

**INFORMATION MEMORANDUM FOR THE PRINCIPAL DEPUTY ASSISTANT
SECRETARY FOR FISH AND WILDLIFE AND PARKS**

Date: October 17, 2018

From: P. Daniel Smith, Deputy Director, and National Park Service

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Subject: National Park Service Review of Parks with Hunting and Fishing Policies, Guidance, and Regulations that are More Restrictive than the States

I. Introduction

On September 10, 2018, Secretary Zinke signed a memorandum titled “State Fish and Wildlife Management Authority on Department of the Interior Lands and Waters.” The memorandum required the National Park Service (NPS) to complete a review of our regulations, policies, and guidance that govern the conservation, management, recreational use and enjoyment of fish and wildlife on NPS managed lands and waters to identify those that are “more restrictive than otherwise applicable State provisions for the management of fish and wildlife.” The NPS was instructed to complete this initial review in 45 days. Information was solicited from parks and regions and the information presented in this memorandum represents the responses.

II. Discussion

There are 76 NPS units that are authorized for some form of recreational public hunting or subsistence or tribal hunting, resulting in over 60% of NPS lands managed for some form of authorized hunting. Hunting is permitted in NPS managed units where it is expressly authorized or mandated by Federal statute, and is managed at the local unit level in coordination with States. In most of the NPS units that authorize hunting, State regulations and rules are used to govern the overall management of hunting. Servicewide regulations governing hunting on NPS managed lands are found at 36 CFR 2.2. The NPS also works to preserve and restore habitats which benefits multiple species and ensures biodiverse ecosystems. The NPS collaborates with the States and other Federal agencies in wildlife inventories, monitoring, and research projects on species that may be considered harvest species.

On Federal lands in Alaska open to subsistence harvest of fish and wildlife, Federal subsistence regulations supersede State of Alaska regulations where the two conflict. Under Federal subsistence management authority, Federal subsistence harvest by rural residents is prioritized over hunting and fishing by non-rural residents in cases of resource scarcity or certain other conflicts. (Title VIII of ANILCA (Public Law 96-487))

Of the 346 NPS units with surface water and 246 units with fish, there are 213 NPS units that have waters open to fishing, resulting in over 85% of park units with fish that are open to fishing. Fishing is allowed in waters managed by the NPS, except where specifically prohibited by statute or regulation. In units with some waters closed to fishing, the reasons for closures are

variable and include language in enabling legislation or other statutes, public safety, conservation, compliance with local, State or other Federal regulations, or a determination that fishing is inappropriate for the designated purposes of a specific water or area. Servicewide regulations governing fishing on NPS managed lands are found at 36 CFR 2.3. In managing fish and fishing, NPS units commonly rely on partnerships with States, other Federal agencies, academic institutions and local and national conservation organizations. Parks are required to develop cooperative fisheries management plans with States where appropriate and are encouraged to enter into memoranda of understanding to better define roles and responsibilities and more efficiently meet joint recreational angling and conservation goals.

In response to the Secretary's memo, 19 NPS units responded that their management of wildlife/hunting is more restrictive than relevant State wildlife/hunting provisions (Attachment 1). Thirty-two NPS units indicated that their management of fish/fishing is more restrictive than applicable State fish/fishing provisions (Attachment 2). A more detailed inquiry of the responses received to date will be conducted in response to the requirement that the NPS prepare "a report containing detailed recommendations...to better align its regulations, policies, and guidance with State provisions." For the purposes of this review, with limited exceptions, we assumed that specific guidance related to hunting and fishing that a park published in a Superintendent's compendium or in regulations were more restrictive than State hunting and fishing regulations.

The NPS has not yet analyzed whether any of these restrictions are consistent with State regulations for the management of hunting or fishing, but will do so as part of the next report. The exceptions, which are not included in Tables 1 and 2, are parks that have implemented policies or regulations that do not permit hunting in buffer zones around developed areas (e.g., campgrounds) to protect public safety, which we understand is a common practice on Federal and State lands, and parks that do not require State issued fishing licenses.