

Ballot Measure 2: "The devil is in the details"

By Richard H. Bishop

Ballot Measure 2, or 05HUNT on the Division of Elections website, will be on the August 26 Primary Election ballot. It's entitled *An Act Prohibiting the Shooting of Wolves and Grizzly Bears with the Use of Aircraft*.

BM2 would modify state law (AS 16.05.783) by limiting aerial shooting of wolves or grizzly bears to a situation called a "*biological emergency*." Based on what is referred to as "*adequate data*", the following language would become law:

"biological emergency means a condition where a wolf or grizzly bear population in a specific geographic area is depleting a prey population to a point that if not corrected will cause an irreversible decline in the prey population such that it is not likely to recover without wolf or grizzly bear control".

Who decides what is "adequate data"? Probably a judge. Who decides whether the prey population is in an "irreversible decline"? Probably a judge. What is an "irreversible decline"? Is it only a decline which would result in the extirpation of a prey population? Who will decide? Probably a judge.

If factors other than wolves or grizzly bears, such as bad winters, disease, etc., deplete a prey population, can aerial shooting be used to facilitate recovery? It appears not.

Could aerial shooting be used to eliminate a wolf or bear that endangers people or property? It appears not.

Could aerial shooting be used to constrain or prevent disease in wolves or bears? It appears not. Aerial shooting might have been helpful in preventing the lice infestation of wolves from spreading from the Kenai to the Interior.

BM2 would also limit aerial shooting to ADFG personnel. If BM2 passes, any proposed predator management program incorporating aerial shooting is likely to be buried in court. Meanwhile, the USFWS is using aerial shooting to deal with predation by wolves in the Lower 48.

A few years ago, Rollin Sparrowe, former president of TWS, commented that ballot initiatives were a good avenue of establishing public policy only if the public was well informed, thoughtful, and objective. He also noted that those conditions seldom prevailed with respect to initiatives. If you want to be better informed go to

www.wildlife.alaska.gov/index.cfm?adfg=wolf.control and www.elections.alaska.gov/petitions/05hunt.pdf.

Editor's note

For further information on this issue, AS 16.05.783 can be found at: <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx07/query=16!2E05!2E783/doc>

In addition, Kevin Saxby, Senior Assistant Attorney General with the Department of Law, was asked by Denby Lloyd, ADF&G Commissioner, to answer a number of questions regarding ballot measure 05HUNT. AG Saxby's legal opinion, posted 30 July 2008, may be found at:

<http://www.wildlife.alaska.gov/management/control/05hunt.pdf>.