



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

Department of Fish and Game

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Deputy Secretary David Bernhardt  
Department of the Interior  
1849 C Street, N.W.  
Washington, DC 20240

Dear Deputy Secretary Bernhardt:

Governor Dunleavy has asked me to respond to your September 27, 2018, letter regarding the Department of Interior's (DOI) priority to "Restore Trust and Be a Good Neighbor."

Let me begin by saying we appreciate the efforts through Secretarial Orders 3347 and 3356 and the recent state management authority directive memorandum to improve consistency with state fish and wildlife management. Certain DOI regulatory and policy issues affect the ability of the State to fulfill its statutory responsibilities as the recognized manager of fish and wildlife resources. State agencies have traditionally been the primary managers of fish and game within their borders. In Alaska, these rights were bestowed to us under the terms of our statehood compact and subsequently confirmed in other Congressional actions including the Alaska National Interest Lands Conservation Act (ANILCA). Under this regime, Alaska has done an excellent job in managing our fish and game resources.

In recent years, however, federal agencies have increasingly begun to intrude into Alaska's authorities to manage fish and game resources and their uses. This is concerning especially as state mandates are increasingly differing from DOI agency mandates that, in our opinion, are administratively developed and not aligned with our view of federal law and Congressional intent. Increasingly, this is causing conflict and is impacting Alaskan residents.

Attached are a series of issues the state has identified that are causing conflict. The issues are briefly described with recommendations on how to revise the regulations or policy to better reflect the interests of Alaska. The majority are long held issues that we have repeatedly sought resolution to without success, and that have been compounded by increasingly complex and overlapping DOI policies from previous administrations. Despite the special Congressional compromises in ANILCA which established or redesignated all of Alaska's national park system units and wildlife refuges, it has become increasingly difficult for the public to hunt and trap, and for the State to conduct its every day work, in park units and refuges in Alaska because nationwide policies overwhelm the State's ANILCA-based concerns. The National Park Service (NPS) and U.S. Fish and Wildlife Service (USFWS) often dismiss these concerns as minor or

local, even though Alaska refuges and park units comprise a majority of the systems' land areas. As a result, fish and wildlife management and public use in Alaska are hindered by national policies which simply do not recognize the unique management situation in Alaska or the legal provisions for fish and wildlife use and management. For the most contentious issues, our perception is that the agencies first identify the state managed activity with which they disagree and then identify the policy with which to restrict it, at which point it becomes a constantly moving target in a whack-a-mole type exercise, with the state countering the policies followed by the federal agency changing its restriction rationale to a different policy. We suggest that meaningful consultation with the State as well as Alaska exceptions to national policies which conflict with ANILCA could end this unnecessary and wasteful pattern.

We recognize the value of recent executive and secretarial orders that emphasize improving collaborative and transparent relationships with the states, easing lengthy and overly burdensome permitting and regulatory requirements, and increasing opportunities for public use on federal lands.

Our priority issues are:

- *State of Alaska v. Zinke*: 36 CFR Part 13 Wildlife and closure process regulations
- Policies implementing the National Wildlife Refuge System Improvement Act, the National Park Service Organic Act, and ANILCA: recognizing state fish and wildlife management responsibilities
- Policies implementing the Wilderness Act: recognizing state fish and wildlife management activities
- Federal Subsistence Board: increasing and improving state involvement
- Endangered Species Act: amend policy regarding critical habitat and foreseeable futures

In closing, we appreciate the opportunity to work with you to resolve these long-standing issues and thereby improve the working relationship between DOI and State of Alaska agencies. If you have any questions, please feel free to contact me.

Respectfully,



Doug Vincent-Lang  
Acting Commissioner

cc: The Honorable Don Young, U.S. House of Representatives  
The Honorable Lisa Murkowski, U.S. Senate  
The Honorable Dan Sullivan, U.S. Senate  
Mr. John Moller, Senior Policy Advisor, Office of the Governor, Alaska  
Mr. Steve Wackowski, Senior Advisor for Alaskan Affairs, U.S. Department of Interior