



Fact Sheet: Proposed Rule Change on Hunting and Trapping in National Preserves in Alaska

In 2015, Alaska's wildlife had a major win when the National Park Service (NPS) issued a rule which prohibited the following intensive sport hunting and trapping practices on national preserves in Alaska:

taking any black bear, including cubs and sows with cubs, with artificial light at den sites; harvesting brown bears over bait; taking wolves and coyotes (including pups) during the denning season; taking swimming caribou; taking caribou from motorboats under power; taking black bears over bait; and using dogs to hunt black bears.

- [Click here to read, in their own words, some of the things the NPS had to say on the topic in their final rule in 2015.](#)
- [Click here to read the full final rule.](#)

In 2017, the Secretary of the Department of the Interior (DOI) issued two Secretarial Orders (#3347 and #3356) directing the NPS to, among other things, take steps to align activities on federal lands managed by DOI to be more consistent with state agencies management.

- [Click here to read excerpts taken from Secretarial Order 3356.](#)
- [Click here to read the full Secretarial Order 3356.](#)

As a result of these 2017 Secretarial Orders, in 2018 the NPS proposed to reverse their 2015 decision, and to remove the prohibition against intensive sport hunting and trapping methods in national preserves in Alaska. This would be a major setback for wildlife in Alaska.

- [Click here to read, in their own words, are some of the things the NPS has to say on the topic in 2018, after receiving the Secretarial Orders in 2017.](#)
- [Click here to read the full proposed rule, currently accepting public comments.](#)

ALASKA'S WILDLIFE NEEDS YOUR HELP!

The PROPOSED RULE to “apply the State of Alaska’s hunting regulations to national preserve lands” in Alaska by removing the 2015 wildlife protections **MUST BE REJECTED** because:

1. it is inconsistent with Federal laws or regulations. ([click here to learn more](#))
2. it scientifically unjustified, procedurally flawed, and arbitrary and capricious. ([click here to learn more](#))
3. it violates the basic principles of wildlife conservation. ([click here to learn more](#))
4. it is not in the best interest of all Americans. ([click here to learn more](#))

The NPS is currently accepting comments from the public, and have extended the deadline for comments to be received until 7:59pm (AKDT) on November 5, 2018.

- [Click here for information how to submit comments.](#)
- [Click here to learn what makes an effective public comment.](#)



In 2015, the National Park Service (NPS) issued a rule which prohibited certain intensive hunting and trapping methods on national preserves in Alaska.

Here, in their own words, are some of the things NPS had to say on the topic in 2015 (taken from 80 Fed. Reg. 64,325):

- In the last several years, the State of Alaska has allowed an increasing number of liberalized methods of hunting and trapping wildlife and extended seasons to increase opportunities to harvest predator species. Predator harvest practices recently authorized on lands in the State, including lands in several national preserves, include:
 - Taking any black bear, including cubs and sows with cubs, with artificial light at den sites;
 - harvesting brown bears over bait (which often includes dog food, bacon/meat grease, donuts, and other human food sources); and
 - taking wolves and coyotes (including pups) during the denning season when their pelts have little trophy, economic, or subsistence value.

These practices are not consistent with the NPS's implementation of ANILCA's authorization of sport hunting and trapping in national preserves. To the extent such practices are intended or reasonably likely to manipulate wildlife populations for harvest purposes or alter natural wildlife behaviors, they are not consistent with NPS management policies implementing the NPS Organic Act or the sections of ANILCA that established the national preserves in Alaska. Additional liberalizations by the State that are inconsistent with NPS management directives, policies, and federal law are anticipated in the future.

16 U.S.C. 3201 of ANILCA provides "within national preserves the Secretary may designate zones where and periods when no hunting, fishing, trapping, or entry may be permitted for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment." In order to comply with federal law and NPS policy, the NPS has adopted temporary restrictions under 36 CFR 13.40(e) to prevent the application of the above listed predator harvest practices to national preserves in Alaska (see, e.g., 2013 Superintendent's Compendium for Denali National Park and Preserve). These restrictions protect fauna and provide for public use and enjoyment consistent with ANILCA.

- The rule reflects the NPS responsibility to manage national preserves for natural processes, including predator-prey relationships, and responds to practices that are intended to alter those processes.
- Consistent with NPS Management Policies 2006, the NPS Organic Act, and the statutory purposes for which national preserves were established, this rule prohibits predator reduction activities on national preserves that have the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes to increase harvest of ungulates by humans.
- The rule responds to State hunting regulations that authorize wildlife harvest practices that conflict with ANILCA's authorization for sport hunting, the statutory purposes for which national preserves were established, and the NPS Organic Act as implemented by the NPS. These include liberalized predator harvest seasons, bear baiting,



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and the harvest of caribou while swimming. National park areas are managed for natural ecosystems and processes, including wildlife populations. The NPS legal and policy framework prohibits reducing native predators for the purpose of increasing numbers of harvested species.

- Activities or management actions involving predator reduction efforts with the intent or potential to alter or manipulate natural ecosystems or processes (including natural predator/prey dynamics, distributions, densities, age-class distributions, populations, genetics, or behavior of a species) are inconsistent with the laws and policies applicable to NPS areas. The rule clarifies in regulation that these activities are not allowed on NPS lands in Alaska.
- ANILCA authorizes the Secretary of the Interior, acting through the NPS, to promulgate regulations prescribing restrictions relating to hunting, fishing, or trapping for reasons of public safety, administration, floral and faunal protection, or public use and enjoyment. 16 U.S.C. 3201 and 3202.
- The NPS Organic Act requires the NPS to conserve the wild life in units of the National Park System (including national preserves) and to provide for visitor enjoyment of the wild life for this and future generations. 54 U.S.C. 100101. Policies implementing the NPS Organic Act require the NPS to protect natural ecosystems and processes, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife. NPS Management Policies 2006 §§ 4.1, 4.4.1, 4.4.1.2, 4.4.2.
- Under the Property and Supremacy Clauses of the U.S. Constitution, State wildlife laws that conflict with NPS's efforts to carry out its statutory mandate are preempted. [See, e.g. *Kleppe v. New Mexico*, 426 U.S. 529 (1976); *Hunt v. United States*, 278 U.S. 96 (1928); *New Mexico State Game Comm'n v. Udall*, 410 F.2d 1197 (10th Cir.), cert. denied, *New Mexico State Game Comm'n v. Hickel*, 396 U.S. 961 (1969); *United States v. Brown*, 552 F.2d 817 (8th Cir. 1977)]. Certain State-authorized hunting and trapping practices are not consistent with the NPS implementation of the NPS Organic Act and ANILCA. Consequently, the final rule is an appropriate exercise of the authority affirmed by the cases cited above.

[Click here to read the full final rule.](#)



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In 2017, the Secretary of the Department of the Interior (DOI) issued two Secretarial Orders (#3347 and #3356) directing the NPS to, among other things, take steps to align activities on federal lands managed by DOI to be more consistent with state agencies management.

Here are excerpts taken from Secretarial Order 3356:

- Sec. 1 Purpose. This Order continues the Department's efforts to enhance conservation stewardship; increase outdoor recreation opportunities for all Americans, including opportunities to hunt and fish; and improve the management of game species and their habitats for this generation and beyond... In addition, this Order gives greater priority to recruiting and retaining sportsmen and women conservationists, with an emphasis on engaging youth, veterans, minorities, and underserved communities that traditionally have low participation in outdoor recreation activities. Finally, this Order directs greater collaboration with state, tribes, and territorial partners.

- Sec. 3 Background. ...The Department has broad responsibilities to manage Federal lands, waters, and resources for the public's benefit, including managing habitat to support fish, wildlife, and other resources, and providing recreational opportunities on Federal lands and waters. On March 2, 2017, Secretary Zinke issued Secretary's Order 3347, "Conservation Stewardship and Outdoor Recreation." Secretary's Order 3347 does the following:
 - a. directs the Assistant Secretary for Fish and Wildlife and Parks and the Assistant Secretary for Land and Minerals Management to 1) report to the Secretary within 30 days all actions taken to implement Executive Order 13443 and all actions described in Executive Order 13443 that have not occurred and 2) provide specific recommendations to improve the implementation of Executive Order 13443, particularly regarding efforts to enhance and expand recreational fishing access;
 - b. mandates the Department to submit reports, upon the Secretary's approval, to the Wildlife and Hunting Heritage Conservation Council and the Sport Fishing and Boating Partnership Council for their respective responses and recommendations; and
 - c. instructs the Department to identify within 30 days, specific actions concerning recreational hunting and fishing on public lands and waters, habitat improvement, predator management, and access to public lands and waters.

The 30-day due date identified in Secretary's Order 3347 has now elapsed. Following in the footsteps of President Roosevelt's commitment to conservation stewardship, this Order is being issued to enhance and expand upon Secretary's Order 3347 and further implement the recommendations provided to the Secretary.

- Sec. 4 Directive. The following actions are to be taken consistent with governing laws, regulations, and principles of responsible public stewardship...



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- d. With respect to working harmoniously with our state, tribal, territorial, and local partners, bureaus and offices shall: ...
 - (3) collaborate with state, tribal, and territorial fish and wildlife agencies to attain or sustain wildlife population goals during Department land-management planning and implementation, including prioritizing active habitat-management projects and funding that contribute to achieving wildlife population objectives, particularly for wildlife that is hunted or fished, and identifying additional ways to include or delegate to states habitat management work on Federal lands;...
 - (7) work cooperatively with state, tribal, and territorial wildlife agencies to ensure that hunting and fishing regulations for Department lands and waters complement the regulations on the surrounding lands and waters to the extent legally practicable;
 - (8) within 180 days, in close coordination and cooperation with the appropriate state, tribal, or territorial wildlife agency, begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator-management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state, tribal, and territorial wildlife management agencies to the extent legally practicable.
- Sec 6. Effect of Order. This Order is intended to improve the internal management of the Department... To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control.

[Click here to read the full Secretarial Order 3356.](#)



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As a result of these 2017 Secretarial Orders, in 2018 the NPS proposed to reverse their 2015 decision, and to remove the prohibition of intensive sport hunting and trapping methods in national preserves in Alaska.

Here, in their own words, are some of the things the NPS has to say on the topic in 2018, after receiving the Secretarial Orders:

- **SUMMARY:** The National Park Service proposes to amend its regulations for sport hunting and trapping in national preserves in Alaska. This proposed rule would remove a regulatory provision issued by the National Park Service in 2015 that prohibited certain sport hunting practices that are otherwise permitted by the State of Alaska. These proposed changes are consistent with Secretary of the Interior Orders 3347 and 3356.
- This rule [*NPS's 2015 Final Rule*] is inconsistent with State of Alaska's hunting regulations found at 5 AAC Part 85.
- Secretarial Order 3356 directs the NPS to
 - (1) identify whether hunting opportunities on Department lands could be expanded;
 - (2) work cooperatively with state wildlife agencies to enhance their access to Department lands for wildlife management actions;
 - (3) work cooperatively with state wildlife agencies to ensure that hunting regulations for Department lands and waters complement the regulations on the surrounding lands and waters; and
 - (4) work in close coordination and cooperation with the appropriate state wildlife agency to begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state wildlife management agencies.
- The purpose of this proposed rule is to align sport hunting regulations in national preserves in Alaska with State of Alaska regulations and to enhance consistency with harvest regulations on surrounding non-federal lands and waters in furtherance of Secretarial Orders 3347 and 3356.
- The 2015 Final Rule prohibits the hunting practices otherwise permitted by the State of Alaska because NPS found those practices: (1) To have intent or potential to alter or manipulate natural predator-prey dynamics, and associated natural ecological processes for the purpose of increasing harvest of ungulates by man; (2) to adversely impact public safety; or (3) to be inconsistent with federal law authorizing sport hunting in national preserves in Alaska.
- Taking into account the Secretarial Orders described above, NPS has reconsidered its earlier conclusions and determined that these previously prohibited practices can be allowed consistent with the goal of aligning its rules with those of the State. Allowing these practices is consistent with NPS Management Policy 4.4.3 which provides



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that NPS does not allow activities to reduce the numbers of native species for the purpose of increasing the numbers of harvested species.

- [*Click here to read the full proposed rule, currently accepting public comments until 7:59pm \(AKDT\) on November 5, 2018.*](#)



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ALASKA'S WILDLIFE NEEDS YOUR HELP!

NPS has extended the public comment period until 7:59pm (AKDT) on November 5th for both the proposed rule change and the environmental assessment regarding sport hunting and trapping on National Preserves in Alaska. You can submit the same comment through both portals, doubling your impact. Alaska Wildlife Alliance urges you to take action on this topic and be a voice for Alaska's wildlife.

[Comment on the proposed rule change now!](#)

[Comment on the Environmental Assessment now!](#)

Here are some points to consider when developing your comments:

1) The proposed rule to “apply the State of Alaska’s hunting regulations to national preserve lands” in Alaska by removing the 2015 wildlife protections MUST BE REJECTED because it is inconsistent with Federal laws or regulations.

- The U.S. Constitution grants Congress the authority to make rules and regulations pertaining to federal property (e.g., Congress passed the Organic Act and the Alaska National Interest Lands Conservation Act (ANILCA), which apply to national preserves), and indicates that **when state laws conflict with Federal laws, the Federal laws must be applied.** The courts have upheld these authorities granted by the U.S. Constitution. For example, in *Kleppe v. New Mexico*, the U.S. Supreme Court recognized that Congress has the power to enact legislation respecting federal lands pursuant to the Property Clause and — when Congress does enact such legislation — it “necessarily overrides conflicting state laws under the Supremacy Clause.” Another example is *United States v. Brown*, where the State of Minnesota wanted to assert the dominance of state hunting laws on water adjacent to and surrounded by Voyageurs National Park; the court stated that “[w]here the State’s laws conflict with the . . . regulations of the National Park Service . . . the local laws must recede.”
- Congress made clear that the NPS must place the protection of natural and healthy populations of wildlife above hunting [16 U.S.C. § 3125(1) (“Nothing in this title shall be construed as . . . granting any property right in any fish or wildlife or other resource of the public lands or as permitting the level of subsistence uses of fish and wildlife within a conservation system unit to be inconsistent with the conservation of healthy populations, and within a national park or monument to be inconsistent with the conservation of natural and healthy populations, of fish and wildlife.”)]... **The Senate Committee on Energy and Natural Resources also expressly rejected the idea that wildlife within the National Park System be managed under a system like that currently administered by the Alaska Board of Game (S. Rep. No. 96-413).**



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- **The Alaska National Interest Lands Conservation Act (ANILCA) does not allow for intensive management and predator control activities** to attempt to reduce predator populations for the purposes of increasing hunting of ungulates in national preserves (a management strategy promoted by the Alaska Board of Game). Rather, such practices are inconsistent with ANILCA's provision requiring the conservation of natural and healthy populations.
- The NPS Organic Act requires the NPS to manage the National Park System "to conserve the scenery, natural and historic objects and the wild life" and provide for visitor enjoyment of the same for this and future generations. **The NPS's management policies implementing the Organic Act reflect the agency's long tradition of nonintervention in wildlife dynamics.**
- In their 2015 rule (80 Fed. Reg. 64,325), the **NPS concluded that the extreme hunting and trapping methods promoted by the State of Alaska were not consistent with the NPS's implementation of ANILCA's authorization of sport hunting and trapping in national preserves, or NPS Organic Act.** Specifically, the NPS concluded the 2015 rule was necessary "to eliminate the adverse impacts associated with the Alaska Board of Game harvest regulations that are inconsistent with federal laws and policies intended to protect the resources and values of the National Park System in Alaska." These methods of hunting and trapping are still not consistent with ANILCA or the NPS Organic Act, and removing the protections provided by the 2015 rule would result in inconsistencies with those laws; would violate numerous federal mandates; would reverse the long-standing NPS policy position; and would contradict numerous factual determinations previously made by NPS.
- The NPS's discretion in wildlife management does not extend to allowing the State to implement predator reduction on national preserves, whether directly through intensive management programs or through liberalized sport hunting regulations directed by the Alaska Board of Game. **NPS 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), nor does the Service permit others to do so on lands managed by NPS.**
- The NPS's proposed rule indicates a purpose of the rule is to implement Secretarial Orders 3347 and 3356. However, Secretarial Order 3356 explicitly states "To the extent there is any inconsistency between the provisions of this Order and any Federal laws or regulations, the laws or regulations will control." **The proposed rule to apply State of Alaska hunting regulations to national preserves in Alaska would allow activities to occur which are inconsistent with Congressional intent, the Alaska National Interest Lands Conservation Act (ANILCA), the NPS Organic Act, and the Wilderness Act.**



2. The PROPOSED RULE to “apply the State of Alaska’s hunting regulations to national preserve lands” in Alaska by removing the 2015 wildlife protections MUST BE REJECTED because it is scientifically unjustified, procedurally flawed, and arbitrary and capricious.

- In the 2018 proposed rule, NPS has not provided compelling arguments, analyses, changes in the best available science, or evidence of a factual error, which would refute their previous assessment which led to the 2015 rule. Instead, the justification for the change is boiled down to the unsupported statements: “Taking into account the Secretarial Orders described above, NPS has reconsidered its earlier conclusions and determined that these previously prohibited practices can be allowed consistent with the goal of aligning its rules with those of the State,” and that the State “disputes that the hunting methods and seasons (allowed by the state but prohibited by current NPS regulations) are intended to function as a predator control program” and which are, according to the State, merely intended “to provide opportunity for harvest” of predators. **This contradicts numerous statements by the Board that it has liberalized methods and means specifically to achieve predator-reduction goals. To adopt the proposed rule and remove the indicated protections to wildlife implemented in the 2015 rule absent rigorous analyses or evidence does not constitute a rational connection between the facts found and the choice made.** As such, finalization of the proposed rule would be scientifically unjustified and arbitrary and capricious.
- The purpose and need for the proposed rule and associated environmental assessment are stated as being to implement Secretarial Orders 3347 and 3356, and to further streamline NPS actions with state actions. **The proposed method of implementation of those Orders disregards the rigorous review and public input process conducted in 2015, and reverses the decision with no sound or reasoned justification.** Finalizing the proposed rule would be procedurally flawed and arbitrary and capricious.
- In terms of further streamlining NPS activities with the State, as stated in the 2015 rule, it was the Alaska Board of Game (BOG) who suggested NPS take action which led to the 2015 rule:

“In deciding not to treat NPS lands differently from State and other lands, the BOG suggested the NPS was responsible for ensuring that taking wildlife complies with federal laws and policies applicable to NPS areas, and that the NPS could use its own authority to ensure national preserves are managed in a manner consistent with federal law and NPS policy. See, e.g., Statement of BOG Chairman Judkins to Superintendent Dudgeon, BOG Public Meeting in Fairbanks, Alaska (February 27, 2010) (NPS was testifying in opposition to allowing the take of black bear cubs and sows with cubs with artificial light in national preserves). In the absence of State action excluding national preserves, this rulemaking is required to make the temporary restrictions permanent. 36 CFR 13.50(d). This rule responds to the BOG’s suggestion by promulgating NPS regulations to ensure national preserves are managed consistent with federal law and policy and prevent historically prohibited sport hunting practices from being authorized in national preserves.”



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BOG Chairman Judkins said, "If we adopt this [predator control] proposal, you have all the authority in the world to control what happens on land that you own or have control over. I don't see where there's a problem. . . . I think you've got that ability to deal with this problem." **Thus, the logic that this proposed rule will streamline NPS actions with State's management is flawed, as it was the State who indirectly suggested NPS take the action to develop the protective regulations in the first place.** To change the rule based on this flawed logic is arbitrary and capricious.

- Based on the State of Alaska's Board of Game's history and record, the conclusions by the NPS as presented in the 2015 final rule (80 FR 64325), which stated, "Additional liberalizations by the State that are inconsistent with NPS management...are anticipated in the future" are still accurate today, and reversal of the protections of the 2015 are likely to expedite those additional liberalizations. **A change in a political appointee does not equate to a change in science or facts which led to the 2015 rule.** To assume otherwise and to propose the reversal of a rule which was based on a rigorous review of scientific data and extensive public involvement (over 70,000 submissions and 26 public meetings) is scientifically unjustified and arbitrary and capricious.
- The 2015 rule was not a major change from the status quo and did not functionally change the hunting and trapping opportunities on national preserves (NPS had been issuing temporary regulations in annual compendiums to prevent these conflicting state regulations from applying in national preserves). However, to completely do away with such protections is a significant, and controversial change. **These factors dictate that under the National Environmental Policy Act (NEPA), an agency must prepare a full Environmental Impact Statement (EIS), unlike the perfunctory Environmental Assessment (EA) that NPS conducted after the original comment period on the proposed action was advertised.** Thus, this proposed action is procedurally flawed.
- The NPS has provided conflicting logic regarding off-leash dogs on NPS lands. In the 2015 Rule, NPS prohibits hunting black bears with the use of dogs. Using dogs to hunt black bears involves letting the dogs run free to track the bear. As noted by the NPS when adopting the 2015 Rule, "the use of unleashed dogs to hunt black bears is one of the practices that is inconsistent with the traditional 'sport hunting' that is authorized by ANILCA." In most National Parks and Preserves, dogs are only permitted in restricted areas and must be leashed. In the 2015 Rule, NPS also stated that it was acceptable to have traps placed near residential areas and trails because it would be unlikely for dogs to get caught in those traps since dogs must be leashed while on NPS lands. This is a clear inconsistency in the logic and implementation of NPS standard regarding leashed dogs on NPS lands. **To allow off-leash dogs for bear hunting purposes, while also arguing that traps near residential areas and trails are not a threat to dogs because they must be leashed, is flawed logic. Regardless of the reason a dog may be off-leash, the threats to the dog from trapping remain, and are potentially heightened when associated with chasing a bear.** NPS should maintain consistency in the application of leash rules. To assume traps are only a threat to unleashed dogs when not engaged in bear hunting activities is arbitrary and capricious.



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3. The PROPOSED RULE to “apply the State of Alaska’s hunting regulations to national preserve lands” in Alaska by removing the 2015 wildlife protections MUST BE REJECTED because it violates the basic principles of wildlife conservation.

- **The proposed rule omits or runs contrary to a key concept identified in both EO 13443 and SO 3356 – wildlife conservation.** No reasonable argument has been presented to the public to identify how wildlife are being conserved through a process which allows such extreme hunting methods, and which is based upon supporting an intensive predator control management plan for the sole purpose of bolstering abundance of game species to appease a small number sport hunters and trappers. Ecosystems and the wildlife populations they support can be managed in a way that allows for natural systems to thrive while also allowing for reasonable sport uses; however, the proposed methods, based upon the State of Alaska’s Board of Game management plan, do not represent the basic concept of wildlife conservation.
- Contrary to a basic definition of wildlife conservation, the Alaska Board of Game’s management strategies target killing predators (wolves and bears) for the purpose of increasing opportunities for big game (moose and caribou) hunters and trappers. **Unlike the Board of Game’s strategies of predator control, in many of Alaska’s national preserves predator species like wolves and brown bear are specifically listed as species that the National Park Service is obligated to protect.** (see National Park Service, Wildlife Harvest on National Park System Preserves in Alaska: Environmental Assessment, Sept. 2014).
- **Given the NPS’s Organic Act, the agency should generally err on the side of conservation, especially in situations where data are limited.** Removing wildlife protections, especially with no scientific justification, is not erring on the side of conservation.
- The 2018 Rule fails to protect natural systems, processes, and wildlife populations, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife by allowing measures like baiting, use of artificial light at den sites, snaring, and use of dogs. **None of these measures are consistent with federal mandates and NPS policies, nor are they consistent with the general concept of wildlife conservation.**
- Merriam-Webster online dictionary defines conservation as “a careful preservation and protection of something, especially planned management of a natural resource to prevent exploitation, destruction, or neglect.” **The proposed rule would not preserve or protect the natural environment, but rather would exploit it for purposes of economic interests.**

4. The PROPOSED RULE to “apply the State of Alaska’s hunting regulations to national preserve lands” in Alaska by removing the 2015 wildlife protections MUST BE REJECTED because it is not in the best interest of all Americans.



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- The prohibitions on extreme hunting and trapping methods put in place by the NPS in 2015 only affected a very small percentage of hunters in Alaska, and even fewer Americans. Hunting and trapping are still allowed in NPS lands. **The 2015 rule only restricted these extreme methods in less than 6% of the lands in Alaska that are open to hunting** (see 2015 final rule). **Furthermore, the 2015 rule did not apply to subsistence uses.**
- A poll of Alaskan voters in February 2009, conducted by Remington Research Group on behalf of The Humane Society of the United States (HSUS), concluded that 63% of Alaskans oppose the practice of killing black bears, wolves and coyotes while they are in the den with their cubs and pups; 59% oppose the use aircraft to scout for bears, land, and then kill those bears the same day, or to shoot bears from aircraft; 58% oppose allowing the use of steel-jawed, leg-hold traps and wires snare to kill bears; only 39% of Alaskans support bear baiting. Thus, **not even a majority of Alaskans, let alone all Americans, support these activities.**
- In their 2018 proposed rule, NPS states that Secretarial Order 3356 directs the NPS to “work in close coordination and cooperation with the appropriate state wildlife agency to begin the necessary process to modify regulations in order to advance shared wildlife conservation goals/objectives that align predator management programs, seasons, and methods of take permitted on all Department-managed lands and waters with corresponding programs, seasons, and methods established by state wildlife management agencies.” The proposed rule attempts to “align” NPS’s programs with the State of Alaska’s hunting regulations by disregarding long-standing NPS policy, as well as a rigorous public process in 2015 which resulted in the protections in the first place. The fact that **from 2001-2014, NPS unsuccessfully objected to over 60 proposed regulatory changes by the Board of Game that would make it easier to kill bears, wolves and other predators in national preserves, and that they had to establish the prohibitions in the first place, is evidence that the two groups do not have “shared wildlife conservation goals/objectives”**. **Not only does the Alaska Board of Game perspective on this topic not reflect the majority of Alaskans, but is not supported by the agency tasked with taking actions in the best interest of all Americans.** As such, the proposed rule inconsistent with the direction from Secretarial Order 3356.
- The NPS is a Federal agency with an obligation to take actions which are in the interest of all Americans. For example, the Wilderness Act of 1964 states wilderness areas “shall be administered for the use and enjoyment of the American people in such manner as will leave [the area] unimpaired for future use and enjoyment as wilderness.” 16 U.S.C. § 1131(a). **To disregard this Federal obligation and make a decision that reflects the perspective of only a very small minority of Alaskans— and an even smaller minority of all Americans—is inconsistent with requirements of a Federal agency.**
- An argument has been made that comments from Alaskans should hold more weight than those from other Americans. This argument is inconsistent with the statutory purpose for establishing the national preserves in Alaska, which was for the benefit, use, education, and inspiration of present and future generations of all Americans. As such, the **comments from all Americans are to be considered equally.**



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How you can comment

The Department of Interior has extended the public comment period until 7:59pm (AKDT) on November 5th for both the proposed rule change and the environmental assessment regarding sport hunting and trapping on National Preserves in Alaska. You can submit the same comment through both portals, doubling your impact.

[Comment on the proposed rule change now!](#)

[Comment on the Environmental Assessment now!](#)

Please note: There is no direct email address to submit comments. Comments are accepted only via the above link, or by hand or mail addressed to:

National Park Service
240 West 5th Ave.
Anchorage, AK 99501

For the proposed rule change: ATTN: Regional Director, Alaska Regional Office, RIN 1024-AE38

For the Environmental Assessment: ATTN: Sport Hunting and Trapping in National Preserves EA- Alaska Regional Office, EPC



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What Makes an Effective Public Comment for Federal Rulemaking Actions?

When commenting on proposed Federal rulemaking actions, there are misconceptions that reduce the effectiveness of one's submission. To try and help you have the most effective impact when voicing your perspectives to a Federal agency during a public comment period, below we have provided some helpful tips and links.

It is not a popularity contest.

- A form letter signed by thousands of people is often only considered as one comment. Consider submitting comments in your own words instead of, or addition to, signing form letters.
- It doesn't really matter how many people said they support or don't support the proposed action, what matters is the extent of the substantive comments received during the public comment period. *Feel free to use facts from this sheet to support your argument.*

Submit "substantive" comments.

- According to the 2015 National Park Service's NEPA Handbook, "substantive" comments:
 - question, with reasonable basis, the accuracy of the information in the document;
 - question, with reasonable basis, the adequacy of the environmental analysis;
 - present reasonable alternatives other than those presented in the document; or
 - cause changes or revisions in the proposal.
- Any comments deemed "non-substantive" are in danger of not being included in any additional analyses, and thus will not influence a decision. They essentially may be dismissed.

Help them help you.

- When crafting your comments, be respectful and recognize the constraints of the agency's authority and provide the tools and information necessary to for them to fight for your perspective.
- When trying to influence the Federal rulemaking process, facts and data are your friend. Any evidence you can provide to support your statements are helpful.
- When preparing your written comments, make sure your main points are easy to find and stand out, otherwise they may be missed if the reviewer only has time for a quick scan.

There are numerous resources available to help you understand the Federal rulemaking process and how to write more effective public comments. Here are a couple we think are useful.

- [A Guide to the Rulemaking Process](#)
- [Regulations.Gov – Public Comments Make a Difference](#)
- [Regulations.Gov – Tips for Submitting Effective Comments](#)
- [Regulations.Gov – Frequently Asked Questions](#) (about the rulemaking process and commenting via regulations.gov)
- [Public Participation in Environmental Decision-Making: Step-by-Step Tips for Writing Effective Public Comments](#) (by the Environmental Law Institute)
- [2015 National Park Service's NEPA Handbook](#) (go to page 82 to learn about substantive comments)



Fact Sheet on the 2018 Proposed Rule to remove 2015 regulations which prohibited intensive sport hunting and trapping methods on national preserves in Alaska.

Acronyms

ANILCA	Alaska National Interest Lands Conservation Act (16 U.S.C. § 3201)
AWA	Alaska Wildlife Alliance
BOG	State of Alaska's Board of Game
CFR	Code of Federal Regulations (where final federal regulations are published and codified)
DOI	Department of the Interior; National Park Service is part of the Department of the Interior
FR	Federal Register (where federal agencies advertise their actions or solicit public comments via public notices, proposed rules, final rules, etc.)
NPS	National Park Service