

HOUSE JOINT RESOLUTION NO. 24

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE KELLER

Introduced: 4/7/15

Referred:

A RESOLUTION

1 **Urging the federal government to honor its commitments to transfer land to the state;**
2 **and urging the United States Secretary of the Interior and the United States Congress to**
3 **adhere to the recommendations of the United States Department of the Interior in its**
4 **2006 report under the Alaska Land Transfer Acceleration Act, including lifting**
5 **withdrawals.**

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

7 **WHEREAS**, in a series of Public Land Orders issued from 1972 to 1975, the United
8 States Secretary of the Interior, under the authority of sec. 17(d)(1) of the Alaska Native
9 Claims Settlement Act, withdrew and reserved land for study and classification; and

10 **WHEREAS** the affected land was generally closed to disposal and appropriation; and

11 **WHEREAS** the intent of withdrawing and reserving land was to limit appropriations
12 of land in order to complete inventories of resources and assessment of values, which would
13 allow for orderly development of land use and management objectives for present and future
14 public needs; and

15 **WHEREAS** the Alaska National Interest Lands Conservation Act gave the state the

1 right to make top-filings on parcels of land; and

2 **WHEREAS** a "top-filing" is a contingent selection wherein the underlying land is
3 subject to a federal restriction or withdrawal that prevents the adjudication of the land as an
4 entitlement selection, but, in the event that the restriction is lifted, the state selection
5 automatically attaches to the land; and

6 **WHEREAS** a top-filing is thus a future interest in a selection for the state, but is not
7 considered an actual selection until the relevant withdrawal is lifted; and

8 **WHEREAS** the land entitlements created by the Alaska Statehood Act, the Alaska
9 Native Claims Settlement Act, and the Alaska Native Allotment Act have resulted in a tangled
10 web of interests vying for a finite amount of land; and

11 **WHEREAS** the Public Land Orders under sec. 17(d)(1) of the Alaska Native Claims
12 Settlement Act affect 158,958,000 acres of land in the state; and

13 **WHEREAS** the continued withdrawal of the land has prevented the state from
14 seeking adjudication of its top-filings, thereby substantially interfering with completion of the
15 land selection process by the state; and

16 **WHEREAS**, under the Alaska Land Transfer Acceleration Act, the United States
17 Secretary of the Interior was required to prepare a report and make recommendations on
18 which Public Land Orders under sec. 17(d)(1) of the Alaska Native Claims Settlement Act
19 could be lifted "consistent with protection of the public interest in these lands"; and

20 **WHEREAS** the report was completed and submitted to the United States Congress in
21 June 2006; and

22 **WHEREAS** the report concluded that many of the land withdrawals "have outlived
23 their original purpose"; and

24 **WHEREAS** the report recommended that 152,181,400 acres or 95 percent of the land
25 withdrawals "could be lifted consistent with the protection of the public's interest"; and

26 **WHEREAS**, despite the recommendations of the 2006 report and the unreasonable
27 effect of the land withdrawals on the completion of the land selection process, the United
28 States Secretary of the Interior has refused to act;

29 **BE IT RESOLVED** that the Alaska State Legislature urges the federal government to
30 honor the commitments made to the state and its people under the Alaska Statehood Act, the
31 Alaska Native Claims Settlement Act, the Cook Inlet Land Exchange, the Alaska National

1 Interest Lands Conservation Act, and the Alaska Land Transfer Acceleration Act; and be it

2 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
3 Secretary of the Interior to honor the recommendations made in the 2006 report to the United
4 States Congress and lift the 152,181,400 acres of land withdrawals specified in the report; and
5 be it

6 **FURTHER RESOLVED** that the Alaska State Legislature urges the United States
7 Congress to use its considerable influence to encourage strongly the United States Secretary
8 of the Interior to follow through with the recommendations made in the 2006 report; and be it

9 **FURTHER RESOLVED** that, if the United States Secretary of the Interior does not
10 lift the identified 152,181,400 acres of land withdrawals before January 1, 2017, the Alaska
11 State Legislature urges the Alaska Attorney General to pursue all legal recourse concerning
12 the federal government's breach of its commitments to the state.

13 **COPIES** of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-
14 President of the United States and President of the U.S. Senate; the Honorable John Boehner,
15 Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority
16 Leader of the U.S. Senate; the Honorable Eric H. Holder, Jr., Attorney General of the United
17 States; the Honorable Sally Jewell, United States Secretary of the Interior; the Honorable
18 Shaun L. S. Donovan, Director of the U.S. Office of Management and Budget; the Honorable
19 Hilary Tompkins, Solicitor, U.S. Department of the Interior; the Honorable Daniel M. Ashe,
20 Director of the U.S. Fish and Wildlife Service; Robert Dreher, acting Assistant Attorney
21 General for the Environment and Natural Resources Division; and the Honorable Lisa
22 Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young,
23 U.S. Representative, members of the Alaska delegation in Congress.