

**SENATE JOINT RESOLUTION NO. 19**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY SENATORS MILLER, Pearce, Green

Introduced: 3/6/95

Referred: Resources

**A RESOLUTION**

1 **Requesting the Congress to amend the Alaska National Interest Lands Conservation**  
2 **Act to clarify that the term "public lands" means only federal land and water**  
3 **and that any extension of federal jurisdiction onto adjacent land and water is**  
4 **expressly prohibited.**

5 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

6 **WHEREAS** the State of Alaska entered into the Union on an equal footing with all other  
7 states, and the Statehood Compact specifically granted authority over fish and wildlife to the  
8 State of Alaska; and

9 **WHEREAS** the issue of fisheries management was one of the most prominent  
10 justifications for statehood; and

11 **WHEREAS** the State of Alaska contends that the Statehood Compact cannot be legally  
12 modified by either party without the consent of the other party; and

13 **WHEREAS** the Congress and the President of the United States are presently embarking  
14 on a campaign to return rights and authority to the states; and

15 **WHEREAS** Title VIII of the Alaska National Interest Lands Conservation Act  
16 (ANILCA; P.L. 96-487), enacted in 1980, grants a subsistence priority on federal public land

1 in Alaska; and

2           **WHEREAS** the Secretary of the Interior and the Secretary of Agriculture have  
3 threatened unilateral federal preemption of state fish and wildlife management on state and  
4 private land and water in Alaska; and

5           **WHEREAS** the State of Alaska, the federal government, and other parties are attempting  
6 to sort out the complexities of the federal law related to jurisdictional issues created by  
7 ANILCA; and

8           **WHEREAS** the legal process for developing a final resolution to the jurisdictional  
9 questions is extremely slow, and major social and economic disruption is imminent if the federal  
10 government continues on a course to illegally and unconstitutionally preempt state management  
11 of fish and wildlife; and

12           **WHEREAS** the Congress specifically declined to grant preemption authority to the  
13 Secretary of the Interior and the Secretary of Agriculture in ANILCA; and

14           **WHEREAS** the Congress specifically reemphasized that the jurisdiction and authority  
15 of the state were to be maintained; and

16           **WHEREAS** the Alaska State Legislature is confident that the Alaska delegation in the  
17 Congress and the people of Alaska would never have agreed to the final compromise ANILCA  
18 package had they been advised that ANILCA contained provisions to allow federal preemption  
19 of all state fish and wildlife management in Alaska; and

20           **WHEREAS** the federal agencies and some parties are arguing in recent court cases  
21 concerning state/federal jurisdiction that federal reserved water rights and the navigational  
22 servitude provide legal basis for a claim of federal title to land and resources; and

23           **WHEREAS** this interpretation of federal laws related to federal reserved water rights and  
24 the navigational servitude is contrary to all existing related laws and policies adopted by the  
25 Congress and threatens to undermine existing reserved water rights and navigable waters policies  
26 that are critical to all western states;

27           **BE IT RESOLVED** that the Alaska State Legislature respectfully and urgently requests  
28 the Congress to amend the Alaska National Interest Lands Conservation Act (ANILCA) to  
29 clarify that the original intent of the Congress was not to violate the Statehood Compact or to  
30 preempt state management of fish and wildlife in Alaska; and be it

31           **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests that the  
32 Congress amend ANILCA to clarify that the definition of "public lands" means only federal

1 public land and water; and be it

2 **FURTHER RESOLVED** that, while the federal courts are resolving the federal/state  
3 conflicts created by Title VIII of ANILCA, the Alaska State Legislature respectfully requests that  
4 the Congress amend ANILCA to expressly prohibit preemption of state jurisdiction on state and  
5 private land and water unless specifically authorized by the Congress and the State of Alaska;  
6 and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the  
8 Congress to clarify that neither ANILCA nor another federal law provides authority for the  
9 federal agencies to claim title to resources or land through federal reserved water rights or  
10 through the navigational servitude.

11 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President  
12 of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker  
13 of the U.S. House of Representatives; the Honorable Strom Thurmond, President Pro tempore  
14 of the U.S. Senate; the Honorable Bob Dole, Majority Leader of the U.S. Senate; and to the  
15 Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable  
16 Don Young, U.S. Representative, members of the Alaska delegation in Congress.