

# Interviews start on Northway lakes

Interviews of persons familiar with the lakes in the Northway region will be done in August by a historian from the state's Navigability/Defense of Submerged Lands Program.

Collection of data on the historical and contemporary use of waterbodies is an important part of preparing for litigation in defense of the public's continued ownership of navigable waterways.

The Navigability Program, begun two years ago, is concerned with the state's entitlement — by federal law — to the beds of waterways determined to be capable of navigation. According to federal law, states also own the natural resources on and under the

streambeds of those waterways.

When Alaska became a state on January 3, 1959, these entitlements were part of the package. At that time, however, there was no real necessity to determine which of Alaska's many waterbodies were navigable; such determinations could be left up to federal courts at such time as the issue became important.

The time has come. The massive land transfers associated with three major legislative acts — the Alaska Statehood Act, the Alaska Native Claims Settlement Act (ANCSA) and the Alaska National Interest Lands Conservation Act (ANILCA) — have made it impera-

tive to look at the navigability of Alaska's waterways.

As lands are conveyed to various governmental and private entities, knowing which waterbodies are navigable — and thus already a part of the state's entitlement — is of interest to many.

Final decisions as to a waterbody's navigability can only be made by federal courts. But, the federal Bureau of

Land Management (BLM) makes administrative determinations of navigability when it conveys land to Native corporations under ANCSA or to the State of Alaska under the Statehood Act.

In making these determinations, the BLM has relied on an interpretation of navigability based on legal precedents established many years ago in the Lower 48 states.