

ATTACHMENTS

for

Putu and Mogak Creeks

FINAL

INTERIM SUMMARY REPORT

Prepared by Nicole Lantz, Historian I

Kuskokwim Assistance Agreement
Phase II-B Submission

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

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United States Department of the Interior

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**Putu & Mogak Creeks
Interim Summary Report
Attachment 1**

Baird Inlet-FY2001
Marshall-FY2001
Russian Mission-FY2001
2628 (924)

March 21, 2001

To: Files

From: Laura Lagstrom, Navigable Water Specialist AK924

Subject: Interviews for Nunapitchuk Window, 2001

Israthorak Creek, known as "Elaiq" pronounced "III'lii'yaq" in the Yupik dialect by villagers interviewed from Akiachak and Atmautluak. It was spelled "Elaiq" in a historical place BIA field exam.

Upper Mouth in Sec. 11, T. 14 N., R. 64 W., SM.
Lower Mouth in Sec. 27, T. 13 N., R. 70 W., SM.

Twelve Native allotment applications abut or straddle Israthorak Creek in the survey window. Ten lie within the first 10 miles of its lower mouth and the remaining two near miles 52 and 60 (approximate estimates)

Roland Nose at 825-4753 - Akiachak, Alaska; Noses' allotment is located in Secs. 34-35, T. 14 N., R. 67 W., SM., (mile 52 approx.) Case file F-19236.

Brian Latham, his son-in-law interpreted for Roland. Roland has gone to his allotment by boat sometimes in the spring but mainly in the fall. He uses a larger boat on Kuskokwim and Gweek Rivers and then transfers to a smaller Lund with a 15-horsepower motor to boat through a little creek and pond. In winter he sometimes pulled a bigger boat over by snow machine. In the past, he pulled the boat by hand. Roland said when he returned to Akiachak in the fall could carry 1,000 pounds, but it was difficult. Roland said Elaiq was deep in the spring but a little shallower in the fall. Near his allotment during the spring and fall, it is 12' - 24' wide.

Nose does not reach his allotment through the Johnson and Pikmiktalik Rivers because of the distance and cost. He reaches the Elaiq river in the spring and fall by boating through a little

creek and a pond off Gweek River. There is a mud house along the creek that he believes belongs to Nelson Nose of Kwethluk. He drags his boats over to a pond. He said nobody else boats this route except those by snowmachine in the winter. He believes Israthorak Creek to be wide and deep to Demantle's allotment that lies a few miles upstream.

Joseph Demantle Sr., Tuluksak, Alaska, Home Phone 695-6615; Demantle's allotment is located in Sec. 21, T. 14 N., R. 66 W., SM., (mile 60 approx.) BLM Case file F-19183.

Demantle said the creek that flows through his allotment is locally known as "Elaiq" which he pronounced, "Ill-lie-yuk." Between 1930-50 when he traveled to his allotment by dog team in the spring, he used to bring a 20' wooden boat mounted with either a four or eight horsepower outboard motor and several canoes. After the ice has melted off the rivers and lakes, he would travel down the river by boat. His load included up to six people, their dogs, camping gear and at times several loaded canoes tied together.

He believes the creek to be boatable from spring break up or as early as mid May through freeze-up or near the first of October. His estimates of the river's depths are as follows:

Spring - four feet to very deep;

Summer - some areas four to five feet;

Fall - five to six feet deep.

He believes that from 1970 on no one has reached his allotment by boat because of all the beaver dams, some 8' high. Today there are too many beaver dams on the creek. Even when destroyed, they are quickly repaired. Demantle said to call Robert Nick at Nick's Store in Nunapitchuk, phone 527-5127. About five years ago, Robert Nick told him he was only able to boat to 10 miles below Demantle's allotment. Today Demantle's sons and grandsons reach his allotment by snowmachine during the winter to hunt. His allotment lies 15 miles northwesterly of Tuluksak. In the spring they would hunt muskrat and would reach upstream as far as Kalskag.

Robert Charles of Akiachak said "Elaiq" was very long and heads at several big lakes. During the 70's - 80's, he used to boat as far as Roland Noses' allotment to hunt in the spring in an 18' Lund with 70 horsepower propeller motor. Other hunters whose boats were 22' long with 88 horsepower motors had to drag their boats beyond Nose's place with a snowmachine because the stream was not very deep. He felt that one could boat this area in the summer but only for salmon berries. Some villagers from the surrounding area moose hunt in the fall beyond Roland Nose's place. He could not give estimates for depths.

Jackson Lomack - 825-4754 (Jackson is the son of Joseph Lomack and lives near him) Jackson said Israthorak Creek varies in width but is very wide near his dad's allotment (mile 5). The last time he boated Elaiq was between 1978-80 near the end of May in a 22' wooden boat with a 115-horsepower Evinrude propeller-driven motor. He boated beyond his dad's allotment toward a lake but he was unable to describe the location. The river was so deep that he could not reach the bottom with an oar. Every year villagers from Nunapitchuk, Atmaultluak and Kasigluk boat this river. He said to call George Peter at 825-4513 and Jimmy Lomack at 825-4433.

George Peter, home phone 825-4513. Peter boated to Roland Nose's allotment about two years during the spring around the 2nd week of May in a 12' aluminum Harborcraft mounted with a 15-Horsepower Mariner propeller-driven motor. Peter usually camps at William Lomack's Native allotment site that is about six miles from Pilmiktalik River. He and his cousin did not have a very large load. The river was on average about 6' deep. It was not flooded. Elaiq was only about 10' wide near Noses' allotment. Peter said about four years ago during the first of October he was only able to reach Tom Wassillie's fall and spring camp because his boat kept hitting bottom. He was using a 22' Yukon Raider Boat mounted with a 130-HP Johnson and carried a 12' boat with 15 horsepower Mariner, 110 gallons gas, some camping gear, food and two adults. (I could not find an allotment application for Tom Wassillie).

Tundra people, villagers from Atmautluak, Nunapitchuk and Kasigluk boat the river during September to hunt moose but he did not say where they hunted. Overall, George Peter felt that the river is deep up to Roland Noses' place from the end of May to the 2nd or 3rd week of June. He said during the summer the river is too shallow to reach Noses' allotment but he felt the river would be boatable to Nose's allotment during September until 3rd week of October, or for 6-7 weeks. The river is only boatable up to Tom Wassillie's place during the summer.

Moses Frederick, phone 825-4287. His mother is Pauline Frederick who has an allotment about 10 miles upstream. Frederick said many people boat Israthorak Creek in spring and fall. He boats the river every spring around the third week of May in a 22' alumaweld boat mounted with 100-horsepower propeller-driven motor. Elaiq is between 30'- 50' wide around his mother's allotment and very deep in spring. In the summer months, when he takes his family berry picking the river is a little shallower than spring but he and others can still use their big boats. He has never boated it in the fall. He travels to this area in the winter with a snowmachine. There are no obstructions in the spring and summer.

Moses Pavilla Sr., home phone 553-5526. Pavilla said every September he has gone moose hunting near the upper end or to a slough above the village of Tuluksak. He did not know where Nose or Demantle's allotment claims were but he said many villagers from Nunapitchuk and Atmautluak moose hunt near the end. He can boat Israthorak Creek the whole month with a 25' whitewater aluminum boat made in Oregon. For the past 19 years beaver dams can be found all along the river. His 112-horsepower Envinrude propeller motor can usually jump over the beaver dams. Some weekend trips include eight adults, a child, camping gear, about 90 gallons of gas and sometimes a small 14' boat to save gas. He boats Israthorak Creek in the fall after the rain. I asked Pavilla how many weeks would the river remain deep near the upper reaches or to the end. He said, "depending on the rain, about two or three weeks between the middle of August through September." After the rain, the river ranges between 3'-15' deep. In the summer it is normally shallow except this past summer when the river was between 1'-3' deep. In spring some villagers boat to their spring camps when the river is free of ice between the first of May to the first of June. Pavilla said the river ranged between 11' - 150' wide. His estimates of the river's depths are as follows: Spring-between 4'-5' deep at the mouth and 3'-15' at the upper end depending on the snow; Summer-up to mid-July the river is not that deep; Fall-between 3' - 15'.

Morris Moochin - Atmautluak Corporation office, phone 553-5428. People boat the upper reaches of Israthorak Creek every year. It is used by many people from the tundra villages of Kasigluk, Nunapitchuk, Atmautluak and villagers along Kuskokwim. Moochin said, "It is famous for its abundance of subsistence, huntable animals." The last time Morris boated the river was about three years ago in September. He reached an area north of Tuluksak but below Lower Kalskag. He used an 18' Lund boat mounted with a 65-horsepower Evinrude propeller-driven motor. His load included his son and about 800 pounds. Near the upper end there were some shallow areas but he was able to continue without lifting his motor. It was deep enough to boat all the way to the end and estimated the width to average between 40'- 50' wide. He said near the end of September the river is shallower so he normally travels between the first and third week. He does not boat the river during spring and summer. I said I had talked with others who mentioned hunting up to a slough about Tuluksak and at the upper end. I said I would send him a map of Israthorak Creek. He said to call Billy Gilman at 553-5429.

Morris Moochin - Atmautluak Corporation office - 553-5428. In our second conversation after receiving the map I sent him showing Israthorak Creek, Moochin said long ago Elaiq (Israthorak Creek) used to be wider. Moochin he and others from his village moose hunt where the map reads Israthorak Creek in Sec. 19, T. 15 N., R. 64 W., SM., during September. Some areas were 3' deep and narrow but much wider than their boats. It stays deep between the end of September to the first of October when it begins to freeze. He has boated to this area several times, but there are times when the water is low between September and October. He believes even if the river is low, it is undoubtedly still boatable. When asked if this is where other villagers reach when they mention the slough above Tuluksak and below Kalskag, he said yes.

Billy Gilman of Atmautluak, works from 9-5pm, phone 553-5429, home: 553-5915. Gilman said about two or three ago in September he was moose hunting near the end of Israthorak Creek (Elaiq) river that is situated right below the village of Kalskag along the trees of the Kuskokwim River. He used an 18' aluminum skiff mounted with a 55-horsepower propeller motor. His load included two adults and about 30 gallons gas. He believed the river to be navigable though some places were narrow and they had to cross beaver dams. He emphasized that he went all the way to the end, right below Kalskag or to the tree line near the Kuskokwim river. Gilman said the river was very deep except in the areas "south" or below the beaver dams where it ranges between 4'-5' deep. He believed it stayed this deep at least two weeks but longer if it rains. Gilman said that near the end of September the river becomes shallower. The river is between 30'-50' wide in this upper area but wider near the mouth. He mentioned the fork where boaters head to the right.

The river is deep in the spring and many villagers head for their spring camps. He is unaware of anyone boating near the end during the summer months. Obstructions include beaver dams, especially the first beaver dam where it is "passable with a good strong motor." Gilman said boats are easily able to carry 1,000 pound loads. Once he used a 22' boat with a 90-horsepower propeller motor. His load included two drums of gas, groceries, camping supplies, and tents. Another party was hunting with them and both shot a moose. Their boats had no difficulties

boating downstream. Gilman said he was very familiar with **Pikmiktalik River** and said to call him at work (907) 553-5429 between 9-5pm to interview him. He also mentioned that the river above the Pikmiktalik is known as Aguligutak (Kvichavak River).

Unnamed left bank tributary to Israthorak Creek - Approximately three miles long, with its mouth in Sec. 16, T. 12 N., R. 70 W., SM. Two Native allotments straddle the stream and one abuts it. A historical site conflicts with three of the Native allotment claims.

The field reports for Native allotments Alice Sam, case file F-029209 and Agnes Charles, case file F-029215 of Akiachak dated September 1984, states that access to their parcels is by boat in the summer and snowmachine in the winter. Both mentioned the abundance of water in the Israthorak Creek and an unnamed creek for trapping small furbearers, blackfish and waterfowl hunting.

Oscar Sam Sr., husband of Alice Sam called collect this morning. He said the Yupik name of the small stream that goes to the big lake is called "A-ley-look-suak" - which means "its kinda up here."

Before Sam leaves Akiachak in the spring for his wife's allotment, he telephones the "tundra people" or villagers who live in Atmautluak to ask them if Israthorak Creek is free of ice. Normally he can boat Israthorak Creek and this unnamed tributary the first or second week of June. It takes about a day with a big load of supplies from Akiachak to reach his wife's allotment. Today he uses an 18' Lund with a 40-horsepower propeller motor.

He used to use a 24' wooden boat mounted with several propeller driven motors ranging from 18 to 60 horsepower. He hunted ducks and muskrat in the spring and took his family berry picking in the summer. His load usually included six to seven people plus their camping gear and extra gas. One spring on the way to hunt muskrat, his 24' wooden boat caught on fire and burned up right in the middle of Israthorak Creek. His load included two adults, five children, camping gear, a drum of gas and six extra gas tanks. Fortunately a nearby boat rescued all of them. The boat and everything in it burned up.

Sam said the small stream that abuts his wife's allotment at the mouth is very deep in the spring, deeper than the length of an oar. During the summer it is about 5' deep and on average 20" wide with some sections being narrower and some wider. He does not boat the stream in the fall because it is too shallow. Once near the end of August in the 70's while berry picking, he had to turn his 24' wooden boat around because it was too shallow.

The stream is boatable from spring through summer from its mouth to the lake and is unobstructed. There are no shallow areas in the spring. A very long time ago, he used to walk to this area from Akiachak. He said to call Charlie James at the IRA office and Herman Frederick's son, Moses Frederick, a health aid in Akiachak.

Robert Charles of Akiachak, home phone 825-4041 and can be contacted by leaving messages at 825-4072, 4213, 4821 or 4045. Charles said another Yupik name for the stream that flows through his mothers allotment is "Kue-voig-luq." Charles uses a 22' custom-made aluminum boat mounted with a 135-horsepower propeller-driven motor. He boats to the big lake during spring or around the middle of May. During summer when he takes his family berry picking in July, often his load includes seven to nine people, extra gas, grub, a tent, clothing and a stove. During the summer when it has not rained and the area stays dry and sunny, the tributary is very shallow and he is not able to reach lake. Villagers from Akiachak, Atmautluak, Nunapitchuk, Kasigluk, Bethel and other surrounding communities regularly boat to this area to spring camp and to hunt muskrat and beaver. In the summer they pick salmon berries. Charles said when he was younger, he remembers seeing some old crosses.

Charles estimated the stream to range between 8'-10' deep in the spring from the mouth to the lake. During July and August it decreases to 4'-5' deep. He has no reason to boat it in the fall but believes the stream would be deep because of the annual rainy season. Some areas of the lake are deep and some shallow but if one heads straight into the lake it is deep. There are a couple beaver dams and four or five beaver houses but he can boat over them.

Johnson River - the following two Native allotments straddle the river: Daniel P. George, AA-37832 in Sec. 31, T. 15 N., R. 71 W., SM., and Sinka Williams, F-16023, Parcel A, in Sec. 15, T. 17 N., R. 65 W., SM.

Patrick Peter, Akiachak IRA office phone 825-4626 - Patrick has a 22' Yukon Raider and a new 150-horsepower motor, but to boat the Johnson River he uses a 90-horsepower motor and carries a 12' skiff for emergencies and shallow areas. He boats up to the Yukon-Kuskokwim portage in the spring and in mid-July to pick berries. He does not boat here in the fall. He said toward mid-summer the Johnson ranges between 4'-6' deep even during hot days. In the spring it is very deep, at least 10' - 15'. He stated it is deep from its mouth to near the Yukon-Kuskokwim portage in T. 17 N., R. 63 W., SM.. In the spring he stays up the river about a week. There are usually at least five people in the boat. He estimates the river to be between 12' - 15' wide near the upper reaches.

Daniel P. George of Akiachak, home phone 825-4635 - The last time Daniel went to his allotment by boat was a couple years ago in September to moose hunt. He used a 22' Yukon Raider with 120-horsepower motor and his load included probably four other adults. They boated past his allotment, but not as far as the Yukon-Kusko portage in T. 17 N., R. 63 W., SM. Here the river was about 4' deep but most of it was between 5' and 7' deep. It is very deep at the mouth. In the spring, the Johnson River is very deep because of the snow melt and melting river ice. He said there are no beaver dams, but there are a few beaver houses but they do not block the river yet. He does not go to his allotment in the summer. Many villagers from Nunapitchuk, Atmautluak, Kasigluk, or tundra people moose hunt above his allotment.

Left Bank tributary of Johnson River, Mouth in Sec. 18, T. 13 N., R. 71 W., SM.

Fred A. George's allotment (Case file AA-51109) straddles the tributary about four miles upstream. Allotments for Joseph Ekamrak (Case file AA-37824), Martha Ekamrak (Case file AA-55923) straddle the mouth where the stream is between 3-5 chains wide.

Fred A. George Sr., Box 154, Akiachak, AK. 99551; Home phone 825-4033. George said the local Yupik name of tributary is "Tuni'ghoon" or as his wife in the background spelled it, "Tunuirgun." Fred reaches his allotment by boat in spring, summer and fall and by snowmachine in the winter. In the spring "Tunuirgun" is approximately 8' - 10' deep and 50' wide. In the summer and fall it is approximately 4' - 10' deep and 20' - 30' wide.

He has boated this area for many years, most recently last spring in a 20' Lund Alumaweld boat with a 115-horsepower propeller-driven motor. His load included five or six people, a mix of adults and children, food, a tent and a 55-gallon drum of gas. It was a very big load. In spring George boats to the lake locally known as "Tunighoon Lake" about five miles above his allotment. Beaver dams are beginning to block the channel but so far, do not impede boat travel.

George said "tundra people" or villagers from Nunapitchuk and Atmautluak hunt in that area and villagers from Akiachak pick berries there. He said to call his brother, Walter George at 825-4915 and his cousin, Peter Ekamrak at 825-4420.

Fred George boats to his brother's cabin on the Pikmiktalik and said I could call him when I begin interviews for boat use on that river.

Walter George of Akiachak, phone 825-4915. Walter George said he has boated the Johnson River tributary for many years. His most recent trip was about three or four years ago in late May with a 22' Yukon Raider mounted with a 115-horsepower propeller-driven motor. His load included three adults, food and camping gear. They stayed four or five days hunting black birds and traveled quite a distance beyond his brother's allotment. He estimates the river to range between 6' and 8' deep from spring to fall and approximately 24' or wider around his brother's allotment. There are no obstructions from the mouth and beyond his brother's allotment. He has seen others boat this river including his cousins, Peter Ekamrak, John and Abraham George and Fritz George, home phone, 825-4714.

Peter Ekamrak of Akiachak, phone 825-4420. Ekamrak has been up to Fred A. George's allotment by snowmachine and by boat in the spring. He usually boats beyond Fred's allotment after spring break-up that usually occurs around the middle of May. Ekamrak uses several boats, including a 16' or 18' Lund mounted with either 30 or 40-horsepower propeller motor. He estimates the river to be between 40' and 50' wide around Fred's allotment and 8' deep. Even if the river is shallower in the summer and fall, villagers from Akiachak still pick berries between the end of July and August and Atmautluak villagers hunt fox, mink and beaver net white fish.

Pikmiktalik River - in T. 14 N., R. 67 W., SM., where the Native allotment claims for Kenneth Peter, case file F-012116 and Tom George Peter (dec.), case file F-016791 straddle the river.

Eli Wassillie, Nunapitchuk Tribal Council, phone 527-5705. Wassillie said the last time he boated this river was four or five years ago to hunt moose with his older brother and nephew. He was using an 18' aluminum boat mounted with 40 horsepower propeller-driven motor. Their load included camping gear and gas for several days. Wassillie said the Pikmiktalik River was deep, wide and unobstructed the whole month of September. He boated to the place where "Christmas trees," appeared or about 35 miles north of Akiachak. I faxed him a map showing the Pikmiktalik River and the Native allotment claims for Tom George Peter (F-16791) and Kenneth Peter (F-12116). When he called back, Wassillie said they had no problems reaching the Native allotment claim, AA-37822, located in Sec. 34, Tp. 14 N., R. 68 W., SM. & Secs. 3-4, T. 13 N., R. 68 W., SM. The river was deep, wide and open. Wassillie was unable to estimate how deep and wide the river was. They did not shoot a moose. He said others who may have information of boat use on Pikmiktalik River include Tommy Andrew Sr., phone 527-5704, Andrew Wassillie, phone 527-5021 and Jimmy Stevens, phone 527-5189, all of Nunapitchuk.

When I called **Kenneth Peter's home, phone number 825-4826** in Akiachak and asked for Kenneth, his son-in-law, Robert Snyder came to the phone. Once in 1993, Snyder boated the Pikmiktalik River to his father-in-law's allotment during the end of July to take his family berry picking. He used a 22' alumaweld boat mounted with a 120-horsepower outboard propeller motor. He took his family which included four adults and five children, camping gear, a drum of gas and supplies for three weeks. They ended only staying three days because all their berry buckets were full. They even set a net in the river. Snyder said Pikmiktalik stayed very deep year round except near the end of summer when it becomes shallower. His boat encountered no obstructions along the river and their boat did not touch bottom. It is very wide in some areas and near his father-in-law's allotment, it ranges between 30' and 40' feet. He said to call Marie Frederick because she used his boat the following year. Snyder said the Pikmiktalik River stays deep from spring until the end of summer. It is also deep in the fall. He said to call Tom Peter Jr. at 825-4511 or Marie Frederick at 825-4506 or work 825-4612.

He said to talk with villagers from Atmautluak because they boat the river to reach subsistence hunting areas and to pick berries.

Marie Frederick, work phone 825-4612. Marie said in 1994, between the end of July and the first of August, she used Robert Synder's 18'-20' wooden boat with a 45-horsepower Yamaha motor to reach a salmonberry picking area about two or three miles above Kenneth Peter's Native allotment. The adults included Kenneth, his grandma, herself and her sister. Their camping gear included a tent, sleeping bags, mats, Coleman stove, blazo, food, dishes, pots and pans, rubber shoes, extra clothing, 20 gauge rifle, rifle shells and berry buckets. She said the river was wide, very deep, deeper than the boat oars (estimate 7'-8' long). They encountered no obstructions. She has not been there any other time.

Tom Peter, Jr., phone 825-4511. Tom Peter has traveled to his father's allotment (Tom George Peter) by snowmachine and by boat. In the 1970's-80's he traveled in an 18' Lund mounted with a 40-horsepower Mercury motor. When he boated to pick berries in August, the river was very deep but hesitated to give estimates. There were no obstructions. In winter they hunt for ptarmigan on the tundra by snowmachine. He said his mother, Cecelia, would probably offer more information but she is in Anchorage and he does not know when she will be back. He said to call his sister, Julie George at 825-4412.

George Peter of Akiachak, phone 825-4513. Last spring around the third week of May 2000, Peter and his cousin, Bob Peter boated beyond Kenneth and Tom George Peter's allotment in a 12' aluminum boat with a 15-horsepower Mariner. When they reached an abandoned old sod house the water became too shallow and they turned back. He was not aware of the local name. Peter said the Pikmiktalik River was about 4' deep around the allotment claims. He said it stayed this deep from the end of May to last part of August. The river was between 16' and 25' wide in this area. He did not see any other boats at this time.

Peter was also there in the fall around the 1st week of October two years ago with the same boat. The river was a little shallower, about 2' deep. He was hunting, netting whitefish and picking cranberries. George Peter normally leaves Akiachak in a 22' Yukon Raider boat mounted with a 130-horsepower Johnson and carries the 12' aluminum boat with a 15-horsepower motor. He stays at William Lomack's Native allotment site along Israthorak Creek (Elaiq River), about five miles from its confluence with Pikmiktalik River. From this point, he boats the surrounding rivers with the 12-foot aluminum boat. Becoming weary of my questions, he said I should go up there myself instead of asking him all these questions. I thanked him very much for the information.

Morris Mochin - Atnautluak Corporation office, phone 553-5428. I had mailed Morris a map showing the drainages of the Israthorak and Pikmiktalik Rivers. Mochin said every year he boats to where the Pikmiktalik River lays closest to a big slough of the Kuskokwim River in Secs. 15-16, 19-23, 26, 29-32, T. 16 N., R. 63 W., SM. He could hear boats on the Kuskokwim River and believed they could have walked to the river. Mochin uses an 18' Lund boat mounted with an Evinrude 65-horsepower propeller motor. He said villagers could reach this area every year to moose hunt and berry pick the month of September. They generally use 18' aluminum Lunds mounted with 25-30-40 and up to 70 horsepower motors. The water is on average 3' deep and ranges between 8' - 20+ in width.

He has seen other people in this area including villagers from Tuluksak. Villagers particularly like to hunt, gather firewood and berry pick in this area. Mochin said Pikmiktalik is navigable or boatable because it is wide and deep for their boats. There is nothing to prevent them from boating to this area every year with heavy loads.

Left bank tributary of Johnson River in T. 14 N., R. 71 W., SM.

Moses Paine of Akiachak, phone 825-4521. Paine's allotment, case file AA-37838, encroaches part of a lake that feeds into a short three-mile+- left bank tributary of Johnson River. The case file states that Paine reaches his allotment by dogteam or snowmachine.

Moses Paine said he is only able to reach his allotment in the spring when all the rivers and creeks are flooded after the snow and ice have melted. The creek is about 50' wide and three feet deep. He leaves Akiachak in a 24' boat and then when he reaches the mouth of the creek along the Johnson River, he transfers to his smaller 14'-16' boat with a 40-horsepower Lund motor. The creek is too shallow for his bigger boat. At times, his load includes five adults. Paine is not able to boat to his allotment in the summer or fall because it is too shallow. He leaves his boat along the Johnson river and walks to his allotment. He said the lake next to his allotment is drying up.

Right Bank Tributary of Johnson River in T. 12 N., R. 73 W., SM.

The Native allotment claim for Willie A. Alexie, (Dec.), case file F-968 appears to straddle two small streams that feed into the Johnson River. The case file noted that the lands are used to fish for pike, whitefish and to trap muskrat and to pick berries. No other allotments abut or cross the stream. No commercial or historical use was cited in the case file.

Napakiak IRA office, Walter Nelson, phone 589-2135. Nelson said he would talk with Willie Alexie's wife. Mrs. Alexie said they used to boat the stream with a small boat but no one has boated it anymore because of all the beaver dams. Up to date, the creek is not navigable. She referred to the creek by a name he never heard before. I faxed Nelson a copy of the field exam sketch diagram and a map of the unnamed stream. He will follow up next week.

Walter sent a fax back which named the stream "Elriwik." He wrote the family can only use a very small boat on the stream and are not able to reach the lake (in Sec. 10) because of the beaver dams. The lake is drying up and only fills up during very high tides during spring break-up. When I questioned Walter Nelson regarding the high tides, he said the stream is not tidal and he meant to say that when they get the south winds and lots of rain, there are higher tides on the lower part of the Johnson which back up during high tides. He did not mean to say the stream was tidal or tidally influenced.

Putu Creek - T. 15 N., R 72 W., SM.

The Native allotment claims for Mary Ekamrak (AA-52707) and Helena George (AA-37833) straddle the stream about four and five miles from the mouth. In their case files, both state access to their allotments by boat on Putu Creek. Helena George has claimed occupancy since 1933 and Mary Ekamrak since 1948. After several telephone interviews with villagers who have experience boating Putu Creek, it became apparent that each considered to a left bank tributary (mouth is just north of Mary Ekamrak's Native allotment claim) a continuation of Putu Creek.

Mary Ekamrak of Akiachak, Phone 825-4420. I first spoke with Mary who gave the phone to John her husband who works for the Akiachak IRA, who then gave the phone to their daughter Ina, who then gave the phone to their son Peter who then gave the phone to their other son, Willie Ekamrak. Willie, who ended up translating for his parents, said when they travel to Mary's allotment they use an 18' Lund with either a 25 or 30-horsepower propeller motor. The water is always deep. They have no problems boating to and beyond the allotment. His estimates of the creek are as follows:

Spring - varies - around 10' feet - very deep

Summer - 8'

Fall - if lots of rain - 9'-10'

Willie Ekamrak said there are no obstructions and the creek is known in the Yupik dialect as "Chounuk." It is very wide. The narrowest is about 15' wide. He has seen many other villagers from the surrounding area boat the creek including Abraham George, phone 825-4726.

Ina, the daughter-in-law, said her family picks blackberries every July in an 18' Lund around Mary's allotment. She says the stream is deep all the time and they have never encountered any obstructions. She agreed with John and Mary's information.

Daniel Ekamrak, phone 825-4015. Daniel is Mary's son. Ekamrak said about four years ago in late May, he almost reached a lake located beyond his mother's allotment. He was using an 18' Lund with 50-horsepower Honda propeller motor. His load included his wife, three kids and their camping supplies. They stayed a couple of days. He estimated the creek to be about 20' deep and between 25' and 35' wide. He has never boated Putu Creek in summer or fall but believes it would remain deep and therefore boatable because of the width and depth when he has been there in late May. He has seen others from the tundra villages of Nunapitchuk and Atmautluak boat Putu Creek.

Willie Ekamrak, phone 825-4254. Ekamrak said the creek is on average 10' deep. Willie uses a 22' pacific skiff with a Honda 90-horsepower propeller motor.

Daniel Ekamrak, phone 825-4015. I called Daniel back to ask what direction he and others took after they reached his mother's allotment. He said they head right (or toward an unnamed left bank tributary). He said to talk with Peter Ekamrak at 825-4420 or Carl. He reiterated that people boat to the right.

Peter Ekamrak at 825-4420. Ekamrak called Putu Creek "Chounuk." Last September when Ekamrak went moose hunting (season lasts all of September) he used a 24' Yukon Raider with a 120-horsepower motor. His load included four adults and camping gear. They traveled about four or five miles beyond his mother's allotment to the right or in a northeasterly direction. They did not encounter any obstructions nor did his boat hit bottom. Some places were deeper than his boat oars. He says Chounuk remains deep the whole month of September.

He has never boated "Chounuk" in spring or summer nor the creek to the left of his mother's allotment. He only travels on this creek by snowmachine.

Unnamed tributary to Kayigyalik Lake, mouth in Sec. 24, T. 12 N., R. 75 W., SM., and its left bank tributary, mouth in Sec. 10, T. 12 N., R. 74 W., SM.

The Native allotment claim for Alexie Nicholas, case file F-16567, straddles the unnamed tributary about seven miles upstream. The following Native allotment claims straddle its left bank tributary: Carl Thomas White, case file F-19128, at its mouth and Billy Andrew, two parcels, case file F-14386, Parcels B and C, about three and seven miles further upstream.

Mary Enoch of Nunapitchuk, phone 527-5776 (daughter of Carl Thomas White). Mary said the last time she went to her father's allotment was about six years ago in July to berry pick in an 18' Lund with 70 horsepower motor. There were three adults and two children in the boat. They stayed around her dad's allotment. She said to call her half brother Henry Parks at 527-5299.

Moses White of Nunapitchuk, phone 527-5026 said the Yupik name of the river is "Autci'ghun" which in part means "you go under something." White was at his dad's allotment (Carl Thomas White, BLM Case file F-19128 in Secs. 10 and 11, T. 12 N., R. 74 W., SM) last August 2000 berry picking with his wife and four children. He used a 16' Lund with 40-horsepower motor. He said the mouth at the lake was very shallow, about 1' deep. The rest of the river was between 4' and 6' deep and about 10 yards wide or 30' through his dad's allotment. In spring he reaches the allotment by snowmachine. He also boats here in the fall to hunt ducks. Sometimes he has to push or use oars to get past the mouth with his 16' Lund. Inside the river beaver dams are also a problem. Between the beaver dams the river can be 2' and 3' deep and above them 4' deep. When asked if his boat were loaded with 1,000 pounds, could he boat the river in July, he said no because of the shallowness of the mouth of the river. He does not boat it in September. Near the first of October before freeze-up he uses a 12' or 14' Lund with 15 horsepower motor to reach his dad's allotment. From Nunapitchuk it takes less than 45 minutes to reach here if he has no problems crossing the mouth. He said very few villagers boat the river because they are well aware of the shallow area near the river's mouth.

Two years ago in August when he was planning to pick berries, he spent two to three hours pushing and pulling the boat to try get past the mouth of the river. It is a hassle and other people from the villages do not boat it especially when there has hardly been any rain in summer and it has been warm all summer months. This shallow area along the lake is about 1,000 or more yards long filled with very soft mud. He can usually get through the area with his smaller boat maybe four weeks in June and maybe two weeks in August. He said there is no historic or current commercial use.

Henry Parks of Nunapitchuk, phone 527-5299 has been up to his father's allotment (Carl Thomas White, BLM Case file F-19128 in Secs. 10 and 11, T. 12 N., R. 74 W., SM) to pick berries, subsistence hunt and to trap which begins November 10. Last summer about the third week of July Henry Parks and his brother began building a small cabin. He used a 18' aluminum

boat with a 70-horsepower motor and towed a 12' aluminum smaller boat with 15 horsepower motor as a precaution because the water is always shallow. His load included three adults, one child and about 800 pounds of camping gear. They stayed four days.

Near his dad's allotment, he estimated the river to be between 2' and 4' deep and 30' and 40' wide. During spring break-up water is high but during the summer the water level drops. In the fall if it rains for several weeks or days, the river does rise, but if the weather is dry, the water always goes down. Predicting it is difficult. Parks said the mouth is always very shallow especially when it has not rained a lot.

I talked with Parks again to ask about problems boaters have at the mouth and he said that during the summer months when they have not had rain, boating all the lakes in the surrounding area is hard. To reach the river they must cross Kayigyalik Lake. In spring after the ice is gone, the mouth is deep for about two weeks from the first to the middle of June. It is deep enough for boats to carry a load of 1,000 pounds. Sometimes this depth can last toward the end of June. People can use different sizes of boats, even a 22' with more than 1,000 pounds of load. Nevertheless, after that, especially the first July, all the lakes and rivers around their villages get shallow. Sometimes it can rain all summer and they can boat all the lakes and rivers. The weather is unpredictable. There is a channel they follow through the lake to reach this river. When the winds are from the north and it does not rain, the channel through the lakes to this river is very shallow. During fall when the weather changes and the winds come from the south, the water level rises for a short period. This year they have had very little snow and if this continues through break-up, there will be very little water in the lakes and rivers.

He has personally had problems crossing the mouth with his 18' boat with 70 horsepower motor in August and September. Crossing the mouth has always been a problem because it is too shallow. However, the river is deep. He said when it has not rained, the surrounding lakes and rivers are shallow and he does not even attempt to leave Nunapitchuk. He said, "If we cannot pass the mouth, we cannot go up that river." He agreed with Moses Whites description of the shallow area being 1,000 yards long at the mouth and filled with soft mud at the bottom. His parting words were, "It is really tough."

David Nicholas of Kasigluk, phone 477-6157. Nicholas is the son of Alexie Nicholas (F-16567). He said the unnamed tributary is known as "Ugi-ghoon." Nicholas has been up to his dad's allotment often, the most recent being last summer around the middle of August to take his family berry picking. He was using a 16' Lund with 40 horsepower Yamaha propeller motor. His load included himself, his wife, his two sons and two children. They only stayed about six hours berry picking. The mouth was shallow but they could pass through it. The main river was deep. He has also boated the river in June and September. He said the main river is deep but he has problems crossing the mouth because it is so shallow. He also uses a 14' boat. When asked if boats would be able to carry 1,000 pounds of load on the river, he said if he had to haul 1,000 pounds of load on the river, he would wait until winter when the river was frozen because of the shallow area at the mouth. He said to call Wassillie Berlin at 477- 6151.

Wassillie Berlin, phone 477- 6151. Berlin said that I should talk with his mother, Alice Berlin.

Alice Berlin pronounced the name of the creek "Atchi-goon." She said when they go salmonberry picking in that area between the last part of July and first of August, some people use 18'- 22' Lunds. When they reach the mouth they have to go fast and not slow down. There are usually four or five adults and kids in their boats. When moose hunting the last of August through first of September she has seen 18' - 22' boats in the river. The river is deep.

Billy Andrew of Nunapitchuk, phone 527-5459 (Parcels B and C) Currently Andrew can only reach his parcels by snowmachine in the winter. Two years ago near the end of July he attempted to take his wife and several children berry picking near his parcels but they were forced to return to Nunapitchuk because of the shallow water and beaver dams. He was using a 16' Lund with 15-horsepower motor. He said maybe with a lighter boat, a 12-14' Lund with 15 horsepower motor, he could probably reach his parcels. Also, during the summer months, there is a shallow area at the mouth of the river along the lakes edge which he passes through by paddling. In the spring he estimates the mouth to be less than three feet deep for about a week. Andrew does not boat to his parcels in the fall because the river is too shallow and there are too many beaver dams. Even though the river itself is deep, he does not believe that he could haul 1,000 pounds through the mouth except in the spring and only for a short period, or about a week. However, he may be able to "inside" the river. Andrew said he traps mink between November 10th and December. He hunts muskrat in the spring by boat and sometimes traps otter in the fall with a snowmachine.

Unnamed stream in Sec. 31, T. 11 N., R. 80 W., SM. Moses White's allotment (F-18869, Parcel B) crosses a small stream in Sec. 31, T. 11 N., R. 80 W., SM.

Moses White - Kasigluk, phone 477-6728 . White said the local Yupik name of the small creek that crosses his allotment is: "Tu-gluk-too-li." The little creek is usually very shallow. White said that one could take a small boat, maybe an 18' boat with motor upstream less than a mile. Near the mouth in the spring it is about 8' deep or less for about two weeks from the end of May to the middle of June. During the summer months the water drops to less than 4' and drops even further in the fall. These depths are just near his allotment. He said sometimes other villagers boat the creek to pick berries in the summer and fish for pike in the spring. It is not very wide, about 4' wide. When you meet another boat you have to be way on the side or you have to boat to a wider area. Moses White has a little house on his allotment.

To reach his allotment, he boats the main river which drains Puk Palik Lake known as "Agoo-lu-guak River" by local villagers beginning in Sec. 33, T. 11 N., R. 79 W., SM. Many people use this main river to reach salmon berry areas between the middle of July and the first of August. White uses a 18' Jon Boat with a 40-horsepower propeller Mercury motor. He said other villagers (most likely from Kasigluk, Nunapitchuk and Atmaultluak) reach "Agooluguak" from the Johnson River through a series of lakes and a tram way on one of the long lakes. (See interviews with Anna (Beaver) Anvil and Moses Wassilie at the end of this memo).

Informational purposes: On the MTP, Secs. 19-36 were selected by Vil. Sel., F-14904. F-14904 A, excluded River 432. Kathy Flippen helped me look through the A file and we found a hand written reference to river 432. It was not the little stream we were looking at. She did not find the application which would have referenced river 432.

Pikmiktalik , Israthorak Creek and Kayigyalik Lake

I talked with **Gene Peltola, Refuge Operations Specialist, Yukon Delta National Wildlife Refuge**, Bethel, Alaska, phone 543-3151 about boat use on the above referenced water bodies. He sent and an e-mail on 2/5/01 which read, "I have looked over the locations with Mike Rearden (Refuge Manager) and George Walters (pilot). Here is what we came up with:

1) **Pikmiktalik** - our office and our LE division conduct patrols during the hunting season, and several overflights on our way to the Yukon. On several occasions, we have been boats as far the location you specified, and recall seeing boats a bit further up. (I stated that Morris Moochin said he is able to boat to an area within T. 16 N., R. 63 W., SM where the Pikmiktalik comes closes to the Kuskokwim River when moose hunting.)

2) **Israthorak** - the same goes for this location. The river is also accessible from the Kuskokwim side, via a series of sloughs. (I stated Morris Moochin and Moses Pavilla Sr. of Atmautluak can boat to a slough above the village of Tuluksak when moose hunting in September.)

3) **Kayigyalik Lake Trib:** During late summer we have seen boats in this vicinity, especially when people are out picking berries. We have observed boats up to the upland tundra, north of your location. (I specifically questioned the shallow area near the mouth which prevented many boaters from ascending the river during most of the summer months)."

I e-mailed Gene Peltola back and asked for more information about **Israthorak Creek** being accessible from the Kuskokwim side. No response.

Miscellaneous information gathered from two villagers who were selling crafts at the annual Arts and Crafts fair in the Federal building regarding travel between lakes west of Kayigyalik Lake and east of Puk Palik Lake.

Anna (Beaver) originally from Anvil, home phone: 349-0144.

Anna is originally from Nunapitchuk but now lives in Anchorage. She was showing her work at the annual Native Arts and Crafts Fair on the first floor of the Federal Building. She is very familiar with travel between Takslesluk Lake and Puk Palik Lake. The river between the two lakes is called "Upper Agubiak River." Her dad had land at Noven Lake, one of the small lakes between the two larger lakes. Villagers have always traveled between the lakes in the spring, summer and fall. They even dug out a small river over which they could drag their boats to Noven lake. From here they boated through a series of smaller lakes and finally over a tram to Puk Palik Lake. Two possible areas for this tram are marked on the map for this project.

In spring they hunt muskrat and fish for pike. There were so many pike that often their nets would sink. In summer they pick salmon berries, blue berries, black berries and raspberries. In July all the families participated in a "duck drive" on Takslesluk Lake. The "duck drives" stopped in August. In fall, their house camps are either made of mud or a combination of mud and wood. The windows were made of pike skins which were skinned very thin and washed several times. About 15 pike skins sewed together made a window about 3' square. They sewed cloth along the edges before it was attached to a wood frame. From fall to December they hunted mink, otter, fox, weasel, muskrat. They hunted by boats. Sometimes they built special sleds with no sides to bring their boats back to the villages. Sometimes they left the boats at their camps.

Moses Wassilie of Nunapitchuk was here during the Arts and Crafts fair, home phone 333-3069. He lives in Anchorage and concurred with Anna Anvil's statements about travel between the lakes. Wassilie said in July many villagers would camp on the west side of Takslesluk Lake for a "duck drive." From here they would chase the ducks or drive the ducks by boat from the western shore to the eastern shore on Takslesluk Lake. Those that could not fly were caught. The duck drives stopped in August to allow the rest to escape.

Laura J. Layton 8/5/02



United States Department of the Interior

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

**Putu & Mogak Creeks
Interim Summary Report
Attachment 2**

AA-52707 (2561) ✓

Win 2728

(963) pm

Schluss

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

MARCH 17 1998

DECISION

Mary Ekamrak : AA-52707
General Delivery : Native Allotment Application
Akiachak, Alaska 99551 :
:
U.S. Fish and Wildlife Service :
Division of Realty :
Chief, Branch of Operations :
1011 East Tudor Road :
Anchorage, Alaska 99503 :

Native Allotment Application Legislatively Approved
Native Allotment Subject to Mineral Reservation
Final Date to Amend

On November 15, 1983, the Bureau of Indian Affairs (BIA) filed Native allotment application AA-52707, and evidence of use and occupancy on behalf of Mary Ekamrak. The application was filed under the provisions of the Act of May 17, 1906, as amended.¹ In accordance with the stipulation of settlement in Fanny Barr, et al., v. United States, Civil No. A76-160 (USDC Alaska), the Native allotment application AA-52707 has been deemed timely filed. The application, indicates use and occupancy since 1948, for approximately 160 acres of unsurveyed land located as follows:

Sec. 35, T. 15 N., R. 72 W., Seward Meridian.

¹43 U.S.C. §§ 270-1 to 270-3 (1970), which was repealed with a savings provision by Sec. 18(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1617(a) (1994).

The Native allotment application has been reviewed under the provisions of Sec. 905 of the Alaska National Interest Lands Conservation Act of December 2, 1980 (ANILCA)² and it was legislatively approved, effective June 1, 1981, pending confirmation of location, as to the lands described above.

The Bureau of Land Management has determined that the lands in this application are classified as valuable for oil and gas. The Act of March 8, 1922, as amended,³ states that oil and gas cannot be conveyed to Native allotment applicants.

If the applicant does not believe that the land is valuable for oil and gas, then a petition (request) for reclassification must be submitted within 30 days from the date of receipt of this decision. With the request, geological or technical information must be submitted from a mineral expert which agrees with their belief that oil and gas are not present under the land.

If the petition and information required are not submitted within 30 days, these minerals will be reserved to the United States in the Certificate of Allotment, when granted.

The Certificate of Allotment will reserve the following to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 43 U.S.C. § 945 (1994); and
2. All the oil and gas in the land so allotted, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922, as amended, 43 U.S.C. §§ 270-11 (1982) (repealed with a savings provision) and 270-12 (1994).

Before the Certificate of Allotment can be issued for the land, the boundaries must be surveyed. Traditionally this is done by the Bureau of Land Management (BLM) at no expense to the applicant. However, when BLM pays for the survey it is done in the regular order of business and may require several years because of the large number of allotment applications already scheduled. The land in Native allotment application AA-52707 has not yet been scheduled for survey. In order to secure an earlier survey, the applicant may instead choose to hire a private surveyor at the applicant's expense.

²43 U.S.C. § 1634 (1994).

³43 U.S.C. §§ 270-11 (1982) (repealed with a savings provision) and 270-12 (1994).

If the applicant chooses to hire a private surveyor, she will need to submit to this office the surveyor's name, address and phone number and a letter waiving the right to a free survey. The BLM survey office will then write the special instructions and contact the surveyor the applicant has selected.

Although hiring a private surveyor will accelerate the survey process, there could be problems following any type of survey and neither prompt handling of the file nor conveyance of the allotment can be guaranteed. This should be kept in mind when deciding to hire a private surveyor.

The applicant has 60 days from the receipt of this decision to inform this office of her decision. If the applicant has not contacted the BLM within that time, BLM will proceed with government survey plans.

If the land described in this decision is not what the applicant intended to apply for, the applicant has 60 days from receipt of this decision to notify this office. If a request for amendment is submitted, the applicant must provide clear and substantial evidence that the amended description describes land she intended to claim at the time of application. Different land cannot be substituted or applied for.

If notification is not received, steps will be taken to order survey of the land as described above and as shown on the attached map. The location of the allotment cannot be changed after survey instructions have been written or expiration of the 60 days allowed for amendment. (Section 905(c) of ANILCA.)

A map showing the approximate location of the allotment application is enclosed.

Any questions the applicant may have regarding future use relative to the Native allotment should be directed to the Akiachak Native Community at the following address:

Akiachak Native Community
P.O. Box 70
Akiachak, Alaska 99551

The telephone number is 1-907-825-4626.

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, 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

within 30 days from receipt of this decision. 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. The appellant has the burden of showing that the decision appealed from is in error. 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 following party must also be served with a copy of the notice of appeal:

Akiachak Native Community
P.O. Box 70
Akiachak, Alaska 99551

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 of this decision or listed as parties to be served in the preceding paragraph. 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/ Paula McHale

Paula L. McHale
Land Law Examiner
Native Allotment Team
Branch of 963 Adjudication

Enclosures:
Form 1842-1
Appeal Regulations
Federal Register Publication
(58 FR 4939, dtd 1/19/93)
MTP
Map(s) of area(s)

Copy furnished to:

Akiachak Native Community (CM-RRR)
P.O. Box 70
Akiachak, Alaska 99551
(w/cy of enclosures [and field report])

Bureau of Indian Affairs
 Alaska Title Services Center
 1675 C Street
 Anchorage, Alaska 99501-5198
 (original signature)

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

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

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

DM, Anchorage (040)

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1
- Complete items 3
- Print your name & card to you.
- Attach this form to permit.
- Write Return Receipt on the Return Receipt delivered.

3. Article Addressed to:
MARI
 Akiachak
 P.O. Box 7
 Akiachak, Alaska
 AA-52707

5. Received By:
 AA-52707

6. Signature: *[Signature]*
 X

PS Form 3811

Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

3. Article Addressed to:
MARCH 17 1998
 Mary Ekamarak
 General Delivery
 Akiachak, Alaska 99551
 AA-52707 (2561) 963^{PM}JL

5. Received By: (Print Name)
 AA-52707 (2561) 963^{PM}JL

6. Signature: (Addressee or Agent)
Mary Ekamarak
 X

PS Form 3811, December 1994

4b. Service Type
 Registered
 Express Mail
 Return Receipt for Merchandise
 COD
 Certified
 Insured

7. Date of Delivery
 24
 1998

8. Address and Address Only Requested and fee (paid)

1. Addressee's Address
 2. Restricted Delivery
 Consult postmaster for fee.

1 also wish to receive the following services (for an extra fee):

PAID 24 1998

Return Receipt



United States Department of the Interior

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

**Putu & Mogak Creeks
Interim Summary Report
Attachment 3**

AA-37833 (2561)
WIN 2728
(963)mkw/bc
APRIL 03 1998

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

N Larsen 4-3-98

DECISION

Helena George	:	AA-37833
General Delivery	:	Native Allotment Application
Akiachak, Alaska 99551	:	
	:	
U.S. Fish and Wildlife Service	:	
Division of Realty	:	
Chief, Branch of Operations	:	
1011 East Tudor Road	:	
Anchorage, Alaska 99503	:	

Native Allotment Application Legislatively Approved Native Allotment Subject to Mineral Reservation

On December 5, 1979, the Bureau of Indian Affairs (BIA) filed Native allotment application AA-37833, and evidence of use and occupancy on behalf of Helena George. The application was filed under the provisions of the Act of May 17, 1906, as amended,¹ and pursuant to the stipulations in Fanny Barr.² The application, which was before the Department on December 18, 1971, indicates use and occupancy since September 1948, for approximately 160 acres of unsurveyed land located within Secs. 34 and 35, T. 15 N., R. 72 W., Seward Meridian, Alaska.

The Native allotment application has been reviewed under the provisions of Sec. 905 of the Alaska National Interest Lands Conservation Act of December 2,

¹43 U.S.C. §§ 270-1 to 270-3 (1970), which was repealed with a savings provision by Sec. 18(a) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1617(a) (1994).

²Fanny Barr et. al. v. United States, Civ. No. A-76-160 (D. Alaska 1982)

1980 (ANILCA)³ and it was legislatively approved, effective June 1, 1981, as to the lands described above.

The Bureau of Land Management has determined that the lands in this application are classified as valuable for oil and gas. The Act of March 8, 1922, as amended,⁴ states that oil and gas cannot be conveyed to Native allotment applicants.

If the applicant does not believe that the land is valuable for oil and gas, then a petition (request) for reclassification must be submitted within 30 days from the date of receipt of this decision. With the request, geological or technical information must be submitted from a mineral expert which agrees with their belief that oil and gas are not present under the land.

If the petition and information required are not submitted within thirty days, these minerals will be reserved to the United States in the Certificate of Allotment, when granted.

The Certificate of Allotment will reserve the following to the United States:

1. A right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 43 U.S.C. § 945 (1994); and
2. All the oil and gas in the land so allotted, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922, as amended, 43 U.S.C. §§ 270-11 (1982) (repealed with a savings provision) and 270-12 (1994).

Any questions the applicant may have regarding future use relative to the Native allotment or any assistance the applicant may need with the description should be directed to the Bureau of Indian Affairs, Juneau Area Office - Realty, at the following address:

Bureau of Indian Affairs
Juneau Area Office - Realty
P.O. Box 25520
Juneau, Alaska 99802-5520

³43 U.S.C. § 1634 (1994).

⁴43 U.S.C. §§ 270-11 (1982) (repealed with a savings provision) and 270-12 (1994).

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, 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

within 30 days from receipt of this decision. 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. The appellant has the burden of showing that the decision appealed from is in error. 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 following party must also be served with a copy of the notice of appeal:

Bureau of Indian Affairs
Juneau Area Office - Realty
P.O. Box 25520
Juneau, Alaska 99802-5520

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 of this decision or listed as parties to be served in the preceding paragraph. 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/ Marcia K. Walker

Marcia K. Walker
Land Law Examiner
Native Allotment Team
Branch of 963 Adjudication

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

Copy furnished to (w/cy of enclosures):

Bureau of Indian Affairs (CM-RRR)
Juneau Area Office - Realty
P.O. Box 25520
Juneau, Alaska 99802-5520

Bureau of Indian Affairs
Alaska Title Services Center (ATSC)
1675 C Street
Anchorage, Alaska 99501-5198
(original signature)

State of Alaska
Department of Natural Resources
Division of Land
Realty Services Section
3601 C Street, Suite 960
Anchorage, Alaska 99503-5936

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

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

DM, Anchorage (040)

P 438 274 041

P 438 274 040

US Postal Service
Receipt for Certified Mail

No Insurance Coverage Provided.
Do not use for International Mail (See reverse)

Sent to	<i>Julia George</i>
Street & Number	<i>Dr. Delwin</i>
Post Office, State, & ZIP Code	<i>Chickatuk, AK 99551</i>
Postage	\$
Certified Fee	
Special Delivery Fee	
Restricted Delivery Fee	
Return Receipt Showing to Whom & Date Delivered	
Return Receipt Showing to Whom, Date, & Addressee's Address	
TOTAL Postage & Fees	\$
Postmark or Date	APRIL 03 1998

PS Form 3800, April 1995

02A-37833

**NAVIGABILITY REPORT:
Putu Creek**

Nunapitchuk 2001

Putu Creek crosses the Native allotments for Mary Ekamrak, BLM case file AA-52707, in Sec. 35, T. 15 N., R. 72 W., SM., and Helena George's, BLM case file AA-37833, in Secs. 34 and 35, T. 15 N., R. 72 W., SM.

BACKGROUND INFORMATION

Local Name: "Chounuk" in the Yupik dialect.¹

Nearest Settlement: 36 miles northwest of Akiachak

Length of Water Body: Heads in a lake at 61°29' W, flows SE 30+ miles to Johnson River. Eskimo name meaning "hole" published by USGS in 1966.²

Watershed: Johnson River

USGS Quadrangle(s) in selected area: Marshall B 1, 1954.

Aerial Photo (s) in selected area: CIR 60, Roll 2911, July 1980, Frame 6400, Roll 7, July 1980, Frame 247.

Was the water body Photo Interpreted? Greg Balen, a photointerpreter with the Mapping Section, viewed the aeriels and his remarks are reported below. Balen said the main channel appeared to flow through Secs. 24-26, 35, T. 15 N., R. 72 W., SM., or southwesterly rather than southeasterly as described by Orth.

Was a Field Report/Interview Report prepared? An interview report was prepared March 21, 2001.

SUBMERGED LAND STATUS

Township	Section Number	Mile	Status and Remarks
15 N., R. 72 W.	35	4	AA-52707, YDNWR
15 N., R. 72 W.	34, 35	4.5	AA-37833, YDNWR

PHYSICAL CHARACTERISTICS

Type of Water Body: Stream

**Putu & Mogak Creeks
Interim Summary Report
Attachment 4**

Gradient: Minimal

Source	Bank to Bank Width	Mile
CIR 60, Roll 2911, July 1980, Frame 6400, Roll 7, July 1980, Frame 247.	66'	0-4
	15' - 20'	4.5
John and Mary Ekamrak	Narrowest - 15'	4+
Daniel Ekamrak	25' - 35'	0 - 8+

Source	Impediments	Mile
CIR 60, Roll 2911, July 1980, Frame 6400, Roll 7, July 1980, Frame 247.	None	0- 4
	Three areas pinched off. Over-hanging vegetation within NA AA-37833.	4.5
John and Mary Ekamrak	None	0 - 4+
Daniel Ekamrak	None through left bank tributary	0 - 8+
Peter Ekamrak	None through left bank tributary	0 - 9+

Source	Depth	Mile
John and Mary Ekamrak	Spring - varies - around 10' feet Summer - 8' Fall - with rain - 9'-10'	0 - 4+
Daniel Ekamrak	20' - Spring or the end of May	0 - 8+ (left bank trib.)
Willie Ekamrak	10' on average	0 - 4+
Ina Ekamrak	Concurs with John and Mary Ekamrak's estimates	0 - 4+
Peter Ekamrak	Deep enough for his 24' Yukon Raider with a 120-horsepower motor	0 - 8 or 9 miles (left bank trib.)

USES

Commercial: No known commercial use.

Direct Evidence: Telephone interviews with villagers who have experience boating Putu Creek, consider a left bank tributary (mouth in Sec. 35, T. 15 N., R. 72 W., SM north of Mary Ekamrak's Native allotment claim) a continuation of Putu Creek.

Mary and her husband, John Ekamrak, reach Mary's allotment in an 18' Lund with either a 25 or 30-horsepower propeller motor. The Ekamraks pick black berries every July and state the stream is always deep and free of obstructions. They are able to boat beyond Mary's allotment. They have seen many other villagers from the surrounding area boat Putu Creek.³ Willie Ekamrak, their son, said Putu Creek is on average 10' deep. He uses a 22' Pacific skiff with a Honda 90-horsepower propeller motor.⁴

Daniel Ekamrak, boated Putu Creek and its unnamed left bank tributary four years ago in late May in an 18' Lund with a Honda 50-horsepower propeller motor. His load included his wife, three kids and camping supplies. He has seen others from Nunapitchuk and Atmautluak boat several miles up the unnamed left bank tributary.⁵

Peter Ekamrak, son of Mary Ekamrak, went moose hunting four or five miles beyond his mother's allotment on an unnamed left bank tributary in September in a 24' Yukon Raider mounted with a 120-horsepower motor. His load included four adults and camping gear. He said Putu Creek known as "Chounuk" in the Yupik dialect remains deep all of September.⁶

The BLM case files for Helena George and Mary Ekamrak report that both access their allotments by boat and claim occupancy in 1933 and 1948 respectively.⁷

CONCLUSION

We find Putu Creek susceptible to travel, trade and commerce through Mary Ekamrak's Native allotment claim, AA-52707, in Sec. 35, T. 15 N., R. 72 W., SM. According to Mary, John and Willie Ekamrak of Akiachak, Putu Creek is deep from spring to fall and free of any impediments through Ekamrak's Native allotment claim. Daniel Ekamrak said Putu Creek and at least eight miles of the left bank tributary were about twenty feet deep when he boated the creek four years ago in late May. He has seen others from Nunapitchuk and Atmautluak boat Putu Creek and its left bank tributary. Peter Ekamrak uses a 24' Yukon Raider with a 120-horsepower motor when moose hunting four or five miles upstream the unnamed left bank tributary.

We find Putu Creek non-navigable within Helena George's Native allotment, BLM case file AA-37833 in Secs. 34, 35, T. 15 N., R. 72 W., SM. The aerial photography, CIR 60, Roll 2911, July 1980, Frame 6400; Roll 7, July 1980, Frame 247, shows Putu Creek closed off in three sections within George's allotment claim. The open areas range between fifteen and twenty feet in width. Peter Ekamrak of Akiachak said he uses a snow machine when traveling this section of Putu Creek.

Report Prepared By: Laura Layton Date: 6/5/02

NOTES

1. Laura Lagstrom, Interview Report, Nunapitchuk Project, March 21, 2001, Navigability Section, Quad Files, p. 11.
2. Orth, Donald J., Dictionary of Alaska Place Names, U.S. Geological Survey Professional Paper 567 (Washington D.C.: GPO 1967), p. 783.
3. Ibid, p. 11
4. Ibid, p.11
5. Ibid, p.11
6. Ibid, p.11
7. Native Allotment Case File AA-52707 and AA-37833, Bureau of Land Management, Alaska State Office, Docket



United States Department of the Interior
BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

Aug 29, 2002

**Putu & Mogak Creeks
Interim Summary Report
Attachment 5**

Baird Inlet-FY2001
Marshall-FY2001
Russian Mission-FY2001
F-16023 A (2561)¹
2628 (924)

Memorandum

To: Chief, Branch of Survey Preparation and Policy Interpretation (AK-925)

From: Chief, Branch of Mapping Sciences (AK-924)

Subject: Navigable Waters in Native Allotments Scheduled for Survey - Nunapitchuk 2001
(Group Surveys 254, 268 and 270)

This memorandum identifies navigable waters for unsurveyed Native allotments applications selected under the provisions of the Native Allotment Act of 1906. The BLM survey project named Nunapitchuk 2001, consisted of 107 Native allotment application parcels in 36 townships. The townships lie in the Yukon Delta National Wildlife Refuge.

The survey project is spread across a broad range northeasterly and northwesterly of Bethel between the Yukon and Kuskokwim rivers. A majority of the Native allotments abut the Johnson, Pikmiktalik and Kvichavak rivers, Israthorak Creek and two unnamed tributaries to Kayigyalik Lake. Only rivers and streams less than three chains in width and lakes less than fifty acres in size that cross or lie in the Native allotment parcels were reviewed. Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198' or more in width are not described because, regardless of their navigability status, they are meandered and segregated from the survey according to the Alaska Submerged Lands Act of 1988.

The information comes from a wide variety of sources including USGS maps, NASA aerial photographs, master title plats, easement and Native allotment files, prior navigability reports, interviews with local villagers and historical records including the Kuskokwim Regional Report by C. Michael Brown, titled "Alaska's Kuskokwim River Region: A History," 1985, and Elizabeth F. Andrews' six-year study of the land and resource uses of the villagers from Kasigluk, Nunapitchuk and Atmaultluak titled, "The Akulmiut: Territorial Dimensions of a Yupik Eskimo Society," Alaska Department of Fish and Game, May 1989.

¹File in Native allotment case files F-19183, F-12116, F-16791, F-19236, F-19242, F-18308, F-19286, AA-37791, AA-37834, AA-52790, F-987, AA-51770, AA-53086, F-029215, F-18747, F-977, F-029208, F-029219, AA-37824, AA-55923, AA-51109, AA-37828, AA-37832, AA-52707.

After review, we found and prepared reports on nine potentially navigable water bodies less than the meanderable size on Native allotment claims. They are as follows: 1) Johnson River; 2) Left bank tributary of Johnson River; 3) Israthorak Creek; 4) Left bank tributary of Israthorak Creek; 5) Kvichavak River; 6) Right bank tributary of Kvichavak River; 7) Putu Creek; 8) Pikmiktalik River; and 9) Unnamed tributary of Kayigyalik Lake and its left bank tributary.

The unnamed tributary of Kayigyalik Lake and its left bank tributary were found non-navigable in the Native allotment applications for Alexie Nicholas, BLM Case file F-16567, Carl Thomas White, BLM Case file F-19128, and Billy Andrew, BLM Case file F-14386, Parcel B. On May 8, 1989, the BLM had determined these water bodies navigable for selected lands in Window 1836. The criteria regarded water bodies navigable if, at the time of Statehood, they were navigable for crafts larger than a one-person kayak. Telephone interviews with David Nicholas of Kasigluk, Billy Andrew and Moses White of Nunapitchuk revealed that a shallow area, about 1,000 yards long, near the effluent prevents them and others from boating the unnamed tributary with large loads. Nicholas said if he had to haul 1,000 pounds of load, he would wait until winter because of the shallow depth of the tributary at its effluent.

The BLM-Alaska's navigability determinations are based on Federal law of title navigability. Title to unreserved lands underlying navigable waters vested in the State at the time of statehood. As a general rule, inland waters are navigable if, at the time of statehood, they were used, or were susceptible to use, for travel, trade, and commerce. In a memorandum dated March 16, 1976, Associate Solicitor Hugh C. Garner summarized the Submerged Lands Act of 1953 (43 U.S.C. 1301) and Federal case law pertaining to title navigability. The Alaska Submerged Lands Act of 1988 (P.L. 100-395) provides specific direction regarding navigability determinations and survey meanders for land transfers under the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act. Additional guidance is provided in *Appeal of Doyon, Ltd.*, Alaska Native Claims Appeal Board RLS 76-2, 86 I.D. 692 (1979)[Kandik and Nation Rivers]; *Alaska v. United States*, 754 F.2d 851 (9th Cir.1983), *cert. denied*, 474 U.S. 968 (1985) [Slopbucket Lake]; *Alaska v. Ahtna, Inc.*, 891 F2d. 1401 (9th Cir.1989), *cert. denied*, 495 U.S. 919 (1990) [Gulkana River]; *United States v. Alaska*, Original No. 84 (1997) [Naval Petroleum Reserve No. 4]; and *Alaska v. United States*, No. 98-35310 (9th Cir. 2000) [Kukpowruk River].

The appendix lists the townships in the survey window and, for each township, the navigable and non-navigable waters in the Native allotment parcels. Following the appendix are site plot maps that show the navigable waters in the Native allotment claims.



Attachments (12)

- 1-Interview 3/2001 (16pp)
- 2-Interview 6/2001 (8pp)
- 3-field trip (2pp)
- 4-Nav report Johnson (8pp)
- 5-Nav report Left Johnson (4pp)
- 6-Nav report Israthorak Creek (8pp)
- 7-Nav report Left Israthorak Creek (5pp)
- 8-Nav report Kvichavak River(6pp)
- 9-Nav report right Kvichavak River (5pp)
- 10-Nav report Putu Creek (4pp)
- 11-Nav Report Pikmikatalik River (7pp)
- 12-Nav Report Kayigyalik Lake (6pp)

cc: Akiachak Native Community
P.O. Box 70
Akiachak, Alaska 99551

Village of Atmautluak
P.O. Box ATT
Atmautluak, Alaska 99559

Native Village of Kasigluk
P.O. Box 19
Kasigluk, Alaska 99609

Native Village of Nunapitchuk
P.O. Box 130
Nunapitchuk, Alaska 99641

Association of Village Council Presidents
P. O. Box 219
Bethel, AK 99559

Calista Corporation
Land Department
601 W. 5th Ave., Suite 200
Anchorage, Alaska 99501-2225

State of Alaska, DNR
Division of Mining Land and Water
Attn: Kathy Atkinson - Navigability Section
550 W. 7th Avenue, Suite 1050
Anchorage, Alaska 99501-3579

State of Alaska, DNR
Division of Mining Land and Water
Realty Services Section
550 W. 7th Avenue, Suite 1050A
Anchorage, Alaska 99501-3579

State of Alaska, ADF&G
Habitat and Restoration Division
Attn: Ms. Robin Willis
333 Raspberry Road
Anchorage, Alaska 99518-1599

Mike Rearden, Refuge Manager
Yukon Delta National Wildlife Refuge
Post Office Box 346
Bethel, Alaska 99559-0346

U.S. Fish & Wildlife Service
Water Resources Branch, Region 7
Attn: Warren Keogh
1011 E. Tudor Road
Anchorage, Alaska 99503

Chief, Branch of Field Surveys (921)

Chief, Survey Data Research Section (933)

Chief, Survey Preparation Section (925)

Chief, Branch of Native Allotment Adjudication (964)

Northern Field Office (020)

Rodney Harvey (952)

Kathy Flippen (924)

Laura Lagstrom (924)

Appendix I

Seward River Meridian

T. 17 N., R. 64 W.

F-16023, Parcel B - No navigable waters.

T. 17 N., R. 65 W.

F-16020, Parcel A - No navigable waters.

F-16022, Parcel B - No navigable waters.

F-16023, Parcel A - Johnson River is navigable.

F-16023, Parcel B - No navigable waters.

AA-37840 - No navigable waters.

T. 14 N., R. 66 W.

F-19183 - Israthorak Creek is navigable.

T. 15 N., R. 66 W.

F-16205, Parcel B - No navigable waters.

T. 16 N., R. 66 W.

F-16020, Parcel A - No navigable waters.

F-16346, Parcel A - No navigable waters.

F-16346, Parcel B - No navigable waters.

F-17503, Parcel B - No navigable waters.

T. 17 N., R. 66 W.

F-16019, Parcel A - No navigable waters.

T. 14 N., R. 67 W.

F-12116 - Pikmiktalik River is navigable.

F-16791 - Pikmiktalik River is navigable.

F-19236 - Israthorak Creek is navigable

T. 15 N., R. 67 W.

F-13184 - No navigable waters.

F-09964, Parcel A - No navigable waters.

T. 16 N., R. 67 W.

F-13184 - No navigable waters.

F-14183 - No navigable waters.

F-14184 - No navigable waters.

F-19199 - No navigable waters.

T. 17 N., R. 67 W.

F-16363, Parcel B - No navigable waters.

T. 13 N., R. 68 W.

AA-37822 - No navigable waters.

T. 14 N., R. 68 W.

AA-37785 - No navigable waters.

AA-37822 - No navigable waters.

F-19242 - Right bank tributary of Kvichavak River is navigable.

T. 15 N., R. 68 W.

F-14182 - No navigable waters.

T. 13 N., R. 69 W.

F-09910 - No navigable waters.

F-18308 - Israthorak Creek is navigable

F-19286 - Israthorak Creek is navigable

AA-37784 - No navigable waters.

T. 14 N., R. 69 W.

AA-37791 - Right bank tributary of Kvichavak River is navigable.

AA-37823 - No navigable waters.

AA-37834 - Kvichavak River and its right bank tributary are navigable.

AA-37835 - No navigable waters.

AA-37836 - No navigable waters.

AA-37845 - No navigable waters.

AA-52790 - Right bank tributary of Kvichavak River is navigable.

F-029220 - No navigable waters.

F-987 - Right bank tributary of Kvichavak River is navigable.

T. 16 N., R. 69 W.

AA-37839 - No navigable waters.

T. 12 N., R. 70 W.

AA-51770 - Israthorak Creek is navigable

AA-53086 - Israthorak Creek is navigable.

F-09910 - No navigable waters.

F-19286 - Israthorak Creek is navigable.

F-29209 - No navigable waters.

F-029105, Parcel A - No navigable waters.

F-029215, Parcel B - Left Bank Tributary of Israthorak Creek is navigable.

F-18747 - Israthorak Creek is navigable.

F-09910 - No navigable waters.

T. 13 N., R. 70 W.

AA-37827 - No navigable waters.

AA-51772 - No navigable waters.

F-977, Parcel A - Pikmiktalik River is navigable/meanderable.

F-19286 - Israthorak Creek is navigable.

T. 14 N., R. 70 W.

AA-37827 - No navigable waters.

AA-50579 - No navigable waters.

F-029208 - Kvichavak River is navigable.

F-029219, Parcel A - Kvichavak River is navigable.

T. 12 N., R. 71 W.

AA-37829 - No navigable waters.

T. 13 N., R. 71 W.

AA-37824 - Left Bank Tributary of Johnson River is navigable/meanderable.

AA-55923 - Left Bank Tributary of Johnson River is navigable/meanderable.

AA-51109 - Left Bank Tributary of Johnson River is navigable.

AA-37826 - No navigable waters.

AA-37828 - Kvichavak River is navigable.

AA-37830 - No navigable waters.

F-029992 - No navigable waters.

F-09612 - No navigable waters.

F-13305 - Left Bank Tributary of Johnson River is navigable/meanderable.

T. 14 N., R. 71 W.

AA-37825 - No navigable waters.

AA-37838 - No navigable waters.

T. 15 N., R. 71 W.

AA-37831, Parcel B - No navigable waters.

AA-37832 - Johnson River is navigable.

T. 12 N., R. 72 W.

AA-56432, Parcel C - No navigable waters.

F-14255, Parcel A - No navigable waters.

F-16602 - No navigable waters.

F-16841 - No navigable waters.

T. 15 N., R. 72 W.

AA-37833 - No navigable waters.

AA-52707 - Putu Creek is navigable.

T. 11 N., R. 73 W.

F-029803 - No navigable waters.

T. 12 N., R. 73 W.

F-968 - No navigable waters.

F-14394 - No navigable waters.

F-15756, Parcel A - No navigable waters.

F-15756, Parcel B - No navigable waters.

F-16599, Parcel C - No navigable waters.

F-16599, Parcel D - No navigable waters.

F-16841 - No navigable waters.

T. 13 N., R. 73 W.

F-14386, Parcel C - No navigable waters.

F-18975 - No navigable waters.

T. 9 N., R. 74 W.

F-14963, Parcel C - No navigable waters.

T. 10 N., R. 74 W.

F-14981, Parcel D - No navigable waters.

T. 12 N., R. 74 W.

F-13235 - No navigable waters.

F-14234 - No navigable waters.

F-14235 - No navigable waters.

F-14236 - No navigable waters.

F-14255, Parcel B - No navigable waters.

F-14256, Parcel B - No navigable waters.

F-14386, Parcel A - No navigable waters.

F-14386, Parcel B - No navigable waters.

F-14961, Parcel A - No navigable waters.

F-14963, Parcel A - No navigable waters.

F-14968, Parcel A - No navigable waters.

F-14982, Parcel B - No navigable waters.

F-16567 - No navigable waters.

F-17410 - No navigable waters.

F-18011 - No navigable waters.

F-18198, Parcel A - No navigable waters.

F-18819 - No navigable waters.

F-19128 - No navigable waters.

T. 13 N., R. 74 W.

F-029819 - No navigable waters.

T. 12 N., R. 75 W.

F-13204 - No navigable waters.

F-14238 - No navigable waters.

F-14253, Parcel A - No navigable waters.

F-14962, Parcel A - No navigable waters.

F-14963, Parcel A - No navigable waters.

T. 12 N., R. 77 W.

AA-56432, Parcel A - No navigable waters.

F-14980, Parcel A - No navigable waters.

F-17396 - No navigable waters.

F-17532 - No navigable waters.

T. 11 N., R. 79 W.

F-18869, Parcel B - No navigable waters.

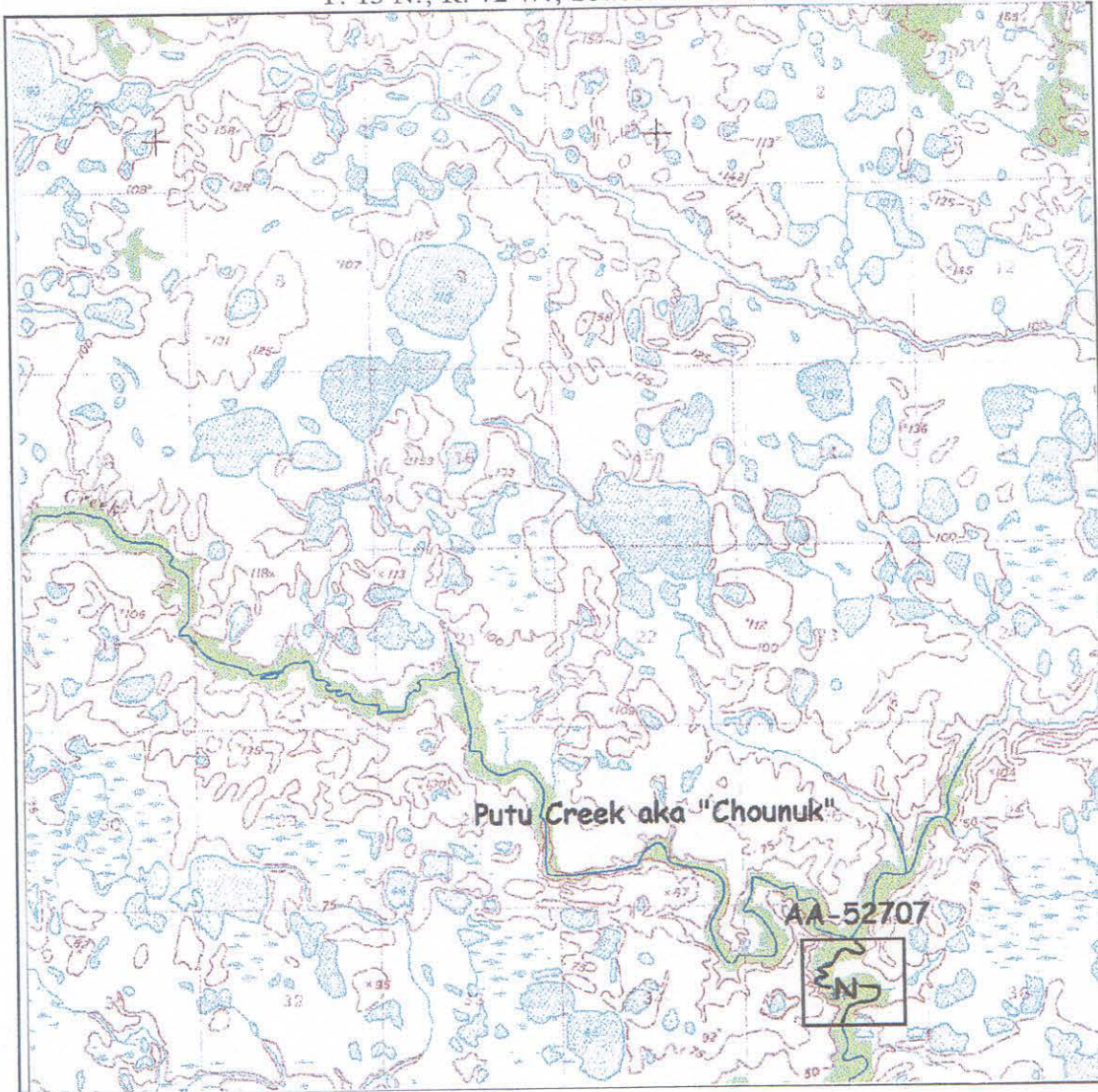
T. 11 N., R. 80 W.

F-18869, Parcel B - No navigable waters.

UNITED STATES
 DEPARTMENT OF THE INTERIOR
 BUREAU OF LAND MANAGEMENT

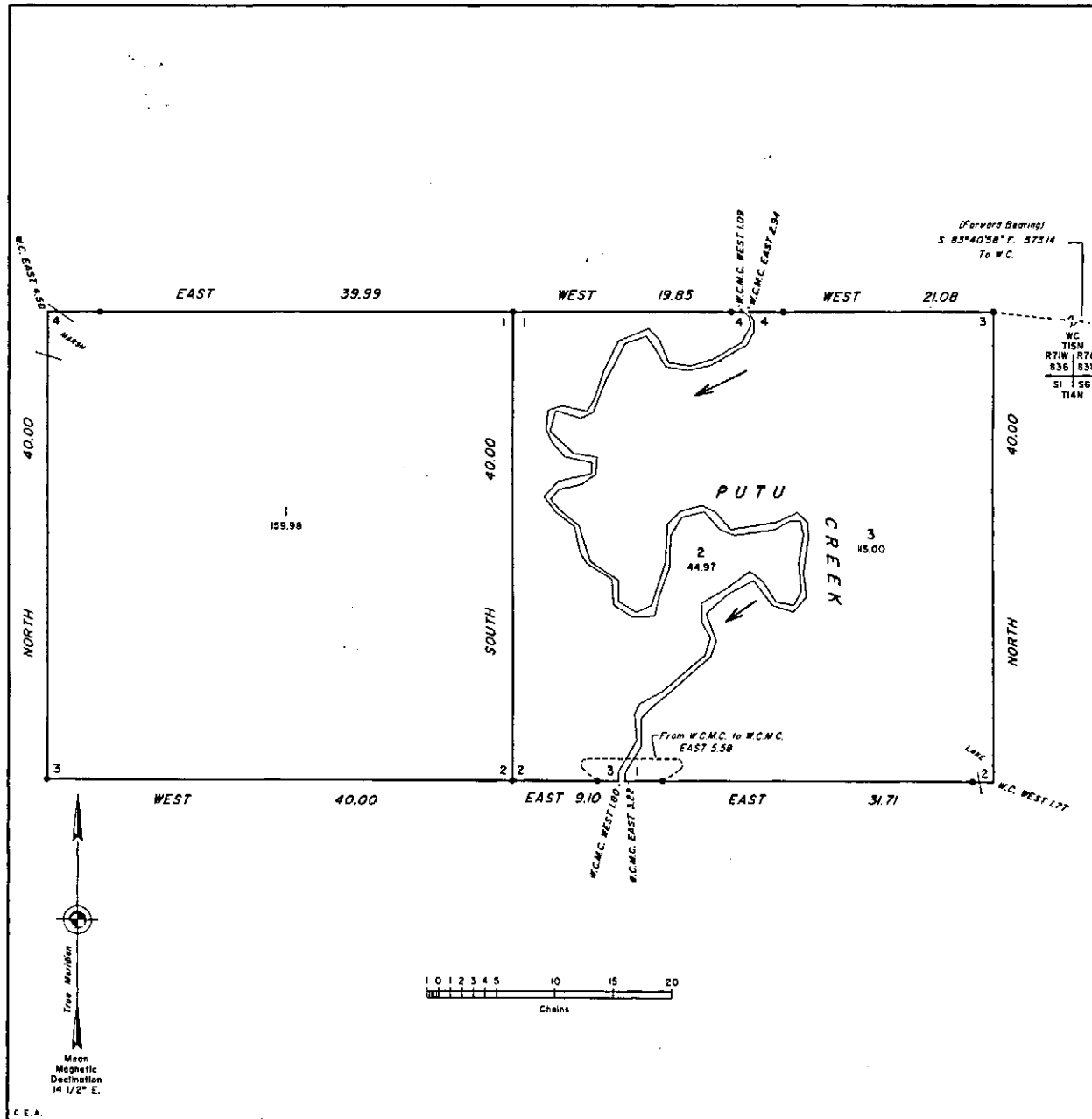
NAVIGABILITY MAP - (Nunapitchuk - Native Allotments Only)

T. 15 N., R. 72 W., Seward Meridian



SCALE: 1" = 1 Mile

USGS MAPS	AERIAL PHOTOS	Status
Marshall B-1	CIR 60, Roll 2911, July 1980, Frame 6400; CIR 60, Roll 7, July 1980, Fr. 247	Native Allotment Application AA-52707, YDNWR



**U. S. SURVEY
No. 12979, ALASKA
COMPRISING LOTS 1 THROUGH 3**

SITUATED ON PUTU CREEK
APPROXIMATELY 40 MILES SOUTHWESTERLY
OF THE VILLAGE OF RUSSIAN MISSION, ALASKA
WITHIN TOWNSHIP 15 NORTH, RANGE 72 WEST
SEWARD MERIDIAN, ALASKA

THE GEOGRAPHIC POSITION OF
CORNER No. 3, LOT 3,
IS:

LATITUDE: 61° 21' 06.12" NORTH, (NAD 27)
LONGITUDE: 162° 07' 41.61" WEST

AREA: 319.95 Acres.

SURVEYED BY

CHARLES E. AKIN, JR.,
REGISTERED ALASKA LAND SURVEYOR No. LB-9131,
FOR
THE ASSOCIATION OF VILLAGE
COUNCIL PRESIDENTS, INC.

MAY 30 THROUGH AUGUST 12, 2001

UNDER SPECIAL INSTRUCTIONS
DATED JUNE 8, 2000,
APPROVED NOVEMBER 2, 2000
AND
CONTRACT No. NAC 010079,
DATED MAY 7, 2001.

**Putu & Mogak Creeks
Interim Summary Report
Attachment 6**

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

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

This plot 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

George P. Quinn 3 June 2002 Date
Deputy State Director for Cadastral Survey,
Alaska.

UNSURVEYED TOWNSHIP 15 NORTH RANGE 72 WEST OF THE SEWARD MERIDIAN, ALASKA

PROTRACTION DIAGRAM NO. S9-2 OFFICIALLY FILED 6/29/1959

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

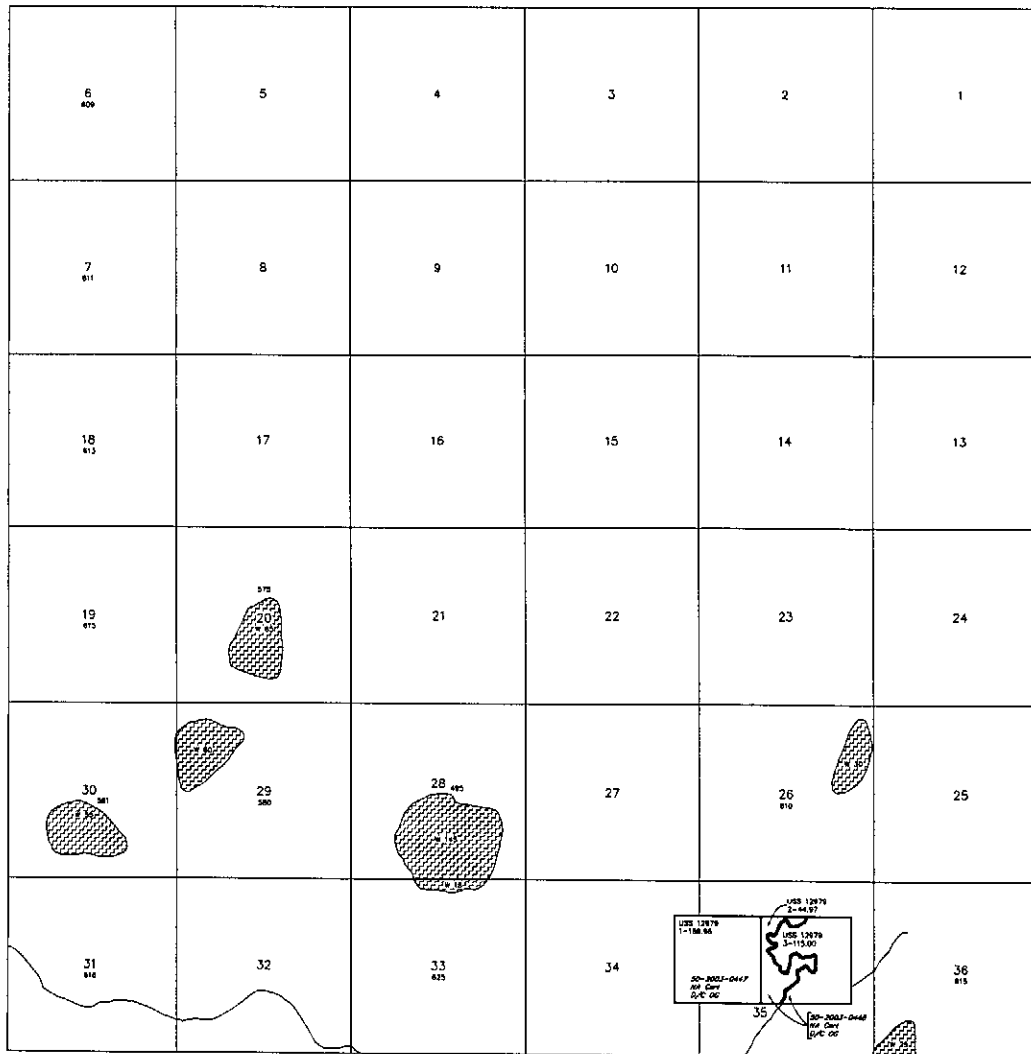
MTP

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

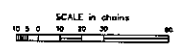
PL 9179 Was Aid of Leg. & Ct affects L&M/Interests
not conveyed

PL 9184 Was Ct by Sec 11 of PL 92-201 affects
L&M/Interests not conveyed

PL 96-487 Was Yukon Delta NWR affects To



Lot 61°20'24.532"N
Long 152°05'39.578"W



WARNING:
This plan is the Bureau's Record of Title, and should be used
only as a guide. Study of the township survey data, files,
and records do not reflect title changes since this plan was
prepared by means of measurements of maps or other means of value.
Refer to the Bureau's records for official survey information.

CURRENT TD	FWS, AVCP	Sew Mar
9-8-2003		T 15 N
		R 72 W

ACAD

UNSURVEYED TOWNSHIP 13 NORTH RANGE 71 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTOR DIAGRAM NO. 59-2 OFFICIALLY FILED 5/29/1959

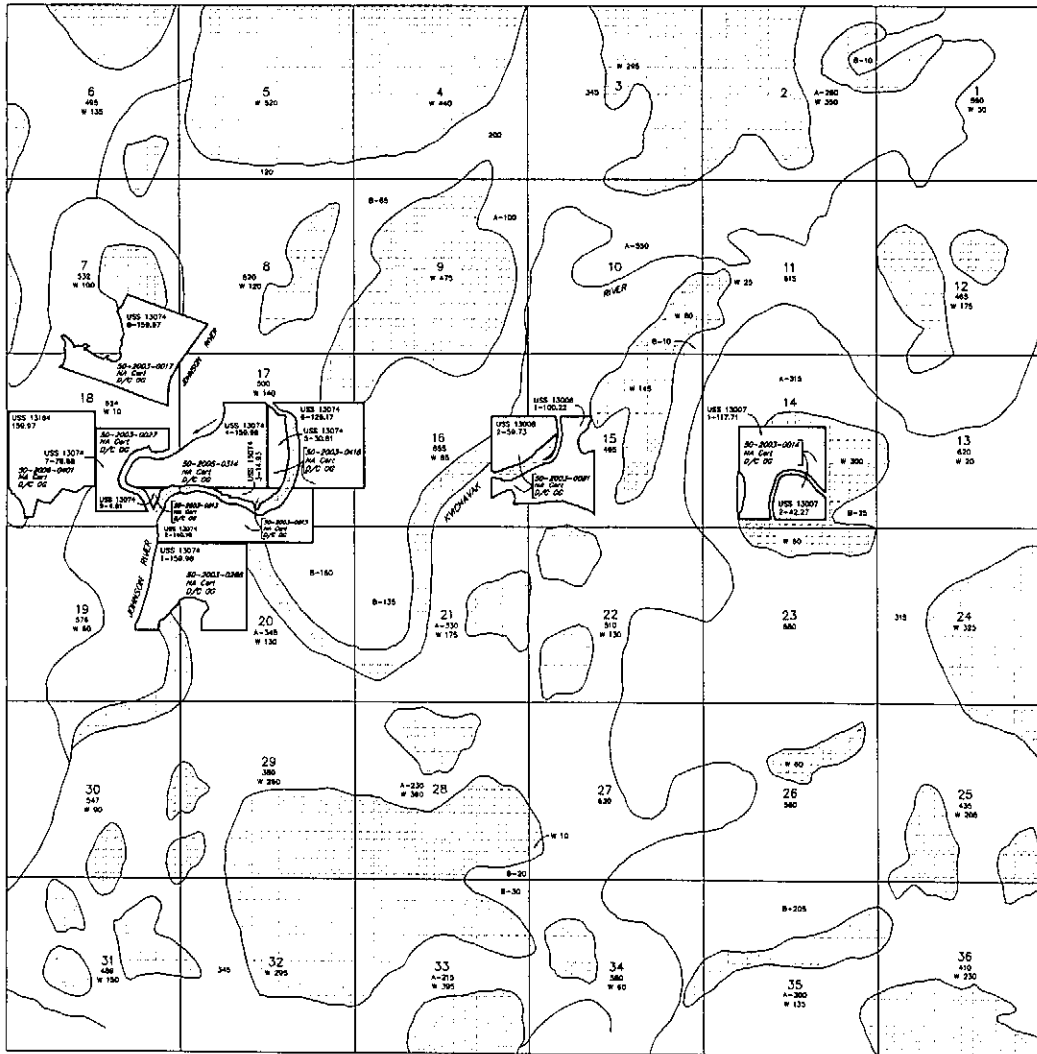
STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

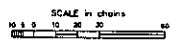
FOR OWNERS EFFECTING DISPOSAL OR USE OF UN-
 IDENTIFIED LANCES WITHDRAWN FOR CLASSIFICATION
 MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
 REFER TO INDEX OF MISCELLANEOUS DOCUMENTS.

PLD 5179 Not Aid of Law & C effects Lib/Interests
 not conveyed

PL 50-487 Not Yukon Data NWM entire Tp



Putu & Mogak Creeks
 Interim Summary Report
 Attachment 7



NOTICE:
 This map is the Bureau's Record of Title, and should be used
 only as a guide to the status of the lands shown. It is not
 intended to be a substitute for a title search. The Bureau
 does not warrant the accuracy of the information shown here,
 and is not responsible for any errors or omissions. It is
 recommended that the owner consult the Bureau's records
 for the latest information for any particular area.

Lat 61°10'00.641"N
 Long 161°54'53.754"W

CURRENT ID	Sev Mar
10-20-2008	T 13 N R 71 W

ACAD

UNSURVEYED TOWNSHIP 14 NORTH RANGE 71 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTION DIAGRAM NO. S9-2 OFFICIALLY FILED 8/29/1959

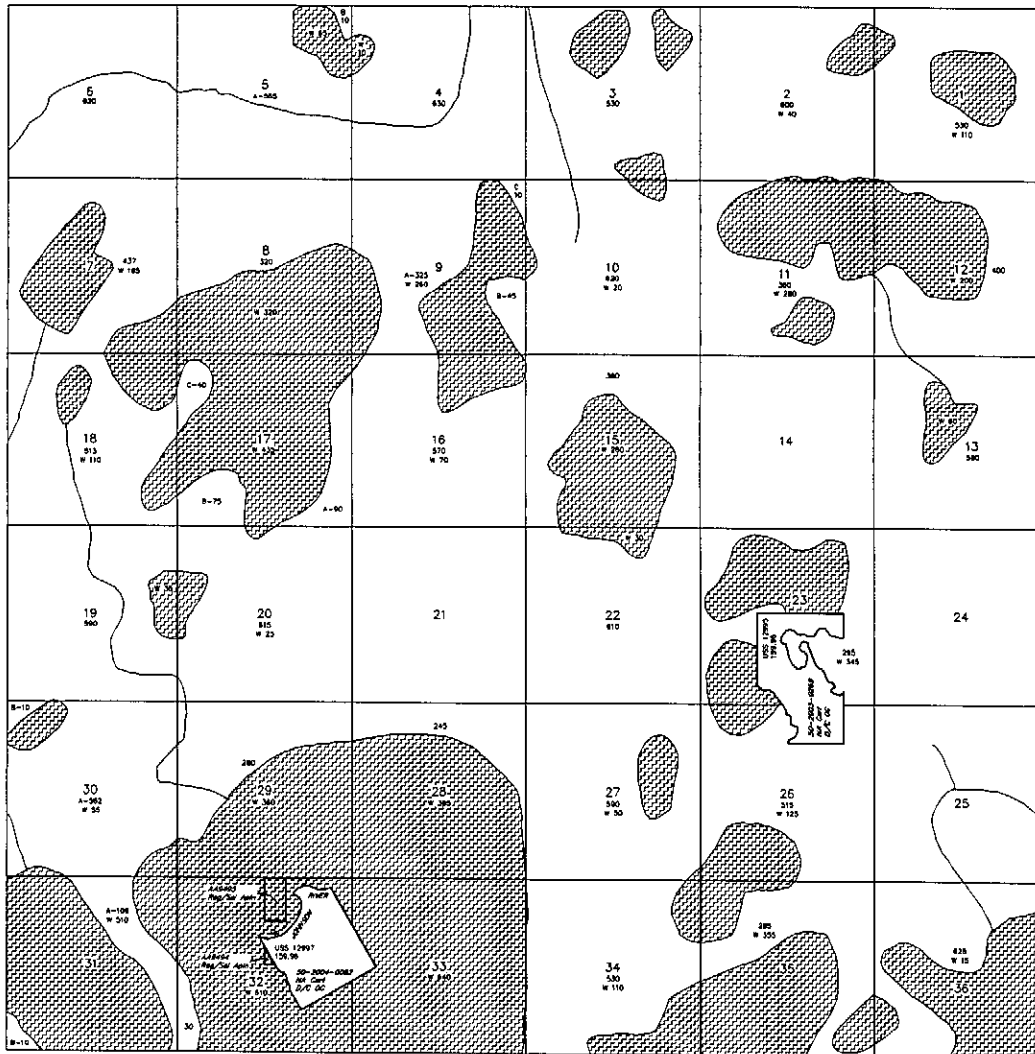
STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

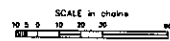
FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
 IDENTIFIED LANDS WITHIN THIS CLASSIFICATION
 MINERALS, WATER AND/OR OTHER PUBLIC PURPOSES
 REFER TO INDEX OF MISCELLANEOUS DOCUMENTS

PLD 5179 West Aid of Log & Co affects Log/Interests
 not conveyed

PL 86-687 West Yukon Delta NWR within Tp



Lat 61°15'12.588"N
 Long 161°54'53.754"W



WARNING
 This plat is the Bureau's Record of Title, and should be used
 only as a general guide to the location of land. Records
 with respect to the real estate title changes which have been
 effected by legal proceedings of record of actual notices of water,
 title to the underlying surface for all other purposes.

CURRENT TO	Sew Mer
4-2-2004	T 14 N
	R 71 W

ACAD

UNSURVEYED TOWNSHIP 16 NORTH, RANGE 73 WEST OF THE SEWARD MERIDIAN, ALASKA
 PROTRACTOR DIAGRAM NO 59-3

STATUS OF PUBLIC DOMAIN
 LAND AND MINERAL TITLES

MTP

SEE USE

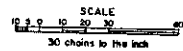
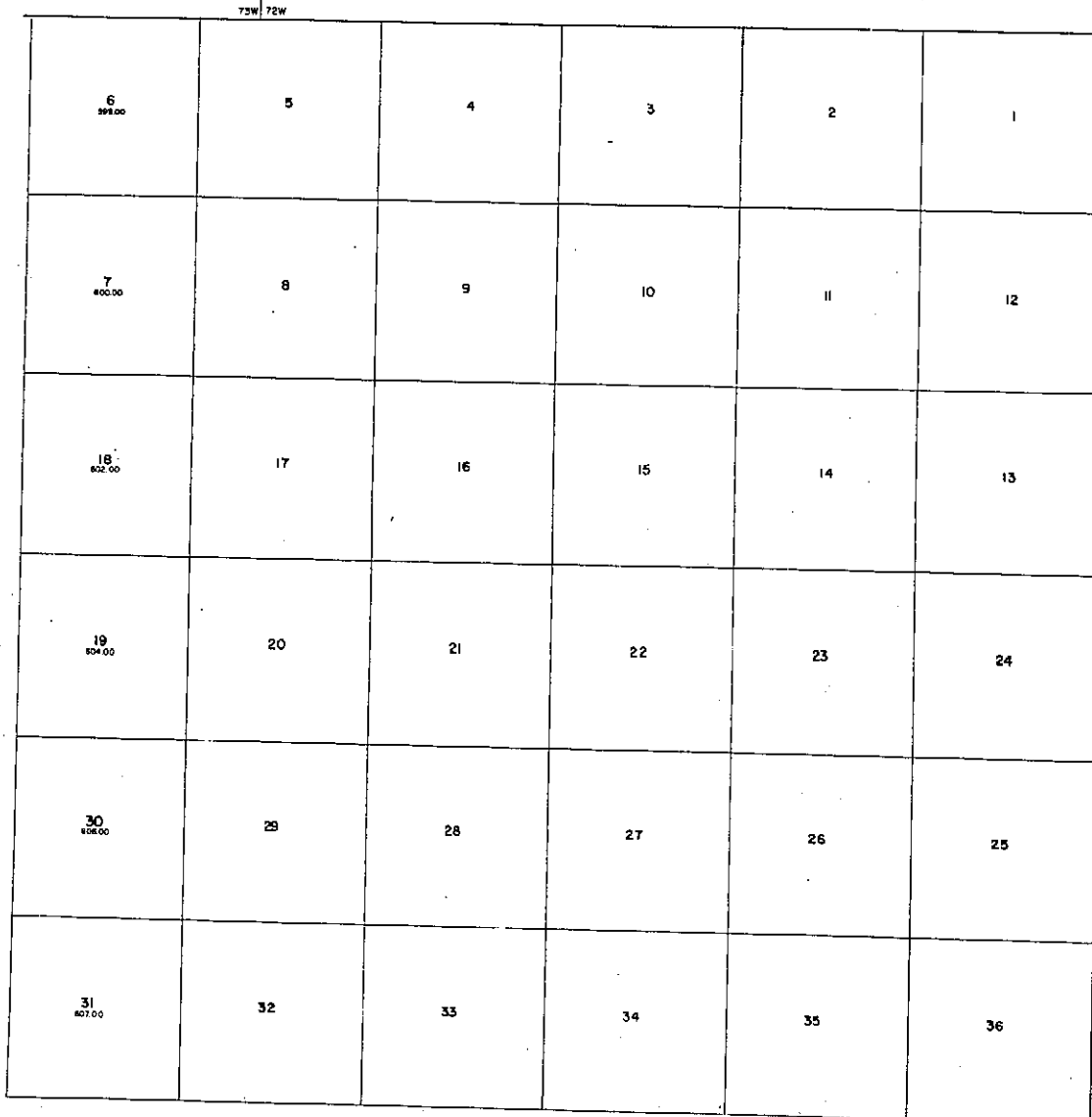
INDEX TO SEGREGATED TRACTS				
TRACT NO	ORIGINAL SURVEY			
	T	R	SEC	SUBDIVISION

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

PLD 5179 3/15/1972 W&J entire To old to Leg B O

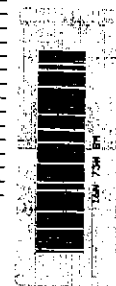
Not recommended to Congress

PL 96-497 (2-3-1980) W&J Entire To Yukon Delta NWR



Lat 61°23'36.47" N
 Long 162°16'25.104" W

AACP	
CURRENT TO	BY



T. 16N
 R. 73W

AEC
 FWS

