

# ALASKA STATE LEGISLATURE

## RESOURCES COMMITTEE



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Sen. Matt Claman  
Sen. Forrest Dunbar  
Sen. Scott Kawasaki  
Sen. James Kaufman

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### SENATE JOINT RESOLUTION 8

#### *Nat'l Park Service; Hunting in Preserves*

### SPONSOR STATEMENT

Senate Joint Resolution 8 disapproves of the proposed rule by the National Park Service that would limit certain hunting practices and close all predator hunts in national preserves. This resolution is an unambiguous statement of policy that wildlife management should remain under state authority, as recognized by federal law, and ratified by the people of Alaska in the statehood compact. This resolution also is clear that proposed rule is contrary to the Alaska National Interest Lands Conservation Act (ANILCA) and the Alaska Statehood Act. SJR 8 urges the National Park Service to withdraw the proposed rule and affirms state management primacy recognized within the 2020 national preserves rule.

The proposed rule superficially is understood as closing certain "sport hunting" practices. The state of Alaska does not define any hunts as "sport hunts." Even if the 2023 rule goes into effect the National Park Service will not actually ban any of the "sport hunting" practices (ie. Bear baiting) they will only close those hunts to non-federally qualified hunters, even if those non-federally qualified users have cultural ties to those methods and means. So, bear baiting, bear denning and taking swimming caribou will continue to be allowed on National Park Service lands for federally qualified users only. It is important to note that these discriminatory closures are not a response to population declines, even the Park Service admits the wildlife populations in question are being managed by the state sustainably.

The proposed rule reaches well beyond the closure of certain methods and means. The proposed rule incorporates a vast preemption of state wildlife management by closing ALL predator hunts to non-federally qualified users. This blanket preemption nullifies wildlife management writ-large and will cause a cascade of effects that will ultimately threaten food security in communities that rely wildlife National Preserves for subsistence. The proposed rule justifies closing predator hunts and keeping food animal hunts open against the backdrop of "natural diversity."

All Alaskan hunting methods and means and seasons that are approved by the Alaska Board of Game require a robust public process with significant input from biologists, residents, and other stakeholders. The Board of Game must consider customary traditional harvests and hunting practices, crucial to continuing Alaska's cultural heritage. This rule is hypocritically overreaches Alaska's public process by discriminately closing customary and traditional Alaskan harvests. This rule has significant cultural implications but also limits the state's ability to manage its wildlife populations, including the maintenance of healthy predator populations.

The state has successfully managed wildlife on both state and federal land in Alaska since the United States Department of the Interior transferred to the state management authority in 1959. The 2023 proposed rule by the National Park Service works counter to the Alaska statehood act and puts Alaska back in the role of a Territory.

Senate Joint Resolution 8 is a necessary step to safeguard the state's constitutional mandate and its longstanding wildlife management responsibilities. The National Park Service should withdraw the proposed rule and work collaboratively with the state to find a solution that is based on sound science and recognizes the state's authority to manage its wildlife populations.

**SENATE JOINT RESOLUTION NO. 8**

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - FIRST SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Introduced: 3/1/23**

**Referred: Resources**

**A RESOLUTION**

- 1    **Disapproving the proposed rule by the National Park Service limiting non-subsistence**  
2    **hunting methods; and urging the National Park Service to withdraw the rule.**

3    **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4            **WHEREAS** the United States Supreme Court has long interpreted the United States  
5    Constitution to provide state primacy in wildlife management; and

6            **WHEREAS** art. VIII, sec. 4, Constitution of the State of Alaska, provides for the  
7    conservation and sustainable use of wildlife, including the maintenance of healthy predator  
8    populations; and

9            **WHEREAS** federal law recognizes the state's authority to manage wildlife, including  
10   the Alaska Statehood Act and the Alaska National Interest Lands Conservation Act; and

11           **WHEREAS** the state has managed wildlife on both state and federal land in Alaska  
12   since the United States Department of the Interior granted the state management authority in  
13   1959; and

14           **WHEREAS** the Alaska National Interest Lands Conservation Act established each of  
15   the national preserves in the state as National Park Service land that would remain open to  
16   hunting and trapping under state management; and

1       **WHEREAS** the National Park Service proposed a rule to amend its regulations for  
2 non-subsistence hunting and trapping in national preserves that would prohibit certain hunting  
3 practices that have been approved by the Alaska Board of Game following a public process  
4 with significant input from biologists, local residents, and other stakeholders; and

5       **WHEREAS**, ignoring the state's objection, the National Park Service has labeled  
6 certain hunting practices as predator control or predator reduction actions and has prohibited  
7 that predator control or predator reduction in national preserves; and

8       **WHEREAS**, as a result, the ability of state residents to hunt bears, wolves, and even  
9 caribou is limited, without biological basis and with contrary evidence from the Alaska  
10 Department of Fish and Game, which shows that those practices do not pose conservation,  
11 public safety, or public administration concerns; and

12       **WHEREAS** the proposed National Park Service rule would limit the ability of state  
13 residents to engage in traditional hunting practices; and

14       **WHEREAS** the proposed National Park Service rule is contrary to the Alaska  
15 National Interest Lands Conservation Act and the Alaska Statehood Act; and

16       **WHEREAS** the proposed National Park Service rule is an overreach of federal  
17 authority and would inappropriately limit the state's authority to manage wildlife on national  
18 preserves;

19       **BE IT RESOLVED** that the Alaska State Legislature disapproves of the proposed  
20 National Park Service rule; and be it

21       **FURTHER RESOLVED** that the Alaska State Legislature strongly urges the  
22 National Park Service to withdraw the proposed rule without adoption and to affirm the  
23 mandates within its 2020 national preserves rule in any new rule that is prepared in response  
24 to court order; and be it

25       **FURTHER RESOLVED** that this resolution is the policy of the Alaska State  
26 Legislature until it is withdrawn or modified by another resolution.

27       **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, President  
28 of the United States; the Honorable Kamala D. Harris, Vice President of the United States and  
29 President of the U.S. Senate; the Honorable Kevin McCarthy, Speaker of the U.S. House of  
30 Representatives; the Honorable Deb Haaland, United States Secretary of the Interior; the  
31 Honorable Charles F. Sams III, Director, National Park Service; and the Honorable Lisa

- 1 Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Mary Peltola,
- 2 U.S. Representative, members of the Alaska delegation in Congress.

# Fiscal Note

State of Alaska  
2023 Legislative Session

Bill Version: SJR 8  
Fiscal Note Number: \_\_\_\_\_  
( ) Publish Date: \_\_\_\_\_

Identifier: SJR8-LEG-SESS-03-17-23  
Title: NAT'L PARK SERVICE; HUNTING IN  
PRESERVES  
Sponsor: RESOURCES  
Requester: SENATE RESOURCES

Department:  
Appropriation:  
Allocation:  
OMB Component Number: 0

## Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2024 Appropriation Requested	Included in Governor's FY2024 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2024	FY 2024	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
<b>Total Operating</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Fund Source (Operating Only)

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

## Positions

Full-time							
Part-time							
Temporary							

## Change in Revenues

None							
<b>Total</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**Estimated SUPPLEMENTAL (FY2023) cost:** 0.0 (separate supplemental appropriation required)

**Estimated CAPITAL (FY2024) cost:** 0.0 (separate capital appropriation required)

**Does the bill create or modify a new fund or account?** No  
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

## ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No  
If yes, by what date are the regulations to be adopted, amended or repealed?

## Why this fiscal note differs from previous version/comments:

Not applicable, initial version. Zero note. This resolution disapproves of and urges the National Park Service to withdraw a rule limiting non-subsistence hunting methods.

Prepared By: Sante Lesh, Deputy Executive Director  
Division: Legislative Affairs Agency  
Approved By: Jessica Geary, Executive Director  
Agency: Legislative Affairs Agency

Phone: (907)465-4824  
Date: 03/17/2023 09:54 AM  
Date: 03/17/2023

# Congress of the United States

## Washington, DC 20515

February 28, 2023

The Honorable Deb Haaland  
Secretary, U.S. Department of the Interior  
1849 C Street NW  
Washington, DC 20240

Dear Secretary Haaland:

We write to urge you to withdraw the National Park Service's (NPS) proposed rule, "Alaska; Hunting and Trapping in National Preserves," as published in the Federal Register on January 9, 2023. This rule, which was proposed without consultation with the State of Alaska, recalls a similar 2015 NPS rule prohibiting select hunting practices and management techniques on national preserves. We find it unacceptable that the proposed rule would reverse a 2020 NPS Rule that better aligned the agency's regulations with Alaska state laws for hunting and trapping in national preserves in Alaska.

We object to the proposed rule because (1) it was written without consultation with the State of Alaska or affected stakeholders, (2) it would effectively reimpose a 2015 Rule that prohibited harvest methods allowed under Alaska state law without any supporting scientific data, (3) it disregards the importance of traditional hunting practices of Alaska Natives residing in non-rural areas, and (4) it ignores recent congressional actions to overturn a substantively similar rule barring specific hunting techniques promulgated by the U.S. Fish and Wildlife Service (USFWS).

Hunting, fishing, and trapping are methods of harvesting wildlife by the public and are specifically authorized activities under ANILCA in Alaska national preserves. Section 1313 of ANILCA establishes the extent to which NPS has authority to restrict the take of fish and wildlife, and explicitly does not provide NPS with authority to regulate the "methods or means" for harvesting wildlife, as those practices are governed by the State. Even if one assumes that NPS holds the authority to regulate the "methods or means" for harvesting wildlife, which it does not, Section 1313 calls for the promulgation of regulations to be put into effect "only **after** consulting with the appropriate State agency having responsibility over hunting, fishing, and trapping activities" (emphasis added). As Commissioner Doug Vincent-Lang's letter to Director Sams on January 11, 2023, attests, such consultation did not occur.

Further, in a meeting between Delegation and NPS staff on January 20, 2023, NPS staff agreed that the bear baiting rule was not predicated on data indicating a clear threat to public safety, nor that the practice was widespread enough to implicate the promulgation of a rule banning bear baiting across all of Alaska's national preserves. The evidence underlying the rule was purely anecdotal, relying upon the testimony of in-state NPS officials and the practice mainly carried out

in the Wrangell-St. Elias National Preserve. Neither of these reasons are solid grounds upon which to promulgate the bear baiting ban now proposed by NPS.

Additionally, NPS fails to consider the impacts its bear baiting rule will have on Athabascan non-federal subsistence users. Bear baiting is a traditional hunting practice for many Athabascan hunters, a great number of whom now reside in non-rural areas. Because of this, they are not considered federally-qualified subsistence users and would be subsequently barred from practicing their traditional hunting practice under this proposed rule. Regardless of the explicit carve-out separating federal subsistence from this proposed rule, the restriction still would negatively harm Athabascan hunters whose right to practice their traditional hunting technique should be respected regardless of where they reside.

Congress' intent on this issue is unambiguous, and this was clearly demonstrated in its response to a 2015 rule. In 2015, NPS promulgated a rule that effectively banned State-authorized hunting practices that it had identified as "predator control." Soon after, in 2016, the U.S. Fish and Wildlife Service (USFWS) promulgated its own "Statewide Refuge Rule," which was nearly identical to NPS's 2015 Rule in prohibiting specific hunting practices allowed by State law. Congress responded by enacting a disapproval resolution under the Congressional Review Act to nullify the Statewide Refuge Rule. (P.L. 115-50, 131 Stat. 86 (2017)). Therefore, today's "methods and means" of hunting on Refuges in Alaska are governed by state law. Given that NPS's 2023 Proposed Rule is substantively identical to the 2015 Rule, and Congress has rejected the alleged "legal mandate" that underlies its reimposition, NPS is obligated to abandon this effort and comply with ANILCA's clear terms.

The U.S. Supreme Court has also unanimously affirmed Alaska's right to manage its fish and wildlife. In the unanimous opinion, *Sturgeon v. Frost*, Chief Justice Roberts wrote that, ANILCA "repeatedly recognizes that Alaska is different"<sup>1</sup>—from its unrivaled scenic and geological values, to the unique situation of its rural residents dependent on subsistence uses, to the need for development and use of Arctic resources with appropriate recognition and consideration given to the unique nature of the Arctic environment. NPS cannot supersede the law – only Congress can do that – and it would be well-advised to re-examine the *Sturgeon v. Frost* ruling before attempting to finalize the 2023 Proposed Rule.

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<sup>1</sup> *Sturgeon v. Frost*, 139 S. Ct. 1066, 1078, 203 L. Ed. 2d 453 (2019).

NPS holds only the legal and statutory authority granted by Congress. Any attempt to move forward with the 2023 Proposed Rule would disregard congressional intent; confuse hunters, trappers, and anglers about the rules in national preserves; and significantly reduce the State's lawful ability to manage healthy, effective, sustainable wildlife populations for all Alaskans, especially subsistence users.

Sincerely,



Lisa Murkowski  
United States Senator



Dan Sullivan  
United States Senator



Mary Sattler Peltola  
Representative for All Alaska





State vs. Federal Wildlife Actions- APHA as Participant

- 2015-2016
  - NPS finalizes statewide 2015 Rule- specific and general preemption of state management and hunting regs
    - Opposed by the state
    - Opposed by federal RACs
    - Opposed by some SRC
    - Opposed by hunting NGOs
    - Supported by Sierra Club, Humane Society et. Al
  - USFWS finalizes “Kenai NWR” Rule- bans specific hunting practices on refuge
    - Opposed by the state
    - Opposed hunting NGOs
    - Supported by Sierra Club, Humane Society et. Al
  - USFWS Finalizes statewide Rule- specific and general preemption of state management and hunting regs
    - Opposed by the state
    - Opposed by federal RACs
    - Opposed by some SRC
    - Opposed by hunting NGOs
    - Supported by Sierra Club, Humane Society et. Al
- 2017
  - State, APHA/SAF & SCI sue over NPS & AKUSFWS Rules
  - State and SCI sue over KNRW rule
  - Congress strikes down AKUSFWS rule via Congressional Review Act. (CRA)
  - APHA petition for rulemaking to overturn NPS rule
  - Litigation over NPS rule informally stayed pending rulemaking
- 2018-2019
  - Litigation proceeds slowly on KNWR & dismissed as moot as to AKUSFWS matter (due to CRA)

- NPS rulemaking proceeds slowly
- 2020
  - NPS Rule repealing 2015 Rule finalized
  - Litigation filed by state and SCI on KNWR proceeds
  - Environmental NGO's sue over 2020 NPS Rule- APHA/SAF, SCI and State intervene to defend 2020 rule
- 2021
  - District Court adverse decision on KNWR litigation- parties appeal to 9<sup>th</sup> circuit
  - Litigation proceeds slowly on NPS 2020 Rule
- 2022
  - April 18<sup>th</sup>- Catastrophic Ninth Circuit KNWR ruling adverse to the state imbuing federal managers with "plenary" wildlife management authority on federal lands in AK
  - August-November - Judge Gleason hears and rules in litigation on 2020 NPS Rule
    - Remands rule but keeps rule in place pending NPS rule making "remand without vacatur"
    - Cites KNWR precedent to include NPS AK Preserves
    - State and all parties appeal decision to 9<sup>th</sup> circuit
  - October - State petitions SCOTUS to overturn KNWR decision after Ninth Circuit denies rehearing
    - APHA et al. file amicus in support of state petition
    - SCI files response brief in support of state petition
    - 13 states file amicus in support of state petition
- 2023
  - NPS releases proposed rule to overturn 2020 Rule and essentially restore 2015 Rule
    - Preempts specific methods and means
    - Bans predator hunting on Preserves
    - Comment Period ends March 10<sup>th</sup> 2023

March 6, 2023

National Park Service, Regional Director  
Alaska Regional Office  
240 West 5<sup>th</sup> Ave,  
Anchorage, AK 99501  
Also submitted online: [http://www/regulations.gov](http://www.regulations.gov).

RE: Docket: Alaska: Hunting and Trapping in National Preserves, RIN 1024-SR70, joint comments from scientists and managers

Sir or Madam:

The 71 persons undersigned are wildlife scientists and managers working in natural resource management. We endorse adoption of the above-referenced proposed rule regarding wildlife management on National Preserves in Alaska that are managed under the authority and responsibility of the National Park Service (NPS). The proposed rule is largely a reversion to an earlier-adopted 2015 rule which was replaced by an ill-advised rule adopted in 2020 that was opposed by 99% of the comments received (according to the NPS).

Most of Alaska outside of National Park areas is now managed under state regulations in ways that are designed to implement Alaska's 1994 Intensive Management (IM) law (Alaska Statutes §16.02.255). This law requires that the Alaska Board of Game (BOG) give a priority to maximizing the numbers of wild ungulates (moose, caribou, and Sitka black-tailed deer) killed by hunters in cases where demand for such harvests exceed supply. Under the IM law, >90% of the state has been identified as "important for human consumption of ungulates" (Ripple et al. 2019). The IM law in this huge area has been implemented almost exclusively by efforts to reduce numbers of one or more of 3 predator species (brown bears, black bears, wolves); in many areas predator reduction regulations predate the 1994 IM law (Miller et al. 2017, Ripple et al. 2019).

Because of the geographically widespread and aggressive nature of Alaska's hunting and trapping regulations designed to reduce predators, the importance of National Park Service areas as refugia where relatively natural ecological processes and balances both occur and endure is especially vital. Maintenance of these refugia and processes is, in fact, integral to the primary purpose of the national park system including national preserves. The National Park Service (NPS) Organic Act and subsequent policies and amendments includes the statutory directive "...to leave [park resources and values] *unimpaired for the enjoyment of future generations*" (emphasis added). The NPS policy guidelines explicitly state "*The [National Park] Service does not engage in activities to reduce the numbers of native species for the purpose of increasing the numbers of harvested species (i.e. predator control) ...*" ([9] 2006 NPS Management Policies 4.4.3). The NPS prohibition on predator control clearly is inconsistent in both intent and practice with Alaska's IM law. Although we endorse the new proposed rule, we recommend that NPS strengthen it to more clearly establish that the NPS need not defer to State of Alaska hunting and trapping regulations of any kind in cases where the NPS finds such deference to be inconsistent with their mandates under its Organic Act and subsequent policies and guidelines.

This is particularly important for wolves and brown bears which are greatly depleted and listed under the Endangered Species Act elsewhere in the United States. Federally administered national conservation areas in Alaska where these large carnivores still remain relatively abundant in relatively intact ecosystems have a special responsibility to maintain these conditions in the national interest.

The current proposed rule has an appropriate focus on methods and means of take (such as baiting) but essentially no specific mention of other types of regulations adopted by the Alaska Board of Game that are designed to reduce predator:prey ratios in the hope this will increase ungulate harvests. These (non-methods and means) regulations include season and bag limit increases, incentives based on allowing sale of wildlife parts, waiver of fee requirements, relaxation of meat salvage requirements, etc. For brown bears in Alaska these types of regulation changes (not officially defined by Alaska policy as being “predator control”) almost certainly increase predator kill numbers more than some of the method of take regulations listed in Table 1 of the NPS rule (“Prohibited Acts”).

The State of Alaska is disingenuous about the amount of predator control that is occurring in Alaska on all lands open to hunting. This is because the State defines “predator control” as not including liberalizations of the general hunting and (for wolves) trapping regulations which are the mechanism for most ongoing predator reduction efforts in Alaska (Miller et al. 2017, Ripple et al. 2019, Miller 2022). Rather, the state defines as “predator control” only small areas that they officially classify as being “predator control areas” (PCAs). The terms “intensive management” and “predator control” are used confusingly and sometimes interchangeably by Alaska Department of Fish and Game (ADFG) and the BOG. Both are frequently used to describe actions taken to reduce abundance of large carnivores with this intent just being more explicit for the term “predator control”. “Intensive management” is most commonly used to describe the efforts taken to reduce predators by liberalizing regulations (see ADFG 2011). The magnitude of changes (not officially defined as “predator control”) in brown bear predator reduction efforts was documented by Miller et al. (2011, 2017), Ripple et al. (2019), and Miller (2022). For brown bears, frequently the IM efforts are identified as management objectives designed to “provide maximal opportunity to take brown bears” (e.g. Wells 2021). The Alaska Department of Fish and Game (ADFG) Intensive Management Protocol (2016) acknowledges that 97.5% of Alaska has received a “positive determination” for IM (under 5 AAC 92.108) but asserts that only 7-11% of Alaska has had “active predator control” since 1994 (e.g. ADFG 2011: 2). Predator reduction efforts through regulation liberalization, however, are ongoing in essentially all of the area where a “positive determination” has been made (e.g. the NPS “EA for Wildlife Harvest on National Park System Preserves in Alaska”, 2014, Figure 1, page 13) .

The BOG has consistently rejected NPS requests not to adopt certain regulations that would affect predator take on national preserves in Alaska or, failing this, to explicitly exclude the national preserves from these regulations most of which are designed to encourage more take of large carnivores. This refusal to accommodate NPS requests is what resulted in the need for NPS to adopt the 2015 rule. We recommend that the introduction to the proposed rule include some of this history of NPS efforts to cooperate with the BOG (e.g. the 2013 Agenda Change Request from NPS to the BOG dated 6 November 2011).

We recommend that the proposed NPS rule include a definition of “predator control” in ways that captures the reality of regulations adopted by the BOG that are designed to or have the effect of altering predator:prey ratios by reducing the abundance of predators. The wording of the proposed rule does not do this and this failing arguably leaves the definition of “predator control” in the hands of the misleading definitions adopted by the BOG (see above). Elements of the NPS definition in the new rule could usefully include the following concepts:

1. A historical pattern or individual case of liberalized predator hunting and trapping regulations by the BOG that apply to National Preserves that have the potential or intent to alter predator:prey ratios to achieve results that are inconsistent with the NPS’s mandate in

the Organic Act and subsequent amendments and policies to manage NPS lands in ways that leave park resources and values “unimpaired”.

2. NPS has the ultimate authority under ANILCA and the NPS Organic Act to disallow methods and means of taking predators that are, in the view of NPS, inappropriate for Alaska’s national preserves. In addition to methods currently itemized in Table 1 of the proposed rule, examples of such regulations may include hunting bears during denning periods or periods when hides or meat are subprime, baiting bears or wolves, mechanically-assisted (including aircraft and other mechanized vehicles) take of predators, inaccurate methods of monitoring take, taking predators (including bears and wolves) in dens, financial inducements to take predators including bounties or allowing non-traditional sale of predator parts, etc. Rather than list all potentially problematic regulations and take methods for predators, the proposed rule should just make it clear that acceptable methods, take methods and other regulations governing take adopted by the BOG that apply to national preserves are subject to NPS approval and BOG adopted regulations need not be deferred to by the NPS.
3. Significant liberalization of take regulations for predators in the absence of adequate methods in effect to monitor impacts on abundance and trends of the predator populations or that are likely to adversely affect other important uses of affected predators (e.g. bear viewing in Katmai National Preserve). We do not recommend that extensive and expensive monitoring is necessarily required in all instances for predator take in national preserves but we do believe that this is essential where take regulations are being or have been dramatically liberalized or where harvests are dramatically increasing from a historical baseline. Adequate monitoring includes reliable data on numbers of killed animals.

It is unfortunate that adoption of the above recommendation defining “predator control” will likely result in differences in what hunters and trappers are allowed to do within and outside of NPS managed lands. However, this is already the case for actual national park areas. The BOG could alleviate some such difficulties by, when they adopt problematic regulations designed to reduce predators, excluding national preserves from the regulation they adopt. This is already done, for example, in the case of restricting snowmachine or ATV use to take wolves and wolverines on NPS-managed area or on national wildlife refuges where “...not approved by the federal agencies” (2021-2022 hunting regulations page 18 and trapping regulations page 14).

History illustrates that the liberalized hunting regulations that have been adopted to reduce brown bear numbers are essentially permanent and one-directional (Table 1). All of the changes tabulated in Table 1 were adopted by the BOG as general hunting regulations; the liberalized regulations in officially designated bear PCAs (such as snaring bears and shooting females with cubs and cubs [e.g. GMU 16B (former) bear PCA] and state employees shooting predators from aircraft (e.g. in GMU 19 (former) PCA] are not included. Regulation changes in GMUs 1-10 and 15 (SE Alaska, Kodiak, and the Alaska Peninsula) are also not included in Table 1 because brown bear management objectives in these areas are to maintain older (larger and trophy) brown bears in the population. Additionally, moose are uncommon or non-existent in most of the excluded GMUs so predation control of bears to augment moose harvests is not a priority for the BOG. It is of concern, however, that brown bears in the areas tabulated in Table 1 have less (or no) access to salmon than the untabulated areas and, correspondingly,

much lower brown bear densities (Miller et al. 1997, Hildebrand et al. 1998). Because of these lower bear densities, these areas have less resilience to heavy hunting pressure.

Table 1. Number of regulation changes making brown bear hunting regulations more liberal and more conservative in a subunit in Alaska's GMUs 11-14 and 16-26 (83% of Alaska generally corresponding with areas of moose distribution from Miller (2022, updated from Miller 2017)

REGULATION TYPE	1993-2010	2011-2020	TOTAL
Lengthen season	40	11	51
Bag limit 1 per 4 years to 1/year	47	3	50
Bag limit 1/year to 2/year	5	17	22
Eliminate resident tag fee	26	1	27
Allow baiting	0	29	29
Allow sale of hides & skulls	0	22	22
Other (salvage, same day airborne at bait stations, etc.	1	51	52
<b>Total number regulation made more liberal in a subunit</b>	<b>119</b>	<b>134</b>	<b>253</b>
<b>Total made more conservative in a subunit (typically change from open hunting to registration permits.</b>	<b>2</b>	<b>4</b>	<b>6</b>

Efforts to reduce brown bear abundance in order to increase moose harvests have been very aggressive since the 1980s in GMUs 12 and 20E (which includes the Wrangel-St. Elias National Preserve). These GMUs clearly illustrate the ADFG's and BOG's approach toward brown bear management in areas where brown bears and moose are sympatric. The routine (every 5 years) ADFG brown bear species management report (Wells 2021:2)<sup>1</sup> identified the (former) brown bear management objectives as having been: *"Brown bear management in Units 12 and 20E during recent decades has been driven primarily by 1) the goal to reduce brown bear predation on moose calves, and 2) the goal to provide for maximum sustainable hunting opportunity."* Wells (2021:17) identified new management objectives for these areas (effective in 2023) as nothing more than:

*"M1. Prohibit the harvest of cubs (within the first 2 years of life) and sows accompanied with cubs.*

*M2. Manage for a stable or increasing trend in [brown bear] harvest."*

These new objectives replaced former objectives that included metrics associated with harvest composition, managing for *"temporary reductions in brown bear predation"*, and *"After moose populations increase to desired levels, reduce bear harvests to allow for bear population stabilization or recovery."* Wells (2021) justified the new objective M1 by reference to a comment by Brockman et al. (2017) that protection of females with cubs (first or second year of life) from harvest was a valuable buffer against rapid declines caused by heavy hunting pressure. However, the Brockman paper did not suggest that this alone was sufficient to prevent undetected and excessive declines. In fact, the Brockman paper documented a significant (20-40%) decline over 13 years in their GMU 13 study area

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<sup>1</sup> We do not impugn the integrity of Wells' report which contains many innovative elements including assessments of brown bear habitat conditions. Rather, this discussion of Wells' report is designed to provide an example of the incompatibility of Alaska's current IM management programs and objectives with the NPS mandates.

where regulations prohibiting shooting females with cubs existed. If anything, the Brockman paper demonstrated that if management objective M2 is achieved, objective M1 could be irrelevant.

Noteworthy in the new objectives is the complete absence of metrics associated with trends in the bear population or targets for desired population declines. The new management objectives display what is effectively a complete disinterest in responsible brown bear management. It would be easy to model a situation where protection of females accompanied by cubs alone could result in driving a bear population to extirpation just by killing females when not accompanied by cubs.<sup>2</sup> The previous management objectives for brown bears in GMU 12 and 20E also illustrated some of the same disinterest as they were couched as metrics of the moose population and not the bear population (e.g. *“After moose populations increase to desired levels...”*). The kinds of objectives that existed and currently exist in GMUs 12 and 20E cannot be acceptable management objectives from the perspective of the NPS’s mandate to maintain “unimpaired” wildlife populations. Although not (yet) stated quite so baldly elsewhere in Alaska, the same brown bear management approach by the state is implicit throughout most of the area where brown bears and moose are sympatric (the areas tabulated in Table 1).

The management objectives in GMUs 12 and 20E are not necessarily inconsistent with the wildlife management objectives set by the Alaska Constitution which requires only that wildlife harvests must be managed for “sustainable yields”. Mathematically, a sustainable harvest of the same fixed percentage could be taken both from a population of size  $x$  and one of  $100x$ . From the perspective of NPS’s mandate to maintain “unimpaired” wildlife populations, reductions of a population from  $100x$  to  $x$  would not qualify as acceptable even though a sustainable harvest might be possible at size  $x$ . The state’s constitutional mandate of “sustainability” is too low a bar to be acceptable to NPS. We recommend that the new rule clearly make the point that mere sustainability is not sufficient for NPS.

We are aware of nowhere in Alaska’s predator management policy (ADFG 2016) or elsewhere where “sustainability” is defined. For example, is a harvest level “sustainable” if harvest numbers are subsidized by immigration? How much can a population be reduced from natural levels defined by carrying capacity and still be considered to be sustainably harvested? What are the acceptable risks to ungulate habitat that result from setting objectives that are based on hunter demand rather than habitat capacity? Absent an acceptable definition of sustainability by Alaskan wildlife managers, the NPS should not accept sustainability as an acceptable standard. The NPS should consider adding its own definition of sustainability to the proposed rule.

Currently, the BOG classifies black bears as “furbearers” although no trapping regulations for taking black bears with a trapping license have been adopted so far. The new NPS rule should make it clear that bears of either species may not be trapped or snared on national preserves even if authorized by BOG trapping regulations. Bears should be added to the prohibition in Table 1 of the proposed rule against “(14) taking a fur animal or furbearer by disturbing or destroying a den” but, possibly, retaining the existing exception in some areas for federally recognized subsistence users in cases where this is customary and traditional.

### **Examples of trends in predation reductions regulations in National Preserves**

Table 2 compares some BOG regulations that apply to Alaska national preserves during regulatory year 1990/91 (prior to adoption of the IM law in 1994) with those existing in 2021/22. In 3 national preserves, wolf bag limits changed from 10/year to 20/year and in 3 national preserves they

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<sup>2</sup> We recognize that extirpation is unlikely in National Preserves where harvests can be subsidized by immigration from adjacent national parks

changed from 10/year to 10/[day](#). The 10/day quotas were in 3 national preserves on the Alaska Peninsula (GMU 9) (Table 2). In 2 national preserves wolf bag limits declined (from “unlimited” to 5 or 20/year) and in 2 others bag limits remained the same (Table 2). Wolf trapping quotas in both periods were unlimited (Table 2). Currently, BOG authorized wolf bag limits are >10/year in all Alaskan National Preserves. Given the difficulties of taking wolves and lack of data, we cannot assume there is much effective difference between these quotas. The significant point of the trends in quotas, however, is that they demonstrate the intent of the BOG is to reduce wolf abundance on national preserves as well as in areas surrounding these preserves where the same regulations also apply.

There have also been liberalizations of hunting regulations for brown bears on many national preserves in Alaska between 1990 and 2021. For season liberalizations and brown bear baiting these are tabulated in Table 2 (see Miller et al. 2017 and Miller 2022 for other liberalized regulations). In 5 national preserves bag limits have changed from 1 brown bear every 4 years (1990) to 2 per year and sales of hides and skulls also authorized (2021) (Table 2). In two national preserves brown bear bag limits changed from 1 per year (1990) to 2 per year and hides and skull sales authorized as well. In a clear illustration of the intent of these regulations being to reduce brown bear abundance, and reduce bear:ungulate ratios, the BOG has automatically linked sale of hides and skulls being authorized and bag limits of 2 brown bears per year; this is the case for 5 national preserves (Table 2). In 5 national preserves bag limits declined or remained the same; all of these are on the Alaska Peninsula, or SE Alaska (Table 2) where brown bear densities are high because of salmon and populations are still managed relatively conservatively.

The BOG has been most aggressive at liberalizing bag limits in areas of low brown bear density compared to areas with abundant salmon and resulting much higher bear densities such as the Alaska Peninsula and SE Alaska (Miller et al. 1997; and Hilderbrand et al. 1999]. There are also no or few moose in the salmon rich areas of high bear density so bear reduction IM efforts to increase moose harvests is not necessary to comply with IM mandates. Since low density populations of slow reproducing species like brown bears are more vulnerable to overharvests, this means that the state’s policy is to manage brown bears most aggressively in the populations that are most vulnerable to overharvest. This should be of concern to NPS in the national preserves with low brown bear densities.

The length of brown bear hunting seasons has also increased in 5 national preserves, again most dramatically in the 3 that occur in interior national preserves with low bear densities (Table 2) and correspondingly highest vulnerability to overharvest. The most dramatic increase (440% from 62 days in 1990 to 272 days in 2021) was in the 3 most northern preserves in GMU 23 (Table 2). Length of open brown bear hunting seasons between 1990 and 2021 was the same in 2 and declined in 2 other national preserves (Table 2). In 8 national preserves brown bear hunting is allowed all winter when bears are in their dens; hunting is closed during winter only in the 3 high bear density national preserves on the Alaska Peninsula (Table 2) Hunting denned bears (both species) is ethically and biologically problematic because typically hunters have no way of determining if a bear flushed from its den has left cubs behind in the den until after the adult bear is killed.

In 1990 baiting of brown bears was not authorized anywhere in Alaska. By 2021, however, baiting was widely authorized in Alaska including in 5 national preserves (Table 2). Again, by 2021 baiting was allowed in all 5 of the 6 national preserves with the lowest brown bear densities and corresponding highest vulnerabilities to overharvest (excluding Bering Land Bridge National Preserve).

In contrast to the bag limit regulations for brown bears, the most aggressive bag limits for wolves of 10 per day occur in 3 national preserves on the Alaska Peninsula (Table 2). This is because the BOG is



focused on reducing wolf predation on caribou on the Alaska Peninsula (moose are common only in northern subunit 9A). Very liberal bag limits for wolves in the same area where brown bear bag limits are relatively conservative illustrates that the BOG's primary focus is on reducing predator:prey ratios and not on retaining "unimpaired" ecological processes that is the NPS mandate for national preserves.

Table 2. Examples of changes in some hunting and trapping regulations for Alaska residents in Alaskan National Preserves between Regulatory year 1990/91 and 2021/22. No column for baiting for brown bears in 1990 because it was not allowed anywhere (but was in some areas for black bears).

			<b>Brown Bear season (days open in year)</b>		<b>Brown bear bag limit</b>		
<b>National Preserve (state Game Management Unit (GMU))</b>	<b>Wolf hunting [trapping] bag limit 1990</b>	<b>Wolf hunting [trapping] bag limit 2021</b>	<b>1990</b>	<b>2021</b>	<b>1990</b>	<b>2021</b>	<b>Brown bear baiting in 2021</b>
Gates of the Arctic N.P. & Preserve (GMU 23)	10 per year [no limit]	20/year [no limit]	62 (9/1- 10/10 & 6/15- 5/25)	272 (8/1- 5/31)	1 per 4 years	2 per year**	yes
Noatak National Preserve (GMU 23)	10 per year [no limit]	20/year [no limit]	62 (same as above)	272 (same as above)	1 per 4 years	2 per year**	yes
Cape Krusenstern National Monument (GMU 23)	10 per year [no limit]	20/year [no limit]	62 (same as above)	272 (same as above)	1 per 4 years	2 per year**	yes
Bering Land Bridge National Preserve (GMU 22E)	No limit [no limit]	20/year [no limit]	325 (8/10- 6/30)	283 (8/1- 6/15)	1 per year	2 per year**	no
Yukon-Charley Rivers National Preserve (GMU 20E)	10 per year [no limit]	10/year [no limit]	325 (same as above)	325 (8/10- 6/30)	1 per year	2 per year**	yes
Wrangell-St. Elias N.P. & Preserve (GMU 12)	10 per year [no limit]	10 per year [no limit]	272 (9/1- 5/31)	325 (same as above)	1 per 4 years	1 per year	yes
Lake Clark N.P. & Preserve (GMU 9A)	10 per year [no limit]	<b>10 PER DAY</b> [no limit]	36 (10/1- 10/21 & 5/10- 5/25)*	42 (10/1- 10/21 & 5/10- 5/31)*	1 per 4 years	1 per 4 years	no

Katmai N.P. & Preserve (GMU 9C)	10 per year [no limit]	10 PER DAY [no limit]	86 9/1-10/31 & 5/1-5/25*	42 (same as above)*	1 per 4 years	1 per 4 years	no
Aniakchack Nat. Monument. & Preserve (GMU 9E)	10 per year [no limit]	10 PER DAY [no limit]	29 (10/7-10/21 & 5/10-5/25)*	35 (10/7-10/21 & 5/10-5/31)*	1 per 4 years	1 per 4 years	no
Glacier Bay N.P. & Preserve (GMU 5A)	No limit [no limit]	5 per year [no limit]	272 (9/1-5/31)	272 (9/1-5/31 272)	1 per 4 years	1 per 4 years	no

\*Season closed every other year

\*\* Hunters also allowed to sell tanned or untanned hides and skulls of bears killed

### Monitoring

The aggressive liberalizations of hunting and trapping regulations adopted by the BOG to reduce predator abundance documented above have not been accompanied by adequate monitoring studies. There have been almost no rigorous studies conducted by the State of Alaska to document trends in abundance of predators in the areas most targeted by the liberalized hunting regulations for wolves and bears. The BOG mostly relies on anecdotal accounts from the public or ADFG for trend information. Instead, most rigorous studies in these areas have been conducted by federal agencies sometimes with ADFG participation (e.g. Robison et al. 2018). ADFG has done some rigorous trend estimates in GMU 13 (e.g. Miller et al. 1997, Brockman et al. 2017). This inadequacy should be of concern to NPS and represents another significant reason for the NPS to not defer predator management on national preserves to the BOG and ADFG. This inadequacy and concern was recognized by the National Research Council in its review of predator management in Alaska (NRC 1997). Monitoring of exploited predator populations is expensive and frequently imprecise and may not be necessary in many cases where exploitation rates are recognized as being moderate and unlikely to cause significant declines.

It is unknown how many predators (or prey) individuals are killed by hunters or trappers on national preserves because ADFG codes kill data to Uniform Coding Units (UCUs). These were established prior to ANILCA and do not align with preserve boundaries in many cases. Currently, kill numbers on national preserves can only be estimated based on assuming the number of animals killed in the national preserve portion of a UCU is the same as the percentage of the national preserve's area that overlaps that UCU. This estimation process is rarely done and may result in an underestimation bias of kills in national preserves. This is because hunters may concentrate their efforts on national preserves which are adjacent to national parks and therefore may have more or larger individuals as a result of immigration from park to preserve. To the degree this occurs, it means that the preserve is a demographic sink to populations of animals in national parks. Absent redrawing UCU boundaries, which has significant downsides, the underestimation bias may be reduced by having less generous take regulations in effect on national preserves than adjacent non-preserve areas. This would result from the proposed rule change.

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## MEMORANDUM

DATE: February 27, 2023

TO: Senator Lisa Murkowski  
Senator Dan Sullivan  
Representative Mary Peltola

FROM: James H. Lister  
Jon M. DeVore  
Attorneys for Alaska Professional Hunters Association

SUBJECT: How the Kenai Refuge and Alaska National Preserves Litigation Connects to the National Park Service Proposed Regulations on Hunting and Predator Control on NPS Preserves

This memo describes the relationship between three proceedings: (1) the FWS Kenai Refuge litigation, (2) the NPS Alaska National Preserves litigation, and (3) the NPS rulemaking in which NPS proposes to repeal a 2020 rule that had restored State management on Alaska National Preserves. The comment deadline in the NPS rulemaking is March 10, 2023 and the State, SCI, and our client APHA have all requested comment period extensions.

In the FWS Kenai litigation, the Ninth Circuit surprisingly held that the State of Alaska did not obtain management responsibility over all of Alaska's wildlife at the time of Statehood.<sup>1</sup> Rather, based on the Ninth Circuit's reading (or misreading) of Section 6(e) of the Alaska Statehood Act, the Court held that the State only obtained fish and wildlife management authority on those lands that were not set aside as refuges for the preservation of wildlife.<sup>2</sup> The United States retained title (land ownership) for refuges at the time of Statehood, but the Ninth Circuit inferred that the United States also retained plenary wildlife management authority, not just title.

Most but not all of what is now the Kenai National Wildlife Refuge was set aside as the Kenai Moose Range in the 1940s. Having found that the State did not obtain management authority over fish and wildlife on refuges at the time of Statehood, the Ninth Circuit decided that the Federal Government has "plenary" authority to manage fish and wildlife on these refuges. Thus, the Ninth

<sup>1</sup> *Safari Club International v. Haaland*, 31 F.4<sup>th</sup> at 1157, 1165, 1168-69 (9<sup>th</sup> Cir. 2022) (also referred to as "FWS Kenai" case), *cert. pending*, U.S. Supreme Court Case No. 22-401.

<sup>2</sup> The Alaska Statehood Act is Public Law No. 85-508.

Circuit upheld a 2016 rule in which U.S. FWS in the Obama Administration preempted State rules allowing hunting of brown bear through use of bait on the 1.8 million-acre Kenai National Wildlife Refuge.<sup>3</sup> That rule also preempted other State hunting laws regarding the Kenai Refuge.

Various Acts of Congress grant federal land managers certain specific powers over wildlife on refuges and other federal lands, e.g. the powers to prevent hunting that might put a species in danger of extinction, would cause a legitimate public safety issue, or would be “incompatible” with achieving a refuge’s statutory purposes. However, the State has always believed that the State was the default regulator and exercised general hunting management authority, unless the criteria in one of the specific statutes for federal preemption was met, e.g. documented public safety risk. Thus, the State’s position has been that it exercised general management authority over hunting on federal lands in Alaska, and that federal land managers held limited constrained powers to step in and preempt in certain circumstances defined by statutes.

The Ninth Circuit, in the FWS Kenai case, upset this apple cart by essentially holding that the “plenary” default authority resides in the federal land manager, not the State.<sup>4</sup> The result appears to be that the federal land manager can essentially preempt State hunting rules whenever he or she wishes, as opposed to only in limited circumstances in which a specific federal statute specifically authorizes preemption. The State and SCI were the plaintiffs who challenged the FWS Kenai rule, leading to the Ninth Circuit’s decision. The State has petitioned the U.S. Supreme Court for certiorari to hear the case. SCI filed a brief in support of the State’s petition. APHA and its partners Sportsmen’s Alliance Foundation and Alaska Outdoor Council also filed an amicus brief in support of the State. U.S. FWS and anti-hunting groups filed briefs in January opposing the State’s petition for certiorari, and the State filed a reply. The Supreme Court will now decide whether to accept the case for review.

It should also be noted that the Ninth Circuit in the FWS Kenai case read narrowly a 2017 Act of Congress that had abrogated, under the Congressional Review Act (CRA), another FWS rule that was very similar to the FWS Kenai Rule but applied to all National Wildlife Refuges in Alaska.<sup>5</sup> The Ninth Circuit held that the CRA resolution did not in any way invalidate the FWS Kenai rule in spite of the Kenai NWR being a subset of the NWR system in Alaska and the two rules both banning the baiting of brown bears.

APHA is a direct participant (defendant intervenor) in another ongoing litigation involving federal authority over hunting on Alaskan National Park Preserves. Anti-hunting groups (plaintiffs) sued to repeal a rule adopted by NPS in June 2020 that restored preempted State hunting seasons and methods and means on Alaska National Preserves.<sup>6</sup> The current NPS declined to defend the rule. In September of 2022, the U.S. District Court for the District of Alaska ruled the recently discovered plenary wildlife management authority on NWRs in Alaska also extends to Alaska

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<sup>3</sup> 81 Fed.Reg. 27030 (May 5, 2016) (“FWS Kenai Rule”).

<sup>4</sup> *Safari Club International*, 31 F.4<sup>th</sup> at 1165, 1168-69.

<sup>5</sup> The CRA resolution that repealed the similar FWS rule is Pub. L. No. 115-20.

<sup>6</sup> The citations are: January 2023 Proposed Rule, 88 Fed.Reg. 1176 (Jan. 9, 2023); 2020 Rule, 85 Fed.Reg. 25181 (June 9, 2020).



National Preserves.<sup>7</sup> Extension of the FWS Kenai “plenary” precedent to Alaska National Preserves expands plenary federal jurisdiction over wildlife management within Alaska by approximately 21 million acres. Alaskan NWR and National Preserves, combined, total 98 million acres of land within Alaska. On a more favorable note, the District Court still determined that the 2020 rule restoring State management did not substantially harm the environment, resulting in the rule remaining in effect in the short term but being remanded for further consideration by NPS (“remand without vacatur”). All parties (plaintiffs, defendants, defendant-intervenors) appealed the decision in the Ninth Circuit where the appeals are now on long term hold pending the outcome of the 2023 NPS rulemaking which seeks to repeal the 2020 NPS rule and reinstate federal management. The FWS Kenai precedent has substantially impacted the Alaska National Preserves case.

This memo has discussed the Kenai Refuge litigation, the “plenary” jurisdiction precedent announced in it, and the expansion of this precedent from Alaska NWR to lands managed as Alaska National Preserves. Neither of these actions are final at this time: Kenai is under appeal to SCOTUS and the Alaska Preserves decision is under appeal to the Ninth Circuit.

The third side of this triangle of conflict over wildlife management in Alaska is the January 2023 Alaska NPS Preserve proposed rule. The proposed 2023 rule would repeal the 2020 AK NPS rule and result in an outcome similar to that which would occur if the plaintiffs prevail in the litigation over the NPS 2020 rule (at this point the 2020 rule has, for the moment, survived the plaintiffs’ lawsuit, because it was remanded to NPS without vacatur, rather than with vacatur).

In the AK National Preserves rulemaking docket, a new document, “Cost Benefit and Regulatory Flexibility Analysis” (Cost Benefit Analysis), goes deeper into NPS’s motivations for issuing its January 2023 proposed rule to repeal the 2020 AK NPS rule (both documents are attached to this memorandum). This document provides part of the rationale as to why the new rule has been proposed. This Cost Benefit Analysis is not easily located and might be more logically part of the original proposed rule. Many people would not easily locate it if just looking at the AK Preserves proposed rule.

Although in the January 2023 proposed rule, NPS mentions neither the Ninth Circuit’s decision in the FWS Kenai case nor the term “plenary”, NPS does mention both in the Cost Benefit Analysis for the proposed rule. In the Cost Benefit Analysis, NPS explains that the Ninth Circuit’s decision shows that federal agencies have “plenary” authority over hunting on federal land reservations and that the decision rejects the concept that the State acquired management authority over such lands at Statehood. NPS says that the Kenai decision is one of three primary supports for NPS now proposing to repeal the 2020 rule. One can search Cost Benefit Analysis for the word “plenary” and for the party names to the FWS Kenai case to find the various pages of discussion in the document.

In the Cost Benefit Analysis, the DOI/NPS played up the precedential impact of the case. Nearly simultaneously, in opposing certiorari for the FWS Kenai case decision, DOI/USFWS played down the precedential impact. The Cost Benefit Analysis did not get posted to [www.regulations.gov](http://www.regulations.gov) until 1/9/23 at the earliest, and maybe after that date.

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<sup>7</sup> *Alaska Wildlands Alliance v. Haaland*, 2022 WL 17422412, \*14 (D. Alaska Sept. 30, 2022), *appeals pending*, Ninth Circuit Case No. 22-36001, et al.

The potential impacts of the FWS Kenai precedent if certiorari is denied by the U.S. Supreme Court, making the Ninth Circuit decision in that case final, will mostly certainly come at the expense of state interests. Should the Ninth Circuit FWS Kenai precedent stand and the 2023 NPS proposed rule be implemented, the precedential impacts on all Conservation Units in Alaska (National Forests and BLM Lands) are likely significant. Recognizing and understanding the complex relationship of the litigation and the proposed regulations is critical. At the least, it provides a strong rationale for an extension of the public comment period on the new NPS proposed regulations. Even if SCOTUS decides to grant or deny certiorari in the FWS Kenai case at the earliest possible time (the Justices are scheduled to consider the State's certiorari petition at conference on March 3, 2023), the public will not have sufficient time to draft comments with the benefit of the SCOTUS decision before the current March 10 comment deadline set by NPS.

*(Litigation status report providing public non-confidential information)*

**From:** [Reid Harris](#)  
**To:** [Julia OConnor](#)  
**Subject:** Fwd: FW: UPDATE: NPS extends Alaska wildlife proposed rule comment period  
**Date:** Wednesday, March 8, 2023 2:12:58 PM

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----- Forwarded message -----

From: **Mulligan, Benjamin J (DFG)** <[ben.mulligan@alaska.gov](mailto:ben.mulligan@alaska.gov)>  
Date: Wed, Mar 8, 2023 at 2:10 PM  
Subject: FW: UPDATE: NPS extends Alaska wildlife proposed rule comment period  
To: Caleb Martin <[ed@alaskaoutdoorcouncil.com](mailto:ed@alaskaoutdoorcouncil.com)>, Chris Tymeson <[ctymeson@scifirstforhunters.org](mailto:ctymeson@scifirstforhunters.org)>, [gale@backcountryhunters.org](mailto:gale@backcountryhunters.org) <[gale@backcountryhunters.org](mailto:gale@backcountryhunters.org)>, James Majetich <[Majetich@backcountryhunters.org](mailto:Majetich@backcountryhunters.org)>, Jen Leahy <[jleahy@trcp.org](mailto:jleahy@trcp.org)>, Jennifer Yuhas <[yuhas@ohfak.org](mailto:yuhas@ohfak.org)>, Joel Webster <[jwebster@trcp.org](mailto:jwebster@trcp.org)>, John Sturgeon <[frontiertradellc@aol.com](mailto:frontiertradellc@aol.com)>, Keely Hopkins <[khopkins@congressionalssportsmen.org](mailto:khopkins@congressionalssportsmen.org)>, Keith Balfourd <[keith@wildsheepfoundation.org](mailto:keith@wildsheepfoundation.org)>, Kevin Hurley <[khurley@wildsheepfoundation.org](mailto:khurley@wildsheepfoundation.org)>, Kevin Kehoe <[kevinkehoe@alaskan.com](mailto:kevinkehoe@alaskan.com)>, Kurt Thiede <[kthiede@fishwildlife.org](mailto:kthiede@fishwildlife.org)>, Louis Cusack <[louis.cusack@outlook.com](mailto:louis.cusack@outlook.com)>, Madie Demaske <[mdemaske@scifirstforhunters.org](mailto:mdemaske@scifirstforhunters.org)>, Mark Richards <[info@residenthuntersofalaska.org](mailto:info@residenthuntersofalaska.org)>, Mark Truax <[mark.truax@pacweststrategies.com](mailto:mark.truax@pacweststrategies.com)>, Matt Little <[mlittle@ducks.org](mailto:mlittle@ducks.org)>, Mike Crawford <[creditcardmike@yahoo.com](mailto:creditcardmike@yahoo.com)>, Nelphi Cole <[ncole@nssf.org](mailto:ncole@nssf.org)>, Paul Phillips <[phillips@pacwestcom.com](mailto:phillips@pacwestcom.com)>, Reid Harris (<[reid@harrisadvocacy.com](mailto:reid@harrisadvocacy.com)>), Rod Arno <[rodarno@gmail.com](mailto:rodarno@gmail.com)>, Ryan Beason <[Ryan@erakcpa.com](mailto:Ryan@erakcpa.com)>, Sam Rohrer <[sam@kodiakbearcamp.com](mailto:sam@kodiakbearcamp.com)>, Ted Spraker <[tedspraker@gmail.com](mailto:tedspraker@gmail.com)>, Thor Stacey <[thorstacey@gmail.com](mailto:thorstacey@gmail.com)>, Tom Spezze <[tspezze@nwtf.net](mailto:tspezze@nwtf.net)>, Tony Schoonen <[Tony@boone-crockett.org](mailto:Tony@boone-crockett.org)>

Hi all –

Not directly FSB related but I know a lot of you on this email list have expressed interest in this proposed rule so I wanted to make sure you saw this.

Best regards,

Ben Mulligan

Deputy Commissioner

ADF&G

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**From:** Christian, Peter A <[Peter\\_Christian@nps.gov](mailto:Peter_Christian@nps.gov)> **On Behalf Of** AKRO Public Affairs, NPS  
**Sent:** Wednesday, March 8, 2023 1:01 PM  
**Subject:** UPDATE: NPS extends Alaska wildlife proposed rule comment period

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**UPDATE March 8, 2023:**

The National Park Service has extended the public comment period by 17 days at the request of the State of Alaska. Originally scheduled to close on March 10, 2023, the longer comment period of a total of 77 days will allow interested parties more time to consider the proposal. Submit comments on the [proposed rule](#) and [Environmental Assessment](#) by March 27, 2023.

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NPS seeks public input on proposed changes to 2020 Hunting and Trapping regulation on national preserves in Alaska

*Proposed rule would alleviate public safety concerns and reduce user conflict*

**Date:** January 8, 2023

**Contact:** Alaska Region Public Affairs, (907)644-3512

[View on nps.gov](#)

**ANCHORAGE, Alaska**—The National Park Service (NPS) today announced a proposal to amend regulations for hunting and trapping on national preserves in Alaska.

The proposed regulation would reverse the 2020 Alaska Hunting and Trapping rule, which authorized several controversial sport hunting practices, including bear baiting. The new

regulation would reduce visitor use conflicts and concerns over potential safety issues related to bear baiting and would also restore consistency between harvest practices allowed in national preserves and NPS management policies with respect to natural processes, abundances and wildlife behavior. The new rule would also properly reflect the federal government's authority to regulate hunting and trapping on national preserves in Alaska.

"We take seriously our responsibilities under the Alaska National Interest Lands Conservation Act (ANILCA) and the NPS Organic Act, which include mandates for hunting while also conserving and protecting wildlife in our national preserves," said **NPS Alaska Regional Director Sarah Creachbaum**. "This proposed rule would realign our efforts to better manage national preserve lands in Alaska for natural processes, as well as address public safety concerns associated with bear baiting."

The proposed regulations would only apply to hunting and trapping on Alaska national preserves. Federal Subsistence harvest in national parks and preserves in Alaska would not be affected by the proposed changes.

The proposed regulation will be published in the Federal Register on January 9, 2023 and will be open for public comment for 60 days until March 10, 2023.

- To immediately view the proposed rule and for information on how to submit comments please visit [www.regulations.gov](https://www.regulations.gov) and search for "RIN 1024-AE70"—starting January 9, 2023 visit <https://parkplanning.nps.gov/wildliferule2023>.
- To view and submit comments on the Draft Environmental Assessment please visit <https://parkplanning.nps.gov/wildliferule2023>.

Once the public comment period ends, NPS will review the comments and that input will inform the final rule, which will be published in the Federal Register. The final rule would be effective 30 days after publication in the Federal Register.

###

[NPS Seeks Public Input on Proposed Changes to 2020 Hunting and Trapping Regulation on National Preserves in Alaska - Alaska \(U.S. National Park Service\)](#)

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**Reid Harris | Lobbyist**  
**HARRIS ADVOCACY**  
**206-465-7275**

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## Comments / 0

**Kenai, AK**[See more from this location?](#)**Alaska Beacon**

## U.S. Supreme Court lets stand a ban on baiting of brown bears in Alaska's Kenai refuge

By Yereth Rosen, 7 hours ago



A brown bear cub looks for fish in the Kenai National Wildlife Refuge's Kenai River on Aug. 14, 2020. The U.S. Supreme Court on Monday announced it will not consider an appeal seeking to overturn the ban on brown bear baiting in the Kenai Refuge. (Photo by Lisa Hupp/U.S. Fish and Wildlife Service)

## Comments / 0

The Supreme Court's [refusal to hear the appeal](#), made jointly by the state and by Safari Club International, keeps the ban in place in the 1.9-million-acre refuge. It also upholds a rule put in place in 2016 by the U.S. Fish and Wildlife Service and affirmed by a U.S. District Court judge in 2020 and by the 9<sup>th</sup> Circuit Court of Appeals in 2022.

Environmental organizations supporting the rule welcomed Monday's announcement putting the matter to rest.

"We celebrate the Supreme Court's refusal to take up this appeal, along with the affirmation of the Fish and Wildlife Service's authority to manage wildlife refuges to protect wildlife diversity and ensure that the Refuge supports a variety of visitor experiences, including wildlife viewing," Rachel Briggs, staff attorney with Trustees for Alaska, said in a statement. "The ruling means that the Kenai Refuge will continue to function as a true refuge for vulnerable Kenai brown bears and other species."

"Bear baiting allows hunters to use donuts, dog food, bacon grease or other foods to attract bears, making it much easier to shoot bears. When the state of Alaska first authorized brown bear baiting on Kenai Peninsula state lands, human-caused bear mortality rose six-fold, causing a significant decline in this isolated population and prompting emergency closures of bear hunting in the refuge. With this prohibition, the Fish and Wildlife Service can better ensure the sustainability of Kenai brown bears, fulfilling its responsibility to conserve biological integrity and diversity on our refuge lands," Nicole Whittington-Evans, Alaska program director for Defenders of Wildlife, said in the statement.



## Comments / 0



Fall foliage is seen on Sept. 14, 2017, along the Kenai River in Kenai National Wildlife Refuge. The refuge has been at the center of a state-federal debate over baiting of brown bears. (Photo by Lisa Hupp/U.S. Fish and Wildlife Service)

The Alaska Department of Law, however, considers the Kenai refuge prohibition part of a larger pattern of federal infringement on the state's rights, including rights under the Alaska National Interest Conservation Act, a spokesperson said.

"While the Ninth Circuit's decision is only about brown bear baiting within the Kenai Refuge, the larger issue is the scope of the federal government's authority on public lands," department spokesperson Patty Sullivan said by email. "When Alaska became a State, Congress gave the State the authority to manage wildlife and hunting throughout Alaska, including on federal lands. When Congress passed ANILCA, it preserved—rather than displaced—local control over how hunting will occur in Alaska. The Ninth Circuit chiseled away some of the authority Congress meant to preserve for the State. It remains unclear whether, in a future case, the Ninth Circuit will further shift the delicate



## Comments / 0

Baiting of brown bears has never been allowed in the refuge, located south of Anchorage, since its formal creation in 1980, but the Alaska Board of Game has tried to change that. Disputes with the U.S. Fish and Wildlife Service over the subject [go back several years](#) .

In 2013, the Board of Game passed a rule allowing brown bear baiting in the refuge. The Fish and Wildlife Service followed up with the 2016 rule formalizing its ban. The state and Safari Club sued to overturn the rule, and in 2020 the Trump administration [proposed a rule](#) removing the Kenai refuge restriction. U.S. District Court Judge Sharon Gleason ruled later in 2020 in favor of the bear-baiting ban, negating the Trump administration's attempted change, and the 9 th Circuit Court of Appeals in 2022 [upheld Gleason's ruling](#) .

The Supreme Court's denial of the appeal comes as the National Park Service is considering a separate rule that would end what it called " [controversial](#)" [hunting practices](#) and largely revert sport hunting rules on Alaska's national preserves to the status prior to a separate 2020 [Trump administration rule](#) aimed at loosening those restrictions.

The Park Service [rule](#) , proposed in January and currently in the public-comment phase, would restore the ban on bear baiting in national preserves, along with the ban on killing of denning wolf pups, the ban on the hunting of swimming caribou and other provisions. Those bans and restrictions would not affect subsistence hunters, as was the case with the system in place earlier.

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The post [U.S. Supreme Court lets stand a ban on baiting of brown bears in Alaska's Kenai refuge](#) appeared first on [Alaska Beacon](#) .



## The truth about fish and wildlife management in Alaska

By Sam Cotten

Jun 17, 2018

### Community Perspective

FAIRBANKS — Alaska's support for the National Park Service's recently proposed amendments to hunting and trapping practices on national preserves in Alaska is not about trophies. It does not concern sport or recreation. It has nothing to do with predator control. Alaska's scale and geography are incomprehensible to most Americans. The state is enormous, largely without roads, and in many places as wild today as when its Native people first encountered Russian explorers some 275 years ago.

Grocery stores and jobs are scarce or nonexistent in Alaska's rural communities. Lacking road access and affordable store-bought food sources, people in small communities scattered across the wilderness depend upon fish and wildlife for sustenance. It is for these Alaskans who "grocery shop" from the land that exceptions to standard hunting laws – both state and federal – are made.

The Alaska Board of Game, Alaska's regulatory body for hunting and trapping rules, considers all regulations through an open public process. The board sometimes adopts exceptional regulations, such as those allowing harvest of black bears at den sites. The board allowed this only in a handful of remote locations where the practice is considered customary and traditional for obtaining food. The harvest is small and carried out mostly, if not entirely, by Alaska Native people who have taken bears in dens for thousands of years. The same is true of swimming caribou taken with rifles from boats, allowed only in two isolated game management units where caribou serve as a primary food source.

Taking bears in dens or caribou in the water are not widespread or popular hunting methods, both activities are currently allowed under state and federal regulations in limited locations, and neither is employed by the general hunting community. Bottom line, hunting guides do not take out of state clients on such hunts, nor do average urban Alaskans participate. Under the amendments to hunting and trapping rules recently proposed by the National Park Service, none of that will change.

Before statehood, Alaska's fish and wildlife were managed by the U.S. government. Under federal management, salmon stocks were overfished and, in some instances, wiped out, predators poisoned and bounties widespread. Management of wildlife lacked application of modern scientific principles to ensure sustainable populations of both predators and prey. Alaskans knew they could do better. Gaining authority to manage its fisheries and wildlife was a centerpiece for Alaska's push for statehood. When statehood was realized in 1959, Congress granted Alaska sole authority to manage fish and wildlife on all lands within its borders. The result was impressive: Under state management, fisheries soon began to rebound and wildlife populations markedly improved. Twenty years later, Alaska's authority

to manage fish and wildlife on all lands within its boundaries was revisited and renewed under the Alaska National Interest Lands Conservation Act. Under ANILCA, more than 100 million acres — an area larger than California — were set aside as conservation system units, primarily parks, preserves and refuges. After the changes were ratified, Alaska's fish and wildlife management jurisdiction remained in place.

In 2015, Alaska's standing suddenly changed. Claiming the state's regulations violate the Organic Act and related policies, the Park Service stepped in to override Alaska's authority to manage its fish and wildlife on national preserves. The agency seemed to forget that state-regulated hunting and fishing are mandated uses under ANILCA, making them consistent with the Organic Act and related policies. No scientific basis was given for the change. No biological concerns stated. In fact, wildlife populations under state management on national preserve lands overall were vibrant. Now, with these proposed changes, the Park Service has offered an olive branch, one Alaska is grateful to receive. The issue is not about trophy hunting, recreation or predator control. It's about respect for rights granted at statehood.

It's about allowing Alaska to continue to successfully, sustainably manage fish and wildlife on all lands within its borders in a way that is culturally necessary and appropriate. It's about recognizing that Alaska is in touch with its people, their cultures and traditions. It's about Alaska working with federal partners to restore and maintain a long-lasting cooperative relationship.

*Sam Cotten is commissioner of the Alaska Department of Fish and Game.*

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## Opinions

# Florida protesters schooled in Native ways at Alaska Board of Game meeting

By Sam Cotten

Updated: November 29, 2017

Published: November 29, 2017



Students from the UAF Tribal Management Program's "Introduction to Board of Game" class, held in partnership with Tanana Chiefs Conference, during the Board of Game statewide meeting at the Lakefront Anchorage Hotel on Nov. 11. (Photo courtesy Carrie Stevens)

## Dried salmon savored by rural Alaska Natives as part of a subsistence way of life



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couldn't be more profound.

Situated at opposite ends of a continent and defined by unique histories, cultures and customs, Jacksonville and Grayling (or for that matter Huslia, Nulato, Allakaket or any other of a sparse constellation of rural Athabascan communities) might just as well exist on separate planets.

So who could have predicted those planets would align at, of all places, the [Alaska Board of Game's](#) mid-November statewide meeting in Anchorage? Certainly no one left the gathering more changed and enlightened than members of Jacksonville-based animal rights group OneProtest.

And few attended the meeting with more at stake than a group of Native students from Alaska's far reaches, there to tackle cultural barriers and preserve a traditional way of life.

Of particular concern were Proposals 14 and 15, which aimed to halt customary and traditional bear harvest practices existing in a handful of remote Interior game management units. Proposal 14 sought to prohibit the taking of bears in dens, while Proposal 15, crafted and submitted by OneProtest, would have removed exceptions for the taking of cub bears and sows with cubs.

Misled by social media campaigns and poorly researched news reports that accompanied last April's repeal of federal wildlife regulations on Alaska's national refuges, OneProtest supported a ban on both bear harvest practices, calling them "clearly not socially sustainable." Activists gathered more than 23,000 signatures

backing the bans. Committed to their cause and certain in their opinions, two OneProtest representatives flew in from Florida to advocate their position to the board in person.

Meanwhile, the University of Alaska Fairbanks Tribal Management Program had teamed with the Tanana Chiefs Conference to address concerns that cultural and procedural barriers excluded rural Alaska Natives from the board's rulemaking process. Observing that many rural Natives seemed to feel disenfranchised, unsure of how the Board of Game worked or that they as individuals could make differences in rulemaking outcomes, the UAF Tribal Management Program and TCC organized a class called "Introduction to the Board of Game," to take place during the statewide meeting.

#### ADVERTISEMENT

More than 20 students enrolled in the weeklong, one-credit class. And as the board meeting ramped up, they learned about local advisory committees and received training on crafting proposals. They listened as Division of Subsistence Director Hazel Nelson, herself originally from the small Alaska Peninsula village of Egegik, stepped in to provide tips on how to prepare and provide effective public testimony. During meeting breaks, students mingled and met with board members, Alaska Department of Fish and Game staff, and other attendees.

Listening intently, reading through proposal documents and absorbing oral testimony, the students learned. Threatened by change from the opposing values of large, signature-gathering, Outside groups, their traditional subsistence ways of life – their culture – depended upon this knowledge.

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All seemed to go smoothly until early in the week, when, during a break in public testimony, the rural Native students encountered the OneProtest activists in the Lakefront Anchorage Hotel lobby.



Tom Kriska, left, and Percy Lolnitz, right, meet with Board of Game member Karen Linnell and Alaska Department of Fish and Game Commissioner Sam Cotten during the Board of Game meeting at the Lakefront Anchorage Hotel Nov. 10-11. (Photo courtesy Carrie Stevens)

And that's when it happened.

The two groups began talking. Why, the students asked, would people travel all the way from Florida to oppose customary and traditional activities practiced for

generations in a few specific areas of Interior Alaska?

Why, indeed.

Bears, the students explained, have always provided fresh meat in winter when other game can be difficult to obtain. And Native hunters are obligated by tradition to take all occupants of a den; to not do so is to disrespect the animals that reveal themselves for harvest.

As the two groups engaged, lightbulbs seemed to switch on. The OneProtest group welcomed what the students had to say, and many misperceptions were cleared up on the spot. In fact, after those discussions and listening to more public comments made to the board, the OneProtest members began reconsidering their stance.

After the break, the students prepared to testify before the board and assembled public. The number of people in the room rivaled the total populations of some smaller villages. Nonetheless, the students overcame their apprehensions and shared fresh, heartfelt testimony to a board eager to hear new voices.

"Eliminating a longstanding customary and traditional harvesting practice is wrong," said Arnold Demoski of Nulato. "Taking away a food source is wrong. This traditional knowledge has been passed on for generations and generations. ... Our ancestors have had a very strong connection with animals and we still do to this day. We do not disrespect any animals of any kind."

Ivan Demientieff, of Grayling, echoed Demoski's concerns: "I am opposing this proposal because this may affect my traditional values."

One by one, students approached the board to testify, their words embraced by the room in a focused silence. When they finished and the matter returned to the board, Vice Chairman Nate Turner seemed moved. He praised not only the students for speaking, but OneProtest for listening.



"(OneProtest has) a strong position that they take on wildlife issues in America and they were sure that they'd caught something really bad and they invested a lot of time and resources into correcting it," Turner said.

"But they did the right thing in educating themselves, and the noble thing in sharing those results with us and also saying they were going to go back home and educate other people about what's really happening here in Alaska."

Turner and other board members who spoke afterward added that local knowledge is especially powerful and important for the board process to work. Participation is the key to a good public process.

The proposals to ban existing traditional bear-hunting practices and remove exceptions failed in a unanimous board vote. OneProtest made public that they stood corrected, and have [offered a video apology](#) that ends with: "To the Alaskan Native peoples, Pitsaqenrita. We apologize for any offense our initial misunderstanding caused."

Alaska's Native students should be proud. With the help of the UAF Tribal Management Program and the Tanana Chiefs Conference, they made this peaceful consensus possible. They earned college credit for their efforts, but more importantly, they've earned lasting respect from the Alaska Board of Game – and from an Outside group representing different cultural values who may have received the greatest education of all.

ADVERTISEMENT

**Sam Cotten** is commissioner of the Alaska Department of Fish and Game.

*The views expressed here are the writer's and are not necessarily endorsed by the Anchorage Daily News, which welcomes a broad range of viewpoints. To submit a piece for consideration, email [commentary@adn.com](mailto:commentary@adn.com). Send submissions shorter than 200 words to [letters@adn.com](mailto:letters@adn.com) or [click here](#) to submit via any web browser.*



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Senator Cathy Giessel, Senator Click Bishop  
Co-chairs, Senate Resources Committee  
33rd Alaska State Legislature

Re: Support for Senate Joint Resolution 8 NAT'L PARK SERVICE; HUNTING IN PRESERVES

March 6, 2023

Dear Senators Bishop, Giessel, and members of the Senate Resources Committee,

The Safari Club International Alaska Chapter supports Senate Joint Resolution 8 NAT'L PARK SERVICE; HUNTING IN PRESERVES.

Founded in 1971, Safari Club International is the country's leading hunter rights advocate and additionally promotes worldwide wildlife conservation. SCI's approximately 50,000 members and 200 Chapters represent all 50 of the United States as well as 106 other countries. The Safari Club International Alaska Chapter (SCI-AK) is a 501c4 conservation non-profit Corporation established in Alaska in 1977. We currently have 670 members. Our mission statement is "First for Hunters - First for Wildlife."

Senate Joint Resolution 8 (SJR 8) urges the National Park Service (NPS) to withdraw the proposed "2023 NPS Rule" without adoption. The resolution's language further affirms the mandates of the previous 2020 national preserves rule; which did not seek to preempt state management authority of wildlife on federal public lands. The 2020 NPS Rule better aligned NPS's regulations with the state's laws for hunting and trapping in national preserves in Alaska. The 2023 Rule was proposed without consultation with the Alaska Department of Fish & Game, and is substantially similar to a 2015 NPS rule prohibiting select hunting practices and management techniques on national refuges.

Hunting, fishing, and trapping are methods of harvesting wildlife by the public and are specifically authorized activities under ANILCA in Alaska national preserves. Section 1313 of ANILCA establishes the extent to which NPS has authority to restrict the take of fish and wildlife, and explicitly does not provide NPS with authority to regulate the "methods or means" for harvesting—those practices are governed by the State.

Alaska is facing unprecedented pressure from the federal government to control access and resources on lands that Congress intended to be used by the state's residents. The proposed 2023 NPS Rule would further erode the state's ability to ensure Alaskan interests are able to make a living, engage in commercial and traditional hunting practices, and continue utilizing national preserve lands in a responsible and respectful manner—as they have done for generations.

We thank Senator Giessel for introducing SJR 8 and offer our full support for this valuable piece of legislation.

Best regards:

***John Sturgeon***

**SCI Alaska Chapter President**

E-mail: [frontiertradellc@aol.com](mailto:frontiertradellc@aol.com)

Cell: (907) 230-0072

## The imperiled right to manage our wildlife in Alaska

John Sturgeon  
Mar 13, 2023

Some Alaskans might remember the story of my long struggle against the National Park Service that was ultimately heard twice by the U.S. Supreme Court (Sturgeon v. Frost I & II — I won unanimously). My experience taught me about the power of federal agencies, the cynical perspective some bureaucrats have toward Alaskans, and the promises Congress made to us to protect our way of life. I say this knowing that some of you reading this are fatigued by the repeated cries to “stop federal overreach.” My fellow Alaskans, I urge you to learn about the latest federal actions that are destroying the Alaskan way of life.

This spring, the 9th Circuit Court of Appeals issued a decision that, if upheld, squashes Alaska’s equal footing with the other 49 states by extinguishing our right to manage wildlife on federal units within our borders. In a published decision, the court struck with judicial lightning: “We hold that ANILCA preserves the federal government’s plenary power over public lands in Alaska.” With one sentence, the Alaskan public’s access to — and participation in — game management decisions on federal land were extinguished. Now, the National Park Service (NPS), recently empowered by the Kenai Refuge decision, seeks to eviscerate state wildlife management on its preserves. We now stand as the only state that does not have management authority over all our wildlife resources! That 9th Circuit decision is currently being appealed to the U.S. Supreme Court.

Alaska’s system of wildlife management is one of the most accessible and public wildlife management processes in the United States. Alaska’s Constitution is strict in that conservation and “sustained yield” harvests must occur for all fish and wildlife — including both predators and food animals. The Alaska Constitution empowers the state Legislature to make allocation decisions.

From top to bottom, Alaska’s system of game management is designed to be accessible and responsive to Alaskans. Not so with the federal management system.

Alaska's — now imperiled — public game management system was developed as a reaction to Territorial days, when devastating management and allocation edicts were handed down by D.C. bureaucrats with little to no understanding of what Alaskans' needs were. Before statehood, federal agents poisoned predators and enforced race-based exclusions against Alaska Natives, while simultaneously sanctioning corporate-owned fish traps and predator bounties that created conservation disasters. The federal side is still detached from fish and wildlife conservation — they are still ignoring Alaskans and they are still willing to attack indigenous hunting traditions. In 2015, NPS steamrolled over the nearly unanimous Subsistence Resource Advisory Committee's (RAC) opposition to essentially the same rule they have offered again in 2023. Alaskan RACs identified that the NPS efforts to prohibit all predator hunts, by labeling regular hunts as "predator control," would crush food security in Alaska. Their justification being that the bans do not close hunts for rural Alaskans even as they admit there will be less food animals for locals to hunt and eat as a result.

The 9th Circuit has laid the way and now NPS seeks to occupy and control what they see as theirs. It is time put our differences aside and resist the federal government's attempt to steal what Congress gave us in 1959: the right of Alaskans to manage our wildlife.

John Sturgeon has been an advocate for states' rights and active in wildlife management issues for many years. He serves on numerous boards that advocate for the scientific management of Alaska's wildlife on a sustained yield. He is currently president of the Alaska Chapter of the Safari Club.

**To: All representative and senators of the Alaska Legislature – March 16<sup>th</sup>, 2023.**

My name is Wayne Kubat and I have lived in Alaska full-time since 1976 and have been hunting and fishing here since I first became a resident the following year. I have lived near Wasilla since 1984. I started assistant guiding in 1981, and also bought my own Piper Cub and started flying that same year. I earned my registered guide license in 1986, started my own big game guide service in 1987 – Alaska Remote Guide Service, and obtained my Master Guide license in 2004. I mainly guide for moose, brown bear and dall sheep. I've guided in Denali Preserve since 1986 and have had a sole use guide concession there since 1988. My current term ends in 2027. I served on the Mat-Su advisory committee from 1998-2007 and was the chair for several of those years. I have served on the board of directors for Alaska Professional Hunters Association (APHA) since 2012 and as Vice President for the past 7 years or so.

I strongly support Senate Joint Resolution Number 8 and House Joint Resolution number 10, which oppose the New 2023 Rule proposed by the National Park Service, and urge you to pass both promptly.

Should the new 2023 proposed NPS rule take effect, it will directly and negatively impact my business and also subsistence and sport hunting in the preserve and on neighboring state land where I guide and hunt personally. When I started my business in the Mid 1980's, there were abundant populations of moose, dall sheep and brown bear, but not very many wolves. Due to animal rights initiatives and Governor Knowles closing same day hunting for wolves in the early to mid-90's, wolf populations exploded in just a short time and my area was mostly shut down to moose hunting in the late 90's and early 2000's. I'm relating this from memory, but I believe it was in the early 2000's when Denali Preserve did a moose survey in the whole SW Preserve and only counted 14 moose, where in the mid 80's, there had been several hundred, and by my estimates most likely close to a thousand or more. The only wild meat available to one of my guides who lived in Skwentna at the time was black bear. My area does not have caribou and moose were almost non-existent at that time.

Due to intensive management and predator control efforts on State lands for brown and black bear and wolves in the early 2000's, moose populations had mostly recovered prior to 2019-20, but then a couple hard winters occurred shortly after that. There was a better and faster recovery on state land where the efforts took place, but the federal preserve to the north also benefited, because many brown bears and wolves travel back and forth between the preserve and state land. I strongly feel that there would have been little or no recovery on preserve lands had it not been for management efforts initiated by the state on neighboring state land. People who live in the area now have a reasonable chance to harvest moose again.

With that said, I think the situation is again deteriorating rapidly, even though there are year-round brown and black bear seasons and liberal harvest quotas. The Intensive management effort on wolves in GMU 16B was suspended, and wolves have come back strong, and along with healthy populations of bear and the recent bad winters, moose populations are currently experiencing very poor calf recruitment and are rapidly declining.

With the NPS opposition to managing predators, I expect the new rule will result in severe federal restrictions and even closures to current bear and wolf seasons in the preserve, and the moose population will remain in free fall. Aggressive management on state land to the south, may help some in the preserve, but not a lot. Food security will again decrease for Alaska residents due to scarcity of moose.

I would much rather have the state of Alaska manage our wildlife than bureaucrats in Washington and extremely well-funded and anti-Alaska animal rights and anti-hunting NGOs. I again urge you to support Senate Joint Resolution Number 8 and House Joint Resolution number 10, which oppose the New 2023 Rule proposed by the National Park Service.

Wayne Kubat dba Alaska Remote Guide Service

PO Box 874867

Wasilla, Alaska 9968

907-376-9568

## Anne Rittgers

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**From:** Senate Resources  
**To:** Anne Rittgers  
**Subject:** RE: New Pom:Fish & Game (game)

-----Original Message-----

From: poms@akleg.gov <poms@akleg.gov>  
Sent: Thursday, March 16, 2023 9:24 AM  
To: Sen. Click Bishop <Sen.Click.Bishop@akleg.gov>  
Subject: New Pom:Fish & Game (game)

Franc Wright  
1180 Float Rd

Fairbanks 99709-7202,

I would like to voice my support for the passage of HJR 10 and SJR 8, thank you.

**From:** [Sen. Cathy Giessel](#)  
**To:** [Julia OConnor](#)  
**Subject:** FW: New Pom:Fish & Game (game)  
**Date:** Wednesday, March 15, 2023 10:50:36 AM

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-----Original Message-----

From: mjensen@alaska.net <mjensen@alaska.net>  
Sent: Wednesday, March 15, 2023 9:17 AM  
To: Sen. Cathy Giessel <Sen.Cathy.Giessel@akleg.gov>  
Subject: New Pom:Fish & Game (game)

Michael Jensen  
4681 Southpark Bluff Dr

Anchorage 99516-4864,  
mjensen@alaska.net  
907-229-3173  
same

As a lifelong resident of 55 years and avid sportsman I support the passage of HJR 10 and SJR 8. Thank you,  
Michael Jensen



**From:** [Sen. Cathy Giessel](#)  
**To:** [Julia OConnor](#)  
**Subject:** FW: Comment on senate resolution no. 8  
**Date:** Tuesday, March 14, 2023 9:24:24 AM

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-----Original Message-----

From: Will Koehler <[wrangelloutfitters@gmail.com](mailto:wrangelloutfitters@gmail.com)>  
Sent: Tuesday, March 14, 2023 9:23 AM  
To: Sen. Cathy Giessel <[Sen.Cathy.Giessel@akleg.gov](mailto:Sen.Cathy.Giessel@akleg.gov)>  
Subject: Comment on senate resolution no. 8

Senator Giessel,

I am writing to express my very strong support for the senate joint resolution that opposes the new NPS proposed rule to eliminate hunting of predators on NPS lands.

I have supported my family and provided consistent employment to Alaskans for the last 15 years by owning an outfitting business in the Wrangell St. Elias National Park/Preserve. I am proud of the business I have built and the service that I provide. This business (and thus my family and my employees) will certainly be very negatively affected by this proposed rule.

Underneath all the arguments being made for and against the NPS proposed rule are fundamentally opposing views on the value of human beings. One view sees human beings as an undeniable part of the environment and one view sees human beings as a cancer on the planet. One view is nuanced and realistic, the other view has all the closed minded religious zeal of a holy warrior, with the unclean enemy being humanity itself. By the nature of its mandates, the NPS attracts the most left leaning and environmentally extreme people from our society. When, these people come together to make policy in the echo chamber of their agency, what comes out are proposed rules that have as their ultimate objective the removal of human beings from the landscape. This proposed rule is inline with that overall objective.

Fundamentally, this proposed rule is not the result of a different but equally valuable viewpoint. Though the rule is superficially tame in comparison to the belief system that brought it forth, it is the result of a genocidal and hate-filled worldview and should be opposed at every opportunity.

Much of your duties as publicly elected officials are to manage and organize. It is not often that you get the privilege to actually be on the front lines fighting against evil. The senate resolution no. 8 opposing the NPS proposed rule is one such opportunity.

Thank you for your service.

Will Koehler

Will Koehler  
[wrangelloutfitters@gmail.com](mailto:wrangelloutfitters@gmail.com)  
[https://urldefense.com/v3/\\_http://Wrangelloutfitters.com\\_!!LdQKC6s!PtveXPrOYFcbh-BZgz\\_oRuEuXM48HGaiM7lsPtqbf4Mrk87w8UITArOZuZB8jY\\_LCjj5jrOa3Gx9W73DRdLY4HxZnrJFK7RNj9huqg\\$](https://urldefense.com/v3/_http://Wrangelloutfitters.com_!!LdQKC6s!PtveXPrOYFcbh-BZgz_oRuEuXM48HGaiM7lsPtqbf4Mrk87w8UITArOZuZB8jY_LCjj5jrOa3Gx9W73DRdLY4HxZnrJFK7RNj9huqg$)  
Cell: 406 596 0733  
Google number: 724 427 5350

**Anne Rittgers**

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**From:** Mike Zweng <alaskaadventure@live.com>  
**Sent:** Friday, March 10, 2023 8:23 AM  
**To:** House Resources; Senate Resources; Sen. Click Bishop; Sen. Cathy Giessel; Rep. Mike Cronk  
**Subject:** Opposition to NPS rule limiting no subsistence hunting methods

I am writing this letter opposing the NPS Preserve Rule limiting non-subsistence hunting methods and urging the National Park Service to withdraw the rule. I am a registered big game guide in Alaska and hire many local individuals. This rule would greatly impact many stakeholders negatively.

There are many impacts to predator hunt closures. Although brown bears are predators, the term predator hunt implies that these hunts are only being performed to reduce predation impact to other animals. This is not the case. Brown bears are a big game animal in their own right and hunting of them is guaranteed in ANILCA. Many user groups take advantage of this renewable resource and have been for many decades. I rely on brown bear hunts for my livelihood. This will have a very negative effect on subsistence users that rely on moose and caribou as well as other meat animals.

The state of Alaska has a very well established method for game management that has been a great success. This management process relies on local input including Advisory Committees as well as a Board of Game that is made up of experts in game management. Members of the public are also able to give input on proposed game laws. This is a grass roots model and I believe it is much more effective than a top down authoritative style.

Please consider these points and withdraw this new rule and allow the state to manage these the wildlife resources as they have been doing successfully since statehood.

Mike Zweng

## Anne Rittgers

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**From:** Jay H. Stanford <jay.stanford18@gmail.com>  
**Sent:** Friday, March 10, 2023 10:50 AM  
**To:** Senate Resources  
**Subject:** Approval for Senate Joint Resolution No. 8

Dear Senate Resources,

My name is Jay Stanford and I am writing you today to express approval for Senate Joint Resolution No. 8 that disapproves of the proposal by National Park Service (NPS) that limits hunting methods on Alaska National Preserves. I am an Alaskan Native and have spent a large part of my life on National Preserves. I spent childhood summers with grandparents, former Governor Jay and First Lady Bella Hammond, at their homestead in Lake Clark National Preserve. I began guiding in 2013 and received my registered guides license in 2017. I have done the majority of my guiding on National Preserves and National Refuges, including Wrangell St Elias National Preserve, Katmai National Preserve, and Kodiak National Wildlife Refuge. I guide for my father-in-law Paul Claus, who has three federal concessions in the Wrangell St Elias National Preserve. The Claus Family had been guiding in the Wrangell's for decades before the park system was established. This proposed rule will not only negatively affect all Alaskans and the wildlife of Alaska, but it threatens to break down our State rights.

If this regulation goes into affect it will quickly close down all predator hunts on National Preserves. This will have a negative economic affect on many rural areas. Some operators that do sustainable bear hunts on preserves will immediately be shut down and the thousands of dollars they bring into rural areas will be gone. Not only will those guided hunts be gone, the resident opportunity to hunt predators will be gone. Without sound predator hunting, predator numbers will start to get out of hand and prey species populations will start to suffer. First the general hunting for ungulates will go away and then the rural subsistence will go away because there won't be sustainable numbers for sustainable harvest.

Alaska already has a wildlife management system that works; The Alaska Board of Game. This board is made up of Alaskans from different backgrounds and from all over the State. They hear public comments and concerns and are able to use this information to make sound management decisions that benefit both the people and wildlife. Closures are made due to biological concerns, not emotional ones. They take in consideration for all users, especially subsistence users. Alaska's wildlife should be managed by people in Alaska.

If this proposal by NPS goes through, not only will I be immediately negatively affected, but my friends and colleagues that operate sustainable predator hunts on Alaska National Preserves will be out of business. And not because of a biological concern, but because someone out of the state is wanting to shut these sustainable hunts down for no reason. So because of these concerns I hope you support Senate Joint Resolution No. 8 and leave the management of Alaska's Wildlife too Alaska.

Sincerely,

Jay H. Stanford  
Alaska Registered Guide/Outfitter #117647  
Alaska Professional Hunters Association Board Member  
(907)764-4118

## Anne Rittgers

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**From:** Jeff Pralle <jkpralle@gmail.com>  
**Sent:** Saturday, March 11, 2023 7:23 AM  
**To:** J Pralle  
**Subject:** National Park Service Rule on predator hunting  
**Attachments:** SJR008A.PDF; Untitled attachment 00010.htm

Hello I am Jeff Pralle a nearly life-long Alaskan. I first moved to Alaska in 1975 it is my home. I am Alaska Master Guide/Outfitter #128 I am a small business owner with 2 companies and 8 employees most are local resident Alaskans. The ruling by the National Park Service will have a direct impact upon both my guiding and outfitting company and my aircraft maintenance business.

### **I Oppose the National Park Service ruling to close predator hunting on National Preserve Lands.**

Closing predator hunting on the Lake Clark and Denali National Preserves that border my hunting area on the North and South will have negative effects on the game populations in my hunting area on State Land. Not only will we see lower calf survival but I anticipate increased hunting pressure on the areas bordering the Preserves placing pressure on the game I hunt. If this takes place I will be forced to take measures to offset this. Possibly reducing the size of my staff and cutting jobs.

It will also have a negative effect on the Dall Sheep populations in the area, which are at historic lows, due to increased predation from a lack of predator management. Slowing the recovery of a valuable resource for local food procurement and revenue from hunters using local services to access the Preserve and the nearby communities and villages. We rely upon hunting predators to help make our annual income. Local subsistence users will suffer lower opportunities as well due to lower ungulate populations.

I support local management by the State of Alaska. We have a great system that is in touch with local game populations and issue to manage our wildlife resources. Our Advisory Councils and Board Of Game are designed to take local knowledge and use it to implement regulations for maximum sustained yield of all species. Subsistence is valued and given priority. Helping rural Alaskans feed their families.

My personal impacts will be:

- Increased predators on Preserve Lands bordering my hunting area. I have been guiding there since the mid 1980s. Reducing the number of calves that survive. Lowering the number of ungulates. Causing me to reduce the number of hunters and the number of people I employ.
- Increase in hunting pressure in the surrounding area outside the preserve.
- Financial impacts to my aircraft maintenance customers that hunt and guide on preserve lands. Reducing their need for my services.
- Reduced purchase and use of locally supplied parts, fuel, groceries, dry goods, fuel, jobs and services due to a reduction in availability to hunt on National Preserve Lands.
- Reduced opportunity for taking subsistence harvests for the villages near my hunting area.
- This will affect my family and many others in Alaska.

In Summary:

I believe this proposed regulation change is unnecessary. A direct attack on States Rights in Alaska. That will have long lasting negative impacts on my home and my business. Alaska Game Management is Alaskans business. We deserve to have our fish and game managed for all Alaskans to benefit subsistence, recreational, and commercial uses.

Sincerely,

Jeffory K Pralle

Alaska Master Guide Outfitter GUIM128

**To: All representative and senators of the Alaska Legislature – March 16<sup>th</sup>, 2023.**

My name is Wayne Kubat and I have lived in Alaska full-time since 1976 and have been hunting and fishing here since I first became a resident the following year. I have lived near Wasilla since 1984. I started assistant guiding in 1981, and also bought my own Piper Cub and started flying that same year. I earned my registered guide license in 1986, started my own big game guide service in 1987 – Alaska Remote Guide Service, and obtained my Master Guide license in 2004. I mainly guide for moose, brown bear and dall sheep. I've guided in Denali Preserve since 1986 and have had a sole use guide concession there since 1988. My current term ends in 2027. I served on the Mat-Su advisory committee from 1998-2007 and was the chair for several of those years. I have served on the board of directors for Alaska Professional Hunters Association (APHA) since 2012 and as Vice President for the past 7 years or so.

I strongly support Senate Joint Resolution Number 8 and House Joint Resolution number 10, which oppose the New 2023 Rule proposed by the National Park Service, and urge you to pass both promptly.

Should the new 2023 proposed NPS rule take effect, it will directly and negatively impact my business and also subsistence and sport hunting in the preserve and on neighboring state land where I guide and hunt personally. When I started my business in the Mid 1980's, there were abundant populations of moose, dall sheep and brown bear, but not very many wolves. Due to animal rights initiatives and Governor Knowles closing same day hunting for wolves in the early to mid-90's, wolf populations exploded in just a short time and my area was mostly shut down to moose hunting in the late 90's and early 2000's. I'm relating this from memory, but I believe it was in the early 2000's when Denali Preserve did a moose survey in the whole SW Preserve and only counted 14 moose, where in the mid 80's, there had been several hundred, and by my estimates most likely close to a thousand or more. The only wild meat available to one of my guides who lived in Skwentna at the time was black bear. My area does not have caribou and moose were almost non-existent at that time.

Due to intensive management and predator control efforts on State lands for brown and black bear and wolves in the early 2000's, moose populations had mostly recovered prior to 2019-20, but then a couple hard winters occurred shortly after that. There was a better and faster recovery on state land where the efforts took place, but the federal preserve to the north also benefited, because many brown bears and wolves travel back and forth between the preserve and state land. I strongly feel that there would have been little or no recovery on preserve lands had it not been for management efforts initiated by the state on neighboring state land. People who live in the area now have a reasonable chance to harvest moose again.

With that said, I think the situation is again deteriorating rapidly, even though there are year-round brown and black bear seasons and liberal harvest quotas. The Intensive management effort on wolves in GMU 16B was suspended, and wolves have come back strong, and along with healthy populations of bear and the recent bad winters, moose populations are currently experiencing very poor calf recruitment and are rapidly declining.

With the NPS opposition to managing predators, I expect the new rule will result in severe federal restrictions and even closures to current bear and wolf seasons in the preserve, and the moose population will remain in free fall. Aggressive management on state land to the south, may help some in the preserve, but not a lot. Food security will again decrease for Alaska residents due to scarcity of moose.

I would much rather have the state of Alaska manage our wildlife than bureaucrats in Washington and extremely well-funded and anti-Alaska animal rights and anti-hunting NGOs. I again urge you to support Senate Joint Resolution Number 8 and House Joint Resolution number 10, which oppose the New 2023 Rule proposed by the National Park Service.

Wayne Kubat dba Alaska Remote Guide Service

PO Box 874867

Wasilla, Alaska 9968

907-376-9568



Senate Resources Committee,

My name is Joey Klutsch and I am a second generation hunting guide. I am a rural resident of King Salmon, AK, and I have lived here my entire life. I've been involved in the guiding business for the whole of my working life and have been going to guide camp from the time I could walk. I first earned my guide license 20 years ago, and have operated my own guiding business since 2014. Guiding is and always has been nearly my entire means of income. I am not a part time guide. I am a professional. Guiding is a way of life for me, a job that I truly love and care about, and one that allows me to provide for my family (both from the money I bring in and the meat I take home) in a sustainable way. I hope to someday get my two children involved in guiding. In addition to being my primary means of income, guiding is also extremely important for those who I hire to work with me, nearly all of whom live in Alaska. And the economic effect trickles down from there, especially in rural communities like mine. Air Taxis, stores, hotels, restaurants; all of them depend a great deal on the influx of out of state hunters, which happens during a time that is otherwise void of tourists, and which were it not for hunters, would have far less economic opportunity for those who operate and live in these communities.

Much of the guiding that I do (and which many others do) takes place on National Park Preserves, for brown bear and wolf, so should the proposed NPS rule go into effect, it would greatly affect me, my family, and those who work with us, many of whom have been guiding with us for 20 years or more. My dad, Joe Klutsch, has been guiding in what is now Aniakchak Preserve since the early 1970s. His guiding main camp is located directly in Aniakchak Preserve and he has held an NPS concession contract to guide there since the early 1980s. This is a huge part of his business. He has spent most of his working life guiding in this Preserve. I guide for him in this area, so naturally a closure of brown bear and wolf hunting would affect me greatly, as a very significant portion of the hunters he takes in Aniakchak Preserve are for brown bear. Obviously, it would affect him tremendously. I hope to someday acquire this area from him, and it has long been my goal, but the area would lose most all of its value should brown bear hunting be closed. Furthermore, many resident Alaskan hunters enjoy hunting brown bears and wolves not just in Aniakchak Preserve, but all of the National Preserves throughout Alaska. It is not fair that resident hunters lose out on hunting opportunity, especially where there is absolutely no biological concern for these species, and no reasonable justification whatsoever for closure. This is simply another example of federal agencies asserting themselves by attempting to manage what is a state resource. And again, with zero biological justification for doing so.

Much of GMU 9 has been listed as a predator management area for wolves due to the extremely abundant populations of these highly efficient predators. They take a large toll on prey species. You cannot blame the wolves for doing what they do, but at the same time you absolutely cannot expect to take them out of the management equation by forbidding hunting of them on Preserve units. Predators such as brown bears and wolves should not be given any elevated status amongst animals when there is a harvestable level of them to be taken. The Alaska Board of Game sets season and bag limits for these animals and it is not the place of the National Park Service to usurp the BOG, especially when the seasons and bag limits set by the BOG are based largely on biological evidence and data.

Furthermore, closure of hunting of these predator species could, and likely would, adversely impact subsistence users in the area. Hunting for food may not be important in Washington DC and other major population centers where NPS policy makers come up with these ideas, but it is

very important in rural Alaska where I live, and across countless communities and villages like it, many of which are in close proximity to National Preserves (the communities of King Salmon, Naknek and South Naknek are right next to Katmai Preserve, and this area is hunted for subsistence by me and many other locals from the area) . The elimination of hunting for the two major predator species (wolf and brown bears) would surely be detrimental to the game in the area, which is game that rural residents of the area subsist on and have done so for thousands of years. I doubt that most of the Park Service authorities who proposed this rule have any idea that brown bears can kill up to 70% of moose calves born, or that wolves can tear down a similar number of caribou calves. I am not saying that bears and wolves don't have their place. Quite the opposite. They are a vital part of the ecosystem. But there is no logical reason that we should not be able to harvest them when their numbers are healthy, which they are, and when the Alaska Board of Game sets seasons and bag limits for doing so. The state of Alaska does a fine job of managing its game through the Board of Game process – a process open to the public. It has proven itself for many years. We do not need the federal agencies overruling seasons that are in place and work extremely well.

Finally, I would like to comment regarding the lack of notice to the general public regarding this extremely serious NPS rule, especially in rural Alaska. As someone who actually lives year round in a rural AK, in a community that is a short snowmobile or boat ride from Katmai Preserve where locals routinely hunt and subsist, and that is within relative proximity of two other Preserves (Lake Clark and Aniakchak Preserves), I find it particularly alarming that no one that I have spoken with in my community, including members of our Naknek/Kvichak Advisory Committee (of which I am a member of) have heard of this rule, which could potentially affect them so greatly. This is absolutely inexcusable and just illustrates perfectly how NPS does not care about local members of these rural communities, the very people who this could potentially affect the most. This is completely unfair to the everyday person who lives in these communities, who does not have time or even know about checking the Federal Register online to find out about things like this that greatly affects their way of life. There are no notices to the public in our community; nothing in public places like the Post Office, stores, or bank where people of the community can go to find information. NPS didn't even bother to post anything online, for example, Facebook groups such as the Bristol Bay Exchange, where community information and public notices are regularly shared. And this is in a community that is in direct proximity to a preserve where locals hunt and subsist! This is inexcusable and shows a complete lack of understanding, care, and utter disregard for the way of life people value so much in rural areas. This is in no way a public process because most people don't even know that it is happening, and NPS is making no effort to inform them, much less ask for comments from those affected. How is that in anyway a democratic process?

I thank you for your time and effort in this matter.

Sincerely,

Joey Klutsch  
Registered Guide 1277  
Aniakchak Guide Service