

Introduced by: Mayor  
Date: February 3, 1981  
Vote: Unanimous  
Action: Adopted

KENAI PENINSULA BOROUGH

RESOLUTION 81-24

(REVISED)

URGING THE LEGISLATURE TO JOIN WITH OTHER WESTERN STATES  
IN THEIR JUDICIAL AND POLITICAL EFFORTS TO OBTAIN TITLE  
AND CONTROL OVER LANDS WITHIN THEIR BOUNDARIES NOW  
NOMINALLY WITHIN THE FEDERAL DOMAIN.

WHEREAS, the government of the United States has  
retained dominion and control over an excessive amount  
of land located within the State of Alaska and other  
States, which has not been classified and utilized for  
the public benefit; and

WHEREAS, a shortage of lands exists in the State of  
Alaska for personal, state and local use and development;  
and

WHEREAS, several states, under the federal framework  
of the United States Constitution formed entities within  
their boundaries to have primary responsibility for  
determining matters whose principal impact is upon the  
State and its residents; and

WHEREAS, the United States Constitution guarantees  
that new states will be admitted to the Union on equal  
footing with previously admitted states, and the United  
States Supreme Court has interpreted this doctrine as  
limiting the power of Congress to oppose unusually  
burdensome restrictions upon the development and  
governance of newly admitted states; and

WHEREAS, it was the policy of the United States  
Government, until the passage in 1976 of the Federal  
Land Policy Management Act, to provide for the  
eventual disposition of lands in the federal domain  
to state, local and private owners; and

WHEREAS, the policy favoring eventual disposition of federal lands was effected for states in the eastern and central parts of the United States, but the western states were required to disclaim any right to the transfer of federal lands within their boundaries as a condition of the grant of statehood; and

WHEREAS, the western states, at the time of their admission to the Union, did not object to the disclaimer of land rights because of existing federal policies favoring the disposition of federal lands not otherwise classified and utilized; and

WHEREAS, the passage of the Federal Land Policy Management Act of 1976 unilaterally reversed this policy by declaring that the federal government would retain its nominal title to these lands in perpetuity, thus breaching its duty to transfer these lands to state, local and private ownership; and

WHEREAS, this breach of trust has denied the western states the ability to be admitted to the Union on a truly equal footing with the previously admitted states; and

WHEREAS, the Alaska Statehood Act guaranteed the right of the State to choose 103,000,000 acres of lands within the federal domain, but the State of Alaska has been stymied in its attempt to exercise its statutory rights; and

WHEREAS, the six western states have passed legislation challenging the exercise of federal dominion and control over lands within the borders, and are taking appropriate judicial and political action to achieve transfer of these lands to state, local and private owners ;and

WHEREAS, this "Tundra Rebellion" or "Sagebrush Rebellion" would have the State of Alaska join in support of these efforts; and

WHEREAS, President Ronald Reagan, and the Secretary of the Interior, James Watts, have supported the Sagebrush Rebellion and are sympathetic to its purposes.

NOW THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH.

Section 1: That the Assembly urges the Twelfth Alaska Legislature, First Session, to pass legislation joining with other western states demanding through litigation and political action that the federal government recognize the rights of these states to own and control lands within the boundaries now nominally considered to be within the federal domain. The Assembly further urges the legislature to enact legislation providing for a referendum upon an appropriate amendment to the Alaska Constitution which would allow the State to claim these lands from the federal government.

Section 2: That the Clerk shall serve copies of this Resolution upon the Honorable Ronald Reagan, President of the United States, upon the Honorable James Watts, Secretary of the Interior, upon the Honorable Jay S. Hammond, Governor of the State of Alaska, upon the Honorable Ted Stevens, upon the Honorable Frank Murkowski, United States Senators, upon the Honorable Don Young, United States Representative, upon the Honorable Jay Kerttula, as President of the State Senate, upon the Honorable Speaker of the State House, and upon the Honorables Bette Cato, Hugh Malone and Pat O'Connell, State Representatives.

Section 3: That this Resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH ON THIS 3 DAY OF February, 1981.

  
Paul Fischer, Assembly President

ATTEST:

  
Borough Clerk

