

S B

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STATE OF ALASKA  
THE LEGISLATURE

POUCH V - STATE CAPITOL  
JUNEAU, ALASKA 99811  
907-465-3800

LEGISLATIVE AFFAIRS AGENCY  
LEGISLATIVE REFERENCE LIBRARY

Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

<i>House Resources</i>	<i>2/19/91</i>	<i>3 P.M.</i>
<i>House Resources</i>	<i>2/7/91</i>	<i>3 P.M.</i>

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE FINKELSTEIN

TO: CSSB 38 (JUDICIARY) am

Page 1, line 1:

Delete "or trapping"

Insert "trapping, or viewing of fish or game"

Page 1, line 5:

Delete "OR TRAPPING"

Insert "TRAPPING, OR VIEWING OF FISH OR GAME"

Page 1, line 6:

Delete "or trapping"

Insert "trapping, or viewing of fish or game"

Page 1, line 7, after "taking":

Insert "or viewing"

Page 1, line 9, after "take":

Insert "or to view"

Page 1, line 10, after "taking":

Insert "or viewing"

Page 2, line 8:

Delete "or trapping"

Insert "trapping, or viewing"

Page 2, line 13:

Delete "or trapping"

Insert "trapping, or viewing of fish or game"

Page 2, line 15:

Delete "or trapping"

Insert "trapping, or viewing of fish and game"

THE ALASKA WILDLIFE ALLIANCE

P.O. Box 202022  
Anchorage, Alaska 99520  
907-277-0897

May 1, 1991

House Resources Committee  
P.O. Box V  
Juneau, Ak, 99811

Dear Committee Members:

The Alaska Wildlife Alliance urges you to reject SB 38 because it is unnecessary, unfair, and it sends a hostile message to many wildlife user groups.

Hunters, fishermen, and trappers are not being harassed in Alaska, and no new law is needed to protect them. Existing laws, particularly the assault, criminal mischief, and general harassment statutes protect all wildlife user groups from the malicious behavior of others.

Since most conflicts occur within a particular user group, this proposed law would primarily be used to prosecute hunters, trappers, and fishermen. The attempt to overcome this by exempting those engaged in "lawful competitive practices" is either meaningless or unconstitutional. It is meaningless if the intent is to exempt those who are not committing the described offense. It is unconstitutional if the intent is to prevent only hunters, fishermen, and trappers from being prosecuted for engaging in hinderance or obstruction.

Another problem with this proposal is that any property owner who attempts to prevent someone from hunting fishing or trapping on private land would be in clear violation of the law unless he or she could prove that trespass has occurred.

This law could be used in other strange and unfortunate ways. Consider a case where someone legally sets traps near a homeowners property endangering pets or children. If the homeowner disarms these traps he would be in clear violation of the law. Justice is certainly better served under current law where the criminal mischief or general harassment standard would be applied.

Why single out hunters, fishermen, and trappers for special protection. If you are convinced that harassment is a real problem, why not protect all user groups including photographers and others. According to the April issue of Alaska's Wildlife, published by the Department of Fish and Game, wildlife watching (including viewing, photography, and feeding) is the fastest growing segment of wildlife recreation. "We have the opportunity

In Alaska for developing a wildlife recreation and conservation program that could stand as a model for the world."

SB 38 does not help us create that model. It is purely an ideological statement that singles out one group for special treatment. That would be less offensive if you were voting on a resolution rather than a law.

The lawyers will love this law. By passing this bill you will be elevating another inevitable social conflict to the level of the court system.

Please reject SB 38.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard Hellard". The signature is written in dark ink and is positioned above the printed name.

Richard Hellard  
Representative

CS FOR SENATE BILL NO. 38 (JUDICIARY) am  
 IN THE LEGISLATURE OF THE STATE OF ALASKA  
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE JUDICIARY COMMITTEE

Amended: 3/13/91  
 Offered: 3/4/91  
 Referred: Rules

Sponsor(s): SENATORS FRANK, Sturgulewski, Pearce, Shultz

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 \* Section 1. AS 16.05 is amended by adding new sections to read:

4 Sec. 16.05.790. OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING,  
 5 FISHING, OR TRAPPING. (a) Except as provided in (e) of this section, a person may not  
 6 intentionally obstruct or hinder another person's lawful hunting, fishing, or trapping by

7 (1) altering the feasibility of taking fish or game by another person;

8 (2) creating a visual, aural, olfactory, or physical stimulus in order to alter the  
 9 behavior of the fish or game that another person is attempting to take; or

10 (3) tampering with personal property of another intended for use in the taking of  
 11 fish or game.

12 (b) For purposes of (a) of this section,

13 (1) "lawful" means

14 (A) in compliance with

1 (i) this title, regulations adopted under this title, and applicable  
2 federal statutes and regulations;

3 (ii) the Marine Mammal Protection Act (P.L. 92-522) or the  
4 Endangered Species Act (P.L. 93-205); or

5 (iii) federal regulations adopted under 16 U.S.C. 3111 - 3126  
6 relating to subsistence hunting, fishing, or trapping on federal land; and

7 (B) with the permission of the private landowner if the hunting, fishing,  
8 or trapping occurs on private land;

9 (2) "tamper" has the meaning given in AS 11.46.490.

10 (c) A peace officer who has probable cause to believe that a person has violated this  
11 section may arrest or cite the person or order the person to desist.

12 (d) In a prosecution under this section, it is an affirmative defense that the person was  
13 lawfully entitled to obstruct or hinder the hunting, fishing, or trapping.

14 (e) This section does not apply to lawful competitive practices among persons engaged  
15 in hunting, fishing, or trapping or to actions taken on private property with the consent of the  
16 owner.

17 (f) A person who violates this section is guilty of a misdemeanor and is punishable by  
18 a fine of not more than \$500 or imprisonment for not more than 30 days, or both.

19 Sec. 16.05.791. CIVIL REMEDIES. (a) A person aggrieved by conduct or threatened  
20 conduct in violation of AS 16.05.790 may petition a superior court to enjoin the respondent from  
21 engaging in the conduct.

22 (b) A person aggrieved by a violation of AS 16.05.790 is entitled to recover general  
23 damages and special damages, including license and permit fees, travel costs, guide-outfitting  
24 fees, costs for special equipment and supplies, and other related expenses.

25 (c) A court may award punitive damages in addition to the damages set out in (b) of this  
26 section.

FISCAL NOTE

No. 1

Bill Version: SB 38

(S) Publish Date: 2/11/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: 1/30/91 Department Affected: Fish and Game  
 Title: Obstruction or hindrance of lawful hunting, fishing, trapping BRU: Division of Wildlife Conservation  
 Component: Wildlife Conservation  
 Sponsor: Senator Frank  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: No FY 91 impact

ANALYSIS: (Attac Changes in <u>CS SB 38</u> <u>Frank</u> have no fiscal impact. This fiscal note is appropriate. <u>3/1/91</u> date <u>AB</u> Comte Aide (initial)	Changes in <u>CS SB 38</u> <u>(RES)</u> have no fiscal impact. This fiscal note is appropriate. <u>2/8/91</u> date <u>PT</u> Comte Aide (initial)
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Prepared By: Warren W. Viley Phone: 465-4100

Division: Commissioner's Office Date: 1/30/91

Approved by Commissioner: Warren W. Viley

Agency: Fish and Game Date: 1/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**STEVE FRANK**  
DISTRICT K  
SEAT A

119 N. Cushman, Rm. 213  
Fairbanks, Alaska 99701

*While in Juneau*  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3709  
Capitol Rm. 514

# Alaska State Legislature

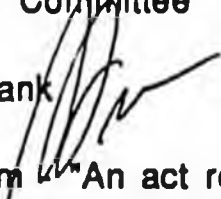



*Senate*

MEMBER  
Finance Committee  
Resources Committee  
Legislative Council  
Special Committee on Banking &  
Economic Development

VICE-CHAIR  
Community & Regional  
Affairs Committee

**TO:** Representative Cliff Davidson, Chairman  
House Resources Committee

**FROM:** Senator Steve Frank 

**RE:** CSSB 38 (Jud) am  "An act relating to the  
obstruction or hindrance of lawful hunting, fishing,  
or trapping."

**DATE:** March 19, 1991

I would like to request a hearing on CS for Senate Bill 38 (Jud) am at your earliest convenience. SB 38 would make it illegal to intentionally obstruct or hinder lawful hunting, fishing or trapping.

Hunter harassment is prevalent throughout the lower 48 states and Canada. This bill is intended to protect individuals in Alaska, who are engaged in the legally sanctioned practice of taking fish or game, from obstructionists and organized anti-hunting efforts. It is important that we address the problem before it becomes rampant here in Alaska where consumptive use of fish and game is widely recognized as an integral part of the Alaskan lifestyle. At the October 1989 Subsistence Conference sponsored by RurAICAP and the Alaska Federation of Natives, special attention was focused on hunter harassment as a threat to many Alaskans' way of life. Hunter harassment laws already exist in 38 other states.

CSSB 38(Jud) am passed the Senate by a vote of 18-1-1 and enjoys broad bi-partisan support from the Alaska Bowhunters Association, the Alaska Federation of Natives, the Alaska Outdoor Council, the Eskimo Walrus Commission, the National Rifle Association and the Alaska Trappers Association.

I appreciate your consideration of this request.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Wildlife Conservation	BILL NUMBER SB 38	SPONSOR Senator Frank
SHORT TITLE OF BILL Obstruction or hindrance of lawful hunting, fishing, or trapping			
DEPARTMENT POSITION Support			
PREPARED BY Warren W. Wiley	DATE 1/30/91	COMMISSIONER'S SIGNATURE <i>Armen D. Delany</i>	DATE 1/30/91

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUPS AFFECTED BY BILL Hunters
ORGANIZATIONAL SUPPORT FOR BILL Unknown	ORGANIZATIONAL OPPOSITION TO BILL Unknown

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

SB 38 would prohibit the harassment of persons legally engaged in hunting, fishing, or trapping, and by inference, the disturbance of equipment used in hunting, fishing, and trapping. Similar legislation was vetoed by Governor Sheffield in 1983 and 1984.

ANALYSIS OF BILL/PROGRAM EFFECTS

This legislation would have no fiscal impact on the Division of Wildlife Conservation. With the increased activity of anti-trapping and hunting advocate in Alaska, this law could be helpful in protecting the privileges of those legally pursuing consumptive use of wildlife resource. 35 other states have such laws.

AMENDMENTS PROPOSED

None

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 18

Revision Date: 1/30/91 Department Affected: Fish and Game  
 Title: Obstruction or hindrance of BRU: Division of Wildlife Conservation  
lawful hunting, fishing, trapping Component: Wildlife Conservation  
 Sponsor: Senator Frank  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	4	7	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0					
TRAVEL	0					
CONTRACTUAL	0					
SUPPLIES	0					
EQUIPMENT	0					
LAND & STRUCTURES	0					
GRANTS, CLAIMS	0					
MISCELLANEOUS	0					
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0					
FEDERAL FUNDS	0					
OTHER	0					
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: No FY 91 impact

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Warren W. Wiley Phone: 465-4100  
 Division: Commissioner's Office Date: 1/30/91  
 Approved by Commissioner: *Warren W. Wiley*  
 Agency: Fish and Game Date: 1/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. SB 38

Revision Date: \_\_\_\_\_ Department Affected: Public Safety  
 Title: An Act relating to the obstruction or hindrance of lawful hunting BRU: Fish & Wildlife Protection  
 Sponsor: Senator Frank, et. al. Component: Enforcement  
 Requestor: Senate Resources

COMPONENT SERIAL NO. 

	4	9	0
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL	-0-	-0-	-0-	-0-	-0-	-0-
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REVENUE	-0-	-0-	-0-	-0-	-0-	-0-
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact 0

ANALYSIS: (Attach a separate page if necessary)  
 No fiscal impact is anticipated.

Prepared by: Captain Conrad G. Selbel Phone: 269-5509  
 Division: Fish & Wildlife Protection Date: 1-31-91  
 Approved by Commissioner: *Richard L. Burton* Richard L. Burton  
 Agency: Department of Public Safety Date: 2/5/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: TED SPRAKER  
TITLE:  
ADDRESS: PO BOX 2534  
CITY: SOLDOTNA ZIP: 99611  
PHONE: 262-9368  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I URGE YOU TO SUPPORT SB38 CONCERNING ANTI-HARRASSMENT OF SPORTSMEN.  
PASSAGE OF THIS BILL IS LONG OVERDUE IN ALASKA.

POHIO: 13151755  
DATE: 91/04/25  
TIME: 15:17:55  
LIONAME: SOLDOTNA LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC UNION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: AL FRANZMANN  
TITLE:  
ADDRESS: BOX 666  
CITY: SOLDOTNA, ALASKA ZIP: 99669  
PHONE: 262-4107  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I WOULD APPRECIATE SUPPORT OF SB 38 IN YOUR COMMITTEE DELIBERATION.

POMID: 13131612  
DATE: 91/04/25  
TIME: 13:16:12  
LIONAME: SOLDOTNA LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JIM FARO  
TITLE:  
ADDRESS: BOX 4198  
CITY: SOLDOTNA, ALASKA ZIP: 99669  
PHONE: 283-3743  
BILL NO: SB 38  
SUBJECT: ~~INTERFERENCE~~ WITH HUNTING/FISHING  
MESSAGE: PLEASE EXPEDITE PASSAGE OF SB38. NEITHER RESPONSIBLE HUNTERS OR NON  
HUNTERS CAN BENEFIT IF EXTREMIST ANTI-HUNTERS CAN LEGALLY HARRASS HUNTERS IN THE  
FIELD. SUCH TACTICS SERVE ONLY TO SELL NEWSPAPERS AND COULD ULTIMATELY LEAD TO  
VIOLENT CONFRONTATIONS WHERE PEOPLE MAY BE HURT.

POMID: 13140730  
DATE: 91/04/25  
TIME: 14:07:30  
LIONAME: SOLDOTNA LIO

COPIES: REPRESENTATIVES

NAVARRE  
G.PHILLIPS  
LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
Z'HACK1

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: BETTY STAUDT  
TITLE:  
ADDRESS: 1708 SOUTHERN  
CITY: FAIRBANKS ZIP: 99709  
PHONE: 452-2966  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I AM IN FAVOR OF HUNTING AND TRAPPING FOR ALL.

EOM-FZ

POHID: 07140702  
DATE: 91/04/29  
TIME: 14:07:02  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINDELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAHACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: MARLENE DEMERITT  
TITLE:  
ADDRESS: 2049 OLD STEESE HWY NORTH  
CITY: FAIRBANKS ZIP: 99712  
PHONE: 457-2692  
BILL NO: SB 30  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I URGE YOUR SUPPORT OF SB 30 TO PREVENT THE HARASSMENT OF ALASKANS  
PURSUING AN ALASKAN WAY OF LIFE. THANK YOU. EOM/CLS

POMID: 07150036  
DATE: 91/04/29  
TIME: 15:00:36  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAHACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: ROBERT MCCLARY  
TITLE:  
ADDRESS: 200 YUKON DRIVE  
CITY: NORTH POLE ZIP: 99705  
PHONE: 488-8339  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I AM IN SUPPORT SB 38. I AM AGAINST THE ATTACK ON HUNTERS BY THE  
ANIMAL RIGHTS ACTIVISTS. THERE HASN'T BEEN ANY REAL PROBLEM IN THE PAST, BUT  
SHOULD PROTECT THESE RIGHTS NOW IN ORDER TO PREVENT ANY PROBLEMS IN THE FUTUI  
THANK YOU. EOM/CLS

POMID: 07150122  
DATE: 91/04/29  
TIME: 15:01:22  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAHACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: RAY WILBUR  
TITLE:  
ADDRESS: 1241 NOBLE  
CITY: FAIRBANKS ZIP: 99701  
PHONE: 452-3838  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I SUPPORT THIS BILL. THANK YOU. EOM/CLS

POMID: 07150726  
DATE: 91/04/29  
TIME: 15:07:26  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: ALLAN C. JONES  
TITLE:  
ADDRESS: PO BOX 70693  
CITY: FAIRBANKS ZIP: 99707  
PHONE: 479-5458  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: I FULLY SUPPORT THE CONCEPT OF SB 38, THAT DEALS WITH THE ANTI  
HARASSMENT OF HUNTERS, AND TRAPPERS. I STRONGLY URGE YOU TO SUPPORT THIS  
LEGISLATION, AND ASK THAT YOU DO EVERYTHING IN YOUR POWER TO SEE THIS BILL IS  
PASSED. THANK YOU. EOM/CLS

POMIO: 07151254  
DATE: 91/04/29  
TIME: 15:12:54  
LIUENAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINDELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JOHN MILLER  
TITLE:  
ADDRESS: 1260 MARCH DRIVE  
CITY: FAIRBANKS ZIP: 99709  
PHONE: 479-3720  
BILL NO: SB 38 ..  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: PLEASE PASS SB 38, WITH A DUE PASS RECOMMENDATION. HUNTER HARRASSMENT  
IS NOT A SERIOUS PROBLEM IN ALASKA YET, BUT I FEEL IT IS IMPORTANT THAT  
LEGISLATION SUCH AS THIS BE IN PLACE WHEN IT BECOMES A PROBLEM. THANK  
YOU. EOM/CLS

POHID: 07170541  
DATE: 91/04/29  
TIME: 17:05:41  
LIONAME: FAIRBANKS LTD

COPIES: REPRESENTATIVES

COLN  
VAN  
MOYER  
FINDELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: TOM LESSARD  
TITLE:  
ADDRESS: 13042 RIDD CIRCLE  
CITY: EAGLE RIVER ZIP: 99577  
PHONE: 696-1547  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: MAJORITY OF STATES IN THE COUNTRY HAVE RECOGNIZED THE NEED TO  
INSTITUTE HUNTER HARRASSMENT LEGISLATION. I FEEL STRONGLY THAT WE NEED IT IN  
ALASKA ALSO. /BN

POMID: 03104041  
DATE: 91/04/17  
TIME: 10:40:41  
LIONAME: ANCHORAGE LIO

COPIES: REPRESENTATIVES REPRESENTATIVES SENATORS

BAKER	BARNES	ADAMS
BOYER	BROWN	COLLINS
BRUCKMAN	CARNEY	COTTEN
CHOQUETTE	B.DAVIS	DUNCAN
C.DAVIS	DONLEY	ELIASON
ELLIS	FINKELSTEIN	FAHRENKAMP
FOSTER	GONZALES	FISCHER
GRUENBERG	GRUSSENDORF	FRANK
HANLEY	HUDSON	HALFORD
IVAN	JACKO	HOFFMAN
KOPONEN	KUBINA	JONES
LARSON	LEMAN	KERTTULA
LINCOLN	MACKIE	MENARD
MACLEAN	MARTIN	PEARCE
M.A.MILLER	M.W.MILLER	POURCHOT
MOYER	NAVARRE	RODEY
PARNELL	G.PHILLIPS	SHULTZ
R.PHILLIPS	SHARP	STURGULEWSKI
TAYLOR	UIMER	UEHLING
ZAWACKI		ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: HERBERT R. MELCHIOR  
TITLE:  
ADDRESS: 2721 HORSETAIL TRAIL  
CITY: FAIRBANKS ZIP: 99709  
PHONE: 455-6615  
BILL NO: SB 38  
SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: ~~PLEASE~~ SUPPORT PASSAGE OF THE ANTI-HARRASSING BILL. EXISTING LAW DOES NOT COVER ADEQUATELY THE HARRASSMENT OF ALASKANS ENGAGED IN LEGAL, FISHING, HUNTING, AND TRAPPING ACTIVITIES, BY PERSON'S OPPOSED TO THESE ACTIVITIES. PLEASE TAKE ACTION NOW BEFORE SUCH HARRASSMENT ACTIVITIES BECOME A SERIOUS PROBLEM IN ALASKA. THANK YOU. EOM/CLS

POMID: 07170243  
DATE: 91/04/29  
TIME: 17:02:43  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: JOHN SHEETS  
TITLE:  
ADDRESS: 1097 DEE LANE  
CITY: NORTH POLE ZIP: 99705  
PHONE: 488-3362  
BILL NO: SB 38

SUBJECT: INTERFERENCE WITH HUNTING/FISHING  
MESSAGE: PLEASE SUPPORT SB 38. THE RECENT DISPLAY IN FAIRBANKS INDICATES THIS  
WILL BE NEEDED IN THE NEAR FUTURE. THANK YOU JOHN SHEETS, NATIONAL FIELD  
ARCHERY ASSOCIATION/DIRECTOR FOR ALASKA. EOM/CLS

POMID: 07141558  
DATE: 91/04/29  
TIME: 14:15:58  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: DEL DEMERITT  
TITLE:  
ADDRESS: 2049 OLD STEESE HWY NORTH  
CITY: FAIRBANKS ZIP: 99712  
PHONE: 457-2692  
BILL NO: SB 38  
SUBJECT: ~~INTERFERENCE WITH HUNTING/FISHING~~  
MESSAGE: I URGE YOUR SUPPORT OF SB 38 TO PREVENT THE HARASSMENT OF ALASKA  
PUSUING AN ALASKA WAY OF LIFE. THANK YOU. EOM/CLS

POMID: 07145443  
DATE: 91/04/29  
TIME: 14:54:43  
LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI

PUBLIC OPINION MESSAGE

DEAR: REPRESENTATIVE DAVIDSON

NAME: MIKE SCHMIDT, EXEC. BOARD MEMBER  
TITLE: SITKA SPORTSMAN'S ASSOCIATION  
ADDRESS: BOX 136  
CITY: SITKA ZIP: 99835  
PHONE: N/R-  
BILL NO: SB 38  
SUBJECT: ~~INTERFERENCE WITH HUNTING/FISHING~~ †  
MESSAGE: THE SITKA SPORTSMAN'S ASSOCIATION ENCOURAGES YOU TO APPROVE SB 38,  
INTENDED TO MAKE IT ILLEGAL TO HARASS HUNTERS IN ALASKA.

POMID: 12082345  
DATE: 91/04/26  
TIME: 08:23:45  
LIONAME: SITKA LIO

COPIES: REPRESENTATIVES

LINCOLN  
IVAN  
MOYER  
FINKELSTEIN  
CARNEY  
HUDSON  
LEMAN  
ZAWACKI



*Alaska Reform*  
*P.O. Box 116*  
*Gustavus, Alaska 99826*  
*(907) 697-2371*

---

3/16/91

To: Senator Frank  
Senator Pierce  
Sen. Sturgelewski  
Rep. Davidson

Dear Legislators,

We appreciate your involvement in passage of the hunter harassment bill (SB38). We strongly support the current language.

In light of the growing national anti-hunting movement, we urge the House to promptly adopt this legislation also. Perhaps more important than potential inconvenience to individual hunters is the even greater potential for the anti movement to capture the national media attention by legally harrassing outdoorsmen.

We actively opposed last years version of this bill because it would have broadly denied public access to harvest information, rather than simply allowing penalties for abuse of that information.

Alaska Reform is currently surveying hunters, guides, outdoor groups as well as public officials in an effort to form a concensus on the principles of "Fair Chase" in hunting. We intend to introduce legislation next year to direct the Board of Game to act within these guidelines.

Unfortunately, the biggest threat to hunters is slobhunting.

We appreciate hearing from you on any proposed changes to the bill.

Sincerely,

Charles Rice  
President

SB-38, "HUNTER HARASSMENT"----CONSIDERATIONS

1. Hunters, fishermen, and trappers are not being harassed in Alaska, and no new law is needed to protect them.
2. Existing laws, particularly the assault, criminal mischief, and general harassment statutes protect all wildlife user groups from the malicious behavior of others.
3. Since most conflicts occur within a particular user group, this proposed law would primarily be used to prosecute hunters, trappers, and fishermen. The attempt to overcome this in SB 38, Section 1, (e) by exempting those engaged in "lawful competitive practices" is either meaningless or unconstitutional. It is meaningless if the intent is to exempt those who are not committing the described offense. It is unconstitutional if the intent is to prevent only hunters, fishermen, and trappers from being prosecuted for engaging in hindrance or obstruction.
4. Any property owner or village official who attempts to prevent someone from hunting, fishing, or trapping on private lands would be in clear violation of the law unless he could prove that trespass has occurred.
5. If someone set traps near a homeowners property endangering pets or children, and the homeowner springs those traps he would be in violation of this proposed law. Justice is certainly better served under current law where the criminal mischief or general harassment standard would be applied.
6. If the legislature decides that wildlife user groups in Alaska need protection from harassment certainly all user groups including viewers, photographers, etc. deserve the same protection under the law.

RICHARD HELLARD, ALASKA WILDLIFE ALLIANCE, 789-2255

March/April 1991

Alaska's wildlands provide a rich variety of recreational and educational experiences found nowhere else in the world. This issue of *Alaska's Wildlife* focuses on wildlife watching opportunities in Alaska and their relationship to economics and conservation.

According to the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, more than 167 million Americans (about 75 percent) participated in hunting, fishing or wildlife watching during 1985. The survey also identified wildlife watching (including viewing, photography, and feeding) as the fastest growing segment of wildlife recreation, with 135 million participants age 16 years old or older accounting for \$14 billion in annual expenditures. The same survey estimated that 288,000 Alaskans participated in wildlife watching in 1985. Clearly, wildlife watching has become a significant and growing recreational pursuit in Alaska and across the nation.

Wildlife managers throughout the United States are being challenged by diverse and increasing demands for wildlife recreation while, concurrently, wildlife habitat is shrinking and becoming fragmented. Revenues to support management and conservation programs are also declining. In recognition of this dilemma and the burgeoning public interest in wildlife, state and federal wildlife agencies are embracing the national "Watchable Wildlife" initiative. The central focus of this initiative, which is endorsed by national conservation groups (including Defenders of Wildlife, Izaak Walton League, National Audubon Society, and National Wildlife Federation), federal land management agencies, and the International Association of Fish and Wildlife Agencies, is to promote and expand wildlife recreation and education. This, in turn, is expected to broaden public support and funding for the conservation of all wildlife species and their habitats.

Like our counterparts in Colorado, Montana, Oregon, and Wyoming, the Division of Wildlife Conservation recognizes the opportunity the "Watchable

Wildlife" initiative represents for enhancing wildlife recreation and conservation in Alaska. This should not be interpreted as abandoning our traditional hunting constituency, nor decreasing our efforts to provide for sustained yield of game resources. Rather, we are acknowledging an expanding public interest in wildlife conservation and management and we will begin broadening our programs to reflect that change. All wildlife users (including hunters, wildlife watchers, and tour operators) must recognize that the conservation of wildlife habitat is the common ground they share in their pursuit of wildlife opportunities throughout this remarkable state.

We have the opportunity in Alaska for developing a wildlife recreation and conservation program that could stand as a model for the world. There are few areas on earth that capture people's enthusiasm for experiencing wildlife and wildlands more than Alaska. Tourism has become a billion dollar industry in Alaska and our spectacular wildlife resources are one of the state's primary attractions. A brief glance at Alaska travel brochures lends credence to this point. Where else can you walk on an ocean beach and watch mountain goats, brown bears, bald eagles, and humpback whales; or hike a tundra ridge and observe caribou, Dall sheep, snowy owls, muskoxen, wolves, and hundreds of thousands of migratory birds? In east Africa where wildlife viewing and photography have become a major industry, they say, "If wildlife pays, wildlife stays."

This issue of *Alaska's Wildlife* highlights some of the world's premiere viewing areas, explains how and when to find several of the most sought-after species, and how we manage for wildlife viewing. You will also learn more about the importance of wildlife to the tourism industry and its potential economic significance to the state.

Although Alaska has outstanding potential for wildlife watching, we are at an early stage in our development of these new programs. One of our new projects, in cooperation with other resource agen-



John V. Schoen

cies, will be a revision of the department's *Guide to Wildlife Viewing in Alaska* as part of a new national series. A key to successfully broadening the division's wildlife program will be finding new alternative funding sources. Currently, over 80 percent of our division budget comes from hunters through the sale of hunting licenses and excise taxes on firearms and ammunition.

Successful conservation of Alaska's unique wildlife heritage will require broad-based public support and interagency cooperation. We believe that expanding wildlife recreational and educational opportunities in Alaska will increase the public's enjoyment of their wildlife resources, promote long-term conservation, and benefit the Alaskan economy. We welcome your ideas and comments as we begin our new and exciting journey toward expanding wildlife management on the last frontier.

John Schoen in the senior staff biologist for Conservation and Education, Division of Wildlife Conservation, ADF&G, Fairbanks.

ALASKA TRAPPERS ASSOCIATION

P.O. Box 82177  
Fairbanks, Alaska 99708

Feb. 1, 1991

Sen. Steve Frank  
Box V  
Juneau, AK 99811

Dear Steve,

The Alaska Trappers Association gives  
its whole hearted support to Senate Bill 38.

As a statewide trappers organization we  
have seen a need for an anti harassment law  
and have always supported the concept. Any help  
we can give you in the passage of this bill will  
be rendered if at all possible.

Sincerely,

A. Roy Wilbur  
Vice Pres. Alaska  
Trappers. 755



NATIONAL RIFLE ASSOCIATION OF AMERICA  
INCORPORATED 1871

1600 RHODE ISLAND AVENUE, N.W.  
WASHINGTON, D.C. 20036

RUPE ANDREWS  
FIELD REPRESENTATIVE  
ALASKA

9416 LONGRUN DRIVE  
JUNEAU AK 99801  
907/789-7422

January 30, 1991

Hon. Steve Frank  
Alaska State Senate  
Capitol Building  
Juneau, AK 99801

Dear Senator Frank:

This letter is to affirm support of the National Rifle Association for Senate Bill No. 38, " An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping." The Alaska membership of NRA has long sought a statutory solution to this problem. Alaskan hunters, fishermen and trappers need lawful means to protect them from the harassment of those that have personal objections to these activities.

Our review of SB 38 indicates agreement with similar legislation approved by Legislatures in other States and could be model legislation for others. Legislation of this type has proved valuable to wildlife resource users by providing a legal redress for loss of hunting opportunities and preventing violent attacks on lawful hunters and trappers.

Sincerely.

---

Rupe Andrews, Field Representative Alaska



# 1989 Subsistence Conference Summary



*"Subsistence Is Survival"*



Photo by David Hardenbergh

Co-Sponsored by the Alaska Federation of Natives, Inc.  
and the Rural Alaska Community Action Program, Inc.

October 16-17, 1989

Egan Convention Center, Anchorage

# 1989 Subsistence Conference

## Migratory Birds in Western Alaska

The topic of migratory birds was the focus of the next speaker, Jack U. Williams, Sr. of Mekoryuk. Chuck Hunt interpreted for him. As Mr. Williams was growing up, there were very many ducks and geese. He never heard of waterfowl sport hunting at that time, nor were there shotguns. They used bows and arrows when hunting waterfowl.

The Waterfowl Conservation Commission, chaired by Mr. Williams, originated in 1984. The main purpose of the WCC is to work with the USFWS and others to help people in the villages of the Y-K Delta deal with the issue of waterfowl population declines.

## Animal Rights Groups Threaten Subsistence Lifestyles

The panel on "Threats to Our Way of Life - The Animal Rights Agenda" was next. Larry Mercurieff, Commissioner of the Alaska Department of Commerce and Economic Development, and Dave Monture of Indigenous Survival International in Canada were the speakers.

Mr. Mercurieff showed a video depicting animal rights protectionists harassing Natives on the Pribilof Islands, because of their use of fur seals for subsistence. His focus was on strategies and tactics used by the animal rights groups, their effect on aboriginal people, and what can be done about it. "What happened in the Pribilofs are exactly the same things that will be focused on throughout Alaska, throughout the entire Northern Hemisphere, and throughout the whole world," due to the activities of the animal rights groups.

Dave Monture described Indigenous Survival International as an organization born in 1984 as a direct result of the Dene people in Canada's Northwest Territories becoming very concerned about a new wave of a "colonial attitude from the South," -- people organizing with tremendous resources in a manner which would prove to be a great threat to Dene plans for self-determination and land claim settlements in the Northwest Territories.

"We're not dealing with people with the same sense of ethics or fairness, but we're dealing with people with a new zeal, a new religion for urban Western man," Monture said. ISI-Canada has joined with the British Museum to produce "The Living Arctic," a highly successful major exhibition in London, England designed to educate the public on aboriginal lifestyles.

## In Conclusion

The afternoon session commenced with workshops on "Marine Mammals," "Title VIII of ANILCA," and the "Animal Rights Movement." The facilitators of these sessions reported back to the general assembly following the workshops.

The Animal Rights Movement workshop participants first viewed a film on strategies and the lack of ethics in the animal rights community, specifically in the Native seal campaign. It was concluded that animal rights groups pose a life-threatening situation to our people, not only in their methods of fire-bombs, but in actual cases of teenagers committing suicide in communities where seal subsistence is being cut off, thereby drastically altering traditional lifestyles.

The Marine Mammals workshop addressed the five species of seals in Alaska, sea otter, walrus, beluga whale, and polar bear. The participants learned that there are 900,000 fur seals today, and the population may have leveled off. The Fish & Wildlife program on walrus includes a management plan for walrus, monitoring populations, monitoring harvest, and habitat protection.

The Alaska Sea Otter Commission was formed in 1988. The Commission is very concerned about a proposed rule by the Fish & Wildlife Service to restrict cottage industry practices involving sea otter by Alaska Natives. The Commission has recently initiated a Memorandum of Agreement with FWS which, along with a Management Plan, would address problems FWS is trying to answer in its proposed rule.



Photos by David Mardenberg

*Dave Monture of ISI-Canada (left) led a workshop on the threats that animal rights groups are posing to subsistence lifestyles. Rural CAP attorney Eric Smith (below) explaining how villages can write their own fish and game regulations.*



# ALASKA FEDERATION OF NATIVES, INC.

411 W. 4th Avenue, Suite 301 • Anchorage, Alaska 99501 • Phone (907) 274-3611



April 24, 1990

The Honorable Steve Frank  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Senator Frank:

Please be informed that the Alaska Federation of Natives is on record as supporting Senate Bill 469 as introduced.

You are correct your assessment that "hunter harassment" presents a potential threat to subsistence lifestyles in Alaska. SB469 will serve to protect lawful hunting rights and the special degree of dependence Alaska residents have on hunting and fishing resources.

Sincerely,

Julie E. Kitka  
President

ESKIMO WALRUS COMMISSION  
P.O. Box 948  
Nome, Alaska 99762

March 13, 1990

Senator Steve Frank  
P.O. Box V  
Juneau, AK 99811

FAX # 463-3378

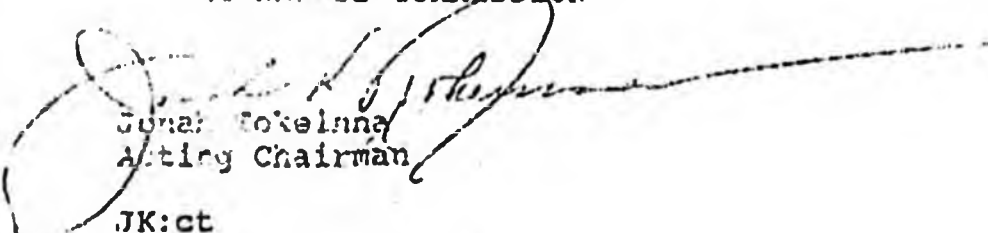
Dear Senator Frank:

The Eskimo Walrus Commission is supporting Senate Bill 469  
adoption by the State Legislature.

We believe that adopting this Senate Bill would not  
do justice on those people that have a legitimate right to  
trap and fish.

Sincerely,

ESKIMO WALRUS COMMISSION

  
Jonna Tokelina  
Acting Chairman

JK:ct



# ALASKA OUTDOOR COUNCIL, INC.

3126 PALM BLVD. SUITE 200  
JUNEAU, ALASKA 99801  
(907) 586-4141

P.O. Box 34097  
Juneau, Ak. 99803

## MEMORANDUM

DATE: March 13, 1990  
TO: Senator Steve Frank  
FROM: Ed Grasser, Director Legislative Affairs  
RE: SB 469 Hunter Harassment

The Alaska Outdoor Council has continually supported the passage of legislation which will protect individuals engaged in lawful harvesting of fish and wildlife from undue harassment by those persons who believe such practices should be banned.

There are increasing incidents of unprovoked attacks by individuals opposed to the harvest of wildlife nationwide. These types of activities were not in evidence here in Alaska until recently; therefore, past efforts to protect an individual's legal harvest activities were denied by Governor Sheffield, who vetoed two different pieces of legislation which would have accomplished this vital goal.

This past year, Native peoples in remote areas of Alaska were harassed during their attempts to harvest fine mammals which they depend upon for a livelihood. These types of activities will no doubt increase as individuals opposed to the harvest of wildlife become bolder in their attempts to physically harass or prevent legal harvests from taking place.

The problems posed by the increasingly blatant attempts of anti-hunters for lawful outdoorsmen will continue to grow if we do nothing. We feel SB 469 is a step in the right direction to protect the rights of persons legally engaged in wildlife harvests. In our opinion it will go a long way toward solving any future potential conflicts between user groups and will help protect America's outdoor heritage.