

# **ATTACHMENTS**

**for**

## **Johnson River System**

**FINAL**

### **INTERIM SUMMARY REPORT**

Prepared by Bryan Taylor, Historian I  
and Rolfe Buzzell, Historian II

BLM/State Assistance Agreement Program  
Phase II-B Submission

September 15, 2014

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

SUMMARY OF RECOMMENDED EASEMENTS FOR THE  
ATMAUTLUAK ~~HONAPITCAUR~~ SELECTION AREA.

	LOCAL NAME	DIMENSIONS	TYPE
1.	BETHEL TRAIL	50' X 26.0 MILES	TRAIL
2.	KUSKOKWIM RIVER TRAIL	50' X 12.0 MILES	TRAIL
3.	JOHNSON RIVER	60.0 MILES	RIVER
4.	PIKMIKTALIK RIVER	15.0 MILES	RIVER
5.	TAKSLES LUK LAKE RW	6.0 MILES	CREEK

Johnson River System  
Interim Summary Report  
Attachment 1

JUSTIFICATION STATEMENT FOR PUBLIC USE RECOMMENDATIONS

LOCAL NAME JOHNSON RIVER

MAP REFERENCE #3

ATMAUTLUAK SELECTION AREA

LOCATION in T.S. 7-11N, Rgs. 73-75 W, 5M.

AREA/EASEMENT

Type - Existing	<input checked="" type="checkbox"/>	Trail	<input type="checkbox"/>	Water Access	<input type="checkbox"/>
- Proposed	<input type="checkbox"/>	Road	<input type="checkbox"/>	Shoreline Access	<input type="checkbox"/>
		Public Use Area	<input type="checkbox"/>	Other (Identify)	<input checked="" type="checkbox"/>
		Airstrip	<input type="checkbox"/>	RIVER	

PHYSICAL DESCRIPTION Width VARIABLE Length 60.0 MILES Area \_\_\_\_\_

USES - PAST BOAT AND DARGE TRAFFIC ROUTE FROM THE KUSKOKWIM RIVER EXTENDING INLAND AND NORTH TO SEVERAL VILLAGES AND ACCESS TO D-2 LANDS.

PRESENT SAME

FUTURE SAME

TERM PERPETUAL

ATTACHED DOCUMENTATION: NONE

SUMMARY OF JUSTIFICATION RIVER ACCESS TO D2 PUBLIC LANDS AND VILLAGES WEST OF BETHEL.

# NOTE:

FOR PURPOSES OF THE BLM  
ACREAGE IN THIS SELECTION,  
ONLY THE JOHNSON RIVER +  
NUNADAKANURSLAK LAKE ARE  
BEING CONSIDERED AS NAVIGABLE  
WATERS. (PER DISCUSSION w/ SUE WOLF,  
+ BOB BEERLEY + ART HISTERMAN  
ON SEPT. 17, 1975.  
mjk.

FROM ITS CONFLUENCE w/ THE  
KUSKOKWIM RIVER TO N-A LAKE.

Johnson River System  
Interim Summary Report  
Attachment 3

*Atmaitluk* - F-14835-AV  
(concomitant file) NAVIGABILITY FIELD REPORT  
PHYSICAL DATA

Number/Name of Water Body *Johnson River* Quadrangle *Baridulet*  
Native Selection Impacted *Atmaitluk, Nunapitchuk, Kungluk, Akia's Akuchuk*  
Location of Water Body T *7N* R *13WS* N *Seivard*

Length *150 mi* Width *1000'* Depth *20'*

Area \_\_\_\_\_

Discharge \_\_\_\_\_

Bank Characteristics *mud/silt*

Channel Characteristics *meandering*

Obstructions to Navigation *none (the river is navigable by barge to the village of Kavigluk)*

Flood Characteristics *spring during breakup*

Length of Useable Season *6 mo May thru Oct*

Type of Watercraft Commonly Used in Area *River barge, motor boat*

Other Transportation Systems Available ~~none~~ *air travel*

Need of Use of Water Body in Future *provide access to public lands*

Tidal Influence *aprox 1 foot*

Remarks: \_\_\_\_\_

Report Prepared by *WRD* Review \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

NAVIGABILITY FIELD REPORT  
HISTORICAL OR PRESENT USE DATA

Number/Name of Water Body Johnson River Quadrangle Boyd Inlet  
Native Selection Impacted Atmoutluak, Nusupitchuk, Kasigluk, ~~Boyd Inlet~~ Area  
Aluachak  
Location of Water Body T 7N R 7W S 4 N Seward

Type of Use(s) Barge traffic, travel, subsistence fishing

Amount of Use heavy during summer months

Area of Use Barge traffic upstream to Kasigluk

Season of Use/Date May thru Oct

Type Watercraft Used River barge, outmotor boat

Development Along Water Body  
Past villages of Atmoutluak, Nusupitchuk, Kasigluk

Present same

Future provide access to public lands

Sources of Information village contacts, personal observation

Physical Report prepared? Yes X No \_\_\_\_\_

Report Prepared by WRA Review \_\_\_\_\_  
Date 11-5-75 Date \_\_\_\_\_

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 4

5/27/76

TO : Files

DATE: 5/27/76

FROM : Natural Resource Specialist

In reply refer to:  
2650.58 (932)  
F-14901-EE

SUBJECT: Easement Task Force Meeting on the village of Napakiak.

On January 15, 1976, the Easement and Navigability Task Force met to consider navigability and easements for the village of Napakiak.

These lands are subject to S.O. 2987.

Navigable waters were discussed. The Kuskokwim River is considered to be navigable as is the Johnson River by reason of travel, trade and commerce. The Mekoryuk River was considered but found to be not navigable. The Kutukun River is in the deficiency area and it is also not navigable. The Kongeruk River is navigable due to tidal influence to Section 32, T.8N., R.73W., S.M.

The following easements were approved by the Task Force:

- 2 C3, C9, D1 This recommendation is for a 25-foot wide trail from Bethel to Tuntutuliak along the west (right) side of the Kuskokwim River. It provides access to public lands and waters and provides an access route between villages. The Task Force modified the recommendation from 100-feet as proposed by the Bureau of Mines to a 25-foot wide trail.
- 3 C3, C9, D1 This recommendation is for a 25-foot wide trail from Napaskiak to Eek through the core township area. This trail provides access to public lands.
- 8 C4 This is a 1-acre site easement recommendation in Section 10, T.7N., R.72W., on the right bank of a slough of the Kuskokwim River. This recommendation will provide a campsite area for users of the Kuskokwim River. It is on a side slough in a protected anchorage area.
- 9 C4 This recommendation is for a streamside easement on the Kuskokwim River which receives a great deal of use of all kinds. The easement is for 25-feet along each bank overlapping the coastline easement (#12 C4). The bed of the stream is not included in the recommendation as it is a navigable stream.



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

F 14901EE

ADP2-1  
6-2-76

10 C4 This recommendation is for a streamside easement on the Johnson River. This river is determined to be highly significant for all kinds of use and the easement is for 25-feet along both banks. The bed is not included as the Johnson River is considered to be navigable.

11 C4 This recommendation is for a streamside easement on the Pikmiktalik River. The Pikmiktalik is a highly significant waterway in this area for all kinds of travel. The streamside easement is for 25-feet along each bank and the bed of the stream.

12 C4 D1 This recommendation is for a continuous coastline easement 25-feet above the line of mean high tide.

The following easements were not approved by the Task Force:

1 D1 This recommendation is for a winter trail from Bethel to Napaskiak. The easement recommendation was rejected because the route that is used is the Kuskokwim River, by waterway in the summertime and by traveling on the ice in the wintertime.

7 D9 This recommendation is for a site easement and a 25-foot wide trail along the Kuskokwim River. The site easement was located in Section 22, T.7N., R.72W. This area is a low area subject to frequent flooding. A trail was intended to connect the river to the Napaskiak to Eek trail. The trail is not needed to connect to the river as the Napaskiak to Eek trail touches the river just a few miles to the north.

The following easements were not considered because they were outside of the selection area:

4 D9, D1 This is a 25-foot wide trail from Napaskiak to Bethel.

5 D1 A 25-foot wide trail from Bethel to Akiachak.

6 D9, D1 This is a 25-foot wide trail from Bethel to Kasigluk.

*Horace D. Jander*

Files - Navigable Waters, Alaska

September 2, 1976

Robert O. Pickering (E. &amp; N.T.F. Member)

In reply refer to:  
9185.5 (922)

## Navigable Waters Within Village Selections

The purpose of this report is to identify the various rivers and lakes the Basement and Navigability Task Force determined to be navigable, for area exclusion purposes, in village and regional selections.

Navigability determinations are based on historical evidence, field investigation, and public testimony, all documented in the case files, and the Bureau's navigability guidelines.

Navigable waters to be excluded from village selections, determined by the task force, since December 31, 1975 to present, are listed by village name, alphabetically, as follows:

Alakanuk	All tidal waters, Yukon River, including Kwikluak Pass, Alakanuk Pass, and Kwemeluk Pass.
Andreafsky	Yukon River.
Atkasuk	None.
Atmautiuk	<u>Johnson River</u> up to village of Kasiqluk, and the Pikmiktalik up to village of Atmautiuk.
Barrow	All tidal water. The State of Alaska considers the following lakes navigable, but the task force did not have sufficient information to make a determination. Pending further information, the task force considers the lakes non-navigable.

The specific named lakes are:

**Johnson River System  
Interim Summary Report  
Attachment 5**

Pusikvoha Lake  
Sungovoak Lake  
Ikroavik Lake  
Kimouksik Lake  
Svrulivik Lake  
Leaksoun Lake  
Sukok Lake

Crooked Creek	Kuskokwim River
Dillingham	Nushagak River and Wood River. Snake, Manakotak, and Werry Rivers as far up as influenced by tide.
	Snake Lake may be influenced by tide but not sufficient ground investigation to make a determination.
Dot Lake	Tanana River only.
Eklutna	Kinik River up as far as tidal influenced.
Esuk	Igushik River, up to village of Manakotak and if tidal influenced farther, then to head of tidal influence.
Ekwok	Nushagak River
Eyak	Navigability determination withheld pending additional information.
False Pass	Tide water only.
Georgetown	Kuskokwim River
Gulkana	Copper River up as far as Lower Tonsina.
Healy Lake	Tanana River, Healy River up to Healy Lake, George Creek, Healy Lake, Lake George, and Mansfield Lake.
Hoonah	Tide water only.
Kalskag (upper)	Kuskokwim River
	That portion of the water route system along the portage between the Kuskokwim and Yukon Rivers. This system is Mud Creek, Crooked Creek, <u>Johnson River</u> , an unnamed lake, Kulik Lake, and Talbiksok River.
	For navigability purposes only that portion of the Johnson River in the above system was considered at this time.

Hooper Bay Deficiency Area      Access to this area is by the Kun River, Black River, and Kikneak River, but navigability was not determined due to lack of information. The Black River was determined navigable up to Kusilvak Mountain.

Kydeburg      Tidewater only.

Igiugig      Kvichak River and Iliamna Lake.

Iliamna      Lake Iliamna and the New-Whalen River.

Ivanof Bay      Tidewater only.

Kaktovik      The Village and the State of Alaska claim the Jago, Okpilak, Kulhula Rivers, and the lake in secs. 7 and 18, T. 8 N., R. 34 E., to be navigable as far as tidal. This was not disputed by the task force due to lack of information and the fact that tide water will be excluded.

Kaltag      Yukon River.

Kasaan      Tidewater only.

Kasigluk      The Johnson River up to the village of Kasigluk and the canal system between Kasigluk and Nunapitchuk. No known use of the lake system north of Kasigluk to determine navigability. There is a tramway and portage between Nunavak and Takslesluk Lakes but no known commercial use to make the lakes navigable.

Klawock      Tidewater only. Not enough evidence to make a determination of navigability on Klawock Lake.

Kokhonak      Iliamna Lake only.

Kotlik      All tidal influenced water. Tidal influence appears to extend up as far or past Emonsak. No pinpoint determination made on navigability but general opinion appears to be the whole Yukon delta water area would be excluded for navigability purposes. Apoon Pass and Okvega Pass is known to have been used commercially.

Levelock	Kvichak River. The Kvichak River is tidal and the Alagnok River appears to be tidal up to sec. 23, T. 14 S., R. 45 W., Seward Meridian.
Marshall	Yukon River. Engineer Lake may have been navigated by mining activity in the past, but more information will be obtained before make a final determination is made.
Mountain Village	Yukon River.
Naknek and South Naknek	Naknek River is navigable and tidal. The boundary between the two selections, at this time, is the center of the river.
Napakiaak	Kuskokwim, Tekmiklik, and the <u>Johnson Rivers</u> through the selection, and all tidal water.
Napaskiak	All tidal water and the Kuskokwim River.
New-Whalen	The New-Whalen River and Iliamna Lake.
Nondalton	New-Whalen River, Sixmile Lake, and Lake Clark.
Nuiqsut	All tidal water, and the Colville River, including the Nechelik Channel. All lakes in the area are determined non-navigable pending additional information.
Nulato	Yukon River.
Nunapitchuk	<u>Johnson River</u> up to the village and the canal system between Nunapitchuk and Kasigluk. It appears that the large bodies of water the Johnson flows through, would be navigable also.
Ohogaut	Yukon River. Note: The <u>Johnson River</u> was not considered navigable in this selection because of lack of information.
Oscarville	Kuskokwim River, including Napaskiak Slough. Eek Lake was determined non-navigable pending more information.
Paimute	Tidal water only.

**Johnson River System  
Interim Summary Report  
Attachment 6**

✓ F-14901-EE (75.4)  
F-14901-A (2651)  
(963)

JAN 25 1982

*1/21/82  
W  
B*

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)  
From: SD  
Subject: Final Easements for the Village of Napakiak

Following are the final easement, major waterway, and navigability recommendations for lands selected by the village of Napakiak. Of those recommendations, my decision is as follows.

MAJOR WATERWAYS:

The Kuskokwim River, Johnson River and the Pikkimktalik River are determined to be major waterways.

The Kuskokwim River provides access to upstream and downstream communities. It has had a long history of use as a travel, trade and commerce route, and continues to accommodate a wide variety of watercraft (motorboats, barges, floatplanes, etc.). Presently, as in the past, barges travel from the mouth of the Kuskokwim up-river to deliver food, goods, fuel oil, etc., to residents along the river.

The Johnson River provides access to public land northwest of the selection area.

The Pikkimktalik River provides access to public land north of the selection area.

All other named and unnamed water bodies within the selection area were reviewed and based on existing evidence were determined not to be major.

NAVIGABILITY:

The following water bodies are determined to be navigable due to present and historic uses in connection with trade and commerce:

Kuskokwim River and its interconnecting sloughs;

Johnson River and its interconnecting sloughs through the selection;

Pikmiktalik River through the selection;

An unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., northerly then southerly to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 E., Seward Meridian;

The Kongeruk River through the selection;

An unnamed slough and lake system from Sec. 5, T. 8 N., R. 73 W., north, then east, then southerly to the Kongeruk River in Sec. 15, T. 8 N., R. 73 W., Seward Meridian; and

Lomavik Slough.

All other named and unnamed water bodies within the selection were reviewed and based on existing evidence were determined to be nonnavigable.

TIDAL INFLUENCE:

Actual limits of tidal influence, for water bodies within the lands to be conveyed, if any, will be determined at the time of survey.

EASEMENTS TO BE RESERVED:

No public easements are reserved.

The following easements were considered but were not recommended:

- a. (EIN 2 C3, D1, D9) An easement twenty-five (25) feet in width for an existing winter access trail from the north section line of Sec. 2, T. 7 N., R. 72 W., Seward Meridian, southwesterly through the selection area to public land.

Discussion:

This trail was dropped as alternate and preferred access is available via the Kuskokwim River in its frozen state.

- b. (EIN 3 C3, D1, D9) An easement twenty-five (25) feet in width for an existing winter access trail beginning in Sec. 24, T. 7 N., R. 72 W., Seward Meridian, southwesterly to its junction with Napaskiak trail easement EIN 2 C3, D1.

Discussion:

This trail was dropped as alternate and preferred access is available via the Kuskokwim River in its frozen state.

- c. (EIN 8 C4) A one (1) acre site easement upland of the mean high tide line in Sec. 10, T. 7 N., R. 72 W., Seward Meridian, on the right bank of an unnamed slough.

Discussion:

This site was dropped because nearby public land can be used for this purpose.

- d. (EIN 10 C4) A twenty-five (25) foot wide shoreline easement along the Johnson River.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- e. (EIN 11 C4) A twenty-five (25) foot wide shoreline easement along the Pilmiktalik River.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- f. (EIN 12 C4, D1) A continuous shoreline easement twenty-five (25) feet in width upland of and parallel to the high water line in order to provide access to and along the marine shoreline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- g. (EIN 13 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- h. (EIN 14 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- i. (EIN 15 C4) An easement twenty-five (25) feet in width for an existing winter access trail beginning at a junction with trail EIN 3 C3, D1, D9 in Sec. 33, T. 7 N., R. 72 W., Seward Meridian, then westerly to a junction with trail EIN 2 C3, D1, D9 in Sec. 27, T. 7 N., R. 73 W., Seward Meridian.

Discussion:

The easement dropped is replaced by using the Kuskokwim River, in its frozen state, to the mouth of the slough in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, then heading south to Napaskiak trail easement EIN 2 C3, D1, at a point on the north section line, Sec. 26, T. 6 N., R. 73 W., Seward Meridian.

CURTIS V. McVEE

Enclosure:  
Maps

cc:

Yukon Delta NWR  
Mr. Keith Schreiner  
Alaska Area Director  
Fish and Wildlife Service  
1011 East Tudor Road  
Anchorage, Alaska 99503

AM-M (018)

DM-NAV (013)  
Attn: M. Wheeler

963:RHiller:lm:12/30/81  
FROGGY CC lm:1/4/82  
lm:1/11/82

**Johnson River System  
Interim Summary Report  
Attachment 7**

F-14901-A (Anch.) (2651)  
 F-14901-A2 (Anch.) (2651)  
 ✓ ~~F-14901-EE~~ (Anch.) (75.4)  
 AA-11266 (2653)  
 AA-11311 (2653)  
 (961)

MAR 31 1982

CERTIFIED MAIL *123 6658 205 -08*  
 RETURN RECEIPT REQUESTED

DECISION

Napakiak Corporation	:	F-14901-A
Napakiak, Alaska 99559	:	Village Selection
	:	F-14901-A2
	:	Section 12(b) Village
	:	Selection
	:	
Calista Corporation	:	AA-11266, AA-11311
516 Denali Street	:	Section 14(h)(1)
Anchorage, Alaska 99501	:	Selections

Section 14(h)(1) Applications Rejected  
Section 12(b) Application Rejected in Part  
Lands Proper for Village Selection  
Approved for Interim Conveyance

On November 22, 1974, Napakiak Corporation, for the Native village of Napakiak, filed selection application F-14901-A (Anch.) 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), for the surface estate of certain lands in the vicinity of Napakiak.

Calista Corporation filed selection applications AA-11266, AA-11267, and AA-11311 on April 28, 1976, pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorize the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands.

Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Napakiak Corporation, under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the aforementioned applications must be and are hereby rejected in their entirety and will be closed of record when this decision becomes final.

On December 12, 1975, Napakiak Corporation filed selection application F-14901-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) selections override the Sec. 12(b) selections. Therefore, application F-14901-A2 is hereby rejected as to the lands herein approved for conveyance.

As to the lands described below, selection F-14901-A, 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 103,562 acres, is considered proper for acquisition by Napakiak Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Partially Surveyed)

T. 7 N., R. 72 W.

Surveyed

- Sec. 1, lots 1 and 4, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , excluding Native allotment F-19048;
- Sec. 2, lots 1, 2, 3, and 4, N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ , excluding Native allotments F-16906, F-18199, and F-19048;
- Sec. 3, lots 1 and 2, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , excluding Native allotments F-17231 and F-18199;
- Sec. 9, lots 1 and 2, NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , excluding Native allotment F-19049;
- Sec. 10, lots 1, 2, 3, and 4, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , excluding Native allotments F-17231 and F-19049;
- Sec. 11, lot 1;

Unsurveyed

- Secs. 4, 5, and 6;
- Sec. 7, excluding Native allotments F-16599 Parcel B and F-18437;
- Sec. 8, excluding Native allotment F-18437;
- Secs. 9 to 14, inclusive;
- Sec. 15, excluding Native allotments F-14252 Parcel A and F-16339;
- Sec. 16, excluding Native allotment F-17469 Parcel B;
- Sec. 17, excluding ANCSA Sec. 3(e) application AA-16143;
- Sec. 18, excluding Native allotment F-16599 Parcel B;
- Sec. 19;
- Sec. 20, excluding ANCSA Sec. 3(e) application AA-16143 and Public Land Order 2020;
- Sec. 21, excluding Native allotment F-14987;
- Sec. 22;
- Secs. 23 to 26, inclusive, excluding Native allotment F-16827;

Secs. 27, 28, and 29;  
 Sec. 30, excluding Native allotments F-18031 Parcel C  
 and F-19198 Parcel A;  
 Secs. 31 and 32;  
 Sec. 33, excluding Native allotment F-15666;  
 Secs. 34, 35, and 36.

Containing approximately 15,597 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 72 W.  
 Secs. 34 and 35.

Containing approximately 1,280 acres.

T. 6 N., R. 73 W.  
 Secs. 5 and 6.

Containing approximately 620 acres.

T. 7 N., R. 73 W.  
 Secs. 1 and 2, excluding Native allotment F-13947;  
 Secs. 3 to 6, inclusive;  
 Sec. 7, excluding Native allotment F-16191 Parcel B;  
 Secs. 8, 9, and 10;  
 Secs. 11 and 12, excluding Native allotment F-13947;  
 Sec. 13, excluding Native allotments F-15630,  
 F-16599 Parcel A, and F-18890;  
 Sec. 14, excluding Native allotment F-18890;  
 Secs. 15 to 19, inclusive;  
 Sec. 20, excluding Native allotment F-20494 Parcel B;  
 Secs. 21 to 25, inclusive;  
 Sec. 26, excluding Native allotment F-17467 Parcel A;  
 Sec. 27, excluding Native allotments F-029862,  
 F-14173 Parcel A, F-17467 Parcel A, and  
 F-18869 Parcel A;  
 Sec. 28, excluding Native allotments F-029862 and  
 F-18869 Parcel A;  
 Sec. 29, excluding Native allotments F-14390 Parcel B  
 and F-20494 Parcel B;  
 Secs. 30, 31, and 32;  
 Sec. 33, excluding Native allotment F-18869 Parcel A;  
 Sec. 34, excluding Native allotments F-17467 Parcel A  
 and F-18869 Parcel A;  
 Secs. 35 and 36.

Containing approximately 17,012 acres.

T. 8 N., R. 73 W.  
 Sec. 1;  
 Sec. 2, excluding Native allotment F-17707;

Sec. 3, excluding Native allotments F-13970,  
 F-15617, and F-17707;  
 Sec. 9;  
 Secs. 10 and 11, excluding Native allotment F-15757  
 Parcel A;  
 Secs. 12 and 13;  
 Sec. 14, excluding Native allotment F-17735;  
 Sec. 15, excluding Native allotments F-17735  
 and F-18870;  
 Sec. 16, excluding Native allotment F-18870;  
 Sec. 17, excluding U.S. Survey No. 5804;  
 Secs. 18, 19, and 20;  
 Sec. 21, excluding Native allotments F-13484  
 and F-18870;  
 Sec. 22, excluding Native allotment F-17812;  
 Secs. 23 to 27, inclusive;  
 Secs. 28 and 29, excluding Native allotment F-18873;  
 Secs. 30 to 36, inclusive.

Containing approximately 17,953 acres.

T. 5 N., R. 74 W.

Secs. 1 and 2, excluding Native allotment F-18024;  
 Secs. 5 to 8, inclusive;  
 Secs. 11 to 14, inclusive;  
 Secs. 17 and 18.

Containing approximately 6,002 acres.

T. 6 N., R. 74 W.

Secs. 1 to 12, inclusive;  
 Secs. 15 to 21, inclusive;  
 Secs. 24, 25, and 26;  
 Secs. 28 to 33, inclusive;  
 Secs. 35 and 36.

Containing approximately 15,072 acres.

T. 7 N., R. 74 W.

Sec. 1, excluding Native allotment F-16949  
 Parcel A;  
 Secs. 2 to 11, inclusive;  
 Sec. 12, excluding Native allotments F-15941  
 and F-16949 Parcel A;  
 Sec. 13, excluding Native allotment F-18395;  
 Secs. 14 to 35, inclusive;  
 Sec. 36, excluding Native allotment F-18878.

Containing approximately 22,021 acres.

T. 8 N., R. 74 W.

Sec. 13;  
 Secs. 24 to 28, inclusive;  
 Sec. 29, excluding Native allotment F-17847;  
 Secs. 30, 31, and 32;  
 Secs. 33 and 34, excluding Native allotment  
 F-15937 Parcel B;  
 Secs. 35 and 36.

Containing approximately 8,005 acres.

Aggregating approximately 103,562 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14901-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

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 one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; or lands are pending a determination under Sec. 3(e) of ANCSA. 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 the navigable water bodies.

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

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).

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act.

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, or supplemental 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;
3. Airport lease, F-15808, located within Secs. 18 and 19, T. 7 N., R. 72 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928, 49 U.S.C. 211-214; and
4. 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.

The village of Napakiak 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 103,562 acres. The remaining entitlement of approximately 11,638 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 Napakiak 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 property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, 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.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and 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 MAY 05 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 Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed AK Form 2650-4.)

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

Napakiak Corporation  
Napakiak, Alaska 99559

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

/s/ Ruth Stockie

Acting Chief, Branch of  
ANCSA Adjudication.

## Enclosures:

AK Form 2650-4

Cy 43 CFR Part 4, Subpart J

Plats

Maps

Legend

## cc:

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

State of Alaska  
Department of Natural Resources  
Division of Research  
and Development  
Pouch 7-005  
Anchorage, Alaska 99510  
(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)

Alaska Legal Services Corporation  
615 H Street, Suite 100  
Anchorage, Alaska 99501

Department of the Interior  
Fish and Wildlife Service  
1011 East Tudor Road  
Anchorage, Alaska 99503

Department of the Interior  
 Alaska Native Claims Appeal Board  
 P.O. Box 2433  
 Anchorage, Alaska 99510

Mr. John Moses  
 Alaska Native Foundation  
 411 West Fourth Avenue  
 Suite 314  
 Anchorage, Alaska 99501

Bureau of Land Management  
 P.O. Box 666  
 Bethel, Alaska 99559

DM-A (010)  
 (w/maps and legend)

AM-M (018)  
 (w/maps and legend)

Chief, Branch of Lands (941)

Chief, Branch of Office Engineering (922)

Chief, Branch of Easement Identification (963)

Fire Management (970)  
 Attn: J. Costello

961:HBurleson:eaj:03/31/81  
LIZ5/E eaj:04/03/81  
 eaj:05/07/81  
 cea:07/27/81  
 ss:07/30/81  
 wmc\*12/29/81  
 cea:12/30/81  
 cea:12/31/81  
 lm:12/31/81  
 961:JHarvey mlr\*01/5/82  
 mlr\*01/13/82  
 mlr\*01/19/82  
 mlr\*01/20/82  
 lm:2/2/82  
 eaj:2/6/82  
 eaj:2/9/82  
 eaj:02/25/82  
 rer"03/06/82  
 eaj:03/09/82  
 eaj:03/24/82

INTERIM CONVEYANCE

WHEREAS

Napakiak 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:

Seward Meridian, Alaska (Partially Surveyed)

T. 7 N., R. 72 W.  
Surveyed  
Sec. 11, lot 1;

Unsurveyed  
Secs. 5 and 6;  
Sec. 7, excluding Native allotments F-16599 Parcel B and F-18437;  
Secs. 11 to 14, inclusive;  
Sec. 15, excluding Native allotments F-14252 Parcel A and F-16339;  
Sec. 18, excluding Native allotment F-16599 Parcel B;  
Sec. 19;  
Sec. 20, excluding ANCSA Sec. 3(e) application AA-16143 and Public Land Order 2020;  
Sec. 21, excluding Native allotment F-14987;  
Sec. 22;  
Secs. 23 to 26, inclusive, excluding Native allotment F-16827;  
Secs. 27, 28, and 29;  
Sec. 30, excluding Native allotments F-18031 Parcel C and F-19198 Parcel A;  
Secs. 31 and 32;  
Sec. 33, excluding Native allotment F-15666;  
Secs. 34, 35, and 36.

Containing approximately 11,648 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 72 W.  
Secs. 34 and 35.

Containing approximately 1,280 acres.

T. 6 N., R. 73 W.  
Secs. 5 and 6.

Containing approximately 620 acres.

T. 7 N., R. 73 W.  
Secs. 1 and 2, excluding Native allotment F-13947;  
Secs. 3 to 6, inclusive;  
Sec. 7, excluding Native allotment F-16191 Parcel B;  
Secs. 8, 9, and 10;  
Secs. 11 and 12, excluding Native allotment F-13947;  
Sec. 13, excluding Native allotments F-15630, F-16599 Parcel A, and F-18890;  
Sec. 14, excluding Native allotment F-18890;

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Dated 1/10/2012

Interim Conveyance No. 616  
Date DEC 29 1982

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Dated 05/10/2006

Secs. 15 to 19, inclusive;  
 Sec. 20, excluding Native allotment F-20494 Parcel B;  
 Secs. 21 to 25, inclusive;  
 Sec. 26, excluding Native allotment F-17467 Parcel A;  
 Sec. 27, excluding Native allotments F-029862, F-14173  
 Parcel A, F-17467 Parcel A, and F-18869 Parcel A;  
 Sec. 28, excluding Native allotments F-029862 and  
 F-18869 Parcel A;  
 Sec. 29, excluding Native allotments F-14390 Parcel B  
 and F-20494 Parcel B;  
 Secs. 30, 31, and 32;  
 Sec. 33, excluding Native allotment F-18869 Parcel A;  
 Sec. 34, excluding Native allotments F-17467 Parcel A  
 and F-18869 Parcel A;  
 Secs. 35 and 36.

Containing approximately 17,012 acres.

T. 8 N., R. 73 W.

Sec. 1;  
 Sec. 2, excluding Native allotment F-17707;  
 Sec. 3, excluding Native allotments F-13970, F-15617,  
 and F-17707;  
 Sec. 9;  
 Secs. 10 and 11, excluding Native allotment F-15757  
 Parcel A;  
 Secs. 12 and 13;  
 Sec. 14, excluding Native allotment F-17735;  
 Sec. 15, excluding Native allotments F-17735 and F-18870;  
 Sec. 16, excluding Native allotment F-18870;  
 Sec. 17, excluding U.S. Survey No. 5804;  
 Secs. 18, 19, and 20;  
 Sec. 21, excluding Native allotments F-13484 and F-18870;  
 Sec. 22, excluding Native allotment F-17812;  
 Secs. 23 to 36, inclusive.

Containing approximately 17,953 acres.

T. 5 N., R. 74 W.

Secs. 1 and 2, excluding Native allotment F-18024;  
 Sec. 6;  
 Secs. 11 to 14, inclusive.

Containing approximately 3,266 acres.

T. 6 N., R. 74 W.

Secs. 1, 6, and 7;  
 Secs. 9 to 12, inclusive;  
 Secs. 15, 16, 18, and 19;  
 Secs. 21, 24, 25, and 26;  
 Secs. 28, 30, and 31;  
 Secs. 33, 35, and 36.

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Dated 1/10/2012.

Containing approximately 9,347 acres.

T. 7 N., R. 74 W.

Sec. 1, excluding Native allotment F-16949 Parcel A;  
 Secs. 2 to 11, inclusive;  
 Sec. 12, excluding Native allotments F-15941 and F-16949  
 Parcel A;

Interim Conveyance No. \_\_\_\_\_

616

Date \_\_\_\_\_

DEC 29 1982

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 Dated 05/10/2006

F-14901-A

Sec. 13, excluding Native allotment F-18395;  
Secs. 14 to 33, inclusive.

Containing approximately 20,406 acres.

T. 8 N., R. 74 W.

Sec. 13;

Secs. 24 to 28, inclusive;

Sec. 29, excluding Native allotment F-17847;

Secs. 30, 31, and 32;

Secs. 33 and 34, excluding Native allotment F-15937  
Parcel B;

Secs. 35 and 36.

Containing approximately 8,005 acres.

Aggregating approximately 89,537 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14901-EE.

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 rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever:

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

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)).

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, or supplemental 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;

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Interim Conveyance No. 616

Date DEC 29 1982

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Dated 05/10/2006

3. The following third-party interest, identified by the U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(g)):

Airport lease, M-132-YD, issued to the State of Alaska, Department of Transportation and Public Facilities, located within Secs. 18 and 19, T. 7 N., R. 72 W., Seward Meridian, Alaska, for a twenty (20) year airport lease at Napakiak; (formerly airport lease F-15808, issued under the provisions of the Public Airport Act of May 24, 1928, as amended (49 U.S.C. 211-214)); and

4. 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

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

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corrected by IC No. 2370  
Dated 1/10/2012

Interim Conveyance No. \_\_\_\_\_

616

Date \_\_\_\_\_

DEC 29 1982

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Dated 05/10/2006

# The United States of America

## *Corrected Interim Conveyance*

F-14901-A

This document corrects Interim Conveyance No. 616, dated December 29, 1982, recorded as Document Number 2006-000401-0, in the Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Napakiak Corporation, P.O. Box 34030, Napakiak, Alaska 99634-0030, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

Napakiak Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 616. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-51113	Fannie K. Pavilla	Lot 3, U.S. Survey 11968
AA-55612	James Gilman	U.S. Survey 11986
AA-57967 C	Andrew Frank	U.S. Survey 12114
AA-57988 D	John N Andrew	Lots 1, 2, U.S. Survey 11976
AA-57995 D	John A. Phillip, Sr.	Lot 4, U.S. Survey 11965
F-033641	Jacob Y. Evan	Lot 2, U.S. Survey 11968
F-13999	Celia Oscar	Lot 5, U.S. Survey 11983
F-17469 B	Martha A. Larson	Lot 5, U.S. Survey 11965

Interim Conveyance No. \_\_\_\_\_

**1976**

Page 1 of 2

THEREFORE, Interim Conveyance No. 616 is corrected in part to read:

Seward Meridian, Alaska

T. 7 N., R. 72 W.,  
Sec. 15, excluding U.S. Survey U.S. Survey 11965;  
Sec. 21, excluding U.S. Survey U.S. Survey 11965 and  
U.S. Survey 11968;  
Sec. 22, excluding U.S. Survey 11965 and  
U.S. Survey 11968;  
Sec. 30, excluding U.S. Survey 11976.  
Sec. 31, excluding U.S. Survey 11976.

T. 7 N., R. 73 W.,  
Sec. 35, excluding U.S. Survey 12114,  
Sec. 36, excluding U.S. Survey 12114.

T. 8 N., R. 73 W.,  
Sec. 9, excluding U. S. Survey 11983,  
Sec. 32, excluding U.S. Survey 11986.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 616 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 10<sup>th</sup> day of May, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*/s/ Krissell Crandall*

Krissell Crandall  
Chief, Branch of Adjudication I

Return Recorded Document to:  
Napakiak Corporation  
P.O. Box 34030  
Napakiak, Alaska 99634-0030

Interim Conveyance No.

**1976**

Page 2 of 2

# The United States of America

## *Corrected Interim Conveyance*

F-14901-A

This document corrects Interim Conveyance No. 616, dated December 29, 1982, and recorded as document 2006-000401-0, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to Napakiak Corporation, P.O. Box 34030, Napakiak, Alaska 99634-0030, as GRANTEE, for lands in the Bethel Recording District.

WHEREAS

Napakiak Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This Corrected Interim Conveyance is issued for the limited purpose of excluding the Native allotment parcel listed below from the lands transferred by Interim Conveyance No. 616. The parcel to be excluded was segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-85342 B	Lucy G. Nicolai	U.S. Survey No. 14008

Interim Conveyance No. \_\_\_\_\_

**2370**

Page 1 of 2

THEREFORE, Interim Conveyance No. 616 is corrected in part to read:

Seward Meridian, Alaska

T. 8 N., R. 73 W.,

Sec. 22, excluding U.S. Survey 11990 and U.S. Survey 14008;

This correction affects only the above-listed section. The remainder of Interim Conveyance No. 616 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 10<sup>th</sup> day of January, 2012, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Ramona Chinn

Ramona Chinn  
Deputy State Director  
Division of Alaska Lands

Return Recorded Document to:

Napakiak Corporation  
P.O. Box 34030  
Napakiak, Alaska 99634-0030

**2370**

Interim Conveyance No. \_\_\_\_\_

Page 2 of 2

INTERIM CONVEYANCE

WHEREAS

Calista Corporation

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

INTERIM CONVEYANCE NO. 616

Seward Meridian, Alaska (Partially Surveyed)

T. 7 N., R. 72 W.  
Surveyed  
Sec. 11, lot 1;

Unsurveyed  
Secs. 5 and 6;  
Sec. 7, excluding Native allotments F-16599 Parcel B and F-18437;  
Secs. 11 to 14, inclusive;  
Sec. 15, excluding Native allotments F-14252 Parcel A and F-16339;  
Sec. 18, excluding Native allotment F-16599 Parcel B;  
Sec. 19;  
Sec. 20, excluding ANCSA Sec. 3(e) application AA-16143 and Public Land Order 2020;  
Sec. 21, excluding Native allotment F-14987;  
Sec. 22;  
Secs. 23 to 26, inclusive, excluding Native allotment F-16827;  
Secs. 27, 28, and 29;  
Sec. 30, excluding Native allotments F-18031 Parcel C and F-19198 Parcel A;  
Secs. 31 and 32;  
Sec. 33, excluding Native allotment F-15666;  
Secs. 34, 35, and 36.

Containing approximately 11,648 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 72 W.  
Secs. 34 and 35.

Containing approximately 1,280 acres.

T. 6 N., R. 73 W.  
Secs. 5 and 6.

Containing approximately 620 acres.

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Interim Conveyance No. 617  
Date DEC 29 1982

T. 7 N., R. 73 W.

Secs. 1 and 2, excluding Native allotment F-13947;  
 Secs. 3 to 6, inclusive;  
 Sec. 7, excluding Native allotment F-16191 Parcel B;  
 Secs. 8, 9, and 10;  
 Secs. 11 and 12, excluding Native allotment F-13947;  
 Sec. 13, excluding Native allotments F-15630, F-16599  
 Parcel A, and F-18890;  
 Sec. 14, excluding Native allotment F-18890;  
 Secs. 15 to 19, inclusive;  
 Sec. 20, excluding Native allotment F-20494 Parcel B;  
 Secs. 21 to 25, inclusive;  
 Sec. 26, excluding Native allotment F-17467 Parcel A;  
 Sec. 27, excluding Native allotments F-029862, F-14173  
 Parcel A, F-17467 Parcel A, and F-18869 Parcel A;  
 Sec. 28, excluding Native allotments F-029862 and  
 F-18869 Parcel A;  
 Sec. 29, excluding Native allotments F-14390 Parcel B  
 and F-20494 Parcel B;  
 Secs. 30, 31, and 32;  
 Sec. 33, excluding Native allotment F-18869 Parcel A;  
 Sec. 34, excluding Native allotments F-17467 Parcel A  
 and F-18869 Parcel A;  
 Secs. 35 and 36.

Containing approximately 17,012 acres.

T. 8 N., R. 73 W.

Sec. 1;  
 Sec. 2, excluding Native allotment F-17707;  
 Sec. 3, excluding Native allotments F-13970, F-15617,  
 and F-17707;  
 Sec. 9;  
 Secs. 10 and 11, excluding Native allotment F-15757  
 Parcel A;  
 Secs. 12 and 13;  
 Sec. 14, excluding Native allotment F-17735;  
 Sec. 15, excluding Native allotments F-17735 and F-18870;  
 Sec. 16, excluding Native allotment F-18870;  
 Sec. 17, excluding U.S. Survey No. 5804;  
 Secs. 18, 19, and 20;  
 Sec. 21, excluding Native allotments F-13484 and F-18870;  
 Sec. 22, excluding Native allotment F-17812;  
 Secs. 23 to 36, inclusive.

Containing approximately 17,953 acres.

T. 5 N., R. 74 W.

Secs. 1 and 2, excluding Native allotment F-18024;  
 Sec. 6;  
 Secs. 11 to 14, inclusive.

Containing approximately 3,266 acres.

T. 6 N., R. 74 W.

Secs. 1, 6, and 7;  
 Secs. 9 to 12, inclusive;  
 Secs. 15, 16, 18, and 19;

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 Dated 05/10/2006

617

Interim Conveyance No. \_\_\_\_\_

Date \_\_\_\_\_

DEC 29 1982

F-14901-A

Secs. 21, 24, 25, and 26;  
Secs. 28, 30, and 31;  
Secs. 33, 35, and 36.

Containing approximately 9,347 acres.

T. 7 N., R. 74 W.

Sec. 1, excluding Native allotment F-16949 Parcel A;  
Secs. 2 to 11, inclusive;  
Sec. 12, excluding Native allotments F-15941 and F-16949  
Parcel A;  
Sec. 13, excluding Native allotment F-18395;  
Secs. 14 to 33, inclusive.

Containing approximately 20,406 acres.

T. 8 N., R. 74 W.

Sec. 13;  
Secs. 24 to 28, inclusive;  
Sec. 29, excluding Native allotment F-17847;  
Secs. 30, 31, and 32;  
Secs. 33 and 34, excluding Native allotment F-15937  
Parcel B;  
Secs. 35 and 36.

Containing approximately 8,005 acres.

Aggregating approximately 89,537 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14901-EE.

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

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate and to valid existing rights, if any, in the said subsurface estate, 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.

This document has been  
corrected by IC No. 2371  
Dated 1/10/2012

Interim Conveyance No. \_\_\_\_\_

Date \_\_\_\_\_

617

DEC 29 1982

This document has been  
corrected by IC No. 197  
Dated 05/10/2006

F-14901-A

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

*William D Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. \_\_\_\_\_

617

Date \_\_\_\_\_

DEC 29 1982

This document has been  
corrected by IC No. 2371  
Dated 1/10/2012

This document has been  
corrected by IC No. 1977  
Dated 05/10/2006

# The United States of America

## *Corrected Interim Conveyance*

F-14901-A

This document corrects Interim Conveyance No. 617, dated December 29, 1982, recorded in Book 33 beginning at page 982, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

Calista Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 617. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-51113	Fannie K. Pavilla	Lot 3, U.S. Survey 11968
AA-55612	James Gilman	U.S. Survey 11986
AA-57967 C	Andrew Frank	U.S. Survey 12114
AA-57988 D	John N Andrew	Lots 1, 2, U.S. Survey 11976
AA-57995 D	John A. Phillip, Sr.	Lot 4, U.S. Survey 11965
F-033641	Jacob Y. Evan	Lot 2, U.S. Survey 11968
F-13999	Celia Oscar	Lot 5, U.S. Survey 11983
F-17469 B	Martha A. Larson	Lot 5, U.S. Survey 11965

Interim Conveyance No. \_\_\_\_\_

**1977**

THEREFORE, Interim Conveyance No. 617 is corrected in part to read:

Seward Meridian, Alaska

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

Sec. 15, excluding U.S. Survey U.S. Survey 11965;  
Sec. 21, excluding U.S. Survey U.S. Survey 11965 and  
U.S. Survey 11968;  
Sec. 22, excluding U.S. Survey 11965 and  
U.S. Survey 11968;  
Sec. 30, excluding U.S. Survey 11976.  
Sec. 31, excluding U.S. Survey 11976.

T. 7 N., R. 73 W.,

Sec. 35, excluding U.S. Survey 12114,  
Sec. 36, excluding U.S. Survey 12114.

T. 8 N., R. 73 W.,

Sec. 9, excluding U. S. Survey 11983,  
Sec. 32, excluding U.S. Survey 11986.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 617 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 10<sup>th</sup> day of May, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Krissell Crandall

Krissell Crandall  
Chief, Branch of Adjudication I

Return Recorded Document to:  
Calista Corporation  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028

Interim Conveyance No. \_\_\_\_\_

**1977**

Page 2 of 2

# The United States of America

## *Corrected Interim Conveyance*

F-14901-A

This document corrects Interim Conveyance No. 617, dated December 29, 1982, recorded in Book 33, beginning at page 982, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel Recording District.

WHEREAS

Calista Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This Corrected Interim Conveyance is issued for the limited purpose of excluding the Native allotment parcel listed below from the lands transferred by Interim Conveyance No. 617. The parcel to be excluded was segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-85342 B	Lucy G. Nicolai	U.S. Survey No. 14008

Interim Conveyance No. \_\_\_\_\_

**2371**

Page 1 of 2

THEREFORE, Interim Conveyance No. 617 is corrected in part to read:

Seward Meridian, Alaska

T. 8 N., R. 73 W.,

Sec. 22, excluding U.S. Survey 11990 and U.S. Survey 14008.

This correction affects only the above-listed section. The remainder of Interim Conveyance No. 617 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 10<sup>th</sup> day of January, 2012, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Ramona Chinn

Ramona Chinn  
Deputy State Director  
Division of Alaska Lands

Return Recorded Document to:

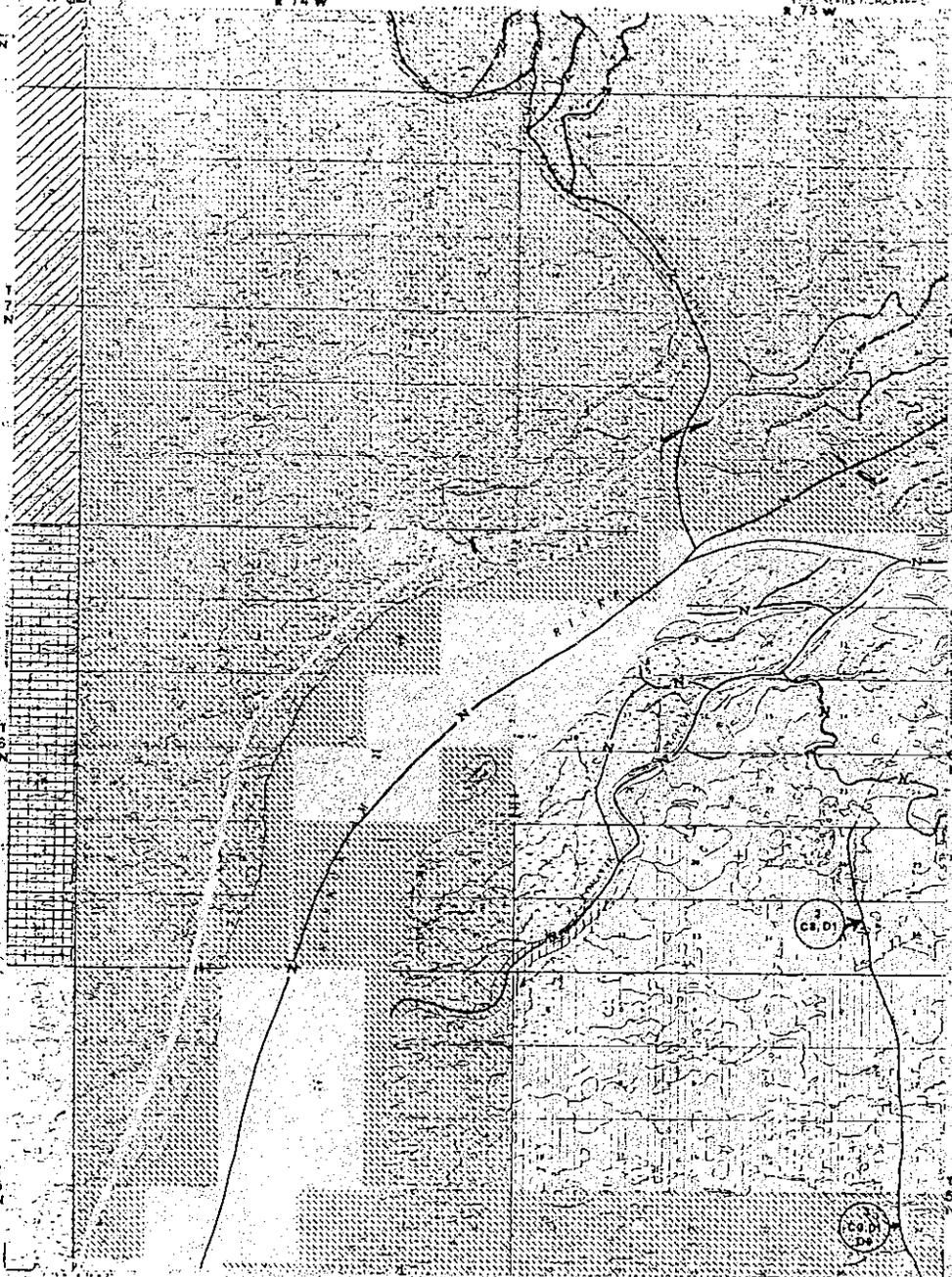
Calista Corporation  
Attn: Land Department  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028

Interim Conveyance No. \_\_\_\_\_

**2371**

Page 2 of 2

AVAILABILITY DECISION RECORD	
VALUE	DATE
1/1/82	1/1/82
2/1/82	2/1/82
3/1/82	3/1/82
4/1/82	4/1/82
5/1/82	5/1/82
6/1/82	6/1/82
7/1/82	7/1/82
8/1/82	8/1/82
9/1/82	9/1/82
10/1/82	10/1/82
11/1/82	11/1/82
12/1/82	12/1/82



Shaded areas remain until determined otherwise  
 in the presence of special orders and amendments.

DATE	BY	REVISION
1/1/82		
2/1/82		
3/1/82		
4/1/82		
5/1/82		
6/1/82		
7/1/82		
8/1/82		
9/1/82		
10/1/82		
11/1/82		
12/1/82		

-  CHEFORNAK VILLAGE SELECTION
-  NAPASKIAK VILLAGE SELECTION
-  NUNAPITCHUK VILLAGE SELECTION
-  NUNAPITCHUK VILLAGE SELECTION

PCB 1/1/82  
 CHEFORNAK  
 Nunapitchuk Village Selection  
 BAIRD INLET (C-1) QUADRANGLE  
 1:50,000  
 6-25-82  
 Baird Inlet (C-1)

the  
 Sta  
 her  
 Ala

616

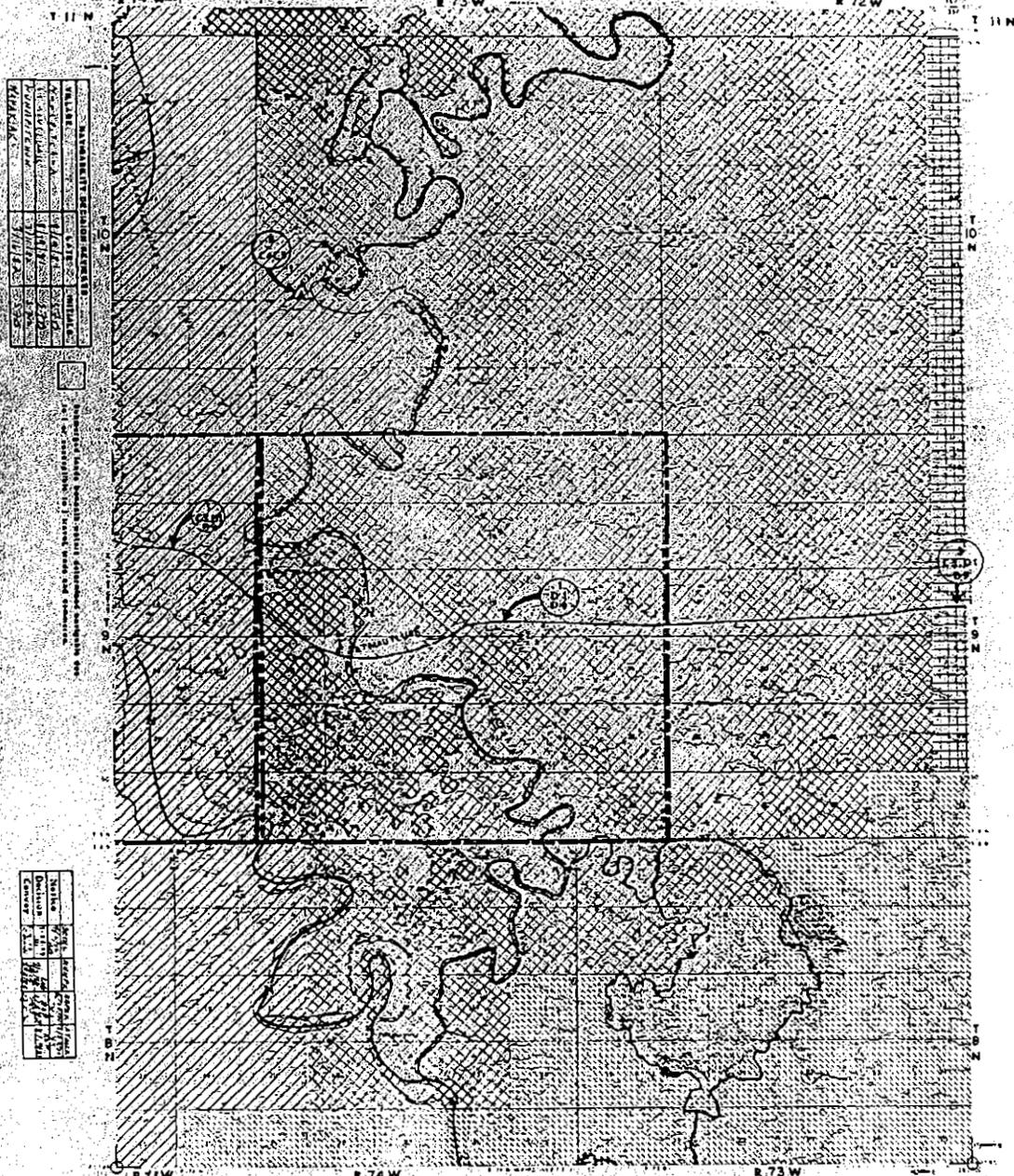
Alaska State Office  
 Anchorage, Alaska

DATE DEC 29 1982

I hereby certify that this reproduction is a copy of the official record on file in this office.

*[Signature]*

Int  
 Date



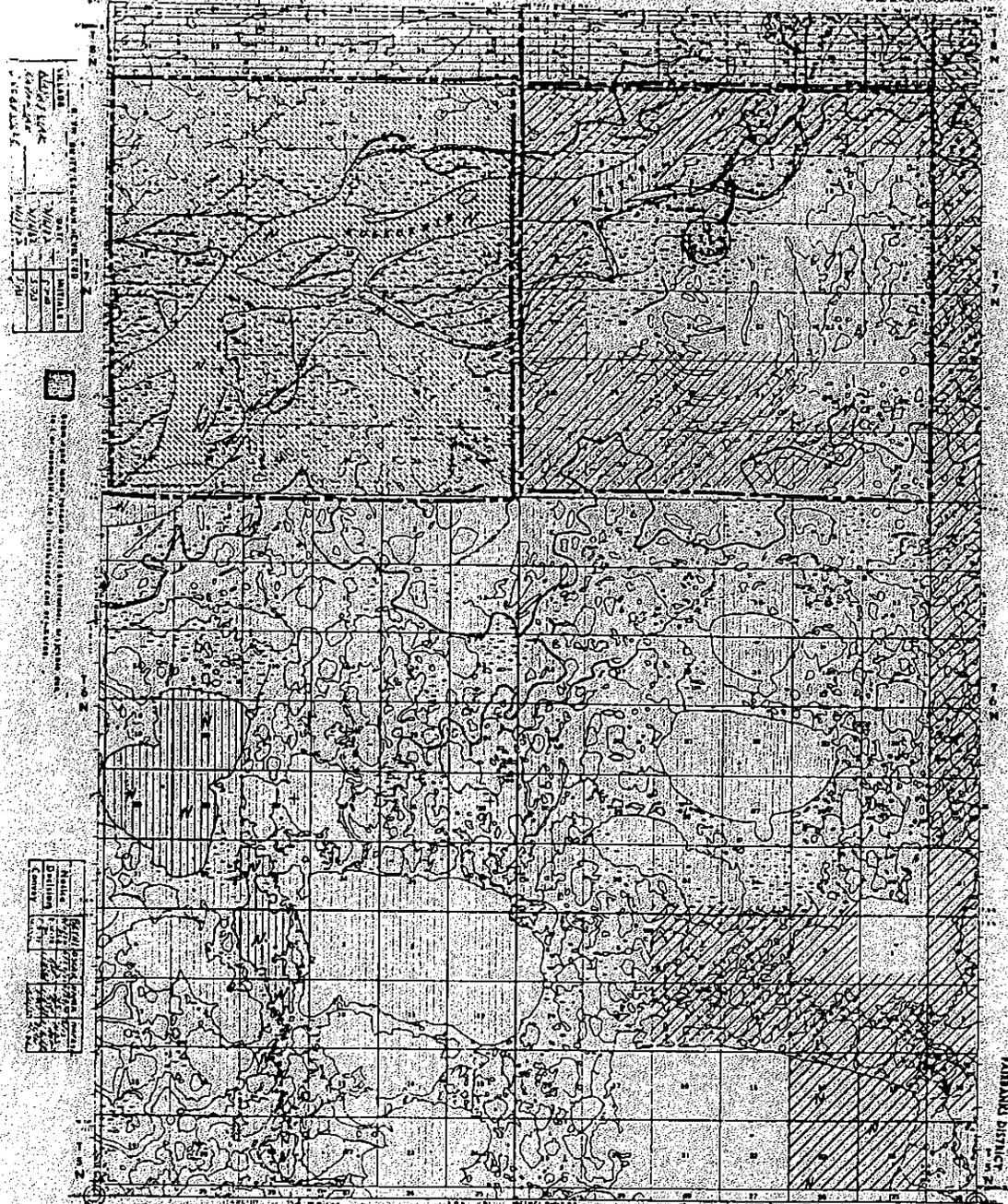
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[Symbol]	Unsettled
[Symbol]	Settled
[Symbol]	Water
[Symbol]	Swamp
[Symbol]	Barren
[Symbol]	Forest
[Symbol]	Open
[Symbol]	Other

SYMBOL	DESCRIPTION
[Symbol]	Unsettled
[Symbol]	Settled
[Symbol]	Water
[Symbol]	Swamp
[Symbol]	Barren
[Symbol]	Forest
[Symbol]	Open
[Symbol]	Other

BETHEL VILLAGE SELECTION  
 NUNAPITCHUK VILLAGE SELECTION  
 NAPAKIAK VILLAGE SELECTION  
 Application of Dec. 17, 1974  
 Represents nearest whole section (Application may be less than 640 acres)  
 Represents nearest whole section in ALASKA (Application may be less than 640 acres)  
 ----- Core township

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.  
 \_\_\_\_\_  
 4/2/81

616



Reasons for the Area that Shows  
to be an Unincorporated Village  
are as follows:  
1. The area is a distinct community.  
2. The area is a distinct community.  
3. The area is a distinct community.  
4. The area is a distinct community.

BETHEL VILLAGE SELECTION  
 NAPASKIAK VILLAGE SELECTION

NAPASKIAK VILLAGE SELECTION  
Application of Act 19-1074  
Application may be less than 640 acres.  
BETHEL (C-2) ALASKA  
1978  
Cadastral Township 10N 15W

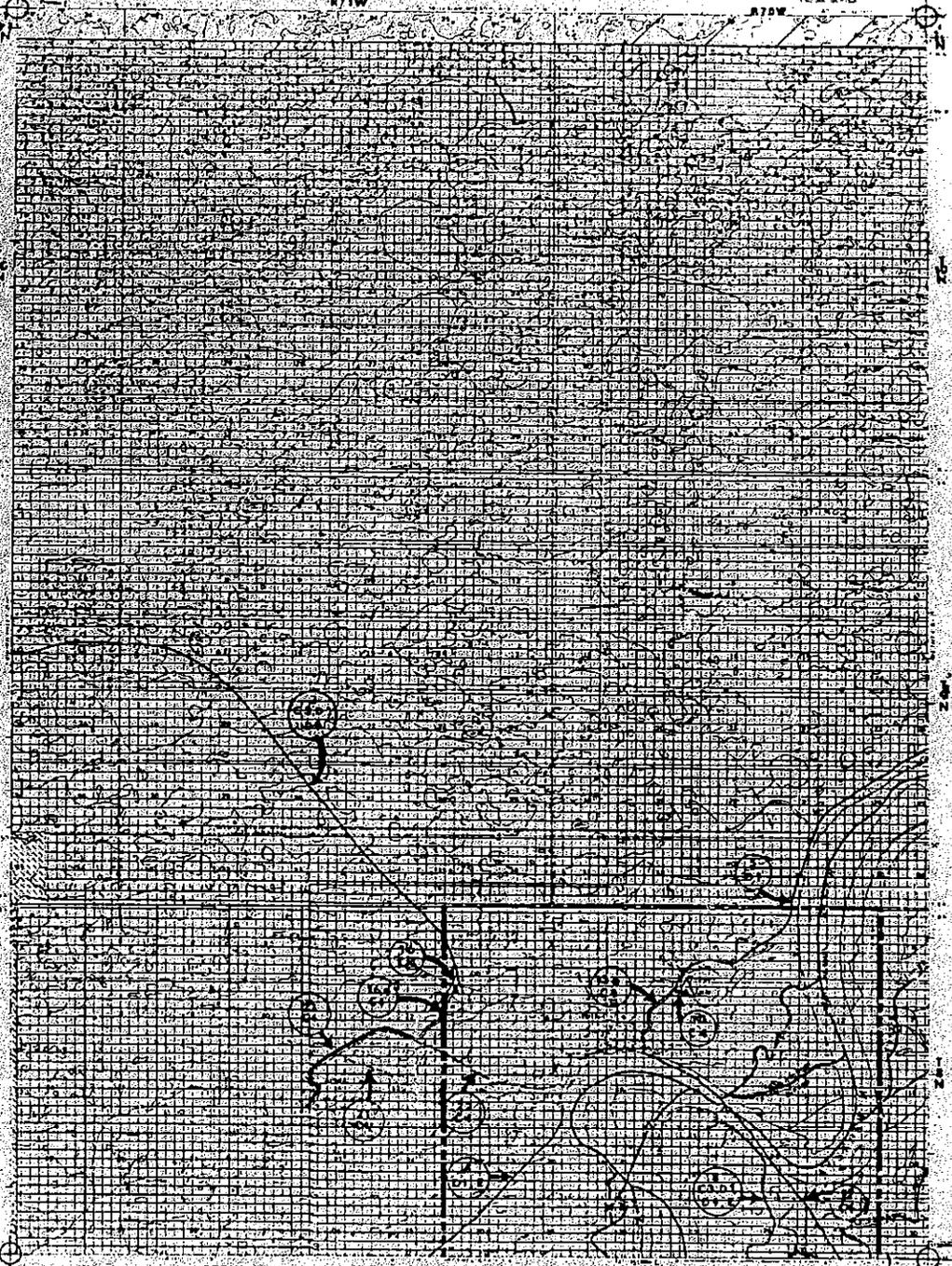
*616*

616

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.  
  
WILLIAM D. ARNOLD  
AUTHORIZED SIGNATURE

NAME	DATE	CLASSIFICATION
AKIACHAK	10/1/72	CLASSIFIED
BETHEL	10/1/72	CLASSIFIED
NAPAKIAK	10/1/72	CLASSIFIED

NAME	DATE	CLASSIFICATION
AKIACHAK	10/1/72	CLASSIFIED
BETHEL	10/1/72	CLASSIFIED
NAPAKIAK	10/1/72	CLASSIFIED



Application of Dec. 17, 1971  
 Reverts to nearest whole section.  
 Application may be less than 640 acres.  
 \* See Case Township

AKIACHAK VILLAGE SELECTION  
 BETHEL VILLAGE SELECTION  
 NAPAKIAK VILLAGE SELECTION

BETHEL (D-8) ALASKA  
 1962  
 61160

NAME	DATE	CLASSIFICATION
AKIACHAK	10/1/72	CLASSIFIED
BETHEL	10/1/72	CLASSIFIED
NAPAKIAK	10/1/72	CLASSIFIED

NAME	DATE	CLASSIFICATION
AKIACHAK	10/1/72	CLASSIFIED
BETHEL	10/1/72	CLASSIFIED
NAPAKIAK	10/1/72	CLASSIFIED

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.

*[Signature]*  
 APPROVED SIGNATURE

616

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 9

TO : File

DATE: JAN 15 1976

FROM : Realty Specialist  
McGrath Resource Area

In reply refer to:  
F-14873/2651 (102)

SUBJECT: Kasigluk Easement Meeting

On September 29, 1975, I met with the village of Kasigluk to discuss local easement recommendations. The following people from the village were in attendance.

Yeako Slim  
John Nicholas  
Nick Kulila  
Joe Nicholas  
Henry Charles  
Tim Hoover  
George Keene  
Irvin Brink  
Leri Hoover  
Zacharry Brink, Sr.  
Stella Brink  
Arresia Hoover  
Vivian M. Beaner  
Sophie Keene

Letters were mailed to 22 agencies early in 1975, requesting their comments and recommendations for local easements within the Kasigluk village selection.

## Easement Recommendations

1. Trail, Kasigluk to Bethel, I was advised that a winter trail easement would not be practical, since the route of travel between these villages is dependent upon the time of year, condition of lake ice, weather and snow conditions. The village was opposed to an easement.
2. Campsite/boat dock/float plane tie-up. The village was opposed to this easement. They felt that there are adequate facilities for boat and float plane docking presently at the village. They also felt that they could provide adequate lodging for travelers. It should be noted that individuals have filed allotment applications which occupy river frontage for approximately three miles from the village.

F 1487:



3. Trail, public lands to Bethel via Kasigluk. The village was opposed to this trail for reasons stated in easement recommendation number 1, above.
4. Campsite, Nunapitchuk, is not within the selection area.
5. Tramway, is not within the village selection area.

It should be noted that the State of Alaska, Division of Lands has designated many small lakes and streams as navigable within the selection area. They have also requested shoreline easements for trail access along these water bodies. Because of the wet tundra character of these lands trails in the area would prove impassible during warm months and unnecessary during cold months. The village concurs with the states recommendations for navigable streams and lakes since a large portion of their selection is inundated.

*Wayne R. Dawson*

1/15/76

Johnson River System  
Interim Summary Report  
Attachment 10

Atmautluak

Yes  
NO

1, 8, 9, 10, 11, 12, 13

NOT CONSIDERED 2, 3, 4, 5, 6, 7

No considers

Navig. Waters -

IS NAVIG TO KASIGT.

- Johnson Riv. ~~to ma~~ ~~clear thro~~
- Pitmittalik Riv. up to Atmautluak -

- Lake complex north of Atmautluak not navig.

Joe Hos maps  
for Atmautluak  
Nunapitchuk  
Kasigluk

F 14835E

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 11

*Gene*

TO : Files

DATE: 1/27/76

FROM : Realty Specialist

In reply refer to:  
2650.58 (932)  
F-14914-EE

SUBJECT: Task Force Meeting on Nunapitchuk.

The Task Force met on January 15, 1976, to consider easements and navigability on the Nunapitchuk (F-14914) selection.

The following recommendations were approved by the Task Force:

*ok*

1 D1, D9, C3

This recommendation is for a 25-foot wide trail easement from Bethel to Kasigluk that will link the villages of Kasigluk, Nunapitchuk and Bethel, and provide access to public lands. The Bureau of Mines recommendation was for 100-feet.

*ok*

6 D9

This is a recommendation for an existing 50-foot tramway for portage between Takslesluk Lake and some unnamed lakes to the east of Long Lake (Takslesluk Lake). The portage is in Section 2, T.11N., R.76W., SM. There is a possibility of a native allotment on the same location.

*ok*

7 C4, C5

This is an one acre site easement on the left bank of Johnson River in Section 4, T.8N., R.74W. This will facilitate use of the river.

*ok*

8 C4, C5

This is an one acre site easement on the right bank of Pikmiktalik River in Section 19, T.10N., R.73W., S.M. This will facilitate use of the river.

*ok*

9 C4, C5

This is an one acre site easement recommendation adjacent to the north end of easement #6 in Section 2, T.11N., R.76W., S.M. This would facilitate use of the tramway and give access to public waters.

*ok*

10 C4

This recommendation is for a 25-foot streamside easement on the Johnson River. This is a highly significant river for recreation, substance and general travel in the area.

*ok*

11 C4

This recommendation is for a 25-foot streamside easement on the Pikmiktalik River. This is a highly significant recreational river.



5010-110

F 14914EE

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

- sk
- 12 C4 This recommendation is for a 25-foot streamside easement on the canal system between Nunapitchuk and Kasigluk. This canal is heavily used by both villages for all purposes of travel.
- OK
- 13 C4, C5 This recommendation is for a 25-foot streamside easement along identifiable channels of the Johnson River-lake system leading to the portage into Long Lake (Takselsluk Lake). This recommendation also applies to the deficiency area on the west end of Takselsluk Lake where short portages exist between small lakes west of Long Lake. These portages serve a route between the Johnson River area and Baird Inlet.

The following recommendation was not approved by the ETF:

- 2 D9 This was a recommendation for a 10-acre site easement at the village of Nunapitchuk. The village was opposed as they have a guest house there. An alternate location downriver would avoid village conflict. Alternate locations were approved by the Task Force along the Johnson and Pimikhtalik Rivers.

The following recommendations were not considered:

- 3 C3 A trail from Kasigluk to the west, outside the selection area.
- 4 D9 A site easement at Kasigluk, outside the selection area.

The following water bodies were considered to be navigable by reason of travel, trade and commerce:

1. Johnson River upstream from its mouth to Nunapitchuk and Kasigluk.
2. A canal (slough) system between Nunapitchuk and Kasigluk.

The following were considered and found not to be navigable:

1. Johnson River north of Nunapitchuk and Kasigluk
2. The lake system through which the Johnson River passes north of the two villages mentioned above.

*Patrick C. Babb*

F 14914EE

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 12

TO : Files

DATE: 4/19/76

FROM : Natural Resource Specialist

In reply refer to:  
2650.58 (932)  
F-14873-EE

SUBJECT: Task Force Meeting on Kasigluk.

F 14873 EE

The Task Force met on January 15, 1976, to consider easements and navigability on the Kasigluk (F-14873) selection.

This selection is subject to S.O. 2987.

The following recommendations were approved by the ETF:

- 1 C3, D9, D1 This recommendation is a 25-foot trail from Kasigluk to Bethel. This will link the villages and public waters.
- 3 C3 This was a recommendation for a 100-foot easement. The Task Force modified it to approve a 25-foot trail easement from Kasigluk to the public land west of Kasigluk.
- 6 C4, C5 This recommendation is for an one-acre site and 25-foot trail easement. The site is located adjacent to the existing airport lease south of Kasigluk with the trail to the Johnson River.
- 7 C4, C5 This is a recommendation for a streamside easement on the Johnson River. This will facilitate use of the river which is a heavily traveled route in this area. The easement is 25-feet along each bank and the bed of the stream above Kasigluk where it is not navigable.
- 8 C4, C5 This is a recommendation for a streamside easement on the canal (slough) system between Kasigluk and Nunapitchuk. This easement is for 25-feet along each bank which will facilitate use of the river. The bed is not included as this system is considered to be navigable.
- 9 C4, C5 This recommendation for a streamside linear easement 25-feet (both banks and the bed) north from Kasigluk, along the stream draining Kyigayalik Lake toward the portage east toward Baird Inlet. This portage goes through Takselsluk Lake (Long Lake).



5010-110

Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

ADP 21  
4/30/76

The following recommendation was not approved by the Task Force:

- 2 D9            This was a recommendation for a 10-acre site easement. The Task Force rejected this and substituted recommendation #6 which was a better location.

The following recommendations were not considered:

- 4 D9            A campsite in Nunapitchuk, outside the selection area.
- 5 D9            A tramway, outside the selection area.

Navigable waters were discussed with the Johnson River and the Slough (Canal) System between Kasigluk and Nunapitchuk being determined navigable due to travel, trade and commerce. No tidal waters in this area.

*Harold J. Anderson*

F 14873EE

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 13

TO : Files

DATE: 5/7/76

FROM : Natural Resource Specialist

In reply refer to:  
2650.58 (932)  
F-14835-EE

SUBJECT: Easement Task Force Meeting on Atmautluak.

On January 15, 1976, the Easement and Navigability Task Force met to consider easements and navigable waters for the village of Atmautluak.

The selected lands for this village are subject to Secretarial Order 2987.

Navigable waters were discussed and the following rivers were considered to be navigable due to travel, trade and commerce: the Johnson River through the selection area to the village of Kasigluk, the Pikmiktalik River, which flows into the Johnson River, to the village of Atmautluak.

The following easements were approved by the Task Force:

- 1 D9, D1      This recommendation is for a 25-foot wide trail. The trail actually runs from Kasigluk to Bethel and passes through this selection area in route. It provides access between villages and access to public lands and waters.
- 8 C5      This recommendation is for a one-acre site easement located in Section 4 or 5, T.8N., R.74W., S.M., on the left bank of the Johnson River. This site provided a storage area for gravel used in the construction of the Kasigluk airport. This operation which was authorized by special land use permit #213, left a gravel pad that will provide a good campsite area in this low, swampy land.
- 9 C4      This recommendation is for a 25-foot wide streamside easement along each bank of the Johnson River and on the bed of the stream north of Kasigluk. The Johnson River is one of the most commonly used travel routes for general travel and recreation in the area.
- 10 C4      This recommendation is for a 25-foot wide streamside easement on the Pikmiktalik River. This stream is another of the most commonly traveled routes in the area, therefore, it is a highly significant stream for recreation and other purposes of general travel. The easement is to be on each side of the stream, plus the bed of the stream in areas where the stream is not navigable, such as the area north of Atmautluak.



- 11 C4 This recommendation is for a one-acre site easement located in Section 31, T.11N., R.72W., S.M., on the left bank of the Pikmiktalik River. This site is to facilitate the use of the Pikmiktalik River as a route to and from public lands.
- 12 C4, C5 This recommendation is for a one-acre site easement on the left bank of the Pikmiktalik River in Section 35, T.9N., R.73W., S.M. This easement is to facilitate the use of the river, as it is a heavily traveled route to and from public land.
- 13 C4, C5 This recommendation is for a streamside easement on the identifiable channels of travel or portage between Baird Inlet and Takselsluk Lake (also known as Long Lake). This route is the route between the Johnson River drainage, which Kasigluk is located on, and the Baird Inlet area. The exact locations of the channels and portages on this travel route are not well known, but the intent of this easement is to reserve an easement on those areas used in fact on the ground. The areas of this portage that are in the Atmautluak selection area are relatively low down on the portage system and the Johnson River probably covers most of this area. The other parts of the portage are identified on the Nunapitchuk selection area.

The following easements wer not considered because they were outside the selection area:

- 2 D9 This is a trail from Bethel to Tuntutuliak along the Kuskokwim River.
- 3 C3, D9 A trail from Bethel to Tuntutuliak.
- 4 C3 A road from Bethel to the BIA site outside Bethel.
- 5 D9 A campsite in the Kasigluk selection area.
- 6 D9 A campsite in the Nunapitchuk selection area.
- 7 D9 A campsite in the Napakiak selection area.

*Howard J. Anderson*

F 14835EE

Legal Reference Sec. 17(b), Act of December 18, 1971	File Code 75.4	Serial Number F 14835-EE
Name and Mailing Address  Bureau of Land Management 555 Cordova Street Anchorage, Alaska 99501		
Description of Land  Easement file for the lands selected by the village of Atmautluak, Alaska (F14835)		
DATE OF ACTION	ACTION TAKEN	
1/15/76	Easement Task Force recommendations filed 1b	



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

State Office  
555 Cordova Street  
Anchorage, Alaska 99501

IN REPLY REFER TO:

2651 (941)  
F-14873-EE (Anch)  
F-14873-A (Anch.)

Johnson River System  
Interim Summary Report

Attachment 14

NOV 4 1978

## NOTICE OF PROPOSED EASEMENT RECOMMENDATIONS FOR THE VILLAGE OF KASIGLUK

Pursuant to the regulations in 43 CFR 2650.4-7, notice is hereby provided of public easements identified on lands selected by Kasigluk Incorporated (Kasigluk).

Subject to valid existing rights the following described lands will be conveyed in the near future. These lands are only a portion of the total selected lands which are shown on the enclosed maps:

### Seward Meridian, Alaska, (Protracted)

T. 7 N., R. 77 W.  
sections 1-8

T. 8 N., R. 77 W.  
sections 3-11, 13-36

T. 9 N., R. 77 W.  
sections 1-3, 10-15, 22-27, 34-36

T. 9 N., R. 76 W.  
sections 1-33

T. 9 N., R. 75 W.  
sections 1-36

T. 10 N., R. 77 W.  
sections 1-2, 11-15, 22-27, 34-36

T. 10 N., R. 76 W.  
sections 1-36

T. 10 N., R. 75 W.  
sections 6-9, 13-36

The following easements are hereby recommended for inclusion in the conveyance document under the provisions of section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971:

ADP-2 355  
244 2-11-77

- 1 C3, D9, D1 A 25-foot trail easement from Kasigluk to Bethel. This will link the villages and public waters.
- 3 C3 The original easement request was for a 100-foot easement. The Task Force modified it to approve a 25-foot trail easement from Kasigluk to the public land west of Kasigluk.
- 6 C4 An easement for a one acre site and a 25-foot trail: The site is located adjacent to the existing airport lease south of Kasigluk with the trail to the Johnson River.
- 7 C4, C5 A 25-foot streamside easement along each bank and the bed of the Johnson River. This will facilitate use of the river, which is a heavily travelled route in the area.
- 8 C4 A 25-foot streamside easement along each bank of the canal (slough) system between Kasigluk and Nunapitchuk. This easement will facilitate use of the river.
- 9 C4, C5 A streamside linear easement 25 feet (both banks and the bed) north from Kasigluk, along the stream draining Kyigayalik Lake toward the portage east toward Baird Inlet. This portage goes through Takslesluk Lake (Long Lake).
- 10 C The general right to enter upon the subject lands for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.
- 11 C An easement for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States.

The following easement, not shown on the attached maps, is not approved:

- 2 D9 This was a recommendation for a 10-acre site easement. The Task Force rejected this and substituted recommendation No. 6 which is a better location.

The following easement, not shown on the attached maps, not considered:

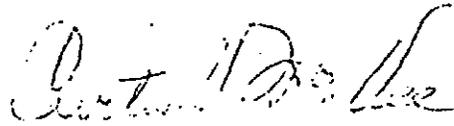
- 4 D9 A campsite in Nunapitchuk, outside the selection area.
- 5 D9 A tramway outside the selection area.

**Navigability:**

It has been determined that the Johnson River and the Slough (canal) System between Kasigluk and Nunapitchuk are navigable due to travel, trade and commerce. There are no tidal waters in this area.

This notice does not cover statutory reservations such as railroads, ditches, canals, telegraph lines or granted rights-of-way.

Written comments must be filed with the Joint Federal-State Land Use Planning Commission of Alaska, 733 West Fourth Avenue, Suite 400, Anchorage, Alaska 99501, no later than DEC 22 1976. A copy of any comments should also be sent to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.



Curtis V. McVee  
State Director

*Navigability*

*Munapitchuk  
Conformance Meeting  
4/19/79*

The following water bodies were considered to be navigable by reason of travel, trade or commerce:

Johnson River upstream from its mouth to Munapitchuk and Kasigluk.

A canal (slough) system between Munapitchuk and Kasigluk.

The following were considered and found not to be navigable:

Johnson River north of Munapitchuk and Kasigluk.

The lake system through which the Johnson River passes north of the two villages mentioned above.

This notice does not cover statutory reservations such as railroads, ditches, canals, telegraph lines or granted rights-of-way.

Written comments must be filed with the Joint Federal-State Land Use Planning Commission of Alaska, 733 West Fourth Avenue, Suite 400, Anchorage, Alaska 99501, no later than MAR 11 1979. A copy of any comments should also be sent to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Sincerely,

/s/ Curtis V. McVee

Curtis V. McVee  
State Director

*Johnson river through selection*

*Need to get Resouces concerned*

Johnson River System  
Interim Summary Report  
Attachment 15

cc:

DM-A (102)

Public Service (Fairbanks)

Public Service (241)

F-14695-A (Anch) (2651)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

F-14835 EE  
~~F-14914 EE~~  
F-14873 EE

SHORT NOTE TRANSMITTAL

April 30, 1979  
(Date)

TO : A50/930/ Sherman Berg  
FROM : A00/018/ Dot Tideman  
SUBJECT: Navigability of Johnson River

The Casement Conformance meetings for the villages of Atmaulluk, Nunapitchuk, and Kasigluk were held on April 19, 1979.

It was determined the main branch of the Johnson River was navigable throughout the village selection area for the villages of Atmaulluk, Nunapitchuk and Kasigluk.

The Johnson River is used heavily for transportation between villages, to public lands, waterways and as a main access route to the Yukon River.

If you have no information to the contrary, we will proceed as above.

Dwight Tideman  
Quality Specialist

Note: Return this form when action is completed or attach it to data requested

RGPO 1977-779-943

Confirmed by Sherman Berg 5/9/79. N

Johnson River System  
Interim Summary Report  
Attachment 16

# 2-Way Memo

Subject : *ATMAUTLUAK (F-14835-EE)*  
*\* NUNAPICHUK (F-14914-EE)*  
*KASIGLUK (F-14873-EE)* } *NAVIGABILITY*

From : *RESOURCES (932)*  
*NAVIGABILITY*

**INSTRUCTIONS**  
 Use routing symbols whenever possible.  
**SENDER:**  
 Use brief, informal language.  
 Conserve space.  
 Forward original and one copy.  
**RECEIVER:**  
 Reply below the message, keep one copy, return one copy.

DATE OF MESSAGE <i>1/15/80</i>	Routing Symbol <i>963</i>
SIGNATURE OF ORIGINATOR <i>Martin Karstetter</i>	
TITLE OF ORIGINATOR	

INITIAL MESSAGE

*Please review and comment on the navigability portion of the attached selections. A completion date of 1/22/80 is requested for the Village of Nunapitchuk only.*

**Johnson River System  
 Interim Summary Report  
 Attachment 17**

REPLY MESSAGE

The navigability information in easement files F-14835-EE (Atmautluak, Ltd.), F-14873-EE (Kasiqluk, Ltd.) and F-14914-EE (Nunapitchuk, Ltd.) has been reviewed. We concur with the determinations that Johnson River through the three selections, the slough system between the villages of Nunapitchuk and Kasiqluk, and Pikmiktalik River between the Kuskokwim River and the village of Atmautluak are navigable for the purposes of travel, trade and commerce. In addition, we recommend that Nunavakanukakslak Lake, Kayigyalik (Nunavak Anukslak or Kyigyaylik) Lake and two unnamed lakes, one in T.10N, R.74W, S.M. (Sec. 30 includes part of the lake) and the other in T.10N, R.75W, S.M. (Sec. 27 includes part of the lake), be determined navigable. Johnson River merges with and also drains each of these lakes. Our review of all other rivers, creeks, lakes and sloughs within the three village selections did not produce evidence that any of these water bodies were navigable in fact, or susceptible to navigation at the time Alaska became a State.

In the Atmautluak selection area six large unnamed lakes in T.9N, 10N, 11N, R.73W, S.M., Nunavakanukakslak Lake, Johnson River, and Pikmiktalik River in its entirety have been

(continued)

Resources (932)

*07m 8 am  
1/21/80*  
*Benjamin*

DATE OF REPLY <i>21 January 1980</i>	Routing Symbol <i>963</i>
SIGNATURE OF REPLIER <i>J. D. ...</i>	
TITLE OF REPLIER Historian	

Easement file F-14835-EE (Atmautluak, Ltd.)  
Easement file F-14873-EE (Kasigluk, Ltd.)  
Easement file F-14914-EE (Nunapitchuk, Ltd.)  
Page 2

identified as navigable on the State of Alaska Water Delineation Maps. In the Nunapitchuk selection area Nunavakanukakslak Lake, Kayigyalik Lake, Takslesluk Lake, Nunavakpak Lake, unnamed lakes centered in T.10N, R.74W, Sec. 30, S.M.; T.8N, R.76W, Sec. 32, R.77W, Sec. 36, S.M.; T.7N, R.76W, Sec. 33, S.M., Kutukhun River, Meroyuk River, Pikmiktalik River, and Johnson River (including an arm from the village of Nunapitchuk to Nunavakanukakslak Lake) have been identified as navigable on the State of Alaska Water Delineation Maps. In the Kasigluk selection area Nunavakpak Lake, Takslesluk Lake, Kayigyalik Lake, unnamed lakes centered in T.10N, R.74W, Sec. 30, S.M.; T.10N, R.75W, Sec. 27, S.M.; T.11N, R.76W, Sec. 23, S.M.; T.8N, R.76W, Sec. 32, R.77W, Sec. 36, S.M.; Meroyuk River, and Johnson River have been identified as navigable on the State of Alaska Water Delineation Maps.

Johnson River, the slough system between Nunapitchuk and Kasigluk, and Pikmiktalik River to the village of Atmautluak have historically been used for travel, trade and commerce. At least since the 1940's several Kuskokwim River freight companies have transported supplies on barges, scows and lighters up these three water bodies to the villages. Transport by water has been reported between Kasigluk and Nunachuk, a village located along a fork of the Johnson River about five miles northwest of Kasigluk. In 1959 appeared a report on moving the church from Nunachuk to Kasigluk on a log raft towed by other boats. The upper reaches of the 215-mile long Johnson River, outside of these village selection areas, is part of an access route known as the Yukon-Kuskokwim Portage that connects the Yukon and Kuskokwim Rivers.

All other rivers, including the Kongeruk and Kukthlak Rivers in the Atmautluak selection area, the Pikmiktalik River north of the village of Atmautluak, the Meroyuk River in both the Nunapitchuk and Kasigluk selection areas, and the Kutukhun River in the Nunapitchuk selection area were investigated and determined not navigable. Each of the named rivers is under forty miles long and follows a meandering course through the flat, poorly drained, wet tundra environment. No evidence has been found to document historic use of any of these rivers by boats for commercial purposes. Today, some sport fishing and subsistence use of these rivers is reported. The lower reaches of the Johnson and Pikmiktalkik Rivers, however, are the major fishing spots used by area residents.

Within these three selection areas are numerous small unnamed lakes and ponds and several large lakes including Takslesluk Lake, Nunavakpak Lake, Nunavakanukakslak Lake and Kayigyalik Lake. Nunavakanukakslak Lake, Kayigyalik Lake, and unnamed lakes centered in T.10N, R.74W, Sec. 30, S.M. and T.10N, R.75W, Sec. 27, S.M. are intersected by Johnson River, a navigable stream, and have been used for travel, trade and commerce. Most of the lakes in the region

Easement file F-14835-EE (Atmautluak, Ltd.)  
Easement file F-14873-EE (Kasigluk, Ltd.)  
Easement file F-14914-EE (Nunapitchuk, Ltd.)  
Page 3

are thaw lakes, reflecting the poor water drainage characteristic of the lowland delta area. Two of the large named lakes, Nunavakpak and Takslesluk Lakes, are land-locked. These and other large lakes in the area appear suitable for float plane traffic. Evidence in the case file and historic records in this office indicate that use of lakes and ponds in the three selection areas, with the exception of the lakes intersected by the Johnson River, has been for subsistence and limited recreational use. These lakes are not near land transportation routes or near commercially valuable natural resources, and the shores are not suitable for residency or commercial development. The villages in the area are concentrated within a small area characterized as moist tundra as opposed to the wet tundra area that surrounds them. The villages are reached by float plane, by boat from the Kuskokwim River via the Johnson and lower Pilmiktalkik Rivers, and by an overland winter trail from Bethel. Subsistence is the major economic activity.

W. Brown 1/28/80  
J. Bennett  
J. Jensen 1/2  
act.

Supplement to Resources (932) response dated 21 January 1980 to memo from ANCSA Easement Identification (963) dated 15 January 1980, Re: Easement files F-14835-EE (Atmaultluk), F-14914-EE (Nunapitehuk) and F-14873-EE (Kasigluk).

On 28 January 1980 the memo was discussed with ANCSA Easement Identification representatives and the following changes were agreed upon.

In addition to the waterbodies recommended as navigable in the memo, we recommend that all sloughs, lakes and streams that interconnect the navigable waterbodies within the selection areas be determined navigable.

Also, we recommend that the unnamed lake located in T. 16 N, R. 74 W, Secs 31, 32, 33, S.M.; T. 11 N, R. 74 W, Secs. 5, 6, S.M. and T. 10 N, R. 75 W, Secs 1, 12, 13, S.M. be determined navigable as it is an integral part of an interconnecting slough system between navigable waterbodies.

28 January 1980  
Joan Antonson Mohr  
Historian  
Resources (932)

Johnson River System  
Interim Summary Report  
Attachment 18

2620 (N)

4/8/80

Memorandum

To: Files: Nunapitchuk-F14914-EE, Kasigluk-F14873-EE, and  
Atmautluak-F14833-EE

From: Realty Specialist

Subject: Re-review, Navigability Recommendations

Mr. Karstetter, Branch of Easement Identification, met with representatives of the Villages of Nunapitchuk and Atmautluak on 3/27/80 at Nunapitchuk. He obtained data from them relating to use of waterbodies in the Nunapitchuk - Atmautluak area. The data was provided in hand-written format to this office along with a request to re-evaluate previous BLM recommendations on navigability for Nunapitchuk, along with an annotated map. But the review indicated that changes would also be necessary for the Kasigluk and Atmautluak selections.

The waterbodies discussed in Mr. Karstetter's notes are addressed in that order below:

1) Pukmiktalik River - The previous recommendation was that this river be considered navigable to the Village of Atmautluak, since this was the point to which barge traffic had gone. Mr. Johnson, a store owner at Atmautluak, uses the river to transport goods between Atmautluak and Nunapitchuk. Such traffic on a waterbody in this low-lying, heavily watered area is believed to show that commercial traffic between the two villages is being conducted by Mr. Johnson and I assume that other villagers use the route for travel between the two villages.

Use of other portions of the Pukmiktalik River was cited by Native representatives present at the meeting. These uses were subsistence uses of the river northerly of Atmautluak. No data were supplied to BLM specifying the types of boats used, the periods of use or if specific sites were used seasonally over a period of time. *The area lies in the Atmautluak selection area, 370*

I could find no major connections between the Johnson River and the Pukmiktalik River on the USGS 1:63,360 or 1:250,000 quadrangles, except as discussed in paragraph (1) of this section, *where I meant to write that River and Johnson River both flow into and out of Nunavakpak Lake*

2) Unnamed slough southerly of Kyigayalik Lake and Nunavakpak Lake  
The uses described by the Native informants and the presence of a camp on the unnamed slough (which I assume has been used seasonally over a period of time) indicates there is seasonal traffic on the waterbody which is similar to traffic between villages.

F14914EE  
F14873EE  
F14833EE

3) Nunavakpak Lake - The lake, as shown on the maps in the casefile, is an integral part of a travel route from the village of Nunapitchuk to seasonally used subsistence areas and one camp. The traffic is considered similar to that which might be done between villages.

In addition, the presence of a spring and grave site (s?) is shown on the northerly shore of the lake at the inlet from the unnamed slough discussed in (2) above.

4) Unnamed slough and lakes along the southerly shore of Nunavakpak Lake - The lakes are used seasonally for subsistence purposes. No identification of seasonal camp sites on these lakes were identified by the Native informants on the map which was annotated at the meeting.

A seasonal camp site is shown on the unnamed slough on the southerly shore of the Nunavakpak Lake, as is one on an unnamed slough on the westerly shore of the lake. This slough has not been annotated on the map as one the Natives consider navigable, nor is it discussed in Mr. Karstetter's written notes.

5) Other - Two other areas on the map, in the core township for Nunapitchuk, were also considered navigable by Native peoples at the meeting and are so colored on the map.

The northerly area is actually a portion of Nunavakanukakslak Lake, which was recommended to be considered navigable in the last report on this selection prepared by this office.

The southerly area is a slough system which interconnects with the Johnson River, which was also recommended to be considered navigable in the report.

#### Analysis

Based on the data furnished to the BLM at the meeting at Nunapitchuk, I believe certain recommendations made in the previous report by this office should be modified to recommend that additional water areas be considered navigable. They are more fully described in the summary section below.

The rationale for the recommendations is that traffic of a commercial area has occurred on a regular basis over one (a stretch of the Pikmuktalik River) and in addition use of the waterway by villagers travelling to semi-permanent seasonal camps has occurred on a regular basis. Considering these camp sites as "villages" used on a seasonal basis, I consider the traffic on the waterways the same as traffic between villages.

My recommendations on waterways in these selection areas are included in the summary below.

F14914EE  
F14873EE  
F14833EE

Summary Recommendations

After receiving and analyzing the data provided to this office by Mr. Karstetter, I recommend that the recommendations previously made by this office be modified as follows:

1) The Pilmiktalik River be considered also navigable from Atmautluak, in Section 20, T9N, R73W, SM westerly through Section 7 of this township. Only that portion of the river in the southerly half of Section 7 is included in this recommendation and not that portion in the northerly half.

2) The unnamed slough which begins in Section 22 T10N, R75W, SM, just above the abandoned village of Nunachuk, and which traverses Sections 21, 16, 17, 18, 19, 20, 29 and 30 of this township; Sections 24, 25, 26, and 35, T10N, R76W, SM; Section 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, and 22, T9N, R76W, SM and Section 28, T9N, R76W, SM, where it enters Nunavakpak Lake, be considered navigable.

3) Nunavakpak Lake be considered navigable, since its bed is part of the water system involved in travel from Atmautluak and Nunapichuk to seasonal camps.

4) The unnamed slough in Section 26 and 35, T8N, R76W, SM and Sections 1 and 2, T7N, R76W, SM be considered navigable, *as well as the unnamed slough and lake system westerly of this slough, S 725*

5) The area in T9N, R74W, SM, which is actually a portion of Nunavakanukasik Lake, be treated as such (it is very difficult to do on the blue line copies of USGS 1:63,300 quadrangles), and following earlier recommendations of this office, be treated as navigable.

6) The unnamed slough system interconnecting with the Johnson River and shown on the maps in Sections 22, 27, and 28, T9N, R74W, SM be treated as other similar interconnected sloughs of waterbodies considered navigable and treated as navigable.

~~7) The other waterbodies shown on the map and considered as navigable by the persons present at the meeting at Nunapichuk be considered non-navigable because the use made on them is not of a type that is commercial or regular in the way use on the other waterbodies in the area is made. That is, travel is done on them, but not from village to seasonal camps used regularly by inhabitants of the villages in the area.~~

*S 725  
4/8/80*

Other

This area is one of little land, much water and scanty data on use.

The physical relationship of land and water areas is difficult to follow on printed, unannotated USGS 1:63,300 quadrangles, and even harder on the blue-line copies in the casefile.

F14914EE  
F14873EE  
F14833EE

I believe that the changes recommended above are indicative of this, and are necessary in light of the data furnished to BLM.

/s/ Sherman Berg

cc: Jo Antonson-Mohr (932)

932:SBerg:cb:4/3/80:x5069

APR 15 1980

Johnson River System  
Interim Summary Report  
Attachment 19

Mr. Robert Nick, Chairman  
Nunapitchuk Limited  
Nunapitchuk, Alaska 99541

Dear Mr. Nick:

My staff briefed me on your board's comments regarding the proposed easements at Nunapitchuk. I have considered your views and after applying applicable regulatory standards have reached the following conclusions:

- a. (EIN 1 C3, D1, D9) Retain this twenty-five (25) foot winter-use trail easement as proposed.
- b. (EIN 7 C4, C5) Delete this one (1) acre site easement. The site was located within a Native allotment.
- c. (EIN 8 C4, C5) Retain this one (1) acre site easement as proposed.
- d. (EIN 16 C5) Retain this easement for the existing Alaska Village Electric Cooperative, Inc., power plant site as proposed.
- e. (EIN 16a C5) Delete this twenty (20) foot wide easement for the proposed powerline to Kasigluk.
- f. (EIN 16b C5) Delete this twenty (20) foot wide easement for the proposed powerline to Atmautluak.

The Draft State Directors Memo (DSDM) for the village of Nunapitchuk did not include an easement for the existing powerline from Nunapitchuk to Kasigluk. The easement for the existing powerline will be included in the Final State Directors Memo for easements.

Additional information, provided at the meeting, concerning navigability has been received by our Division of Resources. Based on this information the following water bodies, plus those determined navigable in the DSDM, are determined navigable.

KARSTETTER  
4/14/80  
RAB  
4/14/80

- a. The Pikmiktalik River where it connects with the interconnecting unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 12, T. 9 N., R. 74 W., Seward Meridian downstream to Atmautluak is determined navigable.

Sufficient information was not obtained to determine the upstream portion of the Pikmiktalik River navigable. If additional information is obtained, during review of the Atmautluak selection, to change the remaining portion to navigable the acreage affected will be excluded at the time of the survey.

- b. The unnamed slough and lake system from just north of the abandoned site of Nunachuk to where it enters Nunavakpak Lake is determined navigable. Subject slough and lake system traverses Secs. 16, 17, 18, 19, 20, 21, 22 and 30, T. 10 N., R. 75 W., Seward Meridian; Secs. 24, 25, 26, 35 and 36, T. 10 N., R. 76 W., Seward Meridian; and Secs. 1, 2, 10, 11, 12, 13, 14, 15, 16, 21, 22 and 28, T. 9 N., R. 76 W., Seward Meridian.
- c. Nunavakpak Lake is determined navigable.
- d. The unnamed slough from the camp located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 1, T. 7 N., R. 76 W., Seward Meridian to where it enters Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian is determined navigable.
- e. Two unnamed lakes in Secs. 30, 31, 32 and 33, T. 8 N., R. 76 W., Seward Meridian and Secs. 25, 26, 35 and 36, T. 8 N., R. 77 W., Seward Meridian are determined navigable. Also considered navigable is the unnamed slough between the aforementioned lakes and Nunavakpak Lake traversing Secs. 27, 28, 29 and 30, T. 8 N., R. 76 W., Seward Meridian.
- f. The interconnecting unnamed slough and lake systems between Nunavakanukakslak Lake and the Johnson River in Tps. 9 and 10 N., R. 73 W., Seward Meridian is determined navigable.
- g. The interconnecting slough and lake system of the Johnson River located in Secs. 27 and 28, T. 9 N., R. 74 W., Seward Meridian is determined navigable.

Until I have the benefit of the State of Alaska's  
comments the foregoing should not be considered final.

Sincerely yours,

**/s/ Robert D. Arnold**

Robert D. Arnold  
Assistant to the State  
Director for ANCSA

cc:

Mr. Oscar Kawagley, President  
Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

963:MKarstetter:eaj:4/11/80:x5768  
LIZII/f



# United States Department of the Interior

IN REPLY REFER TO

**Johnson River System  
Interim Summary Report  
Attachment 20**

2650.47  
F-14914-EE (75.4)  
(018) (963)

MAY 22 1980

Memorandum

To: Chief, Division of ANCSA Operations (960)

From: SD

Subject: Final Easements for the Village of Nunapitchuk

The easement staff met on April 19, 1979, to conform the final easement recommendations and consider major waterway and navigability recommendations for lands selected by the village of Nunapitchuk. Of those recommendations, my decisions are as follows:

MAJOR WATERWAYS:

Major waterways were discussed. The Johnson River was considered to be major throughout the selection including Nunavakanukakslak Lake and the slough system between Nunapitchuk and Kasigluk. The Johnson River and Nunavakanukakslak Lake provide the primary intervillage surface transport route between villages to public lands and waterways and is a main route to the Yukon River. The slough serves as an access route to the left branch of the Johnson River which flows from Kyigayalik Lake. This lake serves as a major access route to Baird Inlet.

The Pikmiktalik River is major throughout the Atmautluak selection and is considered to be major where it extends into a small portion of the core township of Nunapitchuk. The river provides access to public lands beyond the Nunapitchuk and Atmautluak selections.

NAVIGABILITY:

The following water bodies are determined to be navigable due to present and historic uses in connection with travel in trade and commerce:

The Johnson River and its interconnecting sloughs throughout the selection.

Nunavakanukakslak Lake

Nunavakpak Lake

The Pikmiktalik River where it flows from the interconnecting unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 12, T. 9 N., R. 74 W., Seward Meridian downstream to Atmautluak.

The unnamed lake in Secs. 4, 5, 6, 7, 8 and 18, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 7 to its confluence with the Johnson River in Sec. 17, T. 10 N., R. 74 W., Seward Meridian.

The unnamed lake in Secs. 19, 20, 29, 30, 31 and 32, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 31, T. 10 N., R. 74 W., Seward Meridian to its confluence with the Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Sec. 31, T. 10 N., R. 74 W. and Secs. 5, 6, 8, 9, 16 and 17, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., Seward Meridian to its confluence with the aforementioned unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Secs. 28, 32 and 33, T. 10 N., R. 74 W. and Sec. 5, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough (canal) and lake system from the unnamed slough near the village of Nunapitchuk to its confluence with the Johnson River at the village of Kasiglak. Subject slough traverses Sec. 6, T. 9 N., R. 74 W., and Secs. 1 and 12, T. 9 N., R. 75 W., Seward Meridian.

The unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 31, T. 10 N., R. 73 W.; Secs. 34, 35 and 36, T. 10 N., R. 74 W.; and Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26 and 36, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough beginning in Sec. 1, T. 7 N., R. 76 W., Seward Meridian to where it flows into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian. Subject slough traverses Secs. 1 and 2, T. 7 N., R. 76 W., and Secs. 26 and 35, T. 8 N., R. 76 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were considered nonnavigable.

ALLOWABLE USES:

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 identified. 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 all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed for a 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.

EASEMENTS TO BE RESERVED:

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Bethel in Sec. 9, T. 8 N., R. 71 W., Seward Meridian, westerly to Kasigluk, linking the villages of Kasigluk, Nunapitchuk, and Atmautluak with Bethel. 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.

Discussion:

This easement is necessary to provide an access route between villages and for access to public lands and waters. The trail has been used many years for winter travel between villages and is necessary for this continued use as well as for access to public lands.

- b. (EIN 8 C4, C5) A site easement, upland of the ordinary high water mark, in Sec. 19, T. 10 N., R. 73 W., Seward Meridian, on the right bank of the Pikmiktalik River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This easement is necessary to facilitate the public use of the public waters in the Pikmiktalik River. This river is used for travel between Native villages and to public lands. It is a necessary camping and resting area while traveling along the river.

- c. (EIN 16 C5) An easement for an existing Alaska Village Electric Cooperative, Inc. (AVEC), power-plant site in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, being more particularly described as follows:

Beginning at witness corner meander corner 6 of U.S. Survey No. 4049;

thence N. 64°46'00" W. along the south line of U.S. Survey No. 4049, a distance of 30.00 feet, to AVEC corner No.1 the true point of beginning;

thence S. 64°46'00" E. along the south line of U.S. Survey No. 4049, a distance of 230.00 feet to AVEC corner No. 2;

thence N. 42°19'30" W. for a distance of 248.85 feet to AVEC corner No. 4;

thence N. 25°14'00" E. for a distance of 35.00 feet to AVEC corner No. 1 the true point of beginning.

The parcel of land to which the above description applies contains 0.44 acres, more or less.

The allowed uses of the easement are the construction, operation and maintenance of an electric power generation facility.

Discussion:

The AVEC was granted a right-of-way, Serial Number F-12031, for the plant site, on July 23, 1969. The powerplant was constructed in 1969, without the benefit of an on-site survey. This lack of survey resulted in a substantial portion of the plant being constructed off the granted right-of-way. Right-of-way F-12031 will therefore be relinquished upon conveyance of the selected lands to the village of Nunapitchuk and the subsequent reservation of this easement.

- d. (EIN 17 C5) An easement twenty (20) feet in width for the existing powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, westerly to the village of Kasigluk. The uses are those associated with the construction, operation and maintenance of the powerline.

Discussion:

Reservation of this easement for the existing powerline is necessary to assure continued electric power service to the village of Kasigluk.

The following easements were considered but not recommended:

- a. (EIN 7 C4, C5) A one (1) acre site easement upland of the ordinary high water mark in Secs. 4 and 5, T. 8 N., R. 74 W., Seward Meridian, on the left bank of the Johnson River.

Discussion:

The easement is located within a Native allotment.

- b. (EIN 10 C4, C5) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the navigable portion of the Johnson River, through the village selected lands, and a streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high-water mark on all banks, and an easement on the entire bed of the nonnavigable portion of the Johnson River through the Nunapitchuk selection.

Discussion:

The easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- c. (EIN 11 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks, and an easement on the entire bed of the Pikmiktalik River as it crosses the Nunapitchuk village selection.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- d. (EIN 12 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the navigable canal system from Nanapitchuk to Kasigluk.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- e. (EIN 13 C) The right of the United States to enter upon the lands herein granted, for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

The new easement regulations make no provision for this type of easement.

- f. (EIN 14 C) Easement for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain, if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

Discussion:

The new easement regulations make no provision for this type of easement.

- g. (EIN 16a C5) An easement twenty (20) feet in width for a proposed powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, westerly to the village of Kasigluk.

Discussion:

Final design necessary to assure correct location of the proposed powerline is not complete at this time.

- h. (EIN 16b C5) An easement twenty (20) feet in width for the proposed powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, southeasterly to the village of Atmautluak.

Discussion:

Final design necessary to assure correct location of the proposed powerline is not complete at this time.

*Charles J. Doe*

Johnson River System  
Interim Summary Report  
Attachment 21

222 7/25/80 7/18/80  
7/18/80  
fs

F-14914-A (Anch) (2651)  
~~F-14914-EE~~ (Anch) (75.4)  
AA-10372, etc. 1/ (2653)  
(961)

JUL 25 1980

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DECISION

Nunapitchuk Limited	:	F-14914-A
Nunapitchuk, Alaska 99641	:	Village Selection
	:	
Calista Corporation	:	AA-10372, etc. 1/
516 Denali Street	:	Sec. 14(h)(1) Selections
Anchorage, Alaska 99501	:	

Section 14(h)(1) Applications Rejected in Entirety  
Lands Proper for Village Selection  
Approved for Interim Conveyance or Patent

This decision rejects improperly filed Sec. 14(h)(1) selections and approves lands in the area of Nunapitchuk for conveyance to Nunapitchuk Limited.

I. SECTION 14(h)(1) APPLICATIONS REJECTED IN ENTIRETY

Calista Corporation filed selection application AA-10372 on November 11, 1975; AA-11219, AA-11312, AA-11313 on April 28, 1976; AA-11603, AA-11604, AA-11605, AA-11607, AA-11614, AA-11619, on June 4, 1976; and AA-11742 on June 25, 1976, pursuant to Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(h) (1976)) (ANCSA). Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since all available lands encompassed in the subject Sec. 14(h)(1) applications had been properly withdrawn under Sec. 11 and selected by Nunapitchuk Limited under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the following applications must be and are hereby rejected in their entirety:

Seward Meridian, Alaska (Unsurveyed)

AA-11619 T. 7 N., R. 76 W.  
Sec. 2 (fractional), S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Containing approximately 17 acres.

1/ AA-11219, AA-11312, AA-11313, AA-11603, AA-11604, AA-11605,  
AA-11607, AA-11614, AA-11619, AA-11742

- AA-10372      T. 9 N., R. 74 W.  
 Sec. 17 (fractional),  $E\frac{1}{2}E\frac{1}{2}SW\frac{1}{2}SE\frac{1}{4}$ ,  
 $W\frac{1}{2}W\frac{1}{2}SE\frac{1}{4}SE\frac{1}{4}$ .
- Containing approximately 15 acres.
- AA-11219      T. 10 N., R. 74 W.  
 Sec. 28 (fractional),  $S\frac{1}{2}SW\frac{1}{4}NE\frac{1}{4}$ .
- Containing approximately 17 acres.
- AA-11604      Sec. 21 (fractional),  $S\frac{1}{2}NW\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ ,  
 $N\frac{1}{2}SW\frac{1}{2}NE\frac{1}{4}NW\frac{1}{4}$ .
- Containing approximately 10 acres.
- AA-11607      Sec. 28 (fractional),  $S\frac{1}{2}NE\frac{1}{4}SW\frac{1}{2}SW\frac{1}{4}$ ,  
 $SE\frac{1}{4}SW\frac{1}{2}SW\frac{1}{4}$ .
- Containing approximately 10 acres.
- AA-11312      Sec. 29 (fractional),  $SW\frac{1}{4}NE\frac{1}{4}SW\frac{1}{4}$ .
- Containing approximately 9 acres.
- AA-11313      Sec. 33 (fractional),  $SE\frac{1}{4}NW\frac{1}{4}NW\frac{1}{4}$ ,  
 $NE\frac{1}{4}SW\frac{1}{4}NW\frac{1}{4}$ .
- Containing approximately 15 acres.
- AA-11605      Sec. 16 (fractional),  $W\frac{1}{2}NW\frac{1}{2}NW\frac{1}{4}SW\frac{1}{4}$ .
- Containing approximately 5 acres.
- AA-11603      Sec. 8 (fractional),  $E\frac{1}{2}NW\frac{1}{2}SE\frac{1}{4}$ .
- Containing approximately 19 acres.
- AA-11614      Sec. 16 (fractional),  $SW\frac{1}{4}NW\frac{1}{4}SW\frac{1}{4}$ ,  
 $NW\frac{1}{4}SW\frac{1}{4}SW\frac{1}{4}$ .
- Containing approximately 19 acres.
- AA-11742      Sec. 4 (fractional),  $S\frac{1}{2}NW\frac{1}{2}NE\frac{1}{4}$ .
- Containing approximately 16 acres.

When this decision becomes final, these applications will be closed of record.

## II. LANDS PROPER FOR VILLAGE SELECTION, APPROVED FOR INTERIM CONVEYANCE.

On November 22, 1974, Nunapitchuk Limited, for the Native village of Nunapitchuk, filed selection application F-14914-A under the

provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976)) (ANCSA), for the surface estate of certain lands in the vicinity of Nunapitchuk.

Nunapitchuk Limited, in its November 22, 1974 application excluded several bodies of water. Because certain of these 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. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries or an isolated tract of public land of less than 1,280 acres remain after selection. For these reasons, the water bodies which were improperly excluded in the November 22, 1974 application are considered selected by Nunapitchuk Limited.

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 94,565 acres, is considered proper for acquisition by Nunapitchuk Limited, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Lot 2 of U.S. Survey No. 4049, Alaska, situated  
in the village of Nunapitchuk approximately  
50 miles northwest of Bethel, Alaska.

Containing 0.16 acre.

Seward Meridian, Alaska (Unsurveyed)

T. 8 N., R. 74 W.

- Sec. 5, excluding Native allotments F-14967,  
F-17334 Parcel B, and Johnson River;
- Sec. 6, excluding Native allotments F-15944,  
F-17949, and Johnson River;
- Sec. 7, excluding Native allotments F-18062  
Parcel A and F-14168;
- Sec. 8, excluding Native allotments F-17815  
Parcels A and B, F-14517 Parcel A, F-18320  
Parcel B, F-15578, F-17334 Parcel B, F-14168,  
and Johnson River;

- Sec. 17, excluding Native allotments F-18320 Parcel B, F-15943, F-14237, F-15757 Parcel B, F-17815 Parcel B, F-14249, F-14168, and Johnson River;
- Sec. 18, excluding Native allotments F-17708, F-18062 Parcel A, and F-14168;
- Sec. 19, excluding Native allotment F-17708;
- Sec. 20, excluding Native allotments F-15757 Parcel B, F-17535, F-14257 Parcel A, F-14249, F-14237, and Johnson River.

Containing approximately 2,227 acres.

T. 9 N., R. 74 W.

- Secs. 1 and 2, excluding Nunavakanukakslak Lake and unnamed navigable lake system;
- Sec. 3, excluding Nunavakanukakalak Lake;
- Sec. 4, excluding unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;
- Sec. 5, excluding Lot 1 of U.S. Survey 4049 (ANCSA Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey 4049, interconnecting slough of the Johnson River, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;
- Sec. 6, excluding Lot 1 of U.S. Survey 4049 (ANCSA Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey 4049, and interconnecting slough of the Johnson River;
- Sec. 7, excluding Native allotment F-14982, and interconnecting slough of the Johnson River;
- Sec. 8, excluding Native allotment F-16984, interconnecting slough of the Johnson River, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;
- Secs. 9 and 10, all;
- Sec. 11, excluding unnamed navigable lake system;
- Secs. 12 and 13, excluding unnamed navigable lake system and Pikmiktalik River;
- Sec. 14, excluding unnamed navigable lake system;
- Sec. 15, excluding Native allotments F-14960 Parcel B and F-14986;
- Sec. 16, excluding Native allotments F-14986, F-14985, Johnson River and its interconnecting slough;
- Sec. 17, excluding Native allotments F-14959 Parcel B, F-14985, Johnson River and its interconnecting slough;
- Sec. 18, all;
- Sec. 19, excluding Johnson River;

- Sec. 20, excluding Native allotments F-14964 Parcel A, F-14962 Parcel C, and Johnson River;
- Sec. 21, excluding Native allotments F-14964 Parcel A, F-14962 Parcel C, F-14983 and Johnson River;
- Sec. 22, excluding Native allotment F-14960 Parcel B and Johnson River;
- Sec. 23, excluding Johnson River;
- Secs. 24 and 25, excluding unnamed navigable lake system;
- Sec. 26, excluding Johnson River;
- Sec. 27, excluding Native allotment F-18264 and Johnson River;
- Sec. 28, excluding Native allotments F-18264, F-16723 Parcel A, and Johnson River;
- Secs. 29 to 33, inclusive, all;
- Sec. 34, excluding Native allotment F-17533 and Johnson River;
- Sec. 35, excluding Native allotments F-17533, F-14979 Parcel B, F-18861 and Johnson River;
- Sec. 36, excluding Native allotment F-18861, unnamed navigable lake system, and the Johnson River;

Containing approximately 18,475 acres.

T. 10 N., R. 74 W.

- Sec. 3, excluding Native allotment F-14518 Parcel A, Johnson River, Nunavakanukakslak Lake, and unnamed lake connecting with the Johnson River;
- Sec. 4, excluding Native allotment F-14518 Parcel A, and unnamed lake connecting with the Johnson River;
- Sec. 5, excluding the unnamed lake connecting with the Johnson River;
- Sec. 6, excluding the unnamed lake connecting with the Johnson River, and Kyigayalik Lake;
- Secs. 7 and 8, excluding the unnamed lake connecting with the Johnson River;
- Sec. 9, excluding Johnson River;
- Sec. 10, excluding Johnson River and Nunavakanukakslak Lake;
- Sec. 11, excluding Nunavakanukakslak Lake;
- Secs. 12 and 13, all;
- Sec. 14, excluding Nunavakanukakslak Lake;
- Sec. 15, excluding the Johnson River and Nunavakanukakslak Lake;
- Sec. 16, excluding Native allotment F-14964 Parcel B and the Johnson River;
- Sec. 17, excluding Native allotment F-14565 Parcel B, Johnson River, unnamed lake and its slough connecting with the Johnson River;
- Sec. 18, excluding Native allotment F-14565 Parcel B, and the unnamed lake connecting with the Johnson River;

- Sec. 19, excluding Native allotment F-14565 Parcel B, Johnson River, and the unnamed lake connecting with the Johnson River;  
 Sec. 20, excluding Native allotment F-14565 Parcels A and B and the Johnson River;  
 Sec. 21, excluding Johnson River and Nunavakanukakslak Lake;  
 Secs. 22 to 28, inclusive, excluding Nunavakanukakslak Lake;  
 Sec. 29, excluding Native allotments F-14565 Parcel A, F-14961 Parcel C, and the Johnson River;  
 Sec. 30, excluding the Johnson River;  
 Sec. 31, excluding Native allotment F-14516, unnamed lake and its slough connecting with the Johnson River;  
 Sec. 32, excluding unnamed lake connecting with Johnson River;  
 Sec. 33, excluding Native allotments F-14963 Parcel B, F-14962 Parcel B, Nunavakanukakslak Lake, and unnamed slough between Nunavakanukakslak Lake and interconnecting slough of the Johnson River;  
 Secs. 34, 35 and 36, excluding Nunavakanukakslak Lake.

Containing approximately 10,796 acres.

T. 7 N., R. 75 W.

Secs. 1 to 36, inclusive, all.

Containing approximately 22,886 acres.

T. 8 N., R. 75 W.

- Sec. 1, excluding Native allotments F-15936, F-17949, and the Johnson River;  
 Sec. 2, excluding Native allotment F-14966;  
 Secs. 3 and 4, all;  
 Secs. 5 and 8, excluding Nunavakpak Lake;  
 Secs. 9 to 16, inclusive, all;  
 Secs. 17 and 20, excluding Nunavakpak Lake;  
 Secs. 21 to 28, inclusive, all;  
 Secs. 29, 30 and 31, excluding Nunavakpak Lake;  
 Secs. 32 to 36, inclusive, all.

Containing approximately 18,408 acres.

T. 7 N., R. 76 W.

- Sec. 1, all;  
 Sec. 2, excluding unnamed slough;  
 Secs. 3 to 10, inclusive, all;  
 Sec. 11, excluding Native allotment F-13308 and unnamed slough;

Sec. 12, excluding unnamed slough;  
Secs. 13 to 27, inclusive, all.

Containing approximately 16,850 acres.

T. 8 N., R. 76 W.

Secs. 19 and 20, excluding Nunavakpak Lake;  
Secs. 25 to 29, inclusive, excluding Nanavakpak  
Lake;  
Secs. 30 to 33, inclusive, all;  
Sec. 34, excluding Nunavakpak Lake;  
Sec. 35, excluding Nunavakpak Lake and  
unnamed slough;  
Sec. 36, excluding Nunavakpak Lake.

Containing approximately 4,923 acres.

Aggregating approximately 94,565 acres.

Calista Corporation filed regional in lieu selection application AA-8099-1 on December 17, 1975, for the subsurface estate pursuant to Sec. 12(a)(1) of ANCSA and 43 CFR 2652 as to lands in:

Seward Meridian, Alaska (Unsurveyed)

T. 7 N., R. 76 W.

Secs. 4 to 9, inclusive, all;  
Secs. 16 to 21, inclusive, all.

Containing approximately 7,570 acres.

T. 8 N., R. 76 W.

Secs. 19 and 20, excluding Nunavakpak Lake;  
Secs. 28 and 29, excluding Nunavakpak Lake;  
Secs. 30 to 33, inclusive, all.

Containing approximately 3,375 acres.

Aggregating approximately 10,945 acres.

The above-described lands lie within those selected by Nunapitchuk Limited for the village of Nunapitchuk. Calista Corporation will receive title to the subsurface estate at the time the village receives title to the surface estate. This acreage will not be charged against Calista Corporation's in-lieu entitlement.

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 (85 Stat. 688, 704; 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 (85 Stat. 688, 708; 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-14914-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 all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Bethel in Sec. 9, T. 8 N., R. 71 W., Seward Meridian, westerly to Kasigluk, linking the villages of Kasigluk, Nunapitchuk, and Atmautluak with Bethel. 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.
- b. (EIN 16 C5) An easement for an existing Alaska Village Electric Cooperative, Inc. (AVEC), power-plant site in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, being more particularly described as follows:

Beginning at witness corner meander corner 6 of U.S. Survey No. 4049;

thence N. 64°46'00" W. along the south line of U.S. Survey No. 4049, a distance of 30.00 feet, to AVEC corner No. 1 the true point of beginning;

Thence S. 64°46'00" E. along the south line of U.S. Survey 4049, a distance of 230.00 feet to AVEC corner No. 2;

thence N. 42°19'30" W. for a distance of 248.85 feet to AVEC corner No. 4;

thence N. 25°14'00" E. for a distance of 35.00 feet to AVEC corner No. 1 the true point of beginning.

The parcel of land to which the above description applies contains 0.44 acres, more or less.

The allowed uses of the easement are the construction, operation and maintenance of an electric power generation facility.

- c. (EIN 17 C5) An easement twenty (20) feet in width for the existing powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, westerly to the village of Kasigluk. The uses are those associated with the construction, operation and maintenance of the powerline.

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

1. Issuance of a patent confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
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 (72 Stat. 339, 341; 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;
3. A right-of-way, F-12031, containing approximately 20,000 square feet, in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, Alaska (unsurveyed) for a power site issued to Alaska Village Electric Cooperative, Inc. Act of March 4, 1911 (36 Stat. 1253; 43 U.S.C. 961), as amended; and
4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 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.

A school site lease, AA-13184, containing 3.061 acres, in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, Alaska (unsurveyed) granted to the State of Alaska, pursuant to and subject to the terms and

conditions of section 302 of the Federal Land Policy and Management Act of 1976, Public Law 94-579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. Sec. 1622(i)) will terminate on conveyance of title of said land to the above-named corporation.

Nunapitchuk Limited 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 94,565 acres. The remaining entitlement of approximately 20,635 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 Nunapitchuk Limited and shall be subject to the same conditions as the surface conveyance.

Within the above-described lands, only the following inland water bodies are considered to be navigable:

The Johnson River and its interconnecting sloughs throughout the selection.

Nunavakanukakslak Lake

Nunavakpak Lake

Kyigayalik Lake

The Pikmiktalik River where it flows from the interconnecting unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 12, T. 9 N., R. 74 W., Seward Meridian downstream to Atmautluak.

The unnamed lake in Secs. 4, 5, 6, 7, 8 and 18, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 7 to its confluence with the Johnson River in Sec. 17, T. 10 N., R. 74 W., Seward Meridian.

The unnamed lake in Secs. 19, 20, 29, 30, 31 and 32, T. 10 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from the aforementioned unnamed lake in Sec. 31, T. 10 N., R. 74 W., Seward Meridian to its confluence with the Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Sec. 31, T. 10 N., R. 74 W., and Secs. 5, 6, 8, 9, 16 and 17, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough from where it flows from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., Seward Meridian to its confluence with the aforementioned unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian. Subject slough traverses Secs. 28, 32 and 33, T. 10 N., R. 74 W. and Sec. 5, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough (canal) and lake system from the unnamed slough near the village of Nunapitchuk to its confluence with the Johnson River at the village of Kasiglak. Subject slough traverses Sec. 6, T. 9 N., R. 74 W., and Secs. 1 and 12, T. 9 N., R. 75 W., Seward Meridian.

The unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 31, T. 10 N., R. 73 W., Secs. 34, 35 and 36, T. 10 N., R. 74 W., and Secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 23, 24, 25, 26 and 36, T. 9 N., R. 74 W., Seward Meridian.

The unnamed slough beginning in Sec. 1, T. 7 N., R. 76 W., Seward Meridian to where it flows into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian. Subject slough traverses Secs. 1 and 2, T. 7 N., R. 76 W., and Secs. 26 and 35, T. 8 N., R. 76 W., Seward Meridian.

Enclosed are copies of current status plats showing the lands approved for conveyance along with maps showing the easements to be reserved.

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 Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, 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 29 1980 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 Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed ASO Form 2650-4.)

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

Nunapitchuk Limited  
Nunapitchuk, Alaska 99641

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

/s/ TERRY R. HASSETT

Acting Chief, Branch of Adjudication

Enclosures:

ASO Form 2650-4  
43 CFR Part 4, Subpart J  
Maps  
Plats  
Legend

cc:

Mike W. Franks  
Construction Contracts Administration  
Lower Kuskokwim School District  
P.O. Box 305  
Bethel, Alaska 99559  
(w/maps and legend)

State of Alaska  
Department of Natural Resources  
Division of Research and Development  
323 East Fourth Avenue  
Anchorage, Alaska 99501  
(w/maps and legend)

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

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

Alaska Legal Services Corporation  
736 G Street  
Anchorage, Alaska 99501

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

DM-A (018)  
(w/maps and legend)

AM (018)  
(w/maps and legend)

941 Chief, Branch of Lands

922 Chief, Branch of Office Engineering

AA-8099-1 (2652)

AA-13184 (2910)

AA-12031 (2800)

961\*TPickett/DDiakakis\*cm\*12/18/79x5808  
2CMBLM\*B

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Johnson River System  
Interim Summary Report  
Attachment 22

9/5/80

1 UNITED STATES DEPARTMENT OF THE INTERIOR

2 ALASKA NATIVE CLAIMS APPEAL BOARD

3 P. O. Box 2433

4 Anchorage, Alaska 99510

5 Appeal of NUNAPITCHUK, LIMITED., )  
6 From Bureau of Land Management )  
7 Decision dated July 25, 1980, )  
8 upon Village Selection F-14914-A )

9 NOTICE OF APPEAL

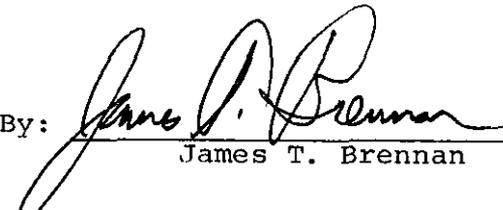
10 Please take notice that NUNAPITCHUK, LIMITED hereby  
11 appeals the Decision of the Bureau of Land Management dated  
12 July 25, 1980, approving lands for conveyance to Nunapitchuk,  
13 Limited, under Village Selection F-14914-A.

14 This appeal concerns navigability determinations  
15 contained in the above-referenced decision. More particularly,  
16 Nunapitchuk, Limited appeals from the failure of the Bureau of  
17 Land Management to designate certain bodies of water as being  
18 navigable, and the consequent failure to exclude the sub-  
19 merged lands beneath these bodies of water from acreage charg-  
20 able to Nunapitchuk, Limited selections.

21 A Statement and Reasons and Interest in support of this  
22 appeal will be filed in the near future.

23 DATED at Anchorage, Alaska, this 5th day of September,  
24 1980.

25 HEDLAND, FLEISCHER & FRIEDMAN  
26 Attorneys for Nunapitchuk, Limited

27  
28  
29 By: 

30 James T. Brennan

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UNITED STATES DEPARTMENT OF THE INTERIOR

ALASKA NATIVE CLAIMS APPEAL BOARD

P. O. Box 2433

Anchorage, Alaska 99510

Appeal of NUNAPITCHUK, LIMITED., )  
From Bureau of Land Management )  
Decision dated July 25, 1980, )  
upon Village Selection F-14914-A )

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 5th day of September, 1980, copies of the Notice of Appeal of Nunapitchuk, Limited were mailed to:

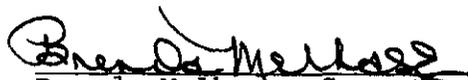
Bureau of Land Management  
Office of the Regional Solicitor  
510 "L" Street, Suite 408  
Anchorage, Alaska 99501

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

Alaska State Director  
U. S. Bureau of Land Management  
701 "C" Street, Box 13  
Anchorage, Alaska 99513

Department of Law  
Office of the Attorney General  
Shelley J. Higgins, Esq.  
420 "L" Street, Suite 100  
Anchorage, Alaska 99501

DATED this 5th day of September, 1980, at Anchorage, Alaska.

  
Brenda Melhase, Secretary

DEPARTMENT OF THE INTERIOR



# United States Department of the Interior

ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. BOX 24 33  
ANCHORAGE, ALASKA 99510

**Johnson River System  
Interim Summary Report  
Attachment 23**

IN RE: Appeal of the State of Alaska )  
 )  
 from Decision of the Bureau of )  
 Land Management F-14914-A )  
 )  
 ANCAB VLS 80-38 )  
 )

ORDER  
DIRECTING HEARING

The State of Alaska (State) has requested that a hearing be held on the issue of whether the Bureau of Land Management (BLM) erred in its determination that the water bodies listed in Exhibit A of the State's Statement of Reasons and Interest are not navigable. The BLM has controverted the State's allegations of BLM error and has requested that the Board order the State to produce factual evidence to substantiate its assertion of title to the beds of the water bodies listed in Exhibit A.

The Board is advised by the Hearings Division of the Office of Hearings and Appeals that an Administrative Law Judge will be assigned to conduct a hearing, including setting a hearing date acceptable to the parties, upon receipt from this Board of an order directing a hearing.

Accordingly, it is hereby Ordered that:

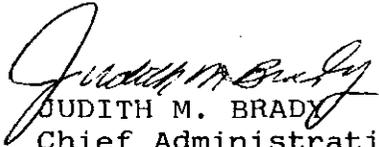
1. Pursuant to regulations in 43 CFR 4.911(c), this Board finds that a hearing before an Administrative Law Judge is necessary on the issue of the navigability or non-navigability of the water bodies listed in Exhibit A (enclosed herewith), which are the subject of this appeal. The Board, therefore, refers said issue to the Hearings Division of the Office of Hearings and Appeals with the request that a full hearing be held by an Administrative Law Judge at a time and place set by the Judge with the concurrence of the parties, for the factual determination of the issue of navigability, and that a recommended decision be rendered as a result thereof. Upon receipt of the transcript and the recommended decision on the law and facts, this Board will then make a final determination of the matter.

2. The test of navigability of the water bodies at issue in this appeal is as stated in Appeal of Doyon, Limited, 4 ANCAB 50, 86 I.D. 692 (1979) [RLS 76-2].

3. The burden shall be on the appellant to establish the navigability of the water bodies at issue in this appeal.

4. It is the policy of the Board to segregate lands affected by an appeal, so that conveyance of lands unaffected by the appeal is not delayed by the appeal process. While transferring this appeal to the Hearings Division for the purpose of holding a hearing, the Board reserves jurisdiction over the matter of segregation. The Board, on Sept. 11, 1980, issued an order segregating lands which failed to take effect because the BLM objected to it within the 15-day period allowed for objection. In its objection, the BLM specified that arrangements had been made with the State which would ultimately allow the parties to negotiate and file with the Board a mutually acceptable method of segregation. The Board will issue a revised segregation order following receipt of a mutually acceptable plan of segregation.

DATED this 1st day of June, 1981, at Anchorage, Alaska.



JUDITH M. BRADY  
Chief Administrative Judge

Encl: a/s

DISTRIBUTION:

State of Alaska  
Department of Law  
Office of the Attorney General  
Shelley J. Higgins, Esq.  
420 L Street, Suite 100  
Anchorage, Alaska 99501

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Hearings Division  
Office of Hearings & Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

Bureau of Land Management  
Office of the Regional Solicitor  
510 L Street, Suite 408  
Anchorage, Alaska 99501

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

courtesy copy:

State Director, Bureau of Land Management  
State of Alaska, Div. of Research & Development

EXHIBIT A

The following water bodies in the Nunapitchuk Village conveyance area, identified as navigable on the State Water Delineation Map for that area, are in dispute:

Unnamed lakes, Secs. 3, 4, and 10, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 3, 10, and 11, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 11, 14, and 15, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 23 and 26, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 34 and 35, T. 8 N., R. 75 W., and Secs. 2 and 3, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 8 and 17, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 1, 2, 11, and 12, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 4 and 9, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 10 and 11, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 8, 9, and 17, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake Secs. 14 and 23, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 22, 23, and 26, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 19 and 20, T. 7 N., R. 75 W., and Sec. 24, T. 7 N., R. 76 W., Seward Meridian.

Unnamed lake, Sec. 29, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 30 and 31, T. 7 N., R. 75 W., and Secs. 25 and 36, T. 7 N., R. 76 W., Seward Meridian.

Unnamed lake, Secs. 31 and 32, T. 7 N., R. 75 W., Seward Meridian.

In addition, there is an apparent error in the DIC description of lands to be conveyed. Nunavakanukakslak Lake, a portion of which is in Sec. 13, T. 10 N., R. 75 W., has been correctly determined navigable by the BLM. But the DIC purports to convey all of Sec. 13 without excluding Nunavakanukakslak Lake.

UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. Box 2433  
Anchorage, Alaska 99510

IN RE: )  
Appeal of )  
STATE OF ALASKA )  
from Decision of Bureau ) OBJECTION TO ORDER  
of Land Management )  
F-14914-A )  
ANCAB VLS 80-38 )

The Bureau of Land Management (BLM), by and through its undersigned counsel, objects to the Order Segregating Lands issued by the Board in the above-captioned appeal on September 11, 1980. The basis for this objection is that the State's Exhibit A does not contain an adequate land description for purposes of segregation. The BLM is unable to ascertain from Exhibit A which lands should be segregated and which lands may be conveyed during the pendency of this appeal. Because of the large number of unnamed waterbodies, it is the position of the BLM that segregation must be accomplished for the most part by an aliquot part land description.

The BLM has arranged with the State to obtain the State water delineation map of the area at issue for a short period of time in order to make an accurate copy. This will enable the BLM to ascertain exactly what lands are claimed by the State. The BLM proposes to thereafter prepare maps and a land description to be furnished to the parties indicating a suggested method of segregation. The maps and description will allow the parties to effectively negotiate a mutually acceptable method of segregation. When this is accomplished, BLM hopes to submit a Motion for Segregation in which all parties will join.

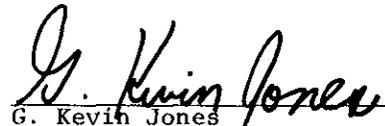
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SEP 25 1980

ALASKA NATIVE CLAIMS  
APPEAL BOARD  
Anchorage, Alaska

The State claims that there is an error in the DIC description of lands to be conveyed concerning Nunavakanukakslak Lake, and the Board has ordered BLM to review and explain the alleged error.

The State asserts that Nunavakanukakslak Lake, located in part, in Sec. 13, T. 10 N., R. 75 W., has been correctly determined navigable by BLM; but the DIC purports to convey all of Sec. 13 without excluding the Lake. BLM approves lands for conveyance on the basis of location on protraction diagrams [see § 13(a) ANCSA] and according to the protraction diagram and status plat Nunavakanukakslak Lake is not located in Sec. 13, T 10 N., R. 75 W. BLM has excluded Nunavakanukakslak Lake in every section that the protraction diagram indicates the Lake is located within.

Respectfully submitted this 23 day of September, 1980, at Anchorage, Alaska.



G. Kevin Jones  
Attorney-Advisor  
U.S. Department of the Interior  
Regional Solicitor's Office  
Alaska Region

Counsel for the Bureau  
of Land Management

UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. Box 2433  
Anchorage, Alaska 99510

IN RE: )  
Appeal of )  
STATE OF ALASKA )  
from Decision of Bureau ) CERTIFICATE OF SERVICE  
of Land Management )  
F-14914-A )  
ANCAB VLS 80-38 )

The undersigned hereby certifies that she is an employee in the Office of the Regional Solicitor, Alaska Region, and is a person of such age and discretion as to be competent to serve papers. That on September 23, 1980, she served a copy of the attached ENTRY OF APPEARANCE and OBJECTION TO ORDER by placing said copy in a postpaid envelope addressed to the persons hereinafter named, at the places and addresses stated below, which are the last known addresses, and by depositing said envelope and contents in the United States Mail at Anchorage, Alaska.

DATED this 23rd day of September, 1980, at Anchorage, Alaska.

ADDRESSEES: (Certified Mail)

State of Alaska	Calista Corporation
Office of Attorney General	516 Denali Street
Shelley J. Higgins, Esq.	Anchorage, Alaska 99501
420 L Street, Suite 100	
Anchorage, Alaska 99501	Nunapitchuk, Limited
	Nunapitchuk, Alaska 99641

Courtesy Copies:

State Director	State of Alaska
Bureau of Land Management	Division of Research
701 C Street, Box 13	and Development
Anchorage, Alaska 99513	323 East 4th Avenue
	Anchorage, Alaska 99501

*Carol B. Van Dyke*  
Carol B. Van Dyke

RECEIVED  
SEP 25 1980

ALASKA NATIVE CLAIMS  
APPEAL BOARD

*to postmark*

UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. Box 2433  
Anchorage, Alaska 99510

IN RE: )  
 )  
Appeal of State of Alaska )  
 )  
from Decision of Bureau of ) ANSWER  
Land Management F-14914-A )  
 )  
ANCAB VLS 80-38 )  
\_\_\_\_\_ )

The Bureau of Land Management (hereinafter BLM), by and through its undersigned counsel, hereby submits its Answer to the Statement of Reasons and Interest Affected filed by the appellant in the above-captioned appeal.

The State of Alaska appeals the Decision of the BLM dated July 25, 1980, approving lands for conveyance to Nunapitchuk, Limited under village selection F-14914-A. The State claims that the water bodies described in Exhibit A are navigable in fact and law. And, if so, title to the beds of those water bodies vested in the State of Alaska as of the date of Statehood pursuant to Section 6(m) of the Alaska Statehood Act, 72 Stat. 339, the Submerged Lands Act of 1953, 43 U.S.C. §1301 et seq., and the "equal footing" doctrine of Pollard v. Hagen, 44 U.S. 212 (1845).

The BLM considered the unnamed water bodies listed in Exhibit A and concluded that "based on existing evidence, they were considered nonnavigable." Memorandum to Chief, Division of ANCSA Operations from State Director, dated May 22, 1980 at 2 (see attached Exhibit B).

It is, therefore, the position of the BLM that the water bodies identified in Exhibit A are nonnavigable, and therefore the beds of these water bodies were properly approved for conveyance to Nunapitchuk, Ltd. and Calista Corporation.

The burden of proof in this appeal is on the State of Alaska. The State has not presented any evidence that establishes error in the BLM decision. The BLM requests

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ALASKA NATIVE CLAIMS  
APPEAL BOARD

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that the Board order the State to produce factual evidence to substantiate its assertion to title to the beds of the water bodies listed in Exhibit A. If the State is unable to meet its burden of proof, BLM submits that its decision must be affirmed.

RESPECTFULLY SUBMITTED this 16 day of October, 1980, at Anchorage, Alaska.

  
G. KEVIN JONES  
Attorney-Advisor  
Office of the Regional Solicitor  
U.S. Department of the Interior  
Alaska Region

Counsel for the Bureau of Land  
Management

EXHIBIT A

The following water bodies in the Nunapitchuk Village conveyance area, identified as navigable on the State Water Delineation Map for that area, are in dispute:

Unnamed lakes, Secs. 3, 4, and 10, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 3, 10, and 11, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 11, 14, and 15, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 23 and 26, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 34 and 35, T. 8 N., R. 75 W., and Secs. 2 and 3, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 8 and 17, T. 8 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 1, 2, 11, and 12, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 4 and 9, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 10 and 11, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 8, 9, and 17, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake Secs. 14 and 23, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 22, 23, and 26, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 19 and 20, T. 7 N., R. 75 W., and Sec. 24, T. 7 N., R. 76 W., Seward Meridian.

Unnamed lake, Sec. 29, T. 7 N., R. 75 W., Seward Meridian.

Unnamed lake, Secs. 30 and 31, T. 7 N., R. 75 W., and Secs. 25 and 36, T. 7 N., R. 76 W., Seward Meridian.

UNITED STATES DEPARTMENT OF THE INTERIOR  
ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. Box 2433  
Anchorage, Alaska 99510

IN RE: )  
)  
Appeal of )  
STATE OF ALASKA )  
)  
from Decision of Bureau ) MOTION FOR SEGREGATION  
of Land Management )  
F-14914-A )  
)  
ANCAB No. VLS 80-38 )  
\_\_\_\_\_ )

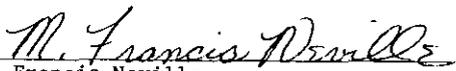
The Bureau of Land Management (BLM), by and through its undersigned attorney, moves the Board to issue an order providing for conveyance of the undisputed lands in this appeal in the following manner.

Maps showing the waterbodies determined by BLM to be navigable and any additional waterbodies claimed by the State will be made a part of the conveyance document. The conveyance document will describe the lands to be conveyed according to the BLM decision and will state:

Excluded from the above-described lands are the submerged lands beneath all waterbodies 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 and those waterbodies for which a final determination of navigability is pending within the Department of the Interior, as depicted on the attached navigability maps, copies of which will be found in the easement case file, F-14865-EE.

Copies of the maps which BLM proposes to use are attached hereto.

Respectfully submitted this 7<sup>th</sup> day of October, 1981.

  
M. Francis Neville  
Attorney-Advisor  
Office of the Regional Solicitor  
Alaska Region  
U.S. Department of the Interior  
Counsel for the Bureau  
of Land Management

No postmark



## United States Department of the Interior

ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. BOX 2433  
ANCHORAGE, ALASKA 99510

IN RE: Appeal of the State of Alaska )  
 )  
 ) ORDER  
 )  
 from Decision of the Bureau of )  
 Land Management F-14914-A ) SEGREGATING LANDS  
 )  
 )  
 ANCAB VLS 80-38 )  
 )

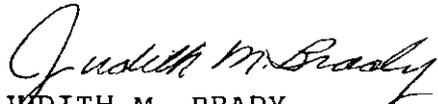
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In order to permit conveyance of lands not in dispute in this appeal, the Board segregates the lands described below, which are the subject of this dispute, from the remainder of those lands approved for conveyance by the above-captioned decision:

The submerged lands beneath those water bodies within the conveyance area for which a final determination of navigability is pending within the Department of the Interior, as depicted on the navigability maps filed with the Motion for Segregation dated Oct. 7, 1981, of the Bureau of Land Management.

The conveyance of the remainder of the lands selected by Nunapitchuk, Limited and approved for conveyance in the above decision should not be delayed pending decision of this appeal. This Order is to become effective ten (10) days from the date hereof unless within that period an objection to the described segregation is received by this Board.

DATED this 26th day of October, 1981, at Anchorage, Alaska.

  
JUDITH M. BRADY  
Chief Administrative Judge

DISTRIBUTION:

State of Alaska  
Department of Law  
Office of the Attorney General  
Shelley J. Higgins, Esq.  
420 L Street, Suite 100  
Anchorage, Alaska 99501

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Hearings Division  
Office of Hearings & Appeals  
U.S. Department of the Interior  
4015 Wilson Boulevard  
Arlington, Virginia 22203

Bureau of Land Management  
Office of the Regional Solicitor  
510 L Street, Suite 100  
Anchorage, Alaska 99501

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

courtesy copy:

State Director, Bureau of Land Management  
State of Alaska, Div. of Research & Development

1 UNITED STATES DEPARTMENT OF THE INTERIOR

2 ALASKA NATIVE CLAIMS APPEAL BOARD

3 P. O. Box 2433

4 Anchorage, Alaska 99510

5 APPEAL OF THE STATE OF ALASKA )  
6 )  
7 from Decision of the Bureau of )  
8 Land Management F-14914-A )  
9 )  
10 ANCAB VLS 80-38 )  
11 )

12 MOTION TO DISMISS APPEAL

13 The appellant, State of Alaska, hereby moves to  
14 dismiss this appeal, for the reason that it elects to  
15 pursue determination of its ownership of the submerged lands  
16 which are the subject of this appeal in the United States  
17 District Court, pursuant to Section 901 of the Alaska National  
18 Interest Lands Conservation Act (94 Stat. 2431) and other  
19 applicable law including the Alaska Statehood Act (72 Stat.  
20 339), the Submerged Lands Act of 1953 (43. U.S.C. §1301 et  
21 seq.) and the "equal footing" doctrine of Pollard v. Hagen,  
22 44 U.S. 212 (1845). Therefore, this administrative appeal  
23 should be dismissed, without prejudice to the State's bringing  
24 an appropriate civil action in U. S. District Court to  
25 conclusively adjudicate its claim of title to submerged  
26 lands.

27 Respectfully submitted this 30<sup>th</sup> day of November,  
28 1981, at Anchorage, Alaska.

29 WILSON L. CONDON  
30 ATTORNEY GENERAL  
31 STATE OF ALASKA

32 By: *Michael W. Sewright*  
33 Michael W. Sewright  
34 Assistant Attorney General

DEPARTMENT OF LAW  
OFFICE OF THE ATTORNEY GENERAL  
ANCHORAGE BRANCH  
420 L STREET, SUITE 100  
ANCHORAGE, ALASKA 99501  
PHONE: 276-3550

RECEIVED  
NOV 30 1981  
ALASKA NATIVE CLAIMS APPEAL BOARD

1 UNITED STATES DEPARTMENT OF THE INTERIOR

2 ALASKA NATIVE CLAIMS APPEAL BOARD

3 P.O. BOX 2433

4 Anchorage, Alaska 99510

5 APPEAL OF THE STATE OF ALASKA )  
 6 )  
 7 from Decision of the Bureau of )  
 8 Land Management F-14914-A )  
 9 )  
 10 ANCAB VLS 80-38 )  
 11 )

12 CERTIFICATE OF MAILING

13 The undersigned hereby certifies that on the 9th day  
 14 of December, 1981, the original and one copy of MOTION TO DISMISS  
 15 APPEAL were mailed to the U.S. Department of Interior, Alaska  
 16 Native Claims Appeal Board, at the above address. Copies of  
 17 MOTION TO DISMISS APPEAL were served by mail to:

18 Hearings Division	Bureau of Land Management
19 Office of Hearings & Appeals	Office of the Regional Solicitor
20 U.S. Department of the Interior	510 L Street, Suite 100
21 4015 Wilson Boulevard	Anchorage, Alaska 99501
22 Arlington, Virginia 22203	

23 Calista Corporation	Nunapitchuk, Limited
24 516 Denali Street	Nunapitchuk, Alaska 99641
25 Anchorage, Alaska 99501	

26 DATED this 9th day of December, 1981.

27 Joan M. Olson  
 28 Joan M. Olson, Secretary

29 DEPARTMENT OF LAW  
 30 OFFICE OF THE ATTORNEY GENERAL  
 31 ANCHORAGE BRANCH  
 32 420 L STREET, SUITE 100  
 33 ANCHORAGE, ALASKA 99501  
 34 PHONE: 276-3550

RECORDED  
 11 1981 DEC 10 1981

ALASKA NATIVE CLAIMS APPEAL BOARD

**Johnson River System  
Interim Summary Report  
Attachment 24**

*SFBerg 10/14/80  
Johnson 10/14/80*

2620 (NAV)(932)  
F-14914EE

*NUNAPITCHUK*

OCT 14 1980

**Memorandum**

To: Regional Solicitor's Office, Anchorage, Alaska  
Attn: Kevin Johnson, Attorney-Advisor

From: State Director, BLM

Subject: Navigability Review, Nunapitchuk Village Selection

Enclosed is a copy of a trip report containing recommendations made as to the navigability or nonnavigability of certain water bodies in the area selected by the Nunapitchuk Village Corporation.

The work was done without an awareness on the part of all parties that an appeal had been filed. We apologize for the error.

A brief staff report has been prepared recommending an unnamed lake system in Section 33 and 34, T10N, R74W, SM and Sections 3, 4, 5, 9 and 10, T9N, R74W, SM be considered administratively navigable, and two other water bodies be considered administratively nonnavigable.

I have concurred with these recommendations.

**Enclosures:**

1. Trip report of 9/15/80 - Karstetter
2. Navigability Review 10/14/80 - Resources

932:SBerg:db:10/14/80:x5069



IN REPLY REFER TO:

## United States Department of the Interior

ALASKA NATIVE CLAIMS APPEAL BOARD  
P.O. BOX 2433  
ANCHORAGE, ALASKA 99510

DEC 21 11 25 AM '80

ANCHORAGE, ALASKA

### APPEAL OF NUNAPITCHUK, LIMITED

ANCAB VLS 80-40

Decided December 18, 1980

Appeal from the Decision of the Alaska State Director,  
Bureau of Land Management F-14914-A.

Sustained in part; dismissed in part.

1. Alaska Native Claims Settlement Act: Navigable Waters: Generally--Alaska: Navigable Waters: Generally

Where the Bureau of Land Management has redetermined that water bodies which are the subject of an appeal are navigable, and where the Board finds that the facts in the record upon which the Bureau of Land Management made its redetermination meet the essential elements of navigability, and where the facts in the record are undisputed so that no issue of fact as to navigability remains before the Board, then the Board will find the water bodies to be navigable.

2. Alaska Native Claims Settlement Act: Administrative Procedure: Decision to Issue Conveyance--Alaska Native Claims Settlement Act: Administrative Procedure: Publication

Redetermination by the Bureau of Land Management of navigability of water bodies while jurisdiction over the subject water bodies is in the Alaska Native Claims Appeal Board is not a "decision" of the Bureau of Land Management, and notice thereof is not required to be published pursuant to 43 CFR 2650.7.

3. Alaska Native Claims Settlement Act: Alaska Native Claims Appeal Board: Appeals: Dismissal

Absent reasons justifying continuance of the appeal, the Board will dismiss a particular portion of an appeal when there remain in that portion no issues to be resolved by the Board.

APPEARANCES: James T. Brennan, Esq., Hedland, Fleischer & Friedman, for Nunapitchuk, Ltd.; G. Kevin Jones, Esq., and M. Francis Neville, Esq., Office of the Regional Solicitor, for Bureau of Land Management.

OPINION BY ALASKA NATIVE CLAIMS APPEAL BOARD

Summary of Appeal

This appeal concerns a situation in which the Bureau of Land Management found two water bodies to be nonnavigable and published a Decision to Issue Conveyance reflecting that finding. The finding was appealed. Following a meeting with appellant's representatives and the review of newly-acquired information, the Bureau of Land Management notified the Board and the parties to the appeal that it had redetermined its own finding, with the result that one of the water bodies was determined navigable, the other nonnavigable. Subsequently, the Bureau of Land Management and the appellant filed a stipulation agreeing to the findings of the Bureau upon redetermination.

The Board holds that under certain circumstances, upon notice of an internal redetermination of navigability by the Bureau of Land Management of a water body under appeal, the Board may rule on the record rather than return jurisdiction to the Bureau of Land Management for a new publishable decision. Further, the Board holds that the parties' stipulation regarding the water body redetermined nonnavigable constitutes an admission by appellant of the validity of the Bureau's determination as to that water body. Such admission eliminated the basis of the appeal with regard to that water body by mooted the only issue, and dismissal of that portion is appropriate.

Jurisdiction

The Alaska Native Claims Appeal Board, pursuant to delegation of authority to administer the Alaska Native Claims Settlement Act, 85 Stat. 688, as amended, 43 U.S.C. §§ 1601-1628 (1976 and Supp. I 1977), and the implementing regulations in 43 CFR Part 2650 and 43 CFR Part 4, Subpart J, hereby makes the following findings, conclusions and decision.

Procedural Background

The Bureau of Land Management (BLM) on July 25, 1980, issued the above-referenced decision to issue conveyance of lands to Nunapitchuk, Ltd. On Sept. 5, 1980, Nunapitchuk, Ltd. entered this appeal alleging error on the part of the

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 9:00 PM '80

BLM for failure to determine two certain bodies of water navigable and to exclude the submerged lands underlying these bodies of water from acreage chargeable to Nunapitchuk, Ltd. selections. The water bodies in issue are:

- (1) unnamed lake with interconnecting sloughs located in Secs. 33 and 34, T. 10 N., R. 74 W., Seward Meridian, and Secs. 3, 4, 5, 8, 9 and 10, T. 9 N., R. 74 W, Seward Meridian (referred to in the pleadings as Lake A);
- (2) unnamed lake located in Secs. 15 and 16, T. 9 N., R. 74 W., Seward Meridian (referred to in the pleadings as Lake B).

SEARCHED  
SERIALIZED  
INDEXED  
FILED  
OCT 21 1980  
FBI - DENVER

On Oct. 17, 1980, the BLM filed its Answer to appellant's Statement of Reasons and Interest Affected. The Answer declared that BLM had redetermined the navigability of both of the contested water bodies, with the result that Lake A was determined navigable and Lake B nonnavigable. BLM urged, pursuant to the decision of this Board in Appeal of Bristol Bay Native Corporation, 4 ANCAB 355, 87 I.D. 341 (1980) [VLS 80-2], that it was appropriate for the Board to make its own ruling concerning the navigability of Lake A rather than to return jurisdiction to the BLM. Regarding Lake B, BLM maintained that its determination of nonnavigability was correct.

On Dec. 10, 1980, Nunapitchuk, Ltd. and the BLM filed a Stipulation for Settlement and Motion for Dismissal. Therein, the parties stipulated that the unnamed lake and interconnecting sloughs referred to as Lake A were navigable, and that the submerged lands underlying those waters should not be charged to Nunapitchuk, Ltd.'s selections. Further, the parties stipulated that Lake B was nonnavigable. Appellant, Nunapitchuk, moved for approval of the stipulated agreement on the basis of facts set forth in the statement of reasons and the Answer.

Decision

[1, 2] In Appeal of Bristol Bay Native Corporation, supra, the Board held that:

Where the BLM has redetermined that water bodies which are the subject of an appeal pending before the Board are navigable, and where the Board finds that the facts in the record upon which BLM made its redetermination meet the essential elements of navigability enunciated in Appeal of Doyon, Ltd., 4 ANCAB 50, 86 I.D. 692 (1979) [RLS 76-2], and where the facts in the record

are undisputed so that no issue of fact as to navigability remains before the Board, then the Board will find the water bodies to be navigable.

87 I.D. 341, 346.

The Board also held that:

[F]or purposes of clarification, \* \* \* redetermination by the BLM of navigability of water bodies while jurisdiction over such water bodies is in the Alaska Native Claims Appeal Board is not a 'decision' of the BLM, and notice is not required to be published pursuant to 43 CFR 2650.7.

87 I.D. 341, 345.

As to "Lake A," redetermined by the BLM to be navigable, the facts in this appeal satisfy the guidelines set forth in Appeal of Bristol Bay Native Corporation, supra, for a finding by the Board, without hearing, of navigability.

In its statement of reasons, Nunapitchuk, Ltd. declared that Lake A connects with the Johnson River (determined by the BLM to be navigable) and constitutes a link in the primary water route between the villages of Nunapitchuk and Atmautluak, which route sustains commercial use. Appellant declared that use of Lake A for waterborn commerce has been notorious and might even be documented, and that BLM's failure to describe Lake A as navigable in its above-referenced decision to issue conveyance appeared to result merely from the failure of maps used by the BLM to depict Lake A.

BLM's Answer, as specified above, declared that Lake A had been redetermined to be navigable, and asserted the propriety of the Board's ruling in accord. Attached as exhibits to the Answer were memoranda concerning BLM's navigability redeterminations.

One memorandum, addressed to the BLM Alaska State Director from the Chief, Division of Resources, indicated agreement that Lake A should be [re]determined navigable, and declared, apparently in explanation of the original determination:

Neither the Bureau of Land Management status records nor the USGS maps show the interconnecting channels between this lake and other water systems which were previously considered navigable by BLM.

The inaccuracy of USGS maps and BLM status records for townships in this area is a known fact.

10-22 8:00 PM '90

A memorandum to files from Marty Karstetter concerned a meeting on Sept. 10, 1980 between representatives of Nunapitchuk, Ltd. and BLM. At the meeting, appellant's representatives informed the BLM that Lake A was interconnected with the Johnson River, Nunavakanukakslak Lake, and an unnamed lake system to the east, all of which had been determined navigable by the BLM. The system was said to be used by approximately 70 to 100 boats a week for inter-village travel between Nunapitchuk and Atmautluak.

The memorandum cited Marty Karstetter as having told the village corporation representatives that BLM had intended to declare navigable all interconnecting water bodies in the area, but the maps did not show them connecting [with Lake A]. Subsequent memoranda indicated that BLM accepted without dispute the information provided at the meeting by village representatives. Such information formed the basis for BLM's redetermination of navigability.

The undisputed facts stated above indicate use of Lake A as a highway of commerce, and thus meet the essential elements of navigability enunciated in Appeal of Doyon, Ltd., supra. No issue of fact as to the navigability of Lake A remains before the Board.

Accordingly, the Board finds the unnamed lake and interconnecting sloughs situated in Secs. 33 and 34, T. 10 N., R. 74 W., S.M. and Secs. 3, 4, 5, 8, 9 and 10, T. 9 N., R. 74 W., S.M. (referred to in the pleadings as Lake A) to be navigable. As the Board has authority under 43 CFR 4.1(b)(5) to "consider and decide finally for the Department appeals to the head of the Department," such finding is not a decision of the BLM, and notice thereof is not required to be published pursuant to 43 CFR 2650.7.

The parties' stipulation that Lake B is nonnavigable constitutes, in part, an admission by appellant of the validity of the BLM's determination as to Lake B. There are, accordingly, no issues with regard to Lake B yet to be resolved by the Board. No reasons justifying the continuance of the portion of the appeal regarding Lake B are apparent from the record.

[3] Absent reasons justifying continuance of the appeal, the Board will dismiss a particular portion of an appeal when there remain in that portion no issues to be resolved by the Board.

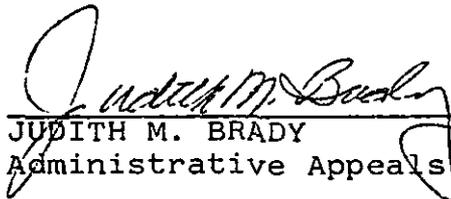
DEC 27 9 09 AM '80  
U.S. DEPT. OF AGRICULTURE  
BUREAU OF LAND MANAGEMENT  
WASH. D.C.

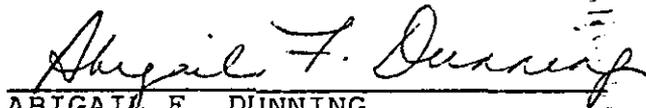
Order

The Bureau of Land Management is Ordered to exclude from conveyance under ANCSA to Nunapitchuk, Ltd. the submerged lands underlying the lake and interconnecting sloughs in Secs. 33 and 34, T. 10 N., R. 74 W., S.M., and Secs. 3, 4, 5, 8, 9 and 10, T. 9 N., R. 74 W., S.M., and to exclude the acreage of such lands from Nunapitchuk, Ltd.'s entitlement under ANCSA.

Further, the Board hereby dismisses that portion of the above-designated appeal which involves the unnamed lake in Secs. 15 and 16, T. 9 N., R. 74 W., S.M. (referred to in the pleadings as Lake B).

This represents a unanimous decision of the Board.

  
JUDITH M. BRADY  
Administrative Appeals Judge

  
ABIGAIL F. DUNNING  
Administrative Appeals Judge

  
JOSEPH A. BALDWIN  
Administrative Appeals Judge

REC 72 3 10 PM 1980

DISTRIBUTION:

Nunapitchuk, Limited  
James T. Brennan, Esq.  
Hedland, Fleischer & Friedman  
1016 W. 6th Ave., Suite 400  
Anchorage, Alaska 99501

Bureau of Land Management  
Office of the Regional Solicitor  
M. Francis Neville, Esq.  
510 L Street, Suite 408  
Anchorage, Alaska 99501

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

courtesy copy:

State Director, Bureau of Land Management  
State of Alaska, Division of Research and Development  
Department of Law, Office of the Attorney General  
Nunapitchuk, Limited

OCT 14 1980

Memorandum

To: State Director  
From: Chief, Division of Resources  
Subject: Navigability Recommendations - Nunapitchuk Selection

After a trip to Nuanpitchuk and a meeting with members of the Nunapitchuk Village Corporation, Marty Karstetter, Easement Identification Branch, ANCSA Operations met with Sherman Berg of my staff.

Three water bodies were discussed. Based on information provided to Mr. Karstetter, it was agreed that an unnamed lake system in Sections 33 and 34, T10N, R74W, SM and Sections 3, 4, 5, 9 and 10, T9N, R74W, SM, should be administratively determined to be navigable. The other two were considered nonnavigable.

Neither the Bureau of Land Management status records nor the USGS maps show the interconnecting channels between this lake and other water systems which were previously considered navigable by BLM.

The inaccuracy of USGS maps and BLM status records for townships in this area is a known fact.

This may cause problems in the adjudication of this selection, but based on data provided by the members of the Village Corporation, I believe we should consider the above lake system and its interconnecting sloughs administratively navigable.

The other two water bodies are recommended to be considered nonnavigable based on data which is repeated in the trip report.

This office's response to the question of navigability of water bodies under question in this area was made without the knowledge that an appeal had been filed.

Your concurrence with the above is requested.

I concur,

/S/ CURTIS V. McVIE OCT 14 1980

State Director Date

932:SBerg:db:10/14/80:x5069

**Johnson River System  
Interim Summary Report  
Attachment 25**

265.47  
F-14914-EE (75.4)  
(963)

MAR 10 1982

*KARSTETTER*  
*3/9/82*  
*MW*  
*39*  
*B 39*

**Memorandum**

**To:** Chief, Division of ANCSA and State Conveyances (960)  
**From:** SD  
**Subject:** Amendment of Navigability Determinations Listed in May 22, 1980, State Director's Memorandum of Final Easements for Nunapitchuk, Limited for the Village of Nunapitchuk

On May 22, 1980, the Final State Director's Memorandum for Nunapitchuk was signed. Recent review of the recommendations made on navigability by the resource staff requires amendment of the original navigability findings. The following waters are also determined to be navigable:

- a. An unnamed slough and lake system in Secs. 16, 17, 20, 21, 28, and 29, T. 10 N., R. 74 W., Seward Meridian;
- b. Pikmiktalik River and its interconnecting sloughs throughout the selection; and
- c. An unnamed lake and slough in Secs. 3, 4, 5, 9, and 10, T. 8 N., R. 75 W., Seward Meridian.

*/S/ Curtis V. McVee*

963:MKarstetter:slt:03/09/82\*1F  
GHOUL\*AA slt:03/09/82\*F

3/16/82  
3/16/82

**Johnson River System  
Interim Summary Report  
Attachment 26**

F-14914-A (Anch.) (2651)  
F-14914-EE (Anch.) (75.4)  
AA-10372 1/ (2653)  
(961)

**MAR 23 1982**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DECISION

Nunapitchuk Limited	:	F-14914-A
Nunapitchuk, Alaska 99641	:	Village Selection
	:	
Calista Corporation	:	AA-10372 <u>1</u> /
516 Denali Street	:	Sec. 14(h)(1) Selections
Anchorage, Alaska 99501	:	

Decision of July 25, 1980  
Modified in Part

The purpose of this decision is to modify the Decision to Issue Conveyance (DIC) dated July 25, 1980, and published in the Federal Register on page 50660. The DIC, dated July 25, 1980, included those water bodies determined to be navigable as recommended in the Alaska State Director (SD), BLM, memorandum dated May 22, 1980, concerning final easements for the village of Nunapitchuk.

On March 10, 1982, an amendment to the SD memorandum of May 22, 1980, was issued which contained an administrative redetermination of navigability of the water bodies within the Nunapitchuk conveyance area. Therefore, the navigability information is modified as follows:

Page 50662

The paragraph beginning "within the above-described lands, only the following inland water bodies are considered to be navigable":

This paragraph is hereby modified to add the following water bodies to the list:

- An unnamed slough and lake system in Secs. 16, 17, 20, 21, 28, and 29, T. 10 N., R. 74 W., Seward Meridian;
- Pikmiktalik River and its interconnecting sloughs throughout the selection; and

1/ AA-11219, AA-11312, AA-11313, AA-11603, AA-11604, AA-11605, AA-11607, AA-11614, AA-11619, AA-11742

An unnamed lake and slough in Secs. 3, 4, 5, 9, and 10, T. 8 N., R. 75 W., Seward Meridian.

This modified decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

The DIC of July 25, 1980, approved conveyance of the surface estate of the beds of the above-described water bodies to Nunapitchuk Limited and conveyance of the subsurface estate of the same land to Calista Corporation. As the water bodies are now considered navigable, the submerged lands beneath them are not public lands and are therefore not available for conveyance to the Native corporations under the Alaska Native Claims Settlement Act (43 CFR 2650.0-5(g)). Therefore, the DIC of July 25, 1980, is hereby modified to exclude the submerged lands of the above-described water bodies. This acreage will not be charged against the village corporation's entitlement.

Except as modified by this decision, the decision of July 25, 1980, stands as written.

/s/ Ruth Stockle

~~ACTING~~ Chief, Branch of ANCSA  
Adjudication

961:DDiakakis:cea:03/12/82  
CEA 10/ D      cea:03/15/82

MAR 23 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 Adjudication/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/ Ruth Stockle

ACTING Chief, Branch of ANCSA  
Adjudication

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

961:PBaker\*ej:2/11/82  
Pat3/A

## INTERIM CONVEYANCE

## WHEREAS

Nunapitchuk Limited

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) and 1621(j)), as amended, of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)T. 8 N., R. 74 W.

- Sec. 5, excluding Native allotments F-14967 and F-17334 Parcel B;
- Sec. 6, excluding Native allotments F-15944 and F-17949;
- Sec. 7, excluding Native allotments F-18062 Parcel A and F-14168;
- Sec. 8, excluding Native allotments F-17815 Parcels A and B, F-14517 Parcel A, F-18320 Parcel B, F-15578, F-17334 Parcel B, and F-14168;
- Sec. 17, excluding Native allotments F-18320 Parcel B, F-15943, F-14237, F-15757 Parcel B, F-14249, and F-14168;
- Sec. 18, excluding Native allotments F-17708, F-18062 Parcel A, and F-14168;
- Sec. 19, excluding Native allotment F-17708;
- Sec. 20, excluding Native allotments F-15757 Parcel B, F-17535, F-14257 Parcel A, F-14249, and F-14237.

Containing approximately 2,227 acres.

T. 9 N., R. 74 W.

- Secs. 1 to 4, inclusive;
- Sec. 5, excluding Lot 1 of U.S. Survey No. 4049 (Alaska Native Claims Settlement Act Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey No. 4049, and Alaska Native Claims Settlement Act Sec. 3(e) application AA-41133;
- Sec. 6, excluding Lot 1 of U.S. Survey No. 4049 (Alaska Native Claims Settlement Act Sec. 3(e) application AA-31245) and Lot 2 of U.S. Survey No. 4049;
- Sec. 7, excluding Native allotment F-14982;
- Sec. 8, excluding Native allotment F-16984;
- Secs. 9 to 14, inclusive;
- Sec. 15, excluding Native allotments F-14960 Parcel B and F-14986;
- Sec. 16, excluding Native allotments F-14986 and F-14985;
- Sec. 17, excluding Native allotments F-14959 Parcel B and F-14985;
- Sec. 18, excluding Native allotment F-17496 Parcel B;
- Sec. 19;
- Sec. 20, excluding Native allotments F-14964 Parcel A and F-14962 Parcel C;
- Sec. 21, excluding Native allotments F-14964 Parcel A, F-14962 Parcel C, and F-14983;

485

Interim Conveyance No. \_\_\_\_\_  
Date MAR 15 1982

This Document has been  
corrected by IC No. 1907  
Dated 09/07/05

Sec. 22, excluding Native allotment F-14960  
Parcel B;  
Secs. 23 to 26, inclusive;  
Sec. 27, excluding Native allotment F-18264;  
Sec. 28, excluding Native allotments F-18264 and  
F-16723 Parcel A;  
Secs. 29 to 33, inclusive;  
Sec. 34, excluding Native allotments F-17533 and  
F-14979 Parcel B;  
Sec. 35, excluding Native allotments F-17533,  
F-14979 Parcel B, and F-18861;  
Sec. 36, excluding Native allotment F-18861.

Containing approximately 18,424 acres.

T. 10 N., R. 74 W.

Secs. 3 and 4, excluding Native allotment F-14518;  
Secs. 5 to 15, inclusive;  
Sec. 16, excluding Native allotment F-14964  
Parcel B;  
Secs. 17, 18, and 19, excluding Native allotment  
F-14565 Parcel B;  
Sec. 20, excluding Native allotment F-14565  
Parcels A and B;  
Secs. 21 to 28, inclusive;  
Sec. 29, excluding Native allotments F-14565  
Parcel A and F-14961 Parcel C;  
Sec. 30;  
Sec. 31, excluding Native allotment F-14516;  
Sec. 32;  
Sec. 33, excluding Native allotments F-14963  
Parcel B, and F-14962 Parcel B;  
Secs. 34, 35 and 36.

Containing approximately 10,416 acres.

T. 7 N., R. 75 W.

Secs. 1 to 36, inclusive.

Containing approximately 22,886 acres.

T. 8 N., R. 75 W.

Sec. 1, excluding Native allotments F-15936  
and F-17949;  
Sec. 2, excluding Native allotment F-14966;  
Secs. 3, 4, and 5;  
Secs. 8 to 17, inclusive;  
Secs. 20 to 36, inclusive.

Containing approximately 18,343 acres.

T. 7 N., R. 76 W.

Secs. 1 to 10, inclusive;  
Sec. 11, excluding Native allotment F-13308;  
Secs. 12 to 27, inclusive.

Containing approximately 16,855 acres.

Interim Conveyance No. 485

Date MAR 15 1982

This Document has been  
corrected by IC No. 1907  
Dated 09/07/05

T. 8 N., R. 76 W.  
Secs. 19 and 20;  
Secs. 25 to 36, inclusive.

Containing approximately 4,923 acres.

Aggregating approximately 94,074 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14914-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

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, thereunto 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
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-14914-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 identified. 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 all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Bethel in Sec. 9, T. 8 N., R. 71 W., Seward Meridian, westerly to Kasigluk, linking the villages of

Interim Conveyance No. 485

Date MAR 15 1982

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Dated 09/07/05

Kasigluk, Nunapitchuk, and Atmautluak with Bethel. 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.

- b. (EIN 16 C5) An easement for an existing Alaska Village Electric Cooperative, Inc. (AVEC), power-plant site in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, being more particularly described as follows:

Beginning at witness corner meander corner 6 of U.S. Survey No. 4049;

thence N. 64°46'00" W. along the south line of U.S. Survey No. 4049, a distance of 30.00 feet, to AVEC corner No. 1 the true point of beginning;

Thence S. 64°46'00" E. along the south line of U.S. Survey 4049, a distance of 230.00 feet to AVEC corner No. 2;

thence N. 42°19'30" W. for a distance of 248.85 feet to AVEC corner No. 4;

thence N. 25°14'00" E. for a distance of 35.00 feet to AVEC corner No. 1 the true point of beginning.

The parcel of land to which the above description applies contains 0.44 acres, more or less.

The allowed uses of the easement are the construction, operation and maintenance of an electric power generation facility.

- c. (EIN 17 C5) An easement twenty (20) feet in width for the existing powerline from the power plant at the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, westerly to the village of Kasigluk. The uses are those associated with the construction, operation and maintenance of the powerline.

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 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

485

Interim Conveyance No. \_\_\_\_\_  
Date MAR 15 1982

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to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), 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.

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 15th day of March, 1982, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. 485

Date MAR 15 1982

This Document has been  
corrected by IC No. 1907  
Dated 09/07/05

# The United States of America

## *Corrected Interim Conveyance*

F-14914-A

This document corrects Interim Conveyance No. 485, dated March 15, 1982, recorded in Book 40 beginning at page 417, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Nunapitchuk Limited, P.O. Box 129, Nunapitchuk, Alaska 99641, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

Nunapitchuk Limited

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the additional Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 485. The parcels to be excluded have been segregated from the conveyed lands by survey.

<i>Serial No., Parcel</i>	<i>Applicant Name</i>	<i>Surveyed Description</i>
AA-50584	Julia Albrite	U.S. Survey No. 11908
AA-56432 B	Alexie A. Paul	U.S. Survey No. 10336
AA-57982	Nick Twitchell	U.S. Survey No. 10341
F-14253 B	Marie Gilman	Lot 1, U.S. Survey No. 8451
F-14960 A	Jeanie Mochin	Lot 1, U.S. Survey No. 10330
F-14961 B	Joseph Mochin Sr.	Lots 1 and 2, U.S. Survey No. 8472
F-14963 C	John N. Wassillie Sr.	Lots 4 and 5, U.S. Survey No. 8470
F-14968 C	Mary G. Mojin	Lots 1 and 2, U.S. Survey No. 10314
F-14981 D	John A. Berlin	U.S. Survey No. 12952

Interim Conveyance No. \_\_\_\_\_

**1907**

Page 1 of 3

F-14983 B	Evelyn Pavilla	U.S. Survey No. 10313
F-15070	Wassillie Gilman	Lot 3, U.S. Survey No. 10337
F-15937 B	Katie Albrite	Lot 5, U.S. Survey No. 12191
F-17847	Lucy Nicholas	Lot 8, U.S. Survey No. 12191
F-18215	Kalila Carli	Lot 3, U.S. Survey No. 8413

THEREFORE, Interim Conveyance No. 485 is corrected in part to read:

Seward Meridian, Alaska

T. 8 N., R. 74 W.,

Sec. 17, excluding U.S. Survey No. 12191;  
 Sec. 18, excluding U.S. Survey No. 12191;  
 Sec. 19, excluding U.S. Survey No. 12191;  
 Sec. 20, excluding U.S. Survey No. 12191.

T. 9 N., R. 74 W.,

Sec. 5, excluding U.S. Survey No. 10313;  
 Sec. 8, excluding U.S. Survey No. 10313;  
 Sec. 9, excluding U.S. Survey No. 8451,  
 U.S. Survey No. 8472, and U.S. Survey No. 10314;  
 Sec. 16, excluding U.S. Survey No. 8451;  
 Sec. 20, excluding U.S. Survey No. 8470;  
 Sec. 21, excluding U.S. Survey No. 8470.

T. 10 N., R. 74 W.,

Sec. 8, excluding U.S. Survey No. 10336;  
 Sec. 13, excluding U.S. Survey No. 10330;  
 Sec. 17, excluding U.S. Survey No. 10337;  
 Sec. 19, excluding U.S. Survey No. 10341  
 and U.S. Survey No. 12952;  
 Sec. 20, excluding U.S. Survey No. 10337;  
 Sec. 21, excluding U.S. Survey No. 10337;  
 Sec. 24, excluding U.S. Survey No. 10330;  
 Sec. 30, excluding U.S. Survey No. 8413.

T. 8 N., R. 75 W.,

Sec. 13, excluding U.S. Survey No. 12191;  
 Sec. 21, excluding U.S. Survey No. 11908;  
 Sec. 22, excluding U.S. Survey No. 11908;

Sec. 24, excluding U.S. Survey No. 12191;  
Sec. 27, excluding U.S. Survey No. 11908;  
Sec. 28, excluding U.S. Survey No. 11908.

Interim Conveyance No. 485 remains in full force and effect as corrected herein.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the UNITED STATES, set her hand and caused the seal of the Bureau to be hereunto affixed, on this 7<sup>th</sup> day of September, 2005, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*/s/ Krissell Crandall*

Krissell Crandall  
Chief, Branch of Adjudication I

Return recorded document to:

Nunapitchuk Limited  
P.O. Box 129  
Nunapitchuk, Alaska 99641

## INTERIM CONVEYANCE

WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f) and 1621(j)), as amended, of the sub-surface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

485

Interim Conveyance No. \_\_\_\_\_

Seward Meridian, Alaska (Unsurveyed)T. 8 N., R. 74 W.

- Sec. 5, excluding Native allotments F-14967 and F-17334 Parcel B;
- Sec. 6, excluding Native allotments F-15944 and F-17949;
- Sec. 7, excluding Native allotments F-18062 Parcel A and F-14168;
- Sec. 8, excluding Native allotments F-17815 Parcels A and B, F-14517 Parcel A, F-18320 Parcel B, F-15578, F-17334 Parcel B, and F-14168;
- Sec. 17, excluding Native allotments F-18320 Parcel B, F-15943, F-14237, F-15757 Parcel B, F-14249, and F-14168;
- Sec. 18, excluding Native allotments F-17708, F-18062 Parcel A, and F-14168;
- Sec. 19, excluding Native allotment F-17708;
- Sec. 20, excluding Native allotments F-15757 Parcel B, F-17535, F-14257 Parcel A, F-14249, and F-14237.

Containing approximately 2,227 acres.

T. 9 N., R. 74 W.

- Secs. 1 to 4, inclusive;
- Sec. 5, excluding Lot 1 of U.S. Survey No. 4049 (Alaska Native Claims Settlement Act Sec. 3(e) application AA-31245), Lot 2 of U.S. Survey No. 4049, and Alaska Native Claims Settlement Act Sec. 3(e) application AA-41133;
- Sec. 6, excluding Lot 1 of U.S. Survey No. 4049 (Alaska Native Claims Settlement Act Sec. 3(e) application AA-31245) and Lot 2 of U.S. Survey No. 4049;
- Sec. 7, excluding Native allotment F-14982;
- Sec. 8, excluding Native allotment F-16984;
- Secs. 9 to 14, inclusive;
- Sec. 15, excluding Native allotments F-14960 Parcel B and F-14986;
- Sec. 16, excluding Native allotments F-14986 and F-14985;
- Sec. 17, excluding Native allotments F-14959 Parcel B and F-14985;
- Sec. 18, excluding Native allotment F-17496 Parcel B;

Interim Conveyance No. \_\_\_\_\_

486

Date MAR 15 1982

This Document has been  
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Sec. 19;  
Sec. 20, excluding Native allotments F-14964  
Parcel A and F-14962 Parcel C;  
Sec. 21, excluding Native allotments F-14964  
Parcel A, F-14962 Parcel C, and F-14983;  
Sec. 22, excluding Native allotment F-14960  
Parcel B;  
Secs. 23 to 26, inclusive;  
Sec. 27, excluding Native allotment F-18264;  
Sec. 28, excluding Native allotments F-18264 and  
F-16723 Parcel A;  
Secs. 29 to 33, inclusive;  
Sec. 34, excluding Native allotments F-17533 and  
F-14979 Parcel B;  
Sec. 35, excluding Native allotments F-17533,  
F-14979 Parcel B, and F-18861;  
Sec. 36, excluding Native allotment F-18861.

Containing approximately 18,424 acres.

T. 10 N., R. 74 W.

Secs. 3 and 4, excluding Native allotment F-14518;  
Secs. 5 to 15, inclusive;  
Sec. 16, excluding Native allotment F-14964  
Parcel B;  
Secs. 17, 18, and 19, excluding Native allotment  
F-14565 Parcel B;  
Sec. 20, excluding Native allotment F-14565  
Parcels A and B;  
Secs. 21 to 28, inclusive;  
Sec. 29, excluding Native allotments F-14565  
Parcel A and F-14961 Parcel C;  
Sec. 30;  
Sec. 31, excluding Native allotment F-14516;  
Sec. 32;  
Sec. 33, excluding Native allotments F-14963  
Parcel B, and F-14962 Parcel B;  
Secs. 34, 35 and 36.

Containing approximately 10,416 acres.

T. 7 N., R. 75 W.

Secs. 1 to 36, inclusive.

Containing approximately 22,886 acres.

T. 8 N., R. 75 W.

Sec. 1, excluding Native allotments F-15936  
and F-17949;  
Sec. 2, excluding Native allotment F-14966;  
Secs. 3, 4, and 5;  
Secs. 8 to 17, inclusive;  
Secs. 20 to 36, inclusive.

Containing approximately 18,343 acres.

T. 7 N., R. 76 W.

Secs. 1 to 10 inclusive;  
Sec. 11, excluding Native allotment F-13308;  
Secs. 12 to 27, inclusive.

Containing approximately 16,855 acres.

T. 8 N., R. 76 W.

Secs. 19 and 20;  
Secs. 25 to 36, inclusive.

Containing approximately 4,923 acres.

Aggregating approximately 94,074 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14914-EE.

Also excluded from the above-described lands herein conveyed are lands covered by tidal waters up to the line of mean high tide. The actual limits of tidal influence for those water bodies, if any, will be determined at the time of survey.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation, the subsurface 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, thereunto belonging, unto the said corporation, its successors and assigns, forever:

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate and to valid existing rights, if any, in the said subsurface estate, 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.

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 15th day of March, 1982, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. \_\_\_\_\_

486

Date MAR 15 1982

This Document has been  
corrected by IC No. 1908  
Dated 09/07/05

# The United States of America

## *Corrected Interim Conveyance*

F-14914-A

This document corrects Interim Conveyance No. 486, dated March 15, 1982, recorded in Book 31 beginning at page 461, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Calista Corporation, Attn: Land Department, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

Calista Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the additional Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 486. The parcels to be excluded have been segregated from the conveyed lands by survey.

<i>Serial No., Parcel</i>	<i>Applicant Name</i>	<i>Surveyed Description</i>
AA-50584	Julia Albrite	U.S. Survey No. 11908
AA-56432 B	Alexie A. Paul	U.S. Survey No. 10336
AA-57982	Nick Twitchell	U.S. Survey No. 10341
F-14253 B	Marie Gilman	Lot 1, U.S. Survey No. 8451
F-14960 A	Jeanie Mochin	Lot 1, U.S. Survey No. 10330
F-14961 B	Joseph Mochin Sr.	Lots 1 and 2, U.S. Survey No. 8472
F-14963 C	John N. Wassillie Sr.	Lots 4 and 5, U.S. Survey No. 8470
F-14968 C	Mary G. Mojin	Lots 1 and 2, U.S. Survey No. 10314
F-14981 D	John A. Berlin	U.S. Survey No. 12952

# 1908

Interim Conveyance No. \_\_\_\_\_

Page 1 of 3

F-14983 B	Evelyn Pavilla	U.S. Survey No. 10313
F-15070	Wassillie Gilman	Lot 3, U.S. Survey No. 10337
F-15937 B	Katie Albrite	Lot 5, U.S. Survey No. 12191
F-17847	Lucy Nicholas	Lot 8, U.S. Survey No. 12191
F-18215	Kalila Carli	Lot 3, U.S. Survey No. 8413

THEREFORE, Interim Conveyance No. 486 is corrected in part to read:

Seward Meridian, Alaska

T. 8 N., R. 74 W.,

Sec. 17, excluding U.S. Survey No. 12191;  
 Sec. 18, excluding U.S. Survey No. 12191;  
 Sec. 19, excluding U.S. Survey No. 12191;  
 Sec. 20, excluding U.S. Survey No. 12191.

T. 9 N., R. 74 W.,

Sec. 5, excluding U.S. Survey No. 10313;  
 Sec. 8, excluding U.S. Survey No. 10313;  
 Sec. 9, excluding U.S. Survey No. 8451,  
 U.S. Survey No. 8472, and U.S. Survey No. 10314;  
 Sec. 16, excluding U.S. Survey No. 8451;  
 Sec. 20, excluding U.S. Survey No. 8470;  
 Sec. 21, excluding U.S. Survey No. 8470.

T. 10 N., R. 74 W.,

Sec. 8, excluding U.S. Survey No. 10336;  
 Sec. 13, excluding U.S. Survey No. 10330;  
 Sec. 17, excluding U.S. Survey No. 10337;  
 Sec. 19, excluding U.S. Survey No. 10341  
 and U.S. Survey No. 12952;  
 Sec. 20, excluding U.S. Survey No. 10337;  
 Sec. 21, excluding U.S. Survey No. 10337;  
 Sec. 24, excluding U.S. Survey No. 10330;  
 Sec. 30, excluding U.S. Survey No. 8413.

T. 8 N., R. 75 W.,

Sec. 13, excluding U.S. Survey No. 12191;  
 Sec. 21, excluding U.S. Survey No. 11908;  
 Sec. 22, excluding U.S. Survey No. 11908;

Sec. 24, excluding U.S. Survey No. 12191;  
Sec. 27, excluding U.S. Survey No. 11908;  
Sec. 28, excluding U.S. Survey No. 11908.

Interim Conveyance No. 486 remains in full force and effect as corrected herein.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the UNITED STATES, set her hand and caused the seal of the Bureau to be hereunto affixed, on this 7<sup>th</sup> day of September, 2005, in Anchorage, Alaska.

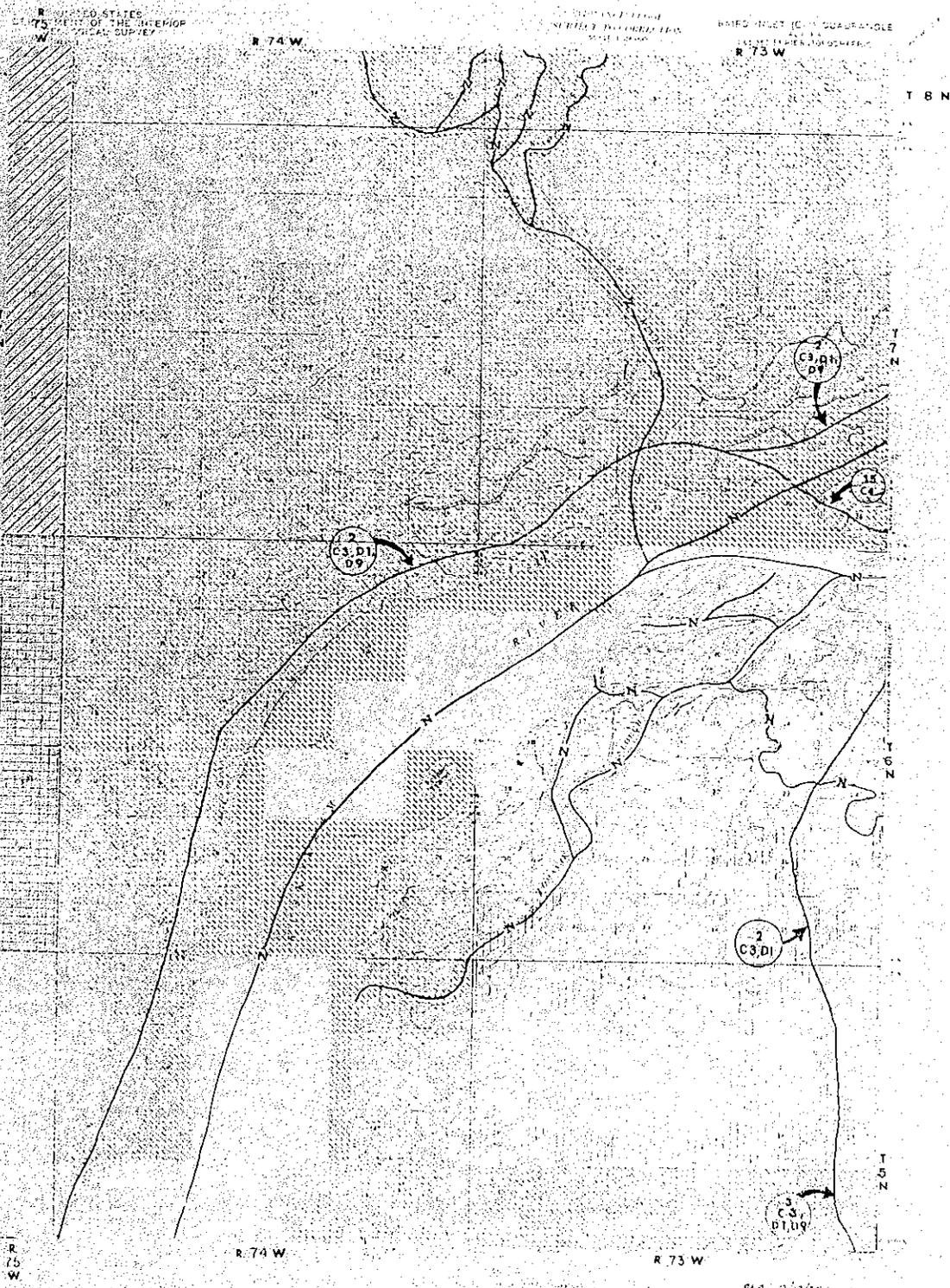
UNITED STATES OF AMERICA

*/s/ Krissell Crandall*

Krissell Crandall  
Chief, Branch of Adjudication I

Return recorded document to:

Calista Corporation  
Attn: Land Department  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028



VILLAGE	NAVIGABILITY SECTION REVIEWED	DATE	INITIALS
CHEROKAN		11/21/81	CS
CHEROKAN		2/16/82	CS

Section	Review Date	Initials
1	11/21/81	CS
2	11/21/81	CS
3	11/21/81	CS
4	11/21/81	CS
5	11/21/81	CS
6	11/21/81	CS
7	11/21/81	CS
8	11/21/81	CS
9	11/21/81	CS
10	11/21/81	CS
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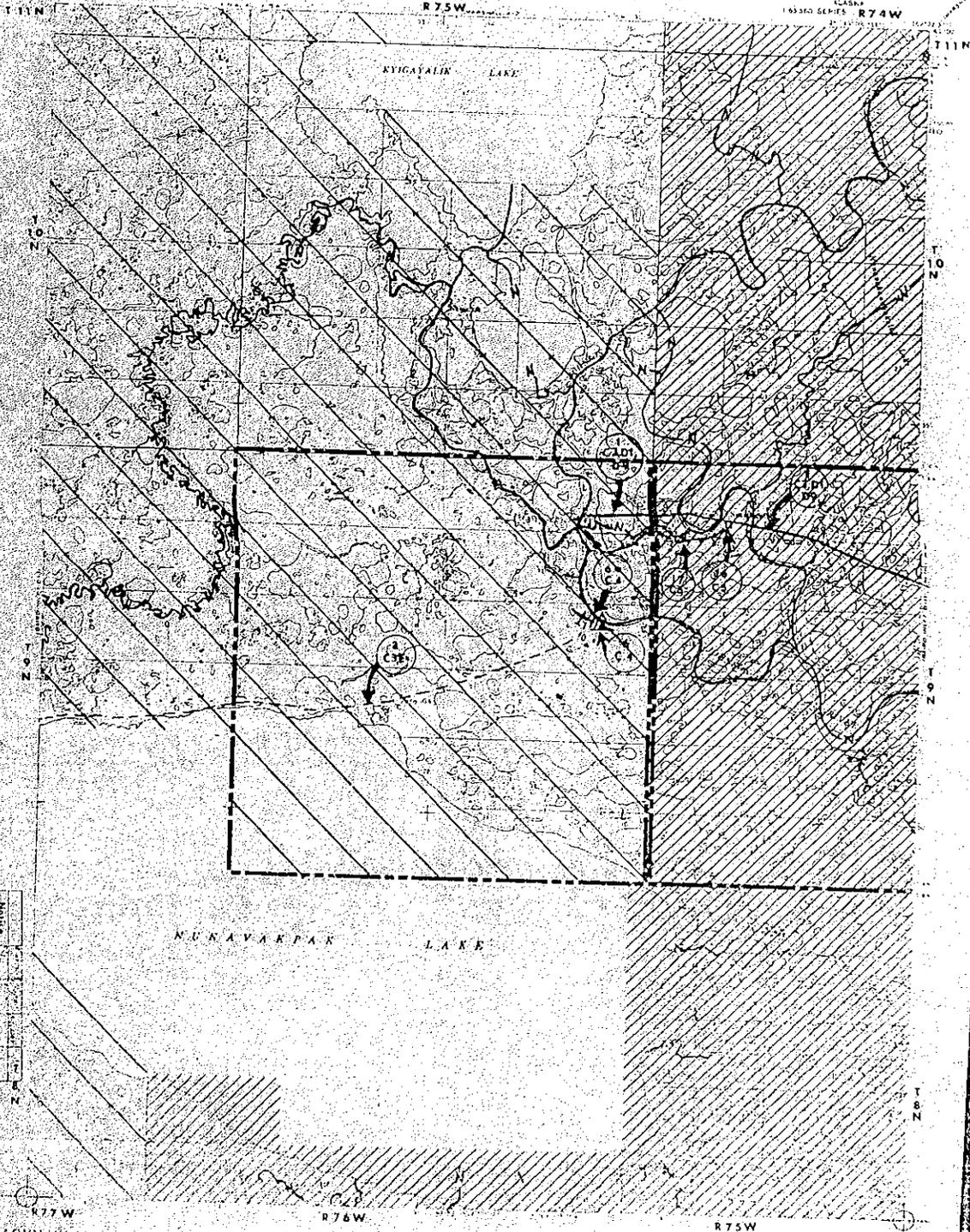
- CHEROKAN VILLAGE SELECTION
- NAPASKIAK VILLAGE SELECTION
- NAPASKIAK VILLAGE SELECTION
- NUNAPITCHUK VILLAGE SELECTION

RA 21/100  
 CHEROKAN  
 Inuktitutik Apitak  
 11/21/81  
 CS

Alaska State Office  
 Anchorage, Alaska  
 DATE MAR 15 1982  
 I hereby certify that this reproduction is a copy of the official record on file in this office.  
 [Signature]  
 [Title]

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NAVIGABILITY RECORD REVIEWED	
VILLAGE	DATE
NAME	INITIALS
NO. OF DAYS	
NO. OF HOURS	
NO. OF MILES	
NO. OF PASSENGERS	
NO. OF CREW	
NO. OF SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	

NAVIGABILITY RECORD REVIEWED	
VILLAGE	DATE
NAME	INITIALS
NO. OF DAYS	
NO. OF HOURS	
NO. OF MILES	
NO. OF PASSENGERS	
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NO. OF SUPPLIES	
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NO. OF CREW SUPPLIES	

KASIGLUK VILLAGE SELECTION

NUNAPICHUK VILLAGE SELECTION

Alaska State Office  
Anchorage, Alaska

MAR 15 1982  
DATE

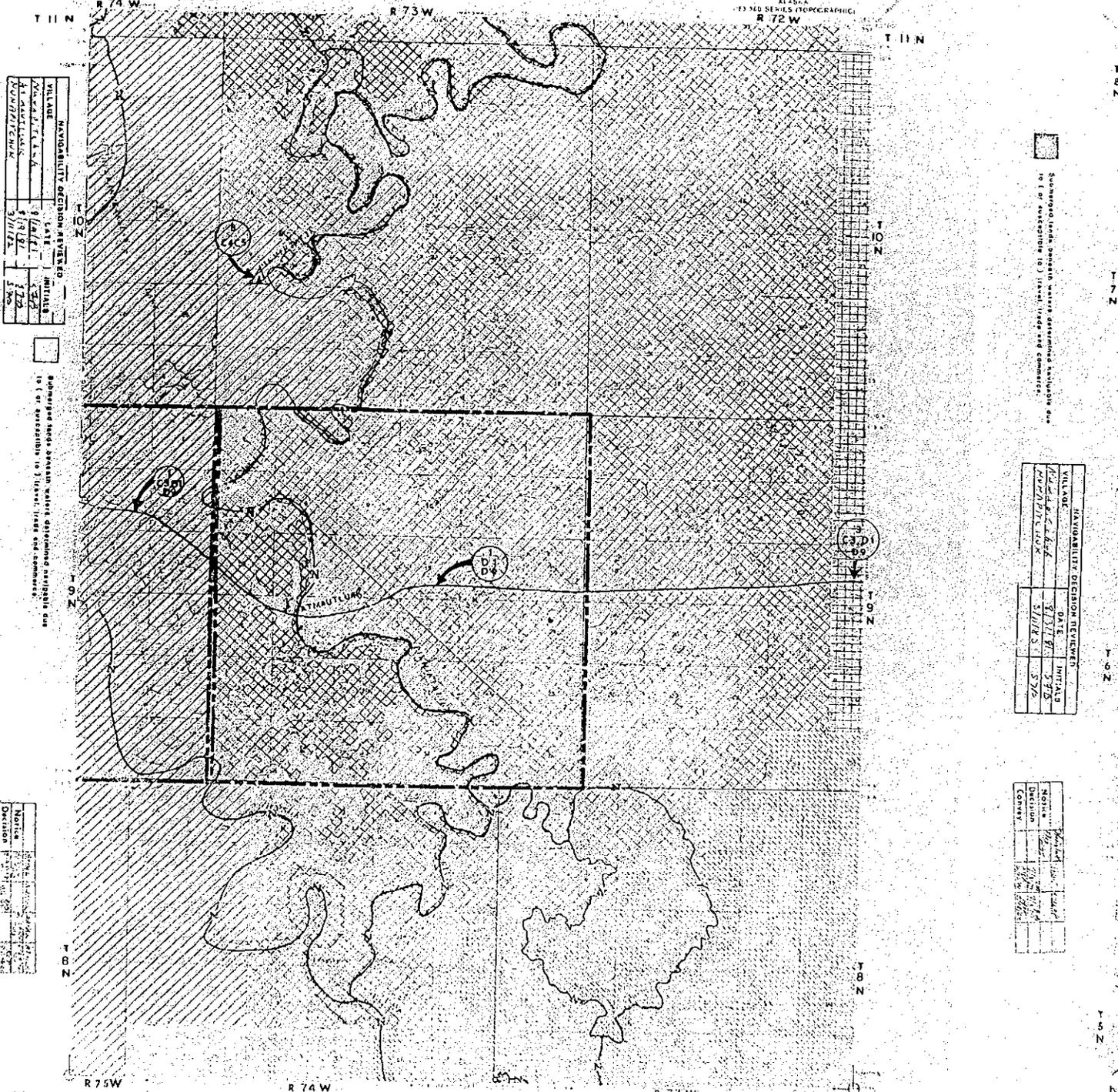
I hereby certify that this reproduction is a copy of the official record on file in this office.

*[Signature]*  
AUTHORIZED SIGNATURE

485

NAVIGABILITY RECORD REVIEWED	
VILLAGE	DATE
NAME	INITIALS
NO. OF DAYS	
NO. OF HOURS	
NO. OF MILES	
NO. OF PASSENGERS	
NO. OF CREW	
NO. OF SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	

NAVIGABILITY RECORD REVIEWED	
VILLAGE	DATE
NAME	INITIALS
NO. OF DAYS	
NO. OF HOURS	
NO. OF MILES	
NO. OF PASSENGERS	
NO. OF CREW	
NO. OF SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	
NO. OF PASSENGER SUPPLIES	
NO. OF CREW SUPPLIES	



NAVIGABILITY DECISION REVIEWED	
VILLAGE	DATE
ATMAUTLUAK	5/17/72
NUNAPITCHUK	5/17/72
BETHEL	5/17/72
NAPAKIAK	5/17/72

Submerged lands owned, leased, or otherwise disposed of by the U.S. Government are shown in blue on this map. (See also the Alaska State Office, Anchorage, Alaska, for a list of submerged lands.)

NAVIGABILITY DECISION REVIEWED	
VILLAGE	DATE
ATMAUTLUAK	5/17/72
NUNAPITCHUK	5/17/72
BETHEL	5/17/72
NAPAKIAK	5/17/72

NOTICE	DATE
Notice of Selection	5/17/72
Decision	5/17/72
Convey	5/17/72

NOTICE	DATE
Notice of Selection	5/17/72
Decision	5/17/72
Convey	5/17/72

BETHEL VILLAGE SELECTION  
NUNAPITCHUK VILLAGE SELECTION

NAPAKIAK VILLAGE SELECTION  
Application of Dec 17, 1972  
Represents nearest whole section  
(Application may be less than 240 acres)

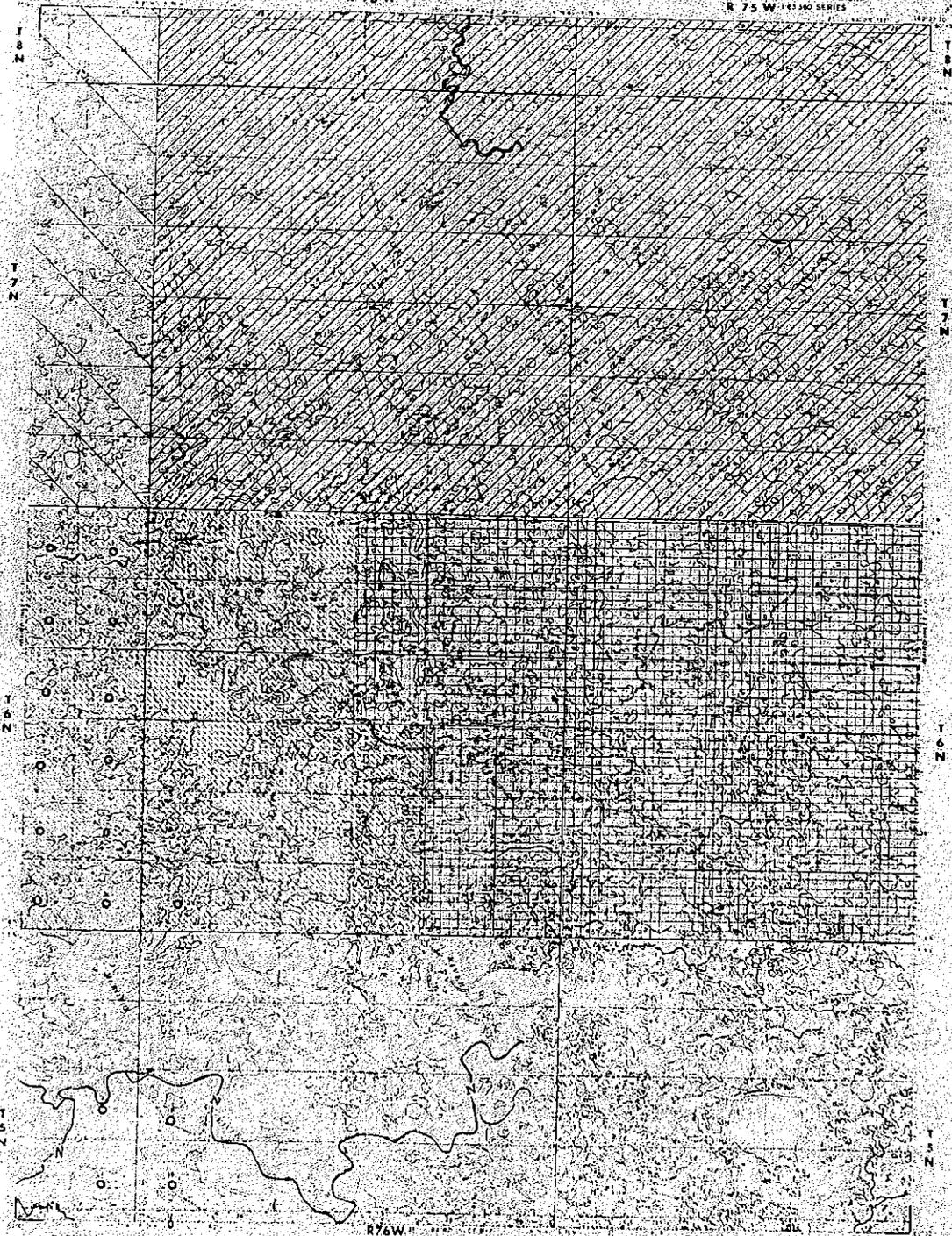
ATMAUTLUAK VILLAGE SELECTION  
Application of Dec 17, 1972  
Represents nearest whole section  
(Application may be less than 640 acres)

--- Core Township

--- Core Township

485

Alaska State Office  
Anchorage, Alaska  
MAR 15 1982  
DATE  
I hereby certify that this reproduction is a copy of the official record on file in this office.  
*William D. Adams*  
AUTHORIZED SIGNATURE



Surveyed lands herein subject to the provisions of the Act of August 22, 1938, and the Act of August 22, 1950, and the Act of August 22, 1956, and the Act of August 22, 1958, and the Act of August 22, 1960, and the Act of August 22, 1962, and the Act of August 22, 1964, and the Act of August 22, 1966, and the Act of August 22, 1968, and the Act of August 22, 1970, and the Act of August 22, 1972, and the Act of August 22, 1974, and the Act of August 22, 1976, and the Act of August 22, 1978, and the Act of August 22, 1980, and the Act of August 22, 1982, and the Act of August 22, 1984, and the Act of August 22, 1986, and the Act of August 22, 1988, and the Act of August 22, 1990, and the Act of August 22, 1992, and the Act of August 22, 1994, and the Act of August 22, 1996, and the Act of August 22, 1998, and the Act of August 22, 2000, and the Act of August 22, 2002, and the Act of August 22, 2004, and the Act of August 22, 2006, and the Act of August 22, 2008, and the Act of August 22, 2010, and the Act of August 22, 2012, and the Act of August 22, 2014, and the Act of August 22, 2016, and the Act of August 22, 2018, and the Act of August 22, 2020, and the Act of August 22, 2022, and the Act of August 22, 2024.

AVAILABILITY OF DECISION REVIEWED			
VILLAGE	DATE	INITIALS	
KASIGLUK	5/13/50	SSG	
NAPAKIAK	5/13/50	SSG	
NUNAPITCHUK	5/13/50	SSG	
TUNTUTULIAK	5/13/50	SSG	

VILLAGE	DATE	INITIALS	
KASIGLUK			
NAPAKIAK			
NUNAPITCHUK			
TUNTUTULIAK			

- KASIGLUK VILLAGE SELECTION
  - NAPAKIAK VILLAGE SELECTION
  - NUNAPITCHUK VILLAGE SELECTION
  - TUNTUTULIAK VILLAGE SELECTION
- CHEFORNAK VILLAGE SELECTION  
 Application of Dec 17, 1954  
 Reuser's nearest whole section (implication may be less than 640 acres)  
 BAIRD INLET IS OF ALASKA  
 Core Territory  
 5/13/50

O-Over-Selections

BAIRD INLET C-2

485

Alaska State Office  
 Anchorage, Alaska  
 DATE  
 I hereby certify that this reproduction is a copy of the official record on file in this office.  
*William D. Zorn*  
 William D. Zorn

**Johnson River System  
Interim Summary Report  
Attachment 28**

F-14835-A (2651)  
F-14835-EE (75.4  
(963)

MAY 28 1981

Memorandum

To: Chief, Division of ANCSA Operations (960)

From: Acting SD

Subject: Final Easements for the Village of Atmautluak

Following are the final easement, major waterway, and navigability recommendations for lands selected by Atmautluak Limited (village of Atmautluak). Of those recommendations my decision is as follows:

MAJOR WATERWAYS:

Major waterways were discussed. The Johnson River and the Pikmiktalik River were considered to be major throughout the selection. These rivers provide the primary intervillage surface transport route between the nearby villages to public waterways and to public lands. They are used by visitors to the villages as well as the local inhabitants for intervillage travel, movement of supplies and equipment and the gathering of resources.

NAVIGABILITY:

The following water bodies are determined to be navigable due to present and historic uses in connection with trade and commerce:

Johnson River through the selection;

Pikmiktalik River through the selection;

The unnamed lake system between the Pikmiktalik and Johnson Rivers in Secs. 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32, and 33, T. 9 N., R. 73 W.; and Secs. 2, 3, 4, and 10, T. 8 N., R. 74 W., Seward Meridian;

An unnamed slough and lake system from where it flows from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian;

The Kongeruk River and an unnamed slough and lake system from where it flows from the aforementioned unnamed slough in Sec. 5, T. 8 N., R. 73 W., downstream to the Kongeruk River's confluence with the Johnson River in Sec. 6, T. 7 N., R. 73 W., Seward Meridian; and

An unnamed slough and lake system between the Johnson and Pitmiktalik Rivers. The system joins the Johnson River in Sec. 25, T. 11 N., R. 74 W., and the Pikmiktalik River in Sec. 24, T. 11 N., R. 73 W., and Secs. 4 and 8, T. 10 N., R. 73 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

ALLOWABLE USES:

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 identified. 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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

EASEMENTS TO BE RESERVED:

(EIN 1 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, southeasterly to Atmautluak and on to Bethel. 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.

Discussion:

This easement is necessary for travel between villages and for access to public waters. This trail is a heavily used route between Kasigluk and Bethel. It is used by a number of people from a variety of villages and is necessary to provide public access across the selected lands to the villages and public waters. Through various branches, this trail also provides access to public lands.

The following easements were considered but not recommended:

- a. (EIN 8 C5) A one (1) acre site easement, upland of the ordinary high water mark, in Secs. 4 and 5, T. 8 N., R. 74 W., Seward Meridian, on the left bank of Johnson River.

Discussion:

The easement is located within a Native allotment.

- b. (EIN 9 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the Johnson River throughout the Atmautluak selection.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- c. (EIN 10 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the navigable portion of the Pikmiktalik River, from the Johnson River to the village of Atmautluak, and a streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the nonnavigable portion of the Pikmiktalik River from the village of Atmautluak northerly to public lands.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November, 27, 1978.

- d. (EIN 11 C4) A site easement, upland of the ordinary high water mark, in Sec. 31, T. 11 N., R. 72 W., Seward Meridian, on the left bank of the Pikmiktalik River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site.

Discussion:

It was determined that the easement was not necessary because public land is located nearby where people can camp.

- e. (EIN 12 C4, C5) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 25, T. 9 N., R. 73 W., Seward Meridian, on the left bank of the Pikmiktalik River.

Discussion:

It was determined that the easement was not necessary because public land is located nearby where people can camp. Travelers can also stay in the village.

- f. (EIN 14 C) The right of the United States to enter upon the lands herein granted, for cadastral, geodetic or other survey purposes, is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

The new easement regulations make no provision for this type of easement.

- g. (EIN 15 C) Easement for transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems.

Discussion:

The new easement regulations make no provision for this type of easement.

- h. (EIN 16b C5) An easement twenty (20) feet in width for a proposed buried powerline from the village of Atmautluak in Sec. 20, T. 9 N., R. 73 W., Seward Meridian, northwesterly to the powerplant at the village of Nunapitchuk.

Discussion:

Final design necessary to assure correct location of the proposed powerline is not complete at this time.

/S/ Fred E. Wolf

963/MKarstetter/mj1/1-31-80/x5808  
mj1/19/0 kb:07/31/80x5762  
eaj:04/09/81  
eaj:04/17/81

AM-M (018)  
(w/maps)

Chief, Branch of Lands (941)

Chief, Branch of Office Engineering (922)

Chief, Branch of Easement Identification (963)

Fire Management (970)  
Attn: J. Costello

961:DGibbens:lm:07/23/81  
1DIC/M

cea:08/03/81  
cea:08/10/81  
eaj:08/26/81  
eaj:08/28/81  
wmc:10/06/81  
wmc:10/07/81

cea:10/09/81  
eaj:10/15/81\*f  
lm:1/7/82\*f  
eaj:1/15/82\*f  
eaj:1/20/82\*f  
eaj:1/26/82\*f  
eaj:02/08/82\*f  
eaj:02/09/82\*f  
slt:02/24/82\*f  
eaj:02/25/82\*f

Johnson River System  
Interim Summary Report  
Attachment 29

the  
Feb 9/3/81  
RS  
F-14835-A (2651)  
F-14835-A2 (2651)  
F-14835-EE (75.4)  
AA-10139-1 1/ (2653)  
(961)

SEP 14 1981

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

	Decision	
Atmautluak Limited	:	F-14835-A
Atmautluak, Alaska 99559	:	Village Selection
Calista Corporation	:	AA-10139 1/
516 Denali Street	:	Section 14(h)(1)
Anchorage, Alaska 99501	:	Selections

Section 12(b) Application Rejected in Part  
Section 14(h)(1) Applications Rejected in Entirety  
Lands Proper for Village Selection  
Approved for Interim Conveyance

On November 22, 1974, Atmautluak Limited, for the Native village of Atmautluak, filed selection application F-14835-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act of December 18, 1971, (85 Stat. 688, 701; 43 U.S.C. 1601, 1611) (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Atmautluak, Alaska.

On December 12, 1975, Atmautluak Limited filed selection application F-14835-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that their Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14835-A2 is hereby rejected as to the lands herein approved for conveyance.

On October 31, 1975, Calista Corporation filed selection applications AA-10139, AA-10140, AA-10141 and AA-10150; on November 3, 1975, filed selection applications AA-10151 and AA-10153; on April 28, 1976, filed selection applications AA-11268, AA-11309, AA-11310, AA-11314 and AA-11315; on June 4, 1976, filed selection application AA-11668; and on June 25, 1976, filed selection application AA-11740; all pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Department regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands.

1/ AA-10140, AA-10141, AA-10150, AA-10151, AA-10153, AA-11268,  
AA-11309, AA-11310, AA-11314, AA-11315, AA-11668, AA-11740

Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Atmautluak Limited under Sec. 12 of ANCSA, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the aforementioned applications must be and are hereby rejected in their entirety and will be closed of record when this decision becomes final.

As to the lands described below, selection application F-14835-A 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 83,017 acres, is considered proper for acquisition by Atmautluak Limited and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

U.S. Survey No. 2052 situated at Tundra, Alaska.

Containing 4.22 acres.

Seward Meridian Alaska (Unsurveyed)

T. 9 N., R. 72 W.

- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27, 28 and 29;
- Sec. 30, excluding Native allotments F-14378 and F-17809 Parcel A;
- Sec. 31;
- Sec. 32, excluding Native allotment F-15484;
- Sec. 33.

Containing approximately 14,298 acres.

T. 10 N., R. 72 W.

- Secs. 3 to 10, inclusive;
- Secs. 15 to 22, inclusive;
- Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 11 N., R. 72 W.

- Sec. 29;
- Sec. 30, excluding U.S. Survey 2052 and Native allotments F-14220 and F-14980 Parcel B;
- Secs. 31 to 34, inclusive.

Containing approximately 3,705 acres.

T. 8 N., R. 73 W.

Sec. 4, excluding Native allotments F-13999  
and F-15617;  
Sec. 5, excluding Native allotments F-17927 Parcel A  
and F-18896;  
Sec. 6, excluding Native allotments F-15483 and  
F-17927 Parcel A;  
Sec. 7, excluding Native allotment F-17927 Parcel A;  
Sec. 8, excluding Native allotments F-17927 Parcel A  
and F-18896.

Containing approximately 2,597 acres.

T. 9 N., R. 73 W.

Sec. 1, excluding Native allotment F-18865;  
Secs. 2 to 9, inclusive;  
Sec. 10, excluding Native allotment F-17809  
Parcel B;  
Secs. 11, 12 and 13;  
Sec. 14, excluding Native allotment F-14389 Parcel B;  
Secs. 15 to 19, inclusive;  
Sec. 20, excluding Native allotment F-13263;  
Sec. 21, excluding Native allotments F-13263,  
F-17810 and F-17811 Parcel A;  
Sec. 22, excluding Native allotment F-18892;  
Secs. 23 to 27, inclusive;  
Secs. 28 and 29 excluding Native allotment F-13263;  
Secs. 30 to 33, inclusive;  
Sec. 34, excluding Native allotment F-17811 Parcel B;  
Sec. 35, excluding Native allotments F-15483 and  
F-18885;  
Sec. 36, excluding Native allotment F-15483.

Containing approximately 20,078 acres.

T. 10 N., R. 73 W.

Secs. 1 and 2 excluding Native allotment F-18867;  
Sec. 3, excluding Native allotment F-16907 Parcel A;  
Secs. 4 to 17, inclusive;  
Sec. 18, excluding Native allotment F-14960 Parcel A;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-14239;  
Secs. 23 to 28, inclusive;  
Sec. 33;  
Sec. 34, excluding Native allotment F-14256 Parcel A;  
Sec. 35, excluding Native allotments F-14256 Parcel A,  
F-18897 and F-18898;  
Sec. 36, excluding Native allotment F-14054.

Containing approximately 16,346 acres.

T. 11 N., R. 73 W.

Sec. 25, excluding Native allotments F-14220,  
F-14980 Parcel B and F-17958;  
Secs. 26 to 36, inclusive.

Containing approximately 4,542 acres.

T. 8 N., R. 74 W.

- Sec. 1, excluding Native allotments F-15483 and F-18885;
- Sec. 2, excluding Native allotment F-15938;
- Sec. 3;
- Sec. 4, excluding Native allotments F-14252 Parcel B, F-17334 Parcel B and F-17923 Parcel A;
- Sec. 9, excluding Native allotments F-14257 Parcel B, F-14962 Parcel D, F-15578 and F-17334 Parcel B;
- Sec. 10, excluding Native allotment F-15940;
- Sec. 11, excluding Native allotments F-15938, F-15939, F-15945 and F-17467 Parcel B;
- Sec. 12;
- Sec. 14, excluding Native allotments F-15939 and F-17467 Parcel B;
- Sec. 15, excluding Native allotments F-025351, F-15940 and F-17467 Parcel B;
- Sec. 16, excluding Native allotment F-15943;
- Sec. 21;
- Sec. 22, excluding Native allotment F-025351;
- Sec. 23.

Containing approximately 5,305 acres.

T. 11 N., R. 74 W.

- Secs. 25 and 36, excluding Native allotment F-13387.

Containing approximately 875 acres.

Aggregating approximately 83,017 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands 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, as depicted on the attached navigability maps, the original of which will be found in the easement case file (F-14835-EE).

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on available 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 one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Section 3(e) of ANCSA, or lands were previously rejected by decision. 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.

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 (85 Stat. 688, 704; 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 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), the following public easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14835-EE, is 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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, southeasterly to Atmautluak and on to Bethel. 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 confirming the boundary description of the unsurveyed lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
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 (72 Stat. 339, 341; 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;

3. Airport lease AA-9030 containing 114 acres, lying within Secs. 17 and 20, T. 9 N., R. 73 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), under the provisions of the Act of May 24, 1928, as amended, 49 U.S.C. 211-214); and
4. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 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.

A school site lease, AA-13181, containing 6.720 acres, in Sec. 20, T. 9 N., R. 73 W., Seward Meridian, Alaska (unsurveyed) granted to the State of Alaska, pursuant to and subject to the terms and conditions of section 302 of the Federal Land Policy and Management Act of 1976, Public Law 94-579 of October 21, 1976 (90 Stat. 2743) and the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. Sec. 1622(i)) will terminate upon conveyance of title of said land to the above-named corporation.

Atmautluak Limited is entitled to conveyance of 92,160 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 83,017 acres. The remaining entitlement of approximately 9,143 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Atmautluak Limited, and shall be subject to the same conditions as the surface conveyance.

Enclosed are copies of current status plats and maps showing the navigable water bodies and easement to be reserved on the lands approved for conveyance.

In accordance with Department 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 property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Department of the Interior concerning navigability of water bodies.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, 510 L Street, Suite 408, 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 OCT 14 1981 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 Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed AK Form 2650-4.)

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

Atmautluak Limited  
Atmautluak, Alaska 99559

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

/s/ Sandra C. Thomas

Acting Chief, Branch of  
ANCSA Adjudication

Enclosures:  
AK Form 2650-4,  
Cy 43 CFR Part 4, Subpart J  
Plats  
Maps  
Legend

cc:

Mr. Earle Williams (Flp)  
17th Coast Guard District  
P.O. Box 3-5000  
Juneau, Alaska 99801  
(w/maps and legend)

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

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)

State of Alaska (CM-RRR)  
Department of Natural Resources  
Division of Research and Development  
323 East Fourth Avenue  
Anchorage, Alaska 99501  
(w/maps and plats)

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

Steve Durkee  
Bureau of Land Management  
P.O. Box 666  
Bethel, Alaska 99559  
(w/maps)

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

Alaska Area Director  
U.S. Fish and Wildlife Service  
1011 Tudor Road  
Anchorage, Alaska 99503

U.S. Fish and Wildlife Service  
P.O. Box 346  
Bethel, Alaska 99559

Alaska Legal Services Corporation  
736 G Street  
Anchorage, Alaska 99501

Alaska Native Claims Appeal Board  
P.O. Box 2433  
Anchorage, Alaska 99510

James E. Sandberg  
State of Alaska  
Department of Transportation  
and Public Facilities  
Pouch 6900  
Anchorage, Alaska 99502

DM-A (010)  
(w/maps and legend)

AM (018)  
(w/maps and legend)

Chief, Branch of Lands (941)

Chief, Branch of Office Engineering (922)

Chief, Branch of Easement ID (963)

Chief, Training Section (962)

Fire Management (970)  
Attn: J. Costello

AA-9030 (2911)

AA-13181 (2910)

961:AAdams:dt:06/22/81  
DEBB 5 E ss:07/13/81  
ss:07/20/81  
cea:08/12/81  
ss:08/14/81  
ed:09/04/81



**APPEAL INFO**  
(NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY)  
SUBMERGED LANDS ON APPEAL.

Original filed Bureau of Land Management-981

VILLAGE	NAVIGABILITY DECISION REVIEWED	DATE	INITIALS

Notice Decision	Convey

**APPEAL INFO**  
(NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY)  
SUBMERGED LANDS ON APPEAL.

Original filed Bureau of Land Management-981

**APPEAL INFO**  
(NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY)  
SUBMERGED LANDS ON APPEAL.

Original filed Bureau of Land Management-981

Notice Decision	Convey

Submerged lands beneath waters determined navigable due to (or susceptible to) travel, trade and commerce.

VILLAGE	NAVIGABILITY DECISION REVIEWED	DATE	INITIALS

**BETHEL VILLAGE SELECTION**  
Application of Dec. 17, 1974

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

**NUNAPITCHUK VILLAGE SELECTION**  
Application of Dec. 17, 1974

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

**ATMAUTLUAK VILLAGE SELECTION**  
Application of Dec. 17, 1974

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

Revised & is reproduction of water body situation earlier agreed upon.  
4/8/81  
932 8/1/81

## INTERIM CONVEYANCE

## WHEREAS

Atmautluak Limited

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

Seward Meridian Alaska, (Unsurveyed)T. 9 N., R. 72 W.

Secs. 3 to 10, inclusive;  
 Secs. 15 to 22, inclusive;  
 Secs. 27, 28 and 29;  
 Sec. 30, excluding Native allotments F-14378 and F-17809 Parcel A;  
 Sec. 31;  
 Sec. 32, excluding Native allotment F-15484;  
 Sec. 33.

Containing approximately 14,298 acres.

T. 10 N., R. 72 W.

Secs. 3 to 10, inclusive;  
 Secs. 15 to 22, inclusive;  
 Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 11 N., R. 72 W.

Sec. 29;  
 Sec. 30, excluding U.S. Survey No. 2052 and Native allotments F-14220 and F-14980 Parcel B;  
 Secs. 31 to 34, inclusive.

Containing approximately 3,705 acres.

T. 8 N., R. 73 W.

Sec. 4, excluding Native allotments F-13999 and F-15617;  
 Sec. 5, excluding Native allotments F-17927 Parcel A and F-18896;  
 Sec. 6, excluding Native allotments F-15483 and F-17927 Parcel A;  
 Sec. 7, excluding Native allotment F-17927 Parcel A;  
 Sec. 8, excluding Native allotments F-17927 Parcel A and F-18896.

Containing approximately 2,597 acres.

T. 9 N., R. 73 W.

Sec. 1, excluding Native allotment F-18865;  
 Secs. 2 to 9, inclusive;  
 Sec. 10, excluding Native allotment F-17809 Parcel B;  
 Secs. 11, 12 and 13;  
 Sec. 14, excluding Native allotment F-14389 Parcel B;  
 Secs. 15 to 19, inclusive;  
 Sec. 20, excluding Native allotment F-13263;

Interim Conveyance No. \_\_\_\_\_

448  
NOV 20 1981

Date \_\_\_\_\_

This Document has been  
 corrected by IC No. 1921  
 Dated 09/21/05

Sec. 21, excluding Native allotments F-13263, F-17810 and F-17811 Parcel A;  
Sec. 22, excluding Native allotment F-18892;  
Secs. 23 to 27, inclusive;  
Secs. 28 and 29 excluding Native allotment F-13263;  
Secs. 30 to 33, inclusive;  
Sec. 34, excluding Native allotment F-17811 Parcel B;  
Sec. 35, excluding Native allotments F-15483 and F-18885;  
Sec. 36, excluding Native allotment F-15483.

Containing approximately 20,078 acres.

T. 10 N., R. 73 W.

Secs. 1 and 2 excluding Native allotment F-18867;  
Sec. 3, excluding Native allotment F-16907 Parcel A;  
Secs. 4 to 17, inclusive;  
Sec. 18, excluding Native allotment F-14960 Parcel A;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-14239;  
Secs. 23 to 28, inclusive;  
Sec. 33;  
Sec. 34, excluding Native allotment F-14256 Parcel A;  
Sec. 35, excluding Native allotments F-14256 Parcel A, F-18897 and F-18898;  
Sec. 36, excluding Native allotment F-14054.

Containing approximately 16,346 acres.

T. 11 N., R. 73 W.

Sec. 25, excluding Native allotments F-14220, F-14980 Parcel B and F-17958;  
Secs. 26 to 36, inclusive.

Containing approximately 4,542 acres.

T. 8 N., R. 74 W.

Sec. 1, excluding Native allotments F-15483 and F-18885;  
Sec. 2, excluding Native allotment F-15938;  
Sec. 3;  
Sec. 4, excluding Native allotments F-14252 Parcel B, F-17334 Parcel B and F-17923 Parcel A;  
Sec. 9, excluding Native allotments F-14257 Parcel B, F-14962 Parcel D, F-15578 and F-17334 Parcel B;  
Sec. 10, excluding Native allotment F-15940;  
Sec. 11, excluding Native allotments F-15938, F-15939, F-15945 and F-17467 Parcel B;  
Sec. 12;  
Sec. 14, excluding Native allotments F-15939 and F-17467 Parcel B;  
Sec. 15, excluding Native allotments F-025351, F-15940 and F-17467 Parcel B;  
Sec. 16, excluding Native allotment F-15943;  
Sec. 21;  
Sec. 22, excluding Native allotment F-025351;  
Sec. 23.

Containing approximately 5,305 acres.

448

Interim Conveyance No. \_\_\_\_\_

Date NOV 20 1981

This Document has been corrected by IC No. 1921 Dated 09/21/05

T. 11 N., R. 74 W.  
Secs. 25 and 36, excluding Native allotment F-13387.

Containing approximately 875 acres.

Aggregating approximately 83,013 acres.

Excluded from the above-described lands herein conveyed are the submerged lands 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in the easement case file F-14835-EE.

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, thereunto 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
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 easement, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14835-EE, is 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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 1 D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, southeasterly to Atmautluak and on to Bethel. 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 confirming the boundary description of the unsurveyed lands hereinabove granted after

Interim Conveyance No. 448

Date NOV 20 1981

This Document has been corrected by IC No. 1921 Dated 09/21/05

approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;

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;
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; and
4. Airport lease AA-9030 containing approximately 114 acres, lying within Secs. 17 and 20, T. 9 N., R. 73 W., Seward Meridian, issued to the State of Alaska, Department of Public Works, Division of Aviation (now the Department of Transportation and Public Facilities), under the provisions of the act of May 24, 1928, as amended, (49 U.S.C. 211-214).

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 20th day of November, 1981, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. 448

Date NOV 20 1981

This Document has been  
corrected by IC No. 19  
Dated 09/21/05

# The United States of America

## *Corrected Interim Conveyance*

F-14835-A

This document corrects Interim Conveyance No. 448, dated November 20, 1981, recorded in Book 68 beginning at Page 798, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to ATMAUTLUAK LIMITED, P.O. Box 6548, Atmautluak, Alaska 99559, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

#### Atmautluak Limited

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 448. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-51112 B	Moses M. Pavilla	U.S. Survey 13170
AA-51119	Ina Nick	Lot 1, U.S. Survey 10318
AA-51131 B	Oscar Nick	U.S. Survey 10300
F-029803	Alexie A. Pavilla	U.S. Survey 13101
F-14257 A	Evan A. Wassillie	Lot 1, U.S. Survey 11999
F-14987 B	Mary Wassilie	Lot 2, U.S. Survey 12002
F-15937 B	Katie Albrite	Lot 5, U.S. Survey 12191

THEREFORE, Interim Conveyance No. 448 is corrected in part to read:

Seward Meridian, Alaska

T. 9 N., R. 72 W.,  
Sec. 31, excluding U.S. Survey No. 10300.

T. 9 N., R. 73 W.,  
Sec. 12, excluding U.S. Survey No. 10318;  
Sec. 13, excluding U.S. Survey No. 10318;  
Sec. 14, excluding U.S. Survey No. 10318;  
Sec. 36, excluding U.S. Survey No. 10299 and  
U.S. Survey No. 10300.

T. 10 N., R. 73 W.,  
Sec. 5, excluding U.S. Survey No. 13170;  
Sec. 8, excluding U.S. Survey No. 13170.

T. 11 N., R. 73 W.,  
Sec. 35, excluding U.S. Survey No. 13101;  
Sec. 36, excluding U.S. Survey No. 13101.

T. 8 N., R. 74 W.,  
Sec. 16, excluding U.S. Survey No. 11999 and  
U.S. Survey No. 12002 and U.S. Survey No. 12191;  
Sec. 21, excluding U.S. Survey No. 11199 and  
U.S. Survey No. 12191.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 448 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the UNITED STATES, set her hand and caused the seal of the Bureau to be hereunto affixed, on this 21<sup>st</sup> day of September 2005, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*/s/ Krissell Crandall*

Krissell Crandall  
Chief, Branch of Adjudication I

Return recorded document to:

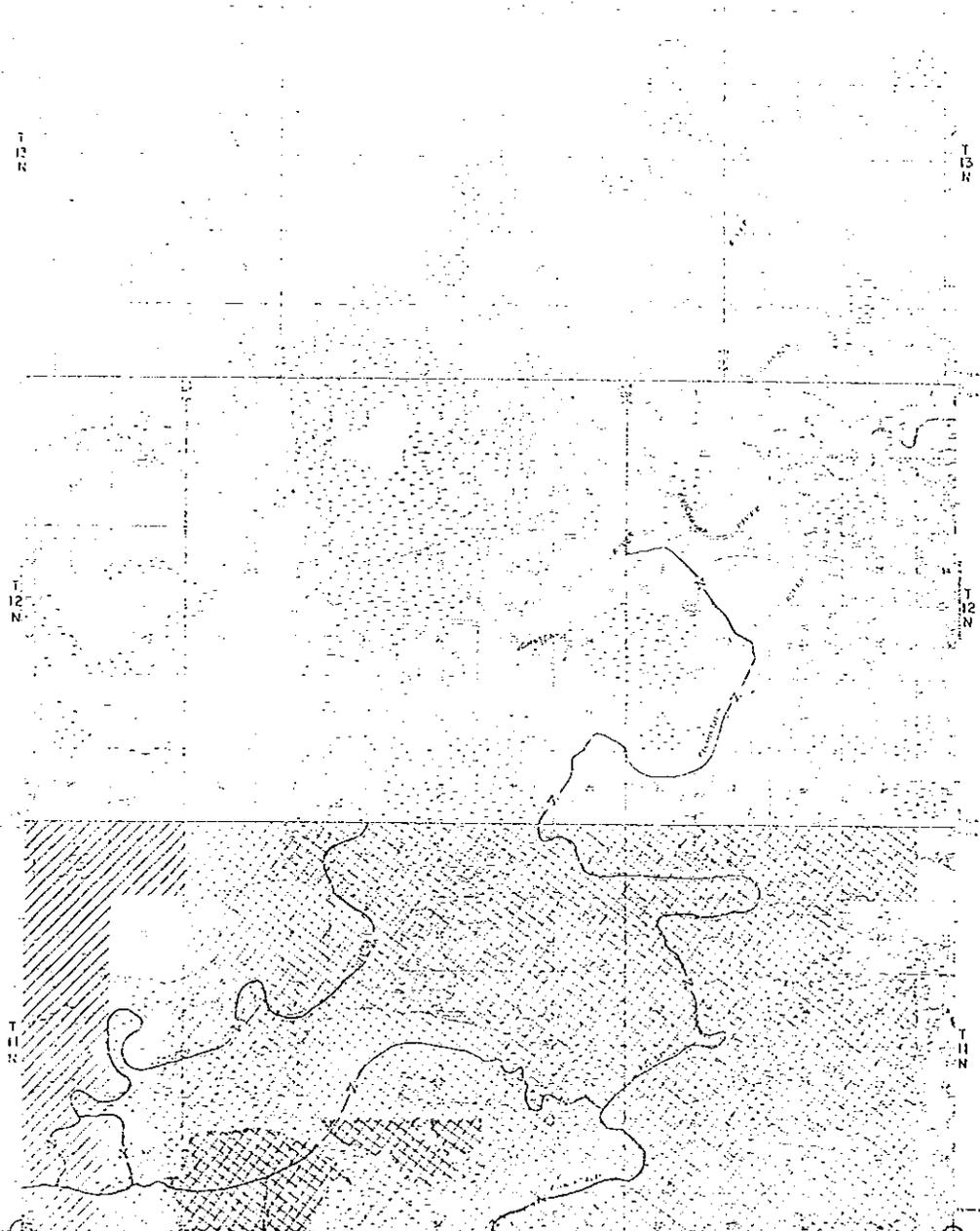
Atmautluak Limited  
P.O. Box 6548  
Atmautluak, Alaska 99559

Interim Conveyance No. 1921

UNITARY TERRITORIAL PLAN OF ALASKA  
POSITION AND NUMBER 1953

UNIVERSITY OF ALASKA  
VILLAGE  
ATMAUTLUAK  
NUNAPITCHUK

Native  
Location  
County



**NUNAPITCHUK VILLAGE SELECTION**  
Post office of Dec. 17, 1976

Represents nearest village location  
This selection may be less than 625 acres

**ATMAUTLUAK VILLAGE SELECTION**  
April cover of 1967, 1976

Represents nearest village location  
This selection may be less than 625 acres

Scale 1:50,000  
Projection: Albers Equal Area  
Datum: NAD 83

448

NOV 20 1991 Alaska State Office  
Anchorage, Alaska  
DATE  
I hereby certify that this reproduction is a  
copy of the official record as it exists in this office.



INTERIM CONVEYANCE

WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended (43 U.S.C. 1601, 1613(f), 1621(j)), of the subsurface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

Interim Conveyance No. 448

Seward Meridian Alaska, (Unsurveyed)

T. 9 N., R. 72 W.  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27, 28 and 29;  
Sec. 30, excluding Native allotments F-14378 and F-17809 Parcel A;  
Sec. 31;  
Sec. 32, excluding Native allotment F-15484;  
Sec. 33.

Containing approximately 14,298 acres.

T. 10 N., R. 72 W.  
Secs. 3 to 10, inclusive;  
Secs. 15 to 22, inclusive;  
Secs. 27 to 34, inclusive.

Containing approximately 15,267 acres.

T. 11 N., R. 72 W.  
Sec. 29;  
Sec. 30, excluding U.S. Survey No. 2052 and Native allotments F-14220 and F-14980 Parcel B;  
Secs. 31 to 34, inclusive.

Containing approximately 3,705 acres.

T. 8 N., R. 73 W.  
Sec. 4, excluding Native allotments F-13999 and F-15617;  
Sec. 5, excluding Native allotments F-17927 Parcel A and F-18896;  
Sec. 6, excluding Native allotments F-15483 and F-17927 Parcel A;  
Sec. 7, excluding Native allotment F-17927 Parcel A;  
Sec. 8, excluding Native allotments F-17927 Parcel A and F-18896.

Containing approximately 2,597 acres.

T. 9 N., R. 73 W.  
Sec. 1, excluding Native allotment F-18865;  
Secs. 2 to 9, inclusive;  
Sec. 10, excluding Native allotment F-17809 Parcel B;

Interim Conveyance No. 449

Date NOV 20 1981

Secs. 11, 12 and 13;  
Sec. 14, excluding Native allotment F-14389 Parcel B;  
Secs. 15 to 19, inclusive;  
Sec. 20, excluding Native allotment F-13263;  
Sec. 21, excluding Native allotments F-13263, F-17810  
and F-17811 Parcel A;  
Sec. 22, excluding Native allotment F-18892;  
Secs. 23 to 27, inclusive;  
Secs. 28 and 29 excluding Native allotment F-13263;  
Secs. 30 to 33, inclusive;  
Sec. 34, excluding Native allotment F-17811 Parcel B;  
Sec. 35, excluding Native allotments F-15483 and F-18885;  
Sec. 36, excluding Native allotment F-15483.

Containing approximately 20,078 acres.

T. 10 N., R. 73 W.

Secs. 1 and 2 excluding Native allotment F-18867;  
Sec. 3, excluding Native allotment F-16907 Parcel A;  
Secs. 4 to 17, inclusive;  
Sec. 18, excluding Native allotment F-14960 Parcel A;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-14239;  
Secs. 23 to 28, inclusive;  
Sec. 33;  
Sec. 34, excluding Native allotment F-14256 Parcel A;  
Sec. 35, excluding Native allotments F-14256 Parcel A,  
F-18897 and F-18898;  
Sec. 36, excluding Native allotment F-14054.

Containing approximately 16,346 acres.

T. 11 N., R. 73 W.

Sec. 25, excluding Native allotments F-14220, F-14980  
Parcel B and F-17958;  
Secs. 26 to 36, inclusive.

Containing approximately 4,542 acres.

T. 8 N., R. 74 W.

Sec. 1, excluding Native allotments F-15483 and F-18885;  
Sec. 2, excluding Native allotment F-15938;  
Sec. 3;  
Sec. 4, excluding Native allotments F-14252 Parcel B,  
F-17334 Parcel B and F-17923 Parcel A;  
Sec. 9, excluding Native allotments F-14257 Parcel B,  
F-14962 Parcel D, F-15578 and F-17334 Parcel B;  
Sec. 10, excluding Native allotment F-15940;  
Sec. 11, excluding Native allotments F-15938, F-15939,  
F-15945 and F-17467 Parcel B;  
Sec. 12;  
Sec. 14, excluding Native allotments F-15939 and F-17467  
Parcel B;  
Sec. 15, excluding Native allotments F-025351, F-15940  
and F-17467 Parcel B;  
Sec. 16, excluding Native allotment F-15943;  
Sec. 21;

449

Interim Conveyance No. \_\_\_\_\_

Date NOV 20 1981

This Document has been  
corrected by IC No. 192  
Dated 09/21/05

Sec. 22, excluding Native allotment F-025351;  
Sec. 23.

Containing approximately 5,305 acres.

T. 11 N., R. 74 W.  
Secs. 25 and 36, excluding Native allotment F-13387.

Containing approximately 875 acres.

Aggregating approximately 83,013 acres.

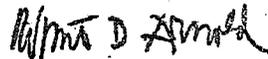
Excluded from the above-described lands herein conveyed are the submerged lands beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in the easement case file F-14835-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the subsurface 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, thereunto belonging, unto the said corporation, its successors and assigns, forever:

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate, and to valid existing rights, if any, in the said subsurface estate, 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.

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 20th day of November, 1981, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Assistant to the State Director  
for Conveyance Management

449

Interim Conveyance No. \_\_\_\_\_

Date NOV 20 1981

This Document has been corrected by IC No. 1922 Dated 09/21/05

# The United States of America

## *Corrected Interim Conveyance*

F-14835-A

This document corrects Interim Conveyance No. 449, dated November 20, 1981, recorded in Book 30 beginning at Page 882, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to CALISTA CORPORATION, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

#### Calista Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 449. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Surveyed Description</i>
AA-51112 B	Moses M. Pavilla	U.S. Survey 13170
AA-51119	Ina Nick	Lot 1, U.S. Survey 10318
AA-51131 B	Oscar Nick	U.S. Survey 10300
F-029803	Alexie A. Pavilla	U.S. Survey 13101
F-14257 A	Evan A. Wassillie	Lot 1, U.S. Survey 11999
F-14987 B	Mary Wassilie	Lot 2, U.S. Survey 12002
F-15937 B	Katie Albrite	Lot 5, U.S. Survey 12191

THEREFORE, Interim Conveyance No. 449 is corrected in part to read:

Seward Meridian, Alaska

T. 9 N., R. 72 W.,  
Sec. 31, excluding U.S. Survey No. 10300.

T. 9 N., R. 73 W.,  
Sec. 12, excluding U.S. Survey No. 10318;  
Sec. 13, excluding U.S. Survey No. 10318;  
Sec. 14, excluding U.S. Survey No. 10318;  
Sec. 36, excluding U.S. Survey No. 10299 and  
U.S. Survey No. 10300.

T. 10 N., R. 73 W.,  
Sec. 5, excluding U.S. Survey No. 13170;  
Sec. 8, excluding U.S. Survey No. 13170.

T. 11 N., R. 73 W.,  
Sec. 35, excluding U.S. Survey No. 13101;  
Sec. 36, excluding U.S. Survey No. 13101.

T. 8 N., R. 74 W.,  
Sec. 16, excluding U.S. Survey No. 11999 and  
U.S. Survey No. 12002 and U.S. Survey No. 12191;  
Sec. 21, excluding U.S. Survey No. 11199 and  
U.S. Survey No. 12191.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 449 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the UNITED STATES, set her hand and caused the seal of the Bureau to be hereunto affixed, on this 21<sup>st</sup> day of September, 2005, in Anchorage, Alaska.

UNITED STATES OF AMERICA

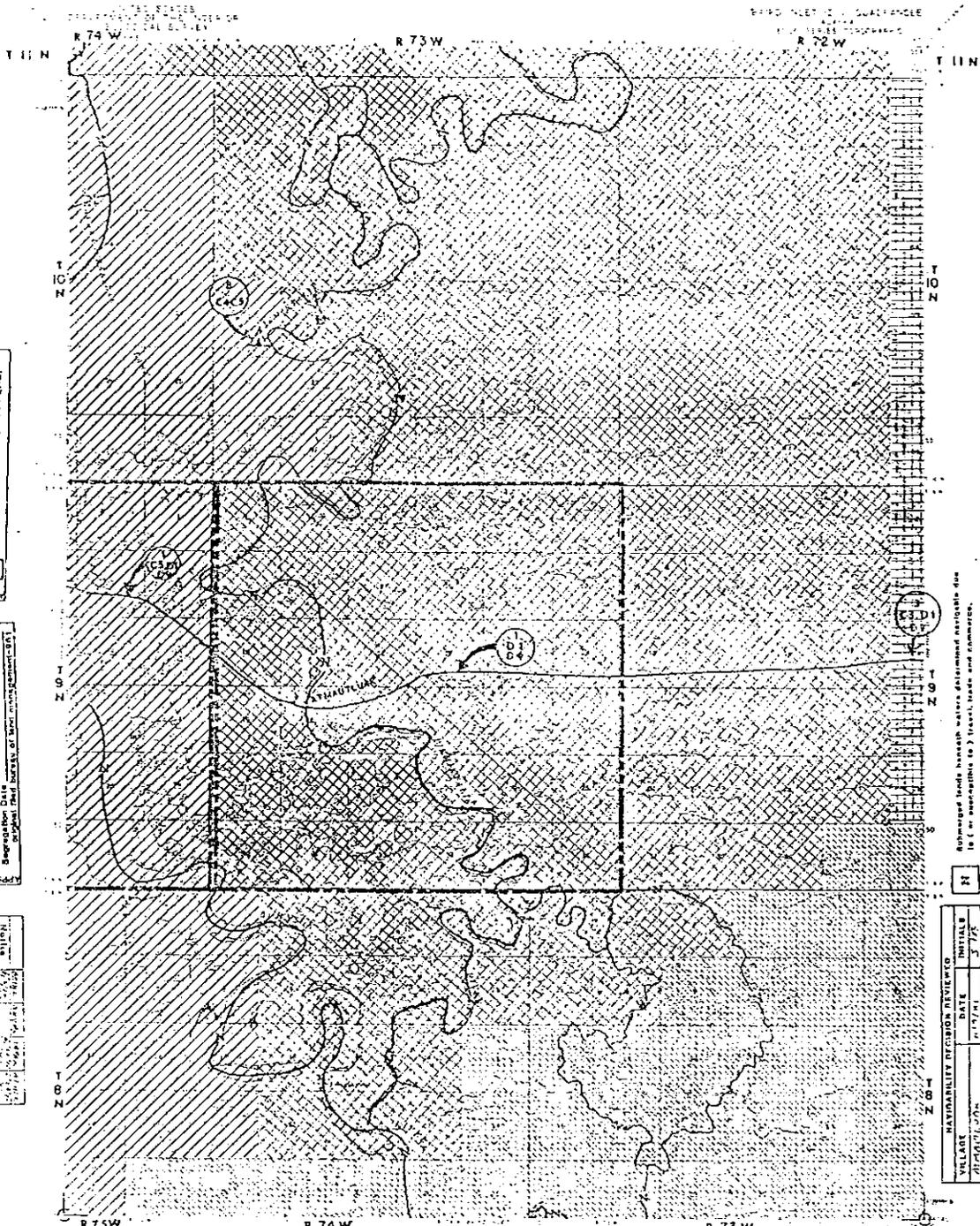
~~/s/ Krissell Crandall~~

Krissell Crandall  
Chief, Branch of Adjudication I

Return recorded document to:

Calista Corporation  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028

Interim Conveyance No. **1922**



NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY SUBMERGED LANDS ON APPEAL.

STATE OF ALASKA  
 DEPARTMENT OF NATURAL RESOURCES  
 DIVISION OF LAND MANAGEMENT  
 1974-75-5447

SEARCHED	INDEXED
SERIALIZED	FILED
NOV 20 1981	

Submerged lands beneath water determined navigable due to (1) navigability (2) travel, trade and commerce.

NAVIGABILITY DECISION REVIEWED	DATE	INITIALS
	11/17/81	J/T

**BETHEL VILLAGE SELECTION**  
**NUNAPITCHUK VILLAGE SELECTION**

**NAPAKIAK VILLAGE SELECTION**  
 Application of Dec. 17, 1974

**ATMAUTLUAK VILLAGE SELECTION**  
 Application of Dec. 17, 1974

Represents nearest whole section (Application may be less than 640 acres)  
 Represents nearest whole section (Application may be less than 640 acres)  
 Core Township

NOV 20 1981 Alaska State Office  
 Anchorage, Alaska  
 I hereby certify that this reproduction is a copy of the official record on file in this office.  
 [Signature]  
 STATE OF ALASKA

449

R 73 W

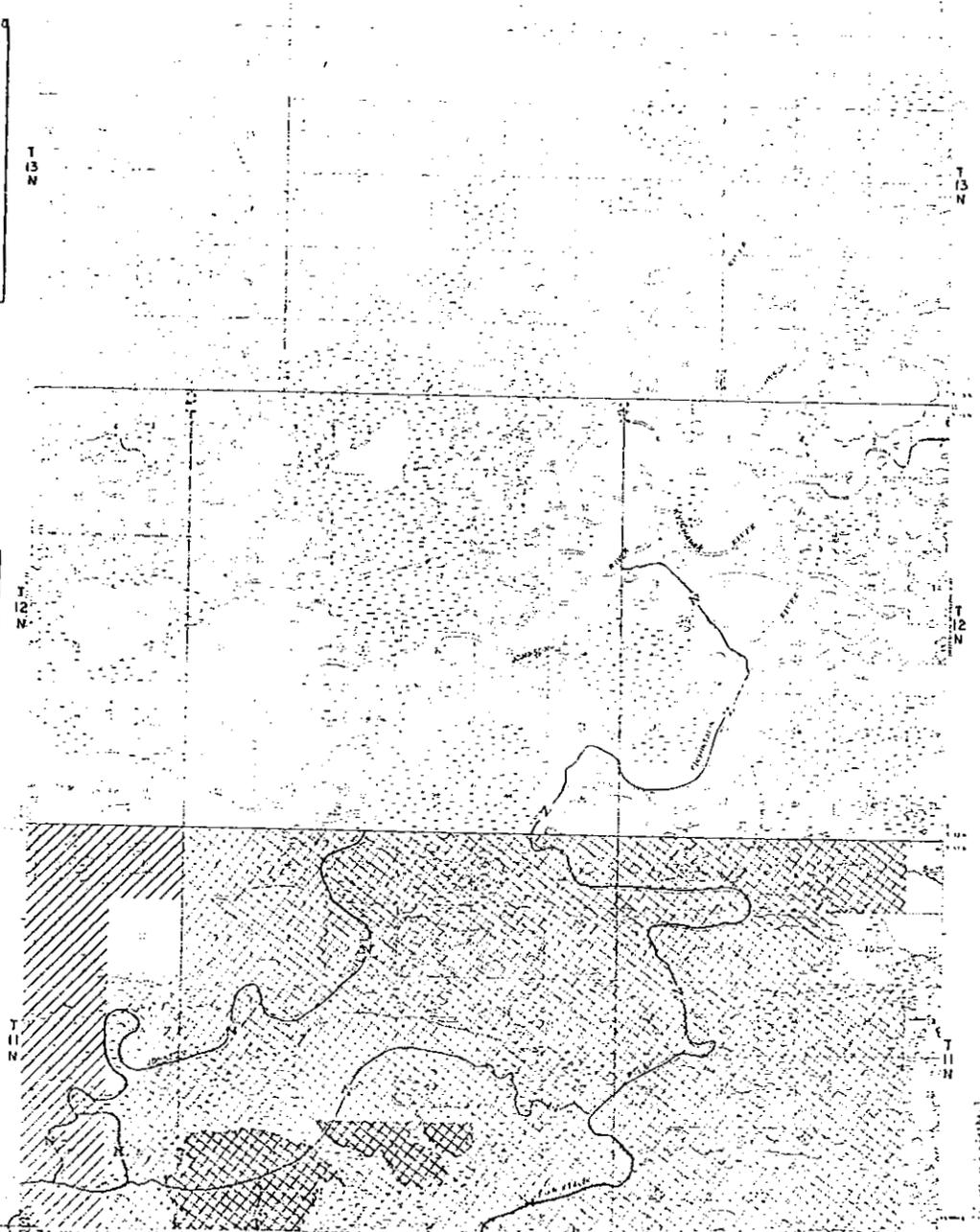
R 72 W

R 71 W

Name \_\_\_\_\_  
 Address \_\_\_\_\_  
 Telephone \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Department \_\_\_\_\_  
 State \_\_\_\_\_  
 ZIP \_\_\_\_\_  
 I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

NATIONALITY DIVISION SERVICE  
 Village \_\_\_\_\_  
 District \_\_\_\_\_  
 Section \_\_\_\_\_  
 Township \_\_\_\_\_  
 Range \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Department \_\_\_\_\_  
 State \_\_\_\_\_  
 ZIP \_\_\_\_\_  
 I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.

Native District \_\_\_\_\_  
 Section \_\_\_\_\_  
 Township \_\_\_\_\_  
 Range \_\_\_\_\_  
 Date \_\_\_\_\_  
 Signature \_\_\_\_\_  
 Title \_\_\_\_\_  
 Department \_\_\_\_\_  
 State \_\_\_\_\_  
 ZIP \_\_\_\_\_  
 I hereby certify that the information furnished herein is true and correct to the best of my knowledge and belief.



**NUNAPITCHUK VILLAGE SELECTION**  
 Application of Dec 17, 1974

**ATMAUTLUAK VILLAGE SELECTION**  
 Application of Dec 17, 1974

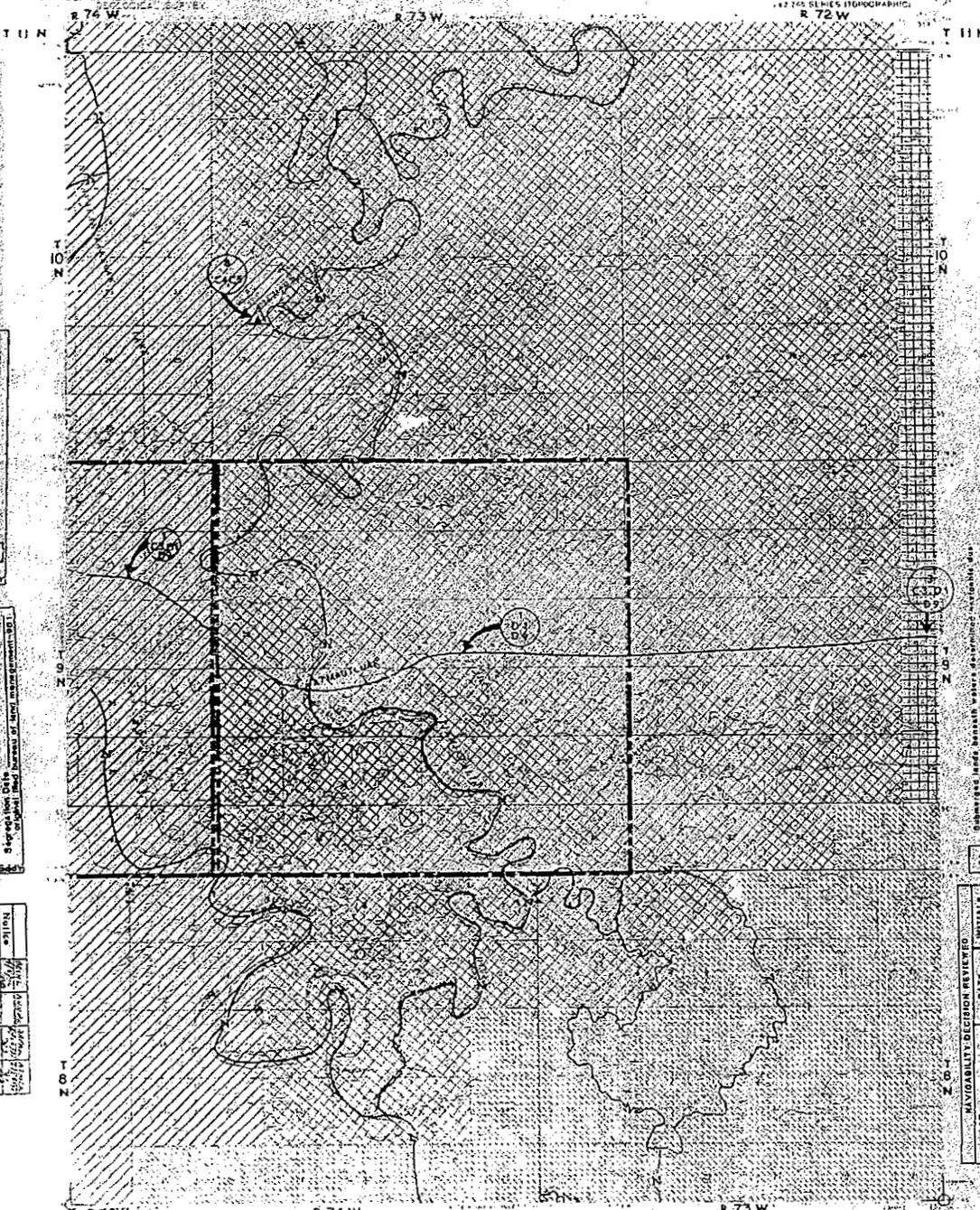
(Shaded area represents nearest whole section. Application may be less than 640 acres)

(Shaded area represents whole section. Application may be less than 640 acres)

FOR SALE BY U.S. GEOLOGICAL SURVEY  
 INFORMATIONAL PURPOSES, OFFICE OF GEOLOGIC RECONSTRUCTION, WASHINGTON, D.C.

NOV 20 1981 Alaska State Office  
 Anchorage, Alaska  
 DATE \_\_\_\_\_  
 I hereby certify that this reproduction is a copy of the official record on file in this office.  
*[Signature]*  
 ALL THE WORLD SIGNATURE

449



NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY SUBMERGED LANDS ON APPEAL

NAME OF APPELLANT  
APPELLANT'S ADDRESS  
STATEMENT DATE  
APPELLANT'S SIGNATURE

NAME	DATE	INITIALS
APPELLANT		
WITNESSES		

NAVIGABILITY SECTION REVIEWED	DATE	INITIALS
APPELLANT		
WITNESSES		

Submerged lands beneath waters described navigable due to (a) unobstructed, (b) recent, and (c) continuous flow.

APPEAL FILE

NOT AN ENDORSEMENT OF APPELLANT'S POSITION ON NAVIGABILITY SUBMERGED LANDS ON APPEAL

APPELLANT'S NAME: \_\_\_\_\_  
 APPELLANT'S ADDRESS: \_\_\_\_\_  
 STATEMENT DATE: \_\_\_\_\_  
 APPELLANT'S SIGNATURE: \_\_\_\_\_

NAVIGABILITY SECTION REVIEWED	DATE	INITIALS
APPELLANT		
WITNESSES		

Submerged lands beneath waters described navigable due to (a) unobstructed, (b) recent, and (c) continuous flow.

NAME	DATE	INITIALS
APPELLANT		
WITNESSES		

BETHEL VILLAGE SELECTION  
 NUNAPITCHUK VILLAGE SELECTION

NAPAKIAK VILLAGE SELECTION  
 Application of Dec. 17, 1974

ATMAUTLUAK VILLAGE SELECTION  
 Application of Dec. 17, 1974

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

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

--- Core township

--- Core township

448

NOV 20 1981, Alaska State Office  
 Anchorage, Alaska

DATE

I hereby certify that this reproduction is a copy of the official record on file in this office.

*Alma D. Smith*  
 AUTHORIZED SIGNATURE

APPEAL FILED

Value: \_\_\_\_\_

Section: \_\_\_\_\_

Separation Date: \_\_\_\_\_

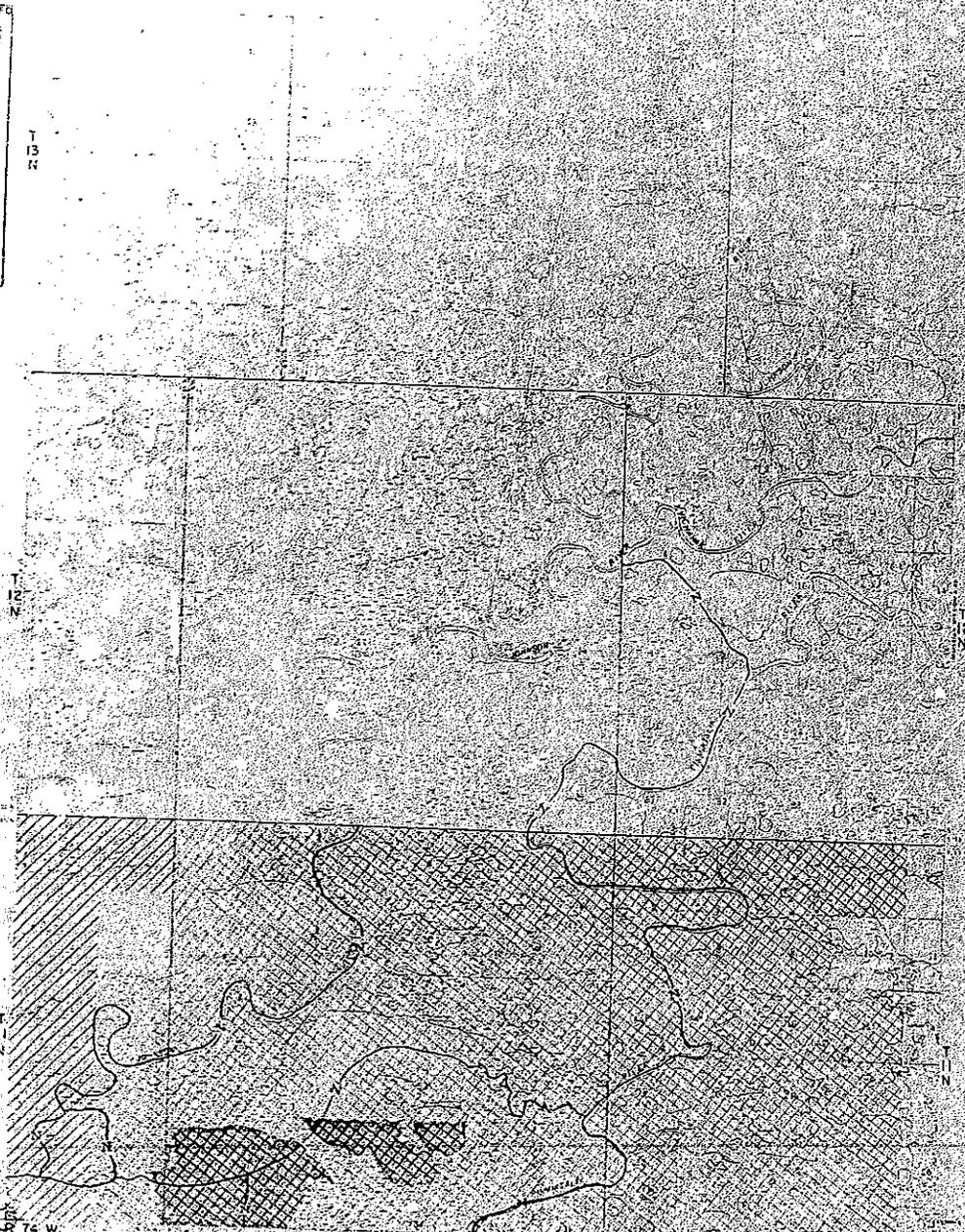
Division and Bureau of Land Management: \_\_\_\_\_

SM: \_\_\_\_\_

SECTION 101 AN ENFORCEMENT OF APPLICANTS POSITION ON NAVIGABILITY SUBMITTED TO LANDS ON APICAL

VILLAGE NAVIGABILITY DECISION REVIEWED	DATE	INITIALS
Atmautluak	8/11/81	E. J. J.

Name	Date	Initials
Atmautluak	8/11/81	E. J. J.



**NUNAPITCHUK VILLAGE SELECTION**  
Application of Dec. 17, 1974

**ATMAUTLUAK VILLAGE SELECTION**  
Application of Dec. 17, 1974

Applicant requests whole section (longer lines may be used for series)

Applicant requests whole section (longer lines may be used for series)

448

NOV 20 1981 Alaska State Office  
Anchorage, Alaska

DATE

I hereby certify that this reproduction is a copy of the original as on file in this office.

*[Signature]*

OFFICIAL SIGNATURE

**Johnson River System  
Interim Summary Report  
Attachment 31**

(2651)  
F-14873-EE (75.4)  
(963)

001 2 1900

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Mr. Oscar Kawagley, President  
Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

Dear Mr. Kawagley:

The tasks of easement identification and adjudication are now completed on lands to be conveyed to Kasigluk Inc. Two draft documents are enclosed:

- 1) A draft State Director's memorandum recommending final easements to be reserved in the conveyance document and the related easement maps.
- 2) A draft Decision to Issue Conveyance (DIC) describing the lands to be conveyed and rights or interests others may have in those lands.

We invite you to review the two documents and ask us any questions you may have. A third enclosure, "Reviewing the Draft Conveyance Documents," may be helpful to you as you carry out your review.

I will call Kasigluk, Inc. in a few days unless they call me first. If your corporation desires a meeting to clarify any part of these draft documents, we will be glad to meet with you.

If you have no questions or problems with the drafts, please advise me and we will proceed to publish the Decision to Issue Conveyance. If there are no appeals of the Decision, conveyance of the land could be expected about 60 days later.

The acreage included in this draft DIC is only a portion of the total entitlement. For various reasons listed in the enclosed information sheet ("Reviewing the Draft Conveyance Documents"), we are unable to convey the entire entitlement at this time, but it will be conveyed at a later date.

Sincerely yours,

/s/ Robert D. Arnold

Robert D. Arnold  
Assistant to the State Director  
ANCSA

Enclosures:  
Draft SD Memo  
Draft DIC

963/MKarstetter/kb:08/04/80 x-5762  
KB#5///A

Memorandum

To: Chief, Division of ANCSA Operations (960)  
From: SD  
Subject: Final Easements for the Village of Kasigluk

The easement staff met on April 19, 1979, to conform the final easement recommendations and consider major waterway and navigability recommendations for lands selected by the village of Kasigluk. Of those recommendations, my decision is as follows:

MAJOR WATERWAYS:

Major waterways were discussed. The Johnson River including the left branch is major throughout the selection. The Kyigayalik Lake and the slough between Nunapitchuk and Kasigluk are also major. The Johnson River and slough have significant use and provide access to public land and to the Yukon River. The left branch of the Johnson River has significant use and provides access to the Kyigayalik Lake and onto the Baird Inlet.

No other water bodies within the selection area were considered to be major.

NAVIGABILITY:

The following water bodies are determined to be navigable due to

present and historic uses in connection with travel in trade and commerce:

The Johnson River and its interconnecting sloughs throughout the selection.

Kyigayalik Lake.

Nunavakpak Lake.

The unnamed slough and lake system and its interconnecting sloughs from just north of the abandoned site of Nunachuk in Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian.

The unnamed slough and lake system and its interconnecting sloughs flowing from Kyigayalik Lake to its confluence with the Johnson River at Kasigluk. Subject system traverses Secs. 15, 21, 22, 28, 33, and 34, T. 10 N., R. 75 W.; and Secs. 2, 3, and 11, T. 9 N., R. 75 W., Seward Meridian.

The unnamed slough and lake system and its interconnecting sloughs lying between the aforementioned unnamed slough and the Johnson River in Secs. 14, 21, 22, 23, 25, 26, 27, 28, 34, and 35, T. 10 N., R. 75 W., Seward Meridian.

The unnamed slough and lake system and its interconnecting sloughs in Secs. 25 and 36, T. 10 N., R. 75 W.; and Sec. 1, T. 9 N., R. 75 W., Seward Meridian.

The unnamed slough (canal) and lake system and its interconnecting sloughs from the unnamed slough near the village of Nunapitchuk to its confluence with the Johnson River at the village of Kasigluk. Subject system traverses Secs. 1 and 12, T. 9 N., R. 75 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were considered nonnavigable.

ALLOWABLE USES:

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 identified. 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 all-terrain vehicles (less than 3,000 lbs., Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed for a 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.

EASEMENTS TO BE RESERVED:

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the left bank of the Johnson River in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, through the village of Kasigluk easterly to Bethel. 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.

Discussion:

Reservation of this existing winter trail is

necessary to assure continued public access for intervillage travel. The trail passes through Nunapitchuk and continues southeasterly to Bethel and the public waters of the Kuskokwim River.

- b. (EIN 3 C3, E) An easement for a proposed access trail, twenty-five (25) feet in width, from the south end of the Kasigluk Airport, in Sec. 14, T. 9 N., R. 75 W., Seward Meridian, southwesterly to site EIN 3a E and continuing westerly 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.

Discussion:

Reservation of this trail easement is necessary to facilitate access to Nunavakpak Lake and public lands. In traveling between the village and public lands, persons might stop to rest and camp temporarily at site EIN 3a E on the lake. This easement will be aligned to avoid Native allotments.

- c. (EIN 3a E) A site easement, upland of the ordinary high water mark, in Sec. 24, T. 9 N., R. 76 W.,

DRAFT

Seward Meridian, on the north shore of Nunavakpak Lake. The uses allowed are those listed above for a one (1) acre site.

DRAFT

Discussion:

This site will facilitate access between Kasigluk and public lands via trail EIN 3 C3, E. The site will also provide for floatplane tie-up and thus, facilitate access from the lake to public lands or the village of Kasigluk. In addition, space will be provided for temporary camping and storage of supplies which will be limited to 24 hours.

- d. (EIN 6 C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 13, T. 9 N., R. 75 W., Seward Meridian, on the right bank of the Johnson River. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This one acre site easement is necessary to facilitate use of the Johnson River for travel to Kasigluk, Nunapitchuk, and public waters to the north and south. People flying into the area at the airstrip can move their supplies and equipment to the site

over road EIN 6a C4 before proceeding along the river. At the site, space will be provided for overnight camping, boat moorage, floatplane tie-up, and temporary storage of equipment. The site should be constructed where the road from the airport meets the river, avoiding the Native allotments.

DRAFT

- e. (EIN 6a C4) An easement, sixty (60) feet in width, for an existing road from the Kasigluk airstrip in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

Discussion:

This is an existing road that has been used to haul freight and passengers between the airport and the Johnson River. Originally, the easement recommendation had been for a twenty-five (25) foot trail. However, the twenty-five (25) foot width was considered inadequate because larger vehicles are used to move freight between the airport and the river for travel on to Kasigluk and Nunapitchuk. The easement is being reserved as a sixty foot road to protect the existing use

and to provide access to site EIN 6 C4 on the Johnson River. The road is presently under Right-of-Way application AA-15039.

The following easements were considered but not recommended:

- a. (EIN 7 C4, C5) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the Johnson River, and an easement on the entire bed of the nonnavigable portion of the Johnson River.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- b. (EIN 8 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the navigable canal system, from Kasigluk easterly to Nunapitchuk.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- c. (EIN 9 C4, C5) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks, and an easement on the entire bed of the stream draining Kyigayalik Lake in its entirety through the Kasigluk selection area.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- d. (EIN 10 C) The right of the United States to enter upon the lands herein granted, for cadastral, geodetic or other survey purposes, is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

The new easement regulations make no provision for this type of easement.

- e. (EIN 11 C) Easement for transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain, if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

Discussion:

The new easement regulations make no provision for this type of easement.

DRAFT

- f. (EIN 16a C5) An easement, twenty (20) feet in width, for a proposed buried powerline from the airstrip in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, northerly to the village of Kasigluk, thence easterly to the powerplant at the village of Nunapitchuk.

Discussion:

Final design necessary to assure correct location of the proposed powerline is not complete at this time.

963/MKarstetter/mj1/1-31-80/x5808  
mj1/19/P kdw:8/4/80 x 5765

DRAFT

**Memorandum**DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENTIN REPLY REFER TO:  
2650.47 (018)  
F-14873-EE

To : Chief, Division of ANCSA Operations Date:  
(960)

FROM : SD

SUBJECT: Final Easements for the Village of Kasigluk

The easement staff met on April 19, 1979, to conform the final easement recommendations and consider major waterway and navigability recommendations for lands selected by the village of Kasigluk. Of those recommendations, my decision is as follows:

MAJOR WATERWAYS:

**Johnson River System  
Interim Summary Report  
Attachment 32**

Major waterways were discussed. The Johnson River including the left branch is major throughout the selection. The Kyigayalik Lake and the slough between Nunapitchuk and Kasigluk are also major. The Johnson River and slough have significant use and provide access to public land and to the Yukon River. The left branch of the Johnson River has significant use and provides access to the Kyigayalik Lake and onto the Baird Inlet.

No other water bodies within the selection area were considered to be major.

NAVIGABILITY:

The Johnson River was considered to be navigable throughout the selection area. The canal (slough) system between Nunapitchuk and Kasigluk was also discussed and considered to be navigable.

The Johnson River and the canal (slough) have been used extensively in the past for travel, trade and commerce and as a main access route to the Yukon River, and to public lands. There are no tidal waters in this area.

ALLOWABLE USES:

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 identified. 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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed for a 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.

Easements to be Reserved:

- a. (EIN 1 C3, D1, D9) An easement for an

existing access trail twenty-five (25) feet in width from the left bank of the Johnson River through the village of Kasigluk in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, easterly to Bethel. 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 use.

Discussion:

Reservation of this existing winter trail is necessary to assure continued public access for intervillage travel. The trail passes through Nunapitchuk and continues southeasterly to Bethel and the public waters of the Kuskokwim River.

- b. (EIN 3 C3, E) An easement for a proposed access trail twenty-five (25) feet in width from the south end of the Kasigluk Airport, in Sec. 14, T. 9 N., R. 75 W., Seward Meridian, southwesterly to site EIN 3a E and continuing westerly to

public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

Discussion:

Reservation of this trail easement is necessary to facilitate access to Nunavakpak Lake and public lands. In traveling between the village and public lands, persons might stop to rest and camp temporarily at site EIN 3a E on the lake. This easement will be aligned to avoid Native allotments.

- c. (EIN 3a E) A site easement upland of the ordinary high water mark in Sec. 24, T. 9 N., R. 76 W., Seward Meridian, on the north shore of Nunavakpak Lake. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This site will facilitate access between Kasigluk and public lands via trail EIN 3 C3, E. The site will also provide for floatplane tie-up and thus, facilitate access from the lake to public lands or the village of Kasigluk. In addition, space will be provided for temporary camping and storage of supplies which will be limited to 24 hours.

- d. (EIN 6 C4) A one (1) acre site easement upland of the ordinary high water mark in Sec. 13, T. 9 N., R. 75 W., Seward Meridian, on the right bank of the Johnson River. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This one acre site easement is necessary to facilitate use of the Johnson River for travel to Kasigluk, Nunapitchuk, and public waters to the north and south. People flying into the area at the

airstrip can move their supplies and equipment to the site over road EIN 6a C4 before proceeding along the river. At the site, space will be provided for overnight camping, boat moorage, floatplane tie-up, and temporary storage of equipment. The site should be constructed where the road from the airport meets the river, avoiding the Native allotments.

- ✓ e. (EIN 6a C4) An easement sixty (60) feet in width for an existing road from the Kasigluk airstrip, in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, *from the Kasigluk airstrip.* northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.

Discussion:

This is an existing road that has been used to haul freight and passengers between the airport and the Johnson River. Originally, the easement recommendation had been for a twenty-five (25) foot trail. However, the twenty-five

(25) foot width was considered inadequate because larger vehicles are used to move freight between the airport and the river for travel on to Kasigluk and Nunapitchuk. The easement is being reserved as a sixty foot road to protect the existing use and to provide access to site EIN 6 C4 on the Johnson River. The road is presently under Right-of-Way application AA-15039.

The following easements were considered but not recommended:

- a. (EIN 7 C4, C5) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Johnson River and an easement on the entire bed of the non-navigable portion of the Johnson River.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the

new easement regulations published  
November 27, 1978.

- b. (EIN 8 C4) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable canal system from Kasigluk easterly to Nunapitchuk.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- c. (EIN 9 C4, C5) A streamside easement twenty-five (25) feet in width upland of an parallel to the ordinary high water mark on all banks and an easement on the entire bed of the stream draining Kyigayalik Lake in its entirety through the Kasigluk selection area.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November 27, 1978.

- d. (EIN 10C) Standard survey easement.

Discussion:

The new easement regulations make no provision for this type of easement.

- e. (EIN 11C) Standard transportation easement.

Discussion:

The new easement regulations make no provision for this type of easement.

Johnson River System  
Interim Summary Report  
Attachment 33

F-14873-A (2651)  
F-14873-A2 (2651)  
F-14873-EE (75.4)  
AA-8099-1 (2652)  
AA-10152 1/ (2653)  
(961)

*2/26/82*

MAR 0 8 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DECISION

Kasigluk, Inc.	:	F-14873-A, F-14873-A2
Kasigluk, Alaska 99609	:	Village Selections
	:	
Calista Corporation	:	AA-8099-1
516 Denali Street	:	Regional Selection
Anchorage, Alaska 99501	:	
	:	AA-10152 1/
	:	Section 14(h)(1) Selections

Section 14(h)(1) Applications Rejected in Entirety  
Section 12(b) Application Rejected in Part  
Regional Selection Application Rejected in Part  
Lands Proper for Village Selection  
Approved for Interim Conveyance

On November 19, 1974, Kasigluk, Inc., for the Native village of Kasigluk, filed selection application F-14873-A, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Kasigluk.

Calista Corporation filed selection applications AA-10152, AA-10373, AA-10374 on November 3, 1975; AA-10375 on November 11, 1975; AA-11598, AA-11599, AA-11600, AA-11606, AA-11620, AA-11637, AA-11638 on June 4, 1976; and AA-11741 on June 25, 1976, pursuant to Sec. 14(h)(1) of ANCSA (43 U.S.C. 1601, 1613(h)). Section 14(h) of ANCSA authorizes the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands. Since

1/ AA-10373, AA-10374, AA-10375, AA-11598, AA-11599, AA-11600, AA-11606, AA-11620, AA-11637, AA-11638, AA-11741

the lands encompassed in the subject Sec. 14(h)(1) applications had been properly withdrawn under Sec. 11 and selected by Kasigluk, Inc., under Sec. 12 of ANCSA, or were in lands under Native allotment applications, these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, the above-referenced Sec. 14(h)(1) selection applications must be and are hereby rejected in their entirety. When this decision becomes final, these applications will be closed of record.

On December 12, 1975, Kasigluk, Inc., filed selection application F-14873-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) selections override the Sec. 12(b) selections. Therefore, application F-14873-A2 is hereby rejected as to the lands herein approved for conveyance.

Calista Corporation filed regional in-lieu selection application AA-8099-1 on December 17, 1975, for the subsurface estate pursuant to Sec. 12(a)(1) of ANCSA and 43 CFR 2652 as to the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 8 N., R. 77 W.

Secs. 3 to 10, inclusive;  
Secs. 14 to 34, inclusive.

Containing approximately 17,325 acres.

These lands had been selected by Kasigluk, Inc., for the village of Kasigluk. Calista Corporation will receive title to the subsurface estate at the time the village corporation receives title to the surface estate. Regional selection AA-8099-1 is rejected as to the above-described lands. Further action on regional selection application AA-8099-1 as to those lands not rejected herein, will be taken at a later date.

Kasigluk, Inc. in its November 19, 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 ANCSA. 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 19, 1974 application are considered selected by Kasigluk, Inc.

As to the lands described below, the application, as amended, submitted by Kasigluk, Inc., is properly filed and meets the

requirements of ANCSA 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 103,523 acres, is considered proper for acquisition by Kasigluk, Inc. and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA.

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 75 W.

Sec. 2, excluding Native allotment F-18252;  
 Sec. 3, excluding Native allotment F-17357;  
 Sec. 4, excluding Native allotments F-17352, F-17297, F-17355, F-17358, and F-17357;  
 Sec. 5, excluding Native allotment F-17355;  
 Secs. 6 and 7;  
 Sec. 8, excluding Native allotments F-17356 and F-17355;  
 Sec. 9, excluding Native allotments F-17355, F-17357, and F-17358;  
 Sec. 10, excluding Native allotments F-17247, F-17357, and F-18214;  
 Sec. 11, excluding Native allotments F-18252, F-17299, F-14563, F-18214, F-17353, and F-14562;  
 Sec. 12;  
 Sec. 14, excluding Native allotments F-17246, F-18881, F-14562, F-17294, and F-17298;  
 Secs. 15 to 22, inclusive;  
 Sec. 23, excluding Native allotment F-18880;  
 Sec. 24, excluding Native allotments F-17359, F-17292, and F-18879;  
 Sec. 25, excluding Native allotments F-17292 and F-17293;  
 Secs. 26 to 30, inclusive;  
 Secs. 33 to 36, inclusive.

Containing approximately 14,866 acres.

T. 10 N., R. 75 W.

Sec. 6;  
 Secs. 7 and 8, excluding Native allotments F-14560 Parcel B and F-18103;  
 Secs. 9 and 13;  
 Sec. 14, excluding Native allotment F-18256;  
 Sec. 16;  
 Secs. 17 and 18, excluding Native allotments F-18886 and F-18103;  
 Sec. 19, excluding Native allotment F-18216;  
 Sec. 20, excluding Native allotments F-14174 and F-17494;  
 Secs. 21, 22, and 23;

Secs. 24 and 25, excluding Native allotments F-18213 and F-18215;  
 Secs. 26 and 27;  
 Sec. 28, excluding Native allotments F-17435, F-17351, and F-14980 Parcel C;  
 Sec. 29, excluding Native allotments F-17435 and F-17351;  
 Secs. 30 and 31;  
 Sec. 32, excluding Native allotments F-17349, F-17493, and F-16877;  
 Sec. 33, excluding Native allotments F-17350 and F-18217;  
 Secs. 34 and 35;  
 Sec. 36, excluding Native allotment F-14516.

Containing approximately 9,397 acres.

T. 9 N., R. 76 W.

Sec. 1, excluding Native allotments F-18260 and F-17354;  
 Sec. 2, excluding Native allotment F-18259;  
 Secs. 3 to 12, inclusive;  
 Sec. 13, excluding Native allotment F-17296;  
 Secs. 14 and 15;  
 Sec. 16, excluding Native allotment F-18255;  
 Secs. 17, 18, and 19;  
 Sec. 20, excluding Native allotment F-14561;  
 Sec. 21, excluding Native allotments F-18255 and F-14561;  
 Sec. 22, excluding Native allotment F-17534;  
 Secs. 23 to 27, inclusive;  
 Sec. 28, excluding Native allotments F-14560 Parcel A, F-14561, and F-18258;  
 Sec. 29, excluding Native allotment F-14561;  
 Secs. 30 to 33, inclusive.

Containing approximately 17,863 acres.

T. 10 N., R. 76 W.

Sec. 1, excluding Native allotment F-14981 Parcel A;  
 Sec. 2;  
 Secs. 3 and 4, excluding Native allotment F-18257;  
 Secs. 5 to 23, inclusive;  
 Sec. 24, excluding Native allotment F-18216;  
 Sec. 25, excluding Native allotment F-15827 Parcel A;  
 Secs. 26 to 36, inclusive.

Containing approximately 22,577 acres.

T. 8 N., R. 77 W.

Secs. 3 to 7, inclusive;  
 Sec. 8, excluding Native allotment F-14564 Parcel A;  
 Secs. 9, 10, 11, and 13;  
 Sec. 14, excluding Native allotment F-14981 Parcel B;  
 Secs. 15 and 16;

Sec. 17, excluding Native allotments F-14981 Parcel C  
and F-14564 Parcel A;  
Secs. 18 to 22, inclusive;  
Sec. 23, excluding Native allotment F-14981 Parcel B;  
Secs. 24 to 34, inclusive.

Containing approximately 17,150 acres.

T. 9 N., R. 77 W.  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.

Containing approximately 11,520 acres.

T. 10 N., R. 77 W.  
Secs. 1 and 2;  
Secs. 11 to 15, inclusive;  
Sec. 22;  
Sec. 23, excluding Native allotment F-15070;  
Secs. 24 and 25;  
Secs. 26 and 27, excluding Native allotment F-15070;  
Secs. 34, 35, and 36.

Containing approximately 10,150 acres.

Aggregating approximately 103,523 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14873-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 as lands are under applications pending further adjudication. 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, and the navigable water bodies.

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-14873-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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the left bank of the Johnson River in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, through the village of Kasigluk easterly to Bethel. 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.
- b. (EIN 3 C3, E) An easement for a proposed access trail, twenty-five (25) feet in width, from the south end of the Kasigluk airport, in Sec. 14, T. 9 N., R. 75 W., Seward Meridian, southwesterly 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.

- c. (EIN 6a C4) An easement, twenty-six (26) feet in width, for an existing road from the Kasigluk airstrip in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 17 C5) An easement, twenty (20) feet in width, for the existing powerline from the village of Kasigluk in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, easterly to the power plant at the village of Nunapitchuk. The uses are those associated with the construction, operation and maintenance of the powerline.

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 (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
3. Airport lease, F-15928, located in Secs. 11, 12, and 14, T. 9 N., R. 75 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214); and
4. 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.

Kasigluk, Inc. 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 103,523 acres. The remaining entitlement of approximately 11,677 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 Kasigluk, Inc., 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 Alaska Native Claims Appeal Board, provided, 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.

Appeals should be filed with the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the 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 APR 05 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 Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed AK Form 2650-4.)

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

Kasigluk, Inc.  
Kasigluk, Alaska 99609

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

/s/ Sandra C. Thomas  
Acting Chief, Branch of  
ANCSA Adjudication

Enclosures:  
AK Form 2650-4  
Cy 43 CFR Part 4, Subpart J  
Plats  
Maps  
Legend

cc:

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. Jim Duffy  
Association of Village Council Presidents  
Box 767  
Bethel, Alaska 99559

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

U.S. Department of the Interior  
Alaska Native Claims Appeal Board  
P.O. Box 2433  
Anchorage, Alaska 99510

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

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

Alaska Legal Services Corporation  
615 H Street, Suite 100  
Anchorage, Alaska 99501

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. John Moses  
Alaska Native Foundation  
411 West Fourth Avenue  
Suite 314  
Anchorage, Alaska 99501

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

Alaska Village Electric Cooperative, Inc.  
999 Tudor Road  
Anchorage, Alaska 99502

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

U.S. Department of the Interior  
Bureau of Indian Affairs  
Juneau Area Office  
Box 3-8000  
Juneau, Alaska 99801  
(w/maps and legend)

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

F-15928 (2911)

F-12038 (2800)

DM-A (010)  
(w/maps)

**Johnson River System  
Interim Summary Report  
Attachment 34**

## INTERIM CONVEYANCE

WHEREAS

Kasigluk, Inc.

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) and 1621(j)), as amended, of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)T. 9 N., R. 75 W.

Sec. 2, excluding Native allotment F-18252;  
 Sec. 3, excluding Native allotment F-17357;  
 Sec. 4, excluding Native allotments F-17352, F-17297, F-17355, F-17358, and F-17357;  
 Sec. 5, excluding Native allotment F-17355;  
 Secs. 6 and 7;  
 Sec. 8, excluding Native allotments F-17356 and F-17355;  
 Sec. 9, excluding Native allotments F-17355, F-17357, and F-17358;  
 Sec. 10, excluding Native allotments F-17247, F-17357, and F-18214;  
 Sec. 11, excluding Native allotments F-18252, F-17299, F-14563, F-18214, F-17353, and F-14562;  
 Sec. 12;  
 Sec. 14, excluding Native allotments F-17246, F-18881, F-14562, F-17294, and F-17298;  
 Secs. 15 to 22, inclusive;  
 Sec. 23, excluding Native allotment F-18880;  
 Sec. 24, excluding Native allotments F-17359, F-17292, and F-18879;  
 Sec. 25, excluding Native allotments F-17292 and F-17293;  
 Secs. 26 to 30, inclusive;  
 Secs. 33 to 36, inclusive.

Containing approximately 14,866 acres.

T. 10 N., R. 75 W.

Sec. 6;  
 Secs. 7 and 8, excluding Native allotment F-14560 Parcel B and those lands formerly within Native allotment F-18103;  
 Secs. 9 and 13;  
 Sec. 14, excluding Native allotment F-18256;  
 Sec. 16;  
 Sec. 17, excluding Native allotment F-18103 and those lands formerly within Native allotment F-18886;  
 Sec. 18, excluding Native allotments F-18103 and F-18886;  
 Sec. 19, excluding Native allotments F-18216 and F-18886;  
 Sec. 20, excluding Native allotments F-14174 and F-17494;  
 Secs. 21, 22, and 23;

Interim Conveyance No.

**595**

Date

**DEC 27 1982**

Secs. 24 and 25, excluding Native allotments  
F-18213 and F-18215;  
Secs. 26 and 27;  
Sec. 28, excluding Native allotments F-17435,  
F-17351, and F-14980 Parcel C;  
Sec. 29, excluding Native allotments F-17435  
and F-17351;  
Secs. 30 and 31;  
Sec. 32, excluding Native allotments F-17349,  
F-17493, and F-16877;  
Sec. 33, excluding Native allotments F-17350  
and F-18217;  
Secs. 34 and 35;  
Sec. 36, excluding Native allotment F-14516.

Containing approximately 9,495 acres.

T. 9 N., R. 76 W.

Sec. 1, excluding Native allotments F-18260  
and F-17354;  
Sec. 2, excluding Native allotment F-18259;  
Secs. 3 to 12, inclusive;  
Sec. 13, excluding Native allotment F-17296;  
Secs. 14 and 15;  
Sec. 16, excluding Native allotment F-18255;  
Secs. 17, 18, and 19;  
Sec. 20, excluding Native allotment F-14561;  
Sec. 21, excluding Native allotments F-18255  
and F-14561;  
Sec. 22, excluding Native allotment F-17534;  
Secs. 23 to 27, inclusive;  
Sec. 28, excluding Native allotments F-14560  
Parcel A, F-14561, and F-18258;  
Sec. 29, excluding Native allotment F-14561;  
Secs. 30 to 33, inclusive.

Containing approximately 17,943 acres.

T. 10 N., R. 76 W.

Sec. 1, excluding Native allotment F-14981  
Parcel A;  
Sec. 2;  
Secs. 3 and 4, excluding Native allotment  
F-18257;  
Secs. 5 to 23, inclusive;  
Sec. 24, excluding Native allotment F-18216;  
Sec. 25, excluding Native allotment F-15827  
Parcel A;  
Secs. 26 to 36, inclusive.

Containing approximately 22,577 acres.

T. 8 N., R. 77 W.

Secs. 3 to 7, inclusive;  
Sec. 8, excluding Native allotment F-14564  
Parcel A;  
Secs. 9, 10, 11, and 13;  
Sec. 14, excluding Native allotment F-14981  
Parcel B;

595

Interim Conveyance No. \_\_\_\_\_

Date \_\_\_\_\_ DEC 27 1982

Secs. 15 and 16;  
Sec. 17, excluding Native allotments F-14981  
Parcel C and F-14564 Parcel A;  
Secs. 18 to 22, inclusive;  
Sec. 23, excluding Native allotment F-14981  
Parcel B;  
Secs. 24 to 34, inclusive.

Containing approximately 17,150 acres.

T. 9 N., R. 77 W.  
Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.

Containing approximately 11,520 acres.

T. 10 N., R. 77 W.  
Secs. 1 and 2;  
Secs. 11 to 15, inclusive;  
Sec. 22;  
Sec. 23, excluding Native allotment F-15070;  
Secs. 24 and 25;  
Secs. 26 and 27, excluding Native allotment  
F-15070;  
Secs. 34, 35, and 36.

Containing approximately 10,150 acres.

Aggregating approximately 103,701 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14873-EE.

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, thereunto 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 herein, 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. \_\_\_\_\_

595

Date \_\_\_\_\_

DEC 27 1982

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-14873-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 identified. 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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, four-wheel drive vehicles, automobiles, and trucks.

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the left bank of the Johnson River in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, through the village of Kasigluk easterly to Bethel. The uses allowed are those above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- b. (EIN 3 C3, E) An easement for a proposed access trail, twenty-five (25) feet in width, from the south end of the Kasigluk airport, in Sec. 14, T. 9 N., R. 75 W., Seward Meridian, southwesterly 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.
- c. (EIN 6a C4) An easement, twenty-six (26) feet in width, for an existing road in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, from the Kasigluk airstrip northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 17 C5) An easement, twenty (20) feet in width, for the existing powerline from the village of Kasigluk in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, easterly to the power plant at the village of Nunapitchuk. The uses are those associated with the construction, operation and maintenance of the powerline.

Interim Conveyance No. 595

Date DEC 27 1982

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 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;
3. Airport lease, F-15928, located in Secs. 11 and 14, T. 9 N., R. 75 W., Seward Meridian, issued to the State of Alaska, Department of Transportation and Public Facilities, under the provisions of the act of May 24, 1928 (49 U.S.C. 211-214); and
4. 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.

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 27th day of December, 1982, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. \_\_\_\_\_

595

Date \_\_\_\_\_

DEC 27 1982

## INTERIM CONVEYANCE

## WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f) and 1621(j)), as amended, of the subsurface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

Interim Conveyance No. \_\_\_\_\_

**595**Seward Meridian, Alaska (Unsurveyed)T. 9 N., R. 75 W.

Sec. 2, excluding Native allotment F-18252;  
 Sec. 3, excluding Native allotment F-17357;  
 Sec. 4, excluding Native allotments F-17352,  
 F-17297, F-17355, F-17358, and F-17357;  
 Sec. 5, excluding Native allotment F-17355;  
 Secs. 6 and 7;  
 Sec. 8, excluding Native allotments F-17356  
 and F-17355;  
 Sec. 9, excluding Native allotments F-17355,  
 F-17357, and F-17358;  
 Sec. 10, excluding Native allotments F-17247,  
 F-17357, and F-18214;  
 Sec. 11, excluding Native allotments F-18252,  
 F-17299, F-14563, F-18214, F-17353, and  
 F-14562;  
 Sec. 12;  
 Sec. 14, excluding Native allotments F-17246,  
 F-18881, F-14562, F-17294, and F-17298;  
 Secs. 15 to 22, inclusive;  
 Sec. 23, excluding Native allotment F-18880;  
 Sec. 24, excluding Native allotments F-17359,  
 F-17292, and F-18879;  
 Sec. 25, excluding Native allotments F-17292  
 and F-17293;  
 Secs. 26 to 30, inclusive;  
 Secs. 33 to 36, inclusive.

Containing approximately 14,866 acres.

T. 10 N., R. 75 W.

Sec. 6;  
 Secs. 7 and 8, excluding Native allotment F-14560  
 Parcel B and those lands formerly within  
 Native allotment F-18103;  
 Secs. 9 and 13;  
 Sec. 14, excluding Native allotment F-18256;  
 Sec. 16;  
 Sec. 17, excluding Native allotment F-18103 and  
 those lands formerly within Native allotment  
 F-18886;  
 Sec. 18, excluding Native allotments F-18103 and  
 F-18886;  
 Sec. 19, excluding Native allotments F-18216 and  
 F-18886;

Interim Conveyance No. \_\_\_\_\_

**596**

Date \_\_\_\_\_

DEC 27 1982

Sec. 20, excluding Native allotments F-14174 and F-17494;  
Secs. 21, 22, and 23;  
Secs. 24 and 25, excluding Native allotments F-18213 and F-18215;  
Secs. 26 and 27;  
Sec. 28, excluding Native allotments F-17435, F-17351, and F-14980 Parcel C;  
Sec. 29, excluding Native allotments F-17435 and F-17351;  
Secs. 30 and 31;  
Sec. 32, excluding Native allotments F-17349, F-17493, and F-16877;  
Sec. 33, excluding Native allotments F-17350 and F-18217;  
Secs. 34 and 35;  
Sec. 36, excluding Native allotment F-14516.

Containing approximately 9,495 acres.

T. 9 N., R. 76 W.

Sec. 1, excluding Native allotments F-18260 and F-17354;  
Sec. 2, excluding Native allotment F-18259;  
Secs. 3 to 12, inclusive;  
Sec. 13, excluding Native allotment F-17296;  
Secs. 14 and 15;  
Sec. 16, excluding Native allotment F-18255;  
Secs. 17, 18, and 19;  
Sec. 20, excluding Native allotment F-14561;  
Sec. 21, excluding Native allotments F-18255 and F-14561;  
Sec. 22, excluding Native allotment F-17534;  
Secs. 23 to 27, inclusive;  
Sec. 28, excluding Native allotments F-14560 Parcel A, F-14561, and F-18258;  
Sec. 29, excluding Native allotment F-14561;  
Secs. 30 to 33, inclusive.

Containing approximately 17,943 acres.

T. 10 N., R. 76 W.

Sec. 1, excluding Native allotment F-14981 Parcel A;  
Sec. 2;  
Secs. 3 and 4, excluding Native allotment F-18257;  
Secs. 5 to 23, inclusive;  
Sec. 24, excluding Native allotment F-18216;  
Sec. 25, excluding Native allotment F-15827 Parcel A;  
Secs. 26 to 36, inclusive.

Containing approximately 22,577 acres.

T. 8 N., R. 77 W.

Secs. 3 to 7, inclusive;

Interim Conveyance No. 596

Date DEC 27 1982

Sec. 8, excluding Native allotment F-14564  
Parcel A;  
Secs. 9, 10, 11, and 13;  
Sec. 14, excluding Native allotment F-14981  
Parcel B;  
Secs. 15 and 16;  
Sec. 17, excluding Native allotments F-14981  
Parcel C and F-14564 Parcel A;  
Secs. 18 to 22, inclusive;  
Sec. 23, excluding Native allotment F-14981  
Parcel B;  
Secs. 24 to 34, inclusive.

Containing approximately 17,150 acres.

T. 9 N., R. 77 W.

Secs. 1, 2, and 3;  
Secs. 10 to 15, inclusive;  
Secs. 22 to 27, inclusive;  
Secs. 34, 35, and 36.

Containing approximately 11,520 acres.

T. 10 N., R. 77 W.

Secs. 1 and 2;  
Secs. 11 to 15, inclusive;  
Sec. 22;  
Sec. 23, excluding Native allotment F-15070;  
Secs. 24 and 25;  
Secs. 26 and 27, excluding Native allotment  
F-15070;  
Secs. 34, 35, and 36.

Containing approximately 10,150 acres.

Aggregating approximately 103,701 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14873-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation, the subsurface 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, thereunto belonging, unto the said corporation, its successors and assigns, forever:

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate and to valid existing rights, if any, in the said subsurface estate, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of

Interim Conveyance No. 596

Date DEC 27 1982

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.

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 27th day of December, 1982, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*William D. Arnold*

Assistant to the State Director  
for Conveyance Management

Interim Conveyance No. \_\_\_\_\_

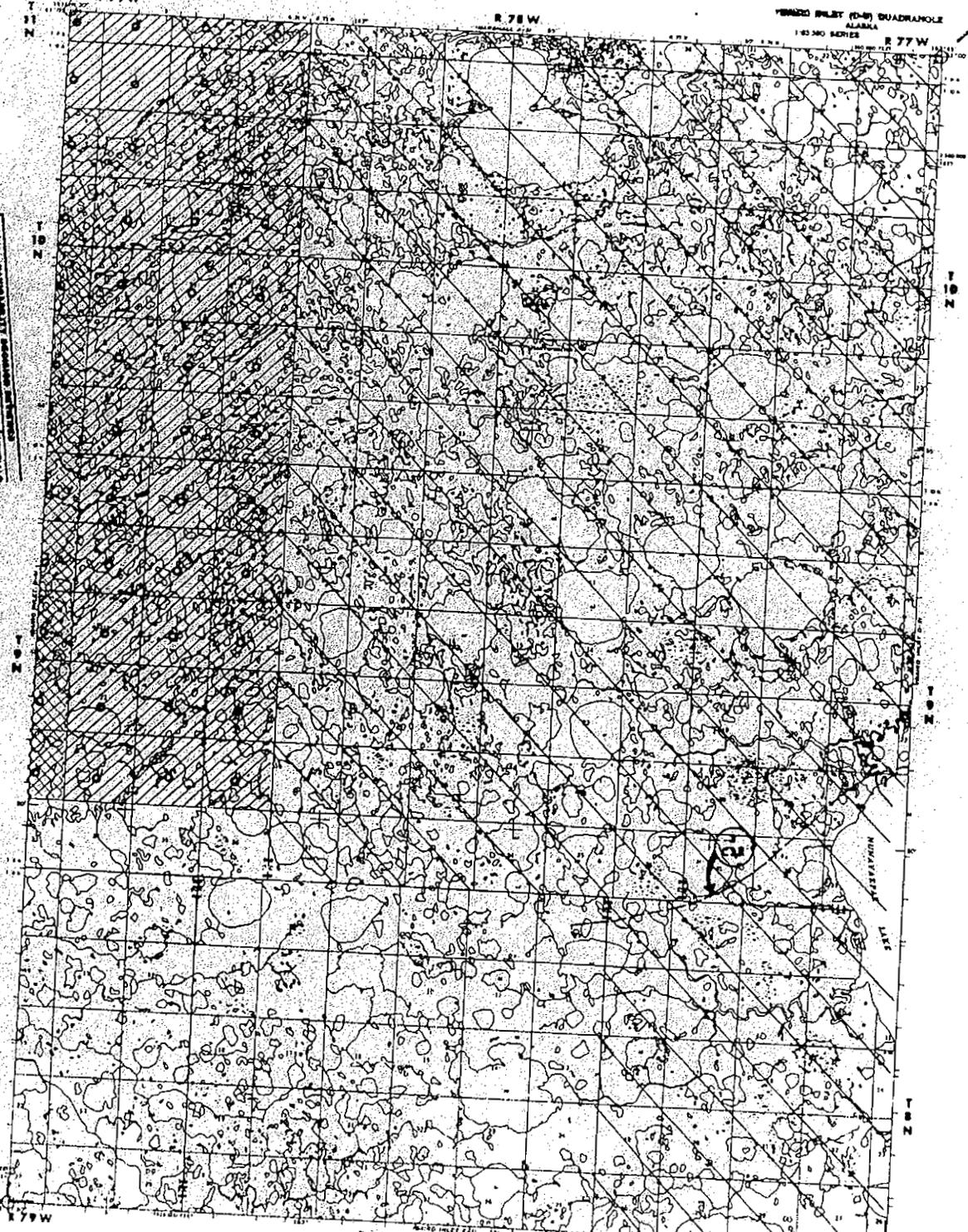
596

Date \_\_\_\_\_

DEC 27 1982







Section	Initials	Date
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VILLAGE	NAVIGABILITY REGION REVIEWED	DATE	INITIALS
KASIGLUK		8/1/81	STG
NUNAPITCHUK		8/1/81	STG
NUNAPITCHUK		3/1/82	STG

VILLAGE	NAVIGABILITY REGION REVIEWED	DATE	INITIALS
KASIGLUK		8/1/81	STG

Notice	Date	Initials
Section 1	1/1/81	AM
Section 2	1/1/81	AM
Section 3	1/1/81	AM
Section 4	1/1/81	AM
Section 5	1/1/81	AM
Section 6	1/1/81	AM
Section 7	1/1/81	AM
Section 8	1/1/81	AM
Section 9	1/1/81	AM
Section 10	1/1/81	AM
Section 11	1/1/81	AM
Section 12	1/1/81	AM
Section 13	1/1/81	AM
Section 14	1/1/81	AM
Section 15	1/1/81	AM
Section 16	1/1/81	AM
Section 17	1/1/81	AM
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Section 31	1/1/81	AM
Section 32	1/1/81	AM
Section 33	1/1/81	AM
Section 34	1/1/81	AM
Section 35	1/1/81	AM
Section 36	1/1/81	AM

Subsequent land beneath estate determined navigable sea in (or susceptible to) travel, trade and commerce.

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

-  ATMAUTLUAK VILLAGE SELECTION
-  KASIGLUK VILLAGE SELECTION
-  NUNAPITCHUK VILLAGE SELECTION

WAC CLASSIFICATION  
No. 1000-3-1000-1000  
Nunapitchuk 2/17/86  
BAIRD INLET (D-3), ALASKA  
SCALE 1:50,000  
7/1/80  
Baird Inlet (D-3)

UNAPPORTIONED LAND  
OVER-SELECTION

DEC 27 1982 Alaska State Office  
Anchorage, Alaska  
DATE  
I hereby certify that this reproduction is a  
copy of the official record on file in this office  
*William D. Arnold*

595

**Johnson River System  
Interim Summary Report  
Attachment 35**

F-14873-A (2651)  
F-14873-A2 (2651)  
✓ F-14873-EE (75.4)  
(961)

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

FEB 15 1983

DECISION

Kasigluk, Inc.	:	F-14873-A, F-14873-A2
Kasigluk, Alaska 99609	:	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

On November 19, 1974, Kasigluk, Inc., for the Native village of Kasigluk, filed selection application F-14873-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) (ANCSA)), for the surface estate of certain lands in the vicinity of Kasigluk.

On December 12, 1975, Kasigluk, Inc., filed selection application F-14873-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) selections override the Sec. 12(b) selections. Therefore, application F-14873-A2 is hereby rejected as to the lands herein approved for conveyance. Further action on the subject Sec. 12(b) selection application as to those lands not rejected herein will be taken at a later date.

As to the lands described below, selection application F-14873-A is properly filed and meets the requirements of ANCSA 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 826 acres, is considered proper for acquisition by Kasigluk, Inc., and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 75 W.  
Sec. 1, excluding Lot 1 of U.S. Survey No. 4048, Alaska Native Claims Settlement Act Sec. 3(e) application AA-40644, and Lot 2 of U.S. Survey No. 4048 (Public Land Order 2020);

Sec. 13, excluding Native allotments F-17496 Parcel B, F-18894, F-17359, and F-17295.

Containing approximately 826 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. Those water bodies are identified on the attached navigability map, the original of which will be found in easement case file F-14873-EE.

All other water bodies not depicted as navigable on the attached map 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 one or more of the following reasons: lands are under applications pending further adjudication or lands are pending a determination under Sec. 3(e) of ANCSA. 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 the current status plats showing the lands approved for conveyance along with a map showing the easements to be reserved, and the navigable water bodies.

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 map attached to this document, a copy of which will be found in case file F-14873-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 all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals,

snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, all-terrain vehicles, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the left bank of the Johnson River in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, through the village of Kasigluk easterly to Bethel. 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.
- b. (EIN 6 C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 13, T. 9 N., R. 75 W., Seward Meridian, on the right bank of the Johnson River. The uses allowed are those listed above for a one (1) acre site.
- c. (EIN 6a C4) An easement twenty-six (26) feet in width, for an existing road in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, from the Kasigluk airstrip northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 17 C5) An easement twenty (20) feet in width, for the existing powerline from the village of Kasigluk in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, easterly to the power plant at the village of Nunapitchuk. The uses allowed are those associated with the construction, operation and maintenance of the powerline.

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 (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) (Supp. IV, 1980)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Kasigluk, Inc., 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 104,527 acres. The remaining entitlement of approximately 10,673 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate shall be issued to Calista Corporation when the surface estate is conveyed to Kasigluk, Inc., and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native Village shall be subject to the consent of Kasigluk, Inc.

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, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, 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, parties who failed or refused to sign their return receipt and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until MAR 14 1983 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:

Kasigluk, Inc.  
Kasigluk, Alaska 99609

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

/s/ ANN JOHNSON

Chief, Branch of ANCSA  
Adjudication

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

cc:

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

Mr. Patrick P. Ryan, Deputy Commissioner (CM-RRR)  
Department of Transportation  
and Public Facilities  
Maintenance and Operations  
Pouch 6900  
Anchorage, Alaska 99502  
(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. Jim Duffy  
Association of Village Council Presidents  
Box 767  
Bethel, Alaska 99559

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

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

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

U.S. Department of the Interior  
Bureau of Indian Affairs  
Juneau Area Office  
Box 3-8000  
Juneau, Alaska 99801  
(w/maps and legend)

Alaska Legal Services Corporation  
615 H Street, Suite 100  
Anchorage, Alaska 99501

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

Mr. Chris Bockmon  
U.S. Department of the Interior  
Office of Hearings and Appeals  
Interior Board of Land Appeals  
4015 Wilson Boulevard  
Arlington, Virginia 22203

James D. Grandjean  
Attorney at Law  
Hedland, Fleischer and Friedman  
1016 West Sixth Avenue, Suite 400  
Anchorage, Alaska 99501

Department of Community and  
Regional Affairs  
Housing Assistance Division  
2600 Denali Street, Suite 200  
Anchorage, Alaska 99503

Colonel Lee Nunn, Jr.  
District Engineer, Alaska District  
Corps of Engineers  
P.O. Box 7002  
Anchorage, Alaska 99510

DM-A (010)  
(w/maps)

AM-M (018)  
(w/maps)

Chief, Branch of Lands (941)  
(w/maps)

Chief, Branch of Office Engineering (922)  
(w/maps)

Chief, Branch of Easement Identification (963)  
(w/maps)

Fire Management (970)  
Attn: J. Costello

**Johnson River System  
Interim Summary Report  
Attachment 36**

## INTERIM CONVEYANCE

WHEREAS

Kasigluk, Inc.

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), and 1621(j)), as amended, of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)T. 9 N., R. 75 W.

Sec. 1, excluding Lot 1 of U.S. Survey No. 4048, Alaska Native Claims Settlement Act Sec. 3(e) application AA-40644, and Lot 2 of U.S. Survey No. 4048 (Public Land Order 2020);

Sec. 13, excluding Native allotments F-17496 Parcel B, F-18894, F-17359, and F-17295.

Containing approximately 826 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. Those water bodies are identified on the attached navigability map, the original of which will be found in easement case file F-14873-EE.

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, thereunto 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
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 map attached to this document, a copy of which will be found in case file F-14873-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 identified. 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

Interim Conveyance No. 678

Date

JUN 30 1983

three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

60 Foot Road - The uses allowed on a sixty (60) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed for a site easement are: vehicle parking (e.g., aircraft, boats, all-terrain vehicles, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 1 C3, D1, D9) An easement for an existing access trail, twenty-five (25) feet in width, from the left bank of the Johnson River in Sec. 2, T. 9 N., R. 75 W., Seward Meridian, through the village of Kasigluk easterly to Bethel. 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.
- b. (EIN 6 C4) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 13, T. 9 N., R. 75 W., Seward Meridian, on the right bank of the Johnson River. The uses allowed are those listed above for a one (1) acre site.
- c. (EIN 6a C4) An easement, twenty-six (26) feet in width, for an existing road in Secs. 13 and 14, T. 9 N., R. 75 W., Seward Meridian, from the Kasigluk airstrip northeasterly to the Johnson River. The uses allowed are those listed above for a sixty (60) foot wide road easement.
- d. (EIN 17 C5) An easement, twenty (20) feet in width, for the existing powerline from the village of Kasigluk in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, easterly to the power plant at the village of Nunapitchuk. The uses allowed are those associated with the construction, operation and maintenance of the powerline.

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;

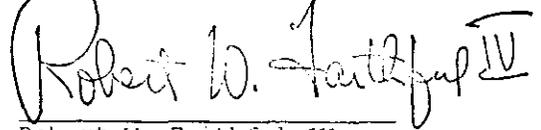
Interim Conveyance No. 678

Date JUN 30 1983

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.

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 30th day of June, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA



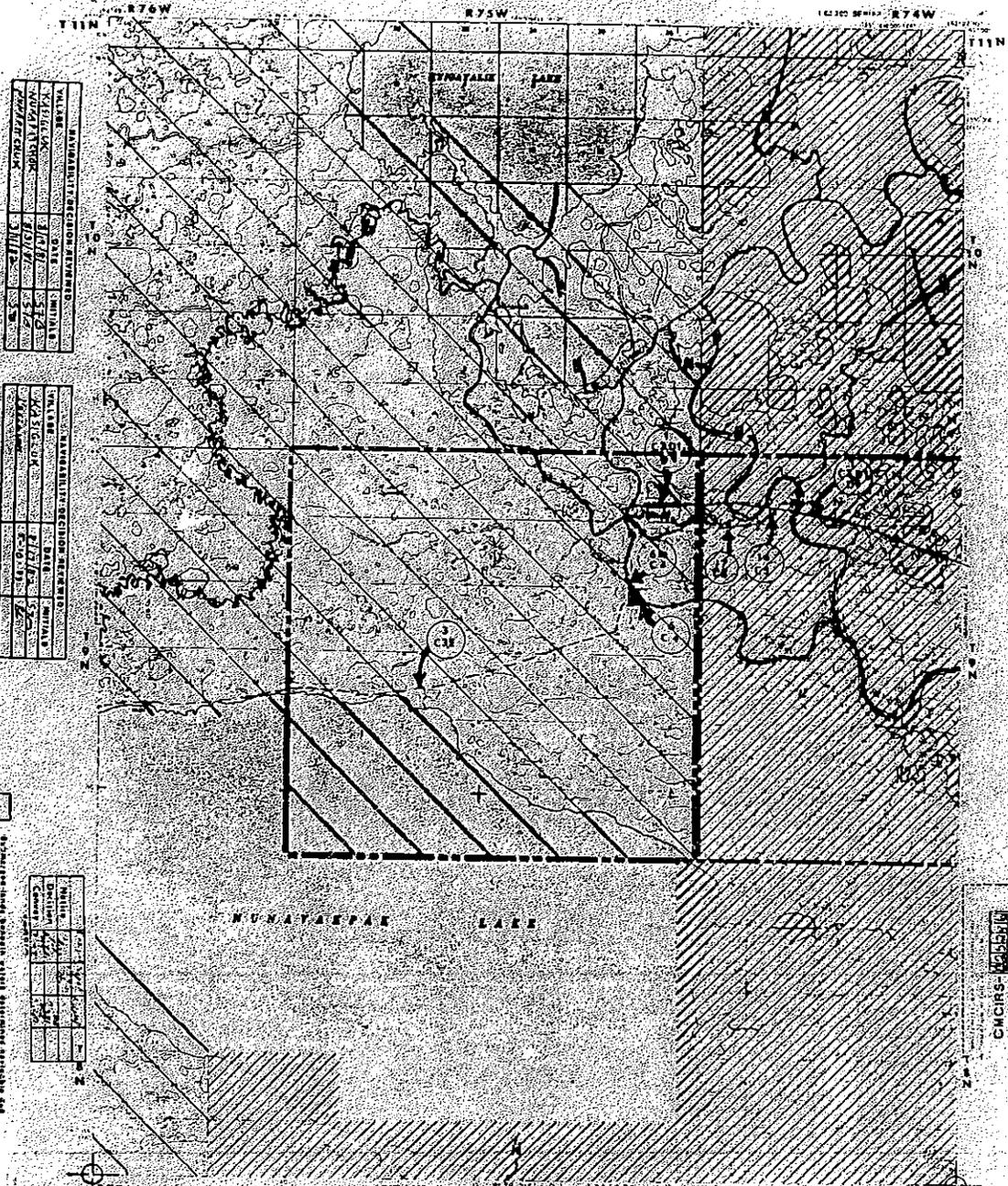
Robert W. Faithful IV  
Deputy State Director for  
Conveyance Management

Interim Conveyance No. \_\_\_\_\_

678

Date \_\_\_\_\_

JUN 30 1983



SECTION	DATE	BY	REMARKS
1	1/17/77	W. J. ...	...
2	1/17/77	W. J. ...	...
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SECTION	DATE	BY	REMARKS
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10	1/17/77	W. J. ...	...

(Distances are given in feet) (Distances are given in feet)

SECTION	DATE	BY	REMARKS
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2	1/17/77	W. J. ...	...
3	1/17/77	W. J. ...	...
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8	1/17/77	W. J. ...	...
9	1/17/77	W. J. ...	...
10	1/17/77	W. J. ...	...

**KASIGLUK VILLAGE SELECTION**

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

**NUNAPITCHUK VILLAGE SELECTION**

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

BAIRD INLET  
 JUN 30 1983  
 BAIRD INLET D-2

678

JUN 30 1983 Alaska State Office  
 Anchorage, Alaska  
 DATE  
 hereby certify that this reproduction is a  
 copy of the official record on file in this office.  
 AUTHORIZED SIGNATURE  
*Robert W. Fairley IV*

INTERIM CONVEYANCE

WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1613(f), and 1621(j)), as amended, of the subsurface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

Interim Conveyance No. 678

Seward Meridian, Alaska (Unsurveyed)

T. 9 N., R. 75 W.

Sec. 1, excluding Lot 1 of U.S. Survey No. 4048, Alaska Native Claims Settlement Act Sec. 3(e) application AA-40644, and Lot 2 of U.S. Survey No. 4048 (Public Land Order 2020);

Sec. 13, excluding Native allotments F-17496 Parcel B, F-18894, F-17359, and F-17295.

Containing approximately 826 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. Those water bodies are identified on the attached navigability map, the original of which will be found in easement case file F-14873-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation, the subsurface 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, thereunto belonging, unto the said corporation, its successors and assigns, forever:

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

1. All the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate, and to valid existing rights, if any, in the said subsurface estate, 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;
2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act (43 U.S.C. 1601, 1613(f)) that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native Village

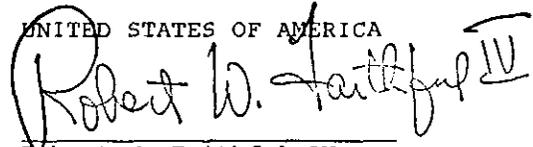
Interim Conveyance No. 679

Date JUN 30 1983

shall be subject to consent of the Village Corporation;  
and

3. 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.

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 30th day of June, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA  
  
Robert W. Faithful IV  
Deputy State Director for  
Conveyance Management

Interim Conveyance No. 679  
Date JUN 30 1983



**Johnson River System  
Interim Summary Report  
Attachment 38**

F-14871-A (Anch.) (2651)  
F-14871-A2 (Anch.) (2651)  
F-14871-EE (Anch.) (75:4)  
AA-10097 1/ (2653)  
(961)

SEP 30 1982

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

DECISION

The Kuskokwim Corporation	:	F-14871-A and F-14871-A2
429 D Street, Suite 307	:	Village Selections
Anchorage, Alaska 99501	:	
	:	
Calista Corporation	:	AA-10097 1/
516 Denali Street	:	Section 14(h)(1)
Anchorage, Alaska 99501	:	Selections

Section 14(h)(1) Applications Rejected in Entirety  
Section 12(b) Application Rejected in Part  
Lands Proper for Village Selection  
Approved for Interim Conveyance

On November 15, 1974, Upper Kalskag Incorporated, for the Native village of Upper Kalskag, filed selection application F-14871-A, as amended, 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), for the surface estate of certain lands in the vicinity of Upper Kalskag.

On October 23, 1975, Calista Corporation filed selection applications AA-10097, AA-10098, AA-10099 and AA-10100; and on November 5, 1975, filed selection application AA-10237, all pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated lands.

Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Upper Kalskag Incorporated under Sec. 12(a) of ANCSA or segregated by applications pursuant to the public land laws, these lands were not unreserved or unappropriated at the time of selection by the Calista Corporation. Therefore, the aforementioned applications must be and are hereby rejected in their entirety and the case files will be closed of record when this decision becomes final.

On December 12, 1975, Upper Kalskag Incorporated, filed selection application F-14871-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

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1/ AA-10098, AA-10099, AA-10100, AA-10237

the Sec. 12(b) selection. Therefore, application F-14871-A2 is hereby rejected as to the lands herein approved for conveyance. Further action on application F-14871-A2 as to the lands not rejected herein, will be taken at a later date.

On April 25, 1977, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by 43 U.S.C. 1627, Georgetown Incorporated, a domestic corporation, merged with Aniak Limited, Chuathbaluk Company, Kipchaughpuk Limited, Lower Kalskag Incorporated, Napamute Limited, Red Devil Incorporated, Sleetmute Limited, Stony River Ltd., and Upper Kalskag Incorporated, all domestic corporations, into Georgetown Incorporated, which consolidated individual village interests into one single constituent corporation whose name was changed to The Kuskokwim Corporation. The surviving corporation, The Kuskokwim Corporation, is entitled to all rights, privileges, and benefits of the Alaska Native Claims Settlement Act.

As to the lands described below, selection application F-14871-A, 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 81,292 acres, is considered proper for acquisition by The Kuskokwim Corporation (for the village of Upper Kalskag) and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 60 W.

Secs. 1 to 8, inclusive;

Sec. 9, excluding Native allotments F-15595 and F-15596;

Sec. 10, excluding Native allotments F-15596 and F-17343  
Parcel A;

Secs. 11 and 12;

Sec. 13, excluding Native allotment F-16849;

Sec. 14, excluding Native allotment F-029276;

Sec. 15, excluding Native allotments F-029276, F-15596,  
and F-17343 Parcel A;

Sec. 16, excluding Native allotments F-15595 and F-15596;

Sec. 17, excluding Native allotment F-16206 Parcel A;

Sec. 18, excluding Native allotment F-15590;

Sec. 19, excluding U.S. Survey No. 871 and Native allotment  
F-15590;

Sec. 20, excluding U.S. Survey No. 871 and U.S.  
Survey No. 4136 and Native allotments F-029277,  
F-16206 Parcel A and F-17347 Parcel A;

Sec. 21, excluding Native allotment F-17347 Parcel B;

Sec. 22, excluding Native allotments F-029276 and F-17345  
Parcel A;

Sec. 23, excluding U.S. Survey No. 4166 and Native  
allotments F-029276, F-16020 Parcel B and F-16351  
Parcel A;

Sec. 24, excluding Native allotment F-16020 Parcel B;

Sec. 28, excluding Native allotment F-15600;

Sec. 29, excluding U.S. Survey No. 871 and Native allotments F-15600 and F-17347 Parcel A;

Sec. 30, excluding U.S. Survey No. 871.

Containing approximately 13,819 acres.

T. 18 N., R. 60 W.

Secs. 3 to 11, inclusive;

Secs. 14 to 36, inclusive.

Containing approximately 20,384 acres.

T. 19 N., R. 60 W.

Sec. 31, excluding Native allotment F-15653;

Secs. 32, 33 and 34.

Containing approximately 2,378 acres.

T. 17 N., R. 61 W.

Secs. 1, 2 and 3;

Secs. 4 and 5, excluding Native allotment F-17346;

Secs. 6 and 7;

Secs. 8 and 9, excluding Native allotment F-17346;

Secs. 10 to 21, inclusive;

Sec. 22, excluding Native allotment F-029271;

Sec. 23, excluding Native allotment F-13113;

Sec. 24;

Sec. 25, excluding Native allotment F-029261;

Sec. 26, excluding U.S. Survey No. 4165 and Native allotments F-029261, F-029280 and F-13113;

Sec. 27, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413 and Native allotments F-029271, F-17344 and F-17382;

Sec. 28, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413;

Secs. 29 and 30;

Sec. 31, excluding Native allotment F-17376;

Sec. 32, excluding U.S. Survey No. 4409 and U.S. Survey No. 4414;

Sec. 33, excluding U.S. Survey No. 4409, U.S. Survey No. 4413 and U.S. Survey No. 4414 and Native allotments F-029405, F-17378, F-17381 and F-17383;

Sec. 34, excluding Native allotments F-17344, F-17378, F-17381, F-17382 and F-17383;

Secs. 35 and 36.

Containing approximately 18,212 acres.

T. 18 N., R. 61 W.

Sec. 1, excluding Native allotment F-15589;

Sec. 2, excluding Native allotments F-15589 and F-17385 Parcel A;

Sec. 11, excluding Native allotment F-15589;

Sec. 12, excluding Native allotments F-029260, F-029275 Parcel B and F-15589;

Secs. 13 and 24;  
 Sec. 25, excluding Native allotment F-15599;  
 Secs. 33 and 34;  
 Sec. 35, excluding Native allotment F-15599;  
 Sec. 36.

Containing approximately 4,362 acres.

T. 19 N., R. 61 W.

Sec. 35, excluding Native allotment F-17385 Parcel A;  
 Sec. 36.

Containing approximately 1,230 acres.

T. 17 N., R. 62 W.

Sec. 1, excluding Native allotment F-17303 Parcel B;  
 Sec. 2, excluding Native allotments F-17303 Parcel B,  
 F-17379 Parcel B and F-17385 Parcel B;  
 Secs. 11 to 17, inclusive;  
 Secs. 20 and 21;  
 Sec. 22, excluding Native allotment F-17380 Parcel B;  
 Secs. 23 to 26, inclusive;  
 Sec. 27, excluding Native allotment F-17380 Parcel B;  
 Sec. 28;  
 Secs. 33 to 36, inclusive.

Containing approximately 12,960 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 59 W.

Secs. 5 and 6;  
 Sec. 7, excluding Native allotment F-16848;  
 Sec. 8;  
 Sec. 9, excluding U.S. Survey No. 6479 and Native allotment  
 F-17377 Parcel A and F-17952 Parcel A;  
 Sec. 10, excluding U.S. Survey No. 6479 and Native allotment  
 F-17952 Parcel A;  
 Secs. 11 to 14, inclusive;  
 Sec. 15, excluding U.S. Survey No. 6479 and Native allotment  
 F-17952 Parcel A;  
 Sec. 16, excluding U.S. Survey No. 6479 and Native allotments  
 F-029262 Parcel B, F-16851, F-17377 Parcel A and F-17952  
 Parcel A;  
 Sec. 17, excluding U.S. Survey No. 4142 and Native allotments  
 F-029262 Parcel A, F-15701 Parcel B and F-16190 Parcel A;  
 Sec. 18, excluding Native allotments F-16848 and F-16919;  
 Sec. 19, excluding Native allotment F-16847;  
 Sec. 20, excluding Native allotments F-029262 Parcel A  
 and F-15701 Parcel A;  
 Sec. 21, excluding Native allotments F-029262 Parcel B,  
 F-16205 Parcel A and F-16851;  
 Sec. 22.

Containing approximately 7,547 acres.

T. 18 N., R. 62 W.  
Sec. 35.

Containing approximately 400 acres.

Aggregating approximately 81,292 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. The following named water bodies, together with any unnamed water bodies, are identified on the attached navigability maps, the original of which will be found in easement case file F-14871-EE.

Kuskokwim River

Mud Creek

Crooked Creek

Arhymot Lake

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 one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA; or lands were previously rejected by decision. 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, and the navigable water bodies.

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-14871-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 all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

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

- a. (EIN 2 C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Upper Kalskag northerly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- b. (EIN 4 C5) An easement fifty (50) feet in width for an existing in part, proposed in part access trail from Mud Creek in the SE $\frac{1}{4}$  Sec. 27, T. 17 N., R. 62 W., Seward Meridian, northwesterly to Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a fifty (50) foot wide trail easement.
- c. (EIN 4a C4) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- d. (EIN 4b C4) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.  
OH amr 9/29/83
- e. (EIN 8/C5) A one (1) acre site easement upland of the ordinary high water mark on the downriver end of the unnamed island in the Kuskokwim River in the S $\frac{1}{2}$ , Sec. 12, T. 17 N., R. 59 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- f. (EIN 8b C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the downstream end of a small unnamed island in the Kuskokwim River in the NE $\frac{1}{4}$ , Sec. 20, T. 17 N., R. 60 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.

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, or supplemental 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;
3. The following third-party interest identified by the U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(g).

Right-of-way grant, T-130-YD issued to ALASCOM (formerly known as RCA Alaska Communications, Inc.), located in Sec. 22, T. 17 N., R. 61 W., Seward Meridian, for communication facilities, pursuant to the act of March 4, 1911, 43 U.S.C. 961. Formerly Right-of-way F-19246 issued under the provisions of March 4, 1911 (43 U.S.C. 1961) as amended; and

4. 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.

The Kuskokwim Corporation (for the village of Upper Kalskag) is entitled to conveyance of 92,160 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 81,292 acres. The remaining entitlement of approximately 10,868 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to The Kuskokwim Corporation, (for the village of Upper Kalskag) and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native Village shall be subject to the consent of The Kuskokwim Corporation.

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, 701 C Street, Box 34, Anchorage, Alaska 99513.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from 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 NOV 01 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 appeals. (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:

The Kuskokwim Corporation  
429 D Street, Suite 307  
Anchorage, Alaska 99501

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, legend and plats)

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

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

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

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

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

Mr. Chris Bockmon  
U.S. Department of the Interior  
Office of Hearing and Appeals  
Interior Board of Land Appeals  
4015 Wilson Boulevard  
Arlington, Virginia 22203

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

Bureau of Land Management  
P.O. Box 666  
Bethel, Alaska 99559  
(w/maps and legend)

Alaska Miners Association  
507 West Third Avenue, Suite 17  
Anchorage, Alaska 99501  
(w/maps and legend)

Alascom, Inc.  
949 East 36th Avenue  
Pouch 6607  
Anchorage, Alaska 99502

DM-A (010)  
(w/maps)

AM-M (018)  
(w/maps)

Chief, Branch of Minerals (941)

Chief, Branch of Lands (941)

Chief, Branch of Easement Identification (963)

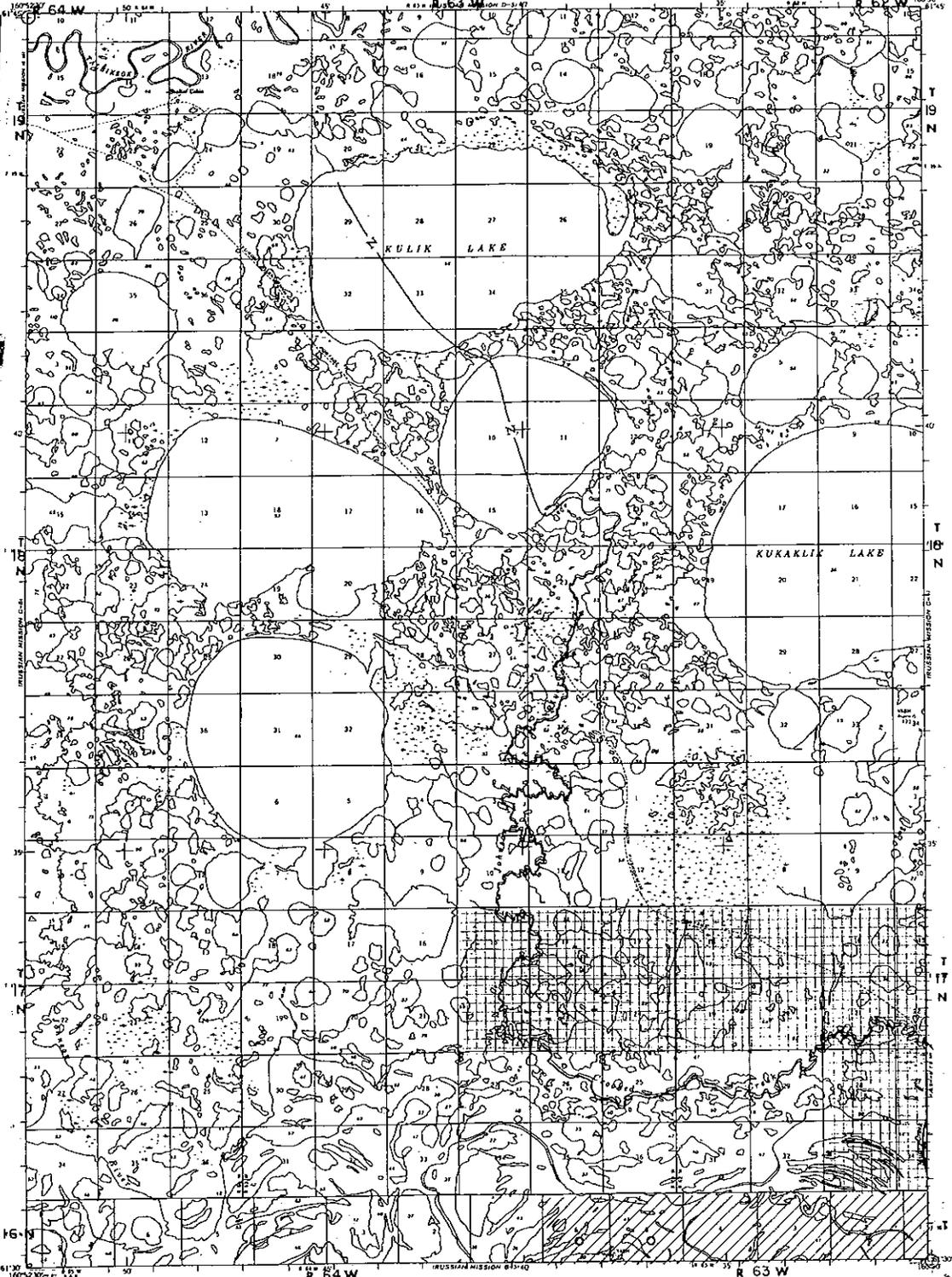
Chief, Branch of Office Engineering (922)

Fire Management (970)  
Attn: J. Costello

VILLAGE	NAVIGABILITY DECISION REVIEWED
	DATE
	INITIALS

Pending determination of tidal influence.

Shaded areas determined navigable for 6 or more months in 1 year from June and December.



Notice	1/1/76
Decision	1/1/76
Copy	1/1/76

Application of Dec. 1, 1976  
expressly requires that the  
application may be fact.

ROAD CLASSIFICATION  
Trib

1/1/76

-  KALSKAG VILLAGE SELECTION
-  LOWER KALSKAG VILLAGE SELECTION

RUSSIAN MISSION (C-5) ALASKA  
146130-116099/154225  
1932  
RUSSIAN MISSION C-5

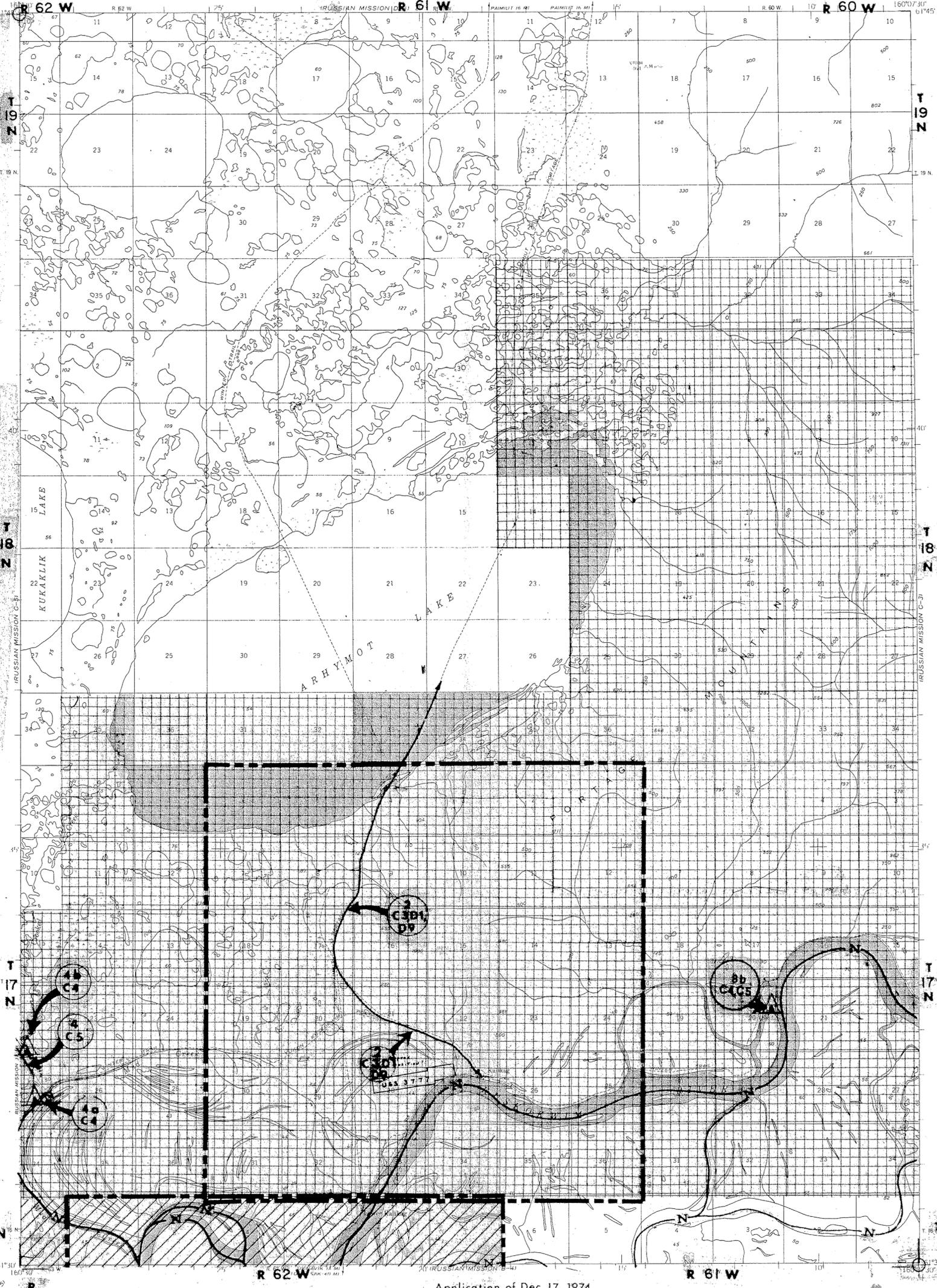
*Russian Mission C-5*

NAVIGABILITY DECISION REVIEWED		
VILLAGE	DATE	INITIALS

**I** Pending determination of tidal influence.

**■** Submerged lands beneath waters determined navigable due to (or susceptible to) travel, trade and commerce.

Notice	1/17/76
Decision	2/17/76
Convey	2/17/76



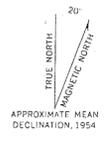
Application of Dec. 17, 1974  
Represents nearest whole section.  
(application may be less than 640 acres)

 KALSKAG VILLAGE SELECTION  
 LOWER KALSKAG VILLAGE SELECTION

--- Core Township

ROAD CLASSIFICATION  
Trails  
Kalskag 2/17/76 P.D.

RUSSIAN MISSION (C-4), ALASKA  
N6130-W16007 5/1"x22.5  
1954 9/25/81  
RUSSIAN MISSION C-4



APPROXIMATE MEAN DECLINATION, 1954

*Russian Mission C-4*



United States Department of the Interior

IN REPLY REFER TO  
2628 (NAV) (962)

BUREAU OF LAND MANAGEMENT

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

NOV 08 1984

**Johnson River System  
Interim Summary Report  
Attachment 39**

Memorandum

To: Chief, Branch of Conveyance Services (962)

From: Deputy State Director for Conveyance Management (960)

Subject: Navigable Waters of the Kuskokwim Region, Alaska

This memorandum identifies certain navigable water bodies totaling approximately 430 miles in the Kuskokwim region of Alaska. The present navigability determinations apply only to water bodies or segments of water bodies currently under Federal jurisdiction. Title to the beds of navigable waters, if not reserved by the United States on January 3, 1959, passed to the State of Alaska at the time of Statehood.

I determine the following water bodies to be navigable:

1. South Fork Kuskokwim River to Tatina River (95 miles).
2. Holitna River to Chukowan River (121 miles).
3. Chukowan River to Gemuk River (28 miles).
4. Gemuk River to Beaver Creek (7 miles).
5. George River to Julian Creek (40 miles).
6. Aniak River to Salmon River (56 miles).
7. Whitefish Lake and Outlet (23 miles).
8. Johnson River: Mud Creek Portage to Crooked Creek (10 miles).
9. Crooked Creek to Unnamed Lake (16 miles).

10.Unnamed Lake (Secs. 2-4, 9-12, 14-16, 22-23, T. 18 N., R.

63 W.,

11.Kulik Lake.

12.Unnamed Lake (Secs. 18-20, T, 19 N., R. 63 W., Seward Meridian).

13.Unnamed Lake (Secs. 13, 23, 24, T. 19 N., R. 64 W., and Sec. 19, T. 19 N.,  
R. 63 W., Seward Meridian).

14.Talbiksok River to Portage (35 miles).

These navigability determinations are based upon criteria set forth in the Solicitor's opinion of March 16, 1976 (otherwise known as the "Garner Memorandum"), the Regional Solicitor's opinion of February 25, 1980, regarding the Alaska Native Claims Appeal Board's decision on the navigability of the Nation and Kandik rivers, and the Bureau of Land Management's Instruction Memorandum No. AK-81-78, change 1. The remainder of the memorandum sets forth my rationale for the above determinations.

#### Ordinary Conditions

To the best of my knowledge these water bodies were at the date of Statehood and remain today in their natural and ordinary condition.

#### Accessibility

All of these water bodies are accessible by commercial waterborne crafts from navigable waters.

#### Seasonality

Commercial waterborne crafts can be used on these bodies at any time during the ice-free season. Navigation may be impeded by low water levels at certain times of the summer season.

#### Commercial Craft

At the time of Statehood the smallest waterborne craft in customary use on the region's freshwater bodies for commercial purposes was an eighteen- to twenty-four-foot wooden riverboat equipped with an outboard propeller-driven motor. (Aluminum boats and jet units were not used on a customary basis until the 1960s.) As the U.S. Army Corps of Engineers observed in 1971, "During the summer months natives living in the region

use small river boats, averaging 18 feet in length, for transportation much as the Americans use automobiles." In the late 1950s, while conducting anthropological studies at Napaskiak, anthropologist Wendell H. Oswalt recorded that most men preferred to travel in a "plank boat," which he described as approximately twenty-four feet long with a three-foot beam and powered by outboard motors ranging from one and one-half to twenty-two horsepower. Similarly, in the early 1960s anthropologist Edward H. Hosley observed in the upper Kuskokwim basin that Native families had "at least one flat-bottomed boat from fourteen to twenty-four feet long." Built from spruce planks, the boats were usually equipped with twelve- to fifteen-horsepower outboard motors.

#### Highway of Commerce

##### 1. South Fork Kuskokwim River To Tatina River (Medfra and McGrath Quadrangles)

The use of steamboats, barges, and riverboats on the South Fork to Nikolai Village and the Little Tonzona River is well documented. Above these points the historic record is almost silent. According to oral tradition, Indians and some Eskimos descended the river from some point in the Alaska Range in bullboats loaded with meat and hides to the lower South Fork and the Kuskokwim. Some credence may be given this tradition in view of the fact that turn-of-the-century explorers noted plentiful signs of Indian hunters on the upper South Fork and that the first U.S. Geological Survey exploring expedition to the Kuskokwim basin successfully descended the river in canoes.

In 1898 Josiah Edward Spurr and his men reached the headwaters of the river from the Yentna River system, and from a point at or near Hartman River, located a considerable distance upstream of Tatina River, floated down the South Fork to the Kuskokwim in eighteen- to nineteen-foot cedar canoes, only once leaving the river to make a quarter-mile portage around a canyon.

Spurr thought it doubtful that a "boat could be gotten upstream by any means." Subsequent events proved him wrong. In the spring of 1907, after an arduous journey from Cook Inlet through Rainy Pass, four men built a twenty-six-foot scow six feet wide several miles below Post River or about seven miles below Tatina River, and with the spring breakup of the river ice, descended the river to its mouth in the scow. That fall they started the return journey to Cook Inlet, towing the scow by hand to a point one of the men believed to be about ten miles below their former camp. Seventy years later certain residents of Nikolai Village and McGrath described their boat trips up the South Fork, most of them made in connection with

big game hunting. Nic Dennis poled a wooden boat to Egypt Mountain (about ten miles below Tatina River); Miska Deaphon ascended the river at least to Post River in a thirty-two-foot boat with an eighteen-horsepower motor; John Andrews once hauled a load of lumber to Farewell Lake Lodge located about fifteen miles below Tatina River in a thirty-foot boat, and saw an old thirty-foot poling boat at Tatina River. Interviewed by the BLM in 1981, guide Stan Frost said there is "no problem" in .. negotiating" the South Fork as far as Farewell Lake in most years; he claimed to have taken a twenty-foot Smokercraft boat with two fifty-horsepower outboard motors to a point between Denny Creek and Hell's Gate.

While there is no available record of commercial waterborne traffic on the South Fork above Nikolai Village, it appears that such traffic could occur as far as Tatina River at least. This point was the location of an important roadhouse and trapping headquarters on the Rainy Pass winter trail and an emergency landing strip on the Anchorage-McGrath air route. The report that an old poling boat is located there, suggests that the roadhouse proprietors or trappers occasionally used boats to transport their winter supplies to the site. The fact that boat traffic did not develop on the upper South Fork as it did on many other rivers in Alaska during the gold rush days may be due to the absence of a substantial summer population in the area, the difficulties of navigating the river, and the existence of the Rainy Pass trail. This excellent winter trail evidently satisfied most needs for travel and transportation in the area until the aviation age made its appearance.

- |  |                               |
|--|-------------------------------|
| 2. Holitna River                             | To Chukowan River             |
| (Sleetmute and Taylor Mountains Quadrangles) |                               |
| 3. Chukowan River                            | (Taylor Mountains Quadrangle) |
| 4. Gemuk River                               | (Taylor Mountains Quadrangle) |

The largest tributary of the Kuskokwim, the Holitna has served as a highway of summer travel between settlements and to mining and trapping grounds. Unfortunately much of the details of that history are obscure or unknown. During the 1830s and early 1840s the Holitna was an important water link in the Russians' supply line extending from the Nushagak Bay posts to the Kuskokwim River. At the turn of the century trappers and prospectors ascended the river in search of new ground; the extent of their travels and the character of their boats is presently unknown. However, the reports of several government officials in the 1910s that the river was navigable for

small steamboats for sixty or seventy-five miles and that poling boats could be taken further, is suggestive.

During the 1940s cinnabar ore from Cinnabar Creek, a tributary of Beaver Creek, was transported by barge or poling boat down the Holitna to Sleetmute.

The U.S. Geological Survey reported upriver as far as Kashegelok Village just below Chukowan River, and that the Cinnabar Creek deposits were reached chiefly by poling boats with outboard motors. In 1943, W.A. Cady and C. A. Hickox of the U.S. Geological Survey ascended the Holitna, Chukowan, and Gemuk rivers to Beaver Creek in a thirty-foot poling boat with an outboard motor. While the government trip was conducted strictly for scientific purposes, the boat used in the trip was certainly of the type in customary use for commercial purposes in the area at the time of Statehood.

5. George River To Julian Creek  
(Sleetmute and Iditarod Quadrangles)

Since the 1910s mining properties on George River were supplied by river and trail. In 1935 Stephen R. Capps of the U.S. Geological Survey reported that miners transported supplies up George River to Julian Creek in poling boats with outboard motors. Forty years later a BLM official observed that sixty-foot barges twenty feet wide loaded with fuel were used on the river as far as Julian Creek where the river was forty feet wide and four to six feet deep.

6. Aniak River To Salmon River  
(Russian Mission Quadrangle)

During the gold rush era the Aniak was an important poling boat highway to the Marvel Creek diggings. According to a local newspaper in 1912, two men took a poling boat loaded with nearly a ton of supplies up the river to the diggings on the upper reaches of Salmon River. The newspaper observed that prospectors should have no difficulty in reaching the mouth of Marvel Creek by poling boat. In 1914 a party of eight men reportedly ascended the Aniak at high water stage in a poling boat for a distance of forty-five miles. Another group of miners took a "large power boat" to a roadhouse forty miles upriver. In 1937 another local newspaper reported that the river was navigable for small boats a distance of sixty miles. These and other reports of boat traffic on the Aniak indicate that the Aniak was in 1959 susceptible to commercial navigation to at least the mouth of Salmon River.

7. Whitefish Lake and Outlet  
 (Russian Mission Quadrangle)

Entire (Russian Mission)

Whitefish Lake and its outlet were a link in a water and land route to prospective mining ground on Ophir Creek and mining operations on the headwaters of the Tuluksak River. In 1914 the U.S. Geological Survey's Alfred G. Maddren ascended the effluent and crossed the lake to Ophir Creek in a poling boat; he then followed the trail to Bear Creek on upper Tuluksak River. During the trip he observed at least one Native habitation on Whitefish Lake and a camp on lower Ophir Creek. There he met a number of non-Natives catching large numbers of whitefish for sale to Tuluksak River miners. Describing the creek as narrow and deep (6 to 15 feet in places) and the lake as shallow (10 to 15 feet), Maddren considered the water route to Ophir Creek suitable for the transportation of heavy freight by boat. According to BLM officials in 1980 and 1982, local residents traveled the water route in boats or skiffs in connection with subsistence activities. In view of the physical character of the lake and its effluent, and its past history as a route of travel to Ophir Creek and Tuluksak River points in boats comparable to riverboats extant in 1959, it is clear that Whitefish Lake and its outlet are susceptible to commercial navigation.

8. Johnson River

Mud Creek Portage  
 to Crooked Creek

9. Crooked Creek

Johnson River to  
 Unnamed Lake

10. Unnamed Lake  
 (Secs. 2-4, 9-12, 14-16, 22-23,  
 T. 18 N., R. 63 W., Seward  
 Meridian)

Entire

11. Kulik Lake

Entire

12. Unnamed Lake  
 (Secs. 18-20, T. 19 N., R. 63 W.,  
 Seward Meridian)

Entire

13. Unnamed Lake  
 (Secs. 13, 23, 24, T. 19 N., R. 64 W.,  
 and Sec. 19, T. 19 N., R. 63 W.,  
 Seward Meridian)

Entire

14. Talbiksok River  
 (Russian Mission Quadrangle)

Portage to Yukon

These seven streams and lakes comprise the Russian Mission summer portage or the Yukon-Kuskokwim Portage. Indians and Eskimos doubtlessly traveled the portage for decades if not centuries before Lieutenant L. A. Zagoskin wrote in 1844 the first known description of it. Fur traders, prospectors, government officials, mail carriers, doctors, nurses, trappers, and sometimes entire families traveled the route. Since the Second World War, traffic on the Portage appears to have declined significantly, perhaps due to the rise in popularity of air travel. Local residents continue to travel portions of this route to hunting and trapping grounds, however.

The Portage was suitable for a wide range of crafts, including kayaks, canoes, rowboats, and poling boats, which ranged in length from eighteen to thirty-two feet. Prior to 1930 the mail carrier maintained five rowboats on the Portage. These made it possible for him to travel the distance from Bethel to Russian Mission and return in fifteen to twenty days, all the while carrying a minimum of 600 pounds of mail and oftentimes passengers.

The completion of the Alaska Railroad, the inauguration of government steamboat service on the Yukon from Nenana to Holy Cross, and the plans of the White Pass and Yukon Navigation Company to run a boat from Dawson to St. Michael beginning with the 1923 season, led to serious consideration of an old proposal to construct a canal between the Yukon and Kuskokwim rivers on the Portage route. The canal proposal was rejected as too ambitious a project for existing and future economic conditions. Most everyone agreed on the need to improve the Portage for travel, however. Thus, in 1929-31 the Alaska Road Commission and the Territory cooperated in making certain improvements on the route. These included the construction of two light trams aggregating 5,943 feet on the Yukon and Kuskokwim sides of the Portage; a three-thousand-foot canal seven feet wide and three and one-half feet deep; controlling dams on the canal and Mud Creek; the installation of winches and derricks at the tram sites; the placement of signs at strategic points along the lakes and creeks; and the construction of two shelter cabins near the trams.

Improvements to the water portions of the route included the removal of brush from channels, the straightening of a few sharp corners in Crooked Creek, and the widening of some channels. All these improvements were designed to accommodate boats as large as the mail carrier's -- a thirty-foot boat with a four-foot beam and a payload capacity of 2,600 pounds. The project evidently was successful, for in 1938 a Bureau of Fisheries agent reported, "The largest boats now that go over the portage do not exceed 30 feet in length, 4 foot beam, and should not draw over a foot or fifteen inches of water at most."

The improvements had no effect on the navigability status of the subject water bodies, for it is clear that the streams and lakes were navigable for boats similar to those in commercial use in 1959 before the improvements were effected.

*Robert H. Anderson*

F-14871-A

INTERIM CONVEYANCE

WHEREAS

The Kuskokwim Corporation  
(Successor in Interest to Upper Kalskag Incorporated)

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), of the surface estate of the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 60 W.

- Secs. 1 to 8, inclusive;
- Sec. 9, excluding U.S. Survey No. 6486;
- Sec. 10, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A;
- Secs. 11 and 12;
- Sec. 13, excluding Native allotment F-16849;
- Sec. 14, excluding U.S. Survey No. 6484 and Native allotment F-029276;
- Sec. 15, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A; and those lands formerly within Native allotment F-029276;
- Sec. 16, excluding U.S. Survey No. 6486;
- Sec. 17, excluding Native allotment F-16206 Parcel A;
- Sec. 18, excluding Native allotment F-15590;
- Sec. 19, excluding U.S. Survey No. 871 and Native allotment F-15590;
- Sec. 20, excluding U.S. Survey No. 871 and U.S. Survey No. 4136 and Native allotments F-029277 Parcel B and F-16206 Parcel A;
- Sec. 21, excluding Native allotment F-029277 Parcel C;
- Sec. 22, excluding Native allotment F-17345 Parcel A; and those lands formerly within Native allotment F-029276;
- Sec. 23, excluding U.S. Survey No. 4166, U.S. Survey No. 6484 and Native allotments F-029276, F-16020 Parcel B and F-16351 Parcel A;
- Sec. 24, excluding Native allotment F-16020 Parcel B;
- Sec. 28, excluding Native allotment F-15600;
- Sec. 29, excluding U.S. Survey No. 871 and Native allotments F-029277 Parcel B and F-15600;
- Sec. 30, excluding U.S. Survey No. 871.

Containing approximately 13,778 acres.

T. 18 N., R. 60 W.

- Secs. 3 to 11, inclusive;
- Secs. 14 to 36, inclusive.

Containing approximately 20,384 acres.

T. 19 N., R. 60 W.

- Sec. 31, excluding Native allotment F-15653;
- Secs. 32, 33 and 34.

Containing approximately 2,378 acres.

Interim Conveyance No. 749

Date SEP 30 1983

This document has been  
corrected by IC No.2013  
Dated 8/11/2006

F-14871-A

T. 17 N., R. 61 W.

Secs. 1, 2 and 3;  
Secs. 4 and 5, excluding Native allotment F-17346;  
Secs. 6 and 7;  
Secs. 8 and 9, excluding Native allotment F-17346;  
Secs. 10 to 21, inclusive;  
Sec. 22, excluding Native allotment F-029271;  
Sec. 23, excluding Native allotment F-13113;  
Sec. 24;  
Sec. 25, excluding Native allotment F-029261;  
Sec. 26, excluding U.S. Survey No. 4165 and Native allotments F-029261, F-029280 and F-13113;  
Sec. 27, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413 and Native allotments F-029271, F-17344 and F-17382;  
Sec. 28, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413;  
Secs. 29 and 30;  
Sec. 31, excluding Native allotment F-17376;  
Sec. 32, excluding U.S. Survey No. 4409 and U.S. Survey No. 4414;  
Sec. 33, excluding U.S. Survey No. 4409, U.S. Survey No. 4413, U.S. Survey No. 4414 and Native allotments F-029405, F-17378, F-17381 and F-17383;  
Sec. 34, excluding Native allotments F-17344, F-17378, F-17381, F-17382 and F-17383;  
Secs. 35 and 36.

Containing approximately 18,212 acres.

T. 18 N., R. 61 W.

Sec. 1, excluding Native allotment F-15589;  
Sec. 2, excluding Native allotments F-15589 and F-17385 Parcel A;  
Sec. 11, excluding Native allotment F-15589;  
Sec. 12, excluding Native allotments F-029260, F-029275 Parcel B and F-15589;  
Secs. 13 and 24;  
Sec. 25, excluding Native allotment F-15599;  
Secs. 33 and 34;  
Sec. 35, excluding Native allotment F-15599;  
Sec. 36.

Containing approximately 4,362 acres.

T. 19 N., R. 61 W.

Sec. 35, excluding Native allotment F-17385 Parcel A;  
Sec. 36.

Containing approximately 1,230 acres.

T. 17 N., R. 62 W.

Sec. 1, excluding Native allotment F-17303 Parcel B;  
Sec. 2, excluding Native allotments F-17303 Parcel B, F-17379 Parcel B and F-17385 Parcel B;  
Secs. 11 to 17, inclusive;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-17380 Parcel B;

Interim Conveyance No. 749

Date SEP 30 1983

F-14871-A

Secs. 23 to 26, inclusive;  
Sec. 27, excluding Native allotment F-17380 Parcel B;  
Sec. 28;  
Secs. 33 to 36, inclusive.

Containing approximately 12,960 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 59 W.

Secs. 5 and 6;  
Sec. 7, excluding Native allotment F-16848;  
Sec. 8;  
Sec. 9, excluding U.S. Survey No. 6479 and Native allotments F-17377 Parcel A and F-17952 Parcel A;  
Sec. 10, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;  
Secs. 11 to 14, inclusive;  
Sec. 15, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;  
Sec. 16, excluding U.S. Survey No. 6479 and Native allotments F-029262 Parcel B, F-16851, F-17377 Parcel A and F-17952 Parcel A;  
Sec. 17, excluding U.S. Survey No. 4142 and Native allotments F-029262 Parcel A, F-15701 Parcel B and F-16190 Parcel A;  
Sec. 18, excluding Native allotments F-16848 and F-16919;  
Sec. 19, excluding Native allotment F-16847;  
Sec. 20, excluding Native allotments F-029262 Parcel A and F-15701 Parcel A;  
Sec. 21, excluding Native allotments F-029262 Parcel B, F-16205 Parcel A and F-16851;  
Sec. 22.

Containing approximately 7,547 acres.

T. 18 N., R. 62 W.

Sec. 35.

Containing approximately 400 acres.

Aggregating approximately 81,251 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14871-EE.

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

Interim Conveyance No. \_\_\_\_\_

749

Date SEP 30 1983

F-14871-A

estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto 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
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-14871-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 all-terrain vehicles (ATVs) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

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

- a. (EIN 2 C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Upper Kalskag northerly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- b. (EIN 4 C5) An easement fifty (50) feet in width for an existing in part, proposed in part access trail from Mud Creek in the SE $\frac{1}{4}$  Sec. 27, T. 17 N., R. 62 W., Seward Meridian, northwesterly to Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a fifty (50) foot wide trail easement.

Interim Conveyance No. 749

Date SEP 30 1983

- c. (EIN 4a C4) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- d. (EIN 4b C4) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- e. (EIN 8 C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the downriver end of the unnamed island in the Kuskokwim River in the S $\frac{1}{4}$ , Sec. 12, T. 17 N., R. 59 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- f. (EIN 8b C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the downstream end of a small unnamed island in the Kuskokwim River in the NE $\frac{1}{4}$ , Sec. 20, T. 17 N., R. 60 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.

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, or supplemental 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 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
- 3. The following third-party interest identified by the U.S. Department of the Interior, Fish and Wildlife Service, as provided by Sec. 14(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(g).

Right-of-way grant, T-130-YD issued to ALASCOM (formerly known as RCA Alaska Communications, Inc.) located in Sec. 22, T. 17 N., R. 61 W., Seward Meridian, for communication facilities, pursuant to the Act of March 4, 1911, 43 U.S.C. 1961 as amended; and

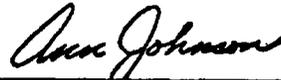
Interim Conveyance No. 749  
Date SEP 30 1983

F-14871-A

4. 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.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of September, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Chief, Branch of ANCSA Adjudication

Interim Conveyance No. 749  
Date SEP 30 1983

*Scan*

# The United States of America

## *Corrected Interim Conveyance*

F-14871-A

This document corrects Interim Conveyance No. 749, dated September 30, 1993, recorded in Book 17 beginning at page 86, Kuskokwim Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to The Kuskokwim Corporation, 4300 B Street, #207, Anchorage, Alaska 99503-5951, as GRANTEE, for lands in the Kuskokwim Recording District.

### WHEREAS

The Kuskokwim Corporation  
(Successor in Interest to Upper Kalskag Incorporated)

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcel listed below from the lands transferred by Interim Conveyance No. 749. The parcel to be excluded was segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
F-029706	Joseph Michaelson	U.S. Survey No. 13077

Interim Conveyance No. \_\_\_\_\_

**2013**

**2013**

Page 1 of 2

THEREFORE, Interim Conveyance No. 749 is corrected in part to read:

Seward Meridian, Alaska

T. 17 N., R. 61 W.,  
Sec. 35, excluding Patent No. 50-2005-0435 and U.S. Survey  
No. 13077.

This correction affects only the above-listed section. The remainder of Interim  
Conveyance No. 749 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau  
of Land Management has, in the name of the United States, set her hand and caused  
the seal of the Bureau to be hereunto affixed on this 11<sup>th</sup> day of  
August, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*Ramona Chinn*

\_\_\_\_\_  
Ramona Chinn  
Acting State Director

Return Recorded Document to:  
The Kuskokwim Corporation  
4300 B Street #207  
Anchorage, Alaska 99503-5951

Interim Conveyance No. \_\_\_\_\_

**2013**  
**2013**

Page 2 of 2

INTERIM CONVEYANCE

WHEREAS

Calista 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(f), 1621(j)) of the surface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

Interim Conveyance No. 749  
Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 60 W.

- Secs. 1 to 8, inclusive;
- Sec. 9, excluding U.S. Survey No. 6486;
- Sec. 10, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A;
- Secs. 11 and 12;
- Sec. 13, excluding Native allotment F-16849;
- Sec. 14, excluding U.S. Survey No. 6484 and Native allotment F-029276;
- Sec. 15, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A and those lands formerly within Native allotment F-029276;
- Sec. 16, excluding U.S. Survey No. 6486;
- Sec. 17, excluding Native allotment F-16206 Parcel A;
- Sec. 18, excluding Native allotment F-15590;
- Sec. 19, excluding U.S. Survey No. 871 and Native allotment F-15590;
- Sec. 20, excluding U.S. Survey No. 871 and U.S. Survey No. 4136 and Native allotments F-029277 Parcel B, and F-16206 Parcel A;
- Sec. 21, excluding Native allotment F-029277 Parcel C;
- Sec. 22, excluding Native allotment F-17345 Parcel A and those lands formerly within Native allotment F-029276;
- Sec. 23, excluding U.S. Survey No. 4166, U.S. Survey No. 6484 and Native allotments F-029276, F-16020 Parcel B and F-1635 Parcel A;
- Sec. 24, excluding Native allotment F-16020 Parcel B;
- Sec. 28, excluding Native allotment F-15600;
- Sec. 29, excluding U.S. Survey No. 871 and Native allotments F-15600 and F-029277 Parcel B;
- Sec. 30, excluding U.S. Survey No. 871.

Containing approximately 13,778 acres.

T. 18 N., R. 60 W.

- Secs. 3 to 11, inclusive;
- Secs. 14 to 36, inclusive.

Containing approximately 20,384 acres.

T. 19 N., R. 60 W.

- Sec. 31, excluding Native allotment F-15653;
- Secs. 32, 33 and 34.

Containing approximately 2,378 acres.

Interim Conveyance No. 750

Date SEP 30 1983

CORRECTED IC NO. 1567  
DATED: AUGUST 16, 1993  
Issued to: Calista Corporation  
IN LIEU OF THIS DOCUMENT

F-14871-A

T. 17 N., R. 61 W.

Secs. 1, 2 and 3;  
Secs. 4 and 5, excluding Native allotment F-17346;  
Secs. 6 and 7;  
Secs. 8 and 9, excluding Native allotment F-17346;  
Secs. 10 to 21, inclusive;  
Sec. 22, excluding Native allotment F-029271;  
Sec. 23, excluding Native allotment F-13113;  
Sec. 24;  
Sec. 25, excluding Native allotment F-029261;  
Sec. 26, excluding U.S. Survey No. 4165 and Native allotments F-029261, F-029280 and F-13113;  
Sec. 27, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413 and Native allotments F-029271, F-17344 and F-17382;  
Sec. 28, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413;  
Secs. 29 and 30;  
Sec. 31, excluding Native allotment F-17376;  
Sec. 32, excluding U.S. Survey No. 4409 and U.S. Survey No. 4414;  
Sec. 33, excluding U.S. Survey No. 4409, U.S. Survey No. 4413 and U.S. Survey No. 4414 and Native allotments F-029405, F-17378, F-17381 and F-17383;  
Sec. 34, excluding Native allotments F-17344, F-17378, F-17381, F-17382 and F-17383;  
Secs. 35 and 36.

Containing approximately 18,212 acres.

T. 18 N., R. 61 W.

Sec. 1, excluding Native allotment F-15589;  
Sec. 2, excluding Native allotments F-15589 and F-17385 Parcel A;  
Sec. 11, excluding Native allotment F-15589;  
Sec. 12, excluding Native allotments F-029260, F-029275 Parcel B and F-15589;  
Secs. 13 and 24;  
Sec. 25, excluding Native allotment F-15599;  
Secs. 33 and 34;  
Sec. 35, excluding Native allotment F-15599;  
Sec. 36.

Containing approximately 4,362 acres.

T. 19 N., R. 61 W.

Sec. 35, excluding Native allotment F-17385 Parcel A;  
Sec. 36.

Containing approximately 1,230 acres.

T. 17 N., R. 62 W.

Sec. 1, excluding Native allotment F-17303 Parcel B;  
Sec. 2, excluding Native allotments F-17303 Parcel B, F-17379 Parcel B and F-17385 Parcel B;  
Secs. 11 to 17, inclusive;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-17380 Parcel B;

CORRECTED IC NO. 1567  
DATED: AUGUST 16, 1993  
Issued to: Calista Corporation  
IN LIEU OF THIS DOCUMENT

Interim Conveyance No. 750

Date \_\_\_\_\_

SEP 30 1983

F-14871-A

Secs. 23 to 26, inclusive;  
Sec. 27; excluding Native allotment F-17380 Parcel B;  
Sec. 28;  
Secs. 33 to 36, inclusive.

Containing approximately 12,960 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 59 W.

Secs. 5 and 6;  
Sec. 7, excluding Native allotment F-16848;  
Sec. 8;  
Sec. 9, excluding U.S. Survey No. 6479 and Native allotments F-17377 Parcel A and F-17952 Parcel A;  
Sec. 10, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;  
Secs. 11 to 14, inclusive;  
Sec. 15, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;  
Sec. 16, excluding U.S. Survey No. 6479 and Native allotments F-029262 Parcel B, F-16851, F-17377 Parcel A and F-17952 Parcel A;  
Sec. 17, excluding U.S. Survey No. 4142 and Native allotments F-029262 Parcel A, F-15701 Parcel B and F-16190 Parcel A;  
Sec. 18, excluding Native allotments F-16848 and F-16919;  
Sec. 19, excluding Native allotment F-16847;  
Sec. 20, excluding Native allotments F-029262 Parcel A and F-15701 Parcel A;  
Sec. 21, excluding Native allotments F-029262 Parcel B, F-16205 Parcel A and F-16851;  
Sec. 22.

Containing approximately 7,547 acres.

T. 18 N., R. 62 W.

Sec. 35.

Containing approximately 400 acres.

Aggregating approximately 81,251 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. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14871-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the subsurface estate in the land above described, TO HAVE AND TO HOLD the said

Interim Conveyance No. \_\_\_\_\_

750

Date \_\_\_\_\_

SEP 30 1983

CORRECTED IC NO. 1567  
DATED: AUGUST 16, 1993  
Issued to: Calista Corporat  
IN LIEU OF THIS DOCUMENT

estate with all the rights, privileges, immunities, and appurtenances of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever:

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

1. All the easements and rights-of-way referenced in the aforementioned conveyance of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, 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;
2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act 43 U.S.C. 1601, 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village shall be subject to consent of the village corporation; and
3. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of September, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Chief, Branch of ANCSA Adjudication

CORRECTED IC NO. 1567  
DATED: AUGUST 16, 1993  
Issued to: Calista Corporation  
IN LIEU OF THIS DOCUMENT

Interim Conveyance No. 750

Date SEP 30 1983

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
222 WEST SEVENTH AVENUE, #13  
ANCHORAGE, ALASKA 99513-7599

CORRECTED INTERIM CONVEYANCE

WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j), as amended, of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613 (f), 1621(j), of the subsurface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following-described lands:

Interim Conveyance No. 749

Seward Meridian, Alaska (Surveyed)

T. 17 N., R. 60 W.

- Secs. 1 to 8, inclusive;
- Sec. 9, excluding U.S. Survey No. 6486;
- Sec. 10, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A;
- Secs. 11 and 12;
- Sec. 13, excluding Native allotment F-16849;
- Sec. 14, excluding U.S. Survey No. 6484 and Native allotment F-029276;
- Sec. 15, excluding U.S. Survey No. 6486 and Native allotment F-17343 Parcel A and those lands formerly within Native allotment F-029276;

Interim Conveyance No. 1567  
Date AUGUST 16 1993

This document has been corrected by IC No.2014 Dated 8/11/2006

1567

F-14871-A

- Sec. 16, excluding U.S. Survey No. 6486;
- Sec. 17, excluding Native allotment F-16206 Parcel A;
- Sec. 18, excluding Native allotment F-15590;
- Sec. 19, excluding U.S. Survey No. 871 and Native allotment F-15590;
- Sec. 20, excluding U.S. Survey No. 871 and U.S. Survey No. 4136 and Native allotments F-029277 Parcel B, and F-16206 Parcel A;
- Sec. 21, excluding Native allotment F-029277 Parcel C;
- Sec. 22, excluding Native allotment F-17345 Parcel A and those lands formerly within Native allotment F-029276;
- Sec. 23, excluding U.S. Survey No. 4166, U.S. Survey No. 6484 and Native allotments F-029276, F-16020 Parcel B and F-16351 Parcel A;
- Sec. 24, excluding Native allotment F-16020 Parcel B;
- Sec. 28, excluding Native allotment F-15600;
- Sec. 29, excluding U.S. Survey No. 871 and Native allotments F-15600 and F-029277 Parcel B;
- Sec. 30, excluding U.S. Survey No. 871.

Containing approximately 13,778 acres.

T. 18 N., R. 60 W.

- Secs. 3 to 11, inclusive;
- Secs. 14 to 36, inclusive.

Containing approximately 20,384 acres.

T. 19 N., R. 60 W.

- Sec. 31, excluding Native allotment F-15653;
- Secs. 32, 33 and 34.

Interim Conveyance No. \_\_\_\_\_

**1567**

Date \_\_\_\_\_

**AUGUST 16 1993**

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corrected by IC No.2014  
Dated 8/11/2006

F-14871-A

Containing approximately 2,378 acres.

T. 17 N., R. 61 W.

- Secs. 1, 2 and 3;
- Secs. 4 and 5, excluding Native allotment F-17346;
- Secs. 6 and 7;
- Secs. 8 and 9, excluding Native allotment F-17346;
- Secs. 10 to 21, inclusive;
- Sec. 22, excluding Native allotment F-029271;
- Sec. 23, excluding Native allotment F-13113;
- Sec. 24;
- Sec. 25, excluding Native allotment F-029261;
- Sec. 26, excluding U.S. Survey No. 4165 and Native allotments F-029261, F-029280 and F-13113;
- Sec. 27, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413 and Native allotments F-029271, F-17344 and F-17382;
- Sec. 28, excluding U.S. Survey No. 3777 and U.S. Survey No. 4413;
- Secs. 29 and 30;
- Sec. 31, excluding Native allotment F-17376;
- Sec. 32, excluding U.S. Survey No. 4409 and U.S. Survey No. 4414;
- Sec. 33, excluding U.S. Survey No. 4409, U.S. Survey No. 4413 and U.S. Survey No. 4414 and Native allotments F-029405, F-17378, F-17381 and F-17383;
- Sec. 34, excluding Native allotments F-17344, F-17378, F-17381, F-17382 and F-17383;
- Secs. 35 and 36.

Containing approximately 18,212 acres.

T. 18 N., R. 61 W.

- Sec. 1, excluding Native allotment F-15589;
- Sec. 2, excluding Native allotments F-15589 and F-17385 Parcel A;

Interim Conveyance No. \_\_\_\_\_

**1567**

Date \_\_\_\_\_

**AUGUST 16 1993**

This document has been  
corrected by IC No.2014  
Dated 8/11/2006

F-14871-A

Sec. 11, excluding Native allotment F-15589;  
Sec. 12, excluding Native allotments F-029260, F-029275 Parcel B  
and F-15589;  
Secs. 13 and 24;  
Sec. 25, excluding Native allotment F-15599;  
Secs. 33 and 34;  
Sec. 35, excluding Native allotment F-15599;  
Sec. 36.

Containing approximately 4,362 acres.

T. 19 N., R. 61 W.

Sec. 35, excluding Native allotment F-17385 Parcel A;  
Sec. 36.

Containing approximately 1,230 acres.

T. 17 N., R. 62 W.

Sec. 1, excluding Native allotment F-17303 Parcel B;  
Sec. 2, excluding Native allotments F-17303 Parcel B, F-17379  
Parcel B and F-17385 Parcel B;  
Secs. 11 to 17 inclusive;  
Secs. 20 and 21;  
Sec. 22, excluding Native allotment F-17380 Parcel B;  
Secs. 23 to 26, inclusive;  
Sec. 27, excluding Native allotment F-17380 Parcel B;  
Sec. 28;  
Secs. 33 to 36, inclusive.

Containing approximately 12,960 acres.

Interim Conveyance No. \_\_\_\_\_

**1567**

Date \_\_\_\_\_

**AUGUST 16 1993**

This document has been  
corrected by IC No.2014  
Dated 8/11/2006

F-14871-A

Seward Meridian, Alaska (Unsurveyed)

T. 17 N., R. 59 W.

- Secs. 5 and 6;
- Sec. 7, excluding Native allotment F-16848;
- Sec. 8;
- Sec. 9, excluding U.S. Survey No. 6479 and Native allotments F-17377 Parcel A and F-17952 Parcel A;
- Sec. 10, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;
- Secs. 11 to 14, inclusive;
- Sec. 15, excluding U.S. Survey No. 6479 and Native allotment F-17952 Parcel A;
- Sec. 16, excluding U.S. Survey No. 6479 and Native allotments F-029262 Parcel B, F-16851, F-17377 Parcel A and F-17952 Parcel A;
- Sec. 17, excluding U.S. Survey No. 4142 and Native allotments F-029262 Parcel A, F-15701 Parcel B and F-16190 Parcel A;
- Sec. 18, excluding Native allotments F-16848 and F-16919;
- Sec. 19, excluding Native allotment F-16847;
- Sec. 20, excluding Native allotments F-029262 Parcel A and F-15701 Parcel A;
- Sec. 21, excluding Native allotments F-029262 Parcel B, F-16205 Parcel A and F-16851;
- Sec. 22.

Containing approximately 7,547 acres.

Interim Conveyance No. 1567

Date AUGUST 16 1993

This document has been  
corrected by IC No.2014  
Dated 8/11/2006

F-14871-A

T. 18 N., R. 62 W.  
Sec. 35.

Containing approximately 400 acres.

Aggregating approximately 81,251 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath rivers or streams 3 chains wide (198 feet) and wider and lakes 50 acres and larger, which are meanderable according to the 1973 Bureau of Land Management Manual of Surveying Instructions, as modified by Departmental regulation 43 CFR 2650.5-1, and navigable waters, if any, of lesser size. These submerged lands will be identified at the time of survey.

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

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 or supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted; and
2. All the easements and rights-of-way referenced in the aforementioned conveyance of the surface estate, and to valid

Interim Conveyance No.

**1567**

Date

**AUGUST 16 1993**

This document has been  
corrected by IC No.2014  
Dated 8/11/2006

existing rights, if any, in the said subsurface estate, 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; and

3. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1601, 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village of Upper Kalskag shall be subject to the consent of The Kuskokwim Corporation (Successor in Interest to Upper Kalskag Incorporated).

This Interim Conveyance is issued for the sole purpose of correcting paragraph one of Interim Conveyance No. 750, dated September 30, 1983, recorded in Book 17, Page 233, Kuskokwim Recording District, which erroneously conveyed the surface estate instead of the subsurface estate.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this sixteenth day of August, 1993, in Anchorage, Alaska.

UNITED STATES OF AMERICA

*/s/ Ann Johnson*

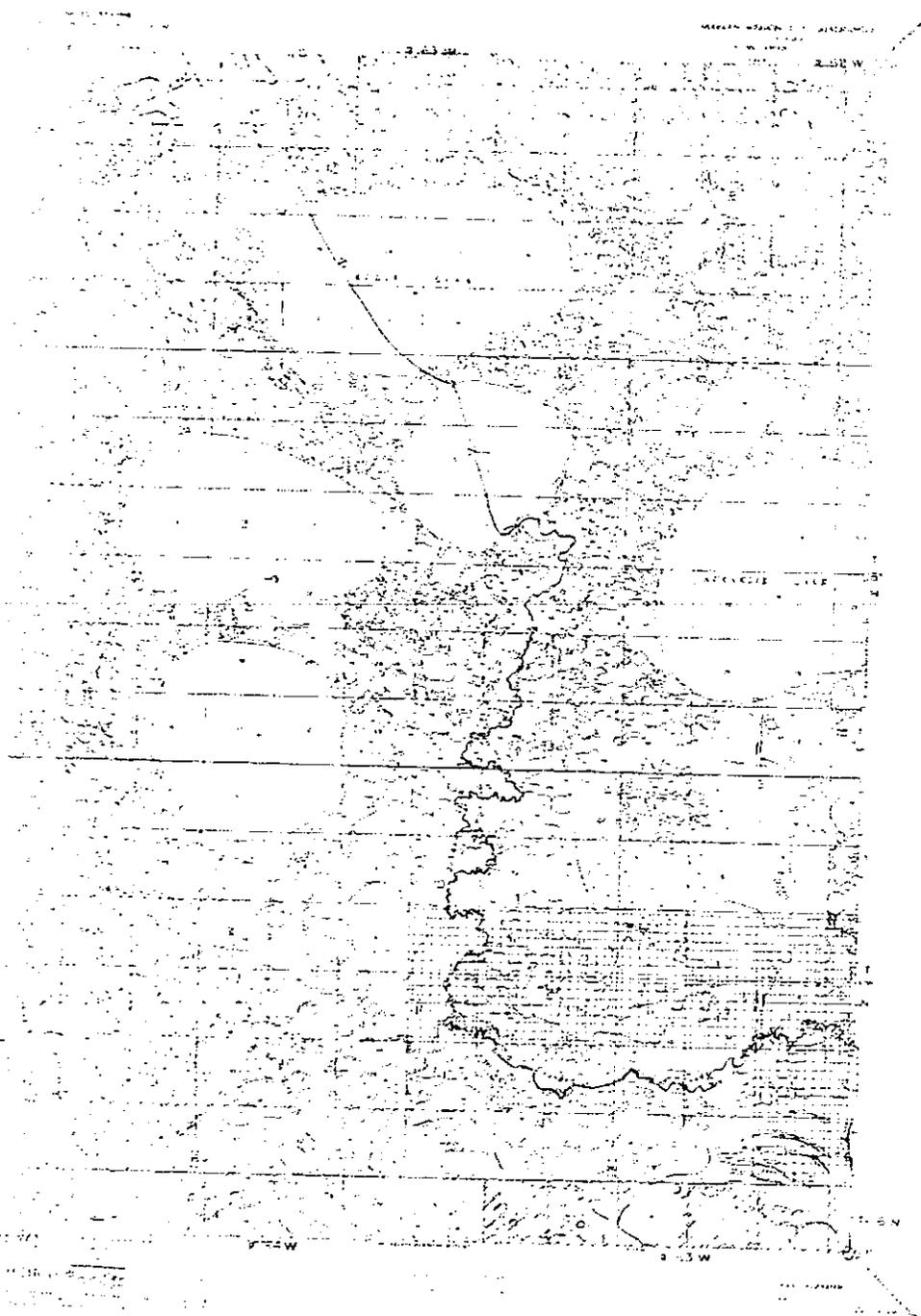
\_\_\_\_\_  
Ann Johnson  
Chief, Branch of Calista Adjudication

Interim Conveyance No. **1567**

Date AUGUST 16 1993

This document has been  
corrected by IC No.2014  
Dated 8/11/2006





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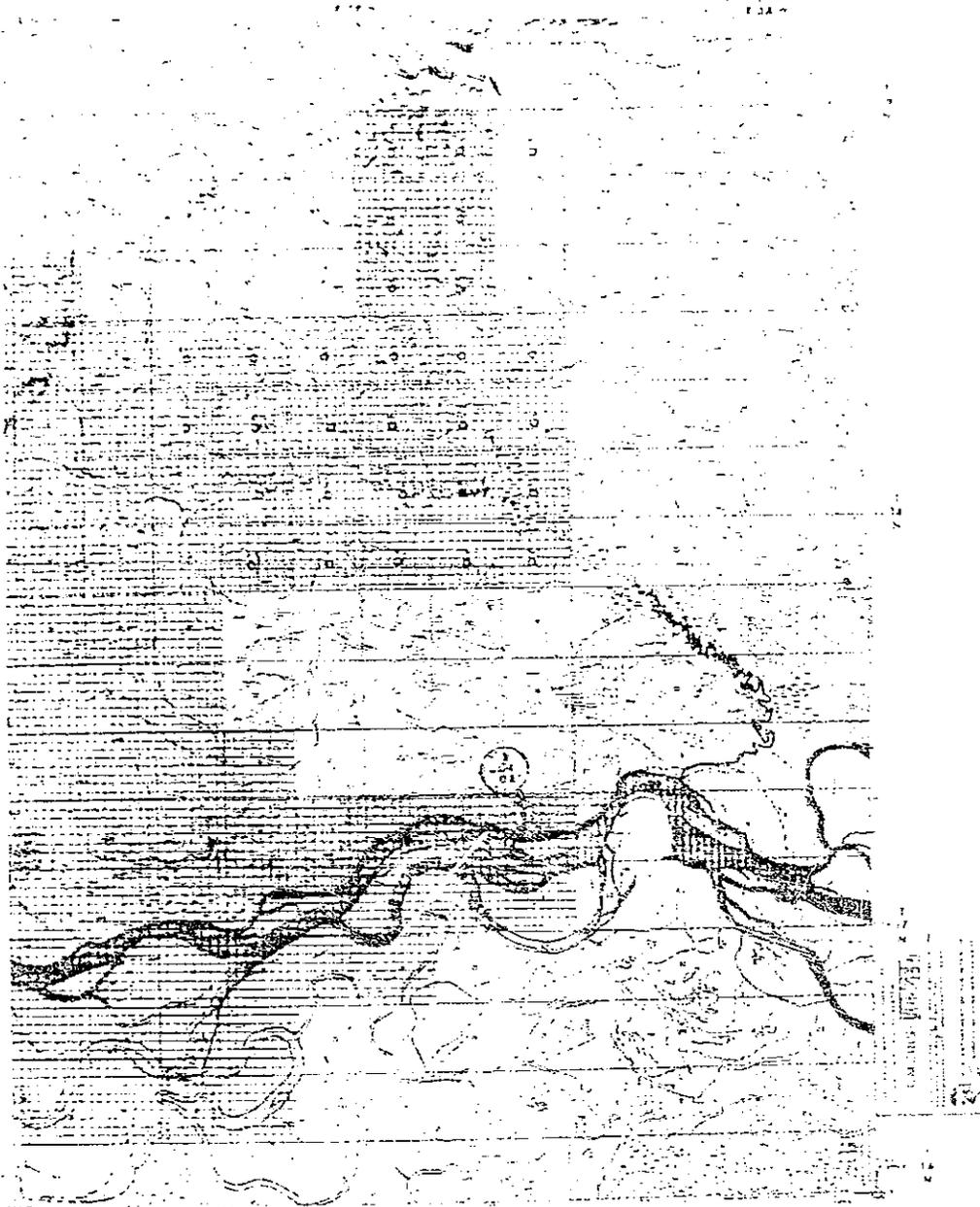
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Scale  
 1 inch = 1 mile  
 1 centimeter = 1 kilometer

U.S. GEOLOGICAL SURVEY  
 WATER RESOURCES DIVISION

744

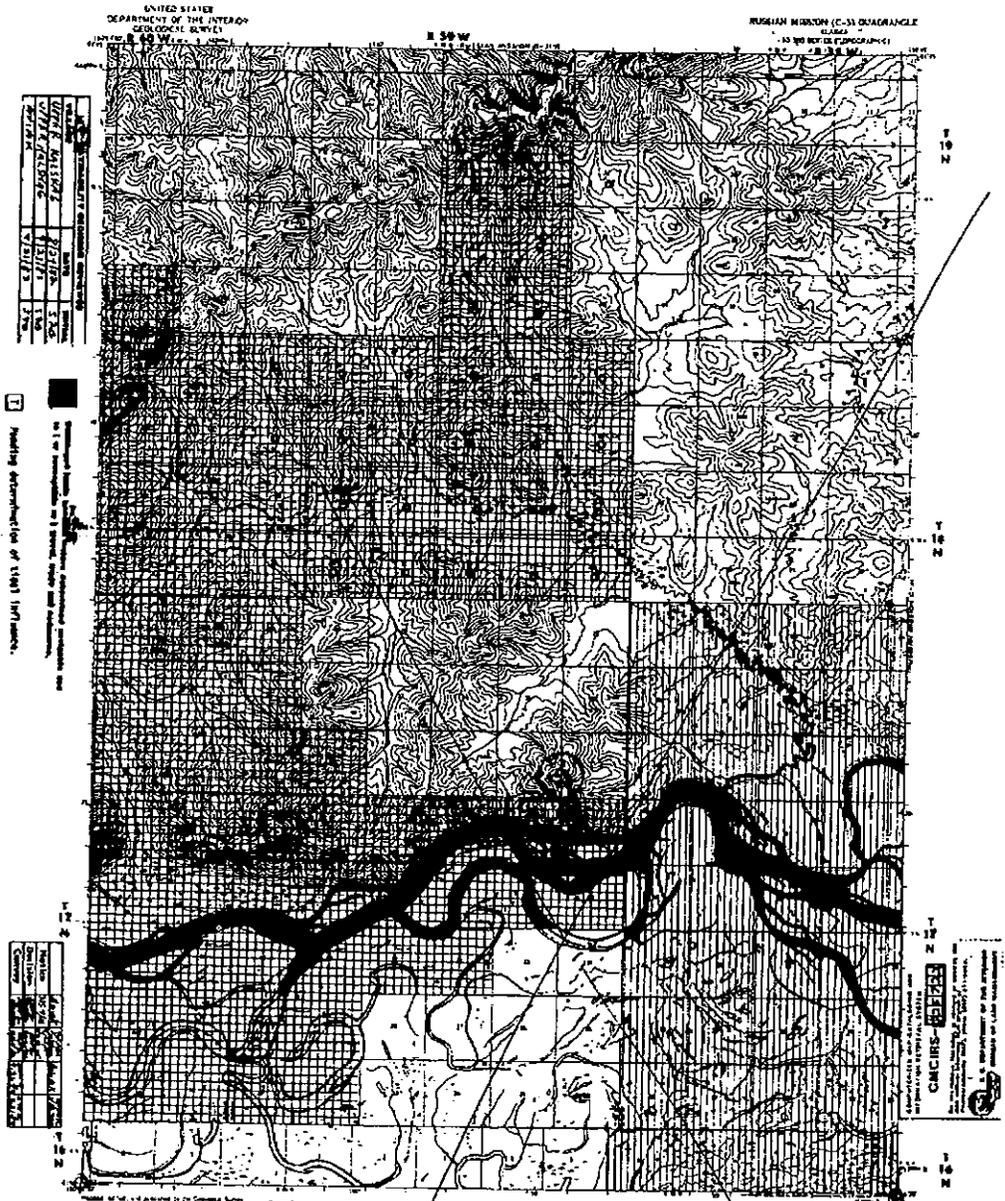
SEP 10 1963  
 [Signature]  
 W.A. [Name]



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SEP 30 1953  
 [Signature]  
 [Signature]

749



|      |         |
|------|---------|
| DATE | 12/1/73 |
| BY   | ...     |
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1 Indicates determination of 1948 Settlements.

|     |     |
|-----|-----|
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United States Department of the Interior  
 Bureau of Land Management  
 Alaska State Office  
 Anchorage, Alaska  
 Application of Act of 1974  
 Represents interest whole section  
 (Application may be less than 640 acres)  
 Corn Township  
 O-Over-Selections

**KALSAG VILLAGE SELECTION**  
 Application of Act of 1974  
 Represents interest whole section  
 (Application may be less than 640 acres)  
 Corn Township

**ANIAG VILLAGE SELECTION**  
 Application of Act of 1974  
 Represents interest whole section  
 (Application may be less than 640 acres)  
 Corn Township

RUSSIAN MISSION (C-3) ALASKA  
 RUSSIAN MISSION C-3

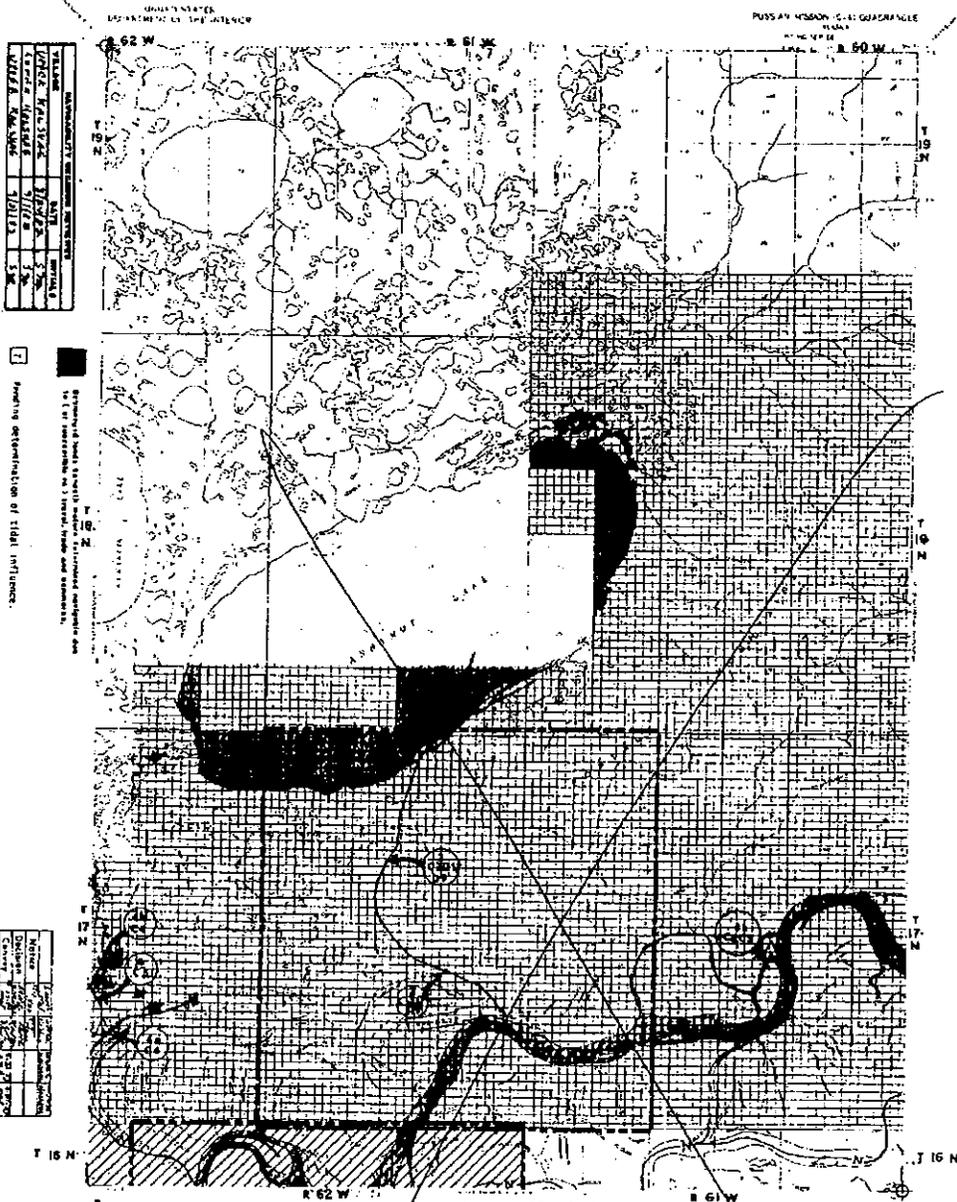
CMC (RS) - 02/19/74  
 U.S. DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Revised 2/19/74 928

*...*

750

SEP 30 1973 Alaska State Office  
 DATE Anchorage, Alaska  
 I hereby certify that this reproduction is a  
 copy of the official record on file in this office.  
*Ann Johnson*  
 AUTHORIZED SIGNATURE



|        |        |        |
|--------|--------|--------|
| UNIT   | DATE   | BY     |
| 1/1/73 | 1/1/73 | 1/1/73 |
| 1/1/73 | 1/1/73 | 1/1/73 |
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□ Pending determination of tidal influence.

|        |        |        |
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63  
CMCIRS-257614  
REPRODUCTION OF THE ORIGINAL  
NUMBER OF COPIES MADE SELECT  
4/1/83

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

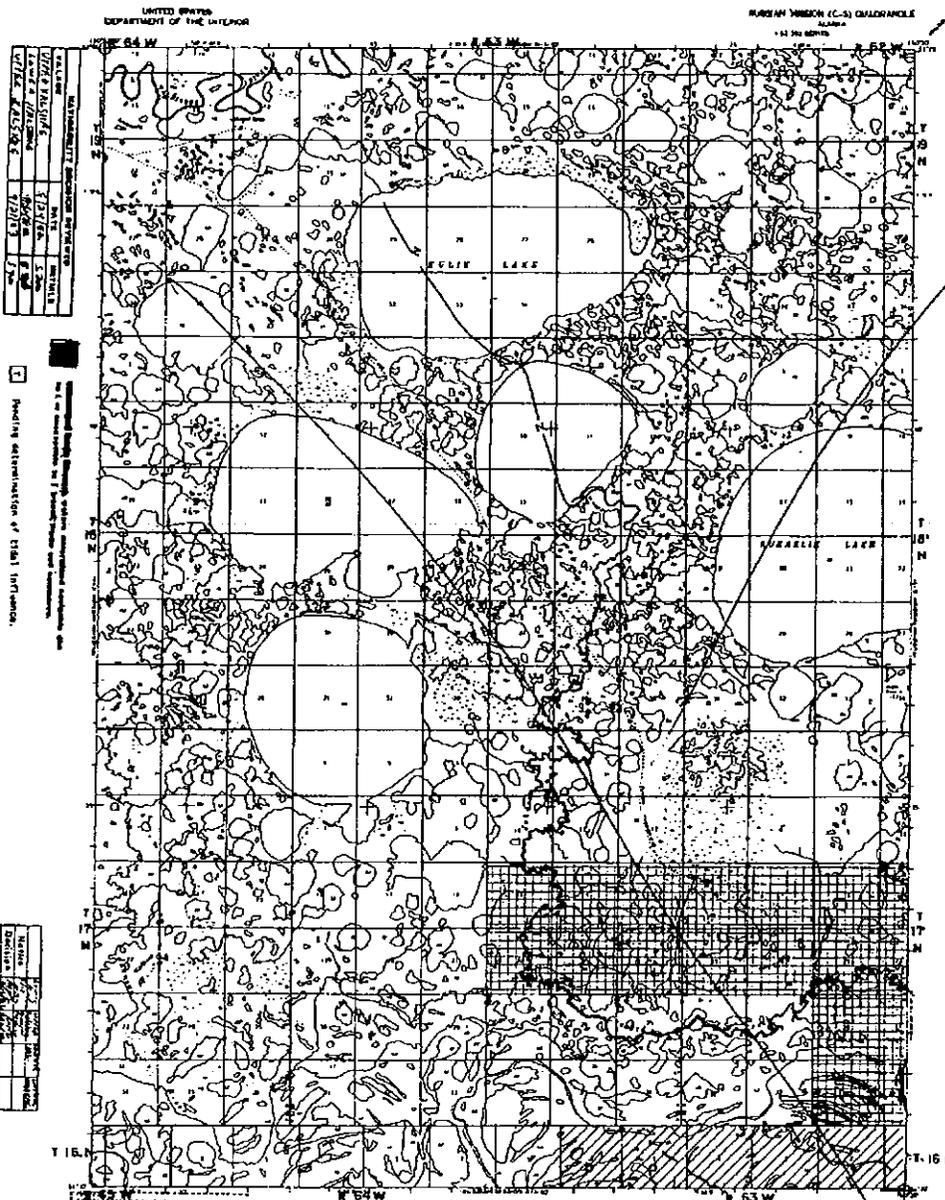
■ KALSKAG VILLAGE SELECTION  
▨ LOWER KALSKAG VILLAGE SELECTION  
--- Care Township

RUSSIAN MISSION C-4  
1/1/73

750

Alaska State Office  
Anchorage, Alaska  
SEP 30 1983  
DATE  
I hereby certify that this reproduction is a  
copy of the official record on file in this office.  
*Carol Johnson*  
AUTHORIZED SIGNATURE

BOOK 17 PAGE 239  
Kuskokwim Recording District



|      |         |
|------|---------|
| DATE | 12/1/83 |
| BY   | ...     |
| ...  | ...     |

1 Pending determination of title information.

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|-----|-----|
| ... | ... |
| ... | ... |

CMCIRS-23272  
U.S. DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

KALSAG VILLAGE SELECTION  
 LOWER KALSAG VILLAGE SELECTION

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# United States Department of the Interior



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

**Johnson River System  
Interim Summary Report  
Attachment 41**

Holy Cross-GS-FY'90-#1  
Kwiguk-GS-FY'90-#2  
Marshall-GS-FY'90-#2  
Russian Mission-GS-FY'90-#  
F-14927-EE (75.4)  
F-14915-EE (75.4)  
F-14892-EE (75.4)

JUN 13 1990

## Memorandum

To: Deputy State Director for Cadastral Survey (923)  
From: Deputy State Director for Conveyance Management (960)  
Subject: Navigable Waters in Group Survey No. 270 (Window 2028)

This memorandum identifies navigable waters on lands in Window 2028 (Marshall, Ohogamiut, Russian Mission) that are selected (but not conveyed) under ANCSA, the Statehood Act, and the Native Allotment Act. It also identifies navigable waters excluded from interim conveyances (ICs) and tentative approvals (TAs) under ANCSA and the Statehood Act. Finally, this memo identifies small land claims (usually Native allotments) abutting or straddling navigable waters on Federal lands, which are not selected under ANCSA or the Statehood Act. Navigable waters in small claims located in interim conveyed areas also are identified. (Only those cemetery and historic sites that the BIA has examined in the field are reviewed.)

The forty-two townships and navigable waters in the survey group are shown on the USGS Holy Cross, Kwiguk, Marshall, and Russian Mission quadrangles (1:250,000 scale) and are described in Table 5. The vast majority of the navigable waters have been meandered and segregated on the survey plats. Those that must yet be meandered are identified with an asterisk.

Streams averaging 198 feet or more in width are not listed in Table 5 because, regardless of their navigability status, they are segregated on the survey plats. The same is true for lakes fifty acres or more. The principal meanderable water bodies are listed in Table 1.

Navigable waters less than the meanderable size that were excluded from ICs through the use of USGS maps are listed in Table 2. Copies of these maps are attached. Navigable waters located on ANCSA-selected lands identified through aerial photo-interpretation are listed in Table 3, and are shown in red on the attached maps. Navigable waters in or along Native allotments identified through aerial photo-interpretation are listed in Table 4.

The BLM's navigability determination criteria are described in a memorandum of March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management (BLM), subject "Title to submerged lands for purposes of administering ANCSA". In general, the BLM considers nontidal water bodies navigable if, at the time of Statehood, they were suitable for travel, trade, and commerce. The Ninth Circuit Court's recent decision on the navigability of the Gulkana River provides additional guidance. In this case, the Court found that contemporary guided fishing and sightseeing activities on the river was commerce and that watercraft "customary at statehood could have at least supported commercial activity of the type carried on today." Watercraft customary at statehood included boats with a load capacity of about a thousand pounds.

The principal sources of information about the land status, history, and character of water bodies in the report area comes primarily from USGS maps, NASA aerial photographs, the BLM's Master Title Plats (MTP's), Alaska Automated Lands and Mineral Record System (AALMRS), navigability reports, and Native allotment case files, and local residents. Bill Brown of the Navigability Section also interviewed the following people by phone:

| <u>Name</u>         | <u>Date</u> | <u>Phone No. and Background</u>                            |
|---------------------|-------------|--|
| David Kelley        | 5/1/89      | 267-1256, BLM Resource Specialist                          |
| Ephrim Kozevnikoff  | 5/1/89      | 584-5883, Russian Mission resident                         |
| Enakenty Stephanoff | 5/1/89      | 584-5883, Russian Mission resident                         |
| David Cooper        | 8/1/89      | 679-6325, Marshall resident                                |
| Alex Nick           | 8/1/89      | 584-5885, Land Planner, Russian Mission Native Corporation |
| Randy Kacyon        | 8/2/89      | 543-2433, ADF&G, Bethel                                    |
| Ron Regnart         | 8/2/89      | 334-0541, ADF&G, Fairbanks                                 |
| Don Hunter          | 8/6/89      | 679-6527, Marshall resident                                |
| Frank Coffee        | 8/15/89     | 679-6229, Marshall resident                                |
| Ben Sitka           | 8/15/89     | 679-6686, Marshall resident                                |
| Mike Stockberger    | 8/17/89     | 584-5313, Schoolteacher and pilot in Russian Mission       |

Brown also contacted a number of people who were not familiar with the water bodies in question or could not provide substantive information. They are listed below.

| <u>Name</u>     | <u>Phone Number and Background</u>                             |
|-----------------|--|
| Gary Pierce     | (456-8819) ADF&G, Fairbanks                                    |
| Mike Kramer     | (456-8819) Fishery Biologist ADF&G, Fairbanks                  |
| Mike Geiger     | (337-7570) ADF&G, Retired, Anchorage                           |
| Steve Machita   | (443-2271) Wildlife Biologist ADF&G, Kotzebue                  |
| Mike Reardon    | (543-3158) Wildlife Biologist, Yukon-Kuskokwim Wildlife Refuge |
| Camille Boliver | (679-6312) Marshall resident                                   |
| Mike Doxie      | (456-8819) ADF&G, Fairbanks                                    |
| Eugene Tetinek  | (679-6429) Miner in Marshall                                   |
| Vernon Evan     | (679-6688) Marshall resident                                   |

For a full account of the interviews, see William C. Brown to Files, May 26 and August 31, 1989, files F-14927-EE, F-14915-EE and F-14892-EE.

### Kako Creek

Kako Creek heads in the Ilivit Mountains and flows southeast thirty miles to Kako Lake, which empties into Yukon River east of Arctic Island, five miles north of Russian Mission. It is shown as a single line on the USGS Russian Mission D-7 (1952, minor quadrangle revisions 1975). (NASA aerial photography is not available in this area.) This creek's gradient is about eight feet per mile.

The creek flows through ANCSA-selected lands in Secs. 21, 28, and 34, T. 21 N., R. 66 W., SM, and in Secs. 2, 10, 11, 14, 15, 22, and 27, T. 22 N., R. 66 W., SM. The submerged lands in Secs. 3, 4, 9, 15, 16, 22 and 27, T. 21 N., R. 66 W., SM, and Sec. 34, T. 22 N., R. 66 W., SM, are interim conveyed (IC 854).

Ephrim Kozevnikoff and Enakenty Stephanoff, both of whom have Native allotments near Kako Creek, stated it is possible to take a boat at least fourteen feet long and equipped with a forty-horsepower outboard motor up the stream from Kako Lake at least six miles in the spring after breakup. Smaller craft could go up even further. David Kelly, a BLM employee, flew over Kako Creek in August 1988 and reported the stream to be forty to sixty feet wide and an estimated two feet deep. Kelly, who has considerable experience in rafting rivers in Alaska, stated that a person with a canoe or raft could navigate this stream for eight or ten miles.

On August 22, 1989, BLM employee Bill Brown flew up Kako Creek, including that section that flows through ANCSA-selected lands in Tps. 21 and 22 N., R. 66 W., SM. According to Brown, the creek follows a very sinuous course through stands of tall spruce. It gradually narrows from one hundred feet at its mouth to about thirty feet where it first crosses ANCSA-selected lands. The water depth averages about two feet; it is shallower over occasional gravel bars. Pools five to six feet deep exist at many of the bends. The current is sluggish in the lower reaches. Sweepers occur frequently, but they can be easily negotiated without portaging. "Canoes or rafts would have no difficulties floating this stream," Brown concluded. (See William C. Brown to files, with photos, September 6, 1989, file F-14927-EE.)

I determine Kako Creek navigable in Secs. 21, 28, and 34, T. 21 N., R. 66 W., SM, and in Secs. 2, 10, 11, 14, 15, 22, and 27, T. 22 N., R. 66 W., SM. The creek is thirty to one hundred feet wide, and about two feet deep with deeper pools. Two local residents regularly take advantage of high water periods to ascend the creek five or six miles in boats powered by outboard motors. Several BLM employees who have flown over the creek, reported that canoes and rafts could be taken down the creek without difficulty from points beyond the ANCSA-selected area.

### Johnson River

Johnson River passes through ANCSA-selected lands in Secs. 4-9, 17 and 18, T. 15 N., R. 69 W., Secs. 28, 29, 32 and 33, T. 16 N., R. 69 W., and in Secs. 1-3, 10 and 12, T. 15 N., R. 70 W., SM. The remaining land in each

township is public land. In addition, the following small claims either straddle or front Johnson River:

| <u>File No.</u> | <u>Location</u>                         |
|-----------------|---|
| 1. AA-11471     | Secs. 2 and 11, T. 15 N., R. 69 W., SM. |
| 2. AA-50580     | Sec. 12, T. 15 N., R. 69 W., SM.        |
| 3. AA-11643     | Sec. 29, T. 15 N., R. 70 W., SM         |
| 4. AA-31291     | Sec. 18, T. 15 N., R. 70 W., SM.        |
| 5. AA-11474     | Sec. 17, T. 15 N., R. 70 W., SM.        |

The BLM has determined upstream portions navigable. On December 16, 1988, the Navigability Section recommended that this river be determined navigable where it fronts on Native allotments AA-50580 and F-14181, located in Sec. 12, T. 15 N., R. 69 W., and Secs. 7 and 12, T. 15 N., Rs. 68 and 69 W., SM, respectively. (Carl Neufelder to files AA-50580 and F-14181, December 16, 1988). On May 8, 1989, the BLM determined a section in T. 17 N., R. 63 W., SM, navigable. (Wayne A. Boden to Deputy Director for Cadastral Survey, May 8, 1989, file F-14871-EE.)

I determine Johnson River navigable where it crosses or abuts these small claims. The BLM has determined sections of the river upstream of these claims navigable. As these are no portages or obstructions downstream, it follows that the river is navigable here as well.

#### Kuyukutuk River

From the junction of its South and West forks, this river flows northwest fifty miles to Five Day Slough, seventeen and one-half miles north of Marshall in the Yukon-Kuskokwim Delta. (See USGS Russian Mission D-8.) The lower reaches of the river is ANCSA-selected in Sec. 8, T. 22 N., R. 69 W., SM; the upper reaches, in Secs. 24, 25, 35 and 36, T. 21 N., R. 68 W., SM. The submerged lands in Secs. 9, 15, 16, 22, 23, 25, 26 and 36, T. 22 N., R. 68 W., and Sec. 13 in T. 21 N., R. 68 W., are interim conveyed (IC 738).

On the USGS maps, the river is double-lined where it crosses the lowlands. Here its gradient is virtually flat. In the foothills and mountains, the river is single-lined. In the three miles below the junction of the West and South forks, which encompasses part of the selection area, the stream's gradient is about twenty feet per mile. High-altitude aerial photographs are not available for this area.

The uppermost Native allotments on this stream are located in T. 22 N., R. 69 W., SM. Low-level photographs in Native allotment case files F-18102-A and F-18101-B in Sec. 6 and F-18149-A in Sec. 4 in T. 22 N., R. 69 W., show a one-hundred-foot-wide river with high, vegetated banks. The river appears to be deep. There is no evidence of riffles in the photos. A village site is reported in Sec. 6.

Local residents were not able to provide much information about the upper reaches of the Kuyukutuk or its tributaries. Nick, Coffee, and Sitka, all of whom have followed the winter trail along the West Fork, seemed doubtful about the West Fork's potential as a navigable stream. Several said it was narrow,

steep-banked, and likely shallow. Stockberger, who has flown over the West Fork, said it is ten to twelve feet wide, one to one and a half feet deep, and steep-banked. He remembered seeing many beaver dams.

Stockberger and Cooper believed that the Kuyukutuk is navigable for canoes and inflatable rafts. Cooper said that he once took a boat up the river twenty-two miles. He described the river as one hundred feet wide and four to five feet deep. He claimed the entire length of the river is suitable for canoes.

In late August, 1989, Bill Brown of the Navigability Section made an aerial inspection of the upper and mid reaches of the river and its West Fork. According to Brown, the river flows in a well-defined channel fifty to sixty feet wide and is approximately two feet deep. The current is moderate. There are no sweepers, gravel bars, or other obstructions that could impede travel by a canoe or raft. In fact, Brown reported, the river provides excellent canoeing or rafting opportunities in a wilderness setting.

I find the Kuyukutuk River navigable in Sec. 8, T. 22 N., R. 69 W., and in Secs. 24, 25, and 36 in T. 21 N., R. 68 W., SM, to the mouth of the South Fork in Section 35. According to a BLM employee who flew over the river, the stream is sufficiently wide and deep to permit floating a canoe and raft, even in August when water levels are seasonally the lowest.

#### Other Water Bodies

All other water bodies less than the meanderable size in the report area and not listed in the attached tables are non-navigable. The creeks are too steep, narrow, or shallow. The sloughs are filled with vegetation, or they are discontinuous, dry, or landlocked. The lakes are too small; many are also landlocked.

*W. Wayne A. Euden*

Enclosures:  
USGS maps (blue line)

cc:

State Interest Determinations Unit  
Division of Land and Water Management  
Alaska Department of Natural Resources  
Box 7-005  
Anchorage, Alaska 99510  
(with maps)

State of Alaska  
Department of Natural Resources  
Title and Contract Section  
3601 C Street, Suite 960  
Anchorage, Alaska 99503  
(w/o maps)

Maserculiq, Inc.  
Marshall, Alaska 99585  
(with maps)

Ohog, Inc.  
via Russian Mission, Alaska 99657  
(with maps)

(Yukon) Russian Mission Native Corporation  
Russian Mission, Alaska 99657  
(with maps)

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501  
(w/maps)

Table 1Partial Listing of Sloughs, Rivers, and Streams More Than Three Chains Wide and Lakes Fifty Acres in Size in Survey Window 2028 (Marshall)

1. Yukon River
2. Center Slough
3. Poltes Slough
4. Five Day Slough
5. Monarch Slough
6. Owl Creek
7. Wilson Creek
8. Circle Slough
9. Nunvotchuk Lake
10. Kako Lake
11. Portion of Talbiksok River in Secs. 27, 33 and 34, T. 19 N., R. 66 W., SM, double-lined on USGS map
12. Thirtytwo Kazyga Slough
13. Slough from its mouth in Sec. 26, T. 18 N., R. 68 W., SM to and through Sec. 21, T. 18 N., R. 67 W., SM (Russian Mission C-7)
14. Portage Slough
15. Cross Slough
16. Middle Slough
17. Devils Elbow
18. Slough in Sec. 31, T. 18 N., R. 69 W., and Secs. 25, 26, 34, 35 and 36, T. 18 N., R. 70 W., SM (Russian Mission C-8)
19. Sloughs in Secs. 19, 29, 30 and 32, T. 20 N., R. 70 W., SM (Marshall D-1)
20. Portions of slough in Secs. 5, 8, 9, 17 and 18, T. 21 N., R. 71 W., SM, double-lined on USGS Marshall D-1 map
21. Engineer Lake and Creek in Secs. 22-26, T. 19 N., R. 70 W., and Secs. 19, 20, 29, and 30, T. 19 N., R. 69 W., SM. (Russian Mission C-8)
22. Tuckers Slough

Table 2

Rivers, Streams, and Sloughs Less Than Three Chains  
Wide and Lakes Less Than Fifty Acres in Size,  
Excluded From IC's in Survey Window 2028 (Marshall)

1. Portion of Wilson Creek in Secs. 35 and 36, T. 21 N., R. 70 W., SM, double-lined on USGS Marshall D-1 map (IC 737).
2. Tuckers Slough in Sec. 2, T. 21 N., R. 64 W., and Secs. 25, 35 and 36, T. 22 N., R. 64 W., SM; and its northernmost tributary in Sec. 2, T. 21 N., R. 64 W., S.M. (IC 853)(Russian Mission D-6).
3. Slough with its mouth in Sec. 33, T. 18 N., R. 68 W., SM, to and through Sec. 31, T. 18 N., R. 67 W., SM (IC 646)(Russian Mission C-7 and C-8).
4. Portion of slough (mouth in Sec. 34, T. 18 N., R. 68 W., SM.) double-lined on USGS map, in Sec. 34, T. 18 N., R. 68 W., SM (IC 646)(Russian Mission C-7).
5. Portion of slough (joins slough #3 in Sec. 33) double-lined on USGS map in Sec. 33, T. 18 N., R. 68 W., SM, (IC 646)(Russian Mission C-7).
6. Weare Dike in Sec. 27, T. 18 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
7. Nunvotchuk Lake outlet in T. 19 N., R. 66 W., and T. 20 N., R. 66 W., SM (IC 853)(Russian Mission D-7).
8. Slough heading in Yukon River slough in Secs. 29 and 32, T. 18 N., R. 67 W., and emptying into slough in Sec. 31 (IC 646)(Russian Mission C-7 and C-8).
9. Slough of Thirtytwo Kazyza Slough in Secs. 34 and 35, T. 19 N., R. 67 W., and Sec. 3, T. 18 N., R. 67 W., SM (Sec. 34 portion excluded in IC 853) (Russian Mission C-7). Entire slough appears dry in CIR 60, roll 2913, frame 6789, July 1980.
10. Portion of Yukon River slough double-lined in NE $\frac{1}{4}$  Sec. 23, T. 18 N., R. 68 W., SM (IC 646)(Russian Mission C-7).
11. Stream (mouth in Sec. 19, T. 17 N., R. 70 W.) in Secs. 19-27, and 30, T. 17 N., R. 69 W., SM (downstream portion is more than 3 chains wide) (Marshall C-1, Russian Mission C-8) (IC 646).
12. Left bank tributary of #11, portion double-lined on USGS map in Secs. 19 and 20, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
13. Right bank tributary of #11, portion double-lined on USGS map in Secs. 16, 17, 20, and 21, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).

14. Left bank tributary of #11, portion double-lined on USGS map in Secs. 21 and 22, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
15. Right bank tributary of #11 in Secs. 22 and 23, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
16. Right bank tributary of #11, portion double-lined on USGS map in Secs. 14, 23, and 24, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
17. Left bank tributary of #11, portion double-lined on USGS map in Secs. 23, 26, 27, and 34, T. 17 N., R. 69 W., SM (IC 646)(Russian Mission C-8).
18. Washburn Slough (mouth in Sec. 11, T. 17 N., R. 70 W.) and its branches in Secs. 1, 2, 11 and 12 double-lined on the USGS map. (IC 646)(Russian Mission C-8).
19. Left bank tributary of #11, portion double-lined on USGS map, in Secs. 25 and 36, T. 17 N., R. 70 W., SM (IC 646)(Russian Mission C-8).
20. Right bank tributary of #11, in Secs. 28, 29, 33, and 34, T. 17 N., R. 70 W., SM (IC 646)(Russian Mission C-8).
21. Left bank tributary of #11, portion double-lined on USGS map in Sec. 31, T. 17 N., R. 70 W., SM (IC 646)(Marshall C-1).
22. Blade Island slough heading in Sec. 34, T. 18 N., R. 70 W., and emptying into Sec. 9, T. 17 N., R. 70 W., in Secs. 33 and 34, T. 18 N., R. 70 W., and in Secs. 4 and 9, T. 17 N., R. 70 W., SM (IC 646)(Russian Mission C-8). South half of slough appears dry in CIR 60, roll 2913, frame 6759, July 1980.
23. Yukon River-Poltes Slough slough in Secs. 16, 20, and 21, T. 21 N., R. 70 W., SM (IC 737)(Marshall D-1).
24. Slough or lake and its effluent in Secs. 22 and 27, T. 21 N., R. 70 W., SM (IC 737)(Marshall D-1). (Patented in 1983.)
25. Slough of Owl Creek heading in Sec. 36, T. 21 N., R. 71 W., and emptying in Sec. 8, T. 20 N., R. 71 W., in Secs. 5 and 8, T. 20 N., R. 71 W., SM (virtually dry in CIR 60, roll 2800, frame 3944) (IC 737)(Marshall D-1).
26. Slough of Poltes Slough in Secs. 33-36, T. 22 N., R. 71 W., and in Sec. 5, T. 21 N., R. 71 W., SM (IC 737)(Marshall D-1).
27. Slough of Yukon River in Sec. 24, T. 22 N., R. 72 W., and in Secs. 28-30, T. 22 N., R. 71 W., SM (IC 737)(Marshall D-1, D-2).
28. Yukon River island slough in Sec. 32, T. 20 N., R. 70 W., and Sec. 5, T. 19 N., R. 70 W., SM (IC 737)(Marshall D-1).
29. Yukon River slough in Sec. 21, T. 18 N., R. 68 W., SM (Russian Mission C-7).
30. Portion of Yukon River slough double-lined on USGS Russian C-8 in NW¼ Sec. 29, T. 18 N., R. 68 W., SM (Russian Mission C-8).

31. Yukon River slough (mouth in Sec. 26, T. 18 N., R. 68 W.) in Sec. 26.  
(IC 646) (Russian Mission C-7)
32. Yukon Russian slough, portion in Sec. 32, T. 21 N., R. 65 W. (IC 853)  
(Russian Mission D-6)

Table 3

Navigable Rivers, Streams, and Sloughs  
on ANCSA-Selected Land in Survey Window 2028 (Marshall)  
Identified Through Aerial Photo-Interpretation

1. Stream emptying into Yukon River in Secs. 22 and 33, T. 18 N., R. 67 W., SM; to right bank tributary in NE $\frac{1}{4}$  Sec. 10, T. 18 N., R. 66 W. (in Secs. 8-10, 16, 17, 19 and 20, T. 18 N., R. 66 W., and Secs. 22-24, and 28, T. 18 N., R. 67 W.) Also, that portion of its tributary double-lined on the USGS map in Sec. 20, T. 18 N., R. 66 W., S.M. (Roll 2913, Frame 6763, July 1980) (Russian Mission C-7.)
2. Stream emptying into Thirtytwo Kazyza Slough in Sec. 13, T. 18 N., R. 68 W., and Secs. 4, 5, 7, 8, and 18, T. 18 N., R. 67 W.; portion double-lined on USGS Russian Mission C-7 map (Roll 2913, Frame 6763, July 1980).
3. Portion of stream (mouth in Sec. 23) double-lined on USGS maps in Secs. 12-14, and 23, T. 18 N., R. 67 W., SM (Roll 2913, Frame 6765, July 1980) (Russian Mission C-7). Also, its double-lined tributary in Secs. 14 and 23.
4. Stream (mouth in Sec. 28, T. 18 N., R. 67 W.) heading in small lake in Sec. 30, T. 18 N., R. 66 W., SM; in Sec. 28, T. 18 N., R. 67 W., SM (Roll 2913, Frame 6765, July 1980) (Russian Mission C-7).
5. Stream emptying into Engineer Creek in Sec. 25, T. 19 N., R. 70 W., SM; to forks in SE $\frac{1}{4}$  Sec. 31, T. 19 N., R. 69 W., SM. (Roll 2913, Frame 6792, July 1980) (Traverses Secs. 25 and 36, T. 19 N., R. 70 W., and Sec. 31, T. 19 N., R. 69 W.) (Russian Mission C-8.)
6. Tributary of #5 (mouth in Sec. 31, T. 19 N., R. 69 W., SM.) to forks in Sec. 6, T. 18 N., R. 69 W., SM (Roll 2913, Frame 6792, July 1980). (Russian Mission C-8.)
7. Tributary of #5 in Secs. 29-32, T. 19 N., R. 69 W., SM (double-lined on USGS Russian Mission C-8.) (Roll 2913, Frame 6792, July 1980).
8. Portions of stream emptying into Yukon River in Sec. 2, T. 18 N., R. 70 W., SM, double-lined on USGS map in Secs. 7 and 18, T. 18 N., R. 69 W., SM (Roll 2913, Frames 5434 and 6794, July 1980.) (Russian Mission C-8.)
9. Portion of stream double-lined on USGS map in Sec. 19, T. 18 N., R. 69 W., SM (Roll 2913, Frame 6794, July 1980).
10. Stream emptying into Five Day Slough in Sec. 20; in Secs. 20, 21 and 22, T. 22 N., R. 70 W., SM (Roll 2500-77, Frame 5434, June 1977). (Marshall D-1).

11. Tributary of Five Day Slough (mouth in E½ Sec. 8) in Secs. 8, 9, and 16, to forks in E½ Sec. 16, T. 22 N., R. 70 W., SM (Roll 2500, Frame 5434, June 1977) (Kwiguk A-1, Marshall D-1).
12. Tributary of Five Day Slough (mouth in Sec. 4), portion double-lined in Secs. 4, 9 and 10, T. 22 N., R. 70 W., SM (Roll 2500, Frame 5434, June 1977) (Kwiguk A-1).
13. Slough emptying into Yukon River in Sec. 23, T. 22 N., R. 72 W., SM; in Sec. 23. (Roll 2500, Frame 5435, June 1977) (Marshall D-2).
14. Yukon River-Chuilnak River slough in Secs. 8 and 9, T. 22 N., R. 72 W., SM (Roll 2500, Frame 5434, June 1977) (Kwiguk A-2).
15. Branch of #14 in Sec. 10, T. 22 N., R. 72 W., SM (Roll 2500, Frame 5435, June 1977) (Kwiguk A-1).
16. Yukon River slough (mouth in Sec. 26, T. 18 N., R. 68 W.) in Secs. 24 and 25, T. 18 N., R. 68 W., SM (Roll 2913, Frame 6763, July 1980) (Russian Mission C-7).
17. Hook-shaped lake and its effluent in NE¼, Sec. 25, T. 19 N., R. 70 W., and Sec. 30, T. 19 N., R. 69 W., SM (Roll 2913, Frame 6792, July 1980) (Russian Mission C-8). (Effluent in Sec. 24 was conveyed by IC 737.)
18. Portions of Engineer Creek tributary (mouth in Sec. 25, T. 19 N., R. 70 W.) double-lined on USGS Russian Mission C-8 map; in Secs. 25 and 36, T. 19 N., R. 70 W., SM (Roll 2913, Frame 6792, July 1980) (Russian Mission C-8).

Table 4

Navigable Waters In or Along Certain Native Allotments  
in Survey Window 2028 (Marshall) Identified Through  
Aerial Photo-Interpretation

1. Slough (mouth in Sec. 21) double-lined on USGS Russian Mission D-6 in Native allotment F-16100 in Secs. 22 and 27, T. 21 N., R. 64 W., SM (Roll 2911, Frame 6269, July 1980).
2. Slough in Secs. 2, 10, and 11 in Native allotment F-16094-B, T. 19 N., R. 67 W., SM (Roll 2913, Frame 6789, July 1980) (USGS Russian Mission D-7).
3. Slough double-lined on USGS Russian Mission D-8 in Sec. 30, T. 22 N., R. 69 W., SM through Native allotment AA-56223-A (no aerial photos available).
4. Slough double-lined on USGS Russian Mission C-8 in Secs. 9 and 16, T. 19 N., R. 70 W., SM, in Native allotments F-17481-A, F-18099-A, and F-17341-A (Roll 2913, Frame 6794, July 1980).
5. Slough single-lined on USGS Marshall C-1 in Sec. 19, T. 17 N., R. 70 W., SM, in Native allotments F-15609-A, F-18368-C, F-17238-B, F-17240-A, and F-18191-B (Roll 2913, Frame 6759, July 1980).
6. Sloughs on USGS Russian Mission D-8 and Marshall D-1 in Sec. 32 and 33, T. 20 N., R. 70 W., SM, and Secs. 4, 5, and 9, T. 19 N., R. 70 W., SM, in Native allotments F-15598-B, F-15609-C, and F-17337-A (Roll 2913, Frame 6733, July 1980).
7. Right bank slough of Yukon River on USGS Russian Mission C-7 in Sec. 21, T. 18 N., R. 68 W., in Native allotment F-16103-A (Roll 2913, Frame 6762, July 1980).
8. Portion of right bank slough of Yukon River double-lined on USGS Russian Mission C-7 in Sec. 29, T. 18 N., R. 68 W., in Native allotment F-17337-C (Roll 2913, Frame 6762, July 1980).
9. Lake and its outlet on USGS Russian Mission C-7 in Sec. 29, T. 18 N., R. 68 W., in Native allotments F-16107 and F-17233-C (Roll 2913, Frame 6726, July 1980).
10. Slough (mouth in Sec. 28, T. 18 N., R. 67 W.) along Native allotment F-16363-A on USGS Russian Mission C-7 in Secs. 34 and 35, T. 18 N., R. 67 W., SM (Roll 2913, Frame 6763, July 1980).
11. Stream along Native allotment F-16108-A on USGS Russian Mission C-7 in Secs. 2, 3, 10, and 11, T. 17 N., R. 68 W., SM (Roll 2913, Frame 6762, July 1980).

12. Stream through Native allotments F-17243-A and F-17481-B on USGS Russian Mission D-8 in Secs. 16 and 17, T. 22 N., R. 69 W., SM (Roll 2500, Frame 5434, June 1977). (Photo of canoe in file F-17243-A).
13. Kuyukutuk River fronting Native allotments F-18102-A and F-18101-B on USGS Russian Mission D-8 in Sec. 6, T. 22 N., R. 69 W., and F-18149-A in Sec. 4, T. 22 N., R. 69 W., SM (Roll 2500, Frame 5434, June 1977).

Table 5

Navigable Rivers, Streams, and Sloughs Less Than  
198 Feet Wide and Lakes Less Than 50 Acres in Size  
on Lands Selected under the Statehood Act,  
ANCSA, and Native Allotment Act  
in Survey Window 2028 (Marshall, Ohogamiut, Russian Mission)

Seward Meridian

Townships

T. 21 N., R. 64 W. (Surveyed)

Slough (mouth in Sec. 21) in Native allotment F-16100, in Secs. 22 and 27.

Tuckers Slough in Sec. 2

Northernmost tributary of Tuckers Slough, in Sec. 2

T. 22 N., R. 64 W. (Surveyed)

Tuckers Slough in Secs. 25, 35 and 36.

T. 21 N., R. 65 W. (Surveyed)

Yukon River Slough, portion in SE $\frac{1}{4}$ , Sec. 32.

22 N., R. 65 W. (Surveyed)

None.

T. 18 N., R. 66 W. (Surveyed)

Stream in Secs. 8, 9, 16, 17, 19, and 20, to right bank tributary in NE $\frac{1}{4}$  Sec. 10.

Portion of stream double-lined on USGS maps in Sec. 20.

T. 19 N., R. 66 W. (Surveyed)

Nunvotchuk Lake outlet.

T. 20 N., R. 66 W. (Unsurveyed)

Nunvotchuk Lake outlet.

T. 21 N., R. 66 W. (Surveyed)

Kako Creek in Secs. 21, 28, and 34.

T. 22 N., R. 66 W. (Surveyed)

\*Kako Creek in Secs. 2, 10, 11, 14, 15, 22, and 27.

T. 18 N., R. 67 W. (Surveyed)

\*Slough heading in Yukon River slough in Secs. 29 and 32, and emptying into slough in Sec. 31. (See attached navigability map, USGS Russian Mission C-7.)

\*Slough of Thirtytwo Kazyza Slough in Sec. 3.

Portion of stream (mouth in Sec. 23) double-lined on USGS maps in Secs. 12-14, and 23. Also, tributary of this stream double-lined on USGS maps in Secs. 14 and 23.

Stream in Secs. 22-24, and 28.

All portions of stream (empties into Thirtytwo Kazyga Slough in Sec. 13, T. 18 N., R. 68 W.), double-lined on USGS Russian Mission C-7 in Secs. 4, 5, 7, 8, and 18.

Stream (heads in small lake in Sec. 30, T. 18 N., R. 66 W.) in Sec. 28.

Slough along Native allotment F-16363-A in Secs. 34 and 35.

Slough (mouth in Sec. 33, T. 18 N., R. 68 W., SM) in Sec. 31.

T. 19 N., R. 67 W. (Surveyed)

\*Slough of Thirtytwo Kazyza Slough in Sec. 34.

Slough in Native allotment F-16094-B in Secs. 2, 10, and 11.

Tps. 20-22 N., R. 67 W. (Surveyed)

None.

T. 17 N., R. 68 W. (Surveyed)

Stream along Native allotment F-16108-A in Secs. 2, 3, 10 and 11.

Slough (mouth in Sec. 33, T. 18 N., R. 68 W., SM) in Sec. 1.

T. 18 N., R. 68 W. (Surveyed)

Slough (mouth in Sec. 33) in Secs. 33-36.

Slough (mouth in Sec. 34) in Sec. 34.

Portion of slough (mouth in NW¼NE¼ Sec. 33) double-lined on USGS Russian Mission C-7 in Sec. 33.

Stream (empties into Thirtytwo Kazyza Slough in Sec. 13) in Sec. 13.

Slough (mouth in Sec. 26) in Secs. 24, 25 and 26.

\*Right bank slough of Yukon River in Sec. 21.

\*Portion of right bank Yukon River slough double-lined on USGS map in Sec. 23.

\*Portion of right bank slough of Yukon River double-lined on USGS Russian Mission C-8 in Sec. 29.

\*Lake and outlet on right bank of Yukon River in Sec. 29 in Native allotments F-16107 and F-17233-C.

Tps. 19 and 20 N., R. 68 W. (Surveyed)

None.

T. 21 N., R. 68 W. (Surveyed)

\*Kuyukutuk River (in Secs. 24, 25, 35, and 36) to the mouth of the South Fork in Sec. 35.

T. 22 N., R. 68 W. (Surveyed)

None.

T. 15 N., R. 69 W. (Surveyed)

Johnson River.

T. 16 N., R. 69 W. (Surveyed)

Johnson River.

T. 17 N., R. 69 W. (Surveyed)

Stream (mouth in Sec. 19, T. 17 N., R. 70 W.) in Secs. 19-27, 30.

Portion of left bank tributary double-lined on USGS Russian C-8 in Secs. 19 and 20.

Portion of right bank tributary double-lined on USGS Russian Mission C-8 in Secs. 16, 17, 20, and 21.

Portion of left bank tributary double-lined on USGS Russian Mission C-8 in Secs. 21 and 22.

Right bank tributary in Secs. 22 and 23.

Portion of right bank tributary double-lined on USGS Russian Mission C-8 in Secs. 14, 23, and 24.

Portion of left bank tributary double-lined in Secs. 23, 26, 27, and 34.

T. 18 N., R. 69 W. (Surveyed)

Weare Dike in Sec. 27.

Stream (mouth in Sec. 31, T. 19 N., R. 69 W) to forks in SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 6 (portion double-lined on USGS Russian Mission C-8).

Portion of stream or lake in Sec. 31 double-lined on USGS Russian Mission C-8.

Portion of stream or lake in Sec. 19 double-lined on USGS Russian Mission C-8.

Stream or lake in Secs. 7 and 18 double-lined on USGS Russian Mission C-8.

T. 19 N., R. 69 W. (Surveyed)

\*Stream (mouth in Sec. 25, T. 19 N., R. 70 W.) to forks in Sec. 31; its left bank tributary in Sec. 31; and its right bank tributary in Secs. 29-32, specifically that portion double-lined on USGS maps.

\*Part of hook-shaped lake in Sec. 30.

Tps. 20-21 N., R. 69 W. (Surveyed)

None.

T. 22 N., R. 69 W. (Surveyed)

Slough double-lined on USGS Russian Mission D-8 in Native allotment AA-56223-A in Sec. 30.

\*Stream through Native allotments F-17243-A and F-17481-B in Secs. 16 and 17.

Kuyukutuk River fronting Native allotments F-18102-A and F-18101-B in Sec. 6 and Native allotment F-18149-A in Sec. 4; and in Sec. 8.

T. 15 N., R. 70 W. (Surveyed)

Johnson River.

T. 16 N., R. 70 W. (Surveyed)

None.

T. 17 N., R. 70 W. (Surveyed)

All portions of Washburn Slough (mouth in Sec. 11) and its branches double-lined on USGS Russian Mission C-8 in Secs. 1, 2, 11 and 12.

Portion of left bank tributary double-lined on USGS Russian Mission C-8 in Secs. 25 and 36.

\*Right bank tributary in Secs. 28, 29, 33, and 34.

Portion of left bank tributary double-lined on USGS Marshall C-1 in Sec. 31.

Slough single-lined on USGS Marshall C-1 in Sec. 19 in Native allotments F-15609-A, F-18368-C, F-17238-B, F-17240-A, and F-18191-B.

T. 18 N., R. 70 W. (Surveyed)

\*Blade Island slough (heads in Sec. 9, T. 17 N., R. 70 W., SM) in Sec. 33 and 34.

T. 19 N., R. 70 W. (Surveyed)

Sloughs double-lined on USGS Russian Mission D-8 and Marshall D-1 in Native allotments F-15598-B, F-15609-C and F-17337-A in Secs. 4, 5 and 9.

Sloughs double-lined on USGS Russian Mission C-8 in Native allotments F-17481-A, F-17341-A, and F-18099-A in Sec. 16.

\*Hook-shaped lake in NE¼, Sec. 25.

Stream (mouth in Sec. 25) in Secs. 25 and 36.

Yukon River slough in Sec. 5.

Portion of Engineer Creek tributary (mouth in Sec. 25) double-lined on USGS Russian Mission C-8 in Secs. 25 and 36.

T. 20 N., R. 70 W. (Surveyed)

Sloughs double-lined on USGS Russian Mission D-8 and Marshall D-1 in Secs. 32 and 33 and Secs. 4, 5, and 9, T. 19 N., R. 70 W., in Native allotment F-15598B, F-15609-C, and F-17337-A.

Yukon River island slough in Sec. 32 and in Sec. 5, T. 19 N., R. 70 W., SM.

T. 21 N., R. 70 W. (Surveyed)

Portion of Wilson Creek in Secs. 35 and 36 double-lined on USGS Marshall D-1 map.

\*Slough connecting Yukon River and Poltes Slough in Secs. 16, 17, 20, and 21.

T. 22 N., R. 70 W. (Surveyed)

Stream (empties into Five Day Slough in Sec. 20) in Secs. 20, 21, and 22.

Tributary of Five Day Slough (mouth in E½ Sec. 8) in Secs. 8, 9 and 16, to the forks in E½, Sec. 16.

Portion of tributary of Five Day Slough double-lined on USGS Kwiguk A-1 in Secs. 4, 9 and 10.

T. 19 N., R. 71 W. (Surveyed)

None.

T. 20 N., R. 71 W. (Surveyed)

\*Slough of Owl Creek (mouth in Sec. 8) in Secs. 5 and 8.

T. 21 N., R. 71 W. (Surveyed)

Slough of Poltes Slough in Sec. 5.

T. 22 N., R. 71 W. (Surveyed)

Slough of Poltes Slough in Secs. 34-36.

Slough in Secs. 28-30.

T. 21 N., R. 72 W. (Surveyed)

None.

T. 22 N., R. 72 W. (Surveyed)

Yukon River - Chuilnak River slough in Secs. 8 and 9.

Slough (heads in Yukon River in Sec. 28, T. 22 N., R. 71 W., and empties into Yukon River in Sec. 23) in Secs. 23 and 24.

Branch of Yukon River - Chuilnak River slough in Sec. 10.

\*Water bodies not meandered on the surveyed plats.

NAVIGABILITY REPORT  
Johnson River

Johnson River System  
Interim Summary Report  
Attachment 42

Nunapitchuk 2001

**BACKGROUND INFORMATION**

The following Native allotment applications straddle Johnson River: Daniel P. George, BLM case file AA-37832 in Sec. 31, T. 15 N., R. 71 W., SM, and Sinka Williams, BLM case file F-16023, Parcel A in Sec. 15, T. 17 N., R. 65 W., SM.

Local Name: Johnson River was reported in 1949 by the U.S. Coast & Geodetic Survey as possibly named for Eric Johnson, a prospector. The Eskimos consider this part of the Kvichavak River. Var. Anchitaktuk River, Kvichavak River, Tundra River.<sup>1</sup>

Elizabeth Andrews with the Alaska Department of Fish and Game (ADF&G) said villagers from Nunapitchuk, Kasigluk and Atmaultluak refer to the upper reaches of Johnson River as "Kuicaraq, the way to go to the river," in both the open and frozen state to reach the lower Yukon River near Russian Mission.<sup>2</sup>

Nearest Settlement: The village of Nunapitchuk is on the west bank of Johnson River about fifteen miles from its mouth.<sup>3</sup>

Length of Water Body: Orth describes Johnson River as heading in a lake two miles west of Kukaklik Lake at 61°39' N., 160°39' W., and flowing SW 215 miles to the Kuskokwim River, 15 miles southwest of Bethel (Sec. 33, T. 7 N., R. 73 W., SM).<sup>4</sup> Residents of Lower Kalskag consider Arhymot Lake as the head in Sec. 2, T. 17 N., R. 62 W., SM (200+ miles). (The section draining Arhymot Lake for sixteen miles is erroneously labeled as Crooked Creek on the Russian Mission C-5, 1952 map.<sup>5</sup>)

USGS Quadrangle(s) in selected area: Marshall B-1, 1954, Russian Mission C-6, 1952.

Aerial Photos in selected area: CIR 60, R. 2911, July 1980, Fr. 6399; R. 2913, July 1980, R. 6768.

Was the water body Photo Interpreted? On January 19, 2000, Scott Guyer in Office 924 reviewed the aerial photos of Johnson River beginning in Sec. 33, T. 12 N., R. 73 W., SM. (BLM had determined the river navigable up to this point) through T. 17 N., R. 63 W., SM. His estimates of the river's width are reported below.

Was a Field Report/Interview Report prepared? An interview report was prepared March 21, 2001. Additionally, some interviews came from a Navigability Report for Johnson River in Window 1283, dated July 5, 2000.<sup>6</sup>

## SUBMERGED LAND STATUS

The water body lies in the Yukon Delta National Wildlife Refuge. From 1984 to 2000 the BLM determined several segments of Johnson River and the rivers, streams, and lakes that comprise the Yukon-Kuskokwim Portage as navigable. The following is a chronological list of previous BLM administrative navigability determinations beginning with the most recent:

On July 5, 2000, the BLM determined the Johnson River navigable in Native Allotment F-16018, Parcel B in Sec. 15, T. 17 N., R. 64 W., SM., in Window 1283.<sup>7</sup>

On June 13, 1990, the BLM determined the Johnson River navigable in the claims for AA-11471 and AA-50580 in T. 15 N., R. 69 W., SM., AA-31291 and AA-11643 and AA-11474 in T. 15 N., R. 70 W., SM., in Window 2028.<sup>8</sup>

On May 8, 1989, the BLM determined the Johnson River navigable in Tps. 9 and 11 N., R. 73 W., SM; Tps 9-11 N., R. 74 W., SM; and Tps. 9-10 N., R. 75 W., SM for lands selected under ANCSA, the Statehood Act and the Native Allotment Act in Window 1836.<sup>9</sup>

On May 8, 1989, the BLM determined the Johnson River navigable in Secs. 14, 15, 22 and Crooked Creek in Secs. 22 and 23, T. 17 N., R. 63 W., SM., for selected lands under ANCSA, the Statehood Act and the Native Allotment Act in Window 1834.<sup>10</sup>

On December 16, 1988, the BLM determined the Johnson River navigable in Native Allotments AA-50580 and F-14181 in Sec. 12, T. 15 N., R. 69 W., SM.<sup>11</sup>

In 1984 a section of Johnson River (a.k.a. Crooked Creek) from the Mud Creek portage in T. 17 N., R. 62 W., SM., downstream to the mouth of Crooked Creek (a.k.a. Johnson River) in T. 17 N., R. 63 W., SM., was determined navigable in a BLM report on navigable waters of the Kuskokwim region.<sup>12</sup>

| Township            | Section Number | Mile | Status and Remarks       |
|---------------------|----------------|------|--------------------------|
| 15 N., R. 71 W., SM | 31             | 70   | AA-37832, YDNWR          |
| 17 N., R. 65 W., SM | 15             | 150  | F-16023, Parcel A; YDNWR |

## PHYSICAL CHARACTERISTICS

Type of Water Body: River

Gradient: Negligible

Channel Width: Johnson River is double-lined on the USGS maps, beginning at its mouth on the Kuskokwim River through the Baird Inlet and Marshall 1:250,000 quadrangle maps and within T. 16 N., R. 66 W., SM. in the Russian Mission B-6 Quadrangle.

| Source  | Bank to Bank Width              | Mile                    |
|---|---------------------------------|-------------------------|
| CIR 60, R. 7, Frames 290, 291, 364, 363, July 1980  | 200' - 330' (3-5 chains)        | 30 - 60 approx.         |
| CIR 60, R. 7, Frames 247, 248, July 1980 CIR 60, R. 2911, Frames 6397, 6395, 6392-3, 6353, 6355, 6457, July 1980; R. 2913, Frame 6769 July 1980 | 50' - 65' (3/4 - 1 chain)       | 61 - 146 approx.        |
| CIR 60, R. 2913, July 1980, Fr. 6768  | 35' - 50' (1/2 - 3/4 chain)     | 147 - 160               |
| Nicolai Sergie  | wider at the mouth<br>20' - 35' | 0 - 200+                |
| Mike Pavilla  | 12' - 18'                       | 165                     |
| Patrick Peter   | 12' - 15'                       | near the upper reaches. |

| Source             | Impediments   | Mile     |
|--------------------|---|----------|
| Scott Guyer        | None from mile 30 until it becomes closed off at the north boundary of Sec. 15, T. 17 N., R. 63 W., SM. | 0 - 190  |
| Sinka Williams Sr. | None from mouth to Ahrymot Lake   | 0 - 200+ |
| Nicolai Sergie     | None from mouth to Ahrymot Lake   | 0 - 200+ |
| Daniel P. George   | None  |          |

| Source              | Depth   | Mile                           |
|---------------------|---|--------------------------------|
| Sinka Williams, Sr. | 7' deep in fall, a little deeper in the spring, but on average it stays between 6'-7' deep. | 0-200+ or to Arhymot Lake      |
| Nicolai Sergie      | 5'-6' when the river is low in July.  | 0-200+ or to Mud Creek Portage |
| Mike Pavilla        | 2' - 5' in the fall   | 165                            |
| Patrick Peter       | 4'-6' in the summer<br>10'-15' in the spring  | 0 - 200+                       |
| Daniel P. George    | 4' - 7' in the fall   | 0 - 70 +                       |

## USES

Commercial: Johnson River (a.k.a. Crooked Creek) from Mud Creek portage to Crooked Creek for approximately ten miles (Sec. 22, T. 17 N., R. 62 W., SM to Sec. 22, T. 17 N., R. 63 W., SM) was once part of the popular Yukon-Kuskokwim portage. Traveled by Indians, Eskimos and a few Russian traders, it was first recorded in 1844 by Lieutenant Zagoskin.<sup>13</sup> In 1908, a Nome newspaper quoted that two hundred men were using the portage because of the recent gold strikes in the Kuskokwim region.<sup>14</sup> In 1923, during the summer months, the mail carrier made a monthly round trip from Bethel to Russian Mission that took him fifteen to twenty days. He maintained boats on the Yukon and Kuskokwim rivers and on the portage itself.<sup>15</sup> The mail carrier's boat, 30 feet long with a four-foot beam with a load capacity of 2,600 pounds, was used as a standard to request money to improve the portage.<sup>16</sup> In 1931, with money appropriated by the Alaska territorial government, the route was complete with steel trams, canals, winches, derricks and controlled dams. By the 1950s the improvements had deteriorated to the point that they were no longer usable.<sup>17</sup>

Historical: In a six-year study of land and resource use by villagers from Nunapitchuk, Kasigluk and Atmautluak, Elizabeth Andrews with the ADF&G, writes, "Moose hunting in the fall 1983 by Nunapicuarmit, (villagers from Nunapitchuk) took hunters north and east of the village up the Pikmiktalik, Kvichavak and Johnson Rivers to their headwaters and adjacent lakes and tributaries." A map showing moose and bear hunting areas along the Johnson river extended as far as the villages of Lower and Upper Kalskag.<sup>18</sup>

Andrews also reported that in the 1980s, people from Akiachak typically joined their Akulmiut relatives to moose hunt in the fall on the upper Johnson River. In spring they hunted muskrat.<sup>19</sup>

Direct Evidence: Villagers from Akiachak, Nunapitchuk, Atmautluak, Kasigluk, Lower and Upper Kalskag boat Johnson River to reach their Native allotment parcels, gather berries and to hunt for moose and bear near Arhymot Lake. In a telephone interview for this report, Daniel P. George of Akiachak said a couple years ago in September he went to his allotment in a 22' Yukon Raider with 120-horsepower motor to moose hunt. There were probably four adults with him. They traveled beyond his allotment but not as far as the Yukon-Kuskokwim portage in T. 17 N., R. 63 W., SM. George said villagers from Nunapitchuk, Atmautluak and Kasigluk hunt moose beyond his allotment. In spring, the Johnson River is very deep.<sup>20</sup> The photographs of Johnson River in Daniel P. George's BLM case file, AA-37832, show the river to be wide and free of any obstructions.<sup>21</sup>

In the telephone interview for this report, Patrick Peter of Akiachak said he boats Johnson River in a 22' Yukon Raider with a 90-horsepower motor and carries a 12' skiff for emergencies or to boat shallower waters. He boats the entire river from its mouth to the Yukon-Kuskokwim Portage in T. 17 N., R. 63 W., SM., in spring and in mid-July to pick berries. Peter said the river is deep from its mouth to the portage. There are at least five people who accompany him.<sup>22</sup>

Sinka Williams of Lower Kalskag said to reach both of his allotments situated along Johnson River, BLM case file F-16023, Parcels A and B, in Secs. 15 and 24 respectively, T. 17 N., R. 65 W., SM., two boats are necessary. He leaves one boat, a 16' Lund mounted with a 30-horsepower motor at Mud Creek and walks about a mile and half to Johnson River to his other boat, a 16' Lund aluminum boat mounted with a 15-horsepower motor. Williams said others from Lower Kalskag pull their boats over the portage in the spring, summer, and fall to hunt, fish and pick berries. He has seen villagers from Kasigluk, Nunapitchuk and Atmautluak hunt moose and bear in September near the headwaters of Johnson River or Arhymot Lake. Williams does not hunt moose or bear because of the portage.<sup>23</sup>

Nicolai Sergie of Lower Kalskag has an allotment below Sinka Williams' camp and reaches his camp by snow machine in spring and during the ice-free months with a 18' Lund aluminum boat mounted with a 30-horsepower motor. When berry picking with his family in July, it takes two to four people to drag their boat from Mud Creek and at times within Mud Creek. In fall villagers from Kasigluk, Nunapitchuk and Atmautluak use big boats to hunt moose near Arhymot Lake. Sergie does not hunt large game in this area because of the portage.<sup>24</sup>

Mike Pavilla of Atmautluak said most people from Kasigluk, Atmautluak and Nunapitchuk, called tundra villagers by others, traditionally hunt moose near the upper reaches of the Johnson River close to Arhymot Lake between the first and third week of September. The river's depth depends on the amount and frequency of snow, rain and south winds. Beginning in 1996, the area has experienced a drought and during the fall of 1999 he was forced to turn around before he reached Lucy Levi's allotment in Sec. 15, T. 17 N., R. 64 W., SM. He was using a 18' aluminum Lund mounted with a 40-horsepower Evinrude propeller motor. His load included three adults, camping gear and gas. Pavilla said during high water, it took them two days by boat to reach Arhymot Lake from Atmautluak.<sup>25</sup>

## CONCLUSION

We recommend that Johnson River be determined navigable within the Native allotment claims for Daniel P. George, BLM case file AA-37832, in Sec. 31, T. 15 N., R. 71 W., SM, and Sinka Williams BLM case file F-16023, Parcel A in Sec. 15, T. 17 N., R. 65 W., SM. Aerial photography and telephone interviews with local villagers with experience boating the river say that from spring to fall, Johnson River is between fifty and sixty-five feet in width, four to seven feet in depth, is free of any obstructions and maintains a slow current.

Daniel P. George of Akiachak took several adults with him several years ago in September to hunt moose beyond his allotment in a 22' Yukon Raider with a 120-horsepower motor. Mike Pavilla of Atmautluak used a 18' boat to also hunt moose beyond George and Williams' Native allotment claims and has seen others from Kasigluk, Atmautluak and Nunapitchuk hunt moose annually near Arhymot Lake between the first and third of September. Elizabeth Andrews with the ADF&G corroborated this information in a six-year study of land and resource use in the 1980's.

Nicolai Sergie and Sinka Williams of Lower Kalskag reach their Native allotment claims on Johnson River by crossing a portage at least one mile long from the Kuskokwim River. This portage and section of Johnson River to the mouth of Crooked Creek was historically part of the Yukon-Kuskokwim portage heavily traveled by Indians and Eskimos, explorers, miners and in 1923, used as a route by the postal service to deliver mail between Bethel and Russian Mission with 30 foot boats capable of carrying loads of 2,600 pounds.

The physical characteristics of the river, previous BLM navigability determinations, current and historic use by villagers upstream and downstream of the Native allotment claims indicate that Johnson River is susceptible for use as a route for travel, trade and commerce.

Report Prepared By:

*Sam J. Sastrom*

Date:

*June 5, 2002*

## NOTES

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3. Brown, C. Michael, "Alaska's Kuskokwim River Region: A History," Bureau of Land Management, Alaska State Office, 1985 (unpublished manuscript) p. 211.
4. Orth, p. 476
5. University of Alaska, Arctic Environmental Information and Data Center, See abstracts under Crooked Creek.
6. University of Alaska, Arctic Environmental Information and Data Center, See abstracts under Crooked Creek.
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8. Deputy State Director for Conveyance Management to Deputy State Director for Cadastral Survey, Navigable Waters in Group Survey No. 270 (Window 2028) June 13, 1990, Bureau of Land Management, Division of Cadastral Survey, Navigability Section Files.
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10. Deputy State Director for Conveyance Management to Deputy State Director, Cadastral Survey, Navigable Waters in Group Survey 254 (Window 1834) May 8, 1989, Bureau of Land Management, Alaska State Office, Division of Cadastral Survey, Navigability Section.
11. Land Law Examiner to Files AA-50580 and F-14181, December 16, 1988, Bureau of Land Management, Alaska State Office, Division of Cadastral Survey, Navigability Section.
12. Deputy State Director for Conveyance Management to Chief, Branch of Conveyance Services, November 8, 1984, Subject: Navigable Waters of the Kuskokwim Region, Bureau of Land Management, Alaska State Office, Division of Cadastral Survey, Navigability Section.
13. Brown, pp. 425-427.

14. Brown, p. 433.
15. Brown, p. 453.
16. Brown, p. 465.
17. U.S. Army, Corps of Engineers, Alaska District, : U.S. Army, Corps of Engineers, Alaska District, pp. 5 and 6.
18. Andrew, pp. 327-328.
19. Andrew, p. 438.
20. Laura Lagstrom, Interview Report, Nunapitchuk Project 2001, March 21, 2001, Navigability Section, Quad Files, p. 6.
21. Native Allotment Case file AA 37832, Bureau of Land Management, Alaska State Office, Docket.
22. Laura Lagstrom, Interview Report, Nunapitchuk Project 2001, March 21, 2001, Navigability Section, Quad Files, p. 6.
23. Laura Lagstrom, Interview Report, Window 1283, July 5, 2000, Navigability Section, Quad Files, p. 6.
24. Ibid, p. 7.
25. Ibid, p. 8.

Johnson River System  
Interim Summary Report  
Attachment 43

At 5-3-89

W. Brown 5/3/89

KARL GUYER  
5/3/89

Marshall-GS-FY'89-#1  
Baird Inlet-GS-FY'89-#1  
Russian Mission-GS-FY'89-#1  
Bethel-GS-FY'89-#1  
F-14823 (75.4)  
F-14824 (75.4)  
F-14835 (75.4)  
F-14873 (75.4)  
F-14838 (75.4)  
F-14883 (75.4)  
F-14914 (75.4)  
F-14949 (75.4)  
(961)

MAY 8 1989

Memorandum

To: Deputy State Director for Cadastral Survey (923)  
From: Deputy State Director for Conveyance Management (960)  
Subject: Navigable Waters in Group Survey No. 268 (Window 1836)

This memorandum identifies navigable water bodies below a certain size on lands in window 1836 [Atmautluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North), and Kwethluk (North)] selected (but not conveyed) under the Alaska Native Claims Settlement (ANCSA), the Statehood Act, and the Native Allotment Act, and not reserved or withdrawn at the time Alaska joined the Union. It also identifies navigable waters excluded from interim conveyances under ANCSA and tentative approvals under the Statehood Act. Finally, this memo identifies navigable waters on or along small claims in areas not selected under ANCSA or the Statehood Act. (Only those cemetery and historic sites that the BIA has examined in the field are reviewed.)

Table 5 lists the fifty-eight townships and navigable waters. Streams 198 feet or more in width, such as the Kuskokwim and Pikmiktalik rivers are not listed in the report because, regardless of their navigability status, they are segregated on the survey plats. The same is true for lakes fifty acres or more. Many of these water bodies are listed in Table 1.

All smaller water bodies excluded from the ICs are identified in Table 2. Most of these were excluded on the basis of "navigability maps" referenced in the ICs. Copies of these maps are attached. Navigable waters on selected lands which were identified mainly through aerial photo interpretation, are listed in Table 3. Navigable waters on or along Native allotments and historical sites identified through aerial photograph interpretation are listed in Table 4.

The BLM's navigability determinations are based on criteria described in the memorandum dated March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management, subject "Title to submerged lands for purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision (RLS 76-2) of December 14, 1979, on the navigability of the Nation and Kandik rivers; the Regional Solicitor's February 25, 1980, interpretation of the ANCAB decision; and dicta in the United States District Court's decision (ABO-359) of April 16, 1987, on the navigability of the Gulkana River. In general, the BLM considers nontidal water bodies navigable if, at the time of Statehood, they were navigable for crafts larger than a one-person kayak.

Information about the land status, history, and physical character of water bodies in the report area comes primarily from the USGS Marshall, Baird Inlet, Russian Mission, and Bethel maps; the BLM's "navigability maps" and its infrared aerial photographs taken in 1980, at 60,000 feet (roll 7, frames 277, 279, 292, 293, 294, and 299) and in August 1987, at 40,000 feet (flight 1, roll 1, frames 1-41; flight 2, roll 1, frames 1-40; flight 3, roll 1, frames 1-36; flight 4, roll 1, frames 1-36; flight 5, roll 1, frames 1-36; flight 6, roll 1, frames 1-33; flight 7, roll 1, frames 1-39; flight 8-A, roll 2, frames 1-10; flight 8-B, roll 1, frames 1-6; flight 9, roll 2, frames 1-14; and flight 10, roll 2, frames 1-15); BLM's master title plats; Alaska Automated Lands and Minerals Record System, easement and Native allotment files, and prior navigability reports. In addition, Dot Tideman of the BLM's Navigability Section interviewed the following people:

| <u>Name</u>      | <u>Date(s)</u>       | <u>Phone number and Background</u>     |
|------------------|----------------------|--|
| Frederick, Frank | 1/12/89 &<br>1/31/89 | (825-4520) Akiachak resident           |
| Moses, John, Jr. | 1/12/89              | (825-4520) Akiachak resident           |
| Wade, Mike       | 1/12/89              | (543-2847) ADF&G Bethel                |
| Huttun, Dan      | 1/12/89              | (543-3151) Hunter and fisherman        |
| Perry, Ron       | 1/20/89              | (543-3151) F&W Manager, Bethel         |
| Snyder, Robert   | 1/31/89              | (825-4328) Akiachak Police Chief       |
| Fritz, George    | 1/31/89              | (825-4328) Akiachak Ltd's Land Manager |
| Demantle, Joseph | 1/31/89              | (695-6615) Tuluksak resident           |
| Peter, Phillip   | 2/1/89               | (695-6213) Tuluksak resident           |

Sam George, a board member for Akiachak, Ltd. (825-4328), was not familiar with the water bodies; however, he suggested several contacts. For a full account of the interviews, see Dot Tideman to File F-14823, March 14, 1989.

### Tuluksak River

On May 22, 1985, the BLM determined the Tuluksak River navigable from its mouth to several townships upstream of the report area at Upper Landing (about mile fifty-nine). [See John J. Rumps to Chief, Branch of Conveyance Services (962), May 22, 1985.]

### Gweek River

Gweek River, an anabranch of the Kuskokwim River, heads in lowlands approximately eight and one-half miles north of Tuluksak and flows seventy miles southwesterly to again join the Kuskokwim River downstream approximately seven miles northeast of Bethel. As calculated from the USCS Russian Mission A-5, A-6, A-7, B-5, B-6, and Bethel D-7 quadrangles, the river has a negligible gradient. About fifty-eight miles of the river are meanderable by reason of size. NASA infrared aerial photography taken in August 1987 at 40,000 feet (flight 7, roll 1, frames 29 and 32; flight 8, roll 2, frame 8; flight 8A, roll 2, frames 8 and 9; flight 9, roll 2, frames 1, 2, and 4, and flight 10, roll 2, frame 5), show the river flowing through swampland. Several sections are heavily vegetated and appear to be dry (or nearly so) for a total of ten miles in Sec. 1, T. 13 N., R. 65 W., SM., Secs. 20 and 29, T. 13 N., R. 66 W., SM, between Secs. 7 and 29, T. 12 N., R. 67 W., SM, and upstream of the report area in Secs. 30 and 31, T. 14 N., R. 64 W., Seward Meridian.

Most of the Gweek River's lower reaches in the group survey flow through lands that have passed from BLM's jurisdiction in Interim Conveyances 618 and 1027 and in its upper reaches in T. 13 N., Rs. 64 and 65 W., SM in IC 542. The riverbed was excluded from these conveyances, because BLM considered the waterway navigable in the conveyed area. Lands remain selected in Sec. 6, T. 13 N., R. 64 W., SM; Secs. 1, 4, 5, 7, 8, and 12, T. 13 N., R. 65 W., SM; T. 12 N., R. 67 W., SM; Sec. 1, T. 12 N., R. 68 W., SM.; and Sec. 12, T. 11 N., R. 68 W., SM. The river flows through selected lands upstream of the report area in T. 14 N., R. 64., SM and through the Yukon Delta National Wildlife Refuge in T. 14 N., Rs. 64 and 65 W., SM.

Six individuals that Tideman contacted provided information concerning their travel up a portion of the river. From Bethel, Mike Wade has taken eighteen- and twenty-foot boats to a tributary in Sec. 8, T. 13 N., R. 65 W., SM, approximately sixty miles upstream or nearly the river's length. Wade said that there is a one-quarter mile section where the river is very narrow, but it still has a deep channel. Finally, he said that he had heard that the local people boat the entire river in twenty- and twenty-two-foot boats. Robert Snyder has taken a boat to a point approximately eight miles downstream from where Wade boated before small alders prevented further upstream travel. He thought one can get through this section at high water in the spring. He too heard that Tuluksak residents boat the entire river, pulling their boats through narrow sections. Frank Frederick and John Moses, Jr., often boat to about one-half mile below John Moses, Sr.'s, Native allotment which lies about forty-five miles upstream in Sec. 19, T. 13 N., R. 67 W., SM in a sixteen-foot boat (propeller and lift). Here the river is three to six feet deep and about twenty feet wide. Frederick said that they have to line their boat through several short stretches; however, the channel remains deep. Philip Peter and Dan Huttun boated upstream to T. 12 N., R. 67 W., SM, directly west of Tuluksak village. Peter said that the water is six feet deep or more in most

areas. Huttun thought that the entire river could be boated with minimal portaging. George Fritz boated a portion of the river and said that the river is open for navigation to Moses' Native allotment.

Several other individuals provided opinions about the navigability of both the upper and lower reaches of the river. Having flown over the it, Ron Perry stated that he sees boats on the entire river all the time. He spoke with the villagers and said that they claim to boat the river between June and October with a minimal amount of portaging. Joseph Demantle said that many Tuluksak villagers boat the entire river.

I determine the Gweek River navigable from its lower mouth to and through T. 13 N., R. 65 W., SM and from its upper mouth to the middle of Sec. 12, T. 13 N., R. 64 W., SM. One individual boated nearly through the report area. The two miles upstream from where he boated are wide -- doubled-lined on the USGS map. The river remains approximately two to three chains wide for this distance on the infrared photographs taken in 1987 (roll 2, flight 9, frame 2). The upper river ranges from one to four chains wide up to a left bank tributary in Sec. 12, T. 13 N., R. 65 W., SM. Local residents of Akiachak and Tuluksak boat these portions of the river on a regular basis. All individuals believe that boaters can portage the shallower sections.

The remainder of the river in the report area is non-navigable. In the photographs the river appears to be dry in sections, some of which are a mile or more in length.

#### Miscellaneous Navigable Water Bodies

I determine water bodies listed in Tables 3 and 4 navigable. The sloughs which have little or no gradient and fill quickly when the Kuskokwim River rises during spring breakup and rainy seasons, are considered to be navigable if a clear channel is evident in the aerial photographs. Low level photographs taken during field examinations are also used to determine the navigability of marginal streams. During high water periods the sloughs certainly are susceptible to canoe navigation.

#### Other Water Bodies

The remaining water bodies are not suitable for navigation. Some of the creeks and sloughs are too shallow, narrow, and filled with vegetation. In many cases they are discontinuous and/or dry and landlocked. The unnamed tributary from Secs. 12 and 13 to Sec. 6 in T. 9 N., R. 65 W., SM, and its left bank stream from Sec. 36 to Sec. 6 are examples. Although the stream and its tributary are open downstream, they are less than one-half chain wide, and intermittently closed off in areas with what appears to be deadfalls and grass. These streams are not canoeable and for all practical purposes they are nonnavigable. (See August 20, 1987 infrared aerial photographs flight 3, roll 1, frames 32 and 33.) The lakes are too small and drained by small shallow creeks. Many lakes are also landlocked.

*Wayne A. Bodest*

## cc:

State of Alaska  
Department of Natural Resources  
Division of Land and Water Management  
State Interest Determinations Unit  
P.O. Box 107005  
Anchorage, Alaska 99510-7005

State of Alaska  
Department of Natural Resources  
Division of Land and Water Management  
Land Title Section  
3601 C Street, Suite 960  
Anchorage, Alaska 99503

Atmautluak, Limited  
Atmautluak, Alaska 99559

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Kasigluk, Inc.  
Kasigluk, Alaska 99609

Akiachak, Limited  
Samuel George  
Akiachak, Alaska 99551

Kokarmuit Corporation  
Akiak, Alaska 99552

Tulkisarmute Inc.  
Tuluksak, Alaska 99679

Bethel Native Corporation  
P.O. Box 719  
Bethel, Alaska 99559

Kwethluk, Inc.  
Kwethluk, Alaska 99621

Calista Corporation  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

Chief, Program Planning and Development Staff (920B)

Chief, Branch of Examinations and Records (922)

Chief, Branch of Field Survey (921)

Chief, Branch of Mapping Sciences (924)

Branch of Survey Preparation and Contracts (923)  
Attn: Phil Wilkins

Anchorage District Office (040)

961:DTideman:hc:5-02-89:1564t

Table 1

Partial List of Rivers, Streams, and Sloughs More Than Three Chains Wide and Lakes Fifty Acres in Size in Survey Window 1836 (Atmautluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North), and Kwethluk (North))

1. Kuskokwim River.
2. Interconnecting slough of Kuskokwim River in Secs. 21, 28, and 29, T. 13 N., R. 64 W., SM.
3. Interconnecting slough of Kuskokwim River with mouth in Sec. 10, T. 13 N., R. 64 W., SM and in Sec. 27, T. 14 N., R. 64 W., SM.
4. Slough heading in Sec. 34, T. 14 N., R. 64 W., SM, and joining Bogus Creek in Sec. 11, T. 13 N., R. 64 W., SM.
5. Interconnecting slough of Kuskokwim River with mouths in Sec. 36, T. 13 N., R. 65 W., SM and Sec. 6, T. 12 N., R. 65 W., SM.
6. Anabranh of Kuskokwim and Gweek rivers with mouths in Sec. 19, T. 13 N., R. 64 W., SM and in Sec 35, T. 13 N., R. 65 W., SM.
7. Interconnecting slough of Kuskokwim River in Sec. 31, T. 13 N., R. 64 W., SM and Sec. 36, T. 13 N., R. 65 W., SM.
8. Interconnecting slough of Kuskokwim River heading in NW¼ Sec. 33, T. 12 N., R. 66 W., SM and emptying in Sec. 7, T. 11 N., R. 66 W., SM.
9. Mishevik Slough in T. 10 N., Rs. 66 and 67 W., SM.
10. Right-bank slough emptying into the Kisaralik River in Secs. 20 and 21, T. 9 N., R. 67 W., SM.
11. Reindeer Slough from its head in Sec. 21, T. 10 N., R. 67 W., SM to its mouth in Sec. 15, T. 9 N., R. 67 W., SM.
12. West channel of Reindeer Slough in Secs. 21 and 28, T. 10 N., R. 67 W., SM.
13. Slough of Kuskokwim River in S½S½ of Sec. 8 to its mouth in Sec. 17, T. 9 N., R. 68 W., SM.
14. Interconnecting slough of Kuskokwim River in Secs. 2 and 10, T. 9 N., R. 68 W., SM.
15. Slough from Kuskokwim River to Kuskokuak Slough in Secs. 16, 21, and 28, T. 9 N., R. 68 W., SM.
16. Gweek River in Tps. 9-11 N., R. 69 W., and T. 10 N., R. 68 W., SM.

17. Interconnecting slough of Kuskokwim River in Secs. 2, 3, and 10, T. 9 N., R. 68 W., SM and in Secs. 34 and 35, T. 10 N., R. 68 W., SM.
18. Kuskokuak Slough.
19. Pikmiktalik River, and its interconnecting slough in Secs. 4, 5, and 8, T. 10 N., R. 73 W., SM.
20. North Fork Johnson River in Sec. 31, T. 10 N., R. 74 W., SM, and in T. 9 N., R. 74 W., SM (mouth in Secs. 16 and 17, T. 9 N., R. 74 W., and head in Sec. 31, T. 10 N., R. 74 W., SM).
21. Double-lined slough in Sec. 30, T. 11 N., R. 74 W., SM and in Secs. 24 and 25, T. 11 N., R. 75 W., SM.

Table 2

Navigable Rivers, Streams, and Sloughs Less Than Three Chains Wide and Lakes Less Than Fifty Acres in Size Excluded from ICs and TAs in Survey Window 1836 (Atmautluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North) Kwethluk (North))

1. Bogus Creek slough in Secs. 2 and 11, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
2. Bogus Creek in Sec. 11, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
3. Kuskokwim River slough in Secs. 3 and 10, T. 13 N., R. 64 W., SM (single-lined on USGS maps), and branch in Secs. 2, 3, and 11, T. 13 N., R. 64 W., SM. joining Bogus Creek in Sec. 11. (IC 542)(Russian Mission A-5)
4. Slough with mouth in Sec. 19, T. 13 N., R. 64 W., SM, in Secs. 5, 8, 9, 18 and 19, T. 13 N., R. 64 W., SM.(IC 542)(Russian Mission A-5)
5. Yukaniluk Creek in Secs. 27, 28, 32, and 33, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
6. Gweek River in Secs. 18 and 19, T. 13 N., R. 64 W., SM, Sec. 13, T. 13 N., R. 65 W., Secs. 1 and 2, 10, 11, 14, 21, 22, 23, 26-32, T. 11 N., R. 68 W., SM; and in Secs. 25, 35, and 36, in T. 12 N., R. 68 W., SM. (ICs 542, 618, 1027)
7. Lake influent and downstream segment of Fog River in Sec. 2, T. 11 N., R. 65 W., SM. (IC 542)(Russian Mission A-5)
8. Mishevik Slough in Secs. 5 and 6, T. 11 N., R. 65 W., SM; Secs. 31 and 32, T. 12 N., R. 65 W.; Secs. 4, 5, 8 and 18, T. 10 N., R. 66 W.; Tps. 11 and 12 N., R. 66 W., SM. (ICs 542, 610)(Russian Mission A-5, A-6)
9. Little Bogus Creek in Secs. 4, 5, 8, 9, 18, and 19, T. 12 N., R. 65 W., SM. (IC 542)(Russian Mission A-5 and A-6)
10. Lake effluent entering Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., SM. (IC 542)(Russian Mission A-5)
11. Tuluksak River in Secs. 15, 16, 19, 20, 21, 22, 27, and 30, T. 12 N., R. 65 W., SM, and in T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-5, A-6)
12. Kasigluk River in Secs. 31 and 33, T. 9 N., R. 66 W., SM. (IC 610)
13. Portion of right-bank tributary of Mishevik Slough (mouth in Sec. 1, T. 11 N., R. 66 W., SM) double-lined on USGS Russian Mission A-6, in Secs. 1 and 2, T. 11 N., R. 66 W., and Sec. 35, T. 12 N., R. 66 W., SM. (IC 542)

14. Slough in Secs. 20 and 21, T. 11 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
15. Left-bank stream/slough (mouth in Sec. 22) in Secs. 22, 23, 24, 25, and 26, T. 11 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
16. Stream heading in lake in Sec. 8, T. 12 N., R. 66 W., SM, and emptying into slough in Sec. 15, T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
17. Interconnecting slough of the Kuskokwim with head in Sec. 15 and mouth in Sec. 31, T. 12 N., R. 66 W., SM, and its branch in Secs. 15, 21, and 22. (IC 542)(Russian Mission A-6)
18. Interconnecting slough of Kuskokwim River with head in Sec. 28 and mouth in Sec. 32, T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
19. Right-bank slough of Kuskokwim River in Sec. 6, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
20. Tributary of Reindeer Slough in Secs. 8 and 9, T. 9 N., R. 67 W., SM, portion double-lined on USGS Bethel D-6. (IC 610)
21. Kisaralik River to forks in Sec. 13, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
22. Slough (mouth in Sec. 19) in Secs. 17, 18, and 19, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
23. Slough in Secs. 8 and 17, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
24. Kuskokwim River anabranh heading in Sec. 6, T. 10 N., R. 66 W., SM, emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM. (IC 610)(Bethel D-6)
25. Reindeer Slough from its head in Sec. 21, T. 10 N., R. 67 W., SM, to its mouth in Sec. 15, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
26. Lake and outlet in Sec. 7, T. 9 N., R. 68 W., SM. (IC 1027)(Bethel D-6)
27. Portion of slough double-lined on Bethel D-7 in Secs. 8 and 17, T. 9 N., R. 68 E., SM. (IC 618)
28. Interconnecting slough of Kuskokwim River and Kuskokuak Slough in Secs. 16, 21, and 28, T. 9 N., R. 68 W., SM. (ICs 213, 618) (Bethel D-7)
29. Kongeruk River in Sec. 31, T. 9 N., R. 72 W., SM. (IC 448)
30. Left-bank tributary of Pigmiktalik River in Secs. 29 and 30, T. 11 N., R. 72 W., SM. (IC 448)(Marshall A-1)
31. Left-bank tributary of Pigmiktalik River in Secs. 35 and 36, T. 9 N., R. 73 W., SM. (IC 448)(Baird Inlet D-1)

32. Lake effluent in Secs. 4 and 9, T. 9 N., R. 74 W., SM. (IC 485; Baird Inlet D-2)
33. Tributary of Johnson River (mouth in Sec. 5, T. 9 N., R. 74 W.) in Sec. 5, T. 9 N., R. 74 W., SM; and in Secs. 28, 32, and 33, T. 10 N., R. 74 W., SM. (IC 485)(Baird Inlet D-2)
34. Lake effluent in Sec. 27, T. 9 N., R. 74 W., SM. (IC 485) (Baird Inlet D-2)
35. North fork of Johnson River (mouth in Sec. 16, T. 9 N., R. 74 W., SM) and its tributary in Sec. 6, T. 9 N., R. 74 W., SM and in Secs. 1, 2, and 12, T. 9 N., R. 75 W., SM. (ICs 485, 595, 678)
36. Right-bank tributary (mouth in Sec. 17) of Johnson River in Secs. 7, 8, and 17, T. 10 N., R. 74 W., SM. (IC 485)(Baird Inlet D-2)
37. Left-bank tributary of Johnson River in Sec. 25, T. 11 N., R. 74 W., SM (single-lined on USGS Marshall A-1). (IC 448)
38. Johnson River to and through Sec. 36, T. 11 N., R. 74 W., SM. (ICs 448, 485, 595)
39. Right-bank tributary of Johnson River in Secs. 26 and 35, T. 10 N., R. 75 W., SM. (IC 595)(Baird Inlet D-2)
40. Right-bank tributary of Johnson River in Tps. 9 and 10 N., R. 75 W., SM, heading in Kayigyalik Lake in Sec. 15, T. 10 N., R. 75 W., SM, and emptying into the Johnson at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM. (IC 595)(Baird Inlet D-2)
41. Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., including interconnecting slough in Sec. 21, T. 10 N., R. 75 W., outside of Native allotment AA-58195-A. (IC 595)(Baird Inlet D-2, D-3)
42. Interconnecting slough in Sec. 25, T. 10 N., R. 76 W., SM. (IC 595)(Baird Inlet D-2)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

BAIRD INLET (D-2) QUAD, ANCHORAGE  
ALASKA  
1:63,360 SERIES (TOPOGRAPHIC)

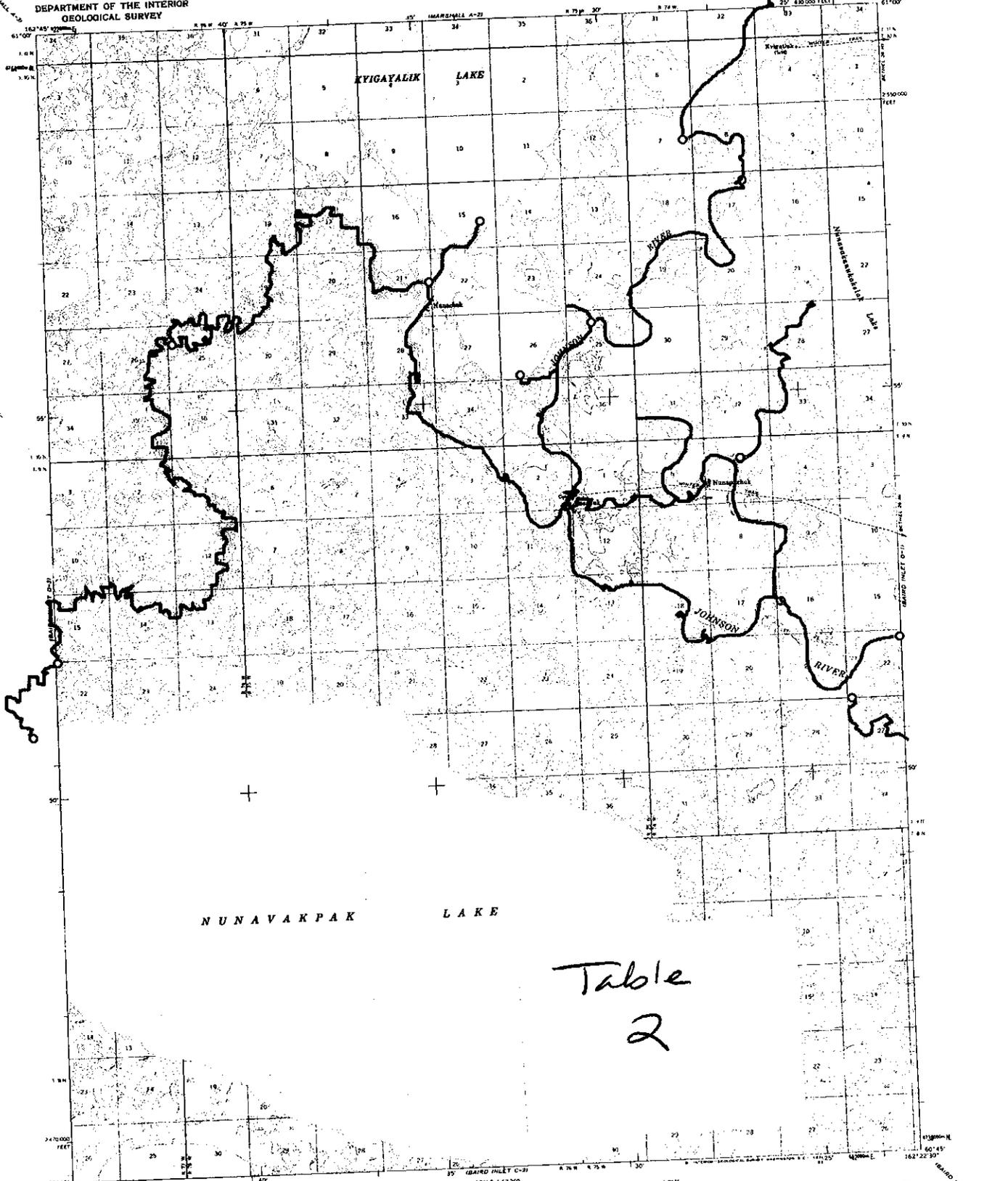


Table  
2

Maped by the Army Map Service  
Edited and published by the Geological Survey  
Control by USGS, USCGS, and USMC  
Topography by photogrammetric methods from aerial photographs  
taken 1952; land checked 1954. Map not field checked  
Universal Transverse Mercator projection. 1927 North American datum  
10,000-foot grid based on Alaska coordinate system, zone 7  
3000-meter Universal Transverse Mercator grid and ticks  
Zone 3, shown in 30'W  
Land lines represent unsurveyed and unvisited locations  
determined by the Bureau of Land Management  
File S-4, Seaward Herndon



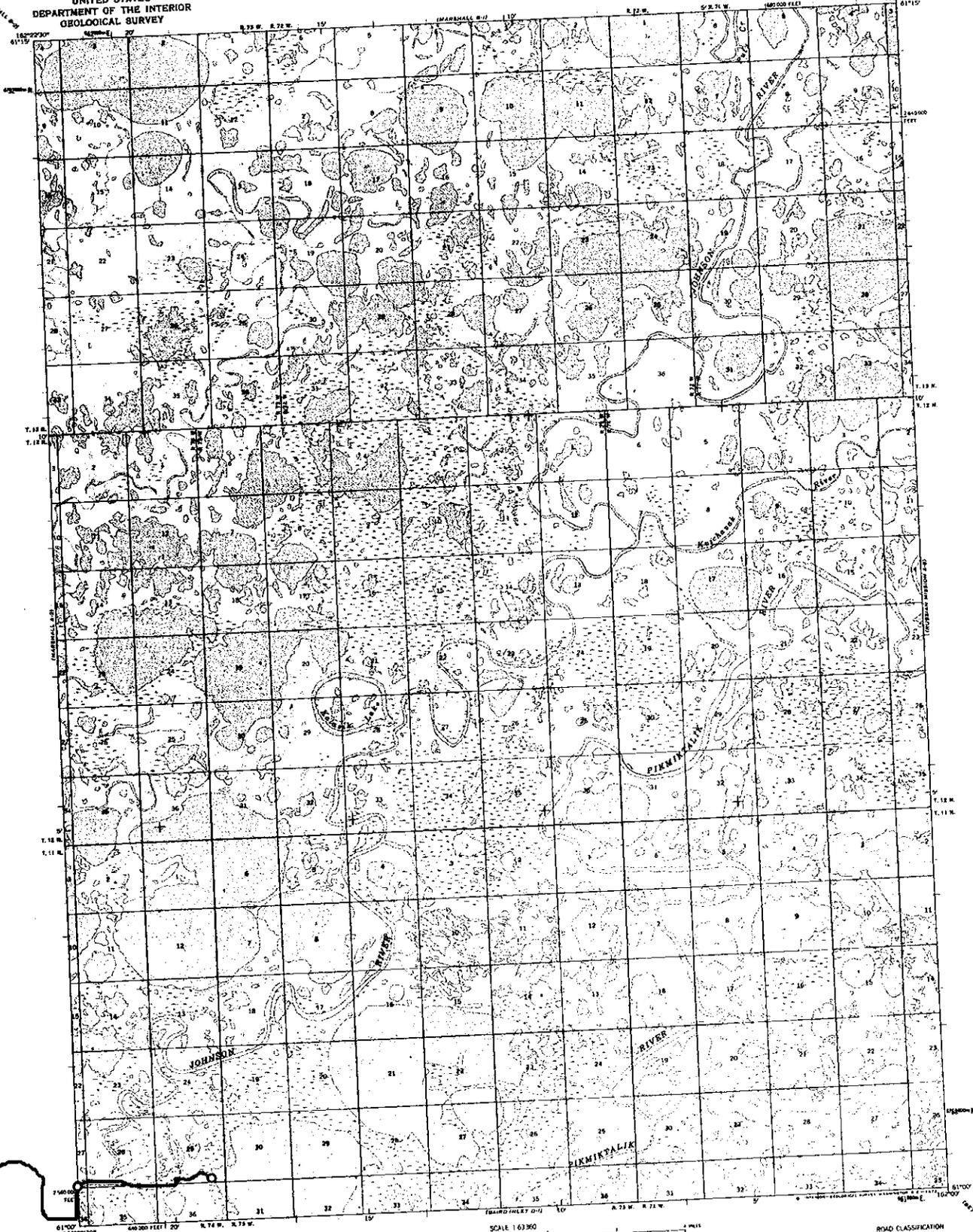
BAIRD INLET (D-2), ALASKA  
N645-W16222 5/15 X 22.5  
1954

FOR SALE BY U. S. GEOLOGICAL SURVEY  
FAR BANKS, ALASKA 99701; DENVER, COLORADO 80225; OR WASHINGTON, D. C. 20242  
A FOLDER CONTAINING TOPOGRAPHIC MAPS AND TABLES IS AVAILABLE ON REQUEST



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY

MARSHALL (A-1) QUADRANGLE  
ALASKA  
1:63 360 SERIES (TOPOGRAPHIC)



Mapped by the Army Map Service  
Published for civil use by the Geological Survey

Control by U.S.G.S.  
Topography by photogrammetric methods from aerial photographs taken 1951 and 1952, and associated 1954. Map not field checked.  
Universal Transverse Mercator projection. 1927 Mean American datum.  
10,000-foot grid based on Alaska coordinate system, zone 7.  
1,000-foot Universal Transverse Mercator grid ticks, zone 3, shown in blue.  
Land lines represent unexamined and unmarked locations.  
Published by the Bureau of Land Management  
Folio S-9 Second Edition

APPROXIMATE MEAN  
DECEMBER, 1954



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A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILABLE ON REQUEST



MARSHALL (A-1), ALASKA  
N6100-W16200/15x22.5

ROAD CLASSIFICATION  
No roads or trails on this area

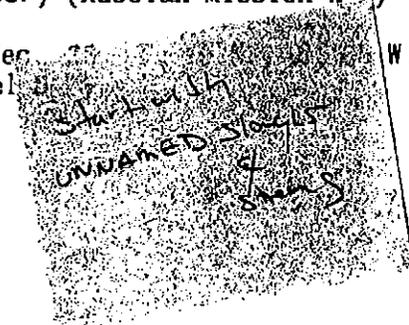
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Table 3

Navigable Waters on Lands Selected Under ANCSA or the Statehood Act  
in Survey Window 1836 Identified Through  
Aerial Photo-Interpretation

1. Left-bank tributary of Bogus Creek from its mouth in Sec. 3 to tributary in S $\frac{1}{4}$  Sec. 22, T. 13 N., R. 62 W., SM. (Flight 9, roll 2, frame 12, 1987) (Russian Mission A-4)
2. Bogus Creek in Secs. 1 and 12, T. 13 N., R. 64 W., SM, and T. 13 N., Rs. 62 and 63 W., SM. (Flight 9, roll 2, frame 12, 1987)
3. Kuskokwim River slough (mouth in Sec. 19, T. 13 N., R. 64 W., SM), to right bank tributary in E $\frac{1}{4}$  of Sec. 12, T. 13 N., R. 65 W., SM. (Flight 9, roll 2, frame 5, 1987)
4. Fog River in Secs. 1, 11, and 14 to tributary in the E $\frac{1}{4}$ W $\frac{1}{4}$  of Sec. 13, T. 11 N., R. 65 W., SM, and Sec. 36, T. 12 N., R. 65 W., SM. (Flight 7, roll 1, frame 36, 1987)
5. Little Bogus Creek in Secs. 3 and 10, T. 12 N., R. 65 W., SM. (CIR 60, roll 7, frame 277, 1980)
6. Right-bank tributary of Tuluksak River in Sec. 25, T. 12 N., R. 65 W., SM. (Flight 7, roll 1, frame 36, 1987) (Russian Mission A-5)
7. Stream emptying into interconnecting slough of Kisaralik River, in Secs. 1, 2, 3, and 11, T. 9 N., R. 66 W., SM. (Flight 3, roll 1, frame 31, 1987) (Bethel D-6)
8. Stream (mouth in Sec. 18) emptying into Mishevik Slough in Secs. 3 and 10, T. 10 N., R. 66 W., SM. (Flight 5, roll 1, frame 30, 1987) (Bethel D-6)
9. Slough in Secs. 3 and 10, T. 10 N., R. 66 W., SM to lower lake effluent in NW $\frac{1}{4}$  Sec. 10 on USGS Bethel D-6. (Flight 5, roll 1, frame 30, 1987) (Bethel D-6)
10. Israthorak Creek to and through Native allotment AA-51769 in Sec. 30, T. 13 N., R. 67 W., SM. (Flight 8A, roll 2, frames 6 and 7, 1987) (Russian Mission A-7)
11. Left-bank tributary of Gweek River in Sec. 12, T. 11 N., R. 68 W., SM. (Flight 7, roll 1, frame 29, 1987) (Russian Mission A-6, A-7)
12. Left-bank tributary of Gweek River in Secs. 13 and 24, T. 11 N., R. 68 W., SM. (Flight 6, roll 1, frame 24, 1987) (Russian Mission A-7)
13. Right-bank tributary of Gweek River in NW $\frac{1}{4}$  Sec. 25, T. 11 N., R. 68 W., SM. (Flight 4, roll 1, frame 24, 1987) (Bethel D-6)



14. Left-bank tributary of Pikmiktalik River in Secs. 22, 27, and 28, T. 11 N., R. 72 W., SM. (Flight 6, roll 1, frame 13, 1987) (Marshall A-1)
15. Right-bank tributary of Pikmiktalik River in Secs. 23 and 24, T. 11 N., R. 73 W., SM. (Flight 6, roll 1, frame 12, 1987) (Marshall A-1)
16. Johnson River in T. 11 N., R. 73 W., SM; Secs. 13, 23, 24, 26, 34 and 35, T. 11 N., R. 74 W., SM; and in Sec. 2, T. 10 N., R. 74 W., SM. (Flight 6, roll 1, frames 10, 11, and 12, 1987)
17. Slough (mouth in Sec. 4), in Secs. 3 and 4, T. 11 N., R. 74 W., SM. (Roll 7, frame 292, 1980) (Marshall A-2)
18. Stream in Sec. 7, T. 11 N., R. 74 W., SM. (Roll 7, frame 294, 1980) (Roll 1, flight 6, frame 8, 1987) (Marshall A-2)
19. Interconnecting slough of Johnson River in Secs. 23 and 26, T. 11 N., R. 74 W., SM. (Roll 1, flight 6, frames 9 and 10) (Marshall A-1)
20. Slough (mouth in Sec. 34) in Secs. 27 and 34, T. 11 N., R. 74 W., SM. (Roll 1, flight 6, frames 9 and 10, 1987)
21. Slough heading in lake in Secs. 1 and 12 (mouth in E $\frac{1}{2}$  Sec. 12), T. 10 N., R. 75 W., SM. (Flight 5, roll 1, frame 9, 1987) (Baird Inlet D-2)
22. Slough connecting Kyigayalik Lake with an unnamed lake in Sec. 12, T. 10 N., R. 75 W., SM, including north channel in W $\frac{1}{4}$ , Sec. 12. (Flight 5, roll 1, frame 9, 1987) (Baird Inlet D-2)
23. Slough (mouth in Sec. 22) in E $\frac{1}{2}$  Sec. 15, T. 10 N., R. 75 W., SM. (Roll 1, Flight 5, frame 8, 1987) (Baird Inlet D-2)
24. Stream in Secs. 7 and 8, T. 11 N., R. 75 W., SM. (Roll 7, frame 294, 1980) (Roll 1, flight 6, frame 5, 1987) (Marshall A-2)
25. Stream in Secs. 20 and 21, T. 11 N., R. 75 W., SM. (Flight 6, roll 1, frame 6, 1987) (Marshall A-2)
26. Slough in SE $\frac{1}{4}$ , Sec. 21, T. 11 N., R. 75 W., SM. (Roll 1, flight 6, frame 6, 1987) (Marshall A-2)
27. Stream in Secs. 29 and 30 (mouth in Sec. 29), T. 11 N., R. 75 W., SM. (Flight 6, roll 1, frame 6, 1987) (Marshall A-2)
28. Stream from Takslesluk Lake (mouth in Sec. 17), in Secs. 17, 18, and 19, T. 11 N., R. 76 W., SM, only. (Flight 6, roll 1, frame 4, 1987) (Marshall A-3)
29. Stream from Takslesluk Lake in Sec. 1, T. 11 N., R. 78 W., SM to its mouth in Sec. 5, in Secs. 1-5. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 4, 1987) (Marshall A-3, A-4)

30. Stream in Secs. 6 and 7, T. 11 N., R. 78 W., and Sec. 31, T. 12 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 3, 1987) (Marshall A-4)
31. Taklesluk Lake influent, in Sec. 25, T. 12 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 5, 1987) (Marshall A-3)
32. Stream in Secs. 28, 29, 32, and 33, T. 12 N., R. 78 W., SM and in Secs. 5 and 8, T. 11 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frames 3 and 4, 1987) (Marshall A-4)

Table 4

Navigable Waters On or Along Native Allotments and  
Field-Examined Historical Sites  
in Survey Window 1836

1. Right fork of Fog River along Native allotment AA-56435, and its left-bank tributary in allotment, in Sec. 30, T. 11 N., R. 64 W., SM. (Flight 6, roll 1, frame 33, 1987) (Russian Mission A-5)
2. Interconnecting slough of Kisaralik River in Native allotment AA-55907 in Secs. 8 and 17, in Native allotment AA-55908 in Secs. 16 and 17, and in Native allotment F-033569 in Secs. 9 and 16, T. 9 N., R. 66 W., SM. (Flight 3, roll 1, frame 31, 1987) (Bethel D-6)
3. Stream in Native allotment F-17363-A in Secs. 4 and 9, heading in lake in Sec. 8, T. 12 N., R. 66 W., SM (mouth in Sec. 15). (Roll 7, frame 279, 1980) (Russian Mission A-6)
4. Slough in Sec. 5, T. 9 N., R. 68 W., SM, in F-17800. (Roll 4, frame 25, 1987)
5. Lake and effluent in Sec 7, T. 9 N., R. 68 W., SM in Native allotment F-029194. (Flight 4, roll 1, frame 25, 1987)
6. Slough in Native allotment F-17206-B in Sec. 30, T. 9 N., R. 68 W., SM. (Flight 3, Roll 1, Frame 26, 1987) (Bethel D-7)
7. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 1, T. 10 N., R. 69 W., SM and in Sec. 36, T. 11 N., R. 69 W., SM. (Flight 5, Roll 1, Frames 22, 23, and 24, 1987) (Bethel D-6)
8. Tubungaluk Creek, in Native allotment AA-51614, in Secs. 14 and 15, T. 9 N., R. 70 W., SM. (Flight 3, roll 1, frame 22, 1987) (Bethel D-8)
9. Kukthluk River and its right bank tributary in Native allotment F-14378 in Sec. 30, T. 9 N., R. 72 W., SM. (Flight 3, roll 1, frame 15, 1987) (Baird Inlet D-1)
10. Slough (mouth in Sec. 29, T. 10 N., R. 74 W.,) and its northern tributary in Native allotment F-14961-C, in Sec. 29. (Flight 4, roll 1, frame 10, 1987) (Baird Inlet D-2)
11. Slough with mouth in Kyigayalik Lake in Sec. 6, T. 10 N., R. 75 W., SM in Native allotment AA-18257 in Secs. 4 and 5, T. 10 N., R. 76 W., SM. (Flight 5, roll 1, frame 6, 1987) (Baird Inlet D-2, D-3)
12. Stream (northernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) through Native allotment F-14256-B in Sec. 7, T. 12 N., R. 74 W., SM; and its left-bank tributary with mouth in Sec. 7, T. 12 N., R. 74 W., SM through Native allotment F-18198-A. (Roll 7, frame 293, 1980) (Marshall A-2)

13. Stream (southernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-16567 in Sec. 10, T. 12 N., R. 74 W., SM; its left bank tributary (mouth in Sec. 10) to and through Native allotment F-14386-B in Sec. 12, and its left bank tributary in Sec. 18, T. 12 N., R. 74 W., SM to the middle of Native allotment F-14968-A. (Roll 7, frame 293, 1980)(Roll 1, flight 7, frames 12 and 13, 1987) (Marshall A-1,A-2)
14. Stream in Native allotments F-16337-A, F-14515, and F-15734, in Secs. 29, 30, 31, and 32, T. 12 N., R. 75 W., SM (mouths in Sec. 29 and 31). (Roll 7, frame 294, 1980)(Roll 1, flight 7, frame 9, 1987) (Marshall A-2)
15. Lake and its outlet in NW¼SE¼ of Native allotment F-17534 in Sec. 21, T. 9 N., R. 76 W., SM. (Flight 3, roll 1, frame 5, 1987) (Baird Inlet D-2)
16. Stream (mouths in Secs. 21 and 28, T. 9 N., R. 76 W., SM) in Native allotments F-14561 and F-18258, in Secs. 21 and 28. (Flight 3, roll 1, frame 5, 1987) (Baird Inlet D-3)
17. Interconnecting slough of stream in Sec. 25, T. 10 N., R. 76 W., SM in Native allotment F-15827-A. (Flight 4, roll 1, frame 7, 1987) (Baird Inlet D-2)
18. Stream in Native allotment F-14387-B, in Secs. 25 and 36, T. 12 N., R. 79 W., SM (mouth in Sec. 6, T. 11 N., R. 78 W., SM). (Flight 7, roll 1, frame 2, 1987) (Marshall A-4)

Table 5

Navigable Rivers, Streams and Sloughs Less Than  
198 Feet Wide and Lakes Less Than 50 Acres in Size  
in Survey Window 1836 (Atmaultluak, Nunapitchuk, Kasiguluk, Akiachak, Akiak,  
Tuluksak, Bethel (North), and Kwethluk (North))

Seward Meridian

Townships

T. 13 N., R. 62 W.

Bogus Creek and its left-bank tributary from its mouth in Sec. 3, to tributary in S $\frac{1}{4}$  Sec. 22.

T. 13 N., R. 63 W.

Bogus Creek.

T. 11 N., R. 64 W.

Tuluksak River. Right fork of Fog River (mouth in Sec. 5) along Native allotment AA-56435 in Sec. 30. Left-bank tributary of right fork of Fog River in Native allotment AA-56435.

T. 13 N., R. 64 W.,

Bogus Creek. Bogus Creek slough in Secs. 2 and 11. Slough (mouth in Sec. 19), in Secs. 5, 7, 8, 9, 18 and 19. Yukaniluk Creek in Secs. 27, 28, 32, and 33. Kuskokwim River slough in Secs. 3 and 10 (single-lined on USGS map), and branch in Secs. 2, 3, and 11. Kuskokwim River slough (mouth in Sec. 19) to right bank tributary in E $\frac{1}{4}$  of Sec. 12, T. 13 N., R. 65 W., SM.

T. 9 N., R. 65 W.

None.

T. 10 N., R. 65 W.

None.

T. 11 N., R. 65 W.

Lake influent in Sec. 2. Fog River in Secs. 1, 11, and 14 to tributary in E $\frac{1}{4}$ W $\frac{1}{4}$  of Sec. 13. Tuluksak River. Mishevik Slough.

T. 12 N., R. 65 W.

Fog, Gweek, and Tuluksak rivers. Right-bank tributary of Tuluksak River in Sec. 25. Mishevik Slough. Fog River in Sec. 36. Lake effluent entering Mishevik Slough in Sec. 32. Little Bogus Creek.

T. 13 N., R. 65 W.

Gweek River in Secs. 4, 5, 7, and 8. Kuskokwim River slough (mouth in Sec. 19, T. 13 N., R. 65 W.) to right bank tributary in E $\frac{1}{4}$  of Sec. 12.

T. 9 N., R. 66 W.

Kasigluk River. Interconnecting slough of Kisaralik River in Native allotments AA-55907 in Secs. 8 and 17, AA-55908 in Secs. 16 and 17, and in F-033569 in Secs. 9 and 16, and its tributary in Secs. 1, 2, 3, and 11.

T. 10 N., R. 66 W.

Mishevik Slough. Kuskokwim River anabranch heading in Sec. 6, T. 10 N., R. 66 W., SM and emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM. Stream (mouth in Sec. 18), emptying into Mishevik Slough in Secs. 3 and 10. Slough in Secs. 3 and 10, to lower lake effluent in NW $\frac{1}{4}$  Sec. 10.

T. 11 N., R. 66 W.

Mishevik Slough. Portion of right bank tributary of Mishevik Slough (mouth in Sec. 1) double-lined on USGS map in Secs. 1 and 2. Left-bank stream/slough (mouth in Sec. 22) in Secs. 22, 23, 24, 25, 26, and 27. Slough in Secs. 20 and 21.

T. 12 N., R. 66 W.

Tuluksak River. Stream in Native allotment F-17363-A in Secs. 4 and 9. Mishevik Slough. Interconnecting slough of the Kuskokwim with head in Sec. 15 and mouth in Sec. 31, and its branch in Secs. 15, 21, and 22. Interconnecting slough of Kuskokwim River with head in Sec. 28 and mouth in Sec. 32. Portion of right bank tributary of Mishevik Slough (mouth in Sec. 1, T. 11 N., R. 66 W., SM) double-lined on USGS map in Sec. 35. Stream heading in lake in Sec. 8, and emptying into slough in Sec. 15.

T. 13 N., R. 66 W.

Gweek River.

T. 9 N., R. 67 W.

Right-bank slough of Kuskokwim River in Sec. 6. Kisaralik River to forks in Sec. 13. Reindeer Slough. Double-lined portion of tributary of Reindeer Slough in Secs. 8 and 9. Slough in Secs. 8 and 17. Slough in Secs. 17, 18, and 19 (mouth in Sec. 19). Kasigluk River.

T. 10 N., R. 67 W.

Mishevik and Reindeer sloughs. Kuskokwim River anabranch heading in Sec. 6, T. 10 N., R. 66 W., SM, emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM.

T. 11 N., R. 67 W.

None.

T. 12 N., R. 67 W.

Gweek River.

T. 13 N., R. 67 W.

Israthorak Creek to and through Native allotment AA-51769 in Sec. 30.

T. 9 N., R. 68 W.

Portion of Kuskokwim River slough double-lined on USGS map in Secs. 8 and 17. Lake and effluent in Sec. 7. Slough in Secs. 16, 21, and 28. Slough in Native allotment F-17800 in Sec. 5. Slough in Native allotment F-17206-B in Sec. 30. Lake and outlet in Secs. 6 and 7.

T. 10 N., R. 68 W.

Gweek River.

T. 11 N., R. 68 W.

Gweek River. Left-bank tributary of Gweek River in Sec. 12. Left-bank tributary of Gweek River in Secs. 13 and 24 (mouth in Sec. 14).

T. 12 N., R. 68 W.

Gweek River. Israthorak Creek.

T. 13 N., R. 68 W.

Israthorak Creek.

T. 9 N., R. 69 W.

Gweek River.

T. 10 N., R. 69 W.

Gweek River. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 1. Right-bank tributary of Gweek River in NW $\frac{1}{4}$  Sec. 28.

T. 11 N., R. 69 W.

Gweek River. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 36.

T. 12 N., R. 69 W.

Israthorak Creek.

T. 9 N., R. 70 W.

Gweek River. Tubungaluk Creek in Native allotment AA-51614 in Secs. 14 and 15 (mouth in Sec. 18, T. 9 N., R. 69 W., SM).

Tps. 10 and 11 N., R. 70 W.

None.

Tps. 9, 10 and 11 N., R. 71 W.

None.

T. 9 N., R. 72 W.

Kukthluk River and right-bank tributary in Native allotment F-14378 in Sec. 30. Kongeruk River in Sec. 31.

T. 10 N., R. 72 W.

None.

T. 11 N., R. 72 W.

Left-bank tributary of Pikmiktalik River in Secs. 22, 27, 28, 29, and 30.

T. 9 N., R. 73 W.

Johnson River. Left-bank tributary of Pikmiktalik River in Secs. 35 and 36.

T. 10 N., R. 73 W.

None.

T. 11 N., R. 73 W.

Right-bank tributary of Pikmiktalik River in Sec. 23 and 24. Johnson River.

T. 9 N., R. 74 W.

Johnson River. Lake effluent in Secs. 4 and 9. North Fork Johnson River (mouth in Sec. 16) and its southernmost tributary in Sec. 6. Tributary of Johnson River in Sec. 5. Lake effluent in Sec. 27.

T. 10 N., R. 74 W.

Johnson River. Right-bank tributary (mouth in Sec. 17) of Johnson River in Secs. 7, 8, and 17. North Fork Johnson River in Sec. 31. Tributary of Johnson River in Secs. 28, 32, and 33. Slough (mouth in Sec. 29) and its northern tributary in Native allotment F-14961-C, in Sec. 29.

T. 11 N., R. 74 W.

Johnson River. Stream in Sec. 7. Left-bank tributary of Johnson River in Sec. 25 (single-lined on USGS map). Interconnecting slough of Johnson River in Secs. 23 and 26. Slough (mouth in Sec. 34) in Secs. 27 and 34. Slough in Secs. 3 and 4 (mouth in Sec. 4).

T. 12 N., R. 74 W.

Stream (southernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-16567 in Sec. 10; its left-bank tributary (mouth in Sec. 10) to and through Native allotment F-14386-B in Sec. 12, and its left-bank tributary in Sec. 18 to the middle of Native allotment F-14968-A. Stream (northernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-14256-B in Sec. 7, and its tributary in Sec. 7 in Native allotment F-18198-A.

T. 9 N., R. 75 W.

Johnson River. Anabranch of Johnson River and North Fork Johnson River in Secs. 1, 2 and 12. Slough in Secs. 2, 3, and 11, mouth in Johnson River at Kasigluk. Right-bank tributary of Johnson River heading in Kayigyalik Lake in Sec. 15, T. 10 N., R. 75 W., SM and emptying into the Johnson River at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM.

T. 10 N., R. 75 W.

Johnson River. Right-bank tributary of Johnson River in Secs. 26 and 35. Slough connecting Kyigyalik Lake with an unnamed lake in Sec. 12, including north channel in W $\frac{1}{4}$  Sec. 12. Slough heading in lake, in Secs. 1 and 12 (mouth in E $\frac{1}{4}$  Sec. 12). Slough (mouth in Sec. 22) in E $\frac{1}{4}$  Sec. 15. Right-bank tributary of Johnson River heading in Kyigyalik Lake in Sec. 15 and unnamed lake in Sec. 22, T. 10 N., R. 75 W., SM, emptying into the Johnson River at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM. Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, including interconnecting sloughs in Sec. 21, outside of Native allotment F-14873-A.

T. 11 N., R. 75 W.

Stream in Secs. 7 and 8. Stream in Secs. 29 and 30 (mouth in Sec. 29). Stream in Secs. 20 and 21. Slough in SE $\frac{1}{4}$  Sec. 21.

T. 12 N., R. 75 W.

Stream in Native allotments F-16337-A, F-14515, and F-15734, in Secs. 29, 30, 31, and 32.

T. 9 N., R. 76 W.

Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., SM. Lake and its outlet in NW $\frac{1}{4}$ SE $\frac{1}{4}$  of Native allotment F-17534 in Sec. 21. Stream with mouths in Secs. 21 and 28 in Native allotments F-14561 and F-18258.

T. 10 N., R. 76 W.

Stream emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., SM and heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and its interconnecting slough in Sec. 25. Slough in Native allotment AA-18257 in Secs. 4 and 5 (mouth in Kyigyalik Lake in Sec. 6, T. 10 N., R. 75 W., SM).

T. 11 N., R. 76 W.

Stream from Takslesluk Lake (mouth in Sec. 17), in Secs. 17, 18, and 19.

T. 12 N., R. 76 W.

None.

Tps. 9, 10, and 11 N., R. 77 W.

None.

T. 11 N., R. 78 W.

Stream in Secs. 5 and 8 (mouth in Sec. 8). Stream from Takslesluk Lake in Sec. 1, to its mouth in Sec. 5, in Secs. 1-5. Stream in Secs. 6 and 7 (mouth in Sec. 7).

T. 12 N., R. 78 W.

Takslesluk Lake influent in Sec. 25. Stream in Secs. 28, 29, 32, and 33 (mouth in Puk Palik Lake in Sec. 8, T. 11 N., R. 78 W., SM). Stream in Sec. 31 (mouth in Sec. 6, T. 11 N., R. 78 W., SM).

T. 12 N., R. 79 W.

Stream in Native allotment F-14387-B in Secs. 25 and 36 (mouth in Sec. 6, T. 11 N., R. 78 W., SM).

*CMV drawn 5/3/89*

*KARSP/1702  
5/3/89*

**Johnson River System  
Interim Summary Report  
Attachment 44**

Russian Mission-GS-FY'89-#5  
F-14871-EE (75.4)  
✓ F-14888-EE (75.4)  
F-14949-EE (75.4)  
AA-12877 (2620)  
AA-12891 (2620)  
(961)

MAY 8 1989

**Memorandum**

**To:** Deputy State Director for Cadastral Survey (923)  
**From:** Deputy State Director for Conveyance Management (960)  
**Subject:** Navigable Waters in Group Survey 254 (Window 1834)

This memorandum identifies navigable water bodies below a certain size on lands in Window 1834 (Kalskag and Lower Kalskag) which are selected (but not conveyed) under the Alaska Native Claims Settlement Act (ANCSA), the Statehood Act, or the Native Allotment Act, and not reserved or withdrawn at the time Alaska entered the Union. It also identifies navigable waters excluded from conveyances (TA'd & IC'd) under ANCSA and the Statehood Act. No determinations are made for water bodies in the Yukon Delta National Wildlife Refuge except where they are located in or along claims, or for water bodies along Native allotments in interim-conveyed areas. Also, only those cemetery and historic sites that the BIA has examined in the field are reviewed.

Table 1 lists rivers, streams and sloughs less than three chains wide and lakes less than fifty acres in size excluded in ICs and TAs. Those water bodies determined navigable on selected lands on the basis of photo-interpretation are identified in Table 2. Navigable waters in or along Native allotments identified through aerial photo-interpretation are listed in Table 3. Table 4 lists the navigable water bodies by township.

Streams 198 feet or more in width are not listed in the report because, regardless of their navigability status, they are segregated on the survey plats. The same is true for lakes over fifty acres or more. Most of these meanderable water bodies are listed below:

1. Kuskokwim River.
2. Slough of the Kuskokwim River extending from Sec. 20, T. 17 N., R. 59 W., SM, to Sec. 11, T. 16 N., R. 62 W., SM.

3. Slough in Secs. 19, 20, and 29, T. 17 N., R. 60 W., SM and Secs. 24 and 25, T. 17 N., R. 61 W., SM.
4. Slough of the Kuskokwim from Sec. 22 to Sec. 34, T. 17 N., R. 60 W., SM.
5. Slough in Secs. 15, 16, 20-26, 29-32, T. 16 N., R. 63 W., SM.
6. Slough in Secs. 4-6, 18, 19, 31 and 32, T. 15 N., R. 63 W., SM, and Secs. 1, 12, 13, 24, 25, and 36, T. 15 N., R. 64 W., SM.
7. Discovery Creek in Sec. 36, T. 17 N., R. 60 W., SM.
8. Arhymot Lake.
9. Lake in Sec. 22, T. 17 N., R. 62 W., SM.
10. Israthorak Creek from Kuskokwim River in Sec. 11, T. 14 N., R. 64 W., SM, to the slough entering from the east in Sec. 35, T. 15 N., R. 64 W., SM.
11. Gweek River in S1/2SW1/4, Sec. 31, T. 14 N., R. 64 W., SM.

Water bodies determined navigable in the past, including most of those listed above because of their size, are marked on USGS maps which accompanied interim conveyances. Navigable water bodies were shaded and/or marked with "N's", with lines drawn marking linear courses. A set of these navigability maps is attached for reference. Determinations made under the Gulkana River standard for selected lands are not on these maps, although some of the maps do include shading on selected lands. For selected lands, the primary reference must be this memorandum, not the maps. For example, on the Russian Mission B-4 navigability map Gweek River is marked navigable on ANCSA-selected lands in Secs. 30 and 31, T. 14 N., R. 64 W., SM, but it is now considered non-navigable. The Gweek is essentially dry in photographs. (CIR, roll 7, frames 259 and 260). Interviews conducted by Dot Tideman of the Navigability Section in March, 1989, elicited no specific evidence of use of the Gweek in T. 14 N., R. 64 W., SM, although there are claims of going "all the way up" by using short portages. [See Dorothy A. Tideman to File, March 14, 1989, in file F-14823 (75.4).]

The BLM's navigability determination criteria are described in a memorandum of March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management (BLM), subject "Title to submerged lands for purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision of December 14, 1979, on the navigability of the Nation and Kandik rivers (RLS 76-2); the Regional Solicitor's February 25, 1980, interpretation of the ANCAB decision; and dicta in the United States District Court's decision (A80-359) of April 16, 1987, on the navigability of the Gulkana River. In general, the BLM considers nontidal water bodies navigable if, at the time Alaska became a state, they were navigable for crafts larger than a one-person kayak.

Information about the land status, history and physical character of water bodies in the report area comes primarily from the USGS Russian Mission B-3 (1952), B-4 (1954, minor revision 1972), B-5 (1954), C-3 (1952, minor revision 1984), C-4 (1954, minor revision 1972) and C-5 (1952) quadrangles; NASA aerial photographs, roll 2913, frames 6771-6782 (1980); roll 2616, frames 4560-4562 (1978); roll 2911, frames 6383-6388 6458-6461, and 6463 (1980); roll 2911, frames 6383-6388 (1980); roll 7, frames 260-266 (1980); BLM's Master Title Plats, survey plats, Alaska Automated Lands and Minerals Records System (AALMRS), ANCSA easement files, and prior determination memoranda; C. Michael Brown's "Alaska's Kuskokwim River Region: A History" (BLM, unpublished manuscript, 1985). In addition, Edgar A. Earnhart of the Navigability Section contacted the following people:

| <u>Name</u>        | <u>Date</u>                     | <u>Phone Number and Background</u>                                |
|--------------------|---------------------------------|---|
| Wassillie Kameroff | June 14, 23<br>July 27, 1988    | 471-2228, Kuskokwim Corp.<br>board member                         |
| Krim Evan          | June 14, 1988                   | 471-2228, resident of<br>Lower Kalskag                            |
| Evan Savage        | June 23, 1988                   | 471-2228, resident of<br>Lower Kalskag                            |
| George Morgan, Jr. | July 27, 1988                   | 471-2315, Upper Kalskag<br>village and city official              |
| Dennis Strom       | August 1, 1988<br>April 3, 1989 | 543-3151, A manager of<br>Yukon Delta National<br>Wildlife Refuge |
| Iftikim Evan       | March 23, 1989                  | 471-2270, Native allottee<br>in Lower Kalskag                     |
| Mary K. Evan       | March 23, 1989                  | 471-2265, widow of Native<br>allottee, Lower Kalskag              |
| Alexander Levi     | March 24, 1989                  | 471-2279, Native allottee,<br>Lower Kalskag                       |

Jim Wickes, a manager for the Kuskokwim Corporation, Sarah Wise of Lower Kalskag, and Joe Dementle, Sr., were also contacted but furnished no substantive information. For a complete record of the interviews and contacts, see Edgar A. Earnhart to File, August 4, 1988, March 28, 1989, and April 4, 1989, F-14871-EE (75.4).

### Johnson River

This river is well over one hundred miles long. Single-lined on the USGS Russian Mission C-5 quadrangle, the Johnson River meanders south from an unnamed lake, sometimes known as "Grassy Lake," south of Kulik Lake in Sec. 14, T. 18 N., R. 63 W., SM. It is joined by Crooked Creek in Sec. 22, T. 17 N., R. 63 W., SM.

The Johnson is on land selected by Upper Kalskag village in Secs. 14, 15, and 22, T. 17 N., R. 63 W., SM. The BLM identified the river as navigable above Crooked Creek on the water maps which accompanied IC 749. The river was excluded from the survey of T. 17 N., R. 63 W., SM. Hydrography for this township was based on USGS maps.

The Johnson is one of the portage routes between the Yukon and Kuskokwim rivers. Though tending to be difficult to boat, and sometimes containing beaver dams, local residents have used the river for transportation and subsistence. When interviewed in June, 1988, Wassillie Kameroff and Evan Savage of Lower Kalskag told Earnhart that the upper part of the stream has been blocked and a tributary which exits an unnamed lake in Sec. 4, T. 17 N., R. 63 W., SM, is the route used in recent years.

Brown suggested that below Crooked Creek the Johnson River may have been used for boat travel to the Kuskokwim fifteen miles below Bethel. He found little evidence to support such a conclusion. (Brown, pp. 457-458, 532-533.)

Below the mouth of Crooked Creek, the Johnson appears to be open and less sinuous than Crooked Creek. Upstream, it is more crooked than Crooked Creek. The river appears in the BLM's high altitude photographs to be a very narrow stream where it leaves the unnamed lake south of Kulik Lake. It gradually widens to about fifteen feet in Sec. 10, T. 17 N., R. 63 W., SM. Below the mouth of Crooked Creek, it makes many turns for the first mile, but it has a clear channel twelve to fifteen feet wide. (CIR, roll 2911, frames 6457-6458; CIR, roll 2913, frames 6770-6771.) In helicopter and ground photographs taken June 15 and June 23, 1975, the Johnson appears to be twenty to thirty feet wide and free of obstructions. (See Native allotment files F-16534 and F-16347.)

I determine Johnson River navigable through selected lands in T. 17 N., R. 63 W., SM. The determination of 1982 that it is navigable above Crooked Creek is affirmed. The stream is found navigable downstream of the mouth of Crooked Creek on the basis of photographs. Its character is similar but less sinuous than the two streams are above that point. Current residents of Lower Kalskag report it has been boated both above and below the mouth of Crooked Creek.

#### Throat Creek

On the USGS Russian Mission B-4 and B-5 maps, this unnamed stream flows from the stream draining Whitefish Lake in Sec. 1, T. 15 N., R. 61 W., westerly to the Kuskokwim River in Sec. 16, T. 15 N., R. 63 W., SM. It is double-lined into Sec. 11, T. 15 N., R. 63 W., and has further double-lined segments to Sec. 4, T. 16 N., R. 62 W., SM. Most of the stream is single-lined. The gradient is low. The stream courses through and around numerous small lakes through increasingly wooded land as it approaches the Kuskokwim.

On August 25, 1982, the BLM determined the creek navigable in Secs. 9 and 16, T. 15 N., R. 63 W., SM, and excluded it from IC 745 on the basis that it was used by local villagers with fourteen- to thirty-foot boats. The

streambed was conveyed upstream by IC 745 in Tps. 15 and 16 N., R. 61 W. and in T. 16 N., R. 62 W., SM. Sections 10-12, 14 and 15, T. 15 N., R. 63 W., SM, were TA'd to the State of Alaska on August 5, 1987, with a determination of navigability deferred until patent. The stream remains selected by the village of Lower Kalskag in Secs. 3 and 4, T. 15 N., R. 62 W., SM. (See Robert D. Arnold to Chief, Division of ANCSA and State Conveyances, August 25, 1982, and IC 745, September 30, 1983, F-14888; and Brown, p. 492)

In NASA photographs of July 1980 (CIR 60, roll 2911, frames 6383 through 6386), apparently taken at a time of low water, the stream is about sixty to one hundred feet wide for the first mile and one-half, and varies from about twelve to twenty-five feet wide for the next approximately ten miles. Upstream from Sec. 34, T. 16 N., R. 62 W., SM, the creek is narrower, often nearly obscured by brush, and sometimes filled with vegetation. It is a thin thread near its upper end, barely visible near the northeast corner of Native allotment F-17226-C in Sec. 1, T. 16 N., R. 61 W., SM. It is dry for one-half mile near the Whitefish Lake effluent.

George Morgan, Jr., of Lower Kalskag told Earnhart in 1988 that the twenty-five- to thirty-foot-wide stream is boatable each spring and during rainy periods to a portage in Sec. 1, T. 15 N., R. 61 W., SM. He apparently was not aware of the Native allotments which might have served as reference points, and only described the portage as short.

I determine the locally named Throat Creek navigable in Secs. 10, 11, 12, 14 and 15, T. 15 N., R. 63 W., SM, and in Secs. 3 and 4, T. 15 N., R. 62 W., SM. From the aerial photos, we know that it is wide enough for small boats to and beyond the selected lands. Streams in this area tend to be deep. In fact, George Morgan, Jr., said that the creek can be boated each year to its headwaters near the Whitefish Lake outlet.

#### Pikmiktalik River

The Pikmiktalik, 180 miles long, is a meandering tributary of the Johnson River which heads in a small lake about six miles south of Kukaklik Lake near Mud Creek. The USGS Russian Mission B-5 and C-5 quadrangles show that it is partly double-lined through the selection area. Like other streams in the area, the Pikmiktalik's gradient is flat. NASA photographs taken in July, 1980 (CIR, roll 2911, frames 6457, 6458 and 6459), show it to vary from about sixty to two hundred feet wide for most of its course in the group survey area. It is narrow and discontinuous in the stretches single-lined on the USGS Russian Mission C-5 and D-5 quadrangles. The single-lined stream connecting the Pikmiktalik and Crooked Creek in Secs. 28 and 29, T. 17 N., R. 62 W., SM, appears to be dry.

The Pikmiktalik is located in four townships in the report area. It crosses ANCSA-selected lands in Secs. 29 and 32, T. 17 N., R. 62 W., SM, Secs. 5 and 6, T. 16 N., R. 63 W., SM, and in Secs. 26, 27 and 34,

T. 16 N., R. 64 W., SM. The BLM determined the river non-navigable in Sec. 28, T. 17 N., R. 62 W., SM (its extreme upper end) in 1982 and conveyed the bed to Upper Kalskag village by IC 749. The Bureau also conveyed the bed in Sec. 4, T. 16 N., R. 63 W., SM, following the same determination of nonnavigability. (See Robert D. Arnold to Chief, Division of ANCSA and State Conveyances, August 25, 1982, and ICs 745 and 749, September 30, 1983, F-14888.)

There is little documentary evidence of use of the Pikmiktalik by boats. Brown found no written record of use of this river in the vicinity of the Kalskags and Tuluksak. The record indicates the stream was part of the Yukon-Kuskokwim portage routes, but all references are to stretches of the river many miles downstream from the group survey area. Native allotment case files indicate that two residents of Lower Kalskag with parcels along the river may have accessed their parcels by boat as early as the 1960's. Mezak Kameroff's allotment (F-16536-D) is in Sec. 35, T. 17 N., R. 63 W., SM, and Mary K. Evan's is in Sec. 32, T. 17 N., R. 63 W., SM, (F-16346, Parcel D) along the upper river. Both allottees use their land for berry picking; Kameroff fishes, hunts, and traps as well. The difficulties of overland travel in this area suggest that water transportation was the only practical means of reaching the allotments for most of these uses, but their locations do not indicate what routes are used. The photographs taken by the BLM field examiner on June 20 and 22, 1975, show wide, lake-like bodies of water.

Wassillie Kameroff and Evan George told Earnhart in 1988 that most people access their spring camps via Mud Slough, the old portage, and Johnson River. Dennis Strom of the Yukon Delta National Wildlife Refuge office in Bethel believes the Pikmiktalik is boatable to its headwaters in spring and fall.

I determine the Pikmiktalik River non-navigable through Secs. 29 and 32, T. 17 N., R. 62 W., Secs. 5 and 6, T. 16 N., R. 63 W., and Secs. 26, 27, and 34, T. 16 N., R. 64 W., SM. It is a slight, discontinuous stream on BLM's aerial photographs. There is no historical record of use in the report area and queries of local people elicited no evidence of use. Two Native allotments, one straddling and one near the partially dry bed of the river, are likely not accessed by this stream. The people Strom observed from the air at various locations in the area likely came by routes other than the Pikmiktalik. Kameroff and Savage do not believe it is boatable by any of the crafts used in the area.

### Israthorak Creek

Israthorak Creek is a ninety-mile-long branch of the Kuskokwim which joins the Pikmiktalik River for part of its course. It heads in the Kuskokwim in Sec. 11, T. 14 N., R. 64 W., SM, meandering north, and then west, first through selected lands and then through unselected lands in the survey window. It is double-lined on the USGS Russian Mission B-5 (1954) quadrangle for its first four or five miles, and mostly single-lined through the rest of the Lower Kalskag village selection area. In photographs of July, 1980 (CIR 60, roll 7, frames 259-261), the

Israthorak is over three hundred feet wide where it leaves the Kuskokwim. It narrows to eighty to one hundred feet north of the branch in Sec. 35, T. 15 N., R. 64 W., SM. Becoming more narrow, the Israthorak appears to be dry in Secs. 14, 15 and 23, T. 15 N., R. 64 W., SM. A short branch which heads in Sec. 11, T. 15 N., R. 64 W., SM, and meets the Israthorak in Sec. 35 of the township also appears in the photographs to be dry.

The BLM determined navigable the branch of Israthorak Creek extending from the unnamed slough of the Kuskokwim in S $\frac{1}{2}$  Sec. 31, T. 15 N., R. 63 W., to its confluence with Israthorak Creek in Sec. 35, T. 15 N., R. 63 W., SM, as well as the Israthorak from this branch to the Kuskokwim. It later excluded the bed of the former in Sec. 31, T. 15 N., R. 63 W., SM, and Sec. 36, T. 15 N., R. 64 W., SM, from a conveyance of land to Lower Kalskag. The branch remains selected in Secs. 1 and 2, T. 14 N., R. 64 W. SM, and in Sec. 35, T. 15 N., R. 64 W., SM. (Brown, pp. 493-494 and IC 745, September 30, 1983, F-14888.)

In 1988 Kalskag residents Wassillie Kameroff and Evan Savage told Earnhart that the Israthorak could not be boated by any craft for more than about two miles beyond where the slough enters in Sec. 35, T. 15 N., R. 64 W., SM. They also noted that the slough from the east, though determined navigable and excluded from IC 745 in Sec. 31, T. 15 N., R. 63 W., SM, and in Sec. 36, T. 15 N., R. 64 W., SM, is dry or nearly so for about a mile on its east end and in Sec. 1, T. 14 N., R. 64 W., SM.

I affirm the BLM's past determinations that Israthorak Creek is navigable from the Kuskokwim to the confluence of the unnamed slough of the Kuskokwim in Sec. 35, T. 15 N., R. 63 W., SM. I further determine the creek navigable to the tributary in Sec. 26, T. 15 N., R. 64 W., SM. The stream is over one hundred feet wide most of the way to this point. Two local people identified this as the approximate upper limit for boating.

Slough with mouth in SE $\frac{1}{4}$  Sec. 25, T. 16 N., R. 63 W., SM.

The USGS Russian Mission B-4 quadrangle shows this slough as interconnecting with the Kuskokwim in Sec. 30, T. 16 N., R. 62 W., and Sec. 25, T. 16 N., R. 63 W., SM. The slough was conveyed by IC 745, excepting those portions in Native allotments F-16535 Parcel B in Sec. 25, T. 16 N., R. 63 W., SM, and F-17384 Parcel B in Sec. 30, T. 16 N., R. 62 W., SM. The Native allotments straddle the head and mouth of the slough. Double-lined on the USGS map for most of its three and one-half mile length, it is single-lined through the Native allotments. In NASA photographs it is about two hundred to three hundred feet wide, dry at the upper end, and about fifteen feet wide at its mouth in Sec. 25. Judging from the color of the water in the photographs, the waters of the Kuskokwim back up in the slough nearly to its head (CIR 60, roll 2911, frame 6385, July, 1980).

Evan Savage and Wassillie Kameroff of Lower Kalskag told Ed Earnhart that duck and muskrat hunters take sixteen-foot boats up this slough and portage to nearby lakes. Savage said that he has boated the slough. George Morgan, Jr., said that he and about ten other people also ascend the slough.

I determine this slough navigable in Native allotment F-16535 Parcel B located in Sec. 25, T. 16 N., R. 63 W., SM. It is about fifteen feet wide. It is unobstructed and obviously deep enough for shallow crafts. The slough is used by people to reach portages to the lakes east of it.

### Bogus Creek

Bogus Creek originates in lowlands on the northwest side of an extension of the Kilbuck Mountains, a few miles southwest of Whitefish Lake. It meanders fifty miles to the Kuskokwim near Tuluksak. The creek is double-lined from the Kuskokwim to and through Sec. 29, T. 14 N., R. 61 W., SM. (See Russian Mission A-4, A-5, and B-4, and B-5 quadrangles.) Four Native allotments are located on tributary streams above this point. Allotments F-15679, F-15680, F-16348, F-17303-A, and F-16534-D are located on what appears to be the upper part of Bogus Creek coming out of the mountains to the southeast. The BLM's high altitude photographs show that allotment F-16534 D in Sec. 32, T. 14 N., R. 61 W., SM, is on Bogus Creek proper, rather than a tributary as depicted on the USGS maps. Here the creek is on a stream about fifteen feet wide. It is free of any obstructions. The other four allotments appear to be on smaller, discontinuous tributaries of Bogus Creek (CIR 60, roll 7, frames 265 and 266, July, 1980).

Two allottees and the widow of one allottee were contacted. They confirmed the impression from the land reports in the allotment case files that the allotments are accessed by snowmachine for trapping. They are not used in summer. None believed the cluster of allotments in the northeast section of T. 14 N., R. 61 W., SM., were accessible by water. However, Iftikim Evan thought that Elia Evan (deceased) may have gotten to his allotment in Sec. 32, T. 14 S., R. 61 W., SM, by boating up Bogus Creek and using a canoe for the last mile or so. Mary K. Evan, Elia's widow, did not believe her husband traveled to the allotment in the summer, but she did not know how he originally located it. Dennis Strom said that he has no doubt that Bogus Creek is boatable to and through Elia Evan's Native allotment. He said it is a deep tundra stream.

Alexander Levi whose allotment (F-16348) is in Sec. 15, T. 14 N., R. 61 W., SM, said that trails are used to reach the allotments, which are used in beaver trapping and muskrat hunting. Levi did not believe anyone had ever gone to the allotments by boat, including Elia Evan.

I determine Bogus Creek navigable in F-16534 Parcel D located in Sec. 32, T. 14 N., R. 61 W., SM. The stream as shown in NASA high altitude photographs is about fifteen feet wide and free of obstacles at this point and downstream. Iftikim Evan of Lower Kalskag and Dennis Strom, a manager of the Yukon Delta National Wildlife Refuge, who both know the area well, are convinced it can be boated to and through the Native allotment. Alexander Levi apparently lacks firsthand experience with the river downstream of his allotment during the open season.

Miscellaneous Navigable Water Bodies

I determine those water bodies listed in Tables 2 and 3 navigable. The sloughs and streams have little or no gradient and fill during spring breakup and rainy seasons. They are considered navigable if a clear channel is evident in NASA aerial photographs (scale 1:60,000). They are obviously susceptible to use by boaters, at least by canoe or airboat, during periods of high water.

Other Water Bodies

All other water bodies less than the meanderable size are non-navigable. The lakes are partially landlocked. The streams are too shallow, narrow, and/or filled with beaver dams or brush.

*Wayne C. Bodest*

Enclosures:  
Tables  
Maps

cc:

State of Alaska  
Department of Natural Resources  
Division of Land and Water Management  
State Interest Determinations Unit  
P.O. Box 107005  
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State of Alaska  
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The Kuskokwim Corporation  
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Calista Corporation  
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DM (040)

Chief, Planning and Development (920B)

Chief, Branch of Field Surveys (921)

Chief, Branch of Cartography (922)

Chief, Branch of Photogrammetry (924)

Chief, Branch of Calista Adjudication (963)

961:EEarnhart:ram:04/28/89:1444t

Table 1

Rivers, Streams, and Sloughs Less Than Three Chains Wide  
and Lakes Less Than Fifty Acres Excluded from  
ICs and TAs in Survey Window 1834 (Kalskag and Lower Kalskag)

1. Branch of Kuskokwim River double-lined on USGS Russian Mission C-4 in Sec. 22, T. 17 N., R. 60 W., SM. (IC 749)
2. Whitefish Lake effluent in Secs. 16, 20, 21, 24 and 36, T. 16 N., R. 61 W., SM, and Sec. 1, T. 15 N., R. 61 W., SM. (Russian Mission B-4) (IC 745)
3. Mud Creek to the NE4NE4, Sec. 26, T. 17 N., R. 62 W., SM, or portion double-lined on USGS Russian Mission C-4 and C-5. (IC 745)
4. Crooked Creek in T. 17 N., R. 62 W., SM. (Russian Mission C-4, C-5) (IC 749)
5. Two lakes in NW4 Sec. 26, T. 17 N., R. 62 W., SM, shown on USGS Russian Mission C-4. (IC 749)
6. Slough in Secs. 17-19, T. 16 N., R. 62 W., SM, and the two southeastern double-lined sloughs which meet the Kuskokwim in Secs. 20 and 30 of the township. (Russian Mission B-4)(IC 745)
7. Tributary of Israthorak Creek, single-lined on USGS Russian Mission B-5, in Sec. 31, T. 15 N., R. 63 W., SM. (IC 745)(This creek disappears in vegetation on aerial photos.)
8. Slough double-lined on USGS Russian Mission B-4 and B-5 in Secs. 23 and 24, T. 16 N., R. 63 W., SM. (IC 745)
9. Slough double- and single-lined on USGS Russian Mission B-4 in Secs. 23-25, T. 16 N., R. 63 W., SM. (IC 745)
10. Double-lined, dead-end slough in Sec. 23, T. 16 N., R. 63 W., SM. (Russian Mission B-4)(IC 745)
11. Dead-end slough of the Kuskokwim River where double-lined on USGS Russian Mission B-5 in Sec. 3, T. 15 N., R. 63 W., SM, and Secs. 26, 27 and 34, T. 16 N., R. 63 W., SM. (IC 745)
12. Dead-end slough of the Kuskokwim in Sec. 3, T. 15 N., R. 63 W., SM, and Secs. 33 and 34, T. 16 N., R. 63 W., SM where double-lined on USGS Russian Mission B-5. (IC 745)
13. Stream (local name Throat Creek) through Secs. 9 and 16, T. 15 N., R. 63 W., SM. (Russian Mission B-5)(IC 745)

14. Sloughs of the Kuskokwim River in Secs. 19, 20 and 30, T. 14 N., R. 63 W., SM, and Secs. 22, 26, 27, 34, and 35, T. 14 N., R. 64 W., SM. (Russian Mission B-5)(IC 745)
15. Single-lined slough of the Kuskokwim River in Secs. 20, 21 and 29, T. 14 N., R. 64 W., SM. (Russian Mission B-4)(IC 542)
16. Single-lined slough of the Kuskokwim River in the lower half of Secs. 32 and 33, T. 14 N., R. 64 W., SM, and its northerly mouth. (Russian Mission B-4)(IC 542)
17. All portions of lake double-lined on USGS map in Secs. 8, 9, 16, and 17, T. 16 N., R. 62 W., SM. (Russian Mission C-4) (IC 745)
18. Two small, elongated lakes in SE4SE4, Sec. 8, T. 16 N., R. 62 W., SM. (IC 745)

Table 2

Navigable Waters on Selected Lands in Survey Window 1834  
(Kalskag and Lower Kalskag) Identified by  
Aerial Photo-Interpretation

1. Dead-end slough of Kuskokwim in Sec. 1, T. 16 N., R. 61 W., SM. (Russian Mission C-3, C-4) (CIR, roll 2911, frames 6460 and 6461, July 1980)
2. Interconnecting slough of the Kuskokwim River from the mouth of Israthorak Creek in Sec. 11, T. 14 N., R. 64 W., SM, through Secs. 8, 9, 10, 17, T. 14 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frames 259 and 260, July, 1980)
3. Slough in N2 Sec. 25, T. 17 N., R. 60 W., SM. (Russian Mission C-4) (CIR roll 2913, frame 6775, July, 1980)
4. Slough in Secs. 27 and 34, T. 17 N., R. 60 W., SM. (Russian Mission C-3 and C-4) (CIR, roll 2911, frame 6461, July, 1980)
5. Slough in S1/2 Sec. 25, T. 14 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frames 260 and 261, July, 1980))
6. Part of Israthorak Creek tributary double-lined on USGS map in Sec. 35, T. 15 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frame 260, July, 1980)

Table 3  
Navigable Waters in Native Allotments

1. Bogus Creek through Native allotment F-16534 Parcel D, Sec. 32, T. 14 N., R. 61 W., SM (CIR, roll 7, frame 265, July, 1980)
2. Stream feeding into Arhymot Lake (mouth in Sec. 10), two left bank tributaries in Secs. 34 and 35, T. 19 N., R. 61 W., SM, and Sec. 2, T. 18 N., R. 61 W., SM, within F-17385 Parcel A. (CIR, roll 2913, frames 6779 and 6780, July, 1980)
3. Slough in F-16535 Parcel B in SE1/4 Sec. 25, T. 16 N., R. 63 W., SM. (CIR, roll 2911, frames 6385 and 6386, July, 1980)
4. Slough through Native allotment F-17226 Parcel A, Sec. 3, T. 15 N., R. 63 W., SM, and Sec. 34, T. 16 N., R. 63 W., SM. (CIR, roll 2911, frame 6386, July, 1980)
5. Two sloughs entering the Kuskokwim River in Native allotment F-17371, Sec. 29, T. 14 N., R. 64 W., SM. (CIR, roll 7, frame 250, July, 1980)

Table 4

Navigable Rivers and Streams Less Than 198 Feet Wide  
and Lakes Less Than 50 Acres in Size in Survey Window 1834  
(Kalskag and Lower Kalskag)

Seward Meridian

T. 17 N., R. 60 W.

Branch of Kuskokwim River slough in Secs. 22, 27, and 34; slough of Kuskokwim in Secs. 24 and 25; interconnecting slough of the Kuskokwim in Secs. 19, 20 and 29; double-lined portion of slough in SE4 Sec. 29. (Russian Mission C-3, C-4)

Tps. 18 and 19 N., R. 60 W.

None.

T. 14 N., R. 61 W.

Bogus Creek in Native allotment F-16534-D, in Sec. 32 (Russian Mission B-4)

T. 15 N., R. 61 W.

Whitefish Lake effluent in Sec. 1. (Russian Mission B-4)

T. 16 N., R. 61 W.

Dead-end slough in Sec. 1; Whitefish Lake effluent in Secs. 16, 20, 21, 24, 25-28, and 36 (8/25/82). (Russian Mission B-4)

T. 17 N., R. 61 W.

Interconnecting slough of the Kuskokwim in Secs. 24 and 25. (Russian Mission C-4)

T. 18 N., R. 61 W.,

Stream emptying into Arhymot Lake and its left bank tributary in Native allotment F-17385-A in Sec. 2. (Russian Mission C-4)

T. 19 N., R. 61 W.,

Stream emptying into Arhymot Lake and its left bank tributary in Native allotment F-17385-A in Secs. 34 and 35. (Russian Mission C-4)

T. 14 N., R. 62 W.

None.

T. 15 N., R. 62 W.

Throat Creek in Secs. 3 and 4. (Russian Mission B-4)

T. 16 N., R. 62 W.

Mud Creek; double-lined portions of lake in Secs. 8, 9, 16, and 17; slough in Sec. 17-19 and its two left bank double-lined branches in Sec. 19; and two small, elongated lakes in SE4SE4 Sec. 8. (Russian Mission B-4, B-5, C-4, C-5)

T. 17 N., R. 62 W.

Mud Creek to the NE4NE4 Sec. 26; two portage lakes in NW4 Sec. 26; Crooked Creek. (Russian Mission C-4, C-5)

T. 18 N., R. 62 W.

None.

T. 14 N., R. 63 W.

Slough in Secs. 19, 20, and 30.

T 15 N., R. 63 W.

Throat Creek in Secs. 9-12, 14-16 (TA); Israthorak Creek tributary in Sec. 31; slough in Sec. 3, and in Secs. 26, 27, and 34, T. 16 N., R. 63 W., SM, slough in Sec. 3 and in Secs. 33 and 34, T. 16 N., R. 63 W. (Russian Mission B-5)

T. 16 N., R. 63 W.

Mud Creek; slough in Secs. 23 and 24; Kuskokwim River slough in Native allotment F-16535 Parcel B, in SE4 Sec. 25; slough double-lined and single-lined in Secs. 23-25; double-lined dead-end slough in Sec. 23; slough in Secs. 26, 27, and 34, and in Sec. 3, T. 15 N., R. 63 W.; slough in Secs. 33 and 34, and in Sec. 3, T. 15 N., R. 63 W. (Russian Mission B-4, B-5, C-4, C-5)

T. 17 N., R. 63 W.

Johnson River in Secs. 14, 15 and 22; and Crooked Creek in Secs. 22 and 23. (Russian Mission C-5)

T. 14 N., R. 64 W.

Slough of Kuskokwim from its head in Sec. 21 through Secs. 20 and 29 to Kuskokwim in Sec. 29 (and in Native allotment F-17371); slough from mouth of Israthorak Creek to Kuskokwim River through Secs. 8, 9, 10 and 17, and Native allotment F-17371, in Sec. 29; slough through Secs. 1 and 2 (it enters Israthorak Creek from the east in Sec. 35, T. 15 N., R. 64 W.); sloughs in Secs. 22, 25, 26, 27, 34 and 35; single-lined slough in lower half of Secs. 32 and 33, and its northerly mouth. (Russian Mission B-5)

T. 15 N., R. 64 W.

Israthorak Creek to tributary in Sec. 26; Israthorak Creek tributary in Sec. 35 (portion double-lined on map only) and in Sec. 36. (Russian Mission B-5)

T. 16 N., R. 64 W.

None.

T. 15 N., R. 65 W.

None.



# United States Department of the Interior

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



Johnson River System  
Interim Summary Report  
Attachment 45

F-14898-A (2651) 1/  
(963) cmp

JUN 19 1990

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

Gentlemen:

An upcoming priority for the Bureau of Land Management (BLM) will be to issue a patent for the lands conveyed by interim conveyance to the village and the subsurface to the regional corporations identified by survey.

At the time the interim conveyance documents were issued, only the submerged land acreage of navigable water bodies was not charged against the village corporation's entitlement. However, on December 5, 1983, the Secretary of the Interior directed the BLM to adopt the policy of applying the Manual of Survey Instruction, 1973, which states all rivers 198 feet (3 survey chains, each chain being 66 feet long) wide or wider were to be excluded from the acreage charged against a corporation's entitlement. Lakes 50 acres in size or larger were also to be excluded. These waters are called meanderable waters. They are shown on the survey plats as streams having two sides. Streams less than 198 feet wide are shown as a single line. The other waters excluded were waters that were determined to be navigable. The beds of navigable waters

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1/ F-14919-A, F-14937-A, F-14830-A, F-14918-A, F-14950-A, F-14990-A,  
F-14860-A, F-14924-A, F-14936-A, F-14941-A, F-14887-A, F-14885-A, F-14862-A,  
F-14920-A, F-14831-A, F-14900-A, F-14926-A, F-14871-A, F-14888-A, F-14835-A,  
F-14914-A, F-14873-A, F-14823-A, F-14824-A, F-14949-A, F-14838-A, F-14883-A,  
F-14854-A, F-14884-A, F-14878-A, F-14856-A, F-14933-A, F-14825-A, F-14879-A,  
F-14864-A, F-14839-A, F-19571-A, F-14915-A, F-14892-A, F-14927-A, F-14875-A

transferred to the State of Alaska when Alaska became a State. The corporation will own the beds of nonnavigable waters, but if they are meanderable (198 feet wide or wider for streams or 50 acres or larger for lakes) they are not charged as land acres. Any water body smaller than this that is nonnavigable is counted as land and is charged against the village corporation's entitlement.

When the interim conveyance was issued, the criteria, or standard, used for saying that a water body was navigable was that a propeller driven boat loaded with 1,000 pounds of cargo could travel on the stream. The State challenged this standard and, as of today, the court has overturned this rule. The standard used since February 1987, is what we refer to as the Gulkana Criteria. This new criteria is based on a lawsuit related to the Gulkana River and whether it is navigable or not.

The BLM has adopted the Gulkana Criteria for use in the determination of navigability. This standard is that if a canoe capable of hauling people or some cargo can travel on the stream, then the stream is navigable. Lakes must be tied to some other travel mode such as a stream or road and have been used for travel between points in the past or are capable of being used for travel in the future.

The effect on the village corporation is that the corporation may receive more land area when the Gulkana criteria is used. The BLM can issue the patent to the corporation in either of two ways. The BLM can use the old navigability criteria that was used in the interim conveyances, or, with the permission of the village and region, the BLM can update the navigability determination to reflect the Gulkana criteria in the patent. If both the regional and village corporation choose to go with the Gulkana criteria and if the Gulkana navigability decision is later overturned by the courts, the policy is the BLM will not seek reconveyance of any excess lands caused by later changes in the navigability criteria.

Enclosed are forms to be used by the regional corporation to request that the Gulkana criteria be applied. Kasigluk, Pitka's Point, Tuntutuliak, Lime Village, Alakanuk, and Kotlik have already agreed to have their lands reviewed under the Gulkana Criteria; therefore, please review these lands first and return the enclosed form as soon as possible. Consent is required by both the regional and village corporations; however, if responses are different or no reply is received, the survey plats will continue to be processed with the original navigability determination used in the interim conveyance.

If both the village and regional corporations decide to take the patent under the new criteria, and the response is received timely, that is, prior to platting of the survey for the village, the new navigability determination information will be incorporated onto the survey plats and patent will be issued without delaying the conveyance as scheduled in the patent plan.

Sincerely,

*for* Charlotte M. Pickering

*for* Ann Johnson  
Chief Branch of Calista Adjudication

Approval to Modify Navigability Determination on IC'd Lands

In order to allow survey plat preparation according to the BLM Manual of Surveying Instructions (1973) Sections 3-115 to 123; and to finally identify a legal description and acreage chargeability to be used in the patent document issued to Calista Corporation, the authorized office of said corporation hereby agrees on behalf of the corporation that:

1. Said Corporation agrees to allow the Bureau of Land Management to make a new administrative determination of navigability on those lands conveyed under IC 750 for the purpose of determining the acreage chargeable toward land entitlement.
2. Said corporation agrees that navigability determinations made as a result of this approval are intended to control over all prior determinations as to navigability.
3. Said corporation understands that all streams three chains wide or wider and all lakes fifty acres in size or larger will be meandered regardless of navigability and the BLM is not required to determine the navigability of these larger water bodies.

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Corporate Official

\_\_\_\_\_ Title

STATE OF ALASKA                    )  
  )ss.  
\_\_\_\_\_ JUDICIAL DISTRICT    )

THIS IS TO CERTIFY that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, appeared before me \_\_\_\_\_ who is known to me and who stated he/she is acting on behalf of \_\_\_\_\_ and that he/she executed the foregoing pursuant to lawful authority for the purposes stated therein.

\_\_\_\_\_  
Notary Public or Postmaster  
in and for the State of Alaska.  
My Commission Expires: \_\_\_\_\_

F-14990-A (2651) 1/  
(963)cmp

JUN 21 1990

The Kuskokwim Corporation  
429 D Street, Suite 307  
Anchorage, Alaska 99501

Gentlemen:

Previously a letter was sent to the village corporation regarding the navigability criteria on the interim conveyed lands. Enclosed is a letter to the Calista Corporation requesting their response on the same subject.

With the permission of both the village and regional corporations the BLM can update the navigability determinations to reflect the Gulkana criteria on interim conveyed lands. If responses are different or no reply is received, the survey plats will continue to be processed with the original navigability determination used in the interim conveyances.

Please do not hesitate to contact this office if you have any questions.

Sincerely,

~~For~~ Charlotte M. Pickering

*W* Ann Johnson  
Chief, Branch of Calista Adjudication

Enclosure:

---

1/ F-14860-A, F-14924-A, F-14936-A, F-14831-A, F-14900-A, F-14926-A,  
F-14871-A, F-14888-A, F-14927-A, F-14941-A.

963\*CPickering\*jam\*6-14-90\*1623j

Identical letter sent to:

Pitka's Point Native Corporation  
via St. Mary's, Alaska 99658

St. Mary's Native Corporation  
St. Mary's, Alaska 99658

Nerklikmute Native Corporation  
via St. Mary's, Alaska 99658

Pilot Station, Incorporated  
Pilot Station, Alaska 99650

Tuntutuliak Land Limited  
Tuntutuliak, Alaska 99680

The Kuskokwim Corporation  
429 D Street, Suite 307  
Anchorage, Alaska 99501

Lime Village Corporation  
via McGrath, Alaska 99627

Quanirtuug Incorporated  
Quinnagak, Alaska 99655

Kuitsarak, Inc. (Mumtrak)  
Goodnews Bay, Alaska 99589

Arviq, Inc.  
Platinum, Alaska 99695

Atmautluak, Limited  
Atmautluak, Alaska 99559

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Kasigluk, Inc.  
Kasigluk, Alaska 99609

Akiachak, Limited  
Akiachak, Alaska 99551

Kokarmuit Corporation  
Akiak, Alaska 99552

Tulkisarmute, Inc.  
Tuluksak, Alaska 99579

Bethel Native Corporation  
P.O. Box 719  
Bethel, Alaska 99559

Kwethluk Incorporated  
Kwethluk, Alaska 99621

Iqfijouaq Company  
Eek, Alaska 99578

Kwik Inc.  
Kwigillingok, Alaska 99622

Qemirtalek Coast Corporation  
Kongiganak, Alaska 99695

Emmonak Corporation  
Emmonak, Alaska 99581

Swan Lake Corporation  
Sheldons Point, Alaska 99666

Alakanuk Native Corporation  
P.O. Box 89  
Alakanuk, Alaska 99554

Kotlik Yupik Corporation  
Kotlik, Alaska 99620

Nunapiglluraq Corporation  
via Kotlik, Alaska 99620

Kongnikilomuit Yuita Corporation  
P.O. Box 32185  
Mountain Village, Alaska 99632

Chuloonawick Corporation  
3102 Dawson #A  
Anchorage, Alaska 99503

Ohog Incorporated  
via Russian Mission, Alaska 99657

Maserculig Incorporated  
Marshall, Alaska 99585

~~Russian Mission Native Corporation  
Russian Mission, Alaska 99657~~

Kugkaktlik Limited  
Kipnuk, Alaska 99614

cc:

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

✓ F-14898-A (2651)1/  
(963)

JUL 16 1990

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

Gentlemen:

Not long ago we sent you letters concerning navigability determinations on lands already conveyed. Since then, we have been asked by some corporations the following question:

What happens if a water body, determined nonnavigable by BLM, is later declared navigable by the courts?

The answer is that BLM will convey additional lands to the corporation to make up for any acreage lost.

Please let us know if you have any other questions.

Sincerely,

/s/ ANN JOHNSON

Ann Johnson  
Chief, Branch of Calista Adjudication

---

1/ F-14919-A, F-14937-A, F-14830-A, F-14918-A, F-14950-A, F-14990-A,  
F-14860-A, F-14924-A, F-14936-A, F-14941-A, F-14887-A, F-14885-A, F-14862-A,  
F-14920-A, F-14831-A, F-14900-A, F-14926-A, F-14871-A, F-14888-A, F-14836-A,  
F-14914-A, F-14873-A, F-14823-A, F-14824-A, F-14949-A, F-14838-A, F-14883-A,  
F-14854-A, F-14884-A, F-14878-A, F-14856-A, F-14933-A, F-14825-A, F-14879-A,  
F-14854-A, F-14884-A, F-14878-A, F-14856-A, F-14933-A, F-14825-A, F-14879-A,  
F-14864-A, F-14839-A, F-19571-A, F-14915-A, F-14892-A, F-14875.

Copy furnished to:

Azachorak, Incorporated  
P.O. Box 213  
Mountain Village, Alaska 99632

Pitka's Point Native Corporation  
via St. Mary's, Alaska 99658

St. Mary's Native Corporation  
St. Mary's, Alaska 99658

Nerklikmute Native Corporation  
via St. Mary's, Alaska 99658

Pilot Station, Incorporated  
Pilot Station, Alaska 99650

Tuntutuliak Land Limited  
Tuntutuliak, Alaska 99680

The Kuskokwim Corporation  
429 D Street, Suite 307  
Anchorage, Alaska 99501

Lime Village Corporation  
via McGrath, Alaska 99627

Quanirtuug Incorporated  
Quinnagak, Alaska 99655

Kuitsarak, Inc. (Mumtrak)  
Goodnews Bay, Alaska 99589

Arviq, Inc.  
Platinum, Alaska 99695

Atmautluak, Limited  
Atmautluak, Alaska 99559

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Kasigluk, Inc.  
Kasigluk, Alaska 99609

Akiachak, Limited  
Akiachak, Alaska 99551

Kokarmuit Corporation  
Akiak, Alaska 99552

Tulkisarmute, Inc.  
Tuluksak, Alaska 99579

Bethel Native Corporation  
P.O. Box 719  
Bethel, Alaska 99559

Kwethluk Incorporated  
Kwethluk, Alaska 99621

Iqfijouaq Company  
Eek, Alaska 99578

Kwik Inc.  
Kwigillingok, Alaska 99622

Qemirtalek Coast Corporation  
Kongiganak, Alaska 99695

Emmonak Corporation  
Emmonak, Alaska 99581

Swan Lake Corporation  
Sheldons Point, Alaska 99666

Alakanuk Native Corporation  
P.O. Box 89  
Alakanuk, Alaska 99554

Kotlik Yupik Corporation  
Kotlik, Alaska 99620

Nunapiglluraq Corporation  
via Kotlik, Alaska 99620

Kongnikilomuit Yuita Corporation  
P.O. Box 32185  
Mountain Village, Alaska 99632

Chuloonawick Corporation  
3102 Dawson #A  
Anchorage, Alaska 99503

Ohog Incorporated  
via Russian Mission, Alaska 99657

Maserculig Incorporated  
Marshall, Alaska 99585

Russian Mission Native Corporation  
Russian Mission, Alaska 99657

Kugkaktlik Limited  
Kipnuk, Alaska 99614

# Calista Corporation

601 W. 5th Avenue, Suite 200, Anchorage, Alaska 99501-2225 • (907) 279-5516 • FACSIMILE (907) 272-5060

September 21, 1990

90 SEP 26

BLM  
SO

Ms. Ann Johnson, Chief  
Branch of Calista Adjudication  
222 W. 7th Avenue, #13  
Anchorage, AK 99513

**Johnson River System  
Interim Summary Report  
Attachment 46**

RE: Navigability Redeterminations

Dear Ann:

The purpose of this letter is to inform you that it is Calista Corporation's wish that no new navigability redeterminations be made on previously conveyed lands within the Calista region.

Surveys conducted throughout village corporations in regard to this matter indicate that the majority of Calista villages are opposed to the idea of navigability redeterminations being conducted on lands conveyed to them under the Alaska Native Claims Settlement Act. What control the village corporations have over their lands are more important than gaining additional upland acreage under the Gulkana River criteria.

Of course, the village corporations and Calista reserve the right to receive our full ANCSA entitlements even if at a later date the navigability of these water bodies are challenged successfully by the State of Alaska.

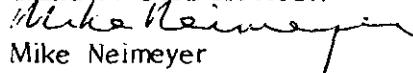
It is our understanding that before conducting a navigability redetermination, on prior native corporation conveyances, BLM must have both the surface and subsurface owners concurrence. Wherever Calista has either surface or subsurface estates, we desire no navigability redeterminations using the "Gulkana criteria."

We have heard from other regional corporations that the conveyance branches they work with at BLM are taking a different view on the navigability redetermination issue. Apparently, some branches require both surface and subsurface estate owners to protest the navigability redeterminations. If one or the other concurs with the redetermination they intend to conduct the new studies. If that becomes BLM policy for all conveyance branches including the Calista branch we would like a formal decision issued to that affect before it is applied to the Calista Region.

Should you have any questions regarding this correspondence or need additional information, please contact me at 279-5516. Thank you.

Sincerley,

CALISTA CORPORATION

  
Mike Neimeyer  
Vice President  
Land & Natural Resources

MN:lja

cc Calista Village Corporations

SEP 27 REC'D

**Johnson River System  
Interim Summary Report  
Attachment 47**

✓ F-14914-A (2651)  
(963) CMP

DEC 03 1990

Nunapitchuk, Limited  
Nunapitchuk, Alaska 99641

Gentlemen:

This office received an "Approval to Modify Navigability Determination on IC'd Lands" from your corporation requesting the use of the current criteria for navigability determination.

Existing landowners must agree to corrections to title documents. In this case, both the regional corporation and village corporation must agree. If either corporation decides against or fails to request a navigability redetermination, BLM will meander only those nontidal water bodies less than the meanderable size that were determined navigable and excluded from the interim conveyance. The submerged lands will be segregated.

On September 21, 1990, Calista Corporation notified BLM that it decided not to request these redeterminations. Therefore, BLM will not segregate the beds of navigable waters that may have been inadvertently conveyed to the corporations at the time of interim conveyance.

Please do not hesitate to contact this office if you have any questions (271-5686).

Sincerely,

/s/ Charlotte M. Pickering

Charlotte M. Pickering  
Lead Land Law Examiner  
Branch of Calista Adjudication

Copy furnished to:

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501-2225

cc:  
Chief, Navigability Section (961)  
Cadastral (920B)

963\*CPickering\*hmc\*11/20/90\*4208x

*Amak*

F-14831-A (2651) 1/  
(963) CMP

DEC 18 1990

The Kuskokwim Corporation  
429 D Street, Suite 307  
Anchorage, Alaska 99501

Gentlemen:

This is in regards to an "Approval to Modify Navigability Determination on IC'd Lands" sent to your corporation requesting the use of the current criteria for navigability determination.

Existing landowners must agree to corrections to title documents. In this case, both the regional corporation and village corporation must agree. If either corporation decides against or fails to request a navigability redetermination, BLM will meander only those nontidal water bodies less than the meanderable size that were determined navigable and excluded from the interim conveyance. The submerged lands will be segregated.

On September 21, 1990, Calista Corporation notified BLM that it decided not to request these redeterminations. Therefore, BLM will not segregate the beds of navigable waters that may have been inadvertently conveyed to the corporation at the time of interim conveyance.

Please do not hesitate to contact this office if you have any questions (271-5686).

Sincerely,

*(s) Charlotte M. Pickering*

Charlotte M. Pickering  
Lead Land Law Examiner  
Branch of Calista Adjudication

1/ F-14990-A, F-14860-A, F-14888-A, F-14871-A, F-14900-A, F-14924-A,  
F-14926-A, F-14927-A, F-14936-A, F-14941-A

*Cracked Creek, Georgetown, Lower Kalskag, Upper Kalskag,  
Nayaimiut, Red River, Russian Mission (K), (V),  
Sheetmute, Stony River.*

Copy furnished to:

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501-2225

cc:  
Chief, Navigability Section (961)  
Cadastral (920B)

963\*CPickering\*hmc\*11/28/90\*1745j

Johnson River System  
Interim Summary Report  
Attachment 48

MEMORANDUM

State of Alaska  
Department of Law

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

WALTER J. HICKEL, GOVERNOR

PLEASE REPLY TO:

1001 WEST 4TH AVENUE, SUITE 200  
ANCHORAGE, ALASKA 99501-1954  
PHONE: (907) 263-5100  
FAX: (907) 276-3697

KEY BANK BUILDING  
100 CUSHMAN ST., SUITE 400  
FAIRBANKS, ALASKA 99701-4679  
PHONE: (907) 451-2811  
FAX: (907) 451-2846

P.O. BOX 110300 - STATE CAPITOL  
JUNEAU, ALASKA 99811-0300  
PHONE: (907) 465-3600  
FAX: (907) 462-5293

August 27, 1992

TO: Distribution List

DATE: August 27, 1992

FILE NO.:

TEL. NO.: 269-5100

SUBJECT: Quiet Title Actions -  
*Nav*

FROM: Joanne Grace  
Assistant Attorney General  
Natural Resources-Anchorage

RECEIVED  
DIV. OF WATER

Attached is a copy of the letter I sent today to Manuel Lujan, Secretary of the Interior. I sent similar letters to the Secretaries of Agriculture and Defense. For the next six or eight weeks I will be devoting almost all my time to writing a brief for the PLO 82 case, and I do not anticipate meeting until the brief is finished. At that point we should begin meeting regularly to refine a litigation strategy for March 1993, when 180 days will have passed.

Distribution List

Dan Allison, ADNR, Navigability Supervisor, Division of Water  
John Baker, ADOL, Asst A.G., Natural Resources Section  
Rich Cannon, ADF&G, Fisheries Biologist  
Tina Cuning, ADF&G, ANILCA Coordinator  
RIC Davidge, ADNR, Director, Division of Water  
Christopher Estes, ADF&G, Sport Fish  
Jim Fall, ADF&G, Subsistence  
Jim Hansen, ADNR, Chief Petroleum Geophysicist, Div. Oil and Gas  
Mitch Henning, ADNR, Field Operations, Division of Mining  
Cheri Jacobus, ADOL, Chief Assistant, Anchorage Attorney General's Office  
Rich Kornbrath, ADNR, Petroleum Geologist, Division of Oil and Gas  
Paul Larson, ADF&G, Deputy Director of Fisheries  
Rob Nauheim, ADOL, Asst A.G., Natural Resources Section  
Dave Orr, ADNR, Chief of Special Reports, Division of Water  
Judd Peterson, ADNR, Chief Field Operation and Permitting, Division of Mining  
Dave Stephens, ADNR, Chief Operations & Planning Section, Division of Parks and Outdoor Recreation  
Kim Sundberg, ADF&G, Habitat  
Ron Swanson, ADNR, Director, Division of Land  
Russ Watts, ADNR, Navigability Section, Division of Water

Manuel Lujan, Jr., Secretary  
Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Dear Mr. Lujan:

The State of Alaska intends to file real property quiet title actions as to the submerged lands described on the list attached as appendix A, and is providing you this notice pursuant to 28 U.S.C. §2409a(m). Title to these lands passed to Alaska at statehood based on the equal footing doctrine, the Submerged Land Act of May 22, 1953, P.L. 83-31, 67 Stat. 29, 43 U.S.C. §§1301 et seq., and the Alaska Statehood Act of July 7, 1958, P.L. 85-508, 72 Stat. 339, 48 U.S.C. note preceding §21.

Sincerely,

CHARLES E. COLE  
ATTORNEY GENERAL

By:

*Joanne M. Grace*  
Joanne M. Grace  
Assistant Attorney General

JMG/sh  
Attachment

cc: J. T. Tangen, Regional Solicitor, Department of Interior  
Edward F. Spang, State Director, Bureau of Land Management  
Niles Cesar, Area Director, Bureau of Indian Affairs  
Walter Stieglitz, Regional Director, Fish and Wildlife Service  
John Morehead, Regional Director, National Park Service

8/27 mailed cert return receipt

Appendix A to letter of August 27, 1992.

Colville Region

Mouth of Colville River to Nuka River  
Mouth of Kuna River to Chefornak

Northwest Region

Mouth of Agiapuk River to American River  
Mouth of American River to Budd Creek  
Mouth of Buckland River to West Fork  
Mouth of Fish River to Omilak Creek  
Mouth of Niukluk River to Council  
Mouth of Kobuk River to Lower Kobuk Canyon  
Mouth of Koyuk River to Dime Landing  
Mouth of Kuzitrin River to Noyapaga River  
Mouth of Noyapaga River to Turner Creek  
Mouth of Noatak River to Aniuk River  
Mouth of Selawik River to Kugarak River  
Shaktolik River  
Throat River  
Ungalik River  
Mouth of Unalakleet River to Ternile Creek

Koyukuk River Region

Mouth of Hogatza River to Hog Landing  
Mouth of Koyukuk River to Bettles  
Mouth of Middle Fork to Wiseman

Upper Yukon Region

Mouth of Bearpaw River to Diamond  
Mouth of Beaver Creek to Victoria Creek  
Birch Creek  
Mouth of Black River to Boundary  
Mouth of Chandalar River to North and West Forks  
Mouth of Charley River to Bear Creek  
Mouth of Chatanika River to Steese Highway Bridge  
Christian River  
Mouth of Coleen River to Lake Creek (59 miles)  
Mouth of Crooked Creek to Bridge  
Grass River  
Mouth of Hess Creek to North and South Forks  
Mouth of Hodzana River to Pitka Fork (79 miles)  
Jim Lake  
Mouth of Kandik River to Boundary  
Mouth of Nation River to Boundary

Mouth of Porcupine River to Boundary  
Ray River  
Mouth of Seventymile River to Barney Creek  
Mouth of Sheenjek River to Thluickohnjik Creek  
Mouth of Tatonduk River to Boundary

40 Mile Area

Forty Mile River  
Mouth of North Fork Forty Mile River to Kink  
Mouth of South Fork Forty Mile River to Mosquito Fork

South Central Region

Mouth of Chulitna River to Tokositna River  
Mouth of Kasilok River to Tustumena Lake  
Mouth of Kenai River to Kenai Lake  
Kenai Lake  
Knik River  
Lake Louise and outlet  
Lake Tustumena  
Mouth of Skwentna River to Portage Creek  
Susitna Lake  
Mouth of Susitna River to Indian River  
Mouth of Talkeetna River to Chumilna Creek  
Mouth of Tokositna River to Home Lake Outlet  
Tyone Lake  
Mouth of Tyone River to Tyone Lake  
Mouth of Yentna River to confluence of its East and West Forks  
Johnson River  
Red River

Tanana Region

Mouth of Chena River to North Fork  
Mouth of Chisana River to Scottie Creek  
Mouth of Goodpasture River to Central Creek  
Harding Lake  
Healy Lake and outlet  
Johnson River  
Mouth of Kantishna River to Lake Minchumina  
Lake George and outlet  
Lake Mansfield and outlet  
Mouth of Nabesna River to Nabesna Mine  
Mouth of Nenana River to Healy River  
Mouth of Salcha River to Paldo Creek  
Mouth of Tanana River to Nabesna and Chisana Rivers  
Mouth of Teklanik River to near Coma Lake  
Mouth of Tetlin River to Tetlin Lake  
Mouth of Tolovana River to West Fork  
Mouth of Wood River to Fish Creek

Middle Yukon River

Mouth of Innoko River to Cripple Creek  
Mouth of Iditarod River to Iditarod  
Khotol River  
Little Melozitna River  
Melozitna River  
Mouth of Nowitna River and Sulstna Rivers to Tamarack Creek  
Tozitna River

Lower Yukon Region

Anvik River  
Bonasila River  
Kotlik River  
Nulato River  
Pastolik River

Kuskokwim River Region

Mouth of Aniak River to Salmon River  
Mouth of Big River to Otter Creek  
Mouth of Chukowan River to Gemuk River  
Crooked Creek  
Mouth of East Fork Kuskokwim River to Slow Fork and Tonzona River  
Mouth of Gemuk River to Beaver Creek  
Mouth of George River to Julian Creek  
Mouth of Holitna River to Chukowan River  
Hoholitna River  
Mouth of Johnson River from Mid Creek Portage to Crooked Creek  
Mouth of Johnson River to Nunapitchuk and Atmaultluk  
Kisaralik River ✓  
Mouth of Ruzuklik River to Kipruk  
Kulik Lake ✓  
Mouth of Kuskokwim River to North Fork  
Little Tonzona River  
Mouth of Middle Fork and Big River to Salmon River  
Mouth of Middle Fork Kuskokwim River to Pitka Fork  
Mouth of Nixon Fork to its West Fork  
Mouth of North Fork Kuskokwim to Lake Minchamina Portage  
Mouth of South Fork Kuskokwim River to Tatira River  
Mouth of Stoney River to Lime Village  
Mouth of Swift Fork to Highpower Creek  
Mouth of Tokotna River to Fourth of July Creek  
Mouth of Talbiksok River to Yukon-Kuskokwim Portage  
Mouth of Tuluksak River to Upper Land  
Whitefish Lake and outlet

Bristol Bay Region

Alec River  
Aniakchak River

Black Lake  
Mouth of Chignik River to Black Lake  
Chikuminuk Lake  
Chilikadrotna River  
Onulitna River  
Clark River  
Mouth of Copper River to Falls  
Dago Creek  
Dog Salmon River  
Eek River  
Egegik River and Becharof Lake  
Gibraltar Lake and outlet  
Mouth of Goodnews River to Watlamuse Creek  
Mouth of Igushik River to Amanka Lake  
Illianna Lake  
Mouth of Illianna River to Forks  
Mouth of Kanektok River to Kegati Lake  
Kakhonak Lake  
Mouth of King Salmon River to Olds Creek  
✓Mouth of Kvichak River to Illianna Lake ✓  
✓Lake Aleknagik ✓  
Lake Chavekuktuli  
Lake Clark  
✓Lake Beverly ✓  
✓Lake Rulik ✓  
✓Lake Nerka ✓  
Lower Pike Lake and outlet  
Kokwok River  
Koktuli River  
Muklung River  
Mouth of Mulchatna River to Summit Creek  
Mouth of Naknek River to Naknek Lake  
Negukthlik River  
Newhalen River  
Nishlik Lake  
Mouth of Mushagak River to New Stuyahok  
Mouth of Nuyakuk River to Nuyakuk Lake  
Ongoke River  
Osviak River  
Quigmy River  
Pile River  
Ruth Lake and outlet  
Mouth of Smelt Creek to Smelt Lake  
Mouth of Snake River to Nunavaugaluk Lake  
Stuyahok River  
Tazmina River  
Mouth of Togiak River to Togiak Lake  
Tunulk River  
Ualik Lake  
Mouth of Ugashik River to Lower and Upper Ugashik Lakes  
Upruk Lake  
Weary River

✓Mouth of Wood River to Lake Aleknagik ✓

Copper River Region

Mouth of Bering River to near Bering Lake

Mouth of Chitna River to Tana River

Mouth of Copper River to Batzulnetas (above Slana)

Crosswind Lake

Mouth of Eyak River and Eyak Lake

Mouth of Klutina River to Klutina Lake

Lowe River

Miles Lake and outlet

Nelchina River

- Tasnuna River

- Mouth of Tazlina River to Tazlina Lake

Southeast Region

Chilkat River

Chilkoot River

Stikine River

Kodiak Island and Shelikof Strait Region

Afognak Lake

Mouth of Afognak River to the remains of the Bridge

Akalura and Red Lakes

Mouth of Aniakchak River to Albert Johnson Creek

Karluk Lake

Mouth of Karluk River to Karluk Lake

Statewide Region

Yukon River

June 29, 2000

**NAVIGABILITY REPORT  
Johnson River in the Kuskokwim River Drainage Area  
Window 1283**

Four Native allotment applications are located on this river in the survey window. Three are located on the historic Yukon-Kuskokwim Portage, and one about fifteen miles below the Portage or about 112 miles from the mouth of Johnson River. Those on the Portage are all in T. 18 N., R. 63 W., SM: 1) F-16537 Parcel A in Secs. 13 and 14; 2) F-17006, Parcel B, in Sec. 13; and 3) F-16535 Parcel A, in Sec. 26. The one Native allotment straddling the river below the Portage is F-16018 Parcel B in Sec. 15, T. 17 N., R. 64 W., SM. These allotments are located in the Yukon Delta National Wildlife Refuge.

### **BACKGROUND INFORMATION**

#### Local Name

Johnson River was reported in 1949 by the U.S. Coast & Geodetic Survey as possibly named for Eric Johnson, a prospector. The Eskimos consider this part of Kvichavak River. Var. Anchitaktuk River, Kvichavak River, Tundra River.<sup>1</sup> Various historical and contemporary sources refer to Arhymot Lake as the source of Johnson River. However, the USGS mislabeled upper sixteen miles of Johnson River which drain Arhymot Lake as Crooked Creek on the Russian Mission C-5 (1952). Crooked Creek begins in Sec. 22, T. 17 N., R. 63 W., SM and heads north for about 16 miles to an unnamed lake. We will use these designations in this report.

#### Nearest Settlement

The nearest settlements to the allotments are Russian Mission on the Yukon River and Kalskag and Lower Kalskag on the Kuskokwim River.

#### Length of Water Body

Varied sources state the river's length from 145 to 215 miles. Orth describes the river as heading in a lake two miles west of Kukaklik Lake at 61°39' N., 160°39' W., and flowing SW 215 miles to the Kuskokwim River, 15 miles southwest of Bethel. A Storet map (Russian Mission C-5) in BLM's files shows the river heading in a small inlet on the southwestern rim of Kukaklik Lake, Sec. 30, T. 18 N., R. 62 W., SM; it indicates the river's length at 145.25 miles. Residents of Lower Kalskag consider the head of Johnson River as Arhymot Lake beginning in Sec. 2, T. 17 N., R. 62 W., SM (145 miles). Various historical sources support this claim.

#### USGS Quadrangle(s) in selected area

The area under concern is shown on the USGS, Russian Mission (C-5) map, 1952 edition.

Aerial Photo(s) in Selected Area

See BLM's photo Roll 2913, July 1980, Frame 6769-70.

Was the Water Body Photo-Interpreted?

On January 19, 2000, Scott Guyer in Office 924 reviewed the aerial photos of the Johnson River beginning at mile 30 in Sec. 33 T. 12 N., R. 73 W., SM. (The river was determined navigable up to this point). His estimates of the river's width are reported below.

Was a Field Report/Interview Report Created?

An interview report was created on May 2000.

**SUBMERGED LAND STATUS**

In 1984 the BLM determined that the rivers, streams, and lakes comprising the Yukon-Kuskokwim Portage were navigable. The Portage includes Johnson River from the Mud Creek portage downstream to Crooked Creek and thence up Crooked Creek northerly for sixteen miles to a lake outlet in Sec. 14, T. 18 N., R. 63 W., SM.<sup>2</sup> On May 8, 1989 the BLM reaffirmed the determination in a navigability report for ANCSA, State and Native Allotment selections (Window 1834) in Secs. 14, 15, 22 and Crooked Creek in Secs. 22 and 23, T. 17 N., R. 63 W., SM.<sup>3</sup>

The BLM has also determined portions of Johnson River below the Portage to be navigable. In a December 16, 1988-report, the river was determined navigable in Native Allotments AA-50580 and F-14181 in Sec. 12, T. 15 N., R. 69 W., SM.<sup>4</sup> On May 8, 1989, the Johnson River was determined navigable for ANCSA, State and Native Allotment selections in Tps. 9, 11, R. 73 W., SM; Tps 9-11, R. 74 W., SM; and Tps. 9-10 N., R. 75 W., SM.<sup>5</sup>

| Township        | Section Number | Mile    | Status and Remarks   |
|-----------------|----------------|---------|--|
| 17 N., R. 64 W. | 15             | 112     | NA F-16018, YDNWR*   |
| 17 N., R. 63 W. | 14, 15, 22     | 129-132 | Village Selection F-14871, Johnson River Navigable - 5/8/89, YDNWR |
| 18 N., R. 63 W. | 26             | 142     | NA F-16535 A, YDNWR  |
| 18 N., R. 63 W. | 13             | 145     | NA F-17006 B, YDNWR  |
| 18 N., R. 63 W. | 13, 14         | 145     | NA F-16537 A, YDNWR  |

\*Yukon Delta National Wildlife Refuge

## PHYSICAL CHARACTERISTICS

### Type of Water Body

River

### Vegetation

Sinka Williams and Nicolai Sergie of Lower Kalskag say that most of the Johnson River uplands consist of low-lying tundra except near Mud Creek, Crooked Creek and Arhymot Lake where grasses, small brush, willows and trees are abundant for bear and moose habitat.

### Water Bottom Characteristics

Unknown

### Discharge Volume (max, min, mean)

Unknown

### Gradient

Minimal

### Channel Widths

Approximately half of Johnson River is double-lined on the USGS maps, beginning at its mouth on the Kuskokwim River through the Baird Inlet and Marshall 1:250,000 quadrangle maps. The remainder, including the area under concern, is shown as a single line on the USGS Russian Mission quadrangle map. Crooked Creek is shown as a single line.

| Source   | Bank to Bank Width | Mile             |
|--|--------------------|------------------|
| CIR 60, R. 7, Frames 290, 291, 364, 363, July 1980   | 200' - 330'        | 30+ - 60 approx. |
| CIR 60, R. 7, Frames 247, 248, July 1980   | 50' - 65'          | 60 - 95 approx.  |
| CIR 60, R. 2911, Frames 6397, 6395, 6392-3, 6353, 6355, 6457, July 1980; R. 2913, Frame 6769 July 1980 | 35' - 50'          | 95 - 129 approx. |

|  |                 |   |
|--|-----------------|---|
| CIR 60, R. 2913, Frame 6770, July 1980 | 10' - 15' - 20' | 129 - 132 approx.   |
| CIR 60, R. 2913, Frame 6770, July 1980 | Closed Off      | 132 (north boundary of Sec 15, T. 17 N., R. 63 W., SM)      |
| Sinka Williams Sr.                     | 30' - 40'       | From Mud Creek portage to the mouth. Mile 30 - 129+ approx. |
| Nicolai Sergie                         | 20' - 30'       | From Mud Creek Portage to the mouth. Mile 30 - 129+ approx. |

### Impediments

Johnson River from its mouth to Crooked Creek appears to be unobstructed in the aerial photos. The Crooked Creek portion of the Yukon-Kuskokwim Portage appears to be unobstructed for about three miles from Johnson River before, at least in the aerial photo, it disappears in the vegetation. Various sources refer to a grassy riverbed and a beaver dam in this vicinity.

| Source  | Impediments (nature)  | Mile  |
|---|---|---|
| Scott Guyer   | None from mile 30 until it becomes closed off at the north boundary of Sec. 15, T.17N., R. 63W., SM.        | From the Junction of Crooked Creek northerly for about 3 miles.   |
| Sinka Williams Sr.  | None from mouth to Ahrymot Lake   | 0-145   |
| Nicolai Sergie  | None from mouth to Ahrymot Lake   | 0-145   |
| Ike P. Taylor c. Sept. 1927- accompanied by mail carrier <sup>6</sup> | Narrow and filled with grass. Sharp turns and sweepers.   | Crooked Creek, today aka Johnson River.                           |
| Corp. of Engineers June 1970 report <sup>7</sup>                      | Crooked Creek closed off in Sec. 35, T. 18 N., R. 63 W. A beaver dam and drought were contributing factors. | 11 miles upstream from the junction of Johnson and Crooked Creek. |

### Depths

The upper reaches of Johnson River are said to be fairly deep. Sources indicate five to seven feet. During dry seasons it may be two feet deep in places.

| Source              | Depth (ft)  | Mile                            |
|---------------------|---|---------------------------------|
| Sinka Williams, Sr. | About 7' deep in fall, a little deeper in the spring, but on average it stays between 6'-7' deep. | 0 - 140 or to Arhymot Lake      |
| Nicolai Sergie      | About 5'-6' when the river is low in July.  | 0 - 140 or to Mud Creek Portage |
| Mike Pavilla        | 2'-5' deep last fall around Lucy Levi's Allotment   | 112                             |

The historical records report similar depths. References to Johnson River and Crooked Creek are switched on the USGS Russian Mission C-5 map, 1952.

*Historical Data-Johnson River from Mud Creek Portage to Crooked Creek*

| Source   | Depth (ft)  | Mile   |
|--|---|--|
| F.C. Hinkley with USGS reconnaissance - 8/23/1898 - canoes <sup>8</sup>                  | 6'-9'   | Junction from Mud Creek portage to Crooked Creek |
| Maj. Steese with AK Road Commission & Dist. Engr. 9/21/21 - 32' poling boat <sup>9</sup> | Channel was narrow and deep with a hundred horseshoe bends. | Junction from Mud Creek portage to Crooked Creek |
| Chris Betsch, trader at Russian Mission, c. 1922 <sup>10</sup>                           | 5'-15' deep at low water stages, current 3½ mph.            | Junction from Mud Creek Portage to Crooked Creek |
| Walter W. Lukens, AK Road Commission Dist. Supr. 9/22 <sup>11</sup>                      | 66' wide and 7' deep.                                       | Junction from Mud Creek portage to Crooked Creek |

*Historical Data-Crooked Creek northerly/southerly*

| Source  | Depth (ft)  | Mile                                       |
|---|---|--|
| Chris Betsch, trader at Russian Mission, c. 1922      | 5'-18' deep at low water stages, current 1 1/4 mph; channel was narrow and very crooked - difficult to steer. | Crooked Creek southerly to Johnson River.  |
| Walter W. Lukens, AK Road Commission dist. Supr. 9/22 | 16' wide at the mouth to 12' in width - about 6' deep   | Crooked Creek northerly from Johnson River |

## USES

### Historical Uses

Johnson River is one of several streams, lakes and creeks that comprised the once popular Yukon-Kuskokwim Portage. Traveled by Indians, Eskimos and a few Russian traders, it was first recorded in 1844 by Lieutenant Zagoskin.<sup>12</sup> In August 1898 Josiah Spurr with the USGS sent five men on a reconnaissance trip of the summer water route to provide a reliable and detailed description of the route.<sup>13</sup> In 1908, a Nome newspaper quoted that two hundred men were using the portage because of the recent gold strikes in the Kuskokwim region.<sup>14</sup> In 1923 during the summer months, the mailman made a monthly round trip from Bethel to Russian Mission which took him fifteen to twenty days. He maintained boats on the Yukon and Kuskokwim Rivers and five rowboats on the portage itself.<sup>15</sup> In response to the need for improved transportation, moneys were appropriated by the Alaska territorial government in 1929 to improve the portage and in 1931 the route was completed to include steel trams, canals, winches, derricks and controlled dams. The mail carrier's boat, 30 feet long with a four-foot beam with a load capacity of 2,600 pounds, was used as a standard.<sup>16</sup> By the 1950's, however, these improvements had deteriorated to the point that they were no longer usable.<sup>17</sup>

Continued interest in the portage as a canal route prompted the Alaska State Legislature to pass resolutions in 1959, 1961, and 1971 for the Alaska District, Corp. of Engineers to survey and construct the canal. In 1969 the US Senate also passed a resolution for a preliminary study of the project.

In 1969, Natives from three nearby villages attempted to rebuild the overland route through an Operation Mainstream Program (Department of Labor funding).<sup>18</sup>

After a June 1970 reconnaissance trip, the Alaska District, Corps of Engineers, determined Johnson River navigable northerly from Crooked Creek to within Sec. 35, T. 18 N., R. 63 W., SM. Further investigation by air northerly of this point showed beaver dams diverting water and the record noted the streams and lakes were dry owing to a drought the past several years.<sup>19</sup>

In 1985 the village of Russian Mission was awarded an \$80,000 municipal grant from the State to improve the Talbiksok River portage. The following year the Yukon Delta Fish and Wildlife Service office in Bethel dismantled portions of the tram because it was unsafe for use by the public.<sup>20</sup>

### Current Uses

Currently, villagers from Kalskag and Lower Kalskag boat Johnson River and Crooked Creek to hunt, fish, pick berries and to reach their Native Allotments. They generally use 16'-18' aluminum boats with 15- to 30-horsepower motors. Sinka Williams, Sr., of Lower Kalskag said local villagers use these smaller boats because they are easier to pull over the Mud Creek portage

which is about one and one-half miles. Carl Morgan Sr. of Aniak said a person would need to bring along a whole crew to help pull the big boats overland.

Sinka Williams, Sr., of Lower Kalskag has an allotment downstream of Lucy Levi's allotment (FO16018B) in Sec. 15, T. 17 N., R. 64 W., SM., which is below the Portage. To reach his allotment he boats up Mud Creek until he reaches the portage. There he leaves his boat, a sixteen-foot Lund mounted with a thirty-horsepower motor, walks across about a mile and half to his other boat on the Johnson River which is a sixteen-foot Lund aluminum boat mounted with a fifteen-horsepower motor. Williams said villagers from Lower Kalskag pull their boats over the portage to reach the Johnson River to enable them to hunt, fish and pick berries during the spring, summer, and fall. He does not hunt moose or bear because then he would have to haul the meat over the portage. He said the "lower tundra people" or "down river people" from Kasigluk, Nunapitchuk, and Atmautluak hunt moose and bear during September near the head of Johnson River or Arhymot Lake.

Nicolai Sergie of Lower Kalskag has a camp on the Johnson River below Sinka Williams' camp. He reaches camp in the spring with a snow machine and during the ice-free months with an eighteen-foot Lund aluminum boat mounted with a thirty-horsepower motor. In July when he takes his family salmon berry picking along the Johnson River, he needs at least two to four people help to drag the boat overland from Mud Creek. At times they also need to drag their boat in Mud Creek when the water is low. His load always depends on how many people are going, how long he is planning to stay and how far he plans to travel. Sergie doesn't hunt for moose or bear because it takes too much effort to haul the meat over the portage. In the fall when the Johnson River is high, which lasts about a month, lower tundra people (villagers from Kasigluk, Nunapitchuk and Atmautluak) use big boats to hunt moose around Arhymot Lake.

Mike Pavilla from Atmautluak said most people from Kasigluk, Atmautluak and Nunapitchuk moose hunt on the upper reaches of the Johnson River near Arhymot Lake between the first and third week of September. The river's depth depends on the amount and frequency of snow and rain and the south winds. The past four years have been a drought and last fall when he went hunting he had to turn around before he reached Lucy Levi's allotment (mile 112). He was using a eighteen-foot aluminum Lund mounted with a forty-horsepower Evinrude propeller motor. His load included three adults, camping gear and gas. The river became too shallow and when they began to hit bottom, they turned back. Most villagers don't use their bigger boats and motors on the upper reaches of the Johnson River because the shallow water and grass can break the motor's lower units and because the banks erode more easily during high water. They are starting to use smaller boats. It takes on average two days' travel from Atmautluak in high water to reach as far as Arhymot Lake. When asked if he took a five-year average, how many times could one boat up the Johnson River to Arhymot Lake he said the Johnson River has been low for the last four years and village people haven't been able to boat this far, but traditionally this area is good to hunt moose and bear.

Telephone interviews with local residents of Aniak and Russian Mission reveal that no one there boats the Yukon-Kuskokwim Portage today because of the lack of access.

The attached photographs show some water in the Native Allotments that straddle the Johnson River which used to be part of the Yukon-Kuskokwim portage route. The photographs were taken by BLM surveyors when they set the point of beginnings during September 1999.

## CONCLUSION

### Navigable Waters

I recommend that Crooked Creek (Johnson River on the USGS Russian Mission C-5 map be determined navigable in the following Native Allotment applications: F-16535, Parcel A in Sec. 26, F-16537, Parcel A in Secs. 13-14 and F-17006 Parcel B, in Sec. 13, all in T. 18 N., R. 63 W., SM. Historical records written by Zagoskin in 1844, Spurr in 1898, and Steese in 1921 indicate that the Yukon-Kuskokwim Portage was used quite frequently by Eskimos, Indians, Russian traders, fur traders, visitors, adventurers, missionaries and prospectors with boats including kayaks, canoes, and poling boats. In addition, a mail carrier used the Portage to travel from Bethel to Russian Mission and return in fifteen to twenty days by maintaining five rowboats on the route. By 1931 the route was improved with steel trams, canals, winches, derricks and controlled dams. By the 1950s these fell into disrepair. Continued interest in the use of the route resulted in an \$80,000 State grant in the 1980s for the Village of Russian Mission to improve the Portage.

Based on its current use and physical characteristics, I also recommend that Johnson River be determined navigable within Native Allotment application F-16018, Parcel B, in Sec. 15, T. 17 N., R. 64 W., SM. The river was susceptible for use as a route for travel, trade, and commerce. The BLM has determined segments of the river both upstream and downstream of this Native allotment to be navigable. The physical character of the river in this area is similar to that part already determined navigable. The river averages twenty to forty feet in width, five to seven feet in depth, is unobstructed, and has a slow current. Villagers from Lower Kalskag, including Nicolai Sergie, are able to drag their boats and motors from the Kuskokwim River over a portage at least one mile long to Johnson River in order to fish, hunt, gather berries and to reach their Native allotments which are located below the Native Allotment in question. Williams and Sergie state they are able to boat this portion of the river during the spring, summer, and fall. Additionally, villagers from Kasigiuk, Atmautiak, and Nunapitchuk are known to boat the full length of Johnson River to Arhymot Lake to hunt moose and bear for several weeks during the month of September.

### Non-Navigable Waters

All other water bodies on the Native allotments are not navigable. The water bodies are either too shallow or small for travel, trade, and commerce.

Report Prepared By: Laura J. Lapham Date: June 29, 2000

## NOTES

1. Donald J. Orth, Dictionary of Alaska Place Names, U.S. Geological Survey Professional Paper 567 (Washington D.C.: GPO 1967), p. 476.
2. Robert W. Arndorfer to DSD, Chief, Branch of Conveyance Services, November 8, 1984, Russian Mission Quad File, Navigability Team, Bureau of Land Management, Alaska State Office.
3. DSD for Conveyance Management to DSD, Cadastral Survey, May 8, 1989, Russian Mission Quad File, Navigability Section, Bureau of Land Management, Alaska State Office.
4. Land Law Examiner to Files AA-50580 and F-14181, December 16, 1988, Russian Mission Quad File, Navigability Team, Bureau of Land Management, Alaska State Office.
5. DSD for Conveyance Management to DSD Cadastral Survey, May 8, 1989, Russian Mission Quad File, Navigability Team, Bureau of Land Management, Alaska State Office.
6. C. Michael Brown, "Alaska's Kuskokwim River Region: A History," Alaska State Office, Bureau of Land Management, 1985 (unpublished manuscript), p. 457.
7. U.S. Army, Corps of Engineers, Alaska District, "Reconnaissance Report, Section 107 Investigation, Yukon-Kuskokwim Portage," Anchorage, Alaska, January 31, 1971, pp. 5 and 6.
8. Josiah Edward Spurr, "A Reconnaissance in Southwestern Alaska in 1898," in U.S. Geological Survey, *Twentieth Annual Report of the USGS to the Secretary of the Interior 1898-99*, Part VII-Explorations in Alaska in 1898 (Washington: GPO, 1900), p. 97.
9. Brown, p. 440.
10. Brown, p. 446.
11. Brown, p. 449.
12. Brown, pp. 425-427.
13. Spurr, p. 99.
14. Brown, p. 433.
15. Brown, p. 453.
16. Brown, p. 465.
17. U.S. Army, Corps of Engineers, Alaska District, : U.S. Army, Corps of Engineers, Alaska District, pp. 5 and 6.

18. Ibid, p. 6.

19. Ibid, p. 8.

20. Interview Report, Window 1283, May 2000,, p.5.

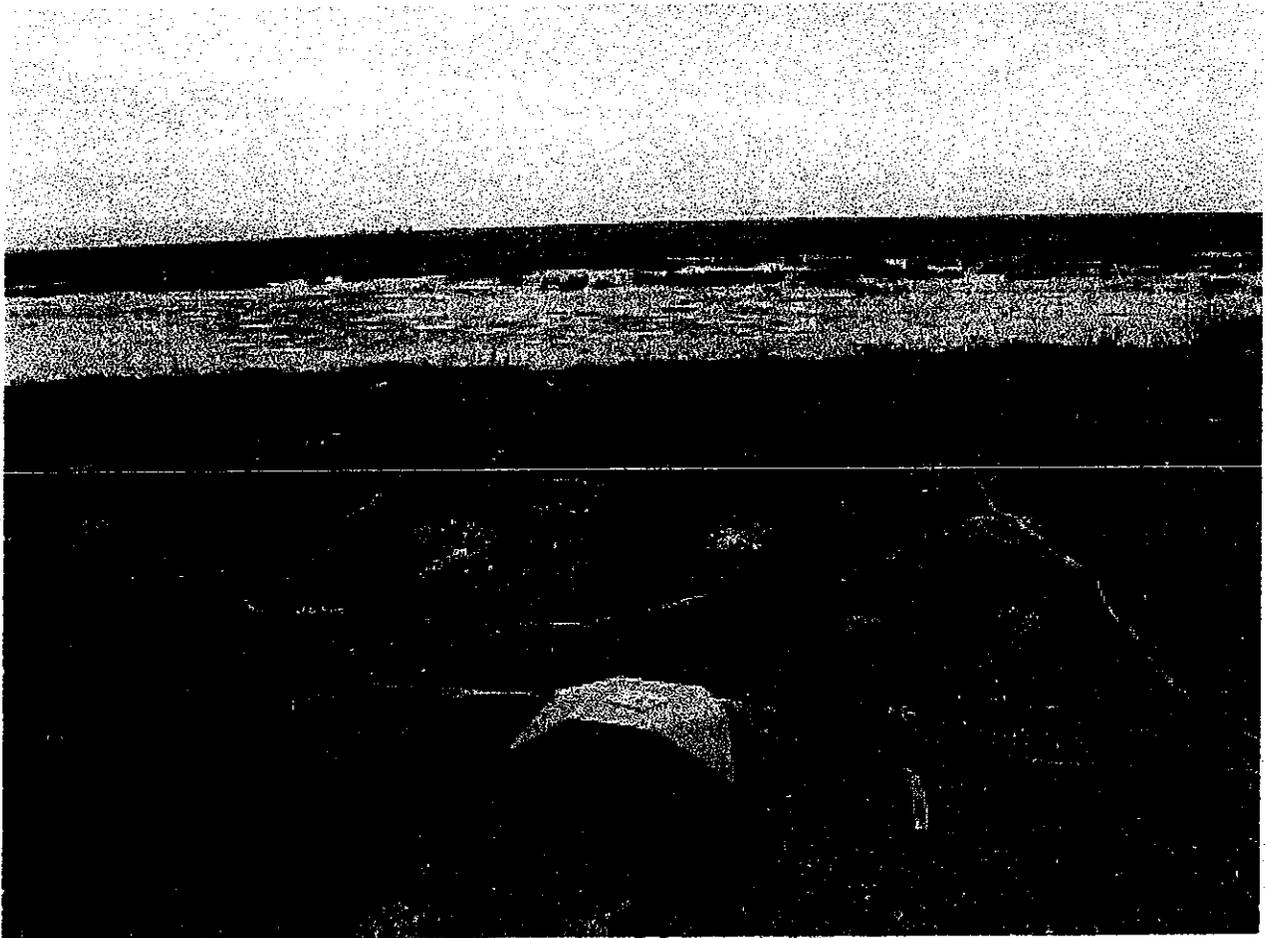
1100-001A



Photos -  
early Sept 99  
late August

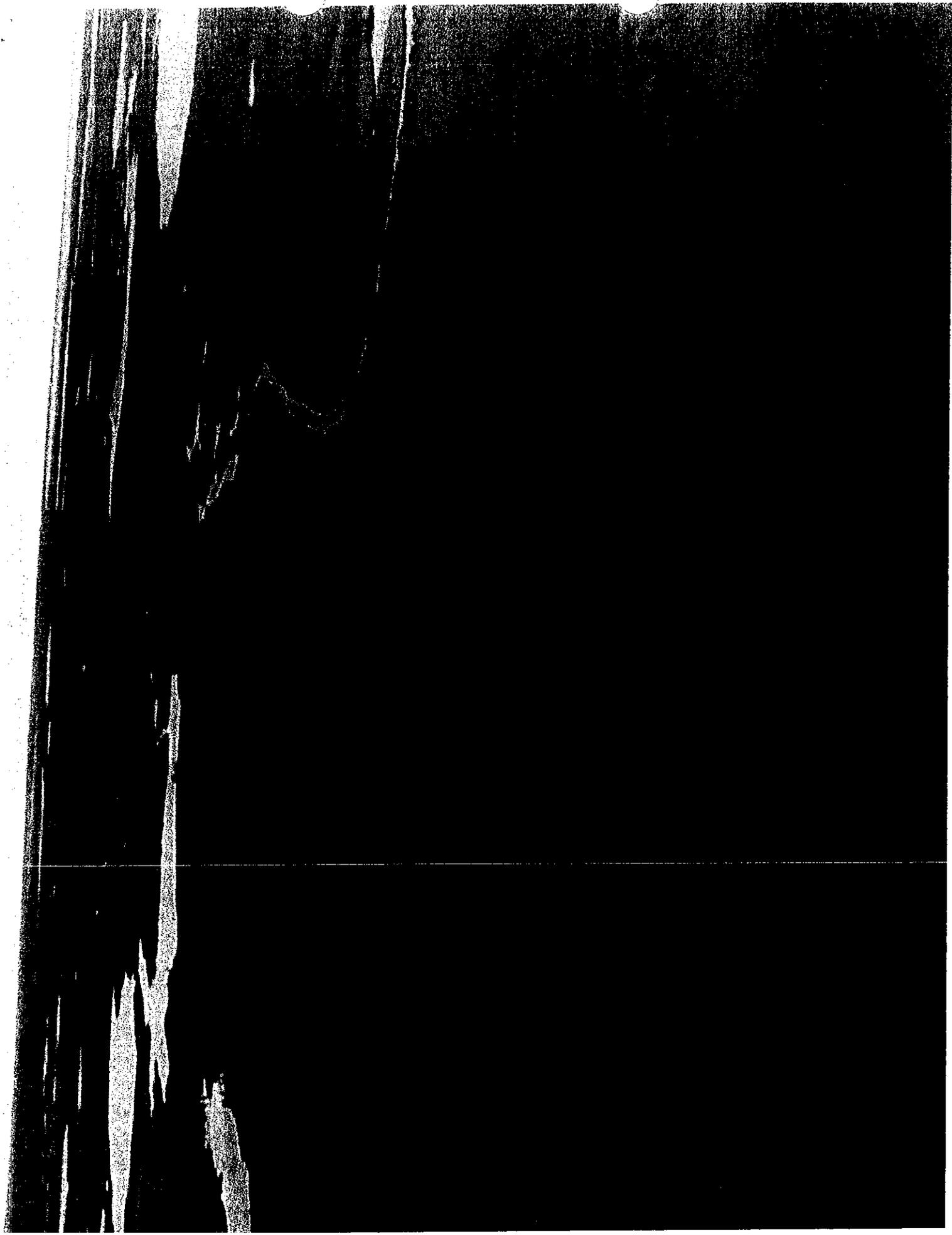


S 12547 VIEW SOUTHERLY



S 12547 COR 1 LOT 2

S12547A.jpg



MVC.006x.189

S12549



S12549 VIEW SOUTHERLY

S 12549

S 12549b



# United States Department of the Interior

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

**Johnson River System  
Interim Summary Report  
Attachment 50**

Lake Clark-FY2000  
Lime Hills-FY2000  
Russian Mission-FY2000  
Sleetmute-FY2000  
Taylor Mountains-FY2000  
F-16998A (2561)<sup>1</sup>

9600 (924)

**JUL 5 2000**

## Memorandum

**To:** Chief, Branch of Survey Preparation and Policy Interpretation (AK925)  
**From:** Chief, Branch of Mapping Sciences (AK924)  
**Subject:** Navigable Waters in Native Allotments Scheduled for Survey in Window 1283

This memorandum identifies certain navigable water bodies in Native allotment claims in Survey Window 1283 (Calista Upper Kuskokwim). Only navigable waters less than the meanderable size are identified. As larger water bodies are routinely meandered, they do not require a navigability review and are not identified in this report.

Survey Window 1283 is located in southwestern Alaska. A majority of the Native Allotments are situated near tributaries of the Stony, Holitna, Hoholitna, Aniak, and Johnson Rivers in the Kuskokwim River basin, and the Talbiksok River in the Yukon River watershed. A few of the townships westerly of Aniak fall within the Yukon Delta National Wildlife Refuge.

Seventy-three Native Allotment parcels in forty-five townships were reviewed for this report. Both are identified in the Appendix. The vast majority of these allotments abut large rivers, streams, and lakes. However, as a result of this review, we found and prepared reports on six potentially navigable water bodies less than the meanderable size on Native allotment claims. They are: 1) Johnson River; 2) Elutuli Creek; 3) Hook Creek; 4) an unnamed tributary of the Hoholitna River (mouth in Sec. 8, 15 N., R. 42 W., SM); 5) Talbiksok River; and 6) an unnamed tributary of Talbiksok River (mouth in Sec. 8, T. 19 N., R. 64 W., SM). Johnson River, Talbiksok River, and the unnamed Talbiksok River tributary were found to be navigable.

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<sup>1</sup>File in NA casefiles AA-9098, F-16998B, F-16535A, F-16537A, F-17006B, F-16018, F-16112, F-16110

In addition, we found several streams that had been excluded as navigable from interim conveyances to Native corporations or tentative approvals to the State of Alaska. These include the Kuskokwim River, Holitna river, Hoholitna River, George River, Holokuk river, Stink River, the outlet of Tishimna Lake, and Titnuk Creek. The official case files for these conveyances contain documentation supporting the navigability determinations. In 1984 the Deputy State Director for Conveyance Management determined Johnson River, Kulik Lake, several unnamed lakes and Talbiksok River which comprise the Yukon-Kuskokwim Portage navigable. The Deputy State Director also determined Aniak River to Salmon River navigable.

Finally, we considered a number of other water bodies as possibly navigable. However, after brief examinations, they were rejected as too shallow or small for commercial navigation. These water bodies include: 1) Itulilik Creek in T. 15 N., R. 46 W., SM; 2) Oksotalik Creek in T. 10 N., R. 51 W, SM; 3) Buckstock River in T. 14 N., R. 53 W., SM; 4) an unnamed creek emptying into Paimuit Slough in F-16990 in Sec. 12, T. 21 N., R. 59 W., SM; 5) an unnamed tributary of the Talbiksok River in F-16021-B in T. 19 N., R. 64 W., SM; and 6) Sawpit Creek in T. 12 N., R. 57 W., SM. Reports were not prepared for these water bodies.

Navigable waters in the Native allotment claims are depicted on the attached site plot maps. 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, they are or will be segregated on the survey plat.

The BLM-Alaska's navigability criteria are based upon federal title navigability law. In a March 16, 1976, memorandum, Associate Solicitor Hugh Garner summarized the law for the purpose of administering the Alaska Native Claims Settlement Act. In general, non-tidal water bodies are navigable if, at the time of statehood, they were suitable for travel, trade, and commerce. The Ninth Circuit Court's decision of December 13, 1989, on the navigability of the Gulkana River provides additional guidance. In this case, the court found that water craft 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 water craft customary at statehood "could have at least supported" this commercial activity.

If the water bodies are less than meanderable size and are not listed in the Appendix, they are non-navigable. They are too short, steep, or shallow for travel, trade and commerce.



Attachments (3):

1. Appendix I (4 pp.)
2. Maps (6 pp.)
3. Appendix II - List of Native Allotments Subject to Survey in Window 1283 (2pp.)

cc: Kuskokwim Native Association  
P.O. Box 127  
Aniak, Alaska 99557

Association of Village Council Presidents  
P. O. Box 219  
Bethel, AK 99559

Calista Corporation  
601 W. 5<sup>th</sup> Ave., Suite 200  
Anchorage, Alaska 99501-2225

State of Alaska  
Department of Natural Resources  
Division of Mining Land and Water  
Navigability Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050  
Anchorage, Alaska 99501-3579  
Attn: Kathy Atkinson

State of Alaska  
Department of Natural Resources  
Division of Mining Land and Water  
Realty Services Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

Ms. Robin Willis  
State of Alaska  
Department of Fish and Game  
Habitat and Restoration Division  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

Mike Rearden, Refuge Manager  
Yukon Delta NWR  
Post Office Box 346  
Bethel, Alaska 99559

Warren Keogh  
Water Resources Branch  
USFWS, Region 7  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Chief, Branch of Field Surveys (921)  
Chief, Survey Data Research Section (926)  
Chief, GCDB Project Section (926)  
Chief, Branch of ANCSA Adjudication (962)  
Chief, Branch of Native Allotment Adjudication (964)

Northern Field Office (020)  
Tiffany Martinez (952)

Appendix I  
Navigable Waters in Window 1283 by Township  
for Native Allotment Applications Only

Seward River Meridian

T. 18 N., R. 34 W.

No navigable waters

T. 11 N., R. 35 W.

No navigable waters

(See State Selection Case File FF-15365 for Navigability Report dated 4/27/81.)

T. 21 N., R. 35 W.

No navigable waters in Native Allotment applications

T. 11 N., R. 36 W.

No navigable waters

(See State Selection Case File FF-15365 for Navigability Report dated 4/27/81.)

T. 15 N., R. 38 W.

Stink River in F-16998 Parcel A in Sec. 4 is navigable;

Stink River is navigable (See State Selection Case File AA-8926 for Navigability Report dated 12/29/83.)

T. 16 N., R. 38 W.

Tishimna Outlet within Native Allotment application AA-9098 in Secs. 20 and 21 is navigable;

Stink River within Native Allotment application F-16998 Parcel B in Sec. 8 is navigable;

Stink River, Stony River, Tishimna Lake and its outlet are navigable. (See State Selection Case File AA-8926 for Navigability Report dated 12/29/83.)

T. 10 N., R. 40 W.

Hoholitna River and its interconnecting sloughs are navigable

(See State Selection Case File FF-15358 for Navigability Report dated 12/21/83.)

T. 11 N., R. 41 W.

Hoholitna River and its interconnecting sloughs are navigable.

(See State Selection Case File FF-15357 for Navigability Report dated 12/21/83.)

T. 12 N., R. 41 W.

Hoholitna River and its interconnecting sloughs are navigable.

(See State Selection Case File FF-15357 for Navigability Report dated 12/21/83.)

T. 13 N., R. 41 W.

Hoholitna River and its interconnecting sloughs are navigable.

(See State Selection Case File FF-15362 for Navigability Report dated 12/21/83.)

T. 14 N., R. 42 W.

Hoholitna River and its interconnecting sloughs are navigable.

(See State Selection Case File FF-15362 for Navigability Report dated 12/21/83.)

T. 15 N., R. 42 W.

Hoholitna River and its interconnecting sloughs are navigable

(See State Selection Case File FF-15362 for Navigability Report dated 12/21/83.)

T. 10 N., R. 43 W.

Titnuk Creek is navigable.

(See State Selection Case File FF-15357 for Navigability Report dated 12/21/83.)

T. 12 N., R. 43 W.

Titnuk Creek is navigable.

(See State Selection Case File FF-15357 for Navigability Report dated 12/21/83.)

T. 15 N., R. 43 W.

Hoholitna River and Titnuk Creek are navigable. (See State Selection Case File FF-15362 for Navigability Report dated 12/21/83.) Hoholitna River is navigable. (See DSD Memorandum dated 11/8/84.)

T. 16 N., R. 43 W.

Hoholitna and Hoholita Rivers are navigable.

(See State Selection Case file AA-8928 for Navigability Report dated 2/8/80.)

T. 17 N., R. 43 W.

Hoholitna River is navigable. (See State Selection Case File AA-21472 for Navigability Report dated 11/8/82.) (See DSD Memorandum dated 11/8/84.) Barge Slough (local name Johnny Slough) in Secs 4-5; and Keefer Creek through the township are navigable. (See State Selection Case File AA-21472 for Navigability Report dated 5/13/87.)

T. 18 N., R. 43 W.

Kuskokwim River is navigable. (See DSD Memorandum dated 5/6/80.) Hoholitna River is navigable. (See DSD Memorandum dated 11/8/84.) Unnamed slough in Secs. 22, 27, and 28; Barge Slough (local name Johnny Slough); Basket Creek in Sec. 36; and unnamed slough in NA F-18052-B, in Secs. 11 and 12 are navigable. (See Village Selection Case File FF-14936 for Navigability Report dated 8/18/88.)

T. 16 N., R. 44 W.

Holitna River is navigable - (See State Selection Case File AA-8928 for Navigability Report dated 2/8/80.) (See DSD Memorandum dated 11/8/84.)

T. 12 N., R. 45 W.

Holitna River is navigable - (See State Selection Case File AA-8928 for Navigability Report dated 2/8/80.) (See DSD Memorandum dated 11/8/84.)

T. 15 N., R. 46 W.

No navigable waters (See State Selection Case File FF-15357 for Navigability Report on Itulilik Creek dated 12/21/83.)

T. 21 N., R. 46 W., SM

Kuskokwim and George River are navigable - (See Village Selection Case File F-14860 for Navigability Report dated 8/18/88.) (See DSD Memorandums dated 11/8/84 and 7/8/85.)

T. 11 N., R. 47 W.

Holitna River is navigable - (See State Selection Case File AA-8928 for Navigability Report dated 2/8/80.) (See DSD Memorandum dated 11/8/84.)

T. 10 N., R. 48 W.

Holitna River is navigable - (See State Selection Case File AA-8928 for Navigability Report dated 2/8/80.) (See DSD Memorandum dated 11/8/84.)

T. 14 N., R. 49 W.

No navigable waters

T. 16 N., R. 49 W.

No navigable waters

T. 10 N., R. 51 W.

No navigable waters

T. 15 N., R. 51 W.

Holokuk River is navigable in Secs. 4, 5, 10-13, (See Village Selection Case File FF-14800 dated 5/24/89.) (State Selection Case File AA21464 for Navigability Report dated 12/27/83.)

T. 14 N., R. 53 W.

No navigable waters

T. 11 N., R. 56 W

No navigable waters

Aniak River is navigable to Salmon River (See DSD Memorandum dated 11/8/84.)

T. 12 N., R. 57 W.

No navigable waters

T. 17 N., R. 57 W.

Excluded from IC 741 as navigable:

Interconnecting sloughs between the Kuskokwim River and Aniak Slough in Secs. 3, 8-10, 15-17, and 20-23.

Slough of the Kuskokwim River in Secs. 4 and 5.

Slough of Aniak Slough with mouth in Sec. 22 through Sec. 27, ending at beginning of cut-off meander in Sec. 26.

Interconnecting slough of Aniak Slough with unnamed slough in Sec. 32.

Mouth of slough in NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 33. (See Village Selection Case File F-14831 for Navigability Report dated 5/24/89.)

Double lined slough through USS2368. (See Navigability Report for USS2638 dated 12/6/88.)

T. 21 N., R. 57 W.

No navigable waters

T. 21 N., R. 58 W.

No navigable waters

T. 21 N., R. 59 W.

No navigable waters

T. 20 N., R. 61 W.

No navigable waters

T. 20 N., R. 62 W.

No navigable waters

T. 18 N., R. 63 W.

Johnson River in F-16535, Parcel A in Sec. 26, F-16537, Parcel A in Secs. 13-14 and F-17006 Parcel B, in Sec. 13. Johnson River is navigable (Crooked Creek on the USGS Map) is also navigable to unnamed lake - 16 miles (See DSD Memorandum dated 11/8/84.)

T. 19 N., R. 63 W.

Kulik Lake and an unnamed lake in Secs. 18-20 are navigable. (See DSD Memorandum dated 11/8/84.)

T. 17 N., R. 64 W.

Johnson River in F-16018, Parcel B in Sec. 15 is navigable.

T. 18 N., R. 64 W.

No navigable waters

T. 19 N., R. 64 W.

Talbiksok River in F-16112 in Sec. 12 is navigable. Talbiksok River to Yukon-Kuskokwim Portage (35 miles), Unnamed Lake in Secs. 13, 23-24, and Sec. 19, T. 19 N., R. 63 W., SM are navigable. (See DSD Memorandum dated 11/8/84.)

T. 20 N., R. 64 W.

Tributary of Talbiksok River in F-16110 in Sec. 32 is navigable.

T. 16 N., R. 65 W.

No navigable waters

T. 18 N., R. 65 W.

No navigable waters

T. 19 N., R. 65 W.

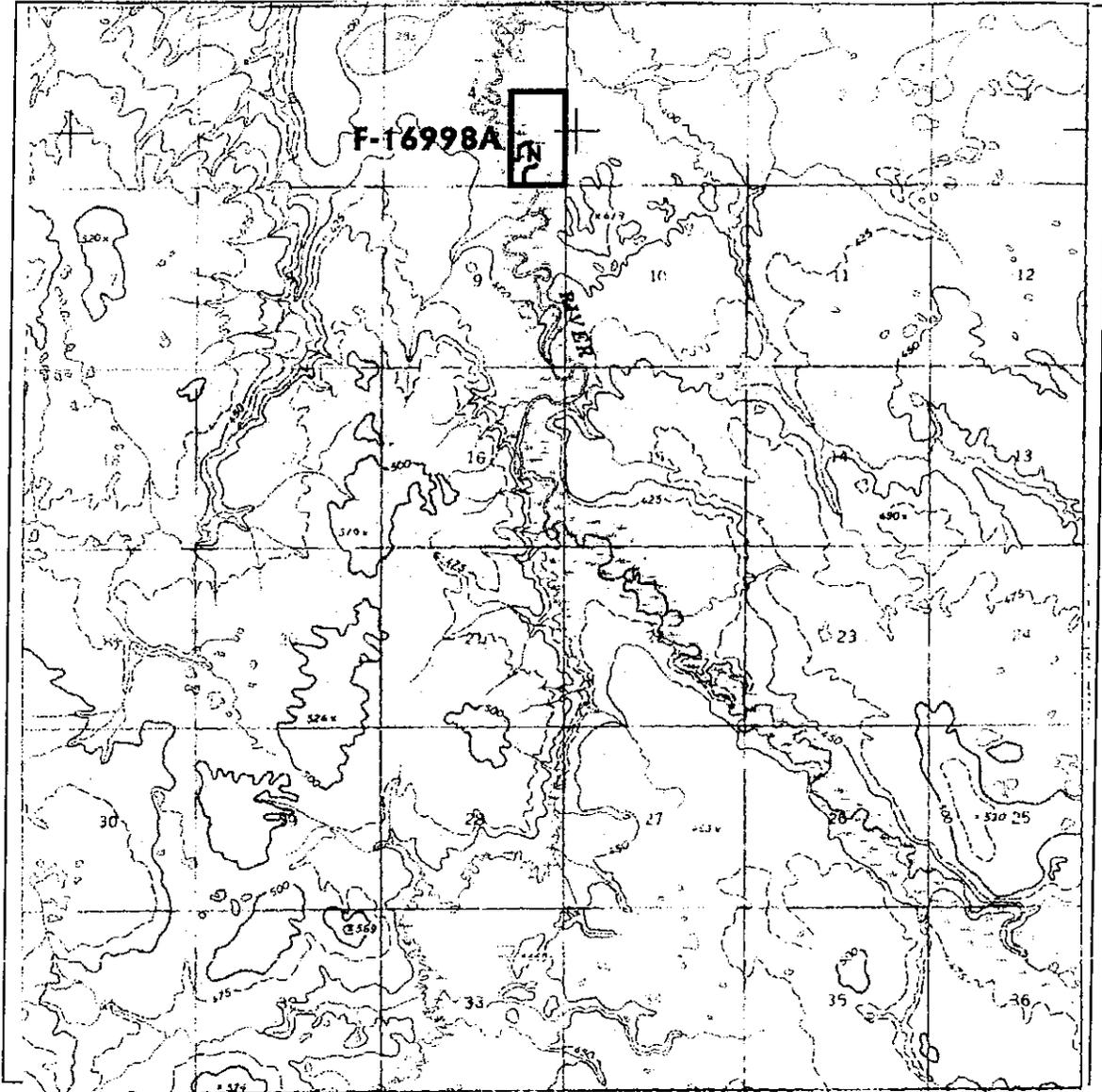
No navigable waters

Talbiksok River to Yukon-Kuskokwim Portage (35 miles) is navigable. (See DSD Memorandum dated 11/8/84.)

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Window 1283

T. 15 N., R. 38 W., Seward Meridian



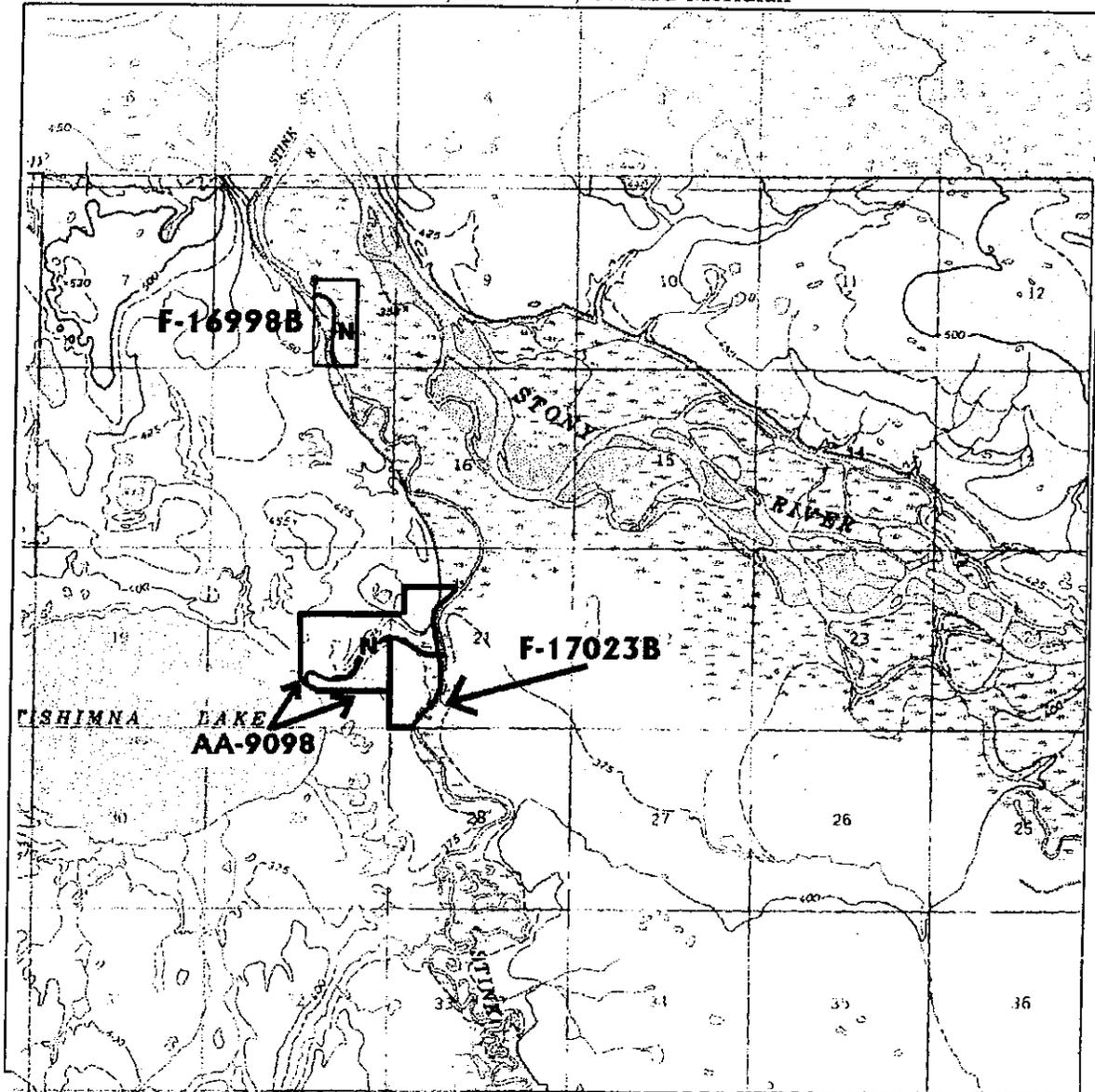
SCALE: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                               | Status                                 |
|---------------------|---|--|
| Sleetmute B-1, 1954 | CIR 60, Roll 2616,<br>Frame 4612, June 1978 | NA F-16998, Parcel A<br>SS TA FF-15363 |

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Window 1283

T. 16 N., R. 38 W., Seward Meridian



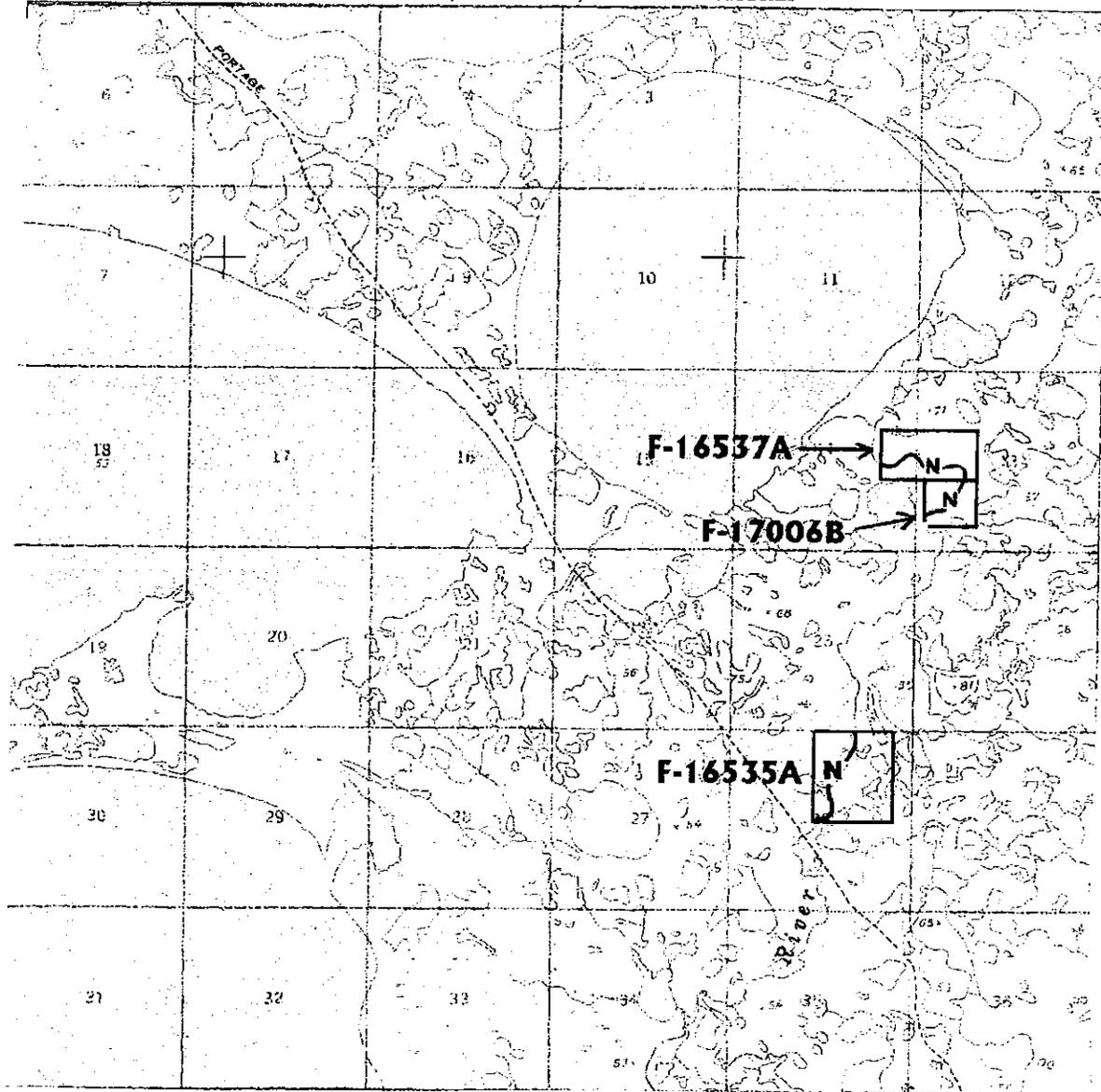
SCALE: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                               | Status   |
|---------------------|---|--|
| Sleetmute B-1, 1954 | CIR 60, Roll 2616,<br>Frame 4612, June 1978 | NA F-16998, Parcel B,<br>AA9098, F-17023, Parcel B<br>SS TA FF-15363 |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Window 1283

T. 18 N., R. 63 W., Seward Meridian



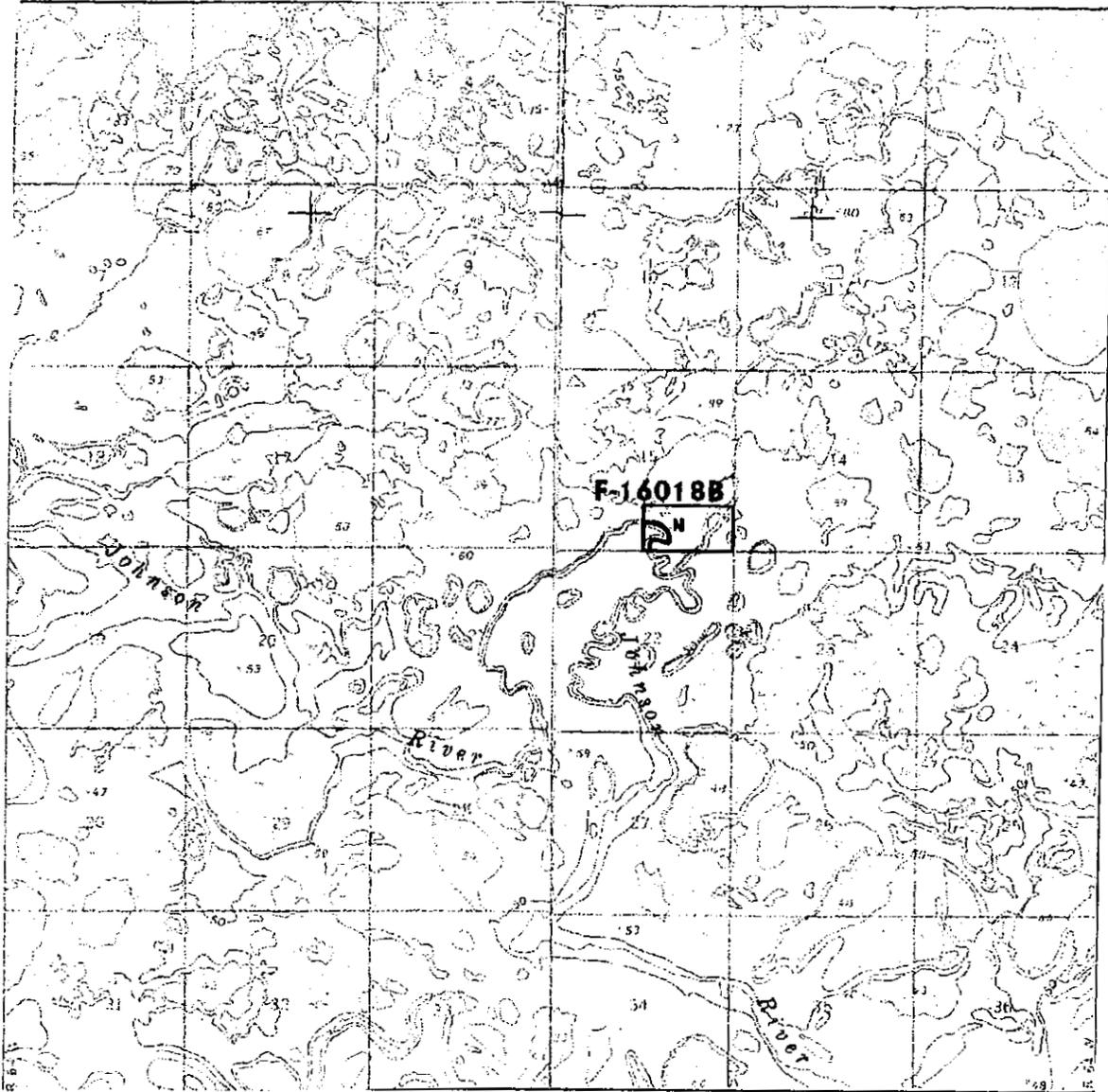
SCALE: 1" = 1 Mile

| USGS MAPS                 | AERIAL PHOTOS                            | Status  |
|---------------------------|--|---|
| Russian Mission C-5, 1952 | CIR 60, Roll 2913, July 1980, Frame 6770 | NA F-16535, Parcel A, F-16537, Parcel A, F-17006, Parcel B, YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Window 1283

T. 17 N., R. 64 W., Seward Meridian



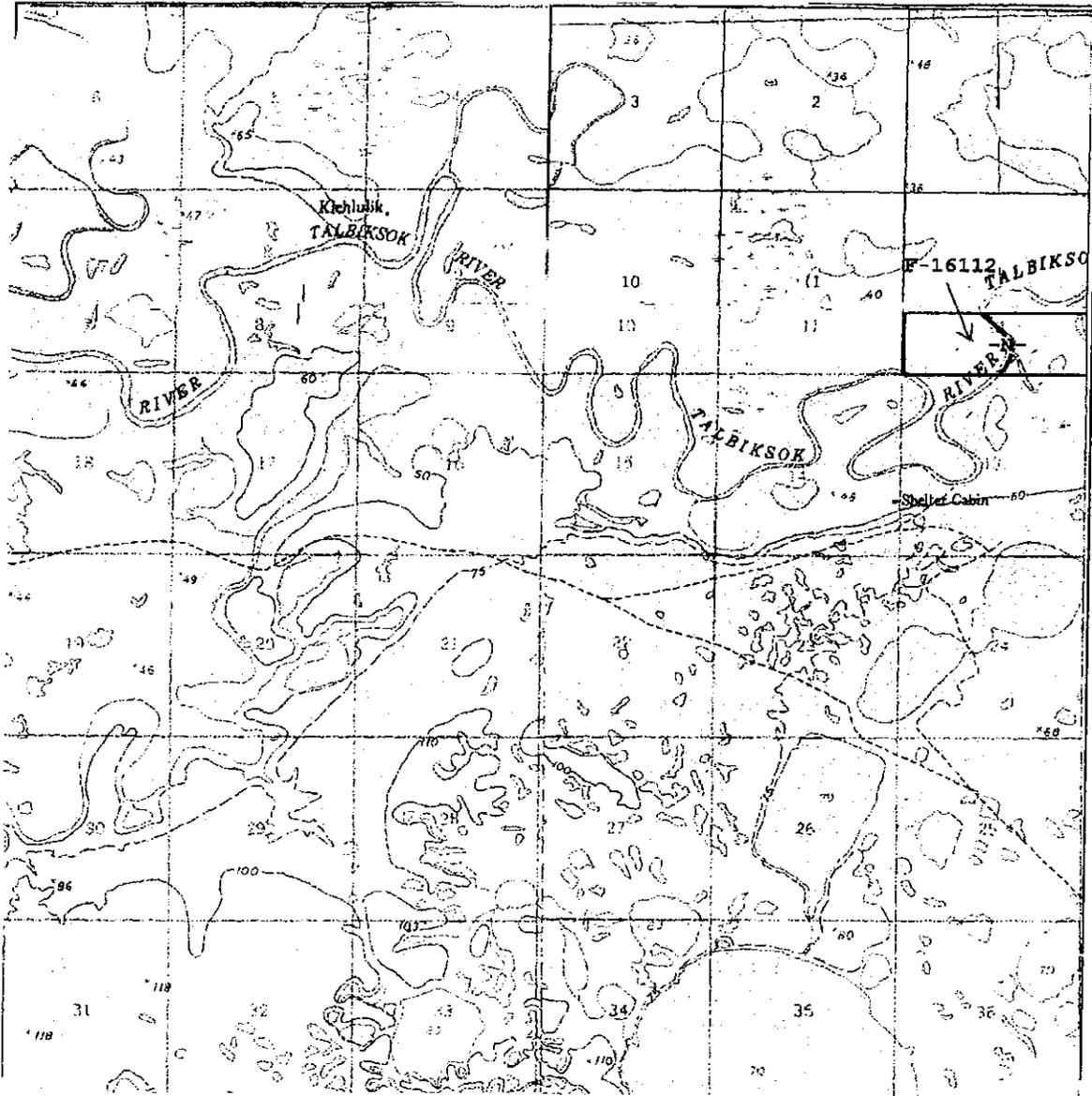
SCALE: 1" = 1 Mile

| USGS MAPS                   | AERIAL PHOTOS                               | Status                        |
|-----------------------------|---|-------------------------------|
| Russian Mission C 5-6, 1952 | CIR 60, Roll 2913, July 1980,<br>Frame 6769 | NA F-16018, Parcel B<br>YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Window 1283

T. 19 N., R. 64 W., Seward Meridian



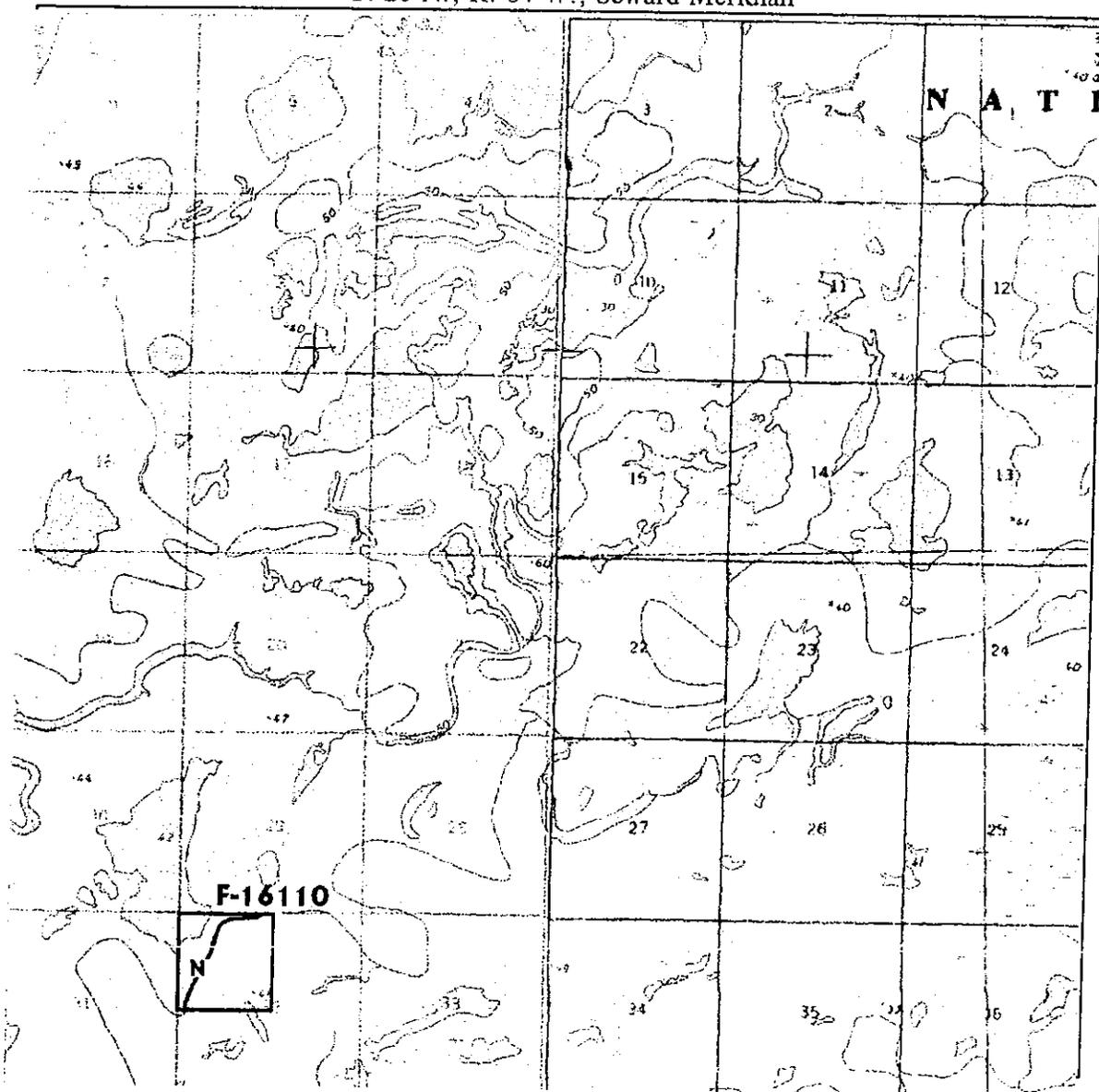
SCALE: 1" = 1 Mile

| USGS MAPS                                      | AERIAL PHOTOS                                  | Status              |
|--|--|---------------------|
| Russian Mission C-5-6<br>Russian Mission D-5-6 | CIR 60, Roll 2913<br>Frames 6784-85, July 1980 | NA F-16112<br>YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

Window 1283

T. 20 N., R. 64 W., Seward Meridian



SCALE: 1" = 1 Mile

| USGS MAPS                 | AERIAL PHOTOS                               | Status               |
|---------------------------|---|----------------------|
| Russian Mission D-6, 1952 | CIR 60, Roll 2913, July 1980,<br>Frame 6724 | NA F-16110,<br>YDNWR |

APPENDIX II  
CALISTA UPPER KUSKOKWIM  
Window 1283

|    | NAME                     | CASE | SERIAL NO.   | TWP  | RNG  | SEC   | MER |
|----|--------------------------|------|--------------|------|------|-------|-----|
| 1  | EVAN, A MACAR            | AKF  | 017965C      | 18 N | 34 W | 11    | S   |
| 2  | BOBBY, PETE PAUL         | AKFF | 017869A      | 11 N | 35 W | 05    | S   |
| 3  | GUSTY, IYANA             | AKFF | 016842B      | 21 N | 35 W | 25    | S   |
| 4  | BOBBY, BODUSHA           | AKF  | 017865       | 11N  | 36 W | 02    | S   |
| 5  | BOBBY, MARY (DEC)        | AKF  | 16998A       | 15N  | 38W  | 04    | S   |
| 6  | BOBBY, MADRONA (DEC)     | AKAA | 009098       | 16 N | 38 W | 20    | S   |
| 7  | BOBBY, MARY (DEC)        | AKFF | 016998B      | 16 N | 38 W | 08    | S   |
| 8  | BOBBY, ANNIE             | AKFF | 017023B      | 16 N | 38 W | 21    | S   |
| 9  | ABDREANOFF, ANGELA       | AKF  | 016522C      | 10N  | 40W  | 26    | S   |
| 10 | ANDREANOFF, MATFIE       | AA   | 051176       | 10N  | 40W  | 22-23 | S   |
| 11 | EGNATY, JACK SR.         | AKFF | 018192       | 11 N | 41 W | 36    | S   |
| 12 | EVAN, A MACAR            | AKF  | 017965D      | 12 N | 41 W | 06    | S   |
| 13 | GUSTY, LISA (DEC)        | AKF  | 029363       | 13 N | 41 W | 28    | S   |
| 14 | ZAU KAR, EVAN (DEC)      | AKFF | 016529A      | 14 N | 42 W | 03    | S   |
| 15 | ANDREANOFF, JESSIE J.    | AKFF | 017920A      | 14 N | 42 W | 11    | S   |
| 16 | ZAU KAR, JENNIE ELENA    | AKFF | 016530C      | 15 N | 42 W | 19    | S   |
| 17 | ZAU KAR, SINKA SR. (DEC) | AKFF | 016532C      | 15 N | 42 W | 08    | S   |
| 18 | FREDERICKS, NADIA        | AKFF | 017029A      | 10 N | 43 W | 28    | S   |
| 19 | WILLIAM, S. FREDERICK    | AKFF | 018202       | 12 N | 43 W | 28    | S   |
| 20 | PETERS, ELENA (DEC)      | AKFF | 017966       | 15 N | 43 W | 19    | S   |
| 21 | PETERS, MOXIE (DEC)      | AKFF | 018055B      | 15 N | 43 W | 18    | S   |
| 22 | ZAU KAR, BALASHA         | AKFF | 018056B      | 15 N | 43 W | 06    | S   |
| 23 | HOWERTON, WILLIAM C      | AKFF | 019688       | 16 N | 43 W | 20    | S   |
| 24 | ANDREANOFF, ANGELA       | AKFF | 016522A      | 16 N | 43 W | 02    | S   |
| 25 | MELLIK, MARY             | AKFF | 011959C      | 17N  | 43 W | 32/33 | S   |
| 26 | ANDREANOFF, JESSIE J.    | AKFF | 017920C      | 17N  | 43   | 35    | S   |
| 27 | MELLICK, MARY            | AKFF | 011959A      | 18 N | 43 W | 18    | S   |
| 28 | MELLICK, MARY            | AKFF | 011959D      | 18 N | 43 W | 07    | S   |
| 29 | MACAR, EVAN A.           | AKFF | 017965A      | 16 N | 44 W | 13    | S   |
| 30 | MELLICK, MARJORIE        | AKFF | 016526B      | 12 N | 45 W | 16    | S   |
| 31 | ABRUSKA, STEVE           | AKFF | 017963B      | 15 N | 46 W | 34    | S   |
| 32 | EDISON, JOHN SR.         | AKF  | 09876(12879) | 21N  | 46W  | 21    | S   |
| 33 | ZAU KAR, ANTONE          | AKFF | 017967C      | 11 N | 47 W | 29,30 | S   |
| 34 | EVAN, ZAU KAR            | AKAA | 051164       | 10 N | 48 W | 01    | S   |
| 35 | MELLICK, MARJORIE        | AKFF | 016526D      | 14 N | 49 W | 35    | S   |
| 36 | MORGAN, JIMMIE (DEC)     | AKFF | 017025A      | 16 N | 49 W | 21    | S   |
| 37 | KAMEROFF, NICK C.        | AKFF | 017952B      | 10 N | 51 W | 27    | S   |
| 38 | VANDERPOOL, ROBERT W.    | AKAA | 051166F      | 15 N | 51 W | 11    | S   |
| 39 | KAMEROFF, NICK C.        | AKFF | 017952C      | 14 N | 53 W | 22    | S   |



**NAVIGABILITY REPORT  
Left Bank Tributary of Johnson River**

Nunapitchuk 2001

**BACKGROUND INFORMATION**

The left bank tributary crosses Fred A. George Sr.'s Native allotment claim, BLM case file AA-51109 in Secs. 15-16, T. 13 N., R. 71 W., SM. Where it crosses the claims for Joseph Ekamrak, BLM case file AA-37824 in Secs. 17-20 and Martha Ekamrak, BLM case file AA-55923 in Sec. 17, T. 13 N., R. 71 W., SM, aerial photographs show the tributary to range between three and five chains wide.

Local Name: Fred A. George Sr., of Akiachak said the Yupik name of tributary is "Tunuirgun" which sounded like Tuni'ghoon.<sup>1</sup>

Nearest Settlement: The left bank tributary in Secs. 15-20, T. 13 N., R. 71 W., SM is about thirty miles north of Atmautluak.

Length of Water Body: Approximately six miles.

Watershed: Johnson River

USGS Quadrangle(s) in selected area: Marshall A-1, 1954, Russian Mission A-8, 1954.

Aerial Photo (s) in selected area: CIR 60, July 1980, Frame 364.

Was the water body Photo Interpreted? Scott Guyer, a photointerpreter with the Mapping Section, viewed the aeriels and his remarks are reported below.

Was a Field Report/Interview Report prepared? An interview report was prepared March 21, 2001.

**SUBMERGED LAND STATUS**

The tributary lies in the Yukon National Wildlife Refuge.

| Township            | Section Number | Mile  | Status and Remarks                     |
|---------------------|----------------|-------|--|
| 13 N., R. 71 W., SM | 17-20          | 0-1   | NA AA-37824, Joseph Ekamrak            |
|                     | 17             | 1-1.5 | NA AA-55923, Martha Ekamrak            |
|                     | 15, 16         | 4     | NA AA-51109, Fred A. George Sr., YDNWR |

**PHYSICAL CHARACTERISTICS**

Type of Water Body: Tributary of Johnson River

Gradient: Minimal

| Source                               | Bank to Bank Width  | Mile    |
|--------------------------------------|---|---------|
| CIR 60, Roll 7, July 1980, Frame 364 | 200' - 330'   | 0- 1.5  |
| CIR 60, Roll 7, July 1980, Frame 364 | 33' - 200'  | 1.5 - 4 |
| Fred A. George, Sr.                  | Spring: about 50'<br>Summer: 20'-30'<br>Fall: the same as summer. | 4       |
| Walter George                        | 24' or wider  | 4       |
| Peter Ekamrak                        | 40' - 50'   | 4       |

| Source                               | Impediments  | Mile    |
|--------------------------------------|--|---------|
| CIR 60, Roll 7, July 1980, Frame 364 | Some vegetation within the channel, however, it does not appear to impede navigation | 0 - 4.5 |
| Fred A. George                       | No impediments to boat travel  | 4       |
| Walter George                        | No impediments   | 4       |

| Source         | Depth  | Mile |
|----------------|--|------|
| Fred A. George | Spring: 8'-10' deep<br>Summer: 4' - 10' deep<br>Fall time: The same as summer. | 4    |
| Walter George  | 6' - 8' deep from spring to fall   | 0-4  |
| Peter Ekamrak  | Spring: 8' deep around the middle of May                                       | 4    |

## USES

Commercial: There is no known commercial use.

Direct Evidence:

In a telephone interview Fred A. George Sr., of Akiachak, said he went to his allotment last spring in a 20' Lund Alumaweld boat mounted with a 115-horsepower propeller-driven motor.

His load included five or six people, a mix of adults and children, food, a tent and a 55-gallon drum of gas. In spring he boats to a lake about five miles beyond his allotment. Villagers from Nunapitchuk and Atmautluak hunt in that area and villagers from Akiachak pick berries there.<sup>2</sup>

Walter George, brother of Fred A. George of Akiachak has boated this tributary for many years. His most recent trip was about three or four years ago in late May in a 22' Yukon Raider boat mounted with a 115-horsepower propeller-driven motor. His load included three adults, food and camping gear. They stayed four or five days hunting black birds. He estimated the tributary to range between 6' and 8' deep from spring to fall. He has seen others boat the tributary including his cousin's Peter Ekamrak, John and Abraham George and Fritz George.<sup>3</sup>

Peter Ekamrak, a cousin to Fred A. George and Walter George of Akiachak said he traveled to Fred A. George's allotment by snow machine in the winter and by boat in the spring around the middle of May. He uses several boats including a 16' or 18' Lund with either 30- or 40-horsepower propeller motor. Ekamrak said even when the water level decreases in the summer and fall, it does not prevent villagers from continuing to hunt and pick berries in this area.<sup>4</sup>

In the case file for Fred A. George Sr., AA-51109, the field examiner stated access to the allotment was probably by river boat in the summer.<sup>5</sup> A photograph taken the summer of 2000, by BLM surveyors when they set the Point of Beginning on his Native Allotment claim, shows the tributary to be open and unobstructed.

In Martha Ekamrak's BLM case file, AA-55923, there is a clear picture of the mouth of the tributary taken during the field examination June 1988 which shows the tributary to be wide and unobstructed.<sup>6</sup>

## CONCLUSION

We find the left bank tributary of the Johnson River susceptible for navigation within Fred A. George Sr.'s Native Allotment claim, case file AA-51109 in Secs. 15-16, T. 13 N., R. 71 W., SM. According to Fred A. George Sr., Walter George and Peter Ekamrak of Akiachak, the river is on average 6' to 8' feet deep from spring to fall and free of any impediments to boat travel. Fred and Walter George use 20' - 22' boats mounted with a 115-horsepower motor to reach to a lake about five miles beyond the Native allotment claim. Additionally, Fred George and Peter Ekamrak have seen villagers from Atmautluak and Nunapitchuk hunt in this area. These uses, combined with the physical characteristics of the river indicate the river is susceptible for use as a route for travel, trade and commerce.

Report Prepared By:

*Lauren J. Layton*

Date:

*6/5/02*

### Notes

1. Laura Lagstrom, Interview Report, Nunapitchuk 2001, March 21, 2001, Navigability Section Quad Files, p. 7.
2. Ibid, p. 7.
3. Ibid, p. 7.
4. Ibid, p. 8.
5. Native allotment case file, AA-51109, Bureau of Land Management, Alaska State Office, Docket.
6. Native allotment case file, AA-55923, Bureau of Land Management, Alaska State Office, Docket.



United States Department of the Interior  
BUREAU OF LAND MANAGEMENT  
ALASKA STATE OFFICE  
222 W. 7th Avenue, #13  
ANCHORAGE, ALASKA 99513-7599

*Aug 29, 2002*

**Johnson River System  
Interim Summary Report  
Attachment 52**

Baird Inlet-FY2001  
Marshall-FY2001  
Russian Mission-FY2001  
F-16023 A (2561)<sup>1</sup>  
2628 (924)

Memorandum

To: Chief, Branch of Survey Preparation and Policy Interpretation (AK-925)

From: Chief, Branch of Mapping Sciences (AK-924)

Subject: Navigable Waters in Native Allotments Scheduled for Survey - Nunapitchuk 2001 (Group Surveys 254, 268 and 270)

This memorandum identifies navigable waters for unsurveyed Native allotments applications selected under the provisions of the Native Allotment Act of 1906. The BLM survey project named Nunapitchuk 2001, consisted of 107 Native allotment application parcels in 36 townships. The townships lie in the Yukon Delta National Wildlife Refuge.

The survey project is spread across a broad range northeasterly and northwesterly of Bethel between the Yukon and Kuskokwim rivers. A majority of the Native allotments abut the Johnson, Pikmiktalik and Kvichavak rivers, Israthorak Creek and two unnamed tributaries to Kayigyalik Lake. Only rivers and streams less than three chains in width and lakes less than fifty acres in size that cross or lie in the Native allotment parcels were reviewed. Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198' or more in width are not described because, regardless of their navigability status, they are meandered and segregated from the survey according to the Alaska Submerged Lands Act of 1988.

The information comes from a wide variety of sources including USGS maps, NASA aerial photographs, master title plats, easement and Native allotment files, prior navigability reports, interviews with local villagers and historical records including the Kuskokwim Regional Report by C. Michael Brown, titled "Alaska's Kuskokwim River Region: A History," 1985, and Elizabeth F. Andrews' six-year study of the land and resource uses of the villagers from Kasigluk, Nunapitchuk and Atmaultluak titled, "The Akulmiut: Territorial Dimensions of a Yupik Eskimo Society," Alaska Department of Fish and Game, May 1989.

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<sup>1</sup>File in Native allotment case files F-19183, F-12116, F-16791, F-19236, F-19242, F-18308, F-19286, AA-37791, AA-37834, AA-52790, F-987, AA-51770, AA-53086, F-029215, F-18747, F-977, F-029208, F-029219, AA-37824, AA-55923, AA-51109, AA-37828, AA-37832, AA-52707.

After review, we found and prepared reports on nine potentially navigable water bodies less than the meanderable size on Native allotment claims. They are as follows: 1) Johnson River; 2) Left bank tributary of Johnson River; 3) Israthorak Creek; 4) Left bank tributary of Israthorak Creek; 5) Kvichavak River; 6) Right bank tributary of Kvichavak River; 7) Putu Creek; 8) Pikmiktalik River; and 9) Unnamed tributary of Kayigyalik Lake and its left bank tributary.

The unnamed tributary of Kayigyalik Lake and its left bank tributary were found non-navigable in the Native allotment applications for Alexie Nicholas, BLM Case file F-16567, Carl Thomas White, BLM Case file F-19128, and Billy Andrew, BLM Case file F-14386, Parcel B. On May 8, 1989, the BLM had determined these water bodies navigable for selected lands in Window 1836. The criteria regarded water bodies navigable if, at the time of Statehood, they were navigable for crafts larger than a one-person kayak. Telephone interviews with David Nicholas of Kasigluk, Billy Andrew and Moses White of Nunapitchuk revealed that a shallow area, about 1,000 yards long, near the effluent prevents them and others from boating the unnamed tributary with large loads. Nicholas said if he had to haul 1,000 pounds of load, he would wait until winter because of the shallow depth of the tributary at its effluent.

The BLM-Alaska's navigability determinations are based on Federal law of title navigability. Title to unreserved lands underlying navigable waters vested in the State at the time of statehood. As a general rule, inland waters are navigable if, at the time of statehood, they were used, or were susceptible to use, for travel, trade, and commerce. In a memorandum dated March 16, 1976, Associate Solicitor Hugh C. Garner summarized the Submerged Lands Act of 1953 (43 U.S.C. 1301) and Federal case law pertaining to title navigability. The Alaska Submerged Lands Act of 1988 (P.L. 100-395) provides specific direction regarding navigability determinations and survey meanders for land transfers under the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act. Additional guidance is provided in *Appeal of Doyon, Ltd.*, Alaska Native Claims Appeal Board RLS 76-2, 86 I.D. 692 (1979)[Kandik and Nation Rivers]; *Alaska v. United States*, 754 F.2d 851 (9th Cir.1983), *cert. denied*, 474 U.S. 968 (1985) [Slopbucket Lake]; *Alaska v. Ahma, Inc.*, 891 F.2d. 1401 (9th Cir.1989), *cert. denied*, 495 U.S. 919 (1990) [Gulkana River]; *United States v. Alaska*, Original No. 84 (1997) [Naval Petroleum Reserve No. 4]; and *Alaska v. United States*, No. 98-35310 (9th Cir. 2000) [Kukpowruk River].

The appendix lists the townships in the survey window and, for each township, the navigable and non-navigable waters in the Native allotment parcels. Following the appendix are site plot maps that show the navigable waters in the Native allotment claims.



## Attachments (12)

- 1-Interview 3/2001 (16pp)
- 2-Interview 6/2001 (8pp)
- 3-field trip (2pp)
- 4-Nav report Johnson (8pp)
- 5-Nav report Left Johnson (4pp)
- 6-Nav report Israthorak Creek (8pp)
- 7-Nav report Left Israthorak Creek (5pp)
- 8-Nav report Kvichavak River(6pp)
- 9-Nav report right Kvichavak River (5pp)
- 10-Nav report Putu Creek (4pp)
- 11-Nav Report Pikmikatalik River (7pp)
- 12-Nav Report Kayigyalik Lake (6pp)

cc: Akiachak Native Community  
P.O. Box 70  
Akiachak, Alaska 99551

Village of Atmautluak  
P.O. Box ATT  
Atmautluak, Alaska 99559

Native Village of Kasigluk  
P.O. Box 19  
Kasigluk, Alaska 99609

Native Village of Nunapitchuk  
P.O. Box 130  
Nunapitchuk, Alaska 99641

Association of Village Council Presidents  
P. O. Box 219  
Bethel, AK 99559

Calista Corporation  
Land Department  
601 W. 5<sup>th</sup> Ave., Suite 200  
Anchorage, Alaska 99501-2225

State of Alaska, DNR  
Division of Mining Land and Water  
Attn: Kathy Atkinson - Navigability Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050  
Anchorage, Alaska 99501-3579

State of Alaska, DNR  
Division of Mining Land and Water  
Realty Services Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

State of Alaska, ADF&G  
Habitat and Restoration Division  
Attn: Ms. Robin Willis  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

Mike Rearden, Refuge Manager  
Yukon Delta National Wildlife Refuge  
Post Office Box 346  
Bethel, Alaska 99559-0346

U.S. Fish & Wildlife Service  
Water Resources Branch, Region 7  
Attn: Warren Keogh  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Chief, Branch of Field Surveys (921)

Chief, Survey Data Research Section (933)

Chief, Survey Preparation Section (925)

Chief, Branch of Native Allotment Adjudication (964)

Northern Field Office (020)

Rodney Harvey (952)

Kathy Flippen (924)

Laura Lagstrom (924)

## Appendix 1

## Seward River Meridian

T. 17 N., R. 64 W.

F-16023, Parcel B - No navigable waters.

T. 17 N., R. 65 W.

F-16020, Parcel A - No navigable waters.

F-16022, Parcel B - No navigable waters.

F-16023, Parcel A - Johnson River is navigable.

F-16023, Parcel B - No navigable waters.

AA-37840 - No navigable waters.

T. 14 N., R. 66 W.

F-19183 - Israthorak Creek is navigable.

T. 15 N., R. 66 W.

F-16205, Parcel B - No navigable waters.

T. 16 N., R. 66 W.

F-16020, Parcel A - No navigable waters.

F-16346, Parcel A - No navigable waters.

F-16346, Parcel B - No navigable waters.

F-17503, Parcel B - No navigable waters.

T. 17 N., R. 66 W.

F-16019, Parcel A - No navigable waters.

T. 14 N., R. 67 W.

F-12116 - Pikhiktalik River is navigable.

F-16791 - Pikhiktalik River is navigable.

F-19236 - Israthorak Creek is navigable

T. 15 N., R. 67 W.

F-13184 - No navigable waters.

F-09964, Parcel A - No navigable waters.

T. 16 N., R. 67 W.

F-13184 - No navigable waters.

F-14183 - No navigable waters.

F-14184 - No navigable waters.

F-19199 - No navigable waters.

T. 17 N., R. 67 W.

F-16363, Parcel B - No navigable waters.

T. 13 N., R. 68 W.

AA-37822 - No navigable waters.

T. 14 N., R. 68 W.

AA-37785 - No navigable waters.

AA-37822 - No navigable waters.

F-19242 - Right bank tributary of Kvichavak River is navigable.

T. 15 N., R. 68 W.

F-14182 - No navigable waters.

T. 13 N., R. 69 W.

F-09910 - No navigable waters.

F-18308 - Israthorak Creek is navigable

F-19286 - Israthorak Creek is navigable

AA-37784 - No navigable waters.

T. 14 N., R. 69 W.

AA-37791 - Right bank tributary of Kvichavak River is navigable.

AA-37823 - No navigable waters.

AA-37834 - Kvichavak River and its right bank tributary are navigable.

AA-37835 - No navigable waters.

AA-37836 - No navigable waters.

AA-37845 - No navigable waters.

AA-52790 - Right bank tributary of Kvichavak River is navigable.

F-029220 - No navigable waters.

F-987 - Right bank tributary of Kvichavak River is navigable.

T. 16 N., R. 69 W.

AA-37839 - No navigable waters.

T. 12 N., R. 70 W.

AA-51770 - Israthorak Creek is navigable

AA-53086 - Israthorak Creek is navigable.

F-09910 - No navigable waters.

F-19286 - Israthorak Creek is navigable.

F-29209 - No navigable waters.

F-029105, Parcel A - No navigable waters.

F-029215, Parcel B - Left Bank Tributary of Israthorak Creek is navigable.

F-18747 - Israthorak Creek is navigable.

F-09910 - No navigable waters.

T. 13 N., R. 70 W.

AA-37827 - No navigable waters.

AA-51772 - No navigable waters.

F-977, Parcel A - Pikmiktalik River is navigable/meanderable.

F-19286 - Israthorak Creek is navigable.

T. 14 N., R. 70 W.

AA-37827 - No navigable waters.

AA-50579 - No navigable waters.

F-029208 - Kvichavak River is navigable.

F-029219, Parcel A - Kvichavak River is navigable.

T. 12 N., R. 71 W.

AA-37829 - No navigable waters.

T. 13 N., R. 71 W.

AA-37824 - Left Bank Tributary of Johnson River is navigable/meanderable.

AA-55923 - Left Bank Tributary of Johnson River is navigable/meanderable.

AA-51109 - Left Bank Tributary of Johnson River is navigable.

AA-37826 - No navigable waters.

AA-37828 - Kvichavak River is navigable.

AA-37830 - No navigable waters.

F-029992 - No navigable waters.

F-09612 - No navigable waters.

F-13305 - Left Bank Tributary of Johnson River is navigable/meanderable.

T. 14 N., R. 71 W.

AA-37825 - No navigable waters.

AA-37838 - No navigable waters.

T. 15 N., R. 71 W.

AA-37831, Parcel B - No navigable waters.

AA-37832 - Johnson River is navigable.

T. 12 N., R. 72 W.

AA-56432, Parcel C - No navigable waters.

F-14255, Parcel A - No navigable waters.

F-16602 - No navigable waters.

F-16841 - No navigable waters.

T. 15 N., R. 72 W.

AA-37833 - No navigable waters.

AA-52707 - Putu Creek is navigable.

T. 11 N., R. 73 W.

F-029803 - No navigable waters.

T. 12 N., R. 73 W.

F-968 - No navigable waters.

F-14394 - No navigable waters.

F-15756, Parcel A - No navigable waters.

F-15756, Parcel B - No navigable waters.

F-16599, Parcel C - No navigable waters.

F-16599, Parcel D - No navigable waters.

F-16841 - No navigable waters.

T. 13 N., R. 73 W.

F-14386, Parcel C - No navigable waters.

F-18975 - No navigable waters.

T. 9 N., R. 74 W.

F-14963, Parcel C - No navigable waters.

T. 10 N., R. 74 W.

F-14981, Parcel D - No navigable waters.

T. 12 N., R. 74 W.

F-13235 - No navigable waters.

F-14234 - No navigable waters.

F-14235 - No navigable waters.

F-14236 - No navigable waters.

F-14255, Parcel B - No navigable waters.

F-14256, Parcel B - No navigable waters.

F-14386, Parcel A - No navigable waters.

F-14386, Parcel B - No navigable waters.

F-14961, Parcel A - No navigable waters.

F-14963, Parcel A - No navigable waters.

F-14968, Parcel A - No navigable waters.

F-14982, Parcel B - No navigable waters.

F-16567 - No navigable waters.

F-17410 - No navigable waters.

F-18011 - No navigable waters.

F-18198, Parcel A - No navigable waters.

F-18819 - No navigable waters.

F-19128 - No navigable waters.

T. 13 N., R. 74 W.

F-029819 - No navigable waters.

T. 12 N., R. 75 W.

F-13204 - No navigable waters.

F-14238 - No navigable waters.

F-14253, Parcel A - No navigable waters.

F-14962, Parcel A - No navigable waters.

F-14963, Parcel A - No navigable waters.

T. 12 N., R. 77 W.

AA-56432, Parcel A - No navigable waters.

F-14980, Parcel A - No navigable waters.

F-17396 - No navigable waters.

F-17532 - No navigable waters.

T. 11 N., R. 79 W.

F-18869, Parcel B - No navigable waters.

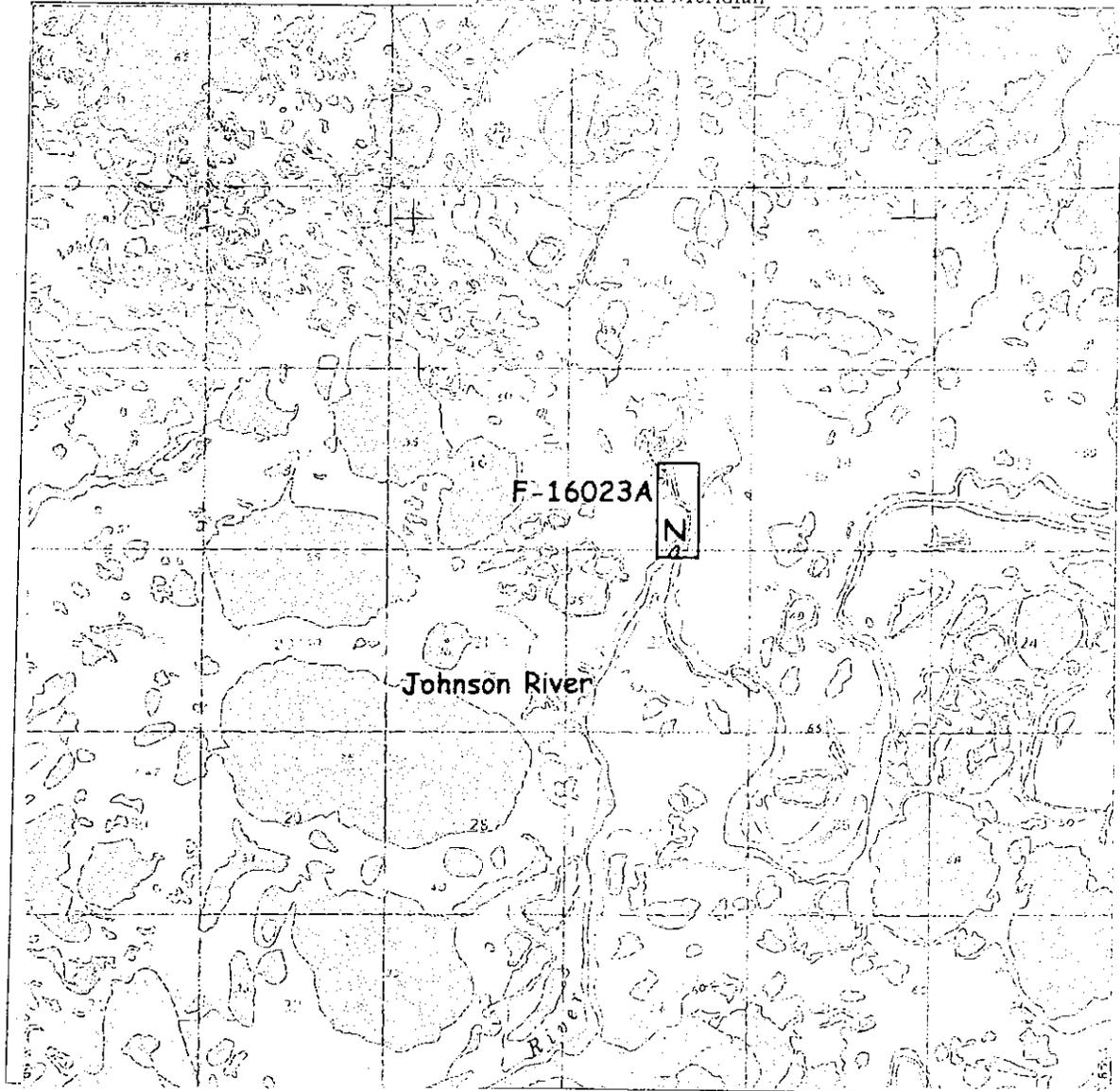
T. 11 N., R. 80 W.

F-18869, Parcel B - No navigable waters.

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk Window, Native Allotments only)

T. 17 N., R. 65 W., Seward Meridian



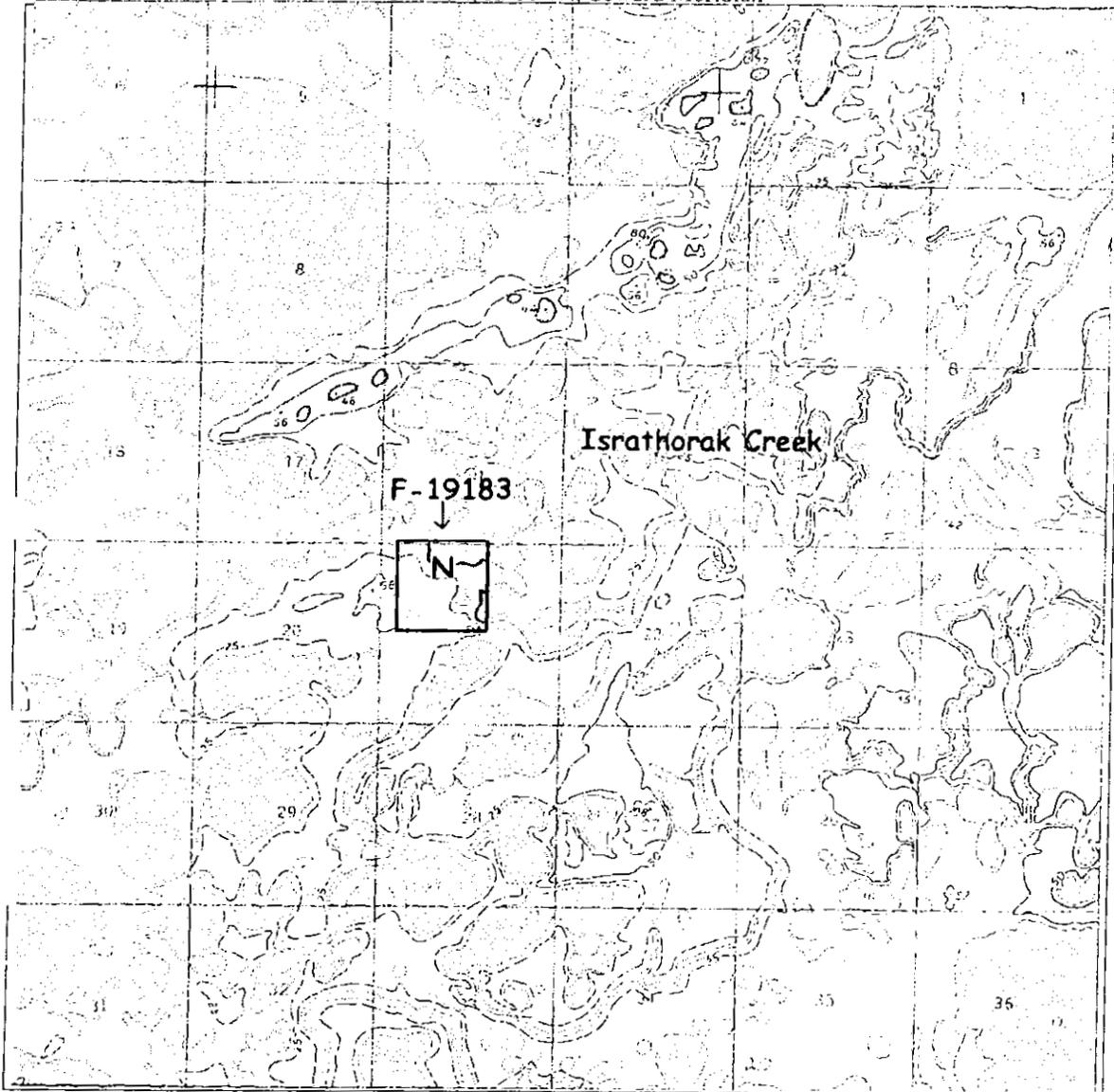
Scale: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                            | STATUS                       |
|---------------------|--|------------------------------|
| Russian Mission C-6 | CIR 60, Roll 2913, July 1980, Frame 6768 | Native allotment application |
|                     |  | F-16023, Parcel A, YDNWR     |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk, Native Allotments only)

T. 14 N., R. 66 W., Seward Meridian



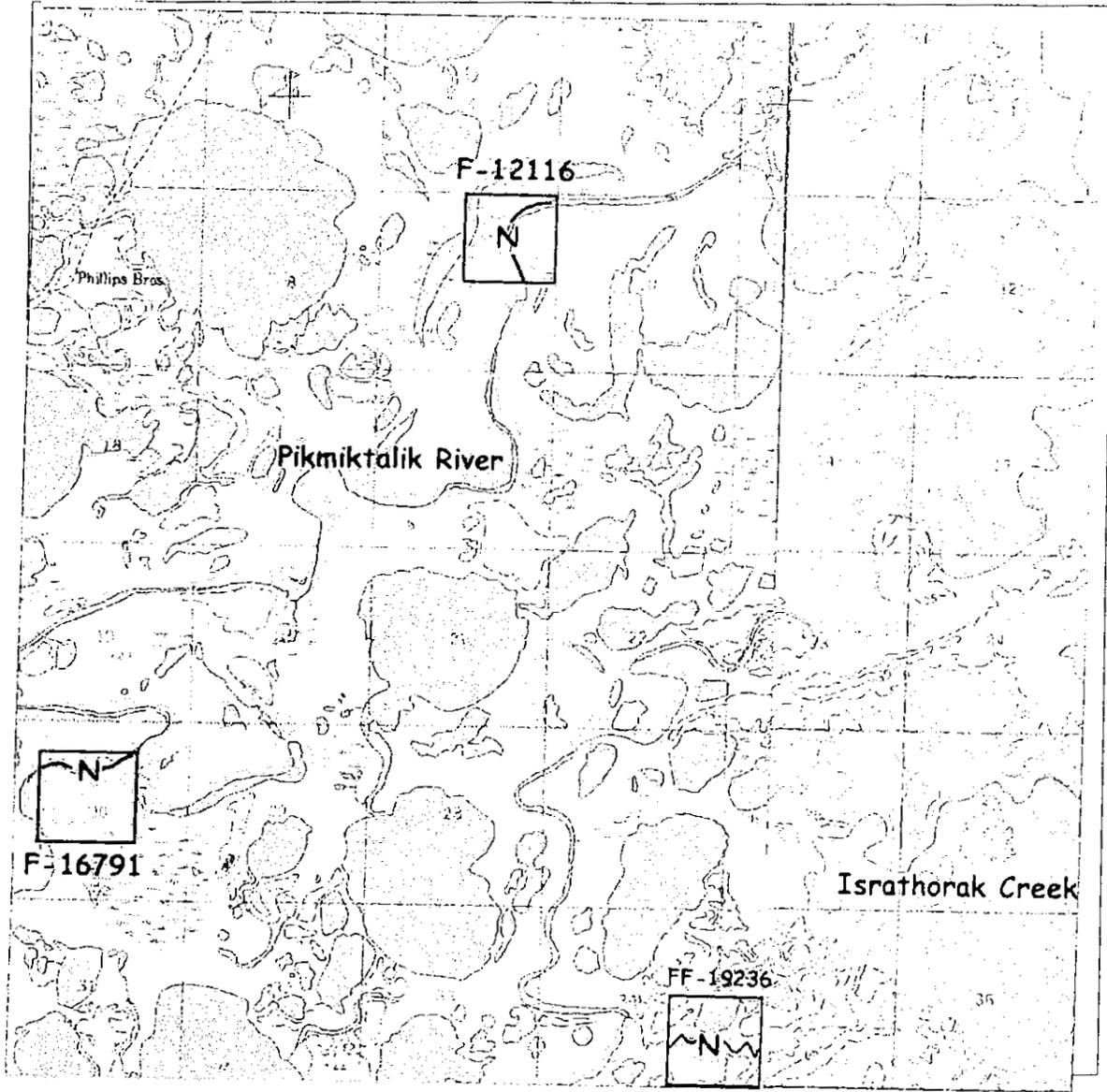
Scale: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                           | STATUS   |
|---------------------|---|--|
| Russian Mission B-6 | CIR 60, Roll 7, July 1980,<br>Frame 257 | Native allotment application<br>F-19183; YDNWR |

UNITED STATES  
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 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk, Native Allotments only)

T. 14 N., R. 67 W., Seward Meridian



Scale: 1" = 1 Mile

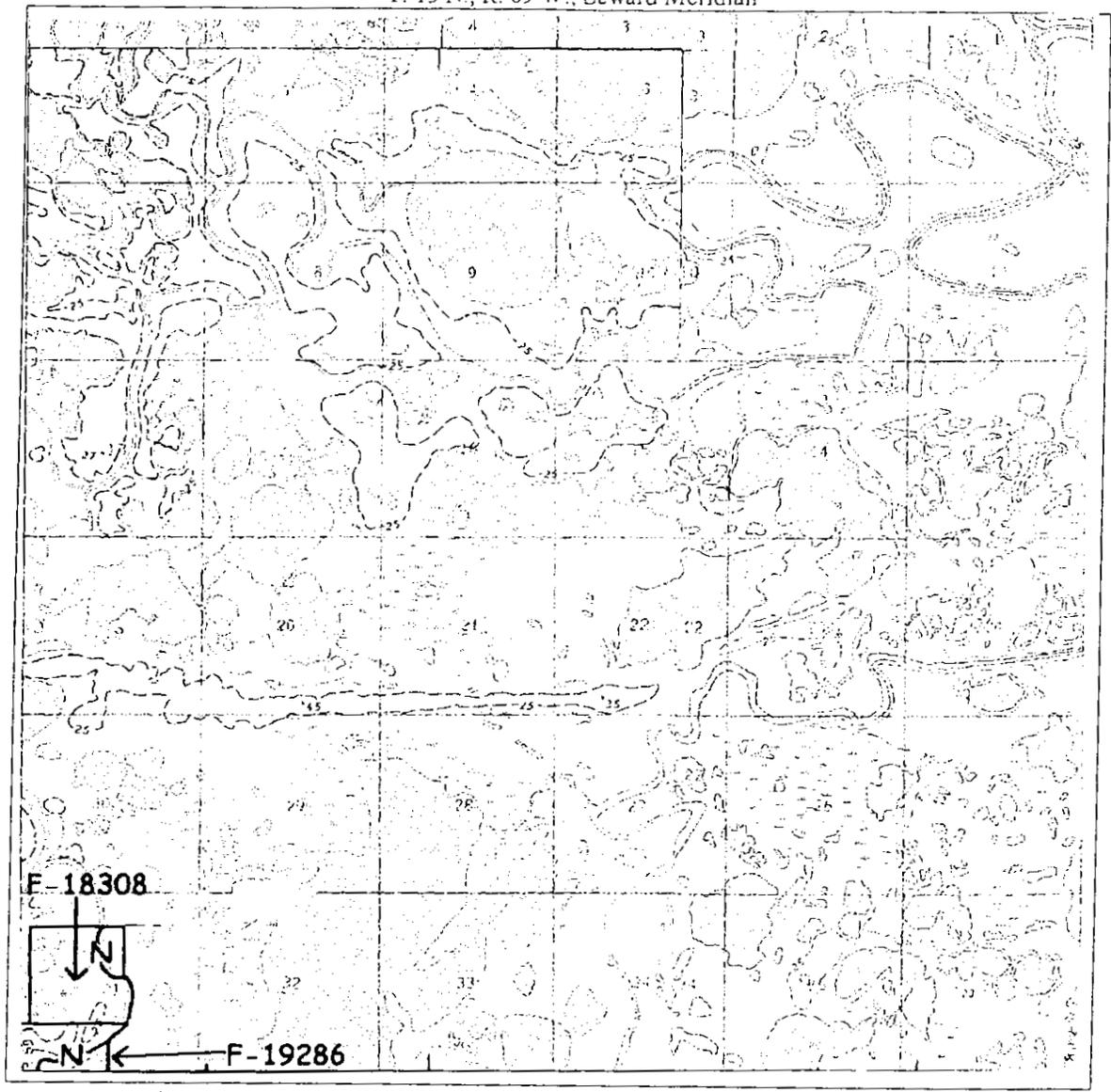
| USGS MAPS              | AERIAL PHOTOS                               | STATUS  |
|------------------------|---|---|
| Russian Mission B-6, 7 | CIR 60, Roll 7, July 1980,<br>Frame 255-256 | Native allotment applications<br>F-19236, F-12116, F-16791;<br>YDNWR. |



UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
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NAVIGABILITY MAP (Nunapitchuk, Native Allotments only)

T. 13 N., R. 69 W., Seward Meridian



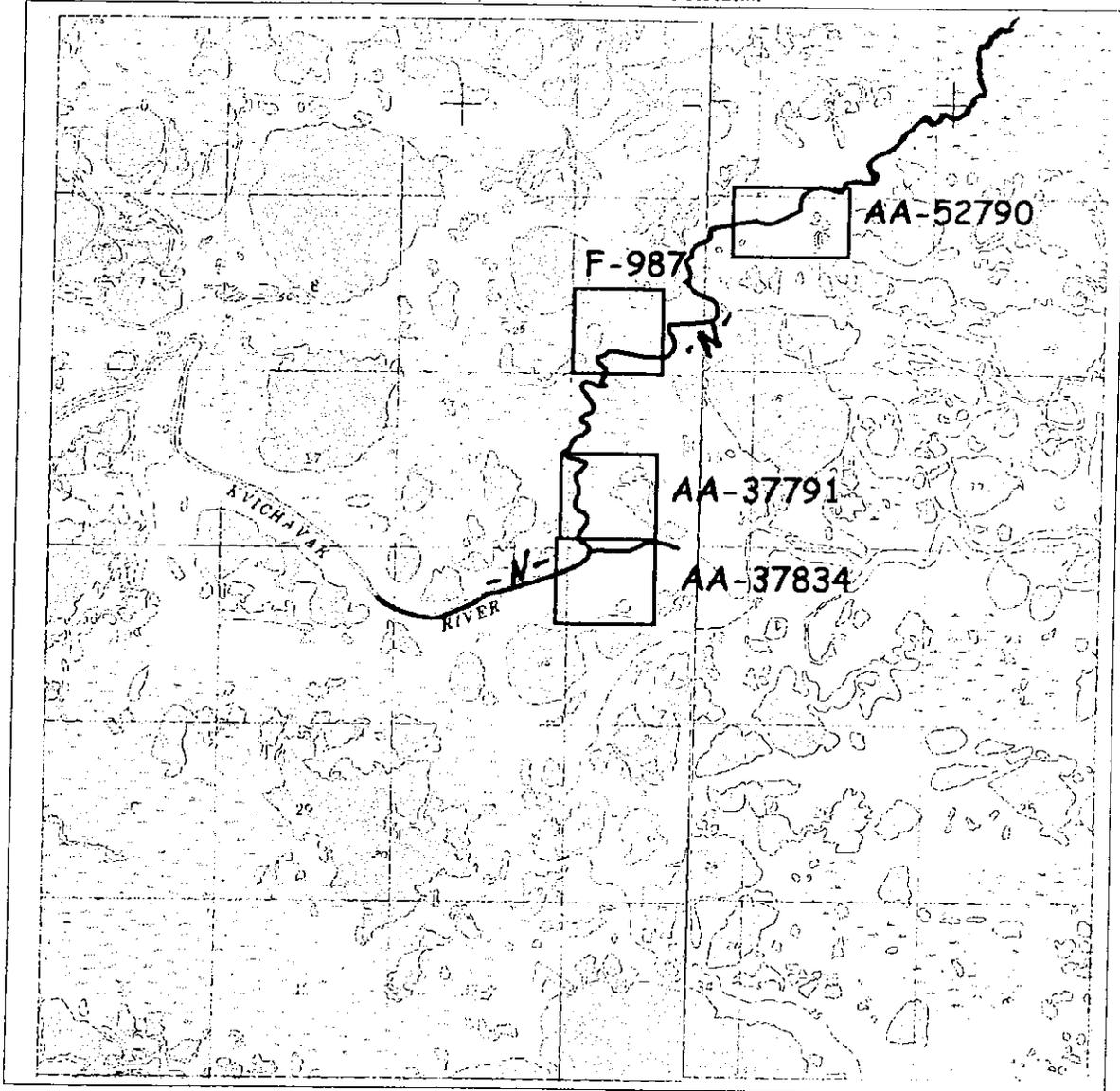
Scale: 1" = 1 Mile

| USGS MAPS                    | AERIAL PHOTOS                        | STATUS   |
|------------------------------|--------------------------------------|--|
| Russian Mission A-7,8, B-7,8 | CIR 60, Roll 7, July 1980, Frame 368 | Native allotment applications<br>F-18308, F-19286; YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk Window, Native Allotments only)

T. 14 N., R. 69 W., Seward Meridian



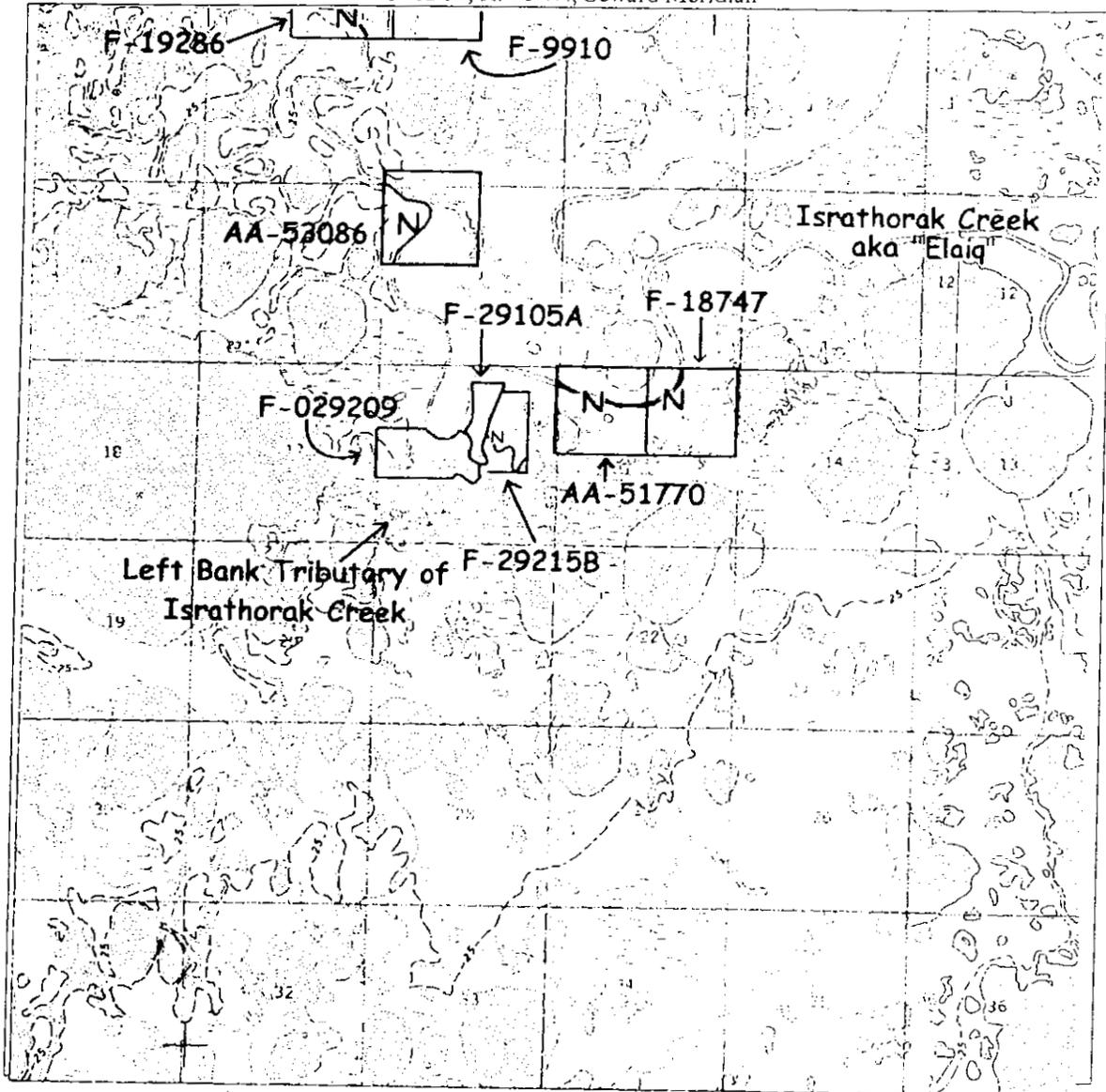
Scale: 1" = 1 Mile

| USGS MAPS                   | AERIAL PHOTOS                           | STATUS  |
|-----------------------------|---|---|
| Russian Mission B-7 and B-8 | CIR 60, Roll 7, July 1980,<br>Frame 252 | Native allotment application<br>AA-37834, AA-37791, F-987 and<br>AA-52790, all within YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk Window, Native Allotments only)

T. 12 N., R. 70 W., Seward Meridian



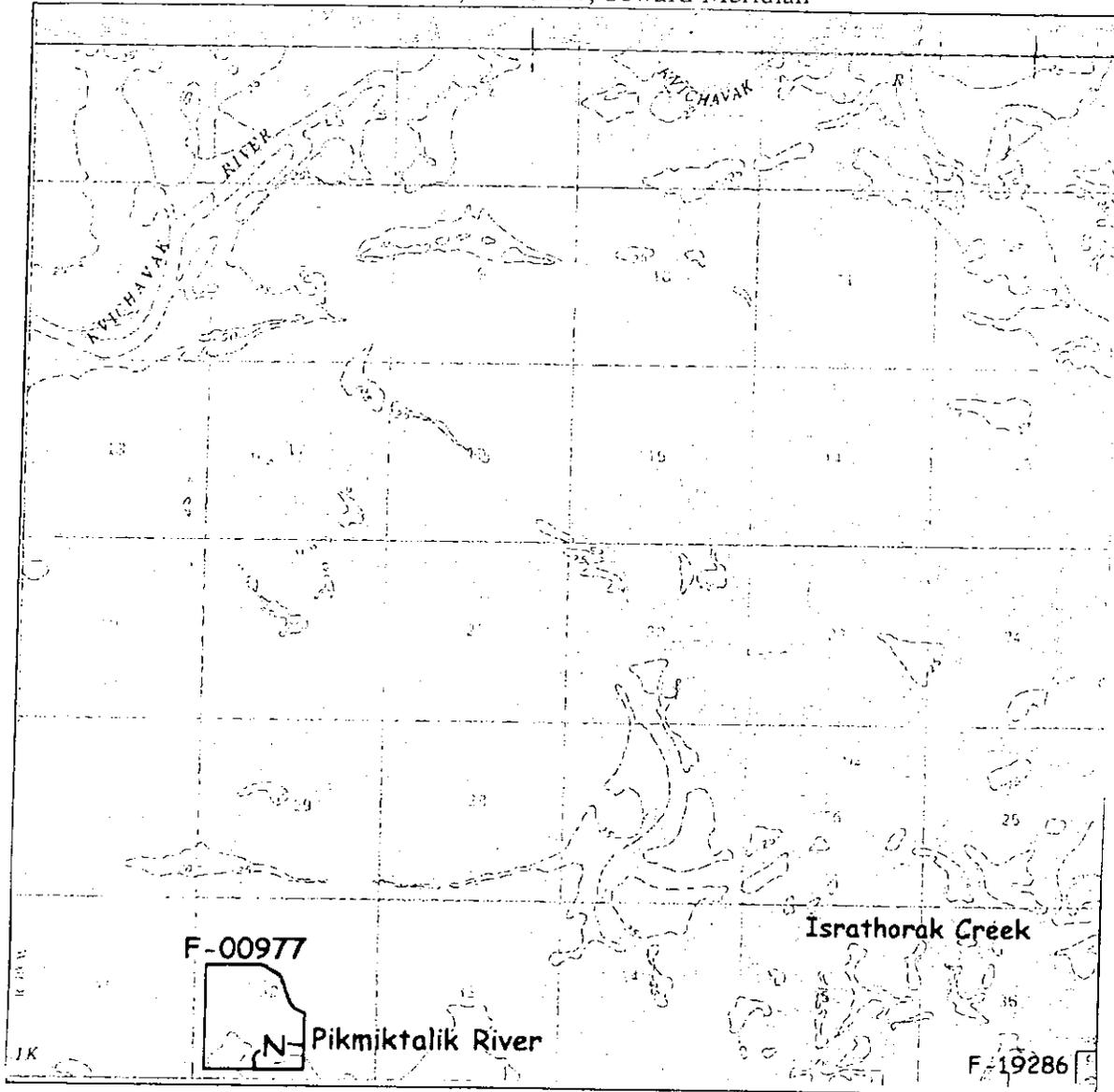
Scale: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                        | STATUS  |
|---------------------|--------------------------------------|---|
| Russian Mission A-8 | CIR 60, Roll 7, July 1980, Frame 285 | Native allotment applications F-19286, AA53086, AA-51770, F-18747; Village Selection F-14823-A2, Secs. 25-29, 32-36, All excl. Lake 224 in Sec 35, NAs and Unpatented lands within F-14823 12(a); YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - (Nunapitchuk - Native Allotments Only)

T. 13 N., R. 70 W., Seward Meridian



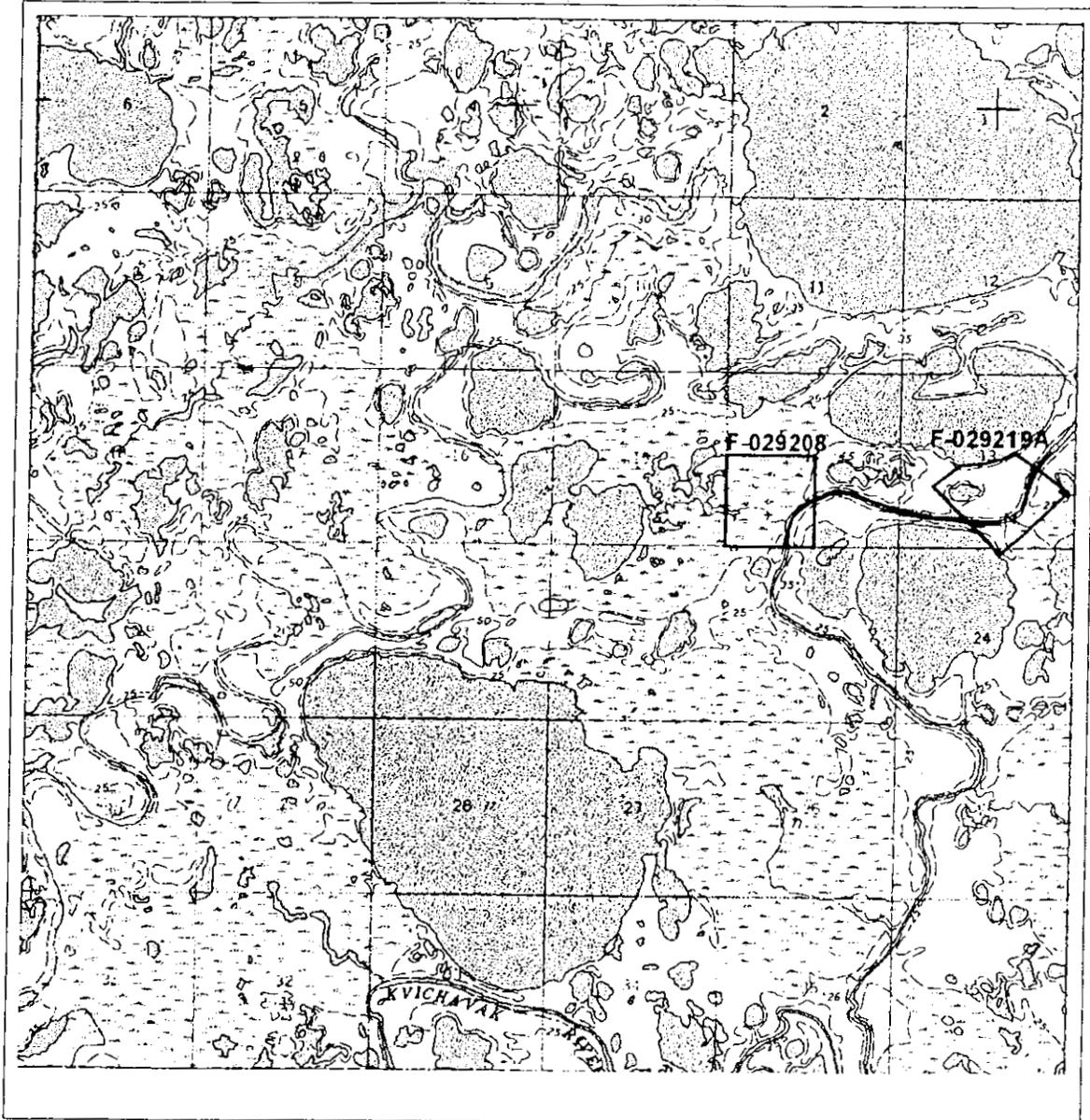
SCALE: 1" = 1 Mile

| USGS MAPS                | AERIAL PHOTOS                             | Status   |
|--------------------------|---|--|
| Russian Mission A-8, B-8 | CIR 60, Roll 7, July 1980, Frames 366-367 | Native Allotment Applications<br>F-19286, F-00977, YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP (Nunapitchuk Window, Native Allotments only)

T 14 N, R. 70 W, Seward Meridian



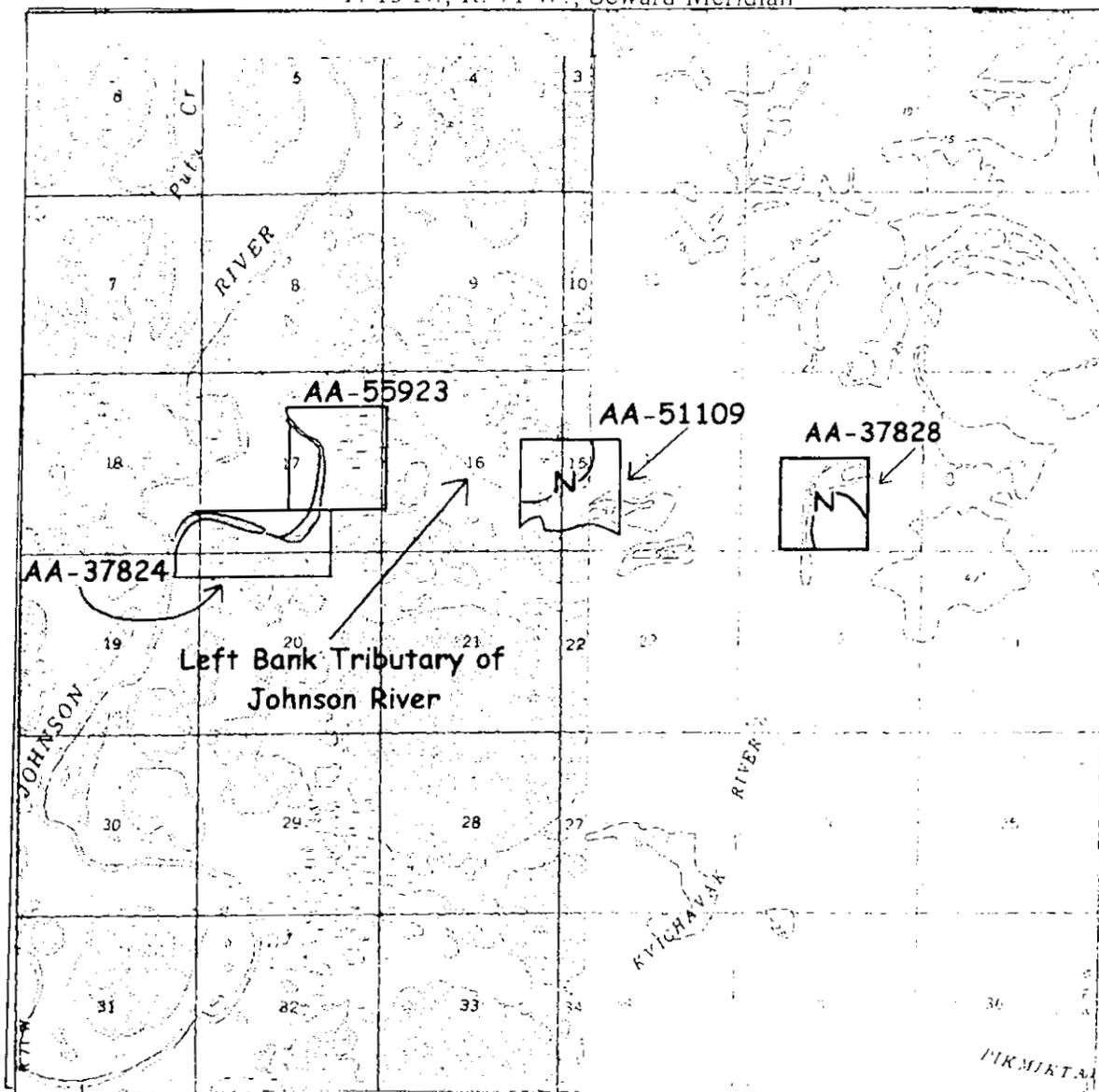
Scale: 1" = 1 Mile

| USGS MAPS           | AERIAL PHOTOS                                    | STATUS   |
|---------------------|--|--|
| Russian Mission B-8 | CIR 60, Roll 7, July 1980,<br>Frames 250 and 251 | Native allotment applications<br>F-29208 and F-29219, Parcel A,<br>YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - (Nunapitchuk - Native Allotments Only)

T. 13 N., R. 71 W., Seward Meridian



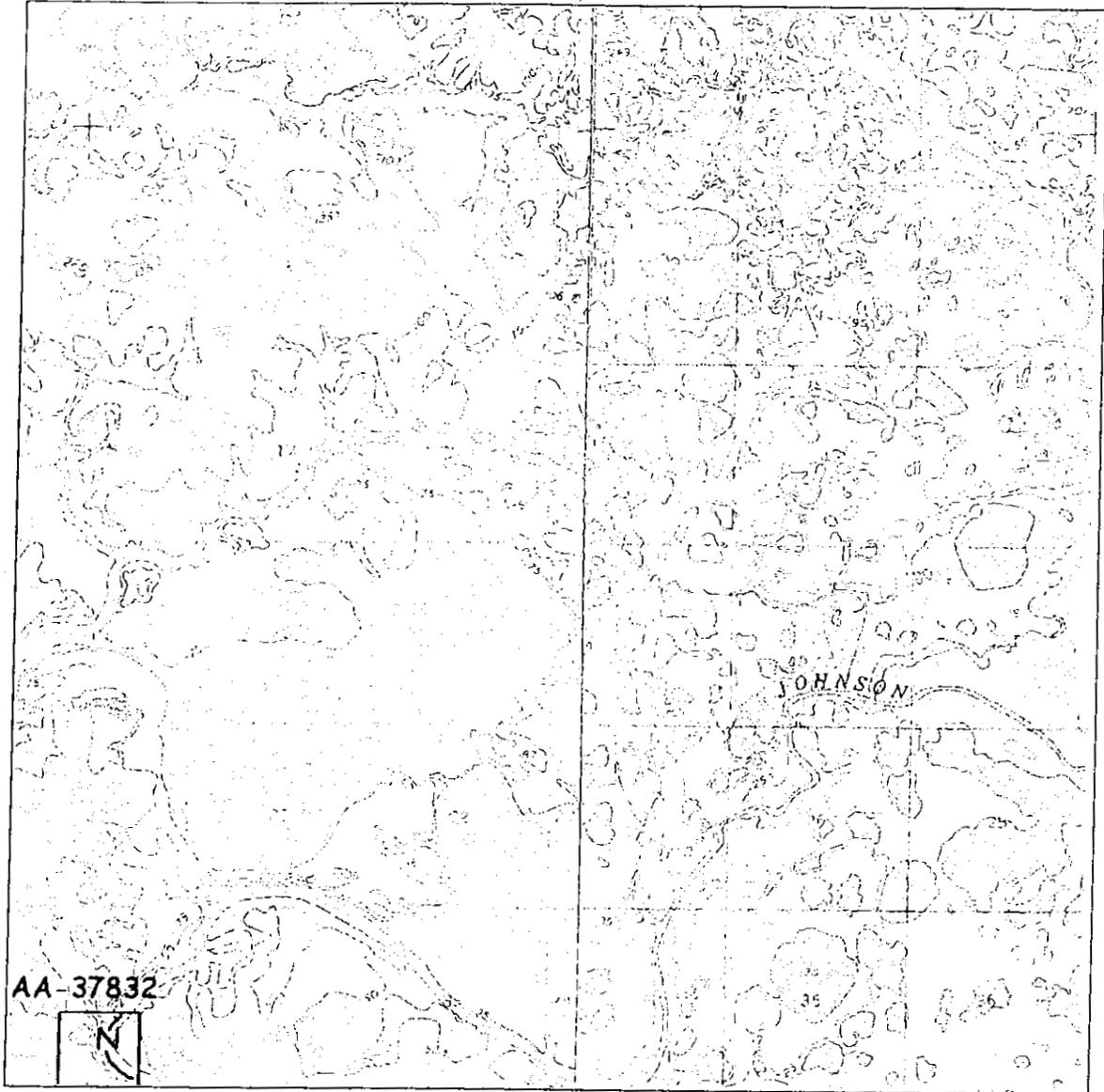
SCALE: 1" = 1 Mile

| USGS MAPS                                 | AERIAL PHOTOS                                | Status   |
|---|--|--|
| Marshall A, B-1<br>Russian Mission A, B-8 | CIR 60, Roll 7, July 1980, Frames<br>363-364 | Native Allotment Applications<br>AA-37824, AA-55923, AA-<br>51109, AA-37828, YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
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NAVIGABILITY MAP - (Nunapitchuk - Native Allotments Only)

T. 15 N., R. 71 W., Seward Meridian



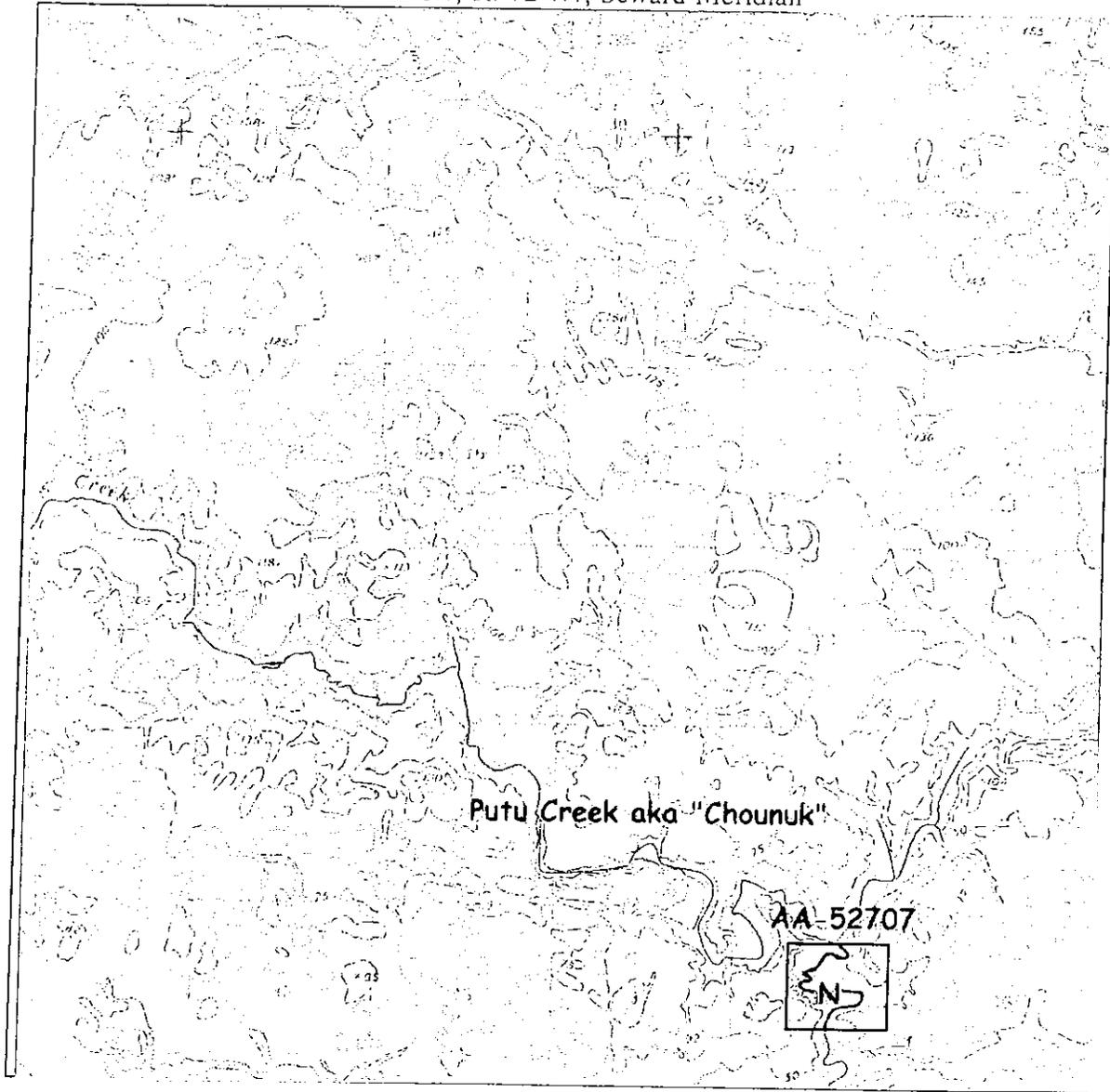
SCALE: 1" = 1 Mile

| USGS MAPS                           | AERIAL PHOTOS                               | Status  |
|-------------------------------------|---|---|
| Marshall B-1<br>Russian Mission A-8 | CIR 60, Roll 2911, July 1980,<br>Frame 6399 | Native Allotment Application<br>AA-37832, YDNWR |

UNITED STATES  
 DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - (Nunapitchuk - Native Allotments Only)

T. 15 N., R. 72 W., Seward Meridian



SCALE: 1" = 1 Mile

| USGS MAPS    | AERIAL PHOTOS  | Status                                       |
|--------------|--|--|
| Marshall B-1 | CIR 60, Roll 2911, July 1980, Frame 6400; CIR 60, Roll 7, July 1980, Fr. 247 | Native Allotment Application AA-52707, YDNWR |



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Alaska State Office  
222 W. 7<sup>th</sup> Avenue, #13  
Anchorage, Alaska 99513-7599  
<http://www.ak.blm.gov>



**Johnson River System  
Interim Summary Report  
Attachment 53**

Holy Cross-AS-FY 2004  
Kwiguk-AS-FY 2004  
Marshall-AS-FY 2004  
Russian Mission-AS-FY 2004  
F-14927-A (2651)  
F-14927-A-2 (2651)  
F-14927-EE<sup>1</sup> (75.4)  
9600 (927)  
*8099-1-#13*

March 23, 2004

### Memorandum

To: Chief, Branch of Survey Planning and Preparation (927)

From: Chief, Navigability Section (927)

Subject: Navigable Waters within ANCSA-Selected and Interim-Conveyed lands in the Marshall/Ohogamiut/Russian Mission Project Area (CAA-2)

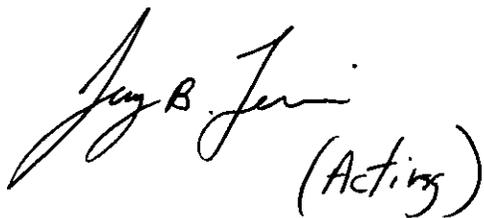
This memorandum identifies navigable waters on certain lands, within forty-four townships, including pending ANCSA selections and IC'd lands within the above-mentioned project area. These lands are scheduled for survey during the 2004 field survey season. The authority to identify navigable waters on these selected lands rests in the Alaska Native Claims Settlement Act and the Alaska National Interest Lands Conservation Act.

All of the lands have prior navigability determinations with the exception of Tps. 23 N., Rs., 65 and 66 W., T. 15 N., R. 68 W., T. 22 N., R. 72 W., Seward Meridian. Regarding Tps. 23 N., Rs. 65 and 66 W., a memo dated 6/13/90 states that Kako Creek is navigable through Sec. 2, T. 22 N., R. 66 W., SM. However, in these townships (upstream of the navigable portion) the gradient is too steep to be navigable. Johnson River is navigable in T. 15 N., R. 68 W. according to the interview report in the memo dated 8/29/02. Appendix I of that memo states that there are no navigable waters; however, the report was only done for the Native Allotment in that township and the river meanders the parcel. Chuilnak River slough in Secs. 8 and 9, T. 22 N., R. 72 W., was determined navigable in the memo dated 6/13/90. It also runs into Secs. 4 and 5, and is navigable/meanderable in those sections.

AA-8099-1 (2652), AA-10046 (2653), AA-10092 (2653), AA-10183 (2653), AA-10211 (2653), AA-12466 (2653), AA-76419 (2653)

The BLM-Alaska's navigability determinations are based on Federal law of title navigability. Title to unreserved lands underlying navigable waters vested in the State at the time of statehood. As a general rule, inland waters are navigable if, at the time of statehood, they were used, or were susceptible to use, for travel, trade, and commerce. In a memorandum dated March 16, 1976, Associate Solicitor Hugh C. Garner summarized the Submerged Lands Act of 1953 (43 U.S.C. 1301) and Federal case law pertaining to title navigability. The Alaska Submerged Lands Act of 1988 (P.L. 100-395) provides specific direction regarding navigability determinations and survey meanders for land transfers under the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act. Additional guidance is provided in *Appeal of Doyon, Ltd.*, Alaska Native Claims Appeal Board RLS 76-2, 86 I.D. 692 (1979) [Kandik and Nation Rivers]; *Alaska v. United States*, 754 F.2d 851 (9<sup>th</sup> Cir. 1983), *cert. denied*, 474 U.S. 968 (1985) [Slopbucket Lake]; *Alaska v. Ahtna, Inc.*, 891 F.2d. 1401 (9<sup>th</sup> Cir. 1989), *cert. denied*, 495 U.S. 919 (1990) [Gulkana River]; *United States v. Alaska*, Original No. 84 (1997) [Naval Petroleum Reserve No. 4]; and *Alaska v. United States*, No. 98-35310 (9<sup>th</sup> Cir. 2000) [Kukpowruk River].

The previously-issued navigability determinations covering the water bodies in this report area are hereby affirmed. Any additional sloughs identified as being within the ordinary high water mark of the herein-identified navigable water bodies will be meandered at the time of survey.

 3/23/04  
(Acting)

Attachment:

- 1) Appendix
- 2) Navigability Reports Dated 8-6-86, 6-13-90, 7-17-96, 3-15-01, 8-29-02

Cc:

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Navigability Unit  
550 W. 7<sup>th</sup> Avenue, Suite 1050  
Anchorage, Alaska 99501-3579  
Attn: Kathy Atkinson

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Division of Mining, Land and Water  
Realty Services Section  
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State of Alaska  
Department of Fish and Game  
Habitat and Restoration Division  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
Attn: Robin Willis

U.S. Fish and Wildlife Service  
Water Resources Branch, Region 7  
Attn: Warren Keogh  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Refuge Manager  
Yukon Delta National Wildlife Refuge  
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Bethel, Alaska 99559-0346

Calista Corporation  
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Association of Village Council Presidents  
P.O. Box 219  
Bethel, Alaska 99559

Russian Mission Native Corporation  
General Delivery  
Russian Mission, Alaska 99657

Ohog Incorporated  
C/o Traditional Council  
Marshall, AK 99585

Maserculiq Incorporated  
General Delivery  
Marshall, AK 99585

Chief Branch of Field Surveys (921)

Chief, Branch Adjudication II (963)

Anchorage Field Office (040)

**Sam Guim (927)**

**Rodney Harvey (954C)**  
**(Electronic Copy)**

**Kathy Flippen (927)**

## Appendix

### Seward Meridian, Alaska

- T. 21 N., R. 64 W. - Slough (mouth in Sec. 21) in Native allotment F-16100, in Secs. 22 and 27; Tuckers Slough in Sec. 2; northernmost tributary of Tuckers Slough, in Sec. 2. (6/13/90)\*
- T. 22 N., R. 64 W. - Tuckers Slough navigable through IC'd area, no navigable waters within selected area. (6/13/90) See also map dated 9/8/83 in case file F-14927-EE.
- T. 23 N., R. 64 W. - No navigable waters. (8/6/86)
- T. 21 N., R. 65 W. - Slough, portion in SE $\frac{1}{4}$ , Sec. 32 navigable. (6/13/90) See also map dated 9/8/83 in case file F-14927-EE.
- T. 22 N., R. 65 W. - No navigable waters. (6/13/90)
- T. 23 N., R. 65 W. - No report done yet; however, memo dated 6/13/90 states that Kako Creek is navigable through Sec. 2, T. 22N., R. 66 W. In this township, however, the gradient is too steep and river too winding to be navigable.
- T. 18 N., R. 66 W. - Portage slough; stream in Secs. 8, 9, 16, 17, 19 and 20, to right bank tributary in NE $\frac{1}{4}$  Sec. 10; portion of stream double-lined on USGS maps in Sec. 20 navigable. (6/13/90) See also map dated 9/8/83 in case file F-19427-EE.
- T. 19 N., R. 66 W. - Nunvotchuk Lake outlet navigable. (6/13/90)
- T. 20 N., R. 66 W. - Nunvotchuk Lake outlet navigable. (6/13/90)
- T. 21 N., R. 66 W. - Kako Creek in Secs. 21, 28 and 34 navigable. (6/13/90) Small stream in Sec. 25 within NA Cert. 50-96-0410 shown on MTP but not on survey plat.
- T. 22 N., R. 66 W. - Water body in Secs. 2, 10, 11, 14, 15 and 22 is not meandered on survey plat, but is navigable per memo dated 6/13/90. Memo does NOT state that Kako Creek is navigable in Sec. 27 but it is meandered on the plat. (6/13/90)
- T. 23 N., R. 66 W. - No report done yet. Memo dated 6/13/90 states that Kako Creek is navigable through Sec. 2, T. 22 N., R. 66 W. However, in this township, gradient is too steep and river too winding to be navigable.

- T. 18 N., R. 67 W. - Portion of stream (mouth in Sec. 23) double-lined on USGS maps in Secs. 12-14 and 23; tributary of this stream double-lined on USGS maps in Secs. 14 and 23; stream in Secs. 22-24 and 28; all portions of stream (empties into Thirtytwo Kazyga Slough in Sec. 13, T. 18 N., R. 68 W.), double-lined on USGS Russian Mission C-7 in Secs. 4, 5, 7, 8, 17 and 18; stream (heads in small lake in Sec. 30, T. 18 N., R. 66 W.) in Sec. 28; slough along Native allotment F-16363A in Secs. 34 and 35 and slough (mouth in Sec. 33, T. 18 N., R. 68 W.,) in Sec. 31 are all navigable. Slough of Thirtytwo Kazyga Slough in Sec. 3 and slough heading in Yukon River slough in Secs. 29 and 32 and emptying into slough in Sec. 31 are navigable but not meandered on survey plat. (6/13/90)
- T. 19 N., R. 67 W. - Slough of Thirtytwo Kazyga Slough in Sec. 34 and slough in Native allotment F-16094B in Secs. 2, 10 and 11 are navigable. (6/13/90)
- T. 20 N., R. 67 W. - No navigable waters. (6/13/90)
- T. 21 N., R. 67 W. - No navigable waters. (6/13/90 and 7/17/96)
- T. 15 N., R. 68 W. - Johnson River navigable. (8/29/02)
- T. 17 N., R. 68 W. - Slough (mouth in Sec. 33, T. 18 N., R. 68 W.) in Sec. 1 is navigable. (6/13/90)
- T. 18 N., R. 68 W. - Slough (mouth in Sec. 33) in Secs. 33-36; slough (mouth in Sec. 34) in Sec. 34; Portion of slough (mouth in NW<sup>1</sup>/<sub>4</sub>NE<sup>1</sup>/<sub>4</sub> Sec. 33) double-lined on USGS Russian Mission C-7 in Sec. 33; stream (empties into Thirtytwo Kazyga Slough in Sec. 13) in Sec. 13; slough (mouth in Sec. 26) in Secs. 24, 25 and 26; right bank slough of Yukon River in Sec. 21; portion of right bank Yukon River slough double-lined on USGS map in Sec. 23; portion of right bank slough of Yukon River double-lined on USGS Russian Mission C-8 in Sec. 29 and lake and outlet on right bank of Yukon River in Sec. 29 are navigable. (6/13/90)
- T. 21 N., R. 68 W. - Kuyuktuk River navigable in Secs. 24, 25, 35 and 36. (6/13/90) River not depicted in Secs. 25, 35 and 36 on MTP or survey plat.
- T. 22 N., R. 68 W. - No navigable waters. (6/13/90)
- T. 15 N., R. 69 W. - Johnson River navigable. (6/13/90)
- T. 16 N., R. 69 W. - Johnson River navigable. (6/13/90 and 8/29/02)
- T. 17 N., R. 69 W. - Stream (mouth in Sec. 19, T. 17 N., R. 70 W.) in Secs. 19-27 and 30; portion of left bank tributary double-lined on USGS Russian Mission C-8

in Secs. 19 and 20; portion of right bank tributary double-lined on USGS Russian Mission C-8 in Secs. 16, 17, 20 and 21; portion of left bank tributary double-lined on USGS Russian Mission C-8 in Secs. 21 and 22; right bank tributary in Secs. 22 and 23; portion of right bank tributary double-lined on USGS Russian Mission C-8 in Secs. 14, 23 and 24 and portion of left bank tributary double-lined in Secs. 23, 26, 27 and 34 are navigable. (6/13/90)

T. 18 N., R. 69 W. - Weare Dike in Sec. 27; stream (mouth in Sec. 31, T. 19 N., R. 69 W.) to forks in SW $\frac{1}{4}$ NE $\frac{1}{4}$  Sec. 6 (portion double-lined on USGS Russian Mission C-8); portion of stream or lake in Sec. 31 double-lined on USGS Russian Mission C-8 and portion of stream or lake in Sec. 19 double-lined on USGS Russian Mission C-8 are navigable. (6/13/90)

T. 19 N., R. 69 W. - Stream (mouth in Sec. 25, T. 19 N., R. 70 W.) to forks in Sec. 31, its left bank tributary in Sec. 31, and its right bank tributary in Secs. 29-32, specifically that portion double-lined on USGS maps and part of hook-shaped lake in Sec. 30 are navigable. (6/13/90)

T. 20 N., R. 69 W. - No navigable waters. (6/13/90 and 7/17/96)

T. 21 N., R. 69 W. - No navigable waters. (6/13/90 and 7/17/96)

T. 22 N., R. 69 W. - Slough double-lined on USGS Russian Mission D-8 in Native allotment AA-56223A in Sec. 30; stream through Native allotment F-17243A and F-17481B in Secs. 16 and 17 and Kuyuktuk River fronting Native allotments F-18102A and F-18101B in Sec. 6 and Native allotment F-18149A in Sec. 4 and Sec. 8 are navigable. Stream in Secs. 16 and 17 not meandered on survey plat. (6/13/90)

T. 15 N., R. 70 W. - Johnson River is navigable. (6/13/90)

T. 16 N., R. 70 W. - No navigable waters. (6/13/90)

T. 17 N., R. 70 W. - All portions of Washburn Slough (mouth in Sec. 11) and its branches double-lined on USGS Russian Mission C-8 in Secs. 1, 2, 11 and 12; portion of left bank tributary double-lined on USGS Russian Mission C-8 in Secs. 25 and 36; portion of left bank tributary double-lined on USGS Marshall C-1 in Sec. 31; slough single-lined on USGS Marshall C-1 in Sec. 19 in Native allotments F-15609A, F-18368C, F-17238B, F-17240A and F-18191B; and right bank tributary in Secs. 28, 29, 33 and 34 (not meandered on survey plat) are navigable. (6/13/90)

T. 18 N., R. 70 W. - Blade Island slough (heads in Sec. 9, T. 17 N., R. 70 W.) in Secs. 33 and 34 is navigable, but is not meandered on survey plat. (6/13/90)

- T. 19 N., R. 70 W. - Sloughs double-lined on USGS Russian Mission D-8 and Marshall D-1 in Native allotments F-15598B, F-15609C and F-17337A in Secs. 4, 5 and 9; sloughs double-lined on USGS Russian Mission C-8 in Native allotments F-17481A, F-17341A and F-18099A in Sec. 16; stream (mouth in Sec. 25) in Secs. 25 and 36; Yukon River slough in Sec. 5; portion of Engineer Creek tributary (mouth in Sec. 25) double-lined on USGS Russian Mission C-8 in Secs. 25 and 36; and hook shaped lake in NE¼, Sec. 25 (not meandered on survey plat) are navigable. (6/13/90)
- T. 20 N., R. 70 W. - Sloughs double-lined on USGS Russian Mission D-8 and Marshall D-1 in Secs. 32 and 33 and Secs. 4, 5 and 9, T. 19 N., R. 70 W., in Native allotment F-15598B, F-15609C and F-17337A; and Yukon River island slough in Sec. 32 and in Sec. 5, T. 19 N., R. 70 W. are navigable. (6/13/90 and 7/17/96)
- T. 21 N., R. 70 W. - Portion of Wilson Creek in Secs. 35 and 36, double-lined on USGS Marshall D-1 map; and slough connecting Yukon River and Poltes Slough in Secs. 16, 17, 20 and 21 (not meandered on survey plat) are navigable. (6/13/90)
- T. 22 N., R. 70 W. - Stream (empties into Five Day Slough in Sec. 20) in Secs. 20, 21 and 22; tributary of Five Day Slough (mouth in E½ Sec. 16 and portion of tributary of Five Day Slough double-lined on USGS Kwiguk A-1 in Secs. 4, 9 and 10 are navigable. (6/13/90)
- T. 18 N., R. 71 W. - No navigable waters. (3-15-01 for NA F-15609)
- T. 19 N., R. 71 W. - No navigable waters. (6/13/90)
- T. 20 N., R. 71 W. - Slough of Owl Creek (mouth in Sec. 8) in Secs. 5 and 8 is navigable but is not meandered on the survey plat. (6/13/90)
- T. 21 N., R. 71 W. - Slough of Poltes Slough in Sec. 5 is navigable. (6/13/90)
- T. 22 N., R. 71 W. - Slough of Poltes Slough in Secs. 34-36 and slough in Secs. 28-30 are navigable. (6/13/90)
- T. 21 N., R. 72 W. - No navigable waters. (6/13/90)
- T. 22 N., R. 72 W. - Yukon River - Chuilnak River slough in Secs. 8 and 9; slough (heads in Yukon River in Sec. 28, T. 22 N., R. 71 W., and empties into Yukon River in Sec. 23) in Secs. 23 and 24 and branch of Yukon River - Chuilnak River slough in Sec. 10 are navigable. (6/13/90) No memo on Secs. 4 and 5, which include a regional selection. However, the Chuilnak River

slough in Secs. 8 and 9 runs through Secs. 4 and 5 and is meandered there  
and in Secs. 19, 20 and 29-32, T. 21 N., R. 72 W., SM.

**\* Date of previous navigability report in parentheses**



# United States Department of the Interior

PAADS



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 W. Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>

**Johnson River System  
Interim Summary Report  
Attachment 54**

RECEIVED 1827  
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9600 (927) rss/klf

Baird Inlet-VS-FY2007  
Bethel-VS-FY 2007  
Marshall-VS-FY 2007  
F-14835-A (2651)<sup>1</sup>

MAR 16 2007

GS 1593

052 154, 1174, 1191, 1274, 21  
40, 170, 270, 355, 364, 388  
L 455, 1190, 1330, 157, 217  
963, 118, 256, 665, 1269  
1270, 667, 988, 1167  
LSA 154, 158, 218, 1272  
449, 120

Memorandum

To: Chief, Branch of Survey Planning and Preparation (927)  
From: Chief, Navigability Section (927)  
Subject: Navigable Waters within Survey Group Nos. 140, 268, and 284

## Introduction

This memorandum identifies navigable waters on certain surveyed and unsurveyed lands within sixty-six (66) townships, including pending ANCSA-selected and Interim-Conveyed lands within Survey Group Nos. 140, 268, and 284 located in the Calista Region. These lands, located within the Yukon Delta National Wildlife Refuge, encompass multiple village areas consisting of Atmaultuak, Bethel, Kasigluk, Kwethluk, Napakiak, Napaskiak, Nunapitchuk, and Oscarville. The authority to identify navigable waters on selected lands rests in the Native Allotment Act, the Alaska Statehood Act, and the Alaska Native Claims Settlement Act.

The Appendix lists the 66 townships addressed by this report. For each township, the navigable waters, if any, are identified and previous navigability determinations are referenced. Navigability determinations have been made for all of the townships in the Appendix. This document serves to affirm those earlier reports. If water bodies are not listed in the Appendix, they are non-navigable as they are either landlocked, too short, steep-in-gradient, narrow, or shallow for travel, trade and commerce.

<sup>1</sup> F-14835-A2 (2651), F-14838-A (2651), F-14838-A2 (2651), F-14873-A (2651), F-14873-A2 (2651), F-14883-A (2651), F-14883-A2 (2651), F-14901-A (2651), F-14901-A2 (2651), F-14902-A (2651), F-14902-A2 (2651), F-14914-A (2651), F-14914-A2 (2651), F-14916-A (2651), F-14916-A2 (2651), F-14835-EE (75.04), F-14838-EE (75.04), F-14873-EE (75.04), F-14883-EE (75.04), F-14901-EE (75.04), F-14902-EE (75.04), F-14914-EE (75.04), F-14916-EE (75.04)

The Appendix lists Kayigyalik Lake as navigable within Secs. 1-4, 6-11, 14-23, 26-31, and 33-35, T. 11 N., R. 74 W., and Secs. 1 and 12, T. 10 N., R. 75 W., Seward Meridian, and cited the Decision to Approve for Interim Conveyance or Patent (DIC) of July, 25, 1980. Although the subject land description was not included in the DIC, a portion of lands encompassing the navigable lake were included in the decision and a statement that Kayigyalik Lake had been determined navigable.

The Navigability Determination of May 8, 1989, containing navigability information for the villages of Atnautluk, Kasigluk, Nunapitchuk, Bethel, and Kwethluk, within the review area was not used in this report. As the subject document identified navigable water bodies on ANCSA-selected lands based on aerial photo interpretation, we are deferring to the original navigability determinations which were based on travel, trade and commerce.

Lands within T. 7 N., R. 68 W., Seward Meridian, were not included in this report. This township will be addressed at a later date.

### Spelling Discrepancies

Upon reviewing previous navigability determinations, navigability maps, and USGS Quadrangle Maps for two village areas, we found a discrepancy in the spelling of a large lake found navigable. The determinations and accompanying navigability maps for the villages of Kasigluk and Nunapitchuk referred to the subject navigable water body as Kyigayalik Lake. However, the majority of USGS Quadrangle Maps referred to the water body as Kayigyalik Lake. We used the Kayigyalik spelling in our Appendix, as this was the correct spelling according to the Dictionary of Alaska Place Names (United States Department of the Interior, Geological Survey Professional Paper 567).

We also found a discrepancy in the spelling of a river found navigable within certain lands selected by Napakiak and Nunapitchuk. The determination of December 16, 1998, referred to the subject waterway as the Kutukhum River. The USGS Quadrangle Maps referred to the waterway as the Kutukhun River. We used the Kutukhum spelling in our Appendix, as this was the correct spelling according to the Dictionary of Alaska Place Names (United States Department of the Interior, Geological Survey Professional Paper 567).

### Survey Information

Final entitlement survey is scheduled for these lands in FY-2007. Approximately half the townships listed in the Appendix have been surveyed. The survey plats have been reviewed in accordance with the navigability determinations from previous reports and from the ANCSA Sec. 17(b) quadrangles affecting IC'd lands. The survey plats appear to accurately depict the navigable water bodies; therefore, no supplemental plats are required.

### Criteria

In assessing the navigability of inland water bodies, the BLM relies upon Federal administrative case law and the advice of the Interior Department's Solicitor's Office. The classic definition of navigable waters is found in *The Daniel Ball*, 77, U.S. (10 Wall.) 557 (1870). Pertinent DOI Office of the Solicitor's opinions include Associate Solicitor Hugh Garner's memo of March 16, 1976, ("Title to submerged lands for purposes of administering

ANCSA") and Regional Solicitor John Allen's memo of February 25, 1980 ("Kandik, Nation Decision on Navigability"). The agency is also guided by the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988.

*Dawnica VanKoten*

Attachment:

Appendix

cc:

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Navigability Unit  
550 W. 7<sup>th</sup> Avenue, Suite 1330  
Anchorage, Alaska 99501-3514  
Attn: Scott Ogan

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Department of Natural Resources  
Division of Mining, Land and Water  
Realty Services Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, Alaska 99501-3514  
*Via Inter-Office Mail Service*

State of Alaska  
Department of Fish and Game  
Division of Sport Fish  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
Attn: Ellen Simpson

U.S. Fish and Wildlife Service  
Water Resources Division  
1011 East Tudor Road  
Anchorage, Alaska 99503  
Attn: Warren Keogh

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559

Atmaultluak, Ltd.  
P.O. BOX 6548  
Atmaultluak, Alaska 99559-9999

Bethel Native Corporation  
P.O. Box 719  
Bethel, Alaska 99559-0719

Kasigluk, Incorporated  
P.O. Box 39  
Kasigluk, Alaska 99609-0039

Kwethluk, Incorporated  
P.O. Box 109  
Kwethluk, Alaska 99621

Napakiak Corporation  
P.O. Box 34030  
Napakiak, Alaska 99634-0030

Napaskiak Incorporated  
P.O. Box 6069  
Napaskiak, Alaska 99559-0069

Nunapitchuk, Ltd.  
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Nunapitchuk, Alaska 99641

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General Delivery  
Oscarville, Alaska 99559

Calista Corporation  
Attn: Land Department  
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Anchorage, Alaska 99518-3028

Chief, Branch of Lands and Realty (932)

Chief, Branch of Preparation and Resolution (962)

Chief, Branch of Adjudication II (964)

Anchorage Field Office (040)

Rory Spurlock (927)

Maria Rivero-Folmar (954C)  
(Electronic Copy)

Group File Nos. 140, 268, and 284

Groups 140, 268, and 284 (Field packets)

Dominica Van Koten (927)

K. J. Mushovic (961)

Appendix

Navigable Waters  
Within Lands Encompassing  
Group Survey Nos. 140, 268, and 284

Seward Meridian, Alaska

T. 6 N., R. 67 W.

Secs. 1-3, 6, 7, 10-15, 18, 19, 23-26, 29, 30, 32, 33, 35, and 36  
No navigable waters (12/17/75)

Secs. 4, 5, 8, 9, 16, 17, 20-22, 27, 28, 31, and 34 (IC 213)  
No navigable waters (DIC of 03/07/79)

T. 7 N., R. 67 W.

Secs. 8-10, 13-16, 21-27, 31, and 34-36  
No navigable waters (12/17/75)

Secs. 1-7, 11, 12, 17-20, 28-30, 32, and 33 (IC 213)  
No navigable waters (DIC of 03/07/79)

T. 8 N., R. 67 W.

Secs. 15, 16, and 21-28  
No navigable waters (12/17/75)

Secs. 5-9, 17-20, and 29-36 (IC 213)  
No navigable waters (DIC of 03/07/79)

T. 6 N., R. 68 W.

Secs. 17-21 and 27-34  
No navigable waters (12/17/75)

Secs. 1-16, 22-26, 35, and 36 (IC 213)  
No navigable waters (DIC of 03/07/79)

T. 8 N., R. 68 W.

Secs. 1-36 (IC 213)  
No navigable waters (DIC of 03/07/79)

**T. 9 N., R. 68 W.**

Secs. 22-36 (IC 213)  
Kuskokuak Slough (DIC of 03/07/79)

**T. 5 N., R. 69 W.**

Secs. 1-3, 8-17, and 20  
No navigable waters (02/02/82 as amended 10/14/82)

Secs. 4-7, 18, and 19  
No navigable waters (02/02/82 as amended 10/15/82)

**T. 6 N., R. 69 W.**

Secs. 1-28, 30, and 34-36  
No navigable waters (02/02/82 as amended 10/14/82)

Secs. 31 and 32  
No navigable waters (02/02/82 as amended 10/15/82)

**T. 7 N., R. 69 W.**

Secs. 4-10 and 14-36  
No navigable waters (02/02/82 as amended 10/14/82)

Secs. 1-3 and 11-13 (IC 213)  
No navigable waters (DIC of 03/07/79)

**T. 8 N., R. 69 W.**

Secs. 1-36 (IC 213)  
Kuskokwim River and Kuskokuak Slough (DIC of 03/07/79)

Secs. 17, 21, 22, 27, and 28 (IC 790)  
No navigable waters (DIC of 03/07/79)

LSH 154  
OSL 877

**T. 9 N., R. 69 W.**

Secs. 25-27 and 34-36 (IC 213)  
Kuskokwim River and Kuskokuak Slough (DIC of 03/07/79)

**T. 5 N., R. 70 W.**

Secs. 17 and 18  
No navigable waters (02/02/82 as amended 10/14/82)

Secs. 1-3, 10-15, and 19-36 (IC 633)  
No navigable waters (02/02/82 as amended 10/15/82)

Secs. 5-8 (IC 675)  
No navigable waters (02/02/82 as amended 10/14/82)

**T. 6 N., R. 70 W.**

Secs. 1-36 (IC 675)  
No navigable waters (02/02/82 as amended 10/14/82)

T. 7 N., R. 70 W.

Secs. 1-36 (IC 675)

No navigable waters (02/02/82 as amended 10/14/82)

T. 8 N., R. 70 W.

Secs. 5-8, 17-20, and 29-32 (IC 142)

**Kuskokwim River, Church Slough, and Tupuknuk Slough** (DIC of 08/30/78)

Secs. 1-4, 9-16, 21-28, and 33-36 (IC 213)

**Kuskokwim River, Kuskokuak Slough, Church Slough, and Tupuknuk Slough** (DIC of 03/07/79)

Sec. 11 (IC 790)

**Kuskokwim River and Kuskokuak Slough** (DIC of 03/07/79)

T. 5 N., R. 71 W.

Secs. 13-15, 24, and 25

**Eek Lake** (02/02/82 as amended 10/14/82)

Secs. 31-36 (IC 633)

**Eek Lake** and an **unnamed waterway** commencing at Eek Lake in Sec. 32 traversing southwesterly to the Eenayarak River in Sec. 18, T. 4 N., R. 72 W., Seward Meridian (02/02/82 as amended 10/15/82)

Secs. 2-4 and 9-12 (IC 675)

**Eek Lake** (02/02/82 as amended 10/14/82)

T. 6 N., R. 71 W.

Secs. 1-36 (IC 633)

**Unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)

T. 7 N., R. 71 W.

Secs. 1 (NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) and 2 (NE $\frac{1}{4}$ NE $\frac{1}{4}$ )

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 8-17, 20-26, and 36 (IC 633)

**Kuskokwim River, Napaskiak Slough, Tupuknuk Slough, and an unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)

Secs. 1-7, 18, 19, and 27-35 (IC 675)

**Kuskokwim River, Napaskiak Slough, Tupuknuk Slough, and an unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/14/82)

LSH 158  
LSH 218  
OSL 1174, 1191, 1274

T. 8 N., R. 71 W.

Secs. 1-7 and 9-36 (IC 142)

Kuskokwim River, Tupuknuk Slough, Steamboat Slough, and Straight Slough (DIC 1190, 1330 of 08/30/78)

GS 1593  
OSL 01, 40, 170, 270, 355  
364, 388, 455

Secs. 9, 10, 18, 25, 35, and 36 (IC 851)

Kuskokwim River and Tupuknuk Slough (DIC of 09/19/83 as amended 11/01/83)

Sec. 18 (IC 1199)

No navigable waters (DIC of 05/22/86)

Sec. 18 (IC 1203)

No navigable waters (DIC of 05/22/86 as amended 06/17/86)

T. 5 N., R. 72 W.

Secs. 1-36 (IC 633)

Eek-Eenayarak-Kuskokwim Portage (02/02/82 as amended 10/15/82)

GS 1593  
LSH 449,  
OSL 270, 355

T. 6 N., R. 72 W.

Secs. 1-36 (IC 633)

Kuskokwim River, Eek-Eenayarak-Kuskokwim Portage, and an unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)

T. 7 N., R. 72 W.

Secs. 1-4, 8-10, 16, and 17

Kuskokwim River (01/25/82 as amended 10/26/82)

LSH 157, 217  
OSL 1272

Secs. 5-7, 11-15, and 18-36 (IC 616)

Kuskokwim River and an unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (01/25/82 as amended 10/26/82)

Sec. 17 (IC 669)

Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 17 and 20 (IC 784)

Kuskokwim River (01/25/82 as amended 10/26/82)

T. 8 N., R. 72 W.

Secs. 1-36 (IC 142)

No navigable waters (DIC of 08/30/78)

GS 1593  
LSH 449  
OSL 270, 963

Secs. 14 and 15 (IC 1201)

No navigable waters (DIC of 05/22/86)

Sec. 13 (IC 1203)

No navigable waters (DIC of 05/22/86 as amended 06/17/86)

Secs. 11 and 14 (IC 1418)  
No navigable waters (DIC of 09/22/88)

Sec. 12 (IC 1476)  
No navigable waters (DIC of 07/16/90)

**T. 9 N., R. 72 W.**

Secs. 3-10, 15-22, and 27-33 (IC 448)  
**Kongeruk River (05/28/81)**

Secs. 34 and 35 (IC 616)  
No navigable waters (01/25/82 as amended 10/26/82)

**T. 10 N., R. 72 W.**

Secs. 3-10, 15-22, and 27-34 (IC 448)  
**Pikmiktalik River (05/28/81)**

**T. 11 N., R. 72 W.**

Secs. 3-9, 15-22, 27, and 28  
**Pikmiktalik River (05/28/81)**

Secs. 29-34 (IC 448)  
**Pikmiktalik River (05/28/81)**

**T. 5 N., R. 73 W.**

Secs. 19-36  
No navigable waters (01/25/82 as amended 10/26/82)

Secs. 1-18 (IC 633)  
**Lomavik Slough (02/02/82 as amended 10/15/82)**

**T. 6 N., R. 73 W.**

Secs. 1-4, 9-24, 29, and 30  
**Kuskokwim River, Lomavik Slough, unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian, and Eek-Eenayarak-Kuskokwim Portage (01/25/82 as amended 10/26/82, and easement map Baird Inlet C-1 dated 01/05/83)**

Secs. 5 and 6 (IC 616)  
**Kuskokwim River (01/25/82 as amended 10/26/82)**

Secs. 25-28 and 31-36 (IC 633)  
**Lomavik Slough and Eek-Eenayarak-Kuskokwim Portage (02/02/82 as amended 10/15/82)**

**T. 7 N., R. 73 W.**

Sec. 27 (Lot 4, U.S. Survey No. 11839)  
**Kuskokwim River (01/25/82 as amended 10/26/82)**

Secs. 1-36 (IC 616)

**Kuskokwim River, Johnson River, and Kongeruk River** (01/25/82 as amended 10/26/82)

T. 8 N., R. 73 W.Secs. 10 and 11

**Unnamed slough and lake system** from Sec. 5, T. 8 N., R. 73 W., northerly, then easterly, then southerly to the Kongeruk River in Sec. 15, T. 8 N., R. 73 W., Seward Meridian (01/25/82 as amended 10/26/82)

Secs. 4-8 (IC 448)

**Kongeruk River, unnamed slough and lake system** from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed slough and lake system** from Sec. 5, T. 8 N., R. 73 W., downstream to the Kongeruk River's confluence with the Johnson River in Sec. 6, T. 7 N., R. 73 W., Seward Meridian (05/28/81)

Secs. 1-3 and 9-36 (IC 616)

**Johnson River, Kongeruk River, unnamed slough and lake system** from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., northerly, then southerly to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed lake and slough system** from Sec. 5, T. 8 N., R. 73 W., northerly, then easterly, then southerly to the Kongeruk River in Sec. 15, T. 8 N., R. 73 W., Seward Meridian (01/25/82 as amended 10/26/82)

T. 9 N., R. 73 W.Secs. 1-36 (IC 448)

**Johnson River, Pikmiktalik River, unnamed slough and lake system** from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed lake system** between the Johnson and Pikmiktalik Rivers within Secs. 7, 8, 17-19, 20, 21, and 27-33, T. 9 N., R. 73 W., Seward Meridian (05/28/81)

LS H 118, 256, 665, 1269, 1270

T. 10 N., R. 73 W.Secs. 19 and 29-32

**Pikmiktalik River** and an **unnamed lake system** between Nunavakanukakslak Lake and the Johnson River in Sec. 31, T. 10 N., R. 73 W., Seward Meridian (05/22/80 as amended 03/10/82)

Secs. 1-18, 20-28, and 33-36 (IC 448)

**Pikmiktalik River** and an **unnamed slough and lake system** joining the Pikmiktalik River in Secs. 4 and 8, T. 10 N., R. 73 W., Seward Meridian (05/28/81)

T. 11 N., R. 73 W.Secs. 1-24

**Johnson River, Pikmiktalik River, and an unnamed slough and lake system** between the Johnson and Pitmiktalik Rivers joining the Pikmiktalik River in Sec. 24, T. 11 N., R. 73 W., Seward Meridian (05/28/81)

Secs. 25-36 (IC 448)

**Pikmiktalik River and an unnamed slough and lake system between the Johnson and Pikmiktalik Rivers (05/28/81)**

**T. 5 N., R. 74 W.**

Secs. 5, 7, 8, 17-19, 23-27, and 33-36

**Kuskokwim River (01/25/82 as amended 10/26/82)**

Secs. 1, 2, 6, and 11-14 (IC 616)

**Kuskokwim River and Lomavik Slough (01/25/82 as amended 10/26/82)**

**T. 6 N., R. 74 W.**

Secs. 2-5, 8, 17, 20, 29, and 32

**Kuskokwim River (01/25/82 as amended 10/26/82)**

Sec. 1, 6, 7, 9-12, 15, 16, 18, 19, 21, 24-26, 28, 30, 31, 33, 35, and 36 (IC 616)

**Kuskokwim River and Lomavik Slough (01/25/82 as amended 10/26/82)**

**T. 7 N., R. 74 W.**

Secs. 34-36

**Interconnecting slough of the Kuskokwim/Johnson Rivers (01/25/82 as amended 10/26/82)**

Secs. 1-33 (IC 616)

**Johnson River (01/25/82 as amended 10/26/82)**

**T. 8 N., R. 74 W.**

Secs. 1-4, 9-12, 14-16, and 21-23 (IC 448)

**Johnson River, Pikmiktalik River, unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., northerly, then southerly to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an unnamed lake system between the Johnson and Pikmiktalik Rivers in Secs. 2, 3, 4, and 10, T. 8 N., R. 74 W., Seward Meridian (05/28/81)**

Secs. 5-8 and 17-20 (IC 485)

**Johnson River (05/22/80 as amended 03/10/82)**

Secs. 13 and 24-36 (IC 616)

**Johnson River and Pikmiktalik River (01/25/82 as amended 10/26/82)**

**T. 9 N., R. 74 W.**

Secs. 1-36 (IC 485)

**Johnson River, Pikmiktalik River, unnamed slough** <sup>LSH 120,</sup> <sup>OSL 667, 988,</sup> **flowing from an unnamed lake in Sec. 31, T. 10 N., R. 74 W., to its confluence with Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian, unnamed slough** <sup>OSL 667, 988,</sup> **flowing from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., to its confluence with an unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, unnamed slough (canal) and lake system from the unnamed slough near the village of Nunapitchuk in Sec. 6, T. 9 N., R. 74 W., Seward Meridian, to its confluence with the Johnson River at**

the village of Kasigluk, and an **unnamed lake system** between Nunavakanukakslak Lake and the Johnson River in Secs. 1-3, 10-15, 23-26, and 36, T. 9 N., R. 74 W., Seward Meridian (05/22/80 as amended 03/10/82).

**T. 10 N., R. 74 W.**

**Secs. 1 and 2**

**Nunavakanukakslak Lake** (05/22/80 as amended 03/10/82)

**Secs. 3-36 (IC 485)**

**Nunavakanukakslak Lake, unnamed lake** in Secs. 4-8 and 18, T. 10 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from unnamed lake in Sec. 7 to its confluence with the Johnson River in Sec. 17, T. 10 N., R. 74 W., Seward Meridian, **unnamed lake** in Secs. 19, 20, and 29-32, T. 10 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from unnamed lake in Sec. 31, T. 10 N., R. 74 W., to its confluence with the Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., to its confluence with unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, **unnamed lake system** between Nunavakanukakslak Lake and Johnson River in Secs. 34-36, T. 10 N., R. 74 W., Seward Meridian, and an **unnamed slough and lake system** in Secs. 16, 17, 20, 21, 28 and 29, T. 10 N., R. 74 W., Seward Meridian (05/22/80 as amended 03/10/82)

**T. 11 N., R. 74 W.**

**Secs. 1-4, 6-11, 14-23, 26-31, and 33-35**

**Kayigyalik Lake and Johnson River** (DIC of 07/25/80)

**Secs. 13 and 24**

**Johnson River** (05/28/81)

**Secs. 25 and 36 (IC 448)**

**Johnson River** and an **unnamed slough and lake system** between Johnson and Pikmiktalik Rivers joining Johnson River in Sec. 25, T. 11 N., R. 74 W., Seward Meridian (05/28/81)

**T. 7 N., R. 75 W.**

**Secs. 1-36 (IC 485)**

No navigable waters (05/22/80 as amended 03/10/82)

**T. 8 N., R. 75 W.**

**Sec. 2**

No navigable waters (05/22/80 as amended 03/10/82)

**Secs. 1-5, 8-17, and 20-36 (IC 485)**

**Nunavakpak Lake and unnamed slough and lake** within Secs. 3-5, 9, and 10, T. 8 N., R. 75 W., Seward Meridian (05/22/80 as amended 03/10/82)

T. 9 N., R. 75 W.

LSH 289  
OSL 1167  
Secs. 2-12, 14-28, and 34-36 (IC 595)

**Nunavakpak Lake, Johnson River, unnamed slough and lake system** flowing from Kayigyalik Lake to its confluence with the Johnson River at Kasigluk (traverses Secs. 2, 3, and 11), and an **unnamed slough (canal) and lake system** from the unnamed slough near the village of Nunapitchuk to its confluence with Johnson River at the village of Kasigluk (05/26/81)

Secs. 1 and 13 (IC 678)

**Johnson River, unnamed slough and lake system** in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, and an **unnamed slough (canal) and lake system** from the unnamed slough near the village of Nunapitchuk to its confluence with Johnson River at the village of Kasigluk (05/26/81)

T. 10 N., R. 75 W.

Secs. 1 and 12

**Kayigyalik Lake** (DIC of 07/25/80)

Sec. 15

**Kayigyalik Lake** and an **unnamed slough and lake system** flowing from Kayigyalik Lake to its confluence with Johnson River at Kasigluk (05/26/81)

Secs. 6-9, 13, 14, and 16-36 (IC 595)

**Kayigyalik Lake, Johnson River, unnamed slough and lake system** from just north of the abandoned site of Nunachuk in Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian, **unnamed slough and lake system** flowing from Kayigyalik Lake to its confluence with Johnson River at Kasigluk, **unnamed slough and lake system** lying between the aforementioned unnamed slough and Johnson River in Secs. 14, 21-23, 25-28, 34, and 35, T. 10 N., R. 75 W., Seward Meridian, and an **unnamed slough and lake system** in Secs. 25 and 36, T. 10 N., R. 75 W., Seward Meridian (05/26/81)

T. 11 N., R. 75 W.

Secs. 4-8, 14-18, 24, 25, and 36

**Kayigyalik Lake** (DIC of 07/25/80)

Secs. 19-23 and 28-32

**Kayigyalik Lake** (05/26/81)

T. 6 N., R. 76 W.

Secs. 4-9, 16-22, and 27-34

**Kutukhum River** in Secs. 16, 22, and 27 and **right bank tributary** of Kutukhum River from its mouth in Sec. 22 to where it merges with a lake in Sec. 21, T. 6 N., R. 76 W., Seward Meridian (12/16/98)

**T. 7 N., R. 76 W.**Secs. 28-36

**Kutukhum River** in Secs. 28, 29, and 31-34 to its juncture with the right and left bank tributaries in Sec. 31, T. 7 N., R. 76 W., Seward Meridian (12/16/98)

Secs. 1-27 (IC 485)

**Unnamed slough** beginning in Sec. 1, T. 7 N., R. 76 W., flowing into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian (05/22/80 as amended 03/10/82)

**T. 8 N., R. 76 W.**Secs. 19, 20, and 25-36 (IC 485)

**Nunavakpak Lake and unnamed slough** beginning in Sec. 1, T. 7 N., R. 76 W., flowing into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian (05/22/80 as amended 03/10/82)

**T. 9 N., R. 76 W.**Secs. 1-24 and 27-33 (IC 595)

**Nunavakpak Lake and unnamed slough and lake system** from Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian (05/26/81)

**T. 10 N., R. 76 W.**Secs. 1-36 (IC 595)

**Unnamed slough and lake system** from Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian (05/26/81)

**T. 11 N., R. 76 W.**Secs. 1, 2, and 11-14

No navigable waters (05/22/80 as amended 03/10/82)

Secs. 19-36

No navigable waters (05/26/81)

**T. 6 N., R. 77 W.**Secs. 1-36

**Meroyuk River** in Secs. 5, 6, 8, 16, 17, 21, 22, 27, 28, 34, and 35 and its **right bank tributary** in Sec. 6, T. 6 N., R. 77 W., Seward Meridian (12/16/98)

**T. 7 N., R. 77 W.**Secs. 1-36

**Meroyuk River and its left and right bank tributaries** in Sec. 31, T. 7 N., R. 77 W., Seward Meridian (12/16/98)

**T. 8 N., R. 77 W.**Secs. 35 and 36

No navigable waters (05/26/81)

Secs. 3-11 and 13-34 (IC 595)  
Nunavakpak Lake (05/26/81)

T. 9 N., R. 77 W.

Secs. 4-9, 16-21, and 28-33  
No navigable waters (05/26/81)

Secs. 1-3, 10-15, 22-27, and 34-36 (IC 595)  
No navigable waters (05/26/81)

T. 10 N., R. 77 W.

Secs. 3-10, 16-21, 23, and 26-33  
No navigable waters (05/26/81)

Secs. 1, 2, 11-15, 22-27, and 34-36 (IC 595)  
No navigable waters (05/26/81)

T. 11 N., R. 77 W.

Secs. 7, 9, and 13-36  
No navigable waters (05/26/81)

T. 6 N., R. 78 W.

Secs. 1-3, 9-16, 21-28, and 33-36  
No navigable waters (01/25/82 as amended 10/26/82)

T. 9 N., R. 78 W.

Secs. 1-3, 10-15, and 22-27  
No navigable waters (05/22/80 as amended 03/10/82)

Secs. 4-9, 16-21, and 28-30  
No navigable waters (05/28/81)

T. 10 N., R. 78 W.

Secs. 1-18, 22-27, and 34-36  
No navigable waters (05/22/80 as amended 03/10/82)

Secs. 19-21 and 28-33  
No navigable waters (05/28/81)

T. 11 N., R. 78 W.

Secs. 1-36  
No navigable waters (05/22/80 as amended 03/10/82)

T. 12 N., R. 78 W.

Secs. 25-36  
No navigable waters (05/22/80 as amended 03/10/82)

**T. 9 N., R. 79 W.****Secs. 1-29**

No navigable waters (05/28/81)

**T. 10 N., R. 79 W.****Secs. 19-36**

No navigable waters (05/28/81)

**T. 9 N., R. 80 W.****Secs. 1, 12, and 13**

No navigable waters (05/28/81)

**T. 10 N., R. 80 W.****Secs. 21-28 and 33-36**

No navigable waters (05/28/81)



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>

**Johnson River System  
Interim Summary Report  
Attachment 55**

F-14873-EE (75.4)  
F-14873-A (2651)  
F-14873-A2 (2651)  
(964) sjc/vkm

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

MAR 27 2010

## NOTICE

|                                   |   |                                      |
|-----------------------------------|---|--------------------------------------|
| Kasigluk, Incorporated            | : | F-14873-A, F-14873-A2                |
| P.O. Box 39                       | : | ANCSA Sec. 12(a) and 12(b)           |
| Kasigluk, Alaska 99609            | : | Village Selections                   |
|                                   | : |                                      |
| Calista Corporation               | : |                                      |
| Attn: Land Department             | : |                                      |
| 301 Calista Court, Suite A        | : |                                      |
| Anchorage, Alaska 99518-3028      | : |                                      |
|                                   | : |                                      |
| U.S. Fish and Wildlife Service    | : | Yukon Delta National Wildlife Refuge |
| Division of Realty, Mail Stop 211 | : |                                      |
| Chief, Branch of Operations       | : |                                      |
| 1011 East Tudor Road              | : |                                      |
| Anchorage, Alaska 99503           | : |                                      |

Notice of Proposed Easement Recommendations and  
Request for Easement Nominations on Land Selected by Kasigluk, Incorporated

Pursuant to Departmental Regulation 43 CFR 2650-4.7, notice is hereby provided of public easements identified on land selected by Kasigluk, Incorporated near the Native village of Kasigluk.

The Bureau of Land Management (BLM) is also requesting easement nominations pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA) for the land described below.

Subject to valid existing rights, the following land, selected under Sec.12 of ANCSA will be conveyed in the future to Kasigluk, Incorporated on behalf of the Native village of Kasigluk. The land described below has been prioritized by Kasigluk, Incorporated as priorities 1 through 120 and is intended to take the village corporation to full ANCSA entitlement for Sec. 12(a) and to the full Sec. 12(b) reallocation.

Seward Meridian, Alaska

T. 7 N., R. 77 W.

Secs. 1 through 36, inclusive.

T. 8 N., R. 77 W.

Secs. 11 and 13;

Secs. 35 and 36.

T. 9 N., R. 77 W.

Secs. 4 through 9, inclusive;

Secs. 16 through 21, inclusive;

Secs. 28 through 33, inclusive.

T. 10 N., R. 77 W.

Secs. 3 through 10, inclusive;

Secs. 16 through 21, inclusive;

Secs. 28 through 33, inclusive.

T. 11 N., R. 75 W.

Secs. 19 through 23, inclusive;

Secs. 26 through 32, inclusive.

T. 11 N., R. 76 W.

Secs. 9 and 10;

Secs. 15 through 36, inclusive.

T. 11 N., R. 77 W.

Secs. 7 through 11, inclusive;

Secs. 13 through 36, inclusive.

MAJOR WATERWAYS:

The following water bodies were determined to be major water bodies under the criteria set forth in 43 CFR 2650.0-5(2)(o):

The Meroyuk River and the Pikmiktalkik River were determined to be major throughout the withdrawal for Kasigluk. These rivers provide the primary inter-village surface transport routes between neighboring villages, to public waterways and to public lands. They are used by visitors to the villages as well as the local inhabitants for inter-village travel, movement of supplies and equipment and the gathering of resources.

For any other water bodies to be nominated for consideration, an assessment must be made in writing of the uses and purpose and must meet the criteria identified in 43 CFR 2650.0-5(2)(o). Consideration will be given to comments which are timely submitted and accompanied by written justification.

43 CFR 2650.0-5(2)(o). Consideration will be given to comments which are timely submitted and accompanied by written justification.

**EASEMENTS TO BE RESERVED:**

There are no easements recommended to be reserved in the land described above.

**EASEMENT MAPS:**

The easement maps reflect the current status of easements. Only those easements recommended for inclusion in the conveyance document are shown on the easement maps. Please recommend easements you believe should be reserved in the conveyance document by drawing them on the enclosed maps and completing the enclosed justification statement form.

This notice does not cover granted rights-of-way of record.

Written comments and recommendations must be filed with the Deputy State Director of Conveyance Management, Alaska State Office, 222 W. 7th Avenue, Box 13, Anchorage, Alaska 99513,  
ATTENTION: Stephanie Clusiau, no later than NOV 06 2007.

Your recommendations should identify the serial number of the application. If you have any questions, please contact Stephanie Clusiau at 1-907-271-3152.

**/s/ KJ Mushovic**

K.J. Mushovic  
Easement Coordinator

**4 – Attachments:**

- 1 - Easement and Navigability Legend
- 2 - Justification Statement Form
- 3 - Master Title Plats
- 4 - Easement quads:
  - Marshall A-1, Baird Inlet D-3 and D-4

**Copies furnished to:**

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559  
(with attachments)

State of Alaska  
Department of Fish and Game  
Division of Sport Fish  
Attn: Ellen Simpson  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
(with attachments)

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Sandra J. Singer, Realty Services Section  
550 West Seventh Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579  
(with attachments)

Easement Reading file (964)

K J Mushovic (964)

Pat Moreno (961)

ADO (040)

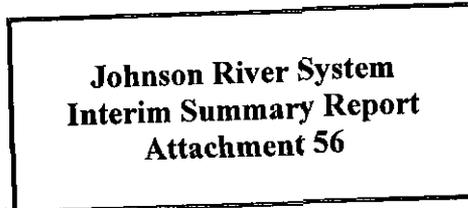
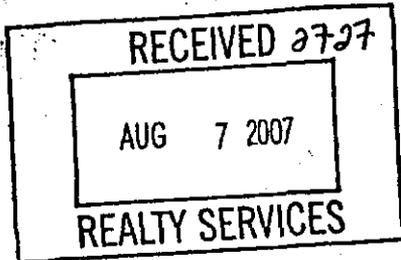
Kay Erben (964)



# United States Department of the Interior

## BUREAU OF LAND MANAGEMENT

Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>



no selections

F-14835-BE (75.4)  
F-14835-A (2651)  
F-14835-A2 (2651)  
(964) sjc/vkm

**AUG 06 2007**

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

### NOTICE

Atmautluak Limited  
P.O. Box 6548  
Atmautluak, Alaska 99559

: F-14835-A, F-14835-A2  
: ANCSA Sec. 12(a) and 12(b)  
: Village Selections

Calista Corporation  
Attn: Land Department  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028

U.S. Fish and Wildlife Service  
Division of Realty, Mail Stop 211  
Chief, Branch of Operations  
1011 East Tudor Road  
Anchorage, Alaska 99503

: Yukon Delta National Wildlife Refuge

### Notice of Proposed Easement Recommendations and Request for Easement Nominations on Land Selected by Atmautluak Limited

Pursuant to Departmental Regulation 43 CFR 2650-4.7, notice is hereby provided of public easements identified on land selected by Atmautluak Limited near the Native village of Atmautluak.

The Bureau of Land Management (BLM) is also requesting easement nominations pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA) for the land described below.

Subject to valid existing rights, the following land, selected under Sec.12 of ANCSA will be conveyed in the future to Atmautluak Limited on behalf of the Native village of Atmautluak. The land described below have been prioritized by Atmautluak Limited and is intended to take the village corporation to full ANCSA entitlement.

Seward Meridian, Alaska

T. 11 N., R. 72 W.

Secs. 3 through 9, inclusive;  
Secs. 15 through 22, inclusive;  
Secs. 27 and 28.

T. 11 N., R. 73 W.

Secs. 1 through 24, inclusive.

T. 11 N., R. 74 W.

Secs. 13 and 24.

9 N., R. 78 W.

Secs. 4 through 9, inclusive;  
Secs. 16, 17, and 18.

T. 10 N., R. 78 W.

Secs. 19, 20 and 21;  
Secs. 28 through 33, inclusive.

T. 9 N., R. 79 W.

Secs. 1 and 2;  
Secs. 7 through 18, inclusive.

T. 10 N., R. 79 W.

Secs. 24, 25 and 36.

T. 9 N., R. 80 W.

Secs. 12 and 13.

MAJOR WATERWAYS:

The following water bodies were determined to be major water bodies under the criteria set forth in 43 CFR 2650.0-5(2)(o):

The Johnson River and the Pikmiktalik River were determined to be major throughout the withdrawal for Atmautluak. These rivers provide the primary inter-village surface transport routes between neighboring villages, to public waterways and to public lands. They are used by visitors to the villages as well as the local inhabitants for inter-village travel, movement of supplies and equipment and the gathering of resources.

For any other water bodies to be nominated for consideration, an assessment must be made in writing of the uses and purpose and must meet the criteria identified in

EASEMENTS TO BE RESERVED:

There are no easements recommended to be reserved in the land described above.

EASEMENT MAPS:

The easement maps reflect the current status of easements. Only those easements recommended for inclusion in the conveyance document are shown on the easement maps. Please recommend easements you believe should be reserved in the conveyance document by drawing them on the enclosed maps and completing the enclosed justification statement form.

This notice does not cover granted rights-of-way of record.

Written comments and recommendations must be filed with the Deputy State Director of Conveyance Management, Alaska State Office, 222 W. 7th Avenue, Box 13, Anchorage, Alaska 99513, ATTENTION: Stephanie Clusiau, no later than JUN 29 2007.

Your recommendations should identify the serial number of the application. If you have any questions, please contact Stephanie Clusiau at 1-907-271-3152.

**/s/ KJ Mushovic**

K J Mushovic  
Easement Coordinator

## 4 – Attachments:

- 1 - Easement and Navigability Legend
- 2 - Justification Statement Form
- 3 - Master Title Plats
- 4 - Easement quads:
  - Baird Inlet C-2, C-3, D-2, D-3
  - Marshall A-2 and A-3

## Copy furnished to:

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559  
(with attachments)

State of Alaska  
 Department of Fish and Game  
 Division of Sport Fish  
 Attn: Ellen Simpson  
 333 Raspberry Road  
 Anchorage, Alaska 99518-1599  
 (with attachments)

State of Alaska  
 Department of Natural Resources  
 Division of Mining, Land and Water  
 Sandra J. Singer, Realty Services Section  
 550 West Seventh Avenue, Suite 1050A  
 Anchorage, AK 99501-3579  
 (with attachments)

Easement Reading file (964)

K J Mushovic (964)

AFO (04) <sup>new</sup>

PS Form 3811, February 2004  
 Domestic Return Receipt  
 102595-02-M-1540

2. Article Number  
 (Transfer from service label)  
 7004 1350 0002 0446 9508

1. Article Addressed to:  
 Kasigluk, Incorporated  
 P.O. Box 39  
 Kasigluk, AK 99609  
 F-14873-A, not (964) s/c/

3. Service Type  
 Certified Mail  
 Express Mail  
 Registered  
 Return Receipt for Merchandise  
 Insured Mail  
 C.O.D.

4. Restricted Delivery? (Extra Fee)  
 Yes  
 No

D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:

B. Received by (Printed Name) *Ellen Simpson*  
 C. Date of Delivery *1/28/04*

A. Signature *Ellen Simpson*  
 Agent  
 Addressee

COMPLETE THIS SECTION ON DELIVERY

SENDER: COMPLETE THIS SECTION

■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.  
 ■ Print your name and address on the reverse so that we can return the card to you.  
 ■ Attach this card to the back of the mailpiece, or on the front if space permits.



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>



**Johnson River System  
Interim Summary Report  
Attachment 57**

F-14914-EE (75.4)  
F-14914-A (2651)  
F-14914-A2 (2651)  
964/sjc/sla

AUG 23 2007

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

## NOTICE

Nunapitchuk Limited : F-14914-A, F-14914-A2  
P.O. Box 129 : ANCSA Sec. 12(a) and 12(b)  
Nunapitchuk, Alaska 99641 : Village Selections

Calista Corporation :  
Attn: Land Department :  
301 Calista Court, Suite A :  
Anchorage, Alaska 99518-3028 :

U.S. Fish and Wildlife Service : Yukon Delta National Wildlife Refuge  
Division of Realty, Mail Stop 211 :  
Chief, Branch of Operations :  
1011 East Tudor Road :  
Anchorage, Alaska 99503 :

Notice of Proposed Easement Recommendations and  
Request for Easement Nominations on Land Selected by Nunapitchuk Limited

Pursuant to Departmental Regulation 43 CFR 2650-4.7, notice is hereby provided of public easements identified on land selected by Nunapitchuk Limited near the Native village of Nunapitchuk.

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Seward Meridian, AlaskaT. 10 N., R. 73 W.

Sec. 19;  
Secs. 29 through 32, inclusive.

T. 10 N., R. 74 W.

Secs. 1 and 2.

T. 10 N., R. 75 W.

Secs. 1 and 12.

T. 11 N., R. 75 W.

Secs. 5, 7 and 8;  
Secs. 17 and 18.

T. 7 N., R. 76 W.

Secs. 28 through 36, inclusive.

T. 11 N., R. 76 W.

Secs. 1 and 2;  
Secs. 11 through 14, inclusive.

T. 9 N., R. 78 W.

Secs. 1, 2 and 3;  
Secs. 10 through 15, inclusive;  
Secs. 22 through 27, inclusive.

T. 10 N., R. 78 W.

Secs. 1 through 18, inclusive;  
Secs. 22 through 27, inclusive;  
Secs. 34, 35 and 36.

T. 11 N., R. 78 W.

Secs. 1 through 36, inclusive.

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**ATTENTION: Stephanie Clusiau**, no later than NOV 27 2007.

Your recommendations should identify the serial number of the application. If you have any questions, please contact **Stephanie Clusiau** at **1-907-271-3152**.

*/s/ K. Mushovic*

K J Mushovic  
Easement Coordinator

4 – Attachments:

- 1 - Easement and Navigability Legend
- 2 - Justification Statement Form
- 3 - Master Title Plats
- 4 - Easement quads:
  - Marshall A-1, A-2, A-3, A-4
  - Baird Inlet D-1, D-2, D-3, D-4

Copy furnished to:

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife  
P.O. Box 346  
Bethel, Alaska 99559  
(with attachments)

State of Alaska  
Department of Fish and Game  
Division of Sport Fish  
Attn: Ellen Simpson  
333 Raspberry Road  
Anchorage, Alaska 99518-155  
(with attachments)

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and  
Sandra J. Singer, Realty Service  
550 West Seventh Avenue, Suite  
Anchorage, Alaska 99501-357  
(with attachments)

Easement Reading file (964)

K J Mushovic (964)

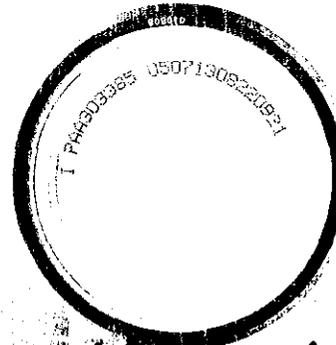
Kay Erben (964)

Pat Moreno (961)

AFO (040)

**COMPUSA**

CD- ReWritable  
Media



**Nunapitckuk**  
Title: **MTAS I**

Date:

Archive #



# United States Department of the Interior

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

**Johnson River System  
Interim Summary Report  
Attachment 58**

Baird Inlet-FY2001  
Marshall-FY2001  
Russian Mission-FY2001  
2628 (924)

March 21, 2001

To: Files

From: Laura Lagstrom, Navigable Water Specialist AK924

Subject: Interviews for Nunapitchuk Window, 2001

**Israthorak Creek**, known as "Elaiq" pronounced "Ill'lii'yaq" in the Yupik dialect by villagers interviewed from Akiachak and Atmautluak. It was spelled "Elaiq" in a historical place BIA field exam.

Upper Mouth in Sec. 11, T. 14 N., R. 64 W., SM.  
Lower Mouth in Sec. 27, T. 13 N., R. 70 W., SM.

Twelve Native allotment applications abut or straddle Israthorak Creek in the survey window. Ten lie within the first 10 miles of its lower mouth and the remaining two near miles 52 and 60 (approximate estimates)

**Roland Nose at 825-4753** - Akiachak, Alaska; Noses' allotment is located in Secs. 34-35, T. 14 N., R. 67 W., SM., (mile 52 approx.) Case file F-19236.

Brian Latham, his son-in-law interpreted for Roland. Roland has gone to his allotment by boat sometimes in the spring but mainly in the fall. He uses a larger boat on Kuskokwim and Gweek Rivers and then transfers to a smaller Lund with a 15-horsepower motor to boat through a little creek and pond. In winter he sometimes pulled a bigger boat over by snow machine. In the past, he pulled the boat by hand. Roland said when he returned to Akiachak in the fall could carry 1,000 pounds, but it was difficult. Roland said Elaiq was deep in the spring but a little shallower in the fall. Near his allotment during the spring and fall, it is 12' - 24' wide.

Nose does not reach his allotment through the Johnson and Pikmiktalik Rivers because of the distance and cost. He reaches the Eliaq river in the spring and fall by boating through a little

creek and a pond off Gweek River. There is a mud house along the creek that he believes belongs to Nelson Nose of Kwethluk. He drags his boats over to a pond. He said nobody else boats this route except those by snowmachine in the winter. He believes Israthorak Creek to be wide and deep to Demantle's allotment that lies a few miles upstream.

**Joseph Demantle Sr., Tuluksak, Alaska,** Home Phone 695-6615; Demantle's allotment is located in Sec. 21, T. 14 N., R. 66 W., SM., (mile 60 approx.) BLM Case file F-19183.

Demantle said the creek that flows through his allotment is locally known as "Elaiq" which he pronounced, "Ill-lie-yuk." Between 1930-50 when he traveled to his allotment by dog team in the spring, he used to bring a 20' wooden boat mounted with either a four or eight horsepower outboard motor and several canoes. After the ice has melted off the rivers and lakes, he would travel down the river by boat. His load included up to six people, their dogs, camping gear and at times several loaded canoes tied together.

He believes the creek to be boatable from spring break up or as early as mid May through freeze-up or near the first of October. His estimates of the river's depths are as follows:

Spring - four feet to very deep;

Summer - some areas four to five feet;

Fall - five to six feet deep.

He believes that from 1970 on no one has reached his allotment by boat because of all the beaver dams, some 8' high. Today there are too many beaver dams on the creek. Even when destroyed, they are quickly repaired. Demantle said to call Robert Nick at Nick's Store in Nunapitchuk, phone 527-5127. About five years ago, Robert Nick told him he was only able to boat to 10 miles below Demantle's allotment. Today Demantle's sons and grandsons reach his allotment by snowmachine during the winter to hunt. His allotment lies 15 miles northwesterly of Tuluksak. In the spring they would hunt muskrat and would reach upstream as far as Kalskag.

**Robert Charles of Akiachak** said "Elaiq" was very long and heads at several big lakes. During the 70's - 80's, he used to boat as far as Roland Noses' allotment to hunt in the spring in an 18' Lund with 70 horsepower propeller motor. Other hunters whose boats were 22' long with 88 horsepower motors had to drag their boats beyond Nose's place with a snowmachine because the stream was not very deep. He felt that one could boat this area in the summer but only for salmon berries. Some villagers from the surrounding area moose hunt in the fall beyond Roland Nose's place. He could not give estimates for depths.

**Jackson Lomack - 825-4754** (Jackson is the son of Joseph Lomack and lives near him) Jackson said Israthorak Creek varies in width but is very wide near his dad's allotment (mile 5). The last time he boated Elaiq was between 1978-80 near the end of May in a 22' wooden boat with a 115-horsepower Evinrude propeller-driven motor. He boated beyond his dad's allotment toward a lake but he was unable to describe the location. The river was so deep that he could not reach the bottom with an oar. Every year villagers from Nunapitchuk, Atmaultluak and Kasigluk boat this river. He said to call George Peter at 825-4513 and Jimmy Lomack at 825-4433.

**George Peter, home phone 825-4513.** Peter boated to Roland Nose's allotment about two years during the spring around the 2<sup>nd</sup> week of May in a 12' aluminum Harborcraft mounted with a 15-Horsepower Mariner propeller-driven motor. Peter usually camps at William Lomack's Native allotment site that is about six miles from Pikmiktalik River. He and his cousin did not have a very large load. The river was on average about 6' deep. It was not flooded. Elaiq was only about 10' wide near Noses' allotment. Peter said about four years ago during the first of October he was only able to reach Tom Wassillie's fall and spring camp because his boat kept hitting bottom. He was using a 22' Yukon Raider Boat mounted with a 130-HP Johnson and carried a 12' boat with 15 horsepower Mariner, 110 gallons gas, some camping gear, food and two adults. (I could not find an allotment application for Tom Wassillie).

Tundra people, villagers from Atmautluak, Nunapitchuk and Kasigluk boat the river during September to hunt moose but he did not say where they hunted. Overall, George Peter felt that the river is deep up to Roland Noses' place from the end of May to the 2<sup>nd</sup> or 3<sup>rd</sup> week of June. He said during the summer the river is too shallow to reach Noses' allotment but he felt the river would be boatable to Nose's allotment during September until 3<sup>rd</sup> week of October, or for 6-7 weeks. The river is only boatable up to Tom Wassillie's place during the summer.

**Moses Frederick, phone 825-4287.** His mother is Pauline Frederick who has an allotment about 10 miles upstream. Frederick said many people boat Israthorak Creek in spring and fall. He boats the river every spring around the third week of May in a 22' alumaweld boat mounted with 100-horsepower propeller-driven motor. Elaiq is between 30'- 50' wide around his mother's allotment and very deep in spring. In the summer months, when he takes his family berry picking the river is a little shallower than spring but he and others can still use their big boats. He has never boated it in the fall. He travels to this area in the winter with a snowmachine. There are no obstructions in the spring and summer.

**Moses Pavilla Sr., home phone 553-5526.** Pavilla said every September he has gone moose hunting near the upper end or to a slough above the village of Tuluksak. He did not know where Nose or Demantle's allotment claims were but he said many villagers from Nunapitchuk and Atmautluak moose hunt near the end. He can boat Israthorak Creek the whole month with a 25' whitewater aluminum boat made in Oregon. For the past 19 years beaver dams can be found all along the river. His 112-horsepower Envinrude propeller motor can usually jump over the beaver dams. Some weekend trips include eight adults, a child, camping gear, about 90 gallons of gas and sometimes a small 14' boat to save gas. He boats Israthorak Creek in the fall after the rain. I asked Pavilla how many weeks would the river remain deep near the upper reaches or to the end. He said, "depending on the rain, about two or three weeks between the middle of August through September." After the rain, the river ranges between 3'-15' deep. In the summer it is normally shallow except this past summer when the river was between 1'-3' deep. In spring some villagers boat to their spring camps when the river is free of ice between the first of May to the first of June. Pavilla said the river ranged between 11' - 150' wide. His estimates of the river's depths are as follows: Spring-between 4'-5' deep at the mouth and 3'-15' at the upper end depending on the snow; Summer-up to mid-July the river is not that deep; Fall-between 3' - 15'.

**Morris Mochin - Atmautluak Corporation office, phone 553-5428.** People boat the upper reaches of Israthorak Creek every year. It is used by many people from the tundra villages of Kasigluk, Nunapitchuk, Atmautluak and villagers along Kuskokwim. Mochin said, "It is famous for its abundance of subsistence, huntable animals." The last time Morris boated the river was about three years ago in September. He reached an area north of Tuluksak but below Lower Kalskag. He used an 18' Lund boat mounted with a 65-horsepower Evinrude propeller-driven motor. His load included his son and about 800 pounds. Near the upper end there were some shallow areas but he was able to continue without lifting his motor. It was deep enough to boat all the way to the end and estimated the width to average between 40'- 50' wide. He said near the end of September the river is shallower so he normally travels between the first and third week. He does not boat the river during spring and summer. I said I had talked with others who mentioned hunting up to a slough about Tuluksak and at the upper end. I said I would send him a map of Israthorak Creek. He said to call Billy Gilman at 553-5429.

**Morris Mochin -Atmautluak Corporation office - 553-5428.** In our second conversation after receiving the map I sent him showing Israthorak Creek, Mochin said long ago Elaiq (Israthorak Creek) used to be wider. Mochin he and others from his village moose hunt where the map reads Israthorak Creek in Sec. 19, T. 15 N., R. 64 W., SM., during September. Some areas were 3' deep and narrow but much wider than their boats. It stays deep between the end of September to the first of October when it begins to freeze. He has boated to this area several times, but there are times when the water is low between September and October. He believes even if the river is low, it is undoubtedly still boatable. When asked if this is where other villagers reach when they mention the slough above Tuluksak and below Kalskag, he said yes.

**Billy Gilman of Atmautluak, works from 9-5pm, phone 553-5429, home: 553-5915.** Gillman said about two or three ago in September he was moose hunting near the end of Israthorak Creek (Elaiq) river that is situated right below the village of Kalskag along the trees of the Kuskokwim River. He used an 18' aluminum skiff mounted with a 55-horsepower propeller motor. His load included two adults and about 30 gallons gas. He believed the river to be navigable though some places were narrow and they had to cross beaver dams. He emphasized that he went all the way to the end, right below Kalskag or to the tree line near the Kuskokwim river. Gilman said the river was very deep except in the areas "south" or below the beaver dams where it ranges between 4'-5' deep. He believed it stayed this deep at least two weeks but longer if it rains. Gilman said that near the end of September the river becomes shallower. The river is between 30'-50' wide in this upper area but wider near the mouth. He mentioned the fork where boaters head to the right.

The river is deep in the spring and many villagers head for their spring camps. He is unaware of anyone boating near the end during the summer months. Obstructions include beaver dams, especially the first beaver dam where it is "passable with a good strong motor." Gilman said boats are easily able to carry 1,000 pound loads. Once he used a 22' boat with a 90-horsepower propeller motor. His load included two drums of gas, groceries, camping supplies, and tents. Another party was hunting with them and both shot a moose. Their boats had no difficulties

boating downstream. Gilman said he was very familiar with **Pikmiktalik River** and said to call him at work (907) 553-5429 between 9-5pm to interview him. He also mentioned that the river above the Pikmiktalik is known as Aguligutak (Kvichavak River).

**Unnamed left bank tributary to Israthorak Creek** - Approximately three miles long, with its mouth in Sec. 16, T. 12 N., R. 70 W., SM. Two Native allotments straddle the stream and one abuts it. A historical site conflicts with three of the Native allotment claims.

The field reports for Native allotments Alice Sam, case file F-029209 and Agnes Charles, case file F-029215 of Akiachak dated September 1984, states that access to their parcels is by boat in the summer and snowmachine in the winter. Both mentioned the abundance of water in the Israthorak Creek and an unnamed creek for trapping small furbearers, blackfish and waterfowl hunting.

**Oscar Sam Sr.**, husband of Alice Sam called collect this morning. He said the Yupik name of the small stream that goes to the big lake is called "A-ley-look-suak" - which means "its kinda up here."

Before Sam leaves Akiachak in the spring for his wife's allotment, he telephones the "tundra people" or villagers who live in Atmauthuak to ask them if Israthorak Creek is free of ice. Normally he can boat Israthorak Creek and this unnamed tributary the first or second week of June. It takes about a day with a big load of supplies from Akiachak to reach his wife's allotment. Today he uses an 18' Lund with a 40-horsepower propeller motor.

He used to use a 24' wooden boat mounted with several propeller driven motors ranging from 18 to 60 horsepower. He hunted ducks and muskrat in the spring and took his family berry picking in the summer. His load usually included six to seven people plus their camping gear and extra gas. One spring on the way to hunt muskrat, his 24' wooden boat caught on fire and burned up right in the middle of Israthorak Creek. His load included two adults, five children, camping gear, a drum of gas and six extra gas tanks. Fortunately a nearby boat rescued all of them. The boat and everything in it burned up.

Sam said the small stream that abuts his wife's allotment at the mouth is very deep in the spring, deeper than the length of an oar. During the summer it is about 5' deep and on average 20" wide with some sections being narrower and some wider. He does not boat the stream in the fall because it is too shallow. Once near the end of August in the 70's while berry picking, he had to turn his 24' wooden boat around because it was too shallow.

The stream is boatable from spring through summer from its mouth to the lake and is unobstructed. There are no shallow areas in the spring. A very long time ago, he used to walk to this area from Akiachak. He said to call Charlie James at the IRA office and Herman Frederick's son, Moses Frederick, a health aid in Akiachak.

**Robert Charles** of Akiachak, home phone 825-4041 and can be contacted by leaving messages at 825-4072, 4213, 4821 or 4045. Charles said another Yupik name for the stream that flows through his mothers allotment is "Kue-voig- luq." Charles uses a 22' custom-made aluminum boat mounted with a 135-horsepower propeller-driven motor. He boats to the big lake during spring or around the middle of May. During summer when he takes his family berry picking in July, often his load includes seven to nine people, extra gas, grub, a tent, clothing and a stove. During the summer when it has not rained and the area stays dry and sunny, the tributary is very shallow and he is not able to reach lake. Villagers from Akiachak, Atmaultuak, Nunapitchuk, Kasigluk, Bethel and other surrounding communities regularly boat to this area to spring camp and to hunt muskrat and beaver. In the summer they pick salmon berries. Charles said when he was younger, he remembers seeing some old crosses.

Charles estimated the stream to range between 8'-10' deep in the spring from the mouth to the lake. During July and August it decreases to 4'-5' deep. He has no reason to boat it in the fall but believes the stream would be deep because of the annual rainy season. Some areas of the lake are deep and some shallow but if one heads straight into the lake it is deep. There are a couple beaver dams and four or five beaver houses but he can boat over them.

**Johnson River** - the following two Native allotments straddle the river: Daniel P. George, AA-37832 in Sec. 31, T. 15 N., R. 71 W., SM., and Sinka Williams, F-16023, Parcel A, in Sec. 15, T. 17 N., R. 65 W., SM.

**Patrick Peter, Akiachak IRA office phone 825-4626** - Patrick has a 22' Yukon Raider and a new 150-horsepower motor, but to boat the Johnson River he uses a 90-horsepower motor and carries a 12' skiff for emergencies and shallow areas. He boats up to the Yukon-Kuskokwim portage in the spring and in mid-July to pick berries. He does not boat here in the fall. He said toward mid-summer the Johnson ranges between 4'-6' deep even during hot days. In the spring it is very deep, at least 10' - 15'. He stated it is deep from its mouth to near the Yukon-Kuskokwim portage in T. 17 N., R. 63 W., SM.. In the spring he stays up the river about a week. There are usually at least five people in the boat. He estimates the river to be between 12' - 15' wide near the upper reaches.

**Daniel P. George of Akiachak, home phone 825-4635** - The last time Daniel went to his allotment by boat was a couple years ago in September to moose hunt. He used a 22' Yukon Raider with 120-horsepower motor and his load included probably four other adults. They boated past his allotment, but not as far as the Yukon-Kusko portage in T. 17 N., R. 63 W., SM. Here the river was about 4' deep but most of it was between 5' and 7' deep. It is very deep at the mouth. In the spring, the Johnson River is very deep because of the snow melt and melting river ice. He said there are no beaver dams, but there are a few beaver houses but they do not block the river yet. He does not go to his allotment in the summer. Many villagers from Nunapitchuk, Atmaultuak, Kasigluk, or tundra people moose hunt above his allotment.

**Left Bank tributary of Johnson River**, Mouth in Sec. 18, T. 13 N., R. 71 W., SM.

Fred A. George's allotment (Case file AA-51109) straddles the tributary about four miles upstream. Allotments for Joseph Ekamrak (Case file AA-37824), Martha Ekamrak (Case file AA-55923) straddle the mouth where the stream is between 3-5 chains wide.

**Fred A. George Sr.**, Box 154, Akiachak, AK. 99551; Home phone 825-4033. George said the local Yupik name of tributary is "Tuni'ghoon" or as his wife in the background spelled it, "Tunuirgun." Fred reaches his allotment by boat in spring, summer and fall and by snowmachine in the winter. In the spring "Tunuirgun" is approximately 8' - 10' deep and 50' wide. In the summer and fall it is approximately 4' - 10' deep and 20' - 30' wide.

He has boated this area for many years, most recently last spring in a 20' Lund Alumaweld boat with a 115-horsepower propeller-driven motor. His load included five or six people, a mix of adults and children, food, a tent and a 55-gallon drum of gas. It was a very big load. In spring George boats to the lake locally known as "Tunighoon Lake" about five miles above his allotment. Beaver dams are beginning to block the channel but so far, do not impede boat travel.

George said "tundra people" or villagers from Nunapitchuk and Atmautluak hunt in that area and villagers from Akiachak pick berries there. He said to call his brother, Walter George at 825-4915 and his cousin, Peter Ekamrak at 825-4420.

Fred George boats to his brother's cabin on the Pikmiktalik and said I could call him when I begin interviews for boat use on that river.

**Walter George of Akiachak, phone 825-4915.** Walter George said he has boated the Johnson River tributary for many years. His most recent trip was about three or four years ago in late May with a 22' Yukon Raider mounted with a 115-horsepower propeller-driven motor. His load included three adults, food and camping gear. They stayed four or five days hunting black birds and traveled quite a distance beyond his brother's allotment. He estimates the river to range between 6' and 8' deep from spring to fall and approximately 24' or wider around his brother's allotment. There are no obstructions from the mouth and beyond his brother's allotment. He has seen others boat this river including his cousins, Peter Ekamrak, John and Abraham George and Fritz George, home phone, 825-4714.

**Peter Ekamrak of Akiachak, phone 825-4420.** Ekamrak has been up to Fred A. George's allotment by snowmachine and by boat in the spring. He usually boats beyond Fred's allotment after spring break-up that usually occurs around the middle of May. Ekamrak uses several boats, including a 16' or 18' Lund mounted with either 30 or 40-horsepower propeller motor. He estimates the river to be between 40' and 50' wide around Fred's allotment and 8' deep. Even if the river is shallower in the summer and fall, villagers from Akiachak still pick berries between the end of July and August and Atmautluak villagers hunt fox, mink and beaver net white fish.

**Pikmiktalik River** - in T. 14 N., R. 67 W., SM., where the Native allotment claims for Kenneth Peter, case file F-012116 and Tom George Peter (dec.), case file F-016791 straddle the river.

**Eli Wassillie, Nunapitchuk Tribal Council, phone 527-5705.** Wassillie said the last time he boated this river was four or five years ago to hunt moose with his older brother and nephew. He was using an 18' aluminum boat mounted with 40 horsepower propeller-driven motor. Their load included camping gear and gas for several days. Wassillie said the Pikmiktalik River was deep, wide and unobstructed the whole month of September. He boated to the place where "Christmas trees," appeared or about 35 miles north of Akiachak. I faxed him a map showing the Pikmiktalik River and the Native allotment claims for Tom George Peter (F-16791) and Kenneth Peter (F-12116). When he called back, Wassillie said they had no problems reaching the Native allotment claim, AA-37822, located in Sec. 34, Tp. 14 N., R. 68 W., SM. & Secs. 3-4, T. 13 N., R. 68 W., SM. The river was deep, wide and open. Wassillie was unable to estimate how deep and wide the river was. They did not shoot a moose. He said others who may have information of boat use on Pikmiktalik River include Tommy Andrew Sr., phone 527-5704, Andrew Wassillie, phone 527-5021 and Jimmy Stevens, phone 527-5189, all of Nunapitchuk.

When I called **Kenneth Peter's home, phone number 825-4826** in Akiachak and asked for Kenneth, his son-in-law, Robert Snyder came to the phone. Once in 1993, Snyder boated the Pikmiktalik River to his father-in-law's allotment during the end of July to take his family berry picking. He used a 22' alumawekd boat mounted with a 120-horsepower outboard propeller motor. He took his family which included four adults and five children, camping gear, a drum of gas and supplies for three weeks. They ended only staying three days because all their berry buckets were full. They even set a net in the river. Snyder said Pikmiktalik stayed very deep year round except near the end of summer when it becomes shallower. His boat encountered no obstructions along the river and their boat did not touch bottom. It is very wide in some areas and near his father-in-law's allotment, it ranges between 30' and 40' feet. He said to call Marie Frederick because she used his boat the following year. Snyder said the Pikmiktalik River stays deep from spring until the end of summer. It is also deep in the fall. He said to call Tom Peter Jr. at 825-4511 or Marie Frederick at 825-4506 or work 825-4612.

He said to talk with villagers from Atmauthuak because they boat the river to reach subsistence hunting areas and to pick berries.

**Marie Frederick, work phone 825-4612.** Marie said in 1994, between the end of July and the first of August, she used Robert Synder's 18'-20' wooden boat with a 45-horsepower Yamaha motor to reach a salmonberry picking area about two or three miles above Kenneth Peter's Native allotment. The adults included Kenneth, his grandma, herself and her sister. Their camping gear included a tent, sleeping bags, mats, Coleman stove, blazo, food, dishes, pots and pans, rubber shoes, extra clothing, 20 gauge rifle, rifle shells and berry buckets. She said the river was wide, very deep, deeper than the boat oars (estimate 7'-8' long). They encountered no obstructions. She has not been there any other time.

**Tom Peter, Jr., phone 825-4511.** Tom Peter has traveled to his father's allotment (Tom George Peter) by snowmachine and by boat. In the 1970's-80's he traveled in an 18' Lund mounted with a 40-horsepower Mercury motor. When he boated to pick berries in August, the river was very deep but hesitated to give estimates. There were no obstructions. In winter they hunt for ptarmigan on the tundra by snowmachine. He said his mother, Cecelia, would probably offer more information but she is in Anchorage and he does not know when she will be back. He said to call his sister, Julie George at 825-4412.

**George Peter of Akiachak, phone 825-4513.** Last spring around the third week of May 2000, Peter and his cousin, Bob Peter boated beyond Kenneth and Tom George Peter's allotment in a 12' aluminum boat with a 15-horsepower Mariner. When they reached an abandoned old sod house the water became too shallow and they turned back. He was not aware of the local name. Peter said the Pikmiktalik River was about 4' deep around the allotment claims. He said it stayed this deep from the end of May to last part of August. The river was between 16' and 25' wide in this area. He did not see any other boats at this time.

Peter was also there in the fall around the 1<sup>st</sup> week of October two years ago with the same boat. The river was a little shallower, about 2' deep. He was hunting, netting whitefish and picking cranberries. George Peter normally leaves Akiachak in a 22' Yukon Raider boat mounted with a 130-horsepower Johnson and carries the 12' aluminum boat with a 15-horsepower motor. He stays at William Lomack's Native allotment site along Israthorak Creek (Elaiq River), about five miles from its confluence with Pikmiktalik River. From this point, he boats the surrounding rivers with the 12-foot aluminum boat. Becoming weary of my questions, he said I should go up there myself instead of asking him all these questions. I thanked him very much for the information.

**Morris Mochin - Atmaultuak Corporation office, phone 553-5428.** I had mailed Morris a map showing the drainages of the Israthorak and Pikmiktalik Rivers. Mochin said every year he boats to where the Pikmiktalik River lays closest to a big slough of the Kuskokwim River in Secs. 15-16, 19-23, 26, 29-32, T. 16 N., R. 63 W., SM. He could hear boats on the Kuskokwim River and believed they could have walked to the river. Mochin uses an 18' Lund boat mounted with an Evinrude 65-horsepower propeller motor. He said villagers could reach this area every year to moose hunt and berry pick the month of September. They generally use 18' aluminum Lunds mounted with 25-30-40 and up to 70 horsepower motors. The water is on average 3' deep and ranges between 8' - 20'+ in width.

He has seen other people in this area including villagers from Tuluksak. Villagers particularly like to hunt, gather firewood and berry pick in this area. Mochin said Pikmiktalik is navigable or boatable because it is wide and deep for their boats. There is nothing to prevent them from boating to this area every year with heavy loads.

**Left bank tributary of Johnson River in T. 14 N., R. 71 W., SM.**

**Moses Paine of Akiachak, phone 825-4521.** Paine's allotment, case file AA-37838, encroaches part of a lake that feeds into a short three-mile+- left bank tributary of Johnson River. The case file states that Paine reaches his allotment by dogteam or snowmachine.

Moses Paine said he is only able to reach his allotment in the spring when all the rivers and creeks are flooded after the snow and ice have melted. The creek is about 50' wide and three feet deep. He leaves Akiachak in a 24' boat and then when he reaches the mouth of the creek along the Johnson River, he transfers to his smaller 14'-16' boat with a 40-horsepower Lund motor. The creek is too shallow for his bigger boat. At times, his load includes five adults. Paine is not able to boat to his allotment in the summer or fall because it is too shallow. He leaves his boat along the Johnson river and walks to his allotment. He said the lake next to his allotment is drying up.

**Right Bank Tributary of Johnson River in T. 12 N., R. 73 W., SM.**

The Native allotment claim for Willie A. Alexie, (Dec.), case file F-968 appears to straddle two small streams that feed into the Johnson River. The case file noted that the lands are used to fish for pike, whitefish and to trap muskrat and to pick berries. No other allotments abut or cross the stream. No commercial or historical use was cited in the case file.

**Napakiaak IRA office, Walter Nelson, phone 589-2135.** Nelson said he would talk with Willie Alexie's wife. Mrs. Alexie said they used to boat the stream with a small boat but no one has boated it anymore because of all the beaver dams. Up to date, the creek is not navigable. She referred to the creek by a name he never heard before. I faxed Nelson a copy of the field exam sketch diagram and a map of the unnamed stream. He will follow up next week.

Walter sent a fax back which named the stream "Elriwik." He wrote the family can only use a very small boat on the stream and are not able to reach the lake (in Sec. 10) because of the beaver dams. The lake is drying up and only fills up during very high tides during spring break-up. When I questioned Walter Nelson regarding the high tides, he said the stream is not tidal and he meant to say that when they get the south winds and lots of rain, there are higher tides on the lower part of the Johnson which back up during high tides. He did not mean to say the stream was tidal or tidally influenced.

**Putu Creek - T. 15 N., R 72 W., SM.**

The Native allotment claims for Mary Ekamrak (AA-52707) and Helena George (AA-37833) straddle the stream about four and five miles from the mouth. In their case files, both state access to their allotments by boat on Putu Creek. Helena George has claimed occupancy since 1933 and Mary Ekamrak since 1948. After several telephone interviews with villagers who have experience boating Putu Creek, it became apparent that each considered to a left bank tributary (mouth is just north of Mary Ekamrak's Native allotment claim) a continuation of Putu Creek.

**Mary Ekamrak of Akiachak, Phone 825-4420.** I first spoke with Mary who gave the phone to **John** her husband who works for the Akiachak IRA, who then gave the phone to their daughter **Ina**, who then gave the phone to their son **Peter** who then gave the phone to their other son, **Willie Ekamrak**. Willie, who ended up translating for his parents, said when they travel to Mary's allotment they use an 18' Lund with either a 25 or 30-horsepower propeller motor. The water is always deep. They have no problems boating to and beyond the allotment. His estimates of the creek are as follows:

Spring - varies - around 10' feet - very deep

Summer - 8'

Fall - if lots of rain - 9'-10'

Willie Ekamrak said there are no obstructions and the creek is known in the Yupik dialect as "Chounuk." It is very wide. The narrowest is about 15' wide. He has seen many other villagers from the surrounding area boat the creek including Abraham George, phone 825-4726.

Ina, the daughter-in-law, said her family picks blackberries every July in an 18' Lund around Mary's allotment. She says the stream is deep all the time and they have never encountered any obstructions. She agreed with John and Mary's information.

**Daniel Ekamrak, phone 825-4015.** Daniel is Mary's son. Ekamrak said about four years ago in late May, he almost reached a lake located beyond his mother's allotment. He was using an 18' Lund with 50-horsepower Honda propeller motor. His load included his wife, three kids and their camping supplies. They stayed a couple of days. He estimated the creek to be about 20' deep and between 25' and 35' wide. He has never boated Putu Creek in summer or fall but believes it would remain deep and therefore boatable because of the width and depth when he has been there in late May. He has seen others from the tundra villages of Nunapitchuk and Atmautluak boat Putu Creek.

**Willie Ekamrak, phone 825-4254.** Ekamrak said the creek is on average 10' deep. Willie uses a 22' pacific skiff with a Honda 90-horsepower propeller motor.

**Daniel Ekamrak, phone 825-4015.** I called Daniel back to ask what direction he and others took after they reached his mothers allotment. He said they head right (or toward an unnamed left bank tributary). He said to talk with Peter Ekamrak at 825-4420 or Carl. He reiterated that people boat to the right.

**Peter Ekamrak at 825-4420.** Ekamrak called Putu Creek "Chounuk." Last September when Ekamrak went moose hunting (season lasts all of September) he used a 24' Yukon Raider with a 120-horsepower motor. His load included four adults and camping gear. They traveled about four or five miles beyond his mother's allotment to the right or in a northeasterly direction. They did not encounter any obstructions nor did his boat hit bottom. Some places were deeper than his boat oars. He says Chounuk remains deep the whole month of September.

He has never boated "Chounuk" in spring or summer nor the creek to the left of his mother's allotment. He only travels on this creek by snowmachine.

**Unnamed tributary to Kayigyalik Lake, mouth in Sec. 24, T. 12 N., R. 75 W., SM., and its left bank tributary, mouth in Sec. 10, T. 12 N., R. 74 W., SM.**

The Native allotment claim for Alexie Nicholas, case file F-16567, straddles the unnamed tributary about seven miles upstream. The following Native allotment claims straddle its left bank tributary: Carl Thomas White, case file F-19128, at its mouth and Billy Andrew, two parcels, case file F-14386, Parcels B and C, about three and seven miles further upstream.

**Mary Enoch of Nunapitchuk, phone 527-5776 (daughter of Carl Thomas White).** Mary said the last time she went to her father's allotment was about six years ago in July to berry pick in an 18' Lund with 70 horsepower motor. There were three adults and two children in the boat. They stayed around her dad's allotment. She said to call her half brother Henry Parks at 527-5299.

**Moses White of Nunapitchuk, phone 527-5026** said the Yupik name of the river is "Autci'ghun" which in part means "you go under something." White was at his dad's allotment (Carl Thomas White, BLM Case file F-19128 in Secs. 10 and 11, T. 12 N., R. 74 W., SM) last August 2000 berry picking with his wife and four children. He used a 16' Lund with 40-horsepower motor. He said the mouth at the lake was very shallow, about 1' deep. The rest of the river was between 4' and 6' deep and about 10 yards wide or 30' through his dad's allotment. In spring he reaches the allotment by snowmachine. He also boats here in the fall to hunt ducks. Sometimes he has to push or use oars to get past the mouth with his 16' Lund. Inside the river beaver dams are also a problem. Between the beaver dams the river can be 2' and 3' deep and above them 4' deep. When asked if his boat were loaded with 1,000 pounds, could he boat the river in July, he said no because of the shallowness of the mouth of the river. He does not boat it in September. Near the first of October before freeze-up he uses a 12' or 14' Lund with 15 horsepower motor to reach his dad's allotment. From Nunapitchuk it takes less than 45 minutes to reach here if he has no problems crossing the mouth. He said very few villagers boat the river because they are well aware of the shallow area near the river's mouth.

Two years ago in August when he was planning to pick berries, he spent two to three hours pushing and pulling the boat to try get past the mouth of the river. It is a hassle and other people from the villages do not boat it especially when there has hardly been any rain in summer and it has been warm all summer months. This shallow area along the lake is about 1,000 or more yards long filled with very soft mud. He can usually get through the area with his smaller boat maybe four weeks in June and maybe two weeks in August. He said there is no historic or current commercial use.

**Henry Parks of Nunapitchuk, phone 527-5299** has been up to his father's allotment (Carl Thomas White, BLM Case file F-19128 in Secs. 10 and 11, T. 12 N., R. 74 W., SM) to pick berries, subsistence hunt and to trap which begins November 10. Last summer about the third week of July Henry Parks and his brother began building a small cabin. He used a 18' aluminum

boat with a 70-horsepower motor and towed a 12' aluminum smaller boat with 15 horsepower motor as a precaution because the water is always shallow. His load included three adults, one child and about 800 pounds of camping gear. They stayed four days.

Near his dad's allotment, he estimated the river to be between 2' and 4' deep and 30' and 40' wide. During spring break-up water is high but during the summer the water level drops. In the fall if it rains for several weeks or days, the river does rise, but if the weather is dry, the water always goes down. Predicting it is difficult. Parks said the mouth is always very shallow especially when it has not rained a lot.

I talked with Parks again to ask about problems boaters have at the mouth and he said that during the summer months when they have not had rain, boating all the lakes in the surrounding area is hard. To reach the river they must cross Kayigyalik Lake. In spring after the ice is gone, the mouth is deep for about two weeks from the first to the middle of June. It is deep enough for boats to carry a load of 1,000 pounds. Sometimes this depth can last toward the end of June. People can use different sizes of boats, even a 22' with more than 1,000 pounds of load. Nevertheless, after that, especially the first July, all the lakes and rivers around their villages get shallow. Sometimes it can rain all summer and they can boat all the lakes and rivers. The weather is unpredictable. There is a channel they follow through the lake to reach this river. When the winds are from the north and it does not rain, the channel through the lakes to this river is very shallow. During fall when the weather changes and the winds come from the south, the water level rises for a short period. This year they have had very little snow and if this continues through break-up, there will be very little water in the lakes and rivers.

He has personally had problems crossing the mouth with his 18' boat with 70 horsepower motor in August and September. Crossing the mouth has always been a problem because it is too shallow. However, the river is deep. He said when it has not rained, the surrounding lakes and rivers are shallow and he does not even attempt to leave Nunapitchuk. He said, "If we cannot pass the mouth, we cannot go up that river." He agreed with Moses Whites description of the shallow area being 1,000 yards long at the mouth and filled with soft mud at the bottom. His parting words were, "It is really tough."

**David Nicholas of Kasigluk, phone 477-6157.** Nicholas is the son of Alexie Nicholas (F-16567). He said the unnamed tributary is known as "Ugi-ghoon." Nicholas has been up to his dad's allotment often, the most recent being last summer around the middle of August to take his family berry picking. He was using a 16' Lund with 40 horsepower Yamaha propeller motor. His load included himself, his wife, his two sons and two children. They only stayed about six hours berry picking. The mouth was shallow but they could pass through it. The main river was deep. He has also boated the river in June and September. He said the main river is deep but he has problems crossing the mouth because it is so shallow. He also uses a 14' boat. When asked if boats would be able to carry 1,000 pounds of load on the river, he said if he had to haul 1,000 pounds of load on the river, he would wait until winter when the river was frozen because of the shallow area at the mouth. He said to call Wassillie Berlin at 477-6151.

**Wassillie Berlin, phone 477- 6151.** Berlin said that I should talk with his mother, Alice Berlin.

**Alice Berlin** pronounced the name of the creek "Atchi-goon." She said when they go salmonberry picking in that area between the last part of July and first of August, some people use 18'- 22' Lunds. When they reach the mouth they have to go fast and not slow down. There are usually four or five adults and kids in their boats. When moose hunting the last of August through first of September she has seen 18' - 22' boats in the river. The river is deep.

**Billy Andrew of Nunapitchuk, phone 527-5459** (Parcels B and C) Currently Andrew can only reach his parcels by snowmachine in the winter. Two years ago near the end of July he attempted to take his wife and several children berry picking near his parcels but they were forced to return to Nunapitchuk because of the shallow water and beaver dams. He was using a 16' Lund with 15-horsepower motor. He said maybe with a lighter boat, a 12-14' Lund with 15 horsepower motor, he could probably reach his parcels. Also, during the summer months, there is a shallow area at the mouth of the river along the lakes edge which he passes through by paddling. In the spring he estimates the mouth to be less than three feet deep for about a week. Andrew does not boat to his parcels in the fall because the river is too shallow and there are too many beaver dams. Even though the river itself is deep, he does not believe that he could haul 1,000 pounds through the mouth except in the spring and only for a short period, or about a week. However, he may be able to "inside" the river. Andrew said he traps mink between November 10<sup>th</sup> and December. He hunts muskrat in the spring by boat and sometimes traps otter in the fall with a snowmachine.

**Unnamed stream in Sec. 31, T. 11 N., R. 80 W., SM.** Moses White's allotment (F-18869, Parcel B) crosses a small stream in Sec. 31, T. 11 N., R. 80 W., SM.

**Moses White - Kasigluk, phone 477-6728** . White said the local Yupik name of the small creek that crosses his allotment is: "Tu-gluk-too-li." The little creek is usually very shallow. White said that one could take a small boat, maybe an 18' boat with motor upstream less than a mile. Near the mouth in the spring it is about 8' deep or less for about two weeks from the end of May to the middle of June. During the summer months the water drops to less than 4' and drops even further in the fall. These depths are just near his allotment. He said sometimes other villagers boat the creek to pick berries in the summer and fish for pike in the spring. It is not very wide, about 4' wide. When you meet another boat you have to be way on the side or you have to boat to a wider area. Moses White has a little house on his allotment.

To reach his allotment, he boats the main river which drains Puk Palik Lake known as "Agoo-lu-guak River" by local villagers beginning in Sec. 33, T. 11 N., R. 79 W., SM. Many people use this main river to reach salmon berry areas between the middle of July and the first of August. White uses a 18' Jon Boat with a 40-horsepower propeller Mercury motor. He said other villagers (most likely from Kasigluk, Nunapitchuk and Atmautluak) reach "Agooluguak" from the Johnson River through a series of lakes and a tram way on one of the long lakes. (See interviews with Anna (Beaver) Anvil and Moses Wassilie at the end of this memo).

Informational purposes: On the MTP, Secs. 19-36 were selected by Vil. Sel., F-14904. F-14904 A, excluded River 432. Kathy Flippen helped me look through the A file and we found a hand written reference to river 432. It was not the little stream we were looking at. She did not find the application which would have referenced river 432.

### **Pikmiktalik , Israthorak Creek and Kayigyalik Lake**

I talked with **Gene Peltola, Refuge Operations Specialist, Yukon Delta National Wildlife Refuge**, Bethel, Alaska, phone 543-3151 about boat use on the above referenced water bodies. He sent an e-mail on 2/5/01 which read, "I have looked over the locations with Mike Rearden (Refuge Manager) and George Walters (pilot). Here is what we came up with:

- 1) **Pikmiktalik** - our office and our LE division conduct patrols during the hunting season, and several overflights on our way to the Yukon. On several occasions, we have been boats as far the location you specified, and recall seeing boats a bit further up. (I stated that Morris Mochin said he is able to boat to an area within T. 16 N., R. 63 W., SM where the Pikmiktalik comes close to the Kuskokwim River when moose hunting.)
- 2) **Israthorak** - the same goes for this location. The river is also accessible from the Kuskokwim side, via a series of sloughs. (I stated Morris Mochin and Moses Pavilla Sr. of Atmoutluak can boat to a slough above the village of Tuluksak when moose hunting in September.)
- 3) **Kayigyalik Lake Trib:** During late summer we have seen boats in this vicinity, especially when people are out picking berries. We have observed boats up to the upland tundra, north of your location. ( I specifically questioned the shallow area near the mouth which prevented many boaters from ascending the river during most of the summer months)."

I e-mailed Gene Peltola back and asked for more information about **Israthorak Creek** being accessible from the Kuskokwim side. No response.

**Miscellaneous information gathered from two villagers who were selling crafts at the annual Arts and Crafts fair in the Federal building regarding travel between lakes west of Kayigyalik Lake and east of Puk Palik Lake.**

**Anna (Beaver) originally from Anvil, home phone: 349-0144.**

Anna is originally from Nunapitchuk but now lives in Anchorage. She was showing her work at the annual Native Arts and Crafts Fair on the first floor of the Federal Building. She is very familiar with travel between Takslesluk Lake and Puk Palik Lake. The river between the two lakes is called "Upper Agubiak River." Her dad had land at Noven Lake, one of the small lakes between the two larger lakes. Villagers have always traveled between the lakes in the spring, summer and fall. They even dug out a small river over which they could drag their boats to Noven lake. From here they boated through a series of smaller lakes and finally over a tram to Puk Palik Lake. Two possible areas for this tram are marked on the map for this project.

In spring they hunt muskrat and fish for pike. There were so many pike that often their nets would sink. In summer they pick salmon berries, blue berries, black berries and raspberries. In July all the families participated in a "duck drive" on Takslesluk Lake. The "duck drives" stopped in August. In fall, their house camps are either made of mud or a combination of mud and wood. The windows were made of pike skins which were skinned very thin and washed several times. About 15 pike skins sewed together made a window about 3' square. They sewed cloth along the edges before it was attached to a wood frame. From fall to December they hunted mink, otter, fox, weasel, muskrat. They hunted by boats. Sometimes they built special sleds with no sides to bring their boats back to the villages. Sometimes they left the boats at their camps.

**Moses Wassilie of Nunapitchuk** was here during the Arts and Crafts fair, home phone 333-3069. He lives in Anchorage and concurred with Anna Anvil's statements about travel between the lakes. Wassilie said in July many villagers would camp on the west side of Takslesluk Lake for a "duck drive." From here they would chase the ducks or drive the ducks by boat from the western shore to the eastern shore on Takslesluk Lake. Those that could not fly were caught. The duck drives stopped in August to allow the rest to escape.

*Laura J. Layton* 8/5/02



# United States Department of the Interior

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

**Johnson River System  
Interim Summary Report  
Attachment 59**

Lake Clark-FY2000  
Lime Hills-FY2000  
Russian Mission-FY2000  
Sleetmute-FY2000  
Taylor Mountains-FY2000

9600 (924)

## Memorandum

To: Window 1283 - Navigability Section Files

From: Laura J. Lagstrom, Navigability Waters Specialist, AK924

Subject: Interview Report for Window 1283 - Calista Upper Kuskokwim

### Elutuli Creek

A Native Allotment for Angela Andrianoff, Casefile F-16522 Parcel A in Sec. 2, T. 16 N., R. 43 W., SM., straddles Elutuli Creek about 1/8-1/4 mile from its mouth. Elutuli flows into the Hoholitna River;

In the field exam of the Native allotment conducted August 28, 1973, the accompanying narrative and sketch diagram did not mention Elutuli Creek. (See Casefile FF-16522, Parcel A).

November 8, 1999

**Scott Guyer (photogrammetry)** viewed the aerials and estimated the creek to be approximately 60' wide from its mouth through the eastern boundary of the allotment and free of any obstructions. From this point the creek narrows to 15'-25' wide. Vegetation encroached three or four sections before the creek closed off about two miles from its mouth.

November 17, 1999

Near the 8<sup>th</sup> or 9<sup>th</sup> of September, **Matt Kurchinsky** and **Kurt Huhta**, BLM surveyors, flew by helicopter to set the POBs. Because they could not find a landing site near the creek, they landed on a gravel sandbar along the Hoholitna River. During their initial overflight of the parcel, they saw two men in a boat on Elutuli Creek heading downstream toward the mouth. The men boated up to the surveyors and said they were moose hunting and have boated the stream in the past to moose hunt.

The photographs by surveyors show a narrow, placid, unobstructed stream. The water appeared brackish and tannic looking. Kurchinsky said the creek seemed deep but it was difficult to tell.

November 23, 1999

I called Marcia Walker x3193 (Calista Region) for a contact person in BIA. She referred me to **Paul Passamika** who is the Kuskokwim Native Association Acting Realty Officer in Aniak at (907) 675-4384. Passamika said AVCP, whose offices are in Bethel, is the Service Provider for Sleetmute, Red Devil and Stony River and he has forwarded the paperwork for the allotments to Martina Campbell at (907)543-7351.

Upon review of the casefile, I found that Angela had moved to Aniak so I called Paul Passamika's office in Aniak and the secretary gave me Angela's phone number. Angela and her family live in Aniak which is about 96 air miles from her allotment.

December 1, 1999

**Angela Andreanoff (675-4631)** said when she was about three or four years old her parents lived about four bends upriver from her allotment. In the spring when all the rivers and streams were deep, they would boat to Stony River through Elutuli Creek in a home made wooden boat with a 10-horsepower propeller motor. Though the creek was deep, she remembers her dad having to cut down all the trees which blocked passage. It took about three or four hours to reach Stony River. Andreanoff is not aware of anyone using that route today. Angela estimates Elutuli Creek to be 6'-8' wide but could not estimate it's depth. The creek is too small and they do not boat it because they are too busy getting fish elsewhere.

Last fall around the middle of September she went with her sons moose hunting along the Hoholitna River. She said they were not able to boat up Elutuli Creek because their boat, between 18'-22' long was too big for the many sharp turns. It is more suitable for 12'-14' boats. A 16' boat with a 40 Horsepower is stretching it a bit. Trees and beaver dams are always present. They were hunting for about a week.

Once during the spring after ice breakup which occurs near the end of May and beginning of June, she traveled upstream 15 to 20 minutes in a 16' round bottom boat with a 40-horsepower propeller motor to look for animals to watch such as moose and otter. Before they left, however, they unloaded the boat at camp so they can travel lightly. In the fall they return to the same area to see the animals again. During the summer months the mouth sometimes dries up. She said to call either of her sons, Jesse Andreanoff Jr. who lives in Anchorage at 222-6032 or Brian Andreanoff Jr. of Aniak.

December 6, 1999

**Brian Andreanoff (675-4631)** said that his family rarely boats the creek because it is too small for their big boats. Last fall around September 5, he was moose hunting with two other men in a 18' aluminum boat with a 40-horsepower Yamaha propeller motor. Their load was about 200 pounds. He said they could not navigate Elutuli Creek with their bigger boats because it is too narrow, shallow and twisted. Near the allotment the creek is about 4' deep in the spring and 2'

deep in the summer and about 20' wide. The channel in the creek fluctuates from shallow to deep and sometimes the mouth dries up in the summer.

### **Johnson River Portage** (Kuskokwim-Yukon route)

Three Native Allotments, F-16535A, F-16537A and F-17006B straddle Johnson River in T. 18 N., R. 63 W., SM., approximately 12 and 15 miles north from its junction with Crooked Creek.

February 11, 2000

**Joe Pitka** of Russian Mission, ph. (584-5613) said he is 77 years old and hasn't boated the "old portage" route since he was 40 or 50 years old. He used to use a 18' plywood boat with a 18-horsepower propeller motor. The last time he boated the portage was in the spring near the end of May when all the rivers are high. He said Talbiksok River is always deep during spring, but at the portage they really had to work "on this side" to haul their boat over the steep bank. They also had to drag their boat through Johnson River and Mud Creek because there wasn't enough water in the rivers. The tram at Mud Creek was rotten and broken up. The whole trip to the Kuskokwim River took him two or three days and this was even during high water. He said maybe light aluminum boats could make it but they are not safe with a heavy load. He said to talk with his grandson, Harvey Pitka.

**Harvey Pitka** said the last time he boated the Yukon-Kuskokwim Portage was a couple of years ago in the spring after ice-breakup around the end of May/beginning June. Spring normally has higher water conditions. He said the tram was still usable on the (Talbiksok) side. They used one rail to carry the boat to the top and another rail to reach the other side. His uncle Willie and son, George were with him. They used a 7' boat with a 15-horsepower propeller motor. When they reached the first lake they only boated about a ½ mile out and they had to turn around because it was too shallow. I questioned him about the size of the boat and he said it was 7' long. Pitka said no one boats the portage because it is too shallow. It is quicker and cheaper to fly from Russian Mission to Kalskag which costs \$25-\$35 one way and takes 15-20 minutes.

**Carl Morgan Sr. (675-4365)** Morgan, who lives in Aniak but used to live in Kalskag, said after the trams were built people used the water route quite a bit because it was the only way to reach the Yukon River from the Kuskokwim. Morgan said, "quite a few year ago some men from Russian Mission, Kalskag and Aniak shut down the tramway at Talbiksok River, locally known as High Portage, because the equipment was becoming too dangerous to use. Everything was old . . . all the winches, trams, etc. Today you have to have a whole crew to manhandle the boats overland. High water doesn't make any difference because the ridge is so steep. Besides, most villagers use bigger boats on the Yukon and Kuskokwim Rivers and they would be too big for the shallow lakes and small channels."

Morgan said about 40 years ago during the spring when the winches, trams and rails were working, he helped some people haul a school teachers boat from Yukon River to the Kuskokwim River. All five of them traveled in a 14' wooden boat with a 9-hp Johnson motor.

They had no problem pulling the big tin boat because the rivers were high and all the trams and winches were working.

**Harvey Pitka Sr. (584-5332)** said no one boats the old portage route from the Yukon River to the Kuskokwim River today. He thinks the Fish and Game tore the trams down number of years ago because they were unsafe. He is the youngest son, so he said to call his older brothers: William Pitka - Russian Mission 584-5161; Guzma Pitka - Russian Mission 584-5626; - and a good source would be Frank One of Upper Kalskag but he does not have a telephone but I could reach him through the City of Upper Kalskag 471-2220 or Traditional Council 471-2207.

Paul Passamika recommended I call Johnny Vaska - 584-5532

February 14, 2000

**Roger Seavoy - Fish and Game in Bethel (543-2929)** Seavoy said the route between the Yukon River and Kuskokwim is traveled quite frequently by local villagers in the winter by snow machine and occasionally by recreationalists during the summer with canoes, rafts and 14' light aluminum boats. He believed Steve Jacobson, a professor from Fairbanks, made a trip down the Yukon River to Kwethluk several years ago via the Yukon-Kuskokwim portage. He works at the UAF language center in Fairbanks. Seavoy said to call Mike Reardon with FWS in Bethel who is the refuge manager and a pilot at 543-3151 and Alexie Nick, a RIT (Refuge Information Technician ) originally from Russian Mission.

**William Pitka (584-5161)** of Russian Mission was in Aniak and will be back tomorrow.

**Guzma Pitka (584-5626)** of Russian Mission was not home. He shares a telephone number with the public safety and to reach him you call the number and they will ask you to call again. They will let the phone ring so Guzma can pick up. I did not get an answer.

**Alex Nick (543-3151) RIT Fish and Wildlife - Bethel**

(The route is within the Yukon Delta National Wildlife Refuge and therefore falls under Fish & Wildlife management).

Alex Nick said in 1981 or 1982 the village of Russian Mission received a grant of \$80,000 to repair the tram but after inspection by the Yukon Delta Refuge deputy manager, the tram was found unsafe for use by heavy boats. The manager dismantled portions of the tram and the rails to make it unusable. This was around the mid 80s. In 1989, the Yukon River flood further damaged and shifted the equipment and rails.

February 17, 2000

Paul Passamika talked with Ida Williams (Sinka's wife) and explained to her the type of information I was looking for. She has an unlisted number but said I could call her at 907-471-2414 (Lower Kalskag). Paul is still trying to reach of Pete Valka's mother in Bethel.

**Ida Williams. (471-2414) of Lower Kalskag** said the last time she boated the portage was during the spring around the 2<sup>nd</sup> week of May 1982. She was with her husband, five children and

two grandchildren in a 18' Jon boat with 40 horsepower Yamaha. Her two sons and her oldest daughter accompanied them in a 12' long wooden boat mounted with a 15-HP Yamaha.

At Mud Creek and High Portage the winches were gone. Williams said Crooked Creek (Johnson River) was deep and unobstructed except for the occasional long grasses which got tangled up their propellers. At high portage they decided to haul only the 12-foot boat overland to the Talbiksok River because the ridge was so steep, especially for the bigger boat. Talbiksok River was deep and wide. Williams said this river is always deep and wide for all sizes of boats. Ida stayed back with kids and on third day after her sons came back, they ended staying in the area about 11 days boating the Johnson River, Crooked Creek and some lakes.

Williams said to call Mary Valka, an elderly lady at 543-2780. Pete Valka (dec) has an allotment that straddles Johnson River. Williams accompanied Mary to identify her allotment with the field examiner.

February 22, 2000

**Paul Liedberg - FWS, Bethel - phone 543-3151**

Liedberg said in 1985, the village of Russian Mission received an \$80,000 municipal grant from the State to improve the "Russian Mission" tram. Liedberg read several letters from his files on the Russian Mission tram project. A letter from Russian Mission, dated June 1985, stated the village is planning to use the same easement for the tram built 40-50 years ago. AVCP said no Native allotment parcels were situated along the tram route. On June 19, 1985, Fish and Wildlife Service wrote a letter back to Russian Mission stating no easement or Right of Way exists for the tramway.

During the summer of 1985 the village of Russian Mission reconstructed the tramway, but after inspection in September 1985, FWS found the work inferior according to the specifications. FWS had no option but to declare it unusable until they met the specifications.

The FWS manager wrote a letter to Russian Mission dated 12/86 (not signed copy) stating that after the tram was completed, it must be inspected by an engineer. After receipt of the notification of inspection, work can begin for a lengthy Right of Way issue. FWS did not receive a copy of the notification of the inspection by an engineer and after their own inspection FWS had no recourse but to dismantle parts of the tram to make it unusable by the public. It was not safe to use.

Liedberg said to call Jim Duffy who, according to correspondence in 1998, was the mayor of Russian Mission, phone 584-5111. I called the number and the receptionist said to call him at home, phone 584-5425. I did not get an answer.

**Sinka Williams Sr. of Lower Kalskag, phone (907) 471-2414**

Williams said nobody boats the old Yukon-Kuskokwim route today because there are no rails to drag their big boats across the land. Most villagers use bigger boats and motors on the Kuskokwim and Yukon Rivers and use smaller 16' aluminum boats with 15 horsepower motors on the smaller rivers and lakes. He said he heard that 5-7 years ago someone brought a boat from the Yukon to the Kuskokwim River via the portage.

Williams has two allotments on the Johnson River several miles west from the junction of Crooked Creek and Johnson River. He said on April 15<sup>th</sup>, he will be 66 years old and likes to fish, hunt, pick berries and do things to stay young. During July and August villagers pick salmon berries, blue berries and blackberries all along Crooked Creek, Johnson River and the surrounding lakes. They also fish for whitefish, pike, king salmon and silver salmon. Sinka said they have no need to boat up to High Portage or to the Talbiksok River because there are enough berries and fish where they are at. He said Crooked Creek is normally a little shallower, about 5' deep, than Johnson River but they used to be deeper. Williams states, "Beavers really mess up the country." There are too many beavers which dam up the rivers and lakes spoil the country for boaters.

### Johnson River

A Native Allotment for Lucy Levi (dec), Casefile F-16018B, in Sec. 15, T. 17 N., R. 64 W., SM., straddles Johnson River about 111 miles from its mouth. Johnson River empties into the Kuskokwim River. This portion of the Johnson is not part of the Yukon-Kuskokwim route.

April 5, 2000

**Paul Passamika (675-4384)** Acting Realty Specialist, Aniak said he would contact local villagers who have boated the Johnson River near Lucy Levi's allotment and an unnamed tributary of the Hoholita River near Sinka Zaukar Sr's. Parcel in Sec. 8, T. 15 N., R. 42 W., SM.

Passamika said to call **Sinka Williams Sr.** who lives in Lower Kalskag at (907) 471-2414 tomorrow morning between 8:30-9:00 AM. He has been unsuccessful in reaching Alec Levi (relative of Lucy Levi) of Lower Kalskag. Many villagers have unlisted or disconnected phone numbers. He will also contact **Scott Gibbons**, a retired Fish and Game officer, of Aniak.

April 7, 2000

**Sinka Williams Sr. (471-2414)** of Lower Kalskag said he traveled with the BLM when they marked the boundaries of Lucy's allotment a long time ago. He has two allotments downstream of Lucy's allotment.

**Williams** reaches both allotments in T. 17 N., R. 65 W., SM (miles 90 and 100 approx.) by snowmachine in the spring and by boat after ice break-up. He said Lucy's allotment is between 5-7 miles westerly from the junction of Crooked Creek and Johnson River. Williams maintains two boats, one on the Johnson River and one the Kuskokwim River to reach his allotments during the spring, summer and fall. From his home in Kalskag on the Kuskokwim River he uses

a 16' Lund boat mounted with a 30 HP and boats up Mud Creek until he reaches the portage area. He leaves his boat there and walks across about a mile and half to his other boat on the Johnson River which is a 16' Lund aluminum boat mounted with a 15-horsepower motor. He said the Johnson River is a good river, open from the mouth up to the lake above Kalskag. The river is about 7' deep in fall, a little deeper in the spring, but on average it stays between 6'-7' deep.

Locals from Lower Kalskag boat Johnson River in the spring, summer and fall to maintain their subsistence lifestyle. They pull their boats over the portage to hunt, fish, gather berries and reach their Native allotments along the river. Williams said he likes to hunt ducks in the spring and fall. He does not hunt moose or bear in this area because of the portage. They hunt moose and bear in other areas. "Lower tundra people" or "down river people" from Kasigluk, Nunapitchuk, Atmautluak hunt moose up around the big lake which is the head of Johnson River. I asked him if it was the Arhymot Lake, he didn't recognize that name and but villagers call it head of Johnson River. The river in this area has lots of trees and willows where moose and bear are. Down river the land around Johnson River is mostly lakes and tundra. The tundra people hunt moose and take it all the way back to their villages. He said Johnson River is about 30'-40' wide all the way to its mouth from Crooked Creek. There are no obstructions. The river is wide and deep and "down river people" always come up to hunt moose in the fall.

April 10, 2000

Williams said to call **Nicolai Sergie who lives in Lower Kalskag, phone 471-2346** and **Crim Evan of Lower Kalskag, phone 471-2254.**

**Nicolai Sergie** has a camp on the Johnson River below Sinka Williams camp, (approx. mile 85). Sergie reaches his camp in the spring by snow machine and then returns in a 18' Lund aluminum boat mounted with a 30-HP motor. He usually stays at camp until May or when the ice clears the Kuskokwim. Some sections of Johnson River are very deep but most places are between 10' - 15' deep except near the mouth where the Johnson River is wider and shallower. Sergie said the Johnson river is generally 20' - 30' wide except near the mouth where it is really wide. During mid-July his family picks salmon berries all along the Johnson and Crooked Creek areas. To reach this area they must drag their boat across the portage and at times, Mud Creek. However, after it rains in the fall and the Kuskokwim River gets deeper, he can motor Mud Creek. He said the tide doesn't reach this far up the Kuskokwim River.

Sergie said when it has not rained in July, the Johnson River is very low - about 5'-6' deep or less. Sometimes his motor hits bottom. His load depends on several things such as the number of people, how far they plan to travel and how long they plan to stay. This affects their camping gear such as bedding, food, clothing and the gas. He has to have help, at least 2 - 4 people, to drag his boat over the land from Mud Creek. More people if they bring lots of stuff.

Sergie doesn't hunt for moose or bear because of the work to haul the meat over the portage. During September when the Johnson River is high, lower tundra people boat the Johnson River up to Ahrymot Lake with big boats to hunt moose. Near Mud Creek and Ahrymot, the land is good for moose and bear because of the willows and small brush. In the fall all the rivers and

lakes are overflowing but when it quits raining, the rivers drop. He said the river stays deep about a month during this time. Near the mouth the uplands consist of tundra.

I called **Alec Levi** - phone number **471- 2365** who lives in Kalskag. Levi said he has not boated Johnson River since 1982 when he started working. His family used to go to their spring camp by dog team and come back to Kalskag by boat which was about 20' long and made out of lumber. He said a long time ago they did not have motors on their boats. He said to talk with Lucy Levi's family or Sinka Williams.

April 11, 2000

I called **Crim Evan** from Lower Kalskag, phone **471-2254** but got a busy number (9:30am, 10:30am, 1:30pm, 3:15pm)

I called John Andrew 1-800-543-3151, YDNWR Subsistence Program, Bethel. The secretary said John was in Anchorage this week.

I called Willie Andrew, Realty Specialist with AVCP in Bethel - 543-7352 and left a message for him to call me back.

April 12, 2000

Willie Andrew called this morning and said he had **Mike Pavilla** of Atmautluak in the office. Pavilla regularly boats the Johnson River to moose hunt. Mike said most people from Kasigluk, Atmautluak and Nunapitchuk go moose hunting near the upper reaches of the Johnson River or Arhymot Lake between the first of September through the third week. But this always depends on how much rain has fallen in August. If they have not had any rain, the river will be too shallow to boat up to Arhymot Lake.

Mike went moose hunting last fall on the Johnson with a 18' Lund mounted with a 40 hp Evinrude propeller motor. His load included 3 adults, camping gear and gas. Just before they reached Lucy Levi's allotment they began to hit bottom so they turned around. He estimated the depth to be on average 5' deep. Beyond Lucy Levi's allotment the river got as shallow as 2' deep. Pavilla said the depth of the river depends on the following: how much snow fell during the last winter, how much rain fell in June and July, the south winds, and how much rain fell in August. The past four years have been a drought. Even with rain in June and July, the river can continue to drop until they get more rain again in August. If they don't get rain in August, all the rivers are low.

Above Sinka's Williams allotment the water level usually drops and some sections become very shallow especially just before you get to the old grave site which is located just before the mouth of Crooked Creek. He said actually there are two grave sites. After you pass the grave site, Johnson River gets deeper again and the current becomes stronger.

Pavilla said if the area receives a lot of rain the banks of the Johnson River begin to erode so the local villagers are starting to use smaller boats so they don't add to the erosion. Most of villagers

don't use their bigger boats and motors on the upper reaches of the Johnson because of the shallow water and the grasses which can break the motor's lower units. They only use small boats - even if its deep. He said on average it takes two days travel from Atmautluak in high water conditions to reach Arhymot Lake. When I asked him if he took a five year average, how many times could one boat Johnson River to Arhymot Lake and he said it has been low for the last four years and villagers haven't been able to reach that far. It all depends on snow, south winds and rain. Pavilla estimated the width of the river around Lucy Levi's allotment to be between 12'-18' wide. When asked if there were any impediments, he said there are lots of beavers and beaver dams all over the country which are getting to be a problem. He did not say these were impediments to boat travel.

April 13, 2000

I tried **Crim Evan** of Lower Kalskag, phone **471-2254** again this morning but the line was busy.

March 28, 2000

**Slough off Paimiut Slough**

A Native Allotment for John Anthony (dec) Casefile F-16990 in Sec. 12, T. 21 N., R.. 59 W., SM. , straddles a slough about one mile long at its mouth.

**Willie Andrew**, a Realty Specialist with AVCP, ph. 543-7352 in Bethel said the heir for John Anthony is Axinia Peters from Holy Cross, ph. 476-7212. She is familiar with the location of the allotment and is bilingual. He also suggested the tribal administrator for the Native Village of Holy Cross ph: 476-7124 and Jake Aloysius Jr. of Anchorage, Ph 248-6755. His parents are Jake Sr. & Lena Aloysius who have allotments nearby on Paimiut Slough.

I called **Jake Aloysius Jr. ph 248-6755** said that no one uses the small slough because it comes to a dead end. There is no reason to boat the slough. He boated it back in the 50s but he emphasized local people don't boat up the slough.

March 29, 2000

**Talbiksok River**

A Native Allotment for Nick Pitka Sr., Casefile F-16112 straddles the river in Sec. 12, T. 19 N., R. 64 W., SM., approximately 36 miles upstream.

I mailed a map to **Harvey Pitka Sr. of Russian Mission, (584-5332)** showing the Talbiksok River and its tributaries. Pitka said Talbiksok River is deep and wide beyond the portage route cutoff. Local villagers can boat the river to hunt and reach their Native allotments during spring, summer and fall. There are no impediments. Locals call Talbiksok River "High portage or Portage Slough." Pitka uses a flat-bottomed 19' Carolina skiff with a 75-Yamaha horsepower motor. He can carry several adults and a large load.

### Unnamed Tributary of Talbiksok River

A Native Allotment for Stanley Nook (dec), Casefile F-16110 straddles the unnamed tributary in Sec. 32, T. 20 N., R. 64 W., approximately four miles upstream.

Garold T. McWilliams, Realty Specialist, McGrath Resource Area, conducted a field exam with the applicant on June 26, 1975. Nook stated that he uses the land to trap mink, otter, fox and lynx. The photographs show a wide, unobstructed stream flowing through the allotment.

May 10, 2000

I tried calling Stanley Nook's home at Ph: 471-2353 but did not get an answer.

**Anna Morgan (471-2219)** Nook's daughter who lives in Kalskag has never gone to her dad's allotment during the summer, just during the winter by snowmachine. She said her dad always went to his allotment by snowmachine. She said to call her brother Willy Takumjenak.

**Willy Takumjenak (584-5036) Russian Mission** - Willy has an allotment at the mouth of the creek and said a person can boat the creek with either a small or big boat after spring break-up which occurs between mid May and the end of May. It is between 15'-20' deep during June, July and August but during September the water level drops and he can only boat it with his 14'-15' boat mounted with 15 hp. During spring and summer it stays 15'-20' deep for a couple of months and one is able to boat it carrying a 1,000 pound load. He said the creek continues to be deep beyond Dad's allotment. During September the water level rises and falls depending on the rain. He mainly boats the creek during September to moose hunt. Last fall he boated a considerable distance beyond his father's allotment in a 14'-15' aluminum boat with no load. It is too shallow in September for his bigger boat, a 20' 2020sprint with 70 horsepower. He estimates it to be about 25'-30' wide around his dad's allotment during the summer. There are no known obstructions.

His dad used to live in a cabin on the allotment year round. He boated the creek during the spring, summer and fall and traveled by snowmachine during the winter. The cabin was damaged in the 1989 flood.

Peter Nick of Russian Mission used to stop in at Stanley Nook's cabin in winter. He said the Eskimo name is "Kaghta'lik" which villagers from Kalskag should know the English translation. He said the creek is very deep and wide up to a big lake.

**Norman Housler (584-5413) of Russian Mission** stays at Willy Takumjenak's cabin situated at the mouth and is very familiar with the stream. He said during the spring any size boat can reach Stanley Nook's old cabin and boat beyond it. The stream is very deep. From June to about the first of August the stream is about 6' deep. During August and September, the stream gradually drops to 1'-2' deep. Housler boats with a 18' aluminum with 50 horsepower Mercury motor.

Last August 1999 he went hunting by himself in his 18' aluminum boat and traveled beyond Stanley Nook's allotment. He said many others from Russian Mission moose hunt in this area. There are no obstructions. During the spring after break up, he said it was about 150' wide around Stanley's place but decreases to 25'-30' in the summer.

**Harvey Pitka Sr. (584-5332) of Russian Mission** said this tributary would be boatable in the spring along with the surrounding rivers and tributaries which are deep. However, after the flood stage, this tributary is very shallow. Villagers do not boat the tributary in the summer because it is too shallow and there are too many mosquitos. Occasionally he boats the slough in the fall to moose hunt but the water does not stay high very long. He uses a flat-bottomed 19' Carolina skiff with a 75-Yamaha horsepower motor.

### Tributary of Talbiksok River

A Native Allotment for Sam Savage, Casefile F-16021, Parcel B, in Sec. 1, T. 19 N., R. 64 W., SM., straddles the stream approximately seven miles upstream.

**Harvey Pitka Sr. (584-5332) of Russian Mission** said this tributary is always shallow even during the spring. He said on the map where it is double lined (about two miles beginning at the mouth) it is deep, but after that where single-lined it is very shallow. He uses a flat-bottomed 19' Carolina skiff with a 75-Yamaha horsepower motor.

### Unnamed tributary of Hoholitna River -Mouth in Sec. 8, T. 15 N., R. 42 W., SM.

A Native Allotment for Sinka Zaukar Sr. (dec), Casefile, F15362, parcel C, straddles and unnamed tributary of the Hoholitna River about 1/4 mile from the mouth. The township is selected by the state, casefile SS F-15362. I did not find a navigability report for this township.

Jon Dolok, Realty Specialist, McGrath Resource Area, examined the parcel on August 27, 1973 by helicopter. It was too marshy to land so he examined the parcel by making several passes over it at low altitude. No BLM markers were set. The field report did not reference the water body that flows through the western boundary.

April 6, 2000

Paul Passamika said Sinka Zaukar Sr's allotment is under the jurisdiction of AVCP. I called **Willie Andrew**, a Realty Specialist with AVCP, ph 543-7352 in Bethel told him I would like to talk with villagers who have boated the unnamed stream through Sinka Zaukar's allotment.

April 25, 2000

**Willie Andrew** contacted Sophie Andrianoff, Tribal Administrator for Sleetmute, Ph 449-4207 and told her BLM was wanting to talk with people who were familiar with the creek that flows through Zaukar's allotment. Andrew faxed her a sketch diagram of the allotment. Willie also left a message for Moxie Alexie who used to be Realty Administrator for KNA to call him.

In the casefile, Shirley Rackley, Realty Specialist, CTF wrote a letter to Willie Andrew, 3/3/00 requesting help in locating Zaukar's allotment. I talked with another Realty Specialist, Karen Collie and she said Rackley is out of the office until the end of May. I left a message for Shirley to call me before she does the field exam. Karen said Shirley is planning to do a field exam for the site in June. The helicopter is reserved by them June 7<sup>th</sup> out of Aniak; June 8-11 out of Sleetmute; June 12<sup>th</sup> out of Aniak and Minerals staff has it June 13<sup>th</sup>. The pilot is Sam Eagley of King Salmon.

May 2, 2000

I talked with Zaukar's widow, **Balasha Zaukar (449-4221)** of Sleetmute this morning. She did not know where the allotment was located. She said to call either Nick Mellick or her son, Vernon. She did not know the phone numbers for either. I called a Pete Mellick and the woman who answered the phone said Nick Mellick's number is 449-4252. I called Moxie Alexie, President for Sleetmute Traditional council ph 449-4223 and left a message for him to call me.

May 5, 2000

**Nick Mellick of Mellick's Trading Post in Sleetmute, (phone 449-4252)**, said his father established the trading post and that is where the BLM Realty crew will be staying in June. Nick has flown and all over this area and said the stream flowing through Zaukar's allotment is known as Townsite Creek. The water is reddish colored which locals call tundra water and is not drinkable. The first ten miles are filled with beaver dams. He has never seen anybody boat the stream because during the summer it is more like a slough about 75' wide and 3'-4' deep near the mouth. Further inland about 50'-100', the creek becomes very shallow and filled with silt. It has a soft silty bottom.

Mellick is a history buff and taped stories from locals who are now gone. He taped about 20,000 local names of rivers, streams, lakes, old village sites, etc. Many places have Eskimo and Indian names and he has tried to capture both. He gave copies to the language department at the University of Alaska, Fairbanks and to Jim Carrey who used to be with the language department but now works for the National Park Service, Fairbanks.

May 26, 2000

I talked with Moxie Alexie, President of Sleetmute Traditional Council about the location of Sinka Zaukar's allotment. I faxed him a copy of the draft sketch diagram, the Land Title Page from the casefile, and a map of the township where Sinka Zaukar's allotment is located.

May 31, 2000

Shirley Rackley called and said she would take pictures of the water body when she goes out next week.

July 10, 2000

I met with Shirley Rackley, Realty Specialist, ADO today and she was able to conduct a field exam of the parcel by helicopter on June 11, 2000. She was accompanied by Nick Mellick of

Sleetmute. Rackley was unable to gather any information from Zaukar's widow, Balasha nor contact any relatives in Sleetmute regarding the location or use of the parcel. It appears from the field exam sketch diagram, the parcel has moved northwesterly of its current position and the western boundary lies adjacent to the Hoholitna River and the southern boundary straddles a small portion of the unnamed tributary. The attached color photographs show the stream to be unobstructed and muddy colored. No evidence of use was seen on the allotment. Rackley said all the surrounding water bodies were high because it had been raining off and on the past month. Near the mouth one could see the muddy effluent lining the right bank of the Hoholitna River.

*Kenneth Logstrom*

APR 7 1978

SD

Final Easements for the  
Village of Kasigluk

Chief, Division of Technical Services (941) *W. J. Lead*

**Johnson River System  
Interim Summary Report  
Attachment 60**

The easement staff met on April 26, 1977, to consider the final easement recommendations for lands selected by Kasigluk Village. Of those recommendations, my decision is to have the following easements included in the conveyance to Kasigluk.

| <u>E.I.N.</u> | <u>DESCRIPTION</u>   |
|---------------|--|
| 1 C3, D1, D9  | An easement for an existing access trail twenty-five (25) feet in width from Kasigluk easterly to Bethel. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.   |
| Discussion:   | Reservation of this existing winter trail is necessary to assure continued public access for intervillage travel. The trail passes through Nunapitchuk and continues southeasterly to Bethel and the public waters of the Kuskokwim River. The twenty-five foot width will allow travel by foot, dogsled, pack animal, snowmachine, and other small vehicles.          |
| 3 C3, E       | An easement for a proposed access trail twenty-five (25) feet in width from Kasigluk, southwesterly to site easement #3a on the shore of Nunavakpak Lake and continuing westerly to public lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.   |
| Discussion:   | Reservation of this trail easement is necessary to facilitate access to Nunavakpak Lake and public lands. In traveling between the village and public lands, persons might stop to rest and camp temporarily at site easement #3a on the lake. The twenty-five (25) foot width will allow travel by foot, dogsled, pack animal, snowmachine, and other small vehicles. |
| 3a E          | A site easement upland of the ordinary high water mark in Sec. 19, T. 9 N., R. 75 W., Seward Meridian, on the north shore of Nunavakpak Lake. The site is one (1) acre in size with an additional twenty-five foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.                    |

**Discussion:** This site will facilitate access between Kasigluk and public lands via trail easement #3. The site will also provide for floatplane tie-up and thus, facilitate access from the lake to public lands or the village of Kasigluk. In addition, space will be provided for temporary camping and storage of supplies.

6 C4 A one (1) acre site easement upland of the ordinary high water mark in Sec. 13, T. 9 N., R. 75 W., Seward Meridian, on the right bank of the Johnson River, adjacent to the Kasigluk airport lease. The site is for camping, staging, and vehicle use.

**Discussion:** This one acre site easement is necessary to facilitate use of the Johnson River for travel to Kasigluk, Nunapitchuk, and public waters to the north and south. People flying in to the area at the airstrip can move their supplies and equipment to the site over road easement #6a before proceeding along the river. At the site, space will be provided for overnight camping, boat moorage, floatplane tie-up, and temporary storage of equipment.

6a C4 An easement sixty (60) feet in width for an existing road from the Kasigluk airstrip, northeasterly to the Johnson River for access to the river and site easement #6. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

**Discussion:** This is an existing road that has been used to haul freight and passengers between the airport and the Johnson River. Originally, the easement recommendation had been for a twenty-five foot trail. However, the 25-foot width was considered inadequate because larger vehicles are used to move freight between the airport and the river for travel on to Kasigluk and Nunapitchuk. The easement is being reserved as a sixty-foot road to protect the existing use and to provide access to site easement #6 on the Johnson River. The road is presently under Right-of-Way application #AA 15039.

7 C4, C5 A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Johnson River and an easement on the entire bed of the non-navigable portion of the Johnson River through the village selection

area. Purpose is to provide for public use of waters having highly significant present recreational use.

**Discussion:**

The Johnson River has been designated as being navigable to the village of Kasigluk. The river receives heavy barge travel between May and October up to the village of Kasigluk. The Johnson River is also a popular stream for recreationists, primarily sportfishermen. This easement will provide space for foot travel, boat moorage, and other uses associated with travel on the river.

8 C4

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable canal system from Kasigluk easterly to Nunapitchuk. Purpose is to provide for public use of waters having highly significant present recreational use.

**Discussion:**

This canal system has been given a navigable designation based on existing use. It is used for travel and shipping between the villages of Kasigluk and Nunapitchuk. To protect this existing use as an intervillage access route and as a link in the Johnson River travel system, this streamside easement is being reserved.

9 C4, C5

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the stream draining Kyigayalik Lake in its entirety through the Kasigluk selection area. Purpose is to provide for public use of waters having highly significant present recreational use.

**Discussion:**

This stream is used by regional residents for travel and subsistence fishing. The route also provides access to the waters of Kyigayalik Lake and public lands isolated by village selection. This stream also provides access to a portage route north of Kasigluk. Space will be provided for foot travel, boat docking, and other uses associated with travel along the waterway.

10 C

The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

Discussion: Standard survey easement.

11 C

Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

Discussion: Standard transportation easement.

The waters in this selection area are not considered to be affected by tidal influence and therefore the marine coastline easement does not apply to this area. The identification of periodic coastline easements as per the Calista easement agreement does not apply to those lands. The easements as listed above are complete and no additional easement work is required before the draft DIC is prepared.

/s/ Curtis V. McVee

cc:  
DM-A (010)

Johnson River System  
Interim Summary Report  
Attachment 61

2651 (941)  
F-14835-EE  
F-14835-A

State Office  
555 Cordova Street  
Anchorage, Alaska 99501

JAN 14 1977

NOTICE OF PROPOSED EASEMENT RECOMMENDATIONS  
FOR THE VILLAGE OF ATMAUTLUAK

Pursuant to Departmental regulations (43 CFR 2650.4-7), notice is hereby provided of public easements identified on lands selected by Atmautluak Limited (Atmautluak).

Subject to valid existing rights, the following described lands will be conveyed in the near future. These lands are only a portion of the total selected lands which are shown on the enclosed maps:

Seward Meridian, Alaska (Protracted)

T. 9 N., R. 73 W.  
sections 1-36

T. 9 N., R. 72 W.  
sections 3-10, 15-22, 27-33

T. 8 N., R. 74 W.  
sections 1-4, 9-12, 14-16, 21-23

T. 8 N., R. 73 W.  
sections 4-8

T. 10 N., R. 73 W.  
sections 1-18, 20-28, 33-36

T. 10 N., R. 72 W.  
sections 3-10, 15-22, 27-34

T. 11 N., R. 72 W.  
sections 29-34

T. 11 N., R. 73 W.  
sections 25-36

T. 11 N., R. 74 W.  
sections 25, 36

1976

The following easements are hereby recommended for inclusion in the conveyance document under the provisions of section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971:

Easement Identification  
Number (EIN)

- 1 D9, D1      This recommendation is for a 25-foot wide trail which passes from Kasigluk to Bethel and passes through this selection area in route. It provides access between villages and access to public lands and waters.
- 8 C5      This recommendation is for a one-acre campsite easement located in section 4 or 5, T. 8 N., R. 74 W., Seward Meridian, on the left bank of the Johnson River. The site provided a storage area for gravel used in the construction of the Kasigluk airport. The gravel part will provide a good campsite in the low swampy land.
- 9 C4      This recommendation is for a 25-foot wide streamside easement along each bank of the Johnson River and on the bed of the stream north of Kasigluk. The Johnson River is one of the most commonly used routes for travel and recreation in the area.
- 10 C4      This recommendation is for a 25-foot wide stream side easement on the Pikmiktalik River. This stream is another of the most commonly traveled routes in the area, therefore, it is a highly significant stream for recreation and general travel. The easement is to be on each side of the stream, plus the bed of the stream in areas where the stream is not navigable, such as the area north of Atmautluak.
- 11 C4      This recommendation is for a one-acre site easement located in section 31, T. 11 N., R. 72 W. Seward Meridian, on the left bank of the Pikmiktalik River. This site is to facilitate the use of the Pikmiktalik River as a route to and from public lands. Additionally, a 25-foot wide easement is reserved below the mean high-water mark on the bed of the Pikmiktalik River adjacent to the one-acre site easement.

12 C4, C5

This recommendation is for a one-acre site easement on the left bank of the Pikmiktalik River in section 35, T. 9 N., R. 73 W., Seward Meridian. This easement is to facilitate the use of the river, as it is a heavily traveled route to and from public land.

14C

The general right to enter upon the lands for cadastral, geodetic, or other survey purposes is reserved.

15C

An easement is reserved for the transportation of energy, fuel and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States.

The following easement was not considered because it is not located on lands described in this notice.

13 C4, C5

This recommendation is for a streamside easement on the identifiable channels of travel or portage between Baird Inlet and Takselsluk Lake (also known as Long Lake). This route is the route between the Johnson River drainage, on which Kasigluk is located, and the Baird Inlet area. The exact locations of the channels and portages are not well known, but the intent of this easement is to reserve an easement on those areas used in fact on the ground. The areas of this portage that are in the Atnautluak selection area are relatively low down on the portage system and the Johnson River probably covers most of this area. The other parts of the portage are identified on the Unapitchuk selection area.

The following easements, not shown on the attached maps, were not considered because they were outside the selection area:

2 D9

This is a trail from Bethel to Tuntutuliak along the Kuskokwim River.

3 C3, D9

A trail from Bethel to Tuntutuliak.

4 C3

A road from Bethel to the AIA site outside Bethel.

5 D9

A campsite in the Kasigluk selection area.

6 D9

A campsite in the Unapitchuk selection area.

7 D9

A campsite in the Napakiak selection area.

**Navigability:**

The following water bodies are determined to be navigable due to travel, trade and commerce:

Johnson River - through the selection area to the village of Kasigluk.

Pikmiktalik River - flows into the Johnson River to the village of Atmautluak.

This notice does not cover statutory reservations such as railroads, ditches, canals, telegraph lines, or granted rights-of-way.

Written comments must be filed with the Joint Federal-State Land Use Planning Commission, 733 West Fourth Avenue, Suite 400, Anchorage, Alaska 99501, no later than FEB 28 1977. A copy of any comments should also be sent to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.

Curtis V. McVee  
State Director

cc:  
DM-A (102)  
Public Service (Fairbanks)  
Public Service (941)

OCT 13 1977

DATE:

memorandum

REPLY TO  
ATTN OF: SD

In reply refer to:  
2650.58 (932)  
FF 14835 EE

SUBJECT: Final Easements for the  
Village of Atmautluak

TO: Chief, Division of Technical Services (941)

The easement recommendations of the Land Use Planning Commission contained no changes from the Notice of Proposed Easements for the lands selected by the village of Atmautluak. Therefore, no second Easement and Navigability Task Force meeting was held. The final easement recommendations for the lands being conveyed to the village of Atmautluak are as follows:

E.I.N.

DESCRIPTION

1 DL, D9

An easement for an existing access trail twenty-five (25) feet in width from Kasigluk easterly to Atmautluak and on to Bethel. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

Discussion:

This easement is necessary for travel between villages and for access to public waters. This trail is a heavily used route between Kasigluk and Bethel. It is used by a number of people from a variety of villages and is necessary to provide public access across the selected lands to the villages and to public waters. Through various branches this trail also provides access to public lands.

**Johnson River System  
Interim Summary Report  
Attachment 62**

8 C5

A one (1) acre site easement upland of the ordinary high water mark in Sec. 4, T. 8 N., R. 74 W., S.M., on the left bank of the Johnson River. The site is for camping, staging, and vehicle use. Note: This easement corresponds to Nunapitchuk #7 C4, C5. It is an existing gravel pad near the boundary of both village selections.

Discussion:

This site is necessary as a resting and camping area along the navigable Johnson River. Both sides of the river are selected by Native corporations for many miles up and downstream from this location. This provides an upland area along the river for those seeking an area to stay overnight. This site facilitates the



Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan

use of the public waters in the river and is necessary for this public use. Originally, this site provided a storage area for gravel used in the construction of the Kasigluk airport. The gravel for the airport has been removed but a gravel pad suitable for camping and staging remains in this low swampy area.

9 C4

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable portion of the Johnson River throughout the Atmautluak selection. Purpose is to provide for public use of waters having highly significant present recreational use.

**Discussion:**

This easement is necessary to facilitate the public use of the public waters and resources found in the Johnson River. The Land Use Planning Commission concurred with the BLM recommendation for this easement.

10 C4

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable portion of the Pikmiktalik River from the Johnson River to the village of Atmautluak and a streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the non-navigable portion of the Pikmiktalik River from the village of Atmautluak northerly to public lands. Purpose is to provide for public use of waters having highly significant present recreational use.

- Discussion: This easement is necessary for utilization of the public waters and resources in the Pikmiktalik (Tundra) River. This river is one of the main travel routes across Native selected land to lands remaining in public ownership. The Land Use Planning Commission concurred with the BLM recommendation for this easement.
- 11 C4 A site easement upland of the ordinary high water mark in Sec. 31, T. 11 N., R. 72 W., S.M., on the left bank of the Pikmiktalik River. The site is one (1) acre in size with an additional 25-foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping and vehicle use.
- Discussion: This site is necessary as a resting and camping area along the public waters found in the Pikmiktalik River. The site would be used when the public is traveling along this river.
- 12 C4, C5 A one (1) acre site easement upland of the ordinary high water mark in Sec. 35, T. 9 N., R. 73 W., S.M., on the left bank of the Pikmiktalik River. The site is for camping, staging, and vehicle use.
- Discussion: This easement is necessary to facilitate the public use of the Pikmiktalik River as a route to public lands. The site is necessary to provide a resting area and camping area for those using the river as a travel route between villages and public lands.

- 14 C                   The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.
- Discussion:           Standard survey easement.
- 15 C                   Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.
- Discussion:           Standard transportation easement.

The waters in this selection area are not considered to be affected by tidal influence and therefore the marine coastline easement does not apply to this area. The identification of a periodic coastline easement as per the Calista easement agreement does not apply to these lands. The easements as listed above are complete and no additional easement work is required before the draft DIC is prepared.

*Neil R. Bawit*  
Acting

2-Way Memo

NAVIGABILITY - ~~MANAPITCHUK~~

| INSTRUCTIONS  |  |
|---|--|
| Use routing symbols whenever possible.  |  |
| SENDER:<br>Use brief, informal language.<br>Conserve space.<br>Forward original and one copy. |  |
| RECEIVER:<br>Reply below the message, keep one copy, return one copy.                         |  |

To : RESOURCES (932)  
SHERM BERG

|  |                       |
|--|-----------------------|
| DATE OF MESSAGE<br>3/28/80                           | Routing Symbol<br>963 |
| SIGNATURE OF ORIGINATOR<br><i>Master L. Keratler</i> |                       |
| TITLE OF ORIGINATOR<br><i>Realty Specialist</i>      |                       |

OLD INITIAL MESSAGE FOLD

Please review the attached selection for navigability. The concerned water bodies are shown in orange. See attached for specifics gathered on water bodies during Manapitchuk village meeting of 3/27.

REPLY MESSAGE

- 1) See attached <sup>typed</sup> memorandum, which contains data and recommendations involving the village of Atimutluk and Kooigut, in addition to the village of Manapitchuk. (Copies should be made for these village selection files)
- 2) Please obtain copy of map, as annotated, for Div of Resources, Thompson.

From : Resources (932)

*• Old Brown 4/7/80*  
*Berg 4/7*  
*Phelan 4/9*

|  |                |
|--|----------------|
| DATE OF REPLY<br>4/3/80                      | Routing Symbol |
| SIGNATURE OF REPLIER<br><i>Sherman Berg</i>  |                |
| TITLE OF REPLIER<br><i>Realty Specialist</i> |                |

5027-104

1. TO BE RETAINED BY ADDRESSEE

OPTIONAL FORM 27  
JULY 1973  
GSA FPMR (41 CFR) 101-11.6

Johnson River System  
Interim Summary Report  
Attachment 63

## Navigability

1) Ekemik talik River - Both Nunapitshuk and Atmautluak people believe the river is navigable throughout both sections. The river served as the major transportation route to public lands south of the section for fishing, hunting, trapping, berry picking and other subsistence uses.

The river above Atmautluak is also connected with the Johnson River by several slough and lake systems. It could be reasoned that the Ekemik talik is an interconnecting slough system of the Johnson River and thereby is navigable. The lake systems shown in orange, between Nunapitshuk and Atmautluak is interconnecting. Arthur Jenkins, store owner in Atmautluak also uses this lake and slough system to transport goods between Atmautluak and Nunapitshuk. It was estimated that 20 people per day use this route.

2) Unnamed slough between Kugayalik and Nunavakpak Lake - Villagers use route as transportation system between lakes. Camps are located along slough and Nunavakpak Lake (as indicated on map). Water allotments are also located along the shore of the lake. The slough is approx 20-40 wide and 20-30 deep. Route is extensive, used during fall, months in preparation for winter trapping. Use was recent.

10 or more trips per week.

Used for subsistence purposes, as a travel route to camps and water allotment. Slough used by Inuit people more than Nanavik.

3) Nanavik park lake - same as above for uses.

Lake averages 15'-20' deep. Lake in one area is reported to be bottomless.

The fish in the lakes are reported to be different than anywhere else.

4) Unnamed slough and lakes along south shore of Nanavik park lake - Mostly Lake and slough systems used for subsistence purposes. No other uses documented.

Eastern slough system used as travel route to fall camp and for subsistence purposes. Supplies are shipped along slough during summer months stored at camp and then utilized during winter months while trapping.

Skiffs from 20'-30' with up to 115 horse power outboard motors are used on all waterbodies within the selection areas.

Villagers feel that subsistence use is evidence of acceptability of navigability.

Johnson River System  
Interim Summary Report  
Attachment 64

F-14838-A  
(2651)  
✓ F-14835-EE (75.4)  
(963)

AUG 7 1980

*KATSTETTER*  
*8/5/80*  
*eShah*  
*G.*

Mr. Ron Swanson  
Land Management Officer  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
323 East Fourth Avenue  
Anchorage, Alaska 99501

Dear Mr. Swanson:

Enclosed is the draft SD memo for Atmautluak Ltd., for the village of Atmautluak and lands selected in which lists the section 17(b) easement recommendations which have been conformed to the new easement regulations issued November 27, 1978. Please review these recommendations and if you disagree with them, notify this office within the next ten (10) days. If we do not hear of an objection by the State, we will assume you agree with these recommendations and the final easement recommendations will be issued as enclosed.

Sincerely yours,

/s/ Robert D. Arnold

Robert D. Arnold  
Assistant to the State Director  
for ANCSA

Enclosures:  
Draft SD memo  
Draft DIC  
Maps

963/MKatstetter/kb:08/04/80 x-5762  
KB#5///A

The acreage included in this draft DIC is only a portion of the total entitlement. For various reasons listed in the enclosed information sheet ("Reviewing the Draft Conveyance Documents"), we are unable to convey the entire entitlement at this time, but it will be conveyed at a later date.

Sincerely yours,

/s/ Robert D. Arnold

Robert D. Arnold  
Assistant to the State Director  
ANCSA

Enclosures:  
Draft SD Memo  
Draft DIC

963/MKarstetter/kb:08/04/80 x-5762  
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Draft DIC

963/MKarstetter/kb:08/04/80 x-5762  
KB#5///A

The Johnson River and its interconnecting sloughs throughout the selection.

The Pikmiktalik River and its interconnecting sloughs from where it flows from the interconnecting unnamed lake system between Nunavakanukakslak Lake and the Johnson River in Sec. 12, T. 9 N., R. 74 W., Seward Meridian downstream to its confluence with the Johnson River.

The unnamed lake system between the Pikmiktalik and Johnson River in Secs. 7, 8, 17, 18, 19, 20, 27, 28, 29, 30, 31, 32, and 33 T. 9 N., R. 73 W.; and Secs. 2, 3, 4, and 10, T. 8 N., R. 74 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence, they were considered nonnavigable.

**DRAFT**

ALLOWABLE USES:

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 identified. Uses which are not specifically listed are prohibited.

variety of villages and is necessary to provide public access across the selected lands to the villages and public waters. Through various branches, this trail also provides access to public lands.

- b. (EIN 11 C4) A site easement, upland of the ordinary high water mark, in Sec. 31, T. 11 N., R. 72 W., Seward Meridian, on the left bank of the Pikmiktalik River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This easement is necessary to facilitate use of Pikmiktalik River as a travel route. The site is necessary to provide a resting area and temporary camping area for those using the river as a travel route to public lands.

DRAFT

- c. (EIN 12 C4, C5) A one (1) acre site easement, upland of the ordinary high water mark, in Sec. 35, T. 9 N., R. 73 W., Seward Meridian, on the left bank of the Pikmiktalik River. The uses allowed are those listed above for a one (1) acre site.

- c. (EIN 10 C4) A streamside easement, twenty-five (25) feet in width, upland of and parallel to the ordinary high water mark on all banks of the navigable portion of the Pikmiktalik River, from the Johnson River to the village of Atmautluak, and a streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the non-navigable portion of the Pikmiktalik River from the village of Atmautlauk northerly to public lands.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the new easement regulations published November, 27, 1978.

- d. (EIN 14 C) The right of the United States to enter upon the lands herein granted, for cadastral, geodetic or other survey purposes, is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

The new easement regulations make no provision for this type of easement.

DRAFT

- f. (EIN 16b C5) An easement twenty (20) feet in width for a proposed buried powerline from the village of Atmautluak in Sec. 20, T. 9 N., R. 73 W., Seward Meridian, northwesterly to the powerplant at the village of Nunapitchuk.

Discussion:

Final design necessary to assure correct location of the proposed powerline is not complete at this time.

DRAFT

963/MKarstetter/mjl/1-31-80/x5808  
mjl/19/0 kb:07/31/80x5762



# United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

F-14914-EE (75.4  
(963)

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

**Johnson River System  
Interim Summary Report  
Attachment 65**

September 15, 1980

Memorandum

To: Files

From: Marty Karstetter

Subject: Meeting with Calista Corporation to Discuss Certain  
Water Bodies Thought to be Navigable by Nunapitchuk,  
Limited

On September 10, 1980, upon request of Calista Corporation, a meeting was held to discuss certain water bodies thought to be navigable by Nunapitchuk, Limited (NL) and not determined navigable in the SD Memo. Those in attendance are as follows:

Nelson Agnapak  
Felix Hess  
Robert Nick  
Jim Brennan  
Marty Karstetter  
Carlene Welfelt

NL was concerned about three specific water bodies and provided the following information:

1. The unnamed lake system in Secs. 33 and 34, T. 10 N., R. 74 W. and Secs. 3, 4, 5, 9, and 10, T. 9 N., R. 74 W., Seward Meridian is interconnected with the Johnson River, Nunavakanukakslak Lake and an unnamed lake system lying to the east, all of which had been determined navigable by the BLM. NL does not understand how all the adjacent and connecting water bodies can be determined navigable and this system remain nonnavigable. The system is used by approximately 10 to 15 boats per day seven days a week for inter-village travel between the villages of Nunapitchuk and Atmautluak.

I stated that it was the BLM's intention to include all interconnecting water bodies in the area as being navigable, but the maps did not show them connecting.

2. Also thought navigable by NL is an unnamed lake in Secs. 15 and 16, T. 9 N., R. 74 W., Seward Meridian. The lake is used for trapping and other subsistence purposes with most of the use occurring in the month of May. Kayaks and canoes are the normal crafts used as the lake is landlocked.
3. The unnamed lake and interconnecting slough in Secs. 27, 28, 29, 30, 31, 32, and 33, T. 8 N., R. 76 W.; Secs. 25, 26, 35, and 36, T. 8 N., R. 77 W.; Sec. 1, T. 7 N., R. 77 W.; and Secs. 4, 5, and 6, T. 7 N., R. 76 W., Seward Meridian is also believed navigable by NL. The system is used for subsistence purposes.

On September 11, 1980, I discussed the above water bodies with Sherm Berg, Division of Resources. His conclusions are as follows:

Water body 1 above is in fact navigable. Because it interconnects with water bodies previously determined navigable it is therefore also navigable. The system was not addressed in the SD Memo because the system is not shown as connecting on the USGS quad maps.

Water body 2 above is nonnavigable. It is land locked and water craft used are not capable of carrying a 1,000 pounds and subsistence uses alone are not sufficient to support a determination as navigable.

Water body 3 above is nonnavigable. Subsistence uses alone are not sufficient to support a determination as navigable.

*Martin Karveth*

# 2-Way Memo

Subject: *Atmautluak F-14835-EE*

**INSTRUCTIONS**

Use routing symbols whenever possible.

**SENDER:**  
Use brief, informal language.  
Conserve space.  
Forward original and one copy.

**RECEIVER:**  
Reply below the message, keep one copy, return one copy.

To: *Resources (932)*  
*NAVIGABILITY*

Johnson River System  
Interim Summary Report  
Attachment 66

|                 |                |
|-----------------|----------------|
| DATE OF MESSAGE | Routing Symbol |
| <i>12/30/80</i> | <i>963</i>     |

SIGNATURE OF ORIGINATOR  
*Martin L. Kauttke*

TITLE OF ORIGINATOR  
*Realty Specialist*

INITIAL MESSAGE

Please review and comment on the navigability portion of the attached selection. Attached is the blue line assessment map with the waters thought to be navigable by Atmautluak, Ltd. shown in green. Other information of regards to specific uses are shown in brown. Normal craft for the area range in length from 16'-30' and are powered by outboard motors from 25-115 hp. The Pikriktalik River is heavily used by people from both Atmautluak and Akiachak. The Akiachak people have native allotments located just north of the selection and use the Pikriktalik to transport their goods and supplies which are obtained in Atmautluak. The water bodies are also utilized for fur hunting and trapping and the associated transportation of goods and supplies. The two unnamed lakes in the above townships lying NE and E of the village (outlined in green) are considerably smaller in area than as shown on the quadrangle because the remaining areas are shallow grassy swamps and therefore not navigable.

REPLY MESSAGE

*See attached*

From: *Resources (932)*

|                |                |
|----------------|----------------|
| DATE OF REPLY  | Routing Symbol |
| <i>1/28/81</i> |                |

SIGNATURE OF REPLIER  
*Sherran [Signature]*

TITLE OF REPLIER  
*Realty Specialist*

Memo

To: Files F14835-EE Atmuntluk  
From: Polty Specialist (932)  
Subject: Navigability Review

Johnson River System  
Interim Summary Report  
Attachment 67

A review has been made of the data provided to the dir of ANCSA by members of the Atmuntluk Corporation.

- 1) The use of lineal waterways in the southerly portion of the selection area during periods of storms by craft capable of carrying in excess of 1,000 pounds to the village of Atmuntluk is indicative of ~~the~~ <sup>their</sup> susceptibility to commerce, if not navigable in fact.
- 2) The use of the Pitmiktoilik River through the selection area to reach an area where inhabitants of Alichak ~~the~~ Village have seasonal camps and native allotments in craft capable of carrying in excess of 1,000 pounds indicates the navigability in fact of the subject river.
- 3) The use of a channel from the Johnson River through lakes and a channel to reach the Pitmiktoilik River and fall camps in the northerly and northwesterly area of this selection and thence northerly on the Pitmiktoilik River to reach the area used by Alichak villagers (as in 2) above) is indicative that this route is navigable in fact. The VSGS map shows one area as being land, but due to the extreme barrenness of this area it is probable that the channel exists.

The lakes, which are part of this route, are also considered navigable.

4) Other water areas shown by the villagers of Atmuntluk as being considered navigable by them are considered non-navigable because of the absence of seasonal camps and native allotments. Use of the areas is probably for subsistence purposes on a basis less intensive than in the other cases.

Because of the complex water-level pattern in this area the blue line ~~map~~ VSGS Map has been used to show the additional waters considered navigable, as discussed above.

Sherman Blair

## A Boat Ride from Bethel to Marshall

7/23/03

by Ted Horner

If I said it was an easy trip, I'd be a liar, but regardless it had to be the most memorable boat trip I've ever taken.

Hoping to stretch my water legs, I decided to try to make a solo cross country trip from Bethel across the tundra to the coast in my 16-footer. I had heard about the overland route, which required a portage between lakes, but didn't have a clue how to accomplish it.

Armed with maps, GPS coordinates, a 100 foot Come-A-Long and loads of advice from Mike Rearden, Robert Sundown and Earl Atchak I headed out of Bethel Sunday morning last week. (See map route page 12.)

The trip down the Kuskokwim to the Johnson under a light rain was uneventful as was the well-traveled route to the tundra village of Kasigluk.

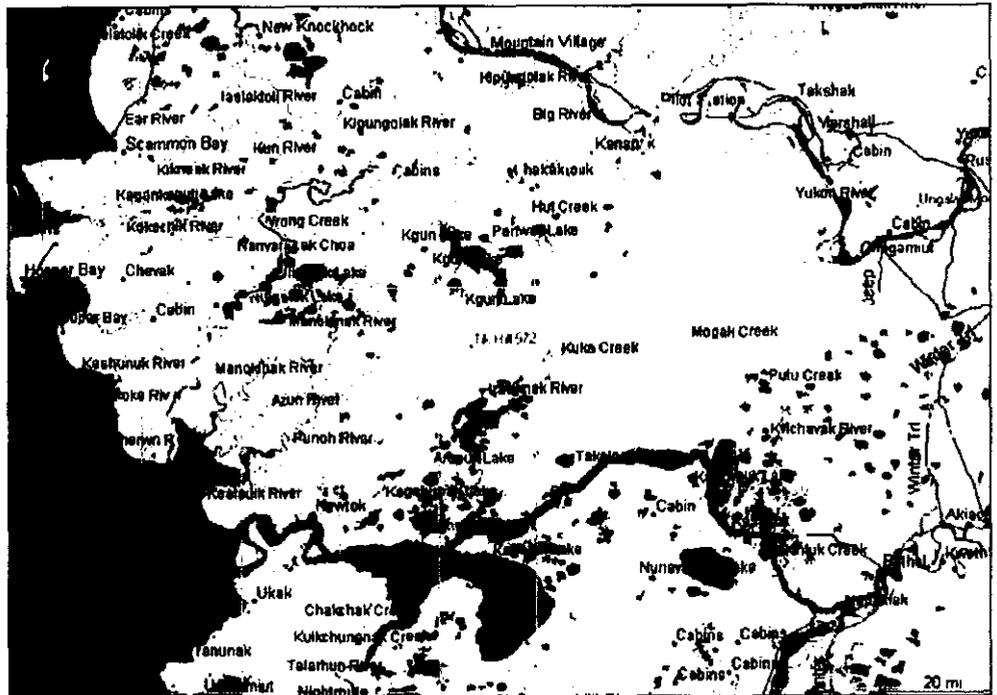
Here's where it started getting tricky.

The way to the 1/4 mile portage to Takslesluk Lake is a complicated route through many small and large lakes connected by tiny, hidden sloughs.

Passing the old village of Nunachuk, I was passed by a lone fisherman in a skiff heading out to check his net on Kayigyalik Lake. I followed in his wake taking advantage of his shortcut through the dense underwater lake grass.

As I passed him and waved, he was to be the last soul I would see for over 100 miles.

The further I traveled, the narrower the sloughs and the shallower the water until the boat was parting the grasses and the outboard churning mud.



*The interior route from Bethel to Marshall took about 3 1/2 days covering approximately 450 miles through the tundra villages, out Baird Inlet and up the Kashunuk River to the Yukon.*

Just as I was resigned to pulling my boat through the shallow muddy water I spotted a manmade wooden structure in the distance. As I neared, I could see it was a ramp from the water leading up to the tundra. Beyond, were railroad tracks heading toward another lake in the distance.

This was finally the portage I had heard so much about. It appeared well-constructed with a small "car" that was pulled along the rails with a series of old rusty winches.

It was a simple matter, even for me, to single-handedly crank the boat up the ramp, onto the car and move it toward the distant lake. However, as it passed the peak of the track and started heading downhill, the boat almost got away from me nearly crashing into the ramp on the other side.

I was elated with the relative ease in locating the portage and then making the crossing with the boat and supplies.

My joy turned to horror as I saw that beyond the exit ramp was 100 feet of mud separating the ramp from the edge of the lake!

I had brought plastic pipe to roll the boat on and a come-a-long for hauling the boat but the mud was 12 inches of the gooiest, thickest mud and there was not a single tree or willow anywhere to attach the hoist.

Trying to push even an empty boat along these rollers was a useless exercise in futility.

I recalled a comment by Mike Rearden before I left. He said something about a "dead man". I didn't exactly know what that was; only that it exactly described me if I didn't figure out something soon.

Down at the distant water's edge I dug a long and deep trench and found a log to which I attached one end of by rope hoist and buried it under the muck. This log must be the dead man! It provided me an anchor and I was able to painfully, inch by inch, crank the boat to the shore over a period of about 10 hours.

The next morning I was finally able to float the empty boat and pack all of my gas and supplies through the treacherous mud. I was exhausted, sore and blistered all to hell, but the sun rose to great clear morning skies, and I was triumphant and happy to be on my way.

I traveled across Takslesluk Lake and found the slough at the west end which would lead to Puk Palik Lake which I crossed easily into another long slough and series of small lakes which passed through the most spectacular area for birds I have ever seen. Thousands of ducks, geese, crane, swans and others I couldn't begin to recognize.

One goose took off flying, hearing my boat motor, and flew right at me before he realized his error. Three feet away from me I could clearly see his startled expression before he veered away.

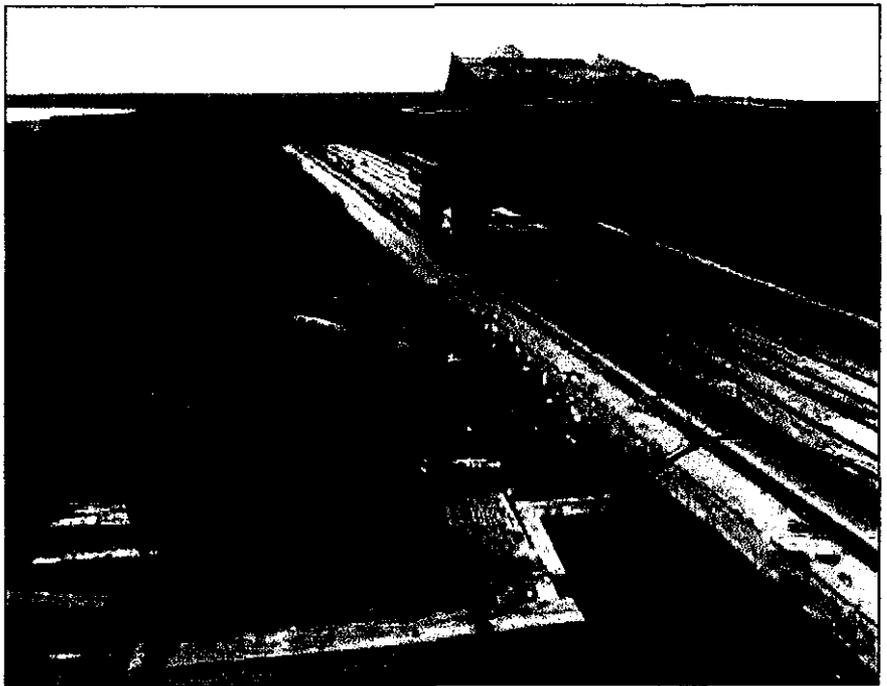
I wish I had Frank Keim or someone along who could identify the different birds for me.

This area eventually emptied out into Kaghasuk Lake, a large body of water which finally emptied into what Earl Atchak termed the "ocean-like lake", or Baird Inlet. Miles ahead, off in the distance, were the hills of Nelson Island, and while the Inlet was truly like an ocean, it had sandbars like a river and soon I got stuck.

Later, I was on my way following the northern shore of Nelson Island which led to the Ninglick River and after dodging more sandbars and some large waves, I made it finally to Newtok in the late afternoon on the low tide.

I made my way to Tom's Store and was given helpful advice by Stanley Tom. He invited me for soup, which I had to decline as the weather was calm, the tide was coming in and I wanted to make it around the Naskonat Peninsula before dark.

I took off at 7:30 pm with calm water on the Ninglick River following it out to the Bering Sea. Rounding the peninsula and starting to cross the mouth of the Aphrewn River toward Hazen Point, a south wind came up and combining with the river currents and incoming tides, started creating large swells.



*The boat was hoisted onto a tram car which was winched from one end of the portage to the other.*

I was forced to cut my speed down to a creep and suffered the cold water streaming over the bow for several hours, finally reaching Hazen Point in one piece.

By this time the tide was going out and I was rapidly being trapped on a large sandbar, so I threw out an anchor, had dinner and went to sleep for my second night.

Early the next morning I awoke to the sound of water rushing and saw that the tide was returning. The waters were relatively calm so I wasted no time heading up the river in search of Earl Atchak's fish camp. He had invited me for the "best coffee on the coast" and I was ready to try it out.



*The west end of the portage ended in 100 feet of mud leading up to the*

The region at the lower end of the Aphrewn River is absolutely flat without a stick of anything rising above the tundra. One can see for miles, even seated in an open skiff.

The river was mainly calm but there were stretches of rough water, which were worse than anything I had encountered in the ocean the evening before.

I passed numerous fish camps early that morning but, no one stirred so I just passed on by. Following my directions I finally made it to Earl's camp at 9 a.m., which was equally as silent as the others'. Rather than disturbing them, I tied up to the bank and did some housekeeping including organizing my gear and putting my wet

*water. Burying a large log as a "dead man" in a trench served as an anchor for a come-a-long, allowing the boat to be hauled, inch by inch, for 12 hours to the water's edge.*

clothes out to dry in the morning sun.

Shortly afterward, Earl popped his head out of his Weatherport tent, stretched and looking around was

surprised to find me parked at his camp unannounced.

He welcomed me, us meeting face-to-face for the first time, and he put on some of his famous coffee. The fish camp was without many amenities, but he did have a small Honda generator running his all-important coffee grinder, which went to work on his whole bean San Francisco French Roast coffee!

Earl and Lisa Unin along with son Ethan Smart and nephew Harold Atchak were wonderful hosts allowing me to rest and hang up clothes to dry. We lunched on fresh fried whitefish from their nearby set net as well as a version of Chevak sushi which is called qasa'iagaq made from a special black fin whitefish. It is eaten raw right out of the water!

Peter Tulik, from his fish camp next door, stopped by for a visit and we were interrupted by low flying planes overhead bound for Hooper Bay. Peter wanted me to plead for a "No Fly Zone" over the fish camps!

I rested for the remainder of the morning and part of the afternoon while Earl went over my upcoming trip to the Yukon on the Kashunuk River. As a real taskmaster, he made me recite back to him the directions over and over.

When my clothes were dry and I felt I knew where I was going, I departed about 4 p.m. that afternoon.

It wasn't long before I got in trouble, taking a wrong turn, heading back downriver and almost back to Earl's camp before I discovered my error. Burned an entire hour.

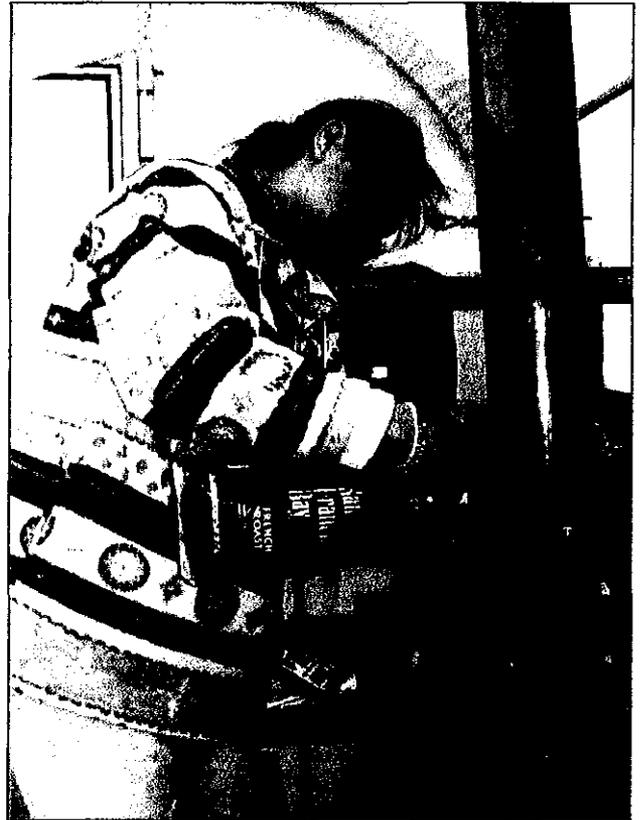
Heading up the Aphrewn, which turns into the Kashunuk River, I noticed a gradual change in scenery. Willows started appearing along the banks and lake grass in the river. However, this was not like the thick lake grass found near the tundra villages of Nunapitchuk and Kasigluk. The Kashunuk grass is like angel hair pasta, which wraps itself around the motor prop quickly disabling the engine. It wraps so tight it has to be cut off with a knife.

Getting stuck in one such shallow region of the river, I had to walk the boat for a mile before I was clear enough of the stuff to get going again.

As I moved up the Kashunuk the trees got larger and larger and birds, smaller and smaller until I no longer saw the large white swans lumbering off the water at the sound of my boat.

I was on the lookout for moose and bear but saw none of either.

I camped that night in a slough below Owl Village. The next morning the previous sunny skies had given way to cold, wind and rain, so I wasted no time in moving up the river toward the Yukon.



*Lisa Unin brews up a pot of freshly ground gourmet coffee at fish camp on the Aphrewn River, east of Chevak.*



*Earl Atchak, son Ethan Smart, Lisa Unin and nephew Harold Atchak at their Aphrewn River fish camp. The family generously provided food and a place to rest.*

The upper Kashunuk River becomes very windy with many switchbacks, and very narrow – almost to the size of a creek.

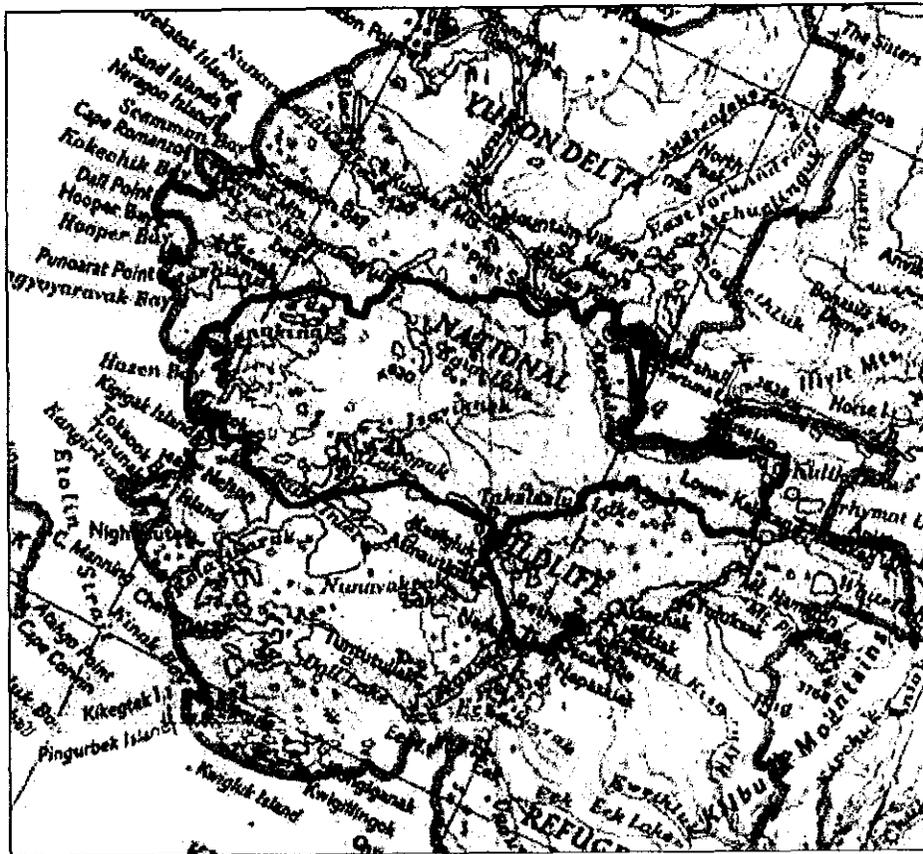
I finally arrived at 5:15 p.m. at the Yukon River just below Pilot Station. I was greeted with gusty south winds creating a sandstorm from the bars and large waves, which were frankly frightening to me.

Saying a prayer I headed directly across the river toward the cliffs and followed the shore up to Pilot. I asked directions for the house of Andrew and Susie Makaily, and finding it, I discovered they were in Bethel, but their children Jackie and Andrew, III took good care of me with a hot shower, a great meal and a warm place to sleep for the night. Thank you so much!

Rising early the next morning (Thursday), I headed upriver to Marshall where I was warmly welcomed by Leslie Hunter and Elena Sergei who fed me and offered me a place to park my boat and store my gear while I flew home to file this report in the newspaper.

(Trip to be continued...)

## Completing the Circle of the Delta



**The 800-mile boat journey started in Bethel and traveled behind Kasigluk to Nelson Island to the Yukon and concluded through portages behind Russian Mission down the Johnson River, back to Bethel.**

Completing the first leg of my boating journey from Bethel to the coast and up to the Yukon, I left my somewhat battered 16-foot Jon boat and gear in Marshall under the care of Leslie Hunter, Sr. and flew back to Bethel to file the report in last week's newspaper edition.

The ocean trip and crossing of Hazen Bay had taken its toll on the lightweight riveted boat, not really designed for rough water. Rivets had worked loose and the already leaky boat was only getting worse. Leaving the boat in Marshall for a few days, I hired Nick Andrew, Jr. to attempt patching repairs on the poor vessel which he did but when we put the boat in the water last week when I returned, we discovered a weld had cracked near the bow and had to make-do with emergency patching compound, which only helped a little.

Monday morning, I pointed the boat upriver in the direction of Russian Mission for a four-hour ride. Strong southwest winds stirred up huge waves along certain stretches forcing me to run along the beaches and sandbars. Rounding the bend at Ohogamiut, I encountered some of the worst waves I had seen yet.

Early that afternoon, I pulled safely into Russian Mission and located Joe Kozevnikoff who I had arranged to help me make the trip through the portages from Russian Mission back to the Kuskokwim. Joe Boy, as he is widely known throughout the Yukon, is one of the few people who still regularly makes the "High Portage" crossings that link the Yukon and the Kuskokwim Rivers.

Accompanying us on the trip were his three oldest children – Robert, Marianne and Gary, and by the time we departed Russian Mission with provisions and 30 gallons of gas, the

boat was riding low in the water creeping along with my 25 hp outboard.

The mouth of Portage Slough is about 7 miles downriver from Marshall and winds its way east through wooded areas full of game. In the 2 1/2 hour trip up the slough, we saw moose, black bear, porcupines, bald eagles and the ever-present ducks.

By 8:45 that evening we reached the "high portage". By emptying the boat of gas and other heavy gear and using the trusty come-a-long, we dragged the boat and motor up the steep bank to the start of the tramway tracks.

According to Joe, the simple tram system was constructed in the 80s, but from recent disuse the tracks were heavily overgrown with grass and weeds, but were still usable with caution.

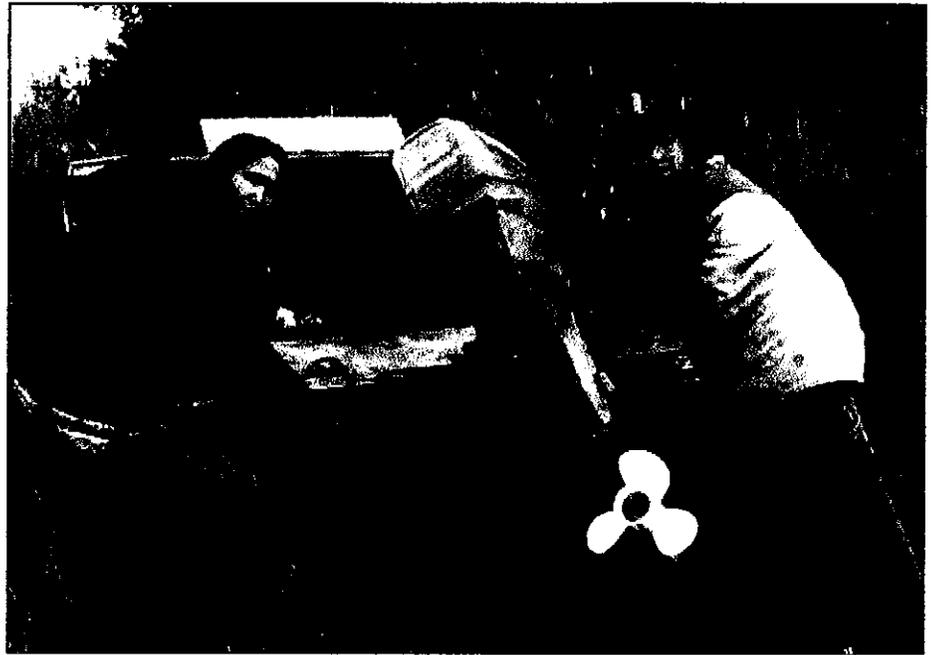
We hoisted the boat and gear up onto the tramcar and began pushing it down the track through a long meadow, which led to the base of another steep incline. This was called the high portage because of the steepness of the hill. At the top was a manual, two-handled winch used to drag the boat to the summit. Joe was quite experienced and knew exactly how to organize the operation.

From here it was level followed by a downhill push toward the distant lake. At the end of the tram we discovered how low the water level actually was. The tram fell short of the lake by several hundred yards. Using discarded pipes and tree limbs as rollers, we pushed the boat finally to the water, arriving after midnight.

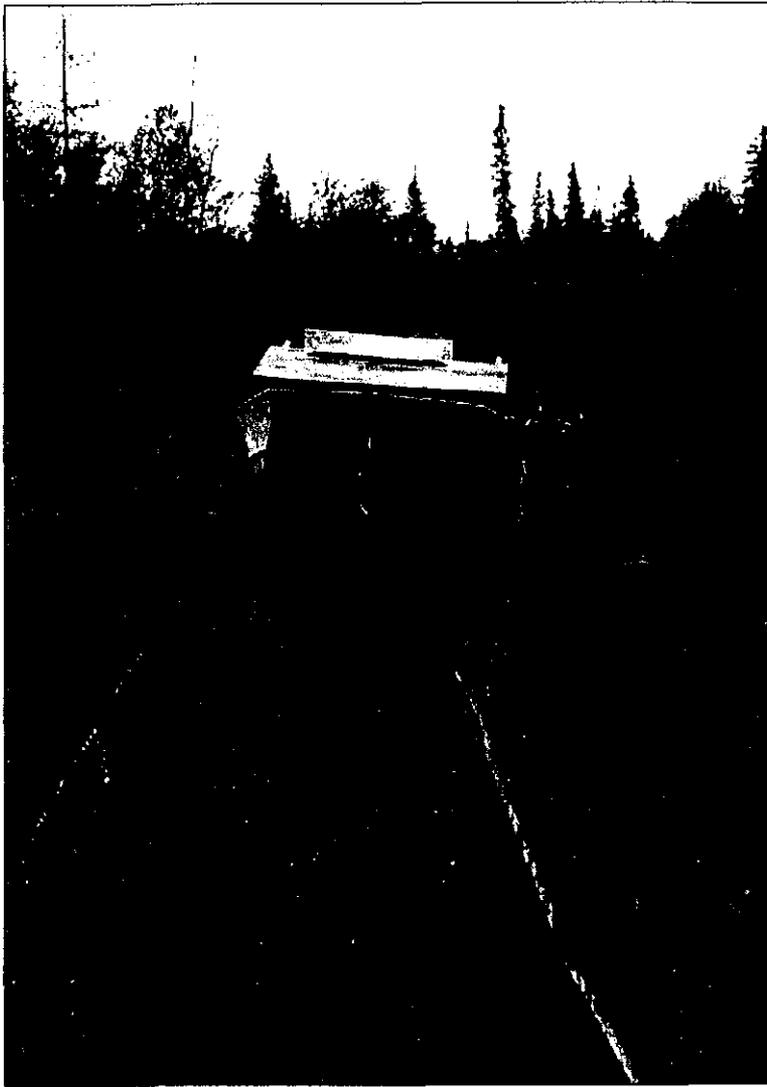
Reports from local people I had spoken to in Russian Mission indicated that the water level was high in the lakes, but this was obviously very untrue. Pushing on toward a narrow slough that was to lead to an adjoining lake we found it to be totally dry and we faced a tough, muddy portage of about for a 1/4-mile.

Crossing about half the distance, darkness and exhaustion closed in at 3:00 am and we camped for the night. I fell asleep hoping we were through the worst of the portage and early the next morning I awoke to the sound of a plane circling overhead.

Though we were in an isolated area, we were apparently on the flight route of incoming planes to Russian Mission from Kalskag and elsewhere. However, this was a white floatplane with red markings which I recognized as the U.S. Fish and Wildlife Service's Husky and I first feared



*The first portage encountered was "High Portage" beginning with a steep incline up the bank of Portage Slough to reach the start of the tramway where the boat and gear was loaded on a car and winched up a steep hill (below). While hard work, this was to be the easiest portage during the journey. Above, Marianne, Joe and Gary push the boat while Robert operated the come-a-long from above.*



*Joe and Marianne guide the tram up the hill as Gary and Robert operate the manual winch.*

The task became a grueling endurance test throughout the night with occasional breaks for coffee and snacks. All gas cans and heavy gear had to be offloaded and packed by hand along the route. Soon a real system of teamwork developed as the boat was pushed by all-hands along the stretch of rollers, the trailing rollers collected and placed again ahead of the boat and the heavy gear packed along the route. This was repeated over and over again and we got so good at it that it required almost no communication, which was fine with me – I was too exhausted to talk.

Joe ingeniously devised a "sled" of poles, tarp and rope that allowed us to carry/drag some of the more awkward items.

Despite the grueling work, no sleep, the cold rain that began, there wasn't a complaint from anyone.

that some emergency, death in the family or other tragedy brought searchers looking for me. It turned out that Refuge Manager Mike Rearden and biologist Patrick Snow were flying up to Paimiut for the day and decided to check out the portage, recognized my boat and landed to say hello.

We chatted for a short while and they departed on their way. Meanwhile, Joe and his crew were soundly sleeping and when they later woke up Joe said I should have woken him because he would have asked if the plane could drop off our heavier supplies at a distant lake.

That hadn't occurred to me and this was a mistake my sore body would soon regret.

Eating a quick breakfast with coffee, we continued to haul the boat through the portage between the small lakes and slowly motored to the far end to start our longest portage of the trip at 4 pm.

Consistent with the other lakes, the water level was low, the lowest Joe had ever seen, which was contributed to by the poor snowfall last winter and lack of rain.

The portage up the gradual incline and down over nearly dry tundra seemed like many miles but was actually only a mile. Collecting rollers from every possible source, we accumulated 43 by the time we had finished, according to 16-year-old Gary Kozevnikoff, who had been counting.

Everybody just pushed on reaching the water's edge at Kulik Lake by dawn.

The night rain cleared to a spectacular crimson sunrise reflecting off the water.

Passing this last portage, I was confident we would soon be on our way reaching deeper water to float the boat and load the gear.

We dragged the unloaded boat out into the lake almost a quarter of a mile as the water got gradually deeper, packing the gas cans, grub boxes and other items behind. Finally the water depth reached almost one foot, deep enough to load up the gear but not to climb aboard and run the motor. The five of us hauled and pushed the boat toward what we thought would be deeper water in that huge lake, but it soon became obvious that Kulic Lake, which was three miles across, was going to get no deeper.

This began what felt like a "death march" slogging through mucky lake bottom with heavy waders mile after mile after doing heavy lifting and hauling all night long. Joe could see that everyone was tired, but knew we had to reach the distant shoreline before we succumbed to exhaustion and the cold. He seemed tireless in leading us across that lake which took about five hours with nothing more than occasionally catching our breath.

At 10:30 that morning we finally reached the connecting slough to the adjoining portage lake and once we got into deep water to run the motor, we tied up to a high spot of tundra and everyone took a short nap in the warm sun.

Somewhat refreshed, we headed out at 2:30 that afternoon in search of the start of the Johnson River. We had an option of taking the shorter route to Lower Kalskag, but as this required another portage, we decided to return the long way down the Johnson River.

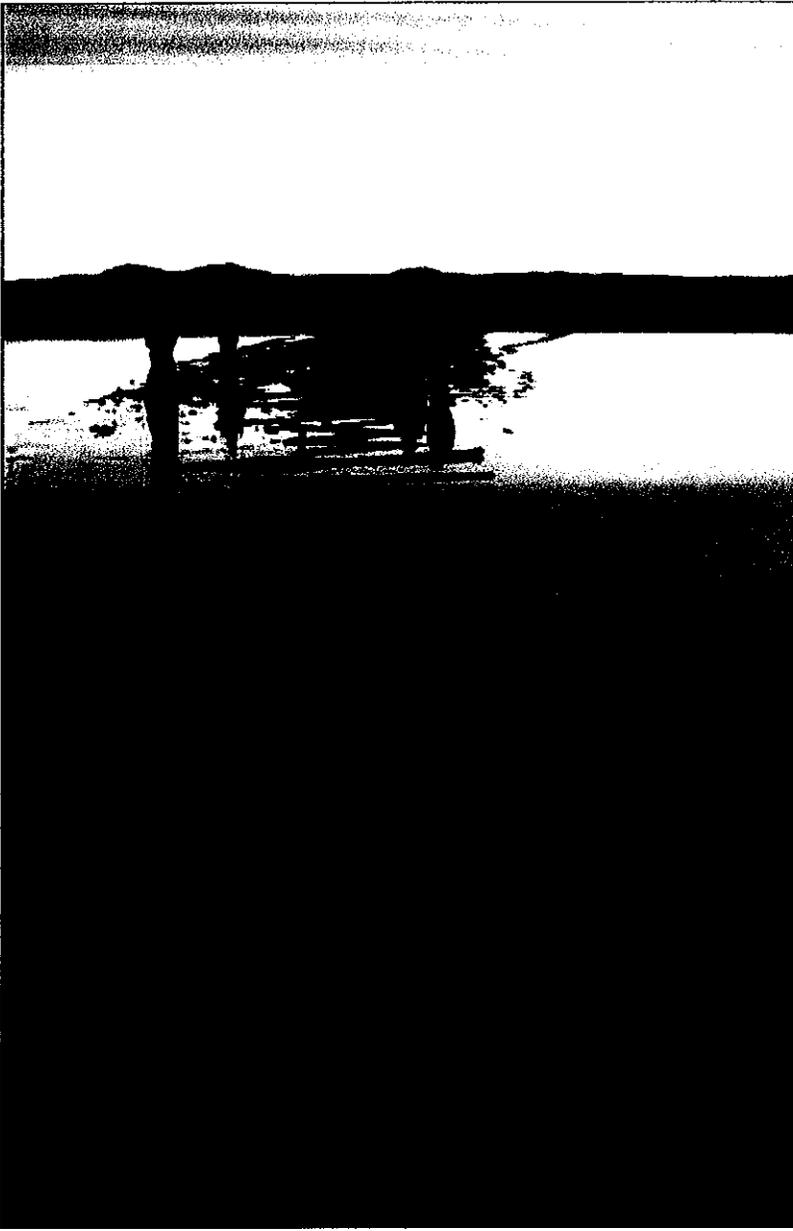
The area was a maze of shallow lakes and creeks, but somehow Joe found the correct route to the Johnson. The key, he said, was to watch for the current, which would lead to the river. At first, heavy pushing gave way to very narrow and winding creeks that got slowly deeper and wider.



*Low water required over a mile of dragging the boat and gear over dry tundra using logs and anything else available as rollers. Above, Gary, Robert and Joe work their way across the portage during the 2nd day.*

Later that afternoon we stopped at a high rise of tundra that is used as a camp by hunters and we found a sea of ripe salmonberries, which we picked for a while before continuing on our way.

The next 9 or 10 hours down the headwaters of the Johnson River was slow going with the water choked with grass and numerous beaver dams which Joe had to chop his way



*A tired crew after an all-night portage arriving during sunrise at Kulic Lake. Over 43 rollers were used to move the boat nearly one mile through the last portage.*

through and "jump" with the boat. During several hours of this stretch, my body shutdown and I napped in the boat.

Finally, we reached the mouth of Crooked Creek, which leads toward Lower Kalskag. Here, the underwater grass thinned out allowing us to run at top speed until we reached a cabin at 3 am where we made camp after 36 hours without a night of sleep. Firing up the stove with split spruce logs we slowly warmed up with cups of tea and slept until about noon that morning.

Joe located flour and rice and began making fry bread with rice to which we added a can of chili. I learned on this trip the lesson of eating lots of food to keep my energy levels up. Joe would encourage everyone to eat and eat.

Taking stock of our supplies, we found we were getting low on food and water and perilously low on gasoline. We were unsure if we would make to Nunapitchuk. We just hoped for the best.

We broke camp and departed the cabin at 3 pm, making a steady 20 miles each hour down the Johnson. The river widened and was relatively free of hazards and I was able to share the boat driving duties.

This stretch of the Johnson River is extremely remote and not frequently traveled this time of year and was full of swans, cranes, ducks and other waterfowl. The swans were losing their feathers and several times we came upon them and drove right by them, as they couldn't flee.

The wooded areas gave way to bare tundra and we happened upon a boat with Adrian

Tobeluk and his family who were from Nunap and we asked the distance to the village which he said was about 1 1/2 hours. We took a snack break as the Tobeluk family departed for home. Soon we were on our way and after passing a bend we found that Adrian had been waiting for us, evidently to guide us to the village. This was a good thing because we never would have found our way through the lakes and sloughs to Nunapitchuk in the failing evening light. Our thanks for Adrian's thoughtfulness. Qu yana!

As we crossed Nunavakanukakslak Lake north of the village our engine sputtered to a stop and we switched tanks to one that just had drops of gas in it and arrived on fumes! We docked the boat and I looked up Robert Nick who kindly took us in to get warmed up with coffee, soup and dry fish. He generously gave us six gallons of gas and a 12-pack of pop as we headed down the Johnson River after midnight. Thank you Robert!

This was more my country than Joe's so I attempted to take the

lead in navigating us home. I did okay until I attempted to take the shortcut up Napakiak Slough and mis-judging the tides almost got us grounded for the night on a sandbar. Turning around and heading out toward the Johnson River mouth, we made it around the bend up the Kuskokwim after hitting a few more sandbars. A mile or so up the Kuskokwim, we hit another large sandbar in the dark and after working our way around it finally got into the channel with Napakiak only 3 miles away.

Then the motor died and we discovered that we must have mis-judged our fuel needs. We got the motor started again by tilting gas cans and slowly idling up the Kuskokwim not knowing whether we should beach ourselves on a sandbar to keep from drifting further downriver or to press-on hoping to make Napakiak on our dwindling gas supply.



***Kulic Lake proved so shallow that the boat and gear had to be dragged for three miles before the crew could climb aboard and start the engine.***

I was ready to empty the Coleman stove gas into the fuel tank when the lights of Napakiak came into view.

It was 4 am and not a house light was lit as we anchored on the beach. Not having any close friends in Napakiak, I nevertheless went to the nearby house of Fritz and Alice Andrew and knocked on the door to ask for a few gallons of gas. Fritz kindly received us but he only had pre-mixed gas but directed me to his neighbor Henry Willie who we woke up. Henry helped us out with three gallons of gas for which he refused any payment. He and Katie Vincent invited us into their home to warm up and they even gave me a pair of dry socks! Quyana for your thoughtfulness!

We were on our way and I managed to avoid the rest of the sandbars on the way home and we pulled into Bethel at about 5:30 am. – exactly 3 1/2 days and approximately 250 rough river and portage miles since we pulled out of Russian Mission. This completed a circle route starting from the Kuskokwim to Nelson Island to the Yukon and back to the Kuskokwim of over 800 miles.

Many boating, camping and survival lessons were learned, but most importantly the toughness, kindness and generosity of the people of the region, without whose help the journey would not be possible. Thank you all!

*(As an editorial footnote, it is sad to see the declining use and deteriorating condition of these portage facilities that once provided such a vital transportation and cultural link between areas of our region. With millions being proposed and spent on roads, highways and other transportation systems – it would be a true service to the region to repair and upgrade these portage links for the benefit of all.)*

[Top](#)

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# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7504  
<http://www.blm.gov/ak>



Johnson River System  
Interim Summary Report  
Attachment 69

In Reply Refer to:  
1864 (AK9270)

AUG 26 2010

## Memorandum

To: Files AA-086376, AA-086377, AA-086378, AA-086379, AA-086380

From: Jack Frost   
Navigable Waters Specialist (AK9272)

Subject: Federal Interest in Lands Underlying the Water Bodies within the Yukon-Kuskokwim Portage in the Lower Kuskokwim Subregion, Alaska

The State of Alaska (State) filed applications, dated March 10, 2006, for recordable disclaimers of interest (RDI) for the lands underlying the water bodies comprising the Yukon-Kuskokwim Portage (Y-K Portage).<sup>1</sup> The State asserts that the water bodies were navigable at the time of statehood, January 3, 1959, and, therefore, title to the submerged lands vested in the State upon entry to the Union. The State's applications for disclaimers of interest are based on the Equal Footing Doctrine, the Submerged Lands Act of May 22, 1953, the Alaska Statehood Act, the Submerged Lands Act of 1988, or any other legally cognizable reason. The Bureau of Land Management (BLM) may disclaim federal interest in the submerged lands on any of the grounds that apply. Consideration is also given to whether or not the State's application for lands underlying the subject water bodies meets the regulatory requirements (43 CFR Subpart 1864).<sup>2</sup>

The purpose of this paper is to review the merits of the State's RDI applications and to make a navigability determination as the water body existed at the date of Alaska's statehood. If the water bodies were navigable [and unreserved] in fact and in law, then title to the lands underlying the water bodies passed to the State at the time of statehood. If a water body is not navigable, the riparian landowner claims ownership of the submerged lands under riparian law. This paper summarizes the status of adjacent uplands, the history of Federal navigability determinations, physical conditions of the water bodies and, where appropriate, any evidence of commercial navigation.

<sup>1</sup> Michael L. Menge to Henri Bisson, BLM, March 10, 2006, files AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), Alaska State Office, BLM records, Anchorage (hereafter BLM records). The reference documents are also available in these files.

<sup>2</sup> On March 12, 2007, the State clarified the Kulik Lake and Unnamed Lake #2 application (AA-086378) to exclude a small unnamed lake from their map, located in section 3, T. 18 N., R. 63 W., SM., and correct the corresponding legal description for Unnamed Lake #2, where the initial application listed the lake in sections 23 and 24, but the map shows the lake in sections 22 and 23. For further information see letter: Scott Ogan, DNR, Natural Resource Manger to Thomas P. Lonnie, State Director, BLM, March 12, 2007, AA-086378 (1864), BLM records.

The Y-K Portage consists of nine water bodies and four land portages; the State applied for the lands underlying water bodies only.<sup>3</sup> The State divided these nine water bodies into five separate applications, described in a northwesterly direction from the Kuskokwim River as follows: Mud Creek and Unnamed Lake #1; Crooked Creek and Johnson River; Unnamed Lake #2 and Kulik Lake; Unnamed Lake #3 and Unnamed Lake #4; and the Talbiksok River to the confluence with Portage Slough of the Yukon River.

In support of its applications, the State submitted the following documents: a United States Army, Corps of Engineers' (USACE) reconnaissance report on the Y-K Portage, dated January 31, 1971;<sup>4</sup> two BLM memoranda addressing the navigability of certain water bodies on the Y-K Portage, dated November 8, 1984,<sup>5</sup> and July 8, 1985;<sup>6</sup> and the section entitled "Russian Mission Summer Portage" in a BLM report on the Kuskokwim River Region.<sup>7</sup> The State also supplied reference maps for each application which generally depicts the route of the Y-K Portage; however, the legal description, located in their applications to BLM, is the controlling document for the lands being applied for.<sup>8</sup>

### **Location**

The Y-K Portage is located in western Alaska about 350 miles due west from Anchorage and about 65 miles northeast of Bethel. The Y-K Portage serves as the shortest practical "link" between two major river systems: the Kuskokwim and Yukon Rivers.

The Y-K Portage follows a general land and water route northwesterly about 72 miles, starting at Mud Creek (located near Lower Kalskag village on the Kuskokwim River) to Unnamed Lake #1, downstream on Crooked Creek to the confluence with Johnson River, upstream on Johnson River to Unnamed Lake #2, across Unnamed Lake #2, Kulik Lake, Unnamed Lake #3, Unnamed Lake #4, then crossing overland to connect with Talbiksok River, and continuing downstream ultimately ending at its confluence with the Portage Slough of the Yukon River, near Russian Mission.<sup>9</sup>

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<sup>3</sup> Refer to Maps 1-4, at the end of this report, for a generalized route of the Y-K Portage.

<sup>4</sup> U.S., Department of the Army, Corps of Engineers, Alaska District, "Reconnaissance Report, Section 107 Investigation, Yukon-Kuskokwim Portage, Alaska, January 31, 1971."

<sup>5</sup> DSD for Conveyance Management (960) to Chief, Branch of Conveyance Services (962), November 8, 1984, BLM records. The subject of this memo is "Navigable Waters of the Kuskokwim Region, Alaska."

<sup>6</sup> James Ducker, Historian, to Chief, Navigability Section, subject: "Water Bodies Determined Navigable in Regional Report Process as of July 10, 1985," July 8, 1985, BLM records.

<sup>7</sup> C. Michael Brown, "Alaska's Kuskokwim River Region: A History." Unpublished manuscript, BLM Alaska State Office, 1985.

<sup>8</sup> Menge to Bisson, March 10, 2006 and Ogan to Lonnie, March 12, 2007.

<sup>9</sup> Please refer to the Appendix following this report. The maps depict the generalized route commonly referred to as the Y-K Portage.

## Land Status

At the time of statehood, the area encompassing the Y-K Portage was in public domain and none of these lands were reserved or withdrawn. However, today, the Y-K Portage route is located entirely within the boundary of the Yukon Delta National Wildlife Refuge (NWR), established under the Alaska National Interest Conservation Act (ANILCA) (P.L. 96-487) on December 2, 1980. Riparian lands along the south and north end of the Y-K Portage has been conveyed out of federal ownership under the Alaska Native Claims Settlement Act (ANCSA).

The lands along the south entrance, from the confluence with the Kuskokwim River and Mud Creek northwesterly to the south boundary of Section 20, Township 17 North, Range, 62 West, Seward Meridian (SM), Alaska, have been conveyed to The Kuskokwim Corporation (Successor in Interest to Upper and Lower Kalskag, Inc.), a village corporation. The lands within the north entrance of the Y-K Portage, along the Talbiksok River in Secs. 27 and 34, T. 19 N., R., 66 W., SM, have been conveyed to the Russian Mission Native Corporation, a village corporation. The subsurface estates for these lands were conveyed to Calista Corporation, a regional corporation.<sup>10</sup> The submerged lands of Mud Creek, Unnamed Lake #1, Crooked Creek, and the Talbiksok River were excluded from these conveyances.

There are several Native allotments, all conveyed under the Native Allotment Act, located along the Y-K Portage. The State does not have any riparian land along the Y-K Portage. The U.S. Fish and Wildlife Service manage the remaining lands, entirely located within the Yukon Delta NWR.

## Federal Navigability Determinations

The USACE and the BLM are the only federal government agencies found to have considered the navigation of the Y-K Portage. Generally, the USACE makes navigability determinations for interstate transport or foreign commerce; whereas the BLM determinations are for title.

In June 1970, eleven years after the date of statehood and using different criteria from the BLM, the USACE performed a field investigation of the Y-K Portage, primarily to determine the existing conditions of the portage and the feasibility of improving the existing structures.<sup>11</sup> At the time of the field trip, several water bodies were too shallow for boat travel leading the investigators to conclude that they were "unnavigable." They explained that the low water levels were due in part to an unusually dry year, or one of many dry years. Examples of this can be found in the USACE report's "Difficulties to Navigation" section. For example, Mud Creek Channel was "not navigable due to insufficient water depths;" the slough between Mud Creek Tram and Unnamed Lake #1 was dry even though the investigators admit Native guides stating that it is normally flooded, but several dry years had lowered surface waters; and the upper

<sup>10</sup> The Kuskokwim Corporation (50-2005-0435); Russian Mission Native Corporation (50-2006-0454); and Calista Corporation (50-2005-0436 and 50-2006-0455). ARLIS TC 225.Y 95054

<sup>11</sup> U.S., Department of the Army, Corps of Engineers, Alaska District, "Reconnaissance Report, Section 107 Investigation, Yukon-Kuskokwim Portage, Alaska, January 31, 1971."

portion of Crooked Creek (Johnson River<sup>12</sup>), a reach of approximately 3 ¾ miles, was so shallow that progress by boat “was not possible.”<sup>13</sup>

For its purposes, the BLM has consistently held that the Y-K Portage water bodies were navigable at the time of statehood. After a thorough study of the Portage’s history, the BLM in 1984 determined all of the water bodies (except Mud Creek) comprising the Y-K Portage to be navigable.<sup>14</sup> (Mud Creek had already been determined to be navigable in a previous ANCSA conveyance action.) On July 8, 1985, the BLM also identified those same water bodies as navigable in a regional report process. Most recently, on July 5, 2000, the BLM included its consideration of the navigability of waters along the Y-K Portage for Native allotments scheduled for survey action. In the memorandum, the BLM cited the findings of the November 8, 1984, memorandum and affirmed that the water bodies are navigable.<sup>15</sup>

### **Evidence of Commerce<sup>16</sup>**

As one of the shortest practical routes between the Yukon and Kuskokwim rivers, the Y-K Portage has a long history as a route of travel, trade, and commerce. The Y-K Portage was used by Native travelers and Russian traders in the early 1800’s. In 1842, the Russian-American Company hired Lieutenant L. Zagoskin (Russian naval explorer) to take a fact finding tour of the region. He was instructed to explore the Yukon and Kuskokwim rivers to their sources, locate practicable routes of travel, find the best supply routes between the trading posts, and locate new areas where posts could be established. In the report on his investigations, Zagoskin recommended that the Kuskokwim River trading posts be supplied from St. Michael at the mouth of the Yukon River. The Russian-American Company adopted the Y-K Portage to transport supplies and trade goods to Kolmakof Redoubt, a trading post upstream of Kalskag on the Kuskokwim River. After the transfer of Alaska to the United States, the Americans quickly learned of the Y-K Portage’s existence. Josiah Edward Spurr (explorer, author, and geologist), who in 1898 participated in a United States Geological Survey expedition through the

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<sup>12</sup> The USACE incorrectly identified Johnson River as Crooked Creek, and vice-versa. This naming convention, although incorrect, is consistent between the report and the map.

<sup>13</sup> See footnote 3. See also Thomas O. Melius, Regional Director, U.S. Fish and Wildlife Service, Region 7, to Thomas Lonnie, Alaska State Director, BLM, subject: “BLM Navigability Report of the Water Bodies of the Yukon-Kuskokwim Portage, Yukon Delta National Wildlife Refuge,” August 24, 2007, AA-086376, BLM records. Note: This memo describes in comment #2 that “the COE map indicates 5 segments of the Y-K Portage to be “unnavigable.” In an electronic message dated September 11, 2007, Warren Keogh, Water Rights Coordinator, U.S. Fish and Wildlife Service, informed Jack Frost, Navigable Waters Specialist, BLM, that there were 4 segments, not 5, displayed as “unnavigable” on the map.

<sup>14</sup> Robert W. Arndorfer, Deputy State Director for Conveyance Management, to Chief, Branch of Conveyance Services, November 8, 1984, BLM records. The determinations were based upon evidence in the BLM reported cited in footnote 6.

<sup>15</sup> Gust C. Panos, Chief, Branch of Mapping Sciences (AK924) to Chief, Branch of Survey Preparation and Policy Interpretation (AK925), subject: “Navigable Waters in Native Allotments Scheduled for Survey in Window 1283” July 5, 2000, BLM records. This memorandum was found during normal investigation by the writer and was not provided by the State of Alaska in support of its application.

<sup>16</sup> Unless cited otherwise, the information in this section was derived from “Russian Mission Summer Portage” in Brown’s “Alaska’s Kuskokwim River Region: A History” (1985).

Kuskokwim region, learned of the Portage's existence and its great commercial importance in the past; he believed that its importance would grow in the future.

The gold rushes to the Innoko and Iditarod region and the later development of hard-rock mining in the Nixon Fork area of the Kuskokwim Mountains stimulated prospecting activity in the entire Kuskokwim region. This increased travel between the two major rivers by prospectors, miners, and traders who sometimes carried large loads of supplies. In 1908, a Nome newspaper quoted an account that two hundred men were using the Y-K Portage and the number was likely to increase due to recent gold strikes in the region.<sup>17</sup> The Y-K Portage was also used to transport mail by boat to Kuskokwim villages. For many years, mail carriers averaged about one to two trips per month. Typically, the carrier transported about 600 pounds per trip and around 4,000 pounds per season. The cost to of transporting the mail was about fifty-one cents per pound per one-way trip.

Because of shallow water and crooked, narrow creeks, travel over the Y-K Portage was difficult; however it did not inhibit its use. Because of the difficulties, many improvements were proposed over the years; and some were implemented. One idea proposed in the early 1900's, but was never implemented, was to build a canal. The Kuskokwim Bay and the Kuskokwim River opened earlier than the Yukon River and Bering Sea, and that route into the Yukon River valley was about 320 miles shorter. With a canal, shipping prices would be reduced and goods would arrive earlier in the season.

Following the construction of the Alaska Railroad from tidewater at Seward to Fairbanks, the Federal Government made improvements to the Y-K Portage, bringing the Kuskokwim's trade to the new railroad. In the 1920's and 1930's, the Alaska Road Commission (ARC), the agency then in charge of building most roads, trails, and bridges in territorial Alaska, improved access across the Y-K Portage by staking the route, installing trams with flat cars, windlasses, cables, dredging and clearing of vegetation, building a small dam to help navigate the portions where there was shallow water, and constructing two shelter cabins for travelers' safety. Suggested improvements and associated expenditures to the Y-K Portage were listed in an ARC letter dated July 26, 1928. Later, instructions to the foreman conducting the improvements, dated April 22, 1929, detailed the plans for each site.<sup>18</sup>

During the 1940's (World War II era), mining in the Kuskokwim basin halted and with the advent of air travel, the Federal Government relied more heavily on transporting mail by plane rather than by boat. Thus, commercial travel on the Y-K Portage declined. During this time, local Natives were the primary users as they traveled from their villages to trapping grounds. Soon, the improvements began to deteriorate, as few, if any, repairs were made.

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<sup>17</sup> *Nome Nugget*, December 2, 1908.

<sup>18</sup> Thomas O. Melius, Regional Director, United States Fish and Wildlife Service, to Thomas Lonnie, State Director, Bureau of Land Management, September 21, 2007, files AA-086376, AA-086377, AA-086378, AA-086379, AA-086380, BLM records. Note: Refer to attached Alaska Road Commission documents dated July 26, 1928 and April 22, 1929.

Since statehood (1959), Federal and State government officials have periodically demonstrated interest in the old proposal to improve the Y-K Portage as a canal route. The State legislature passed resolutions in 1959, 1961, and 1971, calling upon the Army Corps of Engineers to survey and construct the canal. In 1969, even the U.S. Senate passed a resolution in favor of conducting a preliminary study of the canal project. Also, in 1969, residents of Russian Mission, Upper Kalskag, and Lower Kalskag attempted to rebuild the overland route through Operation Mainstream Program (Department of Labor funding). They repaired one dam, a boat lift above Kulik Lake, and both sections of tramway.

In June 1970, the USACE sent a team to investigate the Y-K Portage and to meet with the residents of the area concerning any improvements. In its report on the investigation, the USACE described the Y-K Portage's history of use, including the types of craft used on the water bodies, its seasonality of use, the possibilities for future transportation of commerce, the residents' desires in improving the route, and the difficulties in navigating the route. The report included plans for improvements on both the land and water sections of the Y-K Portage and an analysis of the benefits and costs associated with the proposed plan. In the end, the proposed plan of improvement was not considered to be economically justified.

Although local residents continue to use portions of the route, they seldom travel the entire Y-K Portage. In 2003, one party's account of traveling the route that summer was published.<sup>19</sup> This article describes the route, its condition, and the effort involved to complete the trip. However, it is evident by this article that the Y-K Portage continues to be used despite its deteriorating physical condition and lack of maintenance of the land improvements. According to the USFWS, the Talbiksok Fire in 2005 ripped through the area, affecting approximately three miles of the land portage between the Talbiksok River and Kulik Lake. As a result, fallen timber on the tramway now obstructs travel between the Talbiksok River and Unnamed Lake #4. It is unknown what the status of the passage is today.<sup>20</sup>

### **Conclusions/Recommendations**

From the mid 1800's, if not earlier, to the 1930's, the Y-K Portage was a well known route for travel, trade, and commerce. An important link between the two largest river systems in western Alaska, miners, prospectors, mail carriers, missionaries, scientists, and local Natives relied upon the Y-K Portage for travel and transportation. In the 1930's the Federal government made certain improvements to the route, which allowed for easier access and an increase in the numbers of people and quantities of goods transported over the route. With the advent of aviation, the outbreak of world war, and the subsequent decline of the mining industry, use of the Y-K Portage as a route of travel and transportation declined. Nevertheless, at the time of statehood, the Y-K Portage could have been used, if the need had existed, as a highway of commerce.

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<sup>19</sup> The July 23, 2003 article "A Boat Ride from Bethel to Marshall" located in *The Delta Discovery* was found during normal investigation by the writer and was not provided by the State of Alaska in support of its application.

<sup>20</sup> Thomas O. Melius, Regional Director, United States Fish and Wildlife Service, to Thomas Lonnie, State Director, Bureau of Land Management, August 24, 2007, file AA-086376, BLM records.

Any alterations to submerged lands have to be examined to assess whether or not water bodies became navigable because of the alterations. Water bodies deemed to be navigable before any improvements were made will remain navigable regardless of the nature of the improvements. The location of upland land ownership boundaries where natural ambulatory movement (accretion or reliction) has occurred or where drought conditions of water bodies exist follow riparian boundary law.

The BLM has consistently held that those water bodies comprising the Y-K Portage are navigable, and the State has provided evidence to support that finding. Therefore, certain segments of these lands have been conveyed out of federal ownership.<sup>21</sup> After reviewing the evidence provided by the State of Alaska, and verifying the factual information presented, I affirm that the water bodies comprising the Y-K Portage were unreserved and were susceptible to use for travel, trade, and commerce at the time of statehood, therefore title to the submerged lands passed to the State of Alaska on the date of statehood. As a result, I recommend that the State's application for a recordable disclaimer of interest in the Y-K Portage be approved for the lands underlying the following water bodies:

1. Mud Creek from the confluence with the Kuskokwim River upstream to the intersection of the overland traverse in the NW ¼ of Sec. 26, T. 17 N., R. 62 W., SM;
2. Unnamed Lake #1 in Sec. 22, T. 17 N., R. 62 W., SM;
3. Crooked Creek beginning in Sec. 22, T. 17 N., R. 62 W., SM. downstream into T. 17 N., R. 63 W., SM, to its confluence with Johnson River;
4. Johnson River from the confluence with Crooked Creek in Sec. 22, T. 17 N., R. 63 W., SM, upstream into T. 18 N., R. 63 W., SM, to Unnamed Lake #2;
5. Unnamed Lake #2 in Secs. 1-4, 9-12, 14-16, and 22-23, T. 18 N., R. 63 W., SM;
6. Kulik Lake in T. 18 N., R. 63 W., SM, and T. 19 N., R. 63 W., SM;
7. Unnamed Lake #3 in Secs. 18-20, T. 19 N., R. 63 W., SM;
8. Unnamed Lake #4 in Sec. 19, T. 19 N., R. 63 W., SM and Secs. 13, 23-24, T. 19 N., R. 64 W., SM; and
9. Talbiksok River beginning in Sec. 13, T. 19 N., R. 64 W., SM, downstream through T. 19 N., R. 65 W., SM, and T. 19 N., R. 66 W., SM, to its confluence with the Portage Slough in Sec. 33, T. 19 N., R. 66 W., SM.

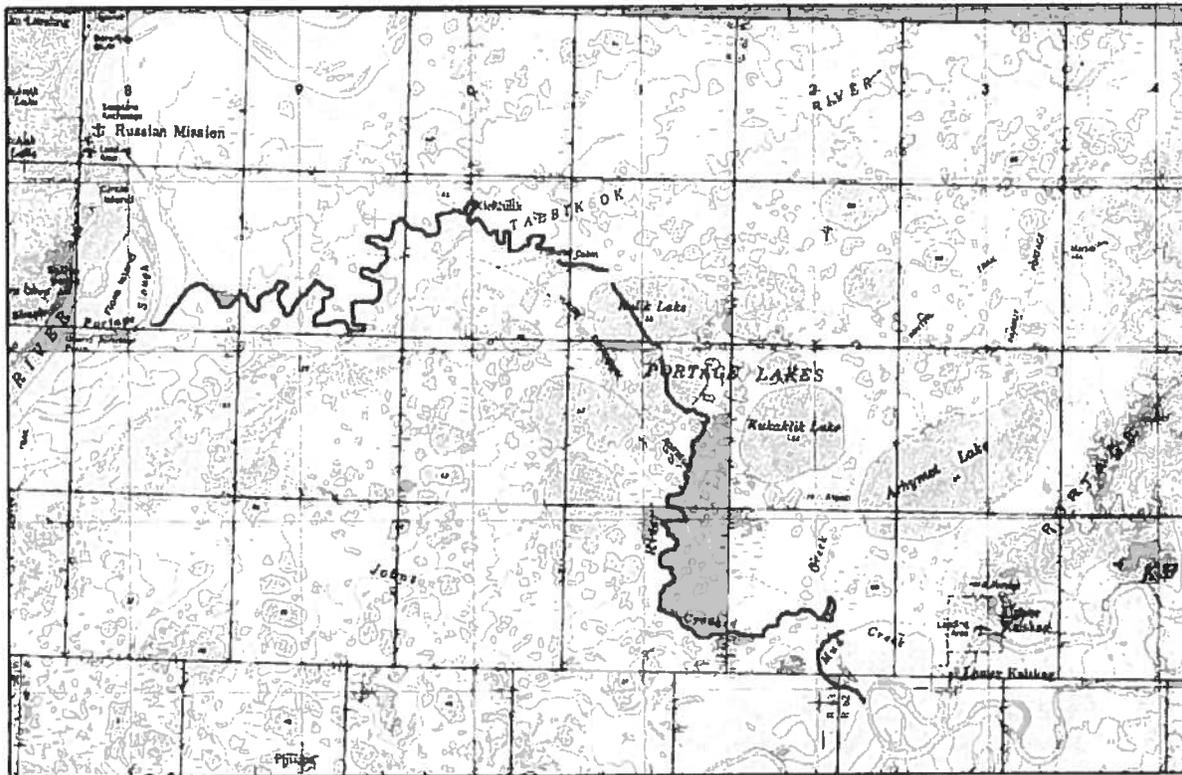
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<sup>21</sup> Ann Johnson, Chief, Branch of ANCSA Adjudication, Decision, September 30, 1982, F-14888-A, et al., and F-14871-A, et al., and Ruth Stockie, Chief, Branch of ANCSA Adjudication, July 21, 1983, F-14927, et al., BLM records.

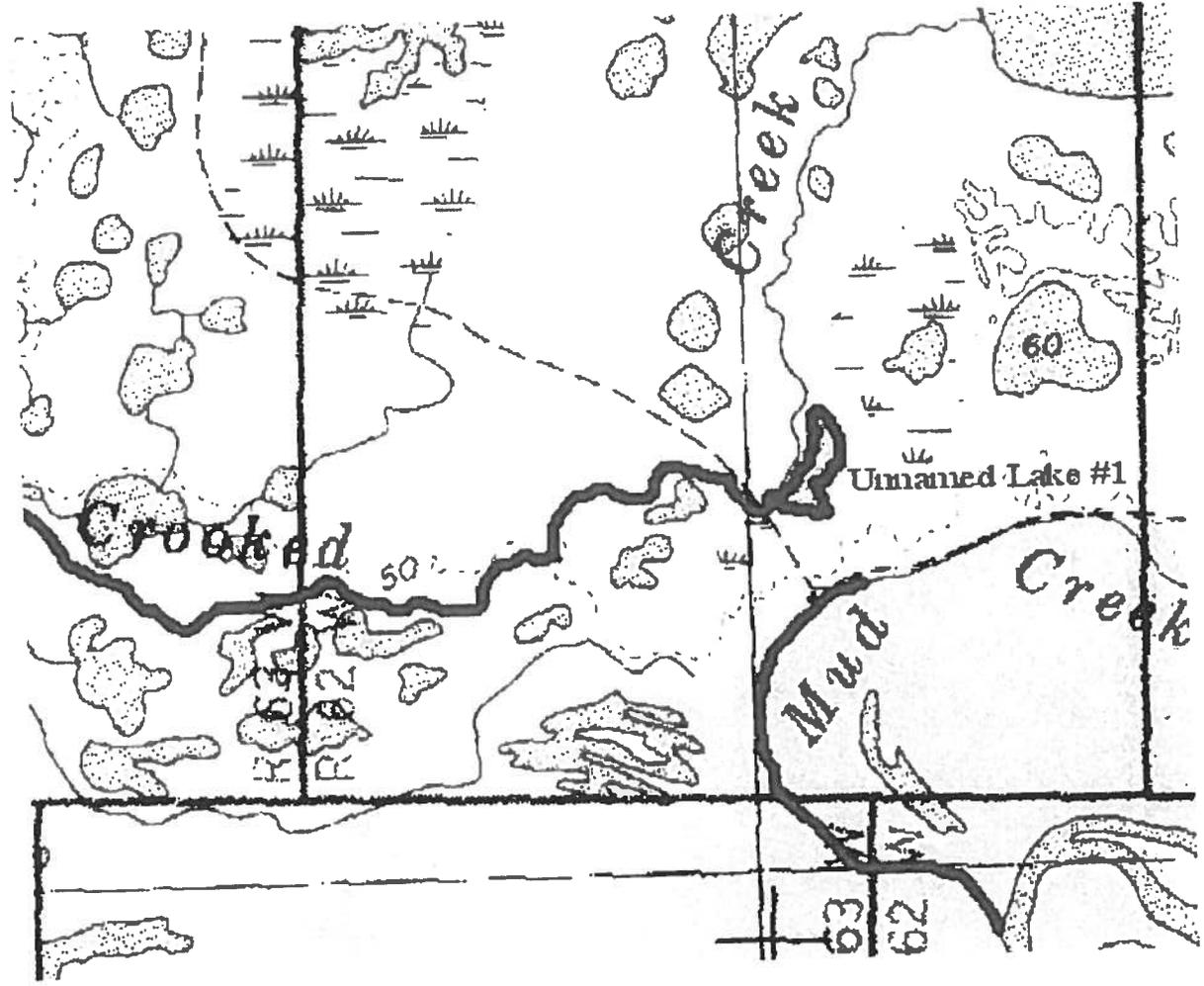
APPENDIX

Note: The four maps shown below are for reference only (based on the USGS, Russian Mission, Alaska Quadrangle, 1980, 1:250,000) and depict the generalized water route of the Y-K Portage. For a legal description of the State of Alaska's application please refer to Casefiles AA-086376, AA-086377, AA-086378, AA-086379, and AA-086380.

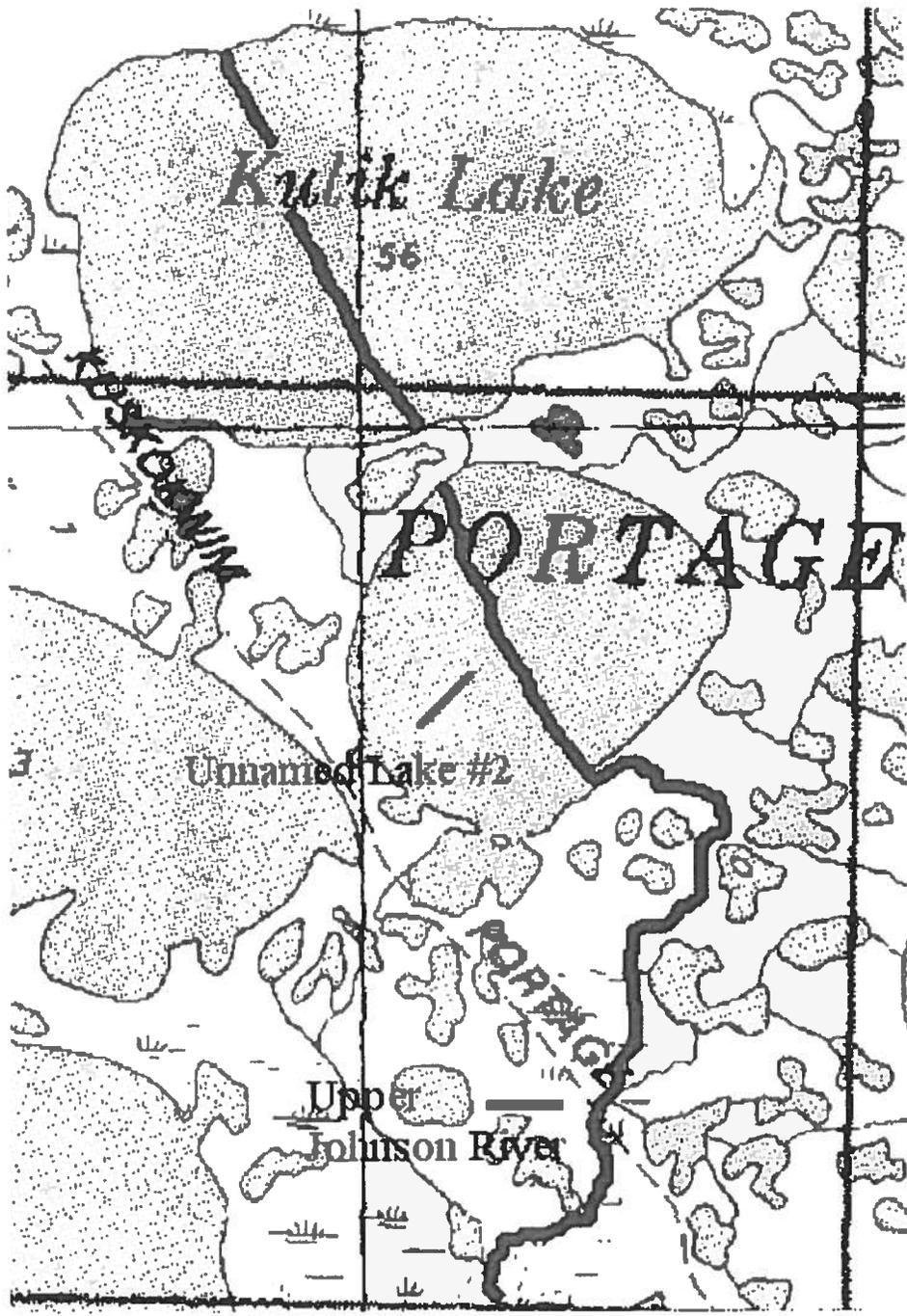
Map #1. General Route of the Yukon-Kuskokwim Portage.



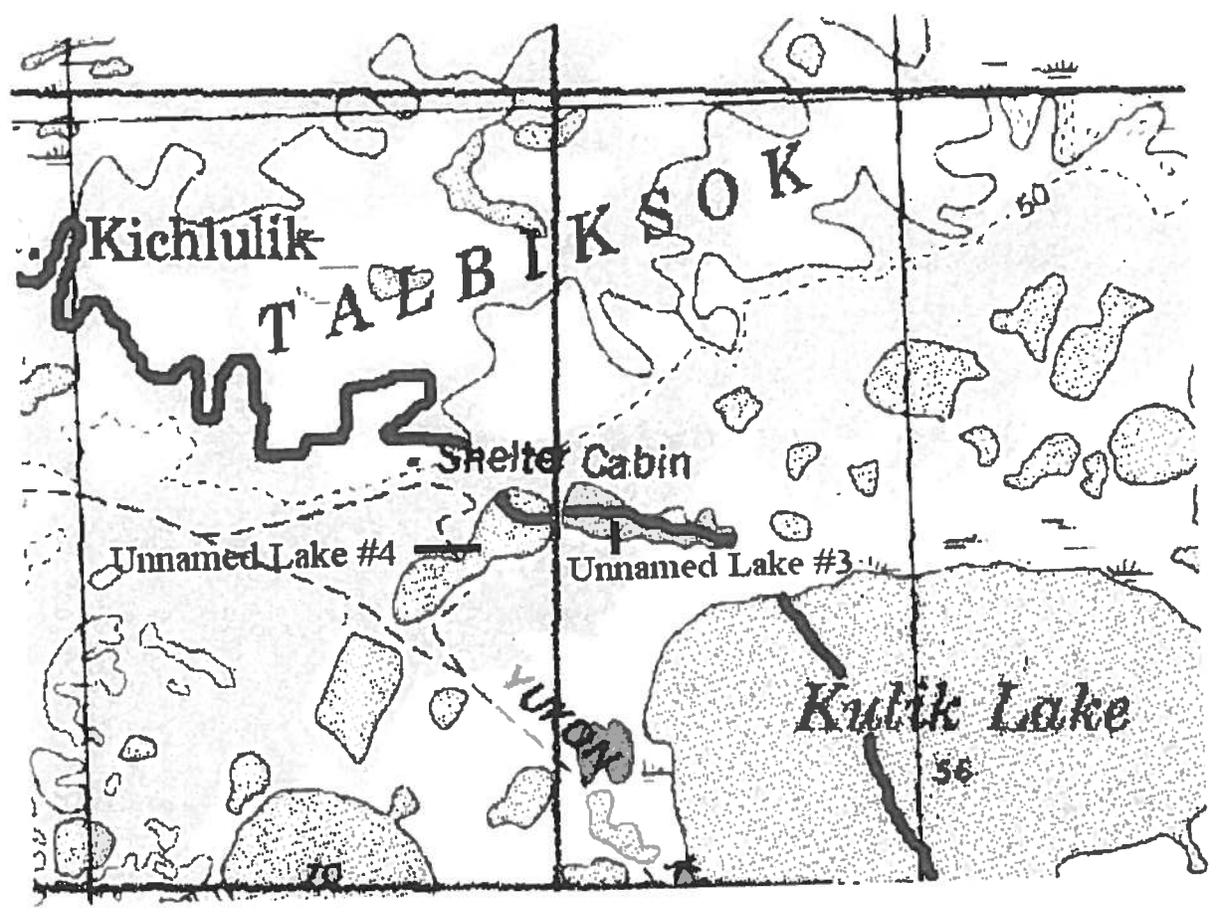
Map #2. Mud Creek to Unnamed Lake #1 section.



Map #3. The Upper Johnson River to Unnamed Lake #2 section.



Map #4. Kulik Lake to Unnamed Lakes #3 and #4 section.





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1864 (AK9270)

SEP - 2 2010

Johnson River System  
Interim Summary Report  
Attachment 70

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

## DECISION

|   |   |                       |
|---|---|-----------------------|
| State of Alaska                             | : | AA-086376, AA-086377, |
| Department of Natural Resources             | : | AA-086378, AA-086379, |
| Attn: Tom Irwin, Commissioner               | : | AA-086380             |
| 550 West 7 <sup>th</sup> Avenue, Suite 1400 | : | Yukon-Kuskokwim       |
| Anchorage, Alaska 99501-3650                | : | Portage Waterbodies   |

### ADMINISTRATIVE WAIVER GRANTED APPLICATION APPROVED

On March 10, 2006, the State of Alaska (State) filed five separate applications for recordable disclaimers of interest for the lands underlying the water bodies comprising the Yukon-Kuskokwim Portage (Y-K Portage).<sup>1</sup> The State filed these applications under the provisions of Section 315 of the Federal Land Policy and Management Act of October 21, 1976 (FLPMA), 43 U.S.C. §1745, and the regulations contained in 43 CFR Subpart 1864. The Y-K Portage consists of nine waterbodies and four land portages. The State applied for the lands underlying the following waterbodies: Mud Creek and Unnamed Lake #1 (AA-086376); Crooked Creek and Johnson River (AA-086377);<sup>2</sup> Kulik Lake and Unnamed Lake #2 (AA-086378);<sup>3</sup> Unnamed

<sup>1</sup> Michael L. Menge, DNR, Commissioner, to Henri Bisson, State Director, BLM, March 10, 2006, files AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), Alaska State Office, BLM records, Anchorage (hereafter BLM records). The reference documents are also available in these files.

<sup>2</sup> On November 17, 2006, the State clarified the description of Crooked Creek. Michael L. Menge, DNR, Commissioner, to Julia Dougan, Acting State Director, BLM, AA-086377 (1864), BLM Records.

<sup>3</sup> On March 12, 2007, the State clarified the Kulik Lake and Unnamed Lake #2 application to exclude a small unnamed lake from their map, located in section 3, T. 18 N., R. 63 W., SM., and correct the corresponding legal description for Unnamed Lake #2, where the initial application listed the lake in sections 23 and 24, but the map

Lake #3 and Unnamed Lake #4 (AA-086379); and the Talbiksok River, beginning in Section 13, Township 19 North, Range 64 West, Seward Meridian (SM), Alaska, to its confluence with Portage Slough of the Yukon River (AA-086380).

The State contends these water bodies were navigable at the time of statehood and, therefore, title to the submerged lands vested in the State upon entry to the Union on January 3, 1959. The State's applications for disclaimers of interest are based on the Equal Footing Doctrine, the Submerged Lands Act of May 22, 1953, the Alaska Statehood Act, the Submerged Lands Act of 1988, or any other legally cognizable reason.

The Submerged Lands Act of 1953, 43 U.S.C. §1311(a), granted and confirmed to the states title to the lands beneath inland navigable waters within the boundaries of the respective states. It also gave the states the right and power to manage, and administer these lands in accordance with state law. Section 6 (m) of the Alaska Statehood Act, July 7, 1958, made the Submerged Lands Act applicable to Alaska.<sup>4</sup> Section 315(a) of FLPMA authorizes the Secretary of the Interior to issue a document of disclaimer of interest(s) in any lands in any form suitable for recordation, where the disclaimer will help remove a cloud on the title of such lands and where he determines a record interest of the United States in lands has terminated by operation of law or is otherwise invalid.

In support of its applications, the State submitted two Bureau of Land Management (BLM) memoranda addressing the navigability of certain water bodies on the Y-K Portage (November 8, 1984,<sup>5</sup> and July 8, 1985<sup>6</sup>); the section entitled "Russian Mission Summer Portage" from a BLM report on the Kuskokwim River Region;<sup>7</sup> and a United States Army Corps of Engineers' (USACE) reconnaissance report on the Y-K Portage, dated January 31, 1971.<sup>8</sup> The State also supplied reference maps for each application which generally depicts the route of the Y-K Portage. Pursuant to 43 CFR 1864.1-2(c)(1) and (d), unless a waiver is granted, a legal description of the lands for which a disclaimer is sought must be based on either an official United States public land survey or a metes and bounds survey tied to the nearest corner of an official public land survey. In its applications, the State of Alaska also requested a waiver of this requirement under 43 CFR 1864.1-2(d).

It is determined that a survey description of the subject water body is not needed to adjudicate the State's application, and the waiver is hereby granted. The location of the subject water bodies, shown below, is depicted on the U.S. Geological Survey, Russian Mission (1:250,000)

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shows the lake in sections 22 and 23. Scott Ogan, DNR, Natural Resource Manger to Thomas P. Lonnie, State Director, BLM, March 12, 2007, AA-086378 (1864), BLM records.

<sup>4</sup> 72 Stat. 339, 343

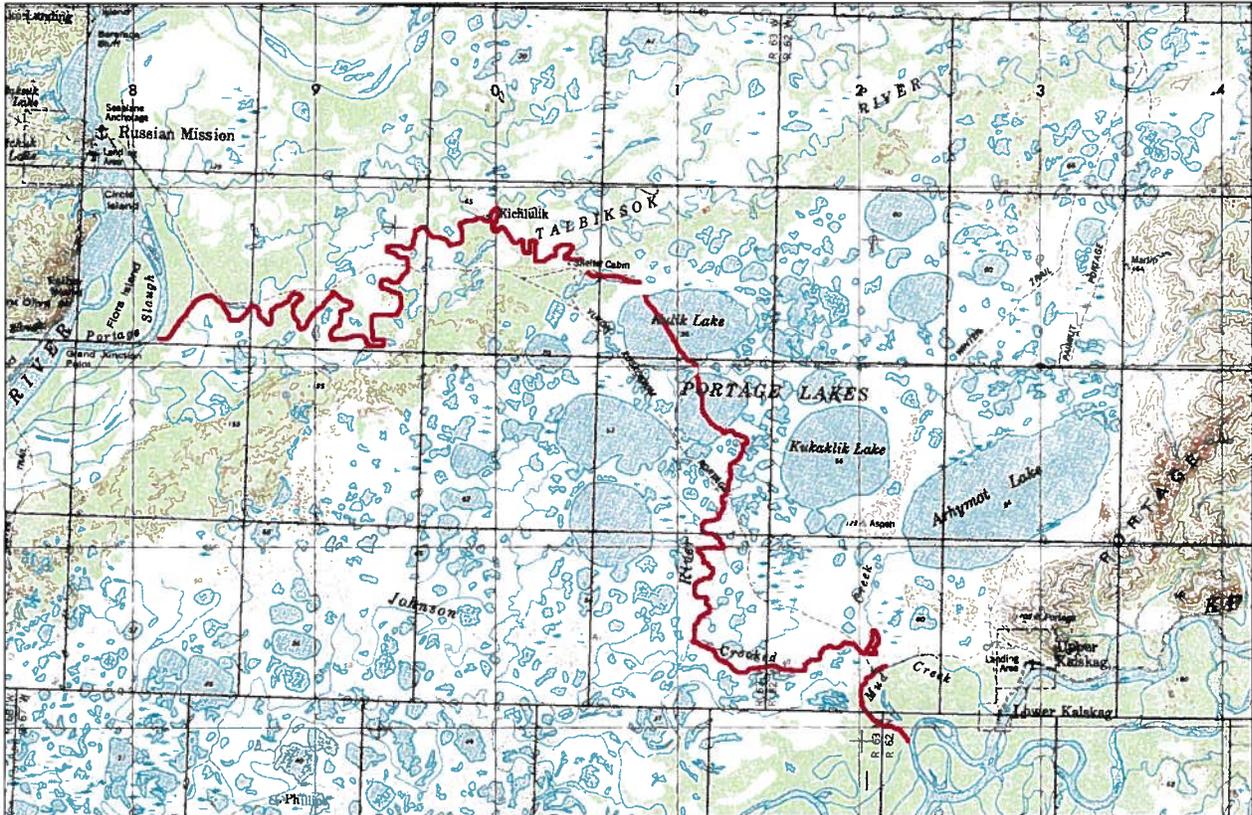
<sup>5</sup> DSD for Conveyance Management (960) to Chief, Branch of Conveyance Services (962), November 8, 1984, BLM records. The subject of this memo is "Navigable Waters of the Kuskokwim Region, Alaska."

<sup>6</sup> James Ducker, Historian, to Chief, Navigability Section, subject: "Water Bodies Determined Navigable in Regional Report Process as of July 10, 1985," July 8, 1985, BLM records.

<sup>7</sup> C. Michael Brown, "Alaska's Kuskokwim River Region: A History." Unpublished manuscript, BLM Alaska State Office, 1985.

<sup>8</sup> U.S., Department of the Army, Corps of Engineers, Alaska District, "Reconnaissance Report, Section 107 Investigation, Yukon-Kuskokwim Portage, Alaska, January 31, 1971."

Quadrangle map (1980). The ordinary high water mark of these water bodies is the legal boundary of the submerged lands. Since these are ambulatory boundaries, the location of which may change over time, there is no need for a survey in order to process this application.



Location of the Y-K Portage

Notice of the State's application was published in the *Federal Register* on June 25, 2007. The BLM prepared a draft report, "Summary Report for the Navigability of the Water Bodies within the Yukon Kuskokwim Portage in the Lower Kuskokwim Subregion, Alaska" which described the State's applications and supporting evidence, riparian land status, physical character, and historical uses.

The BLM sent copies of its draft report to the following, inviting their review and comments and affording them an opportunity to provide additional information: State of Alaska; Calista Corporation, a regional Native corporation; The Kuskokwim Corporation (Successor in Interest to Upper Kalskag, Incorporated and Lower Kalskag, Incorporated), a village Native corporation; Russian Mission Native Corporation, a village Native corporation; Association of Village Council Presidents; Village of Lower Kalskag; Village of Kalskag; Iqurmiut Traditional Council; and the U.S. Fish and Wildlife Service (USFWS).

Public notice of the State's applications, and the availability of the draft navigability report, was published in the *Anchorage Daily News* (June 29, and July 6 and 13, 2007) and in the *Tundra Drums* (July 5, 12, and 19, 2007). Information about these applications, including the draft report, was also posted on the BLM-Alaska website.<sup>9</sup>

During the published notice period, the BLM received several comments from both the State and the USFWS. No other comments were received. In two separate letters, dated August 24, 2007, the State concurred with the BLM's findings, and offered some minor technical corrections.<sup>10</sup> Those comments, where appropriate, were addressed in the final report. On September 25, 2007, the State requested the BLM to consider all comments prior to issuing a decision on the State's application. The USFWS provided the BLM with three separate memoranda. On August 24, 2007, the USFWS offered the BLM suggestions and minor technical corrections to the draft report.<sup>11</sup> Those comments, where appropriate, were also addressed in the final report. On September 21, 2007, the USFWS expressed their disagreement to the State's request for a waiver of survey, urging the BLM to require more precision in describing the land applied for.<sup>12</sup> On October 23, 2007, the USFWS cautioned the BLM to include the federal land managing agencies and others, when considering State's comments, should the State provide additional information.<sup>13</sup> None of the comments presented significant factual information or evidence to support or negate the BLM's draft findings.

The BLM prepared a comprehensive review of the lands applied for which discussed the land status, previous conveyance actions by the BLM, and the physical character and historical uses of the waterbodies within the Y-K Portage for travel, trade, and commerce. Any alterations to submerged lands were examined to assess whether or not water bodies became navigable because of the alterations. Water bodies deemed to be navigable before any improvements were made will remain navigable regardless of the nature of the improvements. The location of upland land ownership boundaries where natural ambulatory movement (accretion or reliction) has occurred or where drought conditions of water bodies exist follow riparian boundary law. The BLM considered all comments, and on August 26, 2010, the BLM issued its final report, entitled, "Federal Interest in Lands Underlying the Water Bodies within the Yukon-Kuskokwim Portage in the Lower Kuskokwim Subregion, Alaska."

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<sup>9</sup> <http://www.blm.gov/ak/st/en/prog/rdi.html>

<sup>10</sup> August 24, 2007, Tammas Brown, DNR, Natural Resource Manager, to Mike Brown and Jack Frost, and to Callie Webber, AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), BLM records.

<sup>11</sup> Thomas O. Melius, Regional Director, USFWS, to Alaska State Director, BLM, AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), BLM records.

<sup>12</sup> Acting Regional Director, USFWS, to Alaska State Director, BLM, AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), BLM records.

<sup>13</sup> Chief, Division of Realty and Natural Resources, USFWS, to Chief, Branch of Survey Planning and Preparation, BLM, AA-086376, AA-086377, AA-086378, AA-086379, AA-086380 (1864), BLM records.

## BACKGROUND

The lands applied for are located entirely within the boundary of the Yukon Delta National Wildlife Refuge, established under the Alaska National Interest Conservation Act (P.L. 96-487) on December 2, 1980. None of these lands were reserved or withdrawn on the date of statehood. Certain riparian lands have been conveyed out of federal ownership under the Alaska Native Claims Settlement Act. There are several Native allotments, conveyed under the Native Allotment Act, located along the Y-K Portage. The State does not have any riparian land along the Y-K Portage.

The Federal test of navigability is found in *The Daniel Ball*, 77, U.S. (10 Wall.) 557 (1870). The U.S. Supreme Court stated: "Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."

In assessing the navigability of inland water bodies, the BLM relies upon this test as well as Federal statutes, Federal case law, and the advice of the Interior Department's Solicitor's Office. Relevant Federal statutes include the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988. Associate Solicitor Hugh Garner's memo of March 16, 1976, ("Title to submerged lands for purposes of administering ANCSA") and Regional Solicitor John Allen's memo of February 25, 1980 ("Kandik, Nation Decision on Navigability") provide valuable guidance on applying title navigability law in Alaska.

## APPLICATION APPROVED

The United States affirms it has no interest in the lands described below because all of the federal interests passed to the State of Alaska at the time of statehood (January 3, 1959). Approving the State's application for a recordable disclaimer of interest will remove a cloud on the title by providing certainty about the ownership of submerged lands underlying those nine waterbodies comprising the Y-K Portage, all located within the Lower Kuskokwim Subregion. Without this certainty, ownership between the two sovereigns, the State of Alaska and the United States, is unclear. This lack of clarity of sovereign ownership greatly complicates the application of natural resources laws and other laws to the submerged lands involved. Resolving clouds on title between the State of Alaska and the United States is thus of even greater importance than resolving title between a private party and the United States.

Accordingly, based on the foregoing, the final navigability report, and the documentation contained in the case record, I have determined that the State's application for a recordable disclaimer of interest is legally sufficient within the provisions of Section 315 of FLPMA and the regulations contained in 43 CFR Subpart 1864. The United States affirms it has no interest in the lands described below. Therefore, the State's application for a recordable disclaimer of interest is hereby approved, as follows:

1. Mud Creek, between the ordinary high water marks on its banks, from the confluence with the Kuskokwim River upstream approximately 4 river miles to the intersection of the overland traverse in the NW ¼ of Sec. 26, T. 17 N., R. 62 W., SM;
2. Unnamed Lake #1, approximately 100 acres, in Sec. 22, T. 17 N., R. 62 W., SM;
3. Crooked Creek, between the ordinary high water marks on its banks, beginning in Sec. 22, T. 17 N., R. 62 W., SM, downstream approximately 8 river miles into T. 17 N., R. 63 W., SM, to its confluence with Johnson River;
4. Johnson River, between the ordinary high water marks on its banks, from the confluence with Crooked Creek in Sec. 22, T. 17 N., R. 63 W., SM, upstream approximately 12 river miles into T. 18 N., R. 63 W., SM, to Unnamed Lake #2;
5. Unnamed Lake #2, approximately 2940 acres, in Secs. 1-4, 9-12, 14-16, and 22-23, T. 18 N., R. 63 W., SM;
6. Kulik Lake, approximately 6400 acres, in T. 18 N., R. 63 W., SM, and T. 19 N., R. 63 W., SM;
7. Unnamed Lake #3, approximately 200 acres, in Secs. 18-20, T. 19 N., R. 63 W., SM;
8. Unnamed Lake #4, approximately 290 acres, in Sec. 19, T. 19 N., R. 63 W., SM and Secs. 13, 23-24, T. 19 N., R. 64 W., SM; and
9. Talbiksok River, between the ordinary high water marks on its banks, beginning in Sec. 13, T. 19 N., R. 64 W., SM, downstream approximately 36 river miles through T. 19 N., R. 65 W., SM, and T. 19 N., R. 66 W., SM, to its confluence with the Portage Slough in Sec. 33, T. 19 N., R. 66 W., SM.

#### HOW TO APPEAL THIS DECISION

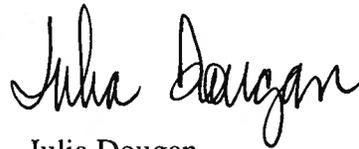
This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4 and the enclosed Form 1842-1. If an appeal is taken, your notice of appeal must be filed in this office (at the above address) within 30 days from receipt of this decision. The appellant has the burden of showing that the decision appealed from is in error.

If you wish to file a petition pursuant to regulations contained in 43 CFR 4.21 for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board, the petition for a stay **must** accompany your notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay **must** also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.



Julia Dougan  
State Director, Alaska

Enclosure

cc (w/o enclosure):

Dick Mylius  
Co-Chair, State Navigable Waters Team  
Division of Mining, Land and Water  
Alaska Department of Natural Resources  
550 W. 7<sup>th</sup> Avenue, Suite 1070  
Anchorage, Alaska 99501

Tina Cunning  
Co-Chair, State Navigable Waters Team  
Office of the Commissioner  
Alaska Department of Fish & Game  
333 Raspberry Road  
Anchorage, Alaska 99518

Elizabeth Barry  
Co-Chair, State Navigable Waters Team  
Department of Law  
1031 West 4<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501

Geoffrey Haskett, Director  
U.S. Fish and Wildlife Service, Region 7  
1011 East Tudor Road  
Anchorage, Alaska 99503

Gene Peltola, Refuge Manager  
Yukon Delta National Wildlife Refuge  
807 Chief Eddie Hoffman Road  
Bethel, Alaska 99559

U.S. Fish and Wildlife Service  
Bret Christensen, Navigability Specialist  
1011 East Tudor Road, MS 221  
Anchorage, Alaska 99503

Scott Ogan, Natural Resource Manager II  
David Schade, Natural Resource Manager I, Navigability Subunit Manager  
Public Access Assertion and Defense Unit  
Division of Mining Land and Water  
Alaska Department of Natural Resources  
550 W. 7<sup>th</sup> Avenue, Suite 1420  
Anchorage, Alaska 99501

Ellen Simpson, Habitat Biologist  
David Ryland, Habitat Biologist  
Alaska Department of Fish & Game  
333 Raspberry Road  
Anchorage, Alaska 99518

NO. 10  
ON  
(41 CFR) 101-11.6  
UNITED STATES GOVERNMENT  
*Memorandum*

Johnson River System  
Interim Summary Report  
Attachment 71

TO : File

FROM : Realty Specialist, McGrath Resource Area

DATE:

In reply refer to:  
F-14915/2651 (102)

SUBJECT: Summary of Ohogamiut Easement Meeting on August 8, 1975,  
at Russian Mission

Those present:

- |                |                            |
|----------------|----------------------------|
| Peter Nick     | Corporation President      |
| Nick Evan      | Corporation Vice President |
| Charlie Boots  | Corporation Secretary      |
| Peter Nickalas | Corporation member         |
| Nick Paltz     | Pilot Station, Alaska      |
| BLM            |                            |
| Joe Labay      | McGrath Resource Area, ADO |
| Rhett S. Wise  | McGrath Resource Area, ADO |

Comments were solicited from 22 agencies on December 4, 1974, and by the news media. Two agencies responded with easement recommendations prior to the meeting date and one agency responded later.

Comments on the easement recommendations.

Alaska Department of Fish and Game

1. A 25-foot trail from Russian Mission to Ohogamiut.  
They said all travel was on the river. There are some steep cliffs along the river's edge at several places.
2. A 25-foot trail from Ohogamiut to Pilot Station.  
Same as number one.
3. A 10-acre campsite, boat and float plane tie-up, with a connecting trail to the village airstrip.

They were agreeable to a one acre site. The proposed site we received is about two miles downstream from the village site. There is public land across the river and on an island. There is no airstrip there. Presently, there appears to be only one family living there all the time. Native allotments have been examined this past summer which cover more than a mile of the river frontage.

F 14915EE



4. A 25-foot trail from Tundra George to the Yukon River.

The States' map hooked this trail up to their Ohogamiut-Pilot Station trail. The villagers said this was primarily a local hunting and trapping trail with occasional travel to Akiachak. They say all winter travel varies greatly according to the weather and snow conditions. They indicated another route on our map.

5. A research station for fisheries (0.46 acres)

They agree with the need of such research sites and with the present site but would like to permit such sites under a free use permit system. The site has a Native allotment pending.

6. A research station for fisheries. (0.46 acres)

Same as for number 5 except there is no Native allotment there.

U. S. Bureau of Mines (C3)

1. A 100-foot road from the Yukon River over the D9 recommendation # 4.

They were very much against anything resembling a road.

2. A similar proposal was off Ohogamiut's land selection.

Alaska Division of Lands recommendations were received after the meeting and will be considered with the other recommendations.

*R. S. Wise*

F 14915EE

UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 72

F 14915EE

TO : Files

DATE: 4/20/76

FROM : Natural Resource Specialist

In reply refer to:  
2650.58 (932)  
F-14915-EE

SUBJECT: Easement Task Force Meeting for the village of Ohogamiut.

The Easement and Navigability Task Force met on January 8, 1976, to consider easements and navigable waters for the village of Ohogamiut.

This selected area is subject to S.O. 2987.

The navigable waters discussion determined that the only inland water-body that was navigable is the Yukon River and its interconnected slough systems. The Johnson River was discussed, but there was no history of use of the Johnson River for commerce in this area.

The following easements were approved by the Task Force:

4 D9 Drop This recommendation is to cover an existing research station. The area requested was 0.46 acres. The Task Force modified this recommendation to one-acre in size. The location is Section 11, T.17N., R.70W., S.M.

5 D9 Drop This recommendation is to cover an existing research station. The area requested was 0.46 acres. The Task Force modified this to an one-acre site. The location is Section 30, T.18N., R.68W., S.M.

Keep 8 C5 trail 8a C5 site This recommendation is for an one-acre campsite on the right bank of the Yukon River in Section 26, T.18N., R.69W., and a 25-foot wide trail easement from the site easement north to public lands along an unnamed stream.

9 C4, C5 Drop This recommendation is for an one-acre site easement, located on the left bank of the Yukon River in Section 36, T.18N., R.69W., S.M. The site easement is a trail-head for a proposed trail from the Yukon River south to public lands that were not selected.

10 C4, C5 Drop This recommendation is for a streamside easement on the Yukon River. The easement is for 25-feet along both banks of the stream. The bed of the river is not included as it is a navigable river and, therefore, the bed of the stream is State land.

The following easements were not approved:

1 D9 This recommendation is for a trail from Russian Mission to Ohogamiut. The recommendation was rejected because



AOP2-1  
4/30/76

the trail does not exist and alternate access is available on the Yukon River. The river is used by boat in the summertime and by snowmachines on the ice in the wintertime.

- 2 D9 This recommendation is for a trail from Ohogamiut to Marshall. The recommendation is rejected for the same reasoning as #1 D9.
- 3 D9 This recommendation is for a site easement to cover an airstrip and a 25-foot trail to public lands. The recommendation was for an airstrip which does not now exist. It is an abandoned strip and this recommendation was also rejected because there are public lands immediately available to the west of Ohogamiut. Ohogamiut is not really a big village. There is reportedly one family living there with the area very heavily filed upon for native allotments.
- 6 D9, D1, C3 This recommendation is for a 100-foot road from the Yukon River to Tundra George. The State recommended a trail from the Yukon River to Tundra George. The recommendation was rejected because another alternate route is available from the river to Tundra George. This is covered by recommendation #7, which was rejected because it was not on native selected land. The upshot being that a route is available from the river to Tundra George that does not impact native selected lands.
- 7 D1, C3 This recommendation is for a trail from the Yukon River to Tundra George. It was not considered for an easement as it does not impact the selected lands.

*Horas D. Jandura*

F 14915EE



# United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

Alaska State Office  
701 C Street, Box 13  
Anchorage, Alaska 99513

✓ F-14915-EE (75.4)  
F-14915-A (2651)  
(963)

Johnson River System  
Interim Summary Report  
Attachment 73

DEC 28 1982

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)  
From: Assistant to the State Director for Conveyance Management (913)  
Subject: Final Easements for the Village of Ohogamiut

Following are the final easement, major waterway and navigability recommendations for lands selected by the village of Ohogamiut. Of those recommendations, my decision is as follows.

## MAJOR WATERWAYS:

The Yukon River was determined to be major. It is a highly significant river that has a long, colorful history of use as a travel route. The Yukon River receives a great degree of watercraft use of all types, from barges to motorboats, as it is the primary surface transportation route between communities along its length. It is the primary means by which goods and supplies are brought into the area but the following sloughs of the Yukon River have also been determined to be major:

Cross Slough;

Middle Slough;

Devils Elbow;

An unnamed slough with its mouth in Sec. 26,  
T. 18 N., R. 68 W., Seward Meridian;

An unnamed slough with its mouth in Sec. 33,  
T. 18 N., R. 68 W., Seward Meridian;

An unnamed slough from its mouth in Sec. 34,  
T. 18 N., R. 68 W., Seward Meridian, southerly  
to public lands; and

An unnamed slough from its mouth in Sec. 19,  
T. 17 N., R. 70 W., Seward Meridian, south-  
easterly to public lands in Sec. 2, T. 16 N.,  
R. 71 W., Seward Meridian.

These sloughs received significant use as alternates to the Yukon River for smaller boat passage because the water is generally calmer and easier to operate on than the main channel. They also receive use by Natives traveling to subsistence areas outside of the selection.

#### NAVIGABILITY:

The Yukon River and its interconnecting sloughs, including Cross Slough, Middle Slough and Devils Elbow, have been determined to be navigable. The Yukon River has a long colorful history of use for travel in trade and commerce. All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based upon existing evidence they were determined to be nonnavigable.

#### ALLOWABLE USES:

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 identified. 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 all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

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

#### EASEMENTS TO BE RESERVED:

- a. (EIN 8 C5) An easement twenty-five (25) feet in width for a proposed access trail from the Yukon River in Sec. 26, T. 18 N., R. 69 W., Seward Meridian, northerly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

#### Discussion:

This proposed trail will follow an unnamed stream to public lands. It is necessary to provide access to public lands north of the selection area that will virtually be isolated from the Yukon River, especially if those lands selected by Russian Mission along the Yukon River to the east of Ohogamiut's selection are conveyed.

- b. (EIN 8a C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 26, T. 18 N., R. 69 W., Seward Meridian, on the right bank of the Yukon River. The uses allowed are those listed above for a one (1) acre site.

Discussion:

This easement is necessary to facilitate the use of trail EIN 8 C5 along with the public waters and resources of the Yukon River.

- c. (EIN 9 C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from site EIN 9a C4, C5 on the left bank of the Yukon River in Sec. 36, T. 18 N., R. 69 W., Seward Meridian, southeasterly to public lands. The uses allowed are those uses listed above for a twenty-five (25) foot wide trail.

Discussion:

This short trail easement provides necessary access between the Yukon River and public lands to the south. Public access to the Yukon River is blocked for over 50 miles by Native selections in this area.

- d. (EIN 9a C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the left bank of the Yukon River in Sec. 36, T. 18 N., R. 69 W., Seward Meridian. The uses allowed are those uses listed above for a one (1) acre site easement.

Discussion:

This site is necessary to accommodate a change in the mode of transportation from river to land travel. It will serve as a trailhead for trail EIN 9 C4, C5, as well as a temporary stopping and resting place for travelers along the Yukon River. This site was determined to be the most logical location when considering the topography of the area.

Robyn D Arnold

# The United States of America

To all to whom these presents shall come, Greeting:

## Patent

F-14915-A  
F-14915-A2

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7504, as GRANTOR, to Ohog Incorporated, P.O. Box 28, Lower Kalskag, Alaska 99626-0028, as GRANTEE, for lands in the Bethel Recording District.

### WHEREAS

Ohog Incorporated

is entitled to a patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(a), of the surface estate in the following-described lands:

Lot 6, U.S. Survey No. 11028, Alaska.

Containing 0.78 acres, as shown on the plat of survey officially filed on November 17, 1995.

Seward Meridian, Alaska

T. 16 N., R. 69 W.,

Sec. 18, lots 1 to 8, inclusive, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 19, lots 1 to 8, inclusive, E $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 20, lots 1, 4, and 5, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 21, lots 1 to 6, inclusive, lot 8, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ;

Sec. 28, lots 2 to 14, inclusive, lots 16, 17, 20, and 21, N $\frac{1}{2}$ NE $\frac{1}{4}$ ,  
NE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;

Patent No. **50-2007-0552**

Sec. 29, lots 3, 4, 7, 8, 11, 14, and 15, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 30, lots 1 to 4, inclusive, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 31, lots 1 to 4, inclusive, lots 6 to 11, inclusive, lots 15 and 16,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ ;  
Sec. 32, lots 1, 2, 5, 6, 7, 10, 11, and 12 and lots 18 to 22, inclusive,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, lots 5, 6, 8, 9, and 10, N $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ .

Containing 4,753.82 acres, as shown on the plat of survey officially filed on July 28, 1987, and the supplemental plat of survey officially filed on December 6, 2004, and the plat of dependent resurvey and subdivision officially filed on December 27, 2005.

T. 16 N., R. 70 W.,  
Secs. 23 and 24.

Containing 1,280 acres, as shown on the plat of survey officially filed on July 28, 1987, and the plat of dependent resurvey and subdivision officially filed on December 27, 2005.

T. 18 N., R. 70 W.,  
Sec. 1, lots 1 to 4, inclusive, E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 11, lots 1 to 15, inclusive;  
Sec. 12, lots 1 to 8, inclusive, lots 11, 13, and 14, NW $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 14, lots 1 to 13, inclusive, SE $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Containing 1,920 acres, as shown on the plat of survey officially filed on July 28, 1987, and the supplemental plat of survey officially filed on July 8, 2003, and the plat of dependent resurvey and subdivision officially filed on December 27, 2005.

Aggregating 7,954.60 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto 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. § 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b) (1976), the following public easements, referenced by Easement Identification Number (EIN) on the easement map, a copy of which can be found in the Bureau of Land Management's public land records, 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, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

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

- a. (EIN 11, D9) An easement twenty-five (25) feet in width for a proposed access trail to public lands twenty-five (25) feet in width from site easement EIN 11a, D9 in Sec. 12, T. 18 N., R. 70 W., Seward Meridian, to public land in Sec. 13, T. 18 N., R. 70 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail.
- b. (EIN 11a, D9) A one (1) acre site easement upland of the ordinary high water mark on the south shore of an unnamed slough in Sec. 12, T. 18 N., R. 70 W., Seward Meridian, between the two streams. The uses allowed are those listed above for a one (1) acre site.



UNITED STATES GOVERNMENT

# Memorandum

Johnson River System  
Interim Summary Report  
Attachment 75

TO : Files

DATE:

FROM : Realty Specialist, McGrath Resource Area

In reply refer to:  
F-14871/2651 (102)

SUBJECT: Kalskag easement meeting

On September 19, 1975, an easement meeting was held with the village of Kalskag. Those in attendance were:

Steve Gregory  
Evan Alexi  
Mary Ann Vaska  
Margie Tetoff

Steve Nicholi  
Moses Vaska  
Anna Mary Simeon  
Phillip Nook

In March 1975, letters were sent to 22 agencies asking them for their comments or recommendations concerning easements in the Kalskag area. Three agencies responded with easement recommendations. These were the State of Alaska, Department of Game and Fish, State of Alaska, Division of Lands, and Bureau of Mines.

## Easements discussed

1. Trail along Kuskokwim River - Aniak to Tuluksak. The villagers said there is no land trail along the Kuskokwim. The river itself is the travel route, boats are used in the summer and snowmachines or dogsleds in the winter. The villagers are not in favor of an easement for a land trail along the Kuskokwim River.
2. Trail from Kalskag to Paimuit (east and west branch). Trail branches were not identified entirely correct based on current use. The trail splits into an east and west branch and the south edge of Pike Lake and converge again approximately five to six miles north of the lake's north boundary. The villagers reported this trail system is still used. The west branch used primarily when traveling to Paimute, the east branch is used primarily to travel to ice fishing areas. The villagers indicated the trails are not used very much on the north side of the lake. The villagers are not in favor of an easement for this trail system.
3. Winter trail from Lower Kalskag and Kalskag to Russian Mission. This trail was not identified correctly by the agencies based on current use. The villagers drew on the map the approximate correct route for this trail. This is a common trail with the Paimute Trail until it reaches the south boundary of Pike Lake,



then it heads northwesterly cross Kukaklik Lake and Kulik Lake. This trail is currently used and receives a lot of use. Most of the travel on this trail is by local natives. The villagers were not in favor of an easement reservation for this trail.

4. Yukon-Kuskokwim-Portage. This is a summer travel route and was not specifically identified by any of the agencies. There are two routes to Russian Mission. The winter trail (#3 above) and this trail, (a summer water route). The villagers indicated this travel route is still used, but is not used too heavily. Travel by this route is almost exclusively by local natives.
5. Campsite, boat, and floatplane tieup at Kalskag. The villagers said there presently is a place for boats and floatplanes to tie up on the river in front of the village. They said they can see no need for a campsite easement here and they are against an easement reservation for a campsite and tieup facility at the village.
6. Campsite, boat, and floatplane tieup at Lower Kalskag. Outside selection area.

*Edward T. McWilliams*  
*Rully Special*

# memorandum

DATE:

FEB 10 1978

REPLY TO  
ATTN OF:

SD

In reply refer to:

2650.58 (932)

SUBJECT:

Final Easements for the Village  
of Kalskag

F 14871 EE

TO:

Chief, Division of Technical Services (941)

The easement staff met on September 14, 1977, to consider the final easement recommendations for lands selected by Kalskag Village. Of those recommendations, my decision is to have the following easements included in the conveyance to Kalskag.

E.I.N.

DESCRIPTION

2 C3, D1, D9

An easement for an existing access trail twenty-five (25) feet in width from Kalskag northerly to site #2b on the south shore of Pike Lake (Arhymot Lake). The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

Discussion:

Reservation of this trail easement is necessary to assure continued public access between the public waters of the Kuskokwim River, the village of Kalskag, the public waters of Pike Lake, and the public lands beyond. The trail has a history of use by villagers and visitors who use it as a travel route between the villages of Lower Kalskag, Kalskag and Paimiute. The trail is also used to get to ice fishing areas and public lands beyond Pike Lake. From this trail travel might also proceed westerly along the Yukon - Kuskokwim Portage to villages along the Yukon River and other public lands.

2a C3, D1, D9

An easement for an existing access trail twenty-five (25) feet in width from Lower Kalskag northerly to trail easement #2 in Sec. 17, T. 17 N., R. 61 W., SM. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

Discussion:

This west branch of trail easement #2 is a portion of the access route known as the Paimiute Portage. Its reservation is necessary to assure continued public access from the village of Lower Kalskag on the Kuskokwim River to trail easement #2 which continues northerly to Pike Lake. This route has a history of use by villagers, visitors, recreationists,



and sportsmen for intervillage travel to Paimiute, and as an access route to hunting, fishing and trapping areas. The twenty-five (25) foot width will allow travel by foot, dogsled, pack animals, snowmachine, and other small vehicles.

2b C3, D1, D9

A site easement upland of the ordinary high water mark in Sec. 4, T. 17 N., R. 61 W., SM., on the south shore of Pike Lake (Arhymot Lake). The site is one (1) acre in size with an additional 25-foot wide easement on the bed of the lake along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

**Discussion:**

This site will serve as a trailhead for persons traveling between the Kuskokwim River and public lands to the north. At the site space will be provided for overnight camping, boat moorage, float-plane tie-up and temporary storage of equipment and supplies. The site will facilitate travel along trail easement #2.

4 C5

An easement for an existing access trail fifty (50) feet in width centered on the route along Mud Creek through Sec. 27 and 34, T. 17 N., R. 62 W., SM., then northwesterly covering the tramway in Sec. 22 and 27, continuing westerly along Crooked Creek and northerly along Johnson River. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

**Discussion:**

As originally recommended, this was a fifty (50) foot easement to cover the Yukon-Kuskokwim Portage and connecting water routes. Later, the easement recommendation was changed to a fifty (50) foot trail covering only the portage tramway in Sec. 22 and 27, T. 17 N., R. 62 W., SM., and included a streamside easement (#12 C5) on the water portions of the trail. After a thorough review it has been decided to reinstate the fifty (50) foot trail easement along the entire Yukon-Kuskokwim Portage route as originally recommended and drop easement #12 C5. This portage trail has a long history of use for access between villages and two major river drainages. It is a system of river, lakes, streams, and overland portage trails with tramways at certain areas to aid in overland passage. This easement will provide for continued use of this trail and will assure an access route to public lands and waters from the Yukon and Kuskokwim Rivers.

7 C4, C5

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the navigable Kuskokwim River throughout the selection area. Purpose is to provide for public use of waters having highly significant present recreational use.

Discussion:

The Kuskokwim River has a long history of use for travel, trade and recreation. It has been used for inter-village travel, fishing, float trips, boating, and other recreational uses. The river also receives use by dogsled and snowmachines during the winter months. This easement is necessary to assure continued public use of this highly significant waterway and to facilitate access along the river by providing space for foot travel, boat docking, etc.

8 C4, C5

A one (1) acre site easement upland of the ordinary high water mark in Sec. 11, T. 17 N., R. 59 W., SM., on the right bank of the Kuskokwim River. The site is for camping, staging, and vehicle use.

Discussion:

Reservation of this site easement is necessary to accommodate public use of the Kuskokwim River and to facilitate access to public land. From this site travel may proceed northerly along trail easement #8a. Space will be available for camping, boat moorage, floatplane tie-up, etc. The site will also serve as a trailhead for travel to public lands.

8a C4, C5

An easement for a proposed access trail twenty-five (25) feet in width from site easement #8 on the right bank of the Kuskokwim River in Sec. 11, T. 17 N., R. 59 W., SM., northerly to public land. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

Discussion:

Reservation of this trail easement is necessary to provide public access to and between the Kuskokwim River and public land to the north. This short trail gives access to an area of about fourteen square miles of public land surrounded by village selection. The twenty-five (25) foot width will allow travel by foot, dogsled, pack animals, snowmachine and other small vehicles.

13 C                   The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

Discussion:           Standard survey easement.

14 C                   Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States. These easements also include the right to build any related facilities necessary for the exercise of the right to transport energy, fuel, and natural resources, including those related facilities necessary during periods of planning, locating, constructing, operating, maintaining, or terminating transportation systems. The specific location of these easements shall be determined only after consultation with the owner of the servient estate. Whenever the use of such easement will require removal or relocation of any structure owned or authorized by the owner of the servient estate, such use shall not be initiated without the consent of the owner of such improvement; provided, however, that the United States may exercise the right of eminent domain if such consent is not given. Only those portions of these easements that are actually in use or that are expressly authorized on March 3, 1996, shall continue to be in force.

Discussion:           Standard transportation easement.

15 D1                  An easement for an existing access trail twenty-five (25) feet in width from trail #2 in Sec. 21, T. 17 N., R. 61 W., SM., westerly across village selected lands. The usage of roads and trails will be controlled by applicable State or Federal law or regulation.

Discussion:           This travel route, known either as the winter trail or overland route of the Yukon - Kuskokwim Portage has received use for many years. It was shown in the Alaska Road Commission Annual report in 1954. It serves as an intervillage travel route and as an

access route to public land, as well as a linkage between the Yukon and Kuskokwim River drainages. The twenty-five (25) foot width will allow travel by foot, dogsled, pack animals, snowmachines, and other small vehicles.

After a thorough review of the casefile the following variances have been made from the Notice of Proposed Easements:

| <u>E.I.N.</u> | <u>VARIANCE</u>  |
|---------------|--|
| 4 C5          | This fifty (50) foot segmented easement covering only the tramway portion of the Yukon - Kuskokwim Portage was reinstated to its original dimensions as a fifty (50) foot easement over the entire "summer" route of the portage which includes a portion of Mud Creek, the tramway, and the sections of Crooked Creek and the Johnson River which cross selected lands.                   |
| 12 C5         | This streamside easement along the summer, or waterway route of the Yukon - Kuskokwim Portage has been dropped. Streamside easements emphasize recreational use and although there has been recreational use made of this portage the traditional use has been for travel and access. By reinstating #4 to its original dimensions it is felt the public needs are more adequately served. |

*Arthur M. Dea*

Johnson River System  
Interim Summary Report  
Attachment 77

2651/75.4 (018)  
F-14871-EE

MAY 5 1980

From: Realty Specialist, McGrath Resource Area  
Thru: Area Manager, McGrath Resource Area *J. Walker 5/5/80*  
Thru: District Manager, Anchorage District Office *[Signature]*  
To: SD (963)  
Subject: Transmittal of Draft SD Memo of Section 17(b) Easement  
Recommendations Conformed to the "New Regulations"

Enclosed herewith is the Draft SD memo for Upper Kalskag,  
Incorporated. The easement recommendations have been conformed  
to the new regulations during the easement conformance meeting  
of March 18, 1980.

*Clifford D. Ellis*

*Memorandum*DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENTIN REPLY REFER TO:  
2651/75.4 (018)  
F-14871-EE

To : Chief, Division of ANCSA Operations      Date:  
      (960)  
FROM : SD

SUBJECT: Final Easements for the Village of Kalskag

The easement staff met on March 18, 1980, to conform the final easement recommendations and consider major waterway and navigability recommendations for lands selected by the village of Kalskag. Of those recommendations, my decision is as follows:

MAJOR WATERWAYS:

The major waterways were discussed. The Kuskokwim River, its interconnecting sloughs, Mud Creek and Crooked Creek, were all determined to be major.

The Kuskokwim River, the second largest river in Alaska, is a significant water highway between villages. Its sloughs serve as alternate routes and as access to public land.

Mud Creek and Crooked Creek are both portions of the Yukon-Kuskokwim Portage that had significant use in earlier years. While tramway portions of this portage have fallen into disrepair, possibilities exist for a return to the portage

as riverboat traffic continues to expand. Small boat travel between villages of these two large rivers would result from a viable portage system on this historical route. Public land access would also be enhanced.

All other named and unnamed water bodies in the lands to be conveyed were reviewed and based on existing evidence they are considered as non-major.

#### NAVIGABILITY:

The Kuskokwim River and its interconnecting sloughs were determined to be navigable. This large river has had a long history of use as a highway of travel, trade and commerce. Many villages along the river are dependent upon it as both a subsistence fishery and as a means of transportation for goods and supplies.

Mud Creek and Crooked Creek are portions of the Yukon-Kuskokwim Portage that connected these two river highways of commerce. Little use occurs today but the potential exists for reviving the portage crossing for small craft. The affected portions of Mud Creek and Crooked Creek are considered navigable by historical use.

All other named and unnamed water bodies in the lands to be conveyed were reviewed and based on existing evidence they are considered as non-navigable.

ALLOWABLE USES:

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 all-terrain vehicles (less than 3,000 lbs Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two and three-wheel vehicles, track vehicles and four-wheel drive vehicles.

One Acre Site - The uses allowed on a 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.

EASEMENTS TO BE RESERVED:

- a. (EIN 2 C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Kalskag northerly to Sec. 4, T. 17 N., R. 61 W., Seward Meridian, on the south shore of Pike Lake (Arhymot Lake). 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 use.

Discussion:

Reservation of this trail easement is necessary to assure continued public access between the public waters of the Kuskokwim River, the village of Kalskag, the public waters of Pike Lake, and the public lands beyond. The trail

has a history of use by villagers and visitors who use it as a travel route between the villages of Lower Kalskag, Kalskag and Paimiute. The trail is also used to get to ice fishing areas and public lands beyond Pike Lake. From Pike Lake Trail travel might also proceed westerly along the Yukon-Kuskokwim Portage to villages along the Yukon River and other public lands.

- b. (EIN 2a C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Lower Kalskag northerly to trail EIN 2 in Sec. 17, T. 17 N., R. 61 W., Seward Meridian. 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 use.

Discussion:

This west branch of trail EIN 2 is a portion of the access route known as the Paimiute Portage. Its reservation is necessary to assure continued public access from the village of Lower Kalskag on the Kuskokwim

River to trail EIN 2 which continues northerly to Pike Lake. This route has a history of use by villagers, visitors, and recreationists.

- c. (EIN 4 C5) An easement for an existing access trail fifty (50) feet in width from Mud Creek in Sec. 27, T. 17 N., R. 62 W., Seward Meridian, thence northwesterly in Sec. 22 and Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

Discussion:

This route includes the land portion of the Yukon-Kuskokwim Portage. It consists of a tramway between waterways which aids boat movement in overland passages. Seldom used now, the route may be important as small boat travel increases on the rivers.

- C4 - 1/27/83*  
d. (EIN 8 1/2 C5) A one (1) acre site easement upland of the ordinary high water mark in Sec. 11, T. 17 N., R. 59 W., Seward Meridian,

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

Discussion:

Reservation of this site easement is necessary to accommodate public use of the Kuskokwim River and to facilitate access to public land. From this site travel may proceed northerly along trail EIN 8a. The site will also serve as a trailhead for travel to public lands.

- e. (EIN 8a C4, C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 8 on the right bank of the Kuskokwim River in Sec. 11, T. 17 N., R. 59 W., Seward Meridian, northerly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

Discussion:

Reservation of this trail easement is necessary to provide public access between the Kuskokwim River and public land to the north. This

short trail gives access to an area of about fourteen square miles of public land surrounded by village selection.

- f. (EIN 15 D1) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 in Sec. 21, T. 17 N., R. 61 W., Seward Meridian, westerly across village selected lands to Sec. 18, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

Discussion:

This travel route, known either as the winter trail or overland route of the Yukon-Kuskokwim Portage, has received use for many years. It was shown in the Alaska Road Commission Annual Report in 1954. It serves as an intervillage travel route and as an access route to public land, as well as a linkage between the Yukon and Kuskokwim River drainages. The fifty (50) foot wide trail portion of the portage, EIN 4 C5, is an exception to the full route of EIN 15, D1. No conflict is intended.

The following easements were considered but not recommended:

- a. (EIN 2b, C3, D1, D9) A site easement upland of the ordinary high water mark in Sec. 4, T. 17 N., R. 61 W., Seward Meridian, on the south shore of Pike Lake (Arhymot Lake).

Discussion:

This easement is not considered necessary nor is the site desirable for a campsite.

- b. (EIN 7 C4, C5) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks of the Kuskokwim River throughout the selection area.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the current easement regulations published November 27, 1978.

- c. (EIN 13 C) The right of the United States to enter upon the lands herein granted for

cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.

Discussion:

This is the standard survey easement. It does not meet the requirements of the current easement regulations published November 27, 1978.

- d. (EIN 14 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States.

Discussion:

This is the standard transportation easement. Secretarial Order 3020 revoked this type of easement authorization on May 14, 1978.

4/30/82 V/M H. H. H. NOTES KC.   
 MTG 7/20/82 TKC / D.O. / S.O.   
 STATE REG. VIK. PLM.

NAN DATA NOTED

Johnson River System  
Interim Summary Report  
Attachment 78

MTG A.O. 7/20/82 MTG WITH T.H., A.S.O. 7/20/82 - DISCUSS EASEMENTS -  
RECOMMEND TO S.A.

Memorandum

To: Chief, Division of ANCSA and State Conveyances

From: SD

Subject: Final Easements for the Village of Kalskag

*Ingl*

*UPT*

*(Apple)*

Following are the final easement, major waterway, and navigability recommendations for lands selected by Kuskokwim Native Corporation (village of Kalskag). Of those recommendations my decision is as follows:

DRAFT

MAJOR WATERWAYS

The following water bodies were determined to be major:

Kuskokwim River;

Mud Creek; and

Crooked Creek.

*ADD TO LIST*

*Kalskag*

*TO ARMYNOT LAKE AND THE LAKE ITSELF*

The Kuskokwim River, with its interconnecting sloughs, is considered a major waterway as it is the primary surface transportation route to villages and public land along its length. It has a long history

of use. Watercraft of many types, from motorboats to barges and float planes, are utilized to transport goods and supplies into the area.

Mud Creek and Crooked Creek are both portions of the Yukon-Kuskokwim Portage that have had significant use in previous years. Although tramway portions have fallen into disrepair, as riverboat traffic increases possibilities exist for the future use of this portage.

*(Crooked Cr. / Mud Cr.)*  
*NAV*  
*CC*  
*See*  
*Mud Cr.*

*VIL SAYS NA:*  
*NA'S on it*  
*Spec bonded KC negotiable with State ANCA \$ 90*  
*He got dry land average of road. Changed agreement entitlement*

NAVIGABILITY

*ARIMOT / MICE*

The following water bodies were considered and found to be navigable throughout the selection area by reason of travel and trade in commerce.

*no commercial fishing*

*boats on CC*  
*20' 25 HP*

Kuskokwim River and its interconnecting sloughs; *Remains open*

*NAV*  
*DATA*

- 1* Mud Creek; and
- 2* *shown* Crooked Creek.

*from Ar. ... lake*  
*NA*  
*NATIVE*  
*NA*

**DRAFT**

*7-8 NA's on lock*

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based upon existing evidence they were determined to be nonnavigable.

*purpose: type craft*

ALLOWABLE USES:

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 all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

**DRAFT**

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, track vehicles and four-wheel drive vehicles.

One Acre Site - The uses allowed on a one acre site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snow-

periodic sales on islands: Sec 12 T17N, R60W  
 not put in gravel gravel bars if possible  
 not tie up (mobiles, cars, trucks), temporary camping,  
 resources - State agrees  
 and loading or unloading. Temporary use downstream  
 camping, loading or unloading shall be  
 limited to 24 hours.

EASEMENTS TO BE RESERVED:

a. (EIN 2 C3, D1, D9) An easement for an existing  
 access trail twenty-five (25) feet in width  
 from Kalskag northerly to public land in Sec. 27,  
 T. 18 N., R. 61 W., and from Sec. 14, T. 18 N.,  
 R. 61 W., northerly to public lands in Sec. 26,  
 T. 19 N., R. 61 W. 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.

**DRAFT**

Discussion:

Reservation of this trail easement is necessary  
 to assure continued public access between the  
 public waters of the Kuskokwim River, the village  
 of Kalskag, the public waters of Pike Lake, and  
 the public lands beyond. The trail has a history  
 of use by villagers and visitors as a travel route  
 between the villages of Lower Kalskag, Kalskag and  
 Paimiute. The trail is also used for access to  
 ice fishing areas and public lands beyond Pike

*delete  
 new road  
 NA  
 4 holes  
 2  
 AVOID  
 on lake  
 State says trail  
 used for  
 fuel  
 in winter  
 road from  
 upper to lower  
 Kalskag*

*not village (agrees)  
 one trail use only in 1930's  
 check 2/2a  
 status of Upper/Lower  
 Kalskag  
 public water keep  
 trails  
 Hole  
 fuel  
 FWS -  
 near  
 0.5 mi?  
 \* check into  
 move.*

Lake. From Pike Lake Trail travel might also proceed westerly along the Yukon-Kuskokwim Portage to villages along the Yukon River and other public lands.

*delete  
use  
crooked creek*

*see notes  
page for GEN 2*

b. (EIN 2a C3, D1, D9) An easement for an existing access trail twenty-five (25) feet in width from Lower Kalskag northerly to trail EIN 2 in Sec. 17, T. 17 N., R. 61 W., Seward Meridian. 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.

**DRAFT**

Discussion:

This west branch of trail EIN 2 is a portion of the access route known as the Paimiute Portage. Its reservation is necessary to assure continued public access from the village of Lower Kalskag on the Kuskokwim River to trail EIN 2 which continues northerly to Pike Lake. This route has a history of use by villagers, visitors, and recreationists.

*205 the comment made by you for part of trail by this*

*connecting  
crooked creek*

*plain & woods two sites portage*

*4-46-15 NW  
no comment*

e. (EIN 4 C5) An easement for an existing access trail fifty (50) feet in width from Mud Creek in Sec. 27, T. 17 N., R. 62 W.,

*4-46-46  
State: documented use  
KC: no comment - check with vil*

Seward Meridian, thence northwesterly to <sup>22</sup> Crooked Creek public land in Sec. 18, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

Discussion:

This route includes the land portion of the Yukon-Kuskokwim Portage. It consists of a tramway between waterways which aids boat movement in overland passages. Seldom used now, the route may be important as small boat travel increases.

- DRAFT**
- d. (EIN 4a C4) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Mud Creek in Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a one (1) acre site easement.

Discussion:

This site easement is necessary to facilitate access to Mud Creek and will serve as a trail-head for the tramway portion of the Yukon-Kuskokwim portage (EIN 4 C5), between Mud Creek and Crooked Creek.

State camp needed  
NA protected  
Episcopal counts  
from  
governor  
of Alaska  
July 7

e. (EIN 4b C4) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Crooked Creek in Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a one (1) acre site easement.

date  
NA  
July 4a  
Am...

Discussion:

This site is necessary to facilitate access to Crooked Creek and will serve as a trailhead for the tramway portion of the Yukon-Kuskokwim Portage (EIN 4(C5)), between Crooked Creek and Mud Creek.

**DISCLAIMER**

(EIN 4(C5)) A one (1) acre site easement upland of the ordinary high water mark on the right bank of the Kuskokwim River in Sec. 11, T. 17 N., R. 59 W., Seward Meridian.

The uses allowed are those listed above for a one (1) acre site

Discussion:

Reservation of this site easement is necessary to accommodate public use of the Kuskokwim River and to facilitate access to public land. From this site travel may proceed

State - not  
topo graphically  
feasible - 1st step  
Vil agrees

State  
Kuskokwim  
is alternate  
route around NA  
not can reach  
increased drop

check that  
state agrees  
drop  
site on island  
put site on island  
July 7  
Aniak  
EIN 2/a

Shore  
creek  
Sec 5  
19 58

4, 33, 39

no set  
Aniak

EIN 3/83 discuss covering  
covered of public land  
black night...  
white...

northerly along trail EIN 8a to public lands.

g. (EIN 8a C4, C5) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 8 on the right bank of the Kuskokwim River in Sec. 11, T. 17 N., R. 59 W., Seward Meridian, northerly to public land.

The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

**DRAFT**

Discussion:

Reservation of this trail easement is necessary to provide public access between the Kuskokwim River and public land to the north. This short trail gives access to an area of about fourteen square miles of public land surrounded by village selection.

h. (EIN 15 D) An easement for an existing access trail twenty-five (25) feet in width from trail EIN 2 in Sec. 21, T. 17 N., R. 61 W., Seward Meridian, westerly across village selected lands to public lands in Sec. 18, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.

*date*

*delete for*

*date  
14-15-4-46  
date  
use N/A  
K20 only  
public access  
Kuskokwim  
merid C4-C5  
not used to access  
public land*

*15 between  
4a-*

*20  
needed as  
portage*

**OBJECT**  
*date to  
River  
trail*

Discussion:

This travel route, known either as the winter trail or overland route of the Yukon-Kuskokwim Portage, has received use for many years. It was shown in the Alaska Road Commission Annual Report in 1954. It serves as an intervillage travel route and as an access route to public land, as well as a linkage between the Yukon and Kuskokwim River drainages. The fifty (50) foot wide trail portion of the portage (EIN 4 C5) is an exception to the full route of EIN 15, D1. No conflict is intended.

**DRAFT**

The following easements were ~~considered but not recommended:~~

- a. (EIN 2b, C3, D1, D9) A site easement upland of the ordinary high water mark on the south shore of Pike Lake (Arhymot Lake) in Sec. 4, T. 17 N., R. 61 W., Seward Meridian.

Discussion:

This easement is not considered necessary nor is the site desirable for a campsite.

- b. (EIN 7 C4, C5) A streamside easement twenty-five (25) feet in width upland of and parallel

to the ordinary high water mark on all banks of the Kuskokwim River throughout the selection area.

Discussion:

This easement is recreational in nature. It does not meet the requirements of the current easement regulations published November 27, 1978.

- c. (EIN 13 C) The right of the United States to enter upon the lands herein granted for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

Discussion:

This is the standard survey easement. It does not meet the requirements of the current easement regulations published November 27, 1978.

- d. (EIN 14 C) Easements for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States.

Discussion:

This is the standard transportation easement.  
Secretarial Order 3020 revoked this type of  
easement authorization on May 14, 1978.

*retain but relocate*

*TRM unit: unless - overgrown - valley not use -  
easement follow path: Sec 26, 17N, 62W*

*↳ go up on Mud Cr. Mud Creek - state boats -  
↳ portage - shorter - 20' 35740 to Lake  
↳ portage - Crooked Creek -  
easement hole*

961:Mward:cea:09/24/81  
CEA3/J cea:09/30/81  
slt:09/30/81

*also give:*

15

DRAFT

*State wants A — A*

Johnson River System  
Interim Summary Report  
Attachment 79

F-14941-EE (75.4)  
F-14936-EE (75.4)  
F-14924-EE (75.4)  
F-14860-EE (75.4)  
F-14990-EE (75.4)  
F-14900-EE (75.4)  
F-14926-EE (75.4)  
F-14831-EE (75.4)  
F-14871-EE (75.4)  
F-14888-EE (75.4)  
(963)

Mr. Glenn Fredricks, President  
The Kuskokwim Corporation  
429 D Street, Suite 202  
Anchorage, Alaska 99501

MAY 17 1982

Dear Mr. Fredricks:

Enclosed is a copy of the report for the meeting held with The Kuskokwim Corporation in Anchorage on April 29 and 30, 1982, concerning the easements and the conveyance for the Native villages of Stony River, Sleetmute, Red Devil, Georgetown, Crooked Creek, Napaimute, Russian Mission, Aniak, Upper Kalskag, and Lower Kalskag.

You are invited to review the report to see that it accurately represents the discussions held. If there are any points that need further clarification, please call me at 271-5768.

Sincerely yours,

/S/ MARTIN L. KARSTETTER

Martin L. Karstetter  
Realty Specialist

Enclosure:  
Trip report

Courtesy Copy to:

Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501  
Attn: Mr. Felix Hess  
(w/enclosure)

Mr. Gary Gustafson  
Land Exchange/Entitlement Unit  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
Pouch 7-005  
Anchorage, Alaska 99510  
Attn: Mr. Jim Culbertson  
(w/enclosure)

Mr. Ron Swanson  
Navigability Unit  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
Pouch 7-005  
Anchorage, Alaska 99510  
Attn: Dennis Daigger  
(w/enclosure)

963:RHiller:slt:05/13/82\*1F  
FALLOUT\*E slt:05/13/82\*1F

F-14941-EE (75.4)  
F-14936-EE (75.4)  
F-14924-EE (75.4)  
F-14860-EE (75.4)  
F-14990-EE (75.4)  
F-14900-EE (75.4)  
F-14926-EE (75.4)  
F-14831-EE (75.4)  
F-14871-EE (75.4)  
F-14888-EE (75.4)  
(963)

MAY 17 1982

Memorandum

To: Files

From: Marty Karstetter and Paul Johnson, Realty Specialists (963)

Subject: Meeting held with the Kuskokwim Corporation Concerning Lands  
Near Stony River, Sleetmute, Red Devil, Georgetown, Crooked Creek,  
Napaimute, Russian Mission, Aniak, Upper Kalskag, and Lower  
Kalskag

On April 29 and 30, 1982, a meeting was held with The Kuskokwim Corporation (TKC) in Anchorage. The purpose of the meeting was to discuss the draft DIC's and the draft SDM's pertaining to lands selected near the above-listed villages. Those in attendance were as follows:

The Kuskokwim Corporation (TKC)

Glenn Fredricks  
Jan Fredericks  
Bob Jenks - Consultant  
Ed McNamara  
Delores Malter  
Sophie Sakar  
Leo Morgan  
Ruth Sheřidan

Calista Corporation

Felix Hess

Sleetmute

Nixe Mellick

State of Alaska

Dennis Dagger  
Jim Culbertson

BLM, Alaska District Office

Bob Hale

BLM, Alaska State Office

Marty Karstetter  
Paul Johnson  
Michelle Ward  
Ted Lipham  
Bob Hiller  
Ruth Stockie  
Elda Cottrell  
Joyce Harvey  
Ron Royer

The Kuskokwim Corporation will provide written comments on major waterways and/or navigability at a later date for the Aniak selection. The corporation made the following comments regarding navigability for the Upper Kalskag selection:

Crooked Creek is navigable upstream from the portage in the S $\frac{1}{2}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian, to Arhymot Lake. Twenty foot boats with 25 hp motors are used on the creek by recreationists and those people wanting to access Arhymot Lake where many have Native allotments.

Arhymot Lake is navigable. There is no commercial fishing, but there are 7 to 8 Native allotments surrounding it. These allotments are seasonal camps.

Goods and supplies are transported via Crooked Creek into Arhymot Lake. The systems are also used by snowmachines during the winter months.

The board provided additional information which indicates that the system is also utilized as an alternate access route between the Yukon and Kuskokwim Rivers.

Following is a summary discussion on each easement by village (note that all land descriptions are Seward Meridian):

Village of Stony River:

- a. (EIN 5 C4) The Kuskokwim Corporation did not object to the reservation of a one (1) acre site easement but did suggest that it be relocated upstream approximately  $\frac{1}{4}$  mile. It appears from the map that the suggested relocation is feasible.
- b. (EIN 5a C4) The Kuskokwim Corporation did not object to the reservation of a twenty-five (25) foot wide trail easement for the proposed trail

but did suggest that it be relocated upstream approximately  $\frac{1}{2}$  mile to lessen impact on Native lands.

- c. (EIN 7 C4) The Kuskokwim Corporation did not object to the reservation of a one (1) acre site easement but did suggest that it be relocated approximately  $\frac{1}{2}$  mile downstream. The State objected to the proposed relocation due to steep topography.
- d. (EIN 7a C4) The Kuskokwim Corporation did not object to the reservation of a twenty-five (25) foot wide trail easement for the proposed trail but did suggest that the easement be relocated approximately  $\frac{1}{2}$  mile downstream to lessen impact to Native land. It appears from the maps that the topography is too steep for a trail and relocating the easement would not substantially lessen impact to Native land.

#### Village of Sleetmute

- a. (EIN 1 D9) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as follows:
  - 1. Conflicts with private land;
  - 2. Regional and community affairs are now in the process of determining private ownership in the area;
  - 3. Municipality would agree to furnish a site; and
  - 4. Travelers can use the beach they are using now.
- b. (EIN 5 C3) The Kuskokwim Corporation did not object to the reservation of a fifty (50) foot wide easement for the existing trail.
- c. (EIN 14 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as it is located on a Native allotment. The corporation suggested that the site be relocated to the northwest corner of Sec. 31, T. 19 N., R. 42 W. It appears from the map that this area is too steep for a site.
- d. (EIN 14a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide easement for the proposed trail due to conflicts with a Native allotment. The corporation suggested that the easement be relocated to the northwest corner of Sec. 31, T. 19 N., R. 42 W. It appears from the map that this area is too steep for a trail.
- e. (EIN 15 C4) The Kuskokwim Corporation and the State recommend that this one (1) acre site easement be relocated to Sec. 11, T. 18 N., R. 43 W.
- f. (EIN 15a C4) The Kuskokwim Corporation and the State recommend that this twenty-five (25) foot wide trail easement be relocated to begin in Sec. 11, T. 18 N., R. 43 W., to avoid swampy ground.

- g. (EIN 16 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement because travelers can camp on public land to the south. The State did not object.
- h. (EIN 16a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide trail easement because the land is swampy. Access to public land will be provided nearby if trail EIN 15a C4 is relocated as proposed by the board. The State did not object.
- i. (EIN 17 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement because travelers can camp on public land to the south. It was pointed out that if both EIN 16 C4 and EIN 17 C4 were deleted, the travel distance between sites and/or public land would be considerable (approximately 24 miles). The State did not object.
- j. (EIN 17a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide easement for the proposed trail because the land is swampy.

#### Village of Red Devil

- a. (EIN 5 C3) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- b. (EIN 8a C4) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the proposed trail. The State recommended that the connecting trail, on the Georgetown selection, be relocated. If the trail is relocated, this easement would not be necessary.
- c. (EIN 14 C5) The Kuskokwim Corporation objects to the reservation of this one (1) acre site easement as follows:
  - 1. Corporation would agree to establish a site easement in the village;
  - 2. The Bureau is now using the airport loading area for camping;
  - 3. Calista Corporation believes it is too close to the village; and
  - 4. The board requested that the Department of Transportation (DOT) be brought in to see if something could be done to have a camping area designated within the airport boundary. Jim Culbertson agreed to check with DOT. The DOT has since determined that a site cannot be located within the airport boundary for safety reasons.
- d. (EIN 14a C5) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail. The map symbol indicates that the trail is proposed.

The State recommended that the easement should be located where originally proposed, to follow Fuller Creek, approximately 3 miles downstream. The easement was not proposed there because of a conflict with a Native allotment. The State also stated that the topography along the proposed route is too steep.

If the Native allotment is correctly located on the MTP, the State's proposal appears feasible; however, the plotting of the Native allotment is suspect.

#### Village of Georgetown

- a. (EIN 3 C3) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- b. (EIN 4 D1) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.
- c. (EIN 4a D1) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the proposed trail.
- d. (EIN 7 C4) The Kuskokwim Corporation and the State recommended relocating this one (1) acre site easement approximately 2½ miles downstream in Sec. 10, T. 2 N., R. 46 W.
- e. (EIN 7a C4) The Kuskokwim Corporation and the State recommended relocating this fifty (50) foot wide easement for the proposed trail. The proposed location would begin at EIN 7 C4 (proposed location) then traverse an open tundra ridge in a southwesterly direction to public land.
- f. (EIN 8 C4) The Kuskokwim Corporation recommended combining this one (1) acre site easement with site EIN 7 C4 in Sec. 10, T. 20 N., R. 46 W.
- g. (EIN 8a C4) The Kuskokwim Corporation recommended combining this twenty-five (25) foot wide easement for the proposed trail with EIN 7a C4. The State did not object. Calista Corporation disagrees with the easement as being duplicative. The board indicated that a site and trail could be located in Sec. 27.
- h. (EIN 10 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated in Sec. 27, T. 21 N., R. 47 W. It appears from the map that this area is too steep to locate a site on.
- i. (EIN 10a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated in Sec. 27, T. 21 N., R. 47 W. From the map, the area appears too steep.
- j. (EIN 11 C4) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.

- k. (EIN 11a C4) The Kuskokwim Corporation did not object to the reservation of this twenty-five (25) foot wide easement for the proposed trail.

Village of Crooked Creek

- a. (EIN 3 C3, D9) The Kuskokwim Corporation objected to the reservation of the easement for the bush airstrip, as it is poorly located and in disrepair. The State agreed to check with Fish and Game to determine whether it is still necessary.
- b. (EIN 3a C3, D9) The Kuskokwim Corporation objected to the reservation of this fifty (50) foot wide easement for the existing trail. The easement would not be necessary if EIN 3 C3, D9 is deleted.
- c. (EIN 4 D9) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.
- d. (EIN 4a D9) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail. The board was not aware that a trail existed.
- e. (EIN 8 C3, L) The Kuskokwim Corporation objected to the reservation of this fifty (50) foot wide easement for the existing trail. The easement would not be necessary if EIN 14 C4 is deleted as recommended.
- f. (EIN 8 C3, L) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing road. The board was concerned about FAS Route No. 231, which joins EIN 8 C3, L, as it was not excluded from the DDIC. The State also stated that FAS Route No. 231 should begin at the Kuskokwim River and proceed northerly. A portion of road EIN 27 C4 would no longer be necessary if the road connected with the Kuskokwim River.
- g. (EIN 9 D1, L) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- h. (EIN 10 D1) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- i. (EIN 14 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as it is located on a Native allotment. The corporation would agree to provide a site within the municipal reserve.

This is an extremely complicated area due to the many Native allotments. It is impossible to tell at this time whether there is adequate area to locate a site on. We agreed to provide TKC with a map indicating the location of the easement.

- j. (EIN 16 C4) The Kuskokwim Corporation recommended that this fifty (50) foot wide easement for the proposed trail be relocated in Sec. 34, T. 22 N., R. 49 W. Based on the map, the terrain on public land is not as favorable as the location proposed in the DSDM.

- k. (EIN 18 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated and combined with EIN 10 C4 on the Georgetown selection in Sec. 27, T. 21 N., R. 47 W.
- l. (EIN 18a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide trail easement for the proposed trail be relocated and combined with EIN 10a C4 on the Georgetown selection in Sec. 27, T. 21 N., R. 47 W.
- m. (EIN 20 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated in Sec. 34, T. 20 N., R. 49 W., as the slough is dried up most of the time. It appears from the map that this area is too steep for a site.
- n. (EIN 20a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated to Sec. 34, T. 20 N., R. 49 W. It appears from the map that this area is too steep for a trail.
- o. (EIN 21 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated to the south of the selection.
- p. (EIN 21a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated to the south of the selection.
- q. (EIN 27 C4) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing road.
- r. (EIN 28 D) The Kuskokwim Corporation objected to the reservation of this avigation and hazard easement. The board recommended that the corporation reconvey the necessary rights to the State in lieu of reserving a Sec. 17(b) easement.

#### Village of Napaimute

The State in general objects to the distance between site easements.

- a. (EIN 3 C4, C5) The Kuskokwim Corporation opposed this site easement. Its purpose as a periodic site easement to facilitate river travel can be served by public land to the north, traversed by the Kuskokwim River in Secs. 19 and 20, T. 17 N., R. 51 W., Seward Meridian. The site is not needed as a trailhead for trail EIN 3a C4, C5 which TKC opposes.
- b. (EIN 3a C4, C5) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources southerly of the selection can be gained using the navigable Holokuk River.
- c. (EIN 11 C4, C5) The Kuskokwim Corporation opposes this site easement. They said access is provided to public land and resources via the Kuskokwim River where it traverses public land in Sec. 36, T. 19 N., R. 50 W., and Sec. 6, T. 18 N., R. 49 W., Seward Meridian. This is where the Crooked Creek and Napaimute selections corner. There would be no impact to Native land.

- d. (EIN 11a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reason stated in paragraph c.
- e. (EIN 15 C4, C5) The Kuskokwim Corporation opposes this site easement. They said public land in the NE $\frac{1}{4}$ , Sec. 25, T. 17 N., R. 53 W., Seward Meridian, traversed by the Kuskokwim River can be used to provide access to public land and resources southerly of the selection, as well as serving as a periodic site to facilitate river travel. They said no road exists at that location.

The State contends there is an existing road which provides access to mining southerly of the selection.

- f. (EIN 15a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reason stated in paragraph e.

See the State's comment in paragraph e.

- g. (EIN 16 C4, C5) The Kuskokwim Corporation opposes this site easement. They said access to public land and resources can be gained using the navigable portion of the Kolmakof River. The site's purpose as a periodic site was not addressed. Its use as a trailhead is opposed because trail EIN 16a C4, C5 is opposed.
- h. (EIN 16a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reasons stated in paragraph g.
- i. (EIN 18 C4, C5) The Kuskokwim Corporation accepts this trail easement in principle but agrees with Calista Corporation who suggests it be relocated to Sec. 33, T. 19 N., R. 52 W., Seward Meridian. The easement is to run diagonally from the NW to the SE corners of the section. The Kuskokwim Corporation will notify us of a final decision.

Calista Corporation questions the need for the non-Native public being north of the selection, but said this relocation would serve as cross-selection access between tracts of public land and resources.

- j. (EIN 20 C4, C5) The Kuskokwim Corporation opposes this trail easement in favor of the proposed relocation of trail EIN 18 C4, C5.

#### Village of Russian Mission (K)

- a. (EIN 2 C3, D1) The Kuskokwim Corporation accepts this site easement in principle but wants it relocated to Sec. 2, T. 17 N., R. 56 W., Seward Meridian, in the right bank of the Kuskokwim River. The site as proposed is in error per the Alaska State Office, BLM. The relocated site will replace Aniak site EIN 6 C3, D1, D9, which is opposed.
- b. (EIN 2a C3, D1) The Kuskokwim Corporation accepts this trail easement provided it originates at the proposed relocation of site EIN 2 C3, D1. The extension of trail EIN 2a C3, D1 will replace Aniak trail EIN 6a C3, D1, D9 which is opposed.

- c. (EIN 10 C4, C5) The Kuskokwim Corporation accepts this trail easement.
- d. (EIN 11 C4, C5) The Kuskokwim Corporation accepts this site easement in principle but wants it relocated to Sec. 16, T. 17 N., R. 54 W., Seward Meridian, on the left bank of the Kuskokwim River, to coincide with an existing trail.
- e. (EIN 11a C4, C5) The Kuskokwim Corporation accepts this trail easement in principle but wants it relocated to Sec. 16, T. 17 N., R. 54 W., Seward Meridian, to coincide with an existing trail.

#### Village of Aniak

- a. (EIN 3 C3, D1, D9) The Kuskokwim Corporation accepts this trail easement for winter use only.
- b. (EIN 4 C3, D1) The Kuskokwim Corporation opposes this trail easement. They said mining equipment is flown into mining operation airstrips not the village's and/or the Aniak River is used; therefore, the trail is not needed. The Kuskokwim Corporation said the trail was made in the early 1900's and has not been used in the last 10 years.

The regional corporation agrees with TKC, and wants to know the location and status of the mining claims in the Marble Creek Mining Area.

The State asked if the Aniak River can be used by barges for movement of mining equipment and supplies. The Kuskokwim Corporation said it's tough going.

- c. (EIN 6 C3, D1, D9) The Kuskokwim Corporation opposes this site easement. It is replaced by the proposed relocation of Russian Mission (k) site EIN 2 C3, D1 to Sec. 2, T. 17 N., R. 56 W., Seward Meridian, on the right bank of the Kuskokwim River.
- d. (EIN 6a C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. It is replaced by the proposed extension of Russian Mission (k) trail EIN 2a C3, D1 to Russian Mission (k) site easement EIN 2 C3, D1.
- e. (EIN 8 C3, D1, D9) The Kuskokwim Corporation reserves comment on this road easement at this time. They want the Aniak townsite land status clarified. They are considering not taking conveyance on Secs. 1, 2, 3, 10, 11, and 12, T. 17 N., R. 57 W., Seward Meridian, due to water body boundary difficulties. It is possible the road could be reconveyed under ANCSA Sec. 14(c).
- f. (EIN 16 C4, C5) The Kuskokwim Corporation opposes this trail easement. They said it duplicates trail EIN 21 C4, which provides access to public land and resources north of the selection.

The State contends that this is an existing route between the Kuskokwim and Yukon Rivers.

- g. (EIN 16a C4, C5) The Kuskokwim Corporation opposes this site easement. They said it duplicates site EIN 21a C4 as a periodic site facilitating river travel and is not needed as a trailhead for trail EIN 16 C4, C5.
- h. (EIN 21 C4) The Kuskokwim Corporation accepts this trail easement.
- i. (EIN 21a C4) The Kuskokwim Corporation accepts this site easement.

#### Village of Upper Kalskag

- a. (EIN 2 C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. They said access to Arhymot Lake and public land and resources north of the selection is via Crooked Creek. The Kuskokwim Corporation said the trail traverses Native allotments adjacent to Arhymot Lake.

The State contends the trail is used for fuel (drums) transportation during winter.

- b. (EIN 2a C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources north of the selection is via the Kuskokwim River and Crooked Creek.
- c. (EIN 4 C5) The Kuskokwim Corporation reserves comment at this time on this trail easement. They will discuss present use with the village.

The State said they have documented use of the easement.

- d. (EIN 4a C4) See discussion in paragraph c.
- e. (EIN 4b C4) The Kuskokwim Corporation reserves comment at this time on this site easement. They said, however, there is a Native allotment which conflicts with the site; it is duplicative of site EIN 4a C4; and the tramway is not used.

The State said the site is needed because the tramway is used. They said the conflicting Native allotment is being protested because the public use pre-dated the allottee's occupancy.

- f. (EIN 8 C5) The Kuskokwim Corporation opposes this site easement. They said Aniak site EIN 21a C4 accomplishes the same purpose therefore site EIN 8 C5 is duplicative.

The State said the site's location is topographically unfeasible as the river bank is very steep. The Kuskokwim Corporation agrees. The State proposed the site be relocated to Sec. 6, T. 17 N., R. 58 W., Seward Meridian on the right bank of the Kuskokwim River. The State is concerned that a tract of public land and resources (Secs. 1 through 4, T. 17 N., R. 59 W.; and Secs. 25 through 29, and 32 through 36, T. 18 N., R. 59 W., Seward Meridian) will be isolated by the selection. They want a trail and site provided to facilitate access. The State's proposed relocation would avoid Native allotment conflicts and serve to facilitate travel on the Kuskokwim River.

- g. (EIN 8a C4, C5) The Kuskokwim Corporation opposes this trail easement and the State agrees, both for the reasons stated in paragraph f.
- h. (EIN 15 D1) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources is via Mud and Crooked Creeks, and the Kuskokwim River.

Village of Lower Kalskag

- a. (EIN 7 D9) The Kuskokwim Corporation accepts this trail easement for winter use only.
- b. (EIN 8 C4, C5) The Kuskokwim Corporation opposes this trail easement. They said it is duplicative of trail EIN 7 D9.  
  
Calista Corporation agrees.
- c. (EIN 10 C4, C5) The Kuskokwim Corporation opposes this site easement. They said public land in Sec. 10, T. 15 N., R. 63 W., Seward Meridian and easterly serves the same purposes. The public land and resources can be accessed using a slough of the Kuskokwim River which starts in Sec. 16, traverses Sec. 9 and enters public land in the NW $\frac{1}{4}$ , Sec. 10, T 15 N., R. 63 W., Seward Meridian.
- d. (EIN 10a C4, C5) The Kuskokwim Corporation opposes this trail easement for reasons stated in paragraph c.
- e. (EIN 17 E) The Kuskokwim Corporation opposes this site easement. They said public land and resources can be accessed via a side slough of Israthorak Creek which they said continues easterly from the SE $\frac{1}{4}$ , Sec. 11, joining a slough of the Kuskokwim in the SW $\frac{1}{4}$ , Sec. 12, T. 15 N., R. 64 W., Seward Meridian. This same slough also appears (from a U.S.G.S. map review) to traverse public land in the W $\frac{1}{2}$ , Sec. 25, and the E $\frac{1}{2}$ , Sec. 26, T. 15 N., R. 64 W., Seward Meridian. They will gather data to support the navigability of Israthorak Creek.
- f. (EIN 17a E) The Kuskokwim Corporation opposes this trail easement for reasons stated in paragraph e. Additionally, other interconnecting sloughs of the Kuskokwim River and the river itself provide access to public land and resources westerly of the selection.

cc:

AM-M (018)  
Attn: B. Hale

DM-NAV (013)  
Attn: M. Wheeler

/s/ MARTIN L. KARSTETTER

/s/ ROBERT D. HALE, JR.

for

Paul O. Johnson

963:MKarstetter:slt:05/11/82\*D  
FALLOUT\*B slt:05/12/82\*1F

5/21/82

Memo

To: Chief, Div of ANCSA and State Conveyances

From: Realty Specialist

Subject: Navigability Review - Upper Kikotay Village Selection

On 5/21/82 I made an initial review of the navigability maps and MTP's for this Village selection. The review left me with questions as to whether or not Arhymot Lake and some channels might not be navigable.

On 6/1/82, I obtained a copy of the trip report for the 10 Kuskokwim Villages.

In pertinent part, the following is contained in the trip report:

- 1) there are 7-8 allotments on the lake. (Review of the MTP's showed 7. One of these <sup>does</sup> has frontage on Crooked Creek. Another is one Crooked Creek close to the outlet ~~into~~ from Arhymot Lake.) The allotments are used as seasonal camps.
- 2) Access to the lake is by use of Crooked Creek from the portage in the S<sup>1</sup>/<sub>2</sub>, Sec 22, T 17N, R 62W, S 7. 20' boats with 35 HP motors are used.
- 3) Goods and supplies are taken to the allotments using this water route discussed in 2) above.
- 4) The system is utilized as an alternate access route between the Yukon + Kuskokwim Rivers. (The Painted Portage is shown on the USGS 1:63, 360 quadrangles. This portage was used in the past as a route between the Kuskokwim and Yukon Rivers, and waterbodies were used where possible.

Based on the above, I recommend we modify our previous recommendations and include Arhymot Lake and that portion of Crooked Creek from the S<sup>1</sup>/<sub>2</sub> of Sec 22, T 17N, R 62W, S 7 to the lake as navigable waterbodies.

CD 70...

Memo

To: Chief, Div of ANCSA and State Comptroller

From: Realty Specialist

Subject: Navigability Review - ~~Upper~~ ~~Yukon~~ Village Selection

On 5/21/82 I made an initial review of the navigability maps and MTP's for this Village selection. The review left me with questions as to whether or not Arhymot Lake and some channel might not be navigable.

On 6/1/82, I obtained a copy of the trip report for the 10 Kuskokwim Valleys.

In pertinent part, the following is contained in the trip report:

1) there are 7-8 allotments on the lake. (Review of the MTP's showed 7. One of these <sup>also</sup> has frontage on Crooked Creek. Another is on Crooked Creek close to the outlet ~~into~~ from Arhymot Lake). The allotments are used as seasonal camps.

2) Access to the lake is by use of Crooked Creek from the portage in the S 1/2, Sec 22, T 17N, R 62W, 50N. 20' boats with 25 HP motors are used.

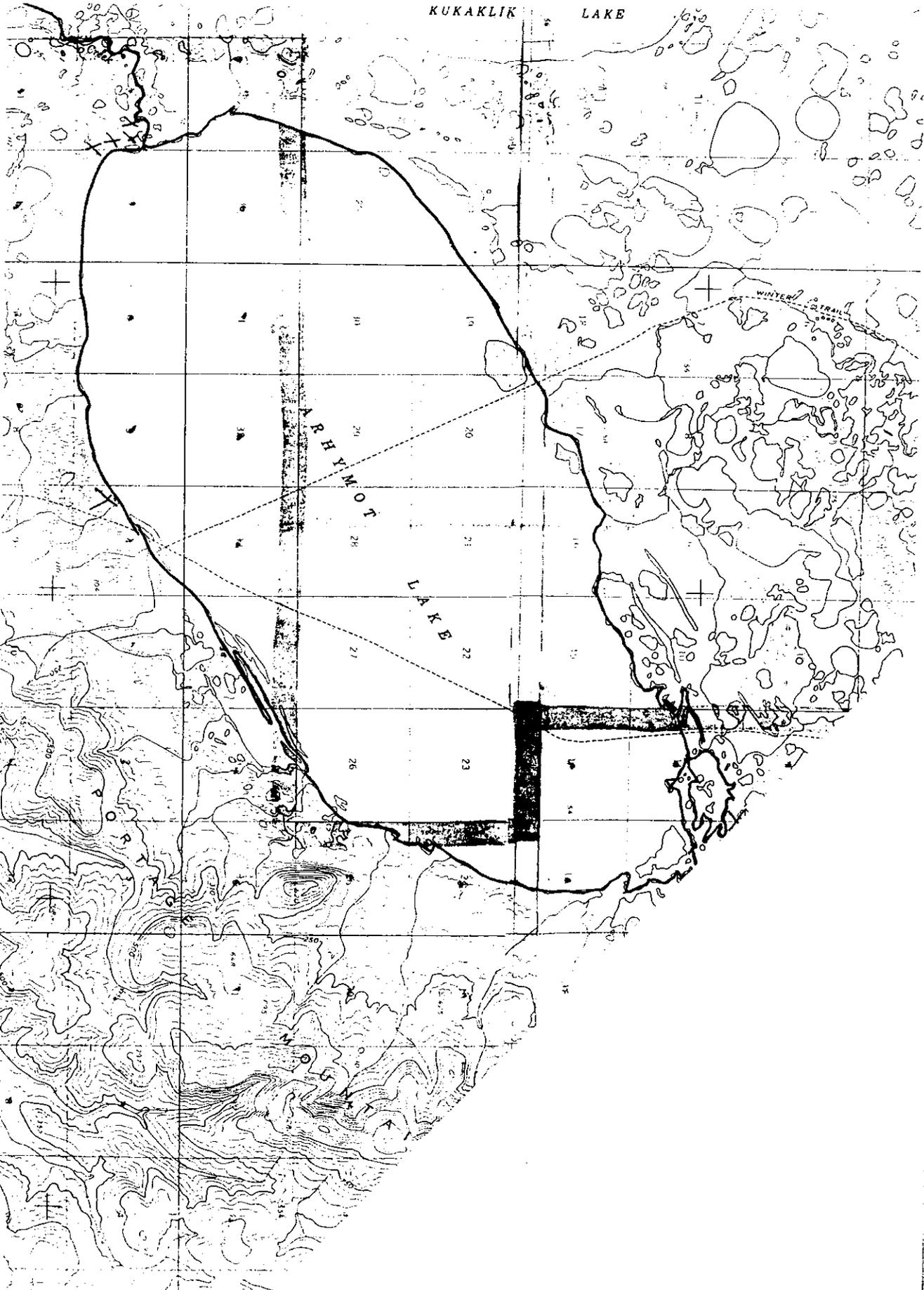
3) Goods and supplies are taken to the allotments using this water route described in 2) above.

4) The system is utilized as an alternate access route between the Yukon + Kuskokwim Rivers. (The Pairnet Portage is shown on the USGS 1:63,360 quadrangles. This portage was used in the past as a route between the Kuskokwim and Yukon Rivers, and waterbodies were used where possible.

Based on the above, I recommend we modify our previous recommendations and include Arhymot Lake and that portion of Crooked Creek from the S 1/2 of Sec 22, T 17N, R 62W, 50N to the lake as navigable waterbodies.

Sherman Fryer

KUKAKLIK LAKE



ARHYMOT

LAKE

WINTER TRAIL



Johnson River System  
Interim Summary Report  
Attachment 81

✓ F-14871-EE (75.4)  
(963)

REVISOR  
FOR 8/20/82  
KARSTETTER  
8/20/82

Mr. Glenn Fredericks  
The Kuskokwim Corporation  
429 D Street, Suite 202  
Anchorage, Alaska 99501

AUG 20 1982

Dear Mr. Fredericks:

I have reviewed and considered your comments and those of the State of Alaska, our District Office, and other Federal agencies concerning the proposed easements for lands to be conveyed to The Kuskokwim Corporation in the vicinity of the village of Kalskag (Upper). I have changed some of the easement recommendations. My decision is as follows:

- a. (EIN 2 C3, D1, D9) Retain that portion of this trail easement from Upper Kalskag to Arhymot Lake for winter use only.
- b. (EIN 2a C3, D1, D9) Delete this trail easement. This trail easement is not needed as a tie from Lower Kalskag to trail EIN 2 C3, D1, D9. A State maintained road links both Kalskags and facilitates the use of trail EIN 2 C3, D1, D9 to access public land and resources. Alternate access to public land and resources can be gained using Crooked Creek and Arhymot Lake.
- c. (EIN 4 C5) Retain this trail easement but relocate it to begin at Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian; following in part the old Tramway (Trail); heading generally northwesterly to Crooked Creek, SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian; and avoiding Native Allotment (F-17380) to the east.
- d. (EIN 4a C4) Retain this site easement but relocate it adjacent to Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian.
- e. (EIN 4b C4) Retain this site easement.
- f. (EIN 8 C4, C5) Retain this site easement but relocate it to the downriver end of the unnamed island in the S $\frac{1}{2}$ , Sec. 12, T. 17 N., R. 59 W., Seward Meridian. It is not needed as a trailhead for trail EIN 8a C4, C5, which is being deleted, but will facilitate Kuskokwim River travel.
- g. (EIN 8a C4, C5) Delete this trail easement. Access to public land and resources can be gained by using the navigable George One's Creek (local place name) whose confluence with the Kuskokwim River is in Sec. 5, T. 17 N., R. 58 W., Seward Meridian.

- h. (EIN 15 D1) Delete this trail easement. Alternate access to public land and resources can be gained via trail EIN 2 C3, D1, D9, navigable Crooked Creek, the Yukon-Kuskokwim Portage, and navigable Arhymot Lake.
- i. (EIN 8b C4, C5) Add a one (1) acre site easement on the downstream end of a small unnamed island in the NE $\frac{1}{4}$ , Sec. 20, T. 17 N., R. 60 W., Seward Meridian.

Sincerely yours,

/s/ ROBERT W. FAITHFUL

Robert D. Arnold  
Assistant to the State Director  
for Conveyance Management

Courtesy Copy to:

Mr. Nelson Angapak, Executive Vice-President  
Calista Corporation  
516 Denali Street  
Anchorage, Alaska 99501

Mr. Jim Culbertson  
Land Exchange/Entitlement Unit  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
Pouch 7005  
Anchorage, Alaska 99510

Mr. Ron Swanson  
Navigability Unit  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
Pouch 7005  
Anchorage, Alaska 99510  
ATTN: Dennis Daigger

Mr. Barry Reiswig  
Yukon Delta National Wildlife Refuge  
U.S. Fish and Wildlife Service  
P.O. Box 346  
Bethel, Alaska 99539

Mr. Keith Schreiner  
Alaska Area Director  
U.S. Fish and Wildlife Service  
1011 East Tudor Road  
Anchorage, Alaska 99503

cc:

Navigability Unit (962)  
Attn: S. Berg

AM-McGrath (018)  
Attn: B. Hale

DM-Nav (013)  
Attn: C. Neufelder

Johnson River System  
Interim Summary Report  
Attachment 82

F-14871-EE (75.4)  
F-14871-A (2651)  
(963)

AUG 23 1982

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)  
From: Assistant to the State Director for Conveyance Management (913)  
Subject: Final Easements for The Kuskokwim Corporation for the Village  
of Upper Kalskag

*8/24/82*  
*KRAESTETTER*  
*8/20/82*  
*R. [Signature]*  
*8/20/82*

Following are the final easement, major waterway, and navigability recommendations for land selected by The Kuskokwim Corporation in the vicinity of the village of Upper Kalskag. Of those recommendations my decision is as follows:

MAJOR WATERWAYS:

The Kuskokwim River, and its interconnecting sloughs, Mud and Crooked Creeks are determined major waterways. The Kuskokwim River, and its interconnecting sloughs, is the primary surface transportation access route to villages and public land and resources along its length. It has a long history of use by watercraft of many types, from motorboats to barges and float planes, for the transporting of goods and supplies.

Mud and Crooked Creeks are both portions of the Yukon-Kuskokwim Portage that have had significant use in previous years, although the tramway portions have fallen into disrepair. As riverboat traffic increases, possibilities exist for the future use of this portage.

All other named and unnamed water bodies within the lands to be conveyed were reviewed and based on existing evidence are determined not to be major waterways.

NAVIGABILITY:

The Kuskokwim River, and its interconnecting sloughs; Mud Creek from its confluence with the Kuskokwim River, Sec. 5, T. 16 N., R. 62 W., Seward Meridian to the NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian; Crooked Creek; and Arhymot Lake are navigable throughout the conveyance area by reason of travel, trade and commerce.

All other named and unnamed water bodies within the lands to be conveyed were reviewed and based upon existing evidence are determined nonnavigable.

ALLOWABLE USES:

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 all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles and four-wheel drive vehicles.

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

EASEMENTS TO BE RESERVED:

- a. (EIN 2 C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Upper Kalskag northerly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

Discussion:

Reservation of this trail easement is necessary to assure continued public access between the navigable Kuskokwim River, the village of Kalskag, navigable Arhymot Lake, and public land and resources beyond. The trail has a history of use by villagers and visitors as a travel route between the villages of Lower Kalskag, Kalskag and Paimiute. The trail is also used for access to ice fishing areas and public land beyond Arhymot Lake.

- b. (EIN 4 C5) An easement fifty (50) feet in width for an existing in part, proposed in part access trail from Mud Creek in the SE $\frac{1}{4}$  Sec. 27, T. 17 N., R. 62 W., Seward Meridian, northwesterly to Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a fifty (50) foot wide trail easement.

Discussion:

This route includes the land portion of the Yukon-Kuskokwim Portage. It consists of a tramway between waterways which aids boat movement in overland passages. Seldom used now, the route may be important as small boat travel increases. It is proposed (in part) from Mud Creek northerly to a point midway along the existing tramway to avoid conflicting with Native Allotment (NA) F-17380 Parcel B to the east. When actually placed on the ground (after the NA survey) it would parallel the west boundary of the NA.

- c. (EIN 4a C4) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site.

Discussion:

This site easement is necessary to facilitate access to Mud Creek and will serve as a trailhead for the tramway portion of the Yukon-Kuskokwim Portage (trail EIN 4 C5), between Mud Creek and Crooked Creek.

- d. (EIN 4b C4) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.

Discussion:

This site is necessary to facilitate access to Crooked Creek and will serve as a trailhead for the tramway portion of the Yukon-Kuskokwim Portage (trail EIN 4 C5), between Crooked Creek and Mud Creek.

- e. (EIN 8<sup>44-9/29/83</sup> C5) A one (1) acre site easement upland of the ordinary high water mark on the downriver end of the unnamed island in the Kuskokwim River in the S $\frac{1}{2}$ , Sec. 12, T. 17 N., R. 59 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site.

Discussion:

Reservation of this site easement is necessary to facilitate a reasonable pattern of travel on the Kuskokwim River.

- f. (EIN 8b C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the downstream end of a small unnamed island in the Kuskokwim River in the NE $\frac{1}{4}$ , Sec. 20, T. 17 N., R. 60 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site.

Discussion:

This site easement will facilitate a reasonable pattern of Kuskokwim River travel and use.

The following easements were considered but not recommended:

- a. (EIN 2a C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from Lower Kalskag northerly to trail EIN 2 C3, D1, D9, in Sec. 17, T. 17 N., R. 61 W., Seward Meridian.

Discussion:

This trail easement is not needed as a tie from Lower Kalskag to trail EIN 2 C3, D1, D9. A State maintained road links both Kalskags and facilitates the use of trail EIN 2 C3, D1, D9 in accessing public land and resources.

- b. (EIN 8a C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from site EIN 8 C5 on the right bank of the Kuskokwim River in Sec. 11, T. 17 N., R. 59 W., Seward Meridian, northerly to public land.

Discussion:

Reservation of this trail easement is not necessary to provide access because access to public land and resources can be gained by using George One's Creek (local place name), a navigable major waterway, whose confluence with the Kuskokwim River is in Sec. 5, T. 17 N., R. 58 W., Seward Meridian.

- c. (EIN 15 D1) An easement twenty-five (25) feet in width for an existing access trail from trail EIN 2 C3, D1, D9 in Sec. 21, T. 17 N., R. 61 W., Seward Meridian, westerly across village selected land to public land in Sec. 18, T. 17 N., R. 62 W., Seward Meridian.

Discussion:

This trail easement is not necessary because alternate access to public land and resources can be gained via trail EIN 2 C3, D1, D9; Crooked Creek, a navigable major waterway; the Yukon-Kuskokwim Portage; and navigable Arhymot Lake.

/s/ ROBERT D. ARNOLD

Courtesy Copy to:

Mr. Jim Culbertson  
Land Exchange/Entitlement Unit  
State of Alaska  
Department of Natural Resources  
Division of Research and Development  
Pouch 7-005  
Anchorage, Alaska 99510

cc:

Navigability Unit (962)  
Attn: S. Berg

AM-McGrath (018)  
Attn: B. Hale

DM-Nav (013)  
Attn: C. Neufelder

963\*RHiller\*mmm\*8/19/82  
WMCØ8/G



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 W. 7<sup>th</sup> Avenue, #13  
Anchorage, Alaska 99513-7599  
<http://www.ak.blm.gov>

Johnson River System  
Interim Summary Report  
Attachment 83

JAN 15 2004

9600 (927)

Russian Mission-VS-FY-2004  
AA-82829-FL/13A (75.06)  
AA-82829-FL/13B (75.06)  
AA-82829-FL/14A (75.06)  
AA-82829-FL/14B (75.06)  
F-14871-EE (75.4)  
F-14888-EE (75.4)<sup>1</sup>

## Memorandum

**To:** Chief, Branch of Survey Planning and Preparation (927)  
**From:** Chief, Survey Preparation and Navigability Section (927)  
**Subject:** Navigable Waters within ANCSA-Selected and Interim Conveyed (IC) Lands in the Lower and Upper Kalskag Project Area (CANA-1, Calista Region)

This memorandum identifies and summarizes navigable waters on certain public lands, within 28 townships, embraced by pending ANCSA selections in the Lower and Upper Kalskag Project Area. Previously identified navigable waters on IC'd lands are also included in the table as shown on the Appendix. These lands are scheduled for survey during the 2004 field survey season. The authority to identify navigable waters on these selected lands rests in the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act.

Only ANCSA-selected lands were examined in detail. No additional navigable waters have been identified by this report. Previous navigability determinations (generally on IC'd lands) are listed, where appropriate, in the appendix.

The appendix lists the townships within the survey project area. The dates of previously-issued navigability reports, if any, are indicated parenthetically for each township. Otherwise the affected townships are indicated as containing no navigable waters.

<sup>1</sup> F-14871-A (2651), F-14871-A2 (2651), F-14888-A (2651), F-14888-A2 (2651), F-14949-A (2651), AA-12877 (2620), AA-12891 (2620), AA-76402 (2620), AA-76497 (2620)

Seven rectangular survey plats have been identified as requiring additional meanders in order to properly depict waterways previously excluded from the IC. These plats (with the relevant waterway highlighted) have been included as part of the attachments.

Only upland navigable rivers and streams less than three chains in width and lakes less than fifty acres in size which cross or lie within ANCSA-selected and IC'd lands are described.

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 and segregated from the survey in accordance with the Alaska Submerged Lands Act of 1988.

If water bodies are less than meanderable size, and not listed in the appendix, they are non-navigable. They are too short, steep-in-gradient, narrow, or shallow for travel, trade, and commerce.

The BLM-Alaska's navigability determinations are based on Federal law of title navigability. Title to unreserved lands underlying navigable waters vested in the State at the time of statehood. As a general rule, inland waters are navigable if, at the time of statehood, they were used, or were susceptible to use, for travel, trade, and commerce. In a memorandum dated March 16, 1976, Associate Solicitor Hugh C. Garner summarized the Submerged Lands Act of 1953 (43 U.S.C. 1301) and Federal case law pertaining to title navigability. The Alaska Submerged Lands Act of 1988 (P.L. 100-395) provides specific direction regarding navigability determinations and survey meanders for land transfers under the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act. Additional guidance is provided in *Appeal of Doyon, Ltd.*, Alaska Native Claims Appeal Board RLS 76-2, 86 I.D. 692 (1979)[Kandik and Nation Rivers]; *Alaska v. United States*, 754 F.2d 851 (9th Cir.1983), *cert. denied*, 474 U.S. 968 (1985) [Slopbucket Lake]; *Alaska v. Ahtna, Inc.*, 891 F.2d. 1401 (9th Cir.1989), *cert. denied*, 495 U.S. 919 (1990) [Gulkana River]; *United States v. Alaska*, Original No. 84 (1997) [Naval Petroleum Reserve No. 4]; and *Alaska v. United States*, No. 98-35310 (9th Cir. 2000) [Kukpowruk River].

In conclusion, the previous determinations of navigability on IC'd lands are summarized in the Appendix. The determinations of navigability for the remaining village-selected lands as shown in the memorandums dated May 8, 1989, May 24, 1989, and October 30, 1991, are affirmed.

*Jerry B. Lewis*  
1/15/04 *ls*

**Attachments:**

- Appendix
- Navigability Memorandums dated November 8, 1984, July 8, 1985, January 24, 1986, May 8, 1989, May 24, 1989, October 30, 1991
- Rectangular survey plat for T. 16N., R. 60W., SM
- Rectangular survey plat for T. 16N., R. 61W., SM
- Rectangular survey plat for T. 16N., R. 63W., SM
- Rectangular survey plat for T. 15N., R. 61W., SM
- Rectangular survey plat for T. 15N., R. 63W., SM
- Rectangular survey plat for T. 14N., R. 63W., SM
- Rectangular survey plat for T. 14N., R. 64W., SM

cc:

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Navigability Unit  
550 W. 7<sup>th</sup> Avenue, Suite 1050  
Anchorage, Alaska 99501-3579  
Attn: Kathy Atkinson

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Realty Services Section  
550 W. 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

State of Alaska  
Department of Fish and Game  
Sport Fish Division  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
Attn: Robin Willis

U.S. Fish & Wildlife Service  
Water Resources Branch, Region 7  
Attn: Warren Keogh  
1011 E. Tudor Road  
Anchorage, Alaska 99503

Mike Rearden, Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559-0346

Calista Corporation  
601 W. 5<sup>th</sup> Avenue, Suite 200  
Anchorage, Alaska 99501-2225

Association of Village Council Presidents  
Real Estate Services  
P.O. Box 219  
Bethel, Alaska 99559

Kuskokwim Corporation  
Realty Department  
P.O. Box 227  
Anchorage, Alaska 99557

Chief, Branch of Field Surveys (921)

Chief, Branch of Preparation and Resolution CANA-1 (962)

Chief, Branch of Adjudication I (963)

Chief, Branch of Adjudication II (964)

Anchorage Field Office (040)

Dominica Van Koten (927)

Ralph Basner (927)

Rodney Harvey (954C)  
(Electronic Copy)

## Appendix

### Navigable Waters Less than Meanderable Size within Certain ANCSA-Selected and Interim Conveyed (IC) Lands

Lower & Upper Kalskag (ANCSA) Survey Project, Window 2681 (CAA-1)  
*By Township*

#### Seward Meridian

T. 19 N., R. 59 W.

*Includes (village-selected) Secs. 1-5, 8-17, 21-27, 34 and 35.*  
No navigable waters (report of 5/24/89).

T. 19 N., R. 60 W.

*Includes (village-selected) Secs. 31-35.*  
No navigable waters (report of 5/8/89).

T. 19 N., R. 61 W.

*Includes (village-selected) Secs. 35 and 36.*  
No navigable waters (report of 5/8/89).

T. 18 N., R. 59 W.

*Includes (village-selected) Secs. 1-24, 30 and 31.*  
No navigable waters (report of 5/24/89).

T. 18 N., R. 60 W.

*Includes (village-selected) Secs. 2 and 13.*  
No navigable waters (report of 5/8/89).

T. 18 N., R. 61 W.

No navigable waters (report of 5/8/89).

T. 18 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 17 N., R. 59 W.

Discovery Creek in Sec. 31; Slough in NE4SW4NE4 Sec. 31; Slough in Sec. 28 to mouth in SE4SE4NE4 Sec. 29; Stream/Slough of Kuskokwim River in Secs. 23, 24, 26, 27, 34 and 35 (report of 5/24/89).  
*Includes (village-selected) Secs. 23-26.*

T. 17 N., R. 60 W.

Branch of the Kuskokwim River Slough in Secs. 22, 27 and 34; Slough of the Kuskokwim river in Secs. 24 and 25; Interconnecting Slough of the Kuskokwim in Secs. 19, 20 and 29; and Double-lined portion of slough in SE4 Sec. 29. (report of 5/8/89)  
*Includes (village-selected) Secs. 25-27 and 31- 36.*

T. 17 N., R. 61 W.

Interconnecting slough of the Kuskokwim River in Secs. 24 and 25 (report of 5/8/89).

T. 17 N., R. 62 W.

Crooked Creek (throughout the township); Mud Creek to the NE4NE4 Sec. 26 (report of 5/8/89).  
*Includes (village-selected) Secs. 18, 19.*

T. 17 N., R. 63 W.

Johnson River and Crooked Creek (report of 5/8/89).  
*Includes (village-selected) Secs. 13, 14, 23 and 24.*

T. 16 N., R. 60 W.

Stream in Secs. 27 and 28; Linear Lake in Secs. 29 and 30; Slough of Discovery Creek with mouth in SE4SW4SW4 Sec. 2 to end of slough in NE4NW4SE4 Sec. 2 (reports of 5/24/89, 10/30/91).  
*Includes (village-selected) Secs. 3-9, and 27-30.*

T. 16 N., R. 61 W.

Dead-end slough of the Kuskokwim River in Sec. 1; Unnamed Creek flowing northerly through Secs. 25 and 36 and westerly through Secs. 26, 27 and 28; Unnamed Stream that enters the center east boundary of Sec. 24 (reports of 5/8/89, 10/30/91).  
*Includes (village-selected) Secs. 1-12 and 25-29.*

T. 16 N., R. 62 W.

Mud Creek; Double-lined portions of Lake in Secs. 8, 9, 16 and 17; Slough in Secs. 17 to 19; Two left bank double-lined branches in Sec. 19; elongated lakes in SE4SE4 Sec. 8. (report of 5/8/89)

T. 16 N., R. 63 W.

Mud Creek; Slough in Secs. 23 and 24; Kuskokwim River Slough in Native allotment F-16535, Parcel B and SE4 Sec. 25; Slough double-lined and single-lined in Secs. 23-25; double-lined, Dead-end Slough in Sec. 23; Slough in Secs. 26, 27 and 34; Slough in Secs. 33 and 34 (report of 5/8/89).  
*Includes (village-selected) Secs. 8 and 17-19 - No navigable waters.*

T. 16 N., R. 64 W.

No navigable waters (report of 5/8/89).

T. 15 N., R. 60 W.

Outlet of Whitefish Lake (report of 5/24/89).

T. 15 N., R. 61 W.

Whitefish Lake outlet through Sec. 1 (report of 5/8/89).

T. 15 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 15 N., R. 63 W.

Throat Creek in Secs. 9-12, 14-16; Israthorak Creek tributary in Sec. 31 (report of 5/8/89).

T. 15 N., R. 64 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 60 W.

Lake and Channel leading into Whitefish Lake in Secs. 4 and 9 (report of 11/8/82).

T. 14 N., R. 61 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 63 W.

Unnamed Slough in Secs. 19 and 20 (report of 5/8/89).

T. 14 N., R. 64 W.

Unnamed Slough from mouth of Isothorak Creek to the Kuskokwim River through Secs. 8-11 and 17; Unnamed Slough through Secs. 1 and 2 (report of 5/8/89).

*Includes (village-selected) Secs. 1-3, and 10-16.*

T. 14 N., R. 65 W.

Entire Township within Yukon Delta NWR.



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7599  
<http://www.ak.blm.gov>

*DKE/clw 5/4/05*  
*S. He 5-4-05*

Johnson River System  
Interim Summary Report  
Attachment 84

F-14871-A (2651)  
F-14871-EE (75.4)  
CAA-1  
(964) dke/clw/jak

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

MAY 04 2005

## NOTICE

|  |   |                                  |
|--|---|----------------------------------|
| The Kuskokwim Corporation                    | : | Interim Conveyance Nos. 749 and  |
| Successor-in-Interest to Upper Kalskag, Inc. | : | 1653                             |
| 4300 B Street, Suite 207                     | : |                                  |
| Anchorage, Alaska 99503-5951                 | : |                                  |
|  | : |                                  |
| Calista Corporation                          | : | Interim Conveyance Nos. 1567 and |
| Attn: Land Department                        | : | 1654                             |
| 301 Calista Court, Suite A                   | : |                                  |
| Anchorage, Alaska 99518-3028                 | : |                                  |

### Intent to Issue Patent

On September 30, 1983, Interim Conveyance (IC) No. 749 and on January 8, 1996, IC No. 1653 were issued to The Kuskokwim Corporation (Successor-in-Interest to Upper Kalskag, Inc.), pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), for the surface estate of certain lands in the vicinity of Upper Kalskag. Calista Corporation received IC Nos. 1567 and 1654 for the subsurface estate of the same lands, on August 16, 1993, and January 8, 1996, respectively, pursuant to Secs. 14(f) and 22(j) of ANCSA.

Section 22(j)(1) of ANCSA, as amended, authorizes the conveyance of unsurveyed lands and further provides that after survey, a patent will be issued to confirm the boundaries of the IC'd lands. This is notification that a portion of the lands conveyed by IC Nos. 749 and 1653 have been surveyed and that the Bureau of Land Management intends to issue patents confirming the boundaries of those lands.

Draft patents and survey plats are enclosed for your review. The lands are described somewhat differently in the patents than they were in the Interim Conveyance in order to address all legal subdivisions as shown on the plats of survey. Only uplands are described; submerged lands are excluded, up to the ordinary high water mark, beneath rivers and streams 3 chains (198 feet)

wide and wider, and lakes 50 acres in size and larger, which are meanderable according to the Bureau of Land Management's 1973 *Manual of Surveying Instructions*, as modified by 43 CFR § 2650.5-1.

When reviewing the draft patents, please keep in mind that at this point in the process, we cannot reserve additional easements, or relocate or change the allowable uses of a reserved easement, unless the corporation has donated such an easement or agreed to the relocation or change of use.

There have been no changes to the easements to be reserved.

The navigability determination for the water bodies located within the lands described in the draft patent remains unchanged.

The draft patents differ from the IC in that the valid existing rights paragraph does not contain the statement, "(including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g)))" because the lands to be patented were never under the jurisdiction of the State of Alaska.

When the final patents are issued, no lands will remain within IC 1653.

When the final patents are issued, IC 749 remains in full force and effect for the following area: US Survey 13077, within Sec. 35, T. 17 N., R. 61 W., Seward Meridian.

A third party interest was identified within IC 749. Right-of-way grant T-130-YD; F-19246, issued to ALASCOM (formerly RCA Alaska Communications, Inc.) located within Sec. 22, T. 17 N., R. 61 W., Seward Meridian, for communication facilities, and transferred to U.S. Fish and Wildlife Service upon issuance of IC 749. By letter of June 4, 1984, jurisdiction of the above right-of-way was transferred from U. S. Fish and Wildlife Service to the Kuskokwim Native Corporation.

Enclosed are copies of the master title plats, acreage calculation sheets, easement maps, and easement and navigability memoranda to assist in review of the draft patents.

Comments should be made within thirty (30) days of receipt of this notice, and should be sent to:

Bureau of Land Management  
Division of Conveyance Management  
Branch of Adjudication II (964)  
ATTN: D. Kay Erben  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7599

If no comments are received within the 30-day period, the draft patents will be considered correct and the final patents will be issued.

**/s/ D. Kay Erben**

D. Kay Erben  
Land Law Examiner  
Branch of Adjudication II

Enclosures:

Draft patents  
Status plats  
Survey plats  
Easement memoranda  
Easement maps  
Navigability memorandum  
Acreage calculation sheets

Copy furnished to:

State of Alaska (CM-RRR)  
Department of Natural Resources  
Division of Mining, Land and Water  
Realty Services Section  
550 West Seventh Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579  
(w/draft patents and enclosures)

State of Alaska (CM-RRR)  
Department of Fish and Game  
Division of Sport Fish  
ATTN: Robin Willis  
333 Raspberry Road  
Anchorage, Alaska 99518-1599  
(w/draft patents and enclosures)

State of Alaska (CM-RRR)  
Department of Transportation and Public Facilities  
ATTN: Chief, Right-of-Way Branch  
Central Region  
4111 Aviation Avenue  
Anchorage, Alaska 99502-1058  
(w/draft patents and enclosures)

U.S. Fish and Wildlife Service (CM-RRR)  
Division of Realty, Mail Stop 211  
Chief, Branch of Operations  
1011 East Tudor Road  
Anchorage, Alaska 99503  
(w/draft patents and enclosures)

U.S. Fish and Wildlife Service (CM-RRR)  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559  
(w/draft patents and enclosures)

AT&T Alascom  
Attn: Contracts  
210 E. Bluff Drive, MP292  
Anchorage, Alaska 99501-1100

Escrow (961)  
(w/draft patents)

FM, AK (040)

Patricia Underwood (964)

# The United States of America

*To all to whom these presents shall come, Greeting:*

## *Patent*

F-14871-A

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to The Kuskokwim Corporation, Successor-in-Interest to Upper Kalskag, Inc., 4300 B Street, Suite 207, Anchorage, Alaska 99503-5951 as GRANTEE, for lands in the Kuskokwim Recording District.

### WHEREAS

The Kuskokwim Corporation  
Successor-In-Interest to Upper Kalskag, Inc.

is entitled to a patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(a), of the surface estate in the following-described lands, portions of which are described in Interim Conveyance Nos. 749 and 1653 issued September 30, 1983, and January 8, 1996, respectively:

Lot 6, U.S. Survey No. 6488, Alaska

Containing 81.54 acres, as shown on the plat of survey officially filed June 25, 1992.

Seward Meridian, Alaska

T. 17 N., R. 59 W.,  
Secs. 5 and 6;  
Sec. 7, lot 1;  
Sec. 8;  
Sec. 9, lot 1;  
Sec. 10, lots 1 and 2;  
Sec. 11, lots 1 to 8, inclusive;  
Sec. 12, lots 1 and 2;

Sec. 13, lots 1 and 2;  
Sec. 14, lots 1 to 4, inclusive;  
Sec. 15, lots 1, 2, and 3;  
Sec. 16, lots 1 to 4, inclusive;  
Sec. 17, lots 1, 2, and 3;  
Sec. 18, lot 1;  
Sec. 19, lots 1 to 4, inclusive;  
Sec. 20, lots 1 to 4, inclusive;  
Sec. 21, lots 1 to 4, inclusive;  
Sec. 22, lots 1 to 4, inclusive.

Containing 8,031.06 acres, as shown on the plat of survey officially filed September 2, 1997.

T. 17 N., R. 60 W.,  
Secs. 1 to 8, inclusive;  
Sec. 9, lot 1;  
Sec. 10, lot 1;  
Sec. 11;  
Sec. 12, lot 1;  
Sec. 13, lots 4 and 5;  
Sec. 14, lot 3;  
Sec. 15, lots 5, 6, and 7;  
Sec. 16, lots 3 and 4;  
Sec. 17, lot 3;  
Sec. 18, lot 1;  
Sec. 19, lots 3, 4, and 5;  
Sec. 20, lots 3, 5, and 6;  
Sec. 21, lot 3;  
Sec. 22, lots 4, 6, 7, and 8;  
Sec. 23, lots 3, 5, 6, 7, and 8;  
Sec. 24, lots 4, 6, 8, 9, and 10;  
Sec. 28, lot 3;  
Sec. 29, lots 3, 5, 6, and 8;  
Sec. 30, lots 1, 3, 4, and 5.

Containing 13,565.62 acres, as shown on the plat of survey accepted May 28, 1980, and the segregation survey officially filed November 19, 2004.

T. 18 N., R. 60 W.,  
Secs. 3, 4, and 5;  
Sec. 6, lot 1;

Sec. 7, lot 1;  
Secs. 8 to 11, inclusive;  
Secs. 14 to 17, inclusive;  
Sec. 18, lot 1;  
Secs. 19 to 36, inclusive.

Containing 20,347.24 acres, as shown on the plat of survey accepted May 28, 1980,  
and the supplemental plat of survey officially filed November 19, 2004.

T. 19 N., R. 60 W.,  
Sec. 31, lot 1;  
Secs. 32, 33, and 34.

Containing 2,417.12 acres, as shown on the plat of survey accepted May 28, 1980,  
and the supplemental plat of survey officially filed November 19, 2004.

T. 17 N., R. 61 W.,  
Secs. 1, 2, and 3;  
Sec. 4, lots 3 and 4;  
Sec. 5, lot 3;  
Sec. 6, lot 2;  
Sec. 7;  
Sec. 8, lot 1;  
Sec. 9, lot 1;  
Secs. 10 to 15, inclusive;  
Sec. 16, lot 1;  
Sec. 17, lot 1;  
Secs. 18, 19, and 20;  
Sec. 21, lot 1;  
Sec. 22, lot 1;  
Sec. 23, lot 1;  
Sec. 24, lots 1 and 3;  
Sec. 25, lots 1, 4, 5, and 6;  
Sec. 26, lots 3 to 6, inclusive;  
Sec. 27, lots 4 and 5;  
Sec. 28, lot 1;  
Sec. 29, lot 1;  
Sec. 30, lots 1 and 4;  
Sec. 31, lot 1;  
Sec. 32, lot 1;  
Sec. 33, lots 2 and 3;  
Sec. 34, lot 3;

Sec. 35, lot 3;  
Sec. 36, lot 1.

Containing 18,067.72 acres, as shown on the plat of survey accepted May 28, 1980,  
and the segregation survey officially filed November 19, 2004.

T. 18 N., R. 61 W.,  
Sec. 1, lot 4;  
Sec. 2, lots 3, 4, and 5;  
Sec. 11, lots 11 to 14, inclusive;  
Sec. 12, lots 6, 7, and 11;  
Sec. 13, lot 5;  
Sec. 24, lots 1, 3, 4, and 5;  
Sec. 25, lot 3;  
Sec. 33, lot 2;  
Sec. 34, lots 2 to 6, inclusive;  
Sec. 35, lots 4 and 7;  
Sec. 36.

Containing 4,147.74 acres, as shown on the plat of survey accepted May 28, 1980,  
and the photogrammetric resurvey officially filed December 21, 2004.

T. 19 N., R. 61 W.,  
Sec. 35, lots 2 to 8, inclusive;  
Sec. 36, lots 3 and 5.

Containing 1,101.20 acres, as shown on the plat of survey accepted May 28, 1980,  
and the photogrammetric resurvey officially filed November 3, 2004.

T. 17 N., R. 62 W.,  
Sec. 1, lot 4;  
Sec. 2, lots 5, 6, and 7;  
Sec. 11, lot 5;  
Sec. 12, lot 1;  
Sec. 13, lots 1, 3, and 4;  
Sec. 14, lot 1;  
Sec. 15, lots 1 and 3;  
Sec. 16, lot 1;  
Sec. 17;  
Sec. 20, lots 1 and 3;  
Sec. 21, lots 2, 4, and 6;

Sec. 22, lots 3 and 6;  
Sec. 23;  
Sec. 24, lot 1;  
Sec. 25, lots 1, 3, and 4;  
Sec. 26, lot 1;  
Sec. 27, lots 3, 4, and 5;  
Sec. 28, lot 3;  
Sec. 33, lots 1, 3, 4, 5, 7, and 8;  
Sec. 34, lots 1 and 3;  
Sec. 35, lot 1;  
Sec. 36.

Containing 11,902.18 acres, as shown on the plat of survey accepted May 28, 1980, and the segregation survey officially filed October 6, 2004.

Total aggregated acreage is 79,661.42 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto 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. § 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b) (1976), the following public easements, referenced by Easement Identification Number (EIN) on the easement maps, copies of which can be found in the Bureau of Land Management's public land records, 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, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (ATVs) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

50 Foot Trail - The uses allowed on a fifty (50) foot wide trail easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, small and large all-terrain vehicles (ATVs), tracked vehicles, and four-wheel-drive vehicles.

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

- a. (EIN 2 C3, D1, D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Kalskag northerly to public land. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.
- b. (EIN 4 C5) An easement fifty (50) feet in width for a trail (existing in part; proposed in part) from Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian, northwesterly to Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a fifty (50) foot wide trail easement.
- c. (EIN 4a C4) A one (1) acre site easement upland of the ordinary high water mark on the right bank of Mud Creek in the SE $\frac{1}{4}$ , Sec. 27, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- d. (EIN 4b C4) A one (1) acre site easement upland of the ordinary high water mark on the left bank of Crooked Creek in the SW $\frac{1}{4}$ , Sec. 22, T. 17 N., R. 62 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.

- e. (EIN 8 C4 C5) A one (1) acre site easement upland of the ordinary high water mark on the downriver end of the unnamed island in the Kuskokwim River in the S½, Sec. 12, T. 17 N., R. 59 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.
- f. (EIN 8b C4 C5) A one (1) acre site easement upland of the ordinary high water mark on the downstream end of a small unnamed island in the Kuskokwim River in the NE¼, Sec. 20, T. 17 N., R. 60 W., Seward Meridian. The uses allowed are those listed for a one (1) acre site easement.

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

1. Valid existing rights therein, if any, including but not limited to those created by any lease, 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 (ANCSA), 43 U.S.C. § 1616(b)(2) (1976), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law;
2. Right-of-way grant, T-130-YD, F-19246; issued to ALASCOM (formerly known as RCA Alaska Communications, Inc.) located in Sec. 22, T. 17 N., R. 61 W., Seward Meridian, for communication facilities, pursuant to the Act of March 4, 1911, 43 U.S.C. § 1961 as amended; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said Section.

Location Index for Recording Information:

Return Recorded Document to:

Lot 6, U.S. Survey No. 6488, Sec. 27, T. 17 N., R. 61 W., SM.

# The United States of America

To all to whom these presents shall come, Greeting:

## Patent

F-14871-A

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to the Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028 as GRANTEE, for lands in the Kuskokwim Recording District.

### WHEREAS

Calista Corporation

is entitled to a patent pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), of the subsurface estate reserved to the United States in the herein below identified patent for the surface estate in the following described lands, which are described in Interim Conveyance Nos. 1567 and 1654, issued August 16, 1993, and January 8, 1996, respectively:

Patent No. \_\_\_\_\_

Lot 6, U.S. Survey No. 6488, Alaska

Containing 81.54 acres, as shown on the plat of survey officially filed June 25, 1992.

Seward Meridian, Alaska

T. 17 N., R. 59 W.,  
Secs. 5 and 6;  
Sec. 7, lot 1;  
Sec. 8;  
Sec. 9, lot 1;  
Sec. 10, lots 1 and 2;  
Sec. 11, lots 1 to 8, inclusive;  
Sec. 12, lots 1 and 2;

Patent No. \_\_\_\_\_

Sec. 13, lots 1 and 2;  
Sec. 14, lots 1 to 4, inclusive;  
Sec. 15, lots 1, 2, and 3;  
Sec. 16, lots 1 to 4, inclusive;  
Sec. 17, lots 1, 2, and 3;  
Sec. 18, lot 1;  
Sec. 19, lots 1 to 4, inclusive;  
Sec. 20, lots 1 to 4, inclusive;  
Sec. 21, lots 1 to 4, inclusive;  
Sec. 22, lots 1 to 4, inclusive.

Containing 8,031.06 acres, as shown on the plat of survey officially filed September 2, 1997.

T. 17 N., R. 60 W.,  
Secs. 1 to 8, inclusive;  
Sec. 9, lot 1;  
Sec. 10, lot 1;  
Sec. 11;  
Sec. 12, lot 1;  
Sec. 13, lots 4 and 5;  
Sec. 14, lot 3;  
Sec. 15, lots 5, 6, and 7;  
Sec. 16, lots 3 and 4;  
Sec. 17, lot 3;  
Sec. 18, lot 1;  
Sec. 19, lots 3, 4, and 5;  
Sec. 20, lots 3, 5, and 6;  
Sec. 21, lot 3;  
Sec. 22, lots 4, 6, 7, and 8;  
Sec. 23, lots 3, 5, 6, 7, and 8;  
Sec. 24, lots 4, 6, 8, 9, and 10;  
Sec. 28, lot 3;  
Sec. 29, lots 3, 5, 6, and 8;  
Sec. 30, lots 1, 3, 4, and 5.

Containing 13,565.62 acres, as shown on the plat of survey accepted May 28, 1980, and segregation survey officially filed November 19, 2004.

T. 18 N., R. 60 W.,  
Secs. 3, 4, and 5;  
Sec. 6, lot 1;

Sec. 7, lot 1;  
Secs. 8 to 11, inclusive;  
Secs. 14 to 17, inclusive;  
Sec. 18, lot 1;  
Secs. 19 to 36, inclusive.

Containing 20,347.24 acres, as shown on the plat of survey accepted May 28, 1980,  
and the supplemental plat of survey officially filed November 19, 2004.

T. 19 N., R. 60 W.,  
Sec. 31, lot 1;  
Secs. 32, 33, and 34.

Containing 2,417.12 acres, as shown on the plat of survey accepted May 28, 1980,  
and the supplemental plat of survey officially filed November 19, 2004.

T. 17 N., R. 61 W.,  
Secs. 1, 2, and 3;  
Sec. 4, lots 3 and 4;  
Sec. 5, lot 3;  
Sec. 6, lot 2;  
Sec. 7;  
Sec. 8, lot 1;  
Sec. 9, lot 1;  
Secs. 10 to 15, inclusive;  
Sec. 16, lot 1;  
Sec. 17, lot 1;  
Secs. 18, 19, and 20;  
Sec. 21, lot 1;  
Sec. 22, lot 1;  
Sec. 23, lot 1;  
Sec. 24, lots 1 and 3;  
Sec. 25, lots 1, 4, 5, and 6;  
Sec. 26, lots 3 to 6, inclusive;  
Sec. 27, lots 4 and 5;  
Sec. 28, lot 1;  
Sec. 29, lot 1;  
Sec. 30, lots 1 and 4;  
Sec. 31, lot 1;  
Sec. 32, lot 1;  
Sec. 33, lots 2 and 3;  
Sec. 34, lot 3;

Sec. 35, lot 3;  
Sec. 36, lot 1.

Containing 18,067.72 acres, as shown on the plat of survey accepted May 28, 1980,  
and the segregation survey officially filed November 19, 2004.

T. 18 N., R. 61 W.,  
Sec. 1, lot 4;  
Sec. 2, lots 3, 4, and 5;  
Sec. 11, lots 11 to 14, inclusive;  
Sec. 12, lots 6, 7, and 11;  
Sec. 13, lot 5;  
Sec. 24, lots 1, 3, 4, and 5;  
Sec. 25, lot 3;  
Sec. 33, lot 2;  
Sec. 34, lots 2 to 6, inclusive;  
Sec. 35, lots 4 and 7;  
Sec. 36.

Containing 4,147.74 acres, as shown on the plat of survey accepted May 28, 1980,  
and the photogrammetric resurvey officially filed December 21, 2004.

T. 19 N., R. 61 W.,  
Sec. 35, lots 2 to 8, inclusive;  
Sec. 36, lots 3 and 5.

Containing 1,101.20 acres, as shown on the plat of survey accepted May 28, 1980,  
and the photogrammetric resurvey officially filed November 3, 2004.

T. 17 N., R. 62 W.,  
Sec. 1, lot 4;  
Sec. 2, lots 5, 6, and 7;  
Sec. 11, lot 5;  
Sec. 12, lot 1;  
Sec. 13, lots 1, 3, and 4;  
Sec. 14, lot 1;  
Sec. 15, lots 1 and 3;  
Sec. 16, lot 1;  
Sec. 17;  
Sec. 20, lots 1 and 3;  
Sec. 21, lots 2, 4, and 6;  
Sec. 22, lots 3 and 6;

Sec. 23;  
Sec. 24, lot 1;  
Sec. 25, lots 1, 3, and 4;  
Sec. 26, lot 1;  
Sec. 27, lots 3, 4, and 5;  
Sec. 28, lot 3;  
Sec. 33, lots 1, 3, 4, 5, 7, and 8;  
Sec. 34, lots 1 and 3;  
Sec. 35, lot 1;  
Sec. 36.

Containing 11,902.18 acres, as shown on the plat of survey accepted May 28, 1980, and the segregation survey officially filed October 6, 2004.

Total aggregated acreage is 79,661.42 acres.

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

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

1. All the easements and rights-of-way referenced in the aforementioned patent of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, including but not limited to those created by any lease, 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; and
2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village of Upper Kalskag shall be subject to the consent of The Kuskokwim Corporation, Successor-In-Interest to Upper Kalskag, Inc.

Location Index for Recording Information:

Return Recorded Document to:

Lot 6, U.S. Survey No. 6488, Sec. 27, T. 17 N., R. 61 W., SM.

Patent No. \_\_\_\_\_

Page 5 of 5



# United States Department of the Interior



BUREAU OF LAND MANAGEMENT  
Alaska State Office  
222 West Seventh Avenue, #13  
Anchorage, Alaska 99513-7599  
<http://www.ak.blm.gov>

Johnson River System  
Interim Summary Report  
Attachment 85

4412/1  
F-14871-A (2651)

~~SECRET (734)~~  
CAA-1

(964) dke/pku/vkm

SEPTEMBER 09 2005

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

Calista Corporation  
Attn: Land Department  
301 Calista Court, Suite A  
Anchorage, Alaska 99518-3028

Ladies and Gentlemen:

We are pleased to send you the enclosed conveyance document.

The draft patents included with the Notice of Intent to Patent dated May 4, 2005, listed lands that require further survey. The lands are located within T. 18 N., R. 60 W., Seward Meridian, Alaska, totaling 20,347 acres and are not included in the final patent. A patent will be issued at a later date for those lands.

The conveyance document should be recorded immediately with the State Recorder's Office for the recording district in which the property is located. The recording district is shown at the beginning of the conveyance document.

A document presented for recordation must contain the name and complete mailing address of the person or entity to which the document is to be returned. There is a space at the end of the conveyance document for this information.

If you have any questions about recording the conveyance document, see "Recording the Conveyance Documents" enclosure.

Sincerely,

**/s/ Richard Thwaites**

Richard Thwaites  
Chief, Branch of Land Transfer Services

Enclosures:  
Conveyance document  
Recording information

Copies furnished to:  
(w/conveyance documents)

The Kuskokwim Corporation  
Successor in Interest to Upper Kalskag, Incorporated  
4300 B Street, Suite 207  
Anchorage, Alaska 99503-5951

State of Alaska  
Department of Natural Resources  
Division of Mining, Land and Water  
Realty Services Section  
550 West Seventh Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

State of Alaska  
Department of Fish and Game  
Division of Sport Fish  
ATTN: Robin Willis  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

State of Alaska  
Department of Transportation and Public Facilities  
ATTN: Chief, Right-of-Way Branch  
Central Region  
4111 Aviation Avenue  
Anchorage, Alaska 99502-1058

State of Alaska  
Department of Community and Economic Development  
Division of Community Advocacy  
ATTN: Keith Jost  
550 West Seventh Avenue, Suite 1770  
Anchorage, Alaska 99501-3510

Federal Aviation Administration  
Attn: Acquisition and Real Estate Branch, AAL-59RE  
222 W. 7th Avenue, #14  
Anchorage, Alaska 99513-7587

U.S. Department of Homeland Security  
United States Coast Guard  
17th Coast Guard District  
P.O. Box 25517  
Juneau, Alaska 99802-5517

U.S. Department of Homeland Security  
United States Coast Guard  
Commander (s)  
MLC Pacific  
1301 Clay Street, Suite 700N  
Oakland, California 94612-5203

U.S. Fish and Wildlife Service  
Division of Realty, Mail Stop 211  
Chief, Branch of Operations  
1011 East Tudor Road  
Anchorage, Alaska 99503

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559

AT&T Alascom  
Attn: Contracts  
210 E. Bluff Drive, MP292  
Anchorage, Alaska 99501-1100

Escrow (961)

FM, AK (040)

Deputy Chief, Branch of Adjudication II (964)

COPY

# The United States of America

*To all to whom these presents shall come, Greeting:*

## Patent

F-14871-A

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Kuskokwim Recording District.

### WHEREAS

Calista Corporation

is entitled to a patent pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), of the subsurface estate reserved to the United States in the herein below identified patent for the surface estate in the following described lands, which are described in Interim Conveyance No. 1567 issued August 16, 1993, and Interim Conveyance No. 1654 issued January 8, 1996:

Patent No. **50-2005-0435**

Lot 6, U.S. Survey No. 6488, Alaska

Containing 81.54 acres, as shown on the plat of survey officially filed June 25, 1992.

Seward Meridian, Alaska

T. 17 N., R. 59 W.,  
Secs. 5 and 6;  
Sec. 7, lot 1;  
Sec. 8;

Patent No. **50-2005-0436**

# COPY

Sec. 9, lot 1;  
Sec. 10, lots 1 and 2;  
Sec. 11, lots 1 to 8, inclusive;  
Sec. 12, lots 1 and 2;  
Sec. 13, lots 1 and 2;  
Sec. 14, lots 1 to 4, inclusive;  
Sec. 15, lots 1, 2, and 3;  
Sec. 16, lots 1 to 4, inclusive;  
Sec. 17, lots 1, 2, and 3;  
Sec. 18, lot 1;  
Sec. 19, lots 1 to 4, inclusive;  
Sec. 20, lots 1 to 4, inclusive;  
Sec. 21, lots 1 to 4, inclusive;  
Sec. 22, lots 1 to 4, inclusive.

Containing 8,031.06 acres, as shown on the plat of survey officially filed September 2, 1997.

T. 17 N., R. 60 W.,  
Secs. 1 to 8, inclusive;  
Sec. 9, lot 1;  
Sec. 10, lot 1;  
Sec. 11;  
Sec. 12, lot 1;  
Sec. 13, lots 4 and 5;  
Sec. 14, lot 3;  
Sec. 15, lots 5, 6, and 7;  
Sec. 16, lots 3 and 4;  
Sec. 17, lot 3;  
Sec. 18, lot 1;  
Sec. 19, lots 3, 4, and 5;  
Sec. 20, lots 3, 5, and 6;  
Sec. 21, lot 3;  
Sec. 22, lots 4, 6, 7, and 8;  
Sec. 23, lots 3, 5, 6, 7, and 8;  
Sec. 24, lots 4, 6, 8, 9, and 10;  
Sec. 28, lot 3;

# COPY

Sec. 29, lots 3, 5, 6, and 8;  
Sec. 30, lots 1, 3, 4, and 5.

Containing 13,565.62 acres, as shown on the plat of survey accepted May 28, 1980,  
and the plat of segregation survey officially filed November 19, 2004.

T. 19 N., R. 60 W.,  
Sec. 31, lot 1;  
Secs. 32, 33, and 34.

Containing 2,417.12 acres, as shown on the plat of survey accepted May 28, 1980,  
and the supplemental plat of survey officially filed November 19, 2004.

T. 17 N., R. 61 W., ✓  
Secs. 1, 2, and 3;  
Sec. 4, lots 3 and 4;  
Sec. 5, lot 3;  
Sec. 6, lot 2;  
Sec. 7;  
Sec. 8, lot 1;  
Sec. 9, lot 1;  
Secs. 10 to 15, inclusive;  
Sec. 16, lot 1;  
Sec. 17, lot 1;  
Secs. 18, 19, and 20;  
Sec. 21, lot 1;  
Sec. 22, lot 1;  
Sec. 23, lot 1;  
Sec. 24, lots 1 and 3;  
Sec. 25, lots 1, 4, 5, and 6;  
Sec. 26, lots 3 to 6, inclusive;  
Sec. 27, lots 4 and 5;  
Sec. 28, lot 1;  
Sec. 29, lot 1;  
Sec. 30, lots 1 and 4;  
Sec. 31, lot 1;  
Sec. 32, lot 1;  
Sec. 33, lots 2 and 3;

Sec. 34, lot 3;  
Sec. 35, lot 3;  
Sec. 36, lot 1.

Containing 18,067.72 acres, as shown on the plat of survey accepted May 28, 1980,  
and the plat of segregation survey officially filed November 19, 2004.

T. 18 N., R. 61 W., ✓  
Sec. 1, lot 4;  
Sec. 2, lots 3, 4, and 5;  
Sec. 11, lots 11 to 14, inclusive;  
Sec. 12, lots 6, 7, and 11;  
Sec. 13, lot 5;  
Sec. 24, lots 1, 3, 4, and 5;  
Sec. 25, lot 3;  
Sec. 33, lot 2;  
Sec. 34, lots 2 to 6, inclusive;  
Sec. 35, lots 4 and 7;  
Sec. 36.

Containing 4,147.74 acres, as shown on the plat of survey accepted May 28, 1980,  
and the plat of photogrammetric resurvey officially filed December 21, 2004.

T. 19 N., R. 61 W.,  
Sec. 35, lots 2, 3, 4, 6, 7 and 8;  
Sec. 36, lots 3 and 5.

Containing 1,101.20 acres, as shown on the plat of survey accepted May 28, 1980,  
and the plat of photogrammetric resurvey officially filed November 3, 2004.

T. 17 N., R. 62 W., ✓  
Sec. 1, lot 4;  
Sec. 2, lots 5, 6, and 7;  
Sec. 11, lot 5;  
Sec. 12, lot 1;  
Sec. 13, lots 1, 3, and 4;  
Sec. 14, lot 1;

# COPY

Sec. 15, lots 1 and 3;  
Sec. 16, lot 1;  
Sec. 17;  
Sec. 20, lots 1 and 3;  
Sec. 21, lots 2, 4, and 6;  
Sec. 22, lots 3 and 6;  
Sec. 23;  
Sec. 24, lot 1;  
Sec. 25, lots 1, 3, and 4;  
Sec. 26, lot 1;  
Sec. 27, lots 3, 4, and 5;  
Sec. 28, lot 3;  
Sec. 33, lots 1, 3, 4, 5, 7, and 8;  
Sec. 34, lots 1 and 3;  
Sec. 35, lot 1;  
Sec. 36.

Containing 11,902.18 acres, as shown on the plat of survey accepted May 28, 1980, and the plat of segregation survey officially filed December 6, 2004.

Aggregating 59,314.18 acres.

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

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

1. All the easements and rights-of-way referenced in the aforementioned patent of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, including but not limited to those created by any lease, 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; and

# COPY

2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village of Upper Kalskag shall be subject to the consent of The Kuskokwim Corporation, Successor-In-Interest to Upper Kalskag, Inc.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in **Anchorage, Alaska**, the **NINTH** day of **SEPTEMBER**, in the year of our Lord two thousand and **FIVE** and of the Independence of the United States the two hundred and **THIRTIETH**.

By /s/ Richard Thwaites

Richard Thwaites  
Chief, Branch of Land Transfer Services

Location Index for Recording Information:  
Lot 6, USS 6488  
Located within Sec. 27, T. 17 N., R. 61 W.,  
Seward Meridian

Return Recorded Document to:

Patent No. **50-2005-0436**

Page 6 of 6



# United States Department of the Interior

BUREAU OF LAND MANAGEMENT  
Anchorage Field Office  
6881 Abbott Loop Road  
Anchorage, Alaska 99507-2599  
<http://www.anchorage.ak.blm.gov>



Johnson River System  
Interim Summary Report  
Attachment 86

FF-14915-EE (75.4)  
FF-14915-A (2651)  
FF-14915-A2 (2651)  
(043) ks

Memorandum

31 MAR 2004

To: Chief, Branch of Adjudication II

From: Group Manager, Realty (043)

Subject: Final Easement and Major Waterway Recommendations for Ohog, Incorporated for the Village of Ohogamiut

We received your June 17, 2003 request for final easement recommendations and major waterway determination for the lands identified below to be conveyed to the Village of Ohogamiut for the remaining priority land and holes under Sec. 12 (a) and 12(b) and of the Alaska Native Claims Settlement Act (ANCSA). Of these recommendations, my decision is as follows for the lands described below:

Seward Meridian, Alaska

Lot 6, U.S. Survey No. 11028 further  
described to be within  
T. 17 N., R. 69 W.,  
Sec. 18.

T. 16 N., R. 69 W.,  
Secs. 18 to 21, inclusive;  
Secs. 28 to 33, inclusive.

T. 16 N., R. 70 W.,  
Secs. 23 and 24.

Lot 1, U.S. Survey No. 8360 further

described to be within  
T. 18 N., R. 70 W.,  
Secs. 22 and 23.

T. 18 N., R. 70 W.,  
Secs. 1, 11, 14, 12, and 25.

### MAJOR WATERWAYS

The Yukon River, Cross Slough, Middle Slough, Devil's Elbow, Johnson River, Engineer Creek and Slough #1 located in T. 18 N., R. 70 W., Secs., 25, 26, 34, 35 and 36; all are determined to have significant use in their liquid state by watercraft for access to publicly owned lands or between communities. 43 CFR § 2650.0-5 (o).

### ALLOWABLE USES:

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 identified. Any uses which are not specifically listed are prohibited.

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

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

### EASEMENTS TO BE RESERVED:

- a. (EIN 11, D9) An easement twenty-five (25) feet in width for a proposed access trail to public lands twenty-five (25) feet in width from site easement EIN 11a, D9 in Sec. 12, T., 18 N., R. 70 W., Seward Meridian to public land in Sec. 13, T. 18 N., R. 70 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail.

Discussion: The proposed trail provides access to isolated public land to the southeast of site easement EIN 11a, D9. This trail would provide public access to public lands isolated by ridges to the north and east. DNR recommended the trail access to public lands in Sec. 18, T. 18 N., R. 70 W., Seward Meridian. Ohog, Incorporation did not include Sec. 13, T. 18 N., 70 W., Seward Meridian, in their priority selection, so moving the route to this section will provide a shorter and more reasonable access route.

- b. (EIN 11a, D9) A one (1) acre site easement upland of the ordinary high water mark on the south shore of an unnamed slough in Sec. 12, T. 18 N., R. 70 W., Seward Meridian between the two streams. The uses allowed are those listed above for a one (1) acre site.

Discussion: This site easement would be positioned between two unnamed sloughs. This site is necessary to facilitate public access to public lands. This site would function as a trailhead for trail EIN 11, D9 that is an access route from an unnamed slough to isolated public lands in Sec. 13, T.18 N., R. 70 W., Seward Meridian.

EASEMENTS CONSIDERED BUT NOT RECOMMENDED:

A one (1) acre site easement upland of the mean high tide line in Sec. 1, T. 18 N., R. 70 W., Seward Meridian, needed as a periodic resting spot.

Discussion: Alaska State Law at Chapter 46 (Offenses Against Property) Article 2. Sec. 11.46.340. Defense: emergency use of premises states,

“.....a prosecution under AS 11.46.3000, 11.46.310, 11.46.320 or 11.46 33(1)(1), it is an affirmative defense that (1) the entry, use or occupancy of premises or use of personal property on the premises is for an emergency in the case of immediate and dire need...”

In addition, EIN 11a, D9, a proposed one (1) acre site easement, is approximately one (1) mile away.

EASEMENT MAPS:

Russian Mission C-8 easement map is enclosed.

*Denny Benson*

Copy to:

State of Alaska  
Department of Transportation  
Central Region, Right-of-Way Branch  
P. O. Box 196900  
Anchorage, Alaska 99519-6900

Alaska Department of Fish and Game  
Habitat Division, Region 2  
Regional Supervisor  
333 Raspberry Road  
Anchorage, Alaska 99518-1599

Calista Corporation  
Attn: Land Department  
601 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

Commander (SR)  
Maintenance & Logistics  
Command Pacific  
Coast Guard Island  
Alameda, California 94501

State of Alaska  
Department of Natural Resources  
Realty Services Section  
Attn: Doreen Sullivan  
550 West 7<sup>th</sup> Avenue, Suite 1050A  
Anchorage, Alaska 99501-3579

Chief, Branch of Operations  
U.S. Fish and Wildlife Service  
Division of Realty, Mail Stop 211  
1011 East Tudor Road  
Anchorage, AK 99503

Ohogamiut Traditional Council  
P. O. Box 49  
Marshall, AK 99585

U.S. Fish and Wildlife Service  
Refuge Manager  
Yukon Delta National Wildlife Refuge  
P.O. Box 346  
Bethel, Alaska 99559

Ohog Incorporated  
P. O. Box 26  
Marshall, Alaska 99585

(043):KStubbs:ks:032504:1284:I:/REALTY/COBELL/STUBBS/EID/14915finalb032304.doc

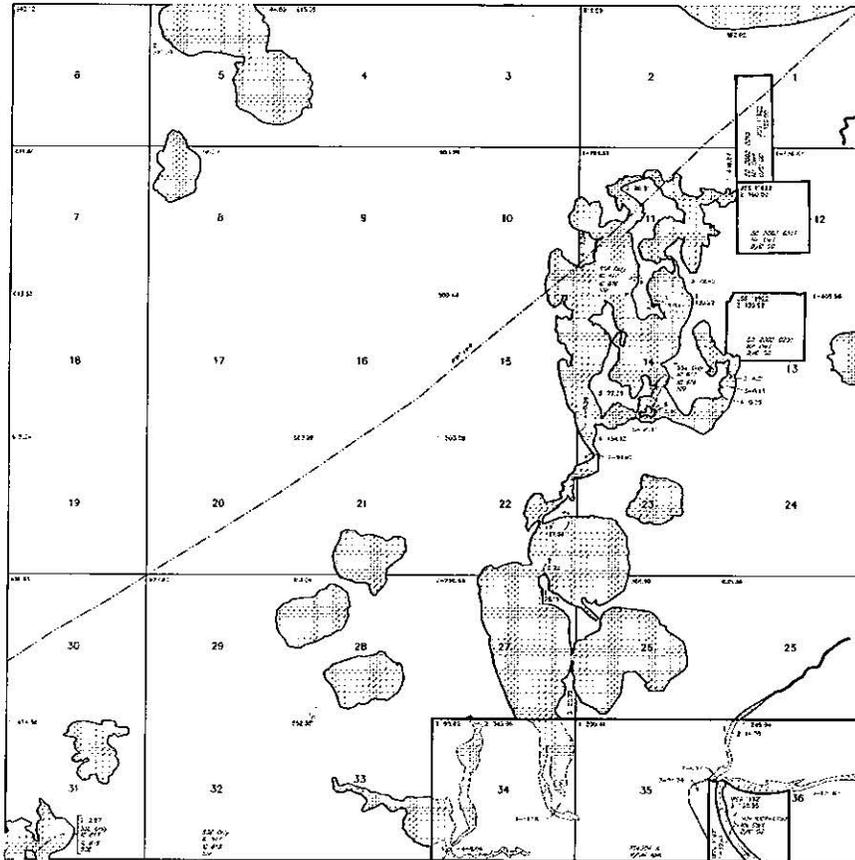
# Ohogamiut Final Easement Memo April 1, 2004



-  14915 Site Easement
-  14915 Proposed Trail Easement
-  14915 Prioritized Selection
-  Bureau of Land Management
-  Fish and Wildlife Service
-  Native Patent or IC
-  Native Selected
-  Private
-  State Patent or TA
-  State Selected

Johnson River System  
Interim Summary Report  
Attachment 87

SURVEYED TOWNSHIP 7 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

ALL RIGHTS RESERVED BY THE STATE OF ALASKA  
OR THE FEDERAL GOVERNMENT OR ANY OTHER  
AGENCY, WHICH MAY BE CLAIMED OR ASSERTED  
HEREIN, ARE HEREBY DISCLAIMED.

THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.

THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.

THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.

THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.

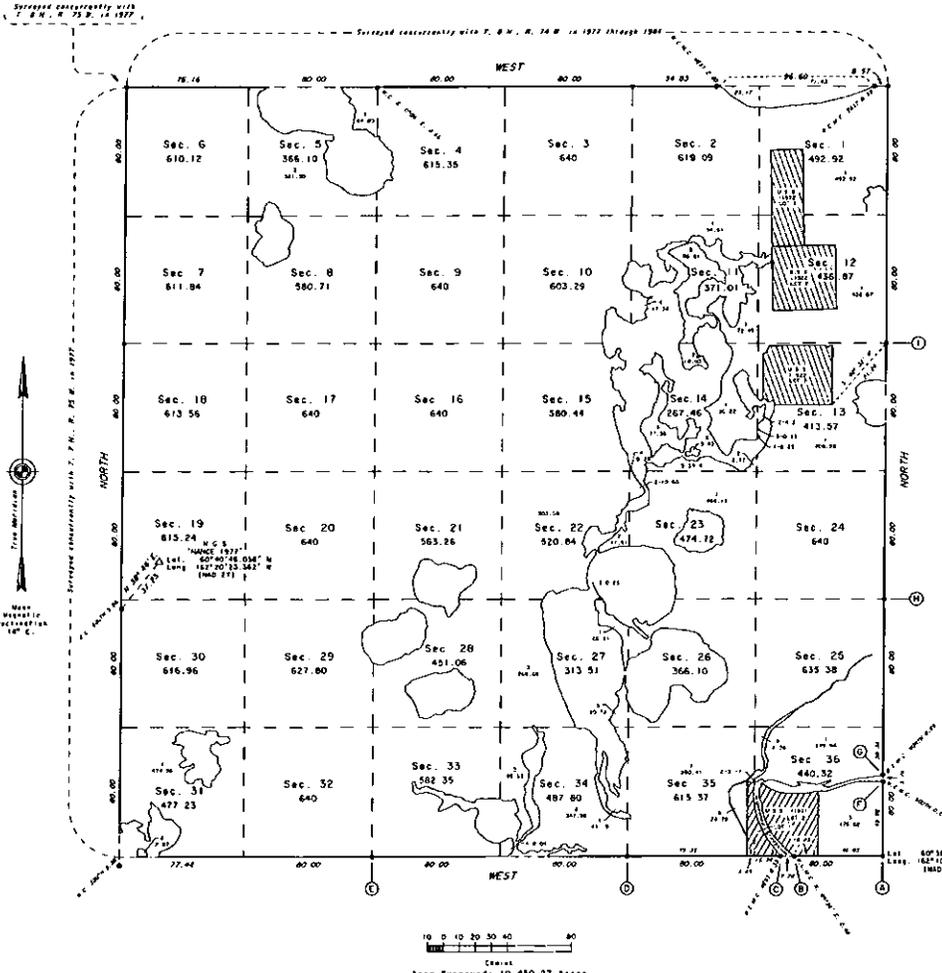
SCALE 1" = 2000'

NOTES:  
1. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.  
2. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.  
3. THIS MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES  
WITHOUT THE WRITTEN PERMISSION OF THE STATE OF ALASKA.

Scale: 1" = 2000'

ACAD

TOWNSHIP 7 NORTH, RANGE 74 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the field notes represent the survey of the south and west boundaries of Township 7 North, Range 74 West, Seward Meridian, Alaska.

The subdivisional lines of the township were surveyed by protraction as shown on this plat.

U.S. Survey No. 11921 was surveyed by Bradley W. Devine, Registered Alaska Land Surveyor No. LS-8412, in 1999, and accepted subsequent to this survey and depicted on this plat based on the official record.

U.S. Survey No. 11922 was surveyed by Bradley W. Devine, Registered Alaska Land Surveyor No. LS-8412, in 1999 to 2001, and accepted subsequent to this survey and depicted on this plat based on the official record.

This survey was executed by George F. Orsatt, Cadastral Surveyor May 11 through July 3, 1977. In accordance with the specifications set forth in the Manual of Surveying Instructions, 1973. Special Instructions for Group No. 184, Alaska, dated January 25, 1977, approved May 4, 1977 and Assignment Instructions dated May 11, 1977.

The hydrography shown on this plat was photogrammetrically interpreted from color infrared photography flown in 1980 and black and white rectified photography flown in July 1980 by the National Reconnaissance and Space Administration.

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John Sampa* June 11, 2007  
 Date

Deputy State Director for Cadastral Survey, Alaska

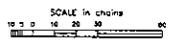
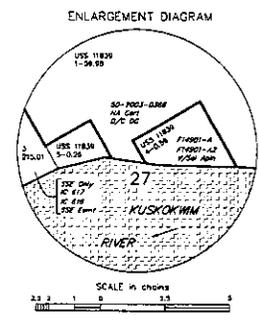
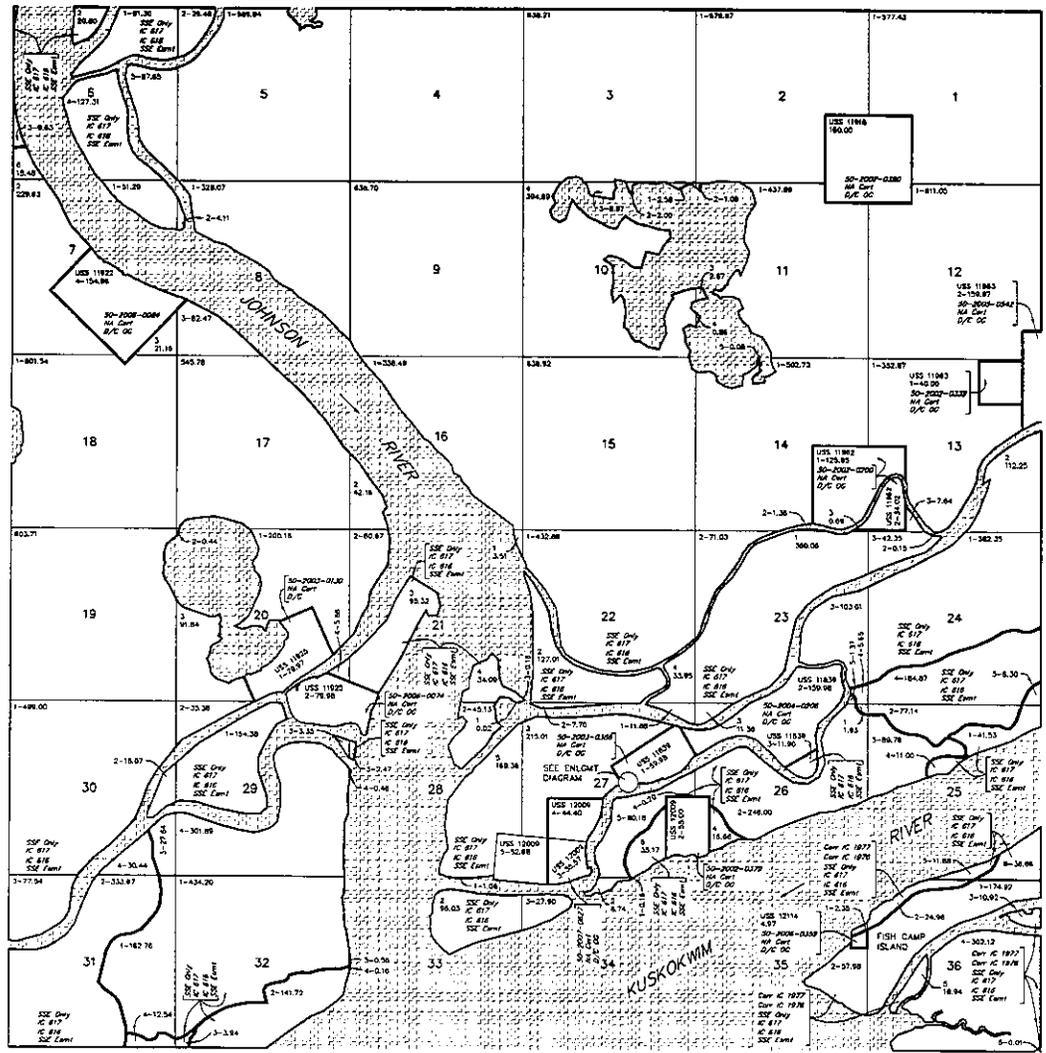
**SURVEYED TOWNSHIP 7 NORTH, RANGE 73 WEST OF THE SEWARD MERIDIAN, ALASKA**

**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

- PL 92-203 HAS F14901 LESS WA F14901-A, F14901-A2
- PLD 5184 HAS G2 Effects Lids/Interests not conveyed
- PL 96-487 HAS Yukon Delta NWR entire Tp.



NOTE: The data in the Bureau's Record of Title, and should be used only as a general guide to the township survey data. Plans are subject to the usual title changes which they have been affected by the usual methods of title changes of water. Refer to the necessary sources for official survey information.

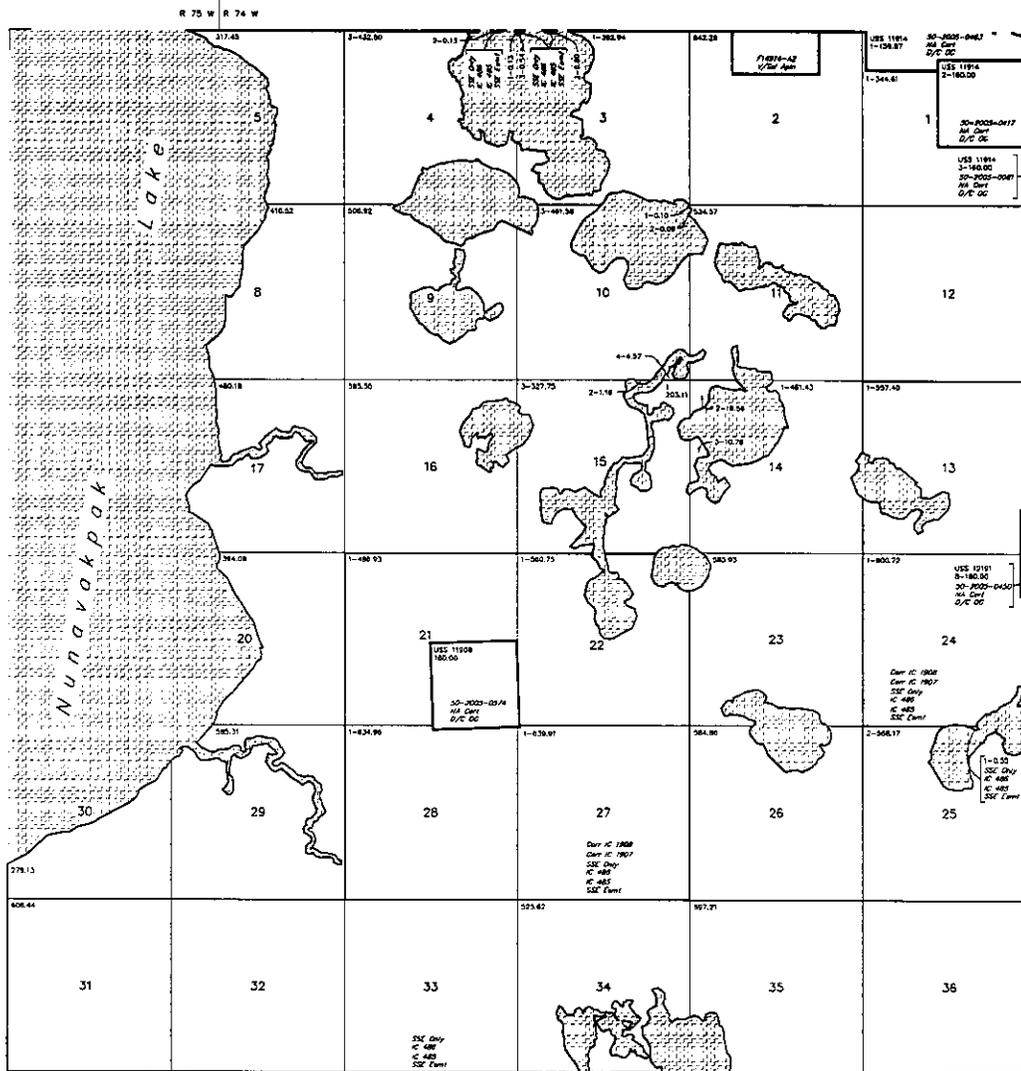
Lot 50°38'48.87" N  
Long 161°59'45.38" W

|            |            |
|------------|------------|
| CURRENT TO | Survey Map |
| 11-27-2007 | Y 7 N      |
|            | R 73 W     |

ACAD



SURVEYED TOWNSHIP 8 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

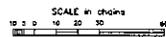
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHIN OR FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PL 22-203 W/ F14914, Lot W/1 F14914-A1 F14914-A2

PL 3124 W/1 C affects Land/interests not conveyed

PL 35-437 W/1 Yukon Delta NWP entire T8

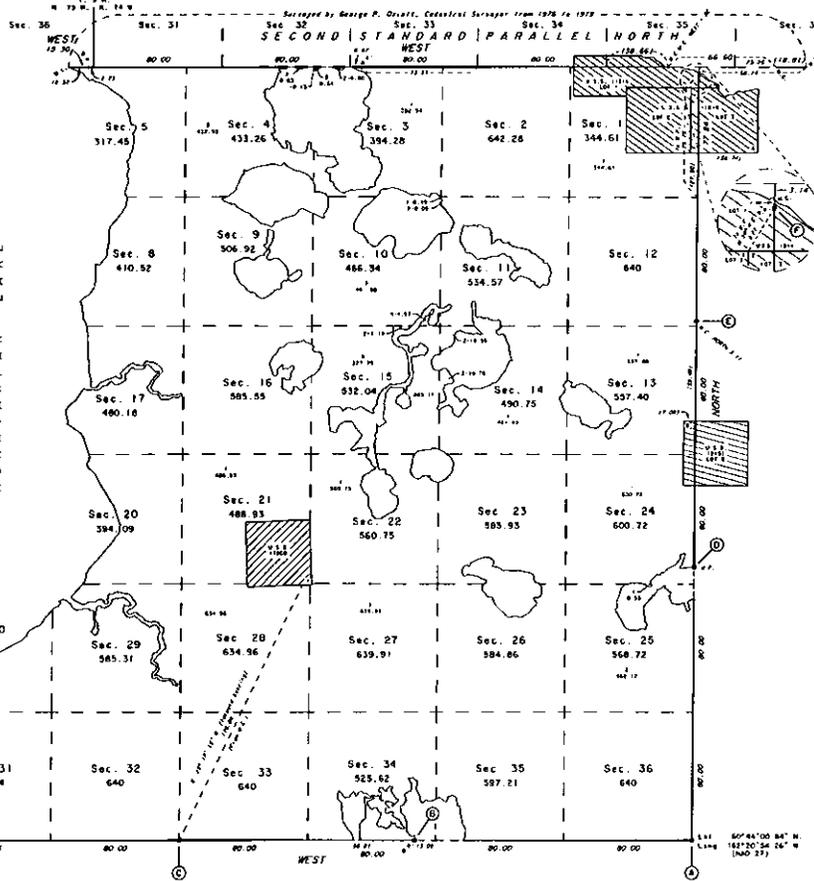
Lot 60°44'00.84"N  
Long 162°20'54.26"W



NOTICE:  
This plat is the Bureau's Record of Title, and should be used  
only as a guide to the location of the land. It is not a warranty of title. It is  
not a warranty of the accuracy of the survey. It is not a warranty of the  
accuracy of the survey. It is not a warranty of the accuracy of the  
survey. It is not a warranty of the accuracy of the survey.

|            |             |
|------------|-------------|
| CURRENT TO | Sew Mer     |
| 8-1-2007   | T 8 N       |
|            | R 75 W ACAD |

TOWNSHIP 8 NORTH, RANGE 75 WEST, OF THE SEWARD MERIDIAN, ALASKA



The history of surveys is contained in the field notes.

This plat and the field notes represent the survey of the south and east boundaries of Township 8 North, Range 75 West, Seward Meridian, Alaska.

The subdivisional lines of the township were surveyed by protraction as shown on this plat.

U.S. Survey Nos. 11914, 12181 and 13908 were surveyed by Bradley W. Davine, Registered Alaska Land Surveyor No. LA-4412, in 1959, and accepted subsequent to this survey and are depicted on this plat based upon the official record.

This survey was examined by George P. Oviatt, and Richard T. Helm III, Cadastral Surveyors, May 11, 1977 through October 10, 1984, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 284, Alaska, dated January 25, 1977.

The hydrography shown on this plat was photogrammetrically interpreted from color infrared photography flown in 1977 and 1980 and black and white rectified photography flown in July 1980 by the National Aeronautics and Space Administration.

UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John S. Smith*  
 Date

Deputy State Director for Cadastral Survey, Alaska

10 0 10 20 30 40 50  
 CHAINS  
 Area Surveyed: 16,908.73 Acres

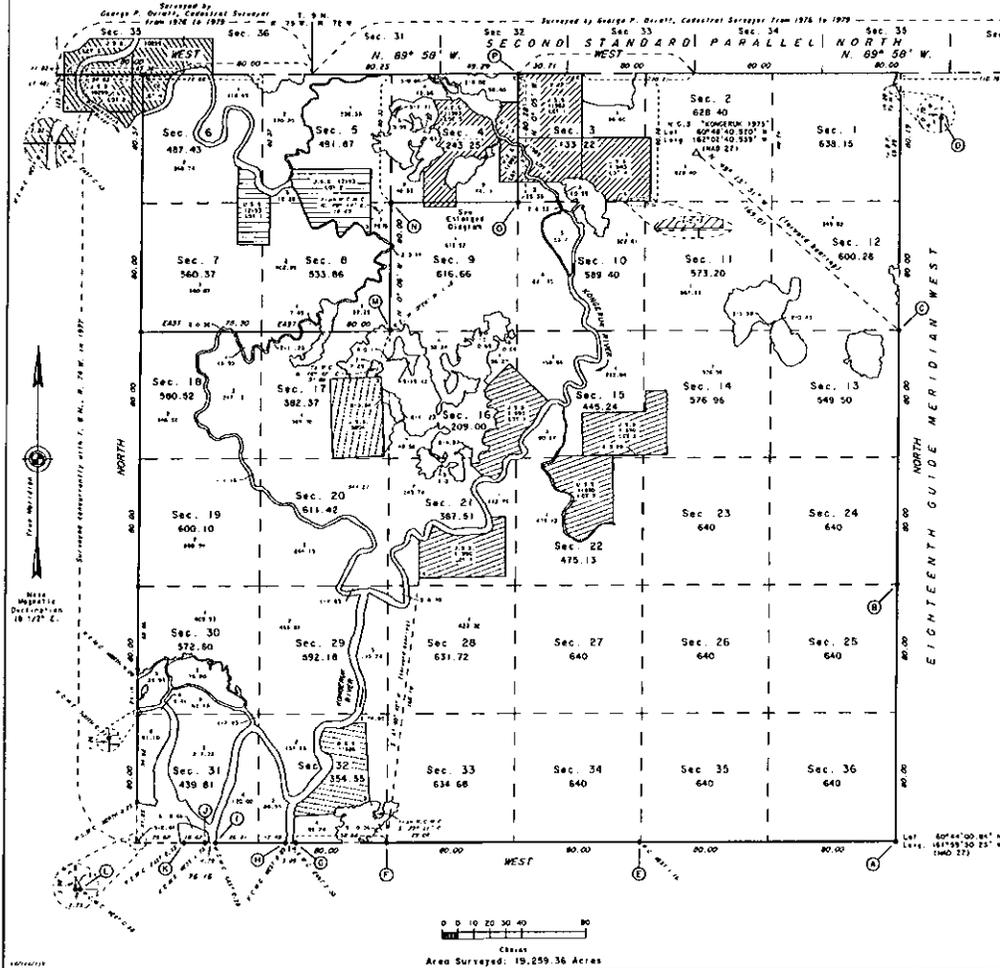








TOWNSHIP 8 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA



The history of surveys is contained in the field notes.

This plat and the field notes represent the survey of the Eighteenth Guide Meridian West, through Township 8 North, Range 73 West, the south boundary, and a portion of the subdivision lines of Township 8 North, Range 73 West, Seward Meridian, Alaska.

A portion of the subdivision lines of the township were surveyed by protraction as shown on this plat.

U.S. Survey No. 5604, Alaska, was surveyed by Charles E. Klein, Jr., Cadastral Surveyor, in 1917, and accepted subsequent to this survey and is depicted on this plat based upon the official record.

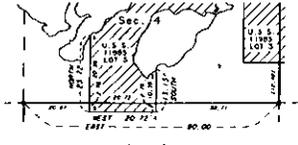
U.S. Survey No. 10290, Alaska, was surveyed by Michael E. Schoder, Registered Alaska Land Surveyor No. 12-5318 in 1901, and accepted subsequent to this survey and is depicted on this plat based upon the official record.

U.S. Survey Nos. 11983, 11984, 11985 and 11993, Alaska, were surveyed by Bradley H. Devine, Registered Alaska Land Surveyor No. 12-4412, in 1929 through 1933, and accepted subsequent to this survey and is depicted on this plat based upon the official record.

This survey was conducted by George P. Oviatt, Cadastral Surveyor May 13 through July 3, 1917, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1913, Special Instructions for Group No. 281, Alaska, dated January 25, 1917.

The hydrography shown on this plat was photogrammetrically interpreted from color infrared photography flown in 1977 and 1989 and black and white rectified photography flown in July 1989 by the National Aeronautics and Space Administration.

ENLARGED DIAGRAM



Scale: 1 inch = 40 chains

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
*John Frank* August 11, 2007  
Deputy State Director for Cadastral Survey, Alaska

Area Surveyed: 19,259.36 Acres

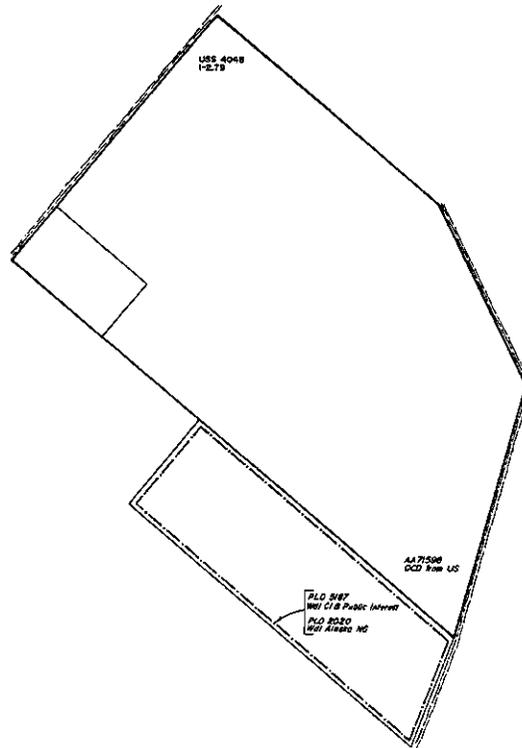


STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP SUPPL USS 4048**

NO 1

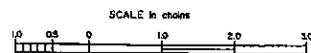
| INDEX TO SEGREGATED TRACTS |   |                 |     |             |
|----------------------------|---|-----------------|-----|-------------|
| RESURVEY                   |   | ORIGINAL SURVEY |     |             |
| TRACT NO.                  | T | R               | SEC | SUBDIVISION |



*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.*

*P.L.O. 2187 W/ C/B Public Interest, not surveyed.*

*P.L. 20-187 W/ Yukon Delta NWP entire Tr.*



**WARNING**  
THIS PLAT IS THE BUREAU'S RECORD OF TITLE AND SHOULD BE USED ONLY AS A GRAPHIC DISPLAY OF TOWNSHIP SURVEY DATA. RECORDS HEREON DO NOT REFLECT TITLE CHANGES WHICH MAY HAVE BEEN EFFECTED BY LATENT MOVEMENTS OF RIVERS OR OTHER BODIES OF WATER. REFER TO THE CADASTRAL SURVEY FOR OFFICIAL SURVEY INFORMATION.

|            |     |                 |
|------------|-----|-----------------|
| CURRENT TO | FWS | Sew Mer         |
| 1-19-2000  |     | T 9 N<br>R 75 W |

NO 1

SURVEYED TOWNSHIP 9 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP**  
**SUPPL SECS 1, 2, 11, 12**

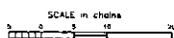
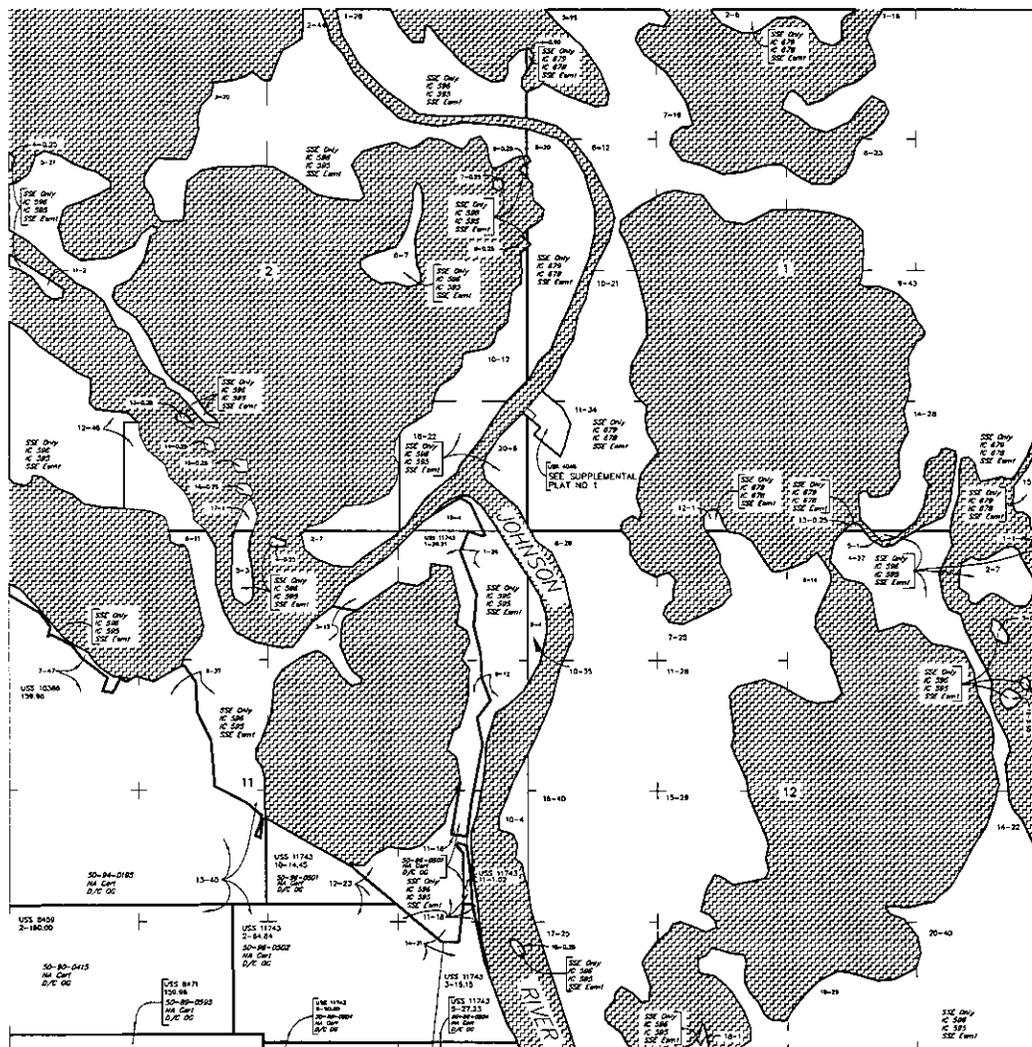
NO 2

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

PL 93-203 AND 714873, Lm. W/O 714873-A, 714873-AD

PL 93-204 AND OTHER LEGISLATION NOT SHOWN

PL 93-407 AND TUNON CREEK MAP AND/OR SP



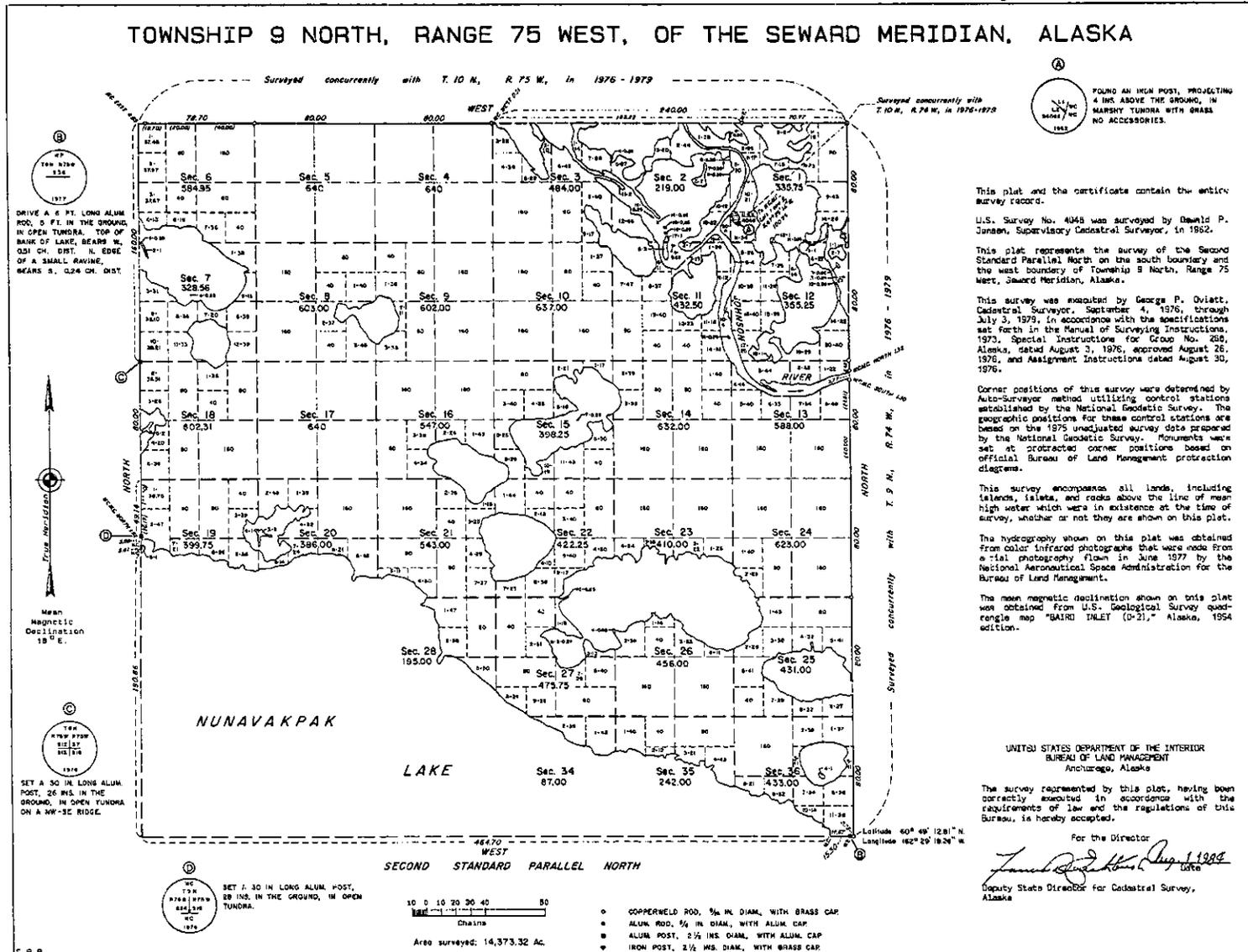
NOTICE:  
This map is the Bureau's Record of Title, and should be used  
only as a general guide. It is not intended to be used as a  
basis for any legal proceedings. The Bureau is not responsible  
for any errors or omissions in this map, and no warranty is  
made by the Bureau as to the accuracy of the information  
shown on this map. For official survey information,  
refer to the original survey records.

|            |            |
|------------|------------|
| CURRENT TO | NO 2       |
| 8-1-2005   | Seward Mer |
|            | T 9 N      |
|            | R 75 W     |
|            | ACAD       |

Officially Filed  
DATE August 31, 1984

ORIGINAL

# TOWNSHIP 9 NORTH, RANGE 75 WEST, OF THE SEWARD MERIDIAN, ALASKA



**SURVEYED TOWNSHIP 9 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA**

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

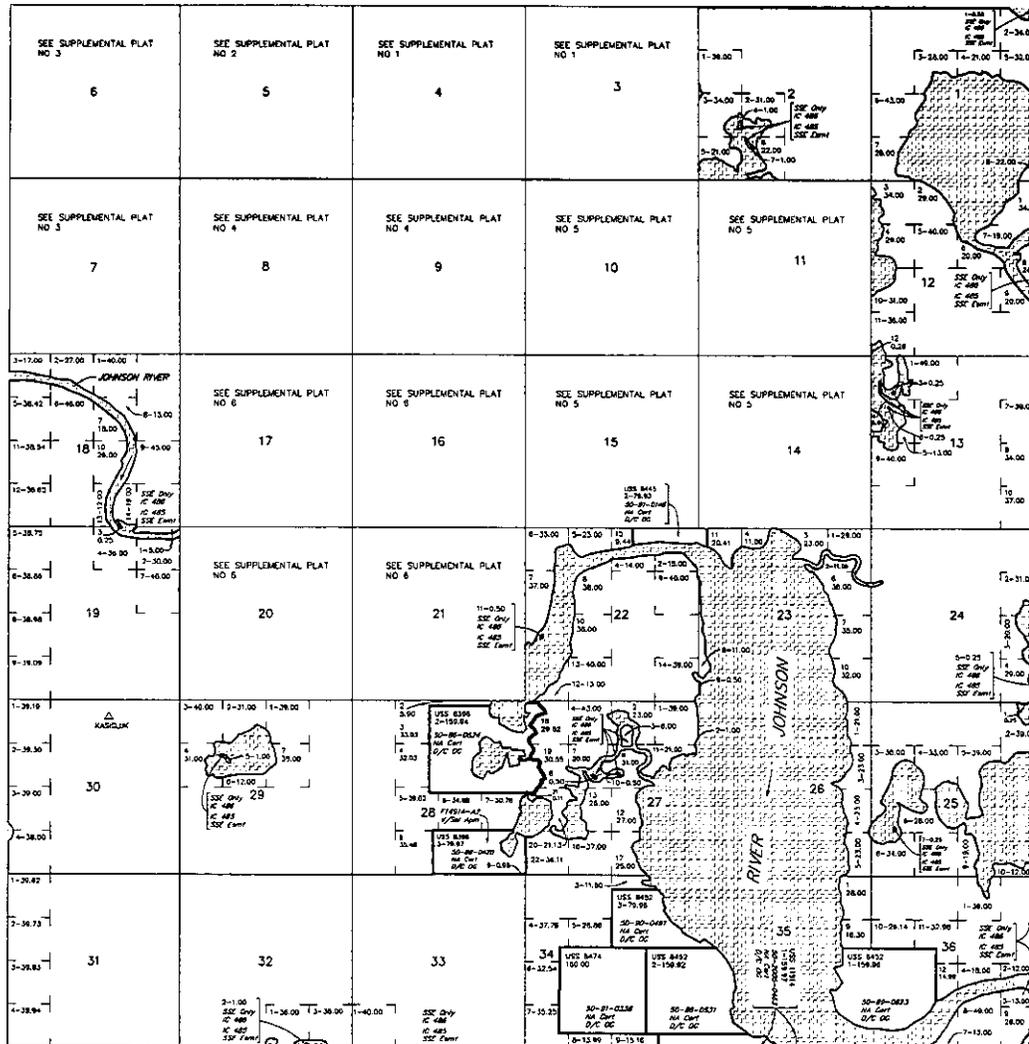
**MTP**

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.

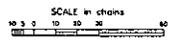
PL 92-203 W/ F14914, Lm W/ F14914-A, F14914-A2

PLD 3184 W/ C) affects Log/Interests not conveyed

PL 95-487 W/ Yukon Delta WMP en/Plc To



Lot 60°49'12.81"N  
Long 162°18'53.76"W



NOTICE:  
This plat is the Bureau's Record of Title and should be used  
only in conjunction with the original survey data. Refer  
to the original survey data for the complete description of the  
land and mineral interests. The original survey data should be  
consulted for the correct description of the land and mineral  
interests. Refer to the associated survey for official survey information.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 12-4-2007  | T 9 N   |
|            | R 74 W  |

ACAD

SURVEYED TOWNSHIP 9 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SECS 3 & 4**

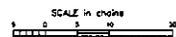
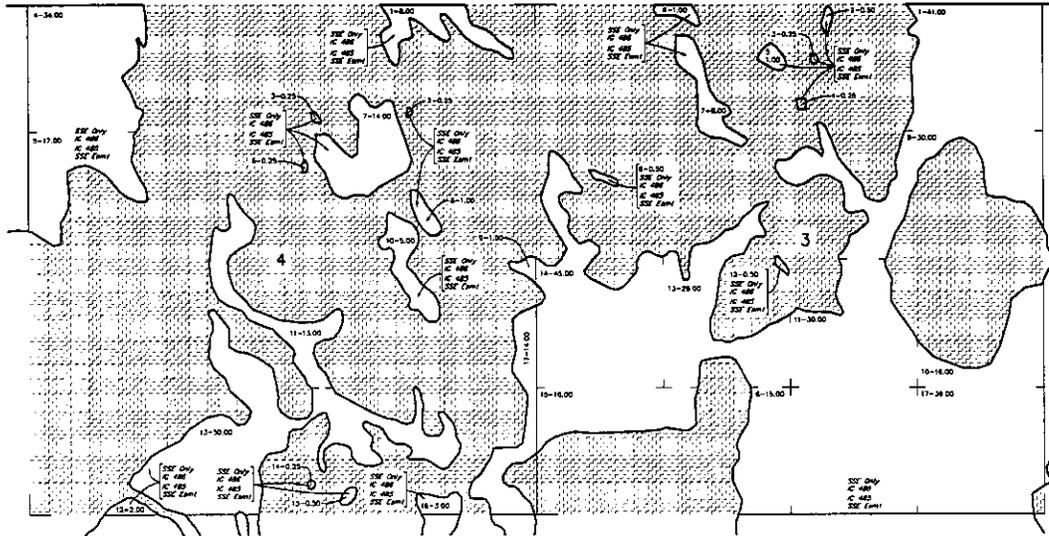
NO 1

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

PL 33-263 AND 714814, LOS W/ 714814-A, 714814-B2

PLD 3184 AND CI OBJECTS LOG/INTERESTS NOT CONVEYED

PL 35-487 AND TREATY DATA NUMBER 30



**WARNING:**  
This plan is the Bureau's Record of Title, and should be used  
only as a graphic display of the Township Survey data. It  
does not represent the actual ground conditions which may have  
changed to include encroachments or other of other nature of matter.  
Refer to the original survey for official survey statements.

|            |  |
|------------|--|
| CURRENT TO |  |
| 3-25-2008  |  |

NO 1  
Sew Mer  
T 9 N  
R 74 W  
ACAD



SURVEYED TOWNSHIP 9 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SECS 6 & 7**

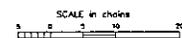
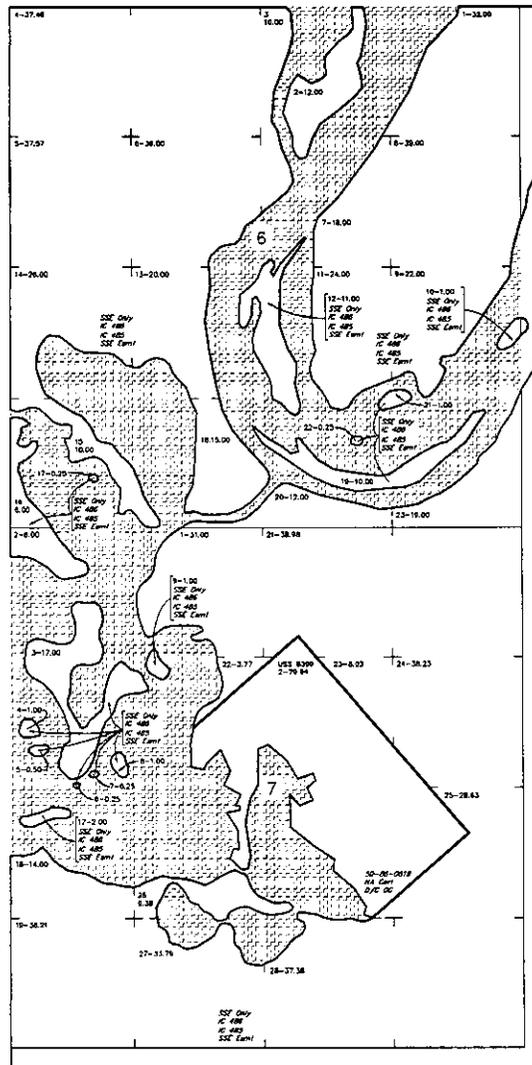
NO 3

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.

PL 92-203 AND F14914, Lm W/ F14914-A, F14914-AZ

PL 9104 AND CI EFFECTS LAND/INTERESTS NOT CONVEYED

PL 98-487 AND TUBAN DRAFT NARR ENDS TO

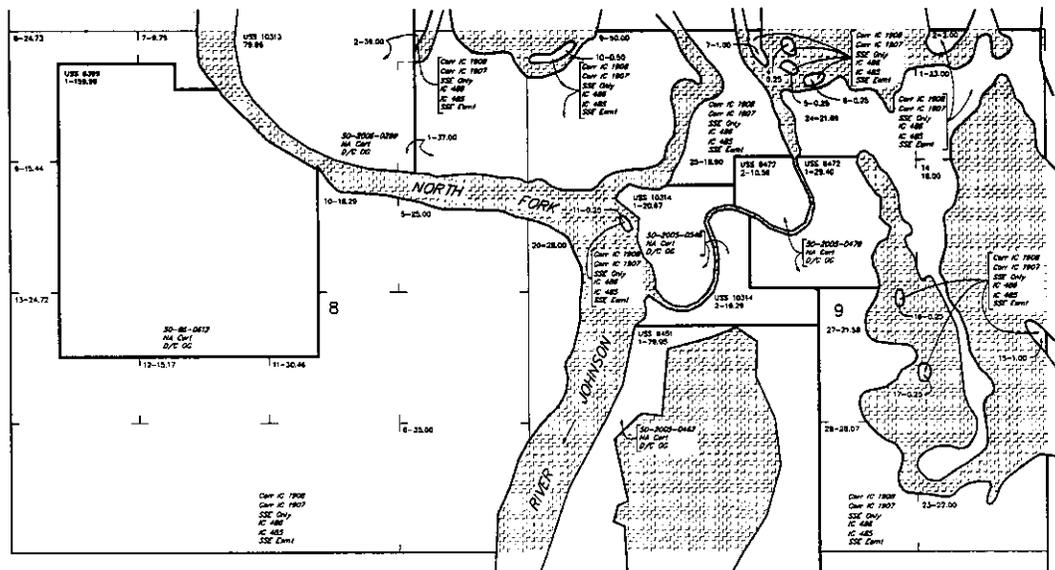


**Warning:**  
This plat is the Bureau's record of title, and should be used  
only as a general guide to the interests therein. It is not  
intended to be a substitute for a title search, and may have been  
affected by subsequent conveyances or other means of title.  
Refer to the original survey for official survey information.

|            |  |
|------------|--|
| CURRENT TO |  |
| 12-4-2007  |  |

NO 3  
Sew Mer  
T 9 N  
R 74 W  
ACAD

SURVEYED TOWNSHIP 9 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

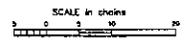
**MTP  
SUPPL SECS 8 & 9**

NO 4  
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHIN THIS FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PL 92-203 AND F1491A, LAW NO. F1491A-A,  
F1491A-A2

PL 93-5184, MTR C affects LMA/Interests not conveyed

PL 95-427 AND Yukon Delta NWR entire Tr.



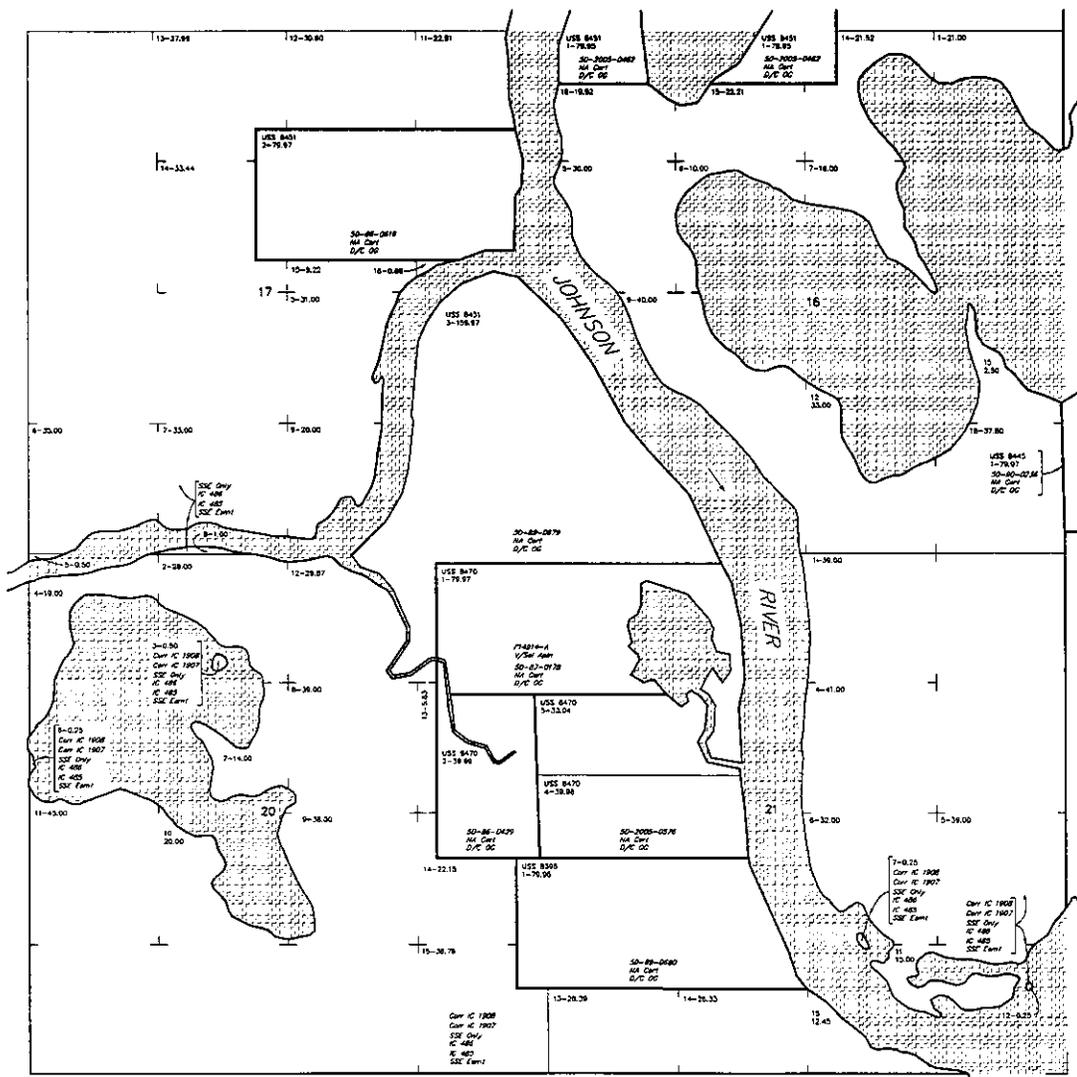
WARNING:  
This plat is the Bureau's Record of Title, and should be used  
only as a graphic display of the recorded survey data. It does  
not constitute a deed and should not be used as such. It is not  
affected by other documents of record, or other means of notice,  
except to the extent necessary for official survey information.

|            |       |         |
|------------|-------|---------|
| CURRENT TO | NO of | Sew Mer |
| 12-4-2007  | T     | 9 N     |
|            | R     | 74 W    |

ACAD



SURVEYED TOWNSHIP 9 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA

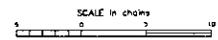


STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP**  
**SUPPL SECS 16,17,20,21**  
NO 6

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

- PL 92-203 W/8 F14914, Lm W/8 F14914-A
- F14914-A2 8-2-20
- PLD 5124 W/8 Ci affects Lds/Interests not conveyed
- PL 95-487 W/8 Yukon Delta NWR enters T9

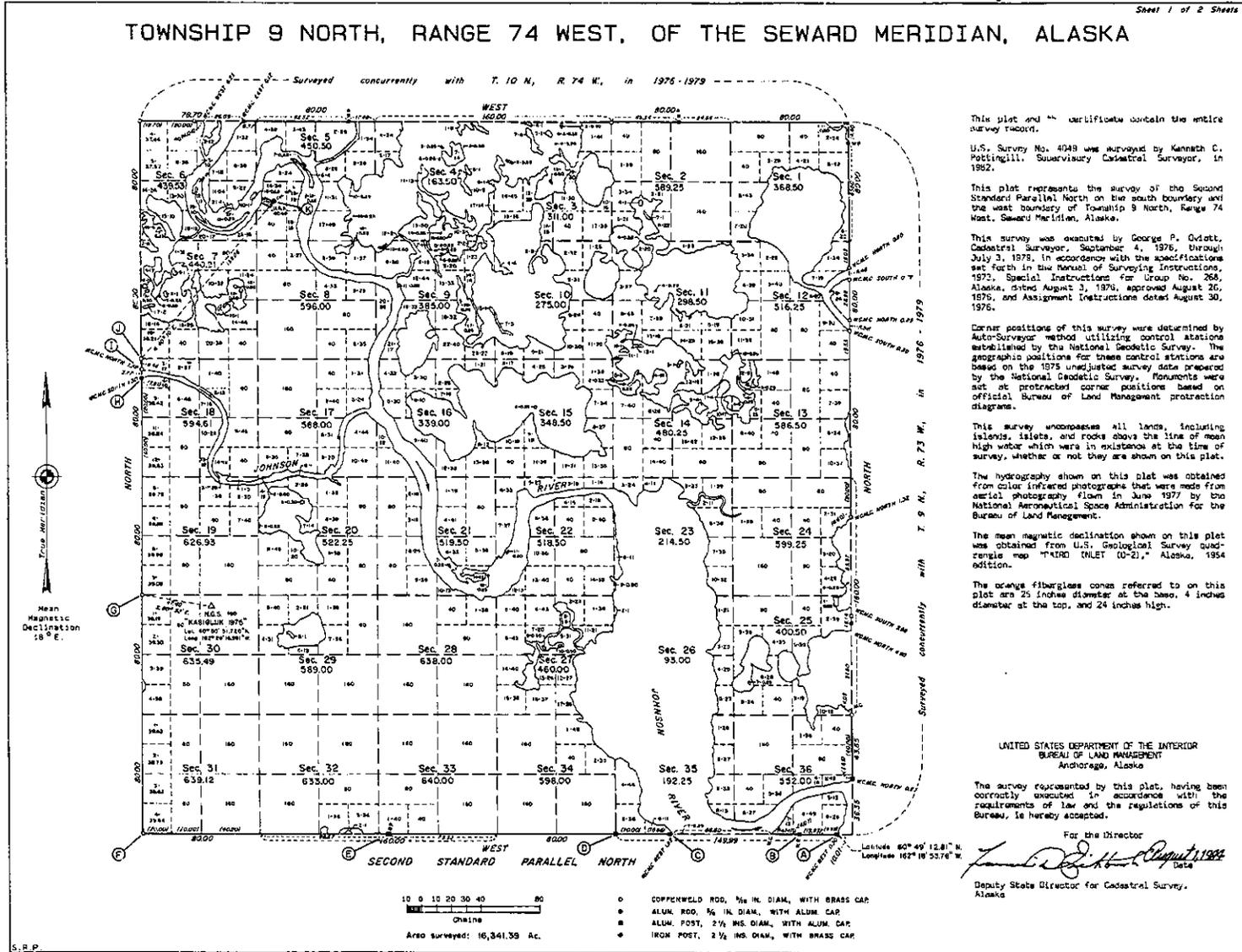


WARNING:  
This plat is the Bureau's record of this, and should be used  
only as a guide. Copies of the original survey plat, from  
which this was prepared, are on file in the Bureau. They may have been  
altered by other measurements of lines or other features of value.  
Refer to the accepted surveys for official survey information.

|            |         |
|------------|---------|
| CURRENT TO | NO 6    |
| 12-4-2007  | Sew Mer |
|            | T 9 N   |
|            | R 74 W  |

ACAD

TOWNSHIP 9 NORTH, RANGE 74 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and certificate contain the entire survey record.

U.S. Survey No. 4048 was surveyed by Kenneth C. Polkinghill, Supervisory Cadastral Surveyor, in 1952.

This plat represents the survey of the Second Standard Parallel North on the south boundary and the west boundary of Township 9 North, Range 74 West, Seward Meridian, Alaska.

This survey was executed by George P. Gritt, Cadastral Surveyor, September 4, 1976, through July 3, 1978, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1971, Special Instructions for Group No. 268, Alaska, dated August 3, 1975, approved August 26, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-Surveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1975 unadjusted survey data prepared by the National Geodetic Survey. Monuments were set at protector corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautics and Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "NA190 (NLET 10-2)," Alaska, 1954 edition.

The orange fiberglass cones referred to on this plat are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

SURVEYED TOWNSHIP 10 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

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

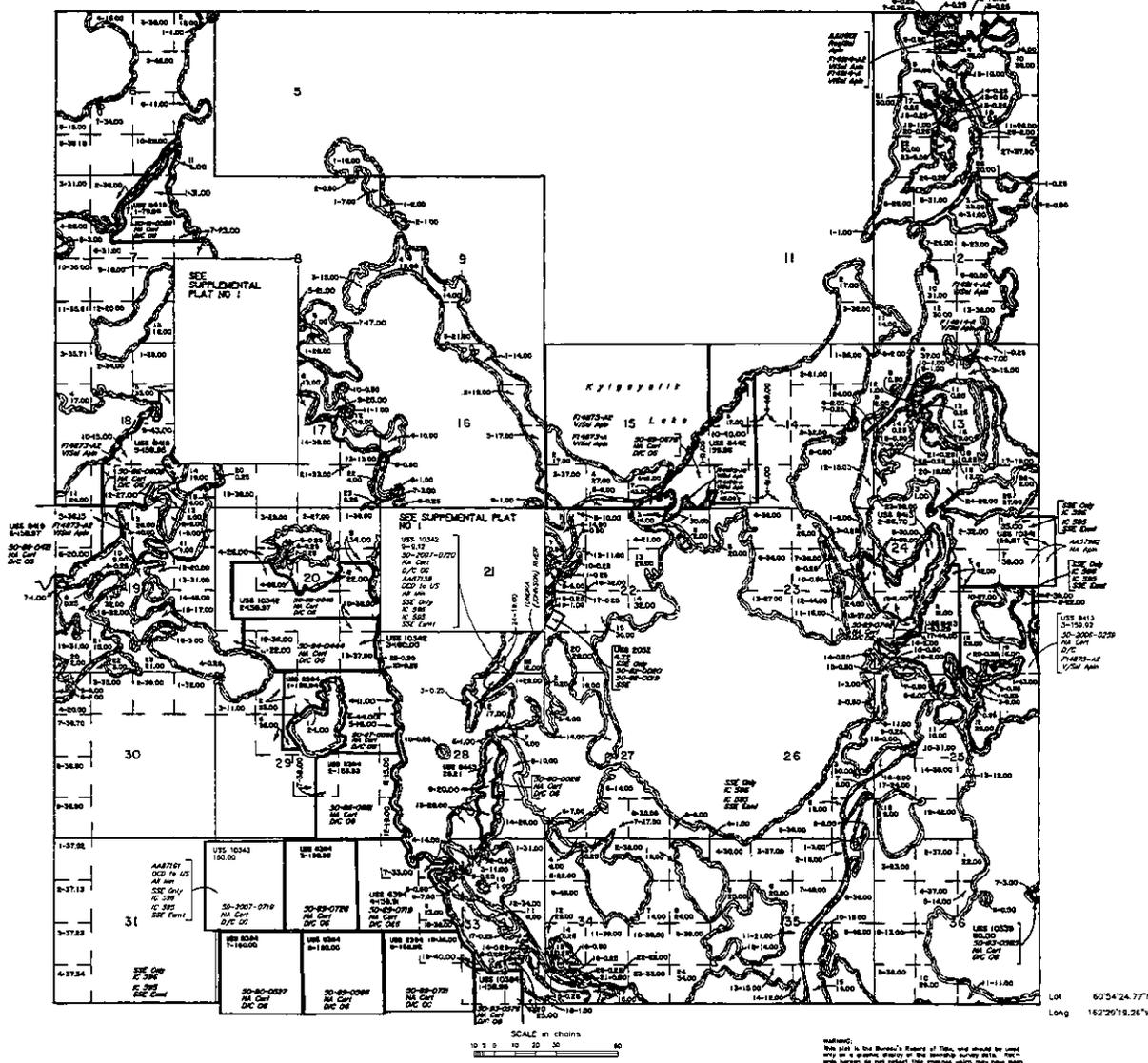
PL 92-203 WR F14914, Lds W/1 F14914-A, F14914-A2

PL 92-203 WR F14873, Lds W/1 F14873-A, F14873-A2

P.L.O. 5104 WR D affects Lds/Interests not conveyed

F14914-A2 V/Sol Adm NAs & Unpat lands W/1  
F14914-12(c), Encl A458195-A

PL 96-487 WR Taken Delta North entire 1/2



|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 10-19-2007 | T 10 N  |
|            | R 75 W  |

PV

SURVEYED TOWNSHIP 10 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP**  
**PARTIAL SUPPL SEC'S**  
**7,8,17,18,21**

NO 1

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

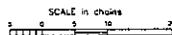
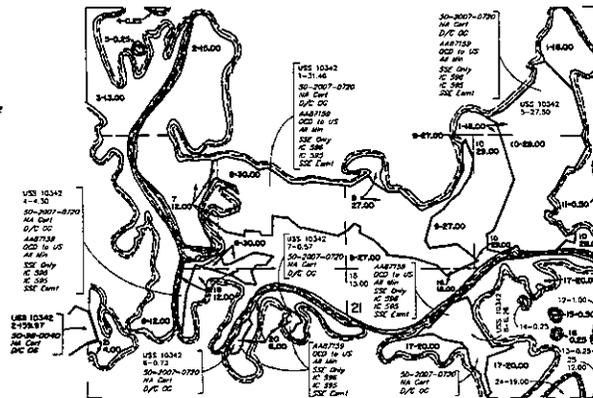
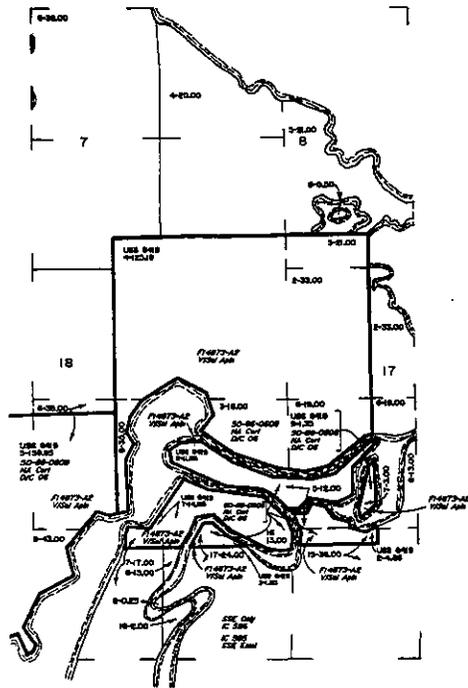
PL 92-203 W/1 F14914, Lda W/1 F14914-A, F14914-A2

PL 92-203 W/1 F14973, Lda W/1 F14973-A, F14973-A2

PLG 5184 W/1 Office Lda/Interests not conveyed

F14914-A2 V/Sal Apha MA's Unpat lands W/  
F14914-15(a) Excl AAS8195-A

PL 95-487 W/1 Alaskan Delta HMR entire 1p

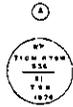


NOTED:  
This plat to the Bureau's Record of Title, and should be used  
only as a graphic showing of the boundary lines, area, form  
and bearing of the land. This plat should not be used for  
purposes of mineral, water and/or other public purposes  
affected by inland movements of claims or other lands of water.  
Refer to the tabular survey for official survey information.

|            |         |
|------------|---------|
| CURRENT TO | NO 1    |
| 10-19-2007 | Sew Mer |
|            | T 10 N  |
|            | R 75 W  |
|            | PV      |



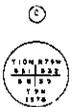
TOWNSHIP 10 NORTH, RANGE 75 WEST, OF THE SEWARD MERIDIAN, ALASKA



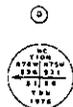
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, ON A RISE IN OPEN TUNDRA. A HARBOR, BEARS W., 0.30 CH. DIST. A TUNDRA POND, BEARS W.W. 2.00 CH. DIST.



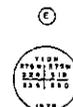
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA. A SMALL LAKE, BEARS E., 0.17 CH. DIST.



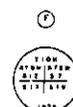
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA. A DRY TUNDRA POND, BEARS W., 4.00 CH. DIST.



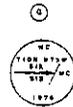
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA. A DRY TUNDRA POND, BEARS E., 0.50 CH. DIST.



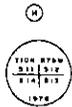
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA.



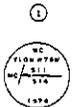
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, AT THE BASE OF A SMALL HILLS IN TUNDRA.



DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN HIGH GRASS.



DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA. A LARGE LAKE, BEARS SE., 6.00 CH. DIST.



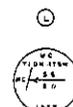
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN HIGH GRASS.



DRIVE A 12 FT. LONG COPPERWELD ROD, 1 1/2 FT. IN THE GROUND, IN OPEN TUNDRA.



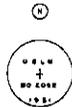
DRIVE AN 8 FT. LONG COPPERWELD ROD, 3/4 FT. IN THE GROUND, IN OPEN TUNDRA.



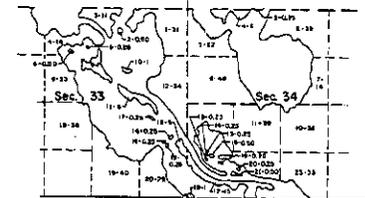
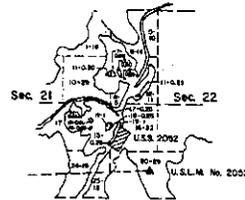
DRIVE A 12 FT. LONG ALUM. ROD, 1 1/2 FT. IN THE GROUND, ON THE W. EDGE OF A HARBOR PENINSULA.



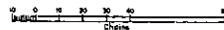
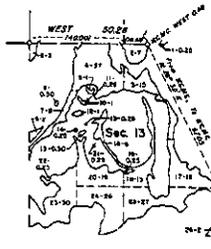
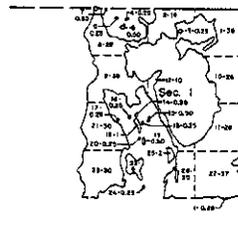
DRIVE A 4 FT. LONG ALUM. ROD, 6 FT. IN THE GROUND, IN OPEN, ROLLING TUNDRA.



FOUND AN IRON PIPE, 1 1/2 IN. DIAM., FIRMLY SET, EXTENDING 4 FT. ABOVE THE GROUND; ON TOP OF A SMALL 18 FT. ALUM. 80 FT. VIEW.



Mean Magnetic Declination 18° E



DETAILS

REFERENCE SHOULD BE MADE TO SHEET NO. 1 FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*James W. Smith* Aug 11 1924  
Deputy State Director for Cadastral Survey,  
Alaska

SURVEYED TOWNSHIP 10 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA

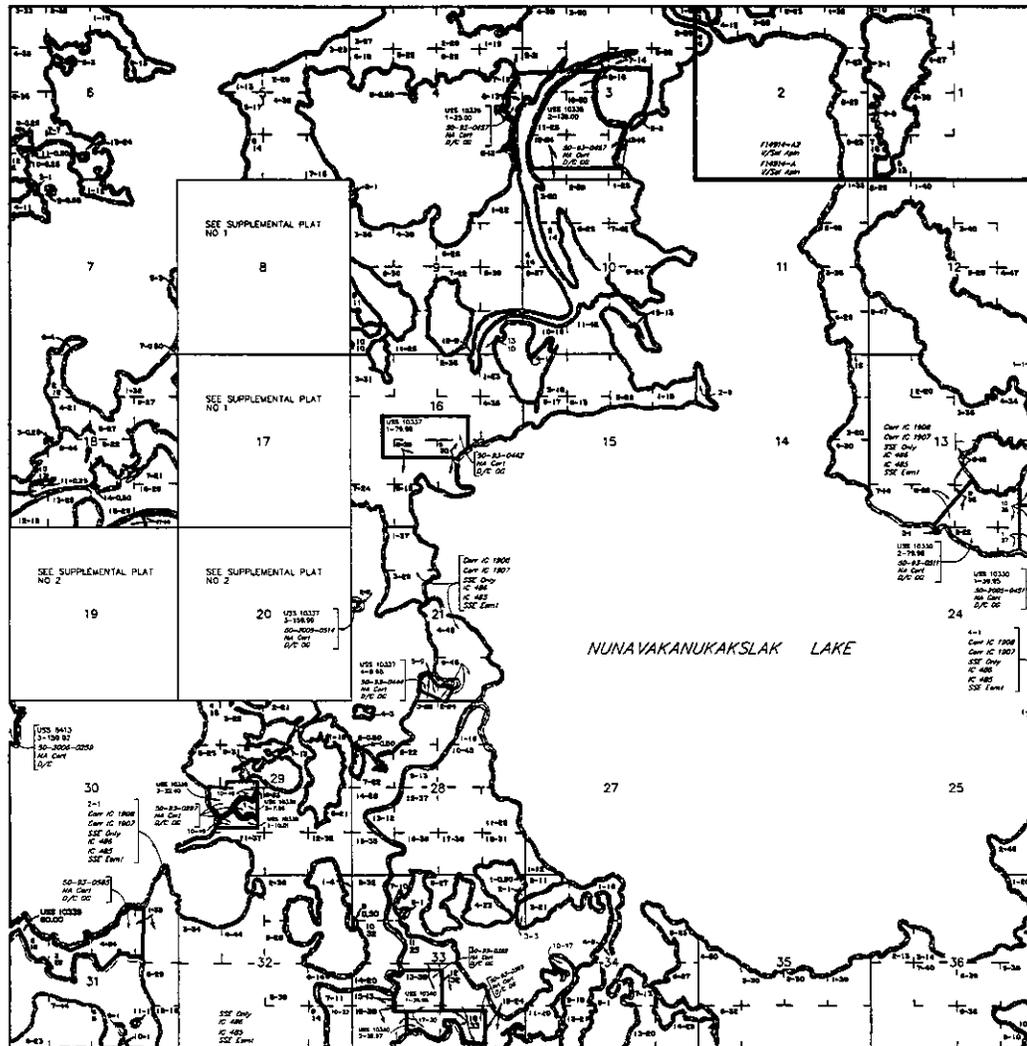
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

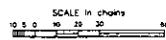
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 W/ F14914, LEB W/ F14914-A, F14914-A2

PL 93-514 W/ G affects Leds/Interests not conveyed



Lot 60°54'24.77"N  
Long 162°18'40.44"W



NOTICE:  
This plat is the Bureau's Record of Title and should be used  
only as a guide, always to the original survey data. No  
warranty is made for the accuracy of the information shown  
herein. For more information of title or other matters of record,  
refer to the original survey or plat survey information.

|            |           |
|------------|-----------|
| CURRENT TO | Sew Mer   |
| 8-8-2006   | T 10 N    |
|            | R 74 W PV |





**SURVEYED TOWNSHIP 10 NORTH RANGE 73 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 WITHIN THIS FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS:

*PLD 5184 NW 10 C affects Lm/Interests not covered*

*PL 82-203 NW F14833, Lot W/ F14833-A, F14833-A2*

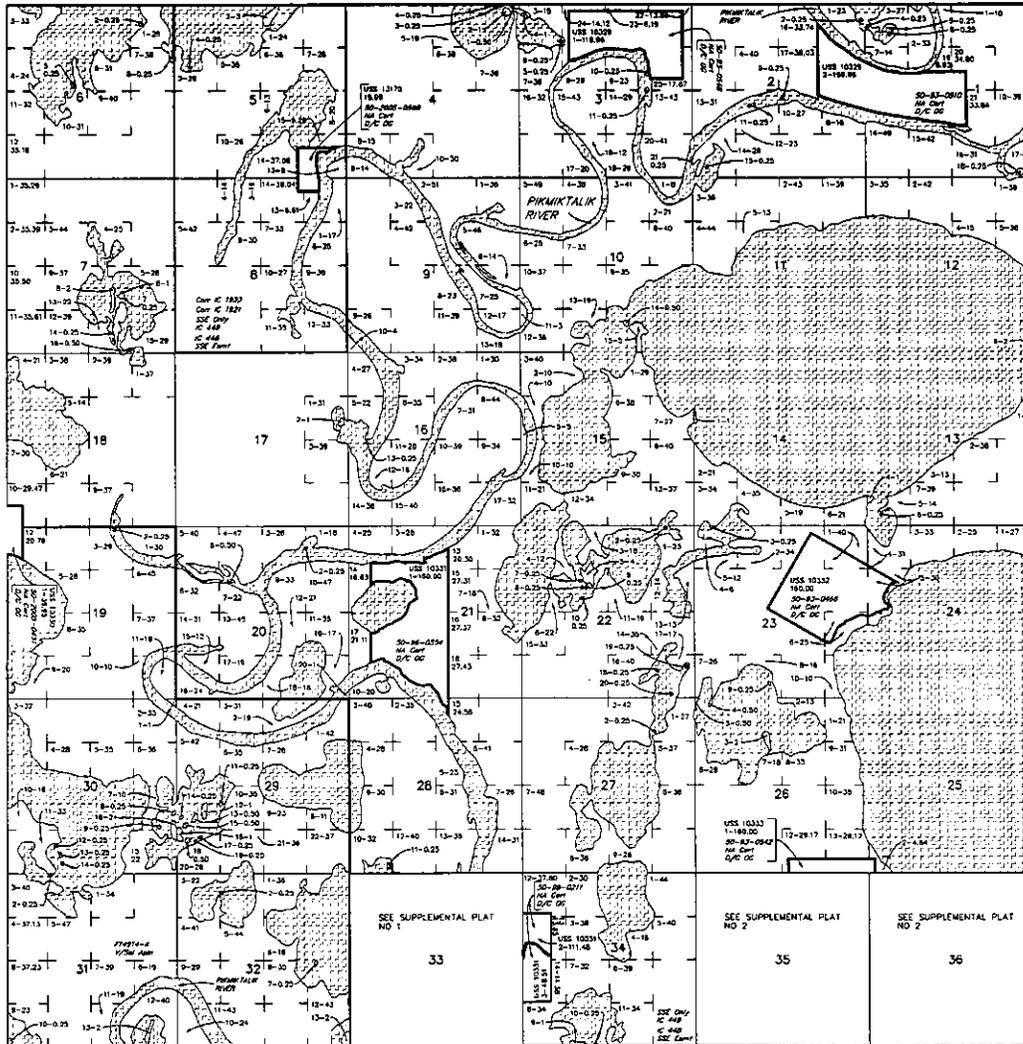
*PL 82-203 NW F14914, Lot W/ F14914-A, F14914-A2*

*PL 95-487 NW Yukon Delta NWR entire 10*

*F14833-A2 1/2 Sec Adm NAS & Unpop; Lot W/ F14833*

*15(a) Excl USS 10329 Lot 2*

*F14914-A2 1/2 Sec Adm NAS & Unpop; Lot W/ F14914*  
*12(b)*



Lot 60°54'24.77" N  
Long 162°08'01.61" W

SCALE in chains  
10 20 30 40

WARNING:  
This plat is the Bureau's Record of Title, and should be used  
only in a dispute of title of the land shown here. It does not  
and cannot do so, reflect title changes which may have been  
effected by other instruments of title, or other outside of water  
refer to the cadastral survey for precise survey information.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 4-2-2007   | T 10 N  |
|            | R 73 W  |

**ACAD**

SURVEYED TOWNSHIP 10 NORTH RANGE 73 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SEC 33**

NO. 1

FOR GROUPS EFFECTING DISPOSAL OR USE OF LAND IDENTIFIED LANDS HEREINAFTER FOR CLASSIFICATION MINERAL RIGHTS AND FOR OTHER PUBLIC PURPOSES FROM THE DATA ON HAND AVAILABLE INCLUDING:

PLG 3184 AND 31 OTHERS LOTS/BLK/SECS NOT COMPLETED

PL 32-202 AND 214220, LOS 1011 214220-A, 214220-A2

PL 32-103 AND 214224, LOS 1011 214224, 214224-A2

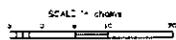
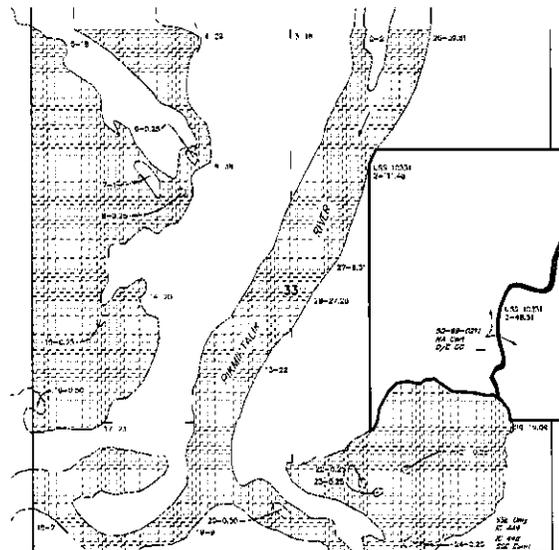
PL 36-487 AND 114201 (PART 114201) AND 10

214225-A2 1/2-204 ADJAC AREA OF LANDS LOS 1011 214225

12(a) PART UNIT TOWNSHIP 10 N

PL 32-103 AND 214224, LOS 1011 214224, 214224-A2

12(a)



**NOTICE**  
This plat is the Surveyor's record of the land and should be used only as a guide to the location of the land. It does not constitute a deed or conveyance of land. The Surveyor is not responsible for the accuracy of the data or the location of the land. The Surveyor is not responsible for the accuracy of the data or the location of the land. The Surveyor is not responsible for the accuracy of the data or the location of the land.

CURRENT TO NO. 1  
4-2-2007 Sev Mer  
T 10 N  
R 73 W **ACAD**

SURVEYED TOWNSHIP 10 NORTH RANGE 73 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SECS 35 & 36**  
NO 2

FOR OUTRIGHT EFFECTIVE DISPOSAL OR USE OF UN-  
DEVELOPED LANDS WITHIN ANY FORM CLASSIFICATION  
MINERALS, WATER AND FOR OTHER PUBLIC PURPOSES  
NECESSARY TO PROMOTE THE INTERESTS OF THE UNITED STATES

PL 0-5164 HAS 0 EFFECTS LATERALS NOT CONVEYED

PL 92-201 HAS 174833, 174834, 174835, 174836, 174837, 174838, 174839, 174840, 174841, 174842, 174843, 174844, 174845, 174846, 174847, 174848, 174849, 174850, 174851, 174852, 174853, 174854, 174855, 174856, 174857, 174858, 174859, 174860, 174861, 174862, 174863, 174864, 174865, 174866, 174867, 174868, 174869, 174870, 174871, 174872, 174873, 174874, 174875, 174876, 174877, 174878, 174879, 174880, 174881, 174882, 174883, 174884, 174885, 174886, 174887, 174888, 174889, 174890, 174891, 174892, 174893, 174894, 174895, 174896, 174897, 174898, 174899, 174900, 174901, 174902, 174903, 174904, 174905, 174906, 174907, 174908, 174909, 174910, 174911, 174912, 174913, 174914, 174915, 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

PL 92-203 HAS 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

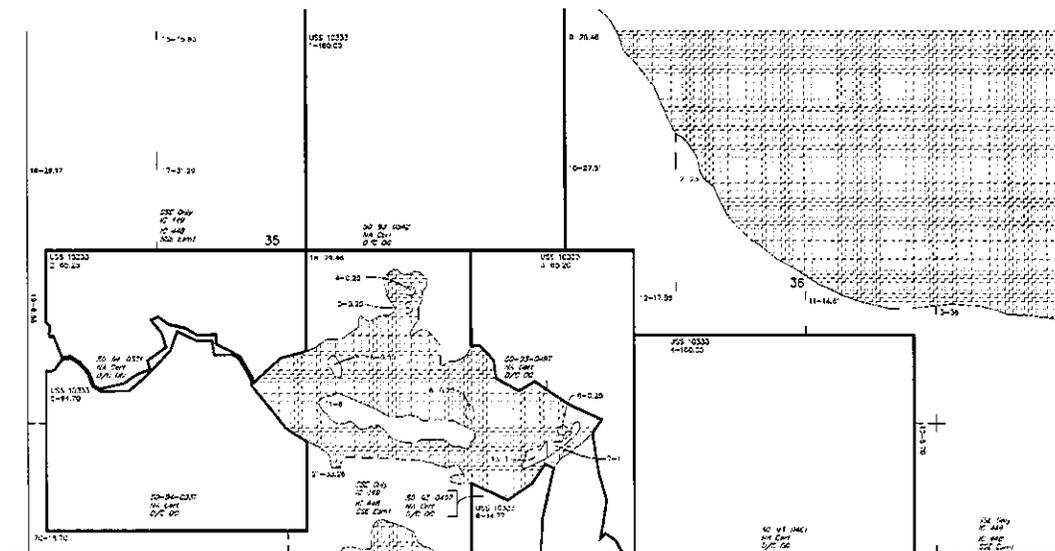
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PL 92-403 HAS 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

PL 92-404 HAS 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

PL 92-405 HAS 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

PL 92-406 HAS 174916, 174917, 174918, 174919, 174920, 174921, 174922, 174923, 174924, 174925, 174926, 174927, 174928, 174929, 174930, 174931, 174932, 174933, 174934, 174935, 174936, 174937, 174938, 174939, 174940, 174941, 174942, 174943, 174944, 174945, 174946, 174947, 174948, 174949, 174950, 174951, 174952, 174953, 174954, 174955, 174956, 174957, 174958, 174959, 174960, 174961, 174962, 174963, 174964, 174965, 174966, 174967, 174968, 174969, 174970, 174971, 174972, 174973, 174974, 174975, 174976, 174977, 174978, 174979, 174980, 174981, 174982, 174983, 174984, 174985, 174986, 174987, 174988, 174989, 174990, 174991, 174992, 174993, 174994, 174995, 174996, 174997, 174998, 174999, 175000

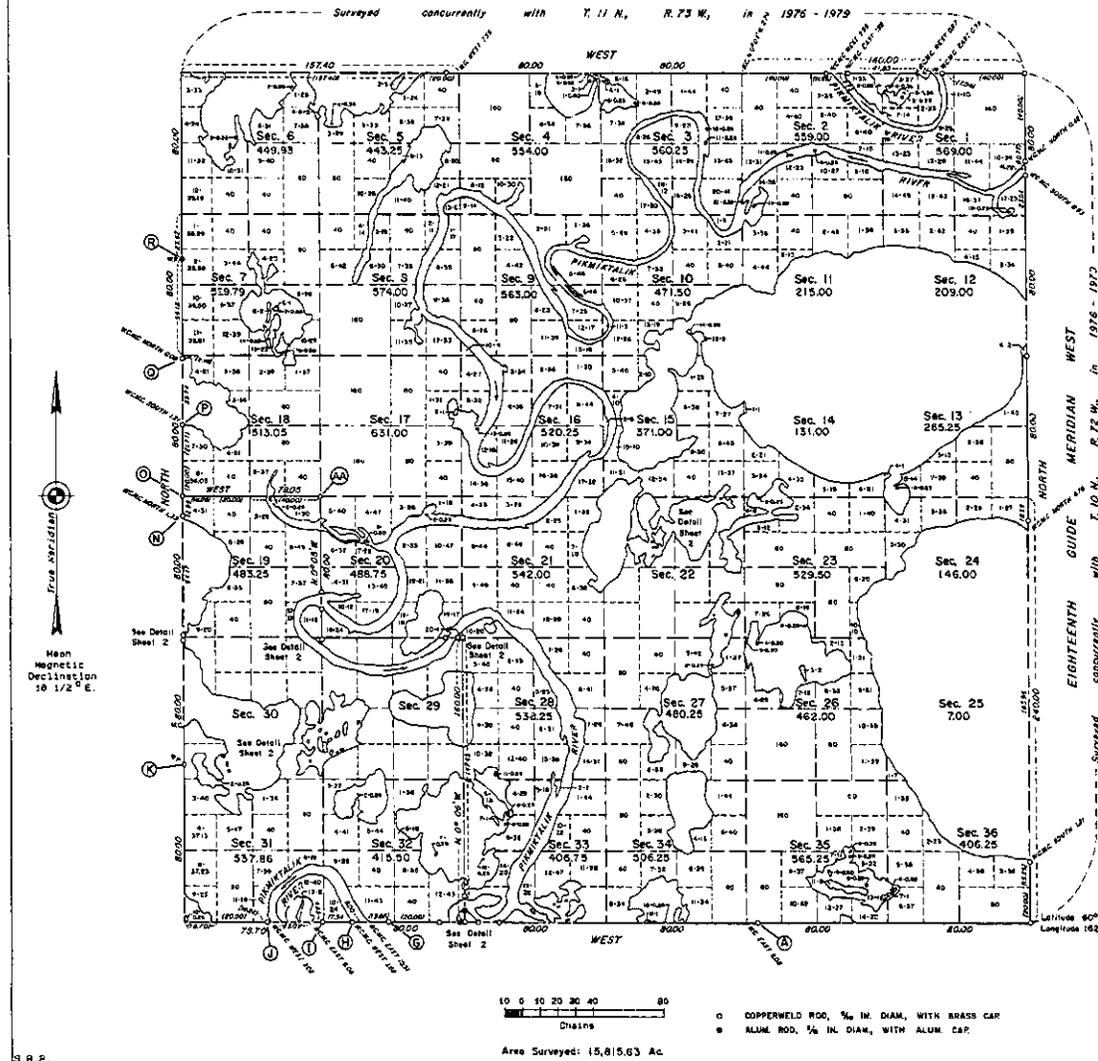


SCALE = chains  
0 10 20 30 40 50 60 70 80 90 100

NOTES:  
1. THIS IS THE ALASKA'S INTEREST IN THE LAND AND MINERAL RIGHTS AND IS NOT A PROPERTY INTEREST IN THE SURFACE RIGHTS. THESE RIGHTS REMAIN TO BE DETERMINED BY THE COURTS AND ARE NOT AFFECTED BY THIS SURVEY.  
2. THIS SURVEY IS NOT A GUARANTEE OF TITLE OR OTHER RIGHTS OF INTEREST IN THE SURFACE RIGHTS OR OTHER RIGHTS.  
3. THIS SURVEY IS NOT A GUARANTEE OF TITLE OR OTHER RIGHTS OF INTEREST IN THE SURFACE RIGHTS OR OTHER RIGHTS.

NO 2  
C. AREL TO Saw Mer  
4-2-2011 T 10 N  
R 73 W ACAD

# TOWNSHIP 10 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA



This map and the certificate contain the entire survey record.

This plat represents the survey of the west and east boundaries and a portion of the subdivision lines of Township 10 North, Range 73 West, Seward Meridian, Alaska.

This survey was executed by George P. Oviatt, Cadastral Surveyor, September 4, 1978, through July 3, 1979, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 288, Alaska, dated August 3, 1976, approved August 25, 1978, and Assignment Instructions dated August 30, 1978.

Corner positions of this survey were determined by Auto-Surveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1975 unadjusted survey data prepared by the National Geodetic Survey. Monuments were set at protected corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautics and Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "GAIRO INLET (0-1)", Alaska, 1954 edition.

The orange fiberglass cones referred to on this plat are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

Note, corrected area is as follows:  
 Area Surveyed 15,815.88 Acres  
 For the Director

12 Aug 1984  
 Date  
*James D. Smith*  
 Deputy State Director for Cadastral Survey,  
 Alaska

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been accurately executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
*James D. Smith*  
 August 1, 1984  
 Date  
 Deputy State Director for Cadastral Survey,  
 Alaska

0 10 20 30 40 80  
Chains

Area Surveyed: 15,815.83 Ac.

○ COPPERWELD ROD, 3/8 IN. DIAM., WITH BRASS CAP  
 ● ALUM. ROD, 3/8 IN. DIAM., WITH ALUM. CAP.

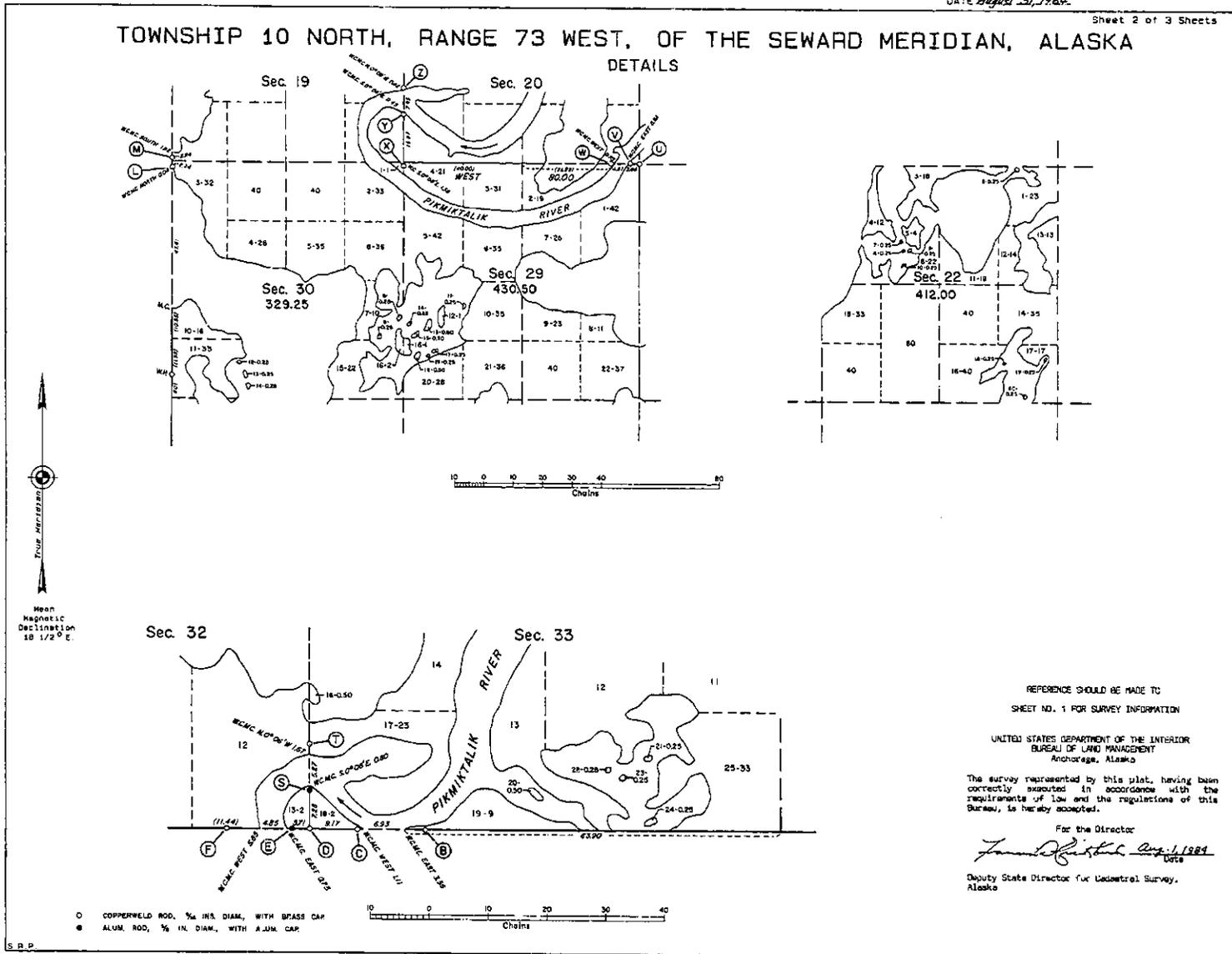
Officially Filed  
DATE August 21, 1964.

ORIGINAL

Sheet 2 of 3 Sheets

# TOWNSHIP 10 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA

## DETAILS



Mean  
Magnetic  
Declination  
is 1 1/2° E.

REFERENCE SHOULD BE MADE TO  
SHEET NO. 1 FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been  
correctly executed in accordance with the  
requirements of law and the regulations of this  
Bureau, is hereby accepted.

For the Director  
*James H. ...*  
Date

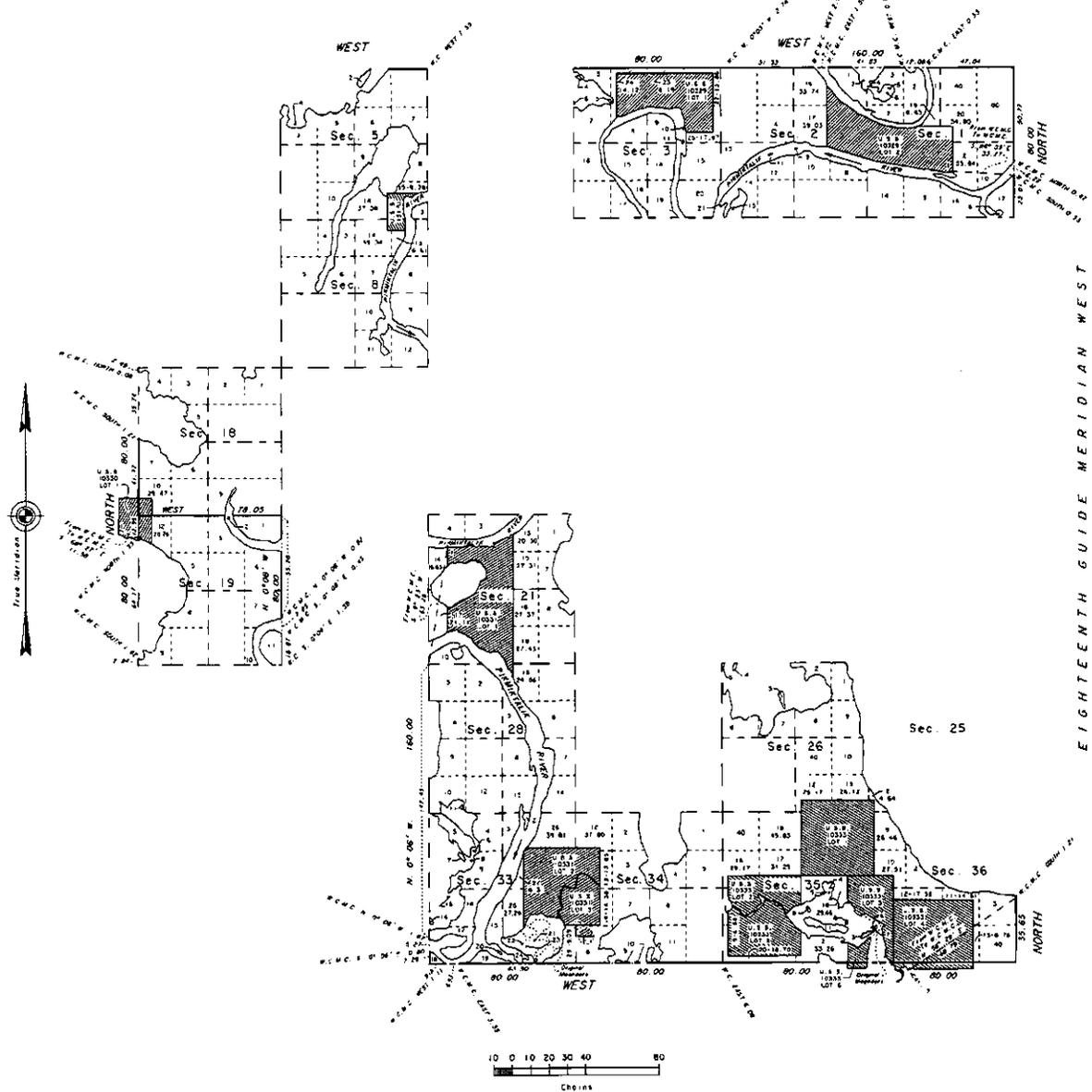
Deputy State Director for Land Survey,  
Alaska

- COPPERWELD ROD, 3/8 IN. DIAM., WITH BRASS CAP
- ALUM. ROD, 1/2 IN. DIAM., WITH ALUM. CAP.

S. D. P.

DATE APRIL 2, 2007

### TOWNSHIP 10 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA SEGREGATION SURVEY



This segregation survey plat of Township 10 North, Range 73 West, Seward Meridian, Alaska, revises the hydrography and shows amended lotting created by the segregation of U.S. Survey Nos. 10329, 10330, 10331, 10333 and 13170, Alaska. These revisions are based upon official survey records: the plat of 10 North, Range 73 West, Seward Meridian, Alaska, accepted August 1, 1984; the plats of U.S. Survey Nos. 10329, 10330, 10331, 10333, Alaska, all accepted September 30, 1992; the plat of U.S. Survey 13170, Alaska, accepted August 11, 2004; Special Instructions for Group No. 623, Alaska dated May 1, 1994, and approved May 1, 1994; and Assignment Instructions dated May 11, 2004; and color infrared photography flown in 1981 by the National Aeronautical Space Administration.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This segregation survey plat is based upon the official records, and having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

*John S. [Signature]*  
Date

Deputy State Director for Cadastral Survey,  
Alaska

SURVEYED TOWNSHIP 11 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

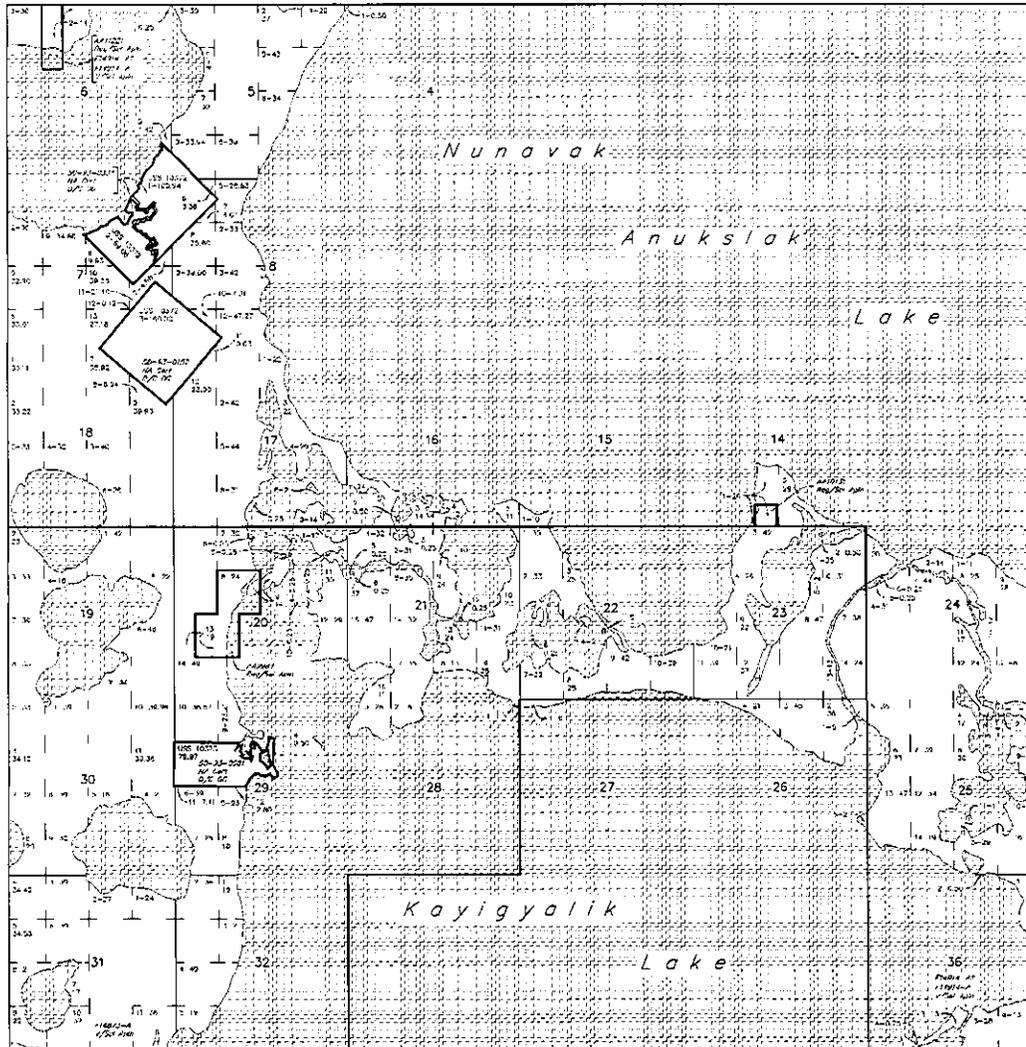
FOR CANTON TERRITORY, ALASKA OR USE OF THE  
GENERAL LANDS SURVEY FOR CLASSIFICATION  
MINERAL RIGHTS AND/OR OTHER PUBLIC PURPOSES  
SHOWN IN THIS CO. MINERAL RIGHTS SURVEY

PL 20-205 AND PL 20-206, SEE MAP PL 20-205-A, PL 20-206-A

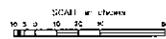
PL 20-207 AND PL 20-208, SEE MAP PL 20-207-A, PL 20-208-A

PL 20-209 AND PL 20-210, SEE MAP PL 20-209-A, PL 20-210-A

PL 20-211 AND PL 20-212, SEE MAP PL 20-211-A, PL 20-212-A



Lat 60°59'36.73"N  
Long 67°29'15.26"W



WARNING:  
This plat is the property of the U.S. G.S. and should be used  
only for the purpose of which it was prepared. It is not to be  
used as a basis for any other survey or as a basis for any  
other purpose. It is subject to change without notice. It is  
subject to the provisions of the Act of March 3, 1879, and  
to the provisions of the Act of March 3, 1897.

CURRENT TO

See Map

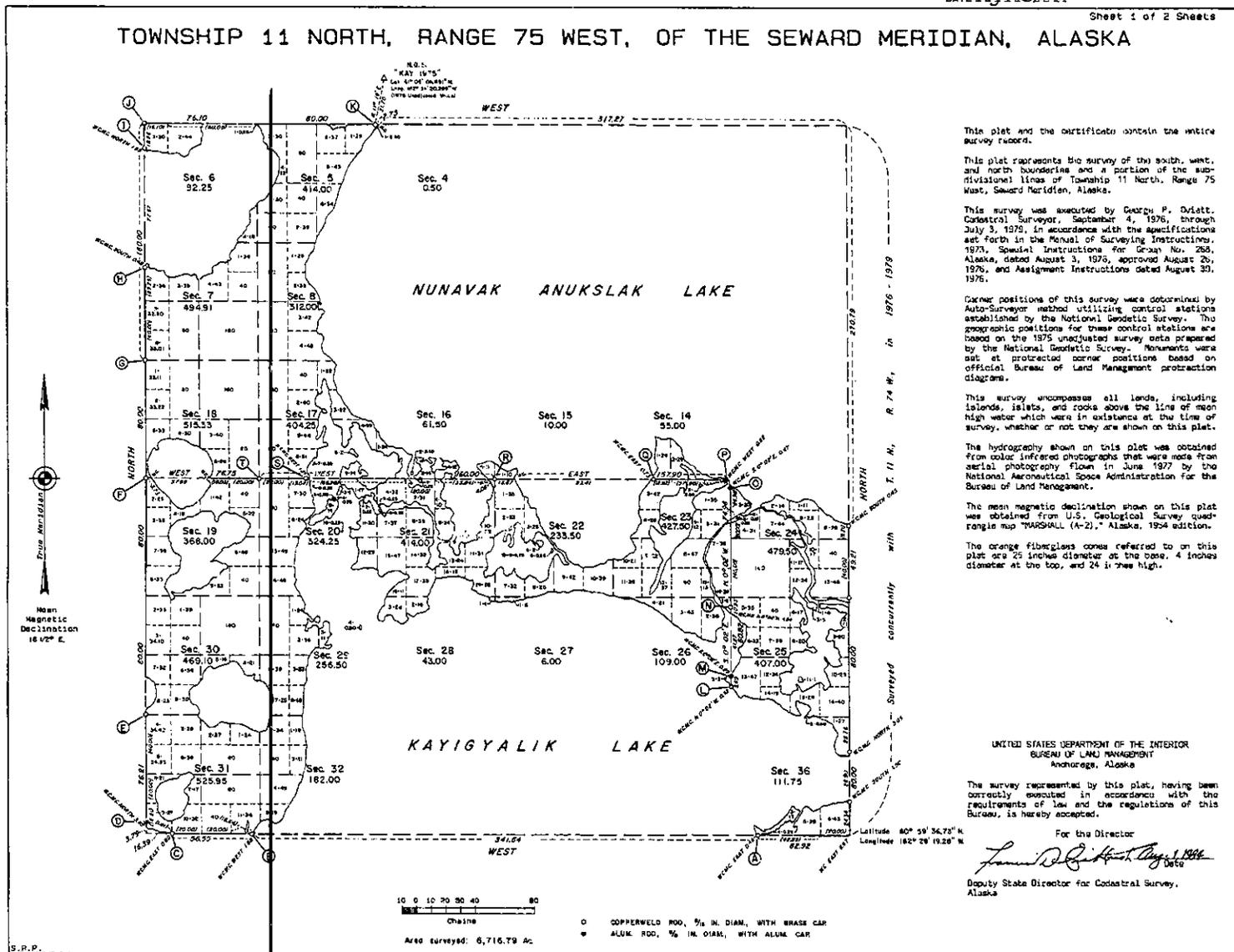
8-0-2777

T 11 N

R 75 W

ACAD

TOWNSHIP 11 NORTH, RANGE 75 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the certificate contain the entire survey record.

This plat represents the survey of the south, west, and north boundaries and a portion of the subdivision lines of Township 11 North, Range 75 West, Seward Meridian, Alaska.

This survey was executed by George P. Diest, Cadastral Surveyor, September 4, 1976, through July 3, 1979, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Gross No. 268, Alaska, dated August 3, 1976, approved August 20, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-Surveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1975 unadjusted survey data prepared by the National Geodetic Survey. Monuments were set at protected corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautical Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "MARSHALL (4-2)," Alaska, 1964 edition.

The orange fiberglass cones referred to on this plat are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*James D. [Signature]*  
Date

Deputy State Director for Cadastral Survey,  
Alaska

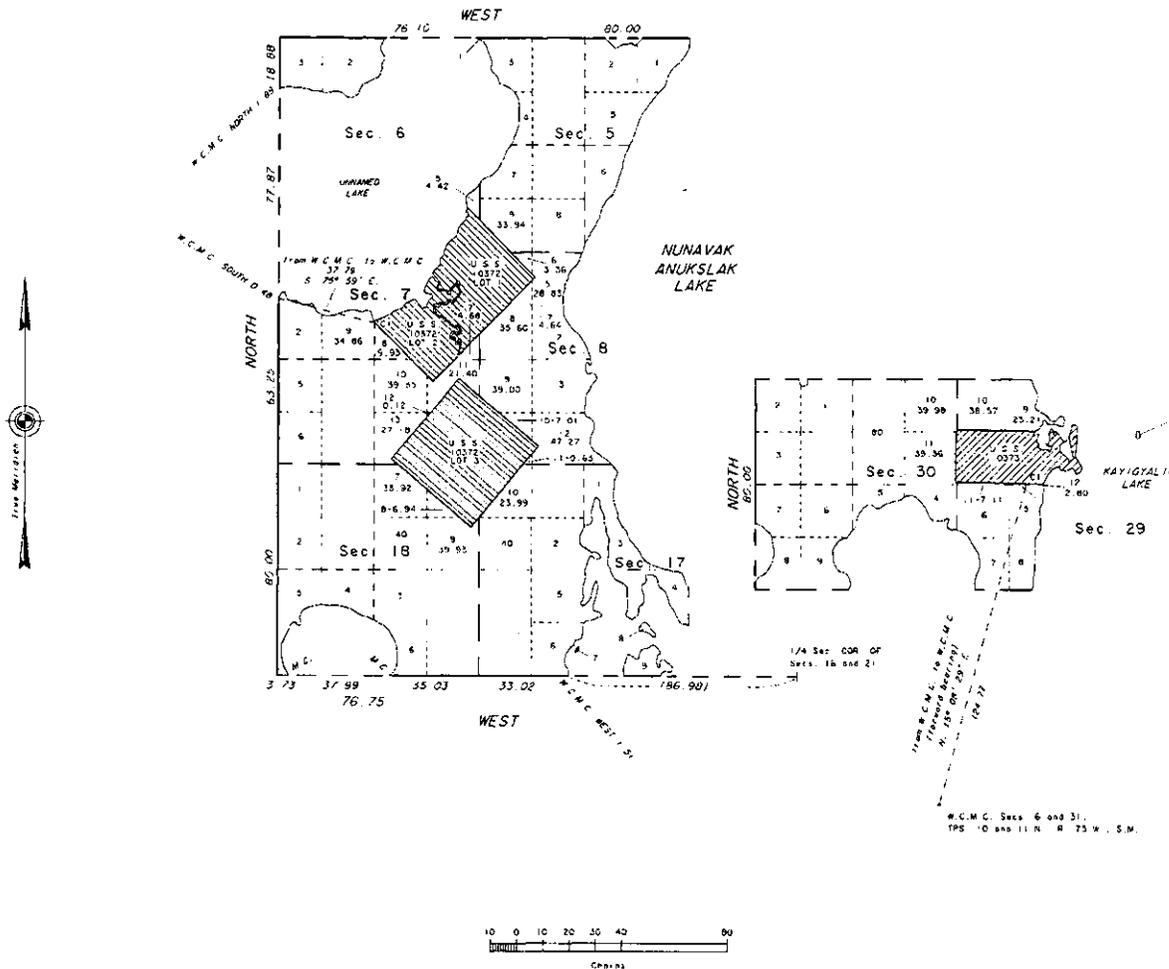
T. 11 N., R. 74 W., in 1976 - 1979

Surveyed consecutively with

T. 11 N., R. 74 W.

TOWNSHIP 11 NORTH, RANGE 75 WEST, OF THE SEWARD MERIDIAN, ALASKA  
SUPPLEMENTAL PLAT

This supplemental plat of sections 5, 6, 7, 8, 17, 18, 29, and 30, Township 11 North, Range 75 West, Seward Meridian, Alaska, shows amended lotting and segregates U.S. Survey No. 10372, and U.S. Survey No. 10373. Except as indicated hereon, the lottings and areas are as shown on the plat approved August 1, 1984. These revisions are based upon the official survey records; the plat of Township 11 North, Range 75 West, Seward Meridian, Alaska, accepted August 1, 1984; the plat of U.S. Survey No. 10372 accepted September 30, 1992; and the plat of U.S. Survey No. 10373 accepted September 30, 1992.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director  
*John Sample* 3/28/2007  
Date

Deputy State Director for Cadastral Survey, Alaska

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

| INDEX TO SEGREGATED TRACTS |   |                 |      |             |
|----------------------------|---|-----------------|------|-------------|
| RESURVEY                   |   | ORIGINAL SURVEY |      |             |
| TRACT NO.                  | T | R               | SEC. | SUBDIVISION |

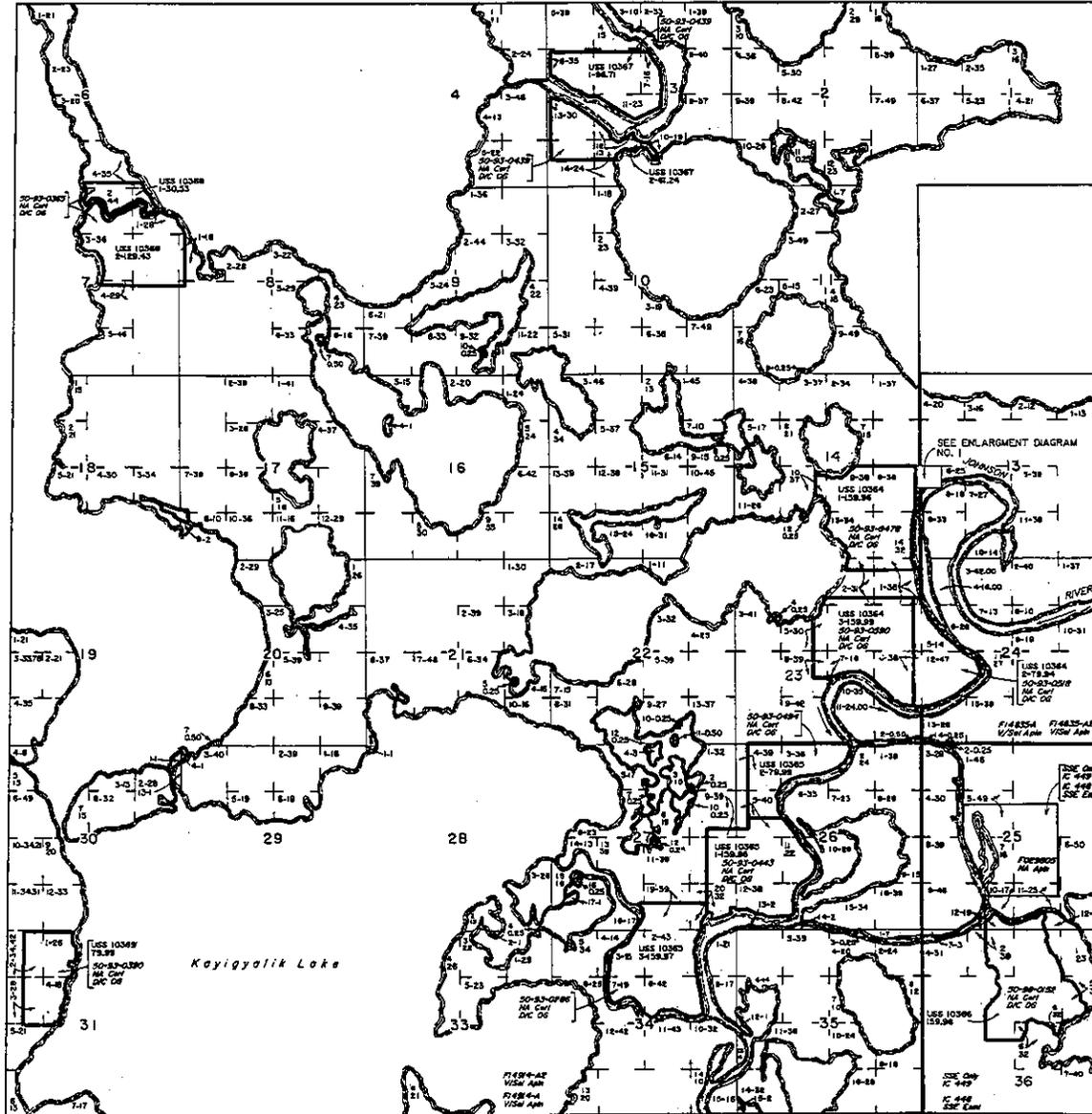
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERAL, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 W/ F14314 L & W/ F14314-A, F14314-A2

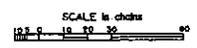
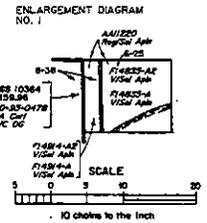
PL 92-203 W/ F14935 L & W/ F14935-A

PLO 5184 W/ C1 effects L & Mineral not conveyed

PL 96-487 W/ Yukon Delta NW/ entire Tp



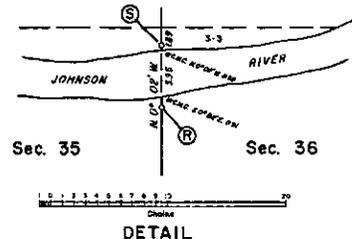
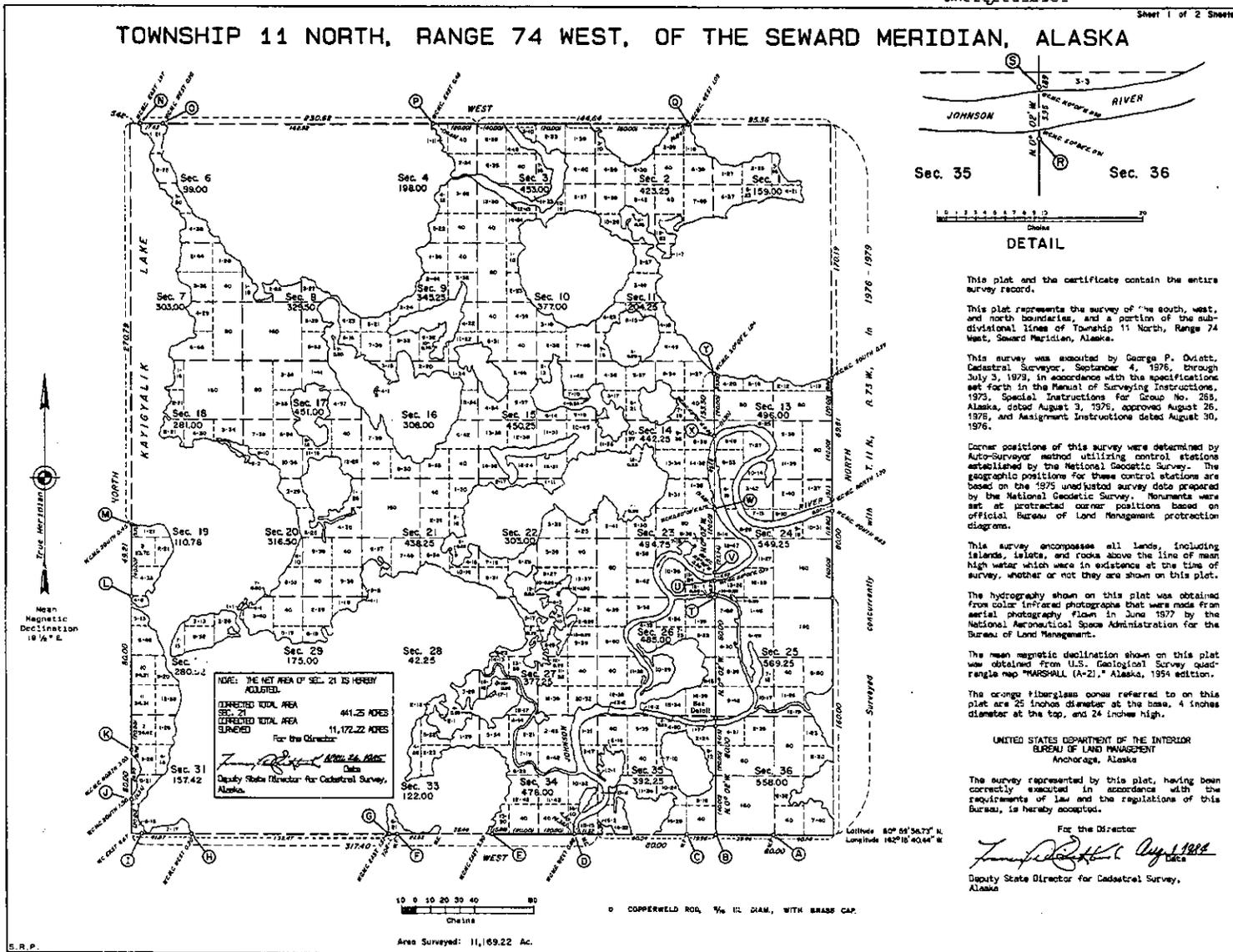
Lat 60°59'36.73"N  
Long 162°18'40.44"W



**WARNING:**  
THIS PLAT IS THE BUREAU'S RECORD OF TITLE AND SHOULD BE USED ONLY AS A GRAPHIC DISPLAY OF TOWNSHIP SURVEY DATA. RECORDS HEREON DO NOT REFLECT TITLE CHANGES WHICH MAY HAVE BEEN EFFECTED BY LATERAL MOVEMENTS OF RIVERS OR OTHER BODIES OF WATER. REFER TO THE CADASTRAL SURVEY FOR OFFICIAL SURVEY INFORMATION.

|            |           |                  |
|------------|-----------|------------------|
| CURRENT TO | FWS, AVCP | Sew Mer          |
| 9-2-2000   |           | T 11 N<br>R 74 W |

# TOWNSHIP 11 NORTH, RANGE 74 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plot and the certificate contain the entire survey record.

This plot represents the survey of the south, west, and north boundaries, and a portion of the subdivisional lines of Township 11 North, Range 74 West, Seward Meridian, Alaska.

This survey was executed by George P. Oviatt, Cadastral Surveyor, September 4, 1976, through July 3, 1979, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 288, Alaska, dated August 3, 1976, approved August 26, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-Surveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1975 unadjusted survey data prepared by the National Geodetic Survey. Monuments were set at protected corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plot.

The hydrography shown on this plot was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautical Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plot was obtained from U.S. Geological Survey quadrangle map "MARSHALL (A-2)," Alaska, 1954 edition.

The orange fiberglass cones referred to on this plot are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plot, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director  
*James P. [Signature]*  
Deputy State Director for Cadastral Survey, Alaska

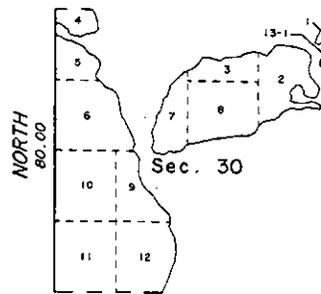
Officially Filed

ORIGINAL

DATE JULY 11, 1996

TOWNSHIP 11 NORTH, RANGE 74 WEST, OF THE SEWARD MERIDIAN, ALASKA  
SUPPLEMENTAL PLAT

This supplemental plat of section 30, Township 11 North, Range 74 West, Seward Meridian, Alaska, shows additional lotting identifying Lot 13. This revision is based upon the original survey records and the plat of Township 11 North, Range 74 West, Seward Meridian, Alaska, accepted August 1, 1964.



Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

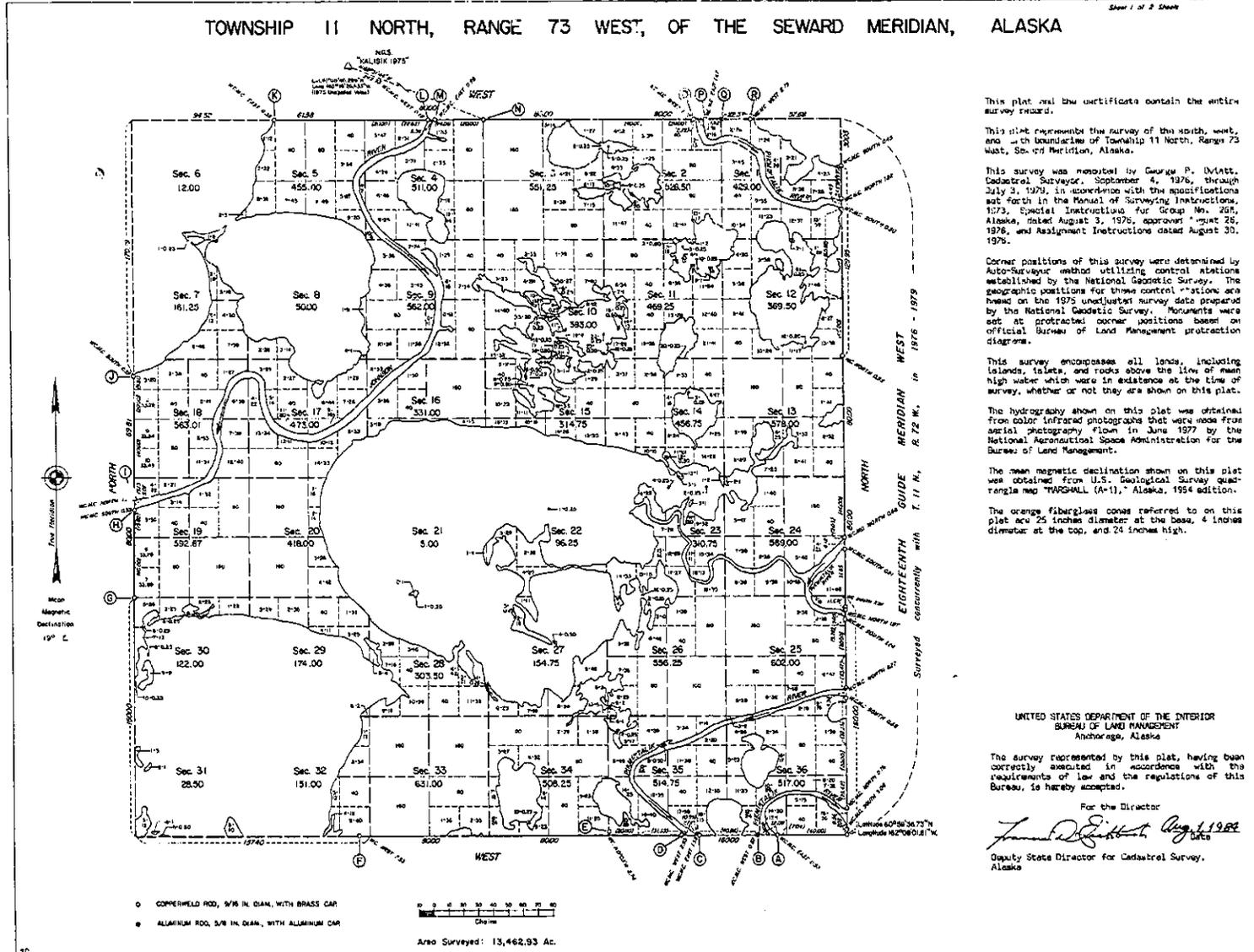
This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

*Jerry A. Sinkerton* + June 25, 1996  
Date  
Deputy State Director for Cadastral Survey, Alaska



TOWNSHIP 11 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the certificates contain the entire survey record.

This plat represents the survey of the north, west, and south boundaries of Township 11 North, Range 73 West, Seward Meridian, Alaska.

This survey was completed by George P. Dvlatt, Cadastral Surveyor, September 4, 1976, through July 3, 1979, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 26, Alaska, dated August 3, 1976, approved August 26, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-Surveyor methods utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1975 unadjusted survey data prepared by the National Geodetic Survey. Monuments were set at projected corner positions based on official Bureau of Land Management projection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the low of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautics and Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "MARSHALL (A-1)," Alaska, 1954 edition.

The orange fiberglass cones referred to on this plat are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

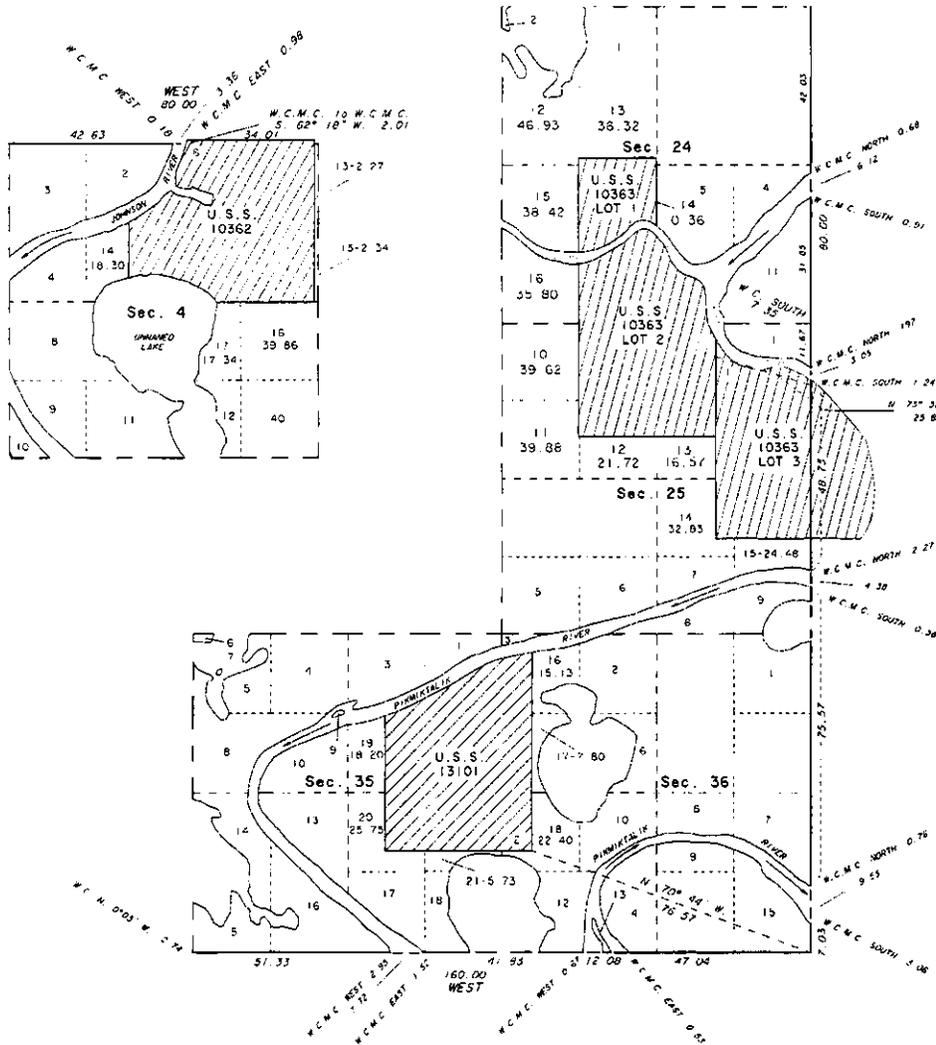
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*James P. Dvlatt* Aug 1, 1984  
Deputy State Director for Cadastral Survey,  
Alaska

### TOWNSHIP 11 NORTH, RANGE 73 WEST, OF THE SEWARD MERIDIAN, ALASKA SUPPLEMENTAL PLAT



NORTH EIGHTEENTH GUIDE MERIDIAN WEST

This supplemental plat of sections 4, 24, 25, 35, and 36, Township 11 North, Range 73 West, Seward Meridian, Alaska, shows amended lotting and segregates U.S. Survey No. 10362, U.S. Survey No. 10363, and U.S. Survey No. 13101. Except as indicated hereon, the lottings and areas are as shown on the plat approved August 1, 1984. These revisions are based upon the official survey records; the plat of Township 11 North, Range 73 West, Seward Meridian, Alaska, accepted August 1, 1984; the plat of U.S. Survey No. 10362 accepted September 30, 1992; the plat of U.S. Survey No. 10363 accepted September 30, 1992; and U.S. Survey No. 13101 accepted June 1, 2002.

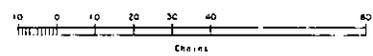
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

*John Smith* 3/23/2007  
Date

Deputy State Director for Cadastral Survey, Alaska



# UNSURVEYED TOWNSHIP 12 NORTH RANGE 75 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTOR DIAGRAM NO. 52-8 OFFICIALLY FILED 6/29/1959

T 12N  
R 75W R 74W

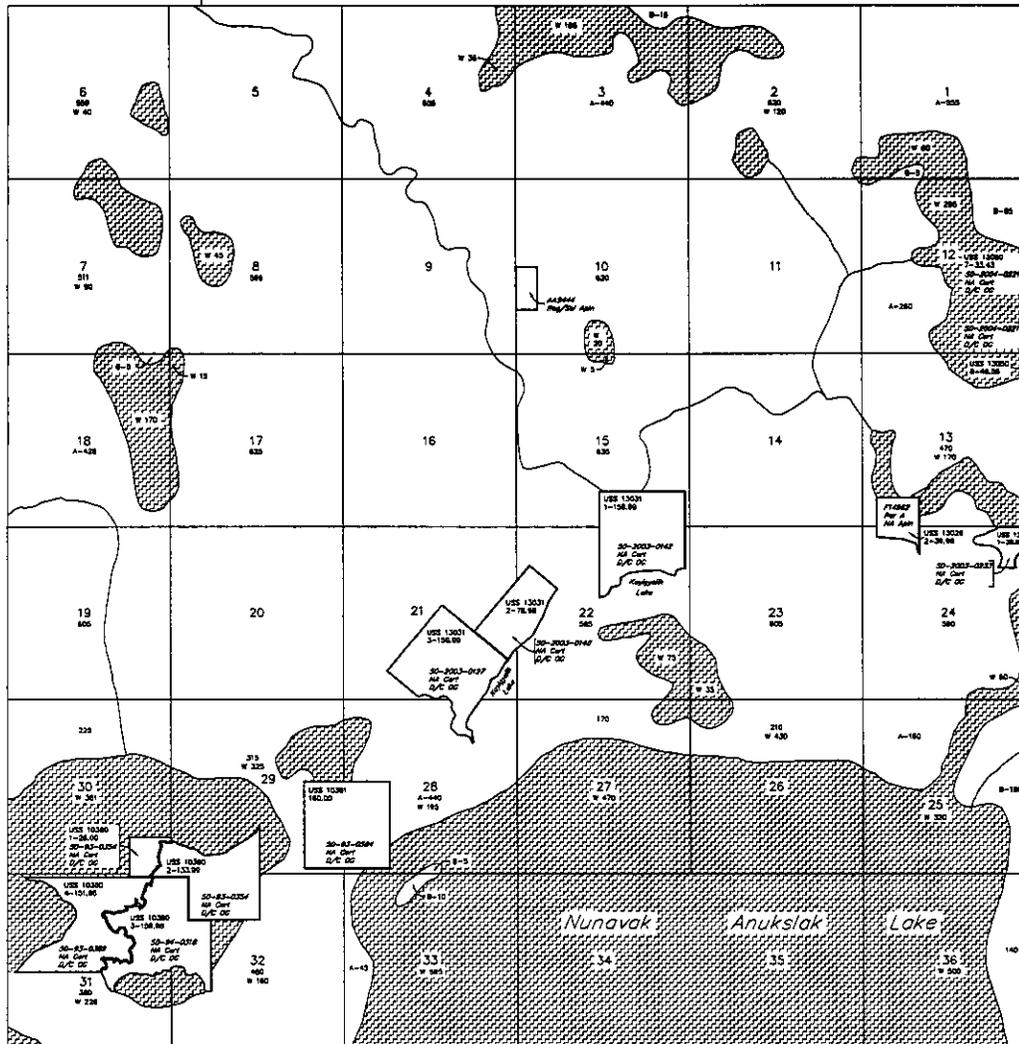
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MTP

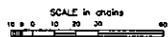
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHIN OR FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 91-5170 USE Act of May 17, 1970 effects Leds/Interests  
not conveyed.

PL 96-487 USE Yukon Delta NHP within Tp.



Lot 6104'48.688"N  
Long 1822'W 19.284"W



NOTICE:  
This plan is the Surveyor's Report of Title, and should be read  
and used in accordance with the instructions thereon. It is not  
intended to be a substitute for a deed or other instrument of title,  
and should be read in conjunction with the original survey information.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| B-13-2004  | T 12 N  |
|            | R 75 W  |

ACAD

# UNSURVEYED TOWNSHIP 12 NORTH RANGE 74 WEST OF THE SEWARD MERIDIAN, ALASKA

T. 12N  
PROTRACTOR DIAGRAM NO. 59-6 OFFICIALLY FILED 5/29/1959

R 74W R 73W

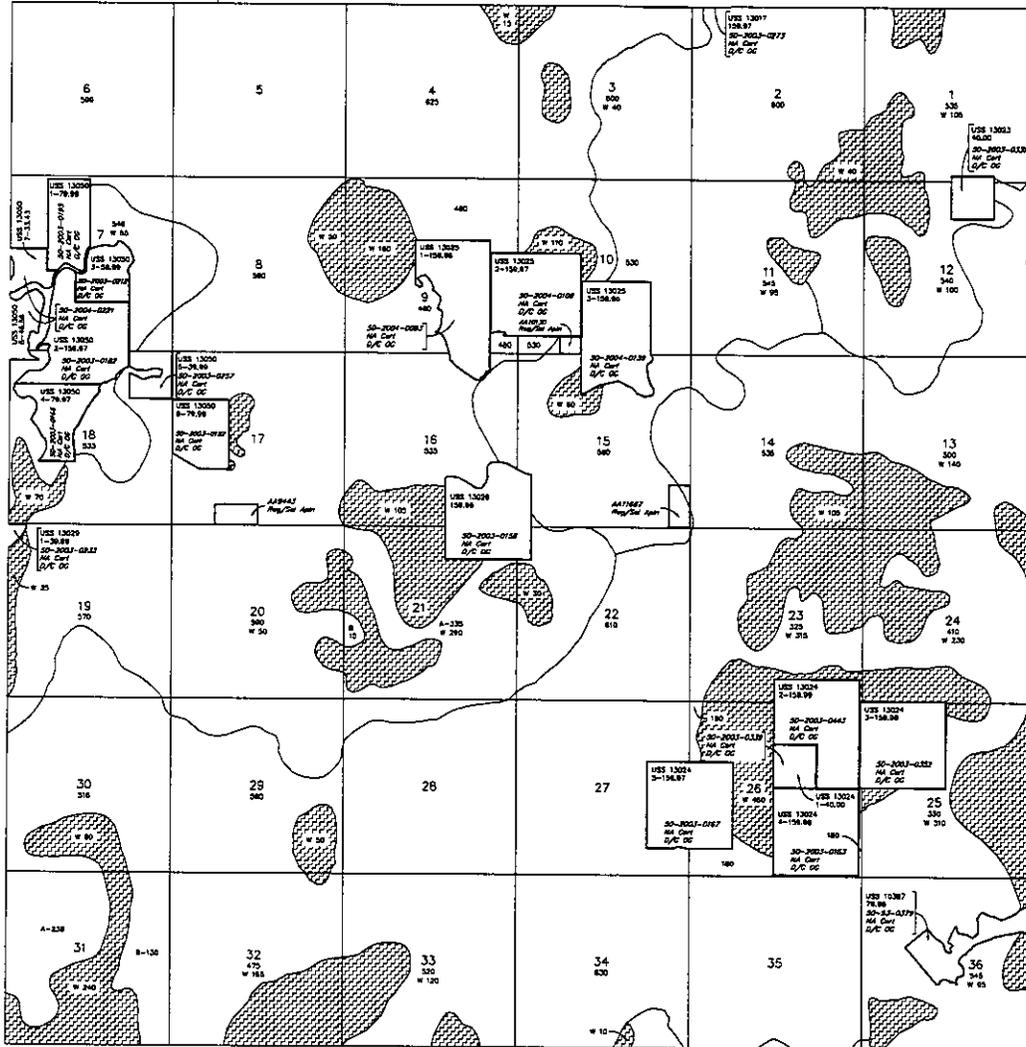
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MTP

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

PLD 5179 Was A/C of Leg & CI affects L&M/Interests  
Not Surveyed

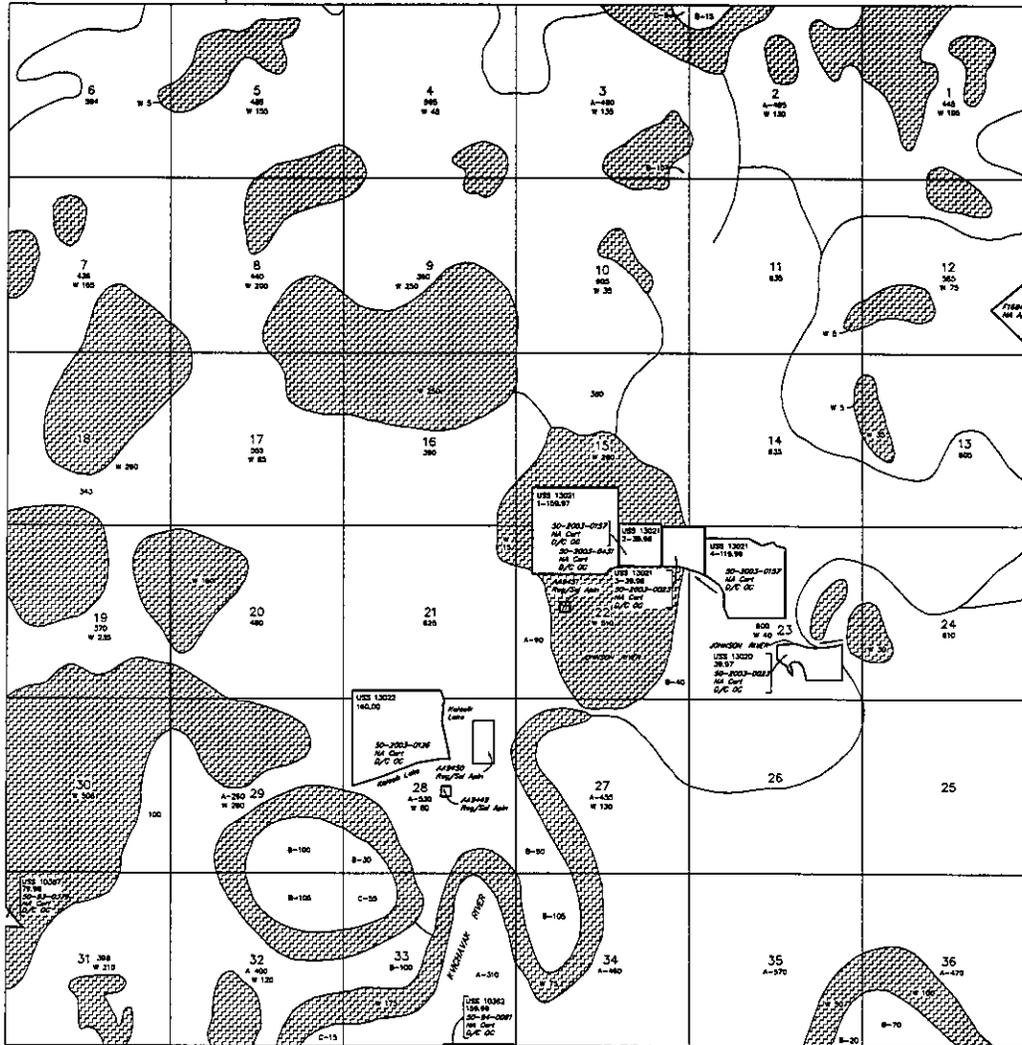
PL 95-487 Was Yukon Delta NWR within Td



UNSURVEYED TOWNSHIP 12 NORTH RANGE 73 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 59-6 OFFICIALLY FILED 6/29/1959

T 13N  
R 73W R 72W



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

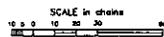
MTP

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.

P.L. 85-623 and Act of Cong. & D affects Lands/Interests  
not conveyed

P.L. 85-627 and Union Delta NWR within 30

Lot 61°04'46.689"N  
Long 162°08'01.608"W



WARNING:  
This land is the Bureau's Repeal of Title, and should be used  
for no other purpose than that of the Bureau's records. From  
time to time the Bureau may acquire additional lands which may be  
added to the Bureau's records. This document should be used  
only for the purposes stated above and should not be used for  
other purposes.

|            |           |         |
|------------|-----------|---------|
| CURRENT TO | FWS, AVCP | See Mar |
| 8-18-2003  |           | T 12 N  |
|            |           | R 73 W  |

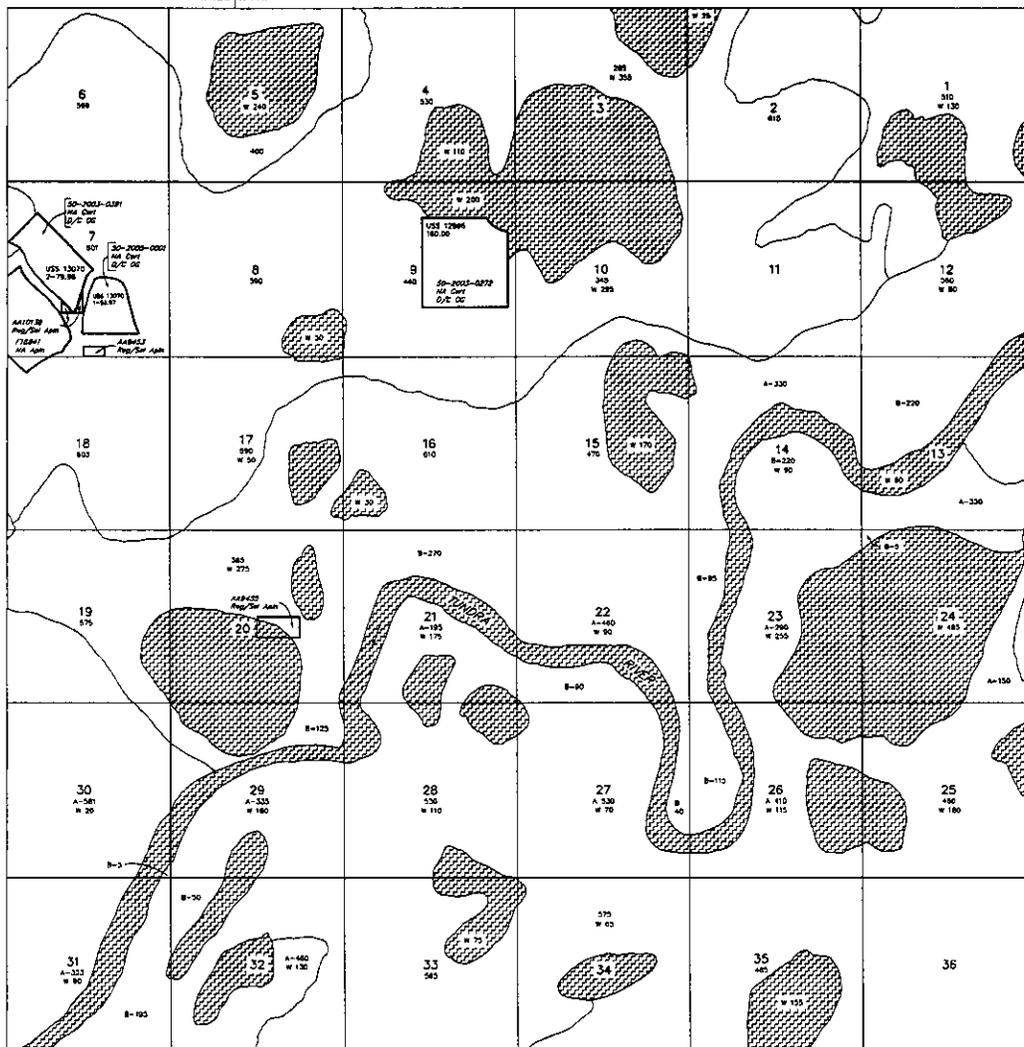
ACAD

# UNSURVEYED TOWNSHIP 12 NORTH RANGE 72 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 5 9-7 OFFICIALLY FILED 6/29/1959

T 12N

R 72W R 71W



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

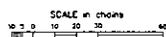
## MTP

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

PLG 5179 *See Aid of Leg. & Cl effects Lda/Interests not conveyed*

PL 36-487 *See Yukon Delta NWR entire Is*

Lot 61°04'48.689"N  
Long 161°57'22.780"W



NOTICE:  
This map is the Bureau's Record of Title, and should be used only in a general sense of the land's status. It does not constitute an official survey, and should not be used for any purpose other than to determine the general location of a parcel or other interest. For more information, contact the Bureau's Survey Information.

|            |           |         |        |
|------------|-----------|---------|--------|
| CURRENT TO | 3-10-2005 | Sew Mer | T 12 N |
|            |           | R 72 W  | ACAD   |



UNSURVEYED TOWNSHIP 13 NORTH RANGE 71 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 59-2 OFFICIALLY FILED 6/29/1959

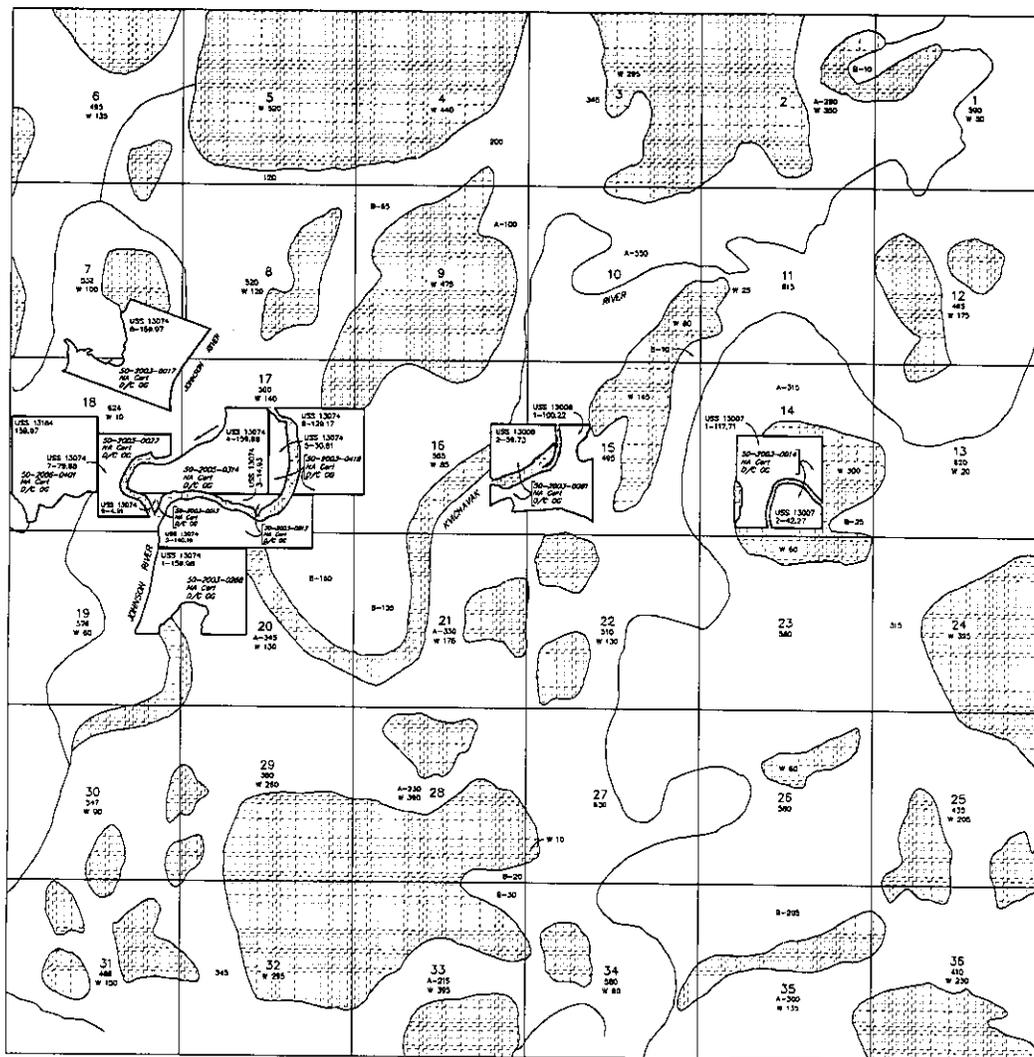
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP**

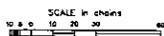
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHIN THIS CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PLD 3179 W&F Act of Log & CI affects Log/Interests  
not conveyed

PL 95-487 W&F Yukon Delta NWR entire Tp



Lot 61°10'00.641"N  
Long 161°54'53.754"W



**WARNING**  
This plan is the Bureau's Record of Title and should be used  
only as a guide. Many of the boundary survey lines, bearings  
and distances do not reflect the ground survey. The lines  
shown by taking measurements of lines or other bodies of water,  
refer to the respective surveys or official survey techniques.

|            |  |         |
|------------|--|---------|
| CURRENT TO |  | Sec Mer |
| 10-20-2006 |  | T 13 N  |
|            |  | R 71 W  |

ACAD





**SURVEYED TOWNSHIP 15 NORTH RANGE 70 WEST OF THE SEWARD MERIDIAN, ALASKA**

**STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES**

**MTP**

FOR ADVICE PERTAINING HERETO, OR USE OF ANY  
IDENTIFIED LANDS WITHIN THIS TOWNSHIP FOR CLASSIFICATION  
NATURAL WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX IN APPLICABLE ENCLOSURES.

*PL 92-203 AND CHAIRS, LA WS PL4015-A, & PL4915-A2*

*PL 92-203 AND CHAIRS, LA WS PL4015-A, & PL4915-A2*

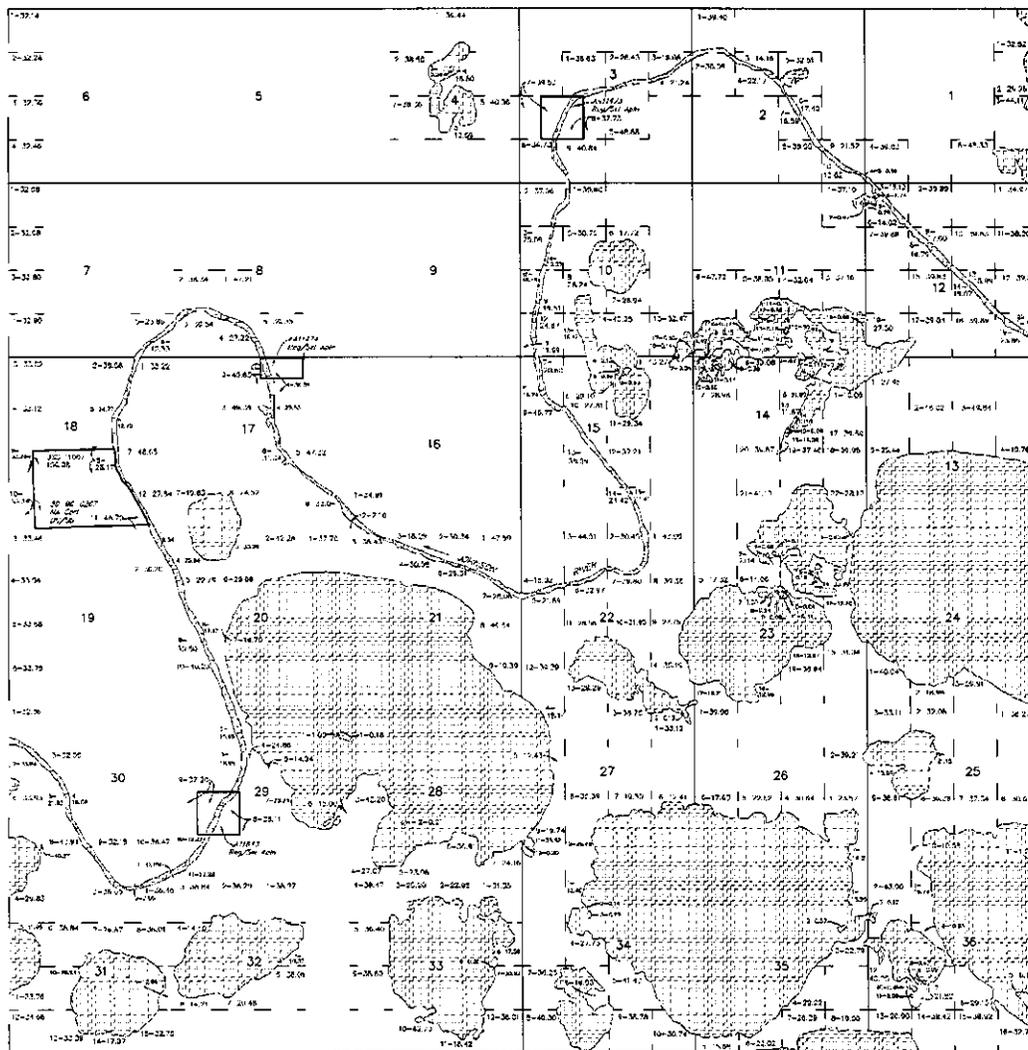
*PL4915-A 1/20/02  
Sec 1-5 of East Johnson River  
Sec 10-12 of*

*PL4915-A2 1/20/02*

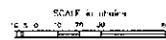
*Sec 1-5 of East Johnson River*

*Sec 10-12 of*

*PL 92-203 AND CHAIRS, LA WS PL4015-A, & PL4915-A2*



Lat 61°20'23\"/>

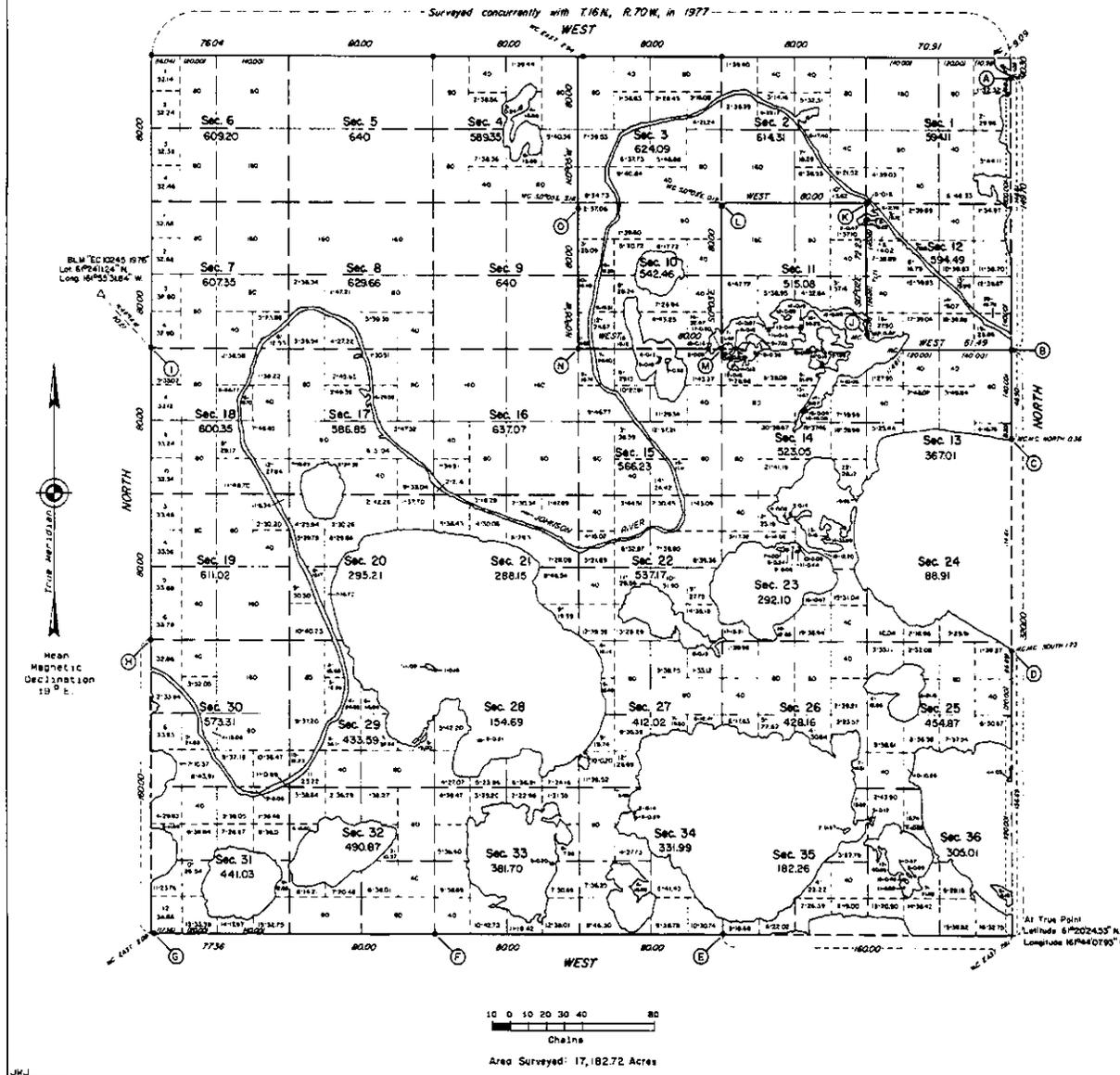


**NOTES:**  
This map is the Bureau's record of the land in this township and is not a survey. It is based on the original survey records and is subject to change as more information becomes available.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 7-17-2007  | 15 N    |
|            | R 70 W  |

ACAD

# TOWNSHIP 15 NORTH, RANGE 70 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the field notes of the survey monumentation provide the entire survey record.

This plat represents the survey of the south, east, and west boundaries and a portion of the subdivisional lines of Township 15 North, Range 70 West, Seward Meridian, Alaska. The remaining subdivisional lines of the township were surveyed by protraction as shown on this plat.

This survey was executed by John R. Chambers, Cadastral Surveyor, May 18 through September 20, 1977, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 270, Alaska, dated August 4, 1976, approved September 7, 1976, and Assignment Instructions dated May 11, 1977.

Corner positions of this survey were determined by Airborne Control Survey methods, utilizing control stations established by the U.S. Coast and Geodetic Survey, U.S. Geological Survey, and the Bureau of Land Management. Monuments were set at protracted corner positions based on the official Bureau of Land Management protraction diagrams.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (6-8)," Alaska, 1952 edition.

The hydrography shown on this plat identifies the meanders along the ordinary high water line of water bodies segregated from the land area. The meanders are photogrammetrically interpreted and digitized from color infrared and rectified black and white aerial photography flown in July 1980 by the National Aeronautical Space Administration. The digital meander line data pictorially represent the meanders used to calculate the Tot areas shown on the plat and are on file in the BLM Alaska Automated Land and Mineral Records System (AALMRS).

This survey encompasses all lands including islands, islets, and rocks above the line of ordinary high water which were in existence at the time of survey whether or not they are shown on this plat.

The orange fiberglass cones referred to in the field notes of the survey monumentation are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*James R. ...* July 7, 1987  
Date

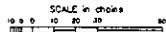
Deputy State Director for Cadastral Survey,  
Alaska

SURVEYED TOWNSHIP 15 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES



Lat 61°20'24.33"N  
Long 161°33'22.10"W



WARNING:  
This map is the Bureau's Record of Title, and should be used only as a general guide at the landowner's expense. Such and other of not correct. No person who has been affected by mineral transactions of any or other nature of matter. Refer to the accurate surveys for official survey information.

MTP

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

PL 92-703 AND F14215, LOS W/A F14215-A, F14215-A2

PLD 5184 AND D affects Loc./Interests, not conveyed

PL 96-487 AND Tuxon Delta NWR and/or D

F14215-A, V/Sal Appts:

- Sec 4-12
- Sec 5-9: All East Johnson River
- Sec 17: All East Johnson River
- Sec 18: All East Johnson River

F14215-A2, V/Sal Appts:

- Sec 4-9, 10
- Sec 17-18: All

| CURRENT TO | FWS, AVCP | Sec Mer |
|------------|-----------|---------|
| 8-7-2003   |           | T 15 N  |
|            |           | R 69 W  |

PV

SURVEYED TOWNSHIP 15 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SECS 1 & 12**  
NO 1

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.

PL 92-203 W/ F14913, L&M W/ F14913-A, F14913-A2

PLD 5184 W/ C affects L&M/Interests not conveyed

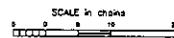
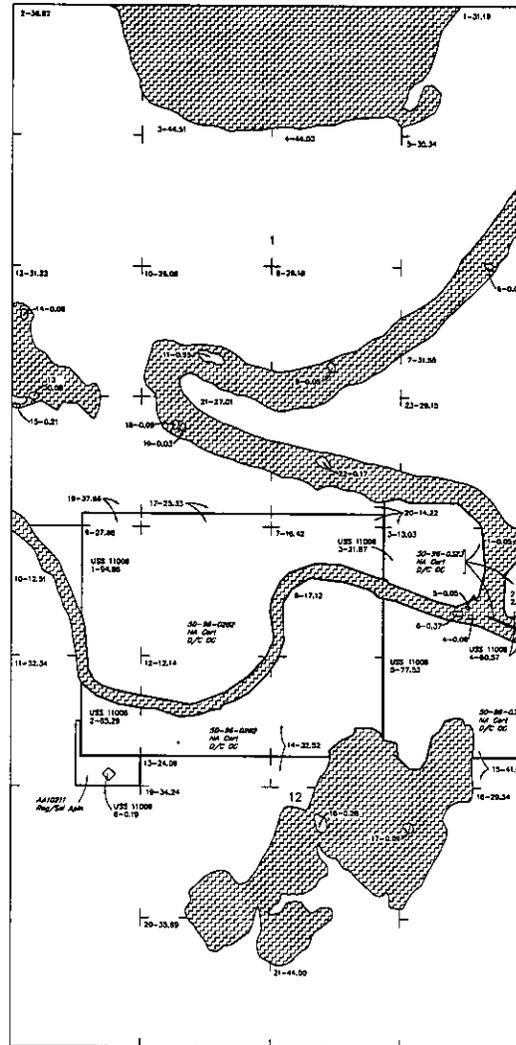
PL 95-487 W/ Yukon Delta NBR 8/1/95 Id

F14913-A 1/2nd Adm:

Sec 4: All  
Secs 5-8: All Excl Johnson River  
Sec 17: All Excl Johnson River  
Sec 18: All Excl Johnson River

F14913-A2 1/2nd Adm:

Secs 4-8: All  
Secs 17-18: All



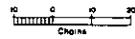
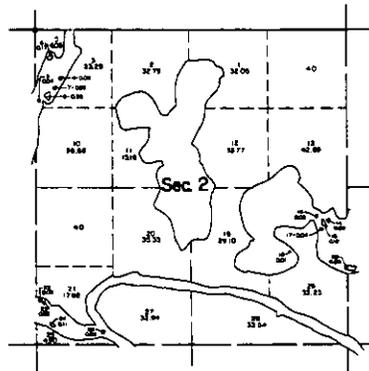
**WARNING:**  
This plat is the Bureau's Record of Title and should be used  
only as a graphic display of the township survey data. It  
does not constitute an official record of title and should not be  
relied upon for legal purposes. It is subject to change without  
notice by subsequent measurements of more or other bodies of water  
than those shown on this plat. Refer to the original survey for  
official survey information.

|            |           |          |
|------------|-----------|----------|
| CURRENT TO | FWS, AWCP | AD 1     |
| 7-17-2003  |           | Stew Mer |
|            |           | T 15, N  |
|            |           | R 69 W   |

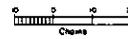
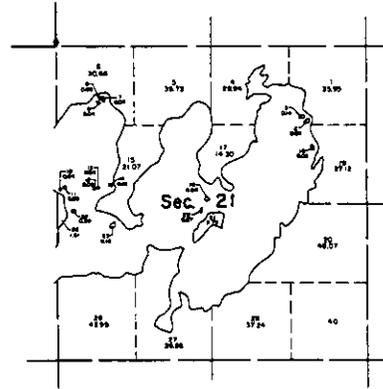
ACAD



TOWNSHIP 15 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA



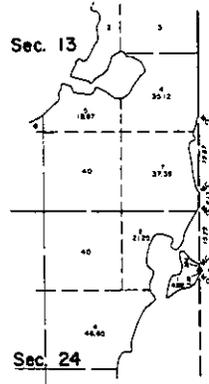
DETAIL



DETAIL



Mean  
Magnetic  
Declination  
19 1/2° E.



DETAIL

REFERENCE SHOULD BE MADE  
TO  
SHEET NO. 1  
FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plat is strictly conformable to the approved  
field notes, and the survey, having been  
correctly executed in accordance with the  
requirements of law and the regulations of this  
Bureau, is hereby accepted.

For the Director

*James D. Eastman* July 7, 1987  
Deputy State Director for Cadastral Survey,  
Alaska



UNSURVEYED TOWNSHIP 15 NORTH RANGE 67 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 29-1 OFFICIALLY FILED 6/29/1995

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

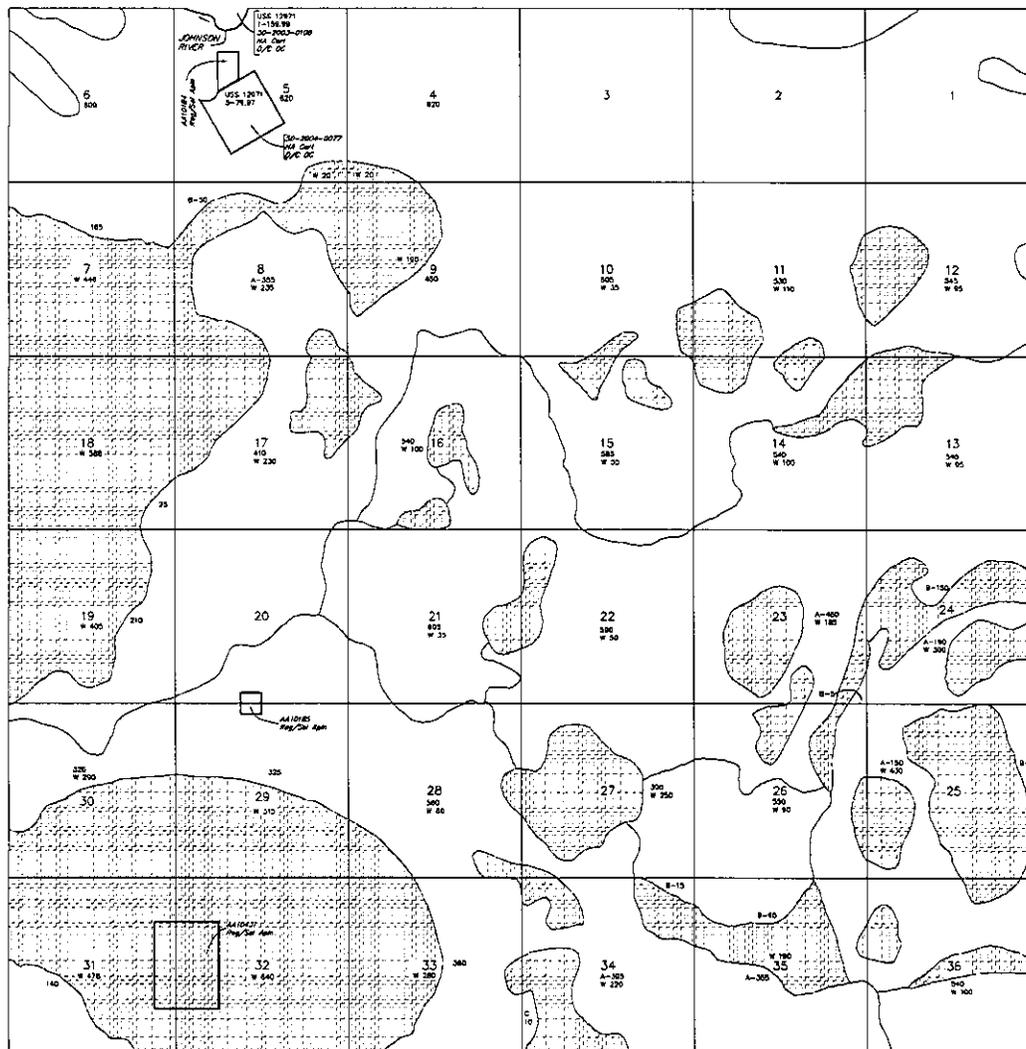
MTP

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

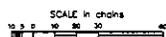
PLO 5128 Wet Aid of Log & CI affects Lds/Interests  
not conveyed

PLO 5250 Wet Aid of Log & CI affects Lds/Interests  
not conveyed

PL 95-487 Wet Tacon Docks NWR entire Tp.



Lat 61 20'24.532"N  
Long 161 17'30.454"W



NOTES:  
This plat is the Bureau's Record of Title, and should be used only as a general guide to the location of the land. Plans and permits to and reflect the situation which may have been affected by inland monuments of lands or other bodies of water. Refer to the respective surveys for official survey instructions.

|            |         |
|------------|---------|
| CURRENT TO | Sec Mer |
| 1-18-2006  | T 15 N  |
|            | R 67 W  |

ACAD

SURVEYED TOWNSHIP 16 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

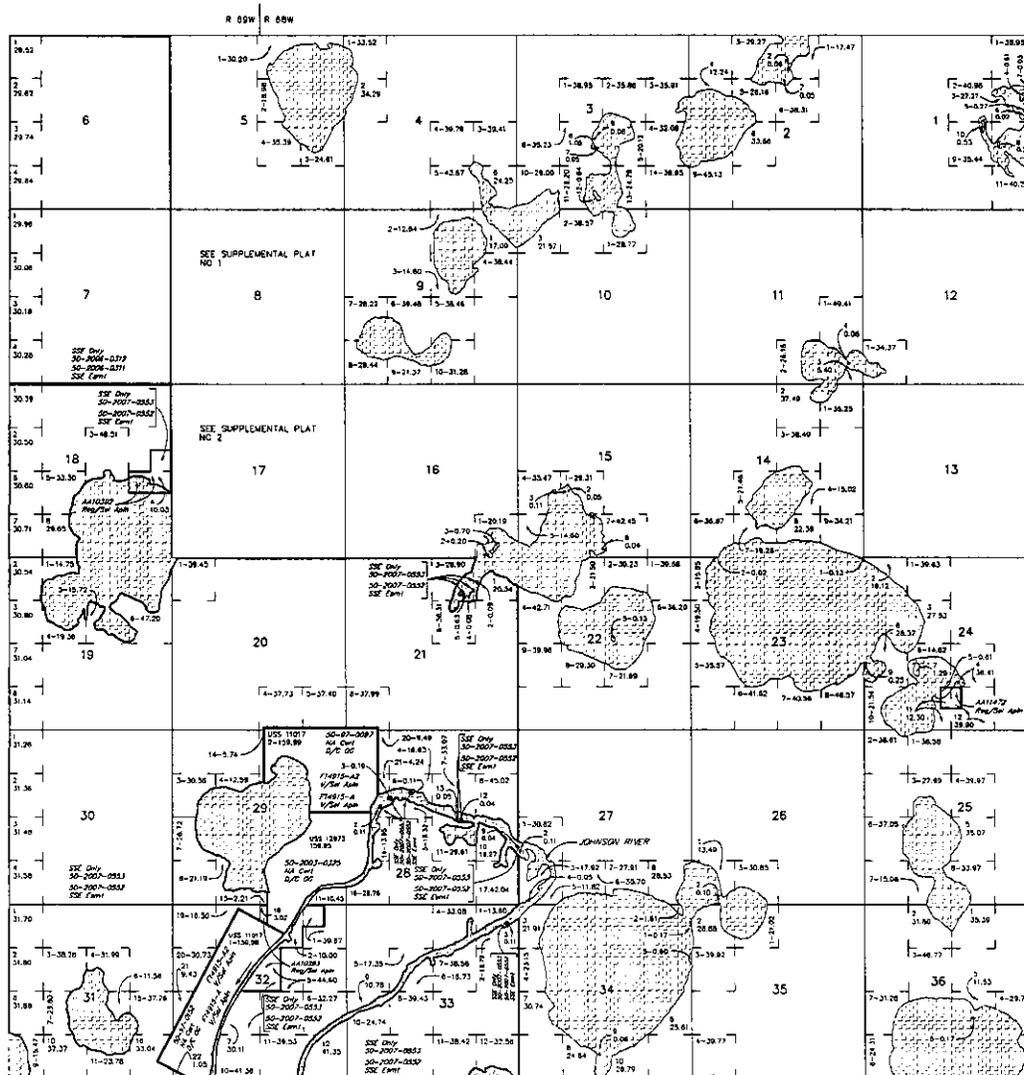
MTP

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

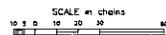
PL 92-203 AND FERRIS, LOS W/1, FERRIS-A, FERRIS-A2

PLG 5184 AND C1 affects Log/Interests not conveyed

PL 98-487 AND Yukon Delta NWR entire Td



Lot 61°25'36.47"N  
Long 161°33'22.10"W



WARNING:  
This plat is the Bureau's Record of Title, and should be used only as a general reference. It does not constitute a warranty of title. The Bureau does not warrant the accuracy of the information shown on this plat. The changes which may have been effected by other instruments of record or other means will not be reflected in this plat. Refer to the original surveys for official survey information.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 8-20-2007  | T 16 N  |
|            | R 69 W  |

ACAD

SURVEYED TOWNSHIP 16 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

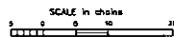
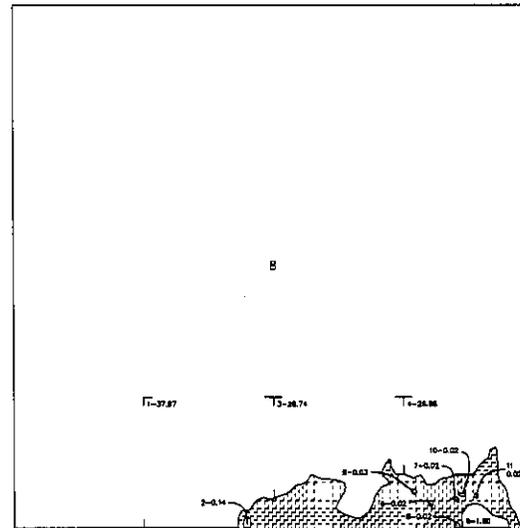
**MTP**  
**SUPPL SEC 8**

NO 1

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

*P.L.D. 5184 HAS CI affects Lds/Interests not conveyed*

*PL 86-487 HAS Yukon Delta NWR unless Tp*



**WARNING:**  
This plan is the Bureau's record of T16, and should be used  
only as a graphic check of the boundary survey data. Plans  
will herein do not reflect title alterations which may have been  
approved by record documents of record or other indices of title.  
Refer to the recording bureau for actual survey information.

|            |            |         |
|------------|------------|---------|
| CURRENT TO | FEWS, OFZ. | NO 1    |
| 8-7-2003   |            | Sew Mer |
|            |            | T 16 N  |
|            |            | R 69 W  |

ACAD

SURVEYED TOWNSHIP 16 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

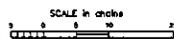
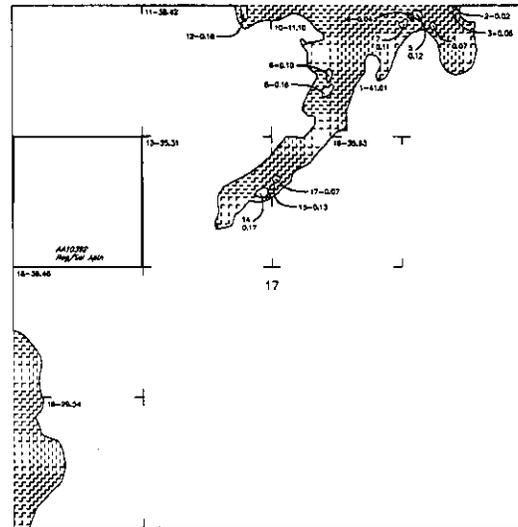
**MTP  
SUPPL SEC 17**

NO 2

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.

*P.L.O. 5164 has 0 effects. Lands/Interests not conveyed.*

*P.L. 95-437 has 0 effects. Data Staff entire TP.*



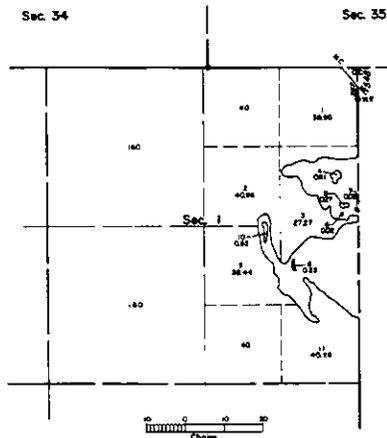
**Warning:**  
This plan is the Bureau's Record of Title, and should be used  
only as a graphic display of the available survey data. These  
graphic formats do not reflect the changes which may have been  
effected by related components of maps or other books of record.  
Refer to the associated survey for official survey information.

|            |  |          |         |
|------------|--|----------|---------|
| CURRENT TO |  | FWS, GFZ | NO 2    |
| 8-7-2003   |  |          | Sew Mer |
|            |  |          | T 16 N  |
|            |  |          | R 69 W  |

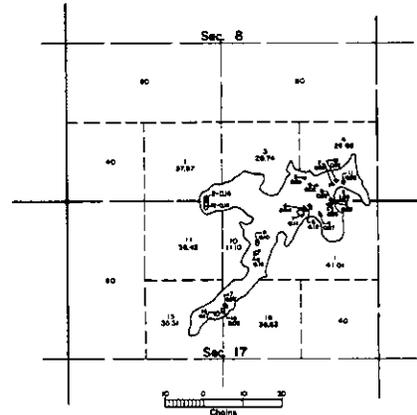
ACAD



# TOWNSHIP 16 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA



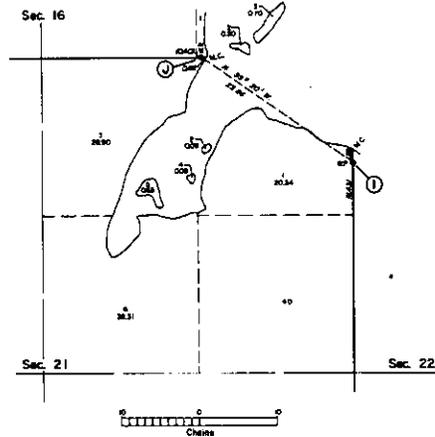
DETAIL



DETAIL



Mean  
Magnetic  
Declination  
18 1/2 ° E.



DETAIL

REFERENCE SHOULD BE MADE  
TO  
SHEET NO. 1  
FOR SURVEY INFORMATION

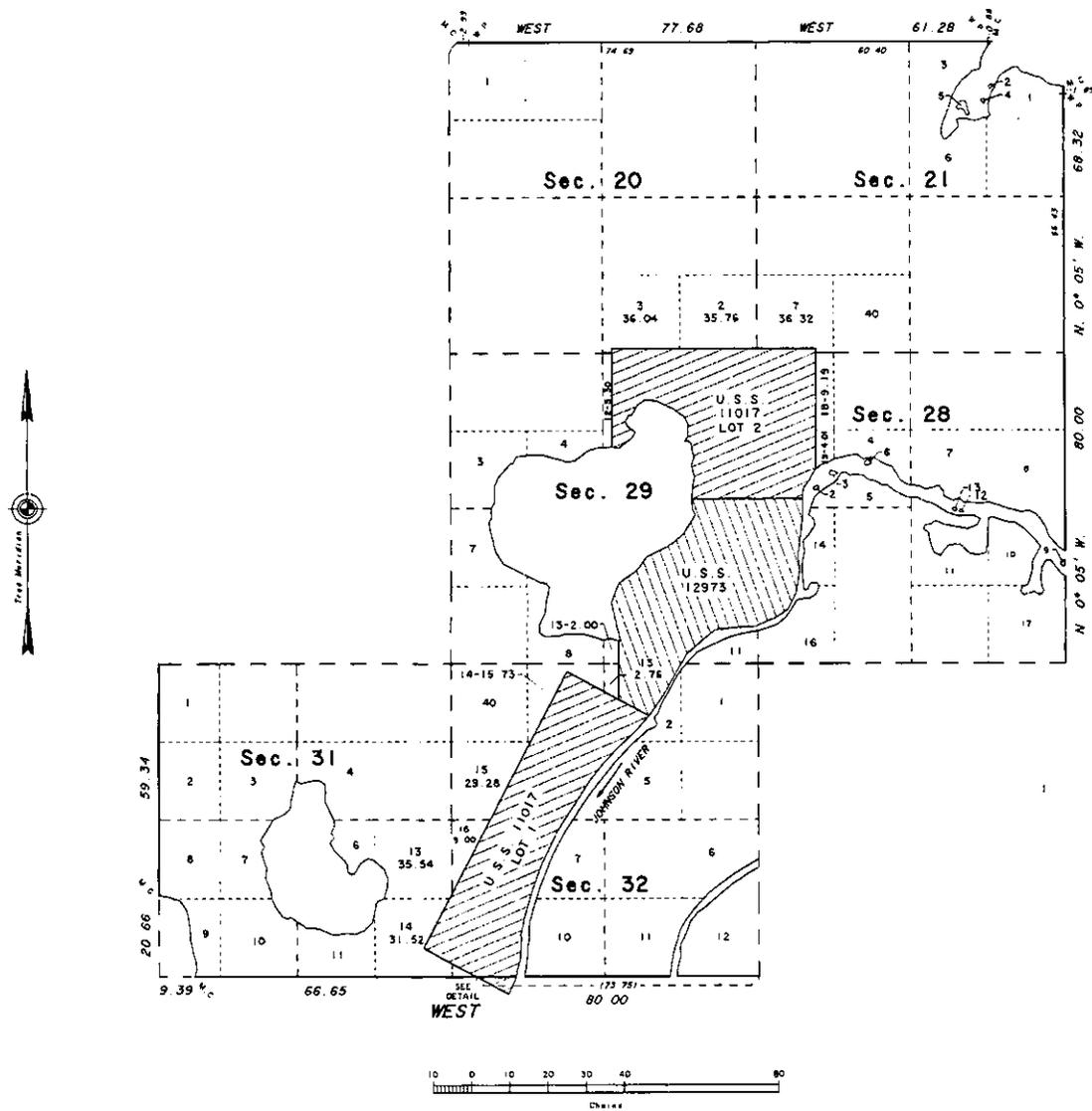
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

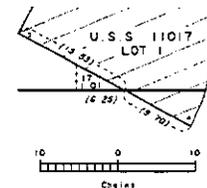
*James O. Quinn* July 7, 1987  
Deputy State Director for Cadastral Survey,  
Alaska

TOWNSHIP 16 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA  
SUPPLEMENTAL PLAT



This supplemental plat of sections 20, 21, 28, 29, 31, and 32, Township 16 North, Range 69 West, Seward Meridian, Alaska, shows amended lottings created by the segregation of U.S. Survey Nos. 11017 and 12973. Except as indicated hereon, the lottings and areas are as shown on the plat of Township 16 North, Range 69 West, Seward Meridian, Alaska, accepted July 7, 1987. These revisions are based upon the official survey records; the plat of Township 16 North, Range 69 West, Seward Meridian, Alaska, accepted July 7, 1987; the plat of U.S. Survey No. 11017 accepted October 6, 1995; and the plat of U.S. Survey No. 12973 accepted June 5, 2002.

DETAIL



Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

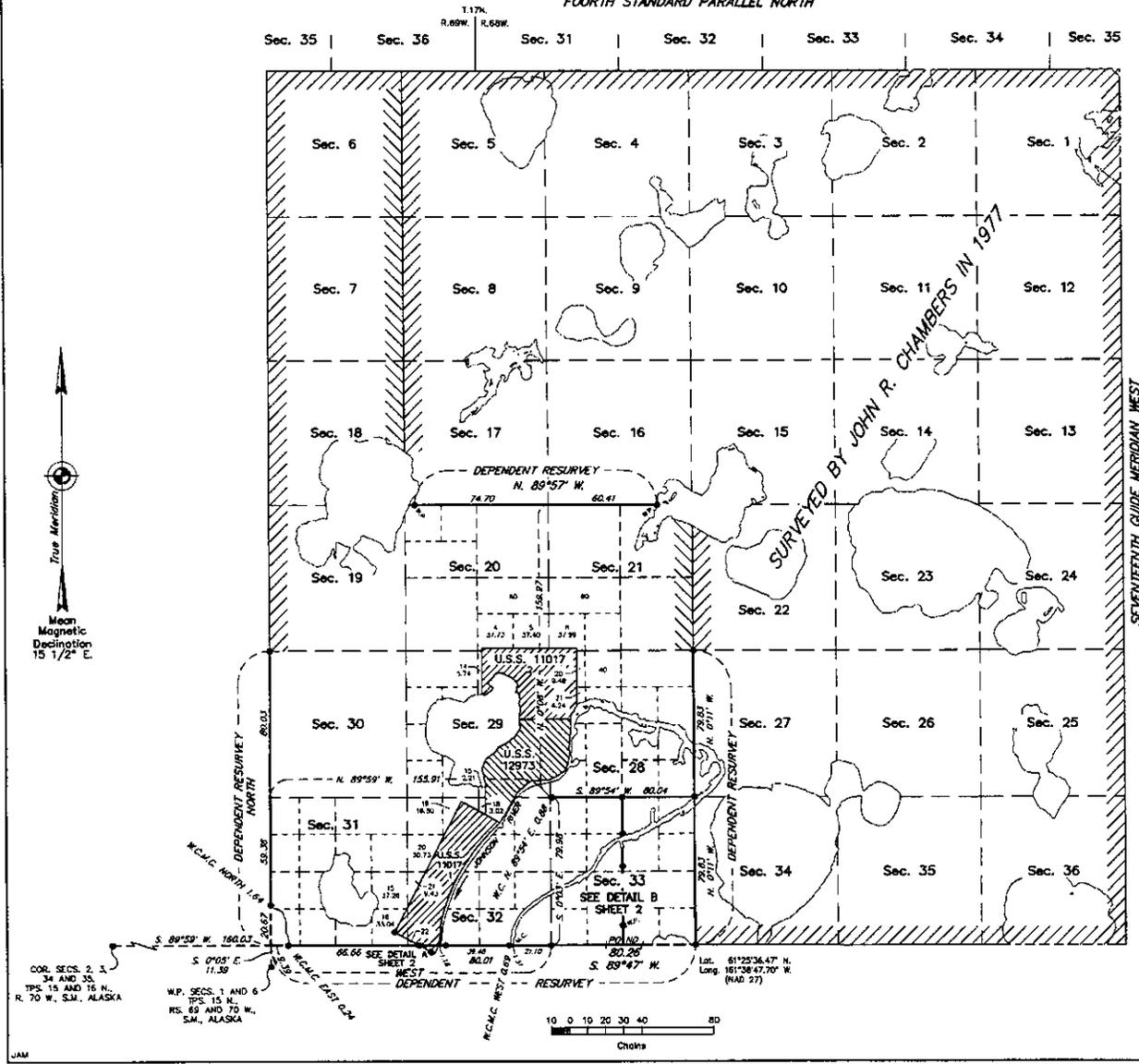
UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director  
*John Snauff* 12/2/2004  
Date  
Deputy State Director for Cadastral Survey,  
Alaska

# TOWNSHIP 16 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA

## DEPENDENT RESURVEY AND SUBDIVISION FOURTH STANDARD PARALLEL NORTH



The history of surveys is contained in the field notes.

This plot and the field notes represent the dependent resurvey of a portion of U.S. Survey No. 11017, a portion of the south boundary, a portion of the west boundary, and a portion of the subdivisional lines; and the survey of a portion of the subdivisional lines of Township 16 North, Range 69 West, Seward Meridian, Alaska.

The subdivisional lines are projected based upon the surveyed lines and the previously accepted plots.

This survey was executed by Gary D. Kowal, Registered Alaska Land Surveyor No. LS-8856, for Messerly, Inc., June 18, 2004 through August 17, 2005, in accordance with the specifications set forth in the Manual of Surveying Instructions 1973, the Special Instructions for Group No. 869, dated June 17, 2003, approved June 20, 2003, Amended Special Instructions dated September 8, 2003, approved September 9, 2003, Amended Special Instructions No. 2 dated March 29, 2005, approved March 31, 2005, Contract No. HA03040195, dated June 9, 2004, and the Notice to Proceed dated June 13, 2004.

Corner positions for this survey were determined using GPS Real-Time Kinematic techniques (RTK) and were verified using GPS Rapid Static methodology. No lines were run on the ground.

The direction of all lines returned on this plot are reported as mean bearings with reference to the true meridian.

Except as indicated hereon, the lottings and areas are as indicated on the plot of Township 16 North, Range 69 West, Seward Meridian, Alaska, accepted July 7, 1987 and the Supplemental Plot of Township 16 North, Range 69 West, Seward Meridian, Alaska, accepted October 21, 2004.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plot is strictly conformable to the approved field notes, and the survey, having been correctly associated in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

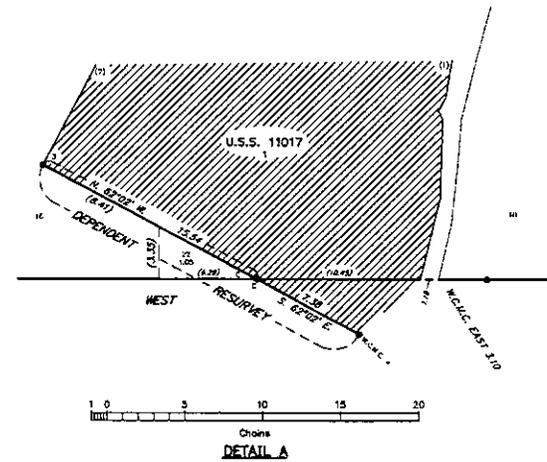
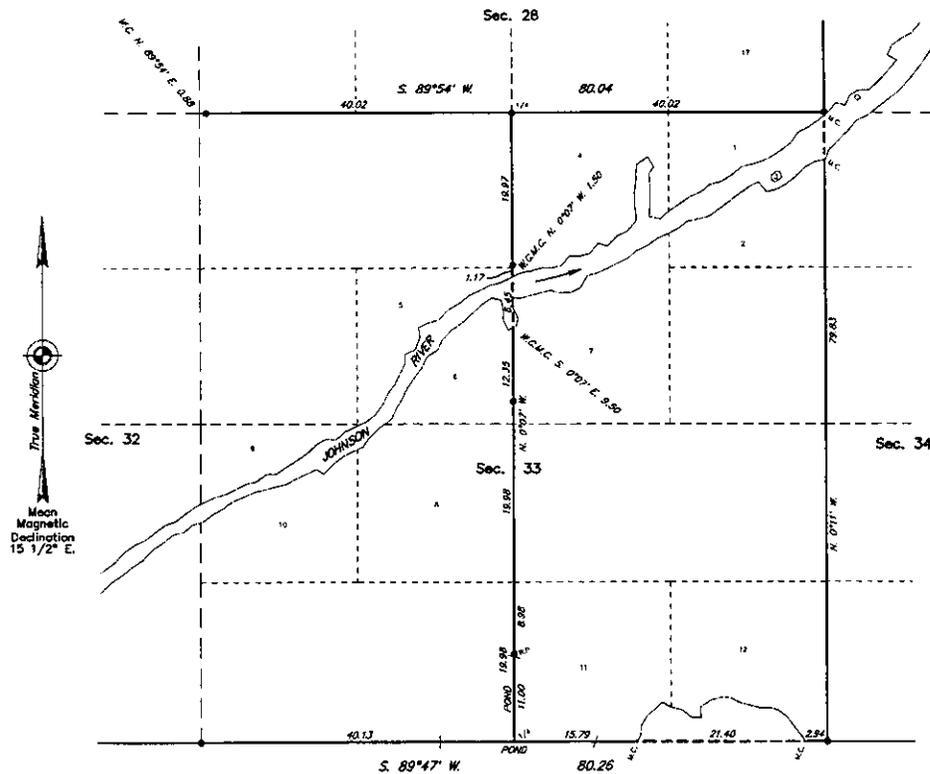
For the Director

*John Sumpf* *Sept 23, 2005*  
Date

Deputy State Director for Cadastral Survey, Alaska

MRS

TOWNSHIP 16 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA  
DEPENDENT RESURVEY AND SUBDIVISION



REFERENCE SHOULD BE MADE  
TO  
SHEET No. 1  
FOR SURVEY INFORMATION

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

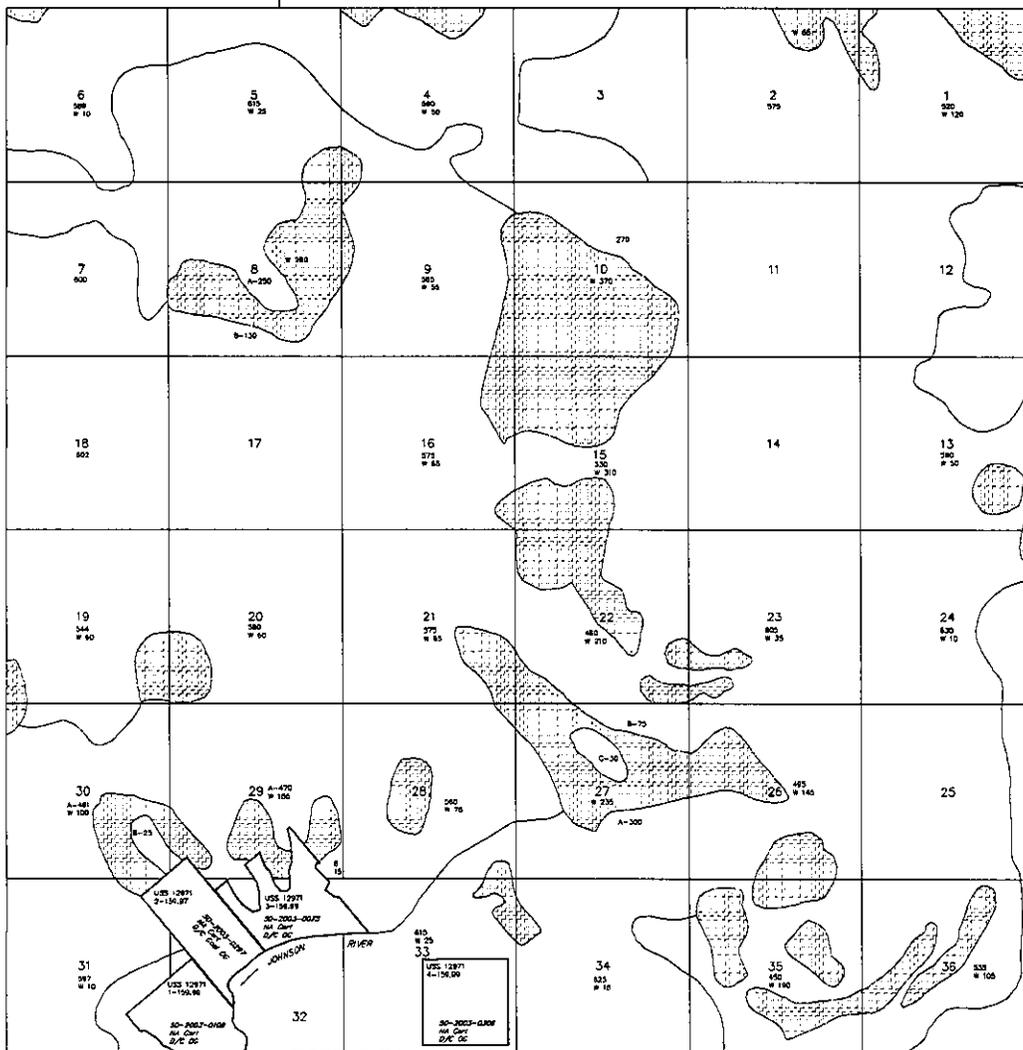
*John Smith* Sept 23, 2005  
Date

Deputy State Director for Cadastral Survey, Alaska

# UNSURVEYED TOWNSHIP 16 NORTH RANGE 67 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 55-1 OFFICIALLY FILED 5/29/1959

T 17N  
R 67W R 66W



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.

P.L.O. 5175 Not Aid of Log & C affects Ltd/Interests not conveyed

P.L.O. 3250 Not Aid of Log & C affects Ltd/Interests not conveyed

P.L. 80-487 Not Yukon Delta NWR entire Trp

Lot 61°28'36.471"N  
Long 161°11'50.454"W

SCALE in chains  
0 10 20 30 40

**WARNING**  
This plan is the Bureau's Record of Title and should be used only as a guide to the location of survey data. It does not constitute a warranty of title and should not be used as evidence of title. The Bureau is not responsible for any errors or omissions in this plan. Refer to the original survey for further information.

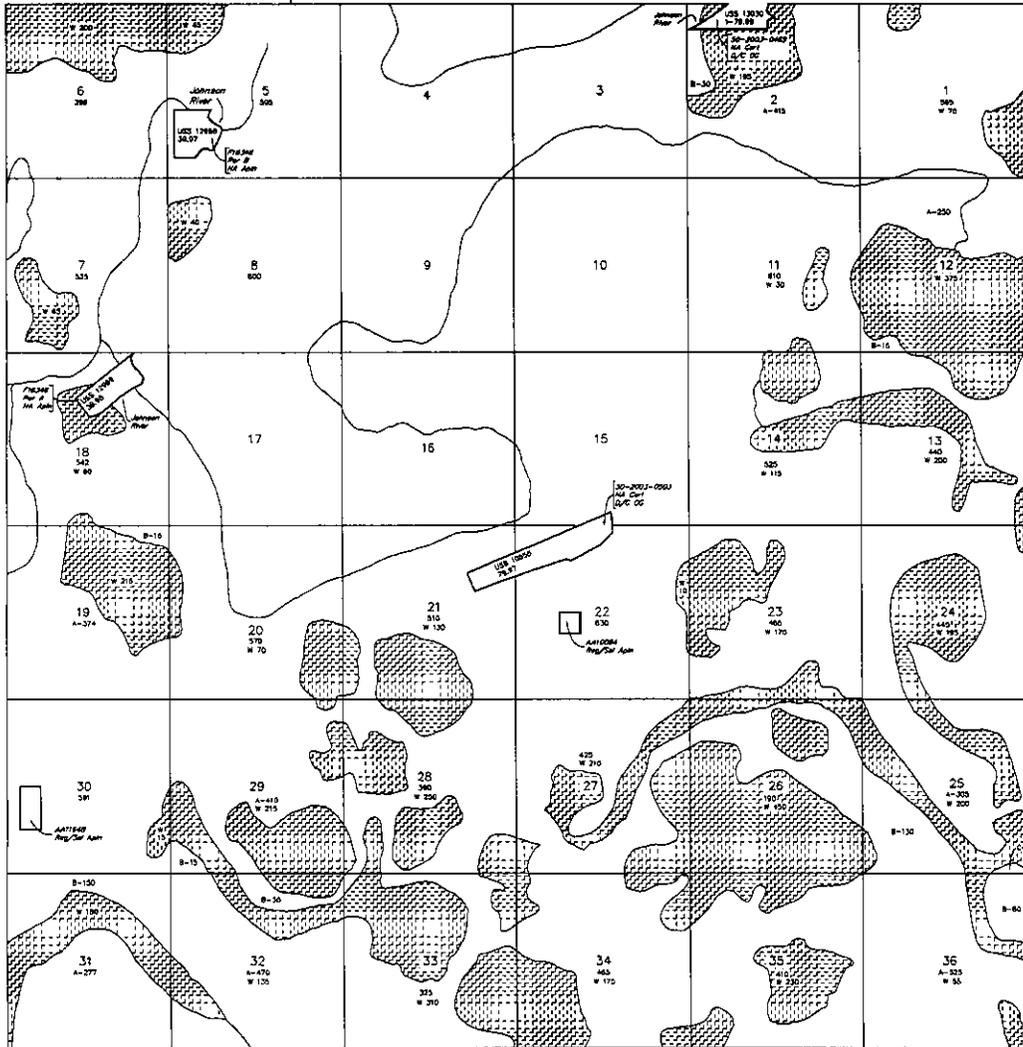
|            |         |
|------------|---------|
| CURRENT TO | See Mar |
| 1-18-2006  | T 16 N  |
|            | R 67 W  |

ACAD

UNSURVEYED TOWNSHIP 16 NORTH RANGE 66 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S9-1 OFFICIALLY FILED 6/29/1959

66W | 85W



STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

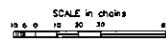
**MTP**

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 5178 Has Aid of Log & C affects Log/Minerals not conveyed

PL 96-487 Has N/A on Datto N/A entire To

Lot 812536.471'N  
Long 181°10'04.629"W



NOTES:  
This map is the Bureau's record of this, and should be used only as a graphic memory of the Bureau survey data. It is not a survey and does not reflect any changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the original survey for precise survey information.

| CURRENT TO | AVCP, G.H., FWS | Sew Mer |
|------------|-----------------|---------|
| 10-7-2003  |                 | T 15 N  |
|            |                 | R 65 W  |

ACAD

SURVEYED TOWNSHIP 16 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

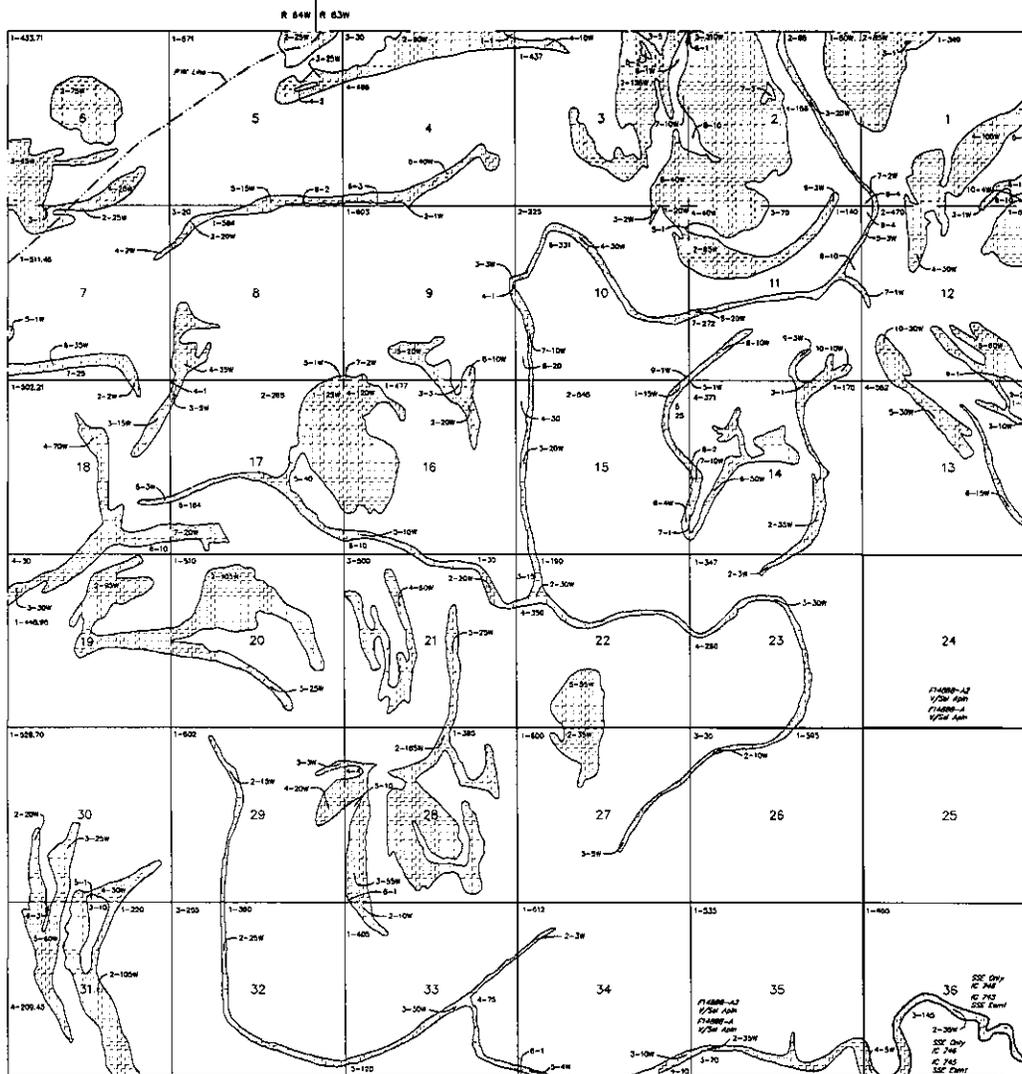
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-  
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PLD 5175 Wm. A. & Log. & Co. affects Lds/Interests  
not conveyed

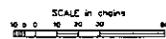
PLD 5184 Wm. A. affects Lds/Interests not conveyed

PL 92-203 and F14888, Lds W/1 F14888-1,2

PL 95-487 Wd. Yukon Delta NWR entire Td.



Lot  
Long 61°25'36.47"N  
160°39'32.98"W



This plat is the Bureau's Report of 1964 and should be used only as a graphic display of the taxable survey data. It does not represent the actual field measurements which may have been affected by natural movements of lands or other causes of error. Refer to the evidence survey for precise survey measurements.

|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 5-24-2007  | T 16 N  |
|            | R 64 W  |

ACAD

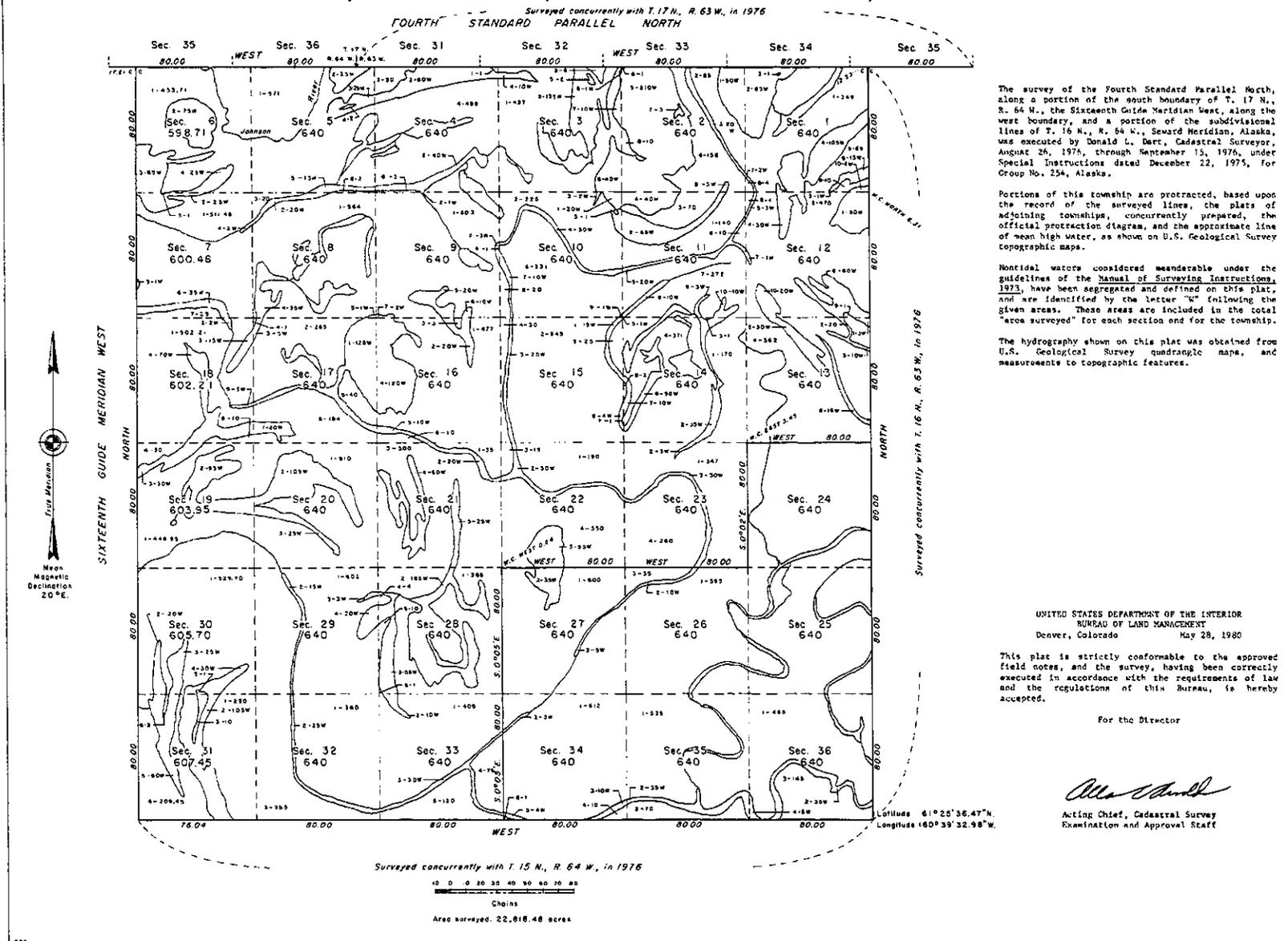
Water lot designations are to facilitate identification and acreage computations only and are not intended to fix boundaries or alter riparian entitlement.

Refer to memorandum file number 9600 (D-401), dated December 11, 1981, for authority to make this annotation.

Mapping source referred to on this plat is USGS quadrangle map "RUSSIAN MISSION (B-5)," Alaska, 1954 edition, and "RUSSIAN MISSION (C-5)," Alaska, 1952 edition.

ORIGINAL

# TOWNSHIP 16 NORTH, RANGE 64 WEST, OF THE SEWARD MERIDIAN, ALASKA



The survey of the Fourth Standard Parallel North, along a portion of the south boundary of T. 17 N., R. 64 W., the Sixteenth Guide Meridian West, along the west boundary, and a portion of the subdivisional lines of T. 16 N., R. 64 W., Seward Meridian, Alaska, was executed by Donald L. Barr, Cadastral Surveyor, August 24, 1975, through September 15, 1976, under Special Instructions dated December 22, 1975, for Group No. 254, Alaska.

Portions of this township are protracted, based upon the record of the surveyed lines, the plats of adjoining townships, concurrently prepared, the official protraction diagram, and the approximate line of mean high water, as shown on U.S. Geological Survey topographic maps.

Nontidal waters considered meanderable under the guidelines of the Manual of Surveying Instructions, 1973, have been segregated and defined on this plat, and are identified by the letter "W" following the given areas. These areas are included in the total "area surveyed" for each section and for the township.

The hydrography shown on this plat was obtained from U.S. Geological Survey quadrangle maps, and measurements to topographic features.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Denver, Colorado May 28, 1980

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*Allen J. Smith*

Acting Chief, Cadastral Survey  
Examination and Approval Staff

TOWNSHIP 16 NORTH, RANGE 64 WEST, OF THE SEWARD MERIDIAN, ALASKA  
RETACEMENT AND SURVEY

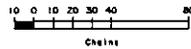
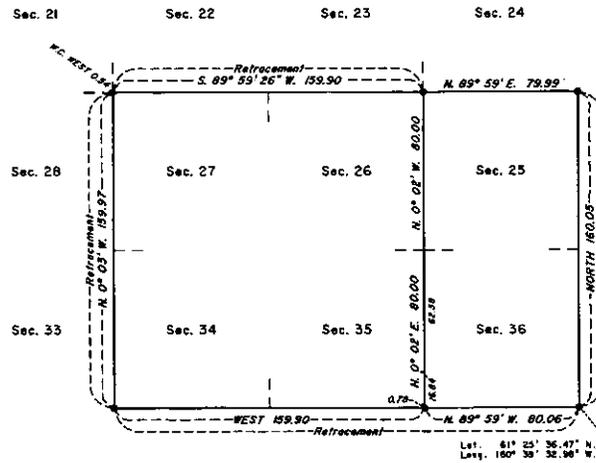
The history of surveys is contained in the field notes.

This plot and the field notes represent the retracement of a portion of the south boundary, a portion of the east boundary, and a portion of the subdivisional lines; and the survey of a portion of the subdivisional lines and of Township 16 North, Range 64 West, Seward Meridian, Alaska.

This survey was executed by Stanley E. Sears, Registered Alaska Land Surveyor No. LS-2087, for The Kuskokwim Corporation, May 26, 2005 through June 13, 2005, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 901, Alaska, dated December 3, 2003, approved December 15, 2003, and Amended Special Instructions dated May 10 2005, approved May 11, 2005, under Contract No. MAC-040258, awarded September 5, 2004 and Notice to Proceed dated September 14, 2004.

The lottings and areas are as indicated on the plot accepted May 28, 1980.

The direction of all lines returned on this plot are reported as mean bearings with reference to the true meridian.



UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John Searns* April 13, 2007  
Date

Deputy State Director for Cadastral Survey, Alaska



UNSURVEYED TOWNSHIP 17 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 95-20 OFFICIAL FILED 12/29/1959

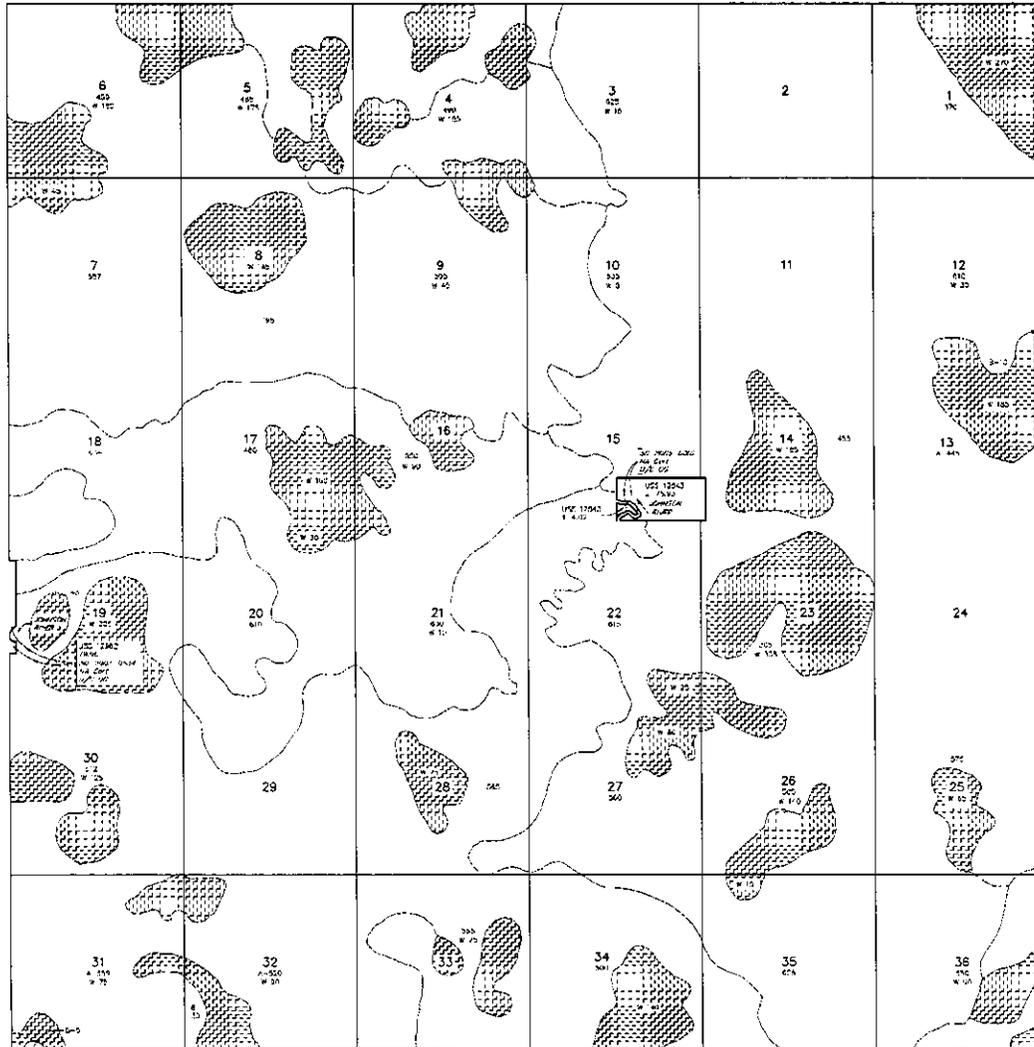
STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

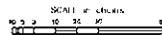
FOR ORDERS PERTAINING DISPOSAL OR USE OF UN  
RESERVED LANDS WITHIN THIS CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO BUREAU OF LAND MANAGEMENT

U.S. GEOLOGICAL SURVEY OF LANDS AND MINERALS  
WASHINGTON, D.C.

PL 86-487 AND SUBSEQUENT ACTS



Lat 61°32'46.407"N  
Long 166°17'08.584"W



NOTE: This is a preliminary map of the public domain and is not intended to be used as a basis for any claim or title. It is subject to change without notice and is not to be construed as a guarantee of any interest in the land shown thereon.

SUBJECT TO  
11-8-2404  
Sew Mer T 17 N  
R 64 W ACAD

SURVEYED TOWNSHIP 17 NORTH RANGE 63 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

MTP

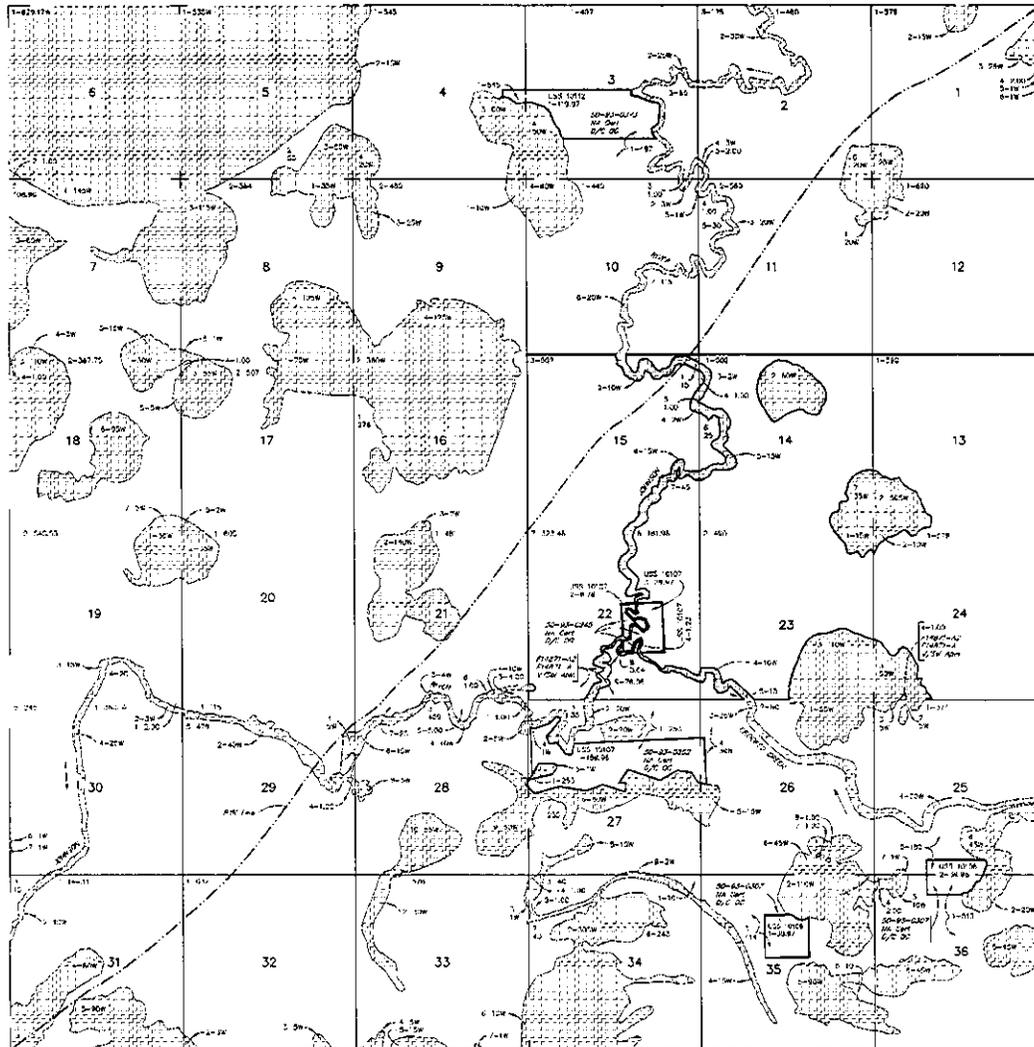
FOR LOCATIONS EFFECTING DISPOSAL OR USE OF UN-  
DEVELOPED LANDS, MINERALS AND CLASSIFICATION  
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES  
REFER TO BOOKS OF RECORD FOR DESCRIPTIONS

PL 82-203 AND PL 84-71, LOG W/2 PL 84-71-A, PL 84-71-B

PL 82-203 AND PL 84-71

PL 82-203 AND PL 84-71

PL 82-203 AND PL 84-71



Lat 61°30'45.41"N  
Long 160°36'12.05"W

SCALE IN FEET  
10 5 0 5 10 20 30 40

NOTES:  
1. THIS MAP IS THE PROPERTY OF THE BUREAU OF LAND MANAGEMENT AND IS LOANED TO YOU FOR YOUR INFORMATION ONLY. IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE BUREAU OF LAND MANAGEMENT.

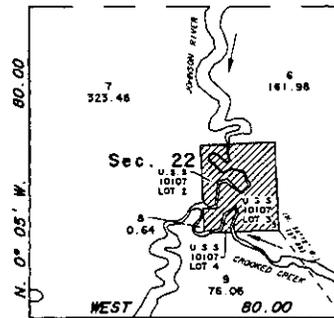
|            |         |
|------------|---------|
| CURRENT TO | Sew Mer |
| 8-20-2007  | T 17 N  |
|            | R 63 W  |

ACAD



TOWNSHIP 17 NORTH, RANGE 63 WEST, OF THE SEWARD MERIDIAN, ALASKA  
SEGREGATION SURVEY

This segregation survey plat of section 22, Township 17 North, Range 63 West, Seward Meridian, Alaska, shows amended lotting created by the segregation of U.S. Survey No. 10107 and revises portions of the hydrography. These revisions are based upon the official survey records; Bureau of Land Management black and white Orthophoto made in 1980 and color infrared photography flown in July 1980 by the National Aeronautics and Space Administration; the plat of Township 17 North, Range 63 West, Seward Meridian, Alaska, accepted May 28, 1980; the plat of U.S. Survey No. 10107 accepted June 10, 1992; Special Instructions for Group No. 623 dated May 1, 1994, and approved May 1, 1994; and Assignment Instructions dated December 22, 2003.



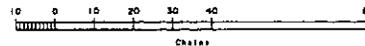
Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6(m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
Anchorage, Alaska

This segregation survey plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

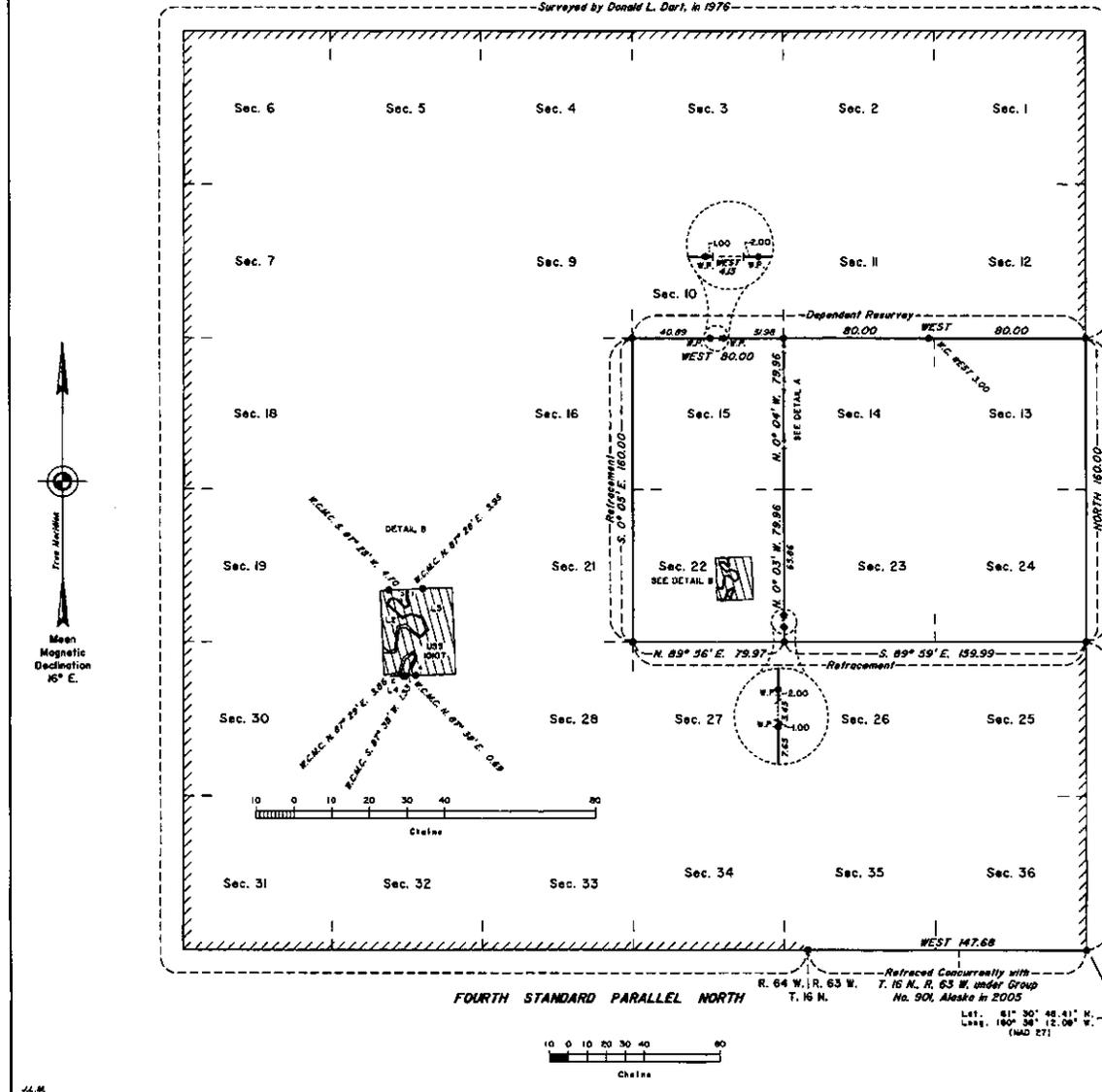
For the Director  
*Samuel Johnson* 8-02-04  
Date

Deputy State Director for Cadastral Survey,  
Alaska



TOWNSHIP 17 NORTH, RANGE 63 WEST, OF THE SEWARD MERIDIAN, ALASKA

DEPENDENT RESURVEY AND SURVEY



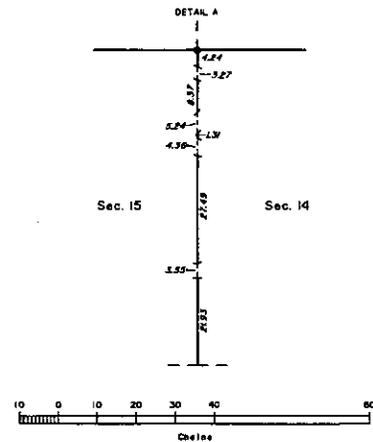
The history of surveys is contained in the field notes.

This plot and the field notes represent the the dependent resurvey of a portion of the subdivisional lines; the retracement of a portion of the east boundary and a portion of the subdivisional lines; the survey of a portion of the subdivisional lines; and the recovery and perpetuation of certain corners of Township 17 North, Range 63 West, Seward Meridian, Alaska.

This survey was executed by Stanley E. Sears, Registered Alaska Land Surveyor No. LS-2087, for The Kuskokwim Corporation, May 9, through June 14, 2005, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 899, Alaska, dated December 9, 2003, approved December 18, 2003, Amended Special Instructions dated May 16, 2005, approved May 18, 2005, under Contract No. NAD-040258, awarded September 8, 2004 and Notice to Proceed dated September 14, 2004.

The listings and areas are as indicated on the plots accepted May 28, 1980 and August 2, 2004.

The direction of all lines returned on this plot are reported as mean bearings with reference to the true meridian.



UNITED STATES DEPARTMENT OF THE INTERIOR  
 BUREAU OF LAND MANAGEMENT  
 Anchorage, Alaska

This plot is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

*John Searcy* April 13, 2007  
 Date

Deputy State Director for Cadastral Survey, Alaska



# PARTIALLY SURVEYED TOWNSHIP 18 NORTH RANGE 62 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S5-20 OFFICIALLY FILED 12/29/1959

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.

PL 92-203 Wdl F14871, Lds W/1 F14871-A, F14871-A2

PLO 5184 Wdl Cl affects Lds/interests not conveyed

PL 96-487 Wdl Yukon Delta NWR entire Tp

F14871-A2 V/Sel Apin

Secs: 35, 36 NA's & Unpat Lds in F14871-A



WARNING: This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

Lat 61°36'00.34"N  
Long 160°27'23.57"W

|            |  |
|------------|--|
| CURRENT TO |  |
| 5-13-2008  |  |

Sew Mer  
T 18 N  
R 62 W

ACAD

# SURVEYED TOWNSHIP 18 NORTH RANGE 61 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

## MTP

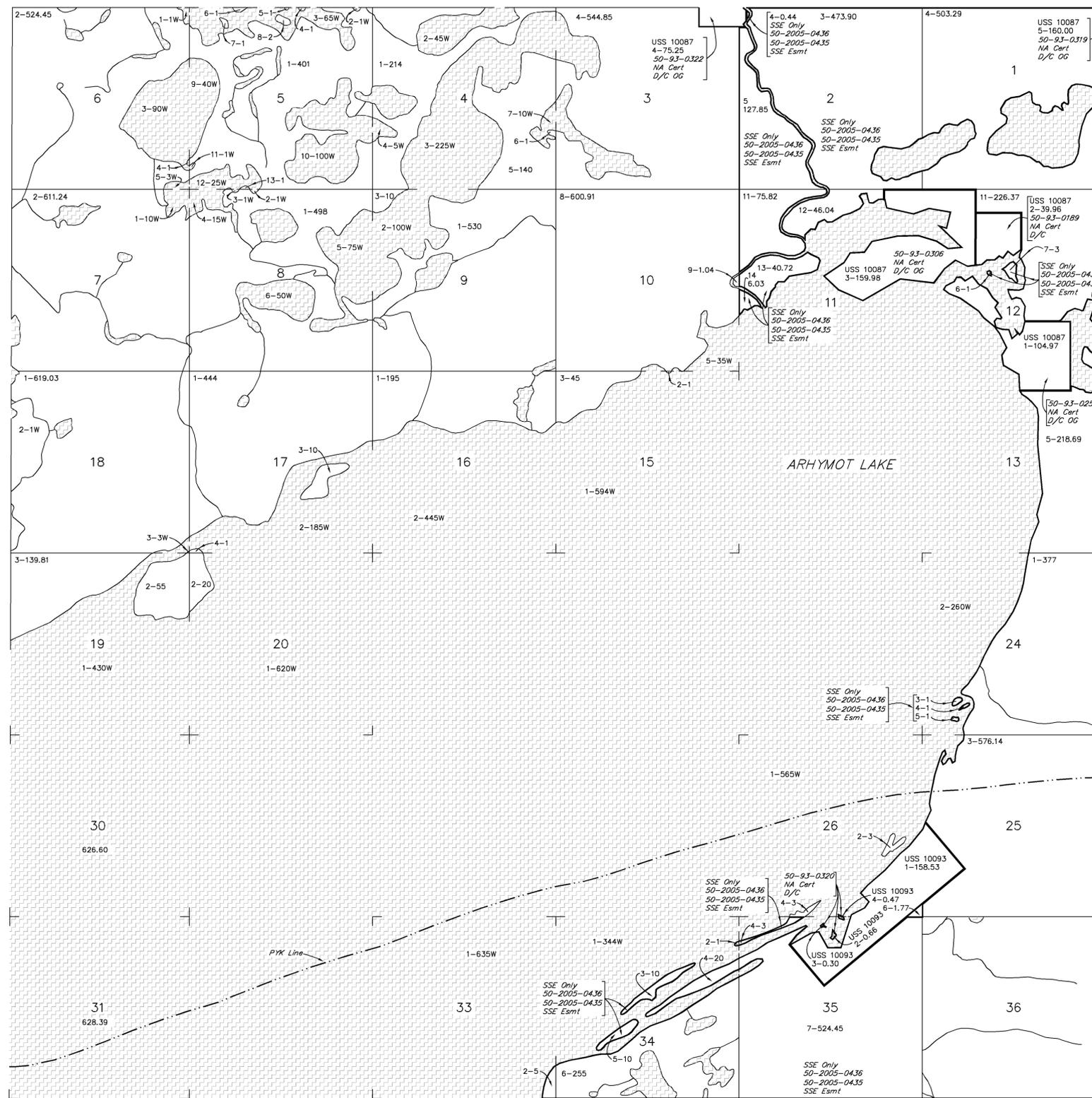
*FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.*

*PL 92-203 Wdl F14871 Lds W/A F14871-A, F14871-A2*

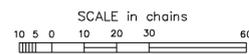
*PL 92-203 Wdl F14888*

*PLO 5184 Wdl CI affects Lds/interests not conveyed*

*PL 96-487 Wdl Yukon Delta NWR entire Tp*



Lat 61°36'00.34"N  
Long 160°14'26.08"W



**WARNING:**  
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

|            |  |
|------------|--|
| CURRENT TO |  |
| 12-9-2005  |  |

Sew Mer  
T 18 N  
R 61 W

ACAD

# SURVEYED TOWNSHIP 17 NORTH RANGE 61 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.*

*PL 92-203 Wdl F14871, Lds W/1 F14871-A, F14871-A2*

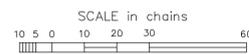
*PLO 5184 Wdl CI affects Lds/Interests not conveyed*

*F14871-A2 V/Sel Apln NA's & Unpat Lds W/1 F14871-A*

*PL 96-487 Wdl Yukon Delta NWR entire Tp*



Lot 61°30'48.41"N  
Long 160°14'26.09"W



**WARNING:**  
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

|            |  |
|------------|--|
| CURRENT TO |  |
| 10-30-2006 |  |

Sew Mer  
T 17 N  
R 61 W

ACAD

SURVEYED TOWNSHIP 17 NORTH RANGE 61 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

**MTP  
SUPPL SECS 27 & 28**

NO 1

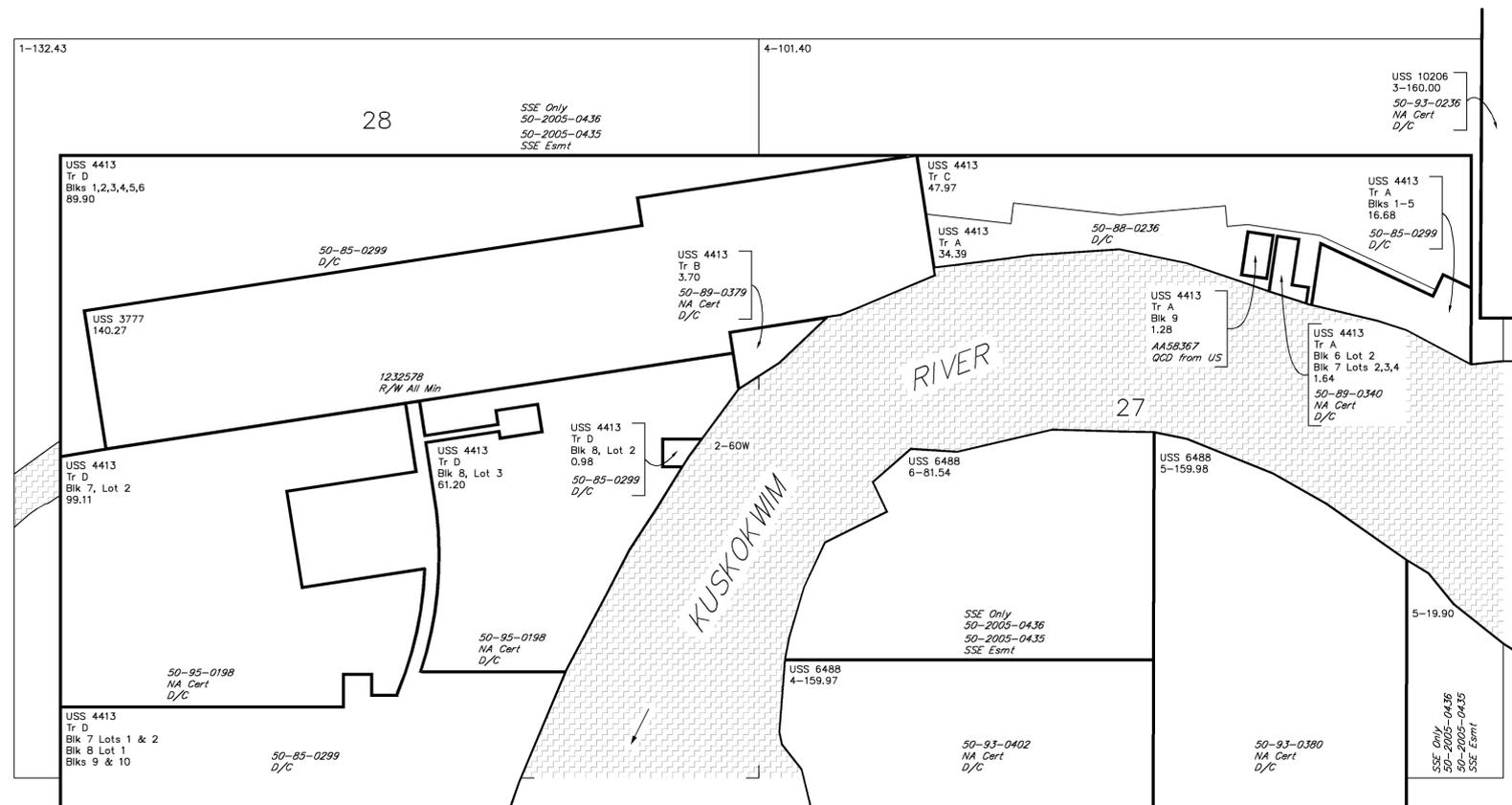
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 Wdl F14871, Lds W/1 F14871-A, F14871-A2

PLQ 5184 Wdl CI affects Lds/Interests not conveyed

F14871-A2 V/Sel Apln NA's & Unpat Lds W/1 F14871-A

PL 96-487 Wdl Yukon Delta NWR entire Tp



WARNING:  
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

|            |  |         |
|------------|--|---------|
| CURRENT TO |  | NO 1    |
| 12-9-2005  |  | Sew Mer |
|            |  | T 17 N  |
|            |  | R 61 W  |

ACAD



# SURVEYED TOWNSHIP 19 NORTH RANGE 61 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN  
LAND AND MINERAL TITLES

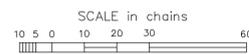
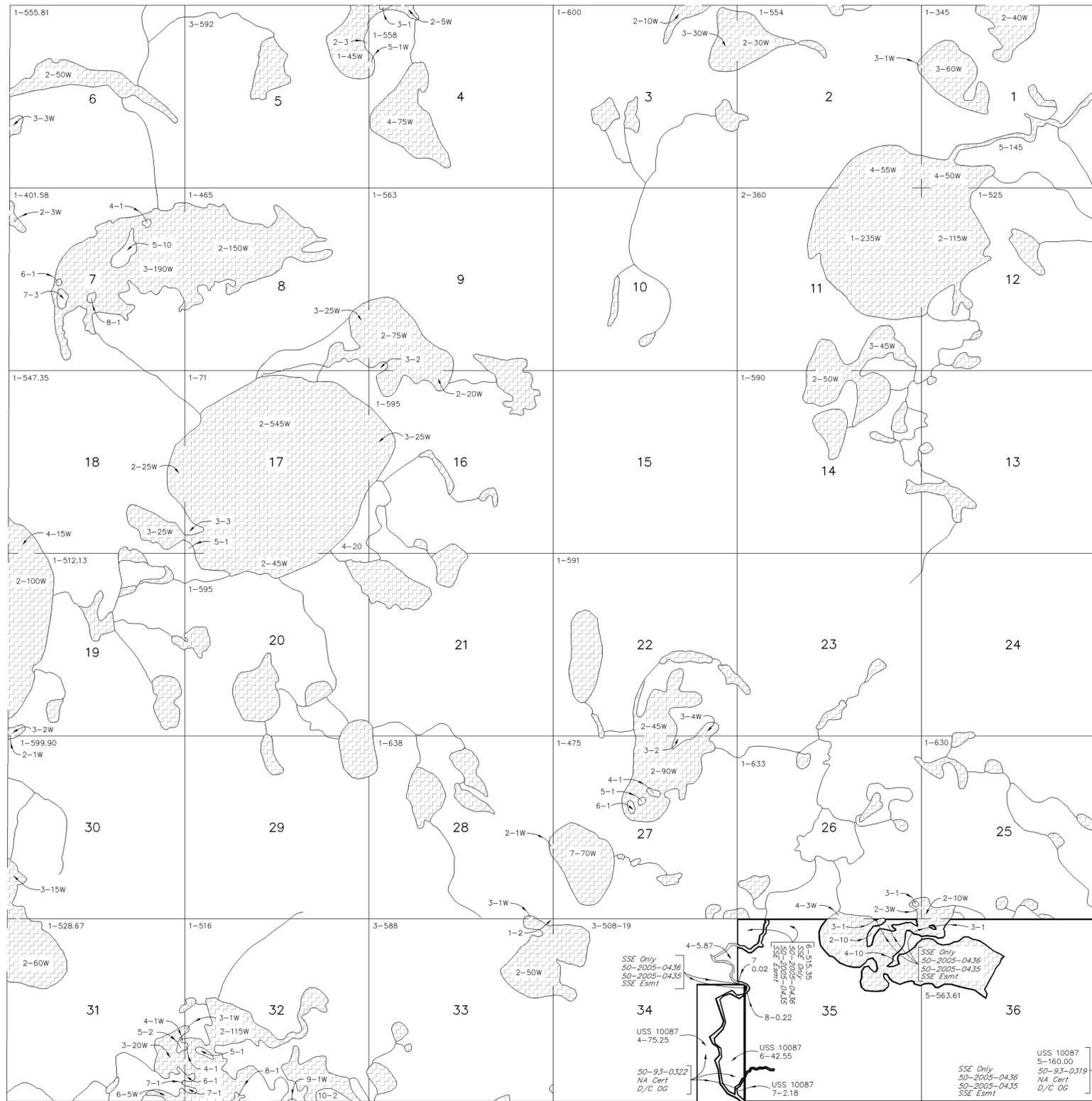
## MTP

*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.*

*PL 92-203 Wdl F14871, Lds W/1 F14871-A2*

*PL 5184 Wdl CI affects Lds/interests not conveyed*

*PL 96-487 Wdl Yukon Delta NWR entire Tp*



Lat 61°41'12.27"N  
Long 160°14'26.08"W

**WARNING:**  
This plot is the Bureau's Record of Title, and should be used only as a graphic display of the township survey data. Records hereon do not reflect title changes which may have been effected by lateral movements of rivers or other bodies of water. Refer to the cadastral surveys for official survey information.

|            |  |
|------------|--|
| CURRENT TO |  |
| 8-14-2007  |  |

Sew Mer  
T 19 N  
R 61 W

ACAD