



Congress of the United States
House of Representatives
Washington, D.C. 20515
February 9, 2016

COMMITTEE ON
NATURAL RESOURCES
CHAIRMAN, SUBCOMMITTEE ON
INDIAN, INSULAR, AND
ALASKA NATIVE AFFAIRS
COMMITTEE ON
TRANSPORTATION & INFRASTRUCTURE
REPUBLICAN
POLICY COMMITTEE

The Honorable Dan Sullivan, Chairman
Subcommittee on Fisheries, Water, and Wildlife
410 Dirksen Senate Office Building
Washington, DC 20510-6175

Dear Chairman Sullivan:

I am writing today in regard to your hearing this afternoon entitled, "Federal Interactions with State Management of Fish and Wildlife," and ask you allow this letter to be entered into the official record.

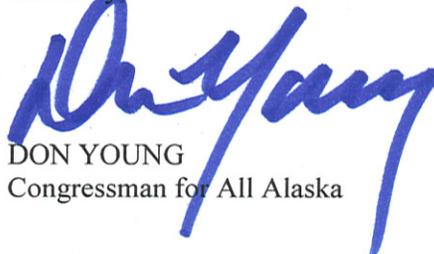
On January 8, 2016 the United States Fish and Wildlife Service (FWS) announced a proposed rule restricting state-approved management practices in an effort to expand closures of refuges in Alaska. I take strong exception to this act of government overreach, as the proposal conflicts with the intent of the Alaska National Interest Lands Conservation Act (ANILCA), and the protections contained in the National Wildlife Refuge System Administration Act (NWRSA), as amended by the National Wildlife Refuge System Improvement Act (NWRRIA). Further, I am dismayed by the explanation given by the FWS using these laws as justification for their actions.

As you are aware, ANILCA further protects the ability of the State of Alaska to manage wildlife across the state, on state, private and federal lands. As Section 1314 states, "Nothing in this Act is intended to enlarge or diminish the responsibility and authority of the State of Alaska for management of fish and wildlife on the public lands except as may be provided in title VIII of this Act, or to amend the Alaska constitution." As it relates to the term "natural diversity," Senator Ted Stevens explained in the legislative history of the Act, "The phrase 'in their natural diversity' was included in each subsection of those two sections to emphasize the importance of maintaining the flora and fauna within each refuge in a healthy condition. The term is not intended to, in any way, restrict the authority of the Fish and Wildlife Service to manipulate habitat for the benefit of fish or wildlife populations within a refuge or for the benefit of the use of such populations by man as part of the balanced management program mandated by the Alaska National Interest Lands Conservation Act and other applicable law. The term is also not intended to preclude predator control on refuge lands in appropriate instances." As Alaska's lone representative in the House, and someone who was intimately involved in the process that produced ANILCA, it's my conclusion that the proposed rule set forth by the FWS is in clear violation of Federal law.

The FWS asserts their actions are validated by NWRRIA; however, as the original sponsor of that legislation, I can knowingly and affirmatively state that the FWS proposal goes against the original intent of my legislation. Section 7 of NWRRIA specifically provided for refuge lands in Alaska to be governed by the refuge planning provisions of ANILCA, and Section 9 of NWRRIA gives primacy to ANILCA for any conflicts. Further, Section 5 of NWRRIA, articulated 14 responsibilities that the Secretary has for managing the refuge system. This proposed regulation inappropriately elevates one of those broad responsibilities above the others, and places it into regulation. I find it concerning the FWS would cite a

law which forbids them from taking such actions as the justification for breaking the very law they are trying to circumvent. I hope during your hearing you are able to bring some semblance of order to the ill conceived proposal of the FWS.

Sincerely,

A handwritten signature in blue ink that reads "Don Young". The signature is stylized and cursive, with a long, sweeping underline that extends to the right.

DON YOUNG
Congressman for All Alaska