



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region

240 West 5th Avenue, Room 114

Anchorage, Alaska 99501

IN REPLY REFER TO:

N1615
(AKRO)
October 15, 2004

Mr. Mike Fleagle, Chairman
Alaska Board of Game
Board Support Section
P.O. Box 25526
Juneau, Alaska 99802-5526

Dear Chairman Fleagle:

The National Park Service (NPS) appreciates the opportunity to comment on proposals being considered by the Alaska Board of Game. For this meeting we focus our attention on Proposal 69 and three regulations amended or adopted in March 2004: Control of predation by wolves, 5 AAC 92.110 (j); Control of predation by bears, 5 AAC 92.115 (h) and Wolf Predation Control Implementation Plan 5 AAC 92.125(7), the Central Kuskokwim area.

Proposal #69:

While we understand the State's interest and authority to use predator control as a management tool, this activity requires NPS concurrence to be conducted on NPS managed lands. We note that the Board, until March 2004, has not included NPS managed lands in predator control areas. In fact, they have been specifically excluded in the past.

Proposal 69 proposes to begin predator control activities for wolves and bears on all the lands in Game Management Unit (GMU) 12 and 20 E. Significant portions of Wrangell - St. Elias National Park and Preserve and Yukon-Charley Rivers National Preserve lands are found in these units. Contrary to existing Wolf Predation Control Implementation Plans found at 5 AAC 92.125 (1)–(6) there is no proposed exclusion for NPS or Federal lands in this Upper Yukon/Tanana area. Because this activity has not been approved by the NPS for NPS areas in GMU 12 and 20E it presents a significant conflict between State and Federal management. Implementation of the proposal, as written, may put members of the public and others participating in the program at risk of violating Federal law and NPS regulations. This is an unwarranted risk and one that is fully avoidable.

The National Park Service Organic Act of 1916 and its amendments lay out the foundation for NPS management practices. The Alaska National Interest Lands Conservation Act (ANILCA) prescribes a management regime for Alaska's NPS units that are consistent with the National Park Service Organic Act and its amendments. Taken together, these Congressional mandates are different than those prescribed for other Federal lands and different than those prescribed by State statutes and regulations.

We request that you amend the proposal so that the resulting State regulation does not conflict with Federal law and NPS regulation. This can be accomplished by adding an exclusion for NPS lands, as has been done in numerous other wolf predation control implementation plans enacted by the Board of Game. State regulations can be clear that this area does not include NPS lands. The conflict presented by the proposal will be removed.

Control of predation by wolves, 5 AAC 92.110 (j); Control of predation by bears, 5 AAC 92.115 (h)

We believe these regulations were amended and adopted as a result of deliberations concerning Proposal 67 at your March 2004 Board meeting. With the amendment of 5 AAC 92.110 (j), for wolves and the adoption of the same language in 5 AAC 92.115 (h), for bears you have removed the State's requirement for obtaining *consent* from Federal land managers and replaced the requirement with one of *consultation*. The amended language for wolves and language adopted

for bears in problematic in our view. We believe it creates the opportunity for assuming NPS concurrence when it may not have been given.

We request that you amend both regulations back to the form of 5 AAC 92.110 (j), existing prior to your March 2004 meeting wherein obtaining *consent* from the Federal land manager was a requirement. That language reads: *No activity involving wolf population reductions or wolf population regulation on national park, preserve, monument, wildlife refuge, or military land may be conducted without the consent of the applicable land manager.*

Wolf Predation Control Implementation Plan 5 AAC 92.125 (7), the Central Kuskokwim Area

As with Proposal 69, this regulation is in conflict with Federal law and NPS regulations. We request that you amend this regulation by adding an exclusion for NPS lands in 5 AAC 92.125(7). This would result in the regulation being similar to the original proposal considered by the Board of Game in March 2004. Implementation of the plan in Lake Clark National Preserve will put members of the public and others participating in the program in jeopardy of being cited by NPS law enforcement officers for violations of NPS regulations. Again, this is an unwarranted risk and one that I wish to avoid.

Finally, we believe that the actions taken by the Board of Game regarding 5 AAC 92.125(7), 5 AAC 92.110 (j), 5 AAC 92.115 (h) and the possible adoption of Proposal 69 conflict with the existing Master Memorandum of Understanding between the Alaska Department of Fish and Game and the National Park Service. In that agreement, among other things, the Department of Fish & Game agreed to:

1. *To recognize the Service's responsibility to conserve fish and wildlife and their habitat and regulate the human use on Service lands in Alaska, in accordance with the National Park Service Organic Act, ANILCA, and other applicable laws.*
2. *To manage fish and resident wildlife populations in their natural species diversity on Service lands, recognizing that nonconsumptive use and appreciation by the visiting public is a primary factor.*
3. *To consult with the Regional Director and her representative in a timely manner and comply with applicable Federal laws and regulations before embarking on management activities on Service lands. As well as,*
5. *To recognize that National Park Service areas were established, in part, to "assure continuation of the natural process of biological succession" and "to*

maintain the environmental integrity of the natural features found in them.”

We see no value in the Board of Game supporting a proposal which if enacted without amendment places the Department of Fish & Game in conflict with an existing agreement.

In summary, we fully recognize the significance of the issues we have raised. We seek amicable solutions to these concerns. My staff is available to meet with Board of Game staff and or Department of Fish and Game staff to work out any needed details. We appreciate your and the entire Board's dedication to these and other issues dealing with the State's wildlife resources.

Sincerely,



Marcia Blaszak
Regional Director

cc:

Kevin Duffy, Commissioner, ADF&G
Joel Hard, Superintendent LACL
Dave Mills, Superintendent YUGA
Hunter Sharp, Acting Superintendent, WRST
Judy Gottlieb, Associate Regional Director
Sandy Rabinowitch, Subsistence Manager
Cam Toohey, Special Assistant to the Secretary for Alaska
Rowan Gould, Regional Director, FWS
Julie Hopkins, Superintendent, WEAR
Sally Gibert, State ANILCA Program

bcc: Official File
Reading File

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