

# STATE OF ALASKA

**SEAN PARNELL, Governor**

## **ANILCA IMPLEMENTATION PROGRAM Office of Project Management and Permitting**

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May 28, 2010

Joel Hard, Superintendent  
Lake Clark National Park and Preserve  
240 West 5<sup>th</sup> Avenue, Room 114  
Anchorage, AK 99501

Dear Mr. Hard:

The State of Alaska reviewed the Two Lakes Land Exchange in Lake Clark National Park and Preserve Environmental Assessment (EA) and the May 17, 2010 letter regarding an opportunity to comment pursuant to the Land Water Conservation Fund Act. The following consolidated state agency comments were compiled by the State's Alaska National Interest Lands Conservation Act (ANILCA) Implementation Program and cover issues relative to ANILCA and other state interests. Any correspondence or response pursuant to the federal Coastal Zone Management Act and the Alaska Coastal Management Program will be provided separately by the Division of Coastal and Ocean Management.

The State appreciates the Service's willingness to work with and support the needs of the private landowner through this proposed land exchange. However, while generally supportive of the land exchange, we are concerned both the EA and letter indicate the exchange would give the Service an ownership interest in the Tlikakila River channel. We consider this portion of the river a braid of the navigable Tlikakila River. As such, the bed of the river, from ordinary high water mark (OHWM) to OHWM, was transferred to the State of Alaska at statehood and therefore, not owned by either party or subject to this transaction.

The State does not concede the navigability of the Tlikakila River for title purposes. Until a court determines title to the Tlikakila River, the river and all interconnected braids and sloughs are undetermined. The State reserves the right to issue quiet title on the Tlikakila River in the future.

Thank you for this opportunity to comment. Please contact me at (907) 269-7529 if you have any questions.

Sincerely,



Susan E. Magee  
ANILCA Project Coordinator

cc: Sally Gibert, ANILCA Program Coordinator  
Adrienne Lindholm, NPS Alaska Region