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FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. SB 38

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.

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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					
TOTAL OPERATING	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	0					
FEDERAL FUNDS	0					
OTHER	0					
TOTAL	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: 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: *Donna B. 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						
TOTAL OPERATING	-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						
TOTAL	-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. Seibel Phone: 269-5509
 Division: Fish & Wildlife Protection Date: 1-31-91
 Approved by Commissioner: Richard L. Burton Date: 2/5/91
 Agency: Department of Public Safety

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

Rev 10/90

Page 1 of 1

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

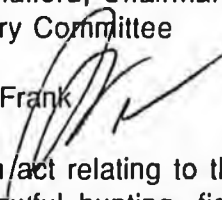


Senate

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

VICE-CHAIR
Community & Regional
Affairs Committee

TO: Senator Rick Halford, Chairman
Senate Judiciary Committee

FROM: Senator Steve Frank 

RE: CSSB 38 - "An act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping."

DATE: February 8, 1991

I would like to request that you schedule CS for Senate Bill 38(res), know as the hunter harassment bill, for a hearing at your earliest convenience. SB 38 was moved from the Senate Resources Committee today with the four members present signing "do pass."

SB 38 would make the obstruction or hindrance of lawful hunting, fishing or trapping a misdemeanor, punishable by a fine of up to \$500 or up to 30 days in jail or both. It would also allow for the recovery of financial and punitive damages.

Hunter harassment is prevalent throughout the lower 48 states and Canada. This bill is intended to protect individuals who are legally hunting or fishing 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. Hunter harassment laws already exist in 37 other states.

Last year the measure passed the Senate by a vote of 18-1-1 and enjoys broad bipartisan 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 would appreciate a hearing on CSSB 38(res) at your earliest convenience. Thank you for your assistance.

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

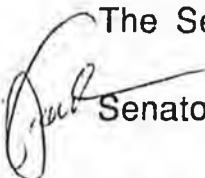


Senate

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

VICE-CHAIR
Community & Regional
Affairs Committee

TO: The Senate Resources Committee

FROM:  Senator Steve Frank

RE: Senate Bill 38 "An act relating to the obstruction or hindrance of lawful hunting, fishing or trapping."

DATE: February 8, 1991

Senate Bill 38 would prohibit the intentional obstruction or hindrance of lawful hunting, fishing or trapping. It would also allow for the recovery of financial and punitive damages when a violation occurs. Similar legislation has already been enacted in at least 37 of the 50 states.

This bill will prevent the types of harassment that are prevalent throughout the U.S. and Canada. Harassment erodes the legal rights of not only sport and personal use hunters, fishermen and trappers but subsistence users as well. At the 1989 Subsistence Conference sponsored by the Alaska Federation of Natives and RurAICAP, hunter harassment was specifically identified as a threat to traditional subsistence hunting that can no longer be overlooked. It is important that we act now to prevent further obstruction efforts and to recognize and protect hunting, fishing and trapping as legitimate and integral components of the Alaskan lifestyle.

This proposal passed the Senate last year by a vote of 18-1-1 and enjoys broad bi-partisan support from the National Rifle Association, AFN, the Alaska Trappers Association, the Eskimo Walrus Commission, and the Alaska Outdoor Council. I would appreciate your support as well for the passage of Senate Bill 38.

SENATE COMMITTEE REPORT
FIRST COMMITTEE OF REFERENCE

DATE: 1/21/91

FURTHER: Judiciary

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 2-8-91

Resources Committee considered SENATE BILL NO. 38

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

and recommended:

- replace with _____ CS SB 38 (R) same title
- attached amendment(s) new title
- _____ letter of intent adopted

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____

ATTACHES NEW FISCAL NOTE(S):

Department(s)/Date:

Department(s)/Date:

fiscal note(s) _____

zero fiscal note(s) F+G 1/30/91
SB + CS

appropriation-no fiscal note

Governor's bill w/fiscal note

SIGNING DO PASS:

OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature] [Signature]
Chair: Signature and Recommendation

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

BY

Offered:

Referred:

Sponsor(s): SENATORS FRANK, Sturgulewski, Pearce

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) being in a location in which human presence may alter the

8 (A) behavior of the fish or game that another person is attempting to take;

9 or

10 (B) feasibility of taking fish or game by another person;

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

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

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

2 (1) "lawful" means

3 (A) in compliance with

4 (i) this title, regulations adopted under this title, and applicable
5 federal statutes and regulations; or

6 (ii) the Marine Mammal Protection Act (P.L. 92-522); 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 a commercial fisherman while engaged in a customary
15 practice recognized in the commercial fishing industry.

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

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

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

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

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

BY THE SENATE RESOURCES COMMITTEE

Offered: 2/11/91
 Referred: Judiciary

Sponsor(s): SENATORS FRANK, Sturgulewski, Pearce

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:

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 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

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 11 fish or game.

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2 federal statutes and regulations; or

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5 or trapping occurs on private land;

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

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

11 (e) This section does not apply to a commercial fisherman while engaged in a customary
12 practice recognized in the commercial fishing industry. *Legal and Lawful competitive practices*

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

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19 damages and special damages, including license and permit fees, travel costs, guide-outfitting
20 fees, costs for special equipment and supplies, and other related expenses.

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

OR TO Competition between hunters.

engaged in among persons hunting fishing & trapping.

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

BY

Offered:
Referred:

Sponsor(s): SENATORS FRANK, Sturgulewski, Pearce

A BILL

FOR AN ACT ENTITLED

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

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10 (3) tampering with personal property of another intended for use in the taking of
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14 (A) in compliance with

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

(ii) the Marine Mammal Protection Act (P.L. 92-522); and

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

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

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

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

(e) This section does not apply to a commercial fisherman while engaged in a customary practice recognized in the commercial fishing industry.

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

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

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

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

SENATE BILL NO. 38

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS FRANK, Sturgulewski, Pearce

Introduced: 1/21/91

Referred: Resources and Judiciary

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,
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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; or10 (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 this title, regulations adopted under this title, and

1 applicable federal statutes and regulations; and

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

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

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

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

9 (e) This section does not apply to ~~a commercial fisherman while engaged in a customary~~
10 practice recognized in the commercial fishing industry.

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

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

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

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

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811
(907) 465-3867 or 465-2450
FAX (907) 465-2029

Deliveries to: 240 Main Street
Court Plaza, Room 500
Mail Stop 3101

MEMORANDUM

February 5, 1991

SUBJECT: "Intentionally" in the criminal law

TO: Senator Steve Frank
Attn: Theresa Sager-Stancliff

FROM: John B. Gaguine *JBG*
Legislative Counsel

You have asked what the definition of "intentionally" in the criminal law is, and what the burden would be upon the state to prove that a person "intentionally" obstructed or hindered lawful hunting or trapping if SB 38 were enacted.

There are basically four mental states that are statutorily defined for crimes in Alaska. These are listed in AS 11.81.900(a):

(a) For purposes of this title, unless the context requires otherwise,

(1) a person acts "intentionally" with respect to a result described by a provision of law defining an offense when the person's conscious objective is to cause that result; when intentionally causing a particular result is an element of an offense, that intent need not be the person's only objective;

(2) a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence, unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance;

(3) a person acts "recklessly" with respect to a result or to a circumstance described by a provision of law defining an offense when the person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that disregard of it constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation;

Senator Steve Frank
February 5, 1991
Page 2

a person who is unaware of a risk of which the person would have been aware had that person not been intoxicated acts recklessly with respect to that risk;

(4) a person acts with "criminal negligence" with respect to a result or to a circumstance described by a provision of law defining an offense when the person fails to perceive a substantial and unjustifiable risk that the result will occur or that the circumstance exists; the risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

"Intentionally" is the most stringent of the four standards.

Because "intentionally" is an element of the crime, the state would have to prove beyond a reasonable doubt that the person acted intentionally. Of course, "intentionally" can be proven by circumstantial evidence; it would not be necessary to have a statement from the offender that he or she intended to hinder or obstruct. Thus, for instance, if A points a loaded gun at B's head and pulls the trigger, a jury is allowed to infer from my actions that A intended to kill B. Even if A testifies that he did not know the gun was loaded, the jury is free to disregard that testimony.

If I may be of further assistance, please advise.

JBG:lmb
91-019.lmb



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>Ernest A. Deloy</i>	DATE 1/30/91

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Public Safety	CONSTITUENT GROUP(S) 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 AT

F&G Position Paper

BILL NO: SB 38

DATE: February 8, 1991

TITLE: An Act relating to the obstruction or hindrance of lawful hunting, fishing, or trapping.

CONTACT: Gayle A. Horetski
Deputy Commissioner

DEPARTMENT OF
PUBLIC SAFETY

Passage of SB 38 would make it illegal to intentionally obstruct or hinder another person's lawful hunting, fishing, or trapping. The new misdemeanor offense carries penalties of a fine of not more than \$500 or imprisonment for not more than 30 days, or both. Civil remedies are also provided for a person who is aggrieved by illegal conduct while lawfully hunting, fishing, or trapping.

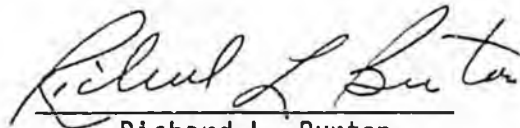
Passage of this bill will provide law enforcement agencies with statutory authority to investigate and file charges on persons who intentionally obstruct and hinder trappers, fishermen, and hunters. Existence of an effectively worded statute may keep affected parties from "taking the law into their own hands".

The Department of Public Safety recommends that the language in SB 38 be simplified by moving the word "intentionally" from the end of the line to before "obstruct" on page 1, Line 6. The Department also recommends deleting the language on page 1, Lines 10-11, and the definition of "tamper" on page 2, Line 4, as this offense is already covered under existing criminal mischief laws (see AS 11.46.482 - AS 11.46.486).

The language on page 2, Lines 9-10 is vague, and subject to differing interpretations. The Department recommends deleting this language and also the lead-in language from page 1, Line 5: "Except as provided in (e) of this section,".

(Note: Interference with commercial fishing gear is covered under AS 16.10.055.)

The Department of Public Safety supports the concept of this bill, but recommends the changes noted above.



Richard L. Burton
Commissioner



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



ALASKA OUTDOOR COUNCIL, INC.

3150 MAGNINIS DE WIKIEAIIAH 89801
097178034011

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 marine 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.

ALASKA FEDERATION OF NATIVES, INC.

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



April 24, 1990

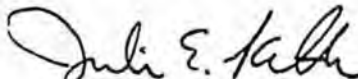
The Honorable Steve Frank
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

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



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.



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.



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

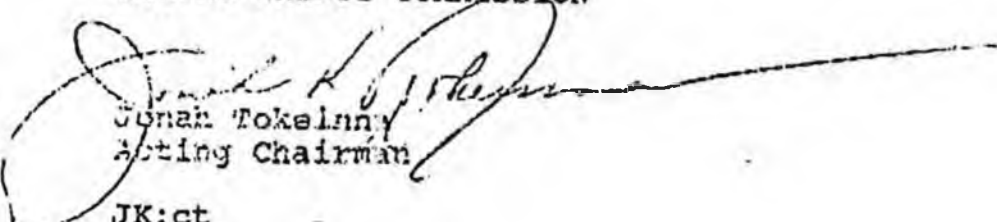
Dear Senator Frank:

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

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

Sincerely,

ESKIMO WALRUS COMMISSION



Jonah Tokelany
Acting Chairman

JK:ct



Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

907-463-3366

2/8/91

SB 38 - ISSUE PAPER OBSTRUCTION OR HINDRANCE OF LAWFUL HUNTING...

On April 22, 1983, the first of a long line of bills pertaining to the harassment of hunters was discussed on the floor of the house. In this discussion, Representative Bussell (R-Anchorage), claimed that the purpose of this bill was to prevent the type of hunter harassment that had been occurring in British Columbia from spreading to Alaska.

The most recent version of the bill, SB 38 is now before the legislature. Eight years since the initial bill, very few, if any, documented cases of hunter harassment have occurred. This strongly suggests that this type of preventative measure was not and is not necessary.

Governor Sheffield twice vetoed this legislation. In a letter explaining his reasons behind vetoing the original bill, (to Speaker of the House, Representative Joe Hayes, 7/25/83), the Governor stated that "existing law particularly the disorderly conduct, assault, criminal mischief, and general harassment statutes provide adequate penalties for criminal acts that interfere with these activities."

Since this type of action is already covered by existing law and fears that this type of activity would increase have not materialized, then what is this bill for? The Alaska Environmental Lobby questions the motives behind the bill.

SB 38 sets up a preference for hunters and trappers over other user groups. If this bill passes, it would be illegal to make a lot of noise while walking through the woods to intentionally prevent undesirable animal encounters if even unknown to the hiker, a silent hunter was stalking his prey. A bear wary hiker could be found guilty of a class A misdemeanor (page 1, lines 6-9) and subject to a \$500.00 fine and/or 30 days in prison.

The Alaska Environmental Lobby does not support SB 38 and we urge this committee to take a close look at the language in the bill.

CLEAN AIR COALITION • PRINCE WILLIAM SOUND CONSERVATION ALLIANCE • ALASKA CENTER FOR THE ENVIRONMENT
ALASKA CHAPTER SIERRA CLUB • JUNEAU GROUP SIERRA CLUB • KNIK GROUP SIERRA CLUB • DENALI GROUP SIERRA CLUB
ANCHORAGE AUDUBON SOCIETY • ARCTIC AUDUBON SOCIETY • DENALI CITIZENS COUNCIL • ALASKA FRIENDS OF THE EARTH
JUNEAU AUDUBON SOCIETY • KACHEMAK BAY CONSERVATION SOCIETY • KENAI PENINSULA AUDUBON SOCIETY • KODIAK AUDUBON SOCIETY
LYNN CANAL CONSERVATION • SITKA CONSERVATION SOCIETY • NORTHERN ALASKA ENVIRONMENTAL CENTER
SOUTHEAST ALASKA CONSERVATION COUNCIL • KNIK CANOERS AND KAYAKERS

friends of animals, inc. 11 West 60th Street, New York, N.Y. 10019

NRA/ILA

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AUG 30 1983

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TIPS FOR HUNT SABOTEURS

Fourteen million Americans will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against our wildlife. These legions, which are more numerous, and generally better equipped than the entire Nazi armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few hunters.

It is time for friends of animals to start organizing a defense that will serve to at least temper the wanton destruction. There are many ways that a friend of animals can become a forest partisan on behalf of our wildlife, and we offer here a few suggestions that range in effort, depending upon a person's abilities and commitment:

1. Deny the hunter the land to hunt on. Much hunting is done on private lands. To protect these animals, encourage your neighbors, especially those who own large tracts such as farms and ranches, to post their land and forbid hunting. Try to convince them that hunters invariably cause more damage to agriculture than the wild animals do.
2. Many areas have hunting restricted to a specified number of hunters who have special permits. Commonly, these permits allow the hunter to use a particular blind or hunt less common species, such as bear. Apply for these permits yourself. The permits are usually awarded by a simple lottery selection. If you're lucky, you'll win a permit and deny a hunter his kill.
3. Get into the woods yourself the day before the hunting season. If you're familiar with the most commonly hunted areas, try to drive wildlife away. A stroll through the forest with a nice loud radio and a dog on a leash, will serve to make wildlife more wary of humans. This is particularly important for younger animals that have not yet had the traumatizing experience of being hunted.
4. Certain substances, such as rotten eggs, when rubbed into hunting blinds, make these enclosures even more uncomfortable for the hunters. Uncomfortable hunters are irritable, and are also poorer shots. Plastering the floor of a hunting blind with cow dung is another good idea.
5. If you're familiar with wildlife habits in your neighborhood, try to encourage them to break these habits shortly before hunting season. For instance, many hunters like to stalk along deer tracks which are pretty well defined to a good woodsman. Placing deer repellent (available at many feed and hardware stores) along these tracks will encourage the deer to move away and leave the hunter with a route devoid of the species. If you want to save money, just scoop up a bag of human hair from a local barber shop and hang handfuls of it in little bags about two or three feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.
6. If there is much hunting with dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or deer.

7. Hunters frequently like to ambush their prey by setting out food and then hiding in blinds. Commonly, bushels of apples are set out a few days before hunting season to encourage deer to browse in this area. When hunting season comes, the hunter merely comes to the site, climbs into a blind, and waits for the deer to come to him. To disrupt this, there are two alternatives. First, remove all apple piles immediately on finding them during the days preceding hunting season. Second, if there are just too many apples to carry away, give them a good spraying with deer repellent and spread barber shop hair clippings all over the area.

8. Encourage your municipality to pass an ordinance that bans, in the interest of public safety, the use of all weapons within its limits. Rifles, shotguns, bows and arrows have been known to kill people too.

9. If you have a portable tape recorder, get a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season. It will make wildlife wary.

10. Try to develop strong anti-hunting sentiment in your community by writing letters to the editor of your local newspapers, meeting with neighbors, getting on talk shows. Creating public awareness of the problem is a vital point. Let your neighbors know that the law recognizes wildlife as belonging to all people, and they are not the exclusive property of hunters until after they have been murdered.

11. Work on a project to get your State to pass a law that would require all hunters to carry written permission from the landowners of the places they hunt. This further curbs the hunter's battlegrounds because many farmers are reluctant to sign permits that would allow people to hunt on their lands. Also, much land is owned by summer residents, corporations, etc. that are nearly impossible to get hold of.

12. Approach your Congressperson and Senators with demands that hunting and trapping be prohibited on national wildlife refuges and all public land.

13. If you have any old, stuffed animal toys, set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real. Better to have a hole in a cotton rabbit than a real one - and the noise of the gun going off might serve to scare away other wildlife.

14. We will be trying to put together a better activist's guide for next hunting season, so if you have any ideas or procedures you've found effective, please let us know. Mail them in to Bill Clark, Friends of Animals, 11 West 60th Street, New York, NY 10023.

Use your imagination. There are plenty of ways to frustrate the hunt, depending on your own abilities and enthusiasm. The main point here is to do something. By your work, you will be helping animals in two ways. First, you will be protecting them from the hunters and second, you will be letting the hunters know that friends of animals are in the woods. This serves to anger them, and angry hunters do not stalk so quietly, their aim is not so precise. Emotions can play heavily in the success of a hunt, and the most effective killers are cool and methodical. Disrupt!

HUNTING SEASON IS HERE

Get Out Your Hip Boots and Make Life Difficult For the Weekend Woodsman

American hunters will be shouldering their rifles and shotguns within the next few months, marching off to their annual offensive against wildlife. This legion, which is generally better equipped than the entire German armies of the Second World War, will take a bloody toll before the season ends. They will kill deer and rabbits, ducks, dogs, cats, a few children, and even a few of themselves. How about calling a meeting of a few friends to plan for this hunting season? Here are a few ways you can strike out against the hunt:

1. Encourage neighbors with acreage to post their land. Let them know that hunters cause more damage than wild animals.
2. Many areas have hunting restricted to a specified number of hunters with permits. The permits are usually awarded by a simple lottery selection. Apply for these permits yourself; you may win one and deny a hunter his kill.
3. Get into the woods the day before hunting season. Try to drive wildlife away. Stroll about with a loud radio or a dog on a leash to make wildlife wary of humans.
4. Rotten eggs or cow dung can be rubbed into the floor and walls of hunting blinds to make hunters uncomfortable. Uncomfortable hunters are irritable, and are more likely to miss.
5. Placing deer repellent (available at many feed and hardware stores) along deer routes will encourage the deer to move away and leave the hunter with a route devoid of the species. Scoop up a bag of human hair from a local barber shop and put handfuls of it in little bags about 2 or 3 feet from the ground, along the deer track. The deer will soon get the message that there are humans in the area and will drift away.
6. If hunters use dogs in your area, try to get hold of a female dog in heat and lead her, on a leash, through



"Okay! Now don't move, Andy! Here comes Mom!"

an area that is heavily hunted. Male dogs in the hunter's pack will "get wind" of the female and lose their enthusiasm for chasing rabbits or other hunted animals.

7. If you have a portable tape recorder, buy a cassette recording of wolf howls. Play this in the woods a few times in the days before hunting season.
8. Buy large, old stuffed animal toys at a local thrift shop or make your own. Set these around commonly hunted areas. Hunters often don't take the time to check if an animal is real! Better to have a hole in a cotton rabbit than a real one—and the noise of the gun going off may scare away other wildlife. ■

Excerpted from Friends of Animals "Tips for Hunt Saboteurs"

COMMITTEE TO ABOLISH SPORT HUNTING

Called "One of the Most Dangerous and Aggressive Organizations in the U.S." by the National Rifle Association

C.A.S.H. has

- ★ Won an epic battle to keep hunters out of 52,000 acre Harriman State Park in New York
- ★ Filed a lawsuit to stop hunting at Riley Creek State Park in Pennsylvania
- ★ Defeated the U.S. Department of Interior's ban on anti-hunting demonstrations at Great Swamp Refuge, New Jersey

Specializing only in the fight against "sport" hunting, C.A.S.H. can continue working for wildlife only because people like you care.

\$20 provides a 1-year membership. Contributions of any size are gratefully accepted and immediately put to use. Write us:

The Committee to Abolish Sport Hunting
Box 43, White Plains, New York 10605
or call: 212/428-7523

Humane Group To Seize Animal Leghold Traps

By STEVE GRANT

Friends of Animals Inc. said Friday it is going to trip up trappers by setting off their leghold traps when the season opens next week.

The organization said it will ask its 4,500 members in Connecticut to look for the traps, touch them off with a stick and remove them, because it believes the traps are inhumane.

"We can't as an organization advise people to remove legally set leghold traps. It wouldn't be a smart thing to do. What we're asking them to do is remove illegally set traps. Our guess is most of them are illegal," said Patricia Feral, the organization's Connecticut director.

Game laws require all leghold traps to have the owner's name on them and they must be placed underwater or in an animal's burrow.

A spokesman for trappers questioned the new campaign, which will begin next Saturday, when the season opens.

"They're setting up a vigilante group. Vigilantes in any situation are not good. They don't know enough and they tend to break the law themselves," said Robert Crook of Madison, a member and former president of the Connecticut Trappers Association, which has about 800 members.

"I wouldn't object to anybody coming out and checking my traps, as long as they had the permission of the landowner, and as long as they didn't steal them, set them off or take animals out. But I really don't think that's their responsibility," Crook added.

He said the state Department of Environmental Protection is responsible

for seeing that trapping is conducted legally and that he understood the group was told by DEP not to remove illegal traps but instead to report them to a game warden.

Ms. Feral said a trapper's name legally can be placed anywhere on a trap, so members would have to trip them to check. She said members would not be advised to reset legal traps.

"DEP can read the riot act to me if it wishes. But no way will we aid the trapper. Our object is to get rid of the leghold trap," she said.

The organization has argued that the trap, which has two steel jaws that slam shut when an animal touches a piece of bait, is barbaric because some animals die slowly or are left crippled. Ms. Feral said domestic animals also have been caught in the traps. There are other traps available that are more humane, she said.

Crook estimated that there are 8,000 trappers in Connecticut, with the average trapper placing 50 or 100 traps in the wild.

The most commonly trapped animal in the state is the muskrat, which can yield a pelt that will fetch up to \$8. Raccoon, fox, mink, opossum, weasel, skunk and beaver also can be trapped legally, though the season for some of those animals does not begin until later.

Friends of Animals, which is based in New York, has waged other campaigns against hunters. Some members went into the Connecticut woods recently to play recorded wolf howls to alert animals of danger when the deer hunting season opened.

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The Force Behind 'Friends of Animals'

Alice Herrington Raises the Hackles of Sportsmen in Her War on Hunting

By R. J. NEILSON
Ort Staff Writer



Alice Herrington

Whether Alice Herrington is right or wrong, she is anything but a bore. As founder and president of Friends of Animals (FOA), Herrington arouses strong feelings among sportsmen and others in her crusade against hunting.

Herrington, who lives with eight cats in Little Silver, N.J., founded FOA in 1957 to try to reduce the numbers of stray dogs and cats. And that is still the major purpose of the organization, she said.

But the group's chief claim to fame is Herrington's verbal bouts with hunters and trappers.

"To call this a sport is just pure nonsense," she said about hunting. "It's a real cruelty. It can't be justified."

IN HERRINGTON'S view, the only people worse than hunters are trappers.

"Deer hunters are not nearly as bad as trappers," she said. "I can't imagine how hunters, who pride themselves on fine shooting, ally themselves with trappers, who practice sadism. Deer hunters are due a little credit for at least the speed of their kill."

Despite the fireworks that FOA ignites with its "full program of hunting and trapping disruption," Herrington wants to convince the public that there "are two cruelties."

Besides the killing of "free animals, which are called wildlife," she explained, she's concerned about man's treatment of all domesticated animals—including pets and livestock.

"It's an American syndrome to love kittens and puppies but then throw out dogs and cats," she said, adding that millions of dogs are killed "in American municipal dog pounds, but they were loved as puppies."

In 1970, Herrington organized low-cost spaying programs for 20,000 animals. By 1980, the number had risen to 60,000.

Last September in Neptune, N.J., she opened a low-cost spaying clinic, said to be "a model of its kind with room for 60 animals and two veterinarians." Across the nation, her group pays for part of the cost of spaying in cooperation with 750 participating veterinarians.

ONE OF the prime targets of Herrington and the FOA is the food business.

"Cruelty to animals is practiced on a larger scale by the food industry than by any other single sector of human activity," an FOA publication asserts.

And Herrington adds:

"If people want to support an industry that is destroying the land, then they can continue to eat these creatures. But if not they can eat vegetables."

Other institutions also are criticized by

FOA, including zoos.

"Zoos must be phased out," said an FOA publication.

Herrington's concern for animals was heightened when she returned to the United States in 1954. Working as a War Department statistician, she had seen relatively few animals running loose in Europe.

In the United States, she said, "I was shocked to find stray animals everywhere."

HERRINGTON, a graduate of the University of Wisconsin in Madison, put her statistical talents to work calculating the rate of increase of dogs and cats. She said she realized that cutting the prolific birthrate was the only long-range solution.

This realization led to the founding of FOA, which worked with volunteers until 1967. Now the group has 12 full-time employees.

Herrington was asked whether she would advise FOA members to take traps that were legally set.

"Yes! Why not? Certainly," she said.

But wouldn't the "solution" be stealing?

"You could say that it's stealing if you like," she replied, "but the Robin Hood approach to life is still a very nice way to go."

T. J. ...
OUT
3/25/51
CA

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 W. Shur
Vice Pres. Alaska
Trappers Ass.

See Adam - Show me a problem.

Francis - To prevent problem before it occurs

Adam - may want to add ANILCA -

allows
Creates arrest by officer for misdemeanor - w/o a warrant -

Walford - Wants commercial fishing matter to be "legal & customary" -

Dept of law has no position on policy -

Walford - Competition Between Hunters -

Sec 2 -

competition between hunters would be simple to fake.

Publ is 'softy' - opposes "customary practice" language for violation -

This section does not apply to any activity constituting lawful competition between hunter, fisherman or trappers.

not apply
E - "lawful competition practice ^{among} ~~by~~ people engaged in hunting, fishing and trapping" -
This is adopted. Passed Indiv Rec.

Francis - Line 7 - a) 1)

Being in a location which alters the feasibility etc -