

## Comments / 0

**Kenai, AK**[See more from this location?](#)**Alaska Beacon**

## U.S. Supreme Court lets stand a ban on baiting of brown bears in Alaska's Kenai refuge

By Yereth Rosen, 7 hours ago



A brown bear cub looks for fish in the Kenai National Wildlife Refuge's Kenai River on Aug. 14, 2020. The U.S. Supreme Court on Monday announced it will not consider an appeal seeking to overturn the ban on brown bear baiting in the Kenai Refuge. (Photo by Lisa Hupp/U.S. Fish and Wildlife Service)

## Comments / 0

The Supreme Court's [refusal to hear the appeal](#), made jointly by the state and by Safari Club International, keeps the ban in place in the 1.9-million-acre refuge. It also upholds a rule put in place in 2016 by the U.S. Fish and Wildlife Service and affirmed by a U.S. District Court judge in 2020 and by the 9 th Circuit Court of Appeals in 2022.

Environmental organizations supporting the rule welcomed Monday's announcement putting the matter to rest.

"We celebrate the Supreme Court's refusal to take up this appeal, along with the affirmation of the Fish and Wildlife Service's authority to manage wildlife refuges to protect wildlife diversity and ensure that the Refuge supports a variety of visitor experiences, including wildlife viewing," Rachel Briggs, staff attorney with Trustees for Alaska, said in a statement. "The ruling means that the Kenai Refuge will continue to function as a true refuge for vulnerable Kenai brown bears and other species."

"Bear baiting allows hunters to use donuts, dog food, bacon grease or other foods to attract bears, making it much easier to shoot bears. When the state of Alaska first authorized brown bear baiting on Kenai Peninsula state lands, human-caused bear mortality rose six-fold, causing a significant decline in this isolated population and prompting emergency closures of bear hunting in the refuge. With this prohibition, the Fish and Wildlife Service can better ensure the sustainability of Kenai brown bears, fulfilling its responsibility to conserve biological integrity and diversity on our refuge lands," Nicole Whittington-Evans, Alaska program director for Defenders of Wildlife, said in the statement.

## Comments / 0



Fall foliage is seen on Sept. 14, 2017, along the Kenai River in Kenai National Wildlife Refuge. The refuge has been at the center of a state-federal debate over baiting of brown bears. (Photo by Lisa Hupp/U.S. Fish and Wildlife Service)

The Alaska Department of Law, however, considers the Kenai refuge prohibition part of a larger pattern of federal infringement on the state's rights, including rights under the Alaska National Interest Conservation Act, a spokesperson said.

"While the Ninth Circuit's decision is only about brown bear baiting within the Kenai Refuge, the larger issue is the scope of the federal government's authority on public lands," department spokesperson Patty Sullivan said by email. "When Alaska became a State, Congress gave the State the authority to manage wildlife and hunting throughout Alaska, including on federal lands. When Congress passed ANILCA, it preserved—rather than displaced—local control over how hunting will occur in Alaska. The Ninth Circuit chiseled away some of the authority Congress meant to preserve for the State. It remains unclear whether, in a future case, the Ninth Circuit will further shift the delicate

## Comments / 0

Baiting of brown bears has never been allowed in the refuge, located south of Anchorage, since its formal creation in 1980, but the Alaska Board of Game has tried to change that. Disputes with the U.S. Fish and Wildlife Service over the subject [go back several years](#) .

In 2013, the Board of Game passed a rule allowing brown bear baiting in the refuge. The Fish and Wildlife Service followed up with the 2016 rule formalizing its ban. The state and Safari Club sued to overturn the rule, and in 2020 the Trump administration [proposed a rule](#) removing the Kenai refuge restriction. U.S. District Court Judge Sharon Gleason ruled later in 2020 in favor of the bear-baiting ban, negating the Trump administration's attempted change, and the 9 th Circuit Court of Appeals in 2022 [upheld Gleason's ruling](#) .

The Supreme Court's denial of the appeal comes as the National Park Service is considering a separate rule that would end what it called " [controversial](#)" [hunting practices](#) and largely revert sport hunting rules on Alaska's national preserves to the status prior to a separate 2020 [Trump administration rule](#) aimed at loosening those restrictions.

The Park Service [rule](#) , proposed in January and currently in the public-comment phase, would restore the ban on bear baiting in national preserves, along with the ban on killing of denning wolf pups, the ban on the hunting of swimming caribou and other provisions. Those bans and restrictions would not affect subsistence hunters, as was the case with the system in place earlier.

### GET THE MORNING HEADLINES DELIVERED TO YOUR INBOX

The post [U.S. Supreme Court lets stand a ban on baiting of brown bears in Alaska's Kenai refuge](#) appeared first on [Alaska Beacon](#) .



## The truth about fish and wildlife management in Alaska

By Sam Cotten

Jun 17, 2018

### Community Perspective

FAIRBANKS — Alaska's support for the National Park Service's recently proposed amendments to hunting and trapping practices on national preserves in Alaska is not about trophies. It does not concern sport or recreation. It has nothing to do with predator control. Alaska's scale and geography are incomprehensible to most Americans. The state is enormous, largely without roads, and in many places as wild today as when its Native people first encountered Russian explorers some 275 years ago.

Grocery stores and jobs are scarce or nonexistent in Alaska's rural communities. Lacking road access and affordable store-bought food sources, people in small communities scattered across the wilderness depend upon fish and wildlife for sustenance. It is for these Alaskans who "grocery shop" from the land that exceptions to standard hunting laws – both state and federal – are made.

The Alaska Board of Game, Alaska's regulatory body for hunting and trapping rules, considers all regulations through an open public process. The board sometimes adopts exceptional regulations, such as those allowing harvest of black bears at den sites. The board allowed this only in a handful of remote locations where the practice is considered customary and traditional for obtaining food. The harvest is small and carried out mostly, if not entirely, by Alaska Native people who have taken bears in dens for thousands of years. The same is true of swimming caribou taken with rifles from boats, allowed only in two isolated game management units where caribou serve as a primary food source.

Taking bears in dens or caribou in the water are not widespread or popular hunting methods, both activities are currently allowed under state and federal regulations in limited locations, and neither is employed by the general hunting community. Bottom line, hunting guides do not take out of state clients on such hunts, nor do average urban Alaskans participate. Under the amendments to hunting and trapping rules recently proposed by the National Park Service, none of that will change.

Before statehood, Alaska's fish and wildlife were managed by the U.S. government. Under federal management, salmon stocks were overfished and, in some instances, wiped out, predators poisoned and bounties widespread. Management of wildlife lacked application of modern scientific principles to ensure sustainable populations of both predators and prey. Alaskans knew they could do better. Gaining authority to manage its fisheries and wildlife was a centerpiece for Alaska's push for statehood. When statehood was realized in 1959, Congress granted Alaska sole authority to manage fish and wildlife on all lands within its borders. The result was impressive: Under state management, fisheries soon began to rebound and wildlife populations markedly improved. Twenty years later, Alaska's authority

to manage fish and wildlife on all lands within its boundaries was revisited and renewed under the Alaska National Interest Lands Conservation Act. Under ANILCA, more than 100 million acres — an area larger than California — were set aside as conservation system units, primarily parks, preserves and refuges. After the changes were ratified, Alaska's fish and wildlife management jurisdiction remained in place.

In 2015, Alaska's standing suddenly changed. Claiming the state's regulations violate the Organic Act and related policies, the Park Service stepped in to override Alaska's authority to manage its fish and wildlife on national preserves. The agency seemed to forget that state-regulated hunting and fishing are mandated uses under ANILCA, making them consistent with the Organic Act and related policies. No scientific basis was given for the change. No biological concerns stated. In fact, wildlife populations under state management on national preserve lands overall were vibrant. Now, with these proposed changes, the Park Service has offered an olive branch, one Alaska is grateful to receive. The issue is not about trophy hunting, recreation or predator control. It's about respect for rights granted at statehood.

It's about allowing Alaska to continue to successfully, sustainably manage fish and wildlife on all lands within its borders in a way that is culturally necessary and appropriate. It's about recognizing that Alaska is in touch with its people, their cultures and traditions. It's about Alaska working with federal partners to restore and maintain a long-lasting cooperative relationship.

*Sam Cotten is commissioner of the Alaska Department of Fish and Game.*

[Obituaries](#) • [Games](#) • [ADN Store](#) • [e-Edition](#) • [Sponsored Content](#) • [Real Estate/Open Houses](#)

## Opinions

# Florida protesters schooled in Native ways at Alaska Board of Game meeting

By Sam Cotten

Updated: November 29, 2017

Published: November 29, 2017



Students from the UAF Tribal Management Program's "Introduction to Board of Game" class, held in partnership with Tanana Chiefs Conference, during the Board of Game statewide meeting at the Lakefront Anchorage Hotel on Nov. 11. (Photo courtesy Carrie Stevens)

## Dried salmon savored by rural Alaska Natives as part of a subsistence way of life



Sections

Iditarod • Alaska News • Politics

• Opinions • Talk to us

couldn't be more profound.

Situated at opposite ends of a continent and defined by unique histories, cultures and customs, Jacksonville and Grayling (or for that matter Huslia, Nulato, Allakaket or any other of a sparse constellation of rural Athabascan communities) might just as well exist on separate planets.

So who could have predicted those planets would align at, of all places, the [Alaska Board of Game's](#) mid-November statewide meeting in Anchorage? Certainly no one left the gathering more changed and enlightened than members of Jacksonville-based animal rights group OneProtest.

And few attended the meeting with more at stake than a group of Native students from Alaska's far reaches, there to tackle cultural barriers and preserve a traditional way of life.

Of particular concern were Proposals 14 and 15, which aimed to halt customary and traditional bear harvest practices existing in a handful of remote Interior game management units. Proposal 14 sought to prohibit the taking of bears in dens, while Proposal 15, crafted and submitted by OneProtest, would have removed exceptions for the taking of cub bears and sows with cubs.

Misled by social media campaigns and poorly researched news reports that accompanied last April's repeal of federal wildlife regulations on Alaska's national refuges, OneProtest supported a ban on both bear harvest practices, calling them "clearly not socially sustainable." Activists gathered more than 23,000 signatures

backing the bans. Committed to their cause and certain in their opinions, two OneProtest representatives flew in from Florida to advocate their position to the board in person.

Meanwhile, the University of Alaska Fairbanks Tribal Management Program had teamed with the Tanana Chiefs Conference to address concerns that cultural and procedural barriers excluded rural Alaska Natives from the board's rulemaking process. Observing that many rural Natives seemed to feel disenfranchised, unsure of how the Board of Game worked or that they as individuals could make differences in rulemaking outcomes, the UAF Tribal Management Program and TCC organized a class called "Introduction to the Board of Game," to take place during the statewide meeting.

ADVERTISEMENT

More than 20 students enrolled in the weeklong, one-credit class. And as the board meeting ramped up, they learned about local advisory committees and received training on crafting proposals. They listened as Division of Subsistence Director Hazel Nelson, herself originally from the small Alaska Peninsula village of Egegik, stepped in to provide tips on how to prepare and provide effective public testimony. During meeting breaks, students mingled and met with board members, Alaska Department of Fish and Game staff, and other attendees.

Listening intently, reading through proposal documents and absorbing oral testimony, the students learned. Threatened by change from the opposing values of large, signature-gathering, Outside groups, their traditional subsistence ways of life – their culture – depended upon this knowledge.

ADVERTISEMENT



All seemed to go smoothly until early in the week, when, during a break in public testimony, the rural Native students encountered the OneProtest activists in the Lakefront Anchorage Hotel lobby.



Tom Kriska, left, and Percy Lolnitz, right, meet with Board of Game member Karen Linnell and Alaska Department of Fish and Game Commissioner Sam Cotten during the Board of Game meeting at the Lakefront Anchorage Hotel Nov. 10-11. (Photo courtesy Carrie Stevens)

And that's when it happened.

The two groups began talking. Why, the students asked, would people travel all the way from Florida to oppose customary and traditional activities practiced for

generations in a few specific areas of Interior Alaska?

Why, indeed.

Bears, the students explained, have always provided fresh meat in winter when other game can be difficult to obtain. And Native hunters are obligated by tradition to take all occupants of a den; to not do so is to disrespect the animals that reveal themselves for harvest.

As the two groups engaged, lightbulbs seemed to switch on. The OneProtest group welcomed what the students had to say, and many misperceptions were cleared up on the spot. In fact, after those discussions and listening to more public comments made to the board, the OneProtest members began reconsidering their stance.

After the break, the students prepared to testify before the board and assembled public. The number of people in the room rivaled the total populations of some smaller villages. Nonetheless, the students overcame their apprehensions and shared fresh, heartfelt testimony to a board eager to hear new voices.

"Eliminating a longstanding customary and traditional harvesting practice is wrong," said Arnold Demoski of Nulato. "Taking away a food source is wrong. This traditional knowledge has been passed on for generations and generations. ... Our ancestors have had a very strong connection with animals and we still do to this day. We do not disrespect any animals of any kind."

Ivan Demientieff, of Grayling, echoed Demoski's concerns: "I am opposing this proposal because this may affect my traditional values."

One by one, students approached the board to testify, their words embraced by the room in a focused silence. When they finished and the matter returned to the board, Vice Chairman Nate Turner seemed moved. He praised not only the students for speaking, but OneProtest for listening.

"(OneProtest has) a strong position that they take on wildlife issues in America and they were sure that they'd caught something really bad and they invested a lot of time and resources into correcting it," Turner said.

"But they did the right thing in educating themselves, and the noble thing in sharing those results with us and also saying they were going to go back home and educate other people about what's really happening here in Alaska."

Turner and other board members who spoke afterward added that local knowledge is especially powerful and important for the board process to work. Participation is the key to a good public process.

The proposals to ban existing traditional bear-hunting practices and remove exceptions failed in a unanimous board vote. OneProtest made public that they stood corrected, and have [offered a video apology](#) that ends with: "To the Alaskan Native peoples, Pitsaqenrita. We apologize for any offense our initial misunderstanding caused."

Alaska's Native students should be proud. With the help of the UAF Tribal Management Program and the Tanana Chiefs Conference, they made this peaceful consensus possible. They earned college credit for their efforts, but more importantly, they've earned lasting respect from the Alaska Board of Game – and from an Outside group representing different cultural values who may have received the greatest education of all.

ADVERTISEMENT

**Sam Cotten** is commissioner of the Alaska Department of Fish and Game.

*The views expressed here are the writer's and are not necessarily endorsed by the Anchorage Daily News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email [commentary@adn.com](mailto:commentary@adn.com). Send submissions shorter than 200 words to [letters@adn.com](mailto:letters@adn.com) or [click here](#) to submit via any web browser.*