



"Serving Western Legislatures"

RESOLUTION NO. 01-04

**AFFIRMING STATE SOVEREIGNTY OVER SUBMERGED LANDS AND
NAVIGABLE WATERS**

Introduced by the Western Water Policy Committee

WHEREAS, all states are admitted to the Union on equal footing; and

WHEREAS, in accordance with the United States Constitution, all states admitted to the Union have established constitutions and compacts ratified by Congress; and

WHEREAS, the founder of the Union envisioned the states as sovereign, and articulated the states power in the Tenth Amendment; and

WHEREAS, the Alaska Statehood Compact specifically addresses that Alaska was admitted to the Union on equal footing with the 1953 Submerged Land Act; and

WHEREAS, the Submerged Land Act also granted the right to manage the water and resources within state property to the states; and

WHEREAS, the Department of the Interior has usurped the State of Alaska's right to manage resources on state submerged land and water; and

WHEREAS, Alaska's Governor Tony Knowles has publicized a statewide position that "No governor of any state would or should relinquish voluntarily this authority back to the federal government, and it is my clear responsibility to defend this important aspect of State sovereignty to the Supreme court if necessary;" and

WHEREAS, failure to appeal to the United States Supreme Court, the adverse ruling by the Ninth U.S. Circuit Court of Appeals, will adversely affect all other states' sovereign rights to manage their submerged lands;

NOW, THEREFORE, BE IT RESOLVED that the Council of State Governments – *WEST* (CSG-*WEST*) specifically objects, in the strongest terms, any attempt by any agency of the federal government, to usurp any states' sovereign rights to manage their submerged lands; and

BE IT FURTHER RESOLVED that CSG-*WEST* specifically requests The Department of the Interior to review and reverse its reserved water rights policy, thus respecting the states' sovereignty enumerated in their statehood compacts and the 1953 Submerged Land Act; and

BE IT FURTHER RESOLVED that CSG-*WEST* respectfully requests the governors of all states to fully uphold their sworn duty to defend their states' sovereignty by vigorously defending the United States Supreme Court, if necessary, their rights to manage navigable waters.

Adopted By the CSG-*WEST* Executive Committee on July 28, 2001
Assembled in Annual Meeting in Whistler, British Columbia.