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NEWS RELEASE



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**State's Title to Submerged Lands Beneath the Klutina River Documented:
Application process untangles claims to state submerged lands minus the delay
and expense of going to court**

(Juneau) – On September 3, 2004, the Bureau of Land Management (BLM) State Director approved the State of Alaska's application for a Recordable Disclaimer of Interest (RDI) that confirms state ownership of the bed of the Klutina River and Lake. The state filed its application on July 18, 2003.

The RDI application process was recently amended to provide a means for states to confirm title to lands underlying navigable waters that passed to them upon statehood, without having to resort to time consuming and expensive litigation in federal court. This process is ideally suited to Alaska with its vast amounts of inland waterways.

"Some 45 years after statehood we are finally establishing the State's title to our submerged lands," said Attorney General Gregg Renkes. "Working closely with the Bush administration we are fulfilling the promises of statehood through cooperation and not litigation. Secretary Norton understands the importance of state's rights and has established a process that respects our statehood entitlement to submerged lands under navigable rivers and lakes."

Under the equal footing doctrine, new states are admitted to the union with all the powers of sovereignty and jurisdiction enjoyed by the original 13 states. Ownership of lands under navigable waters is an essential component of a state's sovereignty. When Alaska became a state in 1959, title to the lands beneath navigable waters passed automatically to the state.

Whether a given waterway meets the technical criteria for navigability is not always clear. This creates uncertainty over title to submerged lands beneath numerous rivers across the state. But where the question of navigability is undisputed, the federal RDI documents the state's title to the land in question.

RDIs do not transfer any land out of federal ownership. Instead, the process is intended to confirm – in writing - that the federal government has no claim to the land.

More##

(RDI Release, con't.)

“The benefit of having this process in place for Alaska is finality,” said Department of Natural Resources Commissioner Tom Irwin. “The question of title is settled and the state can manage its resources with confidence.”

To date Alaska has filed 13 applications with the BLM for 31 waterbodies in Alaska. Prior to today's announcement the BLM had issued one disclaimer for a state-owned navigable waterway for portions of the Black River and four of its tributaries. The Black River application was filed in February 2003, shortly after the new regulations went into effect.

Five applications were filed in July 2003, including the Klutina River and Lake. The four pending applications include: the Porcupine River in Northeast Alaska; the Tazlina River and Tazlina Lake, in the Copper River Basin; the Kvichak River and Lake Iliamna; and the Wood River and lake system, within the Wood Tikchik State Park.

A copy of the Klutina decision is available online at:
http://www.ak.blm.gov/ak930/rdi/klutina_river/Klutina_Decision.pdf.

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