/2005, Register 176; am \_\_\_\_/\_\_\_\_/2007, Register \_\_\_\_)

**Authority:** AS 16.05.255

AS 16.05.258

AS 16.05.789

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