STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

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BLM AK SO 952
ANCHORAGE, AK
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July 18, 2003

Henri Bisson
Director, Alaska State Office
Bureau of Land Management
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599

Re: Recordable Disclaimer of Interest Application for Klutina River and Klutina Lake
BLM casefile AA-085087

Dear Mr. Bisson,

The State of Alaska files this application for a recordable disclaimer of interest for the lands underlying Klutina Lake and Klutina River, pursuant to 43 CFR §1864.

This application is submitted for the submerged lands encompassed by the ordinary high water line of Klutina Lake and all submerged lands within the bed of the Klutina River between the ordinary high water lines of the left and right banks, and all interconnecting sloughs of the Klutina River beginning at the confluence of the upper Klutina River with Stephens Creek in Section 31, T. 4 S., R. 4 W., Copper River Meridian, Alaska, downstream to Klutina Lake, approximately 16 miles; and the bed of lower Klutina River from its outlet at Klutina Lake to its confluence with the Copper River within Section 18, T. 2 N., R. 1 E., Copper River Meridian, a distance of approximately 25 miles. A map highlighting the lake and river, and a legal description of the townships and ranges underlying the lake and river are enclosed. As previously discussed with the BLM Alaska State Director, the State requests a waiver under §1864.1-2(d) of the requirement of 43 CFR §1864.1-2 (c)(1) for a description based on a public land survey or certified metes and bounds survey because the map and legal description included here clearly identify the land subject to this application.

A federal recordable disclaimer of interest in this land will help lift the cloud on its title stemming from the lack of any permanent determination of ownership. Because the Klutina River and Klutina Lake are navigable, Alaska owns the submerged lands by virtue of the Equal Footing Doctrine. Under the Equal Footing Doctrine, new states created from federal territories are admitted to the Union with all of the powers of sovereignty and jurisdiction that pertain to the original states. Upon admission of a state to the Union, the title to lands underlying navigable waters within its boundaries automatically passes to the state as a matter of constitutional grace. The lack of any title document or judgment creates a cloud on the state's title.

The Bureau of Land Management's own formal determinations and other documents, attached, confirm the navigability of Klutina Lake and portions of the Klutina River. BLM Navigability reports dated November 5, 1979 and August 15, 1980 cited evidence of historic use for travel and commerce. A January 19, 1983 BLM report determined that the upper Klutina River is navigable. On May 17, 1993, BLM confirmed the upper Klutina River to be navigable from Stephens Creek (NW ¼ of Section 31, T. 4 S., R. 4 W., C.R.M.) to Klutina Lake.

Because the Bureau of Land Management has found the Klutina River and Klutina Lake to be navigable, it has meandered them in conveyances of the adjacent uplands and thus eliminated any possibility that others might claim an interest in the beds. In any event, the state is unaware of any adverse claimant or occupant of these lands.

The state agency responsible for this application is the Alaska Department of Natural Resources, Division of Mining, Land, and Water, 550 W. 7th Avenue, Anchorage, Alaska 99501, Attention Robert Loeffler, (907) 269-8600. The State hereby authorizes BLM to bill the State's account $100 for the application fee required by regulation. Enclosed is a check to cover costs identified in a June 11, 2003 payment request from BLM.

Sincerely,

Tom Irwin
Commissioner

Enclosures

Cc: Governor Frank H. Murkowski
Gregg Renkes, Attorney General
Kevin Duffy, Commissioner, Department of Fish and Game
Gale A. Norton, U.S. Secretary of the Interior, 1849 C Street NW, Room 6156, Washington, DC 20240
Drue Pearce, Senior Advisor to the Secretary for Alaskan Affairs, 1840 C Street NW, Washington DC 20240
Cam Toohey, Special Assistant to the Secretary for Alaska, 1689 C Street, Suite 100, Anchorage, AK 99501
Robert Loeffler, DNR, Division of Mining, Land, and Water
Ken Johns, President/CEO, Ahtna, Inc., P.O. Box 649, Glennallen, AK 99588
Native Village of Klutikaah, P.O. Box 68, Copper Center, AK 99573

# LEGAL DESCRIPTION

Klutina Lake and portions of the Klutina River within the State of Alaska, more particularly described as follows:

All submerged lands encompassed by the ordinary high water line of Klutina Lake; and all submerged lands within the bed of the Klutina River between the ordinary high water lines of the left and right banks, including all interconnecting sloughs of the Klutina River, beginning at the confluence with Stephens Creek, located in unsurveyed Section 31, Township 4 South, Range 4 West, Copper River Meridian, Alaska;

Thence northerly and easterly, generally within the following townships of the Copper River Meridian as determined from USGS 1:63,360 series topographic maps Valdez (B-6) 1951 (minor revisions 1966); Valdez (C-6) 1950 (revisions 1965); Valdez (C-5) 1951 (minor revisions 1965); Valdez (D-5) 1948 (minor revisions 1973); Valdez (D-4) 1949 (minor revisions 1974); the Klutina River includes the easterly and westerly branches lying in Townships 3 & 4 South, Range 4 West; the precise location may be within other townships due to the ambulatory nature of the water bodies;

Township 4 South, Range 4 West;
Township 3 South, Range 4 West;
Township 2 South, Ranges 3, 4 West;
Township 1 South, Ranges 2, 3, 4 West;
Township 1 North, Ranges 1, 2 West;
Township 2 North, Range 1 West;
Township 2 North, Range 1 East;

To the terminus, being the point of confluence with the Copper River within surveyed Section 18, Township 2 North, Range 1 East, Copper River Meridian, Alaska.