STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

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July 18, 2003

BLM AK SO 952
ANCHORAGE, AK
03 JUL 18 AM 3: 39

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 Kvichak River and Lake Iliamna, BLM Case file AA-085088

Dear Mr. Bisson,

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

This application is submitted for the submerged lands encompassed by the ordinary high water line of Iliamna Lake and all submerged lands lying within the bed of the Kvichak River between the ordinary high water lines of the left and right banks, and all interconnecting sloughs of the Kvichak River, beginning at Iliamna Lake downstream to Kvichak Bay within T. 14 S., R. 46 W. and T. 14 S., R. 47 W., Seward Meridian, Alaska, near Koggiung on the Alaska Peninsula. A map highlighting the lake and river, and a legal description of the townships and ranges underlying Lake Iliamna and Kvichak 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 Kvichak River and Lake Iliamna 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 conveyance documents confirm the navigability of the Kvichak River. BLM conveyance documents dated December 5, 1979 and

September 4, 1984 identify Iliamna Lake and Kvichak River as navigable, while a June 2, 1986 memorandum and an October 19, 1982 navigability recommendation identifies portions of the Kvichak River as navigable. A federal determination dated February 22, 1985 affirms that Iliamna Lake is navigable. A list of inland navigable waters attached to a May 13, 1974 letter from the Alaska State Director says Iliamna Lake is navigable its full length and that part of Kvichak River is navigable.

Because the Bureau of Land Management has found Lake Iliamna and portions of the Kvichak River to be navigable, it has meandered these water bodies in conveyances of the adjacent uplands and thus eliminated any possibility that others might claim an interest in the bed of the river of lake. 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
Igiugig Native Corporation, P.O. Box 4009, Igiugig, AK 99613
Igiugig Village Council, P.O. Box 4008, Igiugig, AK 99613
Village of Iliamna, P.O. Box 286, Iliamna, AK 99606
Iliamna Natives, Ltd., P.O. Box 245, Iliamna, AK 99606
Levelock Natives, Ltd, P.O. Box 109, Levelock, AK 99625
Naknek Native Village, P.O. Box 106, Naknek, AK 99633
Paug-Vik, Inc., P.O. Box 61, Naknek, AK 99633
Alaska Peninsula Corporation, 800 Cordova Street, Suite 103, Anchorage, AK 99501

Kokhanok Village Council, P.O. Box 1007, Kokhanok, AK 99606
Newhalen Tribal Council, P.O. Box 207, Newhalen, AK 99606
Pedro Bay Corporation, 23606 Dolly Ave., Chugiak, AK 99567
Hjalmar E. Olson, President/CEO, Bristol Bay Native Corporation, 800 Cordova Street, Suite 200, Anchorage, Alaska 99501

LEGAL DESCRIPTION

Iliamna Lake and Kvichak River within the State of Alaska, more particularly described as follows:

All submerged lands encompassed by the ordinary high water line of Iliamna Lake and all submerged lands within the bed of the Kvichak River between the ordinary high water lines of the left and right banks, including all named and unnamed interconnecting sloughs of the Kvichak River beginning at the uppermost point of Iliamna Lake in Township 4 South, Range 27 West, Seward Meridian, Alaska;

Thence westerly and southerly, generally within the following townships of the Seward Meridian as determined from USGS 1:250,000 quadrangles dated 1957, 1954, and 1952; the precise river location may be within other townships due to the ambulatory nature of water bodies;

Township 4 South, Ranges 27, 28, 29, 30 West;
Township 5 South, Ranges 27, 28, 29, 30, 31, 32, 33 West;
Township 6 South, Ranges 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38 West;
Township 7 South, Ranges 31, 32, 33, 34, 35, 36, 37, 38, 39 West;
Township 8 South, Ranges 31, 32, 33, 34, 35, 36, 37, 38, 39 West;
Township 9 South, Ranges 31, 32, 33, 34, 35, 36, 37, 38, 39 West;
Township 10 South, Ranges 37, 38, 39, 40, 41 West
Township 11 South, Ranges 41, 42, 43, 44 West;
Township 12 South, Ranges 44, 45 West;
Township 13 South, Ranges 45, 46 West;
Township 14 South, Ranges 46, 47 West;

To the terminus, being all points of confluence with Kvichak Bay within Township 14 South, Range 46 West; and Township 14 South, Range 47 West, Seward Meridian, Alaska.