

ALASKA LEGISLATURE COMMITTEE FILES

1991-1992

8672

6977

HOUSE JUDICIARY

1 approving an expenditure from the trust unless the legislature has appropriated trust money available for
2 the proposed expenditure to the trust and the legislature has appropriated money from the trust for the
3 proposed expenditure; and

4 (3) require state officers designated as trustees of the Exxon Valdez Oil Spill Trust to
5 comply with AS 36.30 (State Procurement Code), AS 39.52, and AS 44.62.310 - 44.62.312.

6 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).

State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

SPECIAL COMMITTEE

MILITARY AND VET AFFAIRS

LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.

District 11

Spennard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

January 29, 1992

To: Representative Max Gruenberg
Chair, Settlement Subcommittee

From: Mark Handley *MH*

Re: Sectional Analysis of Draft #3(7-LS1605\M), The
"Settlement in the Sunshine" Bill

Section 1

AS 44.23.070 prohibits the Attorney General from binding the state to a settlement of "public interest litigation" unless the court finds that the proposed settlement is in the public interest.

AS 44.23.075 sets out the procedure for court review of a proposed settlement of "public interest litigation". This procedure provides for notification to the public and a public comment period.

AS 44.23.080 defines "public interest litigation" for the purposes of this bill as state claims for natural resource damages if the value of the proposed settlement exceeds \$10 million.

Section 2

This section provides notice that the bill has the effect of amending Court Rule A.R.C.P. 41.

7-15105M
Chenoweth
1/29/92

Draft
HOUSE-BILL NO. 3

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

Introduced:
Referred:

A BILL

FOR AN ACT ENTITLED

1 "An Act requiring judicial approval of proposed settlements entered into by the state in
2 public interest litigation; defining public interest litigation; and amending Rule 41, Alaska
3 Rules of Civil Procedure."

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

5 * Section 1. AS 44.23 is amended by adding new sections to read:

6 Sec. 44.23.070. JUDICIAL APPROVAL REQUIRED FOR PROPOSED SETTLEMENTS
7 OF PUBLIC INTEREST LITIGATION. The attorney general may not bind the state to a
8 proposed settlement of public interest litigation unless the proposed settlement is submitted to the
9 court for review and the court finds that the proposed settlement is in the public interest.

10 Sec. 44.23.075. PROCEDURES FOR JUDICIAL APPROVAL OF PROPOSED
11 SETTLEMENTS OF PUBLIC INTEREST LITIGATION. (a) If the state reaches a proposed
12 settlement of public interest litigation, the attorney general shall within 15 days of reaching the
13 proposed settlement reduce it to writing and submit the writing to the court for review under this
14 section.

1 (b) Upon receipt of a writing from the attorney general under (a) of this section, the court
2 shall require the parties to provide reasonable notice to the public of the terms of the proposed
3 settlement and of the public's opportunity to submit written testimony about the terms. The court
4 shall provide a public comment period on the settlement terms of at least 30 days. During the
5 public comment period, the court may hold a public hearing on the proposed settlement.

6 (c) Within 30 days of the end of the public comment period, the court shall enter written
7 findings as to whether

8 (1) the procedures of (b) of this section have been complied with; and

9 (2) the settlement is in the public interest.

10 Sec. 44.23.080. DEFINITION OF "PUBLIC INTEREST LITIGATION." In
11 AS 44.23.070 - 44.23.080, "public interest litigation" means litigation in which the state asserts
12 claims for damage to natural resources where the proposed settlement would result in the state
13 receiving money, property, or services, or a combination of money, property, or services, having
14 a value of \$10,000,000 or more, exclusive of interest, costs, and attorneys' fees.

15 * Sec. 2. AS 44.23.075, added by sec. 1 of this Act, has the effect of amending Rule 41, Alaska
16 Rules of Civil Procedure, by establishing procedures that the court must follow before granting a
17 voluntary dismissal in certain litigation where the state is a party.

CS FOR HOUSE BILL NO. 144 (FINANCE) am
 IN THE LEGISLATURE OF THE STATE OF ALASKA
 SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Amended: 4/5/91
 Offered: 3/21/91
 Referred: Rules

Sponsor(s): HOUSE FINANCE COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act providing for legislative appropriation of the terms of certain proposed settlements
 2 of claims; prohibiting the payment of those terms without an express appropriation; and
 3 requiring reports of settlements."

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

5 * Section 1. PURPOSE. It is the purpose of this Act

6 (1) to place all persons with claims against the state or against whom the state has claims
 7 on notice that settlements of those claims requiring large appropriations are subject to legislative action;

8 (2) to require the governor to submit to the legislature all settlements of claims by or
 9 against the state that require large appropriations, and to allow the legislature to give informal approval
 10 or disapproval of those settlements; and

11 (3) to prohibit the state from paying large claim settlements out of funds other than those
 12 expressly appropriated for that purpose.

13 * Sec. 2. AS 09.50.300 is amended to read:

14 Sec. 09.50.300. COMPROMISE BY ATTORNEY GENERAL. Subject to the

1 requirements of AS 44.23.070. the [THE] attorney general may, with the approval of the court,
2 arbitrate, compromise, or settle any action filed under AS 09.50.250 - 09.50.300.

3 * Sec. 3. AS 36.30 is amended by adding a new section to read:

4 Sec. 36.30.631. LEGISLATIVE REVIEW. AS 44.23.070 applies to claims brought under
5 AS 36.30.620.

6 * Sec. 4. AS 37.05.170 is amended by adding a new subsection to read:

7 (b) The Department of Administration may not make the certification required under (a)
8 of this section for the payment of part or all of a claim settlement covered by AS 44.23.070
9 unless the legislature has made an express appropriation or expenditure authorization for that part
10 of the settlement for which payment is requested. The Department of Administration may not
11 make a certification for payment of a settlement covered by AS 44.23.070 based on a general
12 appropriation to pay judgments against the state or a general appropriation to the division of risk
13 management.

14 * Sec. 5. AS 44.23 is amended by adding new sections to read:

15 Sec. 44.23.070. LEGISLATIVE APPROVAL REQUIRED FOR CERTAIN PROPOSED
16 SETTLEMENTS OF CLAIMS. (a) If a settlement of a claim by or against the state would
17 require legislative appropriation of goods, services, or money, or a combination of them, worth
18 a total of \$10,000,000 or more, whether in one or more than one fiscal year, the terms of the
19 settlement requiring appropriation may not take effect until the legislature has made a specific
20 appropriation to carry out those terms.

21 (b) A settlement of a claim described in (a) of this section shall be reduced to a written
22 agreement. The written agreement must contain a provision stating the requirements for
23 legislative appropriation set out in (a) of this section. The governor shall submit the written
24 agreement to the speaker of the house of representatives and the president of the senate within
25 15 days of the date that the written agreement is executed. The legislature may advise the
26 governor by concurrent resolution if it approves or disapproves of the terms of the settlement.
27 The approval of the terms of a settlement requiring appropriation under this subsection is a
28 nonbinding, advisory expression of legislative intent. If the legislature disapproves the terms of
29 the settlement under this subsection, the state and the adverse party may resume settlement
30 negotiations.

31 (c) If the settlement provides for payments by the state in more than one fiscal year, the

1 legislature may enact an appropriation carrying out the entire terms of the settlement or may
2 enact an appropriation carrying out only the terms that require appropriation in the next fiscal
3 year. An appropriation for part of the terms of an agreement does not bind the legislature to
4 appropriate for the remaining terms. An appropriation for part or all of the terms of a settlement
5 is subject to repeal of the unexpended portion of the appropriation.

6 (d) This section applies to settlements where money is to be paid to the state but is
7 designated for specific purposes and where a legislative appropriation of \$10,000,000 or more,
8 whether in one or more than one fiscal year, would be necessary to effectuate those purposes.
9 This section applies whether the claim is settled before or after litigation is commenced.

10 (e) If a settlement would require the state to pay costs, attorney fees, or interest, the
11 amount of costs, attorney fees, and interest that the state would be required to pay is included
12 in calculating the \$10,000,000 figure.

13 Sec. 44.23.080. REPORTS ON SETTLEMENT OF CLAIMS. (a) An agency in the
14 executive branch that during a calendar year has settled a claim by or against the agency without
15 the involvement of the attorney general shall report in writing to the attorney general, no later
16 than January 15 of the year following the year in which the claim was settled, on the claim
17 settled and the terms of the settlement.

18 (b) No later than February 1 of each year, the attorney general shall report in writing to
19 the legislature regarding claims by or against the state that were settled during the previous year

20 (1) by the attorney general as a result of litigation;

21 (2) by the attorney general without litigation;

22 (3) by an executive branch agency with the involvement of the attorney general;

23 or

24 (4) by an executive branch agency without the involvement of the attorney
25 general.

26 (c) The report to the legislature under (b) of this section must set out the nature of the
27 claims settled and the terms of the settlements.

28 Sec. 44.23.090. DEFINITIONS. In sections 44.23.070 - 44.23.080 "claim" means a
29 demand for payment of money, goods or services based on a legal cause of action.

30 * Sec. 6. AS 44.77 is amended by adding a new section to read:

31 Sec. 44.77.080. LEGISLATIVE REVIEW. AS 44.23.070 applies to claims brought under

1 this chapter.

CS FOR HOUSE BILL NO. 287 (FINANCE)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 5/8/91

Referred: Today's Calendar

Sponsor(s): REPRESENTATIVES ELLIS, Brown, Gruenberg, Navarre

A BILL

FOR AN ACT ENTITLED

1 "An Act disallowing under the Alaska Net Income Tax Act a portion of the deduction
2 authorized by the Internal Revenue Code for certain oil and hazardous substance discharge
3 related expenditures; and providing for an effective date."

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

5 * Section 1. AS 43.20.036 is amended by adding a new subsection to read:

6 (k) For purposes of determining the tax payable under this chapter, a taxpayer who owns
7 or who has control over oil or a hazardous substance may deduct expenses not to exceed
8 \$1,000,000 incurred during the tax year to contain, clean up, and mitigate the effects of the
9 discharge of that oil or hazardous substance. The limitation of this subsection also applies to
10 payments, whether compensatory or remedial in nature or otherwise, if made to the state or the
11 federal government or to a trust to which the state is a party when required by a court order
12 entered under 33 U.S.C. 1251 - 1376 (Federal Water Pollution Control Act of 1972, as amended
13 by the Clean Water Act of 1977, as amended) or 42 U.S.C. 9601 - 9657 (Comprehensive
14 Environmental Response, Compensation, and Liability Act of 1980, as amended) or in settlement

1 of litigation by the state against the taxpayer made under one of those Acts or other law. The
2 limitations of this subsection do not apply to a hazardous substance response action contractor,
3 as that term is defined by AS 46.03.823, unless the oil discharge or the discharge of the
4 hazardous substance is caused by an act or omission of the contractor that under AS 46.03.823(a)
5 is negligent or grossly negligent or that constitutes intentional misconduct.

6 * Sec. 2. This Act is retroactive to January 1, 1991, and applies to taxes payable under the Alaska
7 Net Income Tax Act (AS 43.20) after December 31, 1990.

8 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

HOUSE BILL NO. 411

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES DAVIDSON, Navarre, Gruenberg

Introduced: 1/21/92

Referred: Resources, Finance

Funding Information:	General Fund	\$	-0-
	Other Funds		<u>50,000,000</u>
			\$50,000,000

A BILL

FOR AN ACT ENTITLED

1 "An Act making appropriations for restoration projects relating to the Exxon Valdez oil
2 spill; and providing for an effective date."

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

4 * Section 1. FINDINGS. The Seventeenth Alaska State Legislature finds that:

5 (1) Under the recently approved criminal plea agreement between the United States and Exxon
6 Shipping Company and Exxon Corporation (United States of America v. Exxon Corporation and Exxon
7 Shipping Company, United States District Court, District of Alaska, case No. A90-015 CR.), the State
8 of Alaska received \$50,000,000 as "remedial and compensatory payments." The payments received by
9 the state "are to be used by the State of Alaska . . . exclusively for restoration projects, within the State
10 of Alaska, relating to the 'Exxon Valdez' oil spill. Restoration includes restoration, replacement and
11 enhancement of affected resources, acquisition of equivalent resources and services, and long-term
12 environmental monitoring and research programs directed to the prevention, containment, cleanup and
13 amelioration of oil spills."

14 (2) The health of damaged coastal and near-shore habitats is substantially related to activities

1 on adjacent uplands. Economically important fish species, including herring and halibut, utilize near-
2 shore areas and anadromous species, including five species of salmon, rely on continued access to both
3 clean streams and unpolluted estuaries for spawning and rearing.

4 (3) Populations of aquatic birds, including the tree-nesting marbled murrelet and fresh water
5 nesting species such as harlequin ducks, were severely damaged by the Exxon Valdez oil spill.

6 (4) The quality of fresh water entering the estuarine environment is critical to satisfactory
7 restoration and recovery of the physical and biotic environment in the region affected by the Exxon
8 Valdez oil spill.

9 (5) Restoration of the coastal estuaries affected by the Exxon Valdez oil spill is placed at risk
10 by further environmental stress resulting from timber harvesting and other industrial activities that
11 involve substantial environmental disturbance. In order to minimize the potential for further
12 environmental stress and to encourage and enhance the natural recovery and restoration of the affected
13 region, acquisition of coastal related uplands in the affected region, including Prince William Sound, the
14 Kenai Peninsula, the Kodiak Archipelago, the south side of the Alaska Peninsula, and adjacent
15 biologically related areas, is an important use of "remedial and compensatory payments" received by the
16 state under the criminal plea agreement.

17 (6) Continued citizen involvement and education are essential in order to identify damage to
18 material resources caused by the Exxon Valdez oil spill, to restore areas affected by the Exxon Valdez
19 oil spill, and to prevent future oil spills in the area.

20 * Sec. 2. In order to restore, replace, and enhance resources affected by the Exxon Valdez oil spill,
21 to acquire resources and services equivalent to those affected by the Exxon Valdez oil spill, and to
22 conduct long-term environmental monitoring and research programs directed to the containment, cleanup,
23 and amelioration of the Exxon Valdez oil spill, the sum of \$34,000,000 is appropriated from the remedial
24 and compensatory payments received by the state under the plea agreement in United States of America
25 v. Exxon Corporation and Exxon Shipping Company, United States District Court, District of Alaska,
26 case No. A90-015 CR., to the Department of Natural Resources for the acquisition of land and
27 development rights in land, including timber rights, from willing sellers in the Prince William Sound
28 region including the coastal region between Icy Cape and Gore Point, and the southern Kenai Peninsula.

29 * Sec. 3. In order to restore, replace, and enhance resources affected by the Exxon Valdez oil spill,
30 to acquire resources and services equivalent to those affected by the Exxon Valdez oil spill, and to
31 conduct long-term environmental monitoring and research programs directed to the containment, cleanup,

1 and amelioration of the Exxon Valdez oil spill, the sum of \$7,000,000 is appropriated from the remedial
2 and compensatory payments received by the state under the plea agreement in United States of America
3 v. Exxon Corporation and Exxon Shipping Company, United States District Court, District of Alaska,
4 case No. A90-015 CR., to the Department of Natural Resources for the acquisition from willing sellers
5 of land surrounding Pauls Lake and Malina Lake on Afognak Island. Not more than one-half of the land
6 to be acquired through this appropriation shall be from Township 20 South Range 18 West, Township
7 20 South Range 19 West, and Township 21 South Range 19 West, Seward Meridian; the balance of the
8 land to be acquired shall be from Township 23 South Range 23 West, Township 23 South Range 24
9 West, Township 24 South Range 23 West, and Township 24 South Range 24 West, Seward Meridian.

10 * Sec. 4. In order to restore, replace, and enhance resources affected by the Exxon Valdez oil spill,
11 to acquire resources and services equivalent to those affected by the Exxon Valdez oil spill, and to
12 conduct long-term environmental monitoring and research programs directed to the containment, cleanup,
13 and amelioration of the Exxon Valdez oil spill, the sum of \$3,000,000 is appropriated from the remedial
14 and compensatory payments received by the state under the plea agreement in United States of America
15 v. Exxon Corporation and Exxon Shipping Company, United States District Court, District of Alaska,
16 case No. A90-015 CR., to the Department of Fish and Game for environmental monitoring and research
17 to determine the long-term effects of the Exxon Valdez oil spill on the biota of Prince William Sound
18 and the Alaskan coast adjacent to the Gulf of Alaska.

19 * Sec. 5. In order to restore, replace, and enhance resources affected by the Exxon Valdez oil spill,
20 to acquire resources and services equivalent to those affected by the Exxon Valdez oil spill, and to
21 conduct long-term environmental monitoring and research programs directed to the prevention,
22 containment, cleanup, and amelioration of the Exxon Valdez oil spill, the sum of \$3,000,000 is
23 appropriated from the remedial and compensatory payments received by the state under the plea
24 agreement in United States of America v. Exxon Corporation and Exxon Shipping Company, United
25 States District Court, District of Alaska, case No. A90-015 CR., to the Department of Environmental
26 Conservation for long-term research programs directed to the prevention, containment, cleanup, and
27 amelioration of the Exxon Valdez oil spill.

28 * Sec. 6. In order to restore, replace, and enhance resources affected by the Exxon Valdez oil spill,
29 to acquire resources and services equivalent to those affected by the Exxon Valdez oil spill, and to
30 conduct long-term environmental monitoring and research programs directed to the containment, cleanup,
31 and amelioration of the Exxon Valdez oil spill, the sum of \$3,000,000 is appropriated from the remedial

1 and compensatory payments received by the state under the plea agreement in United States of America
2 v. Exxon Corporation and Exxon Shipping Company, United States District Court, District of Alaska,
3 case No. A90-015 CR., to the Department of Education for grants for environmental education projects
4 related to the Exxon Valdez oil spill and coastal studies.

5 * Sec. 7. The appropriations made by this Act are for capital projects and lapse under AS 37.25.020.

6 * Sec. 8. This Act takes effect immediately under AS 01.10.070(c).

H B

4 8 6

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 18, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 4-3-92

The JUDICIARY Committee considered:

HB 486

HOUSE BILL NO. 486

APPROP: EXXON VALDEZ OIL SPILL TRUST

"An Act making a contingent appropriation to the Exxon Valdez Oil Spill Trust; and providing for an effective date."

RECOMMENDATIONS:

be replaced with OS HB 486 (JUD) the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

^{indeter minate} fiscal impact low

fiscal note(s) _____

zero fiscal note _____

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>J. Eiler</i>	*	Mike Miller		<input checked="" type="checkbox"/>	
<i>Kevin Pat Parnell</i>	<input checked="" type="checkbox"/>	Terry M... ..		<input checked="" type="checkbox"/>	
<i>W. J.</i>		<i>Mark</i>		<input checked="" type="checkbox"/>	

Mark
CHAIRMAN'S SIGNATURE

Alaska State Legislature



House of Representatives
House Judiciary Committee
Chairman Dave Donley

State Capitol
Juneau, Alaska 99801-1182
(907) 465-4990

TRANSMITTAL LETTER TO ACCOMPANY CSHB 486 (JUDICIARY)

The House Judiciary Committee requests that the House Finance Committee put appropriations in the budget for all Exxon Valdez Oil Spill Trust monies that will be transferred to state agencies, and the state's interest in funds transferred to federal agencies in FY'92 and FY'93.

HB486.LET/MTH

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____
 Title: "...making a contingent appropriation to the Exxon Valdez Oil Spill Trust..."
 Sponsor: House Judiciary by Request
 Requestor: House Judiciary Committee

Department Affected: _____
 BRU: Exxon Valdez Litigation
 Component: Exxon Valdez Litigation

COMPONENT SERIAL

1	1	7	5
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	*	*	*	*	*	*

CAPITAL	*	*	*	*	*	*
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	*	*	*	*	*	*

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The Attorney General's comments will be forthcoming after an opportunity to review the bill. The House Judiciary Committee is forwarding the blank Department of Law fiscal note on HB 486, as well as an asterisked fiscal note from the committee. The Judiciary Committee requests that the House Finance Committee provide the proper fiscal note for this bill.

Prepared by: *W. J. ...*
 Division: *House Judiciary Committee*

Phone: _____
 Date: *4/13/92*

Approved by Commissioner: _____
 Agency: _____ Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 486

Revision Date: _____
Title: "...making a contingent appropriation to the Exxon Valdez Oil Spill Trust..."
Sponsor: House Judiciary by Request
Requestor: House Judiciary Committee

Department Affected: Department of Law
BRU: Exxon Valdez Litigation
Component: Exxon Valdez Litigation

COMPONENT SERIAL

1	1	7	5
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING						

CAPITAL						
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REVENUE FUND SOURCE:						
----------------------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

The Attorney General's comments will be forthcoming after an opportunity to review the bill.

Prepared by: Richard I. Peques, Director Phone: 465-3672
 Division: Administrative Services Date: March 5, 1992
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law Date: March 5, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

State of Alaska

House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. BOX V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

M E M O R A N D U M

DATE: March 4, 1992

TO: Members of the House Judiciary Committee

FROM: Max F. Gruenberg, Jr. *MFG*

RE: Support for HB 486, "The Exxon Valdez Oil Spill Trust Contingent Appropriation Bill"

I would very much appreciate your support for HB 486. As you recall, HB 486 was introduced by the Judiciary Committee at the request of the Settlement Subcommittee.

HB 486 appropriates the state's interest in the Exxon civil settlement money paid by Exxon in FY '92 and FY '93 to the Exxon Oil Spill Trust. This appropriation is contingent on the enactment of legislation containing the major substantive provisions of HB 484.

The advice of legal counsel to the subcommittee was that the legislature should appropriate the state's interest in the settlement money to the trust when that money is paid by Exxon. This will place the state in the best position to defend itself against a state constitutional challenge to the structure of the Exxon spill settlement.

Unless the Alaska State Legislature asserts its constitutional authority through the passage of HB 486, the Exxon Valdez oil spill settlement money may become tied up in litigation.

If you have any questions about this legislation please call me or my legislative assistant, Mark Handley, at 465-4986.

Thank you.

HB486.SUP

State of Alaska



House Majority Leader
COMMITTEES
HOUSE JUDICIARY
HOUSE RULES
HOUSE STATE AFFAIRS
SPECIAL COMMITTEE
MILITARY AND VET. AFFAIRS
LEGISLATIVE COUNCIL

Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. Box V
JUNEAU, AK 99811
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(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

MEMORANDUM

February 17, 1992

To: Representative Max Gruenberg
Chair, Settlement Subcommittee

From: Mark Handley (MTH)

Re: Sectional Analysis of HB 486, "The Exxon Valdez Oil Spill
Trust Contingent Appropriation Bill"

Section 1

Appropriates the states interest in the the Exxon Valdez oil spill settlement money paid by Exxon in FY '92 and FY '93 to the Exxon Valdez Oil Spill Trust. This appropriation is contingent on the taking effect of legislation creating Exxon Valdez Oil Spill Trust, requiring the state trustees to submit trust expenditures to the legislature for appropriation, comply with the state procurement code, the Alaska Executive Branch Ethics Act, and the Alaska Open Meetings Act.

Section 2

Provides for an immediate effective date.

HB486.SEC\MTH

HB

490

Date Referred: March 11, 1992
 Date of Committee Action: 3-25-92

The JUDICIARY Committee considered: HB 490

HOUSE BILL NO. 490 IMPORT/EXPORT OF FISH, GAME, AQUATIC PLANTS

"An Act relating to possession of fish, game, or aquatic plants."

RECOMMENDATIONS:
 be replaced with CS HB 490 (JUDICIARY) the same title a new title
 have attached amendments(s)
 do pass
 do not pass
 no recommendations
 individual recommendations
 additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date)
 fiscal impact _____ fiscal note(s) _____
 zero fiscal note _____ zero fiscal note(s) Law 3-11-92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
Richard Duley	X				
Phyllis	X				
Mike Miller	✓				
Terry					
Mark Stanley	X				
Kevin P. Parnell	✓				
McGraw					

Richard Duley
 CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. CSHB 490 (ITT)

Revision Date: _____
Title: "An Act prohibiting the sale or purchase of parts of bears."
Sponsor: Representative Grussendorf
Requestor: International Trade and Tourism

Department Affected: Department of Law
BRU: Prosecution, Legal Services
Component: Prosecution - All Legal Services - Operations
COMPONENT SERIAL

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Expenditures/Revenues: (Thousands of Dollars)

85 through 91, and 93

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Peques, Director
Division: Administrative Services
Approved by Commissioner: Charles E. Cole, Attorney General
Agency: Department of Law

Phone: 465-3672
Date: March 16, 1992
Date: March 16, 1992

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSHB 490 (ITT)

The Special Committee on International Trade and Tourism substitute for HB 490 amends AS 16.05.920 by adding a new section that would prohibit the sale or purchase of parts of bears. A person who violates this prohibition would be guilty of a class C felony. Although the current version of the bill abandons the concept of prohibiting the import or export of animal parts contained in the original bill, which we felt might have constitutional problems, we recommend that the committee substitute be further revised to clarify and strengthen some of the bill's provisions in accordance with state criminal law standards. Department of Law attorneys are already working with committee staff to draft the needed revisions. We do not believe that this bill will have a fiscal impact for our department, because it seeks to clarify the state's existing authority to exercise authority over the sale of game parts.

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

BILL NO. CSHB 490(ITT)

Revision Date: _____ Department Affected: Public Safety
 Title: "An Act prohibiting the sale or purchase of bear parts" BRU: Fish & Wildlife Protection
 Sponsor: Representative Grussendorf Component: Enforcement and ISU
 Requestor: House Judiciary COMPONENT SERIAL NO.

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EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact upon the Division of Fish & Wildlife Protection is anticipated.

Prepared By: Gayle A. Horetski Phone: 465-4322
 Division: Commissioner's Office Date: 3/11/92
 Approved by Commissioner: Gayle A. Horetski for Richard L. Burton
 Agency: Department of Public Safety Date: 3/11/92

PHW
3/11/92

REPRESENTATIVE
BEN GRUSSENDORF
1221 HALBLUT POINT ROAD
SITKA, ALASKA 99835
(907) 747-8458

RULES COMMITTEE
LEGISLATIVE COUNCIL

DISTRICT 3
ELFIN COVE
PELICAN
PORT ALEXANDER
SITKA
TENAKEE

Alaska State Legislature



WHILE IN JUNEAU
P.O. Box V
JUNEAU, ALASKA 99811
(907) 485-3824
(907) 485-3720

House of Representatives
SPEAKER OF THE HOUSE

MEMORANDUM

To: Rep. Dave Donley
Chairman
House Judiciary Committee

From: Rep. Ben Grussendorf

Date: March 12, 1992

Re: House Bill 490 (ITT)
"An Act prohibiting the sale or purchase of parts of bears."

This is to request a hearing of the above referenced bill before the House Judiciary Committee.

I introduced House Bill 490 because of my concern over the recent increase in the commercial trafficking of bear parts, specifically bear gallbladders and paws. As can be seen from the attached material, the sale of bear parts is big business: a single gallbladder can bring as much \$4,600 per ounce in the Far East market; bear paw soup can sell for \$100 per bowl. Because the demand for these parts is so high, and the market so lucrative, pressure is mounting to take North America bears for these commercial purposes.

House Bill 490 (ITT) would make it a class C felony to sell, purchase, offer to sell or, purchase, or possess for sale any part of brown, black or polar bear. Possession of more than one bear gallbladder will be considered by a court as prima facie evidence of possession for sale. In addition to the existing penalties, a court could fine an offender up to the greater of \$100,000 or three times the fair market value of the bear parts involved.

The bill also contains exceptions to its applicability: customary trade or barter of bear parts legally taken for subsistence uses, and sales of skins or trophies by a licensed taxidermist, estate executor, bankruptcy referee, or by the state as excess property. Persons who purchase bear parts under these exceptions may not resell the skin or trophy.

Although I support the version of the bill passed by the House Special Committee on International Trade and Tourism, the Departments of Law, Fish & Game, and Public Safety have expressed to me some valid concerns about the legislation that I believe should be considered by the Judiciary Committee. These departments will, after all, have primary responsibility for the enforcement of this law. My staff and I will meet during the coming week with representatives of these three departments, and I hope to have specific amendments available to submit to the House Judiciary Committee by Monday, March 23, 1992.

I look forward to testifying before the Judiciary Committee at your earliest convenience.

Yukon

Renewable Resources
Box 2703, Whitehorse, Yukon Y1A 2C6
(403) 667-5811 Telex 036-8-260

Our File: FS1/MH3/Gray
Your File:

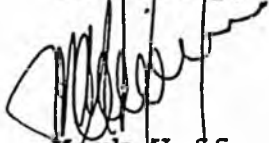
February 26, 1992

Mr. Glenn Gray
Legislative Research Agency
Box Y
Juneau, Alaska

Dear Mr. Gray:

Please find enclosed those sections of our Wildlife Act which pertain to the sale, barter, trade, import and export of wildlife.

Sincerely,



Mark Hoffman
Director
Field Services Branch

MH/lad

Encls.



(2) For the purposes of subsection (1), "meat" does not include the hide, head or viscera of the bird or animal.

(3) A person shall be deemed to have allowed an edible part of a carcass to be wasted where he allows any portion of it that is reasonably suitable for human consumption

- (a) to be fed to dogs or other domestic animals, or to captive wildlife,
- (b) to be destroyed or to become spoiled,
- (c) to be abandoned, or
- (d) to be used for bait.

(4) This section applies to a person who kills wildlife under section 60, 64 or 65.

Wounding

24. Every person who wounds wildlife shall make a reasonable effort to kill it.

Retrieval

25. Every person who has killed a game bird or big game animal shall make a reasonable effort to retrieve the carcass.

Waste of pelt

26.(1) No person who has killed a fur bearing animal, wolf, coyote or bear shall allow any part of the pelt to be wasted.

(2) A person shall be deemed to have allowed part of a pelt to be wasted where

- (a) he allows it to be destroyed or to become spoiled, or
- (b) he abandons it.

Sale of wildlife

27.(1) No person shall buy or sell, or offer to buy or sell, or keep for the purpose of sale, any wildlife or any part of the carcass of any wildlife.

(2) A person does not violate subsection (1) where

- (a) he sells any wildlife to any person who is the holder of a permit to buy it issued under subsection 81(2), or
- (b) he buys any wildlife from any person who is the holder of a licence or permit to sell it issued under section 81.

(3) No person shall serve any part of the carcass of any wildlife as food at any place where meals are served for or in the hope or expectation of remuneration, or as part of the remuneration of a person employed at that place.

(4) No person shall bring any edible part of the carcass of any wildlife into, or possess it in, any place where meals are served for or in the hope or expectation of remuneration, or as part of the remuneration of a person employed at the place.

Live animals

28.(1) No person shall capture alive or have possession of any live wildlife.

- (2) The Commissioner in Executive Council may make regulations respecting
- (a) the organization of the board;
 - (b) the conduct of the business of the board;
 - (c) the payment of remuneration and travelling expenses to members of the board;
 - (d) the formula to be used and the criteria to be taken into consideration by the board in calculating an amount of compensation for the purpose of making a recommendation under section 103.

SAFETY AND FIREARMS

Possession of firearms and ammunition

169. The Commissioner in Executive Council may make safety regulations respecting the possession of firearms or ammunition or specified kinds thereof for hunting in any specified area of the Yukon.

Hunting safety

170. The Commissioner in Executive Council may make safety regulations

- (a) prescribing rules for the handling of firearms and ammunition;
- (b) regulating hunting on lands leased from the Crown.

BAG AND POSSESSION LIMITS

Specified limits

171. The Commissioner in Executive Council may make regulations

- (a) prescribing the maximum number of wildlife of any species or type that a person may have in his possession;
- (b) prescribing the maximum number of wildlife of any species or type that a person may hunt in his lifetime or in any day, week, month or year;
- (c) regulating the possession of wildlife, or any species or type of wildlife.

IMPORT AND EXPORT

Live wild animals

172. Notwithstanding subsection 28(2), the Commissioner in Executive Council may make regulations providing for the importation into the Yukon or possession within the Yukon of any live animal that is wild by nature outside the Yukon.

Export of wildlife

173. The Commissioner in Executive Council may make regulations respecting the exporting of wildlife from the Yukon.

Handling of live wildlife

174. The Commissioner in Executive Council may make regulations regulating the handling and transportation of live wildlife.

- 21(1) No person shall export any wildlife or any part of the carcass of any wildlife unless he has
- (a) complied with the provisions of section 18 respecting the wildlife that he wants to export,
 - (b) provided proof of payment of the trophy and export fees set out in Schedule E in relation to all of the wildlife that he has killed, and
 - (c) furnished to a conservation officer or wildlife technician the information required by such of Forms 10, 17, 21 and 30 as may apply in relation to wildlife.

(2) No person shall export, or attempt to export, any mountain sheep horns unless the horns have a numbered metal plug inserted in them by a conservation officer or wildlife technician.

(3) Every person who applies for an export permit for mountain sheep horns shall ensure that the horns have a numbered metal plug inserted in them by a conservation officer or wildlife technician before the permit is issued.

(Subsections (2) and (3) added to section 21 by O.I.C. 1983/57)

are restricted to bringing in no more than \$400 of such prepared medicine per person (J. Lee, pers. comm., December 1990; S. Song, pers. comm., December 1990).

South Korea's last wild bears were declared Natural Monument 329 in 1982, which gave them official protection from hunting taking, possession, and trade (Law for the Protection of Cultural Properties, No. 3644, 31 December 1982). Operating a bear farm in South Korea requires a license. Selling whole live bears for their galls is allowed under certain circumstances (see "Hunting" and "The Bear Market" in this chapter).

The new Animal Protection Act passed in May 1991 apparently does not cover bears (*The Korea Times*, 18 July 1991).

Law Enforcement

The law protecting South Korea's last wild bears is enforced and, whether for reasons of scarcity, legality, or practicality, certain aspects of the bear trade have disappeared. "Into the late 1960s it was quite possible, during a stroll along the back alleyways of Seoul, to see a man standing behind the carcass of a bear — fur and all — convincing a rapt audience of men that they would live longer lives if they consumed bear flesh," expatriate Gertrude Ferrar wrote in an early edition of *Insight Guides Korea* (date unknown).

Hunting

Though designation as a "natural monument" protects South Korea's bears from sport hunting, poaching still occurs on occasion. In May 1983, the year after the species became protected under national law, a 10-year-old female bear was found on Mt. Sorak near death from a gunshot wound (*Korea Herald*, 5 June 1983). A Korean man was later arrested for illegal hunting under cultural property protection and firearms control laws (*Korea Herald*, 7 June 1983) and sentenced to two years in prison

(*Korea Herald*, 21 August 1983). After the bear died, the Cultural Properties Maintenance Bureau sold its gallbladder at public auction for nearly \$64,000 (at the 1991 exchange rate) to the operator of an herbal medicine clinic (*Korea Herald*, 11 June 1983). In another round of public bidding, 51 kilos of the bear's meat were sold for more than \$2,000 (*Korea Herald*, 11 June 1983). Two people offered to buy the bear's hide for more than \$1 million (*Korea Herald*, 25 May 1983), but the Ministry of Culture opted to mount the hide and display it at a zoo. These prices illustrate some Koreans' pronounced preference for their native bears and how price escalates with scarcity.

Bears as Medicine

In Korean, bear gallbladder is called *ungdam*. From what we have seen, Koreans are perhaps the most dedicated of all Asians to the use of bear gallbladder as medicine — more so than the Chinese, who originated the practice. Some Koreans are willing to pay more for bear gall and go to greater lengths to get it than people of any other nationality. When possible, many prefer to see the gallbladder taken from the bear's body to ensure authenticity, and they are known to have had bears killed before them or on videotape for this purpose (Mills 1991; U.S. Fish & Wildlife Service agents, pers. comm., 1990–1991).

This dedication to the use of bear gall probably is due to a number of factors. Chinese medicine began to influence Korean medicine as early as 57 b.c. (Pang 1984). *Hanyak*, the Korean term for traditional medicines such as bear gallbladder, literally means medicine (*yak*) from China's Han Dynasty, which dated from 204 b.c. to 260 a.d. (Pang 1984). Korea's isolationist policies, which won it the name "The Hermit Kingdom," kept Western medicine out of the country until 1884 (Pang 1984). By the 1950s, the majority of Koreans probably still received their health care from practitioners of *hanbang*, the traditional Korean medicine that took root

from Chinese medicine (Pang 1984). In the throes of industrialization and modernization in the 1990s, Koreans remain devoted to ancient traditions such as ancestor worship, filial piety, tonic foods, and herbal medicine (N. Han, pers. comm., May 1991). The latter is illustrated by the thousands of *hanbang* clinics and the countless herb dealers dispensing *hanyak* medicines in South Korea. Superimposed on this national loyalty to tradition is an increased interest in health tonics fueled by newfound affluence (*Chung-Ang Il Bo* [newspaper], 16 July 1991) and a widely held belief in bear gall as a powerful cure for almost anything (*Korea Herald*, 17 July 1991). The head of a traditional medicine clinic was quoted as saying bear gall purges all toxins from the human body, helps serious liver ailment, and is a highly effective treatment for diabetes, high blood pressure, palsy, fever, and hemorrhoids (*Taegu Daily Mail*, 12 April 1991).

When asked about bear gall, a Korean-American friend's mother, who lives in Seoul, said matter-of-factly that "bear galls are imported from China and the U.S." (K. Kwak, pers. comm., July 1990). In fact, Koreans are rather infamous in China, Thailand, and the U.S. for their penchant for bears and bear gall. Koreans have been arrested in all three countries in connection with the illicit sale of bears and/or their parts. Koreans continue to be caught leaving China with bear galls hidden under their clothing (see China chapter). In July 1991, Thai law enforcement officials raided a farm outside Bangkok that catered to Korean tourists. Along with the establishment's Korean manager and a number of Korean tourists dining on bear meat, they found several living bears, several freshly killed bears, and records of sales of bear gallbladders and bear banquets (see Thailand chapter). In the U.S., one of the latest in a series of law enforcement cases involving Koreans buying bear galls occurred in April 1991, when 173 bear gallbladders addressed to two Koreans living in Alaska were seized at Anchorage International Airport (*Anchorage Daily News*, 24 April 1991). The galls were believed to be bound for

Asia. Chinese medicine merchants in Hong Kong and Malaysia describe Koreans as among their best customers. Between December 1990 and February 1991, more than 100 bears were killed at a Japanese bear farm. All of their gallbladders reportedly were shipped to Korea (Anon., pers. comm., June 1991).

Between 1985 and 1989, South Korea officially imported 25 kilograms of bear gall (TRAFFIC Japan memo to K. Johnson, dated 5 August 1991). In 1990, official statistics show another 7.8 kilos were imported (Science and Technology Office, U.S. Embassy, Seoul). Between 1980 and 1983 alone, South Korea imported 330 live bears (Milliken 1985). The next year, 1984, CITES signatories reported exporting another 52 live bears to South Korea (CITES Annual Report data). Because South Korea is not a CITES party and therefore under no obligation to report its trade in bears and bear parts, these data represent an incomplete and conservative picture of total South Korean bear imports.

Bears as Food

While bear paw dishes are considered Chinese food, they are nonetheless served in South Korea at Chinese restaurants (see "The Bear Market" in this chapter). Like the Chinese, Koreans regard bear meat as a "tonic" food for strengthening the human body. This belief is best illustrated by the 30 bears smuggled out of Thailand to South Korea to fortify Korean athletes for the 1988 Olympic Games (see Thailand chapter).

Bears as Pets

To our knowledge, bears are not popular pets in South Korea.

Bears as Food

Some Taiwan diners reportedly favor restaurants serving bear's paw (*Asiaweek*, 16 February 1990). The front paws are preferred (Wang 1989). A game-shop survey now in progress further documents a demand for bear paws (H. Chen, pers. comm., June 1991) that has survived enactment of Taiwan's Wildlife Conservation Law.

Bears as Pets

It has become "chic" in Taiwan to keep wild animals as pets, according to a report in the *Free China Journal* (28 July 1991). There currently are 140 bears registered with the Taiwan government as pets, of which about 120 are sun bears imported from Southeast Asia (H. Chen, pers. comm., June 1991). No one has yet censused unregistered bears (Y. Chang, pers. comm., June 1991). Despite the Wildlife Conservation Law, pet shops continue to sell bears. Sun bears usually sell for just under \$2,000, while Asiatic black bears can sell for more than \$5,500 (H. Chen, pers. comm., June 1991).

We went on a walk with two sun bears bought recently by the owner of a small leather-goods shop in downtown Taipei. It is not uncommon for business owners to place bears outside their establishments to attract customers (Wang 1989). Both of the leather-shop bears were purchased illegally as cubs from Taipei pet stores for between \$1,800 and \$2,600. Both bears had been declawed. The male bear is two years old and spends his days on a three-foot chain atop a ledge outside of the shop. The female is one year old and lives in a three- by four-foot cage inside the shop. Now that the bears are nearly full grown, the owner finds them difficult to care for. He would like to sell them to recoup their purchase price. He is angry that the Wildlife Conservation Law makes it illegal for him to do so.

Some owners of unwanted pet bears sell them to game shops and tell the government

that they died of some illness, according to Chen. He also has heard reliable reports of weary pet owners releasing their sun bears into Taiwan forests. He has even had hunters tell him tales of taking sun bears in the wild on Taiwan.

To date, there are no reports of Taiwanese farming bears for their bile. However, Chen had interviewed a man in Kaohsiung who keeps more than 20 bears in captivity and refuses to talk about his purpose for keeping so many bears.

THE BEAR MARKET

We checked for bear galls along and around Taipei's Di Hua Street, which is famous for its scores of Chinese apothecaries. Medicine shops from other parts of the island send representatives here to buy bear galls for their stock. Approximately 10 shop owners refused to talk because, they said, other foreigners had come around in the past investigating the trade in rhino horn for international conservation groups. In all, 34 medicine shops with personnel willing to talk were checked (Table 9). Some shopkeepers were more forthcoming than others. Thirty of 34 said they sold bear gallbladder. Among the four shopkeepers who said they did not have bear gall, one claimed the practice ran counter to the owners' Buddhist beliefs, one said he did not wish to break the new conservation law, and another said his shop had just opened so he hadn't yet had time to stock bear gall. The fourth simply told us he did not sell it and refused to say more.

In one shop, we saw a tray full of 25 to 30 whole galls, allegedly all taken from Asiatic black bears in Southeast Asia. In another shop, whole galls came sealed by the dozen in plastic bags. Some shops displayed partial galls, their sacks broken open where shopkeepers had been scooping out crystalline bile salts to sell by the gram. Most displayed glass jars filled with opaque brownish-gold, brownish-red, or brownish-green bile salts. Dealers claimed that loose

bile crystals are preferred by Taiwan users and are more expensive. Gallbladders and jars of bile salts were not hidden in a safe place as were those in South Korea, nor were they displayed prominently as in Hong Kong. Most often, they were in a discreet location, usually behind the counter or behind jars of other more common ingredients such as pearls or gazelle horns.

Prices ranged from \$8 to \$30 per gram, making a whole gallbladder of average weight worth \$800 to \$3,000. The broad range in pricing probably was due to several reasons, including the fact that some of the shops were wholesale outlets. The perceived quality of the bile was another variable. Country of origin, color, and bear species were all mentioned as pricing factors, though some sellers said only the color was important.

Many shop owners expressed a preference for Chinese bears. Taiwan bears were also favored. However, other dealers claimed bears from India produced the best medicinal bile. One man read from a medical text that specifically recommended the gallbladders of bears from China's Jilin, Heilongjiang, and Yunnan provinces. Many shopkeepers said the gallbladder of Southeast Asian bears was of lesser quality. One wholesaler said he preferred bear galls from Southeast Asia because he believed all those from China were now from captive-bred bears. A buyer for another shop stated that the best bear galls come from colder climates. He mentioned both northern China and Alaska specifically. He said galls from the lower 48 states were too small — an opinion expressed by others as well. But those from Alaska are large and, therefore, very desirable. This buyer said he bought most of his galls from a Hong Kong broker, but said people from Wisconsin once came to his shop selling gallbladders from American bears. He repeatedly asked if we had galls to sell. Another shopkeeper said that, while gallbladders from the lower 48 states were not as good as those from Alaska, he felt assured they were authentic because bear hunting is legal in the United States. Yet another said that bear gall

is so scarce that one cannot be particular about what country it comes from.

Color variations, in order of preference, are golden-brown, reddish-brown, greenish-brown, and black. There was unanimous agreement that golden bile was the best. What was referred to as *soo* gallbladder, gold-colored bile salts from Chinese bears, was most highly valued, while the nearly black bile salts of the Malayan sun bear were said to be least coveted. One merchant told us that color is what gives farmed bile away as inferior. This man also said that color is determined by the season when a bear is killed and the method by which it dies.

Some shopkeepers said Asiatic black bears yielded the most effective gall followed by brown bears. At least one shopkeeper said it was the other way around. One explained that polar bears eat too much fish, therefore their bile salts take on an unpleasant taste. Another said Himalayan black bears yield the best bile. Most agreed that Malayan sun bears were less desirable. One man declared that the gallbladders of all bear species have the same efficacy, as long as they are hung to dry rather than drying flat.

Two merchants mentioned that some unscrupulous sellers will inject gallbladders fresh from a bear with either pig bile or soil so that they become heavier and, therefore, more valuable after drying. Shopkeepers mentioned the problem of fake galls, but claimed they could tell the real thing from a fake based either on experience or by various tests. When placed in water, a sample of real bear bile will spiral to the bottom of the glass, one apothecary said. Another swore by dropping a bit in dusty water. If it is the real thing, he said, the dust will disappear. Yet another shop spokesman recommended dropping the bile in water. If it rises straight as it dissolves, then it is from a bear. The bile of any other animal will dissolve at the bottom of the glass, according to this source. Several shop owners claimed that taste was another factor in positively identifying real bear bile. Some insisted we try a taste test ourselves and placed a tiny bit on our tongues. The bile dissolved slowly in

Table 9.

Sampling of Bear Gall Prices in Taiwan Shops (June 1991).

Shop #/Location	Bear Gall		Stated Origin	Comments
	Sold	Price		
1 / Taipei	No	N/A	N/A	Bear gall too expensive and Buddhist owners believe it's wrong to kill bears for medicine.
2 / Taipei	Yes	\$20/gram	Not specified	1 partial jar of golden crystals and 1 full jar of reddish-brown crystals seen.
3 / Taipei	Yes	\$25/gram	Not specified	Shopkeeper reluctant to talk. Said only that his bear gall was smuggled into Taiwan.
4 / Taipei	No	N/A	N/A	Shop owners said they did not wish to break the law.
5 / Taipei	Yes	\$25/gram	Not specified	1 whole gallbladder seen.
6 / Taipei	Yes	Not given	Not specified	Shopkeeper reluctant to talk.
7 / Taipei	No	N/A	N/A	None.
8 / Taipei	Yes	Not given	Not specified	Shopkeeper reluctant to talk.
9 / Taipei	Yes	\$28/gram	Not specified	2 whole gallbladders seen. Shopkeeper said Chinese galls are best. Usually sells as part of mixture.
10 / Taipei	Yes	\$20/gram	Not specified	Shop owner said brown galls are best, followed by black bears. Malayan sun bear galls are "not so good."
11 / Taipei	Yes	\$30/gram	Not specified	Owner said Himalayan black bear gallbladders are the best.
12 / Taipei	Yes	\$13/gram	China	Most of his stock smuggled by individuals in lots of 10-20. Sells mainly for baby birth rite and in mixture.
13 / Taipei	Yes	\$20/gram	Not specified	Owner sells about 10 bear galls annually. Some customers buy 2-3 at a time, but most in mixture.

Table 9 (continued).

Shop #/Location	Bear Gall		Stated Origin	Comments
	Sold	Price		
14 / Taipei	Yes	\$10–20/gram	Not specified	Price depends on color. Golden more expensive. Darker color is cheaper.
15 / Taipei	No	N/A	N/A	Owner had no bear gall in stock as store had just opened.
16 / Taipei	Yes	\$20/gram	Hong Kong	Owner sells more than 100 per year. 3 whole galls seen, plus crystals. Asiatic black bear galls from Yunan Province on Main land best. He sells mainly for child's birth rite.
17 / Taipei	Yes	\$21/gram	Not specified	Owner said his stock smuggled into Taiwan.
18 / Taipei	Yes		Not specified	Employee said shop sells only whole galls, but owner refused to elaborate.
19 / Taipei	Yes	\$8/gram	Hong Kong, USA	Shop sells 1-2 kilogram of bear bile crystals annually. The best galls are from Alaska or northern China. Store's buyer asked if we were selling. Once bought from a Wisconsin seller.
20 / Taipei	Yes	\$12–13/gram.	India, Southeast Asia	Three galls were shown. Priced according to country of origin. Indian are of higher quality. This was a wholesale shop only. Owner said some customers buy 10 galls at a time.
21 / Taipei	Yes	\$15–30/gram	China	Shop sometimes sells 150 grams per year. Jar of crystals shown. Supply smuggled by overseas Chinese or boss buys in Mainland China.
22 / Taipei	Yes	\$3–22/gram	Borneo, Southeast Asia, China	Jar of crystals shown. Taiwanese prefer bile salts without the gall bladder sack. Galls from Borneo of lesser quality.

Table 9 (continued).

Shop #/Location	Bear Gall		Stated Origin	Comments
	Sold	Price		
23 / Taipei	Yes	\$18/gram	India	Jar of crystals shown plus 2 whole galls. Shop sells as many as 5 galls per day and up to 100 per year.
24 / Taipei	Yes	\$16-19/gram	Cambodia, Thailand, Malaysia	3 whole galls and numerous empty gallbladder sacks shown plus 2 jars of crystals. Smuggled by overseas Chinese who come to university in Taiwan. Shop sells many galls to Japanese and some to South Koreans. Demand is increasing.
25 / Taipei	Yes	\$9-13/gram	India, Burma	Shop buys 3-4 kilograms of bear gallbladder several times per year. Japanese sometimes buy 20 kilograms at a time. Package of 12 galls shown.
26 / Taipei	Yes	\$18/gram	Burma, Thailand, China	Owner complained of irregular supply. Many galls available in spring.
27 / Taipei	Yes	\$15-16/gram	"Tropics"	Supplies are scarce. Bear gall usually sold in mixture.

our mouths with a fizzing sensation. The taste was overwhelmingly bitter, and the acrid after-taste remained until we ate.

Many shops said they usually sold bear gall mixed with pearl, cow gallstones, musk, and amber. Reportedly, this is a powerful — and expensive — tonic for the liver, heart, lungs, stomach, and kidneys and is good for the skin as well. Sometimes rhino horn, gazelle horn, oxidized mercury (which is highly toxic when ingested), coral, dried palm, ginseng, dried insects, stalactites, and even gold are added for an even more powerful and expensive tonic.

All shops mentioned the use of pure bear bile in a birth rite for newborns. In fact,

some shops said most of their gall sales were intended for this purpose. At birth, a fraction of a gram of bear bile is placed on an infant's tongue to "cleanse the blood" of poison passed by the mother to the child in the womb. Shopkeepers in Taipei medicine shops repeatedly stated that bear bile "kills germs" and "cleanses the blood."

People at three different shops mentioned that Japanese buy a lot of their bear gall. One apothecary said she had sold 20 whole galls to Japanese in the first five months of 1991. Another shop owner said Japanese sometimes buy bear gallbladders and cow gallstones 20 kilograms at a time.

Table 9 (continued).

Shop #/Location	Bear Gall		Stated Origin	Comments
	Sold	Price		
28 / Taipei	Yes	\$18/gram	"All over the world," including Alaska	Jar of crystals shown. Owner believes galls from USA are authentic because hunting bears is legal.
29 / Taipei	Yes	\$16-20/gram	Worldwide	Shop once sold 100 kilograms of bear gall in a year's time.
30 / Taipei	Yes	\$18-25/gram	Southeast Asia	Whole galls are less per gram than crystals. A tray of 25-30 whole galls shown, all said to be from Asiatic black bears in Southeast Asia.
31 / Taipei	Yes	\$25/gram	China	Owners reluctant to talk. Said they sold 1-2 galls per year.
32 / Taipei	Yes	Not given	Thailand, India, China	Asiatic black bears yield the best medicine. Polar bears eat too much fish. Owner reluctant to talk.
33 / Taipei	Yes	\$8-9/gram	Not specified	Owner very nervous about talking. He said he kept his galls away from the premises.
34 / Taipei	Yes	\$25/gram	Not specified	Bear gall usually sold with other ingredients.

One shopkeeper claimed his bear galls are shipped in legally from India. Most others, however, admitted theirs were smuggled in. One man said his stock was smuggled from China by "individuals" who carried 10 to 20 pieces per trip. Another shop also said it depends on overseas Chinese to smuggle in supplies, except when the boss goes to Mainland China himself and smuggles galls home. Another shop said it simply waits for strangers to come peddling bear galls. Two shop owners said they buy from a distributor in Hong Kong, and one showed an invoice from a Hong Kong export company to prove he paid \$12 per gram retail for the gallbladders he sells for \$20 per gram. A woman

shopkeeper stated that she sometimes buys from overseas Chinese who come to Taiwan from Southeast Asia to attend college and bring 10 or 20 galls back with them to Taiwan after every visit home. Another shop owner said he bought his stock from a Taiwanese broker who buys bear galls from around the world, including Alaska.

Some shops said they sold ten or fewer bear gallbladders each year, while others claimed to sell five to ten a day at times. One owner said he sells more than 100 galls per year. A buyer for another shop said he goes through one or two kilograms of bile crystals annually. Another owner said he buys three or four kilograms of

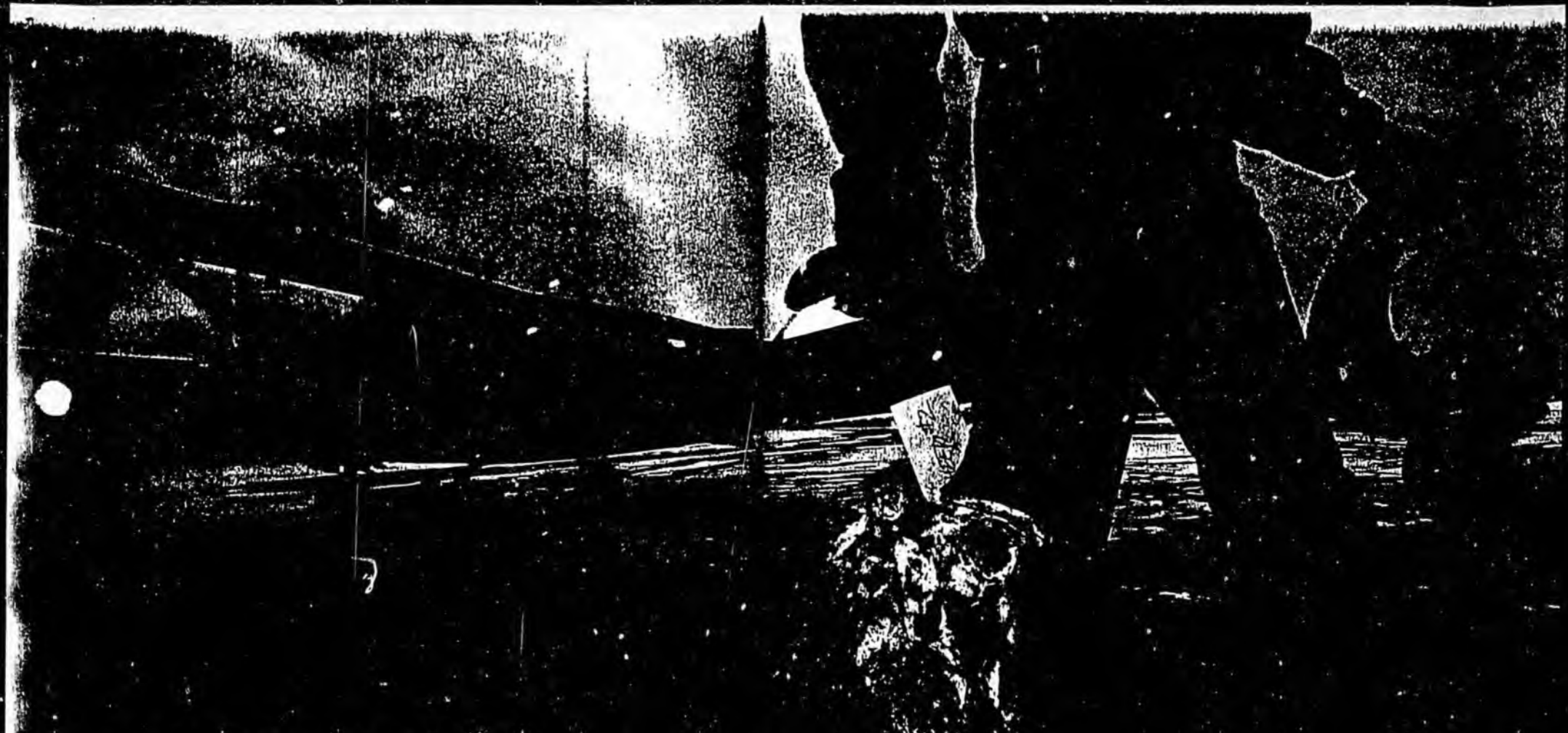
bear gall several times a year to meet the demand. Yet another said once he sold 100 kilograms of bear galls in a year's time.

We asked five expensive Cantonese restaurants in Taipei whether they served bear paw. All said they no longer serve bear entrees, citing the law, a shortage of bears in the wild, or cruelty to animals as reasons. However, we are not convinced bear paw is not served in Taiwan restaurants and believe the matter deserves further investigation.

After shopping for bear parts, we asked Tang Hsiao-yu, chief of the Council of Agriculture Conservation Division, about the open sale of bear gallbladder in Taipei. He acted very surprised. "Not in Taipei," he said. "When?" He then referred us to the city government, as each city in Taiwan is responsible for enforcing the national Wildlife Conservation Law. The central government only wrote the law, he said. It has no hand in enforcing it.

At the Taipei City Government Department of Reconstruction, a five-department municipal team is charged with enforcing the Wildlife Conservation Law within Taipei city limits. This team is made up of members

with expertise in city government, police work, education, zoos, and animal welfare. Their main job is to inspect pet shops to see if any illegal trade is being conducted. In addition, they are attempting to get owners of protected animals and their parts to voluntarily register their holdings. Since January 1991, 5,316 captive animals from 81 protected species have been added to the government's pet records, including one Asiatic black bear and six sun bears. The enforcement team is not looking at bear gall and other protected species' parts sold in Chinese medicine shops due to lack of staff resources and the problems associated with positively identifying these parts as authentic. Their priorities at this time are registration of live animals in captivity and an accounting of all ivory and rhino horn in the possession of Taipei citizens. Afterward, as of an as-yet-unspecified date, citizens caught with unregistered protected wildlife will be prosecuted (Y. Chang, pers. comm., June 1991). Chang Yuan, a member of the Taipei municipal team, said that stopping the sale of bear gallbladders is not part of enforcement efforts at this time.



America's Illegal Wildlife Trade

A SHAMEFUL HARVEST

BY CONSTANCE J. POTEN Photographs by JOSÉ AZEL CONTACT PRESS IMAGES

For a thrill, a trophy, or a big payoff, America's wildlife is under illegal attack. As greedy hunters, guides, and black marketeers do their business, two confiscated bighorns mark this gruesome, growing problem.



Trapped in Ohio and illegally trucked to South Carolina, these red foxes were purchased by a game farm for use as hunting quarry. Wildlife

agents picked up the trail and arrested the violators, who were fined. Rabies and tapeworm tests required that the foxes be destroyed.

The story on the following pages is a grim one, that of massive and illegal slaughter of our country's wildlife for profit at home and abroad. Though the scale is enormous, the story is little known. We present it here on behalf of all threatened wildlife.

—THE EDITOR

SOFT, DARK CLOUDS float over Montana's frozen eastern plains. On this Thanksgiving weekend, in the spare ranch town of Wibaux, the main industry for a number of people is illegal hunting, and they are waiting for their payoff. At dawn Montana's lone undercover state wildlife agent and I sit in his pickup, waiting too.

The agent, call him "Roy," is a big, patient man with a sly wit. His beat covers 147,000 square miles and often takes him out of state—Montana's wildlife has a far-flung market.

"Montana," he says, "is one of the last states with astounding numbers of wildlife. It's made for poachers."

Two voices rise from the metal suitcase between us: wildlife agents on loan from another state, bodywired. We see them emerge from the worn, brick Palace Hotel a block away. Behind them is Neal Atkinson, an outfitter from Florida, who has allegedly taken 23 people on illegal hunts in Montana this fall alone. He thinks the agents are genuine clients.

Roy picks up his radio mike. "They're leaving. Let's take 'em down." Fourteen Montana game wardens hear this. The scene unfolds on empty Main Street: Atkinson scraping ice off his windshield; Atkinson suddenly surrounded by vehicles; he and his partners, stunned men in dirty jeans and down vests, frisked and handcuffed; someone leaving to wake up the justice of the peace.

This is not the first time Atkinson has been caught; he's already been convicted in Alaska. Two other states and two Canadian provinces have investigated him for illegal hunting. His meticulous records, seized by wardens in the shoddy hotel room, outline three years of unlicensed hunting. Deer carcasses and photographs were found in the hotel and nearby in homes and an old prairie school.

On this brilliant, cold day, Atkinson—a lean 47-year-old—is led to jail. He will be facing 23 federal counts, but he knows from

experience that wildlife-crime sentences tend to be lenient and probation requirements are difficult to enforce. Casually, he asks the warden about other good hunting areas.

Atkinson is a player in a lucrative American industry—poaching. Officials say the trade in illegal wildlife has become a booming tax-free business. No one really knows the bottom line; United States Fish and Wildlife Service (FWS) officials estimate that the illegal profits from U. S. animals are 200 million dollars a year and growing. The trade attracts organized crime, agents say, because the return is high, the risk of getting caught is low, and, until recently, the penalties have been minimal.

"There's big money out there," says Terry Grosz, the Rocky Mountain region FWS special agent in charge. "The people involved are everybody—rich, poor, outfitters, taxidermists."

Increasingly, wildlife officers rely on undercover operations like the one in Wibaux to penetrate networks of poachers and buyers. "As we get more sophisticated, so does the poacher," says Alaska senior FWS agent Al Crane. "There's more illegal activity than ever."

Despite a 94 percent conviction rate for those caught, poachers feed global demand for American wildlife. They decapitate walrus for ivory tusks, net thousands of night-roosting robins for Cajun gumbo, and shoot anhingas nesting in the Everglades and raptors for their decorative feathers. In Alaska they track and shoot wolves from airplanes. They catch sturgeon and rare paddlefish and sell their eggs for caviar.

Unscrupulous outfitters purchase illegally trapped mountain lions and endangered jaguars for hunters willing to pay substantial trophy fees. Poachers shoot protected polar bears for collections, or to sell the skins, or for the \$3,000 a South Korean will pay for the gallbladder. The illegal trade supplies an Asian market with elk antlers and tails, bear parts, seal penises, even herring spawn attached to kelp, stealing the habitat too.

For the biggest trophies, collectors sometimes cross into national parks and shoot elk, deer, mountain goats, grizzlies, and bighorn sheep for the record book, wall mounts, pictures in albums, and quick profits.

Poaching has long been a tradition in the rural United States: spotlighting deer at night, a coffee can over the gun barrel to muffle the shot; using dead animals as bait for cougars

A BIG-GAME VACATION GOES ALL WRONG



MONTANA DEPARTMENT OF FISH, WILDLIFE AND PARKS

Pursued by a posse of game wardens and undercover agents, outfitter Neal Atkinson, at right, brought client Bobby Bagley to Montana in 1989. "This was the first time I went hunting out West," says Bagley, "and I thought I was going to have the best time of my life. But it didn't turn out like that." Accused of killing two deer—one over his limit—and bringing them home to Florida, first-time offender Bagley pleaded guilty and was given three years' probation and a \$2,000 fine. "I didn't have the money to fight the federal courts, so I had to swallow it and go on with my life." For two weeks of illegal work, Atkinson was found guilty of 21 federal wildlife violations, but he remains free on appeal. "They railroad people," says Atkinson about wildlife officials. But in court, prosecutor Kris McLean argued that "Neal is a greedy, flagrant violator."

and bears; shooting a duck or two in the farm pond for dinner. But over the past decade the stakes have soared. Word has passed among hunters that a black bear gallbladder is worth \$30 to \$100, a bobcat pelt \$200, or a bighorn sheep head \$3,000 (by the time these reach the consumer, the value will have increased substantially). Poaching has become big business.

"It's a terrible waste," says Daryl Gadbow, outdoor editor for the *Missoulian* in Montana. "As sportsmen, we hunters pay to support game management for herds to expand, not for poachers to exploit. Every year there are more hunters and fewer places to hunt. Poachers are stealing from me directly."

The demand is outstripping the supply. In less than ten years the average age of legally killed bears in southern Appalachia has

dropped by half. So few bighorn sheep are left in certain prime habitats that they must be transplanted to prevent inbreeding. The bobcat—one of the few spotted cats still legally sold—has been trapped off-season and without permit for breeding purposes. The fur, highly prized for coats, accounts for 60,000 animals killed in the United States each year.

Nationwide, the illegal kill of animals equals or exceeds the legal kill, wildlife officials say. Only a fraction of the violators are caught.

Some hunters groups question the extent of illegal trade, charging that FWS undercover operations are public-relations ploys. "Protecting wildlife no longer is enforcement's principal mission," says a Wildlife Legislative Fund of America report. "Making arrests is."

"I used to think that only a small percentage of hunters broke wildlife laws," says Montana Assistant U. S. Attorney Kris McLean, whose Helena office is filled with confiscated trophies. "But after five years as a federal prosecutor I know that's not so. An unethical trophy hunter wants that trophy, and he thinks he'll never get caught. In Montana we have 17,000 nonresident hunters a year; we'd need 30 more federal officers to enforce the Lacey Act."

That act, the strongest law used against illegal trade, was passed in 1900 in large part to save the buffalo from extinction by poaching in Yellowstone National Park. Amended over the decades, the act makes it a federal crime to transport illegally taken wildlife across state lines.

In February 1991, a year after his Montana arrest, outlitter Neal Atkinson was sentenced for perhaps the most Lacey Act violations in history—21 felonies. He was ordered to pay \$21,000 restitution to Montana and serve 37 months in prison. Upon release he will be banned from hunting, fishing, guiding, and trapping, worldwide, for three years. He has appealed the conviction.

WE HAVE A WAR GOING ON," says Fish and Wildlife Service agent Dave Hall. "And as long as enormous profits are attached to wildlife, wildlife loses."

In New York City's Chinatown, when I ask the manager of an apothecary shop if she sells bear galls, she wants to know where I'm from. "Montana," I say. Can I get her bear galls?

She asks. Send them COD, then she'll tell me how much she'll pay. We're discussing a felony, a gallbladder shipment from Montana, but the chance of getting caught is slim. To give me an idea of size, she unlocks a cabinet and draws out a clear plastic corsage box. Inside are two shellac-shiny galls, big and round as softballs.

"For the Asian gentleman who has everything," says attorney McLean, "present a bear gall in a nice case. A grizzly gall is even better, more potent as an aphrodisiac." Galls, ingested a tiny bit at a time with liquor, are also believed to cure a host of ailments from blood

Author **CONSTANCE J. POTEN** is based in Missoula, Montana, and writes fiction as well as features. This is her first **GEOGRAPHIC** article. Cuban-born **JOSÉ AZEÍ** has contributed to several articles, including the August 1991 report on Cuba.

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POACHERS' WHO'S WHO

Dead ducks—29 of them—put Raoul Chalsson almost ten times over his limit in Louisiana. Pleading guilty, he was fined \$425 and sentenced to two years' probation and ten days of community service. Chalsson said he stopped shooting only because he ran out of shells.



DAVE HALL, U. S. FISH AND WILDLIFE SERVICE



"William Heuer gets his trophy no matter what the cost," says Montana undercover agent "Roy." The cost for illegally taking this bull elk from a no-hunting area in Montana and attempting to transport it out of state: three years' probation, 200 hours of community service, and \$13,300 in fines.

For two rare gyrfalcons Lothar Ciesielski paid a government informant \$11,000 and allegedly smuggled the birds to West Germany; he remains at large. To maintain the illegal supply of falcons, Ciesielski offered the informant an 80-acre ranch and a six-figure salary.



poached in Washington State; game wardens are finding bears stuffed in Dumpsters, paws and galls gone. The importation of 35 frozen black bears by South Korean businessmen made the *Korea Herald* because the galls were selling for as much as \$18,300 each. Working undercover, agents documented the loss of 366 bears from the Great Smoky Mountain region over a three-year period.

Since the sale of bear parts is legal in some states, merchandise from poached bears is very difficult to track. "Until we have standardized laws throughout the United States and Canada," says Washington State wildlife enforcement officer Ron Peregrin, "trade in illegal bear parts will flourish."

Bear-claw necklaces are de rigueur at mountain men rendezvous and, set in silver

and turquoise, are big-ticket jewelry pieces. I try on a necklace with 20 claws at a fair on the Crow Indian Reservation in Montana. It is frighteningly beautiful. Legal? Who knows? In a shop next to Glacier National Park, a possibly illegal claw from a grizzly (on the FWS threatened list) is tucked away among the items.

In Alaska a wealthy hunter will pay \$10,000 to hunt an illegally guaranteed brown bear, often illegally baited with dead caribou. Until an undercover operation interrupted his business, legendary Alaska guide Ron Hayes used airplanes to herd trophy animals toward the gun barrels of hunters. In 1988 Hayes was arrested and pleaded guilty to federal charges. He served 13 months in prison, paid a \$100,000 fine, and forfeited three planes.



ALASKA FISH AND WILDLIFE SERVICE

Once the hunter, Australian Peter Stapley is now the hunted. He allegedly shot this Alaskan brown bear in 1986, breaking three state wildlife regulations, and then disappeared. Today Stapley remains a wanted man. Apprehending poachers is one of many responsibilities shouldered by state and federal wildlife agencies that are strapped for money and manpower. According to a recent government report on the U. S. Fish and Wildlife Service, some 3,600 endangered or threatened species are receiving little or no federal protection.

THE BLACK MARKET FLOATS across the country like a seine, silently emptying rivers and seas of fish and shellfish by the millions. A Texas fish study showed that illegal netters are the largest harvesters of redfish, killing more than 40 percent of a species whose population has already collapsed from overfishing.

"If they weren't dealing in fish, it would be crack," says Bob Marshall, outdoor editor for the *New Orleans Times-Picayune*. "These are thieves, career criminals. The fish business is a haven because of lack of enforcement. The National Marine Fisheries Service guards federal waters from Puerto Rico to Brownsville, Texas, with only six resident agents."

New York City's Jamaica Bay, a three-by-seven-mile reach with countless marshy islets,

is so polluted that commercial shell fishing has been outlawed since 1914. When it rains, raw sewage may flush into the bay: The city's archaic system can't handle any overload. Shellfish here are covered with malodorous muck.

Two days before Christmas, shellfish prices are up, so New York conservation officer Dave Baker, two partners, and I take a boat to check out the bay. The sun is a yellow stain over Manhattan, the chill damp and deep. "A couple of nights ago we arrested two guys digging shellfish right off the dump," says Baker, pointing to a brown bulge of land. "They got a dismissal from the Brooklyn Criminal Court." Why? He shrugs, "Digging clams is nothing compared with rape. It's a misdemeanor. The diggers' defense was that everybody knows you shouldn't eat raw clams."



In his grab-and-go business a reptile poacher makes fast cash for a few hours' work. He squirts gasoline into the branches of a Florida banyan tree and lets the fumes flush out his prey—threatened eastern indigo snakes, prized as pets. This indigo sold for \$120, fueling the black-market bonanza in a wide variety of reptiles. "If poachers can sell it," says photographer José Azel, "they'll poach it."

Contaminated clams may cause hepatitis A and gastroenteritis, but once shellfish make it to market, tracing their origins is hopeless. We throttle toward a distant blue boat Baker recognizes, a boat that's been caught with illegal shellfish before. The fishermen are after crabs today. When they see our boat, they raise the dredges and start dumping the contents.



Baker orders them to dump all the crabs, worth \$50 a bushel, and fines the men \$500.

In the Midwest one Great Lakes investigation exposed dealers in four states selling tons of illegal trout and salmon marked as whitefish—some contaminated with PCBs—depleting those populations and spreading toxins to consumers. The volume of illicit fish was so huge it brought more than \$150,000 in penalties. So widespread is the illegal fishing trade that in Chicago alone a 1982 raid on five fish wholesalers resulted in all dealers being charged. In 1980 another operation laid open a lucrative network selling illegal sport and game fish in Illinois.

For the spoon-billed paddlefish, swimming America's rivers for 68 million years, depletion of the species became a concern in the

1980s. When Iranian students took U. S. hostages in 1979, the beluga sturgeon caviar source was abruptly cut off. U. S. commercial caviar producers taught Tennessee fishermen how to prepare caviar from paddlefish eggs. Suddenly the profits from this "black gold" went beyond fantasy. For this rare, ponderous fish that can produce ten pounds of caviar—worth as much as \$500 a pound on the retail market—it amounted to a death sentence.

In 1985 low water in Missouri's Table Rock Lake exposed 15 dead paddlefish, their stomachs split open, their heads and tails tied together, and the carcasses weighted down with rocks. So many similar instances occurred that in 1987, at the Turn It Loose Bar near Missouri's Harry S. Truman Reservoir, two undercover agents joined paddlefish poachers in

the shadowy business of contraband caviar.

They found that at least 4,000 paddlefish were killed that year. One poacher boasted of clearing \$86,000 in five nights. When the agents emerged in 1988, 23 people faced 200 state and federal charges. At the top of the list was a prominent politician. But the market for paddlefish roe continues to grow.

IN THE COLUMBIA RIVER, the great fishery of the Pacific Northwest where fishing-rights issues simmer constantly, the roe and meat of salmon, sturgeon, and steelhead trout are worth enough money to fuel large-scale poaching. Native Americans claim treaties protect their freedom to fish in their original territory. Court decisions over the decades have reaffirmed the treaties, and



BILL COOK, NATIONAL PARK SERVICE (ABOVE AND BELOW)



DAVE HALL



Spoils from the slaughter, animal parts are prescribed by doctors practicing traditional Asian medicine. To treat indigestion, fever, hemorrhoids, and a litany of other ailments, doctors recommend gallbladder from a bear. After the fist-size galls are hung out to dry (left), they are diced, mixed with wine or liquor, and ingested. For sustenance and strength, doctors suggest tea steeped with sliced elk antlers, available at Asian medicine shops in the U. S., on the streets of Seoul, South Korea (below), and elsewhere in Asia.

In a less therapeutic vein, bear paws (below, middle) are boiled to make bear-paw soup, another Oriental specialty. In Alaska, where native peoples may legally kill walrus and sell handicrafts fashioned from the animals' tusks, raw ivory (far left) can still be obtained by nonnatives—illegally and for a price. Valued at 200 million dollars, the annual U. S. illegal wildlife trade represents a hefty slice of the 1.5-billion-dollar worldwide market.



ALAN BARKER

non-Indian impact on fisheries—commercial take, dams, and pollution—has further reduced the catch.

"Ten years ago I worked for the biggest mover of steelhead from the Northwest to New York City's Fulton Fish Market," boasts a Seattle-area veteran illegal fish broker. Apprehended and convicted, he now acts as an informant. "I shipped 20,000 pounds a day. Had 14 aliases going at once. You don't need an ID to get a license. I had the Indians protecting me, erasing and reusing fish tickets to hide the real numbers of fish I was buying.

"In the past ten years Washington's natural spawning runs are down 75 percent," he says, pointing to a chart. "I'd say the illegal lake is responsible for a third to a half of that."

The spawning of sturgeon has been so drastically reduced in the Columbia River's Bonneville Pool that biologists are gravely concerned about the future of the fish. Washington wildlife officer Ron Peregrin agrees. "It is illegal to catch fish longer than six feet there, because that's the size when they begin to spawn. Now the spawners are disappearing. The direct implication is the illegal harvest, particularly of the roe."

Tonight a full spring moon, bright as a stadium light, shines down the broad Columbia. With the informant as their front man, agents posing as fish buyers drive to the river to buy into the illegal trade. Each night Indians bring in boatloads of illicit sturgeon—outsize or shorter than four feet. They throw back only those too small to have a commercial value.

In the beam of a flashlight the agents measure their truckload of purchased fish. Two out of 18 are legal size. Still alive—sturgeon can take four days to die—one stands out. She is eight feet long (two feet over the legal limit), 390 pounds, and more than 60 years old. She will be sold to an illegal fish broker in Tacoma, a sacrifice agents must make for a solid case. Seattle FWS agent Dick Lichtenberg studies the fish sadly.

"That fish was here before the Grand Coulee Dam," he tells me. "She survived the hooks and nets, didn't succumb to the logging, the industrial waste—and then some dirtbag nets her and throws her out of the water illegally."

The meat will be taken by airfreight to the East Coast, the roe to Europe. The market is

substantial. Washington State wildlife agents continue to broker hundreds of pounds of illegal fish, building a case that promises to tighten fishing regulations and strengthen fish populations in the Northwest.

PROFIT IS ONLY ONE of the motives behind the illegal traffic in big-game animals in the United States. Another is the obsession by some to possess, at any cost, these symbols of power and freedom.

Bill Day, a Texas banker, wanted a trophy so badly he paid \$20,000 for record-book white-tailed deer antlers, which he then proceeded to have mounted on the skull of a Mexican deer.

"Day had his picture in *Outdoor Life* for getting the biggest Mexican nontypical



whitetail ever," says Joel Scraftford, a senior FWS agent for Montana and Wyoming. "He got to portray himself as the big guru to white-tail hunters." The real story came out when Canadian officials recognized the antlers: They had been stolen from a Canadian taxidermy shop. Day was sentenced to five years' probation and a \$20,000 fine.

During the fall hunt Pennsylvania's William Heuer's elk and deer don't make the record books. He pressures his Montana guide for an under-the-table hunt. He illegally buys a resident's license but doesn't know the salesman is Montana's undercover agent, "Roy."

"I consider myself a sportsman, whether anyone else does or not," Heuer tells Roy, who is taping it all with a hidden recorder. At dark, in a no-hunting area on the edge of Yellowstone, Heuer sets his gun on the hood of Roy's truck and aims at a huge bull elk. He has instructed the guide to fill a plastic bag with blood and let it drip from the legal area to the illegal kill. The shot rings out.

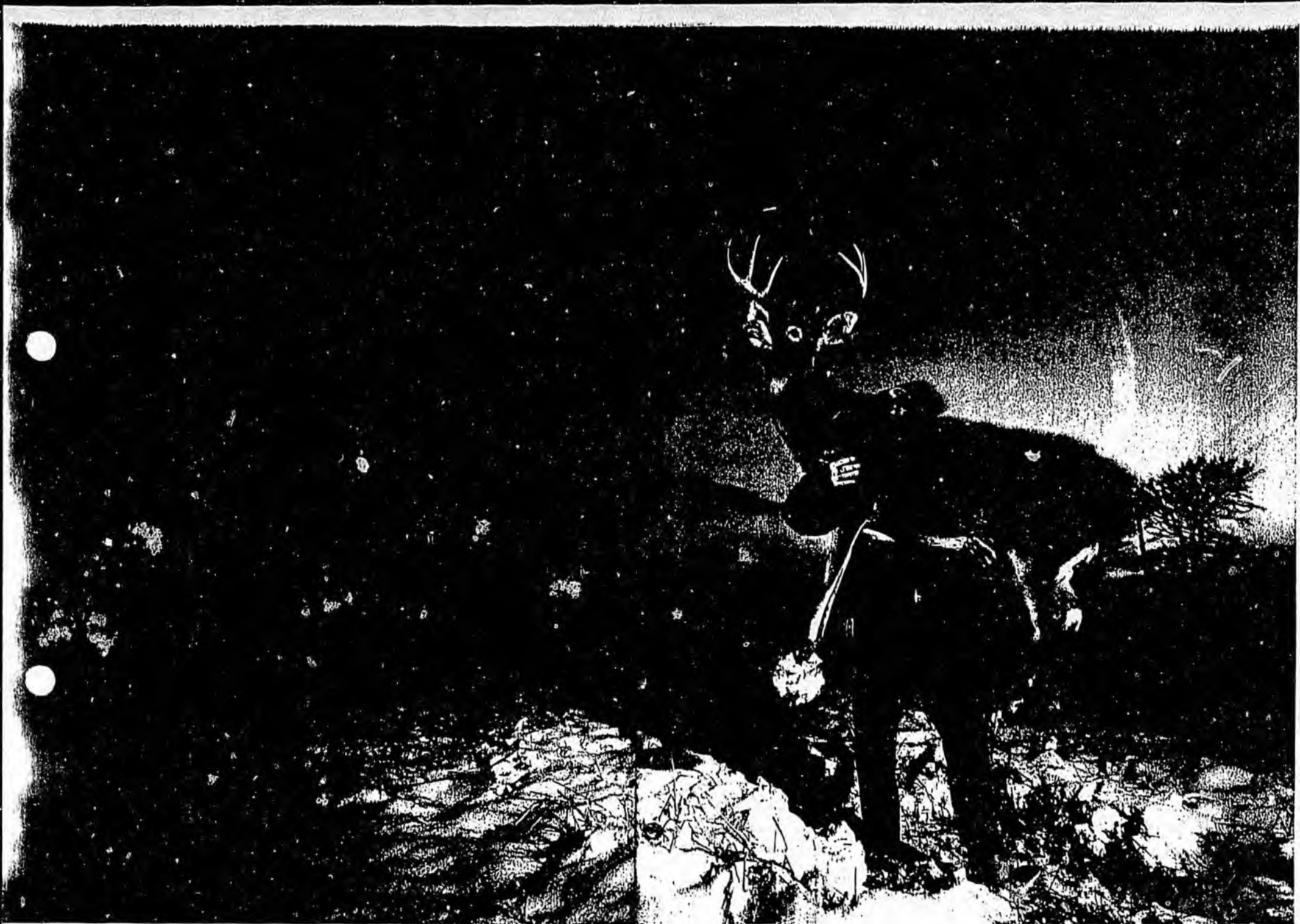
Months later, Roy's tape blasts the sound of the shot through the quiet of a federal courtroom. Members of the jury flinch. They look at Heuer. The tan, trim, steel-haired man in a pin-striped suit sits impassively. The recorder is switched off.

The jury doesn't know that Heuer has prior convictions in two other states. But their decision is quick: guilty of one Lacey Act violation. His federal sentence is three years' probation, \$13,300 in fines, and 200 hours of community service.

Founded by Theodore Roosevelt to recognize exceptional hunting skills with fair-chase criteria, the prestigious Boone and Crockett Club publishes a record book of trophy animals. "Trophy hunting does not appreciably affect wildlife populations," executive director Lawrence Means says. "Nearly 1,900 record-book trophies were entered in the past two and a half years alone, which suggests big game populations are doing well."

But so are hunters, getting into places

In the hands of serologist Wayne Ferguson, a frozen bobcat is still a valuable one. At the new National Fish and Wildlife Forensics Laboratory in Oregon, its blood and tissue samples will augment a comprehensive data base designed to help investigators answer such questions as: Does the blood on a poacher's pants come from a bear—or a protected bobcat?



Set for the night shift, Buckshot—a decoy for Delaware's Fish and Wildlife Division—will stand rigid in a poacher's spotlight, just like a real

deer. When poachers shoot, they get arrested. Says Capt. Rick Burritt, "Buckshot never complains about the pay or the working conditions."

nobody could reach before. "Teddy Roosevelt and the Boone and Crockett Club," Roy says, "would not condone the illegal use of aircraft, laser night scopes, one-million-candlepower spotlights to transfix deer, two-way radios, silencers, poison, or all-terrain vehicles. We're losing a lot of quality wildlife."

"Seventy percent of my caseload involves trophy poaching," FWS agent Scrafford says. "They're killing off the biggest, the best of the gene pool for future generations."

Not so, declares Warren Parker, former president of the Safari Club International, the largest hunting organization in the world. "Trophy hunting doesn't affect animal populations. It actually works for the good. It takes the old animals out of a herd."

Until 1990 the Safari Club's most coveted award was presented for taking the top 27 game animals of North America. Public criticism persuaded the board to drop the award because the list included three protected species—the walrus, polar bear, and jaguar. It is illegal to import or hunt them in the United States. Parker, a top-27 winner, was convicted of a misdemeanor in 1985 for illegally transporting the skin of an endangered Mexican jaguar.

TROPHY-SIZE ANIMALS have become so rare in the wild that "people are hitting the parks hard now," says agent Scrafford. In his zeal to acquire a Roosevelt elk trophy, a former Safari Club chapter president contacted an outfitter about hunts in Washington's Olympic National Park. "He wanted to skip the hunt," the outfitter, an FWS undercover agent, tells me, "and just have the elk delivered to the Seattle airport."

In competition for record-book animals, hunters will pay guides huge prices for trophies. "That creates unethical business relationships between the guides and those hunters whose skills and ethics are not developed," says FWS agent John Cooper. "It puts tremendous pressure on guides to produce."

Alaska state trooper Sgt. Joe D'Amico says, "Last year we cited 6,000 hunting and fishing violations, and we have only 66 field officers in all Alaska. That indicates the magnitude of the poaching problem."

For one of the most prized trophy targets, North America's wild sheep, hunters are willing to pay more than \$100,000 at auction for

the year's last legal Montana permit. "You don't see bighorn sheep over eight years old any more," says agent Scrafford. "For 30 minutes of work, I can get at least \$3,000 for a highhorn trophy. People invest in record-book trophies like art collectors collecting Remington bronzes. Hold one for five years, and it can be worth \$50,000. People poach on speculation now."

One of the most valuable live animals today is the elk, for the antlers alone. American elk antlers (especially illegal ones taken from national parks where the forage has no chemicals) are number one with South Koreans. "Apothecaries sell them in Seoul," says Montana antler dealer Don Schaufler. "They slice them paper thin, boil ginseng and herbs with them, then squeeze the blood out of the horn. It's like a tonic—they believe it wards off flu and colds."

Elk produce new antlers each year, worth \$140 a pound in the blood-filled velvet stage. The resulting boom in elk ranching has encouraged illegal trapping of wild elk to stock the ranches. At up to \$16,000 a head for a legally purchased animal, high prices make the temptation to trap wild elk palpable.

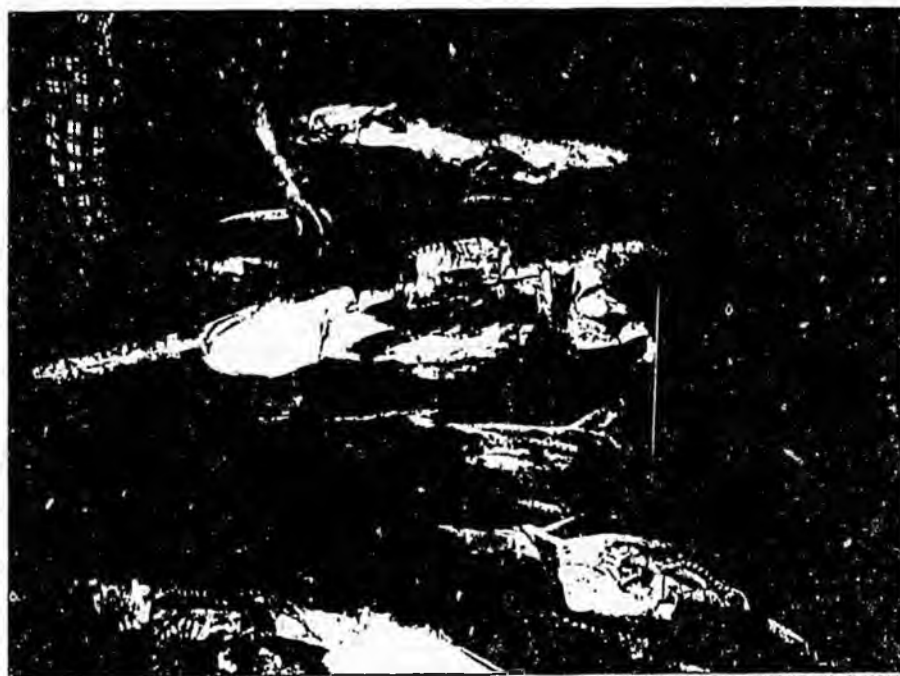
In a landmark case Leo Smith, the manager of the Chama Land and Cattle Company, faces a lawsuit from New Mexico for stealing state property. Smith, a small volcano of a man, a cigar perpetually clamped between his teeth, is charged with 99 felonies, including larceny, racketeering, and embezzlement. The company is accused of stealing and transporting out of state 250,000 dollars' worth of migratory wild elk.

States are rethinking the wisdom of game ranching. (Washington has already outlawed it.) In the West dozens of game ranches have sprung up in the past decade. Wyoming law bans private ownership of game animals and can prohibit importation of exotic species. The state is being challenged by one heir of the Campbell Soup fortune, who has been denied permits for a large game ranch. But as the debate continues in other states, the market for game ranches grows.

Meanwhile, Valerius Geist, professor of environmental science and biology at the University of Calgary in Alberta, predicts that game ranching will have lethal results. By November 1990 a major outbreak of bovine tuberculosis had spread through Canadian game farms, traced, says Geist, to elk brought



American-style caviar—eggs from the rare freshwater paddlefish—was seized in 1989 in Missouri, where commercial taking of paddlefish is illegal but seductively lucrative: The roe from a large female may retail for as much as \$5,000. Sentencing three defendants in this case, a federal judge said, "We can no longer tolerate the destruction of our nation's natural resources for the short-term profit of a few."



BOOTH BY LARRY KECK, U. S. FISH AND WILDLIFE SERVICE

in from Montana. The highly contagious disease is fatal to animals and is debilitating and difficult to treat in humans.

The disease spread faster than anyone anticipated. By February 1991 nearly a hundred Montana and Canadian game farms were placed under quarantine, and several herds were destroyed. By April, 11 people tested positive, and the disease had spread to cattle and pigs. "The tragedy," says Geist, "is that Canadians have lost the advantage of TB-free status for their cattle, meaning the loss of potential markets. The cost is estimated to go into the hundreds of millions of dollars."

FOUR MAJOR FLYWAYS funnel migratory waterfowl from Arctic regions to Mexico and South America, and from beginning to end illegal killings are withering populations. In a Corpus Christi, Texas, shopping center, surrounded by duck decoys, packed boxes, and framed artwork, a federal agent and I sift through stacks of court records. The papers document a three-year undercover investigation on the Gulf Coast of Texas that brought charges against 210 people for 1,300 violations. The store we are in sold wildlife art but was really the front for the Texas Takedown, the biggest waterfowl



The end of the game for outfitter-turned-outlaw Bobby Coombs came in 1989 when he was arrested and handcuffed in Raton, New Mexico (bottom). To gather evidence on Coombs's interstate hunting scam, undercover agent "Hank" signed up for a bear hunt. Coombs led Hank to Colorado and, without a valid license, used garbage to attract a bear, which dogs treed and Hank shot (above). Then Coombs trucked the carcass across the state line to New Mexico—a federal offense. For this crime and two others, Coombs pleaded guilty, served eight months in prison, and is now out on parole. "Bobby's not really a troublemaker," says case agent Tim Barraclough. "He just took the lazy way out."

So do other hunters, from thrill-seeking weekend poachers to professionals who shoot animals from aircraft while monitoring police radios to stay a step ahead of the law. Says federal agent and hunter John Cooper, "The American public won't settle for having its wildlife only in zoos."



MERRA L. TAYLOR, THE ALBUQUERQUE TRIBUNE (LEFT AND ABOVE)



PAT DAVIDSON, THE ALBUQUERQUE TRIBUNE

undercover operation in history. On December 13, 1988, a hundred FWS agents—half the entire force—served papers on the violators.

"The hunters and their guides did everything illegally," says the agent, who asks to remain anonymous. "Shot too early and too late in the day, used lead shot and electronic callers, shot over bait, left crippled birds to die, and herded birds with airboats. It's been going on like this for years."

Bored with waterfowl, the hunters blasted kingfishers, killdeer, ibis, and red-tailed hawks, illegally killing 2,800 birds. When 88 geese fell in one volley, one of the guides complained, "It could have been better." He happened to be one of the justices of the peace who handle wildlife cases.

Operations do not end for wildlife agents until they've been through court, and in this case the worst was still to come. So many charges stacked up against the LaBove Shooting Resort and its owner that she entered a plea bargain, offering to pay fines of \$275,000, serve five years' probation, and forfeit two trucks and an airboat. The U. S. district judge's sentence: \$1,975 in fines, three years' probation, and forfeit of the vehicles.

"There was laughing in the court," recalls the agent. "These people were indicted on felonies, pleaded to misdemeanors, and still got lighter sentences. The message is that it's OK to defy the law."

The extinction of the Labrador duck in the 1880s and the near extinction of a dozen other species of waterfowl compelled the United States and Canada to sign the Migratory Bird Treaty Act of 1918. The enactment of kill limits and the ban on commercial market hunting helped remnant populations of birds begin a slow recovery. Today waterfowl populations have collapsed again, down 60 percent from the 1940s, and continued loss of habitat and chemical poisons have drastically reduced the chances for revival.

But tradition lingers. For generations many in the small community of Tangier Island in the Chesapeake Bay have supplemented their income with duck hunting. Tangier native Donald Thorne's grandfather was a market hunter, and until he was jailed for poaching, Thorne was a guide for wealthy hunters who ignored the limits. He also sold birds illegally.

"I've been doing these things since I was 14," says Thorne, 36. "I've sold to every man around here. When that gets in your blood,

it's just like an alcoholic. You can't get it out."

Federal wildlife agent Dave Hall is videotaping Thorne as he says this, to show to schools and hunting groups. When Hall realized that poaching was a social problem, he launched a crusade he calls Poachers to Preachers. "The poacher is a folk hero in his community," says Hall. "The answer is to get the violators to help change the attitudes of their neighbors."

Royley Folsie, one of Hall's converts, served six months in a Louisiana federal prison for a one-day killing spree that netted over 600 protected yellow-crowned night-herons, locally called *gras-bees*, a prized food. A charismatic, compact man in his early 40s, Folsie and his wife, Theresa, sit with Hall and me in the prison lobby before his release.

"Where I live, you were very important if you came out with a bunch of ducks or gras-bees," Folsie says. "How many ducks did we kill? Until we got tired or ran out of shells."

BESIDES MIGRATORY WATERFOWL, nearly all birds except starlings, house sparrows, upland game birds, and feral pigeons are protected by U. S. law. An international fascination with Native American artifacts fashioned from feathers has focused a demand on eagles, hawks, owls, scissor-tailed flycatchers, anhingas, flickers, even bluebirds and magpies. A golden eagle tail may go for \$260; kestrel and flicker hatpins, \$10; a scissortail fan, \$700.

"We have an annual million-dollar black market in eagle feathers in the West right now," says FWS agent Scrafford. "Most of them go to Japan, Germany, Britain, and Eastern Europe, to history buffs and cowboy-and-Indian clubs."

It is illegal for anyone to buy or sell eagles or their parts in the U. S., and only Native Americans are allowed to possess the feathers. The National Eagle Repository in Ashland, Oregon, stores frozen carcasses sent in from wildlife agencies around the country. The repository supplies about 800 requests a year from tribes for eagle carcasses and feathers. Yet a large underground trade moves on and off reservations throughout the country. A Montana trading-post owner tells me, "Indians offer me eagle feathers at least three times a week, five dollars each. They are desperately poor people."

Seattle agents attached radio transmitters to

Getting to the bottom of the illegal bald eagle trade, federal agent Larry Keeney worked undercover in Washington State as a taxidermist. He hid radio transmitters inside mounted eagles and sold them to a suspected smuggler, who stashed the birds inside a legally mounted black bear. Before it could be shipped to collectors in Japan, Keeney swooped in for the seizure, here reenacted.



BOB BY ERIC LARS BAKER

two illegal stuffed eagles in a taxidermist's shop. One transmitter surfaced later, inside a mounted elk being shipped to Japan. "We opened the elk up, and there were five eagles inside," says West Coast FWS special agent Dave McMullen.

Alive, raptors are worth thousands of dollars. During a four-year undercover operation federal agents and an informant, Jeff McPartlin, penetrated a black market of endangered peregrine falcons, gyrfalcons, goshawks, and Harris' hawks that stretched from the Alaskan Arctic to Saudi Arabia.

"In 16 months two Canadian smugglers netted \$750,000 on North American birds," says McPartlin. "They stole a hundred birds in one season alone. They also smuggled eggs by taping them to their bodies, outfitted briefcases with incubators, and recycled ID bands to get birds through customs. The treatment of the birds was atrocious." The bands are used to identify captive-raised birds, which are legal to export.

Although more than 50 people have been convicted in Operation Falcon, the key figures of a worldwide smuggling network are still at large: members of the Ciesielski family of Cologne, Germany, who supply raptors to wealthy Japanese, European, and Arabian falconers. "Lothar Ciesielski paid me \$7,000 cash for one white gyrfalcon," says McPartlin. "He resold it immediately for \$135,000. They call these birds feathered cocaine."

COLLECTORS OF REPTILES are a specialized lot, like falconers, and competition for rare specimens provides a keen market for contraband. Ten years ago FWS agents set up a storefront operation in Atlanta, Georgia. They discovered hundreds of thousands of U. S. reptiles were being stolen from the wild every year. It's illegal to ship snakes through the mail, but 100,000 are mailed each year. About 60 percent of them die. Destinations include Japan, Belgium, Czechoslovakia, and Britain.

"Human commercial activity," says Dez Crawford, founder of the Reptile Defense Fund, "has put the populations of at least four dozen indigenous American snakes and amphibians on the threatened list. The pet trade is no longer the primary culprit in species decline," she adds. "Fashion fads are now number one." The U. S. demand for Indian python boots like John Travolta's in *Urban*

Cowboy and reticulated python jackets like Paul Hogan's in *"Crocodile" Dundee II* have endangered both species.

It's against the law to pour gasoline down holes to flush denning snakes, but that's the most popular way to collect them for Texas rattlesnake roundups. The method has side effects: Gas poisons water and kills den-sharing turtles, tortoises, and burrowing owls. Purging the land of these necessary predators upsets the balance of nature. Crawford says the depletion of western diamondback rattlers by rattlesnake roundups costs farmers 25 million dollars a year in crop loss to rats, mice, and rabbits, not counting the price of pesticides to replace the snakes.

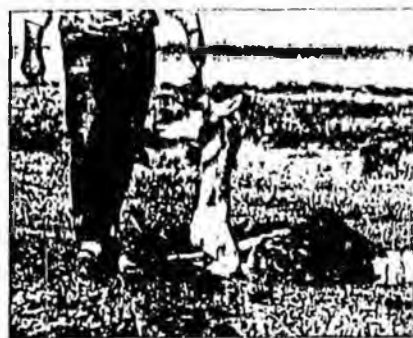
WORLDS AWAY, in Alaska's Bering Sea, walrus tusks have become the focus of a frantic, escalating trade. "What poachers did to the elephant is a blueprint for what could happen to the walrus," says Dave Cline of the National Audubon Society.

The Marine Mammal Protection Act of 1972 makes it illegal for non-Native Americans to hunt or sell walrus, seals, sea otters, sealions, or polar bears. So, many white dealers use Alaska native people to disguise unlawful ivory trade. Other outlaws claim skins and ivory were taken before 1972. Alaska FWS agent Wally Soroka says that the tonnage of old inventory never seems to diminish, but it's hard to prove when ivory was obtained.

In remote outposts like Nome, Alaska, the illegal ivory trade is blatantly casual. "I buy raw ivory," a Nome merchant tells me. "Sell it back to native carvers. Been doing that for years, and they haven't caught me yet." By law native carvings must be traditional, but he shows me a carved ivory nut and hollowed-out bolt. "It's for a cocaine stash," he laughs.

To kill walrus for ivory, some natives drive motorboats out to ice floes, shoot the animals with semiautomatic weapons, and cut off the heads of those they can retrieve, although "wanton waste" is illegal in Alaska, as in most states. Half the animals sink, washing to shore in the spring. In 1988 approximately a thousand walrus bodies washed up on St. Lawrence Island; nearly all were found headless.

"It wasn't until you guys came up here with a monetary system that this started happening," Darryl Trigg, vice president of the Nome Eskimo Community, tells me.



On a hunting holiday four men from Florida and Alabama arrived in Montana in 1989 and left carnage behind. They allegedly shot 27 antelope and 3 deer, far more than their legal limit, and removed only the choice animal parts—the hindquarters and backstraps—leaving the rest to rot (left).

Although these species are not endangered, such wanton waste infuriates Montana undercover agent "Roy," who denounces "the total lack of concern for wildlife."

Roy, who collected the evidence (above) and posed as an outfitter (below), is a former vice-squad officer. "When I worked prostitution, gambling, or narcotics, the crime got committed and I made the arrest. But when investigating wildlife violations, I get more involved, because it's not immediately obvious who is a legal hunter and who isn't." In this case, he got a close look. "They were fairly well-to-do businessmen," he says. Their airport departure, though, wasn't business as usual (next page).



AGENT'S IDENTITY INTENTIONALLY OBFUSCATED

"People can't get by without selling ivory."

Few of the walrus killed are used for meat or waterproof clothing any more. A large head with tusks brings \$1,000; five buy a new snowmobile. "Young men jump on a plane to Anchorage to get \$200 worth of drugs for \$5,000 worth of ivory," says Trigg. Though raw ivory is illegal to sell, it changes hands like currency, buying gas, groceries, drugs, liquor, even airfare. "Some people have turned subsistence into an unrestricted slaughter," says FWS special agent Gary Mowad.

You can find ivory in practically every store in Alaska, and often sealskin, baleen, and walrus penis bones, called *osiks*. In a gift shop of the Hotel Captain Cook in Anchorage, next to a \$2,000 walrus trophy head is an *osik*, for sale for \$135, in a locked case. What are they used for? "Conversation pieces," says the salesman. "That's it."

The unlawful killing of marine mammals is difficult to track, but agents say the take is widespread. Valuable skins of sea otters are surfacing around the world through a quiet, lucrative black market. Some buyers pay huge amounts for live sea otters for their aquariums. Agent Soroka recently seized 13 polar bear skins from one individual in Anchorage who was selling them for as much as \$4,000 each.

To protect its wildlife, the nation has fewer than 200 federal agents and about 7,000 state officers—about half the Chicago police force. "Knock one bad guy down and ten step forward," says FWS agent Terry Grosz. "I think Custer had better odds."

THERE ARE SUCCESS STORIES. Creatures have survived illegal pillage and made strong comebacks when enough human resources were directed at a single species. Poaching threatened the survival of the American alligator two decades ago, but continuous law-enforcement operations and closely monitored harvest and trade controls brought it back. Hunters—who almost poached themselves out of a market—were making only \$2.50 a linear foot in an illicit skin trade controlled by buyers. Now, legally, they make more than \$60 a foot for the skin, and one skin averages seven to eight feet.

The black market hasn't stopped completely, but, says FWS agent Dave Hall, "alligators are plentiful again. People can look back and see how harmful and unproductive poaching really was."



Agents say people are responding; poaching hot lines in every state have become major sources of information. If the drain on wildlife is to be reversed, it is this kind of grass-roots intervention that will be the most effective.

States are working to strengthen penalties and standardize laws to prevent the smuggling of animal products. Artists like Bill Pease on Montana's Crow Indian Reservation are making bear claws, teeth, elk antlers, and skulls from plastic resin. A Japanese pharmaceutical firm is working on a synthetic substitute for bear galls.

A hope for the future is the National Fish and Wildlife Forensics Laboratory, which is dedicated to suppressing world wildlife crime. In its storeroom—like seizure rooms in every fish and game office throughout the country—the shelves are piled high with thousands of seized animal products, many from endangered species. In Ashland, Oregon, top scientists in many fields, including chemical analysis, serology, and morphological studies like feather

National Geographic EXPLORER will rebroadcast its four-part series "Wildlife Wars U.S.A." during November, on Sunday nights at 9 p.m. E.T. on TBS SuperStation.

Arrested at a Montana airport in 1989, this poacher and three partners pleaded guilty last June to shooting more than the legal limit of antelope. As wildlife agents and prosecutors scramble to bring violators to justice, most poachers go undetected, leaving America's wildlife on the run and under the gun.

identification, have come together to work for what they call "a new lab in a new frontier."

By this autumn, evidence analysis will be able to trace a tanned, dyed, and glued leather purse back to the animal; identify cut and frozen meat; trace a bloodstain to a specific deer. The lab's mission is to strengthen legal cases; in the past the difficulty of proving the origins of animal products has stymied cases against poachers.

"We have a time limit. It makes us anxious," says Miami FWS agent Dean Freeman. "When we're talking about wildlife, we're talking about something our children might not see." Poachers take away more than the animals; they take away a freedom for lawful hunters and undermine an already precarious natural balance. They take beauty and leave only waste. □

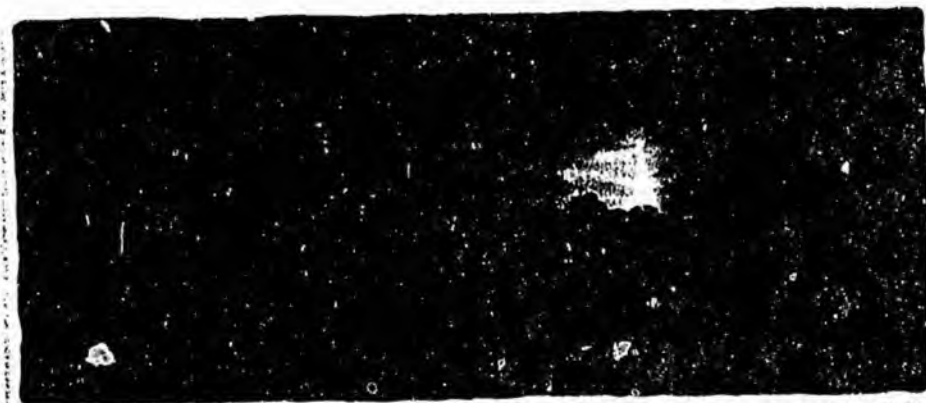
National Geographic, September 1991

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World Wildlife Fund  Rain Forest Rescue Campaign



By MATTHEW PINKNEY
GOVERNMENT schools face a shutdown after a meeting of Victoria's two main teacher unions yesterday.

For the first time, unions representing more than 40,000 teachers have agreed to coordinate a series of half-day strikes which will affect more than 500,000 students in 2000 schools.

According to the heads of the Victorian Secondary Teachers Association and the Federated Teachers Union of Victoria, teachers will hold a strike a week throughout the fourth term.

Teachers are demanding the government reverse Budget decisions that will lead to the breaking of industrial agreements signed last year.

The co-ordinated strikes — which will begin on October 7 — are the first to be held since the 1990 disintegration of the Teachers Federation of Victoria and the emergence of separate secondary and primary teacher unions.

The half-day stoppages are in addition to two 24-hour strikes on September 12 and October 31.

According to the president of the VSTA, Mr Brian Henderson, the industrial campaign will see "unprecedented disruption" of the school system.

News of the strikes came as the Education Minister, Mr Pullen, admitted he had made a mistake in signing industrial agreements with teacher unions.

In an open letter to teachers, Mr Pullen said staffing and conditions agreements had to be broken because of the worsening economy.

"With hindsight it may have been a mistake to approve the agreements," Mr Pullen wrote.

● Continued Page 2

US guns for Vic hunter.

THIS Victorian big game hunter is wanted by US police for killing this protected Alaskan Grizzly brown bear.

The killing has disgusted environmental groups and outraged Alaskan wildlife authorities.

Mr Peter Stapley admits

he shot the 181kg, 2.2 metre tall female bear in 1986 in the northern mountain area of Alaska — the last US refuge for the species.

The offence carries prison terms and stiff fines and Mr Stapley has been advised by his lawyer not

to return to the US. Mr Stapley, 46, a deer farmer from Timboon in south-west Victoria, also faces charges over the 1984 illegal killing of a caribou, a moose, a dall sheep and a deer.

● Full report, Pages 6 and 7

DON'T MISS KEVIN BARTLETT

- In Monday's *Herald-Sun*

CAPTURED NATIONS FREED -Page 2



\$130,000 DREAM HOME

● DETAILS PAGE 7



FOOTY FINALS SUPERFORM

● DETAILS PAGE 7



LA TOYA JACKSON

BARING MORE THAN HER SOUL

● WEEKEND PAGE 2

GAME IS UP

By CAROLYN FORD
in Los Angeles



● The shooter and his trophy . . . Victorian big game hunter Peter Stapley with the antlers of a moose.

DEATH came fast for an Alaskan grizzly bear feeding on salmon it had caught in a stream.

It was gunned down from 50 metres and skinned on the spot.

The bear's hide, including its head and paws, was stored for treatment by a taxidermist.

The rest of the 181kg carcass was left, like a stripped down car, for animal scavengers.

A Victorian big game hunter, Mr Peter Stapley, 46, is wanted over the bear's killing. He is also wanted for the illegal killings of a caribou, moose, dall sheep and black-tailed deer in 1984.

The killings contravened US state wildlife regulations.

Mr Stapley is charged with taking a grizzly bear without a licence, illegal possession of big game and being an alien hunter without a licensed guide.

Jail sentence

Each carries a one-year jail term and \$US5000 fine.

If Mr Stapley took the animals out of Alaska he violated federal law and could be charged with illegal interstate transportation of big game.

That carries a \$US250,000 fine and up to five years' jail.

"To our knowledge, he took everything back to Australia," said Mr Joe Campbell, of the Alaska Fish and Wildlife Protection Division.

Alaskan authorities have an outstanding warrant for Mr Stapley's arrest, with bail set at \$US25,000. But unless Mr Stapley returns to the US, he will not have to answer the charges.

Under US law, foreigners can be extradited from another state but not another country.

At his deer farm at Timboon in the state's south west, Mr Stapley confirmed he had killed the animals, but said he didn't know he was breaking any laws.

The Alaska Fish and Wildlife Protection Division uncovered Mr Stapley's hunting activities in 1987. Officers were searching

the home of an unlicensed guide, Mr Jim Baum — with whom Mr Stapley had hunted — when they found photographs of Mr Stapley with his wildlife trophies.

After a year-long investigation, authorities had enough evidence to lay charges, but Mr Stapley had returned to Australia, and Timboon.

Mr Stapley said he thought Jim Baum was a licensed guide, and paid him \$US5500 to take him bear hunting.

He said Mr Baum told him all the paperwork and payments necessary for a foreigner to hunt had been taken care of.

"I paid for a hunt with a registered guide, but the guide turned out to be unlicensed . . . I wanted a cheap hunt not an illegal one that would get me in the strife I'm in," he said.

"I'm one of six or seven (Australians and New Zealanders) who have been illegally guided by this character. I am very bitter about the whole thing.

"I was led up the garden path, it's dirtied my name."

Alaskan wildlife officials were dismissive of Mr Stapley's explanation, saying he was not a novice to hunting in the area.

Mr Stapley has been offered a suspended prison sentence if he pleads guilty to the three state charges and pays related fines; makes a contribution to the Alaskan Wildlife Fund and returns all Alaskan wildlife trophies (antlers, horns and the Grizzly's head) at his expense.

Mr Stapley said he did not have the bear skin.

He said it was taken to a taxidermist in Anchorage, Alaska, to be tanned for a floor rug and that, he said, was the last he saw of it, despite paying \$US2200 for the treatment.

"I would go back if I could get a fair hearing," he said.

FOR BEAR HUNTER

"I will not go back unless they can give me some assurance I can clear my name fairly."

Bears and deer are the most popular targets of poachers in the US. Bears are hunted for their skins and gallbladders.

In Asia, bear gallbladders are considered cure-alls and sell for as much as US\$18,300 each.

But bear claws — for necklaces — and meat and paws are also in big demand. Paws are used in special occasion soup in Asia, although it is gaining popularity in America too.

The grizzly brown bear is an endangered species in all states of America except Alaska. To stop them becoming endangered, Alaskan authorities allow only a certain number to be harvested each year. The system is policed by purchase of hunting licences and bear tags.

Wittingly or not, Mr Stapley avoided paying the Alaskan Government US\$2600 in fees plus US\$4000 to US\$10,000 for a reputable, licensed hunting guide when he killed five animals without a licence or tags.

It is theft of a resource, Mr Campbell said. "These funds go to wildlife management."

Throwing rubbish

There are those things a person has to do that are in the best interest of the resource... Wildlife illegally takes away that resource from all people," Mr Campbell said.

And Bothe, the Alaskan representative of the National Wildlife Federation, said "It is a shame to hunt illegally... it is like a tourist throwing rubbish in your back yard."

Wildlife from around the world come to Alaska to see the grizzly bear populations of the parks. The parks would not be the same without the bears and the caribou.

There is a lot of Australian poachers, especially fishermen, who use backpacks to carry so much hunters."



● RIGHT: The victim and the gun... a dead black-tailed deer. BELOW: A doll sheep, shot by Peter Stapley.

● ABOVE: The aftermath of an illegal shoot, say US wildlife authorities... Peter Stapley posed for this picture after killing this caribou in 1984.



It's on the house

YOU can win a house on the house in the Herald-Sun and Triple M House on Every Street contest.

We are giving away a fully furnished Pioneer home and land package worth \$130,000.

You can view the dream home today at the Pioneer Estate Lot 21, Rosedale Place, Werribee between noon and 5.30pm.

The winner will also get \$20,000 worth of furniture, fittings, appliances and extras including a spa and landscaped garden.

The furniture, from Designed Interiors, includes beds, lamps, dining table, chairs, and a sheet and doona set.

The State Electricity Commission will provide \$5000 worth of energy-efficient appliances including a dishwasher, refrigerator and washing machine.

The Werribee home comes with carpets, window furnishings, a landscaped garden, a Phillips home entertainment system worth \$3000 and a \$8000 spa pool from The Endless Swimming Spa Company.

The house has three bedrooms, a lounge/dining room, family room, modern kitchen and bathroom and a carport.

Every day you have the chance to win cash, the Dira Straits On Every

Street CDs and tickets to the band's November concert by listening to Triple M.

The CD, ticket and cash winners are announced on Triple M between 6am and 7pm.

If you live outside Triple M's broadcast area, the Herald-Sun has a daily prize and goes into the house draw.

Today's daily winner is Ms Franca Lance of Berwick. Franca wins a CD, tickets to a Dira Straits concert, \$105, and chance to win the house.

The house winner will be drawn on September 27. For details see the coupon on Page 17.

Challenges delay Tas bribe report

THE RELEASE of a report on Tasmania's 1989 political bribery affair has been delayed by a court challenge by two of the key witnesses at an inquiry.

For the past two weeks, three judges have heard an application from Opposition leader Robin Gray and the managing director of Launceston-based media group ENT Ltd, David McQuestun, to stop publication of the report by Royal Commissioner William Carter, QC, on the grounds of actual or apprehended bias against them by the commissioner.

The report was to have been handed to the government by September 30, but the deadline was extended to October 31 after the Tasmanian Full Court yesterday failed to complete its hearing.

Counsel for Mr Gray and Mr McQuestun have claimed Mr Carter was hostile to both men in his inquiry and ignored witnesses supportive of their clients.

But counsel for the Attorney-General and the royal commission, Mr Douglas Graham, QC, said yesterday when Mr Carter began the inquiry he may have had the attitude "to trust nobody" and this would have extended through his investigation.

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Demand for body parts may be wiping out black bears

ASSOCIATED PRESS

VANCOUVER, British Columbia — Conservationists believe poachers capitalizing on a growing trade in bear parts are wiping out British Columbia's black bears and that provincial law helps them do it.

Driven by enormous profits for bear parts, which are in demand as remedies in Asian medicine, at least 100 poachers are slaughtering more than 3,500 bears a year, a British Columbia game warden said.

Another 4,000 are killed by sportsmen with permits and licensed trappers and hunters. And an unknown number of bears are taken by Indians, who are allowed to kill as many as they want.

"Black bears in B.C. are

Analysis

under attack (and) at this rate they will all be gone in a few years," said game warden Garry Grigg of Surrey, a federal wildlife-trafficking expert.

Grigg said the provincial population estimate of 120,000 black bears is "outdated and a travesty." He said he believes the population is much smaller, but there is no way of knowing because the government's only figures are compiled by desk-bound biologists.

British Columbia is providing ammunition for the slaughter with its lax laws and inadequate enforcement, Grigg says.

"Poachers know the chances

of being detected are next to nil and if they're caught the fines are so damned small ... there's no deterrent," he said in a recent interview.

Unlike Alberta and California, where the sale of bears parts is banned, British Columbia allows their trade and export.

"You've got from fur trappers to sportsmen doing it (poaching) on a Sunday afternoon," Grigg said.

The parts often are sold at herbal stores in Vancouver's Chinatown that buy gall bladders, gonads and claws, but Grigg said the trade has expanded beyond that.

A bear gall bladder that weighs less than a quarter ounce sells in British Columbia for about \$350, but in South Korea

will fetch about \$18,000.

The bear parts are ground up and used in traditional cure-all medicines to combat a range of ailments, from bone fractures to hemorrhoids.

British Columbia conservation officer Andy Ackerman agreed there has been an alarming increase in the illegal slaughter in the last four years.

"I've even seen three cubs up a tree and the mother lying at the base with her paws cut off and her belly slit open for her bladder," Ackerman said.

Poachers are drawn from across North America because British Columbia is one of the few places in North America where it still is legal to sell and export bear parts.

Lax enforcement of game

laws by the province's over-worked 128 conservation officers is a major problem, Grigg said.

"The only way to detect poaching is to go in (the woods) in a covert situation," he said. "The province ... doesn't have money for that."

Poachers can be fined up to \$10,000, but catching them red-handed is a daunting task in the wilderness, Ackerman said.

"It's like trying to find a needle in a haystack," he said. "If the poaching was to go unchecked there's a great danger of the bears being wiped out."

The poachers, armed with rifles and video cameras, use dogs equipped with radio collars to run down the bear. Then the

poachers shoot the bear.

As one poacher cuts out the prized parts — the gall bladder, paws and genitals — another films the procedure and dates it. Within days and with the help of provincial middlemen, the film and the parts are either in South Korea, Japan, China or Hong Kong.

Grigg says the video is used to verify that the parts were from a fresh British Columbia kill.

Ackerman says there has been an obvious decline in the black bear and grizzly population in recent years.

"The market is fueled by a tremendous demand. ... Even hunters and trappers are concerned."

Arch. Times 8/29/91

Big bucks bait bear poachers

Gallbladder demand greases black market

By JOE HUNT

TIMES WRITER

Poachers in the Lower 48 and black market entrepreneurs in Alaska are prospecting a potential gold mine in illegal animal parts, wildlife law enforcers said.

The unwanted gallbladder from brown and black bears, left to decay in the Alaska bush, is valuable in Asian countries for its medicinal properties.

"It's almost getting to the point where it's valued as much as cocaine," said Dave Perrington, U.S. Fish and Wildlife Service enforcement officer.

The highest quality gallbladders have been known to sell for as much as \$4,600 an ounce in Korea, roughly 13 times the going price for gold.

Gallbladders more commonly sell for \$200-\$1,000 each on the Asian market, according to wildlife protection officers specializing in the animal parts trade.

In addition, bear paw soup, served at the best restaurants in Seoul, is considered a rare cultural delicacy sold for \$100 or more a bowl.

It has been illegal to sell bear parts in Alaska since the mid-1980s. But the state's abundance of animals and wide-open, year-round hunting season creates an opportunity waiting to be exploited, they said.

"There are indications people are approaching hunters to keep the gallbladders (for sale or trade)," said Chuck Parker, special agent with the U.S. Fish and Wildlife Service.

"There's too much money to be made for people not to be dealing in this stuff. It's a big problem, but how big a problem we don't know," he said.

National Park Service rangers said they are aware of the potential in Alaska. "To our knowledge the problem in the parks is to a large degree theoretical," said ranger Steve Shackelton. "It's one of the nightmares we don't want to see occur up here."

Last month, a shipment of 173 black bear gallbladders from Canada, worth up to \$1,000 each on the Asian market, were seized at Anchorage International Airport. The package, from a dealer in

See Bears, page B5

Bears

Continued from page B1

Aebec, was addressed to two Anchorage men. The case is under investigation and no charges have been filed.

Another Anchorage man, caught smuggling 56 grizzly and black bear gall bladders through the Yukon Territory, pleaded guilty in March 1980 to illegally exporting bear parts from Canada. Jay Ahn admitted to a Whitehorse court he planned to sell the gallbladder: to friends and Oriental grocery stores in Alaska, the prosecutor told the court. Ahn was fined \$5,000 and sentenced to one day in jail.

In both cases the gallbladders were legally obtained in Canadian provinces which allow the sale of animal parts. Violations occur when the gallbladders are transported without the proper permits, imported without notifying customs or possessed with intent to resell them in Alaska, enforcement officials say.

Demand far outweighs supply, creating a market so lucrative that an underground network has developed connecting bear hunting regions of the U.S. with the population centers of Korea.

Poachers supplying the black market were responsible for devastating the bear population of Great Smokey Mountains National Park in North Carolina before federal agents infiltrated the network and ended the raids on the park. Two-thirds of the park's 500 black bears were killed over three years, their paws and gallbladders removed.

Poaching for parts placed California black bears in such trouble that hunting was banned for several years. A crackdown resulted in tougher laws making it a felony to sell bear parts in California and one seizure of more than 70 gallbladders from a hunting guide. The black bear population there is slowly recovering.

Bill Cook helped lead the multi-agency force that cracked the black market ring responsible for killing two-thirds of the black bears in the Great Smokey Mountains National Park. The National Park Service investigator now teaches at the Federal Law Enforcement Training Center in Glynco, Ga., and has taught about the bear trade in Alaska.

"Yes. Absolutely. There's a potential for a large problem there," he said.

"I do know there are people out there — like in Glennallen — selling gallbladders and who have gallbladders drying on the side of their cabins," he said. "Oh yeah. It's happening up there."

Alaska has year-round legal hunting for black bear in many parts of the state and a high oriental population to support a market for the sale of gallbladders, he said. The bear parts do not have to be smuggled out.

The off-white gallbladder, used by the bear to create enzymes for digestion, resembles a baseball-sized balloon filled with water when fresh. Once it dries, it turns dark brown and shrinks to a teardrop shape the size of a fig. The bile inside hardens into molasses-colored crystals.

The bitter tasting gall is either cut into thin wafers to be eaten or ground into pepper-like granules to be mixed over food.



Times photo by DOUGLAS VAN REETH

Chuck Parker, special agent with the U.S. Fish and Wildlife Service, displays a bear's dried gallbladder, which sells for \$4,600 an ounce in Korea — 13 times the going price for gold.

Its healing properties are widely believed in Korea and other Asian countries, said Choonga "Chuck" Kim, a leader in the Anchorage Korean community. The bear gallbladder has been an important medicine in Asia for thousands of years, he said.

The "Illustrated Natural Drugs Encyclopedia," published in Korea, says a bear gallbladder has many medicinal uses. It helps reduce fever from infectious diseases, aids digestion, soothes stomach aches, cures hepatitis, dysentery and jaundice, and should be used for people in a coma, though the book does not explain why.

Kim tasted bear gallbladder years ago when buying and selling animal parts was still legal in Alaska. He tried it out of curiosity mostly, he said. Dipping the wafers in sugar could not mask its taste. "It was awfully, awfully bitter. I could not tell what it did for me," he said.

Bear gallbladder is very rare in Korea, he said. Combine its rarity with its reputation as a powerful natural medicine and it is easy to see how it fetches top dollar. "It is valuable because they believe in it," he said.

Adult children often seek galls

for their aging parents afflicted with a terminal illness, Kim said.

Bear gallbladders are still being used as medicine in Anchorage, Kim said. He said he does not know where they are coming from, but there are legitimate ways to get them in

Alaska. Gallbladder users can either go hunting for their own bear or they can ask hunter friends to save the organ for their use. There is no law against giving the gallbladder away.

A state law which encourages the waste of gallbladders when

there is a legitimate use for them does not make good sense to Kim. He said he would like to see the gallbladders made available as long as the bears were taken by legitimate means.

Oriental stores are no longer allowed to sell bear parts in any form. Pills and natural medicines produced in Asia containing minute amounts of animal parts are as illegal as selling the galls outright.

Jun Ro, a grocer at Seoul Oriental Food Store in Anchorage, said people occasionally ask for the medicines. It is usually requested by children wanting to buy it for their parents, he said.

Investigator Cook said his research of the Asian traditions has shown the gallbladder is prized for its powers to increase stamina. It is not an aphrodisiac as is often rumored, he said.

Western medicine has shown bear gallbladders to have some potential for dissolving gall stones in humans, he said. But Cook cautioned that it would be a mistake to mix western medicine with traditional Oriental beliefs.

"If I wanted to increase my stamina, in western medicinal thought I would take multiple vitamins," he said. "In eastern culture, I would ingest certain anatomical parts of animals that exhibited great stamina — like the black bear."

The high price of the black bear market trade gives the black bear the same potential for exploitation as the black rhino of

Africa, Cook said. Poachers seeking the rhino's prized horn for Oriental medicines have made it an endangered species.

Craig McClure inspects packages at Anchorage International Airport for the U.S. Fish and Wildlife Service to guard against illegal import and export of animals and their parts. He has confiscated bear gallbladders and medicines made with black rhino and sees the correlation.

"It's the same concern we have over black bears," he said. "What happens when the market gets so viable people start to shoot black bears just because they can get X number of dollars for the gallbladders."

Hunting guides in Alaska used to be solicited by Asian dealers before the sale of animal parts was banned. Joe Klutch, president of the Alaska Professional Hunters Association, said his assistant guides used to keep gallbladders as a way to make extra money during the guiding season. They could get between \$75 and \$300 for gallbladders, he said.

The remoteness of Alaska helps reduce the profitability of poaching. The most efficient way to acquire gallbladders would be through the guides, officials said.

All that has ended, Klutch said. "I haven't even heard anyone discuss it in the last two or three years. It's just nothing anybody in the industry would want to risk."



By **MATTHEW PINKNEY**
GOVERNMENT schools face a shutdown after a meeting of Victoria's two main teacher unions yesterday.

For the first time, unions representing more than 40,000 teachers have agreed to coordinate a series of half-day strikes which will affect more than 500,000 students in 2000 schools.

According to the heads of the Victorian Secondary Teachers Association and the Federated Teachers Union of Victoria, teachers will hold a strike a week throughout the fourth term.

Teachers are demanding the government reverse Budget decisions that will lead to the breaking of industrial agreements signed last year.

The co-ordinated strikes — which will begin on October 7 — are the first to be held since the 1990 disintegration of the Teachers Federation of Victoria and the emergence of separate secondary and primary teacher unions.

The half-day stoppages are in addition to two 24-hour strikes on September 12 and October 31.

According to the president of the VSTA, Mr Brian Henderson, the industrial campaign will see "unprecedented disruption" of the school system.

News of the strikes came as the Education Minister, Mr Pullen, admitted he had made a mistake in signing industrial agreements with teacher unions.

In an open letter to teachers, Mr Pullen said staffing and conditions agreements had to be broken because of the worsening economy.

"With hindsight it may have been a mistake to approve the agreements," Mr Pullen wrote.

● Continued Page 2

US guns for Vic hunter

THIS Victorian big game hunter is wanted by US police for killing this protected Alaskan Grizzly brown bear.

The killing has disgusted environmental groups and outraged Alaskan wildlife authorities.

Mr Peter Stapley admits

he shot the 181kg, 2.2 metre tall female bear in 1986 in the northern mountain area of Alaska — the last US refuge for the species.

The offence carries prison terms and stiff fines and Mr Stapley has been advised by his lawyer not

to return to the US. Mr Stapley, 46, a deer farmer from Timboon in south-west Victoria, also faces charges over the 1984 illegal killing of a caribou, a moose, a dall sheep and a deer.

● Full report, Pages 6 and 7

DON'T MISS KEVIN BARTLETT

— In Monday's *Herald-Sun*

CAPTURED NATIONS FREED

— Page 2



\$130,000 DREAM HOME

DETAILS PAGE 7



FOOTY FINALS SUPERFORM



LA TOYA JACKSON
BARING MORE THAN HER SOUL

GAME IS UP



▶ The shooter and his trophy . . . Victorian big game hunter Peter Stapley with the antlers of a moose.

DEATH came fast for an Alaskan grizzly bear feeding on salmon it had caught in a stream.

It was gunned down from 50 metres and skinned on the spot.

The bear's hide, including its head and paws, was stored for treatment by a taxidermist.

The rest of the 181kg carcass was left, like a stripped down car, for animal scavengers.

A Victorian big game hunter, Mr Peter Stapley, 46, is wanted over the bear's killing. He is also wanted for the illegal killings of a caribou, moose, dall sheep and black-tailed deer in 1984.

The killings contravened US state wildlife regulations.

Mr Stapley is charged with taking a grizzly bear without a licence, illegal possession of big game and being an alien hunter without a licensed guide.

Jail sentence

Each carries a one-year jail term and \$US5000 fine.

If Mr Stapley took the animals out of Alaska he violated federal law and could be charged with illegal interstate transportation of big game.

That carries a \$US250,000 fine and up to five years' jail.

"To our knowledge, he took everything back to Australia," said Mr Joe Campbell, of the Alaska Fish and Wildlife Protection Division.

Alaskan authorities have an outstanding warrant for Mr Stapley's arrest, with bail set at \$US25,000. But unless Mr Stapley returns to the US, he will not have to answer the charges.

Under US law, foreigners can be extradited from another state but not another country.

At his deer farm at Timboon in the state's south west, Mr Stapley confirmed he had killed the animals, but said he didn't know he was breaking any laws.

The Alaska Fish and Wildlife Protection Division uncovered Mr Stapley's hunting activities in 1987. Officers were searching

By CAROLYN FORD
in Los Angeles

the home of an unlicensed guide, Mr Jim Baum — with whom Mr Stapley had hunted — when they found photographs of Mr Stapley with his wildlife trophies.

After a year-long investigation, authorities had enough evidence to lay charges, but Mr Stapley had returned to Australia, and Timboon.

Mr Stapley said he thought Jim Baum was a licensed guide, and paid him \$US5500 to take him bear hunting.

He said Mr Baum told him all the paperwork and payments necessary for a foreigner to hunt had been taken care of.

"I paid for a hunt with a registered guide, but the guide turned out to be unlicensed . . . I wanted a cheap hunt not an illegal one that would get me in the strife I'm in," he said.

"I'm one of six or seven (Australians and New Zealanders) who have been illegally guided by this character. I am very bitter about the whole thing.

"I was led up the garden path, it's dirtied my name."

Alaskan wildlife officials were dismissive of Mr Stapley's explanation, saying he was not a novice to hunting in the area.

Mr Stapley has been offered a suspended prison sentence if he pleads guilty to the three state charges and pays related fines; makes a contribution to the Alaskan Wildlife Fund and returns all Alaskan wildlife trophies (antlers, horns and the Grizzly's head) at his expense.

Mr Stapley said he did not have the bear skin.

He said it was taken to a taxidermist in Anchorage, Alaska, to be tanned for a floor rug and that, he said, was the last he saw of it, despite paying \$US2200 for the treatment.

"I would go back if I could get a fair hearing," he said.

FOR BEAR HUNTER

"I will not go back unless they can give me some assurance I can clear my name fairly."

Bears and deer are the most popular targets of poachers in the US. Bears are hunted for their skins and gallbladders.

In Asia, bear gallbladders are considered cure-alls and sell for as much as \$US18,300 each.

But bear claws — for necklaces — and meat and paws are also in big demand. Paws are used in special occasion soup in Asia, although it is gaining popularity in America too.

The grizzly brown bear is an endangered species in all states of America except Alaska. To stop them becoming endangered, Alaskan authorities allow only a certain number to be harvested each year. The system is policed by purchase of hunting licences and bear tags.

Wittingly or not, Mr Stapley avoided paying the Alaskan Government \$US2600 in fees plus \$US4000 to \$US10,000 for a reputable, licensed hunting guide when he killed five animals without a licence or tags. "It is theft of a resource," Campbell said. "These funds go to wildlife management."

Throwing rubbish

There are those things a person has to do that are in the best interest of the resource... hunting illegally takes away that resource from all people," Mr Campbell said.

And Bruce, the Alaskan representative of the National Wildlife Federation, said the poacher to hunt illegally "is like seeing a tourist throw a can in your back yard". "It's not from around the world to Alaska to see the magnificent populations of bears. The parks would not be there without the bears and the caribou."

There is a lot of Australian hunters, especially fishermen, backpackers and backpackers. "There are so many hunters."



● RIGHT: The victim and the gun... a dead black-tailed deer. BELOW: A dall sheep, shot by Peter Stapley.

● ABOVE: The aftermath of an illegal shoot, say US wildlife authorities... Peter Stapley posed for this picture after killing this caribou in 1984.



It's on the house

YOU can win a house on the house in the Herald-Sun and Triple M House on Every Street contest. We are giving away a fully furnished Pioneer home and land package worth \$130,000.

You can view the dream home today at the Pioneer Estate Lot 21; Rosedale Place, Warrilbee between noon and 5.30pm.

The winner will also get \$20,000 worth of furniture, fittings, appliances and extras including a spa and landscaped garden.

The furniture, from Designed Interiors, includes beds, lamps, dining table, chairs, and a sheet and duvet set.

The State Electricity Commission will provide \$5000 worth of energy-efficient appliances including a dishwasher, refrigerator and washing machine.

The Warrilbee home comes with carpets, window furnishings, a landscaped garden, a Phillips home entertainment system worth \$3000 and a \$8000 spa pool from The Endless Swimming Spa Company.

The house has three bedrooms, a lounge/dining room, family room, modern kitchen and bathroom and a carport.

Every day you have the chance to win cash, the Dire Straits On Every Street CDs and tickets to the band's November concert by listening to Triple M.

The CD, ticket and cash winners are announced on Triple M between 6am and 7pm.

If you live outside Triple M's broadcast area, the Herald-Sun has a daily winner who wins the daily prizes and goes into the house draw.

Today's daily winner is Ms Fiona Lance of Berwick. Fiona wins a CD, tickets to a Dire Straits concert, \$105, and chance to win the house.

The house winner will be drawn on September 27. For details see the coupon on Page 17.

Challenges delay Tas bribe report

THE RELEASE of a report on Tasmania's 1989 political bribery affair has been delayed by a court challenge by two of the key witnesses at an inquiry. For the past two weeks, three judges have heard an application from Opposition leader Robin Gray and the managing director of Launceston-based media group ENT Ltd, David McQuestin, to stop publication of the report by Royal Commissioner William Carter, QC, on the grounds of actual or apprehended bias against them by the commissioner.

The report was to have been handed to the government by September 30, but the deadline was extended to October 31 after the Tasmanian Full Court yesterday failed to complete its hearing.


Counsel for Mr Gray and Mr McQuestin have claimed Mr Carter was hostile to both men in his inquiry and ignored witnesses supportive of their clients.

But counsel for the Attorney-General and the royal commissioner, Mr Douglas Graham, QC, said yesterday when Mr Carter began the inquiry he may have had the attitude "to trust nobody" and this would have extended through his investigation.


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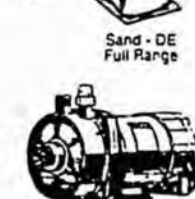
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HB490

Ketchikan Daily News
March 19, 1992

In brief

Poached bears reported

Fish and Wildlife Trooper Jim Pagel has been investigating the killing of five black bears that were shot and wasted at the head of Carroll Inlet. The bears were killed sometime in late September 1991. The poacher took very little from the animals, according to a press release from the Alaska State Troopers. The bears' bodies were found and reported by a hunter, Pagel said.

Pagel estimated that the bears were dead for four days when they were discovered. The bears' coats were in prime shape, Pagel said. One of them was a large, trophy size bear, he said.

The five bears were shot by a poacher using a high powered rifle, the release said. Pagel said the poacher used a small skiff or canoe to get up the river at the head of the inlet.

The Alaska Fish and Wildlife Saffeguard Program is offering a reward of up to \$1,000 for information that leads to the arrest of whoever is responsible for killing the bears.

Pagel declined to specify for the record what was taken from the bears so as not to compromise the investigation.

HP 490

o the visiting Soviets. the Fairbanks campus.

9-24-91

Officers seize 173 bear bladders worth \$175,000

he Associated Press

Bear gall bladders valued up to \$175,000 have been seized at Anchorage International Airport by Fish and Wildlife Protection officers.

The 173 gall bladders were being shipped to Anchorage by a Canadian animal parts dealer, the state Department of Public Safety said in a release. They were seized at the airport Sunday.

The shipment was addressed to Charles Choi, 37, and Bong Kim, 45,

both of Anchorage. The department wouldn't say if the men had been arrested, but said that potential charges against the men include smuggling and violations of the Endangered Species Act.

An investigation is continuing by Fish and Wildlife Protection, the U.S. Customs Service and the U.S. Fish and Wildlife Service.

It is believed the bladders were from Canadian black bears and were to be shipped on to Asia. The public safety

department estimated that the street value of the parts in Asia could be as high as \$175,000.

Joe Campbell, a Fish and Wildlife Protection trooper, said Tuesday that the bladders and other animal parts are used in traditional Asian folk medicines to treat a variety of ailments, including heart disease, arthritis and blood disorders.

Campbell wouldn't say how Fish and Wildlife Protection learned of the shipment.

H B

5 0 4

(7)

HOUSE COMMITTEE REPORT

Date Referred: February 28, 1992

FURTHER REFERRALS:

Date of Committee Action: 3/30/92

The JUDICIARY Committee considered:

HB 504

HOUSE BILL NO. 504

RENTAL AGREEMENTS

"An Act requiring written rental agreements entered into under the Uniform Residential Landlord and Tenant Act to be stated in readable, clear, and unambiguous language, and making written rental agreements under the Uniform Residential Landlord and Tenant Act subject to the requirements of law defining unfair trade practices for purposes of consumer protection."

RECOMMENDATIONS:

be replaced with CS HB 504 (JUDICIARY) [] the same title [X] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[X] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

[] zero fiscal note _____

[X] zero fiscal note(s) DCED, 2-28-92

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i>					
<i>[Signature]</i>	<input checked="" type="checkbox"/>	<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	
		<i>[Signature]</i>		<input checked="" type="checkbox"/>	

[Signature]
CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 504

Revision Date: _____

Department Affected: _____

Title: Rental Agreements

BRU: _____

Sponsor: Representative Gruenberg

Component: _____

Requestor: House Labor & Commerce

COMPONENT SERIAL NO.

--	--	--	--

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE FUND RESOURCE:	0	0	0	0	0	0
------------------------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS (Attach a separate page if necessary.)

We don't believe this bill affects us at all.

Prepared By: Sheri Schlotfeldt, Special Assistant to Commissioner Phone: 465-2500

Division: Office of the Commissioner Date: _____

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: _____

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., and Impacted Agency(ies).

State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

SPECIAL COMMITTEE

MILITARY AND VET. AFFAIRS

LEGISLATIVE COUNCIL



Representative Max F. Gruenberg, Jr.
District 11
Spenard, Upper Midtown Anchorage

P.O. Box V
JUNEAU, AK 99811
(907) 465-3718
465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

M E M O R A N D U M

DATE: March 26, 1992

TO: Members of the House Judiciary Committee

FROM: Representative Max Gruenberg *MFG*

RE: HB 504, "The Plain Language Lease Bill"

I would very much appreciate your support for HB 504.

HB 504 makes it an unfair trade practice for a landlord to provide a written residential rental agreement that is not written in readable, clear and unambiguous language.

If you have any questions please call me or my legislative assistant, Mark Handley, at 465-4986.

Thank you.

HB504.SUP\MTH

(7)

HOUSE COMMITTEE REPORT

Date Referred: February 17, 1992

FURTHER REFERRALS

Judiciary

Date of Committee Action: 2/27/92

The LABOR AND COMMERCE Committee considered:

HB 504

HOUSE BILL NO. 504

RENTAL AGREEMENTS

"An Act requiring written rental agreements entered into under the Uniform Residential Landlord and Tenant Act to be stated in readable, clear, and unambiguous language, and making written rental agreements under the Uniform Residential Landlord and Tenant Act subject to the requirements of law defining unfair trade practices for purposes of consumer protection."

RECOMMENDATIONS: [] the same title
be replaced with [] a new title

[] have attached amendments(s)

[] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

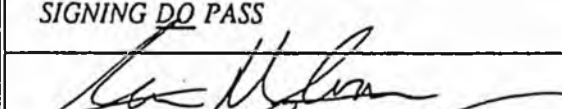
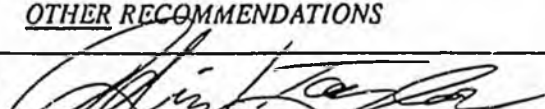
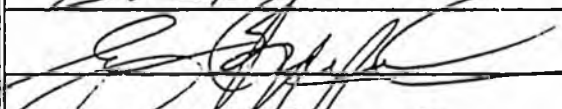
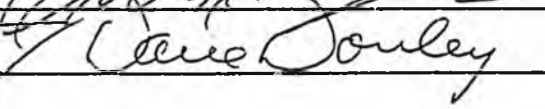
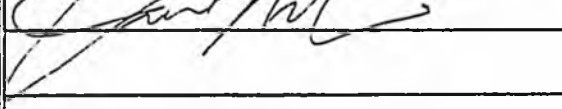
APPROVES PREVIOUS: (Dept/Date)

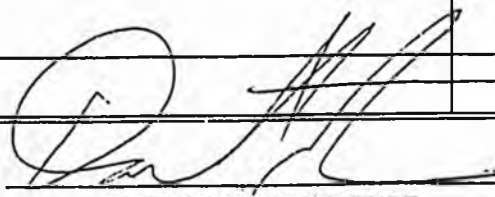
[] fiscal impact _____

[] fiscal note(s) _____

[X] zero fiscal note Commerce

[] zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
	✓			X	
	✓			X	
	✓				



CHAIRMAN'S SIGNATURE

State of Alaska

House Majority Leader

COMMITTEES

HOUSE JUDICIARY

HOUSE RULES

HOUSE STATE AFFAIRS

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465-4968/4986
(SESSION)

3111 C STREET, SUITE 440
ANCHORAGE, AK 99503
(907) 561-7621

M E M O R A N D U M

DATE: February 19, 1992

TO: Members of the House Labor and Commerce Committee

FROM: Representative Max Gruenberg *max*

RE: Scheduling HB 504, "The Plain Language Lease Bill"

I would very much appreciate your support for HB 504.

HB 504 makes it an unfair trade practice for a landlord to provide a written residential rental agreement that is not written in readable, clear and unambiguous language.

If you have any questions please call me or my legislative assistant, Mark Handley, at 465-4986.

Thank you.

HB504.SUP\MTH

34.03.010

§ 34.03.020

PROPERTY

§ 34.03.020

the institution of a forcible entry and de-
tainer action. McCall v. Fickes, 556 P.2d
535 (Alaska 1976).

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t. Zeller v.
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alker, 613

Article 2. Rental Agreements.

Section

- 20. Terms and conditions of rental agreement
- 30. Effect of unsigned or undelivered rental agreement
- 40. Prohibited provisions in rental agreements

Section

- 50. Separation of rents and obligations to maintain property forbidden
- 60. Sublease and assignment

ant, § 1 et

Sec. 34.03.020. Terms and conditions of rental agreement.

(a) The landlord and tenant may include in a rental agreement clauses and conditions not prohibited by this chapter or by law, including rent, terms of agreement, and other provisions governing the rights and obligations of the parties.

(b) In the absence of agreement, the tenant shall pay as rent the fair rental value for the use and occupancy of the dwelling unit.

(c) Rent shall be payable without demand or notice at the time and place agreed upon by the parties. Unless otherwise agreed, rent is payable at the dwelling unit. Unless otherwise agreed, rent is payable at the beginning of any term of one month or less and otherwise in equal monthly installments. Unless otherwise agreed, rent shall be uniformly apportionable from day to day and shall be paid on the date the periodic tenancy begins and payable on or before the same date of each and every month thereafter until the tenancy terminates.

(d) Unless the rental agreement fixes a definite term, the tenancy shall be week to week in the case of a tenant who pays weekly rent, and in all other cases month to month. (§ 1 ch 10 SLA 1974)

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NOTES TO DECISIONS

Month-to-month tenancies consti-
tute a special class, not necessarily gov-
erned by all provisions of this chapter.
McCall v. Fickes, 556 P.2d 535 (Alaska
1976).

Term "rental agreement" not used
in connection with month-to-month
tenancies. — While "rental agreement"
is defined in AS 34.03.360 as "all agree-
ments ... embodying the terms and condi-
tions concerning the use and occupancy of
a dwelling unit ..." the term "rental

agreement" is not used in this chapter in
connection with month-to-month tenan-
cies. McCall v. Fickes, 556 P.2d 535
(Alaska 1976).

In fact, subsection (d) fixes a month-
to-month tenancy, in absence of agree-
ment by the parties to a different term in
the rental agreement, if rent is paid on a
monthly basis. McCall v. Fickes, 556 P.2d
535 (Alaska 1976).

Applied in Vozar v. Francis, 579 P.2d
1056 (Alaska 1978).