

FILED

JUL 31 1996

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

JUL 29 1996

Deputy

1 BRUCE M. BOTELHO  
ATTORNEY GENERAL  
2  
3 Bonnie E. Harris  
Assistant Attorney General  
State of Alaska  
4 1031 W. 4th Avenue, Suite 200  
5 Anchorage, AK 99501  
tel: (907) 269-5240  
6 fax: (907) 279-2834  
7 Counsel for Plaintiff

8  
9 IN THE UNITED STATES DISTRICT COURT

10 FOR THE DISTRICT OF ALASKA

11 STATE OF ALASKA, )  
 )  
12 Plaintiff, ) Case No. A93-0437-CV (JKS)  
 )  
13 v. )  
 )  
14 UNITED STATES OF AMERICA, )  
15 BRUCE BABBITT, Secretary of the )  
Interior; TOM ALLEN, Alaska State )  
16 Director, Bureau of Land )  
Management; ROBERT BARBEE, Alaska )  
17 Regional Director, National Park )  
Service; DAVE ALLEN, Alaska )  
18 Regional Director, United States )  
Fish & Wildlife Service; DOYON, )  
19 LTD.; and CHALKYITSIK NATIVE )  
CORPORATION; )  
20 )  
21 Defendants. )  
22 )  
23 )

FINAL JUDGMENT

~~( )~~

24  
25 This matter came before the court on plaintiff State of  
26 Alaska's motion for judgment on the pleadings that the Kandik  
River, Nation River, and Black River including its interconnecting

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

1 sloughs, are navigable and that title to the lands beneath the  
2 rivers passed to the State of Alaska on the date of Alaska's  
3 statehood. Upon the court's decision that the State of Alaska is  
4 entitled to judgment in its favor on the undisputed facts set forth  
5 in the pleadings, and the court having made its factual findings  
6 and legal conclusions,

7  
8 IT IS ORDERED, ADJUDGED AND DECREED that judgment be  
9 entered in favor of the State of Alaska on all claims and as to all  
10 parties, and more particularly declared that:

11 1. The Kandik River and the Nation River are navigable  
12 in their entireties. Title to the lands beneath the Kandik River  
13 and the Nation River is quieted in the State of Alaska and is more  
14 particularly described as:

15  
16 A. the lands beneath the Kandik River between the  
17 lines of the ordinary high water marks on its banks on January 3,  
18 1959, from its confluence with the Yukon River, within T. 6 N., R.  
19 25 E., Fairbanks Meridian, Alaska, upstream for approximately 80  
20 miles to the boundary between the United States and Canada, within  
21 T. 12 N., R. 32 E., Fairbanks Meridian, Alaska; and

22  
23 B. the lands beneath the Nation River between the  
24 lines of the ordinary high water marks on its banks on January 3,  
25 1959, from its confluence with the Yukon River, within T. 4 N., R.  
26

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 268-5100

1 30 E., Fairbanks Meridian, Alaska, upstream for approximately 42  
2 miles to the boundary between the United States and Canada, within  
3 T. 8 N., R. 33 E., Fairbanks Meridian, Alaska;

4 2. The Black River, including its interconnecting  
5 sloughs, is navigable. Title to the lands beneath the Black River  
6 and its interconnecting sloughs between the lines of the ordinary  
7 high water marks on the banks on January 3, 1959, from its  
8 confluence with the Black River Slough of the Porcupine River,  
9 within T. 21 N., R. 14 E., Fairbanks Meridian, Alaska, upstream for  
10 approximately 250 miles to its confluence with the Wood River,  
11 within T. 13 N., R. 27 E., Fairbanks Meridian, Alaska, is quieted  
12 in the State of Alaska.  
13  
14

15 3. Pursuant to the equal footing doctrine, U.S. Const.  
16 art. IV, § 3, cl. 1, and the Submerged Lands Act of May 22, 1953,  
17 43 U.S.C. §§ 1301 - 1315, the State of Alaska has title to the  
18 lands beneath the Kandik River, Nation River, and that portion of  
19 the Black River including its interconnecting sloughs described in  
20 paragraph 2 above, as of January 3, 1959, the date Alaska was  
21 admitted into the Union;  
22

23 4. Any purported conveyance by the United States to  
24 Doyon, Ltd. of any portion or portions of the lands beneath the  
25 Kandik River, Nation River, or Black River and its interconnecting  
26

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

sloughs, is null and void and without legal effect;

5. Any purported conveyance by the United States to Chalkyitsik Native Corporation of any portion of the lands beneath the Black River including its interconnecting sloughs is null and void and without legal effect;

6. The plaintiff State of Alaska shall recover from defendant United States the costs of this action pursuant to Local Rule 54.1 taxed at \$\_\_\_\_\_.

Dated at Anchorage, Alaska, this 30 day of <sup>July</sup> ~~August~~, 1996.

*James K. Singleton, Jr.*  
\_\_\_\_\_  
JAMES K. SINGLETON, JR.  
United States District Court Judge

**RECEIVED**  
Department of Law

AUG 02 1996

Office of the Attorney General  
Anchorage Branch  
Anchorage, Alaska

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
1031 W. FOURTH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501  
PHONE: (907) 269-5100

893-0437--CV (JKS) O/J 9897  
-----  
B. HARRIS (AG-STE-200)  
K. BERGERBEST  
D. DUNSHORE (AUSA)

FILED

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ALASKA

JUL 31 1996

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

STATE OF ALASKA,

Plaintiff

NO. A93-0437 CV [JKS]

vs.

UNITED STATES OF AMERICA,  
BRUCE BABBITT, SECRETARY OF THE  
INTERIOR; TOM ALLEN, ALASKA STATE  
DIRECTOR, BUREAU OF LAND MANAGEMENT;  
ROBERT BARBEE, ALASKA REGIONAL DIRECTOR,  
NATIONAL PARK SERVICE; DAVE ALLEN, ALASKA  
REGIONAL DIRECTOR, UNITED STATES FISH &  
WILDLIFE SERVICE; DOYON LTD.; AND  
CHALKYITSIK NATIVE CORPORATION;

RECEIVED

Department of Law

AUG 02 1996

Office of the Attorney General  
~~Department of Law~~ - DEFAULT  
Anchorage, Alaska

Defendants

It appearing from the records in the above-entitled action summons issued on the complaint has been served pursuant to Federal Rules of Civil Procedure upon the defendant hereinafter named; and it appearing from the affidavit of counsel for plaintiff and the records herein that said defendant has failed to plead or otherwise defend in said action as required by said summons and provided for by the Federal Rules of Civil Procedure,

Now, therefore, on request of counsel for Plaintiff, the DEFAULT as aforesaid, of the following Defendant:  
CHALKYITSIK NATIVE CORPORATION in the above-entitled action is hereby entered.

DATED: July 31, 1996

MICHAEL D. HALL  
CLERK OF COURT

By: Maureen M. Scherer  
Deputy Clerk

{dflt 11/95}

A93-0437-CV (JKS)

Chalkyitsik Native Corporation

B. HARRIS (AG-STB-200)  
H. BERGERBEST

64