

(LIMITED RUN FOR ALL ADDITIONAL SPONSORSHIPS)

SENATE JOINT RESOLUTION NO. 27

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATORS SEEKINS, Therriault, Wilken, Ogan, Cowdery, Stedman, Dyson, Ben Stevens, Wagoner

REPRESENTATIVES Weyhrauch, Chenault, Seaton, Dahlstrom

Introduced: 2/6/04
Referred: Resources

A RESOLUTION

1 **Relating to the resolution of submerged land title disputes.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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