

Federal Overreach

Defending Statehood Promises,
Protecting Against Federal
Overreach

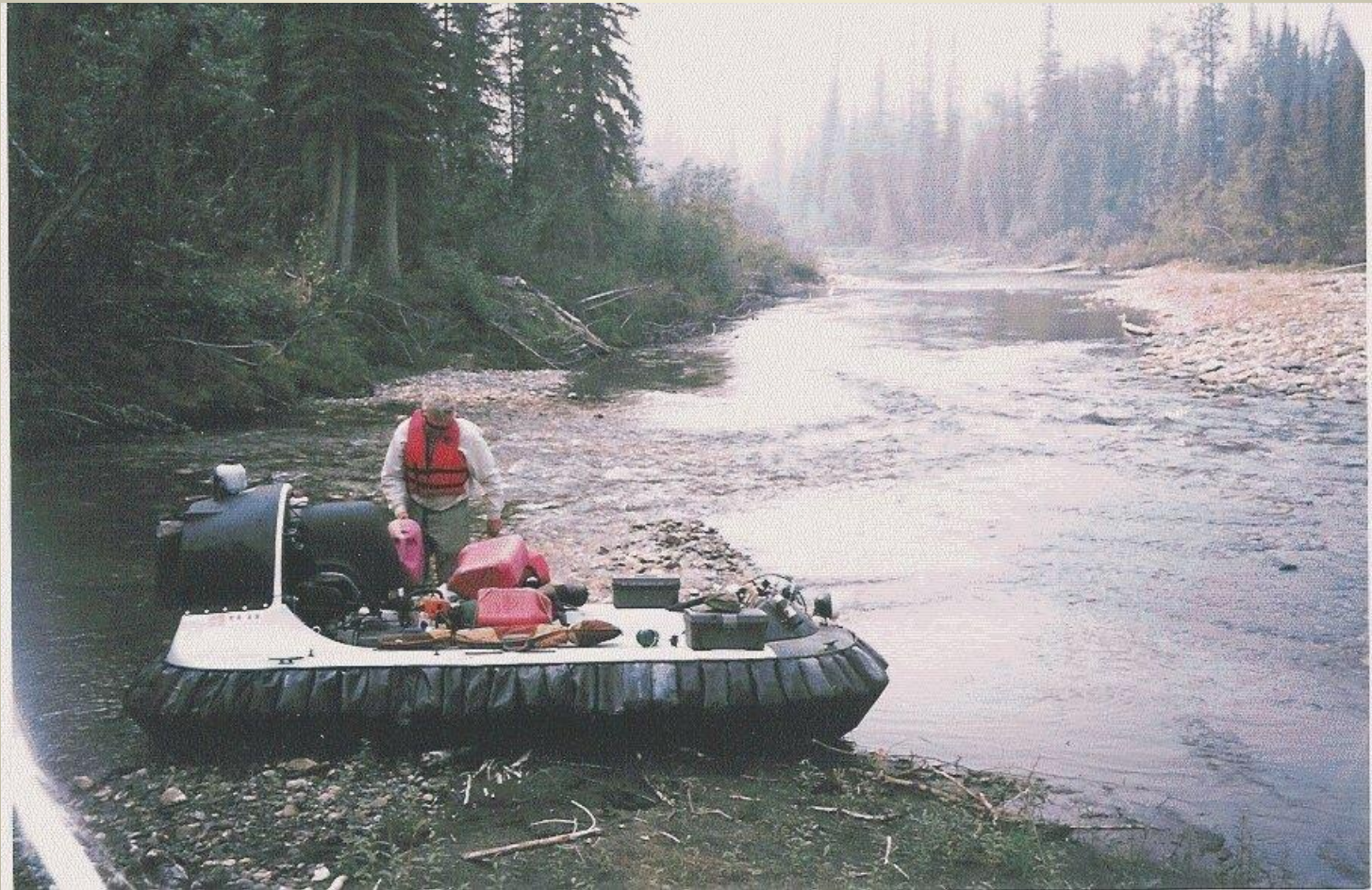
US Supreme Court

Sturgeon I & II



September 2007 to March 2019

Alaska like all other States is entitled to receive ownership to all Navigable Water



In September 2011, I filed a “public interest”
lawsuit in Federal Court



To the US Supreme court and back again!

- Confronted by NPS – 2007 (no citation)
- District Court – 2011 lost!
- 9th Circuit – 2014 lost!
- US Supreme Court – 2016 won 9-0 (remanded)
- 9th Circuit – 2nd time - 2017 lost!
- **US Supreme Court* – March 2019 won 9-0**
- **That is 12 years!**

*Over 8,000 appeals, they took 41, they only take a civil case a second time once every 6-7 years. No record of a single case getting 2 unanimous rulings.

Total Cost of the Lawsuit

- Total approximate cost to date –

\$1,600,000



- **1980 - ANILCA passed - “The Grand Compromise”**

ANILCA had two stated goals (a quote):

“First, to provide “sufficient protection for the national interest in the scenic, natural, cultural and environmental values on the public lands in Alaska.”

*“And second, to provide “**adequate opportunity for satisfaction of the economic and social needs** of the State of Alaska and its people.”*

US Supreme Court Quote on ANILCA:

“ANILCA repeatedly recognizes that Alaska is different , and ANILCA itself accordingly carves out numerous Alaska exceptions to the Park Service’s general authority over Federally managed preserve areas. The Alaska specific provisions reflect the simple truth that Alaska is often the exception, not the rule.... “

In summary what did SCOTUS say with their Unanimous Decision?

1. All Navigable rivers in Alaska will be managed by the State of Alaska, not the Federal Gov't
2. The SC rejected every argument the Feds presented one by one
3. Repeatedly said Alaska is different by law and therefore the Feds must treat Alaska differently by law!!
4. Alaska is the exception not the rule!!
5. Over and over again the SC said ANILCA was a grand compromise between protecting environmental values and the development of Alaska's economic and the continuation of Alaska's lifestyle. It wasn't just about preservation of natural areas!!

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6. Alaska's rivers are our highways like no other State
7. All inholding be they State, private or native are exempt from Federal land management, if they want to manage them they need to buy them
8. The Feds cannot enforce their management regulations on inholdings within conservation units.
9. The US Supreme Court understood ANILCA and Alaska, unlike the lower courts, and really got it right!!
10. The NPS can't use the "General Purpose" statement in the introduction of legislation such as ANILCA to justify doing whatever they wish.

“That means Sturgeon can again rev up his hovercraft
in search of moose.”

Justice Kagan, Sturgeon II



Solving Federal Overreach

- Legislation must be clear and concise
- Chevron deference must be eliminated
- When Federal overreach is found it must be challenged everytime!

Why is Federal Overreach so important?

60% of Alaska is in Federal Ownership.

ANILCA was a compromise between economic development and the protection of natural areas

Why is Federal Overreach so important?

Freedom is not Free.

If Federal Government doesn't follow the laws made by the people's representatives, then everyone's freedom is threatened