

Union Calendar No. 64

105<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 1420**

[Report No. 105-106]

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## **A BILL**

To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

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MAY 21, 1997

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 23, 1997

Mr. YOUNG of Alaska (for himself, Mr. DINGELL, Mr. SAXTON, Mr. TANNER, and Mr. CUNNINGHAM) introduced the following bill; which was referred to the Committee on Resources

MAY 21, 1997

Additional sponsors: Mr. MILLER of California, Mr. CLEMENT, and Mr. ABERCROMBIE

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## A BILL

To amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, 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,*

1 **SECTION 1. SHORT TITLE; REFERENCES.**

2 (a) **SHORT TITLE.**—This Act may be cited as the  
3 “National Wildlife Refuge System Improvement Act of  
4 1997”.

5 (b) **REFERENCES.**—Whenever in this Act an amend-  
6 ment or repeal is expressed in terms of an amendment  
7 to, or repeal of, a section or other provision, the reference  
8 shall be considered to be made to a section or provision  
9 of the National Wildlife Refuge System Administration  
10 Act of 1966 (16 U.S.C. 668dd et seq.).

11 **SEC. 2. FINDINGS.**

12 The Congress finds the following:

13 (1) The National Wildlife Refuge System is  
14 comprised of over 92,000,000 acres of Federal lands  
15 that have been incorporated within 509 individual  
16 units located in all 50 States and our territories.

17 (2) The System was created to conserve fish,  
18 wildlife, and plants and their habitats and this con-  
19 servation mission has been facilitated by providing  
20 Americans opportunities to participate in compatible  
21 wildlife-dependent recreation, including fishing and  
22 hunting, on System lands and to better appreciate  
23 the value of and need for fish and wildlife conserva-  
24 tion.

25 (3) The System serves a pivotal role in the con-  
26 servation of migratory birds, anadromous and inter-

1 jurisdictional fish, marine mammals, endangered and  
2 threatened species, and the habitats on which these  
3 species depend.

4 (4) The System assists in the fulfillment of im-  
5 portant international treaty obligations of the Unit-  
6 ed States with regard to fish, wildlife, and plants  
7 and their habitats.

8 (5) The System includes lands purchased not  
9 only through the use of tax dollars but also through  
10 the sale of Duck Stamps and refuge entrance fees.  
11 It is a System that is financially supported by those  
12 benefiting from and utilizing it.

13 (6) When managed in accordance with prin-  
14 ciples of sound fish and wildlife management and  
15 administration, fishing, hunting, wildlife observation,  
16 and environmental education in refuges have been  
17 and are expected to continue to be generally compat-  
18 ible uses.

19 (7) On March 25, 1996, the President issued  
20 Executive Order 12996 which recognized “compat-  
21 ible wildlife-dependent recreational uses involving  
22 hunting, fishing, wildlife observation and photog-  
23 raphy, and environmental education and interpreta-  
24 tion as priority public uses of the Refuge System”.

1           (8) Executive Order 12996 is a positive step  
2           and serves as the foundation for the permanent stat-  
3           utory changes made by this Act.

4 **SEC. 3. DEFINITIONS.**

5           (a) IN GENERAL.—Section 5 (16 U.S.C. 668ee) is  
6           amended to read as follows:

7 **“SEC. 5. DEFINITIONS.**

8           “For purposes of this Act:

9           “(1) The term ‘compatible use’ means a use  
10           that, in the sound professional judgment of the Di-  
11           rector, will not materially interfere with or detract  
12           from the fulfillment of the mission of the System or  
13           the purposes of a refuge.

14           “(2) The terms ‘wildlife-dependent recreation’  
15           and ‘wildlife-dependent recreational use’ mean a use  
16           of a refuge involving hunting, fishing, wildlife obser-  
17           vation and photography, or environmental education  
18           and interpretation.

19           “(3) The term ‘sound professional judgment’  
20           means a finding, determination, or decision that is  
21           consistent with principles of sound fish and wildlife  
22           management and administration, available science  
23           and resources, and adherence to the requirements of  
24           this Act and other applicable laws.

1           “(4) The terms ‘conserving’, ‘conservation’,  
2           ‘manage’, ‘managing’, and ‘management’, mean to  
3           sustain and, where appropriate, restore and enhance,  
4           healthy populations of fish, wildlife, and plants uti-  
5           lizing, in accordance with applicable Federal and  
6           State laws, methods and procedures associated with  
7           modern scientific resource programs. Such methods  
8           and procedures include, consistent with the provi-  
9           sions of this Act, protection, research, census, law  
10          enforcement, habitat management, propagation, live  
11          trapping and transplantation, and regulated taking.

12          “(5) The term ‘Coordination Area’ means a  
13          wildlife management area that is made available to  
14          a State—

15                 “(A) by cooperative agreement between the  
16                 United States Fish and Wildlife Service and the  
17                 State fish and game agency pursuant to section  
18                 4 of the Fish and Wildlife Coordination Act (16  
19                 U.S.C. 664); or

20                 “(B) by long-term leases or agreements  
21                 pursuant to the Bankhead-Jones Farm Tenant  
22                 Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

23          “(6) The term ‘Director’ means the Director of  
24          the United States Fish and Wildlife Service or his  
25          designee.

1           “(7) The terms ‘fish’, ‘wildlife’, and ‘fish and  
2 wildlife’ mean any wild member of the animal king-  
3 dom whether alive or dead, and regardless of wheth-  
4 er the member was bred, hatched, or born in cap-  
5 tivity, including a part, product, egg, or offspring of  
6 the member.

7           “(8) The term ‘person’ means any individual,  
8 partnership, corporation, or association.

9           “(9) The term ‘plant’ means any member of the  
10 plant kingdom in a wild, unconfined state, including  
11 any plant community, seed, root, or other part of a  
12 plant.

13           “(10) The terms ‘purposes of the refuge’ and  
14 ‘purposes of each refuge’ mean the purposes speci-  
15 fied in or derived from the law, proclamation, execu-  
16 tive order, agreement, public land order, donation  
17 document, or administrative memorandum establish-  
18 ing, authorizing, or expanding a refuge, refuge unit,  
19 or refuge subunit.

20           “(11) The term ‘refuge’ means a designated  
21 area of land, water, or an interest in land or water  
22 within the System, but does not include Coordina-  
23 tion Areas.

24           “(12) The term ‘Secretary’ means the Secretary  
25 of the Interior.

1           “(13) The terms ‘State’ and ‘United States’  
2           mean the several States of the United States, Puerto  
3           Rico, American Samoa, the Virgin Islands, Guam,  
4           and the insular possessions of the United States.

5           “(14) The term ‘System’ means the National  
6           Wildlife Refuge System designated under section  
7           4(a)(1).

8           “(15) The terms ‘take’, ‘taking’, and ‘taken’  
9           mean to pursue, hunt, shoot, capture, collect, or kill,  
10          or to attempt to pursue, hunt, shoot, capture, col-  
11          lect, or kill.”.

12          (b) CONFORMING AMENDMENT.—Section 4 (16  
13 U.S.C. 668dd) is amended by striking “Secretary of the  
14 Interior” each place it appears and inserting “Secretary”.

15 **SEC. 4. MISSION OF THE SYSTEM.**

16          Section 4(a) (16 U.S.C. 668dd(a)) is amended—

17               (1) by redesignating paragraphs (2) and (3) as  
18               paragraphs (5) and (6), respectively;

19               (2) in clause (i) of paragraph (6) (as so redesignig-  
20               nated), by striking “paragraph (2)” and inserting  
21               “paragraph (5)”; and

22               (3) by inserting after paragraph (1) the follow-  
23               ing new paragraph:

24               “(2) The mission of the System is to administer a  
25               national network of lands and waters for the conservation,



1 management, and where appropriate, restoration of the  
2 fish, wildlife and plant resources and their habitats within  
3 the United States for the benefit of present and future  
4 generations of Americans.”.

5 **SEC. 5. ADMINISTRATION OF THE SYSTEM.**

6 (a) ADMINISTRATION GENERALLY.—Section 4(a) (16  
7 U.S.C. 668dd(a)), as amended by section 3 of this Act,  
8 is further amended by inserting after new paragraph (2)  
9 the following new paragraphs:

10 “(3) With respect to the System, it is the policy of  
11 the United States of America that—

12 “(A) each refuge shall be managed to fulfill the  
13 mission of the System, as well as the specific pur-  
14 poses for which that refuge was established;

15 “(B) compatible wildlife-dependent recreation is  
16 a legitimate and appropriate general public use of  
17 the System, directly related to the mission of the  
18 System and the purposes of many refuges, and  
19 which generally fosters refuge management and  
20 through which the American public can develop an  
21 appreciation for fish and wildlife;

22 “(C) compatible wildlife-dependent recreational  
23 uses are the priority general public uses of the Sys-  
24 tem and shall receive priority consideration in refuge  
25 planning and management;

1           “(D) when the Secretary determines that a pro-  
2           posed wildlife-dependent recreational use is a com-  
3           patible use within a refuge, that activity should be  
4           facilitated, subject to such restrictions or regulations  
5           as may be necessary, reasonable and appropriate.

6           “(4) In administering the System, the Secretary  
7 shall—

8           “(A) provide for the conservation of fish, wild-  
9           life, and plants, and their habitats within the Sys-  
10          tem;

11          “(B) ensure that the biological integrity, diver-  
12          sity, and environmental health of the System are  
13          maintained for the benefit of present and future  
14          generations of Americans;

15          “(C) plan and direct the continued growth of  
16          the System in a manner that is best designed to ac-  
17          complish the mission of the System, to contribute to  
18          the conservation of the ecosystems of the United  
19          States, to complement efforts of States and other  
20          Federal agencies to conserve fish and wildlife and  
21          their habitats and to increase support for the Sys-  
22          tem and participation from conservation partners  
23          and the public;

24          “(D) ensure that the mission of the System de-  
25          scribed in paragraph (2) and the purposes of each

1 refuge are carried out, except that if a conflict exists  
2 between the purposes of a refuge and the mission of  
3 the System, the conflict shall be resolved in a man-  
4 ner that first protects the purposes of the refuge,  
5 and, to the extent practicable, that also achieves the  
6 mission of the System;

7 “(E) ensure effective coordination, interaction,  
8 and cooperation with owners of land adjoining ref-  
9 uges and the fish and wildlife agency of the States  
10 in which the units of the System are located;

11 “(F) assist in the maintenance of adequate  
12 water quantity and water quality to fulfill the mis-  
13 sion of the System and the purposes of each refuge;

14 “(G) acquire, under State law, water rights that  
15 are needed for refuge purposes;

16 “(H) recognize compatible wildlife-dependent  
17 recreational uses as the priority general public uses  
18 of the System through which the American public  
19 can develop an appreciation for fish and wildlife;

20 “(I) ensure that opportunities are provided for  
21 compatible wildlife-dependent recreational activities  
22 within the System;

23 “(J) ensure that priority general public uses re-  
24 ceive enhanced consideration over other general pub-

1       lic uses in planning and management within the Sys-  
2       tem;

3               “(K) provide increased opportunities for fami-  
4       lies to experience compatible wildlife-dependent  
5       recreation, particularly opportunities for parents and  
6       their children to safely engage in traditional outdoor  
7       activities, such as fishing and hunting;

8               “(L) continue, consistent with existing laws and  
9       interagency agreements, authorized or permitted  
10      uses of units of the System by other Federal agen-  
11      cies, including those necessary to facilitate military  
12      preparedness;

13              “(M) ensure timely and effective cooperation  
14      and collaboration with Federal agencies and State  
15      fish and wildlife agencies during the course of ac-  
16      quiring and managing refuges.”.

17      (b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is  
18      amended—

19              (1) in the matter preceding paragraph (1) by  
20      striking “authorized—” and inserting “authorized to  
21      take the following actions:”;

22              (2) in paragraph (1) by striking “to enter” and  
23      inserting “Enter”;

24              (3) in paragraph (2)—

1 (A) by striking “to accept” and inserting  
2 “Accept”; and

3 (B) by striking “, and” and inserting a pe-  
4 riod;

5 (4) in paragraph (3) by striking “to acquire”  
6 and inserting “Acquire”; and

7 (5) by adding at the end the following new  
8 paragraph:

9 “(4) Subject to standards established by and the  
10 overall management oversight of the Director, and consist-  
11 ent with standards established by this Act, enter into coop-  
12 erative agreements with State fish and wildlife agencies  
13 for the management of programs on a refuge.”.

14 **SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.**

15 Section 4(d) (16 U.S.C. 668dd(d)) is amended by  
16 adding at the end the following new paragraph:

17 “(3)(A)(i) Except as provided in clause (iv), the Sec-  
18 retary shall not initiate or permit a new use of a refuge  
19 or expand, renew, or extend an existing use of a refuge,  
20 unless the Secretary has determined that the use is a com-  
21 patible use and that the use is not inconsistent with public  
22 safety. The Secretary may make the determinations re-  
23 ferred to in this paragraph for a refuge concurrently with  
24 development of a conservation plan under subsection (e).

1       “(ii) On lands added to the System after March 25,  
2 1996, the Secretary shall identify, prior to acquisition,  
3 withdrawal, transfer, reclassification, or donation of any  
4 such lands, existing compatible wildlife-dependent uses  
5 that the Secretary determines shall be permitted to con-  
6 tinue on an interim basis pending completion of the com-  
7 prehensive conservation plan for the refuge.

8       “(iii) Wildlife-dependent recreational uses may be au-  
9 thorized on a refuge when they are compatible and not  
10 inconsistent with public safety. Except for consideration  
11 of consistency with State laws and regulations as provided  
12 for in subsection (m), no other determinations or findings  
13 are required to be made by the refuge official under this  
14 Act or the Refuge Recreation Act for wildlife-dependent  
15 recreation to occur.

16       “(iv) Compatibility determinations in existence on the  
17 date of enactment of this Act shall remain in effect until  
18 and unless modified.

19       “(B) Not later than 24 months after the date of the  
20 enactment of the National Wildlife Refuge System Im-  
21 provement Act of 1997, the Secretary shall issue final reg-  
22 ulations establishing the process for determining under  
23 subparagraph (A) whether a use of a refuge is a compat-  
24 ible use. These regulations shall—

1           “(i) designate the refuge official responsible for  
2 making initial compatibility determinations;

3           “(ii) require an estimate of the timeframe, loca-  
4 tion, manner, and purpose of each use;

5           “(iii) identify the effects of each use on refuge  
6 resources and purposes of each refuge;

7           “(iv) require that compatibility determinations  
8 be made in writing;

9           “(v) provide for the expedited consideration of  
10 uses that will likely have no detrimental effect on  
11 the fulfillment of the purposes of a refuge or the  
12 mission of the System;

13           “(vi) provide for the elimination or modification  
14 of any use as expeditiously as practicable after a de-  
15 termination is made that the use is not a compatible  
16 use;

17           “(vii) require, after an opportunity for public  
18 comment, reevaluation of each existing use, other  
19 than those uses specified in clause (viii), when condi-  
20 tions under which the use is permitted change sig-  
21 nificantly or when there is significant new informa-  
22 tion regarding the effects of the use, but not less  
23 frequently than once every 10 years, to ensure that  
24 the use remains a compatible use;

1           “(viii) require, after an opportunity for public  
2           comment, reevaluation of each compatible wildlife-  
3           dependent recreational use when conditions under  
4           which the use is permitted change significantly or  
5           when there is significant new information regarding  
6           the effects of the use, but not less frequently than  
7           in conjunction with each preparation or revision of  
8           a conservation plan under subsection (e) or at least  
9           every 15 years; and

10           “(ix) provide an opportunity for public review  
11           and comment on each evaluation of a use, unless an  
12           opportunity for public review and comment on the  
13           evaluation of the use has already been provided dur-  
14           ing the development or revision of a conservation  
15           plan for the refuge under subsection (e) or has oth-  
16           erwise been provided during routine, periodic deter-  
17           minations of compatibility for wildlife-dependent rec-  
18           reational uses.

19           “(4) The provisions of this Act relating to determina-  
20           tions of the compatibility of a use shall not apply to—

21           “(A) overflights above a refuge; and

22           “(B) activities authorized, funded, or conducted  
23           by a Federal agency (other than the United States  
24           Fish and Wildlife Service) which has primary juris-  
25           diction over the refuge or a portion of the refuge, if



1 the management of those activities is in accordance  
2 with a memorandum of understanding between the  
3 Secretary or the Director and the head of the Fed-  
4 eral agency with primary jurisdiction over the refuge  
5 governing the use of the refuge.

6 “(5) Overflights above a refuge may be governed by  
7 any memorandum of understanding entered into by the  
8 Secretary that applies to the refuge.”.

9 **SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.**

10 (a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is  
11 amended—

12 (1) by redesignating subsections (e) through (i)  
13 as subsections (f) through (j), respectively; and

14 (2) by inserting after subsection (d) the follow-  
15 ing new subsection:

16 “(e)(1)(A) Except with respect to refuge lands in  
17 Alaska (which shall be governed by the refuge planning  
18 provisions of the Alaska National Interest Lands Con-  
19 servation Act (16 U.S.C. 3101 et seq.)), the Secretary  
20 shall—

21 “(i) propose a comprehensive conservation plan  
22 for each refuge or related complex of refuges (re-  
23 ferred to in this subsection as a ‘planning unit’) in  
24 the System;

1           “(ii) publish a notice of opportunity for public  
2           comment in the Federal Register on each proposed  
3           conservation plan;

4           “(iii) issue a final conservation plan for each  
5           planning unit consistent with the provisions of this  
6           Act and, to the extent practicable, consistent with  
7           fish and wildlife conservation plans of the State in  
8           which the refuge is located; and

9           “(iv) not less frequently than 15 years after the  
10          date of issuance of a conservation plan under clause  
11          (iii) and every 15 years thereafter, revise the con-  
12          servation plan as may be necessary.

13          “(B) The Secretary shall prepare a comprehensive  
14          conservation plan under this subsection for each refuge  
15          within 15 years after the date of enactment of the Na-  
16          tional Wildlife Refuge System Improvement Act of 1997.

17          “(C) The Secretary shall manage each refuge or plan-  
18          ning unit under plans in effect on the date of enactment  
19          of the National Wildlife Refuge System Improvement Act  
20          of 1997, to the extent such plans are consistent with this  
21          Act, until such plans are revised or superseded by new  
22          comprehensive conservation plans issued under this sub-  
23          section.

24          “(D) Uses or activities consistent with this Act may  
25          occur on any refuge or planning unit before existing plans

1 are revised or new comprehensive conservation plans are  
2 issued under this subsection.

3 “(E) Upon completion of a comprehensive conserva-  
4 tion plan under this subsection for a refuge or planning  
5 unit, the Secretary shall manage the refuge or planning  
6 unit in a manner consistent with the plan and shall revise  
7 the plan at any time if the Secretary determines that con-  
8 ditions that affect the refuge or planning unit have  
9 changed significantly.

10 “(2) In developing each comprehensive conservation  
11 plan under this subsection for a planning unit, the Sec-  
12 retary, acting through the Director, shall identify and de-  
13 scribe—

14 “(A) the purposes of each refuge comprising  
15 the planning unit;

16 “(B) the distribution, migration patterns, and  
17 abundance of fish, wildlife, and plant populations  
18 and related habitats within the planning unit;

19 “(C) the archaeological and cultural values of  
20 the planning unit;

21 “(D) such areas within the planning unit that  
22 are suitable for use as administrative sites or visitor  
23 facilities;

24 “(E) significant problems that may adversely  
25 affect the populations and habitats of fish, wildlife,

1 and plants within the planning unit and the actions  
2 necessary to correct or mitigate such problems; and

3 “(F) opportunities for compatible wildlife-de-  
4 pendent recreation.

5 “(3) In preparing each comprehensive conservation  
6 plan under this subsection, and any revision to such a  
7 plan, the Secretary, acting through the Director, shall, to  
8 the maximum extent practicable and consistent with this  
9 Act—

10 “(A) consult with adjoining Federal, State,  
11 local, and private landowners and affected State con-  
12 servation agencies; and

13 “(B) coordinate the development of the con-  
14 servation plan or revision of the plan with relevant  
15 State conservation plans for fish and wildlife and  
16 their habitats.

17 “(4)(A) In accordance with subparagraph (B), the  
18 Secretary shall develop and implement a process to ensure  
19 an opportunity for active public involvement in the prepa-  
20 ration and revision of comprehensive conservation plans  
21 under this subsection. At a minimum, the Secretary shall  
22 require that publication of any final plan shall include a  
23 summary of the comments made by States, adjacent or  
24 potentially affected landowners, local governments, and

1 any other affected parties, together with a statement of  
2 the disposition of concerns expressed in those comments.

3 “(B) Prior to the adoption of each comprehensive  
4 conservation plan under this subsection, the Secretary  
5 shall issue public notice of the draft proposed plan, make  
6 copies of the plan available at the affected field and re-  
7 gional offices of the United States Fish and Wildlife Serv-  
8 ice, and provide opportunity for public comment.”.

9 **SEC. 8. EMERGENCY POWER; PRESIDENTIAL EXEMPTION;**  
10 **STATE AUTHORITY; WATER RIGHTS; COORDI-**  
11 **NATION.**

12 (a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is  
13 further amended by adding at the end the following new  
14 subsections:

15 “(k) Notwithstanding any other provision of this Act  
16 the Secretary may temporarily suspend, allow, or initiate  
17 any activity in a refuge in the System if the Secretary  
18 determines it is necessary to protect the health and safety  
19 of the public or any fish or wildlife population.

20 “(l) Nothing in this Act shall be construed to author-  
21 ize the Secretary to control or regulate hunting or fishing  
22 of fish and resident wildlife on lands or waters not within  
23 the System.

24 “(m) Nothing in this Act shall be construed as affect-  
25 ing the authority, jurisdiction, or responsibility of the sev-

1 eral States to manage, control, or regulate fish and resi-  
2 dent wildlife under State law or regulations in any area  
3 within the System. Regulations permitting hunting or fish-  
4 ing of fish and resident wildlife within the System shall  
5 be, to the extent practicable, consistent with State fish and  
6 wildlife laws, regulations, or management plans.

7 “(n)(1) Nothing in this Act shall—

8 “(A) create a reserved water right, express or  
9 implied, in the United States for any purpose;

10 “(B) affect any water right in existence on the  
11 date of enactment of the National Wildlife Refuge  
12 System Improvement Act of 1997; or

13 “(C) affect any Federal or State law in exist-  
14 ence on the date of the enactment of the National  
15 Wildlife Refuge System Improvement Act of 1997  
16 regarding water quality or water quantity.

17 “(2) Nothing in this Act shall diminish or affect the  
18 ability to join the United States in the adjudication of  
19 rights to the use of water pursuant to the McCarran Act  
20 (43 U.S.C. 666).

21 “(o) Coordination with State fish and wildlife agency  
22 personnel or with personnel of other affected State agen-  
23 cies pursuant to this Act shall not be subject to the Fed-  
24 eral Advisory Committee Act (5 U.S.C. App.).”.

1 (b) CONFORMING AMENDMENT.—Section 4(c) (16  
2 U.S.C. 668dd(c)) is amended by striking the last sentence.

3 **SEC. 9. STATUTORY CONSTRUCTION.**

4 (a) Nothing in this Act is intended to affect—

5 (1) the provisions for subsistence uses in Alaska  
6 set forth in the Alaska National Interest Lands Con-  
7 servation Act (Public Law 96–487), including those  
8 in titles III and VIII of that Act;

9 (2) the provisions of section 102 of the Alaska  
10 National Interest Lands Conservation Act, the juris-  
11 diction over subsistence uses in Alaska, or any asser-  
12 tion of subsistence uses in the Federal courts; and

13 (3) the manner in which section 810 of the  
14 Alaska National Interest Lands Conservation Act is  
15 implemented in refuges in Alaska.

16 (b) If any conflict arises between any provision of this  
17 Act and any provision of the Alaska National Interest  
18 Lands Conservation Act, then the provision in the Alaska  
19 National Interest Lands Conservation Act shall prevail.