

Akulikutak River
HUC 30502, Zone 2, Kuskokwim River Region

Final

INTERIM SUMMARY REPORT

Prepared by Edwin Shoaf, ACC, Historian
Office of History and Archaeology
Department of Natural Resources
State of Alaska

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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 the 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 the Alaska Department of Natural Resources website: <http://www.dnr.state.ak.us/mlw/nav/naar/>

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Attachments (in PDF format)

- Attachment 1.** Curtis V. McVee, State Director, BLM, Notice of Proposed Easement Recommendations for the Village of Kwethluk, October 13, 1976, BLM files, FF-14883-A.
- Attachment 2.** Judith A. Kammins, Chief, Division of ANCSA Operations, Decision: Lands Proper for Village Selection Approved for Interim Conveyance, March 7, 1979, BLM files, FF-14883-A.
- Attachment 3.** Robert D. Arnold, Assistant to the State Director, BLM, Interim Conveyance Nos. 213 and 214, July 12, 1979, BLM files, FF-14883-A.
- Attachment 4.** Laura Lagstrom, Navigable Waters Specialist, BLM, Memorandum regarding Field Trip for Window 2029 Part 1, December 4, 1997, BLM files, FF-14883.
- Attachment 5.** Laura Lagstrom, Navigable Waters Specialist, BLM, Navigability Report: Akulikutak River in Village Selection in F-14883. Mouth in Sec. 32, T. 8 N., R. 68 W., SM. Window 2029; Group Survey 284; January 9, 1998, BLM files, F-14824-EE.
- Attachment 6.** Gust C. Panos, Chief, Branch of Mapping and Science, BLM, Memorandum regarding Navigability Review for Waters in Window 2029 Bethel (Group 284) Part 1, January 13, 1998, BLM files, FF-14883.
- Attachment 7.** K.J. Mushovic, Easement Coordinator, Branch of Adjudication II, BLM, Notice of Proposed Easements and Request for Easement Nominations for Lands Selected and to be Conveyed to Kwethluk Incorporated, February 7, 2007, BLM files, FF-14883-A.
- Attachment 8.** Master Title Plats (MTPs).
- Attachment 9.** Laura Lagstrom, Navigable Waters Specialist, BLM, Navigability Report: Kushluk River in Native Allotment F-16009, Mouth in Sec. 25, T. 8 N., R. 69 W., SM, Window 2029, Group Survey 284, January 8, 1998, BLM files, FF-16009.
- Attachment 10.** Interview with Willie Andrew of Bethel, December 12, 1997, in Laura Lagstrom, Memorandum on Interviews for Native Allotment selections added to Window 2700 which straddle Kwethluk and Eek River, March 13, 1998, p. 1, BLM files, Bethel-NA-FY98; Lagstrom, Navigability Report: Kwethluk River in T. 1 N., Rs. 62 & 63 W., SM. and T. 1 S., Rs. 62 & 63 W., SM, June 17, 1998, BLM files, Bethel-NA-FY'98
- Attachment 11.** Interview with John Andrews of Bethel, March 31, 1998, in Laura Lagstrom, Memorandum on Interviews for Native Allotment selections added to Window 2700 which straddle Kwethluk and Eek River, March 13, 1998, p. 3, BLM files, Bethel-NA-FY98.
- Attachment 12.** Interview of John Andrew, December 8, 1987, in Interviews by Laura Lagstrom for selected lands within Window 2029 Part I, p 2, BLM Files, FF-14824.

Attachment 13. Jane Angvik, Director of Alaska State Division of Lands, to Gust C. Panos, Chief of BLM Branch of Mapping Sciences, June 3, 1998, DNR/PAAD file on Kwethluk River.

Akulikutak River

HUC 30502, Zone 2, Kuskokwim River Region

II-B Interim Summary Report

I. Introduction

The Akulikutak River originates in the foothills west of the Kilbuck Mountains in Section (Sec.) 28, Township (T.) 5 N., Range (R.) 64 W., Seward Meridian (SM), about 20 air miles southeast of Bethel and is 89 miles in length.ⁱ The river flows generally northwest, emptying into the Kwethluk River about 15 air miles southeast of Bethel.ⁱⁱ The Eskimo name was first reported in 1948 by the U.S. Coast and Geodetic Survey (USC&GS); it means “the one between.”¹ Bethel is the nearest regional hub.

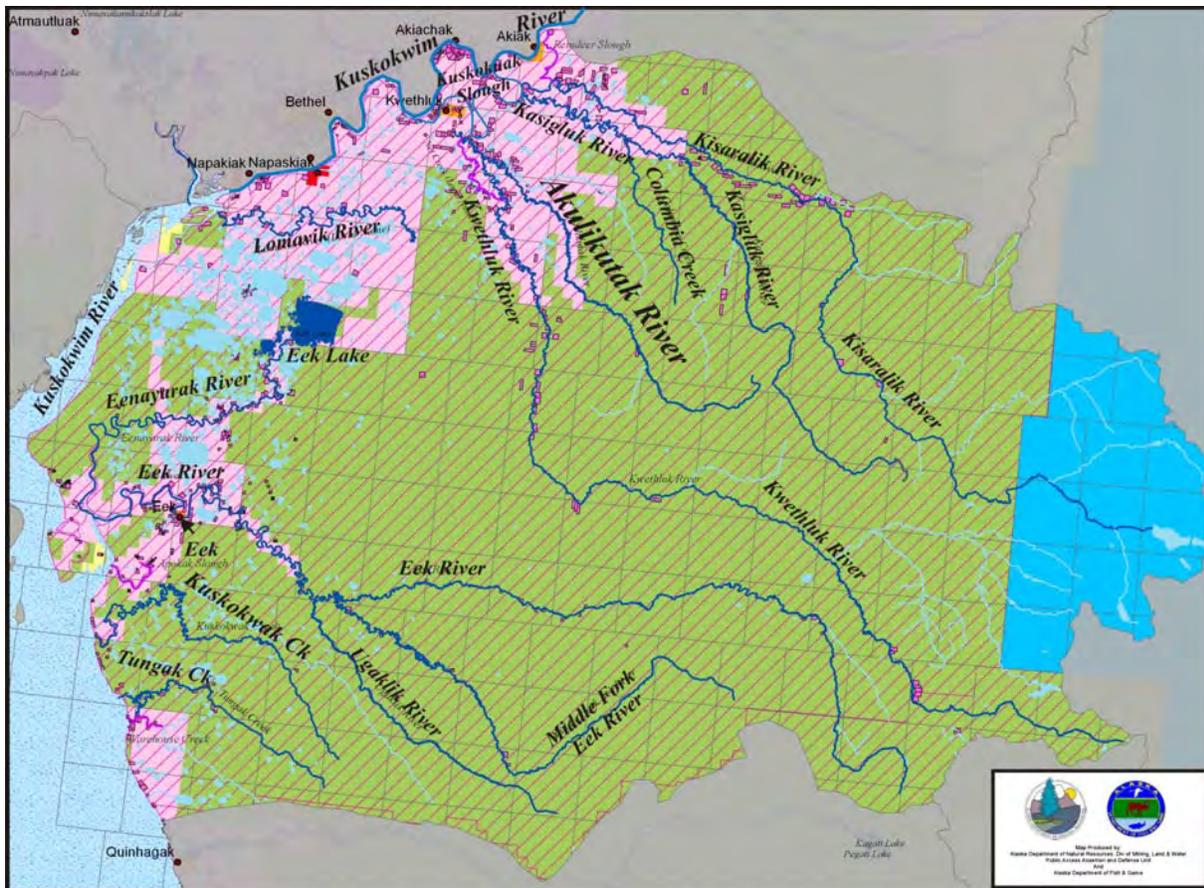


Figure 1. Map showing the location of the Akulikutak River within Zone 2 of HUC-30502 of the Kuskokwim River Region.

ⁱ Different sources estimate the length of the river at 40 to 89 miles. The length of the Akulikutak River and the river miles used in this report are based on Geographic Information Systems (GIS) calculations using the National Hydrography Data Set derived from United States Geological Survey (USGS) quadrangle maps.

ⁱⁱ Air mile measurements taken using the Spatial Data Management System (SDMS) of the BLM-Alaska.

The Akulikutak River comprises ten townships in the SM:

Township (T.), Range (R.), (SM):

T. 5 N., R. 64 W., SM	T. 6 N., R. 67 W., SM
T. 4 N., R. 65 W., SM	T. 7 N., R. 67 W., SM
T. 4 N., R. 66 W., SM	T. 7 N., R. 68 W., SM
T. 5 N., R. 66 W., SM	T. 8 N., R. 68 W., SM
T. 6 N., R. 66 W., SM	T. 8 N., R. 69 W., SM

II. Land Status

The river is entirely within the post statehood portion of the Yukon Delta National Wildlife Refuge (NWR). The lower portions of the river traverse Native lands while the upper portions are managed by the U.S. Fish & Wildlife Service (USF&WS) (Figures 2-4). There are six Native allotments on federal and Native lands along the Akulikutak River, primarily near the mouth.

Portions of the middle and lower Akulikutak River are located within lands which were selected by Native villages in the 1970s under the Alaska Native Claims Settlement Act (ANCSA) of 1971 (Figures 2-3). The BLM conveyed the surface estate along the lower and middle portions of Akulikutak River to the Kwethluk Native Corporation in Interim Conveyance (IC) No. 213 on July 12, 1979; the subsurface estate was conveyed to Calista Corporation in IC No. 214 on the same date.

The upper section of the Akulikutak River is located within the Yukon Delta NWR (Figures 3-4). The Yukon Delta NWR was withdrawn from unreserved public lands managed by the BLM in 1972 (Public Land Order 5184, March 9, 1972) and transferred to the federal refuge system under the Alaska National Interest Lands Conservation Act (ANILCA), PL 96-487 of 1980. Title to federal refuge lands in Alaska is held by the United States, and the USF&WS is the manager of the Yukon Delta NWR.

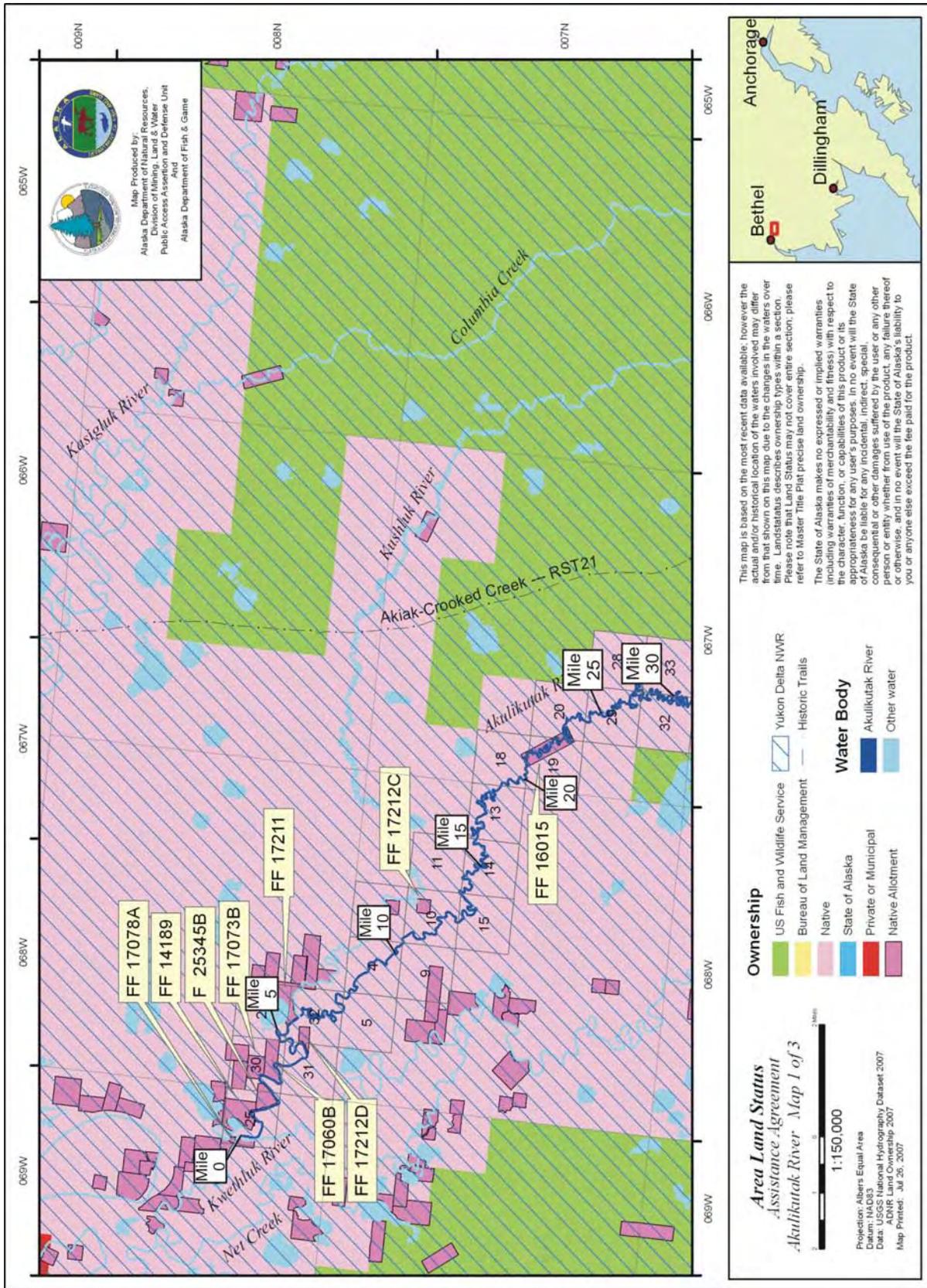
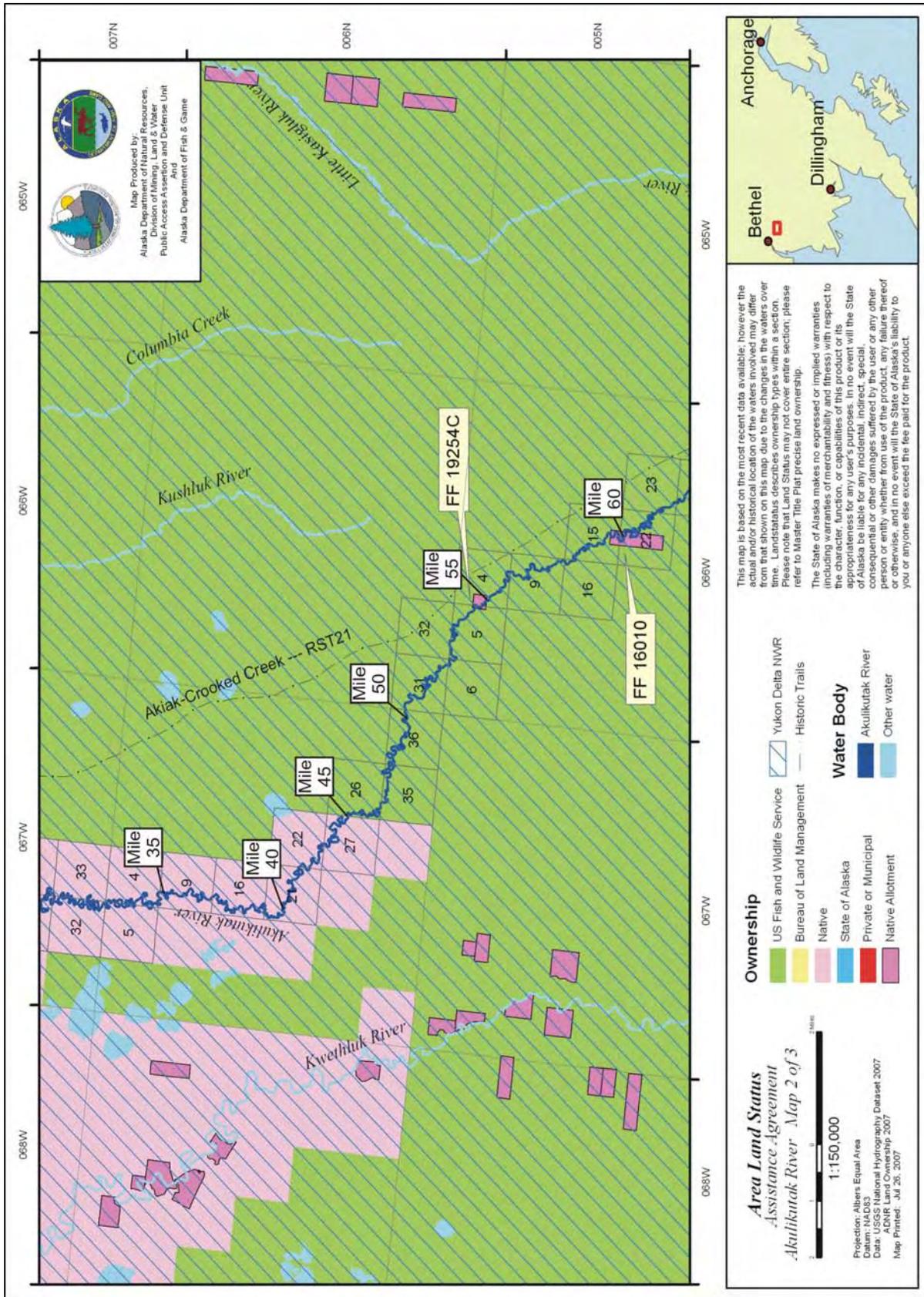
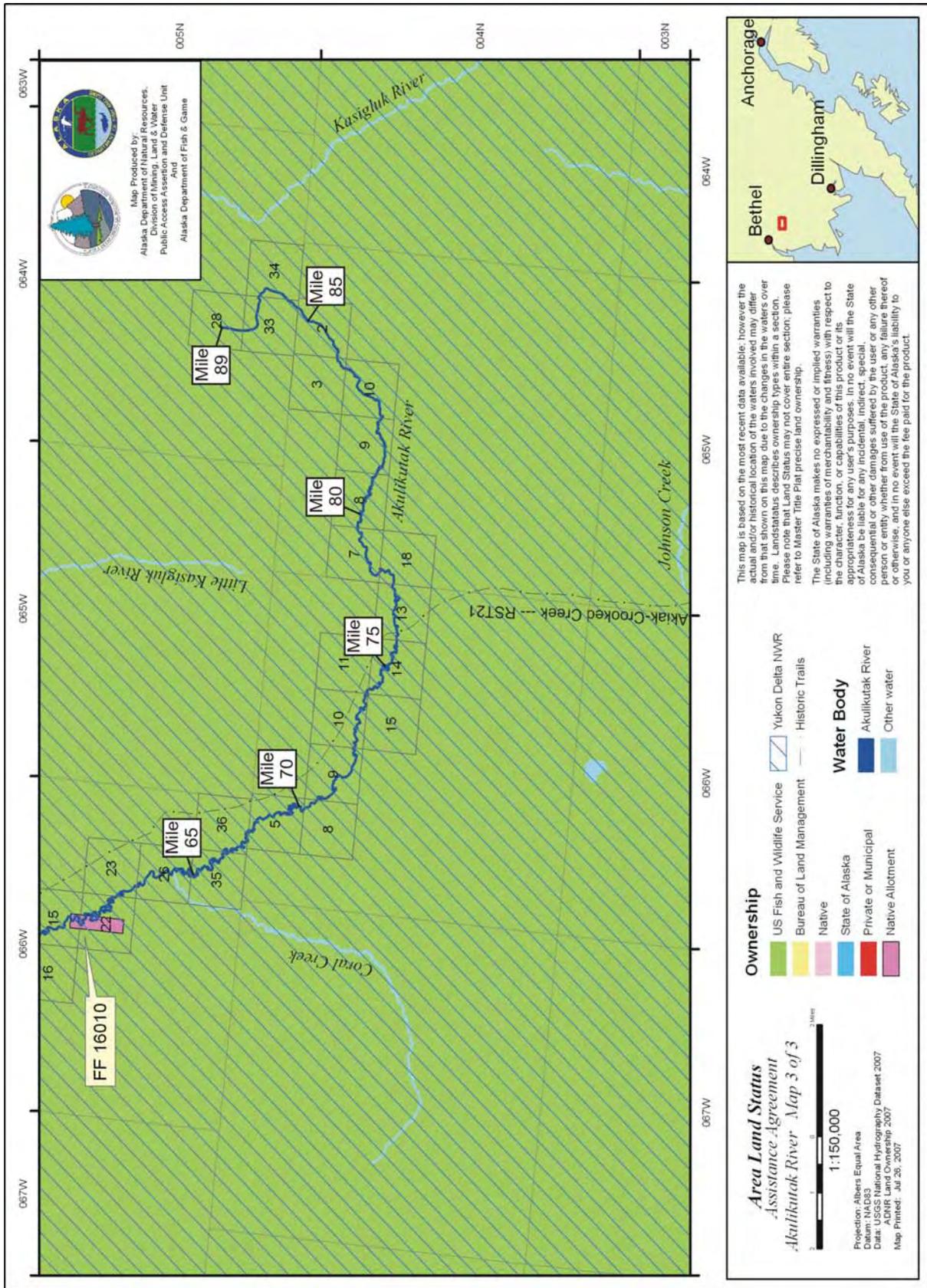


Figure 2. The lower portion of the Akulikutak River showing lands selected by Native corporations and for Native allotments.





III. BLM Navigability Determinations

In the early 1970s Kwethluk Incorporated selected lands along the Akulikutak River from river mile 0 to river mile 48. On October 19, 1976, the BLM State Director, Curtis McVee, issued a Notice of Proposed Easement Recommendations for the Village of Kwethluk. In that notice the Akulikutak River was not listed among the water bodies that had been determined navigable.² (Attachment 1)

Judith Kammins, the BLM Chief of the Division of ANCSA Operations, issued a Decision to Interim Convey (DIC) for Kwethluk village selected lands on March 7, 1979. According to the DIC maps, the Akulikutak River was not depicted as navigable or tidal, and determinations of tidal influence were pending.³ (Attachment 2)

On July 12, 1979, Robert Arnold, Assistant to the BLM State Director, conveyed the lands selected by Kwethluk Incorporated in IC No. 213. The Calista Corporation received the subsurface estate to these lands in IC No. 214. The Akulikutak River was shown on the IC maps, but was not depicted as tidally influenced or navigable.⁴ (Attachment 3)

In a field trip memorandum for Window 2029 dated December 4, 1997, Laura Lagstrom, a BLM Navigable Waters Specialist, reported flying over the Akulikutak River by helicopter. From aerial observation, she wrote, the river appeared 20-25 feet wide at the mouth. She also described the river as wide, free of obstructions and appearing “deep enough for navigation” through Sec. 13, T. 7 N., R. 68 W., SM, (river mile 19).⁵ (Attachment 4)

On January 8, 1998, the same BLM Navigable Waters Specialist evaluated the river, which had been photo interpreted, and concluded that the Akulikutak River was “navigable within the Village selection for Kwethluk Inc. (F-14883) in Sec. 13, T. 7 N., R. 68 W., SM (river mile 19). This land is located about nine miles upstream from the mouth of the Akulikutak at the Kwethluk River.”⁶ The BLM report quoted a local resident of Kwethluk as saying that “one is able to boat to at least 32 miles upstream or to the north base of Three Step Mountain during low water. Most people, however, use the Akulikutak River during fall when the river is deeper to reach hunting, fishing and food gathering areas.”⁷ (Attachment 5)

Gust Panos, BLM Chief of the Branch of Mapping and Science, issued a Navigable Waters memorandum on January 13, 1998, which listed the Akulikutak River as navigable throughout the entire Kwethluk village selection area (F-14883) in T. 7 N., R. 68 W., SM (river mile 19). The river was not found navigable in T. 6 N., R. 67 W., SM.⁸ (Attachment 6)

In a February 7, 2007 Notice of Proposed Easements for Kwethluk Incorporated, K.J. Mushovic, a BLM Easement Coordinator, listed the Akulikutak River as a major waterway. The notice stated that “The Akulikutak River was determined to be a navigable waterway.”⁹ (Attachment 7)

The BLM’s Master Title Plat (MTP) depicts the Akulikutak River as meandered only in T. 8 N., R. 68 W., SM using the autosurveyor method. Within the other townships that the Akulikutak River flows through, the river is depicted by a single line or is not depicted.¹⁰ (Attachment 8)

Summary of Navigability Determinations: Navigability determinations for the Akulikutak River are summarized below in Table 1 and shown in Figure 5. On October 19, 1976, the BLM issued a Notice of Proposed Easements for the Kwethluk Village selection area listing the Kwethluk River and selected other water bodies navigable, but made no mention of the Akulikutak River. When the BLM issued a DIC for the Kwethluk Village selection area on March 7, 1979, the Akulikutak River was not depicted as navigable or tidal. On July 12, 1979, the BLM conveyed the lands in the Kwethluk Village selection area. The BLM depicted the Akulikutak River on the IC maps, but the river was not indicated as being navigable or tidally influenced. A January 13, 1998 BLM Navigable Waters memorandum listed the Akulikutak River as navigable throughout the entire Kwethluk Village selection area in T. 7 N., R. 68 W., SM, (river mile 19). On February 7, 2007, a BLM Notice of Proposed Easements for Kwethluk Incorporated listed the Akulikutak River as a major waterway and stated that the Akulikutak River had been determined to be navigable.

Table 1. Summary of Navigability Determinations on the Akulikutak River

Dates	River Section	Type Decision and Substance	Navigability Criteria
10/19/76 Attachment 1		Notice of Proposed easements did not list the Akulikutak River as a navigable water body.	
3/7/79 Attachment 2		DIC for Kwethluk Incorporated did not depict the Akulikutak River as navigable.	
7/12/1979 Attachment 3		IC Nos. 213 and 214 did not depict the Akulikutak River as navigable.	
1/13/1998 Attachment 6	Lower	Navigable Waters Memo listed the Akulikutak River as navigable throughout the Kwethluk selection area in T. 7 N., R. 68 W., SM, (river mile 19).	Susceptibility to Travel, Trade and Commerce.
2/7/2007 Attachment 7		Notice of Proposed Easements for Kwethluk Incorporated listed the Akulikutak River as a major waterway and stated that the river was determined to be a navigable waterway.	

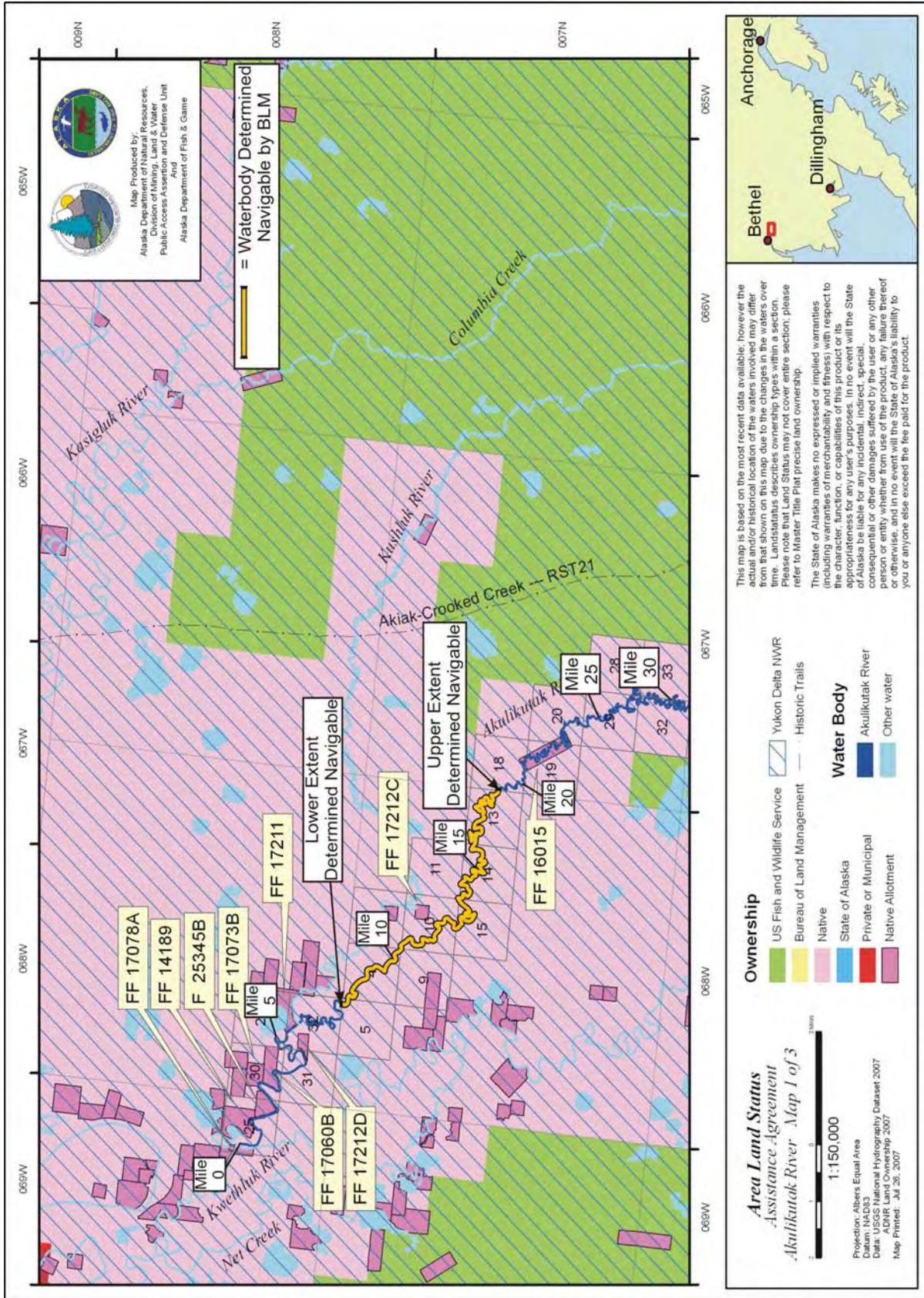


Figure 5. BLM navigability determinations on the lower portion of the Akulikutak River.

IV. Physical Character of the Waterway

The Akulikutak River is 89 miles long and drains an area of 200 square miles. The river heads in an unnamed mountain in Sec. 29, T. 5 N., R. 64 W., SM, south of Shining Dome Mountain and west of the Kilbuck Mountains. The river's headwaters are at approximately 800 feet of elevation above sea level. There are no lakes or glaciers that head the Akulikutak River. The river flows generally northwest into the Kwethluk River in Sec. 25, T. 8 N., R. 69 W., SM, approximately 15 miles east of Bethel. Much of the river is narrow and sinuous. The Akulikutak River varies in width from 15 to 35 feet. The depth ranges from 1 to 6 feet. The river has an average gradient of 19 feet per mile and has a sandy gravel bottom.¹¹ (Attachment 5) In the river's lower reaches, there is heavy vegetation along the banks consisting of grass, brush and willow.¹² (Attachment 4)

The BLM's Laura Lagstrom described the Akulikutak River from its mouth at river mile 0 to Sec. 13, T. 7 N., R. 68 W., SM (river mile 19) as deep enough for navigation, and free of obstruction in a 1997 field trip report from an over flight. She described three air miles past river mile 19 as being much narrower and significantly more sinuous. She described the mouth of the Akulikutak River as 20 to 25 feet wide.¹³ (Attachment 4) The width at river mile 40 was reported at 15 feet. The depth of the river was reported at 1 to 3 feet at its lowest at river mile 30. During periods of high water near the end of August and the beginning of September the river can reach depths of 5 to 6 feet up through river mile 65.¹⁴ (Attachment 5) No determinations of tidal influence have been found in BLM files.

The Kushluk River is the only major tributary of the Akulikutak River.¹⁵ The Kushluk River is 40-miles long¹⁶ and is a right bank tributary; its confluence with the Akulikutak River is between river miles 5 and 6. The Kushluk River meanders generally west and is slow moving. The river is 30 feet wide from miles 0 to 6 and approximately 132 feet wide at mile 6. Beginning at mile 10, impediments to navigability include shallow water, underwater logs, beaver dams, and fallen trees. The depth was not recorded, but the river was reported as deep enough for boat use up to mile 6. From mile 6 to mile 10 the river was reported to be deep enough to boat in the spring and fall during periods of high water. The vegetation along the Kushluk River is primarily birch trees and tundra.¹⁷ (Attachment 9) The river heads at around 200 feet above sea level, drains an area of approximately 290 square miles, and has an average gradient of 6 feet per mile.¹⁸

The Akulikutak River is within the transitional climate zone, which is between the maritime and continental climatic zones. This transition zone in the Yukon-Kuskokwim Delta area extends 100 to 150 miles inland.¹⁹ No weather-gathering stations are located along or near the Akulikutak River. The nearest station is at Bethel, about 20 miles from the river. The average annual precipitation at the Bethel weather station is approximately 16 inches.²⁰ No hydrological data was found for the Akulikutak River.

No obstructions to navigation have been reported for the Akulikutak River to river mile 19. The river is deep enough at the end of August and beginning of September to be boatable to river mile 65.²¹ (Attachment 5) The Akulikutak River appears to be in its natural and ordinary condition from the time of statehood.

V. Evidence of Use

Native Use of the Akulikutak River Prior to Statehood

Eskimos have used rafts on the Kwethluk River for hundreds of years to return from the mountains after spring hunts. Prehistoric hunting camps, lookouts and ancient stone fences used to guide the caribou to areas where they could be harvested are scattered throughout the Kuskokwim Mountains in the headwaters of the Kwethluk and Kisaralik rivers.²² The core caribou hunting areas of Kwethluk hunters have been and continue to be at the headwaters of the Kisaralik, Kwethluk, Kasigluk, Akulikutak and Aniak rivers. Spring hunting camp in the mountains was an important part of the seasonal round for generations of Kwethluk and Akiak Natives. Before white men and motor boats, the Eskimos took their families by dogsled to the headwaters of the Kisaralik, Kwethluk and Akulikutak rivers in the early spring. After spending weeks catching parka squirrels and caribou, they constructed large skin boats. After breakup, they floated down the river in the skin boats, transporting meat, skins, sleds, dogs, tools and their families from their spring hunting sites on the upper Kwethluk and Kisaralik Rivers to their summer village sites near the Kuskokwim.²³

Willie Andrew, a long-time Kwethluk resident, recalled that during March and April in the 1920s, villagers including his uncle traveled to their spring camps by dog team to hunt. Near the end of May, they descended the river in a skin boat.²⁴ (Attachments 10 and 11) John Andrews of Bethel stated in an interview with the BLM in March 1998 that families, beginning around 1920, would leave the villages around the end of March or the beginning of April and travel by dog team or sometimes by foot to their spring camps in the Eek and Kilbuck mountains. They usually stopped along the way at places such as Old Corral, which is off the Akulikutak River, or at the junction of Crooked Creek and Kwethluk River, where they would stay a week or so hunting before continuing to their spring camps. They hunted bear and caribou and trapped beaver, ptarmigan, ground squirrel and fish in the lakes. Near the latter part of May, they began floating downstream, which took several days, using wooden framed boats covered with caribou or moose skins. Andrews remembered their boat being covered by three brown bear hides. Bear hides were more desirable since they did not puncture as easily as moose or caribou hide. The families drifted and paddled downstream and camped near the mouth of Crooked Creek, Devil's Elbow and Three Step Mountain. Before outboard motors were available, the families would drift all the way to the villages.²⁵ (Attachment 11)

Native Use of the Akulikutak River Documented in Native Allotment Files

The BLM began collecting information in the 1970s to adjudicate Native allotment applications filed by local Natives that have fished, hunted and picked berries along the Akulikutak River. The Natives accessed favorite spots along the river for hunting, trapping, fishing and berry picking. These favorite spots, through custom and use, developed into exclusive use areas. The federal government adjudicated many of these allotments and transferred title to the parcels to the applicants. Six individuals filed Native allotment applications for six parcels on the portion of the Akulikutak River between river mile 0 and river mile 61.

Native allotment files for these six allotments indicate that three of the allotments were used year round; one allotment was used in summer, fall and winter; one allotment was used in winter and spring; and one allotment was used in fall. Documents in all of these Native allotment files, including application forms and BLM field inspection reports, indicate that the applicants accessed their parcels during the open season (when the water body was not frozen). None of the files indicate the means of access to the parcels.

Wassillie Epchook of Kwethluk filed an application on August 27, 1971 for a 160-acre Native allotment (FF-14189) in Secs. 24 and 25, T. 8 N., R. 69 W., SM, on the right bank of the Akulikutak River (river mile 1). Epchook began using his parcel (Figure 6) in 1939 for late summer and fall hunting, fishing and berry picking.²⁶ Neither the allottee's application nor the inspection report contained any indication of how Wassillie Epchook accessed his parcel.²⁷



Figure 6. The Akulikutak River at river mile 1 at Wassillie Epchook's Native allotment (FF-14189). Photo by Sarah C. Baker, August, 1974, BLM files, FF-14189, National Archives and Records Administration (NARA), Anchorage.

Nick Evan (deceased) of Kwethluk filed an application on March 28, 1972 for a Native allotment split into two parcels. The parcel on the Akulikutak River is 119.9 acres (FF-17060-B) and lies in Secs. 29 and 30, T. 8 N., R. 68 W., SM, on the right bank of the Akulikutak River (river mile 3). Evan began using the parcel in 1957 for winter and spring hunting, fishing and trapping.²⁸ Neither the allottee's application nor the inspection report contained any indication of how Nick Evan accessed his parcel.²⁹

Betty A. Guy of Kwethluk filed an application on March 30, 1972 for a 139.98 acre Native allotment (FF-17211) in Secs. 28, 29, 32 and 33, T. 8 N., R. 68 W., SM, on the right bank of the Akulikutak River (river miles 5-6). Guy began using the parcel (Figure 7) in 1945 for summer, fall and winter fishing, hunting and berry picking.³⁰ Neither the allottee's application nor the inspection report contained any indication of how Betty A. Guy accessed her parcel.³¹



Figure 7. The Kushluk River (right side) flowing into the Akulikutak River (bottom) between river miles 5 and 6 at Betty A. Guy's Native allotment (FF-17211). Photo by Joe Labay, August, 1974, BLM files, FF-17211, NARA, Anchorage.

Evan Paul Sr. of Kwethluk filed an application on March 20, 1972, for a 160 acre Native allotment (FF-16015) in Secs. 18-20, T. 7 N., R. 67 W., SM, straddling the Akulikutak River (river miles 20-23). Paul began using the parcel (Figure 8) year round in 1940 for hunting, trapping and fishing.³² Neither the allottee's application nor the inspection report contained any indication of how Evan Paul Sr. accessed his parcel.³³



Figure 8. The Akulikutak River near river mile 23 at the Native allotment of Evan Paul, Sr. (FF-16015). Photo by Joe Labay, August 9, 1974, BLM files, FF-16015, NARA, Anchorage.

John W. Andrew of Kwethluk filed an application on July 27, 1972 for a Native allotment split into two parcels. The parcel on the Akulikutak River is 40 acres (FF-19254-C) and lies in Secs. 4 and 5, T. 5 N., R. 66 W., SM, on the right bank of the Akulikutak River (river mile 55). Andrew began using the parcel year round in 1960 for trapping, fishing and berry picking.³⁴ Neither the allottee's application nor the inspection report contained any indication of how Andrew accessed his parcel.³⁵

Jacob Jackson (deceased) of Kwethluk filed an application on March 20, 1972 for a 159.97-acre Native allotment (FF-16010) in Secs. 15 and 22, T. 5 N., R. 66 W., SM, straddling the Akulikutak River (river mile 60). Jackson began using the parcel year round in 1930 to hunt and trap.³⁶ Neither the allottee's application nor the inspection report contained any indication of how Jackson accessed his parcel.³⁷

A BLM interviews report dated December 8, 1997, revealed that local residents used the Kwethluk River to reach the Akulikutak River and boated up the Akulikutak during August and in spring. Six people interviewed, including Native allotment owner John Andrew, stated that the Akulikutak River was boat-able to a point near Three Step Mountain (river mile 32, Sec. 21, T. 6 N., R. 67 W., SM) during low water stages, and beyond that up to "Reindeer Corral" (river mile 48, T. 5 N., R. 66 W., SM) and Coral Creek (Sec. 26, T. 5 N., R. 66 W., SM) during high water stages.³⁸ Those interviewed indicated that they commonly used boats with outboard motors and jet boats on the river. They also said the river was used annually for travel, fishing and hunting, but not for any "guiding" or "commercial activity."³⁹ (Attachment 12)

Other Native Use of the Akulikutak River since Statehood

The core caribou hunting areas used by Kwethluk hunters lie at the headwaters of the Kwethluk, Kisaralik, Kasigluk, Akulikutak and Aniak rivers (Figure 9). During the 1980s, caribou were harvested from mid-August through mid-May. Families traveled to hunting camps located in the upper Kwethluk and Kisaralik river valleys in April and August. From these camps they harvested a variety of wild resources, including caribou. "In spring, hunters at mountain camps sometimes returned to Kwethluk using skin boats which they built using hides of caribou, brown bear, or moose," according to Alaska Department of Fish and Game (ADF&G) Subsistence Specialist Mike Coffing. "This mode of transportation, which has been used by people hunting in the mountains for many years, was still sometimes used in spring from 1986 to 1991. Between one to three skin boats were built each year, however, some years skin boats were not used."⁴⁰

Men sometimes pulled small aluminum boats 12 to 16 feet long up the frozen Kwethluk River in the spring, using snow machines or all-terrain vehicles, to areas where there are open channels and enough water to use them. As the ice on the rivers in the Kwethluk region melts, narrow channels of open water appear along its edge, permitting hunters in small boats with outboard motors to travel to spring camps and hunting areas along the Kwethluk and Akulikutak rivers. During spring breakup, much of the surrounding lowland floods and becomes accessible by small boats. This is a good time for muskrat hunting.⁴¹

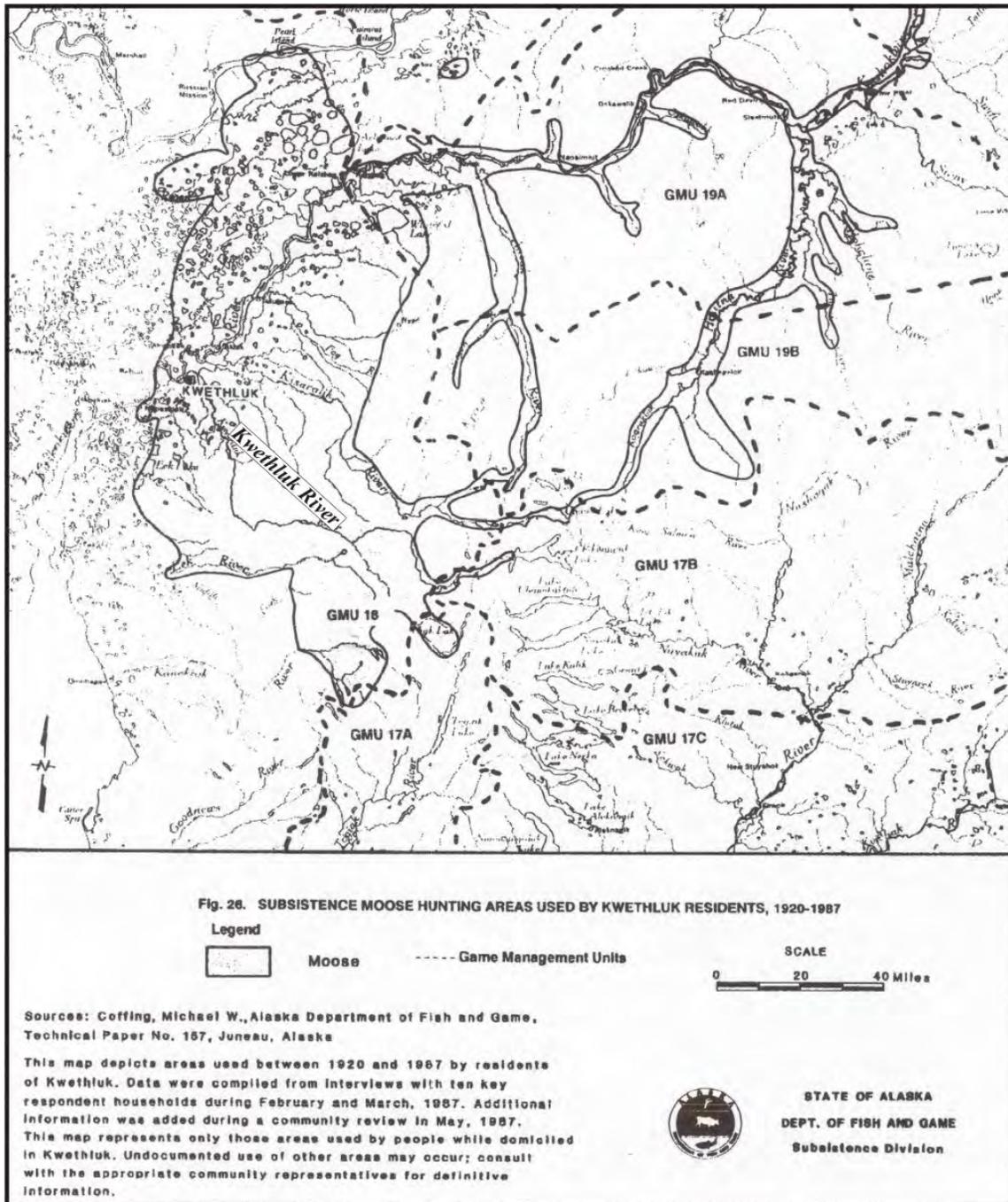


Figure 9. Map showing subsistence moose hunting areas used by Kwethluk residents, 1920-1987. Reprinted from Coffing, *Kwethluk Subsistence*, p. 147.

Because the Kwethluk River is free of ice before the Kuskokwim River, families having fish camps along the Kwethluk River were generally able to travel to camp to begin preparing for the upcoming fishing season as early as mid-May. The majority of fish camps in 1986 were located within eight miles of Kwethluk village. The fishing camp most distant from the village was located 14 miles from the community along the Akulikutak River. A boat was necessary for

accessing most of the camps from Kwethluk. Some fish camps occupied during 1986 had been in use consistently for several years, some longer than 50 years. Starting in the late 1950s, there has been a shift of camps, from along the main Kuskokwim River and Kuskokuak Slough, to along the Kwethluk River. The primary reason for the shift was erosion, but the desire to be close to other families and nearer to Kwethluk for work or health related factors was another reason.⁴²

During June and July, Kwethluk villagers used boats to travel up the Kwethluk, Akulikutak and Kisaralik rivers to harvest salmon, grayling, rainbow trout, Dolly Varden and northern pike. They used rod-and-reel gear and traveled as far upriver as river mile 135 of the Kwethluk River. Kwethluk residents used set nets in the Kwethluk and Akulikutak rivers to harvest whitefish through much of September and into October.⁴³

In mid-July, people began to travel by river to berry picking areas to harvest salmon-berries and blueberries. Primary berry picking areas for Kwethluk residents included along the Kwethluk, Akulikutak and other drainages. Berry picking areas were accessed by boat and on foot. Families that were unable to harvest enough berries sometimes bought berries from other residents.⁴⁴

Kwethluk residents depend on the Akulikutak River to reach hunting, fishing and berry picking areas and to gather wood. Kwethluk residents boated up the Kwethluk River to river mile 13 and then up the Akulikutak River near the end of August when that river is five to six feet deep. This condition usually lasts between two and four weeks. They also use the Akulikutak River during the spring when ice dams on the Kuskokwim cause the Akulikutak to rise for three to four weeks. Most of those interviewed by the BLM were able to boat up the Akulikutak River to the north of Three Step Mountain in Sec. 21, T. 6 N., R. 67 W., SM (river mile 42). These residents used 18 to 24-foot boats with 40 to 50-horsepower propeller motors.⁴⁵ (Attachment 12) Kwethluk residents also traveled the 13 miles up the Kwethluk River, then up the Akulikutak and Kushluk rivers to reach berry picking, hunting and trapping and fishing grounds. Madrona Helmick has a Native allotment (F-17072-C) at river mile 6 of the Kushluk River. These Kwethluk residents use 18-foot Lund boats with 30 to 45-horsepower outboard motors to ascend the Kwethluk, Akulikutak and Kushluk rivers as far up as Sec. 3, T. 7 N., R. 68 W. SM., four miles upstream of Helmick's allotment.⁴⁶ (Attachment 12)

Kwethluk resident Richard Long told a BLM employee that he has to boat the Kwethluk and Akulikutak rivers, but he doesn't like going up either river because the channel changes every year, especially above Three Step and Elbow mountains.⁴⁷ (Attachment 11)

The BLM Navigable Waters Specialist Laura Lagstrom collected information on the Kwethluk and Akulikutak Rivers in the late 1990s. After she flew over two of the river's tributaries during September 1997, she noted that the Akulikutak River "is wide and free of any obstructions" through Sec. 13, T. 7 N., R. 68 W., SM. (river mile 19) and "appeared to be deep enough for navigation."⁴⁸ (Attachment 4)

Jane Angvik, Director of the Alaska State Division of Lands, summarized local and regional use of the Kwethluk River and its tributaries in a letter to BLM dated June 3, 1998. “Today, during the summer season,” she wrote,

boats are used on all the major rivers in the [Yukon Delta NW] refuge, including the Kwethluk. The most important use of these rivers is for travel. The lack of a road system within the refuge makes the locals even more dependent on the waterways to transport food and supplies. Locals use the rivers for hunting, fishing subsistence, and travel to fish camps, allotments, and between communities. All types of boats are used including riverboats, canoes and other small craft. The Kuskokwim, Kwethluk, and Kasigluk rivers are the most heavily used for commercial purposes, subsistence, and recreation. The Kwethluk, Kisaralik and Andreafsky rivers are the primary rivers used by non-local sport anglers. The Akulikutak and the Kushluk rivers are tributaries of the Kwethluk River. They also receive documented use.⁴⁹ (Attachment 13)

VI. Summary

The BLM made no determinations of navigability or tidal influence on the Akulikutak River in the documents leading up to the conveyance of the lands selected by Kwethluk Incorporated in 1979. A BLM navigable waters specialist observed in 1997 that the Akulikutak River appeared “deep enough for navigation” from its mouth to Sec. 13, T. 7 N., R. 68 W., SM (river mile 19). The same navigable waters specialist reiterated this opinion in 1998. A BLM navigable waters memorandum from 1998 listed the Akulikutak River as navigable throughout the Kwethluk selection area within T. 6 N., R. 67 W., SM (river mile 19). In 2007 a BLM notice of proposed easements for Kwethluk Incorporated listed the Akulikutak River as a major waterway by reason of having been determined navigable.

The Akulikutak River varies from 15 to 35 feet wide and 1 to 6 feet deep. The mouth of the river is 20 to 25 feet wide narrowing down to 15 feet through river mile 40. The river up through river mile 30 is typically 1 to 3 feet deep except at the end of August and the beginning of September, when it is 5 to 6 feet deep. A BLM Navigable Waters Specialist described the Akulikutak River as free of obstructions from its mouth to Sec. 13, T. 7 N., R. 68 W., SM (river mile 19). She also noted that the river is deep enough at the end of August and beginning of September to be navigable to river mile 65. This river appears to be in its natural and ordinary condition from the time of statehood.

There were two major types of use of the Akulikutak River during the historic period up to the time of statehood. The first type of use prior to statehood involved Native people floating down the river on skin boats after spring hunting in the core caribou hunting grounds at the headwaters of the Kisaralik, Kwethluk, Kasigluk, Akulikutak and Aniak rivers. The hunters traveled overland to the hunting grounds in March and April and then floated back down the river in May. The second type of use prior to statehood involved five local Natives with boats and outboard motors traveling upriver to their Native allotments.

There is only one type of documented use of the Akulikutak River in the years since statehood. The core caribou hunting grounds of Kwethluk Village remain at the headwaters of the Kwethluk, Kisaralik, Kasigluk, Akulikutak and Aniak Rivers. The hunters still travel to their caribou hunting camps in March and April and return in May. Skin boats were documented as being used up through spring of 1991. However, aluminum boats are now the most commonly used boats. Six Native allotment holders from Kwethluk Village have traveled up the Kwethluk and Akulikutak River in the spring and summer for purposes of fishing, berry picking and wood gathering, traveling as far up the Akulikutak River as Three Step Mountain (river mile 42).

Endnotes

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- ⁴ Robert D. Arnold, BLM Assistant to the State Director, ANCSA, Interim Conveyances 213 and 214, July 12, 1979, BLM files, FF-14883-A.
- ⁵ Laura Lagstrom, BLM Navigable Waters Specialist, Memorandum regarding Field Trip for Window 2029 Part 1, December 4, 1997, BLM files, FF-14883.
- ⁶ Laura Lagstrom, Navigability Report: Akulikutak River in Village Selection in F-14883. Mouth in Sec. 32, T. 8 N, R. 68 W., SM, Window 2029; Group Survey 284, January 9, 1998, BLM files, F-014824-EE.
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- ²⁰ <http://www.citytowninfo.com/places/alaska/bethel>.
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- ²² Robert Ackerman, "Southwestern Alaska Archaeological Survey," *National Geographic Research Reports-1978 Projects*, Vol. 19, 67-94; Robert Ackerman, *The Archaeology of the Central Kuskokwim Region*. A final Research Report to the National Geographic Society, Arctic Research Station, Laboratory of Anthropology, Washington State University, Pullman, 1981; Michael W. Coffing, *Kwethluk Subsistence: Contemporary Land Use Patterns, Wild*

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³⁹ John Andrew Interview, by Laura Lagstrom, Memorandum on Interviews for selected lands within Window 2029 Part I, December 8, 1987, p. 2, BLM files, FF-14824.

⁴⁰ Coffing, *Kwethluk Subsistence*, pp. 158, 161.

⁴¹ *Ibid.*, p. 68.

⁴² *Ibid.*, pp. 93-94, 96-98.

⁴³ *Ibid.*, pp. 101, 129 133, 137 and 141-142. For the extent of fishing trips up the Akulikutak River, see Coffing's Figure 22 for subsistence salmon fishing and Figure 25 for non-salmon subsistence fishing.

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⁴⁵ Lagstrom, Memorandum on Interviews for selected lands within [Survey] Window 2029, Part I, December 8, 1997, pp. 1-2, BLM files, FF-14824.

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