

HOUSE JOINT RESOLUTION NO. 21

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES MASEK, Ogan, Cowdery, Ryan, Rokeberg, Kohring, Austerman

Introduced: 2/12/97

Referred: Resources, State Affairs

A RESOLUTION

**1 Relating to amendment of Title VIII of the Alaska National Interest Lands
2 Conservation Act.**

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS provisions of Title VIII of the Alaska National Interest Lands
5 Conservation Act (ANILCA) (P.L. 96-487) unnecessarily encroach upon the ability of the
6 State of Alaska to effectively manage state resources; and

7 WHEREAS the provisions of Title VIII of ANILCA appear to contradict the intent
**8 of the Tenth Amendment to the Constitution of the United States regarding powers reserved
9 to the various states and the people; and**

10 WHEREAS the Secretary of the Interior and the Secretary of Agriculture have relied
**11 on provisions of Title VIII of ANILCA to preempt state authority over a portion of fish and
12 wildlife management on public land and water in Alaska; and**

13 WHEREAS the Secretary of the Interior and the Secretary of Agriculture require that
**14 the state amend its constitution to conform to the provisions of Title VIII of ANILCA as a
15 precondition to the partial relinquishment of federal management of certain uses of fish and
16 wildlife on public land and water in Alaska back to the State of Alaska; and**

1 **WHEREAS** the people of Alaska waged a long, hard fought battle to achieve
2 statehood and state management of fish and wildlife resources of Alaska; and

3 **WHEREAS** the Alaska State Legislature has steadfastly resisted pressure from federal
4 agencies to amend the Constitution of the State of Alaska to extend provisions contained in
5 federal subsistence laws and regulations to state and private land and water in Alaska; and

6 **WHEREAS** the members of the Alaska State Legislature represent Alaska's citizens
7 and, therefore, a plurality consensus view supporting the Constitution of the State of Alaska
8 over the onerous intrusion of unwanted federal management of fish and wildlife;

9 **BE IT RESOLVED** that the Alaska State Legislature respectfully and ardently
10 requests the Congress to revise Title VIII of the Alaska National Interest Lands Conservation
11 Act (ANILCA) to once again allow the State of Alaska to resolve its own resource
12 management conflicts and to manage the fish and wildlife resources of Alaska for the
13 beneficial use of Alaskans; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
15 Congress to make the following amendments to Title VIII of ANILCA to protect the interest
16 of the State of Alaska in the management of its fish and wildlife resources:

17 (1) amend the definition of "public lands" to exclude state and private land and
18 water;

19 (2) prohibit federal preemption of state fish and wildlife management on state
20 and private land and water unless expressly authorized by the Congress;

21 (3) expressly state that neither the navigational servitude nor the reserved water
22 doctrine authorizes federal management of fish or wildlife on state or private land and water
23 unless otherwise provided by the Congress;

24 (4) repeal 16 U.S.C. 3117 (sec. 807 of ANILCA) relating to federal court
25 oversight of state subsistence management programs;

26 (5) authorize the State of Alaska to define the terms "rural" and "customary
27 and traditional" for purposes of the definition of "subsistence uses" under 16 U.S.C. 3113;

28 (6) amend the subsistence preference established in ANILCA under 16 U.S.C.
29 3114 to provide a preference for a reasonable opportunity to take fish and wildlife for
30 subsistence uses;

31 (7) clarify that ANILCA neither affirms nor denies the existence of tribal

1 sovereignty and Indian country in Alaska;

2 (8) allow the State of Alaska to choose whether it will establish a regional
3 subsistence advisory council system in Alaska;

4 (9) provide that regional subsistence advisory councils are only advisory to
5 regulatory boards; and

6 (10) eliminate commercial use and sale of fish and wildlife taken for
7 subsistence uses.

8 **COPIES** of this resolution shall be sent to the Honorable Al Gore, Jr., Vice-President
9 of the United States and President of the U.S. Senate; the Honorable Newt Gingrich, Speaker
10 of the U.S. House of Representatives; the Honorable Trent Lott, Majority Leader of the U.S.
11 Senate; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators,
12 and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in
13 Congress.