United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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In Reply Refer To:
AKAK106403643
AKAA-98715 (1864)
(9414)

July 24, 2026

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RETURN RECEIPT REQUESTED

DECISION

State of Alaska	:	AKAK106403643
Department of Natural Resources	:	Application for a Recordable
Division of Mining, Land & Water	:	Disclaimer of Interest
Public Access Assertion and Defense Unit	:	Unuk River
550 West Seventh Avenue, Suite 1070	:	
Anchorage, Alaska 99501-3579	:	

APPLICATION APPROVED

I. Summary

On September 8, 2025, the State of Alaska (State) finalized application AKAK106403643 with the Bureau of Land Management (BLM) for a Recordable Disclaimer of Interest (RDI) pursuant to section 315 of the Federal Land Policy and Management Act of 1976 (FLPMA) as amended (43 U.S.C. § 1745) and the regulations contained in 43 CFR Subpart 1864 for certain lands underlying the Unuk River, located in Southeast Alaska.[1, 2]

The Unuk River is in Southeast Alaska, originating in the Coast Mountains of Canada, and flowing southwest for about 72 miles until it empties into Burroughs Bay, about 50 (air) miles northeast of Ketchikan. The Unuk River crosses the U.S. – Canada border at about river mile (RM) 29.3 (see Map 1 and Map 2).

The RDI application was submitted for the submerged lands as follows:

[1] FLPMA of 1976, Disclaimer of interest in lands, 43 U.S. Code. § 1745.
[2] James H. Walker, State of Alaska, Department of Natural Resources (DNR) Public Access and Defense Unit, to Charley Palmer, Acting Section Chief of RDI & Navigability, Bureau of Land Management. (Sept. 8, 2025) (on file with Bureau of Land Management records, Anchorage, AK [hereinafter BLM Records]).

> "Unuk River from the 60-foot boundary reserve, reserved by Presidential Proclamation No's. 810 and 1196 downstream to the location the river is influenced by the tide within the State of Alaska, more particularly described as follows:
>
> Unuk River
>
> All submerged lands between the ordinary high-water lines of the left and right banks of the [Unuk] River from the 60-foot boundary reserve within Sections 9 and 10, Township 64 South, Range 94 East, Copper River Meridian [about RM 29.3] to the extent of tidal influence regardless of location…"[3]

The upstream extent of tidal influence on the Unuk River has not been formally established. As a result, some lands identified in this decision may lie within tidally influenced areas outside BLM jurisdiction. A future survey that determines the actual extent of tidal influence may change the lands identified as disclaimed in this decision.

The State's application asserts that the above-described waterbodies were navigable in fact on the date of Alaska's statehood, January 3, 1959. As such, the application maintains that ownership of the submerged lands underlying the subject waters automatically passed from the United States to the State upon the date of statehood under the Alaska Statehood Act,[4] the Equal Footing Doctrine,[5] the Submerged Lands Act (SLA) of 1953,[6] the SLA of 1988,[7] and other title navigability laws.

The BLM has determined that the information available to the BLM and present in the record for the State's application demonstrates that the waters in the Unuk River identified in the application were navigable at the time of Alaska's statehood. The State's application is therefore **APPROVED** as described below.

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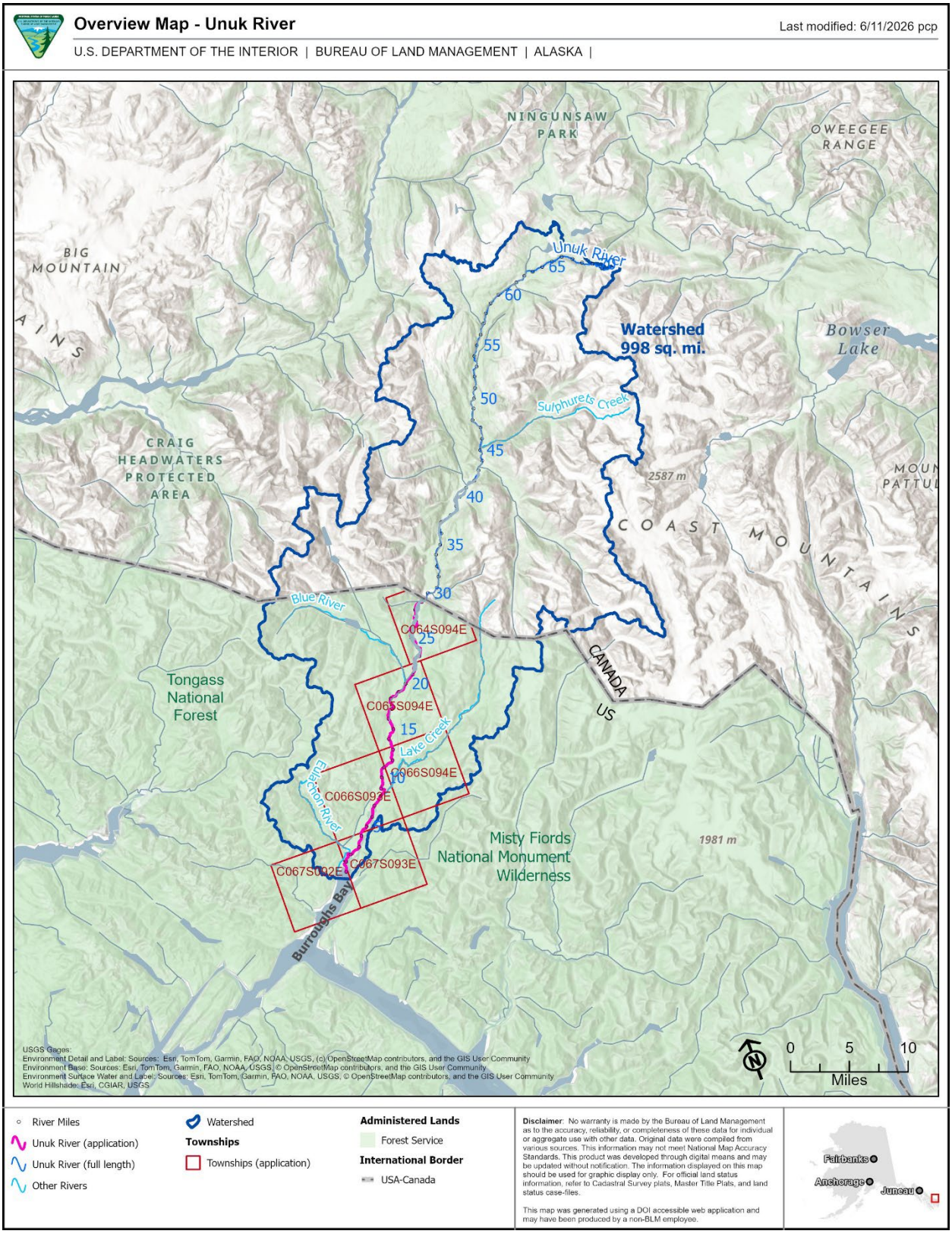
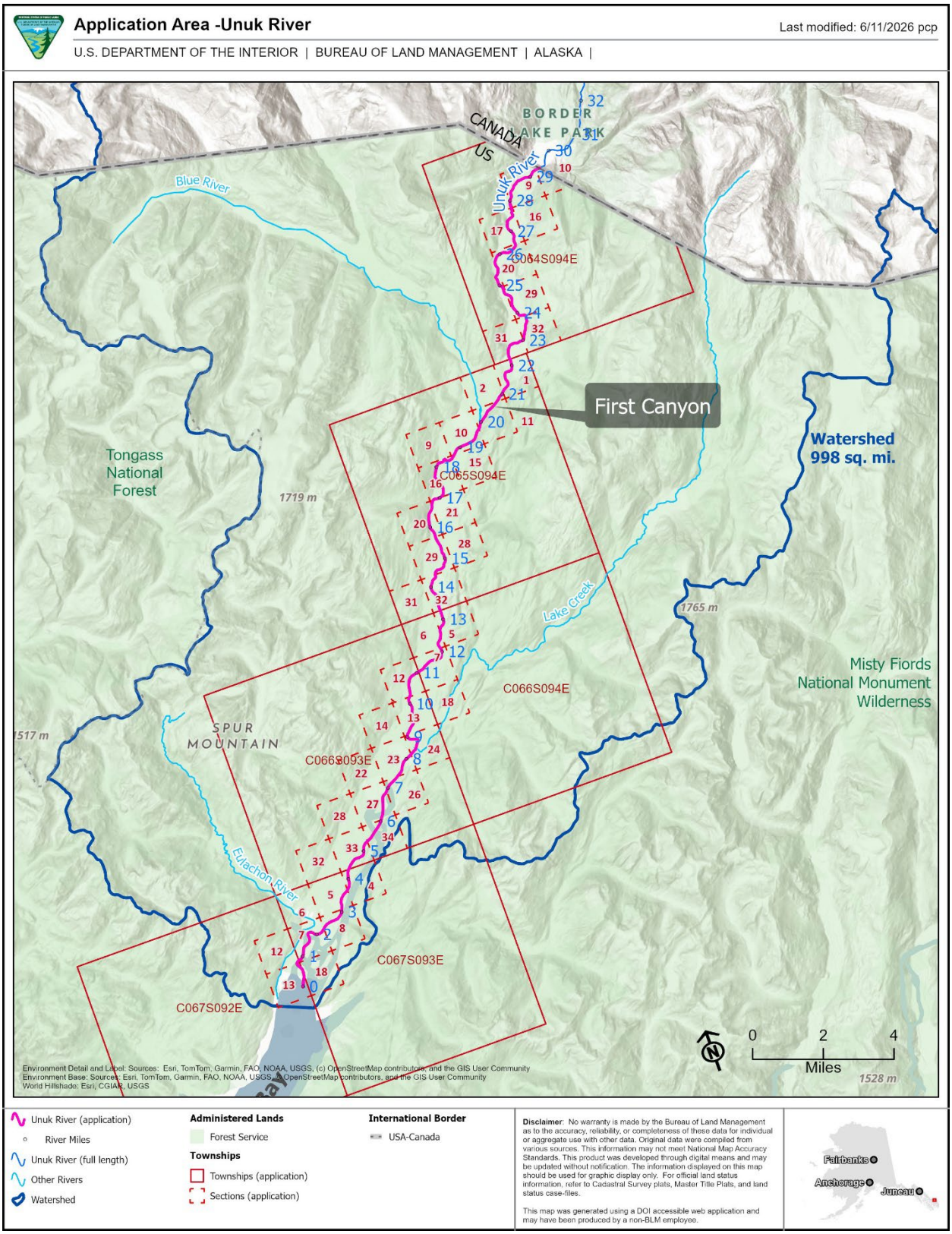
[3] Attachment, James H. Walker, State of Alaska, Department of Natural Resources (DNR) Public Access and Defense Unit, to Patrick Palmer, Section Chief of RDI & Navigability, Bureau of Land Management. (Sept. 8, 2025), BLM records.
[4] Alaska Statehood 72 stat. 339.
[5] U.S. CONST. art. IV, § 3, cl. 1.
[6] SLA of 1953, 43 U.S.C. § 1301 *et seq*.
[7] SLA of 1953, 43 U.S.C. § 1631.



Map 1. Overview map of the Unuk River watershed and surrounding features. For additional information on lands, minerals, and realty, see https://experience.arcgis.com/experience/27bee3d0631345dba0f02653b74e92c6.



Map 2. Map of the application area and referenced features.

II. Lands Review

The State's application primarily affects submerged lands managed by the U.S. Forest Service (USFS) within the Misty Fjords National Monument. In response to the BLM's request for information after publication of the *Federal Register* notice, the USFS provided information on river use and photographs of the river.[8]

To adjudicate this application, the subject submerged lands were researched to identify any valid withdrawals occurring prior to Alaska's statehood, January 3, 1959, which would defeat the State's claim of title. There are no valid pre-statehood withdrawals that would impact a decision on this application.

III. Notice of the Application and Public Comments

Notice of the State's application was published in the *Federal Register* on March 16, 2026.[9] The notice of the application was published in the *Anchorage Daily News* once per week for three consecutive weeks beginning on March 22, 2026. Information about this application and supporting evidence was also posted on the BLM-Alaska website.[10] The USFS was informed of the application via a notification memorandum sent directly to Alaska Lands Teams Lead, Forest Service Region 10, simultaneously with the publication of the *Federal Register* notice.

To support BLM's processing of the application, the notices invited reviews and additional information such as historical use and physical characteristics of the Unuk River.

The 30-day comment period ended on April 15, 2026. The BLM received comments during the published notice period, including a comment from USFS regarding the use of the river and photographs of the first five miles of the river.[11] Other comments received addressed the process and navigability in general and were not specific to this RDI application or this decision.

IV. Administrative Waiver Granted

A legal description of the lands for which a waiver is sought must be based on either an official United States public land survey or a metes and bounds survey tied to the nearest corner of an official public land survey, unless a waiver is granted.[12] In the State's final RDI application, the State requested a waiver of this requirement under 43 CFR 1864.1-2(d).[13] The location of the Unuk River is clearly depicted on the U.S. Geological Survey quadrangle maps and is not in dispute. The Ordinary High-Water Marks (OHWM) of this waterbody are the legal boundary of

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[8] Letter from Jeremiah Ingersoll USFS Acting Regional Forester, Alaska Region, to Bettie Shelby, BLM Branch Chief, Lands and Realty, Alaska Lands and Realty (Apr. 13, 2026). Alaska State Office BLM records.
[9] Application for a Recordable Disclaimer of Interest for Lands Underlying Portions of the Unuk River in Alaska, 91 Fed. Reg. 12606 (Mar. 16, 2026) (FR Doc. 2026-04997). https://www.federalregister.gov/documents/2026/03/16/2026-04997/application-for-a-recordable-disclaimer-of-interest-for-lands-underlying-portions-of-the-unuk-river
[10] US Department of the Interior, Bureau of Land Management, *Recordable Disclaimer of Interest: Southeast*, https://www.blm.gov/programs/lands-and-realty/regional-information/alaska/RDI/southeast (accessed May 19, 2026).
[11] Letter from Jeremiah Ingersoll USFS Acting Regional Forester, Alaska Region, to Bettie Shelby, BLM Branch Chief, Lands and Realty, Alaska Lands and Realty (Apr. 13, 2026). Alaska State Office BLM records.
[12] 43 CFR. § 1864.1-2(c)(1).
[13] 43 CFR § 1864.1-2(d).

the submerged lands. Since the boundary of this waterbody is ambulatory, the location may change over time. The BLM therefore determines that a survey of the subject waterbody is not needed to adjudicate the State's application. The waiver is hereby **granted**.

V. Applicable Legal Authority

The SLA of 1953 43 U.S.C. § 1301 l(a), granted and confirmed states' title to the lands beneath inland navigable waters within the boundaries of each respective state.[14] It also gave the states the right and power to manage and administer these lands in accordance with state law. Due to the Equal Footing Doctrine, the SLA of 1953 was incorporated into the State's legal framework because the Alaska Statehood Act of 1958 made the SLA of 1953 applicable to Alaska.[15]

Section 315(a) of FLPMA , 43 U.S.C. § 1745(a), authorizes the Secretary of the Interior to issue a document of disclaimer of interest in any lands in any form suitable for recordation,[16] where the disclaimer will help remove a cloud on the title of such lands and to determine whether a record interest of the United States in lands has terminated by operation of law or is otherwise invalid. This authority has been delegated to the BLM Alaska State Director.[17]

VI. Standards of Navigability

The Federal test of navigability is found in *The Daniel Ball*, 77 U.S. 557 (1870). There, the U.S. Supreme Court stated: "Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water."[18]

In assessing the navigability of inland waterbodies, the BLM relies upon this test as well as Federal statutes and case law. Relevant Federal statutes include the SLA of 1953 and the SLA of 1988. The Supreme Court's most recent decision on title navigability, *PPL Montana, LLC v. Montana*, 132 S. Ct. 1215 (2012), summarizes and explains the proper interpretation of The Daniel Ball criteria. Additional guidance is provided in *Alaska v. Ahtna, Inc.,* 891 F.2d 1401 (9th Cir. 1989); *Alaska v. United States*, 754 F.2d 851 (9th Cir. 1983); and Appeal of Doyon, Ltd., Alaska Native Claims Appeal Board RLS 76-2, 86 I.D. 692 (1979).

Evidence of the actual use of a waterway for navigation (particularly extensive and continued use for commercial purposes) "may be most persuasive," but when "conditions of exploration and settlement explain the infrequency or limited nature of such use", the susceptibility for use as a highway of commerce may still constitute satisfactory evidence of navigability.[19]

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[14] 43 U.S.C. § 1311(a).
[15] 72 Stat. 339, 343
[16] 43 U.S.C. § 1745(a).
[17] U.S. Dept. of the Interior, 209 DM 7; *id.*, 235 DM 1; BLM., U.S. Department. of the Interior, BLM Manual MS-1203, App. I, at 52.
[18] The *Daniel Ball*, 77 U.S. 557, 563 (1870).
[19] *U.S. v. Utah*, 283 U.S. 64, 82 (1931); *Alaska v. Ahtna, Inc*. 891 F.2d 1401, 1405 (9th Cir. 1989).

The navigation need not be open at all seasons of the year or at all stages of the water.[20] A river's use "need not be without difficulty, extensive or long and continuous" for the river to be a highway of commerce.[21] However, when passage is limited to times of temporary high water or if boats must be repeatedly dragged or carried, then it is likely non-navigable. [22]

VII. Related BLM Navigability Findings

There are no previous administrative navigability findings made by the BLM for the Unuk River within the area of the State's RDI application, which is approximately from RM 0 to RM 29.3.

In a Memorandum dated December. 4, 1994, the BLM found all rivers and streams three chains or less in width and lakes fifty acres or less on areas, to be non-navigable within the subject area. This finding was based on a review of all rivers and streams within Survey Window 2102 selected under the Alaska Statehood Act, Alaska Native Claims Settlement Act, or Native Allotment Act that were three chains or less in width and lakes fifty acres or less in size that after researching conveyance documents, USGS maps, and aerial photos which showed that all streams are too narrow, too fast, or too shallow for commercial navigation. There have been no selections in the Unuk area or along the Unuk River under the Alaska Statehood Act, Alaska Native Claims Settlement Act, or Native Allotment Act and therefore this finding is not applicable to the Unuk River.

VIII. Relevant Information

In support of their application, the State submitted their analysis of the navigability of the Unuk River, description and further analysis of the river's physical character, a map of the Unuk River watershed, several tables and figures depicting temperature, precipitation, stream gage/flow data, overview of the historical and present use of the Unuk River-including two (2) historical photographs, and a description of the lands.

The information below summarizes the relevant information drawn from the State's application, BLM reports, reference material from a water-based navigation history study that includes the Unuk River, and from the Tongass National Forest. The information is presented in roughly chronological order. Most of the documented travel within the Unuk River drainage occurred in support of geological and boundary surveys, as well as access to mine sites in Canada.

Physical Character Summary

Aerial imagery, supported by measurements derived from a Geographic Information System (GIS), was used to estimate certain physical characteristics of the waterbody.[23, 24] Imagery can reveal shallow areas or exposed features such as rocks, logs, or gravel bars, it cannot definitively determine water depth, however, visible features, when present, can sometimes be used to assess

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[20] *Ibid*. p 84.
[21] *Oregon v. Riverfront Protection Assoc*., 672 F.2d 792, 795 (9th Cir. 1982).
[22] U.S. v. Oregon, 295 U.S. 1,20-24 (1935).
[23] Esri. "Imagery". Scale Not Given. "World Imagery". Esri World Imagery Basemap. https://www.arcgis.com/home/item.html?id=10df2279f9684e4a9f6a7f08febac2a9. (Accessed Jun. 25, 2026)
[24] State of Alaska. "Alaska High Resolution Imagery (AHRI)". Scale Not Given. https://geoportal.alaska.gov/arcgis/rest/services/ahri_2020_cir_cache/MapServer. (Accessed Jun. 25, 2026)

relative differences in depth. At the currently available scale of imagery, not all obstructions may be discernable.

The Unuk River extends roughly 72 miles and drains a 998-square-mile watershed in Southeast Alaska. The subject waters evaluated for this decision span from RM 29.3, near the 60-foot boundary reserve, downstream to the tidally influenced lower section near RM 0 (Map 1 and Map 2). The watershed is made up of rugged, mountainous, forested, and undeveloped terrain. The Unuk River is a glacial-fed, turbulent, and sediment-dominated stream that often fluctuates in response to weather and specifically rain or heat events.

Beginning at the international boundary from RM 29.3 to about RM 21, the river flows across a broad alluvial plain with multiple braided channels, unvegetated gravel bars, and abundant large woody debris. At First Canyon (about RM 21–20), the channel becomes confined within a narrow, roughly 100-foot-wide canyon, where flow is deeper and more turbulent than in the upstream braided sections. Downstream of the canyon to about RM 3, the river transitions into an anastomosing channel system with vegetated islands and continued presence of woody debris. Below about RM 3, the channel becomes tidally influenced and remains multi-channeled.

Channel gradients decrease from about 17 feet per mile in the upper braided portion to about 7 feet per mile downstream of First Canyon, reflecting a natural geomorphic transition. Based on review of contemporary aerial imagery that did not show evidence of man-made changes to the waterbody, and lack of any evidence in the historical record that the waterbody is or was ever altered from it's natural and ordinary condition, across all evaluated reaches, the physical characteristics indicate that the river remains in substantially the same condition that existed at the time of Alaska's statehood.

The application cites an average depth of 5.7 feet, at the U.S. Geological Survey (USGS) gage (ID 15015595) located in a single-channel portion near RM 18, downstream of First Canyon and below the Blue River confluence. This depth was derived by dividing the measured channel area by channel width; [25] an approach that assumes a rectangular channel form and may not accurately represent the depth of the boatable channel. Water depths are most useful in assessing navigability when they are collected at the shallowest sections (i.e. riffle sections, bars, and shoals) of the boatable channel. Additionally, USGS gages are installed at locations optimal for capturing representative discharge, not for representing channel dimensions, and more importantly water depth, across a river system. The gage is also within a reach that differs substantially from most of the subject waters, which are primarily braided and anastomosing, distributing flow across multiple channels and thereby reducing the depth of any single channel.

The application relies on a water-depth value in comparisons to the Delta and Knik Rivers, both of which have prior BLM navigability findings.[26] Because "each determination as to navigability must stand on its own facts," [27] such comparisons across physiographic regions are not always reliable unless they account for differences in geology, hydrology, sediment supply, valley form, and precipitation that directly affect water depth and related physical characteristics.

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[25] James H. Walker, State of Alaska, Department of Natural Resources (DNR) Public Access and Defense Unit, to Steven Cohn, State Director, Bureau of Land Management. (Jul. 28, 2022), BLM records. p. 6 [hereafter: Unuk RDI Application, 2022]

[26] Unuk RDI Application, 2022. p. 14

[27] *United States v. Utah*, 283 U.S. 64, 87 (1931).

The application claims that monthly and annual streamflow statistics from two gaging stations in the Unuk River drainage provide insight comparable to the streamflow conditions in prior BLM navigability findings on the Delta and Knik Rivers.[28] While streamflow data can help illustrate general seasonal patterns and the timing of water level fluctuations, streamflow alone does not provide sufficient information to determine water depths within the boatable channel as described above.

Historical Use

The 1825, the Convention Between Great Britian and Russia (aka the St. Petersburg Treaty) identified the right of free navigation on "…all the rivers and streams which, in their course towards the Pacific Ocean, may cross the line of demarcation." This demarcation line is the inland, international boundary between Russian Alaska and Canada. The Unuk is one of the rivers that crosses the line of demarcation and therefore is included under the provisions of this Treaty[29].

The first documented attempt to ascend Unuk River occurred in 1893, conducted by the United States Coast Survey. Traveling by canoe, the party managed to progress roughly 30 miles upstream. Their records describe significant difficulties caused by strong currents, shallow areas, and the river's winding unpredictable channels.[30]

In Scidmore, Eliza Ruhamah's 1896 *Appleton's Guidebook to Alaska and the Northwest Coast,* it states, "There is placer gold in the bars of the *Unuk River,* a turbid, glacier-fed stream, which heads 100 miles inland. It is navigable for 70 miles by canoe, but hunters of the bear, mountain goat, and mountain sheep, which abound in this region, are warned by the surveyors of dangerous rapids and whirlpools."[31]

In the early 1900s, during a wave of mining activity in the Unuk River drainage, the Unuk River Mining and Dredging Company, known as "The Daily Interests", constructed a wagon road running parallel to the river. This investment cost more than 220,000 dollars, equivalent to roughly 8 million dollars today, and was intended to provide easy transportation up the Unuk River drainage to the company's gold claims in Canada.[32]

In 1905, the Canadian Geological Survey reported that the river was "swift and too shallow to permit river transportation on a large scale and [was] furthermore obstructed by three canyons, which can be passed only during periods of low water—and then only by canoes or small boats."[33] Only one canyon lies within the application area near RM 20.

On September 22, 1905, the Boundary Commission survey party used the Mining Company's horse teams to transport their equipment back down the wagon road to the mouth of the Unuk

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[28] Unuk RDI Application, 2022. p. 15
[29] *Ibid*, p. 16.
[30] PaleoWest LLC. *Water-Based Navigation History: Southeast Group*. Prepared for the BLM Alaska State Office, Navigability Section. Apr. 19, 2023, p. 12.
[31] *Ibid*, p. 17
[32] Unuk RDI Application, 2022, p. 356.
[33] *Ibid*, p. 247.

River.[34] This activity appears to have taken place near Lake Creek, at approximately RM 8.5 on the Unuk River.

In 1905, the Geological Survey Department wrote the following about the Unuk River: "The natural entrance of the Unuk…would have been used many years ago had the natural obstacles at the start of the Unuk River been less formidable. Within the past three years, however, these conditions have been improved by the construction of a wagon road from the mouth of the Unuk River to a prospect 42 miles inland. The road is currently twenty-five miles long, and once completed, it will provide easy access to the mineral belt and materially increase its value."[35]

In 1906, the United States Geological Survey published a study on lode mining in Southeast Alaska that included a geological reconnaissance of the Unuk River. The report noted that the river was "very difficult to navigate even in a small boat."[36]

A 1906 Geological Survey Department report described the Unuk River as "swift and too shallow to permit river transportation on a large scale," noting further that three canyons blocked travel and could be passed only during low-water conditions, and then only by canoes or small boats.[37] A 1906 Geological Survey Department report noted that although miners had extracted gold for many years in the headwaters of the Unuk, transportation challenges were so severe that they ultimately abandoned their claims. A primitive trail was later constructed along the river's north bank, improving access to the region. The report also stated that the most promising claims, located on Sulphide Creek [assumed to be Sulphurets Creek] in Canada, had been acquired by the company undertaking construction of the wagon road.[38] The report noted that the longstanding transportation difficulties would be significantly reduced once the wagon road to Sulphide [Sulphurets] Creek in Canada was completed.[39]

In 1920, a mining engineer advised that late April or early May was the best time to go up Unuk River by boat. The early season trip is essential because "it is a dangerous trip anytime, but much worse during high water time."[40] High water time would be during the heat of the summer when the melting glaciers result in high water.

In 1920, two seasoned packers were hired to transport supplies to the boundary, some 30 miles from the mouth of the river, using a Yukon poling boat. The provisions were intended for the Unuk River Survey Party. With one man and a dog pulling on the tow line and two men poling from the boat, they relayed 5,500 pounds of supplies up the Unuk River to a cache near the boundary in 17 days.[41]

Subsequently, after failing to reach the boundary by the old mining road, the Unuk River survey party crew used a poling boat which was poled and lined upstream to move their supplies and equipment up the Unuk River to the cache near the boundary. Consequently, the whole party

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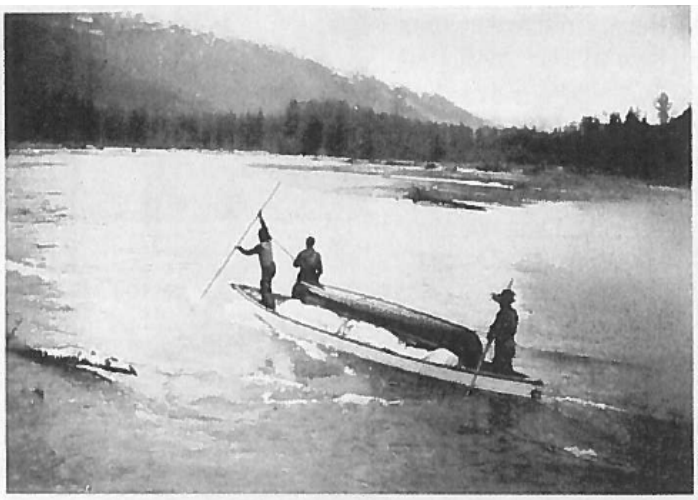
[34] *Ibid*, p. 72.
[35] *Ibid*, p. 247.
[36] PaleoWest LLC. *Water-Based Navigation History: Southeast Group*. Prepared for the BLM Alaska State Office, Navigability Section. Apr. 19, 2023, p. 15.
[37] Unuk RDI Application, 2022, p. 247.
[38] *Ibid*, p. 251.
[39] *Ibid*, p. 253
[40] PaleoWest LLC. *Water-Based Navigation History: Southeast Group*. Prepared for the BLM Alaska State Office, Navigability Section. Apr. 19, 2023, p. 17.
[41] Unuk RDI Application, 2022, p. 84.

made their way up the river, with their supplies and equipment, in the poling boat. They established four camps along their route, moving the load in relays that required two trips between each camp. The greatest challenge came in the canyon at the mouth of Blue River (RM 20 of the Unuk), where a "vicious cross current with eddies on each side" complicated upstream travel. In the final 500 feet of this canyon, they advanced by securing a rope to a tree and repeatedly ferrying the boat upstream, then letting it drift back down, and then hauling it forward by pulling the rope, hand-over-hand against the swift current. On June 1, the last boat load was taken from the fourth camp to the cache near the boundary.[42]



Lining poling boat up Unuk River.

Figure 1. A poling boat ascending the Unuk River.

Another documented trip occurred in 1920 with the use of a poling boat that was refurbished and fitted with a 20-horsepower outboard motor. On July 12, the engineer in charge began the trip with four crew members only to find the river in flood. Using both oars and the motor, they reached the base of the first canyon at RM 20 near Blue River on July 15th. Even with the added power of the outboard motor, they could make no headway against the swift current, so they again relied on 500 feet of tow line to pull the boat hand-over-hand upstream against the current. By continually repeating this effort it took them two days to ascend the one-mile length of the canyon.[43] By September 1 the whole party had reassembled at the Unuk River camp. Supplies and equipment were moved down Unuk River to the mouth of Blue River. The party descended the river on September 28 that year, to the storehouse at the mouth. On the way down the boat was swept beneath an overhanging tree, swamped with water, but by quick work most of the equipment and all the records and photographic plates were saved.[44]

A 1937 *Alaska Sportsman* article described the Unuk River as swift and shallow with its mouth forming a wide delta where glacial silt and sand have been deposited for centuries. The article said the river was only accessible by saltwater during high tide. Small power boats can then proceed a short distance up a slough to gain access to the ranches of Martney and the Bishops. From the ranches, supplies, personnel, and equipment could be transported up the Unuk using shallow-draft boats powered by outboard motors and, when necessary, assisted with pike poles

[42] *Ibid*, p. 84.
[43] *Ibid*, p. 85.
[44] *Ibid*, p. 87.

or hand-lines across gravel bars. These lightly built boats, typically 20 to 30 feet long, drew only 3 to 5 inches of water when loaded. Loads of up to 4,000 pounds were routinely moved long distances in a single trip.[45]

In 2008, a web published interview featured Stan Bishop, in which he spoke of placer mining on Sulphurets Creek – "Stan: I had a placer mine on Sulfurettes Creek, clear up [at] the head of it. Close to seventy miles from the mouth of the [Unuk] river. Don: Did you get a lot of good ore out of there, good placer? Stan: Well, I brought placer out for three years .... I just scratched the surface." And in which he spoke of freighting on the Unuk River via boat – "Stan: When I first started freighting on the Unuk: River with my big 30-foot river boat, I had an outboard which we thought was a big deal."[46] While the interview is not clear regarding specific timeframes, but does indicate that Mr. Bishop began his work and tenure on the Unuk River shortly after the new Roosevelt administration closed the Yes Bay Hatchery in the 1930's and that he was engaged in freighting on the Unuk River using a 30-foot river boat.

Tlingit use of canoes on the Unuk River is represented on a pictograph panel on the banks of Clear Creek, a tributary to the Unuk River about 5 miles from its mouth. In 1946, a Tlingit informant told anthropologists that the Sanya Kwáan migrated from the Unuk River to Prince of Wales Island. Although the panel does not prove migration, it does strongly indicate that the river, at least to Clear Creek, was a Tlingit transportation corridor.[47]

Modern Use

An article published in 2006 recounted what it was like to navigate the lower Unuk River in a skiff in 1994. The author described how difficult it was to locate the shifting river channel, which could change from day to day or even hour to hour. One scene depicted a man standing in the bow, signaling the driver to turn left, then right, to thread the skiff around submerged snags and sandbars. After the trip, one member of the party remarked that next time they should borrow a jetboat and travel all the way to Lake Creek (RM 8.5 on the Unuk).[48]

Shortly after statehood, a report from the Alaska Department of Fish and Game (ADFG) described the first canyon of the Unuk River (around RM 20) as extremely hazardous for boating except during periods of very low water. It noted that gravel bars shifted position after each high-water event and that constantly forming logjams further hindered navigation.[49]

In 2014, the first documented modern descent of the Unuk River from its source to the sea was made by packrafts. The float party was dropped off by floatplane on Unuk Lake.[50]

In 2025, the BLM contacted the Tongass National Forest (Mr. Hyde) to request information regarding the extent of tidal influence and boat use on the Unuk River. Based on Hyde's personal

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[45] *Ibid*, p. 355.
[46] *Ibid*, p. 31-32.
[47] PaleoWest LLC. *Water-Based Navigation History: Southeast Group*. Prepared for the BLM Alaska State Office, Navigability Section. Apr. 19, 2023, p. 11.
[48] Unuk RDI Application, 2022 p. 34.
[49] PaleoWest LLC. *Water-Based Navigation History: Southeast Group*. Prepared for the BLM Alaska State Office, Navigability Section. Apr. 19, 2023, p. 20.
[50] Unuk RDI Application, 2022, p. 191. Citing: Rummel Travis *"Exploring B.C.'s Threatened Unuk River"* ADVENTURE JOURNAL May 8, 2015, https://www.adventure-journal.com/2015/05/off-the-map-off-the-grid-to-explore-b-c-s-threatened-unuk-river/

observations, he thought the upper limit of mean high tide may reach approximately 56.090402° N, 131.049416° W, corresponding to about RM 4. Hyde reported that most boat use occurs within the tidally influenced section of the river, primarily by individuals traveling to private inholdings. He also noted that some boaters have traveled as far upstream as Sulphurets Creek in Canada (RM 45), and that both the ADFG and the U.S. Forest Service use boats to conduct annual fish surveys in the lower river. Hyde noted that propeller-driven motorboats are likely limited to the tidally influenced portions of the river, whereas jet boats are used, and necessary, for traveling farther upstream, including into Canada.[51,52]

IX. Analysis and Rationale

The information provided in the State's application, along with public input and other information available to BLM, were evaluated to determine whether the available information demonstrates the subject portion of the Unuk River was navigable at the time of Alaska's statehood.

Based on that evaluation the available information demonstrates:

1. The physical characteristics indicate that the subject waters remain in substantially the same natural and ordinary condition that existed at the time of Alaska's statehood.

2. Prior to Alaska statehood, the subject waters provided a transportation route from Alaska, across the international boundary into Canada (this was recognized in the 1825 Convention Between Great Britian and Russia[53]). The route was used by surveyors and miners, who traveled in customary modes of watercraft to RM 29.3 and beyond and downstream to Burroughs Bay.

3. The actual use information demonstrates use of boats of various sorts, available and in use in Alaska prior to statehood (poling boats, canoes, river boats and motorized boats) for exploration, transportation, and travel, that was not without difficulty, but demonstrates its' use as a highway for commerce.

Based on these findings and rationale, BLM has determined that the Unuk River is navigable in fact.

X. Decision

Accordingly, based on the foregoing and the documentation contained in the case record, I have determined that the State's RDI application is sufficient to demonstrate the navigability of the Unuk River at the time of statehood and in compliance with the applicable requirements of the provisions of Section 315 of FLPMA and the regulations contained in 43 CFR Subpart 1864.

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[51] Frost, Jack. "*Tidal influence of the Unuk River and boat use information*." Email message to Jon Hyde, U.S. Forest Service. Sept. 11, 2025.
[52] Letter from Jeremiah Ingersoll USFS Acting Regional Forester, Alaska Region, to Bettie Shelby, BLM Branch Chief, Lands and Realty, Alaska Lands and Realty (Apr. 13, 2026). Alaska State Office BLM records.
[53] Unuk RDI Application, 2022, p. 19.

The State's application for an RDI is hereby **APPROVED** as follows:

All submerged lands between the OHWM of the left and right banks of the Unuk River, beginning at the westerly boundary of the Sixty-Foot Boundary Reserve (Proclamation 810) at the Canada Border in Township 64 South, Range 94 East, Copper River Meridian, Alaska, downstream to the extent of the tidal influence, and including the submerged lands and beds of all sloughs, anabranches, braids and channels that carry water from the river.

Copper River Meridian, Alaska

T. 64 S., R. 94 E., unsurveyed,
secs. 4, 8, 9, 10, 16, 17, 19, 20, and secs. 29 thru 32.

T. 65 S., R. 94 E., unsurveyed,
secs. 1, 2, 9, 10, 11, 15, 16, 20, 21, 28, 29, 31, and 32.

T. 66 S., R. 94 E., unsurveyed,
secs. 5, 6, 7, and 18.

T. 66 S., R. 93 E., unsurveyed,
secs. 12, 13, 14, secs. 22, 23, 24, 26, 27, 28, 32, 33, and 34.

T. 67 S., R. 93 E., unsurveyed,
secs. 4 thru 8, and secs. 17, and 18.

T. 67 S., R. 92 E., unsurveyed,
secs. 12 and 13.

The upstream extent of tidal influence on the Unuk River has not been formally established. As a result, some lands identified in this decision may lie within tidally influenced areas outside BLM jurisdiction. A future survey that determines the actual extent of tidal influence may change the lands identified as disclaimed in this decision.

XI. Appeal Procedure

This decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of Hearings and Appeals, in accordance with the regulations contained in 43 CFR Part 4. The notice of appeal must be timely filed pursuant to the provisions of 43 CFR 4.403(c). Any notice of appeal must be filed with the IBLA and must include a copy of the decision being appealed, a statement of standing, and a statement of timeliness.

You may file a petition for a stay of the effectiveness of this decision during the time that your appeal is being reviewed by the Board. A petition for a stay must demonstrate that issuance of a stay is warranted based on the following criteria: (i) The likelihood of immediate and irreparable harm if a stay is not granted; (ii) Whether the harm to the appellant absent a stay exceeds the harm to the United States or other parties from a stay being granted; (iii) The likelihood of the appellant’s success on the merits; and (iv) Whether the public interest favors granting a stay.

The appellant must serve a copy of the notice of appeal and any accompanying documents on the office of the officer who made the decision, each person or entity named in the decision, and the appropriate Official of the Office of the Solicitor at the time of filing with IBLA (see 43 CFR 4.403(b); 4.407(b)). Parties must serve the Office of the Solicitor at the address shown on Form 1842-001 if service is not made through Bison File and Serve. Service on a party known to be represented by an attorney or other designated representative must be made on the representative. Your statement of reasons for the appeal must be filed within 30 days after the record on appeal is filed with the IBLA. Failure to file a statement of reasons within the time required will subject the challenged decision to summary affirmance (see 43 CFR 4.412(a)).

Kevin J. Pendergast
Alaska State Director

Enclosures:
Form 1842-1
Appeal Regulations

Copy w/ enclosures furnished to:

Access Defense Program Manager
Alaska Department of Fish and Game
333 Raspberry Road
Anchorage, Alaska 99518-1599

Alaska Lands Team Lead
United States Forest Service
709 W. 9th Street
Juneau, Alaska 99801-1801

BLM Glennallen Field Office