

# STATE OF ALASKA THE LEGISLATURE

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Strongly urging the Governor to continue the lawsuit known as *State of Alaska v. Babbitt*, C.A. No. 94-35480, and to pursue the State of Alaska's position that the United States Secretary of the Interior and Secretary of Agriculture do not have the authority to assume management of fish and wildlife on public land in the State of Alaska.

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

**WHEREAS** Tony Knowles, Governor of the State of Alaska, seeks to withdraw, with prejudice, from the consideration of the United States Court of Appeals for the Ninth Circuit in *State of Alaska v. Babbitt*, C.A. No. 94-35480, the issue of whether the United States Secretary of the Interior and Secretary of Agriculture have the authority to assume management of fish and wildlife for subsistence purposes, or any other purposes, on public land in the State of Alaska; and

**WHEREAS** the United States Secretary of the Interior and Secretary of Agriculture do not have, under the Alaska Statehood Act, the authority to assume management of fish and wildlife on public land in the State of Alaska, nor has the United States Congress or the Alaska State Legislature specifically authorized any modification to existing management authority over fish and wildlife; and

**WHEREAS** the State of Alaska was admitted into the Union on January 3, 1959, under the Alaska Statehood Act, that incorporated the Alaska Statehood Compact, approved by the

citizens of the Territory of Alaska; and

**WHEREAS** the Alaska Statehood Compact sets out the rights and obligations of the State of Alaska and is a contract between two sovereigns that, by its terms, may not be unilaterally altered by either party; and

**WHEREAS**, under the Alaska Statehood Compact, the State of Alaska, not the federal government, has the authority to administer and manage the fish and wildlife resources of Alaska; and

**WHEREAS** because the Alaska Statehood Compact is a contract between the citizens of the State of Alaska and the United States, only the Alaska State Legislature, as the people's representative, has the legal authority to agree to alter the terms of the Alaska Statehood Compact; and

**WHEREAS** the Alaska State Legislature believes Governor Knowles' withdrawal of this issue from consideration will adversely affect the sovereignty of the State of Alaska and the delicate balance of federal and state power agreed upon in the Alaska Statehood Compact; and

**WHEREAS** the United States District Court judge specifically recognized both the merits of the claims of the State of Alaska on the management issue and the need to have his decision reviewed by the United States Court of Appeals for the Ninth Circuit; and

**WHEREAS** the Alaska State Legislature believes Governor Knowles' withdrawal of this issue from consideration will result in the federal usurpation of the State of Alaska's ability to govern the management of fish and wildlife on public land in its territory in violation of the Alaska Statehood Compact; and

**WHEREAS** the Alaska State Legislature believes Governor Knowles' refusal to advocate this issue constitutes a failure to defend the Constitution of the State of Alaska that protects the rights and benefits of all of the citizens of the State of Alaska equally;

**BE IT RESOLVED** that the Alaska State Legislature exhorts Governor Knowles to continue to advocate this issue before the United States Court of Appeals for the Ninth Circuit; and be it

**FURTHER RESOLVED** that, if Governor Knowles declines to continue defending the right of the State of Alaska to govern the management of fish and wildlife on public land in its territory as well as the protections afforded by the Constitution of the State of Alaska, the Alaska State Legislature will intervene as a representative of the citizens of the State of Alaska to

continue the lawsuit and advocate the position that the Secretary of the Interior and the Secretary of Agriculture do not have the authority to assume management of fish and wildlife on public land in the State of Alaska.