

104TH CONGRESS  
2D SESSION

# S. 1920

To amend the Alaska National Interest Lands Conservation Act, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JUNE 27, 1996

Mr. MURKOWSKI introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

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## A BILL

To amend the Alaska National Interest Lands Conservation Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1.**

4       (a) The Alaska National Interest Lands Conservation  
5       Act (Public Law 96–487, 94 Stat. 2371) is amended as  
6       follows: Section 101 is amended by the addition of a new  
7       subsection (e) as follows:

8       “(e) In order to comply with this Act all Federal pub-  
9       lic land managers in Alaska, or a region that includes  
10      Alaska, shall participate in an ANILCA training class as

1 outlined in this legislation to be completed within 120 days  
2 after enactment. All future appointed Federal public land  
3 managers in Alaska, or a region containing Alaska, are  
4 required to complete the aforementioned ANILCA train-  
5 ing within 60 days of appointments.”.

6 (b) Section 103(c) is amended by inserting “validly  
7 selected or” in the second sentence before the word “con-  
8 veyed”.

9 (c) Section 202(1) is amended by adding the follow-  
10 ing at the end thereof: “Subsistence uses by local residents  
11 shall be permitted in the park where such uses are tradi-  
12 tional in accordance with the provisions of title VIII.”.

13 (d) Section 302(1)(B) is amended by adding the fol-  
14 lowing new subparagraph (v) at the end thereof:

15 “(v) to provide opportunities for fish  
16 and wildlife dependent recreation, includ-  
17 ing fishing and hunting.”.

18 (e) Section 303(1)(B) is amended by adding the fol-  
19 lowing new subparagraph (vi) at the end thereof:

20 “(vi) to provide opportunities for fish  
21 and wildlife dependent recreation, includ-  
22 ing fishing and hunting.”.

23 (f) In section 1102 add a new subsection (5) at the  
24 end thereof:

1           “(5) The term ‘compatible with the uses for  
2           which the unit was established’ means activities  
3           which would not cause significant adverse impacts  
4           on conservation system units purposes.”.

5           (g) Section 1105 is amended by designating the exist-  
6           ing language as subsection (a) and inserting a new sub-  
7           section (b) as follows:

8           “(b) Any alternative route that may be identified by  
9           the head of the Federal agency shall not be less economi-  
10          cally feasible and prudent than the route for the system  
11          being sought by the applicant.”.

12          (h) Section 1109 is amended by deleting “access.”  
13          and inserting in lieu thereof adding “access, including  
14          rights-of-way established under Revised Statute 2477.”.

15          (i) Section 1110(a) is amended by adding “specifi-  
16          cally and tangibly” in the second sentence before the word  
17          “detrimental”.

18          (j) The second sentence in section 1110(a) is amend-  
19          ed by striking “area” and inserting in lieu thereof: “area:  
20          *Provided*, That reasonable regulations shall not include  
21          any requirements for the demonstration of pre-existing  
22          use, and: *Provide further*, That the Secretary shall limit  
23          any prohibitions to the smallest area practicable, to the  
24          smallest period of time, or both. No prohibition shall occur  
25          prior to formal consultation with the State of Alaska.”.

1 (k) The last sentence of section 1110(b) is amended  
2 by inserting “may include easements, rights-of-way, or  
3 other interests in land or permits and” immediately after  
4 “such rights”.

5 (l) In the last sentence of section 1110(b), strike  
6 “lands.” and inserting in lieu thereof the following:  
7 “lands: *Provided*, That the Secretary shall not impose any  
8 unreasonable fees or charges on those seeking to secure  
9 their rights under this subsection. Individuals or entities  
10 possessing rights under this subsection shall not be sub-  
11 ject to the requirement of sections 1104, 1105, 1106, and  
12 1107 herein.”.

13 (m) Section 1301(d) is amended by striking “permit”  
14 in the final sentence and inserting in lieu thereof “shall  
15 enable”.

16 (n) Section 1303(a)(1)(D) is amended by striking  
17 “located.” and inserting in lieu thereof the following: “lo-  
18 cated: *Provided*, That the applicant may not be required  
19 to waive, forfeit, or relinquish its possessory or personalty  
20 interests in a cabin or structure.”.

21 (o) Section 1303(a)(2)(D) is amended by striking  
22 “located.” and inserting in lieu thereof the following: “lo-  
23 cated: *Provided*, That the applicant may not be required  
24 to waive, forfeit, or relinquish its possessory or personalty  
25 interests in a cabin or structure.”.

1           (p) Section 1303(b)(3)(D) is amended by striking  
2 “located.” and inserting in lieu thereof the following: “lo-  
3 cated: *Provided*, That the applicant may not be required  
4 to waive, forfeit, or relinquish its possessory or personalty  
5 interests in a cabin or structure.”.

6           (q) Section 1303 is amended by adding a new sub-  
7 section (e) as follows:

8           “(e) All permits, permit renewals, or renewal or con-  
9 tinuation of valid leases issued pursuant to this section  
10 shall provide for repair, maintenance, and replacement ac-  
11 tivities and may authorize alterations to cabins and similar  
12 structures that do not constitute a significant impairment  
13 of unit purposes.”.

14           (r) Section 1307 is amended by adding a new sen-  
15 tence at the end as follows: “Inability to provide the serv-  
16 ice for up to a five year period shall not constitute a relin-  
17 quishment of a right under this section.”.

18           (s) Section 1313 is amended at the end of the first  
19 sentence by striking “regulation.” and inserting the fol-  
20 lowing: “regulation: *Provided*, That a purpose of all pre-  
21 serves units is to provide for fish and wildlife dependent  
22 recreation including fishing and hunting.”.

23           (t) Section 1314(e) is amended by striking “law.” at  
24 the end of the first sentence and inserting the following:  
25 “law: *Provided*, That the taking of fish and wildlife for

1 sport purposes shall be permitted on each unit of the Ref-  
2 uge system in Alaska, and: *Provided further*, That the Sec-  
3 retary may designate zones where and periods when no  
4 hunting, fishing, and trapping may be permitted for rea-  
5 sons of public safety, administration, floral and faunal  
6 protection, or public use and enjoyment. Except in emer-  
7 gencies, any regulations prescribing such restrictions re-  
8 lating to hunting, fishing, or trapping shall be put into  
9 effect only after consultation with the appropriate State  
10 agency having responsibility over hunting, fishing, and  
11 trapping.”.

12 (u) Section 1315 is amended by adding a new sub-  
13 paragraph “(g) as follows:

14 “(g) Within National Forest Wilderness Areas and  
15 National Forest Monument Areas as designated in this  
16 Act, the Secretary of Agriculture may permit or otherwise  
17 regulate helicopter use and landings.”.

18 (v) Section 1316(a) is amended in the first sentence  
19 be deleting “equipment” and inserting in lieu thereof:  
20 “equipment, including motorized and mechanical equip-  
21 ment,”.

22 (w) Section 1316(a) is amended in the second sen-  
23 tence by striking “consistent with the protection” and in-  
24 serting in lieu thereof “not inconsistent with the conserva-  
25 tion”.

1 (x) Section 1316(a) is amended by striking “permit-  
2 tee.” in the last sentence and inserting in lieu thereof the  
3 following: “permittee: *Provided*, That structures and facili-  
4 ties may be allowed to stand from season to season.”.

5 (y) Section 1316(b) is amended by inserting “signifi-  
6 cantly” before the word “detrimental”.

7 (z) Section 1317(e) is amended by deleting “section.”  
8 and inserting in lieu thereof: “section: *Provided*, That the  
9 Secretary shall not establish management directives,  
10 guidelines, policies or prescriptions for the purpose of ad-  
11 ministering any study area to preserve wilderness values  
12 prior to action by Congress on recommendations, if any,  
13 for wilderness designation of a study area.”.

14 (aa) Section 1319 is amended by designating the ex-  
15 isting text as subsection “(a)” and adding the following  
16 subsection (b):

17 “(b) Nothing in this Act shall be construed as limit-  
18 ing or restricting the power and authority of the State  
19 of Alaska except as expressly provided herein.”.

20 (bb) The first sentence of section 1326(a) is amended  
21 be striking “withdraws” in the first sentence and inserting  
22 in lieu thereof: “withdraws, redesignates or reclassifies  
23 into a more restrictive land management category”.

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