



United States Department of the Interior

NATIONAL PARK SERVICE

Alaska Region
240 West 5th Avenue, Room 114
Anchorage, Alaska 99501

IN REPLY REFER TO:
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JUL 26 2016

Citizens' Advisory Commission on Federal Areas
Chairman Mark Fish
c/o DNR Office of the Commissioner
550 West Seventh Avenue, Suite 1400
Anchorage, AK 99501

Dear Chairman Fish:

This is in response to a letter sent on behalf of the Commission by Executive Director Sara Taylor on June 24, 2016. Thank you for the opportunity to provide our thoughts on the Master Memorandum of Understanding (MMOU) with the Alaska Department of Fish and Game (ADFG).

This document was crafted when the ink on the Alaska National Interest Lands Conservation Act was barely dry, and when feelings within Alaska were still somewhat raw after the establishment by Congress of new conservation areas and a new management paradigm. That it has lasted nearly 33 years is a testament to wisdom of Commissioner Skoog and Regional Director Cook in crafting it, and in the many subsequent state and federal managers who have implemented it. The National Park Service (NPS) does not intend to let it expire, and our hope is that the State of Alaska and the Citizens Advisory Commission on Federal Areas will see the value in continuing to work together in the ways the MMOU anticipated.

We understand that members of the Commission believe the NPS has not lived up to its responsibilities under the MMOU. My staff and I have appeared before the Commission on several occasions, and a continuing theme has been to describe ways in which the NPS and the ADFG have worked together; how Commissioner Sam Cotton, Director Bruce Dale, NPS Deputy Regional Director Joel Hard, and I have had multiple conversations about wildlife and related issues, and how we value the mostly positive field level relations among our respective employees.

The displeasure among some Alaskans during and after our promulgation of regulations related to sport hunting practices focused on the reduction of predators and the relationship of those actions to the MMOU is well known within the NPS. More than three years ago, we wrote to the then Director of ADFG in response to his raising the issue:

"The NPS disagrees with the notion that such action is inconsistent with the MMOU with ADFG. Under this MMOU, the "National Park Service areas were established, in part, to 'assure continuation of the natural process of biological succession' and 'to maintain the environmental integrity of the natural features found in them.'" In the MMOU, the NPS agrees to recognize the State as the "agency with the primary responsibility to manage fish and resident wildlife" and "utilize the State's regulatory process to the maximum

extent ... when proposing changes in existing State regulations governing or affecting that taking of fish and wildlife on Service lands" Likewise, the state agrees in the MMOU to recognize the Service's "responsibility to conserve fish and wildlife and their habitat and regulate human use on Service lands in Alaska."

Our position has not changed, nor will the Commission's upon re-reading that paragraph. We expect there are some areas like this where we will continue to disagree, but by and large both the NPS and the ADFG have the same goal, one well-worded in the third "Whereas" of the MMOU:

"The Department and the Service share a mutual concern for fish and wildlife resources and their habitats and desire to develop and maintain a cooperative relationship which will be in the best interests of both parties, the fish and wildlife resources and their habitats, and produce the greatest public benefit."

The MMOU does not – and certainly could not when considered in the context in which it was written 33 years ago – anticipate the NPS and ADFG would always agree on management actions across more than 54 million acres. Neither does the document establish a two-tiered set of responsibilities; rather, the NPS and ADFG are long-term partners each guided by our foundational legislation, policies and the mandates of Congress and the Alaska Legislature.

Importantly, Mutual Agreements #14 in the Memorandum "establishes procedural guidelines by which the parties shall cooperate," and with varying degrees of success over the decades both the Department and the Service have stayed true to the spirit of the agreement.

With regard to permits, we would note the Memorandum states the NPS will "cooperate with the Department in planning for management activities on Service lands which require *permits* (emphasis added), environmental assessments, compatibility assessments or similar regulatory documents by responding to the Department in a timely manner. " (NPS Agrees #4) We find it hard to read this paragraph and believe its authors felt the NPS lacked the authority to issue permits.

To the suggestion of possible revisions, the NPS is certainly willing to meet with the ADFG leadership to discuss changes in the document. That sort of an effort has been talked about by both agencies, but not scheduled.

For a long-lived document such as the Memorandum, I would urge caution in putting much effort into exactly defining terms such as consultation. For instance, both we and, I believe, ADFG have found e-mail as a satisfactory and financially responsible method for less formal consultation, notifications and questions; in April 1982, common e-mail use in the NPS was still a few years away and would have been left out of a proscriptive definition. The broad language used in the Memorandum has helped it endure for 33 years.

If the NPS and ADFG enter into conversations about the MMOU language, there a handful of changes which could clearly update several elements. These might include:

- The implementation of subsistence regulations in Mutual Agreements #6 did not anticipate federal management, and the existing language is hard to reconcile with the current Federal Subsistence Board work.
- A cooperative state and federal fire management program has been fully developed since the 1980s; the language in Mutual Agreements #8 may be unnecessary.

We appreciate this opportunity to provide the Commission with our views on this subject, and would offer to have a more in-depth discussion in person at your Fall 2016 meeting or at an earlier time if desired.

Sincerely,

A handwritten signature in blue ink, appearing to read "Herbert C. Frost".

Herbert C. Frost, Ph.D.
Regional Director

cc: Sam Cotton – Commissioner, Alaska Department of Fish and Game
Bruce Dale – Director, Division of Wildlife Conservation
Alaska Department of Fish and Game