

DCC comments on proposed 2023 Preserves Rule: (RIN) 1024-AE70

I am submitting these comments 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-Mount McKinley National 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, pursuant to ANILCA, hunting regulations for the National Preserves are established by the State of Alaska Board of Game, we believe ANILCA gives the National Park Service the authority to limit hunting methods and means that are likely to affect the natural diversity of wildlife populations in the national preserves, or that violate a basic sense of ethics and good hunting practice.

DCC supported NPS in 2015 when it a regulation for Alaska's federal preserves, banning hunting practices that NPS determined violated its management duties under the NPS Organic Act(2016) and under ANILCA. We agreed with NPS that some of these hunting practices could have the effect of reducing predators to low levels, in violation of the purposes of the preserves. Additionally, our members were convinced that these practices violated the doctrine of fair chase and had no place in the sport hunting regulations. The 2015 regulation was in effect until rescinded in 2020, with no major controversies or limitations to Alaskan hunters noted during that time.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 We were disappointed when NPS rescinded the 2015 regulation in 2020, using less-compelling arguments centering around states' rights.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.

Our members are pleased that NPS proposes to rectify this situation by promulgating a rule in 2023 that is substantially similar to the 2015 rule. We believe that the 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 have obligated the National Park Service to 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. That said, we accept that the State Department of Fish and Game retains authority to manage hunting in the preserves, subject to the federal bans.

We agree with the NPS 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 9th, 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.*

We support the differentiation in this rule between subsistence hunters and general (or sport) hunters, and we agree with NPS that the bans will not apply to federally qualified rural subsistence hunters. Recognizing and protecting traditional use methods of hunting is codified in ANILCA Title VIII, and is an important priority in federal management of subsistence on federal lands in Alaska. We accept that traditional hunting methods used by rural residents on certain preserve lands (such as den hunting of bears, killing swimming caribou, or baiting of bears in certain areas) are protected under ANILCA and should continue to be authorized under this rule. We understand that these practices are not commonly used on most preserve lands, which constitute only 6% of the land mass of Alaska.

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 that it should be banned for sport hunters in the preserves.

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 spring-summer hunting of wolves in its general regulations. However, the State Board of Game continues to authorize taking of wolves throughout the year in several areas, and to authorize bear baiting in many areas. DCC is very happy that NPS will ban these activities in the preserves.

DCC would actually prefer that wolf hunting be banned in the preserves starting April 1st until August 9, or starting even earlier, as wolves are gathering into family groups as early as February and females may be pregnant in early April. Pelts are losing their value and whole family groups can be disrupted by hunting in these earlier months. We urge NPS to adopt the earlier start date in its final rule.

Furthermore, we support 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. Bears raiding campgrounds were 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. We would 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.

DCC supports the prohibition of “predator control” and predator reduction in the preserves as stated in the 2023 Preserves Rule. The State of Alaska closely defines the term “predator control,” and denies that activities such as hunting wolves in the denning season or bear baiting are “predator control” by

the state's strict definition. Using this reasoning, the State has said that NPS is being arbitrary with its bans on predator reduction activities. However, we support the 2023 Rule's commitment to banning activities deemed predator reduction even if they do not meet the State's restrictive definition of predator control. We support the NPS intention to ban such activities in the future, should they be authorized by the State on game management units that include national preserve lands. NPS has adequately defined the types of activities that constitute predator reduction, and we agree with their reasoning. We also support an addition to the 2023 Rule clarifying that trapping only includes the use of traps, not gun-hunting under a trapping license. We agree with this inclusion, knowing that it will not ban the carrying of a rifle along the trapline for safety and humane killing of injured animals.

DCC is troubled by the current rhetoric revolving around the State-Federal relationship in wildlife management. We note that in 1982, after ANILCA was passed, the State Commissioner of Fish and Game Ronald Skoog and the NPS Alaska Regional Director John Cook signed a Master Memorandum of Understanding that has never been revoked, containing strong language supporting cooperative understanding and management; for example *"the Department and the Service share a mutual concern for fish and wildlife resources and their habitats and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties..." P. 1*. Unfortunately, we have seen the State of Alaska back away from this cooperative attitude in recent decades. Starting with passage of the intensive management law in 1994, the State increasingly authorized hunting methods and means to manipulate predator populations with the goal of expanding ungulate populations. State hunting regulations increasingly targeted predators, especially bears. Outright predator control activities edged closer and closer to preserve boundaries. Conflict with land managers in the federal parks and preserves became inevitable. NPS signaled this with the State Board of Game on many occasions before resorting to its own regulation. We hope for a return to more cooperative efforts between the agencies, efforts that were envisioned by land managers just 40 years ago. We feel that adequate consultation with the State and with tribes and corporations occurred during the Draft 2023 Preserves Rule comment phase.

DCC feels that the proposed 2023 Preserves Rule does not overreach the bounds of legitimate federal authority, and that the bans and regulations listed in the rule are reasonable 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. 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 happily support promulgation of the 2023 Rule.