



TRUSTEES FOR ALASKA

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March 27, 2023

Submitted via Federal eRulemaking Portal

Sarah Creachbaum
Regional Director
National Park Service
Alaska Regional Office
240 West 5th Ave.
Anchorage, AK 99501

Re: National Park Service Proposed Rule; RIN 1024-AE70

Dear Director Creachbaum:

Trustees for Alaska submits these comments on behalf of the Alaska Wildlife Alliance, Alaska Wilderness League, Alaskans FOR Wildlife, Animal Legal Defense Fund, Center for Biological Diversity, Coalition to Protect America's National Parks, Copper Country Alliance, Defenders of Wildlife, Denali Citizens Council, Humane Society of the United States, National Parks Conservation Association, Northern Alaska Environmental Center, Sierra Club and its Alaska Chapter, and Wilderness Watch.¹ The proposed regulation, published on January 09, 2023 (Proposed Rule),² aligns with the National Park Service's (Service) statutory mandates, management policies, and historic management of National Preserves. The Service should move swiftly to finalize the Proposed Rule and replace its previous, unlawful, regulation (2020 Rule).³

¹ All of the documents referenced as exhibits in these comments were submitted as attachments to this letter via regulations.gov. An index is included at the end of this letter.

² Alaska: Hunting and Trapping in National Preserves, 88 Fed. Reg. 1176 (proposed Jan. 9, 2023) (to be codified at 36 C.F.R. pt. 13).

³ Alaska: Hunting and Trapping in National Preserves, 85 Fed. Reg. 35181 (June 9, 2020) (to be codified at 36 C.F.R. pt. 13). Last fall, the District Court of Alaska found this rule to be unlawful because it incorrectly conflated

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I. BEAR BAITING

We support the Service's decision to preclude black and brown bear baiting, as it did in 2015. This practice qualifies as a predator reduction method because it intentionally alters bear behavior to increase take.⁴ Predator reduction efforts are fundamentally inconsistent with the Service's mandates.⁵ Allowing bear baiting is a way that the Board of Game (Board) seeks to reduce predator populations to increase human harvest of caribou and moose.⁶ Because baiting for sport purposes is allowed for the purpose of increasing bear take to boost moose and caribou populations, it should not be allowed in National Preserves.⁷

Bear baiting also presents significant risks to public safety. Baiting can lure bears into proximity with humans and teach bears to prefer human foods. Data regarding baiting on National Preserves demonstrate poor compliance with State regulations intended to ameliorate safety issues, and that most historic baiting in preserves has taken place in close proximity to roads, trails, and other areas where there is a greater chance for conflict between visitors and

State Sustained Yield management with more protective Service management policies and because it failed to adequately explain the Service's change in position on bear baiting. *Alaska Wildlife All. v. Haaland*, No. 3:20-cv-00209-SLG, 2022 U.S. Dist. LEXIS 222641 (D. Alaska Sep. 30, 2022). The 2020 rule also incorrectly asserted that the Service lacked the authority to preclude State-authorized hunting. *Id.* This conflicts with recent caselaw affirming broad federal authority over wildlife management on federal lands. *See Safari Club Int'l v. Haaland*, 31 F.4th 1157 (9th Cir. 2022), certiorari denied in *Alaska v. Haaland*, 2023 U.S. LEXIS 1084 (Mar. 6, 2023).

⁴ William J. Ripple et. al., *Large carnivores under assault in Alaska*, 17(1) PLOS BIOLOGY e3000090 at 2–3 (2019) (Ex. 1), Nat'l Park Serv., *Revisiting Sport Hunting and Trapping on National Park System Preserves in Alaska – Environmental Assessment 14* (Jan. 2023); Sophie Massé et al., *How Artificial Feeding for Tourism-Watching Modifies Black Bear Space Use and Habitat Selection*, 78(7) JOURNAL OF WILDLIFE MGMT. 1228, 1232–33 (2014) (Ex. 2).

⁵ *See supra*, 8–10.

⁶ Sterling D. Miller, John W. Schoen & Charles C. Schwartz, *Trends in brown bear reduction efforts in Alaska, 1980-2017*, 28(2) URSUS 135, 136–37 (2017) (Ex. 3).

⁷ Nat'l Park Serv., *Comment to the Alaska Bd. of Game and Alaska Dep't of Fish and Game* at 3 (Jan. 2014) (Ex. 4); Nat'l Park Serv., *Preamble to the Superintendent's Compendium 2014: Gates of the Arctic Nat'l. Park and Preserve* (Ex. 5); Krista Langlois, *Alaska's wildlife war*, High Country News (May 27, 2014), <https://www.hcn.org/issues/46.9/alaskas-wildlife-war> (Ex. 6).

bears.⁸ Baited bears can have ranges up to seven times smaller than bears without access to bait, raising the chances of human-bear encounters still further.⁹

Baiting can make bears dependent on bait as a food source, because bait usually comprises calorie-rich human foods. A study of black bears in north-central Wisconsin found that bears that had access to bait depended on it for more than 40% of their diet, and that creating a dependency on bait can lead to increased human-bear conflicts if baits are removed because the bears are not able to subsist on natural foods in the absence of bait.¹⁰ This study found that bears with access to bait were consuming a higher percentage of their diet as human foods than the most highly food-conditioned bears in Yosemite National Park, which consumed only 35% of their diet from human foods.¹¹ Allowing bears to become food-conditioned limits options for correcting problematic behaviors, because they are “less likely to respond favorably to non-lethal intervention” such as hazing or relocation.¹² Creating such a situation does not align with the Service’s mandate to protect wildlife.

Access to garbage and human food is a major contributor to aggressive bear behavior toward people.¹³ Most bear attacks occur in National Parks where habituated bears are seeking food:

[M]ost black bear-inflicted injuries occur in national parks, typically happening in campgrounds where black bears were seeking food. At least 90% of the injuries inflicted by black bears during the period between 1960 and 1980 I attribute to

⁸ Nat’l Park Serv., E-mails regarding bear baiting in Alaska (Ex. 7).

⁹ Massé et al., Ex. 2, at 1232–33.

¹⁰ Rebecca Kirby, David MacFarland, and Jonathan Pauli, *Consumption of Intentional Food Subsidies by a Hunted Carnivore*, 81(7) JOURNAL OF WILDLIFE MANAGEMENT 1161, 1164–65, 1167 (2017) (Ex. 8).

¹¹ *Id.* at 1166.

¹² Torsten Bentzen, Richard Shideler, and Todd O’Hara, *Use of stable isotope analysis to identify food-conditioned grizzly bears on Alaska’s North Slope*, 25(1) URSUS 14, 15, 21 (2014) (Ex. 9)

¹³ See Stephen Herrero, BEAR ATTACKS: THEIR CAUSES AND AVOIDANCE, Winchester Press (1985); see also Alaska Department of Fish & Game, *Bear Safety for Hunters*, <https://www.adfg.alaska.gov/index.cfm?adfg=hunting.bearsafety> (“[k]eeping bears away from human food is perhaps the most important thing we can do to prevent conflicts and confrontations between bears and people . . . Feeding bears is dangerous for both people and bears.”) (Ex. 10).

bears habituated to people and conditioned to eat human foods.¹⁴

Bears being food-conditioned has been identified as a particular problem in the Kennicott Valley of the Wrangell-St. Elias National Park & Preserve.¹⁵ A graduate student found that the vast majority of bear-human conflicts there were “caused by the widespread availability of garbage and human food” and that this may be causing a population sink for local bear populations “due to the high quality of its natural food resources . . . and human-induced mortality of bears.”¹⁶

Increasing the number of bears habituated to foods threatens the safety of all those visiting Alaska’s National Preserves. If this behavior is aggressive enough, the bear will either be shot as a “problem bear” or a member of the public may be seriously hurt from the bear aggressively seeking out additional human food. In 2002, a brown bear was killed in defense of life or property near a bait station in the Wrangells.¹⁷ Once a bear becomes conditioned to human food, even “averse conditioning will likely not deter it from actively seeking human foods and garbage.”¹⁸ The Park Service recognized this public safety risk, the risk to bears themselves from being food-conditioned, and that “natural resource agencies through North America discourage intentionally feeding bears.”¹⁹

The Park Service emphasizes to all backcountry travelers the importance of bear safety and preventing bears from becoming habituated to food, for the safety of both the bear and

¹⁴ Herrero (1985) at 93.

¹⁵ James M. Wilder, Quantifying Bear Populations and Bear-Human Conflicts Using Non-Invasive Genetic Sampling in the Kennicott Valley of Wrangell-St. Elias National Park & Preserve, Alaska (January 2003) (excerpts attached as Exhibit 11).

¹⁶ *Id.* at 3.

¹⁷ Letter from NPCA, et al. to Vic Knox re: Bear Baiting (Aug. 22, 2005) (Ex. 12).

¹⁸ Wilder, Ex. 11, at 23.

¹⁹ Alaska: Hunting and Trapping in National Preserves, 79 Fed. Reg. 52595, 52597 (proposed Sept. 4, 2014) (to be codified at 36 C.F.R. pt. 13).

person. For example, in Denali, backcountry travelers are required in many areas of the park to use bear resistant food containers ‘to prevent bears and other wildlife from obtaining and habituating to food and garbage, thus protecting wildlife and park visitors alike.’²⁰ These efforts are diminished when another user group is permitted to set out human garbage to attract bears. Allowing baiting simply because it has been done for many years does not change its impact to public safety or minimize its impacts to bears.

In fact, as the Service recognized in 2015, State regulations governing bear baiting do not ensure the safety of park visitors. Allowing baiting stations near a trail can cause interactions between bears and hikers.²¹ Regulations specify that bait stations must not be set up within ¼-mile of a road or trail, or shorelines of specific rivers, or within one mile of a home, school, business, recreational facility, campground, or permanent dwelling.²² But these regulations are insufficiently protective of public safety²³ and routinely violated—the Service found that 73% of the bait stations along the McCarthy road in Wrangell-St. Elias National Park & Preserve were in violation of State or Federal law.²⁴ The construction and operation of bait stations also cause damage to park resources, including trees, and most bait stations are accessed by illegal ATV trails.²⁵

II. MEANING AND SCOPE OF HUNTING FOR “SPORT PURPOSES” UNDER ANILCA

²⁰ Nat’l. Park Serv., Denali National Park & Preserve 2014 Compendium 6 (Ex. 13).

²¹ Stephen Stringham, Lynn Rogers, and Ann Bryant, *Semantic vs. Empirical Issues in the Bear Diversionary Baiting Controversy*, 5(6) ENVIRONMENT AND ECOLOGY RESEARCH 436, 439 (2017) (Ex. 14).

²² ADF&G, Bear baiting season and requirements (Ex. 15).

²³ Sophie Massé et al. recommend not establishing feeding stations within 11.5km of “locations where human-bear interactions should be limited (i.e., recreation sites, cabins, etc.)” Massé et al., Ex. 2 at 1236.

²⁴ Nat’l Park Serv., E-mails regarding bear baiting in Alaska (Ex. 7). In 2020, the Service ignored this data and instead relied on claims that baited bears do not necessarily associate bait with humans or become food conditioned, habituated, or problem bears. But the article the Service relied on was based on speculation from state managers, and did not include any new data or comprehensive analysis of regions in which baiting is permitted. See Hristienko, H., and McDonald, J., *Going into the 21st century: a perspective on trends and controversies in the management of the American black bear*, 18(1) URSUS 72, 84 (2007) (Ex. 16).

²⁵ Nat’l. Park Serv., Bear Baiting in WRST (date unknown) (Ex. 17).

We support the Service in defining hunting for “sport purposes” and distinguishing such hunting from federally authorized subsistence hunting as provided for under ANILCA. As the Service noted, State of Alaska regulations open State subsistence hunting to all Alaska residents—in contrast to ANILCA, which only allows local rural residents to participate in subsistence hunting.²⁶ The State has worked to erase this distinction, amending its hunting regulations that apply to federal lands to allow practices previously only permitted for federally-authorized subsistence hunters.²⁷ Practices that the Federal Subsistence Board only authorizes subject to a Customary and Traditional Use determination, limiting the pool of users and geographic scope, are made broadly available under State regulations. The Service cannot continue to support this attempt by the State to avoid the priority established under ANILCA. In distinguishing between “sport” and “subsistence” hunting, the Service realigns its regulations with ANILCA’s subsistence priority, ensuring that certain highly-effective methods of harvest are reserved for subsistence use and not used as a tool to manipulate predator populations for the purpose of increasing human harvest of ungulates.

Congress allowed sport hunting on Preserves, unlike areas designated as National Parks.²⁸ But Congress preserved the Organic Act’s approach to wildlife management, providing that the take of wildlife “shall be carried out in accordance with [ANILCA] and other applicable State and Federal law.”²⁹ Congress also expressly granted the Service authority to prohibit hunting in Preserves for a variety of objectives, including public safety, administration,

²⁶ 88 Fed. Reg. 1180.

²⁷ See State of Alaska, Comment Letter on Proposed Rule on Hunting and Trapping in Nat’l. Preserves in Alaska at 19–21 (Nov. 2, 2018) (Ex. 18) (discussing State’s effort to make traditional, regional, subsistence hunting methods widely available under its general regulations).

²⁸ 16 U.S.C. § 3201. Throughout, “hunting” refers to both sport hunting and trapping.

²⁹ *Id.* § 3202(c); see also S. REP. NO. 96-413, at 233 (1979) (Ex. 79) (“[T]he policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population’s dynamics, and manipulations of the components of the ecosystem.”).

protection of wildlife and vegetation, and public use and enjoyment.³⁰ Prior to the passage of ANILCA, Representative Udall emphasized:

The standard to be met in regulating the taking of fish and wildlife and trapping is that the preeminent natural values of the Park System shall be protected in perpetuity, and shall not be jeopardized by human uses . . . this standard must be set very high: The objective for Park System lands must always be to maintain the health of the ecosystem, and the yield of fish and wildlife for hunting and trapping must be consistent with this requirement.³¹

In addition to using its authority to ensure that sport hunting does not negatively impact ecosystem health and other Park System values, the Service must also ensure that sport hunting does not infringe upon higher-priority subsistence hunting. ANILCA prioritizes subsistence over sport hunting, such that sport hunting must be restricted before subsistence when necessary to protect wildlife.³² It is therefore appropriate for the Service to define sport hunting as more limited than subsistence hunting.

Additionally, when crafting ANILCA, Congress explained that even higher-priority subsistence hunting should not be propped up via manipulating wildlife populations: “[i]t is contrary to the National Park System concept to manipulate habitat or populations to achieve maximum utilization of natural resources.”³³ Rather, the Service must “maintain the natural abundance, behavior, diversity, and ecological integrity of native animals as part of their ecosystem” and “insure that consumptive uses of fish and wildlife populations within national park service units not be allowed to adversely disrupt the natural balance.”³⁴ Accordingly, Congress directed the Service not to “engage in habitat manipulation or control of other species”

³⁰ *Id.* § 3201.

³¹ 126 CONG. REC. H10549 (daily ed. Nov. 12, 1980) (Ex. 80).

³² 16 U.S.C. § 3114.

³³ Ex. 79 at 171.

³⁴ *Id.*

to support such consumptive uses.³⁵ It is therefore appropriate that the Service define “sport hunting” to preclude practices such as bear baiting and taking wolves during the denning season, which the State Board of Game authorizes for general use to manipulate predator populations for the purpose of increasing harvest of ungulates.³⁶

III. STATE LAW ADDRESSING PREDATOR HARVEST

We support the Service’s efforts to realign its regulations with its statutory obligations and management policies. As the Service notes, the State of Alaska allows liberalized sport hunting regulations for predator hunting for the purpose of manipulating predator populations in an effort to increase the abundance of prey species like moose and caribou.³⁷ This is incompatible with the law and policy governing the National Park System.

A. The Service’s statutory mandates and policies do not allow predator reduction efforts within the National Park System in Alaska.

Federal law leaves no room for predator reduction efforts within the National Park System in Alaska, including Preserves. The Organic Act requires the Service to regulate uses of the National Park System—such as sport hunting in Preserves—to conserve and provide wildlife “for the enjoyment of future generations.”³⁸ The statute has “but a single purpose, namely, conservation.”³⁹ Accordingly, the Service’s Management Policies require protection of natural systems, processes, and wildlife populations, including natural abundances, diversities, distributions, densities, age-class distributions, habitats, genetics, and behaviors of wildlife, and

³⁵ *Id.*

³⁶ See *supra* notes 4–6 and accompanying text. Such practices may not be authorized with the same intent or have the same potential to manipulate species under more limited federal subsistence regulations.

³⁷ 88 Fed. Reg. at 1177.

³⁸ 54 U.S.C. § 100101(a).

³⁹ *Nat’l Rifle Ass’n of America v. Potter*, 628 F. Supp. 903, 909 (D.D.C. 1986); see also *Bicycle Trails of Marin v. Babbitt*, 82 F.3d 1445, 1453 (9th Cir. 1996) (“overarching concern” of the Organic Act is “resource protection.”).

prohibit “activities to reduce . . . native species for the purpose of increasing numbers of harvested species” within the National Park System.⁴⁰

Similarly, ANILCA requires the Service to protect sound populations of wildlife,⁴¹ manage nearly all of the National Park System units in Alaska specifically to protect wildlife populations and habitat, particularly of wolves and bears,⁴² and to protect natural processes and maintain environmental integrity.⁴³ Congress passed ANILCA in 1980 to preserve nationally significant areas “for the benefit, use, education, and inspiration of present and future generations” and to preserve wildlife, wilderness values, and natural, undisturbed, unaltered ecosystems while allowing for recreational opportunities.⁴⁴ For example, Congress identified Gates of the Arctic, Denali, Katmai, and Glacier Bay National Parks as “large sanctuaries where fish and wildlife may roam freely, developing their social structures and evolving over long periods of time as nearly as possible without the changes that extensive human activities would cause.”⁴⁵

Congress allowed sport hunting in Preserves, subject to State and Federal regulation.⁴⁶ Congress also gave the Service broad authority to close areas to sport hunting for a variety of reasons, including wildlife protection.⁴⁷ While Congress envisioned that some hunting could occur in conformance with Preserve and overall National Park System purposes, predator

⁴⁰ U.S. Dep’t of the Interior, Nat’l Park Serv., Management Policies 2006 (§§ 4.1, 4.4.1, 4.4.1.2, 4.4.2 & 4.4.3) (Ex. 19). The Management Policies are not directly enforceable. *River Runners v. Martin*, 593 F.3d 1064, 1074–75 (9th Cir. 2010). However, the Service’s determination that its decision complies with the Management Policies is subject to judicial review. *Id.* at 1074.

⁴¹ 16 U.S.C. § 3101(b).

⁴² 16 U.S.C. §§ 410hh; 401hh(1), (2), (4)(a), (6), 7(a), 8(a), (9), (10) & hh-1(2), hh-1(3)(a).

⁴³ 16 U.S.C. §§ 410hh(1), (8)(a), (10).

⁴⁴ 16 U.S.C. § 3101(a)–(b).

⁴⁵ Ex. 79 at 137.

⁴⁶ *Id.* § 3201.

⁴⁷ *Id.*

reduction efforts—including sport hunting regulations that rise to that level—fall outside what Congress allowed.⁴⁸

These statutory directives, management policies, and congressional intent starkly contrast with predator hunting liberalizations—such as bear baiting, bear denning with the use of artificial lights, and taking wolves and coyotes during the denning season, and other acts prohibited under the Proposed Rule—that are intended to or have the potential to manipulate predator abundance or behavior for the purpose of increasing the abundance of prey species.⁴⁹

B. State of Alaska regulations are designed to manipulate predators to increase abundance of prey.

The Service’s long-standing position, prior to the 2020 Rule, was that “State of Alaska regulatory processes do not substitute for NPS law, regulation, or policy, nor can they relieve us of our responsibilities.”⁵⁰ This is because State law requires State managers to “achieve[] and maintain[]” high levels of human harvest.⁵¹ The State has done this by reducing predator populations through liberalizing sport hunting regulations and via predator control programs. Management under the State’s sustained yield framework endorses this manipulation of populations. In fact, State actions that seek to dramatically reduce predator populations “to the lowest possible level” comply with the Alaska Constitution’s sustained yield mandate.⁵²

The Service has therefore historically viewed State sustained yield management as “dramatically inappropriate for implementation within units of the National Park System.”⁵³ The

⁴⁸ See *infra* pages 10–15.

⁴⁹ *Id.*

⁵⁰ Letter from Joel Hard, Deputy Reg’l. Dir., Nat’l. Park Serv., Alaska Region, to Doug Vincent-Lang, Acting Dir., Alaska Dep’t. of Fish and Game (Dec. 14, 2012) (Ex. 20).

⁵¹ ALASKA STAT. § 16.05.255(k)(5).

⁵² *West v. State*, 248 P.3d 689, 697, 700 (Alaska 2010).

⁵³ Nat’l. Park Serv., Alaska Region, Comments to the Alaska Bd. of Game at 6–8 (Aug. 22, 1984) (Ex. 21); see also Michael Finley, Associate Reg’l. Dir. for Operations for the Nat’l. Park Serv., Statement to the Alaska Bd. of Game (Mar. 26, 1985) (Ex. 22); Letter from Joel L. Hard, Deputy Reg’l. Dir., Nat’l. Park Serv., Alaska Region, to Doug

Service also interpreted its statutory mandates as precluding State management actions and decisions intended to reduce predator populations.⁵⁴ The Service recognized that it may need to preempt State sport hunting regulations from applying on Preserves where incompatible with “Preserve goals, objectives or management plans.”⁵⁵ For years, the Service rarely did so.⁵⁶ But then, the State increased its efforts to reach and maintain high levels of human harvest of game, as required by State law.⁵⁷ The State designated most of Alaska as “important for human consumption of ungulates” and managed for low levels of predators so as to reduce predation.⁵⁸ To do so, the State expanded predator control areas and liberalized sport hunting regulations for predators.

Following ANILCA’s passage, the State maintained “a buffer zone” between National Park System units and predator control areas.⁵⁹ Into the early 2000s, only a few predator control

Vincent-Lang, Acting Dir., State of Alaska Dep’t. of Fish and Game (Dec. 14, 2012) (Ex. 20); Master Memorandum of Understanding between the State of Alaska Dep’t. of Fish and Game and the U.S. Nat’l. Park Serv. (Oct. 1982) (Ex. 23); Nat’l Park Serv., Collected Comments to the Alaska Bd. of Game and Alaska Dep’t of Fish and Game (Ex. 24); Letter from Sue Masica, Reg’l. Dir., Nat’l. Park Serv., Alaska Region to Cora Campbell, Comm’r., Alaska Dep’t. of Fish and Game (June 03, 2013) (Ex. 25); Briefing for the US Dep’t. of the Interior: Wildlife Management – Navigating the Different Mandates of the NPS/FWS and State of Alaska (July 2014) (Ex. 26).

⁵⁴ See, e.g., Roger J. Contor, Reg’l. Dir., Alaska Region, Nat’l. Park Serv., Remarks to the Alaska Bd. of Game at 8 (Dec. 2, 1984) (Ex. 27); Nat’l. Park Serv., *NPS-Alaska Proposes Hunting Regulations for Nat’l. Preserves* (Sept. 4, 2014) (Ex. 28); Nat’l. Park Serv., 2013 Compendium Preamble: Summary of Comments and NPS Response to Wildlife Provisions (Ex. 29); Nat’l. Park Serv. Memorandum, Overview of Proposed Rule and 2015 Proposed Compendiums (Ex. 30).

⁵⁵ Master Memorandum of Understanding, Ex. 23, at 3. See also Nat’l Park Serv., Denali Nat’l. Park and Preserve 2015 Compendium at 52 (Ex. 85) (“The State of Alaska is the primary entity responsible for managing wildlife in accordance with State mandates. At the same time, the NPS is charged with the responsibility for assuring that the take of fish and wildlife is consistent with the fundamental purposes of the park system and individual park units.”); Nat’l. Park Serv., Alaska Region, Compilation of closure authority background material at 4 (Dec. 11, 2012) (Ex. 86) (“when there is a conflict between conserving resources and values and providing for enjoyment of them, conservation [is] predominant. ANILCA[’s] mandates for sport hunting do not insulate the NPS from that overarching obligation. Manipulating wildlife populations to meet greater hunter demands is not an appropriate use of any park area.”).

⁵⁶ Alaska; Hunting and Trapping in Nat’l. Preserves, 80 Fed. Reg. 64,325, 64,333 (Oct. 23, 2015).

⁵⁷ Nat’l. Park Serv., Summary Position Statement on Manipulation of Wildlife Populations in NPS areas (Sept. 30, 2011) (Ex. 31).

⁵⁸ Ripple et al., Ex. 1, at 3–4.

⁵⁹ Contor Remarks, Ex. 27, at 8.

areas abutted National Park System lands.⁶⁰ But by the mid-2010s, they virtually surrounded many National Park System units.⁶¹ This has impacted wildlife within the National Park System.⁶² For example, in Yukon-Charley Rivers National Preserve, the Service discontinued long-standing wolf studies because the State’s predator control program adjacent to the Preserve killed so many wolves.⁶³ In Lake Clark National Park and Preserve, the Service observed: “[p]redator control on two sides of [the unit] impacts the natural predator/prey systems that are a hallmark of the area.”⁶⁴ These population sinks outside of Park System units present an ongoing threat. A recent study of wolf packs that live primarily within National Park Service units “documented high levels of human-caused mortality, most of which occurred outside protected-area boundaries”—of collared wolves that spent 4-43% of their time outside of Park units, 22-58% of recorded deaths were human-caused.⁶⁵ And “of greater concern, these mortalities had detrimental effects on gray wolf pack-level biological processes.”⁶⁶

In addition to predator control programs, the State has also adopted—in the words of the Service itself—“increasingly liberal, often previously illegal measures to decrease predator abundance.”⁶⁷ In fact, the State primarily relies on liberalized sport hunting regulations to

⁶⁰ Nat’l. Park Serv., Alaska Region, State of Alaska Predator Control Areas Maps (Ex. 32).

⁶¹ *Id.*; Nat’l. Park Serv., Alaska Region, Wildlife Harvest on Nat’l. Park System Preserves in Alaska Environmental Assessment at 13–14 (Sept. 2014) (Ex. 33).

⁶² Schmidt, J.H., J.W. Burch, M.C. MacCluskie, *Effects of Control on the Dynamics of an Adjacent Protected Wolf Population in Interior Alaska*, WILDLIFE MONOGRAPHS 198:1–30 (2017) (Ex. 34).

⁶³ Anna v. Smith, *Park Serv. ended a wolf study in Alaska since so many have been killed*, HIGH COUNTRY NEWS, Aug. 12, 2016 (Ex. 35); Jeff Richardson, *Park Serv., state clash on Interior wolf killings*, NEWS MINER (Mar. 2, 2014) (Ex. 36); Letter from Greg Dudgeon, Nat’l. Park Serv. to Dr. Richard Steiner (July 29, 2016) (Ex. 37); Ripple et al., Ex. 1, at 5.

⁶⁴ Nat’l. Park Serv., Keeping It Wild in the Nat’l. Park Serv.: A User Guide to Integrating Wilderness Character into Park Planning, Management, and Monitoring 164, 167 (January 2014) (Ex. 38).

⁶⁵ Cassidy et. al., *Human-caused mortality triggers pack instability in gray wolves*, FRONTIERS IN ECOLOGY AND THE ENV’T. at 6 (2023) (Ex. 39).

⁶⁶ *Id.*

⁶⁷ Information Memorandum for the Secretary: Wildlife Management in the Nat’l. Park Serv. at 2 (date unknown) (Ex. 40); see also Julie Lurman & Sanford P. Rabinowitch, *Preemption of State Wildlife Law in Alaska: Where, When and Why*, 24 ALASKA L. REV. 145, *13–14 n. 49 (2007) (Ex. 41) (examples of Alaska Board of Game (Board) liberalizations, citing Justin Crawford & Sherry Wright, *Summary of Actions, Alaska Bd. of Game, Statewide and*

encourage hunter harvest of predators to reduce predator populations.⁶⁸ For example, in 2012, the State first authorized brown bear baiting under its sport hunting regulations in an attempt to

*Interior Region 24, 38 (Feb. 26 – Mar. 10, 2004) (Ex. 42), Charlie Gregg, Summary of Actions, Alaska Bd. of Game, Arctic Bd. of Game Meeting 9 (Nov. 11–14, 2005) (Ex. 43), Alaska Bd. of Game, Actions, (Jan 27–30 2006) (Ex. 44), Alaska Bd. of Game, Fall 2005 Proposal Book 16 (December 2005) (Ex. 45)); Miller, Schoen & Schwartz, Ex. 3, at 136 (“Efforts designed to reduce predation by liberalizing hunting regulations for predators is the default mechanism utilized to accomplish the [State] law’s desired outcome of increasing hunter harvests of moose and caribou”); *id.* at 142 (Board has liberalized methods and means for harvest of brown bears across approximately 76% of Alaska, and the remaining areas are places with low moose and caribou populations, or either where wolves are the primary predators (and targeted by the State for reduction), or bears are large and valued as a trophy species).*

⁶⁸ W.L. Regelin, P. Valkenburg, & R.D. Boertje, *Management of Large Predators in Alaska*, WILDLIFE BIOLOGY IN PRACTICE, 1(1): 77, 84 (June 2005) (Ex. 46); *see also* Alaska Dep’t. of Fish Game, Division of Wildlife Conservation, Alaska Dep’t. of Fish & Game Predation Mgmt. Summary, 2007–2009 (February 2010) (Ex. 47) (State publication noting increased hunter harvest of ungulates is achieved, in part, by “liberalizing harvest of predators”); Alaska Dep’t. of Fish and Game, Predator Mgmt. in Alaska at 2 (November 2007) (Ex. 48) (State publication explaining that elevating human harvest of prey depends, in part, on “sufficient” hunting and trapping harvests “to limit the growth of those predator populations” that have been reduced by predator control programs); *id.* at 3 (noting: “Take of predators by conventional hunting and trapping may be increased through liberalized seasons and bag limits to reduce the effects of predation on prey populations.”); *id.* at 16 (noting: “[H]arvest of wolves and bears—through traditional hunting and trapping or other means—must limit the natural growth of predator populations [following predator control programs] . . . Efforts by the public . . . will sometimes be a necessary part of overall, intensive management programs designed to increase harvests of moose and caribou.”); Alaska Dep’t. of Fish and Game, Overview of Relationships Between Bears, Wolves, and Moose in Alaska (Ex. 49) (State publication noting: “[d]uring the last 10 years, the [Board] has made a deliberate effort to reduce numbers of grizzly bears . . . by increasing the bag limit and extending hunting seasons.”); Alaska Bd. of Game, 2017 Proposal Book 96–97 (August 2017) (Ex. 50) (State regulatory proposal book, noting: “[t]he Board . . . liberalized brown bear hunting regulations . . . to increase the harvest”); Mike Fleagle, Chair, Alaska Bd. Of Game, Findings of the Alaska Bd. Of Game 2004-147-BOG: General Bear Management 7 (Mar 8, 2004) (Ex. 51), Mike Fleagle, Chair, Alaska Bd. Of Game, Findings of the Alaska Bd. Of Game 2006-164-BOG: General Bear Management 7 (May 14, 2006) (Ex. 52) (State policies, calling for the “reduc[ti]on of] bear numbers through general hunting provisions such as liberalized seasons, bag limits, hunting methods and means and tag waivers”); Cliff Judkins, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2011-186-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 4 (Mar. 25, 2011) (Ex. 53), Cliff Judkins, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2012-194-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 4 (Jan. 18, 2012) (Ex. 54), Ted Spraker, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2016-214-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 4 (Mar. 17, 2016) (Ex. 55) (State policies, calling for general hunting provisions to reduce bear numbers, stating a preference for using “conventional hunting seasons and bag limits to manage bear numbers”); Mike Fleagle, Chair, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2004-151-BOG: Finding regarding Bear Baiting Allocation (Mar. 10, 2004) (Ex. 56) (State finding: “Population and harvest objectives for species important for human use, particularly for food, may be attainable without drastic bear control measures if a considerable number of bears are taken by bear baiters.”); Patricia Harper & Laura A. McCarthy, eds., Alaska Dep’t. of Fish & Game, Brown bear management report of survey inventory activities 1 July 2010–30 June 2012 at 243 (2013) (Ex. 57) (State report, explaining the State liberalized brown bear sport hunting regulations to “attempt to reduce the brown bear population to decrease predation pressure on moose calves”); Ted Spraker, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2016-215-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 1–2 (Mar. 17, 2016) (Ex. 58) (State policy, aiming “to greatly reduce wolf numbers to aid recovery of low prey populations or to arrest undesirable reductions in prey populations” with “season and bag limits [set] to . . . allow for participants to directly aid in . . . improving ungulate levels”).

decrease brown bear populations, noting that not enough hunters obtained predator control permits.⁶⁹ The State has committed to continue “develop[ing] innovative ways of increasing bear harvests if conventional hunting seasons and bag limits are not effective at reducing bear numbers to mitigate predation on ungulates.”⁷⁰ The State has also acknowledged that lengthening wolf seasons is partially because “the most effective time to kill wolves is during caribou calving season,” *i.e.*, during denning season.⁷¹ The State has not limited its liberalization of sport hunting methods to areas with predator control programs,⁷² and has explicitly relied on “incrementally liberalized brown bear and wolf hunting regulations . . . [to] reduc[e] predation on moose and sheep” in areas where predator control is prohibited.⁷³

These liberalizations have been correlated with an increase in hunter harvest of predators.⁷⁴ For example, in the early 1980s, the four-year running average of brown bear harvest was approximately 400 bears in the 76% of Alaska where brown bear harvest regulations have since been significantly liberalized.⁷⁵ In that same area, since the 2007–2008 regulatory year, that figure more than doubled, consistently exceeding 800 bears, peaking at 910 bears in

⁶⁹ E-mail from Sandy Rabinowitch, Subsistence Manager, Nat’l Park Serv., to Debora Cooper, Nat’l Park Serv. (Apr. 4, 2014, 11:41 AKST) (Ex. 59).

⁷⁰ Findings of the Board of Game 2011, Ex. 53, at 4; *see also* Ex. 54; Ex. 55; Ex. 57 at 248.

⁷¹ Tracy Ross, *Palin, politics, and Alaska predator control*, HIGH COUNTRY NEWS (Feb. 21, 2011) (Ex. 60); *see also* Regelin, Valkenburg & Boertje, Ex. 46, at 78 (The State uses “[s]eason timing and length, rather than a bag limit . . . to manage the level of harvest” of wolves).

⁷² Harper & McCarthy, Ex. 57, at 221.

⁷³ Carole Healy, ed., Alaska Dep’t of Fish and Game, Wolf Management Report of survey inventory activities 1 July 1999-30 June 2002 at 218 (Dec. 2003) (Ex. 61); *see also* Nat’l. Park Serv., Alaska Reg’l. Office, Briefing Statement for FY 2015 (Ex. 62); E-mail from Kyle Joly, Nat’l. Park Serv., to Jeff Rasic et al., Nat’l. Park Serv. (Feb. 24, 2014, 10:12 AKST) (Ex. 63); Alaska Dep’t of Fish and Game, Hunting and Trapping Emergency Order No. 04-01-11 (Mar. 31, 2011) (Ex. 64).

⁷⁴ Sterling Miller & John Schoen, Comment Letter on Env’t. Assessment for Sport Hunting and Trapping in Nat’l. Preserves in Alaska at 12, 13 (Nov. 3, 2018) (Ex. 65); Harper & McCarthy, Ex. 57, at 168.

⁷⁵ Miller Schoen & Schwartz, Ex. 3, at 138, 140 (over 22 years, the Board liberalized hunting regulations for resident brown bear hunters 222 times).

the 2011–2012 regulatory year.⁷⁶ The State made little effort to monitor bear populations following adoption of these regulations or “to estimate sustainable harvest rates.”⁷⁷

The Service repeatedly asked the State to exempt Preserves from such regulations, without success.⁷⁸ In making these requests, the Service explained that State law requirements to provide for high levels of human harvest of game “are incompatible with NPS laws and implementing policies, which require maintaining natural processes, systems, and wildlife populations.”⁷⁹ The Service also identified specific measures as “inconsistent with the management of national parks,” including using artificial lights to harvest black bears, taking brown bears over bait, and taking wolves or coyotes with young pups.⁸⁰ The State refused to exempt the Preserves, asserting that the Service is responsible for compliance with federal law and that it should use its own authority to do so.⁸¹ The Service began adopting temporary restrictions in 2010 to prevent the liberalized sport hunting regulations from applying to Preserves.⁸² By 2013, the Service estimated that—absent its intervention—State sport hunting

⁷⁶ *Id.* at 140.

⁷⁷ *Id.* at 142.

⁷⁸ 80 Fed. Reg. 64,331; Ex. 28; Memorandum from Sue Masica, Nat’l Park Serv. Reg’l Dir., Alaska, to the Secretary of the Interior (June 20, 2013) (Ex. 66); Ex. 24. The types of State hunting regulations relevant here are typically specific to particular Game Management Units (GMUs). GMUs do not match land ownership, such that Preserves are not separated out as their own units. Alaska Game Management Units and Nat’l. Park Serv. Units Map (Ex. 67).

⁷⁹ Ex. 4; *see also* Nat’l Park Serv., Alaska Region, Comment Letter to the Alaska Bd. of Game (Feb. 01, 2018) (Ex. 68); Letter from Joel L. Hard, Deputy Reg’l. Dir., Nat’l Park Serv., Alaska Region, to Doug Vincent-Lang, Acting Dir., State of Alaska Dep’t. of Fish and Game (Apr. 3, 2013) (Ex. 69).

⁸⁰ Ex. 4 at 3; *see also* Ex. 6; Ex. 5; Nat’l Park Serv., Preamble to the Superintendent’s Compendium 2014: Denali Nat’l. Park (Ex. 70).

⁸¹ Ex. 40 at 2 (State “encouraged the NPS to use its own authorities,” then “object[ed] strongly and accus[ed] NPS of Federal ‘overreach’” when it did); *see also* Alaska Bd. of Game, Transcript of Proceedings (Excerpt) at 10–11 (Feb. 27, 2010) (Ex. 71); Ex. 70; Nat’l Park Serv., Preamble to the Superintendent’s Compendium 2014: Lake Clark Nat’l. Park and Preserve (Ex. 72).

⁸² Nat’l Park Serv., *Revisiting Sport Hunting & Trapping on National Preserves, Environmental Assessment* 11 (Jan. 2023); Nat’l. Park Serv., Agenda Change Request Form submitted to Alaska Bd. of Game (Nov. 6, 2013) (Ex. 73); Nat’l Park Serv., Determination of Need for a Restriction, Condition, Public Use Limit, or Closure: Temporary closures or restrictions to taking wildlife (black bears) (Ex. 74).

regulations aimed at reducing predator populations would have applied to ninety-percent of the Preserves.⁸³

C. The Service's definition of predator reduction efforts

In 2015, the Service defined predator reduction efforts as “State management actions or laws or regulations that authorize taking of wildlife, which . . . have the intent or potential to alter or manipulate natural predator-prey dynamics and associated natural ecological processes, in order to increase harvest of ungulates by humans.”⁸⁴ This definition included any practice that was *either* intended to *or* had the potential to cause the listed impacts. We encourage the Service to adopt that same definition in its new rulemaking, clarifying that it need not demonstrate that a practice will achieve its intended effect in order for it to qualify as a predator reduction effort⁸⁵—it need only be authorized with the intent to do so, or have the potential to do so. This is consistent with the Service’s obligation to exercise its discretion “in a manner that is calculated to protect park resources and genuinely seeks to minimize adverse impacts on park resources and values.”⁸⁶ In the face of uncertainty, Congress intended the Service to err on the side of wildlife protection.⁸⁷

⁸³ Memorandum from Geoff Haskett, Fish & Wildlife Serv. Alaska Reg'l. Dir. and Sue Masica, Nat'l Park Serv. Alaska Reg'l. Dir., Overview of USFWS and NPS Wildlife Management Issues in Alaska (Nov. 11, 2013) (Ex. 75).

⁸⁴ 80 Fed. Reg. 64332. This includes State Intensive Management programs, State predator control programs, and liberalized State hunting regulations seeking to manipulate predator populations for the purpose of increasing harvest of prey.

⁸⁵ Notably, while the State of Alaska has increased the killing of predators in certain areas via its intensive management programs and liberalized sport hunting regulations, there is little evidence to validate Alaska’s theory that this targeting of predators is likely to increase abundance of prey species over time. *See generally* Sterling Miller, David Person & Terry Bowyer, *Efficacy of Killing Large Carnivores to Enhance Moose Harvests: New Insights from a Long-Term View*, 14 DIVERSITY 939 (2022) (Ex. 76).

⁸⁶ *Greater Yellowstone Coal. v. Kempthorne*, 577 F. Supp. 2d 183, 193 (D.D.C. 2008) (cleaned up); *see id.* (“To hold otherwise now would depart from years of well-reasoned precedent and undermine over 100 years of park management.”).

⁸⁷ Ex. 79 at 233 (“The greater the ignorance of the resource parameters, particularly of the ability and capacity of a population or species to respond to change in its ecosystem, the greater the safety factor must be.”); *see also* Ex. 20 (“The NPS has the responsibility and obligation to take a precautionary approach to authorizations for which outcomes are uncertain.”). This is particularly important for wildlife management because the State does not collect comprehensive harvest or population data specific to the Preserves, and the Service does not have sufficient access

We also support the Service’s proposal to codify the language of its management policies to clarify that predator control is not allowed on lands managed by the National Park Service.⁸⁸ This is essential, given the ambiguity created by the Service’s about-face in the 2020 Rule. This ambiguity flows from the fact that the 2015 Rule’s prohibition of predator reduction efforts applied broadly to “park areas.”⁸⁹ While sport hunting is only allowed in the Preserves, the ban on predator reduction efforts encompassed more than just liberalized sport hunting regulations, barring *any* State management action, law, or regulation “authoriz[ing] tak[e] of wildlife . . . if . . . related to predator reduction efforts.”⁹⁰ Such actions could include predator control practices like aerial shooting of wolves. When the Service deleted that language in 2020, it opened the door to such actions across Park System units in Alaska. We encourage the Service to clarify, in this rule, that predator control and predator reduction efforts are not permitted on any Park System units in Alaska.

D. The Service’s determination of which practices qualify as predator reduction efforts

We support the Service’s determination that taking wolves and coyotes during the denning season, bear baiting, harvest of bears with artificial lights at den sites, bear snaring, and hunting big game with the use of a dog are all inconsistent with its management policies and should be precluded for those hunting for sport purposes—regardless of whether the State achieves its goal of artificially depressing predator populations to increase prey populations.⁹¹ For example, the only purpose of killing wolves and coyotes during the denning season is to

to the data the State does collect. *See* Letter from Tony Kavalok, Assistant Dir., Alaska Dep’t of Fish and Game, to Brooke Merrell, Env’t Planning and Compliance Team Leader, Nat’l. Park Serv., Alaska Reg’l. Office (May 24, 2018) (Ex. 82); Ex. 3 at 136, 142; Email from Brad Palach, State of Alaska, to Brooke Merrell, Nat’l. Park Serv., re: Bear Harvest Data and UCUs (Jul. 23, 2018) (Ex. 83); Memorandum of Agreement between the Alaska Dep’t. of Fish and Game and the Nat’l. Park Serv. for Use of Wildlife Data (September 2018) (Ex. 84).

⁸⁸ 88 Fed. Reg. 1181.

⁸⁹ 80 Fed. Reg. 64343.

⁹⁰ *Id.*

⁹¹ 88 Fed. Reg. 1181.

reduce predator populations. During this time, their pelts have little trophy, economic, or subsistence value. We support the Service’s proposal to prohibit taking wolves and coyotes from May 1 through August 9, but believe that the prohibition should start well before denning season and extend from early March through early August instead. The only justification for allowing the take of wolves during this period is population reduction,⁹² which is prohibited on National Preserves.

In addition, we ask the Service to find that, independent of intent, such practices are also inconsistent with its management policies because they have the potential to damage “natural ecosystems and processes, including the natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife.”⁹³ As the Service has acknowledged, “[b]y design, baiting of bears alters their behavior,” and that alteration “directly conflicts” with the Service’s management policies.⁹⁴ And “[a]lthough wolves seem to be well equipped to recover from fairly high levels of human offtake given their short time to sexual maturity and ability to produce large litters, these measures of recovery are at the population level and can disguise disruption occurring at the pack level.”⁹⁵ Thus, “human impacts at the pack level are of concern to agencies and organizations with goals of natural regulation and preservation of biological processes.”⁹⁶ This is especially true during biologically sensitive times, and “even the loss of a single wolf, especially a leader, can have detrimental

⁹² ADF&G emphasized this point to the Board in its comments opposing the extension of the wolf hunting season in GMU 22, stating that “[m]ost wolf hunting seasons statewide, *outside of areas with intensive management programs*, end on April 30 due to increased vulnerability during the denning period.” Alaska Dep’t of Fish & Game, Staff Comments on Arctic and Western Region Regulatory Proposals to the Board of Game 32–33, January 10–13, 2014 (Ex. 81) (emphasis added).

⁹³ NPS Management Policies 2006, Ex. 19, at §§ 4.1, 4.4.1, 4.4.1.2, 4.4.2.

⁹⁴ Nat’l Park Serv., *Revisiting Sport Hunting & Trapping on National Preserves Environmental Assessment* 14 (Jan. 2023).

⁹⁵ Cassidy et al., Ex. 39, at 5.

⁹⁶ *Id.*

effects on the pack.”⁹⁷ It is therefore important for the Service to recognize the impacts to elements like behavior and distribution, per its management policies⁹⁸, in addition to impacts to populations. We would encourage the Service to more fully analyze these impacts in its Environmental Assessment in addition to impacts to population levels, and to clarify in its final rule that such impacts to natural abundances, diversities, distributions, densities, age-class distributions, populations, habitats, genetics, and behaviors of wildlife independently render State-authorized hunting practices like bear baiting and taking wolves and coyotes during the denning season incompatible in Park System units.

IV. TRAPPING CLARIFICATION

We support the Service’s decision to clarify its trapping regulations by making explicit that “trapping” involves the use of a trap under a trapping license. Alaska State regulations allow for taking an animal with any non-prohibited method, including use of a firearm, a snare, or a trap, under a trapping license.⁹⁹ We interpret the Proposed Rule as precluding the use of any method other than via a trap. We would further encourage the Service to clarify whether, under this definition, a trapper could dispatch an animal caught in a trap using a firearm.

V. CONCLUSION

We support the Proposed Rule’s restrictions on the taking of wildlife in National Park System units, and support the rule as a whole as it will prohibit any State regulations that authorize taking of wildlife, hunting or trapping activities, or management actions that involve predator reduction efforts with the intent or potential to alter or manipulate natural predator-prey

⁹⁷ *Id.* See also Linda Rutledge, et al. *Protection from harvesting restores the natural social structure of eastern wolf packs*, 143 BIOLOGICAL CONSERVATION 332 (2010) (Ex. 77) (even when populations remain stable, human harvest of wolves impacts natural behaviour significantly).

⁹⁸ NPS Management Policies 2006, Ex. 19, at §§ 4.1, 4.4.1, 4.4.1.2, & 4.4.2.

⁹⁹ Alaska Dep’t of Fish & Game, 2022–2023 Alaska Trapping Regulations 13 (Ex. 78).

dynamics and associated ecological processes to increase human harvest of ungulates. The Proposed Rule will replace the unlawful 2020 Rule, aligning Park Service management and statutory interpretations with recent court decisions.¹⁰⁰ The Proposed Rule will also give effect to ANILCA’s subsistence priority, and resolve the public safety concerns associated with bear baiting. We encourage the Service to move swiftly to finalize the Proposed Rule.

Thank you for considering these comments. If you have any questions regarding these comments, please do not hesitate to contact me.

Sincerely,

s/ Rachel Briggs
 Rachel Briggs
 Staff Attorney
rbriggs@trustees.org

Exhibits	
Exhibit Number	Title
Ex. 1	Ripple, W.J., S.D. Miller, J.W. Schoen, S.P. Rabinowitch, <i>Large carnivores under assault in Alaska</i> . PloS Biology 17(1): e3000090 (2019).
Ex. 2	Sophie Massé et al., <i>How Artificial Feeding for Tourism-Watching Modifies Black Bear Space Use and Habitat Selection</i> , 78(7) Journal of Wildlife Mgmt. 1228, 1232–33 (2014)
Ex. 3	Sterling D. Miller, John W. Schoen & Charles C. Schwartz, <i>Trends in brown bear reduction efforts in Alaska, 1980-2017</i> , Ursus 28(2):135, 136, 137, 138, 140, 142 (2017)
Ex. 4	Nat’l Park Serv., Comment to the Alaska Bd. of Game and Alaska Dep’t of Fish and Game at 2, 3 (Jan. 2014).
Ex. 5	Ted Spraker, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2016-215-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 1–2 (Mar. 17, 2016).
Ex. 6	Krista Langlois, Alaska's wildlife war, High Country News (May 27, 2014), https://www.hcn.org/issues/46.9/alaskas-wildlife-war .
Ex. 7	Nat’l Park Serv., Emails regarding bear baiting in Wrangell-St.Elias Nat’l Park
Ex. 8	Rebecca Kirby, David MacFarland, and Jonathan Pauli, <i>Consumption of Intentional Food Subsidies by a Hunted Carnivore</i> , 81(7) Journal of Wildlife Management 1161, 1164–65, 1167 (2017)

¹⁰⁰ See *supra* note 3.

Ex. 9	Torsten Bentzen, Richard Shideler, and Todd O'Hara, <i>Use of stable isotope analysis to identify food-conditioned grizzly bears on Alaska's North Slope</i> , 25(1) <i>Ursus</i> 14, 15, 21 (2014)
Ex. 10	Alaska Department of Fish & Game, <i>Bear Safety for Hunters</i> , https://www.adfg.alaska.gov/index.cfm?adfg=hunting.bearsafety
Ex. 11	James M. Wilder, Quantifying Bear Populations and Bear-Human Conflicts Using Non-Invasive Genetic Sampling in the Kennicott Valley of Wrangell-St. Elias National Park & Preserve, Alaska (January 2003)
Ex. 12	Letter from NPCA to Vic Knox (Aug. 22, 2005)
Ex. 13	Nat'l. Park Serv., Denali National Park & Preserve 2014 Compendium
Ex. 14	Stephen Stringham, Lynn Rogers, and Ann Bryant, <i>Semantic vs. Empirical Issues in the Bear Diversionary Baiting Controversy</i> , 5(6) <i>Environment and Ecology Research</i> 436, 439 (2017).
Ex. 15	ADF&G, Bear baiting season and requirements (link)
Ex. 16	Hristienko, H., and McDonald, J., <i>Going into the 21st century: a perspective on trends and controversies in the management of the American black bear</i> , 18(1) <i>Ursus</i> 72, 84 (2007).
Ex. 17	Bear Baiting in WRST, Nat'l Park Serv. (date unknown).
Ex. 18	State of Alaska, Comment Letter on Proposed Rule on Hunting and Trapping in Nat'l. Preserves in Alaska 17, 18, 61 (Nov. 2, 2018).
Ex. 19	U.S. Dep't of the Interior, Nat'l Park Serv., Management Policies 2006 (§§ 4.1, 4.4.1, 4.4.1.2, 4.4.2, and 4.4.3).
Ex. 20	Letter from Joel Hard, Deputy Reg'l. Dir., Nat'l. Park Serv., Alaska Region, to Doug Vincent-Lang, Acting Dir., Alaska Dep't. of Fish and Game (Dec. 14, 2012) (on file with author).
Ex. 21	Nat'l. Park Serv., Alaska Region, Comments to the Alaska Bd. of Game (Aug. 22, 1984)
Ex. 22	Michael Finley, Associate Reg'l. Dir. for Operations for the Nat'l. Park Serv., Statement to the Alaska Bd. of Game (Mar. 26, 1985)
Ex. 23	Master Memorandum of Understanding between the State of Alaska Dep't. of Fish and Game and the U.S. Nat'l. Park Serv. (Oct. 1982)
Ex. 24	Nat'l Park Serv., Alaska Region, Comment Letter to the Alaska Bd. of Game (Oct. 31, 2003).
Ex. 25	Letter from Sue Masica, Reg'l. Dir., Nat'l. Park Serv., Alaska Region to Cora Campbell, Comm'r., Alaska Dep't. of Fish and Game (June 03, 2013)
Ex. 26	Briefing for the US Dep't. of the Interior: Wildlife Management – Navigating the Different Mandates of the NPS/FWS and State of Alaska (July 2014) (on file with author).
Ex. 27	Roger J. Contor, Reg'l. Dir., Alaska Region, Nat'l. Park Serv., Remarks to the Alaska Bd. of Game (Dec. 2, 1984)
Ex. 28	Nat'l. Park Serv., <i>NPS-Alaska Proposes Hunting Regulations for Nat'l. Preserves</i> (Sept. 4, 2014), https://home.nps.gov/katm/learn/news/nps-alaska-proposes-hunting-regulations-for-national-preserves.htm .
Ex. 29	Nat'l. Park Serv., 2013 Compendium Preamble: Summary of Comments and NPS Response to Wildlife Provision

Ex. 30	Nat'l. Park Serv. Memorandum, Overview of Proposed Rule and 2015 Proposed Compendiums (date unknown) (on file with author).
Ex. 31	Nat'l. Park Serv., Summary Position Statement on Manipulation of Wildlife Populations in NPS areas (Sept. 30, 2011)
Ex. 32	Nat'l. Park Serv., Alaska Region, State of Alaska Predator Control Areas Maps
Ex. 33	Nat'l. Park Serv., Alaska Region, Wildlife Harvest on Nat'l. Park System Preserves in Alaska Environmental Assessment (Sept. 2014)
Ex. 34	Schmidt, J.H., J.W. Burch, M.C. MacCluskie, <i>Effects of Control on the Dynamics of an Adjacent Protected Wolf Population in Interior Alaska</i> , Wildlife Monographs 198:1–30 (2017).
Ex. 35	Anna v. Smith, <i>Park Serv. ended a wolf study in Alaska since so many have been killed</i> , High Country News, Aug. 12, 2016
Ex. 36	Jeff Richardson, <i>Park Serv., state clash on Interior wolf killings</i> , News Miner (Mar. 2, 2014).
Ex. 37	Letter from Greg Dudgeon, Nat'l. Park Serv. to Dr. Richard Steiner (July 29, 2016) (on file with author).
Ex. 38	Nat'l. Park Serv., Keeping It Wild in the Nat'l. Park Serv.: A User Guide to Integrating Wilderness Character into Park Planning, Management, and Monitoring 164, 167, (January 2014)
Ex. 39	Cassidy et. al., <i>Human-caused mortality triggers pack instability in gray wolves</i> , Frontiers in Ecology and the Env't. at 6 (2023)
Ex. 40	Information Memorandum for the Secretary: Wildlife Management in the Nat'l. Park Serv. at 2 (date unknown).
Ex. 41	Julie Lurman & Sanford P. Rabinowitch, <i>Preemption of State Wildlife Law in Alaska: Where, When and Why</i> , 24 Alaska L. Rev. 145, *13–14 n. 49 (2007)
Ex. 42	Justin Crawford & Sherry Wright, <i>Summary of Actions, Alaska Bd. of Game, Statewide and Interior Region</i> 24, 38 (Feb. 26 – Mar. 10, 2004).
Ex. 43	Charlie Gregg, <i>Summary of Actions, Alaska Bd. of Game, Arctic Bd. of Game Meeting</i> 9 (Nov. 11–14, 2005).
Ex. 44	Alaska Bd. of Game, Actions, (Jan 27–30 2006).
Ex. 45	Alaska Bd. of Game, Fall 2005 Proposal Book 16 (December 2005).
Ex. 46	W.L. Regelin, P. Valkenburg, & R.D. Boertje, <i>Management of Large Predators in Alaska</i> , Wildlife Biology in Practice, 1(1): 77, 78, 83–84 (June 2005).
Ex. 47	Alaska Dep't. of Fish Game, Division of Wildlife Conservation, Alaska Dep't. of Fish & Game Predation Mgmt. Summary, 2007–2009, 1 (February 2010).
Ex. 48	Alaska Dep't. of Fish and Game, Predator Mgmt. in Alaska (November 2007).
Ex. 49	Alaska Dep't. of Fish and Game, Overview of Relationships Between Bears, Wolves, and Moose in Alaska, https://www.adfg.alaska.gov/index.cfm?adfg=intensivemanagement.predatorprey .
Ex. 50	Alaska Bd. of Game, 2017 Proposal Book (August 2017).
Ex. 51	Mike Fleagle, Chair, Alaska Bd. Of Game, Findings of the Alaska Bd. Of Game 2004-147-BOG: General Bear Management 7 (Mar 8, 2004).
Ex. 52	Mike Fleagle, Chair, Alaska Bd. Of Game, Findings of the Alaska Bd. Of Game 2006-164-BOG: General Bear Management (May 14, 2006).

Ex. 53	Cliff Judkins, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2011-186-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy (Mar. 25, 2011).
Ex. 54	Cliff Judkins, Chairman, Alaska Bd. of Game, Findings of the Alaska Bd. of Game 2012-194-BOG: Bd. of Game Bear Conservation, Harvest, and Management Policy 4 (Jan. 18, 2012).
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Ex. 61	Carole Healy, ed., Alaska Dep't of Fish and Game, <i>Wolf Management Report of survey inventory activities 1 July 1999-30 June 2002</i> 218 (Dec. 2003).
Ex. 62	Nat'l. Park Serv., Alaska Reg'l. Office, Briefing Statement for FY 2015.
Ex. 63	E-mail from Kyle Joly, Nat'l. Park Serv., to Jeff Rasic et al., Nat'l. Park Serv. (Feb. 24, 2014, 10:12 AKST) (on file with author).
Ex. 64	Alaska Dep't of Fish and Game, Hunting and Trapping Emergency Order No. 04-01-11 (Mar. 31, 2011).
Ex. 65	Sterling Miller & John Schoen, Comment Letter on Env't. Assessment for Sport Hunting and Trapping in Nat'l. Preserves in Alaska (Nov. 3, 2018).
Ex. 66	Memorandum from Sue Masica, Nat'l Park Serv. Reg'l Dir., Alaska, to the Secretary of the Interior (June 20, 2013) (on file with author)
Ex. 67	Alaska Game Management Units and Nat'l. Park Serv. Units Map
Ex. 68	Nat'l Park Serv., Alaska Region, Comment Letter to the Alaska Bd. of Game (Feb. 01, 2018).
Ex. 69	Letter from Joel L. Hard, Deputy Reg'l. Dir., Nat'l Park Serv., Alaska Region, to Doug Vincent-Lang, Acting Dir., State of Alaska Dep't. of Fish and Game (Apr. 3, 2013) (on file with author).
Ex. 70	Nat'l Park Serv., Preamble to the Superintendent's Compendium 2014: Denali Nat'l. Park.
Ex. 71	Alaska Bd. of Game, Transcript of Proceedings (Excerpt) (Feb. 27, 2010).
Ex. 72	Nat'l Park Serv., Preamble to the Superintendent's Compendium 2014: Lake Clark Nat'l. Park and Preserve.

Ex. 73	Nat'l. Park Serv., Agenda Change Request Form submitted to Alaska Bd. of Game (Nov. 6, 2013).
Ex. 74	Natl'l Park Serv., Determination of Need for a Restriction, Condition, Public Use Limit, or Closure: Temporary closures or restrictions to taking wildlife (black bears)
Ex. 75	Memorandum from Geoff Haskett, Fish & Wildlife Serv. Alaska Reg'l. Dir. and Sue Masica, Nat'l Park Serv. Alaska Reg'l. Dir., Overview of USFWS and NPS Wildlife Management Issues in Alaska (Nov. 11, 2013) (on file with author).
Ex. 76	Sterling Miller, David Person & Terry Bowyer, <i>Efficacy of Killing Large Carnivores to Enhance Moose Harvests: New Insights from a Long-Term View</i> , 14 Diversity 939 (2022)
Ex. 77	Linda Y. Rutledge, et al. <i>Protection from harvesting restores the natural social structure of eastern wolf packs</i> , 143 Biological Conservation 332 (2010).
Ex. 78	Alaska Dep't of Fish & Game, 2022–2023 Alaska Trapping Regulations
Ex. 79	Senate Report No. 96-413 (1979)
Ex. 80	126 Cong. Rec. H10549 (daily ed. Nov. 12, 1980)
Ex. 81	Alaska Dep't of Fish & Game, Staff Comments on Arctic and Western Region Regulatory Proposals to the Board of Game, January 10–13, 2014.
Ex. 82	Letter from Tony Kavalok, Assistant Dir., Alaska Dep't of Fish and Game, to Brooke Merrell, Env't Planning and Compliance Team Leader, Nat'l. Park Serv., Alaska Reg'l. Office (May 24, 2018) (on file with author)
Ex. 83	Email from Brad Palach, State of Alaska, to Brooke Merrell, Nat'l. Park Serv., re: Bear Harvest Data and UCUs (Jul. 23, 2018).
Ex. 84	Memorandum of Agreement between the Alaska Dep't. of Fish and Game and the Nat'l. Park Serv. for Use of Wildlife Data (September 2018) (on file with author)
Ex. 85	Nat'l Park Serv., Denali Nat'l. Park and Preserve 2015 Compendium
Ex. 86	Nat'l. Park Serv., Alaska Region, Compilation of closure authority background material (Dec. 11, 2012)