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## FEDERAL INTERACTIONS WITH STATE MANAGEMENT OF FISH AND WILDLIFE

TUESDAY, FEBRUARY 9, 2016

U.S. SENATE

Committee on Environment and Public Works

Subcommittee on Fisheries, Water and Wildlife

Washington, D.C.

The subcommittee met, pursuant to notice, at 2:34 p.m. in room 406, Dirksen Senate Building, the Honorable Dan Sullivan [chairman of the subcommittee] presiding.

Present: Senators Sullivan, Barrasso, Capito, Boozman, Fischer, Rounds, Inhofe, Whitehouse, and Gillibrand.

STATEMENT OF THE HONORABLE DAN SULLIVAN, A UNITED STATES SENATOR  
FROM THE STATE OF ALASKA

Senator Sullivan. The Subcommittee on Fisheries, Water and Wildlife will now come to order. Good afternoon to our witnesses.

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. I think a lot of people have a misunderstanding of this very important principle. Since the founding of our Republic, the States, not the Federal Government, have had primacy over the management of wildlife within their borders.

In the case of Alaska, our Statehood Act, passed by Congress, even included language to affirmatively transfer management authority of fish and wildlife management to the State. By reserving certain powers to various States, the unique needs of each of those States to manage and control their resources are preserved. That is why traditionally there is State management for all States.

Alaska, for example, has an excellent history of sustainably managing our own fish and wildlife resources for the benefit of our citizens and when the Federal Government and the States have been able to work together cooperatively, which we usually do, whether through the Pittman-Robertson or Dingell-

Johnson Acts or other direction from Congress, species have benefited and the overall management have significantly benefitted.

Having entered the Union on equal footing, all States enjoy management authority unless modified or diminished by an Act of Congress. There are many examples of this where Congress does act to preempt State management authority whether it be the Migratory Bird Treaty Act, Endangered Species Act, the Bald and Golden Eagle Protection Act, Title 8 of the ANILCA. These are all examples where the Federal Government has taken that management authority and preempted it. I am not always in favor of such preemption, but the authorities of these Acts are not nearly as damaging to our States and to our federalism system of government as ones carried out by agency fiat.

In many ways, that is what we are going to focus on today where the Congress makes clear that the Federal Government has authority, agencies clearly have that prerogative and States abide by that. The broader concern is where it is not clear and federal agencies take actions that do not seem to focus on the rule of law or federal statutes.

In my State, 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. Any time the Federal

Government intrudes into our sovereign responsibility to sustain and manage fish and wildlife populations, it is of great concern to all Alaskans.

I want to emphasize a theme that develops sometimes unfortunately in this committee is that it is always partisan; one side only wants to protect the environment. I think we all want to protect the environment. Most of these concerns, in my experience, are very bipartisan in terms of protecting the environment but also in terms of how States manage their resources.

That is why one major newspaper in Alaska referred to a recently proposed rule from the U.S. Fish and Wildlife Service that would preempt Alaska's management of fish and game in the following way: "Alaskans should be clearly concerned, even alarmed, that these proposed rules by the Federal Government, are just more in a long list of attempts by the Federal Government to amend the Alaska Statehood Act and have preemption in terms of fish and wildlife management."

Last fall, the National Park Service finalized similar rules that 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 overarching, vague and indiscriminate, the Alaska Federation of Natives passed a resolution in opposition, again,

a group that is very bipartisan in my State.

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 reduces subsistence access to our citizens." In both cases, the rules 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 for passing on their traditional practices.

We are fortunate to have three very distinguished witnesses here today to look forward to a more detailed discussion on this important issue of the interchange between federal and State management of our important wildlife resources.

Senator Sullivan. I am glad to have the witnesses here and my Ranking Member, Senator Whitehouse, join me for this important hearing. I will turn to him for his opening statement.

[The prepared statement of Senator Sullivan follows:]

STATEMENT OF THE HONORABLE SHELDON WHITEHOUSE, A UNITED STATES  
SENATOR FROM THE STATE OF RHODE ISLAND

Senator Whitehouse. Thank you, Chairman. It is good to be with you.

Looking at the witness testimony and the scope of this hearing, I guess I should first note that although the word environment is in the name of this committee, it does not mean we get to stake claim to all things water and all things soil. In the written testimonies of both Mr. Vincent Lang and Mr. Regan, their reference is to the National Park Service. The relationships of State Fish and Wildlife agencies with other federal agencies like the National Park Service and Forest Service may be worth reviewing. They are not jurisdictional to this committee.

It is also worth pointing out that a critical witness is not present at today's hearing. Though the bulk of testimony and discussion from this hearing will be focused on the U.S. Fish and Wildlife Service, its director, Dan Ashe, was not invited to participate. In a discussion about the Fish and Wildlife Service's rules and regulations and how they are affecting State agencies, the Service should be here to explain and if necessary, defend its actions.

The problems here may be regional, but whatever the issue, I should note that many States manage to get along very well

with these federal agencies. Successful cooperation and collaboration between State and federal agencies, I would argue, is actually the norm. Serious conflicts are an anomaly.

In my State of Rhode Island, Cathy Sparks, Assistant Director of Natural Resources at the Rhode Island Department of Environmental Management, notes, "A spirit of collaboration exists in the Northeast between State fish and wildlife agencies and their U.S. Fish and Wildlife Service counterparts."

Rhode Island has a "good working relationship with the Service, especially with issues concerning national wildlife refuges and Endangered Species Act implementation." Assistant Director Sparks shared particular appreciation for the Fish and Wildlife Service's willingness to maintain what she called "open dialogue with the State and a track record of being both reasonable and forthcoming."

I do not think the Rhode Island experience is unique. As Mr. Barry indicated in his testimony, Nick Wiley, Executive Director of the Florida Fish and Wildlife Conservation Commission, mirrored the Rhode Island Department of Environmental Management's comments in noting "the longstanding collaborative and positive relationships" that his State has with the Service.

Effective management of our Country's land, air, water and wildlife is reliant upon cooperation between States and Federal

Government. We are not one sovereign or another and they are dual sovereigns. Throughout the many statutes that govern natural resource management and the relationship between Federal and State authorities, the words "collaboration," "cooperation," and "in consultation with," litter the text.

Though States are given significant deference in federal fish and wildlife decision-making, the laws make clear that State interests cannot come at the cost of conservation, especially not on the public lands held in trust for the enjoyment of all Americans.

I look forward to working with you on this. I understand that Alaska has particular concerns and perhaps those can be dealt with on a State or regional basis. But I would contest any premise that this is a national categorical problem, certainly based on Rhode Island's experience. We have a terrific relationship with our federal counterparts. I think many States enjoy and manage to accomplish the same.

Thank you, Mr. Chairman.

[The prepared statement of Senator Whitehouse follows:]

Senator Sullivan. Thank you, Senator Whitehouse.

I want to welcome our witnesses. Mr. Ronald J. Regan is the Executive Director of the Association of Fish and Wildlife Agencies. Mr. Doug Vincent Lang is the former Director of the Alaska Division of Wildlife Conservation. Mr. Donald Barry is the Senior Vice President, Conservation Program, Defenders of Wildlife.

Witnesses have five minutes to deliver their oral statements. Longer written statements will be included in the record. I am very excited to have such a distinguished group of witnesses here today.

Mr. Regan, let us begin with you. You have five minutes to deliver your statement.

STATEMENT OF RONALD J. REGAN, EXECUTIVE DIRECTOR, ASSOCIATION OF  
FISH AND WILDLIFE AGENCIES

Mr. Regan. Thank you, Chairman Sullivan and Ranking Democrat Whitehouse, for the opportunity to share with you our perspectives on federal interaction with State management of fish and wildlife.

As the introduction suggested, I am Ron Regan, Executive Director of the Association of Fish and Wildlife Agencies, of which all 50 State fish and wildlife agencies are members. The Association's mission, which has not changed significantly from our founding in 1902, is to protect State agency authority to conserve and manage the fish and wildlife within their borders.

State governments hold title to fish and wildlife as trustees of these resources for their citizens. Regulating take for hunting and fishing resides under that authority. Case law at all levels up to the Supreme Court upholds that trustee ownership in the State agencies.

Where Congress has given federal agencies certain conservation responsibilities and thus authority for fish and wildlife, Congress has also affirmed that State jurisdiction is concurrent with the federal authority starting with the Migratory Bird Treaty Act in 1918 and continuing for federally-listed threatened and endangered species under the ESA and certain migratory and anadromous fish under the Anadromous Fish

Conservation Act.

Congress affirmed State agency authority for fish and wildlife management on federal lands in organic Acts for the U.S. Fish and Wildlife Service, the Bureau of Land Management, the U.S. Forest Service and the Department of Defense military installations. Each statute directs that to the maximum extent practicable, hunting and fishing seasons and bag limits shall conform to State agency regulations. In general, State agencies enjoy a good working relationship with the federal agencies but they strive constantly to improve that for the benefit of fish and wildlife resources and constituents.

Contemporary examples include State-federal task force collaboration on administration of the Wildlife and Sport Fish Restoration Program and federal implementation of the ESA. Recent conservation success stories for Greater Sage Grouse, Lesser Prairie Chicken, Monarch Butterflies and the New England Cottontail attest to the strength of the State-federal partnership.

That being said, my written testimony suggests there are foundational, jurisdictional concerns with managing elk in Wind Cave National Park in South Dakota, recreational fisheries management and access in the Biscayne National Park of Florida and wilderness designations for two national forests in Arizona.

However, today I will focus my brief time on proposed

rulemaking for Alaskan national wildlife refuges and preserves that would change how the Alaska Department of Fish and Game manages fish and wildlife resources on those refuges.

The Association appreciates the Chair's accepted amendment to the Bipartisan Sportsmen's Act which would prohibit the Fish and Wildlife Service from further action on its proposed regulation and preclude implementation of the like National Park Service regulation. The Association has requested a comment period extension and we will continue to work with the Fish and Wildlife Service to address our concerns.

If enacted, the proposed rule would usurp Alaska's authority to manage fish and wildlife for sustained yield including predators and large ungulates on national wildlife refuges in favor of a hands-off or passive management paradigm which would adversely impact Alaska fish and game objectives for resident fish and wildlife. The proposed rule takes what is now national policy on biological integrity, diversity and environmental health and elevates it to a regulation thereby giving it preeminence in Alaska over other national wildlife refuge policy and also over ANICLA.

This action may result in litigation that seeks to apply that policy to the entire national wildlife refuge system under the argument that what is good for Alaska should be good for all refuges given that it is a national system. A recent public

relations appeal by the Humane Society of the United States to support this proposed rule already refers to it as applying to all national wildlife refuges.

I will conclude my remarks with two legislative and policy remedies among several that were offered in my written testimony. First, the use of savings clauses in federal law with respect to State authority for fish and wildlife management needs some revision and certainly more prominent placement in statutes or legislation than it now occupies.

Second, the Association recommends revising the several federal agency organic Acts to define with more certainty and clarity the phrase "in cooperation with the States" at the appropriate places with direct fish and wildlife management on federal lands and-or in statutes that recognize the concurrent jurisdiction of State agencies with federal agencies for fish and wildlife.

The Association would be pleased to work with committee staff on both provisions and thank you very much, Mr. Chairman, for this opportunity to share these remarks.

[The prepared statement of Mr. Regan follows:]

Senator Sullivan. Thank you, Mr. Regan.

Mr. Barry.

STATEMENT OF DONALD BARRY, SENIOR VICE PRESIDENT, CONSERVATION PROGRAM, DEFENDERS OF WILDLIFE

Mr. Barry. Thank you, Mr. Chairman.

I would like to summarize five points from my testimony that is being submitted formally to the record.

Unfortunately, hearings like this can create the false impression that the rare exception of problems and conflict is actually the norm. It is what I refer to in my testimony as it gets you to start focusing on the hole instead of the doughnut.

My testimony, including the quotes from the State Fish and Game director of Florida, indicates the norm throughout most of the United States. He described the working relationship he had with the Fish and Wildlife Service and the other State directors in his region in the Fish and Wildlife Service as the "no daylight" policy.

From his perspective, there is no daylight between the State fish and wildlife agencies and the Fish and Wildlife Service. He acknowledged that there would be some disagreements and even some strong disputes but they worked together to work through them and then they move on. He felt it was an extremely constructive relationship. He believed that most of the most of the State directors throughout the Nation feel the same way.

One court referred to this relationship as cooperative federalism. I think that is a term that describes the way it

has worked fairly well. I also believe that given the overwhelming success in the Fish and Wildlife Service and the States working together, no compelling case has been made yet, that there needs to be a significant change or amendments to the underlying federal laws and Congress should not do so now.

I would also like to shift my focus to ANILCA since that seems to be the primary focus of this hearing. It is my view that ANILCA does not require the Fish and Wildlife Service to accept lock, stock and barrel the State of Alaska's anti-predator program for national wildlife refuges.

In fact, I think my testimony clearly demonstrates that ANILCA requires the exact opposite. It requires the Fish and Wildlife Service to reject such an outdated approach to hammering predators on wildlife refuges as required by the State of Alaska's intensive management legislation.

I would note that even the Fish and Wildlife Service and the Alaska Department of Fish and Game's 1982 MOU acknowledge the authority and the responsibility of the Fish and Wildlife Service to reject the State's animal damage control program where and when it believes it is incompatible with the purposes for a given refuge.

Even in 1982, the State of Alaska acknowledged that the Fish and Wildlife Service was only required to substantially try to accommodate the State Fish and Game Predator Control Program

but was not obligated to do so.

It is my view that national wildlife refuges in Alaska were intended to be a lot more than just game factories for sport hunters. ANILCA's natural diversity management goal for each wildlife refuge, which was included in Sections 302 and 303 of ANILCA, and I should also note that in 302 and 303 which expanded the wildlife refuges in Alaska, a number of those new units specifically mentioned bears and wolves as some of the key species those wildlife refuges were being created to focus on.

From my perspective, when Congress added the requirement that national wildlife refuges in Alaska be managed to conserve in the natural diversity the species of key focus in those refuges and included various different wolves and bears in some of the different refuges, it seems to me to be impossible to conclude that Alaska, under ANILCA, was being given the authority and the power to adopt the very heavy anti-predator program designed to suppress the population levels of predators within those national wildlife refuges.

It is also very clear under ANILCA that all sport hunting in the national wildlife refuges in Alaska needs to be compatible and consistent with that natural diversity management goal. It is also unfortunate, I believe, that an amendment has been adopted to the bipartisan Sportsmen's Bill to block the ability of the Fish and Wildlife Service to finalize their rule.

I think it is going to increase the likelihood that bill may not ever be accepted and adopted by the Administration and might generate a veto.

I should also say that the wildlife management and refuge provisions in ANILCA are not in conflict with the 1997 Refuge Improvement Act. Both statutes can apply and are in sync.

The Alaska refuges are to be managed under ANILCA and be managed under the natural diversity management goal and all national wildlife refuges under the 1997 Refuge Improvement Act are to be managed under a new broader management mission and vision for the national wildlife refuge system to ensure that biological integrity, diversity and environmental health of each refuge in the system is maintained. Therefore, it is my view that there is no conflict between the requirement under ANILCA to management for natural diversity and the requirement of the 1997 Act to management for the biological integrity, diversity and environmental health of each refuge.

My time is up so I will quit at that point and look forward to taking questions.

[The prepared statement of Mr. Barry follows:]

Senator Sullivan. Thank you, Mr. Barry. I appreciate your interest in ANILCA as you can imagine.

Mr. Vincent Lang, may we have your testimony, please, sir?

STATEMENT OF DOUG VINCENT LANG, FORMER DIRECTOR, ALASKA DIVISION  
OF WILDLIFE CONSERVATION

Mr. Lang. Senator Sullivan and members of the committee, thank you for inviting me to discuss federal overreach and wildlife management in my State of Alaska.

My name is Doug Vincent Lang. Today, I will speak as a representative of Safari Club International and from my perspective as a former State chief wildlife manager. SCI is a world leader in preserving the freedom to hunt and promoting wildlife conservation. Our chapters in Alaska are some of the most effective hunter conservation groups in my State.

When you consider the uniqueness of Alaska's relationship with its wildlife resources, it is not surprising that the framers of my State's constitution required active management of my State's fish and game for the sustained yield and the many benefits it provides.

It is also not surprising that the historic intent and incredible wisdom of the framers of the U.S. Constitution reserved certain powers to the individual States becomes crystal clear. This includes recognition that it is the responsibility of the States to manage and control their natural resources for their unique needs.

For Alaska, Congress specifically recognized and guaranteed Alaska's right to manage and control its resources under our

State constitution as part of our statehood compact. For the past decade, my State has begun to experience increased administrative intrusions by federal agencies into the management of our fish and game that some unresolvable given increasingly divergent administrative management philosophies.

The intrusions are wide ranging. They include misuse of the Endangered Species Act. As an example, let us look at the Ring Seal. These seals were listed as a threatened species based solely on speculative models forecasting possible reductions over a 100 year timeframe. Yet, these seals currently number in the millions and are expected to remain at these numbers through the mid-century. Such listings are unnecessary and allow federal agencies to exert management control over the listed species as well as their landscapes.

The National Park Service recently finalized new regulations governing wildlife in Alaska's national preserves over my State's objection. In these regulations, the Park Service closed preserves to hunting opportunities despite there being no conservation concerns. The Park Service chose to substitute their agency ethics and values as to what constitutes appropriate hunting methods, ignoring publicly adopted State regulations that allowed those practices.

Now we see the U.S. Fish and Wildlife Service proposed new rules that administratively exert federal management control

over wildlife in Alaska's national wildlife refuges. These rules fundamentally will alter the Federal Government's longstanding wildlife management relationship with Alaska.

The Service is using their administratively adopted biological integrity policy to thwart protections of State management authority that Congress includes in the National Wildlife System Improvement Act and in the Alaska National Interest Lands Claim Conservation Act, both of which confirm deference to State management authority.

By incorporating national diversion policies into their permanent regulations, the Service is replacing time proven, traditional active State management with a hands-off management approach. Let me give you an example of how this plays out in the real world.

On Unimak Island in Alaska, the Service has elevated natural diversity and its hands-off management policy over sound principles of wildlife management. On this island, without active management of both predator and prey populations, an indigenous caribou population has a high likelihood of disappearing.

The Service determined that under their natural diversity guidelines, it would be acceptable for the caribou on this island, in the Service's own words, to blink out; this despite one of the refuge's congressionally established purpose being

the conservation of these very caribou and their subsistence uses. The application of this hands-off approach throughout Alaska's refuges could put many other populations of moose, caribou, deer and elk at risk and as a result, seriously reduce opportunities for hunters including subsistence hunters.

Under a hands-off approach, it is questionable whether Alaska will be allowed to continue to actively manage its sheep and bear populations for trophy hunting opportunities. Will Alaska be allowed to continue to actively manage its salmon runs for optimal sustained yields since that is an active management program? Will subsistence hunters be required to adopt fair chase standards?

Taken together, these agency actions and others represent an unprecedented administrative intrusion by federal agencies into the State's traditional role as principal manager of fish and wildlife. It is occurring despite congressional assurances from a variety of legislative savings clauses which statutorily preserve the State authority to manage.

In Alaska, it is preventing my State from fulfilling our sustained yield mandates that our constitution tells us we must and is impacting my State's ability to manage and provide sustained hunting and fishing opportunities.

Those who will suffer the most are those who hunt and fish in Alaska including subsistence hunters. We ask Congress to work

with us to preserve the rights and opportunities of Alaskan hunters and fishers to prevent these federal intrusions.

The State fish and game model is a proven success that should be built upon, not replaced with a new, one size fits all federal conservation model. We need congressional action to stop these administrative intrusions.

The Safari Club applauds the efforts of Senator Sullivan towards this end. Safari Club International asks Congress for assistance toward this end in protecting Alaska's hunters.

Thank you for the opportunity to speak with you today.

[The prepared statement of Mr. Lang follows:]

Senator Sullivan. Thank you, Mr. Lang.

I would like to begin by submitting for the record a letter from Congressman Don Young on the House side who is interested in commenting on the subject matter of this hearing, without objection.

[The referenced information follows:]

Senator Sullivan. I also want to mention Senator Whitehouse and some of the testimony at the beginning of the hearing today talked about the importance of a cooperative attitude or a cooperative relationship. We could not agree more.

I remember this committee, on both sides of the aisle, certainly thinks that is important and that is the goal. In many ways, that is what the hearing is about, how do we get there. I think that is a goal we all share.

The Ranking Member mentioned Dan Ashe. I could not agree more. We would certainly be glad to have the Fish and Wildlife Service. As a matter of fact, he has testified before the full committee. In September, he testified here before a subcommittee. Unfortunately, I do not think any of the members of the other side of the aisle attended that hearing. We will have Mr. Ashe here again to answer some of these questions.

What we wanted to do today was to not have government witnesses but to have some of the practitioners who I think can help bring an objective view and then also a view from the States where this issue is having the most impact.

Mr. Regan, I wanted to start with a question. In 2014, the AFWA published a report entitled, Wildlife Management Authority, the State Agency's Perspective. Can you explain what led to the drafting of that report, what recommendations it includes, and

how that relates to the topic we are discussing today?

Mr. Regan. Yes, I would be glad to, Mr. Chairman. In fact, I have a copy here to submit for the record.

Senator Sullivan. Without objection.

[The referenced information follows:]

Mr. Regan. I will say just a couple of things about this. First of all, I have been the executive director at the Association for seven years. Throughout that seven years of my tenure here in D.C., there have been ebbs and flows to the concerns about the extent to which federal and State agencies effectively collaborate.

I would say, as I said in my opening remarks, by and large, there is a great record of collaboration and partnership across the State and federal spectrum. However, as with any family situation, if you will, there are issues that manifest themselves that create challenges and stresses in working through issues.

This particular document to which you refer, Mr. Chairman, is really the product of those kinds of ebbs and flows over the past seven years since I have been at AFWA. Our president at the time wanted to put some of these issues to rest. He appointed a task force which was chaired by the State director from Arizona and comprised the State directors to take a look at the broad spectrum of federal laws, regulations, policies and other kinds of guidance with respect to how State fish and wildlife agencies do their work.

This document is the product of that committee's work. It was approved by the State membership. An annual meeting took place two years ago. It summarizes our best take on that

relationship.

Senator Sullivan. What was the impetus behind it? Do you think there was a relationship between the State and Federal Government in this area that needed to be addressed?

Mr. Regan. Yes. I would say that these ebbs and flows, these tensions that emerge over either public lands management policy, wilderness policy, differing perspectives in different parts of the Country by different regional line staff or administrators, couple with some of the challenges that go with working through hard issues like Endangered Species Act listings and that sort of thing.

It was really driven not by any one particular issue but the overall perception that there was always this undercurrent ebbing and flowing of concern about the State and federal relationship.

I will conclude, if I might, by not only referring to this document, but this document has helped set the stage for a couple of different executive leadership retreats, both with State agency leaders and leaders within the Forest Service and the Fish and Wildlife Service to create a better dialog prior to issues becoming as big as they might.

Senator Sullivan. Thank you.

Mr. Lang, Mr. Barry actually mentioned the 1980 MOU between the Department of Fish and Game in Alaska and the Fish and

Wildlife Service. Are you familiar with that MOU? Do you think that is being abided by in the light in which it was drafted?

Mr. Lang. I am familiar with that MOU. When I was director of the Wildlife Division of Conservation of Alaska Fish and Game, we tried to work with our federal partners in the Fish and Wildlife Service to implement that MOU.

Unfortunately, the Federal Government was not abiding by much of the terms. For instance, we were not given opportunity to go out and access fish and wildlife and be able to monitor those fish and wildlife populations.

Senator Sullivan. The right to do that exists under the Statehood Act, ANLCA and many other federal laws, correct?

Mr. Lang. Correct and as also acknowledged under the MOU. In essence, the MOU is there but it does not really work as well as was intended.

The other thing I would like to point out is that the MOU says we are going to manage for natural diversity. The State of Alaska does manage for natural diversity but the State of Alaska considers ecosystems as a functional part and humans as being a functional part of that ecosystem. We manage those ecosystems for human benefit.

When we signed that MOU back in 1982, the Fish and Wildlife Service and the Federal Government agreed that humans were a functional part of that ecosystem. Now instead, we are seeing

the Fish and Wildlife Service believes humans are a threat to ecosystems and they are increasingly managing for natural diversity to minimize human impact on species.

I think that is a fundamental difference in Alaska. We have continually managed ecosystems for human benefit. The Federal Government is managing ecosystems to minimize human impact on those ecosystems.

Senator Sullivan. Thank you.

Senator Whitehouse?

Senator Whitehouse. Thank you very much.

First, I want to say to the Chairman that one of the traditions of the Senate is that when there is a home State issue with a Senator, we tend to try to rally around one another. If something were going badly wrong in Rhode Island, I would hope you would be willing to help me and in the same spirit to the extent there were issues in Alaska where I can be helpful, I would like to try to be helpful also.

Senator Sullivan. I would.

Senator Whitehouse. I also think it is important, I do think where there are problems, they may not be nationwide problems, but local problems are real problems as you know very well.

I would like to shift my questioning a little bit and let me start with Mr. Lang. You are here representing Safari Club

International?

Mr. Lang. Yes, I am representing Safari Club

International.

Senator Whitehouse. What is Safari Club International's position on global climate change?

Mr. Lang. I think Safari Club International believes that global climate change is occurring but that you can mitigate those actions through a variety of different means. Climate is affecting wildlife in a variety of different manners.

Just like any other stressor, climate change is one of those stressors that we as managers will manage for. It is no greater or no lesser than any other stressor. For instance, we will manage climate in the short and long term as we would any hunting pressure or anything else that would affect the long term sustainability use of wildlife on our State lands that we manage.

Again, I think we are managing it as any other stressor that occurs out there.

Senator Whitehouse. Your described, your organization has, it as a major concern? I am reading from your website. Would that be accurate?

Mr. Lang. What I am saying is that I believe that it is a concern but is no more or greater a concern than any other stressor we are doing in terms of managing wildlife.

Senator Whitehouse. Do you disagree with Safari Club International's website statement that it is a major concern?

Mr. Lang. I did not say that. I said it is not the most significant concern. It is a concern, but in the short term, there may be more significant concerns affecting wildlife.

Senator Whitehouse. In the long term, can you think of any more likely to affect wildlife?

Mr. Lang. I think as you are moving forward in time, human use of wildlife is something we all need to consider. For instance, I think one of the longer term impacts of managing wildlife is going to be managing wildlife in the urban interface.

We have been very successful in restoring wildlife over the last 150 years. Now I think one of the stressors is going to be, how are we going to turn that success into managing wildlife at the urban interface.

Senator Whitehouse. The coyotes in my trash?

Mr. Lang. Yes.

Senator Whitehouse. Mr. Barry, global climate change, a major concern?

Mr. Barry. Absolutely.

Senator Whitehouse. In what way does it bear on protection of wildlife?

Mr. Barry. From a wildlife conservation point of view, I

would say it is one of the biggest concerns, if not the biggest concern. It is going to cause a huge disruption in migration patterns. I think along the northeastern coastline, you have migratory birds that come back and have been coming back probably since time immemorial. They have arrived at a certain time because that is when some of the crabs pop up.

Senator Whitehouse. You are talking about Delaware now?

Mr. Barry. Yes, and all of a sudden it is out of sync. The birds are coming back and the food supply is not there.

We are seeing this with other migratory patterns that are being disrupted. Food sources are being disrupted. In Alaska, the polar bears are in big trouble because of climate change. We think from a wildlife conservation point of view it is probably the largest long term, big time threat.

Senator Whitehouse. Mr. Regan, a major concern for wildlife?

Mr. Regan. Yes, I would say it is a major concern. The Association of Fish and Wildlife Agencies has one dedicated staff person.

Senator Whitehouse. You have a whole climate change committee, don't you?

Mr. Regan. We have a climate change committee.

Senator Whitehouse. You take it seriously?

Mr. Regan. Yes, we take it seriously. We are working with

federal agencies and States to think about climate change adaptation and providing tools and best management practices to help the States think through the adaptive challenges for the future.

Senator Whitehouse. You are all wonderful people. But as the Senator from the Ocean State, let me urge that we not forget the oceans. We are a terrestrial species, but we get a lot from the oceans in terms of cooling of the planet, oxygenation of the atmosphere, fish that we eat and the place I think we might be hitting our ecosystem the hardest is actually in the oceans.

Mr. Chairman, back to you.

Senator Sullivan. I agree with my Ranking Member on the importance of the oceans. We have a lot of bipartisan agreement on these issues.

Senator Rounds?

Senator Whitehouse. We may be the Ocean State, but Senator Sullivan actually has more ocean.

Senator Rounds. Thank you, Mr. Chairman.

Mr. Regan, in your testimony, you discuss the conflict between the South Dakota Department of Game, Fish and Parks and the Park Service management at Wind Cave National Park. I am curious about this because of the fact that it has to do with a South Dakota Fish and Wildlife agency.

The GF&P would prefer to use hunters to manage the elk

population in this particular national park. However, the Park Service has found that this proposal to hunt them was unacceptable due to statutory prohibitions against hunting in the park.

Further, when the Park Service informed Game, Fish and Parks that they would cull the elk, which in South Dakota terms means they would shoot them and let them lay. Only after significant disagreement from the Game, Fish and Parks did the Park Service agree to consider allowing the culled elk to be distributed to needy South Dakota families.

That decision has not been made yet. In fact, they have not been able to come to an agreement yet with the Park Service.

I suspect this is part of the reason why the State Game, Fish and Parks Department get frustrated with their federal partners who sometimes do not seem to be partnering with them and anything that is considered close to being a local concern.

While modifying the Park Service's authorizing legislation to allow hunting as a management tool would solve the problem in Wind Cave National Park, it is not a comprehensive solution to statewide wildlife management, nor is it a solution to the tension between State and National Park Service or Fish and Wildlife Service officials.

State officials know how to best manage wildlife in our State and they should be the chief decision-makers when deciding

how best to conserve our wildlife.

The debate over how to manage an elk population has now spanned several years in this particular case with no solution to the over population of elk. South Dakota GF&P reached out to the Park Service in 2015 to set up a meeting but the Park Service has yet to confirm a date to continue this conversation.

How do these types of longstanding disagreements between State and Federal officials over wildlife management impact the overall health of the wildlife population that we all propose to want to protect?

Mr. Regan. That is a big question, Senator. I think I will start by saying when I first began my career with the Vermont Fish and Wildlife Department, about 30 years ago, the State of Vermont Fish and Wildlife Agency was having a terrible time working with the U.S. Forest Service on the Green Mountain National Forest.

The agency heads in that situation almost came to blows over whether or not certain kinds of trees should be cut on the forest for timber or potentially to the detriment of the Whitetail Deer resource in the State of Vermont.

These kinds of issues emerge. I think at the end of the day, what is required is a major commitment to think about science, think about partnerships, and think about working through issues.

Unfortunately, with turnover in agencies, the bureaucracies of managing issues and then not to mention the overlay of the judicial system sometimes professional management is taken away from the professional managers.

Senator Rounds. I am just curious do you see anything that a change in law or change in statute or a directive in terms of the regulatory processes that could be done to basically reach or help reach a long term solution to reinforce the State officials' ability to control and manage wildlife populations in their own States?

Mr. Regan. Yes, Senator. I pointed out a couple of those in my oral testimony. There is more detail in the written narrative. The whole notion of revisiting and making sure that the savings clauses are contemporary and adequate for the future when thinking about State management authority is important.

In my written testimony, you will note that sometimes these savings clauses find their way at the end of legislation as opposed to being on the front end. Our opinion is when that occurs, the courts may not give them the kind of deference they should in thinking through decisions.

We also suggest another remedy concerning close collaboration or coordination with the States.

Senator Rounds. With the Chair's indulgence, I have one more quick question.

Are you aware of any other cases where U.S. Fish and Wildlife or Park Service officials have recommended the culling or killing of a game animal and then simply suggested they be allowed to rot where they are shot?

Mr. Regan. Off the top of my head, no.

Senator Rounds. Thank you.

Senator Sullivan. Chairman Inhofe?

Senator Inhofe. Thank you, Mr. Chairman.

I was really coming here for two purposes. One was to learn a little bit more about Alaska and the other was to let this committee and the witnesses know that the problems you have up there are not unique to Alaska. We have had similar problems.

There is a thing called the Sikes Act that the Secretary of Defense in collaboration with Fish and Wildlife would take care of the wildlife on military establishments. Are you familiar with that, Mr. Lang?

Mr. Lang. Yes, I am.

Senator Inhofe. Is that working pretty well?

Mr. Lang. At times, it works well and at times, it does not work very well. I think it works better than the Refuge System Improvement Act because it clearly recognizes State authority.

Senator Inhofe. Are any of you familiar with the Lesser

Prairie Chicken issue? It is unique to five States, Oklahoma, Colorado, Kansas, New Mexico and Texas.

We had a five-State plan that goes out for the purpose of taking care of and evaluating what is happening with the Lesser Prairie Chicken. Five States all agreed and signed off on this. Somehow there is this perception that if you are a landowner or a rancher, somehow you do not want to conserve. That is so wrong. One of the few really good things that has worked is the partnership program.

In this case, you had five States that had experts in those States, the landowner stakeholders in those States all agreeing that we done a very good job with the Lesser Prairie Chicken and between the years of 2014 and 2015, our population of Prairie Chickens actually increased by 25 percent. It does not get any better than that, does it? Yet, they went ahead and gave an endangerment listing.

We have an example in Oklahoma of what does work and what does not work. How about you, Mr. Regan, can you tell me the logic behind that decision in spite of the effort that went into it and the successes we had?

Mr. Regan. You are talking about the Prairie Chicken. We were clearly disappointed as State agencies that a threatened listing was provided by the Federal Government. On the other hand, that was certainly better than managing to an endangered

listing.

Senator Inhofe. No, that is not the point. The point is any listing at all when the populations increased and you had the very best not in just one State, but five States agreeing. I might add so did the members of the United States Senate from all five of the States, of which some were Democrats and some were Republicans.

Mr. Regan. I think one of the key story lines there, aside from the listing decision, was the ability of those five States, including your home State, Senator, to come together with a proactive landscape level, voluntary conservation program to secure and manage Prairie Chicken habitat for the future.

I think that is the big plus or bottom line story which shows the ability of the States to come together and demonstrate a willingness and effectiveness to grapple with a large, landscape scale conservation issue.

Senator Inhofe. Yet, they still came to the conclusion.

Mr. Regan. That is correct.

Senator Inhofe. That is my whole point. I agree with everything you said up to that point.

That is all I have, Mr. Chairman.

Senator Sullivan. Thank you, Chairman Inhofe.

Senator Barrasso?

Senator Barrasso. Thank you very much, Mr. Chairman.

Mr. Regan, I have a couple of questions. In 2014, the Senate and Congressional Western Caucus released a report entitled, Washington Gets It Wrong and the States Get It Right, a report on State environmental stewardship. It runs through what happens nationally as well as what is happening locally and how we think the States continue to do a much better job than Washington.

It highlights the significant boots on the ground in terms of biologists, scientists and States in the West like Wyoming. We have nearly 300 people in Wyoming, biologists, scientists and support staff at the Wyoming Game and Fish Department. They live and work in Wyoming, not in Washington. They live where the species lives.

There are people in my State who have pledged to protect our species, including the Gray Wolf population. I think these dedicated men and women should be the ones we should be entrusting to protect Wyoming's wildlife. Can you give me your thoughts on that?

Mr. Regan. Certainly, Senator. We certainly agree that State fish and wildlife agency managers are on the front lines of enforcement and delivering fish and wildlife conservation in this Country. That is what the Association is all about, trying to make sure no harm is done to that principle, that delivery and that conservation effectiveness for the future.

Senator Barrasso. Mr. Barry, your organization says in your Wolf Plan entitled, Places for Wolves, A Blueprint for Continued Wolf Restoration and Recovery in the Lower 48. You say, "No matter how ideal the habitat, however, it is ultimately up to the people to determine if wolves will be allowed to survive in any given area."

The U.S. Fish and Wildlife Service has said that the Gray Wolf is recovered and that the agency has approved the plan the State of Wyoming has put together to ensure the protection of Wyoming's wolves. If it is up to the people to protect the wolves, I wonder why won't outside activist groups, like your organization, not allow the people of Wyoming to protect our wolves if the U.S. Fish and Wildlife Service approves the management plan and the science says the Gray Wolf is recovered?

Mr. Regan. Senator, a district court judge disagreed that the Fish and Wildlife Service had appropriately made the right decision.

Senator Barrasso. The district court judge was not in Wyoming and does not really know Wyoming, does not have an ability to understand the situation, and did not study it.

Mr. Regan. I am just saying that a federal judge, when given a chance to review the record, concluded the Fish and Wildlife Service inappropriately delisted the wolf.

Senator Barrasso. What was the scientific basis for that,

do you know?

Mr. Regan. I could not tell you off the top of my head. I have not seen the record.

Senator Barrasso. You are not familiar with the specifics of the case?

Mr. Regan. Not the specifics.

Senator Barrasso. And probably would be happy with that.

Mr. Lang, you shared many of the same concerns that Mr. Regan raised in his testimony. In Alaska and across the West, the Federal Government is increasingly requiring the public and the States to take a hands-off approach to public lands. This means having the public and the States have less interaction and access to public lands.

Would you agree that ultimately this hands-off approach to wildlife and public land management could be detrimental to conservation of the very species we all work to preserve if Washington bureaucrats on the other side of the Country are calling all the shots?

Mr. Lang. The State conservation model is built on the use or pay system. The further you separate those users from the benefits they will gain from those systems, the less they will be willing to pay and over the long term pay for the management and conservation of those resources. That model is the Pittman-Robertson Fund and the Dingell-Johnson Fund.

You have to provide benefits off refuges and parklands across our Nation. If you do not, they will become areas that are not of concern to people and the people will not be willing to pay for the long term protection and conservation of those areas.

Hunters are some of the largest payers for conservation in our Nation. You cannot exclude people from the management of resources. I guess that is the bottom line. Increasingly, as I am seeing the Fish and Wildlife Service's management model, it views people as a threat, not as an integral part and not something you need to provide benefits for.

In my State, if you are living a rural lifestyle far away and you are dependent upon local resources for your food, you cannot just let nature's cycles going up and down provide for that. You cannot have a decade where there is no moose near your village. You have to manage for sustained moose populations.

In the example I gave, caribou blinking out on Unimak Island is not good for hunters there, not good for subsistence users to allow them to some day, some century from now, swim back out to that island and reestablish the caribou population.

Senator Barrasso. Thank you very much.

Thank you, Mr. Chairman.

Senator Sullivan. Thank you, Senator Barrasso.

I have a couple follow-up questions. My colleague, Senator Whitehouse, mentioned the tradition in the Senate that when we have an issue here, actually the proposed Fish and Wildlife Service rule that came out on January 8 was solely focused on Alaska.

In the hearing where we had an amendment to cancel out that rule, I specifically asked members of this committee, by using the example of if there was a federal rule dealing with the California movie industry only or the Maryland crab industry only, or the Delaware chemical industry only, I certainly would help my colleagues on the committee.

The Fish and Wildlife Service dealt with an Alaska fish and game management issue only. I would agree with Senator Whitehouse's comment about the Senate colleagues rallying around each other when there is a federal action specific only to your State. Unfortunately, in our last hearing, that did not happen which is one of the reasons we wanted to hold this hearing but to talk about the broader issue.

Focusing on that regulation, Mr. Land, in your testimony you talked about the proposed January 8 Fish and Wildlife Service rule would allow the Federal Government to preempt State hunting regulations based on their personal ethics or personal preference. Can you explain that a bit more? Can you give an example of what you were talking about?

Mr. Lang. Let's look at the Kenai National Wildlife Refuge. That refuge was originally established as a moose range before it was established as a national wildlife refuge. It was a presidential executive order that said you have to maintain a significant population of moose on that former moose range, now a refuge.

Under the natural diversity guidelines, the State of Alaska is now being told that we have to let moose cycle in their natural cycles on that range. We can no longer manage them to provide for the long term benefits that have been provided, including subsistence.

We could see moose numbers go incredibly low, low enough that there is no harvestable surplus for hunters or very high where they could actually damage the refuge and the food base they need to stay sustainable.

As the State of Alaska, we want to actively manage the moose population to provide for human benefits, including subsistence use and a harvestable surplus. We do not want that population to widely fluctuate.

In working with the Service, we are growing increasingly frustrated with the inability to manage fire, which is a habitat component; manage the predator numbers which are incredibly important in terms of how they affect moose numbers; and it is all driven around these natural diversity guidelines where human

interference on the national wildlife refuge system is increasingly disallowed versus the State's approach to actively manage to provide for long term sustained yields and benefits.

Senator Sullivan. What do you mean by personal preference or personal ethics when you talked about that as part of the rule?

Mr. Lang. Let us again go the Kenai National Wildlife Refuge. The Fish and Wildlife Service has determined that baiting brown bears is not an ethical practice for the taking of brown bears.

Even though it is not affecting the long term conservation of brown bears on the refuge, they determined that no longer can hunters practice the tradition which we have done for years on the refuge of taking brown bears over bait near the refuge.

Senator Sullivan. Is there a law that outlaws that?

Mr. Lang. They have administratively banned it. They are banning it through these kinds of administrative regulations you are seeing here.

The State of Alaska largely adopted that bear baiting practice to soften some of the interactions we were having with local communities that were having increased problems with human bear interactions. We were seeing increased numbers of maulings and a variety of other things.

Interestingly enough, when the Service banned the taking of

brown bears over bait, they allowed the continued practice of taking black bears over bait. It is very confusing as to why the taking of brown bears over bait would be disallowed but the taking of black bears would continue to be allowed.

Senator Sullivan. Does the Fish and Wildlife Service employ predator control activities, even though they have prohibited the State of Alaska to use predator management activities?

Mr. Lang. That is an interesting observation because when I was director one of the things we worked on closely with the Service was to ensure that Pigeon Guillemots, a sea bird that occurs in Prince William Sound, did not become extirpated from an island in Prince William Sound.

Very similar to Unimak Island where we have a caribou population at risk of extinction from that island because of wolf predation, here we are not going to lose caribou overall in the Aleutians, it is a very small area where we will lose them and we want to take active steps and Prince William Sound is very similar with Pigeon Guillemots. They are going to potentially be extirpated from an island because of Mink predation.

The Fish and Wildlife Service came to us and asked for a permit to exterminate these Mink from this island to allow for the restoration and prevent the extirpation of these Pigeon

Guillemots from the island. We worked very closely with them and gave them the permit to do that.

We are very confused why we cannot take any steps to actively manage on Unimak Island to prevent the extirpation of the caribou herd but yet the Service can go in and actively manage State Mink which are indigenous to that island from potentially harming and causing the extirpation of Pigeon Guillemots from an island.

Senator Sullivan. Let me step back a bit more with regard to the proposed Fish and Wildlife rule that has been the source of a lot of concern in Alaska and I think even nationally.

The Fish and Wildlife Service claimed that the proposed rules will not affect Title 8 of ANILCA, the federally defined subsistence users category. Do you agree with that?

Mr. Lang. No, I do not because again it is the passive management approach that we are increasingly moving to. As I said earlier, if you are living a rural lifestyle in Alaska, you need a steady source of food. You do not need a food source that is going to fluctuate widely with cycles of nature.

Senator Sullivan. Can you explain that? Honestly, I do not think most people in Washington, D.C. at a hearing like this understand what subsistence actually means. If someone does not have the right to subsist with regard to fishing or hunting, what possibly happens to them in the winter? Do they have a

store down the street to go to and fill up their freezer?

Mr. Lang. The thing I like to say is when you are in Alaska, there is not a road running to your place. Every place in the lower 48, almost every community has a road going to it. You can drive to a store to get something.

Now picture yourself in Alaska. Oftentimes you are three hours by plane to get to the nearest grocery store or anything else. In the wintertime, there is no guarantee you will get there. You rely on food sources for your very subsistence, for you and your family's subsistence.

How would you like to be told that we are not going to guarantee that subsistence is going to be there for you because we are not going to actively manage for it? We are not going to allow you to control the number of wolves or bears near your area. Instead, we are going to allow moose numbers way down to insufficient numbers to provide food for you and your family. You are going to starve.

It is not a matter of going to a grocery store as an alternative food source. It is a matter of social justice. You have to be able to eat. That is the food that you have, living off the land.

Senator Sullivan. I appreciate that. I think that is why these hearings are important because I do not think those kinds of issues come up in other States all the time. Maybe they do

in some States but I do not think they do in a lot of States.

I think that kind of testimony is powerful. It also helps us understand some of the issue at play here.

Mr. Barry, this goes to the issue of working with the States and other organizations. The National Park Service and the Fish and Wildlife Service has proposed a number of regs over the course of the last several years. Has your organization been provided an opportunity to input or review the draft documents of these regs or EAs that have come from some of these federal agencies?

Mr. Barry. I certainly have not personally. I have no idea if anyone on my staff has. I am not aware of our being given any advance copies to take a look at or to critique.

Senator Sullivan. One of the things that has been an enormous source of frustration which I think goes to the federalism issues, the broader topic of today's hearing, is there have been a number of occasions where the Department of Interior and different federal agencies, announced proposed rules that clearly impact States.

The States are literally the last to know. Some outside environmental groups that clearly get heads up from our federal agencies get a chance to discuss them with federal officials, have press releases that go out as soon as the Federal Government makes these announcements.

The States which are often, in statute, required to be consulted and have input, the number one priority organization, we get told last. I think it is an enormous frustration and something I have raised with different officials including Secretary Jewell. It is an issue I think we need to continue to work on.

The purpose of today's hearing is how important the States are in terms of their relationship with the Federal Government in terms of management but also in terms of what the federal statutes require the federal agencies to do in terms of State input.

Senator Whitehouse?

Senator Whitehouse. Thank you, Mr. Chairman.

I have two observations in closing. One is in sympathy with Senator Rounds and the elk having to rot where they are shot.

On the fisheries side, we have, as you know, situations in which our fishermen are allowed to go out and troll for fish. When the net comes in, there are fish that have been caught and if you have ever been out, being at the back after a long troll is not a good situation for a fish.

When they come out of the troll, they are not doing well, yet the fishermen are not allowed to keep certain of them because they are not permitted for it so they have to go over

the side. Some of them are really beautiful and are not going to survive. It is a shame. It is a waste.

We have tried to work through programs so they can be taken, frozen and given to people in need of food and so forth but it is a constant challenge. I think it is a place where we can and should do better.

The second point I wanted to make is I want to push back a little on a theme that has begun to emerge in this hearing that it is always the local community that is the best determinant of the conservation interest. I think that is probably usually true but if you think back to the era of Teddy Roosevelt, he faced situations in which enormous natural bounty in our Country was being despoiled and ruined because the mining interests, the timber interests, the wholesale hunting interests had gotten control of State legislatures. They were essentially ransacking and plundering the West. It took TR to step in and protect those resources which we still enjoy today.

That will not be the case every time, but neither is it the case every time that the Federal Government has no proper role. In fact, one of the better biographies of Teddy Roosevelt described him as the wilderness warrior because he fought to preserve these areas of wilderness.

I think we need to look towards balance between the federal interests and the State interests. We need to pay particular

attention to the State interests where there is an appearance that there is political control being abused and I think we need to pay very close attention to people whose lives depend on these resources in remote areas with which many of us are not familiar.

I think if we can stay within those principles, we can find a lot of common ground.

Senator Sullivan. I thank the Ranking Member for those comments. I would agree wholeheartedly with those.

Let me finish by relating to that. Mr. Lang, Mr. Barry described some of the refuges as game factories for sport hunters early in his testimony. For example, when you were the head of fish and game in Alaska, is that how you managed federal lands as game factories for sport hunters?

Mr. Lang. No, I do not think we managed them as game refuges at all. I think we managed them for multiple use benefits. We certainly did manage them for human benefit. We did not manage them just for nature's benefit. They were not managed solely as game factories.

Senator Sullivan. Mr. Regan, I mentioned the rule and it has been a focus of mine for obvious reasons given the State and the people I represent. The Fish and Wildlife Service proposed rule was the subject of an amendment in this committee a couple of weeks ago.

As I mentioned, it is specific to Alaska. Given the breadth of your organization and who you represent, should other States be concerned by this kind of specific rule focused on one State from the Federal Government in terms of game management? If so, why?

Mr. Regan. Yes, Mr. Chairman. Clearly that is why the Association is involved. We are concerned that if this policy guidance on biodiversity is elevated to being a regulation for refuges in Alaska, that is going to create a new standard, if you will, for judicial engagement and we could potentially see the export of that rule from Alaska to other national wildlife refuges in the lower 48.

To the extent that would perpetuate or continue to comprise State authority, that is the real nexus for our engagement with the issue right now.

Senator Sullivan. Let me ask more specifically, the National Wildlife Refuge System Administration Act assigns the Secretary 14 responsibilities when administering the refuge system. The rule we are talking about with regard to Alaska, the Secretary clearly seems to be prioritizing one of these responsibilities in defining it in a regulation.

Do you think that is appropriate? Does that have an impact beyond Alaska alone from your organization's perspective?

Mr. Regan. Mr. Chairman, we do not think it is needful.

We do not think it is appropriate. We think it could impact other States beyond Alaska.

Senator Sullivan. For the same reason you mentioned in your earlier answer?

Mr. Regan. That is correct.

Senator Sullivan. Thank you.

I want to thank the witnesses. You have been very patient. I want to thank you all for your service over the years. I know many of you have engaged and participated in public service in different capacities.

I think this was a very useful hearing. There was a lot of substance and a lot of potential common ground on some of these issues. Thank you for coming, taking the time to testify and enlightening the committee on a number of the important issues.

This hearing is adjourned.

[Whereupon, at 3:45 p.m., the subcommittee was adjourned.]