

Corri A. Feige
Commissioner



Department of
Natural Resources

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STATE OF ALASKA

PRESS RELEASE

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Dunleavy asserts state ownership of rivers and lakes in federal areas

New legislation identifies waters that meet legal requirements for state ownership

(Anchorage, AK) - As part of his Unlocking Alaska Initiative, Governor Mike Dunleavy last week introduced legislation to codify state ownership, management and control of navigable waters and submerged lands in federal conservation system units across the state.

The State of Alaska received title to navigable waters and submerged lands within its borders when it became a state in 1959 but the federal government has consistently resisted the state's effort to assert ownership, Dunleavy said.

"In the more than sixty years since statehood, the federal government has repeatedly stalled, delayed and actively worked to frustrate keeping this promise contained within the United States Constitution," the governor said. "The federal government has - practically at every turn - fought formal recognition of state ownership and has not missed an opportunity to thwart state efforts to clear its title to state sovereign lands.

"Our patience is at an end," Dunleavy said. "Enough is enough."

The new legislation identifies specific waters within the boundaries of federal conservation system units that the Alaska Department of Natural Resources (DNR) has determined meet legal requirements for state ownership, management and control. The legislation further enumerates and summarizes navigability criteria to be utilized by DNR in making determinations. The legislation also sets forth an annual reporting requirement by DNR to the Alaska Legislature to add to the inventory of state-owned navigable waters and submerged lands within federal areas, along with any necessary modifications, as work continues.

"We began the work underlying this legislation by first examining waters within lands managed by the National Park Service as well as the U.S. Forest Service to determine navigability and hence state ownership," DNR Commissioner Corri Feige explained. "The fruits of this labor are contained in Governor Dunleavy's legislation, but our work on this enormous project continues. We look forward to engaging with future sessions

of the Legislature and seeing codification of even more rivers and lakes within the Fish and Wildlife Service Refuges, lands managed by the Bureau of Land Management and the Chugach National Forest that are navigable and owned by the people of the state.”

Included in this legislation as the first phase are navigable waters in Lake Clark National Park and Preserve, Wrangell-St. Elias National Park and Preserve, Gates of the Arctic National Park and Preserve and many other federal regions.

Governor Dunleavy said the state hopes to build on the U.S. Supreme Court victory achieved by Alaska moose hunter John Sturgeon in 2019. Sturgeon sued the National Park Service after rangers threatened to cite him for using a hovercraft on state-owned waters in the Yukon-Charley Rivers National Park and Preserve in 2007. While both the United States District Court for the District of Alaska and U.S. Court of Appeals for the Ninth Circuit ruled in favor of the Park Service, Sturgeon appealed to the U.S. Supreme Court, which voted unanimously to reverse the Circuit Court’s ruling by arguing that waterways were non-public lands and that the Alaska National Interest Lands Conservation Act had stripped away any jurisdiction that the Park Service had over them.

“With this legislation, we hope to make it easier for all Alaskans to enjoy and access many regions of our great state free from federal overreach and harassment.” Governor Dunleavy said.

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