

Unlocking Alaska Initiative

The Governor's Unlocking Alaska Initiative intends to expand public access to Alaska's lands and natural resources, and to dramatically improve the efficiency of state and federal processes for managing lands.

What: Today the Governor sent a letter to the President, and Commissioner Feige to the Secretary of the Interior and the Secretary of Agriculture, affirming the State's ownership of most submerged lands and navigable waters and asserting the right to manage these areas for the benefit of Alaskans. This action was based on Alaska's sovereignty and the legal principles below, and supported by recent state and federal court decisions, including the 2019 unanimous U.S. Supreme Court decision in *Sturgeon v. Frost*.

Background: Under the U.S. Constitution and the Alaska Statehood Act, the State of Alaska assumed ownership and control of navigable waters and the underlying submerged land immediately upon statehood, with the right to access navigable waters affirmed in the State Constitution.

The Alaska National Interest Lands Conservation Act, which created many of the federal conservation system units across Alaska today, confirmed that the State retained management authority over these submerged lands even when they passed through most federal areas.

In addition to a number of significant victories in state and federal courts finding the State's interpretation and application of navigability case law is correct and waterbodies in those cases being found navigable, John Sturgeon successfully pursued a challenge to overreaching application of National Park Service regulations to the Supreme Court and in 2019 received a unanimous decision confirming Alaska is different.

What it means: The assertion of the State's ownership rights to these submerged lands has several practical, on-the-ground impacts that should benefit Alaskans and ultimately improve the efficiency of cooperative management efforts between the State and Federal government.

- Users who had to navigate federal permitting and management restrictions will be able to deal directly with State managers.
- Uses allowed on state waters but restricted by federal regulations will be allowed in these areas, subject to state permitting as applicable.
- Federal agencies acceding to state management will streamline administrative resolution of title disputes for submerged lands.
- If federal agencies do not accede, it will accelerate opportunities for the State to challenge and potentially consolidate legal challenges to this resistance.

What comes next: The actions below are underway or forthcoming as part of the initiative:

- The Governor is issuing a proclamation recognizing March 26 as Access Day in recognition of the contribution of John Sturgeon and many other Alaskans to secure and maintain our access rights.
- Department of Natural Resources (DNR) Commissioner Corri Feige will seek to meet with federal leaders to discuss how to coordinate state and federal management.
- DNR will make an updated, comprehensive submerged lands layer in the State navigable waters map available to Alaskans and the general public.
- DNR leaders will communicate with Alaska-based federal officials on a unit by unit basis to coordinate state and federal management.
- Reinvalidate the filing of recordable disclaimers of interest (RDIs) to administratively resolve title disputes.
- Continue the State's legal defense of its rights by, as necessary, litigating under federal Quiet Title Act.
- Develop water and transportation plans to provide information for the public about the extent of the State's ownership interests and how they will be managed.
- State experts will continue to develop reports on hydrology and navigability to publish in scientific journals.