

## Denali Citizens Council Comments on “Revisiting Sport Hunting and Trapping in the Preserves,” Environmental Assessment

These comments are submitted on behalf of the board and members of the Denali Citizens Council (DCC). DCC is an education and public advocacy organization, active in the gateway communities of Denali National Park since 1974. We support the mission of the National Park Service (NPS), to preserve naturally functioning ecosystems and the natural abundance of native wildlife populations. We supported the expansion of then-McKinley Park by the Alaska National Interest Lands Conservation Act (ANILCA, 1980) and the creation of Denali National Park’s approximately 1.3 million acres of national preserves. While we accept that hunting regulations for the National Preserves are established by the State of Alaska Department of Fish and Game, we believe that the National Park Service has the authority and the **obligation** to limit hunting methods and means that are likely to affect the natural diversity of wildlife populations in the preserves or that violate a basic sense of ethics and fair hunting practice.

We have reviewed the Environmental Assessment, “Revisiting Sport Hunting and Trapping on National Park System Preserves,” analyzing possible impacts from the NPS draft 2023 Preserves Rule. We are very happy that NPS is putting forth this new rule, which is substantially similar to a rule promulgated in 2015 establishing bans to certain hunting practices on the national preserves. The 2015 regulation was in effect until rescinded in 2020, with no major controversies or limitations to Alaskan hunters noted during that time. The 2015 rule was appropriate, worked well, and was overwhelmingly supported by public comment. We were disappointed when NPS rescinded the 2015 regulation in 2020, using less-compelling arguments centering around states’ rights. We note that public comment on the 2020 rule was overwhelmingly negative. We agree with the EA reasoning on page 6, under *Purpose and Need*, that the 2020 rule is not compatible with ethical constraints on sport hunting and that it conflicts with NPS policies prohibiting predator control on its lands.

We believe that the proposed 2023 rule, like the 2015 rule, rests on a solid legal and policy foundation. We agree with NPS that the Organic Act, NPS Management Policies, and ANILCA provide the true foundation for this rule, and require that the National Park Service proactively manage its lands for natural diversity, allowing natural cycling of wildlife populations, both predator and prey. We agree that NPS has authority to intervene in State Fish and Game management when needed to honor its lands’ foundational purposes.

The bans in the 2023 Preserves Rule will only apply to “sport” hunting, or what Alaskans call general hunting or “non-subsistence” hunting. We support the NPS reasoning that “sport” hunting, although it can provide food, is not practiced by those who do it as part of a lifeway or long cultural tradition within a specific area. We agree with NPS that “sport hunting” should be conducted under more modern concepts of fairness and should not be wasteful or wanton. For example, hunting a bear over bait may have been practiced in certain areas of Alaska by native people, but is not an ethical practice for a sport hunter, as it gives the hunter an unfair advantage over the prey.

We agree with the NPS proposed bans of certain sport hunting practices in the preserves, practices that can give an unfair advantage to hunters or that have no consumptive purpose other than reduction of predators. We feel that NPS was reasonable with these bans; *which include bear baiting, hunting wolves from May 1 to August 9<sup>th</sup>, taking bear cubs or cubs with females, using dogs to hunt game, snaring, netting or trapping bears or ungulates, taking big game while swimming, and several other unethical practices.*

In Alaska many people without rural subsistence ties hunt for trophies and for food, and there is a thriving guide industry. DCC has long argued that these “sport” activities should be conducted with ethical methods and means, and many Alaskans would prefer that the State Board of Game ban bear baiting and hunting of wolves in the denning season. However, the Board of Game continues to authorize taking of wolves for long seasons in several areas, and to authorize bear baiting in many areas. DCC is very happy that NPS will ban these activities in the preserves under the proposed rule.

We support Alternative 2, the Action Alternative, which would enact the 2023 Preserves Rule ((RIN) 1024-AE70). We have a few comments and suggestions under the four impact topics discussed.

- Wildlife – If Alternative 2 is adopted, the natural ebb and flow of animal populations on preserve lands will be restored and protected into the future. Although many of the preserves are quite remote and have very little general (sport) hunting use, some (Wrangell-St. Elias, for example) stand to see reduced pressure on bear and wolf populations into the future under Alternative 2. There may be little statistical proof of changes in wildlife populations immediately after the rule is adopted, because of a number of variables such as climate change, seasonal weather patterns, and natural population variables. However, we are content that the Congressional intent for management of these lands and their wildlife will be restored and protected under Alternative 2.

Because ANILCA protected federally qualified subsistence hunters and the methods/means they had traditionally used on certain lands in the preserves, we are content that the proposed 2023 Preserves Rule will carry forward that protection, and exempt these subsistence users from the bans. Evidence suggests that most of the banned activities are conducted by subsistence users in very limited areas of the preserves and some of them not at all. We did not hear of any profound impacts during the time the 2015 rule was in place (5 years).

Wolves – we would note that on most preserve lands, wolves are no longer hunted between May 1 and August 1st. Denali Preserves, Yukon Charley Preserve, Noatak Preserve, and Gates of the Arctic Preserve will be relatively unaffected by the wolf season prescriptions in this rule. Lake Clark Preserve stretches across three State game management units, 9, 17 and 19. In units 9 and 17 the wolf season extends to June 30 and bag limit is 10 per day. This rule will only affect the season length on Lake Clark Preserve. On Aniakchak Preserve and Katmai Preserve, the season ends on June 30<sup>th</sup>, with a 10 per day bag limit. Here, too, only the season length is affected by the rule. On Bering Land Bridge Preserve, the wolf season ends on May 31, with a

bag limit of 20 per year. Only season length will be affected by this rule. On the Wrangell St Elias Preserve, this rule will not further restrict the state season.

DCC argues that the draft Preserves rule is relatively weak on season lengths and silent on bag limits for wolves. DCC recommends that NPS consider a longer break in wolf hunting season, to start **April 1 and end Aug 9th**. Our rationale: Wolf pack disruption is likely to occur if breeding females, who are likely pregnant by that time, are harvested in April, with little chance for recovery of the pack. In addition, a wolf pelt in April is losing its utility value, especially as weather warms in Alaska, making the hunting of wolves in April chiefly a predator reduction activity. We could credibly argue for an even longer hiatus in the wolf hunting season.

Bears – DCC supports NPS’ reasoning that bear baiting creates potential safety problems for other recreational users in the preserves, and could produce food-conditioned bears that raid camps and become overly familiar with humans. There is plenty of evidence for this. Bears raiding campgrounds was a problem at Denali National Park in the 1970s and 1980s, influencing the closure of the Toklat campground. Bears conditioned to food have been problematic in the Kantishna area of Denali National Park over several seasons more recently. Bears subjected to baiting are more at risk to be destroyed by becoming conditioned and a threat to humans, and the take of bears from bait stations could significantly affect local populations of bears, if Alternative 2 is not adopted. We note that bear baiting is actually banned by the State of Alaska in Denali State Park, showing that even the state recognizes a conflict between bear baiting and recreational uses in that specially-designated area.

- Federal subsistence use

Because subsistence users are exempt from the bans listed in the draft 2023 Preserves Rule, but sport or general hunters would experience the bans, subsistence users could benefit from the bans in selected locations where their customary and traditional activities would be in competition with currently authorized predator reduction activities.

DCC sees Alternative 2 as generally beneficial to rural subsistence users, although there has been some objection cited from former rural residents, who now live full time in an urban community, and say they have lost their traditional hunting allowances. The actual significance of these bans to specific families and users is hard to measure, but likely small. Overall, we agree that the benefits to users who live close to and fundamentally rely on the resource should be prioritized, especially over the long run and in times of resource scarcity.

- Public use and enjoyment

Hunter organizations such as APHA and Safari Club had emphasized the potential for serious impacts on Alaskans’ ability to hunt and even on some subsistence hunters if Alternative 2 is

adopted. DCC sees little substance in these allegations. It is clear to us that the vast majority of hunting activities authorized under state regulations would **still be available** to sport hunters on the federal preserves under Alternative 2. Many Alaskans, including DCC members, find the banned activities repugnant to a fair chase hunter and will be happy that they are banned in the preserves under Alternative 2. Additionally, recreational users can be confident when they are visiting the preserves under Alternative 2, that they will not have a high risk of encountering a food conditioned bear or a bear bait station.

- Wilderness character

A few National Park Preserves have significant statutory Wilderness, including Katmai and Lake Clark. Noatak National Preserve, our largest Preserve, is overwhelmingly designated as statutory Wilderness. Most preserve lands that are not officially designated Wilderness, except for Glacier Bay, are eligible for Wilderness designation.

DCC sees Alternative 2 as a positive step in preserving Wilderness eligibility by eliminating state-authorized bear baiting, which could lead to impairment of habitat and sense of solitude/untrammelled nature by possible use of aircraft/ATVs to service and clean up bait stations. Baiting could also lead to a change in the behavior of wild bears. The preserves' generally remote locations have been a protective factor in maintaining Wilderness character and eligibility in Alaska's preserves. Bear baiting stands to impair that quality more than any other single hunting activity.

Consultation and Coordination: We trust that NPS is conducting ongoing consultation activities. The comment period was recently extended to allow for more consultation. The 2023 Rule is substantially similar to the 2015 Rule, and the additional consultation during that rule-making process is relevant to this process.

DCC feels that the proposed 2023 Preserves Rule does not overreach the bounds of legitimate federal authority to pre-empt state regulations that conflict with NPS management priorities. DCC also believes that the bans listed in the proposed rule are reasonable, have worked before, and provide limits desired by many Alaskans, including our members. Although the State of Alaska has suggested that this rule will unfairly and acutely limit Alaskans' access to hunting, that assertion is inaccurate and unproven by supporting data. The rule is targeted, limited and reasonable, leaving the great majority of general hunting/trapping activities intact on the preserves. The 2023 Preserves Rule retains the intent of ANILCA in the management of subsistence and the types of activities permitted under federal subsistence regulations. We thank the Service for correcting the deficiencies of the 2020 Rule and we happily support promulgation of the 2023 Preserves Rule.