

**STATE OF ALASKA
THE LEGISLATURE**

2015

Source
HJR 24

**Legislative
Resolve No.**
20



Urging the federal government to honor its commitments to transfer land to the state; and urging the United States Secretary of the Interior and the United States Congress to adhere to the recommendations of the United States Department of the Interior in its 2006 report under the Alaska Land Transfer Acceleration Act, including lifting withdrawals.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS, in a series of Public Land Orders issued from 1972 to 1975, the United States Secretary of the Interior, under the authority of sec. 17(d)(1) of the Alaska Native Claims Settlement Act, withdrew and reserved land for study and classification; and

WHEREAS the affected land was generally closed to disposal and appropriation; and

WHEREAS the intent of withdrawing and reserving land was to limit appropriations of land in order to complete inventories of resources and assessment of values, which would allow for orderly development of land use and management objectives for present and future public needs; and

WHEREAS the Alaska National Interest Lands Conservation Act gave the state the

right to make top-filings on parcels of land; and

WHEREAS a "top-filing" is a contingent selection wherein the underlying land is subject to a federal restriction or withdrawal that prevents the adjudication of the land as an entitlement selection, but, in the event that the restriction is lifted, the state selection automatically attaches to the land; and

WHEREAS a top-filing is thus a future interest in a selection for the state, but is not considered an actual selection until the relevant withdrawal is lifted; and

WHEREAS the land entitlements created by the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Alaska Native Allotment Act have resulted in a tangled web of interests vying for a finite amount of land; and

WHEREAS the Public Land Orders under sec. 17(d)(1) of the Alaska Native Claims Settlement Act affect 158,958,000 acres of land in the state; and

WHEREAS the continued withdrawal of the land has prevented the state from seeking adjudication of its top-filings, thereby substantially interfering with completion of the land selection process by the state; and

WHEREAS, under the Alaska Land Transfer Acceleration Act, the United States Secretary of the Interior was required to prepare a report and make recommendations on which Public Land Orders under sec. 17(d)(1) of the Alaska Native Claims Settlement Act could be lifted "consistent with protection of the public interest in these lands"; and

WHEREAS the report was completed and submitted to the United States Congress in June 2006; and

WHEREAS the report concluded that many of the land withdrawals "have outlived their original purpose"; and

WHEREAS the report recommended that 152,181,400 acres or 95 percent of the land withdrawals "could be lifted consistent with the protection of the public's interest"; and

WHEREAS, despite the recommendations of the 2006 report and the unreasonable effect of the land withdrawals on the completion of the land selection process, the United States Secretary of the Interior has refused to act;

BE IT RESOLVED that the Alaska State Legislature urges the federal government to honor the commitments made to the state and its people under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, the Cook Inlet Land Exchange, the Alaska National

Interest Lands Conservation Act, and the Alaska Land Transfer Acceleration Act; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Secretary of the Interior to honor the recommendations made in the 2006 report to the United States Congress and lift the 152,181,400 acres of land withdrawals specified in the report; and be it

FURTHER RESOLVED that the Alaska State Legislature urges the United States Congress to use its considerable influence to encourage strongly the United States Secretary of the Interior to follow through with the recommendations made in the 2006 report; and be it

FURTHER RESOLVED that, if the United States Secretary of the Interior does not lift the identified 152,181,400 acres of land withdrawals before January 1, 2017, the Alaska State Legislature urges the Alaska Attorney General to pursue all legal recourse concerning the federal government's breach of its commitments to the state.

COPIES of this resolution shall be sent to the Honorable Joseph R. Biden, Jr., Vice-President of the United States and President of the U.S. Senate; the Honorable John Boehner, Speaker of the U.S. House of Representatives; the Honorable Mitch McConnell, Majority Leader of the U.S. Senate; the Honorable Eric H. Holder, Jr., Attorney General of the United States; the Honorable Sally Jewell, United States Secretary of the Interior; the Honorable Shaun L. S. Donovan, Director of the U.S. Office of Management and Budget; the Honorable Hilary Tompkins, Solicitor, U.S. Department of the Interior; the Honorable Daniel M. Ashe, Director of the U.S. Fish and Wildlife Service; Robert Dreher, acting Assistant Attorney General for the Environment and Natural Resources Division; and the Honorable Lisa Murkowski and the Honorable Dan Sullivan, U.S. Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska delegation in Congress.