

ATTACHMENTS

for

Columbia Creek

INTERIM SUMMARY REPORT

Prepared by Edwin Shoaf, Historian
Alaska Conservation Corps

Kuskokwim Assistance Agreement
Phase II-B Submission

Office of History and Archaeology
Department of Natural Resources
State of Alaska

July 22, 2010

**Columbia Creek
Interim Summary Report
Attachment 1**

DOCKET
AKIAK
F-14824-A (2651)
F-14824-A2 (2651)
✓ F-14824-EE (75.4)
(961)

JUN 29 1982

CERTIFIED MAIL P 2 2 1 0 5 1 9 7 9
RETURN RECEIPT REQUESTED

DECISION

Kokarmuit Corporation : F-14824-A, F-14824-A2
Akiak, Alaska 99552 : Village Selections
:
Calista Corporation :
516 Denali Street :
Anchorage, Alaska 99501 :

Section 12(b) Application Rejected in Part
Lands Proper for Village Selection
Approved for Interim Conveyance or Patent

On November 18, 1974, Kokarmuit Corporation, for the Native village of Akiak, filed selection application F-14824-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1611 (1976) (ANCSA)), as amended, for the surface estate of certain lands in the vicinity of Akiak.

On December 11, 1975, Kokarmuit Corporation filed selection application F-14824-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14824-A2 is hereby rejected as to the lands herein approved for conveyance. Further action on application F-14824-A2, as to the lands not rejected herein will be taken at a later date.

Kokarmuit Corporation, in its November 18, 1974 application, excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn under Sec. 11(a)(1) and available for selection by the village pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selected shall be compact and in whole sections. For these reasons, the water bodies which were improperly excluded in the November 18, 1974 application are considered selected by Kokarmuit Corporation.

As to the lands described below, the application, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 103,238 acres, is considered proper for acquisition by Kokarmuit Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

U.S. Survey No. 2243, Alaska, situated at the Native village of Akiak, on the right bank of the Kuskokwim River, excluding U.S. Survey No. 5068, Townsite of Akiak, Alaska.

Containing 1,188.67 acres.

U.S. Survey No. 2294, Alaska, situated near the left bank of the Kuskokwim River and adjoining the south side of the unsurveyed town of Akiak, Alaska.

Containing 160 acres.

U.S. Survey No. 5068, Alaska, lot 3, Block 3, and lot 5, Block 1, Tract A, situated on the Kuskokwim River about twenty miles northeast of Bethel, Alaska.

Containing 2.56 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 65 W.

Sec. 29;

Sec. 30, excluding Native allotment F-18140;

Secs. 31 and 32.

Containing approximately 2,516 acres.

T. 8 N., R. 66 W.

Secs. 1 to 6, inclusive;

Sec. 7, excluding Native allotments F-17063 Parcel A
and AA-8966 Parcel B;

Secs. 8 to 17, inclusive;

Sec. 18, excluding Native allotment F-17209 Parcel A.

Containing approximately 11,320 acres.

T. 9 N., R. 66 W.

Sec. 4, excluding Native allotments F-15906 and F-17077;

Sec. 5, excluding Native allotment F-17077;

Sec. 6;

Sec. 7, excluding Native allotment F-17082;

Sec. 8, excluding Native allotment F-17077;

Sec. 9, excluding Native allotments F-15906, F-17077
and F-033569;

Secs. 10 and 15;

Sec. 16, excluding Native allotment F-033569;

Sec. 17, excluding Native allotment F-17081;

Sec. 18, excluding Native allotments F-17081 and F-17082;
 Sec. 19, excluding Native allotments F-025251, F-17081, and F-15904;
 Sec. 20, excluding Native allotment F-17081;
 Secs. 21 and 22;
 Sec. 25, excluding Native allotments F-18140 and F-17542;
 Sec. 26, excluding Native allotment F-17542;
 Sec. 27;
 Sec. 28, excluding Native allotment F-030770;
 Sec. 29, excluding Native allotments F-030770 and F-15915;
 Sec. 30, excluding Native allotment F-025251;
 Sec. 31;
 Sec. 32, excluding Native allotments F-030770, F-15915
 and F-15908;
 Sec. 33, excluding Native allotment F-030770;
 Sec. 34;
 Secs. 35 and 36, excluding Native allotment F-17542.

Containing approximately 15,428 acres.

T. 10 N., R. 66 W.

Secs. 4 to 7, inclusive;
 Sec. 8, excluding Native allotment F-15903 Parcel B;
 Secs. 9 and 16;
 Sec. 17, excluding U.S. Survey No. 6192 and Native
 allotment F-15910 Parcel A;
 Sec. 18;
 Sec. 19, excluding U.S. Survey No. 6192 and Native
 allotments F-15919 and F-15900 Parcel B;
 Sec. 20, excluding U.S. Survey No. 6192 and Native
 allotments F-15900 Parcel B, F-15910 Parcel A and F-15919;
 Sec. 21, excluding Native allotment F-15911;
 Sec. 28;
 Sec. 29, excluding U.S. Survey No. 6192 and Native
 allotments F-15919 and F-15900 Parcel B;
 Sec. 30, excluding U.S. Survey No. 6192 and Native
 allotment F-15900 Parcel B;
 Secs. 31, 32, and 33.

Containing approximately 10,304 acres.

T. 8 N., R. 67 W.

Secs. 1 to 4, inclusive;
 Secs. 10 to 14, inclusive.

Containing approximately 5,760 acres.

T. 9 N., R. 67 W.

Secs. 1, 2, and 3;
 Sec. 4, excluding U.S. Survey No. 2294;

- Sec. 5, excluding U.S. Survey No. 2243, U.S. Survey No. 2294 and U.S. Survey No. 5068;
 Sec. 6, excluding U.S. Survey No. 2243 and U.S. Survey No. 5068;
 Secs. 7 and 8;
 Sec. 9, excluding Native allotment F-17922 Parcel B;
 Sec. 10, excluding Native allotments F-18569, F-17922 Parcel B, F-13197 and F-13194;
 Sec. 11, excluding Native allotment F-13194;
 Sec. 12, excluding Native allotment F-15898;
 Sec. 13, excluding Native allotments F-18420 Parcel A and F-15912;
 Sec. 14, excluding U.S. Survey No. 6159 and Native allotment F-18420 Parcel A, Native allotment F-17220 Parcel A and F-15912;
 Sec. 15, excluding U.S. Survey No. 6159 and Native allotments F-18569, F-17922 Parcel B, F-17220, F-15909, F-13209 and F-13197;
 Sec. 16, excluding Native allotment F-17922 Parcel B;
 Secs. 17 and 18;
 Sec. 19, excluding Native allotments F-15902, F-13301 and F-13205;
 Sec. 20, excluding Native allotments F-15902 and F-13301;
 Sec. 21;
 Sec. 22, excluding U.S. Survey No. 6159 and Native allotment F-15909;
 Sec. 23;
 Sec. 24, excluding Native allotment F-025251;
 Sec. 25, excluding Native allotments F-025251 and F-16846;
 Sec. 26, excluding Native allotment F-16846;
 Secs. 27 and 28;
 Sec. 29, excluding Native allotment F-15902;
 Sec. 30, excluding Native allotments F-15901 Parcel B, F-13345 and F-13205;
 Sec. 31, excluding Native allotment F-13345;
 Secs. 32, 33, and 34;
 Secs. 35 and 36, excluding Native allotment F-16846.

Containing approximately 18,037 acres.

T. 10 N., R. 67 W.

- Secs. 1 and 2;
 Sec. 3, excluding Native allotment F-15916;
 Sec. 4, excluding Native allotment F-15917;
 Sec. 5;
 Sec. 6, excluding U.S. Survey No. 6195 and Native allotment F-15914;
 Secs. 7 to 14, inclusive;
 Sec. 15, excluding Native allotment F-15913 Parcel A;
 Sec. 16, excluding U.S. Survey No. 6193 and Native allotment F-15905;
 Sec. 17, excluding U.S. Survey No. 6193 and Native allotments F-15905 and F-15900 Parcel A;
 Secs. 18 and 19;
 Sec. 20, excluding U.S. Survey No. 6193 and Native allotment F-15900 Parcel A;
 Sec. 21, excluding Native allotment F-15920;
 Sec. 22, excluding Native allotment F-15913 Parcels A and B;
 Sec. 23, excluding Native allotment F-15913 Parcel B;
 Sec. 24;
 Sec. 25, excluding Native allotment F-13377;

Secs. 26 and 27;
 Sec. 28, excluding Native allotment F-15920;
 Secs. 29 and 30, excluding U.S. Survey No. 2243;
 Sec. 32, excluding U.S. Survey No. 2243, U.S. Survey
 No. 2294, and U.S. Survey No. 5068;
 Sec. 33, excluding U.S. Survey No. 2294;
 Secs. 34, 35, and 36.

Containing approximately 16,927 acres.

T. 11 N., R. 67 W.

Secs. 20 and 21;
 Secs. 28 to 33, inclusive.

Containing approximately 5,075 acres.

T. 9 N., R. 68 W.

Sec. 1, excluding U.S. Survey No. 5686, and U.S. Survey
 No. 2243 and Native allotment F-15910;
 Sec. 2, excluding U.S. Survey No. 5686 and Native allotment
 F-15910 Parcel B;
 Sec. 3;
 Secs. 10 and 11, excluding Native allotment F-13199;
 Secs. 12, 13, and 14;
 Sec. 15, excluding Native allotments F-16592 and F-16595.

Containing approximately 4,130 acres.

T. 10 N., R. 68 W.

Secs. 1, 2, and 3;
 Secs. 10, 11, and 12;
 Secs. 13 and 14, excluding Native allotment F-16593;
 Sec. 15;
 Secs. 22, 23, and 24;
 Sec. 25, excluding U.S. Survey No. 2243;
 Secs. 26 and 27;
 Secs. 34 and 35;
 Sec. 36, excluding U.S. Survey No. 2243.

Containing approximately 11,110 acres.

T. 11 N., R. 68 W.

Secs. 25 and 36.

Containing approximately 1,280 acres.

Aggregating approximately 103,238 acres.

Excluded from the above-described lands herein approved for conveyance
 are the submerged lands, up to the ordinary high water mark, beneath all

water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade, and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14824-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for the following reason: Lands are under applications pending further adjudication. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

Enclosed are copies of current status plats showing the lands approved for conveyance along with maps showing easements to be reserved, navigable water bodies, and/or tidal waters pending a determination of tidal influence.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14824-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small and large all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed on a one acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 14 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 1, T. 10 N., R. 67 W., Seward Meridian,

on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.

- b. (EIN 14a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 14 C5 northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kokarmuit Corporation is entitled to conveyance of 115,200 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 103,238 acres. The remaining entitlement of approximately 11,962 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Kokarmuit Corporation, and shall be subject to the same conditions as the surface conveyance.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances, (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until AUG 02 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeal. (See enclosed DOI Form 1842-1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Kokarmuit Corporation
Akiak, Alaska 99552

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

/s/ ANN JOHNSON

Chief, Branch of
ANCSA Adjudication

Enclosures:
DOI Form 1842-1
Appeal Regulations
Maps
Plats
Legend

cc:

State of Alaska (CM-RRR)
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510
(w/maps and legend)

Mr. Gary Gustafson (CM-RRR)
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510
(w/maps, legend, and plats)

Mr. James Sandberg (CM-RRR)
Right-of-Way Agent
State of Alaska
Department of Transportation and Public Facilities
Pouch 6900
Anchorage, Alaska 99502
(w/maps and legend)

Mr. Patrick P. Ryan, Deputy Commissioner (CM-RRR)
Maintenance and Operations
Department of Transportation and Public Facilities
Pouch 6900
Anchorage, Alaska 99502
(w/maps and legend)

Mr. Robert W. Ward, Commissioner
Department of Transportation and Public Facilities
Pouch Z
Juneau, Alaska 99811
(w/maps and legend)

Mr. Earle Williams (flp)
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802
(w/maps and legend)

Alaska Legal Services Corporation
615 H Street, Suite 100
Anchorage, Alaska 99501
(w/maps and legend)

Mr. John Moses
Alaska Native Foundation
411 West Fourth Avenue, Suite 314
Anchorage, Alaska 99501
(w/maps and legend)

Bureau of Indian Affairs
Juneau Area Office
P.O. Box 3-8000
Juneau, Alaska 99802
(w/maps and legend)

Area Director
U.S. Fish and Wildlife Service
Division of Realty
1011 East Tudor Road
Anchorage, Alaska 99503
(w/maps and legend)

Bureau of Land Management
Box 666
Bethel, Alaska 99559
(w/maps)

Mr. James P. Duffy
Association of Village Council Presidents
Box 767
Bethel, Alaska 99559

Chief, Real Estate Division
Alaska District
Corps of Engineers
P.O. Box 7002
Anchorage, Alaska 99510
(w/maps and legend)

DM-A (010)
(w/maps)

AM-M (018)
(w/maps)

Chief, Branch of Office Engineering (922)

Chief, Branch of Lands (941)

Chief, Branch of Easement Identification (963)

Fire Management (970)
Attn: J. Costello

AA-47766 (2300.5)

961:HBurleson:pf:06/23/82
foggy*g

F-14824-A (2651)
(961)

JUN 29 1982

The Tundra Drums
P.O. Box 868
Bethel, Alaska 99559

Gentlemen:

Enclosed is a decision to be published once each week in consecutive weekly issues for 4 weeks.

Please send a tear sheet of the first published decision immediately to this office (Attention: ANCSA Operations/961) for proofing and verification. If there are deviations from the attached copy, corrections can then be made before the next publication, reducing your republication expense.

At the expiration of the period of publication, please submit your invoice and appropriate tear sheets, together with the original and one copy of our Advertising Order and Public Voucher with the affidavit on the reverse side completed.

A standard affidavit or proof of publication (notarized) must also be submitted for inclusion in our administrative file. Please send this and the documents listed in the paragraph above to the attention of Management Services (951).

Sincerely yours,

/s/ ANN JOHNSON

Chief, Branch of ANCSA
Adjudication

Enclosures:
Notice of Decision for Publication
Public Voucher for Advertising (3)

961:WHill:pf:06/18/82*F
PEARL*g

**Columbia Creek
Interim Summary Report
Attachment 2**

F-14824-A

INTERIM CONVEYANCE

WHEREAS

Kokarmit Corporation

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(a), 1621(j) (Supp. IV, 1980)) of the surface estate in the following described lands:

U.S. Survey No. 2243, Alaska, situated at the Native village of Akiak, on the right bank of the Kuskokwim River, excluding U.S. Survey No. 8068, Townsite of Akiak, Alaska.

Containing approximately 1,189 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 65 W.

Sec. 29;
Sec. 30, excluding Native allotment F-18140;
Secs. 31 and 32.

Containing approximately 2,516 acres.

T. 8 N., R. 66 W.

Secs. 1 to 6, inclusive;
Sec. 7, excluding Native allotments AA-8986 Parcel B and F-17063 Parcel A;
Secs. 8 to 17, inclusive;
Sec. 18, excluding Native allotment F-17209 Parcel A.

Containing approximately 11,320 acres.

T. 9 N., R. 66 W.

Sec. 4, excluding Native allotments F-15908 and F-17077;
Sec. 5, excluding Native allotment F-17077;
Sec. 6;
Sec. 7, excluding Native allotment F-17082;
Sec. 8, excluding Native allotment F-17077;
Sec. 9, excluding Native allotments F-033569, F-15906, and F-17077;
Secs. 10 and 15;
Sec. 16, excluding Native allotment F-033569;
Sec. 17, excluding Native allotment F-17081;
Sec. 18, excluding Native allotments F-17081 and F-17082;
Sec. 19, excluding Native allotments F-15904, F-17081, and those lands formerly within Native allotment F-025251;
Sec. 20, excluding Native allotment F-17081;
Secs. 21 and 22;
Sec. 25, excluding Native allotments F-17542 and F-18140;
Sec. 26, excluding Native allotment F-17542;
Sec. 27;
Sec. 28, excluding those lands formerly within Native allotment F-030770;
Sec. 29, excluding Native allotment F-15915 and those lands formerly within Native allotment F-030770;
Sec. 30, excluding those lands formerly within Native allotment F-025251;
Sec. 31;

Interim Conveyance No. 610

Date DEC 29 1982

This Document has been
corrected by IC No. 1935
Dated 10/04/05

F-14824-A

Sec. 32, excluding Native allotments F-15908, F-15915 and those lands formerly within Native allotment F-030770;
Sec. 33, excluding those lands formerly within Native allotment F-030770;
Sec. 34;
Secs. 35 and 36, excluding Native allotment F-17542.

Containing approximately 15,428 acres.

T. 10 N., E. 66 W.

Secs. 4 to 7, inclusive;
Sec. 8, excluding Native allotment F-15903 Parcel B;
Secs. 9 and 16;
Sec. 17, excluding U.S. Survey No. 6192 and Native allotment F-15910 Parcel A;
Sec. 18;
Sec. 19, excluding U.S. Survey No. 6192 and Native allotments F-15900 Parcel B and F-15919;
Sec. 20, excluding U.S. Survey No. 6192 and Native allotments F-15900 Parcel B, F-15910 Parcel A and F-15919;
Sec. 21, excluding Native allotment F-15911;
Sec. 28;
Sec. 29, excluding U.S. Survey No. 6192 and Native allotments F-15900 Parcel B and F-15919;
Sec. 30, excluding U.S. Survey No. 6192 and Native allotment F-15900 Parcel B;
Secs. 31, 32 and 33.

Containing approximately 10,204 acres.

T. 8 N., E. 67 W.

Secs. 1 to 4, inclusive;
Secs. 10 to 14, inclusive.

Containing approximately 5,760 acres.

T. 9 N., E. 67 W.

Secs. 1, 2 and 3;
Sec. 4, excluding U.S. Survey No. 2294;
Sec. 5, excluding U.S. Survey No. 2243, U.S. Survey No. 2294 and U.S. Survey No. 3066;
Sec. 6, excluding U.S. Survey No. 2243 and U.S. Survey No. 3066;
Secs. 7 and 8;
Sec. 9, excluding Native allotment F-17922 Parcel B;
Sec. 10, excluding Native allotments F-13194, F-13197, F-17922 Parcel B and F-18569;
Sec. 11, excluding Native allotment F-13194;
Sec. 12, excluding Native allotment F-15898;
Sec. 13, excluding Native allotments F-15912 and F-18420 Parcel A;
Sec. 14, excluding U.S. Survey No. 6159 and Native allotments F-13209, F-15912, F-17220 Parcel A and F-18420 Parcel A;
Sec. 15, excluding U.S. Survey No. 6159 and Native allotments F-13197, F-13209, F-15909, F-17220 Parcel A, F-17922 Parcel B and F-18569.
Sec. 16, excluding Native allotment F-17922 Parcel B;
Secs. 17 and 18;

Interim Conveyance No. 610

Date DEC 28 1982

This Document has been
corrected by IC No. 1935
Dated 10/04/05

F-14624-A

Sec. 19, excluding Native allotments F-13205, F-13301 and F-15902;
Sec. 20, excluding Native allotments F-13301 and F-15902;
Sec. 21;
Sec. 22, excluding U.S. Survey No. 6159 and Native allotment F-15909;
Sec. 23;
Sec. 24, excluding lands formerly within Native allotment F-025251;
Sec. 25, excluding Native allotment F-16846 and lands formerly within Native allotment F-25251;
Sec. 26, excluding Native allotment F-16846;
Secs. 27 and 28;
Sec. 29, excluding Native allotment F-15902;
Sec. 30, excluding Native allotments F-13205, F-13345 and F-15901 Parcel B;
Sec. 31, excluding Native allotment F-13345;
Secs. 32, 33 and 34;
Secs. 35 and 36, excluding Native allotment F-16846.

Containing approximately 18,037 acres.

T. 10 N., R. 67 W.

Secs. 1 and 2;
Sec. 3, excluding Native allotment F-15916;
Sec. 4, excluding Native allotment F-15917;
Sec. 5;
Sec. 6, excluding U.S. Survey No. 6195 and Native allotment F-15914;
Secs. 7 to 14, inclusive;
Sec. 15, excluding U.S. Survey No. 6189 and Native allotment F-15913 Parcel A)
Sec. 16, excluding U.S. Survey No. 6193 and Native allotment F-15905;
Sec. 17, excluding U.S. Survey No. 6193 and Native allotments F-15900 Parcel A and F-15903;
Secs. 18 and 19;
Sec. 20, excluding U.S. Survey No. 6193 and Native allotment F-15900 Parcel A;
Sec. 21, excluding U.S. Survey No. 6189 and Native allotment F-15920;
Sec. 22, excluding U.S. Survey No. 6189 and Native allotment F-15913 Parcels A and B;
Sec. 23, excluding U.S. Survey No. 6189 and Native allotment F-15913 Parcel B;
Sec. 24;
Sec. 25, excluding Native allotment F-13377;
Secs. 26 and 27;
Sec. 28, excluding U.S. Survey No. 6189 and Native allotment F-15920;
Secs. 29 and 30, excluding U.S. Survey No. 2243;
Sec. 32, excluding U.S. Survey No. 2243, U.S. Survey No. 2284 and U.S. Survey No. 5068;
Sec. 33, excluding U.S. Survey No. 2294;
Secs. 34, 35 and 36.

Containing approximately 16,927 acres.

Interim Conveyance No. 610

Date DEC 29 1982

This Document has been
corrected by IC No. 1935
Dated 10/04/05

F-14824-A

T. 11 N., R. 67 W.
Secs. 20 and 21;
Secs. 28 to 33, inclusive.

Containing approximately 5,075 acres.

T. 9 N., R. 68 W.
Secs. 1 and 2, excluding U.S. Survey No. 5686, and Native allotment F-15910 Parcel B);
Sec. 3;
Secs. 10 and 11, excluding Native allotment F-13199;
Secs. 12, 13 and 14;
Sec. 15, excluding U.S. Survey No. 6152 and Native allotments F-16592 and F-16593.

Containing approximately 4,047 acres.

T. 10 N., R. 68 W.
Secs. 1, 2 and 3;
Secs. 10, 11 and 12;
Secs. 13 and 14, excluding Native allotment F-16593;
Sec. 15;
Secs. 22, 23 and 24;
Sec. 25, excluding U.S. Survey No. 2243;
Secs. 26 and 27;
Secs. 34 and 35;
Sec. 36, excluding U.S. Survey No. 2243.

Containing approximately 11,110 acres.

T. 11 N., R. 68 W.
Secs. 25 and 36.

Containing approximately 1,280 acres.

Aggregating approximately 102,993 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce, or are pending a tidal determination at the time of survey. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14824-EK.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the land above described, TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thertunto belonging, unto the said corporation, its successors and assigns, forever:

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f)); and

Interim Conveyance No. 610

Date DEC 29 1982

This Document has been
corrected by IC No. 1935
Dated 10/04/05

F-14824-A

2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14824-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small and large all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed on a one (1) acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 14 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 1, T. 10 N., R. 67 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.
- b. (EIN 14a C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 14 C5 northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by the lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(g))), contract, permit, right-of-way, or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2) (ANCSA)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

Interim Conveyance No. 610

Date DEC 29 1982

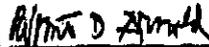
This Document has been
corrected by IC No. 1935
Dated 10/04/05

P-14824-A

- Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(c) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 29th day of December, 1982, in Anchorage, Alaska.

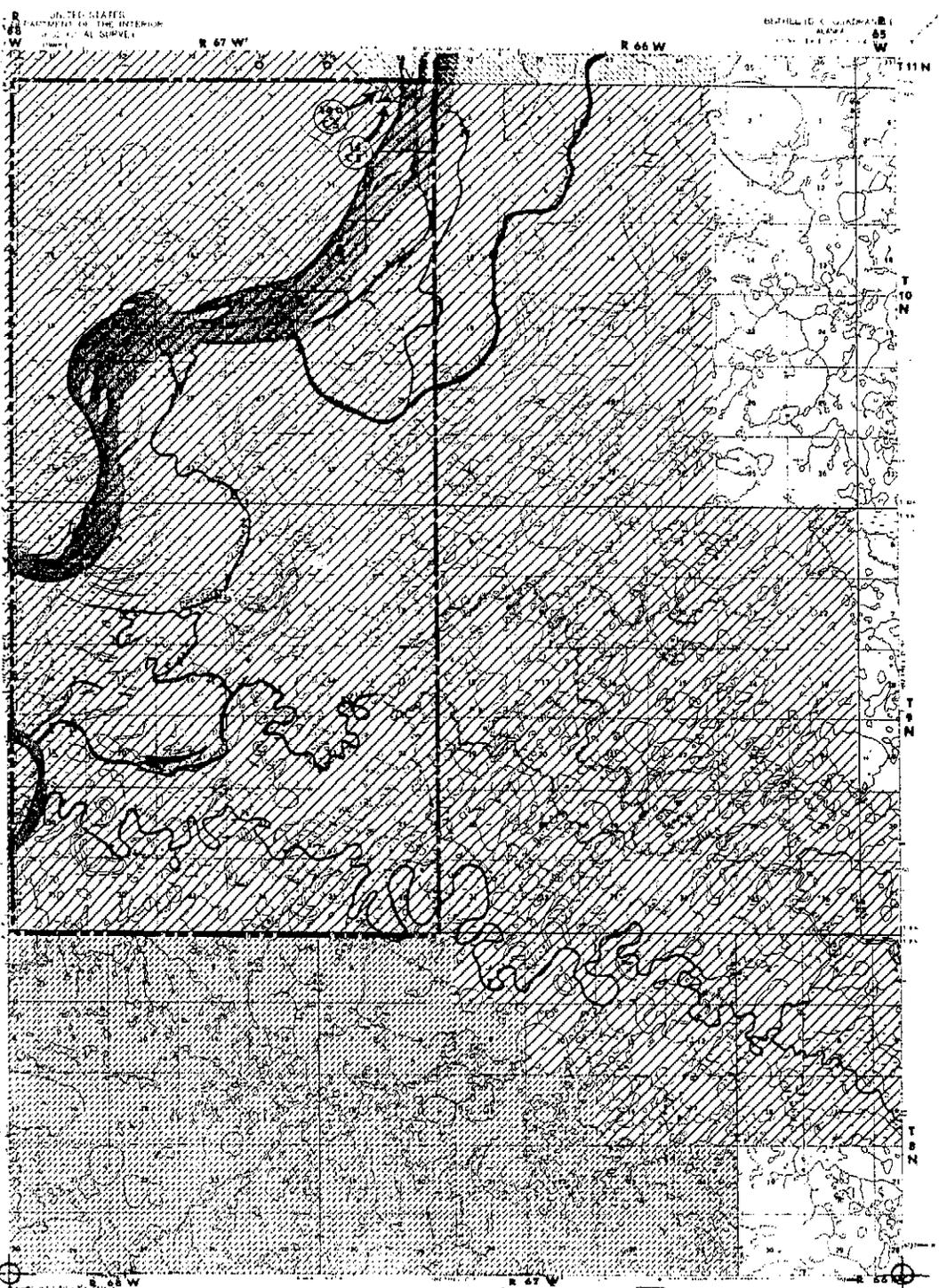
UNITED STATES OF AMERICA


Assistant to the State Director
for Conveyance Management

Interim Conveyance No. 610

Date DEC 29 1982

This Document has been
corrected by IC No. 1935
Dated 10/04/05



UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT
ALASKA
SECTIONAL SURVEY
SECTIONAL NUMBER
DATE
INITIALS

Submerged lands, stream channels, aqueduct easements, etc. (or subsurface ice) shown, traced and commented.
 Pending determination of tidal influence.

NAME	
DATE	
COUNTY	

TULUKSAK VILLAGE SELECTION

KWETHLUK VILLAGE SELECTION

AKIAK VILLAGE SELECTION

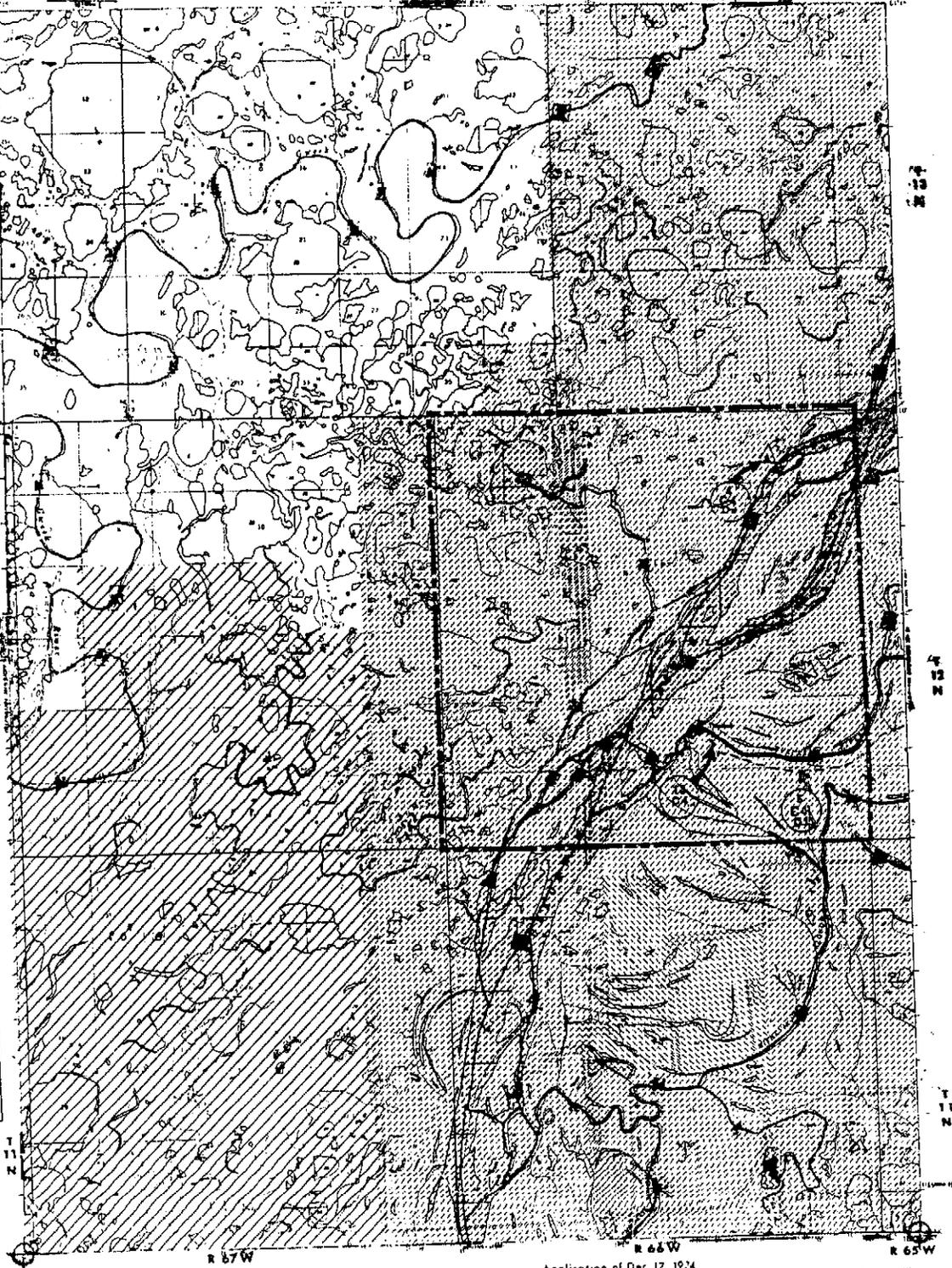
Application of Dec 17, 1974
 Represents nearest whole section.
 (Application may be less than 640 acres)
 Care Township

P.O. 72/14/75
 KWETHLUK
 AKIAK
 HETHEL (D-1) ALASKA
 4/7/75

Alaska State Office
 Anchorage, Alaska
 DEC 29 1982
 DATE
 I hereby certify that this reproduction is a true and correct copy of the official record on file in this office.
 AUTHORIZED SIGNATURE

610

SECTION	36
TOWNSHIP	12 N
RANGE	65 W
DATE	5/12/81
BY	...



This map was prepared by the Alaska State Office, Anchorage, Alaska, under contract to the Bureau of Land Management, Washington, D.C.

SECTION	36
TOWNSHIP	12 N
RANGE	65 W
DATE	5/12/81
BY	...

OVER SELECTION

AKIAK VILLAGE SELECTION

Application of Dec. 17, 1974
Represents nearest whole section
(Application may be less than 640 acres)

AKIACHAK VILLAGE SELECTION

TULUSAK VILLAGE SELECTION

RECEIVED
 Date: **PCB 12/19/78**
AKIACHAK
AKIAK
TULUSAK

RUSSIAN MISSION A-6

Alaska State Office

DEC 29 1982 Anchorage, Alaska

DATE

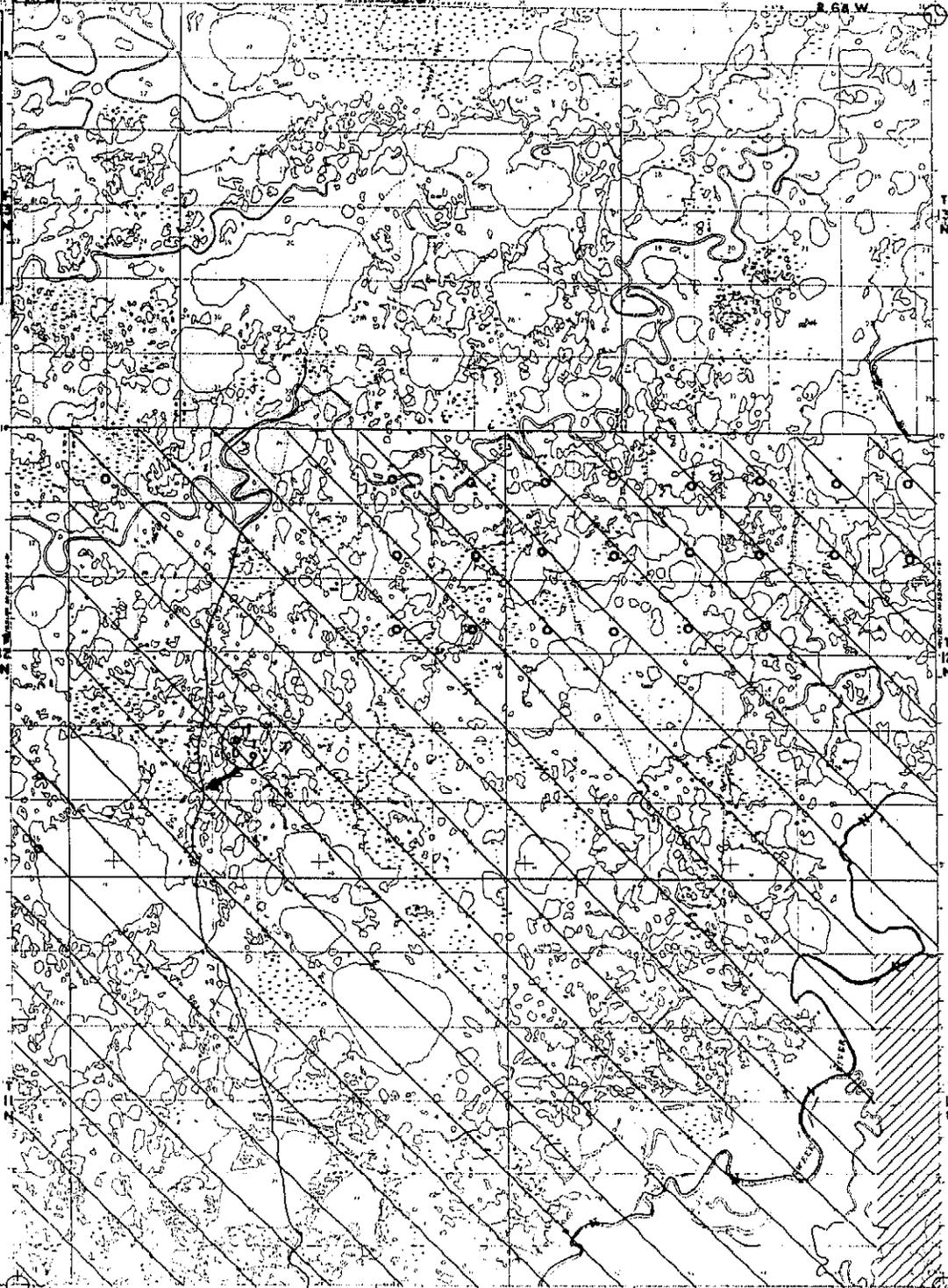
I hereby certify that this map is a true and correct copy of the original as shown to me.

TOWNSHIP	RANGE	SECTION	DATE	INITIALS
AKIACHAK	67	5	5/27/74	500
AKIACHAK	67	6	5/27/74	500
AKIACHAK	67	7	5/27/74	500

1 Surveyed lands beneath water determined as to be in or subordinate to 1/4 acre tracts and common.

1 Pending determination of tidal influence.

SECTION	DATE	INITIALS
5	5/27/74	500
6	5/27/74	500
7	5/27/74	500



AKIACHAK VILLAGE SELECTION

AKIAK VILLAGE SELECTION
Application of Dec 17, 1974

OVER-SELECTION

Represents nearest whole section (application may be less than 640 acres)

Core Township

RD 12/15/75
AKIACHAK
AKIAK

RUSSEL MISSION (PL. 7) ALASKA

6/9/80

610

Alaska State Office
DEC 29 1982 Anchorage, Alaska
DATE
I hereby certify that this reproduction is a copy of the official record on file in this office.

NAVIGABILITY REPORT: COLUMBIA CREEK in
Native Allotment AA-8966B
Mouth in Sec. 7, T. 8N., R. 66 W., SM
Window 2029, Group Survey 284

BACKGROUND INFORMATION

Columbia Creek
Interim Summary Report
Attachment 3

Local Name: Columbia Creek

Nearest Settlement: Kwethluk

Length of Water Body: Flows northwest 18 miles to the Kasigluk River.¹

Watershed: Unknown

USGS Quadrangle(s) in selected area: Bethel C-5, C-6, D-6

Aerial Photo (s) in selected area: Bethel CIR 1:40, Roll 1, Frame 35, 8/20/87

Was the water body Photo Interpreted? Yes, July 1996

Was a Field Report/Interview Report created? An interview report was created on December 8, 1997.² A field trip report was written on December 4, 1997.³

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
8N, R. 66 W., SM	7	0-1	Native Allotment AA-8966 B
8N, R. 66 W., SM	18, 19, 20	2	Native Allotment F-17209A
8N, R. 66 W. SM	7 & 18	1-3	IC 610 Non-Nav 12/29/83 YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: Creek

Vegetation: Banks are wooded with spruce and willow and grass

Water Body Bottom Characteristics: Not available

Velocity of Water Body: Not available

Discharge Volume (max, min, mean): Not available.

Gradient: Negligible

Channel Width (mile to mile; max, min, mean): Unknown

Source	Bank to Bank Width	Mile
Joseph Guy	approx 10'	2
Frank Alfred	6'	0

Source	Impediments (nature)	Mile
Laura Lagstrom (field exam 9/15/97)	mouth 2/3 blocked by vegetation	0
Frank Alfred	Beaver Dams upstream but one could pass over them.	1
John Owen	Beaver Dams 1/4 mile from the mouth	1/4

Pool/Riffle: Unknown

Source	Depth (ft)	Mile
Frank Alfred	3' June/July 2½-3' Aug/beg. Sept	0-2
Joseph Guy	1' June/Jul (1 mo), 2'-3' after spring breakup and fall rain (3-4 wk)	0-2
John Owen	5' or less depending on rain (1-2 wks)	0-¾

Other:

USES

Commercial (who, what, why, when, where, how): No commercial use.

Historical: Unknown

Direct Evidence (who, what, why, when, where, how):

A field examination by air on September 15, 1997 revealed the stream to be very shallow and its mouth 2/3 blocked by brush and grass. Upstream, overgrown willows and brush lined the banks and a beaver dam was visible

In the fall of 1996, Frank Alfred, the allottee's grandson, hunted in this area with a 18' Lund boat

mounted with a 40-horsepower propeller motor. His load included three people and their camping gear.

John Owen, a BIA Realty Specialist boated about 3/4 mile upstream last fall to hunt for moose and caribou with two other people. He used an 18' Lund with a 45-horsepower propeller motor.

Joseph Guy said between June and July the creek is about one foot deep, however, the stream can get as high as 2-3 feet after the spring breakup and fall rain. These high water conditions can last between 3-4 weeks. Last fall, Joseph boated about 3/4 miles upstream to pick cranberries with a 16'-18' Lund with a 30-40 Horsepower propeller motor. He felt after two miles it would be too shallow and narrow for a 21' boat to turn around. He has seen Phillip Guy, James Guy and Moses Nicolai boat this water body.

Indirect Evidence:

A Native allotment for David Fisher F-17209A straddles the stream about two miles from the mouth. Yako Fisher Sr., an heir to the allotment, said he does not use the Columbia Creek to access this parcel. He only uses it in the spring when he goes caribou hunting by snow machine.

Public Opinion (susceptibility to use):

Rhonda Reynolds, BLM photointerpreter reviewed the aerials, Bethel CIR 1:40, Roll 1, Frame 35, 8/20/87 and stated that Columbia Creek is open, unobstructed and has water through the Native allotment located at the mouth.

CONCLUSION (Gulkana River Standard)
(at least three facts should support conclusion)

Navigable (explain):

I find the Columbia Creek non-navigable within Albert Olick's Native Allotment AA-8966B in Sec. 7, T. 8N, R 66 W., SM. The allottee's grandson, Frank Alfred, and several Kwethluk residents are able to boat Columbia Creek for a limited time only, two weeks at the most. The field examination by air on September 15, 1997 revealed the mouth to be blocked by a large mass of brush and grass. Upstream the banks were lined with overgrown willows and brush and a beaver dam was visible.

Report Prepared By:

Laura J. Ragstrom

Date:

1/8/98

NOTES

1. Donald J. Orth, Dictionary of Alaska Placenames, U.S. Geological Survey Professional Paper 567, Washington D.C.: GPO 1967, p. 231
2. Laura Lagstrom, Interview Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4), December 8, 1997, 7pp.
3. Laura Lagstrom, Field Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4), December 4, 1997, 14pp.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

**Columbia Creek
Interim Summary Report
Attachment 4**

Bethel -GS-FY98
Baird Inlet -GS-FY98
FF-14883 (75.4)
FF-14824 (75.4)
FF-014838 (75.4)
FF-14901 (75.4)
FF-14902 (75.4)
FF-14916 (75.4)¹

JAN 13 1998

Memorandum

To: Chief, Branch of Survey Preparation and Policy Interpretation (AK925)

From: Chief, Branch of Mapping and Science (AK924)

Subject: Navigability Review for Waters in Window 2029 Bethel (Group 284) Part I

This memorandum identifies navigable waters on public lands selected under the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act. This memorandum does not consider the navigability of water bodies on the following Interim Conveyances: 142, 213, 610, 616, 633 and 675. By letter dated September 21, 1990, the Calista Corporation informed the BLM that no new navigability redeterminations be made on previously conveyed lands within the Calista Region.

Survey window 2029 consists of 238 inholdings located in 48 townships. To allow for a manageable survey project, the window was divided into a two-year project. Part I, known as the east half consisting of 114 selections is scheduled for survey in 1998 and Part II, known as the west half consisting of 124 selections is scheduled for survey in 1999. This report covers Part I.

The BLM-Alaska's navigability criteria are based upon federal title navigability law. In a March 16, 1976, memorandum, Hugh Garner, Associate Solicitor, summarized the law for the purpose of administering the Alaska Native Claims Settlement Act. In general, BLM considers nontidal water bodies navigable if, at the time of statehood, they were suitable for travel, trade, and commerce. Additionally, in a December 13, 1989 Ninth Circuit Court decision, the court found that watercraft customary at statehood included boats with a load capacity of about 1,000 pounds. The court further held that the contemporary guided fishing and sightseeing activity on the Gulkana River was commerce and that watercraft customary at statehood "could have at least supported" this commercial activity.

The window lies within the Yukon Delta National Wildlife Refuge created in 1980. The following paragraphs discuss the status of several water bodies within this window.

An unnamed stream locally known as Lomavik River was determined navigable in amended navigability determinations dated 10/14/82 and 10/22/82. The supporting historical documentation dated 7/16/82 refers to David Maxie's landing site in Sec. 26, T. 7 N., R. 71 W., Seward Meridian as the furthest extent of navigability. Based on the supporting documentation, I affirm the determinations from 1982 that this unnamed stream be determined navigable through the Native Allotment selection for F-15666 in Sec. 33, T. 7 N., R. 72 W., Seward Meridian.

The Kasigluk River has been meandered (tidal) through Tps. 8-9N., Rs. 66 & 67 W., SM., (IC 610); and an unnamed stream in T. 5N., R. 72 W., SM., (IC633). Bethel Swampy Lake, previously excluded in IC142, was determined non-navigable. (See navigability report 3/26/83 Bethel Quad File).

Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198 feet or more in width are not described because, regardless of their navigability status, these water bodies are meandered on the survey plat. The slough with its mouth in Sec. 24, T. 7N., R. 72W., SM that flows through Native Allotment F-16827 is tidal and therefore, falls in this category. Only streams three chains or less in width and lakes fifty acres or less in size are included in Appendix I.



Attachments (2):

1. Appendix (1 pp)
2. Maps (4 pp)

cc:

Jim Culbertson
State of Alaska DNR
Navigability Unit
3601 C Street, Suite 980
Anchorage, Alaska 99503-5936

State of Alaska
Department of Natural Resources
Realty Services Section
3601 C Street, Suite 960
Anchorage, Alaska 99503-5936

Robin Willis
State of Alaska, Dept. F&G
Habitat Division
333 Raspberry Road
Anchorage, Alaska 99518

Matthew Nicolai, President
Calista Corporation
601 W. 5th Avenue, Suite 200
Anchorage, Alaska 99501-2225

Nick Ayapan, President, CEO
Kwethluk Incorporated
P.O. Box 109
Kwethluk, Alaska 99621

John Owen, Realty Specialist
Kwethluk IRA
P.O. Box 127
Kwethluk, AK 99621

Sammy G. Jackson, Executive Director
Akiak Native Community
P.O. Box 52127
Akiak, Alaska 99552

Mary Pavil, Executive Director
Orutsararmuit Native Council (ONC)
P.O. Box 127
Bethel, Alaska 99559

Myron Naneng, President
Association of Village Council Presidents (AVCP)
P.O. Box 219
Bethel, Alaska 99559

Chief, Branch of Field Surveys (921)
Chief, Survey Data Research Section (926)
Chief, Mapping Section (924)
Chief, GCDB Project Section (926)
ANCSA (962)
Anchorage District Office (040)

Appendix I
Navigable Waters in Window 2029 (Group Survey 258) by Township in Native Allotments and
on Selected Lands

Seward Meridian

Tps. 5-8 N., R. 66 W.

None in selection.

Tps. 5-8 N., R. 67 W.

None in selection.

Tps. 5-6 N., R. 68 W.

None in selection.

T. 7 N., R. 68 W.

Akulikutak River within village selection F-14883.

T. 8 N., R. 68 W.

Kushluk River within Native allotment F-16009.

Tps. 5-6 N., R. 69 W.

None in selection.

T. 7 N., R. 69 W.

Anabranh of the Kwethluk River, local name "Net Creek" within Native allotment F-17052B.

T. 8 N., R. 69 W.

None in selection.

Tps. 5-8N., R. 70 W.

None in selection.

Tps. 5-8 N., R. 71 W.

None in selection

Tps. 5-6 N., R. 72 W.

None in selection.

T. 7N., R. 72 W.

Unnamed Stream locally known as Lomavik River within Native Allotment F15666.

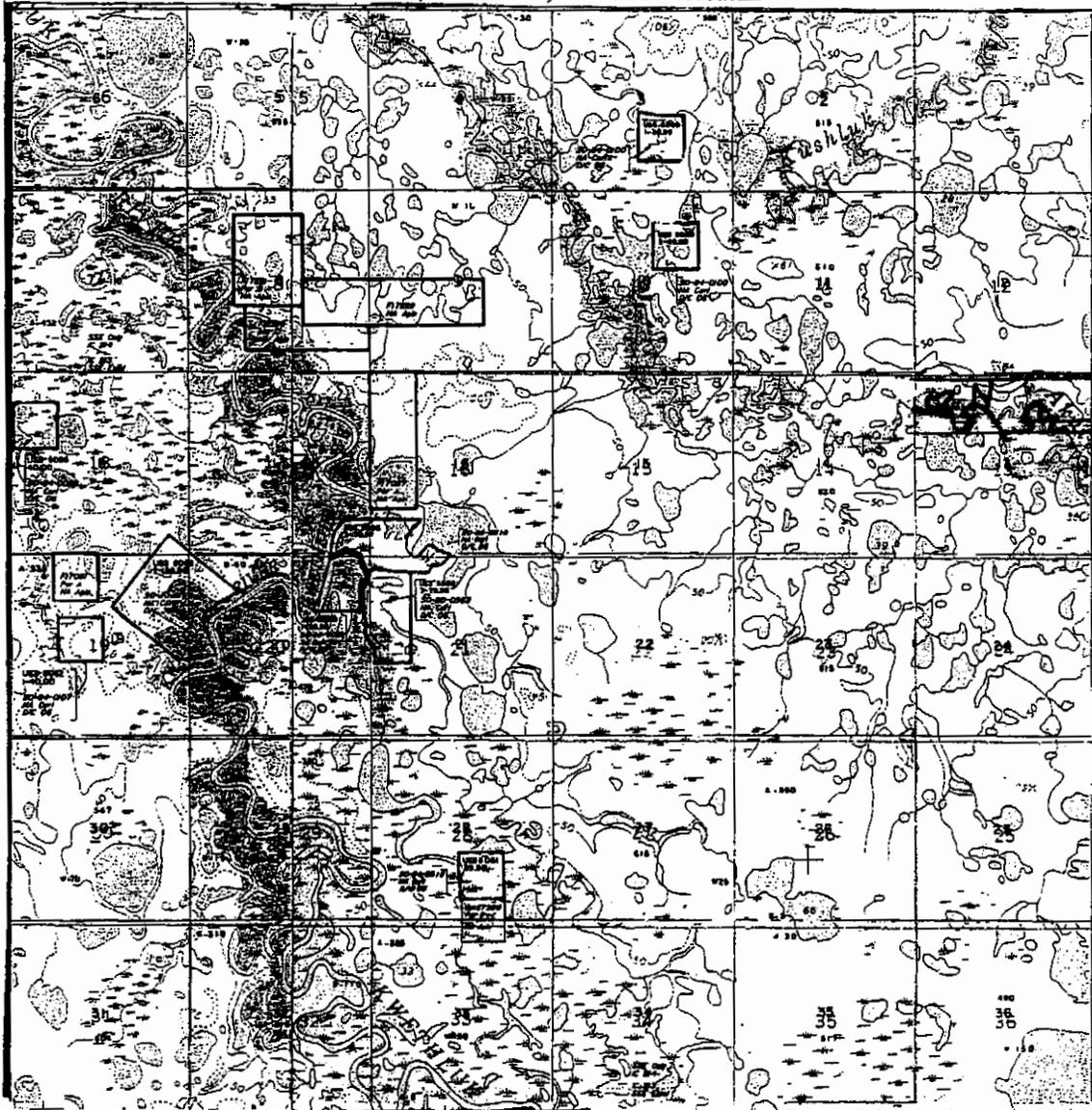
T. 8N., R. 72 W.

None in selection

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

T. 7N., R. 68 W., Seward Meridian



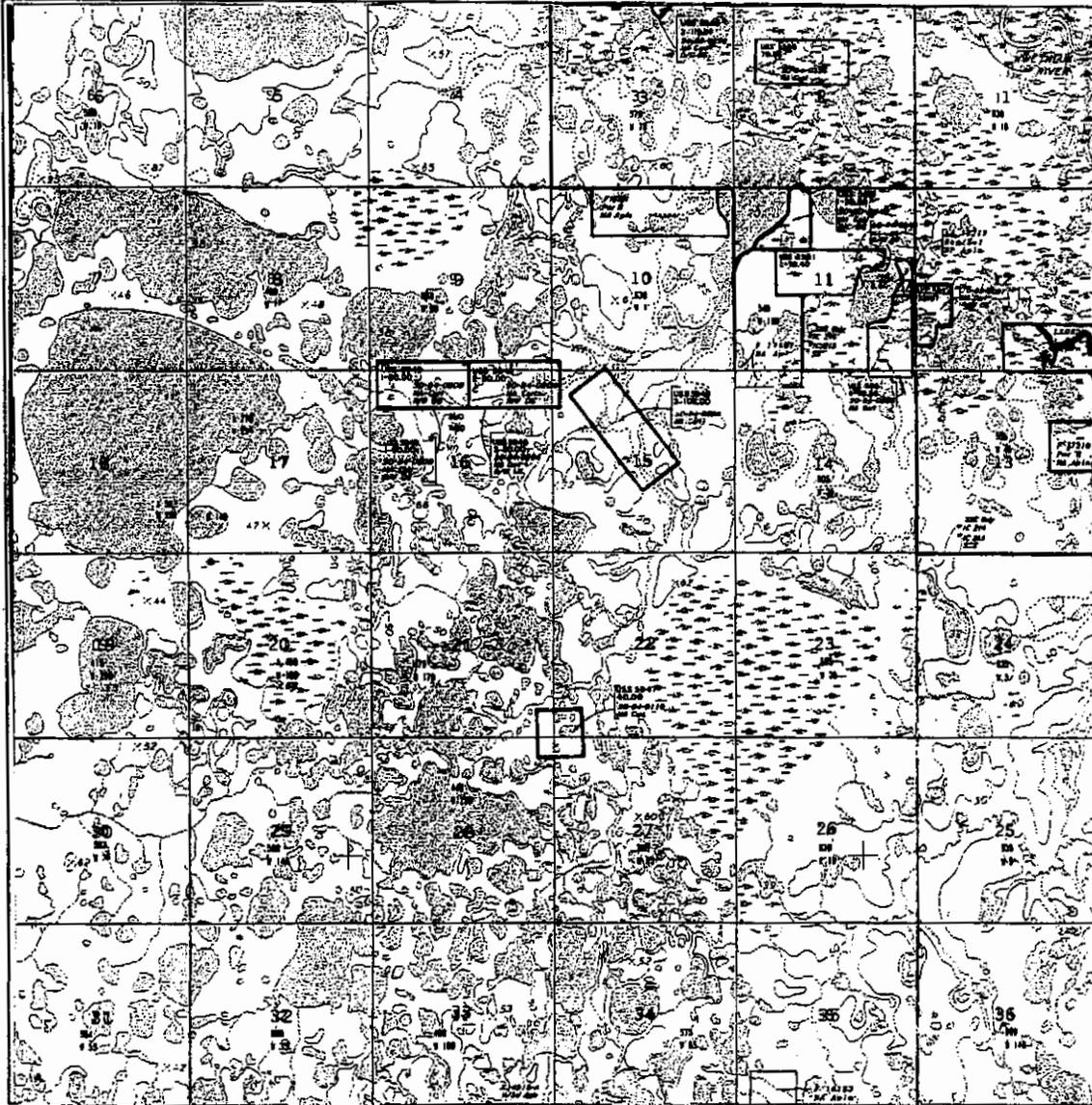
SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	
Bethel C 6-7	CIR 60, R.10, Fr. 377, 7/80	IC 213 Village Sel. F-14883

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

T. 7N., R. 69 W., Seward Meridian



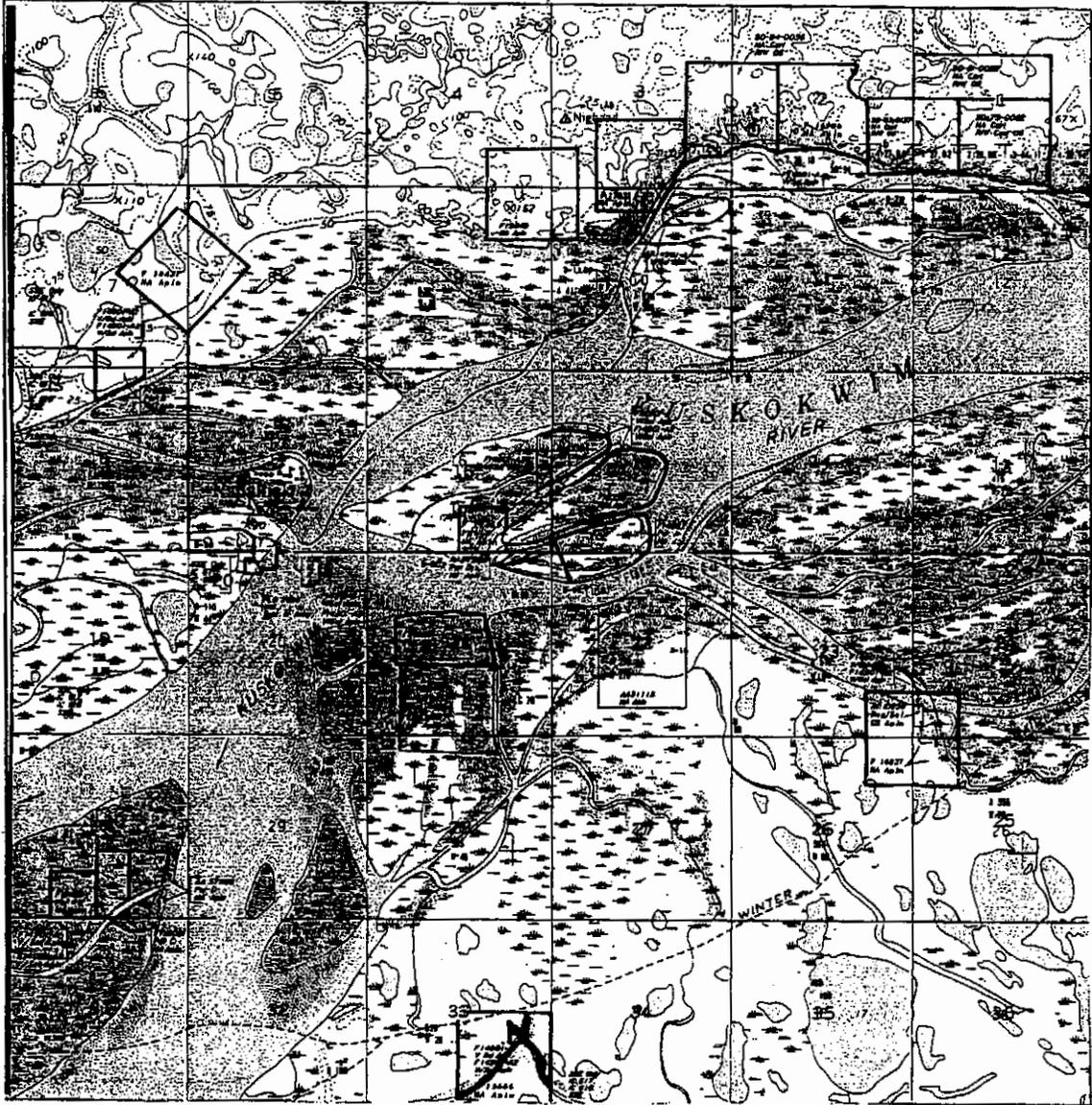
SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	
Bethel C 7	CIR 60, R.10, Fr. 376, 7/80	IC 213 NA F-17052

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

T.7N., R. 72 W., Seward Meridian



SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	
Bethel C-8	CIR 60, R.10, Fr. 298, 7/80	IC 616 NA F-15666



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

6-11 7/15/98
J/L 7/15/98

**Columbia Creek
Interim Summary Report
Attachment 5**

9600 (924)

July 15, 1998

Memorandum

To: Chief, Branch of Survey Preparation and Policy Interpretation AK925

From: Chief, Branch of Mapping Sciences, AK924

Subject: Review of the navigability determination for Columbia Creek in Window 2029, GS 284, dated 1/13/98.

The BLM-Alaska collects as many facts as possible about a particular water body and then interprets the facts in light of the case law and legal opinions relating to title navigability. The following factors are carefully considered and weighed before we make a navigability determination: the ordinary and natural condition of the water body at statehood; use of or susceptibility to use of the water body as a highway for travel, trade, and commerce; use of or susceptibility to use of the water body by commercial waterborne craft; the extent to which seasonal variations affect use of the water body as a highway for commerce; and whether the water body is accessible to the public.

Columbia Creek, whose mouth is situated in Sec. 7, T. 8 N., R. 66 W., SM., was administratively determined non-navigable in the navigability review for waters in Bethel Window 2029, Group 284, dated 1/13/98. This decision was based on the review of the following: NASA aerial photographs, USGS maps, casefile and historical records, interviews either face to face or by telephone with the allottee, heirs, relatives, local residents, government officials and others familiar with the rivers characteristics, and a field examination by air September 15, 1997.

During the interviews, local residents stated that higher water conditions (2'-4' in depth) last 2-4 weeks in the spring after break up and 2-4 weeks in the fall after the rainy season. To be considered navigable, the water body must be deep enough to support boats carrying at least 1,000 pounds of cargo, the lower limit of commercial river crafts, and maintain this depth for a reasonable amount of time. Flashy streams that are deep for short periods of time do not meet this criteria. The average depth reported, (2'-4' in depth) is only for a short period of time. Additionally, local residents of Kwethluk reported a variety of obstructions which included a mouth only 6'-10' wide and numerous beaver dams. Obstructions such as these hinder the possibility of Columbia Creek from being used as a route for travel, trade and commerce.

During the field examination the oxbow was partially dried up and debris and vegetation were visible within the channel. The mouth was very narrow, between 6-10' wide and 2/3 blocked by vegetation including grass, willows and small brush. A short distance upstream a beaver dam was visible.

The navigability staff contacted Moses Nicholai and Frank Nicori on 7/14/98 and the information they supplied was very similar in nature to the information already gathered. They had no additional evidence to support the possibility of the creek being used as a route for travel trade and commerce. It was indicated that all the rivers in this area are at an extremely high level because of the amount of precipitation during the spring and in June.

A review of the information confirmed the navigability finding of 1/13/98 that the Columbia Creek is non-navigable.

/s/ GUST PANOS



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

**Columbia Creek
Interim Summary Report
Attachment 6**

Bethel FY'98
Baird Inlet F'Y98
FF-14824 (75.4)
FF-014838 (75.4)
FF-14901 (75.4)
FF-14902 (75.4)
FF-14916 (75.4)¹
9600 (924)

December 4, 1997

Memorandum

To: FF-14883 (75.4)
From: Laura Lagstrom, Navigability Section (AK924)
Subject: Field Trip for Window 2029 Part I

On September 15, 1997, Dot Tideman, Scott Guyer and myself left Anchorage for Bethel to do a field inspection of water bodies for Windows 2700 & 2029. Because there were more than 40 sites to see, the area was divided into two work-day sessions. On the first day we flew over the Kisaralik, *Chicoyilmuk**, Kasigluk, Kushluk, Old Kwethluk, Akulikutak and Lumavik Rivers, a tributary of the Kwethluk, Net Creek, *Vigauhtalik Creek*, Columbia Creek and an unnamed stream north of Eek Lake. On the second day all the water bodies were unnamed except for the Kongeruk, Kutukhum and Meroyuk Rivers.

We left Anchorage via Reeve Aleutian Airlines at 7:30am and arrived in Bethel about 8:45am. After picking up the rental car we went over to Yukon Helicopters Inc. to meet with the pilot, Leo Swank. He had just called the weather station to get a current update and weather forecast and assured us if the weather turned bad, we would turn back. The first day we would be flying about 40 miles east. The previous week I had faxed him a detailed list of the sites we needed to photograph and video. He was aware that Scott had a GPS unit and had input most of the sites. Leo showed us his current OAS card and the secretary showed us the OAS card for the 206 Bell helicopter. Tail # N 150HH. Flight following was established with the office. After Leo gave us a safety briefing, we took off about 10am.

*Local names

To make the field trip cost effective, we field inspected water bodies for Windows 2029 and 2700 and specific waterbody requests from the Special Instructions Section of Cadastral Survey. We began our field examination by flying directly east to Columbia Creek.

Columbia Creek

We left Bethel and flew easterly along the Kasigluk River until we came to the oxbow that Columbia Creek flowed into. The oxbow was shallow, placid and very narrow, about 8'-10' wide. The mouth of Columbia Creek was 2/3 blocked by vegetation jutting out from the right bank and a small island of vegetation. A short distance upstream a beaver dam was visible. (Photo 1)

We left Columbia Creek and headed northeast toward Kisaralik River which will not be covered in this report because it is part of Window 2700.

Kushluk River

We began our flight at its confluence with Akulikutak River. The mouth appeared to be between 25'-30' wide, unobstructed and fairly straight compared to other rivers we had inspected earlier in the area. Grass and willows lined the banks. Tundra interspersed with a few lakes lie above the stream. We flew upstream to the Native Allotment located six miles from the mouth. The stream continued to be wide and free of any obstructions and appeared deep enough for use as a route for travel, trade and commerce. Beyond the allotment the channel continued to be wide and unobstructed, however, because there were no selections beyond this point, we turned around and headed back to its mouth. (Photos 2-3)

Akulikutak River

At the confluence with Kushluk River, the Akulikutak River mouth appeared to be about 20'-25' wide. Immediately after the juncture, the stream became sinuous and the banks heavily vegetated with grass, brush and willows. Because the area is very flat and composed of tundra with a myriad of scattered lakes, the stream had very little gradient. We flew up to the first village selection in Sec. 13, T. 7N, R. 68W, SM, which continued to be wide and free of any obstructions. It appeared to be deep enough for navigation. About three air miles beyond this selection the stream became significantly more sinuous and narrower. At this point, Leo told us we needed to head back to Bethel to refuel. (Photos 4-5)

We landed in Bethel and decided to have lunch. During lunch Scott said we needed to remind the pilot to fly more to the right of the waterbody so he could better video the water bodies.

Net Creek

After lunch we headed east along the Kuskokwim towards an anabranch of the Kwethluk River which is about 13 miles in length. The first attempt to fly from it's effluent into Kwethluk proved in vain. There was another stream similar in size and location about a mile west. When we realized we were on the wrong stream, we headed back toward the mouth and a few minutes later, we found the right stream. The effluent appeared to be about 20'-25' wide with well-defined banks lined with willows and brush. It appeared to have sufficient water for navigation. There

were wide and long straight stretches of causeway for several miles before it became more sinuous and narrow. The area above the banks was composed of tundra with hundreds of lakes, some of which fed into this stream. We continued to fly upstream and saw that the waterbody continued to be open and free of any obstructions all the way to its exit into the Kwethluk River. The river was rather muddy in color and appeared to be very placid. The one Native Allotment that straddled the stream was located about 10 miles upstream. There are two Native allotments located on another stream that fed into this stream through a lake, however, the overflight revealed riffles and sediment encompassing its effluent. After leaving this area we headed south to a left bank tributary of the Kwethluk River. (Photos 6-8)

Left bank tributary of the Kwethluk River

At its confluence with the Kwethluk river, the mouth appeared to be about 10'-15' wide, muddy and shallow. We flew for several miles upstream and the stream continued to be muddy and shallow and more grass appeared in the middle of the stream and along the banks. We did not reach the site of the Village Selection beginning in Sec. 28., T. 6N., R. 68 W., SM. We left this area and headed southerly towards the mouth of the Old Kwethluk River. (Photos 9-10)

Left Bank Tributary locally known as "Old Kwethluk River"

The mouth appeared to be about 15'-20' wide, unobstructed and filled with an adequate amount of water. However, about 1/4 mile upstream, it became very shallow as evidenced by the grass visible in the channel. There were three beaver dams between the 1/2 mile to one mile point. We did not reach the area of the first Native Allotment F19254 in Sec. 24, T. 5N., R. 68 W., SM. We left this area and headed over to the south side of Three Step Mountain to view a right bank tributary of the Kwethluk River. (Photos 11-12)

Right bank tributary of the Kwethluk River

Beginning in Sec. 8., T. 5N., R. 67 W., we began our flight at the mouth. The stream looked to be about 10'-15' wide and very shallow. The effluent into the Kwethluk was a darker color on the right bank. We could see the bottom of this brown colored stream. Green grass and some brush lined the banks. There was a beaver dam located about 100 yards upstream. Because the stream appeared to be too shallow, we did not fly upstream to the site of the Native Allotment F16012 in Sec. 17., T. 5N., R. 67 W., SM.

We headed back to the Akulikutak River and continued to fly upstream from where we left off that morning before we returned to Bethel for lunch and fuel. (Photos 13-14)

Akulikutak River

The stream continued to be very sinuous, about 15' wide, muddy brown and lined with brush and willows. We flew near the area of mile 32 (Storet Map) or Sec. 26, T. 6N., R. 67 W., before heading toward Lumavik River.

Lumavik River

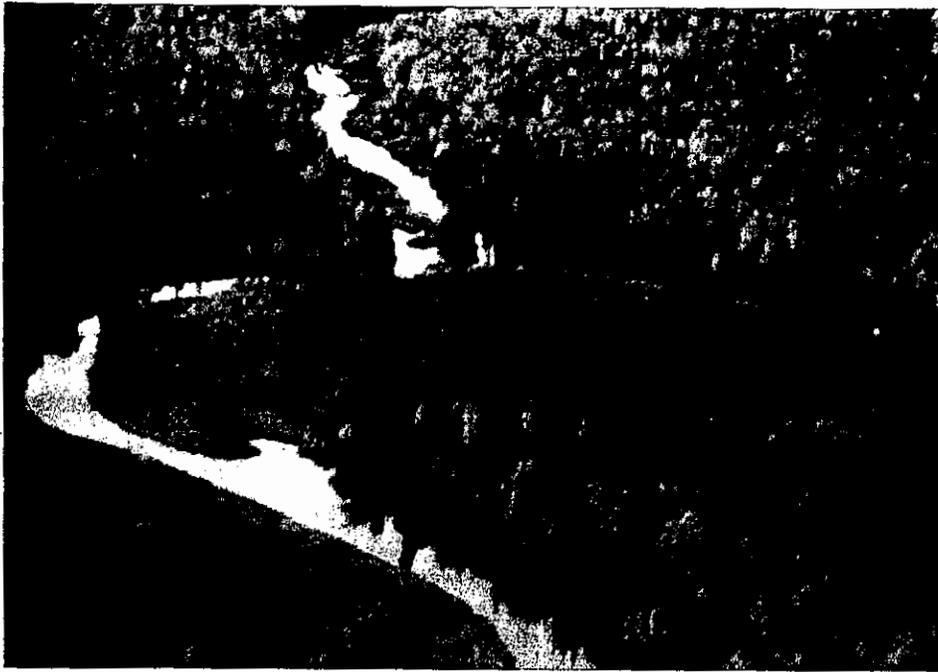
We flew west until we were above the large lakes in T. 6 N., R. 70 W. Because the Lumavik had been previously determined navigable through T. 7N., R. 70 W., there was no need to follow it from the mouth. Beginning around section 29 of T. 7N., R. 70 W., the river became increasingly narrower, shallower and grass was visible in the channel. In Sec. 35 there was a beaver dam; and about two miles upstream, the grass almost completely blocked the channel. The surrounding area was very flat with a myriad of lakes, some of which fed into this river but their accesses appeared to be very shallow. We left this area and headed over to an unnamed stream in the NE section of Eek Lake. (Photos 15-16)

Unnamed Stream in the northeast corner of Eek Lake

The wind was blowing and foam was visible along the shoreline of the lake. We began our inspection of this unnamed stream at its mouth in the northeast corner of Eek Lake. The water flowing into the lake was visibly darker and initially appeared to be wide and deep for navigation, however, a short distance upstream, it appeared to be very shallow as evidenced by the mud and grass in the channel and the water changing from a dark brown to light brown. The stream also became very narrow. The shorelines were less defined and very muddy. The surrounding lakes were very shallow and congested with mud islands and grass. We followed the stream on the left bank for a few miles but the channel was filled with grass and it appeared very shallow. We headed back to its junction with the main stream and headed north. The stream was clearly very shallow all the way to the larger lake in the north. Mud islands appeared in the stream channel and grass was seen growing in and all along the channel. (Photos 17-20)

Leo notified us we were running out of fuel so we left this area and headed back to Bethel. This concludes the field report for Part I of Window 2029.

Laura Lapham



1. Native Allotment AA8966, Albert Olick at the effluent of Columbia Creek into the Kasigluk River in Sec. 7., T. 8N., R. 66 W., SM. Photograph taken facing southeast.



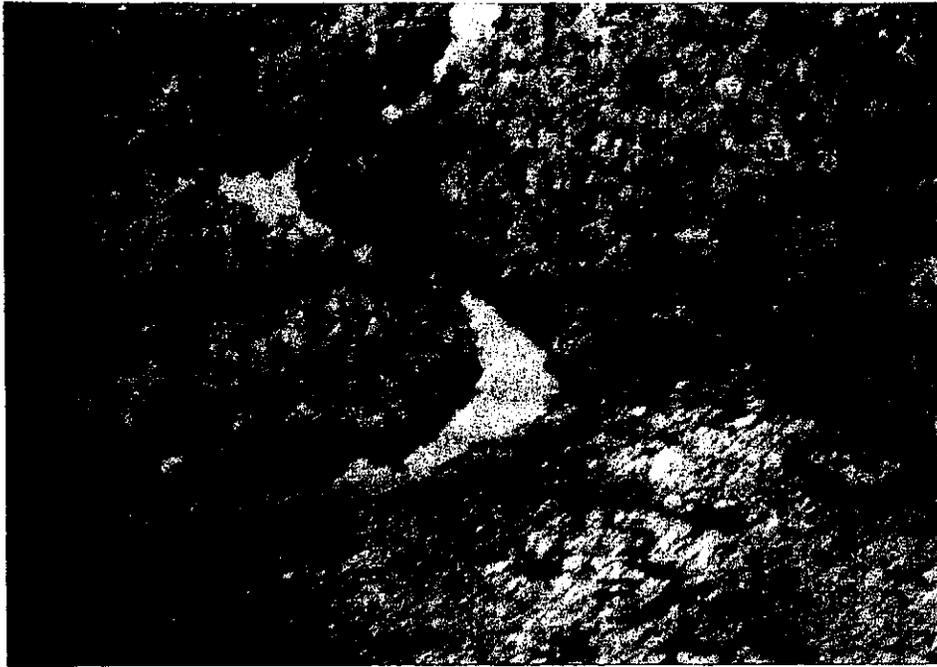
2. Native Allotment F16009, Madrona Helmick on the Kushluk River. Isolated lake lies parallel to the river. Located in Sec. 33., T. 8 N., R. 68 W., SM.



3. Effluent of Kushluk River into Akulikutak River in Sec. 32., T. 8 N., R. 68 W., SM.



4. Akulikutak River at the effluent with Kushluk River (left-right) in Sec. 32., T. 8 N., R. 68 W., SM. Photograph facing south.



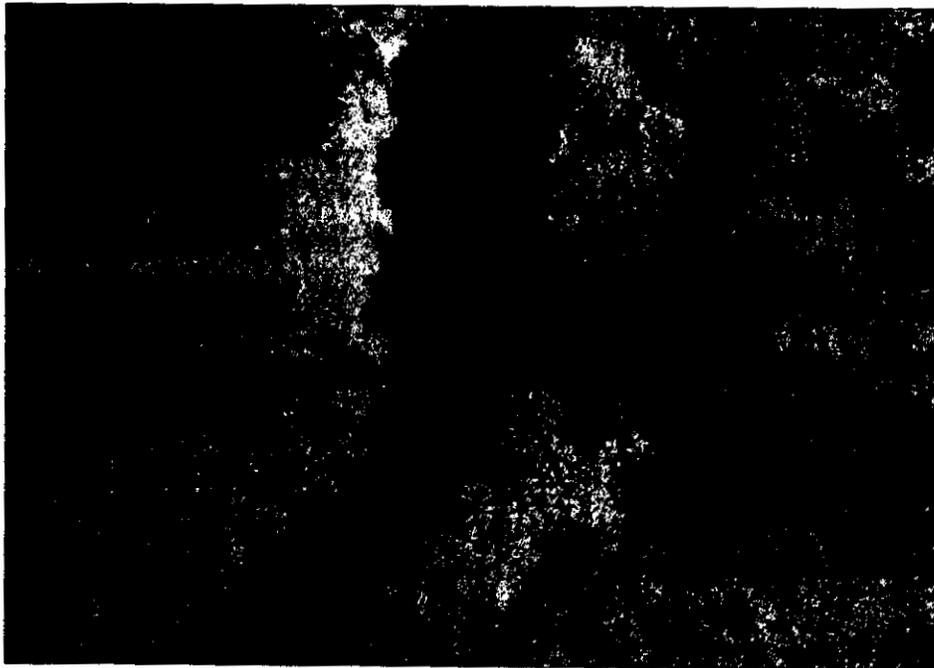
5. Akulikutak River within village selection F14883 in Sec. 13., T. 7 N., R. 68 W., SM. Photograph taken facing northeast.



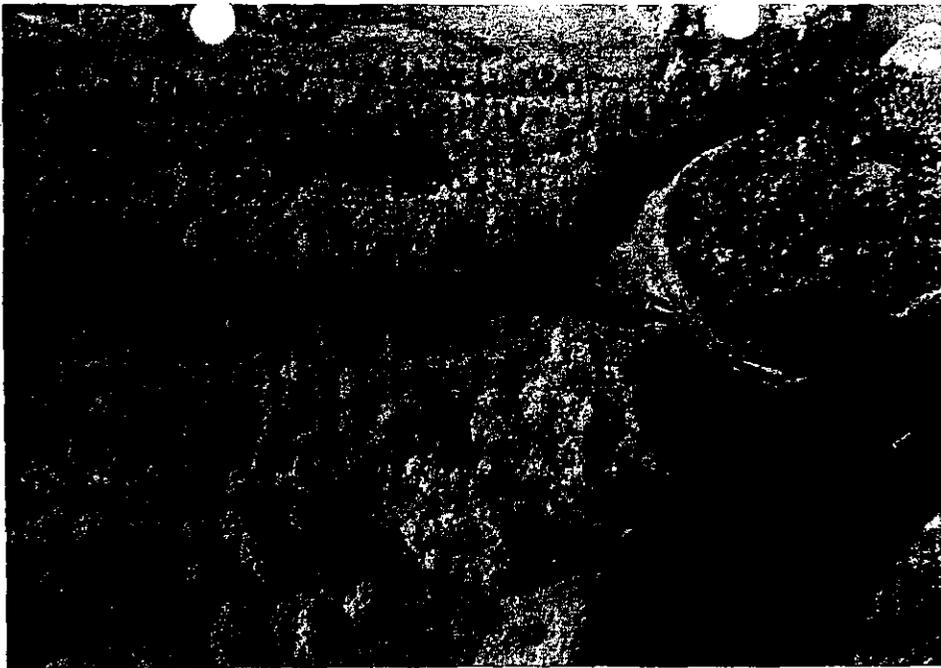
6. Anabranch of the Kwethluk River or locally known as "Net Creek". Photograph shows the lake access in Sec. 12., T. 7 N., R. 69 W., SM.



7. Native Allotment F-17052 Annie Alexie on an unnamed anabranch of the Kwethluk River in Sec. 12., T. 7 N., R. 69 W., SM. The overflight from its northern effluent into the Kwethluk River revealed the creek to be deep, unobstructed and sometimes narrow.



8. Additional photographs of the anabranch of Kwethluk River locally known as Net Creek.



9. Left bank tributary of the Kwethluk River in Sec. 15, T. 6N., R. 68 W., SM. Photograph shows the mouth to be very shallow and filled with sediment.



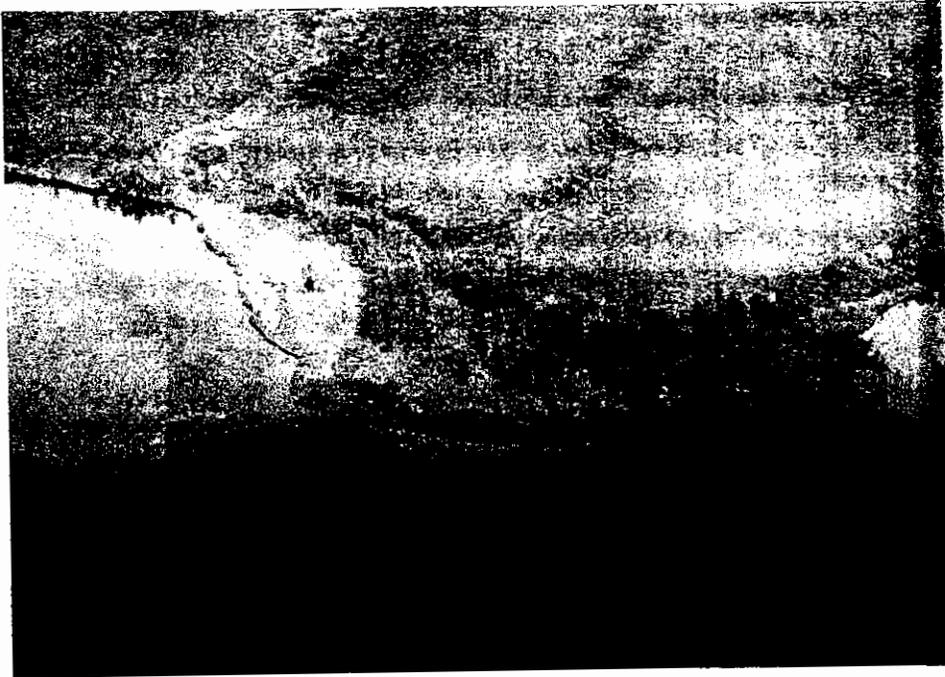
10. Left Bank tributary of the Kwethluk River in Sec. 15., T. 6N., R. 68 W., SM. Photograph facing southwest.



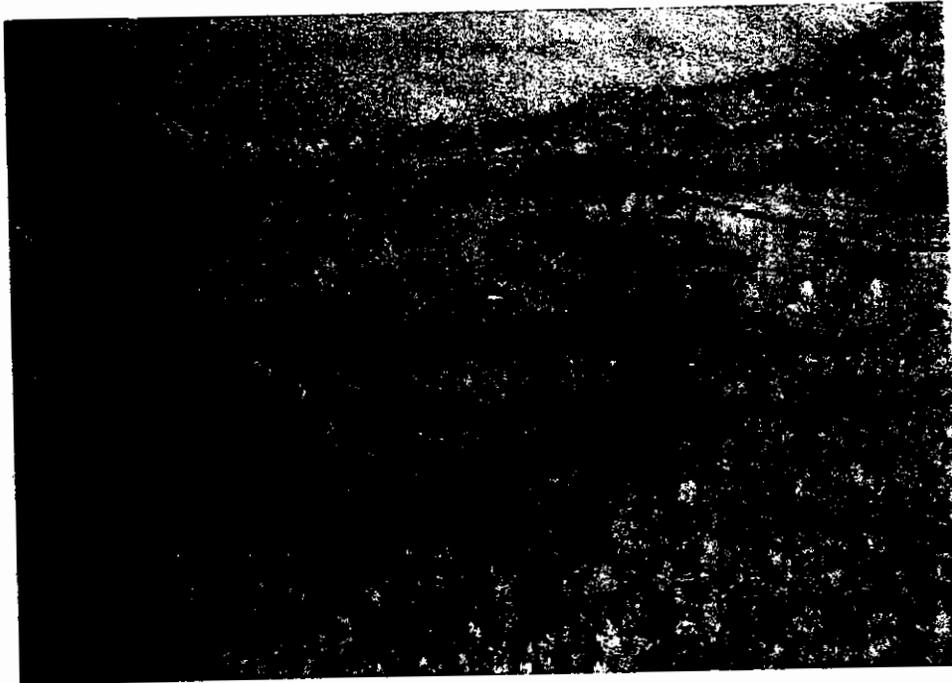
11. Left bank tributary of Kwethluk River locally known as "Old Kwethluk River". The mouth is located in Sec. 36., T. 6N., R. 68 W., SM. The photograph shows the first of three beaver dams located within 1/2 mile of its mouth. Picture taken facing southwest



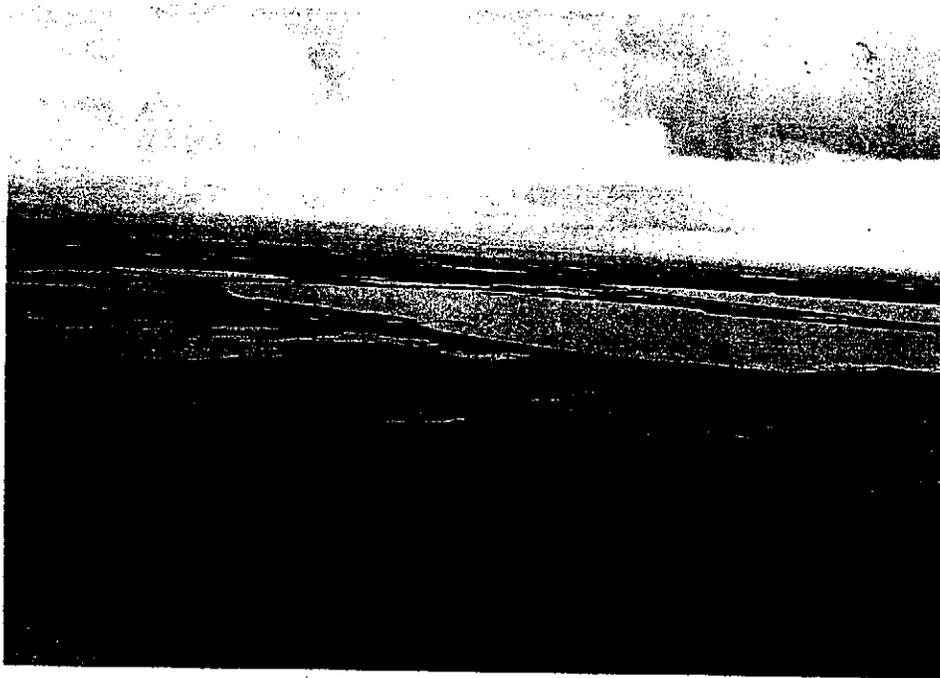
12. Additional photography showing the second beaver dam and vegetation growing within the stream.



13. Right bank tributary of Kwethluk River located on the south side of Three Step Mountain whose mouth is located in Sec. 8, T. 5N., R. 67 W., SM. The photograph is facing north.



14. Additional photography showing a beaver dam less than 100 yards from its mouth.



15. Unnamed stream locally known as Lomavik River. Photograph taken from a helicopter facing east within Sec. 29, T 7N., R 70 W., SM.



16. Additional photography on the Lomavik River facing west in Sec. 35., T. 7N., R. 70 W., SM.



17. Mouth of unnamed stream in the northeast corner of Eek Lake in Sec. 13 T. 5N., R. 71 W., Seward Meridian.



18. Additional photographs of the same stream in the same section and township.



19. Left bank stream of the unnamed stream in photographs 17 and 18. The stream flows southeasterly through Secs 17 & 18, T. 5N., R. 70W., SM. Photo faces southeast.



20. Additional photographs of the unnamed stream between Eek Lake and the unnamed lake to the north. The photograph was taken facing north in Sec. 12, T. 5N., R. 71 W., SM. Although this section is within IC675, the overflight was made to see if the stream was open and could be used as a route of travel, trade and commerce between the two lakes.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

9600 (924)
July 15, 1998

Memorandum

To: FF-14883 (75.4) Kwethluk Incorporated

From: Laura Lagstrom, Navigability Section (AK924)

Subject: Supplemental Interviews for Columbia Creek - Window 2029

**Columbia Creek
Interim Summary Report
Attachment 7**

Telephone interview with Moses Nicholai, P.O. 102, Kwethluk, AK 99621, Home: 757-6528; Kwethluk IRA 757-6714; also ph 757-6716, FAX 757-6328

Moses last boated the Columbia Creek to hunt moose last fall during the first part of September 1997 with a 18' Lund, aluminum boat mounted with a 30 HP propeller motor. His load included 2 people, 18 gallons of gas and camping gear. He said the mouth was obstructed by a small island and there are beaver dams all along the stream beginning a few yards from the mouth. He was able to boat about 100 yards beyond the mouth when he reached a beaver dam and his boat hit bottom. He turned around and headed back to the Kasigluk River. Moses stated that it is very narrow at the mouth and less than 15' wide beyond the mouth to where it is difficult to maneuver the boat around the bends. During June and July there is a little puddle of water in the slough to where you can use your knee boots to move around.

High water periods occur for short periods of time in the spring after spring-breakup and rain. He said if the weather clears up, the river drops quickly and maybe stays high for about a week. In August after the rainy season the river stays high for a few days otherwise, it is shallow and you can see grass on the bottom of the river.

Frank Nicori, P.O. Box 59, Kwethluk, AK 99621, ph 757-6714. Frank last boated the Columbia Creek about two years ago during the first part of September. He used a 20' Hewescraft tilt and trim with a 100HP motor. He had his wife with him. They camped at the little island off the oxbow of Kasigluk River. Frank said Columbia Creek was pretty low about less than a foot and his boat would scrape the bottom. The river bottom is all fine gravel. There are lots of beaver dams. He felt that even with a 12'-14' boat, one would hit bottom. He said the river is so narrow it is difficult to turn around.

After the spring melt and rain, the river does rise but these higher water conditions last about a week. Also in August after a heavy rain, the river does rise but it does not last as long as the spring, only a few days. It is a very shallow creek. During the summer months, one would scrape the bottom with their boat, ruin their boat and prop.

Frank said Columbia Creek and all the rivers are high right now because of all the rain since spring and in June. All the small tributaries including Columbia Creek descend quickly when the weather clears.

Laura J. Lagstrom



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

**Columbia Creek
Interim Summary Report
Attachment 8**

Bethel FY'98
Baird Inlet FY'98
FF-14824 (75.4)
FF-014838 (75.4)
FF-14901 (75.4)
FF-14902 (75.4)
FF-14916 (75.4)¹

December 8, 1997

Memorandum:

To: File FF-14883 (75.4) Kwethluk Incorporated
From: Laura Lagstrom, Navigability Section (AK924)
Subject: Interviews for selected lands within Window 2029 Part I

Akulikutak River - mouth in Sec. 32, T. 8N., R. 68 W., SM. There are two village selections on this river. One is located at mile 9 and the other at mile 32. (Based on the Storet Map).

Local people of Kwethluk depend on the Akulikutak to reach hunting, fishing and berry picking areas and to gather wood. Most Kwethluk residents boat the river near the end of August when the river is five to six feet deep. This lasts between two-four weeks. The river is also used during the spring when ice dams on the Kuskokwim cause the river to rise. This usually lasts three to four weeks. Most of those interviewed are able to boat to the north of Three Step Mountain in Sec. 21, T. 6 N., R. 67 W., SM.

January 23, 1997

Ilarion J. Nicolai (757-6019) said he boats the Akulikutak just about every year for subsistence hunting and gathering wood. He uses a 18' Lund with a 40-horsepower propeller motor. Ilarion said the best time to boat the river is between the 20th of August to the beginning of September when the water is about 5'-6' deep. This high water lasts four to five weeks. His load normally includes one or two other people, food, sleeping bags, extra clothes and a drum of gas. He boats to just beyond Three Step Mountain, but once he went above the "Reindeer Corral" which is by Coral Creek in Sec. 26, T. 5 N., R. 66 W., or mile 48. During the summer months of June and July the river is about 1'-2' deep and 15' wide. He said David Michael of Kwethluk is very familiar with the Akulikutak but he lives at fish camp year round and has no phone.

¹File in Native Allotments F16009, F17052, F15666

John Andrew-Yukon Delta National Wildlife Refuge (1-800-621-5804) Bethel. John has a Native allotment within Sec. 4, T. 5N., R. 66W. About five years ago he went moose hunting and boated up to a locally known landmark, "Reindeer Corral" near Coral Creek which is in Sec. 26., T. 5N. R. 66W. The river was exceptionally high (3'-5' deep) after the rain in August. He believed it could stay this high for 2-4 weeks. John used a 18' Lund with a 40-horsepower Yamaha propeller motor. His load included another person, camping gear and 30-45 gallons of gas. He believes during July when the river is about 1'-2' deep, one could reach about half way up the river. He said the Akulikutak is boatable up to Three Step Mountain for 2-4 weeks in the fall and 3-4 weeks after spring breakup.

January 28, 1997

In another interview **John Andrew** said before he owned an aluminum boat, he owned a 20' to 24' plywood boat with a 30 to 40-horsepower propeller motor. He used this to hunt moose, caribou, and black bear in the fall. His load many times included two other people and camping gear for a week. High water conditions begin near the end of August and last several weeks. He feels that one could use a boat carrying 1,000 pounds to mile 37 during spring, summer and fall. If there are sweepers, they use chain saws to remove them every year. During July when the river gets as low as one foot, jet units go beyond Coral Creek. He said there is no guiding or commercial activity on this river.

February 20, 1997

Carl Nose 757-6279 said that people can reach Three Step Mountain near mile 32 during the spring and fall when the river is about knee-high to waist-high deep. People could boat past Three Step Mountain but only when the river is higher which lasts about two weeks. When he goes hunting, Carl uses a 18' Lund with a 40-horsepower Yamaha propeller motor. There are normally three people in the boat, camping gear and extra gas. They stay anywhere from one to three days.

John Owens (757-6216) BIA Realty Specialist was in the BLM State office in December 1996. He said the Akulikutak was boatable during high water periods past Three Step Mountain and during low water periods to just below Three Step mountain. He pointed on the map to the area just below the village selection in T. 6N., R. 67 W., or around mile 32.

October 1, 1996

Nick N. Epchook 757-6498 the Manager of the Native Store sent in a questionnaire that states he last boated this river after spring breakup during May 1996 for hunting/birch fungus. He reached just below Three Step Mountain with a 18' Lund Aluminum boat with a 50 horsepower Honda motor. He said during the "no rain season" in June and July the water drops down to about 2'-3'. He feels one can only use a canoe during this time.

Columbia Creek - mouth in Sec. 7, T. 8 N., R. 66 W., SM. Located 28 miles east of Bethel and flows northwesterly 18 miles into the Kasigluk River. There is one Native Allotment located at its mouth and another two miles further.

September 1996

Yako Fisher Sr. - (907- 757-6314 wk; 757-6223 home) - P.O. Box 27, Kwethluk AK 99621 heir to David Fisher's allotment located about two miles upstream. Yako said he uses Columbia Creek in the spring during March to look for caribou by snow machine.

October 9, 1996

Joseph Guy - (907) 757-6827, President, Kwethluk IRA, said last fall he boated less than a mile on the Columbia to pick cranberries. He used a 16'-18' LUND with a 30-40 Horsepower propeller motor. In August the creek is about two to three feet deep which lasts from three to four weeks. For one month between June and July the creek is about one foot deep. Overall, he believes that one could use a boat, canoe or raft on the creek carrying about 1,000 pounds for travel, trade and commerce for about 3/4 of a mile or less from the mouth. He felt after two miles it would be too shallow and narrow for a 21' boat to turn around.

On December 5, 1996

John Owen, BIA Realty Specialist, came into the Alaska State office. He said that during the summer, one could go through Albert Olick's Native Allotment, but after that one would run into two or three beaver dams and it would be very shallow.

January 17, 1997

Frank Alfred (907) 757-6419 said he went hunting less than two miles upstream last September. He used a 18' Lund boat with a 40-Horsepower propeller motor and carried a load that included three people and camping gear for three days. It was about six feet wide at the mouth and there were beaver dams about a mile upstream but Frank said one could go over them. The creek is about 3' deep during June/July and 2½-3' deep during August/beginning of September. Low water occurs in late September until the beginning of winter or October. During that time he feels no one can use the creek.

January 17, 1997

In an interview by phone, **John Owen** (907)757-6216 said that last fall he went upstream about 3/4 of a mile to hunt for moose and caribou. He used a 18' LUND with a 45 horsepower propeller motor. His load included two people and an extra 12 gallons of gas. He said the water was about five feet deep but that is always dependent on the rain. He said there was a lagoon at the mouth which narrowed to 10' wide. There was a beaver dam about 1/4 mile upstream but he went over the dam. High water occurs in April/May and August/September. Low water occurs June and July.

Kushluk River - mouth in Sec. 25, T. 8 N., R. 69 W., SM. Local residents call this the Ill'ling'uth'tu'lik River or the North Fork of the Kwethluk. It is about 30 miles from Kwethluk and used to reach berry picking, hunting and trap-fishing grounds. The NASA aerials show it to be about two chains wide for a mile from its mouth. There is one Native Allotment located near mile six.

January 28, 1997

John Andrew-Yukon Delta National Wildlife Refuge 1-800-621-5804, said he has frequently traveled up and down the Kushluk or more locally known as either *Ill'ling'uth'tu'lik*, Birch Creek or the North Fork of the Kwethluk River. He went caribou hunting in the fall of 1996 with a 18' Lund with a 45-HP Yamaha propeller motor. His load was more than 1,000 pounds. Other local people also hunt, berry pick and fish in this area. He knew where Madrona Helmick's Native allotment was and said the river is boatable spring, summer and fall from the mouth to her allotment and beyond.

February 3, 1997

John Owen (907)757-6216, a BIA Realty Specialist in Kwethluk, said the river is open from spring to fall for boat travel. He said they are able to carry loads of 1,000 pounds with no problem. I asked him specifically about reaching Madrona Helmick's Native allotment and he said people are boating beyond her allotment for berry picking, hunting and fishing. It is wide, deep and free of obstructions.

February 11, 1997

Phillip Guy (907) 757-6613, a Land Planner for Kwethluk, said that the river is called Ill'ling'uth'tu'lik which means "many birch trees" and the name Kushluk is a misnomer. The river is high in the spring during April and May because of ice dams on the Kuskokwim and high in the fall during August and September after the rainy season. He boated this area last fall around the middle of August to take his wife berry picking and to scout out hunting areas. He used his 18' Lund with a 30-HP propeller motor. He also owns a 15HP and 25HP motor which he mounts on his boat according to how deep the water is in the area he is planning to travel to. He said that the river is wide and deep up to Sec. 3, T. 7N., R. 68 W., which is about four miles beyond Madronna's allotment. At this point, the river gets very narrow and shallow to where he had to tilt the motor to keep going. He said, "sometimes it's not much wider than a boat and you have to find a wider spot to turn around." Impediments at this point include shallow water, underwater logs, beaver dams and fallen trees. Low water conditions occur during June and July.

Anabranh of Kwethluk River locally known as "Net Creek" or "Kuviak'ya'chal'vick."

Approximately 13 miles long, its upstream mouth is located in Sec. 17, T. 7N., R. 68W., and its downstream mouth is located in Sec. 15, T. 8N., R. 69 W., SM. Annie Alexie's Allotment, F-17052B straddles the creek near mile 10 in Sec. 12, T. 7N., R. 69 W., SM.

September 17, 1997

Wassillie Evan in an interview at the Organized Village of Kwethluk office said he took three people up the river in August 1997 with his 20' Alumaweld boat with a 45 horsepower propeller motor. The river was 10'-15' deep and about 20' wide. He said this high water condition occurs during the spring and fall. During June and July the river is between 6'-8' deep.

February 20, 1997

Carl Nose (757-6279) said Kwethluk residents call this creek "Kuviaġ'ya'chal'vick" or Net Creek. Carl said the creek is navigable from spring to fall. He goes hunting every year for ducks, geese, swan, white fish, pike and grayling. He uses an 18' Lund with a 40 horsepower propeller motor. There are no obstructions however, there are some narrow portions 10-12' wide. The last time he boated the creek was in May of 1996. There were three people in the boat plus extra gas, food, camping gear and lots of ammunition. The river is 6' deep or more.

Frank Frank (hm 757-6920) said that the Kuviaġ'ya'chal'vick is open for boat traffic during the spring, summer and fall. He has used 16' and 18' Lunds with a 40 horsepower motor to fish and hunt along this creek. He mentioned that it is a very narrow creek, 12' wide or more in places, but it is deep enough for boat traffic. (about 4'-5' deep). Sometimes he carries over 1,000 pounds. One can enter the river from either side with no problem.

A photograph in the historical site AA-010219 in Sec. 11, T. 7N, R. 69 W. SM, for 2.5 acres shows Okfirpaunlik emptying into a well defined and unobstructed "Net Creek." The name *Okfirpaunlik* means "place of willow trees" and references the area rather than a specific place. The investigation of this historical site revealed that this area was occupied in the late 1800s if not earlier.

Left bank tributary of an anabranch of Kwethluk River locally known as "Vigauthalik"- Mouth in Sec. 12, T. 7 N., R. 69 W., SM. This stream flows through two lakes before exiting into an anabranch of Kwethluk River. There are two Native allotments that straddle it within one mile of it's mouth. The overflight in September 1997 revealed a very shallow effluent evidenced by the riffles across its mouth and grass growing adjacent to it.

March 19, 1997

John Owen, BIA Realty Specialist (907) 757-6216 said local residents know this area as *Okfirpaunlik* and the stream is called "Vigauthalik." One can reach this stream via Net River or "Kuviaġ'ya'chal'vick" which is an anabranch of the Kwethluk River. John boated to the lake in Sec. 25, T. 7N., R. 69 W. of this township last spring with a 18' Lund with a 50 horse power motor. His load was about 500 pounds. Within Annie Alexie's allotment is Section 12 of this township, he says this stream is about 30'-40' wide during the spring (May & June) and about 10'-15' deep. Because he only boats this area during the spring, he guesses during the summer months of July to the beginning of August it is probably about 2'-5' deep. And again in the fall it

is probably 5'-10' deep. He thinks people could use the stream during the summer to get to their allotments including the furthest upstream, Henry Frank in Sec. 19 T. 7N. R. 68W. SM.

Martin Andrew at (907) 757-6216 has boated to Sec. 25, T. 7N., R. 69 W. of this township with a 14' aluminum boat with a 25HP propeller motor during the spring (May). His load included 150 pounds of camping gear for less than a week. He believed people who have allotments along this stream could get to them during high water which occurs in the spring and fall and also during high water conditions in the summer. High water lasts 2-2 1/2 weeks

September 17, 1997

Wassillie Evan came into the Kwethluk office while I was working with John Owen and said he boated this stream last month around the middle of August. He used a 20' aluminum welded tunnel boat with a 45 horsepower propeller motor. There were three people in the boat with no load. He said high water conditions are normally between April/May and August/September and last between one and two weeks. During this time it can get about 10'-15' deep. During June and July it is about 1'-2' deep. He didn't feel anyone could use it during low water. I asked him if he believed one can use a boat, canoe, raft on the creek carrying 1,000 pounds for travel trade and commerce and he said only during high water conditions. He commented that there is some grass in the water. One could use a canoe but with no load.

On October 7, 1997

Frank Nicori's (907-757-6088) questionnaire stated he was berry picking in this area last August with three other people in his 16' aluminum boat with a 40-horsepower propeller motor. He estimates the following water levels: April-frozen; May-10'; June 6'-7', July 4'-5'; August 7'-8'; September 10' or less. There are no known impediments. He does not believe one can use a boat, canoe or raft on the stream carrying 1,000 pounds for travel, trade and commerce during the summer, but only during fall or spring high water conditions which last about a month.

Left Bank Tributary or "Old Kwethluk River"- mouth in Sec. 36, T. 6N., R. 68W., SM. It is about 10 miles to the Native Allotments of John Andrew (F19254A), Elizabeth Nicolai (F18289C), Anna Nicolai (F15926) and the Regional Selection 14(h)1 AA10429. The aeriels (CIR 60, Roll 10, Frame 290, July 1980 & CIR 60, roll 03112, Frame 414, August 1982) show the river to be open to Section 24, T. 5N., R. 68W., SM.

John Andrew who works for YDNWR (1-800-621-5804), has an allotment in Sec. 24, T. 5N., R. 68 W., SM. John said he does not use the Old Kwethluk River to reach his allotment to moose hunt in August because the river is too shallow (1'-2') and has too many sweepers and beaver dams. He boats the Kwethluk River and walks a mile to his parcel. He describes the vegetation as spongy tundra which makes packing out 1,000-1200 pounds of moose very difficult.

There is a 14(h)1 AA-10429, claim located between F19254A and F18289C. Oral accounts and cultural remains indicate this was a small year round settlement which began at an unknown date and ended in the early 1940s. The report stated the area is now used seasonally by subsistence hunters, especially by former site residents and their descendants.

Albert Nicolai (message through John Owen (907)757-6216) said the river is too shallow and filled with beaver dams to boat in the spring and summer. His mother, Anna Nicolai, has an allotment on this river. After the August rain, the river can get two feet deep, however, this only last about two-three weeks. He uses a 16' Lund boat with 25 horsepower propeller motor. He has seen others boat the river but they were using light boats with jet motors. When asked if he believed one can use a boat, canoe or raft on the creek carrying 1,000 pounds for travel trade and commerce, his response was, "One could use a small boat with about 300 pounds."

January 28, 1997

Anna Jacobson (907) 479-3482 said her nephew, Nick Epchuck Jr., took her and her husband up the Old Kwethluk last year during the end of June/beginning of July to pick berries. She remembers they had to wait until the water was high enough. They used a 16' Lund aluminium boat with a 25-horsepower motor and their load included camping gear. She said because Nick was familiar with the channel, they were able to reach John Andrew's Native allotment, however, the river was very shallow, about 1-2' deep. She estimated the river to be about 20' wide. She remembered seeing a fish counting station there but when I interviewed others familiar with this river, they did not remember seeing a fish counting station.

Right bank Tributary of Kwethluk River - mouth in Sec. 8, T. 5N., R. 67 W., SM. There is one Native Allotment that straddles it about a mile upstream.

October 30, 1996

Nick Epchuck, manager of the Native store and the son-in law 757-6220 said he went up to Balassia's allotment last summer to pick salmon berries. He said the creek could be used during early spring, June and between the end of August to the end of September. He feels it is usable for 3-4 weeks in the spring and the fall. High water is about 3-4 feet. Low water is ½' - 1' deep. One could go part way in the summer.

October 31, 1996

Ruth Nelson said when her parents lived up there all the time, they used to drift down the Kwethluk in a skin boat. She said her parents used to walk from the Kwethluk River to get to their parcel. Ruth said if the creek was usable, they would have used that. When I called her again on November 29, 1996, Ruth affirmed her earlier statement that the allotment was accessible by camping along the Kwethluk and walking to her mother's native allotment.

Laura Lagstrom

SURVEYED TOWNSHIP 8 NORTH RANGE 66 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

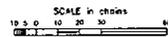
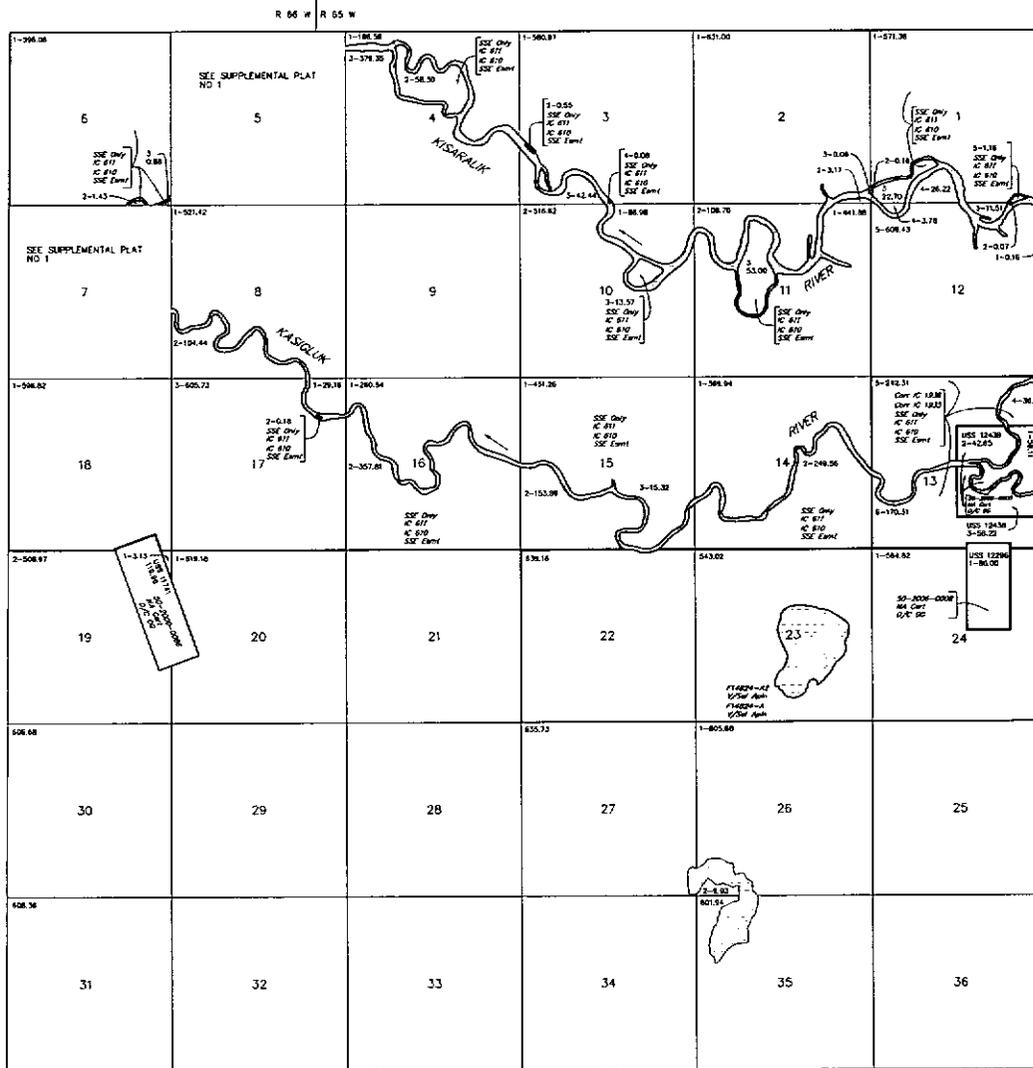
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5104 W&P (3) affects Lands/Interests not conveyed

PL 95-407 W&P Yukon Delta NHP 4/12/94 To

PL 92-203 W&P F142M Lds W/ F142M-A, F142M-A2

**Columbia Creek
Interim Summary Report
Attachment 9**



WARNING:
This plat is the Bureau's record of title and should be used
only as a graphic display of the boundary survey data. It
does not constitute a deed and does not reflect the changes which may have been
affected by lateral encroachments of rivers or other bodies of water.
Refer to the original survey for official survey information.

Lat 60°44'00.84"N
Long 160°48'06.91"W

CURRENT TO	See Mer
9-29-2006	T 8 N
	R 66 W

ACAD

SURVEYED TOWNSHIP 8 NORTH RANGE 66 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP
SUPPL SECS 5 & 7

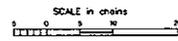
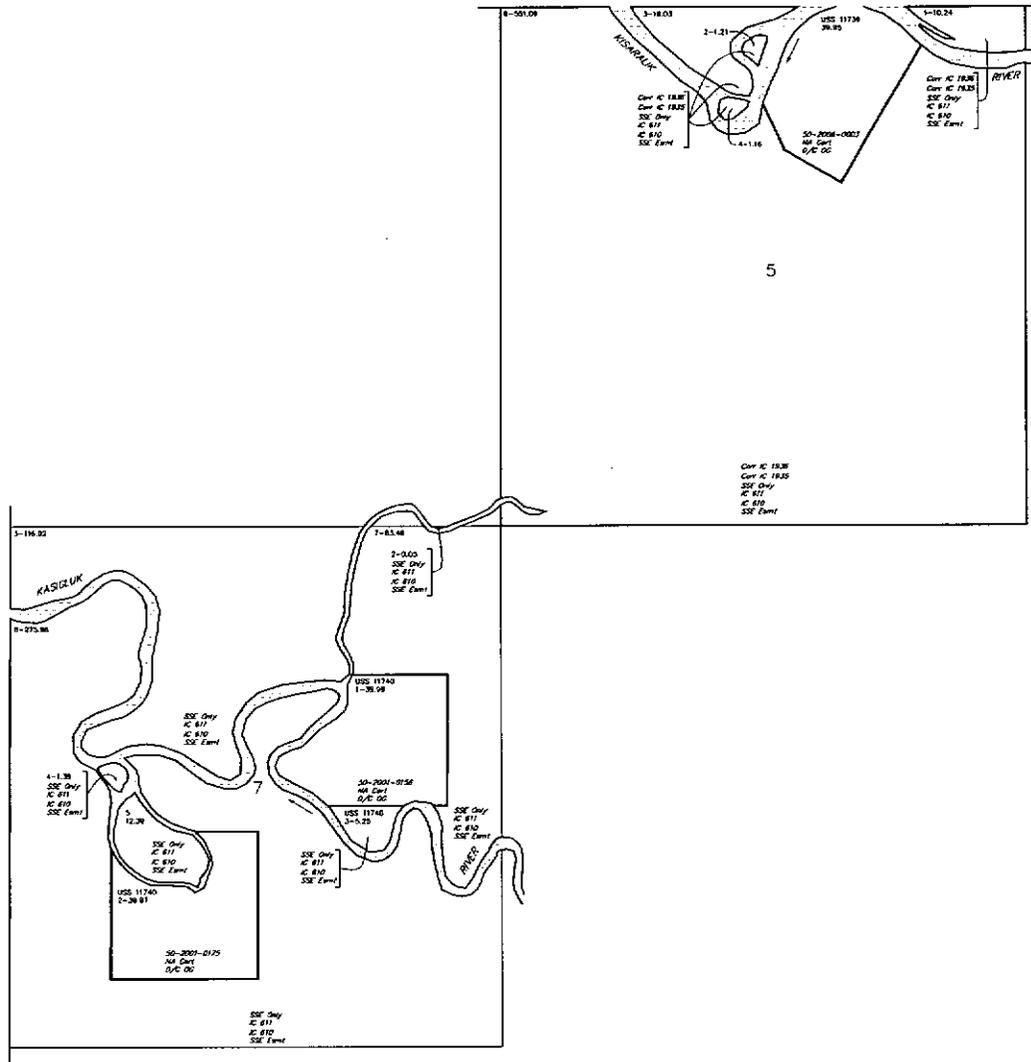
NO 1

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN RANGE FOR CLASSIFICATION
MINERAL, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5104 AND C1 affects Lds/Interests not conveyed

PL 98-487 AND Fuban Delta ANWR entire 7d

PL 92-2031 W/ F14824 LOS W/ F14824-A, F14824-A2



WARNING:
This plat is the Bureau's Record of Plat, and should be used
only as a guide. Copies of the original survey data, recorded
in the Bureau's files, should be used for all purposes. This program
cannot be used to determine the location of any monument or other
feature shown on this plat. For more information, contact the
Bureau for the detailed original plat information.

CURRENT TO		NO 1
9-29-2006		Sew Mer
		T 8 N
		R 66 W

ACAD

UNSURVEYED TOWNSHIP 6 NORTH RANGE 65 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACED DIAGRAM NO. 59-9 OFFICIALLY FILED 6/29/1959

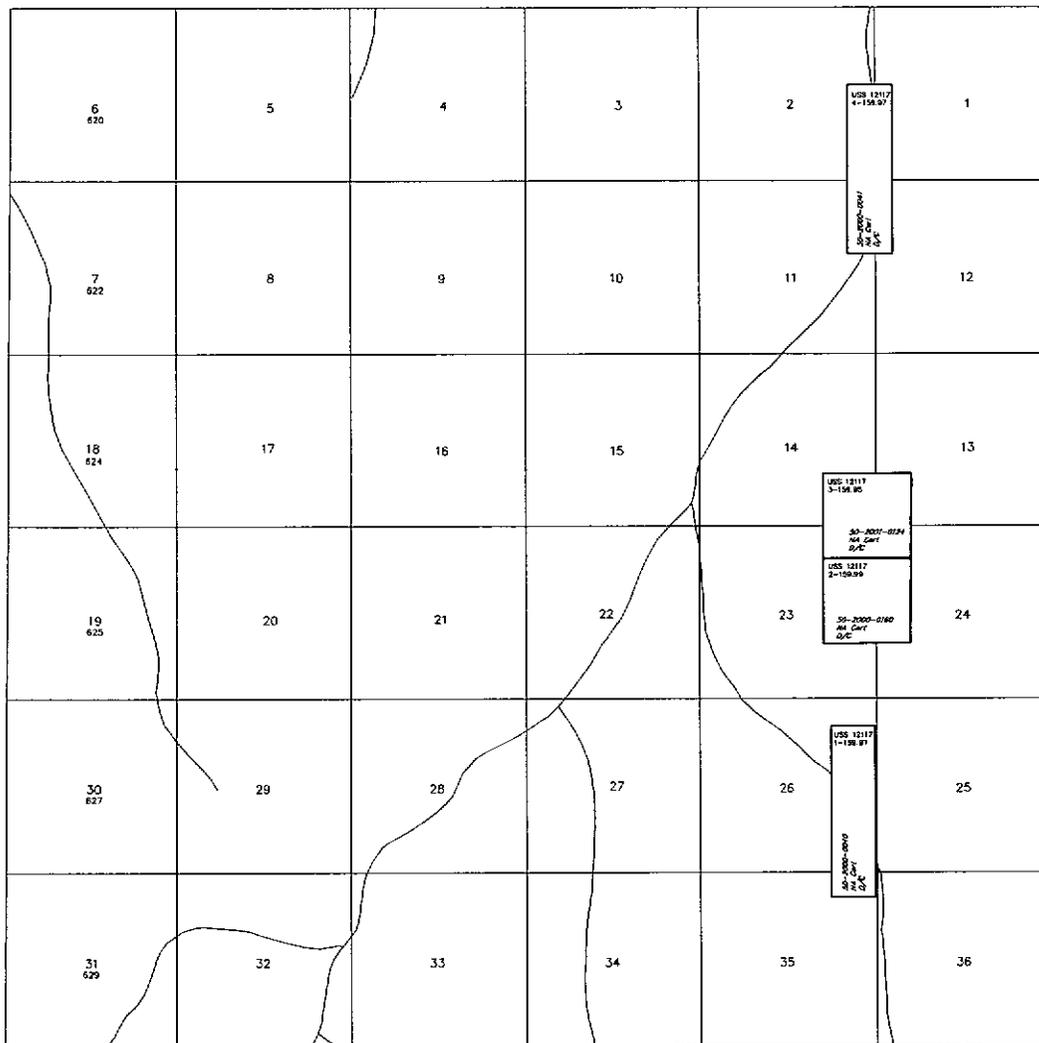
STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

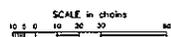
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
 IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
 MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
 REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

*PLD 5182 Ref. Of. of Public Interest affects Lands/Minerals
 not conveyed.*

PL 96-487 Ref. Yukon Delta NWR exists. (2)



Lat 60°33'36.893"N
 Long 160°35'54.227"W



Notice:
 This plan is the Bureau's Record of this, and should be used
 only as a graphic display of the land's survey data. Rec-
 orded herein do not reflect the physical state, nor have been
 checked by natural monuments of claim or other bodies of sur-
 face to the nearest average, for official survey information.

CURRENT TO	AVCP, FWS	Sec Mer
7-12-2003		T 6 N R 65 W

ACAD