

STATE OF ALASKA THE LEGISLATURE

2004

Source
SJR 27

Legislative
Resolve No.
45



Relating to the resolution of submerged land title disputes.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Alaska contains over 20,000 rivers and well over 1,000,000 lakes that are potentially navigable waterways; and

WHEREAS the state received potential title to over 60,000,000 acres of submerged land under navigable fresh and marine water within its boundaries at the time the state initially achieved statehood; and

WHEREAS the existing processes of resolving submerged land title disputes are inadequate and slow; and

WHEREAS litigation in federal courts over submerged land title has been stymied by the narrow interpretation of 28 U.S.C. 2409a (Quiet Title Act) by federal agencies; and

WHEREAS the Quiet Title Act should be amended to encourage federal agencies to constructively participate in resolving submerged land title disputes; and

WHEREAS the intent of the legislature is to create a joint state and federal commission for the purpose of expediting the state's efforts to cooperatively resolve submerged land title disputes; and

WHEREAS the legislature established the Navigable Waters Commission for Alaska in 2002; and

WHEREAS legislation providing for federal participation on the Navigable Waters Commission for Alaska was introduced in the United States Congress in 2002 but failed to pass; and

WHEREAS the legislature recognizes and compliments the United States Department of the Interior, Bureau of Land Management, for using the recordable disclaimer of interest process to help resolve some title disputes, including submerged land and RS 2477 rights-of-way; and

WHEREAS the legislature supports the active pursuit of all means to more quickly resolve submerged land title disputes, including the continuation of the process for recording federal disclaimers of interest, the formation of the Navigable Waters Commission for Alaska, and the amendment of the Quiet Title Act;

BE IT RESOLVED that the Alaska State Legislature encourages the United States Secretary of the Interior and the Alaska congressional delegation to support and endorse the continuation of the process for recording federal disclaimers of interests for quieting title to submerged land; and be it

FURTHER RESOLVED that the Alaska State Legislature requests the Alaska congressional delegation to introduce legislation in the United States Congress to provide for federal participation in the proposed state and federal Navigable Waters Commission for Alaska; and be it

FURTHER RESOLVED that the Alaska State Legislature requests the introduction of legislation in the Congress to amend the Quiet Title Act to ensure federal cooperation in resolving submerged land title disputes.

COPIES of this resolution shall be sent to the Honorable Gale A. Norton, United States Secretary of the Interior; and to the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.