STATE OF ALASKA

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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December 10, 2003

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

BLM AK SO 952
ANCHORAGE, AK
03 DEC 10 PM 3:09

Re: Recordable Disclaimer of Interest Application for the Porcupine River
BLM casefile AA-085085

Dear Mr. Bisson,

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

The application is submitted for the bed of the Porcupine River and all interconnecting sloughs between the lines of ordinary high water from the Alaska/Canada International Border in Sections 22 and 27, T. 30 N., R. 30 E., Fairbanks Meridian, Alaska, downstream approximately 225 miles to its confluence with the Yukon River within T. 20 N., R.10 E. and T. 20 N., R. 11 E., Fairbanks Meridian, Alaska. A map highlighting the river and a legal description of the townships and ranges underlying the Porcupine 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 identifies the land subject to this application.

A federal recordable disclaimer of interest for this land will help lift the cloud on its title stemming from the lack of any permanent determination of ownership. Because the Porcupine River is 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 State is not aware of any adverse claimant or occupant of these lands.

Navigability of the Porcupine River was established on May 8, 1871, when the United States and Great Britain signed the Washington Treaty guaranteeing use of several navigable rivers crossing the International Boundary between Alaska and Canada. Article XXVI of the treaty permanently established navigation rights "for the purposes of commerce" on the Porcupine River for Britons and Americans.

The Bureau of Land Management's own formal determinations confirm the Porcupine River's navigability. The Porcupine River was on a list of inland navigable waters in a letter dated May 13, 1974 from the BLM Alaska State Director. In addition, on April 21, 1983, the BLM determined that the Porcupine River was navigable to the International Boundary.

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 the BLM.

Sincerely,

for Tom Irwin
Commissioner

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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
Orie G. Williams, President/CEO, Doyon, Ltd., 1 Doyon Place, Suite 300, Fairbanks, AK
Clarence Alexander, President, Gwitchyaa Zhee Corporation, P.O. Box 329, Fort Yukon, AK 99740
Ed Alexander, Tribal Operations Director, Gwichyaa Gwich'in Tribal Government, P.O. Box 126, Fort Yukon, AK 99740
Rowan Gould, Regional Director, Alaska Region, U.S. Fish and Wildlife Service, 1011 E. Tudor Road, Anchorage, AK 99503-6199

LEGAL DESCRIPTION

The portion of the Porcupine River within the State of Alaska, more particularly described as follows:

All submerged lands lying within the bed of the Porcupine River, between the ordinary high water lines of the left and right banks, including all submerged lands between the ordinary high water lines of all named and unnamed interconnecting sloughs of the Porcupine River beginning at the Alaska/Canadian Border, between monuments 50 and 51, located in Township 30 North, Range 30 East, Fairbanks Meridian, Alaska;

Including but not limited to, the following sloughs: Curtis Slough, Ninemile Slough; Sixmile Slough; the Joe Ward, Henderson and Rock Sloughs; and Middle Channel;

Thence southerly and westerly generally within the following townships of the Fairbanks Meridian as determined from USGS 1:250,000 quadrangles dated 1956; the precise river location may be within other townships due to the ambulatory nature of the river;

Township 30 North, Range 29 East;
Township 29 North, Ranges 28, 29, 30 East;
Township 28 North, Ranges 25, 26, 27, 28 East;
Township 27 North, Ranges 24, 25, 26, 27, 28 East;
Township 26 North, Ranges 23, 24 East;
Township 25 North, Ranges 19, 20, 21, 22, 23 East;
Township 24 North, Ranges 18, 19, 20 East;
Township 23 North, Ranges 15, 16, 17, 18, 19 East;
Township 22 North, Ranges 13, 14, 15, 16, 17 East;
Township 21 North, Ranges 10, 11, 12, 13, 14 East;
Township 20 North, Ranges 10, 11, 12 East;

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To the terminus, being all points of confluence of the Porcupine River with the Yukon River within Township 20 North, Range 10 East and Township 20 North, Range 11 East, Fairbanks Meridian, Alaska.