

FEDERAL COURT RULES AGAINST ANTI-HUNTERS

A U.S. District Court ruled against the Fund for Animals and other anti-hunting plaintiffs which sought to ban the use of bait for bear hunting on U.S. Forest Service (USFS) and other federal lands, marking a significant victory for sportsmen and state jurisdiction over wildlife.

The suit challenged the USFS policy of deferring decisions regarding the use of bait and bear hunting to state wildlife agencies. It sought to subject these agency decisions to a federal Environmental Impact Statement (EIS) under the National Environmental Policy Act (NEPA).

U.S. District Judge Thomas Penfield Jackson handed down his ruling against the anti-hunters August 8. Defendants included the heads of the U.S. Forest Service, U.S. Fish and Wildlife Service and the Secretaries of Agriculture and Interior. The State of Wyoming also intervened as a defendant.

As part of its Sportsmen's Le-

gal Defense Fund program, the Wildlife Conservation Fund of America (WCFA) filed a final motion and amicus brief in opposition to the suit early in 1996. The court's August ruling adopted multiple points made in the WCFA brief. The WCFA is the companion organization for legal defense, research and education of the Wildlife Legislative Fund of America.

"Sportsmen are fortunate that Judge Jackson clearly understands this was another attempt by the anti-hunters to federalize decisions regarding wildlife management in this country," said William P. Horn, Washington Counsel for WCFA/WLFA and author of the WCFA motion.

In his ruling, Judge Jackson said, "The plaintiffs' (Fund for Animals, et al.) long-range objective is to cause the Forest Service...to abolish most if not all hunting on federal forest lands."

The Fund for Animals has utilized a similar attack in other states, most notably in its recent lawsuit to

halt moose hunting in Vermont. In that case, the group similarly contends that USFS and Vermont violated NEPA by using federal Pittman-Robertson funds for regulation of moose hunting without first conducting a federal EIS.

The WCFA brief to Judge Jackson clarified the agenda of the Fund for Animals and other organizations attempting to ban all hunting: "The pattern is clear. It has happened in the past and it is happening today. When a state takes action that offends these plaintiffs on moral or ethical grounds and cannot directly be assailed, they attempt to nullify or impede the state decision through misapplication of Federal statute. Such attacks have focused on state actions regarding deer, moose, ruffed grouse, and wolves, among others. Should plaintiffs prevail, traditional state authority and decision-making regarding all species of fish and game may become subject to 'federalization' and usurpation."

— THE WILDLIFE LEGISLATIVE FUND

DIVISION REMINDS NORTHEAST COLORADO HUNTERS ABOUT DEER, ELK SHOWING SIGNS OF WASTING DISEASE

The Division of Wildlife is again advising hunters in a portion of northeastern Colorado not to take or handle any deer or elk that show signs of chronic wasting disease.

Earlier this year, the Division told hunters in an area of northeastern Colorado where chronic wasting disease has been found not to handle any animal carcass that shows symptoms of wasting disease or any other illnesses. Infected animals are emaciated, drool, act abnormally and have a vacant

"spaced-out" look. Since 1981, fewer than 70 deer and elk have been found with wasting disease, all in a fairly small area of northeastern Colorado.

Both Division and Health department officials said no special precautions are needed for handling animals that show no signs of chronic wasting disease. They again emphasized that there is no evidence linking chronic wasting disease in deer with disease in humans.

Division and Health Department officials are paying more attention to chronic wasting disease because of similarities to bovine

spongiform encephalopathy (BSE) which has been found in British cattle. European researchers are studying BSE to determine if it is linked to a variant of Creutzfeldt-Jakob disease, an extremely rare but fatal illness in humans.

Division veterinarian Mike Miller has been investigating chronic wasting disease to determine its exact occurrence in the wild.

"Based on our preliminary investigation, the prevalence is very low, probably less than 1 percent of the deer herd and lower in elk," Miller said.

— COLORADO DIVISION OF WILDLIFE

ROBO-DEER HELPING DNR OFFICERS PUT THE COLLAR ON ILLEGAL HUNTING

They're called "pavement poachers," those crooks who stop along the highway to take aim at a deer on someone else's land. These outlaws have been notoriously hard to catch, but now natural resources enforcement officers have enlisted the help of some four-legged undercover agents. These agents are

remote-control decoys, or "robo-deer," used by enforcement officers with the S.C. Department of Natural Resources (DNR). Officers have equipped the decoys' necks with motors and gears, and with the use of radio transmitters, the robotic bucks can turn their heads and wag their tails. When viewed from a distance, robo-deer look very real indeed.

"Road hunting plagues landowners and responsible hunters in our state, and the DNR is determined to put an end to it," writes Rick Leonardi in the current September-October issue of *South Carolina Wildlife* magazine. "Bucky, the robo-deer, is an important tool in this effort."

— SOUTH CAROLINA DEPARTMENT OF NATURAL RESOURCES

