

ATTACHMENTS

for

Tuluksak River

FINAL

INTERIM SUMMARY REPORT

Prepared by Rolfe Buzzell, Historian II
and Chris Chambers, Alaska Conservation Corps

Kuskokwim Assistance Agreement
Phase II-B Submission

Office of History and Archaeology
Department of Natural Resources
State of Alaska

October 12, 2001

**Tuluksak River
Interim Summary Report
Attachment 1**

NAVIGABILITY FIELD REPORT

HISTORICAL OR PRESENT USE DATA

Number/Name of Water Body TULUKSAK RIVER Quadrangle BETHIE / RUSSIAN MESSIAH

Native Selection Impacted TULUKSAK AND DEFIENCY AREA

Location of Water Body T12N R66WS M SEWARD MERIDIAN

Type of Use(s) Local transportation route, BARGE TRAFFIC to TULUKSAK AND NYAC MINE

Amount of Use Heavy local use, Intermittent use for Commerce

Area of Use Kuskokwim to Kibbuck Intake

Season of Use/Date May thru Oct

Type Watercraft Used River barge, skiff

Development Along Water Body

Past Tuluksak Village

BOAT HANDING

Present HAUL RD. TO MINE

Future NONE

ACCESS to public LANDS

Sources of Information Village, Mine Rep, United Transportat

Physical Report prepared? Yes No

Report Prepared by _____ Review _____
Date _____ Date _____

F 14949EE

NAVIGABILITY FIELD REPORT

PHYSICAL DATA

F-14949-A (Government file)

Number/Name of Water Body Tuluksak R Quadrangle BETHLEHEM/RUSKIN
Native Selection Impacted Tuluksak, a Deficiency Selection Mission
Location of Water Body T12N R 6W S 11 Seward

Length 50 mi Width 200' Depth 10'

Area

Discharge

Bank Characteristics silt, 5'-25'

Channel Characteristics MEANDERING

Obstructions to Navigation NONE to barge landing

Flood Characteristics SEASONAL, during spring break-up

Length of Useable Season 6 mo

Type of Watercraft Commonly Used in Area ^{motor boat} skiff, River barge

Other Transportation Systems Available NONE

Need of Use of Water Body in Future ACCESS to public lands

Tidal Influence NONE

Remarks:

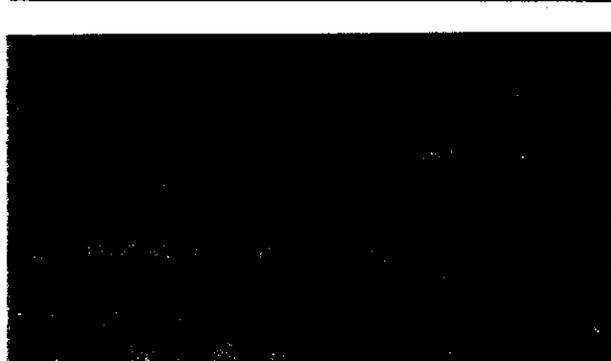
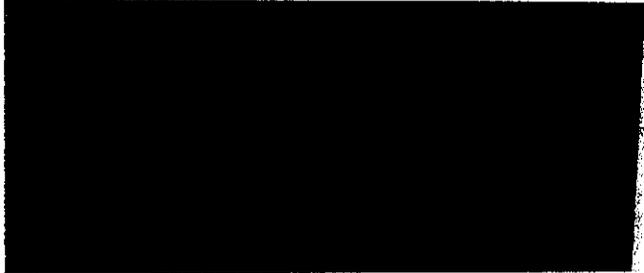
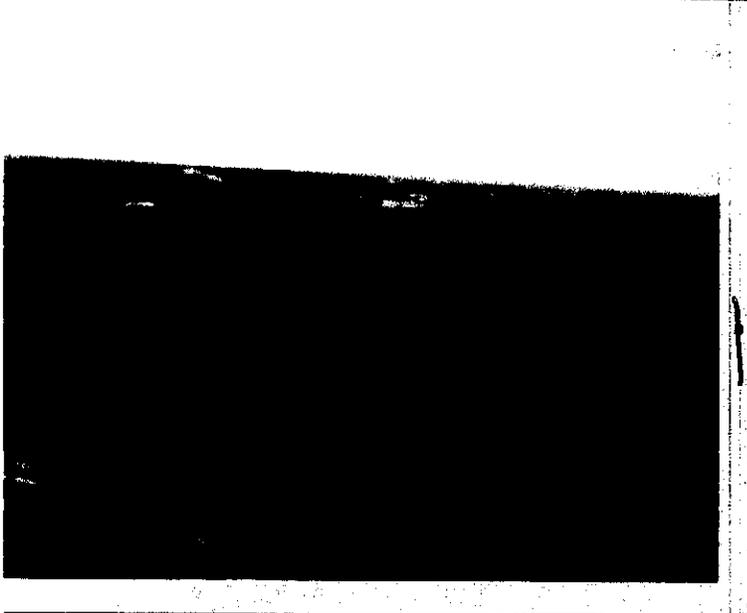
F 14949 EE

Report Prepared by WRD

Review

Date 11-2-75

Date



UNITED STATES GOVERNMENT

Memorandum

**Tuluksak River
Interim Summary Report
Attachment 2**

TO : SD (932)

DATE: NOV 21 1975

FROM : DM-A

In reply refer to:
F-14949/2651 (102)

SUBJECT: Easements Identified on Native Selected Lands

A village withdrawal map for the village of Tuluksak was mailed to the following agencies in early 1975, as per their request, to enable them to identify easement needs as per section 17(b) of ANCSA:

Tununrmiut Rinit Corporation
U.S. Bureau of Mines
State of Alaska, Division of Lands
State of Alaska, Department of Fish and Game
Knik Kanoers

Representatives of the Anchorage District met with the village corporation on October 24, 1975, to discuss all the easements that had been recommended at that time.

The enclosed map, justification statements, and village comments are the results of our efforts to insure reasonable public access to public lands and waters.



Enclosures:

Map

Justification statements

Village comments

F 14949EE



BUREAU OF LAND
MANAGEMENT
MAIL ROOM

SEP 29 9 20 AM '75

RECEIVED
ANCHORAGE AK.

September 24, 1975

Mr. Richard W. Tindall
Anchorage District Manager
Bureau of Land Management
4700 E. 72nd
Anchorage, Alaska 99502

Re: Proposed Easement Recommendations

Dear Mr. Tindall:

This correspondence and attached maps depicting various easements is being submitted in accordance with Section 17(b) ANCSA and is our request for consideration. The villages being submitted and commented on are as follows:

Stony River ✓	Akiak ✓
Sleetmute ✓	Akiachak ✓
Red Devil ✓	Bethel ✓
Georgetown ✓	Napaikak ✓
Crooked Creek ✓	Oscarville ✓
Napaikute ✓	Kwethluk ✓
Russian Mission (L) ✓	Napakisk ✓
Russian Mission (Y) ✓	Eek ✓
Aniak ✓	Tuntutuliak ✓
Tuluksak ✓	Kvigillinsok ✓
Ohoaganut ✓	Pilot Station ✓
Andreafuky ✓	Pitkas Point ✓
St. Marys ✓	Mountain Village ✓

The maps are color coded with an attached legend for your clarification. Basically our recommendations are to insure ingress and egress to isolated blocks of land, along waterways, coastal areas and right-of-way areas where the contour of the land would allow ingress and egress. The following is being submitted in general accordance with the "Local Easement Study" dated November 1974 by the Federal-State Land Use Planning Commission for Alaska. Our specific recommendations are as follows:

All existing trails, roads, airports, campgrounds, etc., as identified by the brown color are recommended for continued easements under Criteria Identification No. 6. These systems have been identified by the Alaska Department of Highways.

77112288 with [unclear] [unclear]

Mr. Richard W. Tindall
Page 2
September 24, 1975

U.S.G.S., and this office from records and public input. All numbers refer to the series of maps by the Alaska Department of Highways on Alaska's Existing Trail System.

All areas identified in blue are waters that meet present state criteria as being major waterways used for water transportation or as recreational lakes, rivers or streams. Water Delineation Plats were filed with your office in April 1973, which indicated most of these waters. We recommend that a minimum easement of 10 feet be provided along all shores of these waters at the line of ordinary high water. This recommendation is also to include all islands that are located within these waters. This recommendation is per Criteria Identification No. 1, Category No. 1.

A 25 foot easement along the entire coastline affected by these selections is recommended. This easement should be located on any adjacent uplands where tidal action is noted or recorded. The easement shall be located along the line of mean high tide. This is also to include any islands that are located offshore. This recommendation falls within Criteria Identification No. 1, Policy Item J.

It has been noted that some existing trails presently follow these delineated or coastal waters in various locations. If these trails are already at the line of mean high tide or ordinary high water than the existing trail will be sufficient. If the existing trail is not located exactly along the line of mean high tide or ordinary high water, then our further request for easements, as noted before, will still be needed to insure ingress and egress to and along these waters.

Several isolated blocks of land have been created by these village selections. Most of these isolated areas fall between the various village selections. In order to insure ingress and egress to these areas, the following easements are recommended:

Beginning in Section 25 of T21N, R46W, thence along California Creek, in a generally easterly direction to Section 19 of T21N, R45W.

Beginning in Section 24 of T13N, R65W, thence along the unnamed stream, in a generally northerly direction to Section 12 of T13N, R64W.

Beginning in Section 6 of T5N, R70W at the unnamed lake, thence in a generally easterly direction along unnamed stream to Section 4 of the same township.

Mr. Richard W. Tindall
Page 3
September 24, 1975

Beginning in Section 23 of T5N, R69W, thence along the unnamed stream in a generally northerly direction to Sections 29 and 33 of T6N, R69W.

Beginning in Section 28 of T2N, R77W at the Tagayarak River, thence in a generally westerly direction along the unnamed stream to Section 29 of the same township.

Beginning in Section 1 of T21N, R75W at Hills Slough, thence in a generally northwesterly direction along the unnamed stream and contour depression to Section 26 of T22N, R75W.

Beginning in Section 30 of T23N, R76W at the intersection of the unnamed stream and the road to St. Marys airport, thence in a generally northerly direction along the unnamed stream to Section 5 of T23N, R76W and Section 31 of T24N, R76W.

It can be seen in reviewing these maps and selections that several more isolated areas exist. These other tracts would all be served though if the easements along waterways and existing trails are adopted. Only those tracts not served by one or more of these systems have further recommendations as noted above.

As of this date, third party interest identification has not been requested by BLM nor has it been identified for any of these village selections. Until these have been requested and identified this division will reserve comment. Possible easements may be identified or may be needed at a later date when these third party interests are identified.

Provided above are our comments on these selections and our easement recommendations. Hopefully, due consideration will be given.

Sincerely,

Michael C. T. Smith, Director
Division of Lands

By: Claud M. Hoffman
Chief Cadastral Engineer

attachments: maps as indicated above

cc: Mr. Curtis V. McVee ✓
State Director (BLM)
Mr. John W. Merrick
Peninsula Area Manager (BLM)

UNITED STATES GOVERNMENT

Memorandum

**Tuluksak River
Interim Summary Report
Attachment 3**

TO : File

FROM : Realty Specialist, McGrath Resource Area

SUBJECT: Easement Meeting at Tuluksak

DATE: NOV 21 1975

In reply refer to:
F-14949/2651 (102)

On October 24, 1975, a meeting was held at the village of Tuluksak to discuss local easement proposals. The following people from said village were in attendance:

David Andrew, Sr.	Joshua Phillip
Willie Napaka	Nicholai Peter
Paul J. Alexie	Peter Lott
John M. Alexie	John J. Apheth
Peter Waskie	Tom Owens
Joe F. Demantle, Jr.	David J. Alexie

Letters were mailed to 22 agencies in early 1975, requesting their comments and recommendations regarding local easement needs within the Tuluksak village selection area. Three agencies and one user group responded with easement recommendations prior to October 24, 1975.

Easement recommendations

1. Trail from Tuluksak northeast to Aniak. I was advised by the villagers of Tuluksak that this trail no longer exists. I learned from other sources that this trail was established and maintained by the Alaska Territorial Government. The people from the village of Tuluksak were opposed to an easement on this trail.
2. Trail, Tuluksak to Kalskag. This is a trail which follows the course of the Kuskokwim River. The villagers told me that this is a winter trail and is used during the cold months between freeze-up and break-up on the river ice. The village of Tuluksak is opposed to an easement on this trail.
3. Trail, Tuluksak to Bethel. This is a winter trail which follows the course of the Kuskokwim River. The villagers told me that this trail exists during the cold months between freeze-up and break-up on the river ice. The village was opposed to this easement recommendation.
4. Campsite, proposed near the village. The villagers opposed this easement recommendation. They felt they should be allowed to determine who might camp on their land. They were concerned about trash and pollution.

F 14949EE



5. Road, haul road from Tuluksak River barge landing to Nyac, not in selection area.
6. Trail, Akiak to Toklik., Not in selection area.
7. Liniar Steambank Easement, Tuluksak River. A recreation use easement was recommended for this stream. Mining operations at Nyac have altered the character of this stream. The river has however, been used historically to barge supplies and equipment to the Nyac gold fields and presents an avenue of travel to public lands blocked by Native selection.

Arnold T. McWilliams
Realty Specialist

F 14948EE

UNITED STATES GOVERNMENT

Memorandum

**Tuluksak River
Interim Summary Report
Attachment 4**

file

TO : Files

DATE: 12/17/75

FROM : Realty Specialist

In reply refer to:
2650.58 (932)
F-14949-A

SUBJECT: ETF navigable water determination on Tuluksak selection.

The ETF met on November 13, 1975, to consider easements and navigable waters for Tuluksak.

The following water bodies were considered navigable by reason of Travel, Trade and Commerce.

Kuskokwim River

Tuluksak River - Upstream from its confluence with the Kuskokwim to the barge landing site in sec. 32, T.12N., R.64W., S.M.

The following water bodies are subject to tidal influence.

Mishevik Slough

The following water bodies were considered and found to be not navigable by reason of Travel, Trade and Commerce.

Gweek River - Also not tidal

Patrick Beckley



*ADP 2
3/12/76*

UNITED STATES GOVERNMENT

Memorandum

**Tuluksak River
Interim Summary Report
Attachment 5**

TO : Files

DATE: 1/2/76

FROM : Realty Specialist

In reply refer to:
2650.58 (932)
F-14949-A

SUBJECT: Task Force Meeting for Tuluksak.

The Task Force met on November 13, 1975, to consider the easements in the Tuluksak F-14949 selection.

The following easements were considered and favorably recommended by the Task Force:

- 4 D9, C4 This recommendation was a campsite at Tuluksak. The Task Force relocated this campsite from the village to the other side of the river and approximately 4 miles upstream. Recommend a one acre site.
- 5 L, D1, C4 Existing haul road from Tuluksak River Barge Landing site (10 miles east of Tuluksak Village) to Nyac Mine. This recommendation is a 50-foot ATV easement within Native selection area. ETF also recommended a 5 acre barge landing site in sec. 32, T.12N., R.64W., Also recommended a 50-foot ATV trail easement from the Tuluksak Airport to the barge landing site. This is not an existing trail.
- 9 C4 Primary corridor number 13 for highway and oil & gas pipeline which would reserve each section the corridor passes through.

The following easements are not approved:

- 1 C3, D1, D9 A 25-foot trail easement recommendation to cover trail from Tuluksak to Aniak. Entirely within selection area so no easement needed. The Kuskokwim River also provides an alternate route.
- 2 C3, D1, D9 A 25-foot trail from Tuluksak north along the Kuskokwim River. People use the river so no easement is needed. Use on river in summer is by boat, in winter by snow machine.
- 3 C3, D1 A 25-foot trail from Tuluksak south along the Kuskokwim River. People use the river so no easement is needed. Use on river in summer is by boat, in winter by snow machine.

- 6 C3, D1, D9 A 25-foot trail from Akiak to Yukon River; ~~not~~ in selection area, so not considered.



- 7 K A 25-foot continuous shoreline easement along the Tuluksak River. Task Force recognizes need for this easement but present criteria does not permit it.
- 8 C4 A 25-foot continuous shoreline easement along the Gweek River. Task Force recognizes need for this easement but present criteria does not permit it.

Navigability considerations are under separate memorandum.

Patrick Beekly

F 14949EE

**Tuluksak River
Interim Summary Report
Attachment 6**

State Office
555 Cordova Street
Anchorage, Alaska 99501

2650.47 (941)
F-14949-EE (Anch)

DN
SR
act
T.S.

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

AUG 24 1976

Mr. Burton W. Silcock
Co-chairman
Joint Federal-State Land Use Planning
Commission for Alaska
733 West Fourth Avenue
Anchorage, Alaska 99501

Dear Mr. Silcock:

Village of Tuluksak selection application, serial number F-14949-A, has been filed by Tulkisarmute, Inc. under the provisions of section 12 of the Alaska Native Claims Settlement Act of December 18, 1971.

In accordance with section 17(b) of the act, we are requesting easement recommendations from the Joint Federal-State Land Use Planning Commission. The notice of proposed easements to be reserved in the title document conveying land to the subject Native corporation is enclosed for your use, along with a list of the interested parties notified. Interested parties have been directed to file their written comments with your office by OCT 08 1976, which is 45 days from the date of this letter.

Please send your recommendations for easements, with copies of the public comments received, to the State Director (941). Your recommendations should identify the serial number of the application.

We look forward to receipt of your reply within the 90 days specified in the regulations. If you have any questions, please contact us.

Sincerely,

for Curtis V. McVee

Curtis V. McVee
State Director

Enclosures:
Notice of Proposed Easements
List of Interested Parties
Map Legend
Maps

KStowers:nk 6/17/76

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:

Easement Identification
Number (EIN)

- 4 D9, C4 This recommendation was a campsite at Tuluksak. The Task Force relocated this campsite approximately four miles upstream on the other side of the Kuskokwim River from the village. A one-acre site is recommended.
- 5L, D1, C4 This is an existing haul road from Tuluksak River Barge Landing Site (10 miles east of Tuluksak Village) to the Nyac Mine. This recommendation is a 50-foot ATV easement within Native selection area. The ETF recommended a five-acre barge landing site in Sec. 32, T. 12 N., R. 64 W. Also, the ETF recommended a 50-foot ATV trail easement from the Tuluksak Airport to the barge landing site. This is not an existing trail. The only portion within the selection area is the 50-foot ATV easement from the Tuluksak Airport to the barge landing site.
- 7K This is a 25-foot continuous shoreline easement along both sides of the Tuluksak River upland of and parallel to the mean high-water line.
- 8 C4 This is a 25-foot continuous shoreline easement along both sides of the Gweek River upland of and parallel to the mean high-water line. This also includes the stream bed below the mean high-water line.
- 9 C4, C5 This is a 25-foot continuous shoreline easement along both sides of the Kuskokwim River upland of and parallel to the mean high-water line.
- 10C 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.
- 11C 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 not recommended:

- 1 C3, D1, D9 This is a 25-foot trail easement recommendation to cover the trail from Tuluksak to Akiak. It is entirely within the selection area so no easement is needed. The Kuskokwim River also provides an alternate route.
- 2 C3, D1, D9 This request is for a 25-foot trail from Tuluksak north along the Kuskokwim River. People use the river so no easement is needed. Use on the river in summer is by boat and in winter by snowmachine.
- 3 C3, D1 This is a 25-foot trail from Tuluksak south along the Kuskokwim River. People use the river so no easement is needed. Use on the river in summer is by boat and in winter by snowmachine.

The following easement is outside the selection area:

- 6 C3, D1, D9 This is for a 25-foot trail easement from Akiak to the Yukon River.

The following water bodies were determined to be navigable:

Kuskokwim River
Tuluksak River - upstream from its confluence with the Kuskokwim to the barge landing site in Section 32, T. 12 N., R. 64 W., Seward Meridian.

The following water body is subject to tidal influence:

Mishevik Slough

The following water body was considered and determined to be not navigable and not subject to tidal influence:

Gweek River

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 Lane Use Planning Commission, 733 West Fourth Avenue, Suite 400, Anchorage, Alaska 99501, no later than OCT 08 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

cc:
DM-A
Public Service (Fairbanks)
Public Service (941)

KStowers:mk 6/16/76

**Tuluksak River
Interim Summary Report
Attachment 7**

UNITED STATES GOVERNMENT

memorandum

DATE: JUL 27 1978

DATE:

REPLY TO
ATTN OF:

Realty Specialist

In Reply Refer To:

2650.58 (963)

FF 14949 EE

SUBJECT:

Basis for Recommendations on Easements
Reserved in Conveyances for Tuluksak Village

TO:

Files

The following is the basis for recommendations made by the easement staff to the State Director and was considered by the State Director in his decision approving the final easements on the lands being conveyed to the village of Tuluksak.

E.I.N.

DISCUSSION

4 C4, D9

The site is located on the right bank of the Kuskokwim River. The Kuskokwim River is a major, navigable waterway which is used for travel, commerce, and recreation. This easement is needed to provide boat pullouts, overnight camping, a place to rest and stretch your legs, and other uses normally associated with river travel.

5 C4, D1

This proposed trail runs from the Tuluksak airport to public lands and resources via the Tuluksak River barge landing. The river receives heavy use for transportation and barge traffic for the village and the Nyac Mine. This trail is needed to provide a land route for travel, recreation, commerce, and access to public lands and waters.

7 K

The Tuluksak River is a navigable waterway which is used for travel, commerce, and recreation. The river receives heavy local transportation use. It is also used for barge traffic to the village and Nyac mine. The streamside easement runs from the confluence of the Tuluksak and Kuskokwim Rivers to the barge landing. This easement is needed to provide boat pullouts, a place to rest and stretch your legs, and other uses normally associated with river travel. This easement also connects with trail easement #5 to provide a needed access to public lands and resources.

9 C4, C5

The Kuskokwim River is a major, navigable waterway which is used for travel, commerce, and recreation. This river is a major lifeline to all the villages and other people living along the river. This easement is needed to provide boat pullouts, a place to rest and stretch your legs, and other uses normally associated with river travel.



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

- 10 C Standard transportation easement. This easement has since been deleted by Secretarial Order 3020, dated May 1, 1978.
- 11 C Standard survey easement.
- 12a E The site is located on the right bank of the Kuskokwim River. The Kuskokwim River is a major, navigable waterway which is used for travel, commerce, and recreation. This easement is needed to provide boat pullouts, overnight camping, a place to rest and stretch your legs, and other uses normally associated with river travel.
- 12b E This proposed trail easement runs from the Kuskokwim River northwesterly to provide access to public lands and resources. The trail is necessary for the public's utilization of the land and resources remaining in public ownership.

Stanley H. Bronyck



United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

F-14949-EE (75.4)
(963)

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

JAN 5 1980

Memorandum

To: Files

From: Marty Karstetter

Subject: Trip Report of Meeting with Tuklisarmute, Inc.
Concerning Lands Near Tuluksak

**Tuluksak River
Interim Summary Report
Attachment 8**

On December 12, 1980, a meeting was held with Tulkisarmute, Inc. at the village of Tuluksak. The purpose of the meeting was to discuss the Draft DIC and Draft SD memos pertaining to lands selected near Tuluksak. Those in attendance were as follows:

Tulkisarmute, Inc.

Noah Andrew	David (????)
Stanley M. Peter	Peter M. Napoka, Jr.
Peter Napoka, Sr.	Sarah Andrew
Charles Peter	Tommy Napoka
Nicholai Alexie, Sr.	Annie J. Alexie
Joseph Demantle, Sr.	Minnie Hawk
Frank Fly	Marta Latt
Nickloai Peter	Carrie Alexie
Hannah Lamont	John M. Alexie
Maggie Allain	Noah Alexie
Alexie Andrew	Bessie Peter
Peter Latt	Nastasia Geerhart
Wilber Napoka	Margaret Alexie
Fred S. George	Ida Napoka
Carrie L. George	Mary Napoka
Emma Phillip	Lucy Napoka
Joshua Phillip	Andrew Alexie
John Peter	Herman Hawk
Cal M. Napoka, Sr.	Joseph Jenkins, Jr.
Louise	E. Napoka

Calista Corporation

Pete Nagel

Bureau of Land Management

Marty Karstetter
Doris Diakakis
Sophie Nortstine

No problems were brought up while discussing the Draft DIC other than informational type questions.

Considerable additional navigability information was presented concerning water bodies thought to be navigable by the people of Tuluksak and not considered navigable by the BLM. This information is being forwarded to the Division of Resources for evaluation.

Following is a summary discussion on each easement.

- a. (EIN 4 C4, D9) Tulkisarmute, Inc. objected to this proposed one (1) acre site easement because travelers can stay in village instead of camping.
- b. (EIN 4a C4) Tulkisarmute, Inc. objected to this proposed twenty-five (25) foot wide trail easement. Objections stated are as follows:
 - 1). Navigable waters are available to access public lands.
 - 2). From Tuluksak to public lands in only about two hours travel by boat.
 - 3). People of Tuluksak do not want the easement on their land.
 - 4). Because of navigable waters, the easement would be duplicative.
 - 5). Normal method of accessing public lands is by boat and/or snow machine.
- c. (EIN 5 C4, D1) Tulkisarmute, Inc. objected to this proposed twenty-five (25) foot wide trail easement. Objections stated are as follows:
 - 1). The barge landing does not exist anymore.
 - 2). The building has been torn down.
 - 3). Easements should not be reserved for convenience.
 - 4). Adequate access is available via navigable waters.
 - 5). The trail location would change from year to year because of snow conditions.
- d. (EIN 13 C4) Tukukisarmute, Inc. did not object to this twenty-six (26) foot wide easement for the existing road.

/s/ Martin L. Karstetter



United States Department of the Interior

IN REPLY REFER TO

F-14949-A (2651)
F-14949-EE (75.4)
(963)

BUREAU OF LAND MANAGEMENT

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

Tuluksak River
Interim Summary Report
Attachment 9

JUN 09 1981

Memorandum

To: Chief, Division of ANCSA Operations (960)

From: SD

Subject: Final Easements for the Village of Tuluksak

Following are the final easement, major waterway, and navigability recommendations for lands selected by Tuluksak, Incorporated (village of Tuluksak). Of those recommendations my decision is as follows:

MAJOR WATERWAYS:

The Kuskokwim, Gweek and Tuluksak Rivers were determined to be major.

The Kuskokwim, Gweek, and Tuluksak Rivers provide access to public lands; the Kuskokwim also provides access between communities.

NAVIGABILITY:

The following waters are determined to be navigable due to present and historic uses in connection with travel in trade and commerce:

Kuskokwim River through the selection;

Gweek River from where it flows from and back into the Kuskokwim River;

Tuluksak River from its confluence with the Kuskokwim River upstream to the barge landing in Sec. 32, T. 12 N., R. 64 W., Seward Meridan;

Mishevik Slough in its entirety;

An unnamed slough and lake system from where it flows from the Tuluksak River in Sec. 36, T. 12 N., R. 65 W., downstream to its confluence with Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., Seward Meridian;

An unnamed slough from its confluence with Mishevik Slough in Sec. 22, upstream and including an unnamed lake in Sec. 26, T. 11 N., R. 66 W., Seward Meridian;

An unnamed slough which joins the Kuskokwim River in Sec. 20 and also joins the Mishevik Slough in Sec. 21, T. 11 N., R. 66 W., Seward Meridian.

Little Bogus Creek from its confluence with the Tuluksak River upstream, including Yukaniluk Creek, and into the SW $\frac{1}{4}$ NW $\frac{1}{4}$, Sec. 35, T. 13 N., R. 64 W., Seward Meridian;

Bogus Creek through the selection; and

An unnamed slough from its confluence with an unnamed slough of the Kuskokwim River in Sec. 15 upstream and including an unnamed lake in Secs. 5, 6, 7, and 8, T. 12 N., R. 66 W., Seward Meridian.

All other named and unnamed water bodies within the lands to be conveyed were reviewed. Based on existing evidence they were determined to be nonnavigable.

ALLOWABLE USES:

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, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

26 Foot Road - The uses allowed on a twenty-six (26) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

EASEMENTS TO BE RESERVED:

- a. (EIN 4 C4, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 2, T. 12 N., R. 66 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.

Discussion:

Reservation of this easement is necessary to accomodate public use of the Kuskokwim River. At the site, space will be provided for overnight camping, boat moorage, and floatplane tie-up.

- b. (EIN 5 C4, D1) An easement for a proposed access trail twenty-five (25) feet in width from the Tuluksak Airport in Sec. 27., T. 12 N., R. 66 W., Seward Meridian easterly to the Tuluksak River barge landing, and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

Discussion:

This proposed trail runs from the Tuluksak Airport to the public lands and resources via the Tuluksak barge landing. The river has been used for many years for transportation and barge traffic. This trail is needed to provide a land route for travel for commerce and access to the public lands.

- c. (EIN 13 C4) An easement for an existing access road twenty-six (26) feet in width in Sec. 27, T. 12 N., R. 66 W., Seward Meridian from the easterly boundary of U.S. Survey 875 southeasterly to the westerly boundary of lot 2 of proposed U.S. Survey 4435, a distance of approximately three hundred (300) feet. The uses allowed are those listed above for a twenty-six (26) foot road.

Discussion:

Reservation of this easement is necessary to provide access from the Tuluksak Airport to the National Guard Armory. When the easement becomes unnecessary, after the townsite boundary is established and public roads and streets are dedicated, the easement will be relinquished.

The following easements were considered but were not recommended:

- a. (EIN 4a C4) An easement for a proposed access trail twenty-five (25) feet in width from site EIN 4 C4, D9 in Sec. 2, T. 12 N., R. 66 W., Seward Meridian, northwesterly to isolated public lands.

Discussion:

Reservation of this easement is not necessary because adequate access to public land is available via the Gweek River.

- b. (EIN 7 K) A streamside easement twenty-five (25) feet in width on both banks of the navigable Tuluksak River from the confluence of the Tuluksak and Kuskokwim Rivers to the barge landing.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- c. (EIN 9 C4) A streamside easement twenty-five (25) feet in width on both banks of the navigable Kuskokwim River within the village selection boundary.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- d. (EIN 10 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.

Discussion:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- e. (EIN 11 C) The right of the United States to enter upon 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:

This easement does not meet the requirements of the easement regulations published November 27, 1978.

- f. (EIN 12a E) A one (1) acre site easement in Sec. 32, T. 12 N., R. 66 W., Seward Meridian, on the right bank of the Kuskokwim River.

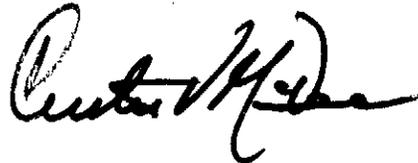
Discussion:

This site was determined unnecessary. Public needs can be met by site EIN 4 D9 C4 located in Sec. 2, T. 12 N., R. 66 W., Seward Meridian.

- g. (EIN 12b E) An easement for a proposed access trail twenty-five (25) feet in width from the site easement in Sec. 32, T. 12 N., R. 66 W., Seward Meridian, northwesterly to Sec. 14, T. 12 N., R. 67 W., Seward Meridian.

Discussion:

Reservation of this easement is not necessary because adequate access to public land is available via the Gweek River.

A handwritten signature in black ink, appearing to read "Curtis M. [unclear]". The signature is written in a cursive style with a large initial letter.

**Tuluksak River
Interim Summary Report
Attachment 10**

F-14949-A (Anch.) (2651)
 F-14949-A2 (Anch.) (2651)
 F-14949-EE (Anch.) (75.4)
 AA-12890 (2620)
 (961)

MAR 03 1982

*pkc
2/24/82
2/24/82*

CERTIFIED MAIL
 RETURN RECEIPT REQUESTED

DECISION

State of Alaska	:	AA-12890
Department of Natural Resources	:	State Selection
Division of Research and Development	:	
Pouch 7-005	:	
Anchorage, Alaska 99510	:	
Tulkisarmute Incorporated	:	F-14949-A and F-14949-A2
Tuluksak, Alaska 99679	:	Village Selections
Calista Corporation	:	
516 Denali Street	:	
Anchorage, Alaska 99501	:	

Section 12(b) Application Rejected in Part
State Selection Application Rejected in Part
Lands Proper for Village Selection
Approved for Interim Conveyance

On November 20, 1974, Tulkisarmute Incorporated, for the Native village of Tuluksak, filed selection application F-14949-A under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1611 (1976)), as amended, for the surface estate of certain lands in the vicinity of Tuluksak.

On December 11, 1975, Tulkisarmute Incorporated, filed selection application F-14949-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selections override the Sec. 12(b) selections. Therefore, application F-14949-A2 is hereby rejected as to the lands herein approved for conveyance.

On April 1, 1977, the State of Alaska filed general purposes grant selection application AA-12890, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Tuluksak area.

Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated and unreserved public lands in Alaska. Lands described in the above-referenced State selection were properly selected by Tulkisarmute Incorporated. Therefore, as the lands were not available to the State of Alaska, State selection application AA-12890 is hereby rejected as to the lands approved for conveyance in this decision.

Further action will be taken on the State selection as to the remaining lands at a later date.

As to the lands described below, the application, as amended, 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) of ANCSA, aggregating approximately 79,388 acres, is considered proper for acquisition by Tulkisarmute Incorporated, and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Unsurveyed)

T. 13 N., R. 64 W.

Secs. 2 and 3;

Sec. 4, excluding Native allotment F-13075;

Sec. 5;

Sec. 8;

Sec. 9, excluding Native allotment F-13075;

Secs. 10 and 11;

Sec. 14;

Sec. 15, excluding Native allotment F-18420 Parcel B;

Secs. 16 and 17;

Secs. 18 and 19, excluding Native allotment F-17036;

Sec. 20;

Secs. 21 and 22, excluding Native allotment F-031214;

Sec. 23;

Sec. 27, excluding Native allotment F-031214;

Sec. 28, excluding Native allotments F-031214 and F-033646;

Secs. 29 to 33, inclusive.

Containing approximately 11,943 acres.

T. 14 N., R. 64 W.

Secs. 20 to 24, inclusive;

Secs. 26, 27, and 28;

Sec. 29, excluding Native allotments F-17371 and F-17365;

Sec. 32, excluding Native allotments F-17365, F-17545, and F-17371;

Secs. 33, 34, and 35.

Containing approximately 5,680 acres.

T. 11 N., R. 65 W.

Sec. 2, excluding Native allotment F-17037;

Secs. 3 to 8, inclusive.

Containing approximately 3,796 acres.

T. 12 N., R. 65 W.

Secs. 4 to 9, inclusive;

Secs. 15 to 19, inclusive;

Sec. 20, excluding Native allotments F-033629 and F-15041;

Sec. 21, excluding Native allotment F-15041;

Sec. 22;

Sec. 27;

Sec. 28, excluding Native allotment F-15041;

Sec. 29, excluding Native allotments F-15041 and F-17042;

Secs. 30 and 31;

Sec. 32, excluding Native allotment F-17042;

Secs. 33 and 34.

Containing approximately 11,988 acres.

T. 13 N., R. 65 W.

Sec. 13, excluding Native allotment F-17036;

Sec. 19;

Sec. 24, excluding Native allotment F-17036;

Secs. 25 to 36, inclusive.

Containing approximately 8,277 acres.

T. 11 N., R. 66 W.

Secs. 1 and 2;

Sec. 3, excluding Native allotments F-17373, F-17034, and F-17370;

Sec. 4, excluding Native allotments F-17034, F-17370, F-033643, F-17368, and F-025285;

Sec. 5, excluding Native allotments F-033643, F-17368, and F-025285;

Secs. 6 and 7, excluding Native allotment F-17035;

Sec. 8, excluding Native allotments F-17368 and F-033642;
 Sec. 9, excluding Native allotment F-17368;
 Secs. 10 to 14, inclusive;
 Sec. 15, excluding Native allotments F-033630 and F-033631;
 Secs. 16 to 19, inclusive;
 Sec. 20, excluding Native allotment F-033634;
 Sec. 21;
 Sec. 22, excluding Native allotments F-033630, F-033631,
 and F-17367;
 Secs. 23 and 26, excluding Native allotment F-17369;
 Secs. 27 to 34, inclusive.

Containing approximately 14,918 acres.

T. 12 N., R. 66 W.

Secs. 1, 2, and 3;
 Sec. 4, excluding Native allotment F-17363 Parcel A;
 Sec. 5;
 Sec. 6, excluding Native allotment F-17362;
 Sec. 7;
 Sec. 8, excluding Native allotment F-17364 Parcel B;
 Sec. 9, excluding Native allotment F-17363 Parcel A;
 Secs. 10 to 25, inclusive;
 Sec. 26, excluding Native allotments F-11981 Parcel A,
 F-17039, Alaska Native Claims Settlement Act
 Sec. 3(e) application AA-40710 (F-033652 - PLO 4091);
 Sec. 27, excluding U.S. Survey No. 875, lots 1 and 4 of U.S.
 Survey No. 3797, PLO 2020, Alaska Native Claims
 Settlement Act Sec. 3(e) application AA-40710
 (F-033652 - PLO 4091), and Native allotment F-17039;
 Sec. 28, excluding Native allotment F-17366;
 Secs. 29 and 30;
 Sec. 31, excluding Native allotment F-033626;
 Sec. 32, excluding U.S. Survey No. 4205 and Native allotment
 F-025285;
 Sec. 33, excluding lots 1 and 2 of U.S. Survey No. 3797,
 Native allotments F-17363 Parcel B, F-17373, F-17034,
 F-17370, F-033643, F-11981 Parcel B, and F-025285;
 Sec. 34, excluding lots 1 and 3 of U.S. Survey No. 3797,
 Native allotments F-17363 Parcel B, F-17373, and F-17034;
 Sec. 35, excluding Native allotment F-11981 Parcel A;
 Sec. 36.

Containing approximately 16,106 acres.

T. 11 N., R. 67 W.

Sec. 1, excluding Native allotments F-17040 and F-17035;
 Sec. 12, excluding Native allotment F-17035;
 Sec. 13;
 Secs. 24 and 25;
 Sec. 36.

Containing approximately 2,880 acres.

T. 12 N., R. 67 W.

Sec. 1, excluding Native allotment F-17362;

Secs. 12 and 13;

Secs. 24 and 25;

Sec. 36.

Containing approximately 3,800 acres.

Aggregating approximately 79,388 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14949-EE.

All other water bodies not depicted as navigable on the attached maps within the lands to be conveyed were reviewed. Based on existing evidence, they were determined to be nonnavigable.

The lands excluded in the above description are not being approved for conveyance at this time and have been excluded for one or more of the following reasons: Lands are no longer under Federal jurisdiction; lands are under applications pending further adjudication; lands are pending a determination under Sec. 3(e) of ANCSA, or lands were previously rejected by decision. Lands within U.S. Surveys which are excluded are described separately in this decision if they are available for conveyance. These exclusions do not constitute a rejection of the selection application, unless specifically so stated.

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 (43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971 (43 U.S.C. 1601, 1616(b)), 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-14949-EE, 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, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

26 Foot Road - The uses allowed on a twenty-six (26) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 4 C4, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 2, T. 12 N., R. 66 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.
- b. (EIN 5 C4, D1) An easement for a proposed access trail twenty-five (25) feet in width from the Tuluksak Airport in Sec. 27, T. 12 N., R. 66 W., Seward Meridian easterly to the Tuluksak River barge landing, and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- c. (EIN 13 C4) An easement for an existing access road twenty-six (26) feet in width in Sec. 27, T. 12 N., R. 66 W., Seward Meridian from the easterly boundary of U.S. Survey No. 875 south-easterly to the westerly boundary of lot 2 of proposed U.S. Survey No. 4435, a distance of approximately three hundred (300) feet. The uses allowed are those listed above for a twenty-six (26) foot road.

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 (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 (ANCSA) of December 18, 1971 (43 U.S.C. 1601, 1616(b)(2)), 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. 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.

Tulkisarmute Incorporated is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 79,388 acres. The remaining entitlement of approximately 12,772 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Tulkisarmute Incorporated, and shall be subject to the same conditions as the surface conveyance.

Enclosed are copies of current status plats showing the lands approved for conveyance and maps showing the navigable water bodies and 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.

Any party claiming property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Alaska Native Claims Appeal Board, provided, however, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Appeals should be filed with 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 100, Anchorage, Alaska 99501. The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until APR 05 1982 to file an appeal.

Any party known or unknown who 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 AK Form 2650-4.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

State of Alaska
 Department of Natural Resources
 Division of Research and Development
 Pouch 7-005
 Anchorage, Alaska 99510

Tulkisarmute Incorporated
 Tuluksak, Alaska 99679

Calista Corporation
 516 Denali Street
 Anchorage, Alaska 99501

/s/ Sandra C. Thomas
 Acting Chief, Branch of
 ANCSA Adjudication

Enclosures:
 AK Form 2650-4
 43 CFR Part 4, Subpart J
 Maps
 Plats
 Legend

cc:

Area Director
U.S. Fish and Wildlife Service
Division of Realty
1011 East Tudor Road
Anchorage, Alaska 99503
(w/maps and legend)

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

U.S. Department of the Interior
Bureau of Indian Affairs
Juneau Area Office
P.O. Box 3-8000
Juneau, Alaska 99802
(w/maps and legend)

Mr. Patrick P. Ryan, Deputy Commissioner (CM-RRR)
Maintenance and Operations
Department of Transportation
and Public Facilities
Pouch 6900
Anchorage, Alaska 99502
(w/maps and legend)

Mr. Gary Gustafson (CM-RRR)
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510
(w/maps, legend and plats)

Mr. James Sandberg (CM-RRR)
Right-of-Way Agent
State of Alaska
Department of Transportation and
Public Facilities
Pouch 6900
Anchorage, Alaska 99502
(w/maps and legend)

Mr. Robert W. Ward, Commissioner
Department of Transportation
and Public Facilities
Pouch Z
Juneau, Alaska 99811
(w/maps and legend)

Alaska Legal Services Corporation
 615 H Street, Suite 100
 Anchorage, Alaska 99501
 (w/maps and legend)

Mr. John Moses
 Alaska Native Foundation
 411 West Fourth Avenue, Suite 314
 Anchorage, Alaska 99501
 (w/maps and legend)

Gallagher, Cranston and Snow
 310 K Street, Suite 706
 Anchorage, Alaska 99501

U.S. Department of the Interior
 Alaska Native Claims Appeal Board
 P.O. Box 2433
 Anchorage, Alaska 99510

Bureau of Land Management
 Box 666
 Bethel, Alaska 99559
 (w/maps)

Mr. Jim Duffy
 Association of Village Council Presidents
 Box 767
 Bethel, Alaska 99559

DM-A (010)
 (w/maps)

AM-M (018)
 (w/maps)

Chief, Branch of Office Engineering (922)

Chief, Branch of Lands (941)

Chief, State Adjudication (964)

Chief, Branch of Easement Identification (963)

Fire Management (970)
 Attn: J. Costello

AA-40710 (2300.5)

F-033652 (2800)

961:PUnderwood:cea:07/28/81
 2CMBLM*C cea:08/08/81
 eaj:02/09/82
 ,slt:02/23/82

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

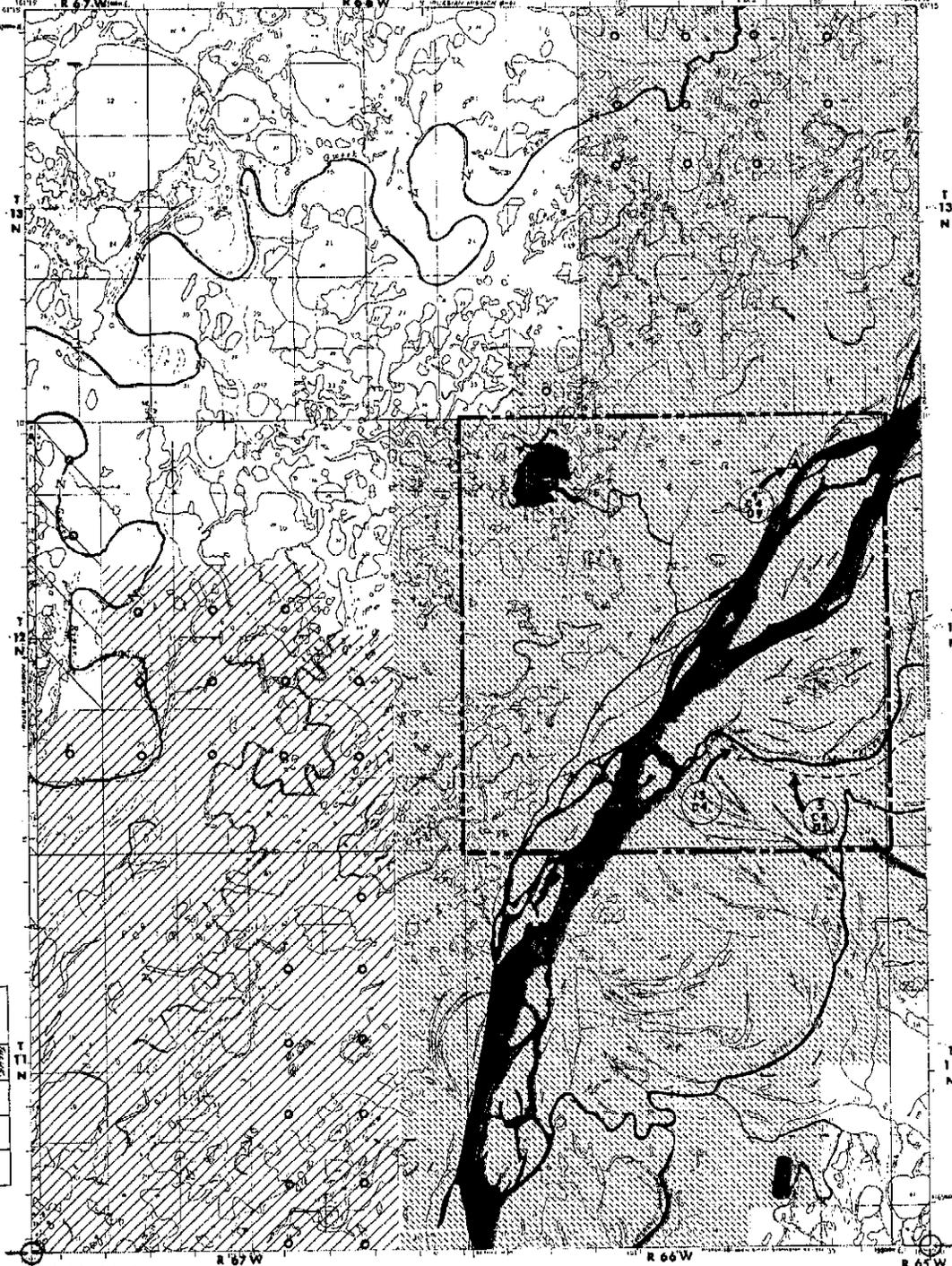
UNITED STATES
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS

RUSSIAN MISSION (A-6) QUADRANGLE
R 65 W ALASKA
1:50,000 SERIES (TOPOGRAPHIC)

AVAILABILITY DECISION REVIEWED		
VOLUME	DATE	INITIALS
TULUOKSAK	5/12/81	

Submerged lands herein water depths navigable are
not of subsurface to 1 fathoms, 1000 and 2000 fms.

SECTION	DATE	INITIALS
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Revised by the Army Map Service
Revised Topographic Series
Control by U.S.G.S. and USACE
Scale 1:50,000. The contour interval is 20 feet.
Elevation by aneroid, 1957. Aerial photographs taken 1951-1952
and 1954. Horizontal datum: 1923 (NAD). May not be resurveyed.
Vertical datum: Mean Sea Level.
1:50,000 Series. Russian Mission (A-6) Quadrangle.
1:50,000 Scale. Topographic Series. Revision 1957.
Lands are shown as surveyed and unselected locations
shown on maps by the Bureau of Land Management.
Date of Survey: 1957.

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

ROAD CLASSIFICATION
TAB
R 65 W 12/19/74
AKIACHAK
AKIAK
TULUKSAK 2/11/74 E.P.S.

AKIAK VILLAGE SELECTION

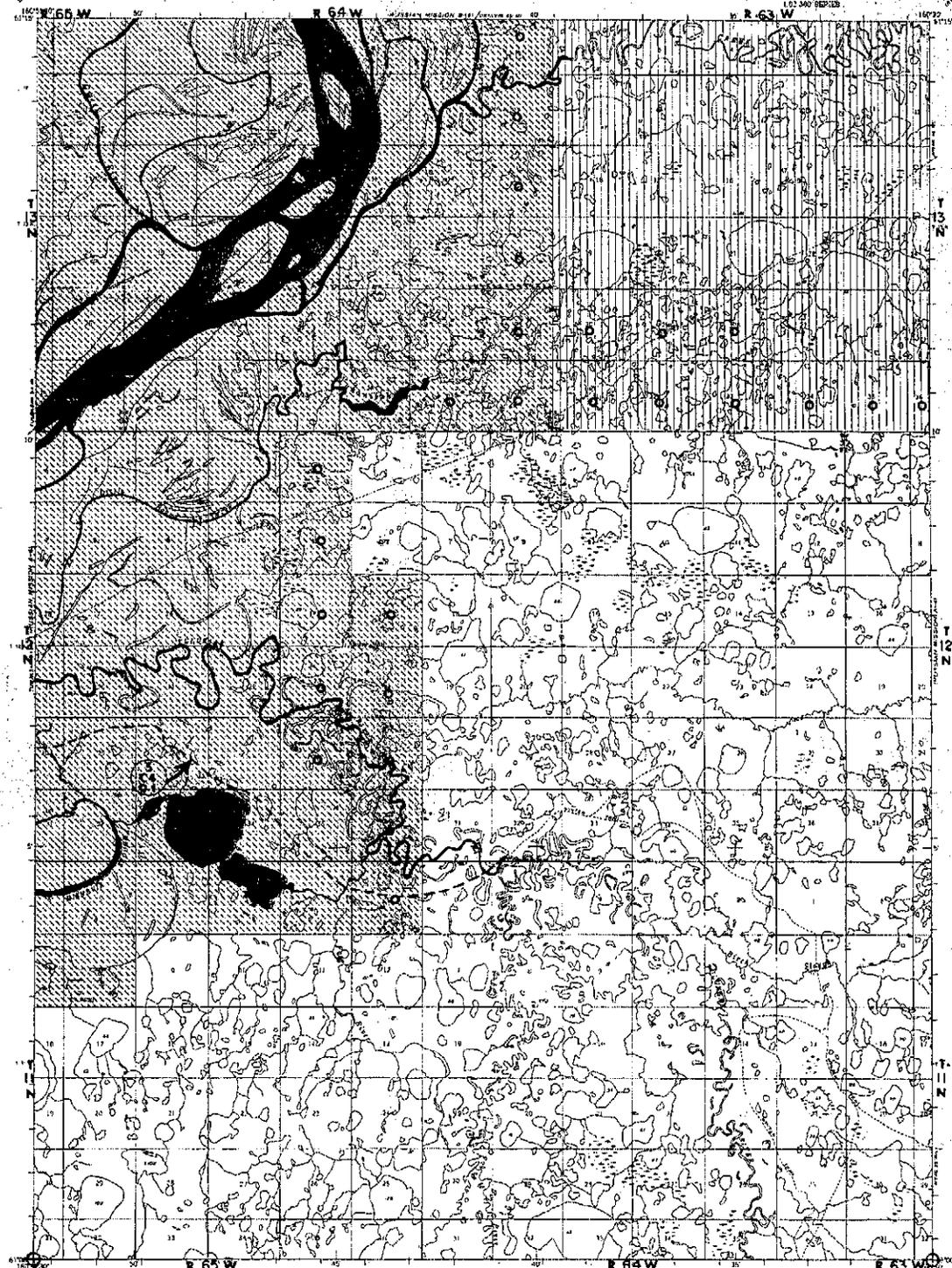
AKIACHAK VILLAGE SELECTION
TULUKSAK VILLAGE SELECTION

RUSSIAN MISSION A-6

5/12/81

ALASKA	RUSSIAN MISSION (A-5)
SECTION	1
DATE	1/17/76
BY	...

Overprinted land beneath water overprinted on this map is not of record. It is shown for reference only.



Section	Notice	Date
1
2
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8
9
10

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

-  NAPAISSAK VILLAGE SELECTION
-  TULUKSAK VILLAGE SELECTION

ROAD CLASSIFICATION
T-1
Tuluksak 2/17/76 SD
RUSSIAN MISSION (A-5), ALASKA
N6131-N1610/15025
1974
RUSSIAN MISSION A-5

O-Over-Selections . 1



1/7/81

**Tuluksak River
Interim Summary Report
Attachment 11**

F-14949-A (2651)
 ✓ F-14949-A2 (2651)
 F-14949-EE (75.4)
 AA-12890 (2620)
 (961)

6/14/82

CERTIFIED MAIL **P 2 2 1 0 5 1 9 1 6**
 RETURN RECEIPT REQUESTED

JUN 23 1982

DECISION

State of Alaska	:	AA-12890
Department of Natural Resources	:	State Selection
Division of Research and Development	:	
Pouch 7-005	:	
Anchorage, Alaska 99510	:	
Tulkisarmute Incorporated	:	F-14949-A, F-14949-A2
Tuluksak, Alaska 99679	:	Village Selections
Calista Corporation	:	
516 Denali Street	:	
Anchorage, Alaska 99501	:	

Decision of March 3, 1982 to Issue Conveyance
Corrected in Part

The purpose of this decision is to correct the Decision to Issue Conveyance of lands to Tulkisarmute Incorporated, dated March 3, 1982, and published in the Federal Register, Vol. 47, No. 43, on page 9287, March 4, 1982.

The navigability maps attached to the Decision did not accurately portray the water bodies administratively determined to be navigable and have been corrected to show additional water areas as navigable in accordance with the determinations made.

Corrections to the maps are listed below. Enclosed are copies of the corrected maps.

Navigability Map

Area - Seward Meridian, Alaska
(Unsurveyed)

Russian Mission A-6

T. 12 N., R. 66 W.
 Secs. 4, 5, and 8
 Part of lake

Russian Mission B-5

T. 14 N., R. 64 W.
 Secs. 23 and 24
 Interconnecting
 Slough-Kuskokwim River

Russian Mission B-5

T. 14 N., R. 64 W.
Secs. 34 and 35
 Slough-Kuskokwim River

Corrections to the maps do not affect the conveyance acreage of 79,388 acres to Tulkisarmute Incorporated.

The Decision of March 3, 1982, as corrected herein, constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Except as corrected by this decision, the Decision of March 3, 1982, stands as written.

/s/ ANN JOHNSON

Chief, Branch of ANCSA
 Adjudication

Enclosures:

Maps
 Legend

cc:

Area Director
 U.S. Fish and Wildlife Service
 Division of Realty
 1011 East Tudor Road
 Anchorage, Alaska 99503
 (w/maps and legend)

Mr. Earle Williams (flp)
 17th Coast Guard District
 P.O. Box 35000
 Juneau, Alaska 99802
 (w/maps and legend)

U.S. Department of the Interior
 Bureau of Indian Affairs
 Juneau Area Office
 P.O. Box 3-8000
 Juneau, Alaska 99802
 (w/maps and legend)

Mr. Patrick P. Ryan, Deputy Commissioner (CM-RRR)
 Maintenance and Operations
 Department of Transportation
 and Public Facilities
 Pouch 6900
 Anchorage, Alaska 99502
 (w/maps and legend)

P 221051920

Mr. Gary Gustafson (CM-RRR) P 2 2 1 0 5 1 9 2 1
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510
(w/maps and legend)

Mr. James Sandberg (CM-RRR)
Right-of-Way Agent
State of Alaska
Department of Transportation and
Public Facilities
Pouch 6900
Anchorage, Alaska 99502
(w/maps and legend)

Mr. Robert W. Ward, Commissioner
Department of Transportation and
Public Facilities
Pouch Z
Juneau, Alaska 99811
(w/maps and legend)

Alaska Legal Services Corporation
615 H Street, Suite 100
Anchorage, Alaska 99501
(w/maps and legend)

Mr. John Moses
Alaska Native Foundation
411 West Fourth Avenue, Suite 314
Anchorage, Alaska 99501
(w/maps and legend)

Gallagher, Cranston and Snow
310 K Street, Suite 706
Anchorage, Alaska 99501

U.S. Department of the Interior
Alaska Native Claims Appeal Board
P.O. Box 2433
Anchorage, Alaska 99510

Bureau of Land Management
Box 666
Bethel, Alaska 99559
(w/maps)

Mr. Jim Duffy
Association of Village Council Presidents
Box 767
Bethel, Alaska 99559

DM-A (010)
(w/maps)

AM-M (018)
(w/maps)

Chief, Branch of Office Engineering (922)

Chief, Branch of Lands (941)

Chief, Branch of State Adjudication (964)

Chief, Branch of Easement Identification (963)

Fire Management (970)
Attn: J. Costello

AA-40710 (2300.5)

A-033652 (2800)

961:PUnderwood:slt:04/29/82*D
ATOM*N slt:04/30/82*D
 slt:05/03/82*1F
 slt:05/17/82*1F
 pf:05/19/82*1F
 slt:06/07/82*F

UNITED STATES 4310-84
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ALASKA

Notice for Publication

F-14949-A

Alaska Native Claims Selection

The purpose of this decision is to correct the Decision to Issue Conveyance of lands to Tulkisarmute Incorporated, dated March 3, 1982, and published in the FEDERAL REGISTER, Vol. 47, No. 43, on page 9287, March 4, 1982.

The navigability maps attached to the Decision did not accurately portray the water bodies administratively determined to be navigable and have been corrected to show additional water areas as navigable in accordance with the determinations made.

Corrections to the maps, the original of which is in easement casefile F-14949-EE, are listed below.

<u>Navigability Map</u>	<u>Area - Seward Meridian, Alaska</u> <u>(Unsurveyed)</u>
Russian Mission A-6	<u>T. 12 N., R. 66 W.</u> Secs. 4, 5, and 8 Part of lake
Russian Mission B-5	<u>T. 14 N., R. 64 W.</u> Secs. 23 and 24 Interconnecting Slough-Kuskokwim River
Russian Mission B-5	<u>T. 14 N., R. 64 W.</u> Secs. 34 and 35 Slough-Kuskokwim River

Corrections to the maps do not affect the conveyance acreage of 79,388 acres to Tulkisarmute Incorporated.

The Decision of March 3, 1982, as corrected herein, constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

Except as corrected by this decision, the Decision of March 3, 1982, stands as written.

Ann Johnson
Chief, Branch of ANCSA
Adjudication

cc:

Director (311)
(w/4 advanced cys)

Public Service (943)

Public Service (220)

961:PUnderwood:slt:04/30/82*D
ATOM*O slt:05/03/82*1F
 slt:05/17/82*1F
 pf:05/19/82*1F
 slt:06/07/82*F

JUN 23 1982

The Tundra Drums
P.O. Box 868
Bethel, Alaska 99559

Gentlemen:

Enclosed is a decision to be published once each week in consecutive weekly issues for 4 weeks.

Please send a tear sheet of the first published decision immediately to this office (Attention: ANCSA Adjudication/961) for proofing and verification. If there are deviations from the attached copy, corrections can then be made before the next publication, reducing your republication expense.

At the expiration of the period of publication, please submit your invoice and appropriate tear sheets, together with the original and one copy of our Advertising Order and Public Voucher with the affidavit on the reverse side completed.

A standard affidavit or proof of publication (notarized) must also be submitted for inclusion in our administrative file. Please send this and the documents listed in the paragraph above to the attention of Management Services (951).

Sincerely yours,

/s/ ANN JOHNSON

Chief, Branch of ANCSA
Adjudication

Enclosures:
Notice of Decision for Publication
Public Voucher for Advertising (3)

961:PUnderwood:slt:06/07/82*F
ATOMIC*B

F-14949-A (2651)
F-14949-A2 (2651)
F-14949-EE (75.4)
AA-12890 (2620)
(961)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUN 23 1982

State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510

Tulkisarmute Incorporated
Tuluksak, Alaska 99679

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Gentlemen:

This letter is to inform you of errors in our navigability maps showing water bodies determined to be navigable in our Decision to Issue Conveyance (DIC) to Tulkisarmute Incorporated dated March 3, 1982.

There were a few areas of navigable water that we failed to indicate as navigable on the maps that were enclosed with the DIC.

Enclosed is a corrected decision.

Sincerely yours,

/s/ ANN JOHNSON

Chief, Branch of ANCSA
Adjudication

Enclosures:
Corrected Decision
Maps
Legend

961:PUnderwood:slt:04/29/82*D
ATOM*M slt:04/30/82*D
slt:05/03/82*1F
slt:05/17/82*1F
· pf:05/19/82*1F
slt:06/07/82*F

Tuluksak River Interim Summary Report Attachment 12
--

INTERIM CONVEYANCE

WHEREAS

Tulkisarmute 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, as amended (43 U.S.C. 1601, 1613(a), 1621(j)), of the surface estate in the following described lands:

Seward Meridian, Alaska (Unsurveyed)T. 13 N., R. 64 W.

Secs. 2 and 3;
 Sec. 4, excluding Native allotment F-13075;
 Sec. 5;
 Sec. 8;
 Sec. 9, excluding Native allotment F-13075;
 Secs. 10 and 11;
 Sec. 14;
 Sec. 15, excluding Native allotment F-18420 Parcel B;
 Secs. 16 and 17;
 Secs. 18 and 19, excluding Native allotment F-17036;
 Sec. 20;
 Secs. 21 and 22, excluding Native allotment F-031214;
 Sec. 23;
 Sec. 27, excluding Native allotment F-031214;
 Sec. 28, excluding Native allotments F-031214 and F-033646;
 Secs. 29 to 33, inclusive.

Containing approximately 11,943 acres.

T. 14 N., R. 64 W.

Secs. 20 to 24, inclusive;
 Secs. 26, 27, and 28;
 Sec. 29, excluding Native allotments F-17371 and F-17365;
 Sec. 32, excluding Native allotments F-17365, F-17545, and F-17371;
 Secs. 33, 34, and 35.

Containing approximately 5,680 acres.

T. 11 N., R. 65 W.

Sec. 2, excluding Native allotment F-17037;
 Secs. 3 to 8, inclusive.

Containing approximately 3,796 acres.

T. 12 N., R. 65 W.

Secs. 4 to 9, inclusive;
 Secs. 15 to 19, inclusive;
 Sec. 20, excluding Native allotments F-033629 and F-15041;
 Sec. 21, excluding Native allotment F-15041;
 Sec. 22;
 Sec. 27;
 Sec. 28, excluding Native allotment F-15041;
 Sec. 29, excluding Native allotments F-15041 and F-17042;

542

Interim Conveyance No. _____

Date _____

AUG 27 1982

Secs. 30 and 31;
Sec. 32, excluding Native allotment F-17042;
Secs. 33 and 34.

Containing approximately 11,988 acres.

T. 13 N., R. 65 W.

Sec. 13, excluding Native allotment F-17036;
Sec. 19;
Sec. 24, excluding Native allotment F-17036;
Secs. 25 to 36, inclusive.

Containing approximately 8,277 acres.

T. 11 N., R. 66 W.

Secs. 1 and 2;
Sec. 3, excluding Native allotments F-17373, F-17034,
and F-17370;
Sec. 4, excluding Native allotments F-17034, F-17370,
F-033643, F-17368, and F-025285;
Sec. 5, excluding Native allotments F-033643, F-17368, and
F-025285;
Secs. 6 and 7, excluding Native allotment F-17035;
Sec. 8, excluding Native allotments F-17368 and F-033642;
Sec. 9, excluding Native allotment F-17368;
Secs. 10 to 14, inclusive;
Sec. 15, excluding Native allotments F-033630 and
F-033631;
Secs. 16 to 19, inclusive;
Sec. 20, excluding Native allotment F-033634;
Sec. 21;
Sec. 22, excluding Native allotments F-033630, F-033631,
and F-17367;
Secs. 23 and 26, excluding Native allotment F-17369;
Secs. 27 to 34, inclusive.

Containing approximately 14,918 acres.

T. 12 N., R. 66 W. ✓

Secs. 1, 2, and 3;
Sec. 4, excluding Native allotment F-17363 Parcel A;
Sec. 5;
Sec. 6, excluding Native allotment F-17362;
Sec. 7;
Sec. 8, excluding Native allotment F-17364 Parcel B;
Sec. 9, excluding Native allotment F-17363 Parcel A;
Secs. 10 to 25, inclusive;
Sec. 26, excluding Native allotments F-11981 Parcel A,
F-17039, and ANCSA Sec. 3(e) application AA-40710;
Sec. 27, excluding U.S. Survey No. 875, lots 1 and 4 of U.S.
Survey No. 3797, PLO 2020, ANCSA Sec. 3(e) application
AA-40710, and Native allotment F-17039;
Sec. 28, excluding Native allotment F-17366;
Secs. 29 and 30;
Sec. 31, excluding Native allotment F-033626;
Sec. 32, excluding U.S. Survey No. 4205 and Native
allotment F-025285;

542

Interim Conveyance No. _____

Date _____ AUG 27 1982

- Sec. 33, excluding lots 1 and 2 of U.S. Survey No. 3797, Native allotments F-17363 Parcel B, F-17373, F-17034, F-17370, F-033643, F-11981 Parcel B, and F-025285;
- Sec. 34, excluding lots 1 and 3 of U.S. Survey No. 3797, Native allotments F-17363 Parcel B, F-17373, and F-17034;
- Sec. 35, excluding Native allotment F-11981 Parcel A;
- Sec. 36.

Containing approximately 16,106 acres.

T. 11 N., R. 67 W.

- Sec. 1, excluding Native allotments F-17040 and F-17035;
- Sec. 12, excluding Native allotment F-17035;
- Sec. 13;
- Secs. 24 and 25;
- Sec. 36.

Containing approximately 2,880 acres.

T. 12 N., R. 67 W.

- Sec. 1, excluding Native allotment F-17362;
- Secs. 12 and 13;
- Secs. 24 and 25;
- Sec. 36.

Containing approximately 3,800 acres.

Aggregating approximately 79,388 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14949-EE.

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, as amended (43 U.S.C. 1601, 1613(f)); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended

542

Interim Conveyance No. _____
Date _____
AUG 27 1982

(43 U.S.C 1601, 1616(b)), 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-14949-EE, 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, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

26 Foot Road - The uses allowed on a twenty-six (26) foot wide road easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, small and large all-terrain vehicles, track vehicles, four-wheel drive vehicles, automobiles, and trucks.

One Acre Site - The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, ATV's, snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading or unloading shall be limited to 24 hours.

- a. (EIN 4 C4, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 2, T. 12 N., R. 66 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.
- b. (EIN 5 C4, D1) An easement for a proposed access trail twenty-five (25) feet in width from the Tuluksak Airport in Sec. 27, T. 12 N., R. 66 W., Seward Meridian, easterly to the Tuluksak River barge landing, and public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.
- c. (EIN 13 C4) An easement for an existing access road twenty-six (26) feet in width in Sec. 27, T. 12 N., R. 66 W., Seward Meridian from the easterly boundary of U.S. Survey No. 875 south-easterly to the westerly boundary of lot 2 of proposed U.S. Survey No. 4435, a distance of approximately three hundred (300) feet. The uses allowed are those listed above for a twenty-six (26) foot road.

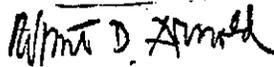
542

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, as amended (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, as amended (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. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, as amended (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.

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 27th day of August, 1982, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Assistant to the State Director
for Conveyance Management

542

Interim Conveyance No. _____

Date AUG 27 1982

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, as amended (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:

542

Interim Conveyance No. _____

Seward Meridian, Alaska (Unsurveyed)

T. 13 N., R. 64 W.

- Secs. 2 and 3;
- Sec. 4, excluding Native allotment F-13075;
- Sec. 5;
- Sec. 8;
- Sec. 9, excluding Native allotment F-13075;
- Secs. 10 and 11;
- Sec. 14;
- Sec. 15, excluding Native allotment F-18420 Parcel B;
- Secs. 16 and 17;
- Secs. 18 and 19, excluding Native allotment F-17036;
- Sec. 20;
- Secs. 21 and 22, excluding Native allotment F-031214;
- Sec. 23;
- Sec. 27, excluding Native allotment F-031214;
- Sec. 28, excluding Native allotments F-031214 and F-033646;
- Secs. 29 to 33, inclusive.

Containing approximately 11,943 acres.

T. 14 N., R. 64 W.

- Secs. 20 to 24, inclusive;
- Secs. 26, 27, and 28;
- Sec. 29, excluding Native allotments F-17371 and F-17365;
- Sec. 32, excluding Native allotments F-17365, F-17545, and F-17371;
- Secs. 33, 34, and 35.

Containing approximately 5,680 acres.

T. 11 N., R. 65 W.

- Sec. 2, excluding Native allotment F-17037;
- Secs. 3 to 8, inclusive.

Containing approximately 3,796 acres.

T. 12 N., R. 65 W.

- Secs. 4 to 9, inclusive;
- Secs. 15 to 19, inclusive;

543

Interim Conveyance No. _____

Date AUG 27 1982

Sec. 20, excluding Native allotments F-033629
and F-15041;
Sec. 21, excluding Native allotment F-15041;
Sec. 22;
Sec. 27;
Sec. 28, excluding Native allotment F-15041;
Sec. 29, excluding Native allotments F-15041
and F-17042;
Secs. 30 and 31;
Sec. 32, excluding Native allotment F-17042;
Secs. 33 and 34.

Containing approximately 11,988 acres.

T. 13 N., R. 65 W.

Sec. 13, excluding Native allotment F-17036;
Sec. 19;
Sec. 24, excluding Native allotment F-17036;
Secs. 25 to 36, inclusive.

Containing approximately 8,277 acres.

T. 11 N., R. 66 W.

Secs. 1 and 2;
Sec. 3, excluding Native allotments F-17373,
F-17034, and F-17370;
Sec. 4, excluding Native allotments F-17034,
F-17370, F-033643, F-17368, and F-025285;
Sec. 5, excluding Native allotments F-033643,
F-17368, and F-025285;
Secs. 6 and 7, excluding Native allotment
F-17035;
Sec. 8, excluding Native allotments F-17368
and F-033642;
Sec. 9, excluding Native allotment F-17368;
Secs. 10 to 14, inclusive;
Sec. 15, excluding Native allotments F-033630
and F-033631;
Secs. 16 to 19, inclusive;
Sec. 20, excluding Native allotment F-033634;
Sec. 21;
Sec. 22, excluding Native allotments F-033630,
F-033631, and F-17367;
Secs. 23 and 26, excluding Native allotment
F-17369;
Secs. 27 to 34, inclusive.

Containing approximately 14,918 acres.

T. 12 N., R. 66 W.

Secs. 1, 2, and 3;
Sec. 4, excluding Native allotment F-17363
Parcel A;
Sec. 5;
Sec. 6, excluding Native allotment F-17362;
Sec. 7;
Sec. 8, excluding Native allotment F-17364
Parcel B;
Sec. 9, excluding Native allotment F-17363
Parcel A;
Secs. 10 to 25, inclusive;

543

Interim Conveyance No. _____

Date _____ AUG 27 1982

- Sec. 26, excluding Native allotments F-11981 Parcel A, F-17039, and ANCSA Sec. 3(e) application AA-40710;
- Sec. 27, excluding U.S. Survey No. 875, lots 1 and 4 of U.S. Survey No. 3797, PLO 2020, ANCSA Sec. 3(e) application AA-40710, and Native allotment F-17039;
- Sec. 28, excluding Native allotment F-17366;
- Secs. 29 and 30;
- Sec. 31, excluding Native allotment F-033626;
- Sec. 32, excluding U.S. Survey No. 4205 and Native allotment F-025285;
- Sec. 33, excluding lots 1 and 2 of U.S. Survey No. 3797, Native allotments F-17363 Parcel B, F-17373, F-17034, F-17370, F-033643, F-11981 Parcel B, and F-025285;
- Sec. 34, excluding lots 1 and 3 of U.S. Survey No. 3797, Native allotments F-17363 Parcel B, F-17373, and F-17034;
- Sec. 35, excluding Native allotment F-11981 Parcel A;
- Sec. 36.

Containing approximately 16,106 acres.

T. 11 N., R. 67 W.

- Sec. 1, excluding Native allotments F-17040 and F-17035;
- Sec. 12, excluding Native allotment F-17035;
- Sec. 13;
- Secs. 24 and 25;
- Sec. 36.

Containing approximately 2,880 acres.

T. 12 N., R. 67 W.

- Sec. 1, excluding Native allotment F-17362;
- Secs. 12 and 13;
- Secs. 24 and 25;
- Sec. 36.

Containing approximately 3,800 acres.

Aggregating approximately 79,388 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14949-EE.

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,

543

Interim Conveyance No. _____

Date _____ AUG 27 1982

immunities and appurtenances, of whatsoever nature, there-
unto 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 afore-
mentioned 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, as amended (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, privil-
eges 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 27th day of August, 1982, in
Anchorage, Alaska.

UNITED STATES OF AMERICA

Alvin D. Arnold

Assistant to the State Director
for Conveyance Management

543

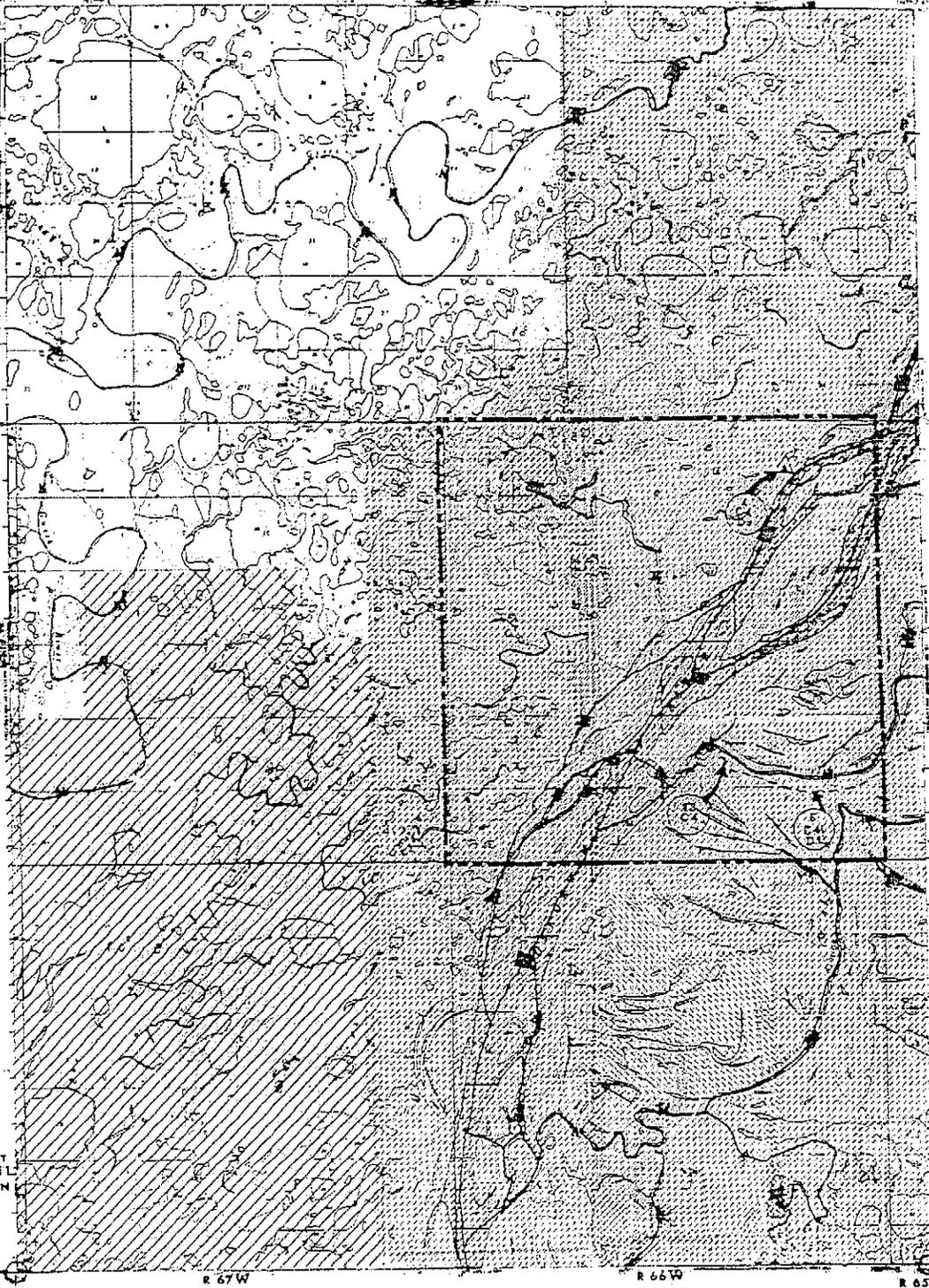
Interim Conveyance No. _____

Date AUG 27 1982

STATE	ALASKA
COUNTY	VALDEZ
TOWNSHIP	12N
RANGE	67W
SECTION	1

Section 1, Township 12N, Range 67W, Valdez County, Alaska, is hereby selected for the Akiachak Village Selection.

Section	1
Decision	Selected
County	Valdez



OVER-SELECTION

AKIACHAK VILLAGE SELECTION

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

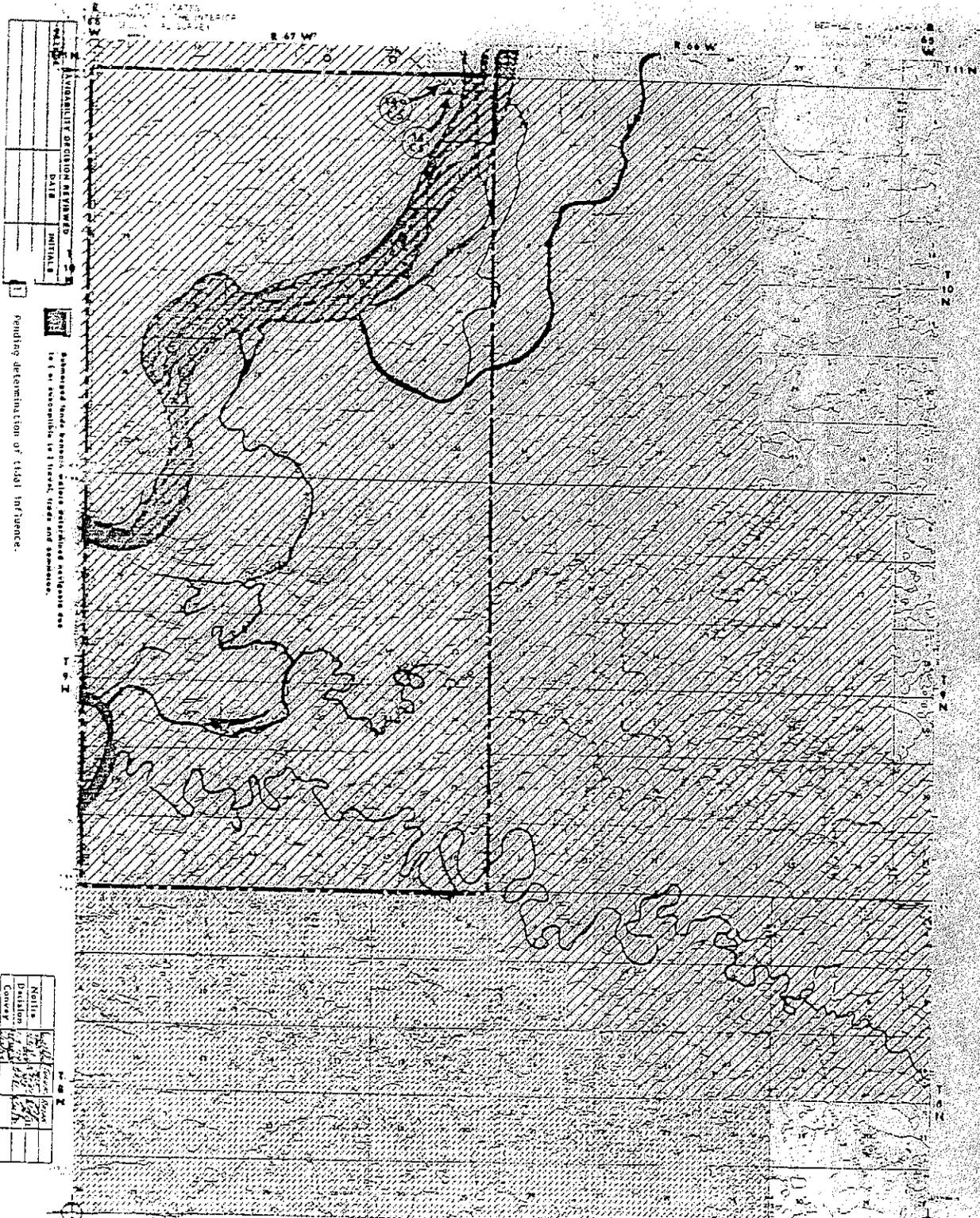
AKIACHAK VILLAGE SELECTION
 TULUKSAK VILLAGE SELECTION

PLC 12/15/74
AKIACHAK
AKIACHAK
TULUKSAK

RUSSIAN MISSION A-6

Alaska State Office
Anchorage, Alaska
AUG 27 1975
I hereby certify that this reproduction is a copy of the official record on file in the office of the State Office.

542



AVAILABILITY SECTION REVIEWED	DATE	INITIALS

Pending determination of final influence.

Approved upon Bureau of Land Management review and approval. Is in compliance with laws, rules and regulations.

NOTES	

TULUKSAK VILLAGE SELECTION **KWETHLUK VILLAGE SELECTION** **AKIAK VILLAGE SELECTION**

Application of Dec. 17, 1972

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

REG. 10/11/75
KWETHLUK
AKIAK
BETHEL, ALASKA

8/1/76

Alaska State Office
 Anchorage, Alaska
 AUG 27 1982
 DATE
 I hereby certify that this reproduction is a copy of the official record on file in this office.
 [Signature]

542



United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

2628 (NAV)(962)

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

MAY 22 1985

**Tuluksak River
Interim Summary Report
Attachment 13**

Memorandum

To: Chief, Branch of Conveyance Services (962)
From: **Acting** Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters of the Kuskokwim Region, Alaska

This memorandum identifies certain navigable water bodies totaling approximately 100 miles in the Kuskokwim region of Alaska. The present navigability determinations apply only to water bodies or segments of water bodies currently under Federal jurisdiction. Title to the beds of navigable waters, if not reserved by the United States on January 3, 1959, passed to the State of Alaska at the time of Statehood.

I determine the following water bodies to be navigable:

1. Big River to Otter Creek (local name) (38 miles).
2. Salmon River to Forks in Section 3, T. 32 N., R. 28 W., Seward Meridian (3.5 miles).
3. Tuluksak River to Upper Landing (about 59 miles).

These navigability determinations are based upon criteria set forth in the Solicitor's opinion of March 16, 1976 (otherwise known as the "Garner Memorandum"), the Regional Solicitor's opinion of February 25, 1980, regarding the Alaska Native Claims Appeal Board's decision on the navigability of the Nation and Kandik rivers, and the Bureau of Land Management's Instruction Memorandum No. AK-81-78, Change 1. The remainder of the memorandum sets forth my rationale for the above determinations.

Ordinary Conditions

To the best of my knowledge these water bodies were at the date of Statehood and remain today in their natural and ordinary condition.

Accessibility

All of these water bodies are accessible by commercial waterborne crafts from navigable waters.

Seasonality

Commercial waterborne crafts can be used on these bodies at any time during the ice-free season. Navigation may be impeded by low water levels at certain times of the summer season.

Commercial Craft

At the time of Statehood the smallest commercial waterborne craft in customary use on the region's freshwater bodies was an eighteen- to twenty-four-foot wooden riverboat with a propeller-equipped motor and carrying a half ton or more of goods. (Aluminum boats and jet units were not used on a customary basis until the 1960s.) In the late 1950s, while conducting anthropological studies at Napaskiak, anthropologist Wendell H. Oswalt recorded that most men preferred to travel in a "plank boat", which he described as approximately twenty-four feet long with a three-foot beam and powered by outboard motors ranging from one and one-half to twenty-two horsepower. Similarly, in the early 1960s anthropologist Edward H. Hosley observed in the upper Kuskokwim basin that Native families had "at least one flat-bottomed boat from fourteen to twenty-four feet long." Built from spruce planks, the boats were usually equipped with twelve- to fifteen-horsepower outboard motors. These boats evidently were quite common into the 1970s. The U.S. Army Corps of Engineers observed in 1971: "During the summer months natives living in the region use small river boats, averaging 18 feet in length, for transportation much as the Americans use automobiles."

Highway of Commerce

- | | |
|--------------------------------------|--------------------------------|
| 1. Big River
(McGrath Quadrangle) | To Otter Creek
(local name) |
|--------------------------------------|--------------------------------|

While there is evidence that inflatable rafts, skiffs, and jet boats may be taken farther upriver, the reports of trappers and hunters suggest that Big River is suitable for use by the smallest commercial boats at least to Otter Creek in Section 19, T. 31 N., R. 29 W., Seward Meridian. Before moving from the site of the Big River Roadhouse on the Kuskokwim to Nikolai Village in 1957, Bobby W. Esai, Sr. and his wife Pauline traveled by boat to trapping camps along Big River now encompassed by their Native allotments. (Both allotments are located downstream of Otter Creek.) The frequency of these trips is unknown. Pauline said she first traveled to her land in 1949 in a boat loaded with a dog team and gear. In 1979 Esai said that in the fall he could usually take a boat twenty-

to twenty-eight feet in length beyond Otter Creek in Section 19, T. 31 N., R. 29 W., Seward Meridian; he described the river as being shallow and rough, one that requires caution to navigate. Pete Gregory told a State of Alaska employee that in the spring of 1942 he ascended the river to Otter Creek to hunt otters. The size and payload of his boat is presently unknown. And Pete Shephard, a former Alaska Department of Fish and Game employee, said that in 1975 he reached the southeast boundary of T. 27 N., R. 31 W., Seward Meridian, a considerable distance beyond Otter Creek, in a twenty-foot boat with jet units. Gregory's and Shephard's statements corroborate the suitability of Big River as a highway for commercial waterborne crafts as reported by the Esai family. (On May 6, 1980, the BLM declared the Big River navigable to Pitka Fork in view of the large crafts used during the Iditarod Trail era to shuttle travellers between the Salmon River Roadhouse and Kuskokwim River communities.)

2. Salmon River
(McGrath Quadrangle)

To Forks in
Section 3,
T. 32 N., R. 28 W.,
Seward Meridian.

The limited available evidence of longtime use of boats on this river in connection with king salmon fishing combined with our knowledge of the river's physical character, indicates that commercial crafts could be used on this river for a short distance. State of Alaska biologists report that the river gradient is low, and water depths ranging from five feet or more for about a half mile from the mouth to about two feet at the forks. Shallower water is located at river bends. Miska Deaphon, whose family has lived at the mouth of Salmon River at least since the turn of the century, stated he used boats with outboard motors to "traditional salmon fishing grounds" and that these boats could be taken as far as the forks. The only two Native allottees on the river claimed fishing as a primary use since the late 1940s and mid 1950s. In 1979, a local resident told a State of Alaska employee that he had traveled to the forks with a twenty-foot riverboat and outboard (prop) motor. Also two individuals said they went farther in boats but did not describe the types of boats used.

3. Tuluksak River
(Russian Mission and
Bethel Quadrangles)

To Upper Landing

From the mid 1920s to the early 1940s the New York-Alaska Gold Dredging Company, the largest operator on the upper Tuluksak, moved part of its supplies and equipment by boat up the Tuluksak to the Lower Landing or the Upper Landing. Steamboats and barges discharged heavy freight at the former landing for transshipment to the mines over a winter road. According to Clarence Marsh, who mined on the Tuluksak from 1933 to 1942,

• lesser amounts of freight were moved by scow to the Upper Landing. The freight was then moved to the mines by tractor or truck over a summer road. The scows certainly exceeded in size and payload the smallest commercial crafts in the area at the time of Statehood. The exact location of the Upper Landing is not presently known; according to the Alaska Department of Fish and Game, it is located about 4.5 miles upstream of Otter Creek.

Insufficient information about the river's physical character and the size and payload of boats used above the Upper Landing, stymies efforts to draw conclusions on the suitability of the remainder of the river for commercial boats. The historic record for the years prior to 1926 contains scattered references to the possible and actual use of poling boats as far as Bear Creek, which is located a considerable distance above the Upper Landing. For example, in 1914 a miner reportedly employed a large force of men and two motor boats to land supplies and machinery on upper Bear Creek. Just how far up the Tuluksak these boats were used, is presently unknown. That same year Alfred G. Maddren of the U.S. Geological Survey visited the mines and recorded that while most miners usually took advantage of the winter season to transport supplies from the Kuskokwim to the upper Tuluksak, some on occasion ascended the river to Bear Creek in poling boats. Finally, Frank W. Holzheimer of the U.S. Geological Survey wrote in 1926 shortly after visiting Nyac that supplies were transported from the "first landing" (Lower Landing) to the "second landing" (Upper Landing) in a poling boat "at nearly all stages of water." He added almost parenthetically: "During the periods of high water the poling boats are able to reach the foothills camp" (Foothills Cabin).

John P. Kanger
acting

**Tuluksak River
Interim Summary Report
Attachment 14**

AA-40710 (2300)
F-14949-A (2651)
F-14949-A2 (2651)
~~F-14949-EE (75.4)~~
(961)

JUL 31 1985

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Bureau of Indian Affairs	:	AA-40710
Juneau Area Office	:	ANCSA Sec. 3(e)
P.O. Box 3-8000	:	Determination
Juneau, Alaska 99802	:	
Tulkisarmute Incorporated	:	F-14949-A and F-14949-A2
Tuluksak, Alaska 99679	:	Village Selections
Calista Corporation	:	
516 Denali Street	:	
Anchorage, Alaska 99503	:	

Section 3(e) Determination
Village Selection Applications Rejected in Part
Lands Proper for Village Selection
Approved for Interim Conveyance

On November 20, 1974 and December 11, 1975, Tulkisarmute Incorporated, for the Native village of Tuluksak, filed selection applications F-14949-A and F-14949-A2, 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. 1601, 1611, for the surface estate of certain lands in the vicinity of Tuluksak.

On September 19, 1966, Public Land Order (PLO) No. 4091 withdrew a 6.19 acre site at Tuluksak for use by the Bureau of Indian Affairs for school purposes, which was revoked by Sec. 19(a) of ANCSA. On August 19, 1980, the case was serialized as AA-40710, subject to a determination pursuant to Sec. 3(e) of ANCSA which states:

"Public lands" means all Federal lands and interests therein located in Alaska except:
(1) the smallest practicable tract, as determined by the Secretary, enclosing land

actually used in connection with the
administration of any Federal
installation. . . .

On September 7, 1984, the Bureau of Land Management made a determination that the lands described below is the smallest practicable tract of land used in connection with the administration of the Sec. 3(e) site. These lands are not public lands as defined in Sec. 3(e) of ANCSA and were not withdrawn from selection by Tulkisarmute Incorporated, therefore, F-14949-A and F-14949-A2 are hereby rejected as to the following:

Seward Meridian, Alaska

T. 12 N., R. 66 W. (Surveyed)

A tract of land located within Secs. 26 and 27, also identified as being within unapproved U.S. Survey No. 4435, lot 1, more particularly described as:

Beginning at the point for corner No. 1, lot 1, unapproved U.S. Survey No. 4435, a meander corner at the line of ordinary high water on the left bank of the Tuluksak River, located approximately S. 53°37' E., 581 ft., from meander corner No. 1, U.S. Survey No. 875.

From corner No. 1, by metes and bounds,

S. 36°23'W., 338.18 ft., along a portion of the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 to corner No. 2, a point approximately 60 ft., south of the southern most oil tank within the description for the land to be retained;
S. 53°37'E., 316.00 ft., to corner No. 3;
S. 36°23'W., approximately 172 ft., to corner No. 4, a point on the 2-3 line of lot 1, unapproved U.S. Survey No. 4435;
S. 53°37'E., approximately 213 ft. along a portion of the 2-3 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 5, identical with corner No. 3, lot 1, unapproved U.S. Survey No. 4435;
N. 36°23'E., 220.00 ft., along a portion of the 3-4 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 6;
N. 53°37'W., 213.00 ft., to corner No. 7;
N. 36°23'E., approximately 290 ft., to corner No. 8, a point on the line of ordinary high water on the left bank of the Tuluksak River;

Thence northwesterly with meanders, along the line of ordinary high water on the left bank of the Tuluksak River, approximately 316 ft., to corner No. 1, of this description, identical with meander corner No. 1 of lot 1, unapproved U.S. Survey No. 4435, the point of beginning.

The tract as described contains approximately 3.53 acres.

The remaining lands in Sec. 3(e) case file AA-40710 have been determined to be public lands.

Tulkisarmute Incorporated filed selection application F-14949-A2 under the provisions of Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a), with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14949-A2 is hereby rejected as to the lands herein approved for conveyance. Further action on application F-14949-A2 as to the lands not rejected herein, will be taken at a later date.

As to the lands described below, application F-14949-A, is properly filed and meets 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.

In view of the foregoing, the surface estate of the following-described lands, selected pursuant to Sec. 12(a) of ANCSA, containing approximately 2.66 acres, is considered proper for acquisition by Tulkisarmute Incorporated and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska

T. 12 N., R. 66 W. (Surveyed)

Two tracts of land located within Secs. 26 and 27, also identified as being within unapproved U.S. Survey No. 4435, lot 1, more particularly described as:

Parcel 1

Beginning at the point for corner No. 1 of this description, identical with corner No. 2 of lot 1, unapproved U.S. Survey No. 4435.

From corner No. 1, by metes and bounds,

S.53°37'E., 316.00 ft., along a portion of the 2-3 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 2, identical with corner No. 4 of the description for the land to be retained;

N.36°23'E., 172.00 ft., to corner No. 3, identical with corner No. 3, of the description for the land to be retained;

N.53°37'W., approximately 316 ft., to corner No. 4, a point on the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 and identical with corner No. 2 of the description for the land to be retained;

S.36°23'W., approximately 172 ft., along a portion of the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 to corner No. 1, identical with corner No. 2, lot 1, unapproved U.S. Survey No. 4435, the point of beginning.

Containing approximately 1.25 acres.

Parcel 2

Beginning at the point for corner No. 1 of this description, a meander corner, identical with corner No. 4, a meander corner at the line of ordinary high water on the left bank of the Tuluksak River.

From corner No. 1, by metes and bounds,

S.36°23'W., 290.18 ft., along a portion of the 3-4 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 2, identical with corner No. 6 of the description for the land to be retained;

N.53°37'W., 213.00 ft., to corner No. 3, identical with corner No. 7 of the description for the land to be retained;

N.36°23'E., approximately 290 ft., to corner No. 4, a point on the line of ordinary high water on the left bank of the Tuluksak River;

Thence southeasterly with meanders along the line of ordinary high water on the left bank of the Tuluksak River, approximately 213 ft., to corner No. 1, identical with corner No. 4, lot 1, unapproved U.S. Survey No. 4435, the point of beginning;

Containing approximately 1.41 acres.

Aggregating approximately 2.66 acres.

There are no inland water bodies considered to be navigable within the above-described lands.

Enclosed is a current status plat and easement map showing the lands approved for conveyance.

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, 43 U.S.C. 1601, 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement map attached to this document, a copy of which will be found in case file F-14949-EE, is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a list of uses allowed for each type of easement identified. Uses which are not specifically listed are prohibited.

(EIN 100 C4) An easement twenty (20) feet in width for an existing sewage outfall line running from the sewage lagoon southwesterly crossing a portion of the NE4SE4, Sec. 27, T. 12 N., R. 66 W., Seward Meridian, Alaska (unapproved lot 1, U.S. Survey No. 4435). The uses allowed are those activities associated with the construction, operation, and maintenance of the sewage outfall line.

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 supplemental 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 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA 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, 43 U.S.C. 1601, 1613(c) (Supp. V, 1982), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

Tulkisarmute Incorporated is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved for conveyance, the total acreage conveyed or approved for conveyance is approximately 79,391 acres. The remaining entitlement of approximately 12,769 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to Tulkisarmute Incorporated 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 mineral materials from the subsurface estate in lands within the boundaries of the Native village shall be subject to the consent of Tulkisarmute Incorporated.

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.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in 43 CFR, Part 4, Subpart E.

However, pursuant to the Alaska National Interest Lands Conservation Act of December 2, 1980, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of Conveyance Management (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 701 C Street, Box 34, Anchorage, Alaska 99513.

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 ~~AUG 30 1985~~ to file an appeal.

Any party known or unknown who 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 Bureau of Land Management, Alaska State Office, Division of Conveyance Management.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed DOI Form 1842-1.)

If an appeal is taken, the parties to be served with a copy of the notice of appeal are:

Bureau of Indian Affairs
Juneau Area Office
P.O. Box 3-8000
Juneau, Alaska 99801

Tulkisarmute Incorporated
Tuluksak, Alaska 99679

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

/s/ Ruth Stockle
Section Chief, Branch of
ANCSA Adjudication

Enclosures:
DOI Form 1842-1
Appeal Regulations
Plat
Map

cc:

Retained Lands Unit - Easements
Division of Land and Water Management
Alaska Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510

Mr. James Sandberg
Right-of-Way Agent
Department of Transportation and Public Facilities
Pouch 6900
Anchorage, Alaska 99502

Commander (flp)
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99802
Attn: G. Olmes

Commissioner
Department of Transportation
and Public Facilities
Pouch Z
Juneau, Alaska 99811

Alaska Legal Services Corporation
550 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

Mr. David Hughes
U.S. Department of the Interior
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203

U.S. Fish and Wildlife Service
Division of Realty
1011 East Tudor Road
Anchorage, Alaska 99503

Alaska Village Electric Cooperative, Inc.
4831 Eagle Street
Anchorage, Alaska 99503

Alaska Legal Services Corporation
550 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501

Mr. David Hughes
U.S. Department of the Interior
Office of Hearings and Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203

U.S. Fish and Wildlife Service
Division of Realty
1011 East Tudor Road
Anchorage, Alaska 99503

DM-A (010)

Chief, Branch of ANCSA Adjudication (961)

Chief, Branch of Cartography and Examination (922)

Alaska Program Staff (311)

961*SCurtis*bj*07/17/85*254d

INTERIM CONVEYANCE

WHEREAS

Tulkisarmute 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, AlaskaT. 12 N., R. 66 W. (Surveyed)

Two tracts of land located within Secs. 26 and 27, also identified as being within unapproved U.S. Survey No. 4435, lot 1, more particularly described as:

Parcel 1

Beginning at the point for corner No. 1 of this description, identical with corner No. 2 of lot 1, unapproved U.S. Survey No. 4435.

From corner No. 1, by metes and bounds,

S.53°37'E., 316.00 ft., along a portion of the 2-3 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 2, identical with corner No. 4 of the description for the land to be retained;

N.36°23'E., 172.00 ft., to corner No. 3, identical with corner No. 3, of this description for the land to be retained;

N.53°37'W., approximately 316 ft., to corner No. 4, a point on the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 and identical with corner No. 2 of the description for the land to be retained;

S.36°23'W., approximately 172 ft., along a portion of the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 to corner No. 1, identical with corner

Interim Conveyance No.

1123

Date

SEP 30 1985

No. 2, lot 1, unapproved U.S. Survey No. 4435, the point of beginning.

Containing approximately 1.25 acres.

Parcel 2

Beginning at the point for corner No. 1 of this description, a meander corner, identical with corner No. 4, a meander corner at the line of ordinary high water on the left bank of the Tuluksak River.

From corner No. 1, by metes and bounds,

S.36°23'W., 290.18 ft., along a portion of the 3-4 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 2, identical with corner No. 6 of the description for the land to be retained;

N.53°37'W., 213.00 ft, to corner No. 3, identical with corner No. 7 of the description for the land to be retained;

N.36°23'E., approximately 290 ft., to corner No. 4, a point on the line of ordinary high water on the left bank of the Tuluksak River;

Thence southeasterly with meanders along the line of ordinary high water on the left bank of the Tuluksak River, approximately 213 ft., to corner No. 1, identical with corner No. 4, lot 1, unapproved U.S. Survey No. 4435, the point of beginning.

Containing approximately 1.41 acres.

Aggregating approximately 2.66 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;

Interim Conveyance No.

1123

Date

SEP 30 1985

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, 43 U.S.C. 1601, 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easement, referenced by easement identification number (EIN) on the easement map attached to this document is reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. Any uses which are not specifically listed are prohibited.

(EIN 100 C4) An easement twenty (20) feet in width for an existing sewage outfall line running from the sewage lagoon southwesterly crossing a portion of the NE4SE4, Sec. 27, T. 12 N., R. 66 W., Seward Meridian, Alaska (unapproved lot 1, U.S. Survey No. 4435). The uses allowed are those activities associated with the construction, operation, and maintenance of the sewage outfall line.

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 supplemental 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

Interim Conveyance No. _____

1123

Date _____

SEP 30 1985

to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, (ANCSA), 43 U.S.C. 1601, 1616(b)(2) 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. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 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 her hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of September, 1985, in Anchorage, Alaska.

UNITED STATES OF AMERICA


Chief, Branch of ANCSA
Adjudication

Interim Conveyance No. _____

1123

Date _____

SEP 30 1985

1/10/86

F-14949-A

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. 1123

Seward Meridian, Alaska

T. 12 N., R. 66 W. (Surveyed)

Two tracts of land located within Secs. 26 and 27, also identified as being within unapproved U.S. Survey No. 4435, lot 1, more particularly described as:

Parcel 1

Beginning at the point for corner No. 1 of this description, identical with corner No. 2 of lot 1, unapproved U.S. Survey No. 4435.

From corner No. 1, by metes and bounds,

S.53°37'E., 316.00 ft., along a portion of the 2-3 line of lot 1, unapproved U.S. Survey No. 4435, to

Interim Conveyance No. 1124

Date SEP 30 1985

corner No. 2, identical with corner No. 4 of the description for the land to be retained;
N.36°23'E., 172.00 ft., to corner No. 3, identical with corner No. 3, of the description for the land to be retained;
N.53°37'W., approximately 316 ft., to corner No. 4, a point on the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 and identical with corner No. 2 of the description for the land to be retained;
S.36°23'W., approximately 172 ft., along a portion of the 1-2 line of lot 1, unapproved U.S. Survey No. 4435 to corner No. 1, identical with corner No. 2, lot 1, unapproved U.S. Survey No. 4435, the point of beginning.

Containing approximately 1.25 acres.

Parcel 2

Beginning at the point for corner No. 1 of this description, a meander corner, identical with corner No. 4, a meander corner at the line of ordinary high water on the left bank of the Tuluksak River.

From corner No. 1, by metes and bounds,

S. 36°23'W., 290.18 ft., along a portion of the 3-4 line of lot 1, unapproved U.S. Survey No. 4435, to corner No. 2, identical with corner No. 6 of the description for the land to be retained;
N.53°37'W., 213.00 ft., to corner No. 3, identical with corner No. 7 of the description for the land to be retained;
N.36°23'E., approximately 290 ft., to corner No. 4, a point on the line of ordinary high water on the left bank of the Tuluksak River;
Thence southeasterly with meanders along the line of ordinary high water on the left bank of the Tuluksak River, approximately 213 ft., to corner No. 1,

Interim Conveyance No. _____

1124

Date _____

SEP 30 1985

identical with corner No. 4, lot 1, unapproved U.S. Survey No. 4435, the point of beginning;

Containing approximately 1.41 acres.

Aggregating approximately 2.66 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. All the easements and rights-of-way referenced 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;
2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 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 Tuluksak shall be subject to the consent of Tulkisarmute Incorporated; and
3. Issuance of a patent after approval and filing by the Bureau of Land Management of the official supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted.

Interim Conveyance No.

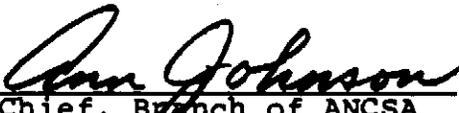
1124

Date

SEP 30 1985

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 30th day of September, 1985, in Anchorage, Alaska.

UNITED STATES OF AMERICA


Chief, Branch of ANCSA
Adjudication

Interim Conveyance No. 1124
Date SEP 30 1985

At 5-3-89

U. M. Brown 5/3/89

KARSTETTER 5/3/89

**Tuluksak 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)

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 [Atmoutluak, 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 Pikmiktalik 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. Bodin

cc:

State of Alaska
Department of Natural Resources
Division of Land and Water Management
State Interest Determinations Unit
P.O. Box 107005
Anchorage, Alaska 99510-7005

State of Alaska
Department of Natural Resources
Division of Land and Water Management
Land Title Section
3601 C Street, Suite 960
Anchorage, Alaska 99503

Atmautluak, Limited
Atmautluak, Alaska 99559

Nunapitchuk, Limited
Nunapitchuk, Alaska 99641

Kasigluk, Inc.
Kasigluk, Alaska 99609

Akiachak, Limited
Samuel George
Akiachak, Alaska 99551

Kokarmuit Corporation
Akiak, Alaska 99552

Tulkisarmute Inc.
Tuluksak, Alaska 99679

Bethel Native Corporation
P.O. Box 719
Bethel, Alaska 99559

Kwethluk, Inc.
Kwethluk, Alaska 99621

Calista Corporation
601 West Fifth Avenue, Suite 200
Anchorage, Alaska 99501

Chief, Program Planning and Development Staff (920B)

Chief, Branch of Examinations and Records (922)

Chief, Branch of Field Survey (921)

Chief, Branch of Mapping Sciences (924)

Branch of Survey Preparation and Contracts (923)
Attn: Phil Wilkins

Anchorage District Office (040)

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. Anabranch 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 S½ 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 E¼ 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 E¼W¼ 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 NW¼ 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 NW¼ 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 $\frac{1}{4}$, 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)
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)

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 NW $\frac{1}{4}$ SE $\frac{1}{4}$ 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)

Table 5

Navigable Rivers, Streams and Sloughs Less Than
198 Feet Wide and Lakes Less Than 50 Acres in Size
in Survey Window 1836 (Atmautluak, 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. Anabranh 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).

**Tuluksak River
Interim Summary Report
Attachment 17**

Baird Inlet-EX-FY93
F-14864 (75.4)
F-14866 (75.4)
F-14895 (75.4)
F-14929 (75.4)
AA-8099 (75.4)

June 4, 1993

Memorandum

To: Deputy State Director for Conveyance Management (960)

From: Deputy State Director for Cadastral Survey (920)

Subject: Navigable Waters on Lands Included in the Proposed Calista Land Exchange in the Kuskokwim River Region

This memorandum identifies navigable waters on certain lands included in the proposed Calista Land Exchange in the Kuskokwim River Region. The lands are selected by or interim conveyed to the Nunapiglluraq Corporation (Hamilton), Sea Lion Corporation (Hooper Bay), Nima Corporation (Mekoryuk), Askinuk Corporation (Scammon Bay), and Calista Corporation. Some lands are in the Yukon Delta National Wildlife Refuge. The lands lie within twenty-seven townships along the Black, Kinak, Kolomak, Kun, Ear, Iaslaktoli, Kikneak, and Tuluksak rivers.

The attached maps show the named and unnamed navigable water bodies.¹ Solid lines on the maps identify water bodies that were determined navigable and excluded from interim conveyances. Broken lines represent navigable water bodies on interim conveyed and selected lands. The townships and the named navigable water bodies in each township are listed in Appendix I.

Criteria

The BLM's navigability determinations are based on Federal law of title navigability. In a March 16, 1976, 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 susceptible to use for travel, trade and

¹ The original maps are in File F-14864-EE.

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.

Sources of Information

Information about the land status and physical character of water bodies in the report area comes primarily from the USGS Baird Inlet (1954, minor revisions 1977), Bethel (1980), Black (1951 minor revisions 1971), Hooper Bay (1953, minor revisions 1970), Kwiguk (1952, minor revisions 1971), Marshall (1954), and Russian Mission (1947, minor revisions 1972) quadrangles (scale 1:250,000); BLM's Master Title Plats and Alaska Automated Lands and Minerals Record System (AALMRS); and NASA photographs of June 1977 (CIR/120: roll 2501, frames 1438, 1473, 1474, 1490-1492, 1508, and 1509), July 1980 (CIR/60: roll 7, frame 72; roll 2917, frames 7050, 7051, 7059, and 7061), and August 1984 (CIR/60: roll 3397, frames 7995, 7996, 8003, 8030, 8149, and 8151).

Information about the land status, physical character, and use of the Tuluksak River is also found in historical and contemporary reports. The bibliography lists these reports. We also interviewed local residents and government officials. Their names are listed in Appendix II.²

Seasonal Variations

Streamflows in this area are similar to those in the Koyukuk River Region. Flows vary significantly through the year. During the winter, streamflow is extremely low. During breakup in May, streamflow increases rapidly, reaching a peak in June. Flows then decline, reaching a low in July and August. Rains in late August and September cause brief peaks.³ Mac Wheeler, a BLM hydrologist, reported that high water levels extend from mid May to late June. Local residents verified this observation, although one said it was high for as little as one week. Streams typically freeze near the end of October and remain frozen until April or May.⁴

In the lowlands, many streams have negligible gradients. They often flow to or from other rivers, streams, and lakes -- for example, the small streams along the Black, Kun, and Ear rivers. Due

² Dot Tideman to File F-14864-EE, June 11, 1992, ANCSA selection files, is a daily account of the interviews.

³ Clay 1983.

⁴ Collazzi and Maurer 1984-85.

to the virtually flat gradients, it takes longer for water levels to decline.⁵ High water periods in these areas last well over a month. We consider the streams navigable if they appear wide and unobstructed in the aerial photographs. Typically, these streams are several feet deep or more during high water periods.

Tuluksak River in Secs. 7, 8, and 18, T. 10 N., R. 61 W., and Secs. 11, 12, 13, and 14, T. 10 N., R. 62 W., SM. (USGS Bethel D-3 and D-4) (CIR 60 roll 3397, frames 8149 and 8151, August 1984) (Regional Selections AA-8099 and AA-70150)

This report concerns miles 63 to 68.5 of the Tuluksak River. The river enters the report area about a mile below Granite Creek and leaves the area about a mile and a half below the Foothills Cabin (in Sec. 12, T. 10 N., R. 62 W., SM) in rivermile 65.⁶

At the time of conveyance (ICs 542 and 1123), we held that the lower reaches of the Tuluksak River are navigable. The conveyances excluded the riverbed in T. 12 N., R. 66 W. and in Secs. 15, 16, 19-22, 27, and 30, T. 12 N., R. 65 W., SM. Upstream, the river remains village-selected: in Secs. 23-26, and 36, T. 12 N., R. 65 W., and in Sec. 1, T. 11 N., R. 65 W., SM. Between this reach and the report area, the river is in the Yukon Delta National Wildlife Refuge.

From its head in the Kilbuck Mountains, the river, eighty-six miles long, flows south and northwesterly to empty into the Kuskokwim River at the village of Tuluksak (mile 97). It drops about 1,400 feet in this distance. The drainage area is about 830 square miles. One writer described the river as "a slow moving meandering river most of its length, cutting through several tundra areas in its lower section."⁷

According to the Alaska Department of Fish & Game (ADF&G), the first forty miles of the river are easy to navigate, although there are many sweepers and logjams. It averages about eighty feet in width in its first thirty miles and fifty feet in miles 30 to 60. The bottom in miles 30 to 60 consist of mostly fine and medium gravel. The current is swift -- about four feet per second. The average depth in this reach is 1.6 feet. The ADF&G reported that shallow water is the major factor limiting small boat navigation beyond the first forty miles.⁸

For that river segment in the report area, high altitude photos show the river flowing in a single channel about two chains (132 feet) wide. Gravel bars frequently mark river bends. The river's

⁵ Wheeler 1990.

⁶ River mileage figures are from STORET maps (USGS quadrangles in the Navigability Section).

⁷ Collazzi and Maurer 1984-1985.

⁸ Alt 1976-1977, 22.

gradient is approximately twenty feet per mile through the report area.⁹

In June 1984, State Division of Geological and Geophysical Survey collected hydrological data at points within and just upstream of the report area. Pertinent measurements are reported in table 1. Their calculations of the river's bankfull characteristics are reported in table 2.¹⁰

In 1983, the Alaska Department of Fish and Game, Bureau of Land Management, and Northland Gold Dredging conducted a joint study of salmon population in the Tuluksak River drainage. One purpose of the study was to collect information on the impact of past mining practices on salmon. Observations made on July 26 and 27, 1983 for reaches 1-5 are summarized in table 3. Reaches 1 and 2, directly upstream of the report area, were undisturbed by mining activity. Reaches 3-5 extend from Granite Creek upstream through dredge tailings.¹¹

Some Tuluksak village residents claim that the river's character has changed significantly in the past twenty years and especially in the past ten years. It is only in the past ten years that the Tuluksak River has become shallower and more turbid. It was especially muddy in the early 1980s, reportedly because of mining activities in the upper river drainage. An increase of beaver dams on the side streams may also have contributed to lower water levels.¹²

Several historic sites are located along the river in the report area: the Foothills Cabin and Ungagtuli.¹³ A landmark on the winter trail from Tuluksak to Nyac, the Foothills Cabin (mile 65) is located on the sole Native allotment (Clarence Clark; FF-17230) in the area, in Secs. 12 and 13, T. 10 N., R. 62 W., SM. Clark has hunted, trapped, and cut wood here since 1940. A well-built cabin is on the parcel. Clyde Hall, who worked for Clark at Nyac beginning in 1946,

⁹ Ground and low altitude photos of the river abutting Native allotment FF-17230, and historical sites AA-10270 and AA-10268, all three claims in or near the report area, are filed in the field report files. The report on historical site AA-10268 noted that the 1954 USGS topographical map of this area no longer accurately depicts the watercourse. This is upstream of the report area. Rhett S. Wise, Land Report, April 28, 1975, file F-17230, Native allotment files; U.S. Bureau of Indian Affairs 1990, 16, 20, 21, and 32.

¹⁰ See tables 1 and 2, Collazzi and Maurer 1984-1985. The authors reported the measurement sites at miles 60.5 and 64. For the purpose of consistency, we have substituted river mileage figures from the STORET maps. These are USGS quadrangles stored in the Navigability Section.

¹¹ Francisco and Sundberg 1983, 1, 17, Appendix II, 2-5, and Appendix 2A.

¹² Andrews and Peterson 1983, 36-37.

¹³ An ineligible historical site (AA-10268) is also located upstream in Sec. 31, T. 11 N., R. 60 W., SM.

Table 1

Summary of Observed Discharge and Cross-Sectional Data, 1984-1985

	<u>Near Mile 65</u>	<u>Near Mile 70</u>
Width (Water surface)	112 ft	95 ft
Mean depth	1 ft	1 ft
Maximum depth	1.8 ft	1.7 ft
Mean velocity	1.9 ft per second	1.9 ft per second
Maximum velocity	4.0 ft per second	4.3 ft per second
Discharge	267 cu ft per second	250 cu ft per second

Table 2

Calculated Bankfull Characteristics

	<u>Near Mile 65</u>	<u>Near Mile 70</u>
Width	118 ft	118 ft
Mean depth	2.5 ft	1.8 ft
Maximum depth	3.4 ft	2.8 ft
Mean velocity	3.9 ft per second	5.3 ft per second
Discharge	1,170 cubic ft per second	1,130 cubic ft per second

Table 3

River Measurements for Reaches 1 to 5, 1983

Mean discharge	173 cu ft per second	
Pool/riffle ratio	0.76	
Average riffle length	270 ft	
Average pool length	395 ft	
	<u>Reach 1</u>	<u>Reach 2</u>
Pool/riffle ratio	0.5	0.25
Average riffle length	351 ft	389 ft
Average riffle width	34 ft	36 ft
Average pool length	295 ft	740 ft
Average pool width	47.5 ft	95 ft

identified Clark's cabin as the Foothills Cabin.¹⁴ Jesse Oscar and "Big" Hansen (John Hansen), who ran the mail to Nyac, reportedly built the cabin in the 1920s. The cabin burned in 1927; it was rebuilt by Clarence Clark and Tony Sumi.¹⁵

Located in Secs. 11, 12 and 13, T. 10 N., R. 62 W., SM, Ungagtuli (AA-10270) was a spring and fall Native campsite. For centuries, Natives stopped here on spring or fall trips farther up the river. The primary activity at spring camps was trapping furbearers, particularly beaver; however, big game hunting and fishing were also important. In more recent times, freighters hauling supplies to the mines also stopped at the site.¹⁶

The report area may fall within the subsistence area of local Natives. During the years 1980 to 1983, Tuluksak residents' harvest activities were most intensive on the Tuluksak River and adjacent lands. Trapping was the most extensive activity, taking trappers seventy miles up the river; moose hunting extended at least sixty river miles up the river. Black bear hunters utilized nearly the same areas.¹⁷

Following a study of the river's history, the BLM in 1985 reported that the Tuluksak is navigable to Upper Landing (about rivermile 59). In the mid 1920s to the early 1940s, the New York-Alaska Gold Dredging Company, which operated dredges about Nyac (mile 76), moved supplies and equipment by boat up the river to Lower Landing and Upper Landing. Steamboats and barges transported heavy cargo to the Lower Landing. Men then transported supplies and equipment over a winter road to the mines. Poling boats transported smaller loads farther up the river. In 1926, shortly after visiting Nyac, Frank W. Holzheimer of the U.S. Geological Survey reported that supplies were transported from Lower Landing to the Upper Landing in a poling boat during nearly all stages of water and to the "foothills camp" during high water periods. [The "foothills camp" is almost certainly the site of the Foothills Cabin (mile 65).] It is not clear how long this method of transportation continued. According to Clarence Marsh, who mined on the Tuluksak from 1933 to 1942, freighters moved small loads by scow to the Upper Landing, where they could then use tractors or trucks on a summer road to the mines.¹⁸ On the other hand, Paul Hawk reportedly hauled supplies from Upper Landing to the site of Ungagtuli in small

¹⁴ Affidavit of Clyde Hall, January 23, 1992, file F-17230, Native allotment files.

¹⁵ U.S. Bureau of Indian Affairs 1990, 28, photos 5 and 6.

¹⁶ Ibid., 28-32.

¹⁷ Andrews and Peterson 1983, 27-32, Maps 1-5. See also Waggoner, pp. 2-3; and "Nyac Beaver Survey of 30 September 1981."

¹⁸ John J. Rumps to Chief, Branch of Conveyance Services, May 22, 1985, file 2628, Central Files, BLM, Alaska State Office.

boats.¹⁹

Historic records refer to possible boat use through the report area, perhaps as far as Bear Creek (mile 76). In 1909, C. D. Scott, a prospector who spent two months on the headwaters of the river, reported that prospectors bound for Bear Creek could ascend Tuluksak River in poling boats in ten to twelve days. "After you get up it about twenty-five miles," Scott warned prospectors, "it is as swift and snaggy a river you will find in Alaska (not excepting the Klondike and White Rivers)." A local newspaper reported in 1914 that a miner employed a large force of men and two motor boats to land supplies and machinery on upper Bear Creek. It is not known just how far up the river these boats were taken. Alfred G. Maddren of the U.S. Geological Survey visited the mines in the same year and recorded that, while most miners usually took advantage of the winter season to transport supplies from the Kuskokwim to the upper Tuluksak, some ascended the river to Bear Creek in poling boats.²⁰ The Iditarod Pioneer in 1914 claimed that the new mining camp called Bear City at the mouth of Bear Creek was accessible for poling boats and horse scows.²¹

In more recent times, local residents described the use of skin boats on the river in the early 1900s.²² On one fall hunting trip in the 1920s, Peter Napoka, Sr., and two men floated down the Tuluksak from Granite Creek to the Upper Landing in a ten-foot moosehide boat carrying meat from two moose and camping gear. Napoka recalled that the river was lower than normal and, as a result, they had to unload the meat and drag the boat over one shallow place. In the fall of 1939, he and another man walked the tractor trail to Slate Creek (mile 73) and then floated down to the Upper Landing in a moosehide boat. They got out of the boat only once. Joe Demantle said that he, as well as his grandparents, also made numerous trips in skin boats from points above Nyac. He claimed these boats carried more than a thousand pounds of people and goods.

Local residents also used wooden boats to points beyond the report area. These trips generally were made during spring or fall high water periods. Both Peter Napoka, Sr., and Peter Waskie, reported that during fall high water they have boated up to and above Granite Creek in sixteen- to twenty-foot boats. In the 1920s, Napoka, Waskie Roland, and Peter Alexie, Sr., boated a heavy load of pipe to "Garrison Place" on or near Granite Creek. On another trip in the 1920s, Napoka and three other people transported the carcasses of several moose down from Granite Creek. Peter Napoka, Sr., claimed that in the fall and spring others have boated this far, using sixteen- to eighteen-foot boats and carrying six or seven people. One fall, when the water was

¹⁹ U.S. Bureau of Indian Affairs 1990, 64.

²⁰ Ibid.

²¹ Brown 1985, 495-497. These scows were also used on the upper Koyukuk River. Horses were used to pull the scow through shallow sections. Otherwise, they were kept on the scow.

²² Unless stated otherwise, the following is derived from the memo, Dot Tideman to File F-14864 (75.4), ANCSA selection files.

high, Peter Waskie and Waskie Roland took a boat to Marsh's camp on or near Granite Creek and also carried a moose down. Peter Waskie said they had to push the boat through one spot only. Finally, during high water periods in the fall, John Peter, Joe Demantle, and Peter Lott used to take an eighteen-foot boat (forty-horsepower motor) to Nyac on hunting trips. They made about seven trips. Demantle recalled that they stayed on the upper Tuluksak from a day to one week, depending on how long the water was high. They carried loads of one thousand pounds or more.²³

In 1992, we found only one instance where someone recently boated to a point beyond the report area. On four different occasions, Brad Benter took a sixteen-foot boat (Klamath; jet unit) to points about three or four miles below Nyac. The most the boat carried at any one time was three people (about five hundred pounds).

We found several recent instances where people had boated to Clark's Native allotment (rivermile 65), mostly during the moose hunting season. Gene Peltola, Steve Poor, Carl Napoka, Sr., and Billy Phillip used eighteen- to twenty-foot boats (props and jets). Several boats (Peltola's, Napoka's, and Phillip's) carried as many as five or seven people, besides food and camping gear. All except Poor made the trips in the fall. During exceptionally low water in the spring of 1991, Steve Poor and two men went up in an eighteen-foot boat with a 115-horsepower motor (jet unit). They lost power when the jet sucked gravel into the intake, but the only damage was a broken windshield from the boat drifting into sweepers. Napoka took five people moose hunting in a twenty-foot boat. They pulled the boat three or four times through shallows, once about a quarter mile. Phillip, who had six people with him, recalled pulling the boat through shallows about a bend below Clark's. He remarked that the river was only two to three feet deep -- not as deep as in other years.

Finally, several people reported that they were unable to reach the upper Tuluksak by boat. In early August 1976, a crew of two or three biologists went upriver as far as possible in a twenty-four-foot aluminum riverboat. By their estimate, they traveled sixty miles.²⁴ Mac Wheeler said that in the summer of 1988, he and Kevin Meyer traveled an estimated fifty-eight miles in an eighteen-foot flat-bottomed riverboat (thirty-five horsepower outboard, jet unit) before encountering impassable logjams.

In recent years, people have also rafted down the river from near Nyac. Kim Francisco, Steve Poor, and Ron Perry rafted from as far upstream as Granite Creek and Nyac. Each raft carried a light load. In late July and early August 1983, Francisco, Mike Scott, a BLM hydrologist, and a geologist descended the Tuluksak from a mile above Granite Creek to Fog River (mile 19) in two rafts. They touched bottom twice. In June 1984, employees of the state Division of

²³ We believe that these were pre-statehood trips; however, the trips may have also extended into post-statehood years.

²⁴ Alt 1976-1977, 8 and 22.

Geological and Geophysical Surveys floated the river from mile 75 to its mouth.²⁵ In late June 1987, Ron Perry and two other people floated the river from Granite Creek in a twelve-foot Zodiac raft (thirty-five-horsepower motor). They did not hit bottom. Finally, in the spring of 1991, Steve Poor and two men rafted from Nyac to Clark's cabin.

Our contacts generally described the river between Granite Creek and the Foothills Cabin as two to four feet deep during the spring and fall high water periods.²⁶ In the summer, it averages about two feet deep or less.²⁷ Gene Peltola described it as a meandering river with some current, pools, and riffles. Phillip, Wheeler, and Harper mentioned deadfalls and sweepers. Peter Napoka, Sr., Clark, Benter, and Alexie said that the river stays high between one week and one and one-half months.

Nine people expressed the opinion that the river is susceptible to navigation for boats, canoes, or rafts carrying substantial loads (>1,000 pounds) as far as Granite Creek during high water periods.²⁸ Francisco said it would be difficult to boat above Granite Creek because of dredge tailings. Andrew Alexie and Brad Benter thought a person may find it necessary to line a boat occasionally. Steve Poor, Gene Peltola, and Richard Clark believed that one can boat to near Clark's cabin. Carl Napoka, Sr., remarked that one cannot boat the river in the summer because it is too low. Ken Harper mentioned sweepers as dangerous for boating.

In conclusion, we believe that the Tuluksak River is navigable through Sec. 8, T. 10 N., R. 61 W., SM (rivermile 68.5). Mining has not damaged this stretch of the river. Aerial photos show that the river is in a well defined, unobstructed channel through the report area. The river, about a hundred feet wide, averages two to four feet deep during high water periods in the spring and fall. Historically, Natives transported meat down the river in skin boats. During the gold rush period, prospectors and miners transported supplies and equipment in small boats to Bear Creek. As early as 1912, poling boats reportedly carried heavy cargo to the mines on Bear Creek. One local resident recalled boating a heavy load of mining equipment to Granite Creek in the 1920s. Three local residents reported boating to points above the Foothills Cabin in sixteen- to twenty-foot boats before statehood. At least eight people have boated or rafted the river to or through the report area since statehood. The water remains high for up to one and one-half months for the practical use of small motorboats and rafts carrying commercial-size loads.

²⁵ Collazzi and Maurer reported that the float trip started at mile 64. This would be at or near Nyac at mile 75 if using the STORET maps.

²⁶ Alexie, Phillip, Carl and Peter Napoka, Sr., Clark, Benter, Poor, and Francisco.

²⁷ Alexie, Phillip, Napoka, Sr., Waskie, Clark, Benter, Wheeler, and Perry.

²⁸ Francisco, Alexie, Benter, Clark, Phillip, Peltola, Perry, Demantle, and Peter.

Other Water Bodies

The remaining streams (specifically those not shown as navigable on the attached maps) are not suitable for navigation. In the mountainous areas, the streams are too swift and shallow. Some creeks and sloughs are too shallow, narrow, and filled with vegetation -- for example, the left-bank tributary in the middle of Sec. 14, T. 10 N., R. 62 W., SM.²⁹ Brad Benter said that it is tiny -- about three to four feet deep at its mouth, only five feet wide, and filled with deadfalls. In many cases, streams or creeks are discontinuous and/or dry. The lakes are too small and drained by small, shallow creeks. Many lakes also are landlocked.

Acting

/s/ Gust C. Panos

²⁹ See NASA photograph , CIR 60, roll 3397, frame 8151, August 1984.

Attachments: USGS maps
Appendixes I and II
Bibliography

cc:

State of Alaska
Department of Natural Resources
Division of Land
State Interest Determination Unit
P.O. Box 107005
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Department of Natural Resources
Division of Land
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3601 C Street, Suite 960
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State of Alaska
Department of Natural Resources
Division of Water
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Calista Corporation
601 West Fifth Avenue, Suite 200
Anchorage, Alaska 99501

Askinuk Corporation
Scammon Bay, Alaska 99662

Nunapiglluraq Corporation
Via Kotlik, Alaska 99620

Nima Corporation
Mekoryuk, Alaska 99630

Sea Lion Corporation
Hooper Bay, Alaska 99604

U.S. Fish and Wildlife Service
Alaska Regional Office
1011 E. Tudor Road
Anchorage, Alaska 99503

Department of Fish and Game
Habitat Division
Attn: Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599

DM (040)

Appendix I

Named Navigable Waters on ANCSA-Selected and Interim Conveyed Lands
Included in the Proposed Calista Land Exchange

(See attached maps for all navigable waters in the report area in these townships.)

Seward Meridian

T. 10 N., R. 61 W. (Regional Selected, Secs. 7, 8, 16, 17, and 18)
Tuluksak River in Secs. 7, 8, and 18.

T. 10 N., R. 62 W. (Regional Selected, Secs. 11-14)
Tuluksak River in Secs. 11-14.

T. 31 N., R. 77 W. (IC 562, Secs. 29 and 30)
See attached map.

T. 31 N., R. 78 W. (IC 562, Secs. 1, 2, 11-14, 23-25)
None.

T. 32 N., R. 78 W. (IC 562, Secs. 35, and 36)
None.

T. 1 N., R. 82 W. (Village Selected, Secs. 23-36)
None.

T. 2 N., R. 82 W. (Village Selected, Secs. 6, 7, 18-21, and 30)
Dall Lake.

T. 1 N., R. 83 W. (Village Selected, Secs. 2-36)
Dall Lake and Kinak River.

T. 2 N., R. 83 W. (Village Selected, Secs. 25-35)
Dall Lake.

T. 21 N., R. 84 W. (IC 510, Sec. 6)
Black River in Sec. 6.

T. 22 N., R. 84 W. (IC 510, Sec. 31)
Black River in Sec. 31.

T. 21 N., R. 85 W. (IC 510, Secs. 2-7, and 18)

Kun River in Secs. 7 and 18; Iaslaktoli River in Secs. 6, 7, and 18.

T. 22 N., R. 85 W. (IC 510, Secs. 3-10, 15-22, and 27-36)

Black River in Secs. 3-6, 9, 10, and 15; Iaslaktoli River in Secs. 16-22, 27, 31, 35, and 36.

T. 23 N., R. 85 W. (IC 510, Secs. 30-32)

See attached map.

T. 21 N., R. 86 W. (IC 510, Secs. 4-6, 13, and 14)

Kun River in Secs. 13 and 14.

T. 22 N., R. 86 W. (IC 510, Secs. 19-25, 28-33, and 36)

Iaslaktoli River in Secs. 24, 25, and 36.

T. 23 N., R. 86 W. (IC 510, Secs. 11-15, 21-29, and 32-36)

Black River in Secs 19, 23-26, 35 and 36; Melatolik Creek in Secs. 29 and 32.

T. 20 N., R. 88 W. (IC 572, Secs. 5-8, 18-20, 26-30, and 35)

Kun River; Tunkpuk River; Kikneak River in Secs. 18-20, 26-29.

T. 21 N., R. 88 W. (IC 572, Secs. 9-16, 21-31, and 32-36)

Ear River in Secs. 9, 10, 16, 21, 22, 27, 28, and 32-34.

T. 20 N., R. 89 W. (IC 572, Secs. 1-32)

Kun River and Ear River.

T. 21 N., R. 89 W. (IC 572, Secs. 5-10, 15-23, 25-30, 32-36)

Kun River.

T. 20 N., R. 90 W. (ICs 572 and 958, Secs. 1-4, 7-36)

Kun River and Kolomak River.

T. 20 N., R. 91 W. (IC 572, Secs. 11-22)

None.

T. 20 N., R. 92 W. (IC 572, Secs. 13, 14, 23, and 24)

None.

T. 17 N., R. 93 W. (ICs 510, 573, and 578, Secs. 1-5, 8-29, 32-35)

Napareauak Slough to the forks in Sec. 14, and Manayagavik Slough.

T. 18 N., R. 93 W. (IC 510, Secs. 4, 9, 11-16, 21-28, 33-36)

See attached map.

T. 16 N., E. 94 W. (IC 510, Secs. 1-4, and 10-12)

None.

BIBLIOGRAPHY

- Alt, Kenneth T. Inventory and Cataloging of Sport Fish and Sport Fish Waters of Western Alaska. Federal Aid in Fish Restoration Study G-I-P. Vol. 18. Juneau: Alaska Department of Fish and Game, 1977.
- Andrews, Elizabeth and Raymond Peterson. Wild Resource Use of the Tuluksak River Drainage by Residents of Tuluksak, 1980-1983. Alaska Department of Fish and Game, Division of Subsistence, Technical Paper Number 87. December 1983.
- Brown, C. Michael. "Alaska's Kuskokwim River Region: A History." Bureau of Land Management, Alaska State Office. 1985. Photocopy.
- Clay, Roger. "Characteristics of Waterbodies of the Koyukuk Region, Alaska." Alaska Division of Geological & Geophysical Surveys, Anchorage. January 1983.
- Collazzi, E. J., and M. A. Maurer. Hydrologic Reconnaissance of the Tuluksak River Basin, Alaska, 1984-85. Report of Investigations 87-9. Alaska Division of Geological & Geophysical Surveys, Fairbanks, Alaska. 1987.
- Durst, James D. Vegetation Responses to Gold Dredging at Nyac, Alaska With Wildlife Implications: A Progress Report. BLM Open File Report. Anchorage: BLM, Alaska State Office. January 1981.
- Francisco, R. Kim, and Kimbal A. Sunberg. Tuluksak River Fisheries Reconnaissance Survey with Special Emphasis on the Effects of Gold Dredging. Kuskokwim Resource Inventory Report Number 6. Alaska Department of Fish and Game, Arctic Yukon Kuskokwim Region. 1983.
- "Nyac Beaver Survey of 30 September 1981: Preliminary Analysis." 1981. Photocopy.
- R&M Consultants, Inc., School Site Investigation, Tuluksak, Alaska. Prepared for Lower Kuskokwim School District. Bethel, Alaska. January 1979.
- Rutherford, Constance and Kevin Meyer. "Revegetation on Gold Dredge Tailings, Nyac, Alaska." Prepared for BLM, Anchorage District Office. October 1981. Photocopy.
- U.S. Bureau of Indian Affairs. "Report of Investigation for Tuluksak River Overview, Calista Corporation, BLM AA-10268, et al." Bureau of Indian Affairs, ANCSA Office. 1990.

- U.S. Bureau of Land Management. Alaska State Office. Native Allotment Casefiles.
- U.S. Bureau of Land Management. Alaska State Office. Navigability Section Report Files.
- U.S. Bureau of Land Management. Alaska State Office. Alaska Native Claims Settlement Act Section 14(h)(1) Selection Files.
- Waggoner, Van. "Nyak Small Mammal Studies: Progress Report." Prepared for BLM, Anchorage District Office. September 1982. Photocopy.
- Wheeler, Mac. "Tuluksak River Hydrology Report." Prepared for BLM, Anchorage District Office. March 1990. Photocopy.

APPENDIX II

BLM Contacts Regarding Tuluksak River and Its Left-Bank Tributary
With Its Mouth in Sec. 14, T. 10 N., R. 62 W., SM.

NAME	DATE	PHONE NUMBER	BACKGROUND
Andrew Alexie	4/22/92	695-6797	Tuluksak resident
Joe Alexie	4/23/92	695-6788	Tuluksak resident
Ken Alt	6/8/92	457-4124	Fairbanks
Brad Benter	5/5/92	FTS700-868-7600	Biology Technician, F&W Colorado summer hire
Richard Clark	4/28/92 & 5/19/92	842-5567	Dillingham, Allottee's son
Joe Demantle	4/21/92	695-6615	Tuluksak resident
Mike Doxey	6/11/92	452-1531	Sport Fish Division, ADF&G, Fairbanks
F&G Subsistence	5/19/92	543-3107	F&G Subsistence, Bethel
Kim Francisco	5/13/92	543-2433	ADF&G Area Manager, Bethel
Ken Harper	5/4/92	262-9863/9329	F&W Kenai
June McAtee	4/21/92	279-5516	Geologist, Calista Corp.
Kevin Meyer	6/10/92	257-2622	National Parks Svs.
Carl Napoka, Sr.	5/4/92	695-6512	Tuluksak resident
Peter Napoka, Sr.	4/22/92 & 5/19/92	695-6126(695-6636 neighbor) contacted by radio through neighbor 695-6226	Tuluksak resident
Gene Peltola	5/19/92	543-3321/2128/4333	Bethel, lived in Nyac

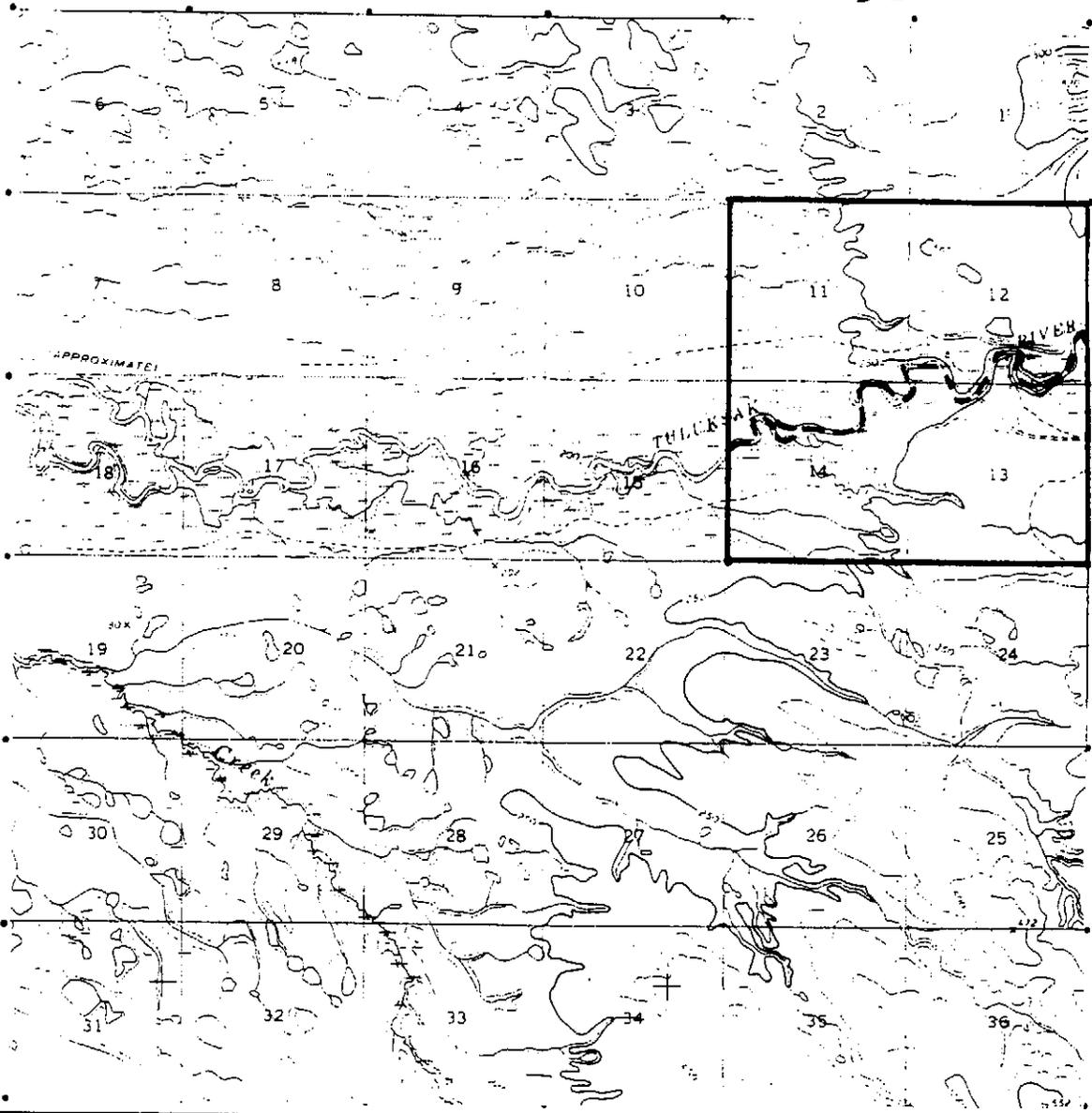
Ron Perry	5/19/92	543-3151	F&W Manager, Bethel
John Peter	4/22/92	695-6987	President, Tuluksak Council
Billy Phillip	4/22/92	695-6329	Family Store, Tuluksak
Mrs. Billy Phillip	4/22/92	695-6329	Family Store, Tuluksak
Joshua Phillip	4/23/92	695-6212	Tuluksak resident
Steve Poor	5/7/92	543-4003	Bethel School
Joe Shaney	5/19/92	842-5406	Dillingham
Peter Waskie	4/22/92	695-6230	Tuluksak resident
Mac Wheeler	6/8/92 & 6/11/92	267-1426	BLM Anchorage District Office

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
AA-8099-EE

Township 10 N, Range 62 W, SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

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Regional Selected

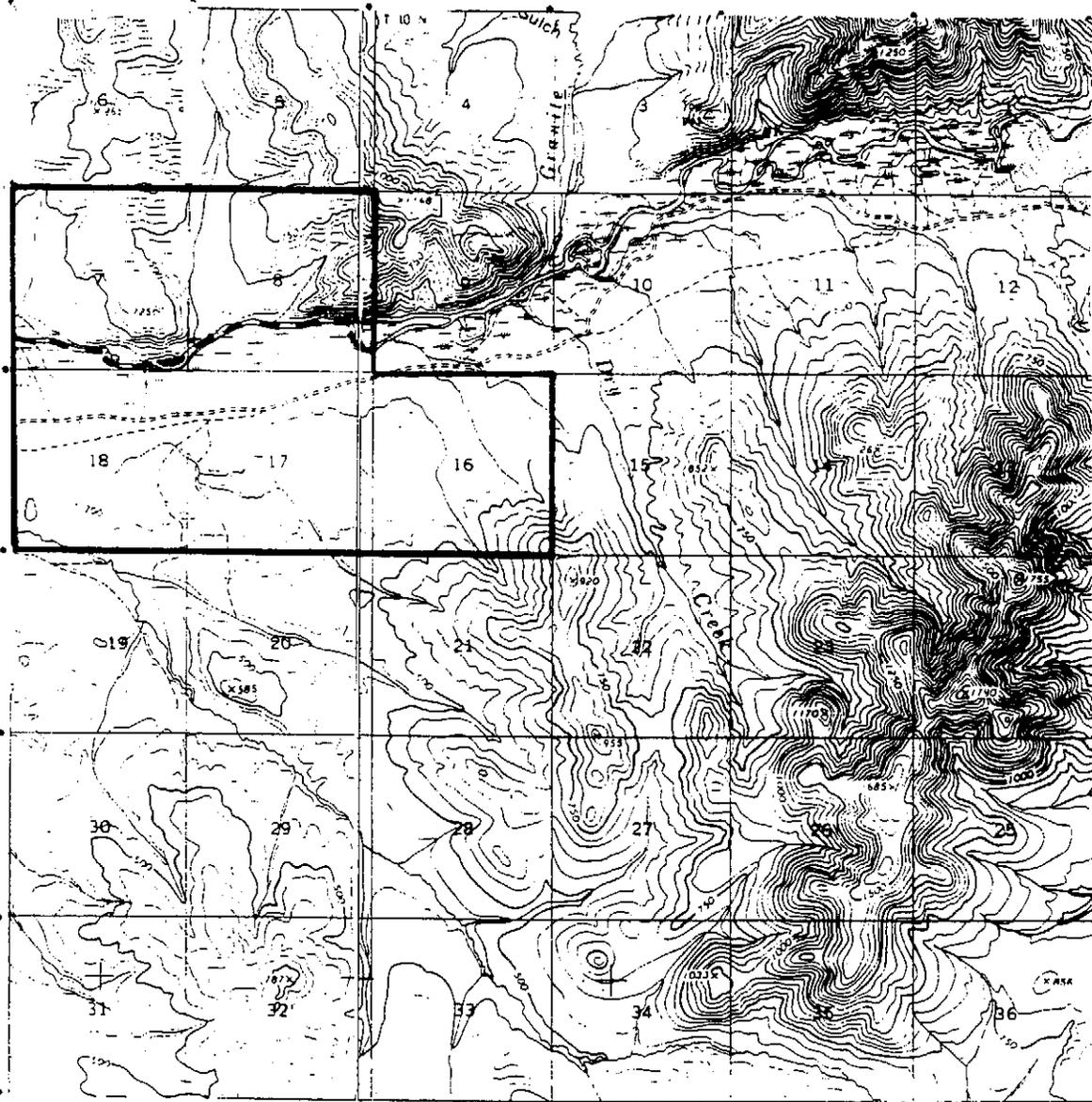
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8184

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
AA 8099-EE

Township 10 N, Range 6 W, SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

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<i>Regional Selected</i>	

OTHER DATA
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roll 3397
frame 8151
8184

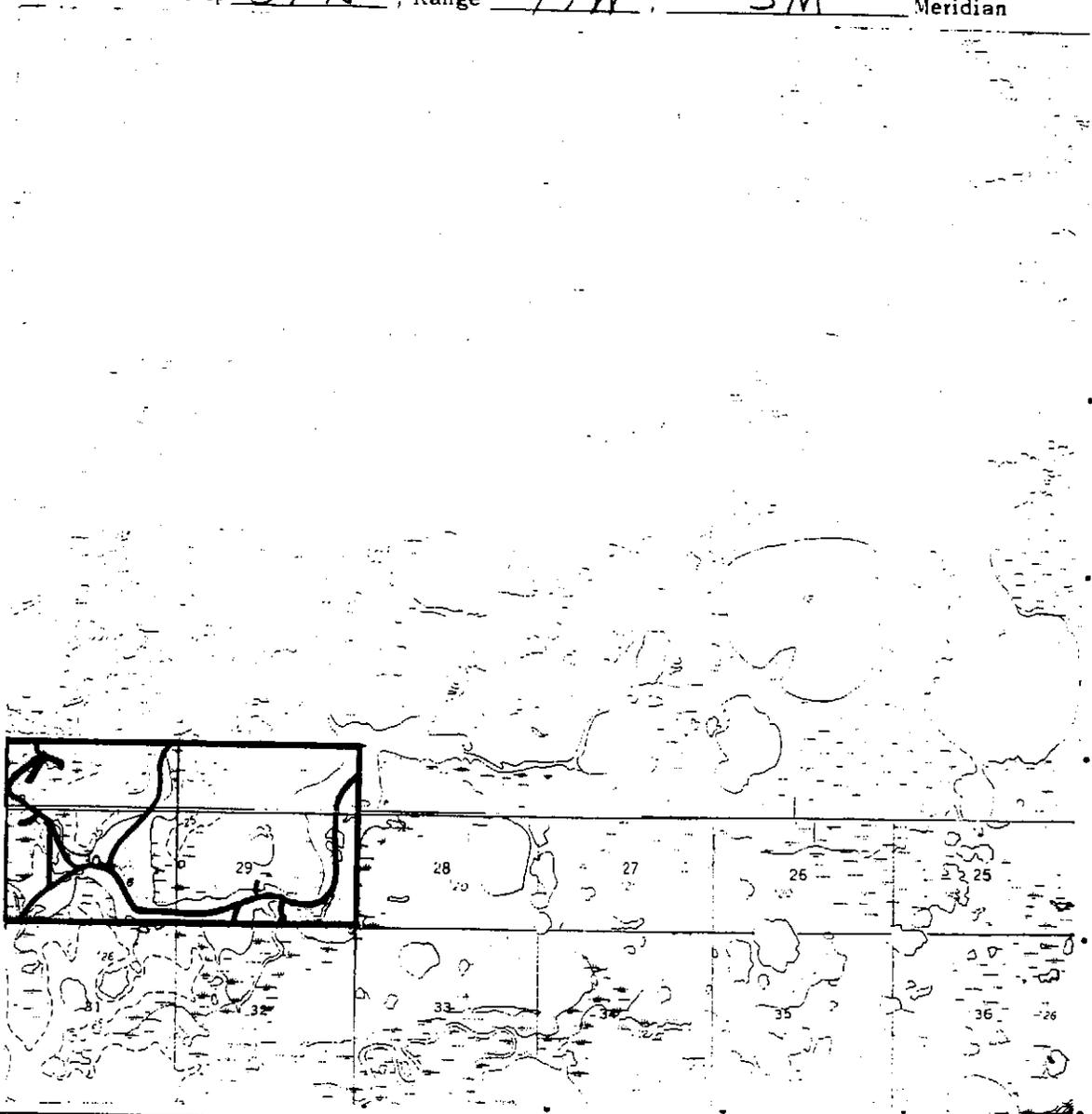
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14864-EE

Township 31 N, Range 77 W, SM Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

KWIGUK ^{C-7}
D-4

IC 562

OTHER DATA

CR 60
Roll 7
frame 72
7/80

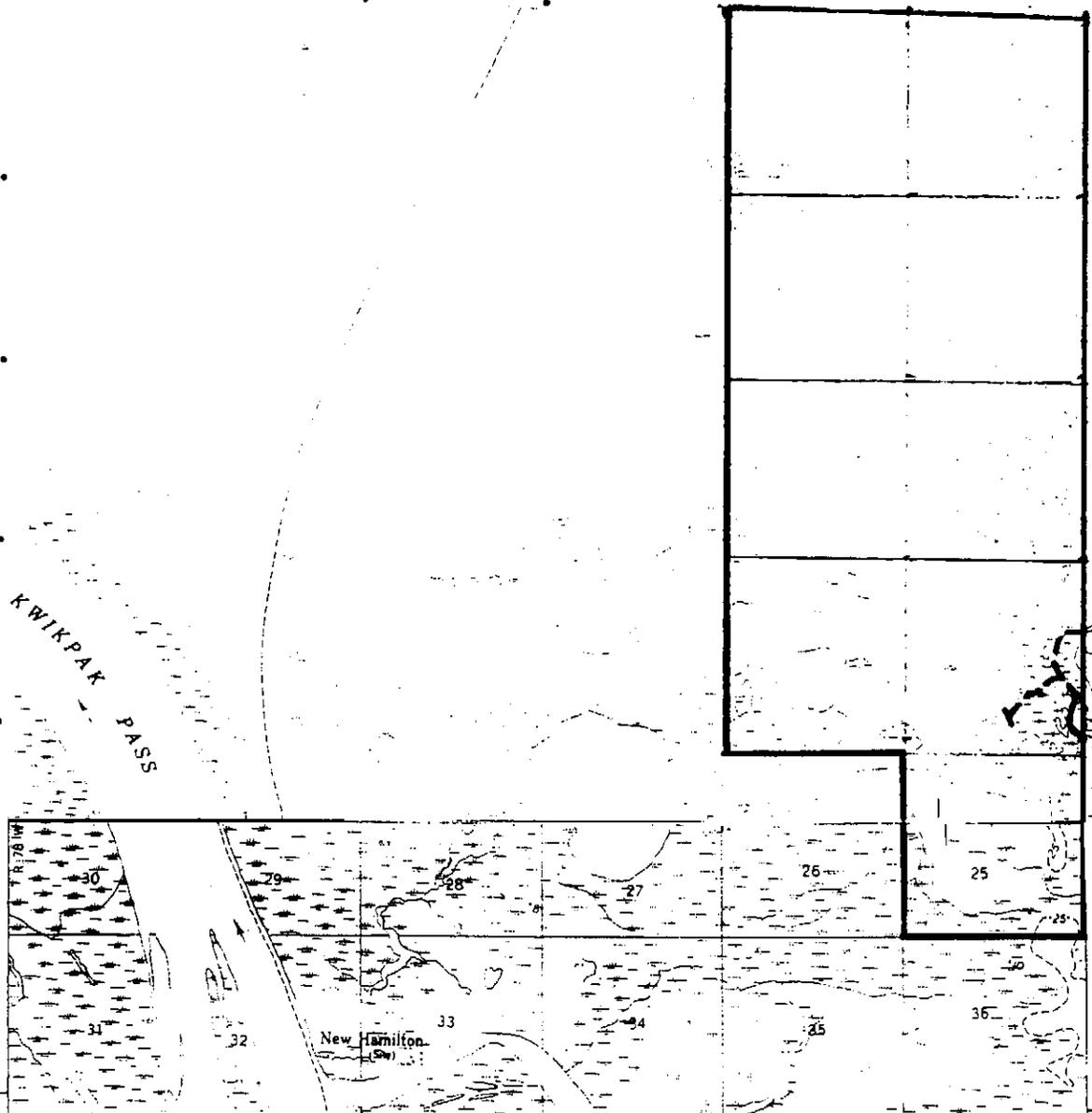
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14864-EE

Township **31N**, Range **78W**, **SEWARD** Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

KWIGUK C-4, D-4
IC 562

OTHER DATA
CIR 60
roll 7
frame 72
7180

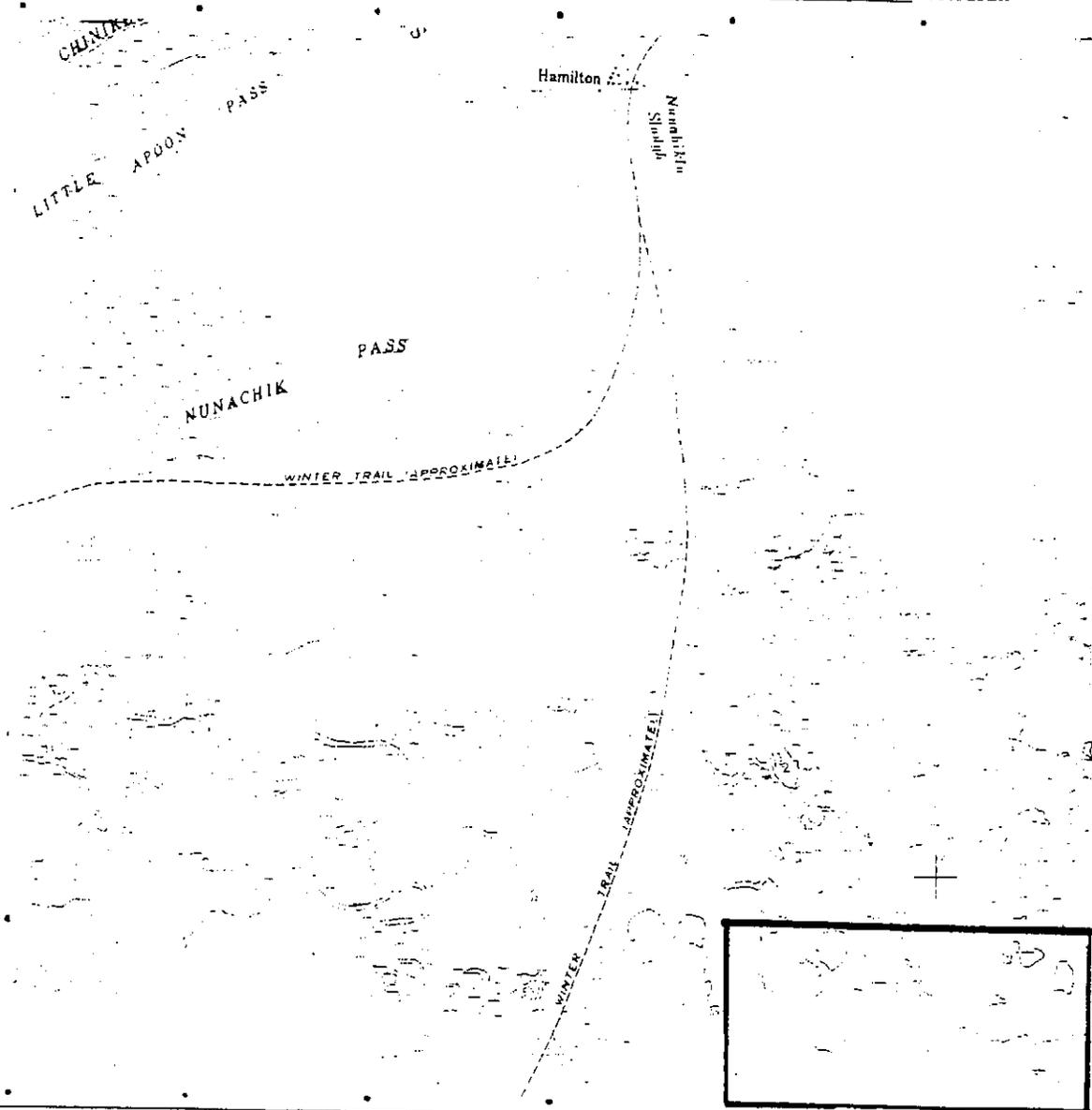
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14864-EE

Township **32N**, Range **78W**, **SEWARD** Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

KWIGUK D-4		OTHER DATA CIR 60 roll 7 frame 72 7/80
IC 562		

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
F-14895-EE

Township **1N**, Range **82W**, **SEWARD** Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

BAIRD INLET

A-4, A-5

Village Selected

OTHER DATA

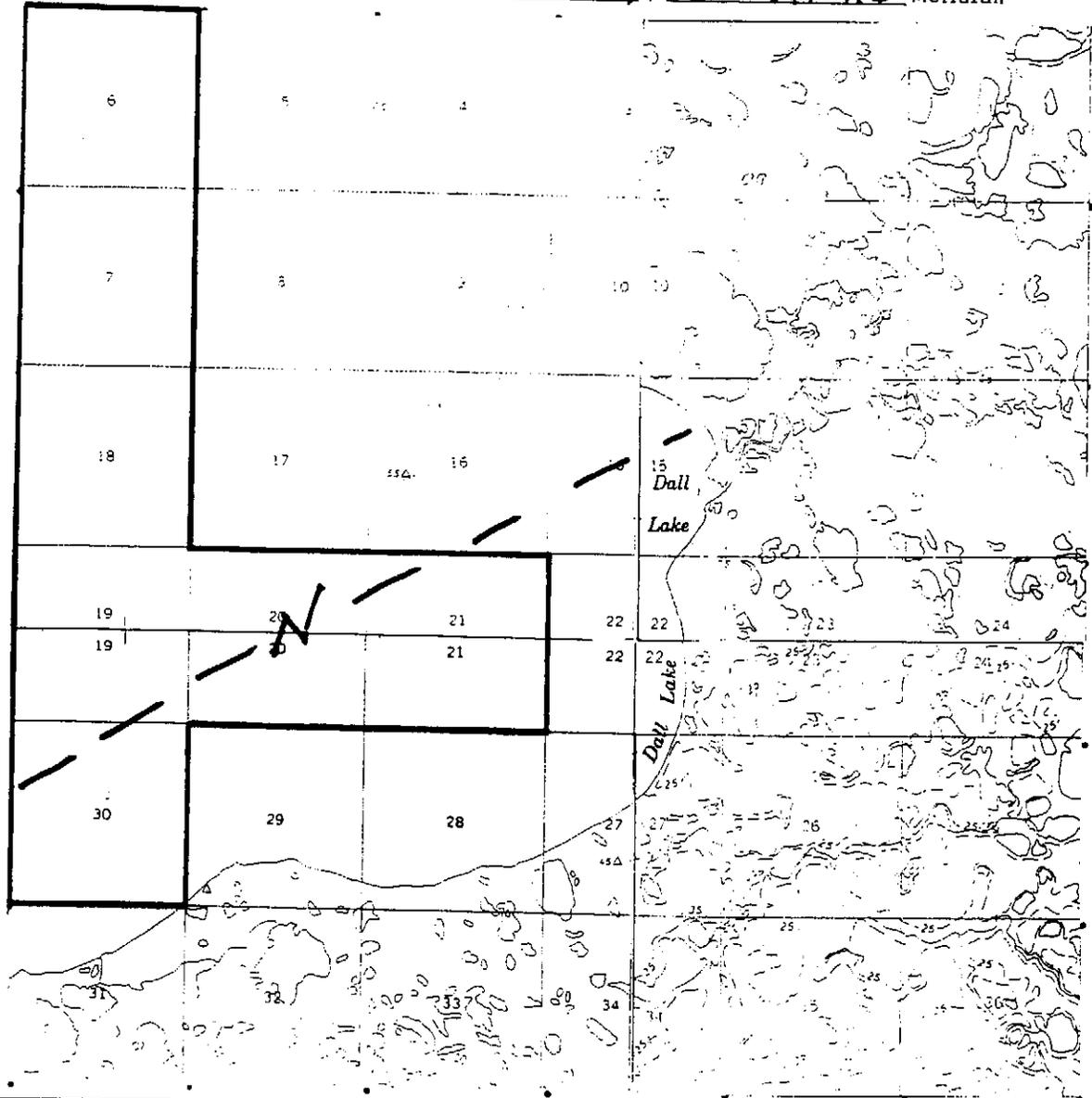
CIR 60
Mall 3397
frame 7996
8184

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number
F-14895-EE

Township 2 N. , Range 82 W. , SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

BAIRD INLET

A4, A5, B4, B5

Village Selected

OTHER DATA

© IR 60
Roll 3397
frames, 7946 &
8003
8184

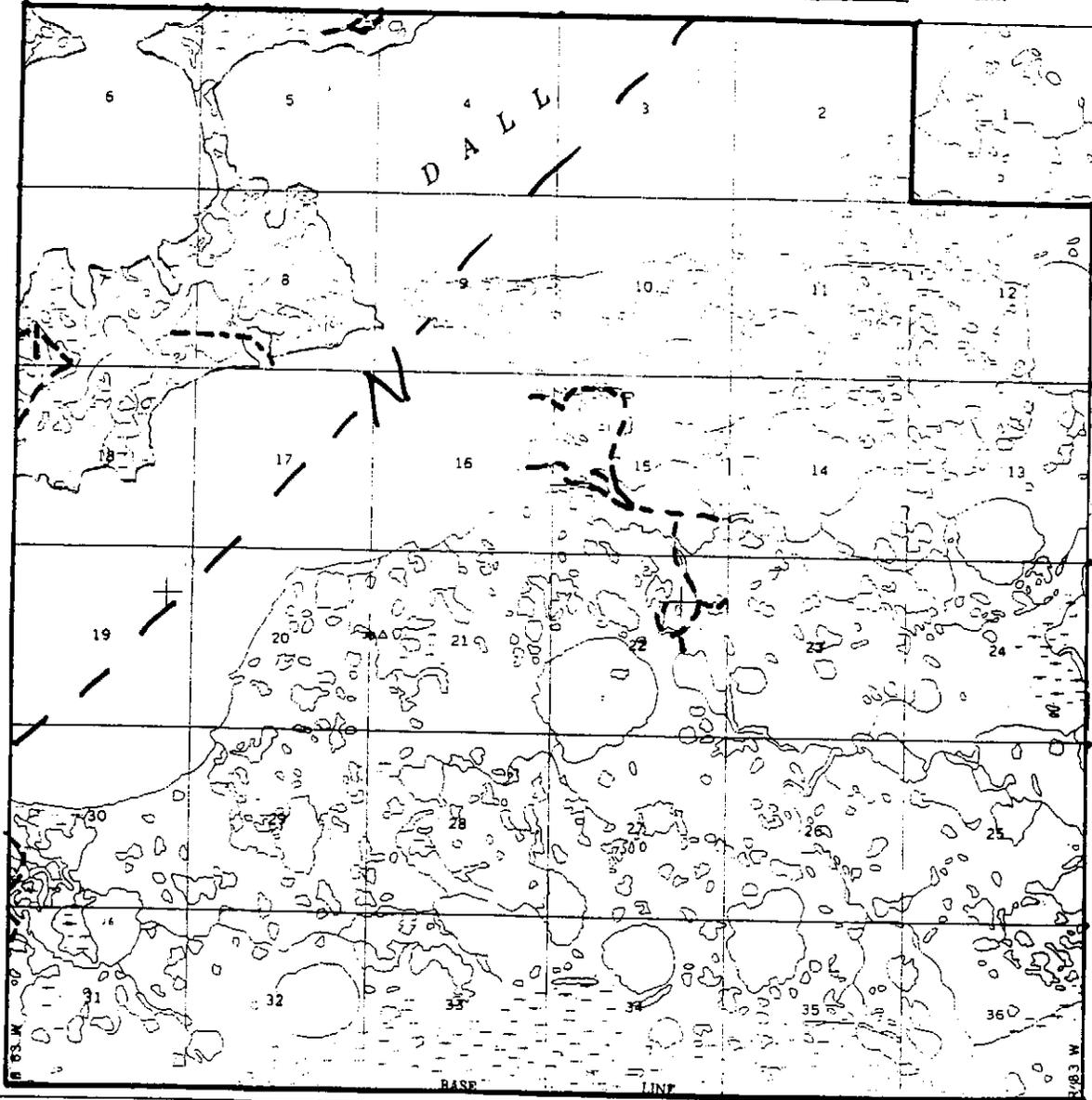
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14895-EE

Township 1N, Range 83W, SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

BAIRD INLET A-5

Village Selected

OTHER DATA

QIR 60
roll 3397
frame 7995
8184

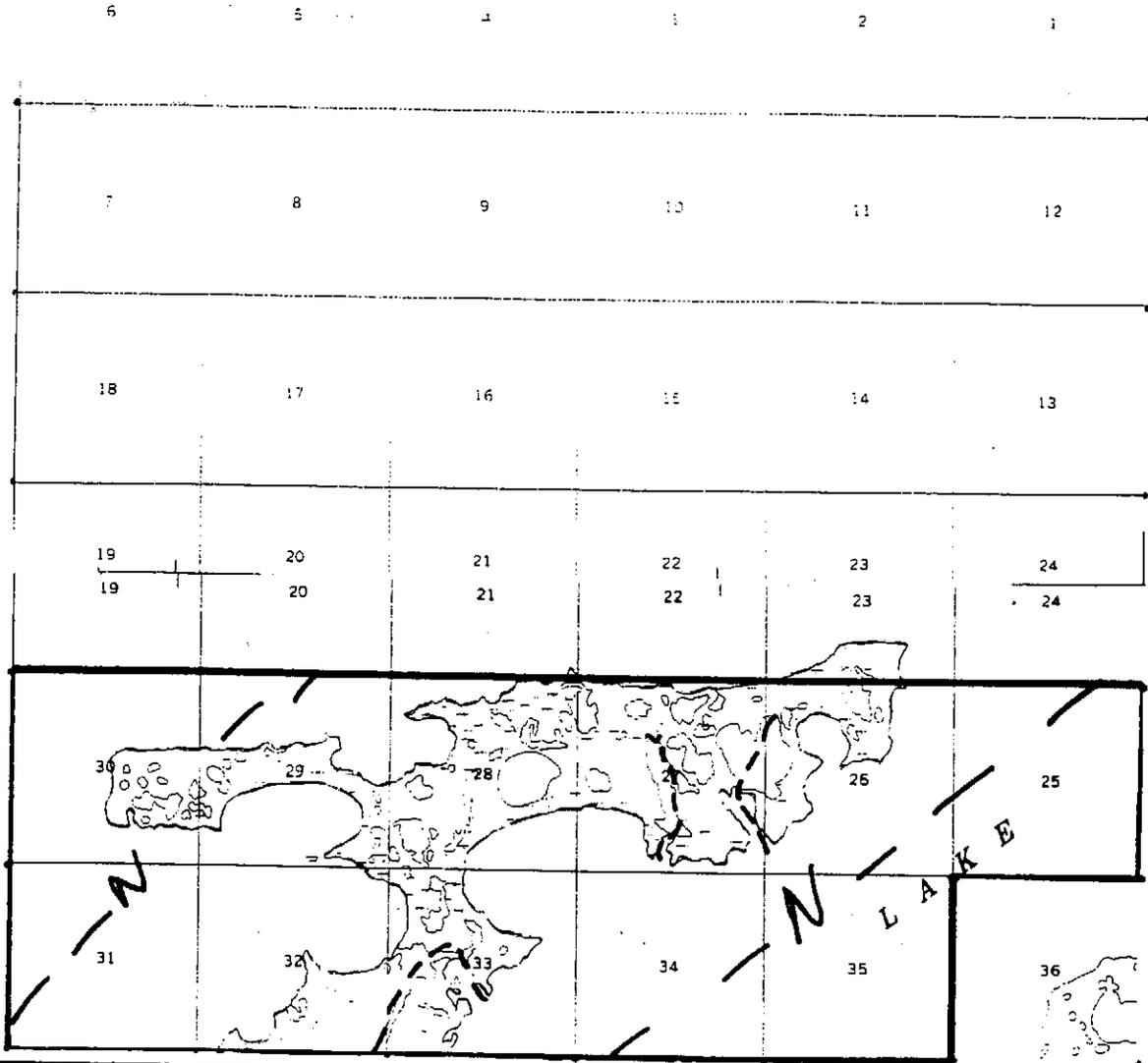
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14895-EE

Township 2 N., Range 83 W, SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

BAIRD INLET A-5

B-5

Village Selected

OTHER DATA

CIR 60
roll 3397
frame 7995
8/84

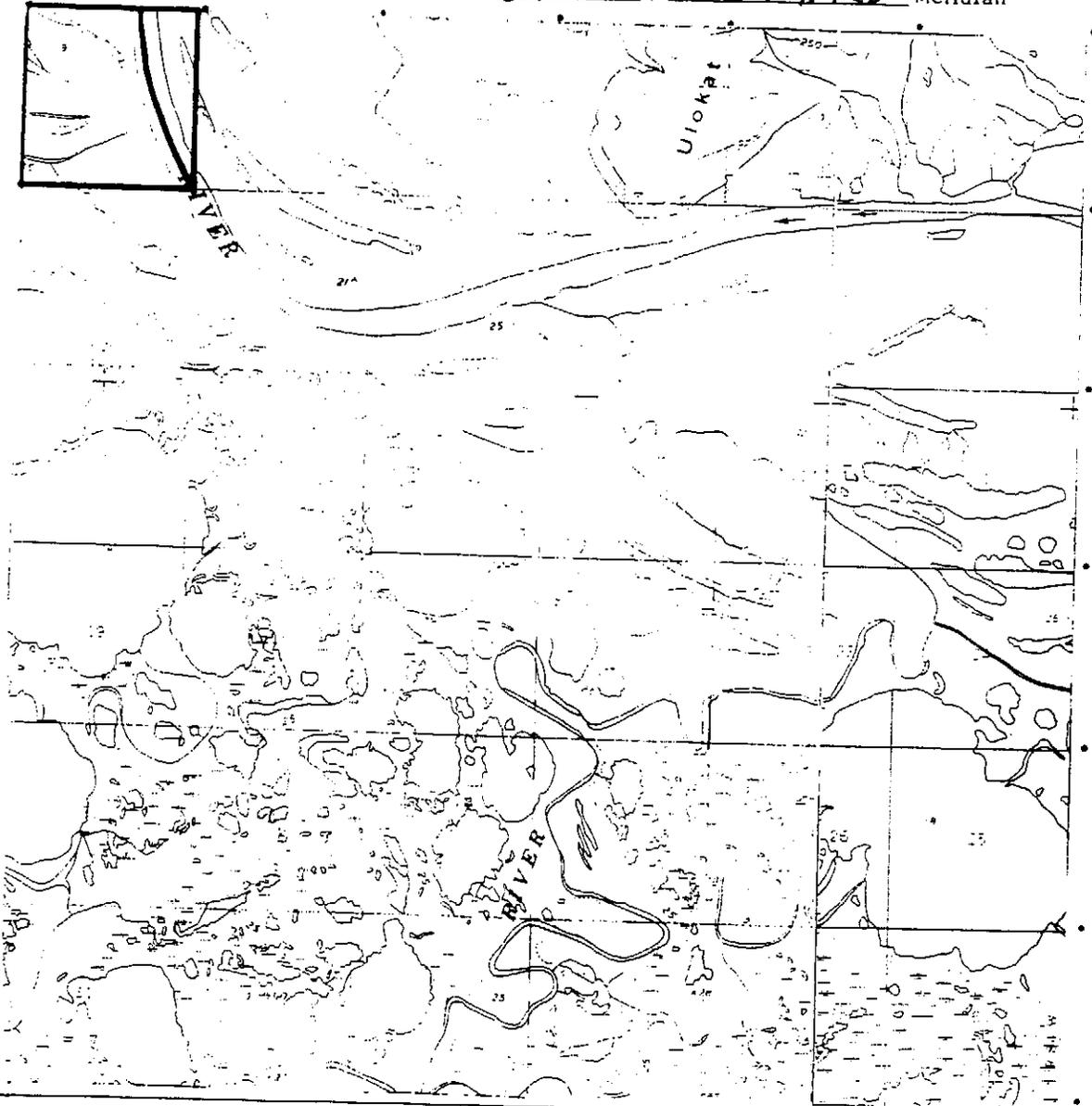
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township *21N.*, Range *84W.*, *SEWARD* Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

MARSKA 11 0-7 D-8
IC 510

OTHER DATA
CIR 120,
roll 2501
frame 1473
6/77

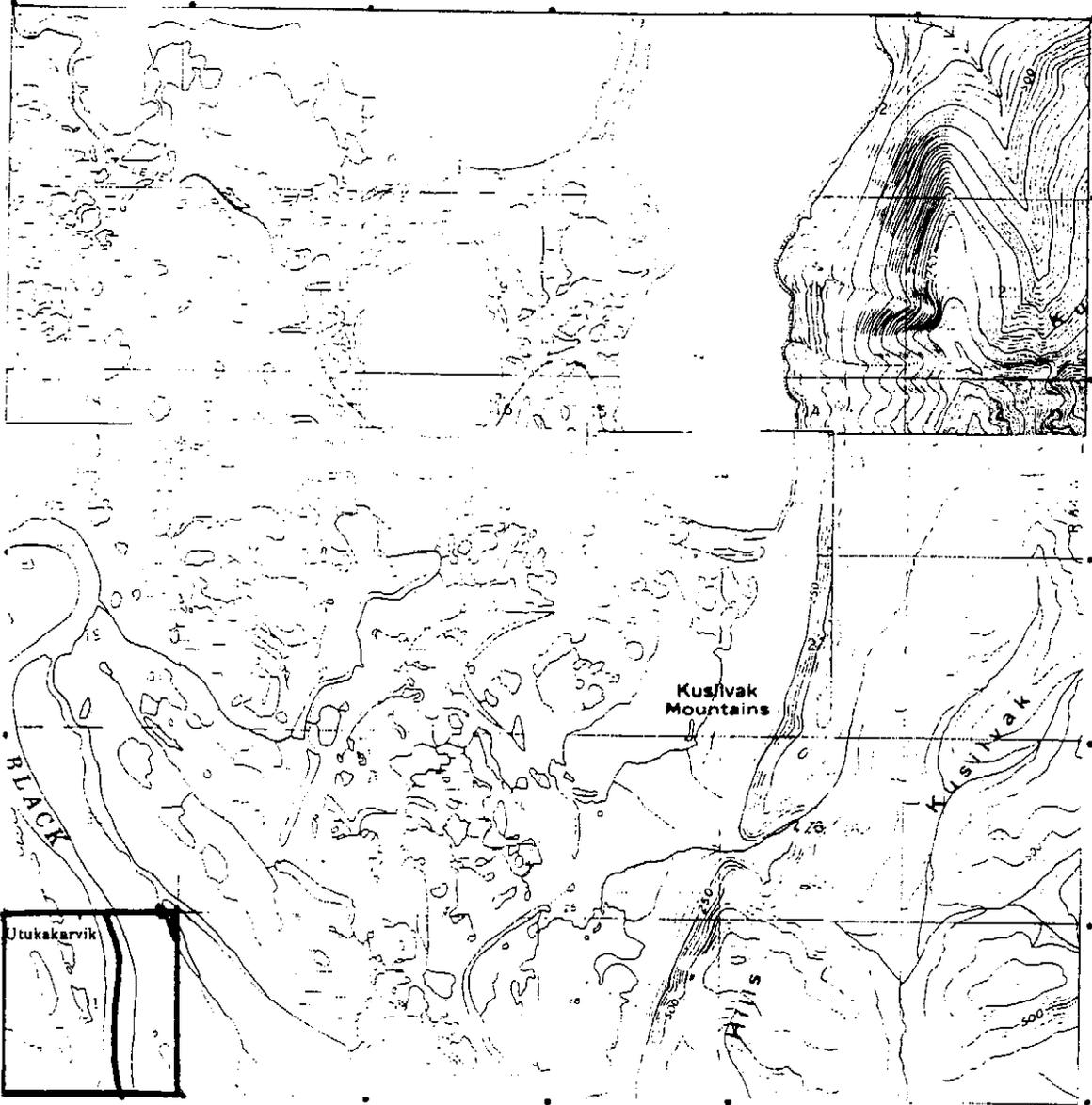
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 22 N. , Range 84 W , SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

MARSHALL D-7,
D8, KWIGUK A-6
I C 510

OTHER DATA
@ IR 120
roll 2501
frame 1474
6/77

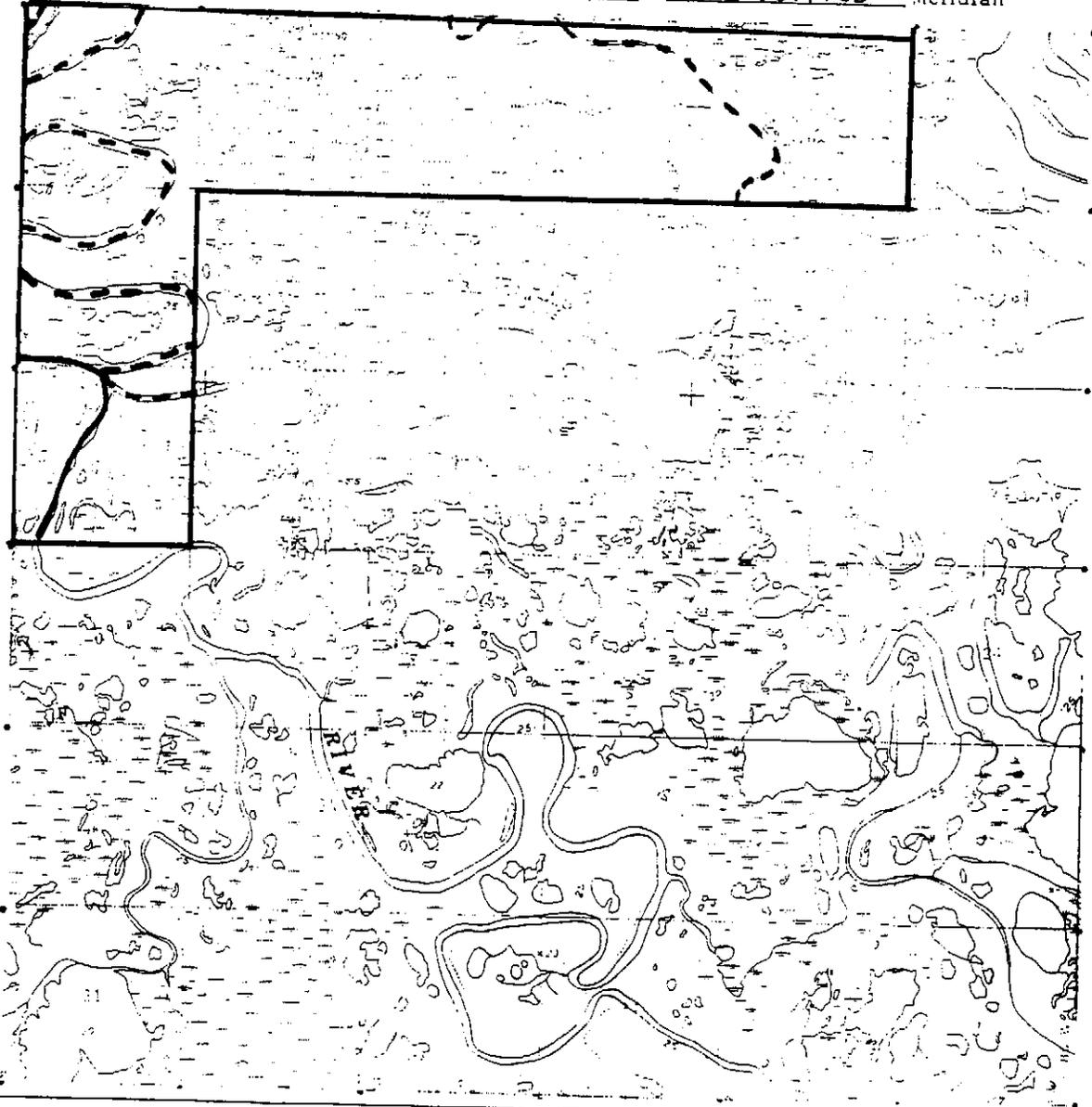
UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 21 N. Range 8 SW. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

MARSHALL D-8

IC 510

OTHER DATA

© IR 120
 roll 2501
 frame 1473
 6177

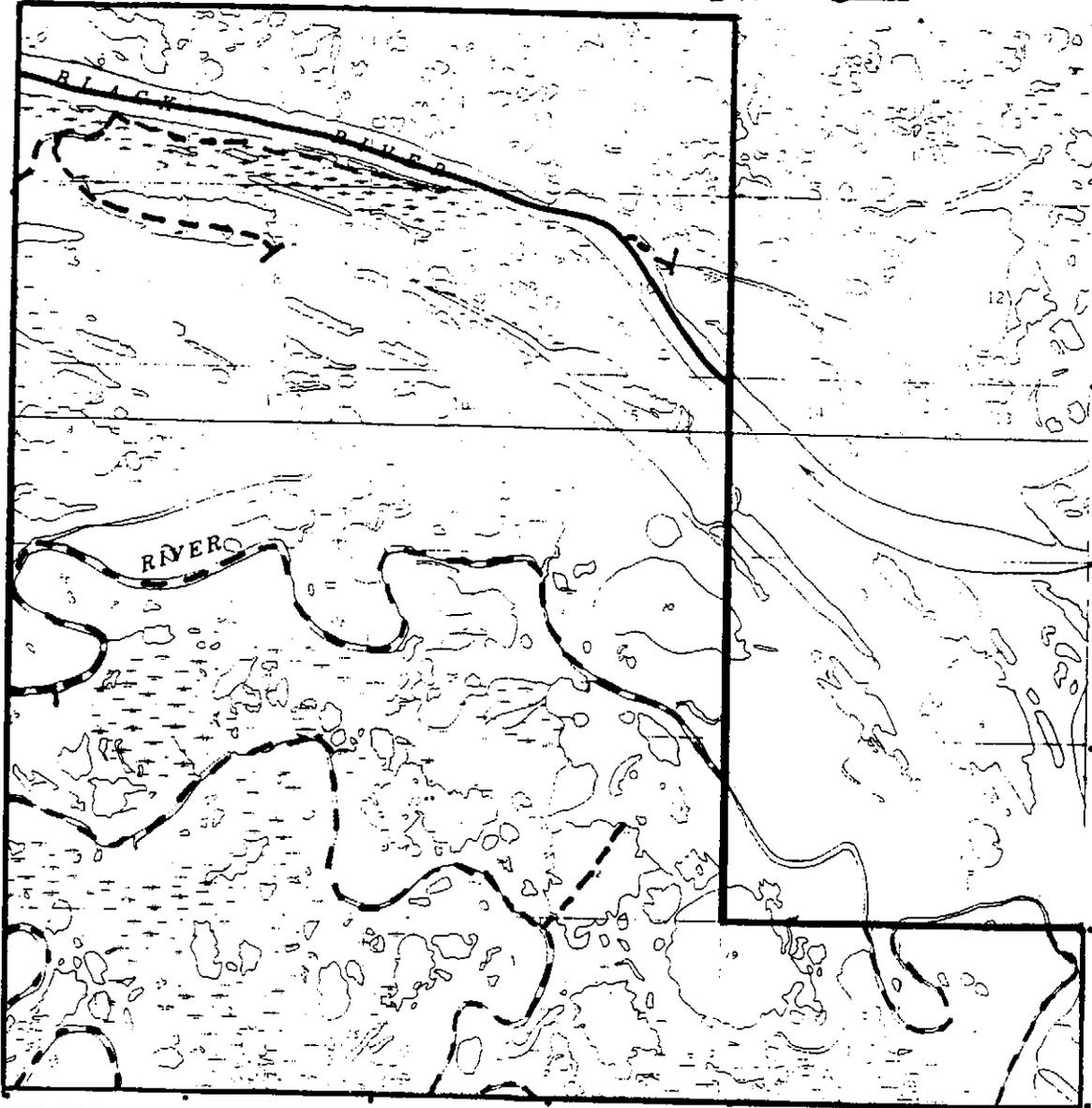
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 22 N. , Range 85 W. , SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

MARSHALL D-8	
KWIGUK A-6	
IC 510	

OTHER DATA
 @ IR 120
 roll 2501
 frames 147-
 + 1490

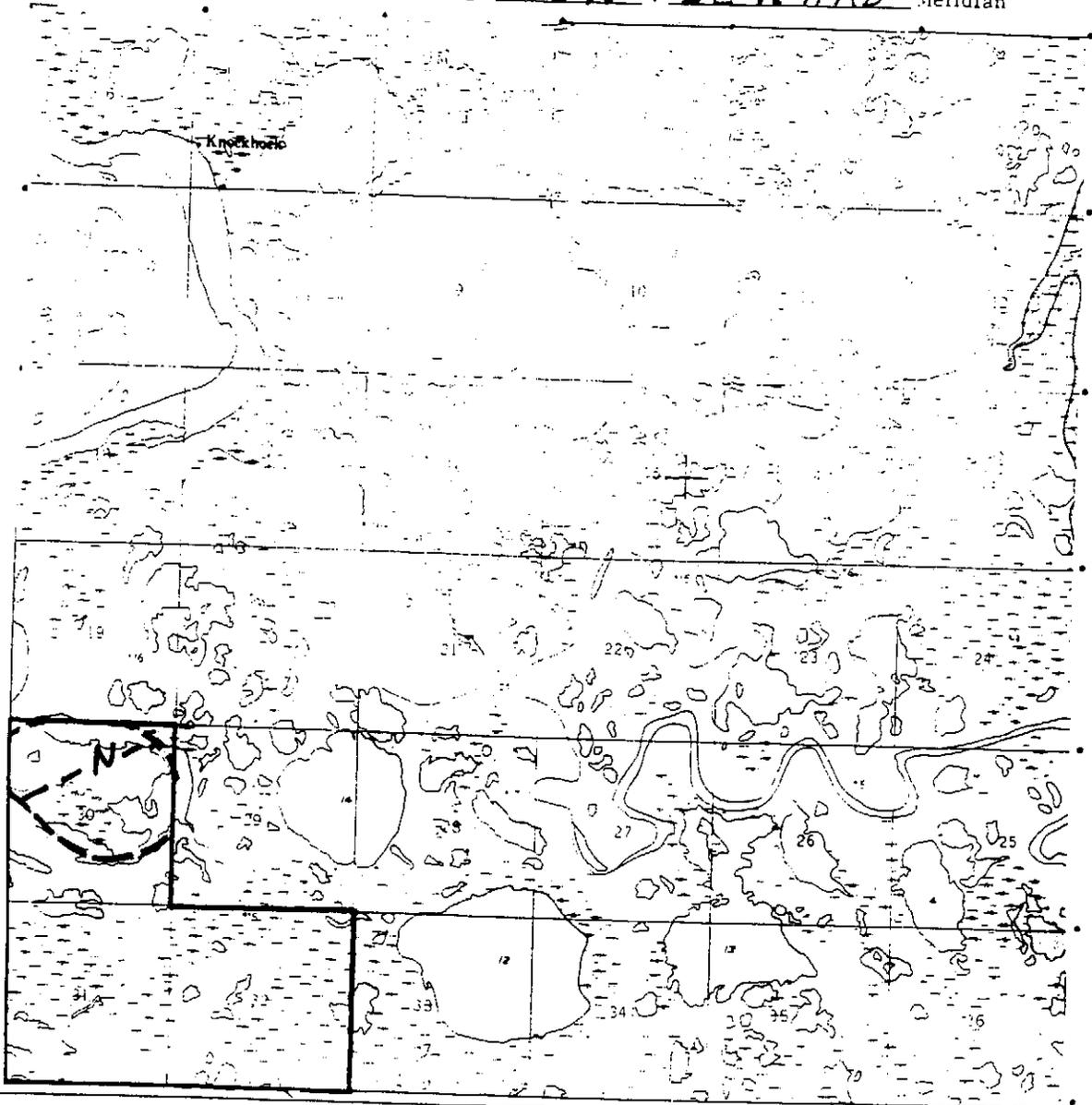
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 23 N Range 85 W SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

KWIGUK A-6
IC 510

OTHER DATA
CIR 120
roll 2501
frame 1490
6177

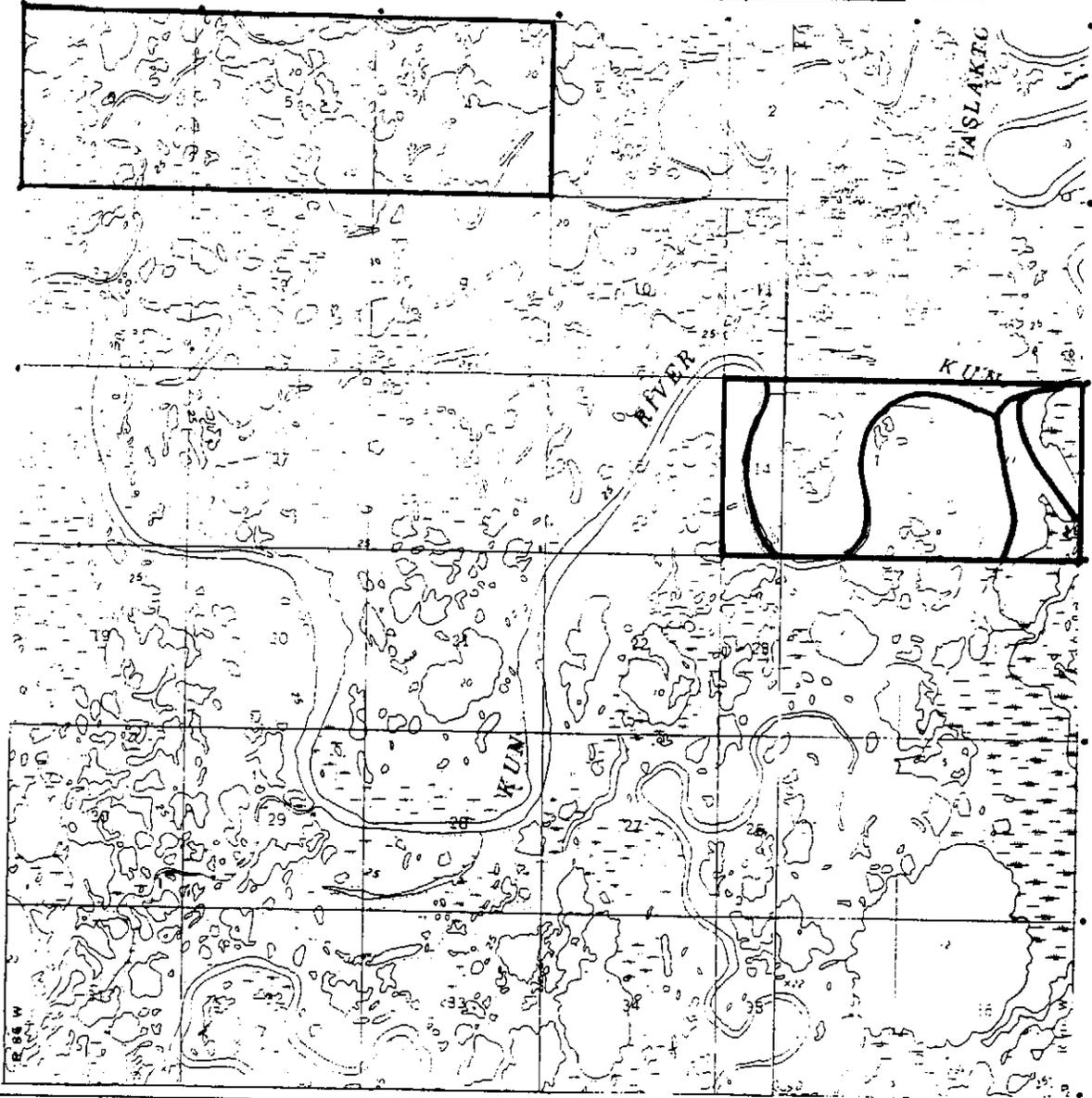
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 21N. , Range 86W. , SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

MARSHALL D-8	
HOOPER BAY D-1	
IC 510	

OTHER DATA
CIR 120
roll 2501
frames 474 & 14
6/77

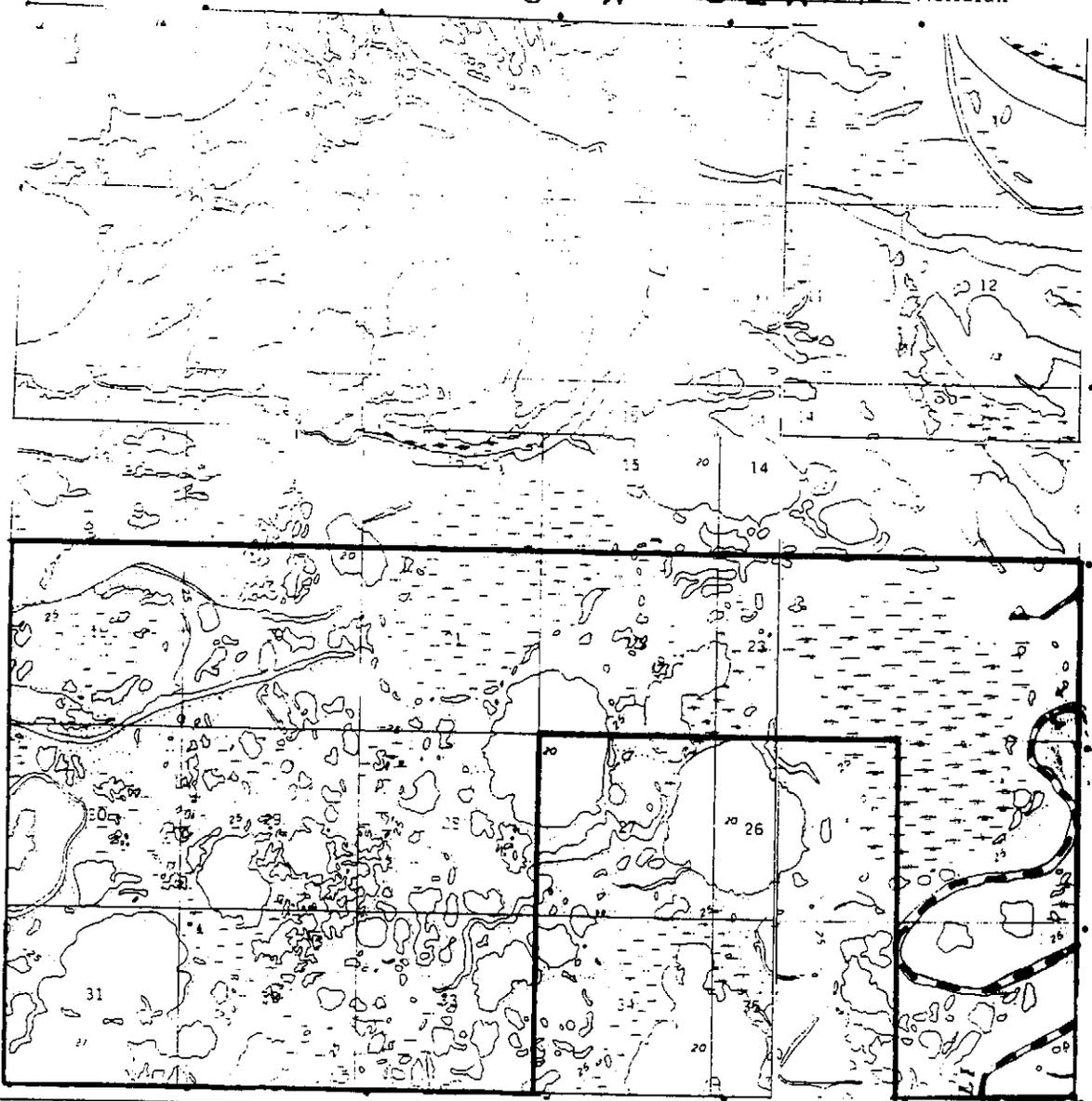
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

E-14866-EE

Township *22 N.*, Range *86 W.*, *SEWARD* Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

<i>HOOPER BAY D-1</i>	
<i>MARSHALL D-8</i>	
<i>KWIGUK A-6</i>	
<i>BLACK A-1</i>	
<i>IC 510</i>	

OTHER DATA
CIR 120
roll 2501
frame 1490
6/77

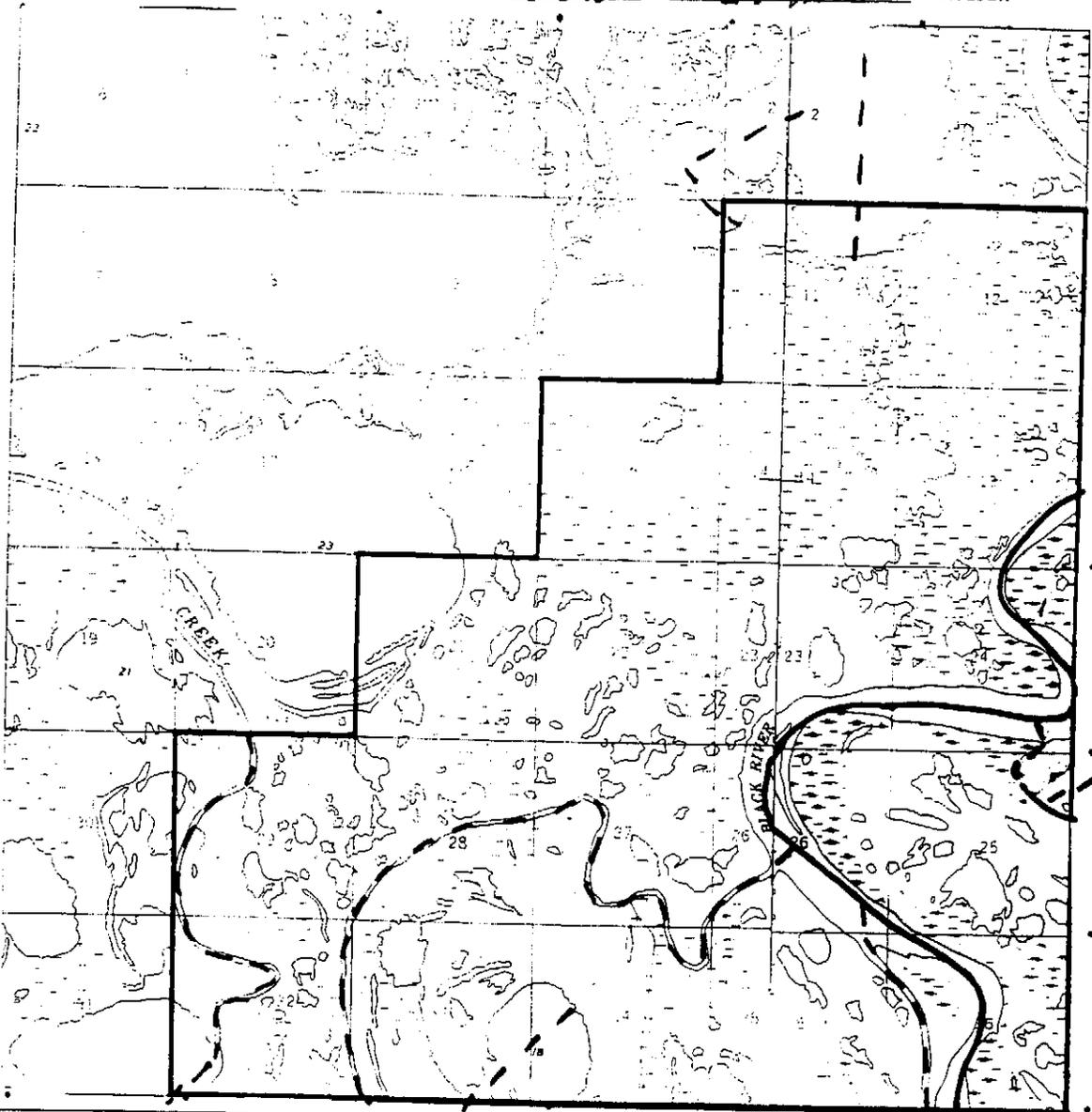
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 23 N, Range 86W, SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

BLACK A-1	
KWIGUK A-6	
EC 510	

OTHER DATA
 CIR 120
 Roll 2501
 frame 1490
 6177

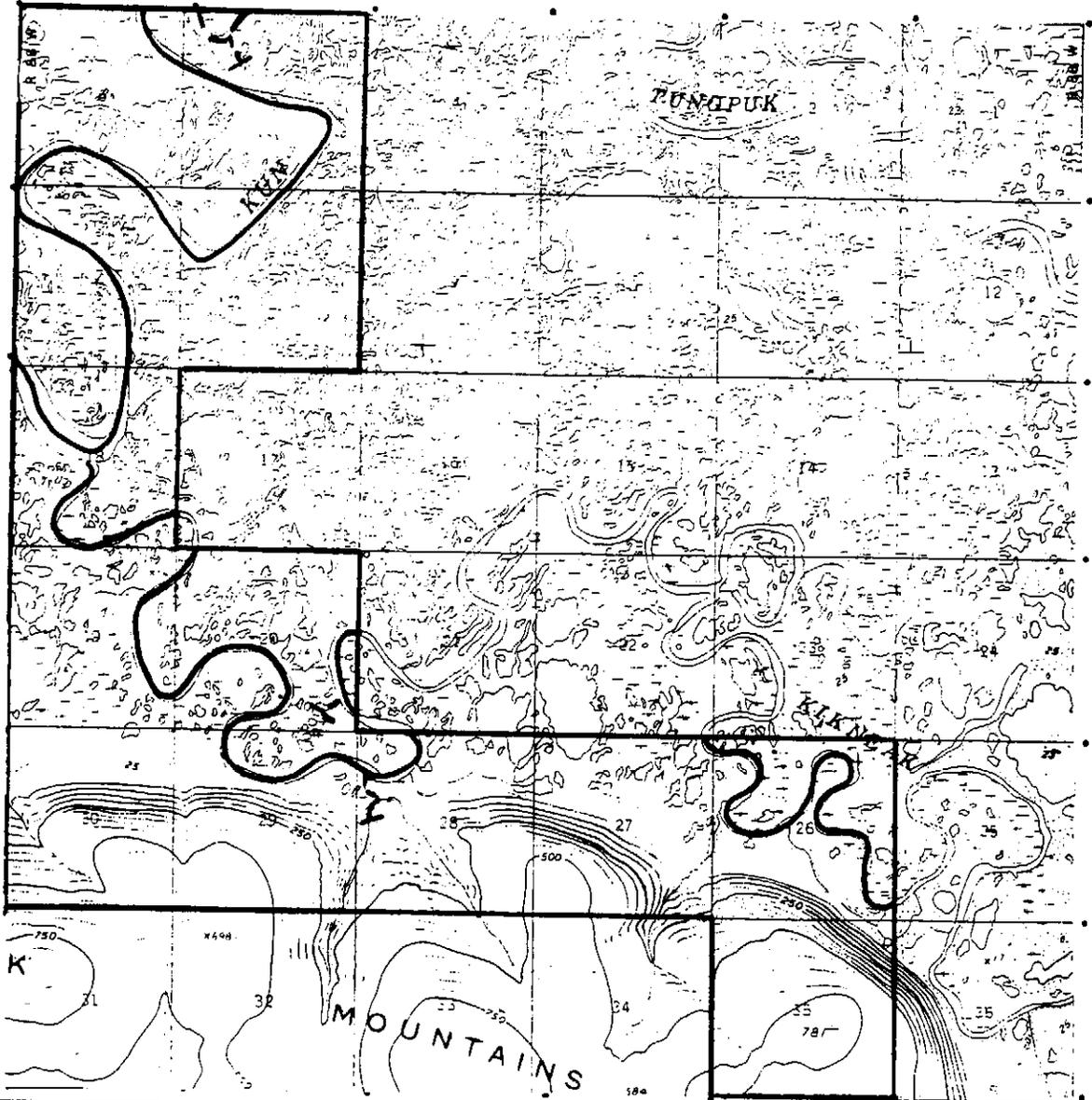
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14929-EE

Township 20N. Range 88W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY D-1

TC 572

OTHER DATA

CR 120
Roll 2501
frame 1492
6/77

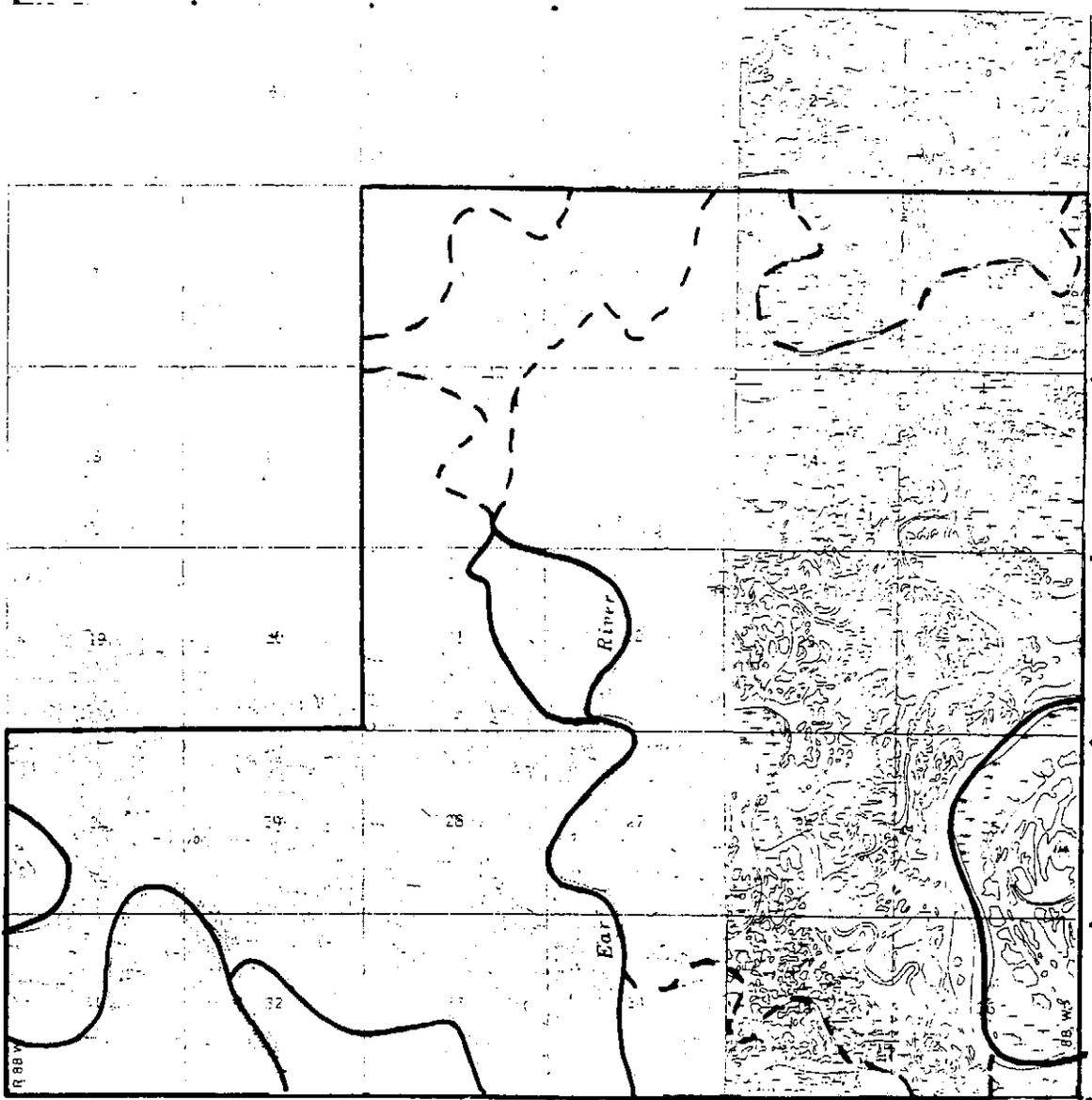
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14929-EE

Township 21 N. Range 88 W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY D-1,

D-2

IC 572

OTHER DATA

QIR 120
fall 2501
frame 1491
6177

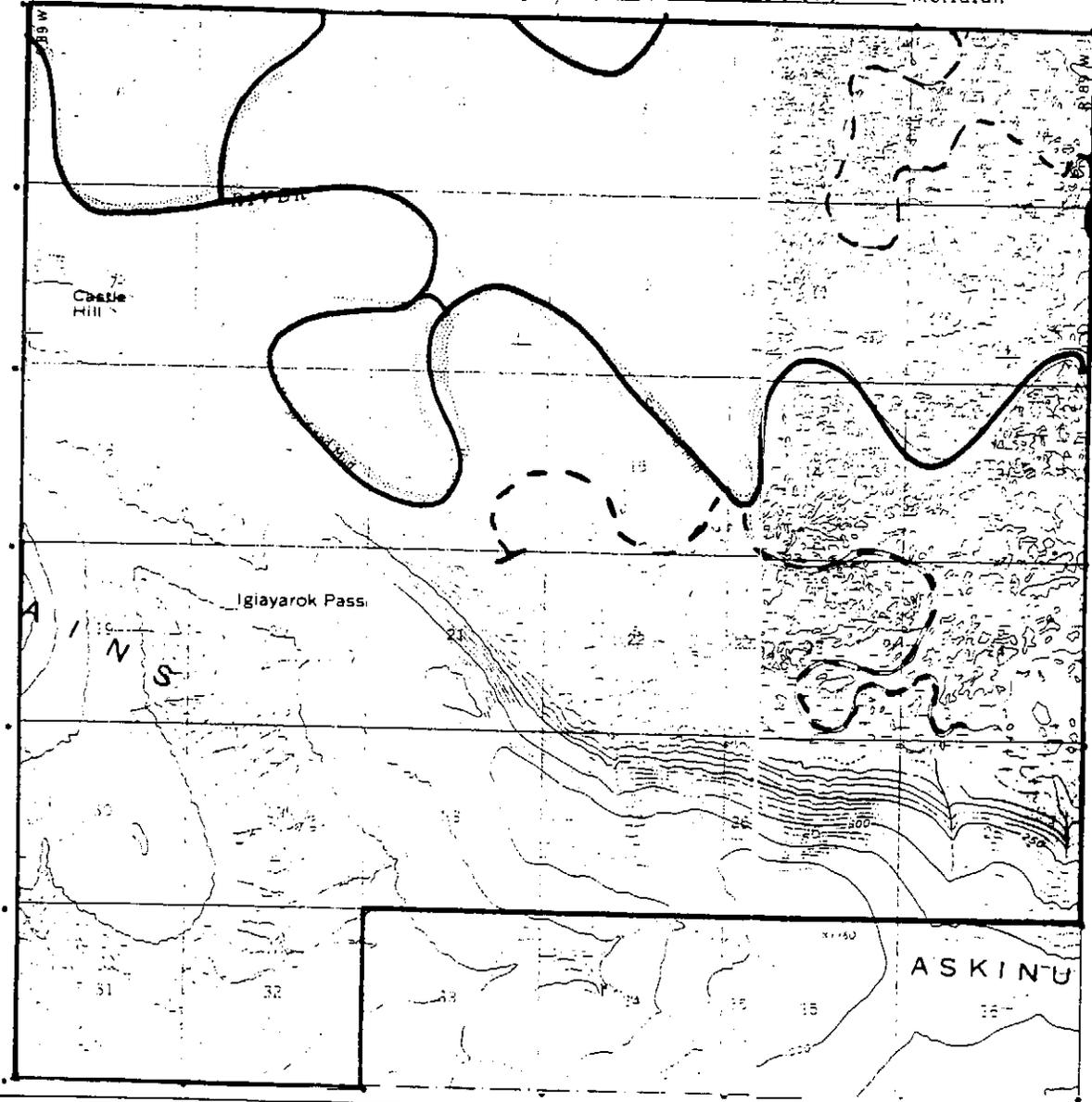
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

E-14929-EE

Township 20 N. , Range 89 W. , SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

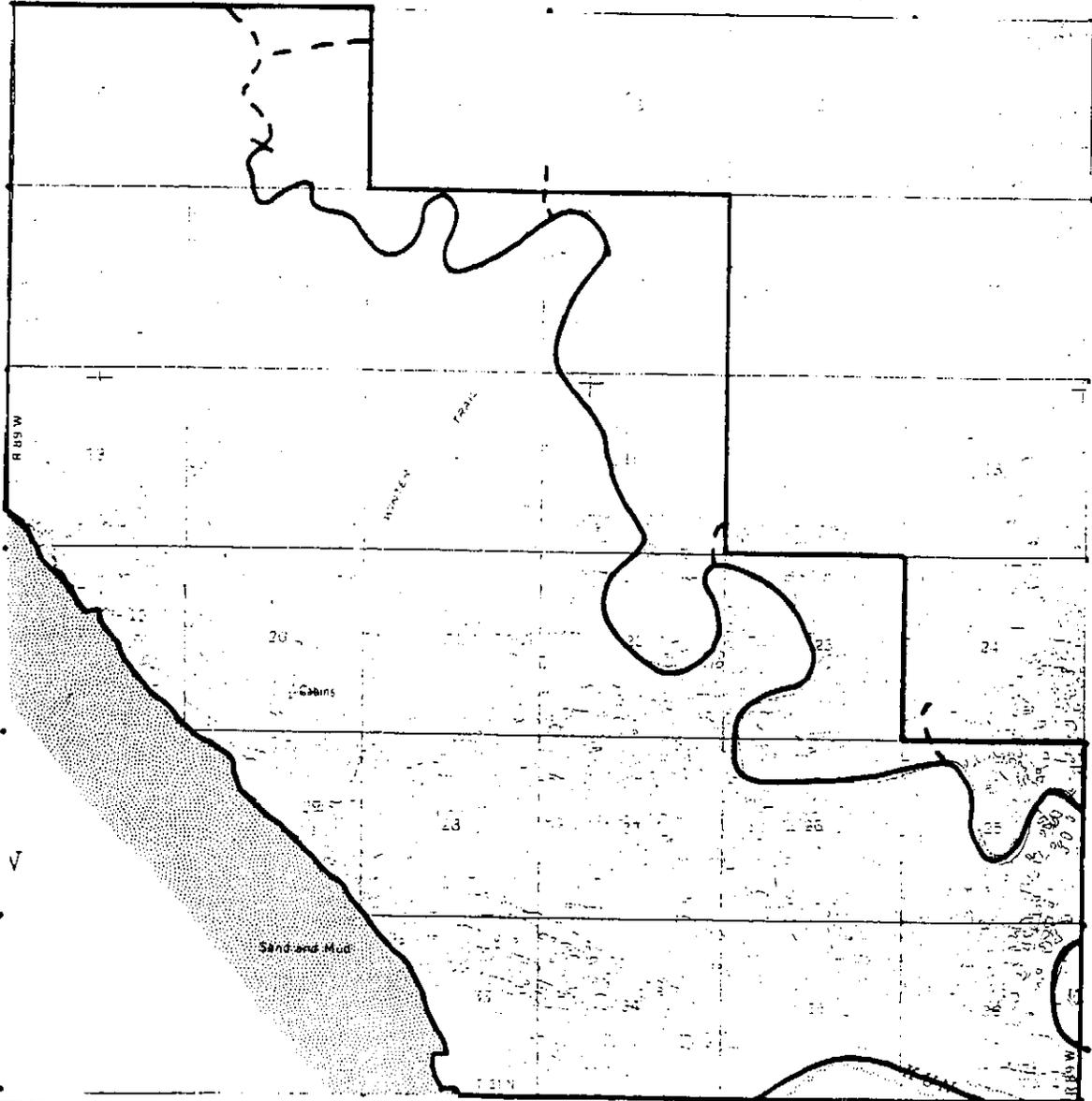
<p>HOOPER BAY D1, D-2</p>		<p>OTHER DATA</p>
<p>IC 572</p>		<p>CR 120</p>
		<p>Roll 2501</p>
		<p>frame 1509</p>
		<p>6177</p>

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Map Number
F-14929-EE

Township 21N Range 89W SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY
D-1, D-2
IC 572

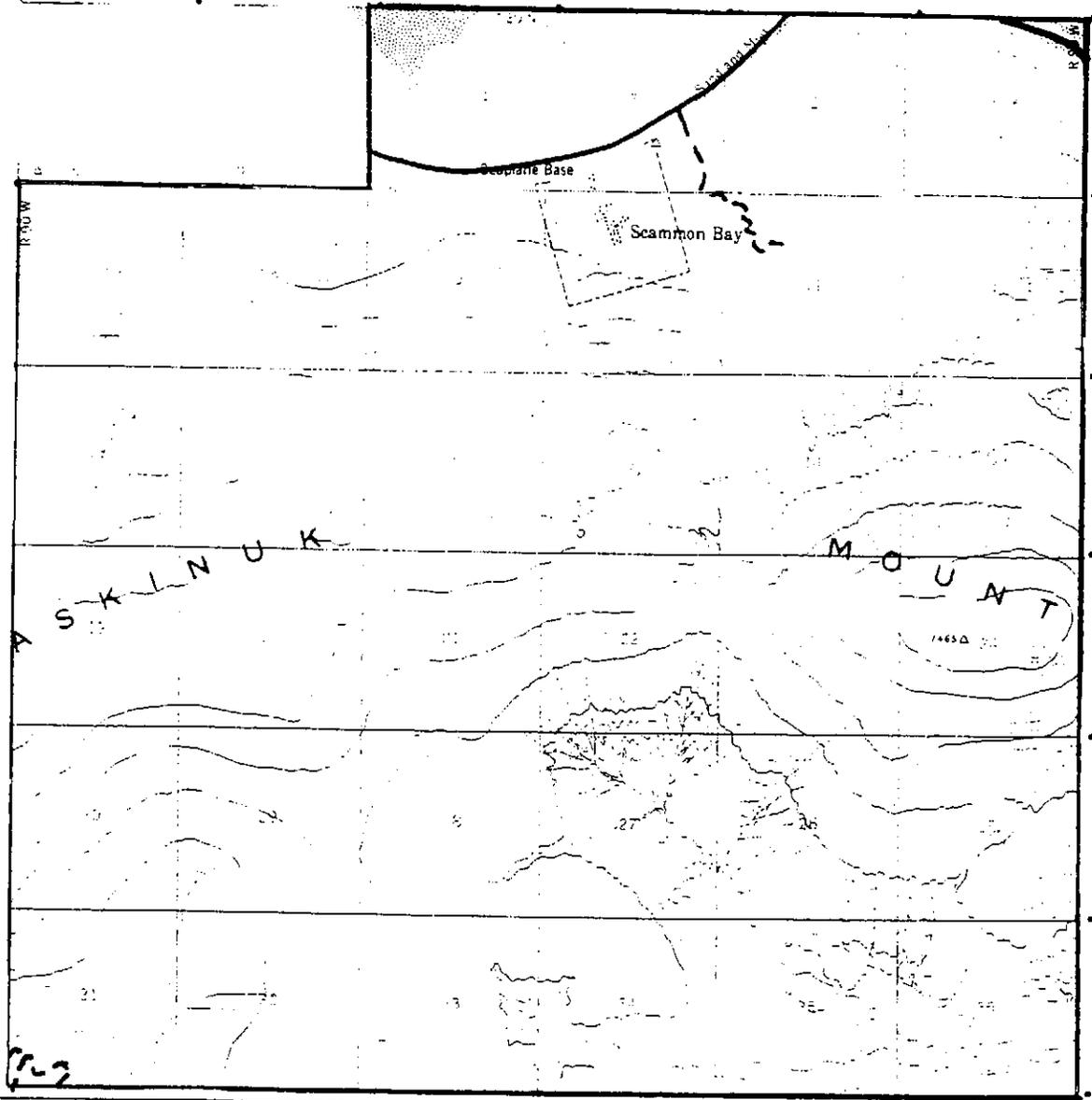
OTHER DATA
@ IR 120
Roll 2501
frame 1509
6/77

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Form Number
F-14929-EE

Township 20 N. Range 90 W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY D-2
ICs 572, 958

OTHER DATA
CIR 120
roll 2501
frame 1508
6177

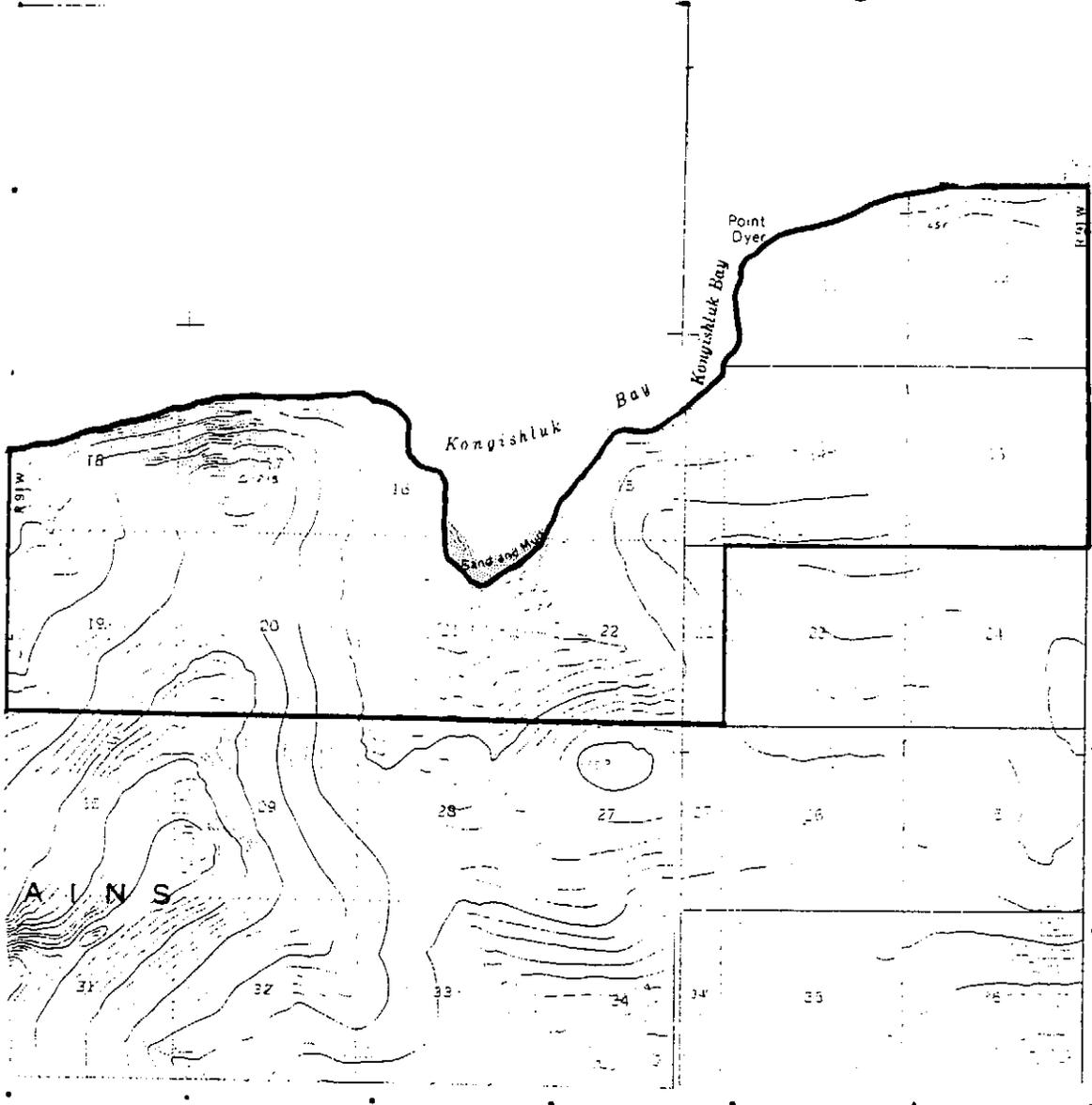
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number:

F-14929-EE

Township 20 N. Range 91 W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY D-2.

D-3

ILC 572

OTHER DATA

CIR 120

roll 2501

frame 1508

6177

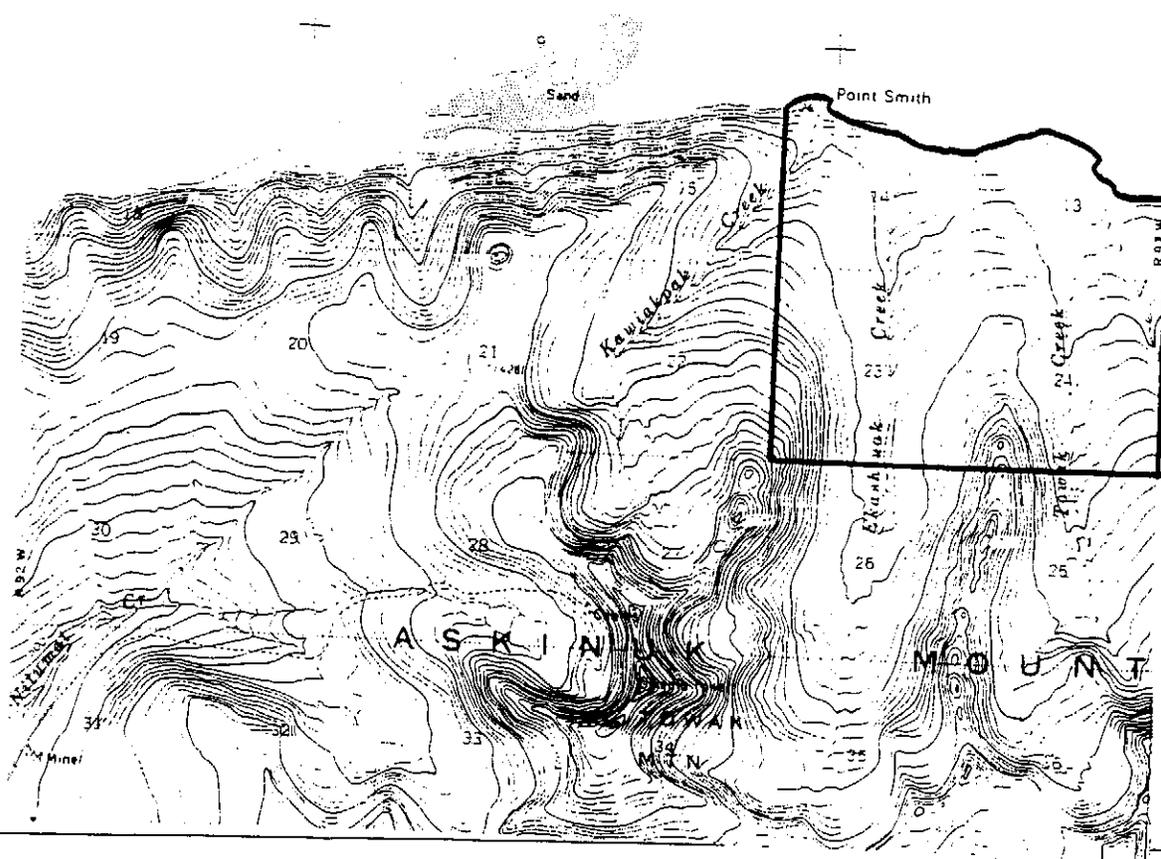
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F 14929-EE

Township 20 N. Range 92 W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOPPER BAY D-3		OTHER DATA
IC 572		QIR 120
		Hall 2501
		frame 1508 6/77

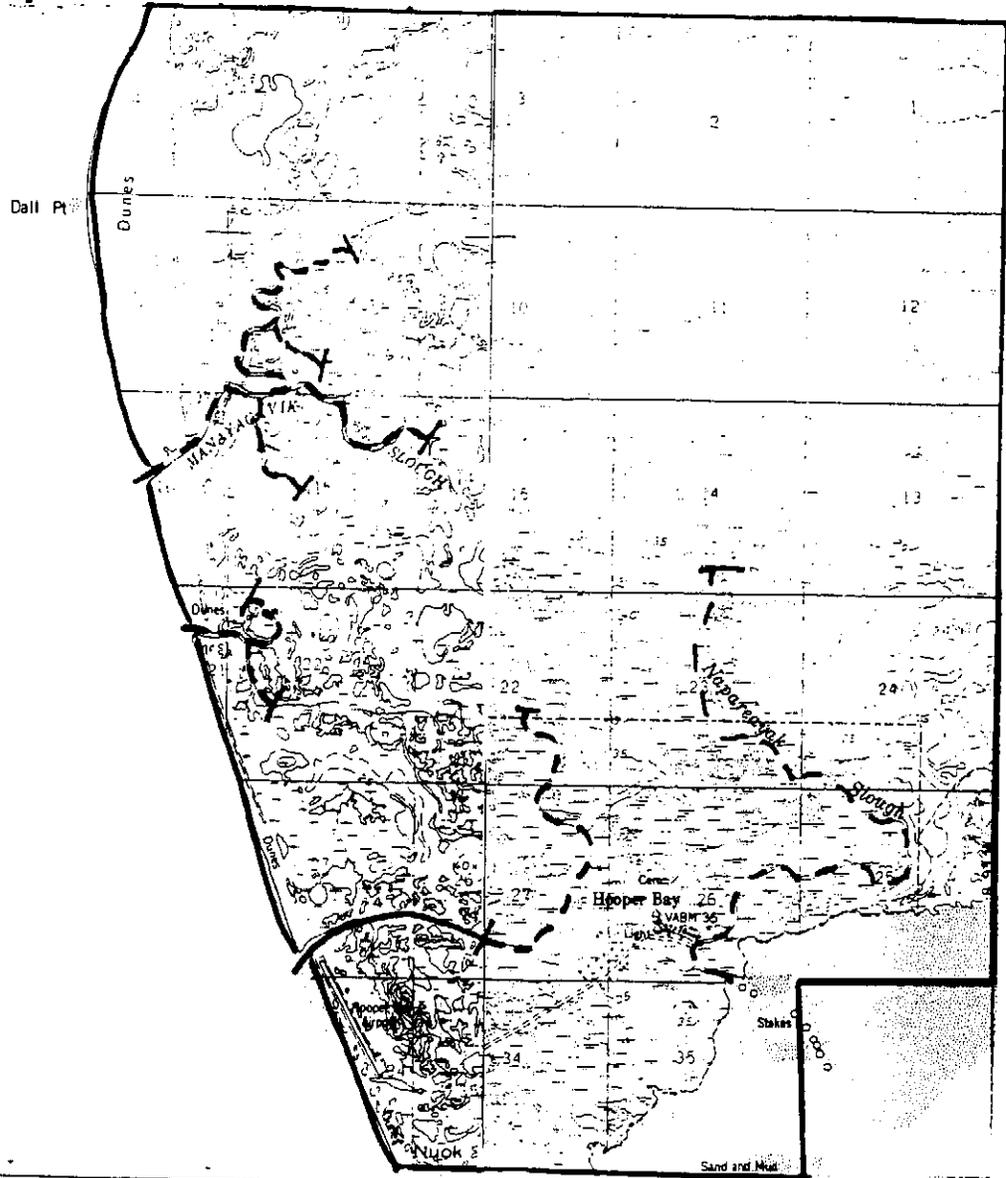
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

E-14866-EE

Township 17 N., Range R. 93W. SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY C-3, C-4

T.C. 510, 578, 573

OTHER DATA

CIR 60
roll 2917
frames 7050,
7051
4/80

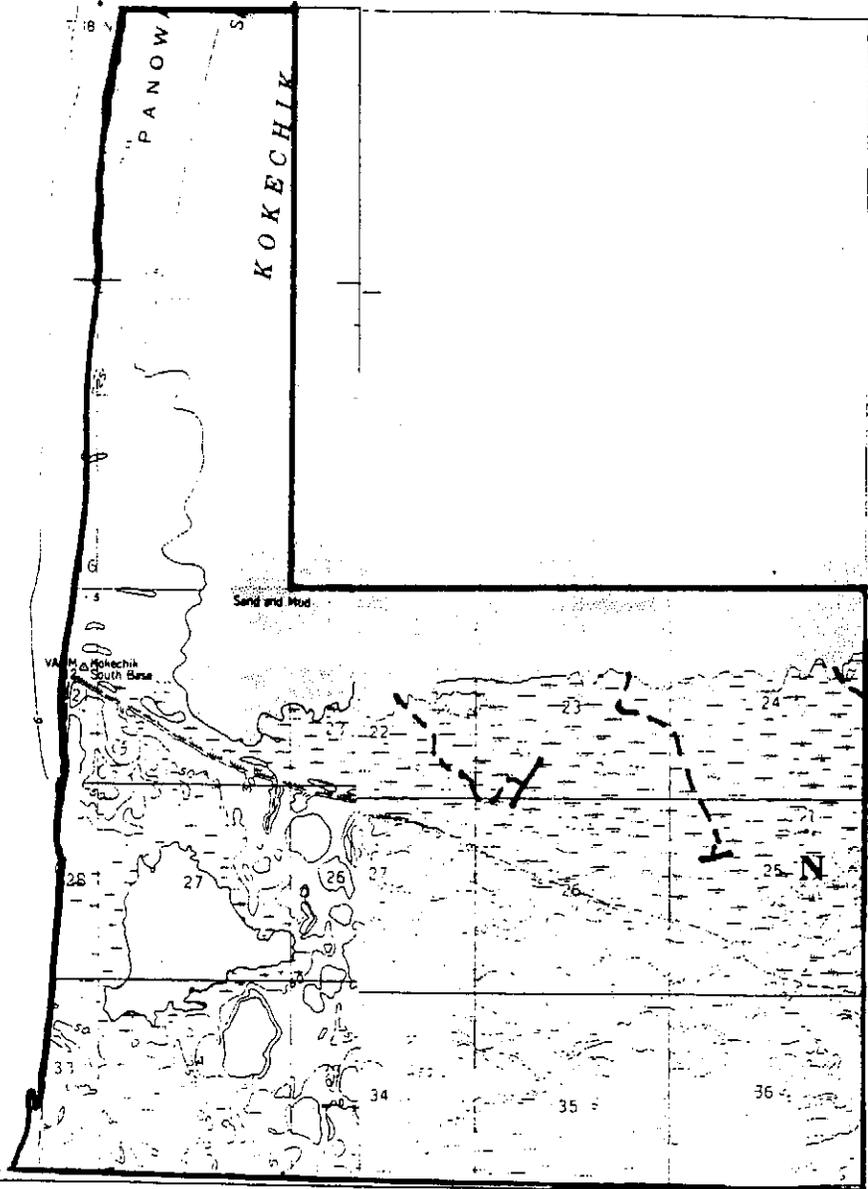
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

E 14866-EE

Township 18 N., Range 93 W., SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY C-3, C-4

IC 510

OTHER DATA

CIR 60
Roll 2917
frame 7061
7/80

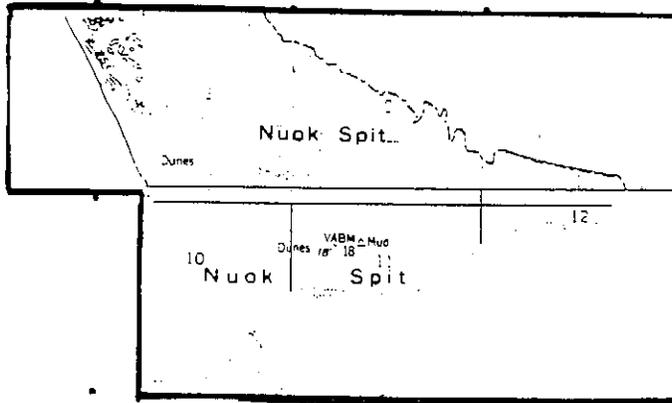
UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

SITE PLOT

Serial Number

F-14866-EE

Township 16 N. Range 94 W SEWARD Meridian



LAND OWNERSHIP KEY AND ADDITIONAL TOPOGRAPHIC SYMBOLS

Scale: 1" =

HOOPER BAY B-3,

C-3, C-4

IC 510

OTHER DATA

CIR 60
roll 2917
frame 7051
7180



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7509

2628 (980)

DEC 18 1995
1995

Mr. Michael B. Rearden
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559

Tuluksak 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 100-395). 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 (49 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-16534 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 $\frac{1}{2}$ 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 Yukasihuk 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 $\frac{1}{4}$ 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, Kuskokusk 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-17083 in Sec. 1, T. 10 N., R. 69 W., SM.
4. Right-bank tributary in NW¼ Sec. 28, T. 10 N., R. 69 W., SM.
5. Right-bank tributary in Native Allotment F-17083 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.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599

**Tuluksak River
Interim Summary Report
Attachment 19**

AA-8099-01 (2652)
AA-8099-EE (75.4)
(962) HC/BW

FEBRUARY 21 1996

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DECISION

Calista Corporation	:	AA-8099-01
Attn: Land Department	:	Regional In-Lieu Selection
601 West Fifth Avenue, Suite 200	:	Application
Anchorage, Alaska 99501	:	
	:	
U.S. Fish and Wildlife Service	:	
Division of Realty	:	
Chief, Branch of Operations	:	
1011 East Tudor Road	:	
Anchorage, Alaska 99503	:	
	:	
U.S. Fish and Wildlife Service	:	
Yukon Delta NWR	:	
Refuge Manager	:	
P.O. Box 346	:	
Bethel, Alaska 99559	:	

Lands Proper for Sec. 12(a)(1) Regional In-Lieu Selection Approved for Interim Conveyance

On December 17, 1975, Calista Corporation filed regional in-lieu selection application AA-8099-01, pursuant to Sec. 12(a)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1611(a), for the subsurface estate of certain lands within T. 10 N., Rgs. 61 and 62 W., Seward Meridian, Alaska.

Previously, on March 9, 1972, Public Land Order (PLO) No. 5180 was issued withdrawing these two townships for study to ascertain the public values in the lands. On November 4, 1974, PLO No. 5442 was issued as a supplement to PLO No. 5172 of March 9, 1972, as amended, deleting these lands from PLO No. 5180 and reserving the lands for selection by Calista Corporation pursuant to Sec. 12 of ANCSA.

Subsequent to selection of these lands by Calista Corporation, PLO Nos. 5653 and 5654 of November 16, 1978, and November 17, 1978, respectively, later withdrew these lands to protect their resource values, pursuant to Sec. 204(e) of the Federal Lands Policy and Management Act of 1976, 43 U.S.C. 1714(e), for a period of three years. On December 2, 1980, Sec. 1322(a) of the Alaska National Interest Lands Conservation Act (ANILCA) rescinded these withdrawals; however, Sec. 303(7) of that act withdrew and reestablished these same lands as additions to the Yukon Delta National Wildlife Refuge.

Section 12(a)(1) of ANCSA provides, in part, that:

. . . when a Village Corporation selects the surface estate to lands within the National Wildlife Refuge System or Naval Petroleum Reserve Numbered 4 (now National Petroleum Reserve - Alaska), the Regional Corporation for that region may select the subsurface estate in an equal acreage from other lands withdrawn by subsection 11(a) within the region

To date, the surface estate of approximately 521,512.91 acres have been conveyed to villages within the National Wildlife Refuge System as withdrawn prior to ANILCA. Excluding the acreage previously conveyed and the acreage herein approved for conveyance, the region is entitled to approximately 508,985.91 acres of subsurface estate in other lands withdrawn by Sec. 11(a). Complete in-lieu entitlement as provided for under Sec. 12(a)(1) of ANCSA will be determined when the village corporations within the Calista region have reached their full entitlement to surface estate lands.

As to the lands described below, application AA-8099-01, is properly filed and meets 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.

In view of the foregoing, the subsurface estate of the following-described lands, selected pursuant to Sec. 12(a)(1) of ANCSA, aggregating approximately

5,322 acres, is considered proper for acquisition by Calista Corporation and is hereby approved for conveyance pursuant to Sec. 14(f) of ANCSA:

Seward Meridian, Alaska

T. 10 N., R. 61 W., (unsurveyed)
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.

Containing approximately 2,938 acres.

T. 10 N., R. 62 W., (unsurveyed)
Sec. 11, excluding historical place
application AA-10270;
Sec. 12, excluding historical place
application AA-10270, and
Native allotment application
F-17230;
Sec. 13, excluding Native allotment
application F-17230;
Sec. 14.

Containing approximately 2,384 acres

Aggregating approximately 5,322 acres.

Excluded from the above-described lands are the submerged lands, if any, up to the ordinary high water mark, beneath rivers or streams 3 chains wide (198 feet) and wider, and lakes 50 acres and larger, which are meanaderable according to the 1973 Bureau of Land Management Manual of Surveying Instructions, as modified by Departmental regulation 43 CFR 2650.5-1, and navigable waters, if any, of lesser size. These submerged lands will be identified at the time of survey.

No easements will be reserved under Sec. 17(b) of ANCSA on regional in-lieu subsurface selections.

Enclosed are current status plats showing the lands approved for conveyance.

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 plats of survey confirming the boundary description and acreage of the lands hereinabove granted; and
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 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law.

This decision approves approximately 5,322 acres of land for conveyance pursuant to Sec. 12(a)(1) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance to Calista Corporation, pursuant to Sec. 14(f) for regional in-lieu entitlement is approximately 12,527 acres. Further action as to remaining lands selected under application AA-8099-01 will be taken at a later date.

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 Anchorage Daily News.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR, Part 4, and Form 1842-1 (copies enclosed). If an appeal is taken, the notice of appeal must be filed with the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599. 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 is a jurisdictional defect and will result in dismissal of the appeal. In order to avoid dismissal of the appeal, there must be strict compliance with the regulations. Copies of the notice of appeal must also be submitted to each party named in the heading of this decision and to the Office of the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508-4626 at the same time the original documents are filed with this office.

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 MAR 25 1996 to file an appeal.

The Departmental regulations in 43 CFR 4.21 (58 FR 4939, copy enclosed) provide that parties entitled to file an appeal may file a request for a stay of the effectiveness of this decision during the time that the appeal is being reviewed by the Board. The request for a stay must accompany the notice of appeal submitted to the Bureau of Land Management (BLM) and a copy of both documents must be served on the Interior Board of Land Appeals, Office of Hearings and Appeals, 4015 Wilson Boulevard, Arlington, Virginia 22203, at the same time they are submitted to the BLM. A copy of the request for a stay must also accompany each copy of the notice of appeal submitted to the parties listed in the heading to this decision or specifically listed as parties to be served in the paragraph on filing an appeal. A request for a stay is required to show sufficient justification based on the standards listed below.

Standards for Obtaining a Stay

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Except as otherwise provided by law or other pertinent regulation, the regulations in 43 CFR 4.21(b) provide that a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and

(4) Whether the public interest favors granting the stay.

~~/s/ Heather A Coats~~

Heather A. Coats
Land Law Examiner
Branch of Gulf Rim Adjudication

Enclosures:
Form 1842-1
Appeal Regulations
Federal Register Publication
(58 FR 4939, dtd 1/19/93)
Status Plats

Copy furnished to:

State of Alaska (CM-RRR)
Department of Natural Resources
Division of Land
Realty Services Section
3601 C Street, Suite 960
Anchorage, Alaska 99503-5936
(w/plats)

State of Alaska (CM-RRR)
Department of Transportation
Central Region
Right-of-Way Branch
Attn: John Jensen
P.O. Box 196900
Anchorage, Alaska 99519-6900
(w/plats)

Commander (sr) (CM-RRR)
MLC PAC
Coast Guard Island
Alameda, California 94501-5100
(w/plats)

Commandant (G-ECU-4) (CM-RRR)
Attn: Marcia Eckman
U.S. Coast Guard
2100 Second Street, SW
Washington, D.C. 20593
(w/plats)

Tuluksak Dredging Ltd. (CM-RRR)
415 West 8th Avenue
Anchorage, Alaska 99501
(w/plats)

Heirs of Clarence B. Clark, Sr. (CM-RRR)
c/o Association of Village Council Presidents, Inc.
P.O. Box 219
Bethel, Alaska 99559
(w/plats)

U.S. Fish and Wildlife Service
Division of Realty
Attn: Sharon Janis
1011 East Tudor Road
Anchorage, Alaska 99503
(w/plats)

DM-A (040)

ANCSA Acreage Control (962)

Escrow (962)

Public Room (973B)

F-17230 (2561)

AA-10270 (2653)

AA-75603 (2200)

AA-30687 (3842)
AA-30688 (3842)
AA-30689 (3842)
AA-30690 (3842)

AA-30691 (3842)
AA-30692 (3842)
AA-30693 (3842)
AA-30694 (3842)
AA-30695 (3842)
AA-30696 (3842)
AA-30697 (3842)
AA-30698 (3842)
AA-30699 (3842)



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)

11/4/97
11/11/97
11/14/97
11/14/97

**Tuluksak River
Interim Summary Report
Attachment 20**

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. 61W., 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,
F18018, F17018, F15903

topographic map (aerial photography taken 1955 and 1957) and with the 1981 NASA aeriels (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 anabranh. 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 anabranh, 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 anabranh 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 "Chicoyuilnuk", 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)

Appendix I

Navigable Waters in Window 2700 by Township for Native Allotment Selections Only

Seward Meridian

T. 9 N., R. 61 W.

None on selected lands

T. 5-10 N., R. 62 W.

None on selected lands

T. 5-10 N., R. 63 W.

None on selected lands

T. 5-10 N., R. 64 W.

None on selected lands

T. 5-7 N., R. 65 W.

None on selected lands

T. 8N., R. 65 W.

Kasigluk River in Native Allotments F17100, F17062, F16917, F16013 - (See Map)

Right Bank Tributary of the Kasigluk River, local name "Chicoyuilnuk" in Native Allotment F17018 - (See Map)

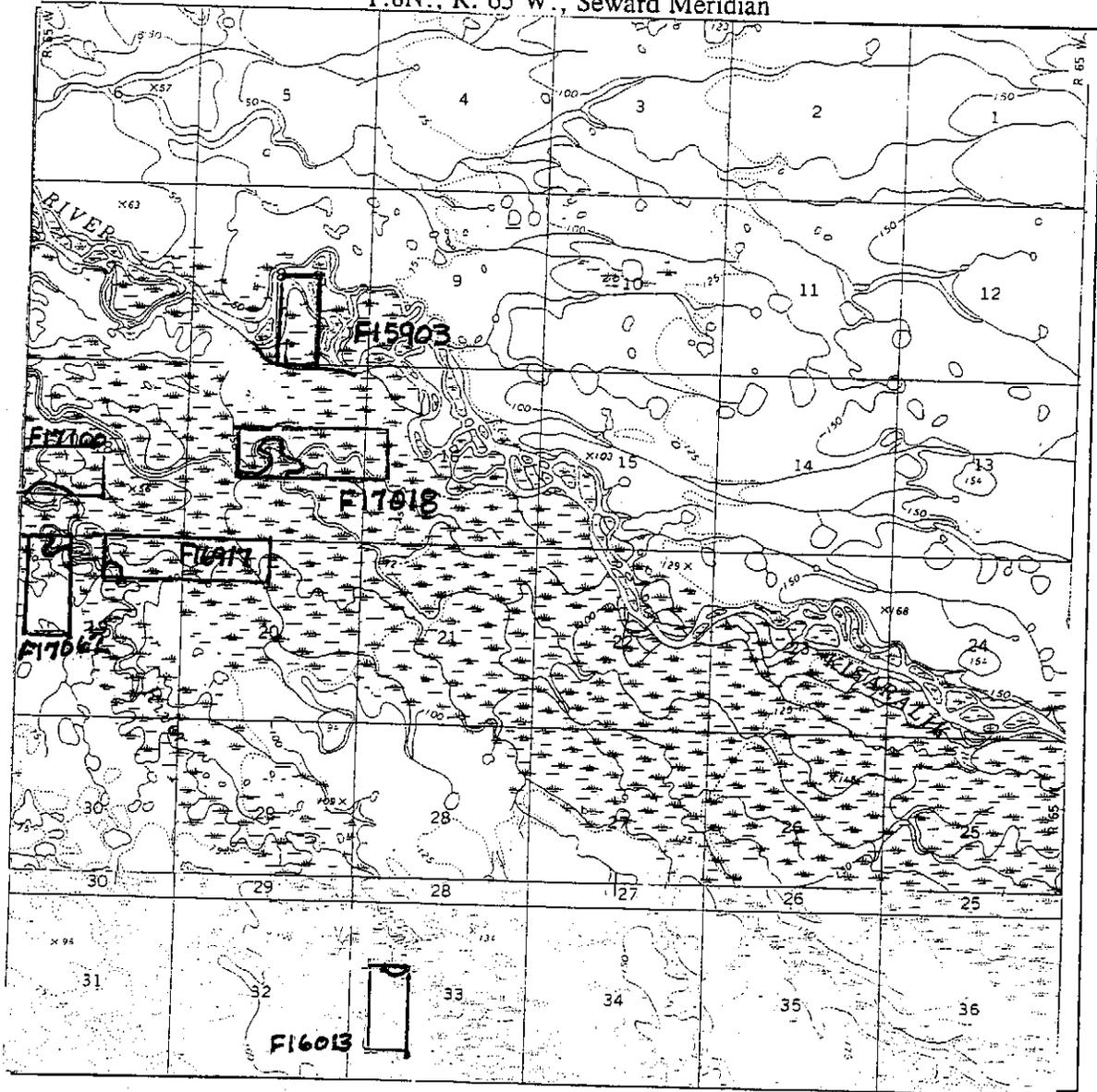
T. 8N., R. 66 W.

Kasigluk River in Native Allotment F17100 - (See Map)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2700

T.8N., R. 65 W., Seward Meridian



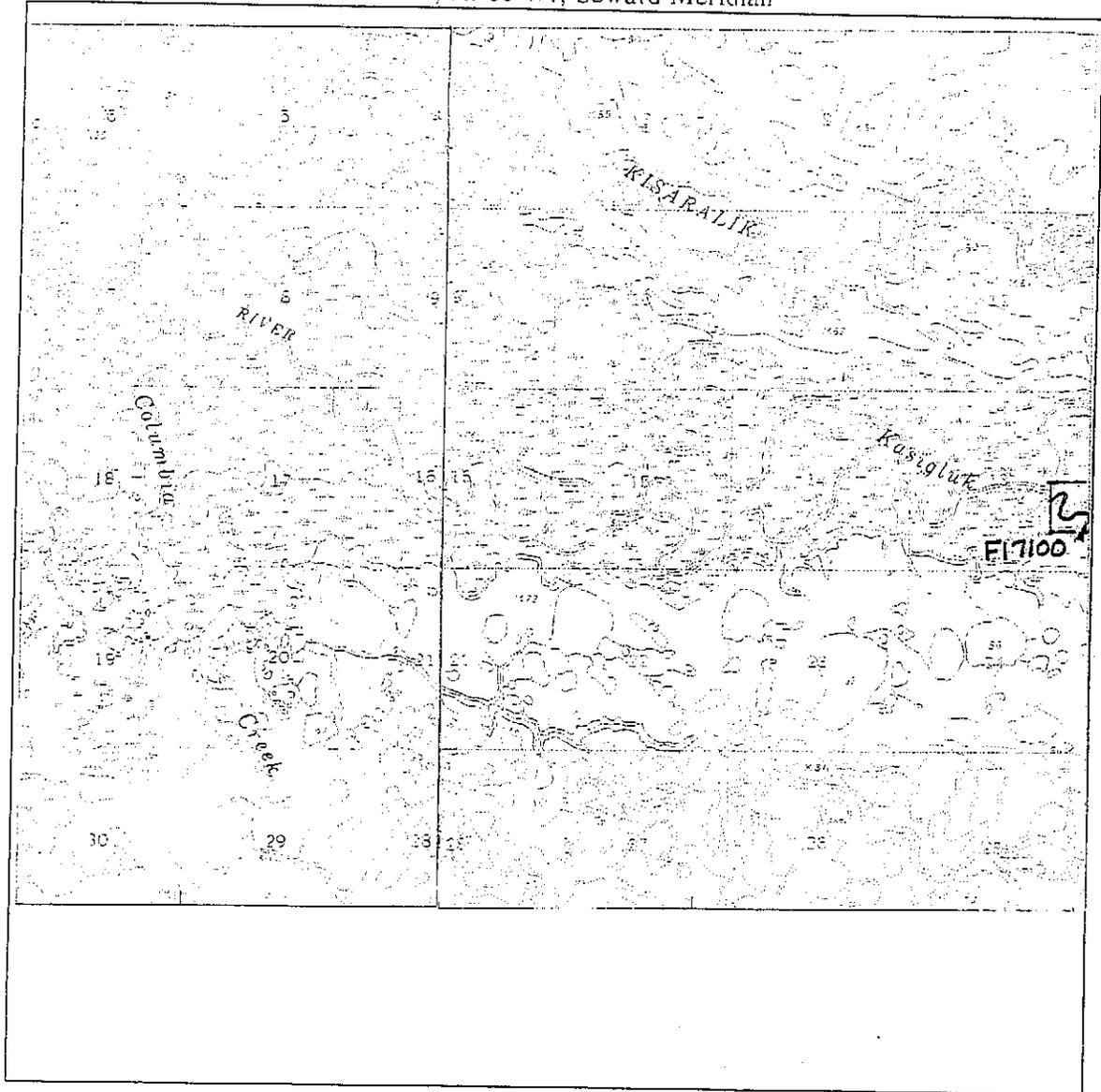
SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	Native Allotments
Bethel C-5, D-5	CIR 40, R.1, Flt. 2, Fr. 37, 8/20/87, CIR 60, R.10, Fr. 382, 7/80	F17100, F17062B, F16917, F16013, F17018, F15903

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY MAP - PPP WINDOW 2700

T.8N., R. 66 W., Seward Meridian



SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	IC & Native Allotments
Bethel C 5-6, D 5-6	CIR 40, R.1, Flt. 2, Fr. 37, 8/20/87,	IC 610, NA F-17100



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>

**Tuluksak River
Interim Summary Report
Attachment 21**

F-14949-EE (75.4)
F-14949-A (2651)
F-14949-A2 (2651)
CAA-9
(961) sjc/jak

Handwritten signature and date: 4/22/05

SEP 26 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE

Tuliksarmute Incorporated	:	F-14949-A, F-14949-A2
P.O. Box 65	:	ANCSA Sec. 12(a) and 12(b)
Tuluksak, Alaska 99679	:	Village Selections
Calista Corporation	:	
Attn: Land Department	:	
301 Calista Court, Suite A	:	
Anchorage, Alaska 99518-3028	:	
State of Alaska	:	
Department of Natural Resources	:	
Division of Mining, Land and Water	:	
Sandra J. Singer, Realty Services Section	:	
550 West Seventh Avenue, Suite 1050A	:	
Anchorage, Alaska 99501-3579	:	

Notice of Proposed Easement Recommendations and
Request for Easement Nominations on Land Selected by Tuliksarmute Incorporated

Pursuant to Departmental Regulation 43 CFR 2650-4.7, notice is hereby provided of public easements identified on land selected by Tuliksarmute Incorporated near the village of Tuluksak.

The Bureau of Land Management (BLM) is also requesting easement nominations pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act (ANCSA) for the land described below.

Subject to valid existing rights, the following land, selected under Sec. 12(a) and Sec. 12(b) of ANCSA will be conveyed in the future to Tuliksarmute Incorporated on behalf of the Native village of Tuluksak:

Seward Meridian, Alaska

T. 11 N., R. 65 W.

Sec. 1.

T. 12 N., R. 64 W.

Secs. 6, 7, and 18.

T. 12 N., R. 65 W.

Secs. 1, 2, and 3;
Secs. 10 through 14, inclusive;
Secs. 23 through 26, inclusive;
Secs. 35 and 36.

T. 13 N., R. 64 W.

Secs. 1, 6, 7, 12, and 13;
Secs. 24 through 26, inclusive;
Secs. 34 through 36, inclusive.

T. 13 N., R. 65 W.

Secs. 1 through 12, inclusive;
Secs. 14 through 18, inclusive;
Secs. 20 through 23, inclusive.

T. 13 N., R. 66 W.

Sec. 36.

T. 14 N., R. 64 W.

Secs. 19, 25, 30, 31, and 36.

MAJOR WATERWAYS:

The Kuskokwim, Gweek, and Tuluksak Rivers have been determined to be major waterways.

ALLOWABLE USES:

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)).

EASEMENTS TO BE RESERVED:

(EIN 5 C4, D1) An easement twenty-five (25) feet in width for a proposed access trail from the Tuluksak Airport located in Sec. 27, T. 12 N., R. 66 W., Seward Meridian, thence easterly to the Tuluksak River Barge landing and public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.

EASEMENT MAPS:

The easement map reflects the current status of easements. Only those easements recommended for inclusion in the conveyance document are shown on the easement maps. Please recommend easements you believe should be reserved in the conveyance document by drawing them on the enclosed maps and completing the enclosed justification statement form.

This notice does not cover granted rights-of-way of record.

Written comments and recommendations must be filed with the Deputy State Director of Conveyance Management, Alaska State Office, 222 W. 7th Avenue, Box 13, Anchorage, Alaska 99513, ATTENTION: Stephanie Clusiau, no later than DEC 30 2008.

Your recommendations should identify the serial number of the application. If you have any questions, please contact Stephanie Clusiau at 1-907-271-4567.

Denny Benson

Denny Benson
Easement Coordinator
Branch of Land Transfer Services

4 – Attachments:

- 1 - Easement and Navigability Legend
- 2 - Justification Statement Form
- 3 - Master Title Plats
- 4 - Easement quads:
 - Bethel D-6
 - Russian Mission A-5, A-6, and B-5

Copy furnished to:

State of Alaska
Department of Fish and Game
Division of Sport Fish
Attn: Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599
(with attachments):

U.S. Fish and Wildlife Service
Division of Realty, Mail Stop 211
Chief, Branch of Operations
1011 East Tudor Road
Anchorage, Alaska 99503
(with attachments):

U.S. Fish and Wildlife Service
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559
(with attachments):

Easement Reading file (961)

SENDER: COMPLETE THIS SECTION

Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Calista Corporation
Attn: Land Department
301 Calista Court, Suite A
Anchorage, Alaska 99518-3028
FF-14949-A (961) sjc

2. Article Number (Transfer from service label)
7004 1350 0002 0436 7415

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

A. Signature Agent
 Addressee

B. Received by (Printed Name) Addressee

C. Date of Delivery Yes
 No

D. Is delivery address different from item 1? If YES, enter delivery address below:

SEP 26 2005

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



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>



**Tuluksak River
Interim Summary Report
Attachment 22**

F-14949-EE (75.4)
F-14949-A (2651)
F-14949-A2 (2651)
(961) sjc/vkm

Memorandum

DECEMBER 29 2005

To: Chief, Branch of Adjudication II (964)

From: Easement Coordinator

Subject: Final Easement Recommendations and Patent Easement Review for Lands to be Patented to Tuliksarmute Incorporated on behalf of the Native village of Tuluksak

Final Easement Recommendations: The following are the final easement recommendations for final land selections of Tuliksarmute Incorporated, on behalf of the Native village of Tuluksak, which are described below:

Seward Meridian, Alaska

T. 11 N., R. 65 W.
Sec. 1.

T. 12 N., R. 64 W.
Secs. 6, 7, and 18.

T. 12 N., R. 65 W.
Secs. 1, 2, and 3;
Secs. 10 through 14, inclusive;
Secs. 23 through 26, inclusive;
Secs. 35 and 36.

T. 13 N., R. 64 W.
Secs. 1, 6, 7, 12, and 13;
Secs. 24 through 26, inclusive;
Secs. 34 through 36, inclusive.

T. 13 N., R. 65 W.
Secs. 1 through 12, inclusive;
Secs. 14 through 18, inclusive;
Secs. 20 through 23, inclusive.

T. 13 N., R. 66 W.
Sec. 36.

T. 14 N., R. 64 W.
Secs. 19, 25, 30, 31, and 36.

MAJOR WATERWAYS:

The Kuskokwim, Gweek, and ~~Tuluksak Rivers~~ have been determined to be major waterways.

ALLOWABLE USES:

All easements are subject to applicable Federal, State or Municipal Corporation regulations. The following is a listing of uses allowed for each type of easement identified. 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)).

EASEMENT TO BE RESERVED:

(EIN 5 C4, D1) An easement twenty-five (25) feet in width for a proposed access trail from the Tuluksak Airport located in Sec. 27, T. 12 N., R. 66 W., Seward Meridian, thence easterly to the Tuluksak River Barge landing and public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.

EASEMENTS CONSIDERED BUT NOT RECOMMENDED:

(EIN 1 C3, D1, D9) An easement fifty (50) feet in width for an existing access trail from Tuluksak, northeasterly to Aniak. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

Discussion: The Tuluksak to Aniak trail is identified by the State of Alaska as historic trail DOT 1973 Trail 73-2. This trail was originally recommended to be reserved in 1975. However, it was determined that the trail has been abandoned and no longer used. Inter-village travel in this region is almost exclusively along the Kuskokwim River; in summer by boat and in winter by snow machine. Therefore the trail was not reserved in the original conveyance to Tuluksak. Reserving discontinuous segments of an existing trail is not in compliance with federal regulations.

(EIN 2 C3, D1, D9) An easement fifty (50) feet in width for an existing access trail from Tuluksak, northerly to Kaltag. The uses allowed are those listed above for a fifty (50) foot wide trail easement.

Discussion: The Tuluksak to Kaltag trail is identified by the State of Alaska as historic trail DOT 1973 Trail 73-13. This trail was originally recommended to be reserved in 1975. However, it was determined that the trail was no longer used. Inter-village travel in this region is almost exclusively along the Kuskokwim River; in summer by boat and in winter by snow machine. Therefore the trail was not reserved in the original conveyance to Tuluksak. Reserving discontinuous segments of an existing trail is not in compliance with federal regulations.

(EIN 101 D1) A one (1) acre site easement upland of the ordinary high water mark in Sec. 25, T. 12 N., R. 65 W., Seward Meridian, Alaska, on the right bank of the Tuluksak River. The uses allowed are those listed above for a one (1) acre site easement.

Discussion: This easement is not recommended due to its close proximity (less than one mile) to public land.

Patent Easement Review: The strategic plan and annual work plan require completion of easement review on all easements reserved within Interim Conveyance Nos. 542 and 1123. Following our review of the ANCSA 17(b) easements, my decision is as follows for the lands described below:

<u>Seward Meridian, Alaska</u>	<u>IC No.</u>
T. 11 N., R. 65 W.	542
T. 11 N., R. 66 W.	542
T. 11 N., R. 67 W.	542
T. 12 N., R. 65 W.	542
T. 12 N., R. 66 W.	542 and 1123
T. 12 N., R. 67 W.	542
T. 13 N., R. 64 W.	542
T. 13 N., R. 65 W.	542
T. 14 N., R. 64 W.	542

EASEMENTS RESERVED:

- a. (EIN 4 C4, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 2, T. 22 N., R. 66 W., Seward Meridian, on the right bank of the Kuskokwim River. The uses allowed are those listed for a one (1) acre site easement.
- b. (EIN 5 C4, D1) An easement twenty-five (25) feet in width for a proposed access trail from the Tuluksak Airport located in Sec. 27, T. 12 N., R. 66 W., Seward Meridian, thence easterly to the Tuluksak River Barge landing and public land. The uses allowed

are those listed for a twenty-five (25) foot wide trail easement. The season of use is limited to winter.

- c. (EIN 13 C4) An easement twenty-five (26) feet in width for an existing access road in Sec. 27, T. 12 N., R. 66 W., Seward Meridian, from the easterly boundary of U. S. Survey No. 875, southeasterly to the westerly boundary of lot 2, U. S. Survey No. 4435, a distance of approximately three hundred (300) feet. The uses allowed are those listed for a twenty-six (26) foot wide road easement.
- d. (EIN 100 C4) An easement twenty (20) feet in width for an existing sewage outfall line running from the sewage lagoon, southwesterly, crossing a portion of the NE4SE4, Sec. 27, T. 12 N., R. 66 W., Seward Meridian (lot 1, U. S. Survey No. 4435). The uses allowed are those activities associated with the construction, operation, and maintenance of the sewage outfall line.

EASEMENT MAPS:

The easement maps reflect the current status of easements. Only those easements recommended for inclusion in the conveyance document are shown on the easement maps.

/s/ Denny Benson

Attachments:

- 1 - Easement quads:
Russian Mission A-5 and A-6

cc

Tuliksarmute Incorporated
P.O. Box 65
Tuluksak, Alaska 99679
(w/attachments)

Calista Corporation
Attn: Land Department
301 Calista Court, Suite A
Anchorage, Alaska 99518-3028
(w/attachments)

U.S. Fish and Wildlife Service
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559
(w/attachments)

U.S. Fish and Wildlife Service
Division of Realty, Mail Stop 211
Chief, Branch of Operations
1011 East Tudor Road
Anchorage, Alaska 99503
(w/attachments)

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Sandra J. Singer, Realty Services Section
550 West Seventh Avenue, Suite1050A
Anchorage, AK 99501-3579
(w/attachments)

State of Alaska
Department of Fish and Game
Division of Sport Fish
Attn: Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599
(w/attachments)

Anchorage Field Manager (040)
(w/attachments)

Easement Reading file (961)

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES

FRANK H. MURKOWSKI, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF MINING, LAND & WATER
Public Access Assertion & Defense Unit

550 W. 7th Ave., Suite 1330
Anchorage, Alaska 99501-3514

PHONE (907) 269-8600
FAX (907) 269-5043

January 26, 2006

Stephanie Clusiau
Bureau of Land Management
Alaska State Office
222 W. 7th Avenue, Box 13
Anchorage AK 99513

**Tuluksak River
Interim Summary Report
Attachment 23**

BLM AK SO 954
ANCHORAGE, AK
2006 JAN 27 AM 10:32

RE: F-14949-EE (75.4)
F-14949-A (2651)
F-14949-A2 (2651)
CAA-9
(961) sjc/vkm

Dear Ms. Clusiau:

The State of Alaska Department of Natural Resources, Division of Mining, Land and Water, Public Access Assertion and Defense Unit (PAAD) has reviewed the Bureau of Land Management's notice of Final Easement Recommendations and Patent Easement Review for lands to be patented to Tuliksarmute Incorporated on behalf of the Native Village of Tuluksak.

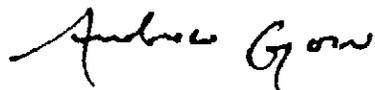
The PAAD Unit again recommends the following easement be reserved:

- 1) (EIN 101 D1) A one (1) acre site easement upland of the ordinary high water mark in Sec. 25, T. 12 N., R. 65 W., Seward Meridian, Alaska, on the right (east) bank of the Tuluksak River. The uses allowed are those listed for a one (1) acre site easement.

This easement was not recommended to be reserved by BLM "due to its close proximity (less than one mile) to public land." This statement is misleading because all of the land between this proposed site easement and public lands is being conveyed and will no longer provide access. The purpose of the easement is for river travel. When looking at this easement you will find it lies nearly five (5) river miles from the nearest public lands. DNR asks that BLM reconsider this easement now designated by BLM as (EIN 101 D1).

Thank you for allowing the PAAD Unit the opportunity to comment and propose easement nominations. If you have any questions or concerns please do not hesitate to call at 269-4755, or email me at andrew_gorn@dnr.state.ak.us.

Sincerely,

A handwritten signature in black ink that reads "Andrew Gorn". The signature is written in a cursive style with a large initial 'A' and a long, sweeping underline.

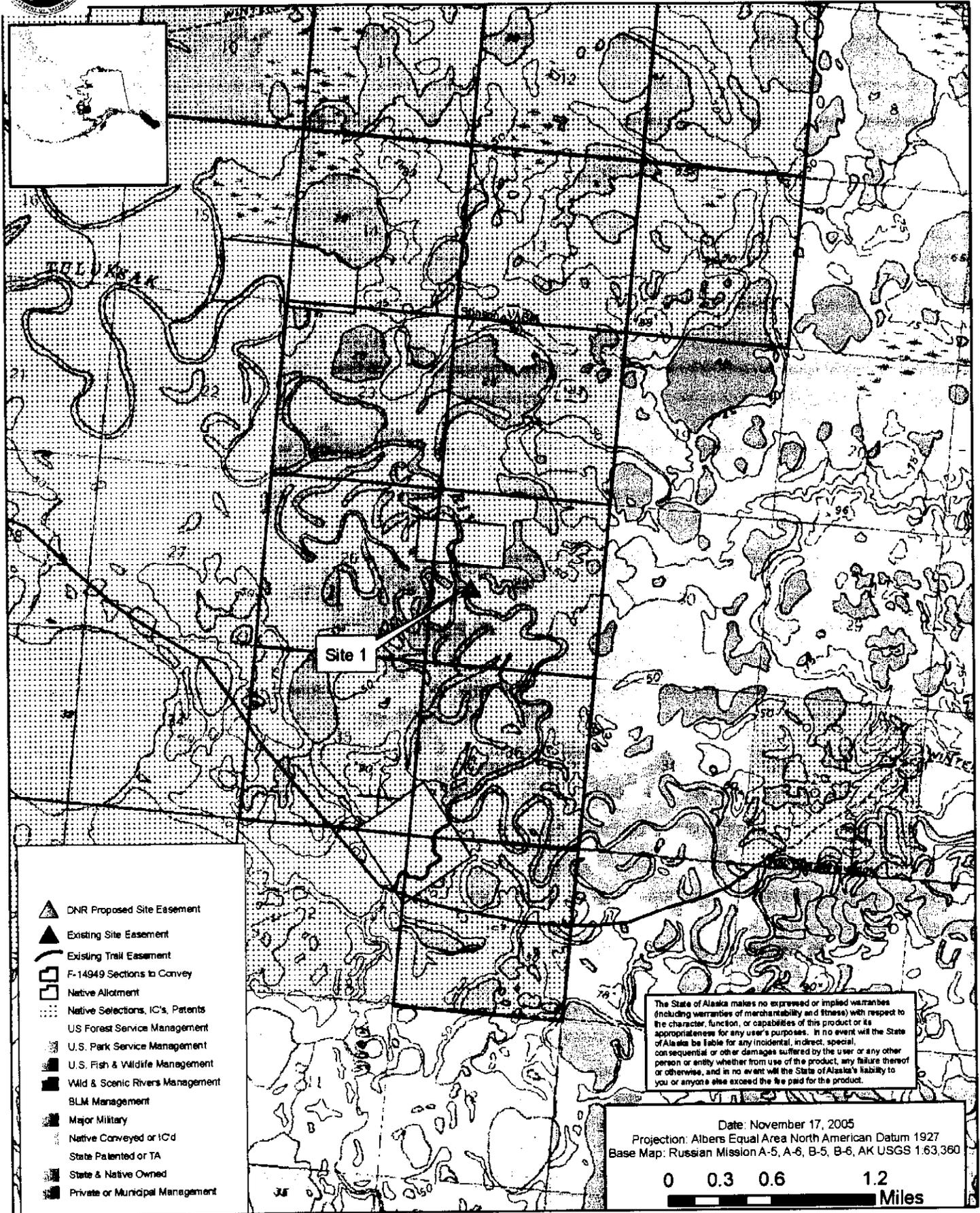
Andrew Gorn
Natural Resource Specialist II
Public Access Assertion and Defense Unit

Enclosure – Site Easement Map



F-14949 Easement Nominations

Site 1



- DNR Proposed Site Easement
- Existing Site Easement
- Existing Trail Easement
- F-14949 Sections to Convey
- Native Allotment
- Native Selections, IC's, Patents
- US Forest Service Management
- U.S. Park Service Management
- U.S. Fish & Wildlife Management
- Wild & Scenic Rivers Management
- BLM Management
- Major Military
- Native Conveyed or IC'd
- State Patented or TA
- State & Native Owned
- Private or Municipal Management

The State of Alaska makes no expressed or implied warranties (including warranties of merchantability and fitness) with respect to the character, function, or capabilities of this product or its appropriateness for any user's purposes. In no event will the State of Alaska be liable for any incidental, indirect, special, consequential or other damages suffered by the user or any other person or entity whether from use of the product, any failure thereof or otherwise, and in no event will the State of Alaska's liability to you or anyone else exceed the fee paid for the product.

Date: November 17, 2005
 Projection: Albers Equal Area North American Datum 1927
 Base Map: Russian Mission A-5, A-6, B-5, B-6, AK USGS 1.63,360

0 0.3 0.6 1.2
 Miles

STATE OF ALASKA

FRANK MURKOWSKI, GOVERNOR

DEPARTMENT OF FISH AND GAME

Division of Sport Fish

333 Raspberry Road
Anchorage, AK 99518-1599
PHONE: (907) 267-2342
FAX: (907) 267-2464

February 6, 2006

Deputy State Director of Conveyance Management
Alaska State Office
Bureau of Land Management
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7599

**Tuluksak River
Interim Summary Report
Attachment 24**

Attn: Denny Benson

Dear Mr. Benson:

Re: Final Easement Recommendations and Patent Easement Review-Tuliksarmute Inc. (F-14949)

Alaska Department of Fish and Game (ADF&G) staff reviewed the December 29, 2005 letter regarding final easement recommendations for final land selections of Tuliksarmute Inc. In response to your Notice of September 26, 2005, ADF&G staff requested the establishment of a site easement along the northern (right) bank of the Tuluksak River in Sec. 25, T. 12 N., R. 65 W., SM. According to the Final Easement Memo, this easement was considered but not recommended due to its close proximity to public land.

We disagree. After again reviewing USGS maps and soliciting input from knowledgeable staff, we continue to believe that this site easement is necessary to ensure the public safe and reasonable access along this navigable system. Since, prior to the Andrus Decision, there was a 25 ft wide continuous shoreline easement along both sides of the Tuluksak River, no site easements were requested for a distance of approximately 21 miles. Due to the fact that these easements no longer exist, and there are approximately 21 river miles without a place to get off the river, we feel this easement is still necessary for reasonable public access and use of this navigable water body. If by moving the site to the western boundary of the selection, it becomes more defensible, we would have no objection. The ground in this area may be wet and marshy so the specific siting of the easement should be identified while on the ground.

For these reasons, we ask that you reconsider the proposed easement recommendation or provide alternate streamside access for the public.

Thank you for the opportunity to review and comment on the public access needs in this area. If you have any questions or comments please feel free to contact me at 267-2103.

Sincerely,

Marla Carter
Habitat Biologist

cc: Amanda Tuttle, PAAD, DNR

2006 FEB -7 AM 9:40
DEPT OF FISH AND GAME
ANCHORAGE, AK

"... shall manage, protect, maintain, improve, and extend the fish, game and aquatic plant resources of the state in the interest of the economy and general well-being of the state"



**Tuluksak River
Interim Summary Report
Attachment 25**

The United States of America

Corrected Interim Conveyance

F-14949-A

This document corrects Interim Conveyance No. 542, dated August 27, 1982, recorded as document 2006-000863-0 in the Bethel Recording District and recorded as document 2006-000088-0 in the Kuskokwim 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 Tulkisarmute, Incorporated, P.O. Box 65, Tuluksak, Alaska 99679, as GRANTEE, for lands in the Bethel and Kuskokwim Recording Districts.

WHEREAS

Tulkisarmute 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. 542.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-53058	Charles E. Peter	U.S. Survey 10238
AA-55937 A	Edward Wise	Lot 2, U.S. Survey 10068
AA-56433	Ida Napoka	Lot 1, U.S. Survey 10260
AA-56434	Herman Hawk	Lot 1, U. S. Survey 10492
AA-56436	Peter Waskie	Lot 2, U. S. Survey 10503
AA-58527	Bessie Peter	Lot 1, U. S. Survey 10254
F-16119	William Napoka	Lot 2, U. S. Survey 10492
F-17545	Maggie Andrew	Lot 3, U. S. Survey 10066
F-025272	Paul Hawk	Secs. 21, 22 and 27, T. 13 N., R. 64 W., SM.
F-033635	Anna Fly	Secs. 27 and 28, T. 11 N., R. 66 W., SM.

THEREFORE, Interim Conveyance No. 542 is corrected in part to read:

Seward Meridian, Alaska

T. 13 N., R. 64 W.,
 Sec. 2, excluding U.S. Survey 10492;
 Sec. 11, excluding U.S. Survey 10492;
 Sec. 17, excluding U.S. Survey 10503;
 Sec. 18, excluding U.S. Survey 10346 and
 U.S. Survey 10503;
 Sec. 19, excluding U.S. Survey 10346 and
 U.S. Survey 10503;
 Sec. 20, excluding U.S. Survey 10503;
 Sec. 21, excluding U.S. Survey 10492 and
 Native allotment F-025272;
 Sec. 22, excluding U.S. Survey 10492 and
 Native allotment F-025272;
 Sec. 27, excluding U.S. Survey 10492 and
 Native allotment F-025272.

T. 14 N., R. 64 W.,
 Sec. 21, excluding U.S. Survey 10068;
 Sec. 22, excluding U.S. Survey 10068;
 Sec. 33, excluding U.S. Survey 10066.

T. 12 N., R. 65 W.,
Sec. 15, excluding U.S. Survey 10254;
Sec. 22, excluding U.S. Survey 10254.

T. 11 N., R. 66 W.,
Sec. 3, excluding U.S. Survey 10260 and
Native allotment 17373;
Sec. 4, excluding U.S. Survey 10260;
Sec. 21, excluding Native allotment F-033635;
Sec. 22, excluding Native allotment F-033635;
Sec. 27, excluding Native allotment F-033635;
Sec. 28, excluding Native allotment F-033635.

T. 12 N., R. 66 W.,
Sec. 22, excluding U.S. Survey 10238;
Sec. 23, excluding U.S. Survey 10238;
Sec. 26, excluding U.S. Survey 4435 and
U.S. Survey 10238;
Sec. 27, excluding U.S. Survey 875, U.S. Survey 3797,
U.S. Survey 4435 and U.S. Survey 10238;
Sec. 33, excluding U.S. Survey 3797, U.S. Survey 10236,
U.S. Survey 10260 and Native allotments F-17363 and
F-17373;
Sec. 34, excluding U.S. Survey 3797, U.S. Survey 4435,
U.S. Survey 10260 and Native allotments F-17363 and
F-17373.

This correction affects only the above-listed sections. The remainder of Interim
Conveyance No. 542 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 27th day of June 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

Ramona Chinn

Ramona Chinn
Acting State Director

Return Recorded Document to:
Tulkisarmute, Incorporated
P.O. Box 65
Tuluksak, Alaska 99679

The United States of America

Corrected Interim Conveyance

F-14949-A

This document corrects Interim Conveyance No. 543, dated August 27, 1982, recorded as document 2006-000864-0 in the Bethel Recording District and recorded as document 2006-000089-0 in the Kuskokwim 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 and Kuskokwim Recording Districts.

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. 543.

<i>Serial No.</i>	<i>Applicant Name</i>	<i>Legal Description</i>
AA-53058	Charles E. Peter	U.S. Survey 10238
AA-55937 A	Edward Wise	Lot 2, U.S. Survey 10068
AA-56433	Ida Napoka	Lot 1, U.S. Survey 10260
AA-56434	Herman Hawk	Lot 1, U. S. Survey 10492
AA-56436	Peter Waskie	Lot 2, U. S. Survey 10503
AA-58527	Bessie Peter	Lot 1, U. S. Survey 10254
F-16119	William Napoka	Lot 2, U. S. Survey 10492
F-17545	Maggie Andrew	Lot 3, U. S. Survey 10066
F-025272	Paul Hawk	Secs. 21, 22 and 27, T. 13 N., R. 64 W., SM.
F-033635	Anna Fly	Secs. 27 and 28, T. 11 N., R. 66 W., SM.

THEREFORE, Interim Conveyance No. 543 is corrected in part to read:

Seward Meridian, Alaska

T. 13 N., R. 64 W.,
 Sec. 2, excluding U.S. Survey 10492;
 Sec. 11, excluding U.S. Survey 10492;
 Sec. 17, excluding U.S. Survey 10503;
 Sec. 18, excluding U.S. Survey 10346 and
 U.S. Survey 10503;
 Sec. 19, excluding U.S. Survey 10346 and
 U.S. survey 10503;
 Sec. 20, excluding U.S. Survey 10503;
 Sec. 21, excluding U.S Survey 10492 and
 Native allotment F-025272;
 Sec. 22, excluding U.S. Survey 10492 and
 Native allotment F-025272;
 Sec. 27, excluding U.S. Survey 10492 and
 Native allotment F-025272.

T. 14 N., R. 64 W.,
Sec. 21, excluding U.S. Survey 10068;
Sec. 22, excluding U.S. Survey 10068;
Sec. 33, excluding U.S. Survey 10066.

T. 12 N., R. 65 W.,
Sec. 15, excluding U.S. Survey 10254;
Sec. 22, excluding U.S. Survey 10254.

T. 11 N., R. 66 W.,
Sec. 3, excluding U.S. Survey 10260 and
Native allotment 17373;
Sec. 4, excluding U.S. Survey 10260;
Sec. 21, excluding Native allotment F-033635;
Sec. 22, excluding Native allotment F-033635;
Sec. 27, excluding Native allotment F-033635;
Sec. 28, excluding Native allotment F-033635.

T. 12 N., R. 66 W.,
Sec. 22, excluding U.S. Survey 10238;
Sec. 23, excluding U.S. Survey 10238;
Sec. 26, excluding U.S. Survey 4435 and
U.S. Survey 10238;
Sec. 27, excluding U.S. Survey 875, U.S. Survey 3797,
U.S. Survey 4435 and U.S. Survey 10238;
Sec. 33, excluding U.S. Survey 3797, U.S. Survey 10236,
U.S. Survey 10260 and Native allotments F-17363 and
F-17373;
Sec. 34, excluding U.S. Survey 3797, U.S. Survey 4435,
U.S. Survey 10260 and Native allotments F-17363
and F-17373.

This correction affects only the above-listed sections. The remainder of Interim
Conveyance No. 543 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 27th day of June, 2006, in Anchorage, Alaska.

UNITED STATES OF AMERICA

Ramona Chinn

Ramona Chinn
Acting State Director

Return Recorded Document to:
Calista Corporation
301 Calista Court, Suite A
Anchorage, Alaska 99518-3028



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>

9600 (927) rss/kjf

Bethel-VS-FY 2006

Russian Mission-VS-FY 2006

F-14949-A (2651)¹

**Tuluksak River
Interim Summary Report
Attachment 26**

AUG 15 2006

Memorandum

To: Chief, Branch of Survey Planning and Preparation (927)

From: Chief, Navigability Section (927)

Subject: Navigable Waters within the Tuluksak Village Project Area

This memorandum identifies navigable waters on certain lands within eleven (11) townships, including pending ANCSA-selected and Interim-Conveyed lands, State of Alaska Tentatively-Approved lands, and pending Native Allotment lands within the above-mentioned project area. These lands, located within the Yukon Delta National Wildlife Refuge, are scheduled for final entitlement survey during the 2006 field survey season. 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 11 townships in the survey project area, and, for each township, the navigable water bodies and the dates of previous determinations. Water bodies not listed in the Appendix are not navigable as they are too short, steep, narrow, or shallow for travel, trade and commerce. All but one of the townships have been surveyed and the navigable waters accurately depicted on the survey plats with one exception. The Gweek River was determined navigable from where it flows from and back into the Kuskokwim River as stated in the State Director Memorandum dated June 9, 1981. It appears supplemental survey plats are necessary on certain townships to meander the Gweek River including Tps. 13 and 14 N., R. 64 W., and T. 13 N., R. 65 W., Seward Meridian. The request for supplemental plats will follow this determination.

On June 9, 1981, and September 6, 1983, navigability determinations were issued for lands selected by Tulkisarmute, Incorporated, Successor in Interest to Tuluksak, Incorporated, within selection application F-14949-A. These navigability determinations were issued to support Interim Conveyance (IC) Nos. 542 and 1123 issued to Tulkisarmute, Incorporated;

¹ F-14949-A2 (2651), F-14949-EE (75.04), AA-82829FL/32 (75.06), AA-12890 (2627), F-16118 (2551), F-16120 (2561), F-18778 (2561), F-25272 (2561), AA-10278 (2653)

therefore, the decisions of June 9, 1981, and September 6, 1983, are final agency actions with respect to navigability under the Submerged Lands Act of 1988 which amends ANILCA Sec. 901. This applies to the entire water body or as much as is covered by the determination, even if only a portion of the lands were actually conveyed.

Lands encompassing pending Native Allotment application F-16118 located within Sec. 14, T. 11 N., R. 64 W., Seward Meridian, were screened for navigable waters utilizing Master Title Plats, USGS topo quads, and aerial photos. As a result of our findings of the lands containing only small lakes and short, shallow, landlocked sloughs, we determine these lands contain no navigable waters.

Village-Selected lands located within Secs. 6, 7, and 18, T. 12 N., R. 64 W., and Secs. 1 and 12, T. 12 N., R. 65 W., Seward Meridian, were screened for navigable waters utilizing Master Title Plats, USGS topo quads, and aerial photos. As a result of our findings of several small to medium-sized lakes and short, narrow, shallow connecting streams which for all practical purposes are landlocked, we determine these lands contain no navigable waters.

State of Alaska Tentatively-Approved (TA'd) lands located within Secs. 9-36, T. 11 N., R. 65 W., Seward Meridian, were screened for navigable waters utilizing Master Title Plats, USGS topo quads, aerial photos, interview reports, and previous navigability determinations. In a navigability determination dated May 8, 1989, using the one-man kayak criteria, a stream denoted as Fog River on the USGS topo quad from an unnamed slough in Sec. 2 upstream to Sec. 13 was determined navigable. However, upon further review of the records and using current criteria, we determine the subject waterway non-navigable, as the portion of waterway remaining in federal ownership is too short and not situated in such a way as to be part of a water transportation system. As a result of our findings for the entire TA'd township of numerous small-sized lakes, several medium-sized lakes, and short, narrow, shallow streams which for all practical purposes are landlocked, we determine these lands contain no navigable waters.

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.

Demetrius 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

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

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

Tulkisarmute, Incorporated
P.O. Box 65
Tuluksak, Alaska 99679

Bering Straits Native Corporation
P.O. Box 1008
Nome, Alaska 99762-1008

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)

Rodney Harvey (954C)
(Electronic Copy)

Group File Nos. 254, 268 and 999

Groups 254, 268 and 999 (Field packets)

U.S. Survey Nos. 13760, 13762, and 13765 (Field packets)

Dominica Van Koten (927)

Mike Bennett (964)

K. J. Mushovic (961)

Appendix

Navigable Waters
Within the
Tuluksak Village Project Area

Seward Meridian, Alaska

T. 11 N., R. 64 W.

Sec. 14 (Native allotment application F-16118)

No navigable waters

Secs. 22 and 23 (Native allotment application F-18778)

Tuluksak River (05/22/85)

Secs. 26 and 35 (Native allotment application F-16120)

Tuluksak River (05/22/85)

T. 12 N., R. 64 W.

Secs. 6, 7, and 18

No navigable waters

T. 13 N., R. 64 W.

Secs. 1, 6, 7, 12, 13, 24-26, and 34-36

Bogus Creek, Little Bogus Creek, Yukaniluk Creek, and Gweek River (06/09/81)

Secs. 21, 22, and 27 (Native allotment application F-025272)

No navigable waters (06/09/81)

Secs. 2-5, 8-11, 14-23, and 27-33 (IC 542)

Kuskokwim River, Gweek River, Bogus Creek, Little Bogus Creek, and Yukaniluk Creek (06/09/81)

T. 14 N., R. 64 W.

Secs. 19, 25, 30, 31, 36

Gweek River and interconnecting slough of the Kuskokwim River (06/09/81)

Secs. 20-24, 26-29, and 32-35 (IC 542)

Kuskokwim River (06/09/81)

T. 11 N., R. 65 W.

Sec. 1

Tuluksak River (06/09/81)

Secs. 2-8 (IC 542)

Mishevik Slough and an unnamed slough and lake system flowing from the Tuluksak River in Sec. 36, T. 12 N., R. 65 W., to its confluence with Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., Seward Meridian (06/09/81)

Secs. 9-36 (TA, A.A-12890)

No navigable waters

T. 12 N., R. 65 W.Secs. 1 and 12

No navigable waters

Secs. 2, 3, 10, 11, 13, 14, 23-26, 35 and 36

Tuluksak River, Little Bogus Creek, and an unnamed slough and lake system flowing from the Tuluksak River in Sec. 36, T. 12 N., R. 65 W., to its confluence with Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., Seward Meridian (06/09/81)

Secs. 4-9, 15-22, and 27-34 (IC 542)

Kuskokwim River, Tuluksak River, Little Bogus Creek, Mishevik Slough, and an unnamed slough and lake system flowing from the Tuluksak River in Sec. 36, T. 12 N., R. 65 W., to its confluence with the Mishevik Slough in Sec. 32, T. 12 N., R. 65 W., Seward Meridian (06/09/81)

T. 13 N., R. 65 W.Secs. 1-12, 14-18, and 20-23

Gweek River (06/09/81)

Secs. 13, 19, and 24-36 (IC 542)

Kuskokwim River and Gweek River (06/09/81)

T. 11 N., R. 66 W.Secs. 1-23, and 26-34 (IC 542)

Kuskokwim River, Mishevik Slough, an unnamed slough which joins the Kuskokwim River in Sec. 20 and also joins the Mishevik Slough in Sec. 21, T. 11 N., R. 66 W., and an unnamed slough from its confluence with Mishevik Slough in Sec. 22, upstream and including an unnamed lake in Sec. 26, T. 11 N., R. 66 W., Seward Meridian (06/09/81)

T. 12 N., R. 66 W.Secs. 1-36 (IC 542)

Kuskokwim River, Tuluksak River, Mishevik Slough, and an unnamed slough from its confluence with an unnamed slough of the Kuskokwim River in Sec. 15 upstream and including an unnamed lake in Secs. 5, 6, 7, and 8, T. 12 N., R. 66 W., Seward Meridian (06/09/81)

Lots 4 and 5, U.S. Survey No. 4435 within Secs. 26 and 27 (IC 1123)

No navigable waters (09/06/83)

T. 11 N., R. 67 W.Secs. 1, 12, 13, 24, 25, and 36 (IC 542)

Kuskokwim River (06/09/81)

T. 12 N., R. 67 W.Secs. 1, 12, 13, 24, 25, and 36 (IC 542)

No navigable waters (06/09/81)

**Tuluksak River
Interim Summary Report
Attachment 27**

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

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),

2063

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

IS/ 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

Interim Conveyance No. _____

Page 2 of 3

COPY

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

1st 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>

In Reply Refer To:
F-14838-EE (75.04)¹
9600(927000)

MAY - 5 2009

Memorandum

To: Group Survey 1088 (920)

**Tuluksak River
Interim Summary Report
Attachment 28**

From: */s/ Jerry B. Lewis* **ACTING**
Jerry B. Lewis
Chief, Branch of Survey Planning and Preparation (927)

Subject: Navigable Waters within Deficiency Lands Selected by Bethel Native Corporation, Calista Corporation, and the State of Alaska within the vicinity of the mining town of Nyac

Reference: Bethel and Russian Mission, Alaska (1:250,000) Quadrangle Maps

This memorandum summarizes and identifies navigable waters, if any, affecting village, regional, and State of Alaska land selections and for Interim Conveyed (IC) lands for Bethel Native Corporation (BNC) and Calista Corporation. These lands, located approximately twenty-five miles easterly of the village of Tuluksak, were scheduled for field survey in 2009. The authority to identify navigable waters on selected lands rests in the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Submerged Lands Act of 1988.

The attached Appendix, entitled "Navigable Waters Within Lands Encompassing Group Survey 1088 (Bethel - Nyac)" describes lands addressed in this report. For each township listed therein, the navigable waters, if any, are noted. 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-14838-B (2651), F-14838-B2 (2651), AA-8099-01 (2652), AA-70150 (2653), AA-87834 (2653), AA-76381 (2627), AA-76383 (2627)

Previous Determinations

The State Director Memorandum (SD Memo) of June 9, 1981, containing navigability information for the village of Tuluksak, stated that the Tuluksak River from its confluence with the Kuskokwim River upstream to the barge landing in Sec. 32, T. 12 N., R. 64 W., Seward Meridian (SM), was determined to be navigable due to present and historic uses in connection with travel in trade and commerce. As determined in SD Memo dated June 9, 1981, the upper limit of navigability (ULN) for the Tuluksak River is located approximately 20 miles downstream of the subject report area.

On May 22, 1985, the Bureau of Land Management (BLM) determined the Tuluksak River navigable from its confluence with the Kuskokwim River upstream approximately 59 miles to the Upper Landing, which is thought to be located approximately 4.5 miles upstream from the mouth of Otter Creek within Sec. 13, T. 10 N., R. 63 W., SM.² The BLM determination dated May 22, 1985, extends the ULN for the Tuluksak River to within approximately four miles of the subject report area.

Other than the above-mentioned determinations pertaining to the Tuluksak River, there have been no navigability determinations pertaining to the project area lands.

Tuluksak River

With its head in the Kilbuck Mountains, the Tuluksak River flows in a southerly, then westerly direction approximately 86 miles, entering the Kuskokwim River at the village of Tuluksak. The river, which drops some 1400 feet from head to mouth, is a slow-moving, meandering stream for most of its course, traversing several tundra areas in its lower section.³ The Fog River is a major tributary of the Tuluksak River. Two major settlements are located along the Tuluksak River including the Village of Tuluksak at its mouth, and Nyac, the site of placer gold mining operations since early in the 1900s.

As stated in the previous section, the BLM determined the Tuluksak River navigable from its mouth upstream to Upper Landing. The conclusion was based on evidence of travel, trade and commerce along the river relating to placer gold mining operations. The determination described the transportation efforts made by New York-Alaska Gold Dredging Company in the mid-1920s to early 1940s moving parts and supplies upriver to a Lower Landing as well as the Upper Landing. Steamboats and barges were used for the heavy freight up to the Lower Landing and scows used for lesser amounts to the Upper Landing. The determination further stated that the historic record for the years prior to 1926 contained scattered references to the possible and actual use of poling boats as far as to the mouth of Bear Creek which is located in Sec. 28, T. 11 N., R. 60 W., SM.

² John Rumps, Acting Deputy State Director, Division of Conveyance Management, to Chief, Branch of Conveyance Services, May 22, 1985, Nav files, BLM records

³ E.J. Collazzi and M.A. Maurer, "Hydrologic Reconnaissance of the Tuluksak River Basin, Alaska, 1984-1985", May 1986, Public Data File 86-32, Alaska Division of Geological and Geophysical Surveys

On June 11, 1992, the BLM completed and submitted to record an interview report on the Tuluksak River.⁴ Dot Tideman, Navigable Water Specialist, interviewed several individuals over a span of three months in the summer of 1992. She stated that it was difficult locating and speaking with people about the Tuluksak River, as many of the Natives of Tuluksak and Nyac were deceased, had moved away from the villages, and many unable to speak English. Several people she spoke with were very upset about the mining on the upper stretches of the Tuluksak River. Interviews conducted by Ms. Tideman are described below.

On April 21, 1992, Joe Demantle, lifelong resident of the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Demantle stated that long before his grandparents had married they had taken large homemade skin boats from Tuluksak upriver to above the mining town of Nyac and back carrying loads of far greater than 1,000 pounds for hunting and trapping purposes. He stated that he and his family had boated this same distance carrying similar loads. He also noted that one of his trips to Nyac was taken in an 18-foot boat. Mr. Demantle was very upset about mining activities upstream and detailed how tailings from mining had caused the fish to die and how travel by floating the river could only be accomplished during spring high water.

On April 22, 1992, Andrew Alexie, from the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Alexie stated that he took a 24-foot boat from Tuluksak upriver to Otter Creek to perform water quality surveys. He stated that his motor was too big and he had no reason to venture further upriver. He stated that he had flown into the mining town of Nyac and therefore familiar with the upper reaches of the river. Mr. Alexie described the river as four feet deep during the spring and fall and one and a half to two feet deep during the summer. He further stated that because of tailing buildup from mining, one could only boat the river from two weeks to one and a half months in the spring and fall when the water was high. According to Mr. Alexie, someone using an 18-foot boat could travel upriver to Nyac only at times of high water. Residents use the Tuluksak River and the area around Nyac for subsistence purposes including hunting for beaver, moose, and other land animals and for fishing.

On April 22, 1992, Billy Phillip, from the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Phillip stated that he took an 18-foot boat with a load of at least 1,000 pounds (seven people and goods) as far as Clarence Clark's Native allotment located within Secs. 12 and 13, T. 10 N., R. 62 W., SM. The trip was made in the fall when the water was two to three feet deep, not as deep as other years according to Mr. Phillip. His party had to pull the boat one bend downstream from the allotment due to shallow water. He stated that a 14-foot boat carrying a 1,000 pound load could have gone at least four or five miles further upstream of the Native allotment. According to Mr. Phillip, the Northern Dredge Company in the 1980s caused damage approximately five to ten miles downstream of Clark's Native allotment. He described the river being narrower, shallower, with too many log jams during the summer to make fishing practical.

⁴ Dot Tideman, "Interviews on Tuluksak River and its Left-bank Tributary in Proposed Calista Land Exchange (T. 10 N., Rs. 61 and 62 W., Seward Meridian), June 11, 1992, Quad and Easement files, BLM records

On April 22, 1992, Peter Napoka, Sr., resident of the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Napoka stated that in the 1920s he and two other men took a 16 to 18-foot wooden boat with a 25 horsepower motor up the Tuluksak River to "Garrison Place" which is located at the mouth of Granite Creek (just upstream), a tributary of the Tuluksak River. He stated that with a load consisting of three men and heavy pipe, they made the trip at high water not hitting bottom at any point during the trip. Mr. Napoka also described a 1920s moose-hunting trip in the fall after a rain going up the Tuluksak River the same distance. He stated that going upriver his load consisted of four men and hunting gear and downriver four men, hunting gear, and several moose.

Mr. Napoka described another fall hunting trip in the 1920s, whereby the party walked to Marsh's camping area at Granite Creek and used a 10-foot moose-hide boat to drift from the mouth of Granite Creek down Tuluksak River to Upper Landing which he described as located halfway between the village of Tuluksak and the Foothills. The load consisted of three men, moose meat, food, and camping gear. He described the water being low and the party having to unload the meat and drag the boat over one shallow place.

In the fall of 1939, Mr. Napoka and another man walked a tractor trail to Slate Creek, hunted for moose, and then floated the Tuluksak River in a moose-skin boat from the mouth of Granite Creek to the Upper Landing. Mr. Napoka stated that the boat, which contained two men and moose meat (two moose), only had to make one stop during the float. He stated that heavy mining caused the river to be narrower and shallower. He further stated that now during the spring and fall, after rains, the river's mouth is 12 feet wide and only four to five feet deep. In the 1930s and 1940s excessive mining upstream caused the river to become exceptionally shallow, narrow, and silty making it difficult for fish to reach the Nyac area. Mr. Napoka noted that heavy mining has also lowered the river downstream, as it is filling in with heavy silt. He stated that the water in the upper reaches is now rusty. He knows of others who have boated to Nyac. He also stated that he had never seen canoes on the river but believes one could currently canoe up to Garrison located at Granite Creek in the spring and fall.

On April 22, 1992, Peter Waskie, resident of the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Waskie stated that he and another man took a 20-foot boat up the Tuluksak River to Clarence Marsh's camp at Garrison Place by Granite Creek. On their return trip, with a load consisting of the two men, moose meat, and 15 gallons of gas, they floated the river only having to push the boat past a shallow area around one bend. He became very upset talking about how the mining activity since the 1800s has ruined the river by making it narrower and shallower.

On April 22, 1992, John Peter, President of the Tuluksak Village Council at that time, was contacted and interviewed about the Tuluksak River. Mr. Peter and two other men took an 18-foot boat with a 40 horsepower motor up to Nyac. He stated that on several occasions they went to Granite, Bear, and Dry Creeks, and Garrison Place by way of the Tuluksak River for fall hunting trips. He further stated that on all trips the boat load was

over 1,000 pounds. Mr. Peter stated that the river can only be boated only in the spring and fall during high water.

On April 28, 1992, Richard Clark, resident of Dillingham, was contacted and interviewed about the Tuluksak River. Mr. Clark was born in Anchorage, but lived in Nyac from 1936 to 1949, and worked there from 1952 to 1957. Mr. Clark recalled that in 1957 a tractor was brought in from Bethel during the winter which was used on the tractor trail from Nyac to his Dad's (Clarence Clark) Native allotment. He stated that he and his Dad flew into Nyac and walked or took ATVs or the tractor to the allotment and during the winter would use snow machines to get there. He believes one could boat the Tuluksak River up and drift down from the mouth of Granite Creek and the lower airport at Slate Creek with a load during the spring and fall. He believes during the spring and fall the river is approximately 4 feet deep and during the summer approximately a half to one and a half feet deep. Mr. Clark had never used a boat on the Tuluksak River.

On May 4, 1992, Carl Napota, Sr., resident of the village of Tuluksak, was contacted and interviewed about the Tuluksak River. Mr. Napota stated that he has twice boated the Tuluksak River in a 20-foot boat, once with a 140-horsepower motor and once with a jet unit, up to Clark's Native allotment during the fall for moose hunting. In one of two trips, the boat was loaded with 6 people and it was necessary to pull the boat short distances three or four times. According to Mr. Napota, the river was about three and a half feet deep. He stated that during the summer one cannot boat the river because it is too low.

On May 5, 1992, Brad Benter, seasonal biological technician employed at the Kodiak National Wildlife Refuge, was contacted and interviewed about the Tuluksak River. Mr. Benter stated that he worked on fish weirs on the Tuluksak River. He stated that he took a 16-foot boat with a jet unit beyond the three-story dredge lying within Sec. 3, T. 10 N., R. 61 W., SM, to within three or four miles below Nyac at least four times during the months of May, July, August, and September. He further stated that the dredge was located approximately one mile above Granite Creek which is where the heavy mining started. He stated on one trip his load consisted of three people, two weighing 150 pounds and one about 200 pounds, 15 gallons of gas, guns, survival gear, food, and water. Mr. Benter stated the river's character remains the same up to Granite Creek, and then sharp rocks appear in the streambed. He stated that in the summer the river's depth ranges from inches deep to approximately two foot deep and is characterized by more sinuous course, making a trip more difficult. He further stated that in the spring and fall the river's depth near Clark's Native allotment is over two feet deep. Mr. Benter feels that at high water one could take a boat with a 1,000-pound load at least one mile above Granite Creek with no problem and minimum pulling, if any. He stated that during the spring and fall the river stays high for approximately three weeks. Mr. Benter felt that mining had not harmed the river.

On May 7, 1992, Steve Poor, from Bethel, was contacted and interviewed about the Tuluksak River. Mr. Poor stated that he had boated the Tuluksak River three times, twice to the weir located approximately 10 miles below Clark's Native allotment, and once to

the allotment. He stated that in typical years the trip to the weir was easy and trip to Clark's Native allotment was fairly easy. Mr. Poor has also floated from Nyac downriver to Clark's Native allotment. The load consisted of three men, each weighing approximately 200 pounds, one week's camping gear, guns, food, and gas. He described the river's main channel depth at approximately two to four-feet deep and width at approximately 20 to 30 yards wide.

On May 13, 1992, Kim Francisco, ADF&G Area Manager in Bethel, was contacted and interviewed about the Tuluksak River. Mr. Francisco floated (two rafts) the Tuluksak River from approximately one mile upstream from Granite Creek to Fog Creek in late July to early August with rafts loaded with approximately 400 pounds each. He stated that the main channel of the Tuluksak River between Granite Creek and Fog River was between two and three feet deep with a few shallower areas. Between Granite Creek and Clark's Native allotment, they touched bottom twice according to Mr. Francisco. He estimated the river width to be between 50 and 100 feet. He stated that old timers barged freight up to Upper Landing which he described as where the cat trail ended in Clark's Native allotment. He believes that boats loaded with 1,000 pounds could travel upstream to Granite Creek, but beyond the creek would be difficult due to the braided tailings in the river.

On May 19, 1992, Ron Perry, with Fish and Wildlife in Bethel, was contacted and interviewed about the Tuluksak River. Mr. Perry stated that in late fall five years ago (from 1992) he floated down the Tuluksak River from Granite Creek in a 12-foot Zodiak raft with a 35 horsepower loaded with three people and camping gear for three to four days. He stated that the river was approximately two feet deep (shallower at Granite Creek) and 50 feet wide. According to Mr. Perry, they never drug the bottom. He also stated that it was easy to boat up or down the river in the fall (August and September) and felt that one could float down the river at any time.

On May 19, 1992, Gene Peltola, President of the Yukon-Kuskokwim Health Corporation in Bethel, was contacted and interviewed about the Tuluksak River. Mr. Peltola lived in Nyac as a child and moved out in 1964. He stated that in September in the late 1960s and early 1970s he took an 18-foot Smoker Craft with a propeller up to Clark's Native allotment and could have gone further but had to pull the boat in places. Mr. Peltola also described in the late 1970s taking a jet boat up to the allotment at low water with a load over 1,000 pounds. He stated that he could have boated further upriver but had no reason to do so. He felt that one could take a loaded boat down the river from and up the river to Granite Creek and possibly further upstream by jet boat. He stated that the Tuluksak River was a meandering river with currents, pools, and riffles, making it hard to give an exact depth.

On June 8 and 11, 1992, Mac Wheeler, hydrologist at the BLM, Anchorage District Office, was contacted and interviewed about the Tuluksak River. Mr. Wheeler stated that during the summer of 1988, at low water, he and another man took an 18-foot flat-bottomed boat with a 35 horsepower jet unit up the Tuluksak River to Secs. 17 and 18, T. 10 N., R. 62 W., SM. They were unable to go any further due to a

“significant” log jam. He stated that smaller boats or rafts may have been able to get around the jams. He further stated that the water depth varied, but his boat drew a half foot of water and they never hit bottom. He felt that one could easily float down from the mining area above Granite Creek.

Conclusion

In reaching my conclusion, I studied the pertinent USGS topographic quadrangle maps (USGS quads)⁵, color-infrared aerial (CIR) photography⁶, Google-Earth imagery, historic and contemporary use of the Tuluksak River, and previous determinations made for the Tuluksak River downstream of this report area.

The Tuluksak River has previously been determined navigable from its mouth, at the Kuskokwim River, upriver to the Upper Landing within Sec. 13, T. 10 N., R. 63 W., SM, based on evidence of travel, trade and commerce associated with the placer gold mining operations. We extend the upper limit of navigability on the Tuluksak River from the Upper Landing within Sec. 13, T. 10 N., R. 63 W., upriver through Sec. 10, T. 10 N., R. 61 W., SM, based on the susceptibility of travel, trade and commerce along the river as a result of the following factors:

1. Unobstructed course as shown in the CIRs
2. Adequate length, width, depth, and channel characteristics obtained using the USGS quads, CIRs, and Interview Report
3. Documented use information of navigation to this point of the river per Interview Report

The remainder of named and unnamed water bodies within the subject report area were screened and based on their exhibiting high to extremely high stream gradients and/or short, narrow, and difficult to maneuver courses, were determined to be non-navigable.

Criteria

The federal test of navigability is found in *The Daniel Ball*, 77, U.S. (10 Wall.) 557 (1870). The U.S. Supreme Court stated: “Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.”

In assessing the navigability of inland water bodies, the BLM relies upon this test as well as federal statutes, federal case law, and the advice of the Interior Department’s Solicitor’s Office. Relevant federal statutes include the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988. 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”) provide valuable guidance on applying title navigability law in Alaska.

⁵ Bethel D-3, D-4, D-5; Russian Mission A-2, A-3, A-4, A-5 - Alaska, Scale 1:63,360

⁶ CIR Photos (1:60,000), Roll 3397, Frames 8147-8151, taken August 1984

For more information, please contact Rory Spurlock, Navigable Waters Specialist, at (907) 271-3760.

Attachment

APPENDIX

Navigable Waters
Within Lands Encompassing
Group Survey 1088 (Bethel – Nyac)

Seward Meridian, Alaska

T. 11 N., R. 59 W. (Quads: Bethel D-2, D-3; Russian Mission A-2, A-3)
Secs. 3-5, 7-10, 15-22, and 30 (IC 1510)
No navigable waters

Sec. 6 (IC 1983)
No navigable waters

T. 12 N., R. 59 W. (Quads: Russian Mission A-2, A-3)
Secs. 27-29 and 32-34 (IC 1510)
No navigable waters

Secs. 30 and 31 (IC 1983)
No navigable waters

T. 10 N., R. 60 W. (Quad: Bethel D-3)
Secs. 4-8, 17, and 18 (IC 1510)
No navigable waters

T. 11 N., R. 60 W. (Quads: Bethel D-3; Russian Mission A-3)
Secs. 1, 12-15, 22, and 23 (IC 1983)
No navigable waters

Secs. 2-6, 9-11, 16, 21, and 24-33 (IC 1510)
No navigable waters

Secs. 7, 8, and 17-20 (State-selected, AA-76381)
No navigable waters

T. 12 N., R. 60 W. (Quad: Russian Mission A-3)
Secs. 31-35 (IC 1510)
No navigable waters

Sec. 36 (IC 1983)
No navigable waters

T. 10 N., R. 61 W. (Quads: Bethel D-3 and D-4)Secs. 1-4, 9-12, and 15 (IC 1510)**Tuluksak River through Sec. 10**

No other named or unnamed water bodies within the above-described lands were found to be navigable

Secs. 5 and 6 (IC 2063)

No navigable waters

Secs. 7, 8, and 16-18 (IC 2065)**Tuluksak River through Sec. 10**

No other named or unnamed water bodies within the above-described lands were found to be navigable

Secs. 13, 14, 22-27, 35, and 36 (State-selected, AA-76381)

No navigable waters

T. 11 N., R. 61 W. (Quads: Bethel D-3, D-4; Russian Mission A-3, A-4)Secs. 3-8, 17-20, 30, and 31 (IC 2063)

No navigable waters

Secs. 27-29 and 32-34 (IC 1510)

No navigable waters

Secs. 1, 2, 9-16, 21-26, 35, and 36 (State-selected, AA-76381)

No navigable waters

T. 12 N., R. 61 W. (Quads: Russian Mission A-3, A-4)Secs. 31-34 (IC 2063)

No navigable waters

Secs. 12 and 13 (State-selected, AA-76383)

No navigable waters

Secs. 23-26, 35, and 36 (ANCSA-selected, AA-87834)

No navigable waters

T. 10 N., R. 62 W. (Quad: Bethel D-4)Sec. 1 (IC 2063)

No navigable waters

Secs. 12 and 13 (IC 2065)

Tuluksak River

No other named or unnamed water bodies within the above-described lands were found to be navigable

Secs. 11 and 14 (ANCSA-selected, F-14838-B, F-14838-B2)

Tuluksak River

No other named or unnamed water bodies within the above-described lands were found to be navigable

T. 11 N., R. 62 W. (Quads: Bethel D-4; Russian Mission A-4)

Secs. 1, 12, 13, 24, 25, and 36 (ANCSA-selected, F-14838-B, F-14838-B2)

No navigable waters

SURVEYED TOWNSHIP 12 NORTH, RANGE 66 WEST OF THE SEWARD MERIDIAN, ALASKA

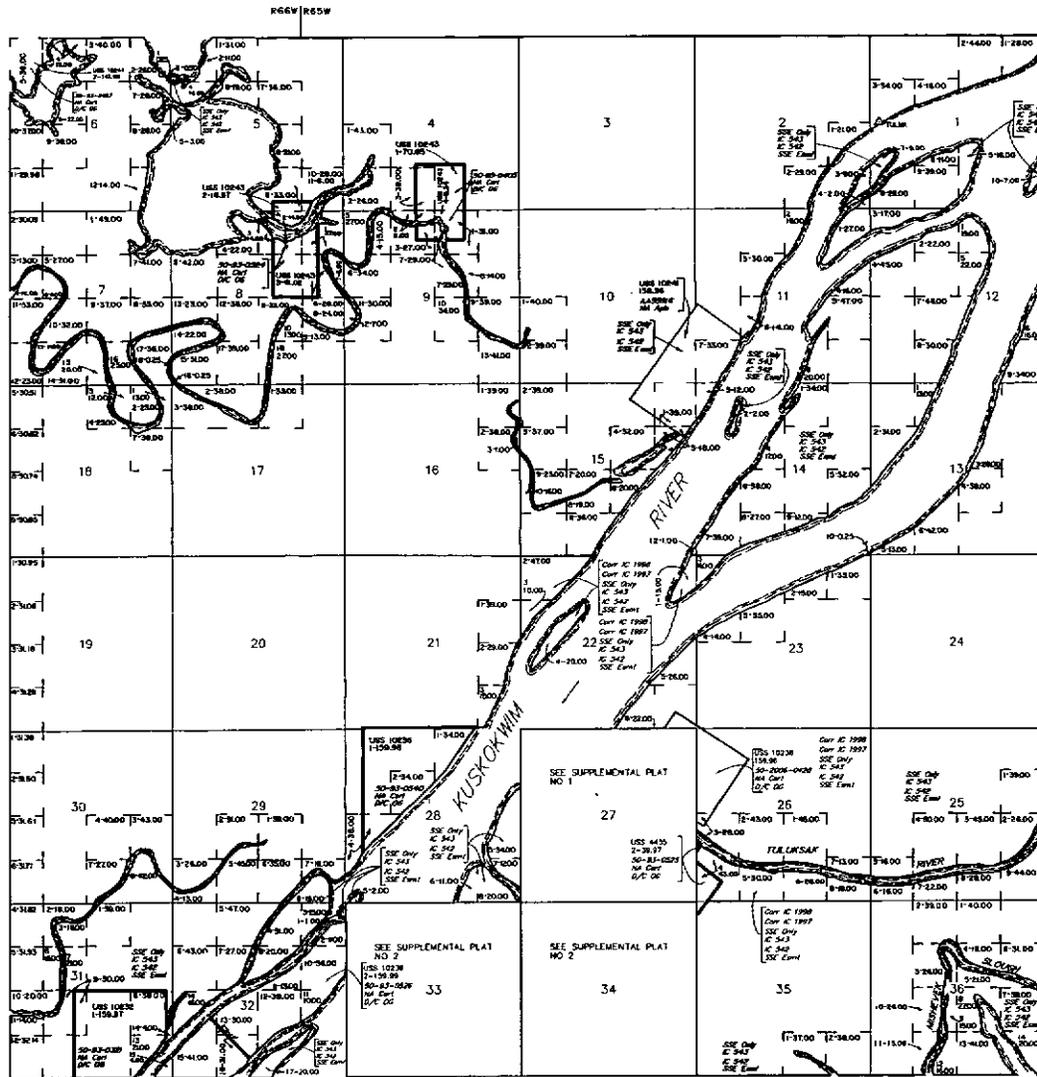
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

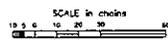
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5194 AND D affects Lots/Interests not conveyed

PL 36-487 and Yukon Delta NWR affects Td



**Tuluksak River
Interim Summary Report
Attachment 29**

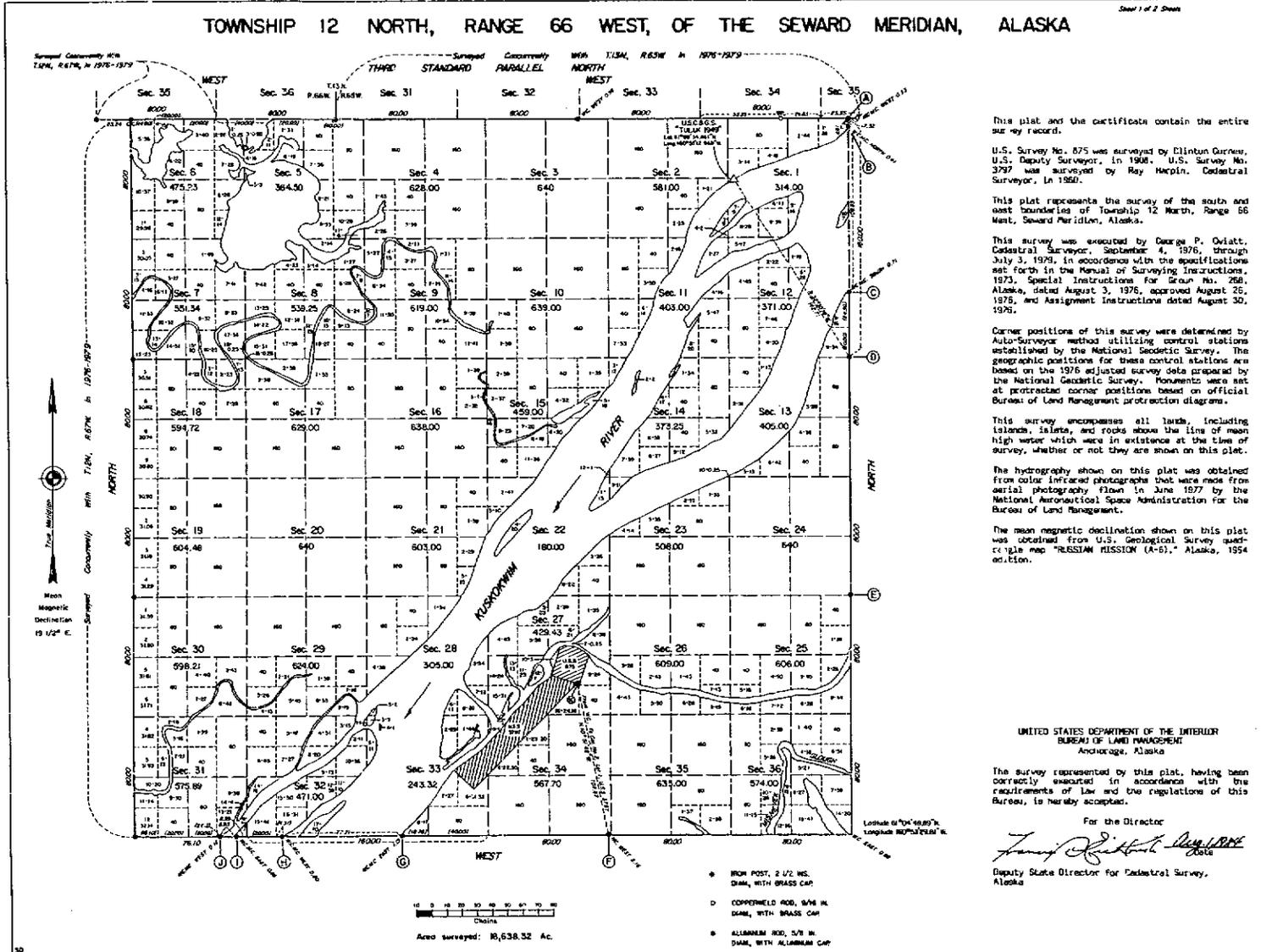


WARNING:
This plat is the Bureau's Record of Title, and should be used
as a guide in the location of the boundary corner marks. It
does not show the location of the original survey monuments
which may have been located by other means of survey. It
is not intended to show the location of the original survey
monuments. It is not intended to show the location of the
original survey monuments. It is not intended to show the
location of the original survey monuments.

Lot
Long 61°04'48.69"N
160°53'29.81"W

CURRENT TD	Sec Mer
10-16-2006	T 12 N
	R 66 W

TOWNSHIP 12 NORTH, RANGE 66 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the certificate contain the entire survey record.

U.S. Survey No. 875 was surveyed by Clinton Currier, U.S. Deputy Surveyor, in 1908. U.S. Survey No. 3797 was surveyed by Ray Herpin, Cadastral Surveyor, in 1950.

This plat represents the survey of the south and east boundaries of Township 12 North, Range 66 West, Seward Meridian, Alaska.

This survey was executed by George P. Oviatt, Cadastral Surveyor, September 4, 1976, through July 3, 1979, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 258, Alaska, dated August 3, 1976, approved August 26, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-Surveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for these control stations are based on the 1978 adjusted survey data prepared by the National Geodetic Survey. Monuments were set at protracted corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautical Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (A-6)," Alaska, 1954 edition.

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

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

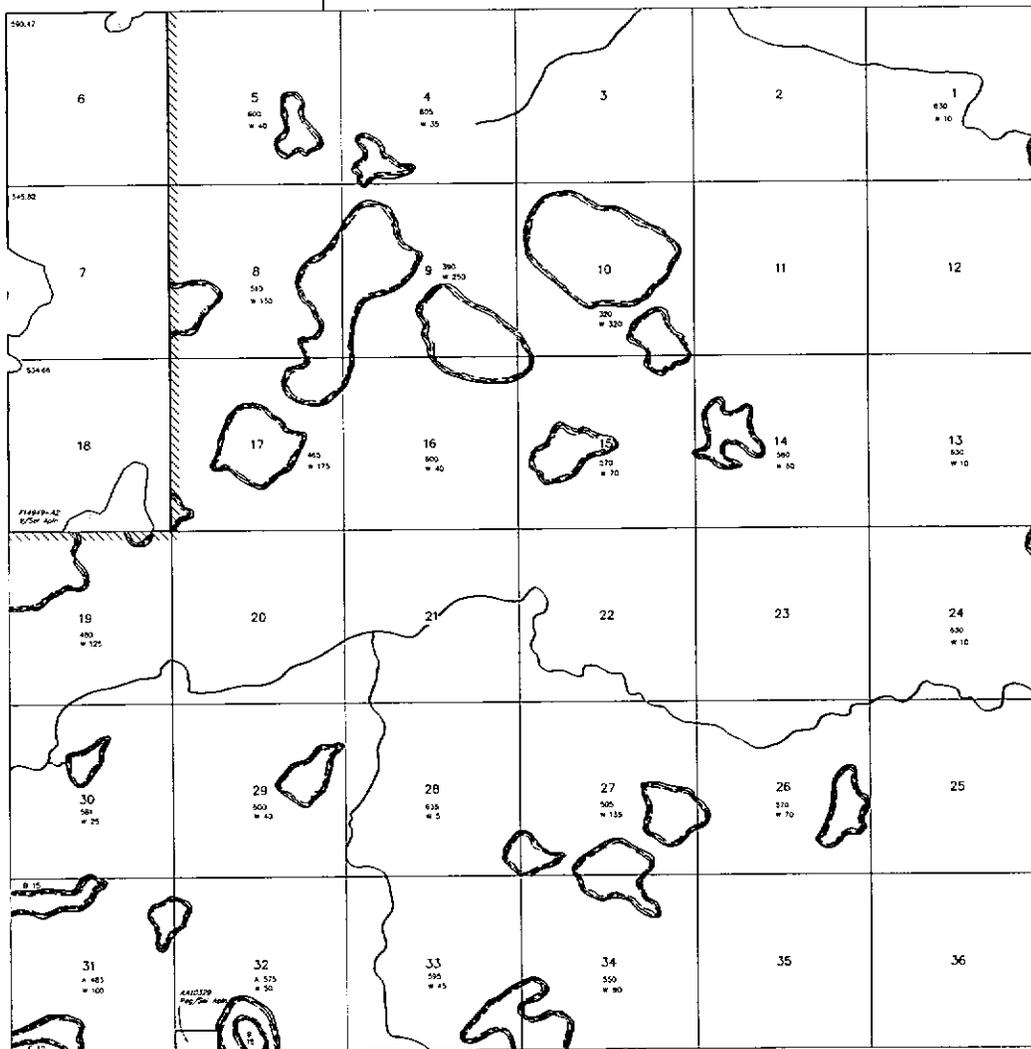
For the Director

James J. [Signature]
Deputy State Director for Cadastral Survey,
Alaska

PARTIALLY SURVEYED TOWNSHIP 12 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S10-5 OFFICIALLY FILED 7/27/1958

R 64W R 62W



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

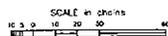
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHIN THIS TOWNSHIP FOR CLASSIFICATION, MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PLD 5184 AND 52 affect title interests not conveyed

PL 52-203 AND 114945, 1st AND 114949-A2

114949-A2 V/Son Actm Secs 6,7,18 ON B 11A's & Unpat LGA W/A 114945-12(a)

PL 56-467 AND Yukon Delta NWR entire 16



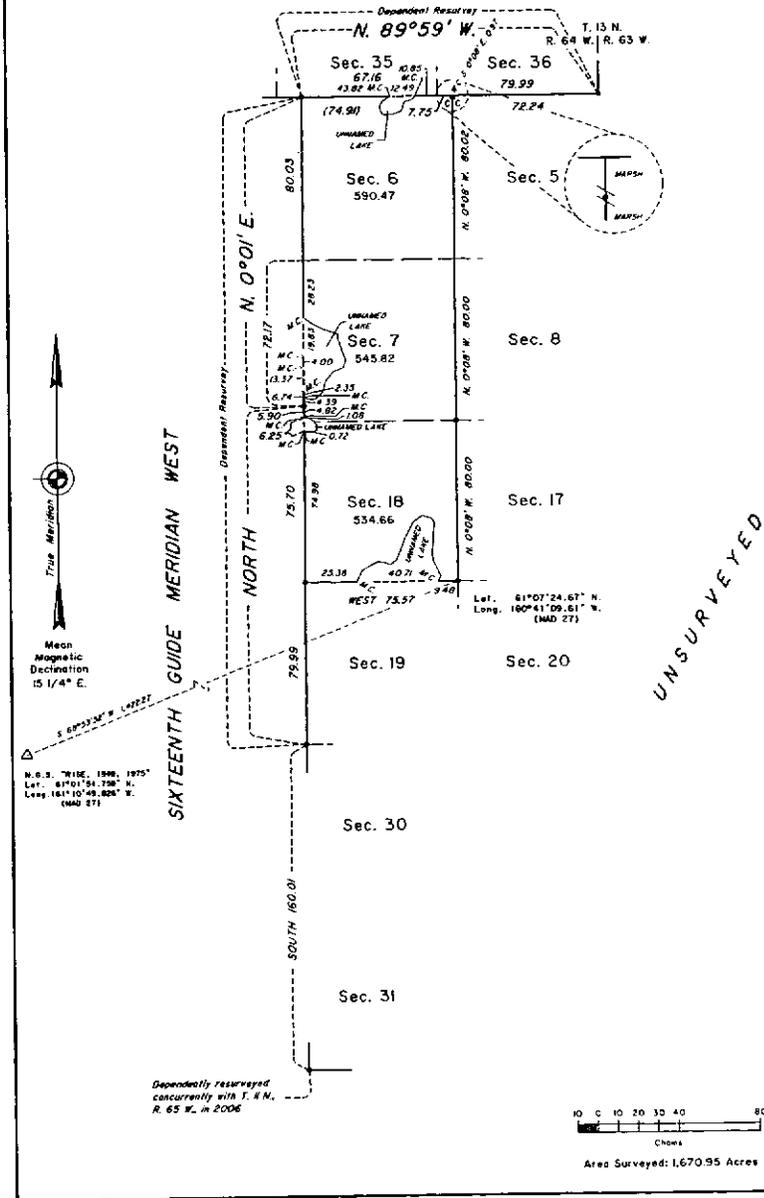
WARNING:
This plat is the Bureau's Record of Title, and should be used only as a general showing of the various survey data. It is not intended to be used as a title document, and any changes which may have been effected by other instruments of record or other public acts shall be referred to the original survey for proper survey information.

Lot 610448.659N
Long 16033212.158W

CURRENT TO	Sew Mer
6-14-2007	T 12 N
	R 64 W

TOWNSHIP 12 NORTH, RANGE 64 WEST, OF THE SEWARD MERIDIAN, ALASKA

THIRD STANDARD PARALLEL NORTH



The history of surveys is contained in the field notes.

This plat and field notes represent the dependent resurvey of the Third Standard Parallel North, along a portion of the south boundary of Township 13 North, Range 64 West, the Sixteenth Guide Meridian West, along a portion of the west boundary, the survey of a portion of the subdivisional lines and a portion of the meanders of Township 12 North, Range 64 West, Seward, Alaska.

This survey was executed by Charles E. Akin, Jr., Registered Alaska Land Surveyor No. LS-5151, for Tukisormet, Incorporated, July 13 through July 31, 2006, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, the Special Instructions for Group No. 999, Alaska, dated May 15, 2006, approved June 19, 2006, Contract No. NAA060012, dated July 5, 2006, and Notice to Proceed dated July 10, 2006.

The direction of all lines shown on this plat, including ties, are reported as mean bearings with reference to the true meridian.

The meanders were obtained using Global Positioning System methods.

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

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

John Swank *May 4, 2007*
Date

Deputy State Director for Cadastral Survey,
Alaska

524

SURVEYED TOWNSHIP 11 NORTH RANGE 65 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

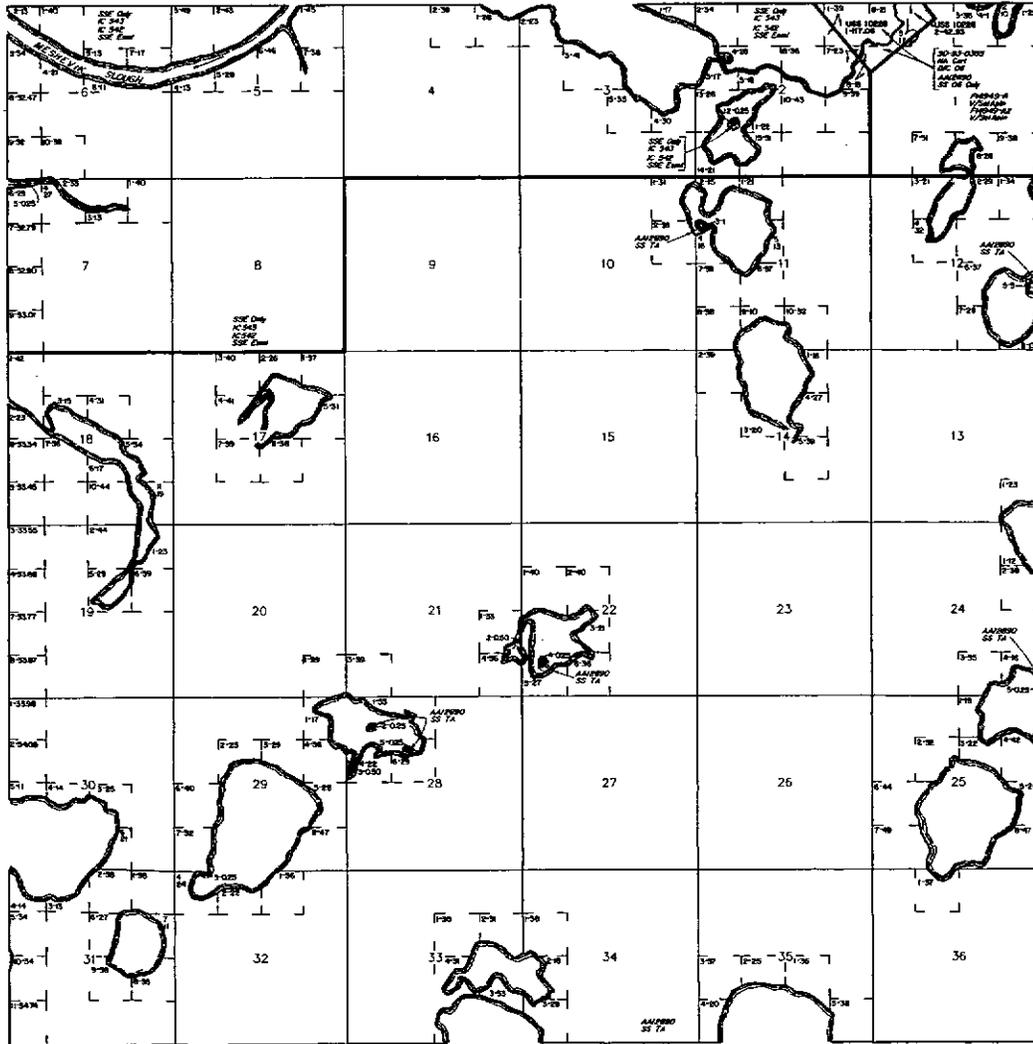
FOR OWNERS EXPECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN/AMONG FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PL 92-203 AND 174948, LOS M/T 174948-A, 174948-A2

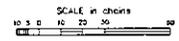
P.L.D. 5184 AND D affects Lands/Interests not conveyed

PL 96-487 AND Yukon Delta NWP entire to

4412880 55 Amdt. Ch. 36-497 Sec 306(a) Top Fed



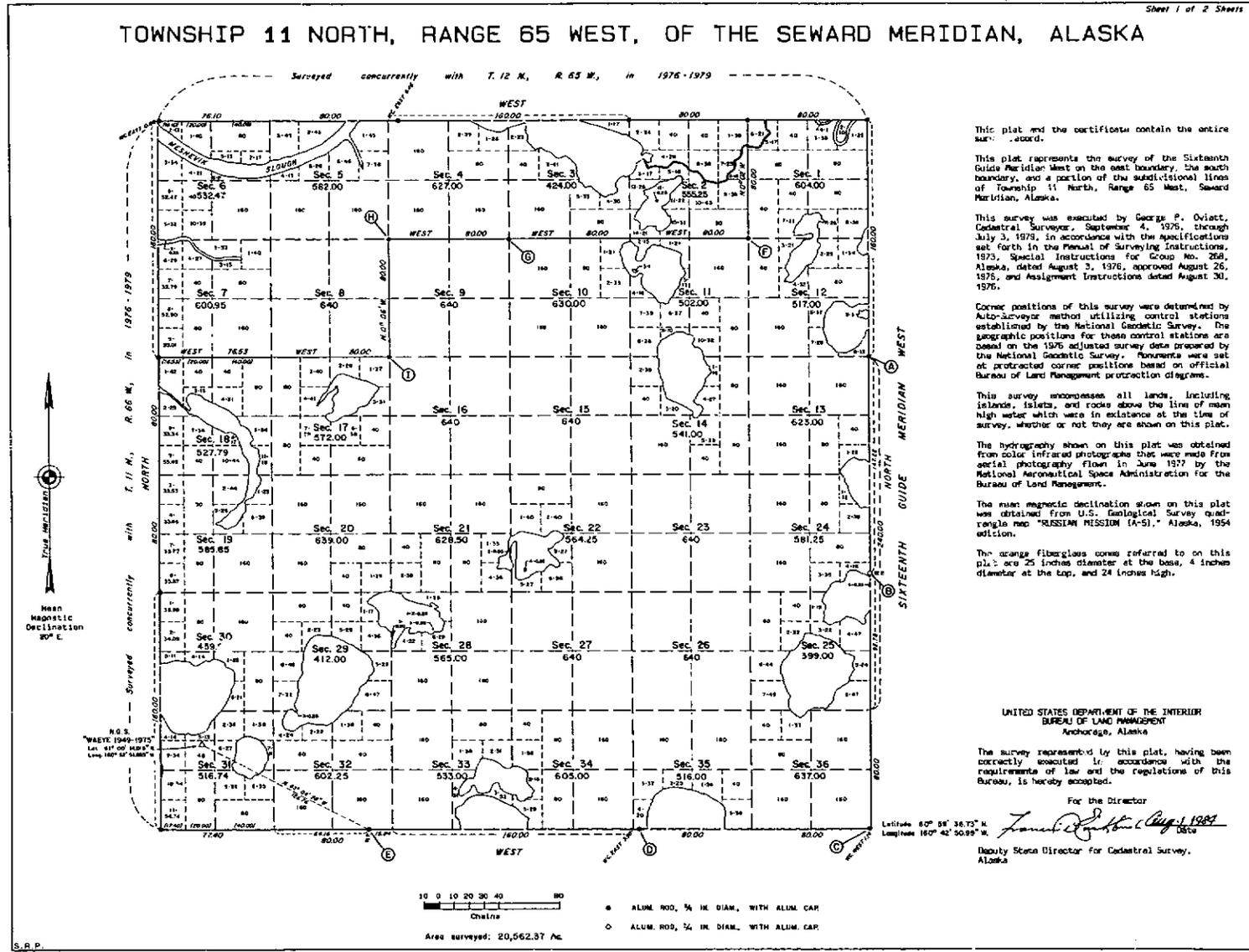
Lot 60°59'36.75"N
Long 150°42'50.99"W



NOTICE:
This plan is the Bureau's record of title, and should be used
only as a general guide, of the land with survey data. The
title herein shall not affect the claims which may hereafter
be affected by other measurements of front or other corners of water.
Refer to the database except for official survey information.

CURRENT TO	Sew Mer
6-12-2007	T 11 N R 65 W PV

TOWNSHIP 11 NORTH, RANGE 65 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the certificate contain the entire survey record.

This plat represents the survey of the Sixteenth Guide Meridian West on the east boundary, the south boundary, and a portion of the subdivisional lines of Township 11 North, Range 65 West, Seward Meridian, Alaska.

This survey was executed by George P. Oviatt, Cadastral Surveyor, September 4, 1976, through July 3, 1978, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 258, Alaska, dated August 3, 1976, approved August 26, 1976, and Assignment Instructions dated August 30, 1976.

Corner positions of this survey were determined by Auto-recveyor method utilizing control stations established by the National Geodetic Survey. The geographic positions for those control stations are based on the 1976 adjusted survey data prepared by the National Geodetic Survey. Monuments were set at protected corner positions based on official Bureau of Land Management protection diagrams.

This survey encompasses all lands, including islands, islets, and rocks above the line of mean high water which were in existence at the time of survey, whether or not they are shown on this plat.

The hydrography shown on this plat was obtained from color infrared photographs that were made from aerial photography flown in June 1977 by the National Aeronautical Space Administration for the Bureau of Land Management.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (A-5), Alaska, 1954 edition.

The orange fiberglass cones referred to on this plat are 25 inches diameter at the base, 4 inches diameter at the top, and 24 inches high.

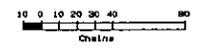
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Anchorage, Alaska

The survey represented by this plat, having been executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

James R. Gifford Aug 1, 1984
Deputy State Director for Cadastral Survey,
Alaska

Latitude 65° 58' 38.73" N
Longitude 160° 42' 50.95" W



Area surveyed: 20,562.37 Ac.

- ALUM. ROD, 3/4 IN. DIAM., WITH ALUM. CAP.
- ALUM. ROD, 3/4 IN. DIAM., WITH ALUM. CAP.

UNSURVEYED TOWNSHIP 11 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 510-5 OFFICIALLY FILED 7/27/1959

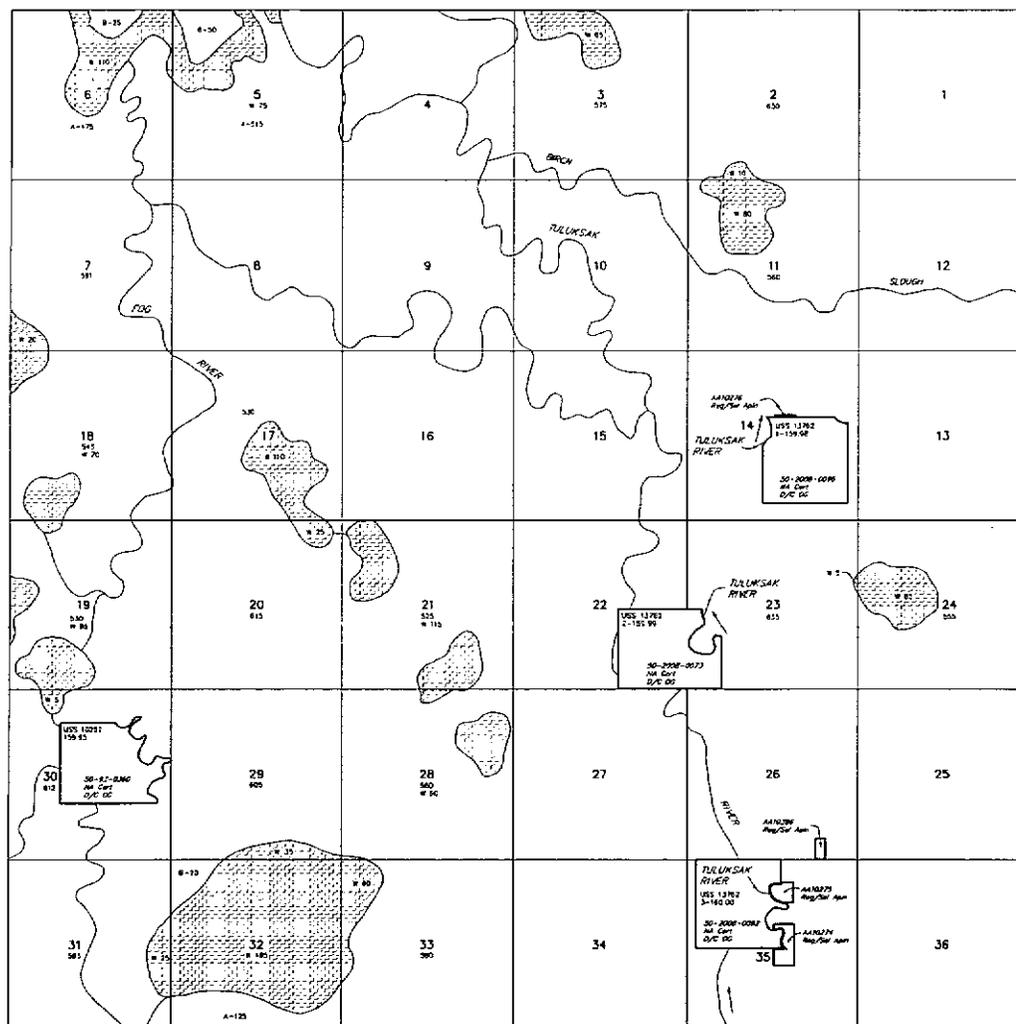
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

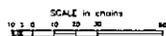
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WHOSE OWNERSHIP FOR CLASSIFICATION
MATERIALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PLD 5124 W&M 02 affects Log/Interests not conveyed

PL 95-607 W&M Ocean Data NMR entry 02



Lat 60°59'38.753"N
Long 160°32'12.158"W



WARNING:
This plan is the Bureau's Record of Title and should be used
only as a general display of the Bureau's records. It is not
intended to be used as a legal document. It is not intended
to be used as a legal document. It is not intended to be used
as a legal document. It is not intended to be used as a legal
document. It is not intended to be used as a legal document.
Refer to the appropriate Bureau for further information.

CURRENT TO	Sec	Mer
4-10-2008	T	11 N
	R	64 W

ACAD

SHEET 1 OF 2 SHEETS

U. S. SURVEY

No. 13762, ALASKA

COMPRISING LOTS 1 THROUGH 3

This plat contains the entire survey record.

The exterior boundaries and a portion of the subdivisional lines of Township 11 North, Range 65 West, Seward Meridian, Alaska, were surveyed by George P. Oviatt, Cadastral Surveyor, in 1976-1979.

A portion of the Sixteenth Guide Meridian West, along the east boundary was retraced and a portion of the subdivisional lines of Township 11 North, Range 65 West, Seward Meridian, Alaska, were surveyed concurrently under contract by Charles E. Akin, Jr., Registered Alaska Land Surveyor No. LS-5131.

This survey was executed by Charles E. Akin, Jr., Registered Alaska Land Surveyor No. LS-5131, for the Tulukarmut Corporation, July 25, through July 31, 2006. In accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated June 5, 2006; approved June 5, 2006, under Contract No. NAA060012, dated July 5, 2006, and Notice to Proceed dated July 10, 2006.

Field assistants were:

James E. Mitchell, Land Surveyor
Blair C. Parker, Office Technician
Travis D. Ludy, Party-Chief

Area: 479.97 Acres.

The azimuth was obtained by Global Positioning System methods and refers to the true meridian.

All surveyed lines and ties between corners are mean bearings.

The geographic position of the witness corner to corner No. 4, Lot 2, as determined by a tie to the corner of sections 7, 12, 13 and 18, Townships 11 North, Ranges 64 and 65 West, Seward Meridian, Alaska, using Global Positioning System methods, is:

Latitude: 61°01'45.25" North
Longitude: 160°36'28.81" West (NAD 27)

The observed mean magnetic declination is 15 1/4" East.

This survey is situated approximately 14 miles southeasterly of the village of Tulukak, Alaska, within Township 11 North, Range 64 West, Seward Meridian, Alaska.

The land varies from open broken tundra, with many small ponds and marshes, to a narrow band of spruce, birch, alder and willow along the creeks and rivers and moss, lichens, sedges and berry bushes on the tundra. The soil is peat over a clay subsoil.

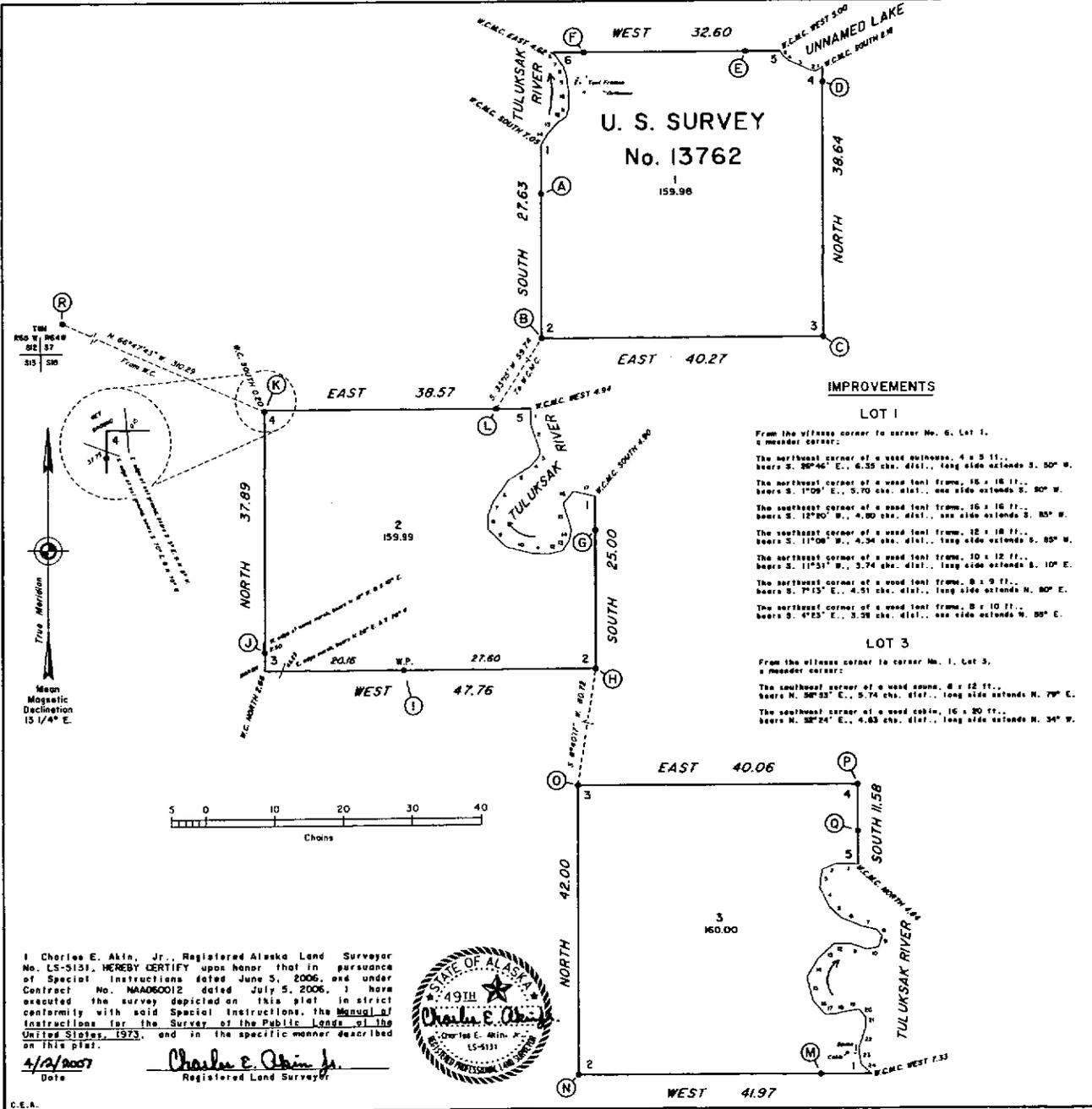
Access to the parcel was by helicopter.

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

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

John Sample *April 13, 2007*
Date

Deputy State Director for Cadastral Survey, Alaska.



IMPROVEMENTS

LOT 1

From the witness corner to corner No. 6, Lot 1, a meander corner:

The northeast corner of a wood outhouse, 4 x 5 ft., bears S. 89°46' E., 6.35 chs. dist., long side extends S. 50° W.

The northeast corner of a wood tent frame, 16 x 16 ft., bears S. 1°09' E., 5.70 chs. dist., one side extends S. 90° W.

The southeast corner of a wood tent frame, 16 x 16 ft., bears S. 12°20' W., 4.80 chs. dist., one side extends S. 85° W.

The southeast corner of a wood tent frame, 12 x 18 ft., bears S. 11°08' W., 4.34 chs. dist., long side extends S. 80° W.

The northeast corner of a wood tent frame, 10 x 12 ft., bears S. 11°51' W., 3.74 chs. dist., long side extends S. 10° E.

The northeast corner of a wood tent frame, 8 x 9 ft., bears N. 71°51' E., 4.31 chs. dist., long side extends N. 80° E.

The northeast corner of a wood tent frame, 8 x 10 ft., bears S. 4°23' E., 3.28 chs. dist., one side extends W. 80° E.

LOT 3

From the witness corner to corner No. 1, Lot 3, a meander corner:

The southeast corner of a wood house, 8 x 12 ft., bears N. 38°33' E., 5.74 chs. dist., long side extends N. 70° E.

The southeast corner of a wood cabin, 16 x 20 ft., bears N. 38°24' E., 4.63 chs. dist., long side extends N. 34° W.

I, Charles E. Akin, Jr., Registered Alaska Land Surveyor No. LS-5131, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated June 5, 2006, and under Contract No. NAA060012 dated July 5, 2006, I have executed the survey depicted on this plat in strict conformity with said Special Instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1973, and in the specific manner described on this plat.

Charles E. Akin, Jr.
Date 4/12/2007
Registered Land Surveyor



SHEET 2 OF 2 SHEETS

U. S. SURVEY No. 13762, ALASKA

COMPRISING LOTS 1 THROUGH 3

MEANDERS

LOT 1

Along a well defined bend, 2-4 ft. high,
at the line of ordinary high water

1. S. 86° 48' W., 1.07 ch.
2. N. 85° 15' W., 0.80 ch.
3. W. 66° 17' W., 3.36 ch.
4. N. 67° 57' W., 1.24 ch.
5. N. 34° 10' W., 0.85 ch.

Along a well defined bend, 2-4 ft. high,
at the line of ordinary high water

6. S. 56° 45' E., 0.61 ch.
7. S. 38° 02' E., 2.14 ch.
8. S. 17° 40' E., 1.25 ch.
9. S. 8° 12' E., 2.37 ch.
10. S. 0° 11' E., 2.56 ch.
11. S. 17° 06' W., 1.13 ch.
12. S. 56° 18' W., 1.45 ch.
13. S. 41° 50' W., 2.25 ch.
14. S. 30° 51' W., 1.82 ch.

LOT 2

Along a well defined bend, 3-6 ft. high,
at the line of ordinary high water

1. S. 0° 02' W., 2.34 ch.
2. S. 8° 20' E., 0.03 ch.
3. S. 43° 25' W., 1.72 ch.
4. S. 30° 31' W., 3.46 ch.
5. S. 30° 31' W., 3.90 ch.
6. S. 20° 22' W., 2.09 ch.
7. S. 0° 47' E., 2.04 ch.
8. S. 44° 30' E., 3.66 ch.
9. S. 15° 12' E., 3.96 ch.
10. S. 67° 54' E., 2.26 ch.
11. S. 17° 17' E., 2.00 ch.
12. W. 18° 58' E., 4.37 ch.
13. S. 21° 18' E., 1.70 ch.
14. W. 11° 40' E., 1.57 ch.
15. N. 18° 54' W., 3.94 ch.
16. N. 38° 05' E., 2.34 ch.
17. S. 79° 54' E., 3.16 ch.

LOT 3

Along a well defined bend, 3-6 ft. high,
at the line of ordinary high water

1. N. 80° 45' W., 3.13 ch.
2. S. 67° 15' W., 2.20 ch.
3. S. 7° 45' W., 2.63 ch.
4. S. 25° 56' E., 3.10 ch.
5. S. 47° 34' E., 5.38 ch.
6. S. 66° 35' E., 5.08 ch.
7. S. 76° 01' E., 2.37 ch.
8. S. 61° 17' E., 1.21 ch.
9. S. 17° 12' W., 1.83 ch.
10. S. 76° 56' E., 1.76 ch.
11. N. 71° 55' W., 2.57 ch.
12. S. 89° 27' W., 2.39 ch.
13. S. 47° 14' W., 3.01 ch.
14. S. 31° 18' W., 3.58 ch.
15. S. 149° 52' E., 3.50 ch.
16. S. 41° 27' E., 2.64 ch.
17. N. 87° 41' E., 1.80 ch.
18. N. 79° 30' E., 2.37 ch.
19. N. 65° 16' E., 1.43 ch.
20. S. 39° 02' E., 1.38 ch.
21. S. 4° 28' E., 1.41 ch.
22. S. 18° 18' W., 3.30 ch.
23. S. 5° 54' E., 2.41 ch.
24. S. 46° 56' E., 2.13 ch.

REFERENCE SHOULD BE MADE TO SHEET No. 1
FOR SURVEY INFORMATION

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

The survey represented by this plat, having been
correctly executed in accordance with the
requirements of law and the regulations of this
Bureau, is hereby accepted.

For the Director
John Searcy *April 13, 2007*
Deputy State Director for Cadastral Survey,
Alaska.

(A)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A spruce, 6 ins. diam., bears S. 25° E., 235 lbs. dist., mtd. X BT.
A spruce, 7 ins. diam., bears S. 24° W., 152 lbs. dist., mtd. X BT.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra 2 chs. SE of a small asbiv lake.

(B)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A spruce, 5 ins. diam., bears S. 13° E., 72 1/2 lbs. dist., mtd. X BT.
A spruce, 12 ins. diam., bears S. 46° W., 55 lbs. dist., mtd. X BT.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on open level tundra, on the E. edge of spruce and asbir covered ground.

(C)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on level wet ground.

(D)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra, between two lakes.

(E)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra.

(F)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a silver plastic case, bears N. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra.

(G)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A spruce, 6 ins. diam., bears N. 82° E., 65 1/2 lbs. dist., mtd. X BT.
A spruce, 4 ins. diam., bears S. 29 1/2° W., 80 lbs. dist., mtd. X BT.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on level ground in scattered black spruce.

(H)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A birch, 9 ins. diam., bears S. 73° W., 178 lbs. dist., mtd. X BT.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on open level tundra, 150 chs. W. of the edge of a asbir and birch filled dry lake bed, bearing N. 30° E. and S. 30° W.

(I)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness point falls on open level tundra.

(J)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a silver plastic case, bears N. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra, at the N. edge of a small marsh.

(K)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a blue plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra.

(L)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra, with scattered, very small, black spruce.

(M)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Drive an alum. rod, 3 ft. long, 3/4 in. diam., 2.5 ft. in the ground, 40 lbs. West of the cor., with an orange triangular marker on the top.
Witness cor. falls on open level tundra.

(N)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a silver plastic case, bears N. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on open level tundra.

(O)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on open level tundra.

(P)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A spruce, 6 ins. diam., bears N. 55° E., 156 1/2 lbs. dist., mtd. X BT.
A spruce, 4 ins. diam., bears S. 53 1/2° E., 146 1/2 lbs. dist., mtd. X BT.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Cor. falls on open level tundra of the W. edge of a bend of asbir brush and black spruce.

(Q)
Set a stainless steel post, 26 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mtd. as shown, from which
A spruce, 4 ins. diam., bears N. 48° E., 81 lbs. dist., mtd. X BT.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.
Deposit a magnet in a clear plastic case at the base of the stainless steel post.
Witness cor. falls on open level tundra of the W. edge of a bend of asbir brush and black spruce.

(R)
Recovered an alum. rod, 3/4 in. diam., firmly set, flush with the ground, with alum. cap marked as shown
from which new accessories
A magnet in a silver plastic case, bears N. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a pink plastic case, bears S. 45° E., 15 lbs. dist., 12 ins. below ground.
A magnet in a blue plastic case, bears S. 45° W., 15 lbs. dist., 12 ins. below ground.
A magnet in an orange plastic case, bears N. 45° W., 15 lbs. dist., 12 ins. below ground.

UNSURVEYED TOWNSHIP 10 NORTH RANGE 64 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 510-5 OFFICIALLY FILED 7/27/1959

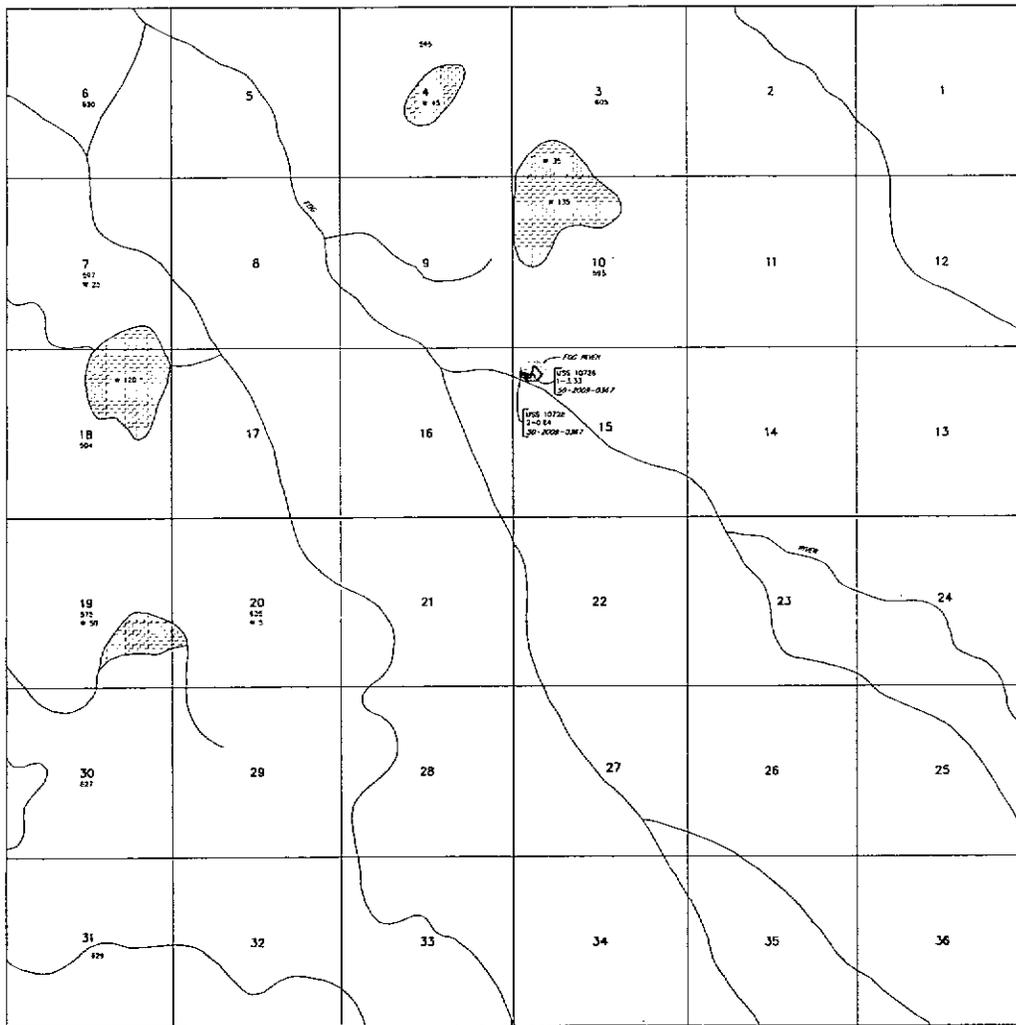
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

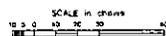
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANCES WITHDRAWN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLG 3184 MR CI affects Coy/Interests not conveyed

PL 96-487 MR Yukon Delta NWR entire TD



Lat 62°54'24.733"N
Long 160°32'12.158"W



NOTICE:
This plan is the Bureau's Record of Title, and should be used
only as a guide to the location of the property. It is not
a warranty of title. The Bureau does not warrant the
accuracy of the information shown on this plan. It is
advised by the Bureau that the information shown on this
plan is the best available for official survey information.

CURRENT TO	See Map
10-26-2009	T 10 N R 64 W

ACAD

UNSURVEYED TOWNSHIP 10 NORTH RANGE 63 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACION DIAGRAM NO. SIC-5 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.

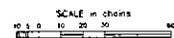
PL 96-487 W/ Sec 10/10/59 affects entire T₁₀

Affects Lots/Interests not conveyed

PL 96-487 W/ Sec 10/10/59 affects Lots/Interests not
conveyed



Lat 605424.773'N
Long 1602133.350'W



NOTICE:
This plat is the Bureau's Record of Title, and should be used
only as a graphic display of the location of the title. Plats
and Records do not reflect title changes which may have been
effected by record instruments of title or other means of title
than to the original survey for which survey information.

CURRENT TO		Sew Mer
10-10-2006		T 10 N
		R 63 W

ACAD

UNSURVEYED TOWNSHIP 10 NORTH RANGE 62 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. 510-5 OFFICIALLY FILED 7/27/1959

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

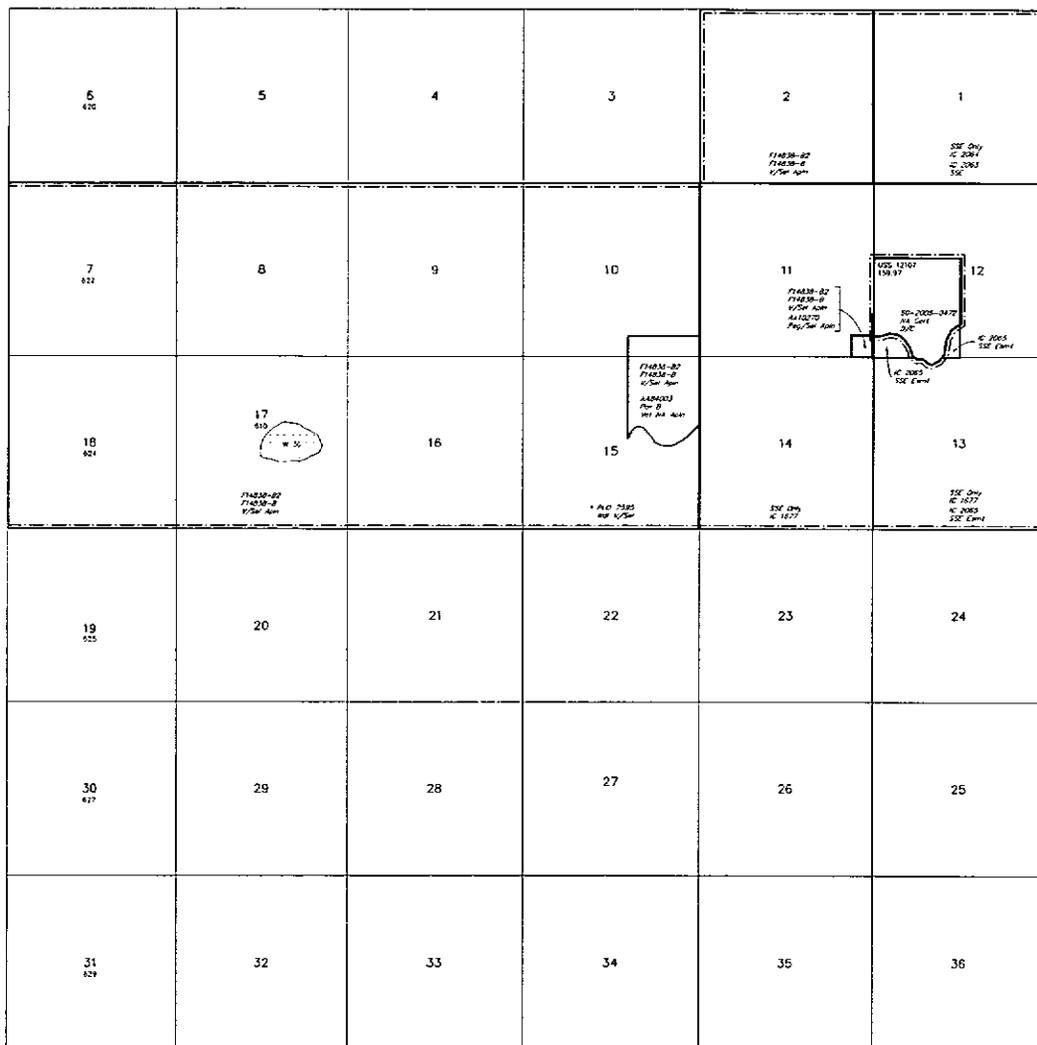
MTP

FOR OFFERS EXPECTING DISPOSAL OR USE OF UN-
CERTIFIED LANDS WITHIN FOR CLASSIFICATION
MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

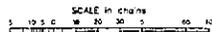
PLD 3442 AND C1 & 1/Reg. See affects Lds/Interests
NOT CONSIDERED

PL 36-487 W/3 Tikon Data NARR entire To

* Affects Lds/Interests not considered



Lot 60°54'24.773"N
Long 150°10'54.505"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
does not contain the actual field notes, which may have been
affected by MTP measurements of town or other bodies of water
shown on the adjacent surveys for which survey information

CURRENT TO	5th Mer
3-5-2007	T 10 N
	R 62 W

ACAD

UNSURVEYED TOWNSHIP 10 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

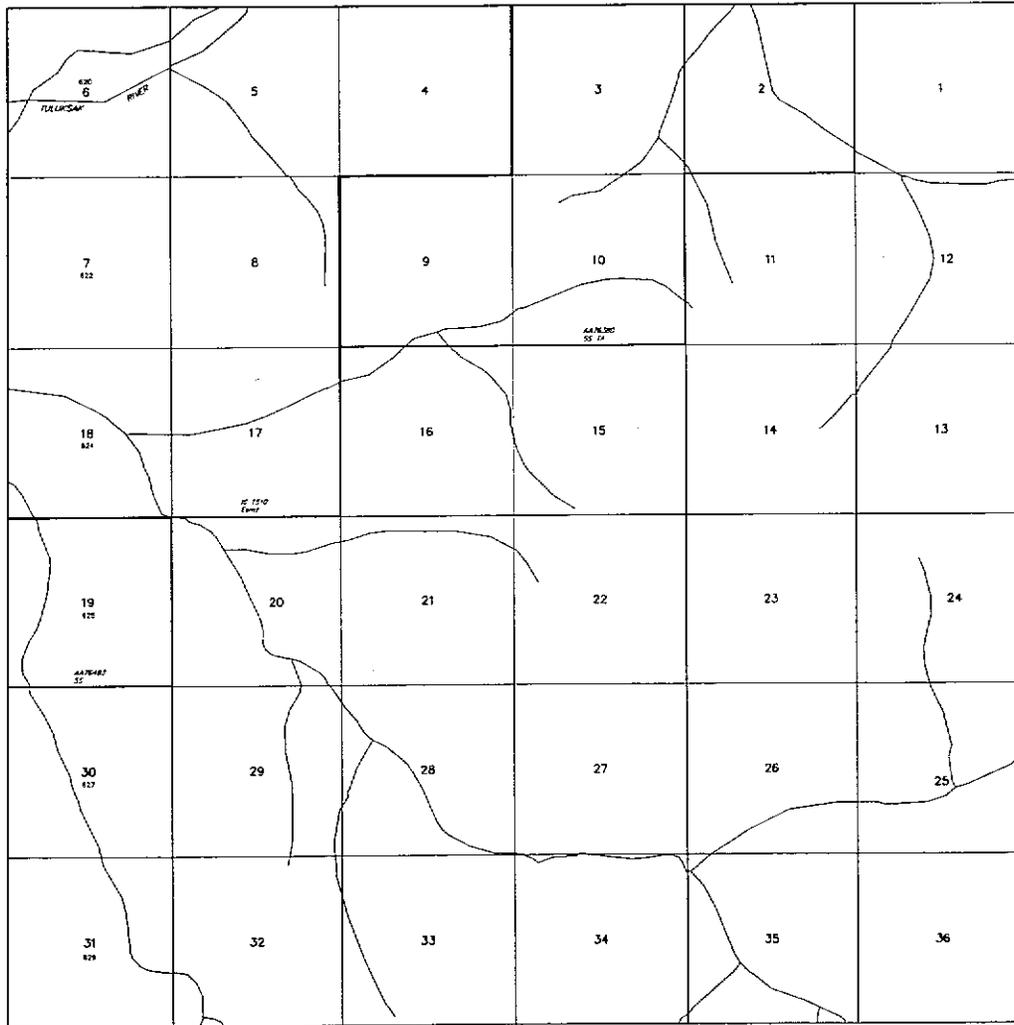
PROTRACTION DIAGRAM NO. S10-6 OFFICIALLY FILED 7/27/1959

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

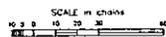
MTP

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

P.L.O. 3172 Amended by P.L.O. 3442 and C & V Reg 24
OFFICIAL LOG/STATUS NOT SHOWN



Lat 60°54'24.733"N
Long 159°49'36.847"W



NOTICE
This plan is the Bureau's Record of Title, and should be used
only as a general guide to the Township Survey. It is not
intended to be used as a title document, and it is not to be
relied upon for the purpose of establishing a title, or for the purpose of
determining the relative priority of claims for mineral interests.

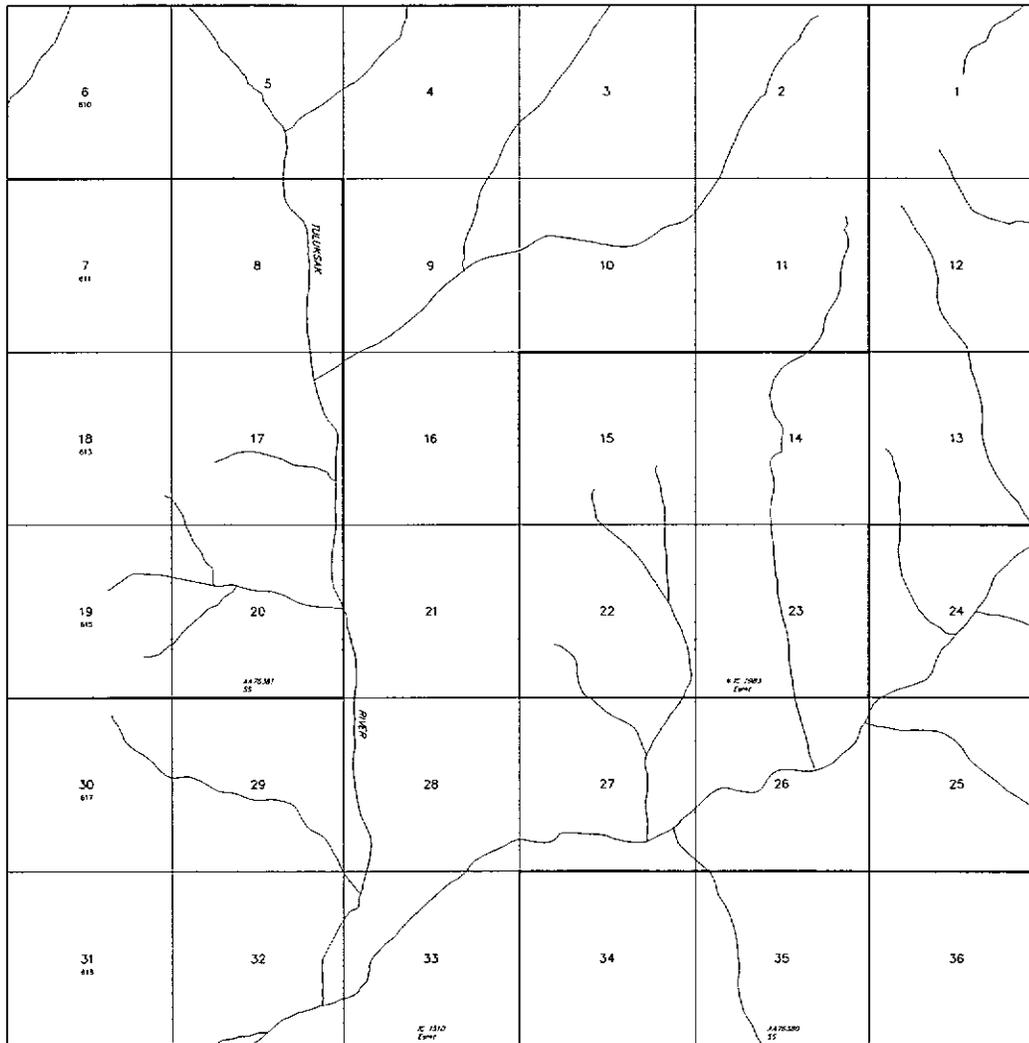
CURRENT ID	Sew Mer
12-17-2008	T 10 N R 60 W

ACAD

UNSURVEYED TOWNSHIP 11 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S10-6 OFFICIALLY FILED 7/27/1959

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES



MTP

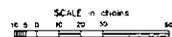
FOR GROUPS EFFECTING DISPOSAL OR USE OF UN-IDENTIFIED LANDS WITHDRAWN FOR CLASSIFICATION MINERALS WATER AND/OR OTHER PUBLIC PURPOSES REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

P.L.O. 5172 Amet by P.L.O. 5442 Hq. Ct. & 1/2 Reg. Sel affects L&M interests not conveyed

AA76383 55 Amet P.L. 96-487 Sec 506(c) Top Filed

* IC 1983 Ext mining claim registrations AA30475, AA30480 & AA30481

Lat 60°59'36.733"N
Long 159°49'36.947"W



WARNING:
This map is the Bureau's record of title and should be used only in a general way. The accuracy of the boundary lines shown hereon does not reflect the changes which may have been effected by record measurements of lands or other Bureau of Land Management surveys for official survey information.

CURRENT TO		Sew Mer
7-26-2006		T 11 N
		R 60 W

ACAD

UNSURVEYED TOWNSHIP 12 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S10-6 OFFICIALLY FILED 7/27/1959

T 29 N
R 60 W R 59 W

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

6 599 PL 96-487 NOT SURVEYED UNDER CLASSIFICATION	5	4	3	2	1
7 601	8	9	10	11	12
18 603	17	16	15	14	13
19 605	20	21	22	23	24
30 608	29	28	27	26	25
31 608	32	33	34	35	36

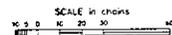
MTP

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

PL 96-487 Amended by PL 96-542 and PL # 1/Reg. Sec.
effects Lands/Minerals not conveyed

4476303 SS Amended PL 96-487 Sec. 906(e) Top Filed

Lot 610°48.669'N
Long 153°49'36.847"W



WARNING:
This plat is the Bureau's Record of Title, and should be used
only as a general check of the township and range data. Rec-
ords herein do not reflect any changes which may have been
effected by any amendments of laws, or other orders of law,
prior to the last date listed for official survey information.

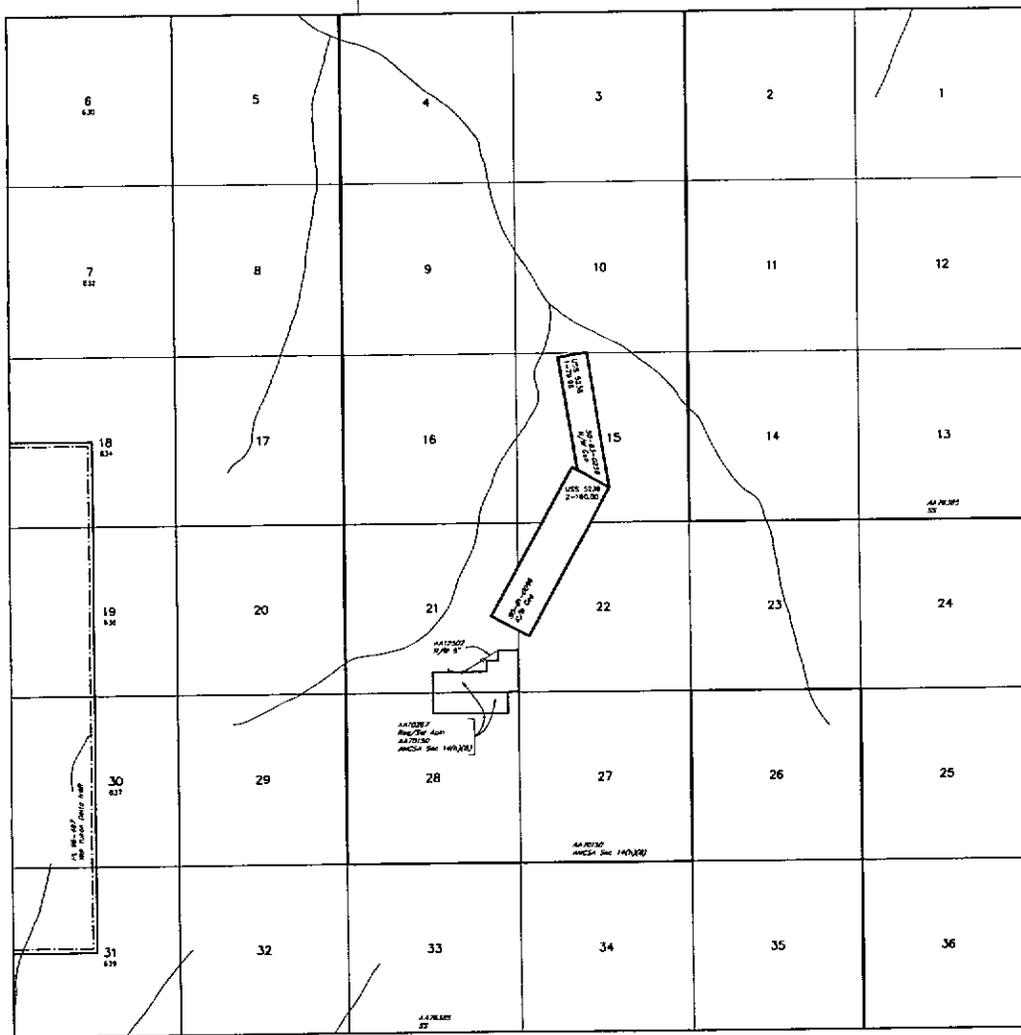
CURRENT TO	Sew Mer
7-26-2006	T 12 N
	R 60 W

ACAD

UNSURVEYED TOWNSHIP 13 NORTH RANGE 59 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTOR DIAGRAM NO. 510-J OFFICIALLY FILED 7/27/1959

R 59W | R 50W



STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PLG 5180 AND CI & PUBLIC INTEREST EFFECTS LAY/INTERESTS
NOT CONVEYED

ALASKA 35 ANNET PL 96-487 Sec. 808(a) Top Page

Lat 61°00'00.641"N
Long 159°45'43.845"W

SCALE in chains
0 10 20 30 40

NOTICE:
This plat is the Bureau's Record of Title, and should be used
only as a guide to the location of the recorded survey. It is
not a substitute for the original survey. Any change which may have been
effected by future monuments or marks or other means of reference
shall be the responsibility of the official survey instrument.

CURRENT TO	See Map
1-10-2008	T 13 N
	R 59 W

ACAD

(18.5-18.1, 0.9-1.4)

159° 47'

61° 03'

13

PE-081-01

**Tuluksak River
Interim Summary Report
Attachment 30**

PE 81-1

REPORT ON THE NEW YORK ALASKA GOLD DREDGING
COMPANY OPERATION BEAR CREEK,
TULUKSAK RIVER, ALASKA

14-81-10

By

Frank W. Holzheimer,
Assoc. Min. Engineer,
U. S. G. S.

Juneau, Alaska
October, 1926.

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ITINERARY

August 16, 8 a.m. left Akiak. Camped on Tuluksak River
20 miles from Tuluksak village 7 p.m.

August 17, arrived second landing Tuluksak River 7:30 p.m.

August 18, left second landing on foot, meeting team near
foothills camp and proceeded to Nyac, arriving 3 a.m. August 19.

August 19, Nyac.

August 20, Nyac. Went in tractor to foothills camp ^(15 miles) in after-
noon.

August 21, left foothills camp by tractor 5 a.m. arriving
second landing 10 a.m. Arrived Akiak midnight.

ACKNOWLEDGMENT

The officials of the New York Alaska Gold Dredging Company
extended every courtesy and aid during the visit to Nyac. Appreciation
is expressed to Mr. Lester Wallbridge, manager, Mr. O. Fowler, and
Mr. Ralph T. Hirsh, mining engineer for the New York Alaska Gold
Dredging Company.

THE NEW YORK ALASKA GOLD DREDGING COMPANY OPERATION
BEAR CREEK, TULUKSAK RIVER, ALASKA

LOCATION

The property of the New York Alaska Gold Dredging Company is located on Bear Creek, a tributary of the upper Tuluksak River, Alaska. A post office has recently been established at the dredge camp under the name of Nyac, Alaska. Nyac is located ninety four and one-half miles by river, company survey, from the Indian village of Tuluksak at the mouth of the Tuluksak River. Tuluksak lies twenty miles up the Kuskokwim from Akiak. From the company survey Nyac is forty four and one-half miles east by air line from Tuluksak. The accompanying map shows the crooked nature of the lower Tuluksak River, a characteristic of all streams flowing through the tundra. The distance by river from Bethel to Nyac is estimated at one hundred sixty five miles.

TRANSPORTATION AND ACCESSIBILITY

The Santa Ana Steamship Company operates a steamer from Seattle to Bethel twice a year, usually leaving from Seattle during the months of May and August. The trip requires from 12 to 14 days. The freight rate from Seattle to Bethel is \$22.50 per ton, ship option cubic measurement or 2000 pounds. A river steamer connects with the ocean steamer at Bethel. The freight rate from Seattle to Akiak is \$37.00 per ton. The supplies are landed at Bethel and taken by small

boat to the landing at the forks of the Tuluksak 52.5 miles from Tuluksak village. This point was used in 1925 as a landing for the material and machinery used in the construction of the dredge and the camp. A tractor was used during the winter to haul this material to Bear Creek. It is impossible to operate a tractor from this point during the summer on account of the tundra. A winter dog team trail has been staked from Tuluksak to the camp.

Transportation of supplies in summer from the first landing to the second landing on the Tuluksak River is accomplished by means of a poling boat. It is possible to travel between the first and second landings at nearly all stages of water. During the periods of high water the poling boats are able to reach the foothills camp.



Camping on Tuluksak River below
Bear Creek

A tractor trail has been constructed under tundra difficulties from the second landing on the Tuluksak to the foothills camp eighteen miles distant. This trail follows the river timber line and is not used

during wet weather by the tractor. Usually a team is used in hauling supplies from the second landing to the foothills camp. From continued usage by the tractor a fair road has been established from the foothills camp up the valley of the Tuluksak to the dredge camp at Nyac, a distance of fifteen miles. Supplies are hauled from the foothills camp to Nyac by tractor.

The movement of supplies from the Bethel to the first landing on the Tuluksak and between the first and second landings is usually done by native labor on contract. There is no established rate for this work but one figure was obtained from the Japanese trader at Tuluksak of 14¢ per pound from Bethel to the second landing.

CAMPS

The camp at Nyac is one of the best laid out dredge camps in the country. The buildings are of log construction consisting of two bunk houses, a staff house, office, manager's house, mess house, bath house, a small refinery, machine shop, gasoline-electric plant and stables. A few of the workmen have built cabins for their families. Several reindeer herds furnish an assured meat supply at Nyac.

The Alaska Road Commission is building a shelter cabin to replace the one destroyed by fire at the foothills camp. In addition to this, the company has two tents for use in the summer. The foothills camp is located at the base of the foothills on the bank of the Tuluksak and serves as an overnight stopping place for travel between the second landing and Nyac.

A tent camp, to serve as a warehouse for supplies, is maintained at the second landing. At the first landing a sheet iron warehouse has been constructed where a watchman is kept.

TIMBER

The tractor is blamed for starting a tundra fire this summer that swept the tundra area along the Tuluksak river and the timber area in the valley of the Tuluksak River to within three miles of Nyac. In consequence much of the standing timber in the vicinity of the camp has been destroyed. The tundra moss, when dry, burns readily and the fire if unchecked burns over a large area of country. Fires have raged throughout the Kuskokwim district this year, serious in nature, because of the destruction of timber, and the moss which is the feed for the reindeer herds in the country.

Small spruce, cottonwood, and willows are found along the river banks. The spruce is thinly scattered in the lower foothills; ~~and~~ in the hills beyond Nyac moss alone is found. Many edible berries grow in the mossy localities. Some gardening has been successfully attempted at Nyac. The perpetual summer daylight seems to promote the growth of vegetation where water is available.

WATER POWER

No streams have been noticed from which water power might be developed.

TOPOGRAPHY

The tide in the Kuskokwim River is slightly noticeable at Tuluksak village. The Tuluksak River from Tuluksak village to the foothills flows through the tundra with the greatest rise in elevation from the mouth of Fog River which is above the first landing on the Tuluksak. The approximate elevation of the dredge is 1500 feet. The areas of tundra are flat with the exception of small ridges and moss covered gravel bars. The valley of the upper Tuluksak is wide, the foothills rising on either side to an elevation of less than one thousand feet. Bear Creek is the largest tributary of the upper Tuluksak River, being larger than the stream that is the Tuluksak River above the mouth of Bear Creek. The valley of Bear Creek forms a large basin that is marked by the gravel benches along its sides. The higher ridges of the mountains rising from the valley at the head and sides of upper Bear Creek reach an approximate elevation of twenty four hundred feet.

The head of the Bear Creek basin is located on the south slope of Mount Hamilton. The basin is drained by the waters of Fox Creek, Bonanza Creek, Myrtle Creek, Spruce Creek, and the East Fork. From Mount Hamilton to Bear Creek Discovery the distance is fifteen miles. Along the right limit of the Tuluksak River, in the vicinity of the foothills camp, the topography is marked by a high bluff extending to Granite Creek. The relative topography of the country is shown

by the accompanying maps of the New York Alaska Gold Dredging Company.

GEOLOGY

The bedrock as exposed near Bear Creek Discovery is of a granitic nature cut by narrow fine grained dikes. The bedrock is highly altered and fractured. On the left limit of Bear Creek near Discovery is an exposure of yellowish highly altered siliceous rock. The gravele of the Bear Creek valley cover the bedrock to such an extent that the true nature is not discernible. It is impossible to give a comprehensive report on the geology of the Bear Creek district from the limited time spent on the ground. During the summer of 1914 Mr. A. G. Maddren, United States Geological Survey, made a study and detailed report of this district.

Gold Placers of the Lower Kuskokwim; U.S.G.S. Bulletin 622. Pages 292-355.

The average depth of the bedrock on the claim, seven below, that has been worked by the dredge is twelve feet. Mr. Hirsh, engineer for the company, believes that there is a deep channel in the Bear Creek valley that cannot be reached by the dredge. The dredge and drilling activity has not been sufficient to disclose definite additional geological data on the deposit. Pieces of bedrock show it to be a fine grained greenish rock that breaks in angular fragments. A characteristic of this rock shows suggestive columnar structure. There is some mineralization of pyrite. All of the rock in this locality is highly altered.

On either side of the Bear Creek valley the benches are almost continuous. The gravel, in general, is apparently an old flood plain that widens out toward the foothills camp. Ninety per cent of the gravel passes through a $2\frac{1}{2}$ inch ring. There are few large boulders, the largest attaining a weight of less than 600 pounds. It is, as a rule, loose and unconsolidated.

Gold is found over the area along Bear Creek and at the mouth of Granite Creek in the Tuluksak valley. Other prospects may be had along the Tuluksak valley but they are not of sufficient value to warrant exploitation. The gold is very spotted and there are many barren spots in the dredging ground. Drilling and sampling is therefore necessary in connection with the dredging to determine the limits of the ground.

The dredge started operations on Seven below, which, in the opinion of the company was too far from Discovery. The dredging limit above Discovery has not been determined.

Mr. Hirsh reports the existence of sediments and a fossil locality near the mouth of Bear Creek. A sample of a black mineral resembling asphalt has been sent to Fairbanks for identification. (Sample No. 31). Mr. Hirsh sent a group of fossils from the East Fork to Columbia University for identification. He reports them as belonging to an oil group of sediments found in the United States. No details were available and no other significance attached to the report.

A mineral which is believed to be platinum has been recovered from the dredge cleanups and from some of the drill holes. No estimation has been made of the amounts of this mineral. (Sample No. 37). Cinnabar has also been recognized in the dredge cleanup.

EARLY MINING ACTIVITY

Placer gold was first found in this region in 1909-10. The Bear Creek placers have yielded a small return to their owners. The mining activities prior to dredging were small consisting of ground-slucing and shoveling in operations. Mr. Maddren, in his report, (op. cit.) gives the historical outline of the district.

Mr. Lester Wallbridge was the first representative of the dredging company in the locality. The New York Alaska Gold Dredging Company has no other operations. Part of the Bear Creek ground has been purchased by the company, the rest being operated under royalty lease from the owners. All of the ground in the locality is controlled by the company.

The New York Alaska Gold Dredging Company

GENERAL DATA

Location of Dredge,- Bear Creek, Tuluksak River, Alaska.

Mining District,- Kuskokwim.

Post Office,- Nyac (New), via Akiak.

Towns in Locality of Dredge,- Tuluksak, Native Village at mouth of Tuluksak River, 100 miles by river. Tuluksak to Akiak, 20 miles. Akiak to Bethel, 45 miles. Total Dredge to Bethel by river 165 miles.

Recording Precinct,- Bethel.

General Manager,- Lester B. Wallbridge, Nyac, Alaska.

Secretary Treasurer,- Milton S. Dillon, 120 Broadway, New York City, N. Y. Mr. O. Fowler is associated with Dillon and is one of the principal shareholders in the company, address Nyac, Alaska.

Mining Engineer,- Ralph T. Hirsh, Nyac, Alaska.

Dredgemaster,- W. A. Peterson, Nyac, Alaska.

Head Office,- 120 Broadway, New York City, N. Y.

Total number of Men Employed,- 40.

Average Wage Per Man Per Day,- \$9.00. (This takes into consideration that board is furnished costing approximately \$2.10 per day. Native labor is available at \$75.00 to \$100.00 per month but is not used. Contracts have been given for clearing brush and general labor work to the natives at Tuluksak village. This makes a greater cost for native labor as the trader at Tuluksak (Japanese) handles the contract at a profit. The labor used in the construction of the dredge and in the preliminary operation was mostly furnished by the Union Construction Company. There will not be as many men employed in the dredge operation next season. Labor is available locally at \$6.00 per day and board.

Lumber is available from a small sawmill operated by the Bureau of Education at Akiak.

The New York Alaska Dredging Company

DETAILS OF DREDGE CONSTRUCTION AND OPERATION



The New York Alaska dredge,
Bear Creek.

Dredge First Started (New),- July 1, 1926.

Length of Dredging Season (Starting April or May),- 6 to 7 months.

Character of Deposit,- Creek. Some bench gravels.

Cross Section of Deposit,- Moss and muck, 0-4 feet averaging 1 foot; loose light gravel and loose coarse gravel, 6-9 feet; bedrock $1\frac{1}{2}$ -2 feet taken.

Character and Kind of Bedrock,- The bedrock is metamorphic in character and the prospecting and work so far completed by the dredge has not been sufficient to enable a classification of the bedrock. The bedrock is not exposed in the area where the dredge is now operating. Pieces dug by the dredge show it to be a fine grained greenish rock that breaks in angular fragments and is shattered, the fine gold being retained in the small fissures. At other points of exposure the bedrock is granitic cut by fine grained basic dikes.

There is no frozen ground.

Average Depth of Deposit,- Not determined. At the time of visiting the dredge had gone over one claim. This claim had an average bedrock depth of 12 feet. Drilling has shown the presence of deeper channels which have not been clearly defined.

The New York Alaska Dredging Company

Size of Gravel,- Ninety per cent of the gravel passes through a $2\frac{1}{2}$ inch ring. There are very few boulders, these attain a maximum weight of 600 pounds.

Distribution of Gold,- Very spotted.

Size of Gold,- Medium and fine, no large nuggets. It was reported that the largest recovered was \$50.00.

Value of Gold per Ounce,- \$19.00 plus. No returns as yet.

Total Gold Production to Date,- \$15,000.00. August 12, 1926.

Average Value of Deposit Per Cubic Yard,- The dredge had dug 75,925 cubic yards to produce \$15,000.00. This was the result from one claim making an average value of 19.75¢ per cubic yard. The company would not give the results of their drilling.

Other Valuable Minerals Found,- Platinum?

Total Number of Cubic Yards Dug to Date,- 75,925. August 12, 1926.

Average Number Cubic Yards Dug Per Day to Date,- 1716.

Estimated Life of Property,- Entirely undetermined.

Actual Running Time of Dredge,- Averages 80% of the 24 hours. The dredge runs 3 - 8-hour shifts.

Type of Dredge,- Combination two flume screen and stacker.

Kind of Anchorage,- Spud.

Number and Kinds of Spuds,- Two, wood moving, and steel digging. The dredge has a 120 foot swing.

Dredge Constructed by,- Union Construction Company.

This dredge was never operated elsewhere. (New).

Cost of Dredge,- Not available. \$100,000.00

Maximum Digging Depth Below Water Level,- Twenty feet.

The New York Alaska Dredging Company.

Horsepower Required,- Two - seventy-five horsepower Deisel Engines.

Type of Engine,- (Two) Deissl, Pacific Deisel Engine, two cylinder, 75 horsepower, 325 R.P.M. Engine number, 532. One engine used for pumps and one for main dredge drive.

Size of Buckets,- 4 cubic feet.

Number of Buckets in Line,- 61, Close connected.

Digging Speed,- 27 buckets per minute.

Kind of Power,- Deisel.

Fuel Oil Consumption,- 160 gallons per day average to date.

Cost of Oil,- 41 $\frac{3}{4}$ ¢ per gallon for fuel oil, and 90 $\frac{1}{2}$ ¢ per gallon for lubricating oil. (Note, A cream separator is to be installed for the recovery of lubricating oil from the engine base). The above costs are landed at the dredge.

Size of Hull,- Width, 38 feet. Length, 73 feet. Depth, 5 feet 5 inches. Draught, 4.3 feet.

Kind of Screen,- Revolving. Length, 16 feet. Diameter, 5 feet. Size of screen perforations, 2 $\frac{1}{2}$ inches.

Location of Nozzles in Screen,- 3 located in center of screen.

There is a 2-inch spaced grizzly located under the bucket line.

Pumps,- Number, 4. Description; one 12" pump for flume with a 3-inch auxiliary pump coupled on the jackshaft for fire protection, one 8-inch pump for the nozzles, and one 3-inch pump for washing buckets.

Approximate Gallons of Water Pumped for Sluicing,- Undetermined.

Conveyor,- Length C to C 80 feet, Width belt, 30 inches.

Flumes,- Number, 2. Length, 80 feet. Width, 30 inches, Depth, 12 inches.

Gold Saving Area,- 84 x 120 inches, distributor.

The New York Alaska Dredging Company

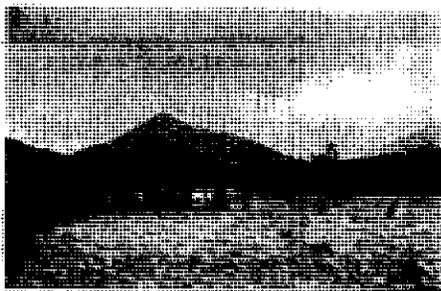
Save All Area,- 18 feet x 18 inches.

Kind of Riffles Used,- Cast iron, Hogendoff, in flumes. Hungarian angle iron riffles in distributor.

Operating Difficulties,- The main operating difficulties encountered were those generally associated with the installation of a new dredge. There were a few changes necessary in the construction after the dredge was in operation. The overhead expense was very high but it is hoped that the experience of this season will lower the cost of operating the next. The dredge company maintained a large staff consisting of surveyors and clerks which will be materially reduced next season. Much of the overhead expense of this season has been in the construction and improvement of the camp.

The ground dredged did not average as well as anticipated. The managers believe that the dredge started too low down from Discovery. The start was made on the lower limits of seven, on August 19, they had reached the upper limits of seven. The upper limits of the claims above discovery has not been defined.

Operating Cost Per Cubic Yard,- The company would not give out the probable operating cost per cubic yard. The expense of starting and high initial overhead was reported to render a fair calculation impossible.



Reindeer herd, Bear Creek
Discovery.

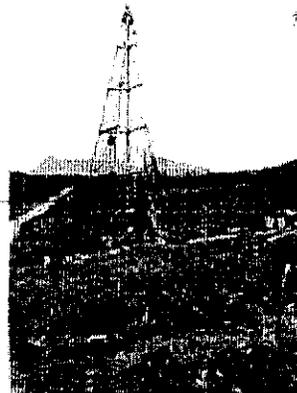
The New York Alaska Gold Dredging Company

DRILLING

Prospecting to define the limits of dredging ground is carried on continuously in front of the dredge. Two four inch diameter Union Drills are used with a maximum drilling depth of sixty feet though no drilling has been necessary to exceed thirty five feet. The presence of a deeper channel is suspected but as yet no definite information has been obtained concerning it. The maximum dredging depth below water level is twenty feet which would not permit the dredging of the deeper channels beyond their rims.



Front view Bear Creek
dredge showing drill



Drilling operation
ahead of dredge

A third drill is used for prospecting at other points. Due to the spotted occurrence of the gold, drilling does not accurately determine the values in the dredging ground. This has been shown by the returns from the first period of operation. It is therefore considered advisable to drill in front of the dredge. A man is employed

The New York Alaska Gold Dredging Company

solely for the purpose of a systematic sampling of the buckets as a check on the dredging limits.

PROSPECTING BENCH GRAVELS

The bench gravels at discovery, on Bear Creek, are being prospected by groundsluicing. It is the intention of the New York Alaska Gold Dredging Company to mine these gravels by hydraulicking should the prospecting warrant the operation. At the present time two men are employed sluicing the bench on the right limit of Bear Creek. The water for sluicing is brought by a small ditch from Bonanza Creek to the prospect.



Prospecting gravel benches, Bear Creek Discovery.

The water is directed by means of a canvas pipe from the intake on top of the bench. This work has been in progress a short time

The New York Alaska Gold Dredging Company

and has been hindered by the general shortage of water this season. The officials of the company at Nyac, however, seem encouraged with the results of the work so far accomplished.

The gravels are loose and unconsolidated. The gold is fine and well worn and occurs mainly in the crevices of the shattered metamorphic granitic bedrock and in a foot of the overlying gravel. At this point the approximate depth of gravel is eighteen feet with a foot and a half covering of moss and muck. There are few large boulders and the ground is unfrozen.

IMPRESSIONS

The first general impression gained from a visit to the Bear Creek dredge is the well constructed nature of the camp and the general air of contentment among the workmen.

The dredge has been installed under supervision of employees furnished by the Union Construction Company. It is well constructed, and after the experience of the present season in learning the dredging conditions, should run efficiently. The ordinary problems of delay and changes in adapting the dredge to the locality have apparently been solved.

The expense of getting started has been obviously great. The men connected with the dredge company were newcomers in the country and, in consequence, a greater amount has been expended in the transportation of supplies and in general construction than necessary.

Perhaps their plans have been a little too elaborate for a new enterprise.

The dredge is operating with a large force of men. A great deal of local comment has been occasioned by the large staff personnel, surveyors and clerks, maintained by the company. The dredge is, at the present time, employing more men than necessary for efficient operation.

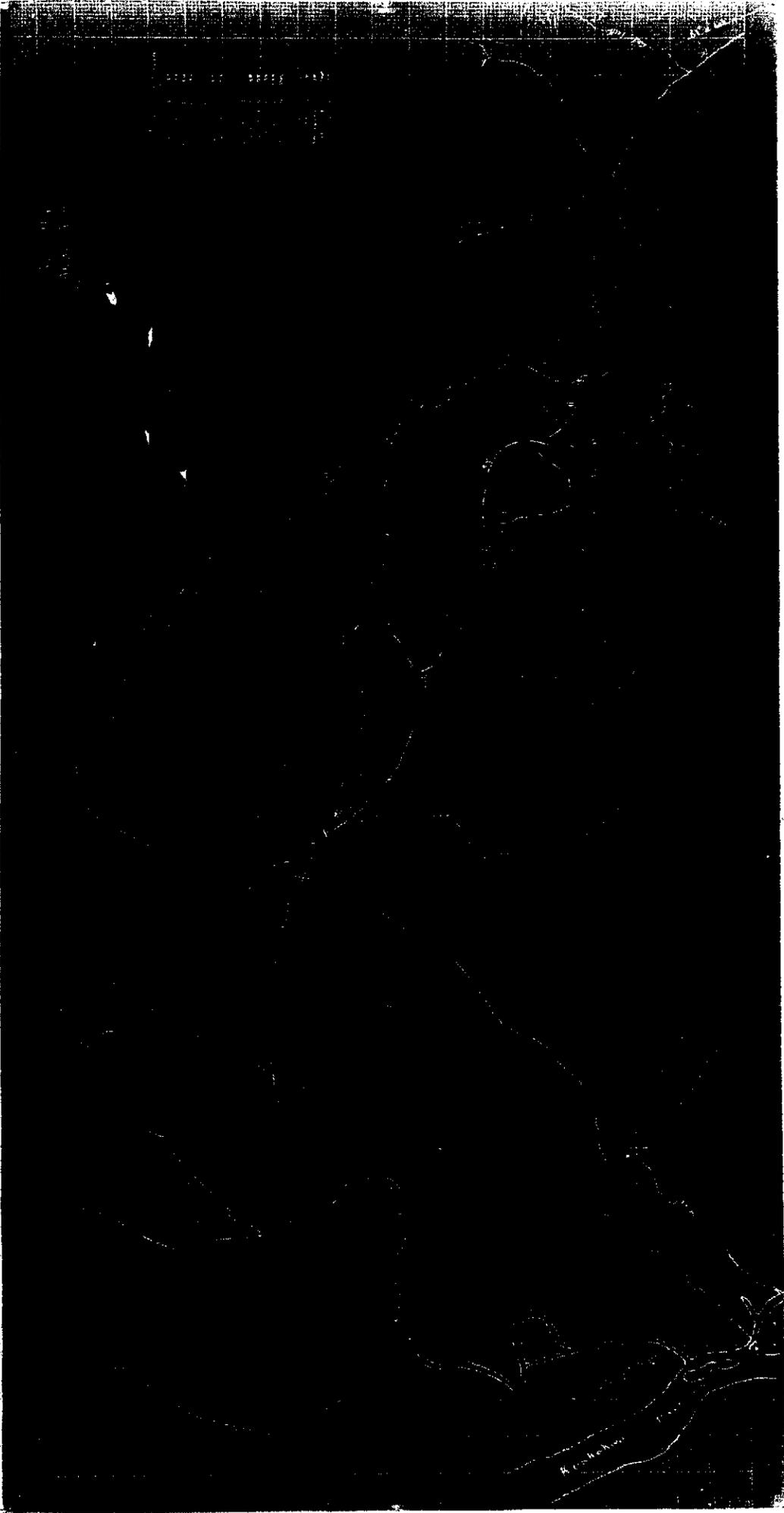
The recovery of gold is not as great as anticipated. As the drilling and prospecting data is available only to the officials of the company, a prediction cannot be made of the future. The occurrence of gold over so large an area has been the incentive to the dredging operation in the district.

The Alaska Road Commission has given its cooperation by assisting in the building of trails and bridges.

The New York Alaska Gold Dredging Company is the pioneer in the dredging field of the lower Kuskokwim. They have the problems of pioneering and isolation. Their work has been a benefit in the development of that section of Alaska and on their success or failure rests the attraction of other capital for future placer development.

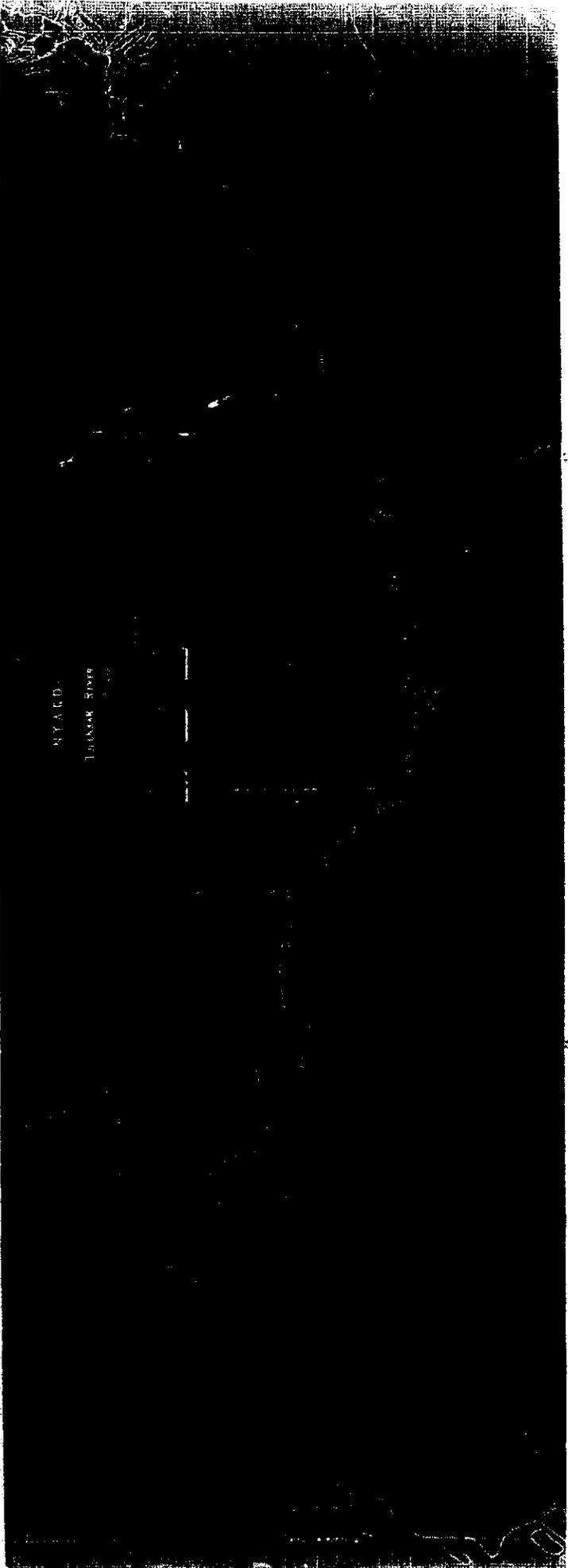
Prospecting with a view to dredging is being carried on this season in the Arolic River District near Good News Bay. This is due, in part, to placer attention being called to the lower Kuskokwim District through the activities of the New York Alaska Gold Dredging Company.

Map of Country Between Bear Creek and Aniak River.
Scale of map reduced by one half.



871

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NYACD
LULAMK RIVER

871



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PE 81-1

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Title: Report on the New York Alaska Gold Dredging Company operation, Bear Creek, Tuluk River, Alaska

Authors: Holzheimer, F.W.

Publication Year: 1926

Publishing Agency: Alaska Territorial Department of Mines

Price: \$3.00

Bibliographic Reference

Holzheimer, F.W., 1926, Report on the New York Alaska Gold Dredging Company operation, Bear Creek, Tuluk River, Alaska: Alaska Territorial Department of Mines Prospect Evaluation 18 p., 2 sheets, scale 1 inch = 1 mile.



Report Information

[Report](#), 18 p., .PDF format (916.0 K)



Maps & Other Oversized Sheets

[Map 1](#), Tuluksak River Compass Survey, scale 1 inch = 1 mile, .PDF format (301.0 K)

Quadrangles: [Russian Mission](#)

[Map 2](#), Map of country between Bear Creek and Aniak River, scale 1 inch = 1 mile, .PDF format (326.0 K)

Quadrangles: [Russian Mission](#)

PLEASE NOTE: Viewing the maps in .PDF format requires Adobe Acrobat Reader version 6.0 or above. [Click here to upgrade or install Acrobat Reader.](#)

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United States Department of the Interior



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

**Tuluksak River
Interim Summary Report
Attachment 31**

JUN 11 1992

Baird Inlet-EX-FY'92
Bethel-EX-FY'92
Black-EX-FY'92
Hooper Bay-EX-FY'92
Kwiguk-EX-FY'92 ✓
Marshall-EX-FY'92
F-14866 (75.4)
F-14895 (75.4)
F-14929 (75.4)
AA-8099 (75.4)
(961)

Memorandum

To: File F-14864 (75.4)

From: Navigable Waters Specialist (961)

Subject: Interviews on Tuluksak River and its Left-bank Tributary in Proposed Calista Land Exchange (T. 10 N., Rs. 61 and 62 W., Seward Meridian)

It was extremely difficult interviewing individuals about the Tuluksak River as they are upset about mining on the upper part of the river. It was also difficult locating and speaking to the people from Tuluksak and Nyac because many of the Natives and miners are deceased, many moved from the villages, and many did not speak English. Also many of the villagers do not have phones. Phones were out of order and the numbers have been changed.

April 21, 1992

I spoke with **Joe Demantle** (695-6615) a lifetime resident from Tuluksak. He said that long before his grandparents were married, they took large homemade skin boats loaded with far more than 1,000 pounds up the **Tuluksak River** above Nyac and back hunting and trapping. Often, he and his family also went this distance by boat carrying similar loads. One of his trips was made in an eighteen-foot boat to Nyac. He explained that the river is not the same since mining upstream. Because of the tailing from mining, the fish are dead and the river is damaged. Now one can only float down the river during spring high water. Demantle refused to give any more information as he was very upset about the mining and the destruction of the river. Also, he would not give me any information about the river's left-bank tributary with its mouth in Sec. 14, T. 10 N., R. 62 W., SM. He said that I could call Andrew Alexie (695-6797).

June McAtee, Geologist, for the Calista Corporation (279-5516), gave me information about who to contact about the **Tuluksak River**. She stated that mining started in the 1920s along the river. When I asked for a phone number for the Traditional Council, she said that they did not have a phone but communicated by word of mouth in the village. She recommended that I talk to **Golga Napoka** (695-6511), head of the local Tuluksak "Tulkisarmute Native Corporation and **Joe Alexie** (695-6798) who was previously the head of the council. She also recommended that I contact AVCP, Bethel (1-800-478-3521) or BIA. McAtee said that she hoped that we would not get the villagers shookup about mining on the Tuluksak River. She again called on April 24, and asked why I had called. I told her that I worked in Navigability and we are looking at water bodies on lands in the Calista Land Exchange.

April 22, 1991

I contacted **Andrew Alexie** (695-6797) from Tuluksak, about the **Tuluksak River**. Alexie said that in 1989 while doing a water quality survey on the river, he took a twenty-four-foot boat up to Otter Creek. His motor was too big or he could have gone farther upstream. Also, he had no reason to go farther. Andrew has flown into Nyac so he is familiar with the upper reaches of the river. In the spring and fall during high water the river is four feet deep. During the summer the river is about one and one-half to two feet deep. He said that the only time of the year that the river is boatable now (because of sediment buildups from mining) is between two weeks and one and one-half months in the spring and fall when the water is high. One can use an eighteen-foot boat on the Tuluksak to Nyac at high water only, during which time the river is about four feet deep. Sometimes the boats have to be unloaded and pulled upstream a short distance both in the summer and at high water. The area surrounding Nyac and the Tuluksak River is a source of subsistence. The reason people go upstream is to hunt beaver, moose, and other land animals, as well as to fish. Alexie recommended that I contact **John Peter** (695-6987) and **Joshua Phillips**. He also recommended that I contact **Ken Harper**, from F&WS in Kenai as Ken worked on the river last summer counting fish midway between Nyak and Tuluksak.

I reached the **Phillip Family Store** in Tuluksak (695-6329) and spoke to **Mrs. Billy Phillip**. She referred me to village people that used to fish and hunt the Tuluksak. These included: **Peter Napoka, Sr.**, 695-6226; **Joshua Peter**, 695-6987; **Frank Sly**, 695-6990; **Paul Alexie**, 695-6226/6616; **Clyde Alexie**, 765-7226 (Akiak); **Peter Waskie**, 695-6620; **Peter Napoka, Jr.** 695-6126 (who is very knowledgeable about the river); **Joe Alexie**, 695-6798; and her husband **Billy Phillip**.

Billy Phillip (695-6329) said that in the fall he and six other people went up the Tuluksak River as far as **Clarence Clark's** Native allotment in an eighteen-foot boat. About one bend downstream of **Clark's** Native allotment they had to pull the boat because it was too shallow for a large boat. One person stayed in the boat and the others pulled it. This particular year the water was about two to three feet deep--not as deep as other years. It is normally deeper than two to three feet in the fall. In the summer the river is less than two feet deep. They carried at least 1,000 pounds of goods and people. A fourteen-foot boat carrying a load could have gone at least four or five miles farther. In the 1980s work by **Northland Dredge** caused damage to the river about five to ten miles downstream of **Clark's** place. The river used to be fifty feet wide overall and now it is about ten to fifteen feet wide. The river was deeper but now it is less

than two feet in its shallowest part. Billy and his brother used to use boats on it every year for salmon and trout fishing. However, since recent mining, there are too many log jams in the summer because of lower water. Phillip recommended that I contact Carl Napoka, Sr. who is from Tuluksak (695-6512) (he is very knowledgeable about the river); John Owens, Charles Alexie, and Joshua Phillip (695-6212).

Peter Napoka, Sr., can be contacted at his son's house (695-6126) or at another family home (695-6636) or by radio after contacting a neighbor's home by radio (695-6226) Tuluksak. He said that in the 1920s, he and Waskie Roland and Peter Alexie, Sr., (both deceased) took a sixteen- to eighteen-foot wooden boat (twenty-five horsepower motor) carrying a heavy load of pipes to Garrison Place which is directly across the Tuluksak River from the mouth of Dry Creek and just above Granite Creek. They made the trip at high water and they did not hit bottom. For about one week they camped at Garrison Place and at Clarence Marsh's camp. In the 1920s, he and three other people boated the same distance in the fall after a rain, carrying their hunting gear up and several moose down.

Also, in the 1920s while moose hunting, Napoka and two men walked to Clarence Marsh's camping area in the fall. They shot beaver and several moose and built a ten-foot boat out of moose hide. Then they drifted from Marsh's place at Granite Creek at high water with a total of three men, moose meat, their food, and camping gear to "Upper Landing" which is about halfway between Tuluksak and Foothills. This year the water was low and they had to unload the meat and drag the boat over one shallow place.

In the fall of 1939, he and another man walked the tractor trail to Slate Creek. They hunted moose and drifted down from Granite Creek to "Upper Landing" in a moose skin boat with meat from two moose. They only made one stop on the trip. Heavy mining caused the river to become narrower and shallower. Now, at the river's mouth, it is less than twelve feet wide and in the spring and fall after rains, it is only four to five feet deep. Before heavy mining problems, others have carried six or seven people as far as Granite Creek in sixteen- to eighteen-foot boats in the fall and spring at which time the water was about six feet deep. They stayed for about one week. However, because of the mining it would be difficult to do now. Some years the water rises and falls quickly. They always go in the fall and spring--never in the summer, as the water is less than two feet deep in the summer, which is not deep enough for large boats.

In the 1930s and the 1940s the river became exceptionally shallow, narrow, and silty because of excessive mining upstream. The salmon do not swim to Nyac anymore as the river is too shallow because of mining.

Three to four years ago Nepoka flew to Nyac and walked to the mouth of California Creek. Because of the heavy mining, he didn't even recognize where the old river had been. The river is now also lower downstream because of the heavy mining. It is filled with heavy silt. Napoka described the river in the spring and fall after rains as between two and six feet deep. It remains high for two to three weeks. He hasn't boated the upper reaches of the river in twenty years. Since heavy mining in the river, the water is rusty in its upper reaches. The sides of their boats become orange from the mining. He knows of others, especially Waskie Roland, who used a

boat to Nyac; however, he has never seen canoes on the river. Napoka recalled that John Peter (695-6987) from Tuluksak, worked on a barge on the river. He believes that one can canoe to Garrison now in the spring and fall. Napoka said that his father told him that (in the 1920s) people took loaded boats to Nyac. He recommended that I contact Peter Waskie (695-6620) and John Peter (695-6987) (who boated the river), Edward Weise, and Andrew and Joe Alexie.

I contacted Peter Waskie (695-6230) at his sister's house about the Tuluksak. His telephone (695-6620) was out of order. He can also be contacted at his neighbor's number (695-6815). For a while he worked on a rock moving project on the upper reaches of the Tuluksak. He recalled that in the fall he and Waskie Roland took a twenty-foot boat to Clarence Marsh's camp at Garrison Place by Granite Creek. They used Roland's boat. They carried moose meat and fifteen gallons of gas down. He used a stick to push the boat in a shallow area around one bend. Nearly all of the time they were in the water. They did not use a motor going down. He said that if one tried to do so today, they would wreck the boat because the water was very low. Since the 1800s, people have ruined the river through mining. Now, in the summer, the river is about two and one-half feet deep and narrower. Before the river was severely damaged by mining, it was deeper. He said that people started to ruin the river in the 1800's by mining. Boats can't go up there now because of the mining on the Tuluksak. Waskie got very upset and said that I should get the BLM to come out and talk to the people of Tuluksak because people ruined the river by mining.

John Peter (695-6987) President of the Tuluksak Village Council said that years ago he, Joe Demantle (695-6615), and Peter Lott (who he thought was still in Tuluksak), boated to Nyac. They went to Granite, Bear, Dry creeks and Garrison Place by way of the Tuluksak River about six or seven different years in the fall at high water to hunt. (Garrison unnamed on USGS maps; however, it is reportedly by Granite Creek.) The trips were made in an eighteen-foot boat (forty-horsepower motor). They camped at Clarence Marsh's camp by Garrison Place near Granite Creek. He stays from one day to about one week depending on how long the water stays high. John has not gone for the past three to four years; however, he plans to go to Garrison and Clarence Marsh's camp for about three weeks this spring. They carry over 1,000 pounds on all trips. One cannot boat the river in the summer--only in the spring and fall during high water. He refused to answer any more questions about the depth and how the river was before and after mining because he was upset about the mining destruction of the river. He also would not give any information about the left bank slough south of Clarence Clark's Native allotment. He recommended that I contact John Napoka, Jr. who also went hunting on the river and Andrew B. Alexie (695-6797) and John D. Hawk, President of the Calista Corporation.

April 23, 1992

I tried contacting Joshua Phillip (695-6212) in Tuluksak. I was informed that he would contact me. I also tried to contact Joe Alexie (695-6798), Tuluksak, but could not contact him.

April 28, 1992

I contacted Clarence Clark's son Richard Clark (842-5567) in Dillingham, about the Tuluksak River. Clark was born in Anchorage, lived in Nyac from 1936 to 1949, and worked in Nyac

from 1952 to 1957. He got married and moved to Dillingham in 1957. He has a memento from Nyac that notes that in the early mining years 5,000 Chinese people were working on Slate Creek. In the summer he and his father were the only ones that stayed in Nyac when the mines were closed during the war. He recalled that in 1957 a tractor was brought in from Bethel in the winter which was used on the tractor trail from Nyac to his dad's Native allotment. He and his father flew into Nyac and walked or took all-terrain vehicles or the tractor to the allotment. They also used snow machines in the winter. This trail is shown on the USGS maps as ending at the allotment.

He believes that one can boat up and drift down from Granite Creek and lower airport at Slate Creek with a load in the spring or fall. The river, however, only stays high enough to do so for about one week. It is not deep enough to boat to Nyac. Clark said that the river shallows just below his father's Native allotment. I told him that I had spoken with the people from Tuluksak and they said that the miners ruined the river for fishing. He believes that the river is in the same condition now as before or during early mining. When the river reaches flood-stages each spring or after heavy rains the water washes the sludge and logs from the river. Sometimes miners used fifty-gallon drums which wash down the river. In the 1950's he would walk to Slate Creek and fish for king, dog, and silver salmon. In the fall he went ice skating and could see the fish swimming under the ice. I told him that some of the villagers hunt bear in the river's upper reaches. He said that they hunt bear at Slate Creek and not at Nyac. I told him that the Tuluksak Village people said that the river gets six feet deep in the spring and fall. He said that it never gets that deep because it moves too fast. In the spring and fall the river is about four feet deep. In the summer the river is about one-half foot to one and one-half feet deep. The river's depth depends on the amount of snowmelt and rain.

I asked Clark if he knew about Clarence Marsh, Sr., and he said that Clarence Sr. was an old man when he was growing up so he suspected that he would be deceased now, however, he said that Clarence Marsh, Jr. may be living in Bethel. He stated that Marsh's trapping and camping site which the villagers talk about is at Granite Creek. He had no information about the left-bank tributary about one-half mile south of his father's Native allotment.

Clark and his dad have never used a boat on the Tuluksak River. Clark only knows of one boat used on the river and that was driven by Cliff and Jeff Soots. They took the boat as far as one mile below his father's Native allotment. He recommended that I contact them in Bethel. The Bethel operator did not have a "Soots" in the directory; however, I found a Jeff Soots in the Anchorage phone book (753-1429). Clark thought that Soots will be going to the Nyac area this spring.

Clark believes that one can canoe or raft down from Granite Creek at high water; however, he would not try it because the river is unpredictable. In the summer the river is too low for boating and at high water it is too swift. One does not know what is around the next bend. You could run into big rocks.

May 4, 1992

I spoke with Carl Napoka, Sr. (695-6512) who took a twenty-foot boat two times to Clark's

Native allotment--once with a 140-horsepower power motor and once with a jet. One of the two times he went with five other people in the fall at high water moose hunting. The river was about three and one-half feet deep. The water shallows about twenty miles upstream from its mouth. They pulled the boat short distances three or four times. The longest distance was for about one-quarter mile. During the summer one cannot boat the river because it is too low. He uses a snow machine to go to Nyac in the winter.

Ken Harper (262-9863/9329) from Fish and Wildlife in Kenai worked at a fish weir on the Tuluksak River in Sec. 1, T. 10 N., R. 64 W., Seward Meridian, which is approximately twelve miles downstream from the report area. In July of last year, Brad Benter from Kodiak Island took a sixteen-foot jet boat upstream to the dredge site. (He does not know how far up the dredge is). Brad is now at the Kodiak National Wildlife Refuge (FTS 8-700-868-7600, bunk house is 907-487-2600. I left a message for him to call me.) In late July a group of people including Steve Poor (543-4003) and Leonard Mendala took a smaller boat upstream; sweepers nearly ripped the windshield off. There are sweepers all the way up and down the river making it dangerous to use a boat in the summer. One never knows what is around the next bend when the water is low and there are sweepers in the river. In early September the water is low and they ferry F&W people by jet boat to the weir. In late September the water rises. Harper said that the river is fifty-five feet wide near Granite Creek. Harper recommended that I read "Report of Investigations 87-9, Hydrologic Reconnaissance of the Tuluksak River Basin, Alaska, 1984-85," by E. J. Collazzi and M. A. Maurer, and "Arctic Yukon Kuskokwin Resource Inventory Report # 6, 1983, Tuluksak Fisheries Reconnaissance Survey," by Kim Francisco and K. Sundberg.

May 5, 1992

Brad Benter (FTS 700-868-7600, Kodiak Wildlife Refuge, or 487-9778, Kodiak) is a Biologist Technician from Colorado who works in Alaska in the summer. He works on the fish weirs on the Tuluksak River. Benter took a sixteen-foot jet boat (Klamath) up the Tuluksak four times in May, July, August, and September beyond the three-story dredge which lies in Sec. 3, T. 10 N., R. 61 W., SM. In fact he went to about three to four miles below Nyac. He described the dredge's location in the aerial photos as the white square about one mile above Granite Creek on the right-bank of the Tuluksak where the heavy mining begins. Once, Benter took a sixteen-foot jet boat this distance carrying three people, two weighed about 150 pounds and one about 200 pounds. He also carried fifteen gallons of gas, guns, survival gear, food, and water (totalled about 500 pounds). He made the trip last summer when the water was exceptionally low. Benter said that the river's physical character stay the same up to Granite Creek; then sharp rocks appear in the streambed. In the summer, with a boat larger than sixteen feet, and a load of about 1,000 pounds, minimal pulling is necessary. In the summer the river ranges from inches deep to about two feet deep. It is more sinuous in the summer and full of zigzags, making the trip difficult. In the spring and fall the river is over two feet deep near Clark's Native allotment. It averages between sixty and seventy feet wide, narrows to thirty feet in places and widens to one hundred feet or more in other areas. At high water taking a boat with a 1,000 pound load would be no problem up to one mile above Granite Creek. Minimum pulling might be necessary. The vegetation along the banks is not dense; therefore, it is easy to pull a boat. Benter said that mining did not harm the river; the water in the report area is

in its normal condition. In the spring and fall the river stays high for about three weeks. He recalled that Natives from Tuluksak took a twenty-five-foot boat with a "V-bottom hull" up a short distance from Tuluksak last September but did not go far because the water was exceptionally low. He recommended that I get the river readings from Ken Harper. Benter also recommended that I contact Clifford Clark, Steve Poor (543-4003) from Bethel, and Leonard Mendaza (no phone). Benter passed these three men who were carrying a large load to Clark's Native allotment in an eighteen- to twenty-foot Smoker Craft. They had a 110 horsepower outboard jet unit which was not tuned right so they had some problems on the river; however, they made it to the Clark's. If the motor had been tuned properly they could have made it up the river without any problem. The trip was made at medium water. The men were carrying two fifty-five gallon gas drums. One was filled and the other was empty. A filled drum weighs about three hundred pounds. They were the only people that Benter saw travel on the river last summer. He believes that they could have gone another three miles past the cabin at high water.

I asked him about the left-bank tributary with its mouth about one mile southwest of Clark's cabin. He said that it is tiny--about three to four feet deep and only five feet wide at its mouth. Its banks are heavily vegetated. The banks are heavily lined with forty to sixty- foot alders. He said that he would not go up the stream because it is filled with log jams and one would have to pull a boat a long distance--nearly all the way.

May 7, 1992

In a telephone conversation with Steve Poor (543-4003) from Bethel, he stated that he boated the Tuluksak three times. Twice he went as far as the weir which is about ten miles below Clarence Clark's cabin. Last spring he and two other men took an eighteen-foot flat-bottomed jet boat (115-horsepower motor) to Clarence Clark's cabin. From the cabin they walked to Nyac. At Nyac miners loaned them a large six- to eight-man raft (he did not remember the size) which they floated from Nyac to Clark's cabin. The complete trip was made in about one week. Each of the men weighed about two hundred pounds. On the boat as well as the raft, they carried one week's camping gear, guns, food, and gas. When he took his jet boat to the cabin and back down, the water was exceptionally low, and he drew gravel into the jets and lost power. This caused the boat to be thrown into the sweepers, which inturn caused the windshield to be torn up. He parked his boat at Clark's Native allotment and otters ate the boat seat. He said that if he went up the river again, he could easily go the same distance as he would know the river. The river is between twenty and thirty yards wide (+-). The main river channel is about two to four feet deep. Other than the main channel, the river is inches deep with sandbars at the bends. The trip to the weir is easy by boat. It is also fairly easy to boat to Clark's cabin. Last year in the spring the water was exceptionally low. Poor said that he did not see any discoloration of the water from mining. There are no trout in the river, however, there are pike and char.

May 13, 1992

I spoke with Kim Francisco (543-2433) ADF&G Area Manager and Biologist in Bethel who worked on the Tuluksak. Including one float trip down the Tuluksak, Francisco also flew to Nyac seven to eight times, and did about nine aerial reconnaissances of the river. In the last

week of July and the first week of August 1983, Francisco, Mike Scott, a BLM hydrologist, and a BLM woman geologist (temporary), flew to Nyac where they lived at the mining camp for two weeks. The crew launched about one mile upstream of Granite Creek where the road ends. They rafted down the Tuluksak to Fog Creek in two rafts. Each of the men weighed about 200 pounds (+-) and the woman about 100 pounds. They carried a week's supply of gear including two tents and food. The load in each raft was approximately 400 pounds. The group studied the effect of mining by taking samples from the river and they counted salmon; therefore, it took three to four days to make the trip from Granite Creek to Fog Creek. The main channel between Granite Creek and Fog River is between two and three feet deep with a few shallow areas. They found some silt which filtered into the river from the mining. From Granite to Clark's Native allotment the ride was a little hairy but they had no big problems; they touched bottom twice. The river near Granite was fairly deep because kings were spawning. He estimated the river to be between fifty and one hundred feet wide. A BLM helicopter picked them up at the confluence of Fog Creek and the Tuluksak River. He said that old timers barged freight to "Upper Landing" which he described as where the cat trail ends in Clark's Native allotment. From here the freight was taken over land. He walked all of Granite Creek counting Coho salmon. He believes that boats with 1,000 loads can be taken to Granite Creek. It would be tough to boat above Granite Creek because of the braided tailings in the river. He does not know where Garrison Creek is, however; when I told him that the Natives camped at Marsh's trapping camp, he said that there are a number of cabins along the Tuluksak and along its tributaries. He recalled a dilapidated cabin about three miles upstream on Granite Creek. He said that all miners had different names for the creeks. He does not know where USFW weir is, as it was just put in last summer. He recommended that I call Ken Harper. Kim did not recall seeing the left-bank tributary which lies about one mile downstream from Clark's cabin.

May 19, 1992

I contacted **Richard Clark** again to see if he could pinpoint Garrison Creek. I told him that the local people said that Marsh's trapping site is on Garrison Creek. He said that Marsh's site is at the mouth of Granite Creek. He does not know where Garrison Creek is. He recommended that I contact Buck Arnold (he lives in the lower 48) who built the roads in Nyac. I can contact him through Joe Shaney (842-5406) in Dillingham. Also, I can contact George Shaney in the Senior Citizen's home in Bethel. Another individual to contact is Elias Venis in Bethel. He said that Clarence Marsh and his son are both deceased.

I again spoke to **Peter Napoka, Sr.** and asked him if he could tell me exactly where Garrison Place/Creek is. He said that Garrison Place is old "Garrison housing" which was named by the miners. It lies just upstream of the mouth of Granite Creek--east of Granite Creek. He said that there are a lot of little streams there but not a specific one named Garrison Creek. It is Garrison place.

Ron Perry (543-3151) F&W, Bethel, said that five years ago in late June, he and two other people floated down the Tuluksak from Granite Creek in a twelve-foot Zodiak raft (thirty-five horsepower motor). He stated that the river was about two feet deep--shallower at Granite Creek. It is about fifty feet wide. They carried three to four days camping gear. They never drug bottom. It is easy to boat up or down the river in the fall in August and September. One

can float down the river any time. He recommended that I contact Gene Peltola (543-3321) in Bethel. Gene was raised in Nyac.

Gene Peltola (543-3321/2128/4333) President of the Yukon-Kuskokwim Health Corporation in Bethel, lived in Nyac as a child and then moved out in 1964. Now he lives in Bethel. Garrison Place is on the left-bank of Granite Creek and about one-quarter mile up from its mouth. Marsh mined on Granite Creek and may have used Garrison Camp. When people talk about the "foothills" and "foothills camp," they are talking about Clarence Clark's Native allotment. In September, in the late 60s and early 70s, he took an eighteen-foot Smoker Craft with a propeller to Clark's place. He could have gone farther but he would have had to pull the boat in places. In the late 70s he took a jet boat as far as Clark's when the water was low. Here, he could have also gone farther but had no reason to do so. He hauled more than 1,000 pounds which included three adults (each over 200 pounds), one teenager, camping gear and gas. He said that the river is a meandering river, with currents, pools, and riffles. It is hard to give an exact depth. One can pull the boat a short distance across the riffles with no problem. Also, one can take a loaded boat (1,000 pounds) down the river from Granite Creek, and maybe from farther upstream. A loaded jet boat (1,000 pounds) can also be taken up that far.

June 8 and 11, 1992

I spoke with **Mac Wheeler** (267-1426) hydrologist, at the Anchorage District Office who said that in the summer of 1988 during low water, he and Kevin Meyer took an eighteen-foot flat-bottomed riverboat (35 Horsepower jet unit) up the river to Secs. 17 of 18, T. 10 N., R. 62 W., SM. They did not go farther because they ran into a major log jam. Here the river is braided and forms various channels. They tried two or three channels; however, they could not boat up them because other log jams were in the other channels. He called this a "significant" log jam, and said that people may be getting around it in smaller boats and rafts; however, an eighteen-foot boat was too big to do so. His boat drew one-half foot of water and they never hit bottom. He saw no white water on the river. The river depth varied. Near Fog River it was deep; upstream it was two feet or more. He said that one can easily float down from the mining area above Granite Creek. He will send me his report. He claimed that high water is in mid May ending in late June in the report area. He checked a report he had written and said that there is a log jam at rivermile 47 (USGS map rivermile). Dredge No. 3 is at rivermile 65 (USGS map rivermile which is above Granite Creek). He described the lowlands in the report area as similar to coastal-flat-lands, with a negligible gradients. Numerous streams interconnect with other rivers, streams, and lakes. Due to the virtually flat gradients, it takes longer for water levels to decline. Wheeler said that on his second trip to the Tuluksak he flew to Bear Creek.

June 10, 1992

I contacted **Kevin Meyer** (257-2622) at the U.S. Park Service about his trip on the Tuluksak. He said that he did not write a report about the river and that Mac Wheeler's report was the only report from their trip.

June 11, 1992

Ken Alt contacted C. Michael Brown of the Navigability Section. According to Mike, Alt said that Mike Doxey went up the Tuluksak and not him. The upper reaches may have been covered by airplane--not by boat. He said to contact Doxie at Sport Fish Division in Fairbanks.

Ken Tedeman