



Senate Majority News

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Senate Stands Up for Alaska's Land Rights **More than 60 million acres at stake**

(Juneau) - Four pieces of legislation were introduced in the Senate today to further the assertion of ownership and management of the state's navigable waters and public access rights.

Senate President Gene Therriault (R-North Pole) introduced two bills regarding submerged lands.

[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.

"By making this blanket assertion we will protect the state's interest as the process moves along. With each passing year it becomes increasingly more difficult to prove which waters were navigable at statehood," Therriault said.

The navigable waters issue dates back to statehood, when Alaska received title to all submerged lands under navigable water and marine waters out to three miles, with the exception of land withdrawn at statehood.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 less than 20 rivers have been determined navigable by the federal courts. Approximately 60 million acres of submerged lands are at stake. The lack of federal cooperation has resulted in thousands of acres of clouded private land titles, which is particularly critical as Congress considers a deadline for completing the land selection and conveyance processes.

Senate Bill 305 is designed to begin the process for the state to identify its claims and to provide a mechanism to resolve clouded titles where previous conveyances have been made. Therriault was active last year in securing funding through the Legislative Budget & Audit Committee to contract with state agencies to push forward on these state's rights initiatives.

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[Senate Bill 295](#) renews the Joint Federal and State Navigable Waters Commission established in 2002. The commission was established to expedite the quiet title process to the state's submerged lands; determine which bodies of water are navigable or non-navigable; recommend to state and federal governments ways to improve the water navigability determination process and ways to clear title to the state's submerged lands fairly and expeditiously.

“We hope to use this commission to design a cooperative way to move forward on this issue,” Therriault said.

Sen. Ralph Seekins (R-Fairbanks) introduced [Senate Joint Resolution 27](#) regarding submerged land title disputes. The resolution encourages the Interior Secretary and the Alaska congressional delegation to support the continuation of the process for recording federal disclaimers of interests for securing title to submerged land. 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.

“Under the Quiet Title Act we can't activate a claim unless the federal government takes action that clouds the title. We want to change that so we don't have to wait for the federal government,” Seekins said. “We want to speed up the process to determine who actually has title to the land. We want to work with the federal government and the state through the Navigability commission to find a way to do that.”

“We're saying to the federal government, if you think you have a claim, speak now or forever hold your peace,” Seekins said.

Sen. Tom Wagoner (R-Kenai) introduced [Senate Joint Resolution 26](#) asking the Interior Department and the U.S. Department of Justice to appeal to the U.S. Supreme Court the decision of the Ninth Circuit Court of Appeals in *The Wilderness Society v. United States Fish and Wildlife Service*.

The Wilderness Society sued to stop the stocking of Tustumena Lake with hatchery-reared salmon fry, contending that it violated provisions of the Wilderness Act. SJR 26 also asks for a temporary emergency stay of the decision to allow the project to continue this year while the decision is under appeal.

“The Ninth Circuit ruled that this was a commercial enterprise that isn't allowable in a wilderness area. However, the only use that takes place inside the wilderness area is a sport fishery targeting red salmon,” Wagoner said.

“Unfortunately, we have to ask the federal government to act because the Knowles administration failed to defend the Alaskan interests at stake in the lawsuit,” Wagoner said.