

Putu and Mogak Creeks
HUC 30502, Zone 4, Kuskokwim River Region

FINAL
INTERIM SUMMARY REPORT

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PREFACE

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

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

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

Documents that are key to understanding agency decision making or the point of view of an interested party are indicated as Attachment 1, Attachment 2, etc., which appear after the corresponding endnotes. These documents are listed in the Table of Attachments and can be viewed in their entirety in a separate PDF file that supplements this report. A list of the Navigable Waters Research Reports completed to date is included at the end of this report.

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Attachments (in PDF format)

Attachment 1. Laura Lagstrom, BLM Navigable Waters Specialist, Memorandum on Interviews for Nunapitchuk Window, 2001, March 21, 2001, BLM files, AA-52707.

- Attachment 2.** Paula L. McHale, BLM Land Law Examiner, Decision to Legislatively Approve, March 17, 1998, BLM files, AA-52707.
- Attachment 3.** Marcia K. Walker, BLM Land Law Examiner, Decision to Legislatively Approve, April, 3, 1998, BLM files, AA-37833.
- Attachment 4.** Laura Lagstrom, BLM Navigability Specialist, Navigability Report: Putu Creek, June 5, 2002, BLM files, AA-52707.
- Attachment 5.** Gust C. Panos, BLM Chief of Branch of Mapping, Memorandum on Navigable Waters in Native Allotments Scheduled for Survey-Nunapitchuk 2001 (Group Surveys 245, 268 and 270), August 29, 2002, BLM files, AA-52707.
- Attachment 6.** U.S. Survey No. 12979, Officially Filed August 8, 2002, Master Title Plat (MTP) T. 15 N., R. 72 W., SM.
- Attachment 7.** MTP's, Tps. 13-14 N., R. 71 W.; T. 14 N., R. 72 W.; Tps. 15-16 N., R. 73 W.; T. 16 N., R. 74 W., SM.

Putu and Mogak Creeks

HUC 30502, Zone 4, Kuskokwim River Region

II-B Interim Summary Report

I. Introduction

Putu Creek is located in the Kuskokwim River Region, Zone 4 within HUC 30502 (Figure 1). Putu Creek is 42 river miles¹ long and is a tributary of the Johnson River.

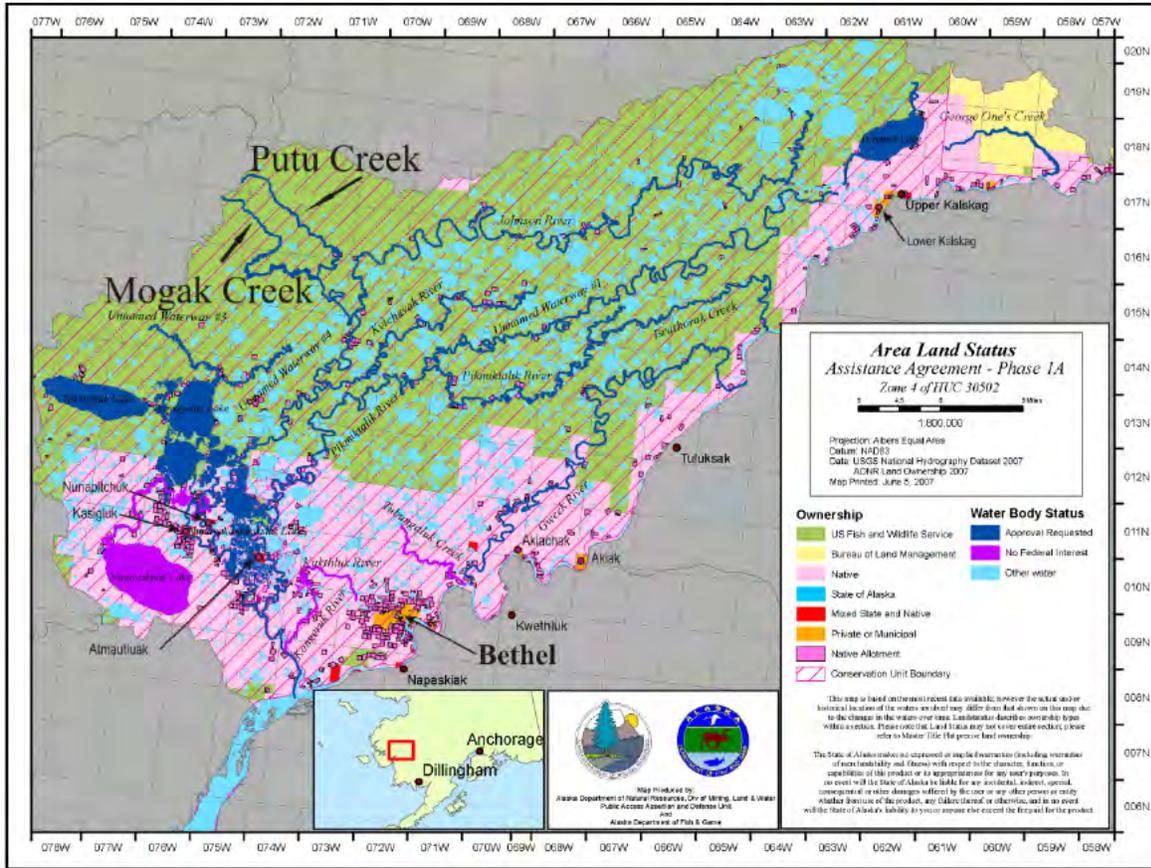


Figure 1. Map of Zone 3, HUC-30502. Showing the Location of Putu Creek.

¹ River mile markers used in this report are based on Geographic Information System (GIS) calculations using the National Hydrography Data Set which was derived from U.S. Geological Survey quadrangle maps. The river mile marker system used in this report may be different than river mile markers found in BLM/ANILCA documents, which may be based on air miles between points rather than distances along the river bed of the main channel.

Putu Creek comprises seven townships in the Seward Meridian (SM): Township (T.), Range (R.), Section (Sec.):

T. 16 N. 74 W., Sec. 35	T. 15 N. 73 W., Sec. 10	T. 15 N. 72 W., Sec. 26	T. 14 N. 72 W., Sec. 27
T. 16 N. 74 W., Sec. 26	T. 15 N. 73 W., Sec. 11	T. 15 N. 72 W., Sec. 35	T. 14 N. 72 W., Sec. 26
T. 16 N. 74 W., Sec. 25	T. 15 N. 73 W., Sec. 12	T. 14 N. 72 W., Sec. 02	T. 14 N. 72 W., Sec. 23
T. 16 N. 74 W., Sec. 24	T. 15 N. 73 W., Sec. 13	T. 14 N. 72 W., Sec. 03	T. 14 N. 72 W., Sec. 24
T. 16 N. 73 W., Sec. 19	T. 15 N. 72 W., Sec. 18	T. 14 N. 72 W., Sec. 11	T. 14 N. 72 W., Sec. 25
T. 16 N. 73 W., Sec. 30	T. 15 N. 72 W., Sec. 19	T. 14 N. 72 W., Sec. 10	T. 14 N. 72 W., Sec. 36
T. 16 N. 73 W., Sec. 29	T. 15 N. 72 W., Sec. 20	T. 14 N. 72 W., Sec. 04	T. 14 N. 71 W., Sec. 31
T. 16 N. 73 W., Sec. 28	T. 15 N. 72 W., Sec. 21	T. 14 N. 72 W., Sec. 09	T. 14 N. 71 W., Sec. 06
T. 16 N. 73 W., Sec. 33	T. 15 N. 72 W., Sec. 28	T. 14 N. 72 W., Sec. 16	T. 13 N. 71 W., Sec. 32
T. 15 N. 73 W., Sec. 04	T. 15 N. 72 W., Sec. 27	T. 14 N. 72 W., Sec. 15	
T. 15 N. 73 W., Sec. 03	T. 15 N. 72 W., Sec. 34	T. 14 N. 72 W., Sec. 22	

Putu Creek heads in Sec. 35, T. 16 N., R. 74 W., SM, and flows 42 miles in a southeasterly direction prior to joining Johnson River as a right bank tributary in Sec. 32, T. 14 N., R. 71 W., SM. Putu Creek is entirely within the boundaries of the 1980 Alaska National Interest Lands Conservation Act (ANILCA) portion of the Yukon Delta National Wildlife Refuge (NWR).

Mogak Creek comprises four townships:

T., 15 N. 74 W., Sec. 04	T., 15 N. 73 W., Sec. 21	T., 14 N. 73 W., Sec. 18	T., 14 N. 72 W., Sec. 07
T., 15 N. 74 W., Sec. 03	T., 15 N. 73 W., Sec. 28	T., 14 N. 73 W., Sec. 17	T., 14 N. 72 W., Sec. 18
T., 15 N. 74 W., Sec. 10	T., 15 N. 73 W., Sec. 27	T., 14 N. 73 W., Sec. 19	T., 14 N. 72 W., Sec. 08
T., 15 N. 74 W., Sec. 11	T., 15 N. 73 W., Sec. 26	T., 14 N. 73 W., Sec. 20	T., 14 N. 72 W., Sec. 17
T., 15 N. 74 W., Sec. 02	T., 15 N. 73 W., Sec. 34	T., 14 N. 73 W., Sec. 16	T., 14 N. 72 W., Sec. 16
T., 15 N. 74 W., Sec. 01	T., 15 N. 73 W., Sec. 35	T., 14 N. 73 W., Sec. 15	
T., 15 N. 74 W., Sec. 12	T., 14 N. 73 W., Sec. 03	T., 14 N. 73 W., Sec. 10	
T., 15 N. 74 W., Sec. 13	T., 14 N. 73 W., Sec. 04	T., 14 N. 73 W., Sec. 11	
T., 15 N. 73 W., Sec. 18	T., 14 N. 73 W., Sec. 05	T., 14 N. 73 W., Sec. 14	
T., 15 N. 73 W., Sec. 17	T., 14 N. 73 W., Sec. 08	T., 14 N. 73 W., Sec. 13	
T., 15 N. 73 W., Sec. 20	T., 14 N. 73 W., Sec. 07	T., 14 N. 73 W., Sec. 12	

Mogak Creek heads in Sec. 4, T. 15 N., R. 74 W., SM and flows 50 miles in a southeasterly direction prior to joining Putu Creek as a right bank tributary in Sec. 16, T. 14 N., 72 W., SM. It is entirely within the boundaries of the ANILCA portion of the Yukon Delta NWR.

The nearest village to the mouth of Putu Creek is Akiachak, 36 miles to the southeast. Akiachak is located on the west bank of the Kuskokwim River, 18 miles northeast of Bethel. According to interviews conducted by the BLM in 2001 with residents of Akiachak, the locals call the river *Chounuk*.¹ (Attachment 1)

II. Land Status

Putu Creek flows through Federal and Native allotment lands. The river heads in the lowlands of the federally owned Yukon Delta NWR and flows for 19 miles until crossing a Native allotment for one half mile. The creek then flows through Yukon Delta NWR land for 1.6 miles until crossing a second Native allotment for 1.3 miles. The remaining 19.5 miles of the creek flow through NWR land. Putu Creek crosses no Alaska Native Claims Settlement Act (ANCSA) village or corporate land selections. There are two Native allotments on Putu Creek.

Mogak Creek flows through Federal lands. The river heads in the lowlands of the Yukon Delta NWR and flows for 50 miles until reaching its confluence with Putu Creek. Mogak Creek does not cross ANCSA village or corporate land selections. There are no Native allotments on Mogak Creek.

A portion of the land now part of the Yukon Delta NWR was first set aside by President Theodore Roosevelt in 1909 as a preserve and breeding ground for native birds. This land selection did not include Putu Creek. Under the authority of The National Wildlife Refuge Administration Act of 1966 (as amended) 16 U.S.C. 668dd and Public Land Order (PLO) 5703 issued On February 11, 1980 by the Secretary of the Interior under section 204 of the Federal Land Policy Management Act (FLPMA), a second selection that included Putu Creek was withdrawn from unreserved public lands managed by the BLM in 1972 (Public Land Order (PLO) 5184, March 9, 1972) and transferred to the federal refuge system under ANILCA, PL 96-487 in 1980. Title to the refuge lands is held by the United States. The U.S. Fish and Wildlife Service (USF&WS) is the manager of these lands.

ANCSA was signed into law on December 18, 1971, with the intention of resolving aboriginal land claims in Alaska. The law established 13 Native regional corporations and over 200 Native village corporations. These village corporations and 12 of the regional corporationsⁱⁱ were entitled to select 44 million acres of land in Alaska to be distributed among these corporations based on population and other established principles. For the village selected lands, the regional corporations are entitled to the subsurface estates and the village corporations are entitled to the surface estate. Akiachak Limited is the ANCSA village corporation for the village of Akiachak. The Calista Corporation is the regional Native Corporation for the middle Kuskokwim River villages. Calista has no land selections or conveyances on Putu Creek.

The Alaska Native Allotment Act of 1906 permitted individual Alaska Natives to acquire title to up to 160 acres of land. The Act was repealed in 1971 with the passage of ANCSA. However, a savings clause preserved allotment applications still pending as of the effective date of ANCSA on December 18, 1971.²

ⁱⁱ The thirteenth regional corporation was based in Seattle and not entitled to any land selections in Alaska.

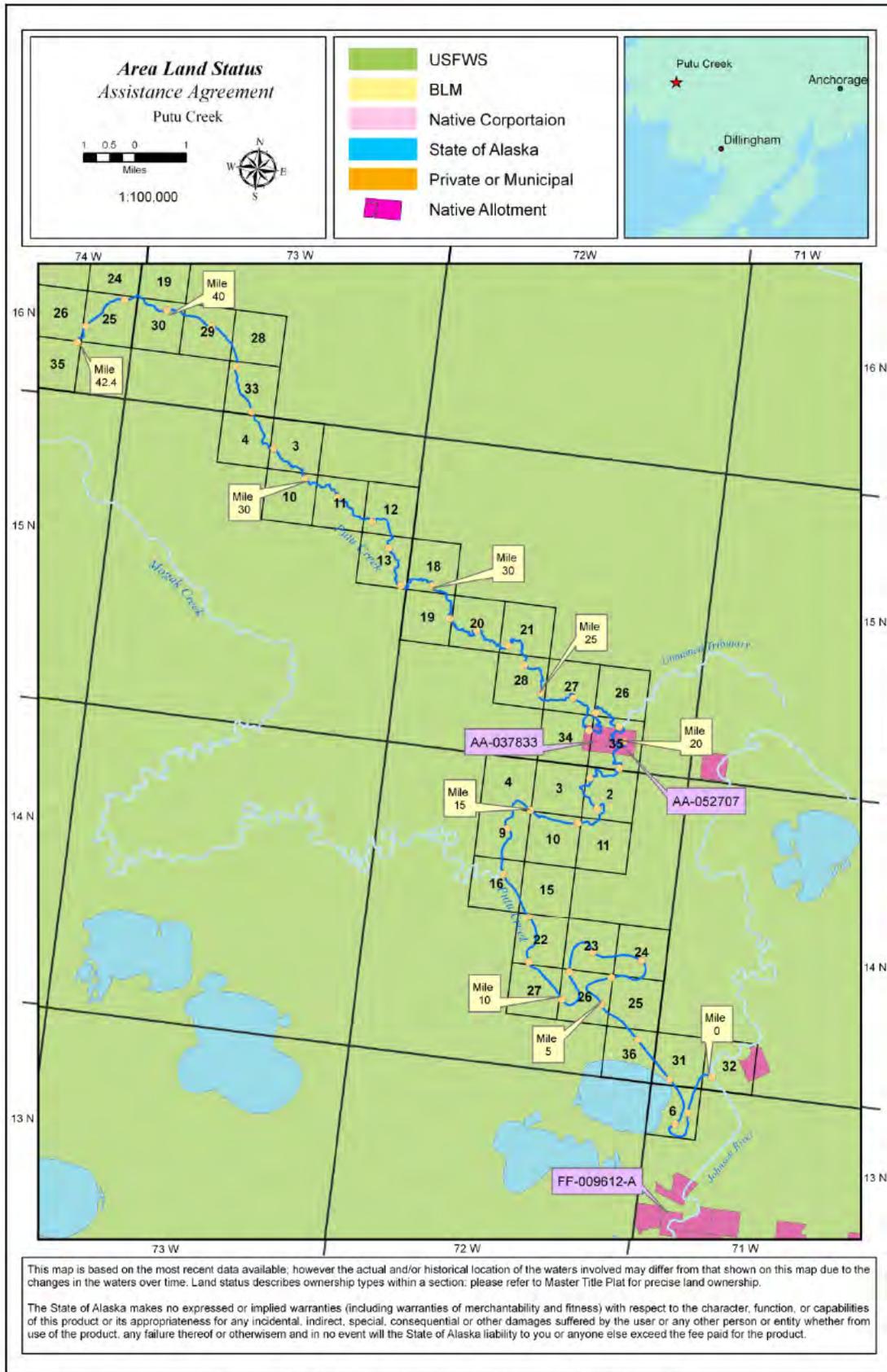


Figure 2. Map showing land status on Putu Creek.

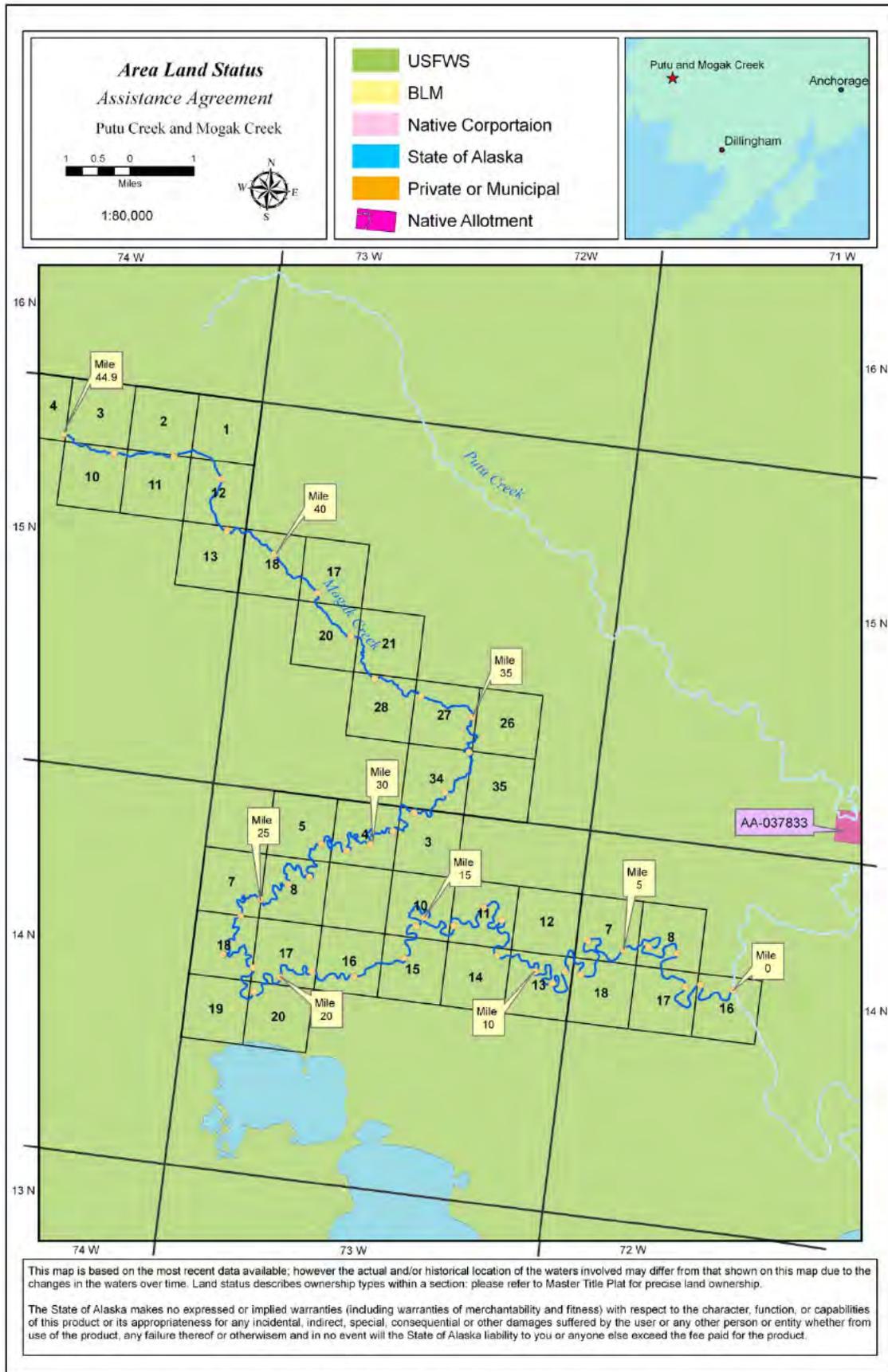


Figure 3. Map showing land status on Mogak Creek.

III. BLM Navigability Determinations and Land Conveyance History

On March 17, 1998, Paula McHale, a BLM Land Law Examiner, issued a Decision to Legislatively Approve Native allotment AA-52707 to Mary Ekamrak of Akiachak. The Decision did not address navigable waters.³ (Attachment 2)

On April 3, 1998, Marcia K. Walker, a BLM Land Law Examiner, issued a Decision to Legislatively Approve Native allotment AA-37833 to Helena George of Akiachak. The Decision did not address navigable waters.⁴ (Attachment 3)

Laura Lagstrom, a BLM Navigable Water Specialist, issued a navigability report that addressed Putu Creek within these Native allotments on June 5, 2002. Based on telephone interviews conducted by Lagstrom with the Ekamrak family of Akiachak in 2001, the BLM found Putu Creek “susceptible to travel trade and commerce” through Mary Ekamrak’s Native allotment, AA-52707, in Sec. 35, T. 15 N., R. 72 W., SM (from river mile 19.5 to river mile 20.8), using aerial photography. The BLM determined Putu Creek “non-navigable” within Helena George’s Native allotment AA-37833 (from river mile 22.5 to river mile 32.2). The non navigability determinations were based on aerial photography from July 1980 that showed Putu Creek closed off in three sections within AA-37833.⁵ (Attachment 4)

On August 29, 2002, Gust C. Panos, the BLM Chief of Branch of Mapping Sciences, issued a memorandum on Navigable Waters in Native Allotments Scheduled for Survey-Nunapitchuk 2001. The memorandum identified “navigable and non-navigable waters in the Native allotment parcels.” Appendix I of an attached map for T.15 N., R. 72 W., SM., shows Putu Creek as navigable in Native allotment AA-52707 The BLM determined Putu Creek navigable in Native Allotment AA-52707. No navigable waters were found by the BLM in AA-37833.⁶ (Attachment 5)

Navigability determinations for Putu Creek are summarized in Table 1 and shown in Figure 4. The BLM has made no land conveyances or navigability determinations for Mogak Creek. The BLM meandered and segregated Putu Creek within U.S. Survey No. 12979, Lots 2-3, Native allotment AA-52707 in T., 15 N., R. 72 W., SM.⁷ (Attachment 6) The remainder of Putu Creek has not been meandered and segregated in the MTPs and U.S. Survey No. 12979, Lot 1.⁸ (Attachment 7)

Table 1. Summary of BLM Navigability Determinations

Date	River Section	Type Decision and Substance	Criteria
6/5/2002 (Attachment 3)	Lower	Putu Creek navigable through Native allotment AA-52707, from river mile 19.5 to river mile 20.8.	Susceptibility to travel, trade and commerce.
6/5/2002 (Attachment 3)	Lower	Putu Creek determined non-navigable in Native allotment AA-37833.	Aerial photography showed obstructions.
8/29/2002 (Attachment 4)	Lower	Putu Creek determined navigable in Native allotment AA-52707 and non-navigable in AA-37833.	Susceptibility to travel, trade and commerce.

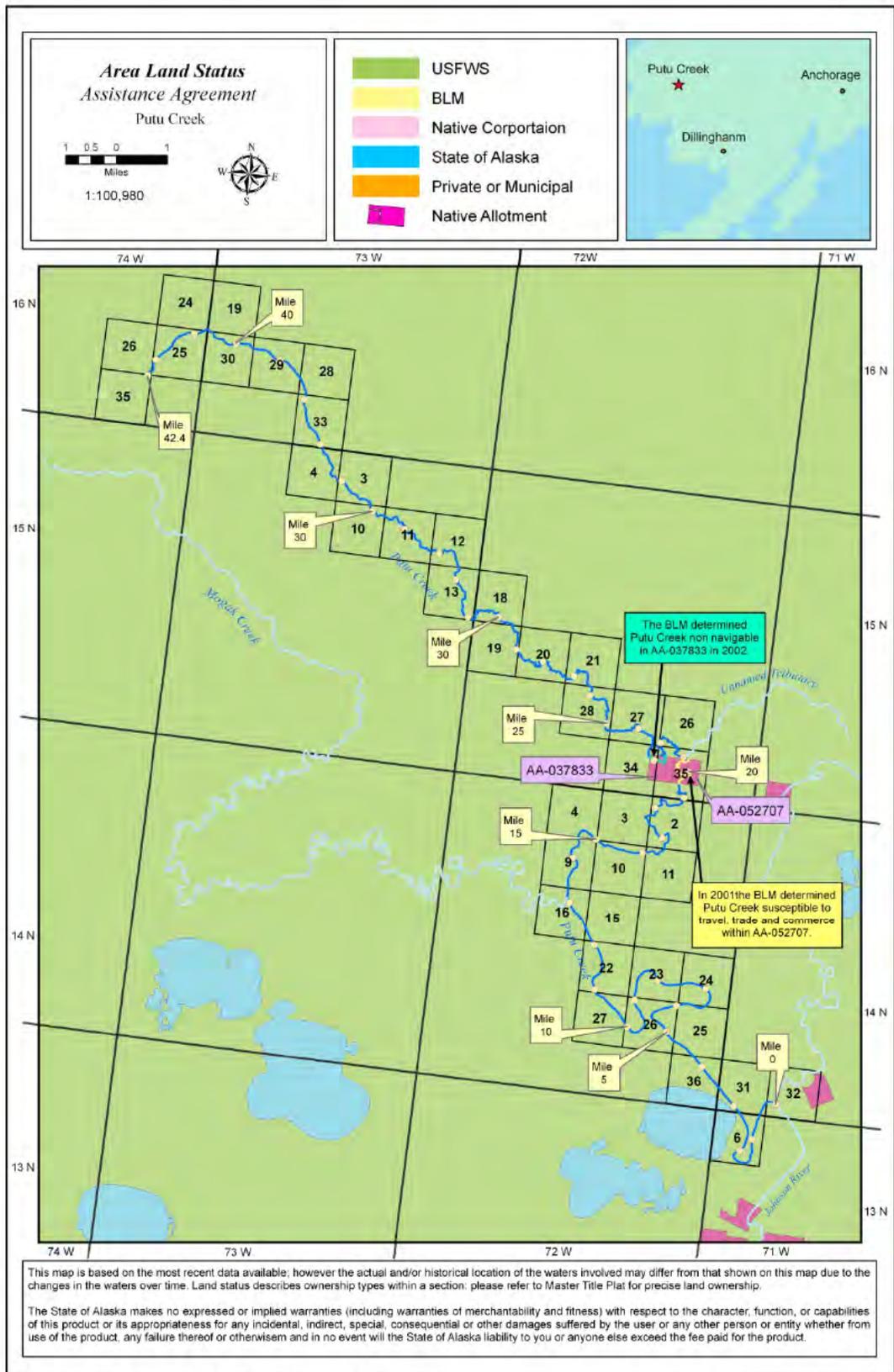


Figure 4. Map showing BLM navigability determinations for Putu Creek.

IV. Physical Character of the Waterway

Putu Creek heads from a tundra lake in Sec. 35, T. 16 N., R. 74 W., SM, in the Yukon Delta NWR at an elevation between 75 and 100 feet above sea level. The creek meanders generally southeast for 43 river miles through the Yukon Delta NWR lowlands with a gradient of two feet per mile.⁹ Putu Creek has numerous tributaries, including the right bank tributary Mogak Creek that drain 200 square miles and is part of the Johnson River watershed. Hundreds of thaw lakes are found in the Johnson River watershed, a continuous wetland where drainage lines are indefinite because of low relief.¹⁰ The lower portion of the Putu Creek is 25-35 feet wide and 8-10 feet deep.¹¹ (Attachment 1)

Putu Creek has a left bank tributary that joins Putu Creek at river mile 21 (in Sec. 35, T. 15 N., R. 72 W., SM) north of Native allotment AA-52707. Local Natives used this unnamed creek to travel by boat to hunting and fishing areas to the east.

Mogak Creek heads from a tundra lake in the Yukon Delta NWR at an elevation of 175 feet above sea level. The creek meanders 45 miles through the Yukon Delta NWR with a gradient of 4 feet per mile.¹² The creek drains 75 square miles and is part of the Putu Creek and Johnson River watershed. The only description of the creek found described it as “less than 250 feet” in width.¹³

There is no known hydrological information available on these two creeks. Putu and Mogak Creeks appear to be in their natural and ordinary condition from the time of statehood.

V. Evidence of Use of the Waterway

Early Native Use of Putu Creek

Human occupation of the Kuskokwim area goes back 11,000 years to nomadic hunters of Pleistocene animals. These hunters were supplanted about 1,900 B.C., when Eskimos from the north moved into the lower Kuskokwim drainage, bringing with them the so-called Arctic Small Tool tradition.¹⁴ Permanent occupation of the interior Kuskokwim Delta with chronological continuity began about AD 600.¹⁵ The *Kusquqvagmiut*, who descended from the Eskimos and are known as Yup'ik Eskimos or mainland southwest Alaskan Eskimos, have inhabited the Kuskokwim River and its tributaries down to the present as far inland as the village of Aniak. By 1880, their population was estimated at 3,100.¹⁶

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

ceremonial, sharing, partnership, trade and commercial exchange. The cultural values that promote ceremonial feasting and distribution of subsistence resource goods have persisted in all Alaska Native groups.¹⁷

As contact with Russian fur traders and American missionaries, traders and miners increased in the nineteenth and twentieth centuries, the Native subsistence system of distribution and exchange gradually changed. While the *Kusquvagmiut* continued to sustain themselves through their hunting, fishing, and gathering efforts, their involvement in the fur trade brought about significant changes.¹⁸ Contact with American traders increased the interaction between subsistence production and commercial exchange, including the sharing and trading of commercial and subsistence goods.¹⁹

The *Kusquvagmiut* traveled by water craft to harvest and transport subsistence resources to their village sites and to distribute them to other groups.²⁰ They used canoes to travel up the tributaries of the Kuskokwim River to fish for salmon, hunt and gather berries. Tributaries of the Kuskokwim enhanced the mobility of travelers and provided extensive access deep into the adjacent countryside.²¹

Recent Native Use of Putu Creek Documented in Native Allotment Files

The BLM began collecting information in the 1970s to adjudicate Native allotment applications filed by local Natives who have fished, hunted and picked berries on the lands in their area. The Natives accessed favorite spots along the river by boat for hunting, trapping, fishing and berry picking. These favorite spots, through customary use, developed into exclusive use areas. The federal government approved many of these areas as allotments and transferred title to the land to the applicants. Adjacent to each other are two certificated Native allotments on Putu Creek located in the lower reach of the river.

Mary Ekamrak of Akiachak applied for Native allotment AA-52707 in December of 1970. This 160-acre parcel was among many petitioned to a Federal court under *Fanny Barr v. the United States*. The case went to trial when a number of Native allotment applications collected by Rural Cap in the 1970's were lost and never processed. Under the court settlement, individuals were allowed to submit new applications past the original ANCSA deadline. Ekamrak applied again for the Native allotment on October 7, 1983. She claimed use of the land from September to December and from April to June since 1948 for berry picking.²² Russel D. Blome, a BLM Realty Specialist, visited the parcel on May 28, 1984 with the applicant, her husband John Ekamrak and Fritz George. Putu Creek bisects AA-52707 (Figure 5). Blome reported that access to the parcel was "by boat up Putu Creek."²³ In the past, Ekamrak gathered spruce roots "from near the small stream to the north for making ropes for their blackfish/whitefish traps etc." Blome noted that there was a moose lookout tower on the parcel. Ekamrak did not claim the tower, but did not object to it. She told Blome that it was built and used by local Natives from other villages like Kasigluk, Nunapitchuk, and Atmaultluak in recent years. The parcel was surveyed as Lots 2 and 3, U.S. Survey No. 12979 on August 8, 2002 and certificated as No. 50-2003-0448 on August 17, 2003.



Figure 5. View southeasterly over Putu Creek and BLM corner marker (red circle) between AA-52707 and AA-037833. Photo taken in September 1984 by BLM Realty Specialist Russel Blome.

Helena George of Akiachak applied for a 160-acre parcel AA-37833 on Putu Creek adjacent to Mary Ekamrak's parcel. George was also part of the Fanny Barr court case. George did not fill in the date on her second application, but the application is stamped as received by the BLM on December 5, 1979. In a 1983 affidavit, George claimed she first went to the parcel with her family as a child in 1933.²⁴ On this application she claimed occupancy of the land since 1948 for seasonal subsistence use. This use occurred from September 31st through November 24th for berry picking and "mice rooting." Collecting mice roots is a traditional Yupik subsistence practice of harvesting plant tubers that have been collected by mice and stored in their nests.²⁵ George stated that she had not made any improvements on the land. She stated that she camped on Native Allotment AA-09612-A, owned by her husband Wassilli George Sr., on the Johnson River (Figure 2).²⁶ From his allotment she traveled by boat to her allotment on Putu Creek in the morning and returned to his camp in the evenings. Russel D. Blome, a BLM Realty Specialist, visited the parcel on May 25, 1984 with the applicant and her husband. Blome reported that the couple accessed the parcel by boat up Putu Creek. Blome noted in his field report that there was a moose lookout tower on the parcel. This is probably the same moose look out tower that he observed on the adjacent parcel (Figure 6). Blome was informed that it had been built and used in recent years by local Natives from other villages like Kasigluk, Nunapitchuk, and Atmautluak.²⁷ The parcel was surveyed as Lot 1, U.S. Survey No. 12979 on August 8, 2002 and certificated as No. 50-2003-0447 on August 14, 2003.



Figure 6. Photo looking northeasterly over the shared BLM corner marker (red circle) placed at the NE corner of AA-37833 and the NW corner of AA-52707. A hunting stand is visible to the right of the BLM marker. Photo taken in September 1984 by BLM Realty Specialist Russel Blome.

Local Knowledge of Putu Creek from BLM Interviews and the ADF&G Subsistence Report

On March 21, 2001, Laura Lagstrom, a BLM Navigable Water Specialist, issued a memorandum of Interviews for the Nunapitchuk Window. For Putu Creek, Lagstrom conducted phone interviews with Mary Ekamrak, who has Native allotment AA-52707 on Putu Creek, and her family. Mary's son Willie served as her translator. Willie said that when his parents traveled to AA-52707, "they use an 18-foot Lund with either a 25 or 30-horsepower propeller motor." He said that the water is always deep and they have no problems boating to and beyond the allotment. He estimated that in the spring Putu Creek is around ten-feet deep, in the summer it is eight-feet deep, and in the fall, if there is lots of rain, the creek can be nine to ten-feet deep. Willie said that the creek is very wide and there are no obstructions. He said that he has seen many other villagers from the surrounding area boat the creek. Willie added that when he boats to Putu Creek, he travels in his 22-foot Pacific skiff with a Honda 90-horsepower propeller motor.²⁸ (Attachment 1)

Mary Ekamrak's daughter-in-law, Ina Ekamrak, said her family picks blackberries every July at Mary's allotment. They boat to the Native allotment in an 18-foot Lund. She said the stream is deep all the time and they have never encountered any obstructions.²⁹ Daniel Ekamarak, Mary's son, said that four years prior to the interview he had traveled in an 18-foot Lund with a 50-horsepower Honda propeller motor almost to the lake located "beyond his mother's allotment." When asked what direction he and his family took after they reached his mother's allotment, he said they boat toward the unnamed left bank tributary. In his boat he carried his

wife, three children and all their supplies for a couple of days. He estimated the creek to be about 20-feet deep and between 25 feet to 35 feet wide. He had never taken a boat up Putu Creek in the summer or fall but believed it would remain deep because of the width and depth he observed when he has been there in May. He stated that he had seen other local Natives from the villages of Nunapitchuk and Atmautluak boat Putu Creek.³⁰

Mary Ekamrak's son Peter Ekamrak called Putu Creek *Choumuk*. In September he went moose hunting four or five miles beyond his mother's native allotment "to the right or in a northeasterly direction." He traveled with four adults and their camping gear in a 24-foot Yukon Raider with a 120-horsepower motor. He did not encounter any obstructions nor did his boat hit bottom. He said that *Choumuk* remains deep the whole month of September. He said that he had never boated the creek in the spring or summer nor had he boated the creek to the left (or northwest) of his mothers allotment.³¹

In 2001, the Alaska Department of Fish and Game (ADF&G) published a study *The Subsistence Harvest and Use of Wild Resources in Akiachak, Alaska, 1998*. This study found that residents of Akiachak travel the Johnson River and its tributaries by boat to access the ADF&G Game Management Unit (GMU) #18 for hunting fishing and gathering. Putu Creek, a tributary of the Johnson River, is included in the areas indicated as hunting areas used by local Natives on maps published in the report (Figure 7). In the spring the area is used for waterfowl hunting. During mid-April some hunters "drag small skiffs overland by snowmachine or ATV to tundra lakes or small tributaries that are free of ice."³² In the fall they hunt moose in GMU #18. Local Natives from Akiachak are known to travel great distances in search of moose.³³

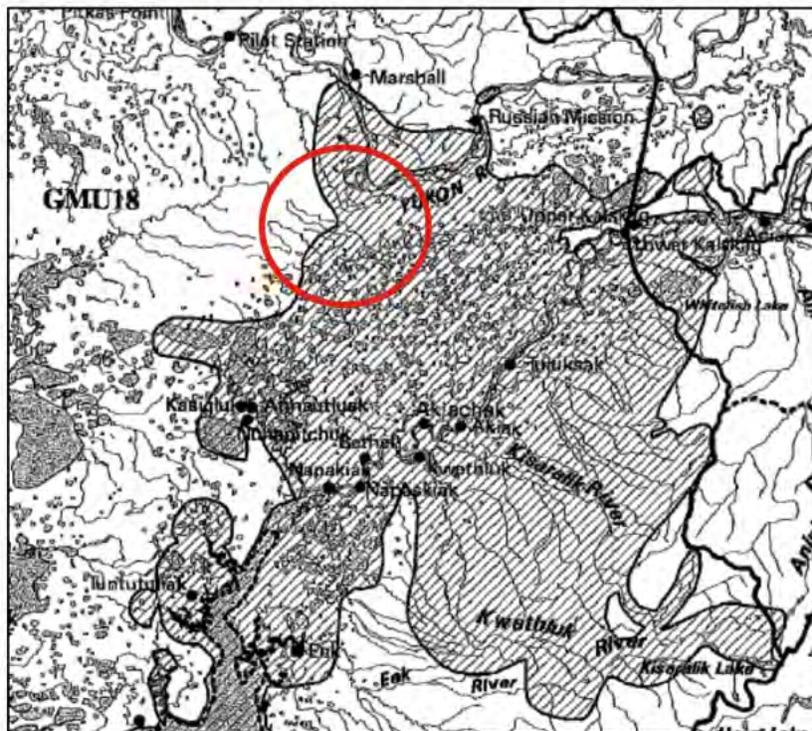


Figure 7. Subsistence areas used by Akiachak Residents for hunting, fishing, and gathering, 1988-1997. Putu Creek is within the red circle.

VI. Summary

In 2001, the BLM determined Putu Creek navigable within Native allotment AA-052707 (from river mile 19.5 to river mile 20.8). In 2002, the BLM determined Putu Creek non-navigable within Native allotment AA-037833 (river mile 22.5 to river mile 32.5). No navigability determinations have been made for Mogak Creek.

Native allotment files document both pre-statehood and post statehood use of Putu Creek from its mouth upstream through river mile 21. The Native allottees reported using boats on Putu Creek during the open season to access their allotments each year since 1948 and continuing into the mid- 1980's. The Ekmarak family, which owns allotment AA-52707, described four kinds of boats that they used to access the Native allotment on Putu Creek: an 18-foot Lund with either a 25 or 30-horsepower propeller motor, a 22-foot Pacific skiff with a Honda 90-horsepower motor, an 18-foot Lund with a 50-horsepower Honda propeller motor, and a 24-foot Yukon Raider with a 120-horsepower motor. The allottees also stated that residents of Kasigluk, Nunapitchuk, and Atmautluak use boats to travel up Putu Creek and its left bank unnamed tributary in the fall to go hunting.

Endnotes

¹ Laura Lagstrom, BLM Navigable Water Specialist, Interviews for Nunapitchuk Window, 2001, March 21, 2001, p. 11, BLM files, Marshall FY2001.

² David S. Case and David A. Voluck, *Alaska Natives and American Laws*, University of Alaska Press, Fairbanks, 1984, p. 109.

³ Paula L. McHale, BLM Land Law Examiner, Decision to Interim Convey, March 17, 1998, BLM files, AA-52707.

⁴ Marcia K. Walker, BLM Land Law Examiner, Decision to Interim Convey, April 3, 1998, BLM files, AA-37833.

⁵ Laura Lagstrom, Navigable Water Specialist, Navigability Report, June 5, 2002, p. 3, BLM files, AA-52707.

⁶ Gust C. Panos, BLM Chief of Branch of Mapping, Navigable Waters in Native Allotments Scheduled for Survey- Nunapitchuk 2001 (Group Surveys 245, 268 and 270), BLM files, AA-52707.

⁷ U.S. Survey No. 12979, Officially Filed August 8, 2002.

⁸ MTPs: Tps. 13-14 N., R. 71 W., T. 14 N., R. 72 W., Tps. 15-16 N., R. 73 W., T. 16 N., R. 74 W., SM.

⁹ United States Geological Survey, Map Quadrangle Marshall B-1, 1:63,360, 1954.

¹⁰ Roger Clay, *A Compilation of Hydrologic Data on the Kuskokwim Region*, Division of Geological and Geophysical Surveys, Water Resources Section, Navigability Project, Alaska Department of Natural Resources, December 1983, pp. 185 and 286.

¹¹ Lagstrom, Interviews for Nunapitchuk Window, 2001, March 21, 2001, p. 11, BLM files, AA-52707.

¹² United States Geological Survey, Map Quadrangle Marshall B-1, 1:63,360, 1954.

¹³ Roger Clay, *A Compilation of Hydrologic Data on the Kuskokwim Region*, pp. 249.

¹⁴ James W. Vanstone, "Mainland Southwest Alaska Eskimo," in *Handbook of North American Indians, Volume V, Arctic*, David Damas, editor, Smithsonian Institute, Washington, D.C., 1984, pp. 227-229.

¹⁵ Robert D. Shaw, *Cultural Resources Survey Preceding Construction of a Water and Sewer System in Kwethluk, Alaska*, a report done under contract to the Alaska Native Tribal Health Consortium, Anchorage, 2002, p. 10.

¹⁶ Vanstone, "Mainland Southwest Alaska Eskimo," pp. 227-229.

¹⁷ Steve Langdon and Rosita Worl, *Distribution and Exchange of Subsistence Resources in Alaska*. Alaska Department of Fish and Game Technical Paper Number 55, Arctic Environmental Information and Data Center, University of Alaska, Anchorage, 1981, pp. ii, 1.

¹⁸ Vanstone, "Mainland Southwest Alaska Eskimo," p. 299.

¹⁹ Langdon and Worl, *Distribution and Exchange of Subsistence Resources in Alaska*, pp. 28 and 96.

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- ²⁰ Vanstone “Mainland Southwest Alaska Eskimo,” p. 299.
- ²¹ Wendell H. Oswalt, *Bashful No Longer, An Alaskan Eskimo Ethnohistory, 1778-1988*, University of Oklahoma Press, Norman, 1990, pp. 8-9.
- ²² Mary Ekamrak, Alaska Native Allotment Application and Evidence of Occupancy, November 7, 1983, BLM files, AA-52707.
- ²³ Russel D. Blome, BLM Realty Specialist, Native Allotment Field Report, September 24, 1984, BLM files, AA-52707.
- ²⁴ Helena George, Affidavit of Helena George, October 8, 1983, BLM files, AA-37833.
- ²⁵ Esther Ilutsik, “Traditional Yup’ik Knowledge-Lessons for All of Us,” in *Sharing Our Pathways-A Newsletter of the Alaska Rural Systemic Initiative*, Vol. 4, Issue 4, September/October 1999, Alaska Federation of Natives, University of Alaska, National Science Foundation, and the Annenberg Rural Challenge.
- ²⁶ Helena George, Alaska Native Allotment Application and Evidence of Occupancy, No date, BLM files, AA-37833.
- ²⁷ Russel D. Blome, Native Allotment Field Report, Septembers 6, 1984, BLM files, AA-37833.
- ²⁸ Lagstrom, Interviews for Nunapitchuk Window, 2001, March 21, 2001, BLM files, AA-52707.
- ²⁹ Ibid.
- ³⁰ Ibid.
- ³¹ Ibid.
- ³² Michael W. Coffing, Louis Brown, Gretchen Jennings and Charles J. Utermohle, *The Subsistence Harvest and Use of Wild Resources in Akiachak, Alaska 1998*, Technical Paper No. 258, November 2001, Alaska Department of Fish and Game, Division of Subsistence, p. 137.
- ³³ Ibid., p. 97.