

REISSUED MILITARY PERMITS

Board regulation:

5 AAC 92.050. Required permit hunt conditions and procedures.(a) The following conditions and procedures for permit issuance apply to each permit hunt:

...

- (6) the commissioner may reissue or transfer a permit as follows:
 - (A) a permit may be transferred for scientific purposes;
 - (B) a person that is on active duty in a branch of the military under United States Department of Defense deployment orders to a combat zone designated by executive order issued by the President of the United States and that has been issued a
 - (i) drawing permit, and is prevented from using the drawing permit due to being out of the state on active duty, may be reissued the same drawing permit when the person returns to this state from active duty under this subparagraph, under procedures set out in the applicable permit hunt supplement;
 - (ii) Tier II permit may transfer that Tier II permit only during the same regulatory year to a substitute hunter while the person is out of the state on active duty under this subparagraph, under procedures set out in the applicable permit hunt supplement;

Department SOP:

REISSUED DRAWING PERMITS AND TRANSFERRED TIER II PERMITS.

In November 2006 the Board of game adopted regulations allowing active duty military personnel who, due to deployment to a combat zone, were unable to use either a drawing or Tier II permit, to either request a reissue (drawing) or a transfer (Tier II) of that permit. Originally, only resident military personnel were eligible. However, in 2012, the Board expanded the regulation for a reissued drawing permit to include all US military personnel, resident and nonresident. --Governing regulation: 5 AAC 92.050(6)(B).

For drawing permits, if you are eligible, the drawing permit you won can be reissued for the following year to allow you a hunting opportunity.

For Tier II permits, if you are eligible, you may transfer your Tier II permit to a substitute hunter who can then use your permit to hunt for you while you are deployed.

Who is eligible?

All active duty US military, resident and nonresident, under US Department of Defense deployment orders to a combat zone designated by an executive order issued by the President of the United States who are unable to use the permit due to deployment. Because you must be a resident to qualify for a Tier II permit, only resident military are eligible to obtain and transfer a Tier II permit.

How does the department substantiate the inability to use the permit?

A written, signed statement from the permit holder must be submitted to the department, stating dates of deployment, area deployed to, and order number for the deployment.

Drawing Permit Reissue Information

When can I apply for a reissued drawing permit?

As soon as the permit is won, and deployment plans are known, you may apply for a reissued permit.

How long do I have to apply?

The deadline for applying for a reissued permit is 6 weeks after the permit hunt would have ended. Since the results for drawing permits are now available in late February and most hunts end in October, there is a period of 6-8 months to apply.

The deadline for applying is aligned with permit harvest reporting requirements. For permit hunts, the first reminder letter for harvest reporting is sent out 3-4 weeks after the hunt ends. If you receive a reminder to report harvest on a permit that you have not been able to use due to deployment, this should serve as a reminder to apply for a reissued permit. If you are not going to request a reissue, please remember to return the harvest report for a permit hunt. If the report has not been received within 6 weeks after the ending date of the hunt, you will be listed on the failure to report list, and will be ineligible to receive any permits the following year.

How can I apply-email, fax, phone? Can my wife or a friend take care of this if I am overseas?

A written signed statement from the permit holder must be submitted to the department. The completed statement can be scanned and emailed, faxed, or mailed to the address on the form.

Anyone can assist, but the form must be signed by the permit winner. The form may also be signed by someone with a power of attorney from the permit winner.

The drawing permit reissue form can be found at:

http://www.adfg.alaska.gov/static/license/huntlicense/pdfs/military_reissue_form.pdf

What happens if I miss the deadline to request the reissued permit?

We have established the deadlines to align with harvest reporting requirements. The hunter should receive at least one reminder to report harvest prior to the deadline for requesting a reissued permit, so there should be a 2-3 week opportunity to request a reissue before the final deadline. If that deadline is missed, no reissued permit is available.

What constitutes use of the permit?

Deployment to a combat zone must preclude any use of a permit in order to be eligible for reissue. A written, signed statement from the hunter must state this. If any attempt is made to use the permit, regardless of the amount of time hunted or the success of the hunt, the permit is considered used. A reissue may not be authorized.

Can I get my permit back if my deployment is cancelled, changed, etc?

Yes. If deployment dates are cancelled or changed, you may contact the department and request to use your original permit, if the hunt has not begun or the season is still open. Please contact the department at the address listed on the form, or at kurt.kamletz@alaska.gov.

If the permit is delayed until the following year, does the department decrease the number of permits for other hunters the following year?

Yes, the total number of permits available does not change for a hunt, regardless of the number of reissued permits being granted. Reissues are “guaranteed winners” so they are allocated first. Any remaining permits are then allocated based on random number to the other applicants, until the total number of permits available has been issued.

How do we capture reporting for the unused permit?

Since the deadline for requesting a reissue is the same as the harvest reporting deadline, there will be two possibilities-

- the hunter responds, requests a reissued permit, and the permit is a “did not hunt”.
- the hunter does not respond and is listed as a failure to report. The permit is treated as a used permit, with no harvest report available.

Tier II Transfer Information

Who can I transfer my Tier II permit to?

You may transfer your Tier II permit to a substitute hunter who is any Alaskan resident with a valid Alaska hunting license.

When can I transfer my Tier II permit?

As soon as the Tier II permit is awarded, and deployment plans are known, you may apply to transfer your permit. Your deployment must preclude any use of the Tier II permit.

Depending on the length of your deployment, you may still be able to use your permit. Many Tier II hunts have long seasons to allow maximum opportunity. Check the season dates and consider this possibility before requesting a transfer.

How long do I have to request a Tier II transfer?

The deadline for transferring a permit is the ending date of the Tier II hunt. Since the results for Tier II permits are now available in late February and many Tier II hunts extend into late winter or early spring to allow maximum opportunity, there is almost a year to transfer a permit.

What happens if I miss the deadline to request the transfer?

You will be unable to transfer your permit. The deadline coincides with the ending date of the Tier II hunt, so the season for the permit will be closed.

Why can't I just have my Tier II permit reissued for next year, like a drawing permit?

Tier II permits are issued for subsistence hunts, based on the customary and direct dependence on the game population for human consumption. The Board of Game recognized this need to obtain food on an annual basis, and adopted regulations to provide opportunity for the year the permit was obtained.

Can I get my permit back if my deployment is cancelled, changed, etc?

Yes, if the substitute hunter has not already harvested your animal and the season is still open. If deployment dates are cancelled or changed, you may contact the department to nullify the transfer form and obtain your original permit.

How can I apply-email, fax, phone? Can my wife or a friend take care of this if I am overseas?

A written signed statement from the permit holder must be submitted to the department. The completed statement can be scanned and emailed, faxed, or presented in person by the hunter obtaining the transferred permit.

Anyone can assist, but the form must be signed by the permit winner. The form may also be signed by someone with a power of attorney from the permit winner.

The Tier II permit transfer form can be found at:

<http://www.adfg.alaska.gov/static/license/huntlicense/pdfs/t2transfer.pdf>

DISABILITY STATUTES AND BOARD REGULATIONS

STATUTES:

Sec. 16.05.940. Definitions.

In AS 16.05 - AS 16.40,

(25) "person with physical disabilities" means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled;

Sec. 16.05.341. Free license for disabled veterans and active members of the Alaska National Guard and military reserves.

A person may receive a resident hunting and sport fishing license under AS 16.05.340(a)(5) without charge if the person

(1) has been discharged from military service under honorable conditions, is eligible for a loan under AS 18.56.101, and is certified by the United States Department of Veterans Affairs as having incurred a 50 percent or greater disability during military service;

(2) served in the Alaska Territorial Guard, is eligible for a loan under AS 18.56.101, and incurred a 50 percent or greater disability while serving in the Alaska Territorial Guard; or

...

Sec. 16.05.403. Special licenses and permits.

(a) A resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is blind may be obtained from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon presentation of either an affidavit of the applicant stating that the applicant cannot distinguish light from darkness or an affidavit signed by a licensed physician or a licensed optometrist stating that the applicant's central visual acuity does not exceed 20/200 in the better eye with correcting lenses or that the applicant's widest diameter of visual field subtends an angle no greater than 20 degrees.

(b) A resident who is a person with physical disabilities may obtain from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory proof of physical disabilities a resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person with physical disabilities.

(c) A resident who is 65 years of age or older may obtain from the department upon payment of the fee prescribed in AS 16.05.330 - 16.05.430 and upon submission of satisfactory proof of age a resident hunting license, a resident sport fishing license, a resident subsistence fishing permit, or a resident personal use fishing permit indicating that the purchaser is a person who is 65 years of age or older. This subsection does not limit the right of a resident person who is 65 years of age or older to claim an exemption from hunting or sport fishing license requirements under AS 16.05.400(b).

Sec. 16.05.405. Taking fish and game by proxy.

(a) Subject to regulations adopted by the Board of Fisheries or the Board of Game to implement this section, including regulations relating to or restricting seasons, areas, methods and means, and species, a resident may take fish or game harvested primarily for food on behalf of another person under this section.

(b) Notwithstanding AS 16.05.420(c), a resident holding a valid resident hunting license may take game on behalf of a person who is blind, a person with ~~physical disabilities~~, or a person who is 65 years of age or older if the resident possesses on the resident's person

...

(c) Notwithstanding AS 16.05.420(c), a resident holding a valid noncommercial fishing license may take fish on behalf of a person who is blind, a person with ~~physical disabilities~~, or a person who is 65 years of age or older if the resident possesses on the resident's person

...

Sec. 16.05.797. Computer-assisted remote hunting prohibited.

(a) A person may not engage in computer-assisted remote hunting or provide or operate a facility for computer-assisted remote hunting in the state. This subsection applies to any person engaged in computer-assisted remote hunting if the game or any device, equipment, or software used for computer-assisted remote hunting is located in the state.

(b) This section does not apply to a person with ~~physical disabilities~~ using equipment or devices designed to assist with the disability while present in the field and meaningfully participating in the act of hunting under regulations adopted by the Board of Game.

...

BOARD REGULATIONS:

5 AAC 92.011. Taking of game by proxy. (a) A resident hunter (the proxy) holding a valid resident hunting license may take only moose, caribou, and deer for another resident (the beneficiary) who is blind, physically disabled, or 65 years of age or older, as authorized by AS 16.05.405 . . .

5 AAC 92.052. Discretionary permit hunt conditions and procedures. The department may apply any or all of the following additional conditions to a permit hunt, when necessary for management of the species hunted:

(18) a person with physical disabilities, as defined in AS 16.05.940 , with a special permit to hunt with a motorized vehicle, must be accompanied by another hunter who has a valid hunting license and is capable of assisting the permittee in retrieving game taken by the permittee.

5 AAC 92.080. Unlawful methods of taking game; exceptions. The following methods of taking game are prohibited:

(10) from a motorized land vehicle; except that in those portions of Units 7 and 15 within the Kenai National Wildlife Refuge, a motorized land vehicle may be used to take game by a person with physical disabilities, as defined in AS 16.05.940 , who requires a wheelchair for mobility, under authority of a permit issued by the department and in compliance with Kenai National Wildlife Refuge regulations, and a snowmachine or ATV may be used to take game as described in (4) of this section.

5 AAC 92.085. Unlawful methods of taking big game; exceptions. The following methods and means of taking big game are prohibited in addition to the prohibitions in 5 AAC 92.080.

...

(9) from a boat in Units 1 - 5; however, a person with physical disabilities, as defined in AS 16.05.940, may hunt from a boat under authority of a permit issued by the department;

...

(12) shooting black bear from a boat in Unit 6(D); however, a person with physical disabilities, as defined in AS 16.05.940, may hunt from a boat under authority of a permit issued by the department.

5 AAC 92.104. Authorization for methods and means disability exemptions. (a) A person with a disability, or their personal representative, may submit an application on a form available from the department for an exemption from a methods and means requirement set out in this chapter. The application must

(1) include a signed statement from a licensed physician explaining the nature and extent of the person's disability;

(2) specifically identify the methods and means limitation at issue and the type of exemption requested;

(3) include a statement by the person with a disability that explains the causal relationship between the disability and the requested accommodation, or how the regulation at issue prohibits meaningful access to a program, service or benefit; and

(4) be submitted at least 30 days before the requested effective date of the exemption, unless the exemption is being requested as a result of an emergency order or emergency regulation.

(b) The department shall issue a special authorization in writing that grants the requested exemption or an alternate exemption that it determines would provide a person with a disability with meaningful access to the program, service, or benefit in question, and meets the standard set out in this section. In granting the exemption, the department may include any conditions it determines are reasonable to conform the exemption to existing conservation and management objectives. In considering whether to grant the exemption, the department shall consider, among other factors, whether the exemption would

(1) fundamentally alter a program, service or benefit of the department;

(2) place an undue administrative burden or expense on the department;

(3) have an unreasonable impact on the conservation, development, or utilization of game; or

(4) constitute an unreasonable risk to public health or safety.

(c) The department may require a hunter or trapper who receives an exemption under this section to be accompanied by another hunter or trapper who has a valid hunting or trapping license and is capable of retrieving game.

(d) The department will not authorize an exemption under this section

(1) if the regulation does not substantially prohibit the person from meaningful access to the program, service, or benefit;

(2) that would allow exemptions or modifications to seasons or bag limits; or

(3) for any accommodation if the Board of Game has previously reviewed and acted on the same request.

(e) Notwithstanding any other provision in this title, the department may issue a permit to take brown bears with the use of bait during established seasons and with established bag limits, to an applicant who qualifies for the hunt and meets the requirements of (a) and (b) of this section, and who is permanently wheelchair-bound or similarly disabled to the extent that use of bait is the only reasonable option the applicant has to harvest a brown bear.



State of Alaska
Department of
Fish & Game

Physician's Affidavit of Physical Disability For Proxy Fishing and Hunting

Alaska Statute 16.05.940 definitions (25) states: "A person with physical disabilities means a person who presents to the department either written proof that the person receives at least 70 percent disability compensation from a government agency for a physical disability or an affidavit signed by a physician licensed to practice medicine in the state stating that the person is at least 70 percent physically disabled."

PATIENT: PLEASE COMPLETE THE FOLLOWING:

Patient's Name _____
Last First MI

Mailing Address _____
Street or PO Box City State Zip

Physical Address (if different from mailing address) _____
City/State

As a courtesy to the patient and with the patient's permission, ADF&G may keep a photocopy of this Affidavit on file if the disability is permanent. If the disability is not permanent, the patient is required to furnish one Affidavit per calendar year. All personal information provided on this affidavit will be kept confidential by the agency in the absence of express permission for disclosure. Neither the original nor any copies for this form shall be kept on file by the agency, unless expressly permitted by the patient.

By signing below, I give ADF&G permission to keep this form on file by the agency.

X Patient's Signature _____

PHYSICIAN: PLEASE COMPLETE THE FOLLOWING

By signing below, I affirm that I am a physician licensed to practice medicine in the state of Alaska, and that the patient listed above is at least 70 percent physically disabled.

Is this patient's disability permanent? _____ Yes _____ No

Physician's Signature

Physician's Alaska License #

Address

Date

Physician's Phone Number

Providing false information on any portion of this affidavit is subject to a maximum penalty of \$10,000 or one year imprisonment or both, per AS 16.05.420.

