# THE TRANSFER OF PUBLIC LANDS MOVEMENT IN ALASKA

ALASKA STATE LANDS ADVISORY GROUP (ASLAG)
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## **ASLAG**

Special committee formed by CACFA to understand and explore the viability of transferring management or ownership of federal public lands in Alaska to the State of Alaska.<sup>1</sup>

#### Mission:

- Collaborate with informed members of the Alaskan public;
- Research the legal, economic, jurisdictional, and political issues associated with such a transfer;
- Identify potential solutions to current problems with public land and resource management; and,
- Inform policy makers of findings and recommendations.

## **CURRENT ISSUES:**

- ANILCA Sections 101(d) and 1326(b) violations<sup>2, 9</sup>
- Fish and wildlife resource management regulations<sup>2, 3, 4</sup>
- Inholder access and permitting issues<sup>5</sup>
- Preemptive administrative decisions to prevent development plans<sup>6</sup>
- Disregard for the interests and concerns of Alaska residents<sup>7</sup>
- Disregard for the established rights and guarantees made to the State of Alaska<sup>8, 9</sup>

Figure 3. Federal Lands in Alaska and Hawaii

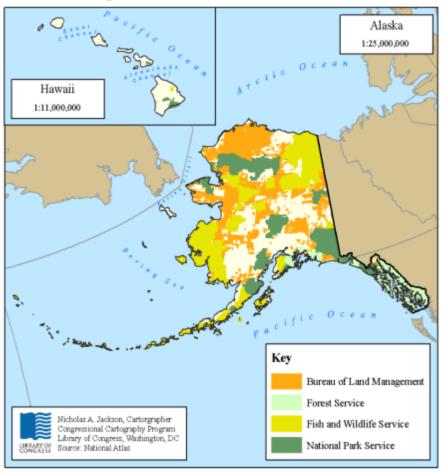


Image sourced from Gorte, Ross W., Carol Hardy Vincent, Laura A. Hanson, and Marc R. Rosenblum. *Federal Land Ownership: Overview and Data.* Report No. R43246. Congressional Research Office, 8 Feb. 2012. Web. 29 July 2015.

## POTENTIAL SOLUTIONS

#### LITIGATION

- Transfer of Public Lands Act<sup>11</sup>
- Alaska Sovereignty
   Act (H.B. 115)<sup>12</sup>
- Extension of Equal Footing Doctrine<sup>13</sup>
- Pro-transfer ruling on states' Enabling Acts<sup>13</sup>
- CACFA-requested litigation<sup>14</sup>

#### LEGISLATION

- Decentralization of federal agencies<sup>10</sup>
- Mandatory transfers of public land
- Defunding of federal regulatory agencies who fail to enforce or respect existing rules and laws
- Creation of public lands trusts<sup>10</sup>
- "Law of the Sea"

#### NEGOTIATION

- Land swaps (e.g., Rep. Bishop's Public Lands Initiative)<sup>15</sup>
- MOUs, primacy and co-management
- Reinitiate Alaska Land Use Council<sup>16</sup>
- CACFA comments to federal agencies for consideration before preliminary and/or final rule decisions<sup>17</sup>

# WHAT GUARANTEES COULD BE MADE TO THE STATE?

#### What responsibilities could be devolved?

- Management of fish and game
- Control of in-state waters, wetlands and waterways
- Resource management and energy production

#### Where could we collaborate?

- Access and infrastructure
- Revenue sharing
- Permitting
- Oversight and enforcement

# WHAT RIGHTS COULD BE DEVOLVED TO THE STATE?

#### Devolution vs. Decentralization

 Would decentralization of federal agencies resolve current problems with public lands management?<sup>10</sup>

#### Enforcement of provisions within the Alaska Statehood Act and the Alaskan Constitution

- Does the Alaska Statehood Act require disposition?
- Do current management policies violate the Alaskan Constitution?

#### Users' Rights

 Can users better manage public resources than the federal government?<sup>18,19</sup>

## CONCLUSION

"Our problems are diverse, deeply regionalized and localized, and too complex for any more one size fits all solutions." – Professor Sally Fairfax<sup>10</sup>

# How can ASLAG and CACFA work with the delegation to address current issues with federal land management policies in Alaska?