



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

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FF-94661
1864 (932)

Memorandum

JUL 11 2006

To: Chief, Branch of Lands and Realty (932)

From: Callie Webber, Realty Specialist

Subject: Final Summary Report for Fish Lake in the Tanana River Region, Alaska

On December 22, 2005, the State of Alaska (State) filed an application for a recordable disclaimer of interest (RDI) for the lands underlying Fish Lake (FF-94661) located within Tps. 13 and 14 N., R. 19 E., Copper River Meridian (CRM), Alaska. Fish Lake is shown on the map dated December 22, 2005, and entitled "Fish Lake Recordable Disclaimer of Interest Application" which the State attached to its application.

The State has requested a disclaimer of interest based on the Equal Footing Doctrine, the Submerged Lands Act of 1953, the Alaska Statehood Act, the Submerged Lands Act of 1988, or any other legally cognizable reason. This paper is an analysis of the record to determine whether or not the State's RDI application for lands underlying the subject water body meets the regulatory requirements (43 CFR 1864).

In support of its application, the State submitted to the Bureau of Land Management (BLM) various investigation reports, memoranda, navigability reports, and decisions. Most documents were issued by the BLM in support of land conveyances to Native corporations under the Alaska Native Claims Settlement Act (ANCSA). The State also provided two Alaska Native Claims Appeal Board (ANCAB) decisions dated August 5, 1981 and October 30, 1981; a State of Alaska report, "Contemporary Uses of Lakes in the Northway Region of Alaska" (August 1982); and other miscellaneous correspondence documents. These documents are summarized in the attachment.

Fish Lake (approximately 690 acres) is located in Sections 3 and 4, T. 13 N., R. 19 E., and Sections 28, 29, 32 to 34, T. 14 N., R. 19 E., CRM, Alaska. The riparian lands surrounding Fish Lake have been conveyed out of federal ownership. There are two certificated Native allotments, conveyed under the Native Allotment Act of 1906, along the northwestern shore.

The remaining riparian lands were conveyed to Northway Natives, Inc., a village corporation, and Doyon, Limited, a regional corporation, under the ANCSA. None of the riparian lands, or the lake, was reserved at the time of statehood.

The ANCAB issued a decision that Fish Lake was navigable. These findings are final for the Department of the Interior, State of Alaska, Northway Natives, Inc., and Doyon, Limited. [6 ANCAB 1 (August 5, 1981) and 6 ANCAB 138 (October 30, 1981)]. Since the issue of navigability has been determined with finality between the BLM and the State, it is recommended that the application for an RDI be approved.

A handwritten signature in black ink, appearing to read "C. Mitchell", is positioned to the right of the main text block.

Attachment
Summary of Documentation (2 pp)