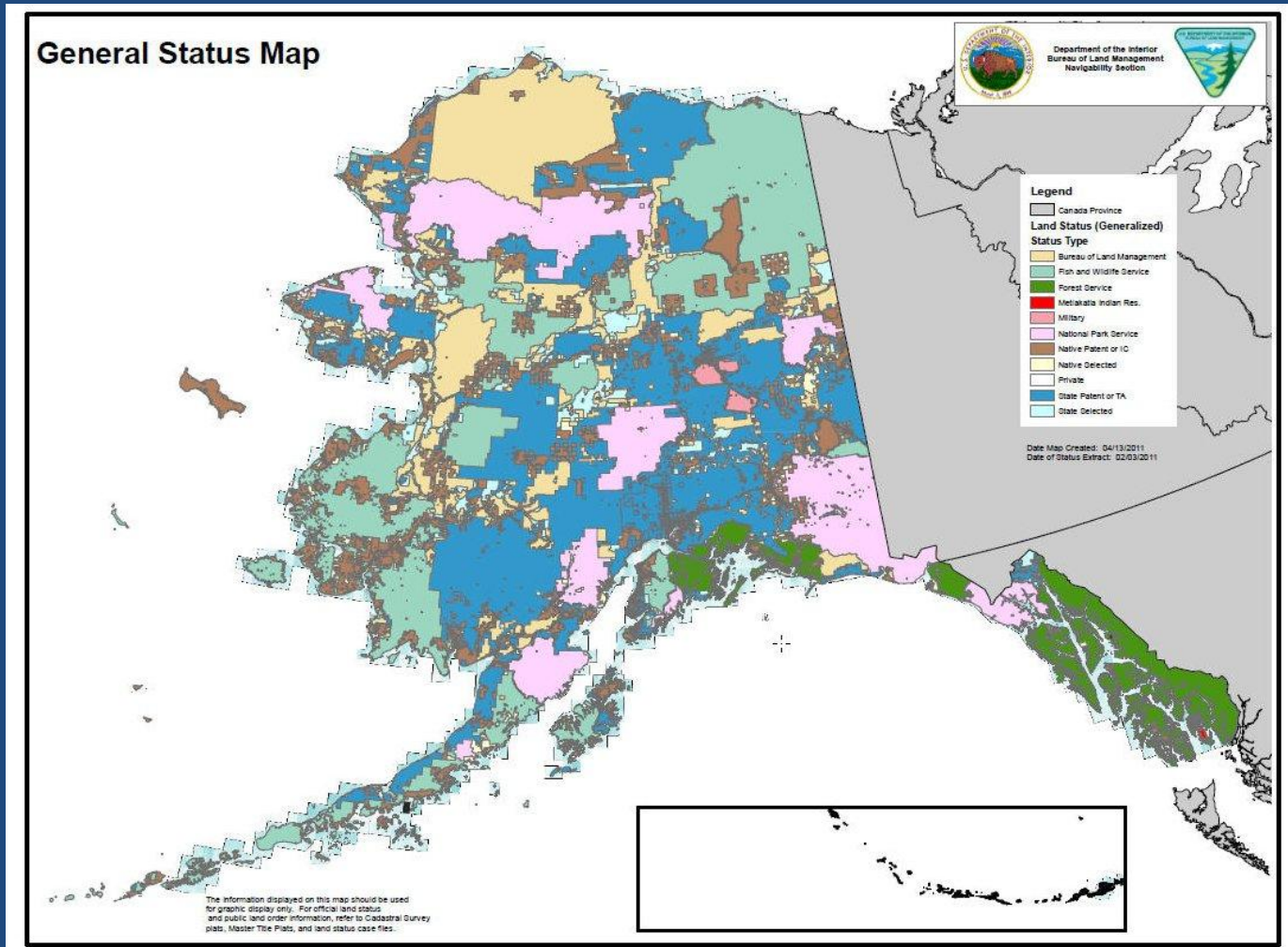


An aerial photograph of a river winding through a landscape. The left bank is a dense, dark green forest. The right bank is a lighter green, open field with some trees. In the distance, a small white structure, possibly a dam or bridge, is visible. The text "Recordable Disclaimers of Interest (RDI)" is overlaid in the center in a bold, yellow font with a black outline.

Recordable Disclaimers of Interest (RDI)

- Alaska is about 365 million acres in size.
- BLM is conveying 103 million acres to the State of Alaska and 44 million acres to Native Corporations.



- Approximately 12,000 rivers and 3 million lakes in the state.
- Limited number of judicial determinations of navigability have been made since statehood.



RDI - What is it and Why Use it?

- Document affirms the United States does not claim an interest in specific lands and is prepared in such a way it can be 'recorded'.
- 1992--State notified Secretary of intent to quiet title to 200+ rivers, streams, and lakes.
- 2000--9th Cir. Ct. decides Nation, Kandik, and Black Rivers case.
 - Affirmed ANCAB's decision (1979) that Nation and Kandik Rivers are navigable.
 - Court lacks jurisdiction over Black River because there had not yet been a dispute between the U.S. and Alaska over the riverbed.

RDI – What is it and why use it?

- Authority – FLPMA Sec. 315 and 43 CFR 1864
- Secretary may issue a disclaimer when:
 - A record interest of the United States has terminated by operation of law or is otherwise invalid;
 - The lands lying between the meander line shown on a plat of survey approved by the Bureau or its predecessors and the actual shoreline of a body of water are not lands of the United States; or
 - Accreted, relicted, or avulsed lands are not lands of the United States.

RDI – What is it and why use it?

A record interest of the United States has terminated by operation of law or is otherwise invalid.

- Equal Footing Doctrine
- Submerged Lands Act of 1953
- Alaska Statehood Act
- Submerged Lands Act of 1988

Secretary delegates authority to the BLM

- Responsible agency to administer the program on behalf of all federal agencies of the U.S.
- Makes the final **administrative** decision on whether the U.S. has interest in the submerged lands.

RDI- What is it and why use it?

- BLM amended its regulations on January 2003
 - Remove the 12 year regulatory filing deadline for states
 - Remove the requirement that an applicant be a “present owner of record” to be qualified under the act.
 - Allowing any entity claiming title, not just current owners of record, to apply for a disclaimer of interest.
 - Defining the term “state” as it is used in this rule.
 - Clarify how we will approve disclaimer applications involving another Federal land managing agency.

RDI- Process

- Applicant Driven- Applicant responsible for evidence
 - State proposes certain water bodies for consideration.
 - Draft application and supporting documents reviewed by BLM and affected federal agencies.
 - State submits final application for review by BLM and identified parties and major upland owners.
 - Notice is published in Federal Register, local newspapers and BLM website for public review and comment.
 - After the end of the Notice period (90 days), comments are analyzed and the report is finalized.
 - The BLM issues a decision on the State's application.
 - If the application, or a portion thereof, is accepted, the BLM will prepare the "Recordable Disclaimer of Interest."
 - If an applicant or claimant is adversely affected by a written decision they have the right to appeal the decision.

BLM- RDI Benefits

- Cost effective (Applicant pays cost)
- Equivalent to bringing a Quiet Title Action
- Regulations provide a mechanism to remove “Cloud” over title to submerged lands.
- Recordable Instrument
- Appeal rights

RDI - Issued

952 River miles and 883,000 acres of lakebed

1. Black River
2. Klutina River & Lake
3. Kvichak River & Iliamna Lake
4. Porcupine River
5. Kasilof River
6. Tazlina River & Lake
7. Wood River & Lakes System
8. Salcha River
9. Chilkoot River & Lake
10. Fish Lake
11. Yukon-Kuskokwim Portage
12. Little Scottie Creek

