

106TH CONGRESS
1ST SESSION

S. 1683

To make technical changes to the Alaska National Interest Lands
Conservation Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 4, 1999

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

A BILL

To make technical changes to 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. SHORT TITLE.**

4 This Act may be referred to as the “Rural Alaska
5 Access Rights Act of 1999”.

6 **SEC. 2. AMENDMENT OF ACT.**

7 The Alaska National Interest Lands Conservation
8 Act (Public Law 96–487; 94 Stat. 2371) is amended as
9 follows:

1 (a) Section 101 is amended by adding a new sub-
2 section (e) as follows:

3 “(e) All Federal public land managers in Alaska, or
4 a region that includes Alaska, shall participate in an Alas-
5 ka National Interest Lands Conservation Act (ANILCA)
6 training class, as outlined in this legislation, to be com-
7 pleted within 120 days after enactment. All future ap-
8 pointed Federal public land managers in Alaska, or a re-
9 gion containing Alaska, shall complete ANILCA training
10 within 60 days of assuming their position.”.

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

14 (c) In section 1102, add a new subsection (5) at the
15 end as follows:

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

20 (d) Section 1105 is amended by designating the exist-
21 ing language as subsection (a) and inserting a new sub-
22 section (b) as follows:

23 “(b) any alternative route that may be identified by
24 the head of the Federal agency shall not be less economi-

1 cally feasible and prudent than the route being sought by
2 the applicant.”.

3 (e) Section 1109 is amended by deleting “access.”
4 and inserting in lieu thereof: “access, including rights-of-
5 way established under Revised Statute 2477.”.

6 (f) The second sentence of section 1110(a) is amend-
7 ed by adding “specifically and tangibly” before the word
8 “detrimental”.

9 (g) The second sentence in section 1110(a) is amend-
10 ed by striking “area” and inserting in lieu thereof: “area:
11 except that (1) reasonable regulations shall not include
12 any requirements for the demonstration of pre-existing use
13 and (2) the Secretary shall limit any prohibitions to the
14 smallest area practicable and to the shortest period of
15 time. No prohibition may be imposed prior to formal con-
16 sultation with and consideration of the views of the State
17 of Alaska.”.

18 (h) The last sentence of section 1110(b) is amended
19 by inserting “may include easements, right-of-way, or
20 other interests in land or permits and” after “such
21 rights”.

22 (i) In the last sentence of section 1110(b), strike
23 “lands.” and insert in lieu thereof: “lands, except that the
24 Secretary may not impose any unreasonable fees or
25 charges on those seeking to exercise their rights under this

1 subsection. Individuals or entities possessing rights under
2 this subsection shall not be subject to the requirement of
3 sections 1104, 1105, 1106, and 1107 of this Act.”.

4 (j) Section 1301(d) is amended by striking “permit”
5 in the final sentence and inserting in lieu thereof “shall
6 enable”.

7 (k) Section 1303(a)(1)(D) is amended by striking
8 “located.” and inserting in lieu thereof: “located, except
9 that the applicant may not be required to waive, forfeit,
10 or relinquish any possessory or personal interests in a
11 cabin or structure.”.

12 (l) Section 1303(a)(2)(D) is amended by striking “lo-
13 cated.” and inserting in lieu thereof: “located, except that
14 the applicant may not be required to waive, forfeit, or re-
15 linquish any possessory or personal interests in a cabin
16 or structure.”.

17 (m) Section 1303(b)(3)(D) is amended by striking
18 “located.” and inserting in lieu thereof: “located, except
19 that the applicant may not be required to waive, forfeit,
20 or relinquish any possessory or personal interests in a
21 cabin or structure.”.

22 (n) Section 1303 is amended by adding a new sub-
23 section (e) as follows:

24 “(e)(1) All permits, permit renewals, or renewal or
25 continuation of valid leases issued pursuant to this section

1 shall provide for repair, maintenance, and replacement ac-
2 tivities and may authorize alterations to cabins and similar
3 structure that do not constitute a significant impairment
4 of unit purposes. Reasonable access, including access by
5 aircraft, shall be afforded to permittees and lessees for
6 these purposes.

7 “(2) Fees for all permits and leases issued pursuant
8 to this section shall be reasonable and consistent with pur-
9 pose of maintaining and facilitating authorized use. Rea-
10 sonable fees are those that enable the issuing agency to
11 recover and may not exceed permit or lease processing
12 costs.

13 “(3) For purposes of this section, a claimant shall
14 include persons who have regularly used a cabin related
15 to the provision of authorized fishing or hunting serv-
16 ices.”.

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

21 (p) Section 1313 is amended by adding at the end
22 of the first sentence: “A purpose of all preserve units is
23 to provide for fish and wildlife dependent recreation in-
24 cluding fishing and hunting.”.

1 (q) Section 1314 (c) is amended by striking “law.”
2 at the end of the first sentence and inserting the following:
3 “law except that the taking of fish and wildlife for sport
4 as well as subsistence purposes shall be permitted on each
5 unit of the Refuge system in Alaska. The Secretary may
6 designate zones where and periods when no hunting, fish-
7 ing, and trapping may be permitted for reasons of public
8 safety, administration, floral and faunal protection, or
9 public use and enjoyment. Except in emergencies, any reg-
10 ulations prescribing such restrictions relating to hunting,
11 fishing, or trapping shall be put into effect only after con-
12 sultation with the appropriate state agency having respon-
13 sibility over hunting, fishing, and trapping.”.

14 (r) Section 1315 is amended by adding a new sub-
15 section “(g)” as follows:

16 “(g) Notwithstanding any other provision of law,
17 within National Forest Wilderness Areas and National
18 Forest Monument areas as designated in this Act, the Sec-
19 retary of Agriculture shall permit or otherwise regulate
20 helicopter use and landings.”.

21 (s) Section 1316 (a) is amended in the first sentence
22 by deleting “equipment” and inserting in lieu thereof:
23 “equipment, including motorized and mechanical equip-
24 ment,”.

1 (t) Section 1316 (a) is amended in the second sen-
2 tence by striking “consistent with the protection” and in-
3 serting in lieu thereof: “not inconsistent with the conserva-
4 tion”.

5 (u) Section 1316 (a) is amended by striking “per-
6 mittee.” in the last sentence and inserting in lieu thereof:
7 “permittee except that structures and facilities may be al-
8 lowed to stand from season to season.”.

9 (v) Section 1316 (b) is amended by inserting “signifi-
10 cantly” before the word “detrimental”.

11 (w) Section 1317 (c) is amended by deleting “sec-
12 tion.” and inserting in lieu thereof: “section except that
13 the Secretary shall not establish management directives,
14 guidelines, policies or prescriptions for the purpose of ad-
15 ministering any study area to preserve Wilderness values
16 prior to action by Congress on recommendations, if any,
17 for wilderness designation of a study area.”.

18 (x) Section 1319 is amended by designating the exist-
19 ing text as subsection “(a)” and adding the following sub-
20 section (b):

21 “(b) Nothing in this Act shall be construed as lim-
22 iting or restricting the power and authority of the State
23 of Alaska except as expressly provided herein.”.

24 (y) The first sentence of Section 1326 (a) is amended
25 by striking “withdraws” in the first sentence and inserting

1 in lieu thereof: “withdraws, redesignates or reclassifies
2 into a different or additional land management category”.

