



Navigable Waters Initiative “Unlocking Alaska”

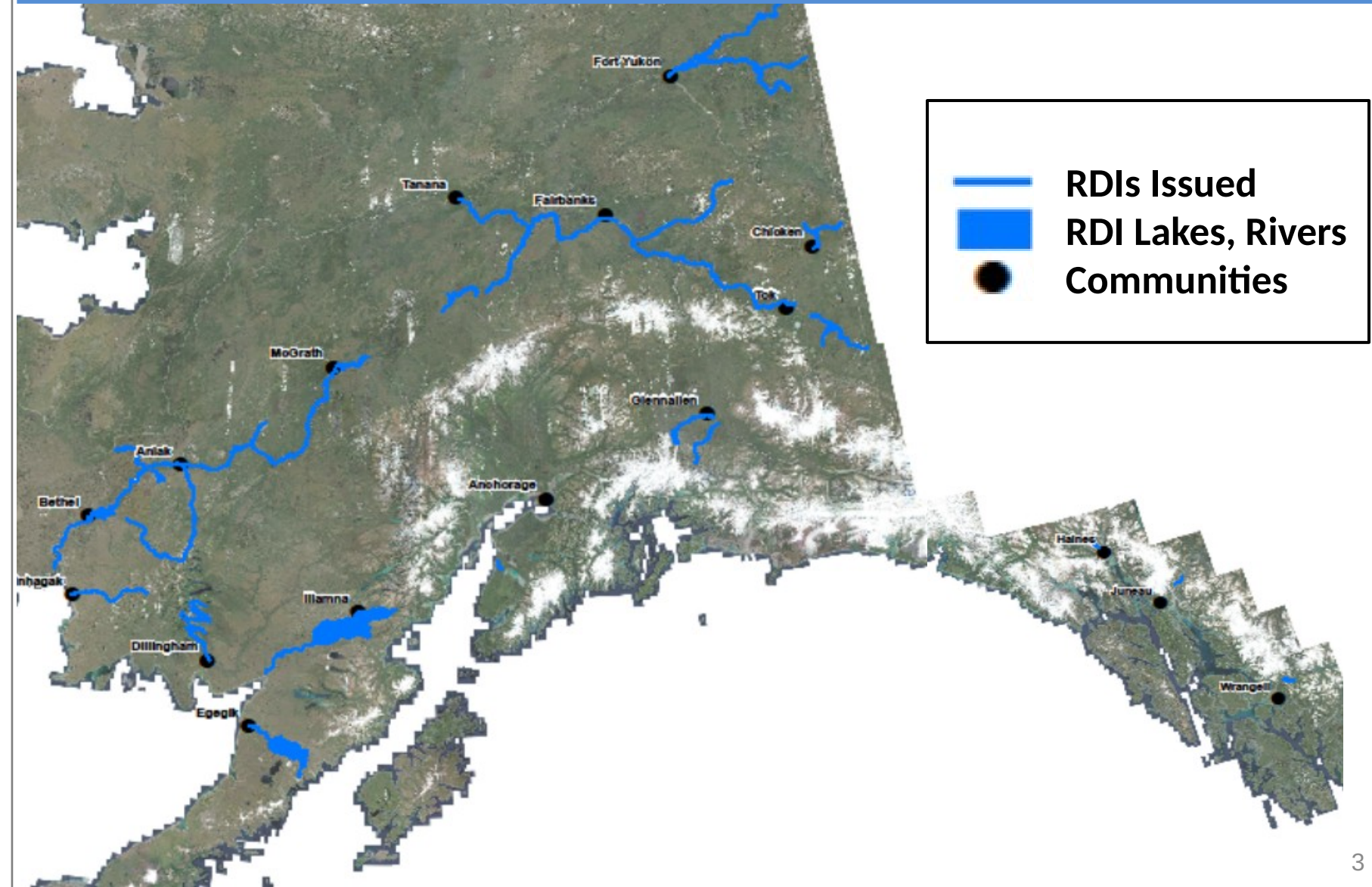
Governor Mike Dunleavy
DNR Commissioner Corri A. Feige
March 26, 2021



THE NAVIGABLE WATERS ISSUE

- Navigable waters include lakes, rivers & tidally influenced water.
 - 800,000 miles (est.) of navigable rivers in Alaska.
 - 30 million acres (est.) of navigable lakes in Alaska.
- SOA owns the submerged lands under all navigable waters in state, unless specifically withdrawn pre-statehood.
- In Conservation System Units (CSUs) created by ANILCA, the submerged lands under navigable waters are state-owned lands.

WHY NOW?



STURGEON V. FROST

U.S. SUPREME COURT RULES FEDERAL REGULATIONS
DON'T SUPERSEDE SOA WATER MANAGEMENT IN
ANILCA CSUS

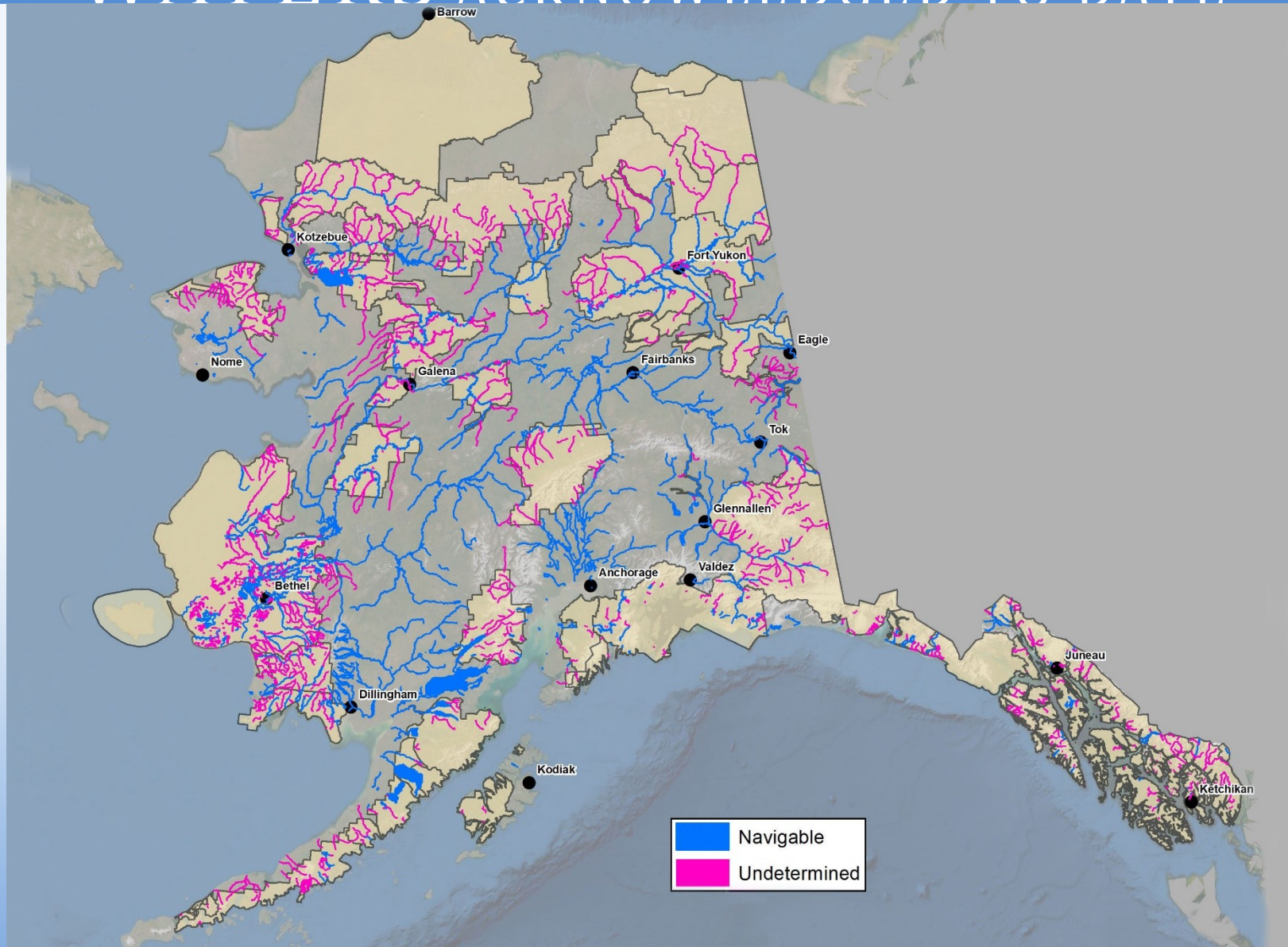


MOSQUITO FORK RIVER

BLM CLAIMED NON-NAVIGABLE BUT LOST SOA
LAWSUIT; BLM FOUND GUILTY OF “BAD FAITH,” HAD TO
PAY SOA LEGAL FEES

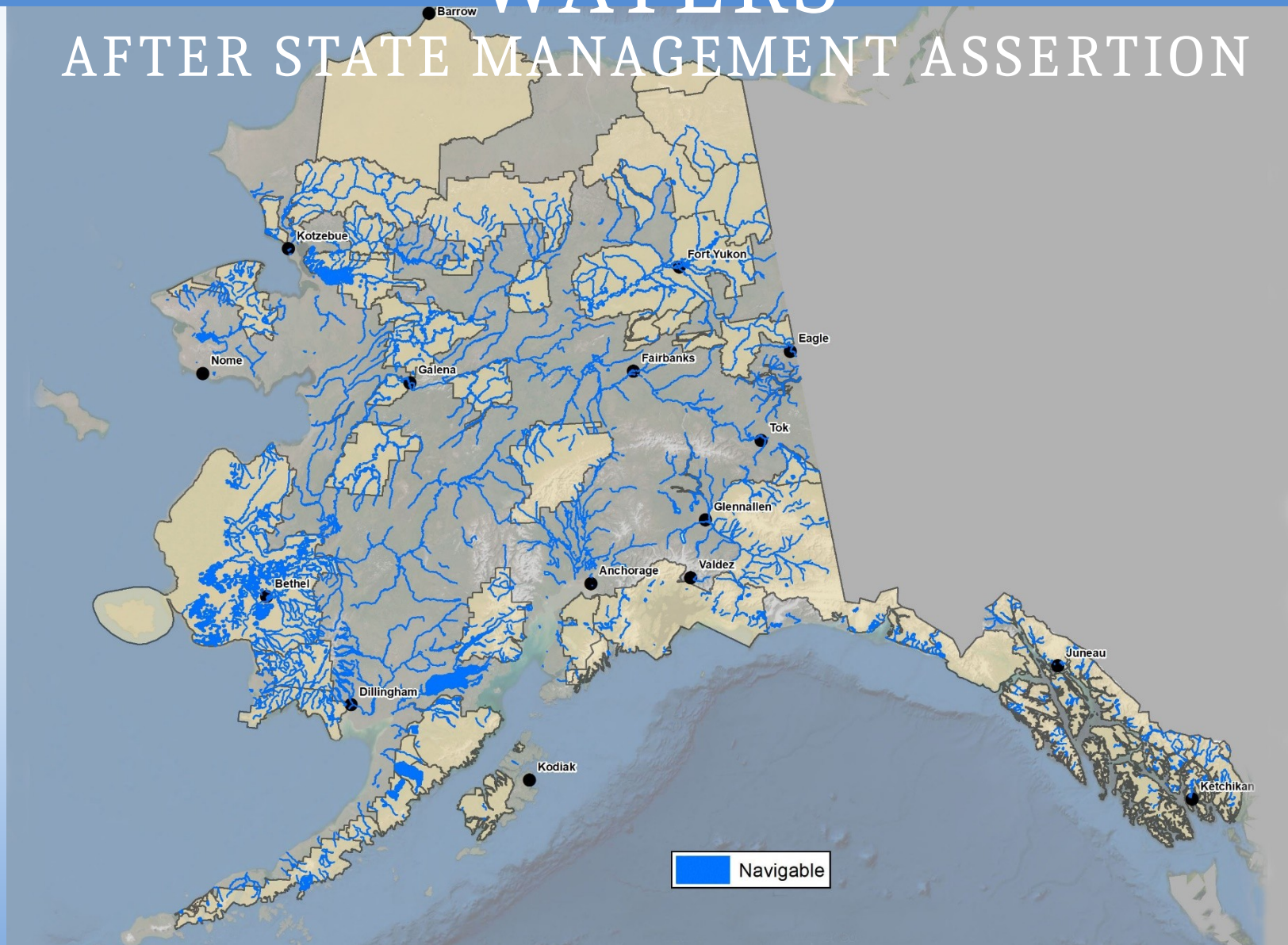


STATE-OWNED NAVIGABLE WATERS ACKNOWLEDGED TO DATE



STATE-OWNED NAVIGABLE WATERS

AFTER STATE MANAGEMENT ASSERTION



ASSERT STATE MANAGEMENT

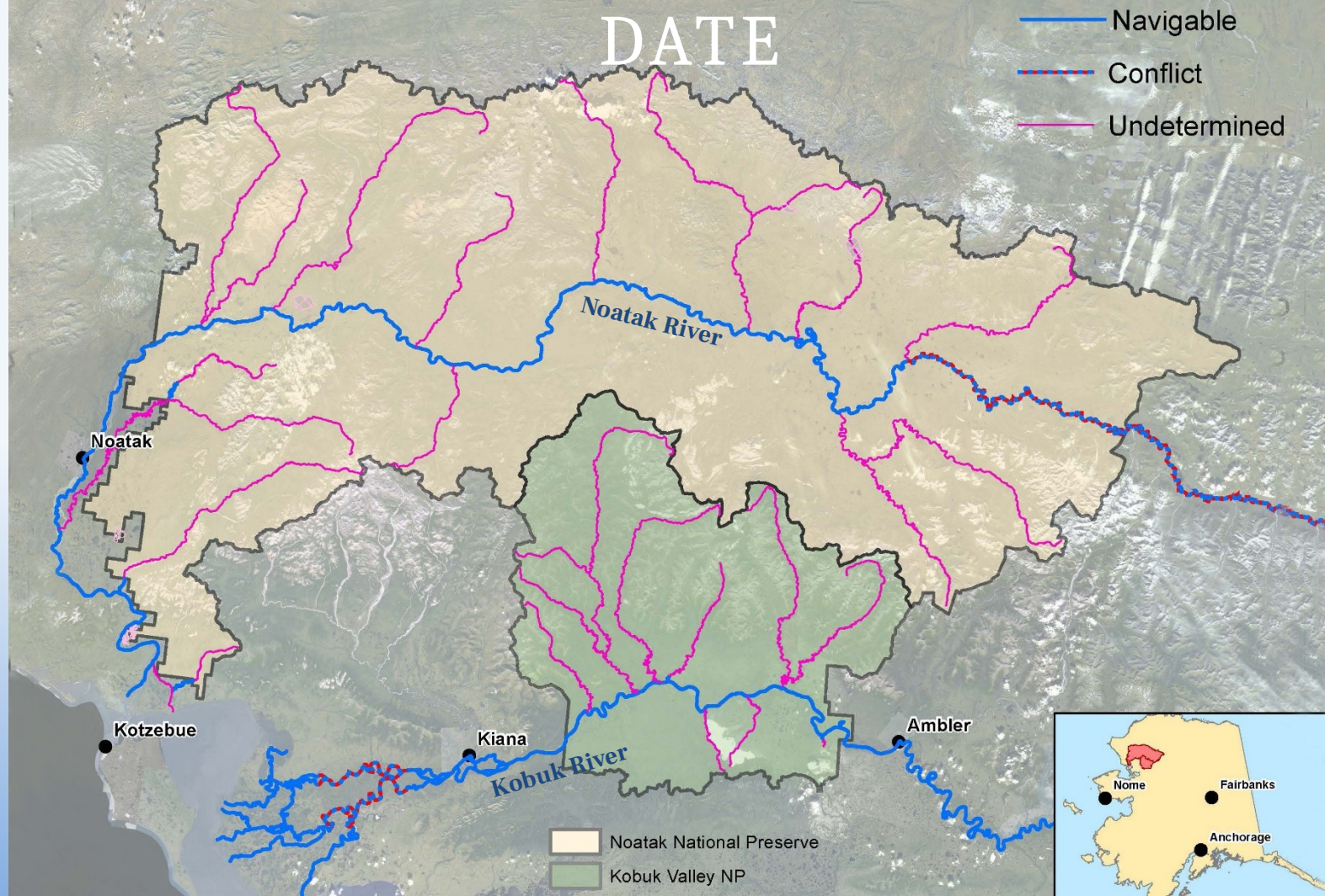
- We will act like the owners we are -- we will show Alaskans where they have the legal right to be on rivers and lakes in federal CSUs.
- SOA is informing departments of Interior and Agriculture that Alaska is managing its navigable waters and submerged lands in federal CSUs statewide.
 - SOA will convert individual federal permits to state permits, and issue state permits for federal construction on state-owned submerged lands (*e.g.*, docks, boat launches).
 - SOA will ensure smooth transition by honoring existing permits for 2021 open water season.

HOW WE CAN WORK TOGETHER

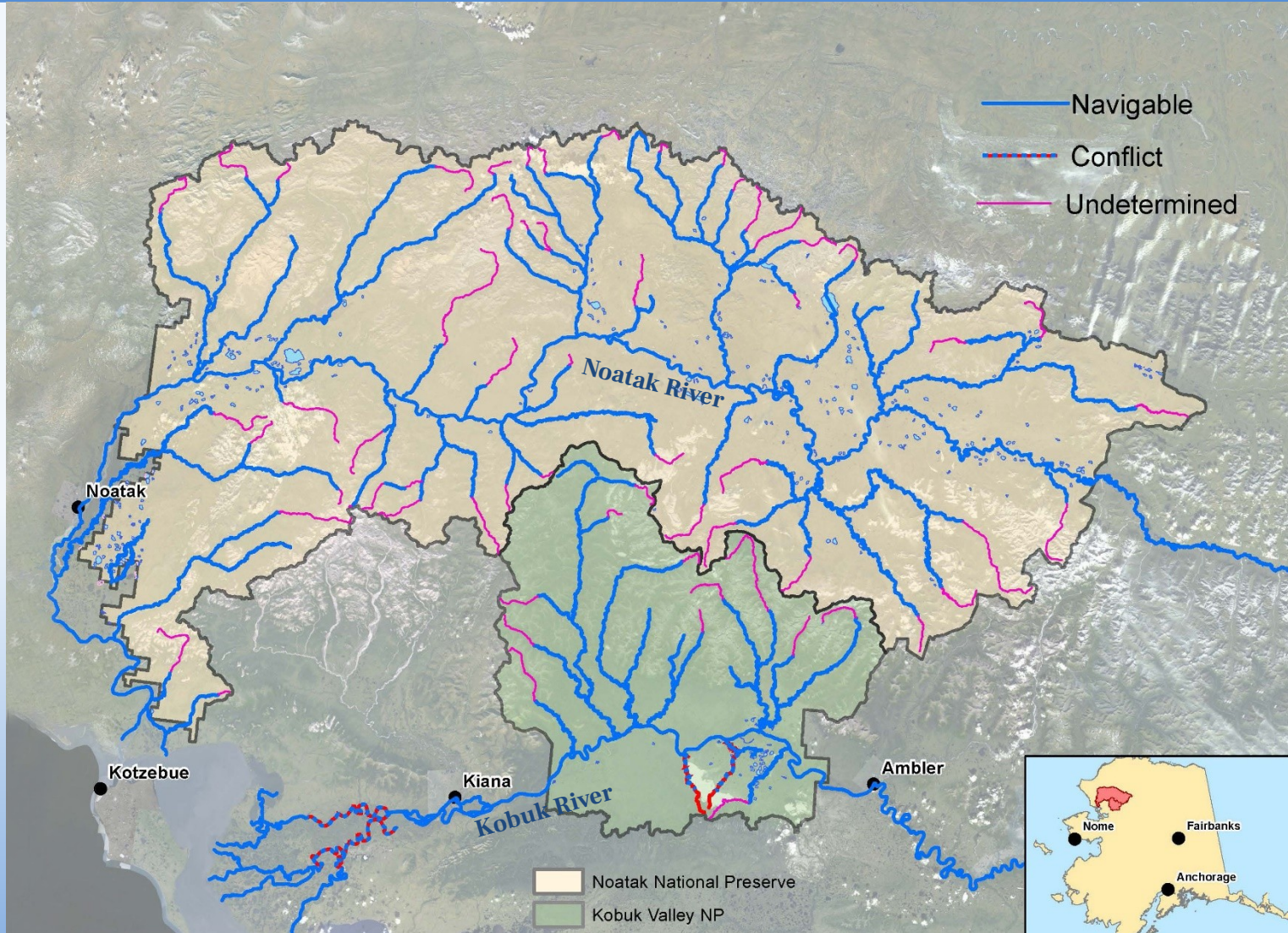
- DNR is updating its interactive mapping tools to show the public and federal agencies the extent of state ownership of submerged lands in CSUs and general federal land.
- Maps are based on SOA experts' thorough assessment and analysis of what is definitively navigable.
 - Analysis of NPS areas added to DNR map database.
 - Analysis of USFWS, USFS & BLM areas added as completed.
- Mapping page: DNR.Alaska.gov/mlw/nav/

NOATAK NP/KOBUK VALLEY PRESERVE

NAVIGABLE WATERS ACKNOWLEDGED TO DATE



NOATAK NP/KOBUK VALLEY PRESERVE



FEDERAL AREAS WHERE SOA OWNS SUBMERGED LANDS

- **NPS:** Noatak NPr, Kobuk Valley NP, Bering Land Bridge NPr, Denali NPP, Wrangell-St. Elias NPP, Glacier Bay NPP, Katmai NPP, Kenai Fjords NP, Gates of the Arctic NPP, Lake Clark NPP, Yukon-Charley Rivers NPr, etc.
- **USFWS:** Becharof NWR, Innoko NWR, Izembek NWR, Kanuti, NWR, Kenai NWR, Kodiak NWR, Koyukuk NWR, Nowitna NWR, Selawik NWR, Tetlin NWR, Togiak NWR, Yukon Delta NWR, Yukon Flats NWR, etc.
- **USFS:** Tongass National Forest and Chugach National Forest.
- **BLM:** Steese National Conservation Area, Beaver Creek WSR, Birch Creek WSR, Fortymile River WSR, Gulkana River WSR, Unalakleet River WSR, Delta River WSR, etc.

ACCESSING WATERS IN FEDERAL AREAS

- Remember: Federal authorities manage the uplands and SOA owns and manages the submerged lands in many federal areas.
- Determine if your activities require a state permit, or if they fall within “generally allowed uses” of state land and water.
- Questions or concerns about your activities? Go to <http://dnr.alaska.gov/mlw> for further information and directions.
- Share your trip information with DNR by filling in website questionnaire (e.g. date of trip, type of boat, number of people, amount of gear, put-in and take-out locations, etc.)

IF YOU EXPERIENCE FEDERAL OVERREACH

- Stay calm and non-confrontational.
- Let DNR know through DNR website.
 - (*e.g.* if agents issue or threaten to issue federal citations for use of state-owned submerged lands).
- DNR will follow up on complaints, and when warranted, take legal action when federal overreach clouds state title to state-owned submerged lands.
- SOA will advocate for the rights of all Alaskans to access their navigable waters and submerged lands.

NORTH FORK OF FORTY MILE RIVER



KNIK RIVER



DELTA RIVER





QUESTIONS?

