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February 14, 2016

The Honorable Cathy Giessel, Chair
Senate Resources Committee
Alaska State Capitol
Juneau, AK 99801

Re: Alaska Senate Resources Committee hearing on Sturgeon v. Frost and federal overreach.

Dear Senator Giessel:

On behalf of Safari Club International (SCI), I would like to thank you and your colleagues on the Senate Resources Committee for this opportunity to present our views on the importance of the Sturgeon lawsuit as it relates to state management of our fish and wildlife resources. SCI is the world leader in supporting conservation based sustainable use of renewable wildlife resources, and the leading advocate for the freedom to hunt. We are the only major hunter-conservationist group to maintain full time advocates for hunting in Washington, D.C., and of all the entities that filed amicus briefs on behalf of Sturgeon, we are the only group that represents hunter-conservationists.

We are grateful to Mr. Sturgeon for pursuing this case and to all the many groups that also filed amicus briefs. This is a public interest lawsuit of utmost importance to Alaska and her citizens, as well as the rest of the states. The merits of the case have been thoroughly discussed by the plaintiff and all the many groups who participated with supporting briefs. In reading those briefs, there can be no doubt that the federal land management agencies have not only ignored the intent of the law, but have violated the law itself. It is a travesty that our justice system failed to recognize these facts, and we can only hope that the U.S. Supreme Court will act to correct this miscarriage of justice.

The list of infractions perpetrated by the National Park Service (NPS) is long, and, unfortunately, is growing. Under the regulations adopted by the NPS in 1996 they asserted authority to regulate uses such as types of watercraft, recreational activities and commerce on state waterways within the exterior boundaries of park areas. Beginning in 2000 they began implementing these regulations by taking steps to:

- Advise hunters, guides, fishermen, and others of NPS prohibitions on types of watercraft and permits required to conduct guiding and other commercial activities;
- restrict numbers of river floaters in a state navigable waterway for aesthetic reasons;
- prohibit catch and release fishing in the Alagnak River and Nonviunuk Lake due to perceived mortality in a closely-managed state sport fishery;
- prohibit state-permitted non-rural residents fishing with a net in a state managed fishery in Lake Clark because that 'methods and means' is not allowed in parks and NPS only recognizes subsistence conducted under the federal subsistence board regulations;
- prohibit persons not residents of the Wrangell-St. Elias National Park resident zone from using a fish wheel in the upper Copper River because it is a prohibited method under the national regulations except by persons fishing under the federal subsistence regulations;
- restrict methods of access used by fish and wildlife protection officers, i.e., threatened to cite the brown shirts for conducting enforcement with personal watercraft in the Naknek River;
- prohibit a landowner from moving a piece of heavy equipment below Ordinary High Water on state gravel in a navigable waterway from the highway to his inholding;
- require commercial use permits and insurance for dog mushers taking tourists on trips for pay on frozen state waterways;
- prohibit types of watercraft for public transportation, such as hovercraft and airboats; and require commercial boat operators to get permits, including ferry service on the Yukon River.

In October of this past year the NPS adopted regulations granting themselves the authority to shorten seasons, set bag limits, prohibit methods and means, and, in Northwest Alaska, prohibited hunting caribou from a boat in the state waterways, thus prohibiting a traditional harvest access method by recreational and subsistence users alike in a state waterway. These authorities would apply to nonfederal land under the District Court and Appeals Court decisions.

The irony of the lower court decisions in *Sturgeon* is that NPS regulations would apply to state and private lands and waters, including ANSCA lands, and the more liberal ANILCA provisions would apply to NPS lands. To be clear, the lower court decision would allow for the application of more restrictive regulations on nonfederal lands, while the ANILCA protections for hunting, trapping and access designed to protect the "Alaskan Way of Life" would only apply on federal lands. We would submit that such an arrangement is patently absurd.

Recently the U.S. Fish and Wildlife Service (USFWS) joined in by publishing proposed rules that seem to take advantage of the 9th Circuit's ruling in *Sturgeon* and are similar to those adopted by the NPS. If adopted these rules would further abrogate the provisions of the Statehood Compact, the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA) in favor of undefined values promulgated by the agencies themselves.

Our concerns are growing due to the expanding determination of federal bureaucrats to "write their own rules" rather than follow the will of Congress. The briefs filed in the *Sturgeon* case do a great job of illustrating this point. However, this situation isn't unique, nor is it restricted to Alaska. SCI has been battling federal agency decisions for some time now, and in some cases have partnered with the State of Alaska as was evident in the Endangered Species Act (ESA) listing of polar bears.

Recently SCI's governmental affairs team began a major effort to combat the growing assault on hunting. Like Alaska, our resources are limited and rather than continue to enter into lawsuits to rein in overreach, we have begun to engage Congress asking for definitive measures to remedy actions taken that don't follow Congressional intent or the law. This effort was the result of growing problems related to an increased willingness of federal agencies to "make up" law favoring increased and unwarranted restrictions on America's hunting public.

Meetings are now taking place with other major groups like the NRA to build strategies to sustain hunting. SCI already has a strong working relationship with the Wild Sheep Foundation and we are building upon that success. Here in Alaska our Alaska and Kenai Chapters are members of the Advisory Council to the Legislative Outdoor Caucus as are the Matanuska Valley Sportsmen, the Alaska Professional Hunter's Association, the Kenai River Sportfishing Association, the Outdoor Heritage Foundation, the Alaska Chapter of the Wild Sheep Foundation and others.

SCI is also working with the above groups and the National Assembly of Sportsmen's Caucuses of which the Alaska Legislature is a member to join in our effort to request definitive legislation from Congress clarifying that the various states have primary management authority over fish and wildlife within their boundaries.

National polling research shows that 77 per cent of the American public supports hunting. Hunters were responsible for creating America's first national park, Yellowstone, and they led the effort to establish national forests and wildlife refuges. Anglers and hunters have also been the primary funding source for fish and wildlife conservation for over 75 years.

We believe it is time for our political leaders to stand up to those who are trying to outlaw this vital part of Rural American culture and to reflect the substantial support hunting has among the citizens of this country. We applaud the efforts on all our behalf of Mr. Sturgeon and must state our deep concern that in a country that is based on the rule of law and the rights of individuals that such an effort by a private citizen was even necessary.

On behalf of hunters throughout the nation, we wish to express our deep appreciation to this committee, Mr. Sturgeon, and all those entities that filed an amicus brief. SCI will not abandon this effort and stands ready to join with you in preserving the rights of Alaskans and all Americans.

Sincerely,



Eddie Grasser
Vice President
Government Affairs Committee Chair