


MEMORANDUM
DEPARTMENT OF NATURAL RESOURCES

STATE OF ALASKA
DIVISION OF WATER

TO: Harry Noah
Commissioner, DNR

DATE: June 9, 1994

TELEPHONE NO.: 762-2294

FROM: Ric Davidge 
Director

SUBJECT: Title Navigability
Negotiations

Meeting this AM with Tom Allen, State Director, BLM and his staff. VERY positive.

I am to DRAFT an outline (first cut below) for him to discuss with Katz and Leshey when he is in DC on the 20th of June. Will have AGO and Nav staff work with me on Tues next week to structure details.

I have used the budget imperative as our leverage. Fed's and state are facing serious reductions in funding etc. He agrees and thinks a "Process MOU/MOA" might get us underway.

My Initial Proposal:

1. All waterbodies determined by BLM as navigable for title purpose and agreeable to state would be stipulated as navigable and sent to federal court to quiet title.

Any of these that are in dispute due to other litigation would be set aside pending resolution of that litigation, i.e. PLO 82.

2. All waterbodies determine by BLM as not navigable under the Gulkana standards and agreeable to state would be stipulated as not navigable and sent to federal court to quiet title.

[The above two steps are done in the same package]

3. All waterbodies that BLM and state agree "may be navigable" however need additional study (i.e. hydrologic data) will be listed, prioritized and a cooperative work plan developed for immediate implementation.

4. All waterbodies that have not been reviewed by BLM, but have been determined navigable by the state will be reviewed by BLM to see if state determination meets BLM standards. If so, they will be included in the next list for quiet title stipulations.

5. All waterbodies that have not been reviewed by BLM or the State but are of concern will be listed and prioritized for cooperative investigation.

The end result of this cooperative effort is to get as many of the waterbodies as possible off the table and have their title quieted then identify and prioritize a cooperative effort towards "area" or river reach agreements.

The above is what we discussed this AM. There is no formal or verbal agreement yet but the response was positive and supported by BLM staff. I will further flesh out this with existing lists already developed. Tom will talk with FWS and NPS about their problems and then get back with me before he goes to DC.

cc: John Katz & Marty Rutherford