

STATE OF ALASKA

THE LEGISLATURE

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Relating to state jurisdiction over the territorial sea out to 12 nautical miles and the air, water, submerged land, and resources found there and to the transfer of title to submerged land of the territorial sea out to 12 nautical miles to the State of Alaska and the other coastal states.

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

WHEREAS customary international law recognizes that the sovereignty of coastal nations extends beyond its land territory and internal waters and, in the case of archipelagic areas, its archipelagic waters, to an adjacent belt of the sea known as the territorial sea; and

WHEREAS customary international law recognizes that this sovereignty extends to the air space over the territorial sea as well as to the seabed and subsoil below the territorial sea; and

WHEREAS customary international law recognizes that this sovereignty includes sovereignty over both living and nonliving resources found in the territorial sea, in the air space over the territorial sea, and on or in the seabed and subsoil below the territorial sea; and

WHEREAS customary international law recognizes that each nation has the right to establish the breadth of its territorial sea up to a limit not exceeding 12 nautical miles, measured from baselines determined according to customary international law; and

WHEREAS President Reagan issued an executive order on December 27, 1988, to extend the territorial sea of the United States from three nautical miles to 12 nautical miles, consistent with customary international law but failed to address its effect on the territorial jurisdiction of the states; and

WHEREAS legal arguments and sound public policy both support the conclusion that the extension of the territorial sea to 12 nautical miles by the federal government also extends state

jurisdiction to 12 nautical miles; and

WHEREAS the United States Congress has defined the extent of state jurisdiction by express reference to the term "territorial sea" in numerous statutes in the United States Code; and

WHEREAS the Alaska Statehood Act provides that the State of Alaska consists of the former Territory of Alaska, "together with the territorial waters appurtenant thereto"; and

WHEREAS all coastal states currently have jurisdiction over the land, air, water, and resources within their boundaries, which, at a minimum, extend out to three nautical miles; and

WHEREAS the Great Lakes States currently have jurisdiction over the land, air, water, and resources of their offshore areas, which range from 11 to 80 nautical miles and possibly more offshore; and

WHEREAS some Gulf of Mexico States currently have jurisdiction over the land, air, water, and resources of offshore areas extending nine nautical miles offshore; and

WHEREAS Alaska and the other coastal states have consistently demonstrated an ability to manage ocean resources in a manner consistent with the interests of both the nation as a whole and the several coastal states; and

WHEREAS Alaska and the other coastal states have demonstrated both experience and skill at balancing protection, conservation, and utilization of the living and nonliving resources of the ocean out to three nautical miles and beyond; and

WHEREAS Alaska and the other coastal states are better equipped than the federal government, in terms of fiscal resources and administrative abilities, to manage fisheries, minerals, and oil and gas resources within 12 nautical miles of the coastline; and

WHEREAS it is not in the interest of the nation as a whole, nor in the interest of the several coastal states, to leave for judicial resolution the myriad questions regarding the effect on state jurisdiction of the extension of the territorial sea to 12 nautical miles by the federal government; and

WHEREAS the United States Congress has the authority under the Commerce Clause (art. I, sec. 8, cl. 3), the Necessary and Proper Clause (art. I, sec. 8, cl. 18), and the Property Clause (art. IV, sec. 3, cl. 2) of the United States Constitution to resolve these myriad questions in a manner consistent with the interests of both the nation as a whole and the several coastal states;

BE IT RESOLVED that the Alaska State Legislature respectfully urges the United States Congress to address the myriad questions of the effect of the extension of the territorial sea to 12 nautical miles by the federal government on state jurisdiction and to resolve those questions in a manner consistent with the interests of both the nation as a whole and the several coastal states; and be it

FURTHER RESOLVED that the Alaska State Legislature

respectfully requests the United States Congress to

(1) recognize and confirm the sovereign jurisdiction of the State of Alaska and the other coastal states over the territorial sea and air space above the territorial sea, including sovereign jurisdiction over living and nonliving resources found there, from the baseline from which the territorial sea is measured out to 12 nautical miles; and

(2) transfer to, and confirm in, the State of Alaska and the other coastal states title to the submerged land underlying the territorial sea out to 12 nautical miles, and recognize and confirm the sovereign jurisdiction of the State of Alaska and the other coastal states over that submerged land and the living and nonliving resources on or in the seabed and subsoil there.

COPIES of this resolution shall be sent to the Honorable George Bush, President of the United States; the Honorable Dan Quayle, Vice-President of the United States and President of the U.S. Senate; the Honorable Thomas S. Foley, Speaker of the U.S. House of Representatives; the Honorable James A. Baker, III, U.S. Secretary of State; the Honorable Robert A. Mosbacher, Sr., U.S. Secretary of Commerce; the Honorable John Knauss, Administrator of the National Oceanic and Atmospheric Administration; the Honorable James W. Brennan, Assistant Administrator for Fisheries, National Marine Fisheries Service; the Honorable Ernest F. Hollings, Chairman of the U.S. Senate Committee on Commerce, Science, and Transportation; the Honorable J. Bennett Johnston, Chairman of the U.S. Senate Committee on Energy and Natural Resources; the Honorable Quentin N. Burdick, Chairman of the U.S. Senate Committee on Environment and Public Works; the Honorable Claiborne Pell, Chairman of the U.S. Senate Committee on Foreign Relations; the Honorable Dante B. Fascell, Chairman of the U.S. House of Representatives Committee on Foreign Affairs; the Honorable John Conyers, Jr., Chairman of the U.S. House of Representatives Committee on Government Operations; the Honorable Morris K. Udall, Chairman of the U.S. House of Representatives Committee on Interior and Insular Affairs; the Honorable Jack Brooks, Chairman of the U.S. House of Representatives Committee on the Judiciary; the Honorable Walter B. Jones, Chairman of the U.S. House of Representatives Committee on Merchant Marine and Fisheries; the governor, president of the senate, and speaker of the house of representatives of each of the coastal states of the United States; and to the Honorable Ted Stevens and the Honorable Frank Murkowski, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.