

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 704

To regulate fishing in certain waters of Alaska.

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IN THE HOUSE OF REPRESENTATIVES

JANUARY 27, 1993

Mr. YOUNG of Alaska introduced the following bill; which was referred jointly to the Committees on Natural Resources and Merchant Marine and Fisheries

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## A BILL

To regulate fishing in certain waters of Alaska.

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. DEFINITIONS.**

4       For the purposes of this Act, the term “Glacier Bay  
5 National Park” means the national park and national pre-  
6 serve redesignated, established or expanded under section  
7 202(1) of the Alaska National Interest Lands Conserva-  
8 tion Act (16 U.S.C. 410hh-1).

9       **SEC. 2. SUBSISTENCE USE.**

10       Subsistence fishing and gathering by local residents,  
11 including but not limited to the residents of Hoonah, shall  
12 be allowed in Glacier Bay National Park in accordance

1 with the provisions of title VIII of the Alaska National  
2 Interest Lands Conservation Act (16 U.S.C. 3111 through  
3 3126).

4 **SEC. 3. COMMERCIAL FISHING.**

5 (a) Commercial fishing shall be allowed in all marine  
6 waters of Glacier Bay National Park except areas des-  
7 ignated as wilderness under section 701(3) of the Alaska  
8 National Interest Lands Conservation Act (16 U.S.C.  
9 1132 note).

10 (b) Within the marine waters of Glacier Bay north  
11 of a line drawn point to point from Point Carolus to Point  
12 Gustavus—

13 (1) the annual average commercial fishing ef-  
14 fort for each species shall be maintained at a level  
15 no greater than the average annual effort which ex-  
16 isted for that species during the period from 1981  
17 through 1991, as determined by the State of Alaska  
18 in consultation with the Secretary of the Interior;  
19 and

20 (2) only those types of commercial fishing gear  
21 in use between 1981 and the date of enactment of  
22 this Act shall be allowed.

23 (c) Within Glacier Bay National Park, commercial  
24 fishing seasons shall, to the extent possible, be consistent  
25 with and not exceed the commercial fishing seasons estab-

1 lished in waters adjacent to Glacier Bay National Park,  
2 except that seasons may be limited to conserve fish, shell-  
3 fish or crustacean stocks.

4 (d) Nothing in this Act shall affect section 1314(a)  
5 and (b) of the Alaska National Interest Lands Conserva-  
6 tion Act (16 U.S.C. 3202(a) and (b)).

7 (e) The Secretary of the Interior, in consultation with  
8 the State of Alaska, shall study the effect of commercial  
9 fishing activities authorized by this Act in Glacier Bay Na-  
10 tional Park to determine whether such fishing is having  
11 a detrimental effect on Park resources, including the op-  
12 portunity for recreational use of the Park. The Secretary  
13 shall report the results of the study to the Committees  
14 on Merchant Marine and Fisheries and Natural Resources  
15 of the House of Representatives, and the Committee on  
16 Energy and Natural Resources of the Senate, not later  
17 than three years after the date of enactment of this Act.

18 **SEC. 4. EFFECT ON TITLE AND JURISDICTION OF TIDAL**

19 **AND SUBMERGED LANDS.**

20 (a) No provision of this Act shall be construed to in-  
21 validate or validate or in any other way affect any claim  
22 by the State of Alaska to title to any or all tidal or sub-  
23 merged lands, nor shall any actions taken pursuant to or  
24 in accordance with this Act operate under any provision  
25 or principle of the law to bar the State of Alaska from

1 asserting at any time its claim of title to any or all of  
2 the tidal or submerged lands.

3 (b) Nothing in this Act nor in any actions taken pur-  
4 suant to this Act shall be construed as expanding or di-  
5 minishing Federal or State jurisdiction, responsibility, in-  
6 terests, or rights in management, regulation, or control  
7 over waters of the State of Alaska or tidal or submerged  
8 lands under any provision of Federal or State law.

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