



June 4, 2020

Public Comments Processing

Attn: FWS-HQ-NWRS-2020-0013

U.S. Fish and Wildlife Service; 5275 Leesburg Pike, MS:

PRB/PERMA (JAO); Falls Church, VA 22041-3803

(Submitted electronically)

Re: 2020-2021 Station-Specific Hunting and Sport Fishing Regulations

[Docket No. FWS-HQ-NWRS-2020-0013; FXRS12610900000-201-FF09R20000]

The Alaska Department of Fish and Game (Department) reviewed the proposed 2020-2021 Station-Specific Hunting and Sport Fishing Regulations. The proposed rule significantly expands hunting and sport fishing opportunities in the National Wildlife Refuge System. The Department fully supports this and commends the Service for opening these refuges in the lower 48 States. The rule also includes an Alaska closure to prohibit domestic sheep, goat, and camelid pack animals on the Arctic National Wildlife Refuge.

While we appreciate the Alaska Regional USFWS (Service) office reaching out to the Department and providing early notice of the proposed closure, we object to the Service including this Alaska closure in the annual Station-Specific regulation process. The prohibition of camelid pack animals is a prohibition on nonmotorized means of surface transportation and therefore regulated under 43 CFR 36.11(h). The proposed rule makes no mention of the Alaska National Interest Lands Conservation Act (ANILCA) or the process for refuge closure requirements in Alaska under 43 CFR 36. Further, this approach disregards our prior comments on the 2019-2020 Station-Specific Hunting and Sport Fishing Regulations concerning the practice of including Alaska refuges in the annual Station-Specific rulemaking.

ANILCA and its implementing regulations are intended to provide a closure process tailored to Alaska's unique conditions, including adherence to certain closure criteria, requirements to hold hearings in affected communities and other vicinities as appropriate, and to provide notice by methods intended to reach rural communities with limited access and internet service. It is not appropriate to include openings or closures for Alaska refuges under 50 CFR 36 and 43 CFR 36 in the annual Station-Specific Hunting and Sport Fishing Regulations.

We request the Service withdraw the current proposal for the Arctic National Wildlife Refuge in this Station-Specific rulemaking and propose the closure in a separate, appropriately labeled, Federal Register notice to alert affected Alaskans and other interested public of a proposed closure in an Alaska refuge, consistent with the required process under 43 CFR 36.11(h) and 50 CFR 36. Further, we request the Service expressly commit in this final rulemaking to exclude Alaska refuges from future annual Station-Specific rulemaking. Finally, in the spirit of the proposed rule, we request the Service move forward with Alaska refuge specific rulemaking to address hunting and fishing opportunities discussed in our September 30, 2019 "Good Neighbor" update letter

to the Service regarding recommendations for policy alignment, opportunities to increase public access, and the anticipated regulation package for the Kenai NWR, which together, would expand hunting and fishing opportunities in Alaska refuges.

One last point, since we commented on the 2019-2020 Station-Specific Hunting and Sport Fishing Regulations, the U.S. Supreme Court ruled in favor of John Sturgeon, recognizing that the National Park Service cannot impose regulations on lands it does not own. The Court affirmed the State's right to manage fish, wildlife, and public access over non-federal lands, including submerged lands. As we mutually strive to improve federal and state relations, we encourage the Service to work with the State to remove any restrictions that infringe on the State of Alaska's jurisdiction.

The Department looks forward to working with the Service on a meaningful collaborative process to remove duplicative and unnecessary regulations in Alaska refuges and achieve mutual agreement in managing these lands for the public benefit. Please contact me at 267-2248 if you have any questions or to schedule follow-up meetings on these issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Don Perrin", written in a cursive style.

Don Perrin
ANILCA Program Manager
Alaska Department of Fish & Game

cc: Eddie Grasser, Director, Division of Wildlife Conservation
Sue Magee, State ANILCA Program Coordinator