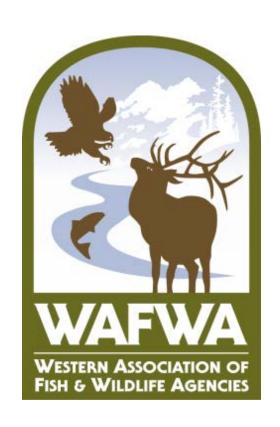
# WAFWA COMMISSIONERS' COMMITTEE BRIEFING PAPER



## Issue Topic #3 State Response to Anti-Hunting Groups

Virtual Meeting July 9, 2020



#### **Department of Fish and Game**

OFFICE OF THE COMMISSIONER
Headquarters Office

1255 West 8<sup>th</sup> Street P.O. Box 110024 Juneau, Alaska 99811-5526

Main: 907.465.6136 Fax: 907.465.2332

# Alaska Department of Fish & Game Issue Topics WAFA 2020 Summer Meeting

Anti-hunting groups. The commissioners wanted to know how to raise/generate funds that could be used to help individual states respond to anti-hunting groups.

Alaska will defend its right to manage for sustained yield and uses. We have made that clear in both statements and legal actions. These are costly efforts, especially when lawyers or citizen initiatives are involved. As such we look for partnerships to defend our right to manage. Over the past several years nearly all our efforts to defend the tight to manage has had a third party join as either an intervener or as an amicus.

We also try to provide the "other side" to their strategy. We get out in the press and talk about the benefits of wildlife management and how having no hunting or fishing could impact public safety and/or lead to wildlife declines.

#### **Arizona Game and Fish Department**

#### Issue Topic #3--State Response to Anti-hunting Groups

#### Introduction

Commissioners at Winter WAFWA were interested in ideas regarding how funds might be generated that could be used to help individual states respond to anti-hunting groups.

In September of 2017 Arizonans for Wildlife (AFW) began a campaign to collect signatures for a ballot initiative that would outlaw the hunting or trapping of wild cats in Arizona. The group said at the time of filing that it wanted to stop trophy hunting, in which cats are killed only for their head or fur.

In addition to being prohibited by statute from engaging with ballot measures, the Arizona Game and Fish Department cannot hope to reconcile political campaigning with its duty to manage wildlife for the state nor the agency's overarching mission. While such topics can have profound effects on wildlife management, it is inappropriate for an agency that serves the public to take a side on a ballot question.

During this time, Arizona's Game and Fish Commission served as an allowable and constant voice of clarity to respond to the inaccurate information created by AWF. The Commission provided the most accurate science-based information without conflicting with Arizona state laws overseeing wildlife management. This approach proved to be very effective and allowed media easy access to accurate and science-based information.

However, an issue of major concern to the Department was daylighted by this ultimately unsuccessful campaign: the public's trust and understanding of the role of state wildlife agencies.

The Arizona Game and Fish Department is comprised of experts who are passionate about their role in conserving Arizona's wildlife. The Department strives to be a scientific leader, using and contributing to sound science that underlies strong decisions. Unfortunately, much of the population of the state is unfamiliar with what the Arizona Game and Fish Department does, its mission, the manner in which it is funded and the principles of the North American Model of Wildlife Conservation that underpin Commission decision making.

The topic of the ballot measure generated a renewed public interest in hunting and trapping in Arizona. Credit is due to the many members of the public who reached out to the Department seeking answers to the questions posed about hunting and trapping. Ultimately, this proved to be an opportunity for the Department to take a proactive stance in addressing the unfamiliarity of the public with the role of their state wildlife agency. An uninformed public cannot be expected to make informed decisions at the ballot box.

This feedback from these stakeholders revealed a clear and realistic strategy: To influence public opinion the Department must maintain a consistent message to inform and educate the public against misleading or inaccurate information.. The ultimate goal is to build trust and become the known and reliable expert in wildlife management for your state. This long-term

consistent messaging approach is vital to establish trust, build awareness and promote advocacy.

The Game and Fish Commission directed the Department to seek a dedicated source of funding to support outreach and education of the public in the role of state wildlife agencies. This ultimately proved difficult, not least because the products and services offered by the Department are tailored to its existing customers rather than individuals who may never have had cause to learn of wildlife management. Ultimately, it was determined that a funding stream could not be established in this way until enough non-traditional customers existed to support it.

For this reason, among many others, the Arizona Game and Fish Department put forth an internal public outreach program under the banner "Conserve and Protect". This effort uses media outreach to connect with new customers and to develop relationships with individuals who may never have hunted or fished, turning them into educated supporters of Department efforts they may not have ever learned of previously. It highlights the on-the-ground conservation efforts undertaken daily by Department staff and invites the public to support these efforts, giving them a stake in their wildlife. An excellent example is the currently ongoing Send Water for Wildlife Campaign inviting the public to donate to efforts to maintain the over 3,000 water catchments throughout the state. Social media images of wildlife using water catchments and of the people working to maintain them are shared widely. Participants gain a sense of ownership in this function and know that the dollars they donate go directly to providing water resources for thirsty animals.

Several such donation programs exist under the Conserve and Protect banner, as well as the opportunity to purchase conservation membership packages that fund department conservation efforts and give members select benefits and tokens of appreciation.

Efforts to educate the public are particularly challenging in Arizona, where most of the population lives in urban centers far from traditional opportunities for outdoor recreation, and with a "churn rate" of residents (for every three coming into the state's population, another two leave the state) that ensures a constant influx of people new to the state. Offering this kind of ownership along with sustained messaging can turn the public into knowledgeable ambassadors for conservation and for the Department.

The Commission strongly suggests that other state wildlife agencies consider establishing an internal team to identify recommendations for your agency leadership to determine current and future threats to managing wildlife. Specifically, measure your current level of support and identify ways to expand your constituency and identify potential resources to combat any effort to take away your ability to manage wildlife.

The Arizona Game and Fish Commission and its Department of respected wildlife professionals have a strong and decorated history of successfully conserving and protecting Arizona's wildlife. The Department's ability to manage the more than 800 wildlife species in Arizona are increasingly dependent on a broad base of public awareness, support, and advocacy. Influencing public opinion on wildlife conservation issues must be a part of every conversation as state wildlife agencies discuss their approach to manage their wildlife species.

### Idaho Department of Fish and Game Commissioner Issues Report to the Western Association of Fish and Wildlife Agencies, Summer 2020

**Issue Topic #3:** Mechanisms to Fund States Responding to Anti-hunting Groups.

There are limited mechanisms for the Idaho Fish and Game Commission (Commission) to direct Idaho Department of Fish and Game (IDFG) funding towards responding to Anti-hunting Groups. No monies can be expended without appropriation from the Idaho Legislature. The Commission is represented by the Idaho Attorney General's office when any legal response is necessary; the Commission is not authorized to directly hire outside legal counsel (Idaho Code section 67-1406).

The Commission directs expenditure of monies from Fish and Game accounts toward carrying out the purposes of the Idaho fish and game code or any law or regulation promulgated for the protection of wildlife; it can be used for no other purpose (Idaho Code sections 36-107 and 36-108). The State of Idaho has adopted assent language in accordance with the Pittman-Robertson Wildlife Restoration and Dingell-Johnson Sport Fish Restoration Acts allowing IDFG to receive federal funds managed by the U.S. Fish and Wildlife Service under the Wildlife and Sport Fish Restoration (WSFR) program (Idaho Code sections 36-1801 et. seq.). One of the constraints on WSFR program funding is that IDFG may not lose control of its funds or have funds diverted for any other purpose than the administration of IDFG.

There are several examples where IDFG funds external third party functions that are consistent with the Idaho fish and game code and Commission policy. This has generally been accomplished through MOU, contract, member fee, or agreement for an assessment. For example, IDFG funds WAFWA functions via a membership fee and additionally funds WAFWA multi-state collaborations, such as the Wild Sheep Working Group and the Crucial Habitat Assessment Tool, via assessments.

The MOU between IDFG and WAFWA in 2016 to pay a special assessment to support the *Strengthening State Management Authority* initiative is another example. This was a project designed to strengthen Congressional affirmation of the authorities of the states to manage fish and wildlife within their borders. Several western states participated. This type of arrangement could also be considered for a multi-state messaging campaign to counter anti-hunting themes and support the conservation identity of hunting if there was alignment of states' interests. There has been an ongoing campaign through AFWA to inform the public about the conservation benefits of the North American Model of Wildlife Conservation and the role that hunting plays (<a href="https://www.fishwildlife.org/landing/north-american-model-wildlife-conservation">https://www.fishwildlife.org/landing/north-american-model-wildlife-conservation</a>).

Important to Commission and IDFG decisions to support these funding expenditures has been that the activities are consistent with IDFG's statutory mission, there is a multi-state need that benefits fish and wildlife management, and there is cohesive, collaborative, and strategic direction for the funds.

Western Association of Fish and Wildlife Agencies Summer 2020

Commissioners' Topic Briefing – Kansas

#### **Anti-hunting Groups**

Kansas may be insulated from what other states are facing, but we have dealt very little with anti-hunting groups during the past 20 years. There was more negative publicity about hunting during the 1980s than there is today. With the abundant wildlife populations we have today and the accepted importance of hunting to the economies of many rural communities, opposition to hunting is almost non-existent. Most Kansans understand the necessity to control deer populations to limit deervehicle accidents and crop damage issues and agree that hunting is the most reasonable tool. Attitudes about hunting remain consistent: 10 percent strongly against it, 10 percent strongly support it and 80 percent neutral or supporting if it is done legally.

There was one incident several years ago when an anti-hunting group from out of state threatened litigation if a group carried out with a planned coyote hunting contest to raise funds for local charities. However, there have been coyote hunting contests conducted since then without threats.

Good education and promotional campaigns showing how wildlife agencies are funded and how habitat and conservation programs benefit all wildlife, rather than just game species, can influence opinions about wildlife agencies and hunting. These campaigns are usually funded through license fee funds. It might be useful for WAFWA's Executive Committee to request input from member states about various anti-hunting threats, and what additional funding might be necessary.

#### Nebraska Game and Parks Commission Commissioner's Committee Topic #3 Anti-hunting Groups Summer WAFWA – July 2020

The Nebraska Game and Parks Commission does not have direct experience with fundraising to directly respond to anti-hunting groups.

Our most pertinent experience would be the support provided to the Nebraska Sportsmen's Foundation (not affiliated with the Commission), by sportsmen, national and state conservation groups [eg. RMEF, NWTF, PF/QF, DU, Nebraska Big Game Society, Nebraska Big Game Conservation Association, MDF, SCI, Wild Sheep Foundation], and the hunting and shooting industry to inform Nebraska Senators in response to repeated attempts to eliminate mountain lion hunting in Nebraska in our state Legislature. However, this was not a direct response to the antihunting groups relative to creating a paid media campaign or other efforts.

Based on that history, our ideas for funding to combat anti-hunting groups:

- Utilize existing national conservation organizations and ammunition companies to fund raise
- Pool funds using private funding from multiple organizations to form a foundation (with a board representing the funding partners) that could be used to pay for direct responses through media campaigns to publicly respond to attacks on legal hunting.
- Such funds could potentially allow grants for programs and outreach within states to the public about positive hunting messages and legislation.

#### What the Commission currently does or has done:

The Commission creates and shares messaging with the public and our conservation partners about how safe hunting is as an activity, passing laws and administering hunter safety programs, having our Law Enforcement officers addres hunting harassment complaints, and helping the public understand the role hunting plays in wildlife management and how hunting funds wildlife and habitat conservation. We also share messages about the conservation successes of legally hunted species in the state (eg. deer, antelope, elk, turkey, bighorn sheep). As well, the Commission strives to make sure that our entire workforce understands the role of hunting as a safe recreational activity, its role in managing wildlife populations, and how the North American Model of links recreational hunting and wildlife/habitat conservation together.

There are laws the Commission has worked to get enacted to conserve Nebraskan's rights to hunt and fish through a constitutional amendment approved in 2012, which states:

Article XV-25: The citizens of Nebraska have the right to hunt, to fish, and to harvest wildlife, including by the use of traditional methods, subject only to laws, rules, and regulations

regarding participation and that promote wildlife conservation and management and that preserve the future of hunting, fishing, and harvesting of wildlife. Public hunting, fishing, and harvesting of wildlife shall be a preferred means of managing and controlling wildlife. This section shall not be construed to modify any provision of law relating to trespass or property rights. This section shall not be construed to modify any provision of law relating to Article XV, section 4, Article XV, section 5, Article XV, section 6, or Article XV, section 7, of this constitution.

Hunting, Trapping and Fishing Interference (eg. Hunter harassment law):

Nebraska also has laws, which the Commission supports and enforces, to make interference with a person legally hunting, trapping or fishing in the state a criminal offense (misdemeanor) in Sections 37-564 through 37-570 of the Game Law. Essentially this provides that no person shall knowingly and intentionally interfere or attempt to interfere with another person who is not trespassing and who is lawfully hunting, trapping, or fishing or engaged in activity associated with hunting, trapping, or fishing. Such interference is a Class III misdemeanor

The Commission has also assisted the Nebraska Sportsmen Foundation and State Senators continue to explore if there are additional changes in Nebraska's harassment laws to ensure that interference by electronic means and harassment away from a hunting or trapping location (when not in the act of hunting, trapping, or fishing) are clearly addressed.



#### STATE OF NEVADA

#### DEPARTMENT OF WILDLIFE

6980 Sierra Center Parkway, Suite 120
Reno, Nevada 89511
Phone (775) 688-1500 • Fax (775) 688-1595

TONY WASLEY
Director

LIZ O'BRIEN

Deputy Director

JACK ROBB Deputy Director

#### Western Association of Fish and Wildlife Agencies Nevada Department of Wildlife Commissioner's Committee Meeting Issue Topics

3. Anti-hunting groups. The commissioners wanted to know how to raise/generate funds that could be used to help individual states respond to anti-hunting groups.

This could be a very challenging effort. Responses could take a number of different forms. A response could be via media outreach efforts, public relations firms, social media messaging, or even litigation. Most agencies already have some budget and are making some effort to shape public views and perspectives of our agencies and the work we do. Some of those efforts are the result of false or harmful claims made by antihunting groups.

Executive branch agencies don't typically have the autonomy to raise or generate funds for litigation, independent of their Governor's support or at least knowledge. Most agencies receive legal support from their Attorney General's Office and therefore, transferring monies raised within state government between agencies can also be problematic.

There are also constraints placed on certain methods of fund raising that can create ethics concerns or violations. For example, one employee of the Nevada Department of Wildlife was "given" proceeds from a GoFundMe effort established solely to assist him in litigating anti-hunting groups harassing him and his family. The employee was required to return or donate all proceeds.

I think the single best strategy is to develop outreach materials designed to share the important values that regulated hunting and angling provide; lean, organic, healthy and sustainably harvested food, AND funding critical for conservation and mission fulfillment. Building these kinds of messaging campaigns into agency budgets is more effective in the long-term, less controversial, and more effective in shaping public views. Money for these types of efforts can be more easily directed, donated, and leveraged as a result.

Nevada had as many as 7 different lawsuits at one-point last summer and all where the result of anti-hunting or anti-trapping views. We would very much appreciate a dedicated funding model to assist the state in addressing these needs. However, it is far more complicated and challenging than one might expect.



#### Topic #3 – Help individual states respond to anti-hunting groups

While the Department does not directly reach out to anti-hunting groups, we do work with groups outside of our traditional customer base of hunters, fishers and trappers. Outreach efforts include bio-blitz events and non-game focused events such as snake and backyard bird talks. Magazine and newsletter articles and social media posts on Facebook, Twitter, Instagram and YouTube also include content highlighting non-game programs and field studies, including the Share With Wildlife program and non-game mammal and bird field activites. These type events, posts and articles, as well as partnerships with non-consumptive groups like the state's Outdoor Recreation Division, allow the Department to stay engaged and active with non-traditional user groups. Buildling these relationships with the non-hunting community allows the Department to stay relevant and engaged with these non-traditional outdoors enthusiests.

New Mexico Department of Game and Fish ● One Wildlife Way, Santa Fe, NM 87507 ● (888) 248-6866 ● www.wildlife.state.nm.us

### Oklahoma Department of Wildlife Conservation Agency Director: J.D. Strong



**Issue Topic #3** — Anti-hunting groups. The commissioners wanted to know how to raise/generate funds that could be used to help individual states respond to antihunting groups.

Anti-hunting pressure has never been particularly strong in Oklahoma.

Oklahoma traditionally has had a strong legacy in hunting. Even before the land openings in the late 1800s and before statehood in 1907, the American Indian nations that were moved here brought with them their great traditions of hunting. As settlers moved west, hunters and trappers became even more prevalent in Oklahoma's forests and fields.

The hunting legacy continues today, and has broad-based support among the state's populace. Oklahomans realize that hunting plays an integral role in wildlife conservation. Therefore, ODWC is not forced to spend an inordinate amount of money or effort to keep the hunting heritage alive.

Still, ODWC does keep tabs on anti-hunting efforts across the country. In the event Oklahoma would

become targeted, the new Oklahoma Wildlife Conservation Foundation could become a funding avenue

to respond to the anti-hunting contingent.

#### Oregon Department of Fish and Wildlife WAFWA Summer Report – July 2020 Fundraising to Respond to Anti-hunting Groups

Question: How can commissioners raise/generate funds that could be used to help individual states respond to anti-hunting groups?

Options would likely vary from state to state because of statutory differences limiting the ability of state agencies to provide funding and comment on political matters such as initiative petitions. In Oregon, public agencies, like the Oregon Department of Fish and Wildlife (ODFW), are generally required to remain neutral on issues that become political, either through the initiative or legislative process. According to guidelines from the Oregon Secretary of State, agencies cannot promote, oppose or take a position on any ballot measure. An agency may "prepare and distribute impartial written material or make an impartial presentation that discusses election subjects." State employees may "address election-related issues while on the job, in a factual and impartial manner, if such activity is legitimately within scope of the employee's normal duties."

Oregon public agencies cannot support or oppose bills unless the bill is part of a legislative package approved by the Governor. Therefore, most legislative testimony provided by the agency is neutral and informational in nature.

Effective conservation and management of fish, wildlife and habitat in Oregon requires ODFW to regularly work with diverse stakeholders on a wide variety of issues. Groups that some may perceive as "anti-hunting" may be very supportive of other state or agency priorities. As a result, the relationship with some "anti-hunting" organizations might be adversarial on a hunting related issue, but collaborative on a conservation related issue. Where appropriate, ODFW does take action that is counter to "anti-hunting groups" through litigation, information, and other methods. However, in light of the diversity of stakeholders, the myriad of challenges facing fish, wildlife and habitat in Oregon, and the general requirement for agencies to remain neutral on political issues, it is unlikely ODFW could actively raise/generate funds to help respond to anti-hunting groups. That action would likely fall to other partners. Potential options might include:

- Direct donations, this is the most obvious alternative, and is likely the primary method used by antihunting groups to generate funds. Potential supporters for a pro-hunting fund could include hunting
  organizations, sporting goods manufacturers and retailers, and direct donations from hunters. Donations
  from hunters could be solicited through a variety of methods. Where allowed by contracts or rules,
  retailers that sell hunting licenses might be able to solicit donations from hunters when issuing licenses or
  tags.
- Fees for workshops, such as cooking/preparing fish and game for consumption could be offered by pro-hunting organizations. While less than 10% of Americans' hunt, (fishing is more popular), most approve of legal hunting for food. Although workshops would not be as profitable as other fundraising options, there may be other benefits from this type of activity. Workshops provide an opportunity to provide information to non-hunters and enable non-hunters to interact with hunters. Research by Responsive Management has shown that people who know hunters are more likely to approve of hunting than those who do not.
- Marketing: The sale of branded products (hats, shirts, cups, etc.) with a pro-hunting logo or message
  could generate funding. As an alternative, manufacturers of hunting related products or programs could
  donate a portion of the proceeds to support pro-hunting campaigns.

#### **WAFWA Commission Topics: Anti-Hunting Groups**

In South Dakota, both the Department of Game, Fish and Parks and the GFP Commission have heard from anti-hunting/trapping/angling organizations about dedicating more funds to species other than those sought after for recreational means. In particular, it has been suggested by some organizations to find avenues where non-consumptive individuals and groups could be more engaged and fiscally help support conservation efforts to assist with Threatened and Endangered species and non-game species.

There are three avenues in SD in which these individuals/groups can support conservation. First, is simply through the purchase of a hunting/fishing license. Understanding this is likely contradictory of philosophical beliefs, but the reality is a large percentage of those license fees support habitat and access opportunities in which other recreational activities can be enjoyed. Secondly, a habitat stamp for each person who purchases or applies for a license is now required in South Dakota. That fee is \$10 for residents and \$25 for nonresidents. Revenue generated by the Habitat Stamp will go specifically to terrestrial and aquatic habitat and access. Last, the Second Century Habitat Fund, a non-profit 501c3 dedicated to habitat, can be supported by providing donations either directly or in conjunction when purchasing a license with GFP. There is the opportunity to provide a donation and with a minimum amount of \$10 the person also obtains a sticker for their vehicle to show sponsorship to habitat. All three of these venues provide unique ways for supporting wildlife habitat and conservation.

Direct support from individuals and organizations to habitat, access, and other conservation efforts would go a long way in developing partnerships. While the focus is generally on the belief it is either right or wrong to hunt/trap/fish, there are typically similarities when it comes to other conservation and recreational opportunities. Dialogue is needed to share similarities and find ways to collaborate in future endeavors.



### Topic 3. Anti-Hunting Groups

The commissioners wanted to know how to raise/generate funds that could be used to help individual states respond to anti-hunting groups.

Western Association of Fish & Wildlife Agencies
Summer Meeting – July 2020

Texas Parks and Wildlife Department (TPWD) believes strongly in public review and input regarding the management and harvest of Texas' natural resources, as well as the cultural and economic benefits. TPWD is also aware that a majority of Americans approve of legal hunting.

This support is evident in Texas where the passing of Proposition 6 in 2015, created permanent protections for outdoor enthusiasts and conservation in Texas. Texas is one of 22 states that have constitutional provisions providing for the right to hunt and fish. The Texas Constitution now provides protection for the State's outdoor heritage for future generations of Texas hunters and anglers.

The Texas Constitution now states in part:

The people have the right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to laws or regulations, to conserve and manage wildlife and preserve the future of hunting and fishing. Hunting and fishing are preferred methods of managing and controlling wildlife. This section does not affect any provision of law relating to trespass, property rights, or eminent domain. This section does not affect the power of the legislature to authorize a municipality to regulate the discharge of a weapon in a populated area in the interest of public safety.

TPWD employees have statutory authority to engage in fund raising activities on behalf of the Department or to contract with corporate partners to conduct promotional campaigns to raise funds for state site operations, projects, or programs. TPWD does not have statutory authority that would allow for fund raising activities to help other states respond to anti-hunting groups.

In Texas, a variety of non-governmental organizations utilize their financial and personnel resources to advance or defend against legislation that is inconsistent with their missions or objectives to protect the hunting heritage in Texas.



Briefing Paper – Commissioners' Committee Utah Division of Wildlife Resources July 2020

**Subject:** Responding to anti-hunting groups

**Background:** In some states, anti-hunting groups have established a strong foothold. They launch highly visible, well-funded attacks against hunters, hunting and the agencies that manage hunting. They lobby successfully for laws and regulations that eliminate hunts and hunting opportunities. Fortunately, that's not a common occurrence in Utah.

**Current status:** Anti-hunting organizations have been relatively unsuccessful in our state because the Utah Division of Wildlife Resources has:

- **Built broad public support.** The Division has a good reputation among most of the general public hunting and non-hunting alike. The Division's uplifting social media posts and positive news stories about wildlife rescues have built goodwill over many years. Support for hunting and fishing is also widespread in Utah, especially for those who harvest their own food.
- **Listened to opposing viewpoints.** There have been a few instances when certain animal-rights groups such as the Humane Society opposed the Division's hunt recommendations. We have taken the time to meet with them, listen to their concerns and explain our recommendations. Even when we don't agree, we can all come to the table and talk civilly. Utah also has an open public meetings process, and we encourage everyone to bring their wildlife concerns and recommendations to the state's Regional Advisory Councils and the Utah Wildlife Board.
- Partnered with conservation groups. Over the years, the Division has built strong relationships with local and national conservation organizations that spend considerable time, resources and political capital advocating for Utah's wildlife, hunting and habitat. Their support has been invaluable in securing beneficial legislation and in keeping anti-hunting sentiment to a minimum.
- **Found common ground.** Finally, we've also reached out to conservation groups that don't necessarily prioritize hunting. Some of these organizations include the National Audubon Society, The Nature Conservancy and Hawkwatch International. Whenever possible, we work together on projects of common interest and collaborate to protect non-game wildlife and wildlife habitat. Those efforts have built strong, mutually beneficial alliances.

**The Division's position:** At the Utah Division of Wildlife Resources, we believe wildlife is valuable to everyone. We serve the people of Utah as trustees and guardians of the state's wildlife, and we are always working to maintain sustainable and diverse populations. As long as we continue to follow our current approach to conservation — and building strong partnerships and broad public support — we don't anticipate problems with anti-hunting organizations or their campaigns.

**Key dates:** This effort is ongoing.

**Key publics:** Key publics include everyone in Utah who enjoys wildlife or wildlife-related recreation.



## State Report for Western Association of Fish and Wildlife Agencies Mid-Summer Meeting, December 2019 – June 2020 Director Brian Nesvik

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#### **Issue Topics Report**

#### Issue Topic #3

Anti-hunting groups. The commissioners wanted to know how to raise/generate funds that could be used to help individual states respond to anti-hunting groups.

Wyoming has strong hunting culture. At times, there are anti-hunting and/or trapping groups that arise and bring attention to specific issues. The Department works directly with these entities to provide information and education.