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(Original Signature of Member)

113TH CONGRESS
2D SESSION

H. R. _____

To authorize a demonstration program that allows for State-Federal-Tribal co-management of wildlife throughout the traditional hunting territory of the Ahtna people and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. YOUNG of Alaska introduced the following bill; which was referred to the Committee on _____

A BILL

To authorize a demonstration program that allows for State-Federal-Tribal co-management of wildlife throughout the traditional hunting territory of the Ahtna people 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 cited as the “Alaska Native Subsist-
5 ence Co-Management Demonstration Act of 2014”.

1 **SEC. 2. WILDLIFE CO-MANAGEMENT.**

2 (a) ESTABLISHMENT.—Title VIII of the Alaska Na-
3 tional Interest Lands Conservation Act (16 U.S.C. 3111
4 et seq.) is amended by adding at the end the following
5 new section:

6 **“SEC. 817. CO-MANAGEMENT OF WILDLIFE ON LANDS THAT**
7 **COMPRISE TRADITIONAL ALASKA NATIVE**
8 **HUNTING TERRITORY.**

9 “(a) DEFINITIONS.—For the purposes of this section:

10 “(1) SECRETARY.—The term ‘Secretary’ means
11 the Secretary of the Interior.

12 “(2) AHTNA INCORPORATED.—The term ‘Ahtna
13 Incorporated’ means the Alaska Native Regional
14 Corporation established for the Copper River region
15 pursuant to the Alaska Native Claims Settlement
16 Act (43 U.S.C. 1601 et seq.).

17 “(3) THE STATE.—The term ‘the State’ means
18 the State of Alaska.

19 “(4) AHTNA INTER-TRIBAL WILDLIFE COMMIS-
20 SION (AITWC).—The term ‘Ahtna Inter-Tribal Wild-
21 life Commission’ means the organization designated
22 by Ahtna Incorporated pursuant to subsection (b)
23 and responsible for the management of wildlife on
24 Ahtna lands pursuant to this section.

25 “(5) CHITINA NATIVE CORPORATION.—The
26 term ‘Chitina Native Corporation’ means the Alaska

1 Native Village Corporation in the Ahtna region es-
2 tablished pursuant to the Alaska Native Claims Set-
3 tlement Act (43 U.S.C. 1601 et seq.).

4 “(6) GOVERNOR.—The term ‘Governor’ means
5 the Governor of the State of Alaska.

6 “(7) AHTNA NATIVE VILLAGES.—The term
7 ‘Ahtna Native Villages’ means the federally recog-
8 nized Native Villages of Cantwell, Mentasta,
9 Cheesh’na, Chitina, Gulkana, Gakona, Tazlina, and
10 Kluti Kaah which appear on the list of federally rec-
11 ognized tribes that is compiled pursuant to the Fed-
12 erally Recognized Indian Tribe List Act of 1994 (25
13 U.S.C. 479a-1).

14 “(8) AHTNA LANDS.—The term ‘Ahtna lands’
15 means all lands, and the waters within or adjacent
16 to such lands, in Alaska that—

17 “(A) were conveyed to Ahtna Incorporated
18 or the eight Alaska Native Village Corporations
19 in the Ahtna region pursuant to the Alaska Na-
20 tive Claims Settlement Act (43 U.S.C. 1601 et
21 seq.);

22 “(B) have been selected by such Native
23 Corporations for conveyance pursuant to the
24 Alaska Native Claims Settlement Act (43

1 U.S.C. 1601 et seq.) but have not yet been con-
2 veyed;

3 “(C) are Alaska Native allotments located
4 within Ahtna’s Traditional Territory;

5 “(D) are held on behalf of a member of an
6 Ahtna Native Village, located within Ahtna’s
7 Traditional Territory, and subject to any Fed-
8 eral restriction on alienation;

9 “(E) are held on behalf of an Ahtna Na-
10 tive Village and located within Ahtna’s Tradi-
11 tional Territory; and

12 “(F) are owned by Ahtna Incorporated,
13 the Chitina Native Corporation, or an Ahtna
14 Native Village and located within Ahtna’s Tra-
15 ditional Territory.

16 “(9) CUSTOMARY AND TRADITIONAL USES.—
17 The term ‘customary and traditional uses’ means
18 the tribal and community-based patterns and prac-
19 tices of members of Ahtna Native Villages for taking
20 and using wildlife that provide for the nutritional,
21 physical, economic, spiritual, and cultural way of life
22 of members of the Ahtna Native Villages.

23 “(10) AHTNA’S TRADITIONAL TERRITORY.—The
24 term ‘Ahtna’s Traditional Territory’ means all lands
25 and waters within the boundary depicted on the map

1 accompanying the Alaska Native Subsistence Co-
2 Management Demonstration Act of 2014. Within 60
3 days of enactment of the Alaska Native Subsistence
4 Co-Management Demonstration Act of 2014, the
5 Ahtna Inter-Tribal Wildlife Commission shall pro-
6 vide a definition of Ahtna’s Traditional Territory
7 that is consistent with the boundaries depicted on
8 the map and in a form that is consistent with the
9 State of Alaska’s regulatory description of Game
10 Management Units in Alaska Administrative Code 5
11 AAC 92.450.

12 “(11) AHTNA WILDLIFE CO-MANAGEMENT
13 GROUP (AWCG).—The term ‘Ahtna Wildlife Co-Man-
14 agement Group’ means a group that is comprised
15 exclusively of the Ahtna Inter-Tribal Wildlife Com-
16 mission, the Secretary, and the State of Alaska, if
17 the Governor elects for the State of Alaska to join
18 the group.

19 “(12) TRADITIONAL ALASKA NATIVE HUNTING
20 TERRITORY.—The meaning of the term ‘traditional
21 Alaska Native hunting territory’ shall be defined by
22 the Secretary in the final rule that is promulgated
23 pursuant to paragraph (2) of subsection (g).

24 “(13) ALASKA NATIVE CUSTOMARY AND TRADI-
25 TIONAL USES OF WILDLIFE.—The meaning of the

1 term ‘Alaska Native customary and traditional uses
2 of wildlife’ shall be defined by the Secretary in the
3 final rule that is promulgated pursuant to paragraph
4 (2) of subsection (g).

5 “(b) AITWC AND WILDLIFE MANAGEMENT ON
6 AHTNA LANDS.—

7 “(1) ESTABLISHMENT OF AITWC.—The Ahtna
8 Inter-Tribal Wildlife Commission shall be comprised
9 of Ahtna Incorporated, and any Ahtna Native Vil-
10 lages that elect to join the commission.

11 “(2) MEMBERSHIP OF AITWC.—Any Ahtna Na-
12 tive Village may elect at any time to join the Ahtna
13 Inter-Tribal Wildlife Commission pursuant to para-
14 graph (1) if its tribal government passes a resolution
15 that authorizes the village to join the commission
16 and also grants the commission authorization to
17 manage wildlife on some or all of its lands pursuant
18 to paragraph (6). Any Ahtna Native Village may
19 elect at any time to terminate its participation in the
20 commission if its tribal government passes a resolu-
21 tion that authorizes the village to terminate its par-
22 ticipation in the commission.

23 “(3) STRUCTURE OF AITWC.—Ahtna Incor-
24 porated and any Ahtna Native Villages that are
25 members of the Ahtna Inter-Tribal Wildlife Commis-

1 sion shall jointly determine the governing structure
2 of the Ahtna Inter-Tribal Wildlife Commission. The
3 members shall establish and maintain a fair system
4 of decision-making for operating the commission and
5 ensuring that all members of the commission are
6 fairly represented on the commission. The commis-
7 sion shall create and maintain publically-available
8 governing documents that delineate the structure of
9 such system.

10 “(4) WILDLIFE MANAGEMENT.—The manage-
11 ment of all wildlife on Ahtna lands, including the
12 taking of wildlife and conservation of wildlife, shall
13 be conducted exclusively by the Ahtna Inter-Tribal
14 Wildlife Commission.

15 “(5) CHITINA EXCEPTION.—Paragraph (4)
16 shall not apply to lands conveyed to the Chitina Na-
17 tive Corporation unless the Chitina Native Corpora-
18 tion adopts a resolution authorizing some or all of
19 such lands to be managed by the Ahtna Inter-Tribal
20 Wildlife Commission pursuant to this section.
21 Chitina Native Corporation may elect at any time to
22 terminate such authorization if it adopts a resolution
23 that rescinds the authorization.

24 “(6) AHTNA NATIVE VILLAGES EXCEPTION.—
25 Paragraph (4) shall not apply to lands that are

1 owned or held on behalf of an Ahtna Native Village
2 unless the tribal government of the Ahtna Native
3 Village adopts a resolution authorizing some or all
4 of its lands to be managed by the Ahtna Inter-Tribal
5 Wildlife Commission pursuant to this section. The
6 Ahtna Native Village may elect at any time to termi-
7 nate such authorization if its tribal government
8 adopts a resolution that rescinds the authorization.

9 “(7) ALASKA NATIVE ALLOTMENT EXCEP-
10 TION.—Paragraph (4) shall not apply to Native Al-
11 lotments within Ahtna’s Traditional Territory unless
12 the Ahtna Inter-Tribal Wildlife Commission is in re-
13 ceipt of a written, notarized statement from the
14 allottee’s of the land that authorizes the Ahtna Inter-
15 Tribal Wildlife Commission to manage such lands
16 pursuant to this section and such statement is pub-
17 lically available. The allottee’s may elect at any time
18 to terminate such authorization by providing the
19 commission with a written, notarized statement that
20 rescinds the authorization.

21 “(8) EXCEPTION FOR LANDS PROTECTED
22 AGAINST ALIENATION.—Paragraph (4) shall not
23 apply to lands that are held on behalf of a member
24 of an Ahtna Native Village and subject to a Federal
25 restriction on alienation unless the Ahtna Inter-Trib-

1 al Wildlife Commission is in receipt of a written, no-
2 tarized statement from the member that authorizes
3 the Ahtna Inter-Tribal Wildlife Commission to man-
4 age the lands pursuant to this section and such
5 statement is publically available. The village member
6 may elect at any time to terminate such authoriza-
7 tion by providing the commission with a written, no-
8 tarized statement that rescinds the authorization.

9 “(c) CO-MANAGEMENT OF WILDLIFE POPULATIONS
10 WITHIN AHTNA’S TRADITIONAL TERRITORY.—

11 “(1) NEGOTIATED RULEMAKING PROCEDURE.—
12 Notwithstanding sections 563(a) and 565(a) of title
13 5, United States Code, the Secretary shall issue the
14 rules described in this subsection and any rules that
15 may be required by amendments made to this sub-
16 section, according to the negotiated rulemaking pro-
17 cedure under subchapter III of chapter 5 of title 5,
18 United States Code as adapted according to this
19 paragraph.

20 “(A) COMMITTEE, ESTABLISHMENT.—Not
21 later than 60 days after the date of enactment
22 of the Alaska Native Subsistence Co-Manage-
23 ment Demonstration Act of 2014, the Secretary
24 shall establish a negotiated rulemaking com-
25 mittee pursuant to this paragraph that is

1 tasked with developing and evolving wildlife co-
2 management regulations pursuant to this sec-
3 tion.

4 “(B) COMMITTEE, ADAPTATION.—In es-
5 tablishing the negotiated rulemaking committee
6 pursuant to this subsection, the Secretary shall
7 adapt the procedures under subchapter III of
8 chapter 5 of title 5, United States Code to en-
9 sure that—

10 “(i) notwithstanding section 564(b) of
11 title 5, United States Code, the member-
12 ship of the committee include only persons
13 who are representatives of the entities that
14 comprise the Ahtna Wildlife Co-Manage-
15 ment Group;

16 “(ii) the membership of the committee
17 be comprised of an equal number of rep-
18 resentatives of each entity that is a mem-
19 ber of the Ahtna Wildlife Co-Management
20 Group;

21 “(iii) each entity that is a member of
22 the Ahtna Wildlife Co-Management Group
23 shall have exclusive authority to select the
24 persons who serve as their respective rep-
25 resentatives on the committee;

1 “(iv) the Secretary selects at least one
2 person to serve as a representative on the
3 committee who also serves as a member of
4 the regional advisory council or subsistence
5 resource commission that shares jurisdic-
6 tion over the public lands within Ahtna’s
7 Traditional Territory pursuant to this Act;

8 “(v) notwithstanding the definition of
9 ‘consensus’ in section 562(1) of title 5,
10 United States Code, and notwithstanding
11 section 566(e) of title 5, United States
12 Code, any member of the committee has
13 the right bring any matter that is pending
14 before the committee to a vote that shall
15 be decided by simple majority and each
16 member of the committee shall have the
17 right to cast a single, equally-weighted vote
18 to decide the matter;

19 “(vi) notwithstanding section 566(f)
20 of title 5, United States Code, the com-
21 mittee shall reach a consensus on any pro-
22 posed rule prior to the conclusion of nego-
23 tiations on such rule and shall bring all
24 matters preventing consensus on the pro-
25 posed rule to a vote, pursuant to clause

1 (iv) of this subparagraph, prior to the con-
2 clusion of the meeting or series of meetings
3 that constitute a negotiation for the pro-
4 posed rule;

5 “(vii) within 30 days of the committee
6 transmitting any proposed rule to the Sec-
7 retary, the Secretary shall promulgate the
8 proposed rule as a final rule that is iden-
9 tical to the proposed rule;

10 “(viii) the Secretary and the com-
11 mittee shall not take any action that termi-
12 nates the committee; and

13 “(ix) notwithstanding section 567 of
14 title 5, United States Code, the committee
15 shall adjourn but not terminate upon pro-
16 mulgation of any final rule.

17 “(2) ESTABLISHMENT OF A CO-MANAGEMENT
18 STRUCTURE.—Not later than 180 days after the
19 date of the enactment of the Alaska Native Subsist-
20 ence Co-Management Demonstration Act of 2014,
21 the Secretary shall convene the first of a series of
22 meetings of the negotiated rulemaking committee
23 that is established under paragraph (1). During the
24 first meeting, the negotiated rulemaking committee
25 shall, using the procedure under paragraph (1), de-

1 develop a proposed rule that establishes and imple-
2 ments a regulatory structure for the Ahtna Wildlife
3 Co-Management Group to exclusively manage the
4 taking of wildlife for subsistence uses and Ahtna
5 Native Villages' customary and traditional uses of
6 wildlife on all public lands within Ahtna's Tradi-
7 tional Territory and, if the State is a member of the
8 Ahtna Wildlife Co-Management Group, also to co-
9 ordinate the wildlife management conducted on pub-
10 lic lands within Ahtna's Traditional Territory with
11 wildlife management conducted on all State lands
12 within Ahtna's Traditional Territory. The negotiated
13 rulemaking committee shall ensure that the proposed
14 rule—

15 “(A) requires that the Ahtna Wildlife Co-
16 Management Group develop and implement all
17 wildlife management plans, policies, and pro-
18 grams based on—

19 “(i) sound science and recognized
20 principles of wildlife conservation and sus-
21 tained yield management; and

22 “(ii) the traditional knowledge of the
23 members of the Ahtna Native Villages as
24 conveyed through the Ahtna Inter-Tribal
25 Wildlife Commission;

1 “(B) provides for the opportunity for sub-
2 sistence uses required under this Act and the
3 opportunity necessary for the continuation of
4 Ahtna Native Villages’ customary and tradi-
5 tional uses of wildlife throughout Ahtna’s Tra-
6 ditional Territory;

7 “(C) coordinates the management of wild-
8 life takings that is conducted by the Ahtna
9 Inter-Tribal Wildlife Commission pursuant to
10 paragraph (4) of subsection (b) with the oppor-
11 tunity on public lands provided in subparagraph
12 (B) of this paragraph, and, if the State is a
13 member of the Ahtna Wildlife Co-Management
14 Group, the opportunity provided through Alas-
15 ka’s subsistence and wildlife management laws;

16 “(D) provides for the development and im-
17 plementation of an innovative, effective, and
18 comprehensive management plan for the moose
19 populations that inhabit Ahtna’s Traditional
20 Territory, and innovative and effective manage-
21 ment plans, programs, regulations, and policies
22 for any other wildlife populations throughout
23 Ahtna’s Traditional Territory that the Ahtna
24 Wildlife Co-Management Group may determine
25 as necessary including, but not limited to, har-

1 vest monitoring, wildlife population surveying,
2 controlling hunting access, ensuring cooperative
3 law enforcement, promoting healthy wildlife
4 habitat, and preventing trespass;

5 “(E) provides for the development and im-
6 plementation of a management plan for the
7 Nelchina Caribou Herd pursuant to subsection
8 (d);

9 “(F) provides for the establishment of a
10 technical committee to serve the Ahtna Wildlife
11 Co-Management Group that is comprised of an
12 equal apportionment of persons chosen by the
13 respective members of the group and that is
14 tasked with advising the voting members of the
15 group on the scientific, social, and traditional
16 knowledge basis for management decisions;

17 “(G) provides authority for the Ahtna
18 Inter-Tribal Wildlife Commission to perform all
19 the actions and responsibilities of the regional
20 advisory committees and subsistence resource
21 commissions established under this title for the
22 public lands within Ahtna’s Traditional Terri-
23 tory and requires that—

24 “(i) recommendations by the Ahtna
25 Inter-Tribal Wildlife Commission for estab-

1 lishing and implementing regulations, man-
2 agement plans and policies effecting the
3 Ahtna Native Villages’ taking opportunity
4 for customary and traditional uses of wild-
5 life on the public lands within Ahtna’s tra-
6 ditional territory, including but not limited
7 to bag limits, seasons, hunting methods
8 and means, patterns, and practices shall
9 supersede any recommendation that may
10 be made by an another regional advisory
11 council or subsistence resource commission
12 established by the Secretary pursuant to
13 this title;

14 “(ii) recommendations by the Ahtna
15 Inter-Tribal Wildlife Commission on all
16 issues related to wildlife management on
17 the public lands within Ahtna’s traditional
18 territory, including but not limited to the
19 development and implementation of regula-
20 tions, programs, policies, and management
21 plans shall be afforded the deference man-
22 dated in this title provided that the Sec-
23 retary, when considering the factors for de-
24 ferring to a recommendation, shall weight
25 the traditional knowledge of the Ahtna Na-

1 tive Villages on at least an equal basis with
2 other considerations; and

3 “(iii) if the Secretary determines not
4 to follow a recommendation by the Ahtna
5 Inter-Tribal Wildlife Commission, the Sec-
6 retary shall provide the Commission with
7 an opportunity to submit a modified rec-
8 ommendation within 30 days of receiving
9 the notice that a recommendation has been
10 rejected.

11 “(3) CO-MANAGEMENT EVOLUTION.—Subse-
12 quent to the date that the Secretary promulgates a
13 final rule that implements the proposed rule re-
14 quired under paragraph (2), the Secretary shall con-
15 vene regular meetings of the negotiated rulemaking
16 committee that is established under paragraph (1)
17 at least annually The negotiated rulemaking com-
18 mittee may also elect to convene meetings at any
19 time. During these meetings, the negotiated rule-
20 making committee may elect to develop proposed
21 rules for improving and enhancing the existing regu-
22 lations that were promulgated pursuant to para-
23 graph (2). If the negotiated rulemaking committee
24 elects to develop such proposed rules, the committee
25 shall—

1 “(A) develop the proposed rules using the
2 procedure under paragraph (1); and

3 “(B) ensure that the proposed rules meet
4 all of the requirements under paragraph (2).

5 “(d) CO-MANAGEMENT OF THE NELCHINA CARIBOU
6 HERD.—The Ahtna Wildlife Co-Management Group shall
7 develop a management plan for the Nelchina Caribou herd
8 that applies throughout the herd’s migratory range. If the
9 State is a member of the Ahtna Wildlife Co-Management
10 Group and adopts the management plan developed by the
11 Ahtna Wildlife Co-Management Group, State regulations
12 implementing the management plan shall govern manage-
13 ment of the herd on all lands throughout the migratory
14 range. If the State is not a member of the Ahtna Wildlife
15 Co-Management Group, or fails to adopt the management
16 plan that is developed, or parts thereof, the Secretary shall
17 take all necessary actions to implement the management
18 plan to the full extent permitted under existing authority.
19 The Ahtna Wildlife Co-Management Group shall ensure
20 that the management plan—

21 “(1) provides for the conservation and sus-
22 tained yield of the caribou population;

23 “(2) develops and implements plans, policies,
24 and programs for harvest monitoring, population
25 surveying, hunting access, cooperative and effective

1 law enforcement, promotion of healthy habitat and
2 an abundant caribou population, preventing trespass
3 on Ahtna Lands, and other elements of management
4 for innovative and effective co-management based on
5 sound science and the traditional knowledge of the
6 members of the Ahtna Native Villages;

7 “(3) ensures that the plans, policies, and pro-
8 grams implemented under paragraph (2) are con-
9 sistent with applicable State and Federal law;

10 “(4) provides a significant role for the Ahtna
11 Inter-Tribal Wildlife Commission in programs imple-
12 menting the management plan; and

13 “(5) provides for the hunting opportunity re-
14 quired under this title, the hunting opportunity nec-
15 essary for the continuation of Ahtna Native Villages’
16 customary and traditional uses of the Nelchina Car-
17 ibou herd, and, if the State is a member of the
18 group, the hunting opportunity required pursuant to
19 the State’s subsistence laws.

20 “(e) COORDINATION OF SUBSISTENCE MANAGEMENT
21 UNDER TITLE VIII OF ANICLA.—The priority for sub-
22 sistence uses provided for in this title shall be extended
23 to all enrolled members of Ahtna Native Villages on the
24 public lands within Ahtna’s Traditional Territory, and—

1 “(1) the Secretary shall adopt regulations
2 through the Ahtna Wildlife Co-Management Group
3 for the public lands within Ahtna’s Traditional Ter-
4 ritory that provide the opportunity necessary to con-
5 tinue the Ahtna Native Villages’ customary and tra-
6 ditional uses of wildlife;

7 “(2) permanent residents of Ahtna Native Vil-
8 lages who are not tribal members of Ahtna Native
9 Villages, and who choose to engage in the Ahtna Na-
10 tive Villages’ customary and traditional uses of wild-
11 life, shall be afforded the opportunity to participate
12 in the hunting opportunity established on public
13 lands within Ahtna’s Traditional Territory for en-
14 rolled members of Ahtna Native Villages; provided
15 that permanent residents of Ahtna Native Villages
16 shall also be afforded the option of subsistence hunt-
17 ing on public lands pursuant to regulations estab-
18 lished by the Secretary for rural and local residents
19 of the area;

20 “(3) in implementing this title, whenever it is
21 necessary on public lands within Ahtna’s Traditional
22 Territory to restrict the taking of wildlife popu-
23 lations for subsistence uses in order to protect the
24 continued viability of such populations, or to con-
25 tinue subsistence uses by enrolled members of Ahtna

1 Native Villages and rural residents with customary
2 and traditional use of the area and wildlife popu-
3 lation, the Secretary shall, pursuant to recommenda-
4 tions from the Ahtna Inter-Tribal Wildlife Commis-
5 sion, issue a permit to each Ahtna Native Village
6 that reflects all or part of the permits that would
7 have been issued to the individual tribal members re-
8 siding in the Village. All enrolled members of the
9 Ahtna Native Village shall be allowed to participate
10 in the permits issued by the Secretary to Ahtna Na-
11 tive Villages under conditions recommended by the
12 Ahtna Inter-Tribal Wildlife Commission; and

13 “(4) the Secretary is authorized to enter into
14 contracts and funding agreements with the Ahtna
15 Inter-Tribal Wildlife Commission pursuant to this
16 title and other applicable authority for contracting
17 and compacting with federally recognized Indian
18 Tribes.

19 “(f) JUDICIAL REMEDY.—

20 “(1) RIGHT TO CIVIL ACTION.—The Ahtna
21 Inter-Tribal Wildlife Commission and Ahtna Native
22 Villages may file civil actions for declarative and in-
23 junctive relief in the United States District Court
24 for the District of Alaska if the Secretary fails to—

1 “(A) convene meetings of the negotiated
2 rulemaking committee required under sub-
3 section (c);

4 “(B) promulgate any final rules pursuant
5 to clause (vi) of subparagraph (B) of paragraph
6 (1) of subsection (c);

7 “(C) comply with any requirements under
8 any final rules that are promulgated pursuant
9 to subsection (c), including, but not limited to,
10 any requirements under final rules that provide
11 for the continuation of Ahtna Native Villages’
12 customary and traditional uses of wildlife;

13 “(D) meet any deadline under this section;

14 “(E) participate in good faith negotiations
15 with all other members of the Ahtna Wildlife
16 Co-Management Group during any negotiated
17 rulemaking required under subsection (c);

18 “(F) participate in good faith in wildlife
19 co-management as a member of the Ahtna
20 Wildlife Co-Management Group pursuant to
21 this section;

22 “(G) execute the authority provided under
23 subsection (g); or

24 “(H) comply with any other requirement
25 or obligation under this section.

1 “(2) RIGHT TO INJUNCTIVE RELIEF.—If the
2 Ahtna Inter-Tribal Wildlife Commission or any
3 Ahtna Native Village files any civil action pursuant
4 to paragraph (1), the court may grant injunctive re-
5 lief to require the Secretary to take any actions that
6 are necessary to remedy the Secretary’s failures
7 under paragraph (1). The court may grant prelimi-
8 nary injunctive relief in such civil actions if the
9 granting of such relief is appropriate under the facts
10 upon which the action is based. No order granting
11 preliminary relief shall be issued until after an op-
12 portunity for hearing.

13 “(g) REPORTING TO CONGRESS.—The Secretary
14 shall, on behalf of the Ahtna Wildlife Co-Management
15 Group, report to Congress within 30 days of the date that
16 the negotiated rulemaking committee completes its regular
17 meetings as required pursuant to paragraph (3) of sub-
18 section (c) regarding the successes and challenges of the
19 adapted negotiated rulemaking procedure under sub-
20 section (c) and wildlife co-management conducted under
21 final rules promulgated pursuant to subsection (c). The
22 Secretary shall develop reports under this subsection joint-
23 ly with all other members of the Ahtna Wildlife Co-Man-
24 agement Group.

25 “(h) FURTHER CO-MANAGEMENT AUTHORITY.—

1 “(1) AUTHORITY.—The Secretary is authorized
2 to convene adapted negotiated rulemaking commit-
3 tees pursuant to paragraph (2) exclusively for the
4 purpose of such committees promulgating regula-
5 tions that establish wildlife co-management struc-
6 tures for public lands in Alaska within traditional
7 Alaska Native hunting territory and, at the discre-
8 tion of the Governor, State lands within traditional
9 Alaska Native hunting territory.

10 “(2) PROMULGATION OF REGULATIONS.—The
11 Secretary shall, within 180 days after making the
12 first report to Congress pursuant to subsection (f),
13 consult with Alaska Native Regional Corporations,
14 federally recognized Alaska Native Villages, and the
15 State of Alaska and promulgate a final rule that es-
16 tablishes and implements a procedure for the Sec-
17 retary to convene negotiated rulemaking committees
18 modeled directly on the adapted negotiated rule-
19 making committee described in subsection (c). The
20 Secretary shall ensure that the procedure under this
21 final rule only provides for the convening of any ne-
22 gotiated rulemaking committee that—

23 “(A) is further adapted from the nego-
24 tiated rulemaking committee model described in
25 subsection (c) to account for the unique wildlife

1 management needs in the traditional Alaska
2 Native hunting territory that is served by the
3 negotiated rulemaking committee;

4 “(B) is further adapted from the nego-
5 tiated rulemaking committee model described in
6 subsection (c) to provide for the Alaska Native
7 customary and traditional uses of wildlife that
8 are practiced by the particular federally recog-
9 nized Alaska Native Villages in the traditional
10 Alaska Native hunting territory that is served
11 by the negotiated rulemaking committee;

12 “(C) is further adapted from the nego-
13 tiated rulemaking committee model described in
14 subsection (c) to incorporate improvements to
15 the model that are based on the findings of the
16 first report and any subsequent reports that
17 have been made to Congress prior to the date
18 that the Secretary convenes the negotiated rule-
19 making committee;

20 “(D) may only be established if an Alaska
21 Native Regional Corporation, in cooperation
22 with a significant number of Alaska Native Vil-
23 lage Corporations within the region, form an
24 Inter-Tribal Wildlife Commission with elements
25 that are consistent with subsection (b) and such

1 commission elects, during the consultation re-
2 quired under this paragraph, to join the wildlife
3 co-management group that participates in the
4 negotiated rulemaking committee;

5 “(E) is adapted with regard to apportion-
6 ment of representatives and voting to use iden-
7 tical procedures as the negotiated rulemaking
8 committee model described in subsection (c);

9 “(F) is adapted such that the wildlife co-
10 management group that participates in the ne-
11 gotiated rulemaking committee only includes
12 the State if the Governor elects for the State to
13 join the group; and

14 “(G) includes a process under which the
15 Secretary, through consultation with the Inter-
16 Tribal Wildlife Commission, defines the lands to
17 be included in the region’s traditional Alaska
18 Native hunting territory and the Alaska Native
19 customary and traditional uses of wildlife for
20 the Alaska Native Villages in the region.

21 “(i) LIMITATIONS.—

22 “(1) RULE OF CONSTRUCTION, FEDERAL
23 LAW.—Nothing in this section shall be construed
24 as—

1 “(A) modifying or limiting the authority of
2 Ahtna Incorporated or Chitina Native Corpora-
3 tion to manage corporation lands and waters;

4 “(B) modifying or limiting the authority of
5 an allottee, Ahtna Native Village, or member of
6 an Ahtna Native Village to take any action on
7 lands and waters covered by this section that is
8 otherwise permitted by law; or

9 “(C) modifying or repealing the provisions
10 of any Federal law governing the conservation
11 or protection of fish and wildlife, including the
12 following Act or any amendments to any one or
13 more of such Acts:

14 “(i) The National Wildlife Refuge
15 System Administration Act of 1966 (80
16 Stat. 927- 16 U.S.C. 668dd-jj).

17 “(ii) The National Park Service Or-
18 ganic Act (39 Stat. 535, 16 U.S.C. 1, 2,
19 3, 4), the Fur Seal Act of 1966 (80 Stat.
20 1091, 16 U.S.C. 1187).

21 “(iii) The Endangered Species Act of
22 1973 (87 Stat. 884 16 U.S.C. 1531–
23 1543).

1 “(iv) The Marine Mammal Protection
2 Act of 1972 (86 Stat. 1027; 16 U.S.C.
3 1361–1407).

4 “(v) The Act entitled ‘An Act for the
5 Protection of the Bald Eagle’, approved
6 June 8, 1940 (54 Stat. 250; 16 U.S.C.
7 742a-754).

8 “(vi) The Migratory Bird Treaty Act
9 (40 Stat. 755; 16 U.S.C. 703–711).

10 “(vii) The Federal Aid in Wildlife
11 Restoration Act (50 Stat. 917- 16 U.S.C.
12 669–669i).

13 “(viii) The Fishery Conservation and
14 Management Act of 1976 (90 Stat. 331;
15 16 U.S.C. 1801–1882).

16 “(ix) The Federal Aid in Fish Res-
17 toration Act (64 Stat. 430; 16 U.S.C.
18 777–777K).

19 “(2) RULE OF CONSTRUCTION, STATE, AND
20 FEDERAL AUTHORITY.—Except as explicitly provided
21 in this section, nothing in this section shall be con-
22 strued to expand, diminish, or otherwise modify the
23 management authority of the State of Alaska or the
24 Federal Government with respect to the manage-
25 ment of wildlife resources in Alaska.”.