

Gweek River
HUC 30502, Zone 4, Kuskokwim River Region

Final
INTERIM SUMMARY REPORT

Prepared by Nicole Lantz, Historian
and
Edwin Shoaf, ACC, Historian

Office of History and Archaeology
Department of Natural Resources
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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: <http://www.dnr.state.ak.us/mlw/nav/naar/>. The views and conclusions contained in this document are those of the authors and should not be interpreted as representing the opinions or policies of the U.S. Government. Mention of trade names or commercial products does not constitute their endorsement by the U.S. Government.

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- Attachment 2.** Curtis V. McVee, BLM State Director, Final Easements for the Village of Tuluksak, June 9, 1981, BLM Files, F-14949-EE.
- Attachment 3.** Sandra C. Thomas, BLM Acting Chief, Branch of ANCSA Adjudication, Decision to Interim Convey (DIC) for the Village of Tuluksak, March 3, 1982, BLM Files, F-14949-EE.
- Attachment 4.** Robert D. Arnold, BLM Assistant to the State Director for Conveyance Management, Interim Conveyance Numbers (IC Nos.) 542 and 543, August 27, 1982, and Ramona Chin, BLM Acting State Director, Corrected IC 1997, June 27, 2006, BLM Files, F-14949-A.
- Attachment 5.** Denny Benson, BLM Easement Coordinator, Notice of Proposed Easement Recommendations and Request for Easement Nominations on Land Selected by Tulkisarmute Incorporated, August 31, 2005, BLM Files, F-14949-EE.
- Attachment 6.** Denny Benson, BLM Easement Coordinator, Final Easement Recommendation, December 29, 2005, BLM Files, F-14949-EE.
- Attachment 7.** Ramona Chin, Acting State Director, DIC for Tulkisarmute Incorporated, June 18, 2008, BLM Files, F14949-A.
- Attachment 8.** Robert L. Lloyd, BLM Chief of Land Transfer Adjudication, Patent No. 50-2008-420, July 13, 2008, BLM Files, F-14824-EE.
- Attachment 9.** Patrick C. Beckley, BLM Realty Specialist, Inland Navigable Waters, December 10, 1975, BLM Files, F-14824-EE.
- Attachment 10.** Curtis V. McVee, BLM State Director, Notice of Proposed Easement Recommendations for the Village of Akiak, May 17, 1977, BLM Files, F-14824-EE.
- Attachment 11.** Gina A. Kendall, BLM Land Law Examiner, DIC for Kokarmuit Corporation, December 31, 2008, BLM Files, F-14824-A.
- Attachment 12.** Robert L. Lloyd, BLM Acting Chief, Land Transfer Adjudication II, IC Nos. 2209 and 2210, March 4, 2009, BLM Files, F-14824-A.
- Attachment 13.** Patrick C. Buckley, BLM Realty Specialist, Memorandum on Easement Recommendations for the Village of Akiachak, December 12, 1975, BLM Files, F-14823.
- Attachment 14.** Curtis V. McVee, BLM State Director, Notice of Proposed Easement Recommendations for the Village of Akiachak, October 13, 1976, BLM Files, F-14823-EE.
- Attachment 15.** Fred E. Wolf, Associate, BLM Final Easements for Akiachuk Limited (Akiachak Village), June 22, 1982, BLM Files, F-14823-EE.

- Attachment 16.** Ann Johnson, BLM Chief, Branch of ANCSA Adjudication, DIC for Akiachuk Limited, June 29, 1982, BLM Files, F-14823-EE.
- Attachment 17.** Robert D. Arnold, BLM Assistant to the State Director for Conveyance Management, IC Nos. 618 and 619, December 30, 1982, and Ramona Chinn, BLM Acting State Director, Corrected IC Nos. 2027 and 2028, September 6, 2006, BLM Files, F-14823-A.
- Attachment 18.** Ann Johnson, Chief, BLM Branch of ANCSA Adjudication, IC Nos. 1027 and 1028, April 5, 1985, BLM Files, F-14823-A and Ramona Chin, BLM Acting State Director, Corrected IC 2029 and 2030, September 6, 2006, BLM Files, F-14823-A
- Attachment 19.** Denny Benson, BLM Easement Coordinator, Notice of Proposed Easement Recommendations and Request for Easement Nominations on Land Selected by Akiachuk Limited, October 12, 2005, BLM Files, F-14823-EE.
- Attachment 20.** KJ Mushovic, BLM Easement Coordinator, Final Easement Recommendations and Patent Easement Review for Lands to be Conveyed to Akiachuk, Limited on Behalf of the Native Village of Akiachak, April 11, 2006, BLM Files, F-14823-EE.
- Attachment 21.** Richard Thwaites, BLM Chief, Land Transfer Adjudication II Branch, IC Nos. 2278 and 2279, September 21, 2009, BLM Files, F-14823-A.
- Attachment 22.** Gerald W. Zamber, BLM Acting Chief, Division of ANCSA Operations, DIC to Bethel Corporation, August 30, 1978, BLM Files, F-14838-A.
- Attachment 23.** Robert D. Arnold, BLM Assistant to the State Director for ANCSA Operations, IC Nos. 142 and 143, January 12, 1979, and Krissell Crandall, BLM Chief, Branch of Adjudication I, Corrected IC Nos. 1968 and 1969, April 11, 2006, BLM Files, F-14838-A.
- Attachment 24.** Frank A. Stefanich, BLM Access Project Leader Habitat Protection Section, Letter Regarding Tidal Influence on the Kuskokwim River and Several Tributaries, May 9, 1977, BLM Files, F-14901.
- Attachment 25.** Wayne A. Boden, BLM Deputy State Director for Conveyance Management, Memorandum on Navigable Waters in Group Survey 254 (Window 1834), May 8, 1989, BLM Files, F-14949-EE.
- Attachment 26.** Wayne A. Boden, BLM Deputy State Director for Conveyance Management, Memorandum on Navigable Waters in Group Survey No. 268, May 8, 1989, BLM Files, F-14838.
- Attachment 27.** C. Michael Brown, BLM Navigable Waters Specialist, Letter to Mr. Michael B. Rearden, December 13, 1995, BLM Files,
- Attachment 28.** Dominica VanKoten, BLM Chief, Navigability Section, Navigable Waters within ANCSA-Selected and Interim Conveyed lands in the Akiak-Akiachak Village Project Area, March 14, 2006, BLM Files, F-14823-A.
- Attachment 29.** Dominica VanKoten, BLM Chief, Navigability Section, Navigable Waters within the Tuluksak Village Project Area, August 15, 2006, BLM Files, F-14949-A.

- Attachment 30.** MTP's, T. 09 N., R. 70 W., T. 09 N., R. 69 W., T. 10 N., R. 68 W., T. 10 N., R. 69 W., T. 11 N., R. 68 W., T. 11 N., R. 69 W., T. 12 N., R. 67 W., T. 12 N., R. 68 W., T. 13 N., R. 64 W., T. 13 N., R. 65 W., T. 13 N., R. 65 W., T. 13 N., R. 66 W., T. 13 N., R. 67 W., T. 14 N., R. 64 W., T. 13 N., R. 65 W., SM.
- Attachment 31.** Edgar A. Earhart, BLM Realty Specialist, Interviews for Group Survey 254 (Window 1834), August 4, 1988, BLM Files, F-14949-EE
- Attachment 32.** Dorothy Tideman, BLM Land Law Examiner, Interviews for Group Survey No. 268, (Window 1836) March 14, 1989, BLM Files, F-14838.
- Attachment 33.** Laura Lagstrom, BLM Navigable Water Specialist, Interviews Nunapitchuk Window, 2001, March 21, 2001, BLM Files, F-14838.

Gweek River

HUC 30502, Zone 3, Kuskokwim River Region

II-B Interim Summary Report

I. Introduction

Gweek River is located in the Kuskokwim Delta Region, in the southeast section of Zone 4 within HUC 30502 (Figure 1). Gweek River, an anabranch, originates from the Kuskokwim River approximately six air milesⁱ southwest of Akiachak. The Yupik name for the river is *Kuik*. It flows for 94 milesⁱⁱ southwest where it rejoins the Kuskokwim River. The river drains the surrounding wetlands in the southcentral portion of the Yukon Delta National Wildlife Refuge (Yukon Delta NWR). Bethel is the nearest regional hub.

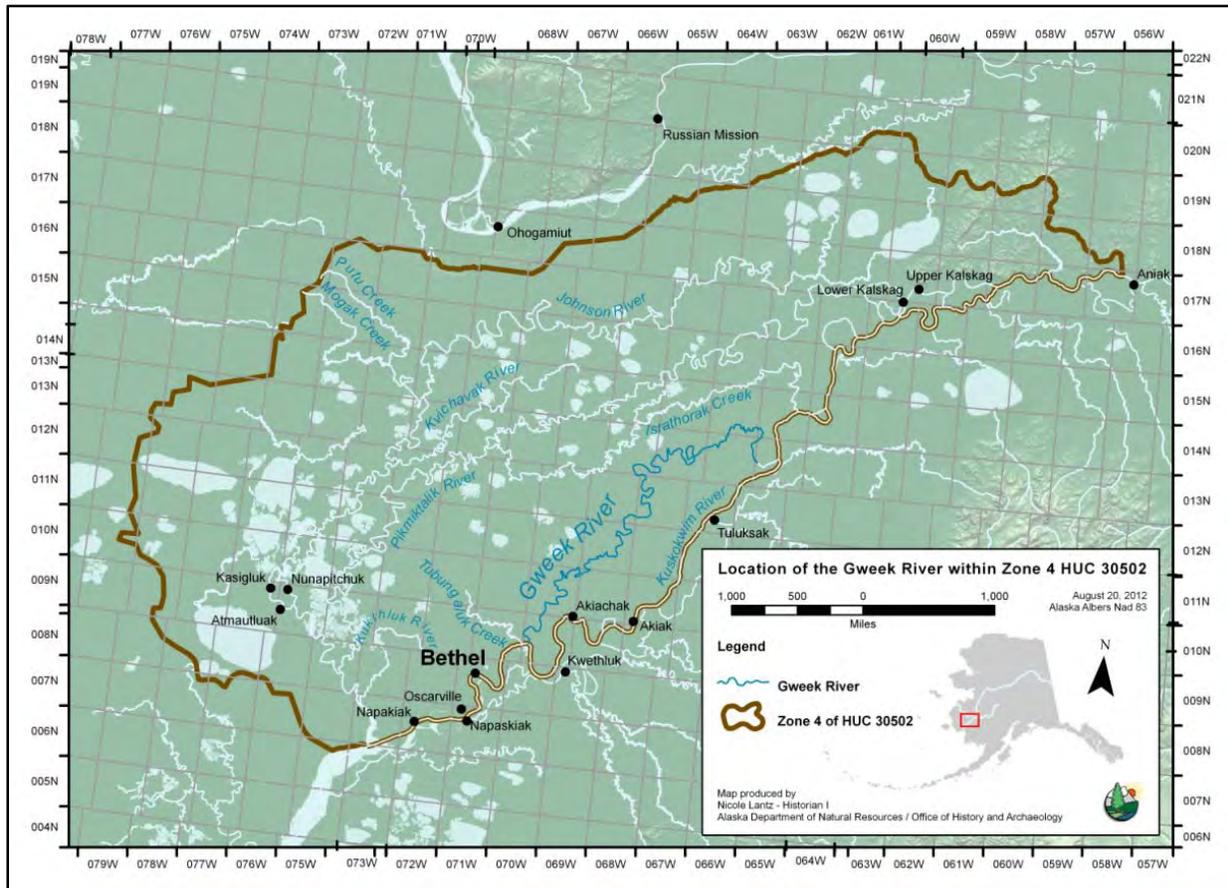


Figure 1. Map showing the location of Gweek River within Zone 4 of HUC-30502 of the Kuskokwim River Region.

ⁱ Air mile measurements in this report are based on Geographic Information System (GIS) calculations.

ⁱⁱ River mile markers used in this report are based on Geographic Information System (GIS) calculations using the National Hydrography Data Set which was derived from U.S. Geological Survey quadrangle maps. The river mile marker system used in this report may be different than river mile markers found in BLM/ANILCA documents, which may be based on air miles between points rather than distances along the river bed of the main channel.

The Gweek River crosses Native Corporation, Native allotment, and Yukon Delta NWR lands. There are 30 Native allotments along the banks of the Gweek River. The river crosses 14 townships in the Seward Meridian (SM).

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

T. 13 N., R. 64 W., SM	T. 13 N., R. 67 W., SM	T. 10 N., R. 68 W., SM
T. 13 N., R. 65 W., SM	T. 12 N., R. 67 W., SM	T. 10 N., R. 69 W., SM
T. 14 N., R. 64 W., SM	T. 12 N., R. 68 W., SM	T. 9 N., R. 69 W., SM
T. 14 N., R. 65 W., SM	T. 11 N., R. 68W., SM	T. 9 N., R. 70 W., SM
T. 13 N., R. 66 W., SM	T. 11 N., R. 69W., SM	

II. Land Status

The Gweek River flows within Native village corporation lands and within the boundaries of the Yukon Delta NWR. There are 30 Native allotments that are on or near the Gweek River. (Figure 2-4).

In 1909 a federal withdrawal of lands within the present day Yukon Delta NWR created a preserve and breeding ground for birds. The federal government continued to add lands to the preserve through 1961. In 1980, under the Alaska National Interest Lands Conservation Act (ANILCA), the existing preserve was expanded and transferred to the federal refuge system creating the Yukon Delta NWR.¹ The expanded withdrawal included the Gweek 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.

The Alaska Native Claims Settlement Act (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 the conveyance of over 44 million acres of land in Alaska to be distributed among these corporations based on population and other established principles. The 13th Native Corporation was not entitled to land conveyances as it was formed for Alaska Natives who were not residents of the State of Alaska. For the conveyed lands, the village corporations are entitled to the surface estate and the regional corporations are entitled to the subsurface estates. The Gweek River is located along lands selected by and conveyed to four different village corporations; Tulkisarmute Incorporated (for the village of Tuluksak), the Kokarmuit Corporation (for the village of Akiak), Akiachuk Limited (for the village of Akiachak), and the Bethel Native Corporation (for the village of Bethel). The Calista Corporation is the regional Native Corporation for the middle Kuskokwim River villages.

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, 1971.²

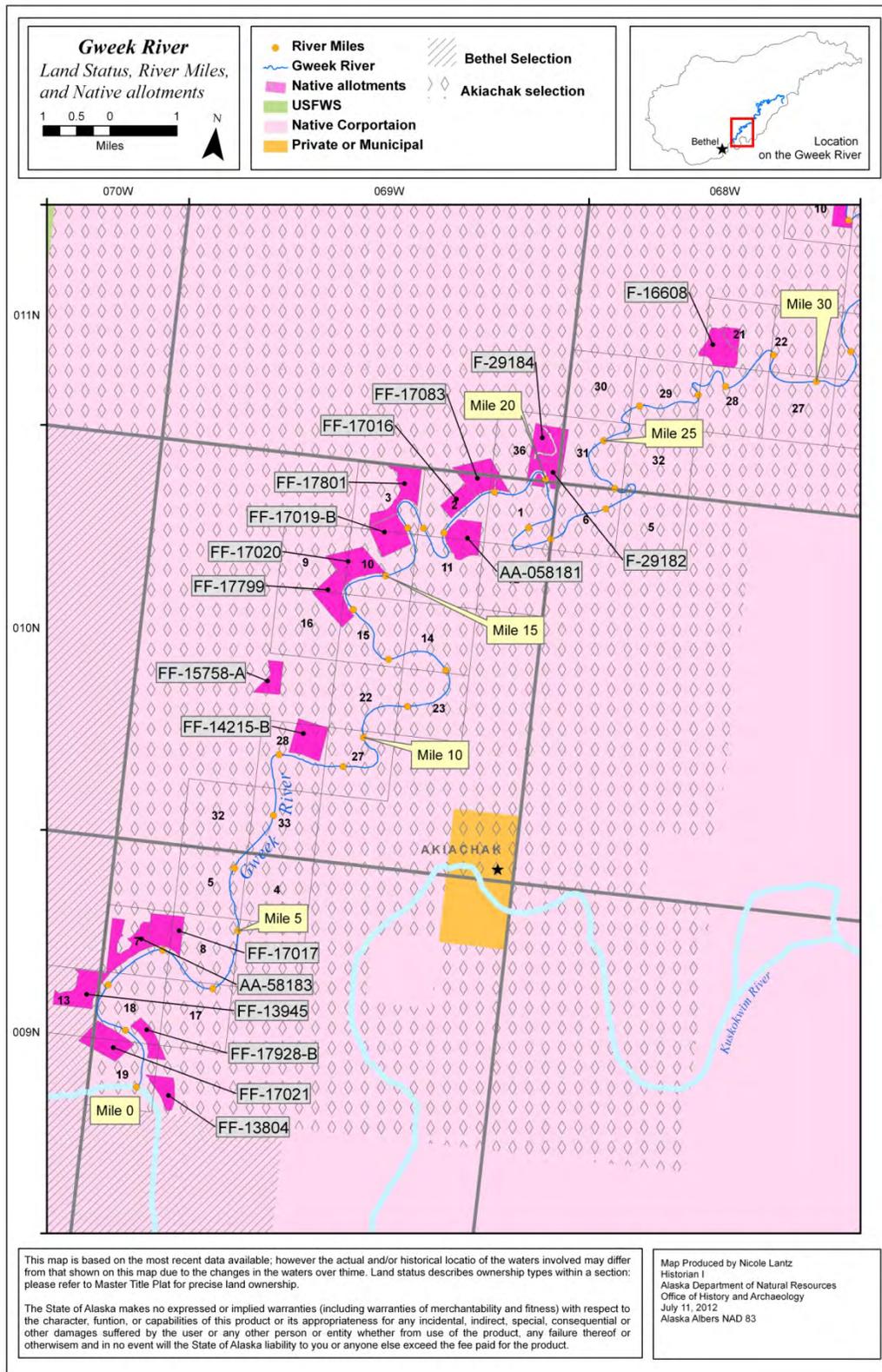


Figure 2. Map of the lower Gweek River, river mile 0-30, showing land status, Native allotments, and village selection areas.

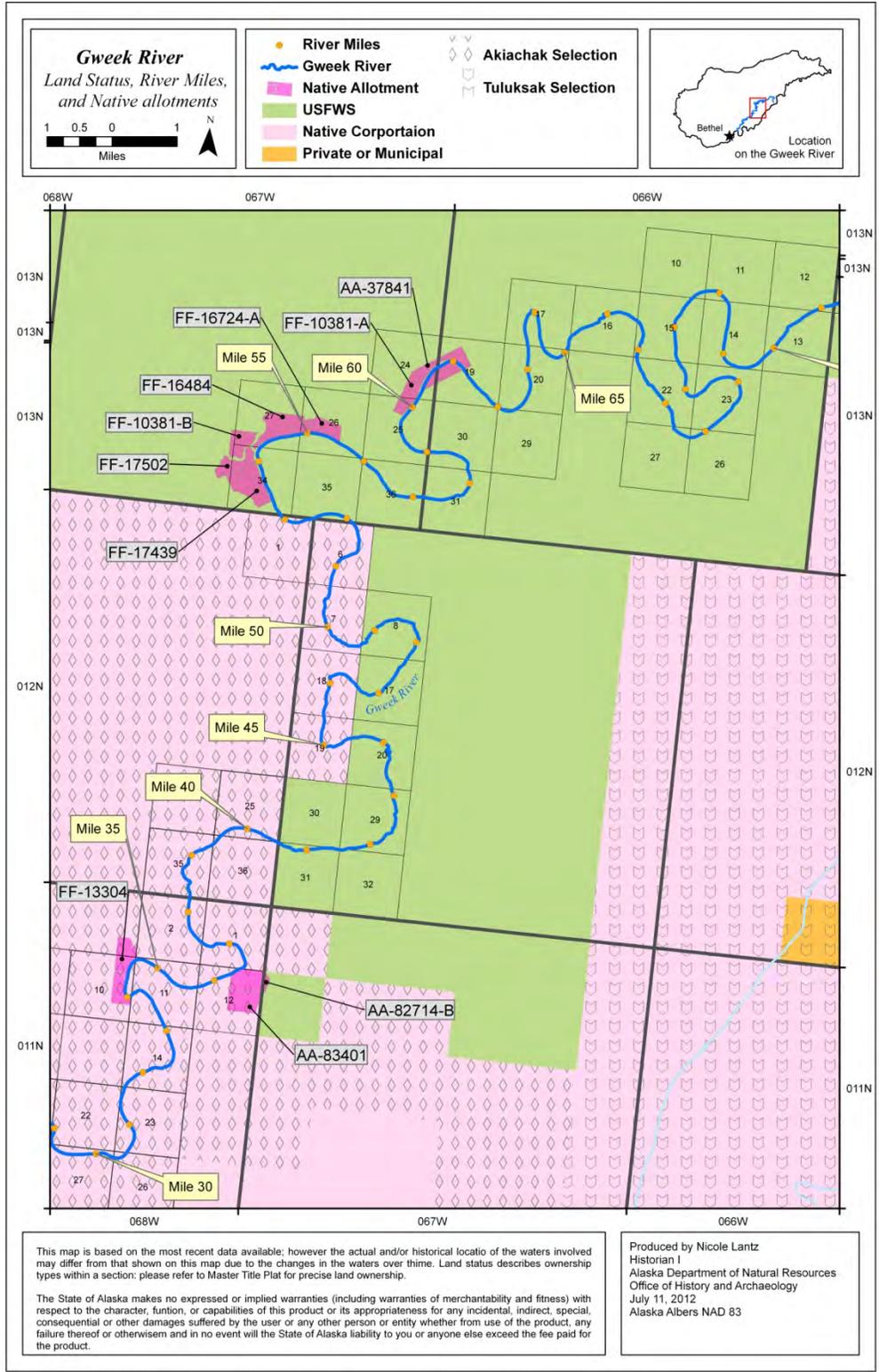


Figure 3. Map of the middle Gweek River, river mile 30 to 75, showing land status, Native allotments, and village selection areas.

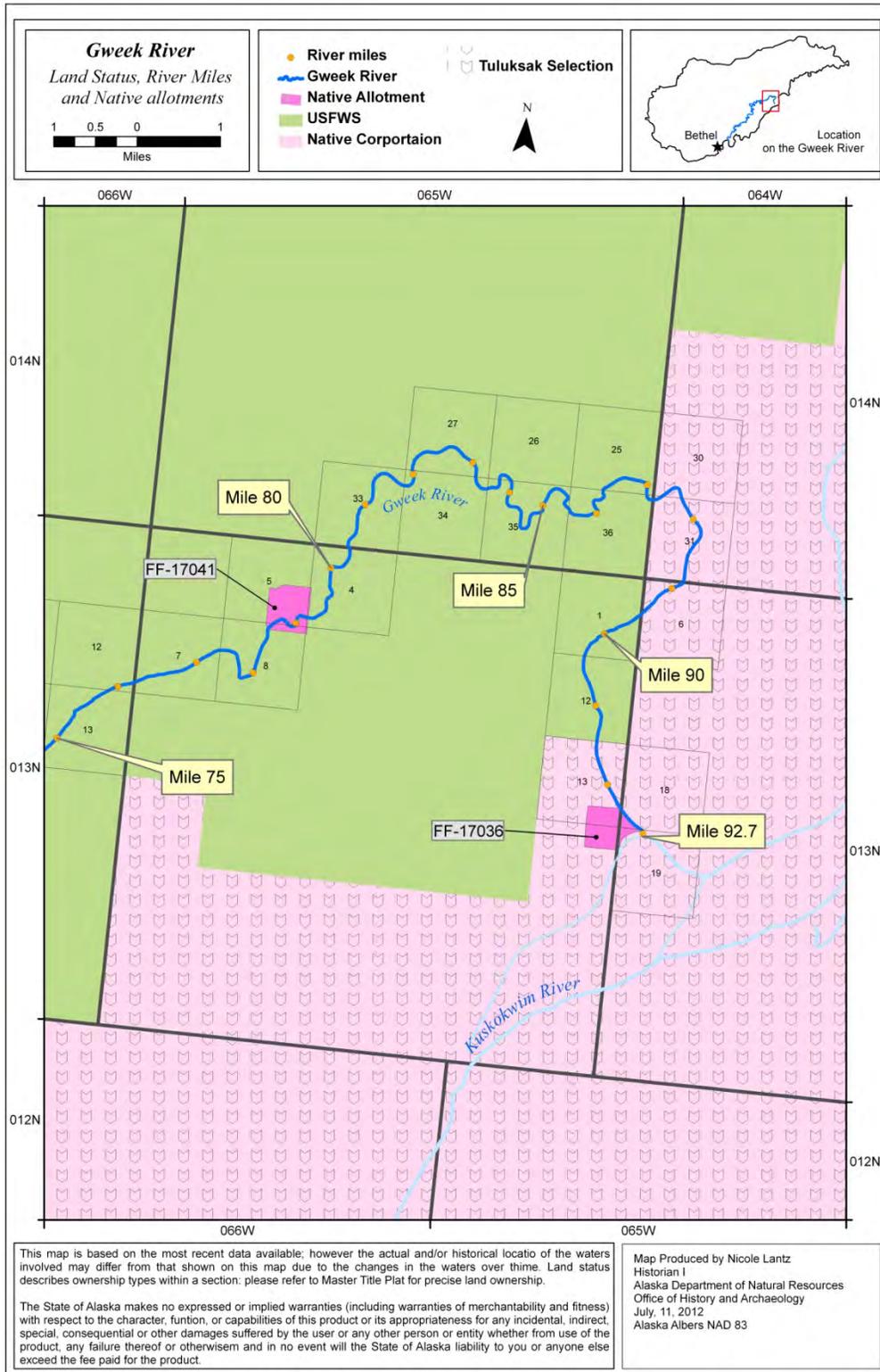


Figure 4. Map of the upper Gweek River, river mile 75 to 92.7, showing land status, Native allotments, and village selection areas.

III. BLM Navigability Determinations

The following summary of ANCSA conveyance documents and navigability determinations for the Gweek River are grouped by village corporation.

Tuluksak Selection

The village of Tuluksak selected lands along the upper portion of the Gweek River. Curtis V. McVee, the BLM State Director, issued a Notice of Proposed Easement Recommendations for the Village of Tuluksak on August 24, 1976. McVee determined that the Gweek River was “not navigable and not subject to tidal influence.” For public access, he recommended “a 25-foot continuous shoreline easement along both sides of the Gweek River upland of and parallel to the mean high-water line.”³ (Attachment 1)

On June 9, 1981, the BLM State Director issued the Final Easements memorandum for the Village of Tuluksak. McVee determined the Gweek River to be a major waterway that provided access to public lands. He also determined the Gweek River navigable “due to present and historic uses in connection with travel in trade and commerce... from where it flows from and back into the Kuskokwim River (river miles 0-92.7).”⁴ (Attachment 2)

On March 3, 1982, Sandra C. Thomas, the BLM Acting Chief of the Branch of ANCSA Adjudication, issued a Decision to Interim Convey (DIC) to Tulkisarmute Incorporated for lands adjacent to the Gweek River within Secs. 18 and 19, T. 13 N., R. 64 W., and Sec. 13, T. 13 N., R. 65 W., SM. Excluded from these conveyances were submerged lands up to the ordinary high water mark, beneath all water bodies determined by the BLM to be navigable due to travel, trade, and commerce. These lands were identified in navigability maps that show the Gweek River as navigable from its head at the Kuskokwim River downstream through Sec. 31, T. 12 N., R. 67 W., SM, minus the portion of the river that flows through T. 14 N., R. 64 W., and T. 14 N., R. 65 W., (river miles 40.5-80.4 and 89.5-92.7).⁵ (Attachment 3)

On August 27, 1982, Robert D. Arnold, the BLM Assistant to the State Director for Conveyance Management issued Interim Conveyance (IC) No. 542. This IC conveyed the surface estate to Tulkisarmute Incorporated. The subsurface estate was conveyed to Calista Corporation in IC No. 543. The conveyed lands adjacent to the Gweek River included Secs. 18 and 19, T. 13 N., R. 64 W., and Sec. 13, T. 13 N., R. 65 W., SM. The attached navigability maps show the Gweek River as Navigable from its head at the Kuskokwim River downstream through Sec. 31, T. 12 N., R. 67 W., SM, minus the portion of the river that flows through T. 14 N., R. 65 W., (river miles 40.5-80.4 and 87.2-92.7) due to travel, trade, and commerce (river miles 55-92.7).⁶ Corrected IC No. 1997 was issued on June 27, 1997. The corrected IC was issued to exclude specific parcels from lands transferred by IC 542. (Attachment 4)

Denny Benson, the BLM Easement Coordinator for the Branch of Land Transfer Services, issued a Notice of Proposed Easement Recommendations for the village of Tuluksak on August 31, 2005.⁷ Benson identified the Gweek River as a major waterway. (Attachment 5)

On December 29, 2005, the BLM Easement Coordinator issued a Final Easement Recommendation for the village of Tuluksak. In the memorandum Benson listed the Gweek River as a major waterway.⁸ (Attachment 6)

On June 18, 2008, Ramona Chin, acting as BLM State Director, issued a DIC to Tulkisarmute Incorporated. Lands identified for patent along the Gweek River were in Sec. 30 and 31, T. 14 N., R. 64 W., SM and Sec. 6, T. 13 N., R. 64 W., SM. Chin determined the Gweek River navigable within the identified lands to be patented (river mile 87 to river mile 89.5). (Attachment 7)

On July 30, 2008, Robert L. Lloyd, a BLM Chief of Land Transfer Adjudication, issued Patent No. 50-2008-0420 to Tulkisarmute Incorporated. This document patented lands along the Gweek River in Sec. 30 and 31, T. 14 N., R. 64 W., SM and Sec. 6, T. 13 N., R. 64 W., SM. (river mile 87 to river mile 89.5) (Attachment 8)

Akiak Selection

On December 10, 1975, BLM Realty Specialist Patrick C. Beckley issued a memorandum on Inland Navigable Waters in the Akiak selection area. Beckley stated that: “The Gweek River, in this selection area, is not navigable nor subject to tidal influence.”⁹ (Attachment 9)

The BLM State Director, Curtis V. McVee, issued a Notice of Proposed Easement Recommendations for the Village of Akiak on May 17, 1977. McVee did not list the Gweek River as navigable or recommend an easement along the Gweek River. McVee stated that an easement on both banks and the bed of the Gweek River was not considered because it was located outside the selection area. McVee stated that the Gweek River “is recognized for its highly significant use.”¹⁰ (Attachment 10)

Gina A. Kendall Land Law Examiner Land Transfer Adjudication II issued a DIC for the remaining land in the Akiak selection area on December 31, 2008. Land adjacent to the Gweek River conveyed by this DIC is in Sec. 12, T. 11 N., R. 68 W., SM excluding Native allotments AA-82714 and AA-83401. The DIC listed the Gweek River as a navigable water body within the lands approved for conveyance (river mile 35.7 to river mile 36.4). There were no navigability maps attached to this DIC.¹¹ (Attachment 11)

Robert L. Lloyd, Acting Chief of Land Transfer Adjudication II for the BLM, issued IC No. 2209 on March 4, 2009. This IC conveyed the surface estate of selected lands identified in the DIC from December 31, 2008 to the Kokarmuit Corporation for the village of Akiak. The subsurface estate was conveyed to Calista Corporation in IC No. 2210. Lands conveyed adjacent to the Gweek River were in Sec. 12, T. 11 N., R. 68 W., SM (river mile 35.7 to river mile 36.4). There were no navigability maps attached to the IC.¹² (Attachment 12)

Akiachak Selection

On December 12, 1975, BLM Realty Specialist Patrick Beckley issued a memorandum on the recommended easements for the area selected by the village of Akiachak. The BLM did not approve an easement along the Gweek River. In the memorandum Beckley stated that the

Gweek River “is tidal to an estimated point in Sec. 14, T. 11 N., R. 68 W., SM” (river mile 0 to river mile 32).¹³ (Attachment 13)

The BLM State Director, Curtis V. McVee, issued a Notice of Proposed Easement Recommendations for the Village of Akiachak on October 13, 1976. In the notice, McVee stated that the Gweek River is subject to tidal influence to an “estimated point in Sec. 14, T. 11 N., R. 68 W., SM” (river mile 0 to river mile 32).¹⁴ (Attachment 14)

On June 22, 1982, BLM Associate State Director, Fred E. Wolf, issued the Final Easements for the village of Akiachak. Wolf stated that the Gweek River was considered a major waterway as it provided access to public lands. Wolf also stated that “the Gweek River, as a flowing, lineal water body interconnecting with the Kuskokwim River, is considered navigable for its entire length” (river mile 0-94).¹⁵ (Attachment 15)

Ann Johnson, BLM Chief, Branch of ANCSA Adjudication, issued a DIC for the Akiachak village selection on June 29, 1982. The lands selected for conveyance along the Gweek River included Secs. 5, 7, 8, and 17-19, T. 9 N., R. 69 W., Secs. 1-3, 10, 11, 14, 15, 22, 23, 27, 28, 32 and 33, T. 10 N., R. 69 W., Sec. 6, T. 10 N., R. 68 W., Sec. 36, T. 11 N., R. 69 W., Secs. 1, 2, 10, 11, 14, 21-23, and 26-32, T. 11 N., R. 68 W., and , Secs. 25, 35, and 36, T. 12 N., R. 68 W., SM (river mile 0 to river mile 40). The navigability maps attached to the DIC show the Gweek River navigable from river miles 0 to 40.¹⁶ (Attachment 16)

Robert D. Arnold, Assistant to the State Director for Conveyance Management issued IC No. 618 to the village of Akiachak on December 30, 1982. The subsurface estate was conveyed to Calista Corporation in IC No. 619. The lands conveyed along the Gweek River included Secs. 5, 7, 8, and 17-19, T. 9 N., R. 69 W., Secs. 3, 10, 11, 14, 15, 22, 23, 27, 28, 32 and 33, T. 10 N., R. 69 W., Sec. 6, T. 10 N., R. 68 W., Secs. 1, 2, 10, 11, 14, 21-23, and 26-32, T. 11 N., R. 68 W., and , Secs. 25, 35, and 36, T. 12 N., R. 68 W., SM. The navigability maps attached to the ICs showed the Gweek River as navigable throughout the selection area (river mile 0 to river mile 40.5).¹⁷ Ramona Chinn, BLM Acting State Director, issued IC Nos. 2027 and 2028 on September 6, 2006 to correct IC Nos. 618. IC No. 2028 was issued to correct the subsurface conveyance of IC No. 619. The corrected ICs did not convey new lands, only excluded Native allotments in Sec. 6, T. 10 N., R. 68 W., Sec. 31, T. 11 N., R. 68 W., Secs. 7 and 18, T. 9 N., R. 69 W., and Sec. 11, T. 10 N., R. 69 W., SM. The navigability maps attached to the ICs show the Gweek River navigable from river miles 0 to 40.¹⁸ (Attachment 17)

Ann Johnson, BLM Chief, Branch of ANCSA Adjudication, issued a corrected IC No. 1027 on April 5, 1985. The subsurface estate was conveyed to Calista Corporation in IC No. 1028. This IC conveyed additional lands along the Gweek River in Secs. 1 and 2, T. 10 N., R. 69 W., and Sec. 36, T. 11 N., R. 69 W., SM. The attached navigability maps depict the Gweek River as navigable from Sec. 31, T. 11 N., R. 68 W., downstream to its confluence with the Kuskokwim River in Sec. 19, T. 9 N., 69 W., SM, (river mile 0 river mile 25).¹⁹ On September 6, 2006, Ramona Chinn, BLM Acting State director, issued IC No. 2029 to correct IC No. 1027. Corrected IC No. 2030 was issued to correct the subsurface conveyance in IC No. 1028. The corrected ICs excluded Native allotment AA-58181 in Sec. 2, T. 10 N., R. 69 W., SM. There were no navigability maps attached to the IC.²⁰ (Attachment 18)

On October 12, 2005, Denny Benson, a BLM Easement Coordinator, issued a Notice for Proposed Easement Recommendations for the land selected by Akiachuk Limited for the village of Akiachuk. Benson identified the Gweek River as a major waterway.²¹ (Attachment 19)

On April 11, 2006, K.J. Mushovic, a BLM Easement Coordinator, issued a Final Easement Recommendation for lands to be conveyed to the village of Akiachuk. Mushovic listed the Gweek River as a major waterway. On the attached easement maps, the BLM described the Gweek River as navigable due to travel, trade, and commerce from Sec. 31, T. 11 N., R. 68 W., SM, downstream to its confluence with the Kuskokwim River in Sec. 19, T. 9 N., R. 69 W., SM, (river mile 0 to river mile 25).²² (Attachment 20)

On September 21, 2009, Richard Thwaites, BLM Chief of Land Transfer Adjudication, issued IC No. 2278 to Akiachuk Limited. The subsurface estate was conveyed in IC No. 2279 to the Calista Corporation. Lands conveyed by IC No. 2278 along the Gweek River included Secs. 6, 7, 18 and 19, T. 12 N., R. 67 W., and Sec. 1, T. 12 N., R. 68 W., SM. There were no navigability maps attached to this IC.²³ (Attachment 21)

Bethel Selection

Gerald W. Zamber, BLM Acting Chief of ANCSA Operations, issued a DIC for lands selected by the Bethel Native Corporation on behalf of the village of Bethel on August 30, 1978. Their selection included lands along the Gweek River in Sec. 13, T. 9 N., R. 70 W., SM. Zamber stated that “the Gweek (Kweek) River are [is] considered to be subject to tidal influence and navigable throughout the Bethel selection” (river mile 0 to river mile 1.5).²⁴ (Attachment 22)

Robert D. Arnold, BLM Assistant to the State Director for ANCSA Operations, issued IC No. 142, on January 12, 1979, conveying selected lands to Bethel Native Corporation for the village of Bethel. The subsurface estate was conveyed to Calista Corporation in IC No. 143. The conveyed lands adjacent to the Gweek River included Sec. 13, T. 9 N., R. 70 W., SM. The BLM depicted the Gweek River as navigable on maps attached to the IC in Sec. 31, T. 11 N., R. 68 W., SM., downstream to its confluence with the Kuskokwim River in Sec. 19, T. 9 N., R. 69 W., SM, (river mile 0 to river mile 25). Navigability maps attached to this IC depict the Gweek River as navigable from river mile 0 through river mile 25.²⁵ On April 11, 2006, Krissell Crandall, BLM Chief of Adjudication, issued corrected IC Nos. 1968 and 1969 to correct IC Nos. 142 and 143. The corrected ICs did not affect lands adjacent to the Gweek River.²⁶ (Attachment 23)

Other Navigability Determinations

On May 9, 1977 Frank A. Stefanich of the Alaska Department of Fish and Game (ADF&G) sent a letter to the BLM detailing information on the extent of tidal influence for several rivers. Stefanich described the Gweek River as being tidally influenced from its lower confluence with the Kuskokwim River upstream through Sec. 23, 10 N., R. 69 W., SM (river mile 0 to river mile 11).²⁷ (Attachment 24)

Wayne A. Boden, Deputy State Director for Conveyance Management, issued a memorandum on Navigable Waters in Group Survey 254 on May 8, 1989. Boden stated that “on the Russian Mission B-4 navigability map Gweek River is marked navigable on ANCSA-selected lands in

Secs. 30 and 31, T. 14 N., R. 64 W., SM, but it is now considered non-navigable.” Boden states that the navigability determinations indicated on the selected maps were made prior to the Gulkana decision. Boden went on to say that “the Gweek is essentially dry in photographs.” Finally, Boden cited interviews conducted by Dorothy Tideman in March 1989 stating that while there was no specific evidence of use of the Gweek River in T. 14 N., R. 64 W., SM, there were various claims of people using the entire river through the use of short portages. Based on the criteria of crafts larger than a one-person kayak, Boden determined the Gweek River nonnavigable.²⁸ (Attachment 25)

The BLM Deputy State Director for Conveyance Management issued the memorandum Navigable Waters in Group Survey No. 268 on May 8, 1989. Based on the physical characteristics of the river and interviews with locals, Boden determined “the Gweek River navigable from its lower mouth to and through T. 13 N., R. 65 W., SM [river mile 0 to river mile 79.5] and from its upper mouth to the middle of Sec. 12, T. 13 N., R. 64 W., SM.” In navigability maps prior to, and after, 1989 the Gweek River is not shown to pass through Sec. 12, T. 13 N., R. 64 W., SM.²⁹ (Attachment 26)

On December 13, 1995, C. Michael Brown, a BLM Navigable Waters Specialist, sent a letter to Michael B. Rearden, Refuge Manager for the Yukon Delta NWR discussing the history of BLM navigability determinations for Bogus Creek, Tuluksak River, Little Kasigluk River, Kisaralik River, Akulikutak River, Kwethluk River, Eek River, and Gweek River. Brown’s letter stated that the most recent BLM determination for the Gweek River determined “that the river is navigable by reason of use from its mouth to and through Section 4, T. 13 N., R. 65 W., SM. Beyond, the river appears to be dry or virtually so for a considerable distance. However, it also found the ‘head’ of the river to be navigable a short distance; that is, from the Kuskokwim River in Sec. 19, T. 13 N., R. 64 W., SM, to a point in the middle of Sec. 12, T. 13 N., R. 65 W., SM” (river mile 0 to river mile 79 and river mile 91 to river mile 93).³⁰ (Attachment 27)

Dominica VanKoten, BLM Chief of the Navigability Section, issued a memorandum on Navigable Waters within ANCSA-Selected and Interim-Conveyed lands in the Akiak-Akiachak Village Project Area on March 14, 2006. The BLM determined the Gweek River navigable in several sections: Secs. 6, 7, 15-23, and 26-35, T. 12 N., R. 67 W., Secs. 4-9, 16-21 and 28-31, T. 10 N., R. 68 W., Secs. 1-24 and 26-35, T. 11 N., R. 68 W., Secs. 1-36, T. 12 N., R. 68 W., Secs. 1-24, T. 9 N., R. 69 W., Secs. 1-36, T. 10 N., R. 69 W., and Secs. 25 and 26, T. 11 N., R. 69 W., SM. (river mile 7 to river mile 52)³¹ (Attachment 28)

On August 15, 2006, Dominica VanKoten issued a memorandum on Navigable Waters within the Tuluksak Village Project Area. VanKoten named the Gweek River as navigable in several sections: Secs. 16, and 18-20, T. 13 N., R. 64 W., Secs. 30 and 31, T. 14 N., R. 64 W., and Secs. 1-12, 14-18, and 20-23, T. 13 N., R. 65 W., SM (river mile 87 to river mile 94).³² (Attachment 29)

The Master Title Plats (MTPs) along the Gweek River show the river as meandered and segregated in the following sections: Secs. 5 and 6, T. 10 N., R. 68 W., Secs. 3, 14, 15, 22, 23, 27, 28, 33, and 32, T. 10 N., R. 69 W., Secs. 6-8, 17-20, 29, 31, and 32, T. 12 N., R. 67 W., Secs. 25, 35, and 36, T. 12 N., R. 68 W., Secs. 4, 5, and 7-9, T. 13 N., R. 64 W., and Secs. 27 and 34, T. 13 N., R. 67 W., SM.³³ (Attachment 30)

Summary of Navigability Determinations: Navigability determinations for the Gweek River are shown in Figure 5 and summarized in Table 1. The BLM initially declared the Gweek River to be nonnavigable or not tidally influenced for its entire length on December 10, 1975. On December 12, 1975 the BLM determined the river to be tidally influenced from river mile 0 to river mile 32. On June 9, 1981, the BLM determined the Gweek River navigable for its entire length.

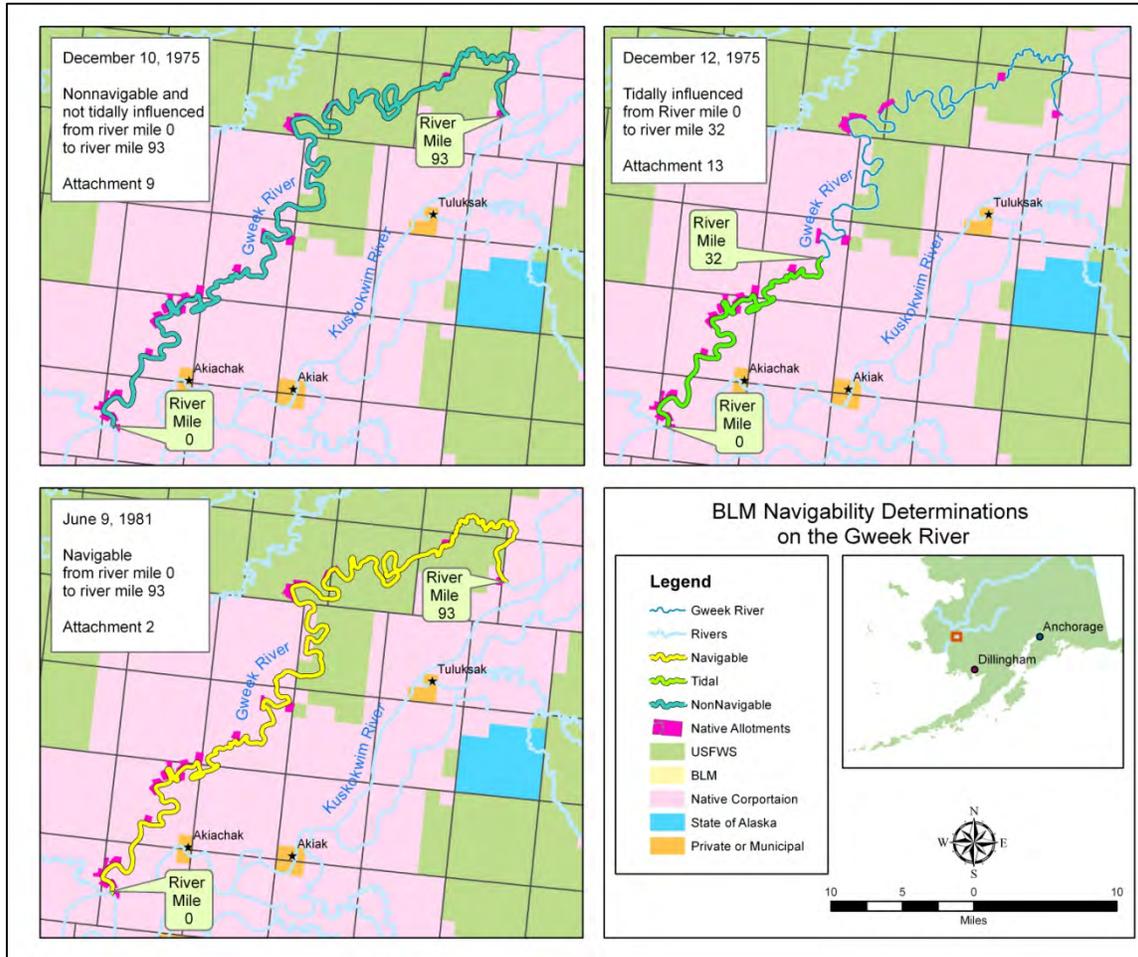


Figure 5. Maps of BLM navigability determinations showing the furthest reach the BLM determined navigable, nonnavigable, and tidal since 1975.

Table 1. Summary of BLM Navigability Determinations

Date	River Section	Type Decision and Subsistence	Criteria	Village
12/10/1975 Attachment 9		The Gweek River determined nonnavigable and not tidally influenced in the selection area	Due to lack of travel trade and commerce	Akiak
12/12/1975 Attachment 13	0-32	Tidal to an estimated point in Sec. 14, T. 11 N., R. 68 W., SM		Akiachak
8/24/1976 Attachment 1	0-93	“not navigable and not subject to tidal influence.”		Tuluksak
10/13/1976 Attachment 14	0-32	Tidal to an estimated point in Sec. 14, T. 11 N., R. 68 W., SM.		Akiachak
8/30/1978 Attachment 22	0-1.5	Subject to tidal influence throughout selection area Sec. 13, T. 9 N., R. 70 W., SM.		Bethel
6/9/1981 Attachment 2	0-93	Navigable	due to present and historic uses in connection with travel trade and commerce	Tuluksak
3/3/1982 Attachment 3	0-55	Navigable	due to travel, trade, and commerce	Tuluksak
6/22/1982 Attachment 15	0-93	Navigable	due to travel, trade, and commerce	Akiachak
8/27/1982 Attachment 4	0-55	Navigable	due to travel, trade, and commerce	Tuluksak
12/30/1982 Attachment 17	0-40.5	Navigable throughout the selection area	due to travel, trade, and commerce	Akiachak
4/5/1985 Attachment 18	0-25	Navigable		Akiachak
5/8/1989 Attachment 25		Nonnavigable	Craft larger than a one-person kayak	

Table 1 continued: Summary of BLM Navigability Determinations

Date	River Section	Type decision	Criteria	Village
5/8/1989 Attachment 26	0-79.5	“Gweek River navigable from its lower mouth to and through T. 13 N., R. 65 W., SM and from its upper mouth to the middle of Sec. 12, T. 13 N., R. 64 W., SM.”	Craft larger than a one-person kayak	
12/13/1995 Attachment 27	16-97.8 and from 0-5	Navigable	"by reason of use"	
3/14/2006 Attachment 28	7-52	Navigable in several sections: Secs. 6, 7, 15-23, and 26 35, T. 12 N., R. 67 W., Secs. 4-9, 16-21 and 28-31, T. 10 N., R. 68 W., Secs. 1-24 and 26-35, T. 11 N., R. 68 W., Secs. 1-36, T. 12 N., R. 68 W., Secs. 1-24, T. 9 N., R. 69 W., Secs. 1-36, T. 10 N., R. 69 W., and Secs. 25 and 26, T. 11 N., R. 69 W., SM.	Travel, trade, and commerce	
4/11/2006 Attachment 20	0-25	Navigable	Travel, trade, and commerce	Akiachak
8/15/2006 Attachment 29	87-93	Navigable in several sections: Secs. 16, and 18-20, T. 13 N., R. 64 W., Secs. 30 and 31, T. 14 N., R. 64 W., and Secs. 1-12, 14-18, and 20-23, T. 13 N., R. 65 W., SM.	Travel, trade, and commerce	
6/18/2008 Attachment 7	87-89.5	Navigable within the lands approved for conveyance within Sec. 30 and 31, T. 14 N., R. 64 W., SM and Sec. 6, T. 13 N., R. 64 W., SM.	Not stated	Tuluksak
12/31/2008 Attachment 11	35.7-36.4	Navigable within the lands approved for conveyance. Within Sec. 12, T. 11 N., R. 68 W., SM.	Not stated	Akiak
3/4/2009 Attachment 12	35.7-36.4	Navigable within conveyed lands Within Sec. 12, T. 11 N., R. 68 W., SM.	Tidal influence	Akiak

IV. Physical Character of the Waterway

The Gweek River is 93 river miles long and drains an area of about 338 square miles. The river is an anabranch of the Kuskokwim River. Its upper mouth is in Sec. 19, T. 13 N., R. 64 W., the river flows generally southwest joining the Kuskokwim River in Sec. 19, T. 9 N., R. 69 W., SM. The Gweek River is a low gradient stream that courses through and around numerous small lakes along its course. Rodger Clay lists the stream as 750 feet wide at the mouth tapering down to 250 feet wide at his river mile 12. The Gweek River has a channel gradient of 0.3 feet per mile.³⁴ The river is three to four feet deep in the shallower areas, five to six feet deep in the deeper areas and approximately 20 feet wide near river mile 61. It is heavily vegetated for one quarter mile near river mile 61 but still has a deep channel through the grass.³⁵ The lower river is tidally influenced from river mile 0 to river mile 30 (Figure 5).³⁶

The Gweek 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.³⁷ The Gweek River appears to be in its natural and ordinary condition since the time of statehood.



**Figure 6. Looking southeast over the Gweek River at river mile 20.
BLM photo taken by Shirley Rackley on Aug 8, 2004 at F-29182.**

V. Evidence of Use of the Waterway

Early Native Use of the Gweek 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.³⁸ Permanent occupation of the interior Kuskokwim Delta with chronological continuity began about AD 600.³⁹ 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 3,100.⁴⁰

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. Anthropologists categorize these customs and values 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.⁴¹

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.⁴² Contact with American traders increased the interaction between subsistence production and commercial exchange, including the sharing and trading of commercial and subsistence goods.⁴³ The traditional subsistence economy transitioned into a mixed subsistence-market economy that has remained to the present.

The *Kusquqvagmiut* traveled by water craft to harvest and transport subsistence resources to their village sites and to distribute them to other groups.⁴⁴ 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. The *Kusquqvagmiut* moved seasonally between these villages and seasonal camps. They arrived at their winter hunting camps in early spring by dogsled and traveled to fishing camps in the summer by boat. Over time many villages and campsites were abandoned due to regional pandemics or as Natives moved to villages where missionary schools had been established by the Bureau of Indian Affairs (BIA).⁴⁵ These locations continued to be used as seasonal hunting

camps and became the locations claimed as Native allotments or historic and cemetery sites under ANCSA Sec. 14 (h)(1).⁴⁶ The Gweek River has several known locations of historic village and seasonal campsites that were occupied and used in the seasonal tradition during the prehistoric and proto-historic periods. These locations along with many place names on and around the Gweek River were recorded by the BIA during ANCSA fieldwork in the 1980s.

At river mile 0, the village Kwigamiut was located at the lower mouth of the Gweek River. According to Wendell Oswalt in *Historic Settlements along the Kuskokwim River, Alaska*, this site was first reported by Edward W. Nelson in 1882. The 10th Federal Census of 1880 reported the village had a population of 215 people. In 1887, a single family lived there. By 1906, according to Oswalt's informant Matthew Berezkin, a few families fished there during summer.⁴⁷

At river mile 54, near the confluence of the Gweek River and the Kasigluk slough is the site of the spring and fall camp of Kasigluq. In July of 1982, BIA archaeologists located the site with local Native elder Willie Napoka of Tuluksak. Napoka told BIA archaeologists that the name Kasigluq translates to mean "fork" (in the river) and that the site was established by people from Akiak and Tuluksak as a hunting camp. The site was described by BIA archaeologists as having two parcels on different banks of the river. The older village site was located on one side of the river and identified by nine house pits, a fish drying area, and three tent frames. On the opposite bank was a more recent historic campsite identified by cut wood, mattress remains, a 55-gallon drum, a fish drying area, and other assorted debris. The Calista Corporation applied for an ANCSA Sec. 14 (h)(1) historic and cemetery site at this location. The BIA found this location ineligible as a historical place under ANCSA Sec. 14 (h)(1). There are three Native allotments at this location.⁴⁸

The prehistoric to proto-historic village site, *Qemirrluar*, is located at river mile 61. The BIA reported that this site was the origin point of a major portage and an:

old continuously used village site... at the end of a long used and well-known portage to and from the Akularaq River area (to the north and west of the Baird Inlet), used by people from Tuluksak, Akiak and Akiachak. This portage probably ties into the main route from Bethel to the area around Nelson Island.⁴⁹

The BIA reported on oral interviews conducted with five Native elders who had personal knowledge of use on the Gweek River. George Moses Sr. stated the river was a hunting area. "I used to go upriver to Qemirrluar, and go to Nunarpak and then go back to Qemirrluar. When minks are few and they are expensive, you know, when I'm trying to catch lots...I'd even go towards Qemirrluar."⁵⁰

Near river mile 78, the site of *Qukao* was a year-round village site used by the Lott family. Descendants of the Lott family live in many of the Kuskokwim River villages. *Qukao* straddles the river and consists of a house depression, an arrangement of cut stakes and associated historic debris. The site location was identified to BIA archaeologists on May 30, 1988 during an ANCSA Sec. 14 (h)(1) field survey. Archaeologists noted two features of historic age within a grassy clearing and a trail that led through the grassy clearing to the opposite side of the river.

On the opposite side of the river one house depression was located. Based on the cultural remains and oral history the date of site occupation is during the early part of twentieth century and possibly before. The BIA identified *Quako* (AA-10233) as eligible for an ANCSA Sec. 14 (h)(1) conveyance. It was surveyed as Lots 1 and 2, U.S. Survey No. 14197 and filed as Patent No. 50-2012-0029.⁵¹

At river mile 78.5, at the confluence of the Gweek River and Nemrarutem Slough, is the site of *Nemerarutem Painga*. The BIA archaeologists conducted interviews with elders Joshua Phillip, Peter Waskie, Edward Wise and Peter Napoka Sr., from Tuluksak. They told the BIA archaeologists that the site name means “mouth of the river that wraps around.” This refers to the Nemrarun River that flows from Nemrarutem Slough. According to the elders, people from Tuluksuk and Kuigurlurmiut (an abandoned village upstream from Tuluksak) lived at Nemrarutem Painga in the spring and fall. According to elder Edward Wise,

This site is on a portage route that was used by people traveling from the Kuskokwim River to the Johnson River and to the Yukon River village of Russian Mission. People portaged from the Kuskokwim River to the Gweek River, passing *Qantar* (AA-102322). They then would travel in an easterly direction for about 40 km, on the Gweek River. Then they turned north on Nemrarutem Slough, where the site is located. They would go up this slough to the Nemrarum River, from which people portaged to the Johnson River. Edward remembers using this route when he was a boy to get to *Quuyaq* and other tundra camps north of the Kuskokwim River.⁵²

The site consists of twelve depressions of varying size, an overgrown pile of wood, and some modern debris. Eight of these depressions are semi-subterranean houses. The others are cultural but their former function is not apparent. The Calista Corporation applied for this location as a historical place (AA-10278) on November 7 1975 in compliance with Sec. 14 (h)(1) of ANCSA.⁵³ The site was officially filed as U.S. Survey No. 13765 on May 29, 2007 and Patent No. 50-2009-0368 on September 17, 2009.

Native Use of the Gweek River Documented in Native Allotment Files

The BLM began collecting information in the 1970’s to adjudicate Native allotment applications filed by local Natives that have fished, hunted and picked berries along the Gweek 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 allotment applications and transferred title to the parcels to the applicants.

Lucy McCarr of Bethel filed Native allotment application F-13804 on December 21, 1970. The 80-acre parcel is located at river mile 0 on the right bank of the Gweek River at its confluence with the Kuskokwim River. McCarr claimed use of the parcel since 1948 for subsistence fishing from November to March every year.⁵⁴ In June of 1974, Clifford D. Ellis, a BLM Realty Specialist, visited the parcel with Jerry Lieb a Native guide. Ellis determined that there was not

enough evidence to support McCarr's claimed occupancy of the land. He based this decision on the claimed use of the parcel for river and ice fishing stating that "wood might be obtained for fuel from the nearby shoreline. The river is deemed navigable and public. It appears that the applicant could have been using this area for a number of years, but as river use and not related to land use."⁵⁵ On June 30, 1975, McCarr submitted three witness statements attesting to her use of the land during the summer months for fishing and berry picking in the fall.⁵⁶ The parcel survey was officially filed as Lot 1, U.S. Survey No. 5741 on July 16, 1977. It was certificated as No. 50-84-0169 on January 26, 1984.

Balassia Nicholai of Bethel filed Native allotment application F-17021 on December 20, 1970. The 160-acre parcel is located at river mile 1 on the right bank of the Gweek River. Nicholai claimed use of the parcel since 1963 from July to September for subsistence berry picking.⁵⁷ Clifford D. Ellis, BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native field guide, for a field examination. Ellis did not report how Nicholai accessed the parcel.⁵⁸ The parcel survey was officially filed as U.S. Survey No. 10289 on October 20, 1992. It was certificated as No. 50-2006-0272 on June 7, 2006.

Nicolai Waska of Bethel filed Native allotment application F-17928 on November 8, 1971. Parcel B is 80 acres and is located between river mile 0 and river mile 1 on the left bank of the Gweek River. Waska claimed year-round use of the parcel since 1915 for subsistence fishing, hunting, trapping, camping and berry picking.⁵⁹ In June 1974, Clifford D. Ellis, a BLM Realty Specialist, conducted a field examination of the parcel with Jerry Lieb, a Bethel Native guide. Ellis did not report how Waska accessed the parcel.⁶⁰ The parcel survey was filed as Lot 3, U.S. Survey No. 5741 on July 16, 1977 and certificated as No. 50-84-0094 on January 11, 1984.

Roy Michael of Bethel filed Native allotment application FF-13945 on February 5, 1971 for a 160-acre parcel located on the right bank of the Gweek River at river mile 2. Michael claimed use of the parcel since 1956 from August to October for subsistence fishing and berry picking.⁶¹ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native guide, for a field examination. Ellis did not report how Michael accessed the parcel.⁶² The parcel survey was officially filed as U.S. Survey No. 6151 on September 20, 1984. It was certificated as No. 50-85-0608 on September 30, 1985.

Richard Parks Sr. of Bethel applied for Native allotment AA-58183 on November 26, 1985. The 160-acre parcel is located on the right bank of the Gweek River between river mile 2 and river mile 3. Parks did not give specific years of claimed use on his application. He wrote that he had used the parcel since the "1960s to present" from September to June for subsistence fishing hunting and berry picking.⁶³ Richard S. Stephenson, a BLM Realty Specialist, visited the parcel on August 29, 1986, to "locate parcel, determine conflicts, determine use and occupancy, and prepare survey instructions." Stephenson visited the parcel (Figure 7) with Parks and Vernon Chimegalrea from the Association of Village Council Presidents (AVCP). Stephenson reported that Parks accessed his parcel "by boat in spring and summer." Parks said that he used the parcel to fish for whitefish, pike and lush fish. He also hunted muskrats, rabbits and ducks on the parcel.⁶⁴ The parcel survey was officially filed as Lot 1, U.S. Survey No. 10289 on October 20, 1992. It was certificated as No. 50-2006-0418 September 13, 2006.



Figure 7. Looking southeast over the Gweek River at river mile 3. The black circle is the BLM corner marker for Richard Parks' Native allotment AA-58183. BLM photo taken by Richard S. Stephenson on August 29, 1986.

Bessie Hoffman of Bethel filed Native allotment application FF-17017 on November 3, 1971 for a 160-acre parcel. The parcel is located on the right bank of the Gweek River at river mile 3. Hoffman claimed use of the land since 1921 from June to December for subsistence hunting, fishing, and berry picking.⁶⁵ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native guide, for a field examination. Ellis did not report how Hoffman accessed the parcel.⁶⁶ The parcel survey was officially filed as U.S. Survey No. 10289 on October 20, 1992. It was certificated as No. 50-94-0387 on September 23, 1994.

Martha Chief of Bethel applied for Native allotment F-14215 on November 6, 1970 in two parcels. Parcel B is 150 acres and is located on the right bank of the Gweek River between river mile 8 and river mile 9. Chief claimed use of the parcel since 1956 for seasonal use.⁶⁷ Chief stated that she would go to the parcel every year to fish and pick berries. Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native guide, for a field examination. Ellis did not report how Chief accessed the parcel.⁶⁸ The parcel survey was officially filed as U.S. Survey No. 10289 on October 20, 1992. It was certificated as No. 50-94-0387 on January 25, 1984.

Thaddeus J. Tikiun applied for Native allotment FF-15758 on December 9, 1970 in two parcels. Parcel A is an 80-acre parcel located one air mile northwest of river mile 8 of the Gweek River up an unnamed tributary. On his application Tikiun states that since 1961, from September through March, he “goes to Miksaq Slough on the Gweek River...annually to hunt.”⁶⁹ In June of

1974, Clifford D. Ellis visited the parcel with Jerry Lieb, a Bethel Native Field Guide. Ellis did not report how Tikiun accessed the parcel.⁷⁰ The parcel survey was officially filed as U.S. Survey No. 6190 on September 20, 1984. It was certificated as No. 50-86-0384 on August 27, 1986.

Celia C. Peter of Akiachak applied for Native allotment FF-17799 on May 5, 1971. The 160-acre parcel is located on the right bank of the Gweek River at river mile 14. Peter claimed use of the parcel since 1965 from August to September for subsistence hunting, trapping, and picking berries.⁷¹ Sarah C. Baker, a BLM Realty Specialist, visited the parcel on August 27, 1974 with the Peter's husband Tom G. Peter. Baker did not report how Peter accessed the parcel.⁷² The parcel was officially filed as U.S. Survey No. 10346 on October 20, 1992 and certificated as No. 50-93-0314 on June 30, 1993.

Louis Nick of Bethel applied for Native allotment FF-17020 on December 2, 1970. The 160-acre parcel is located on the right bank of the Gweek River at river mile 15. He claimed use of the parcel since 1964 from July to August for set net fishing and berry picking.⁷³ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native field guide, for a field examination. Ellis did not report how Nick accessed the parcel.⁷⁴ The parcel survey was officially filed as U.S. Survey No. 10328 on October 20, 1992. It was certificated as No. 50-93-0477 on September 2, 1993.

Tom Kinegak of Bethel applied for Native allotment FF-17019-B on October 24, 1970. The 155-acre parcel is located on the right bank of the Gweek River at river mile 16. He claimed use of the parcel since 1943 during July for berry picking and moose hunting.⁷⁵ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native field guide, for a field examination. Ellis did not report how Kinegak accessed the parcel.⁷⁶ The parcel survey was officially filed as Lot 2, U.S. Survey No. 5750 on September 20, 1984. It was certificated as No. 50-86-0532 on September 24, 1986.

Elena Peterofsky of Akiachak applied for Native allotment F-17801 on May 4, 1971. The 160-acre parcel is located on the right bank tributary of the Gweek River between river miles 16 and 17. She claimed use of the parcel since 1963 from July to September for hunting, trapping, and berry picking.⁷⁷ Wayne R. Dawson, a BLM realty Specialist, visited the parcel on August 29, 1974 with Peterofsky. Dawson observed "a grave, fire pit, and tent frame" on the parcel, but did not report how Peterofsky accessed the parcel.⁷⁸ The parcel survey was officially filed as Lot 1, U.S. Survey No. 5750 on September 24, 1986. It was certificated as No. 50-85-0647 on September 30, 1985.

Elena Sallison of Bethel applied for Native allotment AA-58181 on December 2, 1985.ⁱⁱⁱ The 160-acre parcel is located on the left bank of the Gweek River at river mile 18. Sallison claimed use of the parcel since 1941 from September to December for berry picking, fishing hunting and trapping and from April to May for fishing and hunting.⁷⁹ Richard Stephenson, a BLM Realty Specialist, visited the parcel on August 26, 1986 with the applicant's grandson Richard

ⁱⁱⁱ In the 1970's a number of Native allotment applications collected by Rural Cap workers were lost and never processed. Under *Fanny Barr v. the United States.*, those individuals were allowed to submit new applications past the original ANCSA deadline.

Westdahl. Westdahl told Stephenson that his grandmother had accessed the parcel “by boat in the summer and dogteam in the winter.” Sallison went to the parcel to trap rabbits, muskrats, beaver, and fox. She also fished for whitefish and pike and picked berries there. Stephenson reported that he observed “old drums and other items in tall grass around burnt logs” at the parcel.⁸⁰ The parcel survey was officially filed as Lot 2, U.S. Survey No. 10327 on October 20, 1992. It was certificated as No. 50-2006-0415 on September 13, 2006.

Kausmak K. Alexi of Bethel applied for Native allotment F-17016 on November 2 1975. The 80 acre parcel is located on the right bank of the Gweek River at river mile 18. Alexi claimed use of the parcel since 1955 from September to October for hunting and berry picking. On the application Alexi wrote that “hunting trips taken with boat” and that he had “gone moose hunting to Igyareq Slough by boat every fall since 1965.”⁸¹ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native field guide, for a field examination. Ellis stated that to access his parcel, Alexi “traveled by boat on day trips from home.”⁸² The parcel survey was officially filed as Lot 2, U.S. Survey No. 5752 on March 18, 1980. It was certificated as No. 50-84-0125 on January 24, 1984.

Martha S. Jack of Bethel applied for Native allotment F-17083 on August 19, 1971. The 160-acre parcel is located on the right bank of the Gweek River at river mile 19. Jack claimed use of the parcel since 1945 in September for fishing and picking berries.⁸³ Clifford D. Ellis, a BLM Realty Specialist, visited the parcel in June of 1974 with Jerry Lieb, Bethel Native field guide, for a field examination. Ellis did not report how the applicant accessed the parcel.⁸⁴ The parcel survey was officially filed as Lot 1 and 3, U.S. Survey No. 10327 on October 20, 1992. It was certificated as No. 50-93-0417 on August 23, 1993.

David Stevens of Akiachak applied for Native allotment F-29182 on January 26, 1962. The 104.60-acre parcel is bisected by the Gweek River at river mile 20. Stevens claimed use of the parcel since 1954 each year from June to August during the fishing season.⁸⁵ Wayne R. Dawson, a BLM Realty Specialist, visited the parcel on August 31, 1974 with David Stevens. Stevens told Dawson that he used the parcel for a spring fish camp. Dawson did not report how Stevens accessed the parcel.⁸⁶ The parcel survey was officially filed as U.S. Survey No. 6191 on September 20, 1984. It was certificated as No. 50-2006-0414 on June 30, 1993.

Julia Stevens of Akiachak applied for Native allotment F-29184 on February 12, 1962. The 160-acre parcel is located adjacent to the northern boundary of David Stevens’ allotment at river mile 20. Stevens did not state on her application when she started using the parcel.⁸⁷ Meg Jensen, BLM Realty Specialist, visited the parcel on June 15, 1985 with Robert Stevens the applicant’s brother in law and Barbara Stevens the applicant’s daughter. They told Jensen that Julia used the parcel for trapping in the winter and accessed the parcel by dog team and snow machine. Julia constructed a sod frame house on the parcel.⁸⁸ The parcel survey was officially filed as U.S. Survey No. 10358 on October 20, 1992. It was certificated as No. 50-93-0620 on September 30, 1993.

Mary Michael of Bethel applied for Native allotment F-16608 on December 18, 1970. The 160-acre parcel is located on the right bank of the Gweek River at river mile 28. She claimed use of the parcel since 1966 from May to September for berry picking and fishing.⁸⁹ Melitta White, a

BLM Realty Specialist, visited the parcel on June 13, 1984 with the applicant's daughter Martha Patton. She told White that her mother accessed the parcel by boat.⁹⁰ The parcel survey was officially filed as U.S. Survey No. 10356 on October 20, 1992. It was certificated as No. 50-94-0208 on June 23, 1994.

Noah Nose applied for Native allotment F-13304 on December 1, 1970. The 160-acre parcel is located on the right bank of the Gweek River at river mile 34. Nose claimed use of the parcel since 1954 from October to November for fishing and berry picking. Sarah C. Barker, a BLM Realty Specialist, visited the parcel on August 27, 1974 with Ronald Nose the applicant's son. Barker stated that two houses and a cache were located on the parcel at the time of the visit. She did not report how Nose accessed the parcel. Barker photographed the allotment from the air. The photograph shows the Gweek River during the open season (Figure 8).⁹¹ The parcel was surveyed as U.S. Survey No. 6188 on October 20, 1992. It was certificated as No. 50-94-0002 on October 7, 1994.



Figure 8. Looking southwest over the Gweek River near river mile 34. BLM photo of Noah Nose's Native allotment F-13304. Photo taken by Sarah C. Barker on August 27, 1974.

George M. McCarr of Tuntutuliak applied for Native allotment AA-82714-B on October 13, 2000.^{iv} Parcel B is located on the left bank of the Gweek River at river mile 36. McCarr claimed use of the parcel since 1964 during the month of September for moose hunting.⁹²

^{iv} McCarr is a veteran who was serving in the military from 1968-1970. The Alaska Native Allotment Act of 1998 enabled certain Alaska Native veterans who, because of their military service, were not able to apply for an allotment during the early 1970s, to do so.

Dorothy J. Bonds, a BLM Realty Specialist, interviewed McCarr's wife Edith on June 16, 2005. During the interview, Edith told Bonds that her husband accessed the property "by way of the Gweek River by boat during the fall (September) and by snow machine in the winter." Bonds visited the parcel on July 19, 2005 with Lovina Lomack, an Akiachak Native Community Representative.⁹³ The parcel survey was officially filed as U.S. Survey No. 13904 on April 30, 2010. It was certificated as No. 50-2011-0090 on February 10, 2011.

Robert H. Snyder applied for Native allotment AA-83401 on January 23, 2001. The 160-acre parcel is located adjacent to the southern boundary of Native allotment AA-82714-B on the Gweek River at river mile 36. Snyder claimed use of the parcel since 1961 to gillnet for whitefish and pike in June. He would trap for muskrat furs in May.⁹⁴ Dorothy J. Bonds, a BLM Realty Specialist, conducted a pre-interview with Snyder on June 16, 2005 and visited the parcel with him on July 18, 2005. Snyder told Bonds that the easiest way to access the parcel "is by boat or snow machine. He uses an 18-foot boat by way of the Gweek River, April to May (spring) and snow machine by way of the established winter trail from January to March (winter)." Snyder stated that he trapped with his father on the land when he was young. He has used the parcel for subsistence yearly except from 1970-1972 when he served in the US Marine Corps. His primary activities on the parcel are berry picking, fishing, hunting, and trapping.⁹⁵ The parcel was officially filed as Lot 2, U.S Survey No. 13904 on April 30, 2010. It was certificated as No. 50-2010-0289 on June 14, 2010.

Mary Phillip of Kwethluk applied for Native allotment FF-17439 on December 3, 1970. The 160-acre parcel is located on the right bank of the Gweek River between river mile 53 and 54. Phillip claimed use of the parcel since 1945 from June to September for trapping and picking berries.⁹⁶ Joe J. Labay, a BLM Realty Specialist, visited the parcel on August 9, 1974 with Nelson Nose the applicant's brother. Labay photographed the Gweek River during the open season (Figure 9). He did not report how Phillip accessed her parcel.⁹⁷ The parcel was officially filed as Lot 5, U.S. Survey No. 10274 on October 20, 1992. It was certificated as No. 50-93-0449 on August 30, 1993.



Figure 9. The Gweek River near river mile 54, looking southeast. The arrow points to the BLM marker between Native allotment F-17439 and FF-17502-A. BLM Photo by Joe J. Labay on August 9, 1974.

Nelson Nose of Kwethluk applied for Native allotment FF-17502-A on October 10, 1971. Parcel B is 80 acres and is located on the right bank tributary of the Gweek River at river mile 54. Nose claimed use of the parcel since 1960 from April to December for fishing hunting and trapping.⁹⁸ Joe J. Labay, a BLM Realty Specialist, visited the parcel on August 9, 1974 with Nose. Labay did not report how Nose accessed the parcel.⁹⁹ The parcel was officially filed as Lot 4, U.S. Survey No. 10274 on October 24, 1992. It was certificated as 50-93-0447 on August 30, 1993.

Eliza Moses of Akiachak applied for Native allotment FF-10381-A on November 27, 1968. He applied for a second parcel, FF-10381-B, on May 4, 1971. Both parcels are located on the Gweek River. Parcel A is on the right bank of the Gweek River at river mile 60. Parcel B is on the right bank of the Gweek River at river mile 54. Moses claimed use of Parcel A since 1959 from September to December for hunting and trapping.¹⁰⁰ She claimed use of Parcel B since 1962 from November to December for trapping and from April to June for fishing, and berry picking.¹⁰¹ On September 9, 1974, BLM conducted a field examination of Parcel A with Moses' son Samuel Moses. The field report in the BLM case file contains only the first page of the report, therefore no information was available about who the BLM Realty Specialist was that conducted the site visit or how Moses accessed the file. On May 31, 1984, Dwight Hovland, BLM Natural Resource Specialist, visited Parcel B with the Eliza Moses' husband John Moses. Moses told Hovland that his wife accessed the parcel by boat and snow machine in the spring and fall for fishing and hunting.¹⁰² Parcel A was officially filed as Lot 3, U.S. Survey No. 10274 on October 20, 1992. Parcel B was officially filed as Lot 3, U.S. Survey No. 10273 on October 20, 1992. Both parcels were certificated as 50-93-0377 on August 5, 1993.

Mary Nose of Kwethluk applied for Native allotment FF-16484 on November 8, 1970. The 160-acre parcel is located on the right bank of the Gweek River between river mile 54 and 55. Nose claimed use of the parcel since 1940 from May to September for berry picking. Joe J. Labay, a BLM Realty Specialist, visited the parcel on August 9, 1974 with the applicant's son Nelson Nose. Labay did not report how Nose accessed the parcel.¹⁰³ The parcel was officially filed as Lot 2, U.S. Survey No. 10274 on October 24, 1992. It was certificated as 50-93-0356 on July 28, 1993.

Phillip Phillip Sr. applied for Native allotment FF-16724-A on September 29, 1971. The allotment was split between three parcels. Parcel A is 80 acres and is located on the right bank of the Gweek River at river mile 55. Phillip claimed use of the parcel since 1945 for hunting fishing and trapping. He did not specify which months of the year he used this parcel.¹⁰⁴ Sarah C. Barker, a BLM Realty Specialist, visited the parcel in July of 1974 with Phillip. Barker reported that there was a small clearing that indicated substantial use of the land. Phillip told Barker that the fishing in the Gweek River was good and that he used the parcel to trap furbearing animals along the banks of the river. He hunted for larger game in the tundra-covered areas. Barker did not report how Phillip accessed the parcel.¹⁰⁵ The parcel was officially filed as Lot 1, U.S. Survey No. 10274 on October 24, 1992. It was certificated as 50-93-0448 on August 30, 1993.

John Moses Sr. applied for Native allotment FF-37841 on April 2, 1984. The parcel is located on the right bank of the Gweek River at river mile 61. Moses claimed use of the parcel since 1954. He used the parcel from September to December to fish for pike, blackfish, and whitefish. During those months he would also trap for mink, otter, beaver, muskrat, and fox. From April to June he would use the parcel for picking "all kinds" of berries.¹⁰⁶ Dwight Hovland, a BLM Natural Resource Specialist, visited the parcel on May 31, 1984 with Moses. He told Hovland that he was born in 1914 and had used the parcel since he was a little boy. His grandfather had used the parcel before him. He uses the parcel when he hunts moose and bear, traps muskrat, otter, beaver and mink. He also goes there to fish for blackfish and whitefish. Moses told Hovland that he accessed the parcel by "boat and snowmachine and before by dog sled." He observed a "broken down cabin and tent poles" on the parcel.¹⁰⁷ The parcel was officially filed as Lots 1 and 2, U.S. Survey No. 10273 on October 20, 1992. It was certificated as 50-95-0351 on July 13, 1995.

Eddie Peter applied for a 160-acre Native allotment F-17041 on November 28, 1971. The Gweek River runs through this parcel at river mile 79. Peter claimed use of the parcel since 1960 from May to October for hunting and trapping.¹⁰⁸ Ricky M. Elliot, a BLM Land Law Examiner, visited the parcel on July 12, 1975 with Peter and Nick Alexie a Native guide. Elliot did not report how Peter accessed his parcel.¹⁰⁹ The parcel was officially filed as Lots 1 and 2, U.S. Survey No. 10345 on October 20, 1992. It was certificated as 50-93-0208 on April 22, 1993.

Maria M. Andrew of Tuluksak applied for Native allotment FF-17036 on March 28, 1972. The 160-acre parcel is located on the left bank of the Gweek River between river mile 92 and 93. Andrew began using her allotment in 1958 for fishing and hunting from May through September.¹¹⁰ On July 13, 1975, BLM Land Law Examiner Rick M. Elliott visited the allotment

parcel with the applicant's husband, Carl Andrew and Nick Alexie, a Native guide. Neither Andrew's application nor the inspection report contained any indication of how Maria M. Andrew accessed her allotment.¹¹¹ Elliot photographed the river during the open season (Figure 10). The parcel was officially filed as U.S. Survey No. 10346 on October 20, 1992 and certificated as No. 50-93-0314 on June 30, 1993.

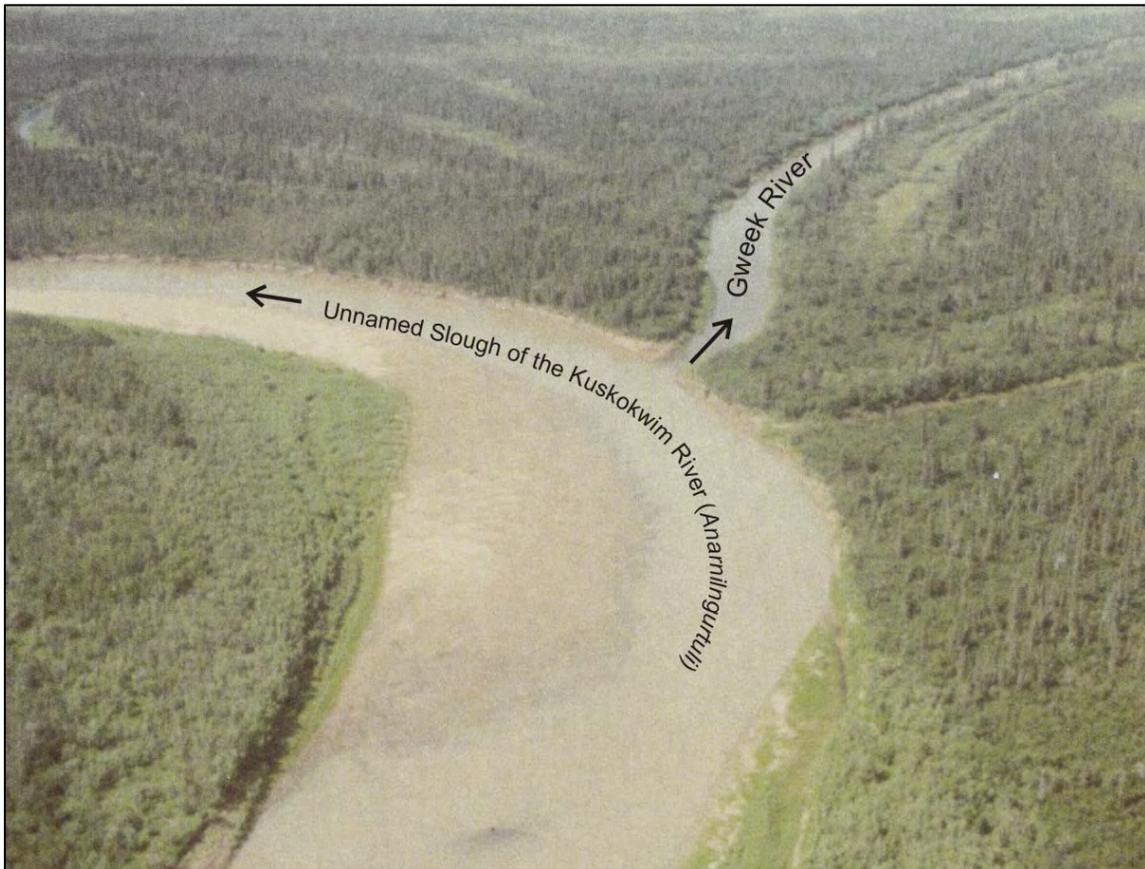


Figure 10. Looking northeast over the Gweek River and Unnamed Slough of the Kuskokwim River (*Anarnilngurtuli*).¹¹² Native allotment FF-17036 is located on the left bank of the Gweek River between the two waterways. BLM photo taken by Rick M. Elliot on July 13, 1975.

There are 30 Native allotment parcels on or near the Gweek River. Figure 11 illustrates the method of access and season of use for Native allotments along the Gweek River. A list of this information is contained in Table 2. Twenty-eight of the parcels were used by applicants during the open season, and of those, nine of the Native allotment files document use of boats to access the parcels. The files do not indicate how the other 20 applicants accessed their parcels. One parcel has no stated information about when it was used. The predominate form of access for people in the region during the open season is by boat. Of the other 29 Native allotment parcels, one was used from the 1910s into the 1980s, one was used from 1921 up to the 1970s, seven were used from the 1940s to the 1970s, and eight were used from the 1950s to the 1970s, for a total of 17 allotments used prior to Statehood. Twelve parcels were used beginning in the early to mid-1960s through the 1970s and early 1980s.

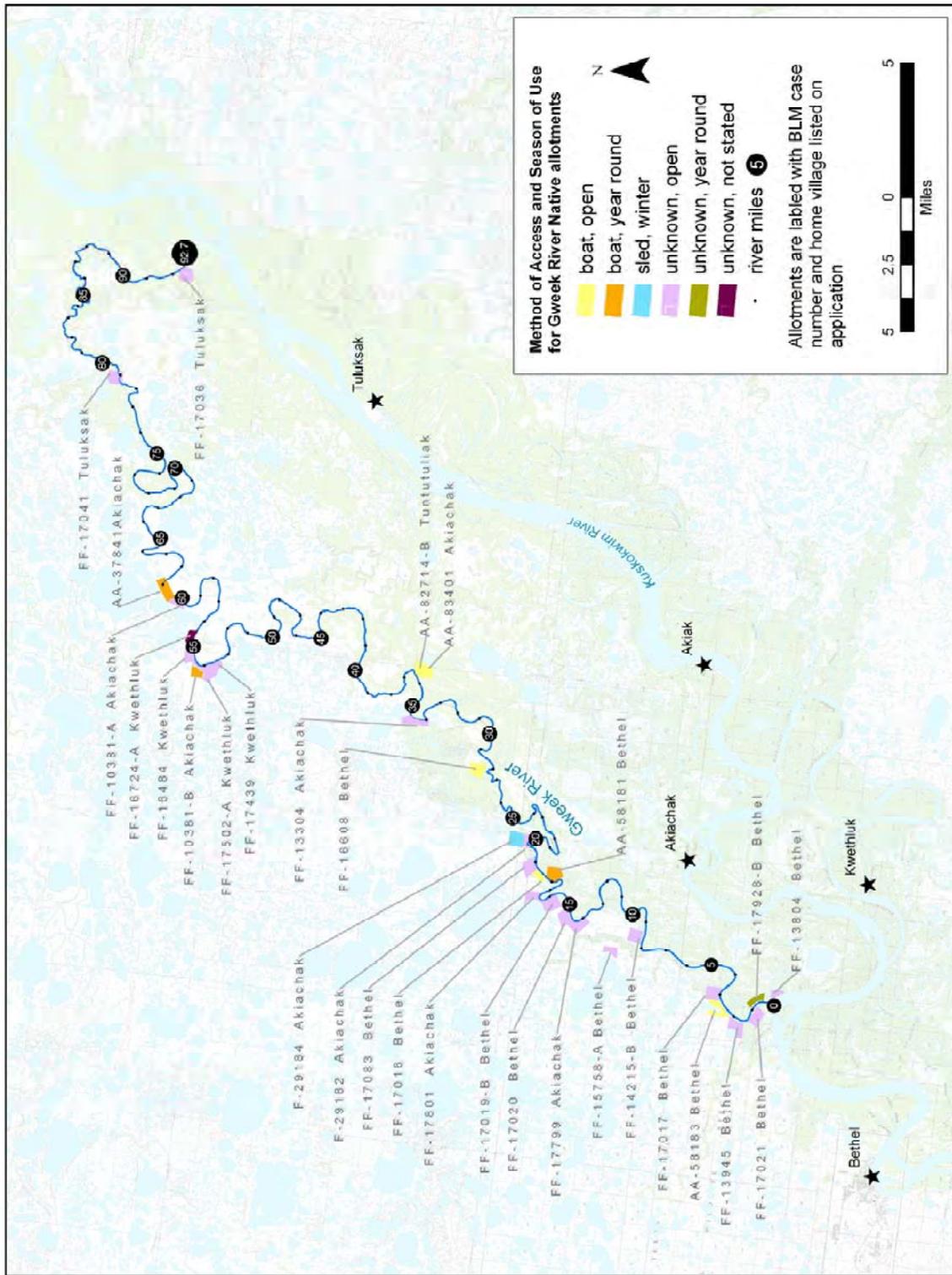


Figure 11. Map showing the method of access and season of use for Gweek River Native allotments.

Table 2. Gweek River Native allotments summary of access and season of use.

RIVER MILE	PARCEL #	OWNER	VILLAGE	ACCESS	SEASON OF USE	MONTHS USED	TYPE OF USE	USE SINCE
0	FF-13804	Lucy McCarr	Bethel	No info	open	November to March	ice fishing, wood gathering, fishing berry picking	1948
1	FF-17928-B	Nicolai Waska	Bethel	No info	year round	year round	fishing, hunting, trapping, camping, berry picking	1915
1	FF-17021	Balassia Nicholai	Bethel	No info	open	July to September	berry picking	1963
2	FF-13945	Roy Michael	Bethel	No info	open	August to October	fishing and berry picking	1956
2	AA-58183	Richard Parks	Bethel	by boat in spring and summer	open	September to June	fishing, hunting and berry picking	1960
3	FF-17017	Bessie Hoffman	Bethel	No info	open	June to December	hunting, fishing, berry picking	1921
8	FF-14215-B	Martha Chief	Bethel	No info	open	seasonal use	fishing and berry picking	1956
8	FF- 15758-A	Thaddeus Tikiun	Bethel	No info	open	September to March	hunting	1961
10	FF-17799	Celia Peter	Akiachak	No info	open	August to September	hunting, trapping, and picking berries	1965
15	FF-17020	Louis Nick	Bethel	No info	open	July to August	set net fishing and berry picking	1964
15.5	FF-17019-B	Tom Kinegak	Bethel	No info	open	July	berry picking and moose hunting	1943
16	FF-17801	Elena Peterofsky	Akiachak	No info	open	July to September	hunting, trapping, and picking berries	1963
18	AA-58181	Elena Sallison	Bethel	boat in summer dogteam in winter	year round	September to December	hunting, trapping, and picking berries	1941
18.5	FF-17016	Kausmak K. Alexi	Bethel	by boat on day trips from home	open	September to October	hunting and berry picking	1955
19	FF-17083	Martha S. Jack	Bethel	No info	open	September	fishing and berry picking	1945
20	F-29182	David Stevens	Akiachak	No info	open	June to August	spring fish camp	1954
20	F-29184	Julia Stevens	Akiachak	dog team and snow machine	winter	winter	trapping	did not state
28	FF-16608	Mary Michael	Bethel	boat	open	May to September	berry picking and trapping	1966
34	FF-13304	Noah Nose	Akiachak	No info	open	October to November	fishing and berry picking	1954
36	AA-83401	Robert Snyder	Akiachak	boat or snowmachine	open	April to May and January to March	fishing, hunting, trapping, camping, berry picking	1961
36.1	AA-82714-B	George McCarr	Tuntutuliak	boat in the fall and snowmachine in the winter	open	September	hunting	1964
54	FF-17439	Mary Phillip	Kwethluk	No info	open	June to September	trapping and picking berries	1945
54	FF-10381-A	Eliza Moses	Akiachak	No info	open	September to December	hunting and trapping	1959
54	FF-17502-A	Nelson Nose	Kwethluk	No info	open	April to December	fishing, hunting, and trapping	1960

Table 2. (Continued)

RIVER MILE	PARCEL #	OWNER	VILLAGE	ACCESS	SEASON OF USE	MONTHS USED	TYPE OF USE	USE SINCE
55	FF-16484	Mary Nose	Kwethluk	No info	open	May to September	berry picking	1940
55	FF-16724-A	Phillip Phillip	Kwethluk	No info	not stated	No info	Hunting, fishing, and trapping	1945
60	FF-10381-B	Eliza Moses	Akiachak	boat and snow machine	year round	November to December and April to June	trapping, fishing, and berry picking	1962
61	AA-37841	John Moses Sr.	Akiachak	by boat and snowmachine, before by dogsled	year round	September to December, April to June	fishing and berry picking	1954
79	FF-17041	Eddie Peter	Tuluksak	No info	open	May to October	hunting and trapping	1960
92	FF-17036	Maria Andrew	Tuluksak	No info	open	May to September	fishing and hunting	1958

Local Knowledge of the Gweek River from BLM Interviews and ADF&G Subsistence Report

On August 4, 1988, Edgar A. Earnhart, a BLM Realty Specialist, issued a memorandum on Interviews for Group Survey 254. Wassilie Kameroff and Ed Savage of Lower Kalskag told Earnhart that “they did not believe that the Gweek River could be boated by any crafts.” They recommended that Earnhart talk with Sinka Williams Sr., of Tuluksak about the Gweek River because people from his village hunt and fish there.¹¹³ (Attachment 31)

On March 14, 1989, Dorothy Tideman, a BLM Land Law Examiner, issued a memorandum on Interviews for Group Survey No. 268. Tideman summarized interviews with locals about their use of the Gweek River. On January 12, 1989, Akiachak resident Frank Frederick interpreted for John Moses Jr. Frederick said that both John Moses Jr. and Eliza Moses had allotments on the Gweek River. Both of the men “take motor-boats approximately sixteen feet long (propellers and lift) the complete length of the Gweek River every year.” He added that there are several short stretches where they have to pull the boat across, but that it is not difficult to do this.¹¹⁴ (Attachment 32)

On January 12, 1989 Mike Wade from Bethel, an ADF&G summer seasonal technician, told Tideman that he boated, in eighteen and twenty-foot boats, from the mouth of the Gweek River in Sec. 6, T. 9 N., R. 69 W., SM., to the right-bank tributary in Sec. 8, T. 13 N., R. 65 W., SM (river mile 0 - river mile 78). He stated that about one-quarter mile of the river was heavily vegetated but the river maintained a deep channel.¹¹⁵

On January 12, 1989, Dan Huttun, a hunter and fisherman, told Tideman that he had boated the Gweek River in a sixteen-foot boat from its mouth in T. 9 N., R. 69 W., SM to T. 12 N., R. 67 W., SM (River mile 0 - river mile 41). Huttun did not indicate what time of the year he did this. He added that he had flown over the river and thought that the entire river could be boated with minimal portaging.¹¹⁶

On January 20, 1989, Ron Perry, the Fish and Wildlife Refuge Manager at Bethel, told Tideman that he often flies over the Gweek River. He stated that he sees boats on the entire river. He stated that he has spoken with villagers from Bethel, Akiachak, and Akiak who say that they boat the entire river between June and October, but do have to portage a short distance.¹¹⁷

On January 31, 1989, Tideman spoke one more time with Frank Frederick about aerial photos that show the Gweek River with vegetation in the river. He said that he and John Moses did not boat all the way up to the upper mouth. They only went to about one half mile below John Moses Sr.'s Native allotment at river mile 60. He said that they could have boated all the way, but would have had to pull the boat in sections of the river.¹¹⁸

On January 31, 1989, Fritz George of Akiachak told Tideman that "he boated a portion of the lower river." He also said that Tuluksak villagers "use canoes and boats on the Gweek River from the upper mouth to the lower mouth." He stated that "he knows that the river is open up to John Moses Sr.'s Native allotment." He added that grass grows in the river near John Moses Sr.'s Native allotment (river mile 61), but that it does not make the river impassable.¹¹⁹

On January 31, 1989, Robert Snyder, Akiachak Chief of Police, told Tideman that he boated the Gweek River to Sec. 16, T. 13 N., R. 66 W., SM. He said that he stopped there because of the alder growing in the water, but it is possible to get through these areas at high water in the spring. He added that residents of Tuluksak boat the entire river. They pull their boats through the tree-grown areas at high water in the spring.¹²⁰

On January 31, 1989, Joseph Demantle, a resident of Tuluksak, told Tideman that "he heard that many people of Tuluksak boat the Gweek River all the way; he thought this was entirely possible."¹²¹

On February 1, 1989, Phillip Peter of Tuluksak, told Tideman that he boated up the Gweek River from Bethel to Sec. 29, T. 12 N., R. 67 W., SM, (river mile 42). "He said that the water was six feet or more deep in most areas. He boated in a twelve foot boat (propeller). He could have gone farther, in fact the distance of the river, but had no reason to do so."¹²²

On March 21, 2001, Laura Lagstrom, a BLM Navigable Water Specialist, issued a memorandum of Interviews for Nunapitchuk Window 2001. Lagstrom interviewed Roland Nose through his son-in-law Brian Latham, who served as interpreter. Nose said that "he uses a larger boat on Kuskokwim and Gweek River and then transfers to a smaller Lund with a 15-horsepower motor to boat through a little creek and pond" to get to his allotment on Israthorak Creek. Roland also said that "when he returned to Akiachak in the fall he could carry 1,000 pounds, but it was difficult."¹²³ (Attachment 33)

In 1998 The Alaska Department of Fish and Game (ADF&G) published *The Subsistence Harvest and Use of Wild Resources in Akiachak, Alaska* by Michael Coffing, et al. This technical paper describes the subsistence use of fish and wildlife resources by residents of Akiachak, Alaska during 1998. Coffing states that "boats, snowmachine or ATV are a primary method of privately owned transportation throughout the region"¹²⁴ Coffing provides data for subsistence harvests in

Game Management Unit 18 (GMU) that include the Gweek River. There were no commercial or subsistence closures on the Gweek River in 1998.¹²⁵

Subsistence resources harvested on the Gweek River include moose, caribou, fish, birds, berries and wood gathering. Typically, fishing activities accompany nearly every other subsistence activity in which a household is involved. Most fish harvest efforts during 1998 occurred in areas close to Akiachak. Fish species targeted by the residence of Akiachak on the Gweek River included; blackfish, broad and humpback whitefish, cisco, suckers, and grayling.¹²⁶ The areas accessed for these subsistence harvests are illustrated on a map published in the report (Figure 12) and include the Gweek River.

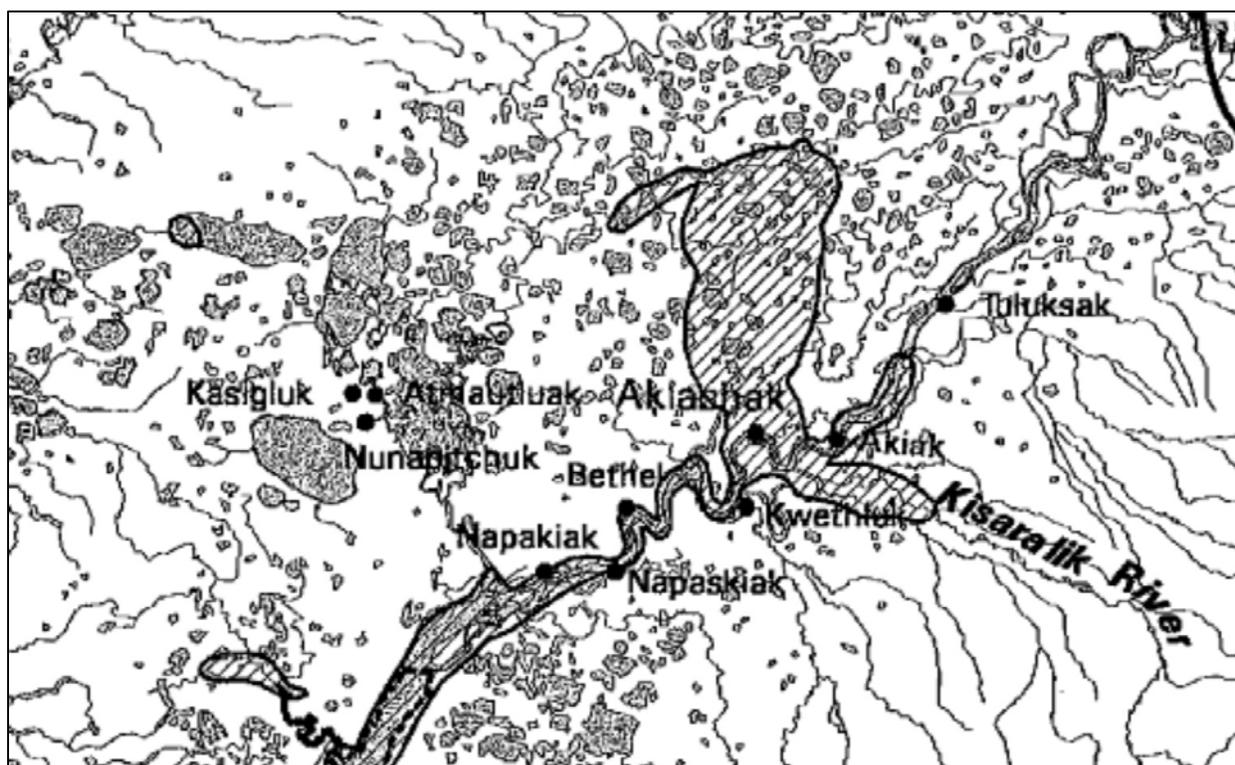


Figure 12. Subsistence fishing areas used by Akiachak Residents from 1988-1997. From page 77 of ADF&G Technical Report No. 258, *The Subsistence Harvest and Use of Wild Resources in Akiachak, Alaska*. Circled areas with hatch marks indicate use areas.

Caribou hunting by residents of Akiachak occurs in the fall and winter months. Although no caribou were harvested on the Gweek River during 1998, GMU 18 is an area where Akiachak residents have hunted for caribou. At the time this study was conducted the Mulchatna herd had been venturing into the eastern portion of GMU 18 since 1995.¹²⁷ Coffing describes the behavior of Akiachak residents when they harvest a caribou in the fall. From his interviews with Akiachak residents he ascertained that they sometimes return home with their kill on the same day as it was harvested. Coffing states that, “Caribou harvested in the fall were also butchered in the field into large pieces (legs, ribs, back, neck etc) and hung by wooden poles until the surface of the meat is dry. Once the surface is dry, the meat can be packed in the boat and taken home.”¹²⁸

River travel provides access to much of the subsistence harvests for residents of Akiachak. “Extreme low water during the fall season can make access to portions of some of these rivers and associated tributaries difficult.” According to Coffing, “Akiachak hunters are especially adept at finding their way around or over shallow areas. High water does not necessarily make travel up these rivers any easier, as the rivers are swift, divided into several channels, and are strewn with sweepers and hidden obstacles.”¹²⁹

The Gweek River is part of the “core harvest area” for residents of Akiachak to harvest wood. During periods of high water, during spring break up, boats are used to collect logs floating in the rivers (Figure 13). The logs are tied to boats and pulled back to the village where they are used for winter heating.¹³⁰

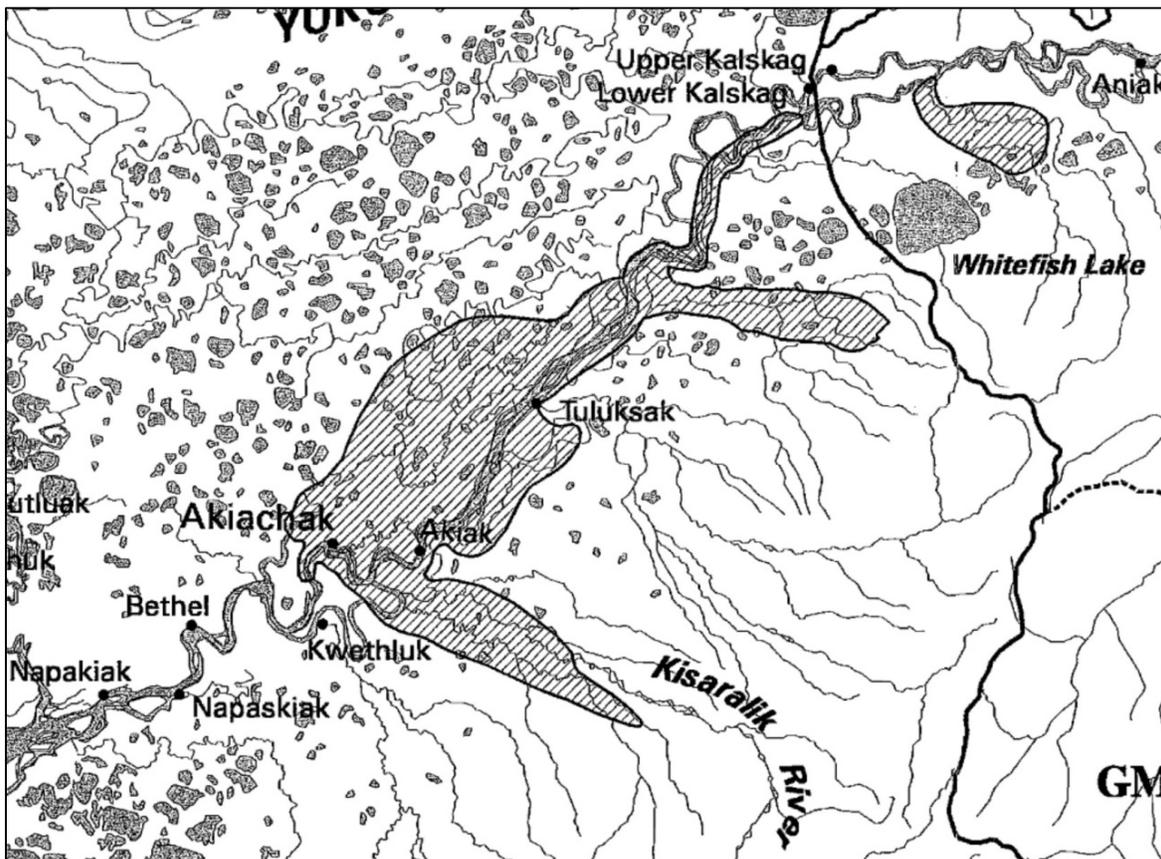


Figure 13. Areas used by Akiachak residents for Subsistence wood gathering from 1988-1997. This map is from page 143 of ADF&G technical Report No. 258, *The Subsistence Harvest and Use of Wild Resources in Akiachak, Alaska*. Areas circled with hatch marks indicate use areas.

VI. Summary

The Gweek River is 93 river miles long and is tidally influenced. The Gweek River flows within the boundaries of the Yukon Delta NWR and Native lands. The BLM initially determined the river nonnavigable in the 1970s. As more land conveyances occurred, the agency determined the river navigable, either in part or in full, in eighteen documents. The Gweek River appears to be

in its natural and ordinary condition since the time of statehood. Local Natives interviewed by the BLM state that there are grassy areas in the river, but they are not necessarily obstacles to navigation.

There are 30 Native allotment parcels on or near the Gweek River. Twenty-eight of the parcels were used by applicants during the open season, and of those, nine of the Native allotment files document use of boats to access the parcels. The files do not indicate how the other 20 applicants accessed their parcels. One parcel has no stated information about what years it was used. The predominate means of access for people in the region during the open season is by boat. Of the other 29 Native allotment parcels, one was used from the 1910s into the 1980s, one was used from 1921 up to the 1980s, seven were used from the 1910s in to the 1970s, and eight were used from the 1950s to the 1970s, for a total of 17 allotments used prior to Statehood. Twelve parcels were used beginning in the early to mid-1960s through the 1970s and early 1980s.

Endnotes

¹ Deborah D. Rudis, *Yukon Delta National Wildlife Refuge Contaminant Assessment*, U.S. Fish and wildlife Service, Juneau Field Office, Alaska, p 3.

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