

Intentional or Unintended Consequences?

Bills are frequently passed and almost immediately thereafter lawsuits are filed challenging them. I can't imagine that people who understand this process would really believe that releasing an endangered species (Wood bison) into the wild near the Innoko River would be free from significant risk for the people of that area since those Wood Bison would immediately become the ONLY free ranging Wood bison herd in the United States. I can't imagine, given the history of broken treaties and bad dealings between the government and Native American's, that they would put sufficient trust in an exemption to warrant taking such a risk. BUT, assuming for a minute that everyone who is behind this project has nothing but the most noble of intentions I want to point out that even such things as ANILCA (that many people believe had the noblest of intentions) including intent regarding subsistence, ended up in the courts and in the end the intent of congress was replaced by the intent of the court.

Below is a quote about ANILCA that helps make clear that regardless of the intentions, even noble legislation often gets overturned in the courts.

"As with so many pieces of legislation, ANILCA's initial intent regarding subsistence was noble in purpose. Recognizing the uniqueness of life in rural Alaska, the statute promised the opportunity for traditional subsistence lifestyles for rural residents – Native and non-Native alike – and gave the state of Alaska the authority to oversee a unified system of fish and game management on both state and federal lands. In theory, this was supposed to unify wildlife management and ensure that the priorities of species conservation and subsistence harvesting came before sport hunting and commercial uses".

"But what is noble in purpose is frequently litigated in the courts. The state of Alaska's administration of subsistence hunting and fishing with its priorities for rural residents was challenged on the basis of a provision in the state constitution prohibiting exclusion or special privileges to take fish or game. The Alaska State Supreme Court ruled that the same privileges of subsistence for rural residents must be extended to urban residents. This ruling was strange but manageable on state lands; however, it placed the mandated state law squarely at odds with the rural subsistence priorities required by ANILCA for federal lands. The end result was that in 1990 federal agencies began to manage subsistence hunting on federal lands"¹.

Trusting the good will of the people involved in the Wood bison project is not the issue. The issue is: Why risk the lands of the people in this area? Why not ask for Plains bison (a non-endangered species) to be released in the area? Why not ask for improved moose management techniques, including predator control, in order to increase the amount of meat available for their freezers?

Sweden, with a land mass a lot smaller than ours, has a moose population of 500,000 (compared to 100,000 in Alaska), and an annual moose harvest of 120,000 (compared to a harvest of 8,000 in Alaska). Imagine increasing our moose harvest levels by 15! We could do a lot to help the people near the Innoko river without having to resort to importation of any type of bison.

¹Borneman, Walter R."Saga of a Bold Land." P. 506, 28 Mar. 2011.
<http://books.google.com/books?id=A9QXxo-MeUEC&pg=PA505&lpg=PA505&dq=104+million+acres+ANILCA?&source=bl&ots=V0ti2GjXB8&sig=dPQEKaFmDIPS-rxfkAWi6G_vIBw&hl=en&ei=G2yOTfWkJPcbtwea65iyDQ&sa=X&oi=book_result&ct=result&resnum=9&ved=0CFAQ6AEwCA#v=onepage&q=104%20million%20acres%20ANILCA%3F&f=false>.