

# The Political Context for Change

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# state political makeup

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- Midwest: wildlife advocacy divide often urban/rural rather than between parties
  - Illinois bobcats
  - Michigan mourning doves, wolves



# Members of Minnesota congressional delegation back wolf delisting

January 18, 2017 by Joe Albert

Several members of Minnesota's congressional delegation have introduced or signed onto bills that would delist wolves in the western Great Lakes states – including Minnesota – and the state of Wyoming, thereby returning wolf management to the states.

The bills also prohibit judicial review of the delisting.

In the House, Rep. Collin Peterson, D-Minn., is carrying the legislation. Among the bipartisan group of co-sponsors are Reps. Rick Nolan, D-Minn., and Tom Emmer, R-Minn. The Senate bill, which was introduced earlier this week, also has bipartisan sponsorship, including Sen. Amy Klobuchar, D-Minn.



12.08.16

## U.S. SENATOR TAMMY BALDWIN CALLS ON HOUSE LEADERSHIP TO DELIST GRAY WOLF BEFORE THEY LEAVE TOWN

*Baldwin urges Congressional Leadership to act on legislation that would delist the Western Great Lakes population of the gray wolf from the Endangered Species List and pass management of the wolf back to the State of Wisconsin*



## Klobuchar Pushes For Bill To Lift Protections For Wolves

January 17, 2017 at 5:24 pm Filed Under: Amy Klobuchar, Gray Wolves

### Sen. Franken Lauds Announcement that Gray Wolf Has Been Delisted

Says Decision Will Protect Minnesota Families and Livestock

Wednesday, December 21, 2011

# Congress

Democrats in Wisconsin and Minnesota lead/support on wolf delisting.



# “bipartisan support”



Doesn't necessarily mean  
“public support.”



## U.S. SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

U.S. Senate

Date: Tuesday, July 17, 2018

Committee on Environment  
and Public Works

Washington, D.C.

Today we will consider the Endangered Species Act

Amendments of 2018, and I would like this discussion draft to serve as the foundation for a **bipartisan** effort to modernize the

Three years later, Governor Mead's groundbreaking initiative has facilitated a **bipartisan** dialogue of stakeholders from across the political spectrum. They have resulted in three annual reports, the adoption of a **bipartisan** Western Governors Association Policy Resolution, and the adoption of **bipartisan**

It noted, "The proposed bill reflects this fact and offers meaningful **bipartisan** solutions to challenging species

The discussion draft was also shaped by input from two EPW Committee hearings last year. We heard from a diverse **bipartisan** group of witnesses and panelists, including former this Committee and the larger stakeholder community to find a **bipartisan** pathway to meaningful modernization of the Endangered

Governor Mead, I understand from colleagues, that you spearheaded, and the Chairman has alluded to this, a **bipartisan**

The Chairman's discussion draft offers real **bipartisan**, which is so critical, way to correct deficiencies in the ESA again in 2017, Western Governors adopted **bipartisan** policy resolutions that included specific recommendations for improving

This discussion draft stems from a State-led, **bipartisan** effort conducted over several years. Environmental, sportsmen, draft reflects the policy, principles, and recommendations kind of in a **bipartisan** way?

So, this is the time, and I think it is different because it has been **bipartisan**, it has been an effort by Republican and Democratic governors, and Independent, as well. it with National Governors. This can be and should be a **bipartisan** effort.

Governor, thank you for your testimony and I commend the **bipartisan** process you used with respect to the Western

Look, we all recognize there are things we can do in a **bipartisan** way to improve laws that are on the books. But, in lot of **bipartisan** support. When I was attorney general of Alaska, where this issue is a huge issue, I co-chaired the

heard about the **bipartisan** process previous leaders of this Senator Sullivan. Well, look, I appreciate the hard work and, again, **bipartisan** work.

should have **bipartisan** support, the whole issue of traditional knowledge.

Senator Sullivan. So, there is **bipartisan** concern on that issue?

Governor Mead. Lots of **bipartisan** discussion on that. I

stakeholders have written in support of the draft Endangered Species Act Amendments of 2018 and a **bipartisan** process to

are bringing Democrats and Republicans together in a **bipartisan** manner.

really **bipartisan** issue that we had in a hearing a couple years ago, the Obama Administration's Fish and Wildlife Service Director Dan Ashe, in a hearing like this, we were talking about opportunities for **bipartisan** reforms to the ESA that I don't

a very **bipartisan** view. Did the Governors get to that issue of this as Western Governors, it was **bipartisan** because the Western with this Committee in this **bipartisan** effort, Governor, to good start, and we appreciate your continued **bipartisan** work.

Congress towards **bipartisan** practical solutions that improve the the current discussion draft diverges from that **bipartisan** model, as evidenced by numerous conservation stakeholders who have already come out in opposition to the current draft.

I appreciate the Western Governors Association to come together on a **bipartisan** basis; done an excellent job

Governors Association's **bipartisan** work to make the Endangered Species Act work better for both wildlife and for people.

## Wolf hunt survey shows large opposition to season



Gray wolf

Local News - Fri, 06/22/2012 - 12:03pm

A vast majority of people responding to a Minnesota Department of Natural Resources online survey oppose the idea of a gray wolf hunting and trapping season in the state.

Outdoors writers Sam Cook of the Duluth News Tribune and Doug Smith of the StarTribune both report that more than 7,000 people have completed the online survey about Minnesota's first formal wolf hunting and trapping season.

According to Kathy DonCarlos, deputy director of the Division of Fish and Wildlife for the DNR, of the 7,351 respondents, only about 1,500 supported a hunting and trapping season on wolves.

After the gray wolf was removed from the federal endangered species list in January, the Minnesota Legislature passed a bill establishing this fall's season. The early wolf hunting season will begin on Nov. 3, the same day as the state's firearms deer season. A later hunting and trapping season will begin Nov. 24.

The DNR now must decide how to structure and manage that season, and the primary purpose of the online survey was to gather input for that process. However, the first question in the survey asked whether the respondent supported or opposed the wolf

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June 19, 2013

# Wisconsin Voters Support Protecting Wolves by 8 to 1 Margin

**New poll shows Wisconsin voters statewide oppose a reckless trophy hunt of wolves**

A statewide survey reveals Wisconsin voters, by more than an eight-to-one margin, strongly oppose the trophy hunting and trapping of wolves, with strong majorities in every demographic group and political affiliation supporting wolf protection. The survey was conducted by Mason-Dixon Polling & Research and commissioned by The Humane Society of the United States.

June 19, 2013

# Wisconsin Voters Support Protecting Wolves by 8 to 1 Margin

The survey also found that by more than a 9-to-1 margin, Wisconsin voters oppose the use of traps, bait and packs of dogs to kill wolves for sport. In addition, 85 percent of voters statewide support a ban on using packs of dogs to chase down and hunt wolves.

A statewide survey reveals Wisconsin voters, by more than an eight-to-one margin, strongly oppose the trophy hunting and trapping of wolves, with strong majorities in every demographic group and political affiliation supporting wolf protection. The survey was conducted by Mason-Dixon Polling & Research and commissioned by The Humane Society of the United States.



# Keep Michigan Wolves Protected

VOTE NO! ON PROPOSALS 1 & 2





# Michigan voters reject wolf hunting laws

Updated November 5, 2014 at 6:13 AM; Posted November 5, 2014 at 2:07 AM

By [Jonathan Oosting](#)

LANSING, MI — Wolf hunting opponents declared victory Tuesday night in Michigan, where voters rejected two separate laws that paved the way for an inaugural season last year.





# limiting public input on wildlife issues

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# “right to hunt”

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- Congressional Sportsmen’s Foundation template
- Types of right to hunt amendments

## Recommends language that includes:

1. Recognition of an individual right to hunt, fish, and harvest game
2. Preservation of the state's power to regulate these activities and the codification of the Public Trust Doctrine
3. Preemption of the kind of local regulation that frustrates comprehensive, statewide fish and wildlife management
4. Protection of **traditional hunting methods**
5. Recognition of hunting and fishing as a **preferred means of managing wildlife** in order to protect against unproven contraception schemes and unwarranted use of government "sharpshooters," and
6. Clarification that private property rights are not affected or



## “traditional methods”

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Code for unpopular methods like trapping, baiting, and hounding.

Further, by using a phrase like “traditional methods,” proponents can give a stronger protection to trapping without actually mentioning trapping.



# types of “right to hunt” amendments

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## Least restrictive:

An amendment that declares that the state's citizens have the right to hunt, trap, fish and otherwise harvest game, subject to reasonable statutory and regulatory restrictions.

## Moderately restrictive:

An amendment that:

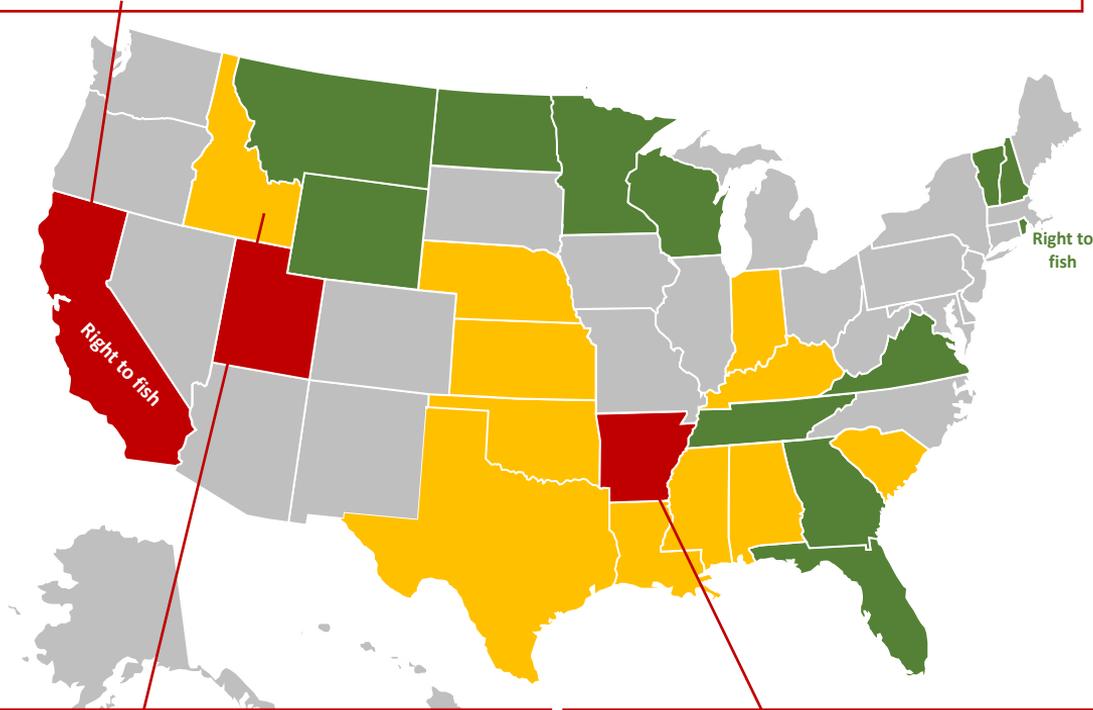
- declares that the state's citizens have the right to hunt, trap, fish and otherwise harvest game; and
- also restricts wildlife regulation in the state by:
  - prohibiting any limitations on **“traditional methods”** of hunting, trapping and fishing; and/or
  - requiring that public hunting, trapping and fishing be the **preferred means of wildlife management**; and/or
  - requiring that all wildlife management decisions **ensure future recreational opportunities** for hunters, trappers, and anglers.

# Most restrictive:

An amendment that:

- declares that the state's citizens have the right to hunt, trap, fish and otherwise harvest game; and that
- **eliminates all future legislative, administrative, and/or initiative-based efforts** at restricting hunting, trapping or fishing activities in some way.

“...no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State”



Requires a two-thirds vote in order to adopt by initiative a state law allowing, limiting, or prohibiting the taking of wildlife or the season for or method of taking wildlife.

“...subject only to regulations that promote sound wildlife conservation and management and are consistent with Amendment 35 of the Arkansas Constitution.”

# states with 'right to hunt' laws

- Least restrictive
- Moderately restrictive
- Most restrictive

# Arizona, 2010:

Proposition 109: Would have vested the state legislature with the exclusive authority to regulate hunting, thereby eliminating any opportunity for a ballot initiative, local ordinance, or administrative rulemaking that would restrict hunting.

## PROPOSITION 109

### OFFICIAL TITLE

HOUSE CONCURRENT RESOLUTION 2008

### A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE II, CONSTITUTION OF ARIZONA, BY ADDING SECTION 36; RELATING TO HUNTING AND FISHING.

### TEXT OF PROPOSED AMENDMENT

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Article II, Constitution of Arizona, is proposed to be amended by adding section 36 as follows if approved by the voters and on proclamation of the Governor:

36. Hunting, fishing and harvesting wildlife

SECTION 36. A. THE CITIZENS OF THIS STATE HAVE A RIGHT TO HUNT, FISH AND HARVEST WILDLIFE LAWFULLY. WILDLIFE BELONGS TO THIS STATE AND IS HELD IN TRUST FOR THE BENEFIT OF THE CITIZENS OF THIS STATE.

B. EXCLUSIVE AUTHORITY TO ENACT LAWS TO REGULATE THE MANNER, METHODS OR SEASONS FOR HUNTING, FISHING AND HARVESTING WILDLIFE IS VESTED IN THE LEGISLATURE, WHICH MAY DELEGATE RULE MAKING AUTHORITY TO A GAME AND FISH COMMISSION. NO LAW SHALL BE ENACTED AND NO RULE SHALL BE ADOPTED THAT UNREASONABLY RESTRICTS HUNTING, FISHING AND HARVESTING WILDLIFE OR THE USE OF TRADITIONAL MEANS AND METHODS. LAWS AND RULES AUTHORIZED UNDER THIS SECTION SHALL HAVE THE PURPOSE OF WILDLIFE CONSERVATION AND MANAGEMENT AND PRESERVING THE FUTURE OF HUNTING AND FISHING.

C. LAWFUL PUBLIC HUNTING AND FISHING SHALL BE A PREFERRED MEANS OF MANAGING AND CONTROLLING WILDLIFE.

D. THIS SECTION SHALL NOT BE CONSTRUED TO MODIFY ANY PROVISION OF COMMON LAW OR STATUTES RELATING TO TRESPASS OR PROPERTY RIGHTS.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

**Defeated 56.5% no to 43.5% yes**

# Montana: SB 236, Right to hunt, trap, and fish (2017)

**Section 1.** Article IX, section 7, of The Constitution of the State of Montana is amended to read:

**"Section 7. Preservation of harvest heritage.** (1) The right of Montana citizens to hunt, fish, and trap for the purpose of harvesting fish and wildlife is a right essential to pursuing life's basic necessities.

(2) The opportunity to harvest ~~wild fish and wild game animals~~ fish and wildlife is a heritage that shall forever be preserved to the individual citizens of the state and does not create a right to trespass on private property or diminution of other private rights.

(3) Fish and wildlife management and conservation shall be subject only to statutes that seek to:

(a) scientifically manage fish and wildlife populations;

(b) provide that public hunting, fishing, and trapping, including but not limited to current lawful means and methods that exist on [the effective date of this act], are the preferred means and methods of controlling and harvesting fish and wildlife; and

(c) protect persons and property from threats or harm caused by fish or wildlife."

## Defeated on House floor

# Maine, 2017

**LD 5:** Exclude wildlife issues from citizen initiatives

**LD 11:** The right to hunt and fish (also excludes wildlife issues from citizen initiatives)

**Defeated in committee**



## 128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

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Legislative Document

No. 11

H.P. 12

House of Representatives, January 5, 2017

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Establish the Right To Hunt and Fish

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## 128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

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Legislative Document

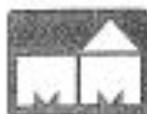
No. 5

H.P. 7

House of Representatives, January 4, 2017

RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Exclude Wildlife Issues from Citizen Initiatives

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## Maine Municipal Association

60 COMMUNITY DRIVE  
AUGUSTA, MAINE 04330-9486  
(207) 623-8428  
www.memun.org

Testimony of the Maine Municipal Association  
In Opposition to LD 5  
Resolution, Proposing an Amendment to the Constitution of Maine To Exclude Wildlife Issues  
from Citizen Initiatives  
February 15, 2017

Senator Mason, Representative Luchini, members of the Veterans and Legal Affairs Committee, my name is Geoff Herman and I am testifying in opposition to LD 5 on behalf of the Maine Municipal Association.

MMA's 70-member Legislative Policy Committee reviewed LD 5 when it convened on January 26<sup>th</sup> and voted overwhelmingly to oppose the measure.



## Maine Municipal Association

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That balanced and equally-shared authority is broken with this legislation. LD 5 encourages the Legislature to assert that it is, as a representative body, eminently wiser than the voters it represents. Wildlife matters would be the first content-based proscription on the voters' authority of initiative. It begs the question. Which content areas will be next added to this list on the claim of the Legislature's, or some other group of experts', superior knowledge?

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# other ways of silencing citizen input on wildlife issues

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- Handing wildlife policy-making power to unelected commissions
- Passing referendum-proof laws
- Prohibiting certain non-lethal management methods

# Tennessee, 2017

HB 0733 by \*Lollar

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(SB 0906) by \*Bell

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Game and Fish Laws - As introduced, establishes that requirements on the size, placement and inspection of steel traps used in the taking of wildlife be set by rule or proclamation of the fish and wildlife commission, as necessary, rather than by statute. - Amends TCA Title 70, Chapter 1, Part 1 and Section 70-4-120.

# 2013:

## The Michigan legislature hands game species designation power to the unelected Natural Resources Commission (later overturned by voter referendum)



### Region

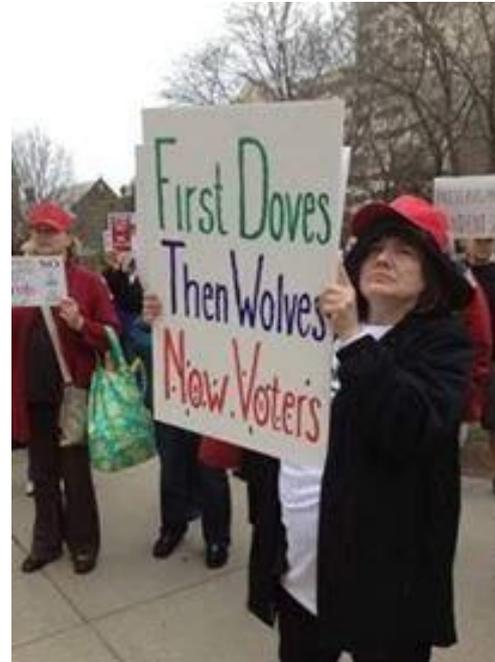
April 15, 2013

## Bill appears to bypass wolf hunt outcry

BY MATT TROUTMAN  
mtroutman@record-eagle.com  
Traverse City Record-Eagle

TRAVERSE CITY — Opponents of proposed Upper Peninsula wolf hunts are howling mad at a Michigan Senate bill they say silences the public's voice.

Michele Wolf hopes people don't get to hunt her namesake. She's president of the For Animals Traverse City animal rights group, which helped gather hundreds of local signatures against the wolf hunts.



<b>Wildlife Division</b>  <b>Policy &amp; Procedure</b>	Topic <b>White-Tailed Deer and Urban Conflict</b>	Date Drafted:
	Authority <b>MCL 324.40114</b>	
	Responsible Region/Section/Unit	

## APPENDIX A. PROHIBITED METHODS OF DEER-HUMAN CONFLICT RESOLUTION

### 1. Translocation of Deer

The live-capture, translocation and release of deer into a free-ranging situation will not be authorized by this permitting process. Deer will not be translocated and released back into wild populations for the following reasons:

- The State of Michigan will not facilitate the potential spread of any disease or parasite that may be harbored by a deer to another part of the state.
- Translocating deer into a different area is likely to cause stress to and provide competition for resources with resident deer (Scillitani et al 2013).
- Research shows the survival of translocated deer is low largely due to traumatic side effects such as capture myopathy and deer vehicle accidents resulting from unfamiliarity with the new terrain (Jones and Witham 1990).
- Research also shows that translocated animals disperse over greater distances once at release sites than resident populations (Whisson et al 2012).

### 2. Contraception or Sterilization of Deer

The use of contraception or sterilization of free-ranging white-tailed deer shall not be endorsed as a conflict resolution method authorized by this permitting process. Contraceptive and sterilization research could potentially be approved as a research project given proper funding, research personnel with extensive background and experience, identification of objectives and appropriate methodology, and location of need. Currently, the MDNR is not providing or soliciting funding or research for these techniques. These methods will not be permitted through this process for the following reasons:

- Contracepting or sterilizing deer does not immediately remove deer from a conflict situation.
- Current research has shown that fertility control can limit deer population growth in fenced areas and islands (Merrill et al 2006, Rutberg and Naugle 2008), but has been ineffective at controlling free-ranging deer herds.
- Research by Kirkpatrick et al (2011), indicate the challenges in the development and application of vaccine-based wildlife contraceptives are diverse and include differences in efficacy across species, safety of vaccines during pregnancy, the development of novel delivery systems for wild and wary free-ranging animals, and the constraints of certain non-contraceptive effects, such as effects on behavior.
- Kirkpatrick et. al (2011) also indicated that even when used successfully, challenges remain to improve delivery systems, modify vaccine components to enhance the duration of effectiveness, assure comprehensive safety, develop a sustainable funding base for research, and achieve general social acceptance.
- A study by Gilman et al (2010) show changes in maternal status imposed by sterilization may act to increase movement and mortality rates among sterilized females, resulting in an increase in deer-vehicle collisions.

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# Michigan's wolf management plan on the subject of a recreational hunt:

## *Actions:*

1. Evaluate the potential biological effects of a public wolf harvest specifically for recreational or utilitarian purposes.
2. Monitor and evaluate the demand for and public acceptability of a public wolf harvest specifically for recreational or utilitarian purposes.
3. If biologically defensible, legally feasible, and supported by the public, develop a program to offer opportunities for the public to harvest wolves for recreational or utilitarian purposes.

# But the Michigan public does not support a wolf hunt.

2010 MSU statewide public opinion poll:

“Most residents, including hunters, Northern Lower Peninsula (NLP) residents and minorities, highly value wolves, are not interested in hunting them and support the role of science in making decisions.”

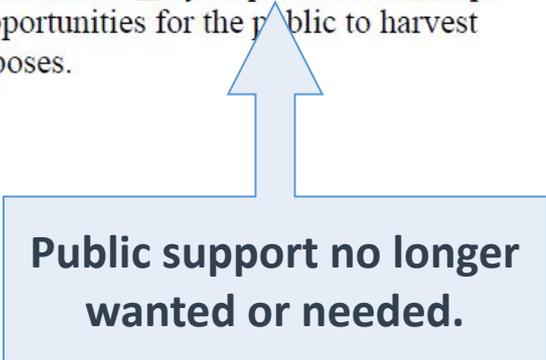
Mertig, A. G. (2004). *Attitudes about wolves in Michigan, 2002. Final report to Michigan Department of Natural Resources*. Michigan State University: East Lansing, Michigan:

Overall high support for wolf recovery efforts; the majority of residents supported a “hands-off” approach as long as wolves did not injure people, Michiganders do not support consumptive uses of wolves.

# Easy fix: Just quietly change the plan, without public notice.

## *Actions:*

1. Evaluate the potential biological effects of a public wolf harvest specifically for recreational or utilitarian purposes.
2. Evaluate the demand for and public acceptability of a public wolf harvest specifically for recreational or utilitarian purposes.
3. If biologically sustainable, legally feasible, and socially responsible, develop recommendations to the NRC to offer opportunities for the public to harvest wolves for recreational or utilitarian purposes.



**Public support no longer  
wanted or needed.**



## summary

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It's not just 'right to hunt'—be mindful of other attempts to silence the public in decisions that affect the wildlife managed in their trust.

# Thank you!



Working to End the Worst Cruelties Facing Wildlife