

BY SEN. STURGULEWSKI

1 IN THE SENATE

2

SENATE JOINT RESOLUTION NO. 88

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SPECIAL SESSION

5

Relating to the subsistence priority

6

required under the Alaska National

7

Interest Lands Conservation Act.

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

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WHEREAS the Alaska National Interest Lands Conservation Act (ANILCA)
10 requires rural subsistence users to be given priority, in times of short-
11 age, in the taking of fish and wildlife on federal land in Alaska; and

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WHEREAS ANILCA further provides that the State of Alaska may retain
13 fish and wildlife management authority on federal lands so long as it
14 provides in laws of general applicability for a state rural subsistence
15 preference; and

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WHEREAS ANILCA does not specifically define the term "rural" and other
17 key statutory terms; and

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WHEREAS the lack of such specific definitions has resulted in con-
19 flicting court and administrative decisions on the implementation of the
20 subsistence priority in Alaska; and

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WHEREAS these conflicting decisions have seriously hampered the abil-
22 ity of the state to effectively manage Alaska's fish and wildlife and has
23 exacerbated conflicts over the subsistence priority; and

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WHEREAS other federal laws affecting state fish and wildlife manage-
25 ment across the nation also include key terms that are not specifically
26 defined; and

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WHEREAS there is a clear need to resolve the uncertainty caused by
28 this lack of specificity in federal law and allow Alaska and other states
29 to implement federal standards in a way that recognizes unique local

1 concerns and conditions;

2 BE IT RESOLVED by the Alaska State Legislature that the United States
3 Congress is respectfully requested to provide that terms not specifically
4 defined in federal laws, such as the subsistence priority contained in
5 ANILCA, dealing with state fish and wildlife management shall be defined by
6 reference to definitions found in the laws of affected states.

7 COPIES of this resolution shall be sent to the Honorable George Bush,
8 President of the United States; the Honorable Dan Quayle, Vice-President of
9 the United States and President of the U.S. Senate; the Honorable Thomas S.
10 Foley, Speaker of the U.S. House of Representatives; and to the Honorable
11 Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the
12 Honorable Don Young, U.S. Representative, members of the Alaska delegation
13 in Congress.