



RESOLUTION 2017-06
RESOLUTION OF STATE VS. FEDERAL OWNERSHIP OF SUBMERGED LANDS

Whereas, the Western States Land Commissioners Association (“WSLCA”) and its member states manage over 440 million acres of public trust lands and minerals that are interspersed with federal lands managed by the Bureau of Land Management (“BLM”); and

Whereas, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, mineral access, public education, conservation, recreation, and other public purposes provided by state law and the Public Trust Doctrine ; and

Whereas, the Supreme Court has long held that navigability must be determined pursuant to their holdings in *The Daniel Ball*, 77 U.S. 557 (1870); and

Whereas, planning and management decisions made by the BLM have significant impacts on WSLCA members’ ability to effectively manage trust assets for constitutional beneficiaries; and

Whereas, the WSLCA member states are mandated under their State Constitutions to generate income for the benefit of public education and other state functions from the management of state trust assets and public trust assets; and

Whereas, Congress, under the Equal Footing Doctrine, vested in the States “title to and ownership of the lands beneath navigable waters within the boundaries of the respective States upon statehood”; and

Whereas, the BLM is consistently claiming ownership to lands underlying navigable rivers within WSLCA member states to the detriment of state trust ownership and management; and

Whereas, the BLM is litigating claims to submerged lands against states, contrary to settled law and to the detriment of state trust and public trust management; and

Whereas, the BLM is claiming ownership to lands between states along river channels and ignoring state survey standards; and

Whereas, the BLM is causing financial harm to state and public trust incomes by clouding title to minerals and lands beneath navigable waters; and

Whereas, the BLM refuses to recognize state law, state survey data, state survey standards, and deference to state law to the detriment of trust assets.

THEREFORE, BE IT RESOLVED THAT:

1. The Western States Land Commissioners Association is united in supporting states in their efforts to retain ownership of lands and minerals underlying navigable waters; and
2. The BLM should work with states to resolve boundary disputes in a manner that reduces litigation, gives deference to state law, utilizes established survey practices in coordination with states, and implements state survey practices and data; and
3. The BLM should resolve ownership and boundary disputes in a manner that gives deference to statehood rights and respects the grants to states for the support of public education and other state functions.

Adopted this 11th day of January, 2017.


_____, President
Western States Land Commissioners
Association


_____, Secretary
Western States Land Commissioners
Association