



THE STATE
of **ALASKA**
GOVERNOR SEAN PARNELL

**Department of Natural
Resources**

CITIZENS' ADVISORY COMMISSION ON
FEDERAL AREAS
Stan Leaphart, Executive Director

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April 5, 2014

Mr. Joel Hard
Acting Regional Director
National Park Service
240 West 5th Avenue
Anchorage, AK 99501

Dear Mr. Hard: *Joel*

The Citizens' Advisory Commission on Federal Areas has reviewed the proposed temporary regulations that would impose restrictions by preempting certain State general hunting regulations in several national preserve units in Alaska. We note that the proposed restrictions would restrict authorized seasons, bag limit and means and methods of harvest under the State's general hunting regulations. Restrictions would include the take of black bears (including sows and sows accompanied by cubs) at den sites with the aid of artificial light in Denali and Gates of the Arctic National Preserves; the regulated take of brown bears over black bear bait stations in Denali, Gates of the Arctic and Wrangell-St. Elias National Preserves; and the take of wolves and coyotes in Alagnak Wild River, Aniakchak, Denali, Gates of the Arctic, Katmai, Lake Clark, Wrangell-St. Elias and Yukon-Charley Rivers National Preserves. We offer the following comments for consideration by the National Park Service.

The Commission wishes to reiterate our previously stated position that we do not support preemption of State hunting regulations by any Federal agency. The possible exception would be in the case of an emergency that posed an immediate and significant threat to wildlife resources within an area. Even in an emergency situation affecting wildlife in a national preserve we would strongly encourage full and meaningful consultation between the National Park Service and the appropriate State board or agency before any preemption occurs.

In the current situation, no such emergency exists and we consider the proposed restrictions unnecessary. While the Commission recognizes the Service's management authority within national park and preserve units, we view the proposed restrictions as an unwarranted intrusion into the State of Alaska's authority to manage its resident wildlife resources.

In previous comments the Commission encouraged the National Park Service to fully utilize the Board of Game (BOG) process when seeking changes to regulations it considers unacceptable or inconsistent with its statutory mandates or wildlife management policies and responsibilities. While the Service regularly attends BOG meetings to provide reports and comment on various proposals before the Board, it rarely submits formal proposals of its own for consideration.

The Commission reviewed the proposals submitted to the BOG since 2010. Despite claims made in the February 24 and March 17 National Park Service news releases that the BOG "rejected proposals by the National Park Service to exclude preserves from [hunting] practices" we found only one instance when the Service submitted a formal proposal. This occurred in 2010 when the superintendents for Denali National Park & Preserve and Gates of the Arctic National Park & Preserve submitted a proposal to the Board regarding the customary and traditional harvest of black bears at den sites and asking that the activity not be authorized in those preserve units.

We know that in November 2013 the Service submitted an agenda change request (ACR) to the Board of Game for consideration at the January 2014 meeting in Kotzebue. The ACR requested the BOG reconsider a number of regulations affecting wildlife harvest activities in 8 National Park Service managed units- the same regulations now proposed for preemption.

In December 2013, the Alaska Department of Fish & Game (ADF&G) notified the Service by letter that it intended to relay to the BOG that the ACR did not present any conservation concerns that warranted the BOG considering the requested action outside of the board's published schedule. The department also reminded the Service that should any conservation concern arise as a result of these regulations, it could be addressed by the department utilizing its emergency order authority. In addition, ADF&G indicated that it did not believe that there were any errors in the existing regulations or that there were any effects that were unforeseen when the regulations were adopted. Finally, the department's letter stated that it had no recommendation to the board on the ACR.

ADF&G did extend an invitation to the Service to discuss its request and the rationale for the ACR at the January BOG meeting in Kotzebue. The department's letter included the following statement:

Information the board will be looking for to assess whether to accept the ACR is similar to that requested by the department in various letters to your agency over the past year. These questions are key to assessing whether action is "reasonably necessary for coordination" under paragraph (b) of the ACR policy.

Our review of the record for that meeting, as well as information we received from the BOG and the Alaska Department of Fish & Game, the Service's ACR was denied because the board determined that the ACR did not meet the policy requirements outlined in 5 AAC 92.005 for an agenda change request. Clearly the ACR did not include the necessary information for the Board to accept and take action on the request.

It is unfortunate that the additional opportunity to provide the necessary information was declined by the National Park Service. The Service has prepared a *Determination of Need for a*

Restriction, Condition, Public Use Limit, or Closure for each of the temporary restrictions now being proposed. These were not made available to the public until March 2014. More importantly, it does not appear that the information and rationale contained in these determinations of need were provided to the BOG to support the ACR. Specifically, absent any data indicating any conservation concerns caused by the State regulations, the determinations of need may have provided sufficient basis for the board to find that action was “reasonably necessary for coordination of state regulatory actions with federal agencies, programs, or laws.” (5 AAC 92.005(b)) Had this occurred it may have resulted in an outcome more favorable to the Service ACR request and obviated the need for Service imposed restrictions.

The proposed regulations are presented as temporary regulations. We will not repeat our longstanding concern about the Service’s past practice of adopting and keeping temporary regulations in place beyond the allowable one year time limit, but will refer you to our February 15, 2013 letter on the proposed 2013 park compendiums where we addressed the problem in more detail.

Neither the NPS news releases, nor the determinations of need make it clear that these temporary regulations may only remain in place for one year. While we do not support the adoption of these temporary regulations, nor will we support permanent NPS regulations preempting State general hunting regulations, we expect the Service to comply with its own regulatory requirements and begin the process of preparing permanent regulations. In the interim, we believe the Service has a clear responsibility to inform the public that, as temporary regulations, they will remain in effect for only one year and cannot be extended past that time.

The Service has increased its use of social media in recent years. The Commission remains concerned about its effectiveness and value for generating serious conversations or discussions about resource management issues such as those represented here. Nevertheless, it does provide a forum for the public to express its views on various topics, even if those views are not particularly well informed. For example, a number of participants in the Facebook event sponsored by the Service, were clearly unaware that hunting is statutorily allowed in National Park units in Alaska.

This lack of knowledge and understanding of Alaska is further complicated when the Service tries to improperly frame the issues under discussion. The Facebook event began with what can only reasonably be considered a loaded and misleading question: “*What do you think? Is it appropriate to reduce predators to increase moose and caribou for the benefit of hunters in national preserves?*” We find the tone of this question, in what was presented as an opportunity for the public to “*share your comments and questions,*” to be completely inappropriate.

The State regulations that the Service proposes to preempt are not part of any predator control or intensive management program. The above quoted questions implies otherwise and misleads the public. When approving such programs, the BOG makes it clear that they are not conducted on National Park Service managed lands. At its January meeting, the board again stated very clearly that the State regulations in question were not part of either type of program. For the Service moderator to imply otherwise is manipulative and disingenuous.

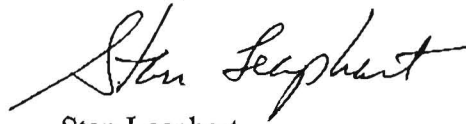
The Commission also takes exception to participation of Service staff in the Facebook event without clearly identifying themselves as such. At least two Service staff participated in the March 20 event, but failed to advise other participants that they were NPS employees. While their participation entailed only a couple of questions, these Service members should have properly identified themselves. Other Service staff did so.

Because of the increasing use of social media by Federal agencies, we strongly urge the Service to examine its procedures for conducting and participating in social media events. Social media is a powerful tool that must be carefully handled to avoid inappropriate use. In anticipation of its continued use, we would welcome the opportunity to discuss this issue further with the Service.

This Commission fully appreciate that the National Park Service interprets its legal mandates for protection and management of National Park lands in a manner that may at times conflict with the State's legal mandates and management objectives. We encourage both the National Park Service and the Alaska Department of Fish and Game to continue and to strengthen their cooperative efforts. Cooperation between the State of Alaska and Federal land management agencies is critical to the long term health of the fish and game resources of this state.

The Commission appreciates the opportunity to comment on the proposed temporary regulations. Please contact our office if you have questions or if we can provide additional information.

Sincerely,

A handwritten signature in black ink, reading "Stan Leaphart". The signature is fluid and cursive, with the first name "Stan" and last name "Leaphart" clearly distinguishable.

Stan Leaphart
Executive Director