



THE SECRETARY OF THE INTERIOR
WASHINGTON

Pk

DEC 2 1992

Honorable Walter J. Hickel
Governor, State of Alaska
State Capitol
Juneau, Alaska 99811

Dear Governor Hickel:

On August 27, 1992, Alaska Attorney General Charles Cole wrote advising me of the State's intent to file real property quiet title actions on certain submerged lands within the State of Alaska. Attached to the August 27, 1992, letter as "Appendix A" was a listing of submerged lands which the State of Alaska contends have passed into State ownership at statehood by virtue of their lying beneath navigable waters.

Members of my staff have discussed the State's proposed action with Attorney General Cole and John Katz on your immediate staff. Additionally, the Alaska offices of the Department's land management agencies have been reviewing the list of streams and water bodies listed in the attachment.

I propose that appropriate representatives of the Department and the State meet to determine which streams and water bodies on the appended list we do in fact agree upon as being navigable. I am directing the Bureau of Land Management, the National Park Service and the Fish and Wildlife Service to work closely with the Solicitor's office to apply criteria in a uniform manner to each of those streams and water bodies on the appended list. While I do not presume that we will have complete agreement, I am confident we can agree on many, thus reducing the number of instances where the State might conclude it necessary to pursue appropriate legal remedies.

Sincerely,

Samuel Ragan Jr.

cc/ Attorney General Cole



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MEMORANDUM

To: Solicitor
Director, Bureau of Land Management
Director, National Park Service
Director, Fish and Wildlife Service

From: Secretary

Subject: Navigability of Streams and Water Bodies in Alaska-
State Ownership of Same

On August 27, 1992, the Attorney General of the State of Alaska wrote to me advising of the State's intent to file real property quiet title actions in federal court on certain lands in Alaska which the State contends are beneath navigable waters and therefore owned by the State of Alaska pursuant to the Alaska Statehood Act, the Submerged Lands Act and other applicable federal statutes. A copy of that communication and the Appendix "A" list of streams and water bodies is attached.

I am advising Alaska Governor Walter Hickel of the Department's desire and commitment to work with the State to identify which of those streams and water bodies on the appended listing we mutually agree are navigable. The goal of this joint effort should be to clear from contention between the parties those streams and water bodies we mutually agree are navigable, and which streams and water bodies we do not agree upon. Doing so in a cooperative and expeditious manner will afford the State the opportunity to exercise its options with respect to whatever claim of ownership it might make on those streams and water bodies we find in dispute.

Each of your bureaus should carefully review each stream and water body on the State's listing which traverses a conservation system unit or other federal public lands under your jurisdiction. While each managing agency will be ultimately responsible for making the determinations on the lands it manages, the Solicitor's office should provide guidance to each of the managing agencies as to how they should proceed on a uniform basis.

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The Assistant to the Secretary for Alaska will provide general oversight on this effort and will bring any policy decisions to my attention which may require Secretarial consideration.

Attachment

cc: Assistant Secretary- Land and Minerals Management
Assistant Secretary- Fish and Wildlife and Parks
Assistant to the Secretary for Alaska