

**Kvichavak River**  
**HUC 30502, Zone 4, Kuskokwim River Region**

**FINAL**  
**INTERIM SUMMARY REPORT**

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## PREFACE

The research and writing of this study is funded by the U.S. Department of the Interior, Bureau of Land Management (BLM) through the Navigability Assistance Agreement (Cooperative Agreement # LO9AC15466). The State of Alaska (State) and BLM established an assistance agreement in 2004 to facilitate the preparation of navigability reports that could be used for a variety of purposes, including the process for determining who owns title to the land under inland water bodies. Under the Statehood Compact, land under navigable waterways is reserved to the State. Navigability is based on historic use of water bodies for travel, trade and commerce up to the time of Statehood (1959), or recent use of the water bodies that demonstrates susceptibility to travel, trade and commerce in 1959.

The Navigability Assistance Agreement began as a pilot project focused on researching the history of use of water bodies in the Kuskokwim River region. The scope of work for the Assistance Agreement calls for identifying potentially navigable water bodies where the United States is an upland landowner or may otherwise have a potential interest in the submerged lands; gathering information from BLM records and a 1985 regional history of the Kuskokwim River region; writing narrative histories of each water body summarizing land status, land conveyance decisions, past navigability determinations, physical character of the water body, and a history of use on the water body. These reports are prepared in stages. The first stage (Phase I-A) consists of land status. An interim summary report (Phase II-B) is generally limited to information in the files of the U.S. Department of Interior and a regional history of the Kuskokwim River region written by C. Michael Brown in 1985. A final summary report (Phase IV) incorporates expanded research in materials located in other state and federal agency files, the holdings of various libraries and archives in Alaska, and interviews with people who have knowledge of use of the water body.

The present report represents work at the Phase II-B level. The research and writing of this report was conducted by State employees working under the guidance of an Assistance Agreement Management Team composed of representatives of BLM and the State. The management team sets priorities, reviews the reports on water bodies at various stages, and decides at what point enough research, analyses and writing has been completed on each specific water body. The management team directed the authors of these reports to refrain from drawing conclusions about the water body's navigability or susceptibility to navigability. Rather, the management team directed the authors to provide an overview at the end of the report summarizing the types of evidence of historic and contemporary use and highlighting those areas (such as portions of the water body) where gaps in knowledge remain and additional research might be warranted.

Documents that are key to understanding agency decision making or the point of view of an interested party are indicated as Attachment 1, Attachment 2, etc., which appear after the corresponding endnotes. These documents are listed in the Table of Attachments and can be viewed in their entirety in a separate PDF file that supplements this report. For other completed Navigable Waters Research Reports in this series, see: <http://www.dnr.state.ak.us/mlw/nav/naar/>

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## **Attachments (in PDF format)**

- Attachment 1.** Kathy Flippen, BLM Navigability Section, Field Trip Report for Nunapitchuk Window, June 13, 2001, BLM files, AA-37834.
- Attachment 2.** Kathy Flippen, BLM Navigability Section, Navigability Report Kvichavak (a.k.a. Akuulikutaq) River, Nunapitchuk 2001, Native allotments AA-37828, F-029208, F-029219A, AA-37834, AA-37836 and AA-37845, August 14, 2002, BLM files, AA-37828.
- Attachment 3.** Gust C. Panos, BLM Chief, Branch of Mapping Sciences (AK-924), Navigable Waters in Native Allotments Scheduled for Survey- Nunapitchuk 2001 (Group Surveys 254, 268 and 270), August 29, 2002, BLM files, F-16023.
- Attachment 4.** MTPs, T. 12 N., R. 72 W., T.13 N., Rs. 70-71 W., T. 14 N., Rs. 68-70 W., and U.S. Survey Nos. 13070, 13844, 12966, 13007, 12994, 12992, 12991, 12990, 12987, 12989, 12984, and 12986.
- Attachment 5.** Kathy Flippen, BLM Navigable Waters Specialist, Interviews for Nunapitchuk 2001 for the Kvichavak River (a.k.a. Akuulikutaq River) and its Right Bank Tributary, June 29, 2001, BLM files, AA-37824.



Kvichavak River comprises six townships: Township (T.), Range (R.), Section (Sec.), Seward Meridian (SM):

T. 12 N., R. 72 W., Sec. 02	T. 13 N., R. 71 W., Sec. 23	T. 14 N., R. 69 W., Sec. 18
T. 12 N., R. 72 W., Sec. 03	T. 13 N., R. 71 W., Sec. 24	T. 14 N., R. 69 W., Sec. 20
T. 12 N., R. 72 W., Sec. 07	T. 13 N., R. 71 W., Sec. 26	T. 14 N., R. 69 W., Sec. 21
T. 12 N., R. 72 W., Sec. 08	T. 13 N., R. 71 W., Sec. 27	T. 14 N., R. 69 W., Sec. 22
T. 12 N., R. 72 W., Sec. 09	T. 13 N., R. 71 W., Sec. 34	T. 14 N., R. 69 W., Sec. 23
T. 12 N., R. 72 W., Sec. 10	T. 13 N., R. 71 W., Sec. 35	T. 14 N., R. 69 W., Sec. 24
T. 12 N., R. 72 W., Sec. 17	T. 14 N., R. 68 W., Sec. 04	T. 14 N., R. 70 W., Sec. 13
T. 12 N., R. 72 W., Sec. 18	T. 14 N., R. 68 W., Sec. 07	T. 14 N., R. 70 W., Sec. 14
T. 13 N., R. 70 W., Sec. 02	T. 14 N., R. 68 W., Sec. 08	T. 14 N., R. 70 W., Sec. 23
T. 13 N., R. 70 W., Sec. 03	T. 14 N., R. 68 W., Sec. 09	T. 14 N., R. 70 W., Sec. 24
T. 13 N., R. 70 W., Sec. 04	T. 14 N., R. 68 W., Sec. 17	T. 14 N., R. 70 W., Sec. 25
T. 13 N., R. 70 W., Sec. 05	T. 14 N., R. 68 W., Sec. 18	T. 14 N., R. 70 W., Sec. 32
T. 13 N., R. 70 W., Sec. 07	T. 14 N., R. 68 W., Sec. 19	T. 14 N., R. 70 W., Sec. 33
T. 13 N., R. 70 W., Sec. 08	T. 14 N., R. 69 W., Sec. 07	T. 14 N., R. 70 W., Sec. 34
T. 13 N., R. 71 W., Sec. 11	T. 14 N., R. 69 W., Sec. 13	T. 14 N., R. 70 W., Sec. 35
T. 13 N., R. 71 W., Sec. 12	T. 14 N., R. 69 W., Sec. 14	T. 14 N., R. 70 W., Sec. 36
T. 13 N., R. 71 W., Sec. 13	T. 14 N., R. 69 W., Sec. 15	
T. 13 N., R. 71 W., Sec. 14	T. 14 N., R. 69 W., Sec. 17	

The Unnamed Right Bank Tributary of the Kvichavak River comprises four townships:

T. 14 N., R. 68 W., Sec. 05	T. 14 N., R. 69 W., Sec. 10	T. 15 N., R. 68 W., Sec. 32
T. 14 N., R. 69 W., Sec. 01	T. 14 N., R. 69 W., Sec. 11	T. 15 N., R. 68 W., Sec. 33
T. 14 N., R. 69 W., Sec. 02	T. 15 N., R. 68 W., Sec. 31	T. 15 N., R. 69 W., Sec. 36

The nearest villages to the Kvichavak River and its Unnamed Right Bank Tributary are Nunapitchuk, Kasigluk, Atmautluak. These three villages are located on the Johnson River 20 miles south of its confluence with the Kvichavak River. The Kvichavak River is used primarily by residents of Akiachak, which is 28 air miles south of the head of the river or over 100 river miles via the Kuskokwim River and the Johnson River.

## II. Land Status

These rivers flow entirely within the boundaries of the Yukon Delta National Wildlife Refuge (NWR), but do not flow through any Alaska Native Claims Settlement Act (ANCSA) Native corporation land selections. There are fifteen Native allotments that border the Kvichavak River and four on the unnamed tributary (Figure 2).

The initial withdrawal of what is now the Yukon Delta NWR was first set aside by President Theodore Roosevelt in 1909 and did not include the Kvichavak River. The refuge was expanded under the Alaska National Interest Lands Conservation Act (ANILCA) of 1980. The expanded withdrawal was added to the federal refuge system thereby creating the Yukon Delta NWR. This withdrawal included the Kvichavak River. Title to the refuge lands is held by the United States; the United States Fish and Wildlife Service (USF&WS) is the manager of these lands.

With the intention of resolving aboriginal land claims in Alaska, ANCSA was signed into law on December 18, 1971. The law established 13 Native regional corporations and over 200 Native village corporations. The village corporations and 12 of the regional corporations were entitled to select 40 million acres of land in Alaska to be distributed among these corporations. The 13<sup>th</sup> Native Corporation was not entitled to land selections as it was formed for Alaska Natives who were not residents of the State of Alaska. For the village selected lands, the regional corporations are entitled to the subsurface estates and the village corporations are entitled to the surface estate. Akiachak Limited is the ANCSA village corporation for the village of Akiachak. The Calista Corporation is the regional Native Corporation for the middle Kuskokwim River villages and has no land selections on the Kvichavak River.

The Alaska Native Allotment Act of 1906 permitted individual Alaska Natives to acquire title to up to 160 acres of land. The Act was repealed in 1971 with the passage of ANCSA. However, a savings clause preserved allotment applications still pending as of the effective date of ANCSA on December 18, 1971.<sup>1</sup> However, a number of Native allotment applications collected by Rural Cap in the 1970's were lost and never processed. Those affected by this event petitioned to a Federal court under *Fanny Barr v. the United States*. Under the court settlement, individuals were allowed to submit new applications past the original ANCSA deadline.

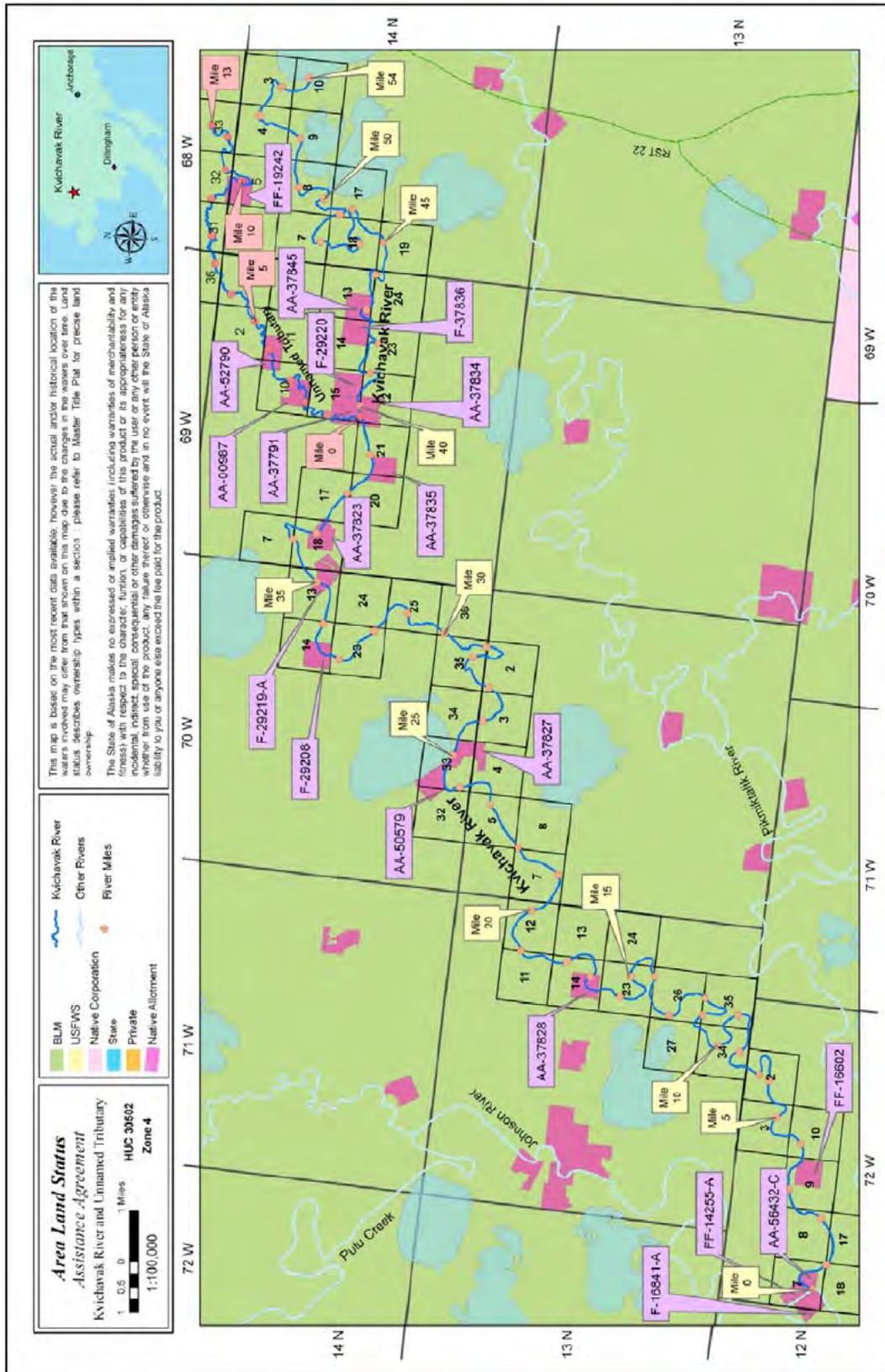


Figure 2. Map of Kvichavak River showing land status.

### III. BLM Navigability Determinations

The Kvichavak and its Unnamed Right Bank Tributary flow entirely within the boundaries of the Yukon Delta (NWR), but do not flow through any ANCSA Native corporation land selections. There are fifteen Native allotments that border the Kvichavak River and four on the Unnamed Tributary. The BLM only made determinations of navigability within the boundaries of Native allotments that were subject to conveyance.

On June 13, 2001, Kathy Flippen of the BLM Navigability Section filed a report from a field trip conducted on July 11, 2001 by Ralph Basner and herself. They flew over the Kvichavak River and its Unnamed Tributary in a helicopter to assess the navigability of both rivers within Native allotments AA-37834, AA-37791, F-987, AA-52790, F19242, AA37834, AA37836, and AA-37845. Their observations of the Unnamed Tributary were consistent with the testimony of local Atmautluak resident Henry Stone that “one can easily traverse the entire length of the tributary in a large boat.” They also flew over the Kvichavak River. They observed that “not far from the mouth, it began to narrow considerably and there were many beaver dams and heavy grassy areas. The beaver dams looked like they had been there for years and some were even grown over with grass. There was no way that anyone could have gone over those in a boat.” The BLM did not make navigability determinations at that time.<sup>2</sup> (Attachment 1)

Kathy Flippen issued a navigability report for the Kvichavak River and its tributary on August 14, 2002. In the report she recommended that the Kvichavak River was navigable through Native allotments AA-37828, F-29208, F-29219-A, and AA-37834. She add that, in her opinion, the river could “serve as a commercial highway as necessary” through Native allotment AA-37834 at river mile 37.5. She wrote that the Kvichavak River was nonnavigable within upstream allotments AA-37836 and AA-37845 due to grass and beaver dams (Figure 3). These recommendations were based on BLM interviews, historical evidence and aerial photos. No recommendations were made for the Unnamed Right Bank Tributary.<sup>3</sup> (Attachment 2)

On August 28, 2002, Gust C. Panos, BLM Chief, Branch of Mapping Sciences, issued a memorandum on Navigable Waters in Native Allotments scheduled for survey. In the memorandum he identified navigable waters for un-surveyed Native allotments on the Kvichavak River and its Unnamed Tributary. Panos determined the Kvichavak River navigable within Native allotments AA-37828, F-29208, and F-29219-A. He determined the Unnamed Tributary navigable within Native allotments AA-37791, AA-00987, AA-52790, and FF-19242, and nonnavigable in Native allotments AA-37823, AA-37835, AA-37836, AA-37845, and F-29220. For the right bank tributary of the Kvichavak River, the BLM determined it navigable in AA-37834, AA-37791, FF-987, AA-52790, and FF-19242.<sup>4</sup> (Attachment 3)

Navigability determinations within Native allotments for the Kvichavak River and its Unnamed Tributary are shown in Figure 3 and summarized in Table 1. The Kvichavak River has not been meandered and segregated from river mile 0 to river mile 54.7 except within the boundaries U.S. Survey Nos. 13007, 12992, 12991 lot 2, and 12987. The Unnamed Right Bank Tributary of the Kvichavak River has not been meandered and segregated. (Attachment 4)

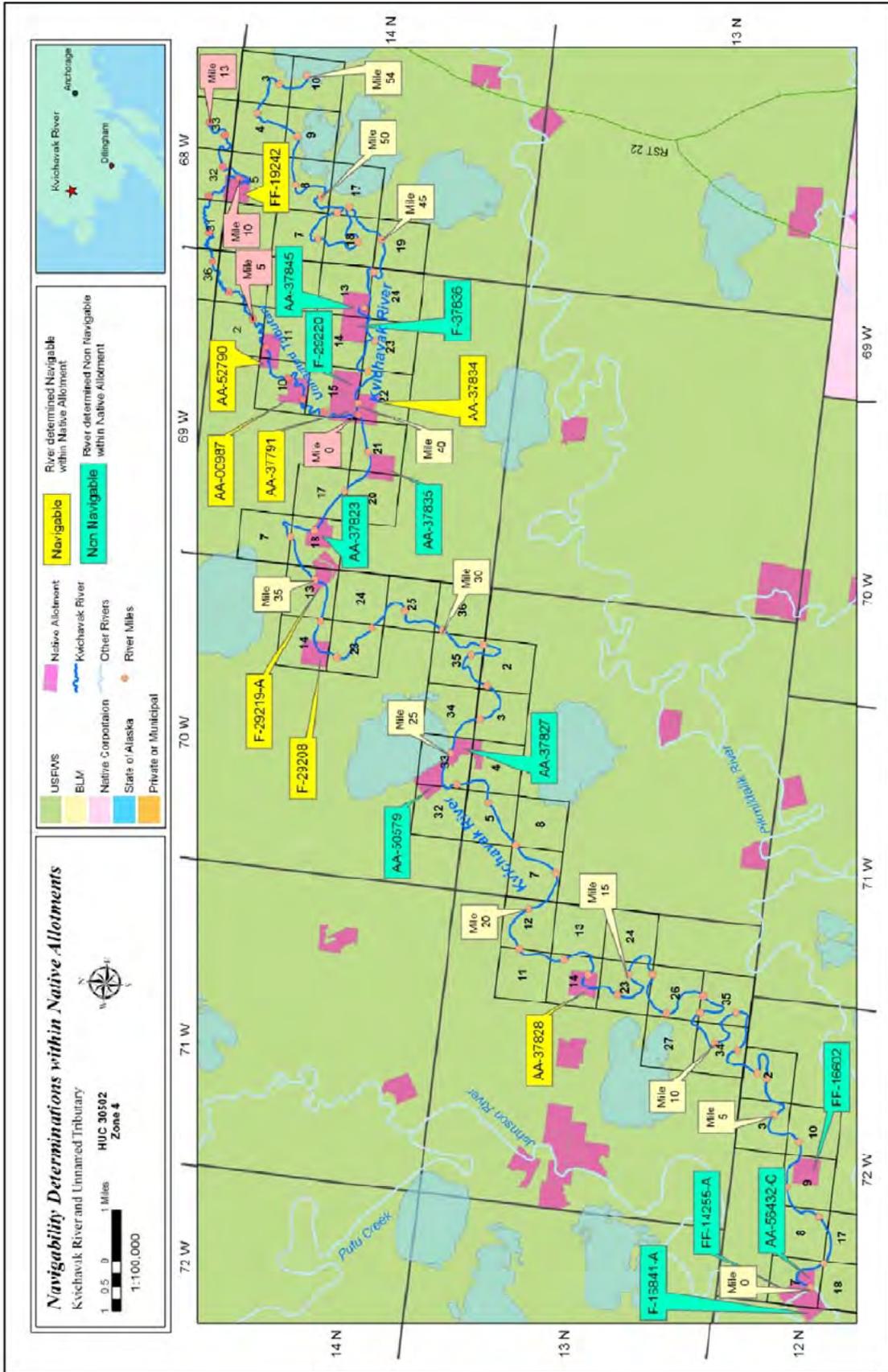


Figure 3. Map of Kvichavak River showing BLM Navigability Determinations within Native allotments.

**Table 1. Navigability Determinations for Kvichavak River**

<b>Date</b>	<b>River Section</b>	<b>Type, Decision and Substance</b>	<b>Criteria</b>
August 28, 2002 (Attachment 3)	Within Native allotments	Navigable within AA-37828, F-29208, F-29219-A, AA-37791, AA-00987, AA-52790, and FF-19242. Non navigable within AA-37823, AA-37835, AA-37836, AA-37845, and F,-29220.	Boat capable of carrying 1,000 pounds. (Gulkana)

#### **IV. Physical Character of the Waterway**

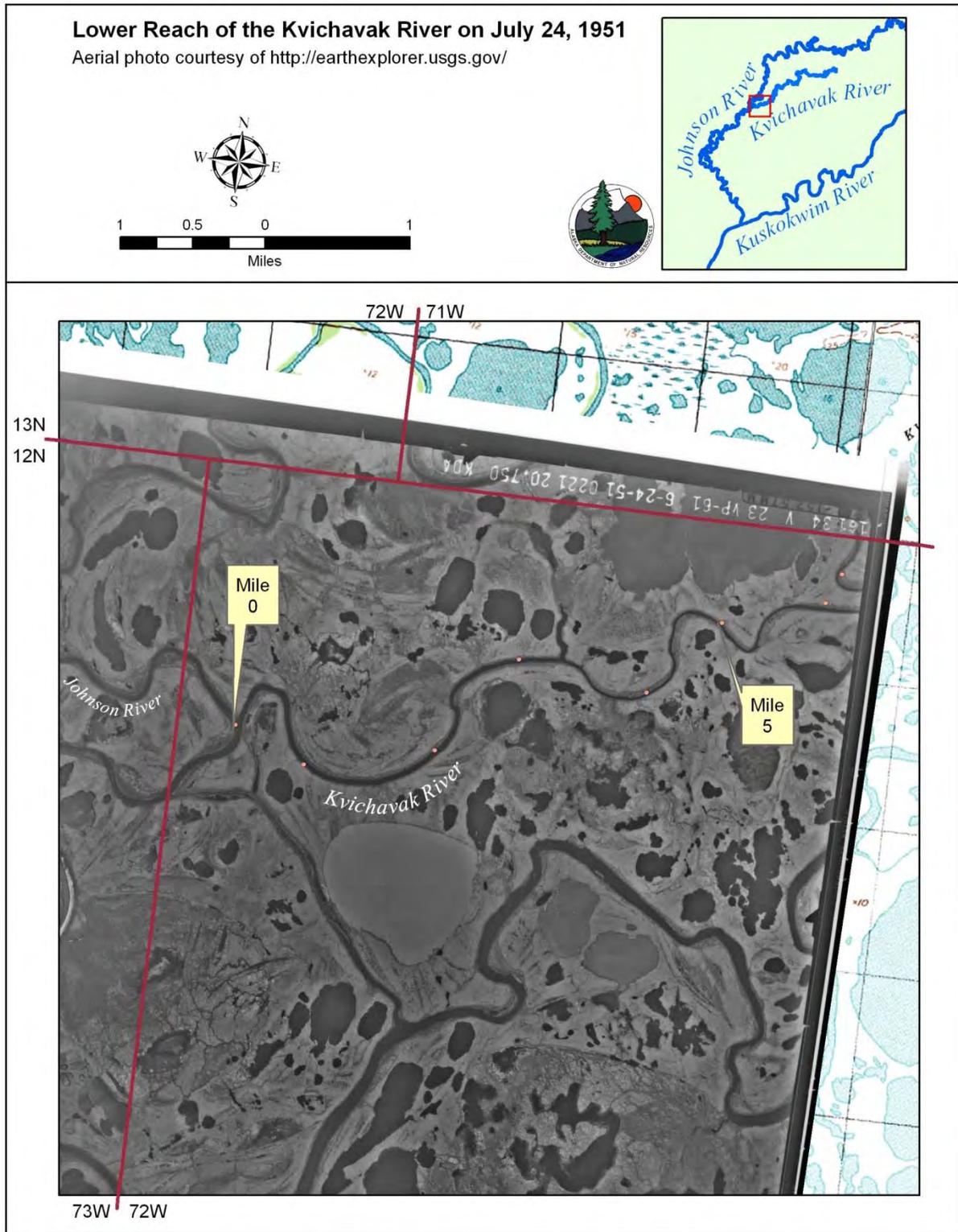
The Kvichavak River heads in Sec. 4, T. 14 N., R. 68 W., SM and flows 54 miles in a southwesterly direction. It joins the Johnson River in Sec. 7, T. 12 N., R. 72 W., SM. The Unnamed Right Bank Tributary of the Kvichavak River heads at a small lake in Sec. 33, T. 15 N., R. 68 W., SM. It flows 13 river miles southwest to its confluence with the Kvichavak River in Sec. 15, T. 14 N., R. 69 W., SM.

The Kvichavak River is a low gradient stream that courses through and around numerous small lakes to its confluence with the Johnson River. The river heads from a small lake and winds through the lowlands of the Kuskokwim River Delta. The elevation range is from 5 to 30 feet with a channel gradient of 0.6 ft to the mile. The mouth of the river is approximately 250 feet wide.<sup>5</sup>

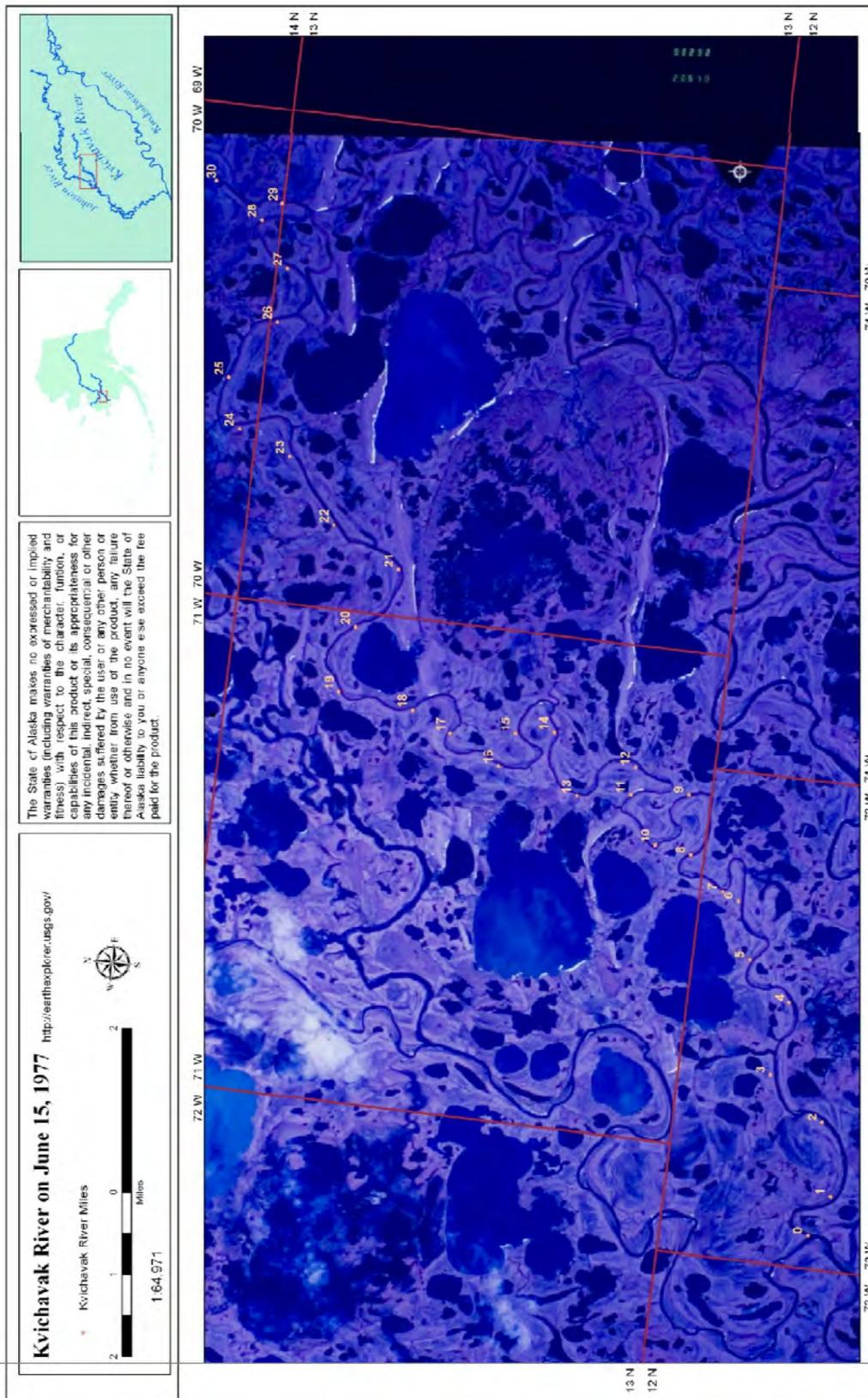
A U.S. Air Force aerial photograph from 1951 shows the lower reaches of the Kvichavak River from river mile 0 to river mile 7 as open and unobstructed (Figure 4).<sup>6</sup> A National Aeronautics and Space Administration (NASA) aerial photograph from June 15, 1977 shows the lower and middle reaches of the Kvichavak River from river mile 0 to river mile 30 as open and unobstructed (Figure 5).<sup>7</sup>

The Kvichavak has high water during late May, June and early July, and again during the rainy season from late August to late September. In the summertime, the river is deep in the narrower parts usually 10-14 feet deep. The widest parts are 20-70 feet wide and about 3-7 feet deep with lots of weeds. Portions of the lower river are obstructed by beaver dams.<sup>8</sup>

The Kvichavak River is located within the transitional climate zone, which is between the maritime and continental climatic zones. This transition zone in the Kuskokwim Delta area extends 100 to 150 miles inland. Precipitation averages 16 inches in the area near Tuluksak Village, with snowfall of 50 inches. Summer temperatures range from 62 degrees Fahrenheit (F) to 42 ° F. Winter temperatures can range from 19 ° F to -2 ° F.<sup>9</sup> The Kvichavak River appears to be in its natural and ordinary condition since the time of statehood.



**Figure 4. A U.S Air Force aerial photo of the lower reach of the Kvichavak River on July 24, 1951.**



## V. Evidence of Use of the Waterway

### *Early Native Use of Kvichavak River*

Human occupation of the Kuskokwim area goes back 11,000 years to nomadic hunters of Pleistocene animals. These hunters were supplanted about 1,900 B.C., when Eskimos from the north moved into the lower Kuskokwim drainage, bringing with them the so-called Arctic Small Tool tradition.<sup>10</sup> Permanent occupation of the interior Kuskokwim Delta with chronological continuity began about AD 600.<sup>11</sup> The *Kusquqvagmiut*, who descended from the Eskimos and are known as Yup'ik Eskimos or mainland southwest Alaskan Eskimos, have inhabited the Kuskokwim River and its tributaries down to the present as far inland as the village of Aniak. By 1880, their population was estimated at 3,100.<sup>12</sup>

The *Kusquqvagmiut* have lived a traditional subsistence lifestyle that spans many centuries. Subsistence is a form of production and consumption in which hunting, fishing and collecting plants are the primary sources of food and other necessities of life. Traditional Alaska Native subsistence practices involve harvesting, distributing and consuming resources. These activities include important social and religious components, one of the most important of which is the distribution and exchange of subsistence products within families, between families and bands, and with Native groups outside their territory. Each Native culture in Alaska has its own set of customs and values governing the transfer of subsistence goods, falling into categories such as ceremonial, sharing, partnership, trade and commercial exchange. The cultural values that promote ceremonial feasting and distribution of subsistence resource goods have persisted in all Alaska Native groups.<sup>13</sup>

As contact with Russian fur traders and American missionaries, traders and miners increased in the nineteenth and twentieth centuries, the Native subsistence system of distribution and exchange gradually changed. While the *Kusquqvagmiut* continued to sustain themselves through their hunting, fishing, and gathering efforts, their involvement in the fur trade brought about significant changes.<sup>14</sup> Contact with American traders increased the interaction between subsistence production and commercial exchange, including the sharing and trading of commercial and subsistence goods.<sup>15</sup>

The *Kusquqvagmiut* traveled by water craft to harvest and transport subsistence resources to their village sites and to distribute them to other groups.<sup>16</sup> They used canoes to travel up the tributaries of the Kuskokwim River to harvest salmon, land mammals, plants and berries. Tributaries of the Kuskokwim enhanced the mobility of travelers and provided extensive access deep into the adjacent countryside. Villages and seasonal camps were dispersed along the Kuskokwim River and its tributaries. Over time these villages and campsites were abandoned as Natives moved to villages where missionary schools had been established by the Bureau of Indian Affairs (BIA).<sup>17</sup>

*Recent Native Use of the Kvichavak River Documented in Native Allotment Files*

The BLM began collecting information in the 1970s to adjudicate Native allotment applications filed by local Natives who had a tradition of subsistence harvests on land in their area. The Natives accessed favorite spots along the river by boat for hunting, trapping, fishing and berry picking. These favorite spots, through customary use, developed into exclusive use areas. The federal government approved many of these areas as allotments and transferred title to the land to the applicants. There are fifteen Native allotments on the Kvichavak River and four Native allotments on the Unnamed Right Bank Tributary of the Kvichavak River.

August Alexie of Bethel applied for a 160-acre Native allotment (F-16841) on November 3, 1971. His parcel is located on the west bank of the Johnson River across from the mouth of the Kvichavak River.<sup>18</sup> In 1941, Alexie began using the parcel to pick berries as a child with his family. He stated that his father and grandfather had used this same land.<sup>19</sup> He continued to use the parcel camping on it for two months at a time. In the fall he would return to the parcel to hunt ducks, geese and muskrats.<sup>20</sup> On June 20, 1984, BLM Realty Specialists Joe C. Morris Jr. and Bill Peake conducted a field exam of the parcel with August Alexie and his brother Nels Alexie. Morris wrote that Alexie accessed the parcel “by boat in the summer” and by “dog sled or snow machine in the winter.”<sup>21</sup> Four house pits were observed by Morris during the field review.<sup>22</sup> On October 31, 1975, the Calista Corporation submitted an application for an ANCSA 14 (h)(1) historic and cemetery site (AA-10138) in this same location that was later rejected. On July 6, 2003, BLM Realty Specialist Kathy Stubbs revisited the parcel after conducting an interview with Alexie. Mr. Alexie was not present during the second field visit. Stubbs reported that Alexie accessed the parcel by boat from Bethel, passing the village of Atmautluak on the way. He recounted the many subsistence activities that he participated in with his family including “fond memories of riding around in a kayak with his dad and grandfather.” The survey for the parcel was officially filed as U.S Survey No. 13844 on July 31, 2008. It was certificated as No. 50-2009-0345 on August 6, 2009.

Alexie Paul of Nunapichuk applied for Native allotment parcel (AA-56432) divided into three parcels on April 20, 1985. This was his third application for a Native allotment filed under *Fanny Barr v. the United States*. Parcel C consists of 53 acres and is located on the south bank of the Kvichavak River at river mile 0 (Figure 6). Paul stated that he began using the land in 1925.<sup>23</sup> On an affidavit that accompanies this application he stated that he was born in 1915. He has lived in Kasigluk and Nunapitchuk all his life and has used this parcel most of his life for subsistence activities. Parcel C is his spring camp. In the past he would go there to fish and hunt muskrat, but now he only goes there to pick berries.<sup>24</sup> Robert P. Rinehart, BLM Realty Specialist, visited the parcel with Alexie Paul on August, 31, 1986. Paul told Rinehart that he had used the parcel since the 1920's as a camp for fishing and to hunt moose, and accessed the parcel by boat.<sup>25</sup> The survey for the parcel was officially filed as Lot 1, U.S. Survey No. 13070 on July 24, 2002. It was certificated as No. 50-2005-0001 on October 1, 2004.



**Figure 6. Photo looking east up the Kvichavak River at its confluence with the Johnson River. The red circle is the southwest corner of Alexi Paul's Native allotment AA-56432-C. Photo taken by the BLM on August 31, 1986.**

Joseph Toopetlak of Nunapitchuk applied for Native allotment (FF-14255) split into two parcels, on December 9, 1970. Parcel A consists of 80 acres and is located on the right bank of the Kvichavak River at river mile 0. Toopetlak has used the land since 1947 for seasonal subsistence activities of trapping, fishing, and hunting.<sup>26</sup> On August 4, 1979, Rhett S. Wise, a BLM Appraiser, visited the parcel with Joseph Toopetlak (Figure 7). Wise reported that Toopetlak accessed the parcel by “river boat up the Johnson River from the village.”<sup>27</sup> Toopetlak told the examiner that he had used the parcel since 1964 to net fish for pike and to hunt for muskrat in the spring. He returned each fall to the parcel for moose hunting.<sup>28</sup> The survey for the parcel was officially filed as Lot 2, U.S. Survey No. 13070 on July 24, 2002. It was certificated as No. 50-2003-0391 on July 22, 2003.



**Figure 7. Photo looking northwest over the confluence of the Kvichavak and the Johnson Rivers (background). The black circle is the southwest corner of Joseph Toopetlak native allotment FF-14255-A. Photo taken by the BLM on August 4, 1979.**

Carlie Evon of Bethel applied for a 160-acre Native allotment (FF-16602), located at river mile 4 of the Kvichavak River, on November 12, 1970. He used the land for seasonal subsistence activities since 1938, from September through November, for trapping and hunting.<sup>29</sup> He died on November 3, 1971.<sup>30</sup> On June 6, 1984, Melitta White, a BLM Realty Specialist, visited the parcel with Mary Evon, the widow of the applicant. During this trip, White photographed the Kvichavak River during the open season from a helicopter (Figure 8). Mrs. Evon told the examiner that her husband had accessed the parcel by boat. White stated that she observed a BLM aluminum rod, pink triangle, aluminum plate with the case file inscribed and pink flagging from an earlier field visit. The case file for this allotment contained undated photographs from this earlier field visit but no field report had been written.<sup>31</sup> The survey for the parcel was officially filed as U.S. Survey No. 12966 on July 24, 2002. The allotment was certificated as No. 50-2003-0272 on March 23, 2003.



**Figure 8. Photo looking up the Kvichavak River between river mile 3 and 4. The arrow is the northeast corner marker of Carlie Evon's native allotment FF-016602. BLM photo taken by Melitta White on June 6, 1984.**

Walter George Sr. of Akiachak applied for a 160-acre Native allotment parcel (AA-37828) at river mile 17 of the Kvichavak River on December 9, 1970. On his application he described the parcel as being located on the “Akoiekotak River” 45 miles from Akiachak and that he had used the parcel since 1953, from November to January, for seasonal subsistence activities.<sup>32</sup> Walter George Sr. died on May 36, 1973.<sup>33</sup> In an affidavit from May 5, 1982, Walter George Jr. stated that his deceased father began using the land in 1910 when he was 25 years old. He used the land for trapping, hunting, fish trapping, spring camping, and winter camping.<sup>34</sup> Stan Nevak, a BLM Realty Specialist, visited the parcel in 1984. He photographed the parcel on the Kvichavak River (Figure 9) during the open season, but left no field report. A field report was submitted by Sylvia K. Hale, a BLM Realty Specialist, on September 29, 1986. She stated that George Sr. accessed the river “probably by riverboat.”<sup>35</sup> Robert P. Rinehart, BLM Realty Specialist, visited the parcel on August 12, 1990 with Fritz George (grandson) and John Ekamrak (brother-in-law). They informed the examiner that the parcel was accessed by “boat, in spring, and by dog sled in late fall.” They also told him that the parcel was used “from the early 1950s as a spring camp to trap muskrat and to hunt swans, cranes, other waterfowl, gather eggs, and to fish for pike and whitefish.” Ekmarak told Rinehart that the Yupik word for the parcel area was *Tsaunik* but could give no English translation. He said that the area had been used as a family gathering place for many years. The two relatives of George Sr. reminisced about family gatherings on the parcel “in the old days” and appeared to Rinehart “to have fond memories of the parcel.”<sup>36</sup> The survey for the parcel was officially filed as U.S. Survey No. 13007 on August 4, 2002 and the allotment was certificated as No. 50-2003-0014 on November 1, 2002.



**Figure 9. Photo looking south (downriver) over the Kvichavak River at river mile 17. The black circle is the southwest corner marker for Walter George Sr.’s Native allotment AA-37828. BLM photo taken by Stan Nevak on May 25, 1984.**

Robert Stevens of Akiachak applied for a 160-acre Native allotment parcel (AA-51773)<sup>ii</sup> on April 19, 1962. On that application he stated that he had used the land since 1954.<sup>37</sup> Under the Fanny Barr settlement, he submitted a second application (AA-50579) on July 20, 1983, stating that he had used the land since 1942. This use occurred from September through December for black and white pike fishing, from October through February for hunting and trapping mink, beaver, fox, otter, and muskrat; from January to December for camping, and from July to September for berry picking.<sup>38</sup> On May 24, 1984, Russell D. Blome, BLM Realty Specialist, visited the parcel with Robert Stevens and Fritz George, the village corporation land planner. During this trip Blome photographed the river in its natural and ordinary condition during the open season (Figure 10). Blome states that the applicant accessed the parcel “by snowmachine in winter and boat in summer.” He also observed an “old house pit” on the parcel. The BLM resolved that the two applications were for the same parcel of land and officially decided this parcel to be legally described as AA-50579. The survey for the parcel was officially filed as Lot 2, U.S. Survey No. 12994 on July 24, 2002 and BLM certificated the allotment as No. 50-2003-0234 on April 29, 2003.



**Figure 10. Looking northwest over the Kvichavak River at river mile 25. The red circle is the southwest corner marker for Robert Stevens' Native allotment AA-50579. BLM photo taken by Russell D. Blome on May 24, 1985.**

<sup>ii</sup> This parcel number was officially changed to AA-50579.

Olinka George of Akiachak applied for a 160-acre parcel Native allotment (AA-37827) on December 10, 1970, at river mile 25. She described the parcel as on “Ineigk Lake about five miles from fall camp.” She claimed use of the parcel from 1952 for seasonal subsistence activities of harvesting berries, hunting, trapping, and fishing from November to January.<sup>39</sup> In 1985 Olinka George joined as a plaintiff in the Fanny Barr case. On a 1985 affidavit George stated that “I use this land in the springtime...for hunting eggs and ...muskrats. I would go to the land for the day and return to the spring camp on my husband’s allotment. I go to the land every spring by canoe or by boat. Last year I couldn’t get to the land because the river was too low.”<sup>40</sup> Sylvia K. Hale, a BLM Realty Specialist, issued a Field Report on October 14, 1986 for Stan Nevak, another BLM Realty Specialist. Nevak had visited the parcel on May 25, 1984, but did not leave any field notes or write a report. Nevak took photographs which include pictures of the Kvichavak River during the open season (Figure 11). Hale wrote a field report stating that access to the parcel was “probably by boat.”<sup>41</sup> The parcel was visited again by Robert P. Rinehart on August 12, 1990 with the applicant’s son Fritz George. Rinehart stated that access to the parcel was by “boat or dog team, depending on time of year.”<sup>42</sup> The allotment was legislatively approved on February 23, 1999. The survey for the parcel was officially filed as Lot 1, U.S. Survey No. 12994 on July 24, 2002 and certificated as No. 50-2003-0015 on November 1, 2002.



**Figure 11. Looking west down the Kvichavak River at river mile 25. The black circle is the northwest corner marker for Olinka George’s Native allotment AA-37827. BLM photo taken by Stan Nash on May 25, 1984.**

George Wassillie of Akiachak applied for a 160-acre Native allotment parcel (F-29208) on January 26, 1962. The parcel is located between river mile 33 and 34 of the Kvichavak River. He used the land since 1943 as a “hunting headquarters” from August to December. His application stated that he kept 10 sled dogs and had a sod house.<sup>43</sup> On June 13, 1963, his allotment was examined by the BLM without Wassillie present. The allotment was rejected. Wassillie’s allotment was examined a second time by BLM Realty Specialist, Stan Nevak in 1984. Nevak left no field notes or field report from this examination, but photographed the river during the open season (Figure 12). In 1986 a field report was written by BLM Realty Specialist Sylvia K. Hale. She wrote that access to the tract by Wassillie was “probably by riverboat in the summer and dogsled, snowmachine, or three-wheeler in the winter.”<sup>44</sup> A portion of the parcel was also selected by the Calista Corporation as an ANCSA 14(h)(1) historic and cemetery site. No other field examination was conducted. The Regional selection was rejected and the Native allotment was legislatively approved in 1990. The survey for the parcel was officially filed as U.S. Survey No. 12992 on July 24, 2002. It was certificated as 50-2003-0123 on February 28, 2003. A corrected Native allotment certificate, No. 50-2003-0234, was issued on April 29, 2003.



**Figure 12. Looking southwest down the Kvichavak River between river mile 33 and 34. The black circle is the BLM marker located along the eastern boundary of George Wassillie’s Native allotment F-029208. BLM Photo taken by Stan Nevak on May 23, 1984.**

Isaac Nick of Akiachak applied for a 148-acre Native allotment parcel (F-29219) at river mile 35 of the Kvichavak River on January 26, 1962. He began using the land in 1949 from August through December for a “hunting headquarters.” He kept six sled dogs and had a sod house on the parcel.<sup>45</sup> He submitted a second application on May 5, 1971, stating that he occupied the land since 1947 for seasonal subsistence activities. He stated that he used the parcel each year from November to January for trapping and hunting and from July to September for fishing and berry picking. He wrote that the “ground has been my living source and [I have used it] for food money [sic] since I was a boy.”<sup>46</sup> Sarah C. Barker, BLM Realty Specialist, visited the parcel on August 25, 1974. She did not inquire how the applicant accessed the parcel. In her photographs she documented a gas tank from an outboard motor (Figure 13). The parcel was visited a third time on October 16, 1984 by BLM Realty Specialist, Meg Jensen. She wrote that access to the parcel was by snow machine and dog team. The survey for the parcel was officially filed as Lots 2 and 3, U.S. Survey No. 12991 on July 24, 2002, and certificated as No. 50-2005-0454 on September 10, 2005.



**Figure 13. Gas tank for an outboard motor photographed by Sarah Barker, BLM Realty Specialist, on August 25, 1974 at river mile 35 of the Kvichavak River at Native allotment F-29219.**

On September 4, 1971, Akiachak resident Emma Amos (Jordon) applied for a 160-acre Native allotment parcel (AA-37823) at river mile 37. She claimed use of the land since 1944, from September to December, for picking berries, hunting and fishing.<sup>47</sup> On April 18, 1985, BLM Realty Specialist Joe C. Morris Jr. conducted a field examination of the parcel with Moses Nick Jr. Nick told Morris that the parcel was accessed by “boat and snow machine”<sup>48</sup> Morris photographed the river during the open season (Figure 14). The survey for the parcel was officially filed as Lot 1, U.S. Survey No. 12991, on July 24, 2002. It was certificated as No. 50-2003-0046 on December 5, 2002.



**Figure 14. Looking southeast up the Kvichavak River at river mile 37. The red circle is the BLM marker located at the center of the northern boundary of Emma Amos' Native allotment AA-37823. BLM photo taken by Joe Morris Jr. on April 18, 1985.**

Eddie Wassillie Sr. of Akiachak applied for a 160-acre Native allotment parcel (AA-037835) on October 8, 1983. The parcel is located at river mile 39. He stated that he used the land since 1948 from March through June for hunting and trapping and from November to February for hunting.<sup>49</sup> As a plaintiff in the Fanny Barr case, he stated that he first started using the land in 1953, when he was 10 years old, for hunting and trapping. He camped at the parcel each year during the fall and spring.<sup>50</sup> Stan Nevak, a BLM Realty Specialist visited the parcel on May 24, 1984. He photographed the river during the open season, but left no field notes about his field visit (Figure 15). Sylvia K. Hale, BLM Realty Specialist, completed a field report in 1986 stating that the parcel was accessed “probably by riverboat in summer and by snowmachine or three-wheeler in winter.”<sup>51</sup> The survey of the parcel was officially filed as U.S. Survey No. 12990 on July 24, 2002. It was certificated as No. 50-2003-0207 on April 15, 2003.



**Figure 15. Looking northwest downriver on the Kvichavak River from river mile 39.  
The black circle is the northwest corner marker of Eddie Wassillie Sr. AA-037835.  
BLM photo taken by Stan Nevak on May 24, 1984.**

George Pastinak of Akiachak applied for a 160-acre Native allotment parcel (AA-37834) on December 1, 1970. The parcel is located at river mile 40, at the confluence of the Kvichavak River and its Unnamed Right Bank Tributary. On his application he identified the parcel as “*kaugyalik*.” He used the parcel since 1947 for trapping from November to December and for berry picking. “I have been going there ever since I can remember. I was born ... and raised there and I have been going back ever since we moved to Akiachak.” A sketch map attached to the application indicates that the parcel is located on the *Ateolegotak* River.<sup>52</sup> On his claimant statement as a plaintiff in the Fanny Barr case, Pastinak stated that he had been using the land since 1954 when he was 6 years old for “trapping, hunting, fish trapping, and spring camping.”<sup>53</sup> Dwight Hovland, BLM Realty Specialist, visited the parcel on May 30, 1984 with George and his brother Eddie Pastinak. Hovland wrote that the applicant accessed the parcel “now by snow machine and boat, before by dog sled.”<sup>54</sup> Hovland photographed the Kvichavak River during the open season east of its confluence with its Unnamed Right Bank Tributary (Figure 16). The survey of the parcel was officially filed as Lots 4, 5, and 6, U.S. Survey No. 12987 on July 24, 2002. It was certificated as No. 50-2003-0280 on May 29, 2003.



**Figure 16. River mile 40 of the Kvichavak River. The red circle is the northeast corner marker for George Pastinak’s native allotment AA-37834. BLM Photo taken by Dwight Hovland, May 30, 1984.**

Anna (Billy) Nick of Akiachak applied for a 160-acre Native allotment parcel (AA-29220) at river mile 40 of the Kvichavak River on January 26, 1962. On her application she stated that she had used the parcel since 1949.<sup>55</sup> Her application was rejected in 1964 because she was a married woman and had not provided evidence that she was head of the household. Her application was reinstated by the BLM in 1982. Meg Jensen, a BLM Realty Specialist, visited the parcel with the applicant on June 1, 1984. Jensen wrote that Anna Nick accessed the parcel by boat and snow machine for berry picking, hunting, trapping and fishing.<sup>56</sup> During the field visit, Jensen photographed the Kvichavak River during the open season showing the river meandering east for approximately five miles (Figure 17). The survey for the parcel was officially filed as Lot 1, U.S. Survey No. 12987 on July 24, 2002. It was certificated as No. 50-2003-0402 on July 24, 2003.



**Figure 17. Looking east up the Kvichavak river at river mile 40. Black arrow indicates the southwest BLM corner marker on Anna Nick's Native allotment AA-29220. BLM photo by Meg Jensen, June 1, 1984.**

Elizabeth Pasitnak of Akiachak applied for a 160-acre Native allotment (AA-37836) parcel on the Kvichavak River at river mile 42 on December 1, 1970. She used the land since 1967 for seasonal subsistence activities from November to January. She referred to the parcel as *Antertsurvik*. She began using the land in 1967 when she moved to the area for marriage and claimed use of the parcel from November to December for hunting, trapping and berry picking.<sup>57</sup> On May 30, 1984, Dwight Hovland, a BLM Realty Specialist, conducted a field examination of the parcel with her husband Eddie G. Pastinak and his brother George Pastinak. They told the realty specialist that access to the parcel was by boat and snowmachine.<sup>58</sup> During this field examination Hovland photographed the shared boundary marker for AA-37836 and AA-37845 next to the Kvichavak River during the open season (Figure 18). The survey for the parcel was officially filed as Lot 1, U.S. Survey No. 12989 on July 24, 2002. It was certificated as No. 50-2003-0020 on November 8, 2002.



**Figure 18. Looking northeast up the Kvichavak River between river mile 43 and 42. The red circle is the common boundary marker of Native allotment AA-037836 and AA-37845. BLM Photo taken by Dwight Hovland, May 30, 1984.**

Eddie G. Pastinak applied for a 160-acre Native allotment (AA-37845) parcel at river mile 43 on December 1, 1970. He referred to his parcel as *Nunachak*. He used the parcel since 1943 for seasonal subsistence activities from November through December.<sup>59</sup> On May 30, 1984, Dwight Hovland, a BLM Realty Specialist, visited the parcel with the applicant and his brother George Pastinak. Hovland wrote in his report that Pastinak accessed the parcel by “boat and snow machine, before by dog sled”<sup>60</sup> During this field examination Hovland photographed the shared boundary marker for AA-37836 and AA-37845 next the Kvichavak River during the open season (Figure 18). The parcel was officially filed as Lot 2, U.S. Survey No. 12989 on July 24, 2002. It was certificated as No. 50-2003-0025 on November 13, 2002.

*Recent Native Use of the Unnamed Right Bank Tributary of  
Kvichavak River Documented in Native Allotment Files*

Moses Nick of Akiachak applied for a 160-acre Native allotment parcel (AA-37791) at river mile 0 of the Unnamed Right Bank Tributary of the Kvichavak River on December 1, 1970. He used the parcel since 1940 for seasonal subsistence activities from November through December.<sup>61</sup> On May 23, 1984 and June 15, 1985, Meg Jensen and Stan Nevak, a BLM Realty Specialists, visited the parcel with applicant. Moses Nick told the BLM employees that he accessed the parcel by boat and snow machine. The Calista Corporation selected a portion of this parcel for an ANCSA 14(h)(1) historic and cemetery site (AA-10255) which conflicted with Nick’s application, but the selection was rejected in its entirety on April 15, 2009. The survey for this parcel was officially filed as Lot 2, U.S. Survey No. 12987 on July 24, 2002. It was certificated as No. 50-2003-0205 on April 15, 2003.

On April 22, 1968, Ruth (Pastinak) Liskey of Akiachak applied for a 160-acre Native allotment parcel (F-00987) on the right bank tributary of the Kvichavak River at river mile 2. She used the parcel from 1962 for fishing from June through August.<sup>62</sup> Wayne R. Dawson, a BLM Realty Specialist, visited the parcel on September 12, 1974, with Eddie Pastinak the applicant’s son. No information was given as to how Ruth Liskey accessed the parcel. A photograph taken by Dawson depicts a wooden, slat-framed skin covered kayak labeled “canoe” (Figure 19) and a gas can with an old outboard motor gas tank (Figure 20).<sup>63</sup> The survey of the parcel was officially filed as Lot 3 and 4, U.S. Survey No. 12986 on July 24, 2002. It was certificated as No. 50-2004-0037 on November 4, 2003.



**Figure 19. Photo of a wooden slat, skin covered “canoe” on Native allotment F-00987 at river mile 2 of the Unnamed Right Bank Tributary. BLM photo taken by the Wayne Dawson on September 12, 1974.**



**Figure 20. Photo of an old Chevron fuel can and a fuel tank for an outboard boat motor on Ruth Pastinak’s Native allotment F-00978 at river mile 2 of the Unnamed Right Bank Tributary. BLM photo taken by Wayne Dawson on September 12, 1974.**

James Manutoli of Akiachak applied for a 92.73-acre Native allotment (AA-52790) at river mile 4 of the Unnamed Right Bank Tributary, parcel on June 19, 1962.<sup>64</sup> In an affidavit for the Fanny Barr case, Manutoli changed his application to 160 acres and wrote that “this is where I trap for my subsistence activities. This is where I trap for mink, muskrat, and otter each and every winter. I started using my land in 1937.”<sup>65</sup> Manutoli submitted a second application on October 6, 1983, stating that he used the parcel from September to December to trap for mink, otter, beaver, and muskrat. From April to June, he used the parcel to fish for whitefish, blackfish, pike and to pick berries. On June 23, 1986, Richard Stephenson, a BLM Realty Specialist, visited the parcel with James Manutoli and an interpreter, Louie Wassillie. Manutoli told Stephenson that access to the parcel was by boat in the summer and fall and by snow machine or dog sled in the winter.<sup>66</sup> Stephenson photographed the Unnamed Right Bank Tributary from a helicopter during this visit (Figure 21). The survey of the parcel was officially filed as Lots 1 and 2, U.S. Survey No. 12986, on July 24, 2002. It was certificated as No. 50-2003-0287 on June 3, 2003.



**Figure 21. Photo looking northeast up the Unnamed Right Bank Tributary of the Kvichavak River at river mile 4. The black circle is the northeast corner of James Manutoli’s Native allotment A-52790. BLM photo taken by Richard Stephenson on June 23, 1986.**

John Wassillie of Akiachak applied for a 160-acre Native allotment parcel (F-19242) at river mile 10 of the Unnamed Right Bank Tributary on December 1, 1970. He claimed use of the parcel since 1917 for seasonal subsistence activities from October to December. He wrote that “I have been going to there to trap and hunt. I was born in this place and go back there since we moved to Akiachak.”<sup>67</sup> On August 26, 1974, BLM Realty Specialist Sarah C. Barker visited the parcel with John Wassillie. She did not report how the parcel was accessed. The remains of a sod hut that Wassillie described on his allotment application as having built in 1917 were present on the parcel. Barker photographed the Unnamed Right Bank Tributary of the Kvichavak River during the open season (Figure 22).<sup>68</sup> The survey for the parcel was officially filed as Lots 1 and 2, U.S. Survey No. 12984 on July 31, 2002. It was certificated as No. 50-2003-0475 on August 25, 2003.



**Figure 22. Photo looking south over the Unnamed Right Bank Tributary of the Kvichavak River. The black circle is the BLM marker on the east boundary of the parcel. BLM photo taken by Sarah C. Barker on August 26, 1974.**

*BLM Interviews with locals about the Kvichavak River and its Unnamed Right Bank Tributary*

Kathy Flippen, a BLM Navigable Waters Specialist, completed a memorandum of Interviews for the Nunapitchuk 2001 for the Kvichavak River (aka Akuuliqutaq River) and its Unnamed Right Bank Tributary on June 29, 2001. Flippen interviewed local Natives and three BLM employees familiar with the Kvichavak River.<sup>69</sup> (Attachment 5)

Anna Anvil of Nunapitchuk stated in her interview on November 17, 2000 that Kvichavak meant “the boat and the anchor” or “the anchoring place.” She said that the river is blocked off a lot by beaver dams and is dried up in some places. Ms. Anvill suggested that people from Akiachak would have more information about the river.<sup>70</sup>

Fritz George of Akiachak stated in his interview on November 24, 2000 that the “allotments are all on the navigable parts of the Akuuliqutaq River, which is the local name for the Kvichavak River.”<sup>71</sup>

Moses A. Pavilla stated in his interview on December 27, 2000 that he had been up the Kvichavak River about 25 miles. He did not boat the right bank tributary that heads north at George Pastinak’s allotment (AA-37834). Pavilla stated that he could have gone farther on the main part of the river. He used a 25-foot aluminum white water V-bottomed boat with a 140-horsepower motor. He said that the allottees in that area go to their allotments on the Kvichavak River from Akiachak by towing their boats across the tundra by snow machine or by dogsled. Then they boat the remaining distance to their allotments. He said the river is used for travel, trade, and commerce and that one can use a boat carrying a very heavy load. He believed the water is navigable “except where the weeds are.”<sup>72</sup>

Greg Balen, geologist and photo interpreter in the BLM’s Mapping Sciences Branch, told Kathy Flippen on January 3, 2001 that the Kvichavak and its right bank tributary “look susceptible to navigability.”<sup>73</sup>

Eddie Pastinak of Akiachak stated in his interview on January 24, 2001 that the first couple of years that he had his allotment he would travel there to pick berries in the spring and fall. He used a flat-bottom 18-foot Lund with an 85-horsepower motor to pick berries. However, during the last few years there were too many beaver dams in the river. The last time he tried to go there he had to turn around and go back to the Johnson River. It had been three to four years since he had tried to get to his allotment by boat. He thought that a more direct way to get to the river was to go by snowmachine.<sup>74</sup>

Robert Nick of Nunapitchuk stated in his interview on January 24, 2001 that he has taken an 18-foot Lund with a 45-horsepower motor up the Kvichavak River many times. In the spring he goes there to trap, in the fall he hunts moose or just goes to camp out and relax. He stated that the river can accommodate either a V-bottom or a flat-bottom boat. As long as a boat is run “up on step,” he said the river is accessible all the way from the Johnson River to the end of the Kvichavak River during the year. At times it is necessary to pull up the motor every so often to

clear it of the grass that grows tall in the river. He stated that the Kvichavak River is “definitely navigable”.<sup>75</sup>

Billy Gilman of Akiachak stated in his interview on January 25, 2001 that he was very familiar with the Kvichavak River. He stated that he has frequently hauled very large loads all the way up the river with an 18-foot boat using a 55-horsepower motor. The river, he said, can accommodate either a V-bottom or a flat-bottom boat on the river. He described the Kvichavak as almost as wide as the Johnson River and “definitely navigable”. He said there are beaver dams, but not as many as there used to be. Most of the time, he said, “you can just jump over them in the boat.” He did not have any knowledge of the right bank tributary.<sup>76</sup>

Therron Woerner and Mike Harmening, BLM land surveyors, spoke with Kathy Flippen on March 21, 2001 about the right bank tributary of the Kvichavak River. While looking at photos that Harmening had taken the previous summer they said it is difficult to tell if the tributary is navigable or not, but the mouth appears to be clogged with tall grass. They said it is open past the mouth in some places, but from the photos it doesn’t look as if anyone can really use it.<sup>77</sup>

Edward Nicolai of Atmautluak stated in his interview on May 15, 2001 that he had been up the Kvichavak River and its right bank tributary many times. He has been all the way up the tributary in both V-bottom and flat-bottom boats ranging in size from 14 to 24 feet using motors ranging from 30 to 125-horsepower. He stated that he has carried very heavy loads of camping, fishing and hunting equipment during the spring, summer and fall. The river is commonly used by people for subsistence hunting and trapping (muskrat, otter and beaver). They sell the furs that they don’t use for themselves. He said there is a lot of grass in the river and many beaver dams, but that one can still boat the river. He stated that, eventually there will be too many beaver dams, but that it is still accessible and used for commerce.<sup>78</sup>

Henry Stone, interpreting for Harry Gilman, told Kathy Flippen on June 4, 2001 that it was possible to boat all the way up the right bank tributary of the Kvichavak River to John Wassillie’s allotment. Harry stated that he travels there in a 22-foot boat with 50-horsepower Yamaha outboards. He goes there in September during moose hunting season for subsistence purposes, usually with three other boats that motor up there together. They can easily carry very heavy loads like extra drums of gasoline plus all their supplies for moose hunting. Harry said that “the river is only about five to six feet wide in some places, but it is still possible to use a bigger boat.” Henry said that the river could easily be used for commercial purposes. The only hindrance on the river, he added, is beaver dams, but in his opinion they are not really a threat because they can easily be jumped in a boat.<sup>79</sup>

### *ADF&G Subsistence Reports*

In 1989 Alaska Department of Fish and Game (ADF&G) published *The Akulmiut: Territorial Dimensions of a Yupik Eskimo Society* by Elizabeth Andrews. This paper discusses a distinct Central Yupik Eskimo group, the Akulmiut, who occupy the inland tundra region between the Yukon and Kuskokwim Rivers. The Akulmiut villages of Nunapitchuk, Kasigluk, Atmautluak

(known together as The Tundra Villages) are approximately 32 miles up the Johnson River from the Kuskokwim River. Their subsistence economy historically differed from villages directly on the Kuskokwim River because they depended more on non-salmon species that are present in the low, moist, marshy wet ecosystems that surround their villages. This distinction changed in the twentieth century with the increased availability of motorized transportation. In 1983 there were 1,000 people living year round in the tundra villages. They utilized an area of 2,500-3,000 square miles for subsistence.<sup>80</sup> Like other Yupik cultural groups, the Akulmiut spent four to nine months of the year in the winter village and made up to six seasonal moves a year between spring, summer, and winter camps.<sup>81</sup> Historically, the geographical areas used by the Akulmiut changed with resource availability, but the subsistence practice of traveling to and from these camps has continued.<sup>82</sup>

Through interviews with local Natives in Nunapitchuk, Kasigluk, and Atmautluak, Andrews collected 161 historical and modern places names in the geographical use area for these villages. These names are important for identifying water and travel routes in a land that can “appear like an insolvable maze to all but experienced navigators and local inhabitants.”<sup>83</sup> Andrews recorded two names associated with the area near the Kvichavak River. The Kvichavak River was identified as “*Akuliqutaq*” meaning “the one in between.” The slough that connects the Johnson River to the Pikmatalik River was identified as “*Arviryaraq*” meaning “way to go across.”<sup>84</sup>

Andrews conducted an inventory of household boat ownership. All sample households in Nunapitchuk had at least one boat and as many as eight. The average was two. Sixty-three percent of the boats were local handcrafted wooden plywood skiffs which ranged in size from 16 to 24 feet in length. Most boats were 24 feet long. Aluminum boats ranged from 14 to 22 feet with most 20 feet long. Eighty-six outboards were inventoried ranging from 9.9 horsepower to 115 horsepower with most being 50 or 70 horsepower. Households had from 1-8 outboards, averaging 1.95.<sup>85</sup>

Andrews found that geographical use areas for subsistence activities are traditionally allocated to people based on kinship and social identification. The Johnson River is the general eastern border of the Akulmiut’s use area. The mouth of the Kvichavak River has two Native allotments owned by residents of Nunapitchuk and one from Bethel. All other Native allotments on the river are owned by residents of Akiachak. Through marriage and kinship some Akulmiut individuals have access to areas east of the Johnson River on the Kvichavak.<sup>86</sup> In the fall of 1983, hunters from Nunapitchuk, Kasigluk, and Atmautluak travelled “up the Pikmiktalik, Kvichavak and Johnson Rivers to their headwaters and adjacent lakes and tributaries” to hunt moose (Figure 23).<sup>87</sup> While hunting for moose, nets were set on the upper Kvichavak River.<sup>88</sup>

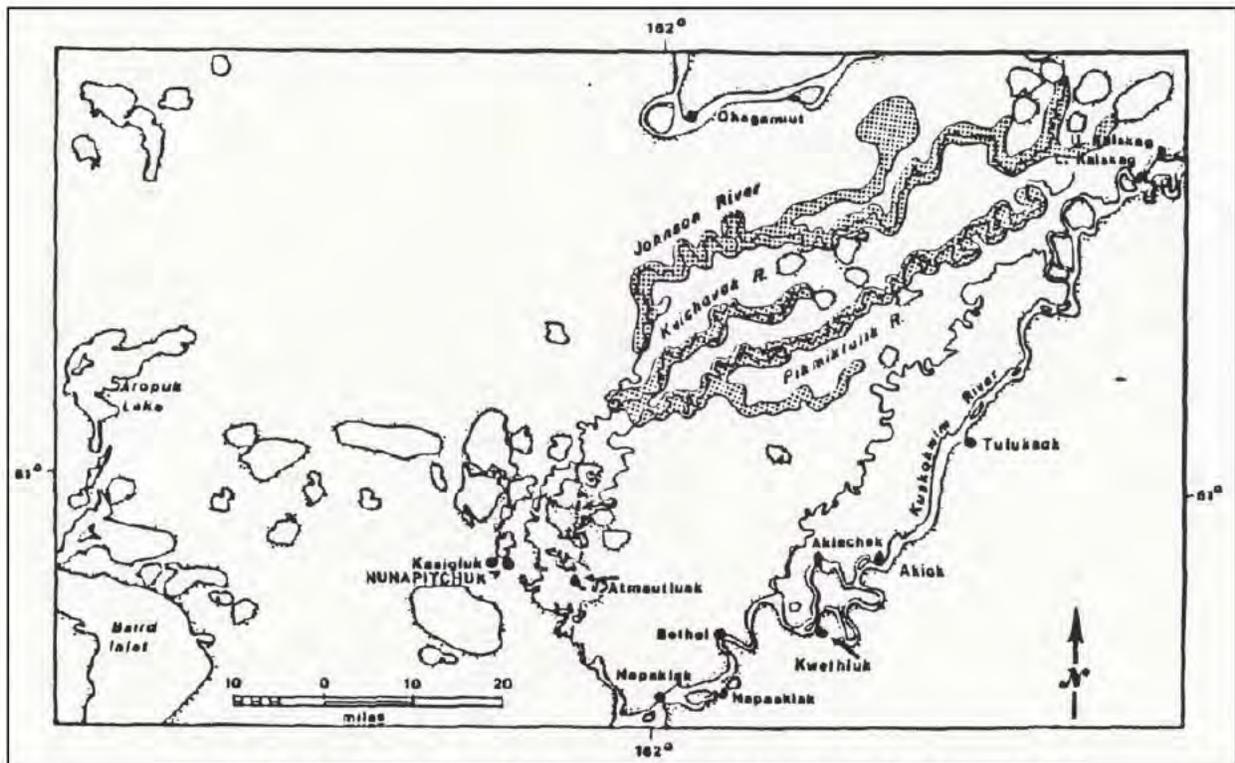


Figure 23. Map of moose and bear hunting areas (shaded) used by Nunapitchuk residents in 1983. From Elizabeth Andrews, *The Akulmiut* (1989) p. 328.

## VI. Summary

The Kvichavak River is 54 river miles long and is a tributary of the Johnson River. The Unnamed Right Bank Tributary of the Kvichavak River is 13 river miles long. The Kvichavak River and its Unnamed Tributary are entirely within the boundaries of the Yukon Delta NWR. The BLM made navigability determinations only for portions of the river within Native allotment conveyances. On August 14, 2002, the BLM determined the Kvichavak River navigable within Native allotments AA-37834, AA-37828, F-29208, and F-29219-A. On August 28, 2002, the BLM determined the Unnamed Tributary of the Kvichavak River navigable within Native allotments AA-37834, AA-37791, FF-987, AA-52790, and FF-9242 between river mile 0 and river mile 10. The Kvichavak River appears to be its natural and ordinary condition since the time of statehood. Local Natives interviewed by the BLM state that there are beaver dams and grassy areas in the river, but they are not necessarily obstacles to navigation.

Native allotment files document pre-statehood and post statehood use of Kvichavak River from its mouth through river mile 43 as well as use of the Unnamed Right Bank Tributary from river mile 0 to river mile 10. An ADF&G technical paper documents use of the river all the way to the lake where the river heads. Native allotment owners report using boats on the Kvichavak River and its Unnamed Right Bank Tributary to access their parcels for both subsistence and

commercial harvests. The Kvichavak and its tributary are used mainly by residents of Akiachak, but are also used by residents of Nunapitchuk, Kasigluk and Atmautluak. Residents of Nunapitchuk, Kasigluk and Atmautluak typically use local handcrafted wooden plywood skiffs. The wooden boats range in size from 16 to 24 feet in length and aluminum boats ranged in size from 14 to 22 feet in length. These boats are equipped with outboards ranging from 9.9 horsepower to 115 horsepower with most being 50 or 70 horsepower.

## Endnotes

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- <sup>13</sup> Steve Langdon and Rosita Worl, *Distribution and Exchange of Subsistence Resources in Alaska*. Alaska Department of Fish and Game Technical Paper Number 55, Arctic Environmental Information and Data Center, University of Alaska, Anchorage, 1981, pp. ii, 1.
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- <sup>17</sup> Wendell H. Oswalt, *Bashful No Longer, An Alaskan Eskimo Ethnohistory, 1778-1988*, University of Oklahoma Press, Norman, 1990, pp. 8-9.
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