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Chairman Murkowski, Senator Cantwell, and members of the Committee:

My name is Anna Seidman and I am Director of Litigation for Safari Club International. I am particularly honored to have the opportunity to testify today before this Committee. I speak today on behalf of the most influential hunting organization in this country. Safari Club International is a nonprofit organization with offices in Tucson, Arizona and Washington, D.C. Our missions include protecting the freedom to hunt and promoting wildlife conservation worldwide.

Safari Club International's Interest in ANILCA

Safari Club has over 48,000 members and 177 chapters throughout the world. We have two Alaska-based chapters, the Alaska Chapter and the Alaska Kenai Peninsula Chapter. Both are extremely active in promoting and protecting hunting and wildlife conservation in Alaska. Safari Club has members who live in Alaska and others who travel to Alaska for the purpose of enjoying the state's world-class hunting opportunities. These members hunt for many purposes, both subsistence and non-subsistence, and all of these members are affected by the Alaska National Interest Lands Conservation Act or ANILCA. They are passionate hunters and conservationists. Together they, and we who advocate for them, want to make sure that hunting and the wildlife resources that provide those hunting opportunities in Alaska remain available now and long into the future.

It is quite fitting that I represent Safari Club today because it was ANILCA that brought me to Safari Club and turned me into a wildlife and hunting litigation attorney. ANILCA also was responsible for the development of Safari Club's litigation advocacy department. Sixteen and a half years ago, I joined Safari Club solely for the purpose of litigating a lawsuit that Safari Club had filed in federal court to challenge the Federal Subsistence Board's administration of ANILCA. Our lawsuit did not challenge the law itself. It challenged the way that the federal agencies were administering ANILCA.

In 1999, Safari Club challenged, among other things, the lack of representation from non-subsistence interests on the Regional Advisory Councils that advised the Federal Subsistence Board in regard to determinations pertaining to priority access to wildlife resources on federal lands in Alaska. As a result of our lawsuit, the federal government acknowledged its obligation to fairly balance the Regional

Advisory Councils with representation from both subsistence and non-subsistence interests. That one case led Safari Club to hire a litigation attorney and to participate in many lawsuits involving hunting, importation, wildlife conservation, land management, and resource planning. Today, Safari Club is home to a litigation department with several attorneys who dedicate their time exclusively to advocating for hunting and sustainable use conservation throughout the world.

ANILCA’S Purpose.

Just as we did back in 1999, Safari Club today understands that ANILCA’s purpose is to provide a balance between the needs of the user groups who must share Alaska’s resources. Congress designed ANILCA to provide access to wildlife resources for Alaska’s subsistence communities but to make sure that non-subsistence users maintained their access in all situations where sufficient wildlife resources are available. Congress tasked the administrators of ANILCA to conserve those resources to make sure that Alaska’s hunters have wildlife to hunt. ANILCA directed the Secretaries of the Department of the Interior and the Department of Agriculture to manage resources to fulfill the needs of the communities that depend upon these resources as well as “to provide for the maintenance of sound populations of, and habitat for, wildlife species of inestimable value to the citizens of Alaska and the Nation,” 16 U.S.C. § 3101. Congress directed these federal managers to fulfill subsistence and non-subsistence needs on federal lands in accordance with sound management and recognized scientific principles of fish and wildlife conservation. 16 U.S.C. § 3112.

The drafters of ANILCA did not give federal managers exclusive authority in administering ANILCA. Instead, Congress explained that to protect “the continued viability of all wild renewable resources in Alaska,” those administrators were obligated to “cooperate with adjacent landowners and land managers, including Native Corporations, appropriate State and Federal agencies, and other nations.” 16 U.S.C. § 3112. In other words, Congress did not intend for the federal agencies to operate as though they alone had the responsibility or authority to make decisions about how to conserve and manage Alaska’s wildlife resources. Congress tasked the Secretaries with the duty to collaborate with the state of Alaska, among others.

Recent Actions by Federal Agencies Contravening ANILCA.

Recently, two of the federal government agencies that are tasked with administering ANILCA have taken actions that abandon the intent of Congress concerning ANILCA's protection of hunting opportunities. Specifically, the National Park Service and the U.S. Fish and Wildlife Service have each invoked ANILCA as the basis of decisions to deprive Alaska's residents, both subsistence and non-subsistence hunters, of hunting opportunities. Both of these agencies have taken or intend to take positions that interfere with Alaska state management of wildlife that supports hunting opportunities. The National Park Service and the U.S. Fish and Wildlife Service are reinterpreting ANILCA to require a "hands-off" approach to wildlife management even if that approach would lead to the complete disappearance of huntable populations of wildlife.

National Park Service

The National Park Service finalized regulations on October 23, 2015 that prohibit several forms of hunting on National Preserves in Alaska. These regulations unabashedly target "sport" or non-subsistence hunters, yet the rules actually prohibit methods that are often practiced by subsistence hunters in the hunting of wolves, bears and coyotes. These regulations send the message that the National Park Service is uncomfortable with certain methods of take and that the Park Service intends to be the final judge of what are and what are not "ethically appropriate" methods of hunting. Despite the State of Alaska's determination that those types of hunting are legal and appropriate within the state, the National Park Service wants to impose its contrary, and emotionally-based, value system on legally mandated hunting on National Preserve lands in Alaska.

In this action, the Park Service is taking rather lightly ANILCA's requirement that federal agencies "cooperate" with Alaska state wildlife managers. The National Park Service seems to interpret compliance to require only that the Park Service demand that the Alaska Board of Game adopt the Park Service's prohibitions. If the Board of Game refuses, the Park Service then promulgates regulations that contradict Alaska State hunting rules and that undermine Alaska statutory obligations to provide hunting opportunities to its citizens. Instead of cooperating with the State of Alaska in addressing this difference of opinion on hunting methods, the National Park Service handed out edicts and then moved ahead with regulatory prohibitions based on the National Park Service's opinions of what constitutes appropriate hunting in Alaska.

For all hunters, the way that the National Park Service is imposing its personnel's value judgments about what constitutes appropriate hunting methods is a concern that doesn't restrict itself to Alaska. This subjective and emotionally based approach to what constitutes appropriate methods of hunting could extend to hunting authorized on National Park Service lands throughout the U.S.

The October 23rd regulations are not the only example of the National Park Service's attempt to take action that overrides State authority to regulate hunting activities in Alaska. Safari Club member John Sturgeon has a case before the U.S. Supreme Court that challenges the National Park Service's effort to exercise its authority to restrict the use of non-federal waters and lands located within National Park Service boundaries. The National Park Service prohibited Mr. Sturgeon from operating his personal hovercraft on a river running through a National Preserve, despite the fact that the navigable water at issue is state owned and that the state permits hovercraft use on state owned waterways. Safari Club has filed an amicus brief in support of Sturgeon's arguments and oral argument is scheduled for January 20th of next year.

The U.S. Fish and Wildlife Service

Similarly, the U.S. Fish and Wildlife Service has announced plans to revise its regulations for wildlife management and hunting in Alaska. The Fish and Wildlife Service wants to codify the concept of so-called "natural diversity" to manage wildlife resources on National Wildlife Refuge lands in Alaska. Like the Park Service, the Fish and Wildlife Service intends to ignore the intent of ANILCA's drafters. Instead of recognizing the goal of providing wildlife resources for the needs of Alaska's hunting public, the Fish and Wildlife Service intends to apply a "hands-off" approach to wildlife management. The Fish and Wildlife Service refuses to recognize the State of Alaska's need to balance Alaska's predator and prey populations. Instead, the FWS prefers to allow growing predator populations to decimate the very prey populations upon which hunters depend for both subsistence and non-subsistence hunting opportunities. In adopting this approach, Fish and Wildlife Service leadership ignores the specific definition for "natural diversity" provided by Senator Stevens, one of the key drafters of ANILCA's complicated and balanced approach to wildlife management on federal lands in Alaska:

The term is not intended to, in any way, restrict the authority of the Fish and Wildlife Service to manipulate habitat for the benefit of fish

or wildlife populations within a refuge *or for the benefit of the use of such populations by man as part of the balanced management program mandated by the Alaska National Interest Lands Conservation Act and other applicable law*. The term also is not intended to preclude predator control on refuge lands in appropriate instances.

(emphasis added) Congressional Record, Dec. 1, 1980, S-15132.

Like their National Park Service colleagues, the Fish and Wildlife Service considers its duty to “cooperate” with Alaska State wildlife management officials to be satisfied by the delivery of edicts and the adoption of regulations that contradict and undermine Alaska State regulations and statutory wildlife management mandates. The Fish and Wildlife Service is expected to publish a proposed version of those regulations in the next few months, and you can be sure that Safari Club and many others will be vigorously opposing them.

Call for Action

In conclusion, on the occasion of ANILCA’s anniversary, Safari Club asks this Committee to:

- remember the original intent of ANILCA’s drafters;
- remind federal agency administrators of their ANILCA duties to manage wildlife resources for the benefit of Alaska’s hunters; and
- make certain that resource management decisions are made in cooperation with the State agency that is responsible for state-wide conservation and management of wildlife, including the wildlife that are found on federal lands.

Only through an approach that maintains a balance between providing for the needs of the hunting communities and ensuring long term survival of all of Alaska’s wildlife resources, both predators and prey, can ANILCA’s obligations be fulfilled.

Thank you for this opportunity to provide this testimony.