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Salmon Stocking Barred in Refuge Lake

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Wildlife rules bar the release of millions of fish in protected Alaska area, judges say.

From Reuters

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SAN FRANCISCO — A federal appeals court said Tuesday that national wildlife rules bar the stocking of salmon in a protected Alaskan lake, even if little harm comes from the activity.

For nearly 20 years, the Alaska Department of Fish and Game has incubated salmon eggs and released millions of young fish into the Tustumena Lake in the Kenai refuge, a protected wildlife area.

The Wilderness Society and the Alaska Center for the Environment sued over the stocking, saying it violated the U.S. Wilderness Act, which bars commercial activity in wildlife areas. The 9th Circuit Court of Appeals based in San Francisco agreed and voted 11 to 0 to reverse a lower court ruling.

The en banc panel of judges found that there could be worse things than stocking fish in a lake, but still held it was not permissible under the Wilderness Act.

"Surely this fish-stocking program, whose antecedents were a state-run research project, is nothing like the building of a McDonald's restaurant or a Wal-Mart store on the shores of Tustumena Lake," the court said. "Nor is the project like cutting timber, extracting minerals, or otherwise exploiting wilderness resources in a way that is plainly destructive of their preservation."

The court noted that the program raised money by selling off surplus young fish and by imposing a voluntary tax.

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