

**INSTRUCTIONS FOR COMPLETING  
PROPOSAL FORM**  
(Updated 1/26/23)

**Top of form check boxes:**

- Insert applicable game management unit your regulation would change.
- Check the appropriate box(es) for the activities the regulation change would affect (hunting, trapping, subsistence, resident, nonresident, other).
- Select the appropriate meeting for which the proposed regulation change applies.

**Fillable numbered boxes:**

1. If known, enter the series of letter and numbers which identify the regulation to be changed. For example, 5 AAC 92.055. If it will be a new section or provision, then enter 5 AAC 72.XXX.
2. Write a short explanation about the issue your proposal addresses, or why you are proposing the regulation change. Address only one issue per proposal. State the issue clearly and concisely. The board will reject proposals that contain multiple or confusing issues.

State why the regulation change should be adopted or provide an explanation about what will happen if the regulation is not changed.

To assist you in development of your issue statement (#2 on the form), you may want to consider the following:

- What would happen if nothing is changed?
  - What are other solutions you considered? Why did you reject them?
3. Print or type your proposal as you would like to see it appear in the regulation book. The boards prefer that revised regulatory language is provided. **New or amended text should appear first and be in bold text and underlined.** [REGULATORY TEXT BEING DELETED SHOULD BE FULLY CAPITALIZED AND ENCLOSED IN BRACKETS]. It is not necessary to bold and underline text if entire change contains new language.

EXAMPLES: **5 AAC 85.020. Hunting seasons and bag limits for brown bear.**

Shorten the brown bear hunting season in Unit 16B by as follows: September 25 through **April 15** [MAY 1]

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**5 AAC 85.025(3). Unit 9(B) Caribou.**

NONRESIDENT HUNTERS: **2** [3] caribou; however, no more than 1 bull may be taken.

Alternatively, you may state your changes in clear sentences. For example, “Lengthen the season for brown bear hunting to July 15 in the Togiak and Bay districts,” or “Reduce the bag limit for caribou in Unit 9(B) to two caribou.”

**Bottom of form (submission block):**

- Write the name of the group that voted to submit the proposal or your name if you are submitting the proposal. This name will be published in the proposal book. The Boards of Fisheries and Game will not consider anonymous proposals.
- Fill in your address and zip code, and telephone number. These will NOT be published; it simply enables us to reach you if clarification is necessary.

**Mail, fax or upload the completed form as follows:**

**Online:** [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal)

**Mail:** ADF&G, Boards Support Section

P.O. Box 115526

Juneau, AK 99811-5526

**Fax:** (907) 465-6094

NOTE: The proposal deadline for the 2023/2024 meeting cycle is Monday, May 1, 2023.

Proposals must be received by the deadline; there are no exceptions. The form must be physically received by fax or mail on the deadline; postmark is not adequate. Proposals are encouraged to be submitted online at [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal).

If you have any questions or need assistance, please consult staff at any Department of Fish and Game office.

**ALASKA BOARD OF GAME  
REGULATION PROPOSAL FORM | 2023-2024 MEETING CYCLE**

**Proposals must be received by Monday, May 1, 2023**

Upload Forms Online at: [www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal](http://www.adfg.alaska.gov/index.cfm?adfg=gameboard.proposal);

Mail to: Board of Game; PO Box 115526, Juneau, Alaska 99811-5526; or

Fax to: (907) 465-6094

**BOARD OF GAME REGULATIONS**

**\*What Game Management Unit (GMU) does your proposal apply: 13(B), 20(A), 20(D)**

☒ Hunting                      Subsistence                      Trapping                      Other

**Does the proposed change affect residents or nonresidents?**

Resident    Nonresident    ☒ Both

**\*Which meeting would you like to submit your proposal to?**

**Western Arctic / Western Region (GMUs 18, 22, 23 and 26A.)92.057**      ☒ **Interior and Eastern Arctic Region (GMUs 12, 19, 20, 21, 24, 25, 26B and 26C.)**

**Please answer all questions to the best of your ability. All answers will be printed in the proposal book along with the proposer's name (address and phone numbers will not be published). Use separate forms for each proposal. Address only one issue per proposal. State the issue clearly and concisely. The board will reject multiple or confusing items.**

**1. Alaska Administrative Code Number 5 AAC: 92.057**

**Regulation Book Page No: 2023 -2024 draw hunt supplement: page 19**

**\*2. What is the issue you would like the board to address and why?**

Resolve unintended consequences to ADF&G implementation of 5 AAC 92.057 provisions put in place due to 2022 proposal 149. As a result of the adoption of Proposal 149, the regulation states: “(6)the department shall issue a maximum of 20 percent of the drawing permits allocated to nonresidents in (2), (3), (4), and (5) of this subsection to nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a).”

The Delta Controlled Use Area is included as number (5), which states “the department shall issue a maximum of 10 percent of the drawing permits to nonresidents and a minimum of 90 percent of the drawing permits to resident, ...”

The draw hunt supplement in previous years stated “up to 10% to nonresidents.” In the 13 years immediately preceding 2023, the average percentage of total permits awarded to all non-resident ranged from 1.4% to a high of 8.1% with an average of 5.1% The 2023 implementation of this regulation was technically correct but did not meet the intent of the proposal, and is definitely opposed by the Delta AC. It did not provide “up to” 10% of each hunt, but instead split the guided nonresident and second degree of kindred (2DK) nonresidents between the two hunts, with the walk-in early hunt having 1.4% of the permits set aside for 2DK non resident hunters and the motorized late hunt having 17% of the permits set aside for guided non-residents. This implementation guarantees a total of 10% of all permits in the DCUA to non-residents, but significantly disadvantages residents, guided-non-residents, and 2DK nonresidents on one hunt or the other. It also means any non-resident tags not awarded during the draw, become undersubscribed and become available for non-residents on a first-come, first-served basis.

In 2023 there were 73 applicants for the 2DK nonresident permits, and only 1 qualified guided non-resident application.

Mr. Dan Montgomery, the author of proposal 149, is not familiar with the hunters or guides operating in the DCUA but included it in his proposal because it was a place with non-resident allocation limits in its sheep hunts. The rationale of proposal 149 is based on numbers of 2DK and guided nonresidents applying for permits in areas where Mr. Montgomery hunts and do not extend to the DCUA. His statement that “*Less than 15% of nonresident sheep hunters are second degree of kindred (2DK) hunters statewide, (hunting with a relative)...*” obviously misses the mark for the DCUA hunts where the latest draw application cycle saw 98.7% of non-resident applications from 2DK hunters (73 of 74 total qualified applications). Further, in the 13 years from 2009-2022, the percentage of 2DK applicants from total non-residents ranged from 29.3% to a high of 97.1% and averaged 72.8%.

These numbers reflect that in the same period, there were only 2 guides registered to operate in Area 20D/20A and one of those does not offer sheep hunts. Predictably, following the results of this years draw and 6 non-resident tags being available on the first-come, first-served basis, 2 more guides have registered in 20D/20A during the past month. There is a small portion of the DCUA in GMU 13. Based on outfitter websites, only one of the 6 registered guides in Area 13 could be guiding sheep hunters in DCUA, and it is unknown if he does.

The Delta AC is ambivalent about the split of non-resident permits between 2DK and guided hunters.

~~The Delta AC unanimously supports returning the application and drawing process for DCUA~~

**\*3. What solution do you recommend? In other words, if the board adopted your solution, what would the new regulation say? (Please provide draft regulatory language, if possible.)**

There are three options to resolve this issue. The Delta AC prefers option 1:

**OPTION 1. Return the DCUA hunts to the previous implementation (before proposal 149)**

Up to 10% of permits for each hunt (DS203 and DS204) shall be awarded to non-residents by random draw from among all applicants, with no forced separation of nonresident permits between guided and 2DK. If the total number of nonresidents drawn is less than 10%, that is the number awarded to non-residents, with all remaining permits awarded to resident applicants. The total non-residents drawn will be from none to the 10% maximum. The suggested new language in the regulation would be

**5 AAC 92,057** “(6)the department shall issue a maximum of 20 percent of the drawing permits allocated to nonresidents in (2), (3), **and (4)**, ~~and (5)~~ of this subsection to nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a).”

**OPTION 2. Change the DCUA hunts to a modified implementation of current regulation:**

Up to 10% of permits for each hunt (DS203 and DS204) shall be awarded to non-residents by random draw from among all applicants, with a maximum of 20% of those permits awarded to 2DK hunters. The allocation between guided non-resident and 2DK nonresident hunters can be easily implemented exactly as the prior “up to” 10% was implemented, but with an additional step to monitor for total number of 2DK applicants drawn. If the total number of nonresidents drawn is less than 10%, that is the number awarded to non-residents, with all remaining permits awarded to resident applicants. The total non-residents drawn will be from none to the 10% maximum. This is a Department of Fish and Game implementation change with no change to language in 5 AAC 92.057 required.

**OPTION 3: Change the DCUA hunts to an alternative implementation that meets the stated intent of proposal 149 without disadvantaging any sector of the applicant pool:** Up to 10% of permits for each hunt (DS203 and DS204) shall be awarded to non-residents by random draw from among all applicants, with the split between permits awarded to 2DK nonresident hunters and guided nonresident hunters determined by the percentage each group makes up of the total non-resident applications. If the total number of nonresidents drawn is less than 10%, that is the number awarded to non-residents, with all remaining permits awarded to resident applicants. The total non-residents drawn will be from none to the 10% maximum. This is the most complete of the three options to implement, but arguably the fairest to both segments of non-resident applicants. The suggested new language in the regulation would be

**5 AAC 92,057** “(6)the department shall issue a maximum of 20 percent of the drawing permits allocated to nonresidents in (2), (3), **and (4)**, ~~and (5)~~ of this subsection to nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a).

**(7)”the department shall issue a percentage of the drawing permits allocated to nonresidents in (5) of this subsection to nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant within the second degree of kindred, as described in AS 16.05.407(a) equal to the percentage of total nonresident applications submitted by nonresidents accompanied by a resident over 19 years of age who is the spouse or other relative of the applicant**

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**\*Submitted By:** Delta Junction AC

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