

JAHNA LINDEMUTH  
 ATTORNEY GENERAL  
 Cheryl Rawls Brooking (AK Bar No. 9211069)  
 Jessica M. Alloway (AK Bar No. 1205045)  
 Assistant Attorneys General  
 Department of Law  
 1031 W. 4th Avenue, Suite 200  
 Anchorage, AK 99501  
 Telephone: 907-269-5100  
 Facsimile: 907-279-8644  
 Email: cheryl.brooking@alaska.gov  
 jessie.alloway@alaska.gov

**UNITED STATES DISTRICT COURT  
 FOR THE DISTRICT OF ALASKA**

CENTER FOR BIOLOGICAL DIVERSITY,	)	
	)	
Plaintiff,	)	Case No. 3:17-cv-00091-JWS
	)	
v.	)	
	)	
RYAN ZINKE, in his official capacity as	)	<b>DECLARATION OF BRUCE DALE</b>
Secretary of the Interior; and U.S.	)	
DEPARTMENT OF THE INTERIOR,	)	
	)	
Defendants,	)	
	)	
STATE OF ALASKA,	)	
	)	
Applicant Defendant-Intervenor.	)	

Pursuant to 28 U.S.C. § 1746, I, Bruce Dale, declare as follows:

1. I submit this declaration in support of State of Alaska's Motion to Intervene as Defendant. If called as a witness, I have personal knowledge of the matters set forth below, and will competently testify on these matters if called upon to do so.
2. I hold a B.A. degree in scientific and technical communication from the Michigan Technological University and a M.S. degree in wildlife biology from the University of Alaska – Fairbanks.

3. I am the Director of the Division of Wildlife Conservation of the Alaska Department of Fish and Game (“ADF&G”). I have worked in this position since December 2014 as Acting Division Director and then appointed as the Director in July 2015. I have worked for ADF&G since 1995, initially serving as the Fairbanks Area Management Biologist and then as a Research Biologist. Over the last several years, I have accepted increasingly complex responsibilities, serving as Region IV Supervisor, Deputy Director, Acting Division Director, and now Director.

4. I am actively involved with the national Association of Fish and Wildlife Agencies and the Western Association of Fish and Wildlife Agencies. I participate regularly in AFWA and WAFWA committees that discuss, act, and comment on matters of state sovereignty in regards to wildlife management.

5. I am responsible for all matters involving the administration of wildlife management in the State of Alaska, including administration of hunting and trapping regulations adopted by the Alaska Board of Game. With the help of staff I coordinate the preparation, collection, organization, and/or policy oversight on comments regarding federal agency actions involving all federal land management planning and decisions that may affect wildlife in Alaska. I am also involved in various litigation efforts pertaining to wildlife in Alaska.

6. In my role as Director of the Division of Wildlife Conservation, I oversee Department research and monitoring activities on wildlife populations throughout Alaska. The Department manages Alaska’s wildlife, both predators and prey, under the principle of sustained yield as required by the Alaska Constitution. Alaska participates in the direct management of its wildlife resources. A key purpose of the Division is to maintain and enhance opportunities to hunt, trap, view, and conserve wildlife.


7. Based on my experience, training, and personal knowledge, I am familiar with statutes and regulations on Alaska's sovereign interest in managing wildlife, as well as Alaska's interests in habitat, land, and natural resource management. I am also familiar with Alaska's hunting, trapping, and subsistence regulations.

8. A potential judgment in Plaintiff's favor that may invalidate the Congressional Review Act ("CRA") or reinstate the (now revoked) U.S. Fish and Wildlife Service regulations, 81 Fed. Reg. 52,248 (August 5, 2016), could restrict methods and means for hunting on 80 million acres in Alaska and would directly and negatively impact wildlife management, hunting, and wildlife viewing in Alaska. The revoked rule, if reinstated, would restrict methods and means of hunting without a biological or conservation need.

9. A judgment in Defendant's favor would uphold the CRA and maintain the State's authority to manage wildlife and to regulate hunting on national wildlife refuges, except to the extent expressly limited by Congress.

10. Attached are true and correct letters from the Commissioner of ADF&G to our Representative Don Young and Senators Dan Sullivan and Lisa Murkowski, a letter from Dan Sullivan to Alaska Governor Bill Walker, and a press release issued by the Governor's office. Each of these reflect a concerted effort by the State, including ADF&G, to utilize the CRA to revoke the federal Refuge Rule.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 30, 2017 in Anchorage, Alaska.

  
\_\_\_\_\_  
Bruce Dale  
Director  
Division of Wildlife Conservation  
Alaska Department of Fish and Game



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Fish and Game**

OFFICE OF THE COMMISSIONER  
Headquarters Office

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

February 13, 2017

The Honorable Don Young  
United States House of Representatives  
2314 Rayburn House Office Building  
Washington, DC 20515

Dear Congressman Young:

I would like to thank you for your continued commitment and hard work to pass HJ Res. 69, and its Senate counterpart, SJ Res. 18, which would nullify the US Fish and Wildlife Service's (FWS) final rule "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska" (81 Fed Reg 52248 (August 5, 2016)). These efforts have the State of Alaska's full support to eliminate what we believe is the unlawful preemption of the traditional state-federal jurisdictional relationship for the management of fish and wildlife that was the intent of Congress through the Alaska Statehood Act, the Alaska National Interests Land Conservation Act, and the National Wildlife Refuge System Improvement Act.

Thank you again for your support.

Sincerely,

A handwritten signature in blue ink that reads "Sam Cotten".

Sam Cotten  
Commissioner

cc: The Honorable Lisa Murkowski, US Senate  
The Honorable Dan Sullivan, US Senate  
Mr. Craig Fleener, Office of the Governor



THE STATE  
of **ALASKA**  
GOVERNOR BILL WALKER

**Department of Fish and Game**

OFFICE OF THE COMMISSIONER  
Headquarters Office

1255 West 8th Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4100  
Fax: 907.465.2332

March 2, 2017

The Honorable Lisa Murkowski  
United States Senate  
709 Hart Senate Building  
Washington, DC 20510

The Honorable Dan Sullivan  
United States Senate  
702 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Murkowski and Sullivan:

I would like to thank each of you for your continued support and commitment in working for the passage of SJ Res 18, which would nullify the US Fish and Wildlife Service's (FWS) final rule, "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska (81 Fed Reg 52248 (August 5, 2016)). Your efforts, and those of Congressman Don Young with his recently approved House counterpart, HJ Res 69, have the State of Alaska's full support to eliminate what we believe is the unlawful preemption of the traditional state-federal jurisdictional relationship for the management of fish and wildlife that was the intent of Congress through the Alaska Statehood Act, the Alaska National Interest Lands Conservation Act, and the National Wildlife Refuge System Improvement Act.

Thank you again for your support.

Sincerely,

A handwritten signature in blue ink that reads "Sam Cotten".

Sam Cotten  
Commissioner

cc: The Honorable Don Young, US House of Representatives  
Mr. Craig Fleener, Office of the Governor



# United States Senate

April 24, 2017

Governor Bill Walker  
P.O. Box 110001  
Juneau, AK 99811-0001

Dear Governor Walker:

Last month, Congress voted to repeal the U.S. Fish and Wildlife Service's final rule preempting state management authority regarding fish and wildlife harvest and significantly undermining the public participation process for Alaska refuges. This is the only time the Congressional Review Act of 1996 has been used to address a regulation intended to impact a single state. Following the passage of this legislation, the longstanding regulations that successfully enabled the state's responsible management of refuge resources in Alaska will be restored, along with the public notice and engagement requirements depended on by our most affected communities.

I wanted to take this occasion to thank and acknowledge the hard work of the staffs in the Alaska Departments of Law, Natural Resources, and Fish & Game, whose vigilance and assistance helped to ensure this bill's passage. Comments provided on the rule by the State's ANILCA Program and the Citizens' Advisory Commission on Federal Areas, along with the complaints filed with the U.S. District Court, were instrumental in understanding the rule's legal shortcomings and poor judgment. Regulatory information researched by Law and the Division of Wildlife Conservation, submitted through your office, was critical in combating the misinformation campaign mounted against our efforts with truth and reason. Moreover, the bill was bolstered at all times by the State's incomparable record of responsible resource management, particularly in wildlife population management.

My sincerest appreciation to your office and state staff who contributed to this effort, who deserve significant credit for the restoration of state sovereign authorities through this bill and whose labors and expertise will be essential as we continue to work together on these issues.

Thanks again, Governor.

Sincerely,



Dan Sullivan  
United States Senator

CC: Sam Cotten, Commissioner, Alaska Department of Fish and Game  
Andrew T. Mack, Commissioner, Alaska Department of Natural Resources  
Jahna Lindemuth, Attorney General-Designate, Alaska Department of Law  
Ted Spraker, Chairman, Alaska Board of Game



**FOR IMMEDIATE RELEASE**

**No. 17-039**

**Contact:** Katie Marquette, Press Secretary – (907) 269-7447  
Jonathon Taylor, Deputy Press Secretary – (907) 465-3985

### **Governor Walker Applauds Reversal of Federal Hunting Regulations**

April 4, 2017 JUNEAU - Governor Bill Walker thanked Congress and the President today for taking action to overturn federal regulations that prohibit certain hunting methods on national wildlife refuges.

“I applaud the action taken by the federal government to reverse this restrictive order,” said Governor Walker. “Alaskans have a unique relationship with our land, and these one-size-fits-all regulations would be a great burden to our residents. Many rural communities do not have a Costco or Fred Meyer to shop at, so hunting and fishing are a basic means of survival. The rules put forward by the previous administration did not support that, and I am glad to see these corrections have been made.”

In 2016 the U.S. Fish and Wildlife Service adopted regulations that would limit hunting on national wildlife refuges covering nearly 80 million acres in Alaska, and preempt state management of wildlife. This action was contrary to state and federal law, and the State of Alaska filed suit in January 2017 challenging these regulations along with regulations adopted in 2015 by the National Park Service. The hunting methods restricted in the original regulations included traditional methods of harvest practiced by Alaska’s subsistence users for generations.

“Passage of this resolution reaffirms our state sovereignty, and the state’s authority to manage fish and wildlife statewide, including on federal public lands,” said Alaska Attorney General Jahna Lindemuth. “Alaskans depend on wildlife for food. Reversal of these regulations will allow residents to continue their hunting and gathering traditions.”

“The state will continue to manage fish and wildlife in a sustainable manner that supports a variety of uses,” said Alaska Department of Fish and Game Commissioner Sam Cotten. “We look forward to working with our federal partners to maintain a cooperative relationship going forward.”

The State’s challenge to the National Park Service regulations are unaffected by revocation of the U.S. Fish and Wildlife Service regulations. The National Park Service regulations apply to national preserves in Alaska totaling 20 million acres.

###



***Pulling Together for Alaska***

• **SAFER COMMUNITIES** • **RESOURCE DEVELOPMENT** • **ECONOMIC SECURITY** •