



Alaska State Legislature Senate Majority News

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Senate Stands Up for Alaska's Land Rights **Legislation asserts ownership of state's navigable waters**

(Juneau)—The Senate passed three measures today moving the state closer to resolving ownership and management of the state's navigable waters and public access rights.

[Senate Bill 305](#) and [295](#) were both sponsored by Senate President Gene Therriault (R-North Pole).

Senate Bill 305 outlines the state's legal position on ownership of submerged lands and requires the commissioner of the Department of Natural Resources to compile a list of navigable waters.

Passed by a vote of 13 to 5, SB 305 will also make available to the public a map of all water in the state that is determined to be navigable.

“Clarifying ownership will resolve problems regarding mineral development, gravel extraction and public access,” Sen. Therriault said.

SB 295, which renews the Joint Federal and State Navigable Waters Commission established in 2002, passed by a vote of 16 to 2. The commission's purpose is to expedite the title process to the state's submerged lands, determine which bodies of water are navigable or non-navigable, and recommend ways to improve the water navigability determination process and quickly clear title to the state's submerged lands.

In 2002, the Legislature passed Senate Bill 219 to authorize the state's portion of the commission but the federal authorization did not pass that year, and the state's authorization is now set to expire. Senate Bill 295 will extend the sunset date for an additional two years in the hope that federal lawmakers will grant the federal authorization needed to create this commission.

[Senate Joint Resolution 27](#), sponsored by Sen. Ralph Seekins (R-Fairbanks), passed by a vote of 13 to 4. It encourages the Interior Secretary and the Alaska congressional delegation to support the recording of federal “disclaimers of interests,” which state that the federal government has no stake in a property. It also requests federal participation in the Navigable Waters Commission for Alaska, and asks congress to amend the Quiet Title Act to ensure federal cooperation in resolving submerged land title disputes.

“This legislation will help settle submerged land title disputes in Alaska and provide a road map allowing the state to rightfully possess the management authority over the submerged lands promised us at statehood,” Sen. Seekins said.

The navigable waters issue dates back to statehood, when Alaska received title under the “equal footing” doctrine to all submerged lands under navigable water and marine waters out to three miles, with the exception of land withdrawn at statehood. The Federal government, however, has been slow to concede any navigability determinations, and fewer than 20 rivers have been determined navigable by the federal courts. The ownership of more than 60 million acres is at stake.

All three measures were noticed for possible reconsideration, after which they will move to the House.

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