

GOODNEWS RIVER SYSTEM

(Including the Middle and South Forks of the Goodnews River)
HUC 30502, Zone 1, Kuskokwim River Region

FINAL INTERIM SUMMARY REPORT

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PREFACE

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

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

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

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

Table of Contents

Preface	i
Table of Contents	ii
Table of Figures	ii
Table of Tables	iii
Attachments (in PDF Format)	iv
I. Introduction	1
II. Land Status	3
III. BLM Navigability Determinations	9
IV. Physical Character of Waterway	20
V. Evidence of Use	26
<i>Early Native Use of the Goodnews River System through the 1930s</i>	26
<i>Non-Native Use of the Goodnews River System Prior to Statehood</i>	31
<i>Use of the Goodnews River System Documented in Native Allotment Files</i>	33
<i>Native Travel on the Goodnews River System Documented in BLM,</i> <i>ANSCA and USF&WS Documents and State Subsistence Studies</i>	35
<i>Government Studies and Use of the Goodnews River System since 1959</i>	41
<i>Early Sport Fishing in Motorized Boats and</i> <i>Rafts on the Goodnews River System</i>	44
<i>Growth in Guided and Unguided Use of the</i> <i>Goodnews River System in the 1980 and 1990s</i>	52
VI. Summary	65
Endnotes	69

Table of Figures

Figure 1. Map of Zone 1, HUC 30502, showing the location of the Goodnews River System.....	1
Figure 2. The lower portions of Goodnews River, Middle Fork and South Fork.....	4
Figure 3. The middle portion of Goodnews River, the middle portion of the Middle Fork, and the upper portion of the South Fork.....	5
Figure 4. Part of the upper Goodnews River and the upper Middle Fork.....	6
Figure 5. The upper portion of the Goodnews River.....	7
Figure 6. Portions of the Goodnews River, Middle Fork and South Fork that have been determined navigable by BLM.....	19
Figure 7. Goodnews River at river mile 61, one-half mile downstream from Goodnews Lake outlet.....	20
Figure 8. The North Fork of the Goodnews River at river mile 29.....	22
Figure 9. Two rafts owned by Alaska River Safaris near the confluence of the North and Middle Forks of the Goodnews River, 1974. Lyle Paddock (deceased) and his dog “Laska” are shown in one of the two boats.....	22

Figure 10.	River mile 38 of the upper Middle Fork of the Goodnews River.....	23
Figure 11.	River mile 26.5 on the Middle Fork of the Goodnews River.....	24
Figure 12.	<i>Angyaqatak</i> , skin boat built in 2007 on the upper Kwethluk River and exhibited at the Anchorage Museum of History and Art for the Yupik Science Exhibit.....	30
Figure 13.	Detail of USGS geological sketch map of the Goodnews Bay Region by G.L. Harrington (1919).....	32
Figure 14.	Logo for Alaska River Safaris, early 1990s.....	45
Figure 15.	Mike Gorton’s Goodnews River Lodge, built by the Hyde family in the 1980s, located on the lower Goodnews River at river mile 6.5.....	46
Figure 16.	Alaska River Safaris’ “Point Camp,” a temporary camp in the 1970s and 1980s, about five miles below the mouth of Barnum Creek at river mile 14 on the Goodnews River.....	47
Figure 17.	A Beaver float plane and jet boat at Alaska River Safaris’ Upper Camp at the mouth of Isurik Creek at river mile 33 on the North Fork of the Goodnews River, 1980s.....	47
Figure 18.	Hauling a raft up the North Fork on a 25-foot Duckworth jet boat with a 454-cubic inch Chevy engine and a 3-stage Hamilton inboard jet, in the late 1970s.....	48
Figure 19.	Skiffs at one of Alaska River Safaris’ temporary camps on the North Fork of the Goodnews River, 1981.....	48
Figure 20.	Alaska River Safaris’ airboat near the outlet of Goodnews Lake on the North Fork of the Goodnews River, early 1980s.....	49
Figure 21.	An Alaska River Safaris raft on the North Fork above Goodnews Lake, 1980s. The raft is powered by a 5-horsepower British Seagull outboard motor.....	50
Figure 22.	Ron Hyde Jr. of Alaska River Safaris, driving a raft on a raft up the Middle Fork of the Goodnews River, 1970s.....	51
Figure 23.	Eight people rafting on the Goodnews River.....	53
Figure 24.	Camp site on the Goodnews River. The view is looking upstream.....	55
Figure 25.	An Alaska River Safaris jet goat at the mouth of upper Goodnews Lake where the top of the narrows pop out into upper lake, late 1970s. Ron Hyde Jr. is pushing the boat with an oar.....	59
Figure 26.	Rafters getting ready to cross Goodnews Lake and start down the Goodnews River, August 2007.....	62
Figure 27.	Fishing camp at Goodnews Lake.....	63

Table of Tables

Table 1.	Table of BLM Navigability Determinations for Goodnews River.....	17-18
Table 2.	Number of Use Days by Year on the Goodnews River.....	56

Attachments (in PDF format)

- Attachment 1.** Cliff Ells, BLM Realty Specialist, McGrath, Memorandum on Summary of Goodnews Bay Village Easement Proposals Meeting on September 11, 1975, BLM files, F-14862/2651 (102).
- Attachment 2.** Stanley H. Bronczyk, BLM Realty Specialist, Memorandum on Easement Task Force Meeting on Goodnews Bay, January 31, 1977, BLM files, F-14862-EE.
- Attachment 3.** Robert Q. Pickering, member of the BLM Easement & Navigability Task Force, Memorandum on Navigable Waters within Village Selections, March 10, 1977, BLM files, 9185 (922).
- Attachment 4.** Curtis V. McVee, BLM State Director, Notice of Proposed Easement Recommendations for the Village of Goodnews Bay, March 25, 1977, BLM files, F-14862-EE.
- Attachment 5.** Letter from Walter B. Parker, State Co-Chairman of the Federal-State Land Use Planning Commission for Alaska, to Curtis V. McVee, State Director, BLM, June 27, 1977, BLM files, F-14862-EE.
- Attachment 6.** Curtis V. McVee, BLM State Director, Memorandum on Final Easements for the Village of Goodnews Bay, April 4, 1978, BLM files, F-14862-EE.
- Attachment 7.** Clifford Ells, BLM Realty Specialist, Draft Memorandum on Final Easements for the Village of Goodnews Bay, December 21, 1979, BLM files, F-14862-EE.
- Attachment 8.** 2-Way Memo from BLM Realty Specialist Sherman Berg to Michelle Ward, on Tidal Influence/Navigability Goodnews Bay, December 30, 1981, F-14862-EE.
- Attachment 9.** Curtis V. McVee, BLM State Director, draft Memorandum on Final Easements for the Village of Goodnews Bay, July 29, 1982, BLM files, F-14862-EE.
- Attachment 10.** Letter from Felix P. Hess, Land Planner for Calista Corporation, to Robert Arnold, Assistant to the BLM State Director for Conveyance Management, October 29, 1982, BLM files, F-14862-EE.
- Attachment 11.** Letter from Gary Seitz, Chief of the Navigability Section, BLM Division of ANCSA and State Conveyances, to Joseph Martin, Kuitsarak, Inc., January 18, 1983, BLM files, F-14862-EE.
- Attachment 12.** R. W. Kaltenbach, Navigability Determination Report, Goodnews Bay VS-83-94, February 23, 1983, BLM files, F-14862-A.
- Attachment 13.** Robert W. Faithful, Assistant to the BLM State Director for Conveyance Management, Memorandum on Final Navigability Determination for Goodnews River, March 3, 1983, BLM files, F-14862-EE.
- Attachment 14.** Robert W. Faithful, Memorandum on Final Easements for Kuitsarak, Inc., (Village of Goodnews Bay), June 22, 1983, F-14862-EE.

- Attachment 15.** Ruth Stockie, BLM Section Chief, Branch of ANCSA Adjudication, Decision on Section 12(b) Application Rejected in Part Lands Proper for Village Selection Approved for Interim Conveyance, September 29, 1983, BLM files, F-14862-A.
- Attachment 16.** Francis Neville, Assistant Attorney General, State of Alaska, Appeal of the State of Alaska from BLM decision on Village Selections, F-14862-A, November 3, 1983, BLM files, F-14862-EE.
- Attachment 17.** Opinion by R.W. Mullen, BLM Administrative Judge, Interior Board of Land Appeals (IBLA) 84-132, May 14, 1984, BLM files, F-14862-EE.
- Attachment 18.** Michael Penfeld, BLM State Director, BLM Interim Conveyance Nos. 885 and 886, August 30, 1984, Kuitsarak, Inc. Village Selections, BLM files, F-14862-A.
- Attachment 19.** John J. Rumps, BLM Anchorage District Manager, Memorandum on Amendment of Final Easement Memorandum dated June 22, 1983, for lands to be Conveyed to Kuitsarak, Inc., May 6, 1987, BLM files, F-14862-EE.
- Attachment 20.** Ann Johnson, Chief of BLM Branch of Calista Adjudication, Decision to Modify Interim Conveyance of September 29, 1983, Modified in Part, Kuitsarak, Inc. Village Selections, October 1987, BLM files, F-14862-EE.
- Attachment 21.** Robert W. Arndorfer, Deputy BLM State Director for Conveyance Management, Memorandum on Navigable Waters in Groups Survey No. 194 (Window 1704), June 6, 1988, BLM files, F-14862.
- Attachment 22.** Sandra Dunn, BLM Assistant District Manager for Lands, Notice of Proposed Easements, October 28, 1993, BLM files, F-14862-EE.
- Attachment 23.** Russel D. Blome, Acting BLM Assistant Manager of Lands, Memorandum on Final Easement Recommendations for Lands to be Conveyed to Kuitsarak, Inc., (Goodnews Bay), March 3, 1994, BLM files, F-14862-EE.
- Attachment 24.** Robert D. Arnold, Assistant to the BLM State Director for Conveyance Management, Memorandum on Final Navigability Determination for Betty Huffman, Primary Place of Residence, Serial Number F-19735, January 24, 1983, BLM files, F-019735-EE.
- Attachment 25.** Wayne A. Boden, Deputy BLM State Director for Conveyance Management, BLM memorandum on Navigable Waters in Small Tracts in Group Survey No. 194 (Window 1704), February 17, 1989, BLM files, Goodnews-GS-FY'89 #3.
- Attachment 26.** C. Michael Brown, Chief of BLM Navigability Section, Memorandum on Navigable Waters in Survey Group No. 194 (Window 1704), March 15, 1994, BLM files, F-14862-A.
- Attachment 27.** Master Title Plats (MTPs) for the Goodnews River System area.
- Attachment 28.** Allyson Johnson and Linda Suttles, Memorandum of Request for Navigability Recommendations for Calista Corporation selected lands pursuant to ANSCA Sec. 14(h)(8), April 18, 1993, BLM files,

AA-70147.

- Attachment 29.** Russel D. Blome signing for Sandra Dunn, Assistant BLM District Manager of Lands, Memorandum on Final Easement Recommendations for Lands to be Conveyed to Calista Corporation, December 1, 1993, BLM files, AA-70147-EE.
- Attachment 30.** Heather A. Coates, Land Law Examiner, BLM Branch of Gulf Rim Adjudication, Decision to Interim Convey, December 13, 1995, BLM Files, AA-70147.
- Attachment 31.** Terry R. Hassett, Chief of the BLM Branch of Gulf Rim Adjudication, BLM Interim Conveyance No. 1660, to Calista Corporation, January 26, 1996, BLM files, AA-70147.
- Attachment 32.** Dominica VanKoten, Chief of the BLM Navigability Section, Memorandum on Navigable Waters within Village/Regional-Selected and Interim Conveyed Lands in the vicinity of the Goodnews Bay-Platinum Survey Project (Window 2687), March 21, 2006, BLM files, F-14862-EE.
- Attachment 33.** K.J. Mushovic, BLM Easement Coordinator, Memorandum on Final Easement Recommendations for Lands to be Patented to Kuitsarak Corporation for the Native Village of Goodnews Bay, April 12, 2006, BLM files, F-14862-EE.
- Attachment 34.** Kathy Flippen, Memo to Patricia/Joe, September 24, 2008, and Flippen, Memorandum on Navigability Input for Inclusion in Decisions to Issue Conveyance (DIC) Window No. 2687, June 4, 2008, BLM files, FF-14862A/8.
- Attachment 35.** Charmain McMillan, Land Law Examiner, BLM Land Transfer Adjudication II, Decision to Interim Convey, March 13, 2009, BLM files, F-14862-A.
- Attachment 36.** Richard Thwaites, Chief, Land Transfer Adjudication II, Interim Conveyance Nos. 2211 and 2212, April 13, 2009, BLM files, F-14862-A
- Attachment 37.** David C. Rukke, BLM Realty Specialist, Memorandum on Interviews for Group Survey No. 194 (Window 1704), November 21, 1986, BLM files, F-14862-EE.
- Attachment 38.** Oral Interview with Archaeologist Robert Ackerman, conducted by BLM Realty Specialist R. W. Kaltenbach, in Navigability of Goodnews River System, December 21, 1982, BLM files, Goodnews River GDB-VS-83-04 962 (NAV).
- Attachment 39.** Summary of Interview with Ron Hyde Jr. in Anchorage, conducted by Rolfe Buzzell and Nicole Lantz, October 6, 2010, Office of History and Archaeology, Anchorage.
- Attachment 40.** U.S. Survey (USS) No. 11377, officially filed November 6, 1994.
- Attachment 41.** William M. Peake, Acting Area Director, Alaska Area Office, U.S. Fish and Wildlife Service (USF&WS), Memorandum on Identification of Easements - Village Selections, April 24, 1975, BLM files, F-14862.
- Attachment 42.** Letter from Dennis P. Daigger, Natural Resource Manager, ADNRM, to Gary Seitz, Navigability Section, BLM Division of Conveyances,

November 10, 1982, BLM files, F-14862-EE.

- Attachment 43.** Ed Swanson, President of Knik Kanoers & Kayakers to Dick Thompson, Associate State BLM Director, September 18, 1975, BLM files, F-14885.
- Attachment 44.** William M. Peake, BLM Realty Specialist, Trip Report for the week of July 3 thru 10, 1978, to Goodnews Lake via Goodnews River, n.d, BLM files, F-14862-EE.
- Attachment 45.** Martin “Marty” L. Karstetter, Acting Chief, BLM Branch of Easement Identification, Memorandum on Trip Report of meeting with Kuitsarak, Inc., near Goodnews Bay, October 18, 1982, BLM files, F-14862-EE.
- Attachment 46.** Letter from James E. Culbertson, Natural Resource Officer, Alaska Department of Natural Resources, to Robert Arnold (ADNR), Assistant to the BLM State Director for Conveyance Management, October 26, 1982, BLM files, F-14862-EE.
- Attachment 47.** Dwight Hovland, BLM Natural Resource Specialist, Memorandum on Recommended Easements for Goodnews River Area, January 25, 1983, BLM files, F-14862-EE.
- Attachment 48.** Letter from David A. Fisher, Refuge Manager, Togiak National Wildlife Refuge (NWR), to Terry R. Hassett, BLM, October 9, 1985, BLM files, F-14862-EE.
- Attachment 49.** Letter from David A. Fisher, Refuge Manager, Togiak NWR, to Robert Conquergood, BLM McGrath Resource Area Manager, February 4, 1986, ADNR, Public Access and Assertion Defense (PAAD) Unit files, Goodnews River file.
- Attachment 50.** Letter from Keith Schultz, ADF&G fishery biologist, to Robert Conquergood, BLM Area Manager, McGrath Resource Area, December 19, 1985, BLM files, F-14862-EE.
- Attachment 51.** Letter from Edwin W. Seiler to Anchorage District Office of BLM, May 29, 1976, BLM files, F-14862-EE.
- Attachment 52.** Letter from Dan and Gail Peterson, Alaska River Link, Inc. to Ms. Arvol, n.d, with brochure and schedule of trips for the 1985 season, ADNR/ML&W/PAAD Unit, Goodnews River file.
- Attachment 53.** Letter from Lee A. Hotchkiss, Acting Refuge Manager, Togiak NWR, to Robert Conquergood, BLM McGrath Resource Area Manager, February 28, 1986, BLM files, F-14862-EE
- Attachment 54.** Joe Martin, Sr., Land Planner, Kuitsarak, Inc., to Robert Conquergood, BLM Area Manager, January 13, 1986, BLM files, F-1862-EE/2.
- Attachment 55.** Letter from Bavilla Merritt, Chairman of the Native Village of Goodnews Bay, Traditional Village Council, to Ron Hyde, Alaska River Safaris, April 1994, ADNR/DM&L/PAAD Unit, Goodnews River file.
- Attachment 56.** Letter from McKie Campbell, Deputy Commissioner of ADF&G, to Bavilla Merritt, Chairman, Village of Goodnews Bay, Traditional Council, June 10, 1994, ADNR/ML&W/PAAD Unit, Goodnews

River file.

Attachment 57. Letter from Aaron M. Archibeque, Togiak NWR manager, to the Public, February 7, 1995, ADNRM/L&W/PAAD Unit, Goodnews River file.

GOODNEWS RIVER SYSTEM

I. Introduction

The Goodnews River System is located in the Yukon-Kuskokwim Delta region, within Zone 1 of HUC 30502 (Figure 1). The Goodnews River System includes the Goodnews River, and the Middle and South Forks of the Goodnews River.

The Goodnews River System originates on the north side of the Ahklun Mountains of the Kilbuck-Kuskokwim Mountain Range in southwest Alaska. The Ahklun Mountains divide the drainage systems between Kuskokwim and Bristol Bays. Goodnews River

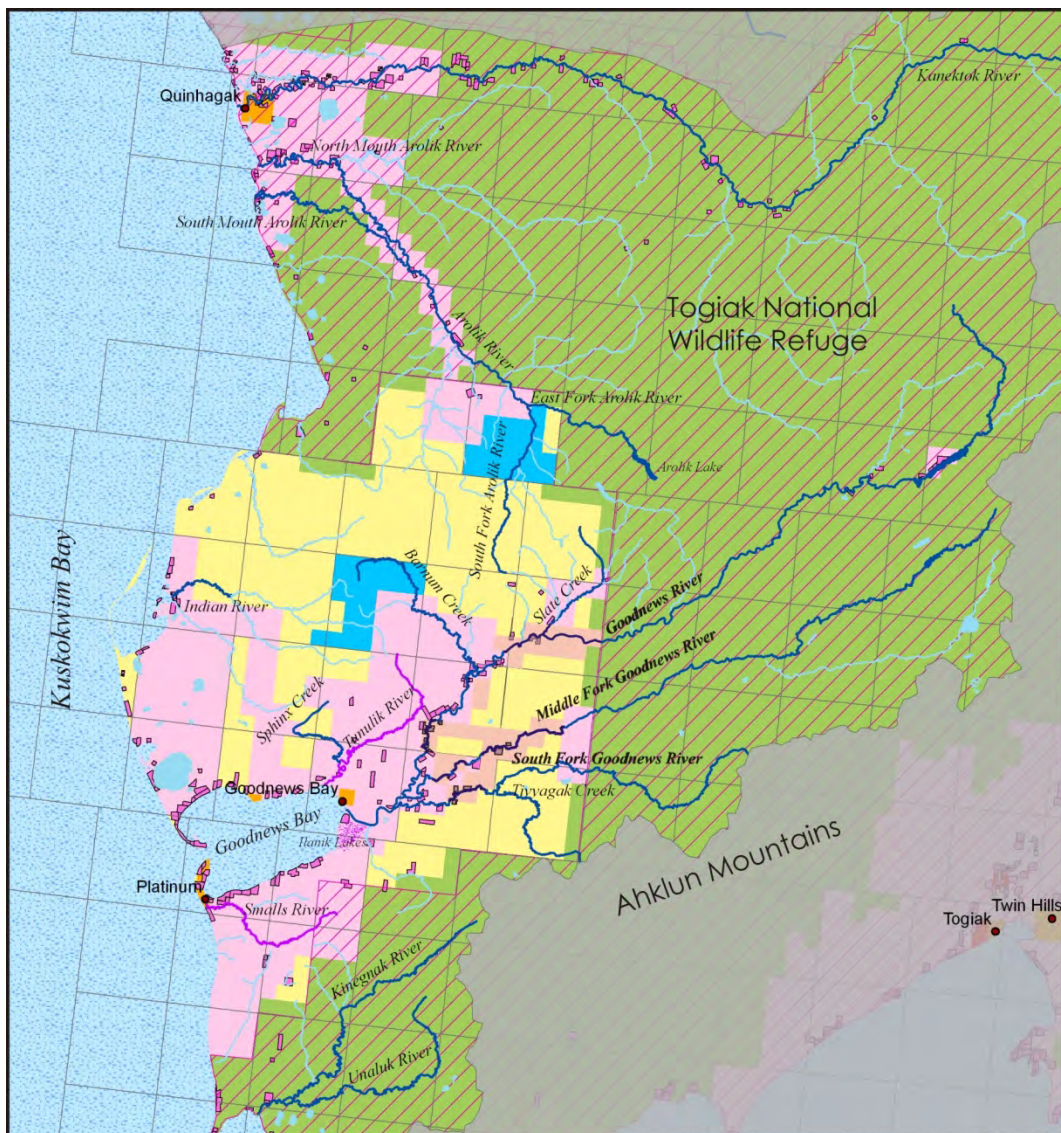


Figure 1. Map of Zone 1, HUC 30502, showing the location of the Goodnews River System.

heads at an elevation of 1,000 feet above sea level in Section (Sec.) 20, Township (T.) 6 South (S.), Range (R.) 65 West (W.), Seward Meridian (SM) and flows about 17 milesⁱ southwest to Goodnews Lake, a 4.5 mile-long water body located in Sec. 18, T. 8 S., R. 67 W., SM. From the lake, the Goodnews River flows 62 miles in a southwesterly direction and drains into Goodnews Bay at Sec. 28, T. 12 S., R. 73 W., SM on the north side of Cape Newenham.

The Middle Fork Goodnews River is a major tributary which parallels the Goodnews River for its entire length and joins it near the mouth. The Middle Fork is about 60 miles long and heads in Secs. 26-27, T. 8 S., R. 66 W., SM, at an elevation of 1,000 feet above sea level and flows southwest through Middle Fork Lake. The Middle Fork continues in a southwesterly direction to its confluence with the Goodnews River in Sec. 19, T. 12 S., R. 72 W., SM.

The South Fork of the Goodnews River is a 39 mile-long tributary of the Goodnews River. The South Fork heads at Sec. 23, T. 11 S., R. 69 W., SM, at an elevation of 1,000 feet above sea level. The South Fork flows in a southwesterly direction to its confluence with the Goodnews River in Sec. 24, T. 12 S., R. 73 W., SM.

The name Goodnews River was first published by Phillip S. Smith and Alfred G. Maddren of the U.S. Geological Survey (USGS) in 1915.¹ The river derives its name from Goodnews Bay, which the U.S. Coast and Geodetic Survey translated in 1868 from the Russian name “Port Dobryshk Vestey” or Port Good News.² George L. Harrington of the USGS reported in 1919 that the Eskimo name for the Goodnews River was “Kwihcherak,” meaning “little river.”³

The Goodnews River and the Middle and South Forks of the Goodnews are three of six rivers that drain the northeast side of the Ahklun Mountains and the southwest portion of the Togiak National Wildlife Refuge (NWR). The lower part of the Goodnews River System is located east of the Native villages of Goodnews Bay and Platinum. The upper portion of the Goodnews River System is northwest of Togiak and Twin Hills, which are located on the southeast side of the Kilbuck-Kuskokwim Mountain Range. The nearest regional hub is Bethel, which is located about 70-80 miles to the north.ⁱⁱ

Three overland routes exist in the Goodnews River area. The first is a road that starts at the village of Goodnews and runs northeast between the Goodnews and Tunulik rivers to Barnum Creek. The second route is the Barnum-Slate Creek Trail (RST-211), which runs along the north side of the Goodnews River from the mouth of Barnum Creek to Slate Creek, then up the east side of Slate Creek to mining claims. The third overland route is the Goodnews-Togiak Trail (RST-86), which runs south of and parallel to the South Fork of the Goodnews River. This trail crosses the South Fork twice in Section 12, T. 12 S., R. 70 W., SM.

ⁱ The river miles used in this report are based on Geographic Information Systems (GIS) calculations using the National Hydrography Data Set derived from United States Geological Survey (USGS) quadrangle maps.

ⁱⁱ Air mile measurements taken using the Spatial Data Management System (SDMS) of the BLM-Alaska.

The Goodnews River System comprises 23 townships. The townships include:

Goodnews River

MTR:

S006S066W	S008S068W	S010S070W	S011S072W
S007S066W	S009S069W	S010S071W	S012S072W
S008S066W	S010S069W	S010S072W	S012S073W
S008S067W			

Middle Fork Goodnews River

MTR:

S008S066W	S010S068W	S011S071W
S009S066W	S010S069W	S011S072W
S009S067W	S010S070W	S012S072W
S009S068W	S011S070W	

South Fork Goodnews River

MTR:

S011S069W	S011S071W	S012S070W	S012S072W
S011S070W	S012S069W	S012S071W	

II. Land Status

The Goodnews River System is bounded by federal, Native village corporation and Native allotment lands (Figures 2-5).

The upper two-thirds of the Goodnews River, the upper two-thirds of the Middle Fork, and the upper half of the South Fork are located within the Togiak NWR. In 1969, the Secretary of the Interior withdrew 265,000 acres of land south and west of the Goodnews River System and designated it the Cape Newenham NWR (Public Land Order 4583). Two years later, the Secretary of Interior withdrew additional lands that later became the Togiak Refuge under Section 17(d)(1) and 17(d)(2) of the Alaska Native Claims Settlement Act (ANCSA). The Secretary of the Interior established the Togiak NWR on February 11, 1980 (Public Land Order 5703). Congress enacted the Alaska National Interest Lands Conservation Act of 1980 (ANILCA) on December 2, 1980. The act, among other things, designated all of the withdrawn land in the Goodnews Bay area, including the Cape Newenham NWR, as the Togiak NWR. The Togiak Refuge encompasses about 4.7 million acres of land (4.1 million acres of federal land) between Kuskokwim Bay and Bristol Bay in southwestern Alaska. The northern half of the refuge (2.3 million acres) is a congressionally designated wilderness area. Title to refuge lands is held by the United States, and the Togiak NWR is managed by the U.S. Fish and Wildlife Service (USF&WS).

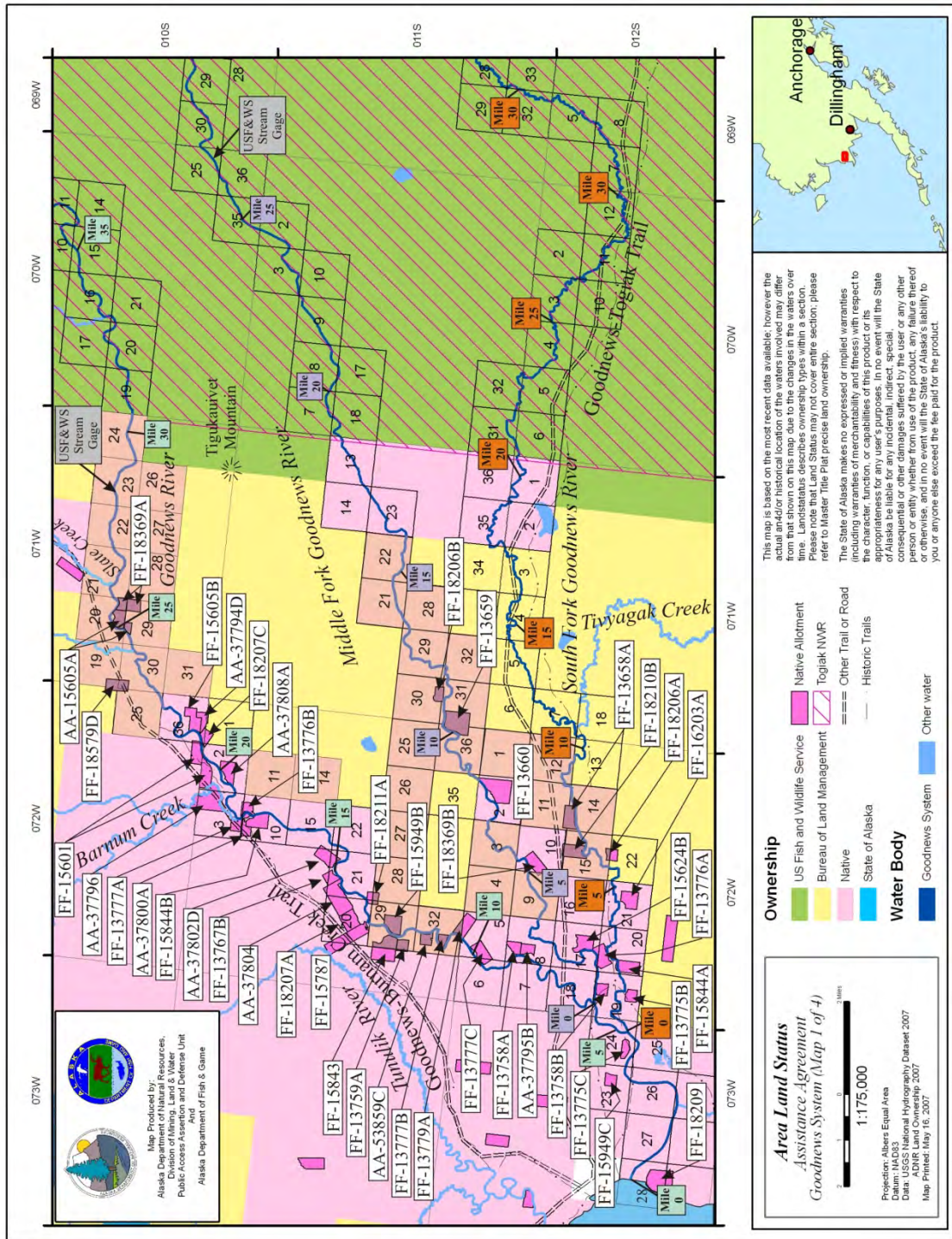


Figure 2. The lower portions of Goodnews River, Middle Fork and South Fork.

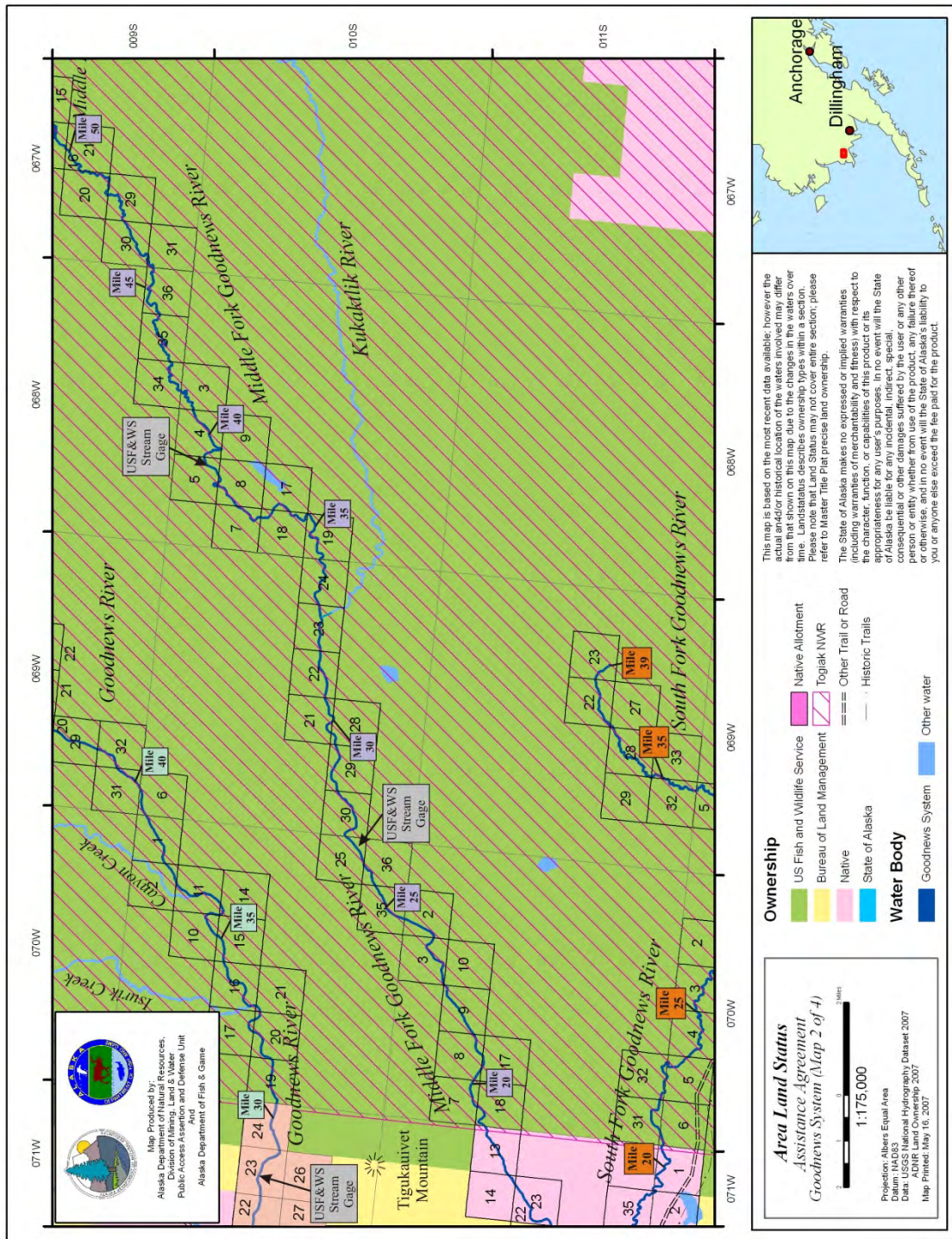


Figure 3. The middle portion of Goodnews River, the middle portion of the Middle Fork , and the upper portion of the South Fork.

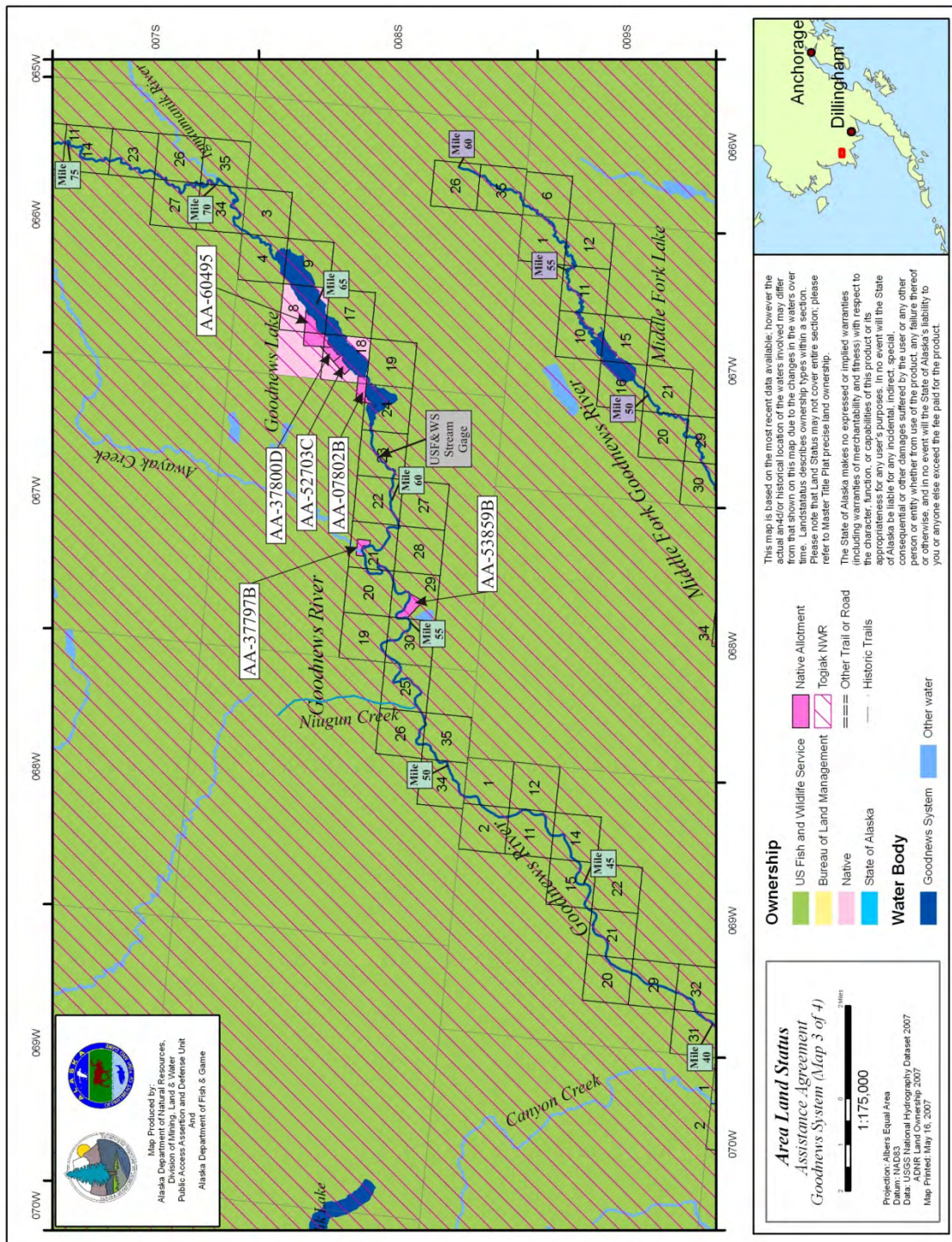


Figure 4. Part of the upper Goodnews River and the upper Middle Fork.

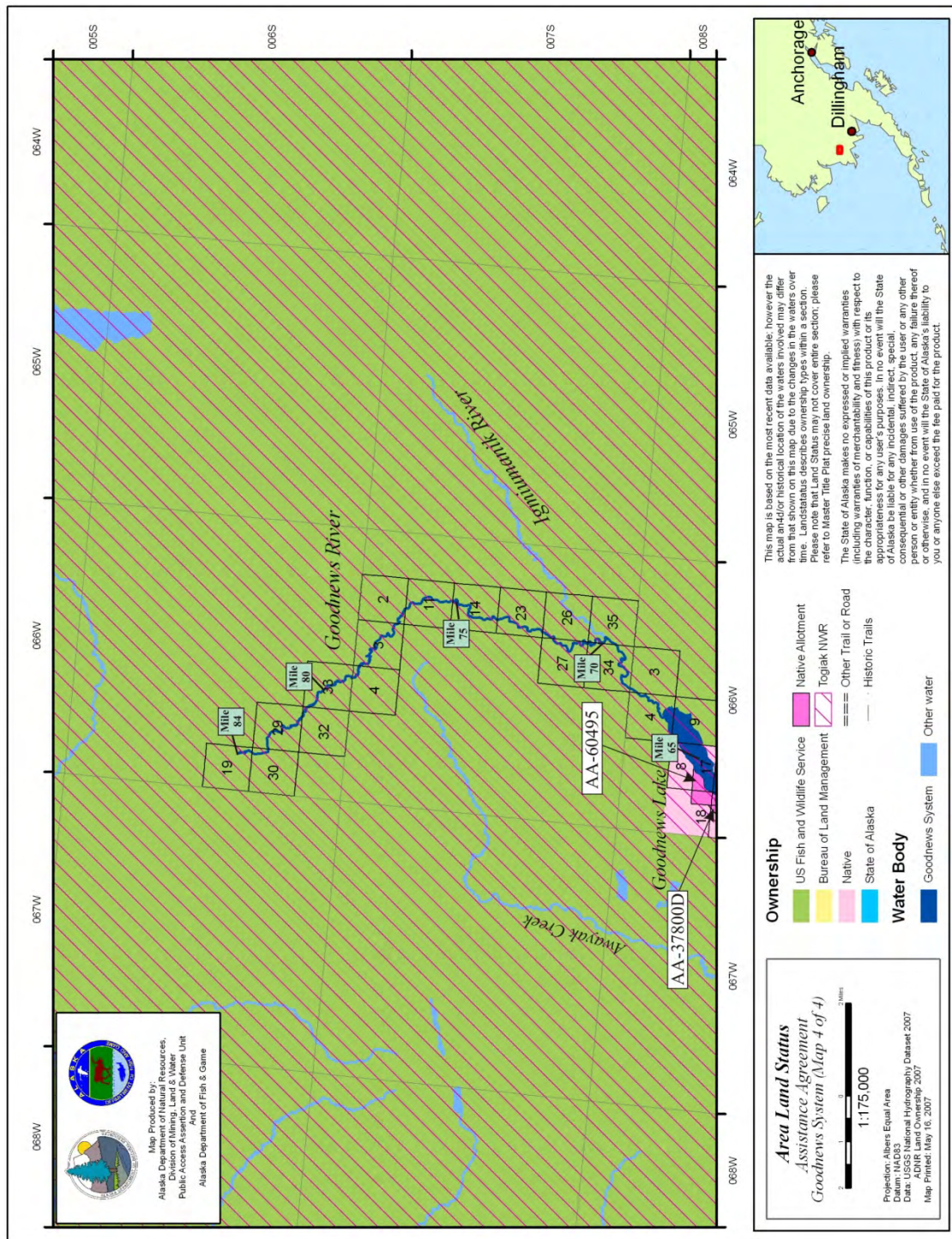


Figure 5. The upper portion of Goodnews River.

Portions of the lower Goodnews River, Middle Fork and South Fork flow across vacant, unappropriated and unreserved public lands managed by the Bureau of Land Management (BLM).

The area along Goodnews River, Middle Fork and South Fork is located within lands that Native corporations selected in the 1970s under ANCSA. The BLM conveyed the surface estate for lands in the lower Goodnews River and Middle and South Forks (Figure 2) area to Kuitsarak, Inc., the village corporation for Goodnews Bay, in Interim Conveyance (IC) No. 885 in 1984 and patented them in 1995 (Patent No. 50-95-0633). The BLM conveyed the subsurface estate of these lands to Calista Regional Corporation in IC No. 886 in 1984 and patented them in 1995 (Patent No. 50-95-0632). Calista also made selections along the middle portion of the Middle and South Forks of Goodnews River. The BLM conveyed those lands to Calista through IC No. 1660 in 1996.

Kuitsarak, Inc. has selections pending (F-14862-A) along the Goodnews River, including a parcel in Sec. 25, T. 10 S, R. 72, W., and parcels in Secs. 19, 20, 21, 23, and 30, T. 10 S., R. 71 W., SM. Calista has three pending land selections for historical and cemetery sites (ANCSA 14(h)(1) sites) that cross the Goodnews River, Middle Fork and South Fork that have not been conveyed. They include: a parcel (AA-10126) that crosses the South Fork in Sec. 13, T. 12 S., R. 72 W.; a parcel (AA-10124) in Sec. 7, T. 12 S., R. 71 W.; and a parcel (AA-10144) in Sec. 34, T. 11 S., R. 71 W., SM.

Forty-three Native allotments occur along the lower portions of the Goodnews River, Middle Fork and South Fork within BLM and Native lands, and all of the allotments have been certificated. There are 24 Native allotments along the lower portion of the Goodnews River within lands conveyed to the Native village of Goodnews Bay. Seven Native allotments are located along the lower Goodnews River within BLM managed lands. Along the lower Middle Fork, five Native allotments are located within lands conveyed to Native villages, and two Native allotments are located within BLM managed lands. Seven Native allotments are located along the South Fork of the Goodnews River downstream of its confluence with Tivyagak Creek.ⁱⁱⁱ Four Native allotments along the South Fork are within Native village lands and three Native allotments are within BLM managed lands.

Six Native allotments are located along the upper Goodnews River within the Togiak NWR. Three of the allotments, located along the north side of Goodnews Lake, have been certificated. An (ANCSA) Native Primary Place of Residence (NPPR) along the north side of the lake was conveyed in 1984 by IC Nos. 935 and 936. A Native allotment (AA-60495) overlays part of the NPPR and was certificated in 2008. The BLM certificated two Native allotments located along the Goodnews River just below Awayak Creek in 2002, and the agency meandered and excluded the river from these Native allotments.

ⁱⁱⁱ Native allotment FF-13776-A is counted twice because one side fronts on the Middle Fork and the other side fronts on the South Fork.

III. BLM Navigability Determinations

The BLM began actively seeking information on navigable waters in the Goodnews River area in 1975 in preparation for land conveyances under ANCSA. Kuitsarak, Inc. and the Calista Regional Corporation selected ANCSA lands in the Goodnews River area in the early 1970s.

In a memorandum dated November 15, 1976, Cliff Ells, a BLM Realty Specialist, summarized a recent meeting with representatives of the village corporation for Goodnews Bay, during which potential easements were discussed. One of the easements included a trail from Goodnews Bay to the Wattamuse Mining Camp, paralleling the Goodnews River and its tributary, Slate Creek. Other recommended easements included campsites along the Goodnews River and Middle Fork of the Goodnews River. The State had proposed a streamside easement for the main streams of the Goodnews River, the Middle and South Forks of the Goodnews River. The State and private river user groups, such as Knik Kanoers and Kayakers, asserted that these three waterbodies were navigable. The village corporation for Goodnews Bay opposed all proposed easements on Native lands along the Goodnews River and its Middle and South Forks.⁴ (Attachment 1)

On January 31, 1977, Stanley Bronczyk, a BLM Realty Specialist, issued an Easement Task Force Memorandum that determined the Goodnews River navigable through the village selection area using the criterion of “travel, trade or commerce, or susceptibility to travel, trade or commerce.” The task force also declared Slate Creek, a tributary of the Goodnews River leading to Wattamuse Creek, navigable from the mouth to the Wattamuse mining camp.⁵ (Attachment 2) On March 10, 1977, Robert Q. Pickering, a member of the BLM easements and navigability team, wrote in a memorandum that “the Goodnews River is navigable up to Slate Creek by past history and susceptible to navigability from Slate Creek, easterly to the boundary of the selection area.”⁶ (Attachment 3)

The BLM State Director, Curtis McVee, issued proposed easements for the selection area on March 25, 1977. McVee identified the Goodnews River throughout the selection area and Slate Creek from its mouth to the old Wattamuse Mining Camp as “navigable due to travel, trade or commerce, or susceptibility to travel, trade or commerce.”⁷ (Attachment 4) Walter B. Parker, State Co-chair of the Federal-State Land Use Planning Commission, agreed with all the easements, but urged the BLM to consider concerns expressed by a Russell Gallagher, who represented the Native village of Goodnews Bay. The village corporation strongly opposed easements along the Goodnews River system, as access “is already available on the Goodnews River, which is shown [on BLM maps] as being navigable along the entire length of the land selection area.”⁸ (Attachment 5)

McVee issued a Final Easements Memorandum on April 4, 1978, identifying seventeen easements. Easement #13 D1, L was a 25-foot wide streamside easement on either side of the Goodnews River through the selection area. This memo officially determined the

Goodnews River navigable through the selection area citing the criteria of “travel, trade and commerce.” McVee wrote:

The Goodnews River has a history of use for travel, trade and commerce. It was therefore designated as a navigable river. Some of the earlier use of the river involved the movement of supplies to the Wattamuse Mining area. In 1975, it was floated as part of the Alaska Department of Fish and Game stream survey. Reportedly, recreationists use the river quite often. Continued use of the river is necessary for recreational purposes as well as an access route to public lands having highly favorable mineral deposits. In connection with overland trails, the river provides access to other areas of public land.⁹ (Attachment 6)

Another streamside easement (#15 D1, L) was proposed for the “entire bed of the Middle Fork River through the selection area.” The “purpose is to provide for public use of waters having highly significant present recreational use.” McVee explained that:

This river has good runs of chum salmon, red salmon and arctic char. In addition to subsistence fishing by regional residents, the river attracts sportsfishermen.... This easement will provide space for foot travel, boat docking, and other uses associated with travel along the river.”¹⁰

After the passage of new easement regulations in 1979 that prohibited easements that were recreational in nature, BLM Realty Specialist Clifford Ells issued a new draft Easements Memorandum on December 21, 1979, that dropped the two streamside easements (#13 D1, L and #15 D1, L). He proposed preserving an easement on the trail paralleling the Goodnews River to the Wattamuse Mining camp and an easement for a trail extending northerly from the shore of Goodnews Bay to public lands. “This trail,” he wrote, “is needed for access to this mineralized area as well as general public access to public lands.” Ells determined “the Goodnews River and Slate Creek navigable through the selection area” as miners had used the route to haul supplies by boat to the Wattamuse mining area. “The Goodnews River,” he wrote, “is considered susceptible for travel, trade and commerce easterly through the selection area.” Ells added that “All tidal influenced [*sic*] are also considered navigable,”¹¹ (Attachment 7) but did not identify specific tidally influenced waters. In a 2-Way Memo dated December 30, 1981, Sherman Berg, a BLM Realty Specialist, wrote that tidal influence within the Goodnews Bay area would be determined at the time of survey.¹² (Attachment 8)

On July 29, 1982, the BLM issued a draft Final Easements Memorandum containing two site easements on the Goodnews River and the trail easement paralleling the Goodnews River to the Wattamuse Mining Camp. The July 29, 1982 memorandum reiterated that the Goodnews River and Slate Creek had been used to haul supplies to the Wattamuse Mining Camp and determined the Goodnews River “navigable throughout the selection area.” The Goodnews River was “the only waterbody determined to be major” through the selection area.¹³ (Attachment 9)

On October 29, 1982, Felix Hess of the Calista Regional Corporation wrote a letter to the BLM arguing that the proposed Wattamuse Mining Camp trail easement violated new easement regulations against “duplicating access” because the BLM had already decided that the Goodnews River was navigable and provided access by boat to the mining camp.¹⁴ (Attachment 10)

Gary Seitz, BLM Chief of the Navigability Section, wrote back to Kuitsarak, Inc. on January 18, 1983, stating that:

Written records reveal the use of the South Fork as an alternate inland waterway route. This route allowed travelers to avoid open water travel around Cape Newenham. In addition, exploration, mapping and mining activities have made use of the Goodnews River system and their tributaries as a means of access.

Based on that information, the BLM determined the Middle and South Forks “are navigable in the [village] selected area and satisfy Federal criteria for a navigable determination.” Seitz noted that as a result of exploration, mapping and mining activities on Barnum Creek, a tributary of the Goodnews River in the selection area, Barnum Creek also was determined navigable.¹⁵ (Attachment 11)

R. W. Kaltenbach, a BLM Realty Specialist, completed a navigability report on ten townships in the vicinity of Goodnews and Kuskokwim Bays on February 23, 1983. In the report, Kaltenbach summarized prehistoric skin boat use, inland waterway use, the transporting of supplies to mining areas, federal topographic surveys, and subsistence use on the Goodnews River and its tributaries in the Goodnews Bay village selection area. He noted that USGS records indicated that the lower course of the Goodnews River and its forks are tidally influenced. Kaltenbach concluded that the Goodnews River System, which he defined as the South Fork, Middle Fork, the main river and the interconnecting and dead-end sloughs associated with those three forks in the village selection area “are boatable in fact and use.”¹⁶ (Attachment 12)

On March 3, 1983, Robert W. Faithful, Assistant to the BLM State Director for Conveyance Management, issued a Memorandum on Final Navigability Determination for the Goodnews River. Using information from Kaltenbach’s navigability report, Faithful determined the Goodnews River, the Middle Fork, the South Fork, and the interconnecting and dead-end sloughs on all three to be navigable through the selection area. Faithful determined the Goodnews River navigable from its mouth upstream through Sec. 36, T. 10 S., R. 72 W., SM (river mile 22), as well as Barnum Creek, a tributary of the Goodnews River. He determined the Middle Fork navigable upstream to and through Sec. 2, T. 12 S., R. 72 W. (river mile 8), and the South Fork navigable to and through Sec. 21, T. 12 S., R. 72 W., SM (river mile 5.5).¹⁷ (Attachment 13) This was the first BLM navigability determination for the Middle and South Forks of the Goodnews River.

In a subsequent BLM easements memorandum dated June 22, 1983, Faithful named the Goodnews River, Barnum Creek, the Middle Fork, and the South Fork to be major waterways.¹⁸ (Attachment 14)

Ruth Stockie, Section Chief of the BLM Branch of ANSCA Adjudication, issued a Decision to Interim Convey (DIC) on September 29, 1983, approving lands to be conveyed to Kuitsarak, Inc. The conveyed lands covered large portions of the lower Goodnews River, Middle and South Forks.¹⁹ (Attachment 15) The DIC maps depict the three rivers as navigable throughout the conveyance area. The Goodnews River is shown as navigable through Sec. 24, T. 10 S. R. 71 W., SM. Barnum Creek, a tributary of the Goodnews River, is also shown as navigable. The Middle Fork and South Forks are shown as navigable to the same points as in the March 3, 1983 Navigability Memorandum: Sec. 2, T. 12 S., R. 72 W., for the Middle Fork and Sec. 21, T. 12 S., R. 72 W., SM on the South Fork.

On November 3, 1983, the State appealed BLM's DIC of September 29th. The State alleged in its appeal that the BLM failed to relocate trail easements to avoid conflicts with Native allotments. The State also alleged that the BLM should have determined the Middle Fork of the Goodnews River as a major waterway and should have reserved site easements necessary to allow for a reasonable pattern of travel on the Middle Fork and the Goodnews River.²⁰ (Attachment 16)

R.W. Mullen, Administrative Judge for the Department of the Interior Board of Land Appeals (IBLA) concluded on May 14, 1984, that the BLM "did not adequately justify" its consideration of State proposed easements for the Middle Fork of the Goodnews River before issuing its DIC of September 29, 1983. Since the BLM had determined the Middle Fork to be navigable on March 3rd and a major waterway on June 22nd of 1983, the agency was obliged to consider easements for a "reasonable pattern of travel" along this waterway. The IBLA remanded the case to the BLM for further action.²¹ (Attachment 17)

On August 30, 1984, BLM State Director Michael Penfeld issued IC Nos. 885 and 886. The ICs differed from the earlier DIC by dropping Secs. 29 and 32, T. 11 S., R. 72 W., along the Goodnews River and Secs. 3 and 9, T. 12 S., R. 72 W., SM, along the Middle Fork from lands conveyed. These four sections were included a decade later in another IC to Kuitsarak, Inc. The conveyance maps for IC Nos. 885 and 886 excluded the submerged lands of the Goodnews River, as well as the Middle and South Forks of the Goodnews River, from the conveyances.²² (Attachment 18)

Between 1985 and 1987, letters, interviews and memos outlined the views of various user groups about additional easements needed and the best placement of existing easements on these rivers. During this time period, Kuitsarak, Inc. and Calista opposed all easements on their land selections along the Goodnews River System.

In a Final Easements Memorandum dated May 6, 1987, BLM Anchorage District Manager John J. Rumps reserved an additional site easement on an island in the

Goodnews River and a campsite easement along the Middle Fork. He justified both easements “to accommodate transportation along, to and from the State waterway.”²³ (Attachment 19) The BLM incorporated the two site easements into a modified DIC issued by Ann Johnson, BLM Chief of the Branch of Calista Adjudication, on October 20, 1987.²⁴ (Attachment 20)

Robert W. Arndorfer, the BLM Deputy State Director, issued a navigability review of water bodies in the Goodnews Bay selection area (Window 1704) on June 6, 1988, using the standard of navigable if used “by crafts larger than a one-person kayak at the time of Statehood.” The BLM’s Photogrammetry Section meandered the Goodnews River and Middle Fork due to their size (over three chains wide), and meandered the South Fork even though it was less than three chains wide. In his navigability review, Arndorfer determined the South Fork tidal “from its mouth to the northeast corner of Sec. 21, T. 12 S., R. 72 W., SM” and navigable farther upstream “to and through T. 12 S., R. 72 W., SM [up to river mile 10.5], beyond which is federal (BLM) land in the report area.”²⁵ (Attachment 21)

Sandra Dunn, the Assistant BLM District Manager for Lands, issued a Notice of Proposed Easements on October 28, 1993, in which she identified the Goodnews River and its Middle and South Forks as “major waterways” that “serve as travel routes to public land.”²⁶ (Attachment 22) This designation was repeated in a BLM Final Easements Memorandum dated March 3, 1994. The memorandum discontinued one of the site easements along the right bank of the Goodnews River in Sec. 21, T. 10 S., R. 71 W., SM, in favor of a trail easement 1½ miles away. A trail easement paralleling the Goodnews River easterly from Slate Creek was also dropped “because the Goodnews River provides adequate transportation.”²⁷ (Attachment 23)

In the 1980s, the BLM also made navigability determinations on applications for Native Primary Place of Residence (NPPR) and applications for Native allotments within the Goodnews River system. On January 24, 1983, Robert D. Arnold, Assistant to the BLM State Director for Conveyance Management, issued a final Navigability Determination for Betty Huffmon’s NPPR (Allotment F-19735), located on the north side of Goodnews Lake. Arnold concluded that “all water bodies within the boundaries” of the area encompassed by Huffmon’s NPPR “are nonnavigable.” He noted that “Goodnews Lake is a continuation of the Goodnews River system which has been determined to be navigable,” but “the upper limits of navigability for this system has not yet been identified.”²⁸ (Attachment 24)

On February 17, 1989, Wayne A. Boden, Deputy BLM State Director for Conveyance Management, issued a memorandum identifying navigable water bodies in small tracts in the Goodnews area Group Survey No. 194 (Window 1704). Boden noted that navigable waters had already been “identified in our memo dated June 6, 1988, for survey window 1704 (Goodnews).” He did not list the Goodnews River and the Middle Fork as navigable because they were more than 198 feet wide and they were excluded in the survey regardless of navigability. He determined the South Fork to be a navigable river

less than 198 feet wide in T. 12 S., R. 72 W., SM, which includes upstream through Sec. 13 (to river mile 10.5).²⁹ (Attachment 25)

C. Michael Brown, Chief of the BLM Navigability Section, issued a memorandum on March 15, 1994, that listed the portions of the Goodnews River, Middle Fork and South Fork that had been determined navigable and excluded from IC Nos. 885 and 886 “by reason of navigability (use or susceptibility of use for commercial navigation).” The rivers determined navigable included the Goodnews River and the Middle Fork “to and through T. 11 S., R. 72 W., Seward Meridian” (river mile 22.5 on North Fork and river mile 10.5 on Middle Fork), and the South Fork “to and through Sec. 21, T. 12 S., R. 72 W., SM” (river mile 5.5). Barnum Creek, a tributary of the lower Goodnews River, was also determined navigable through Section 13, T. 10 S., R. 73 W., SM.³⁰ (Attachment 26)

The BLM patented conveyed lands along the lower Goodnews River and its Middle and South Forks to Kuitsarak, Inc. during 1995 under Patent No. 50-95-0633, as shown in the Master Title Plats (MTPs). (Attachment 27)

At the same time that the BLM was adjudicating Kuitsarak, Inc.’s initial village selections in the Goodnews River drainage, the BLM was processing ANSCA Sec. 13(h)(8) selections by Calista Corporation for surface and subsurface rights to land in several areas, including 5,010 acres that extended north-south across the Middle and South Forks of the Goodnews River in Tps. 11-12 S., R. 71 W., SM. On April 15, 1993, BLM land law examiners Allyson Johnson and Linda Suttles requested the Branch of Conveyance Coordination to provide a Navigability Memorandum on the lands included in these Calista Corporation selections. Handwritten on the requesting memorandum, Allyson Johnson wrote a note dated May 18, 1993 stating: “per discussion w/ Ed Ernhardt, Navigability Section, under new procedures this request [for navigability determinations is] not needed until confirmatory patent.”³¹ (Attachment 28) No other document involving navigability determinations for these selections was found in the file.

On December 1, 1993, Russel D. Blome, acting on behalf of Sandra Dunn, the Assistant BLM District Manager of Lands, issued Final Easement Recommendations for Lands to be Conveyed to Calista Corporation in this selection area, finding the Goodnews River, the Middle Fork and South Fork of the Goodnews River “major waterways as they serve as transportation routes for recreationists, miners, subsistence users and Native allotment owners.”³² (Attachment 29) Maps attached to the memorandum showed easements, but did not show navigable waters.

Heather A. Coats, Land Law Examiner for the BLM Branch of Gulf Rim Adjudication, issued a DIC on December 13, 1995 approving conveyance of the Calista Corporation selected lands, including the 5,010 acres in T. 11 S., R. 71 W., SM that straddled both sides of the Middle and South Forks. The DIC stipulated that “All navigable water bodies will be identified at the time of survey.”³³ (Attachment 30) The maps attached to the DIC were the same as the December 1, 1993 Easement Memorandum maps, which did not designate navigable waters.

On January 26, 1996, Terry R. Hassett, Chief of the BLM Branch of Gulf Rim Adjudication, issued IC No. 1660 to Calista Corporation. The IC conveyed a number of tracts of lands, including one that crossed the Middle and South forks of the Goodnews River in Tps. 11 and 12 S., R. 71 W., SM. The IC contained language excluding submerged lands 198 feet or wider and navigable waters, if any, of lesser size, but stated that “these submerged lands will be identified at the time of survey.”³⁴ (Attachment 31)

Dominica VanKoten, BLM Chief of Navigability Section, issued a memorandum on March 21, 2006 summarizing navigability determinations for lands ICd and lands still in the selection process along the Goodnews River System. In the memorandum, VanKoten determined the Goodnews River as navigable from its mouth through Sec. 24, T. 10 S., R. 71 W., SM (river mile 30.5).³⁵ (Attachment 32) She cited the BLM July 29, 1982 Easements Memorandum (Attachment 9) and the BLM September 29, 1983 DIC (Attachment 15) as the basis for the extent of navigability on the Goodnews River. VanKoten determined the Middle Fork as navigable in Secs. 13-14 and 23, T. 11 S., R. 71 W. (river mile 16 to river mile 19) and the South Fork as navigable in Secs. 35-36, T. 11 S., R. 71 W. and in Secs. 1-2, T. 12 S., R. 71 W., SM (river mile 17.5 to river mile 21), on lands conveyed to Calista Corporation in IC No. 1660. She described the lands conveyed to Calista Corporation in IC No. 1660 as navigable, based on a March 3, 1983 BLM navigability decision. (Attachment 13)

On April 12, 2006, BLM Easements Coordinator K.J. Mushovic issued a final easements memorandum for Kuitsarak, Inc. selected lands along the Goodnews River System still awaiting patent. In the memorandum, Mushovic considered but did not recommend a site easement on the South Fork of the Goodnews River because of the proximity of BLM public land one-half mile to the south of the proposed site. Mushovic wrote that the Goodnews River, Middle Fork and South Fork of the Goodnews River “have been determined to be major waterways. They serve as travel routes to public lands.”³⁶ (Attachment 33)

Kathy Flippen, a BLM Navigable Waters Specialist, summarized navigability determinations for the remaining village selected lands in the Goodnews River area in memoranda dated June 4 and September 24, 2008.³⁷ (Attachment 34) In the June 4, 2008 memorandum, the Goodnews River was determined navigable upstream through Sec. 24, T. 10 S., R. 71 W., SM (river mile 30.5), based on the BLM’s Final Easements Memorandum dated July 29, 1982 (Attachment 9) and the BLM’s Final Navigability Determination for Goodnews River dated March 3, 1983 (Attachment 13). The Middle Fork was determined navigable upstream to river mile 16 and the South Fork was determined navigable upstream to river mile 9.5, based on the BLM’s Final Navigability Determination for Goodnews River dated March 3, 1983 (Attachment 13).

Charmaine McMillan, a BLM Land Law Examiner in the Land Transfer Adjudication II Section, issued a DIC for lands selected by Kuitsarak, Inc. along the Goodnews River and the Middle and South Forks on March 13, 2009. The DIC stated that within the lands selected by Kuitsarak, Inc., the Goodnews River and the Middle and South Forks of the

Goodnews River, along with Slate Creek to Olympic Creek “have been determined to be navigable.” Since the “submerged lands will be identified at the time of survey and the acreage charge adjusted accordingly,” the maps attached to the DIC showed easements that had been designated, but no navigable waters.³⁸ (Attachment 35)

On April 13, 2009, Richard Thwaites, BLM’s Chief of Land Transfer Adjudication II, issued IC No. 2211 to Kuitsarak Inc. conveying surface estate and IC No. 2212 to Calista Corporation, conveying the subsurface estate along portions of the Goodnews River and the Middle and South forks. The ICs stipulated that “islands that have emerged from the beds of navigable waters on or after January 3, 1959, if any, which passed to the State of Alaska under the Equal Footing Doctrine...” were exclude from the conveyed lands.³⁹ No maps were attached to the ICs. (Attachment 36)

Summary of Navigability Determinations: Navigability determinations for the Goodnews River System are summarized below in Table 1 and shown in Figure 6. Since 1983, the BLM has consistently determined the Goodnews River and the Middle and South Forks to be “major waterways.” In ICs issued in the 1980s under the criterion of “travel, trade and commerce” and in the 1990s and 2000s under the criteria of “use or susceptibility to use for travel, trade and commerce,” the BLM has determined the Goodnews River (North Fork) navigable from its mouth (at river mile 0) upstream to and through Sec. 24, T. 10 S., R. 71 W., SM (river mile 30.5). In the 1980s, the BLM determined the Middle Fork navigable from its mouth upstream to river mile 5.5. In the 1990s and 2000s, the BLM determined the Middle Fork navigable from its mouth upstream through Sec. 13, T. 11 S., R. 71 W., SM (river mile 19). In the 1980s, the BLM determined the South Fork navigable from its mouth upstream to river mile 5.5. In the 1990s and 2000s, the BLM determined the South Fork navigable from its mouth upstream through village selected lands in Sec. 12, T. 12 S., R. 72 W., SM (river mile 9.5) and navigable within a Calista Corporation selection from river miles 17.5 to 21.

The only navigability determinations BLM made on small tracts occurred in the 1980s on Native allotments downstream of river mile 30.5 on the Goodnews River, downstream of river mile 19 on the Middle Fork, and on the South Fork downstream of river mile 10.5. The BLM found no navigable waters within the boundaries of a NPPR on the north side of Goodnews Lake on January 24, 1983. That decision (Attachment 24) did not address the lake, which BLM recognized as “a continuation of the Goodnews River System... the upper limits of navigability for this system has not yet been identified.”

No navigability determinations have been made on the Goodnews River above river mile 30.5, on the Middle Fork above river mile 19, or on the South Fork between river miles 9.5 and 17.5 and above river mile 21. The MTPs show the Goodnews River meandered and segregated from its mouth (river mile 0) upstream through much of Sec. 11, T. 10 S., R. 70 W., SM (river mile 36). The Middle Fork is meandered and segregated from its mouth (river mile 0) upstream through Sec. 13, T. 11 S., R. 71 W., SM (river mile 19), and the South Fork is meandered and segregated from its mouth (river mile 0) upstream through Secs. 12 and 13, T. 12 S., R. 72 W., (river mile 10.5), and from the SW corner of Sec. 35, T. 11 S., R. 71 W. (river mile 17.5) upstream through Sec. 1, T. 12 S., R. 71 W.,

SM (river mile 21). Goodnews Lake has been meandered and segregated on the MTPs due its size (larger than 50 acres). While there are references in various documents to tidal influence, the BLM has not made final determinations on the extent of tidal influence on the Goodnews River, the Middle Fork and South Fork.

Table 1. Summary of Navigability Determinations on Goodnews River System.

Dates	River Section	Type Decision and Substance	Navigability Criteria
1/31/1977 Attachment 2	Lower Goodnews River	BLM Easement Task Force: determined the Goodnews River navigable through Kuitsarak, Inc. selection area (river mile 0 to river mile 22)	Travel, Trade, or Commerce
3/10/1977 Attachment 3	Lower Goodnews River	Notice of Proposed Easement Recommendations: The Goodnews River navigable up to Slate Creek (river mile 27).	Travel, Trade, and Commerce; susceptibility
3/25/1977 Attachment 4	Lower Goodnews River	Proposed Easements Memo: The Goodnews River is navigable through selection area (river miles 0 to 22) and on Slate Creek to Wattamuse Mining Camp.	Travel, Trade or Commerce
4/4/1978 Attachment 6	Lower Goodnews River and Middle Fk.	Final Easements Memo: BLM reaffirmed Goodnews River navigable through village selection area (river miles 0-22) and proposed a 25-foot wide easement on both sides of the river through the selection area.	Travel, Trade and Commerce
12/21/1979 Attachment 7	Lower Goodnews River	Draft Easements Memo: BLM determined Goodnews River and Slate Creek navigable through the Kuitsarak, Inc. selection area; dropped the 25-foot wide streamside easement along the Goodnews River.	Travel, Trade and Commerce
7/29/1982 Attachment 9	Lower Goodnews River	Draft Final Easements Memo: Determined the Goodnews River navigable through the selection area and reiterated that the Goodnews River is a “major waterway.”	Travel, Trade and Commerce
1/18/1983 Attachment 11	North, Middle & South Forks	BLM letter to Kuitsarak, Inc.: Goodnews River and the Middle and South Forks are navigable in selection areas due to early inland travel route and exploration, mapping and mining activities.	Travel, Trade and Commerce
2/23/1983 Attachment 12	North, Middle, South Frks & inter-connecting sloughs	Navigability Report: Goodnews River, Middle and South Forks navigable in village selection area due to prehistoric rafting, inland waterway use, transporting mining supplies, federal topographical surveys and subsistence use.	Travel, Trade and Commerce
3/3/1983 Attachment 13	North, Middle, South Frks & inter-connecting sloughs	Memo on Final Navigable Determination: Goodnews River determined navigable upstream to river mile 22, Middle Fork navigable upstream to river mile 5.5, the South Fork navigable upstream to river mile 5.5, and the interconnecting sloughs navigable.	Travel, Trade and Commerce
6/22/1983 Attachment 14	North, Middle & South Frks	Easements Memo: BLM determined the Goodnews River, Middle Fork and South Fork “major waterway.	Not Addressed
9/29/1983 Attachment 15	North, Middle & South Forks	DIC: BLM determined the Goodnews River, Middle Fork and South Fork navigable throughout Kuitsarak, Inc. selection area.	Travel, Trade and Commerce

Dates	River Section	Type Decision and Substance	Navigability Criteria
8/30/1984 Attachment 18	North, Middle & South Forks	IC Nos. 885 and 886: Submerged lands excluded from conveyance areas on North, Middle and South Forks of Goodnews River.	Travel, Trade and Commerce
6/6/1988 Attachment 21	South Fork of Goodnews River	Navigability Review: South Fork determined tidal from mouth to river mile 5.25 and determined navigable from mouth to river mile 10.5.	Craft larger than one-person kayak
3/3/1994 Attachment 23	North, Middle & South Forks	Final Easements Memo: Goodnews River and its Middle and South Forks designated as “major waterways” that “serve as travel routes to public lands.”	Not Addressed
1/24/1983 Attachment 24	Goodnews Lake	Final Navigability Determination: “Goodnews Lake is a continuation of the Goodnews River System which has been determined to be navigable,” but “upper limits of navigability for this system has not yet been identified.	Not Specified
2/17/1989 Attachment 25	South Fork	Navigability Determinations in Small Tracts: South Fork determined navigable in small tracts even though it is less than 3 chains (189 feet) wide.	Craft larger than one-person kayak
3/15/1994 Attachment 26	North, Middle & South Forks	Navigable Waters in Survey Group No. 194: Goodnews River navigable to river mile 22.5, Middle Fork navigable to river mile 10.5, and South Fork navigable to river mile 5.5.	Use or Susceptibility of use for commercial navigation
12/13/1995 Attachment 30	Middle & South Forks	IC No. 1660: Conveyed lands to Calista Corporation along Middle and South Forks, but “submerged lands will be identified at the time of survey.”	Not Specified
1/26/1996 Attachment 31	North, Middle & South Forks	Navigability Determination Summary: Goodnews River navigable from mouth to river mile 30.5; Middle Fork navigable from river miles 16 to 19; South Fork navigable from river miles 17.5 to 21.	Use or Susceptibility of use for Travel, Trade and Commerce
3/21/2006 Attachment 32	North, Middle & South Forks	Summary of Navigability Determinations : Goodnews River navigable from mouth to river mile 30.5; Middle Fork navigable within selection area from river mile 16 to river mile 19; South Fork navigable within selection area from river mile 17.5 to river mile 21.	Use or Susceptibility of use for Travel, Trade and Commerce
4/12/2006 Attachment 33	North, Middle & South Forks	Final Easements Memo: “Goodnews River, Middle Fork and South Fork...have all been determined to be major waterways. They serve as travel routes to public lands.”	Use or susceptibility to use for travel, trade and commerce
9/24/2008 Attachment 34	North, Middle & South Forks	Summary of Navigability Determinations: Goodnews River navigable within selection area from mouth to river mile 30.5; Middle Fork navigable upstream to river mile 16; and South Fork navigable upstream to river mile 10.5.	Use or susceptibility to use for travel, trade and commerce
3/13/2009 Attachment 35	North, Middle & South Forks	DIC: Goodnews River, Middle Fork and South Fork “have been determined navigable” within the Kuitsarak, Inc. selection areas.	Not Specified

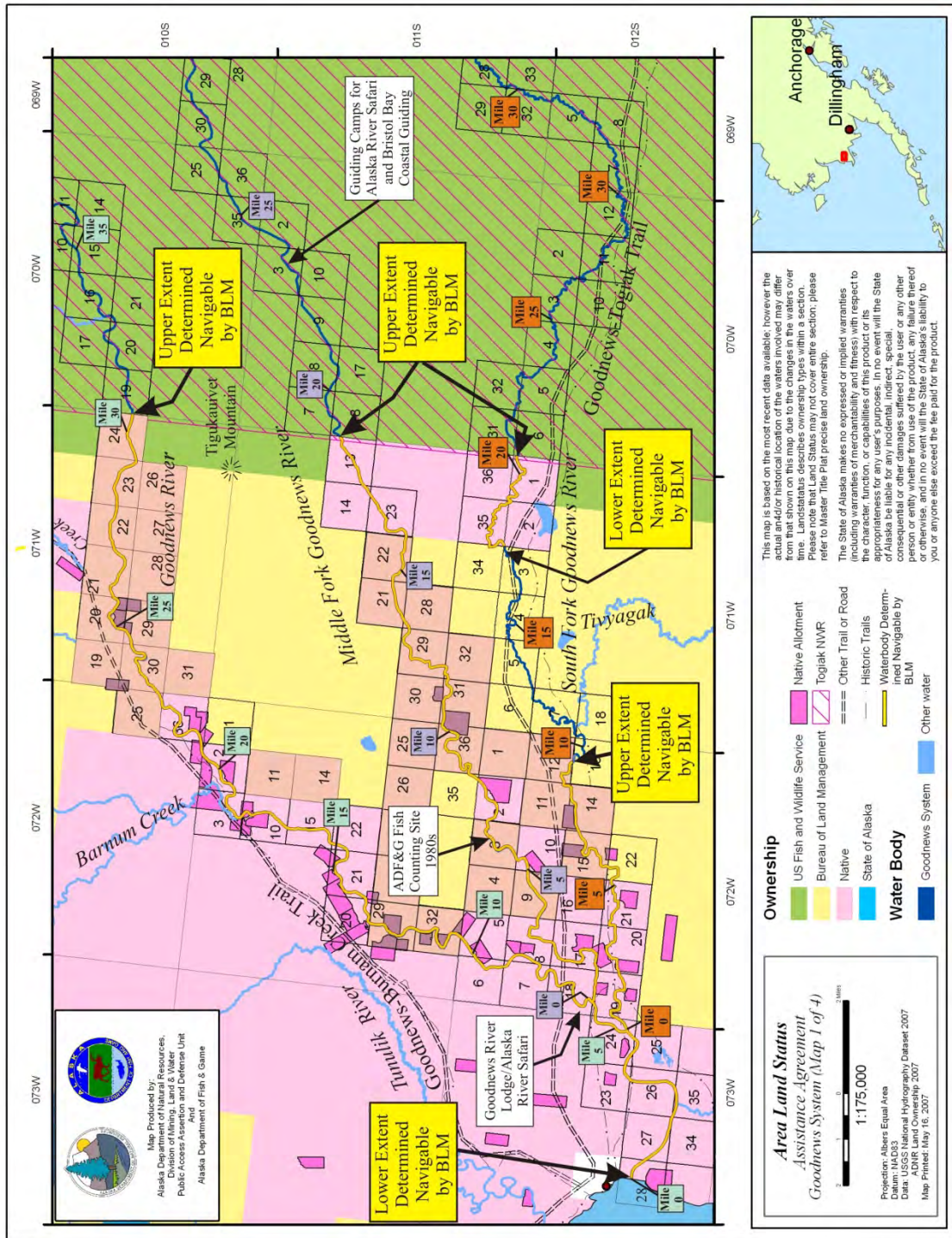


Figure 6. Portions of the Goodnews River, Middle Fork and South Fork that have been determined navigable by BLM.

IV. Physical Character of the Waterway

The Goodnews River System drains an area of 1,050 square miles.⁴⁰ The largest river in the system is the Goodnews River, sometimes referred to as the North Fork, but also known by its Native name of *Kwihcherak* (meaning “little river”).⁴¹ The North, Middle and South forks have fine to medium gravel and cobble bottoms. Gravel bars and islands are scarce when the water level rises.⁴² The upper portion of the Goodnews River has a slow current. The current increases in the middle portion, with no obstructions to navigation.⁴³ The Middle and South forks are narrower, shallower and have less flow than the North Fork, but the two forks are similar in character. They each consist of a series of rapids and pools in the upper reaches and are slower moving in the lower portions.⁴⁴ (Attachment 12) As they approach Goodnews Bay, all three rivers enter lowlands that are marshy and flat. Except for a few isolated stands of cottonwood and bands of willows along the waterways, the shore vegetation is tundra-like.⁴⁵ The lower five miles of the tidally influenced Goodnews River and its two forks are very murky.⁴⁶

The headwaters of the main branch, the Goodnews River, are located in Sec. 19, T. 6 S., R. 66 W., SM at an elevation of about 1,000 feet above sea level. The upper portion of the Goodnews River, extending from its headwaters to Goodnews Lake, is about 17 miles long and has a gradient of 21 feet per mile. It winds in a southwest direction through alpine tundra and has one major tributary, Igmiumanik River. Goodnews Lake is approximately 4.5 miles long and 0.6 miles wide with a maximum depth of 130 feet. The lake, which has mountains to the northwest and southeast, is 403 feet above sea level. The vegetation around the lake is alpine tundra with a small band of willows and isolated stands of cottonwood.⁴⁷ The outlet of Goodnews Lake flows into a small lake (Figure 7) that is about a mile long. From there, the Goodnews River flows 62 miles in a south-westerly direction and empties into Goodnews Bay at Sec. 28, T. 12 S., R. 73 W., SM.



Figure 7. Goodnews River at river mile 61, one-half mile downstream from Goodnews Lake outlet. USF&WS photo from <http://alaska.fws.gov/water/togiak/rvrsites/ugd1.htm>.

From Goodnews Lake, the Goodnews River continues to Goodnews Bay and is characterized by fast water and a gravel bottom. It has a channel gradient of 6 feet per mile and an average depth of one to four feet during low water.⁴⁸ (Attachment 37) The 36 miles below the outlet of the lake down to Barnum Creek is a series of rapids and pools. The six mile section of the river from the outlet of the lake to Awayak Creek is slow moving and less than 80 feet wide. The bottom is composed mainly of medium and large gravel with some sand and silt present.⁴⁹ The 13 miles of the Goodnews River from Awayak Creek to Canyon Creek is the swiftest part of the river. There is little shoreline vegetation and the river flows in a straight single channel. Below Nimgun Creek, the river runs through several canyons and the current reaches 7-8 miles per hour (mph). The bottom is composed of several grades of fine, medium and course gravel, as well as occasional large boulders which are not a hindrance to navigation. The river is 110 feet wide at its confluence with Nimgun Creek.⁵⁰ In the upper portion of the Goodnews River below Goodnews Lake, the river has two major right bank tributaries, Nimgun (river mile 52) and Awayak Creeks (river mile 57). In its lower reaches, Nimgun Creek is 32-98 feet wide, very swift and has a bottom composed of large gravel and rubble. Awayak Creek drains three lakes and is slightly smaller than Nimgun Creek.⁵¹

In the 17 miles from Canyon Creek downstream to Barnum Creek, the Goodnews River funnels between bluffs and high gravel cutbanks in some areas (Figure 8). One local resident described the narrow portion of the river above Slate Creek as 30-50 feet wide and three to five feet deep.⁵² (Attachment 37) A state biologist estimates that the river in this general area averages 150 feet wide and about six feet deep. The course of the river meanders more than upstream sections, and willows are common along the stream edge and on gravel islands. The current is 3-4 mph, which keeps the bottom free of sand and silt.⁵³ The water is highest and widest in the spring and the lowest in July.⁵⁴ (Attachment 37) Major tributaries in this portion of the river include Slate and Canyon creeks. The lower reaches of Slate Creek are 20 feet wide with a current of 4 mph. The lower portion of Canyon Creek is 30 feet wide with a current of 5-6 mph.⁵⁵

Below Barnum Creek, the Goodnews River is slower and easily traveled. The 12-mile section of the river flowing downstream from Barnum Creek is a single channel, becoming somewhat braided just above its confluence with the Middle Fork (Figure 9). The North Fork is 120 feet wide in this section and runs at 2-3 mph.⁵⁶ The ten miles of the river from its confluence with the Middle Fork to Goodnews Bay is braided with many sloughs. It is tidally influenced, slow moving, and the bottom is made up of mud and fine gravel.⁵⁷ The water level is the highest and widest on the river in the spring and during July through October, when the average depth varies from 2.5 to 12 feet. The average depth during low water, (June, November and December) is 1-4 feet.⁵⁸ (Attachment 37) The Middle and South forks are major tributaries entering the lower North Fork.⁵⁹



Figure 8. The North Fork of the Goodnews River at river mile 29.
USF&WS photo from <http://alaska.gov/water/togiak/rvrsites/gdn1.htm>.



Figure 9. Two rafts owned by Alaska River Safaris near the confluence of the North and Middle Forks of the Goodnews River, 1974. Lyle Paddock (deceased) and his dog “Laska” are shown in one of the two boats. Photo courtesy of Ron Hyde Jr. Anchorage.

The Middle Fork, also known by the Native name *Koguklik* (meaning “having the middle”),⁶⁰ is 60 miles long and drains an area of about 280 square miles.⁶¹ The Middle Fork parallels the main stem of the Goodnews River for its entire length, and is about 50 percent as large as the North Fork.⁶² The Middle Fork heads in a small lake in Sec. 27, T. 8 S., R. 66 W., SM, at an elevation of 1,000 feet above sea level. The Middle Fork flows eight miles in a southwesterly direction to Middle Fork Lake. The upper portion of the Middle Fork has a gradient of about 50 feet per mile. Middle Fork Lake is 1.4 miles long and 0.5 miles wide. The lake is 400 feet above sea level and has a depth of 70 feet.⁶³ From Middle Fork Lake, the Middle Fork flows southwesterly for a distance of 50 miles and has a gradient of 11 feet per mile.⁶⁴ The portion of the Middle Fork below the lake is characterized by fast water, braided channels and a gravel bottom. In this area, the river is occasionally braided with steep cut banks as it flows through gently rolling hills (Figure 10). Further downstream, the river follows in a single channel as it passes through a low tundra plain (Figure 11). It flows into the Goodnews River in Sec. 19, T. 12 S., R. 72 W., SM at an elevation of 10 feet above sea level.⁶⁵ The lower portion of the Middle Fork contains shallow spots during summers that are only 30-40 inches deep. The average depth of the Middle Fork, according to local resident William Walter, is 1.5 feet to seven feet deep.⁶⁶ (Attachment 37) Another local resident, Ron Hyde Jr., who was also a sport fishing guide, estimated that the average depth of the Middle Fork was three feet, with areas along cut banks running 8-12 feet deep.⁶⁷ (Attachment 37) The largest tributary is the Kukaktlik River (river mile 32), which flows into the Middle Fork about 18 miles downstream from Middle Fork Lake.



Figure 10. River mile 38 of the upper Middle Fork of the Goodnews River.
USF&WS photo from <http://alaska.fws.gov/water/togiak/rvrsites/umg1.htm>.



Figure 11. River mile 26.5 on the Middle Fork of the Goodnews River. USF&WS photo from [http://alaska.fws.gov/water Togiak/rvrsites/mfg1.htm](http://alaska.fws.gov/water/Togiak/rvrsites/mfg1.htm).

The South Fork, known by local Natives as *Mumtrak* Creek for the abandoned Native village of *Mumtrak* located at the river's mouth,⁶⁸ drains an area of 155 square miles. Ron Hyde Jr. described the South Fork as a tundra river with fewer trees along the banks than the North and Middle forks.⁶⁹ (Attachment 37) The South Fork is 39 miles long, and flows in a southwesterly direction and has a gradient of 25 feet per mile.⁷⁰ The South Fork is considerably smaller than the Middle Fork. The headwaters of the South Fork are located in Section 23, T. 11 S., R. 69 W., SM at an elevation of 1,000 feet above sea level. The river flows into the Middle Fork at Section 24, T. 12 S., R. 73 W., SM at an elevation of 16 feet above sea level.⁷¹ The largest tributary, Tivyagak Creek, flows into the South Fork about 11 miles upstream from the mouth of the South Fork. The lower South Fork varies from 50-70 feet wide and 30-50 inches deep. It drains a marshy lowland and has little gradient. It is slow moving, free of split channels, and has mud beds.⁷² (Attachment 37) The channel is wide downstream of Tivyagak Creek. The river is slower-moving, narrower and carries less water than the Goodnews River and the Middle Fork.⁷³ (Attachment 21)

The Goodnews River System is located in a transitional climatic zone, exhibiting characteristics of both a marine and continental climate. Average annual precipitation in the village of Goodnews Bay, the closest community to the Goodnews River, is 22 inches, with 43 inches of snowfall. Summer temperatures range from 41 to 57 degrees Fahrenheit (F), while winter temperatures average 6 to 24 degrees F.⁷⁴

The earliest hydrologic data available for water bodies in the Goodnews River system was collected on July 19, 1976 by ADF&G biologists who reported the stream flow on the Goodnews River below Nimgun Creek at 1,066 cubic feet per second (cfs).⁷⁵ The USF&WS hydrologists established two stream flow measuring sites on the Goodnews River and two stream flow measuring sites on the Middle Fork, all within the Togiak NWR. The first site is on the upper portion of the Goodnews River (river mile 61) about one-half mile below the outlet of lower Goodnews Lake (Figure 7). The second site is on the middle portion of Goodnews River at river mile 28.25, about 7.2 miles downstream from the confluence with Canyon Creek (Figure 8). The third site is at river mile 38 on the Middle Fork, about 6 river miles upstream from the confluence of the Kukaktlik River (Figure 10). The fourth site is at river mile 26.5 on the lower portion of the Middle Fork, 5.6 miles downstream from the confluence with the Kukaktlik River (Figure 11). The USF&WS has collected stream flow data from these four gages, but had not completed its analysis of the data as of January 2011. In general, the Goodnews River (North Fork) and the Middle Fork are similar in that peak flow for spring breakup (snow melt peak) occurs in mid-May each year. A mid-summer period of lower flows occurs in late July to early August and a second peak occurs with the rains in the fall, normally in September/October. Winter freeze up occurs in January and the river remains frozen through breakup in March. Base flows below the ice are estimated from periodic discharge measurements made during the period of ice cover.⁷⁶

Geologist George L. Harrington of the USGS reported in 1919 that the lower course of the Goodnews River and its Middle and South Forks were tidally influenced.⁷⁷ A BLM Navigability Report in 1983 noted that the lower area of the Goodnews River has an area of tidal influence, making boating easier going upstream during high water conditions.⁷⁸ (Attachment 12) The extent of tidal influence on the main branch and the Middle Fork has not been determined even though these two water bodies have been surveyed. In 1988, the BLM determined the lower portion of the South Fork to be tidally influenced from its mouth to the northeast corner of Sec. 21, T., 12 S., R. 72 W., SM, a distance of approximately 3.5 miles.⁷⁹ (Attachment 21) The ADF&G reported in 2010 that tidal influence is noticeable ten miles upstream from the mouth in the multiple channels and sloughs of the North Fork.⁸⁰

There are moderate rapids and occasional large boulders in a portion of the Goodnews River below Nimgun Creek, but they are not a hindrance to navigation or dangerous to people using a raft or canoe.⁸¹ Low water conditions can make travel up the Middle Fork to Middle Fork Lake and up the South Fork to river mile 21 difficult. The Goodnews River, the Middle Fork and the South Fork appear to have been in their natural and ordinary condition at the time of statehood.

V. Evidence of Use

Early Native Use of the Goodnews River System through the 1930s

Human occupation of the Kuskokwim area goes back 11,000 years to nomadic hunters of Pleistocene animals. These hunters were supplanted about 1,900 B.C., when Eskimos from the north moved into the lower Kuskokwim drainage, bringing with them the so-called Arctic Small Tool tradition.⁸² Permanent occupation of the interior Kuskokwim Delta with chronological continuity began about AD 600.⁸³ Their descendents, the *Kusquqvagmiut* (also known as Yup'ik Eskimos or mainland southwest Alaskan Eskimos), have inhabited the Kuskokwim River and its tributaries down to the present as far inland as the village of Aniak. By 1880, their population was estimated at 3,100.⁸⁴ The Central Yup'ik Eskimos inhabited the southwest coast, and the *Caninermiut* subgroup occupied the eastern side of Kuskokwim Bay, including the Goodnews Bay area. The Central Yup'ik established permanent villages that formed a base from which they wandered in an annual round of subsistence activities. Their lifestyle centered on fishing for salmon and freshwater fish, hunting sea mammals, land mammals, and waterfowl, and gathering berries.⁸⁵

In 1976, archaeologist Robert Ackerman discovered two prehistoric sites with side-notched points on the lower course of the Goodnews River and a site with stone flakes from tool making on Slate Creek. Two years later, Ackerman returned to the area and conducted an archaeological survey extending up the Goodnews River to Goodnews Lake and north through the Ahklun Mountains. He found a concentrated cluster of eight prehistoric occupation surface sites at Awayak Creek, a surface site at Nimgun Creek, a surface site on an unnamed tributary of the North Fork, and a historic fishing camp on Barnum Creek. At Goodnews Lake, he found ten prehistoric sites with surface scatters including stone artifacts such as flakes, side-notched points, a drill made of a broken projectile point, a lanceolate point and scrapers.⁸⁶ These sites consisted of flaking debris left by hunters who had camped on the knolls and ridges. At those sites, they reshaped or made new stone tools. The distribution of sites in the Goodnews River drainage prompted Ackerman to conclude that travel from the coast to Goodnews Lake was limited to the Goodnews River valley. Oral traditions indicate that hunters pursued isolated caribou and, later, reindeer in the uplands. Artifact assemblages indicate that initial occupation of the Goodnews River drainage dates to 6,000 to 4,000 years ago, and continued with considerable changes in lithic (stone tool) technologies into historic times. This indicates, Ackerman concluded, "settlement patterns of prehistoric peoples who hunted the stream valleys and interior basin for caribou and fished in the rivers and lakes for local and anadromous fish."⁸⁷

The *Kusquqvagmiut* have lived a traditional subsistence lifestyle that spans many centuries. Subsistence is a form of production and consumption in which hunting, fishing and collecting plants are the primary sources of food and other necessities of life. Traditional Native subsistence practices of harvesting, distributing and consuming resources include important social and religious components. One of the most important

is the distribution and exchange of subsistence products within families, between families and bands, and with Native groups outside their territory. Each Native culture in Alaska has its own set of customs and values governing the transfer of subsistence goods, falling into categories such as ceremonial, sharing, partnership, trade and commercial exchange. The values which promote ceremonial feasting and distribution of subsistence resource goods have persisted in all Alaska groups.⁸⁸ In Kuskokwim Bay communities, social organizational forms, such as cooperation between households and the development of distribution and exchange networks for subsistence products, resulted in highly productive households supporting less productive households. Egalitarianism in consumption has thereby been maintained, which conforms to the egalitarian organization of production.⁸⁹

The *Kusquqvagmiut*, which including the people from Goodnews Bay, traveled by watercraft to access, harvest, and transport subsistence resources to their village sites, and to distribute the harvested resources. As contact with Russian fur traders and American missionaries, traders and miners increased in the nineteenth and twentieth centuries, the Native subsistence system of distribution and exchange gradually changed. While the *Kusquqvagmiut* continued their hunting, fishing, and gathering efforts, their involvement in the fur trade brought about significant changes.⁹⁰ Contact with American traders increased the interaction between subsistence production and commercial exchange, including the sharing and trading of commercial and subsistence goods.⁹¹

The *Kusquqvagmiut* used canoes to travel up rivers in the Kuskokwim Region to fish for salmon, hunt and gather berries. Rivers within the area, such as the Goodnews River and its tributaries, enhanced the mobility of travelers and provided extensive access deep into the adjacent countryside.⁹² Although the historic villages located along the south side of Kuskokwim Bay were located on the coast, their residents oriented their subsistence activities more toward the rivers and inland areas than toward the sea. This inland orientation was stronger in the past, when more up-river settlements existed.⁹³ Prior to Euro-American contact, local Natives hunted caribou in the hills north and east of Goodnews Bay in the late winter and early spring as part of their subsistence rounds. They built skin boats and during spring breakup used the boats to float the meat downstream to the old village of *Mumtrak*, [sometimes spelled *Mumtraq*] which was inland from the bay near the mouth of the South Fork of the Goodnews River.⁹⁴

In addition to harvesting resources for subsistence, the people of southwest Alaska engaged in trapping and fishing for the purpose of trade. Before the existence of a cash economy, according to one study, “furs and occasionally fish were... used as a form of currency for basic trade items such as tea, coffee, sugar, flour, rifles, ammunition, pots and pans, some clothing, and occasionally milk.”⁹⁵ Some of the fur trade was international in scope. Parka squirrels and marmots were major trade items historically. They were traded from the Kuskokwim area north to the Yukon River for caribou and domestic reindeer skins from Siberia via Bering Strait and Norton Sound traders.⁹⁶

By 1824, Russian fur traders had established trade with the people of the Kuskokwim River and surrounding area. Native trappers traded furs for manufactured goods such as

clothing, wool blankets, knives, flint, spears, needles, pots, cups, mirrors, copper rings and other items of personal adornment. Contact with Russians produced patterns which were not part of the indigenous subsistence system: commercial trade, credit/debt relations, and some experience with money as a medium of exchange. After the departure of the Russians in 1867, the Alaska Commercial Company monopolized the fur trade, severely restricted credit to the Natives, and conducted a flourishing business in furs at the Kuskokwim River trading posts. Trapping remained highly productive into the 1930s. The market after World War II fluctuated extensively as demand and prices for most fur species declined in southwest Alaska. The Yup'ik of the Kuskokwim Bay area have a long history of commercial trade, credit/debt relations and money transactions with representatives of an external economic system. Most of the trapping was done while hunting and harvesting resources for domestic consumption.⁹⁷

During the early period of contact with Euro-Americans, Goodnews Bay Natives lived in the village of *Mumtrak*, at the mouth of the South Fork, a village at the mouth of Barnum Creek (*Avgun*) on the North Fork of the Goodnews River, at seasonal camps along the three forks of the Goodnews River and “in igloos in different places around the [Goodnews] lake.”⁹⁸ The village of *Mumtrak* was the largest Native settlement in the Goodnews Bay area at the time of first contact with Euro-Americans. According to the United States Census, 162 people lived in *Mumtrak* in 1880 and 1890, but the population declined to 138 people in 1920.⁹⁹ During the following decade, the villagers abandoned *Mumtrak* and established the village now known as Goodnews Bay just north and west of the outlet of the Goodnews River.¹⁰⁰ (Attachment 12 and Attachment 38) According to some accounts, the residents moved the village to its present location due to constant flooding and storms at the old site. The population of the new village came from the *Kuskowagmiut* village of *Mumtrak* and from the *Chingigmiut* village of *Kinegnak*, which was located about 35 miles to the south on the Kinegnak River.¹⁰¹ The residents of *Mumtrak* and *Kinegnak* were probably motivated to abandon their old village sites and move to the new village after the government established a school and post office at Goodnews Bay village in the early 1930s.¹⁰² The population of the new village fluctuated over the years, impacted by diseases such as the whooping cough epidemic that occurred during 1940, in which everyone in the village under the age of 15 perished. By 1970, the village's population was 100. It increased to 168 in 1980, 202 in 1983,¹⁰³ and 237 in 2009.¹⁰⁴

Goodnews Bay is a traditional Yup'ik Eskimo village practicing a lifestyle based on subsistence, trapping and commercial fishing. The City of Goodnews Bay incorporated as a 2nd Class City in 1970 and the State built a high school in the village in 1979.¹⁰⁵ The Public Health Service installed a sewer and water system in 1968, but environmental conditions and inadequate maintenance resulted in the system being unusable by 1984. A telephone system was installed in most homes by early 1982. Prior to that, the community had only one telephone. The village has one store, owned and operated by the village corporation. The store sells fuel oil and gasoline. In the 1980s, lumber, used for boat construction, and fishing gear were sold by the village corporation, but not in the store. A store in the nearby community of Platinum sold outboard motors, three-wheelers, fishing equipment.¹⁰⁶

In the 1930s, 1940s and 1950s, residents of the village of Goodnews Bay moved among seasonal camps up and down the Goodnews River and its tributaries “following resource abundance.” In winter, they traveled by dog team. In summer, they used kayaks and oar boats, which they poled upriver, or small boats with sails. Outboard motors were few. In spring, people traveled up into the mountains to muskrat trapping camps. After returning to the village, they moved to fish camps to harvest salmon. The people dispersed to seasonal camps along the coast, along Goodnews Bay, and up the Goodnews River drainage, where they trapped parka squirrels and other fur bearers. Some families remained at their spring camps during the summer for salmon fishing. Others returned to the village at Goodnews Bay. Elders drifted down the river in boats or kayaks, pushing with a pole or oar. King salmon arrived first in the rivers, followed by sockeye and chum salmon, and silver and pink salmon in August.¹⁰⁷ Native fishermen used a swing net to catch fish in all three branches of the Goodnews River system. This activity required a kayak or canoe to pull one end of the net in a circular pattern to capture the fish.¹⁰⁸ (Attachment 12)

In late summer and early fall, some people went upriver by boat to hunt migratory birds, bears, or an occasional moose, pick berries or put up fish for the winter. A few families remained upriver through the winter and they harvested fish through the ice. The subsistence activities of Goodnews Bay residents followed “an ebb and flow of targeted resources depending on the season, but fish were pursued year round.”¹⁰⁹ Residents harvested large numbers of fish for consumption by people and dogs, and for sharing. Some were traded. Few Native people harvested or processed fish for the canneries and there was little in the way of wage work available to Natives prior to World War II. As one anthropologist noted, Natives “were kept out of the processing sector by discrimination on the part of cannery operators.”¹¹⁰

Prior to 1870, the *Kusquqvagmiut* from *Mumtrak* used skin boats on the Goodnews River to return from the mountains after spring squirrel and caribou hunts. They traveled on foot in the late winter using overland trails to reach the mountains. After they completed their hunting, they built skin boat rafts using caribou hides. They filled the rafts with meat and floated downstream to the old village at the mouth of the South Fork.¹¹¹ In the first half of the twentieth century, elders built and used skin boats in the upper reaches of the Goodnews River. They hunted caribou in the mountains and used the skins to make boats. They made frames for the boats from alder after which they stretched the caribou hides over the frames. They used the skin boats to float down the Goodnews River to their village after breakup.¹¹² (Attachment 39)

Natives from villages on the south side of the lower Kuskokwim River built skin boats in the mountains using caribou, bear or moose hides. Anthropologist Anne Fienup-Riordan has described how these skin boats were constructed and used. The broad raft-like skin boats, called *angyaqatak* (from *angyaq*, ‘open skin boat,’ plus *qatak*, ‘about to be’), were well suited for shallow, fast-moving streams. These shallow-draft skin boats were built to return home, and they were disassembled at the end of the trip.¹¹³ The *angyaqatiit* (Figure 12) were almost as wide as they were long, and often carried a family group.

Their broad beam promoted safe travel in the fast-moving waters of shallow mountain streams. The boat was almost round and did not easily capsize in rapids. The vessel was made so it would not easily get crosswise with the current and fill with water. The wide beam enabled the boat to carry a heavy load. The raft-like hull shape gave it equal stability in all orientations. In rapids and turbulent currents, the *angyaqatiit* was more stable than a kayak, but harder to steer, as the added stability meant that it resisted changing positions. Two people, one in the front and one in the back, used wide paddles to guide the boat away from rocks or logjams as they floated down stream.¹¹⁴



Figure 12. *Angyaqatak*, skin boat built in 2007 on the upper Kwethluk River and exhibited at the Anchorage Museum of History and Art for the Yupik Science Exhibit. Photo from <http://www.yupikscience.org/4rivrsspring/4-1.html>.

The Natives made the frames using cottonwood, alder and willow. Wood was often scarce in the mountains and had to be collected and split to make the pieces useful. Sometimes the men took apart their flat-bottomed sleds and used the slats for boat ribs. The men cut logs into one-inch-thick planks for the sides and bottom of the frame. The keel was made from a long, straight piece of wood running the length of the bottom. Sections of trunks or tree roots with a natural curve were used for the bow and stern pieces. The boat frame was lashed together with rawhide line or, more recently, cord. When the frame was complete, men covered it with bear, moose or caribou skins that had been soaked in water. The skins were sewn together with waterproof stitches, then folded over the gunwales and lashed to the frame. The fur side of the skin rested against the frame to protect the skin from chafing against rough spots in the wood. This helped with buoyancy, as waterlogged fur would weigh down the boat. After the frame was covered,

the men heated caribou fat or tallow and used the rendered oil to paint the seams, making them watertight. If the seams were not painted, they would work loose, and the boat would fill with water.¹¹⁵ A commercial river guide, who lived in Goodnews Bay village for a decade in the 1980s, found the frames of several abandoned or unfinished skin boats on the east bank of a lake near river mile 37 of the Middle Fork of the Goodnews River. The alder wood frames were all that remained of the skin boats.¹¹⁶ (Attachment 39)

Non-Native Use of the Goodnews River System Prior to Statehood

Early American explorers and missionaries used local Natives as guides during their travel in the Goodnews River drainage. During the later part of the nineteenth century, travel along the rugged coastline around Cape Newham in small boats was risky. Some travelers used an alternative, inland route between Goodnews Bay and Togiak. Starting at the village of *Mumtrak*, they used canoes and kayaks to travel up the South Fork of the Goodnews River, up Tivyagak Creek, over a low pass, across a chain of lakes, down the Osviak River to Hagemeister Strait and Togiak Bay.¹¹⁷ (Attachment 12) Moravian missionaries Adolphus H. Hartmann and William H. Weinland, who made this journey in 1884, were the earliest documented white travelers known to have taken this inland route that incorporated part of the South Fork of Goodnews River.¹¹⁸ They took canoes and poled up “a winding mountain stream [South Fork and Tivyagak Creek], beautifully clear and very rapid, which finally cut a deep crooked rut through a mossy swamp, with high grass lining the banks” before they came to a portage that crossed the divide. From there they entered a chain of lakes which formed the headwaters of the Osviak River, which they descended to Togiak Bay.¹¹⁹ The naturalist Warburton Pike, who led an expedition from Canada to western Alaska, traveled the route in 1888, starting from *Mumtrak* and going up the South Fork of the Goodnews River by pole boat.¹²⁰ Alfred B. Schanz and E. Hazard Wells traveled the same or a similar route during 1890, as part of the much publicized explorations of Alaska sponsored by Leslie’s Illustrated Newspaper.¹²¹ Moravian Bishop Henry T. Bachman and a small party also traveled the route, starting at Goodnews Bay, in July 1891.¹²² Other early travelers probably ascended the South Fork and Tivyagak Creek en route to Togiak Bay, but records of their experiences have not been found.¹²³

During the early 1900s, Natives and white prospectors may have traveled on the Goodnews River to and from Barnum Village, located at the mouth of the Barnum Creek. In 1915, a native reindeer herder named Wattamuse discovered gold on what is now called Wattamuse Creek. He informed local prospectors of his find and they staked claims. By 1918, Jo Jean and a partner, Ed “Slim” Smith, began hand mining the area.¹²⁴ In the first month they mined \$16,000 worth of gold. They continued to work the creek and over a number of years they reportedly produced \$250,000 in gold.¹²⁵ Ten or eleven men worked claims on Wattamuse Creek by hand, producing about \$35,000 worth of gold in 1917 and 1918 combined.¹²⁶ Two outfits, the Discovery Mining Company and Ryan and Wickert Company, worked the claims in 1919.¹²⁷ Prospectors found gold nearby and they staked claims all along Slate, Bear and Olympic Creeks.¹²⁸ Mining also took place on Barnum and Bear creeks, tributaries to the Goodnews River.

In the summer of 1919, a USGS party consisting of George L. Harrington, R. H. Sargent, and two assistants reached the diggings by ascending Goodnews River (Figure 13) an unknown distance in a 30-foot poling boat with a two-horsepower gasoline engine. Harrington wrote that the river was tidally influenced and early travelers often took advantage of the flood tide to ascend the river. The lower part of the river was “relatively sluggish” and the braided channels were “torturous.” Farther upstream, the current “quickens but is by no means uniform, as it alternately accelerates on the riffles and slackens in the stretches between. It was necessary to line the boat up some of these riffles,” and Harrington estimated that the current was running 7 to 8 miles an hour. The miners carried their supplies “in the summer up the [Goodnews] river in poling boats or by kayaks to the landing about three miles from the scene of mining operations, where they are transferred to a small scow which is lined and poled up to the camp at Wattamus.” During the winter, they brought supplies to the mines by dog teams from either *Mumtrak* or Quinhagak. In 1919, the freight rate on general merchandise was 5 cents a pound from *Mumtrak* to Wattamuse Creek.¹²⁹



Figure 13. Detail of USGS geological sketch map of the Goodnews Bay Region from G.L. Harrington (1919).

Mining continued on Wattamuse, Slate, Fox, and Bear creek throughout the 1930s. The New York-Alaska Company conducted extensive drilling at Wattamuse in 1934.¹³⁰ Four years later, the Bristol Bay Mining Company constructed a dredge featuring a line of 2½ cubic foot buckets. The dredge operated on lower Wattamuse, Cascade and Slate Creeks and recovered \$200,000 worth of gold in 1939.¹³¹ During 1941, the dredge produced 3,000 ounces of gold from Cascade Creek and 1,700 ounces from Slate Creek. The dredge was shut down in 1942 due to the United States entry into World War II.¹³²

In the 1930s, miners hauled heavy mining equipment over the Goodnews-Wattamuse Trail to the mining sites on Slate Creek¹³³ (Attachments 37 and 38), but miners and visitors continued to travel to the mines by boat. I.M. Reed, a geologist for the Alaska Territorial Department of Mines, visited Slate Creek during the summer of 1931. With the help of an Eskimo guide, Reed “left *Mumtrak* on June 30, 1931, in a polling [*sic*] boat with an outboard motor.” They ascended the Goodnews River and arrived at the mouth of Slate Creek on July 1. After he examined Slate, Wattamuse, Olympic and Bear Creeks, Reed returned to *Mumtrak* on July 3. “From *Mumtrak*,” Reed noted, “a small outboard motor-boat may be taken up the Goodnews River as far as the mouth of Slate Creek, even at the lowest stage of water.” Miners transported most of their freight by dog team in the winter, but “other accessory supplies as were needed during the summer were taken in by poling boat” up the Goodnews River.¹³⁴ Joseph Martin, Sr.’s grandparents, who were Native residents of Goodnews Bay, mined Slate Creek in the 1930s. They used 18 to 24-foot boats to run up the Goodnews River and Slate Creek to the mines.¹³⁵ (Attachment 37)

Small-scale mining resumed when Mumtrak Mines leased claims on Wattamuse Creek in 1953. The company mined using a dragline and a set of sluice boxes. The Wattamuse Mining Company mined for gold on Slate Creek with a dragline from 1959 through 1961.¹³⁶ Clyde E. Huffmon and his wife, Betty, mined claims at river mile 7 on Slate and Wattamuse creeks in the 1980s. The Huffmons purchased the claims from the Bristol Bay Mining Company, but were unsuccessful in their attempts to resume full-scale mining operation with the dredge.¹³⁷ Mr. Huffmon accessed his claims by boat in the summer. He used an 18-foot flat bottomed boat with a 25-horsepower jet to haul supplies to the mine. Local law enforcement used boats and airplanes to check on him each summer.¹³⁸ (Attachment 37) After Clyde Huffmon died of a heart attack in 1986, the BLM cancelled the claims because the family failed to file a timely annual assessment. Calista Corporation selected much of the land along Slate and Wattamuse creeks for their mineral potential. The corporation noted in a report on the area that the Goodnews River “is navigable by small boats” and a winter trail extends from Goodnews Bay to Wattamuse.¹³⁹

Use of the Goodnews River System Documented in Native Allotment Files

In the 1970s, the BLM began collecting information on local Natives that have fished, hunted and picked berries along all three branches of the Goodnews River. The Natives used power boats to access favorite spots for hunting, trapping, fishing and berry picking along the three rivers. These favorite spots developed into exclusive use areas. As customary users, the locals applied for Native allotments in these areas. The federal

government recognized many of these allotments and transferred title to the sites to the applicants. Travel to the allotments during the open season was by small boats powered by outboard motors.¹⁴⁰ Six Native allotments are located along the Goodnews River upstream from the lands selected and conveyed to the Kuitsarak, Inc. The BLM files for these six Native allotments document local Natives ascending the Goodnews River by boat to reach their parcels on the upper Goodnews River and at Goodnews Lake.

Adolph Evan of Goodnews Bay applied for a Native allotment (AA-53859) split into four parcels on May 20, 1984. Parcel B consists of 40 acres located on the south side of upper Goodnews River, in Sec. 29, T. 8 S., R. 67 W., SM. The parcel is located at river miles 55-56 on the North Fork, between Nimgun and Awayak creeks, about six miles below the outlet of Goodnews Lake. Evan began using the parcel in 1941 for hunting, trapping and fishing.¹⁴¹ He continued using the parcel through the 1970s for hunting bear and moose. He accessed the parcel “by boat.”¹⁴²

Alexie Evan (deceased) of Goodnews Bay applied for a Native allotment (AA-37797) split into two parcels on May 24, 1971. Parcel B consists of 40 acres located in Sec. 21, T. 8 S., R. 67 W., SM, on the north side of Goodnews River at river mile 58. Awayak Creek flows into the Goodnews River in Parcel B, which is located on the right bank (north side) of the North Fork. Evan started using the parcel seasonally in 1956 for fishing, berry picking, gathering wood, trapping and hunting. An old steam bath house, dating from 1946, was located on the parcel.¹⁴³ Evan used the parcel until he died in 1992. He accessed the tract by “boat, snow machine and three-wheeler,” according to the BLM field inspection report. According to his widow, Bessie A. Evan, who accompanied him on many trips, “It takes about 2½ hours by boat to get there [from Goodnews Village], so we generally made day trips instead of camping.”¹⁴⁴

James Bright, Sr. of Goodnews Bay applied for a Native allotment (AA-7802) split into two parcels on May 26, 1971. Parcel B consists of 80 acres located in Secs. 13 and 14, T. 8 S., R. 67 W., and Sec. 18 of T. 8 S., R. 68 W., SM, at the outlet of Goodnews Lake. The parcel is located on the north side of Goodnews Lake at river mile 62.5. Bright started using the land in 1945 for hunting, trapping and fishing. He began going to the lake with his parents when he was young.¹⁴⁵ Archaeologist Robert Ackerman visited and photographed Bright’s camp on the parcel in 1978. The BLM employee who conducted a field inventory of the parcel on July 27, 1978, noted that access was “generally by boat.” He also noted that “There is water access up the Goodnews River to the Goodnews Lake area.”¹⁴⁶

Wassilie Roberts of Goodnews Bay applied for a Native allotment (AA-52703) split into four parcels on December 18, 1971. Parcel C consists of 40 acres located in Sec. 18, T. 12 S., R. 72 W., SM. The parcel is located on the north side of Goodnews Lake at river mile 63.5. Roberts started using the tract in 1956 for berry picking, trout fishing and moose and bear hunting. He used the parcel until 1980, when he moved to Quinhagak.¹⁴⁷ During an inspection of the parcel in 1986, Roberts told the BLM field inspector that he accessed his parcel by “boat,” traveling up the Goodnews River to get to the parcel at Goodnews Lake.¹⁴⁸ Robert’s parcel was surveyed by BLM as Lot 1, U.S.

Survey (USS) No. 11377, and the official survey notes that “Access to the site is by boat and/or airplane in the summer and by snowmachine in the winter.”¹⁴⁹ (Attachment 40)

John B. Roberts of Goodnews Bay applied for a Native allotment (AA-37800) split into four parcels on December 9, 1970. Parcel D consists of 40 acres located in Secs. 7 and 18, T. 8 S., R. 66 W., SM, on the north side of Goodnews Lake at river mile 64. He began using the land all-year round seasonally in 1948 for subsistence hunting, fishing, and trapping.¹⁵⁰ Roberts was born in Quinhagak and moved to the village at Goodnews Bay in 1960. During an inspection of the parcel in 1986, Roberts told the BLM field inspector that he accessed his parcel by boat.¹⁵¹ Roberts’ parcel was surveyed by BLM as Lot 2, USS Survey No. 11377, and the official survey notes that “Access to the site is by boat and/or airplane in the summer and by snowmachine in the winter.”¹⁵²

Betty M. Huffmon of Goodnews Bay applied for a Native allotment (AA-60495) on May 22, 1971. This is the Betty Huffmon who mined claims on Slate Creek with her husband in the 1980s. In 1973, after receiving no word about her Native allotment application, she filed a 60-acre application for a Primary Place of Residence (PPR). She later converted the PPR application to a 160-acred Native allotment. Her Native allotment is located on the north side of Goodnews Lake in Secs. 7, 8 and 18, T. 8 S., R. 66 W., SM, at river mile 64.5. Mrs. Huffmon and her family began using the parcel in 1936 to pick berries, collect wood and fish. They accessed the parcel on Goodnews Lake by going up the Goodnews River in a boat.¹⁵³ Ray Deardorf built a 16x24-foot cabin on the site in 1939, which he sold to Betty Huffmon’s parents in 1941. Mrs. Huffmon’s parents lived in the cabin during the war years in the early 1940s. Mrs. Huffmon continued using the parcel from each summer until August 1968. She resided in Goodnews Bay where she taught at the BIA school. In 1974, she and her husband moved to Bethel, where she worked for the Lower Kuskokwim School District.¹⁵⁴ The BLM surveyed Mrs. Huffmon’s allotment as Lot 3, U.S. Survey No. 11377. According to the official survey notes, “Access to the site is by boat and/or airplane in the summer and by snowmachine in the winter.”¹⁵⁵ The BLM issued Native allotment certificate 50-2008-0217 for the 160-acre parcel to Mrs. Huffman on March 21, 2008.¹⁵⁶

*Native Travel on the Goodnews River System Documented in BLM
ANSCA and USF&WS Documents and State Subsistence Studies*

According to the USF&WS, boat access has been crucial within the Togiak NWR, as “primary subsistence-use areas within the Refuge are the Kanektok, Goodnews, Togiak Igushik, Osviak and Matogak rivers, particularly during the ice-free period.” The Goodnews River drainage “has a long history of subsistence use by rural residents and Yupik Eskimos.” While the lower 22 miles of the North Fork are most heavily used for subsistence, “the upper portion is important for fishing, hunting, trapping, berry picking and other subsistence activities.”¹⁵⁷

On April 24, 1975, William M. Peake, USF&WS Acting Area Director for Alaska, wrote the following about the lower Goodnews River from the mouth to river mile 21:

This section of the [Goodnews] river has been used in the past and is utilized presently for boat travel both ascending and descending, primarily by residents of Goodnews and Platinum, and has been used by other Natives and visitors for access to the headwaters of the Goodnews River primarily for subsistence hunting and fishing.¹⁵⁸ (Attachment 41)^{iv}

In early 1983, R. W. Kaltenbach, a BLM Realty Specialist, wrote that travel up the main channel of the Goodnews River to Barnum Creek “is easily accomplished with the larger power boats.” The local residents conducted fishing and berry picking activities “along all three branches of the Goodnews river system.” Fishing started in the summer and continued into the fall with the use of set nets. The local people had developed favorite areas where they fish or pick berries, and many of these sites developed into exclusive use areas. Native allotment applications, Kaltenbach noted, “are numerous and have been established beyond the limits of this selected lands” on the Goodnews River and the Middle Fork. “Travel to these use areas,” he added, “is by boat.”¹⁵⁹ (Attachment 12)

In a study jointly published by the Alaska Department of Fish and Game (ADF&G) and the U.S. Department of Interior (USDOI) on the coastal communities of southwest Alaska in 1984, the authors described the village of Goodnews Bay as a subsistence-based, traditional rural economy, with households relying on the fishing, hunting, gathering and trapping of local fish and wildlife as economic mainstays. The community is also involved in commercial fishing, commercial trapping and wage employment. Although located along the coast, the community is oriented toward local rivers, tundra and lands along the coast, and not toward the sea. The residents look more toward the rivers and land for subsistence activities than toward the ocean. Inland hunting and fishing up the rivers are central features of the economy. In the past, when spring, winter and fall settlements were more common along rivers and in the mountains, this inland orientation was probably stronger.¹⁶⁰

The seasonal round of Goodnews Bay residents includes periodic inland trips up the Goodnews River after salmon, freshwater fish, and other resources. The people are based in the community through the spring, summer and fall, making short trips to camp sites which serve as bases for subsistence activities. Silver salmon is the most common species taken up river by Goodnews Bay residents for subsistence. A number of fish camps are located up the Goodnews River, but they were not being used in the early 1980s for salmon fishing as locals staged much of their fishing out of the village. Commercial and subsistence salmon fishing dominates the summer harvest efforts, but residents make trips up the Goodnews River to gather firewood, hunt beaver, take birds, and harvest freshwater fish. These trips are usually made during closed commercial fishing periods and are of short duration. In late summer, silver salmon are taken with nets up the Goodnews River and stored for winter use. Berries are gathered near the community and along the rivers. During September and October, residents collect berries, basket grass and firewood. They make trips up the Goodnews River and its tributaries to obtain freshwater fish, ground squirrel, and the remnants of summer resident waterfowl. Some hunters go upriver in the fall on longer trips in search of moose.¹⁶¹

^{iv} Only page 1 of this document was found in BLM file F-14862-EE. The remaining pages are missing.

The earliest ADF&G statistics for a commercial salmon fishery in Goodnews Bay go back only to 1968. As late as 1973, the total recorded commercial salmon fishery at Goodnews Bay for the year was 3,510 fish. The authors of the ADF&G/USDOI report attribute the lack of development of a local salmon commercial fishery in the area to relatively small runs, poor transportation access, and a lack of buying and processing infrastructure. Residents of Goodnews Bay rely on commercial harvest of silver salmon, which they fished well into August. Commercial fishing in 1982 represented 52 percent of the gross income of Goodnews Bay, with 51 fishermen bringing in \$546,000.¹⁶²

Goodnews Bay commercial fishermen use boats ranging in size from 16-foot skiffs with 15-horsepower outboards to 30-foot skiffs with 115 horsepower engines for commercial salmon fishing. Many local fishers also owned small aluminum skiffs which are used principally for subsistence.¹⁶³ Skiffs are the major subsistence transportation in the summer as well as for use in commercial fishing. In 1982, residents of Goodnews Bay owned 62 boats. Twenty-eight were aluminum skiffs, 29 were skiffs ranging in length from 24 to 30 feet, and five were 32-foot fiberglass boats. Engines on the 66 boats included 34 with less than 35-horsepower, 14 with 35 to 75-horsepower, 12 with 55 to 85-horsepower, four with 90 or more horsepower, and two with inboard motors. In Goodnews Bay, the 16 to 18-foot Lund with a 35 to 70-horsepower outboard is the preferred boat for river fishing and other subsistence pursuits, the same craft commonly used for ocean fishing and hunting seals in open water. The most common location for taking freshwater fish is upriver from the community on the Goodnews River. Both aluminum and wooden boats about 16 to 23 feet in length are used for netting trout.¹⁶⁴

In November 1986, BLM employees interviewed a number of local residents and a commercial guide about Native use of the North Fork of the Goodnews River. Joseph Martin, Sr., a Native land planner for Kuitsaruk, Inc. of Goodnews Bay, stated that he takes his 24-foot boat with a 35-50 horsepower “propellered motor” up the Goodnews River to the Togiak NWR at least once a year. He thought the river’s depth sufficient “for BLM’s smallest commercial boat with a thousand pound load to be taken through the [village’s] selection area.” Joseph Battle, a member of the Goodnews Tribal Council, stated that he had taken an 18-foot skiff with a propeller up the Goodnews River to Goodnews Lake after heavy rains in the fall. Willie Eechuck, a resident of Platinum, stated that it was common for local boaters to travel up the Goodnews River to Goodnews Lake. Eechuck had taken his 18-foot Lund with an 18-horsepower outboard motor all the way up to the lake. The river depth varies each season according to the rains, so it is not always possible to reach the lake. He thought jet boats could be taken all the way up to the lake with little regard to the water level. William Walter, a resident of Goodnews Bay, also had taken his 14-foot aluminum Lund boat “with a propellered outboard” to Goodnews Lake. He said many residents regularly ascend the Goodnews River to the lake in propeller-driven boats carrying at least 1,000 pounds during the months of July through October. He believed it was not possible to use that kind of a boat to travel up to the lake in June, November and December during low water levels.¹⁶⁵ (Attachment 37)

Ron Hyde Sr., a guide who had been on the Goodnews River every year from breakup to freeze up between 1973 and 1986, told a BLM interviewer that it was normal under any

conditions to see the Natives of Goodnews Bay taking BLM's smallest commercial craft [a 14-foot outboard] with a propeller upstream to the refuge. He described the lower stretch of the North Fork (from the mouth to the western boundary of the NWR) as having a gradient of about six feet per mile. That portion of the river, he said, was boatable with a propeller driven craft anytime there was open water. The portion of the river inside the refuge up to Goodnews Lake has a steeper gradient, but Hyde Sr. has seen locals from Goodnews Bay village hunting, fishing and berry picking all the way up to the lake each season using 12 to 14-foot boats with propellers. At low water, there were some rocks that make the climb through the refuge into the lake difficult for "propellered boats." Hyde Sr. stated that the channels on the Goodnews River change from year to year and boaters have to be experienced to select the proper channel. He considered the Native boaters to be "the best in the world." Every season he has seen the Natives bring BLM's smallest commercial boats all the way up to the lake with a propeller. In the fall of 1986, he saw four Native boaters each bring a moose out from Goodnews Lake. The half ton load would not be a problem, he said.¹⁶⁶ (Attachment 37)

The interviews conducted the BLM employee in 1986 also documented Native use of the Middle Fork. Willie Eechuck of Platinum stated that resident boaters use the Middle Fork for bear and moose hunting in the fall. They walk their boats, often carrying a thousand pounds, through the shallow areas and continue upstream beyond the point at twelve miles where the water is shallow. During 1980, Eechuck traveled in an old 19 to 20-foot boat with a propeller about 7-8 miles up the Middle Fork before hitting bottom. He believed that he could go at least 10-12 miles up the Middle Fork in his new 18-foot Lund carrying 1,000 pounds or more. Local boaters, he said, use the Middle Fork for bear and moose hunting in the fall. They walk their boats through the shallow areas carrying 1,000 pounds to continue upstream beyond river mile 12 when the water level is low. Eechuck believed that even the shallow areas would not be a problem for a jet boat. Goodnews Bay resident William Walter stated that local residents ascend the Middle Fork in the fall to pick berries and hunt. At low or high water, boats cannot ascend the Middle Fork to reach the lake because of rocks that block the channel in the upper part of the river. He had taken his 14-foot aluminum outboard boat 16-20 miles beyond the ADF&G fish-counting camp (in Sec. 3, T. 12 S., R. 72 W., SM., river mile 6). He had gone well into T. 10 S., R. 70 W., SM (river mile 26-27), and he thought a commercial outboard carrying a thousand pounds could go that far at normal water stages in July-October. Walter Galila, another resident of Goodnews Bay, stated that he had taken an outboard carrying a thousand pounds up the Middle Fork as far as the ADF&G camp. He added that he knew that local boaters traveled well beyond the ADF&G camp with outboards that could carry at least a thousand pounds.¹⁶⁷ (Attachment 37)

Keith Schultz, an ADF&G biologist who worked on the Middle Fork, told a BLM interviewer in November 1986 that he recalled a Native with an allotment in the vicinity of river mile 10 or 11 who regularly used an 18-foot skiff with a 15-horsepower "propellered motor" to reach his allotment.¹⁶⁸ (Attachment 37) Ron Hyde Sr. told the BLM interviewer that local Natives use BLM's smallest commercial craft with a propeller all the way up the Middle Fork to the refuge (river mile 19). Most locals in the fall take advantage of a five-day commercial fishing closure to go up the Middle Fork to

hunt bear and moose, trap and fish for whitefish, rainbow trout and Dolly Varden. Even when the water is low on the Middle Fork, Native boaters from Goodnews village travel upstream into the refuge for these activities. Shallow spots were more numerous on the Middle Fork than on the Goodnews River, but Natives lifted their “propellered motor” out of the water in time to travel over shallow spots thirty feet long. He has seen Natives in the refuge each year with BLM’s smallest “propellered craft.” He also has seen Natives with outboards going up the Kukaktlik River.¹⁶⁹ (Attachment 37)

Ron Hyde Jr., who worked with his father as a sport fishing guide, told the BLM that he also had seen Natives using boats similar to BLM’s smallest commercial craft go up the Middle Fork to Kukaktlik River and up that river, which he described as a shallow creek. The Natives boated up the Kukaktlik by riding their wake, adding or reducing power on their “propellered motors” to get over shallow areas. Hyde Jr. lived in Goodnews village for a decade and spent a fall trapping on the upper Middle Fork. He took a snowmobile in his 18-foot Lund upstream to a Native mud house in the refuge. This was common practice for Natives, who dragged their boat out of the water for the winter and waited for freeze up. Then they drove their snow machine back to the village and picked up the boat in the spring. The Natives took the equivalent of BLM’s smallest commercial craft and load upstream on the Middle Fork each fall to hunt or trap for beaver and otter. No special conditions were necessary to go upstream that far with a propeller driven craft except experience. Hyde Jr. stated that there were at least six Native cabins on the Middle Fork upstream of the ADF&G camp and he regularly saw Native boaters traveling upstream to these cabins each fall. The cabins were located inside the refuge, upstream of the village selection area.¹⁷⁰ (Attachment 37) On several occasions, Ron Hyde Jr. took a boat about a mile up the Middle Fork above Middle Fork Lake (river mile 53), where the river was full of lake trout and spawning red salmon. That was the upper limit of his subsistence use of the river during the open season. He traveled farther upstream, but that was by snowmachine in the winter.¹⁷¹ (Attachment 39)

The interviews conducted by the BLM employee in November 1986 also documented Native use of the South Fork. Goodnews Native resident William Walter stated it was possible to ascend the South Fork for five miles using a small boat with an outboard motor and carrying a 1,000 pound load. Walter had taken his 14-foot boat upstream for five miles. Beyond that, he believed the river to be too shallow. Some local residents traveled the South Fork for fishing and berry picking. Willie Eechuck stated that he had never been on the South Fork, but he had flown over it. He felt that he could take his 18-foot Lund up the South Fork, but he was unsure how far.¹⁷² (Attachment 37)

Ron Hyde Sr. told the BLM that it was common to see Natives taking outboard boats capable of carrying 1,000 pounds up the South Fork to Tivyagak Creek in the refuge. Natives took their boats up the South Fork in the fall to hunt moose.¹⁷³ (Attachment 37) Ron Hyde Jr. reported heavy subsistence use on the South Fork by villagers using skiffs with 25-horse power prop engines.¹⁷⁴ (Attachment 42) He had seen Natives using boats similar to BLM’s smallest commercial craft go up the South Fork to the outlet of a small creek (river mile 19) which connects to a lake in Sec. 2, T. 12 S., R. 71 W., SM. He believed the South Fork’s confluence with the small creek was the limit for BLM’s boat

and load powered by a propeller. Natives hiked up the small creek to this lake and occasionally shot moose.¹⁷⁵ (Attachment 37) Ron Hyde Jr. recalled in an interview in 2010 that there was a fair amount of Native use on Tivyagak Creek, as it was part of a natural portage, and one could take a boat quite a ways up the creek.¹⁷⁶ (Attachment 39)

Hyde Jr. described living in Goodnews Bay village for 25 years, from 1971 to 2006. He built a house in the village and lived at Betty Huffman's cabin for two winters at Goodnews Lake. He participated in subsistence hunting, fishing and trapping, and he got to know many of the local villagers. He learned the local language and served as a Village Public Safety Officer (VPSO) for five years. He hunted and trapped on the upper Goodnews River drainage upstream of river mile 68. Most of his travel by boat on the upper Goodnews River and its tributaries occurred in the spring and late fall when water levels were high. In some places these water bodies did not freeze solid in the winter, open water remained, and in places the river and creeks were waist deep. He traveled up Igmiumanik Creek, sometimes paddling and sometimes walking, using a combination of skiff, raft, snowshoes and sled. The creek got deeper the farther he went up it.¹⁷⁷ (Attachment 39)

He learned a lot from the villagers about their historic use of the Goodnews River and its tributaries. They told him that propeller-driven boats were common on the Goodnews River and its tributaries prior to 1959. Much of the heavy equipment taken to the mines on Wattamuse Creek, they told him, was taken by propeller-driven boats that went up the Goodnews River and Slate Creek. The miners "drag lined" the river to get equipment to their mining claims. They also used Slate, Canyon, Fox and Salmon creeks to move mining equipment upstream to their claims. The materials used to construct the dredge on Wattamuse Creek in the 1930s were brought up stream by boat. Commercial boat use also occurred in the 1950s and 1960s before the State placed limits on commercial fishing on the rivers. Native fishermen took their boats up the lower Goodnews River and its forks to commercial fish. They sold their catch to a Japanese owned cannery located on the bay just south of the mouth of the Goodnews River (Sec. 28, T. 12 S., R. 73 W., SM). The commercial fishery ceased in the early 1960s and the cannery was abandoned by 1971, when Hyde Jr. began commercial guiding in the area with his father.¹⁷⁸

Local Natives told Hyde Jr. that there was historic use of all of the rivers in the Goodnews area with propeller-driven boats long before jet boats were introduced in the area. Local Natives used skiffs with outboard motors to travel all the way up the Middle Fork to Middle Fork Lake. They also used boats with outboard motors to travel up the Kukaktlik River, a major tributary coming into the Middle Fork from the south, to hunt and fish. The Kukaktlik River and Kukaktlik Lake provided them boat access to a pass that they portaged overland to the Togiak area. Goodnews Bay villagers also used outboards to travel up the South Fork for squirrel hunting and fishing. Hyde Jr. recalled that some elders from the village at Goodnews Bay told him that they were born on the South Fork. Villagers using boats with Evinrude outboard motors often attached a broken propeller to a tree to mark the farthest distance up a river or creek that they had traveled by boat. Most villagers used propeller-driven boats, but jet boats have also been used on the Goodnews River system as long as Hyde could recall, dating back to 1971 when his father started guiding on the Goodnews River system.¹⁷⁹

Government Studies and Use of the Goodnews River System since 1959

The earliest government studies of the Goodnews River were conducted by employees of ADF&G. In 1975, an ADF&G party floated the river conducting a stream survey.¹⁸⁰ Ed Swanson of the recreational group Knik Kanoers and Kayakers also reported ADF&G's 1975 trip down the Goodnews River. Swanson also reported that Rae Baxter, a biologist with ADF&G, and Cal Lensink, a former resident of Bethel, had told him that the Goodnews River "is run quite often."¹⁸¹ (Attachment 43) Another team of ADF&G biologists floated the Goodnews River in a 12-foot rubber raft from July 18-21, 1976. This second ADF&G team recorded the first detailed information about the character of the river and its tributaries.¹⁸²

In July 1978, a BLM party consisting of William M. Peake, Sandy Dunn and Russ Blome ascended the river in a jet boat for the purpose of inspecting possible campsite easements on lands selected by Goodnews Village. They left Goodnews Village about noon on July 4th to ascend the river. In the evening, they met five men in two rafts descending the river. The men had been on the river for four days, having started their trip from Goodnews Lake where Armstrong Air Service of Dillingham had dropped them off. After a brief visit with the men, Peake and his companions continued upriver and camped on a gravel bar. The following day, Peake met Ron Hyde Sr. of Alaska River Safaris with two clients. Hyde warned Peake that he would encounter some shallow spots on the river. Not long after leaving Hyde, Peake met the remainder of Hyde's party of four or five people in two or three rafts, one of them with an outboard motor. Shortly after passing this party, the BLM group ran aground. As they assessed their situation, three employees of Alaska River Safaris arrived in a 25-foot Duckworth jet boat, which also ran aground. Peake assisted the men in getting their boat off the gravel bar, and they in turn assisted Peake in getting his boat free by using planks as levers. They warned Peake that he "could probably get within about six miles of the [Goodnews] lake before running out of water." Peake continued up the river for an unknown distance before making an early camp.¹⁸³ (Attachment 44)

The party continued up river on July 6 and sighted set nets and an occasional campsite of tent-frame poles on the river banks. Eventually they reached a point where "the river broke down into what looked like several small creeks." Peake landed the boat and, after walking upstream and finding a suitable channel, continued upriver. Their progress was very slow as they had "to start and stop the engine in shallow (1.5 feet-2.5 feet) water." They succeeded in making their way through the braided stretch and "had clear sailing for a while" before they ran aground in a "rock garden." It took nearly two hours to free the boat, after which they reached the lake at 6:30 PM. After a brief stop at the camp of Washington State University archaeologist Robert Ackerman, they went to the cabin owned by Alaska River Safaris and met the caretakers, Mike and Nina Burnham.

Peake's group left Goodnews Lake late in the afternoon of July 7, descending the river in the same jet boat. After traveling only a few miles, the boat ran aground on a gravel bar. Peake and Dunn worked late that night and early the next morning before they were able to

move the boat into deeper water with the use of a winch. In describing the trip down the river, Peake wrote:

Great concentration is necessary when going downstream because the additional speed of the boat due to the current shortens decision making time in reading the river. Many hours can be lost if the incorrect channel or slough is chosen, although a certain amount is unavoidable." ¹⁸⁴

The BLM party reached the camp of Ron Hyde Jr. and spent the night there. The next day a BLM chartered helicopter arrived with Russ Blome. Considering "the low water and the tricky places in the river ahead," Peake decided that Dunn should return to Platinum on the helicopter. Peake hired Hyde to guide him and Blome down the river. The party encountered no difficulties descending the river. ¹⁸⁵

In the mid-1970s, BLM considered streamside easements recommended by various agencies and fishermen along the Goodnews River and the South and Middle Forks in the areas selected by Kuitsarak, Inc. The USF&WS recommended a campsite easement on the Middle Fork, as it was "a favorite fishing spot where the two streams join and directly opposite a Native allotment." The USF&WS also recommended an easement along the North Fork adjacent to the Wattamuse Creek trail about midway through the village selection area. The ADF&G recommended a campsite easement near Slate Creek as it was a good location for travelers making the one to two-day trip up the river to Goodnews Lake. The BLM recommended a campsite easement about midway through the selection area. On September 11, 1975, a BLM employee met with the residents of Goodnews Village to discuss the proposed easements. The village corporation opposed all streamside and campsite easements because they did "not wish to have competing use along the river that bisects their land," and did "not care for campsites along their main fishing river." In any case, the corporation pointed out "factors of weather and boat operations determine stopping areas along the river." ¹⁸⁶ (Attachment 1)

In November 1976, BLM officials recommended that the Goodnews River be determined navigable through the selection area and Slate Creek to the "old Wattamuse Mining Camp." They recommended streamside easements on both banks of Goodnews River and on both banks and the bed of the Middle Fork. The officials considered the Goodnews River "to have a highly significant present recreational use" and runs of king, chum, pink, silver, red salmon, rainbow trout, and Arctic char. They considered the Middle Fork "to have high significant present recreational use" and runs of chum and red salmon and Arctic char. They recommended four campsite easements along the Goodnews River and near the confluence of the Goodnews River and the Middle Fork. ¹⁸⁷ (Attachments 2 and 6) After the BLM issued revised easement regulations in 1979, the agency deleted the proposed streamside, riverbed and campsite easements in the Goodnews Village selection area. BLM officials recommended new site easements at the mouth of the Middle Fork and on the Goodnews River in Sec. 2, T. 11 S., R. 72 W., SM. They also proposed determining the Goodnews River as a major waterway and, with Slate Creek, navigable waterways as the "former Wattamuse mining area had used these waterways to obtain supplies by boat." ¹⁸⁸ (Attachments 7 and 8)

On October 5, 1982, BLM staff met with representatives of Kuitsarak, Inc., Calista Corporation, and a representative of the State to discuss proposed major waterway, navigability, and easement determinations. Village corporation representatives stated that “large skiffs could not readily travel” the Middle and South Forks and a number of other local rivers “unless they pulled them over the riffles.” They added, however, that “normal water craft” could be used on the Middle Fork and South Fork of the Goodnews River during periods of high water. Village representatives objected to a proposed 50-foot easement for the Goodnews Wattamuse Creek trail and a proposed site easement at the confluence of the Goodnews River and the Middle Fork because the Goodnews River provided adequate access to public lands, as mining equipment, groceries and fuel were transported up the river. The trail, they claimed, was used only in the winter. The site easement was located in an important subsistence area that, if approved, would result in additional timber cutting and littering by river travelers. The villagers recommended the site easement be relocated to an island in Sec. 15, T. 11 S., R. 72 W., SM as other proposed easements were in conflict with Native allotments and fish camps.¹⁸⁹ (Attachment 45)

Shortly after the village meeting, James Culbertson of the Alaska Department of Natural Resources (ADNR) wrote to the BLM requesting an easement for the Goodnews-Wattamuse Creek trail as well as site easements on the Goodnews River and its Middle Fork for the benefit of river travelers. In a letter dated October 26, 1982, Culbertson stated that he had been contacted by Ron Hyde, the owner of Alaska River Safaris, who has guided, trapped, and hunted in the Goodnews area for many years. Hyde was surprised to learn that the Natives believed that “large skiffs could not readily travel up the Middle Fork of the Goodnews River because he has been taking rafting parties up it by power boat for years.” Culbertson requested that the BLM reserve the proposed Goodnews-Wattamuse Creek trail easement to the mining camp because the trail was used year-round by trappers, teachers, and Natives from Togiak, Quinhagak, and Platinum. Clyde Huffman of Bethel and other miners also used the trail to reach mining ground. The Goodnews River, according to Culbertson, did not provide adequate access to public land. The river was dangerous to use during the winter due to “fast moving water, overflow, and unstable beaver houses.” The Goodnews River, he asserted, “cannot, and has not, been used for the transport of heavy equipment to the Wattamuse Mine.”¹⁹⁰ (Attachment 46)

During the summer of 1981, ADF&G biologists set up a weir tower to count salmon 12 miles up the Middle Fork in Sec. 3, T. 12 S., R. 72 W., SM. An ADF&G crew used 18-foot skiffs with 35-horsepower “propellered motors” to haul the tower, building materials and supplies upstream to the weir site. Since 1982, ADF&G crews have used 18-foot boats with jet units¹⁹¹ (Attachment 37) and 15-foot skiffs and a 22-foot flat bottomed river boat to reach their camp on the Middle Fork.¹⁹² (Attachment 47)

In October 1985, David A. Fisher, the manager of the Togiak NWR, recommended ten easements along the North and Middle Forks of the Goodnews River. He wrote that the easements were “needed to facilitate use by the general public” and for refuge personnel who “will be conducting fishery studies, wildlife inventories, law enforcement and public use monitoring programs on the Goodnews Rivers.”¹⁹³ (Attachment 48) During July 1985, Fisher and other refuge personnel floated the Goodnews River in a raft from

Goodnews Lake to the mouth of the river.¹⁹⁴ (Attachment 49) Fisher saw several 22 and 24-foot commercial guiding boats that had traveled all the way up to Goodnews Lake. Although these boats were equipped with jet engines, Fisher told a BLM interviewer that he believed that during high water stages in the spring and fall, it was possible to ascend the Goodnews River “with BLM’s smallest craft carrying a half ton while powered by a propeller.” He also believed that a “propellered craft” would not get much past the ADF&G camp on the Middle Fork unless it had a lift.¹⁹⁵ (Attachment 37)

The ADF&G biologist Keith Schultz told a BLM official in 1985 that he had floated the North Fork and boated the Middle Fork.¹⁹⁶ (Attachment 50) He told a BLM interviewer in late 1986 that he floated the Goodnews River from Goodnews Lake to the river’s mouth. On another trip, he took an 18-foot Gregor boat with a 35-horsepower outboard motor up the North Fork into T. 10 S., R. 71 W., SM (river mile 30), where Alaska River Safaris had one of its summer camps. To reach the refuge with a propeller boat, according to Schultz, boat operators had to be familiar with the numerous braids to properly select the channel of sufficient summer depth. The water on the river was highest, he said, during the spring and lowest in July. Local boaters regularly travel to the refuge, which he knew to be possible with a propeller-driven boat with a thousand pound load. He also had taken an 18-foot riverboat with a jet unit up the Middle Fork to the Alaska River Safaris camp near Sec. 3., T. 11 S., R. 70 W., SM. (river mile 23 or 24). Schultz stated that a propeller-driven boat carrying 1,000 pounds could reach that point in the river anytime during the summer. He also had traveled up the South Fork on his own time in an 18-foot Gregor boat with a 35-horsepower propeller motor to fish. He ascended the South Fork to Sec. 13, T. 12 S., R. 72 W., SM, river mile 10. He believed it was possible to take a commercial load (1,000 pounds) upstream for that distance. He did not see other boats on the South Fork during the trip.¹⁹⁷ (Attachment 37)

During the summer of 1986, several BLM employees traveled on the North and Middle Forks to study the physical characteristics of the river. Lynette Nakazawa of BLM’s photogrammetry section hired Ron Hyde Jr. to take them up the Middle and North forks of the Goodnews River where they did field work.¹⁹⁸ (Attachment 37)

Beginning in 1991, the Togiak NWR stationed two USF&WS river rangers with a small river boat on the Goodnews River each season to patrol the upper river to contact visitors, collect use data and obtain resource data.¹⁹⁹ During July 2007, refuge employees took five local area high school students on a float trip down the Middle Fork of the Goodnews River as part of a Summer Outdoor Skills/River Ecology Float Trip. Ranger Allen Miller helped teach students to “read” the river, use river rafts safely, and practice angling skills while learning backcountry safety and wildlife management practices.²⁰⁰

Early Sport Fishing in Motorized Boats and Rafts on the Goodnews River System

Commercial and non-guided sport fishing began on the Goodnews River System in the mid-1960s and grew dramatically over the next three decades. Recreational fishing, using

motorized boats and rafts, increased in the 1980s and 1990s, creating conflicts with subsistence users and prompting local and government agencies to try to regulate the number of guided and non-guided fishermen using the Goodnews River and its tributaries. In the 1960s and 1970s, the fastest growth in recreational use of the river was guided trips using airplanes, motor boats and rafts. In the 1980s and 1990s, the number of non-guided recreational fishers using rafts grew more rapidly than motorized guided users. The ADF&G web site describes the Goodnews River as “a popular float trip of intermediate duration for the experienced or novice rafter.” The web-site recommends floaters use a raft with a rowing frame.²⁰¹ The North Fork below Goodnews Lake, according to one river guide, is an easy Class I float that is suitable for rafters of all experience levels.²⁰²

Up until the mid-1970s, few non-local fishermen visited the area, that later became part of the Togiak NWR. The Togiak was the most popular river in the area for recreational fishing. Most non-local fishermen using the rivers of the area were Alaskan residents who flew privately owned airplanes and fished for a day or two at a time. Recreational use began to increase in the area during the mid-1970s. About six to nine guides, mostly from lodges in the Wood-Tikchik area, flew groups of fishermen to the Kanektok, Goodnews and Togiak rivers. Guided fly-in day trips and motor boat trips began occurring during this time. Unguided use also increased substantially on the Goodnews River, with most of the use being short fly-in trips to a specific part of the river.²⁰³

The first river guide to operate on the Goodnews River was Edwin W. Seiler, who owned the Enchanted Lake Lodge on the Togiak River. He began guiding parties in rafts down the North Fork of the Goodnews River in 1965. Each year, Seiler or his employees guided six parties. They landed at Goodnews Lake in floatplanes. The parties consisted of five people each. They departed the lake in inflatable rafts and descended the river. Seiler reported in 1976 that he met numerous people on the river, including residents of Dillingham and Platinum.²⁰⁴ (Attachment 51) The USF&WS, however, reported that only two or three guided parties floated down the Goodnews and Kanektok Rivers each year during the early 1970s. The number of guided and unguided float trips, according to the USF&WS, increased slightly on the Goodnews River in the mid-1970s.²⁰⁵

One of the busiest river guiding outfits on the Goodnews River in the 1970s, 1980s and early 1990s was owned by Ron Hyde Sr. of Anchorage. He started “Alaska River Safaris” in 1971 and later added the “Goodnews River Lodge” as a part of the business (Figure 14). Hyde focused his operations primarily on the Goodnews River and its tributaries. His son, Ron Hyde Jr., worked in the family business, which continued until Hyde Sr. sold the business in the mid-1990s. The Hyde family offered float and power-boat trips on the north North Fork. The float trips began at Goodnews Lake, where the Hydies used Betty Huffmon’s cabin (Native allotment AA-37800-D) as a



Figure 14. Logo for Alaska River Safaris, early 1990s.

base camp. Rafts filled with clients floated down the Goodnews River to the village or take-out points along the river. The Hydes also did float and motorboat trips on the Middle and South forks, and two tributaries that flow into Goodnews Lake. For years, Alaska River Safaris was the only outfitter on the Goodnews River.²⁰⁶ (Attachment 39)

On the North Fork of the Goodnews River, the Hyde family's business usually started clients out at Goodnews Lake. From there, guides took the clients down river in rafts or motor boats. Ron and his father built "Goodnews River Lodge," one of their fixed camps along the river (Figure 15). They started using the site at river mile 6.5 as a camp in 1971 and added permanent buildings and tent frames in the 1980s and early 1990s. The camp, on Native land leased from Kuitsarak, Inc., was strategically located near the confluence of the Main, Middle and South Forks. A slough provides water access from the North Fork, where the lodge is located, to the other two forks. The Hydes sold the lodge and the rest of their guiding business to Mike Gordon in 1995. Gordon still operates the lodge and conducts commercial guiding on the Goodnews River and the Middle and South Forks. The Hydes also had a fixed camp within the Togiak NWR, located five miles upstream from the NWR boundary (river mile 34). After the Togiak NWR was created, the camp was operated under a permit issued by the refuge.²⁰⁷



Figure 15. Mike Gorton's Goodnews River Lodge, built by the Hyde family in the 1980s, located on the lower Goodnews River at river mile 6.5. Photo reprinted from <http://www.flyshop.com/flyfishingtravel.com/aslaka/goodnewlhtml>.

The Hyde family also set up temporary camps on sand bars along the North Fork to serve their clients rafting down the river. Each morning, after the clients departed camp for the day's journey down the river, Ron Hyde Jr. and another employee tore down and packed up the camp. They floated down the river passed the clients and set up the next camp for the evening. The Hydes had a resupply camp at Goodnews Village on land leased from the Alaska Department of Transportation and Public Facilities at the village airstrip. The Hydes also set up other temporary camps along the river in the 1970s and 1980s, and referred to them as "sand bar camping." One was called Point Camp (Figure 16). It was five miles below Barnum Creek at river mile 12-14 on public land below the high water line. The Hyde family also had a camp at Goodnews Lake. They used float planes to fly clients to the lake camp (Figure 17) or to the temporary camps along the river. From

these temporary camps, the guides took the clients out in motorized craft on day-fishing trips. Guided float trips departed from Goodnews Lake on a daily basis. The Hydes had guided motorized boat trips every day going up and down the full length of the river. Clients fished for salmon at tidewater, and for grayling, rainbows and Dolly Varden up Arm, Barnum, Canyon, Wattamuse, Nimgun and Awayak creeks. The guides motored up any tributaries that they could get up, so clients could fish.²⁰⁸ (Attachment 39)



Figure 16. "Point Camp," a temporary camp in the 1970s and 1980s, about five miles below the mouth of Barnum Creek at river mile 14 on the Goodnews River. Photo courtesy of Ron Hyde Jr. of Anchorage.



Figure 17. A Beaver float plane and jet boat at Alaska River Safaris' Upper Camp near the mouth of Isurik Creek at river mile 33 on the North Fork, 1980s. Photo courtesy of Ron Hyde Jr. of Anchorage.

Alaska River Safaris used 21 and 23-foot inboard jet craft, some equipped with 350-cubic inch Ford engines (Figure 18). Ron Hyde Sr. hauled clients all the way up the North Fork to Goodnews Lake in these heavy jet boats. His staff also used 18-foot Wooldridge aluminum skiffs with 50-horsepower outboard motors (Figure 19) and 16-foot Klamath and Gregor brand aluminum boats with 25-horsepower propeller motors with jackass lifts and 40-horsepower jet engines. They ran 15-foot Zodiac inflatable rafts on boats up the Goodnews River (Figure 18) and staged the rafts at Goodnews Lake for the summer season. Their guides used these rafts, which had fixed rowing frames, to take clients down the North Fork. The company also used rafts with 40-horsepower jets, and 15-foot Avon Professional rafts with 5-horsepower British Seagull outboard motors.²⁰⁹ (Attachments 37, 39, 42 and 47)



Figure 18. Hauling a raft up the North Fork on a 25-foot Duckworth jet boat with a 454-cubic inch Chevy engine and 3-stage Hamilton inboard jet, in the late 1970s.



Figure 19. Skiffs at one of Alaska River Safaris' temporary camps on the North Fork of the Goodnews River, 1981. Photo courtesy of Ron Hyde Jr.

Dave Fisher, the manager of the Togiak NWR, told a BLM interviewer in November 1986 that he had observed Alaska River Safaris' two large 22 to 24-foot boats with large inboard engines and cabins go all the way upstream to Goodnews Lake. Although these boats were equipped with jet units, Fisher believed the same trip could be done with BLM's smallest craft carrying a half ton while powered by a propeller at high water stages of summer and fall.²¹⁰ (Attachment 37) The ADF&G biologist Keith Schultz also told a BLM interviewer that Alaska River Safaris frequently traveled up the Goodnews River to the refuge, using propeller-driven boats that carried in excess of a thousand pounds with their clients and gear. He described the commercial guide business as a large operation with ten 18-foot Klamath skiffs with 55-horsepower jets, a 22-foot Monarch boat with a 55-horsepower jet, and a big air boat. He said that Alaska River Safaris regularly hauled its clients upstream to float and fish down the wilderness portion of the Togiak NWR or to camp at their temporary camps.²¹¹ (Attachment 37)

The Hyde family used an airboat in their commercial operations for a number of years. Airboats had been used in the Bethel area prior to the time that the Hydes started their guiding operations. The USF&WS granted the Alaska River Safaris a permit to use the airboat as a part of their operations on the Goodnews River. The airboat operated out of Goodnews Lake and was used to take clients up various tributaries of the North Fork, such as Nimgun Creek (Figure 20).²¹²



Figure 20. Alaska River Safaris' airboat near the outlet of Goodnews Lake on the North Fork of the Goodnews River, early 1980s. Photo courtesy of Ron Hyde Jr.

Alaska River Safaris conducted guided trips upstream from Goodnews Lake on the upper Goodnews River and on Igmiumanik Creek. They took clients in a raft with a 5-horsepower outboard motor about a mile upstream of the lake on the upper Goodnews River (Figure 21) to fish for Dolly Varden, salmon and lake trout. They also used 16-foot Gregor aluminum boats to take clients up the upper Goodnews River above the lake on hunting trips in the 1970s and 1980s to Sec. 14, T. 7 S., R. 66 W., SM (river mile 75.5). They also took clients by motor boat up Igmiumanik Creek, a tributary that flows into upper Goodnews River at mile 69.5 (in Sec. 35, T. 7 S., R. 66 W., SM). They used 15-foot Avon Professional rafts to go up Igmiumanik Creek, sometimes paddling, sometimes walking and pulling the raft. The creek got deeper, according to Ron Hyde Jr., the farther they went upstream. They took clients up the creek into Sec. 19, T. 7 S., R. 65 W., SM.²¹³



Figure 21. An Alaska River Safaris raft on the North Fork above Goodnews Lake, 1980s. The raft is powered by a 5-horsepower British Seagull outboard motor. Photo courtesy of Ron Hyde Jr.

Alaska River Safaris also took clients up the Middle Fork using motor boats to Middle Fork Lake (river mile 51), where they had rafts prepared for the float trip down river (Figure 22). Clients fished nearly the entire Middle Fork.²¹⁴ (Attachment 39) Ron Hyde Sr. told a BLM interviewer in 1986 that the Middle Fork was accessible up to the refuge boundary in an outboard with a thousand pound load. Ron Hyde Jr., who spent much of his summers on the Middle and South Forks, told BLM that he had hauled a lot of gear and clients up the Middle Fork. He primarily worked out of a camp on the Middle Fork located in Sec. 9, T. 12 S., R. 72 W., SM, about one mile downstream from the ADF&G camp. Hyde Jr. regularly used a 23-foot Duckworth (weighing 2,400 pounds) with a large inboard engine and a jet unit to take clients upstream into the Togiak NWR. With three passengers, gear and fuel, Hyde Jr. estimated that the boat weighed over 3,400

pounds. He regularly used this boat to take clients and gear up the Middle Fork to the Kukaktlik River in T. 10 S., R. 68 W., SM (river mile 32). Hyde Jr. said he had taken a small propeller-driven skiff all the way up to Middle Fork Lake during high water stages following storms in spring and fall. Even the shallowest areas are not a problem for jet boats.²¹⁵ (Attachment 37)



Figure 22. Ron Hyde, Jr. of Alaska River Safaris, driving a raft on a raft up the Middle Fork of the Goodnews River, 1970s. Photo courtesy of Ron Hyde Jr.

The Hydes also ran float trips for fishing or hunting out of various lakes along the river. They used the same size power boats on the Middle Fork as on the Main Fork, except when operating ten miles above Lookout Mountain (river mile 20). The Middle Fork was shallower above river mile 20 and had more rapids than the lower portion of the river. They used 15 to 18-foot aluminum skiffs, some covered and some uncovered, with inboard jet units up to 115-horsepower. On a few occasions, Ron Hyde Jr. took clients a mile up the Middle Fork above Middle Fork Lake (river mile 53). The river at that point was full of lake trout and spawning red salmon. That was the upper limit of his commercial use of the river.²¹⁶ (Attachment 39)

In addition to guiding on the North and Middle Forks, Alaska River Safaris carried sportsfishers in jet boats eight to ten miles up the South Fork.²¹⁷ (Attachment 47) Ron Hyde Jr. has traveled up the South Fork as far as the Togiak NWR boundary (river mile 20.5) in a small 16-foot boat.²¹⁸ (Attachment 37) On several occasions, he took clients up the South Fork into the “canyons,” where the river gets narrow and shallow (river mile 25). Above Lookout Mountain (river mile 10), the Hydes used smaller boats 15 and 18 feet long. Above river mile 25, the South Fork has a lot of rapids and is rocky. To go above that point, he said, they were “just risking their equipment,” which could include damage to the jets and propellers.²¹⁹ Ron Hyde Jr. regularly took a 18-foot Lund boat up

the South Fork to Tivyagak Creek (river mile 10).²²⁰ (Attachment 21) On a number of occasions, he took clients up Tivyagak Creek to the marsh and pond areas, which were just north of the boundary of the NWR. Using 14, 15 and 16-foot aluminum skiffs with outboard jets units, they ascended Tivyagak Creek for eight miles and went another three miles up a left bank unnamed tributary to about SE ¼ of Sec. 32, T. 12 S., R. 71 W., SM, where his clients fly fished for grayling, rainbows and Dolly Varden. He did not take any clients up the creek for hunting.²²¹ (Attachment 39)

In 1982, Ron Hyde Sr. told James Culbertson of ADNR that Alaska River Safaris guided an average of 80 clients on rafting trips and about 100 people on power boat trips on the Goodnews River each season. Depending on weather conditions, float trips down the Goodnews River took two to four days.²²² (Attachment 46) Hyde told another ADNR employee that his outfit made 20-30 trips with clients per season by boat up Barnum Creek to the confluence with Camp Creek and frequently traveled up the South Fork and Tivyagak Creek.²²³ (Attachment 42)

Ron Hyde Sr. and his son reported to the BLM in 1982 that quite a few people floated the river in addition their clients.²²⁴ (Attachment 47) Hyde Sr. stated that 50 to 60 other people floated the river during the summer, and as many as 35 people were on the river at the same time during the peak of the season.²²⁵ (Attachment 46) From 1971 to the late 1980s, Alaska River Safaris was the only guiding operation using power boats on the Goodnews River system. Other guides offered float trips on the Goodnews River in the 1970s and 1980s. Alaska River Link, a commercial outfit based out of Eagle River, offered guided canoe trips down the Goodnews River in 1985.²²⁶ (Attachment 52) Between 1987 and 1989, Ron McMillan, the owner of Bristol Bay Lodge, began offering commercial river trips on the Goodnews system. Bristol Bay Lodge built a camp on the Middle Fork at river mile 23 or 24 called Birch Creek Camp. The lodge flew their guests in on Beaver aircraft to a lake on the Middle Fork near the camp.²²⁷ (Attachment 39) In 1986, Bristol Bay Lodge was using 14 to 16-foot boats with 35-horsepower jet units to carry its clients up the Middle Fork to its camp in the Togiak NWR located Sec. 2 or 3, T. 11 S., R. 70 W., SM.²²⁸ (Attachment 37)

Other guiding outfits that provided services on the Goodnews drainage included outfitters using air taxis and floating clients down the rivers in rafts.²²⁹ Yute Air, operating out of Dillingham, dropped off independent and guided floaters on the North and Middle Forks. Some air taxi operators rented equipment to non-guided floaters and dropped them off. The air taxi operators picked them up later near the mouth of the rivers. Non-guided individuals, who owned their own equipment, hired air taxi operators to drop them off and pick them up. Air taxis landed on the rivers to make the pickups.²³⁰ (Attachment 39)

Growth in Guided and Unguided Use of the Goodnews River System in the 1980s and 1990s

In the early 1980s, use increased on the Goodnews, Kanektok and Togiak rivers due primarily to an increase in the number of guides operating in the area and the expansion

of existing guide operations. The establishment of the Togiak NWR in the early 1980s also increased sport fishing interest in the rivers. Unguided float trips and fly-in trips in the early 1980s remained relatively constant.²³¹ Initially, non-guided recreational float use on the Goodnews River and its tributaries was about 25 percent of commercial use. In the 1980s, non-guided float use rose dramatically and surpassed commercial guided use of the river. At times, there was lots of traffic on the river, 20-30 rafters at a time going down the river. Non-guided traffic continued to increase in the 1980s.²³² (Attachment 39)

The number of fishing guides using the refuge increased almost four-fold in three years, from about five in 1981 to 19 in 1984. Nineteen principal sport fishing/river guides and 48 assistant guides operated on the refuge in 1984, including five principal guides using the three forks of the Goodnews River. Guides also increased the number of people in each party from three to five people prior to 1980 to five to eight people in 1984 (Figure 23). Guides established camps for their clients on all three river systems in the refuge, including three camps on the Goodnews River. Between 1980 and 1983, the number of guided fly-in groups tripled on the three forks of the Goodnews River and the number of motorboats used by guides doubled. From 1983 to 1984, the level of guided use on the three forks of the Goodnews River decreased for fly-in and motorboat groups, while



Figure 23. Eight people rafting on the Goodnews River. Photo reprinted from <http://www.bing.com/images/search?q=Goodnews+River&qvvt=Goodnews+River&FOR>.

unguided groups increased in number. Guided motorboat use, with an average group size of 12, was the predominate use of the river. Unguided motorboats began using the Goodnews River for the first known time in 1984.²³³

David Fisher, the manager of the Togiak NWR, estimated that 240 guided clients used the three forks of the river in 1984 and 300 in 1985. He estimated the number of unguided fishermen using the three forks at 135 for 1984 and 200 for 1985.²³⁴ (Attachment 48) In early 1986, Fisher estimated that 125 people floated the North Fork of the Goodnews River during 1985, and he expected use to increase during 1986.²³⁵ (Attachment 49) Another refuge official estimated that about 25 people floated the Middle Fork in 1985 and “use is expected to increase in the future.”²³⁶ (Attachment 53) In late 1986, ADF&G biologist Keith Schultz told a BLM interviewer that the Middle Fork had become popular for sport fishing guides and their clients in recent years.²³⁷ (Attachment 37) According to a 1987 USF&WS fishery study, public use increased on the Goodnews River during 1981-1986, but that increase was less than other major rivers in the Togiak NWR. The growth rate in use on the Goodnews River was about 50 percent in the number of people and a two-fold increase in use days. Guided and non-guided use days averaged 79 and 21 percent respectively during the six year period. The refuge issued permits to eight guides to operate in the wilderness portion of the river system. According to the refuge’s 1987 fisheries management plan, the Goodnews River “presently supports a limited amount of daily fly in use, fixed camp and float trip sports fishing guides and the opportunity for a non-guided wilderness float fishing trip.”²³⁸

The growth in guided and non-guided use of rivers in the Togiak NWR during the 1980s prompted the refuge to gather statistics on types of use for certain rivers. During 1981, public use on the refuge’s rivers was estimated at 450 visitors and 2,000 use days. By 1984, public use increased to nearly 3,000 visitors and over 11,000 use days. Guided use accounted for between 74 percent and 83 percent of total effort in the years 1984 through 1987. The number of special use permits issued to guides in the refuge grew from five guides in the refuge in 1981, to 18 guides in 1983, to 22 guides in 1984. This prompted the refuge to announce a moratorium on issuing special permits in the spring of 1984. Only those guides that could substantiate use prior to 1984 would be issued a permit in the future. The refuge also brought air taxi operators under the permit system, issuing nine permits for that activity. No limits were imposed on the number of trips or parties that air taxi operators could transport, but they were required to submit a trip report for each party transported to the refuge.²³⁹ The refuge required all guides and air taxi operators to submit reports on numbers of clients and areas fished each day.²⁴⁰

In May 1985, the Togiak NWR issued a *Draft Comprehensive Conservation Plan, Wilderness Review and Environmental Impact Statement*, which outlined a plan for the next 15-20 years. The draft plan sought to address overharvest of salmon and other fisheries by subsistence, commercial and sports fishermen; address conflicts between user groups; and address overuse of rivers within the refuge. Objectives included allowing motor boat and other surface transportation for traditional subsistence use, managing guided sport fishing and river use to maintain a high quality of wilderness experience, requiring all commercial guides and air taxi operators using the refuge to have special use

permits, and completing management plans as soon as possible for the two most heavily used waterways, the Kanektok and Goodnews rivers. The plan called for adopting specific management plans for the Kanektok, Goodnews and Togiak rivers, which were the most used rivers in the refuge. The refuge decided that commercial recreational guides would be regulated by permits and, for the time being, it would “maintain sport fishing/river guide operations at about 1984 levels in the Togiak Wilderness.” The refuge prohibited the use of air boats and air cushioned boats and noted that in the future it may be necessary to manage the number of unguided groups on the three rivers.²⁴¹

Recreational users on the Goodnews River System in 1988 were divided into four categories: float, fly-in, fly-motor boat and motorboat visitors. Float visitors used a river raft, canoe or kayak to descend a river course to access fishing holes. Float visitors generally spent six and ten days on a raft trip. Fly visitors were users who flew to a lake or river and fished from where the plane landed for one to two days. Fly/motorboat visitors were guided users who flew to an area or guide camp each day and were provided with motorboat access to the actual fishing hole for up to three days. Motorboat visitors were those who stayed at a base camp on the river and fished out of motorboats only (Figure 24) or were those who owned, rented or borrowed a motorboat and traveled from the village upstream to fish.



Figure 24. Camp site on the Goodnews River. The view is looking upstream.
Photo reprinted from <http://www.lksd.org/goodnews/autumn.htm>.

During 1988, about 24 percent of public use on rivers in the Togiak NWR occurred on the Goodnews River. Total use days on the river (Table 2) increased from 1984 (2,352) to 1988 (2,611). Motorboat use, the primary access activity, fell from 60 percent of total use days in 1986 to 37.4 percent in 1988. Float use increased to 44.3 percent of the total use days in 1988. Two fly-in groups accounted for the remaining 18.3 percent of the 1988 total. Use in the Wilderness area of the refuge declined from 1985 to 1988 with 1,605 and 1,032 use days respectively. About 54 percent of the total use from 1985 to 1988 occurred within the Wilderness area. Guided use days on the Goodnews River averaged 69.5 percent of the total use days between 1984 and 1988. Guided use peaked in 1984 (1,818 use days) and 1986 (1,809 use days), but declined by 1988 (1,569 use days). The number of guided visitors increased in 1987 over the previous three years. Guided visitors primarily used motorboats, accounting for 59.7 percent of the guided effort in 1988. Guided non-wilderness area use on the river increased 172 use days from 1985 to 1987, but decreased by 281 from 1987 to 1988. Unguided use fluctuated between a low of 534 use days in 1984 and a peak of 1,042 use days in 1988. The number of unguided users averaged 151 since 1984, with a high of 177 visitors in 1988. Float use was the primary unguided activity (94.2 percent) on the Goodnews River. Approximately 66 percent of the unguided use from 1985 to 1988 occurred within the Wilderness area.²⁴²

Table 2. Number of Use Days by Year on the Goodnews River

Year/Type	1984	1985	1986	1987	1988
Guided	1818	1674	1809	1532	1569
Unguided	534	864	667	586	1042
Total	2352	2538	2476	2118	2611

Source: Lisac, *Estimated Public Use within Togiak NWR, 1984-1988* (1989), p. 21.

As boating increased on the three branches of the Goodnews River System in the 1980s, increased commercial and recreational traffic created conflicts between land owners and subsistence users, who complained about incursions by recreational fishermen and hunters into their traditional lands, then later sought to restrict and limit recreational use and guides on the rivers.²⁴³ Native Joseph Martin Sr. of Goodnews Bay told a BLM interviewer in 1986 that jet boats used by Alaska River Safaris were ruining the fishing by destroying the fish eggs in the riverbed. He said jet boats were navigating the Goodnews River in only a foot of water.²⁴⁴ (Attachment 37) Most subsistence fishing on the Goodnews River occurred within the lower 10 to 15 miles. Subsistence set nets and fish campsites along the Goodnews River were named after people. Even when not used for several years, these sites retained identification with the kinship group. The sites could be used by other members of the community after requesting permission from the appropriate kinship group. Local Natives objected when guided and unguided recreational fishermen camped and fished at spots associated with kinship groups. The lower river was the area of most intense conflict as most subsistence fishing occurred close to the community.²⁴⁵ Local residents expressed concern about the increasing

number of strangers along the lower portion of the river. They opposed public easements along the rivers.²⁴⁶ (Attachment 54) They also worked with the newly established Togiak NWR to try to place limits on guiding permits issued by the refuge to control the level of recreational use along the upper middle and upper portions of the river.²⁴⁷

By 1985, almost twice as many visitors were using the rivers of the Togiak NWR as the combined population of the five villages in the area.²⁴⁸ Fishing regulations favored sport fishing, which remained open when subsistence and commercial fishing were closed. During the summer of 1987, state regulators closed commercial and subsistence salmon fishing, but not sport fishing, on the lower Kanektok River during a low point in the fish runs. In December 1985, the residents of Quinhagak, Goodnews Bay and Togiak petitioned the State Board of Fisheries, a citizen board appointed by the governor to regulate Alaska's fisheries, to close the lower portions of the Kanektok and other local rivers used by subsistence fishers to recreational fishing, but leave the upper portions of the rivers open to sport fishing. Another proposal submitted by local villagers was to ban the practice of catch-and-release, which elders found bizarre. In Yup'ik culture, fish is a staple food. The "number one rule" of elders was 'bring home the food you catch.' Elders were aghast at the outsiders' practice of catching food and immediately throwing it away--returning it to the water. Sometimes, fish were damaged or died as a result of catch and release. The Yup'ik Natives of southwest Alaska were familiar enough with the Euro-American sport fishing ethic to understand this activity as a form of recreation for non-Native visitors. The local villagers' phrase "playing with fish" expressed that understanding in part. *Naanguar*, the Yup'ik verb describing the activities of non-Native anglers, refers to anglers playing with fish as if they were toys, for the fun of it. This evoked strong social and moral condemnation from villagers, as they viewed the practice as an improper way to treat fish and food. Natives believed that fish bones should be buried, not cast into the water, and they perceived catch-and-release as a blatant form of waste. Some of the fish become sick and distorted, others sunk to the bottom in death, the bones exuding the telltale essence of human misconduct for all fish being to see. The Natives' proposal to ban catch-and-release was strenuously opposed by sport fish guides and biologists at ADF&G, and the proposal was rejected the Board of Fisheries. In the following years, the state board expanded catch-and-release requirements to more stocks and rivers.²⁴⁹

One river guide recalled that Natives, non-commercial rafters and fly-in fishermen who used the Goodnews River left lots of trash along the river, creating a real problem. Some rafters left their trash to make room to carry out the fish. The commercial guides on the river picked up trash left by others because the guides viewed the river as a fragile non-renewable resource. On several occasions, when one of the guides found identification or mailing addresses on the trash, he sent the trash COD to the people who had left it along the river.²⁵⁰ (Attachment 39)

In 1993, the Goodnews Bay Tribal Council adopted an ordinance asserting jurisdiction over the Goodnews River and requiring all sports fishermen and commercial guides using the Goodnews River to apply for and receive a permit from the council. The council also banned recreational fishing on the Goodnews River.²⁵¹ (Attachment 55) Alaska River

Safaris, one of the commercial guides that leased land from the local village corporation, challenged the tribal council's action. On June 10, 1994, McKie Campbell, Deputy Commissioner of ADF&G, advised the council that it was unlawful under AS 38.05.128 to obstruct or interfere with free passage on any navigable water body regardless of the ownership of the underlying land. Campbell also advised the Traditional Village Council that authority to regulate hunting and fishing activities is vested in the ADF&G and the Alaska Boards of Fisheries and Game, and that the Traditional Council may not lawfully restrict or interfere with public access, require permits for recreational fishing or prohibit catch-and-release fishing on the Goodnews River.²⁵² (Attachment 56)

Competition between subsistence and sports fishermen, guided versus unguided sport fishers, and motor boat versus float and fly-in operations on the Goodnews and other rivers in the refuge prompted the Togiak NWR to initiate a public use management plan in February 1987. The purpose of the study was to gather and interpret fisheries resource data and to address conflicts between user groups, littering, and other issues related to boat use on rivers in the refuge.²⁵³ In 1990, the refuge adopted a *Fishery Management Plan*. For the period 1981 to 1986, the plan documented a step decline in subsistence fishing on the Goodnews River, a gradual decline in the commercial fishery on the river and a 50 percent increase in the number of sport fishers and a two-fold increase in sport fish use days on the river. The level of sport fish activity grew from 234 people and 1,105 use days in 1981 to 349 people and 2,531 use days in 1986. The plan documented conflicts between user groups, the need to gather human use and harvest information through reporting requirements of the special use permits issued to guides and air taxi operators, and the need to conduct research on the impacts of jet and propeller driven boats on incubating salmonid eggs in the Goodnews and Kanektok rivers.²⁵⁴

In early 1991, the Togiak NWR characterized sport fishing pressure on the lower Goodnews River as steadily increasing from 1986 to 1991.²⁵⁵ Data from guides operating on the Goodnews River, as reported in refuge permit files, indicated an average of 2,500 angler days of use annually from 1986 to 1991.²⁵⁶ The refuge estimated guided use at 1,300 use days in 1987, three-quarters of which consisted of motorboat use. Float use accounted for most of the rest of the guided use with a small amount (about 70 days) of fly-in use.²⁵⁷ River width on the upper portions of the Goodnews varied from less than 120 feet over most of the water course to sections confined to less than 50 feet in many areas. Because of the stream bottom configuration, float boats traveling downstream had to pull over to allow for motorboats going upstream. The Middle and South Forks were smaller and shallower than the North Fork. During low water years, passage by float boat from the lakes on the Middle Fork sometimes required walking and dragging boats due to gravel bars and rocks (Figure 25). Six guides operated on the North Fork in 1986-1991, including one guide who operated a temporary motorboat camp within the refuge. One temporary motorboat camp operated on the Middle Fork within the refuge. The remaining guides operated float boat services or fly-in services. Motorboat guides accounted for about two-thirds of the guided use. Float boat use accounted for most of the remaining one third. The refuge estimated that fly-in guides accounted for less than 20 visitor use days in 1987. Non-guided use was estimated at 500 visitor days per year, primarily float use. The refuge estimated total use days on the

upper Goodnews River at 2,867 use days during 1989, with an average of 32.2 people on the river per day.²⁵⁸



Figure 25. An Alaska River Safaris jet boat at the mouth of upper Goodnews Lake where the top of the narrows pop out into upper lake, late 1970s. Ron Hyde Jr. is pushing the boat with an oar. Photo courtesy of Ron Hyde Jr., Anchorage.

On May 3, 1991, the Togiak NWR adopted a *Public Use Management Plan* for what the agency described as “public lands and the lands beneath non-navigable waters within the exterior boundaries of the Togiak National Wildlife Refuge.” The management plan focused on the allocation of fishing opportunities among subsistence, non-guided and guided users on rivers within the refuge boundary, and establishing a system for selecting sport fishing guides. The plan established permit allocations for guides operating on rivers within the refuge boundaries. Guides who had special use permits in 1990 could continue at the same level as in 1991. The refuge adopted a competitive process for after 1991 to select a limited number of commercial guides that would be allowed to operate on selected rivers. The refuge decided that a managed guide system would be implemented last in the upper Goodnews River “as there is the need to gather additional resource data.”²⁵⁹ The plan sought a 50 percent guided use and 50 percent unguided use allocation for sport fishing.²⁶⁰ The refuge maintained a moratorium on new guides and attempted to disperse guided use throughout the season. It also noted the need to address future unguided use on the Goodnews River.²⁶¹

The 1991 management plan allowed the level of guided sport fishing use that existed prior to 1991 to continue on the upper Goodnews River through 1995. After that, guiding opportunities on Upper Goodnews River would be limited and made available through a competitive process. The refuge planned to award five-year permits for sport fish guides operating within the refuge that would take effect in 1996. The plan also restricted permits for fly-in day use on Goodnews Lake and other lakes in the mountains. Fly-in permit holders were limited to a party of six people at one time and no more than one visit per lake per week. Landings were not to be allowed if other parties were visible on the lake. A temporary base camp would be continued to be permitted on the North Fork and one temporary base camp permitted on the Middle Fork until January 1, 1996. Camping for other motorized and float users was restricted to three consecutive days, after which the users must move a minimum of one mile.²⁶² According to the refuge, about 350 visitors spent 2,400 use days annually on the Goodnews system. Visitors using guided motorboat camps and non-guided float boat use were the primary users.²⁶³ The refuge did not propose limits on the use of jet units on the Goodnews River as existing studies on the impacts of jet units were not conclusive and the studies had been done on different types of rivers than the Goodnews. The refuge also decided that the portion of the South Fork within the refuge boundary “is not feasible for a guide operation,” and was not considered in the alternatives.²⁶⁴

According to the refuge, the types of motor boats used by sport fishing guides consisted of “primarily jet drives, while motor boats used by subsistence fishermen are primarily propeller driven.” Jet drives, according to the refuge, “allow fishing guides to access a larger portion of the river due to the general shallow depths of the three channels which cannot be traversed as readily by propeller driven motor boats.” Non-guided use was primarily recreational float trips, most of which originated at headwater lakes. Reports from air taxi operators and over flight of tributaries by refuge personnel indicated, according to the refuge, that recreational use on the tributary streams other than the North and Middle Forks “is minimal.” The refuge issued permits to seven guides to operate on the upper Goodnews within the refuge in 1994. Two outfits were allowed to operate motor boats on the river and the other five were permitted to operate float boat services. One temporary base camp on the North Fork and one temporary base camp on the Middle Fork were allowed under permits until January 1, 1996.²⁶⁵

By 1995, sport fishing pressure on the Goodnews River had become substantially higher than on the nearby Arolik River.²⁶⁶ Non-guided recreational use of the river had increased substantially, meeting or exceeding the level of guided use on the Goodnews River. This prompted the refuge to suspend plans to issue a prospectus for guided sport fishing on the upper Goodnews River, pending litigation and a review of new data on refuge public use and refuge resources.²⁶⁷ (Attachment 57) A year later, the Togiak NWR reviewed its Public Use Management Plan. A contractor assembled relevant data from past and current use and found that “conflict between floaters and motorboats is probably the most important and difficult issue on the rivers,” including the Goodnews River. The study found that “conflict is most acute on the Kanektok River because use levels there are higher, but [there] is also conflict on the Goodnews.” The second greatest problem was associated with overuse and crowding. “Overuse problems are

most acute on the Kanektok River, but there are signs that this is a developing concern on the Goodnews (particularly the North Fork).” The contractor also found conflicts between recreation users and local users on the Goodnews River. The contractor raised the question of placing limits on the number of unguided users, or possibly a mandatory registration program for unguided users on the Goodnews River.²⁶⁸

In March 1997, the Togiak NWR announced that it was reviewing options to manage non-guided river floating on the Goodnews River “because of the increase in use and associated resources, and public concerns.” The refuge noted that the number of non-guided float trips on the North Fork had been at least 25 trips in 1985 and 20 trips in 1990, but grew to at least 41 trips in 1995 and 52 trips in 1996. Studies and contact with user groups, according to the refuge, indicated that crowding was perceived as a problem on the Goodnews River.²⁶⁹

Another measure of river use was statistics showing angler effort, which experienced a sharp increase in the 1980s and 1990s, but declined in the following decade. An ADF&G study completed in 2006 disclosed that angler effort in all sport fisheries on the Goodnews River increased dramatically from 742 angler days in 1983 to 8,353 angler days in 1999. From 1995 to 2004, the effort fluctuated from 1,030 to 8,353, reflecting the availability of guiding services. Angler effort declined slightly from 1995 to 2004, averaging approximately 3,600 angler days per year on the Goodnews River.²⁷⁰

The USF&WS issued a *Public Use Management Plan Revision and Environmental Assessment* for the Togiak NWR in May 2010 to update and augment management direction in the 1991 Public Use Management Plan. The 2010 Management Plan noted that since there are no roads in the area, the majority of all public use during the summer months occurs by boat along the Goodnews River and its tributaries. Use of river sections outside the refuge “is predominately by motorboats for subsistence activities and recreational fishing,” while use of river sections within the wilderness area along the Goodnews River “is predominately by guided motorized groups or rafting parties” (Figure 26). Most subsistence fishing along the Goodnews River occurs within the lower 10 to 15 miles of the river, which is outside of the refuge boundary. Natives make trips upriver in summer to gather firewood, hunt beaver and birds and harvest freshwater fish. In late summer, coho salmon are harvested in the river and berries are gathered along the shores. Day trips are also made upriver to collect firewood and to harvest Arctic ground squirrel and waterfowl. Some hunters make longer trips far upriver for moose.²⁷¹

The 2010 Management Plan summarized recent studies relating to use of the Goodnews River System in the refuge. Most recreational fishing on the Goodnews occurred on the North and Middle forks. The North Fork received the majority of use (guided and unguided combined). Recreational fishing pressure along the lower Goodnews River steadily increased until the late 1990s and has been varied since then. The estimated catch of rainbow trout on the Goodnews River varied from 2,776 in 1991 to 2,915 in 2002, ranging from a low of 945 in 1994 to a high of 9,703 in 1997. The annual average recreational harvest of other species of fish on the river from 1996 through 2002 included 14,462 Dolly Varden and Arctic char, 227 lake trout, and 2,271 Arctic grayling.²⁷²



Figure 26. Rafters getting ready to cross Goodnews Lake and start down the Goodnews River, August 2007. Photo from <http://www.chadhood.com/summary/goodnews.htm>.

The refuge has limited the number of commercial guides, who operated both float and motorboat trips on the Goodnews River, since 1984. Visitor participation in guided fishing on the upper Goodnews River increased substantially through the 1990s, growing from about 200 client use days in 1990 to a high of over 500 use days in 2001. However, overall use levels have not yet approached the maximum of 1,635 guided client use days allowed under the 1991 management plan. Use days declined slightly in recent years, with 333 guided client use days recorded in 2007. Since 1990, motorized guided use on the Middle Fork and its associated summer guide camp has remained close to the maximum permitted level of 280 use days (spread over an average of 70 trips) per year. No guided float fishing has been permitted on the Middle Fork in recent years. Guided motorized use on the North Fork averaged 87 use-days (42 trips per year) since the mid-1990s. Guided float use averaged just six trips per year during the same period, averaging 72 use days per year. One guided float start was authorized per week, and these trips typically occurred late in the summer during the coho salmon run. After gathering new data on public use and natural resources, the refuge concluded “that additional [commercial guiding] use should be considered” on the Goodnews River.²⁷³

Unguided fishing, which the refuge had not restricted, originated at Goodnews Lake (Figure 27), Middle Fork Lake and Kukaktlim Lake. Access was by float plane, and

“most groups,” according to USF&WS, were “required to pull rafts through the shallow upper reaches of the rivers to reach water deep enough to float.” Unguided use of the upper Goodnews River grew steadily through the early 1990s. From 1993 through 1996, an average of 40 unguided float starts occurred between June 1 and September 23, while an average of 41 unguided float starts occurred during the same time each season between 2001 and 2004. From 1990 through 2007, unguided fishing accounted for an average of 1,640 use days per year. Unguided use accounted for just over 500 use days in 1991, reached a peak of more than 2,600 use days in 1997, declined to about 1,200 use days in 2003, and accounted for about 1,450 use days in 2007. Since the original Management Plan was completed in 1991, “non-guided use has increased and has reached or exceeded the level of authorized guided use on the Kanektok and Goodnews rivers.”²⁷⁴



Figure 27. Fishing camp at Goodnews Lake. USF&WS photo, reprinted from *Summary of Comprehensive conservation Plan: Togiak National Wildlife Refuge, 2009*, p. 12.

The 2010 Management Plan considered a number of issues involving use of the river. Research on wading by sport fishermen found variable effects on spawning and rearing habitats. Studies of motorboat use on fish habitat in Alaska had not found effects large enough to warrant regulation on rivers in the refuge. As for concerns by local Natives about catch and release, the USF&WS concluded that it was clearly “an issue grounded in cultural values.” The plan addressed the mortality issue by requiring guides “to brief all clients on proper catch and release methods” to minimize mortality and to advise visitors of the sensitivity of catch-and-release practices to local residents. On the issue of over use, one-third of Goodnews River anglers surveyed in 2001 indicated that their experiences were diminished by the number of motorboat groups they encountered on the

lower river. Twenty-four percent indicated that they saw too many float groups as well.²⁷⁵ One of the goals of the new management plan was to achieve levels of unguided recreational visitation on the Goodnews River within the refuge to “maintain the wilderness attributes of solitude, naturalness, and the opportunity for a primitive and unconfined recreational experience.”²⁷⁶

The 2010 *Public Use Management Plan* considered five alternatives, and on September 21, 2010, Geoffrey L. Haskett, the USF&WS Regional Director, adopted Alternative C.²⁷⁷ This alternative called for promulgating regulations to require permits for unguided use of refuge lands along all forks of the Goodnews River. The permits for the river system “would be required only during peak use periods that coincide with chinook and coho salmon seasons (approximately June 25-July 15 and August 10-September 7).” The permits would “allow a maximum party size of 12 people distributed among four boats.” Outside the period of those dates, visitors would not be required to obtain float trip permits. At low use levels the refuge manager could waive the requirement to have permits. “Float use would be limited to one group every other weekday (Tuesday and Thursday) and one on each weekend day on Refuge lands in the Goodnews River watershed.” This would amount to 16 starts during the August 10 to September 7 peak season, with no limits on the number of unguided trips during the rest of the year. From 2001 to 2004, there was an average of nine trips starts during the early peak season and 18 starts during the late peak season. The new permit system would cause some redistribution of use, preventing some float groups from visiting during the fall peak season. The USF&WS thought these new limits would constitute only “a minor negative impact on unguided visitor access to the Goodnews River watershed.”²⁷⁸

Alternative C called for guided motorized use on the North Fork to be “limited to one trip and three people per day with no temporary camp allowed on Refuge lands.” That is a reduction from the previous maximum permitted level of nine boats per day. Under the new Management Plan, motorized fishing guide permits for the Middle Fork Goodnews River will be allowed “one temporary camp and the use of two motorboats per day to provide opportunities for up to four clients at one time.” Guided float use would consist of “one float trip per week and the option of using either the Middle or North Fork Goodnews River. Maximum float group size would be 12 people distributed among four boats.” This would be a positive, as refuge rules since 1991 have prohibited guided float access on the Middle Fork. These changes would have the effect of reducing group sizes, and visitors wishing to travel in groups larger than three would not be able to access the North Fork via guided motorboats. The refuge thought the practical effect of this restriction “would be negligible” because “demand for guided motorboat access on the North Fork is low; use has averaged just 17 trips per year since 1990.”²⁷⁹

The USF&WS hoped that seasonally implemented visitor limits would slow growth on the Goodnews River compared to use since 1991, although growth could still occur without restriction outside of peak-use seasons. The federal agency believed that new limits on guided and unguided float use would reduce impacts on solitude and naturalness.²⁸⁰ On October 7, 2010, the Togiak NWR issued a solicitation for proposals to provide guided sport fishing services in the Goodnews River Unit of the refuge. To be

considered, the proposals needed to be postmarked or delivered to the agency by January 10, 2011.²⁸¹

VI. Summary

The BLM determined the Goodnews River (North Fork) navigable in 1983 and 1984 from its mouth (at river mile 0) upstream through Sec. 36, T. 10 S., R. 72 W., SM (river mile 22) (Figure 6). It determined the Middle Fork navigable from its mouth upstream to river mile 5.5 and the South Fork navigable from its mouth upstream to river mile 5.5. The navigability criterion the BLM used in the 1980s for these determinations was “travel, trade and commerce.” In the 1996, the BLM determined the North Fork navigable from its mouth to and through Sec. 24, T. 10 S., R. 71 W., SM (river mile 30.5). The BLM also determined the Middle Fork navigable from its mouth upstream through Sec. 13, T. 11 S., R. 71 W., SM (river mile 19) and the South Fork navigable from its mouth upstream through Sec. 12, T. 12 S., R. 72 W., SM (river mile 9.5) and navigable within a Calista Corporation selection area from river mile 17.5 to river mile 21. The navigability criterion BLM used in the 1990s and 2000s was “use or susceptibility to use for travel, trade and commerce.”

The North, Middle and South forks of the Goodnews River have not been evaluated for navigability on lands within the Togiak NWR. The only navigability determinations made by the BLM on small tracts occurred in the 1980s on Native allotments downstream of river mile 30.5 on the Goodnews River, downstream of river mile 19 on the Middle Fork, and on the South Fork downstream of river mile 10.5. The BLM found no navigable waters within the boundaries of a NPPR on the north side of Goodnews Lake in 1983. That decision did not address the lake, which BLM recognized at the time as a continuation of the Goodnews River System, but the upper limits of navigability for this system had not yet been identified.

MTPs show the Goodnews River meandered and segregated from its mouth (river mile 0) upstream through much of Sec. 11, T. 10 S., R. 70 W., SM (river mile 36). The Middle Fork is meandered and segregated from its mouth (river mile 0) upstream through Sec. 13, T. 11 S., R. 71 W., SM (river mile 19), and the South Fork is meandered and segregated from its mouth (river mile 0) upstream through Sec. 13, T. 12 S., R. 72 W., (river mile 10.5), and from the SW corner of Sec. 35, T. 11 S., R. 71 W. (river mile 17.5) upstream through Sec. 1, T. 12 S., R. 71 W., SM (river mile 21). The BLM meandered and segregated Goodnews Lake on the MTPs due to its size (larger than 50 acres). While there are references in various documents to tidal influence, the BLM has not made final determinations on the extent of tidal influence on the Goodnews River, the Middle Fork and South Fork.

In terms of physical characteristics, the upper 17 miles of the Goodnews River has a single channel with a gradient of 21 feet per mile and one major tributary, the Igmiunanik River. Goodnews Lake is 4.5 miles long and 0.6 miles wide with a maximum depth of 130 feet. The outlet of Goodnews Lake flows into a small lake about

a mile long. From there the Goodnews River flows 62 miles southwest and empties into Goodnews Bay. The river's current below Goodnews Lake is slow, increases in the middle portion with no obstructions to navigation, but slows as the river enters lowlands that are marshy and flat. The Middle Fork is 60 miles long while the South Fork is 39 miles long. The two forks are narrower, shallower and have less flow than the North Fork, but the two forks are similar in character. They each consist of a series of rapids and pools in the upper reaches and are slower moving in the lower portions. The lower five miles of the tidally influenced Goodnews River and its two forks are very murky.

The Goodnews River just below Goodnews Lake is often shallow during times of low water. There are moderate rapids and occasional large boulders in a portion of the North Fork below Ningun creek, but they are not a hindrance to navigation or dangerous to people using a raft or canoe. Low water conditions can make travel up the Middle Fork to Middle Fork Lake and up the South Fork to river mile 21 difficult. The Goodnews River, the Middle Fork and the South Fork appear to have been in their natural and ordinary condition at the time of statehood.

The Goodnews River System has a long history of use. Three types of use occurred on the river during the historic period prior to statehood. In the first type of use, the Native people of the villages of *Mumtrak* (on the South Fork) and *Avgun* (on the North Fork at Barnum Creek) and Goodnews Bay (after 1920, near the mouth of the North Fork) used shallow-draft canoes and kayaks to paddle and pole up the rivers during spring, summer and fall to harvest fish, game and berries and to trap parka squirrels and other fur bearing animals. They used canoes and skin boats to transport themselves and their harvested resources back to their village. Native residents used some of the harvested resources for their own sustenance and distributed the rest for ceremonial, sharing, partnership, trade and commercial exchange. Some villagers traveled on foot or by dog sled up into the mountains to hunt in April and May each year. Just before breakup, they built skin boats covered with caribou, moose or bear hides. They used these skin boats from at least the 1800s up through the 1930s to float down the North and Middle forks to return to their village after the late winter hunt. After the 1920s, outboard motors were introduced and residents gradually shifted from paddling and poling canoes and kayaks to using skiffs with outboard motors to travel on the river in the 1940s and 1950s. Native allotment files document six residents of Goodnews Bay who traveled seasonally by boat up the Goodnews River to their Native allotments between river mile 55 and river mile 64.5 (Goodnews Lake) in the years between 1936 and 1959 to conduct subsistence activities. Other Natives used boats to travel up the Goodnews River to access Native allotments located upstream as far as river mile 25, to travel up the Middle Fork to Native allotments located as far upstream as river mile 11, and up the South Fork to Native allotments located as far upstream as river mile 8.

The second type of historic use consisted of missionaries, explorers, and journalists, who ascended the North and South Forks in poling boats. Moravian missionaries used canoes and kayaks to ascend the South Fork and Tivyagak Creek to portage overland to the Osviak River to Togiak Bay. Naturalist Warburton Pike traveled the same route in 1888,

as did journalists Alfred Schanz and E. Hazard Welles in 1890, and a Moravian party led by Bishop Henry T. Bachman in 1891.

The third type of historic use consisted of prospectors, miners and geologists. Prospectors used poling boats to ascend the North Fork to Barnum, Slate and Wattamuse creeks, starting in 1915 to search for gold. After gold was discovered, miners used poling boats and shallow riverboats with small gasoline engines to carry equipment and supplies to the mines on Wattamuse and Slate Creeks in the 1920s and 1930s, although heavy equipment was often brought to the mines overland during the winters. Government geologists also used small boats to ascend the North Fork to visit these mining properties.

Since statehood (1959), five different types of groups have taken boats up and down the Goodnews River System or used rafts and kayaks to float down the rivers. The first type of post-statehood use is seasonal travel by local Natives to conduct subsistence activities. Local Natives use boats with outboard motors in the fall to access the refuge, where they camp, hunt bear and moose, and fish for white fish, rainbow trout and Dolly Varden. They have ascended the Goodnews River to Goodnews Lake during high water stages from July through October. Access to the lake by heavily laden boats with outboard motors is problematic when the water level is lower in June, November and December. Water levels vary each year, and it is not always possible to reach the lake with boats using outboard motors. Local residents have traveled up the upper portion of the Goodnews River to river mile 76 and up Igmiutmanik Creek to its headwaters. They traveled on the river in shallow-draft skiffs with outboard motors to fish, hunt, pick berries and trap along the river. Native allotment files document six residents of Goodnews Bay traveling up the North Fork to Native allotments between river mile 55 and Goodnews Lake (river mile 65) in the 1960s, 1970s and 1980s, conducting subsistence activities. Local Natives also have traveled up the Middle Fork to Middle Fork Lake (river mile 51), as well as up Kukaktlik River, a major tributary of the Middle Fork to Kukaktlik Lake. Shallow spots are common on the Middle Fork within the refuge, but Natives lift their outboards motors out of the water to travel over shallow spots up to 30 feet long or walk their boats through the shallows when the water is low. Residents of Goodnews Bay have also used boats to ascend the South Fork for fishing, hunting and berry picking. Natives hunting in the fall take boats with outboard motors up the South Fork to a small creek at river mile 19 and also up Tivyagak Creek. Local Natives used 12 to 20-foot long skiffs with 35 to 75-horsepower outboard motors. Aluminum skiffs with outboard motors replaced wooden skiffs in the 1970s and 1980s, and these craft are capable of carrying loads of 1,000-1,500 pounds.

The second type of post-statehood use of the Goodnews River System consists of commercial fishing boats. Residents of the village of Goodnews Bay used outboard powered skiffs to conduct commercial fishing on the lower portions of the North, Middle and South forks during the 1960s.

The third type of post-statehood use of the Goodnews River System consisted of miners using outboard powered skiffs and jet boats to carry supplies and equipment up the North

Fork to mining claims on Slate Creek (river mile 26) and Wattamuse Creek in the 1960s, 1970s and 1980s.

The fourth type of post-statehood use of the Goodnews River System consists of federal and state government-sponsored float and power boat trips to study the river. Employees of the ADF&G floated the river, starting at Goodnews Lake, using rafts in 1975, 1976 and 1986. The USF&WS personnel floated the North Fork from Goodnews Lake in 1978 and 1985. In 1986, an ADF&G employee took a 35-horsepower outboard boat up the river to river mile 30, while BLM employees chartered with a river guide to conduct studies on the lower portions of the North and Middle forks. Starting in 1991, USF&WS has stationed two river rangers on the North Fork between river miles 30 and 65 to contact visitors, provide information, collect use data and obtain resource data. The ADF&G employees set up a weir site at river mile 6 on the Middle Fork in 1981. They used 15-foot skiffs and 22-foot flat-bottom river boats with outboard motors and 18-foot skiffs with jet units to carry loads of at least 1,000 pounds up to the weir site. In 1985, an ADF&G biologist took an 18-foot riverboat with a jet unit up the Middle Fork to river mile 23 or 24, and he stated that he believed the Middle Fork accessible that far by outboard with a 1,000 pound load anytime. In 2007, USF&WS employees took five local students on a float trip from Middle Fork Lake down the Middle Fork on an educational trip. In 1985, an ADF&G employee took an 18-foot Gregor boat with a 35-horsepower outboard capable of carrying at least 1,000 pounds up the South Fork to river mile 10, within a mile of Tivyagak Creek.

The fifth type of post-statehood use of the Goodnews River System consists of guided and non-guided recreational sport fishing and sightseeing using power boats and rafts. The Goodnews River System is well known and popular for sport fishing. Since the mid-1960s, commercial river guides have taken hundreds of sport fishermen on float trips down the North and Middle forks. These trips began at Goodnews Lake and Middle Fork Lake, and the clients floated downstream to the village of Goodnews Bay. In the early 1970s, river guides began using propeller-driven and jet-driven boats to carry fishing clients up and down on the North, Middle and South forks. Guides used temporary and fixed camps along the river, and offered motorboat services to anglers who flew in for several days of fishing along the rivers. Although most commercial guides use the Goodnews River from Goodnews Lake downstream, river guides have taken clients up the North Fork as far as river mile 75.5 and up the Kukaktlik River as far as river mile 32. River guides have taken propeller and jet driven boats up the Middle Fork to Middle Fork Lake, have taken clients down the river from the lake in rafts, and have taken clients about a mile up the river above Middle Fork Lake (to river mile 53) for recreational fishing. Guides have also taken clients up the South Fork as far as river mile 25, and as far as 11 miles up Tivyagak Creek. Guided use of the river grew rapidly in the 1980s as the number of guides operating on the Goodnews River System increased from five to eight. Between 1980 and 1983, the number of guided fly-in groups tripled on the three forks and the number of motorboats used by guides doubled. In 1985, the Togiak NWR placed a moratorium on guides allowed in the refuge, limiting the number of guides on the Goodnews River System to six. The number of guided visitor use days increased from about 200 client use days in 1990 to a high of over 500 use days in 2001, but

declined in 2007 to 333 client use days. The Togiak NWR adopted a Public Use Management Plan in 1993 that limited the number of river guides on the Goodnews River System to seven, with two allowed to operate motorboats and the other five allowed to operate float boat services, and changed the allocation of permits to a competitive selection process.

Initially, unguided use of the Goodnews River System remained relatively constant at about 25 percent of guided users. In the 1980s and 1990s, non-guided float use of the rivers, particularly the North Fork, rose dramatically and surpassed commercial guided use of the river. The number of use days for unguided users increased from 534 in 1984 to 1,042 in 1988, and increased to 2,600 use days in 1997, before dropping to 1,450 use days in 2007. The USF&WS adopted a new Public Use Management Plan in 2010, which retained the limit on the number of commercial guides and the size of their parties and numbers of boats. The new plan also called for promulgation of regulations to require permits for unguided use of refuge land along all forks of the Goodnews River. The new management plan calls for unguided users to obtain a permit to use the river during the peak periods (June 25-July 15 and August 10-September 7), limits a party size to 12 people distributed in four boats, and limits float use starts to one group every other day (Tuesday and Thursday) and one on each weekend day. The new plan also limits guided motorized use on the North Fork to one trip and three people per day with no temporary camp allowed on refuge lands, a reduction from the previous maximum permitted level of nine boats per day. On the Middle Fork, guided motorboat use is limited to one temporary camp and the use of two motorboats per day for up to four clients at one time. The plan limits guided float use to one float trip per week with the option of using either the Middle or North fork, and a limit on the float group size of up to 12 people distributed among four boats.

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