



United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT
State Office
555 Cordova Street
Anchorage, Alaska 99501

2651 (941)
F-14883-EE (Anch)
F-14883-A (Anch)

**Kwethluk River
Interim Summary Report
Attachment 1**

OCT 13 1976

NOTICE OF PROPOSED EASEMENT RECOMMENDATIONS FOR THE VILLAGE OF KWETHLUK

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

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

Seward Meridian

✓ T. 6 N., R. 68 W.
sections 1-16, 22-26, 35, 36

T. 6 N., R. 67 W.
sections 4, 5, 8, 9, 16, 17, 20-22, 31, 34

✓ T. 7 N., R. 69 W.
sections 1-3, 11-13

✓ T. 7 N., R. 68 W.
sections 1-36

T. 7 N., R. 67 W.
sections 1-7, 11, 12, 17-19

T. 8 N., R. 70 W.
sections 1-4, 9-16, 21-28, 33-36

✓ T. 8 N., R. 69 W.
sections 1-36

T. 8 N., R. 68 W.
sections 1-36

T. 8 N., R. 67 W.
sections 5-9, 17-20, 29-36



T. 9 N., R. 69 W.
sections 25-27, 34-36

T. 9 N., R. 68 W.
sections 22-36

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

- 2 L A continuous linear shoreline easement 25 feet in width upland of and parallel to the mean high-water mark on both shores of the Kwethluk River and the stream bed below the mean high-water mark. The Kwethluk River has significant public use and provides access to public lands.
- 10 C4 A continuous linear shoreline easement 25 feet in width upland of and parallel to the mean high-water mark on both shores of the Kuskokwim River.
- 11 C4 A one-acre campsite on the left bank of the Kwethluk River upland of and parallel to the mean high-water mark to facilitate use of the river. A 25-foot wide easement is reserved below the mean high-water mark on the bed of the Kwethluk River adjacent to the one-acre campsite easement.
- 12 C An easement for the transportation of energy, fuel, and natural resources which are the property of the United States or which are intended for delivery to the United States or which are produced by the United States.
- 13 C The general right to enter upon the subject lands for cadastral, geodetic, or other survey purposes, together with the right to do all things necessary in connection therewith.

The following easements are hereby not recommended for inclusion in the conveyance document:

- 1 C3 Airstrip at Kwethluk. It should be covered under section 14(c). Therefore, no easement is needed.
- 3 D1 A 25-foot trail to public lands southeasterly from Akiak. The trail was rerouted entirely on Akiak's selection area, thereby avoiding the Kwethluk selection area.

- 4 L A streamside easement on the Kisaralik River which is outside the Kwethluk selection area.
- 5 D1 The trail from Akiachak to Akiak is outside the Kwethluk selection area.
- 6,7,8,9 D1 All these trails are outside the Kwethluk selection area. They will be considered where they cross other selection areas.

The following water body is determined to be navigable:

The Kuskokwim River throughout the Kwethluk selection area and including Kuskokuak Slough, Tupuknuk Slough, and Church Slough.

No other water bodies are considered to be navigable.

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

Written comments must be filed with the Joint Federal-State Land Use Planning Commission, 733 West Fourth Avenue, Suite 400, Anchorage, Alaska 99501, no later than NOV 29 1976. A copy of any comments should also be sent to the State Director, Bureau of Land Management, 555 Cordova Street, Anchorage, Alaska 99501.


 Curtis V. McVee
 State Director

UNITED STATES POSTAL SERVICE
 OFFICIAL BUSINESS

SENDER INSTRUCTIONS
 Print your name, address, and ZIP Code in the space below.
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Alaska District Office
 RECEIVED

OCT 15 1976

Bureau of Land Management
 Anchorage, Alaska

BUREAU OF LAND MANAGEMENT
 ANCHORAGE DISTRICT OFFICE
 4700 EAST AVENUE
 ANCHORAGE, ALASKA 99507

memorandum

DATE: OCT 11 1978

REPLY TO: SD
ATTN OF:

In Reply Refer To:
2650.58 (963)
F 14883 EE

SUBJECT: Amendment to Final Easements for the
Village of Kwethluk

**Kwethluk River
Interim Summary Report
Attachment 2**

TO: Chief, Division of ANCSA Operations (960)

This memo supercedes my September 22, 1978 memo listing final easements for the village of Kwethluk. This is being done to clarify a number of easement issues.

E.I.N.

DESCRIPTION

2 L A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from the point of tidal influence in Sec. 4, T. 8 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

Discussion: The Kwethluk River receives recreational use for boating and fishing. It is a clear stream with some fast water. Being near Bethel, the river gets a lot of use from both sportfishermen and subsistence fishermen. Species include rainbow trout, grayling, and Dolly Varden trout. This easement will provide shore space for the continued utilization of this water way.

11 C4 A site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 68 W., Seward Meridian, on the left bank of the Kwethluk River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

Discussion: This site is located approximately ten river miles from lands that will remain in public ownership. It will facilitate access along the river to public lands lying south of the selected lands.

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



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

Discussion: Standard survey easement.

14 C A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

Discussion: Standard coastline easement.

The following easements contained in my March 24, 1977 decision memo have been deleted.

<u>E.I.N.</u>	<u>DESCRIPTION</u>
10 C4	A streamside easement twenty-five (25) feet in width on both banks of the Kuskokwim River.
Discussion:	This easement was replaced with the continuous marine coastline easement since the Kuskokwim River is tidally influenced throughout this selection area.
12 C	The standard transportation easement.
Discussion:	The authority for this easement (S.O. 2987) has been revoked by S.O. 3020, dated May 8, 1978.



Acting

Kwethluk - F-14883-A
(enclosed file)

NAVIGABILITY FIELD REPORT

PHYSICAL DATA

Kwethluk River
Interim Summary Report
Attachment 3

Number/Name of Water Body Kwethluk River Quadrangle _____

Native Selection Impacted Kwethluk

Location of Water Body T8N R6W S N Seward

Length 100 mi Width 200' Depth 15'

Area _____

Discharge _____

Bank Characteristics mud/silt to gravel

Channel Characteristics meandering

Obstructions to Navigation none

Flood Characteristics spring at break-up

Length of Useable Season 6 month May thru Oct.

Type of Watercraft Commonly Used in Area outboard motor boat

Other Transportation Systems Available none

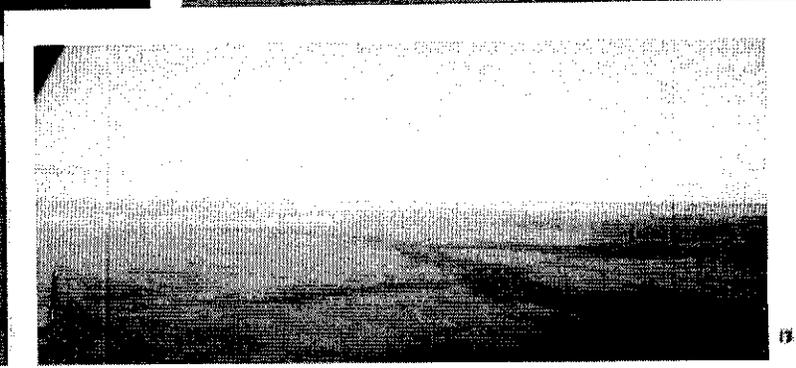
Need of Use of Water Body in Future provide access to public lands

Tidal Influence none

Remarks:
F 14883EE

Report Prepared by WRN Review _____

Date 11-4-75 Date _____



STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

ANCHORAGE, ALASKA

JAY S. HAMMOND, GOVERNOR

333 RASPBERRY ROAD
ANCHORAGE 99502

May 9, 1977

**Kwethluk River
Interim Summary Report
Attachment 4**

Horace Sanders
Bureau of Land Management
555 Cordova Street
Anchorage, Alaska 99501

Dear Mr. Sanders:

During the Easement Task Force session on April 26, 1977, you requested information on tides in the Kuskokwim River and several of the tributaries.

Rae Baxter, fisheries biologist at Bethel provided me with the following information regarding the top of tide (I assume he meant tidal influence):

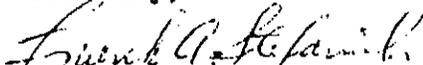
1. Eek River S25, T2N, R73W, S.M.
2. Eenayarak River S1, T3N, R73W, S.M.
3. Lake System S32, T6N, R72W, S.M.
4. Kwithluk River S25 & 26, T8N, R69W, S.M.
5. Kisaralik River S20 & 29, T9N, R67W, S.M.
6. Kuskokwim River S15, T9N, R68W, S.M.
7. Gweek River S23, T10N, R69W, S.M.
8. Pimiktalik River S7, T9N, R73W, S.M.
9. Johnson River S22, T9N, R74W, S.M.
10. Kutukhun River S10, T6N, R76W, S.M.

The historical used rivers are as follows:

1. Eek River - its entire length (into Goodnews 1:250,000).
2. Kuskokwim River - entire length on Bethel 1:250,000 map.
3. The remainder of the rivers with heavy dark lines on the attached maps. These are Xeroxed copies of 1:250,000 maps reduced by a factor of 5 (Xerox 5) on their machines (Bethel and Baird Inlet maps).

Please feel free to call if you need further information.

Sincerely,


Frank A. Stefanich
Access Project Leader
Habitat Protection Section

cc: D. Nation - ADL, Anchorage
R. Skoog
J. Sexton
L. Heckert
B. Fedeler

**Kwethluk River
Interim Summary Report
Attachment 5**

BO 3/7/79

BY 3/7/79

2651/75.4 (961)
F-14883-A (Anch)
F-14883-EE

MAR 7 1979

State Office
701 C Street, Box 13
Anchorage, Alaska 99513

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Kwethluk Incorporated	:	F-14883-A
Kwethluk, Alaska 99621	:	Village Selection
	:	
Calista Corporation	:	
516 Denali Street	:	
Anchorage, Alaska 99501	:	

Lands Proper for Village Selection
Approved for Interim Conveyance

On November 19, 1974, Kwethluk Incorporated, for the Native village of Kwethluk, filed selection application F-14883-A under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 701; 43 U.S.C. 1601, 1611(a) (Supp. V, 1975)), for the surface estate of lands located in the Kwethluk area.

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

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a), aggregating approximately 131,463 acres, is considered proper for acquisition by Kwethluk Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act:

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 67 W.
Secs. 4 and 5, all;
Secs. 8 and 9, all;
Secs. 16 and 17, all;



Secs. 20, 21 and 22, all;
 Secs. 27 and 28, all;
 Sec. 31, all;
 Sec. 34, all.

Containing approximately 8,309 acres.

T. 7 N., R. 67 W.

Sec. 1, all;
 Sec. 2, excluding Native allotment F-17072
 Parcel C;
 Secs. 3 to 7, inclusive, all;
 Secs. 11 and 12, all;
 Secs. 17 to 20, inclusive, all;
 Secs. 28, 29 and 30, all;
 Secs. 32 and 33, all.

Containing approximately 11,307 acres.

T. 8 N., R. 67 W.

Secs. 5 to 9, inclusive, all;
 Secs. 17 to 20, inclusive, all;
 Secs. 29, 30 and 31, all;
 Sec. 32, excluding Native allotment F-029105
 Parcel B;
 Secs. 33 to 36, inclusive, all.

Containing approximately 10,660 acres.

T. 6 N., R. 68 W.

Secs. 1 to 9, inclusive, all;
 Sec. 10, excluding Native allotment F-17216;
 Secs. 11 to 14, inclusive, all;
 Sec. 15, excluding Native allotments F-17050
 Parcel B and F-17216;
 Sec. 16, all;
 Secs. 22 and 23, all;
 Sec. 24, excluding Native allotment F-19254
 Parcel B;
 Sec. 25, excluding Native allotments F-16016
 and F-17204 Parcel B;
 Sec. 26, all;
 Sec. 35, all;
 Sec. 36, excluding Native allotments F-16016
 and F-16008 Parcel A.

Containing approximately 14,027 acres.

T. 7 N., R. 68 W.

Secs. 1 and 2, all;
 Sec. 3, excluding Native allotment F-17212
 Parcel B;

- Secs 4 to 7, inclusive, all;
 Sec. 8, excluding Native allotments F-17221
 Parcel B, F-17210 Parcel C and F-17222;
 Sec. 9, excluding Native allotment F-17222;
 Sec. 10, excluding Native allotment F-17212
 Parcel C;
 Secs. 11 and 12, all;
 Sec. 13, excluding Native allotment F-16015;
 Secs. 14 and 15, all;
 Sec. 16, excluding Native allotments F-17214
 Parcel A and F-17057 Parcel A;
 Sec. 17, excluding Native allotment F-17214
 Parcel A;
 Sec. 18, excluding Native allotment F-17072
 Parcel B;
 Sec. 19, excluding Native allotments F-17061
 Parcel A, F-16807 Parcel B and F-16803;
 Sec. 20, excluding Native allotments F-16803,
 F-17214 Parcel A and F-17015 Parcel A;
 Sec. 21, excluding Native allotments F-17214
 Parcel A and F-16013 Parcel A;
 Secs. 22 to 27, inclusive, all;
 Sec. 28, excluding Native allotment F-16724
 Parcel C;
 Secs. 29 to 36, inclusive, all.

Containing approximately 21,655 acres.

T. 8 N., R. 68 W.

- Secs. 1 to 18, inclusive, all;
 Sec. 19, excluding Native allotment F-17099
 Parcel B;
 Secs. 20 to 27, inclusive, all;
 Sec. 28, excluding Native allotments F-19262
 Parcel A and F-17099 Parcel A;
 Sec. 29, excluding Native allotments F-19262
 Parcel A and F-17211;
 Sec. 30, excluding Native allotments F-17099
 Parcel B, F-19262 Parcel B, F-025345
 Parcel B, F-17073 Parcel A and F-17060
 Parcel B;
 Sec. 31, excluding Native allotment F-17212
 Parcel D;
 Sec. 32, excluding Native allotments F-17212
 Parcel D and F-17211;
 Sec. 33, excluding Native allotments F-17073
 Parcel B, F-17212 Parcel A and F-16009;
 Secs. 34, 35 and 36, all.

Containing approximately 21,769 acres.

T. 9 N., R. 68 W.

- Sec. 22, excluding the Kuskokuak Slough and Native allotments F-16595 and F-16592;
 Sec. 23, excluding the Kuskokuak Slough and Native allotment F-16592;
 Secs. 24, 25 and 26, excluding the Kuskokuak Slough;
 Sec. 27, excluding the Kuskokuak Slough and Native allotment F-17220 Parcel B;
 Sec. 28, excluding the Kuskokuak Slough and Native allotment F-13380;
 Sec. 29, excluding the Kuskokuak Slough;
 Sec. 30, excluding the Kuskokuak Slough and Native allotment F-17206 Parcel B;
 Sec. 31, excluding the Kuskokuak Slough and Native allotment F-17080;
 Sec. 32, excluding the Kuskokuak Slough and Native allotments F-17080 and F-17214 Parcel B;
 Sec. 33, excluding the Kuskokuak Slough;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokuak Slough and Native allotments F-17213, F-17069 and F-17215;
 Sec. 36, excluding the Kuskokuak Slough and Native allotments F-17069 and F-17215.

Containing approximately 7,030 acres.

/ T. 7 N., R. 69 W.

- Sec. 1, all;
 Sec. 2, excluding Native allotment F-16182 Parcel A;
 Sec. 3, excluding Native allotment F-17219 Parcel A;
 Sec. 11, excluding Native allotments F-16181 Parcel A, F-16481 Parcel B, F-17607 and F-16182 Parcel B;
 Sec. 12, excluding Native allotments F-17050 Parcel C and F-17052 Parcel B;
 Sec. 13, excluding Native allotment F-17210 Parcel B.

Containing approximately 3,217 acres.

/ T. 8 N., R. 69 W.

- Sec. 1, excluding Native allotment F-17207;
 Sec. 2, excluding the Kuskokuak Slough;
 Sec. 3, excluding the Kuskokuak Slough and Native allotment F-17214 Parcel B;

- Sec. 4, excluding the Kuskokuak Slough, Tract C of U.S. Survey No. 4221 and Native allotments F-17221 Parcel A, F-16481 Parcel A, F-17057 Parcel B and F-17072 Parcel A;
- Sec. 5, excluding the Kuskokuak Slough, Tracts A, C and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17050 Parcel A and F-17070 Parcel A;
- Sec. 6, excluding the Kuskokwim River, Kuskokuak Slough, Tracts A, B and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17076 Parcel A, F-17218 Parcel C, F-17219 Parcel B and F-13559 Parcel A;
- Sec. 7, excluding the Kuskokuak Slough and Native allotments F-13559 Parcel A, F-17060 Parcel A and F-19257 Parcel A;
- Sec. 8, all;
- Sec. 9, excluding Native allotments F-17072 Parcel A, F-17210 Parcel A and F-19256 Parcel B;
- Secs. 10 and 11, excluding the Kuskokuak Slough and Native allotment F-16483 Parcel B;
- Sec. 12, excluding the Kuskokuak Slough and Native allotments F-17207, F-17217 Parcel A and F-17206 Parcel A;
- Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17066 Parcel B;
- Sec. 14, excluding the Kuskokuak Slough and Native allotments F-16724 Parcel B and F-13611;
- Sec. 15, excluding the Kuskokuak Slough and Native allotments F-13611, F-17053 and F-17204 Parcel A;
- Sec. 16, excluding Native allotments F-18289 Parcel B and F-17217 Parcel B;
- Sec. 17, excluding Native allotments F-17217 Parcel B, F-17076 Parcel B and F-17067 Parcel A;
- Sec. 18, excluding Native allotment F-17055;
- Sec. 19, excluding Native allotment F-19260;
- Sec. 20, excluding Native allotments F-13781 Parcel B and F-19260;
- Sec. 21, excluding Native allotment F-13781 Parcel B;
- Sec. 22, excluding the Kuskokuak Slough and Native allotment F-17053;
- Sec. 23, excluding the Kuskokuak Slough and Native allotments F-17067 Parcel B, F-17205, F-13781 Parcel A and F-17052 Parcel A;
- Sec. 24, excluding Native allotment F-17059 Parcel A;

- Sec. 25, excluding Native allotments F-14189,
F-025345 Parcel B and F-17078 Parcel A;
Sec. 26, excluding Native allotment F-17054
Parcel A;
Sec. 27, all;
Sec. 28, excluding Native allotment F-17015
Parcel C;
Sec. 29, excluding Native allotments F-19260
and F-13781 Parcel B;
Sec. 30, excluding Native allotment F-19260;
Secs. 31, 32 and 33, all;
Sec. 34, excluding Native allotment F-17219
Parcel A;
Sec. 35, excluding Native allotment F-17218
Parcel B;
Sec. 36, all.

Containing approximately 17,878 acres.

T. 9 N., R. 69 W.

- Secs. 25 and 26, excluding the Kuskokwim River;
Sec. 27, all;
Sec. 34, all;
Sec. 35, excluding the Kuskokwim River and Native
allotment F-17079;
Sec. 36, excluding the Kuskokuak Slough and Native
allotment F-17050 Parcel A.

Containing approximately 2,905 acres.

T. 8 N., R. 70 W.

- Sec. 1, excluding the Kuskokwim River and Native
allotment F-13556 Parcel A;
Secs. 2 and 3, excluding the Kuskokwim River;
Sec. 4, excluding the Kuskokwim River and Church
Slough;
Sec. 9, excluding the Kuskokwim River, Church
Slough, Tupuknuk Slough and Native allotment
F-17051 Parcel B;
Sec. 10, excluding the Kuskokwim River, Tupuknuk
Slough and Native allotments F-13111,
F-17056 Parcel B, F-19256 Parcel A and
F-025345 Parcel A;
Sec. 11, excluding the Kuskokwim River, Kuskokuak
Slough and Native allotments F-13111,
F-13556 Parcel A, F-17019 Parcel A and
F-17074 Parcel A;
Sec. 12, excluding the Kuskokwim River, Kuskokuak
Slough and Native allotments F-17074 Parcel A,
F-13556 Parcel A, F-18288 Parcel A and F-19257
Parcel A;
Sec. 13, excluding the Kuskokuak Slough and Native
allotment F-17074 Parcel B;

Sec. 14, excluding the Kuskokuak Slough;
 Sec. 15, excluding Native allotment F-17075;
 Sec. 16, excluding the Tupuknuk Slough;
 Sec. 21, excluding the Tupuknuk Slough;
 Secs. 22 and 23, all;
 Sec. 24, excluding Native allotment F-17074
 Parcel B;
 Secs. 25, 26 and 27, all;
 Sec. 28, excluding Native allotment F-17056
 Parcel A;
 Secs. 33 to 36, inclusive, all.

Containing approximately 12,706 acres.

Aggregating approximately 131,463 acres.

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

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (Supp. V, 1975)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (Supp. V, 1975)), the following public easements, referenced by easement identification number (EIN) on the easement maps in case file F-14883-EE, are reserved to the United States and subject to further regulation thereby:
 - a. (EIN 2 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from the point of tidal influence in Sec. 4, T. 8 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.
 - b. (EIN 11 C4) A site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 68 W., Seward Meridian, on the left bank of the Kwethluk River. The site is one (1) acre in size with an additional twenty-five (25) foot

wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

- c. (EIN 13 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.
- d. (EIN 14 C) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978, and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated August 23, 1978 between the Secretary of the Interior, Calista Corporation and Kwethluk Incorporated.

The grant of lands shall be subject to:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease

(including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1970))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) Supp. V, 1975)), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (Supp. V, 1975)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and
4. The terms and conditions of the agreement dated August 23, 1978, between the Secretary of the Interior, Calista Corporation and Kwethluk Incorporated. A copy of the agreement shall be attached to and become a part of the conveyance document and shall be recorded therewith. A copy of the agreement is located in the Bureau of Land Management easement case file for Kwethluk Incorporated, serialized F-14883-EE. Any person wishing to examine this agreement may do so at the Bureau of Land Management, Alaska State Office, 701 C Street, Anchorage, Alaska.

Kwethluk Incorporated is entitled to conveyance of 138,240 acres of land selected pursuant to Sec. 12(a) of the Alaska Native Claims Settlement Act. To date, approximately 131,463 acres of this entitlement have been approved for conveyance; the remaining entitlement of approximately 6,777 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act, conveyance to the subsurface estate of the lands described above will be granted to Calista Corporation at the same time conveyance is granted to Kwethluk Incorporated for the surface estate, and shall be subject to the same conditions as the surface conveyance.

The Kuskokwim River, Kuskokuak Slough, Tupuknuk Slough and Church Slough are considered to be subject to tidal influence and navigable throughout the Kwethluk selection.

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

In accordance with Departmental regulation 43 CFR 2650.7(d) notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in both the Anchorage Times and The Tundra Drums. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510, with a copy served upon both the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513 and the Regional Solicitor, Office of the Solicitor, 510 L Street, Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until APR 11 1979 to file an appeal.
3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

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

If an appeal is taken, the parties to be served are:

Kwethluk Incorporated
Kwethluk, Alaska 99621

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

/s/ Judith A. Kammins
Chief, Division of ANCSA
Operations

Enclosures:

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

cc:

Joint Federal-State Land Use
Planning Commission for Alaska
733 West Fourth Avenue
Anchorage, Alaska 99501
(w/maps)

State of Alaska
Division of Lands
323 East Fourth Avenue
Anchorage, Alaska 99501
(w/maps)

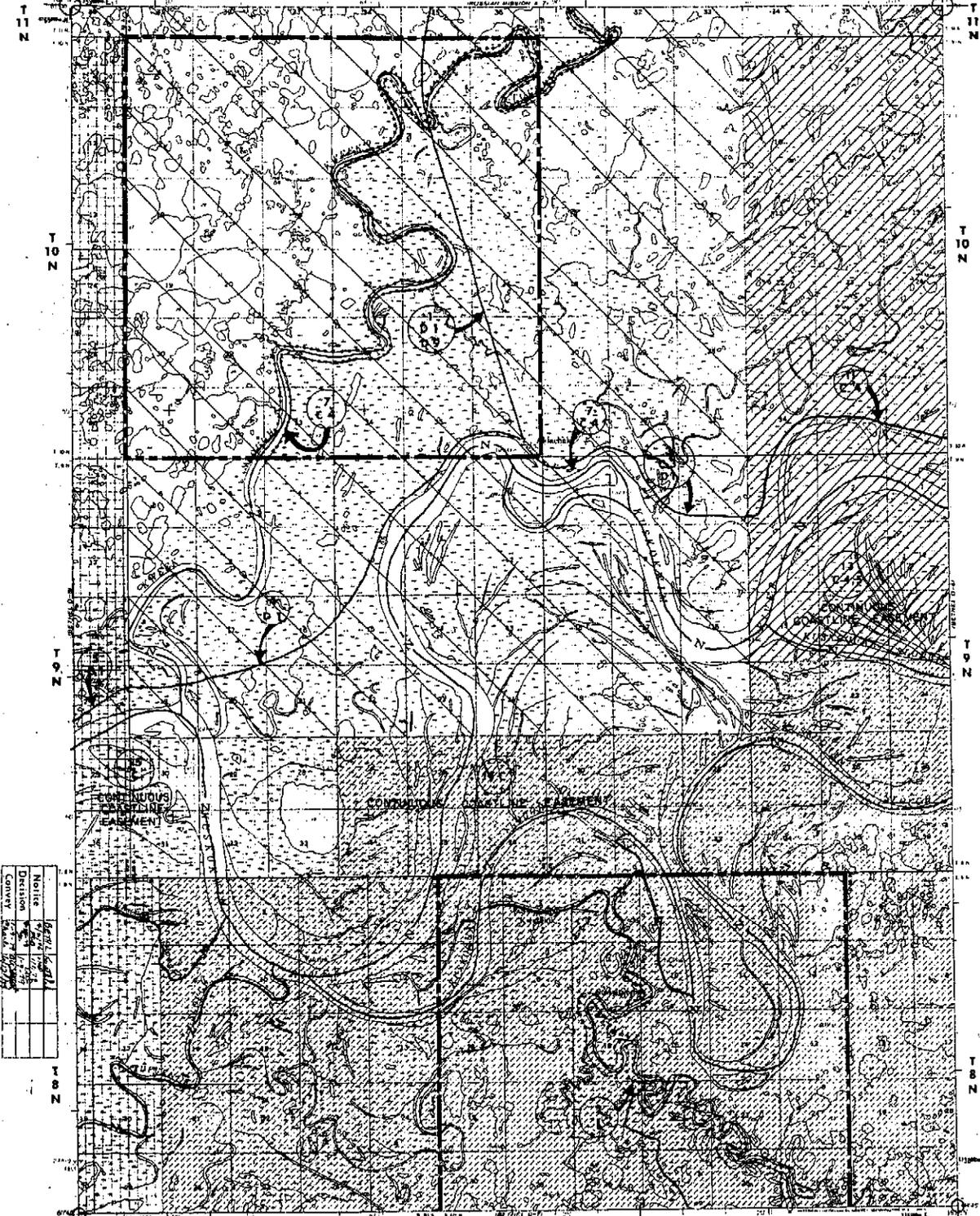
Birch, Horton, Bittner and Monroe, Inc.
Attn: Michael R. Spaan
733 West Fourth Avenue, Suite 206
Anchorage, Alaska 99501
(w/maps and plats)

Cole, Hartig, Rhodes, Norman & Mahoney
717 K Street, Suite 201
Anchorage, Alaska 99501
(w/maps and plats)

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

DM-A (018)
(w/maps)

961/MKonklin/SDunn/DDiakakis:pd 01/29/79:ex-134/140



Notice Decision Convey	Date	Section
	12/17/74	10
	12/17/74	11
	12/17/74	12
	12/17/74	13
	12/17/74	14
	12/17/74	15
	12/17/74	16
	12/17/74	17
	12/17/74	18
	12/17/74	19
	12/17/74	20

Bethel
EIN 13C
Easement for general
survey purposes.

Bethel
EIN 13C
Easement for general
survey purposes.
Kwethluk

DC with 7/2/79

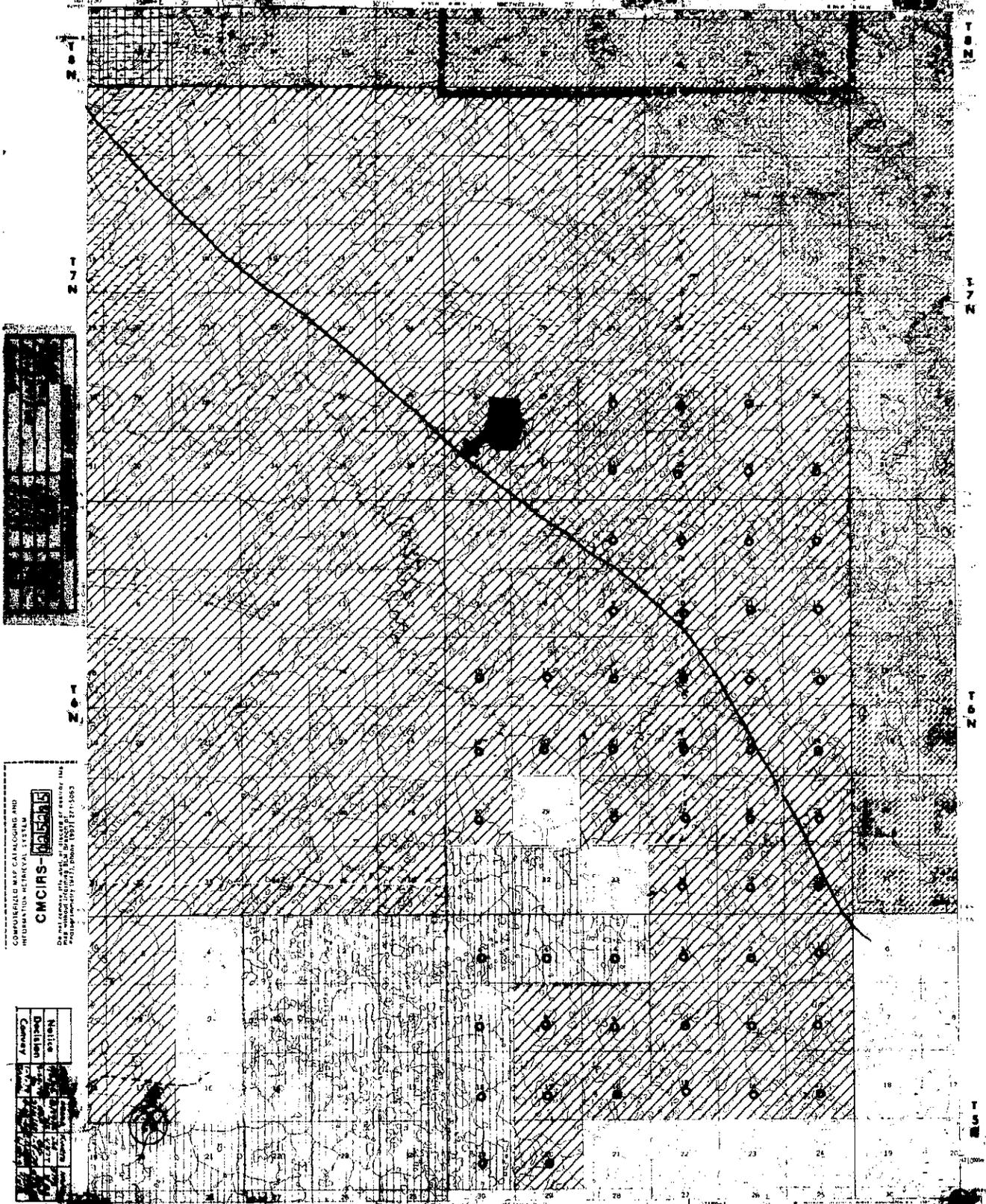
Map by the Army Map Service
1:63,000 and published by the Geological Survey
Control by 118-A-GS and 115-C
Topography as photographed, minus film aerial photographs
taken 1952 and 1957; base contour 1966. Has not left the
Universal Transverse Mercator projection, 1927 North American datum,
10,000 foot grid based on WGS 84 coordinate system, zone 7,
1800-meter Universal Transverse Mercator grid scale,
zone 4, shown in blue.
Land lines represent surveys and unpatented claims
as shown by the Bureau of Land Management,
File 5 9 20000 Modan.

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

PCB 12/17/75
KWETHLUK
AKIACHAK
AKIAK
BETHEL (D-7), ALASKA

AKIACHAK VILLAGE SELECTION
BETHEL VILLAGE SELECTION
AKIAK VILLAGE SELECTION
KWETHLUK VILLAGE SELECTION

Core Township



COMPUTERIZED MAP CATALOGING AND
INFORMATION RETRIEVAL SYSTEM
CMCIRS - MapInfo
Developed by the U.S. Geological Survey, Reston, VA
1987



OSCARVILLE VILLAGE SELECTION

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

O-Over-Selections
--- Core Township

VILLAGE SELECTION

NAPASKIAK VILLAGE SELECTION

FOR SALE BY U.S. GEOLOGICAL SURVEY
FALSBURG, ALASKA DENVER 25, COLORADO OR WASHINGTON 25, D.C.
OFFICE OF GEOLOGICAL SURVEY, RESTON, VIRGINIA 20192

69 W KWETHLUK VILLAGE SELECTION

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

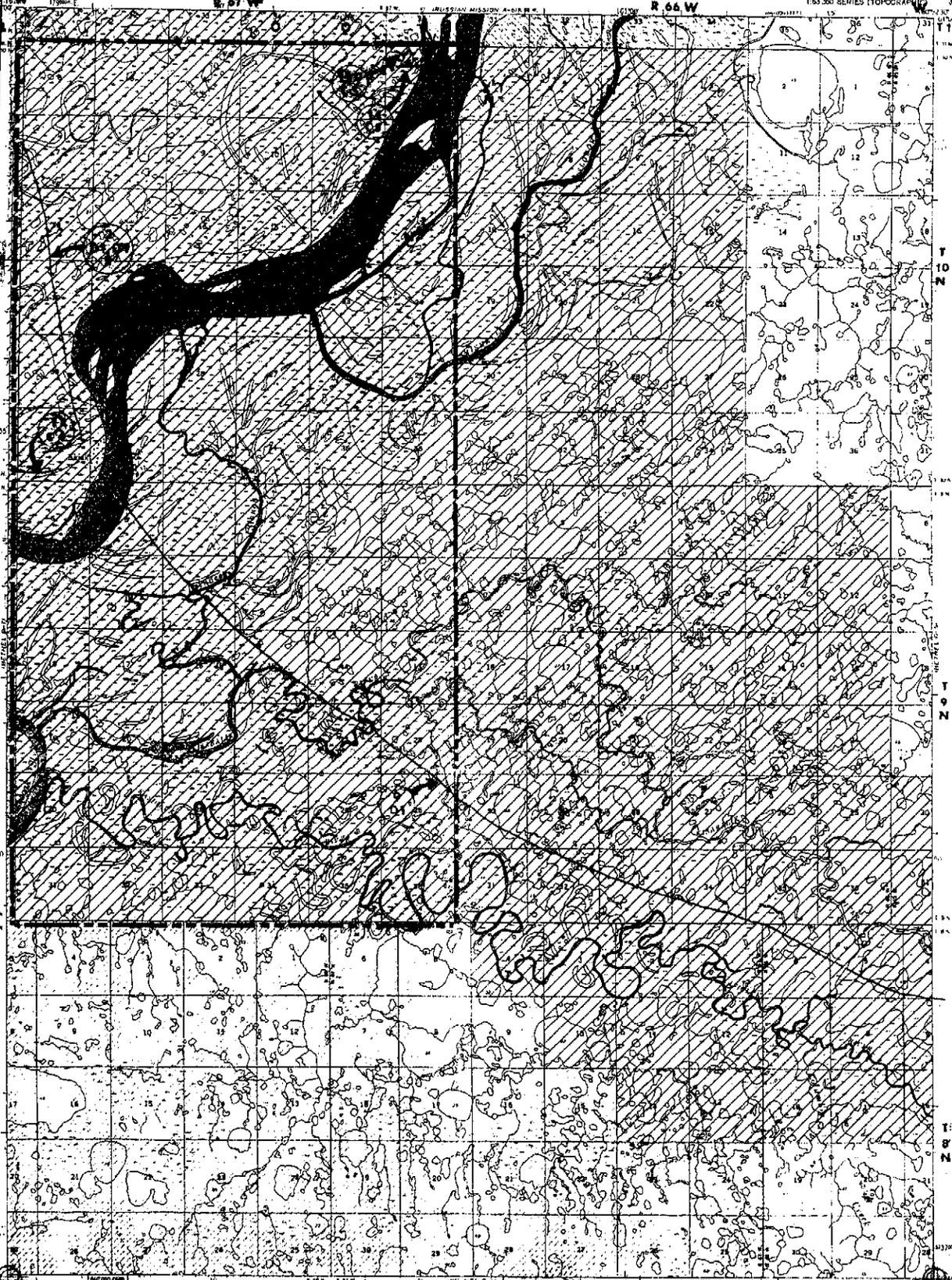
--- Core Township
Note: no navigable water

FALSBURG DISTRICT

Bethel
Bethel

DATE	INITIALS

Submerged lands beneath waters determined navigable as to (or susceptible to) travel, trade and commerce.
Pending determination of tidal influence.



Notice	
Decision	
Convey	

Thunksak Village Selection
Application of 1915 Act
FOR SALE BY U.S. GEOLOGICAL SURVEY
REPRESENTS APPROX. WHOLE SECTION (640 ACRES)
BETHEL (D-6), ALASKA

Kwethluk Village Selection
Application of 1915 Act
FOR SALE BY U.S. GEOLOGICAL SURVEY
REPRESENTS APPROX. WHOLE SECTION (640 ACRES)
BETHEL (D-6), ALASKA

Akiak Village Selection
Application of 1915 Act
FOR SALE BY U.S. GEOLOGICAL SURVEY
REPRESENTS APPROX. WHOLE SECTION (640 ACRES)
BETHEL (D-6), ALASKA

STATE OF ALASKA

BUREAU OF LAND
MANAGEMENT
MAIL ROOM
W. HAMMOND, GOVERNOR
MAR 26 10 09 AM '79

DEPARTMENT OF NATURAL RESOURCES

RECEIVED
ANCHORAGE
327 E. 4TH AVENUE
ANCHORAGE, ALASKA 99501

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

March 23, 1979

Kwethluk Incorporated
Kwethluk, Alaska 99621

**Kwethluk River
Interim Summary Report
Attachment 6**

NOTICE OF STATE OF ALASKA'S OWNERSHIP OF SUBMERGED LANDS

Pursuant to section 6(m) of the Alaska Statehood Act, 72 Stat. 339, the Submerged Lands Act of 1953, 43 U.S.C. 1301 et seq., and the "equal footing" doctrine, Pollard v. Hagen, 44 U.S. 212 (1845), the State of Alaska holds title to the land under navigable and tidal waters located within the State of Alaska. Such title vested in the State of Alaska upon Alaska's admission as a State to the United States on January 3, 1959; and since that time the United States has had no title, ownership right or interest in submerged lands. In particular, such submerged lands are not "public lands" as that term is defined in section 3(e) of the Alaska Native Claims Settlement Act, 43 U.S.C. 1602(e).

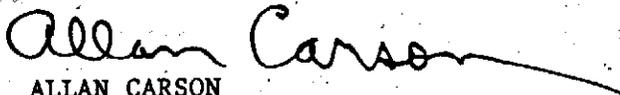
By decision of March 7, 1979, file No. F-14883-A, the Chief Adjudicator for the Alaska Office of the Bureau of Land Management has stated his approval for interim conveyance or patent of certain lands pursuant to Section 14(a) of the Alaska Native Claims Settlement Act. It appears from the adjudicator's decision that the BLM will attempt to convey to you certain lands which may underlie waters which the State of Alaska believes to be navigable, as outlined on the attached Water Delineation Map identified as Exhibit A, sheets 1, 2, 3, 4, 5, and 6.

BE ADVISED that the Bureau of Land Management is without power to convey title to lands under navigable waters. Borax Consolidated, Ltd. v. Los Angeles, 296 U.S. 10 (1935). The State of Alaska has the right and the duty to protect its title by all means authorized by law.

This notice is provided to you so that you may be aware of the State's position regarding lands under navigable waters, and protect your own interests as you deem appropriate. The State's identification by name of certain water bodies as navigable is intended to assist you in protecting your own interests. You are CAUTIONED that the above list of navigable waters may be incomplete. Only a federal court may

March 23, 1979

determine as a final matter whether a particular body of water is navigable or non-navigable. The State's identification of navigable waters in many instances is based on limited data. If additional information should indicate that a water body was navigable at the time Alaska became a state, then the State holds title to the land under that body and has the duty to protect such title. The State's failure to list such water body in this notice is not intended as a waiver or relinquishment of the State's title.



ALLAN CARSON
Acting Director

cc: Curtis V. McVee, State Director
Bureau of Land Management

Joint Federal/State Land Use Planning Commission
Calista Corporation

IMPORTANT DOCUMENT ATTACHED



United States Department of the Interior

IN REPLY REFER TO
1362 (961)

F-14883-A

BUREAU OF LAND MANAGEMENT
State Office

555 Cordova Street, Pouch 7-512
Anchorage, Alaska 99510

**Kwethluk River
Interim Summary Report
Attachment 7**

ASO 1862-4
(Nov. 1978)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 20 1979

Kwethluk Incorporated
Kwethluk, Alaska 99621

Gentlemen:

We are happy to transmit the enclosed interim conveyance.

This is the original document conveying the described land from the United States to you. It should be kept in a safe place. If you are satisfied that it is correct, you should immediately record it in the Office of Recorder (District Magistrate) of the precinct in which the property is located.

If you have any questions as to where you should record your interim conveyance, please contact the State Recorder, State of Alaska, Department of Administration, 941 West Fourth Avenue, Anchorage, Alaska 99501. Be sure to include the property description when writing for more information.

Sincerely yours,

Sue A. Goff
Chief, Branch of Adjudication

Enclosures:
Interim Conveyance
Maps

INTERIM CONVEYANCE NO.

213



Save Energy and You Serve America!

Case file

INTERIM CONVEYANCE

COI
 BY ETK 11/21/79
 JMC 2/24/80
 [Redacted]
 [Redacted]

CHENIAS

Kwethluk Incorporated

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 702, 715; 43 U.S.C. 1601, 1613(a), 1621(j) (1976)), of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 67 W.
 Secs. 4 and 5, all;
 Secs. 8 and 9, all;
 Secs. 16 and 17, all;
 Secs. 20, 21 and 22, all;
 Secs. 27 and 28, all;
 Sec. 31, all;
 Sec. 34, all.

Containing approximately 8,309 acres.

T. 7 N., R. 67 W.
 Sec. 1, all;
 Sec. 2, excluding Native allotment F-17072
 Parcel C;
 Secs. 3 to 7, inclusive, all;
 Secs. 11 and 12, all;
 Secs. 17 to 20, inclusive, all;
 Secs. 28, 29 and 30, all;
 Secs. 32 and 33, all.

Containing approximately 11,307 acres.

T. 8 N., R. 67 W.
 Secs. 5 to 8, inclusive, all;
 Secs. 17 to 20, inclusive, all;
 Secs. 29, 30 and 31, all;
 Sec. 32, excluding Native allotment F-029105
 Parcel B;
 Secs. 33 to 36, inclusive, all.

Containing approximately 19,660 acres.

T. 6 N., R. 68 W.
 Secs. 1 to 9, inclusive, all;
 Sec. 10, excluding Native allotment F-17216;
 Secs. 11 to 14, inclusive, all;
 Sec. 15, excluding Native allotments F-17050
 Parcel B and F-17216;
 Sec. 16, all;
 Secs. 22 and 23, all;
 Sec. 24, excluding Native allotment F-19254
 Parcel B;
 Sec. 25, excluding Native allotments F-16916
 and F-17204 Parcel B;
 Sec. 26, all;
 Sec. 35, all;

213

200
 7/23/79
 [Signature]

Interim Conveyance No. _____
 JUL 12 1979
 Date _____

Sec. 36, excluding Native allotments F-16016 and F-16008 Parcel A.

Containing approximately 14,027 acres.

T. 7 N., R. 68 W.

- Secs. 1 and 2, all;
- Sec. 3, excluding Native allotment F-17212 Parcel B;
- Secs. 4 to 7, inclusive, all;
- Sec. 8, excluding Native allotments F-17221 Parcel B, F-17210 Parcel C, and F-17222;
- Sec. 9, excluding Native allotment F-17222;
- Sec. 10, excluding Native allotment F-17212 Parcel C;
- Secs. 11 and 12, all;
- Sec. 13, excluding Native allotment F-16015;
- Secs. 14 and 15, all;
- Sec. 16, excluding Native allotments F-17214 Parcel A and F-17057 Parcel A;
- Sec. 17, excluding Native allotment F-17214 Parcel A;
- Sec. 18, excluding Native allotment F-17072 Parcel B;
- Sec. 19, excluding Native allotments F-17061 Parcel A, F-16807 Parcel B, and F-16803;
- Sec. 20, excluding Native allotments F-16803, F-17214 Parcel A, and F-17015 Parcel A;
- Sec. 21, excluding Native allotments F-17214 Parcel A and F-16011 Parcel A;
- Secs. 22 to 27, inclusive, all;
- Sec. 28, excluding Native allotment F-16724 Parcel C;
- Secs. 29 to 36, inclusive, all.

Containing approximately 21,655 acres.

T. 8 N., R. 68 W.

- Secs. 1 to 18, inclusive, all;
- Sec. 19, excluding Native allotment F-17099 Parcel B;
- Secs. 20 to 27, inclusive, all;
- Sec. 28, excluding Native allotments F-19262 Parcel A and F-17099 Parcel A;
- Sec. 29, excluding Native allotments F-19262 Parcel A and F-17211;
- Sec. 30, excluding Native allotments F-17099 Parcel A, F-19262 Parcel B, F-025345 Parcel B, F-17073 Parcel A, and F-17050 Parcel B;
- Sec. 31, excluding Native allotment F-17212 Parcel B;
- Sec. 32, excluding Native allotments F-17212 Parcel B and F-17211;
- Sec. 33, excluding Native allotments F-17073 Parcel B, F-17212 Parcel A, and F-16009;
- Secs. 34, 35 and 36, all.

Containing approximately 21,769 acres.

T. 9 N., R. 68 W.

- Sec. 22, excluding the Eustokuak Slough and Native allotments F-16595 and F-16592;
- Sec. 23, excluding the Eustokuak Slough and Native allotment F-16592;

Secs. 24, 25 and 26, excluding the Kuskokuak Slough;
 Sec. 27, excluding the Kuskokuak Slough and Native allotment F-17220 Parcel B;
 Sec. 28, excluding the Kuskokuak Slough and Native allotment F-13300;
 Sec. 29, excluding the Kuskokuak Slough;
 Sec. 30, excluding the Kuskokuak Slough and Native allotment F-17206 Parcel F;
 Sec. 31, excluding the Kuskokuak Slough and Native allotment F-17080;
 Sec. 32, excluding the Kuskokuak Slough and Native allotments F-17090 and F-17214 Parcel B;
 Sec. 33, excluding the Kuskokuak Slough;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokuak Slough and Native allotments F-17213, F-17069, and F-17215;
 Sec. 36, excluding the Kuskokuak Slough and Native allotments F-17069 and F-17215.

Containing approximately 7,030 acres.

✓ T. 7 N., R. 60 W.

Sec. 1, all;
 Sec. 2, excluding Native allotment F-16182 Parcel A;
 Sec. 3, excluding Native allotment F-17219 Parcel A;
 Sec. 11, excluding Native allotments F-16181 Parcel A, F-16481 Parcel B, F-17607, and F-16182 Parcel B;
 Sec. 12, excluding Native allotments F-17050 Parcel C and F-17052 Parcel B;
 Sec. 13, excluding Native allotment F-17210 Parcel B.

Containing approximately 3,217 acres.

✓ T. 8 N., R. 60 W.

Sec. 1, excluding Native allotment F-17207;
 Sec. 2, excluding the Kuskokuak Slough;
 Sec. 3, excluding the Kuskokuak Slough and Native allotment F-17214 Parcel B;
 Sec. 4, excluding the Kuskokuak Slough, Tract C of U.S. Survey No. 4221 and Native allotments F-17221 Parcel A, F-16481 Parcel A, F-17057 Parcel B, and F-17072 Parcel A;
 Sec. 5, excluding the Kuskokuak Slough, Tracts A, C and D of U.S. Survey No. 4221, and Native allotments F-17054 Parcel B, F-17050 Parcel A, and F-17070 Parcel A;
 Sec. 6, excluding the Kuskokuak River, Kuskokuak Slough, Tracts A, B and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17076 Parcel A, F-17218 Parcel C, F-17219 Parcel B and F-13559 Parcel A;
 Sec. 7, excluding the Kuskokuak Slough and Native allotments F-13559 Parcel A, F-17069 Parcel A, and F-19257 Parcel A;
 Sec. 8, all;
 Sec. 9, excluding Native allotments F-17072 Parcel A, F-17210 Parcel A, and F-19256

Parcel B;
 Secs. 10 and 11, excluding the Muskokuak Slough and Native allotment F-16483 Parcel B;
 Sec. 12, excluding the Muskokuak Slough and Native allotments F-17207, F-17217 Parcel A, and F-17206 Parcel A;
 Sec. 13, excluding the Muskokuak Slough and Native allotment F-17066 Parcel B;
 Sec. 14, excluding the Muskokuak Slough and Native allotments F-16724 Parcel B and F-13611;
 Sec. 15, excluding the Muskokuak Slough and Native allotments F-13611, F-17053, and F-17204 Parcel A;
 Sec. 16, excluding Native allotments F-13280 Parcel B and F-17217 Parcel B;
 Sec. 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, excluding Native allotments F-17217 Parcel B and F-17076 Parcel B;
 Sec. 18, excluding Native allotment F-17055;
 Sec. 19, excluding Native allotment F-19260;
 Sec. 20, excluding Native allotments F-13781 Parcel B and F-19260;
 Sec. 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, excluding Native allotment F-13781 Parcel B;
 Sec. 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, excluding the Muskokuak Slough and Native allotment F-17053; 100A; 100B;
 Sec. 23, excluding the Muskokuak Slough and Native allotments F-17067 Parcel B, F-17205, F-13781 Parcel A, and F-17052 Parcel A;
 Sec. 24, excluding Native allotment F-17059 Parcel A;
 Sec. 25, excluding Native allotments F-16180, F-025345 Parcel B, and F-17078 Parcel A;
 Sec. 26, excluding Native allotment F-17054 Parcel A;
 Sec. 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, excluding Native allotment F-17015 Parcel C; 38A;
 Sec. 29, excluding Native allotments F-19260 and F-13781 Parcel B;
 Sec. 30, excluding Native allotment F-19260;
 Secs. 31, 32 and 33, all;
 Sec. 34, excluding Native allotment F-17219 Parcel A;
 Sec. 35, excluding Native allotment F-17219 Parcel B;
 Sec. 36, all.

Containing approximately 17,478 acres.

T. 6 N., R. 10 W.

Secs. 25 and 26, excluding the Muskokuak River;
 Sec. 27, all;
 Sec. 28, all;
 Sec. 35, excluding the Muskokuak River and Native allotment F-17079;
 Sec. 36, excluding the Muskokuak Slough and Native allotment F-17050 Parcel A.

Containing approximately 2,005 acres.

T. 6 N., R. 70 W.

Sec. 1, excluding the Muskokuak River and Native allotment F-13556 Parcel A;

- Secs. 2 and 3, excluding the Kuskokwin River;
- Sec. 4, excluding the Kuskokwin River and Church Slough;
- Sec. 9, excluding the Kuskokwin River, Church Slough, Tupuknuk Slough, and Native allotment F-17051 Parcel B;
- Sec. 10, excluding the Kuskokwin River, Tupuknuk Slough, and Native allotments F-13111, F-17056 Parcel B, F-19256 Parcel A, and F-025345 Parcel A;
- Sec. 11, 11^{1/2}, excluding the Kuskokwin River and Native allotment F-13556 Parcel A; 30^{1/2}, excluding the Kuskokwin River, Kuskokuak Slough, and Native allotment F-13111;
- Sec. 12, excluding the Kuskokwin River, Kuskokuak Slough and Native allotments F-17074 Parcel A, F-13556 Parcel A, F-18288 Parcel A, and F-19257 Parcel A;
- Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17074 Parcel B;
- Sec. 14, excluding the Kuskokuak Slough;
- Sec. 15, excluding Native allotment F-17075;
- Sec. 16, excluding the Tupuknuk Slough;
- Sec. 21, excluding the Tupuknuk Slough;
- Secs. 22 and 23, all;
- Sec. 24, excluding Native allotment F-17074 Parcel B;
- Secs. 25, 26 and 27, all;
- Sec. 28, excluding Native allotment F-17056 Parcel A;
- Secs. 33 to 36, inclusive, all.

Containing approximately 12,692 acres.

Aggregating approximately 131,049 acres.

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

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

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 683, 704; 43 U.S.C. 1601, 1613(e) (1976)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 683, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14883-EE, are reserved to the

United States and subject to further regulation thereby:

- a. (EIR 2 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kvethluk River from the point of tidal influence in Sec. 4, T. 3 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.
- b. (EIR 11 G4) A site easement upland of the ordinary high water mark in Sec. 10, T. 5 N., R. 68 W., Seward Meridian, on the left bank of the Kvethluk River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging and vehicle use.
- c. (EIR 13 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.
- d. (EIR 14 C) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is so obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

These reservations have not been conformed to the Departmental easement policy announced March 3, 1978, and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated August 23, 1978 between the Secretary of the Interior, Calista Corporation, and Kvethluk Incorporated.

Interim Conveyance No. 213

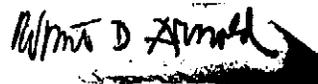
Date JUL 12 1979

THE GRANT OF THE ABOVE DESCRIBED LAND IS SUBJECT TO:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 42 U.S.C. Ch. 2, Sec. 6(c) (1976))), contract, permit, right-of-way or easement, and the right of the lessee, contractor, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (1976)), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and
4. The terms and conditions of the agreement dated August 23, 1976, between the Secretary of the Interior, Calista Corporation and Awetluk, Incorporated. A copy of the agreement is hereby attached to and made a part of this conveyance document and shall be recorded therewith.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 12th day of July, 1979, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Robert D. Arnold
Assistant to the State Director
ARCDA

Interim Conveyance No. _____

213

Date JUL 12 1979

IMPORTANT DOCUMENT ATTACHED



United States Department of the Interior

IN REPLY REFER TO
1862 (961)
F-14883-A

BUREAU OF LAND MANAGEMENT
State Office
555 Cordova Street, Pouch 7-512
Anchorage, Alaska 99510

ASO 1862-4
(Nov. 1978)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 20 1979

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Gentlemen:

We are happy to transmit the enclosed interim conveyance.

This is the original document conveying the described land from the United States to you. It should be kept in a safe place. If you are satisfied that it is correct, you should immediately record it in the Office of Recorder (District Magistrate) of the precinct in which the property is located.

If you have any questions as to where you should record your interim conveyance, please contact the State Recorder, State of Alaska, Department of Administration, 941 West Fourth Avenue, Anchorage, Alaska 99501. Be sure to include the property description when writing for more information.

Sincerely yours,

Chief, Branch of Adjudication

Enclosures:
Interim Conveyance
Maps

INTERIM CONVEYANCE NO. 214



Save Energy and You Serve America!

case file

INTERIM CONVEYANCE

WHEREAS

Calista Corporation

CDI
EXE. 11/21/78
JMC 2/26/79
ESB
AVC

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704, 715; 43 U.S.C. 1601, 1613(f), 1621(j) (1976)), of the subsurface estate in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

INTERIM CONVEYANCE NO. 213

Alaska

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 67 W.
Secs. 4 and 5, all;
Secs. 8 and 9, all;
Secs. 16 and 17, all;
Secs. 20, 21 and 22, all;
Secs. 27 and 28, all;
Sec. 31, all;
Sec. 34, all.

Containing approximately 8,309 acres.

T. 7 N., R. 67 W.
Sec. 1, all;
Sec. 2, excluding Native allotment F-17072
Parcel C;
Secs. 3 to 7, inclusive, all;
Secs. 11 and 12, all;
Secs. 17 to 20, inclusive, all;
Secs. 28, 29 and 30, all;
Secs. 32 and 33, all.

Containing approximately 11,307 acres.

Alaska

T. 8 N., R. 67 W.
Secs. 5 to 9, inclusive, all;
Secs. 17 to 20, inclusive, all;
Secs. 29, 30 and 31, all;
Sec. 32, excluding Native allotment F-029105
Parcel B;
Secs. 33 to 36, inclusive, all.

Containing approximately 10,660 acres.

T. 6 N., R. 68 W.
Secs. 1 to 9, inclusive, all;
Sec. 10, excluding Native allotment F-17216;
Secs. 11 to 14, inclusive, all;
Sec. 15, excluding Native allotments F-17050
Parcel B and F-17216;
Sec. 16, all;
Secs. 22 and 23, all;
Sec. 24, excluding Native allotment F-19254
Parcel B;
Sec. 25, excluding Native allotments F-16016
and F-17204 Parcel B;

Interim Conveyance No. 214

Date JUL 12 1979

FAB 7/25/79

Sec. 26, all;
Sec. 35, all;
Sec. 36, excluding Native allotments F-16016
and F-16008 Parcel A.

Containing approximately 14,027 acres.

T. 7 N., R. 68 W.

Secs. 1 and 2, all;
Sec. 3, excluding Native allotment F-17212
Parcel B;
Secs. 4 to 7, inclusive, all;
Sec. 8, excluding Native allotments F-17221
Parcel B, F-17210 Parcel C, and F-17222;
Sec. 9, excluding Native allotment F-17222;
Sec. 10, excluding Native allotment F-17212
Parcel C;
Secs. 11 and 12, all;
Sec. 13, excluding Native allotment F-16015;
Secs. 14 and 15, all;
Sec. 16, excluding Native allotments F-17214
Parcel A and F-17057 Parcel A;
Sec. 17, excluding Native allotment F-17214
Parcel A;
Sec. 18, excluding Native allotment F-17072
Parcel B;
Sec. 19, excluding Native allotments F-17061
Parcel A, F-16807 Parcel B, and F-16803;
Sec. 20, excluding Native allotments F-16803,
F-17214 Parcel A, and F-17015 Parcel A;
Sec. 21, excluding Native allotments F-17214
Parcel A and F-16013 Parcel A;
Secs. 22 to 27, inclusive, all;
Sec. 28, excluding Native allotment F-16724
Parcel C;
Secs. 29 to 36, inclusive, all.

Containing approximately 21,655 acres.

*Anoikukuan
Kusiluk*

T. 8 N., R. 68 W.

Secs. 1 to 18, inclusive, all;
Sec. 19, excluding Native allotment F-17099
Parcel B;
Secs. 20 to 27, inclusive, all;
Sec. 28, excluding Native allotments F-19262
Parcel A and F-17099 Parcel A;
Sec. 29, excluding Native allotments F-19262
Parcel A and F-17211;
Sec. 30, excluding Native allotments F-17099
Parcel B, F-19262 Parcel B, F-025345 Parcel B,
F-17073 Parcel A, and F-17060 Parcel B;
Sec. 31, excluding Native allotment F-17212
Parcel D;
Sec. 32, excluding Native allotments F-17212
Parcel D and F-17211;
Sec. 33, excluding Native allotments F-17073
Parcel B, F-17212 Parcel A, and F-16009;
Secs. 34, 35 and 36, all.

Containing approximately 21,769 acres.

Kusukuan

T. 9 N., R. 68 W.

Sec. 22, excluding the Kuskokuak Slough and
Native allotments F-16595 and F-16592;

Sec. 23, excluding the Kuskokuak Slough and Native allotment F-16592;
 Secs. 24, 25 and 26, excluding the Kuskokuak Slough;
 Sec. 27, excluding the Kuskokuak Slough and Native allotment F-17220 Parcel B;
 Sec. 28, excluding the Kuskokuak Slough and Native allotment F-13380;
 Sec. 29, excluding the Kuskokuak Slough;
 Sec. 30, excluding the Kuskokuak Slough and Native allotment F-17206 Parcel B;
 Sec. 31, excluding the Kuskokuak Slough and Native allotment F-17080;
 Sec. 32, excluding the Kuskokuak Slough and Native allotments F-17080 and F-17214 Parcel B;
 Sec. 33, excluding the Kuskokuak Slough;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokuak Slough and Native allotments F-17213, F-17069, and F-17215;
 Sec. 36, excluding the Kuskokuak Slough and Native allotments F-17069 and F-17215.

Containing approximately 7,030 acres.

T. 7 N., R. 69 W.

Sec. 1, all;
 Sec. 2, excluding Native allotment F-16182 Parcel A;
 Sec. 3, excluding Native allotment F-17219 Parcel A;
 Sec. 11, excluding Native allotments F-16181 Parcel A, F-16481 Parcel B, F-17607, and F-16132 Parcel B;
 Sec. 12, excluding Native allotments F-17050 Parcel C and F-17052 Parcel B;
 Sec. 13, excluding Native allotment F-17210 Parcel B.

Containing approximately 3,217 acres.

T. 8 N., R. 69 W.

Sec. 1, excluding Native allotment F-17207;
 Sec. 2, excluding the Kuskokuak Slough;
 Sec. 3, excluding the Kuskokuak Slough and Native allotment F-17214 Parcel B;
 Sec. 4, excluding the Kuskokuak Slough, Tract C of U.S. Survey No. 4221, and Native allotments F-17221 Parcel A, F-16481 Parcel A, F-17057 Parcel B, and F-17072 Parcel A;
 Sec. 5, excluding the Kuskokuak Slough, Tracts A, C and D of U.S. Survey No. 4221, and Native allotments F-17054 Parcel B, F-17050 Parcel A, and F-17070 Parcel A;
 Sec. 6, excluding the Kuskokuak River, Kuskokuak Slough, Tracts A, B and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17076 Parcel A, F-17218 Parcel C, F-17219 Parcel B and F-13559 Parcel A;
 Sec. 7, excluding the Kuskokuak Slough and Native allotments F-13559 Parcel A, F-17060 Parcel A, and F-19257 Parcel A;
 Sec. 8, all;

Sec. 9, excluding Native allotments F-17072 Parcel A, F-17210 Parcel A, and F-19256 Parcel B;
 Secs. 10 and 11, excluding the Kuskokuak Slough and Native allotment F-16433 Parcel B;
 Sec. 12, excluding the Kuskokuak Slough and Native allotments F-17207, F-17217 Parcel A, and F-17206 Parcel A;
 Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17056 Parcel B;
 Sec. 14, excluding the Kuskokuak Slough and Native allotments F-16736 Parcel B and F-13611;
 Sec. 15, excluding the Kuskokuak Slough and Native allotments F-13611, F-17053, and F-17204 Parcel A;
 Sec. 16, excluding Native allotments F-18239 Parcel B and F-17217 Parcel B;
 Sec. 17, NE₄; SE₄, excluding Native allotments F-17217 Parcel B and F-17076 Parcel B;
 Sec. 18, excluding Native allotment F-17055;
 Sec. 19, excluding Native allotment F-19260;
 Sec. 20, excluding Native allotments F-13781 Parcel B and F-19260;
 Sec. 21, NE₄; E₂SE₄; S₂SW₄, excluding Native allotment F-13781 Parcel B;
 Sec. 22, E₂, excluding the Kuskokuak Slough and Native allotment F-17053; NW₄; N₂SE₄;
 Sec. 23, excluding the Kuskokuak Slough and Native allotments F-17057 Parcel B, F-17205, F-13781 Parcel A, and F-17052 Parcel A;
 Sec. 24, excluding Native allotment F-17059 Parcel A;
 Sec. 25, excluding Native allotments F-14189, F-925345 Parcel B and F-17078 Parcel A;
 Sec. 26, excluding Native allotment F-17054 Parcel A;
 Sec. 27, NE₄; SE₄SW₄; SW₄;
 Sec. 28, SW₄NE₄; NE₄, excluding Native allotment F-17015 Parcel C; SE₄;
 Sec. 29, excluding Native allotments F-19260 and F-13781 Parcel B;
 Sec. 30, excluding Native allotment F-19260;
 Secs. 31, 32 and 33, all;
 Sec. 34, excluding Native allotment F-17219 Parcel A;
 Sec. 35, excluding Native allotment F-17218 Parcel B;
 Sec. 36, all.

Containing approximately 17,478 acres.

T. 9 N., R. 69 W.

Secs. 25 and 26, excluding the Kuskokuak River;
 Sec. 27, all;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokuak River and Native allotment F-17079;
 Sec. 36, excluding the Kuskokuak Slough and Native allotment F-17056 Parcel A.

Containing approximately 2,995 acres.

T. 3 N., R. 70 W.

TUPUKNUK
SLOUGH

- Sec. 1, excluding the Kuskokwin River and Native allotment F-13556 Parcel A;
- Secs. 2 and 3, excluding the Kuskokwin River;
- Sec. 4, excluding the Kuskokwin River and Church Slough;
- Sec. 9, excluding the Kuskokwin River, Church Slough, Tupuknuk Slough, and Native allotment F-17051 Parcel B;
- Sec. 10, excluding the Kuskokwin River, Tupuknuk Slough, and Native allotments F-13111, F-17056 Parcel B, F-19256 Parcel A, and F-025345 Parcel A;
- Sec. 11, N., excluding the Kuskokwin River and Native allotment F-13556 Parcel A; S.W., excluding the Kuskokwin River, Kuskokuak Slough, and Native allotment F-13111;
- Sec. 12, excluding the Kuskokwin River, Kuskokuak Slough and Native allotments F-17074 Parcel A, F-13556 Parcel A, F-18283 Parcel A, and F-19257 Parcel A;
- Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17074 Parcel B;
- Sec. 14, excluding the Kuskokuak Slough;
- Sec. 15, excluding Native allotment F-17075;
- Sec. 16, excluding the Tupuknuk Slough;
- Sec. 21, excluding the Tupuknuk Slough;
- Secs. 22 and 23, all;
- Sec. 24, excluding Native allotment F-17074 Parcel B;
- Secs. 25, 26 and 27, all;
- Sec. 28, excluding Native allotment F-17056 Parcel A;
- Secs. 33 to 36, inclusive, all.

Containing approximately 12,692 acres.

Aggregating approximately 131,049 acres.

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

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate, and to valid existing rights, if any, in the said subsurface estate, including but not limited to those created by any lease (including a lease issued under Sec. 6(F) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(G) (1976))), contract, permit, right-of-way or easement, and the right of the lessee, contractor, permittee or grantee to the complete enjoyment of the rights, privileges and benefits thereby granted to him, and the grant of the lands is further subject to the terms and conditions of the agreement dated August 23, 1976, between the Secretary of the Interior, Calista Corporation and Kvethluk Incorporated. A copy of the agreement is hereby attached to and made a part of this conveyance document and shall be recorded therewith.

Interim Conveyance No.

214

Date

JUL 12 1979

F-14883-A

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 12th day of July, 1979, in Anchorage, Alaska.

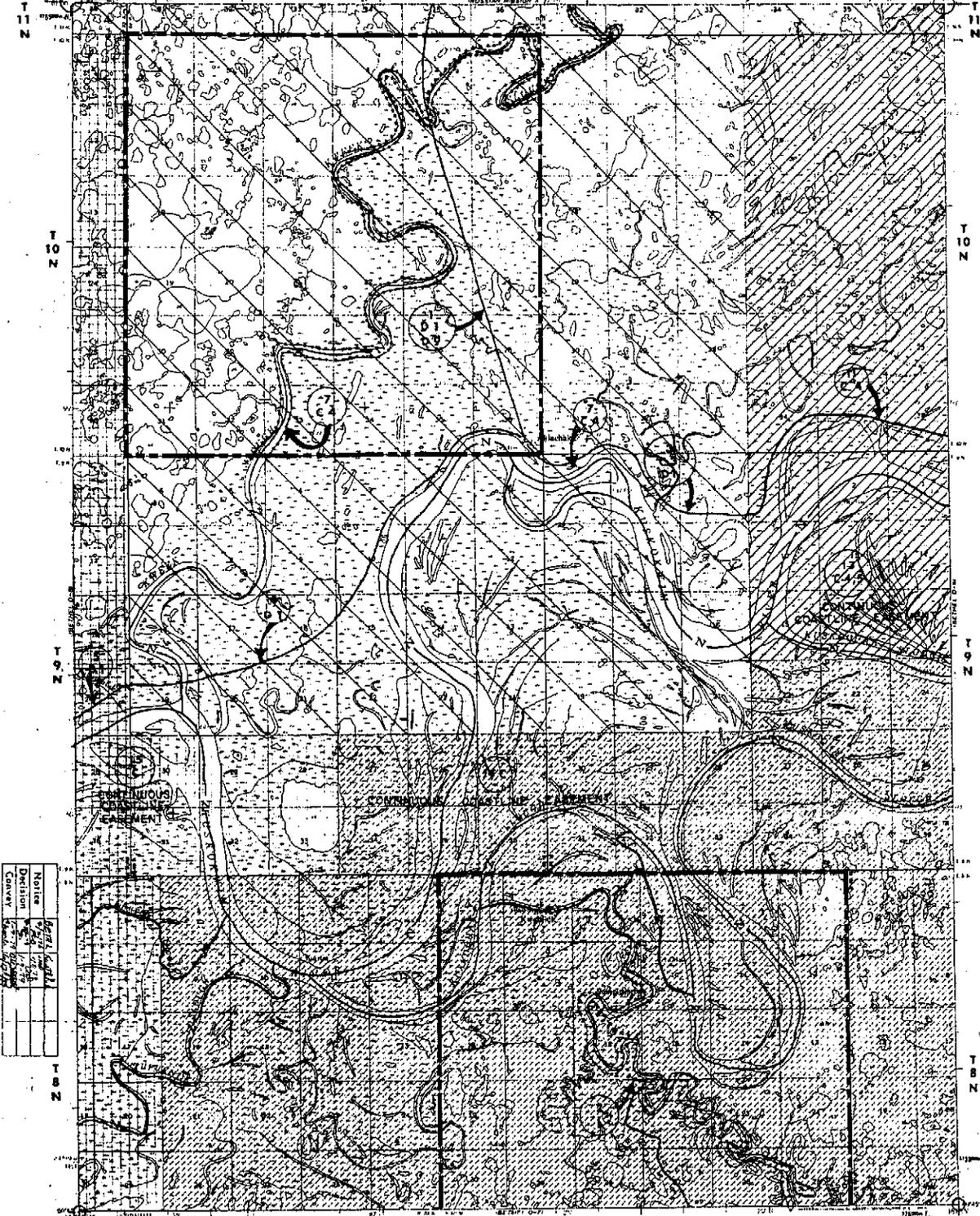
UNITED STATES OF AMERICA

Robert D. Arnold

Robert D. Arnold
Assistant to the State Director
AHCSA

214

Interim Conveyance No. _____
Date JUL 12 1979



Notice	General Land Office
Division	Alaska
Convey	Section 17, 18, 19, 20

Bethel
EIN 18 C
element for general
survey purposes.

Bethel
EIN 18 C
element for general
survey purposes.
Kwethluk

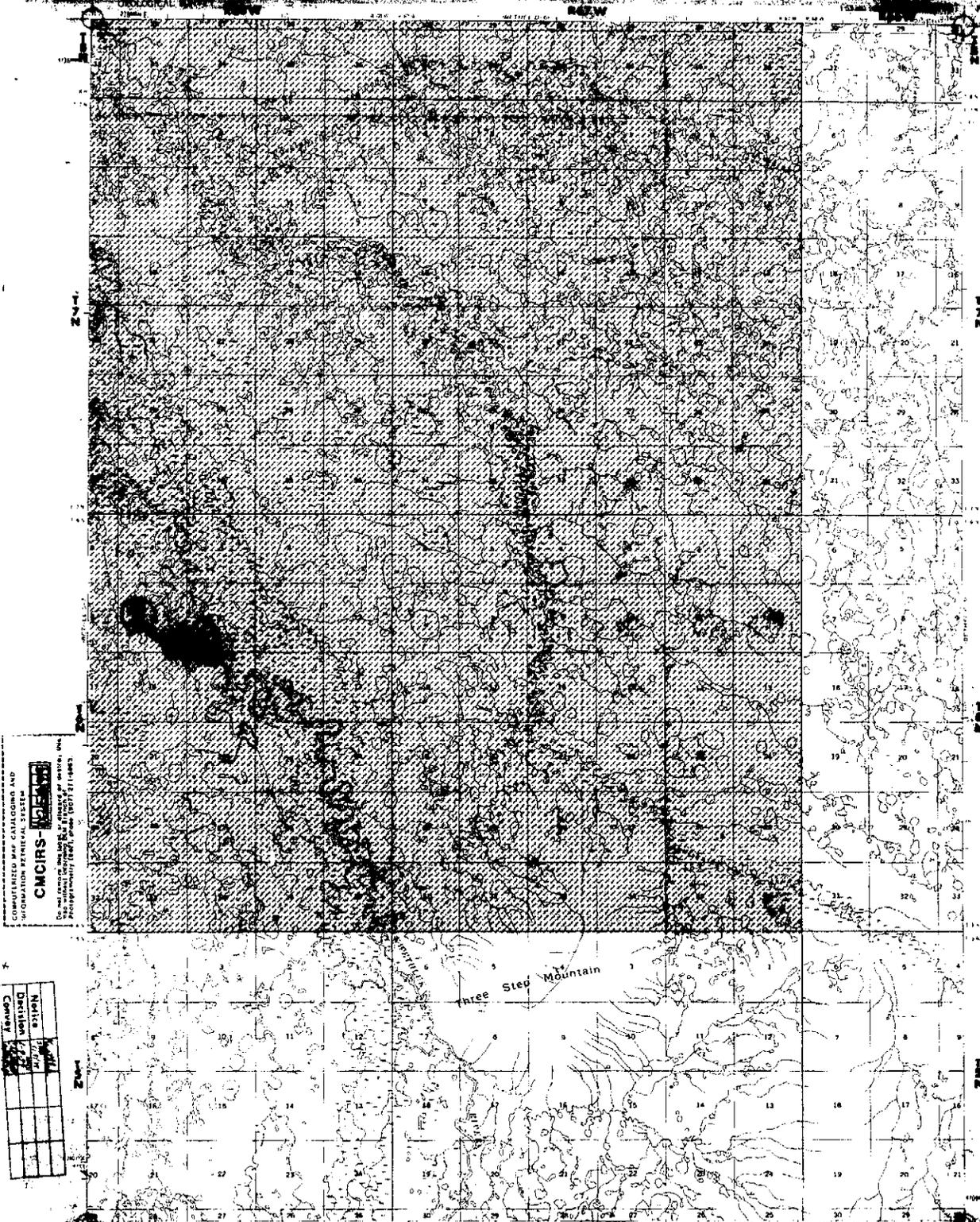
DC with 7/2/79

Map made by the Army Map Service
Editor and published by the Geological Survey
Control by 1954 AGS and 1954
Temporary by photogrammetric methods from aerial photographs
taken 1952 and 1957. Last corrected 1964. Map and 1:62,500 scale
Universal Transverse Mercator projection, 1927 North American datum
10 000 foot grid based on Alaska merididian system, zone 7
1000 meter Universal Transverse Mercator grid track.
June 4, 1968 in Mile
Land lines represent unpatented and unpatented lode claims
as shown on the Survey of Land Management
File 5-9 General Manifest

Application of Dec. 17, 1974
Represents nearest whole section.
(application may be less than 640 acres)
1/4 SECTION (640 ACRES)
AKIACHAK VILLAGE SELECTION
AKIAK VILLAGE SELECTION

Application of Dec. 17, 1974
Represents nearest whole section.
(application may be less than 640 acres)
1/4 SECTION (640 ACRES)
BETHEL VILLAGE SELECTION
KWETHLUK VILLAGE SELECTION

BETHEL (D-7), ALASKA



COMPUTERIZED MAP CATALOGING AND INFORMATION RETRIEVAL SYSTEM
CMCIRS
Do not exceed ONE LINE OF ADDRESS OF ORDER, ONE PER ADDRESS LINE.
MAILING INSTRUCTIONS: 1. 11/11/83

NAILES	DATE	INITIALS

Prepared by the Army Map Service
From the 1:50,000 scale map of the area
Scale 1:50,000
Vertical datum: Mean Sea Level
Horizontal datum: North American 1983
Projection: UTM
Zone: 18N
Units: Meters
Datum: Mean Sea Level
Scale: 1:50,000
Projection: UTM
Zone: 18N
Units: Meters
Datum: Mean Sea Level

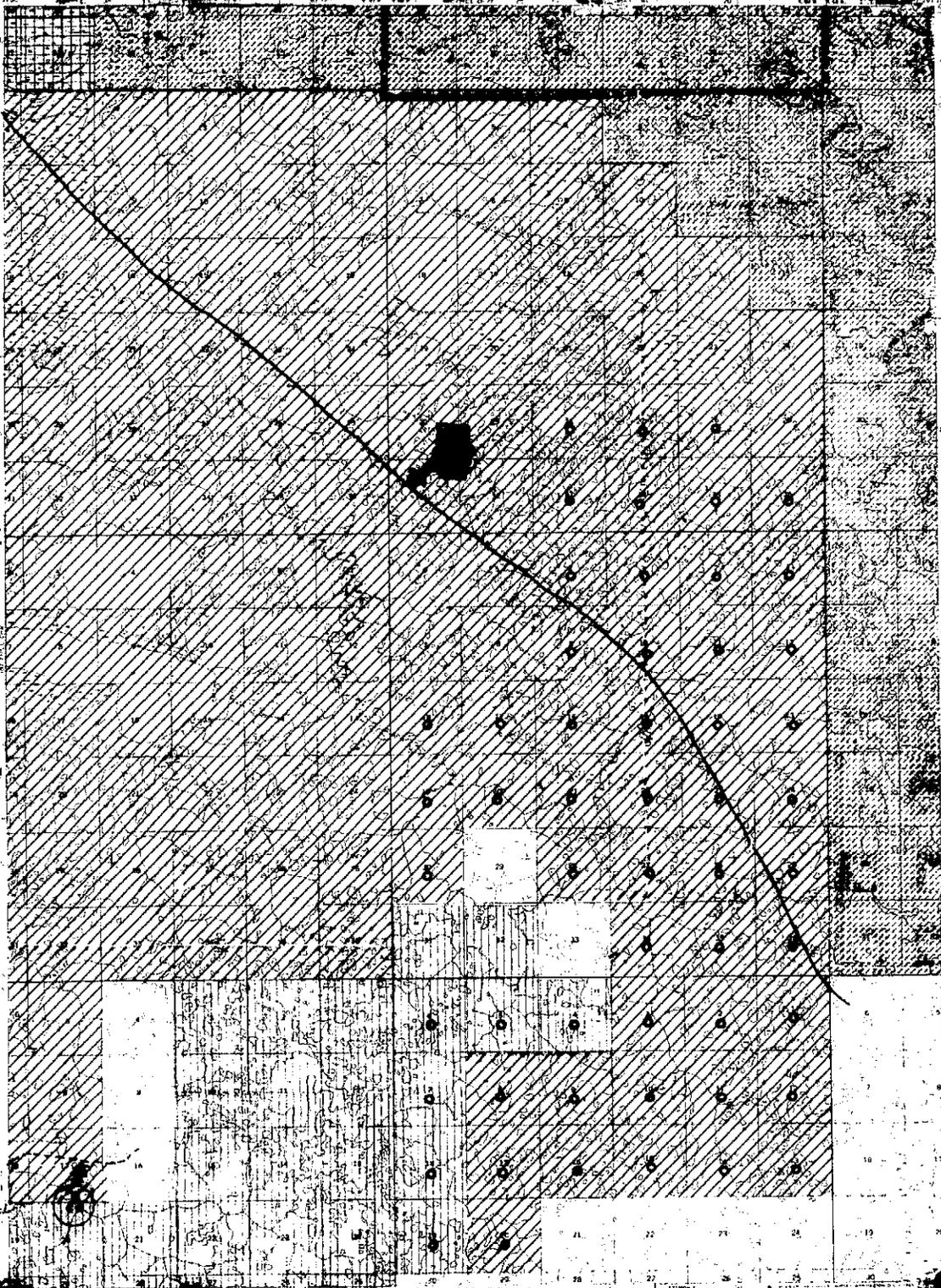
KWETHLUK VILLAGE SELECTION

Application of Public Law 94-142
Represents nearest whole section.
(Application may be less than 640 acres)

ALASKA, DENVER 25, COLORADO OR WASHINGTON 25, D.C.
A POLICE OFFICER, IDENTIFYING LAND AND OTHERS IS AVAILABLE FOR ASSISTANCE

FILE 163360
PCB 12/19/75
KWETHLUK
BETHEL (U-G), ALASKA
12/1/77

774 X 1000 00 of 2-16-83 26



COMPILED BY CALCULATING AND
INFORMATION RETRIEVAL SYSTEM
CMCIRS - POLARIS
This map was prepared by the U.S. Geological Survey, using
photoreproduction, 5711, Boston 02137-7138

County	Section	Notation
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Barrow	100	100

OSCARVILLE VILLAGE SELECTION
Application of Dec 17, 1974

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

O-Over-Selections
Core Township

VILLAGE SELECTION

NAPASKIAK VILLAGE SELECTION

FOR SALE BY U.S. GEOLOGICAL SURVEY
BARROW, ALASKA. TERMS: CASH OR DEPOSIT IN WASHINGTON, D.C.
U.S. GEOLOGICAL SURVEY, BOSTON, MASSACHUSETTS 02137-7138

KWETHLUK VILLAGE SELECTION
Application of Dec 17, 1974

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

Core Township
Note: not navigable

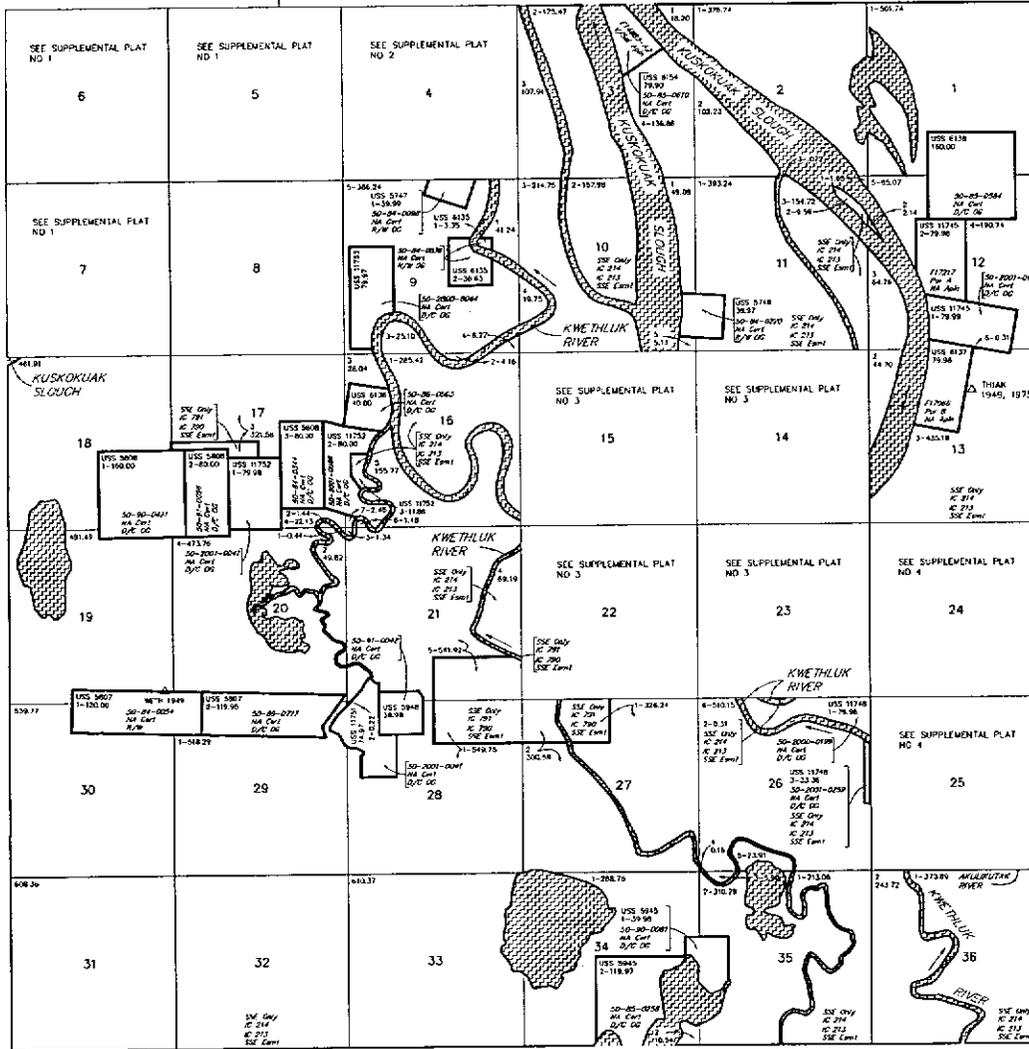
FAIRBANKS DISTRICT

Bethel
1950 Series
Bethel (C-7) Alaska

SURVEYED TOWNSHIP 8 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

T 8 N
R 65 W R 68 W

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES



MTP

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

PL 92-203 AND F14883, C&M WA F14883-A, F14883-A2

PL 92-518 AND C1 WITHIN C&M/Minerals NOT CONVEYED

PL 91-487 AND TUTOR DOWNS FROM ENTIRE TP

F14883-A2 V/S&M A&M entire TP Exec

Sec 4 50-85-0647

Sec 5 50-89-0647

Sec 12 F17217 Part A

Sec 15 F17217 Part B

Sec 17 F17217 Part B

Sec 20 50-89-0717

Sec 23 USS 6140 lots 4 & 5

Sec 24 USS 6140 lots 6, 255 6150 lots 2 & 3

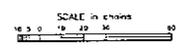
Sec 25 USS 6150 lots 1 & 2

Sec 29 50-89-0717

Sec 34 50-89-0702

Sec 35 50-89-0702

**Kwethluk River
Interim Summary Report
Attachment 8**



WARNING:
This plat is the Bureau's picture of the land and should be used
only as a guide in the location of the survey. The plat
does not show the actual location of the survey. The plat
should be used in conjunction with the original survey
records and the actual location of the survey should be
verified by field measurements of monuments or other markers of value.
None of the foregoing services by the Bureau are guaranteed.

Lot 6044'00.84"N
Long 16117'42.24"W

CURRENT TO	Sew Mer
7-26-2005	T. B. N.
	R. 89 W.

ACAD

SURVEYED TOWNSHIP 8 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

T 8 N
R 69 W

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SECS 5-7**

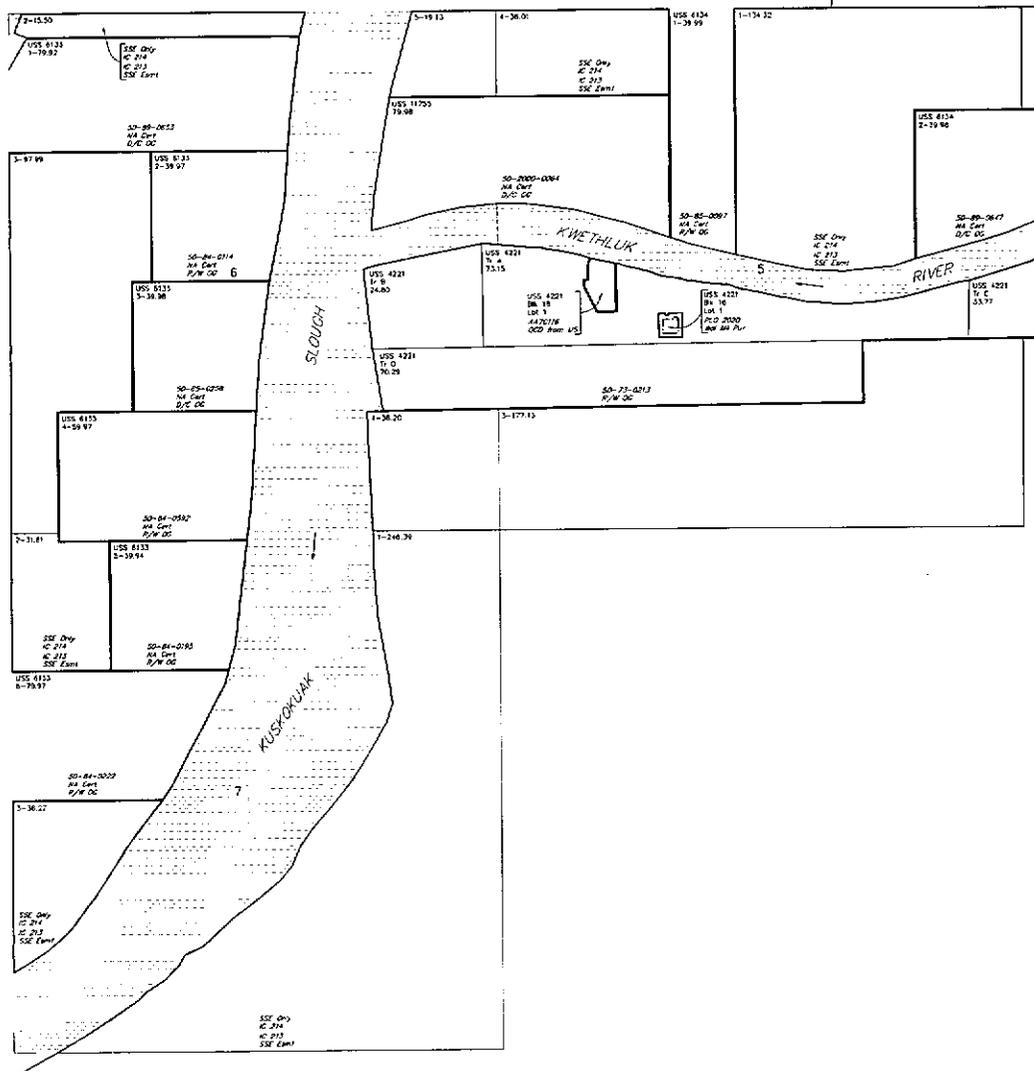
NO 1
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PL 92-203 AND F14883, USE W/ F14883-A, F14883-A2

PL 92-518 AND CI affects Lsts/Interests not conveyed

F14883-A2 V2/3rd Acqs enter To Eact
441683D, 50-89-0647, & 50-89-0653 NA Cert

PL 96-487 AND Tulon Delta NWR enter To



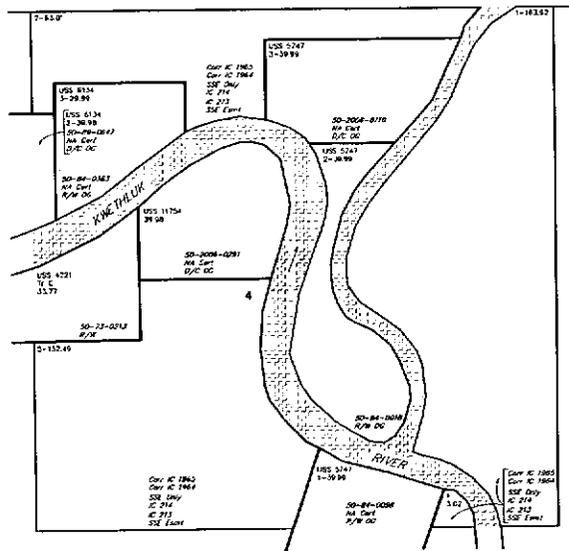
SCALE in chains
0 5 10 20

WARNING:
This map is the Bureau's Record of Title, and should be used
only as a graphic display of the Bureau's survey data. It
does not constitute a warranty of title, and should not be used
to determine the validity of claims or other interests in land.
Refer to the appropriate survey for official survey information.

CURRENT TO	NO 1	Sew Mer
11-29-2005		T 8 N
		R 69 W

ACAD

SURVEYED TOWNSHIP 8 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SEC 4**

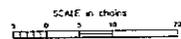
NO 2
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN RANG FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PL 92-203 AND F14883, LOS WA F14883-A, F14883-B2

PEO 5184 AND CI EFFECTS LOS/Interests not conveyed

PL 98-487 AND YUKON Delta NWR unless Id

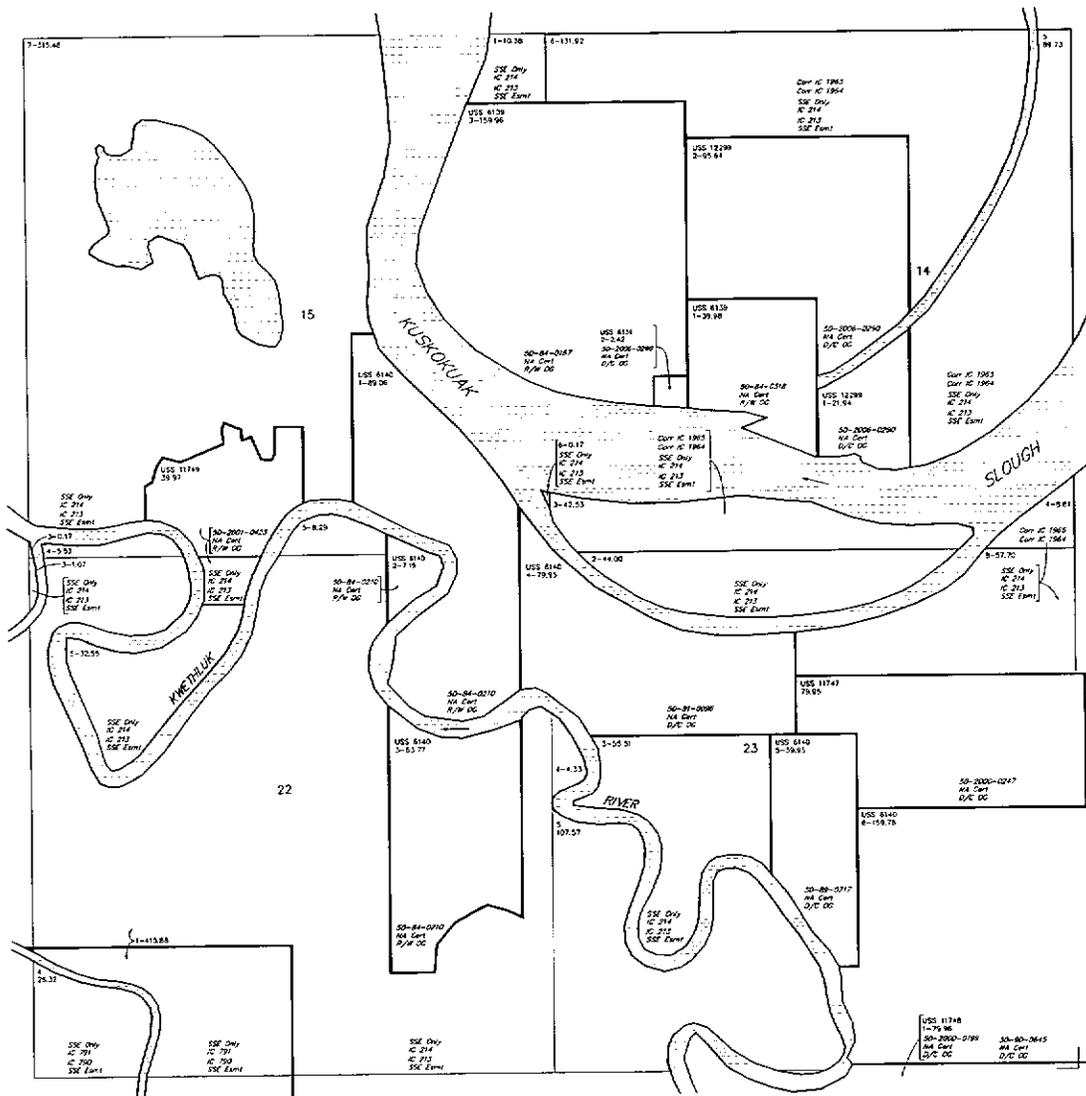
F14883-A2 V/Sel Appt enter To Exit
Sec 4, 50-89-0647



WARNING:
This map is the Bureau's Record of Title, and should be used
only as a graphic display of the township history. Acc-
urate location of all public lands should only be determined
by field measurements of monuments or other stakes of water
table in the customary manner for public land information.

CURRENT TO		NO 2
11-13-2006		ACAD
	Sew Mer	
	T	8 N
	R	69 W

SURVEYED TOWNSHIP 8 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SEC 14,15,22&23**

NO 3
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PL 92-201 W/ F1480A, LSA W/ F14803-A, F14803-A2

PLD 5184 W/ O affects Lvs/Interests not conveyed

PL 90-427 W/ Wagon Docks NWR entire ID

F14803-A2 V/See Acm entry to Evec

Sec 22: USS 8140 int 4

Sec 23: USS 8140 int 4 & 5

SCALE in chains
0 1 2 3 4 5 6 7 8 9 10

Noted:
This plat is the Bureau's Power of Sale, and should be used
only as a general index of the Bureau's survey data. It
does not represent the Bureau's title, and should not be
relied upon for any purpose other than to show the
general location of the land. It is subject to change
without notice, and should be used only for general
reference. For more information, contact the Bureau.

CURRENT TO	NO J
1-4-2007	Sew Mer
	T 8 N
	R 69 W
	ACAD

SURVEYED TOWNSHIP 8 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SEC 24 & 25**
NO 4

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

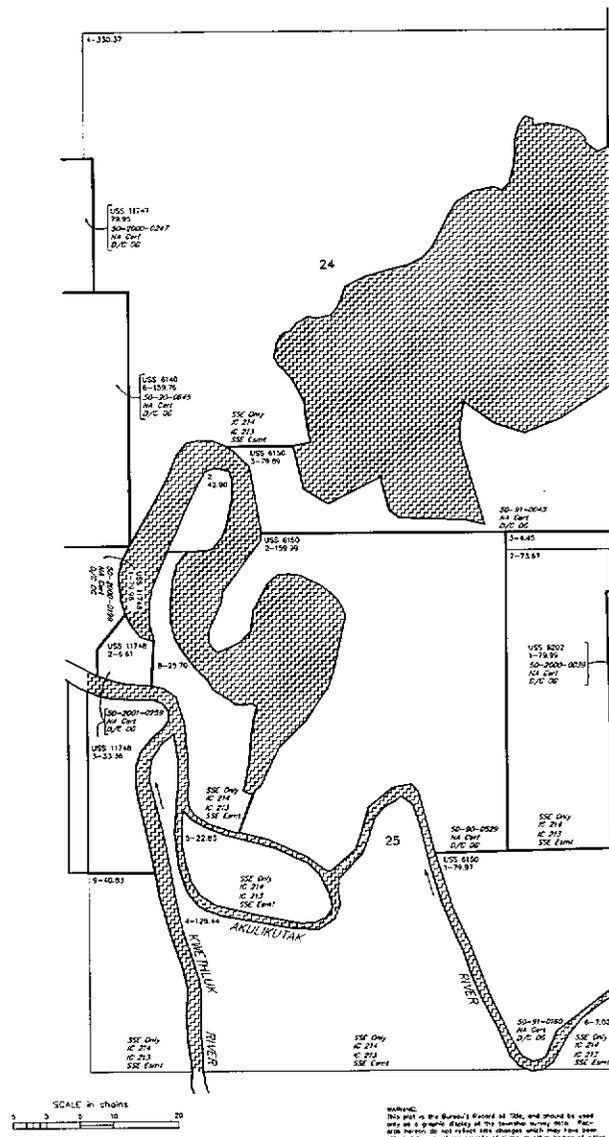
PL 92-203 W/ F14883, LCH W/ F14883-A, F14883-A2

PL 91-384 W/ CI 01/02/03 Leds/Interests not conveyed

PL 96-487 W/ Yukon Delta NHP entire Is

F14883-A2 V/Sw App entire To Excl

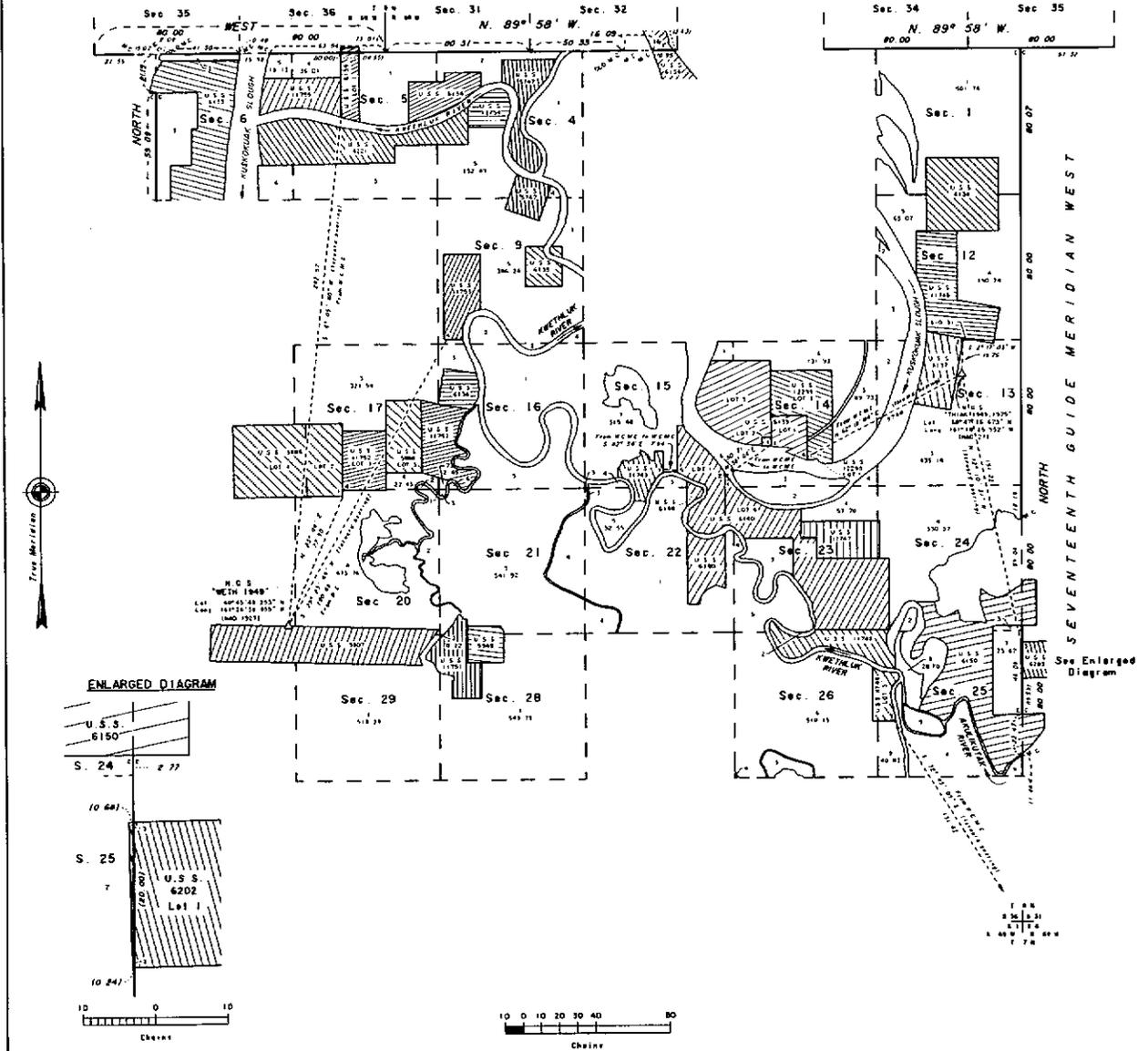
Sec 24: USS 8140 lot 8, USS 8150 lots 2 & 3
Sec 25: US 8150 lots 1 & 2



CURRENT TO	NO 4
7-28-2006	Sw Mtr
	T 8 N
	R 69 W
	ACAD

TOWNSHIP 8 NORTH, RANGE 69 WEST, OF THE SEWARD MERIDIAN, ALASKA SUPPLEMENTAL PLAT

SECOND STANDARD PARALLEL NORTH



This supplemental plat of sections 1, 4, 5, 6, 9, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 28, and 29, Township 8 North, Range 69 West, Seward Meridian, Alaska, shows amended lotting; repositions U.S. Survey No. 6138 determined from a record tie to U.S. Survey No. 11745 through the tie to U.S. Survey No. 6137 surveyed in 1978 based upon the National Geodetic Survey Station "THIAK 1949 1975"; and segregates U.S. Survey Nos. 6202, 11745, 11747, 11748, 11749, 11751, 11752, 11753, 11754, 11755, and 12299. Except as indicated hereon, the lottings and areas are as shown on the plat accepted June 19, 1989. These revisions are based upon the official survey records; the plat of Township 8 North, Range 69 West, Seward Meridian, Alaska, accepted June 19, 1989; the plat of U.S. Survey No. 6202 accepted June 7, 1999; the plat of U.S. Survey No. 11745 accepted June 7, 1999; the plat of U.S. Survey No. 11747 accepted June 7, 1999; the plat of U.S. Survey No. 11748 accepted June 7, 1999; the plat of U.S. Survey No. 11749 accepted June 7, 1999; the plat of U.S. Survey No. 11751 accepted June 7, 1999; the plat of U.S. Survey No. 11752 accepted June 7, 1999; the plat of U.S. Survey No. 11753 accepted June 7, 1999; the plat of U.S. Survey No. 11754 accepted June 7, 1999; the plat of U.S. Survey No. 11755 accepted June 7, 1999; and the plat of U.S. Survey No. 12299 accepted June 7, 1999.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 6 (m) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

This supplemental plat is based upon the official records and, having been correctly prepared in accordance with the regulations of this Bureau, is hereby accepted.

For the Director

John S. [Signature] *[Signature]*
Date

Deputy State Director for Cadastral Survey, Alaska

SURVEYED TOWNSHIP 7 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PL 0 5184 and D affects Lands/Interests not conveyed

PL 6887-A2 V/Sel Apn

SEE 1-3

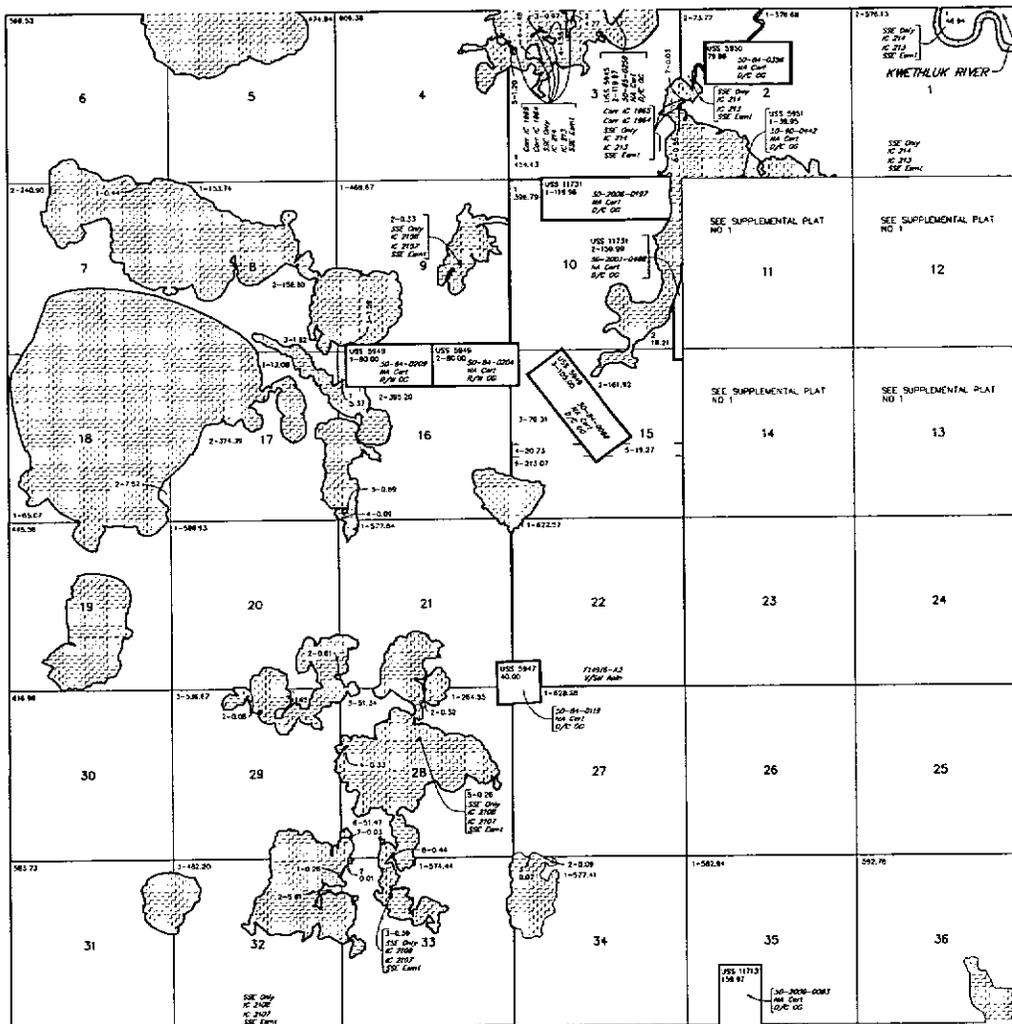
SEE 11-12 Plus WA's F17210, F17203, F17203

WA's & Unpat Lands W/ F14883 12(a)

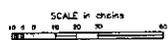
PL 96-487 and Yukon Delta NWR entire Tr

PL 92-203 and F14883 LAs W/ F14883-A2

PL 92-203 and F14976 LAs W/ F14916-A, F14916-A2



Lat 60°56'46.67\" N
Long 161°17'43.24\" W

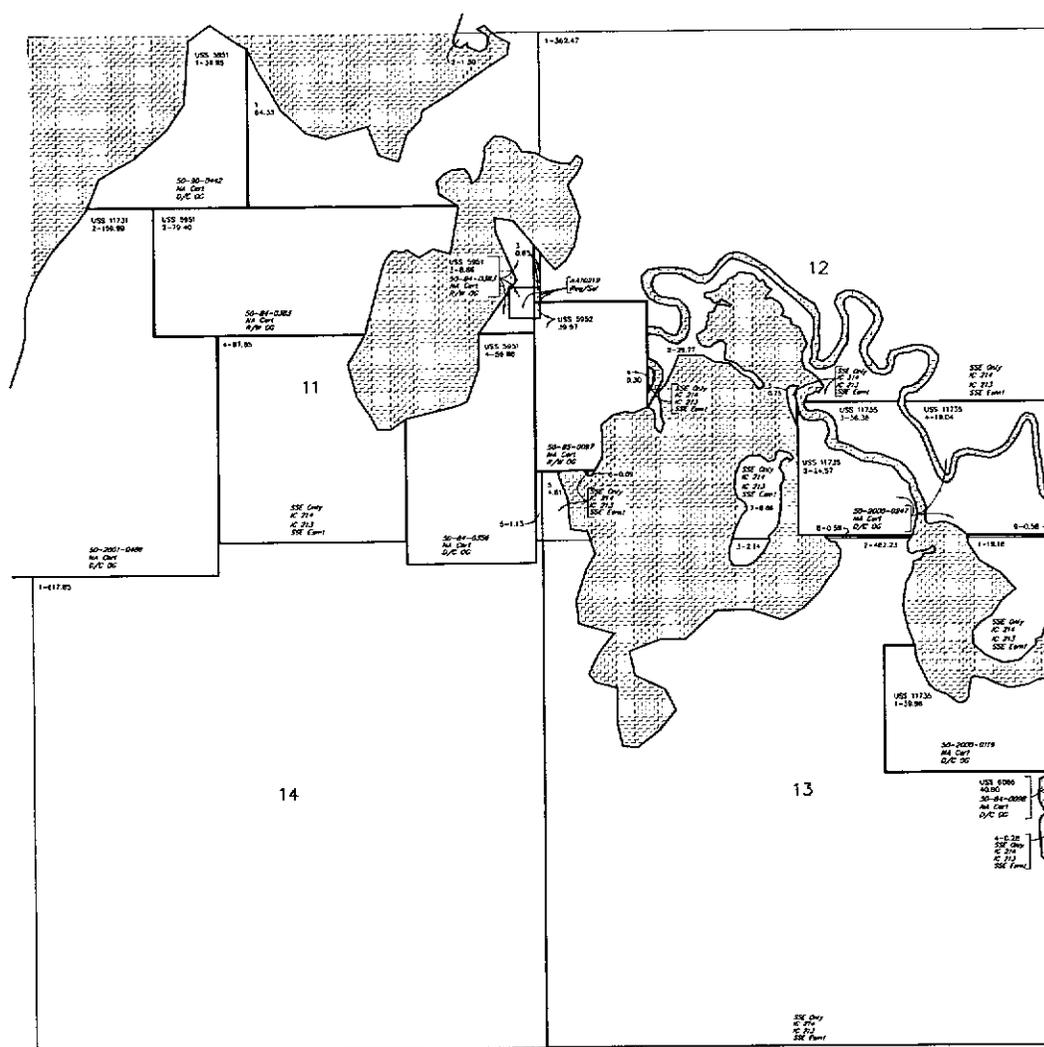


WARNING:
This plat is the Surveyor's Report of B/L, and should be used
only as a guide. Errors of the General Survey are
accepted herein do not reflect the changes which may have been
affected by future amendments of laws, or other Survey of order.
Refer to the appropriate survey for specific survey information.

CURRENT TO	Surv Map
3-23-2009	T 7 N
	R 69 W

ACAD

SURVEYED TOWNSHIP 7 NORTH RANGE 69 WEST OF THE SEWARD MERIDIAN, ALASKA

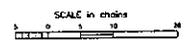


STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SEC 11-14**

NO 1
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN TOWNSHIP FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

- PLD 5184 AND CI EFFECTS L&M/INTERESTS NOT CONVEYED
- F14883-A2 V/Sel Agm
- Sec 11-14
- Sec 11-13 Encl No's F17210, F17607, F17652
- NA 2 & Unpat Lands W/ F14883 12(a).
- PL 96-487 AND Unpat Lands HMR entire 12
- PL 92-203 AND F14883 L&M W/ F14883-A2
- PL 92-203 AND F14816 L&M W/ F14816-A, F14816-A2



NOTES:
This part of the Survey of Alaska, and should be used
only as a general guide to the location of the land.
The location of the land should be determined by
reference to the original survey records and other
information available to the Bureau of Land Management.
NO 1 is the complete survey for this survey information.

CURRENT TO	NO 7
7-21-2008	See Map
	T 7 N
	R 69 W

ACAD

UNSURVEYED TOWNSHIP 7 NORTH RANGE 68 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 59-9 OFFICIALLY FILED 6/29/1959

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

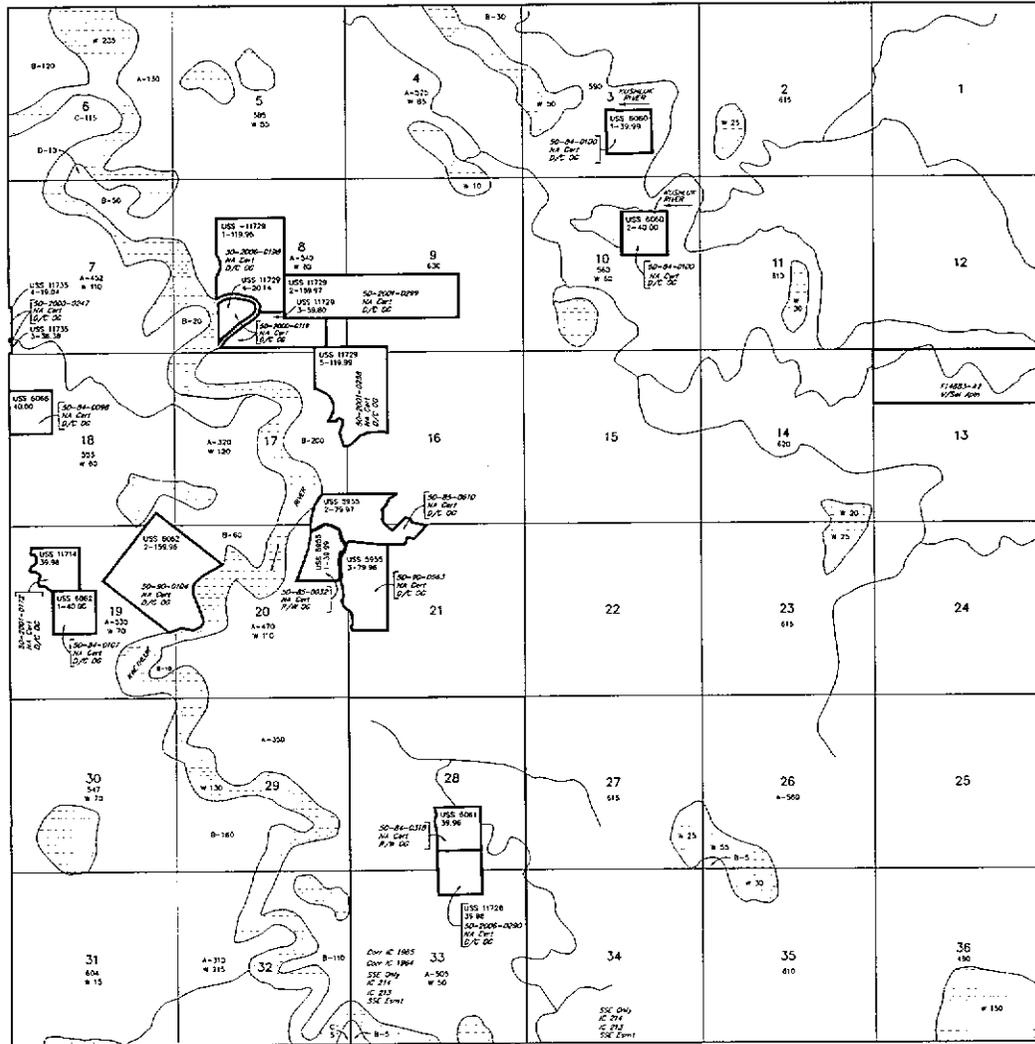
MTP

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

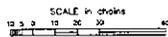
PL 92-201 WITH F14833, LOTS W/A F14833-F14863-A2

PLD 5184 W/6 C1 affects Lots/Interests not conveyed

PL 96-487 WITH T14841 D/L16 NMR 10



Lot 60°28'48.8697"N
Long 161°17'10.237"W



WARNING:
This plan is the Bureau's Record of Title, and should be used
only as a general display of the planning survey data. Rec-
ords herein do not reflect all changes which may have been
subjected to before measurements of roads or other bodies of water
were in the original survey for official survey information.

CURRENT TO	Sew Mer
11-13-2006	T. 7 N
	R. 68 W

ACAD

SURVEYED TOWNSHIP 6 NORTH RANGE 68 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PLO 5184 W&P D affects L&M/Interests not conveyed

PLO 5190 Amended by PLO 5251 W&P G & Public Interest
affects L&M/Interests not conveyed

PL 32-203 W&P F14883 (L&M W&P F14883-1, F14883-2)

PL 36-487 W&P Water Rights W&P entire Tp

F14883-A2 V/S&M Apm W&P :

Secs 17-18 : All

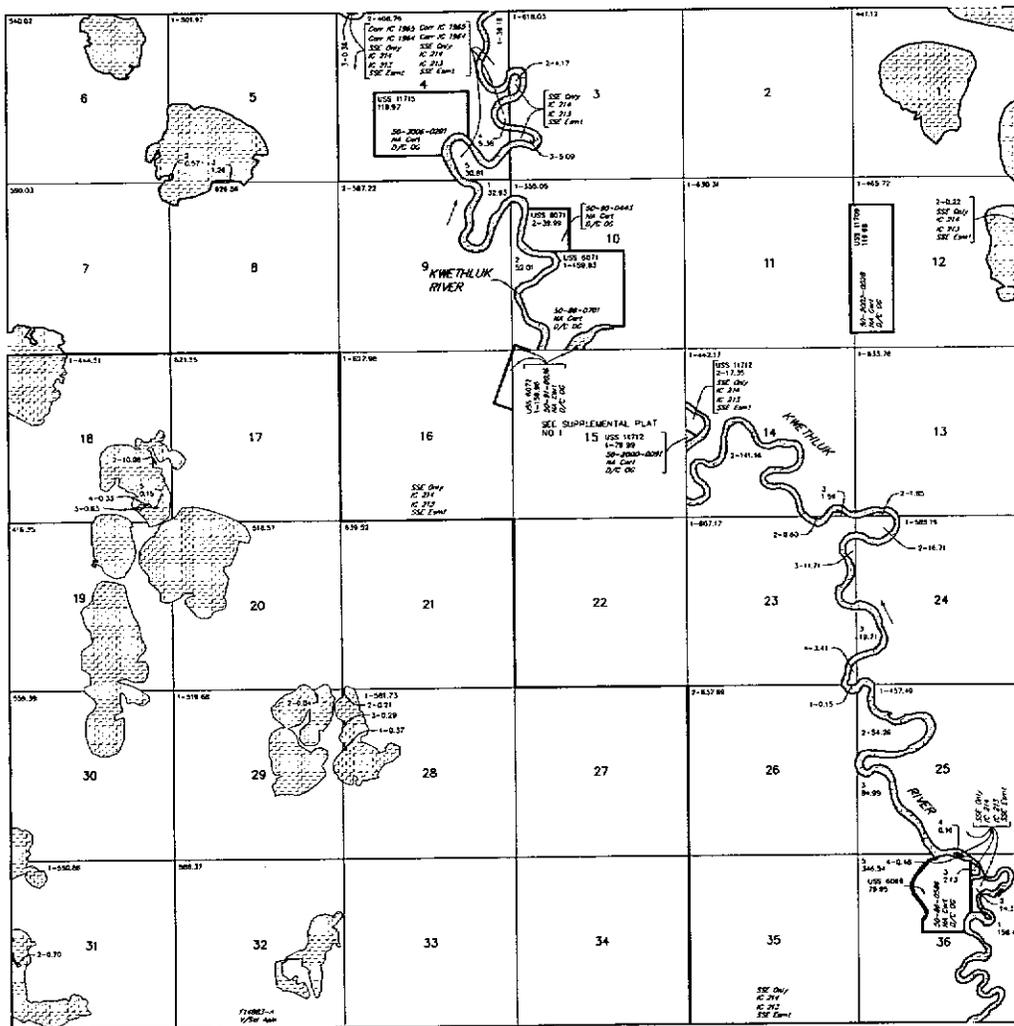
Secs 20-21 : All

Secs 27-29 : All

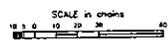
Secs 33-34 : All

& 34.5 & original L&M W&P F14883 1279, Eyo F17050

Per B



Lat 60°33'36.897"N
Long 161°07'10.247"W

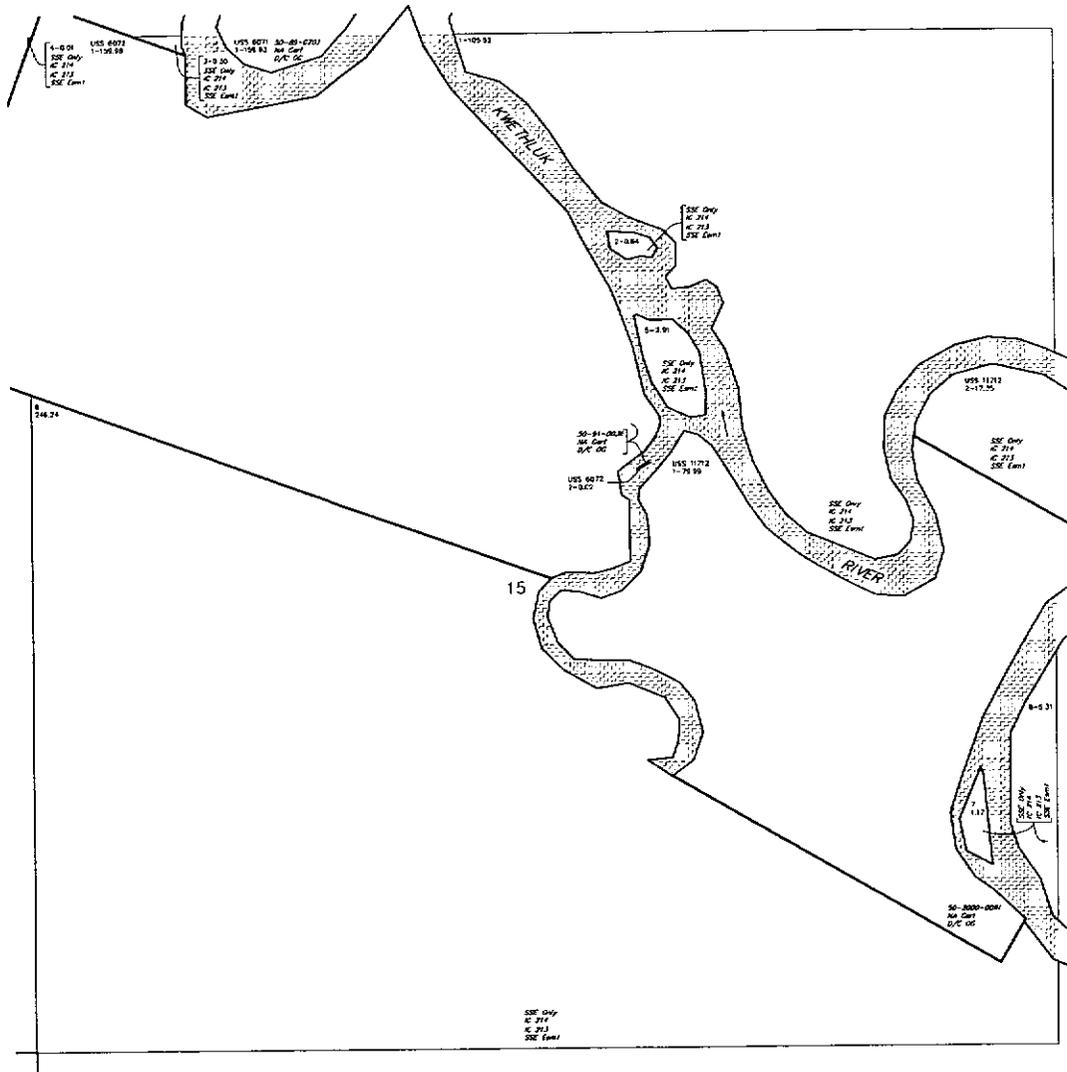


WARNING:
This plat is the Bureau's report of this land based on a
survey on a portion of the township and is not
intended to be a final plat. It is subject to future
adjustment by the Bureau in the event of a
re-survey of the township or other lands of water.
Refer to the additional records for general survey information.

CURRENT ID	Sec Mer
5-12-2006	T 6 N
	R 68 W

ACAD

SURVEYED TOWNSHIP 6 NORTH RANGE 68 WEST OF THE SEWARD MERIDIAN, ALASKA



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

**MTP
SUPPL SEC 15**

NO 1

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

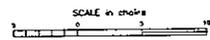
PLD 5184 AND D affects Leds/Interests not conveyed

PLD 5180 Amended by PLD 5251 AND D & Public Interest!
Affects Leds/Interests not conveyed

PL 32-263 AND F14862, Leds W/ F14863-A, F14863-A2

PL 36-487 AND TUPON GOLD NARR entire Td

F14863-A3 1/24 April 1971:
NAR & Lined Leds W/ F14863 12(c), End F12050
FOR B



NOTICE
This plan is the Bureau's Record of Title and should be used
only as a graphic display of the boundary lines only. Repro-
duction hereon or the transfer of any property rights hereon,
affected by record monuments of lands of other bodies of water,
shall be the ordinary survey for official survey instrument.

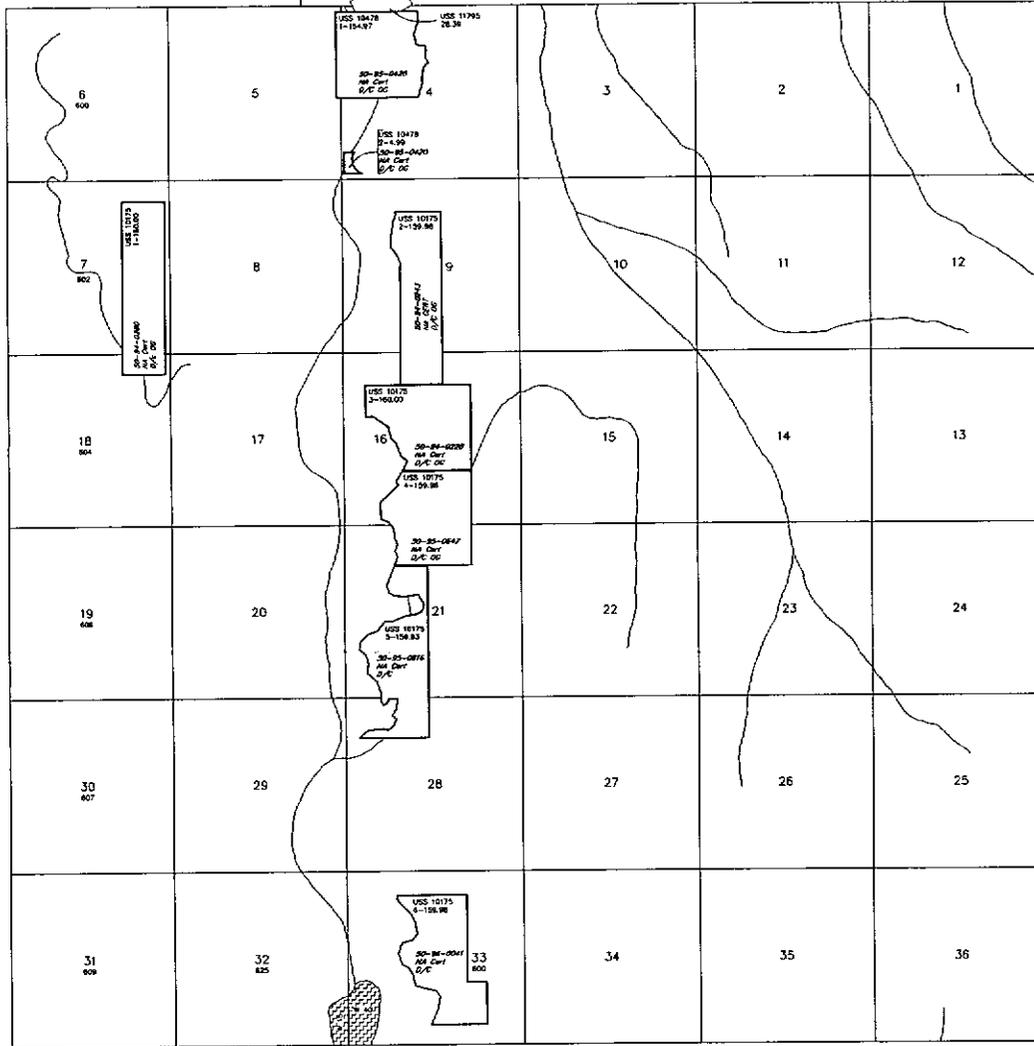
CURRENT TO	
5-12-2008	

NO 1
Sew Mer
T 6 N
R 68 W
ACAD

UNSURVEYED TOWNSHIP 4 NORTH RANGE 68 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 59-16 OFFICIALLY FILED 6/29/1959

T 5N
R 68W R 67W



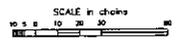
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PLG 5180 Amended by PLO 5251 198 AM of Leg & CI affects Lds/Interests not conveyed

PL 96-487 198 Yukon Delta HMA entire 1p



WARNING: This plat is the Bureau's Record of Title, and should be used only as a general guide to the boundary survey data. It does not constitute an official survey and should not be used for any purpose which may have been affected by future measurements of this or other lands in this area. Refer to the indicated sources for official survey information.

Lat 60°23'12.926"N
Long 160°59'44.185"W

CURRENT TO	FWS, BHL, AVCP	Sew Mar
4-2-2002		T 4 N R 68 W

ACAD

UNSURVEYED TOWNSHIP 3 NORTH RANGE 68 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 59-16 OFFICIALLY FILED 6-29/1959

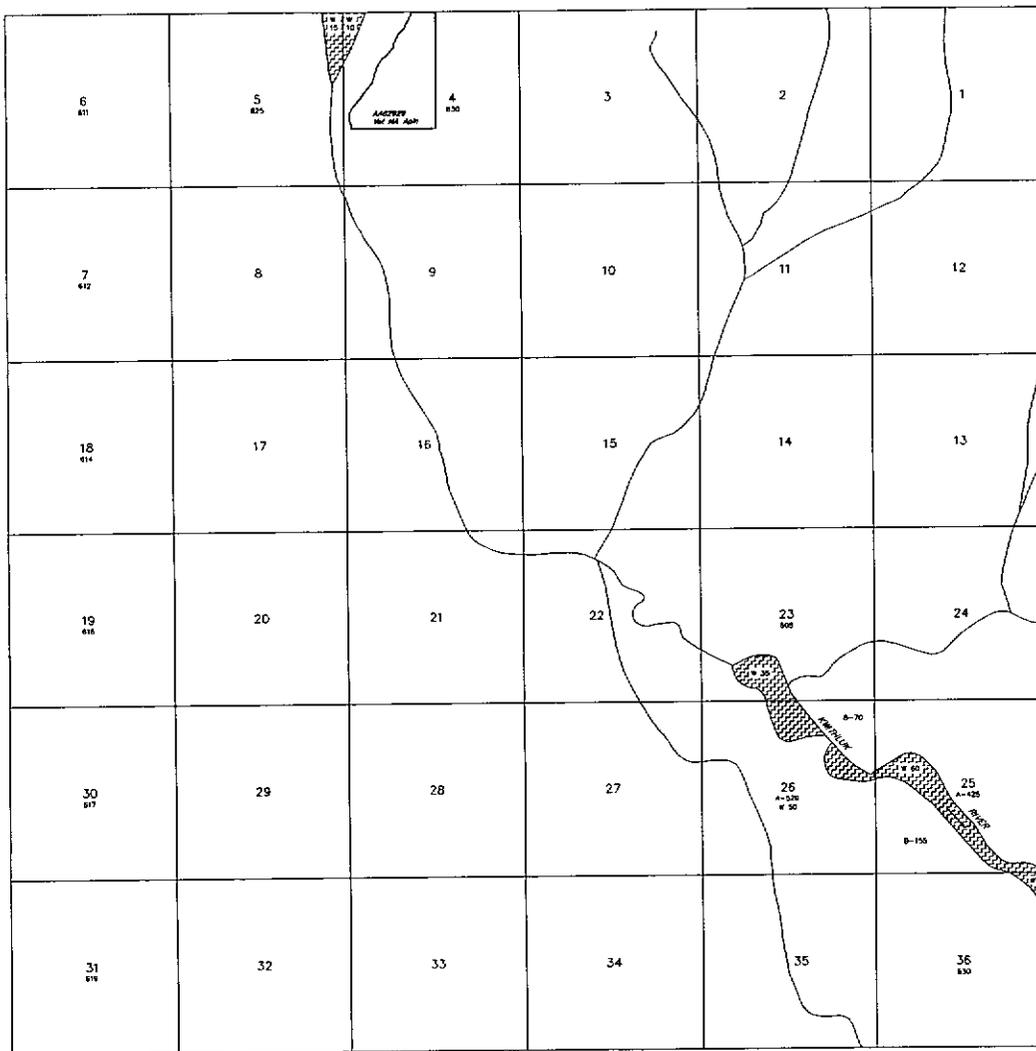
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

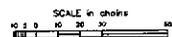
FOR OWNERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS:

PL 0-5251 Min Cl & Public Interest affects Lds/Interests
not conveyed

PL 95-487 Wet Tabor Delta NWR entire Tp



Lat 60°16'00.9407"N
Long 150°59'44.1857"W



WARNING:
This sheet is the Bureau's Record of Title, and should be used
only as a general guide to the boundary shown there. It
does not show any other interests which may have been
acquired by adverse claimants or other parties in error.
Refer to the recorded surveys for official survey information.

CURRENT TO	Sew Mar
B-6-2004	T 3 N
	R 68 W

ACAD

UNSURVEYED TOWNSHIP 3 NORTH RANGE 67 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTOR DIAGRAM NO. 59-16 OFFICIALLY FILED 6/29/1959

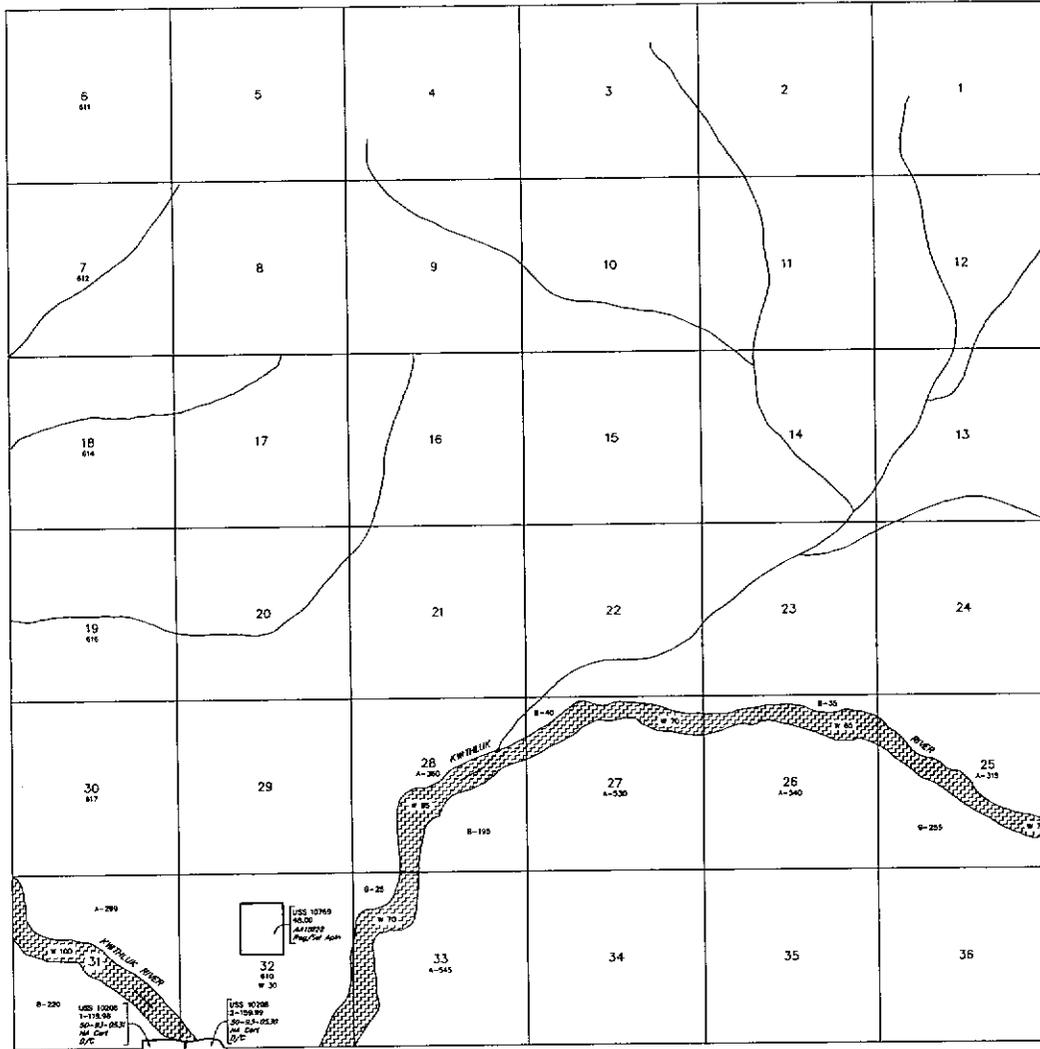
STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

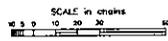
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
 IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
 MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
 REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5180 Amended by PLD 5251 MFR CI & Public Interest
 OFFICE LOG/INTERESTS NOT CONVEYED

PL 96-487 W&P Yukon Delta NARS Section 10



Lcl 60°18'00.940"N
 Long 160°49'18.839"W



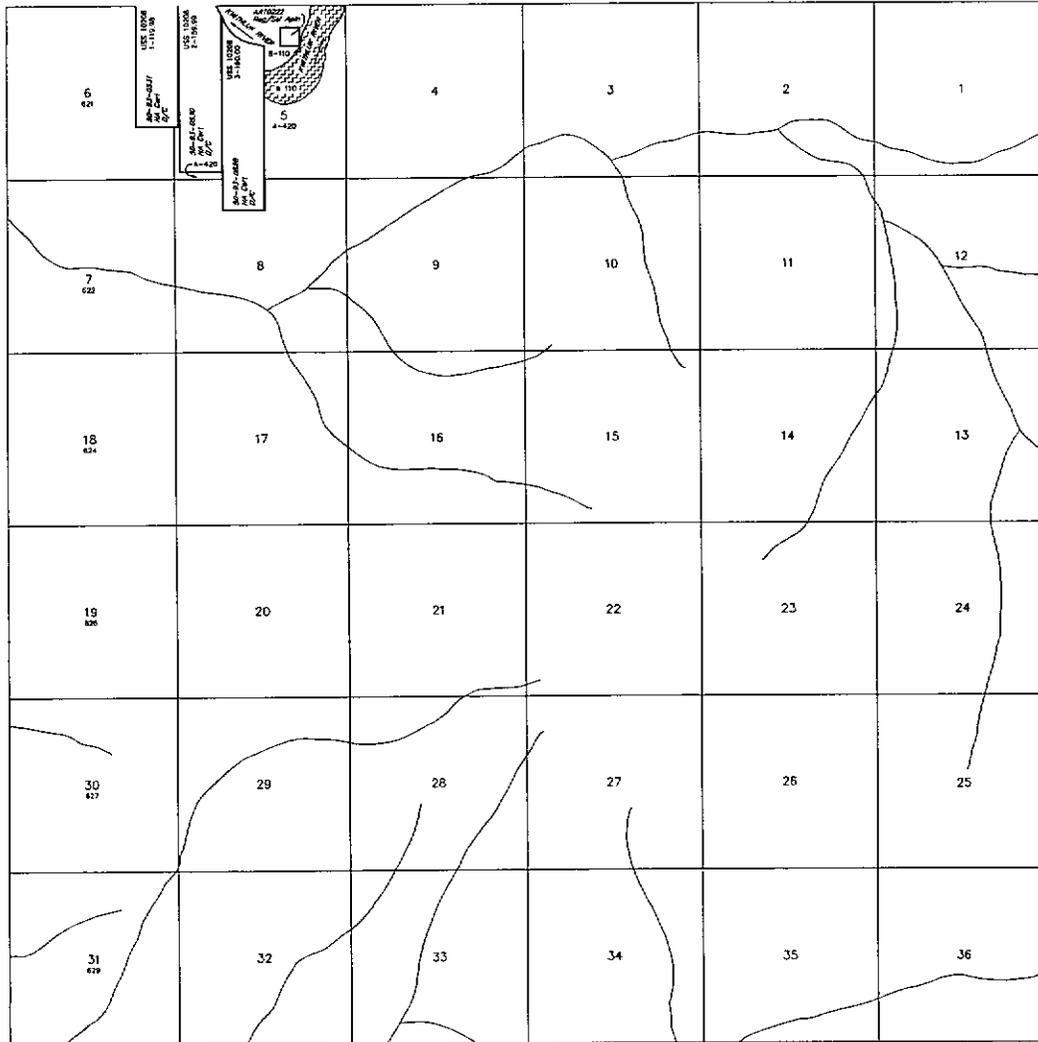
WARNING:
 This plat is the Bureau's Record of Title and should be used
 only as a graphic display of the township survey data. It
 will survive in the public domain. The plat should not be used
 affected by natural movements of earth or other bodies of water.
 Refer to the evidence surveys for official survey information.

CURRENT TO	Sew Mer
6-1-2004	T 3 N
	R 67 W

ACAD

UNSURVEYED TOWNSHIP 2 NORTH RANGE 67 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTION DIAGRAM NO. 59-16 OFFICIALLY FILED 6/29/1959

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES



MTP

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

PLG 5180 Amd by PLG 5251 Min Cl & Public Interest
 affects Lds/Interests not conveyed

PL 96-667 Min. Water Rights NWR entire Jo

Lat 60°12'48.947"N
 Long 160°49'18.839"W

SCALE in chains
 0 5 10 20 30 40

WARNING:
 This plan is the Bureau's Record of Title, and should be used
 only as a general guide of the boundary survey. It is
 not intended to be used as a title. It is subject to
 alteration by future measurements or other factors of record.
 Refer to the correct survey for precise survey information.

CURRENT TO	Sew Mer
6-1-2004	T 2 N R 67 W

ACAD

UNSURVEYED TOWNSHIP 2 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTION DIAGRAM NO. 53-10 OFFICIALLY FILED 7/27/1959

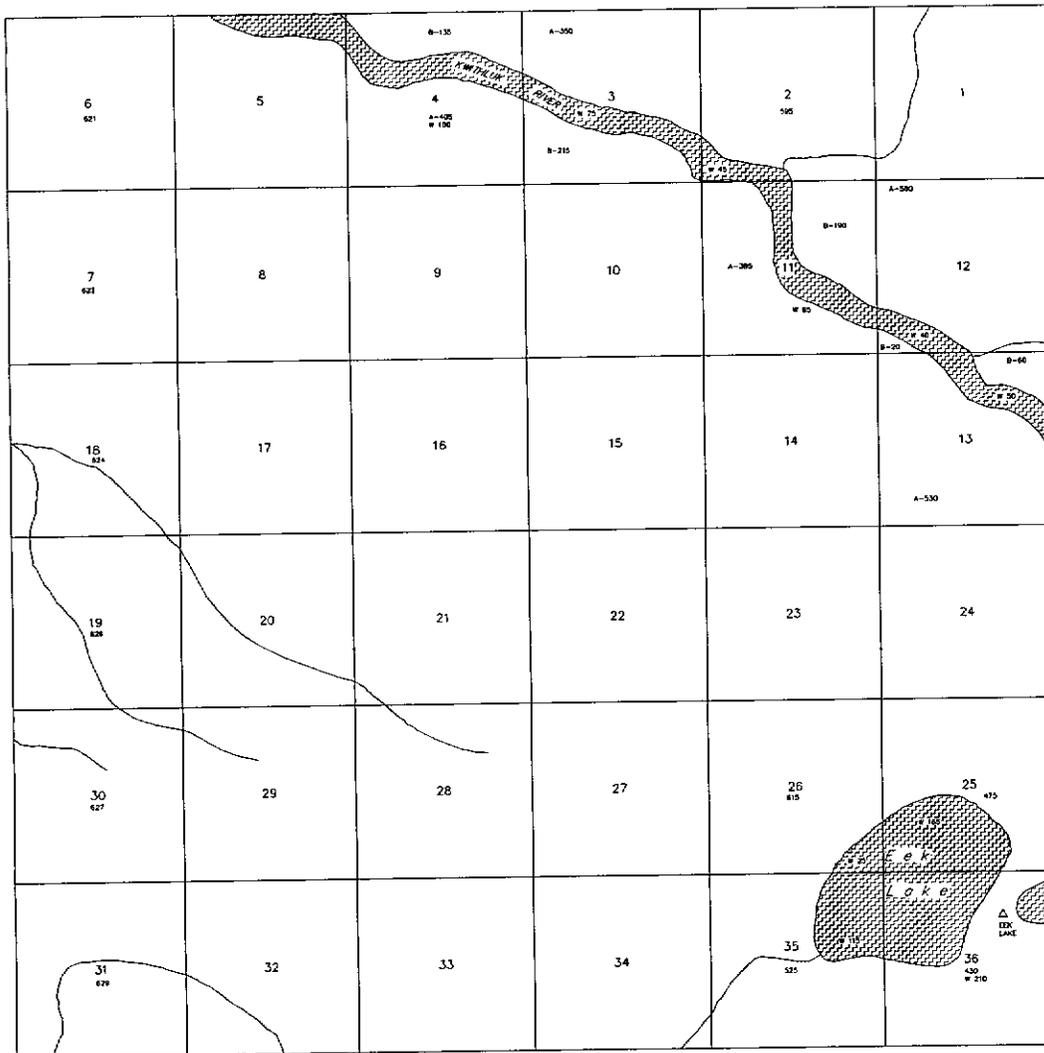
STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

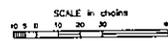
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
 IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
 MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
 REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5180 We C & Public interest affects Ledy/Sterner's
not conveyed

PL 56-487 We Yukon Delta NHP entire T2



Lot 5012'48.947"N
 Long 16018'02.802"W



Submittal: This plan is the Bureau's record of this, and should be used only as a general check of the township survey data. Rec-ords based on the original survey may have been altered by later measurements of water or other bodies of water. Refer to the cadastral surveys for official survey information.

CURRENT TO	FWS, BHL, AVCP	Sew Mer
4-2-2002		1 2 N R 64 W

ACAD

UNSURVEYED TOWNSHIP

NORTH RANGE 63 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 510-13 OFFICIALLY FILED 7/27/1959

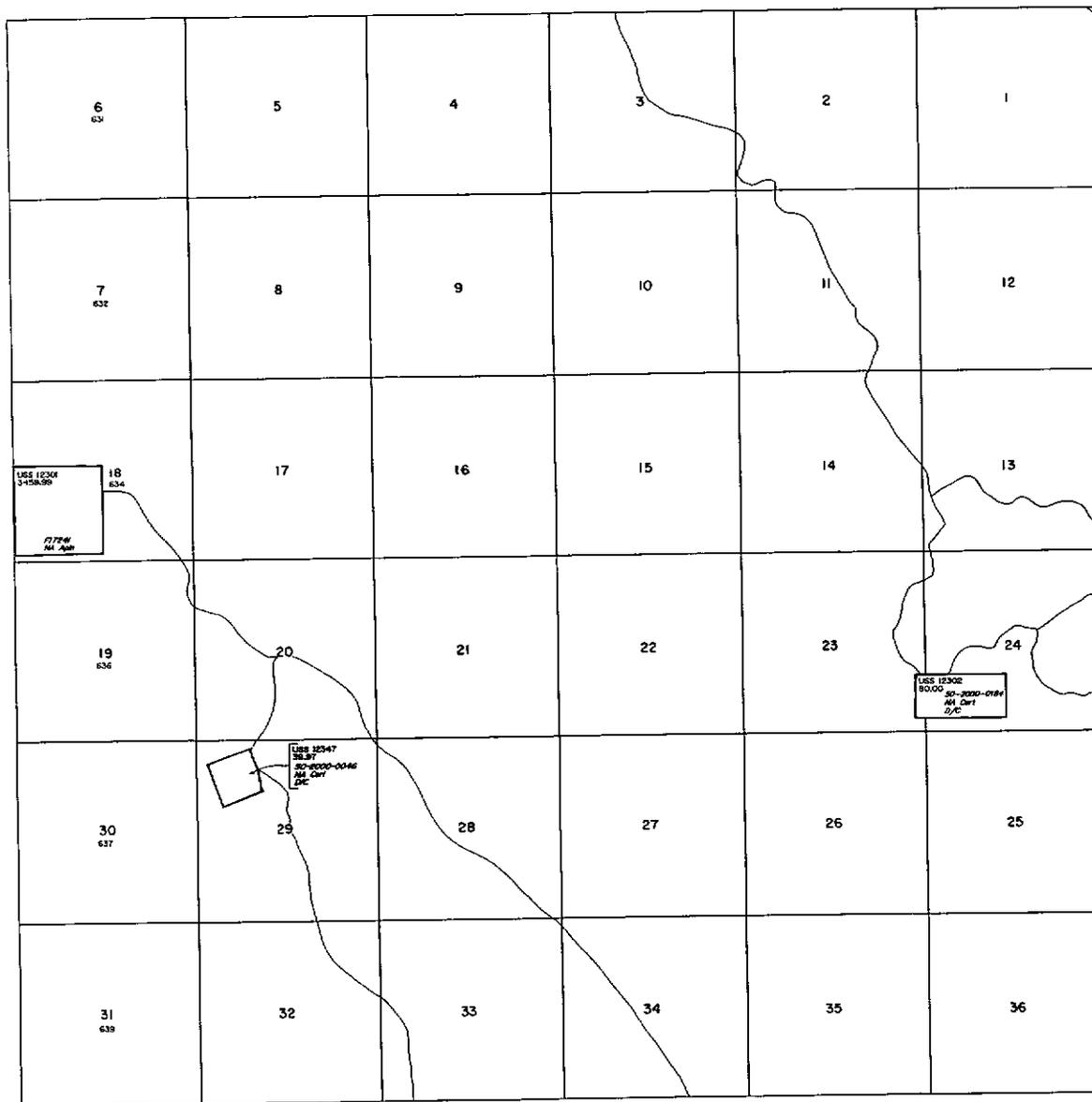
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

FOR ORDERS EFFECTING DISPOSAL OR USE
OF UNIDENTIFIED LANDS REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

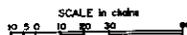
P.L.O. 5180 W& CI & Public Interest affects Lateral and
conveyed

P.L. 95-487 W& Yukon Delta NHP entire Tp



CURRENT TO	AVCP, FWS	Sew Mer
10-3-2000		T 13 N
		R 63 W

Lat 60°07'36.950"N
Long 160°07'37.456"W



WARNING:
THIS PLAT IS THE BUREAU'S RECORD OF TITLE AND SHOULD BE USED ONLY AS A GRAPHIC DISPLAY OF
TOWNSHIP SURVEY DATA. RECORDS HEREON DO NOT REFLECT TITLE CHANGES WHICH MAY HAVE BEEN
EFFECTED BY LATERAL MOVEMENTS OF RIVERS OR OTHER BODIES OF WATER. REFER TO THE
CADASTRAL SURVEY FOR OFFICIAL SURVEY INFORMATION.

Unsurveyed Township 1 N, R 62 West of the Seward Meridian

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

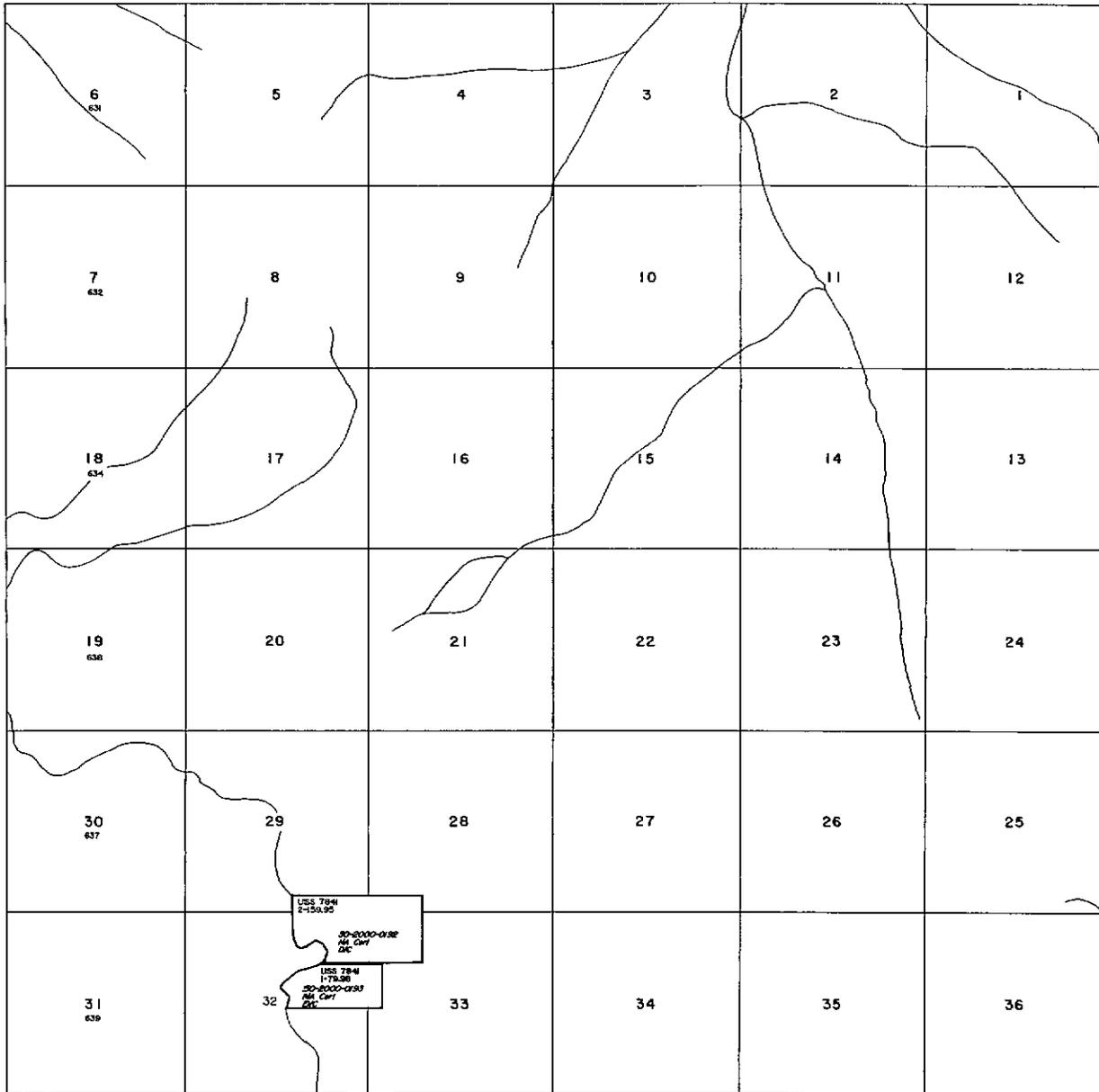
MTP

INDEX TO SEGREGATED TRACTS				
RESURVEY	ORIGINAL SURVEY			
TRACT NO	T	R	SEC	SUBDIVISION

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

PL 0 580 W 8 C 1 & Public Interest affects L&M Interest not conveyed

PL 96-497 W 8 Yukon Delta NWR entire Tp



Lat. 60°07'36.950"
Long. 159°57'12.110"W



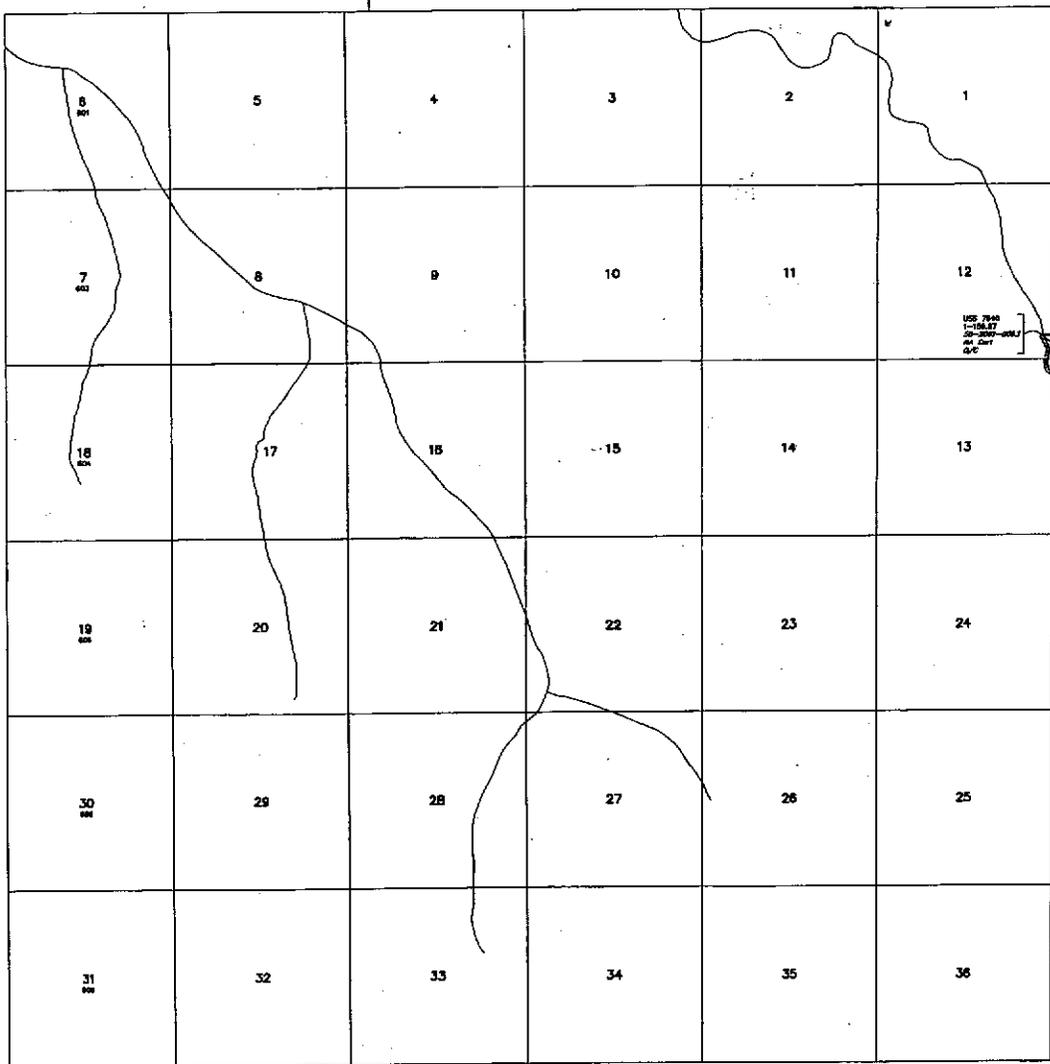
WARNING:
THIS PLAT IS THE BUREAU'S RECORD OF TITLE AND SHOULD BE USED ONLY AS A GRAPHIC DISPLAY OF TOWNSHIP SURVEY DATA. RECORDS HEREON DO NOT REFLECT TITLE CHANGES WHICH MAY HAVE BEEN EFFECTED BY LATERAL MOVEMENTS OF RIVERS OR OTHER BODIES OF WATER. REFER TO THE CADASTRAL SURVEY FOR OFFICIAL SURVEY INFORMATION.

CURRENT TO	AVCP, FWS	Sew Mer
9-25-2000		T 1 N R 62 W

UNSURVEYED TOWNSHIP 1 SOUTH RANGE 63 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 519-4 OFFICIALLY FILED 5/25/1960

R 63W | R 62W



US 7540
1-15-67
20-2007-0017
64 Cont
G/C

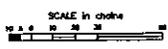
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PLG 5179 USE AM of Log. & CI effective 10/1/2000
not conveyed

Lat 60°22'24.948"N
Long 150°00'54.682"W



WARNING:
This plat is the Bureau's report of this and should be used
only as a guide to the location of the boundary survey data. It does
not constitute a deed and does not convey title. Any title from
obtained by third parties of this or other bodies of water.
Refer to the relevant survey for other survey information.

CURRENT TO	FWS	See Map
8-25-2002		7-1-5
		R. 63 W

ACAD

UNSURVEYED TOWNSHIP 1 SOUTH RANGE 62 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTOR DIAGRAM NO. S19-4 OFFICIALLY FILED 5/25/1960

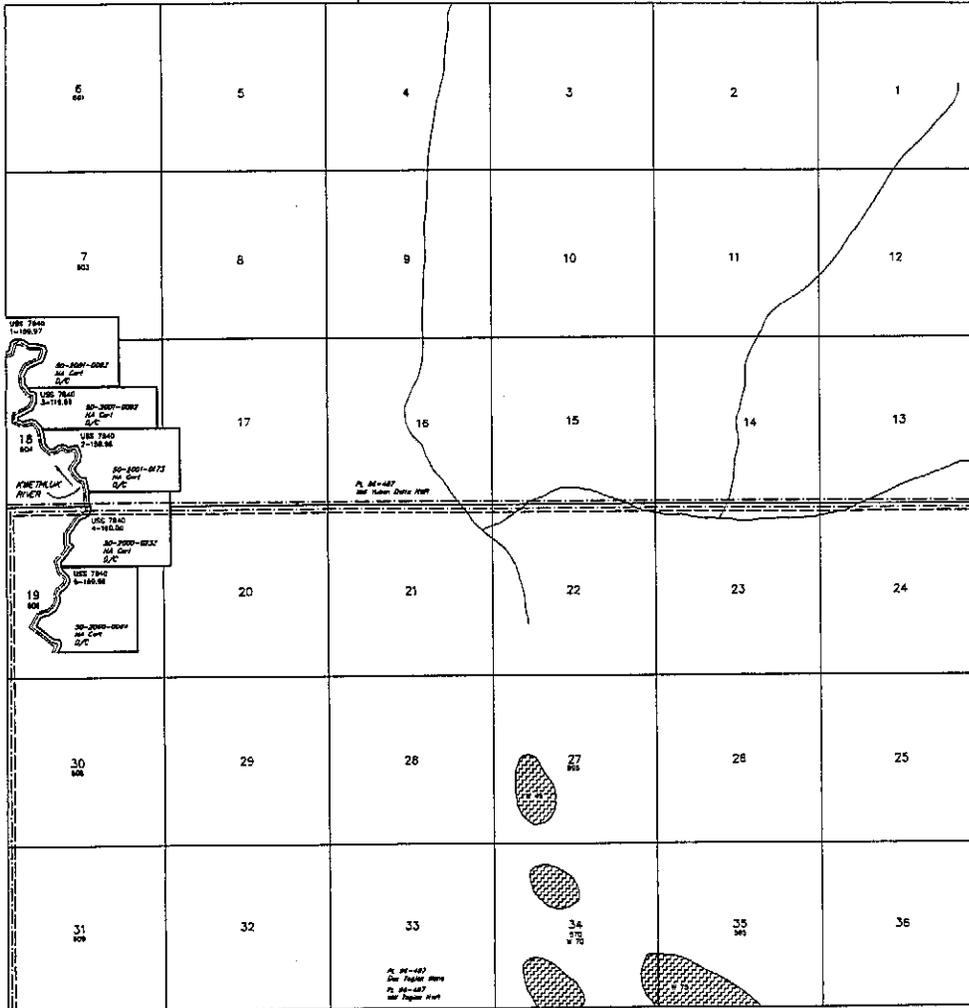
R 62W R 61N

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

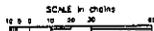
MTP

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

PLG 2172, WR 412 of Lev. & G. affects 14th/15th/16th
 1960/1961



Lot 80D24.8497W
 Long 1595039.8327W



NOTICE:
 This plan is the Bureau's estimate of the land and should be used
 only as a general guide to the location of the survey. The
 same should not be relied upon for any other purpose.
 The Bureau is not responsible for any errors or omissions
 which may have been made in the field or in the office.
 Refer to the original survey for detailed survey information.

CURRENT TO	FWS	Sev. Map
9-23-2002		T 1.5
		R 62 W

ACAD

This serves in lieu of surnaming for Marty L. Karstetter, Act. Chief, Br of Easement ID and Harold E. Wolverton, Act. Chief, Div. of ANCSA and State Conveyances, 3/4/83.

✓ F-14883-EE (75.4)
F-14883-A (2651)
(963)

**Kwethluk River
Interim Summary Report
Attachment 9**

MAR 11 1983

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kwethluk, Inc.
Kwethluk, Alaska 99621

Gentlemen:

On July 12, 1979, your corporation received Interim Conveyance No. 213 for the surface estate of certain lands selected under the provisions of the Alaska Native Claims Settlement Act of December 18, 1971. The Interim Conveyance generally states that reservations have not been conformed to the Departmental easement policy announced March 3, 1978. Conformance is contingent upon resolution of the litigation Calista, et al. v. Andrus and implementation of the Secretary's new easement policy. On November 27, 1978, following resolution of the court case, easement regulations setting forth new criteria were issued.

A review of the Interim Conveyance noted above reveals that certain reservations, as noted on the attached Release, were declared unlawful or invalid by the courts. Consequently, we have terminated these reservations.

Enclosed is a Release of Interest which officially terminates these reservations. This is the original release document and because it modifies your Interim Conveyance it should be attached to the conveyance document. If you are satisfied it is correct, you should immediately record it in the Office of the Recorder of the district in which you recorded the Interim Conveyance which it modifies. To assist you in recording this document, we have enclosed a copy of "Recording Conveyance Documents."

Further conformance or other easement actions may be necessary. Your Interim Conveyance is being examined to make this determination. You will be notified only if it is discovered that more actions need to be taken to conform your document to the regulations.

If you have any questions, please feel free to contact Mary Bonin at 271-3306 for assistance.

Sincerely yours,

/s/ Harold E. Wolverton

Harold E. Wolverton
Acting Chief, Division of ANCSA
and State Conveyances

Enclosures:
Release Document
Recording Information

cc:

Mr. Alex Raider
Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Mr. James Culbertson
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510
(w/enclosures)

DM-A (010)
(w/enclosures)

AM-M (018)
(w/enclosures)

Resources (930)
(w/enclosures)

Library (940)
(w/enclosures)

Public Services (943)
(w/enclosures)

Sealaska Section (961)
(w/enclosures)



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

F-14883-EE (75.4)
F-14883-A (2651)
(963)

Kwethluk

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Moses Nicolai
Kwethluk, Incorporated
Kwethluk, Alaska 99621

Calista

**Kwethluk River
Interim Summary Report
Attachment 10**

DEC 09 1983

Dear Mr. Nicolai:

The Department of the Interior entered into an Easement Agreement with your corporation. This agreement called for the reexamination of easements after the courts had ruled on their validity. The agreements allowed land to be transferred subject to later resolution of the easement issues. The Bureau of Land Management has initiated a multi-stage program to keep its obligations to the public and to the Native corporations.

In Phase I of the easement conformance program four types of void interests (easements) included in previously issued conveyances were terminated and a Release of Interest issued to your corporation. We are now involved with Phase II. This addresses case file review of streamside and coastline easements. Our review of Interim Conveyance No. 213 indicates that possible donations may be required for sites in lieu of coastline and streamside easements. All of which indicates that the donation process could be somewhat lengthened since both Native and State comments must be obtained and considered before an appealable decision can be issued.

To initiate Phase II, BLM will issue Release of Interests for all streamside and coastline easements prior to the completion of the donation process. However, in accordance with the Easement Agreement, the Bureau of Land Management reserves the right to complete the donation process. To assure the most accurate placement of easements, BLM is examining inholdings and seeking survey information. Some trail easements may also require rerouting in this process to avoid private inholdings and guarantee legal access to public land (State of Alaska v. United States, 74 IBLA 275 (1983)).

Therefore, in accordance with the above, enclosed is a Release of Interest which officially terminates these remaining void reservations. This is the original release document and because it modifies your Interim Conveyance should be attached

to the conveyance document. If you are satisfied it is correct, you should immediately record it in the Office of the Recorder of the district in which you recorded the Interim Conveyance which it modifies. The Office of the Recorder cannot record this document until you provide the information in the blank spaces at the bottom of the Release. To assist you in recording this document, we have enclosed a copy of "Recording Conveyance Documents."

The enclosed Release completes this aspect of the easement conformance process on this Interim Conveyance. At this time, any additional easement problems other than those addressed above are handled by Easement Management and should be referred to the Division of Resources. If you have any questions, please feel free to contact Mary Bonin at 271-3306 for assistance.

Sincerely yours,

/s/ Martin L. Karstetter

Martin L. Karstetter
Acting Chief, Branch of
Easement Identification

Enclosures:

1. Release of Interest
2. Recording Information
3. Koyuk Decision

cc:

Mr. Alex Raider
Calista Corporation
516 Denali Street
Anchorage, Alaska 99501
(w/enclosures)

Mr. Ron Swanson
Retained Lands Unit - Easements
Division of Land and Water Management
Alaska Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
(w/enclosure 1)

Mr. Carl Yanagawa
Region II Supervisor
Habitat Division
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99502
(w/enclosure 1)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

RELEASE OF INTEREST

Kwethluk, Incorporated

On July 12, 1979, Interim Conveyance No. 213 was issued to Kwethluk, Incorporated pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(a), 1621(j) (1976), for the surface estate of those lands listed therein, such conveyance having been granted by the United States of America, unto the above-named corporation with certain reservations of interests made to the United States; now hereto comes the United States of America and releases forever the below-listed interests, or portions thereof formerly reserved and numbered in Interim Conveyance No. 213, as public easements designated pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b)), and described as follows:

- a. (EIN 2 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from the point of tidal influence in Sec. 4, T. 8 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

- d. (EIN 14 C) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route,

IC# 213

RECORDED

BOOK

PAGE

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF ALASKA
Municipality of Anchorage

ss:

On this 2nd day of December, 1983, before me, a Notary Public, in and for the said Municipality and State, came Robert W. Anderson, to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same to be his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.

Ray J. Kletha
Notary Public in and for the
State of Alaska
Residing at Anchorage, Alaska

(SEAL)

My commission expires: June 4, 1986

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

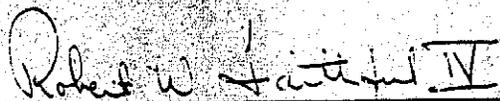
RELEASE OF INTEREST

Kwethluk Incorporated

On July 12, 1979, Interim Conveyance No. 213 was issued to Kwethluk Incorporated pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1613(a), 1621(j), for the surface estate of those lands listed therein, such conveyance having been granted by the United States of America, unto the above-named corporation with certain reservations of interests made to the United States; now hereto comes the United States of America and releases forever the below-listed interests, or portions thereof formerly reserved and numbered in Interim Conveyance No. 213, as a public easement designated pursuant to Section 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616), and described as follows:

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

UNITED STATES OF AMERICA



Robert W. Faithful IV
Acting Assistant to the State
Director for Conveyance Management

INDIVIDUAL ACKNOWLEDGEMENT

STATE OF ALASKA)
Municipality of Anchorage) ss:

On this 8th day of March, 1983, before me, a Notary Public, in and for the said Municipality and State, came Robert W. Fairchild III, to me personally known to be the identical person described in and who executed the within and foregoing instrument and acknowledged to me that he executed the same to be his free and voluntary act and deed, for the uses and purposes therein mentioned.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year first above written.

Frankie J. Peterson
Notary Public in and for the
State of Alaska
Residing at 5607 Wierlyan Dr.
Anchorage, Ak 99504

(SEAL)

My commission expires: May 13, 1986

INTERIM CONVEYANCE

DATE 11/27/79
Jm 2/2/80

WHEREAS

Kwethluk Incorporated

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 702, 715; 43 U.S.C. 1601, 1613(a), 1621(j) (1976)), of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)

T. 6 N., R. 67 W.

- Secs. 4 and 5, all;
- Secs. 8 and 9, all;
- Secs. 16 and 17, all;
- Secs. 20, 21 and 22, all;
- Secs. 27 and 28, all;
- Sec. 31, all;
- Sec. 34, all.

Containing approximately 8,309 acres.

T. 7 N., R. 67 W.

- Sec. 1, all;
- Sec. 2, excluding Native allotment F-17072 Parcel C;
- Secs. 3 to 7, inclusive, all;
- Secs. 11 and 12, all;
- Secs. 17 to 20, inclusive, all;
- Secs. 28, 29 and 30, all;
- Secs. 32 and 33, all.

Containing approximately 11,307 acres.

T. 8 N., R. 67 W.

- Secs. 5 to 9, inclusive, all;
- Secs. 17 to 20, inclusive, all;
- Secs. 29, 30 and 31, all;
- Sec. 32, excluding Native allotment F-029105 Parcel B;
- Secs. 33 to 36, inclusive, all.

Containing approximately 10,660 acres.

T. 6 N., R. 68 W.

- Secs. 1 to 9, inclusive, all;
- Sec. 10, excluding Native allotment F-17216;
- Secs. 11 to 14, inclusive, all;
- Sec. 15, excluding Native allotments F-17050 Parcel B and F-17216;
- Sec. 16, all;
- Secs. 22 and 23, all;
- Sec. 24, excluding Native allotment F-19254 Parcel B;
- Sec. 25, excluding Native allotments F-16016 and F-17204 Parcel B;
- Sec. 26, all;
- Sec. 35, all;

EM 7/23/79

Sec. 36, excluding Native allotments F-16016 and F-16008 Parcel A.

Containing approximately 14,027 acres.

T. 7 N., R. 68 W.

- Secs. 1 and 2, all;
- Sec. 3, excluding Native allotment F-17212 Parcel B;
- Secs. 4 to 7, inclusive, all;
- Sec. 8, excluding Native allotments F-17221 Parcel B, F-17210 Parcel C, and F-17222;
- Sec. 9, excluding Native allotment F-17222;
- Sec. 10, excluding Native allotment F-17212 Parcel C;
- Secs. 11 and 12, all;
- Sec. 13, excluding Native allotment F-16015;
- Secs. 14 and 15, all;
- Sec. 16, excluding Native allotments F-17214 Parcel A and F-17057 Parcel A;
- Sec. 17, excluding Native allotment F-17214 Parcel A;
- Sec. 18, excluding Native allotment F-17072 Parcel B;
- Sec. 19, excluding Native allotments F-17061 Parcel A, F-16807 Parcel B, and F-16803;
- Sec. 20, excluding Native allotments F-16803, F-17214 Parcel A, and F-17015 Parcel A;
- Sec. 21, excluding Native allotments F-17214 Parcel A and F-16013 Parcel A;
- Secs. 22 to 27, inclusive, all;
- Sec. 28, excluding Native allotment F-16724 Parcel C;
- Secs. 29 to 36, inclusive, all.

Containing approximately 21,655 acres.

T. 8 N., R. 68 W.

- Secs. 1 to 18, inclusive, all;
- Sec. 19, excluding Native allotment F-17099 Parcel B;
- Secs. 20 to 27, inclusive, all;
- Sec. 28, excluding Native allotments F-19262 Parcel A and F-17099 Parcel A;
- Sec. 29, excluding Native allotments F-19262 Parcel A and F-17211;
- Sec. 30, excluding Native allotments F-17099 Parcel B, F-19262 Parcel B, F-025345 Parcel B, F-17073 Parcel A, and F-17060 Parcel B;
- Sec. 31, excluding Native allotment F-17212 Parcel D;
- Sec. 32, excluding Native allotments F-17212 Parcel D and F-17211;
- Sec. 33, excluding Native allotments F-17073 Parcel B, F-17212 Parcel A, and F-16009;
- Secs. 34, 35 and 36, all.

Containing approximately 21,769 acres.

T. 9 N., R. 68 W.

- Sec. 22, excluding the Kuskokuak Slough and Native allotments F-16595 and F-16592;
- Sec. 23, excluding the Kuskokuak Slough and Native allotment F-16592;

Secs. 24, 25 and 26, excluding the Kuskokuak Slough;
 Sec. 27, excluding the Kuskokuak Slough and Native allotment F-17220 Parcel B;
 Sec. 28, excluding the Kuskokuak Slough and Native allotment F-13380;
 Sec. 29, excluding the Kuskokuak Slough;
 Sec. 30, excluding the Kuskokuak Slough and Native allotment F-17206 Parcel B;
 Sec. 31, excluding the Kuskokuak Slough and Native allotment F-17080;
 Sec. 32, excluding the Kuskokuak Slough and Native allotments F-17080 and F-17214 Parcel B;
 Sec. 33, excluding the Kuskokuak Slough;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokuak Slough and Native allotments F-17213, F-17069, and F-17215;
 Sec. 36, excluding the Kuskokuak Slough and Native allotments F-17069 and F-17215.

Containing approximately 7,030 acres.

T. 7 N., R. 69 W.

Sec. 1, all;
 Sec. 2, excluding Native allotment F-16182 Parcel A;
 Sec. 3, excluding Native allotment F-17219 Parcel A;
 Sec. 11, excluding Native allotments F-16181 Parcel A, F-16481 Parcel B, F-17607, and F-16182 Parcel B;
 Sec. 12, excluding Native allotments F-17050 Parcel C and F-17052 Parcel B;
 Sec. 13, excluding Native allotment F-17210 Parcel B.

Containing approximately 3,217 acres.

T. 8 N., R. 69 W.

Sec. 1, excluding Native allotment F-17207;
 Sec. 2, excluding the Kuskokuak Slough;
 Sec. 3, excluding the Kuskokuak Slough and Native allotment F-17214 Parcel B;
 Sec. 4, excluding the Kuskokuak Slough, Tract C of U.S. Survey No. 4221 and Native allotments F-17221 Parcel A, F-16481 Parcel A, F-17057 Parcel B, and F-17072 Parcel A;
 Sec. 5, excluding the Kuskokuak Slough, Tracts A, C and D of U.S. Survey No. 4221, and Native allotments F-17054 Parcel B, F-17050 Parcel A, and F-17070 Parcel A;
 Sec. 6, excluding the Kuskokwin River, Kuskokuak Slough, Tracts A, B and D of U.S. Survey No. 4221 and Native allotments F-17054 Parcel B, F-17076 Parcel A, F-17218 Parcel C, F-17219 Parcel B and F-13559 Parcel A;
 Sec. 7, excluding the Kuskokuak Slough and Native allotments F-13559 Parcel A, F-17060 Parcel A, and F-19257 Parcel A;
 Sec. 8, all;
 Sec. 9, excluding Native allotments F-17072 Parcel A, F-17210 Parcel A, and F-19256

Parcel B;
 Secs. 10 and 11, excluding the Kuskokuak Slough and Native allotment F-16483 Parcel B;
 Sec. 12, excluding the Kuskokuak Slough and Native allotments F-17207, F-17217 Parcel A, and F-17206 Parcel A;
 Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17056 Parcel B;
 Sec. 14, excluding the Kuskokuak Slough and Native allotments F-16724 Parcel B and F-13611;
 Sec. 15, excluding the Kuskokuak Slough and Native allotments F-13611, F-17053, and F-17204 Parcel A;
 Sec. 16, excluding Native allotments F-18289 Parcel F and F-17217 Parcel B;
 Sec. 17, NE; SE $\frac{1}{4}$, excluding Native allotments F-17217 Parcel B and F-17076 Parcel E;
 Sec. 18, excluding Native allotment F-17055;
 Sec. 19, excluding Native allotment F-19260;
 Sec. 20, excluding Native allotments F-13781 Parcel B and F-19260;
 Sec. 21, NE; N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$, excluding Native allotment F-13781 Parcel B;
 Sec. 22, E $\frac{1}{2}$, excluding the Kuskokuak Slough and Native allotment F-17053; NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$;
 Sec. 23, excluding the Kuskokuak Slough and Native allotments F-17067 Parcel B, F-17205, F-13781 Parcel A, and F-17052 Parcel A;
 Sec. 24, excluding Native allotment F-17059 Parcel A;
 Sec. 25, excluding Native allotments F-14189, F-025345 Parcel B, and F-17078 Parcel A;
 Sec. 26, excluding Native allotment F-17054 Parcel A;
 Sec. 27, E $\frac{1}{2}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$;
 Sec. 28, S $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$, excluding Native allotment F-17015 Parcel C; SE $\frac{1}{4}$;
 Sec. 29, excluding Native allotments F-19260 and F-13781 Parcel B;
 Sec. 30, excluding Native allotment F-19260;
 Secs. 31, 32 and 33, all;
 Sec. 34, excluding Native allotment F-17219 Parcel A;
 Sec. 35, excluding Native allotment F-17218 Parcel B;
 Sec. 36, all.

Containing approximately 17,478 acres.

T. 9 N., R. 69 W.

Secs. 25 and 26, excluding the Kuskokwim River;
 Sec. 27, all;
 Sec. 34, all;
 Sec. 35, excluding the Kuskokwim River and Native allotment F-17079;
 Sec. 36, excluding the Kuskokuak Slough and Native allotment F-17050 Parcel A.

Containing approximately 2,005 acres.

T. 8 N., R. 70 W.

Sec. 1, excluding the Kuskokwim River and Native allotment F-13556 Parcel A;

- Secs. 2 and 3, excluding the Kuskokwim River;
- Sec. 4, excluding the Kuskokwim River and Church Slough;
- Sec. 9, excluding the Kuskokwim River, Church Slough, Tupuknuk Slough, and Native allotment F-17051 Parcel B;
- Sec. 10, excluding the Kuskokwim River, Tupuknuk Slough, and Native allotments F-13111, F-17056 Parcel B, F-19256 Parcel A, and F-025345 Parcel A;
- Sec. 11, NW, excluding the Kuskokwim River and Native allotment F-13556 Parcel A; SW, excluding the Kuskokwim River, Kuskokuak Slough, and Native allotment F-13111;
- Sec. 12, excluding the Kuskokwim River, Kuskokuak Slough and Native allotments F-17074 Parcel A, F-13556 Parcel A, F-18288 Parcel A, and F-19257 Parcel A;
- Sec. 13, excluding the Kuskokuak Slough and Native allotment F-17074 Parcel B;
- Sec. 14, excluding the Kuskokuak Slough;
- Sec. 15, excluding Native allotment F-17075;
- Sec. 16, excluding the Tupuknuk Slough;
- Sec. 21, excluding the Tupuknuk Slough;
- Secs. 22 and 23, all;
- Sec. 24, excluding Native allotment F-17074 Parcel B;
- Secs. 25, 26 and 27, all;
- Sec. 28, excluding Native allotment F-17056 Parcel A;
- Secs. 33 to 36, inclusive, all.

Containing approximately 12,692 acres.

Aggregating approximately 131,049 acres.

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

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

1. The subsurface estate therein, and all rights, privileges, immunities and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 704; 43 U.S.C. 1601, 1613(f) (1976)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 708; 43 U.S.C. 1601, 1616(b) (1976)), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14883-EE, are reserved to the

United States and subject to further regulation thereby:

- a. (EIN 2 L) A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from the point of tidal influence in Sec. 4, T. 8 N., R. 69 W., Seward Meridian, upstream to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.
- b. (EIN 11 C4) A site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 68 W., Seward Meridian, on the left bank of the Kwethluk River. The site is one (1) acre in size with an additional twenty-five (25) foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging and vehicle use.
- c. (EIN 13 C) The right of the United States to enter upon the lands hereinabove granted for cadastral, geodetic, or other survey purposes is reserved, together with the right to do all things necessary in connection therewith.
- d. (EIN 14 C) A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

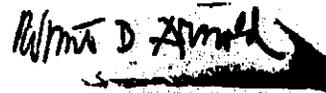
These reservations have not been conformed to the Departmental easement policy announced March 3, 1978, and published as final rulemaking on November 27, 1978, 43 FR 55326. Conformance will be made at a later date in accordance with the terms and conditions of the agreement dated August 23, 1978 between the Secretary of the Interior, Calista Corporation, and Kwethluk Incorporated.

THE GRANT OF THE ABOVE DESCRIBED LAND IS SUBJECT TO:

1. Issuance of a patent confirming the boundary description of the lands hereinabove granted after approval and filing by the Bureau of Land Management of the official plat of survey covering such lands;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 341; 48 U.S.C. Ch. 2, Sec. 6(g) (1976))), contract, permit, right-of-way or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges and benefits thereby granted to him. Further, pursuant to to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601) (1976)), any valid existing right recognized by said act shall continue to have whatever right of access as is now provided for under existing law;
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688, 703; 43 U.S.C. 1601, 1613(c) (1976)), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section; and
4. The terms and conditions of the agreement dated August 23, 1978, between the Secretary of the Interior, Calista Corporation and Kwethluk, Incorporated. A copy of the agreement is hereby attached to and made a part of this conveyance document and shall be recorded therewith.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 12th day of July, 1979, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Robert D. Arnold
Assistant to the State Director
ANCSA

Interim Conveyance No.

213

Date

JUL 12 1979

Bethel-3(e)-FY'83-#6
AA-16832 (2300.5)
F-14883-A (2651)
F-14883-A2 (2651)
✓ F-14883-EE (75.4)
2628 (962) NAV

**Kwethluk River
Interim Summary Report
Attachment 11**

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)
From: Acting Assistant to the State Director for Conveyance Management (913)
Subject: Final Navigability Determination for BIA School Site at Kwethluk

Following is the final navigability determination for lands comprising the BIA School Site at Kwethluk. The lands embrace Lot 1, Block 18, U.S. Survey No. 4221, Kwethluk Townsite and contains 139,244 square feet. The survey plat shows that the lot abuts on the Kwethluk River which has been determined navigable in T. 8 N., R. 69 W., Seward Meridian, the township in which this survey is located. This was done in connection with work on the Kwethluk Village selections. No other water bodies are shown on the plat of survey.

I affirm the earlier determination of navigability of the Kwethluk River and find that there are no navigable waters on the lands within Lot 1, Block 18, U.S. Survey No. 4221.

/s/ Robert W. Faithful IV

cc:

Ron Swanson
Navigability Project
Pouch 7-005
Anchorage, Alaska 99510

Jim Culbertson
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510

AM-M (018)

Chief, Branch of ANCSA Adjudication

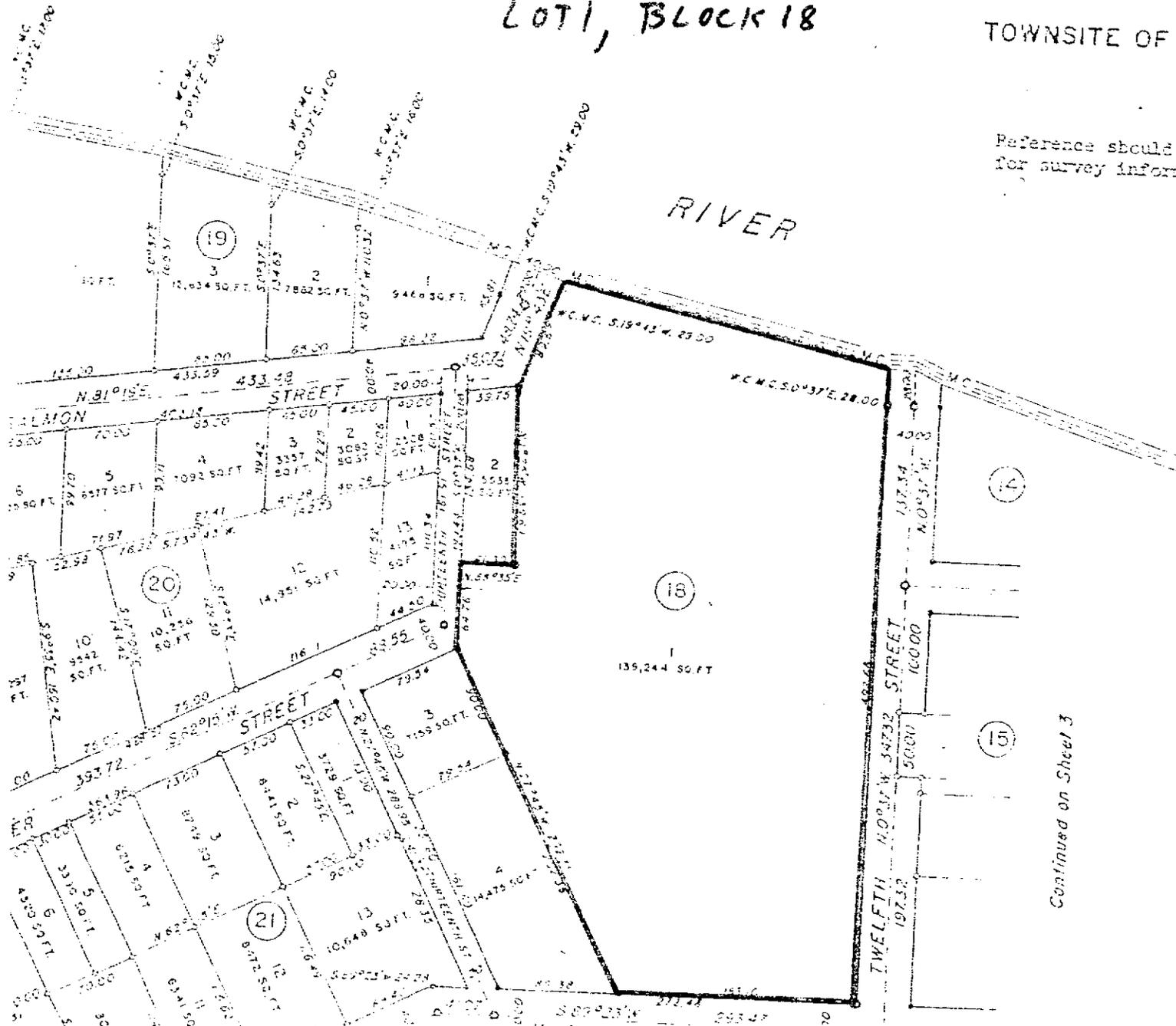
Chief, Branch of Easement Identification

962*SBerg*blj*2.18.83
MMO 32*Z

U. S. SURVEY No.4221
TOWNSITE OF KWETHLUK, ALASKA

LOT 1, BLOCK 18

Reference should be made to Sheet No. 1,
for survey information.



Continued on Sheet 3



F-14883-A

✓ F-14883-EE

Kwethluk River
Interim Summary Report
Attachment 12

INTERIM CONVEYANCE

WHEREAS

Kwethluk Incorporated

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

Seward Meridian, Alaska (Unsurveyed)

T. 8 N., R. 69 W.

Sec. 17, SW4, excluding U.S. Survey No. 5808 and Native allotment litigation AA-38419 Parcel B;

Sec. 21, S2SE4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 22, S2SW4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 27, N2NW4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 28, N2NE4, excluding Native allotment litigation AA-38419 Parcel C.

Containing approximately 255 acres.

T. 8 N., R. 70 W.

Sec. 11, SE4, excluding U.S. Survey No. 5931, Native allotment F-13111, Native allotment litigation AA-38419 Parcel A, the Kuskokwim River, and Kuskokuak Slough.

Containing approximately 105 acres.

Aggregating approximately 360 acres.

Interim Conveyance No.

790

Date

JAN 31 1984

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

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

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

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

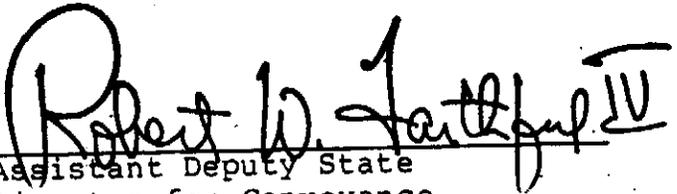
1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including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

Interim Conveyance No. 790

Date JAN 31 1984

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 31st day of January, 1984, in Anchorage, Alaska.

UNITED STATES OF AMERICA


Assistant Deputy State
Director for Conveyance
Management

Interim Conveyance No. _____

790

Date _____

JAN 31 1984

INTERIM CONVEYANCE

WHEREAS

Calista Corporation

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

Interim Conveyance No. 790

Seward Meridian, Alaska (Unsurveyed)

1/ T. 8 N., R. 69 W.

Sec. 17, SW4, excluding U.S. Survey No. 5808 and Native allotment litigation AA-38419 Parcel B;

Sec. 21, S2SE4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 22, S2SW4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 27, N2NW4, excluding Native allotment litigation AA-38419 Parcel C;

Sec. 28, N2NE4, excluding Native allotment litigation AA-38419 Parcel C.

Containing approximately 255 acres.

T. 8 N., R. 70 W.

Sec. 11, SE4, excluding U.S. Survey No. 5931, Native allotment F-13111, Native allotment litigation AA-38419 Parcel A, the Kuskokwim River, and Kuskokuak Slough.

Containing approximately 105 acres.

Aggregating approximately 360 acres.

Interim Conveyance No. 791

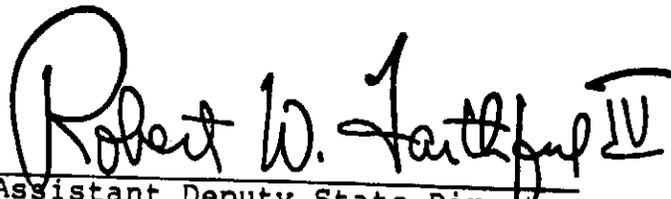
Date JAN 31 1984

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

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO all the easements and rights-of-way reserved in the aforementioned conveyance of the surface estate, and to valid existing rights, if any, in the said subsurface estate, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 31st day of January, 1984, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Assistant Deputy State Director
for Conveyance Management

Interim Conveyance No.

791

Date

JAN 31 1984

✓ F-14883-A (2651)
F-14883-EE (7574)
2620 (961)

**Kwethluk River
Interim Summary Report
Attachment 13**

MAY 26 1987

Mr. Phil Guy
Kwethluk Incorporated
Box 80
Kwethluk, Alaska 99621

Dear Mr. Guy:

This is in response to your telephone call to me last week regarding the U.S. District Court's recent decision on the navigability of the Gulkana River. You asked me to write a letter briefly describing the effect of the court's decision on lands owned or selected by Kwethluk Incorporated. A copy of the Gulkana decision is enclosed.

Let me first summarize the court's decision. The court decided that title to the first thirty miles of the Gulkana riverbed vested in the State of Alaska in 1959, when it became a state, because the river is navigable for small riverboats, jet boats, airboats, canoes, and inflatable rafts. According to the court, a water body is navigable in law if it has the physical capacity to carry people or goods in boats. The court expressed doubt whether a stream suitable only for a one-man kayak is navigable in law. However, streams that can carry canoes, inflatable rafts, or larger crafts are navigable. Title to the beds of these streams passed to the State in 1959.

The court's decision certainly means that BLM-Alaska will declare more rivers, streams, and sloughs navigable. If a stream at an ordinary high water stage can be used by people in a canoe or a raft or a larger craft, it is navigable. If the stream can be used only by a person in a kayak, it is nonnavigable.

We believe that the Gulkana decision applies only to streams. We do not believe that the decision applies to small landlocked lakes. We consider small lakes nonnavigable if they cannot be easily reached by some craft larger than a kayak. However, if the lake is accessible by boat, it is navigable.

What does the Gulkana decision mean in terms of the lands selected by or conveyed to Kwethluk Incorporated? Briefly stated, the BLM is required by regulation (43 CFR 2650.51) not to charge the corporation for the submerged

land acreage of "meanderable" or navigable water bodies. As a result of the Gulkana decision, the corporation will receive more dry land or upland and less submerged land. Sometime in the near future, we will re-examine all water bodies interim conveyed (IC'd) to the corporation that were determined to be nonnavigable. If there are in fact rivers and streams usable by some craft larger than a one-man kayak, BLM-Alaska will document the facts and then declare the waterbodies navigable. It will then survey the rivers and streams so that they are shown on the survey plat. And, again, BLM-Alaska will not charge the acreage of these navigable bodies against the corporation's land entitlement. We will follow the same process in the case of water bodies on selected lands. In both cases, we will send the corporation a report identifying the navigable waters and supporting information.

In view of the Gulkana decision, who now owns the beds of streams (the Kwethluk River, for example) that the BLM-Alaska determined nonnavigable and IC'd to the corporation? There is no simple answer to this question. The court, in the Gulkana decision, clarified several fundamental issues in the law of title navigability. If the Circuit Court agrees with the District Court's interpretation of the law, we can answer the question rather easily. If the stream is suitable for canoes, rafts, or larger craft, then it is navigable under law. Title to the bed passed to the State in 1959. The BLM did not convey title to the bed when it issued the IC. If the Circuit Court disagrees with the District Court's interpretation, it is difficult to predict what set of guidelines or what type of boat the court may choose for navigability determinations. AHTNA, Inc., has appealed the Gulkana decision. It may be a year or more before the Circuit Court decides the case.

To sum up, BLM-Alaska is making navigability determinations under the guidelines set forth in the Gulkana decision. If a river or stream is navigable for canoes, rafts, or larger crafts, it is navigable in law. BLM-Alaska will re-examine its determinations made at the time of IC. If a river or stream is found to be navigable under the Gulkana decision, it will be shown on the survey plat and the corporation will not be charged for the submerged land acreage.

If you have any questions on this subject, please call me at 271-4591.

/s/ C. Michael Brown

Chief, Navigability Section

Enclosure:
U.S. District Court Decision
(Gulkana River)

cc:
Chief, Branch of Calista Adjudication (963)

KWETHLUK INCORPORATED

P. O. Box 80
Kwethluk, Alaska 99621
(907) 757-6612 or 6613

June 3, 1987

Mr. Mike Brown
U.S. Department of the Interior
Bureau of Land Management
Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513

**Kwethluk River
Interim Summary Report
Attachment 14**

JUN 9 2 46 PM '87

ALASKA 99513

Dear Mr. Mike Brown,

I acknowledge receipt of your letter dated May 26, 1987. I thank you.

I note that BLM-Alaska is "making navigability determination" per the Gulkana decision. I wish to raise the question of temporary navigability when smaller watercraft are used in various creeks and streams which occur especially during the spring break-up, during the summer & fall rainy seasons. Aside from the high waters due to spring break-up, it is during strong stormy periods particularly coming from the south, along with heavy rainy periods during the summer and fall seasons that various creeks and stream become temporarily "navigable". The question then is, will BLM-Alaska place these creeks and streams under the "mean-erable" criterion? The fact that these various creeks and streams are not "navigable" and are not usable during normal high tide periods should be kept in mind during BLM-Alaska's determinations. In addition, the known fact that rivers and streams are influenced to an extent by normal high tide should be an important factor in the determination. I am sure that this question will be raised from the other sectors of our Alaska State. Regarding the periodic navibability of these creeks and streams, Once BLM-Alaska has determined them to be navigable, will the State of Alaska be ready and willing to make or improve upon them to keep them continually even continuously navigable during the spring, summer and fall seasons? This would be good and well for us in view of the fact that we lead a subsistence oriented lifestyle and we would have easier access to various hunting, trapping, fishing areas to which we have only periodic access to. There was no State of Commerce or Trade at the time of Statehood with respect to these creeks and streams.

Again, I thank you for your explanatory letter and the copy of the courts Gulkana decision.

Sincerely,

Phillip Guy
Phillip Guy,
Land Planner

**Kwethluk River
Interim Summary Report
Attachment 15**

Baird Inlet-GS-FY'88-#3
Bethel-GS-FY'88-#2
✓ F-14854 (75.4)
(961)

AUG 12 1988

Memorandum

To: Deputy State Director for Cadastral Survey (923)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey 253 (Window 1837)

This memorandum identifies navigable water bodies below a certain size on lands in Survey Group No. 253 (Eek) which were selected or conveyed under the Alaska Native Claims Settlement Act (ANCSA), the Statehood Act, or Native Allotment Act. The forty-two townships in the survey group are shown on the United States Geological Survey (USGS) Baird Inlet and Bethel quadrangles (1:250,000 scale) and are described in Table 1. This table also identifies navigable water bodies that must be segregated on the survey plats in accordance with the draft Memorandum of Understanding with the State of Alaska; it does not include all navigable water bodies in the survey group of townships. Lakes fifty acres in size and rivers greater than 198 feet in width are not described because, regardless of their navigability status, these water bodies are segregated on the survey plat. These water bodies include Eek River, Eenayarak River and Apokak Slough (to the center of Sec. 26, T. 1 N., R. 74 W., Seward Meridian).

The BLM's navigability determination criteria are described in a memorandum of March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management (BLM), subject "Title to submerged lands for the purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision of December 14, 1979, on the navigability of the Nation and Kandik rivers (RLS 76-2); the Regional Solicitor's February 25, 1980, interpretation of the ANCAB decision; and dicta in the U.S. District Court's judgement in State of Alaska v. United States of America, et al. Case No. A80-359 Civil (Gulkana River), April 16, 1987. In general, the BLM considers nontidal water bodies navigable if at the time of Statehood, they were navigable for crafts larger than one-person kayaks.

The principal sources of information about the land status, history, and character of water bodies in the report area comes primarily from USGS maps, Master Title Plats (MTP's), Alaska Automated Lands and Mineral Record System (AALMRS), C. Michael Brown's "Alaska's Kuskokwim River Region: A History" (BLM, 1985), navigability reports and determination memos, and NASA photographs CIR 60, Roll 10, Frames 61, 64, 178-179, July, 1980, and Roll 3397, Frame 7951, August 1984.

Navigable Waters

The USGS maps show various sloughs or streams in the selection area as having little or no gradient. NASA photographs show that these water bodies are wide (double-lined on the USGS maps), open, and connecting to a larger waterbody. These sloughs/streams are:

1. Lake outlet in Sec. 3, T. 1 N., R. 72 W.
2. Slough in Secs. 16-20, T. 2 N., R. 72 W.
3. Slough in Sec. 36, T. 2 N., R. 74 W., to second tributary on the right (looking upstream).
4. Slough in Sec. 27, T. 4 N., R. 74 W., (double-lined portion on USGS map).
5. Stream in Native allotment F-15788, in Sec. 23, T. 3 N., R. 72 W.

In view of the proximity of these water bodies to larger streams, there is no doubt that they are subject to overflow from the larger streams during spring high water periods. These high water periods may last three weeks or more every year. At these times, the water bodies certainly are susceptible to canoe navigation.

I determine the described segments of the streams and sloughs navigable. These water bodies are sufficiently wide and deep for canoe navigation.

Other Water Bodies

All other rivers and streams less than 198 feet wide and lakes less than 50 acres in size on lands conveyed or selected under ANCSA that are not listed in Table 1 are nonnavigable. The same applies to water bodies on lands selected or tentatively approved under the Statehood Act, as well as to water bodies in Native allotments. They are too small or too steep for boats, or do not connect to any navigable water body.

~~By~~ Robert W. Arndt

Enclosure:
Table

CC:

State Interest Determinations
Division of Land and Water Management
Alaska Department of Natural Resources
Box 7-005
Anchorage, Alaska 99510

State of Alaska
Department of Natural Resources
Land Title Section
3601 C Street
Anchorage, Alaska 99503

Calista Corporation
503 East Sixth Avenue
Anchorage, Alaska 99501

Iqfijouaq Company
Eek, Alaska 99578

Chief, Planning and Development (920B)

Chief, Branch of Field Surveys (921)

Chief, Branch of Cartography (922)

Chief, Branch of Photogrammetry (924)

Chief, Branch of Calista Adjudication (963)

961:SLeskosky:hmc:8/11/88:2364e/1931r

Table 1

Navigable Rivers and Streams Less Than 198 Feet Wide and Lakes
Less Than 50 acres in Size in Survey Group 253 to be Excluded
on Survey Plats, by Township

Seward Meridian

Townships

Tps. 1-4 N., R. 66 W.

None.

Tps. 1-4 N., R. 67 W.

None.

Tps. 1-4 N., R. 68 W.

None.

Tps. 1-4 N., R. 69 W.

None.

Tps. 1-4 N., R. 70 W.

None.

Tps. 1-4 N., R. 71 W.

None.

T. 1 N., R. 72 W.

Lake outlet in Sec. 3, Eek River to and through Sec. 24.

T. 2 N., R. 72 W.

Unnamed slough in Secs. 16-20.

T. 3 N., R. 72 W.

Eenayarak River (outlet of Eek Lake determined navigable on July 22, 1983).
Unnamed stream in Sec. 23, in Native allotment F-15788.

T. 4 N., R. 72 W.

Eenayarak River (determined navigable on July 22, 1983).

Tps. 1-2 N., R. 73 W.

None.

T. 3 N., R. 73 W.

Eenayarak River.

T. 4 N., R. 73 W.

None.

T. 1 N., R. 74 W.

Three unnamed tributaries flowing from the east, west and north joining Apokak Slough in the center of Section 26. The upper limits of navigability of these unnamed tributaries are shown on the attached map.

T. 2 N., R. 74 W.

Unnamed slough in Sec. 36, to second tributary on right (looking upstream).

T. 3 N., R. 74 W.

Eenayarak River.

T. 4 N., R. 74 W.

Unnamed slough (double-lined portion on USGS map) in Sec. 27.

T. 1 N., R. 75 W.

Slough in Secs. 3 and 4.

Tps. 1-2 N., R. 75 W.

None.

T. 3 N., R. 75 W.

Unnamed slough in Secs. 17-18.

T. 4 N., R. 75 W.

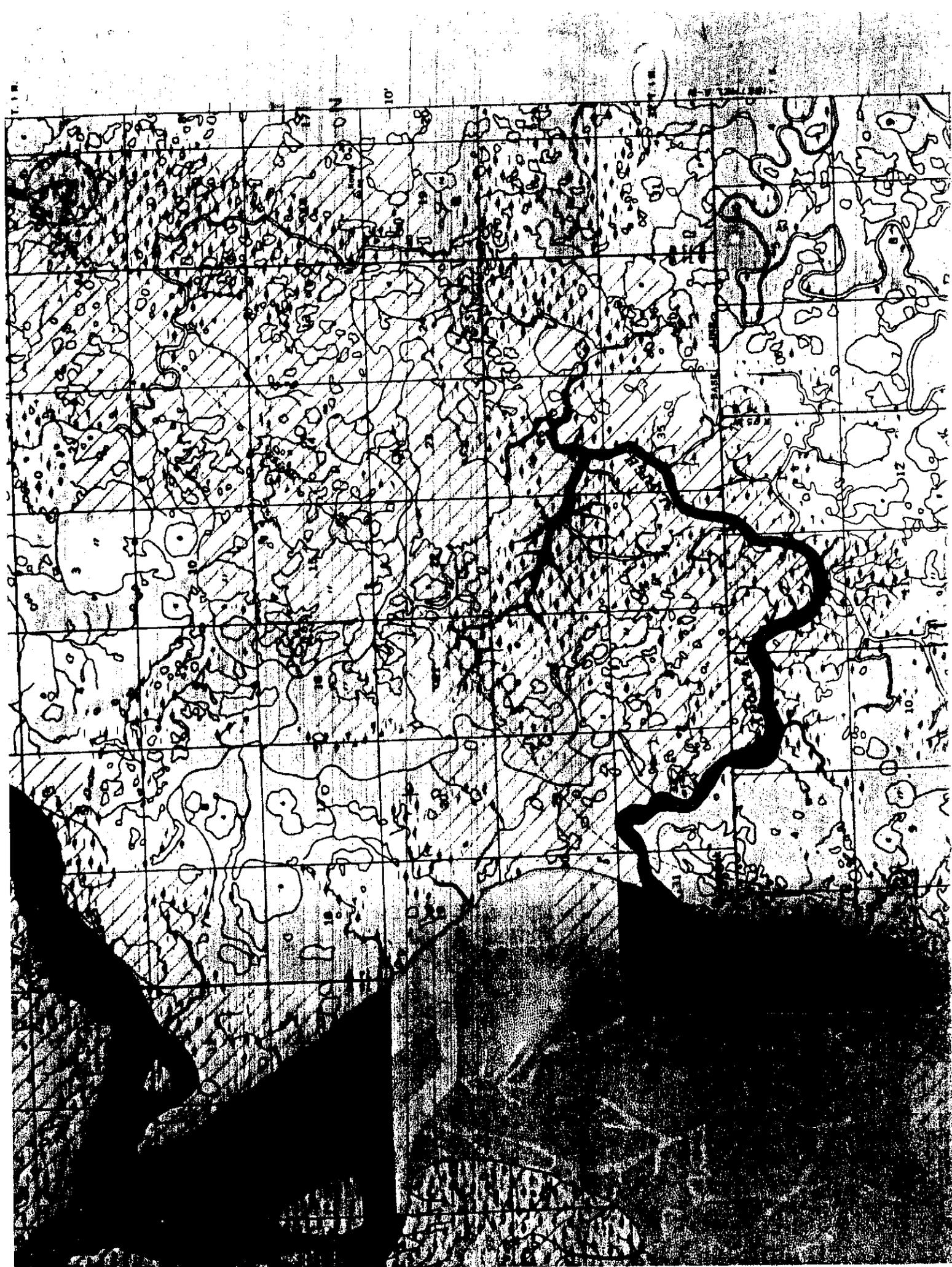
Two sloughs with their mouths in Sec. 6.

T. 1 S., R. 67 W.

None.

T. 1 S., R. 68 W.

None.



At 5:22 PM

**Kwethluk River
Interim Summary Report
Attachment 16**

Marshall-GS-FY'89-#1
- Baird Inlet-GS-FY'89-#1
Russian Mission-GS-FY'89-#1
Bethel-GS-FY'89-#1
F-14823 (75.4)
F-14824 (75.4)
F-14835 (75.4)
F-14873 (75.4)
F-14838 (75.4)
F-14883 (75.4)
F-14914 (75.4)
F-14949 (75.4)
(961)

5/8/89

MAY 8 1989

Memorandum

To: Deputy State Director for Cadastral Survey (923)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey No. 268 (Window 1836)

This memorandum identifies navigable water bodies below a certain size on lands in window 1836 [Atmautluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North), and Kwethluk (North)] selected (but not conveyed) under the Alaska Native Claims Settlement (ANCSA), the Statehood Act, and the Native Allotment Act, and not reserved or withdrawn at the time Alaska joined the Union. It also identifies navigable waters excluded from interim conveyances under ANCSA and tentative approvals under the Statehood Act. Finally, this memo identifies navigable waters on or along small claims in areas not selected under ANCSA or the Statehood Act. (Only those cemetery and historic sites that the BIA has examined in the field are reviewed.)

Table 5 lists the fifty-eight townships and navigable waters. Streams 198 feet or more in width, such as the Kuskokwim and Pigmiktalik rivers are not listed in the report because, regardless of their navigability status, they are segregated on the survey plats. The same is true for lakes fifty acres or more. Many of these water bodies are listed in Table 1.

All smaller water bodies excluded from the ICs are identified in Table 2. Most of these were excluded on the basis of "navigability maps" referenced in the ICs. Copies of these maps are attached. Navigable waters on selected lands which were identified mainly through aerial photo interpretation, are listed in Table 3. Navigable waters on or along Native allotments and historical sites identified through aerial photograph interpretation are listed in Table 4.

The BLM's navigability determinations are based on criteria described in the memorandum dated March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management, subject "Title to submerged lands for purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision (RLS 76-2) of December 14, 1979, on the navigability of the Nation and Kandik rivers; the Regional Solicitor's February 25, 1980, interpretation of the ANCAB decision; and dicta in the United States District Court's decision (A80-359) of April 16, 1987, on the navigability of the Gulkana River. In general, the BLM considers nontidal water bodies navigable if, at the time of Statehood, they were navigable for crafts larger than a one-person kayak.

Information about the land status, history, and physical character of water bodies in the report area comes primarily from the USGS Marshall, Baird Inlet, Russian Mission, and Bethel maps; the BLM's "navigability maps" and its infrared aerial photographs taken in 1980, at 60,000 feet (roll 7, frames 277, 279, 292, 293, 294, and 299) and in August 1987, at 40,000 feet (flight 1, roll 1, frames 1-41; flight 2, roll 1, frames 1-40; flight 3, roll 1, frames 1-36; flight 4, roll 1, frames 1-36; flight 5, roll 1, frames 1-36; flight 6, roll 1, frames 1-33; flight 7, roll 1, frames 1-39; flight 8-A, roll 2, frames 1-10; flight 8-B, roll 1, frames 1-6; flight 9, roll 2, frames 1-14; and flight 10, roll 2, frames 1-15); BLM's master title plats, Alaska Automated Lands and Minerals Record System, easement and Native allotment files, and prior navigability reports. In addition, Dot Tideman of the BLM's Navigability Section interviewed the following people:

<u>Name</u>	<u>Date(s)</u>	<u>Phone number and Background</u>
Frederick, Frank	1/12/89 & 1/31/89	(825-4520) Akiachak resident
Moses, John, Jr.	1/12/89	(825-4520) Akiachak resident
Wade, Mike	1/12/89	(543-2847) ADF&G Bethel
Huttun, Dan	1/12/89	(543-3151) Hunter and fisherman
Perry, Ron	1/20/89	(543-3151) F&W Manager, Bethel
Snyder, Robert	1/31/89	(825-4328) Akiachak Police Chief
Fritz, George	1/31/89	(825-4328) Akiachak Ltd's Land Manager
Demantle, Joseph	1/31/89	(695-6615) Tuluksak resident
Peter, Phillip	2/1/89	(695-6213) Tuluksak resident

Sam George, a board member for Akiachak, Ltd. (825-4328), was not familiar with the water bodies; however, he suggested several contacts. For a full account of the interviews, see Dot Tideman to File F-14823, March 14, 1989.

Tuluksak River

On May 22, 1985, the BLM determined the Tuluksak River navigable from its mouth to several townships upstream of the report area at Upper Landing (about mile fifty-nine). [See John J. Rumps to Chief, Branch of Conveyance Services (962), May 22, 1985.]

Gweek River

Gweek River, an anabranch of the Kuskokwim River, heads in lowlands approximately eight and one-half miles north of Tuluksak and flows seventy miles southwesterly to again join the Kuskokwim River downstream approximately seven miles northeast of Bethel. As calculated from the USGS Russian Mission A-5, A-6, A-7, B-5, B-6, and Bethel D-7 quadrangles, the river has a negligible gradient. About fifty-eight miles of the river are meanderable by reason of size. NASA infrared aerial photography taken in August 1987 at 40,000 feet (flight 7, roll 1, frames 29 and 32; flight 8, roll 2, frame 8; flight 8A, roll 2, frames 8 and 9; flight 9, roll 2, frames 1, 2, and 4, and flight 10, roll 2, frame 5), show the river flowing through swampland. Several sections are heavily vegetated and appear to be dry (or nearly so) for a total of ten miles in Sec. 1, T. 13 N., R. 65 W., SM., Secs. 20 and 29, T. 13 N., R. 66 W., SM, between Secs. 7 and 29, T. 12 N., R. 67 W., SM, and upstream of the report area in Secs. 30 and 31, T. 14 N., R. 64 W., Seward Meridian.

Most of the Gweek River's lower reaches in the group survey flow through lands that have passed from BLM's jurisdiction in Interim Conveyances 618 and 1027 and in its upper reaches in T. 13 N., Rs. 64 and 65 W., SM in IC 542. The riverbed was excluded from these conveyances, because BLM considered the waterway navigable in the conveyed area. Lands remain selected in Sec. 6, T. 13 N., R. 64 W., SM; Secs. 1, 4, 5, 7, 8, and 12, T. 13 N., R. 65 W., SM; T. 12 N., R. 67 W., SM; Sec. 1, T. 12 N., R. 68 W., SM.; and Sec. 12, T. 11 N., R. 68 W., SM. The river flows through selected lands upstream of the report area in T. 14 N., R. 64., SM and through the Yukon Delta National Wildlife Refuge in T. 14 N., Rs. 64 and 65 W., SM.

Six individuals that Tideman contacted provided information concerning their travel up a portion of the river. From Bethel, Mike Wade has taken eighteen- and twenty-foot boats to a tributary in Sec. 8, T. 13 N., R. 65 W., SM, approximately sixty miles upstream or nearly the river's length. Wade said that there is a one-quarter mile section where the river is very narrow, but it still has a deep channel. Finally, he said that he had heard that the local people boat the entire river in twenty- and twenty-two-foot boats. Robert Snyder has taken a boat to a point approximately eight miles downstream from where Wade boated before small alders prevented further upstream travel. He thought one can get through this section at high water in the spring. He too heard that Tuluksak residents boat the entire river, pulling their boats through narrow sections. Frank Frederick and John Moses, Jr., often boat to about one-half mile below John Moses, Sr.'s, Native allotment which lies about forty-five miles upstream in Sec. 19, T. 13 N., R. 67 W., SM in a sixteen-foot boat (propeller and lift). Here the river is three to six feet deep and about twenty feet wide. Frederick said that they have to line their boat through several short stretches; however, the channel remains deep. Philip Peter and Dan Huttun boated upstream to T. 12 N., R. 67 W., SM, directly west of Tuluksak village. Peter said that the water is six feet deep or more in most

areas. Huttun thought that the entire river could be boated with minimal portaging. George Fritz boated a portion of the river and said that the river is open for navigation to Moses' Native allotment.

Several other individuals provided opinions about the navigability of both the upper and lower reaches of the river. Having flown over the it, Ron Perry stated that he sees boats on the entire river all the time. He spoke with the villagers and said that they claim to boat the river between June and October with a minimal amount of portaging. Joseph Demantle said that many Tuluksak villagers boat the entire river.

I determine the Gweek River navigable from its lower mouth to and through T. 13 N., R. 65 W., SM and from its upper mouth to the middle of Sec. 12, T. 13 N., R. 64 W., SM. One individual boated nearly through the report area. The two miles upstream from where he boated are wide -- doubled-lined on the USGS map. The river remains approximately two to three chains wide for this distance on the infrared photographs taken in 1987 (roll 2, flight 9, frame 2). The upper river ranges from one to four chains wide up to a left bank tributary in Sec. 12, T. 13 N., R. 65 W., SM. Local residents of Akiachak and Tuluksak boat these portions of the river on a regular basis. All individuals believe that boaters can portage the shallower sections.

The remainder of the river in the report area is non-navigable. In the photographs the river appears to be dry in sections, some of which are a mile or more in length.

Miscellaneous Navigable Water Bodies

I determine water bodies listed in Tables 3 and 4 navigable. The sloughs which have little or no gradient and fill quickly when the Kuskokwim River rises during spring breakup and rainy seasons, are considered to be navigable if a clear channel is evident in the aerial photographs. Low level photographs taken during field examinations are also used to determine the navigability of marginal streams. During high water periods the sloughs certainly are susceptible to canoe navigation.

Other Water Bodies

The remaining water bodies are not suitable for navigation. Some of the creeks and sloughs are too shallow, narrow, and filled with vegetation. In many cases they are discontinuous and/or dry and landlocked. The unnamed tributary from Secs. 12 and 13 to Sec. 6 in T. 9 N., R. 65 W., SM, and its left bank stream from Sec. 36 to Sec. 6 are examples. Although the stream and its tributary are open downstream, they are less than one-half chain wide, and intermittently closed off in areas with what appears to be deadfalls and grass. These streams are not canoeable and for all practical purposes they are nonnavigable. (See August 20, 1987 infrared aerial photographs flight 3, roll 1, frames 32 and 33.) The lakes are too small and drained by small shallow creeks. Many lakes are also landlocked.

Wayne A. Bode

cc:

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Kasigluk, Inc.
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Akiachak, Limited
Samuel George
Akiachak, Alaska 99551

Kokarmuit Corporation
Akiak, Alaska 99552

~~Tulkisarmute Inc.~~
Tuluksak, Alaska 99679

Bethel Native Corporation
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Kwethluk, Alaska 99621

Calista Corporation
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961:DTideman:hc:5-02-89:1564t

Table 1

Partial List of Rivers, Streams, and Sloughs More Than Three Chains Wide and Lakes Fifty Acres in Size in Survey Window 1836 (Atmoutluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North), and Kwethluk (North))

1. Kuskokwim River.
 2. Interconnecting slough of Kuskokwim River in Secs. 21, 28, and 29, T. 13 N., R. 64 W., SM.
 3. Interconnecting slough of Kuskokwim River with mouth in Sec. 10, T. 13 N., R. 64 W., SM and in Sec. 27, T. 14 N., R. 64 W., SM.
 4. Slough heading in Sec. 34, T. 14 N., R. 64 W., SM, and joining Bogus Creek in Sec. 11, T. 13 N., R. 64 W., SM.
 5. Interconnecting slough of Kuskokwim River with mouths in Sec. 36, T. 13 N., R. 65 W., SM and Sec. 6, T. 12 N., R. 65 W., SM.
 6. Anabranh of Kuskokwim and Gweek rivers with mouths in Sec. 19, T. 13 N., R. 64 W., SM and in Sec 35, T. 13 N., R. 65 W., SM.
 7. Interconnecting slough of Kuskokwim River in Sec. 31, T. 13 N., R. 64 W., SM and Sec. 36, T. 13 N., R. 65 W., SM.
 8. Interconnecting slough of Kuskokwim River heading in NW $\frac{1}{4}$ Sec. 33, T. 12 N., R. 66 W., SM and emptying in Sec. 7, T. 11 N., R. 66 W., SM.
 9. Mishevik Slough in T. 10 N., Rs. 66 and 67 W., SM.
-
10. Right-bank slough emptying into the Kisaralik River in Secs. 20 and 21, T. 9 N., R. 67 W., SM.
 11. Reindeer Slough from its head in Sec. 21, T. 10 N., R. 67 W., SM to its mouth in Sec. 15, T. 9 N., R. 67 W., SM.
 12. West channel of Reindeer Slough in Secs. 21 and 28, T. 10 N., R. 67 W., SM.
 13. Slough of Kuskokwim River in S $\frac{1}{2}$ S $\frac{1}{2}$ of Sec. 8 to its mouth in Sec. 17, T. 9 N., R. 68 W., SM.
 14. Interconnecting slough of Kuskokwim River in Secs. 2 and 10, T. 9 N., R. 68 W., SM.
 15. Slough from Kuskokwim River to Kuskokuak Slough in Secs. 16, 21, and 28, T. 9 N., R. 68 W., SM.
 16. Gweek River in Tps. 9-11 N., R. 69 W., and T. 10 N., R. 68 W., SM.

17. Interconnecting slough of Kuskokwim River in Secs. 2, 3, and 10, T. 9 N., R. 68 W., SM and in Secs. 34 and 35, T. 10 N., R. 68 W., SM.
 18. Kuskokuak Slough.
 19. Pikmiktalik River, and its interconnecting slough in Secs. 4, 5, and 8, T. 10 N., R. 73 W., SM.
 20. North Fork Johnson River in Sec. 31, T. 10 N., R. 74 W., SM, and in T. 9 N., R. 74 W., SM (mouth in Secs. 16 and 17, T. 9 N., R. 74 W., and head in Sec. 31, T. 10 N., R. 74 W., SM).
 21. Double-lined slough in Sec. 30, T. 11 N., R. 74 W., SM and in Secs. 24 and 25, T. 11 N., R. 75 W., SM.
-

Table 2

Navigable Rivers, Streams, and Sloughs Less Than Three Chains Wide and Lakes Less Than Fifty Acres in Size Excluded from ICs and TAs in Survey Window 1836 (Atmautluak, Nunapitchuk, Kasigluk, Akiachak, Akiak, Tuluksak, Bethel (North) Kwethluk (North))

1. Bogus Creek slough in Secs. 2 and 11, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
2. Bogus Creek in Sec. 11, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
3. Kuskokwim River slough in Secs. 3 and 10, T. 13 N., R. 64 W., SM (single-lined on USGS maps), and branch in Secs. 2, 3, and 11, T. 13 N., R. 64 W., SM. joining Bogus Creek in Sec. 11. (IC 542)(Russian Mission A-5)
4. Slough with mouth in Sec. 19, T. 13 N., R. 64 W., SM, in Secs. 5, 8, 9, 18 and 19, T. 13 N., R. 64 W., SM.(IC 542)(Russian Mission A-5)
5. Yukaniluk Creek in Secs. 27, 28, 32, and 33, T. 13 N., R. 64 W., SM. (IC 542)(Russian Mission A-5)
6. Gweek River in Secs. 18 and 19, T. 13 N., R. 64 W., SM, Sec. 13, T. 13 N., R. 65 W., Secs. 1 and 2, 10, 11, 14, 21, 22, 23, 26-32, T. 11 N., R. 68 W., SM; and in Secs. 25, 35, and 36, in T. 12 N., R. 68 W., SM. (ICs 542, 618, 1027)
7. Lake influent and downstream segment of Fog River in Sec. 2, T. 11 N., R. 65 W., SM. (IC 542)(Russian Mission A-5)

8. Mishevik Slough in Secs. 5 and 6, T. 11 N., R. 65 W., SM; Secs. 31 and 32, T. 12 N., R. 65 W.; Secs. 4, 5, 8 and 18, T. 10 N., R. 66 W.; Tps. 11 and 12 N., R. 66 W., SM. (ICs 542, 610)(Russian Mission A-5, A-6)
9. Little Bogus Creek in Secs. 4, 5, 8, 9, 18, and 19, T. 12 N., R. 65 W., SM. (IC 542)(Russian Mission A-5 and A-6)
10. Lake effluent entering Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., SM. (IC 542)(Russian Mission A-5)
11. Tuluksak River in Secs. 15, 16, 19, 20, 21, 22, 27, and 30, T. 12 N., R. 65 W., SM, and in T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-5, A-6)
12. Kasigluk River in Secs. 31 and 33, T. 9 N., R. 66 W., SM. (IC 610)
13. Portion of right-bank tributary of Mishevik Slough (mouth in Sec. 1, T. 11 N., R. 66 W., SM) double-lined on USGS Russian Mission A-6, in Secs. 1 and 2, T. 11 N., R. 66 W., and Sec. 35, T. 12 N., R. 66 W., SM. (IC 542)

14. Slough in Secs. 20 and 21, T. 11 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
15. Left-bank stream/slough (mouth in Sec. 22) in Secs. 22, 23, 24, 25, and 26, T. 11 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
16. Stream heading in lake in Sec. 8, T. 12 N., R. 66 W., SM, and emptying into slough in Sec. 15, T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
17. Interconnecting slough of the Kuskokwim with head in Sec. 15 and mouth in Sec. 31, T. 12 N., R. 66 W., SM, and its branch in Secs. 15, 21, and 22. (IC 542)(Russian Mission A-6)
18. Interconnecting slough of Kuskokwim River with head in Sec. 28 and mouth in Sec. 32, T. 12 N., R. 66 W., SM. (IC 542)(Russian Mission A-6)
19. Right-bank slough of Kuskokwim River in Sec. 6, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
20. Tributary of Reindeer Slough in Secs. 8 and 9, T. 9 N., R. 67 W., SM, portion double-lined on USGS Bethel D-6. (IC 610)
21. Kisaralik River to forks in Sec. 13, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
22. Slough (mouth in Sec. 19) in Secs. 17, 18, and 19, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
23. Slough in Secs. 8 and 17, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
- ~~24. Kuskokwim River anabranch heading in Sec. 6, T. 10 N., R. 66 W., SM, emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM. (IC 610)(Bethel D-6)~~
25. Reindeer Slough from its head in Sec. 21, T. 10 N., R. 67 W., SM, to its mouth in Sec. 15, T. 9 N., R. 67 W., SM. (IC 610)(Bethel D-6)
26. Lake and outlet in Sec. 7, T. 9 N., R. 68 W., SM. (IC 1027)(Bethel D-6)
27. Portion of slough double-lined on Bethel D-7 in Secs. 8 and 17, T. 9 N., R. 68 E., SM. (IC 618)
28. Interconnecting slough of Kuskokwim River and Kuskokuak Slough in Secs. 16, 21, and 28, T. 9 N., R. 68 W., SM. (ICs 213, 618) (Bethel D-7)
29. Kongeruk River in Sec. 31, T. 9 N., R. 72 W., SM. (IC 448)
30. Left-bank tributary of Pikmiktalik River in Secs. 29 and 30, T. 11 N., R. 72 W., SM. (IC 448)(Marshall A-1)
31. Left-bank tributary of Pikmiktalik River in Secs. 35 and 36, T. 9 N., R. 73 W., SM. (IC 448)(Baird Inlet D-1)

32. Lake effluent in Secs. 4 and 9, T. 9 N., R. 74 W., SM. (IC 485; Baird Inlet D-2)
33. Tributary of Johnson River (mouth in Sec. 5, T. 9 N., R. 74 W.) in Sec. 5, T. 9 N., R. 74 W., SM; and in Secs. 28, 32, and 33, T. 10 N., R. 74 W., SM. (IC 485)(Baird Inlet D-2)
34. Lake effluent in Sec. 27, T. 9 N., R. 74 W., SM. (IC 485) (Baird Inlet D-2)
35. North fork of Johnson River (mouth in Sec. 16, T. 9 N., R. 74 W., SM) and its tributary in Sec. 6, T. 9 N., R. 74 W., SM and in Secs. 1, 2, and 12, T. 9 N., R. 75 W., SM. (ICs 485, 595, 678)
36. Right-bank tributary (mouth in Sec. 17) of Johnson River in Secs. 7, 8, and 17, T. 10 N., R. 74 W., SM. (IC 485)(Baird Inlet D-2)
37. Left-bank tributary of Johnson River in Sec. 25, T. 11 N., R. 74 W., SM (single-lined on USGS Marshall A-1). (IC 448)
38. Johnson River to and through Sec. 36, T. 11 N., R. 74 W., SM. (ICs 448, 485, 595)
39. Right-bank tributary of Johnson River in Secs. 26 and 35, T. 10 N., R. 75 W., SM. (IC 595)(Baird Inlet D-2)
40. Right-bank tributary of Johnson River in Tps. 9 and 10 N., R. 75 W., SM, heading in Kayigyalik Lake in Sec. 15, T. 10 N., R. 75 W., SM, and emptying into the Johnson at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM. (IC 595)(Baird Inlet D-2)
- ~~41. Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., including interconnecting slough in Sec. 21, T. 10 N., R. 75 W., outside of Native allotment AA-58195-A. (IC 595)(Baird Inlet D-2, D-3)~~
42. Interconnecting slough in Sec. 25, T. 10 N., R. 76 W., SM. (IC 595)(Baird Inlet D-2)

Table 3

Navigable Waters on Lands Selected Under ANCSA or the Statehood Act
in Survey Window 1836 Identified Through
Aerial Photo-Interpretation

1. Left-bank tributary of Bogus Creek from its mouth in Sec. 3 to tributary in S $\frac{1}{2}$ Sec. 22, T. 13 N., R. 62 W., SM. (Flight 9, roll 2, frame 12, 1987) (Russian Mission A-4)
 2. Bogus Creek in Secs. 1 and 12, T. 13 N., R. 64 W., SM, and T. 13 N., Rs. 62 and 63 W., SM. (Flight 9, roll 2, frame 12, 1987)
 3. Kuskokwim River slough (mouth in Sec. 19, T. 13 N., R. 64 W., SM), to right bank tributary in E $\frac{1}{4}$ of Sec. 12, T. 13 N., R. 65 W., SM. (Flight 9, roll 2, frame 5, 1987)
 4. Fog River in Secs. 1, 11, and 14 to tributary in the E $\frac{1}{4}$ W $\frac{1}{4}$ of Sec. 13, T. 11 N., R. 65 W., SM, and Sec. 36, T. 12 N., R. 65 W., SM. (Flight 7, roll 1, frame 36, 1987)
 5. Little Bogus Creek in Secs. 3 and 10, T. 12 N., R. 65 W., SM. (CIR 60, roll 7, frame 277, 1980)
 6. Right-bank tributary of Tuluksak River in Sec. 25, T. 12 N., R. 65 W., SM. (Flight 7, roll 1, frame 36, 1987) (Russian Mission A-5)
 7. Stream emptying into interconnecting slough of Kisaralik River, in Secs. 1, 2, 3, and 11, T. 9 N., R. 66 W., SM. (Flight 3, roll 1, frame 31, 1987) (Bethel D-6)
-
8. Stream (mouth in Sec. 18) emptying into Mishevik Slough in Secs. 3 and 10, T. 10 N., R. 66 W., SM. (Flight 5, roll 1, frame 30, 1987) (Bethel D-6)
 9. Slough in Secs. 3 and 10, T. 10 N., R. 66 W., SM to lower lake effluent in NW $\frac{1}{4}$ Sec. 10 on USGS Bethel D-6. (Flight 5, roll 1, frame 30, 1987) (Bethel D-6)
 10. Israthorak Creek to and through Native allotment AA-51769 in Sec. 30, T. 13 N., R. 67 W., SM. (Flight 8A, roll 2, frames 6 and 7, 1987) (Russian Mission A-7)
 11. Left-bank tributary of Gweek River in Sec. 12, T. 11 N., R. 68 W., SM. (Flight 7, roll 1, frame 29, 1987) (Russian Mission A-6, A-7)
 12. Left-bank tributary of Gweek River in Secs. 13 and 24, T. 11 N., R. 68 W., SM. (Flight 6, roll 1, frame 24, 1987) (Russian Mission A-7)
 13. Right-bank tributary of Gweek River in NW $\frac{1}{4}$ Sec. 28, T. 10 N., R. 69 W., SM. (Flight 4, roll 1, frame 24, 1987) (Bethel D-7)

14. Left-bank tributary of Pikmiktalik River in Secs. 22, 27, and 28, T. 11 N., R. 72 W., SM. (Flight 6, roll 1, frame 13, 1987) (Marshall A-1)
 15. Right-bank tributary of Pikmiktalik River in Secs. 23 and 24, T. 11 N., R. 73 W., SM. (Flight 6, roll 1, frame 12, 1987) (Marshall A-1)
 16. Johnson River in T. 11 N., R. 73 W., SM; Secs. 13, 23, 24, 26, 34 and 35, T. 11 N., R. 74 W., SM; and in Sec. 2, T. 10 N., R. 74 W., SM. (Flight 6, roll 1, frames 10, 11, and 12, 1987)
 17. Slough (mouth in Sec. 4), in Secs. 3 and 4, T. 11 N., R. 74 W., SM. (Roll 7, frame 292, 1980) (Marshall A-2)
 18. Stream in Sec. 7, T. 11 N., R. 74 W., SM. (Roll 7, frame 294, 1980) (Roll 1, flight 6, frame 8, 1987) (Marshall A-2)
 19. Interconnecting slough of Johnson River in Secs. 23 and 26, T. 11 N., R. 74 W., SM. (Roll 1, flight 6, frames 9 and 10) (Marshall A-1)
 20. Slough (mouth in Sec. 34) in Secs. 27 and 34, T. 11 N., R. 74 W., SM. (Roll 1, flight 6, frames 9 and 10, 1987)
 21. Slough heading in lake in Secs. 1 and 12 (mouth in E $\frac{1}{2}$ Sec. 12), T. 10 N., R. 75 W., SM. (Flight 5, roll 1, frame 9, 1987) (Baird Inlet D-2)
 22. Slough connecting Kyigayalik Lake with an unnamed lake in Sec. 12, T. 10 N., R. 75 W., SM, including north channel in W $\frac{1}{2}$ Sec. 12. (Flight 5, roll 1, frame 9, 1987) (Baird Inlet D-2)
 23. Slough (mouth in Sec. 22) in E $\frac{1}{2}$ Sec. 15, T. 10 N., R. 75 W., SM. (Roll 1, Flight 5, frame 8, 1987) (Baird Inlet D-2)
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24. Stream in Secs. 7 and 8, T. 11 N., R. 75 W., SM. (Roll 7, frame 294, 1980) (Roll 1, flight 6, frame 5, 1987) (Marshall A-2)
 25. Stream in Secs. 20 and 21, T. 11 N., R. 75 W., SM. (Flight 6, roll 1, frame 6, 1987) (Marshall A-2)
 26. Slough in SE $\frac{1}{4}$ Sec. 21, T. 11 N., R. 75 W., SM. (Roll 1, flight 6, frame 6, 1987) (Marshall A-2)
 27. Stream in Secs. 29 and 30 (mouth in Sec. 29), T. 11 N., R. 75 W., SM. (Flight 6, roll 1, frame 6, 1987) (Marshall A-2)
 28. Stream from Takslesluk Lake (mouth in Sec. 17), in Secs. 17, 18, and 19, T. 11 N., R. 76 W., SM. only. (Flight 6, roll 1, frame 4, 1987) (Marshall A-3)
 29. Stream from Takslesluk Lake in Sec. 1, T. 11 N., R. 78 W., SM to its mouth in Sec. 5, in Secs. 1-5. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 4, 1987) (Marshall A-3, A-4)

30. Stream in Secs. 6 and 7, T. 11 N., R. 78 W., and Sec. 31, T. 12 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 3, 1987) (Marshall A-4)
 31. Taklesluk Lake influent, in Sec. 25, T. 12 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frame 5, 1987) (Marshall A-3)
 32. Stream in Secs. 28, 29, 32, and 33, T. 12 N., R. 78 W., SM and in Secs. 5 and 8, T. 11 N., R. 78 W., SM. (Roll 7, frame 299, 1980)(Roll 1, flight 7, frames 3 and 4, 1987) (Marshall A-4)
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Table 4

Navigable Waters On or Along Native Allotments and
Field-Examined Historical Sites
in Survey Window 1836

1. Right fork of Fog River along Native allotment AA-56435, and its left-bank tributary in allotment, in Sec. 30, T. 11 N., R. 64 W., SM. (Flight 6, roll 1, frame 33, 1987) (Russian Mission A-5)
 2. Interconnecting slough of Kisaralik River in Native allotment AA-55907 in Secs. 8 and 17, in Native allotment AA-55908 in Secs. 16 and 17, and in Native allotment F-033569 in Secs. 9 and 16, T. 9 N., R. 66 W., SM. (Flight 3, roll 1, frame 31, 1987) (Bethel D-6)
 3. Stream in Native allotment F-17363-A in Secs. 4 and 9, heading in lake in Sec. 8, T. 12 N., R. 66 W., SM (mouth in Sec. 15). (Roll 7, frame 279, 1980) (Russian Mission A-6)
 4. Slough in Sec. 5, T. 9 N., R. 68 W., SM, in F-17800. (Roll 4, frame 25, 1987)
 5. Lake and effluent in Sec 7, T. 9 N., R. 68 W., SM in Native allotment F-029194. (Flight 4, roll 1, frame 25, 1987)
 6. Slough in Native allotment F-17206-B in Sec. 30, T. 9 N., R. 68 W., SM. (Flight 3, Roll 1, Frame 26, 1987) (Bethel D-7)
 7. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 1, T. 10 N., R. 69 W., SM and in Sec. 36, T. 11 N., R. 69 W., SM. (Flight 5, Roll 1, Frames 22, 23, and 24, 1987) (Bethel D-6)
-
8. Tubungaluk Creek, in Native allotment AA-51614, in Secs. 14 and 15, T. 9 N., R. 70 W., SM. (Flight 3, roll 1, frame 22, 1987) (Bethel D-8)
 9. Kukthluk River and its right bank tributary in Native allotment F-14378 in Sec. 30, T. 9 N., R. 72 W., SM. (Flight 3, roll 1, frame 15, 1987) (Baird Inlet D-1)
 10. Slough (mouth in Sec. 29, T. 10 N., R. 74 W.,) and its northern tributary in Native allotment F-14961-C, in Sec. 29. (Flight 4, roll 1, frame 10, 1987) (Baird Inlet D-2)
 11. Slough with mouth in Kyigayalik Lake in Sec. 6, T. 10 N., R. 75 W., SM in Native allotment AA-18257 in Secs. 4 and 5, T. 10 N., R. 76 W., SM. (Flight 5, roll 1, frame 6, 1987) (Baird Inlet D-2, D-3)
 12. Stream (northernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) through Native allotment F-14256-B in Sec. 7, T. 12 N., R. 74 W., SM; and its left-bank tributary with mouth in Sec. 7, T. 12 N., R. 74 W., SM through Native allotment F-18198-A. (Roll 7, frame 293, 1980) (Marshall A-2)

13. Stream (southernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-16567 in Sec. 10, T. 12 N., R. 74 W., SM; its left bank tributary (mouth in Sec. 10) to and through Native allotment F-14386-B in Sec. 12, and its left bank tributary in Sec. 18, T. 12 N., R. 74 W., SM to the middle of Native allotment F-14968-A. (Roll 7, frame 293, 1980)(Roll 1, flight 7, frames 12 and 13, 1987) (Marshall A-1,A-2)
 14. Stream in Native allotments F-16337-A, F-14515, and F-15734, in Secs. 29, 30, 31, and 32, T. 12 N., R. 75 W., SM (mouths in Sec. 29 and 31). (Roll 7, frame 294, 1980)(Roll 1, flight 7, frame 9, 1987) (Marshall A-2)
 15. Lake and its outlet in NW¼SE¼ of Native allotment F-17534 in Sec. 21, T. 9 N., R. 76 W., SM. (Flight 3, roll 1, frame 5, 1987) (Baird Inlet D-2)
 16. Stream (mouths in Secs. 21 and 28, T. 9 N., R. 76 W., SM) in Native allotments F-14561 and F-18258, in Secs. 21 and 28. (Flight 3, roll 1, frame 5, 1987) (Baird Inlet D-3)
 17. Interconnecting slough of stream in Sec. 25, T. 10 N., R. 76 W., SM in Native allotment F-15827-A. (Flight 4, roll 1, frame 7, 1987) (Baird Inlet D-2)
 18. Stream in Native allotment F-14387-B, in Secs. 25 and 36, T. 12 N., R. 79 W., SM (mouth in Sec. 6, T. 11 N., R. 78 W., SM). (Flight 7, roll 1, frame 2, 1987) (Marshall A-4)
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Table 5

Navigable Rivers, Streams and Sloughs Less Than
198 Feet Wide and Lakes Less Than 50 Acres in Size
in Survey Window 1836 (Atmaultluk, Nunapitchuk, Kasiguluk, Akiachak, Akiak,
Tuluksak, Bethel (North), and Kwethluk (North))

Seward Meridian

Townships

T. 13 N., R. 62 W.

Bogus Creek and its left-bank tributary from its mouth in Sec. 3, to tributary in S $\frac{1}{2}$ Sec. 22.

T. 13 N., R. 63 W.

Bogus Creek.

T. 11 N., R. 64 W.

Tuluksak River. Right fork of Fog River (mouth in Sec. 5) along Native allotment AA-56435 in Sec. 30. Left-bank tributary of right fork of Fog River in Native allotment AA-56435.

T. 13 N., R. 64 W.,

Bogus Creek. Bogus Creek slough in Secs. 2 and 11. Slough (mouth in Sec. 19), in Secs. 5, 7, 8, 9, 18 and 19. Yukaniluk Creek in Secs. 27, 28, 32, and 33. Kuskokwim River slough in Secs. 3 and 10 (single-lined on USGS map), and branch in Secs. 2, 3, and 11. Kuskokwim River slough (mouth in Sec. 19) to right bank tributary in E $\frac{1}{2}$ of Sec. 12, T. 13 N., R. 65 W., SM.

T. 9 N., R. 65 W.

None.

T. 10 N., R. 65 W.

None.

T. 11 N., R. 65 W.

Lake influent in Sec. 2. Fog River in Secs. 1, 11, and 14 to tributary in E $\frac{1}{4}$ W $\frac{1}{4}$ of Sec. 13. Tuluksak River. Mishevik Slough.

T. 12 N., R. 65 W.

Fog, Gweek, and Tuluksak rivers. Right-bank tributary of Tuluksak River in Sec. 25. Mishevik Slough. Fog River in Sec. 36. Lake effluent entering Mishevik Slough in Sec. 32. Little Bogus Creek.

T. 13 N., R. 65 W.

Gweek River in Secs. 4, 5, 7, and 8. Kuskokwim River slough (mouth in Sec. 19, T. 13 N., R. 65 W.) to right bank tributary in E $\frac{1}{2}$ of Sec. 12.

T. 9 N., R. 66 W.

Kasigluk River. Interconnecting slough of Kisaralik River in Native allotments AA-55907 in Secs. 8 and 17, AA-55908 in Secs. 16 and 17, and in F-033569 in Secs. 9 and 16, and its tributary in Secs. 1, 2, 3, and 11.

T. 10 N., R. 66 W.

Mishevik Slough. Kuskokwim River anabranh heading in Sec. 6. T. 10 N., R. 66 W., SM and emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM. Stream (mouth in Sec. 18), emptying into Mishevik Slough in Secs. 3 and 10. Slough in Secs. 3 and 10, to lower lake effluent in NW $\frac{1}{4}$ Sec. 10.

T. 11 N., R. 66 W.

Mishevik Slough. Portion of right bank tributary of Mishevik Slough (mouth in Sec. 1) double-lined on USGS map in Secs. 1 and 2. Left-bank stream/slough (mouth in Sec. 22) in Secs. 22, 23, 24, 25, 26, and 27. Slough in Secs. 20 and 21.

T. 12 N., R. 66 W.

Tuluksak River. Stream in Native allotment F-17363-A in Secs. 4 and 9. Mishevik Slough. Interconnecting slough of the Kuskokwim with head in Sec. 15 and mouth in Sec. 31, and its branch in Secs. 15, 21, and 22. Interconnecting slough of Kuskokwim River with head in Sec. 28 and mouth in Sec. 32. Portion of right bank tributary of Mishevik Slough (mouth in Sec. 1, T. 11 N., R. 66 W., SM) double-lined on USGS map in Sec. 35. Stream heading in lake in Sec. 8, and emptying into slough in Sec. 15.

T. 13 N., R. 66 W.

Gweek River.

T. 9 N., R. 67 W.

Right-bank slough of Kuskokwim River in Sec. 6. Kisaralik River to forks in Sec. 13. Reindeer Slough. Double-lined portion of tributary of Reindeer Slough in Secs. 8 and 9. Slough in Secs. 8 and 17. Slough in Secs. 17, 18, and 19 (mouth in Sec. 19). Kasigluk River.

T. 10 N., R. 67 W.

Mishevik and Reindeer sloughs. Kuskokwim River anabranh heading in Sec. 6. T. 10 N., R. 66 W., SM, emptying into Mishevik Slough in Sec. 25, T. 10 N., R. 67 W., SM.

T. 11 N., R. 67 W.

None.

T. 12 N., R. 67 W.

Gweek River.

T. 13 N., R. 67 W.

Israthorak Creek to and through Native allotment AA-51769 in Sec. 30.

T. 9 N., R. 68 W.

Portion of Kuskokwim River slough double-lined on USGS map in Secs. 8 and 17. Lake and effluent in Sec. 7. Slough in Secs. 16, 21, and 28. Slough in Native allotment F-17800 in Sec. 5. Slough in Native allotment F-17206-B in Sec. 30. Lake and outlet in Secs. 6 and 7.

T. 10 N., R. 68 W.

Gweek River.

T. 11 N., R. 68 W.

Gweek River. Left-bank tributary of Gweek River in Sec. 12. Left-bank tributary of Gweek River in Secs. 13 and 24 (mouth in Sec. 14).

T. 12 N., R. 68 W.

Gweek River. Israthorak Creek.

T. 13 N., R. 68 W.

Israthorak Creek.

T. 9 N., R. 69 W.

Gweek River.

T. 10 N., R. 69 W.

Gweek River. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 1. Right-bank tributary of Gweek River in NW $\frac{1}{4}$ Sec. 28.

T. 11 N., R. 69 W.

Gweek River. Right-bank tributary of Gweek River in Native allotment F-17083 in Sec. 36.

T. 12 N., R. 69 W.

Israthorak Creek.

T. 9 N., R. 70 W.

Gweek River. Tubungaluk Creek in Native allotment AA-51614 in Secs. 14 and 15 (mouth in Sec. 18, T. 9 N., R. 69 W., SM).

Tps. 10 and 11 N., R. 70 W.

None.

Tps. 9, 10 and 11 N., R. 71 W.

None.

T. 9 N., R. 72 W.

Kukthluk River and right-bank tributary in Native allotment F-14378 in Sec. 30. Kongeruk River in Sec. 31.

T. 10 N., R. 72 W.

None.

T. 11 N., R. 72 W.

Left-bank tributary of Pikmiktalik River in Secs. 22, 27, 28, 29, and 30.

T. 9 N., R. 73 W.

Johnson River. Left-bank tributary of Pikmiktalik River in Secs. 35 and 36.

T. 10 N., R. 73 W.

None.

T. 11 N., R. 73 W.

Right-bank tributary of Pikmiktalik River in Sec. 23 and 24. Johnson River.

T. 9 N., R. 74 W.

Johnson River. Lake effluent in Secs. 4 and 9. North Fork Johnson River (mouth in Sec. 16) and its southernmost tributary in Sec. 6. Tributary of Johnson River in Sec. 5. Lake effluent in Sec. 27.

T. 10 N., R. 74 W.

Johnson River. Right-bank tributary (mouth in Sec. 17) of Johnson River in Secs. 7, 8, and 17. North Fork Johnson River in Sec. 31. Tributary of Johnson River in Secs. 28, 32, and 33. Slough (mouth in Sec. 29) and its northern tributary in Native allotment F-14961-C, in Sec. 29.

T. 11 N., R. 74 W.

Johnson River. Stream in Sec. 7. Left-bank tributary of Johnson River in Sec. 25 (single-lined on USGS map). Interconnecting slough of Johnson River in Secs. 23 and 26. Slough (mouth in Sec. 34) in Secs. 27 and 34. Slough in Secs. 3 and 4 (mouth in Sec. 4).

T. 12 N., R. 74 W.

Stream (southernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-16567 in Sec. 10; its left-bank tributary (mouth in Sec. 10) to and through Native allotment F-14386-B in Sec. 12, and its left-bank tributary in Sec. 18 to the middle of Native allotment F-14968-A. Stream (northernmost mouth in Sec. 24, T. 12 N., R. 75 W., SM) to and through Native allotment F-14256-B in Sec. 7, and its tributary in Sec. 7 in Native allotment F-18198-A.

T. 9 N., R. 75 W.

Johnson River. Anabranch of Johnson River and North Fork Johnson River in Secs. 1, 2 and 12. Slough in Secs. 2, 3, and 11, mouth in Johnson River at Kasigluk. Right-bank tributary of Johnson River heading in Kayigyalik Lake in Sec. 15, T. 10 N., R. 75 W., SM and emptying into the Johnson River at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM.

T. 10 N., R. 75 W.

Johnson River. Right-bank tributary of Johnson River in Secs. 26 and 35. Slough connecting Kyigyalik Lake with an unnamed lake in Sec. 12, including north channel in W $\frac{1}{2}$ Sec. 12. Slough heading in lake, in Secs. 1 and 12 (mouth in E $\frac{1}{2}$ Sec. 12). Slough (mouth in Sec. 22) in E $\frac{1}{2}$ Sec. 15. Right-bank tributary of Johnson River heading in Kyigyalik Lake in Sec. 15 and unnamed lake in Sec. 22, T. 10 N., R. 75 W., SM, emptying into the Johnson River at Kasigluk in Sec. 2, T. 9 N., R. 75 W., SM. Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, including interconnecting sloughs in Sec. 21, outside of Native allotment F-14873-A.

T. 11 N., R. 75 W.

Stream in Secs. 7 and 8. Stream in Secs. 29 and 30 (mouth in Sec. 29). Stream in Secs. 20 and 21. Slough in SE $\frac{1}{4}$ Sec. 21.

T. 12 N., R. 75 W.

Stream in Native allotments F-16337-A, F-14515, and F-15734, in Secs. 29, 30, 31, and 32.

T. 9 N., R. 76 W.

Stream heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., SM. Lake and its outlet in NW¼SE¼ of Native allotment F-17534 in Sec. 21. Stream with mouths in Secs. 21 and 28 in Native allotments F-14561 and F-18258.

T. 10 N., R. 76 W.

Stream emptying into Johnson River tributary in Sec. 22, T. 10 N., R. 75 W., SM and heading in Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., SM, and its interconnecting slough in Sec. 25. Slough in Native allotment AA-18257 in Secs. 4 and 5 (mouth in Kyigyalik Lake in Sec. 6, T. 10 N., R. 75 W., SM).

T. 11 N., R. 76 W.

Stream from Takslesluk Lake (mouth in Sec. 17), in Secs. 17, 18, and 19.

T. 12 N., R. 76 W.

None.

Tps. 9, 10, and 11 N., R. 77 W.

None.

T. 11 N., R. 78 W.

Stream in Secs. 5 and 8 (mouth in Sec. 8). Stream from Takslesluk Lake in Sec. 1, to its mouth in Sec. 5, in Secs. 1-5. Stream in Secs. 6 and 7 (mouth in Sec. 7).

T. 12 N., R. 78 W.

Takslesluk Lake influent in Sec. 25. Stream in Secs. 28, 29, 32, and 33 (mouth in Puk Palik Lake in Sec. 8, T. 11 N., R. 78 W., SM). Stream in Sec. 31 (mouth in Sec. 6, T. 11 N., R. 78 W., SM).

T. 12 N., R. 79 W.

Stream in Native allotment F-14387-B in Secs. 25 and 36 (mouth in Sec. 6, T. 11 N., R. 78 W., SM).

**Kwethluk River
Interim Summary Report
Attachment 17**

✓ Bethel-GS-FY'92-#1
F-14883 (75.4)
(961)

NOV 6 1991

Memorandum

To: Deputy State Director for Cadastral Survey (923)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey 253 (Window 1837)

This memorandum supplements our memorandum of August 12, 1988, identifying navigable waters in Group Survey 253 (Window 1837). On July 10, 1991, Office 923 requested a navigability report on Kwethluk River in T. 4 N., R. 68 W., SM, where several Native Allotments are situated on the banks of the river. The 1988 report had not listed the river as navigable. However, surveyors in the area locating Native Allotments had reported that local residents were using motor boats to travel up river. This memo thus concerns Kwethluk River in areas where Native Allotments border the river as well as portions upstream.

The BLM's navigability determinations are based upon Federal law of title navigability. In a March 16, 1979, memorandum Associate Solicitor Hugh C. Garner summarized the law for the purpose of administering the Alaska Native Claims Settlement Act. In general, nontidal water bodies are navigable if, at the time of statehood, they were used or were susceptible to use for travel, trade, and commerce. The Ninth Circuit Court's decision of December 13, 1989, on the navigability of the Gulkana River provides additional guidance. In this case, the Court found that watercraft customary at statehood included boats with a load capacity of about 1,000 pounds. The Court further held that contemporary guided fishing and sightseeing activity on the Gulkana River was commerce and that watercraft customary at statehood "could have at least supported" this commercial activity.

Information about land status, history, and physical character of the Kwethluk in this report was obtained from USGS Quad maps, BLM's master title plats, Alaska Automated Lands and Minerals Record System (AALMRS), easement maps, survey plats, Native Allotment field examiners' reports, photographs and navigability reports, and C. Michael Brown's "Alaska's Kuskokwim River Basin: A History" (unpublished ms., Alaska Resources Library, 1985). In addition, Fabio Ferruzzi conducted telephone interviews with several people knowledgeable about the Kwethluk.

On July 12, 1979, Interim Conveyance No. 213 was issued to Kwethluk, Incorporated. The Kuskokwim River, Kuskokuak Slough, Tupuknuk Slough and the Church Slough were considered to be subject to tidal influence and navigable throughout the Kwethluk selection, they were excluded from the Interim Conveyance. All other rivers and streams, including Kwethluk River in T. 7 and 8 N., R. 69 W., and T. 6 and 7 N., R 68 W., SM, were conveyed to the village.

The Kwethluk River heads in the Kuskokwim Mountains and flows northwesterly approximately one hundred stream miles. The river empties into the Kuskokwim River at the village of Kwethluk. It is a well established stream system with a subdendritic drainage pattern. In photos and topographic maps, the Kwethluk River is a narrow, gently meandering, clear, moderate-gradient river, containing sand bars and isolated areas of shallow depths.

In infrared aerial photography taken in 1980 at 60,000 feet, the river in townships 8-4 North is approximately two to three chains wide, moderately meandering with oxbow lakes and thick vegetation on the banks. In townships 3-1 North, the river narrows to approximately one to two chains in width. There is less meandering, with channeling beginning to form and vegetation along the banks decreasing. The river descends an average of twenty feet per mile. (CIR 60 roll 3397, frame 7943, August 1984; roll 10, Frame 186, 188, 190, 192, 194, 289, 291, July 1980)

The river flows through numerous Native Allotments. Six are located along the river in T. 4 N., R. 68 W., SM (miles 54-63) and three at the foot of Elbow Mountain in T. 2 N., R. 67 W., SM (mile 73). The most distant upstream in this survey window is that of Nicolai O. Michael (F-20475). It is located in Sections 32 and 33, T. 3 N., R. 66 W., SM (mile 83). The claimant hunts, traps, and picks berries here. He and others with nearby allotments said that they travel to their claims by dogsled in the winter. The field examiner's photographs of this allotment show a clear river, approximately 1 to 1.5 chains wide, 1 to 2 feet deep with a narrow band of vegetation bordering the banks.

Some historical information about the river has been summarized in Brown's "Alaska's Kuskokwim River Basin: A History." During the gold rush days (circa 1914), the Kwethluk River was reported to be suitable for navigation. Small boats with a draft of one foot reportedly could travel approximately ninety-five miles up the river. According to Wayne R. Dawson in a navigability report dated November 4, 1975, local residents using outboard motor boats extensively travel the river for subsistence and recreational purposes as far upstream as the Kilbuck Mountains in T. 1 N., R. 63 W., Seward Meridian. About the same time, following an overflight of the upper half of the river, a BLM employee wrote that the river appeared to be "floatable". (Brown, p. 528)

Fabio Ferruzzi of the Navigability Section contacted several people who claimed that the river is navigable beyond the subject Native allotments. Charles Burkey of the Alaska Department of Fish and Game in Bethel (543-2433) indicated that the river can be navigated with a jet boat or large canoe up to the vicinity of Canyon Creek in T. 1 N., R. 62 W., SM. He also stated that there are no obstacles to travel on the river. On October 4, Gene Pelpola of U.S. Fish and Wildlife Service, Refuge and Wildlife Division (543-3151), in Bethel stated that the river is navigable for a flat-bottomed or jet boat up to Crooked Creek in T. 2 N., R. 63 W., SM.

Joe J. Labay, BLM Realty Specialist (271-3340), was the field examiner for Nicolai O. Michael's Native Allotment (F-20475) application situated on the southern bank of the Kwethluk River in T. 3 N., R. 66 W., SM. On August 12, 1974, he interviewed Nicolai, while on the land, about use of the area and parcel location. On October 3, Labay told Ferruzzi that the river was definitely navigable with a canoe and possibly with a small outboard motor boat to the parcel. He said there were no obstacles to travel up to the parcel and beyond.

Finally, Tim Quincy, a BLM Cadastral Surveyor(267-1404), stated that in 1991 his survey crews traveled up the river in a 13-foot inflatable raft with a 35-horsepower motor from their base camp near Kwethluk Village to Native Allotments in T. 4 N., R. 68 W., SM. Tim described the river in this area as approximately 1 to 1.5 chains wide, 1 to 3 feet in depth, with a band of spruce and birch mix along the banks. He said that Nicolai O. Michael's allotment (F-20475) in T. 3 N., R. 66 W., was accessed by helicopter, but he believed that the river was definitely navigable up to and beyond this point with a large canoe.

In conclusion, the Kwethluk River is navigable through T. 7 N., R. 69 W., and upstream to T. 3 N., R. 66 W., SM. Four individuals with experience on the upper and lower portions of the river said that the river is suitable for canoes and small jet boats this distance and beyond. To the best of my knowledge, the river was in its natural and ordinary condition at statehood.

961;FFerruzzi;jam;11/01/91;9327t

WAYNE A. BODEN

+ I believe, in between there 2 named
townships, the Kwethluk R. crosses into
townships - U, 57, 68 W., 3 U, 66-68 W.,
+ U, 57, 68 W., and - U, 57, 68 W.



United States Department of the Interior

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

2828 (980)

DEC 13 1995

1995

Mr. Michael B. Rearden
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 348
Bethel, Alaska 99569

Kwethluk River
Interim Summary Report
Attachment 18

Dear Mr. Rearden:

This is in response to your letter of October 11, 1995 to Jeff Denton at our Anchorage District Office requesting, among other things, the history and status of the Bureau of Land Management's (BLM) navigability findings for certain rivers and streams in the Yukon-Kuskokwim Delta National Wildlife Refuge. Enclosed are brief chronologies of the BLM's navigability findings for the requested eight rivers and streams. Nolan Heath, Deputy State Director for Lands, Minerals, and Resources, responded to your other requests for information in his letter dated November 24, 1995.

As noted in the November 24th letter, the BLM investigates the navigability of water bodies on lands selected under the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Native Allotment Act. Its purpose is to ensure that the State, Native corporations, and Native individuals are not charged for the submerged land acreage of navigable water bodies. These entities and individuals are charged for lands underlying non-navigable rivers and streams less than 3 chains wide and lakes less than 50 acres in size.

In the attached chronologies you will notice cases where the BLM re-examined the navigability of a river several times and, in a few instances, reached opposite navigability conclusions. In case of the Kwethluk River, for example, the BLM found the lower reaches non-navigable, and 12 years later decided that the upper reaches were navigable. Is this an arbitrary act? No, it is the result of the courts clarifying the legal standard for navigability determinations. In 1979, the Alaska Native Claims Appeals Board issued a decision on the navigability of the Nation and Kandik Rivers. In 1987 and 1989, respectively, the U. S. District Court and Ninth Circuit Court issued decisions on the Gulkana River's navigability. Each decision further clarified our understanding of what is a navigable water body, and our criteria for administrative navigability determinations were modified accordingly.

2

By law, once the riparian lands have been conveyed, as with an interim conveyance to a Native corporation, the United States no longer has any right, title, or interest in the submerged lands (Public Law 100-995). Thus, in cases like the Kwethluk River, which does not meet the meander size criteria, the BLM has no authority on its own initiative to revisit the issue of the river's navigability where the riparian lands have been conveyed out of Federal ownership. However, this action could be undertaken if both the surface owner and subsurface owner request it. By authority of Section 316 of the Federal Land Policy and Management Act of 1976 (Public Law 94-579) and Department regulations (43 CFR 1865), the BLM may reconsider a previous administrative determination of navigability or non-navigability. If navigable, the river would be meandered and the submerged lands excluded from the patent. If non-navigable, the river would not be meandered. Again, however, this action requires the agreement of both the surface and subsurface owners. In the Kuskokwim River region, several village corporations, as well as the Calista Corporation, have chosen not to avail themselves of this option.

If you have questions about the attached chronology or if you need additional information about the BLM's navigability program, please call me at (907) 271-5477. If you want information about the navigability or survey status of other water bodies, you should contact Lynette Nakazawa, Chief, Mapping Sciences, Division of Cadastral Survey, at (907) 271-3274.

Sincerely,



C. Michael Brown
Navigable Waters Specialist

Enclosure
Navigability Status Report (5 pp)

cc: Sharon Janis, Chief
Division of Lands
U. S. Fish & Wildlife Service
1011 E. Tudor Road
Anchorage, Alaska 99503
(w/encl)

**NAVIGABILITY STATUS REPORT FOR BOGUS CREEK, TULUKSAK RIVER,
LITTLE KASIGLUK RIVER, KISARALIK RIVER, AKULIKUTAK RIVER,
KWETHLUK RIVER, EEK RIVER, AND GWEEK RIVER IN THE KUSKOKWIM
RIVER REGION**

Bogus Creek

The Bureau of Land Management (BLM) has consistently held that this creek is navigable. In 1981, it decided that Bogus Creek is navigable from its mouth through the area selected by Tuluksak village. The creek bed was excluded from Interim Conveyance Nos. 542 and 543 in Sec. 11, T. 13 N., R. 64 W., SM. The Kuskokwim River slough into which Bogus Creek empties is also considered navigable.

In 1989, the BLM confirmed that Bogus Creek is navigable through the Tuluksak village selection area; that is, in Secs. 1 and 12, T. 13 N., R. 64 W., and in T. 13 N., Rs. 62 and 63 W., SM. However, in the course of examining Native allotment selections, it found that the creek is navigable as far upstream as the Native allotment, F-16594 Parcel D, located in Sec. 32, T. 14 N., R. 61 W., SM. (On the USGS map, this stream is shown as a tributary of Bogus Creek. In aerial photos, this stream appears to be the main channel of Bogus Creek.) This is the uppermost point of the creek that we have considered for navigability.

The BLM has also identified two tributaries of Bogus Creek as navigable:

1. The right bank tributary in Secs. 2 and 11, T. 13 N., R. 64 W., SM (excluded from IC 542 and 543).
2. The left bank tributary of Bogus Creek from its mouth in Sec. 3 to tributary in S $\frac{1}{4}$ Sec. 22, T. 13 N., R. 62 W., SM.

Tuluksak River

The BLM has issued two navigability findings for this river. In 1981, while considering navigable waters and easements in the Tuluksak village selection area, it decided that the river is navigable from its mouth to a former barge landing site in Sec. 32, T. 12 N., R. 64 W., SM. In 1985, after completing an historical study of water bodies in the Kuskokwim River region, it issued a finding that the Tuluksak River is navigable to another former boat landing site called Upper Landing, reportedly about 4.5 miles above Otter Creek. In all, about 59 miles of the river is considered navigable.

The BLM has also identified five tributaries of the Tuluksak River as navigable:

1. Little Bogus Creek from its mouth to and into SW $\frac{1}{4}$ NW $\frac{1}{4}$ Sec. 35, T. 13 N., R. 64 W., SM, including Yukaniuk Creek. (~~These were excluded from IC 542 and 543.~~)

2. Right bank tributary of Tuluksak River in Sec. 26, T. 12 N., R. 65 W., SM. Only the portion in Section 26 was examined and found navigable.

3. The slough and lake system which extends from the Tuluksak River in Sec. 36, T. 12 N., R. 65 W., to Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., SM.

4. Fog River in Secs. 1, 11, and 14 to tributary in E $\frac{1}{2}$ W $\frac{1}{2}$ of Sec. 13, T. 11 N., R. 65 W., SM and Sec. 36, T. 12 N., R. 65 W., SM.

5. Right fork of Fog River along Native allotment AA-56435 and its left bank tributary in allotment in Sec. 30, T. 11 N., R. 64 W., SM.

Kasigluk River and Little Kasigluk River

The lower reaches of the Kasigluk River flow through lands conveyed to the Akiak village corporation (IC 610). In 1982, the BLM decided that the river in T. 9 N., R. 67 W., T. 9 N., R. 66 W., and T. 8 N., R. 66 W., SM, is non-navigable. A short segment of the river in T. 8 N., R. 67 W., SM, also was not excluded from lands conveyed to the Kwethluk village corporation (IC's 213, 214). The river here was also considered to be non-navigable.

At the time of interim conveyance, it was thought that the lower Kasigluk River may be tidal. According to Lynette Nakazawa, who heads a team of photo-interpreters responsible for creating meanders in the Division of Cadastral Survey, the river is not tidal, but much of the reach in T. 9 N., R. 67 W., SM, is 3 chains or more in width. Thus, based on its width alone, this reach will be meandered and the submerged lands segregated from uplands on the survey plat.

The BLM has not studied the remainder of this river for navigability. The same applies to its tributaries, including Little Kasigluk River.

Kisaralik River

In 1982, the BLM decided that only the first few miles of this river is navigable. Examining the river reach in the area selected by the Akiak village corporation, it found the river navigable to a tributary in Sec. 13, T. 9 N., R. 67 W., SM, and excluded the submerged lands from IC 610. The remainder of the river (about 15 miles) in the selection area was considered to be non-navigable. The river bed from the tributary in Sec. 13, T. 9 N., R. 67 W. through T. 9 N., R. 67 W., T. 9 N., R. 66 W., and T. 8 N., R. 66 W., SM, was not excluded from IC 610.

In 1989, the BLM examined Native allotment selections in the area selected by or conveyed to the Akiak village corporation, and identified additional navigable waters. Specifically, it decided that the slough heading in the Kisaralik River in Sec. 28, T. 9 N., R. 66 W., SM, and returning to the Kisaralik in Sec. 13, T. 9 N., R. 67 W., SM, is navigable. A stream that empties into this slough in Sec. 8, T. 9 N., R. 66 W., SM, was also considered to be navigable to and through Sec. 1, T. 9 N., R. 66 W., SM. At the time of interim conveyance in 1982, the BLM had decided that these water

bodies were non-navigable and did not exclude them from the interim conveyance. Therefore, these waters will not be meandered and the submerged lands segregated from interim-conveyed uplands unless the survey shows they are tidal or meet the size criteria for meander lines. However, where they flow through Native allotments or lands selected by but not yet conveyed to the Native corporations, they will be meandered and the submerged lands segregated from Federal uplands.

In 1990, at the request of the State of Alaska, the BLM reconsidered the navigability of the upper reaches of the Kisaralik, specifically on lands patented to the State of Alaska in Tps. 3 N., R. 59 W., and 3 and 4 N., R. 60 W., SM. Years ago, the BLM had found this reach to be non-navigable and charged the submerged land acreage against the State's entitlement. Upon review of the facts and recent court decisions in the Gulkana River case, the agency decided that the State should not have been charged for the submerged land acreage because the river up to Kisaralik Lake is navigable.

✓ Kwethluk River

In 1979, the BLM issued IC's 213 and 214 to the Kwethluk village corporation and Calista Corporation, respectively. The Kuskokwim River, Kuskokuak Slough, Tupuknuk Slough, and Church Slough were the only water bodies excluded from the conveyances by reason of navigability. The Kwethluk River in T. 8 N., R. 69 W., T. 7 N., R. 69 W., T. 7 N., R. 68 W., and T. 6 N., R. 68 W., SM, was not excluded from the interim conveyances. It was considered to be non-navigable.

The Division of Cadastral Survey reports that the river is not tidal. However, according to Lynette Nakazawa, much of the lower reach in T. 8 N., R. 69 W., SM, is 3 chains or more in width. On the survey plat, this reach will be meandered and the submerged lands segregated from uplands. The remainder of the river in this township and in T. 7 N., R. 69 W., SM, is less than three chains in width, and thus will not be segregated on the survey plats.

In 1991, the BLM reconsidered the navigability of this river above the interim-conveyed area. Our Division of Cadastral Survey was preparing survey instructions for numerous small tracts, like Native allotment parcels, located on and along the river above the interim-conveyed area, and needed to know whether or not to exclude the river from the surveys of Native allotment boundaries. Analyzing new information in light of the Federal courts' decisions in the Gulkana River case, the BLM concluded that the Kwethluk River is navigable from T. 5 N., R. 68 W. to and through T. 3 N., R. 66 W., SM. The river flows through seven townships in this reach.

✓ Akulikutak River

In 1979 the BLM did not exclude this river from IC 213 and 214 in Tps. 7 and 8 N., R. 68 W., and T. 6 and 7 N., R. 67 W., SM. We found the river to be non-navigable. Since, the agency has not considered the navigability of the remainder of the river.

✓ Gweek River

This river flows through the selection areas of Bethel, Akiachak, Akiak, and Tuluksak villages. The Gweek River was excluded from all ICs of lands along this river. (ICs 542, 618, 1027) In 1978 the BLM considered it a tidal waterway through the Bethel conveyance area. In 1981 the agency considered the river to be an interconnected slough of the Kuskokwim River. However, it changed this position after studying high altitude color infrared photographs of the area and new information collected through interviews with local residents and government officials. In 1989 the agency decided 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. 13N., R. 64 W., SM, to a point in the middle of Sec. 12, T. 13 N., R. 65 W., SM.

The BLM also identified the following tributaries of Gweek River as navigable:

1. Left-bank tributary in Sec. 12, T. 11 N., R. 68 W., SM.
2. Left-bank tributary in Secs. 13 and 24 (mouth in Sec. 14), T. 11 N., R. 68 W., SM.
3. Right-bank tributary in Native allotment F-17089 in Sec. 1, T. 10 N., R. 69 W., SM.
4. Right-bank tributary in NW $\frac{1}{4}$ Sec. 28, T. 10 N., R. 69 W., SM.
5. Right-bank tributary in Native Allotment F-17089 in Sec. 36, T. 11 N., R. 69 W., SM.

✓ Eek River.

The BLM has consistently held this river to be navigable. In 1983 it examined the navigability of Eek River in the Eek village selection area. On the basis of information provided by local residents, it decided the river is navigable from its mouth to and through T. 1 N., R. 72 W., SM; that is, through the selection area. In 1988 the BLM again examined the Eek village selection area for navigable water bodies that might meet the U. S. District Court's standard of navigability as described in the Gulkana River case. It found three additional navigable water bodies on Federal lands:

1. A lake and its outlet in Sec. 3, T. 1 N., R. 72 W., SM.
2. A slough in Secs. 16-20, T. 2 N., R. 7 W., SM.
3. A slough in Sec. 36, T. 2 N., R. 74 W., to second tributary on right (looking upstream).

Finally, in 1989 the BLM investigated the navigability of the river upstream of the village selection area, focusing on those river segments that crossed Native allotment claims. As a result of this study, it concluded that the Eek River is navigable from its mouth to and through Native allotment F-15812-C in Sec. 28, T. 1 N., R. 67 W., SM. In addition, it found that the Middle Fork Eek River is navigable from Eek River to and through Native allotment AA-31272-B in Sec. 12, T. 3 S., R. 69 W., SM.

**NAVIGABILITY REPORT: LEFT BANK TRIBUTARY OF KWETHLUK RIVER in
Native Allotments F-19254A, F-18289C, F-15926
and Regional Selection AA-10429,
Mouth in Sec. 36, T. 6N., R. 68 W., SM
Window 2029, Group Survey 284**

BACKGROUND INFORMATION

Local Name: Old Kwethluk River

Nearest Settlement: Kwethluk

Length of Water Body: Approximately 10 miles

Watershed: Unknown

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

Aerial Photo (s) in selected area: CIR 60, Roll 10, Frame 290, July 1980
CIR 60, Roll 03112, Frame 414, August 1982

Was the water body Photo Interpreted? Yes, July 1996

Was a Field Report/Interview Report created? An interview report was created on December 8, 1997.¹ A field report was created on December 4, 1997.²

**Kwethluk River
Interim Summary Report
Attachment 19**

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
6N., R. 68 W.	35,36	0-2	IC 213 7/12/79, Non-nav., YDNWR
5N., R. 68 W.	1,2, 12	2- 4.7	YDNWR
5N., R. 67 W.	7, 18	4.7 - 7.5	YDNWR
5N., R. 68 W.	13, 24	7.5-10	NAs F-19254A, F-18289C, Reg. Sel. AA-10429
5N., R. 68 W.	25	10.5	NA F-15926

PHYSICAL CHARACTERISTICS

Type of Water Body: River

Vegetation: The banks of the river are lined with alder, birch and willow with some spruce.

Water Body Bottom Characteristics: Not available

Velocity of Water Body: Not available

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

Gradient: Negligible

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

Source	Bank to Bank Width	Mile
Albert Nicolai	20'-25'	9
Anna Jacobson	20'	8-10

Source	Impediments (nature)	Mile
Albert Nicolai	Beaver dams	5-10
John Andrew	Sweepers and beaver dams	5-10
Anna Jacobson	Beaver dams	8-10

Pool/Riffle: Unknown

Source	Depth (ft)	Mile
Albert Nicolai	2' for 2-3 weeks after the August rain	9-10
John Andrew	1'-2' in August	9
Anna Jacobson	1'-2' end of June/beginning of July (high water)	9

Other:

USES

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

Historical:

There is a 14(h)1 AA-10429 claim located between F-19254A and F-18289C. Oral accounts and cultural remains indicate this was a small year round settlement that began at an unknown date and ended in the early 1940s. There were three distinct periods of occupation. The first period ended when most site residents perished during the influenza epidemic in 1900. A handful of related relatives reestablished the village, however, by 1940, the families left and resettled at Kwethluk. The area is now used seasonally by subsistence hunters, especially by former site residents and their descendants.

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

Albert Nicolai says the Old Kwethluk River is too shallow and full of beaver dams in the spring and summer to boat to the Native allotments in Section 24 and 25, T. 5N., R. 68 W., SM. Sometimes he hunts in this area after the heavy rains in August. High water (2') lasts between two to three weeks. He uses a 16' Lund boat with 25 horsepower propeller motor.

John Andrew, who has an allotment in Section 24, T. 5N., R. 68 W., SM., does not use the river for moose hunting in August. The river is shallow and has too many sweepers and beaver dams. He reaches his allotment by walking a mile from the Kwethluk River. He describes the vegetation as spongy tundra which makes packing out a 1,000 pound moose very difficult.

Anna Jacobson and her husband boated the Old Kwethluk in June 1996 to pick berries. She went with her nephew Nick Epchuck, Jr. who uses a 16' Lund with a 25-horsepower motor. She said the river was shallow, about 1'-2' deep with lots of beaver dams but because Nick was familiar with the river, they were able to go as far as John Andrew's Native allotment in Section 24.

Field Examination

A field examination September 15, 1997 by air revealed the mouth to be about 15'-20' wide, filled with an adequate amount of water and free of any obstructions to about 1/4 mile upstream. From that point on, grass was visible in the channel and all along the banks. It appeared very shallow and muddy. There were three beaver dams between 1/2 mile to one mile point.

Indirect Evidence:

Public Opinion (susceptibility to use): Albert Nicolai has seen others boat the river but they were using light boats with jet motors. When asked if he believed one can use a boat, canoe or raft on the creek carrying 1,000 pounds for travel trade and commerce, his response was, "One could use a small boat with about 300 pounds."

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

Navigable (explain):

I find the Old Kwethluk River non-navigable through Native allotments F-19254A, F-18289C and Regional Selection AA-10429 in Section 24, T. 5N., R. 68 W., SM., and NA F-15926 in Sec. 25, T. 5N., R. 68 W., SM. Both John Andrew and Albert Nicolai state that the river is too shallow and full of beaver dams to be used as a route of travel, trade and commerce. John Andrew accesses his parcel via walking a mile from the Kwethluk River. On September 15, 1997 a field examination by air revealed a very muddy stream filled with grass 1/4 mile upstream and three beaver dams located 1/4 mile further

Report Prepared By:

Laura J. Lagotans

Date:

1/8/98

NOTES

1. Laura Lagstrom, Interview Report, Memorandum to the File FF-14883, Kwethluk Incorporated, (75.4), December 8, 1997, 7pp.

2. Laura Lagstrom, Field Report, Memorandum to the File FF-14883, Kwethluk Incorporated, (75.4), December 4, 1997, 14pp.

**NAVIGABILITY REPORT: LEFT BANK TRIBUTARY OF AN
ANABRANCH OF THE KWETHLUK RIVER in
Native Allotments F-17052B and F-17210B,
Mouth in Sec. 12, T. 7N., R. 69 W., SM.**

Window 2029, Group Survey 284

BACKGROUND INFORMATION

Local Name: In the Yu'pik dialect this stream is known as "Vi'gauth'ta'lik."

Nearest Settlement: Kwethluk

Length of Water Body: Approximately six miles.

Watershed: Unknown

USGS Quadrangle(s) in selected area: Bethel C-7

Aerial Photo (s) in selected area: CIR 60, Roll 10, Frame 376, July 1980

Was the water body Photo Interpreted? Yes, July 1996

Was a Field Report/Interview Report created? An interview report was created on December 8, 1997.¹ A field report was created on December 4, 1997.²

**Kwethluk River
Interim Summary Report
Attachment 20**

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
7N., R. 69 W.	12	0-.25	IC213-7/12/79 Non-nav, YDNWR
7N., R. 69 W.	12	.25-.75	F-17052B
7N., R. 69 W.	13	.75-1	IC213-7/12/79 Non-nav, YDNWR
7N., R. 69 W.	13	1-1.5	F17210B
7N., R. 68 W.	18	1-1.5	USS6066-Non-nav (Pat 50-84-0098)
7N., R. 68 W.	19	3.5	F17061
7N., R. 68 W.	19	3.5	IC213-7/12/79 Non-nav, YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: Creek interconnecting several lakes.

Vegetation: Moist tundra, alder and birch forest, grass.

Water Body Bottom Characteristics: Not available

Velocity of Water Body: Unknown

Discharge Volume (max, min, mean): Unknown

Gradient: Minimal

Source	Bank to Bank Width	Mile
John Owen	30'-40' during spring high water	0-1
Martin Andrew	25'-30' during high water	0-1

Source	Impediments (nature)	Mile
L. Lagstrom (field exam Sept 1997)	Riffles across the effluent; grass seen growing across the mouth and within lake	0
John Owen	Beaver dams probably further upstream	0-2
Wassillie Evan	Beaver dams in the area	0-2

Pool/Riffle: Unknown

Source	Depth (ft)	Mile
Wassillie Evan	1'-2' during June/July; 10'-15' Aug/Sept; Apr/May for about 1-2 weeks.	0-2
John Owen	2'-5' during summer; 5'-10' in the fall	0-2
Martin Andrew	High water in spring, fall & part of the summer	0-6
Frank Nicori	approximate depths: May-10'; June 6'-7'; July 4'-5'; Aug 7'-8'; Sept 10' or less	0-4

Other:

USES

Historical: The report for a historical site in Sec. 11, T. 7N., R. 69 W., SM. stated that this area was occupied in the late 1800s if not earlier and used as a fishing site for pike and whitefish.

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

Wassillie Evan went berry picking and hunting around the middle of August with his 20' aluminum welded tunnel boat with a 45 horsepower propeller motor. There were three people in the boat with no load. He didn't feel anyone could use it during low water. I asked him if he believed one can use a boat, canoe, raft on the creek carrying 1,000 pounds for travel, trade and commerce and he said only during high water conditions which last between one to two weeks or one could use a canoe with no load. He said there is grass in the water and beaver dams further upstream.

John Owen has boated to the lake in Sec. 25, T. 7 N., R. 69 W., during spring (May). He used an 18' Lund with a 50 horsepower motor and he estimated his load to be about 500 pounds.

During the month of May, Martin Andrew boated to the hills in Sec. 25, T. 7N., R. 69 W., for hunting. He used a 14' aluminum boat with a 25 HP propeller motor and carried about 150 pounds of camping gear for less than a week. He believes that the people who have allotments along this stream could get to them during high water which occurs in the spring, fall and part of the summer. High water conditions last 2-2½ weeks.

Indirect Evidence:

Native allotment F-17210B shares a common boundary with USS6066 in Sec. 18., T. 7N., R. 68 W., SM. The US survey did not exclude this stream but referenced it as a tundra pond.

Frank Nicori, who has an allotment located further upstream, does not believe one could use a boat, canoe or raft carrying 1,000 pounds for travel, trade, and commerce during the summer but only during the fall or spring high water periods which last about a month.

Public Opinion (susceptibility to use):**CONCLUSION (Gulkana River Standard) (at least three facts should support conclusion)**

I find this unnamed stream located in Secs. 12 & 13, T. 7N., R. 69 W., SM., to be non-navigable within both Native allotments F-17052B and F17210B. Local residents state the "Vigauthtalik" is boatable only during periods of high water which last between a week to a month. The overflight on September 15, 1997 revealed shallow riffles across the effluent and grass growing within and surrounding the effluent. Additionally, a previous BLM survey in this area referenced the stream adjacent to F-17210B as a tundra pond.

Report Prepared By:

Laura J. Lagstrom

Date:

1/8/98

NOTES

1. Laura Lagstrom, Interview Report, Memorandum to the File FF-14883, Kwethluk Incorporated (75.4), December 8, 1997, 7pp.

2. Laura Lagstrom, Field Report, Memorandum to the File FF-14883, Kwethluk Incorporated (75.4), December 4, 1997, 14pp.

**NAVIGABILITY REPORT: RIGHT BANK TRIBUTARY
OF KWETHLUK RIVER in Native Allotment F-16012,
Mouth in Sec. 8, T. 5N., R. 67 W., SM
Window 2029, Group Survey 284**

BACKGROUND INFORMATION

Local Name: Unknown

Nearest Settlement: Kwethluk

Length of Water Body: 5 miles

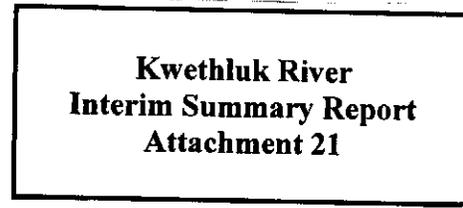
Watershed: Unknown

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

Aerial Photo (s) in selected area: CIR 60, Roll 03112, Frame 413, August 1982

Was the water body Photo Interpreted? Yes, July 1996

Was a Field Report/Interview Report created? An interview report was created on December 8, 1997.¹ A field report was completed on December 4, 1997.²



SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
5N., R. 67 W.	8, 17	0-2	YDNWR
5N., R. 67 W.	17	2	NA F-16012 - YDNWR
5N., R. 67 W.	16	2-4	YDNWR
5N., R. 67 W.	15	4-6	YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: Creek

Vegetation: Tundra with scattered lakes

Water Body Bottom Characteristics: Not available

Velocity of Water Body: Not available

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

Gradient: Negligible

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

Source	Bank to Bank Width	Mile
CIR 60, roll 03112, Frame 413, August 1982	15'-30'	0-2
Laura Lagstrom (field exam 9/97)	approximately 10'-15'	0-1

Source	Impediments (nature)	Mile
Laura Lagstrom (field exam 9/97)	Beaver dam	1/8
Nick Epchuck	None	0-2
Ruth Nelson	Very shallow	0-2

Pool/Riffle: Unknown

Source	Depth (ft)	Mile
Nick Epchuck	1/2'-1'	0-2
Ruth Nelson	too shallow to be used	0-2

Other:

USES

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

Historical:

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

The Native allotment for Balassia Nicolai straddles the stream near mile two. The casefile states, "the applicant camps adjacent to the Kwethluk River just below Three Step Mountain when she comes to this area to pick berries on the subject land."

Nick Epchuck said the creek could be used during early spring (May-June) and also the end of August to the end of September to pick salmon berries. He feels it is usable about 3-4 weeks in the spring and 3-4 weeks in the fall. High water is about 3-4 feet; low water is about 1/2'-1' deep.

Ruth Nelson said when her parents lived up there all the time they used to drift down the Kwethluk River in a skin boat. She said the creek that flows through their allotment is not boatable. Her parents used to walk from the Kwethluk River to get to their parcel. Ruth said if the creek was usable (boatable), they would have used it.

Field Examination

A field examination on September 15, 1997 by air revealed a small beaver dam near the mouth. The unnamed stream appeared too narrow, shallow and obstructed to be used consistently as a route for travel, trade and commerce with a heavy load.

Indirect Evidence:

Public Opinion (susceptibility to use):

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

Navigable (explain):

I find the unnamed stream within Native allotment F-16012 non-navigable. The stream is too shallow and narrow. The casefile records that a customary way of picking berries in this area is for people to camp along the Kwethluk and disperse to various areas from that camp. Two daughters say that the allotment is only accessible by walking from the Kwethluk River. The overflight in September revealed a very small, narrow channel with a beaver dam visible near the mouth.

Report Prepared By:

Laura J. Leggett

Date:

1/8/98

NOTES

1. Laura Lagstrom, Interview Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4), December 8, 1997, 7pp.

2. Laura Lagstrom, Field Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4), December 4, 1997, 14pp.

NAVIGABILITY REPORT: ANABRANCH OF KWETHLUK RIVER
in Native Allotment F-17052B,
downstream mouth in Sec. 15, T. 8N., R. 69 W., SM and
upstream mouth in Sec. 17, T. 7N., R. 68 W., SM.
Window 2029, Group Survey 284

BACKGROUND INFORMATION

Local Name: Net Creek or "Kuviak'ya'chal'vick"

Nearest Settlement: Kwethluk

Length of Water Body: Approximately 13 miles.

Watershed: Kwethluk River

USGS Quadrangle(s) in selected area: Bethel C-6, 7, D-7

Aerial Photo (s) in selected area: CIR 60, Roll 10, Frame 376, July 1980

Was the water body Photo Interpreted? Yes, July 1996

Was a Field Report/Interview Report created? An interview report was created on December 8, 1997.¹ A field report was completed on December 4, 1997.²

**Kwethluk River
Interim Summary Report
Attachment 22**

SUBMERGED LAND STATUS

Township	Section Number	mile	Status and Remarks
8N., R. 69 W	15, 21, 22, 26, 27, 35	0-5½	IC213 Non-nav 7/12/79, YDNWR
7N. R. 69 W	1, 2, 11, 12	5½-10	IC213 Non-nav 7/12/79, YDNWR
7N. R. 69 W	12	10-10¼	NA F-17052B
7N. R. 68 W	7, 17, 18	10¼-13	IC213 Non-nav 7/12/79, YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: Unnamed Stream

Vegetation: Moist tundra with innumerable small lakes; willows and birch line the stream

Water Body Bottom Characteristics: Not available

Velocity of Water Body: Not available

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

Gradient: Negligible

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

Source	Bank to Bank Width	Mile
Wassillie Evan	20'	0-13
Frank Frank	12' or more	3-13
Carl Nose	10'-12'	10
Cir 60, R. 10, Fr 376 7/80	20'-35'	3-13

Source	Impediments (nature)	Mile
Frank Frank	It is a narrow deep creek	0-13
Carl Nose	No obstructions, but it is very narrow and deep	0-13
John Owen	No obstructions	0-13

Pool/Riffle: Unknown

Source	Depth (ft)	Mile
Wassille Evan	6-8' deep in June & July; 10'-15' deep in August/Sept and April/May	0-13
Frank Frank	4'-5'	0-13
Carl Nose	6' or more	0-13
John Owen	4'-5'	0-13

Other:

USES

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

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

Wassillie Evan said in August 1997 he took two people up this river in a 20' alumaweld with a 45-horsepower propeller motor. The river was about 20' wide with no impediments. When he asked if he believed that one can use a boat, canoe or raft on the creek carrying a 1,000 pounds for travel, trade and commerce, he said yes.

Carl Nose of Kwethluk boats the creek every year when he hunts ducks, geese, swan, and fishes for pike, whitefish and grayling. He states that the creek is navigable the entire length from spring to fall. He owns an 18' Lund with a 40 HP motor. Sometimes he hunts with two other people; he carries extra gas, food and supplies and lots of ammunition.

Frank Frank said that the creek is open in its entirety for boat traffic during the spring, summer and fall. One can enter the river from either end but most people boat the Kwethluk because it is wider and deeper. He has used both 16' and an 18' Lunds with a 40-horsepower propeller motor on the stream. Sometimes he carries over 1,000 pounds.

Indirect Evidence:

A historical site is located in Sec. 11, T. 7N., R. 69 W., which is about two miles from the Native allotment referenced in this report. The investigation of the site revealed that this area was occupied in the late 1800's if not earlier and used as a subsistence fishing site for pike and whitefish. The file contains clear photos of Net Creek emptying into the Okfirpaunlik Lake.

Public Opinion (susceptibility to use):

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

Navigable (explain):

I find Net Creek or "Kuviak'ya'chal'vick" navigable within Annie Alexie's Native allotment F-17052B. There are several selections along this stream, but this is the only allotment that straddles the creek. Kwethluk residents use the creek every year for subsistence hunting and are able to travel the entire distance with a load of at least 1,000 pounds. The overflight in September 1997 revealed a well defined channel throughout its entirety and filled with sufficient water from numerous small lakes and streams feeding into it.

Report Prepared By: Sam J. Lepton

Date: 1/8/98

NOTES

1. Laura Lagstrom, Interview Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4), December 8, 1997, 7pp.
2. Laura Lagstrom, Field Report, Memorandum to the File FF-14883-A, Kwethluk Incorporated (75.4) December 4, 1997, 14pp.



United States Department of the Interior

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

**Kwethluk River
Interim Summary Report
Attachment 23**

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

JAN 13 1998

Memorandum

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

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

Subject: Navigability Review for Waters in Window 2029 Bethel (Group 284) Part 1

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

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

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

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

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

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

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



Attachments (2):

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

cc:

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State of Alaska DNR
Navigability Unit
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State of Alaska
Department of Natural Resources
Realty Services Section
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Chief, Branch of Field Surveys (921)
Chief, Survey Data Research Section (926)
Chief, Mapping Section (924)
Chief, GCDB Project Section (926)
ANCSA (962)
Anchorage District Office (040)

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

Seward Meridian

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

None in selection.

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

None in selection.

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

None in selection.

T. 7 N., R. 68 W.

Akulikutak River within village selection F-14883.

T. 8 N., R. 68 W.

Kushluk River within Native allotment F-16009.

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

None in selection.

T. 7 N., R. 69 W.

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

T. 8 N., R. 69 W.

None in selection.

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

None in selection.

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

None in selection

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

None in selection.

T. 7N., R. 72 W.

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

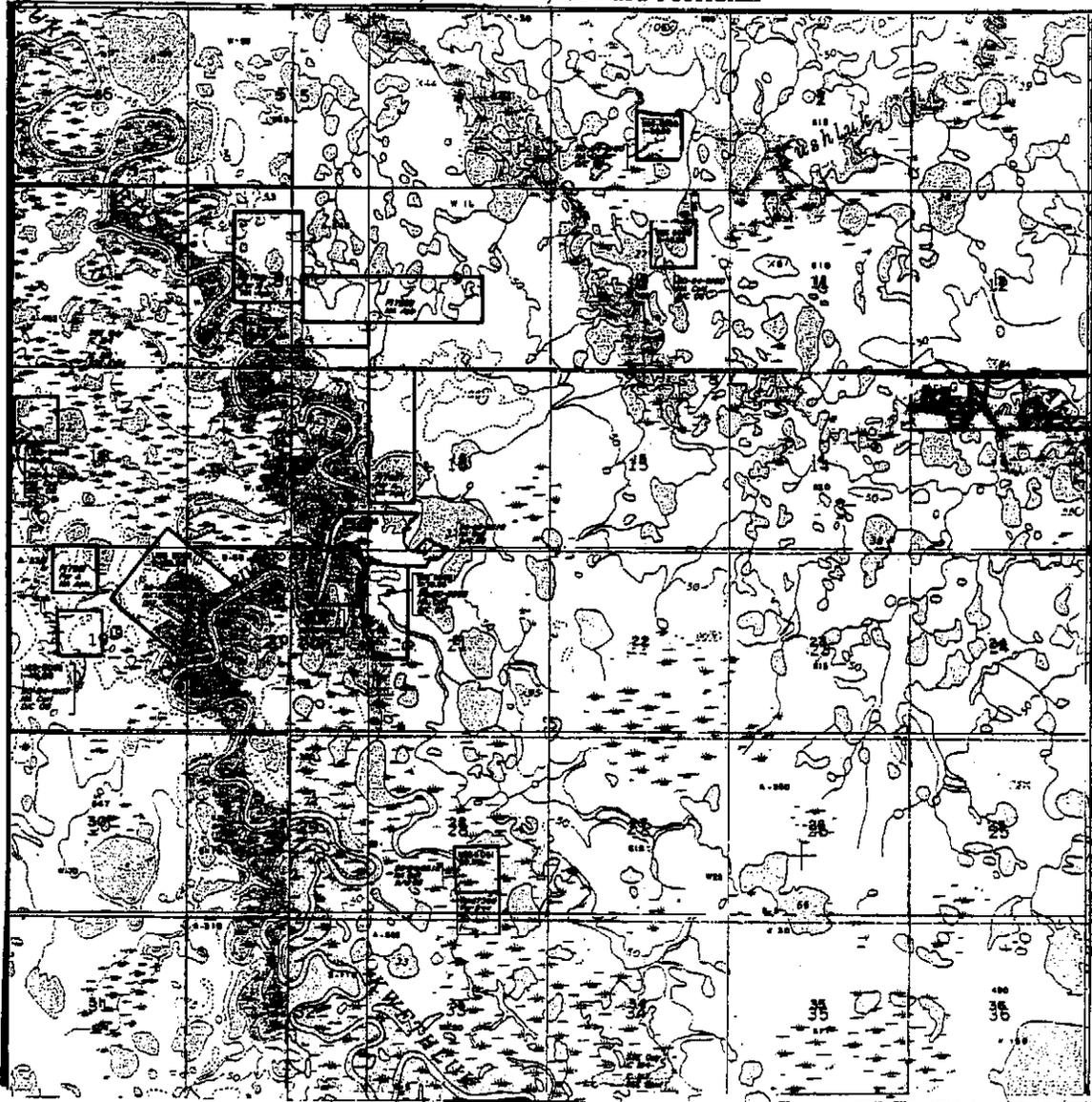
T. 8N., R. 72 W.

None in selection

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

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



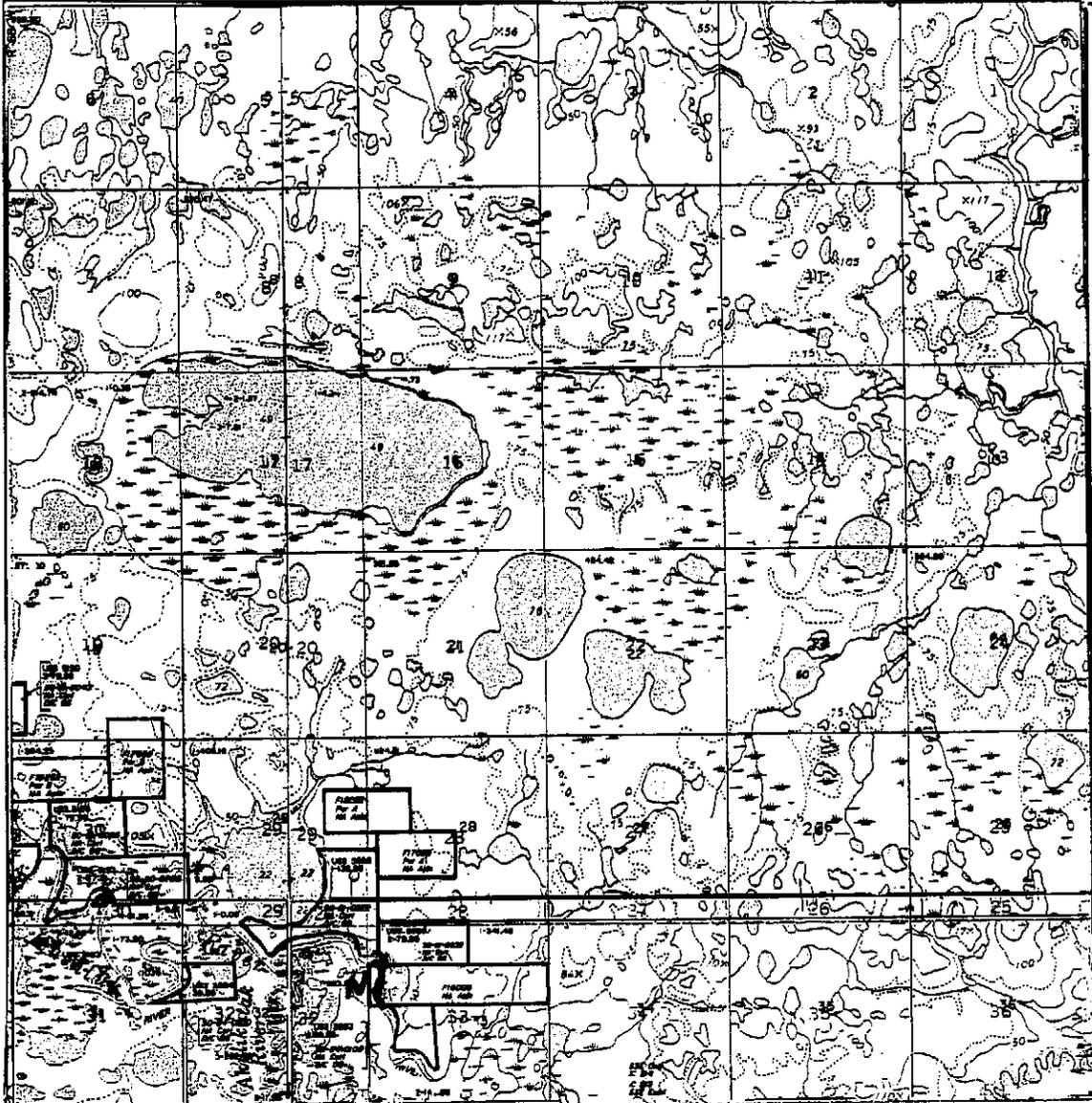
SCALE: 1" = 1 Mile

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

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

T.8N., R. 68 W., Seward Meridian



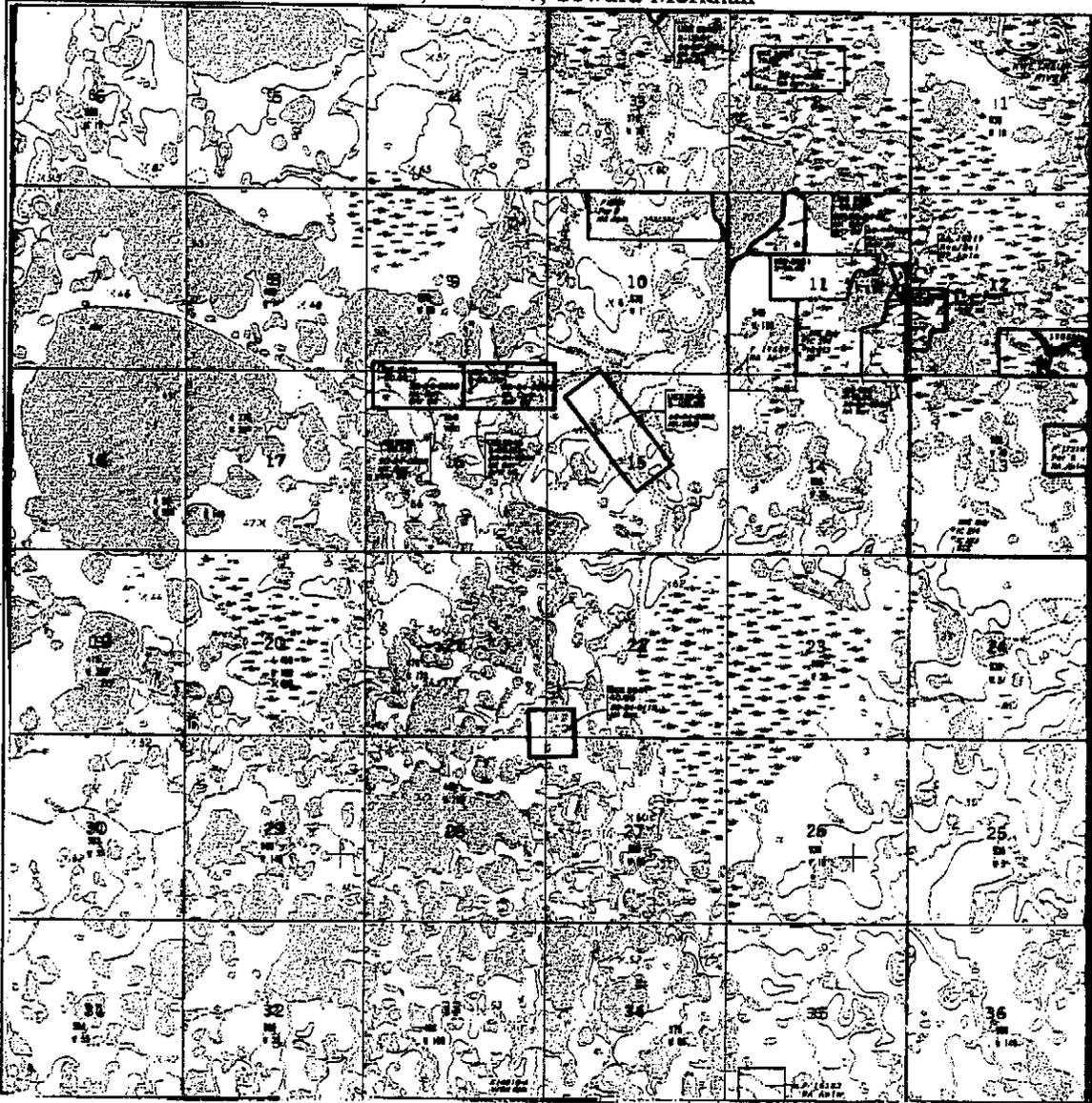
SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	
Bethel C 6-7, D 6-7	CIR 60, R.10, Fr. 377, 7/80	IC 213 NA F-16009

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

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



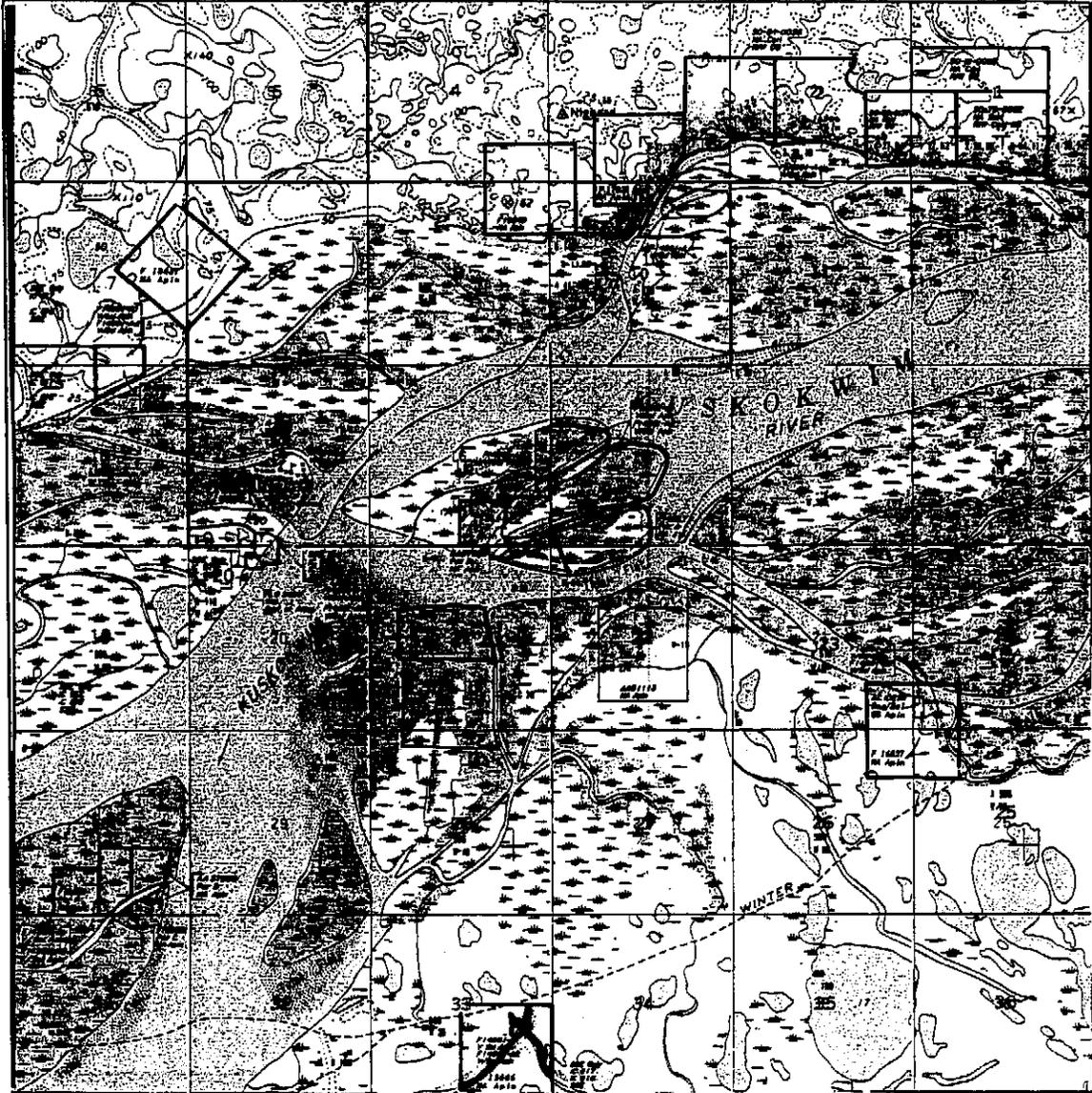
SCALE: 1" = 1 Mile

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

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2029

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



SCALE: 1" = 1 Mile

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

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND

TONY KNOWLES, GOVERNOR

3601 C STREET, SUITE 1122
ANCHORAGE, ALASKA 99503-5947
PHONE: (907) 269-8503
FAX: (907) 269-8904

June 3, 1998

**Kwethluk River
Interim Summary Report
Attachment 24**

Gust C. Panos, Chief
Branch of Mapping Sciences
Bureau of Land Management
Alaska State Office
222 W.7th Avenue, #13
Anchorage, AK 99513-7599

RE: Survey Window 2029 /IC's 142, 213, 610, 633, and 675

Dear Mr. Panos:

We have reviewed your memorandum, dated January 13, 1998, for Survey Window 2029, identifying navigable waters on public lands selected under ANCSA. It does not address waters within already conveyed lands. Survey Window 2029 is described as consisting of 238 inholdings located in 48 townships within the Yukon Delta National Wildlife Refuge. The state would like to offer the following comments to be considered before survey.

First, the state agrees that the Kasigluk River and an unnamed stream in T. 5 N., R. 72 W., S. M. are meanderable. The state also agrees that Lomavik River is navigable along with the Kasigluk, Akulikutak, and Kushluk rivers and Net Creek.

Next, BLM stated that they were not considering the navigability of waterbodies associated with Native allotments that were encompassed by land previously conveyed by Interim Conveyances 142, 213, 610, 633, and 675. This was in response to Calista Corporation's request that no navigability redeterminations be made on previously conveyed lands within the Calista region. Regardless of Calista Corporation's request, the BLM is required to review navigability based on the current applicable standards. At a minimum, waters adjacent to or crossing selected allotments within this survey window should be evaluated consistent with the Department of the Interior's policy summarized in the March 16, 1976 memorandum from Associate Solicitor Hugh C. Garner, as well as the Ninth Circuit Court decision *Alaska v. Ahtna, Inc.*, 891 F.2d 1401 (9th Cir. 1989). The allotments that have been selected in this area remain in federal ownership until conveyed to the individual allottee. They do not constitute previously conveyed lands. The state suggests that BLM invite Calista Corporation to reconsider their request in light of the fact that

BLM is required to review navigability on these allotments before conveying them into private ownership.

The state has examined the information BLM provided in conjunction with the appropriate Master Title Plats and the U.S.G.S quadrangle maps. In general we found that it was almost impossible for the state to verify the allotment locations in relation to surrounding waters without reviewing individual aerial photographs. Because we have not reviewed the aerial photographs we may have inadvertently excluded an allotment from our review. However, based on available information, the state asserts that most of the waters in this region are continually used as an integral part of the communities transportation system, meet the standard of susceptibility as a highway of commerce and, consequently, should be meandered from any allotment survey.

The obviously navigable waters within this survey window are the Akulikutak, Kwethluk, and Kushluk rivers as well as Kuskokuak Slough. In addition to these rivers there are hundreds of tributaries and lakes that are susceptible to navigation. Numerous allotments within the survey window are located on or near each of these rivers. (See attached table)

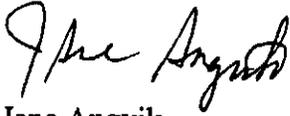
The Kuskokwim drainage is the second largest watershed in the state. Draining the slopes of the Alaska Range and the Kuskokwim Mountains, the main channel flows 680 miles to the Bering Sea south of the Yukon River. The Kuskokwim River and its interconnecting sloughs have been used for thousands of years for travel, subsistence, hunting and fishing. According to the Yukon Delta Refuge Final Comprehensive Conservation Plan (CCP), the U.S. Fish and Wildlife Service acknowledges the state's ownership of navigable water within the refuge. In the CCP, the U.S.F.W.S. acknowledged that the Kasigluk, Kuskowim, and the Tuluksak rivers are navigable..

Occupation of the Yukon Delta has been dated back to 7000 BC. Five to six groups of Yupik-speaking Eskimos lived in this area. Transportation among the groups was provided in open water seasons by both open skinboats and kayaks. Today, during the summer season boats are used on all the major rivers in the refuge. 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 watercraft. 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 boat use.

In conclusion, based on the information gathered, both locals and non-locals use all the rivers previously mentioned for a variety of activities which clearly demonstrates their susceptibility to use as a highway of commerce. Travel on these waterways is vital to the survival of the communities. All the waterways noted for this survey window meet the minimum BLM standards for navigability and should therefore, be meandered from the survey.

We appreciate your attention to the state's request to evaluate these waters consistent with your policy. If you would like to discuss our position or need additional information, please contact Kamie Simmons by phone at 267-2242.

Sincerely,



Jane Angvik
Director

cc: Jim Culbertson, DL
Bill Brown, DL
Terry Petterson, DL
Joanne Grace, DOL
Tina Cunning, ADF&G
Robin Willis, ADF&G
Calista Regional Corporation
Kokarmuit Corporation
Oscarville Native Corporation
Bethel Native Corporation
Napakiak Corporation
Napaskiak Corporation
Kwethluk Incorporated

TABLE A

Native Allotment Applications in Survey Window 2029
Adjacent to or straddling a River

AKULIKUTAK RIVER

	F-19256
F-16010	F-17056
F-14883-A2	F-17075
	F-17051

KWETHLUK RIVER

F-13559
F-16012
F-16483
F-19254
F-18289 Parcel C
F-15926
F-17221
F-17210
F-17222
F-17057

Tributaries of Kwethluk River

F-16181
F-17052
F-17210 Parcel B
F-17607
F-17078
F-17217

KUSHLUK RIVER

F-16009

KUSKOKUAK SLOUGH

F-17052 Parcel B
F-17217
F-17206
F-17066
F-18288



United States Department of the Interior

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

JLJ 6/17/98
ML 6-17-98
IST 6/17/98

**Kwethluk River
Interim Summary Report
Attachment 25**

Bethel-NA-FY'98
Goodnews Bay-NA-FY'98

JUN 17 1998 9600 (924)

Memorandum

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

From: Chief, Branch of Mapping Sciences (AK924)

Subject: 19 Additional Native Allotments in Survey Window 2700

The memorandum supplements our navigability report dated 11/7/97 for survey window 2700 that identifies navigable waters on lands selected under the Alaska Native Claims Settlement Act, and the Native Allotment Act. After review, I found no navigable waters within the 19 Native Allotment selections that lie in eight townships situated within either the Yukon Delta or Togiak National Wildlife Refuge.

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

Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198 feet or more in width are not described because, regardless of their navigability status, these water bodies are segregated on the survey plat. Only streams three chains or less in width and lakes fifty acres or less in size are reported. The following appendix lists those townships added to window 2700.

/s/ William C. Johnston
Acting

Appendix I

19 Additional Native Allotments in Window 2700 by Township
Seward MeridianT. 1 N., R. 62 W.

None on selected lands

T. 1 N., R. 63 W.

None on selected lands

T. 1 N., R. 64 W.

None on selected lands

T. 1 S., R. 62 W.

None on selected lands

T. 2 S., R. 62 W.

None on selected lands

T. 1 S., R. 63 W.

None on selected lands

T. 3 S., R. 63 W.

None on selected lands

T. 8 S., R. 67 W.

None on selected lands

cc:

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

State of Alaska
Department of Natural Resources
Realty Services Section
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Myron Naneng, President
Association of Village Council Presidents (AVCP)
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Bethel, Alaska 99559

Mike Reardon, Refuge Manager
Yukon Delta NWR
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Bethel, AK 99559

Aaron Archibeque, Refuge Manager
Togiak NWR
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Warren Keogh, Navigable Waters Specialist
Water Resources Branch
USFWS, Region 7
1011 E. Tudor Road
Anchorage, Alaska 99503

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

AK924:LLagstrom:ljl:addition.wp6

NAVIGABILITY REPORT: Eek River

BACKGROUND INFORMATION

There is one Native allotment that straddles the river near mile 126 within Sec. 18, T. 1 N., R. 63 W., SM. Two other Native allotments meander the river in T. 1 N., R. 64 W., SM.

A previous BLM navigability report for Window 1562 (Baird Inlet Quad File) dated 2/21/89 determined Eek River navigable to and through F-15812C in T. 1 N., R. 67 W., SM.

Local Name: Eek River - Var. Reka Ik., Eskimo name published as Ik by Lt. Sarachev (1826, map 3) It has been spelled Eek since 1880.¹

Nearest Settlement: Eek

Length of Water Body: Heads at 59°59' N., 160°05' W., flows NW 108 miles and joins Eenayarak River to form Eek Channel Kuskokwim River, 45 miles SW of Bethel, Yukon-Kuskokwim Delta. ² This report is based on the storet map which plots it over 150 miles.

Watershed: Eek Mountains

USGS Quadrangle(s) in selected area: USGS Bethel A-4, 1954

Aerial Photo (s) in selected area: CIR 60, Roll 10, July 1980, Frame 46

Was the water body Photo Interpreted? Yes by Scott Guyer - April 8, 1998. He began his photointerpretation at the end of the navigability determination dated 2/21/89. CIR 60, Roll 10, July 1980, Frames 51-44. Beginning at Sec. 19, T. 1 N., R. 66 W., the channel ranges between 1-2 chains wide, is clear except for occasional gravel bars and islands. The river begins to be predominately one chain wide southwest of Eek lake within Sec. 10, T. 1 N., R. 64 W. The channel increases meandering and is characterized by oxbows, sloughs and gravel bars. It continues to be one chain wide. Within Sec. 19, T. 1 N., R. 63 W., gravel bars increase and the width remains at a chain but shallowness from gravel bars may impede navigability. The stream appears open to Sec. 11, T. 1 S, R. 64 W., SM.

Was a Field Report/Interview Report created? An interview report was created March 13, 1998.

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
T. 1 N., R. 63 W.	18	126	NA FF-017241, YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: River

Water Body Bottom Characteristics: Gravel

Source	Bank to Bank Width	Mile
Kenneth Henry	20'-30' wide through the allotments	126
Fritz Petluska	30'-50' wide through the allotments	126
Scott Guyer	66'	122-134

Source	Impediments (nature)	Mile
Steven White	Few Strainers and sweepers along the edges	100
Kenneth Henry	Rocks and boulders	100
Fritz Petluska	Rocks, boulders, strainers, sweepers when you enter the mountains or near the Great Ridge.	100

Source	Depth (ft)	Mile
Steven White	1½'-3' in September- this deepest period lasts 6-8 days; During June, July and part of August it is about 6" and one has to drag the boat.	est. 45 air miles or 100 river miles
Kenneth Henry	1'-2' in shallow areas; 6' which lasts between 2-3 weeks in the fall.	118-128
Fritz Petluska	2' in shallow areas; 6'-8' deep around bends. This high water lasts about 2 weeks in September. It is too shallow in June, July and August to reach these allotments.	118-128
Johnny Hawk	3'-4' in September; the river becomes very narrow but deep beginning in T. 1 N., R. 66 W to mouth of a creek in Sec. 4, T. 1 N., R. 65 W. After this point, the river meanders and becomes so shallow one must traverse it with a jet boat.	3'-4' depth near mile 93 (below report area)

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

Historical:

In 1948 the Bureau of Mines began to prospect and mine at Rainy Creek which flows into Eek River near mile 140. They accessed the area by small aircraft from Bethel, a dozer along a winter trail from Cripple Creek via Canyon Creek and by dozer along a winter trail from Goodnews Bay in 1945 and 1946. The author reports: "It would be possible to reach this area during high water by ascending the Eek River from the Kuskokwim. This would not be practical because of the time required and the necessity for using a canoe or small poling boat on the upper reaches of the river. The exact distance has not been determined but it is estimated to be not less than 200 miles." ³

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

Steven White used to hunt around Breast Mountain every fall during September until four or five years ago. He used a 18' Lund with a 40-Horsepower propeller motor to reach this area when the river was at its highest. The deepest areas were about 3' deep and the shallowest areas 1½' deep. The river stayed high between 6-8 days.

Kenneth Henry said he will not boat to the Sawtooth Mountains unless there is another boat along because of the swift current and hidden boulders. In September 1996 during his hunting trip it rained every day and the river became very deep, however, as soon as the rain stopped, the river dropped very quickly. He stressed if there is no rain you cannot reach this area.

Fritz Petluska feels this area is accessible for about a two week period after the rain. He states, "If there is no rain, you cannot even reach the mountains."

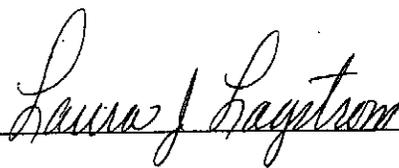
The two sons of Alfred Alexie whose Native allotment straddles Eek River, live in Kwethluk and have not been to their fathers parcel. They said traditionally, families would leave the villages near the end of January or February and travel by dog team to their "spring camps" situated in the mountains where they would hunt, trap and fish. Shortly after the ice went out and the rivers were high from snow run off, they would build wooden framed skin boats and drift downstream.

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

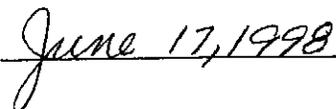
Navigable (explain):

I find the Eek River non-navigable within Native Allotment selection FF-017241 in T. 1 N., R. 63 W., SM. A majority of the villagers of Eek use 18' Lunds with 30-90 horsepower jet units to enable them to boat upstream to the base of Breast Mountain and the mouth of Kapon Creek in Sec. 20, T. 1 N., R. 63 W., SM. This can only be done after a significant amount of rain has fallen, usually in the fall during September. This high water period only lasts between 2-3 weeks. The river is only inches deep in the summer. They have reported there are years when they are not able to reach this far because of the lack of rain.

Report Prepared By:



Date:



NOTES

1. Orth, Donald J., Dictionary of Alaska Place Names, U.S. Geological Survey Professional Paper 567, Washington D.C., GPO 1967, p. 302
2. Ibid
3. Rutledge, F.A., Investigation of Rainy Creek Mercury Prospect, Bethel District, Kuskokwim Region, Southwestern Alaska, R.I. 4361, 7pp.

**NAVIGABILITY REPORT: Kwethluk River in
T. 1 N., Rs. 62 & 63 W., SM. and T. 1 S., Rs. 62 & 63, W., SM.**

BACKGROUND INFORMATION

There are three Native allotments that straddle the river between miles 117-125 (approximates). It was previously determined navigable within selected lands, "through T. 7 N., R. 69 W., and upstream to T. 3 N., R. 66 W., SM." See navigability report 11/6/91 for Group Survey 253, Window 1837 (Bethel Quad File).

Local Name: Kwethluk River

Nearest Settlement: Kwethluk situated 20 river miles upstream on the Kuskokwim from Bethel

Length of Water Body:

The Dictionary of Alaska Place Names states it flows 85 miles to Kuskokuak Slough which is 10 miles east of Bethel.¹ The storet map and several historical documents list it more than 135 miles long. A document by USFWS states the Kwethluk River is 138 miles long from its origin the Kilbuck Mountains to its mouth at the Kuskokwim River. It heads at an elevation of approximately 2000 ft. and flows 18 miles through glacially formed mountains, 62 miles through foothills, and finally through low tundra. The river is snow fed and clear for the first 60 miles below the headwaters before it becomes murky, slow and meandering.²

Watershed: Kilbuck Mountains

USGS Quadrangle(s) in selected area: Bethel A 4, B 4-5

Aerial Photo(s) in selected area: CIR 60, Roll 10, July 1980, Frames 186-188-189-191-193; CIR 60, Roll 3397, August 1984, Frames 8060 & 8061; CIR 60, Roll 3391, August 1984, Frame 44.

Was a Field Report/Interview Report created? An interview report was created March 13, 1998.

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
1 N., R. 63 W.	24	117	NA F-17051A, YDNWR
1 N., R. 62 W.	32, 33	121	NA F-19255, F-19257 B, YDNWR
1 S., R. 62 W.	6, 18, 7	127	AA8287, AA8288, AA8289, YDNWR
1 S., R. 62 W.	19,22,23, 25,26-30	127-135	Togiak National Wildlife Refuge, Togiak Wdns.
1 S., R. 63 W.	1	125	NA F-19253 A, F-19261, YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: River

Source	Bank to Bank Width	Mile
Alexander Nicori	30'-45' & 60' wide	Beyond Elbow Mt. (73+)
John Andrew	150'-200'	73 to spring camps (117-125)
Richard Long	100'	73 (Elbow Mountain)
Scott Guyer (photo-interpret)	66'-198' 66'-100' 50'-66' 20'+	73-105 Elbow Mt. to Crooked Cr. 105-117 Crooked Cr. To F-17051A 117 Anna Z. Andrew F-17051A 128 (approx. mileage)

Impediments

Source	Impediments (nature)	Mile
Alex Nicori	Gravel Bars and Shallow areas above Three Step Mountain	50+
John W. Andrew	Sweepers before Elbow Mountain Boulders and gravel bars above Crooked Creek	73- 105+
Richard Long	A few boulders	117+
John McDonald	Logs and sweepers	73
Max Angellan	Trees and boulders in places	

Source	Depth (ft)	Mile
Max Angellan	high water May 15-end of May for 2-3 weeks and Mid August-end of August for 2-3 weeks	to Breast Mt. (117)
Alexander Nicori	8'-15' High water 8'-9'-10'-15' Mid-May for a couple of weeks 1½'-2' from latter part of June to mid-July 2½'-12' in the fall after rains; 12' is around deep holes	to Breast Mt. (117+) to Breast Mt. (117+) to Breast Mt. (117+)
John W. Andrew	6" - 2' during June and July 10'-12' August or Sept.	above Elbow Mt. (73+) near mile 105
Richard Long	10' during high water in September- lasts 3-4 weeks	above Elbow Mt. (73+)

Other:

USES

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

Historical:

During 1986-87 Michael Coffing with the Department of Fish and Game studied the subsistence wildlife harvest and use for the community of Kwethluk. Michael interviewed seven elders from Kwethluk who described the seasonal subsistence activities between to 1900 to 1930. Beginning in late January or early February, families would leave the community of Kwethluk and head eastward over the Kuskokwim Mountains to Togiak Lake, Tikchik Lake and to the upper Aniak and Holitna River drainages hunting furbearers, moose, caribou and brown bear. Squirrel were hunted near Heart Lake near the headwaters of Kwethluk River. As snow melted, the men headed back west over the mountains to their camps where the women and children were trapping squirrel, and snaring ptarmigan and hare. The families left these camps and headed over to the Kwethluk, Kisaralik, Eek or Kanektok rivers where they built skin covered wooded-framed boats to drift downstream. The boats were made with spruce or cottonwood frames lashed together and covered with skin of caribou, reindeer, moose, brown bear or seal. These boats were capable of carrying several people, their gear, dried meat, and furs. The trip was often dangerous and the skin boats punctured easily. Swift water carried the rafts downstream at a relatively rapid speed. It took families approximately three days to reach Three Step Mountain, about 25 miles southeast of Kwethluk.³ In this report I did not find any references to the width, depth or the number of days, weeks, or months of ordinary or low/high water conditions.

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

Max Angellan uses a 20 Yukon Lund with a 40 horsepower jet drive and said he only boats up to this area of the allotments during high water conditions which last from mid-May to the end of May and from mid-August to the end of August.

Alexander Nicori said that people from Bethel use jet boats near the end of August and into September to hunt moose and caribou around Crooked Creek. Nicori said the allottees and their families now fly in and fly out in the fall when they go to subsistence hunt.

John Andrew said that during June and July one cannot boat past Elbow Mountain which is 73 miles upstream but only during high water conditions which occur after spring melt and fall rain. Even then, it is only deep between two to four weeks.

Willie Andrew has not been up to Crooked Creek or Breast Mountain since he was a little boy but reported that because of the Alaska Native Claims Settlement Act, local people chose these allotments far up the Kwethluk River because that is where they traditionally had their spring

camps. During March-April they would travel to their spring camps by dog team and near the end of May, descend in a skin boat. But since 1990, local people have used jet outboards because the river is too shallow for propeller driven boats.

Indirect Evidence: The casefile field exams for F-19253, F-19261, AA-8288, AA-8289 contain pictures of the BLM markers and a few pictures of the river which show it to be very shallow as evidenced by the riffles and gravel bars. The field exams were done July 30, 1974.

Susceptibility
Public Opinion (susceptibility to use): In 1995 the USFWS decided to permit commercial rafting down the Kwethluk River. Kuskokwim Wilderness Adventures applied for a permit, however, a coalition called "The Kwethluk Joint Group" successfully opposed the plan because they felt that opening up this commercial activity would further encourage commercial uses which would harm salmon habitat. To date, no commercial rafting activities are permitted on the river. ⁴

John McDonald with Kuskokwim Wilderness Adventures said under normal water flow, propeller driven boats could reach Three Step Mountain and during a high water period to Elbow Mountain but beyond that, the river is very shallow and can only be ascended during periods of extremely high water which only last a short time.

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

Navigable (explain):

I find the Kwethluk River non-navigable within three Native Allotment selections that straddle the Kwethluk River in T. 1 N., Rs. 62 & 63 W., and T. 1 S., R. 63 W., SM. Kwethluk and Bethel residents report that this area can only be boated during spring and fall high water conditions which last 2-3 weeks and only with jet boats with light loads. Additionally, a local commercial rafting company has stated that it would be impossible to reach this far upstream unless the river was extremely high and if so, only for a short period of time. Beyond Elbow Mountain the river is filled with sweepers, boulders, gravel bars and logs. The evidence presented doesn't support its use or susceptibility for use as a route for travel, trade and commerce.

Prepared By: Laura J. Hagstrom Date:

NOTES

1. Orth, J. Donald, Dictionary of Alaska Place Names, U.S. Geological Survey Professional Paper 567, Washington D.C.: GPO 1967, p. 558.
2. Brown, Mike, Paniyak, Phillip, Lapin, Marc, "General Biological Inventory of the Kwethluk River" 1985, U.S. Fish and Wildlife Service, YDNWR, Bethel, AK 99559
3. Coffing, Michael W., Kwethluk Subsistence: Contemporary Land Use Patterns, Wild Resource Harvest and Use, and the Subsistence Economy of a Lower Kuskokwim River Area Community, Alaska Department of Fish and Game, Division of Subsistence, Juneau, AK 1991, p. 30
4. Raft trips rile village of Kwethluk, *The Tundra Drums*, Thursday, 12 January 1995.
Kwethluk River controversy may go to court, *The Tundra Drums*, Thursday, 19 January 1995.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599
<http://www.ak.blm.gov>



**Kwethluk River
Interim Summary Report
Attachment 26**

NOV -9 2006

9600 (927)
Bethel- NA-FY 2007
AA-082909 (2568)

Memorandum

To: Chief, Branch of Adjudication 1 (963)

From: Chief, Navigability Section (927)

Subject: Navigable Waters within (Veterans) Native Allotment Application
AA-082909.

This purpose of this memorandum is to identify navigable waters, if any, on certain public lands, within the above-listed Native allotment application. These lands are situated upland and along the left bank (westerly) of the Kwethluk River, within Sec. 18, T. 5 N., R. 67 W., SM. The authority to identify navigable waters on these selected lands rests in the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act.

In reviewing the application we utilized the case file field report, MTPs, topographic quad (Bethel C-6) and color infra-red aerial photo (CIR 60, Roll 3112, Frame 413 (1982)). It has been determined that no significant water bodies are present that would warrant additional investigation in regards to them being navigable.

Danisha Dankeher



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7599
<http://www.ak.blm.gov>

R. Buttle 3.20.06

4412



**Kwethluk River
Interim Summary Report
Attachment 27**

[Signature]
F-14883-A (2651)¹
(963) lls/jak

APRIL 06 2006

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Kwethluk Incorporated
P. O. Box 80
Kwethluk, Alaska 99621

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

Ladies and Gentlemen:

We are pleased to send you copies of the enclosed corrected conveyance documents.

The originals have been sent to the State Recorder's Office and will be sent to you upon recordation (see enclosed copy of Recordation letter).

As a result of the corrected conveyances, the Bureau of Land Management (BLM) is crediting compensatory acreage to your remaining land entitlement in the amount of 321.89 acres.

¹ F-14883 (2651); F-14883-EE (75.4); AA-53428, Parcel A, AA-53428, Parcel B, AA-57380, Parcel A, AA-57380, Parcel B, and F-16181, Parcel B all case type (2561)

Thank you for helping us to expedite the land transfer program by participating in the conveyance correction process.

Sincerely,

/s/ Krissell Crandall

Krissell Crandall
Chief, Branch of Adjudication I

Enclosures:

Corrected Interim Conveyance(s)
Letter to Recorder's Office

Copy (w/ Corrected Interim Conveyance documents) furnished to:

Bureau of Indian Affairs
Attn: Ron Hunt, Native Allotment Coordinator
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Organized Village of Kwethluk
P. O. Box 127
Kwethluk, Alaska 99621-0127

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

Alaska Regional Office
U.S. Fish and Wildlife Service
1011 East Tudor Rd.
Anchorage, Alaska 99503

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Realty Services Section
550 West Seventh Avenue, Suite 1050A
Anchorage, Alaska 99501-3579

State of Alaska
Department of Fish and Game
Division of Sport Fish
ATTN: Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599

State of Alaska
Department of Transportation and Public Facilities
Attn: John F. Bennett, Chief Right-of-Way Branch
Northern Region
2301 Peger Road, MS 2553
Fairbanks, Alaska 99709-5316

State of Alaska
Department of Commerce,
Community and Economic Development
Division of Community Advocacy
ATTN: Keith Jost
550 West Seventh Avenue, Suite 1770
Anchorage, Alaska 99501

Federal Aviation Administration
ATTN: Acquisition and Real Estate Branch, AAL-59
222 West Seventh Avenue, #14
Anchorage, Alaska 99513-7587

Department of Homeland Security
United States Coast Guard
Commander (s)
MLC Pacific
1301 Clay Street, Suite 700N
Oakland, California 94612-5203

FM-AK (020)

Deputy Chief, Branch of Adjudication I (963)

ANCSA Acreage Control (961)

Escrow (961)

+

The United States of America

Corrected Interim Conveyance

F14833-A

This document corrects Interim Conveyance No. 213, dated July 12, 1979, recorded in Book 28 beginning at Page 106, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Kwethluk Incorporated, P. O. Box 109, Kwethluk, Alaska, 99621, as GRANTEE, for lands in the Bethel Recording District.

WHEREAS

Kwethluk Incorporated

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 213. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-53428 A	Olinka Jackson	U.S. Survey 11754
AA-53428 B	Olinka Jackson	U.S. Survey 11715
AA-57380 A	John Nose	Lot 2, U.S. Survey 6139 & Lots 1 and 2, U.S. Survey 12299
AA-57380 B	John Nose	U.S. Survey 11728
F-16181 B	Katherine S. Alexie	Lot 1, U.S. Survey 11731

THEREFORE, Interim Conveyance No. 213 is corrected in part to read:

Seward Meridian, Alaska

- ✓ T. 6 N., R. 68 W.,
Sec. 4, excluding U.S. Survey 11715.
- ✓ T. 7 N., R. 68 W.,
Sec. 28, excluding U.S. Survey 6061 and
U.S. Survey 11728;
Sec. 33, excluding U.S. Survey 11728.
- T. 7 N., R. 69 W.,
Sec. 3, excluding U.S. Survey 5945 and
U.S. Survey 11731.
- ✓ T. 8 N., R. 69 W.,
Sec. 4, Lots 1, 2, 4 and 5, excluding
U.S. Survey 6134 and U.S. Survey 5747;
Sec. 14, Lots 3, 4, 5 and 6, excluding
U.S. Survey 6139 and U.S. Survey 12299.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 213 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 6th day of April, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Krissell Crandall

Krissell Crandall
Chief, Branch of Adjudication I

Return Recorded Document to:
Kwethluk Incorporated
P.O. Box 109
Kwethluk, Alaska 99621

Interim Conveyance No. _____

1964

Page 2 of 2

The United States of America

Corrected Interim Conveyance

F14833-A

This document corrects Interim Conveyance No. 214, dated July 12, 1979, recorded in Book 28 beginning at Page 291, Bethel Recording District, and is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel Recording District.

WHEREAS

Calista Corporation

is entitled to receive a corrected interim conveyance pursuant to Sec. 18(d) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended by Sec. 301 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. § 1617(d). This corrected interim conveyance is issued for the limited purpose of excluding the Native allotment parcels listed below from the lands transferred by Interim Conveyance No. 214. The parcels to be excluded were segregated from the conveyed lands by survey.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-53428 A	Olinka Jackson	U.S. Survey 11754
AA-53428 B	Olinka Jackson	U.S. Survey 11715
AA-57380 A	John Nose	Lot 2, U.S. Survey 6139 & Lots 1 and 2, U.S. Survey 12299
AA-57380 B	John Nose	U.S. Survey 11728
F-16181 B	Katherine S. Alexie	Lot 1, U.S. Survey 11731

THEREFORE, Interim Conveyance No. 214 is corrected in part to read:

Seward Meridian, Alaska

T. 6 N., R. 68 W.,
Sec. 4, excluding U.S. Survey 11715.

T. 7 N., R. 68 W.,
Sec. 28, excluding U.S. Survey 6061 and
U.S. Survey 11728;
√ Sec. 33, excluding U.S. Survey 11728.

T. 7 N., R. 69 W.,
Sec. 3, excluding U.S. Survey 5945 and
U.S. Survey 11731.

T. 8 N., R. 69 W.,
√ Sec. 4, Lots 1, 2, 4 and 5, excluding
U.S. Survey 6134 and U.S. Survey 5747;
Sec. 14, Lots 3, 4, 5 and 6, excluding
U.S. Survey 6139 and U.S. Survey 12299.

This correction affects only the above-listed sections. The remainder of Interim Conveyance No. 214 remains unchanged and in full force and effect.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 6th day of April, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

/s/ Krissell Crandall

Krissell Crandall
Chief, Branch of Adjudication I

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

Interim Conveyance No. 1965



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Alaska State Office

222 West Seventh Avenue, #13

Anchorage, Alaska 99513-7599

<http://www.ak.blm.gov>

Out of Order 12/14/06

K. Marcum 12/14/06

F-14838-B (2651) ✓

F-14838-B2 (2651)

AA-76381 (2627)

AA-76383 (2627)

F-14838-EE (75.4)

(964) kbm/dke/sla

**Kwethluk River
Interim Summary Report
Attachment 28**

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DEC 15 2006

DECISION

Bethel Native Corporation	:	F-14838-B and F-14838-B2
P.O. Box 719	:	Village Selection Applications
Bethel, Alaska 99559-0719	:	
Calista Corporation	:	
Attn: Land Department	:	
301 Calista Court, Suite A	:	
Anchorage, Alaska 99518-3028	:	
State of Alaska	:	AA-76381 and AA-76383
Department of Natural Resources	:	State Selection Applications
Division of Mining, Land and Water	:	
Realty Services Section	:	
550 West Seventh Avenue, Suite 1050A	:	
Anchorage, Alaska 99501-3579	:	
U.S. Fish and Wildlife Service	:	Yukon Delta National Wildlife Refuge
Division of Realty, Mail Stop 211	:	
Chief, Branch of Operations	:	
1011 East Tudor Road	:	
Anchorage, Alaska 99503	:	

State Selection Applications Rejected
Village Selection Applications Rejected
Lands Proper for Village Selection
Approved for Conveyance

On April 27, 2004, Bethel Native Corporation, for the Native village of Bethel, filed selection applications F-14838-B and F-14838-B2 under the provisions of Secs. 12(a) and 12(b), respectively, of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1611(a) and (b), for certain lands withdrawn by Secs. 11(a)(3) and 22(j)(2) of ANCSA, as amended by Sec. 1410 of the Alaska National Interest Lands Conservation Act (ANILCA), Pub. L. 96-487, 94 Stat. 2743, via PLOs 5392, 5442, and 7595. These lands are in the vicinity of the Kwethluk River at Three Step Mountain and the Tuluksak River, approximately 30 miles east of the Native village of Tuluksak. The selections include lands within the Yukon Delta National Wildlife Refuge. The selections also include lands whose subsurface estate was previously conveyed to Calista Corporation under application AA-8099-1.

STATE SELECTION APPLICATIONS REJECTED

On December 31, 1992, the State of Alaska filed selection applications AA-76381 and AA-76383, under the provisions of Sec. 6 of the Alaska Statehood Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, for certain lands approximately 30 miles east of the Native village of Tuluksak. These lands had been withdrawn in 1973 under Sec. 11(a)(3) of ANCSA via PLO 5392 for selection by Native villages. In 2004, they were rewithdrawn under Sec. 22(j)(2) of ANCSA, as amended by Sec. 1410 of ANILCA, via PLO 7595 for selection solely by Bethel Native Corporation. Sec. 22(j)(2) of ANCSA provides for the rewithdrawal of lands validly selected by the State but not tentatively approved for underselected villages. The State selection applications describe lands which were validly selected on April 27, 2004 by Bethel Native Corporation in village selection applications F-14838-B and F-14838-B2, in an area rewithdrawn under Section 22(j)(2), and are herein approved for conveyance. The State selection applications identified below are therefore rejected as to the lands described below:

Seward Meridian, Alaska

AA-76381

T. 11 N., R. 61 W.,
Sec. 3, E½.

Containing approximately 320 acres.

AA-76383

T. 12 N., R. 61 W.,
Sec. 34, E½.

Containing approximately 320 acres.

Aggregating approximately 640 acres.

The acreage rejected will not be charged against the village corporation's 69,120-acre limitation under Sec. 12(a)(1) of ANCSA as State-selected lands.

Further action on State selection applications AA-76381 and AA-76383 as to those lands not rejected herein will be taken at a later date.

VILLAGE SECTION 12(b) SELECTION APPLICATION REJECTED

Bethel Native Corporation filed selection application F-14838-B2 pursuant to Sec. 12(b) of ANCSA for certain lands concurrently selected pursuant to Sec. 12(a). Selection application F-14838-B2 is hereby rejected as to the lands described below, which are a portion of the lands herein approved for conveyance. Further action on case file F-14838-B2 as to the lands not rejected herein will be taken at a later date.

Seward Meridian, Alaska

T. 12 N., R. 61 W.,
Secs. 31 to 34, inclusive.

Containing approximately 2,528 acres.

T. 10 N., R. 62 W.,
Sec. 1;
Secs. 12 and 13, excluding U.S. Survey No. 12107.

Containing approximately 1,747 acres

T. 5 N., R. 68 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

Containing approximately 5,590 acres.

Aggregating approximately 9,865 acres.

VILLAGE SECTION 12(a) SELECTION APPLICATION REJECTED

Bethel Native Corporation filed selection application F-14838-B pursuant to Sec. 12(a) of ANCSA for certain lands concurrently selected pursuant to Sec. 12(b). Selection application F-14838-B is hereby rejected as to the lands described below, which are a portion of the lands herein approved for conveyance. Further action on case file F-14838-B as to the lands not rejected herein will be taken at a later date.

Seward Meridian, Alaska

T. 10 N., R. 61 W.,
Secs. 5, 6, and 7;
Sec. 8, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;
Sec. 16, excluding mining claims AA-30687,
AA-30694, AA-30695, AA-30696, AA-30697,
AA-30698, and AA-30699;
Sec. 17, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;
Sec. 18.

Containing approximately 4,198 acres.

T. 11 N., R. 61 W.,
Secs. 3 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.

Containing approximately 7,524 acres.

Aggregating approximately 11,722 acres.

LAND APPROVED FOR CONVEYANCE

As to the lands described below, village selection applications F-14838-B and F-14838-B2 are properly filed and meet the requirements of ANCSA and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title; neither do they include any submerged lands which passed to the State of Alaska under the Equal Footing Doctrine, U.S. Const. art. IV, § 3, and Sec. 6(m) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339.

In view of the foregoing, the surface estate of the land described below, selected pursuant to Sec. 12(a) and 12(b) of ANCSA, aggregating approximately 21,587 acres, is considered proper

for acquisition by Bethel Native Corporation and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Section 12(a) Lands

Seward Meridian, Alaska

T. 12 N., R. 61 W.,
Secs. 31 to 34, inclusive.

Containing approximately 2,528 acres.

T. 10 N., R. 62 W.,
Sec. 1;
Secs. 12 and 13, excluding U.S. Survey No. 12107.

Containing approximately 1,747 acres.

T. 5 N., R. 68 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

Containing approximately 5,590 acres.

Aggregating approximately 9,865 acres.

Section 12(b) Lands

Seward Meridian, Alaska

T. 10 N., R. 61 W.,
Secs. 5, 6, and 7;
Sec. 8, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;
Sec. 16, excluding mining claims AA-30687,
AA-30694, AA-30695, AA-30696, AA-30697,
AA-30698, and AA-30699;
Sec. 17, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;
Sec. 18.

Containing approximately 4,198 acres.

T. 11 N., R. 61 W.,
Secs. 3 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.

Containing approximately 7,524 acres.

Aggregating approximately 11,722 acres.

Total aggregating approximately 21,587 acres.

The lands excluded in the above description include properly recorded mining claims and are not being approved for conveyance at this time. Lands withdrawn under Sec. 11(a)(3) of ANCSA are only to be unreserved, vacant, and unappropriated public lands. Valid mining claim recordations, even though unpatented, are appropriations. Therefore, properly recorded mining claims are excluded from conveyances within deficiency lands like those being approved for conveyance here. These exclusions do not constitute a rejection of the village's selection application, unless specifically stated.

Only uplands are charged against entitlement. Submerged lands, if any, beneath rivers or streams 3 chains (198 feet) wide and wider, lakes 50 acres in size and larger, navigable water bodies of lesser size, and lands covered by tidal waters up to the line of mean high tide are excluded from the acreage charge, as provided by Sec. 901 of the Alaska National Interest Lands Conservation Act of December 2, 1980, as amended by the Act of August 16, 1988, 43 U.S.C. § 1631. The submerged lands will be identified at the time of survey and the acreage charge adjusted accordingly.

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

1. The subsurface estate therein, except where previously conveyed to Calista Corporation, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b) (1976), the following public easements, referenced by Easement Identification Number (EIN) on the easement maps, copies of which can be found in the Bureau of Land Management's public land records, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

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

100 Foot Proposed Road - The uses allowed on a one hundred (100) foot wide road easement are: travel by foot, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, small and large all-terrain vehicles (ATV's), tracked vehicles, four-wheel-drive vehicles, automobiles, and trucks.

- a. (EIN 25 C5, D9) An easement twenty-five (25) feet in width for an existing access trail from public lands in T. 10 N., R. 63 W., Seward Meridian, easterly and then northeasterly to public lands in T. 12 N., R. 59 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- b. (EIN 40 C5) An easement one hundred (100) feet in width for a winter road from public lands in T. 10 N., R. 63 W., Seward Meridian, easterly and then northeasterly to public lands in T. 12 N., R. 59 W., Seward Meridian. The uses allowed are those listed above for a one hundred (100) foot wide road easement. The season of use will be limited to winter.

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

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b)(2) (1976), any valid existing right recognized by the Alaska Native Claims Settlement Act shall continue to have whatever right of access as is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

CONVEYANCE OF SUBSURFACE ESTATE

Pursuant to Sec. 14(f) of ANCSA, 43 U.S.C. § 1613(f), and Departmental regulation 43 CFR § 2652.4, conveyance of the federally-owned subsurface estate shall be issued to Calista Corporation when the surface estate is conveyed to Bethel Native Corporation and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop, or remove minerals from the subsurface estate in lands within the boundaries of the Native village of Bethel shall be subject to the consent of Bethel Native Corporation. On April 15, 1996, and July 18, 1996, Calista Corporation received title to the subsurface estate of the lands described below, the surface estate of which is herein approved for conveyance to Bethel Native Corporation, in IC Nos. 1677 and 1691, respectively, under selection application AA-8099-1:

Seward Meridian, Alaska

T. 10 N., R. 61 W.,

Sec. 7;

Sec. 8, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;

Sec. 16, excluding mining claims AA-30687,
AA-30694, AA-30695, AA-30696, AA-30697,
AA-30698, and AA-30699;

Sec. 17, excluding mining claims AA-30687,
AA-30688, AA-30689, AA-30690, AA-30691,
AA-30692, and AA-30693;

Sec. 18.

Containing approximately 2,938 acres.

T. 10 N., R. 62 W.,

Secs. 12 and 13.

Containing approximately 1,107 acres.

Aggregating approximately 4,045 acres.

The subsurface estate of the lands described above is not available to Calista Corporation under Sec. 14(f) because it has already been conveyed to the corporation in IC Nos. 1677 and 1691. Therefore, the total subsurface estate acreage approved for conveyance to Calista Corporation pursuant to Sec. 14(f) is approximately 17,542 acres.

SURFACE ESTATE ENTITLEMENT SUMMARY

Bethel Native Corporation, for the Native village of Bethel, is entitled to conveyance of 161,280 acres of land selected pursuant to Sec. 12(a) of ANCSA and 77,331.93 acres of land selected pursuant to Sec. 12(b) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance pursuant to Sec. 12(a) is approximately 155,602 acres and the total acreage conveyed or approved for conveyance pursuant to Sec. 12(b) is approximately 75,372 acres. The remaining entitlement of approximately 5,678 acres pursuant to Sec. 12(a) and approximately 1,960 acres pursuant to Sec. 12(b) will be conveyed at a later date.

GENERAL INFORMATION

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

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

APPEAL PROVISIONS

A Federal agency, a regional corporation, or any party claiming a property interest in lands affected by this decision may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals. See DOI Form 1842-1 and 43 CFR Part 4, enclosed, for instructions.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty days from receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, parties who failed or refused to sign their return receipt, and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until JAN 15 2007 to file an appeal.

The appellant has the burden of showing that the decision appealed from is in error. Failure to file the notice of appeal with the Bureau within the time allowed will result in dismissal of the appeal. In order to avoid dismissal of the appeal, there must be strict compliance with the regulations.

/s/ Kara Marciniac

Kara Marciniac
Land Law Examiner
Branch of Adjudication II

Enclosures:
Form 1842-1
Appeal regulations
Plats
Maps
Acreage calculation sheet

Copy furnished to:

State of Alaska (CM-RRR)
Department of Fish and Game
Division of Sport Fish
ATTN: Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599
(w/plats and maps)

State of Alaska
Department of Transportation and Public Facilities
ATTN: Chief, Right-of-Way Branch
Central Region
4111 Aviation Avenue
Anchorage, Alaska 99502-1058
(w/plats and maps)

Federal Aviation Administration
ATTN: Acquisition & Real Estate Branch, AAL-59RE
222 West Seventh Avenue, #14
Anchorage, Alaska 99513-7587
(w/plats and maps)

United States Coast Guard
Commander (s)
MLC Pacific
1301 Clay Street, Suite 700N
Oakland, California 94612-5203
(w/plats and maps)

United States Coast Guard
Commander (DPR)
17th Coast Guard District
P.O. Box 25517
Juneau, Alaska 99801-5517
(w/plats and maps)

U.S. Fish and Wildlife Service
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559
(w/plats and maps)

Sharon McClintock (CM-RRR)
McClintock Land Associates, Inc.
11940 Business Boulevard
Suite 205
Eagle River, Alaska 99577
(w/ plats and maps)

Branch of Mineral Law (940)

AK FM (040)

ANCSA Acreage Control (961)

Deputy Chief, Branch of Adjudication II (964)

Escrow (961)

Pat Moreno (961)
(w/acreage calculation spreadsheet)

**Kwethluk River
Interim Summary Report
Attachment 29**

COPY

The United States of America

Interim Conveyance

F-14838-B
F-14838-B2

This Interim Conveyance is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to the Bethel Native Corporation, P.O. Box 719, Bethel, Alaska 99559-0719, as GRANTEE, for lands in the Bethel and Kuskokwim Recording Districts.

WHEREAS

Bethel Native Corporation

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

Seward Meridian, Alaska

T. 10 N., R. 61 W.,
Secs. 5 and 6.

Containing approximately 1,260 acres.

T. 11 N., R. 61 W.,
Secs. 3 to 8, inclusive;
Secs. 17 to 20, inclusive;
Secs. 30 and 31.

Containing approximately 7,524 acres.

Interim Conveyance No. _____

2063

Page 1 of 3

COPY

T. 12 N., R. 61 W.,
Secs. 31 to 34, inclusive.

Containing approximately 2,528 acres.

T. 10 N., R. 62 W.,
Sec. 1.

Containing approximately 640 acres.

T. 5 N., R. 68 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

Containing approximately 5,590 acres.

Aggregating approximately 17,542 acres.

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

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted, the subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f).

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

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1616(b)(2) (1976),

COPY

any valid existing right recognized by the Alaska Native Claims Settlement Act shall continue to have whatever right of access as is now provided for under existing law; and

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

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of January, 2007, in Anchorage, Alaska.

UNITED STATES OF AMERICA

15/ mark W. Fullmer

Mark W. Fullmer
Chief, Branch of Adjudication II

Return Recorded Document to:

Interim Conveyance No. 2063

COPY

The United States of America

Interim Conveyance

F-14838-B
F-14838-B2

This Interim Conveyance is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to the Calista Corporation, Land Department, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Bethel and Kuskokwim Recording Districts.

WHEREAS

Calista Corporation

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

Interim Conveyance No. **2063**

Seward Meridian, Alaska

T. 10 N., R. 61 W.,
Secs. 5 and 6.

Containing approximately 1,260 acres.

T. 11 N., R. 61 W.,
Secs. 3 to 8, inclusive;
Secs. 17 to 20, inclusive;

Interim Conveyance No. **2064**

COPY

Secs. 30 and 31.

Containing approximately 7,524 acres.

T. 12 N., R. 61 W.,
Secs. 31 to 34, inclusive.

Containing approximately 2,528 acres.

T. 10 N., R. 62 W.,
Sec. 1.

Containing approximately 640 acres.

T. 5 N., R. 68 W.,
Secs. 1, 2, and 3;
Secs. 10 to 15, inclusive.

Containing approximately 5,590 acres.

Aggregating approximately 17,542 acres.

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

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

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. All the easements and rights-of-way referenced in the aforementioned conveyance of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete

2064

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enjoyment of all rights, privileges, and benefits thereby granted to him;
and

3. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act, 43 U.S.C. § 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village of Bethel shall be subject to the consent of Bethel Native Corporation.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set his hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of January, 2007, in Anchorage, Alaska.

UNITED STATES OF AMERICA

151 Mark W. Fullmer

Mark W. Fullmer
Chief, Branch of Adjudication II

Return Recorded Document to:

Interim Conveyance No. 2064

Page 3 of 3



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 W. Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov/ak>



**Kwethluk River
Interim Summary Report
Attachment 30**

9600 (927) rss/klf

Baird Inlet-VS-FY2007
Bethel-VS-FY 2007
Marshall-VS-FY 2007
F-14835-A (2651)¹

MAR 1 5 2007

Memorandum

To: Chief, Branch of Survey Planning and Preparation (927)

From: Chief, Navigability Section (927)

Subject: Navigable Waters within Survey Group Nos. 140, 268, and 284

Introduction

This memorandum identifies navigable waters on certain surveyed and unsurveyed lands within sixty-six (66) townships, including pending ANCSA-selected and Interim-Conveyed lands within Survey Group Nos. 140, 268, and 284 located in the Calista Region. These lands, located within the Yukon Delta National Wildlife Refuge, encompass multiple village areas consisting of Atmaultluak, Bethel, Kasigluk, Kwethluk, Napakiak, Napaskiak, Nunapitchuk, and Oscarville. The authority to identify navigable waters on selected lands rests in the Native Allotment Act, the Alaska Statehood Act, and the Alaska Native Claims Settlement Act.

The Appendix lists the 66 townships addressed by this report. For each township, the navigable waters, if any, are identified and previous navigability determinations are referenced. Navigability determinations have been made for all of the townships in the Appendix. This document serves to affirm those earlier reports. If water bodies are not listed in the Appendix, they are non-navigable as they are either landlocked, too short, steep-in-gradient, narrow, or shallow for travel, trade and commerce.

¹ F-14835-A2 (2651), F-14838-A (2651), F-14838-A2 (2651), F-14873-A (2651), F-14873-A2 (2651), F-14883-A (2651), F-14883-A2 (2651), F-14901-A (2651), F-14901-A2 (2651), F-14902-A (2651), F-14902-A2 (2651), F-14914-A (2651), F-14914-A2 (2651), F-14916-A (2651), F-14916-A2 (2651), F-14835-EE (75.04), F-14838-EE (75.04), F-14873-EE (75.04), F-14883-EE (75.04), F-14901-EE (75.04), F-14902-EE (75.04), F-14914-EE (75.04), F-14916-EE (75.04)

The Appendix lists Kayigyalik Lake as navigable within Secs. 1-4, 6-11, 14-23, 26-31, and 33-35, T. 11 N., R. 74 W., and Secs. 1 and 12, T. 10 N., R. 75 W., Seward Meridian, and cited the Decision to Approve for Interim Conveyance or Patent (DIC) of July, 25, 1980. Although the subject land description was not included in the DIC, a portion of lands encompassing the navigable lake were included in the decision and a statement that Kayigyalik Lake had been determined navigable.

The Navigability Determination of May 8, 1989, containing navigability information for the villages of Atmautluk, Kasigluk, Nunapitchuk, Bethel, and Kwethluk, within the review area was not used in this report. As the subject document identified navigable water bodies on ANCSA-selected lands based on aerial photo interpretation, we are deferring to the original navigability determinations which were based on travel, trade and commerce.

Lands within T. 7 N., R. 68 W., Seward Meridian, were not included in this report. This township will be addressed at a later date.

Spelling Discrepancies

Upon reviewing previous navigability determinations, navigability maps, and USGS Quadrangle Maps for two village areas, we found a discrepancy in the spelling of a large lake found navigable. The determinations and accompanying navigability maps for the villages of Kasigluk and Nunapitchuk referred to the subject navigable water body as Kyigayalik Lake. However, the majority of USGS Quadrangle Maps referred to the water body as Kayigyalik Lake. We used the Kayigyalik spelling in our Appendix, as this was the correct spelling according to the Dictionary of Alaska Place Names (United States Department of the Interior, Geological Survey Professional Paper 567).

We also found a discrepancy in the spelling of a river found navigable within certain lands selected by Napakiak and Nunapitchuk. The determination of December 16, 1998, referred to the subject waterway as the Kutukhum River. The USGS Quadrangle Maps referred to the waterway as the Kutukhun River. We used the Kutukhum spelling in our Appendix, as this was the correct spelling according to the Dictionary of Alaska Place Names (United States Department of the Interior, Geological Survey Professional Paper 567).

Survey Information

Final entitlement survey is scheduled for these lands in FY-2007. Approximately half the townships listed in the Appendix have been surveyed. The survey plats have been reviewed in accordance with the navigability determinations from previous reports and from the ANCSA Sec. 17(b) quadrangles affecting IC'd lands. The survey plats appear to accurately depict the navigable water bodies; therefore, no supplemental plats are required.

Criteria

In assessing the navigability of inland water bodies, the BLM relies upon Federal administrative case law and the advice of the Interior Department's Solicitor's Office. The classic definition of navigable waters is found in *The Daniel Ball*, 77, U.S. (10 Wall.) 557 (1870). Pertinent DOI Office of the Solicitor's opinions include Associate Solicitor Hugh Garner's memo of March 16, 1976, ("Title to submerged lands for purposes of administering

ANCSA”) and Regional Solicitor John Allen’s memo of February 25, 1980 (“Kandik, Nation Decision on Navigability”). The agency is also guided by the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988.

Wamunua VanKoten

Attachment:

Appendix

cc:

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Navigability Unit
550 W. 7th Avenue, Suite 1330
Anchorage, Alaska 99501-3514
Attn: Scott Ogan

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Realty Services Section
550 W. 7th Avenue, Suite 1050A
Anchorage, Alaska 99501-3514
Via Inter-Office Mail Service

State of Alaska
Department of Fish and Game
Division of Sport Fish
333 Raspberry Road
Anchorage, Alaska 99518-1599
Attn: Ellen Simpson

U.S. Fish and Wildlife Service
Water Resources Division
1011 East Tudor Road
Anchorage, Alaska 99503
Attn: Warren Keogh

U.S. Fish and Wildlife Service
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559

Atmautluak, Ltd.
P.O. BOX 6548
Atmautluak, Alaska 99559-9999

Bethel Native Corporation
P.O. Box 719
Bethel, Alaska 99559-0719

Kasigluk, Incorporated
P.O. Box 39
Kasigluk, Alaska 99609-0039

Kwethluk, Incorporated
P.O. Box 109
Kwethluk, Alaska 99621

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

Napaskiak Incorporated
P.O. Box 6069
Napaskiak, Alaska 99559-0069

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

Oscarville Native Corporation
General Delivery
Oscarville, Alaska 99559

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

Chief, Branch of Lands and Realty (932)

Chief, Branch of Preparation and Resolution (962)

Chief, Branch of Adjudication II (964)

Anchorage Field Office (040)

Rory Spurlock (927)

Maria Rivero-Folmar (954C)
(Electronic Copy)

Group File Nos. 140, 268, and 284

Groups 140, 268, and 284 (Field packets)

Dominica Van Koten (927)

K. J. Mushovic (961)

Appendix

Navigable Waters Within Lands Encompassing Group Survey Nos. 140, 268, and 284

Seward Meridian, Alaska

T. 6 N., R. 67 W.

Secs. 1-3, 6, 7, 10-15, 18, 19, 23-26, 29, 30, 32, 33, 35, and 36
No navigable waters (12/17/75)

Secs. 4, 5, 8, 9, 16, 17, 20-22, 27, 28, 31, and 34 (IC 213)
No navigable waters (DIC of 03/07/79)

T. 7 N., R. 67 W.

Secs. 8-10, 13-16, 21-27, 31, and 34-36
No navigable waters (12/17/75)

Secs. 1-7, 11, 12, 17-20, 28-30, 32, and 33 (IC 213)
No navigable waters (DIC of 03/07/79)

T. 8 N., R. 67 W.

Secs. 15, 16, and 21-28
No navigable waters (12/17/75)

Secs. 5-9, 17-20, and 29-36 (IC 213)
No navigable waters (DIC of 03/07/79)

T. 6 N., R. 68 W.

Secs. 17-21 and 27-34
No navigable waters (12/17/75)

Secs. 1-16, 22-26, 35, and 36 (IC 213)
No navigable waters (DIC of 03/07/79)

T. 8 N., R. 68 W.

Secs. 1-36 (IC 213)
No navigable waters (DIC of 03/07/79)

T. 9 N., R. 68 W.

Secs. 22-36 (IC 213)

Kuskokuak Slough (DIC of 03/07/79)

T. 5 N., R. 69 W.

Secs. 1-3, 8-17, and 20

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 4-7, 18, and 19

No navigable waters (02/02/82 as amended 10/15/82)

T. 6 N., R. 69 W.

Secs. 1-28, 30, and 34-36

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 31 and 32

No navigable waters (02/02/82 as amended 10/15/82)

T. 7 N., R. 69 W.

Secs. 4-10 and 14-36

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 1-3 and 11-13 (IC 213)

No navigable waters (DIC of 03/07/79)

T. 8 N., R. 69 W.

Secs. 1-36 (IC 213)

Kuskokwim River and Kuskokuak Slough (DIC of 03/07/79)

Secs. 17, 21, 22, 27, and 28 (IC 790)

No navigable waters (DIC of 03/07/79)

T. 9 N., R. 69 W.

Secs. 25-27 and 34-36 (IC 213)

Kuskokwim River and Kuskokuak Slough (DIC of 03/07/79)

T. 5 N., R. 70 W.

Secs. 17 and 18

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 1-3, 10-15, and 19-36 (IC 633)

No navigable waters (02/02/82 as amended 10/15/82)

Secs. 5-8 (IC 675)

No navigable waters (02/02/82 as amended 10/14/82)

T. 6 N., R. 70 W.

Secs. 1-36 (IC 675)

No navigable waters (02/02/82 as amended 10/14/82)

T. 7 N., R. 70 W.Secs. 1-36 (IC 675)

No navigable waters (02/02/82 as amended 10/14/82)

T. 8 N., R. 70 W.Secs. 5-8, 17-20, and 29-32 (IC 142)**Kuskokwim River, Church Slough, and Tupuknuk Slough** (DIC of 08/30/78)Secs. 1-4, 9-16, 21-28, and 33-36 (IC 213)**Kuskokwim River, Kuskokuak Slough, Church Slough, and Tupuknuk Slough** (DIC of 03/07/79)Sec. 11 (IC 790)**Kuskokwim River and Kuskokuak Slough** (DIC of 03/07/79)**T. 5 N., R. 71 W.**Secs. 13-15, 24, and 25**Eek Lake** (02/02/82 as amended 10/14/82)Secs. 31-36 (IC 633)**Eek Lake and an unnamed waterway** commencing at Eek Lake in Sec. 32 traversing southwesterly to the Eenayarak River in Sec. 18, T. 4 N., R. 72 W., Seward Meridian (02/02/82 as amended 10/15/82)Secs. 2-4 and 9-12 (IC 675)**Eek Lake** (02/02/82 as amended 10/14/82)**T. 6 N., R. 71 W.**Secs. 1-36 (IC 633)**Unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)**T. 7 N., R. 71 W.**Secs. 1 (NW¹/₄NW¹/₄) and 2 (NE¹/₄NE¹/₄)

No navigable waters (02/02/82 as amended 10/14/82)

Secs. 8-17, 20-26, and 36 (IC 633)**Kuskokwim River, Napaskiak Slough, Tupuknuk Slough, and an unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)Secs. 1-7, 18, 19, and 27-35 (IC 675)**Kuskokwim River, Napaskiak Slough, Tupuknuk Slough, and an unnamed stream** from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., Seward Meridian, easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/14/82)

T. 8 N., R. 71 W.

Secs. 1-7 and 9-36 (IC 142)

Kuskokwim River, Tupuknuk Slough, Steamboat Slough, and Straight Slough (DIC of 08/30/78)

Secs. 9, 10, 18, 25, 35, and 36 (IC 851)

Kuskokwim River and Tupuknuk Slough (DIC of 09/19/83 as amended 11/01/83)

Sec. 18 (IC 1199)

No navigable waters (DIC of 05/22/86)

Sec. 18 (IC 1203)

No navigable waters (DIC of 05/22/86 as amended 06/17/86)

T. 5 N., R. 72 W.

Secs. 1-36 (IC 633)

Eek-Eenayarak-Kuskokwim Portage (02/02/82 as amended 10/15/82)

T. 6 N., R. 72 W.

Secs. 1-36 (IC 633)

Kuskokwim River, Eek-Eenayarak-Kuskokwim Portage, and an unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (02/02/82 as amended 10/15/82)

T. 7 N., R. 72 W.

Secs. 1-4, 8-10, 16, and 17

Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 5-7, 11-15, and 18-36 (IC 616)

Kuskokwim River and an unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian (01/25/82 as amended 10/26/82)

Sec. 17 (IC 669)

Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 17 and 20 (IC 784)

Kuskokwim River (01/25/82 as amended 10/26/82)

T. 8 N., R. 72 W.

Secs. 1-36 (IC 142)

No navigable waters (DIC of 08/30/78)

Secs. 14 and 15 (IC 1201)

No navigable waters (DIC of 05/22/86)

Sec. 13 (IC 1203)

No navigable waters (DIC of 05/22/86 as amended 06/17/86)

Secs. 11 and 14 (IC 1418)
No navigable waters (DIC of 09/22/88)

Sec. 12 (IC 1476)
No navigable waters (DIC of 07/16/90)

T. 9 N., R. 72 W.

Secs. 3-10, 15-22, and 27-33 (IC 448)
Kongeruk River (05/28/81)

Secs. 34 and 35 (IC 616)
No navigable waters (01/25/82 as amended 10/26/82)

T. 10 N., R. 72 W.

Secs. 3-10, 15-22, and 27-34 (IC 448)
Pikmiktalik River (05/28/81)

T. 11 N., R. 72 W.

Secs. 3-9, 15-22, 27, and 28
Pikmiktalik River (05/28/81)

Secs. 29-34 (IC 448)
Pikmiktalik River (05/28/81)

T. 5 N., R. 73 W.

Secs. 19-36
No navigable waters (01/25/82 as amended 10/26/82)

Secs. 1-18 (IC 633)
Lomavik Slough (02/02/82 as amended 10/15/82)

T. 6 N., R. 73 W.

Secs. 1-4, 9-24, 29, and 30
Kuskokwim River, Lomavik Slough, unnamed stream from its mouth at the Kuskokwim River in Sec. 1, T. 6 N., R. 73 W., easterly to the east boundary of Sec. 25, T. 7 N., R. 71 W., Seward Meridian, and **Eek-Eenayarak-Kuskokwim Portage** (01/25/82 as amended 10/26/82, and easement map Baird Inlet C-1 dated 01/05/83)

Secs. 5 and 6 (IC 616)
Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 25-28 and 31-36 (IC 633)
Lomavik Slough and Eek-Eenayarak-Kuskokwim Portage (02/02/82 as amended 10/15/82)

T. 7 N., R. 73 W.

Sec. 27 (Lot 4, U.S. Survey No. 11839)
Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 1-36 (IC 616)

Kuskokwim River, Johnson River, and Kongeruk River (01/25/82 as amended 10/26/82)

T. 8 N., R. 73 W.

Secs. 10 and 11

Unnamed slough and lake system from Sec. 5, T. 8 N., R. 73 W., northerly, then easterly, then southerly to the Kongeruk River in Sec. 15, T. 8 N., R. 73 W., Seward Meridian (01/25/82 as amended 10/26/82)

Secs. 4-8 (IC 448)

Kongeruk River, unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed slough and lake system** from Sec. 5, T. 8 N., R. 73 W., downstream to the Kongeruk River's confluence with the Johnson River in Sec. 6, T. 7 N., R. 73 W., Seward Meridian (05/28/81)

Secs. 1-3 and 9-36 (IC 616)

Johnson River, Kongeruk River, unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., northerly, then southerly to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed lake and slough system** from Sec. 5, T. 8 N., R. 73 W., northerly, then easterly, then southerly to the Kongeruk River in Sec. 15, T. 8 N., R. 73 W., Seward Meridian (01/25/82 as amended 10/26/82)

T. 9 N., R. 73 W.

Secs. 1-36 (IC 448)

Johnson River, Pikmiktalik River, unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed lake system** between the Johnson and Pikmiktalik Rivers within Secs. 7, 8, 17-19, 20, 21, and 27-33, T. 9 N., R. 73 W., Seward Meridian (05/28/81)

T. 10 N., R. 73 W.

Secs. 19 and 29-32

Pikmiktalik River and an **unnamed lake system** between Nunavakanukakslak Lake and the Johnson River in Sec. 31, T. 10 N., R. 73 W., Seward Meridian (05/22/80 as amended 03/10/82)

Secs. 1-18, 20-28, and 33-36 (IC 448)

Pikmiktalik River and an **unnamed slough and lake system** joining the Pikmiktalik River in Secs. 4 and 8, T. 10 N., R. 73 W., Seward Meridian (05/28/81)

T. 11 N., R. 73 W.

Secs. 1-24

Johnson River, Pikmiktalik River, and an unnamed slough and lake system between the Johnson and Pitmiktalik Rivers joining the Pikmiktalik River in Sec. 24, T. 11 N., R. 73 W., Seward Meridian (05/28/81)

Secs. 25-36 (IC 448)

Pikmiktalik River and an unnamed slough and lake system between the Johnson and Pikmiktalik Rivers (05/28/81)

T. 5 N., R. 74 W.

Secs. 5, 7, 8, 17-19, 23-27, and 33-36

Kuskokwim River (01/25/82 as amended 10/26/82)

Secs. 1, 2, 6, and 11-14 (IC 616)

Kuskokwim River and Lomavik Slough (01/25/82 as amended 10/26/82)

T. 6 N., R. 74 W.

Secs. 2-5, 8, 17, 20, 29, and 32

Kuskokwim River (01/25/82 as amended 10/26/82)

Sec. 1, 6, 7, 9-12, 15, 16, 18, 19, 21, 24-26, 28, 30, 31, 33, 35, and 36 (IC 616)

Kuskokwim River and Lomavik Slough (01/25/82 as amended 10/26/82)

T. 7 N., R. 74 W.

Secs. 34-36

Interconnecting slough of the Kuskokwim/Johnson Rivers (01/25/82 as amended 10/26/82)

Secs. 1-33 (IC 616)

Johnson River (01/25/82 as amended 10/26/82)

T. 8 N., R. 74 W.

Secs. 1-4, 9-12, 14-16, and 21-23 (IC 448)

Johnson River, Pikmiktalik River, unnamed slough and lake system from the Pikmiktalik River in Sec. 1, T. 8 N., R. 74 W., northerly, then southerly to its confluence with the Kongeruk River in Sec. 29, T. 8 N., R. 73 W., Seward Meridian, and an **unnamed lake system** between the Johnson and Pikmiktalik Rivers in Secs. 2, 3, 4, and 10, T. 8 N., R. 74 W., Seward Meridian (05/28/81)

Secs. 5-8 and 17-20 (IC 485)

Johnson River (05/22/80 as amended 03/10/82)

Secs. 13 and 24-36 (IC 616)

Johnson River and Pikmiktalik River (01/25/82 as amended 10/26/82)

T. 9 N., R. 74 W.

Secs. 1-36 (IC 485)

Johnson River, Pikmiktalik River, unnamed slough flowing from an unnamed lake in Sec. 31, T. 10 N., R. 74 W., to its confluence with Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., to its confluence with an unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, **unnamed slough (canal) and lake system** from the unnamed slough near the village of Nunapitchuk in Sec. 6, T. 9 N., R. 74 W., Seward Meridian, to its confluence with the Johnson River at

the village of Kasigluk, and an **unnamed lake system** between Nunavakanukakslak Lake and the Johnson River in Secs. 1-3, 10-15, 23-26, and 36, T. 9 N., R. 74 W., Seward Meridian (05/22/80 as amended 03/10/82)

T. 10 N., R. 74 W.

Secs. 1 and 2

Nunavakanukakslak Lake (05/22/80 as amended 03/10/82)

Secs. 3-36 (IC 485)

Nunavakanukakslak Lake, unnamed lake in Secs. 4-8 and 18, T. 10 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from unnamed lake in Sec. 7 to its confluence with the Johnson River in Sec. 17, T. 10 N., R. 74 W., Seward Meridian, **unnamed lake** in Secs. 19, 20, and 29-32, T. 10 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from unnamed lake in Sec. 31, T. 10 N., R. 74 W., to its confluence with the Johnson River in Secs. 16 and 17, T. 9 N., R. 74 W., Seward Meridian, **unnamed slough** flowing from Nunavakanukakslak Lake in Sec. 28, T. 10 N., R. 74 W., to its confluence with unnamed slough near the village of Nunapitchuk in Sec. 5, T. 9 N., R. 74 W., Seward Meridian, **unnamed lake system** between Nunavakanukakslak Lake and Johnson River in Secs. 34-36, T. 10 N., R. 74 W., Seward Meridian, and an **unnamed slough and lake system** in Secs. 16, 17, 20, 21, 28 and 29, T. 10 N., R. 74 W., Seward Meridian (05/22/80 as amended 03/10/82)

T. 11 N., R. 74 W.

Secs. 1-4, 6-11, 14-23, 26-31, and 33-35

Kayigyalik Lake and Johnson River (DIC of 07/25/80)

Secs. 13 and 24

Johnson River (05/28/81)

Secs. 25 and 36 (IC 448)

Johnson River and an **unnamed slough and lake system** between Johnson and Pikmiktalik Rivers joining Johnson River in Sec. 25, T. 11 N., R. 74 W., Seward Meridian (05/28/81)

T. 7 N., R. 75 W.

Secs. 1-36 (IC 485)

No navigable waters (05/22/80 as amended 03/10/82)

T. 8 N., R. 75 W.

Sec. 2

No navigable waters (05/22/80 as amended 03/10/82)

Secs. 1-5, 8-17, and 20-36 (IC 485)

Nunavakpak Lake and unnamed slough and lake within Secs. 3-5, 9, and 10, T. 8 N., R. 75 W., Seward Meridian (05/22/80 as amended 03/10/82)

T. 9 N., R. 75 W.

Secs. 2-12, 14-28, and 34-36 (IC 595)

Nunavakpak Lake, Johnson River, unnamed slough and lake system flowing from Kayigyalik Lake to its confluence with the Johnson River at Kasigluk (traverses Secs. 2, 3, and 11), and an **unnamed slough (canal) and lake system** from the unnamed slough near the village of Nunapitchuk to its confluence with Johnson River at the village of Kasigluk (05/26/81)

Secs. 1 and 13 (IC 678)

Johnson River, unnamed slough and lake system in Sec. 1, T. 9 N., R. 75 W., Seward Meridian, and an **unnamed slough (canal) and lake system** from the unnamed slough near the village of Nunapitchuk to its confluence with Johnson River at the village of Kasigluk (05/26/81)

T. 10 N., R. 75 W.

Secs. 1 and 12

Kayigyalik Lake (DIC of 07/25/80)

Sec. 15

Kayigyalik Lake and an **unnamed slough and lake system** flowing from Kayigyalik Lake to its confluence with Johnson River at Kasigluk (05/26/81)

Secs. 6-9, 13, 14, and 16-36 (IC 595)

Kayigyalik Lake, Johnson River, unnamed slough and lake system from just north of the abandoned site of Nunachuk in Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian, **unnamed slough and lake system** flowing from Kayigyalik Lake to its confluence with Johnson River at Kasigluk, **unnamed slough and lake system** lying between the aforementioned unnamed slough and Johnson River in Secs. 14, 21-23, 25-28, 34, and 35, T. 10 N., R. 75 W., Seward Meridian, and an **unnamed slough and lake system** in Secs. 25 and 36, T. 10 N., R. 75 W., Seward Meridian (05/26/81)

T. 11 N., R. 75 W.

Secs. 4-8, 14-18, 24, 25, and 36

Kayigyalik Lake (DIC of 07/25/80)

Secs. 19-23 and 28-32

Kayigyalik Lake (05/26/81)

T. 6 N., R. 76 W.

Secs. 4-9, 16-22, and 27-34

Kutukhum River in Secs. 16, 22, and 27 and **right bank tributary** of Kutukhum River from its mouth in Sec. 22 to where it merges with a lake in Sec. 21, T. 6 N., R. 76 W., Seward Meridian (12/16/98)

T. 7 N., R. 76 W.Secs. 28-36**Kutukhum River** in Secs. 28, 29, and 31-34 to its juncture with the right and left bank tributaries in Sec. 31, T. 7 N., R. 76 W., Seward Meridian (12/16/98)Secs. 1-27 (IC 485)**Unnamed slough** beginning in Sec. 1, T. 7 N., R. 76 W., flowing into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian (05/22/80 as amended 03/10/82)**T. 8 N., R. 76 W.**Secs. 19, 20, and 25-36 (IC 485)**Nunavakpak Lake** and **unnamed slough** beginning in Sec. 1, T. 7 N., R. 76 W., flowing into Nunavakpak Lake in Sec. 26, T. 8 N., R. 76 W., Seward Meridian (05/22/80 as amended 03/10/82)**T. 9 N., R. 76 W.**Secs. 1-24 and 27-33 (IC 595)**Nunavakpak Lake** and **unnamed slough and lake system** from Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian (05/26/81)**T. 10 N., R. 76 W.**Secs. 1-36 (IC 595)**Unnamed slough and lake system** from Sec. 22, T. 10 N., R. 75 W., upstream to where it flows from Nunavakpak Lake in Sec. 28, T. 9 N., R. 76 W., Seward Meridian (05/26/81)**T. 11 N., R. 76 W.**Secs. 1, 2, and 11-14

No navigable waters (05/22/80 as amended 03/10/82)

Secs. 19-36

No navigable waters (05/26/81)

T. 6 N., R. 77 W.Secs. 1-36**Meroyuk River** in Secs. 5, 6, 8, 16, 17, 21, 22, 27, 28, 34, and 35 and its **right bank tributary** in Sec. 6, T. 6 N., R. 77 W., Seward Meridian (12/16/98)**T. 7 N., R. 77 W.**Secs. 1-36**Meroyuk River** and its **left and right bank tributaries** in Sec. 31, T. 7 N., R. 77 W., Seward Meridian (12/16/98)**T. 8 N., R. 77 W.**Secs. 35 and 36

No navigable waters (05/26/81)

Secs. 3-11 and 13-34 (IC 595)
Nunavakpak Lake (05/26/81)

T. 9 N., R. 77 W.

Secs. 4-9, 16-21, and 28-33
 No navigable waters (05/26/81)

Secs. 1-3, 10-15, 22-27, and 34-36 (IC 595)
 No navigable waters (05/26/81)

T. 10 N., R. 77 W.

Secs. 3-10, 16-21, 23, and 26-33
 No navigable waters (05/26/81)

Secs. 1, 2, 11-15, 22-27, and 34-36 (IC 595)
 No navigable waters (05/26/81)

T. 11 N., R. 77 W.

Secs. 7, 9, and 13-36
 No navigable waters (05/26/81)

T. 6 N., R. 78 W.

Secs. 1-3, 9-16, 21-28, and 33-36
 No navigable waters (01/25/82 as amended 10/26/82)

T. 9 N., R. 78 W.

Secs. 1-3, 10-15, and 22-27
 No navigable waters (05/22/80 as amended 03/10/82)

Secs. 4-9, 16-21, and 28-30
 No navigable waters (05/28/81)

T. 10 N., R. 78 W.

Secs. 1-18, 22-27, and 34-36
 No navigable waters (05/22/80 as amended 03/10/82)

Secs. 19-21 and 28-33
 No navigable waters (05/28/81)

T. 11 N., R. 78 W.

Secs. 1-36
 No navigable waters (05/22/80 as amended 03/10/82)

T. 12 N., R. 78 W.

Secs. 25-36
 No navigable waters (05/22/80 as amended 03/10/82)

T. 9 N., R. 79 W.Secs. 1-29

No navigable waters (05/28/81)

T. 10 N., R. 79 W.Secs. 19-36

No navigable waters (05/28/81)

T. 9 N., R. 80 W.Secs. 1, 12, and 13

No navigable waters (05/28/81)

T. 10 N., R. 80 W.Secs. 21-28 and 33-36

No navigable waters (05/28/81)



United States Department of the Interior

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Bethel-NA-FY98
Goodnews Bay-NA-FY98
9600 (924)

March 13, 1998

**Kwethluk River
Interim Summary Report
Attachment 31**

Memorandum

To: File

From: Laura Lagstrom, Navigability Section AK924

Subject: Interviews for Native Allotment selections added to Window 2700 which straddle Kwethluk and Eek River

Kwethluk River in T. 1 N., Rs. 62-63 W. & T. 1 S., R. 63 W., SM.

April 8, 1998

Aerial review by Scott Guyer on Kwethluk River- Beginning at the last BLM navigability determination (mile 80) to the Crooked Creek Mouth (mile 103) - Aerials CIR 60, Roll 10, July 1980, Frames 186-188-189-191-193, the river ranges from 1-3 chains wide and is unobstructed except for a few gravel bars and debris to include trees and downed trees in the channel. Aside from these obstructions, the width appears to be sufficient to allow passage. Beyond the Crooked Creek mouth the river heads south and the width in the main channel ranges between 1- 1 ½ chains wide with occasional gravel bars and islands. Around Anna Z. Andrew's Native Allotment (mile 117) it is approximately ¾ to 1 chain wide but an increase in gravel bars constricts the channel to 20+ feet through Sec. 18, T. 1 S., R. 62 W. (CIR 60, Roll 10, July 1980, Frame 46, Roll 3391; CIR 60, Roll 3391, August 1984, Frame 44)

A previous navigability report dated 11/6/91 administratively determined the Kwethluk River navigable within selected lands up to T. 3 N., R. 66 W., SM.

December 12, 1997

Willie Andrew, AVCP (907)543-7352 said he hasn't boated to Crooked Creek (mile 103) or Breast Mountain (mile 117) since he was a little boy. During the summer it is too shallow to reach this area and there are places that have a strong current. Andrew said villagers from Kwethluk and Akiak, including his uncle, used to travel by dog team in early spring (March-April) to their "spring camps" in the mountains. Eventually, these areas were chosen under ANCSA. After hunting, trapping and fishing, they would make skin boats to drift downstream to their villages near the end of May. Andrew said beginning in the early 90's, people began to use jet outboards to reach this far upriver because the river is too shallow for propeller driven boats.

January 7, 1998.

John Owen (907)757-6216 believes local people boat to Anna Z. Andrew's (mile 118) allotment by jet units. He boated to Greenstone Ridge 10 years ago (mile 100). He had no reason to go further. He thinks others go just to see how far they can go. He said to call Anna S. Andrew at 757-6229. After several phone calls, I was told that I needed to be talking to Anna Z. Andrew and also to her son, John W. Andrew, who works in Bethel for the USFWS.

March 18, 1998

Max Angellan (907) 757-6216 said the last time he boated this river was about two years ago between late August to early September. He said to reach Breast Mountain (mile 117) you have to wait for high water conditions. During June and July there is not enough water. He said why would one go somewhere where you have to work and end up cussing because it is too shallow. One could reach that area after spring break up which occurs between May 15 and the end of May and after the fall rain which occurs between mid-August to end of August. If there is a lot of sunshine, the river drops quickly. He felt it stayed high for 2-3 weeks. If there is little rain, the river is very shallow up there. He uses a 20' boat 2020 Yukon Lund with a 40-HP jet drive. His load included three people, two drums of gas or about 110 gallons of gas and camping gear. They stayed about 4-5 days and climbed Breast Mountain, T. 1 N., R.63 W.

March 25, 1998

Alexander Nicori, who works at the Organized Village of Kwethluk Office Ph: (907) 757-6216, FAX (907) 757-6073, said the last time he was at the spring camps of Anna Z. Andrew, Wassillie Andrew, Evan Kopuk, Evan Wassillie, Lola Evan was during the Spring of 1988. He had traveled by snow machine and then drifted down by skin boat sometime near May 23rd.

Alex said the last time anybody floated the Kwethluk River was four or five years ago. They traveled by snowmachine to the spring camps and after hunting and trapping they drifted downstream in a wooden-framed boat covered with skins. The boats were about 17' long and about 15' wide, a more oval shape. Their snowmachines were stored on top of tree branches situated on solid ground, safe from rising water. In early January the young men from the village would go up and pick up the snowmachines.

Long before snowmachines were used, villagers from Kwethluk and Akiak traveled to their spring camps by dog team. A common practice was to plan a time and place to meet after they were finished hunting and trapping so they could drift downstream together in several boats. This was done in order to share in the preparation and construction of the boats, to share loads and to ensure safe travel. They normally met at a spring camp located furthest downstream such as Anna Z. Andrew's allotment. As soon as the Kuskokwim River ice had gone out, usually around the 23rd of May, they began their descent downstream. He believes the depth ranged between 10'-15' and as shallow as 8'-9' deep. This deep water lasted a couple of weeks.

He feels that in the area around and above Breast Mountain during the latter part of June to mid July the river varies in depth between 1½'-2'. Some people are able to get up there with jet units.

He said above Elbow Mountain the river changes to one well defined channel versus the meandering and murky waters especially around Three Step Mountain. Between 1970's - 1980's before Alex was married, he used to go with his friends every weekend in July upstream with a 17' Wooden Boat with a 30-HP Mariner. They did not reach as far as Elbow Mountain (mile 73).

Alex said that after the fall rain, the river can vary in depth from 2½'-12'. The 12' depth is around deep holes. He said people from Bethel use jet boats near the end of August and into September to hunt moose and caribou around Crooked Creek. They also sport fish. He said that the allottees and their families now fly in and fly out in the fall when they go to subsistence hunt.

March 30, 1998

John W. Andrew, USFWS Bethel Phone 1-800-621-5804, FAX (907) 543-4413. John, his mother, Anna Z. Andrew and his father, Wassillie J. Andrew have allotments near Breast Mountain (mile 117).

John Andrew and Mike Coffing, who works for AKDF&G Bethel, boated the Kwethluk River near the end of either August or September 1995 or 1996 to hunt caribou and moose. He used a 20' aluminum Lund with a 40-HP Yamaha propeller motor. His load included the other person, 60 gallons of gas and camping gear. They camped at the mouth of a small creek near Greenstone Ridge which is just below the mouth of Crooked Creek. The river was between 10'-12' deep. They shot two bull caribou and did boat up to Crooked Creek but turned around for several reasons: the river became too shallow, there were too many large boulders that could ruin the propeller, there were too many gravel bars and they were running out of time. John said around the spring camps beginning at his mothers allotment (Anna Z. Andrew, mile 117) the river is between 6"- 2' during June and July. It would be hard to drag a boat against the current and it would ruin the propeller. He said one can reach Elbow Mountain (mile 73) during June and July but after that it would be too shallow.

John said that between Nicolai Andrew's allotment and Elbow Mountain (mile 73) there are sweepers which boaters do clear with chainsaws. Above Elbow mountain and Crooked Creek (mile 105) there are good size boulders in the river. He thought Wilderness Adventures has been up this river but they were not listed in Bethel phone book. They were not listed in Anchorage directory either.

John said high water conditions occur after the spring ice melt between the end of May to the 1st of June for two to three weeks and also after the fall rain beginning in August for three or four weeks depending on the rainy season. One time it lasted during August and September. He said that Wassillie Evan has boated at least three times to the spring camps. (Wassillie Evan does not have a phone). I faxed a copy of my notes on our telephone interview to John to verify his statements and said I would call him back tomorrow.

March 31, 1998

Second telephone interview with **John W. Andrew.** John said beginning around 1920 families would leave the villages around the end of March or the beginning of April and travel by dog team

and 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 and stay a week or so hunting before continuing to their spring camps. They would hunt bear, caribou and trap beaver, ptarmigan, ground squirrel and fish in the lakes. Near the latter part of May they would begin heading downstream which took several days. They used to use wooden framed boats covered with skin. He remembers their boat being covered by three brown bear hides. They also used caribou and moose skins, but bear was more desirable since it did not puncture as easily. They would drift and paddle downstream and camp near the mouth of Crooked Creek, Devil's Elbow or Three Step Mountain. Before outboard motors were available, the families would drift all the way to the villages.

John remembers going by dog team to spring camp with his family in 1952 when he was seven years old. They had between 9-14 dogs. When they were ready to drift down the river, his father would break down their sled and use the sled material for the floor boards of the boat. The frame was covered with skins of a native brown bear, an adult moose and a yearling calf. Their load included his mom and dad, his sister, David Evan, Nicori and himself, their dogs and the subsistence harvest they had hunted and trapped. John said the men and families had a time schedule they kept. The hunting, trapping, food preparation and preservation, the building of the boats and preparation of the skins and all had to be timed and coordinated in order to leave when the ice had gone out of the Kuskokwim and the river was high enough to drift down. Because the boats were made of skin, they were easily punctured. He said the families would gather at the lowest downstream camp and caravan down. This could be seven or more families all together. John said beginning in the 1960's families began to travel by snow machine to their spring camps

John said the Kwethluk River used to be deeper but because of the increase of the beaver population and the decreasing snow pack in the mountains the Kwethluk river is much lower than it used to be. He estimates the river above Elbow Mountain to be between 150'-200' wide.

April 1, 1998

Alex Nicori received the fax regarding our telephone interview done on March 25, 1998 and made a few minor changes. He estimated the river to be about 30'-45' wide and 60' wide in shallow places between Elbow and Breast Mountain based on his last trip during the spring of 1988. Impediments included gravel bars and shallow areas above Three Step Mountain. His uncle told him a long time ago they used to use skin boats with frames made out of cottonwood trees that were 15'-20' tall. The men would split and quarter the wood before bending it into a frame. They would cover the frame with skins before boarding the families and drifting downstream. At the village they would strip the boat of the skins and the following spring when they returned to their spring camps, they would bring the boat frame with them.

April 2, 1998

Richard Long, Organized Village of Kwethluk Office (907)757-6023 said that he doesn't like to boat either the Akulikutak or Kwethluk Rivers but the last time he boated above Breast Mountain (mile 117) was in the beginning of September 1989. There were two other people with him and their camping gear which he estimated to be about 400-500 lb. They stayed one week.

He used a 18' Lund with a 40-HP propeller motor. He said above Breast Mountain (117 miles) it was around 10' deep which lasts between 3-4 weeks. He said it is around 100' wide from bank to bank above Elbow to Breast Mountain. He doesn't remember too many boulders in the river.

April 3, 1998

During the last interview I failed to ask **Max Angellon** about the width and depth of the Kwethluk river. He was hesitant to give approximate numbers. He said that the river can be as narrow as 10' and as wide as 50' or more. When I mentioned that other people said that it is about 100-150' wide, he said it could be that wide in places but he wasn't going to make a blanket statement that it is this wide here and this wide there. When I asked him about the depth, he said he didn't have a measuring stick and couldn't tell me how deep the river was. When I asked him about impediments, he said there are trees and boulders in places and some side tributaries have beaver dams. He was not very responsive so I thanked him for his time.

April 13, 1998

Richard Long said that the reason he doesn't like to boat the Kwethluk is because the channel changes every year, especially above Three Step and Elbow Mountain. When I asked him about the 400-500 pounds, he said this included everything, the three people and their gear.

Dot Tideman also talked with Richard who stated he has taken a 18' Lund boat with a 40-HP motor only once in 1989. There were only a few boulders in the river. He only stayed a week in the fall, however, people can stay three-four weeks. He was with his uncle and cousin and estimates their total weight between 400-500 pounds. He said the river is not hard to boat, however, he hates to boat the river as the channel changes constantly and the current is fast and one must know the channel. Another reason he does not boat the river is that it busts a lot of motors if they are not jet motors. These cost about \$2,500. When he was younger, he went every year by dog team and floated downstream.

May 7, 1998

There were two newspaper articles in the *The Drums* 1/12 & 1/19 in 1995 regarding potential commercial guided float trips down the Kwethluk River. The USFWLS had decided to allow two commercial outfitters three trips apiece between August 1 to the end of September. Kuskokwim Wilderness Adventures applied for a permit but a coalition called "The Kwethluk Joint Group" formed to oppose the plan on the basis that commercial uses will open the door to ever increasing commercial rafters that would harm the spawning grounds of the salmon.

Paul Liedberg with the USFWLS 1-800-621-5804 Permitting Section in Bethel said the conflict for commercial rafting on the Kwethluk River occurred before his time. Currently there are no commercial activities allowed on the Kisaralik, Kwethluk, Eek and Kasigluk Rivers which lie inside refuge lands (Yukon Delta and Togiak NWR). These commercial activities would involve use on refuge lands. There are some who do a "pickup service" on the lower end, no higher than corporation lands. He said there is a River Management Plan on the Kisaralik but not on the Kwethluk. Just recently, there has been interest by the Kwethluk IRA Council to develop a river management plan for the Kwethluk similar to the Kisaralik.

Dennis Strom who was the **YDNWR Deputy Manager** PH: 1-800-621-5804 FAX 543-4413 at the time the article was written said at the present time there are no commercial permits for the Kwethluk River. At the time of the article, the permits would have allowed rafters to float the river after portaging from a small lake that USFWS refers to as "Boundary Lake" aptly named because of its location between the boundaries of YDNWR and Togiak NWR. The lake can be landed with a loaded 185 or 206 but take off must be with a light load. The portage to the river is about 1/4 of a mile. Dennis floated the river once from Boundary Lake to Three Step Mountain during July 1996 but plans to float it twice this summer from Boundary Lake to Three Step Mountain to study fish. About six miles above Three Step Mountain there are several oxbows which continuously erode and dump mud and silt into the river. Upstream the river is clear.

Villagers have traditionally reached their "spring camps" by dog team and drifted down in boats. In the past few years they have reached these camps by airplanes with skis but must leave before the ice goes out. During the spring, snow runoff raises the river but not enough to allow boat use to Breast Mountain or to these allotments. During June and July one can reach Elbow Mountain with a jet boat but the river characteristics instantly change to a stream heavily braided with several different channels, sharp corners and nasty sweepers. The rainy season begins mid-July and lasts through August until freeze-up or late September early October. In a normal year by mid to end-August the river is very high. There was a fish weir about 5-6 miles above Three-Step Mountain that overflowed mid-August. Fall or September is the best time to boat to the Native Allotment selections south of Breast Mountain. Dennis feels the river stays high in this area between 5-6 weeks although he has not been up in this area in the fall. He said to talk with John Andrew. The river receives a significant amount of water, as much as a 1/3 from Crooked Creek. Above Crooked-Creek and Kwethluk Rivers the characteristics of both water bodies change. They become significantly shallower.

May 11, 1998

I talked with **John McDonald** with **Kuskokwim Wilderness Adventures 543-3900** regarding his request for one of two permits to raft the Kwethluk River re: *The Drums* article of January 1995. He said the USFWS canceled the permits because of the opposition and political hassle with the villagers. Ideally, he wanted the Kwethluk Village to use one permit and he the other. He said one could not boat to the area of the Native Allotments around Breast Mountain except in extremely high water conditions and only for a short period of possibly two weeks. He said that one could boat to Three Step and maybe to Elbow Mountain with a jet unit during high water but it would be too difficult to boat further. Last year on overflight he saw just beyond Elbow Mountain a large blockage created by logs and sweepers from beaver activity on side tributaries. He said people would have a difficult time boating beyond this during normal flow.

Eek River - Alfred Alexie's allotment straddles the Eek River in Sec. 18, T. 1 N., R. 63 W., SM.

December 12, 1997

His son, **Arthur Alexie** at 757-6829 said he has not been to his fathers allotment. He said to call his brother Alexie A. Alexie who does volunteer work at the city office 757-6022. He also mentioned that his uncle, Abraham Alexie Sr. has been up this area.

Alexie A. Alexie -757-6022 said he has not boated Eek River because one would have to go downstream from the village of Kwethluk then upstream on the Eek River to reach his father's allotment. I faxed a copy of the sketch diagram to him (757-6497) since he was not aware that his father's application was still valid. It had been approved based on the 1906 Act.

April 16, 1998

Johnny Hawk (907) 536-5128, ANA Project Manager in the Eek Tribal Office has three allotments along Eek River, one on the North Fork, one at South Fork and one at the mouth of ... He said other good people to talk to would be Steven White (younger brother of Carlie White) Eek Council member, Joshua White, younger brother of Steven White, and Fritz Petluska at the City Office (907) 536-5129. They have been up the river many times.

Johnny boated Eek River last September 1997 to hunt and fish. He was not aware of the location of the Native allotments and wasn't sure if he reached Breast Mountain. I offered to mail him a map so we could identify the area he boated to. Continuing on with our conversation, Hawk said he used a 18' Woolridge with a 150HP jet unit. His load included two other people, 150 gallons of gas, their tent and food. They were gone one week. He saw about ½ dozen other boaters with 16'-18' Lunds mounted with 40-50 Horsepower propeller motors. The river was between 3'-4' deep during September. There is an area beyond the ridge where the river narrows to 15'-20' but it also becomes very deep. Beyond this area the river widens again. There are beaver dams on side tributaries but none on Eek because the river is too swift. The bottom of the river is gravel with lots of good fishing for all five species of salmon, whitefish, grayling, trout and arctic char. He said high water occurs after spring breakup around the 2nd or 3rd week of May and again during the latter part of August until freeze-up which occurs during the 2nd or 3rd week of October.

He said that one could use a propeller driven boat during the summer if you wanted to go "all the way" if you wanted to get out and walk your boat. Again, we will discuss this when he gets the map. The shallowest he has seen the river during a dry spell was 1' or less.

He said the river gets narrow when you get to the first mountain on the left (shaped like a "c") but it is fairly deep (3'-4') because it is so narrow, sometime he touches the bottom. He said his boat can still travel in water as shallow as 6". He is looking at establishing a fly-fishing/eco-tourism business and someday he would like to build a lodge at one of his allotment sites. He said the "window of opportunity" would be during July, August and September for 90-120 days. He presently has 7 - 18' boats with 40 horsepower outboards (propeller). He said he will be taking AVCP and USFWS personnel up the Eek river this summer to get an "index of the fish population." He will be traveling with Tim Andrew with AVCP and maybe Mike Reardon with USFWS. He mentioned he goes to his first allotment about eight times a year during June and July and in September to his North & South fork allotments.

April 20, 1998

Steven White (907) 536-5426, younger brother of Carlie White wasn't sure where Carlie's allotment was. The last time he boated to Breast Mountain was about 4 or five years ago in September. He used to go subsistence hunting every year during the 2nd week of September with

Carlie in a 18' Lund with a 40-Horsepower propeller motor. Their load included camping gear which they had to take because the bears have traditionally demolished anything left behind. He said during September when the river is the highest, the deepest parts are about 3' deep and the shallowest areas are 1½' deep. It stays high a good 6-8 days. Low water conditions occur during June, July and part of August before the August rain. During this time the shallowest areas are about 6" where you have to drag the boat. He said during low water one can reach the 1st mountain (on the right bank near mile 93). Impediments include strainers and sweepers.

April 22, 1998

Kenneth Henry who works at the corporation store but happened to be in Johnny Hawks office, Ph 536-5128, said he normally boats to the Sawtooth Mountains in the area of these allotments every September to moose hunt didn't last year because he didn't have another boat tagging along with them. He said the river can be dangerous because of the swift current and hidden boulders which can tear you boat or motor up. Locals refer to this reach of the river as "North Fork" and the Middle Fork as "South Fork".

The previous year in the middle of September 1996 Henry and another person boated to the area around Kapon Creek. He used a 18' Lund with a 90-horsepower Evinrude jet. His load included two people, gas, tent, food, sleeping bags and rifles. They were gone one week but didn't have any luck hunting. Because it rained every day, the river was very deep. He estimated the deeper areas to be about 6' deep and shallow areas about 1'-2' deep. He estimated it to be about 20'-30' wide. He feels the high water conditions last between 2-3 weeks. Impediments included rocks that begin to get bigger after the 1st mountain (on the right bank near mile 93 before the Great Ridge). Sometimes if it rains continuously during the month of September, the river can stay high a week longer. But as soon as the rain stops, the river goes down fast. Again, if there is not much rain, you can't reach this area. He said another good reference would be Johnny White.

Henry feels one can reach about halfway to the mountains in the spring after the snow has melted and the river is high. In the summer if you have a light load and use a jet unit one can reach the 1st mountain but after that it would be too dangerous. In the fall one could reach the Rainy Creek if you had a light load and four people to pull the boat when it became too shallow. Some people do boat up there in August but most are out commercial fishing. Around the end of August when it begins to rain they start to get ready for hunting. Sometimes in September when it rains continuously, one could stay an extra week or as long as the river stays high.

April 21, 1998

Fritz Petluska (907)536-5129 FAX 536-5711, City Clerk and acting City Administrator for Eek. Said he has been up Eek River hunting moose and caribou many times. He usually leaves about the middle of September and stays between one and two weeks and usually with one or two other people. He said you have to have at least another person along for when it gets swift. He uses a 18' Lund with a 55-horsepower jet unit. Other residents of Eek use 18' Lunds with 30-90 horsepower jet units. Three people have "Roughnecks" which are flat bottomed boats. Two are 17' and one is a 15'. Two have 40HP and 70 HP jet units but he's not sure what the other has. I faxed him a map showing the allotments and will call him back this afternoon.

April 24, 1998

Second conversation with Fritz Petluska. Fritz boated to the area of the Native allotments in September 1995 to hunt caribou and moose. There were three people including him plus their gas (80 gallons), tents and camping gear. They stayed over a week in this area. He estimated the shallowest areas to be about 2' deep and the deepest 6'-8' which are normally around the bends of the river. He said it stays deep for about a two week period. He stressed if it doesn't rain, you cannot reach these allotments. Near the allotments the river is between 30'-50' wide.

Impediments include rocks, boulders, strainers (underwater trees), sweepers (trees hanging in the river) which begin at the mountains or near the Great Ridge. The rocks and boulders in the river are very dangerous because they can easily puncture the aluminum boats, canoes and rafts. During June and July one could reach the mountains but you could not go further until the river gets more water from the rain. He said that Eek residents boat the river to reach subsistence areas, not to just sightsee or for any other reason. The rainy season starts in August to mid-September and sometimes runs through September. When the beaver dams along side tributaries begin to overflow from the rain, they add water to the river. The moose season lasts 9/1-9/30. He stressed if there is no rain you can't even reach the mountains.

When asked if one can use a boat, canoe or raft on the creek carrying about 1,000 pounds for travel, trade and commerce, he said he wouldn't recommend using any unmotorized boat such as canoes or rafts. But one could reach these allotments with a 18' aluminum boat with a jet unit loaded with 1,000 pounds if there is sufficient water. He emphasized again, to reach this area, if it doesn't rain, you can't get up this far. There are no commercial activities on the river. He said Johnny White has been up the river many times (907)536-5150 but he is out hunting today.

April 27, 1998

Fritz said the fax I sent to him regarding the interview conducted 4/21/98 was correct. He said that if BLM wanted to survey the allotments in the spring by boat they could make it but they needed to take a cordless drill and some patches in case they hit boulders and tore the boat. I told him BLM most likely will use a helicopter. I also agreed to mail him a map of Eek River.

April 30, 1998

Johnny Hawk received the map of Eek River and said he normally boats to "Crescent Mountain" a personal name he gave to describe the mountain situated within Secs. 20,21,28,29,30, T.1 N., R. 67 W., SM. He said beginning in R. 66 W., the river is becomes very deep and stays deep to the mouth of an unnamed creek in Sec. 4, T. 1 N., R. 65 W. After that point the river begins to meander and become so shallow that you have to traverse it with a jet boat. Kenneth Henry who happened to be in the office was in agreement with Johnny.

Awayak Creek

January 7, 1998. **Scott Guyer** looked at the Aerials for Awayak Creek in the Goodnews Bay Quad B-5. Roll 3112, Frame 560, CIR 60, August 1982 and said that there were multi gravel bars, downed trees, strainers, sweepers and the stream was too shallow.



United States Department of the Interior

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

**Kwethluk River
Interim Summary Report
Attachment 32**

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

December 8, 1997

Memorandum:

To: File FF-14883 (75.4) Kwethluk Incorporated

From: Laura Lagstrom, Navigability Section (AK924)

Subject: Interviews for selected lands within Window 2029 Part I

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

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

January 23, 1997

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

¹File in Native Allotments F16009, F17052, F15666

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

January 28, 1997

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

February 20, 1997

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

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

October 1, 1996

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

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

September 1996

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

October 9, 1996

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

On December 5, 1996

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

January 17, 1997

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

January 17, 1997

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

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

January 28, 1997

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

February 3, 1997

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

February 11, 1997

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

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

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

September 17, 1997

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

February 20, 1997

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

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

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

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

March 19, 1997

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

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

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

September 17, 1997

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

On October 7, 1997

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

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

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

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

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

January 28, 1997

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



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

October 30, 1996

Nick Epchuck, manager of the Native store and the son-in law 757-6220 said he went up to Balassia's allotment last summer to pick salmon berries. He said the creek could be used during early spring, June and between the end of August to the end of September. He feels it is usable for 3-4 weeks in the spring and the fall. High water is about 3-4 feet. Low water is 1/2' - 1' deep. One could go part way in the summer.

October 31, 1996

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



United States Department of the Interior

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

NOV 7 1997

Bethel -FY'98
F17100 (2561)¹

9600 (924)

**Kwethluk River
Interim Summary Report
Attachment 33**

Memorandum

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

From: Chief, Branch of Mapping Sciences (AK924)

Subject: Navigability Review for Waters in Window 2700

The purpose of this memorandum is to indicate the navigability status of those water bodies on selected lands within Window 2700. The window, scheduled to be surveyed in FY'98, is composed of 37 Native Allotments, one State Selection and no village Selections in 24 townships. After review, I found six Native Allotment selections that needed navigability recommendations. They are depicted on the attached appendix and maps.

The window lies within the Yukon Delta National Wildlife Refuge created in 1980 by PL96-487. The lands are selected but not yet conveyed under the Alaska Statehood Act, Alaska Native Claims Settlement Act and the Native Allotment Act. Previous BLM administrative navigability determinations for the following rivers in Window 2700 are listed below.

The Tuluksak River was determined navigable from its mouth to the Upper Landing located about 59 miles upstream. (See navigability report 5/22/85 Bethel Quad File) and to mile 68.5 through Sec. 8, T. 10 N., R. 61 W., Seward Meridian. (See navigability report June 4, 1993 Bethel).

The Kisaralik River was determined navigable from its confluence with the Kuskokuak Slough in Sec. 19, T. 9N., R. 67W., SM to the "Y" in Sec. 13, T. 9N., R. 67W., SM. (See Memorandum for Final Easements for the Village of Akiak 6/22/82 F-14824-EE, IC610). Within the window, the Kisaralik varies from two to three chains wide, is braided and has many intermittent streams. Most Native allotments are situated either along the Kisaralik or its intermittent streams except for Native Allotment F15903 situated in Sec. 8, T. 8N., R. 65 W., Seward Meridian. The sketch diagram of the allotment dated 9/25/74, depicts the allotment straddling an anabranch of the Kisaralik River. When compared to the Kisaralik River configuration in the 1954 USGS

File also in Native Allotment Files: F17062, F16917, F16018, F17018, F15903

topographic map (aerial photography taken 1955 and 1957) and with the 1981 NASA aeri- als (CIR 40: Flight 2, Frames 37 or 38, August 1981), it was evident that within this allotment, the Kisaralik River had jumped it's bank and cut a new channel which resulted in drying up the anabranch. This avulsive action was brought to the attention of Frank Hardt, the Riparian Boundary Specialist in Cadastral Survey who brought this to the attention of the State/BLM Working Group Committee. He asked if the State would like the anabranch, now dried up, segregated within this allotment. The State said not to segregate since there are no State lands in the surrounding area. On September 15, 1997 a field inspection by helicopter revealed that the river had cut a new channel which now formed the southern boundary of this Native Allotment. The anabranch was dried up and heavily vegetated with willows and trees. Photographs and a video were taken and copies were given to the Branch of Survey Preparation and Policy Interpretations to aid them in the writing of Special Instructions.

Additionally, within this same township the Kisaralik River cut through it's banks and created a small stream flowing into a Right Bank Tributary of the Kasigluk, locally known as "Chicoyuiluk", within Secs. 8 & 17. Kwethluk residents say they do not use this stream because it is too shallow, too narrow and lined with willows and trees which obstruct passage. A field inspection by helicopter on September 15, 1997 confirmed the stream to be shallow, about 15' wide, heading southerly then easterly, and diminishing to a small insignificant stream.

The Kasigluk River has been meandered (tidal) through Tps. 8 & 9 N., Rs. 66, 67 W., SM., (IC610).

The Native allottees mainly from Kwethluk and Akiak, rely heavily on these water bodies to reach traditional harvest areas to supplement their lifestyle and economy. During 1986-87 Michael Coffing with the Alaska Department of Fish and Game, conducted a two-year study examining the subsistence wildlife harvest and use for Kwethluk. In this primarily Yup'ik Eskimo community, there were 540 residents living in 112 households. In the study, he indicated household harvests averaged 3,860 pounds edible weight. Per capita harvest was 800 pounds edible weight, among the highest of communities in Alaska.² Salmon and freshwater fish accounted for 85% of the harvested resource with big game, mainly moose, berries and plants, waterfowl, furbearers, small game and marine mammals accounting for the rest.

To reach those areas for harvesting, the most common form of transportation is a 18'-24' aluminum boat with 25-40 horsepower propeller motor. Seasonal weather conditions such as the amount of rain, the amount of snow, a midwinter thaw, an extended dry season or the early breakup of the Kuskokwim River drainage system all effect the use and accessibility of these water bodies.

²Michael Coffing, Kwethluk Subsistence: Contemporary Land Use Patterns, Wild Resource Harvest and Use, and the Subsistence Economy of a Lower Kuskokwim River Area Community, Technical Paper No. 157, ADF&G, Division of Subsistence, Juneau, AK December 1991, Abstract

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

Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198 feet or more in width are not described because, regardless of their navigability status, these water bodies are segregated on the survey plat. Only streams three chains or less in width and lakes fifty acres or less in size are reported. The attached appendix lists those water bodies that have been determined navigable within the Native Allotment selection.



Attachments (2):

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

cc:

Jim Culbertson, State of Alaska DNR
State of Alaska, DNR, Realty Services Section
Robin Willis, State of Alaska, Dept. F&G
Calista Corporation
Chief, Branch of Field Surveys (921)
Chief, Survey Data Research Section (926)
Chief, Mapping Section (924)
Chief, GCDB Project Section (926)
ANCSA (962)
Anchorage District Office (040)

Kwethluk River
Interim Summary Report
Attachment 34

NAVIGABILITY FIELD REPORT
HISTORICAL OR PRESENT USE DATA

Number/Name of Water Body Kwethluk River Quadrangle

Native Selection Impacted Kwethluk

Location of Water Body T8N R69W S E Seward

Type of Use(s) subsistence, recreational

Amount of Use heavy during summer months

Area of Use Kuaktoiwim River to Kilbuck Mtns

Season of Use/Date Summer May thru Oct

Type Watercraft Used outboard motor boat

Development Along Water Body

Past Mission orphanage

Present none

Future provide access to public lands

Sources of Information personal observation

Physical Report prepared? Yes X No

Report Prepared by WRD Review Date
Date 11-4-75 Date

F 14003 ER

MAY 1976

Department of Land Management
Fairbanks, Alaska

ENG
 ADMIN
 FIRE
 AM-PEN
 2 AM-MCG #
 AM-GLN
 2 Action
 Reply
 Info
 Comments
 File

5-5-76

Dear Sir:

I've seen your notice in requesting information about Sport fishing streams in our area Bethel and the Kuskatwim

Over the past years I've fished some good ones near here. The Kwethluk River is a good one and only a few hours by

Boat from Bethel. We get Grayling, Rintow and Dolly's. Nice clear stream with some fast water. A lot of people sport fish it,

Another good Sport Fishing River is the Kisaralik. It takes a little longer to get there and it's faster water but the Rainbows make it worth while. It's a pretty River - fast and clear with nice timber along its banks.

Of all the ones the prettiest if not the best and heaviest fished is the Aniak and its feeder streams.

In my opinion these are

Kwethluk River
Interim Summary Report
Attachment 35

Dear Sir:

..... Reply
..... Info
..... Comments
..... File

I've seen your notice in requesting information about Sport Fishing streams in our area Bethel and the Kuskatwin

Over the past years I've fished some good ones near here.

The Kwithluk River is a good one and only a few hours by Road from Bethel. We get Grayling, Rintow and Dolly's. Nice clear stream with some fast water.

A lot of people sport fish it,

Another good Sport Fishing River is the Kisaralik. It takes a little longer to get there and it's faster water but the Rainbows make it worth while - It's a pretty River - fast and clear with nice timber along its banks.

Of all the ones the prettiest if not the best and heaviest fished is the Aniak and its feeder streams.

In my opinion these are 3 great Sport fishing Rivers in the area that should be retained for

that use.

If I can be of further assistance please write.

Thanks

Jew Reece

P.O. Box 578

Bethel Alaska.

P.S.

I've also visited Peters Creek near Peterville. It's nice too but gets a lot of people near the road and bridge. Last year some rat was driving up and down the creek in a swamp buggy destroying the gravel with salmon eggs. This should be stopped.

UNITED STATES GOVERNMENT
memorandum

Kwethluk River
Interim Summary Report
Attachment 36

DATE: SEP 22 1978

REPLY TO
ATTN OF: SD

SUBJECT: Amendment to the Final Easements for
Kwethluk Village

In Reply Refer To:
2650.58 (963)
F 14883 EE

TO: Chief, Division of ANCSA Operations (960)

This is an amendment to my State Director's memo dated March 24, 1977. The memo is revised to conform with the current easement wording guidelines and discussion paragraph requirements. The following are the final easement reservations which will be included in the conveyance to the village of Kwethluk.

E. I. N.

DESCRIPTION

2 L

A streamside easement twenty-five (25) feet in width upland of and parallel to the ordinary high water mark on all banks and an easement on the entire bed of the Kwethluk River from its confluence with the Kuskokwim River to Sec. 1, T. 5 N., R. 68 W., Seward Meridian. Purpose is to provide for public use of waters having highly significant present recreational use.

Discussion:

The Kwethluk River is very popular with sportsfishermen for grayling, rainbow, and Dolly Varden. The river also provides a waterway access route across a strip of Native selected lands to public lands and resources. Based on the topographical geography of the area, the water route is the most practical access route to public lands and resources. This easement is needed because of its significant recreational value and to facilitate travel between public lands and resources.

10 C4

A continuous linear easement twenty-five (25) feet in width upland of and parallel to the mean high tide line in order to provide access to and along the marine coastline and use of such shore for purposes such as beaching of watercraft or aircraft, travel along the shore, recreation, and other similar uses. Deviations from the waterline are permitted when specific conditions so require, e.g., impassable topography or waterfront obstruction. This easement is subject to the right of the owner of the servient estate to build upon such easement a facility for public or private purposes, such right to be exercised reasonably and without undue or unnecessary interference with or obstruction of the easement. When access along the marine coastline easement is to be

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OPTIONAL FORM NO. 10
(REV. 7-76)
GSA FPMR (41 CFR) 101-11.6
5010-112



obstructed, the owner of the servient estate will be obligated to convey to the United States an acceptable alternate access route, at no cost to the United States, prior to the creation of such obstruction.

Discussion: Standard coastline easement. This easement is being reserved along the Kuskokwim River because of the tidal influence on this section of the river.

11 C4 A site easement upland of the ordinary high water mark in Sec. 10, T. 6 N., R. 68 W., Seward Meridian, on the left bank of the Kwethluk River. The site is one (1) acre in size with an additional 25-foot wide easement on the bed of the river along the entire waterfront of the site. The site is for camping, staging, and vehicle use.

Discussion: The Kwethluk River has a highly significant recreational value. Due to the winding nature of the river, this campsite represents approximately a days travel along the waterway. The site easement is necessary to facilitate use of this river and to provide a needed rest stop for travelers going to public lands and resources beyond the native selected lands.

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

Discussion: Standard survey easement.

The following easement has been deleted based on Secretarial Order 3020, dated May 1, 1978.

12 C Standard transportation easement.



Clark/Swanson

MEMORANDUM

State of Alaska

Department of Transportation & Public Facilities
Central Region

TO: Tom Hawkins, Director
Department of Natural Resources

DATE: July 14, 1987

FILE NO:

TELEPHONE NO: 266-1441

FROM:  William R. Snell
Regional Director
Central Region

SUBJECT: Navigability Report
Kwethluk Airport

Thank you again for the opportunity to comment on the B.L.M. and D.N.R. navigability determinations. In addition to your previous comments, please accept the attached Navigability Report for the Kwethluk River. I hope it is useful in convincing the B.L.M. to change their determination. Future projects at the Kwethluk airports may depend on legal access by barge to the village and airport.

BHW/csb

**Kwethluk River
Interim Summary Report
Attachment 37**

Bethel D-7

RECEIVED
JUL 20 1987
DLWMM
Director's Office

Maps Note DKN

DATE: 6/24/87

NAVIGABILITY REPORT

1. NAME OF WATERBODY: Kwethluk River

2. U.S.G.S. QUAD: Bethel (D-7), Alaska

3. PERSON FILING REPORT: Brooks Wade

Agency: Alaska Dept. of Transportation and P.F.

Phone #: 266-1500

4. USE INFORMATION

A. Who Used It: Krik Construction Co. (under DOT/PF Contract)

When: Summer of 1981, three barge loads

Type and Size of Watercraft: 40'x100' gravel barge (est.)
(2,000 ton barge)

Means of Propulsion: towed by tug

Route Used: Kuskokwim River from Bethel to Kuskokwuk

Slough; Kuskokwuk Slough to Kwethluk River; Kwethluk River
to barge landing at Kwethluk.

How Far Up the Stream: To village of Kwethluk

Travel Upstream or Downstream: Upstream with load, downstream
empty

(Photos on file to verify this report)

B. Who Used It: _____

When: _____

Type and Size of Watercraft: _____

Means of Propulsion: _____

Route Used: _____

How Far Up the Stream: _____

Travel Upstream or Downstream: _____

5. SUSCEPTIBILITY INFORMATION

A. Average Width: _____

B. Average Depth: _____

C. Gradient: _____

D. Obstructions (type): _____

E. Seasonal Flow

Fall _____

Winter _____

Spring _____

Summer _____

F. Geographic Situation (relative to travel routes, settlement, etc.): _____

G. Any known change in character since Statehood: _____

United States Department of the Interior

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

**Kwethluk River
Interim Summary Report
Attachment 38**

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

December 4, 1997

Memorandum

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

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

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

*Local names

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

Columbia Creek

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

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

Kushluk River

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

Akulikutak River

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

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

Net Creek

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

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

Left bank tributary of the Kwethluk River

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

Left Bank Tributary locally known as "Old Kwethluk River"

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

Right bank tributary of the Kwethluk River

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

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

Akulikutak River

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

Lumavik River

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

Unnamed Stream in the northeast corner of Eek Lake

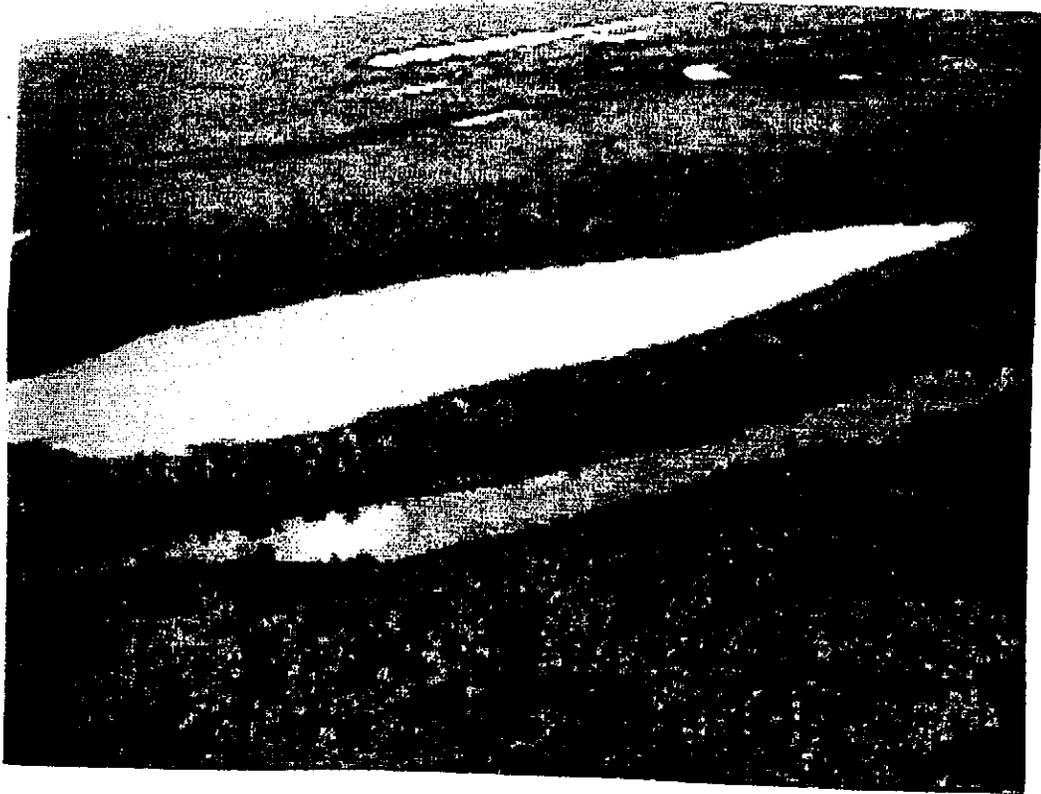
The wind was blowing and foam was visible along the shoreline of the lake. We began our inspection of this unnamed stream at its mouth in the northeast corner of Eek Lake. The water flowing into the lake was visibly darker and initially appeared to be wide and deep for navigation, however, a short distance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

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

Laura Lapham



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



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



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



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



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



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



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



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



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



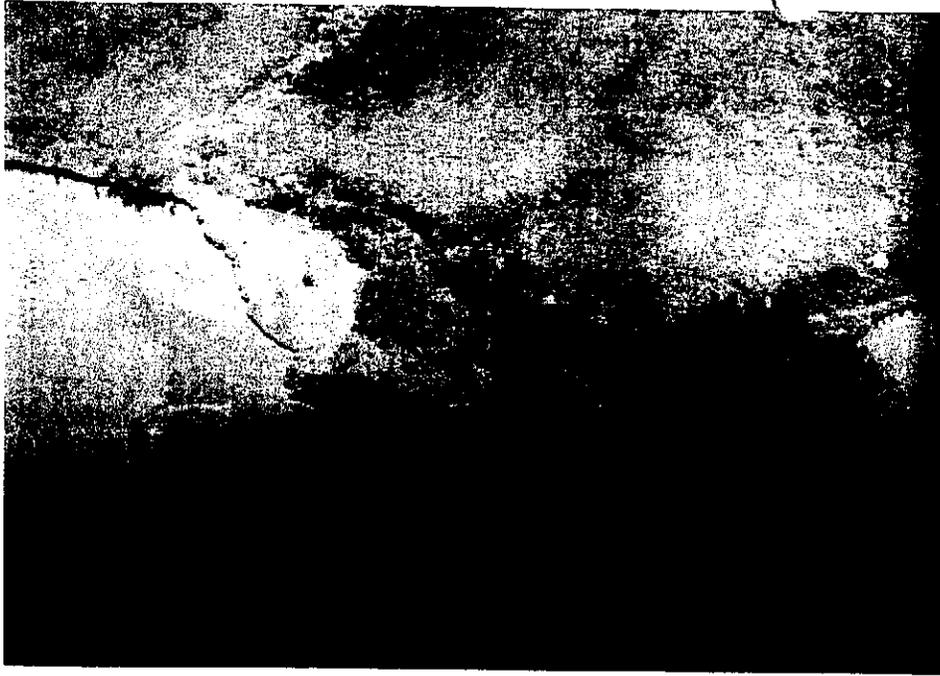
10. Left Bank tributary of the Kwethluk River in Sec. 15., T. 6N., R. 68 W., SM. Photograph facing southwest.



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



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



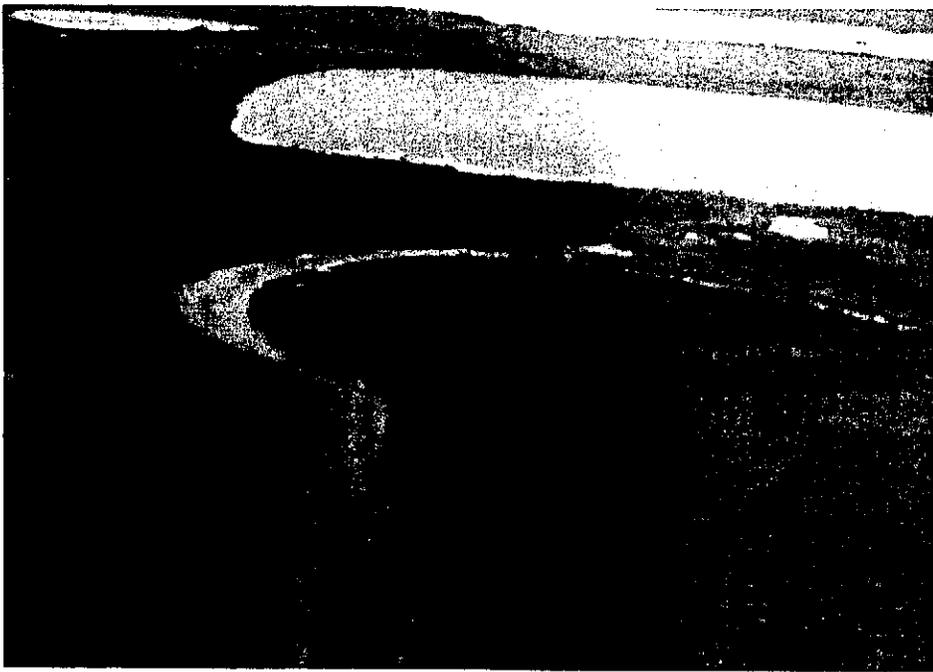
13. Right bank tributary of Kwethluk River located on the south side of Three Step Mountain whose mouth is located in Sec. 8, T. 5N., R. 67 W., SM. The photograph is facing north.



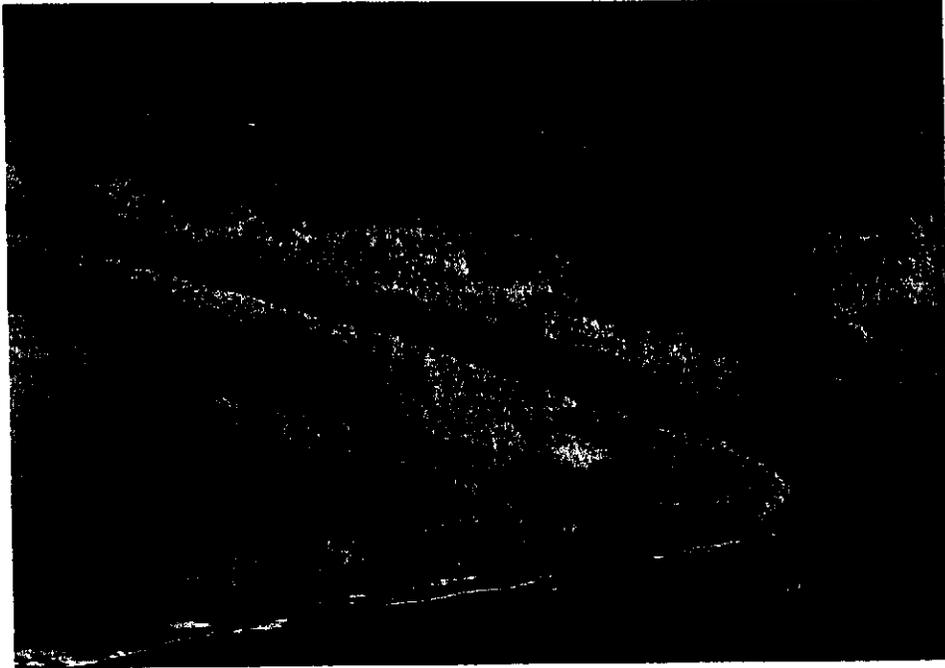
14. Additional photography showing a beaver dam less than 100 yards from its mouth.



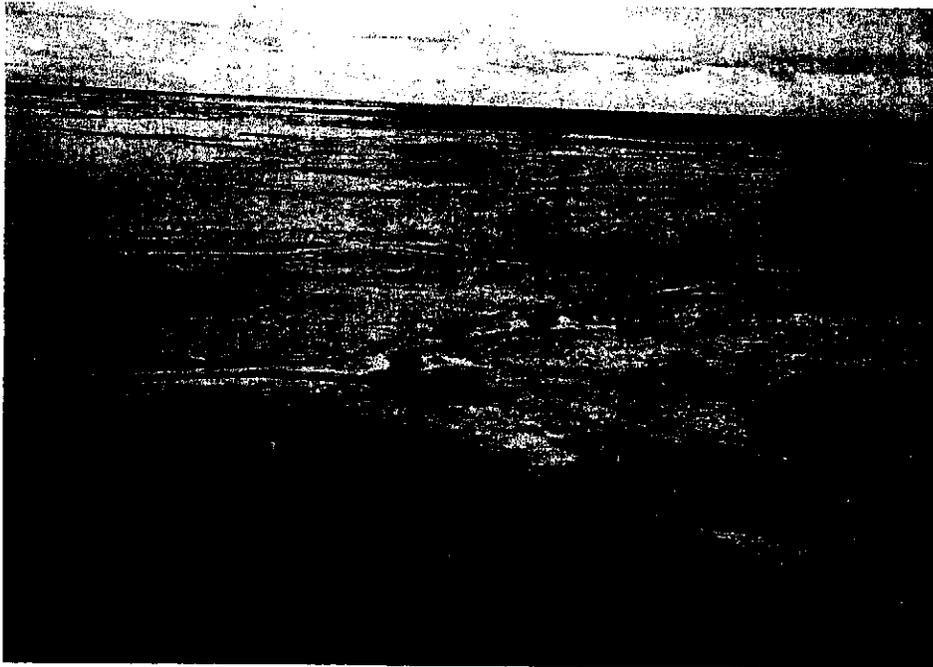
15. Unnamed stream locally known as Lomavik River. Photograph taken from a helicopter facing east within Sec. 29, T 7N., R 70 W., SM.



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



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



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



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



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

Paul & Sharon Allred (907) 783-2216 (800) 825-8196

Wednesday, May 18, 1994

Mr. Danny R. Allison
Alaska Department of Natural Resources
PO Box 107005
Anchorage, AK 99510-7005

Dear Mr. Danny R. Allison:

I would like to ask the State of Alaska for a permit to operate commercial sport fishing float trips on the Kwethluk River.

Last year I floated it on a hunting trip. We landed in a small lake next to the river. We pulled our loaded 16 foot raft out of the lake down the outlet stream right into the Kwethluk. I think the Kwethluk River is a navigable river from what I understand about the states definition of a navigable river. Is the Kwethluk a navigable river according to the state of Alaska?

I have floated the Kisaralek River from Kisaralek Lake as well. It seemed quite navigable to me. Does the state of Alaska determine the Kisaralek River to be Navigable? I would like permission from the state to float this river on our float fishing trips as well.

I have applied for permits to float the Andreefsky River but have never explored it yet. I would like permission from the state to float this river on our float fishing trips as well.

I have applied to Yukon Delta Wildlife Refuge for the past 10 years for a permit to operate commercial sport fishing float trips within their boundaries on all the above mentioned rivers. For many years they have told me that they can't give me a permit to operate our trips there because they have no plan of operation. Each year they have told me that they will be getting a plan ready very soon. Each year they have not been able to do this. It seems like an insurmountable job for them. I wrote to them again this year. I called them again. They have a new head administrator. He seems to want to get the process underway.

If the state does not yet have an organization that issues permits to guides to float or otherwise operate on it's rivers, I think it's time it started one. It's 1994, most other states have had them for several decades. Thank you very much for helping in this matter.

Kwethluk River
Interim Summary Report
Attachment 39

Sincerely,

Paul Allred
Paul Allred



**Kwethluk River
Interim Summary Report
Attachment 40**

June 17, 1994

Paul Allred
PO Box 935
Girdwood, Alaska 99587

RE: Your May 18, letter

Dear Paul:

Copy

The State of Alaska considers the Kwethluk and Kisaralik Rivers navigable water bodies under the Gulkana Decision that was affirmed by the US Supreme Court in April 1990. There are not any DNR permits required for the use of state water bodies for recreation or commercial purposes. I have enclosed a fact sheet describing the generally allowed uses on state land.

I have not had the opportunity to review the Andrefsky River. I will let you know what I find.

Sincerely,

Danny R. Allison

**Kwethluk River
Interim Summary Report
Attachment 41**

Anchorage Daily News, January 15, 1995, Page B-1

Guide permits draw fire

Villagers don't want tourists on upper Kwethluk River

By DAVID HULEN

Daily News reporter

A first-of-its-kind proposal to allow guided sportfishing and wilderness rafting on a remote western Alaska river is drawing angry protests from Yup'ik villagers who say they don't want tourists coming into their country.

At issue is a plan by the U.S. Fish and Wildlife Service to issue two commercial guiding permits along the upper Kwethluk River, which flows out of mountains southeast of Bethel.

The Kwethluk permits would be the first time that guiding permits would be issued in the Yukon Delta National Wildlife Refuge, a block of tundra and wetlands the size of Georgia.

The region, which contains some of the most traditional and active subsistence villages in Alaska, hasn't seen a lot of tourism. But managers of the refuge said interest from commercial wilderness guides has grown as other wild regions of the state have become more crowded

in recent years.

Several guides have asked for permission to take clients on float trips down the Kwethluk, and refuge manager David Stearns issued a draft finding last summer that two permits could be issued in late summer each year without causing major problems in the area. No hunting or motorboats would be allowed by guided groups, garbage must be hauled out and campsites must be on public lands.

Please see Page B-2, **PERMITS**

PERMITS: Yup'ik villagers protest tourism proposal on upper Kwethluk River

Continued from Page B-1

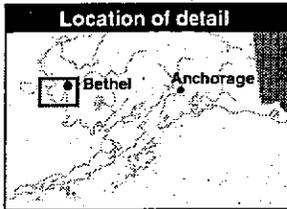
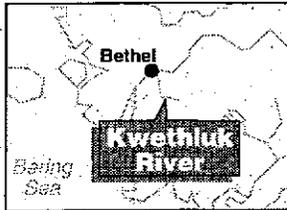
away from Native allotments.

But the proposal is drawing fire from the village of Kwethluk, a Yup'ik settlement of 650 people at the confluence of the Kuskokwim and Kwethluk rivers. Last week, the village's tribal government, city council and village corporation issued a long joint statement criticizing the plan, saying they fear tourists will hurt fish and wildlife — especially salmon — and that the number of permits issued will grow over time.

"We don't want to have the Fish and Wildlife Service crack open the door for everybody else to come in," said Max Angellan, administrator of Kwethluk's traditional council. Villagers use the river to fish for salmon, trout, pike, sheefish and grayling, and use the Upper Kwethluk to get to hunting camps and winter traplines.

A Fish and Wildlife report describes the village as "highly dependent on local fish resources — over 25,000 salmon were reported in the subsistence harvest of this village." Most village fishing occurs downstream on the larger Kuskokwim River, although some residents catch fish up the Kwethluk.

"We don't want to invite



KEVIN POWELL / Anchorage Daily News

outsiders to come in and abuse or misuse the fish spawning in our headwaters. It's our subsistence river. We've been using that river since I don't know when ... since our ancestors, and we're trying to protect what's left," he said.

The refuge manager, Stearns, said he sympathizes.

"They don't want us to introduce a bunch of outside competitors and I don't blame them," he said. "But I can't legally permit anything that would conflict with their subsistence ... I don't see a problem in the small number of permits we're talking about."

Already, Stearns said, the river is used by un-

guided outsiders — primarily sport and subsistence fishermen in motorboats and float planes from Bethel and elsewhere. "It's not like we're going from zero users to two users," he said. "It's more like 100 users to 102."

Stearns disputed villagers' contention that the river is theirs.

"It's not their river and I've tried to point it out. They may own some of the banks and they may even own the bottom but they don't own the water column and the right to control access," he said. "It's a navigable corridor, and they can't call it their river, and exclude other use. They're going to have to stand some people going by their front door in a motorboat, but those people have a perfect right to go by there as a means of access to the rest of the country."

Under the Fish and Wildlife proposal, rafts would be dropped off by float plane in the river's headwaters in the Kilbuck Mountains. Trips would be permitted only after Aug. 1 to prevent conflicts with raptors and to give young Harlequin ducks along the river the chance to mature.

The trips would include between four and 10 people at a time in two or three rafts, and the two permit-holders would each be allowed up to six trips between Aug. 1 and Sept. 30. Most fishing would be

“We don't want to invite outsiders to come in and abuse or misuse the fish spawning in our headwaters. It's our subsistence river. We've been using that river since I don't know when ... since our ancestors, and we're trying to protect what's left.”

— Max Angellan

catch-and-release, and the float trips would occur upstream of where motorboats normally travel, Stearns said.

The two permits would be awarded by lottery.

Fish and Wildlife ran a newspaper advertisement in December to see how many guides were interested, and is taking public comment on the matter until Tuesday. Stearns said he expected between 10 and 20 outfitters to be interested. A final decision

will be made later this winter, and if the plan stands, he said, the trips could start this August.

Fish and Wildlife, meanwhile, is studying whether to open several other rivers in the Yukon refuge to guiding, including the Kisaralik and Andreafsky, officials with the agency said. Both the Kodiak Island refuge and the Togiak refuge off Bristol Bay have become especially popular with river guides, said Jer-

ry Stroebele, a Fish and Wildlife Service official in Anchorage. River guides are looking for new country, he said.

At least some western Alaska villagers have welcomed the potential increase in tourism, seeing it as a way to pump money into one of the poorest regions of the state. Some are considering ways to get in on the business themselves.

"I've said to these villages, 'Why don't you be part of the activity?'" said Stearns.

Angellan, from the Kwethluk tribal council, said villagers had a meeting and decided they didn't want to do anything that would jeopardize subsistence.

"We don't want to take a step outside that position," he said. The government, the village argues, should reject the guiding plan based on subsistence-protection provisions of the 1980 Alaska lands act.

"Subsistence is our livelihood. They're supposed to help us manage what's left of our resources."

Thank you, Letter Writers!

The Daily News printed more than 3,500 letters from the people in

