

**HEB**

**349**

**HFIN**

**FILE**

(11)

# HOUSE COMMITTEE REPORT

Date Referred to Committee: March 15, 2000

FURTHER REFERRALS:

Date of Committee Action: 4/5/00

The FINANCE Committee considered:

HB 349

HOUSE BILL NO. 349

FISH AND GAME/REFUGES/HABITAT & USE AREAS

"An Act relating to powers of the Board of Game, means of access for hunting, trapping, and fishing, the definition of 'means' and 'methods,' and hunting safety education and game conservation education programs; relating to the purposes of game refuges, fish and game critical habitat areas, and public use areas."

recommends it be replaced with the following committee substitute CS HB 349 (Fin)  the same title  a new title

additional referral to \_\_\_\_\_ Committee  
 attached amendment(s)

ADOPTS: \_\_\_\_\_ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) \_\_\_\_\_ APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal note(s) \_\_\_\_\_  fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_  zero fiscal note(s) DNR 3-15-00

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
<i>Gene Herrin</i>	X			
<i>Glen Hulse</i>	X			
<i>John L. Dancy</i>			X	
<i>W. Benjamin</i>			X	
<i>Herb L. Jones</i>			X	
<i>W. K. Williams</i>			X	
<i>Gail Phillips</i>	✓			
<i>[Signature]</i>	X			

CHAIR'S SIGNATURE *Gene Herrin* *Glen Hulse*

(H) Publish Date: 3/15/00

**STATE OF ALASKA  
 2000 LEGISLATIVE SESSION**

Revision Date/Time: \_\_\_\_\_ Dept Affected: Natural Resources  
 Title: FISH AND GAME/REFUGES/HABITAT BRU: Minerals, Land & Water Development  
           & USE AREAS Component: Claims, Permits and Leases  
 Sponsor: Rep. MASEK  
 Requestor: (H) RES Component No 2460

Expenditures/Revenues (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES (fund code)</b>	0.0	0.0	0.0	0.0	0.0	0.0

**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: \$ \_\_\_\_\_ n/a

**POSITIONS**

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

**ANALYSIS:** (Attach a separate page if necessary)

No fiscal impacts are anticipated from this legislation as existing staff currently deals with access issues and it is not anticipated that approval of this legislation will significantly add to the present workloads.

Prepared by: Robert M. Loeffler *[Signature]* Phone: 907-269-8625  
 Division: Mining, Land and Water Date: 01-Mar-00  
 Approved by Commissioner: John Shively *[Signature]* Date: 01-Mar-00  
 Agency: Natural Resources *[Signature]*

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Delete Sec 15-19  
Amend on page 3

**CS FOR HOUSE BILL NO. 349(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-FIRST LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

Offered:

Referred:

Sponsor(s): **REPRESENTATIVES MASEK, Dyson, Harris**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the Board of Game, means of access for hunting, trapping,  
2 and fishing, the definition of 'means' and 'methods,' and hunting safety education  
3 and wildlife conservation education programs; and relating to the purposes of  
4 game refuges, fish and game critical habitat areas, and public use areas."

5 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 \* Section 1. AS 16.05.221(b) is amended to read:

7 (b) For purposes of the conservation, [AND] development, and maintenance  
8 of the game resources of the state, there is created a Board of Game composed of  
9 seven members appointed by the governor, subject to confirmation by a majority of  
10 the members of the legislature in joint session. The governor shall appoint each  
11 member on the basis of interest in public affairs, good judgment, knowledge, and  
12 ability in the field of action of the board, and with a view to providing diversity of  
13 interest and points of view in the membership. The appointed members shall be  
14 residents of the state and shall be appointed without regard to political affiliation or

1 geographical location of residence. The commissioner is not a member of the Board  
2 of Game, but shall be ex officio secretary.

3 \* Sec. 2. AS 16.05.255(a) is amended to read:

4 (a) The Board of Game may adopt regulations it considers advisable in  
5 accordance with AS 44.62 (Administrative Procedure Act) for

6 (1) setting apart game reserve areas, refuges, and sanctuaries in the  
7 water or on the land of the state over which it has jurisdiction, subject to the approval  
8 of the legislature;

9 (2) establishing open and closed seasons and areas for the taking of  
10 game;

11 (3) establishing the means and methods employed in the pursuit,  
12 capture, taking, and transport of game, including regulations, consistent with resource  
13 conservation, [AND] development, and maintenance goals, establishing means and  
14 methods that may be employed by persons with physical disabilities;

15 (4) setting quotas, bag limits, harvest levels, and sex, age, and size  
16 limitations on the taking of game;

17 (5) classifying game as game birds, song birds, big game animals, fur  
18 bearing animals, predators, or other categories;

19 (6) methods, means, and harvest levels necessary to control predation  
20 and competition among game in the state;

21 (7) watershed and habitat improvement, and management, conservation,  
22 protection, use, disposal, propagation, and stocking of game;

23 (8) prohibiting the live capture, possession, transport, or release of  
24 native or exotic game or their eggs;

25 (9) establishing the times and dates during which the issuance of game  
26 licenses, permits, and registrations and the transfer of permits and registrations between  
27 registration areas and game management units or subunits are [IS] allowed;

28 (10) regulating sport hunting and subsistence hunting as needed for the  
29 conservation, development, maintenance, and continued utilization of game;

30 (11) taking game to ensure public safety.

31 \* Sec. 3. AS 16.05 is amended by adding a new section to article 6 to read:

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**Sec. 16.05.911. Regulation of the means of access for hunting, trapping, and fishing.** Notwithstanding other provisions of law, traditional means of access for purposes of hunting, trapping, or noncommercial fishing may not be restricted except as

(1) specifically authorized by act of the legislature;

~~Delete~~ (2) specifically authorized by a regulation adopted by the Board of Fisheries or the Board of Game, provided that a local fish and game advisory committee with jurisdiction over the area where the regulation would apply has not objected in writing to the adoption of the regulation;

(3) necessary to maintain sustained yield management of a fish stock or game population or to protect or enhance habitat that is essential to the maintenance of sustained yield management of a fish stock or game population;

(4) necessary to achieve the statutory purpose of an area established by law to protect a fish stock or game population or the habitat of a fish stock or game population, such as a refuge, sanctuary, range, or critical habitat area;

(5) necessary to achieve temporary protection for a fish stock or game population or the habitat of a fish stock or game population for a period of less than one year in a specifically identified area; or

(6) provided by a law or by a regulation adopted by the Board of Fisheries or the Board of Game that is applicable to a refuge, sanctuary, range, critical habitat area, controlled-use area, or conservation area and that is in effect on the effective date of this section.

\* **Sec. 4.** AS 16.05.940 is amended by adding a new paragraph to read:

(37) "means," "means and methods," and "methods" mean the tools, implements, devices, substances, or vehicles employed to take fish or game and the use of tools, implements, devices, substances, or vehicles to take fish or game.

\* **Sec. 5.** AS 16.20.020 is repealed and reenacted to read:

**Sec. 16.20.020. Purposes.** The purposes of AS 16.20.010 - 16.20.080 are to

(1) protect, enhance, and preserve fish and game habitat and the fish and game that use the habitat;

(2) consistent with (1) of this section, protect, enhance, and preserve

1 traditional public uses of fish and game, including fishing, hunting, trapping, viewing,  
2 and photography;

3 (3) provide for additional public uses of the refuges that are consistent  
4 with this section.

5 \* Sec. 6. AS 16.20.500 is amended to read:

6 **Sec. 16.20.500. Purpose.** The purpose of AS 16.20.500 - 16.20.690 is to  
7 protect and preserve habitat areas especially crucial to the perpetuation of fish and  
8 wildlife and traditional uses of fish and wildlife [,] and to restrict all other uses not  
9 compatible with that primary purpose.

10 \* Sec. 7. AS 16.55.010 is amended to read:

11 **Sec. 16.55.010. Duties of department.** The Department of Fish and Game  
12 shall

13 (1) assist in developing and coordinating activities involving private  
14 organizations relating to shooting and firearms;

15 (2) develop [A] hunting safety education and wildlife conservation  
16 education programs and cooperate with private nonprofit organizations  
17 established for the primary purpose of preserving hunting, fishing, and trapping  
18 and with other organizations to expand these education programs [PROGRAM]  
19 for the people of the state;

20 (3) establish a program to assist in the planning, construction, and  
21 operation of public shooting ranges.

22 \* Sec. 8. AS 16.55.020 is amended to read:

23 **Sec. 16.55.020. Powers of department.** In the discharge of its duties under  
24 AS 16.55.010, the Department of Fish and Game may

25 (1) provide, through a departmental coordinator, technical assistance to  
26 municipalities, communities, and organizations;

27 (2) make grants to municipalities and organizations as provided in  
28 AS 16.55.030 to

29 (A) [TO] develop and operate public shooting ranges and  
30 facilities; [AND]

31 (B) [TO] operate programs involving education and training in

1 the safe use of firearms;

2 (C) assist private nonprofit organizations established for the  
3 primary purpose of preserving hunting, fishing, and trapping in providing  
4 hunting safety education; and

5 (D) provide wildlife conservation education programs.

6 \* Sec. 9. AS 16.55.030 is amended to read:

7 Sec. 16.55.030. Grants. Subject to legislative appropriation for the purpose,  
8 the Department of Fish and Game may make grants in accordance with  
9 AS 16.55.020(2) to (1) municipalities and private nonprofit organizations established  
10 for the primary purpose of preserving hunting, fishing, and trapping to provide  
11 hunting safety education; and (2) municipalities and private nonprofit  
12 organizations to provide wildlife conservation education [IN ACCORDANCE  
13 WITH AS 16.55.020(2)]. The department may impose reasonable restrictions on the  
14 use of funds granted under this section.

15 \* Sec. 10. AS 41.23.010 is amended to read:

16 Sec. 41.23.010. Purpose of AS 41.23.010 - 41.23.040. The purpose of  
17 AS 41.23.010 - 41.23.040 is to establish the area described in AS 41.23.040 as the  
18 Nelchina Public Use Area. The Nelchina Public Use Area is established to

19 (1) protect, develop, and maintain fish and wildlife habitat and the fish  
20 and wildlife that use the habitat [, PARTICULARLY CARIBOU CALVING  
21 AREAS, TRUMPETER SWAN NESTING AREAS, AND OTHER IMPORTANT  
22 HABITATS FOR MOOSE, DALL SHEEP, AND BROWN BEAR SO THAT  
23 TRADITIONAL PUBLIC USES OF FISH AND WILDLIFE POPULATIONS MAY  
24 CONTINUE];

25 (2) protect, [PERPETUATE AND] enhance, and preserve traditional  
26 public uses of fish and wildlife. [PUBLIC ENJOYMENT OF FISH AND WILDLIFE  
27 AND THEIR HABITAT] including fishing, hunting, trapping, viewing, and  
28 photography;

29 (3) perpetuate and enhance general public recreation in a quality  
30 environment;

31 (4) [PERPETUATE AND ENHANCE ADDITIONAL PUBLIC USES

1 DESCRIBED IN THE SUSITNA AREA PLAN;

2 (5)] allow additional public uses of the area that are [IN A MANNER]  
3 compatible with the purposes specified in [(1) - (4) OF] this section.

4 \* Sec. 11. AS 41.23.020(c) is amended to read:

5 (c) The Nelchina Public Use Area shall be open to mineral entry under  
6 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the  
7 purposes specified in AS 41.23.010. Each valid existing right or permit shall remain  
8 valid and continue in full force and effect according to its terms. Exploration,  
9 development, and extraction of subsurface resources shall be allowed in a manner that  
10 is compatible with the purposes specified in AS 41.23.010(1) - (3) [AS 41.23.010(1) -  
11 (4)].

12 \* Sec. 12. AS 41.23.030(d) is amended to read:

13 (d) The commissioner shall allow traditional access to the Nelchina Public Use  
14 Area by motorized or nonmotorized means of transportation to private land, interests  
15 in private land, and for lawful sport and subsistence hunting, fishing, trapping, and  
16 recreational purposes in a manner that is compatible with the purposes specified in  
17 AS 41.23.010(1) - (3) [AS 41.23.010(1) - (4)].

18 \* Sec. 13. AS 41.23.050 is amended to read:

19 **Sec. 41.23.050. Purpose of AS 41.23.050 - 41.23.080.** The purpose of  
20 AS 41.23.050 - 41.23.080 is to establish the area described in AS 41.23.080 as the  
21 Ernie Haugen Public Use Area. The Ernie Haugen Public Use Area is established to

22 (1) protect, develop, and maintain fish and wildlife habitat and the fish  
23 and wildlife that use the habitat [SO THAT TRADITIONAL PUBLIC USES MAY  
24 CONTINUE];

25 (2) protect, [PERPETUATE AND] enhance, and preserve traditional  
26 public uses of fish and wildlife, including [PUBLIC ENJOYMENT] of fishing,  
27 hunting, trapping, viewing, and photography;

28 (3) perpetuate and enhance general public recreation in a quality  
29 environment; and

30 (4) allow additional public uses of the area that are [, INCLUDING  
31 PERSONAL USE WOOD CUTTING, WHEN DETERMINED] compatible with the

1 purposes specified in [(1) - (3) OF] this section.

2 \* **Sec. 14.** AS 41.23.100(b) is repealed and reenacted to read:

3 (b) The Hatcher Pass Public Use Area is established to

4 (1) protect, develop, and maintain fish and wildlife habitat and the fish  
5 and wildlife that use the habitat;

6 (2) protect, enhance, and preserve traditional public uses of fish and  
7 wildlife, including fishing, hunting, trapping, viewing, and photography;

8 (3) perpetuate and enhance general public recreation in a quality  
9 environment; and

10 (4) allow additional public uses of the area that are compatible with the  
11 purposes specified in this subsection.

12 \* **Sec. 15.** AS 41.23.140 is repealed and reenacted to read:

13 **Sec. 41.23.140. Purpose of AS 41.23.140 - 41.23.170.** The purpose of  
14 AS 41.23.140 - 41.23.170 is to establish the area described in AS 41.23.170 as the  
15 Goldstream Public Use Area. The Goldstream Public Use Area is established to

16 (1) protect, develop, and maintain fish and wildlife habitat and the fish  
17 and wildlife that use the habitat;

18 (2) protect, enhance, and preserve traditional public uses of fish and  
19 wildlife, including fishing, hunting, trapping, viewing, and photography;

20 (3) perpetuate and enhance general public recreation in a quality  
21 environment; and

22 (4) allow additional public uses of the area that are compatible with the  
23 purposes specified in this section.

24 \* **Sec. 16.** AS 41.23.150(c) is amended to read:

25 (c) Consistent with the purposes of AS 41.23.140(1) - (4) [AS 41.23.140(1) -  
26 (3)], the commissioner shall allow uses within the Goldstream Public Use Area,  
27 including but not limited to horseback riding, hiking, mining, all terrain vehicle  
28 driving, bicycling, dog sledding, cross-country skiing, skijoring, snowmachining,  
29 camping, and other traditional public uses of fish stocks and wildlife populations such  
30 as fishing, hunting, trapping, viewing, and photographing of moose, trumpeter swan  
31 and other waterfowl, otter, beaver, mink, muskrat, and fox.

1 \* **Sec. 17.** AS 41.23.150(d) is amended to read:

2 (d) The Goldstream Public Use Area is open to mineral entry under  
3 AS 38.05.185 - 38.05.275, and the commissioner may adopt regulations to achieve the  
4 purposes specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)]. Each valid  
5 existing right or permit remains valid and continues in full force and effect according  
6 to its terms. The commissioner shall permit the exploration, development, and  
7 extraction of subsurface resources in a manner that is compatible with the purposes  
8 specified in AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)].

9 \* **Sec. 18.** AS 41.23.160(a) is amended to read:

10 (a) Except as provided in this section, the commissioner may prohibit or  
11 restrict uses determined to be incompatible with the purposes of the Goldstream Public  
12 Use Area under AS 41.23.140(1) - (3) [AS 41.23.140(1) - (2)] within the state-owned  
13 land and water described in AS 41.23.170.

14 \* **Sec. 19.** AS 41.23.160(d) is amended to read:

15 (d) The commissioner shall allow access to the Goldstream Public Use Area  
16 by motorized or nonmotorized means of transportation to private land, interests in  
17 private land, and for hunting, fishing, trapping, mining, and recreational purposes in  
18 a manner that is compatible with purposes specified in AS 41.23.140(1) - (3)  
19 [AS 41.23.140(1) - (2)]. Existing trails remain open to public use.

1                   **Sec. 16.05.911. Regulation of the means of access for hunting, trapping,**  
2                   **and fishing.** Notwithstanding other provisions of law, traditional means of access for  
3                   purposes of hunting, trapping, or noncommercial fishing may not be restricted except  
4                   as

5                   (1) specifically authorized by act of the legislature;  
6                   (2) specifically authorized by a regulation adopted by the Board of  
7                   Fisheries or ~~the~~ Board of Game, provided that <sup>the</sup> [a] local fish and game advisory  
8                   committee with jurisdiction over the area where the regulation would apply has [not  
9                   objected in writing <sup>proposed</sup> to the adoption] of the regulation;

10                   (3) necessary to maintain sustained yield management of a fish stock  
11                   or game population or to protect or enhance habitat that is essential to the maintenance  
12                   of sustained yield management of a fish stock or game population;

13                   (4) necessary to achieve the statutory purpose of an area established by  
14                   law to protect a fish stock or game population or the habitat of a fish stock or game  
15                   population, such as a refuge, sanctuary, range, or critical habitat area;

16                   (5) necessary to achieve temporary protection for a fish stock or game  
17                   population or the habitat of a fish stock or game population for a period of less than  
18                   one year in a specifically identified area; or

19                   (6) provided by a law or by a regulation adopted by the Board of  
20                   Fisheries or the Board of Game that is applicable to a refuge, sanctuary, range, critical  
21                   habitat area, controlled-use area, or conservation area and that is in effect on the  
22                   effective date of this section.

23                   \* **Sec. 4.** AS 16.05.940 is amended by adding a new paragraph to read:

24                   (37) "means," "means and methods," and "methods" mean the tools,  
25                   implements, devices, substances, or vehicles employed to take fish or game and the use  
26                   of tools, implements, devices, substances, or vehicles to take fish or game.

27                   \* **Sec. 5.** AS 16.20.020 is repealed and reenacted to read:

28                   **Sec. 16.20.020. Purposes.** The purposes of AS 16.20.010 - 16.20.080 are to

29                   (1) protect, enhance, and preserve fish and game habitat and the fish  
30                   and game that use the habitat;

31                   ~~(2)~~ consistent with (1) of this section, protect, enhance, and preserve

J.D.  
proposal  
failed

Adopted

Been notified

proposed

Adopted

"manner of"

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

Revision Date/Time: \_\_\_\_\_ Dept Affected: Natural Resources  
 Title: FISH AND GAME/REFUGES/HABITAT BRU: Minerals, Land & Water Development  
& USE AREAS Component: Claims, Permits and Leases  
 Sponsor: Rep. MASEK  
 Requestor: (H) RES Component No 2460

Expenditures/Revenues (Thousands of Dollars)  
 Note: Amounts do not include inflation unless otherwise noted below.

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PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL EXPENDITURES</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CHANGE IN REVENUES (fund code)</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2000) cost: \$ n/a

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

No fiscal impacts are anticipated from this legislation as existing staff currently deals with access issues and it is not anticipated that approval of this legislation will significantly add to the present workloads.

Prepared by: Robert M. Loeffler *[Signature]* Phone: 907-269-8625  
 Division: Mining, Land and Water Date: 01-Mar-00  
 Approved by Commissioner: John Shively *[Signature]* Date: 01-Mar-00  
 Agency: Natural Resources

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**STATE OF ALASKA  
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& USE AREAS Component: Claims, Permits and Leases  
 Sponsor: Rep. MASEK  
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Expenditures/Revenues (Thousands of Dollars)  
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OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0
<b>CHANGE IN REVENUES (fund code)</b>	0.0	0.0	0.0	0.0	0.0	0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0

Estimate of any current year (FY2000) cost: \$ n/a

POSITIONS

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

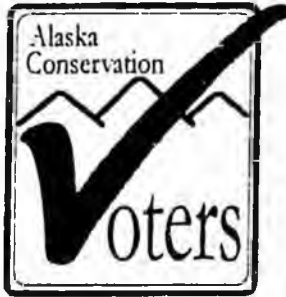
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Prepared by: Robert M. Loeffler *[Signature]* Phone: 907-269-8325  
 Division: Mining, Land and Water Date: 01-Mar-00  
 Approved by Commissioner: John Shively *[Signature]* Date: 01-Mar-00  
 Agency: Natural Resources

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## HB 349 ~ Fish and Game / Refuges / Habitat and Use Areas

TO: House Finance Committee Members  
FROM: Susan Schrader, Conservation Advocate  
DATE: March 29, 2000

Alaska Conservation Alliance and Alaska Conservation Voters are sister nonprofit organizations dedicated to protecting Alaska's environment through public education and advocacy. Our 40 member organizations represent over 21,000 registered Alaskan voters who can be found in all user groups of Alaska's wildlife, including subsistence users, sport hunters, wildlife viewers, and photographers. We respect and appreciate the long, rich tradition held by Alaskans, Native and non-Native alike, that surrounds our state's wildlife resources. We also acknowledge that opportunities to use and appreciate our wildlife belong to all Americans as well as to visitors to our state from other countries.

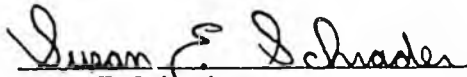
We are opposed to HB 349 for the following reasons:

- In Sections 1 and 2 of the bill, the addition of "enhancement" appears to be an effort to enshrine the near-sighted principles of intensive game management more deeply into Alaska statutes. Whereas "development" embodies a range of policies that address the long-term benefits of wildlife resources for all user groups, "enhancement" clearly mandates policies aimed, single-mindedly, at increasing populations of wildlife without consideration of other biologic principles.
- Section 3 represents yet another attempt to restrict members of the Boards of Fisheries and of Game as well as the biologists at ADF&G in their efforts to protect wildlife and their habitat. We cannot support any further restrictions on the ability of the Boards or the Department to regulate access.
- Section 5 markedly and dangerously expands ADF&G's management mandate of many of Alaska's premier wildlife refuges. Refuges such as Creamers Field, McNeil River, Anchorage Coastal, and Mendenhall Wetlands are highly-prized by many Alaskans for their values as sanctuaries for wildlife and people alike. To statutorily mandate that activities such as hunting, trapping, and motorized recreation should be permitted in *all* refuges clearly fails to recognize that some areas must be managed first and foremost to protect and preserve habitat and the wildlife populations while other refuges can support wildlife viewing, photography, or other non-consumptive, quiet uses but not hunting or motorized use.

OVER

Conserve Alaska. It's Only Natural.

Clearly recognizing the volatile and divisive nature of issues surrounding wildlife management, the members of Alaska Conservation Voters join with other Alaskans who are calling for balanced, fair and far-sighted wildlife management decisions, based upon the best scientific data available, that reflect the values of most Alaskans. Many of the provisions in HB 349 run counter to this approach, and we therefore cannot support this bill.

  
Susan E. Schrader

Thank you for the opportunity to comment on HB 349. Several of the issues we identified in testimony before other committees have been resolved through changes made to the present version of the bill. For example, reinsertion of the word 'development' in Section 1 emphasizes the importance of human utilization as a resource use.

However, there are still several areas of concern to the department within the bill:

Section 3 of the bill would limit the Board of Game's authority to restrict the means of access for the purpose of taking fish or game. Access restrictions could be authorized only in the 6 specific ways outlined in this section. Management of access is and has been one of the most useful tools available to the Board of Game for reducing conflicts between user groups while still allowing maximum opportunity to harvest wildlife populations. Without the ability to craft appropriate mixtures of access methods and timing, the Board will be faced with the need to shorten hunts and reduce bag limits in order to scale back harvests that would climb in some areas due to unrestricted access.

Changes made to the bill have done away with several of the problems we originally identified in this section by simplifying the process by which Advisory Committees would be involved in access issues considered by the Board and by grandfathering existing access rules where they are in effect. However, as we read it, the current version would allow a single AC to veto an access-related proposal. There are few wildlife management measures that are universally beloved, no matter their worth, and we think it is unwise to instill this degree of power in a single AC. It is quite likely that one committee could prevent an access rule that had general support within the region and across the state.

Section 4 of the bill would define "methods and means" in statute to mean "tools, implements, devices, or vehicles" used to take fish or game. Methods and means are not currently defined in either statute or regulation, but there is an entire section of the fish and game regulations dealing with methods and means. This section addresses issues such as shooting off of highways, definition of bait, prohibiting the use of poison, wanton waste, same day airborne restrictions, and many other rules necessary for good wildlife management. The way the bill is structured it would limit the use of methods and means only to tools, implements, and vehicles. All other methods and means regulations would go away because they would conflict with the statute. If that is not the intent, then this section needs to be changed.

Section 7 of the bill addresses the department's authority for hunter education and wildlife conservation education programs. The change made to subsection (2) in this version has answered the concerns we identified earlier, where we felt the responsibility and ability to mount these programs were being taken away from the department. I would like to point out, however, that we would read the term "wildlife conservation education program" broadly, because it is important that we take advantage of wildlife interpretive opportunities (e.g., Potter's Marsh interpretive center, etc.) in addition to the more narrowly defined activities mentioned in the bill.

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# Alaska State Legislature



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Fax: 373-4745

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Fax: 465-4822  
1-800-505-2678

Representative Beverly Masek

## Sponsor Statement for HJR 53 & HB 349

### The Alaskan Way of Life Protection Act

HJR 53 and HB 349 were introduced to alleviate the problems many Alaskans face due to the inability of the State to provide adequate management and protection to those traditional uses of wildlife that have sustained many Alaskans, including Native Alaskans throughout time.

Since the mid-1970's, the imposition of "urban" values on those Alaskans who choose to remain in a culture that is tied closely to the land has escalated. Although little or no scientific evidence exists to discredit traditional management techniques of wildlife resources for human consumptive uses, the zealots in the environmental movement continue to try and force their belief system on the rest of society by denying access to proven remedies supportive of human consumptive values.

Although Alaskans who fish, hunt and trap may not be able to agree upon specific allocation remedies due to competition inherent among all consumptive users of the resource, including non-human predators, we should be able to agree on the necessity of protecting those cultural values from constant attack by those whose values differ. HJR 53 and HB 349 is part of the plan to move us back towards rules that require respect for differing values. I have never heard of a fisher, hunter, or trapper speak in front of the Board of Fish or Board of Game requesting non-consumptive uses be eliminated in any part of Alaska; however we constantly hear from the environmental community about how their beliefs are somehow superior to the beliefs of others and should therefore be imposed upon the rest of us.

Mankind has been competing with non-human predators for thousands of years and part of that competitive struggle has included a variety of measures intended to lesson the competition. With the advent of modern wildlife conservation sciences, we reached a stage where we could insure the health of all species and sustain meaningful levels of human harvests. That is until recently when animal rights activists essentially eliminated sustained yield management.

HJR 53 and HB 349 should mark the beginning of our attempt to fight back by once again allowing for proven management techniques to take place. Sound scientific measures minus the emotional hysteria will insure that the important cultural values attendant to fishing, hunting and trapping are protected. It is also important to make sure that we continue the prohibition against using the government to impose personal values held by one segment of the population on others. And make no mistake about it, the use of government processes by environmentalists has only one intended goal, and that is to impose their values on the rest of society regardless of the facts.

Committees:

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Representative Beverly Masek

HB 349

"An Act relating to the powers of the Board of Game"

## SECTIONAL ANALYSIS

- Sec. 1. Inserts the term enhancement in AS 16.05.221(b)
- Sec. 2. Inserts the term enhancement in AS 16.05.255(a) (3) and (a) (10).
- Sec. 3. Adds a new section that provides direction to the Board of Game in relation to the regulation of traditional means of access for hunting and trapping. The new section, AS 16.05.911 would allow the Board to restrict access under the proscribed circumstances in (1) – (6) on page 3, lines 5 – 22.
- Sec. 4. AS 16.05.940 is amended to include a definition of means and methods.
- Sec. 5. Changes the statutory language in AS 16.20.020 so as to make clear that fishing, hunting and trapping are protected uses of state wildlife refuges.
- Sec. 6. Changes AS 16.20.500 adds traditional uses of fish and wildlife as a purpose of critical habitat areas.
- Sec. 7. Amends AS 16.55.010 so as to clarify that it is the duty of the Department to assist non-profit organizations interested in preserving fishing, hunting and trapping to develop hunter education and wildlife conservation education programs.
- Sec. 8. Changes the Department's granting authority under AS 16.55 by directing that any grants given by the department for hunter education, or wildlife conservation education must go to an organization whose purpose it is to preserve fishing, hunting and trapping as described in AS 16.55.030.

- Sec. 9. Amends AS 16.05.030 so that only non-profit organizations established to preserve fishing, hunting and trapping are eligible to receive grant moneys under this section.
- Sec. 10. Amends AS 41.23.010 to clarify the Nelchina Public Use Area has as its purposes the enhancement and preservation of wildlife and wildlife habitat, and the protection of traditional uses of fish and wildlife.
- Sec. 11. Amends AS 41.23.020(c) to make it compatible with the new language in AS 41.23.010.
- Sec. 12. Amends AS 41.23.020(d) to make it compatible with the new language in AS 41.23.010.
- Sec. 13. Amends AS 41.23.050 to clarify the Ernie Haugen Public Use Area has as its purposes the enhancement and preservation of wildlife and wildlife habitat, and the protection of traditional uses of fish and wildlife.
- Sec. 14. Amends AS 41.23.100(b) to clarify the Hatcher Pass Public Use Area has as its purposes the enhancement and preservation of wildlife and wildlife habitat, and the protection of traditional uses of fish and wildlife.
- Sec. 15. Amends AS 41.23.140 to clarify the Goldstream Public Use Area has as its purposes the enhancement and preservation of wildlife and wildlife habitat, and the protection of traditional uses of fish and wildlife.
- Sec. 16. Amends AS 41.23.150(c) to make it consistent with AS 41.23.140 (1) – (4) and adds the term stocks after the term fish.
- Sec. 17. Amends AS 41.23.150(d) so that it is consistent with AS 41.23.140(1) – (3).
- Sec. 18. Amends AS 41.23.160(a) so that it is consistent with AS 41.23.140(1) – (3).
- Sec. 19. Amends AS 41.23.160(d) so that it is consistent with AS 41.23.140(1) – (3).

# Campaign for the Abolition of Angling

Welcome to the Campaign for the Abolition of Angling [CAA].

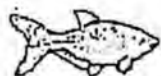
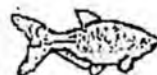
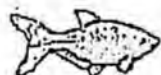
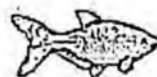
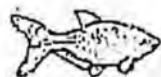
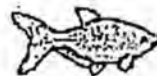
We are dedicated to banning angling. We were established in 1981 following the publishing of the Wedgway Report which concluded that fish can feel pain and have the ability to suffer.

Our work consists of publicity, education, and direct action.

## NATIONAL ANTI-ANGLING WEEK JUNE 16th - 24th 2000

June 16th is the traditional start of the angling season and as usual we will be there to let them know how cruel fishing is. Over this week there will be stalls, leafletting, litter picks, talks, media interviews and direct actions to highlight the suffering fish endure at the hands of anglers. If you are interested in taking part or even in organizing an activity then please  at the address below. We have leaflets and factsheets (most are already on this website) and other materials available, as well as details of your area, if you are interested in taking part.

*For more information on the campaign for the abolition of angling, please check out our*  
*State Page*





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## Fishing: Aquatic Agony

That human beings regard some kinds of fish as "pets" and others as objects of sport or consumption is one of society's many inconsistent attitudes toward animals. Millions of fish annually are subjected to severe pain and stress by the commercial fishing industry and in "sport" or "recreational" fishing.

### The Painful Reality

The poet Byron said it best: "[T]he art of angling [is] the cruelest, the coldest, and the stupidest of pretended sports."<sup>(1)</sup> "Sport" fishing generally refers to fishing with a rod and reel, but may include the use of bows and arrows, small nets, spears, or guns. It survives partly because of the misconception that fish don't feel pain. While fish do not express pain and suffering in ways that humans easily recognize, they do gasp and struggle when caught. Moreover, fish have been known to go out of their way, and even risk their own lives, to aid others in trouble.

Scientific reports from around the world substantiate the fact that fish feel pain. For example, a U.K. inquiry into angling and shooting, known as The Medway Report, concluded: "[T]he evidence suggests that all vertebrates (including fish) . . . experience similar sensations to a greater or lesser degree in response to noxious stimuli."<sup>(2)</sup> Fish feel pain out of biological necessity, just as mammals do. Without the ability to feel pain, they would not be able to survive.

Hooked fish struggle out of fear and physical pain. Once fish are brought out of their environment and into ours, they begin to suffocate. Often their gills collapse and the swim bladder can rupture due to the sudden change in pressure on their bodies. Anglers also often impale their victims on a "stringer" and dangle them in water so that they won't die quickly and "spoil."

Fish who are released can suffer such severe stress from being "played" that they may die even though they manage to swim away or may be so weakened that they are easy prey for predators.<sup>(3)</sup> The "fight" to survive during catch and release can cause a buildup of lactic acid, making the fish stiff and sore, lessening their chances of survival.<sup>(4)</sup>

Many trout streams are so intensively fished that they are subject to "catch and release" regulations requiring that all fish caught must be let go; the aquatic animals in these streams are likely to spend their entire short lives being repeatedly traumatized and injured.

Terry Hill, a former angler, recalls: "On several occasions, I caught fish who had hooks actually embedded in their lips. What had happened was, earlier in that fish's life, a hook had been lost by a fisherman and had embedded itself in the fish's lip. As the fish had

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## C.A.S.H. Courier - Spring 1999

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### THE END OF TRAPPING IN THE UNITED STATES By Peter Muller

That could be a headline you'll see in papers from sea to shining sea - if a bill introduced by New York Representative Nita Lowey passes the House of Representatives and the Senate and is signed into law by our beloved President William Jefferson Clinton. Representative Lowey introduced H.R. 1581 in the House on April 27, 1999. The bill is currently in committee and we'll be watching and reporting on its progress.

So far, 62 additional representatives have signed on as co-sponsors.

The Bill starts out:

#### SECTION 1. DECLARATION OF POLICY.

It is the policy of the United States to end the needless maiming and suffering inflicted upon animals through the use of steel-jawed leghold traps by prohibiting the import or export of, and the shipment in interstate commerce of, such traps and of articles of fur from animals that were trapped in such traps.

The penalty provided for in this bill is a fine and a prison term of not more than two years for each violation.

C.A.S.H., as well as many other organizations, has been struggling to encourage various legislative bodies to pass local or state laws outlawing or restricting trapping. In some states that have ballot initiatives, they have succeeded in banning trapping.

If H.R. 1581 passes, then trapping will be prohibited nationwide overnight. This may well be the most important animal protective legislation ever proposed.

Let's all urge our federal representatives to support this bill.

Incidentally, Representative Lowey is considered by many observers of the New York political scene to have the "inside track" as the Democratic Party nominee for senator if Hillary Clinton decides not to run for that position. Best news we've had in a long time.

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**Relevant Factsheets:**  
**Learn the Facts about Hunting**

*Answers to Commonly Asked Questions about Hunting*

**Isn't hunting a worthy tradition because it teaches people about nature?**

There are many ways to learn about nature and the "out-of-doors." At its best, hunting teaches people that it is okay to kill wildlife while learning about some aspects of nature. However, the very essence of sport hunting is the implicit message that it is tolerable recreation to kill and to accept the maiming of wildlife. Even those who claim that wounding and maiming is not the intent of hunting cannot deny that it happens, and that they continue to hunt anyway.

It is folly to suggest that we can teach love, respect and appreciation for nature and the environment through such needless destruction of wildlife. One can learn about nature by venturing into the woods with binoculars, a camera, a walking stick, or simply with our eyes and ears open to the world around us.

**Does hunting help create a bond between father and son?**

We do not know, but there are countless recreational and other activities that can strengthen the parent/child bond. Bonding has less to do with the activity and more to do with whether the parent and child spend significant, concentrated, and loving time together. Yet the particular recreational activity engaged in is also important, because what emerges from it is not only bonding but also a moral message to the child about what constitutes acceptable recreation.

Hunting as a form of family entertainment is destructive not only to the animals involved, but also to the morals and ethics of young children who are shown or taught that needless killing is acceptable recreation. The Humane Society of the United States rejects the notion that a relationship of love and companionship should be based on the needless killing of innocent creatures. Killing for fun teaches callousness, disrespect for life, and the notion that "might makes right."

**Isn't hunting a popular and growing form of recreation?**

No. The number of hunters has been steadily declining for decades. According to the U.S. Fish and Wildlife Service, in 1994 there were 15.3 million licensed hunters in the U.S., compared with 15.6 million in 1993, 15.8 million in 1990, and 16.3 million in 1980. This drop has occurred even while the general population has been growing -- now just six percent of Americans hold hunting licenses. Hunters claim that their numbers are growing in order to give the impression that recreational killing is acceptable. The facts are that more and more hunters are giving up hunting because it is no longer a socially acceptable activity.

**What are state wildlife agencies doing to maintain interest in hunting?**

Most states actively recruit children into hunting, through special

fun.

**Aren't most hunts to limit overpopulation and not truly for recreation?**

No. Most hunted species are not considered to be overpopulated even by the wildlife agencies that set seasons and bag limits to govern the percentage of populations that can be legally killed. Black ducks, for instance, face continued legal hunting -- even on National Wildlife Refuges -- despite the fact that their populations are at or near all time lows. If hunters claim that they hunt in order to prevent overpopulation, then they should be prepared to forgo hunting except when it really is necessary to manage overpopulated species. This would mean no hunting of doves, ducks, geese, raccoons, bears, cougars, turkeys, quail, chuckar, pheasants, rabbits, squirrels, and many other species.

Moreover, hunters are usually the first to protest when wolves, coyotes and other predators move into an area and begin to take over the job of controlling game populations. The State of Alaska, for example, has instituted wolf-control (trapping and shooting), on the grounds that wolf predation may bring caribou populations down to a level that would limit the sport-hunting of caribou. Finally, hunters kill opossums, foxes, ravens, and numerous other plentiful species without the pretension of shooting them so that they do not starve or freeze to death.

**Is hunting to prevent wildlife overpopulation usually effective?**

No. Wildlife, to a large degree, will naturally regulate its own populations if permitted, eliminating any need for hunting as a means of population control. Discussions which arise in regard to supposed wildlife overpopulation problems apply primarily to deer. Hunters often claim that hunting is necessary to control deer populations. As practiced, however, hunting often contributes to the growth of deer herds. Heavily hunted states like Pennsylvania and Ohio, for instance, are among those experiencing higher deer densities than perhaps ever before. When an area's deer population is reduced by hunting, the remaining animals respond by having more young, which survive because the competition for food and habitat is reduced. Since one buck can impregnate many does, policies which permit the killing of bucks contribute to high deer populations. If population control were the primary purpose for conducting deer hunts, hunters would only be permitted to kill does. This is not the case, however, because hunters demand that they be allowed to kill bucks for their antlers.

**Does hunting ensure stable, healthy wildlife populations?**

No. The hunting community's idea of a "healthy" wildlife population is a population managed like domestic livestock, for maximum productivity. In heavily hunted and "managed" populations, young animals feed on artificially enhanced food sources, grow and reproduce rapidly, then fall quickly to the guns and arrows of hunters. Few animals achieve full adulthood. After twenty years of heavy deer hunting at the Great Swamp National Wildlife Refuge in New Jersey, for example, only one percent of the deer population lived longer than four years, and fewer than ten percent lived longer than three years. In a naturally regulated population, deer often live twelve years or longer.

**Though hunting clearly kills individual animals, can hunting actually hurt wildlife populations?**

Yes. Hunters continue to kill many species of birds and mammals (e.g., cougars, wolves, black ducks, swans) that are at dangerously

low population levels. While hunting may not be the prime cause of the decline of these species, it must contribute to their decline and, at a minimum, frustrate efforts to restore them.

Even deer populations may be damaged by hunting pressure. Unlike natural predators and the forces of natural selection, hunters do not target the weaker individuals in populations of deer or other animals.

Rather, deer hunters seek out the bucks that have the largest rack. This desire for "trophy sized" bucks can and has had detrimental effects on the health of deer herds. First, hunting can impact the social structure of a herd of deer because hunters kill the mature males of a herd and create a disproportionate ratio of females to males. It is not uncommon to find a herd that has no bucks over the age of three. Second, genetically inferior bucks may be left to propagate the species, thereby weakening the overall health of the herd.

Because hunters largely want to shoot only bucks, hunting may cause artificial inflation of deer populations. When these populations reach levels that available habitat cannot support, increased disease and starvation may be the result.

We don't understand the full effect of hunting on wildlife behavior or health because wildlife agencies will not conduct the studies necessary to find the answers (i.e., "spy-blind" observations of duck hunting, in which under-cover authorities secretly observe hunters).

#### **Is hunting for food a good way to save money on grocery bills?**

Almost never. When all costs are considered (e.g., license fees, equipment, food, lodging and transportation), hunting is not an economical way to provide food. Statistics gathered by the University of Maryland's Extension service reveal that hunters spent more than \$51 million to kill 46,317 deer in Maryland in 1990. This breaks down to approximately \$1,100 for each deer killed. Assuming that the meat of each deer killed was preserved and eaten, and that each deer provided 45 lbs. Of meat, the cost of venison in 1990 in Maryland was \$24.44 per pound. For most hunted animals, such as ducks, doves, rabbits, squirrels, and crows, among others, use for food is now minimal, and the expense of equipment far outweighs the value of any food that is obtained. For the vast majority of hunters, hunting is recreation, not a means of gathering food.

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## Guest Opinion

by Louis Dawson

# Lethal injection

## Executing our right to use federal lands

By Louis Dawson

*Editor's Note: This article covers the U.S. National Forest Management Planning process, as exemplified in the White River National Forest, Colorado. It was originally published in Coucir Magazine, December, 1999 and is reprinted here with permission from the author, Louis Dawson, who is primarily a muscle-powered recreator. He believes an anti-human philosophy underlies the proposed management plan for the White River. Dawson says that "in time, this philosophy will adversely affect every sort of recreation, motor or muscle powered." While much of what Dawson is writing about is specific to the White River, he notes that other national forests, including the Chugach, are in the planning process, and the Clinton Roadless Initiative has the potential to severely curtail public access for recreation and resource development. While some readers may find his opinion hard-hitting, it is not the intention of RDC to offend the Forest Service or others with different views.*

Divide, conquer and kill. If radical environmentalists in central Colorado are not repeating that mantra, they should be. The Forest Service here just released Proposed Revised Forest Management Plan "D" for White River National Forest. By taking a major departure from present management style, the Plan views recreation as a destructive activity to be regulated and restricted. Machine or muscle powered user, our land is being jerked out from under us like the proverbial rug.

Up front, the proposed Forest Plan appears to limit roads and motorized recreation, while letting most muscle powered recreation continue as-is. That's somewhat true — for now. Indeed, it appears the Forest planners took great pains not to offend vocal "moral highground" groups such as elk hunters, hikers and backcountry skiers. If you read the plan with care, you'll get a chuckle out of the obvious placation bones

thrown to these groups (of which I'm a member). But in evaluating the Plan you have to look twice. You must look at the details of the plan documents — and you must look at underlying philosophy that will drive thousands of management decisions not written into the documents. As a total outdoorsman I've done both those things, and I'm alarmed.

The proposed plan is based on a form of management known as "closed unless posted open," which means that any recreation, including hiking, is done by permission from the federal government. What's more, the underlying philosophy of the Plan is tilted towards managing for "biodiversity." That sounds good, until you realize that "biodiversity" can mean different things to different people. The Forest Service definition of the term appears slanted towards the radical environmentalist side: the view that recreation and biodiversity are, in most cases, mutually exclusive — that humans are a scourge on the land.

Each National Forest in the United States is required by law to periodically revise its management plan. These massive documents define use for every square inch of federal land within Forest boundaries. The first step in revision is a massive gathering of data, much of this being subjective and influenced by biased observation, bogus assumptions, and the latest political trends.

Example: Plan documents state that "cross-country skiers...prefer...non-motorized areas outside of Wilderness; winter access in Wilderness is minimal because of avalanche..." That's flat wrong. Many skiers enter legal Wilderness boundaries in the White River Forest. Indeed, one of our most popular lift accessed backcountry ski areas is in Wilderness behind Snowmass Ski Resort. What's more, the huge Flat Tops Wilderness lives up to its name and includes plentiful cross-country ski terrain safe from avalanche. Much of our other Wilderness, though somewhat steep and rugged, also has terrain with little or no

avalanche danger.

If backcountry skiers such as myself need more terrain without snowmobiles, the logical solution is to snow plow or build a few more roads and trailheads that access Wilderness boundaries. Keep such access open in winter and we will automatically have all the non-motorized terrain we could ever ask for. After all, the White River Forest is 1/3 legal wilderness!

The new Plan, with an anti-human bent predicated on false assumptions, seeks to concentrate everyone in small areas near existing trailheads such as Vail Pass.

Example: Shed your assumptions about foot travel, an activity most of us assume is sacrosanct and virtually un-regulated. In Plan D, thousands of acres of land are proposed for "Primitive" and "Pristine" use levels, which turn out to be almost deserted. For example, join six hikers on a trail in a classified "Primitive" area, and according to the Plan you'll need to be the only users on about 6 miles of trail — otherwise you'll exceed the maximum use level! Sure, staffers at the Forest Service office will tell you that "Plan D doesn't restrict hiking." What they don't tell you is "for now." And all this assumes trails exist.

Amazingly, there is even talk of closing several mountain trails and obliterating them through "restoration." As for mountain biking, trail after trail has been slated for closure. Why the closures? There is only one answer: in view of the Plan's underlying philosophy, mountain bicycling is destroying biodiversity and must be curtailed.

With such false data and bogus assumptions to work with, the fed's next step is the public scoping process, wherein those who can spend the most money and throw the most paper have the most influence — provided such input is aligned with the Forest Service's anti-human, anti-recreation direction.

For example, funded by Aspen area wealth, our local environmental groups have made a religion out of negativity and nay-saying. According to them, White River Forest is on a quick road to oblivion. The USFS appears to consume such sentiment with gusto, then use it to justify their anti-human stance. But is our forest damaged enough to need draconian action? Or, as the environmentalists claim, does the future bode so ill we need to start heavy recreation restrictions immediately? No to both.

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*"Reality doesn't matter to the Forest planners. Muscle power or carbon fuel — be it winter or summer, disabled or spry, old or young, backcountry skier or lift skier, in view of the proposed Plan you're mostly a destructive nuisance in need of severe limits. Now, our recreation needs in central Colorado are second fiddle to goals of the land manager bureaucrats who lap up the latest theories of green activists, partisan wildlife biologists and bio-diversity fanatics."*

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I've wandered the backlands of White River National Forest for over thirty years. While this is not virgin rain forest, it's arguably decent and bio-diverse. Logging is so politically incorrect it's nearly extinct in the White River Forest. Mining has all but ceased as an industry, and in retrospect caused little lasting or incurable damage (when considered as percent of the total land). In fact, one of the most heavily mined places in the White River Forest is the Aspen area, now considered by many to be one of our state's most beautiful places, and the chosen home of many outspoken environmentalists. Go for a hike or jeep ride and the lush forest will astound you with its wealth of flowers, bugs, birds and beasts. Travel in winter, and you'll enjoy thousands of peaceful acres dormant under a protective white blanket. Sure, in some areas you can still step in a cow pie or hear a snowmobile, but overall we have a huge tract of prime backcountry around us.

And the future? It's always amusing to watch anyone of any political stripe trying to base policy on a crystal ball. In some cases it's necessary, but so often proves to be a joke. In the case of recreation we have seen some large increases. But let's not forget alpine skiing, which is flat or shrinking. What's to keep other forms of recreation from following the same pattern as alpine skiing? Most importantly, demographics show an aging population with most of our population growth coming from other cultures that don't participate heavily in outdoor recreation. Thus, implementing present restrictions based on future growth could well be unnecessary.

But reality doesn't matter to the Forest planners. Muscle power or carbon fuel — be it winter or summer, disabled or spry, old or young, backcountry skier or lift skier, in view of the proposed Plan you're mostly a destructive nuisance in need of severe limits.

Now, our recreation needs in central Colorado are second fiddle to goals of the land manager bureaucrats who lap up the latest theories of green activists, partisan wildlife biologists and bio-diversity fanatics. When theories fit their agenda they become facts that support the claim we're being shut out to help the forest. That's a false claim. This apocalyptic shift in management policy has deeper roots.

Follow the green trail back to Washington. With the demise of extractive industry, along with spending cuts, the Forest Service has less money for recreation management. On top of that, national USFS policy is now slanted towards an anti-human view based on faulty environmental ideals. Divided, we recreationists have about as much political clout as cow dung, we cost money to "manage," and we give little money back. What's more, without logging and mining to beat on, we recreators are now whipping boys for the environmentalists: our ski areas are too big, our cars use the roads too much, our huts are developments, our dogs pollute, our tracks deface pristine slopes, our tents are ugly, our vibram soles erode the trails, snowmobiles are the devil...

The whole process bears a nightmarish resemblance to lethal injection execution. Here's how it works. The first step in government termination is when they strap you down in the execution room. In the same way, we recreationists are immobilized by divisiveness. Then comes the intravenous sedative Pentothal. In the case of backcountry access your drug is the warm, fuzzy and often misinterpreted concept of "bio-diversity," which can define anything from a zoo to a game preserve — and does not include humans.

The next step of lethal injection is a huge hit of curare derivative to lock up your lungs. In the same way, our voices are locked by the poison of political correctness. Mention that humans have rights on the land, and you're considered a right-wing wacko. The last step of lethal injection execution is a squirt of potassium that burns through your veins like the fires of hell, then sends your heart into an excruciating cramp.

When your soul calls you to the backcountry, but the sign at the trailhead says "no humans allowed" and crushes your heart, will you try to scream? Sorry, it's too late: you've been immobilized, sedated, suffocated and killed.

The Forest Service says they'll make incremental changes to the Proposed Management Plan, based on public written input. It's then likely the Plan will be appealed by divided recreation groups with no consensus, and consequently little effect. Furthermore, while in various newspaper writings the environmental groups appear

to support the Plan, it's likely they'll appeal it as well (or use it as a philosophical launching pad for more extreme restrictions such as the Roadless Initiative). The nightmare is that we recreationists are now working from zero. We're reduced to actually justifying our right to recreate, no matter what form our use takes.

Chances are, any National Forest near you is in, or close to beginning a plan revision — with the needle of lethal injection aimed at the heart of your backcountry sport.

What to do? First, look at recreation as a whole, and join a group that promotes responsible multi-use of public land. You might actually shake hands with another type of user, but you'll be surprised how much you have in common. Avoid clubs or political groups that bicker with other user groups. Be wary of groups that call attention to user "conflicts" to further their agendas of use restrictions. People can get along, and emphasizing their differences is nothing less than exploitation. Most of all be willing to share. Backcountry skiers should stop feeling superior because they use blood sugar instead of gasoline. Snowmobilers should drive with courtesy and use their wallets to vote for quieter machines. Mountain bikers should work with hikers and equestrians.

Sure, we can divide the pie once in a while. Any multi-use group worth its tires or boot rubber—or steel edges—should be comfortable with occasional use restrictions (helicopter skiing comes to mind, and a quantity of legal wilderness and game preserves is desirable). But the underlying philosophy of most land management should value human recreation in the equation. In most cases, we should only restrict recreation when it causes massive, irreversible damage — not a bit of trail erosion, a tent visible by a lake, or even one group being seen by another.

After you've hashed out your differences and figured a few solutions that include humanity, mail opinion letters to your local Forest Service office and your government representatives. Remember that just because a Forest Plan looks good for your own form of recreation doesn't make it a good plan. If the underlying philosophy does not support recreation in a broad sense, you'll eventually feel the pain. Work hard, compromise, and be open minded about all forms of recreation. Otherwise, it won't be pretty -- lethal injection never is.

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*Louis Dawson lives in Carbondale, Colorado. He is an active outdoorsman, specializing in writing about ski mountaineering, and is well known as the first man to ski down all 54 of Colorado's 14,000 foot peaks.*

# When freezers are empty

## Urban-rural divisions do all hunters no favors

McGrath residents face a shortage of subsistence resources even though McGrath is rural and its residents are subsistence users. Their subsistence preference has not prevented the wildlife they depend on from vanishing. McGrath hunters are the preferred "user," but they have nothing to hunt! They have lots of "preference," but what does "preference" taste like?

McGrath residents travelling far afield to hunt moose, are finding their larders bare and their traditions in jeopardy. Sen. Ted Stevens did all he could when he gave rural Alaskans a preference over urban hunters. Unfortunately, amending our Constitution to establish a "subsistence preference for and among rural residents" simply will not provide an abundance of wildlife for subsistence hunters. Establishing a preference does not protect subsistence. Preference is not opportunity.

Alaskans can do better. Instead of creating a user preference, as in the current proposal, we would have to enact: "Subsistence hunting and fishing is the preferred use of fish and wildlife in rural Alaska."

Protecting the use of wildlife for subsistence is the only way we can ensure the subsistence lifestyle. Yes, subsistence is more than hunting and fishing, but hunting is under attack. Urbane, big-city advocates of animal rights and wilderness protection are working across the nation to ban all hunting, trapping and fishing.

Protecting subsistence hunting in the Constitution makes it difficult or impossible to ban hunting. Although sport hunting would be in second place, the anti-hunters drop to last

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place.

Constitutionally protecting the personal consumption of wildlife tells wildlife managers that their job is to assure an abundance of game for subsistence hunters. All hunters would appreciate the abundance. Even non-hunters would benefit from increased levels of wildlife to look at or photograph.

Establishing hunting as a preferred use of wildlife protects subsistence hunters from future anti-hunting initiatives. No-use activists would find their efforts ruled unconstitutional except in special game sanctuaries. This would not hurt hunters or trappers. What will hurt hunters is a preference amendment that pits one hunter against another.

Most hunters forget that the Alaska National Interest Lands Conservation Act does not give rural residents the priority use of wildlife. ANILCA only grants rural residents a priority over other consumptive users of wildlife. This wording grants non-consumptive users of wildlife the top priority, a bitter irony.

Animal rights activists and others opposed to the consumptive use of wildlife often argue that hunters are the cause of wildlife shortages. They seek to shorten seasons and diminish hunting opportunity. But the shortage of moose in the McGrath area is not because there are too many hunters. In fact there are 15,000 fewer hunters in Alaska today than there were a decade ago. Neither rural nor urban hunters have caused the decline. Moose populations were decimated during severe winters. The remnants are not enough to feed the wolves and bears. Providing rural Alaskans a priority over more urban "users" of wildlife will not fill freezers in rural Alaska.

In the 1950s, active wildlife management by the federal government helped moose populations to recover. A "preference among users" does not give federal game managers any encouragement to manage for an increased number of moose. Section 816 of ANILCA would have to be amended, requiring federal wildlife managers to manage wildlife before they restricted or closed an area to subsistence hunting.

The rural resident preference, combined with the scarcity of wildlife, may be all the federal managers need to justify closing the season for McGrath hunters. Under ANILCA's "priority for rural residents" concept—Medfra, Nikolai, Takotna, Telida and other "more rural" hunters might continue hunting. But these "more rural" residents will face the same continued scarcity of moose.

The "user" preference simply does not give rural residents any hope that there will be moose to hunt. Pitting one group of hunters against another only serves to make it easy to further restrict hunting.

Dividing hunters into rural v. urban is the first step to ending hunting in Alaska. Divide and conquer. Once disenfranchised, urban hunters will not fight anti-hunting initiatives. They will not counter Alaska Wildlife Alliance's anti-hunting proposals before the Board of Game. Once urban hunters are gone, hunting will be outlawed for everyone, including rural Alaskans.

It is up to rural Alaskans to protect subsistence by asking their legislators to make hunting and fishing the preferred use in our Constitution. Only then will Alaskans be able to continue their hunting tradition. Let's ensure future generations can discover the communion between man and earth that is hunting.

Bruce Campbell of Fairbanks is a geologist, environmental consultant and former legislative aide.

## Human, not wolves, the issue

Well, I suppose that Mr. Daniel Gregg's letter ("Wolf control necessary," March 1) is the straw that broke the camel's back. I finally have to weigh in to stem the tide of naive people writing misinformed letters in favor of wolf control.

Get a clue — for millennia the wolf and moose populations have remained at relatively stable levels. Sure, there have been and will always be years that one or the other population will dwindle or increase, but Mother Nature generally works quite well. The kink in the works comes when humans enter the picture.

Take the McGrath area. For hundreds of years there were only a couple hundred people at most. In the last 100 years that number has increased tenfold. Humans come into an area with their artificially propped-up population levels and dominate other populations of animals. We supply ourselves with food from sources outside the area and increase our population even more. Human predation in numbers far exceeding what the moose population can stand is the problem, not the wolves.

The same goes for those who cry about rural subsistence, like Mr. David Warden in his letter ("Rural residents shunned," March 1). Quit talking as if you maintain a cultural ethic in these Bush communities. If you truly wish to subsist, do not artificially inflate the human population by bringing in food from outside sources. All you do is create mini-urban areas.

We need ways to live in harmony with nature rather than bend nature to our will, before there is little or no nature left.

— Don Love  
Anchorage

## Predator ideas out of touch

Well, it looks as though the Board of Game and the Legislature have left the 20th century behind. Unfortunately, their thinking is rooted in the 19th, not the 21st. What I'd like to know is where is my representation?

I'm not a hunter. Well over 50 percent of us in the state are not hunters — in fact, I doubt they add up to even 25 percent. How much representation do non-hunters have on the board? Zero. This is not a representative public forum. I would advocate that Gov. Tony Knowles not only appoint one lone voice for non-consumptive use, but that he force the board to reflect the values of the majority.

It gets old to see that the board has gone off in left field again and there is no way for those of us who oppose these policies to get any attention. The Legislature goes out of its way to take away our avenues of traditional democracy. They allow only one-sided appointments to the board, they try to take away our right to petition on wildlife issues, and now they want to amend the Constitution to somehow silence us.

With no way to have a voice, the only recourse will be an old-fashioned Boston Tea Party. We can always dump e-mail and letters across the nation: "Alaska condones gunning down predators so people can find it easier to gun down big game. Please boycott tourism here." Is that what they want?

— William Hersman  
Anchorage

## Game board stuck in the past

Let's drag the Board of Game into the 21st century! Granted, it's going to be about as easy as dragging an old railway tie through a swamp, but a board stuck two centuries back makes no sense. Gov. Tony Knowles is trying hard to make the board's composition more representative of all Alaska, and deserves our support.

— Alan Seegert  
Denali National Park

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■ MORE LETTERS: The readers write. B-12

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