

HJR

12



Alaska State Legislature

- Interim (May-Dec) -
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REPRESENTATIVE FRED DYSON

HJR 12 Sponsor Statement

"A Resolution proposing amendments to the Constitution relating to Hunting, trapping, and fishing.

Updated: February 27, 2001

Contact: Representative Fred Dyson's office at (907) 465-2199

For the nearly 250 years of recorded history and for 8-11,000 years of known human habitation, Alaskans have hunted, fished, and trapped for their food, clothing, and material needs.

For Alaska's Native peoples, hunting, fishing, and trapping and gathering is a precious tie to a rich cultural heritage and to an intimate relationship with the land.

For Alaska's non-Native residents, hunting, fishing and trapping are major attractions and are among the primary reasons they came to Alaska. Non-native Alaskans often also rely on fish and game for sources of food and clothing. For many hunting, fishing, and trapping are long-held family traditions.

Hunting and fishing provide millions of pounds of food for Alaskans each year. This valuable renewable resource should not be under-rated. It is arguably healthier, depends almost solely on solar energy, does not require a large marketing and shipping overhead, reduces our dependency on the lower 48, and does not require tilled land, insecticides, and fertilizer. We are truly fortunate to be Alaskans.

Our State Constitution is a significant way for Alaskans to come to consensus and clearly state their collective values and priorities. The passage of this amendment will allow Alaskans to protect these valuable and historic activities for future generations.

This constitutional amendment is similar to one passed in North Dakota, Virginia, and Minnesota. The right of Alaskans to hunt, trap, and fish does not preclude all other uses of these natural resources.

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FISCAL NOTE

STATE OF ALASKA
2001 LEGISLATIVE SESSION

Fiscal Note Numer: 1
Bill Version: CSHJR 12(RES)
(H) Publish Date: 3/12/01

Revision Date/Time (Note if correction): _____ Dept. Affected: OOG
Title: Constitutional Amendment relating to hunting, BRU: Elective Operations
trapping, and fishing Component: Elections
Sponsor: Representative Dyson
Requester: House Resources Committee Component Number: 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual		1.5				
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	1.5	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF		1.5				
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	1.5	0.0	0.0	0.0	0.0

Estimate of any current year (FY2001) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2002 budget proposal:

POSITIONS

Position Type	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)
This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. If this measure requires the printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
Division: Division of Elections Date/Time 3/7/01 11:00 AM
Approved by: Lieutenant Governor Fran Ulmer Date 03/07/2001
Agency: Office of the Lieutenant Governor

For distribution information, call the Governor's Legislative Office



ALASKA OUTDOOR COUNCIL

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March 7, 2000

Representative Fred Dyson
Alaska State Capitol
Juneau, AK 99801

Dear Representative Dyson:

The Alaska Outdoor Council (AOC) appreciates your efforts to sustain consumptive uses of wildlife as an important Alaskan heritage. Your legislation, HJR 12 HUNTING, TRAPPING AND FISHING, will provide Alaska's consumptive users a much needed level of protection.

We have ample historical evidence that consumptive uses have lost considerable ground over the past three decades here in Alaska. Actions like ANILCA, Sheep Mountain, Cooper Lake, Paint River, etc. have closed substantial areas to consumptive uses since statehood. Environmental groups continue to pressure the state for more closures and have effectively emasculated any attempts to manage wildlife for sustained yield. In fact very little has been done to reverse the dramatic declines in several ungulate populations over the past eight years. Declines that have resulted or will soon result in major new restrictions on consumptive uses.

It is clear for those of us who have been working to support wildlife conservation efforts over the past several decades that the environmental groups have every intention of stopping consumptive uses of wildlife. Although they consistently present themselves to be supportive of consumptive uses, their testimony before the Legislature and the Board of Game has always opposed increased opportunities, and has always supported increased restrictions. This is a matter of public record.

On behalf of our membership and the thousands of Alaskans who still cherish their natural relationship with the natural world and choose to participate in that world rather than just observe it, we would like to thank you for your courage and foresight in promoting legislation that will protect this important Alaskan heritage. Please feel free to contact us if we can be of any assistance in the passage of HJR 12.

Sincerely,

Carl Rosier
President

Environmental Sanity: -- Think Globally, Act Locally

A presentation by Dr. Samuel Harbo, Jr., Emeritus Professor of Wildlife Management & Biometrics University of Alaska, Fairbanks representing the Alaska Outdoor Council at the Wolf Summit Fairbanks, Alaska, January 16 - 18, 1993

At the core of many of our environmental problems is our profligate use of cheap energy, energy that allows us to utilize distant resources in far-flung economies. No longer is consumption constrained by the sustainable limits of local resources.

The distancing of consumption from the source seems to have made us myopic, diminishing our sense of stewardship. We seem unable to visualize the effects an action taken in one geographic area might have on the environmental health of more distant areas. The current controversy is a case in point. To fully assess the environmental impacts of the proposed management plans, one must look beyond the three Alaskan areas proposed for wolf management. I am going to do so, relating the finding to our Alaskan situation.

U.S. food production requires enormous amounts of energy, with nearly all from fossil fuels. As the slide shows, the food system uses nearly 17 percent of the total U.S. energy budget. Within the food system, food processing and distribution account for 40 percent of the energy use, reflecting the fact that no longer do we depend on local sources for our food. On average, a morsel of food travels 1300 miles from point of production to point of consumption.

Agriculture itself -- the on farm component -- is energy consumptive and energy dependent, with nearly all coming from fossil fuels. Most activities on the farm depend on energy consumptive machinery. As you can see from the slide, fertilizers and pesticides account for nearly one-third of the on farm energy use. We are using up nature's capital -- fossil fuels -- to produce and market agricultural products.

The relationship of energy used to production is mind boggling. For example, one gallon of gasoline is used per bushel of corn produced. On average, nearly 10 calories of energy are expended per calorie of food consumed. This dependence on fossil fuels to produce food cannot be sustained.

The dependence on nonrenewable energy has other serious consequences. Our farms have steadily increased in size to provide the capitalization needed for the large, expensive equipment now used in agribusiness. Individual fields have grown larger to accommodate the large, heavy equipment. In the process, we have lost the fencerows, marshes and small natural drainage systems that helped conserve soil and water and that provided wildlife habitat. Heavy equipment compacts soil and decreases soil friability. The most damaging consequence, however, has been the increase in land degradation.

The problem of land degradation is not restricted to the U.S. The amount of arable land surface suffering moderate or severe degradation in the late 1970's ranged from 27 per cent in South America to 52 per cent in Australia. And the situation has worsened.

Soil erosion in the U.S. is worse now than ever before. Current losses are 25 to 50 per cent greater than when the Soil Conservation Service was established in the 1930's. Currently, for every bushel of Iowa corn produced, 5 bushels of Iowa topsoil are lost. At current rates, by 2015 Iowa's topsoil will be no more. In Eastern Washington, 20 bushels of top soil are lost for every bushel of wheat harvested. Much of current agriculture is not sustainable; we are mining our soils.

Having larger farms and fewer farmers also causes social ramifications. No longer do we have cohesive rural communities with strong local economies based on local resources. The soybean futures on the Chicago Exchange in early September may be influenced less by the harvest prospects in the midwest than by the state of the seed bed preparation in Argentina. We have lost our sense of local economies, and with it our strong ties to the land and our sense of stewardship.

The connections between reliance on local resources, attitudes toward the environment, and energy conservation are being increasingly recognized in conservation and environmental thinking.

Cheap energy has also changed animal husbandry in the U.S. No longer do we have small operations using local resources with the objective of serving local needs. Rather, we have very large operations that cannot be supported only with local resources: operations that are designed to satisfy distant markets. The associated transportation, processing, storage and distribution are energy intensive.

An added environmental insult is that most of the large dairy and beef operations involve penned animals. No longer do we allow those plant eaters to be efficient solar energy converters. Rather we grow and harvest the hay and grains, using energy intensive and soil destroying methods, and then transport those feeds to the penned animals. And then comes the problem of concentrated animal wastes; a problem we attempt to solve using energy intensive methods.

Our reliance on energy intensive methodology is the root cause of many of our environmental problems. Air pollution, soil erosion, ozone problems and water pollution all relate to our demand for energy.

Some of our ground water pollution is directly related to agriculture, particularly our use of commercial fertilizers. My brother in the corn and soybean area of the midwest no longer drinks water directly from his 80-foot well, but distills the water first due to the dangerous levels of nitrates in solution.

What is the relevance of all this to our current topic? I will use a moose management example for Game Management Subunit 20A to show the relevance.

Subunit 20A lies immediately to the south of Fairbanks, and consists of between 16 and 17 thousand square kilometers of moose habitat. The moose population has varied greatly in size, with a high of about 23,000 animals in the early sixties and a current population of about 11,000 animals.

I will describe a plausible scenario showing the potential for Subunit 20A. A temporary reduction in wolf numbers would allow the moose population to increase. Naturally occurring wildfires and modest habitat manipulation consisting of small-scale prescription burning, could provide additional high quality habitat for moose habitat that could support a very productive moose population of 20,000 animals.

Let's suppose we decide to maintain a wolf population of 350 wolves in 20A. In a nearly pure moose-wolf system, a ratio of one wolf to 30 moose results in nearly stable moose numbers. Subunit 20A is not a pure system. Other predators of note are black and grizzly bears. However, 20A also has other large prey -- caribou and Dall sheep. For ease of presentation I am assuming that, so far as the effects on moose numbers are concerned, the additional predator species are offset by the additional prey species. A more sophisticated analytic approach indicates that this simplistic approach is warranted.

Using the 1 wolf to 30 moose ratio, the 350 wolves could be supported by 10,500 moose, leaving 9,500 moose to produce a surplus for take by humans. In a productive situation a harvest rate of 25 per cent is sustainable. Hence, the 9,500 moose could produce a harvestable surplus of 2,375 moose annually, more than 2,000 animals greater than the current average harvest of about 350 moose. Assuming an average of 500 pounds of meat per moose, the increased harvest is more than one million pounds greater than our current harvest. In addition, the wolf population would have increased by more than 20 per cent.

All of this could be done solely through predator management and modest habitat manipulation. Both are ecologically and environmentally safe.

Comparing the energy inputs of the 20A moose scenario with that of beef production in the Lower 48 is revealing. In the Managed Wildlife System, the integrity of the natural ecosystem and the efficiency of the system's solar energy converters -- the moose -- remain intact. The system runs almost entirely on solar energy, without significant inputs of fossil fuel energy, without tillage that leads to soil erosion, and without using fertilizers, herbicides, pesticides or growth hormones. In addition, most benefits accrue directly to the local residents, providing strong incentives to manage the system in a healthy, sustainable manner.

In contrast, the Managed Domestic Meat Production System is fossil fuels dependent. In most beef operations, energy intensive cropping and haying operations separate the primary producers from the primary consumers. The entire marketing effort, which includes processing, storage and distribution, also is energy intensive, since most

products from such systems are destined for distant markets. Without substantial inputs of fossil fuels, fertilizers, herbicides and pesticides, the Managed Domestic Meat Production System would collapse.

From an Alaskan conservationist's perspective, the choice of System is clear.

A closing comment about value systems is appropriate.

One of the most important and cherished attributes in our society is our cultural and value system diversity. I don't believe any single value system or viewpoint should be imposed on everyone, everywhere, at all times. It is doubly important that such not occur if elements of that value system fly in the face of environmental sanity, undermining the creed "think globally, act locally."

I also believe an ethical question is raised if individuals pursue a course of action that they know to be environmentally damaging.

LAW OFFICES

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Kneeland Taylor

James J. Hanlon

April 9, 2001

Members House Judiciary Committee
Alaska State Legislature
Juneau, AK

Re: HJR 12

Dear Members:

I will be unable to attend the hearing on HJR 12 scheduled for Wednesday, April 11, 2001. I am an attorney and have a hearing in court at that time. Accordingly, I must provide in writing my views regarding HJR 12.

We have had wildlife issues on the ballot for the last three general elections. I have been involved in all three elections on the side of wildlife protection advocates. Despite our wins in three of four of the issues on the ballot, I think it would be a good idea to call a truce and have zero wildlife issues on the ballot in 2002. I say that because I believe it is time that Alaskans began working out compromises rather than battling again in another election dispute.

Putting HJR 12 on the ballot will mean another election battle. I cannot speak for anyone other than myself, but it appears to me that there will be at least one large block of voters and advocates opposing HJR 12. I speak of those Alaskans who support humane treatment of animals, in general.

HJR 12, if passed, will alter our constitution to enshrine trapping as a fundamental right. As a practical matter, this will enshrine the leghold trap and snare in our constitution. While the proposal does not say "leghold trap" or "snare", these are the

instruments by which a large part of trapping is accomplished, and thus the amendment by enshrining the "heritage" enshrines the methods by which the heritage has been practiced.

Many Alaskans would like to see less use of the leghold trap and snare, and would like to see trapping more closely regulated. For instance, I submitted a proposal to the Board of Game that would have (if passed) required trappers to return to their traps every four days in Southcentral Alaska. This is currently required in the Kenai National Wildlife Reserve, and causes no great difficulty, but nevertheless, the Board of Game rejected the proposal 7-0.

I think we need different rules for different parts of the State. In Anchorage and nearby areas, I would like to see sport trapping strictly limited, and wildlife viewing substituted. I believe it would be a better use of beavers, for instance, to have beaver ponds near roads such as the Hatcher Pass Road. There are thousands of visitors who would get better use of these beavers by watching them, than for one or two trappers to make a little money by trapping them. (Incidentally, the Board of Game in 1999 rejected by 7-0 a proposal to ban beaver trapping along the Hatcher Pass Road that was endorsed by the lodge owners and the Hatcher Pass Recreation Area Advisory Committee.)

Constitutional protection of the leghold trap and snare would make regulations similar to the proposals described above more difficult, and perhaps constitutionally impermissible. Perhaps you disagree with the proposals I described above, but it seems excessive to constitutionally limit regulations such as I have described. Instead, I urge you to allow future decision-makers to decide these and similar issues.

I also wish to point out that passage of HJR 12 may infringe on local government prerogatives. Voters in Anchorage, for instance, may wish to ban trapping entirely within the Municipality because of the problem of trapping dogs accompanying walkers, joggers, hikers, and skiers. A constitutional right to trap would provide ammunition for a successful court challenge by disgruntled trappers.

Furthermore, a constitutional right to trap (and hunt and fish) will adjust the focus of resource management away from the resource and toward the user. Currently, managers are directed to think first of the resource, and then to allocate to users. If HJR 12 passes, managers will need to consider resources and users on equal footing. This may not be good for our resources in the long run.

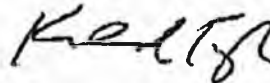
The equal footing of resources and users raises another issue: who will decide

when protection of the resource infringes on a user's right. The answer to that question is the court system. In other words, passage of HJR 12 will inevitably require that Alaska's courts play a greater role in decision-making. This will be a significant impact of passage.

In sum, my view is that HJR 12 should not receive legislative approval. If passed by the Legislature, another wildlife related election battle is certain. And if the voters pass HJR 12, I believe passage will unnecessarily restrict the choices of future decision-makers when presented with the need to enact responsible regulations regarding trapping, hunting and fishing. Thus, I urge you to vote no on HJR 12.

Thank you in advance for considering my comments. And please, believe me when I say I would really prefer to start talking about compromises.

Very truly yours,



Kneeland Taylor

TONY KNOWLES, GOVERNOR

DEPARTMENT OF LAW
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April 6, 2001

The Honorable Fred Dyson
Alaska State Legislature
State Capitol
Juneau, Alaska 99801-1182

Re: HJR 12 – Proposing amendments to the
Constitution of the State of Alaska relating to
hunting, trapping and fishing

Dear Representative Dyson:

In testimony before the House Resources Committee last month, representatives of the Departments of Law and Fish and Game expressed concerns about HJR 12 – Proposing amendments to the Constitution of the State of Alaska relating to hunting, trapping, and fishing. Since that time, Wesley Keller of your staff has requested that the departments present their concerns in writing. This letter is in response to that request.

While we strongly support hunting, trapping, and fishing in Alaska, we do not agree that passing a new constitutional amendment such as that proposed in HJR 12 is the appropriate way to achieve protection of those activities. The Alaska Constitution was carefully written to protect our resources and ensure responsible, sustainable utilization and development of them. A well-established body of case law has been developed since statehood. If the amendment proposed in HJR 12 is adopted, that case law may be re-examined and reinterpreted by the courts.

Our main concern with the resolution is that introducing a new constitutional provision regarding fish and wildlife will cause significant uncertainty. Because courts believe that a change to the constitution is intended to have a distinct purpose and does not merely repeat existing provisions, they will struggle to interpret what, exactly, the amendment means and how existing management principles and practices are affected. Adoption of the amendment proposed by HJR 12 would, by its very existence, likely result in the reevaluation of past interpretations of existing constitutional provisions. We are particularly concerned that the amendment might give opponents of state fish and

wildlife management actions, from all quarters, an opportunity to challenge the state's management.

Constitutional amendments similar to that in HJR 12 have been proposed in several other states. In 1996, Paul Lenzini, legal counsel for the International Association of Fish and Wildlife Agencies, expressed concern regarding such "right to hunt" amendments in a March 26, 1996, letter to Roger Holmes of the Minnesota Department of Natural Resources:

... whether the subject constitutional provision were framed in terms of a right or a privilege, the mere presence in the constitution of a provision establishing safeguards for residents to engage in recreational hunting will inevitably shift decision-making authority from the legislature to the courts to elaborate the implications of the constitutional status bestowed on this particular use.

Lenzini continued with concerns about creating an independent conservation standard, about shifting the burden in litigation to the state, and about diminishing the legislature's power relative to the power of the judiciary:

And, the fact of constitutional recognition by itself will almost certainly open the way for argument that the right/privilege may not be restricted in the absence of a demonstration of conservation justification.

... Without the presumption of validity of agency action taken pursuant to authority delegated by the legislature, a vast drain on the time and resources of agencies, and of courts, would occur. And, of course, if the courts rendered unforeseen decisions with which the legislature were dissatisfied, legislative recourse would be limited.

The Alaska Constitution already provides for the two basic tenets of fish and wildlife management, which are conservation and allocation. Article VIII, section 4 requires that fish, wildlife, and other resources be "maintained on the sustained yield principle" and allows for fish and wildlife management that is "subject to preferences among beneficial use." That is, our constitution already allows for allocation as an integral and necessary part of state management.

The language in CS HJR 12 (Res) makes the preservation of hunting, fishing, and trapping subject to the "sustained yield principle," but does not refer to the other constitutional provisions regarding fish and game management, including the powers to allocate among uses and to limit entry into commercial fisheries. Among other

uncertainties, the courts could interpret these provisions in a way that would jeopardize the state's ability to allocate fish and wildlife among various uses. Or, it could interpret them as diminishing other provisions in Article VIII. For example, so long as sustained yield is maintained, a court could decide that a particular hunting, fishing, or trapping opportunity may not be diminished merely to allow for a different use of that resource. That would nullify the legislature's ability to statutorily provide for priority uses, such as it has done for subsistence in certain areas of the state and for other uses in non-subsistence areas.

The Alaska Supreme Court has consistently recognized a strong judicial deference to state decisions on management of fish and wildlife resources. The courts do not get involved in weighing policy considerations and reviewing alternative management measures, leaving those to the legislature, the Boards of Fish and Game, and resource managers. Right now, the state can defend a management decision by showing that it is needed for the conservation, development, and utilization of fish or game and by showing that the proper process was followed in adopting the decision. AS 16.05.251(a)(12); AS 16.05.255(a)(10).

Adoption of the constitutional amendment proposed in HJR 12 might compel the judicial branch to reduce its deference to the legislature and resource managers and to change its standard of review. At the very least, it would lead to an extended period of uncertainty.

The amendment proposed in HJR 12 might also bring into question the validity of some very basic precepts in our current laws. For example, a basic tenet of our fish and game management is spelled out in AS 16.05.920(a). That law states that no one may hunt or fish unless specifically permitted by statute or regulation. The proposed constitutional amendment could turn this upside down. It could be argued that unrestricted hunting, fishing, and trapping are allowed unless specifically curtailed by regulation, and then only for sustained yield purposes.

Many constraints that are integral to state management of fish and wildlife are not based solely on conservation purposes, but have the goals of making hunting, trapping, or fishing more widely available or contributing to public safety. These include restrictions on fishing gear, types of weapons, types and locations of traps, and vessel size. All might be subject to constitutional challenge if the provisions of HJR 12 were adopted.

Another area of fish and game management that would be susceptible to challenge is the limited entry program. Limited entry, by its very nature, restricts entry of individuals into commercial fisheries. In limiting a fishery, CFEC must determine that limitation is necessary to avoid economic distress among those most dependent upon the

fishery, as well as to conserve the resource. This economic, non-conservation purpose causes some individuals to be denied access, including many who have some history of participating in the fishery.

Fishermen have brought many legal challenges to limited entry decisions. Nearly 70 limited entry cases have been decided by the Alaska Supreme Court during the last 27 years. Case law has largely sorted out the constitutional issues relating to limited entry, including those involving the inherent tensions between sections of Article VIII. Because the amendment proposed in HJR 12 could be seen as disallowing non-conservation reasons for reducing fishing opportunities, their adoption could bring a whole new round of limited entry lawsuits. Until the Supreme Court resolved the meaning of the amendment, commercial fisheries could be subject to great uncertainty, disruption, and destabilization.

The amendment proposed by HJR 12 could also affect other governmental actions, ones that do not directly regulate fish and wildlife. For example, laws or regulations providing for resource development projects that affect fishing, hunting, and trapping opportunities might be subject to challenge. It is possible that a judge might interpret the new amendment as requiring limits on road building, hydropower projects, or timber, oil, gas, or mining development to ensure the preservation of hunting, trapping, or fishing opportunities. State park regulations or municipal ordinances banning shooting, hunting, trapping or fishing in populated areas would certainly be subject to challenge.

Other areas that might be affected by a constitutional amendment like that in HJR 12 are resident/nonresident distinctions and the prosecution of criminal defendants. Since the language of HJR 12 does not distinguish between residents and nonresidents, it might be used by nonresidents to argue that their decreased hunting, fishing, and trapping opportunities, relative to those of residents, are unconstitutional. In the criminal law context, the proposal in HJR 12 raises the question of whether, in every fish and game case, district attorneys would need to call on expert witnesses to show that the regulation thought to be violated is based on a conservation purpose.

There is a risk that courts could find that the constitutional protection provided by the amendment proposed in HJR 12 extended to private land as well as state land. Thus, it could raise questions about the ability of private property owners to prevent trespass. Also, there is a risk that disgruntled hunters, trappers, or fishers might sue for financial compensation whenever they believed that state or municipal action had unconstitutionally limited their access to hunting, trapping or fishing – compensation for the “taking” of that access.

As noted above, several states are considering or have adopted constitutional provisions regarding a "right to hunt." In 1998, the International Association of Wildlife Agencies' legal committee on the issue of "Right to Hunt Constitutional Amendments/Ballot Initiatives" issued a report that recommended against amendments such as those in HJR 12. This group, which represents states all across the country, concluded:

. . . creation of a constitutional right may create unanticipated consequences. As is the case with all other natural resources, the legal basis for the management of the wildlife resource and the regulation of its harvest lies in the fact that it is a common resource to be maintained for the benefit of the public. Its utilization by any individual is a privilege granted and regulated consistently with the collective public benefit. From the perspective of both the resource management agency as well as the hunter, making hunting a constitutional right may fundamentally alter and drastically interfere with wildlife management as currently practiced.

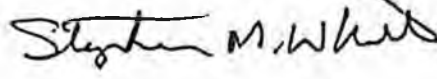
The complications and consequences of enacting such a constitutional amendment in Alaska may be even greater than in other states because our state has far greater numbers and types of user groups than others. Those groups include subsistence, sport, guided sport, personal use, and many separate and distinct commercial fisheries.

We urge a very cautious approach in this area. The Alaska Constitution vests the authority for management of fish and game in the Alaska Legislature, and the legislature has provided among the best hunting and fishing opportunities in the world. There is no legal reason why those opportunities cannot be preserved forever through the adoption of statutory rights and preferences. Adoption of the constitutional amendment proposed in HJR 12 would delegate additional, and as yet undetermined, authority to the courts and risk losing the opportunity to resolve some of these issues in the legislature.

Thank you for your consideration of our concerns.

Sincerely,
PRUCE M. BOTELHO
ATTORNEY GENERAL

By:


Stephen M. White
Assistant Attorney General

cc: Co-sponsors, HJR 12