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 the Tazlina River and Tazlina Lake
BLM casefile AA-085086

Dear Mr. Bisson,

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

This application is submitted for the submerged lands below the ordinary high water line of Tazlina Lake and all submerged lands within the bed of the Tazlina River between the lines of ordinary high water. Alaska claims ownership of the bed of the Tazlina River from Tazlina Lake in Section 25, T. 3 N., R. 6 W., Copper River Meridian, Alaska, downstream to its confluence with the Copper River in Section 15, T. 3 N., R. 1 W., Copper River Meridian, Alaska. A map highlighting the lake and river, and a legal description of the townships and ranges underlying Tazlina Lake and Tazlina 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 claimed in 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 Tazlina River and Tazlina 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, 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.

The Bureau of Land Management's own formal determinations confirm the navigability of Tazlina River and Tazlina Lake. BLM navigability reports dated March 13, 1980 and August 19, 1980

discuss the navigability of Tazlina River and Tazlina Lake. A January 19, 1983 administrative navigability determination concluded the Tazlina River was navigable and confirmed earlier navigability determinations of Tazlina River and Tazlina Lake. A November 15, 1991 BLM memorandum identified portions of the Tazlina River determined navigable in 1981 and 1982, and a May 17, 1993 BLM report confirmed the 1980 navigability determination of the Tazlina River and documented both historical and contemporary commercial use.

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,

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 Tazlina, P.O. Box 87, Glennallen, AK 99588

LEGAL DESCRIPTION

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

All submerged lands encompassed by the ordinary high water line of Tazlina Lake; and all submerged lands within the bed of the Tazlina 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 Tazlina River, beginning at Tazlina Lake in Township 1 South, Range 7 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 (D-7) 1949 (minor revisions 1964); Gulkana (A-5) 1949 (minor revisions 1960); Gulkana (A-4) 1951 (minor revisions 1970); Gulkana (A-3) 1949 (minor revisions 1975); the precise river location may be within other townships due to the ambulatory nature of water bodies;

Township 1 South, Range 7 West;
Township 1 North, Range 7 West;
Township 2 North, Ranges 6, 7 West;
Township 3 North, Ranges 1, 2, 3, 4, 5, 6 West;
Township 4 North, Ranges 1, 2, 3, 4 West;

To the terminus at its confluence with the Copper River within surveyed Section 15, Township 3 North, Range 1 West, Copper River Meridian, Alaska.