



October 1, 2019

State of Alaska support for adopting as a final rule Alaska: Hunting and Trapping on National Preserves, 83 FR 23621, May 22, 2018.

The State supports the rulemaking. This rule would roll back a National Park Service rule that was one of two parallel rules adopted near the end of the prior administration to restrict hunting on federal lands in Alaska. A similar rule adopted by the U.S. Fish and Wildlife Service was revoked by Congress because it was inconsistent with the Alaska National Interest Lands Conservation Act, or ANILCA. The timing of the Park Service 2015 rule is the only reason the 2015 rule was not similarly revoked by Congress under the Congressional Review Act. **In ANILCA, Congress retained the State's authority to manage hunting, trapping, and fishing.** This proposed new rule would remove the invalid federal regulatory layer added by the Park Service in 2015 and return the management of hunting and trapping on national preserves to that which was in place from the early 1980s until 2015. **Hunting is specifically identified by Congress in ANILCA as a mandated use on national preserves in Alaska.** In 1980 Congress created a new category of National Park Service units in Alaska called "preserves" specifically to allow sport hunting and drew the borders between parks and preserves to reflect the areas where Congress mandated that all hunting, including sport hunting, would continue. In 2015, the National Park Service granted themselves additional authority, **not authorized in ANILCA**, to restrict hunting on Preserves in Alaska. **As acknowledged in the Federal Register Notice, the 2015 restrictions on hunting methods and means are invalid and this rulemaking is to correct mistakes made by the Park Service in 2015.**

Sport hunting, subsistence hunting, and trapping are of vital importance in Alaska. The phrasing used to describe the rule is misleading and may be causing confusion. The underlying rule that would be partially revoked is described as "[Park Service] regulations for sport hunting and trapping" but in fact restricts all hunting provided for under the state subsistence preference rules.

It is crucial to understand that **Alaska is different.** This was recognized by Congress when ANILCA was passed in 1980 and was recently affirmed by the US Supreme Court in March 2019 in the *Sturgeon* decision. Alaska is a geographically large and diverse state with a lower population density than any other state. Hunting and trapping are a way of life here. We have communities surrounded by parks and preserves

with no road access, supplied by propeller planes and maybe an annual barge, with no grocery stores, or stores with extremely limited and prohibitively expensive stock.

Farming is extremely limited; Alaska imports 95% of its food.¹ For some people, trapping furbearers or guiding a hunt might be the only income available. While the amount of income may seem low to people in the cash economy in most of America, the importance of this income to rural Alaska cannot be overstated—that income pays for gas to access hunting and fishing to feed the household and for expensive heating oil.

The proposed rule eliminated unnecessary restrictions that impose costs on people whose lives depend on hunting and trapping. It would also revoke a portion of the 2015 rule that allows the Park Service Regional Director to annually publish a list of state laws and regulations that the director feels would not be valid on preserves – with no notice, comment or other rulemaking process that is required under the Administrative Procedure Act. The Regional Director currently has no guidelines for this illegal quasi-rulemaking.

You probably heard or read comments about **predator control**. In 2015 the Park Service gave itself the authority to redefine predator control and gave itself the authority to arbitrarily preempt state hunting regulations in the future by perceiving hunting to be predator control. I want to make it very clear that **1. This rule has nothing to do with predator control and 2. hunting is not predator control**. Predator control is an activity conducted only by the Alaska Department of Fish and Game, or those with whom we contract, under the state’s intensive management legislation. **Predator control is never conducted on federal land without permission of the landowner**. Increasing the number of animals allowed to be harvested by a hunter or lengthening a hunting season or allowing different methods and means, does not have the same effect as a predator control program, and isn’t meant to. Besides, the National Park Service regularly culls animals to favor other species, a practice they call “controlled harvest.” For example, in Yellowstone the Park Service was shooting bison as they escaped park boundaries or would capture them and send them to slaughterhouses, to prevent possible spread of disease. NPS culls deer on its lands all over the country to protect vegetation. These are reasonable practices.

The State of Alaska has the legal authority to manage wildlife within its borders, including on federal lands, except where Congress expressly acted to preempt this authority. To briefly explain how wildlife is managed in Alaska, the state manages all wildlife in Alaska for sustained yield. The Board of Game establishes methods and means for hunting. As Commissioner of the Department of Fish and Game, I work with my staff to monitor population levels and ensure that hunting quotas are not exceeded.

Because the 2015 regulation restricted methods and means, it unreasonably infringed on the State’s ability to manage all wildlife populations. And **the 2015 regulation had no impact on the number of animals available or the ability to view**

¹ Meter, K. and M.P. Goldenberg. 2014. Building food security in Alaska. Crossroads Resource Center for the Alaska Department of Health and Social Services.

wildlife. The number of animals taken is not affected by the method of hunting.

Moreover, the specific recent state hunting regulation changes which the Park Service addressed in the 2015 rule have not resulted in any significant additional take near parks and preserves. Detailed information is provided in our written comments dated November 2, 2018. As much as some people may not like the methods and means, the fact is that they do not cause wildlife conservation problems in Alaska—simply put, some of the methods and means are allowed in very limited areas of Alaska, and not many animals are taken under these methods and means. If that ever changed, the State has the responsibility and authority to restrict the number of animals taken and the methods and means by which they are taken. Most of the 2015 rule prohibitions are already prohibited under Alaska law, so it is misleading to suggest that adopting this rule would allow prohibited activities to occur.

Some of the methods and means reflect longstanding traditions. For example, hibernating bears have long provided late winter food security for people in some areas of Alaska when other food sources are few and far between. People go out and find and mark the dens in the fall so that they can find them again later in the winter snow if needed. Letting people use artificial light for taking bears in dens means that hunters can identify and avoid taking sows with cubs if they prefer, and if the hunter decides to take a sow, letting the hunter also take the cubs provides a more humane fate. Recently an anti-hunting group from Florida visited Alaska to protest black bear hunting, but after talking to rural Alaskans, understood the history and native traditions and reasons for hunting black bears in dens and respected the local views. It is important to realize that very few bears are taken in this manner and this practice is prohibited throughout most of Alaska under state regulations.

Some of the methods and means that would be reallocated under the proposed rule are allowed elsewhere in park units outside of Alaska, including year-round coyote seasons, use of artificial light, and use of dogs for bear, coyote, and mountain lion hunting.

Some folks have been saying that Alaska regulations allow hunters to shoot bears and wolves from airplanes, and I assure you that is not true. It would violate state law for a hunter to take an animal from an aircraft.

Some have suggested that this rule should not be passed in order to protect **wolves near the Denali National Park Road**. Since 2014, wolf populations in and around the park have been increasing. **Wolf populations in and outside Denali Park fluctuate, and currently are thriving.** Denali Park staff² and the State agree that the recent lack of wolf sightings along the park road is not a conservation concern. There are very few wolves taken by hunters and trappers outside the park boundary, and **the rule would have no impact on either the park, where hunting is not allowed, or the area immediately outside the park because the rule only applies to national preserves,**

² Denali Superintendent Stryker email to ADF&G Commissioner Vincent-Lang, and NPS staff testimony to Board of Game.

where Congress mandated hunting be allowed. No preserve land is located near the Denali Park road. Wolves in particular occur at naturally low densities across the landscape, which are not conducive to wildlife viewing from the single road which most visitors rely on to view wildlife from park buses. Part of the magic of the chance to see wildlife in Alaska is that these are truly wild populations without the fences or intensive supplemental feeding programs that are increasingly relied upon elsewhere in the world to provide more reliable wildlife viewing.

Many of the restrictions on methods and means of hunting merely duplicate State law for example, adopting the proposed rule would not allow a hunter to use artificial light to hunt deer because that is already prohibited under state law. The proposed rule *would*, however, comply with Congress' directive in ANILCA that hunting be allowed, and the State retained its authority to manage wildlife and hunting.

Economic impacts

To better understand the economic impacts of the proposed rule, I've broken down relevant economic impacts into three parts – park visits, guided hunts, and subsistence. **Let me be clear, the adverse economic impacts would *only* be significant if the proposed rule does not become a final rule.** The 2015 rule, which illegally preempted State management, would disrupt the users who benefit from State management of fish and wildlife under the sustained yield principle.

Visits to Parks and Preserves:

Park visitation in Alaska is unique, where the majority of park visitors go to a handful of Alaska's National Parks that can be accessed by cruise ship or road, such as the most-visited Klondike Gold Rush or second most-visited Denali. More remote preserves, such as Kobuk Valley or Noatak Preserve, where the 2015 rule applies, receive very limited visitation from outside Alaska. Park Service visitation numbers³ overstate the economic impact of visitors because they do not reflect the actual number of visitors who set foot inside a park and preserve, nor do they differentiate between visitors to a park versus preserve. Instead, the Park Service counts people stopping by visitor centers in regional hubs as visitors even though many never set foot inside the park or preserve. In contrast, many of the visitors to the preserves are guided hunters and local subsistence users who rely on hunting and fishing to feed their families and for whom subsistence is a cultural practice and way of life. The economic benefit of those resources is complicated and often under-estimated, especially when compared to the travel and housing costs associated with traveling to Alaska from the lower 48.

Guided hunts:

A **guided hunt** in Alaska can be the experience of a lifetime. By expressly protecting all hunting in national preserves, Congress recognized the importance to local

³ In May 2019 the NPS published "2018 National Park Visitor Spending Effects, Economic Contributions to Local Communities, States, and the Nation."

guides, transporters, lodges, outfitters, and others engaged in outdoor recreation activities.

From information presented to the Board of Game on guided hunts in Alaska at its January 2019 meeting, citing “Economic Impacts of Guided Hunting in Alaska” in 2017 using 2015 data:

87.2 Million total economic output (2015)	52.5 Million new dollars to Alaska (2015)
More than 50% economic benefits occur in rural areas (2012, 2015)	1,550 people directly employed, total employment with multipliers; 2,120 (2015)
89% Active Guides are AK Residents (2012)	Visiting hunters (guided & non-guided) purchase 13% of total Alaska hunting licenses (2015)
Guided hunters are approx. 3% of total hunters in the field (2015)	Visiting hunters (guided & non-guided) contribute 72% of total revenue to the ADFG wildlife conservation fund (2015)

Guiding hunters in Alaska has its origins in Territorial days. Because of our rich history, guides have deep roots in communities across Alaska, with many guides living in remote communities or “Bush Alaska.” APHA worked with McDowell to quantify what some of the benefits Alaskans reap from Guided Hunting. In 2015, 30 million new dollars went to Alaska businesses that were directly attributed to Guided Hunting. This generated another 20 million in economic activity in the support sector. Hunting guides do what they can to share the harvest; 230,000 lbs. of well cared for, high quality game meat was shared with their fellow Alaskans in 2015.

Subsistence:

The proposed regulation change would eliminate the 2015 restrictions that unreasonably restrict hunting under state subsistence regulations. **Harvest of wild subsistence foods** is hard to put dollar figures on. A 2017 estimate of the cost of replacing wild food harvests for Alaskans was in the range of \$227-\$454 million. This report can be found on the website for the Alaska Division of Subsistence and was uploaded for today’s meeting. In 2017, 60% of Alaska residents participated in subsistence harvests. Subsistence fishing and hunting are a way of life and principal characteristic of the rural Alaska economy, with subsistence providing 80% of the annual

diet in some villages.⁴ In 2017 in Arctic Village, a gallon of gas was \$10.00. In large areas of Alaska more than 90% of the households depend on wild game. [Arctic, Southwest and Western regions.] Rural Alaskan residents' average harvest of wild game is 276 pounds of food per person per year, and 19 pounds per urban Alaskan resident. NPR published a story in 2016: In rural Alaska "Milk can routinely cost \$10 a gallon or more; a container of juice can run \$13; a loaf of bread can cost \$6; and a box of cereal can run \$8." Foods available in rural community stores tend to be nonperishables, and fresh meat is often not stocked at all.

Here's another example of why the proposed rule should move forward. Harvesting caribou from a boat is the primary means of obtaining protein for the people that live near the Noatak Preserve and is allowed under federal subsistence regulations. Caribou provides twice the protein of the common store-bought replacement meats.⁵ While hunting under the federal subsistence regulations is limited to rural residents, the State recognizes subsistence hunting for all Alaska residents. This reflects that people come and go from rural communities for higher education, job training, and seasonal or permanent jobs. Under the federal subsistence regulations, the people who leave can't return to hunt, but they can hunt under the state regulations. The proposed rule would regulate according to reality—hunting traditions are mostly passed down, and there simply isn't an influx of people without local roots looking to try hunting methods like taking caribou from a boat. You have to get to a place where caribou routinely cross a river, which involves taking a commercial jet and then a small propeller plane and then finding someone to lend or rent you a boat to run miles up rivers that can be treacherous without local knowledge. Meanwhile there are much easier, closer, and cheaper ways to hunt caribou. But if the 2015 rule isn't overturned then young people, sisters, or brothers that have left the community for their only chance for an education or a job, other than the zinc mine, will not be able to help with the community harvest, will be cut off from their culture, and will not be able to provide for their elders. **We want to encourage rural Alaskans to grow their skills and contribute to the state and local economies without being excluded from their hunting traditions.**

The argument that the National Park Service Organic Act and Park Service policies prohibit state-authorized methods and means is undercut by the Park Service continuing to allow "prohibited" practices for federally qualified subsistence users. One example is the Park Service allowing rural residents to take brown bear over bait in Wrangell-St. Elias. The reasons the Park Service gave in 2015 for prohibiting the take of brown bear over bait apply equally regardless of whether a person is a rural resident or not, so there does not seem to be any logical reason to differentiate between the two users. Again, the State regulates harvest levels—what matters from a biological standpoint are the numbers and population demographics, not the particular way an animal was hunted.

⁴ Meter, K. and M.P. Goldenberg. 2014. Building food security in Alaska. Crossroads Resource Center for the Alaska Department of Health and Social Services.

⁵ Fall, J.A., and M.L. Kostick. July 2018. Food security and wild resource harvests in Alaska. Alaska Department of Fish and Game, Division of Subsistence.

In closing . . .

I hope you have a better understanding today of the importance of hunting and wild foods in Alaska. Regardless of the different economic contributions by wildlife viewers and hunters, Congress developed the special provisions of ANILCA, including the creation of preserves to allow hunting to continue, to ensure that Alaskans' unique way of life would not be erased by the conservation system units created and expanded in 1980. The intent of creating preserves versus parks was not to maximize the economic benefit of wildlife uses at the state or national level, but to secure hunting as a way of life. Many Alaskans cannot afford to NOT hunt.