John STURGEON, Petitioner
v.
Bert FROST, in his official capacity as Alaska Regional Director of the National Park Service, et al.

136 S.Ct. 1061|
Decided March 22, 2016.

Chief Justice ROBERTS delivered the opinion of the Court.

For almost 40 years, John Sturgeon has hunted moose along the Nation River in Alaska. Because parts of the river are shallow and difficult to navigate, Sturgeon travels by hovercraft, an amphibious vehicle capable of gliding over land and water. To reach his preferred hunting grounds, Sturgeon must pilot his hovercraft over a stretch of the Nation River that flows through the Yukon–Charley Rivers National Preserve, a 1.7 million acre federal preservation area managed by the National Park Service. 16 U.S.C. § 410hh(10).

Alaska law permits the use of hovercraft. National Park Service regulations do not. See 36 CFR § 2.17(e) (2015). After Park Service rangers informed Sturgeon that he was prohibited from using his hovercraft within the boundaries of the preserve, Sturgeon filed suit, seeking declaratory and injunctive relief. He argues that the Nation River is owned by the State, and that the Alaska National Interest Lands Conservation Act (ANILCA) prohibits the Park Service from enforcing its regulations on state-owned land in Alaska. The Park Service disagrees, contending that it has authority to regulate waters flowing through federally managed preservation areas. The District Court and the Court of Appeals ruled in favor of the Park Service. We granted certiorari.
* * *

The Secretary of the Interior has authority to "prescribe regulations" concerning "boating and other activities on or relating to water located within System units, including water subject to the jurisdiction of the United States." 54 U.S.C. § 100751(b) "System units" are in turn defined as "any area of land and water administered by the Secretary, acting through the Director [of the Park Service], for park, monument, historic, parkway, recreational, or other purposes." §§ 100102, 100501.

The Park Service's hovercraft regulation was adopted pursuant to Section 100751(b). The hovercraft ban applies not only within "[t]he boundaries of federally owned lands and waters administered by the National Park Service," but also to "[w]aters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters ... without regard to the ownership of submerged lands." 36 CFR § 1.2(a). The hovercraft ban is not limited to Alaska, but instead has effect in federally managed preservation areas across the country.

Section 103(c) of ANILCA, in contrast, addresses the scope of the Park Service's authority over lands within the boundaries of conservation system units in Alaska. The first sentence of Section 103(c) specifies the property included as a portion of those units. It states: "Only those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit." 16 U.S.C. § 3103(c). ANILCA defines the word "land" to include "lands, waters, and interests therein," and the term "public lands" to include "lands the title to which is in the United States after December 2, 1980," with certain exceptions. § 3102. In sum, only "lands, waters, and interests therein" to which the United States has "title" are considered "public" land "included as a portion" of the conservation system units in Alaska.

The second sentence of Section 103(c) concerns the Park Service's authority to regulate "non-public" lands in Alaska, which include state, Native Corporation, and private property. It provides: "No lands which, before, on, or after December 2, 1980, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units." § 3103(c).

The third sentence of Section 103(c) explains how new lands become part of conservation system units: "If the

State, a Native Corporation, or other owner desires to convey any such lands, the Secretary may acquire such lands in accordance with applicable law (including this Act), and any such lands shall become part of the unit, and be administered accordingly."

The parties dispute whether Section 103(c) of ANILCA created an Alaska-specific exception to the Park Service's general authority over boating and related activities in federally managed preservation areas. Sturgeon, the Park Service, and the Ninth Circuit each adopt a different reading of Section 103(c), reaching different conclusions about the scope of the Park Service's powers.

Sturgeon, joined by the State, understands Section 103(c) to stand for a simple proposition: The Park Service is prohibited from regulating "non-public" land in Alaska as if that land were owned by the Federal Government. He contends that his reading is consistent with the history of federal land management in Alaska, beginning with the Alaska Statehood Act and culminating in ANILCA.

Sturgeon's argument proceeds in two steps. First, he asserts that the Nation River is not "public land" for purposes of ANILCA and is therefore not part of the Yukon–Charley. As discussed, ANILCA defines "public lands" as lands to which the United States has "title." 16 U.S.C. § 3102. And Section 103(c) provides that "[o]nly those lands within the boundaries of any conservation system unit which are public lands (as such term is defined in this Act) shall be deemed to be included as a portion of such unit." § 3103(c).

Sturgeon argues that the Nation River is not "public land" because it is owned by the State and not by the Federal Government. To support his argument, Sturgeon relies on the Alaska Statehood Act, which granted ownership of the submerged lands beneath the navigable waters in Alaska, and the resources within those waters, to the State. * * *

Second, Sturgeon asserts that because the Nation River is not part of the Yukon–Charley, the Park Service lacks authority to regulate it. His argument rests on the second sentence of Section 103(c), which states that "[n]o lands which, before, on, or after December 2, 1980, are conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units." 16 U.S.C. § 3103(c).

Sturgeon argues that the phrase "regulations applicable solely to public lands within such units" refers to those regulations that apply "solely" by virtue of the Park Service's "authority to manage national parks." The word "solely," Sturgeon contends, simply ensures that "non-public" lands within the boundaries of those units remain subject to laws generally "applicable to both public and private lands (such as the Clean Air Act and Clean Water Act)." Because the hovercraft regulation was adopted pursuant to the Park Service's authority over federally managed preservation areas, and is not a law of general applicability like the Clean Air Act or the Clean Water Act, Sturgeon concludes that Section 103(c) bars enforcement of the regulation.

The Park Service, in contrast, reads Section 103(c) more narrowly. In its brief in this Court, the Park Service, while defending the reasoning of the Ninth Circuit, relies primarily on very different arguments. The agency stresses that it has longstanding authority to regulate waters within federally managed preservation areas, and that Section 103(c) does not take any of that authority away. In reaching its conclusion, the Park Service disagrees with Sturgeon at each step.

First, the Park Service contends that the Nation River is part of the Yukon–Charley. To support that contention, the agency cites ANILCA's definition of "public lands," which—as noted—includes "lands, waters, and interests therein" to which the United States has "title." 16 U.S.C. § 3102. The Park Service argues that the United States has "title" to an "interest" in the water within the boundaries of the Yukon–Charley under the reserved water rights doctrine.

The reserved water rights doctrine specifies that "when the Federal Government withdraws its land from the public domain and reserves it for a federal purpose, the Government, by implication, reserves appurtenant water then unappropriated to the extent needed to accomplish the purpose of the reservation." *Cappaert v. United States,* 426 U.S. 128, 138, 96 S.Ct. 2062, 48 L.Ed.2d 523 (1976). By creating the Yukon–Charley, the Park Service urges, the Federal Government reserved the water within the boundaries of the conservation system unit to achieve the Government's conservation goals. As a result, the Federal Government has "title" to an "interest" in the Nation River, making it "public" land subject to Park Service regulations.

Second, the Park Service contends that even if the Nation River is not "public" land, the agency still has authority to regulate it. According to the Park Service, the second sentence of Section 103(c) imposes only a limited restriction on the agency's power, prohibiting it from enforcing on "non-public" lands only those regulations that explicitly apply "solely to public lands." The hovercraft regulation applies both within "[t]he boundaries of federally owned lands and waters administered by the National Park Service" *and* to "[w]aters subject to the jurisdiction of the United States located within the boundaries of the National Park System, including navigable waters ... without regard to the ownership of submerged lands." 36 CFR § 1.2(a). Accordingly, the Park Service asserts, the hovercraft regulation does not apply "solely to public lands," and Section 103(c) therefore does not prevent enforcement of the regulation.

The Ninth Circuit, for its part, adopted a reading of Section 103(c) different from the primary argument advanced by the Park Service in this Court. The Court of Appeals did not reach the question whether the Nation River counts as "public" land for purposes of ANILCA. Instead, it held that the phrase "regulations applicable solely to public lands within such units" distinguishes between Park Service regulations that apply solely to "public" lands *in Alaska,* and Park Service regulations that apply to federally managed preservation areas across the country. In the Ninth Circuit's view, the Park Service may enforce nationally applicable regulations on both "public" and "non-public" property within the boundaries of conservation system units in Alaska, because such regulations do not apply "solely to public lands within such units." The Park Service may not, however, apply Alaska-specific regulations to "non-public" lands within the boundaries of those units.

According to the Ninth Circuit, because the hovercraft regulation "applies to all federal-owned lands and waters administered by [the Park Service] nationwide, as well as all navigable waters lying within national parks," the hovercraft ban does not apply "solely" within conservation system units in Alaska. 768 F.3d, at 1077. The Ninth Circuit concluded that the Park Service therefore has authority to enforce its hovercraft regulation on the Nation River. * * *

We reject the interpretation of Section 103(c) adopted by the Ninth Circuit. The court's reading of the phrase "regulations applicable solely to public lands within such units" may be plausible in the abstract, but it is ultimately inconsistent with both the text and context of the statute as a whole.

Under the reading of the statute adopted below, the Park Service may apply nationally applicable regulations to "non-public" lands within the boundaries of conservation system units in Alaska, but it may not apply Alaska-specific regulations to those lands. That is a surprising conclusion. ANILCA repeatedly recognizes that Alaska is different—from its "unrivaled scenic and geological values," to the "unique" situation of its "rural residents dependent on subsistence uses," to "the need for development and use of Arctic resources with appropriate recognition and consideration given to the unique nature of the Arctic environment." 16 U.S.C. §§ 3101(b), 3111(2), 3147(b)(5).

ANILCA itself accordingly carves out numerous Alaska-specific exceptions to the Park Service's general authority over federally managed preservation areas. For example, ANILCA requires the Secretary of the Interior to permit "the exercise of valid commercial fishing rights or privileges" within the National Wildlife Refuge System in Alaska, including the use of "campsites, cabins, motorized vehicles, and aircraft landings directly incident to the exercise of such rights or privileges," with certain exceptions. 94 Stat. 2393. ANILCA also requires the Secretary to "permit on the public lands appropriate use for subsistence purposes of snowmobiles, motorboats, and other means of surface transportation traditionally employed for such purposes by local residents, subject to reasonable regulation." 16 U.S.C. § 3121(b). And it provides that National Preserves "in Alaska shall be administered and managed as a unit of the National Park System in the same manner as a national park *except* as otherwise provided in this Act and *except* that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed" pursuant to applicable law. § 3201 (emphasis added).

Many similar examples are woven throughout ANILCA. * * * All those Alaska-specific provisions reflect the simple truth that Alaska is often the exception, not the rule. Yet the reading below would prevent the Park Service from recognizing Alaska's unique conditions. Under that reading, the Park Service could regulate "non-public" lands in Alaska only through rules applicable *outside* Alaska as well. Thus, for example, if the Park Service elected to allow hovercraft during hunting season in Alaska—in a departure from its nationwide rule—the more relaxed

regulation would apply only to the "public" land within the boundaries of the unit. Hovercraft would still be banned from the "non-public" land, even during hunting season. Whatever the reach of the Park Service's authority under ANILCA, we cannot conclude that Section 103(c) adopted such a topsy-turvy approach.

Moreover, it is clear that Section 103(c) draws a distinction between "public" and "non-public" lands within the boundaries of conservation system units in Alaska. See § 3103(c) ("Only those lands within the boundaries of any conservation system unit which are public lands ... shall be deemed to be included as a portion of such unit"); *ibid.* (No lands "conveyed to the State, to any Native Corporation, or to any private party shall be subject to the regulations applicable solely to public lands within such units"). And yet, according to the court below, if the Park Service wanted to differentiate between that "public" and "non-public" land in an Alaska-specific way, it would have to regulate the "non-public" land pursuant to rules applicable outside Alaska, and the "public" land pursuant to Alaska-specific provisions. Assuming the Park Service has authority over "non-public" land in Alaska (an issue we do not decide), that strikes us as an implausible reading of the statute.

Looking at ANILCA both as a whole and with respect to Section 103(c), the Act contemplates the possibility that all the land within the boundaries of conservation system units in Alaska may be treated differently from federally managed preservation areas across the country, and that "non-public" lands within the boundaries of those units may be treated differently from "public" lands within the unit. Under the Ninth Circuit's reading of Section 103(c), however, the former is not an option, and the latter would require contorted and counterintuitive measures.

We therefore reject the interpretation of Section 103(c) adopted by the court below. That reading of the statute was the sole basis for the disposition of this case by the Court of Appeals. We accordingly vacate the judgment of that court and remand for further proceedings.

We do not reach the remainder of the parties' arguments. In particular, we do not decide whether the Nation River qualifies as "public land" for purposes of ANILCA. Sturgeon claims that it does not; the Park Service that it does. The parties' arguments in this respect touch on vital issues of state sovereignty, on the one hand, and federal authority, on the other. We find that in this case those issues should be addressed by the lower courts in the first instance.

Given this determination, we also do not decide whether the Park Service has authority under Section 100751(b) to regulate Sturgeon's activities on the Nation River, even if the river is not "public" land, or whether—as Sturgeon argues—any such authority is limited by ANILCA. Finally, we do not consider the Park Service's alternative argument that it has authority under ANILCA over both "public" and "non-public" lands within the boundaries of conservation system units in Alaska, to the extent a regulation is written to apply specifically to both types of land. We leave those arguments to the lower courts for consideration as necessary.