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Department of
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STATE OF ALASKA

MEDIA ADVISORY

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A Statement on “Unlocking Alaska” and the State’s Submerged Lands

(Anchorage, AK) – The legal opinions reported in this week’s news coverage regarding the State’s title to submerged lands have inaccurate information. First, the assertion that the federal government must make some official determination of navigability is wrong. The submerged lands already belong to the State—the U.S. Constitution and federal law say that the State received title at statehood, in 1959. The federal government’s unwillingness to recognize the State’s ownership doesn’t change that; it just makes both sides have to spend a lot of money clarifying what is already fact.

Second, the Equal Footing Doctrine, Submerged Lands Act, and the Statehood Act conveyed all submerged lands under navigable-in-fact waters, except those that had previously been expressly withdrawn by the federal government with an intent to defeat the future state’s title. The Sturgeon Supreme Court decision held that this is true even in federal conservation system areas that were established after statehood. The fact that the submerged lands are in the Tongass National Forest instead of a conservation system unit is irrelevant because federal courts already have ruled that the Tongass and Chugach national forest withdrawals did not defeat Alaska’s title to submerged lands in these areas.

More information

- April 26, 2022 media advisory: [Governor Dunleavy Demands Federal Recognition of State-Owned Lands](#)
- Watch Tuesday’s press conference: [Unlocking Alaska: Asserting ownership of State submerged lands](#)

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