ALASKA BOARD OF GAME
2005-155-BOG
A RESOLUTION OF THE ALASKA BOARD OF GAME IN SUPPORT OF
GOVERNOR MURKOWSKI'S DECISION TO FILE A LAWSUIT AGAINST
THE FEDERAL GOVERNMENT OVER THE EXTENT AND REACH OF
SUBSISTENCE REGULATIONS IN STATE NAVIGABLE WATERS

WHEREAS, the Board of Game agrees that the federal courts have concluded, in the
Katie John Case, that the federal subsistence law applies to some state navigable waters
where there is a Federal Reserved Water Right; and

WHEREAS, the Board of Game concurs that the state lost its chance to appeal the Ninth
Circuit Court of Appeals decision when Governor Knowles conceded jurisdiction to the
federal government by not appealing the Katie John Case to the U.S. Supreme Court; and

WHEREAS, the Board of Game concurs that the federal courts have, as a result, created
hazy and unenforceable jurisdictional boundaries with the decision in the Katie John
Case; and

WHEREAS, the Board of Game concurs that the federal agencies have further
exacerbated the jurisdiction problem by adopting expansive regulations intended to
expand federal jurisdiction over the state’s fish and wildlife management programs; and

WHEREAS, the Board of Game concurs that there appears to be little or no immediate
chance that the federal subsistence law will be modified and, similarly, little or no chance
the state will agree to come into compliance with the federal mandates for return of
subsistence management on federal public lands to the state; and

WHEREAS, the Board of Game concurs that the state’s fish and wildlife management
authorities have been significantly eroded because of the federal government’s over-
reaching subsistence management regulations; and

WHEREAS, the Board of Game concurs that the federal regulations governing
subsistence uses have produced significant negative impacts on Alaska’s fish and wildlife
management programs; and

WHEREAS, the Board of Game maintains that the public and, in some cases, the
resources have experienced major negative impacts in the present jurisdictional disputes;
and

WHEREAS, the Board of Game maintains that the “minimal intrusion” promises of
former Secretary Babbitt have been a failure; and

WHEREAS, the Board of Game supports the maximum retention of state fish and
wildlife management authorities; and

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WHEREAS, the Board of Game maintains that it is essential for the courts to clarify the jurisdictional boundaries of the federal subsistence law;

NOW THEREFORE BE IT RESOLVED, that the Board of Game strongly supports the decision by Governor Murkowski to file litigation against the reach of federal government subsistence regulations in navigable waters to clarify the degree and extent of federal jurisdiction; and

BE IT FURTHER RESOLVED, that the Board of Game encourages the Alaska State Legislature to place a high priority on this action and to continue to adequately support and fund this litigation effort.

PASSED AND ADOPTED by the Alaska Board of Game on this 17th day of January, 2005.

Vote: 6 - 0 - 1 member abstaining
Teleconference Meeting January 17, 2005

Mike Pleagle, Chair

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