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Attorneys for Defendants

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

STATE OF ALASKA,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 3:15-cv-00226-RRB

**UNITED STATES' UNOPPOSED MOTION
FOR CONFIRMATION OF REVISED
QUIET TITLE ACT (28 U.S.C. § 2409a(e))
DISCLAIMER**

Defendant the United States of America (“United States”), through undersigned counsel, requests that the Court confirm the United States’ Revised Quiet Title Act (28 U.S.C. § 2409a(e)) Disclaimer (“Disclaimer”), filed in this action (Doc. Nos. 22 and 23). The present quiet title action was brought pursuant to 28 U.S.C. § 2409a. The United States has now disclaimed all interest adverse to the Plaintiff, State of Alaska, in the submerged lands of the Stikine River, between the ordinary high water mark of the left and right banks, from the upper

limit of tidal influence¹ to the sixty-foot reservation as described by Proclamation 810 at the Canadian border, as illustrated by the hatched areas in the attached map. *See* Doc. No. 23. The map attached to the disclaimer is for illustrative purposes only and where the language of the disclaimer and the map conflict, the language of the disclaimer governs. The “tide reference” in the attached map is an estimate only and the limit of tidal influence has not been conclusively determined. This disclaimer did not include the Ketili River, Guerin Slough, Red Slough, Shakes Slough, or Shakes Lake.

In light of the United States’ disclaimer, and pursuant to 28 U.S.C. § 2409a(e), the Court should enter an order confirming that disclaimer.

Counsel for the United States conferred with counsel for Plaintiff State of Alaska regarding their position on this motion. Counsel for the State of Alaska has indicated that they do not oppose confirmation of the disclaimer.

WHEREFORE, the United States respectfully requests that this Court enter an order confirming the United States’ disclaimer. A proposed order has been attached for this purpose.

Respectfully submitted this 17th day of June, 2016.

JOHN C. CRUDEN
Assistant Attorney General
Environment and Natural Resources Division

/s/ Rachel K Roberts
RACHEL K. ROBERTS
U.S. Department of Justice
Environment & Natural Resources Division

¹ The tidally-influenced portion of the Stikine River, along with all other marine submerged lands in the Tongass National Forest, has already been disclaimed. *See Alaska v. United States*, 546 U.S. 413, 415–16 (2006).

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2016 a copy of the foregoing document was served electronically by means of the Court's ECF system on the following:

Jessica Moats Alloway

/s/ Rachel K. Roberts
RACHEL K. ROBERTS