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Governor Sean Parnell  
STATE OF ALASKA

September 22, 2009

The Honorable George Miller  
United States Congress  
2205 Rayburn House Office Building  
Washington, DC 20515

Re: PAW Act of 2009

Dear Congressman Miller,

The State of Alaska opposes the recently introduced federal legislation, HR 3381 and its companion S 1535, referred to as the "PAW Act of 2009" (PAW Act). The PAW Act violates wildlife management principles and jeopardizes Alaska's long-standing, successful record of managing healthy, sustainable predator and prey populations. The bill threatens the constitutionally guaranteed sovereignty of the State of Alaska and all states. Under our system of federalism, fish and game management is primarily the responsibility of the states, not the federal government. Courts have repeatedly recognized that the states' sovereignty includes their authority to manage wildlife, and is protected under the Tenth Amendment to the United States Constitution. The PAW Act also unnecessarily threatens our ability to provide subsistence and personal use of fish and wildlife that are fundamental to the economic and cultural well-being of rural and urban Alaskans, including Alaska Natives.

The PAW Act requires a finding of "imminent biological emergency" and implementation of "all other practicable means" to prevent the emergency, including stopping all "regulated takes of the declining population," before conducting airborne control of predators. Wildlife harvests are important for the sustenance and culture of rural Alaskans. Prohibiting judicious use of effective management to prevent an "emergency," while also eliminating all harvests, is particularly unreasonable. Most of rural Alaska has no road system, food is expensive to import, and rural Alaskans are dependent on fish and wildlife for food. Moose or caribou populations that decline to the point of "emergency" would not recover sufficiently to provide sustainable harvests for many years. Furthermore, waiting until a wildlife population deteriorates to irresolvable levels without deploying effective preventative tools is contrary to wildlife management principles.

The PAW Act purports to control aerial "hunting" of wolves, bears, and wolverines. Alaskans previously voted to prohibit airborne hunting and it remains illegal. No one is allowed to hunt from an aircraft. Alaska's wildlife management programs are conducted entirely within the tenets of the federal Airborne Hunting Act, as documented in annual reports filed with the United States Department of the Interior.

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Predator control is not "hunting," and fair chase ethics do not apply. Predator control is a directed agency action, implemented in less than ten percent of the state with careful monitoring to assure predator and prey populations are maintained within prescribed goals. We do not undertake predator control lightly. It is regulated through an extensive public process by the Alaska Board of Game, carefully implemented by our Alaska Department of Fish and Game scientists, and discontinued upon achieving prescribed goals.

Prior to Alaska statehood, federal management nearly decimated many wildlife populations through extensive poisoning and unsustainable harvests. Alaska implemented management practices that, over the past fifty years of statehood, rebuilt healthy predator and prey populations throughout the state. Alaska is recognized world-wide as a leader in scientific, sustainable resource management. Alaska, alone among all the states, maintains abundant populations of all its indigenous predators.

Alaska manages predators using techniques that are generally less controversial than aerial shooting, such as sterilization, translocation, diversionary feeding, and trapping. However, aerial shooting is implemented in a few areas as the most effective, humane technique necessary to achieve sustainable levels of predator and prey populations. Alaskans voted to uphold the State's authority to use aerial shooting when necessary. The United States Department of Agriculture also uses airborne shooting as the preferred method when necessary to control wolves and coyotes in other western states.

In summary, this legislation jeopardizes the traditional authority of the states to manage fish and wildlife resources and is an unwarranted interference that impacts the State's effective management programs that provide healthy, sustainable wildlife populations. By preventing harvests as well as the judicious use of effective management techniques, the PAW Act also jeopardizes the State's ability to provide subsistence and personal uses for food that are vitally important to Alaskans, particularly our rural residents. For many reasons, the PAW Act is poor legislation. I urge you to oppose HR 3381 and S 1535.

Sincerely,



Sean Parnell  
Governor

cc: The Honorable Lisa Murkowski, United States Senate  
The Honorable Mark Begich, United States Senate  
The Honorable Don Young, United States Congress