

# Calendar No. 516

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2393

To protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

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## IN THE SENATE OF THE UNITED STATES

JULY 30, 1998

Mr. MURKOWSKI introduced the following bill; which was read the first time

JULY 31, 1998

Read the second time and placed on the calendar

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## A BILL

To protect the sovereign right of the State of Alaska and prevent the Secretary of Agriculture and the Secretary of the Interior from assuming management of Alaska's fish and game resources.

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. FINDINGS.**

4       The Congress finds that—

1           (1) the State of Alaska received management  
2 authority and responsibility for fish and game re-  
3 sources in the State at the time of Statehood;

4           (2) the Alaska Constitution requires equal ac-  
5 cess for all citizens of the State to these fish and  
6 game resources;

7           (3) the State of Alaska developed statutes to  
8 implement a rural subsistence priority;

9           (4) in 1980 Congress passed the Alaska Na-  
10 tional Interest Lands Conservation Act providing  
11 that the “taking on public lands of fish and wildlife  
12 for nonwasteful subsistence uses shall be accorded  
13 priority over the taking on such lands of fish and  
14 wildlife for other purposes;

15           (5) in 1989 the Alaska Supreme Court ruled in  
16 *McDowell v. Alaska* that the rural preference con-  
17 tained in the State’s subsistence statute violated the  
18 equal access provision of the Alaska Constitution  
19 putting the State’s subsistence program out of com-  
20 pliance with title VIII of ANILCA resulting in the  
21 Secretaries of Agriculture and the Interior assuming  
22 subsistence management on the public lands in Alas-  
23 ka;

24           (6) three Governors of Alaska have called the  
25 Legislature into four special legislative sessions to

1 try and resolve the issue and return management re-  
2 sponsibilities of fish and game back to the State;  
3 however, these efforts have not been successful;

4 (7) there continues to remain an impasse that  
5 is creating a divisive atmosphere in Alaska among  
6 sport hunters, sport fishermen, commercial fisher-  
7 men, Alaska Natives, as well as urban and rural  
8 residents; and

9 (8) the Congress hereby declares that subsist-  
10 ence uses of fish and game resources should have a  
11 priority over other uses of those resources; residents  
12 of rural Alaska should have a greater role in the  
13 management and enforcement of subsistence laws;  
14 the State of Alaska is better prepared than the Fed-  
15 eral Government to manage fish and game resources  
16 in Alaska; and a moratorium is needed to prevent a  
17 Federal takeover and give the State adequate time  
18 to address the issue.

19 **SEC. 2. MORATORIUM ON FEDERAL MANAGEMENT.**

20 Notwithstanding any other provision of law, Neither  
21 the Secretary of the Interior nor the Secretary of Agri-  
22 culture may issue or implement final rules, regulations,  
23 or policies pursuant to title VIII of the Alaska National  
24 Interest Lands Conservation Act to assert jurisdiction,  
25 management, or control over the navigable waters trans-

1 ferred to the State of Alaska pursuant to the Submerged  
2 Lands Act of 1953 or the Alaska Statehood Act of 1959  
3 prior to December 1, 2000.



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