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Referred: Resources and
Judiciary

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1 IN THE HOUSE

2 HOUSE JOINT RESOLUTION NO. 63

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 Relating to the navigability of
6 Alaska waters.

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

8 WHEREAS art. VIII, sec. 3 of the Constitution of the State of Alaska
9 states, "Wherever occurring in their natural state, fish, wildlife, and
10 waters are reserved to the people for common use."; and

11 WHEREAS art. VIII, sec. 14 of the Constitution of the State of Alaska
12 states, "Free access to the navigable or public waters of the State, as
13 defined by the legislature, shall not be denied any citizen of the United
14 States or resident of the State, except that the legislature may by general
15 law regulate and limit such access for other beneficial uses or public
16 purposes."; and

17 WHEREAS sec. 6(m) of the Alaska Statehood Act (P.L. 85-508) through its
18 incorporation of the Submerged Lands Act (43 U.S.C. sec. 1301) granted to
19 the State of Alaska all lands permanently or periodically covered by tidal
20 waters up to the line of mean high tide, and all lands that are covered by
21 nontidal waters that were navigable under the laws of the United States at
22 the time the state became a member of the Union, up to the ordinary high
23 water mark as modified by accretion, erosion, and reliction; and

24 WHEREAS the waterways and lakes of Alaska have historically been and
25 will continue to be a primary means of access throughout the state; and

26 WHEREAS all fresh waters of Alaska are considered nonnavigable by the
27 Department of the Interior until found to be navigable by administrative
28 action; and

29 WHEREAS the examination of each of these thousands of waterways and

1 lakes is time-consuming, costly, and realistically impossible; and

2 WHEREAS much dispute and litigation has occurred and is occurring
3 concerning the navigability of Alaska waterways;

4 BE IT RESOLVED that the Alaska State Legislature requests the Secretary
5 of the Interior, the Secretary of Agriculture, and other federal agencies
6 with authority over these waters to declare to the maximum extent of their
7 authority that all Alaska waters are navigable until proven otherwise; and
8 be it

9 FURTHER RESOLVED that the Secretary of the Interior, the Secretary of
10 Agriculture, and other federal agencies are requested to work closely with
11 the State of Alaska and others to resolve any disputes over the navigability
12 of Alaska waters.

13 COPIES of this resolution shall be sent to the Honorable James G. Watt,
14 Secretary of the Department of the Interior; the Honorable John R. Block,
15 Secretary of the Department of Agriculture; and to the Honorable Ted Stevens
16 and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don
17 Young, U.S. Representative, members of the Alaska delegation in Congress.

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