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Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Re: Recommendations for Section 216 of the Executive Order on Climate Change

The Alaska Department of Fish and Game (ADF&G) submits these comments on behalf of the State of Alaska (the State or Alaska), specifically our department, the Department of Environmental Conservation (ADEC), and the Department of Natural Resources (ADNR). We are providing State comments on the January 27, 2021, Executive Order on Climate Change to the Department of the Interior as the lead agency on section 216(a) of the Executive Order, also called 30 by 30.

Alaskans are proud of the rich resources in our state and off our shores, which support robust populations of fish, shellfish, plants, birds and wildlife. We successfully manage our diverse resources sustainably to provide for their utilization, development, and conservation in the best interest of the economy and the well-being of the people of the State. This is required by the Alaska Constitution and was the primary impetus for statehood. Alaska's approach is highly effective. Our fish and game management programs are lauded around the world. Our management has maintained vast, interconnected ecosystems with healthy populations of fish and wildlife species that provide food, recreation, and economic benefits.

For example, Alaska produces more than half the fish caught in waters off the coasts of the United States, with an average wholesale value of nearly \$4.5 billion a year. Alaska's fisheries are among the best-managed, most sustainable in the world. Alaska resources provide jobs and a stable food supply for the nation, while supporting a traditional way of life for Alaska Native and rural fishing communities.

Alaska submits the following recommendations for implementing Executive Order 14008.

Section 216(a) – Conserving 30% Our Nation's Land and Waters by 2030

Section 216(a) of the Executive Order outlines a goal of conserving 30% of lands and 30% of waters by 2030. In determining how to implement this directive, Alaska urges the Department of the Interior and the National Oceanic and Atmospheric Administration to recognize that conservation includes the management of human use of natural resources for public benefit and sustainable social and economic utilization. This is a key point to establish at the beginning of the process; conservation is not preservation. The methods used for conservation in Alaska should be the model for establishing guidelines to determine whether lands and waters qualify for conservation under the Executive Order.

National parks, preserves, forests, monuments, and wildlife refuges currently cover nearly 40% of Alaska land and much of the remaining area outside of these is well conserved already. We do not need more land set aside in Alaska. We have exceeded the goals.

One need only look to the various provisions that Congress included in the Alaska National Interest Lands Conservation Act (ANILCA) over 40 years ago to see that it not only addressed conservation designations for our great state but also amended the Alaska Native Claims Settlement Act and the Statehood Act. Congress wanted to ensure the conservation designations would not interfere with the fulfillment of State and Native Corporation's land entitlement or the ability to have access to and use of lands and waters for a variety of purposes, such as rural community access and infrastructure needs and opportunities for responsible resource development.

ANILCA Section 101(d) is clear on Congressional intent that no further legislation or regulation designating new conservation system units, national recreation areas, or national conservation areas are warranted because ANILCA struck a proper balance between protection of the national interest in the public lands in Alaska and the future economic and social needs of the State of Alaska and its citizens.

ANILCA Section 101(d) states the "...Act provides sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska, and at the same time provides adequate opportunity for satisfaction of the economic and social needs of the State of Alaska and its people; accordingly, the designation and disposition of the public lands in Alaska pursuant to this Act are found to represent a proper balance between the reservation of national conservation system units and those public lands necessary and appropriate for more intensive use and disposition, and thus Congress believes that the need for future legislation designating new conservation system units, new national conservation areas, or new national recreation areas, has been obviated thereby."

Congress confirmed its intent by taking additional steps in ANILCA Section 1326 to limit the power of the Executive Branch to use its authority to upset that "proper" balance. Section 1326 provides clear and unambiguous restrictions on future executive branch actions with respect to future withdrawals and further studies or reviews without Congressional approval. Inclusion of this language was not unintentional, nor was it done without considerable effort. These "no more clauses" in ANILCA were critical to striking the necessary balance for ANILCA's successful passage.

The wilderness reviews and the wild and scenic river studies mandated in ANILCA were completed more than 35 years ago and ANILCA designated more than 106 million acres of new conservation system unit lands and 26 wild and scenic rivers in Alaska.

With the passage of ANILCA, Alaska not only met, but exceeded, the intent of the 30 by 30 goal in the Executive Order over 40 years ago. Currently, 145 million acres or nearly 40% of Alaska is already designated for conservation purposes. ANILCA was, and remains to date, the single largest expansion of protected lands in U.S. history and more than doubled the size of the National Park System. Yet, despite the 'no more' clause of ANILCA, the federal government continues to create new, uncodified terms of art such as Wilderness Study Areas, Areas of Critical Environmental Concern or Aquatic Resources of National Importance that further the effect of diminishing access to cherished State resources by Alaska's citizens.

As with land, we do not need more water set aside in Alaska. Over 65% of Alaska's Exclusive Economic Zone is closed to some or all fisheries to conserve habitat, sustain fisheries and coastal communities, and protect marine mammals. Over a million square miles of Alaska's coast has been selected as proposed and designated critical habitat for a variety of species listed under the Endangered Species Act. The proposed and designated critical habitat off Alaska is the size of the seven largest lower-48 states combined. This compares to less than a half million miles of proposed and designated critical habitat off the entire lower 48 states.

Management programs for Alaska lands and waters are developed through well-established processes that provide for healthy and intact ecosystems and ensure that nature is conserved. Setting aside additional land and waters in Alaska solely to achieve a numeric goal, not a biologic goal, would be a disservice to other parts of the country where restoration and conservation is sorely needed. Not conserving those areas would set up the 30 by 30 approach as a failure for conserving nature.

In sum, we do not need to conserve more of Alaska, we need the rest of the nation to look more like Alaska. And we need more of the world to look like Alaska. The Biden Administration should look beyond the United States and encourage, through all available mechanisms, the set aside of lands and waters in other countries that have poorer environmental regulation of their lands and waters compared to Alaska and the United States.

Section 216(c) of the Executive Order – Recommendations for Fisheries and Protected Resources

Section 216(c) of the Executive Order directs NOAA to gather input on ways to make management of fish and wildlife and their habitats more resilient to climate change. Our changing climate is certainly one of the largest and headline grabbing challenges facing our fish and wildlife management systems. However, it cannot and should not become the single driving force in our management. Other biological, social, and economic factors that directly impact fish and wildlife and their habitats may be more immediate than climate change impacts and should be addressed by resource managers as needed.

Simply put, we cannot become myopic in our focus on climate change. A focus on climate change should not blind us to other issues, especially when other issues may be more pressing. For example, climate change driven Endangered Species Act listings in Alaska for species like ringed seals and bearded seals, which number in the hundreds of thousands to millions, is prioritizing resources away from species with higher conservation needs, such as the North Pacific right whale with a population size of around 30.

Based on experience in Alaska, existing management processes are best suited to ensure that fish and wildlife resources are resilient to changes in climate and other environmental factors. Through the Alaska Boards of Fisheries and Game, the North Pacific Fishery Management Council, and other bodies, Alaska's fish and wildlife management programs use a variety of conservation tools to adapt to environmental, social, and economic changes, including climate-related variables.

For example, the North Pacific Fishery Management Council has already begun evaluating how to make fisheries more resilient to climate change, through initiation of an action module for climate change within the Bering Sea Fishery Ecosystem Plan. This is an example of well-established management processes in Alaska that are science-based, flexible, and stakeholder driven, and they

provide a successful model to address climate change impacts on marine ecosystems that support fisheries.

A critical aspect of resilience of protected resources to climate change is ensuring connectivity and low levels of other stressors. When an area is closed off, effort intensifies elsewhere. What is less certain is what happens to fish and wildlife stocks outside of protected areas. Unlike other states, the unparalleled terrestrial and aquatic wildlife connectivity in Alaska from having 40% of land and 65% of federal waters set aside provides considerable resilience to climate change impacts.

The Alaska system of fish and wildlife management results in meaningful conservation of waters and land. When considering actions to implement the Executive Order, NOAA should recognize the success of these conservation and management processes and ensure additional conservation efforts are not simply additional regulatory and administrative hurdles and burdens that do little to nothing to make fisheries and protected resources more resilient to climate change.

Ongoing science and monitoring are critical to Alaska's conservation and management programs. NOAA should continue to support fisheries and ecosystem surveys to provide best available information to assess and manage fisheries and protected species. I cannot overstate the importance of maintaining baseline data collections in the face of changing environmental conditions. Although science and research needs evolve over time, it is crucial to maintain support for existing surveys and monitoring programs rather than shift substantial resources to new climate science efforts.

NOAA can promote climate resiliency by ensuring that States have access to robust grant opportunities to address federal initiatives that affect their ability to prosecute fisheries and permit activities. Adequate funding for states to improve science, monitoring, and research on climate change impacts to fisheries and marine mammals is critical for robust management of these shared resources. Too often federal agencies decrease external funding opportunities as an easy way to pay for new federal initiatives. In such cases, the new initiatives tend to fail because states are not viewed as true partners.

In summary, Alaska strongly recommends that any 30 by 30 effort is focused on conservation, not preservation. Any such effort should recognize that unlike other states and nations, vast amounts of lands and waters are already in some type of conservation status in Alaska, far more than to 30% specified in this initiative. Simply put, we do not need additional set asides in Alaska. Efforts should be focused elsewhere.

Regarding climate change, any effort needs to recognize that while climate is an important driver, it should not become the most important management consideration as other factors that can affect fish and wildlife and the habitats they occupy may be spatially and/or temporally more important. Biological systems are indefinitely complex and we simply cannot become myopic in our quest to address climate impacts.

Please consider these comments when formulating agency actions related to the Executive Order.

Respectfully,



Doug Vincent Lang, Commissioner
Alaska Department of Fish & Game



Corrie Feige, Commissioner
Alaska Department of Natural Resources

cc:

Honorable Lisa Murkowski—U.S. Senator for Alaska
Honorable Dan Sullivan—U.S. Senator for Alaska
Honorable Don Young—Congressman for Alaska
Randy Ruaro—Acting Chief of Staff, Office of the Governor, State of Alaska
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