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Lawsuit challenges Alaska Board of Game plan to gun down bears as violating state Constitution

ANCHORAGE, Alaska—The Alaska Wildlife Alliance and the Center for Biological Diversity sued the Alaska Board of Game today for violating the Alaska Constitution when adopting a predator control program authorizing the killing of an unlimited number of brown and black bears across 40,000 square miles in southwestern Alaska.

“The Board of Game gave the Alaska Department of Fish and Game the authority to aurally shoot any bears of any age across 40,000 square miles until 2028, with no population data or cap on the number of bears killed,” said **Nicole Schmitt, executive director with the Alaska Wildlife Alliance**. “The southeast border of the gunning program is only three miles from Lake Clark National Preserve, 30 miles from Katmai National Park, 50 miles from McNeil and Brooks Falls, and goes all the way west to the borders of Togiak National Wildlife Refuge and the Yukon Delta National Wildlife Refuge, which means this program threatens bears who move across vast stretches of public lands.”

Today’s lawsuit, brought by the law firm Trustees for Alaska in Alaska’s Superior Court, [challenges the reinstatement](#) of the Mulchatna bear control program under the sustained yield clause in Article VIII, Section 4 of the Alaska Constitution. The Alaska Supreme Court has determined that this sustained yield clause applies to all animals including bears.

“This predator control program is unconstitutional,” said **Michelle Sinnot, staff attorney with Trustees for Alaska**. “The program hands Fish and Game a blank check to destroy bears across an entire region with impunity. The Board of Game has once again shirked its constitutional obligations and ignored prior court decisions in its unscientific and relentless war on predator animals.”

Operating under the 2022 Mulchatna bear control program, Fish and Game killed 175 brown bears and 5 black bears in 2023-2024. The Alaska Wildlife Alliance challenged this original program. In March 2025, the Alaska Superior court struck down the original program as unconstitutional, in part because the Board of Game did not have credible scientific evidence of

bear populations. The court found the Mulchatna bear control program was “unlawfully adopted and, therefore, void and without legal effect.”

A week after that decision, the Board of Game voted to adopt an [emergency regulation](#) to reinstate the program. In mid-May, the court struck down the emergency regulation as a bad faith attempt to circumvent the March order, but not before Fish and Game killed 11 more brown bears.

“There’s no excuse for the state of Alaska to be gunning down bears from helicopters,” **said Cooper Freeman, Alaska director at the Center for Biological Diversity.** “This is a disgraceful misuse of public resources and a betrayal of the trust Alaskans place in their wildlife managers. State officials should protect all of our wildlife for future generations, not flaunt their power by orchestrating the mass killing of iconic bears with no scientific basis. The Mulchatna predator control program is an embarrassment, and it needs to end now.”

In July, the Board of Game reinstated the Mulchatna bear control program without collecting relevant bear population studies that the court determined was required. The Board authorized the program through 2028. The current litigation challenges the program as unconstitutional.

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