Statement by the Honorable Dan Sullivan on: "Federal Interactions with State Management of Fish and Wildlife." Subcommittee on Fisheries Water, and Wildlife; February 9, 2016

Good afternoon. The purpose of this hearing is to examine the interactions States have with the federal government as they seek to manage the fish and wildlife resources within their borders. Since the founding of our Republic, the states—not the federal government—have had primacy over the management of wildlife. In the case of Alaska, our Statehood Act even included language to affirmatively transfer management authority to the State. These rights were further guaranteed under the Alaska National Interest Lands Conservation Act (ANILCA) of 1980.

By reserving certain powers to the various states, the unique needs of each of those states to manage and control their resources are preserved. Alaska, for example, has an excellent history of sustainably managing our own fish and wildlife resources for the benefit of all Alaskans. And when the federal government and the states have been able to work together cooperatively—whether through the Pittman-Robertson or Dingell-Johnson Acts or other direction from Congress, species have benefited.

Having entered the union on equal footing, the states enjoy management authority unless modified or diminished by an Act of Congress. And, on a handful of occasions, Congress has modified the authority of the states. The Migratory Bird Treaty Act, Endangered Species Act, Bald and Golden Eagle Protection Act, Marine Mammal Protection Act, and Title VIII of the ANILCA are all examples of where this is the case.

Preemption can severely affect the management authority of the states, most markedly with the Endangered Species Act, which leads to a federal takeover of species management and land-use under very specific circumstances.

I am not always in favor of such preemption, but the authorities of these Acts aren't nearly as damaging—to my state and to our system of government—as ones carried out by agency fiat. When agencies, as they increasingly do, seek to bypass the will of Congress through regulations, it's federal overreach at its worst.

In Alaska, conservation is not only a matter critical to our quality of life and customs and traditions. It is also a matter of social justice for our most remote communities who depend on nature's bounty for food. Anytime the federal

government intrudes into our sovereign responsibility to sustain and manage fish and wildlife populations, it's of great concern to Alaskans.

That's why one major newspaper in Alaska referred to a proposed rule from the U.S. Fish and Wildlife Service that would preempt Alaska's management in this way: "Alaskans should be clearly concerned — even alarmed — that these proposed rules are just more in a long list of attempts by the federal government to amend the Alaska Statehood Act."

The National Wildlife Refuge System was created by President Theodore Roosevelt in 1903, when he created the first refuge by Executive Order. Today, the Refuge System is comprised of 560 refuges and 150 million acres that have been reserved for the conservation of fish and wildlife. In Alaska, the Fish and Wildlife Service manages nearly 77 million acres of land in 16 national wildlife refuges.

These refuge lands are not parks or national monuments, but rather are intended for priority public wildlife-dependent uses for hunting, fishing, wildlife observation, photography, environmental education and interpretation. Refuges are conservation units, not preservation units.

The proposed regulations as currently written, seek to alter that balance, and will fundamentally alter not only how national wildlife refuges and the fish, wildlife and habitats on them will be managed, but will also change the relationship of the Service and the individual states from one of cooperation to subservience. The proposed Alaska regulations are not based on any of the laws I referenced earlier, but rather on an ideology that was implemented into a policy that the FWS now seeks to fold into regulation.

With these regulations, the Fish and Wildlife Service will administratively impose its will via regulatory action. In doing so, they will preempt science-based management approved by the Alaska Board of Game in an open, public process. For those outside of Alaska, know that once this rule is adopted in Alaska, there is no limiting its spread to other states.

Last fall, the National Park Service finalized similar rules that would prohibit several forms of hunting in preserves in Alaska, and would allow superintendents to simply post a notice online preempting state wildlife laws and regulations. Calling the rule, "overreaching, vague, and indiscriminate," the Alaska Federation of Natives passed a resolution in opposition. That same resolution stated, "Other federal agencies such as the U.S. Fish and Wildlife Service also apply various rules

that interfere with traditional resource management practice that reduce subsistence access."

In both cases, the rules that are being preempted are based on practices that subsistence hunters requested to the Alaska Board of Game, again in an open, public process, to provide food security or for passing on their traditional practices.

We're fortunate to have all three of our witnesses here today, and I look forward to discussing this important topic with them.