

ATTACHMENTS

for

Throat Creek

FINAL

INTERIM SUMMARY REPORT

Prepared by Nicole Lantz, Historian I

Kuskokwim Assistance Agreement
Phase II-B Submission

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

October 5, 2011

UNITED STATES GOVERNMENT

Memorandum

Throat Creek
Interim Summary Report
Attachment 1

TO : Files

DATE: 4/21/76

FROM : Natural Resource Specialist

In reply refer to:
2650.58 (932)
F-14888-EE

SUBJECT: Task Force Meeting on Lower Kalskag.

F 14888EE

The Task Force met on December 23, 1975, to consider easements and navigability for the Lower Kalskag (F-14888) selection.

The selection area is subject to S.O. 2987.

The following recommendations were approved by the Task Force:

*between Mud Cr & Crooked Cr
PB*

- 4 C5 This recommendation was for a 50-foot wide easement to cover the existing overland portage facilities along Mud Creek. This is known as the Yukon-Kuskokwim Portage.
- 7 D9 This is a recommendation for a 25-foot wide trail easement from Aniak to Tuluksak along an old winter trail route.
- 8 C4, C5 This is a 25-foot wide trail easement across Sections 11, and 12, T.15N., R.61W., S.M. This will provide access across selected lands to unselected public lands.
- 9 C4, C5 This is a recommendation for a 25-foot wide trail easement along the section line between Sections 16, and 21, T.14N., R.63W., S.M. This trail will provide access to public land from the Kuskokwim River.
- 10 C4, C5 This recommendation is for an one-acre site and 25-foot wide trail easement. The site is located on the south end of an oxbow lake with the trail from Section 33, T.15N., R.63W., S.M., easterly to Section 34. This trail will provide access to unselected public lands from the Kuskokwim.
- 11 C4, C5 This is a streamside easement along the Kuskokwim River, 25-feet along both banks and the bed is not included as this is a navigable stream.
- 12 C4, C5 This is a streamside easement for the outlet stream from Whitefish Lake. This easement is for 25-feet along both banks and the bed of the stream.

The following recommendations were not approved by the Task Force:

- 1 C3, D9, D1 This was a recommendation for a trail along the Kuskokwim River going from Aniak to Tuluksak. This was rejected as



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there was no existing trail and a good alternate route is available by using the Kuskokwim.

- 6 D9 This recommendation was for a site easement in Lower Kalskag. This was rejected because it was within the townsites municipal reserve and no unpatented land is available.

The following recommendations were not considered by the Task Force:

- 2 D9, D1, C3 Trail from Kalskag to Paimuit, up to Pike Lake. This was outside the selection area. This was identified and approved as easement #2 in Upper Kalskag.
- 3 D9, D1, C3 This was for a winter trail from Lower Kalskag and Kalskag to Russian Mission which is outside the selection.
- 5 D9 This was for a site easement at Kalskag. This was outside of this selection area.

Navigable waters were discussed and the following waterbodies were found to be navigable by reason of travel, trade and commerce:

1. Kuskokwim River and interconnected sloughs.
2. Water portions of the Yukon-Kuskokwim Portage; Mud Creek (up to the tramway)
Crooked Creek
Johnson River.

Whitefish Lake was found to be not navigable.

Horace D. Sanden

F 14888EE

**Throat Creek
Interim Summary Report
Attachment 2**

F-14941-EE (75.4)
F-14936-EE (75.4)
F-14924-EE (75.4)
F-14860-EE (75.4)
F-14990-EE (75.4)
F-14900-EE (75.4)
F-14926-EE (75.4)
F-14831-EE (75.4)
F-14871-EE (75.4)
F-14888-EE (75.4)
(963)

MAY 17 1982

Memorandum

To: Files

From: Marty Karstetter and Paul Johnson, Realty Specialists (963)

Subject: Meeting held with the Kuskokwim Corporation Concerning Lands
Near Stony River, Sleetmute, Red Devil, Georgetown, Crooked Creek,
Napaimute, Russian Mission, Aniak, Upper Kalskag, and Lower
Kalskag

On April 29 and 30, 1982, a meeting was held with The Kuskokwim Corporation (TKC) in Anchorage. The purpose of the meeting was to discuss the draft DIC's and the draft SDM's pertaining to lands selected near the above-listed villages. Those in attendance were as follows:

The Kuskokwim Corporation (TKC)

Glenn Fredricks
Jan Fredericks
Bob Jenks - Consultant
Ed McNamara
Delores Malter
Sophie Sakar
Leo Morgan
Ruth Sheridan

Calista Corporation

Felix Hess

Sleetmute

Nixe Mellick

State of Alaska

Dennis Dagger
Jim Culbertson

BLM, Alaska District Office

Bob Hale

BLM, Alaska State Office

Marty Karstetter
Paul Johnson
Michelle Ward
Ted Lipham
Bob Hiller
Ruth Stockie
Elda Cottrell
Joyce Harvey
Ron Royer

The Kuskokwim Corporation will provide written comments on major waterways and/or navigability at a later date for the Aniak selection. The corporation made the following comments regarding navigability for the Upper Kalskag selection:

Crooked Creek is navigable upstream from the portage in the S $\frac{1}{2}$, Sec. 22, T. 17 N., R. 62 W., Seward Meridian, to Arhymot Lake. Twenty foot boats with 25 hp motors are used on the creek by recreationists and those people wanting to access Arhymot Lake where many have Native allotments.

Arhymot Lake is navigable. There is no commercial fishing, but there are 7 to 8 Native allotments surrounding it. These allotments are seasonal camps.

Goods and supplies are transported via Crooked Creek into Arhymot Lake. The systems are also used by snowmachines during the winter months.

The board provided additional information which indicates that the system is also utilized as an alternate access route between the Yukon and Kuskokwim Rivers.

Following is a summary discussion on each easement by village (note that all land descriptions are Seward Meridian):

Village of Stony River:

- a. (EIN 5 C4) The Kuskokwim Corporation did not object to the reservation of a one (1) acre site easement but did suggest that it be relocated upstream approximately $\frac{1}{4}$ mile. It appears from the map that the suggested relocation is feasible.
- b. (EIN 5a C4) The Kuskokwim Corporation did not object to the reservation of a twenty-five (25) foot wide trail easement for the proposed trail

but did suggest that it be relocated upstream approximately $\frac{1}{2}$ mile to lessen impact on Native lands.

- c. (EIN 7 C4) The Kuskokwim Corporation did not object to the reservation of a one (1) acre site easement but did suggest that it be relocated approximately $\frac{1}{2}$ mile downstream. The State objected to the proposed relocation due to steep topography.
- d. (EIN 7a C4) The Kuskokwim Corporation did not object to the reservation of a twenty-five (25) foot wide trail easement for the proposed trail but did suggest that the easement be relocated approximately $\frac{1}{2}$ mile downstream to lessen impact to Native land. It appears from the maps that the topography is too steep for a trail and relocating the easement would not substantially lessen impact to Native land.

Village of Sleetmute

- a. (EIN 1 D9) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as follows:
 - 1. Conflicts with private land;
 - 2. Regional and community affairs are now in the process of determining private ownership in the area;
 - 3. Municipality would agree to furnish a site; and
 - 4. Travelers can use the beach they are using now.
- b. (EIN 5 C3) The Kuskokwim Corporation did not object to the reservation of a fifty (50) foot wide easement for the existing trail.
- c. (EIN 14 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as it is located on a Native allotment. The corporation suggested that the site be relocated to the northwest corner of Sec. 31, T. 19 N., R. 42 W. It appears from the map that this area is too steep for a site.
- d. (EIN 14a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide easement for the proposed trail due to conflicts with a Native allotment. The corporation suggested that the easement be relocated to the northwest corner of Sec. 31, T. 19 N., R. 42 W. It appears from the map that this area is too steep for a trail.
- e. (EIN 15 C4) The Kuskokwim Corporation and the State recommend that this one (1) acre site easement be relocated to Sec. 11, T. 18 N., R. 43 W.
- f. (EIN 15a C4) The Kuskokwim Corporation and the State recommend that this twenty-five (25) foot wide trail easement be relocated to begin in Sec. 11, T. 18 N., R. 43 W., to avoid swampy ground.

- g. (EIN 16 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement because travelers can camp on public land to the south. The State did not object.
- h. (EIN 16a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide trail easement because the land is swampy. Access to public land will be provided nearby if trail EIN 15a C4 is relocated as proposed by the board. The State did not object.
- i. (EIN 17 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement because travelers can camp on public land to the south. It was pointed out that if both EIN 16 C4 and EIN 17 C4 were deleted, the travel distance between sites and/or public land would be considerable (approximately 24 miles). The State did not object.
- j. (EIN 17a C4) The Kuskokwim Corporation objected to the reservation of this twenty-five (25) foot wide easement for the proposed trail because the land is swampy.

Village of Red Devil

- a. (EIN 5 C3) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- b. (EIN 8a C4) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the proposed trail. The State recommended that the connecting trail, on the Georgetown selection, be relocated. If the trail is relocated, this easement would not be necessary.
- c. (EIN 14 C5) The Kuskokwim Corporation objects to the reservation of this one (1) acre site easement as follows:
 - 1. Corporation would agree to establish a site easement in the village;
 - 2. The Bureau is now using the airport loading area for camping;
 - 3. Calista Corporation believes it is too close to the village; and
 - 4. The board requested that the Department of Transportation (DOT) be brought in to see if something could be done to have a camping area designated within the airport boundary. Jim Culbertson agreed to check with DOT. The DOT has since determined that a site cannot be located within the airport boundary for safety reasons.
- d. (EIN 14a C5) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail. The map symbol indicates that the trail is proposed.

The State recommended that the easement should be located where originally proposed, to follow Fuller Creek, approximately 3 miles downstream. The easement was not proposed there because of a conflict with a Native allotment. The State also stated that the topography along the proposed route is too steep.

If the Native allotment is correctly located on the MTP, the State's proposal appears feasible; however, the plotting of the Native allotment is suspect.

Village of Georgetown

- a. (EIN 3 C3) The Kuskowim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- b. (EIN 4 D1) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.
- c. (EIN 4a D1) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the proposed trail.
- d. (EIN 7 C4) The Kuskokwim Corporation and the State recommended relocating this one (1) acre site easement approximately 2½ miles downstream in Sec. 10, T. 2 N., R. 46 W.
- e. (EIN 7a C4) The Kuskokwim Corporation and the State recommended relocating this fifty (50) foot wide easement for the proposed trail. The proposed location would begin at EIN 7 C4 (proposed location) then traverse an open tundra ridge in a southwesterly direction to public land.
- f. (EIN 8 C4) The Kuskokwim Corporation recommended combining this one (1) acre site easement with site EIN 7 C4 in Sec. 10, T. 20 N., R. 46 W.
- g. (EIN 8a C4) The Kuskokwim Corporation recommended combining this twenty-five (25) foot wide easement for the proposed trail with EIN 7a C4. The State did not object. Calista Corporation disagrees with the easement as being duplicative. The board indicated that a site and trail could be located in Sec. 27.
- h. (EIN 10 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated in Sec. 27, T. 21 N., R. 47 W. It appears from the map that this area is too steep to locate a site on.
- i. (EIN 10a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated in Sec. 27, T. 21 N., R. 47 W. From the map, the area appears too steep.
- j. (EIN 11 C4) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.

- k. (EIN 11a C4) The Kuskokwim Corporation did not object to the reservation of this twenty-five (25) foot wide easement for the proposed trail.

Village of Crooked Creek

- a. (EIN 3 C3, D9) The Kuskokwim Corporation objected to the reservation of the easement for the bush airstrip, as it is poorly located and in disrepair. The State agreed to check with Fish and Game to determine whether it is still necessary.
- b. (EIN 3a C3, D9) The Kuskokwim Corporation objected to the reservation of this fifty (50) foot wide easement for the existing trail. The easement would not be necessary if EIN 3 C3, D9 is deleted.
- c. (EIN 4 D9) The Kuskokwim Corporation did not object to the reservation of this one (1) acre site easement.
- d. (EIN 4a D9) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail. The board was not aware that a trail existed.
- e. (EIN 8 C3, L) The Kuskokwim Corporation objected to the reservation of this fifty (50) foot wide easement for the existing trail. The easement would not be necessary if EIN 14 C4 is deleted as recommended.
- f. (EIN 8 C3, L) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing road. The board was concerned about FAS Route No. 231, which joins EIN 8 C3, L, as it was not excluded from the DDIC. The State also stated that FAS Route No. 231 should begin at the Kuskokwim River and proceed northerly. A portion of road EIN 27 C4 would no longer be necessary if the road connected with the Kuskokwim River.
- g. (EIN 9 D1, L) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- h. (EIN 10 D1) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing trail.
- i. (EIN 14 C4) The Kuskokwim Corporation objected to the reservation of this one (1) acre site easement as it is located on a Native allotment. The corporation would agree to provide a site within the municipal reserve.

This is an extremely complicated area due to the many Native allotments. It is impossible to tell at this time whether there is adequate area to locate a site on. We agreed to provide TKC with a map indicating the location of the easement.

- j. (EIN 16 C4) The Kuskokwim Corporation recommended that this fifty (50) foot wide easement for the proposed trail be relocated in Sec. 34, T. 22 N., R. 49 W. Based on the map, the terrain on public land is not as favorable as the location proposed in the DSDM.

- k. (EIN 18 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated and combined with EIN 10 C4 on the Georgetown selection in Sec. 27, T. 21 N., R. 47 W.
- l. (EIN 18a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide trail easement for the proposed trail be relocated and combined with EIN 10a C4 on the Georgetown selection in Sec. 27, T. 21 N., R. 47 W.
- m. (EIN 20 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated in Sec. 34, T. 20 N., R. 49 W., as the slough is dried up most of the time. It appears from the map that this area is too steep for a site.
- n. (EIN 20a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated to Sec. 34, T. 20 N., R. 49 W. It appears from the map that this area is too steep for a trail.
- o. (EIN 21 C4) The Kuskokwim Corporation recommended that this one (1) acre site easement be relocated to the south of the selection.
- p. (EIN 21a C4) The Kuskokwim Corporation recommended that this twenty-five (25) foot wide easement for the proposed trail be relocated to the south of the selection.
- q. (EIN 27 C4) The Kuskokwim Corporation did not object to the reservation of this fifty (50) foot wide easement for the existing road.
- r. (EIN 28 D) The Kuskokwim Corporation objected to the reservation of this avigation and hazard easement. The board recommended that the corporation reconvey the necessary rights to the State in lieu of reserving a Sec. 17(b) easement.

Village of Napaimute

The State in general objects to the distance between site easements.

- a. (EIN 3 C4, C5) The Kuskokwim Corporation opposed this site easement. Its purpose as a periodic site easement to facilitate river travel can be served by public land to the north, traversed by the Kuskokwim River in Secs. 19 and 20, T. 17 N., R. 51 W., Seward Meridian. The site is not needed as a trailhead for trail EIN 3a C4, C5 which TKC opposes.
- b. (EIN 3a C4, C5) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources southerly of the selection can be gained using the navigable Holokuk River.
- c. (EIN 11 C4, C5) The Kuskokwim Corporation opposes this site easement. They said access is provided to public land and resources via the Kuskokwim River where it traverses public land in Sec. 36, T. 19 N., R. 50 W., and Sec. 6, T. 18 N., R. 49 W., Seward Meridian. This is where the Crooked Creek and Napaimute selections corner. There would be no impact to Native land.

- d. (EIN 11a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reason stated in paragraph c.
- e. (EIN 15 C4, C5) The Kuskokwim Corporation opposes this site easement. They said public land in the NE $\frac{1}{4}$, Sec. 25, T. 17 N., R. 53 W., Seward Meridian, traversed by the Kuskokwim River can be used to provide access to public land and resources southerly of the selection, as well as serving as a periodic site to facilitate river travel. They said no road exists at that location.

The State contends there is an existing road which provides access to mining southerly of the selection.

- f. (EIN 15a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reason stated in paragraph e.

See the State's comment in paragraph e.

- g. (EIN 16 C4, C5) The Kuskokwim Corporation opposes this site easement. They said access to public land and resources can be gained using the navigable portion of the Kolmakof River. The site's purpose as a periodic site was not addressed. Its use as a trailhead is opposed because trail EIN 16a C4, C5 is opposed.
- h. (EIN 16a C4, C5) The Kuskokwim Corporation opposes this trail easement for the reasons stated in paragraph g.
- i. (EIN 18 C4, C5) The Kuskokwim Corporation accepts this trail easement in principle but agrees with Calista Corporation who suggests it be relocated to Sec. 33, T. 19 N., R. 52 W., Seward Meridian. The easement is to run diagonally from the NW to the SE corners of the section. The Kuskokwim Corporation will notify us of a final decision.

Calista Corporation questions the need for the non-Native public being north of the selection, but said this relocation would serve as cross-selection access between tracts of public land and resources.

- j. (EIN 20 C4, C5) The Kuskokwim Corporation opposes this trail easement in favor of the proposed relocation of trail EIN 18 C4, C5.

Village of Russian Mission (K)

- a. (EIN 2 C3, D1) The Kuskokwim Corporation accepts this site easement in principle but wants it relocated to Sec. 2, T. 17 N., R. 56 W., Seward Meridian, in the right bank of the Kuskokwim River. The site as proposed is in error per the Alaska State Office, BLM. The relocated site will replace Aniak site EIN 6 C3, D1, D9, which is opposed.
- b. (EIN 2a C3, D1) The Kuskokwim Corporation accepts this trail easement provided it originates at the proposed relocation of site EIN 2 C3, D1. The extension of trail EIN 2a C3, D1 will replace Aniak trail EIN 6a C3, D1, D9 which is opposed.

- c. (EIN 10 C4, C5) The Kuskokwim Corporation accepts this trail easement.
- d. (EIN 11 C4, C5) The Kuskokwim Corporation accepts this site easement in principle but wants it relocated to Sec. 16, T. 17 N., R. 54 W., Seward Meridian, on the left bank of the Kuskokwim River, to coincide with an existing trail.
- e. (EIN 11a C4, C5) The Kuskokwim Corporation accepts this trail easement in principle but wants it relocated to Sec. 16, T. 17 N., R. 54 W., Seward Meridian, to coincide with an existing trail.

Village of Aniak

- a. (EIN 3 C3, D1, D9) The Kuskokwim Corporation accepts this trail easement for winter use only.
- b. (EIN 4 C3, D1) The Kuskokwim Corporation opposes this trail easement. They said mining equipment is flown into mining operation airstrips not the village's and/or the Aniak River is used; therefore, the trail is not needed. The Kuskokwim Corporation said the trail was made in the early 1900's and has not been used in the last 10 years.

The regional corporation agrees with TKC, and wants to know the location and status of the mining claims in the Marble Creek Mining Area.

The State asked if the Aniak River can be used by barges for movement of mining equipment and supplies. The Kuskokwim Corporation said it's tough going.

- c. (EIN 6 C3, D1, D9) The Kuskokwim Corporation opposes this site easement. It is replaced by the proposed relocation of Russian Mission (k) site EIN 2 C3, D1 to Sec. 2, T. 17 N., R. 56 W., Seward Meridian, on the right bank of the Kuskokwim River.
- d. (EIN 6a C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. It is replaced by the proposed extension of Russian Mission (k) trail EIN 2a C3, D1 to Russian Mission (k) site easement EIN 2 C3, D1.
- e. (EIN 8 C3, D1, D9) The Kuskokwim Corporation reserves comment on this road easement at this time. They want the Aniak townsite land status clarified. They are considering not taking conveyance on Secs. 1, 2, 3, 10, 11, and 12, T. 17 N., R. 57 W., Seward Meridian, due to water body boundary difficulties. It is possible the road could be reconveyed under ANCSA Sec. 14(c).
- f. (EIN 16 C4, C5) The Kuskokwim Corporation opposes this trail easement. They said it duplicates trail EIN 21 C4, which provides access to public land and resources north of the selection.

The State contends that this is an existing route between the Kuskokwim and Yukon Rivers.

- g. (EIN 16a C4, C5) The Kuskokwim Corporation opposes this site easement. They said it duplicates site EIN 21a C4 as a periodic site facilitating river travel and is not needed as a trailhead for trail EIN 16 C4, C5.
- h. (EIN 21 C4) The Kuskokwim Corporation accepts this trail easement.
- i. (EIN 21a C4) The Kuskokwim Corporation accepts this site easement.

Village of Upper Kalskag

- a. (EIN 2 C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. They said access to Arhymot Lake and public land and resources north of the selection is via Crooked Creek. The Kuskokwim Corporation said the trail traverses Native allotments adjacent to Arhymot Lake.

The State contends the trail is used for fuel (drums) transportation during winter.

- b. (EIN 2a C3, D1, D9) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources north of the selection is via the Kuskokwim River and Crooked Creek.
 - c. (EIN 4 C5) The Kuskokwim Corporation reserves comment at this time on this trail easement. They will discuss present use with the village.
- The State said they have documented use of the easement.
- d. (EIN 4a C4) See discussion in paragraph c.
 - e. (EIN 4b C4) The Kuskokwim Corporation reserves comment at this time on this site easement. They said, however, there is a Native allotment which conflicts with the site; it is duplicative of site EIN 4a C4; and the tramway is not used.

The State said the site is needed because the tramway is used. They said the conflicting Native allotment is being protested because the public use pre-dated the allottee's occupancy.

- f. (EIN 8 C5) The Kuskokwim Corporation opposes this site easement. They said Aniak site EIN 21a C4 accomplishes the same purpose therefore site EIN 8 C5 is duplicative.

The State said the site's location is topographically unfeasible as the river bank is very steep. The Kuskokwim Corporation agrees. The State proposed the site be relocated to Sec. 6, T. 17 N., R. 58 W., Seward Meridian on the right bank of the Kuskokwim River. The State is concerned that a tract of public land and resources (Secs. 1 through 4, T. 17 N., R. 59 W.; and Secs. 25 through 29, and 32 through 36, T. 18 N., R. 59 W., Seward Meridian) will be isolated by the selection. They want a trail and site provided to facilitate access. The State's proposed relocation would avoid Native allotment conflicts and serve to facilitate travel on the Kuskokwim River.

- g. (EIN 8a C4, C5) The Kuskokwim Corporation opposes this trail easement and the State agrees, both for the reasons stated in paragraph f.
- h. (EIN 15 D1) The Kuskokwim Corporation opposes this trail easement. They said access to public land and resources is via Mud and Crooked Creeks, and the Kuskokwim River.

Village of Lower Kalskag

- a. (EIN 7 D9) The Kuskokwim Corporation accepts this trail easement for winter use only.
- b. (EIN 8 C4, C5) The Kuskokwim Corporation opposes this trail easement. They said it is duplicative of trail EIN 7 D9.

Calista Corporation agrees.
- c. (EIN 10 C4, C5) The Kuskokwim Corporation opposes this site easement. They said public land in Sec. 10, T. 15 N., R. 63 W., Seward Meridian and easterly serves the same purposes. The public land and resources can be accessed using a slough of the Kuskokwim River which starts in Sec. 16, traverses Sec. 9 and enters public land in the NW $\frac{1}{4}$, Sec. 10, T 15 N., R. 63 W., Seward Meridian.
- d. (EIN 10a C4, C5) The Kuskokwim Corporation opposes this trail easement for reasons stated in paragraph c.
- e. (EIN 17 E) The Kuskokwim Corporation opposes this site easement. They said public land and resources can be accessed via a side slough of Israthorak Creek which they said continues easterly from the SE $\frac{1}{4}$, Sec. 11, joining a slough of the Kuskokwim in the SW $\frac{1}{4}$, Sec. 12, T. 15 N., R. 64 W., Seward Meridian. This same slough also appears (from a U.S.G.S. map review) to traverse public land in the W $\frac{1}{2}$, Sec. 25, and the E $\frac{1}{2}$, Sec. 26, T. 15 N., R. 64 W., Seward Meridian. They will gather data to support the navigability of Israthorak Creek.
- f. (EIN 17a E) The Kuskokwim Corporation opposes this trail easement for reasons stated in paragraph e. Additionally, other interconnecting sloughs of the Kuskokwim River and the river itself provide access to public land and resources westerly of the selection.

/S/ MARTIN L. KARSTETTER

cc:

AM-M (018)
Attn: B. Hale

DM-NAV (013)
Attn: M. Wheeler

/S/ ROBERT E. MILLER, JR.

for
Paul O. Johnson



in the 1970s and 1980s
and find nothing

not a place names

July 09, 1982

**Throat Creek
Interim Summary Report
Attachment 3**

Mr. Bob Arnold
Assistant State Director for ANCSA
Bureau of Land Management
701 C Street, Box 13
Anchorage, AK 99513

Dear Mr. Arnold:

The DIC's for the ten villages which comprise The Kuskokwim Corporation have declared non-navigable certain waterbodies the Corporation and its shareholders believe to be navigable in fact, and therefore navigable in law. Specifically, the following waterbodies:

- a) Ishratorak Creek; Lower Kalskag selection
- b) Throat Creek; Lower Kalskag selection
- c) Unnamed Creek and Lake; Lower Kalskag selection
- d) George One's Creek; Aniak selection
- e) Barge Slough; Sleetmute selection
- f) Johnny Slough River; Sleetmute selection

The Kuskokwim Corporation understands the legal navigability history to date as having established, in the words of BLM's Regional Solicitor Mr. Allen, that "navigability is primarily a factual issue in which several factors must be examined and evaluated." (02/25/80 Memo to BLM State Director, Page 4). Moreover, that "each waterbody must be examined and evaluated in the context of the local geographic and factual setting." (Page 4).

The legal history agrees on essential aspects of the evaluation. First, historic use, although useful, is not essential for a river to be navigable. Susceptibility of use is an independent basis for navigability.

Second, the legal test for navigability adopted by ANCSA from United States v. Holt State Bank, 270 U.S. 49, 56 (1925) is as follows:

The rule long since approved by this court in applying the Constitution and laws of the United States is that streams or lakes which are navigable in fact must be regarded as navigable in law; that they are navigable in fact when they are used, or are susceptible of being used, in their natural and ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water; and further that navigability does not depend on the particular mode in which such use is or may be had - whether by streamboats, sailing vessels, or flatboats - nor on an absence of occasional difficulties in navigation, but on the fact, if it be a fact, that the stream in its natural and ordinary condition affords a channel for useful commerce.

Third, Judge Luoma in his recommended decision to ANCAB on the Appeal of Doyon, Ltd. (ANCAB RLS 76-2), known as the Kandik-Nation case, sheds further light on the essential elements of navigability determination. He states that:

The essence of the test is that the waterway must be useful as a highway for travel and trade in the local area. Navigability is a factual question tested not by the amount of volume of commerce carried on a river, but by the extent that the commerce carried relates to the needs of the area it serves. A recent case emphasized that sporadic and short-lived use of a waterway for travel and transportation by local residents for their own purposes and not for hire meets the requirement that a waterway be useful as a highway for commerce. Utah v. United States, 403, U.S. 9 (1971).

To be navigable, a body of water must be so situated and have such length and capacity as will enable it to accommodate the public generally as a means of transportation, Proctor v. Sim, 236, Page 114 (1925)....

The remote and sparsely settled nature of the area.. is an important consideration. ... In fact, the only commerce conducted has been trapping, trading, and the transport of supplies and furs by the few trappers on the river.... Nevertheless, despite only limited commerce on the rivers, use of the rivers meet requirements of the Federal test for navigability since the rivers have been used as a highway....

If it is not necessary that navigation continue at all seasons of the year, and a stream does not become non-navigable even if it has fallen into disuse. Kemp v. Putnam, 288, P. 2nd 837, (1955).

Fourth, Mr. Allen states in the Memo cited above, that:

The use of boats for "private" non-commercial purposes such as trapping, hunting, recreation, and subsistence does not necessarily establish navigability. Such use may, however, clearly establish that the waterbody is susceptible of being used as a highway for commerce, i.e., is navigable. As the Board stated in its decision:

The Board notes that if the type of watercraft used for recreation is capable of carrying a commercial load, and is commonly used to do so, then use of such watercraft offers some indication that the waterway is capable of being used for the purpose of useful commerce.

If "commercial vessels" have been used on a waterbody for such "private" purposes, this indicates that the waterbody is "susceptible" to use as a highway for commerce, i.e., navigable.

The villagers of the mid-Kuskokwim Region lead, for the most part, a "subsistence" lifestyle. Although there is some barge traffic on the Kuskokwim River, and an increasing amount of sport fishing in various creeks, sloughs, and rivers, the vast majority of "commerce" along the Kuskokwim reflects the "subsistence" aspect of the economy, i.e., the river and its interconnecting bodies of water act as "the people's highway", the means by which they travel and obtain their food. The sale of fur pelts obtained by trapping (necessarily transported by the waterways) is perhaps the only aspect of the subsistence economy which comes close to the classic sense of commerce. And although quite a significant amount of trapping is done along the mid-Kuskokwim waterways, it is imperative that a classic commercial economy not be confused with (nor tried to be made congruent to) a subsistence economy: As Allen stated, "The navigability of a river is not tested by the volume of commerce carried but the extent to which the commerce carried relates to the needs of the locality which the river serves." [emphasis added]

Mr. Bob Arnold
July 09, 1982
Page Four

Thus, the legal thought to date, in conjunction with the specific reasons following, demonstrates clearly the navigability of the waterbodies in question.

- A) Ishratorak Creek (its mouth is located in Sec. 11 of T14N R64W, Seward M).

under connects back to Kuch
This creek is navigable throughout all of TKC's selected and over-selected lands. The deposition attached in the Appendix shows that the creek receives heavy use by people even outside of our area in many types of craft for basically subsistence purposes (including fur trade).

The accompanying pictures, taken during a corroborative field research trip to the creek 06/30/82, illustrates its navigability.

- B) Throat Creek (it starts in Sec. 16, T15N R63W, Seward M, traverses Sec. 9 and enters public land in Sec. 10).

This creek is navigable throughout all of TKC's selected lands. The deposition attached in the Appendix shows that the creek receives heavy use (both by our shareholders and downriver people) in a wide variety of craft, especially for hunting and fishing. Again, fur trapping plays an important part in the use of the creek.

The pictures clearly illustrate its navigability.

- C) Unnamed Creek and Lake (connected to Whitefish Lake in Sec. 18, T15N R60W, Seward M and including parts of Sec. 13 and 24, T15N R61W, Seward M as well).

The native allotment of Mary P. Kameroff is accessed by these waterbodies. The native allotment of Mary Nook, although more directly accessed by Whitefish Lake, is also proximate to these waterbodies.

Although these women were not available during our corroborative field trip, it should be noted that ELM IM No. AK-81-78, Change 1, Appendix III, Item C3 supports the principle of native allotment access being a criteria for navigability. This memo begs further investigation where Native allotments exist.

As an ancillary consideration, it should be noted by BLM that declaring this lake and creek navigable would eliminate substantial doubt as to the riparian rights of TKC and the native allottee under non-navigability.

- D) George One's Creek (From Sec. 5 T18N R58W, Seward M through Sec. 4, 33, and 29 to public land).

The creek is navigable throughout all of TKC's selected lands.

The native allotments of George One, Marie Nicolie, David Nook and Timothy Kameroff are all proximate to this creek. (See (C) above for discussion of effects on navigability).

The deposition in the Appendix shows that the creek is used by a great many people, especially for hunting.

The fur trade also relies on this creek a great deal.

The pictures clearly illustrate its navigability.

- E) Barge Slough (From Sec. 22 T18N R43W, through Sec. 27 and 28).

This creek is navigable in the sections cited, and, by short portage, interconnects with the navigable Johnny Slough River and Holitna River.

The native allotments of Margie Mellick and Antone Zaukar are accessed by this slough (See (C) above for discussion of effects on navigability).

As the deposition in the Appendix shows, it is used by a great many people, including guided fisherman.

Barges used to winter there and in nearby Johnny Slough River up until about 7 or 8 years ago.

The pictures clearly illustrate its navigability.

- * F) Johnny Slough River (From Sec. 27 T18N R43W, Seward M through Sec. 34 and 33 into public land).

This river is navigable throughout all of TKC's selected lands.

As the deposition shows, Nick Mellick used to winter barges there. And there used to be a residence on it - belonging to a Lee Gardner.

The pictures clearly illustrate its navigability.

* This river is incorrectly labeled Barge Slough on the U.S.G.S. Map.

Mr. Bob Arnold
July 09, 1982
Page Six

These subject waterbodies are:

- 1) in their natural and ordinary condition.
- 2) are highways of commerce (see Mr. Allen's quotes above) used in travel and transportation which meet the local economic needs of resident citizens.
- 3) traveled by the customary and ordinary mode of commercial transportation (see above quotes from Mr. Allen).
- 4) usable beyond brief periods of high water; indeed, they are all boatable throughout ice-free time.
- 5) all are so situated as to accomodate local travel and transportation in the usual and customary manner.

Therefore, in light of the history to date of legal opinion on navigability, and in light of the village-specific "context of the local geographic and factual setting", The Kuskokwim Corporation finds each of the subject waterbodies to be navigable in fact and therefore in law. We urge BLM to do the same.

Sincerely,

THE KUSKOKWIM CORPORATION

Edward J. McNamara
Resources Manager

EJM:ag

Attachment

cc: Dennis Daigger, State DNR

APPENDIX

All depositions included in this appendix were taken by copying down the witnesses' responses to the following questions, and then having them affix their signatures.

Navigability Information Needed

1. Who uses it
- * 2. What type craft (length of boat, type and size motors)
3. Why is the waterway being used (hunting, fishing, access to berry area, etc., trapping, etc.)
4. When is it used (early summer only at highwater for example, or all ice free season).
5. How frequently is it used and by how many people
6. Have goods been transported on waterway for money (supply mining camps, survey crew, etc.).

* It should be noted that some answers to question #2 read "The Same" or something similar. This results from their original description of the crafts using the creeks in and around the Kalskags area. They described them to us as ranging from 10 to 75 horsepower; 14 to 30 foot crafts.

RECEIVED

F-14888-EE (75.4)
(963)

AUG 23 PM 12:50

FEDERAL BUREAU OF SURVEY
ANCHORAGE FIELD OFFICE

AUG 20 1982

Mr. Glenn Fredericks
The Kuskokwim Corporation
429 D Street, Suite 202
Anchorage, Alaska 99501

**Throat Creek
Interim Summary Report
Attachment 4**

Dear Mr. Fredericks:

I have reviewed and considered your comments and those of the State of Alaska, our District Office, and other Federal agencies concerning the proposed easements for lands to be conveyed to The Kuskokwim Corporation in the vicinity of the village of Lower Kalskag. I have changed some of the easement recommendations. My decision is as follows:

- a. (EIN 7 D9) Retain this easement for winter use only.
- b. (EIN 8 C4, C5) Delete this trail easement. Alternate access to public land and resources can be gained using trail EIN 7 D9, navigable Whitefish Lake, and the navigable unnamed stream which flows from Whitefish Lake beginning in the SW $\frac{1}{4}$, Sec. 3, T. 15 N., R. 60 W., Seward Meridian, generally northwesterly to the Kuskokwim River in the SW $\frac{1}{4}$, Sec. 16, T. 16 N., R. 61 W., Seward Meridian.
- c. (EIN 10 C4, C5) Retain this site easement but relocate it outside the conveyance to the right bank of the Kuskokwim River, NW $\frac{1}{4}$, Sec. 14, T. 14 N., R. 64 W., Seward Meridian. The site is not needed in its present location to facilitate river travel, since tributaries of the Kuskokwim access public land which can be used as stopping places, nor is it needed as a trailhead for trail EIN 10a C4, C5, which is being relocated.
- d. (EIN 10a C4, C5) Retain this trail easement but relocate it outside the conveyance to begin at the right bank of the Kuskokwim River, NW $\frac{1}{4}$, Sec. 14, T. 14 N., R. 64 W., Seward Meridian, heading westerly to public land and resources. Access to public land and resources can be gained using navigable Throat Creek (local place name) whose confluence with the Kuskokwim is in the E $\frac{1}{2}$, Sec. 16, T. 15 N., R. 63 W., Seward Meridian.
- e. (EIN 17 E) Retain this site easement but relocate it outside the conveyance to the right bank of the Kuskokwim River, SE $\frac{1}{4}$, Sec. 19, T. 16 N., R. 63 W., Seward Meridian. The site as relocated serves to facilitate river travel and as a trailhead for trail EIN 17a E.

- f. (EIN 17a E) Retain this trail easement but relocate it outside the conveyance to begin at the right bank of the Kuskokwim River, SE $\frac{1}{4}$, Sec. 19, T. 16 N., R. 63 W., Seward Meridian, heading northwesterly to public land and resources. Access from within the conveyance area to public land and resources can be gained using the navigable sloughs of the Kuskokwim River traversing public land and navigable Israthorak Creek whose confluence with the Kuskokwim River is in the SW $\frac{1}{4}$, Sec. 31, T. 15 N., R. 63 W., Seward Meridian.

Sincerely yours,

/s/ ROBERT W. FAITHFUL

Robert D. Arnold
Assistant to the State Director
for Conveyance Management

Courtesy Copy to:

Mr. Nelson Angapak, Executive Vice-President
Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Mr. Jim Culbertson
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7005
Anchorage, Alaska 99510

Mr. Ron Swanson
Navigability Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7005
Anchorage, Alaska 99510
ATTN: Dennis Daigger

Mr. Barry Reiswig
Yukon Delta National Wildlife Refuge
U.S. Fish and Wildlife Service
P.O. Box 346
Bethel, Alaska 99539

Mr. Keith Schreiner
Alaska Area Director
U.S. Fish and Wildlife Service
1011 East Tudor Road
Anchorage, Alaska 99503

cc:

Navigability Unit (962)
Attn: S. Berg

AM-McGrath (018)
Attn: B. Hale

DM-Nav (013)
Attn: C. Neufelder



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

**Throat Creek
Interim Summary Report
Attachment 5**

F-14888-EE (75.4)
F-14888-A (2651)
(963)

AUG 25 1982

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)

From: Assistant to the State Director for Conveyance Management (913)

Subject: Final Easements for The Kuskokwim Corporation for the Village of Lower Kalskag

Following are the final easement, major waterway, and navigability recommendations for land selected by The Kuskokwim Corporation in the vicinity of the village of Lower Kalskag. Of those recommendations, my decision is as follows.

MAJOR WATERWAYS:

The Kuskokwim River and its interconnecting sloughs is determined a major waterway through the conveyance area. The Kuskokwim River and its interconnecting sloughs, the second largest river in Alaska, has had a long history of use by all types of watercraft. The sloughs often serve as alternate or shorter travel routes between villages.

Mud Creek is determined a major waterway through the conveyance area. Mud Creek is the southern portion of the Yukon-Kuskokwim Portage route. This route is little used today but was important in years past. It may be used in the future in joining the Kuskokwim/Yukon waterway systems.

Whitefish Lake and the unnamed stream connecting it with the Kuskokwim River are determined major waterways through the conveyance area. Whitefish Lake and its outlet stream to the Kuskokwim River provide boat access to a large area of isolated public land. The unnamed slough, whose confluence with Israthorak Creek is in the S $\frac{1}{2}$, Sec. 35, T. 15 N., R. 64 W., Seward Meridian and which interconnects with an unnamed slough of the Kuskokwim River in the S $\frac{1}{2}$, Sec. 31, T. 15 N., R. 63 W., Seward Meridian, is determined a major waterway through the conveyance area. Access to public land and resources is gained using this waterbody.

The unnamed waterbody, whose confluence with the Kuskokwim River is in the E $\frac{1}{2}$, Sec. 16, T. 15 N., R. 63 W., Seward Meridian, is determined a major waterway northerly through the conveyance area. Access to public land and resources is gained using this waterbody.

All other named and unnamed water bodies within the lands to be conveyed were reviewed and based on existing evidence are determined not to be major waterways.

NAVIGABILITY:

1. The following waterbodies are determined navigable through the conveyance area due to travel, trade and commerce, or the susceptibility thereto.
 - a. The Kuskokwim River and its interconnecting sloughs
 - b. Mud Creek
 - c. Israthorak Creek from its confluence with the Kuskokwim River in the SW $\frac{1}{4}$, Sec. 11, T. 14 N., R. 64 W., to its interconnection with an unnamed slough of the Kuskokwim River in the S $\frac{1}{2}$, Sec. 31, T. 15 N., R. 63 W., Seward Meridian
 - d. The unnamed waterbody whose confluence with the Kuskokwim River is in the E $\frac{1}{2}$, Sec. 16, T. 15 N., R. 63 W., Seward Meridian
 - e. Whitefish Lake and its outlet stream which begins in the SW $\frac{1}{4}$, Sec. 3, T. 15 N., R. 60 W. and confluences with the Kuskokwim River in the SW $\frac{1}{4}$, Sec. 16, T. 16 N., R. 61 W., Seward Meridian

The Kuskokwim River, the second largest waterway in Alaska, has had a long history of use for travel, trade and commerce. Many upriver villages receive their goods, fuels and supplies in one annual delivery after winter when the ice leaves the river. The Mud Creek portion of the Yukon-Kuskokwim Portage has an interesting history of use as a boat passageway between these two great water bodies. The affected portion is considered historically navigable. The township-sized expanse of Whitefish Lake, is joined to the Kuskokwim River by its small outlet stream. Small skiffs travel this route in subsistence activities.

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

ALLOWABLE USES:

All easements are subject to applicable Federal, State or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and

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

EASEMENT TO BE RESERVED:

(EIN 7 D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Aniak southwesterly to the village of Tuluksak. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

Discussion:

Reservation of this trail easement is necessary to assure continued intervillage travel across conveyed village land and for access between separated areas of public land and resources. Presently, the trail is used by travelers between the villages of Aniak and Tuluksak.

The following easement was considered but not recommended:

(EIN 8 C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from public land in Sec. 10, T. 15 N., R. 61 W., Seward Meridian, easterly to public land.

Discussion:

This two mile trail easement is not needed because alternate access to public land and resources can be gained using trail EIN 7 D9, Whitefish Lake, a navigable major waterway and the unnamed stream, a navigable major waterway, which flows from Whitefish Lake beginning in the SW $\frac{1}{4}$, Sec. 3, T. 15 N., R. 60 W., Seward Meridian generally northwesterly to the Kuskokwim River in the SW $\frac{1}{4}$, Sec. 16, T. 16 N., R. 61 W., Seward Meridian.

The following easements were not considered because they are located outside the conveyance:

- a. (EIN 10 C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the right bank of the Kuskokwim River in NW $\frac{1}{4}$, Sec. 14, T. 14 N., R. 64 W., Seward Meridian.

Discussion:

Should additional village selected land west of the present conveyance area be conveyed, reservation of this site easement would be necessary to facilitate public use of the Kuskokwim River and to provide access to public land and resources. From this site public land and resources can be reached by traveling westerly. The site is not needed in its present location (Sec. 33, T. 15 N., R. 63 W.,

Seward Meridian) to facilitate river travel, since tributaries of the Kuskokwim access public land which can be used as stopping places.

- b. (EIN 10a C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from the right bank of the Kuskokwim River at site EIN 10 C4, C5 in the NW $\frac{1}{4}$, Sec. 14, T. 14 N., R. 64 W., Seward Meridian, westerly to public land.

Discussion:

Should additional village selected land west of the present conveyance area be conveyed, reservation of this trail easement would be necessary to provide access between the Kuskokwim River at site EIN 10 C4, C5 and public land and resources to the west. The land along the river will be conveyed to the village, thus separating the river from public land and resources to the west.

The trail easement is not needed in its present location because access to public land and resources can be gained using Throat Creek (local place name), a navigable major waterway, whose confluence with the Kuskokwim is in the E $\frac{1}{2}$, Sec. 16, T. 15 N., R. 63 W., Seward Meridian.

- c. (EIN 17 C4, C5) A one (1) acre site easement upland of the ordinary high water mark on the right bank of an unnamed slough of the Kuskokwim River in the SE $\frac{1}{4}$, Sec. 19, T. 16 N., R. 63 W., Seward Meridian.

Discussion:

Should additional village selected land west of the conveyance area be conveyed, reservation of this site would be necessary to provide access to public land and resources westerly of the conveyance area and will facilitate Kuskokwim River travel. This site will serve as a trailhead for trail EIN 17a C4, C5.

- d. (EIN 17a C4, C5) An easement twenty-five (25) feet in width for a proposed access trail from the right bank of the Kuskokwim River at the site EIN 17 C4, C5 in the SE $\frac{1}{4}$, Sec. 19, T. 16 N., R. 63 W., Seward Meridian, northwesterly to public land.

Discussion:

Should additional village selected land west of the conveyance area be conveyed, reservation of this trail easement would be necessary to provide overland access between an unnamed, navigable

slough of the Kuskokwim River and public land and resources to the west. The land along the river will be conveyed to the village, thus separating the river from public land and resources to the west. This trail easement is not needed in its present location because access from within the conveyance area to public land and resources can be gained using the navigable sloughs of the Kuskokwim River traversing public land and navigable Israthorak Creek whose confluence with the Kuskokwim River is in the SW $\frac{1}{4}$, Sec. 31, T. 15 N., R. 63 W., Seward Meridian.

Robert D. Arnold

Courtesy Copy to:

Mr. Jim Culbertson
Land Exchange/Entitlement Unit
State of Alaska
Department of Natural Resources
Division of Research and Development
Pouch 7-005
Anchorage, Alaska 99510

**Throat Creek
Interim Summary Report
Attachment 6**

SEP 30 1982

F-14888-A (Anch.) (2651)
F-14888-A2 (Anch.) (2651)
F-14888-EE (Anch.) (75.4)
AA-10235 (2653)
AA-10236 (2653)
AA-11666 (2653)
✓ AA-12877 (2620)
(961)

CERTIFIED MAIL P 221052705
RETURN RECEIPT REQUESTED

DECISION

State of Alaska	:	AA-12877
Department of Natural Resources	:	State Selection
Division of Research and Development	:	
Pouch 7-005	:	
Anchorage, Alaska 99510	:	
	:	
The Kuskokwim Corporation	:	F-14888-A and F-14888-A2
429 D Street, Suite 307	:	Village Selections
Anchorage, Alaska 99501	:	
	:	
Calista Corporation	:	AA-10235, AA-10236, AA-11666
516 Denali Street	:	Section 14(h)(1)
Anchorage, Alaska 99501	:	Selections

Section 14(h)(1) Applications Rejected in Entirety
Section 12(b) Application Rejected in Part
State Selection Application Rejected in Entirety
Lands Proper for Village Selection
Approved for Interim Conveyance or Patent

On November 18, 1974, Lower Kalskag, Incorporated, for the Native village of Lower Kalskag, filed selection application F-14888-A, as amended, under the provisions of Sec. 12(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1611 (1976) (ANCSA), for the surface estate of certain lands in the vicinity of Lower Kalskag, Alaska.

On November 5, 1975, Calista Corporation filed selection applications AA-10235 and AA-10236, and on June 4, 1976 filed selection application AA-11666, all pursuant to Sec. 14(h)(1) of ANCSA. Section 14(h) and Departmental regulations issued thereunder authorized the Secretary of the Interior to withdraw and convey only unreserved and unappropriated public lands.

Since the lands encompassed in the subject Sec. 14(h)(1) applications had been properly selected by Lower Kalskag, Incorporated, under Sec. 12(a) of ANCSA,

these lands were not unreserved or unappropriated at the time of selection by Calista Corporation. Therefore, AA-10235, AA-10236 and AA-11666 are hereby rejected in their entirety and the case files will be closed of record when this decision becomes final.

On December 17, 1975, Lower Kalskag, Incorporated filed selection application F-14888-A2 pursuant to Sec. 12(b) of ANCSA, for certain lands previously selected pursuant to Sec. 12(a) with the statement that its Sec. 12(a) selection overrides the Sec. 12(b) selection. Therefore, application F-14888-A2 is hereby rejected as to the lands herein approved for conveyance. Further action on application F-14888-A2 as to the lands not rejected herein, will be taken at a later date.

On April 1, 1977, the State of Alaska filed general purposes grant selection AA-12877, as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (48 U.S.C. Ch. 2, Sec. 6(b)), for certain lands in the Lower Kalskag area. The following described lands have been properly selected by Lower Kalskag, Incorporated. Section 6(b) of the Alaska Statehood Act of July 7, 1958, provides that the State may select vacant, unappropriated, and unreserved public lands in Alaska. Therefore, the following State selection application is hereby rejected as to the following described lands:

Seward Meridian, Alaska (Surveyed)

State Selection AA-12877

T. 15 N., R. 63 W.

Sec. 1;

Sec. 2, excluding Native allotments F-16352 Parcel A and F-17228 Parcel A;

Sec. 3, excluding Native allotments F-16534 Parcel A and F-17226 Parcel A;

Secs. 4 to 7, inclusive;

Secs. 8 and 9, excluding Native allotment F-17226 Parcel B;

Secs. 16 to 21, inclusive;

Secs. 28 to 31, inclusive;

Sec. 32, excluding Native allotment F-17372;

Sec. 33.

Containing approximately 10,514 acres.

Lower Kalskag, Incorporated in application F-14888-A excluded several bodies of water. Because certain of those water bodies have been determined to be nonnavigable, they are considered to be public lands withdrawn by Sec. 11(a)(1) of ANCSA and available for selection by the village pursuant to Sec. 12(a) of ANCSA. Section 12(a) and 43 CFR 2651.4(b) and (c) provide that a village corporation must, to the extent necessary to obtain its entitlement, select all available lands within the township or townships within which the village is located, and that additional lands selection shall be compact and in Whole

Sections. The regulations also provide that the area selected will not be considered to be reasonably compact if it excludes other lands available for selection within its exterior boundaries. For these reasons, the water bodies which were improperly excluded in application F-14888-A are considered selected by Lower Kalskag, Incorporated.

On April 25, 1977, in accordance with Title 10, Chapter 05, Secs. 396 and 399 of the Alaska Business Corporation Act, and as authorized by 43 U.S.C. 1627, Georgetown Inc., a domestic corporation, merged with Aniak Limited, Chuathbaluk Company, Kipchaughpuk Limited, Lower Kalskag Incorporated, Napamute Limited, Red Devil Incorporated, Sleetmute Limited, Stony River Ltd., and Upper Kalskag, Incorporated, all domestic corporations, into Georgetown Incorporated, which consolidated individual village interests into one single constituent corporation whose name was changed to The Kuskokwim Corporation. The surviving corporation, The Kuskokwim Corporation, is entitled to all rights, privileges, and benefits of the Alaska Native Claims Settlement Act.

As to the lands described below, selection application F-14888-A, as amended, is properly filed and meets the requirements of the Alaska Native Claims Settlement Act and of the regulations issued pursuant thereto. These lands do not include any lawful entry perfected under or being maintained in compliance with laws leading to acquisition of title.

In view of the foregoing, the surface estate of the following described lands, selected pursuant to Sec. 12(a) of ANCSA, aggregating approximately 84,596 acres, is considered proper for acquisition by The Kuskokwim Corporation (for the village of Lower Kalskag), and is hereby approved for conveyance pursuant to Sec. 14(a) of ANCSA:

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 61 W.

Secs. 1 and 2;

Sec. 11, excluding Native allotments F-15679 and F-15680;

Sec. 12, excluding Native allotment F-15680;

Secs. 13 and 14;

Sec. 23, excluding Native allotment F-17303 Parcel A;

Sec. 24.

Containing approximately 4,915 acres.

T. 15 N., R. 61 W.

Sec. 1, excluding Native allotments F-17005 and F-17226 Parcel C;

Secs. 2 to 6, inclusive;

Secs. 11 and 12;

Sec. 13, excluding Native allotment F-16850;

Secs. 14 and 23;

Sec. 24, excluding Native allotment F-16850;

Secs. 25, 26, 35 and 36.

Containing approximately 10,009 acres.

T. 16 N., R. 61 W.
Secs. 30 to 36, inclusive.

Containing approximately 4,413 acres.

T. 16 N., R. 62 W.

Sec. 1;
Sec. 2, excluding U.S. Survey No. 4409 (ANCSA Sec. 3(e) application AA-44542), U.S. Survey No. 4414, Native allotments F-029263 and F-16349;
Sec. 3, excluding U.S. Survey No. 4409 (ANCSA Sec. 3(e) application AA-44552), U.S. Survey No. 4414 and Native allotment F-029309;
Sec. 4, excluding Native allotment F-17376;
Secs. 5 and 6;
Secs. 7 and 8, excluding Native allotments F-16350, F-17003 Parcel A, and F-17263 Parcel B;
Sec. 9;
Sec. 10, excluding Native allotment F-16019 Parcel B and F-16538 Parcel A;
Sec. 11, excluding Native allotments F-029259 Parcel B, F-16349, F-17004 Parcel A, and F-17380 Parcel B;
Secs. 12 to 14, inclusive;
Sec. 15, excluding Native allotments F-16533 Parcel A, F-16536 Parcel A, F-16538 Parcel A, and F-17001 Parcel A;
Sec. 16, excluding Native allotments F-9546 Parcel B, and F-16533 Parcel A;
Sec. 17, excluding Native allotments F-16350 and F-16353;
Sec. 18, excluding Native allotments F-16350 and F-17263 Parcel B;
Sec. 19, excluding Native allotment F-16537 Parcel B;
Sec. 20, excluding Native allotments F-16537 Parcel B and F-17379 Parcel A;
Sec. 21 to 28, inclusive;
Sec. 29, excluding Native allotment F-17379 Parcel A;
Secs. 30 and 31, excluding Native allotment F-17384 Parcel B;
Secs. 32 to 36, inclusive.

Containing approximately 17,791 acres.

T. 14 N., R. 63 W.

Sec. 4;
Sec. 5, excluding Native allotment F-17372;
Secs. 6 to 9, inclusive;
Secs. 16 to 20, inclusive;
Sec. 21, excluding Native allotment F-17228 Parcel B.

Containing approximately 5,775 acres.

T. 15 N., R. 63 W.

Sec. 1;
Sec. 2, excluding Native allotments F-16352 Parcel A and F-17228 Parcel A;
Sec. 3, excluding Native allotments F-16534 Parcel A and F-17226 Parcel A;
Secs. 4 to 7, inclusive;

Secs. 8 and 9, excluding Native allotment F-17226 Parcel B;
 Secs. 16 to 21, inclusive;
 Secs. 28 to 31, inclusive;
 Sec. 32, excluding Native allotment F-17372;
 Sec. 33.

Containing approximately 10,514 acres.

T. 16 N., R. 63 W.

Secs. 1 and 2;
 Secs. 3 and 4, excluding Native allotment F-16536 Parcel B;
 Secs. 9 to 16, inclusive;
 Secs. 20 to 24, inclusive;
 Sec. 25, excluding Native allotment F-16535 Parcel B;
 Sec. 26, excluding Native allotment F-17503 Parcel A;
 Secs. 27 to 33, inclusive;
 Sec. 34, excluding Native allotments F-16534 Parcel A and F-17226 Parcel A;
 Sec. 35;
 Sec. 36, excluding Native allotment F-16535 Parcel B.

Containing approximately 16,753 acres.

T. 15 N., R. 64 W.

Secs. 1, 12 and 13;
 Secs. 24, 25 and 36.

Containing approximately 3,525 acres.

T. 16 N., R. 64 W.

Secs. 25 and 36.

Containing approximately 1,280 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 14 N., R. 60 W.

Sec. 7;
 Sec. 8, excluding Native allotment F-17001 Parcel B;
 Sec. 9;
 Secs. 16 to 21, inclusive.

Containing approximately 5,340 acres.

T. 15 N., R. 60 W.

Sec. 3, excluding Native allotments F-029275 Parcel D;
 Sec. 4, excluding Native allotments F-16534 Parcel B,
 F-16854 and F-17003 Parcel B;
 Sec. 5, excluding Native allotment F-16022 Parcel A;
 Sec. 6, excluding Native allotment F-15845 Parcel B.

Containing approximately 1,884 acres.

T. 16 N., R. 60 W.

Sec. 31, excluding Native allotment F-15652;
Secs. 32, 33, and 34, inclusive.

Containing approximately 2,397 acres.

Aggregating approximately 84,596 acres.

Excluded from the above-described lands herein approved for conveyance are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. The following named water bodies, together with any unnamed water bodies, are identified on the attached navigability maps, the original of which will be found in case file F-14888-EE.

The Kuskokwim River
Mud Creek
Whitefish Lake
Israthorak Creek

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

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

Enclosed are copies of current status plats showing the lands approved for conveyance along with maps showing easements to be reserved, and the navigable water bodies.

The conveyance issued for the surface estate of the lands described above shall contain the following reservations to the United States:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14888-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 7 D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Aniak southwesterly to the village of Tuluksak. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

The grant of the above-described lands shall be subject to:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted;
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b)(2) (ANCSA), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and
3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

The Kuskokwim Corporation (for the village of Lower Kalskag) is entitled to conveyance of 92,160 acres of land selected pursuant to Sec. 12(a) of ANCSA. Together with the lands herein approved, the total acreage conveyed or approved for conveyance is approximately 84,596 acres. The remaining entitlement of approximately 7,564 acres will be conveyed at a later date.

Pursuant to Sec. 14(f) of ANCSA and Departmental regulation 43 CFR 2652.4, conveyance of the subsurface estate of the lands described above shall be issued to Calista Corporation when the surface estate is conveyed to The Kuskokwim Corporation, (for the village of Lower Kalskag), and shall be subject to the same conditions as the surface conveyance, except for those provisions under Sec. 14(c) of ANCSA; also the right to explore, develop or remove mineral materials from the subsurface estate in lands within the boundaries of the Native Village shall be subject to the consent of The Kuskokwim Corporation.

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in The Tundra Drums.

Any party claiming a property interest in lands affected by this decision, an agency of the Federal government, or regional corporation may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the attached regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E, as revised. However, pursuant to Public Law 96-487, this decision constitutes the final administrative determination of the Bureau of Land Management concerning navigability of water bodies.

If an appeal is taken the notice of appeal must be filed in the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances (960), 701 C Street, Box 13, Anchorage, Alaska 99513. Do not send the appeal directly to the Interior Board of Land Appeals. The appeal and copies of pertinent case files will be sent to the Board from this office. A copy of the appeal must be served upon the Regional Solicitor, 510 L Street, Suite 100, Anchorage, Alaska 99501.

The time limits for filing an appeal are:

1. Parties receiving service of this decision shall have 30 days from receipt of this decision to file an appeal.
2. Unknown parties, parties unable to be located after reasonable efforts have been expended to locate, and parties who failed or refused to sign the return receipt shall have until OCT 29 1982 to file an appeal.

Any party known or unknown who is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Bureau of Land Management, Alaska State Office, Division of ANCSA and State Conveyances.

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

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

The Kuskokwim Corporation
429 D Street, Room 307
Anchorage, Alaska 99501

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

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

/s/ ANN JOHNSON
Chief, Branch of ANCSA
Adjudication

Enclosures:
DOI Form 1842-1
Appeal Regulations
Plats
Maps
Legend

cc:

Mr. Earle Williams (flp)
17th Coast Guard District
P.O. Box 3-5000
Juneau, Alaska 99801
(w/maps and legend)

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

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

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

Mr. Chris Bockman
U.S. Department of the Interior
Office of Hearings and Appeals
Interior Board of Land Appeals
4015 Wilson Boulevard
Arlington, Virginia 22203
(w/maps and legend)

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

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

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

Bureau of Land Management
P.O. Box 666
Bethel, Alaska 99559

DM-A (010)
(w/maps and legend)

AM-M (018)
(w/maps and legend)

Chief, Branch of Minerals (941)

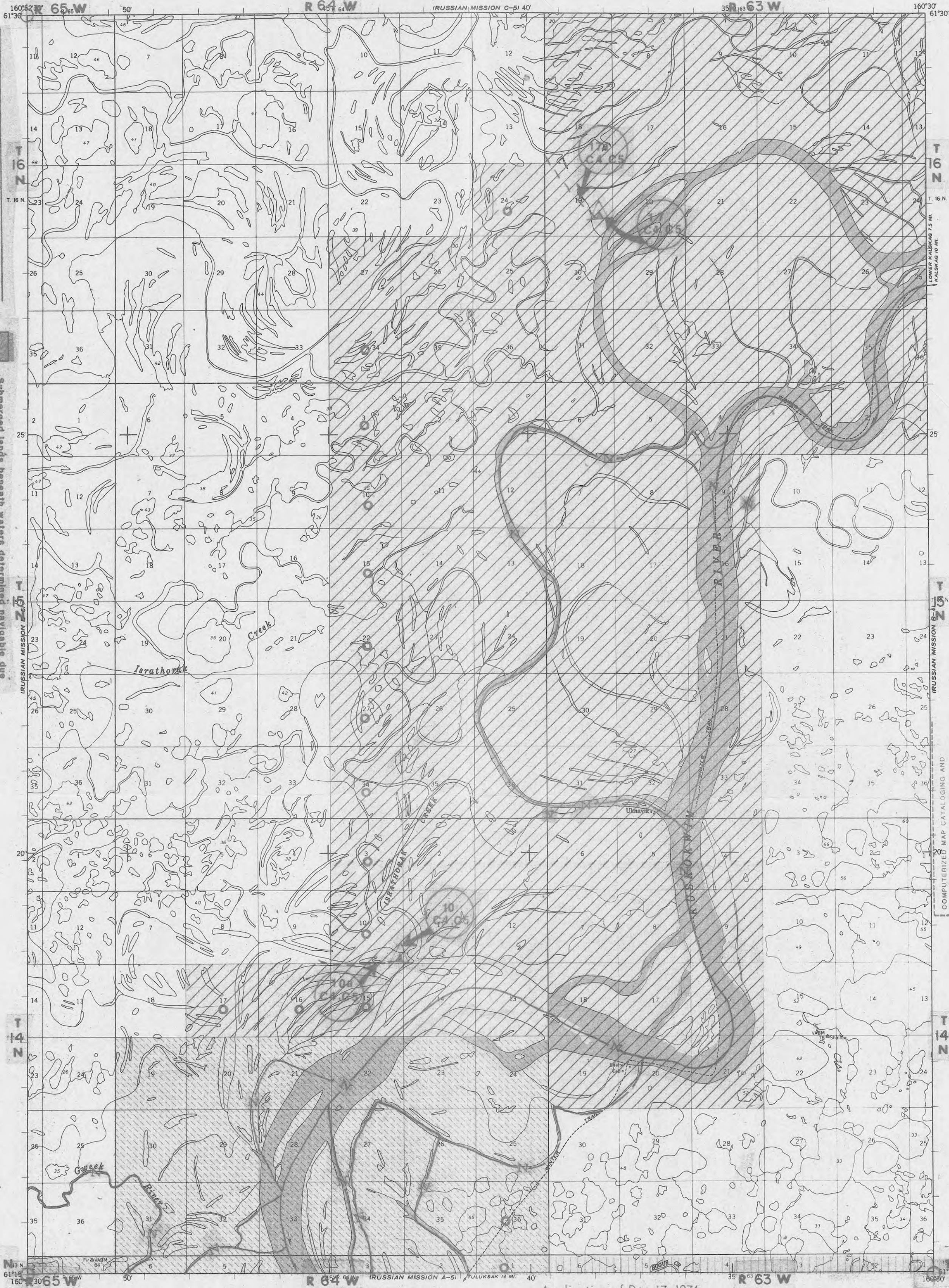
Chief, Branch of State Adjudication (964)

Chief, Branch of Lands (941)

Chief, Branch of Office Engineering (922)

Chief, Branch of Easement Identification (963)

Fire Management (970)
Attn: J. Costello



NAVIGABILITY DECISION REVIEWED		
VILLAGE	DATE	INITIAL
LOWER KALS KAG	9/1/72	SH
RUSSIAN MISSION (B-5)	10-7-83	DMB

Submerged lands determined navigable due to (or susceptible to) travel, trade and commerce.

Pending determination of tidal influence.

Notice	Decision	Convey
1/1/74	1/1/74	1/1/74
1/1/74	1/1/74	1/1/74
1/1/74	1/1/74	1/1/74
1/1/74	1/1/74	1/1/74
1/1/74	1/1/74	1/1/74

CMCIRS-025727

Do not remove this label, or discard or destroy this map without informing, ELM, Branch 9271-5063, (507), phone (507) 507-5063.



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

- LOWER KALS KAG VILLAGE SELECTION
- NAPAISKAK VILLAGE SELECTION
- TULUKSAK VILLAGE SELECTION

RUSSIAN MISSION (B-5), ALASKA
N6119-W16030/15X22.5
1954

RUSSIAN MISSION B-5

Core Township

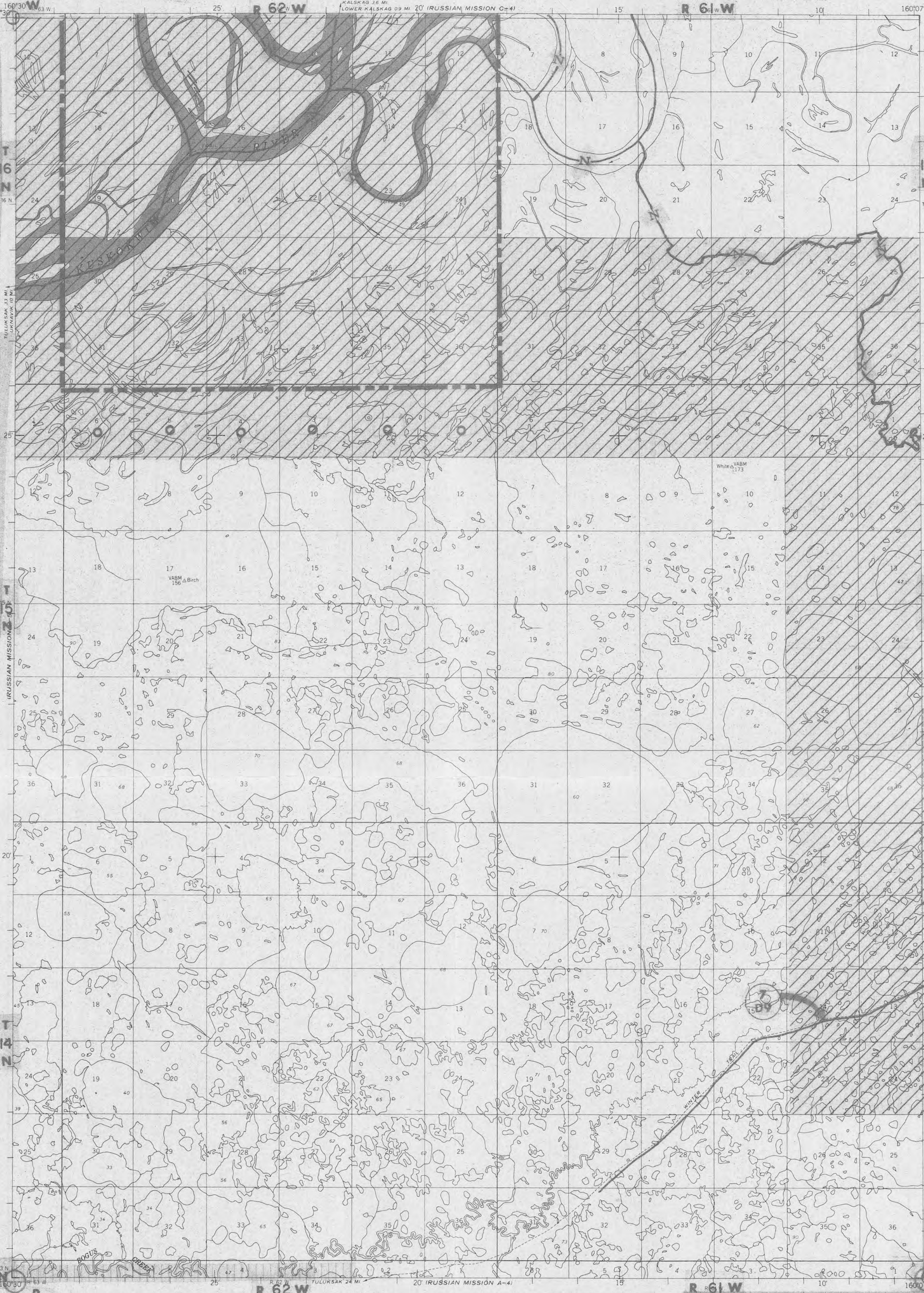
O-Over-Selections

NAVIGABILITY DECISION REVIEWED		
VILLAGE	DATE	INITIALS
Lower Kalskag	4/1/83	SFB
Lower Kalskag	10-4-83	CMB

T Pending determination of tidal influence.

Submerged lands beneath waters determined navigable due to (or susceptible to) travel, trade and commerce.

Notice	2-1-81
Decision	4/1/83
Convey	4/1/83



NAPAIKAK VILLAGE SELECTION

LOWER KALSKAG VILLAGE SELECTION

Application of Dec 17, 1974

Represents nearest whole section.
Application may be less than 640 acres.
RUSSIAN MISSION (B-4), ALASKA
N6115-W16007.5/15X22.5

Core Township 51 / 180

O-Over-Selections

Russian Miss. B-4

Russian Miss.

**Throat Creek
Interim Summary Report
Attachment 7**

INTERIM CONVEYANCE

WHEREAS

The Kuskokwim Corporation
(Successor in Interest to Lower Kalskag, Incorporated)

is entitled to a conveyance pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 43 U.S.C. 1601, 1613(a), 1621(j), of the surface estate in the following described lands:

Seward Meridian, Alaska (Surveyed)

T. 14 N., R. 61 W.

Secs. 1 and 2;
Sec. 11, excluding Native allotments F-15679 and F-15680;
Sec. 12, excluding Native allotment F-15680;
Secs. 13 and 14;
Sec. 23, excluding Native allotment F-17303 Parcel A;
Sec. 24.

Containing approximately 4,915 acres.

T. 15 N., R. 61 W.

Sec. 1, excluding Native allotments F-17005 Parcel B and F-17226 Parcel C;
Sec. 2, excluding Native allotment F-17226 Parcel C;
Secs. 3 to 6, inclusive;
Secs. 11 and 12;
Sec. 13, excluding Native allotment F-16850;
Secs. 14 and 23;
Sec. 24, excluding Native allotment F-16850;
Secs. 25, 26, 35, and 36.

Containing approximately 10,009 acres.

T. 16 N., R. 61 W.

Secs. 30 to 36, inclusive.

Containing approximately 4,413 acres.

T. 16 N., R. 62 W.

Sec. 1;
Sec. 2, excluding U.S. Survey No. 4409, U.S. Survey No. 4414, and Native allotments F-029263 and F-16349;
Sec. 3, excluding U.S. Survey No. 4409, U.S. Survey No. 4414, and Native allotment F-029309;
Sec. 4, excluding Native allotment F-17376;
Secs. 5 and 6;
Secs. 7 and 8, excluding Native allotments F-16350, F-17003 Parcel A, and F-17263 Parcel B;
Sec. 9;
Sec. 10, excluding Native allotments F-16019 Parcel B and F-16538 Parcel A;
Sec. 11, excluding Native allotments F-029259 Parcel B, F-16349, F-17004 Parcel A, and F-17380 Parcel B;
Secs. 12 to 14, inclusive;

Interim Conveyance No.

745

Date

SEP 30 1983

Sec. 15, excluding Native allotments F-16533 Parcel A, F-16536 Parcel A, F-16538 Parcel A, and F-17001 Parcel A;
 Sec. 16, excluding Native allotments F-9546 Parcel B and F-16533 Parcel A;
 Sec. 17, excluding Native allotments F-16350 and F-16353;
 Sec. 18, excluding Native allotments F-16350 and F-17263 Parcel B;
 Sec. 19, excluding Native allotment F-16537 Parcel B;
 Sec. 20, excluding Native allotments F-16537 Parcel B and F-17379 Parcel A;
 Secs. 21 to 28, inclusive;
 Sec. 29, excluding Native allotment F-17379 Parcel A;
 Secs. 30 and 31, excluding Native allotment F-17384 Parcel B;
 Secs. 32 to 36, inclusive.

Containing approximately 17,791 acres.

T. 14 N., R. 63 W.

Sec. 4;
 Sec. 5, excluding Native allotment F-17372;
 Secs. 6 to 9, inclusive;
 Secs. 16 to 20, inclusive;
 Sec. 21, excluding Native allotment F-17228 Parcel B.

Containing approximately 5,775 acres.

T. 15 N., R. 63 W. ✓

Sec. 1;
 Sec. 2, excluding Native allotments F-16352 Parcel A and F-17228 Parcel A;
 Sec. 3, excluding Native allotments F-16534 Parcel A and F-17226 Parcel A;
 Secs. 4 to 7, inclusive;
 Secs. 8 and 9, excluding Native allotment F-17226 Parcel B;
 Secs. 16 to 21, inclusive;
 Secs. 28 to 31, inclusive;
 Sec. 32, excluding Native allotment F-17372;
 Sec. 33.

Containing approximately 10,514 acres.

T. 16 N., R. 63 W.

Secs. 1 and 2;
 Secs. 3 and 4, excluding Native allotment F-16536 Parcel B;
 Secs. 9 to 16, inclusive;
 Secs. 20 to 24, inclusive;
 Sec. 25, excluding Native allotment F-16535 Parcel B;
 Sec. 26, excluding Native allotment F-17503 Parcel A;
 Secs. 27 to 33, inclusive;
 Sec. 34, excluding Native allotments F-16534 Parcel A and F-17226 Parcel A;
 Sec. 35;
 Sec. 36, excluding Native allotment F-16535 Parcel B.

Containing approximately 16,753 acres.

Interim Conveyance No. 745

Date _____

SEP 30 1983

T. 15 N., R. 64 W. ✓
Secs. 1, 12, and 13;
Secs. 24, 25, and 36.

Containing approximately 3,525 acres.

T. 16 N., R. 64 W.
Secs. 25 and 36.

Containing approximately 1,280 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 14 N., R. 60 W.
Sec. 7;
Sec. 8, excluding Native allotment F-17001 Parcel B;
Sec. 9;
Secs. 16 to 21, inclusive.

Containing approximately 5,340 acres.

T. 15 N., R. 60 W.
Sec. 3, excluding Native allotment F-029275 Parcel D;
Sec. 4, excluding Native allotments F-16534 Parcel B,
F-16854, and F-17003 Parcel B;
Sec. 5, excluding Native allotment F-16022 Parcel A;
Sec. 6, excluding Native allotment F-15845 Parcel B.

Containing approximately 1,884 acres.

T. 16 N., R. 60 W.
Sec. 31, excluding Native allotment F-15652;
Secs. 32, 33, and 34.

Containing approximately 2,397 acres.

Aggregating approximately 84,596 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14888-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the land above described, TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever:

Interim Conveyance No. _____

745

Date _____

SEP 30 1983

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted:

1. The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f); and
2. Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1616(b), the following public easements, referenced by easement identification number (EIN) on the easement maps attached to this document, copies of which will be found in case file F-14888-EE, are reserved to the United States. All easements are subject to applicable Federal, State, or Municipal corporation regulation. The following is a listing of uses allowed for each type of easement. Any uses which are not specifically listed are prohibited.

25 Foot Trail - The uses allowed on a twenty-five (25) foot wide trail easement are: travel by foot, dogsled, animals, snowmobiles, two- and three-wheel vehicles, and small all-terrain vehicles (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

(EIN 7 D9) An easement twenty-five (25) feet in width for an existing access trail from the village of Aniak southwesterly to the village of Tuluksak. The uses allowed are those listed for a twenty-five (25) foot wide trail easement. The season of use will be limited to winter.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat, of survey confirming the boundary description and acreage of the lands hereinabove granted.
2. Valid existing rights therein, if any, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1601, 1616(b)(2), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

Interim Conveyance No. _____

745

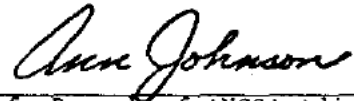
Date _____

SEP 30 1983

3. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(c), that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

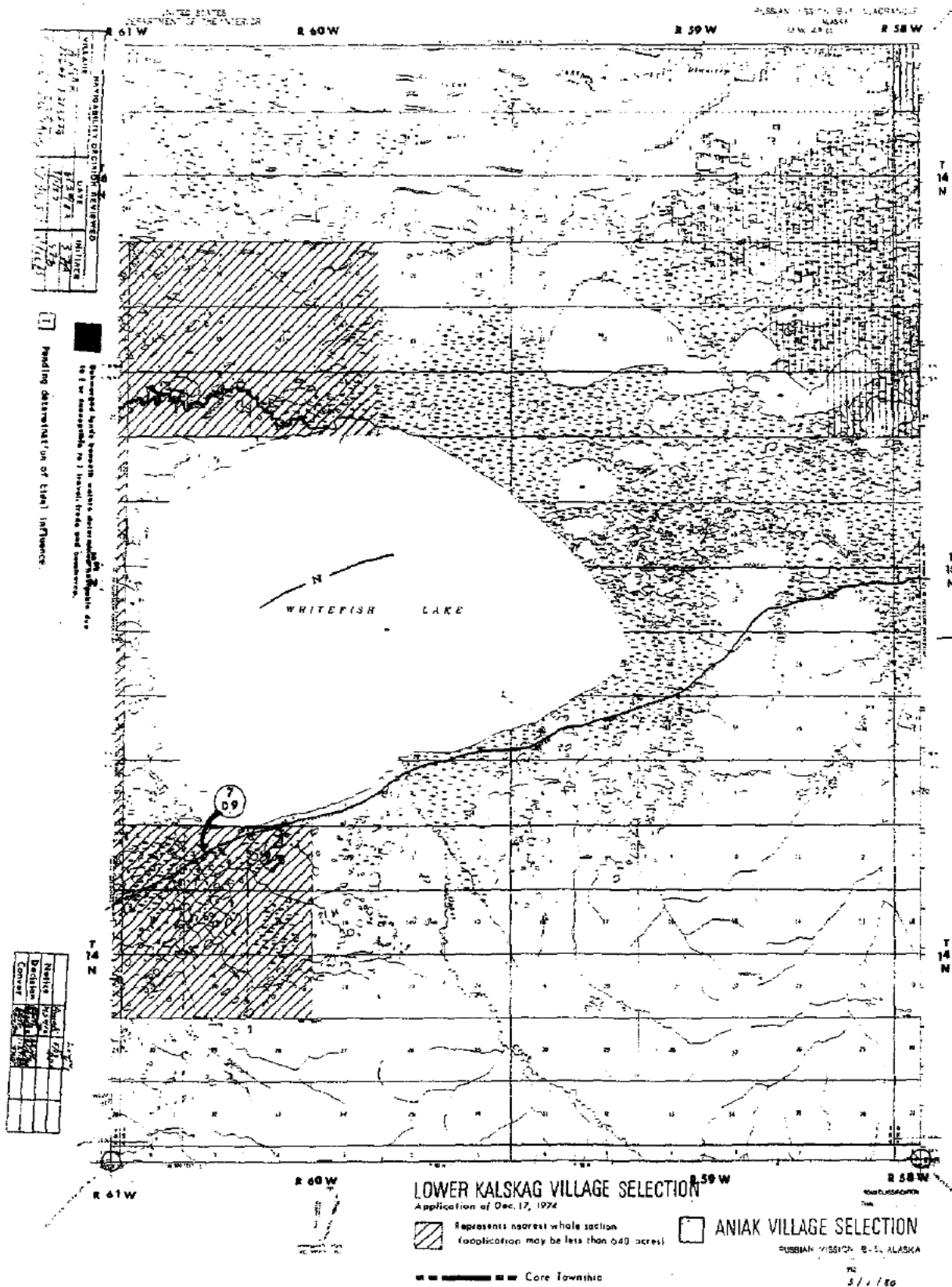
IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of September, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Chief, Branch of ANCSA Adjudication

Interim Conveyance No. 745
Date SEP 30 1983



745

Alaska State Office
SEP 20 1983 Anchorage, Alaska

DATE

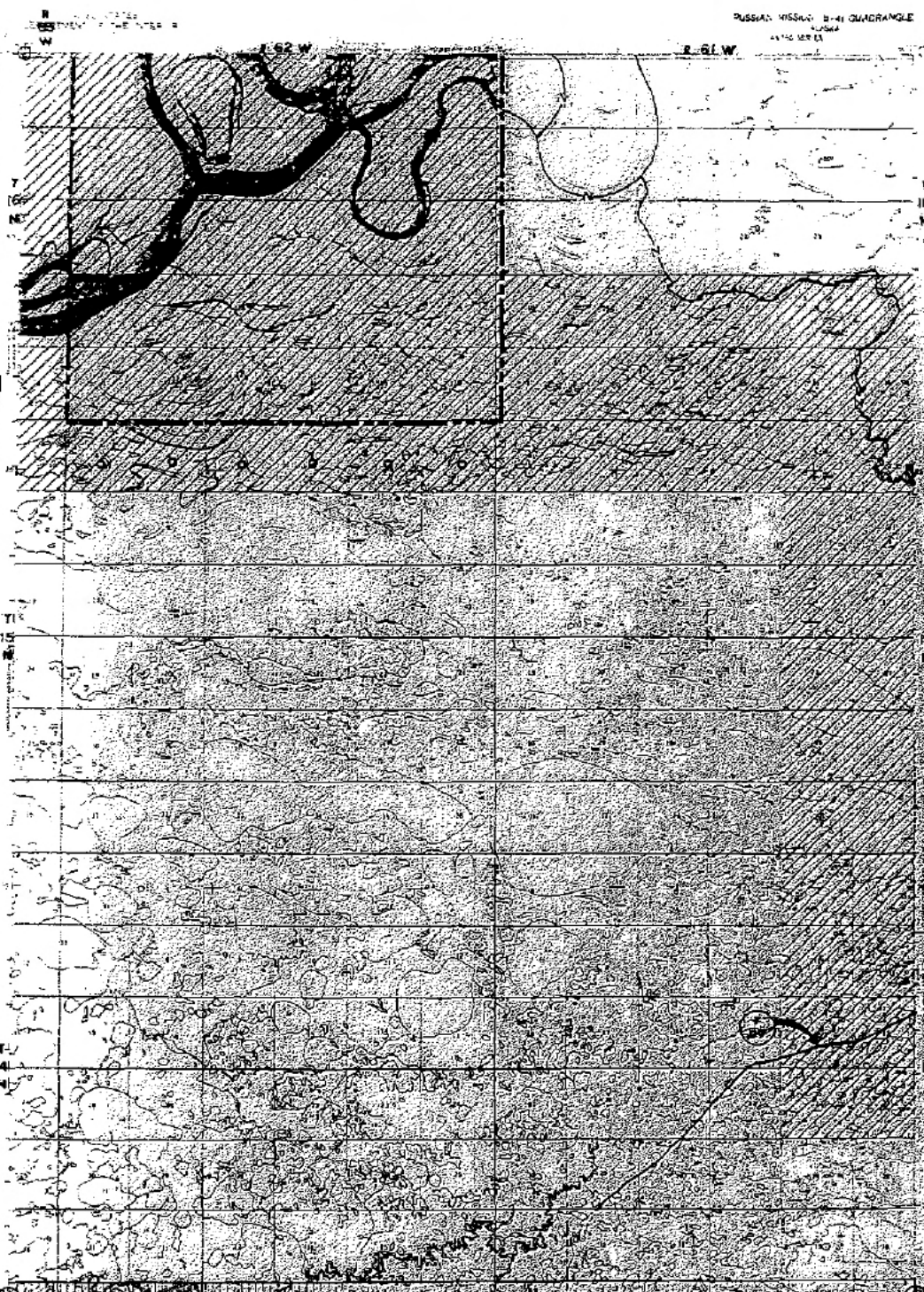
I hereby certify that this reproduction is a
copy of the official record on file in this office.

AUTHORIZED SIGNATURE

VALUATOR	DATE	INITIALS
W. S. K. K. K.	9/1/83	W. S. K.
W. S. K. K. K.	9/1/83	W. S. K.

Reported Study through water distribution available due to 1 of 20000000 in 1 inch, 1 inch and 1 inch.

NAME	DATE
W. S. K. K. K.	9/1/83
W. S. K. K. K.	9/1/83



NAPAIKAK VILLAGE SELECTION

LOWER KALSKAG VILLAGE SELECTION

Application of Dec. 17, 1974
☒ Represents nearest whole section
 LANDSCAPED OFFICE 1983, 840 acres
 Core Township 1983 3/2/83

- Over Selections

Russian Miss. B. v.

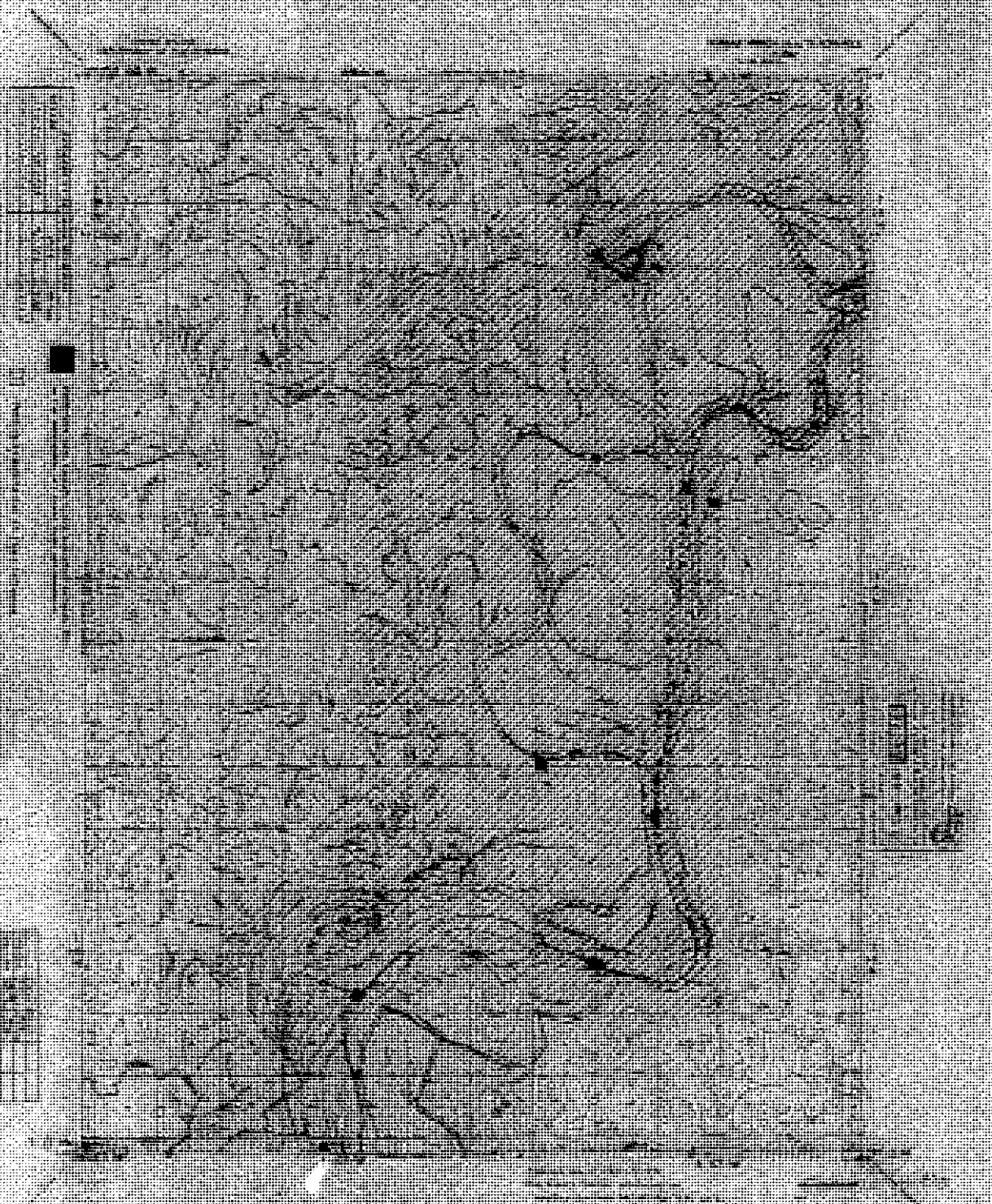
Alaska State Office
 SEP 30 1983 Anchorage, Alaska
 DATE
 hereby certify that this reproduction is a
 true and correct copy of the original
 FILED
 AUTHORIZED SIGNATURE

745

NAME	DATE	INITIALS
W. S. K. K. K.	9/1/83	W. S. K.
W. S. K. K. K.	9/1/83	W. S. K.

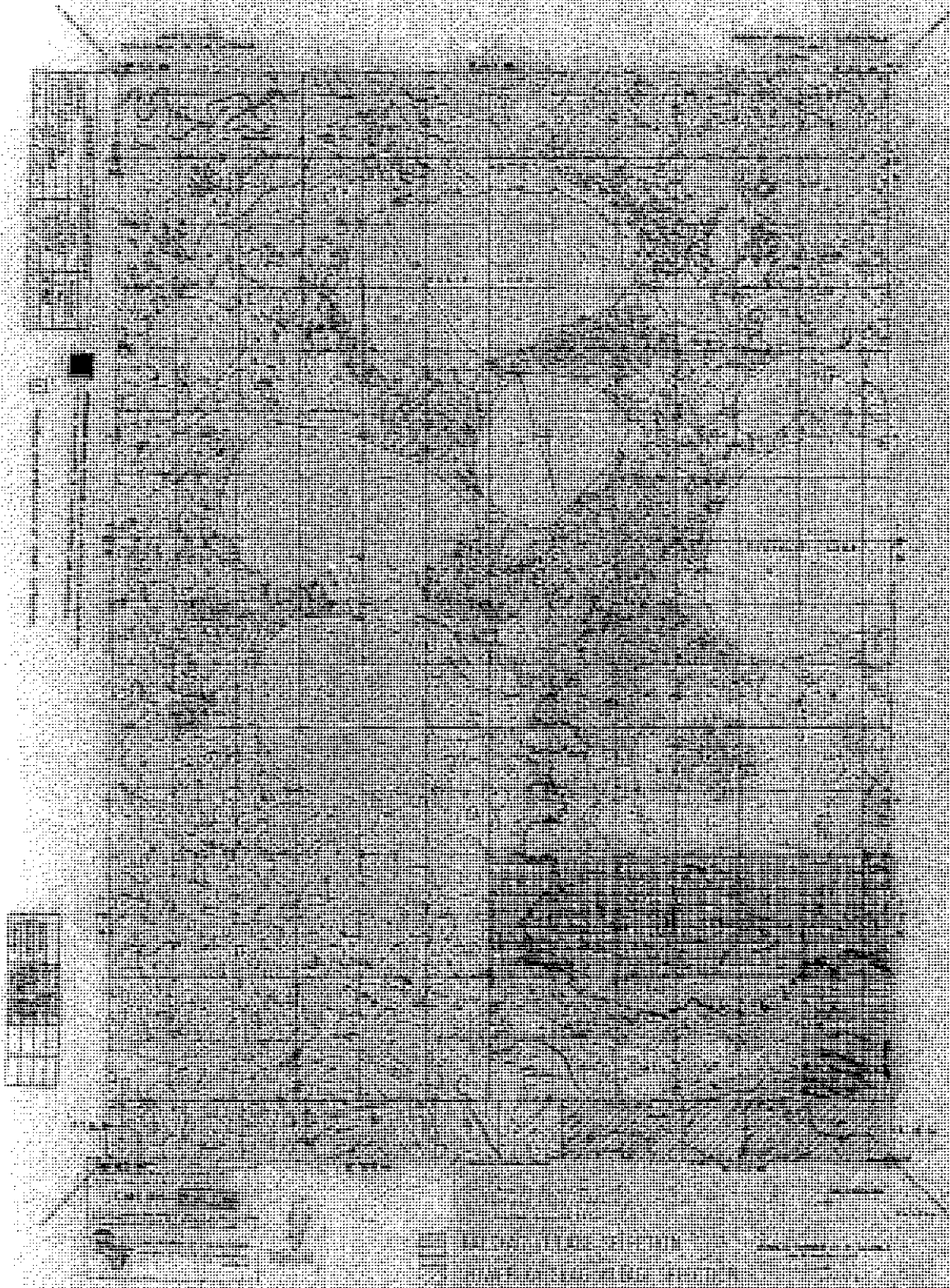
Reported Study through water distribution available due to 1 of 20000000 in 1 inch, 1 inch and 1 inch.

NAME	DATE
W. S. K. K. K.	9/1/83
W. S. K. K. K.	9/1/83



745

SEP 11 1963	Alvin G. Smith
	Architectural
[Signature]	



1-Check all short lines

745

NAME	John Doe
DATE	10/10/2020
SIGNATURE	<i>John Doe</i>
OFFICE	Surveying Office

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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745

SEP 13 1960
 OFFICE OF THE ATTORNEY GENERAL
 ALABAMA
 BY _____

INTERIM CONVEYANCE

WHEREAS

Calista Corporation

is entitled to a conveyance pursuant to Secs. 14(f) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1601, 1613(f), 1621(j), of the subsurface estate reserved to the United States in the hereinbelow identified interim conveyance of the surface estate in the following described lands:

Interim Conveyance No. 745Seward Meridian, Alaska (Surveyed)T. 14 N., R. 61 W.

Secs. 1 and 2;

Sec. 11, excluding Native allotments F-15679 and F-15680;

Sec. 12, excluding Native allotment F-15680;

Secs. 13 and 14;

Sec. 23, excluding Native allotment F-17303 Parcel A;

Sec. 24.

Containing approximately 4,915 acres.

T. 15 N., R. 61 W.

Sec. 1, excluding Native allotments F-17005 Parcel B and F-17226 Parcel C;

Sec. 2, excluding Native allotment F-17226 Parcel C;

Secs. 3 to 6, inclusive;

Secs. 11 and 12;

Sec. 13, excluding Native allotment F-16850;

Secs. 14 and 23;

Sec. 24, excluding Native allotment F-16850;

Secs. 25, 26, 35, and 36.

Containing approximately 10,009 acres.

T. 16 N., R. 61 W.

Secs. 30 to 36, inclusive.

Containing approximately 4,413 acres.

T. 16 N., R. 62 W.

Sec. 1;

Sec. 2, excluding U.S. Survey No. 4409, U.S. Survey No. 4414, and Native allotments F-029263 and F-16349;

Sec. 3, excluding U.S. Survey No. 4409, U.S. Survey No. 4414, and Native allotment F-029309;

Sec. 4, excluding Native allotment F-17376;

Secs. 5 and 6;

Secs. 7 and 8, excluding Native allotments F-16350, F-17003 Parcel A, and F-17263 Parcel B;

Sec. 9;

Sec. 10, excluding Native allotments F-16019 Parcel B and F-16538 Parcel A;

Interim Conveyance No. 746

Date _____

SEP 30 1983

Sec. 11, excluding Native allotments F-029259 Parcel B,
F-16349, F-17004 Parcel A, and F-17380 Parcel B;
Secs. 12 to 14, inclusive;
Sec. 15, excluding Native allotments F-16533 Parcel A,
F-16536 Parcel A, F-16538 Parcel A, and F-17001
Parcel A;
Sec. 16, excluding Native allotments F-9546 Parcel B
and F-16533 Parcel A;
Sec. 17, excluding Native allotments F-16350 and F-16353;
Sec. 18, excluding Native allotments F-16350 and F-17263
Parcel B;
Sec. 19, excluding Native allotment F-16537 Parcel B;
Sec. 20, excluding Native allotments F-16537 Parcel B
and F-17379 Parcel A;
Secs. 21 to 28, inclusive;
Sec. 29, excluding Native allotment F-17379 Parcel A;
Secs. 30 and 31, excluding Native allotment F-17384
Parcel B;
Secs. 32 to 36, inclusive.

Containing approximately 17,791 acres.

T. 14 N., R. 63 W.

Sec. 4;
Sec. 5, excluding Native allotment F-17372;
Secs. 6 to 9, inclusive;
Secs. 16 to 20, inclusive;
Sec. 21, excluding Native allotment F-17228 Parcel B.

Containing approximately 5,775 acres.

T. 15 N., R. 63 W.

Sec. 1;
Sec. 2, excluding Native allotments F-16352 Parcel A
and F-17228 Parcel A;
Sec. 3, excluding Native allotments F-16534 Parcel A
and F-17226 Parcel A;
Secs. 4 to 7, inclusive;
Secs. 8 and 9, excluding Native allotment F-17226
Parcel B;
Secs. 16 to 21, inclusive;
Secs. 28 to 31, inclusive;
Sec. 32, excluding Native allotment F-17372;
Sec. 33.

Containing approximately 10,514 acres.

T. 16 N., R. 63 W.

Secs. 1 and 2;
Secs. 3 and 4, excluding Native allotment F-16536
Parcel B;
Secs. 9 to 16, inclusive;
Secs. 20 to 24, inclusive;
Sec. 25, excluding Native allotment F-16535 Parcel B;
Sec. 26, excluding Native allotment F-17503 Parcel A;
Secs. 27 to 33, inclusive;
Sec. 34, excluding Native allotments F-16534 Parcel A
and F-17226 Parcel A;

Interim Conveyance No. 746

Date SEP 30 1983

F-14888

Sec. 35;
Sec. 36, excluding Native allotment F-16535 Parcel B.

Containing approximately 16,753 acres.

T. 15 N., R. 64 W.
Secs. 1, 12, and 13;
Secs. 24, 25, and 36.

Containing approximately 3,525 acres.

T. 16 N., R. 64 W.
Secs. 25 and 36.

Containing approximately 1,280 acres.

Seward Meridian, Alaska (Unsurveyed)

T. 14 N., R. 60 W.
Sec. 7;
Sec. 8, excluding Native allotment F-17001 Parcel B;
Sec. 9;
Secs. 16 to 21, inclusive.

Containing approximately 5,340 acres.

T. 15 N., R. 60 W.
Sec. 3, excluding Native allotment F-029275 Parcel D;
Sec. 4, excluding Native allotments F-16534 Parcel B,
F-16854, and F-17003 Parcel B;
Sec. 5, excluding Native allotment F-16022 Parcel A;
Sec. 6, excluding Native allotment F-15845 Parcel B.

Containing approximately 1,884 acres.

T. 16 N., R. 60 W.
Sec. 31, excluding Native allotment F-15652;
Secs. 32, 33, and 34.

Containing approximately 2,397 acres.

Aggregating approximately 84,596 acres.

Excluded from the above-described lands herein conveyed are the submerged lands, up to the ordinary high water mark, beneath all water bodies determined by the Bureau of Land Management to be navigable because they have been or could be used in connection with travel, trade and commerce. Those water bodies are identified on the attached navigability maps, the original of which will be found in easement case file F-14888-EE.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the subsurface estate in the land above described, TO HAVE AND TO HOLD the said

Interim Conveyance No. 746

Date SEP 30 1983

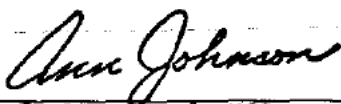
estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever:

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. All the easements and rights-of-way referenced in the aforementioned conveyance of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, including but not limited to those created by any lease (including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 48 U.S.C. Ch. 2, Sec. 6(g)), contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him;
2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act 43 U.S.C. 1601, 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village shall be subject to consent of the village corporation; and
3. Issuance of a patent after approval and filing by the Bureau of Land Management of the official plat, or supplemental plat of survey confirming the boundary description and acreage of the lands hereinabove granted.

IN WITNESS WHEREOF, the undersigned authorized officer of the Bureau of Land Management has, in the name of the United States, set her hand and caused the seal of the Bureau to be hereunto affixed on this 30th day of September, 1983, in Anchorage, Alaska.

UNITED STATES OF AMERICA



Chief, Branch of ANCSA
Adjudication

Interim Conveyance No. _____

746

Date _____

SEP 30 1983



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
701 C Street, Box 13
Anchorage, Alaska 99513-0099



IN REPLY REFER TO

Throat Creek Interim Summary Report Attachment 8

AUG 05 1987

TENTATIVE APPROVAL

State of Alaska	:	AA-12877
Department of Natural Resources	:	
Division of Land & Water Management	:	
Land Title Section	:	
3601 C Street, Suite 960	:	General Purposes Grant
Anchorage, Alaska 99503	:	State Selection

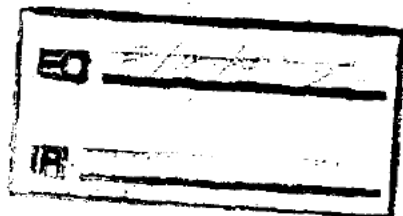
The State of Alaska has filed general purposes grant selection application AA-12877 pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), as amended. The lands described below meet the criteria for compactness, are unreserved, are not known to be occupied or appropriated under the public land laws, including the mining laws, are not valuable for hot or medicinal springs, and otherwise conform to the requirements of the Act.

The following described surveyed lands, which are considered proper for acquisition by the State, are hereby tentatively approved:

Seward Meridian, Alaska

T. 15 N., R. 63 W.
Sec. 10, lots 1, 3 and 5;
Sec. 11, lots 1 and 4;
Sec. 12;
Sec. 13;
Sec. 14, lots 1 and 3;
Sec. 15, lots 1 and 3;
Sec. 22, lots 1 and 3;
Secs. 23 and 24;
Sec. 25, lot 1;
Secs. 26 and 27;
Sec. 34;
Sec. 35, lot 1; and
Sec. 36, lot 2.

Containing approximately 9,255 acres.



SENT TO DRAFTING
DATE 8/10/87

IN PROCESS OF RECORDING
DATE 8/10/87

Excepting and reserving to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

This document confirms that all right, title, and interest of the United States in and to the lands described above is deemed to have vested in the State of Alaska pursuant to Sec. 906(d)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371).

A handwritten signature in cursive script that reads "Ann Johnson".

Ann Johnson
Chief, Branch of Calista
Adjudication

D. Thompson
7/30/87
File *8/1/87*

AUG 05 1987

TENTATIVE APPROVAL

State of Alaska	:	AA-12877
Department of Natural Resources	:	
Division of Land & Water Management	:	
Land Title Section	:	
3601 C Street, Suite 960	:	General Purposes Grant
Anchorage, Alaska 99503	:	State Selection

The State of Alaska has filed general purposes grant selection application AA-12877 pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339), as amended. The lands described below meet the criteria for compactness, are unreserved, are not known to be occupied or appropriated under the public land laws, including the mining laws, are not valuable for hot or medicinal springs, and otherwise conform to the requirements of the Act.

The following described surveyed lands, which are considered proper for acquisition by the State, are hereby tentatively approved:

Seward Meridian, Alaska

T. 15 N., R. 63 W.
Sec. 10, lots 1, 3 and 5;
Sec. 11, lots 1 and 4;
Sec. 12;
Sec. 13;
Sec. 14, lots 1 and 3;
Sec. 15, lots 1 and 3;
Sec. 22, lots 1 and 3;
Secs. 23 and 24;
Sec. 25, lot 1;
Secs. 26 and 27;
Sec. 34;
Sec. 35, lot 1; and
Sec. 36, lot 2.

Containing approximately 9,255 acres.

Number retroactively assigned for
Record Keeping purposes. June 1, 2009

1987-0061

AUG 13 1987

NR

Insp

HI

Excepting and reserving to the United States a right-of-way thereon for ditches or canals constructed by the authority of the United States under the Act of August 30, 1890 (26 Stat. 391, 43 U.S.C. 945).

This document confirms that all right, title, and interest of the United States in and to the lands described above is deemed to have vested in the State of Alaska pursuant to Sec. 906(d)(1) of the Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371).

BY ANN JOHNSON

Ann Johnson
Chief, Branch of Calista
Adjudication

cc:
Fish and Wildlife Service (CM-RRR)
Division of Realty
1011 East Tudor Road
Anchorage, Alaska 99503

DM (040)

963:DThompson:lm:07/29/87:1851f

Number retroactively assigned for
Record Keeping purposes. June 1, 2009

1987-0061

WNBrown 5/3/89
KARSTEN
5/3/89

**Throat Creek
Interim Summary Report
Attachment 9**

Russian Mission-GS-FY'89-#5
F-14871-EE (75.4)
✓ F-14888-EE (75.4) *2/11/89*
F-14949-EE (75.4)
AA-12877 (2620)
AA-12891 (2620)
(961)

Memorandum

MAY 8 1989

To: Deputy State Director for Cadastral Survey (923)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey 254 (Window 1834)

This memorandum identifies navigable water bodies below a certain size on lands in Window 1834 (Kalskag and Lower Kalskag) which are selected (but not conveyed) under the Alaska Native Claims Settlement Act (ANCSA), the Statehood Act, or the Native Allotment Act, and not reserved or withdrawn at the time Alaska entered the Union. It also identifies navigable waters excluded from conveyances (TA'd & IC'd) under ANCSA and the Statehood Act. No determinations are made for water bodies in the Yukon Delta National Wildlife Refuge except where they are located in or along claims, or for water bodies along Native allotments in interim-conveyed areas. Also, only those cemetery and historic sites that the BIA has examined in the field are reviewed.

Table 1 lists rivers, streams and sloughs less than three chains wide and lakes less than fifty acres in size excluded in ICs and TAs. Those water bodies determined navigable on selected lands on the basis of photo-interpretation are identified in Table 2. Navigable waters in or along Native allotments identified through aerial photo-interpretation are listed in Table 3. Table 4 lists the navigable water bodies by township.

Streams 198 feet or more in width are not listed in the report because, regardless of their navigability status, they are segregated on the survey plats. The same is true for lakes over fifty acres or more. Most of these meanderable water bodies are listed below:

1. Kuskokwim River.
2. Slough of the Kuskokwim River extending from Sec. 20, T. 17 N., R. 59 W., SM, to Sec. 11, T. 16 N., R. 62 W., SM.

3. Slough in Secs. 19, 20, and 29, T. 17 N., R. 60 W., SM and Secs. 24 and 25, T. 17 N., R. 61 W., SM.
4. Slough of the Kuskokwim from Sec. 22 to Sec. 34, T. 17 N., R. 60 W., SM.
5. Slough in Secs. 15, 16, 20-26, 29-32, T. 16 N., R. 63 W., SM.
6. Slough in Secs. 4-6, 18, 19, 31 and 32, T. 15 N., R. 63 W., SM, and Secs. 1, 12, 13, 24, 25, and 36, T. 15 N., R. 64 W., SM.
7. Discovery Creek in Sec. 36, T. 17 N., R. 60 W., SM.
8. Arhymot Lake.
9. Lake in Sec. 22, T. 17 N., R. 62 W., SM.
10. Israthorak Creek from Kuskokwim River in Sec. 11, T. 14 N., R. 64 W., SM, to the slough entering from the east in Sec. 35, T. 15 N., R. 64 W., SM.
11. Gweek River in S1/2SW1/4, Sec. 31, T. 14 N., R. 64 W., SM.

Water bodies determined navigable in the past, including most of those listed above because of their size, are marked on USGS maps which accompanied interim conveyances. Navigable water bodies were shaded and/or marked with "N's", with lines drawn marking linear courses. A set of these navigability maps is attached for reference. Determinations made under the Gulkana River standard for selected lands are not on these maps, although some of the maps do include shading on selected lands. For selected lands, the primary reference must be this memorandum, not the maps. For example, on the Russian Mission B-4 navigability map Gweek River is marked navigable on ANCSA-selected lands in Secs. 30 and 31, T. 14 N., R. 64 W., SM, but it is now considered non-navigable. The Gweek is essentially dry in photographs. (CIR, roll 7, frames 259 and 260). Interviews conducted by Dot Tideman of the Navigability Section in March, 1989, elicited no specific evidence of use of the Gweek in T. 14 N., R. 64 W., SM, although there are claims of going "all the way up" by using short portages. [See Dorothy A. Tideman to File, March 14, 1989, in file F-14823 (75.4).]

The BLM's navigability determination criteria are described in a memorandum of March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management (BLM), subject "Title to submerged lands for purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision of December 14, 1979, on the navigability of the Nation and Kandik rivers (RLS 76-2); the Regional Solicitor's February 25, 1980, interpretation of the ANCAB decision; and dicta in the United States District Court's decision (A80-359) of April 16, 1987, on the navigability of the Gulkana River. In general, the BLM considers nontidal water bodies navigable if, at the time Alaska became a state, they were navigable for crafts larger than a one-person kayak.

Information about the land status, history and physical character of water bodies in the report area comes primarily from the USGS Russian Mission B-3 (1952), B-4 (1954, minor revision 1972), B-5 (1954), C-3 (1952, minor revision 1984), C-4 (1954, minor revision 1972) and C-5 (1952) quadrangles; NASA aerial photographs, roll 2913, frames 6771-6782 (1980); roll 2616, frames 4560-4562 (1978); roll 2911, frames 6383-6388 6458-6461, and 6463 (1980); roll 2911, frames 6383-6388 (1980); roll 7, frames 260-266 (1980); BLM's Master Title Plats, survey plats, Alaska Automated Lands and Minerals Records System (AALMRS), ANCSA easement files, and prior determination memoranda; C. Michael Brown's "Alaska's Kuskokwim River Region: A History" (BLM, unpublished manuscript, 1985). In addition, Edgar A. Earnhart of the Navigability Section contacted the following people:

<u>Name</u>	<u>Date</u>	<u>Phone Number and Background</u>
Wassillie Kameroff	June 14, 23 July 27, 1988	471-2228, Kuskokwim Corp. board member
Krim Evan	June 14, 1988	471-2228, resident of Lower Kalskag
Evan Savage	June 23, 1988	471-2228, resident of Lower Kalskag
George Morgan, Jr.	July 27, 1988	471-2315, Upper Kalskag village and city official
Dennis Strom	August 1, 1988 April 3, 1989	543-3151, A manager of Yukon Delta National Wildlife Refuge
Iftikim Evan	March 23, 1989	471-2270, Native allottee in Lower Kalskag
Mary K. Evan	March 23, 1989	471-2265, widow of Native allottee, Lower Kalskag
Alexander Levi	March 24, 1989	471-2279, Native allottee, Lower Kalskag

Jim Wickes, a manager for the Kuskokwim Corporation, Sarah Wise of Lower Kalskag, and Joe Dementle, Sr., were also contacted but furnished no substantive information. For a complete record of the interviews and contacts, see Edgar A. Earnhart to File, August 4, 1988, March 28, 1989, and April 4, 1989, F-14871-EE (75.4).

Johnson River

This river is well over one hundred miles long. Single-lined on the USGS Russian Mission C-5 quadrangle, the Johnson River meanders south from an unnamed lake, sometimes known as "Grassy Lake," south of Kulik Lake in Sec. 14, T. 18 N., R. 63 W., SM. It is joined by Crooked Creek in Sec. 22, T. 17 N., R. 63 W., SM.

The Johnson is on land selected by Upper Kalskag village in Secs. 14, 15, and 22, T. 17 N., R. 63 W., SM. The BLM identified the river as navigable above Crooked Creek on the water maps which accompanied IC 749. The river was excluded from the survey of T. 17 N., R. 63 W., SM. Hydrography for this township was based on USGS maps.

The Johnson is one of the portage routes between the Yukon and Kuskokwim rivers. Though tending to be difficult to boat, and sometimes containing beaver dams, local residents have used the river for transportation and subsistence. When interviewed in June, 1988, Wassillie Kameroff and Evan Savage of Lower Kalskag told Earnhart that the upper part of the stream has been blocked and a tributary which exits an unnamed lake in Sec. 4, T. 17 N., R. 63 W., SM, is the route used in recent years.

Brown suggested that below Crooked Creek the Johnson River may have been used for boat travel to the Kuskokwim fifteen miles below Bethel. He found little evidence to support such a conclusion. (Brown, pp. 457-458, 532-533.)

Below the mouth of Crooked Creek, the Johnson appears to be open and less sinuous than Crooked Creek. Upstream, it is more crooked than Crooked Creek. The river appears in the BLM's high altitude photographs to be a very narrow stream where it leaves the unnamed lake south of Kulik Lake. It gradually widens to about fifteen feet in Sec. 10, T. 17 N., R. 63 W., SM. Below the mouth of Crooked Creek, it makes many turns for the first mile, but it has a clear channel twelve to fifteen feet wide. (CIR, roll 2911, frames 6457-6458; CIR, roll 2913, frames 6770-6771.) In helicopter and ground photographs taken June 15 and June 23, 1975, the Johnson appears to be twenty to thirty feet wide and free of obstructions. (See Native allotment files F-16534 and F-16347.)

I determine Johnson River navigable through selected lands in T. 17 N., R. 63 W., SM. The determination of 1982 that it is navigable above Crooked Creek is affirmed. The stream is found navigable downstream of the mouth of Crooked Creek on the basis of photographs. Its character is similar but less sinuous than the two streams are above that point. Current residents of Lower Kalskag report it has been boated both above and below the mouth of Crooked Creek.

Throat Creek

On the USGS Russian Mission B-4 and B-5 maps, this unnamed stream flows from the stream draining Whitefish Lake in Sec. 1, T. 15 N., R. 61 W., westerly to the Kuskokwim River in Sec. 16, T. 15 N., R. 63 W., SM. It is double-lined into Sec. 11, T. 15 N., R. 63 W., and has further double-lined segments to Sec. 4, T. 16 N., R. 62 W., SM. Most of the stream is single-lined. The gradient is low. The stream courses through and around numerous small lakes through increasingly wooded land as it approaches the Kuskokwim.

On August 25, 1982, the BLM determined the creek navigable in Secs. 9 and 16, T. 15 N., R. 63 W., SM, and excluded it from IC 745 on the basis that it was used by local villagers with fourteen- to thirty-foot boats. The

streambed was conveyed upstream by IC 745 in Tps. 15 and 16 N., R. 61 W. and in T. 16 N., R. 62 W., SM. Sections 10-12, 14 and 15, T. 15 N., R. 63 W., SM, were TA'd to the State of Alaska on August 5, 1987, with a determination of navigability deferred until patent. The stream remains selected by the village of Lower Kalskag in Secs. 3 and 4, T. 15 N., R. 62 W., SM. (See Robert D. Arnold to Chief, Division of ANCSA and State Conveyances, August 25, 1982, and IC 745, September 30, 1983, F-14888; and Brown, p. 492)

In NASA photographs of July 1980 (CIR 60, roll 2911, frames 6383 through 6386), apparently taken at a time of low water, the stream is about sixty to one hundred feet wide for the first mile and one-half, and varies from about twelve to twenty-five feet wide for the next approximately ten miles. Upstream from Sec. 34, T. 16 N., R. 62 W., SM, the creek is narrower, often nearly obscured by brush, and sometimes filled with vegetation. It is a thin thread near its upper end, barely visible near the northeast corner of Native allotment F-17226-C in Sec. 1, T. 16 N., R. 61 W., SM. It is dry for one-half mile near the Whitefish Lake effluent.

George Morgan, Jr., of Lower Kalskag told Earnhart in 1988 that the twenty-five- to thirty-foot-wide stream is boatable each spring and during rainy periods to a portage in Sec. 1, T. 15 N., R. 61 W., SM. He apparently was not aware of the Native allotments which might have served as reference points, and only described the portage as short.

I determine the locally named Throat Creek navigable in Secs. 10, 11, 12, 14 and 15, T. 15 N., R. 63 W., SM, and in Secs. 3 and 4, T. 15 N., R. 62 W., SM. From the aerial photos, we know that it is wide enough for small boats to and beyond the selected lands. Streams in this area tend to be deep. In fact, George Morgan, Jr., said that the creek can be boated each year to its headwaters near the Whitefish Lake outlet.

Pikmiktalik River

The Pikmiktalik, 180 miles long, is a meandering tributary of the Johnson River which heads in a small lake about six miles south of Kukaklik Lake near Mud Creek. The USGS Russian Mission B-5 and C-5 quadrangles show that it is partly double-lined through the selection area. Like other streams in the area, the Pikmiktalik's gradient is flat. NASA photographs taken in July, 1980 (CIR, roll 2911, frames 6457, 6458 and 6459), show it to vary from about sixty to two hundred feet wide for most of its course in the group survey area. It is narrow and discontinuous in the stretches single-lined on the USGS Russian Mission C-5 and D-5 quadrangles. The single-lined stream connecting the Pikmiktalik and Crooked Creek in Secs. 28 and 29, T. 17 N., R. 62 W., SM, appears to be dry.

The Pikmiktalik is located in four townships in the report area. It crosses ANCSA-selected lands in Secs. 29 and 32, T. 17 N., R. 62 W., SM, Secs. 5 and 6, T. 16 N., R. 63 W., SM, and in Secs. 26, 27 and 34,

T. 16 N., R. 64 W., SM. The BLM determined the river non-navigable in Sec. 28, T. 17 N., R. 62 W., SM (its extreme upper end) in 1982 and conveyed the bed to Upper Kalskag village by IC 749. The Bureau also conveyed the bed in Sec. 4, T. 16 N., R. 63 W., SM, following the same determination of nonnavigability. (See Robert D. Arnold to Chief, Division of ANCSA and State Conveyances, August 25, 1982, and ICs 745 and 749, September 30, 1983, F-14888.)

There is little documentary evidence of use of the Pikmiktalik by boats. Brown found no written record of use of this river in the vicinity of the Kalskags and Tuluksak. The record indicates the stream was part of the Yukon-Kuskokwim portage routes, but all references are to stretches of the river many miles downstream from the group survey area. Native allotment case files indicate that two residents of Lower Kalskag with parcels along the river may have accessed their parcels by boat as early as the 1960's. Mezak Kameroff's allotment (F-16536-D) is in Sec. 35, T. 17 N., R. 63 W., SM, and Mary K. Evan's is in Sec. 32, T. 17 N., R. 63 W., SM, (F-16346, Parcel D) along the upper river. Both allottees use their land for berry picking; Kameroff fishes, hunts, and traps as well. The difficulties of overland travel in this area suggest that water transportation was the only practical means of reaching the allotments for most of these uses, but their locations do not indicate what routes are used. The photographs taken by the BLM field examiner on June 20 and 22, 1975, show wide, lake-like bodies of water.

Wassillie Kameroff and Evan George told Earnhart in 1988 that most people access their spring camps via Mud Slough, the old portage, and Johnson River. Dennis Strom of the Yukon Delta National Wildlife Refuge office in Bethel believes the Pikmiktalik is boatable to its headwaters in spring and fall.

I determine the Pikmiktalik River non-navigable through Secs. 29 and 32, T. 17 N., R. 62 W., Secs. 5 and 6, T. 16 N., R. 63 W., and Secs. 26, 27, and 34, T. 16 N., R. 64 W., SM. It is a slight, discontinuous stream on BLM's aerial photographs. There is no historical record of use in the report area and queries of local people elicited no evidence of use. Two Native allotments, one straddling and one near the partially dry bed of the river, are likely not accessed by this stream. The people Strom observed from the air at various locations in the area likely came by routes other than the Pikmiktalik. Kameroff and Savage do not believe it is boatable by any of the crafts used in the area.

Israthorak Creek

Israthorak Creek is a ninety-mile-long branch of the Kuskokwim which joins the Pikmiktalik River for part of its course. It heads in the Kuskokwim in Sec. 11, T. 14 N., R. 64 W., SM, meandering north, and then west, first through selected lands and then through unselected lands in the survey window. It is double-lined on the USGS Russian Mission B-5 (1954) quadrangle for its first four or five miles, and mostly single-lined through the rest of the Lower Kalskag village selection area. In photographs of July, 1980 (CIR 60, roll 7, frames 259-261), the

Israthorak is over three hundred feet wide where it leaves the Kuskokwim. It narrows to eighty to one hundred feet north of the branch in Sec. 35, T. 15 N., R. 64 W., SM. Becoming more narrow, the Israthorak appears to be dry in Secs. 14, 15 and 23, T. 15 N., R. 64 W., SM. A short branch which heads in Sec. 11, T. 15 N., R. 64 W., SM, and meets the Israthorak in Sec. 35 of the township also appears in the photographs to be dry.

The BLM determined navigable the branch of Israthorak Creek extending from the unnamed slough of the Kuskokwim in SW 1/4 Sec. 31, T. 15 N., R. 63 W., to its confluence with Israthorak Creek in Sec. 35, T. 15 N., R. 63 W., SM, as well as the Israthorak from this branch to the Kuskokwim. It later excluded the bed of the former in Sec. 31, T. 15 N., R. 63 W., SM, and Sec. 36, T. 15 N., R. 64 W., SM, from a conveyance of land to Lower Kalskag. The branch remains selected in Secs. 1 and 2, T. 14 N., R. 64 W., SM, and in Sec. 35, T. 15 N., R. 64 W., SM. (Brown, pp. 493-494 and IC 745, September 30, 1983, F-14888.)

In 1988 Kalskag residents Wassillie Kameroff and Evan Savage told Earnhart that the Israthorak could not be boated by any craft for more than about two miles beyond where the slough enters in Sec. 35, T. 15 N., R. 64 W., SM. They also noted that the slough from the east, though determined navigable and excluded from IC 745 in Sec. 31, T. 15 N., R. 63 W., SM, and in Sec. 36, T. 15 N., R. 64 W., SM, is dry or nearly so for about a mile on its east end and in Sec. 1, T. 14 N., R. 64 W., SM.

I affirm the BLM's past determinations that Israthorak Creek is navigable from the Kuskokwim to the confluence of the unnamed slough of the Kuskokwim in Sec. 35, T. 15 N., R. 63 W., SM. I further determine the creek navigable to the tributary in Sec. 26, T. 15 N., R. 64 W., SM. The stream is over one hundred feet wide most of the way to this point. Two local people identified this as the approximate upper limit for boating.

Slough with mouth in SE 1/4 Sec. 25, T. 16 N., R. 63 W., SM.

The USGS Russian Mission B-4 quadrangle shows this slough as interconnecting with the Kuskokwim in Sec. 30, T. 16 N., R. 62 W., and Sec. 25, T. 16 N., R. 63 W., SM. The slough was conveyed by IC 745, excepting those portions in Native allotments F-16535 Parcel B in Sec. 25, T. 16 N., R. 63 W., SM, and F-17384 Parcel B in Sec. 30, T. 16 N., R. 62 W., SM. The Native allotments straddle the head and mouth of the slough. Double-lined on the USGS map for most of its three and one-half mile length, it is single-lined through the Native allotments. In NASA photographs it is about two hundred to three hundred feet wide, dry at the upper end, and about fifteen feet wide at its mouth in Sec. 25. Judging from the color of the water in the photographs, the waters of the Kuskokwim back up in the slough nearly to its head (CIR 60, roll 2911, frame 6385, July, 1980).

Evan Savage and Wassillie Kameroff of Lower Kalskag told Ed Earnhart that duck and muskrat hunters take sixteen-foot boats up this slough and portage to nearby lakes. Savage said that he has boated the slough. George Morgan, Jr., said that he and about ten other people also ascend the slough.

I determine this slough navigable in Native allotment F-16535 Parcel B located in Sec. 25, T. 16 N., R. 63 W., SM. It is about fifteen feet wide. It is unobstructed and obviously deep enough for shallow crafts. The slough is used by people to reach portages to the lakes east of it.

Bogus Creek

Bogus Creek originates in lowlands on the northwest side of an extension of the Kilbuck Mountains, a few miles southwest of Whitefish Lake. It meanders fifty miles to the Kuskokwim near Tuluksak. The creek is double-lined from the Kuskokwim to and through Sec. 29, T. 14 N., R. 61 W., SM. (See Russian Mission A-4, A-5, and B-4, and B-5 quadrangles.) Four Native allotments are located on tributary streams above this point. Allotments F-15679, F-15680, F-16348, F-17303-A, and F-16534-D are located on what appears to be the upper part of Bogus Creek coming out of the mountains to the southeast. The BLM's high altitude photographs show that allotment F-16534 D in Sec. 32, T. 14 N., R. 61 W., SM, is on Bogus Creek proper, rather than a tributary as depicted on the USGS maps. Here the creek is on a stream about fifteen feet wide. It is free of any obstructions. The other four allotments appear to be on smaller, discontinuous tributaries of Bogus Creek (CIR 60, roll 7, frames 265 and 266, July, 1980).

Two allottees and the widow of one allottee were contacted. They confirmed the impression from the land reports in the allotment case files that the allotments are accessed by snowmachine for trapping. They are not used in summer. None believed the cluster of allotments in the northeast section of T. 14 N., R. 61 W., SM., were accessible by water. However, Iftikim Evan thought that Elia Evan (deceased) may have gotten to his allotment in Sec. 32, T. 14 S., R. 61 W., SM, by boating up Bogus Creek and using a canoe for the last mile or so. Mary K. Evan, Elia's widow, did not believe her husband traveled to the allotment in the summer, but she did not know how he originally located it. Dennis Strom said that he has no doubt that Bogus Creek is boatable to and through Elia Evan's Native allotment. He said it is a deep tundra stream.

Alexander Levi whose allotment (F-16348) is in Sec. 15, T. 14 N., R. 61 W., SM, said that trails are used to reach the allotments, which are used in beaver trapping and muskrat hunting. Levi did not believe anyone had ever gone to the allotments by boat, including Elia Evan.

I determine Bogus Creek navigable in F-16534 Parcel D located in Sec. 32, T. 14 N., R. 61 W., SM. The stream as shown in NASA high altitude photographs is about fifteen feet wide and free of obstacles at this point and downstream. Iftikim Evan of Lower Kalskag and Dennis Strom, a manager of the Yukon Delta National Wildlife Refuge, who both know the area well, are convinced it can be boated to and through the Native allotment. Alexander Levi apparently lacks firsthand experience with the river downstream of his allotment during the open season.

Miscellaneous Navigable Water Bodies

I determine those water bodies listed in Tables 2 and 3 navigable. The sloughs and streams have little or no gradient and fill during spring breakup and rainy seasons. They are considered navigable if a clear channel is evident in NASA aerial photographs (scale 1:60,000). They are obviously susceptible to use by boaters, at least by canoe or airboat, during periods of high water.

Other Water Bodies

All other water bodies less than the meanderable size are non-navigable. The lakes are partially landlocked. The streams are too shallow, narrow, and/or filled with beaver dams or brush.

Wayne A. Boden

Enclosures:

Tables

Maps

cc:

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

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

The Kuskokwim Corporation
429 D Street, Suite 307
Anchorage, Alaska 99501

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

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

DM (040)

Chief, Planning and Development (920B)

Chief, Branch of Field Surveys (921)

Chief, Branch of Cartography (922)

Chief, Branch of Photogrammetry (924)

Chief, Branch of Calista Adjudication (963)

961:EEarnhart:ram:04/28/89:1444t

Table 1

Rivers, Streams, and Sloughs Less Than Three Chains Wide
and Lakes Less Than Fifty Acres Excluded from
ICs and TAs in Survey Window 1834 (Kalskag and Lower Kalskag)

1. Branch of Kuskokwim River double-lined on USGS Russian Mission C-4 in Sec. 22, T. 17 N., R. 60 W., SM. (IC 749)
2. Whitefish Lake effluent in Secs. 16, 20, 21, 24 and 36, T. 16 N., R. 61 W., SM, and Sec. 1, T. 15 N., R. 61 W., SM. (Russian Mission B-4) (IC 745)
3. Mud Creek to the NE4NE4, Sec. 26, T. 17 N., R. 62 W., SM, or portion double-lined on USGS Russian Mission C-4 and C-5. (IC 745)
4. Crooked Creek in T. 17 N., R. 62 W., SM. (Russian Mission C-4, C-5) (IC 749)
5. Two lakes in NW4 Sec. 26, T. 17 N., R. 62 W., SM, shown on USGS Russian Mission C-4. (IC 749)
6. Slough in Secs. 17-19, T. 16 N., R. 62 W., SM, and the two southeastern double-lined sloughs which meet the Kuskokwim in Secs. 20 and 30 of the township. (Russian Mission B-4)(IC 745)
7. Tributary of Israthorak Creek, single-lined on USGS Russian Mission B-5, in Sec. 31, T. 15 N., R. 63 W., SM. (IC 745)(This creek disappears in vegetation on aerial photos.)
8. Slough double-lined on USGS Russian Mission B-4 and B-5 in Secs. 23 and 24, T. 16 N., R. 63 W., SM. (IC 745)
9. Slough double- and single-lined on USGS Russian Mission B-4 in Secs. 23-25, T. 16 N., R. 63 W., SM. (IC 745)
10. Double-lined, dead-end slough in Sec. 23, T. 16 N., R. 63 W., SM. (Russian Mission B-4)(IC 745)
11. Dead-end slough of the Kuskokwim River where double-lined on USGS Russian Mission B-5 in Sec. 3, T. 15 N., R. 63 W., SM, and Secs. 26, 27 and 34, T. 16 N., R. 63 W., SM. (IC 745)
12. Dead-end slough of the Kuskokwim in Sec. 3, T. 15 N., R. 63 W., SM, and Secs. 33 and 34, T. 16 N., R. 63 W., SM where double-lined on USGS Russian Mission B-5. (IC 745)
13. Stream (local name Throat Creek) through Secs. 9 and 16, T. 15 N., R. 63 W., SM. (Russian Mission B-5)(IC 745)

14. Sloughs of the Kuskokwim River in Secs. 19, 20 and 30, T. 14 N., R. 63 W., SM, and Secs. 22, 26, 27, 34, and 35, T. 14 N., R. 64 W., SM. (Russian Mission B-5)(IC 745)
15. Single-lined slough of the Kuskokwim River in Secs. 20, 21 and 29, T. 14 N., R. 64 W., SM. (Russian Mission B-4)(IC 542)
16. Single-lined slough of the Kuskokwim River in the lower half of Secs. 32 and 33, T. 14 N., R. 64 W., SM, and its northerly mouth. (Russian Mission B-4)(IC 542)
17. All portions of lake double-lined on USGS map in Secs. 8, 9, 16, and 17, T. 16 N., R. 62 W., SM. (Russian Mission C-4) (IC 745)
18. Two small, elongated lakes in SE4SE4, Sec. 8, T. 16 N., R. 62 W., SM. (IC 745)

Table 2

Navigable Waters on Selected Lands in Survey Window 1834
(Kalskag and Lower Kalskag) Identified by
Aerial Photo-Interpretation

1. Dead-end slough of Kuskokwim in Sec. 1, T. 16 N., R. 61 W., SM. (Russian Mission C-3, C-4) (CIR, roll 2911, frames 6460 and 6461, July 1980)
2. Interconnecting slough of the Kuskokwim River from the mouth of Israthorak Creek in Sec. 11, T. 14 N., R. 64 W., SM, through Secs. 8, 9, 10, 17, T. 14 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frames 259 and 260, July, 1980)
3. Slough in N2 Sec. 25, T. 17 N., R. 60 W., SM. (Russian Mission C-4) (CIR roll 2913, frame 6775, July, 1980)
4. Slough in Secs. 27 and 34, T. 17 N., R. 60 W., SM. (Russian Mission C-3 and C-4) (CIR, roll 2911, frame 6461, July, 1980)
5. Slough in S1/2 Sec. 25, T. 14 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frames 260 and 261, July, 1980))
6. Part of Israthorak Creek tributary double-lined on USGS map in Sec. 35, T. 15 N., R. 64 W., SM. (Russian Mission B-5) (CIR, roll 7, frame 260, July, 1980)

Table 3
Navigable Waters in Native Allotments

1. Bogus Creek through Native allotment F-16534 Parcel D, Sec. 32, T. 14 N., R. 61 W., SM (CIR, roll 7, frame 265, July, 1980)
2. Stream feeding into Arhymot Lake (mouth in Sec. 10), two left bank tributaries in Secs. 34 and 35, T. 19 N., R. 61 W., SM, and Sec. 2, T. 18 N., R. 61 W., SM, within F-17385 Parcel A. (CIR, roll 2913, frames 6779 and 6780, July, 1980)
3. Slough in F-16535 Parcel B in SE1/4 Sec. 25, T. 16 N., R. 63 W., SM. (CIR, roll 2911, frames 6385 and 6386, July, 1980)
4. Slough through Native allotment F-17226 Parcel A, Sec. 3, T. 15 N., R. 63 W., SM, and Sec. 34, T. 16 N., R. 63 W., SM. (CIR, roll 2911, frame 6386, July, 1980)
5. Two sloughs entering the Kuskokwim River in Native allotment F-17371, Sec. 29, T. 14 N., R. 64 W., SM. (CIR, roll 7, frame 250, July, 1980)

Table 4

Navigable Rivers and Streams Less Than 198 Feet Wide
and Lakes Less Than 50 Acres in Size in Survey Window 1834
(Kalskag and Lower Kalskag)

Seward Meridian

T. 17 N., R. 60 W.

Branch of Kuskokwim River slough in Secs. 22, 27, and 34; slough of Kuskokwim in Secs. 24 and 25; interconnecting slough of the Kuskokwim in Secs. 19, 20 and 29; double-lined portion of slough in SE4 Sec. 29. (Russian Mission C-3, C-4)

Tps. 18 and 19 N., R. 60 W.

None.

T. 14 N., R. 61 W.

Bogus Creek in Native allotment F-16534-D, in Sec. 32 (Russian Mission B-4)

T. 15 N., R. 61 W.

Whitefish Lake effluent in Sec. 1. (Russian Mission B-4)

T. 16 N., R. 61 W.

Dead-end slough in Sec. 1; Whitefish Lake effluent in Secs. 16, 20, 21, 24, 25-28, and 36 (8/25/82). (Russian Mission B-4)

T. 17 N., R. 61 W.

Interconnecting slough of the Kuskokwim in Secs. 24 and 25. (Russian Mission C-4)

T. 18 N., R. 61 W.,

Stream emptying into Arhymot Lake and its left bank tributary in Native allotment F-17385-A in Sec. 2. (Russian Mission C-4)

T. 19 N., R. 61 W.,

Stream emptying into Arhymot Lake and its left bank tributary in Native allotment F-17385-A in Secs. 34 and 35. (Russian Mission C-4)

T. 14 N., R. 62 W.

None.

T. 15 N., R. 62 W.

Throat Creek in Secs. 3 and 4. (Russian Mission B-4)

T. 16 N., R. 62 W.

Mud Creek; double-lined portions of lake in Secs. 8, 9, 16, and 17; slough in Sec. 17-19 and its two left bank double-lined branches in Sec. 19; and two small, elongated lakes in SE4SE4 Sec. 8. (Russian Mission B-4, B-5, C-4, C-5)

T. 17 N., R. 62 W.

Mud Creek to the NE4NE4 Sec. 26; two portage lakes in NW4 Sec. 26; Crooked Creek. (Russian Mission C-4, C-5)

T. 18 N., R. 62 W.

None.

T. 14 N., R. 63 W.

Slough in Secs. 19, 20, and 30.

T. 15 N., R. 63 W.

Throat Creek in Secs. 9-12, 14-16 (TA); Israthorak Creek tributary in Sec. 31; slough in Sec. 3, and in Secs. 26, 27, and 34, T. 16 N., R. 63 W., SM, slough in Sec. 3 and in Secs. 33 and 34, T. 16 N., R. 63 W. (Russian Mission B-5)

T. 16 N., R. 63 W.

Mud Creek; slough in Secs. 23 and 24; Kuskokwim River slough in Native allotment F-16535 Parcel B, in SE4 Sec. 25; slough double-lined and single-lined in Secs. 23-25; double-lined dead-end slough in Sec. 23; slough in Secs. 26, 27, and 34, and in Sec. 3, T. 15 N., R. 63 W.; slough in Secs. 33 and 34, and in Sec. 3, T. 15 N., R. 63 W. (Russian Mission B-4, B-5, C-4, C-5)

T. 17 N., R. 63 W.

Johnson River in Secs. 14, 15 and 22; and Crooked Creek in Secs. 22 and 23. (Russian Mission C-5)

T. 14 N., R. 64 W.

Slough of Kuskokwim from its head in Sec. 21 through Secs. 20 and 29 to Kuskokwim in Sec. 29 (and in Native allotment F-17371); slough from mouth of Israthorak Creek to Kuskokwim River through Secs. 8, 9, 10 and 17, and Native allotment F-17371, in Sec. 29; slough through Secs. 1 and 2 (it enters Israthorak Creek from the east in Sec. 35, T. 15 N., R. 64 W.); sloughs in Secs. 22, 25, 26, 27, 34 and 35; single-lined slough in lower half of Secs. 32 and 33, and its northerly mouth. (Russian Mission B-5)

T. 15 N., R. 64 W.

Israthorak Creek to tributary in Sec. 26; Israthorak Creek tributary in Sec. 35 (portion double-lined on map only) and in Sec. 36. (Russian Mission B-5)

T. 16 N., R. 64 W.

None.

T. 15 N., R. 65 W.

None.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599
<http://www.ak.blm.gov>



JAN 15 2004

**Throat Creek
Interim Summary Report
Attachment 10**

9600 (927)

Russian Mission-VS-FY-2004
AA-82829-FL/13A (75.06)
AA-82829-FL/13B (75.06)
AA-82829-FL/14A (75.06)
AA-82829-FL/14B (75.06)
F-14871-EE (75.4)
F-14888-EE (75.4)¹

Memorandum

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

From: Chief, Survey Preparation and Navigability Section (927)

Subject: Navigable Waters within ANCSA-Selected and Interim Conveyed (IC) Lands in the Lower and Upper Kalskag Project Area (CANA-1, Calista Region)

This memorandum identifies and summarizes navigable waters on certain public lands, within 28 townships, embraced by pending ANCSA selections in the Lower and Upper Kalskag Project Area. Previously identified navigable waters on IC'd lands are also included in the table as shown on the Appendix. These lands are scheduled for survey during the 2004 field survey season. The authority to identify navigable waters on these selected lands rests in the Alaska Statehood Act, Alaska Native Claims Settlement Act, and the Native Allotment Act.

Only ANCSA-selected lands were examined in detail. No additional navigable waters have been identified by this report. Previous navigability determinations (generally on IC'd lands) are listed, where appropriate, in the appendix.

The appendix lists the townships within the survey project area. The dates of previously-issued navigability reports, if any, are indicated parenthetically for each township. Otherwise the affected townships are indicated as containing no navigable waters.

¹ F-14871-A (2651), F-14871-A2 (2651), F-14888-A (2651), F-14888-A2 (2651), F-14949-A (2651), AA-12877 (2620), AA-12891 (2620), AA-76402 (2620), AA-76497 (2620)

Seven rectangular survey plats have been identified as requiring additional meanders in order to properly depict waterways previously excluded from the IC. These plats (with the relevant waterway highlighted) have been included as part of the attachments.

Only upland navigable rivers and streams less than three chains in width and lakes less than fifty acres in size which cross or lie within ANCSA-selected and IC'd lands are described.

Tidal water bodies, lakes fifty acres or more in size, and rivers averaging 198 feet or more in width are not described because, regardless of their navigability status, these water bodies are meandered and segregated from the survey in accordance with the Alaska Submerged Lands Act of 1988.

If water bodies are less than meanderable size, and not listed in the appendix, they are non-navigable. They are too short, steep-in-gradient, narrow, or shallow for travel, trade, and commerce.

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

In conclusion, the previous determinations of navigability on IC'd lands are summarized in the Appendix. The determinations of navigability for the remaining village-selected lands as shown in the memorandums dated May 8, 1989, May 24, 1989, and October 30, 1991, are affirmed.

Ray B. Lewis
1/15/04 /s/

Attachments:

- Appendix
- Navigability Memorandums dated November 8, 1984, July 8, 1985, January 24, 1986, May 8, 1989, May 24, 1989, October 30, 1991
- Rectangular survey plat for T. 16N., R. 60W., SM
- Rectangular survey plat for T. 16N., R. 61W., SM
- Rectangular survey plat for T. 16N., R. 63W., SM
- Rectangular survey plat for T. 15N., R. 61W., SM
- Rectangular survey plat for T. 15N., R. 63W., SM
- Rectangular survey plat for T. 14N., R. 63W., SM
- Rectangular survey plat for T. 14N., R. 64W., SM

cc:

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

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

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

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

Mike Rearden, Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559-0346

Calista Corporation
601 W. 5th Avenue, Suite 200
Anchorage, Alaska 99501-2225

Association of Village Council Presidents
Real Estate Services
P.O. Box 219
Bethel, Alaska 99559

Kuskokwim Corporation
Realty Department
P.O. Box 227
Anchorage, Alaska 99557

Chief, Branch of Field Surveys (921)

Chief, Branch of Preparation and Resolution CANA-1 (962)

Chief, Branch of Adjudication I (963)

Chief, Branch of Adjudication II (964)

Anchorage Field Office (040)

Dominica Van Koten (927)

Ralph Basner (927)

Rodney Harvey (954C)
(Electronic Copy)

Appendix

Navigable Waters Less than Meanderable Size within Certain ANCSA-Selected and Interim Conveyed (IC) Lands

Lower & Upper Kalskag (ANCSA) Survey Project, Window 2681 (CAA-1)
By Township

Seward Meridian

T. 19 N., R. 59 W.

Includes (village-selected) Secs. 1-5, 8-17, 21-27, 34 and 35.

No navigable waters (report of 5/24/89).

T. 19 N., R. 60 W.

Includes (village-selected) Secs. 31-35.

No navigable waters (report of 5/8/89).

T. 19 N., R. 61 W.

Includes (village-selected) Secs. 35 and 36.

No navigable waters (report of 5/8/89).

T. 18 N., R. 59 W.

Includes (village-selected) Secs. 1-24, 30 and 31.

No navigable waters (report of 5/24/89).

T. 18 N., R. 60 W.

Includes (village-selected) Secs. 2 and 13.

No navigable waters (report of 5/8/89).

T. 18 N., R. 61 W.

No navigable waters (report of 5/8/89).

T. 18 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 17 N., R. 59 W.

Discovery Creek in Sec. 31; Slough in NE4SW4NE4 Sec. 31; Slough in Sec. 28 to mouth in SE4SE4NE4 Sec. 29; Stream/Slough of Kuskokwim River in Secs. 23, 24, 26, 27, 34 and 35 (report of 5/24/89).

Includes (village-selected) Secs. 23-26.

T. 17 N., R. 60 W.

Branch of the Kuskokwim River Slough in Secs. 22, 27 and 34; Slough of the Kuskokwim river in Secs. 24 and 25; Interconnecting Slough of the Kuskokwim in Secs. 19, 20 and 29; and Double-lined portion of slough in SE4 Sec. 29. (report of 5/8/89)
Includes (village-selected) Secs. 25-27 and 31- 36.

T. 17 N., R. 61 W.

Interconnecting slough of the Kuskokwim River in Secs. 24 and 25 (report of 5/8/89).

T. 17 N., R. 62 W.

Crooked Creek (throughout the township); Mud Creek to the NE4NE4 Sec. 26 (report of 5/8/89).
Includes (village-selected) Secs. 18, 19.

T. 17 N., R. 63 W.

Johnson River and Crooked Creek (report of 5/8/89).
Includes (village-selected) Secs. 13, 14, 23 and 24.

T. 16 N., R. 60 W.

Stream in Secs. 27 and 28; Linear Lake in Secs. 29 and 30; Slough of Discovery Creek with mouth in SE4SW4SW4 Sec. 2 to end of slough in NE4NW4SE4 Sec. 2 (reports of 5/24/89, 10/30/91).
Includes (village-selected) Secs. 3-9, and 27-30.

T. 16 N., R. 61 W.

Dead-end slough of the Kuskokwim River in Sec. 1; Unnamed Creek flowing northerly through Secs. 25 and 36 and westerly through Secs. 26, 27 and 28; Unnamed Stream that enters the center east boundary of Sec. 24 (reports of 5/8/89, 10/30/91).
Includes (village-selected) Secs. 1-12 and 25-29.

T. 16 N., R. 62 W.

Mud Creek; Double-lined portions of Lake in Secs. 8, 9, 16 and 17; Slough in Secs. 17 to 19; Two left bank double-lined branches in Sec. 19; elongated lakes in SE4SE4 Sec. 8. (report of 5/8/89)

T. 16 N., R. 63 W.

Mud Creek; Slough in Secs. 23 and 24; Kuskokwim River Slough in Native allotment F-16535, Parcel B and SE4 Sec. 25; Slough double-lined and single-lined in Secs. 23-25; double-lined, Dead-end Slough in Sec. 23; Slough in Secs. 26, 27 and 34; Slough in Secs. 33 and 34 (report of 5/8/89).
Includes (village-selected) Secs. 8 and 17-19 - No navigable waters.

T. 16 N., R. 64 W.

No navigable waters (report of 5/8/89).

T. 15 N., R. 60 W.

Outlet of Whitefish Lake (report of 5/24/89).

T. 15 N., R. 61 W.

Whitefish Lake outlet through Sec. 1 (report of 5/8/89).

T. 15 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 15 N., R. 63 W.

Throat Creek in Secs. 9-12, 14-16; Israthorak Creek tributary in Sec. 31 (report of 5/8/89).

T. 15 N., R. 64 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 60 W.

Lake and Channel leading into Whitefish Lake in Secs. 4 and 9 (report of 11/8/82).

T. 14 N., R. 61 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 62 W.

No navigable waters (report of 5/8/89).

T. 14 N., R. 63 W.

Unnamed Slough in Secs. 19 and 20 (report of 5/8/89).

T. 14 N., R. 64 W.

Unnamed Slough from mouth of Isothorak Creek to the Kuskokwim River through Secs. 8-11 and 17; Unnamed Slough through Secs. 1 and 2 (report of 5/8/89).
Includes (village-selected) Secs. 1-3, and 10-16.

T. 14 N., R. 65 W.

Entire Township within Yukon Delta NWR.



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7599
<http://www.ak.blm.gov>



**Throat Creek
Interim Summary Report
Attachment 11**

F-14888-A (2651)
F-14888-EE (75.4)
CAA-1
(964) kjm/ccf/sla

*con 7/29/05
approved
7.29.05*

JUL 29 2005

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE

The Kuskokwim Corporation
Successor in Interest to
Lower Kalskag Incorporated
4300 B Street, Suite 207
Anchorage, Alaska 99503-5951

Interim Conveyance No. 745

Calista Corporation
ATTN: Land Department
301 Calista Court, Suite A
Anchorage, Alaska 99518-3028

Interim Conveyance No. 746

Intent to Issue Patent

On September 30, 1983, Interim Conveyance (IC) No. 745 was issued to The Kuskokwim Corporation, Successor in Interest to Lower Kalskag Incorporated, pursuant to Secs. 14(a) and 22(j) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), for lands selected under Sec. 12(a) of ANCSA. The conveyed lands are located in the vicinity of Lower Kalskag, Alaska. On September 30, 1983, IC No. 746 was issued to Calista Corporation for the subsurface estate of the same lands pursuant to Secs. 14(f) and 22(j) of ANCSA.

Section 22(j)(1) of ANCSA, as amended, authorizes the conveyance of unsurveyed lands and further provides that after survey, a patent will be issued to confirm the boundaries of the IC'd lands. This is notification that a portion of the lands conveyed by IC Nos. 745 and 746 is surveyed and that the Bureau of Land Management intends to issue patents confirming the boundaries of those lands.

Draft patents and survey plats are enclosed for your review. The lands described in the draft patents are shown on the plats of survey. Only uplands are described in the patent and charged against entitlement. Submerged lands, if any, beneath rivers or streams 3 chains (198 feet) wide and wider, lakes 50 acres in size and larger, and navigable water bodies of lesser size are not described in the patent and are not included in the acreage charge.

The draft patents differ from IC Nos. 745 and 746 in that the valid existing rights paragraph in the draft patent does not contain the statement, "(including a lease issued under Sec. 6(g) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339, 241, 48 U.S.C. Ch. 2, Sec. 6(g))." This wording does not apply as the lands included in the ICs were never tentatively approved to the State of Alaska.

The draft patents do not contain all of the lands described in IC Nos. 745 and 746. Therefore, IC Nos. 745 and 746 remain in full force and effect for those lands not included in the patents. The lands which remain ICed are located within:

Seward Meridian, Alaska

T. 14 N., R. 60 W.
T. 16 N., R. 60 W.
T. 14 N., R. 61 W.
T. 15 N., R. 61 W.
T. 16 N., R. 61 W.
T. 16 N., R. 62 W.
T. 14 N., R. 63 W.
T. 16 N., R. 63 W.
T. 15 N., R. 64 W.
T. 16 N., R. 64 W.

The easement reserved in IC No. 745 is not located in the lands to be patented at this time.

Enclosed are copies of the acreage calculation sheets, easement maps, and master title plats to assist in review of the draft patents.

Comments should be made within thirty (30) days of receipt of this notice, and should be sent to:

Bureau of Land Management
Division of Conveyance Management
Branch of Adjudication II (964)
ATTN: KJ Mushovic
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7599

If no comments are received within the 30-day period, the draft patents will be considered correct and the final patents will be issued.

/s/ KJ Mushovic

KJ Mushovic
Land Law Examiner
Branch of Adjudication II

Enclosures:

Draft patents
Acreage calculation sheets
Easement maps
Survey plats
Master Title Plats

Copy furnished to:

State of Alaska (CM-RRR)
Department of Natural Resources
Division of Mining, Land and Water
Realty Services Section
550 West Seventh Avenue, Suite 1050A
Anchorage, Alaska 99501-3579
(w/enclosures)

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

State of Alaska (CM-RRR)
Department of Transportation and Public Facilities
ATTN: John F. Bennett, Chief, Right-of-Way Branch
Northern Region
2301 Peger Road, MS 2553
Fairbanks, Alaska 99709-5316
(w/enclosures)

Yukon Delta National Wildlife Refuge (CM-RRR)
ATTN: Michael Reardon, Refuge Manager
P.O. Box 346
Bethel, Alaska 99559
(w/enclosures)

Escrow (961)
(w/draft patents)

Deputy Chief, Branch of Adjudication II (964)
(w/draft patents)

FM, AK (020)

COPY

Throat Creek
Interim Summary Report
Attachment 12

The United States of America

To all to whom these presents shall come, Greeting:

Patent

F-14888-A

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to The Kuskokwim Corporation, Successor in Interest to Lower Kalskag Incorporated, 4300 B Street, Suite 207, Anchorage, Alaska 99503-5951, as GRANTEE, for lands in the Kuskokwim Recording District.

WHEREAS

The Kuskokwim Corporation
Successor in Interest to Lower Kalskag Incorporated

is entitled to a patent pursuant to Sec. 14(a) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(a), of the surface estate in the following-described lands, which are described in Interim Conveyance No. 745 issued September 30, 1983:

Seward Meridian, Alaska

T. 15 N., R. 60 W.,
Sec. 3, lots 1 and 2;
Sec. 4, lots 1, 2 and 3;
Sec. 5, lots 1 and 2;
Sec. 6, lots 1 to 4, inclusive.

Containing 1,932.00 acres, as shown on the plat of survey officially filed September 2, 1997.

T. 15 N., R. 63 W.,
Sec. 1, lot 3;
Sec. 2, lots 5, 7 and 8;

Patent No. **50 - 2005 - 0430**

COPY

Sec. 3, lots 1, 7, 8 and 9;
Sec. 4, lots 3 to 6, inclusive;
Sec. 5, lots 1, 3, 4 and 5;
Sec. 6, lots 1, 3 and 4;
Sec. 7, lot 2;
Sec. 8, lots 1 and 5;
Sec. 9, lots 1 and 3, and lots 6 to 10, inclusive;
Sec. 16, lots 1, 3, 4, 6 and 7;
Sec. 17;
Sec. 18, lots 1, 3 and 5;
Sec. 19, lots 1, 3, 5 and 6;
Sec. 20, lot 1;
Sec. 21, lots 1, 5 and 6;
Sec. 28, lots 1, 3, 4 and 6;
Sec. 29, lots 1, 3 and 5;
Sec. 30, lots 1 and 3;
Sec. 31, lots 1, 3, 5 and 6;
Sec. 32, lots 1, 3, 4, 6 and 7;
Sec. 33, lots 1, 3, 4 and 5.

Containing 10,208.29 acres, as shown on the plat of survey accepted
May 28, 1980, and the photogrammetric resurvey officially filed November 3, 2004.

Aggregating 12,140.29 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the surface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

EXCEPTING AND RESERVING TO THE UNITED STATES from the lands so granted the subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f).

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him.

COPY

Further, pursuant to Sec. 17(b)(2) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1616(b)(2) (1976), any valid existing right recognized by ANCSA shall continue to have whatever right of access as is now provided for under existing law; and

2. Requirements of Sec. 14(c) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(c), as amended, that the grantee hereunder convey those portions, if any, of the lands hereinabove granted, as are prescribed in said section.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Anchorage, Alaska, the SEVENTH day of SEPTEMBER, in the year of our Lord two thousand and FIVE and of the Independence of the United States the two hundred and THIRTIETH.

By /s/ Richard Thwaites
Richard Thwaites
Chief, Branch of Land Transfer Services

Return Recorded Document to:

COPY

The United States of America

To all to whom these presents shall come, Greeting:

Patent

F-14888-A

This patent is issued by the UNITED STATES, Department of the Interior, Bureau of Land Management, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599, as GRANTOR, to the Calista Corporation, 301 Calista Court, Suite A, Anchorage, Alaska 99518-3028, as GRANTEE, for lands in the Kuskokwim Recording District.

WHEREAS

Calista Corporation

is entitled to a patent pursuant to Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), of the subsurface estate reserved to the United States in the hereinbelow-identified patent for the surface estate in the following described lands, which were described in Interim Conveyance No. 746 issued September 30, 1983:

Patent No. 50 - 2005 - 0430

Seward Meridian, Alaska

T. 15 N., R. 60 W.,
Sec. 3, lots 1 and 2;
Sec. 4, lots 1, 2 and 3;
Sec. 5, lots 1 and 2;
Sec. 6, lots 1 to 4, inclusive.

Containing 1,932.00 acres, as shown on the plat of survey officially filed September 2, 1997.

T. 15 N., R. 63 W.,
Sec. 1, lot 3;

Patent No. 50 - 2005 - 0431

COPY

Sec. 2, lots 5, 7 and 8;
Sec. 3, lots 1, 7, 8 and 9;
Sec. 4, lots 3 to 6, inclusive;
Sec. 5, lots 1, 3, 4 and 5;
Sec. 6, lots 1, 3 and 4;
Sec. 7, lot 2;
Sec. 8, lots 1 and 5;
Sec. 9, lots 1, 3, and 6 to 10, inclusive;
Sec. 16, lots 1, 3, 4, 6 and 7;
Sec. 17;
Sec. 18, lots 1, 3 and 5;
Sec. 19, lots 1, 3, 5 and 6;
Sec. 20, lot 1;
Sec. 21, lots 1, 5 and 6;
Sec. 28, lots 1, 3, 4 and 6;
Sec. 29, lots 1, 3 and 5;
Sec. 30, lots 1 and 3;
Sec. 31, lots 1, 3, 5 and 6;
Sec. 32, lots 1, 3, 4, 6 and 7;
Sec. 33, lots 1, 3, 4 and 5.

Containing 10,208.29 acres, as shown on the plat of survey accepted May 28, 1980, and the photogrammetric resurvey officially filed November 3, 2004.

Aggregating 12,140.29 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES OF AMERICA, unto the above-named corporation the subsurface estate in the lands above described; TO HAVE AND TO HOLD the said estate with all the rights, privileges, immunities, and appurtenances, of whatsoever nature, thereunto belonging, unto the said corporation, its successors and assigns, forever.

THE GRANT OF THE ABOVE-DESCRIBED LANDS IS SUBJECT TO:

1. All the easements and rights-of-way referenced in the aforementioned patent of the surface estate, and to valid existing rights therein, if any, in the said subsurface estate, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him; and

COPY

2. The requirements of Sec. 14(f) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f), that the right to explore, develop, or remove minerals from the subsurface estate in the lands herein conveyed which are within the boundaries of the Native village of Lower Kalskag shall be subject to the consent of The Kuskokwim Corporation, Successor in Interest to Lower Kalskag Incorporated.

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

GIVEN under my hand, in Anchorage, Alaska, the SEVENTH day of SEPTEMBER, in the year of our Lord two thousand and FIVE and of the Independence of the United States the two hundred and THIRTIETH.

By /s/ Richard Thwaites

Richard Thwaites

Chief, Branch of Land Transfer Services

Return Recorded Document to:

SURVEYED TOWNSHIP 15 NORTH RANGE 63 WEST OF THE SEWARD MERIDIAN, ALASKA

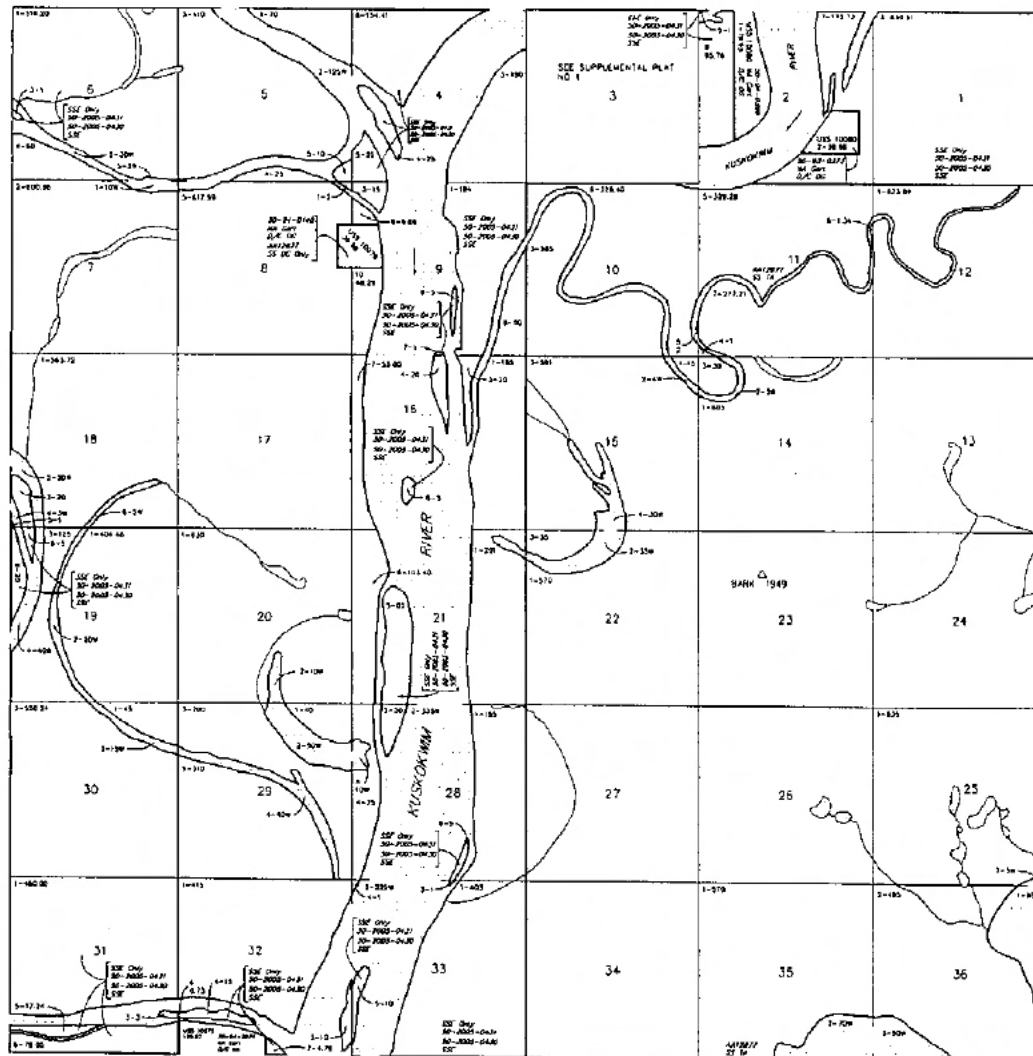
STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PL 12-203 AND 114000 LOS 101 114000-42
PL 12-204 AND 114000 LOS 101 114000-42
PL 12-205 AND 114000 LOS 101 114000-42

Throat Creek Interim Summary Report Attachment 13



SCALE IN FEET
0 10 20 30 40

NOTES:
This plan is the property of the State of Alaska, and should be used
only as a guide to the location of the surveyed lands. It is not
to be used for any other purpose. The plan is subject to change
without notice. The plan is not a warranty of title or any other
matter. It is the responsibility of the user to obtain accurate
information.

Lat 64°20'34.53"N
Long 160°28'47.15"W

CURRENT TO	See Map
4-18-2006	T 15 N
	R 63 W

ACAD

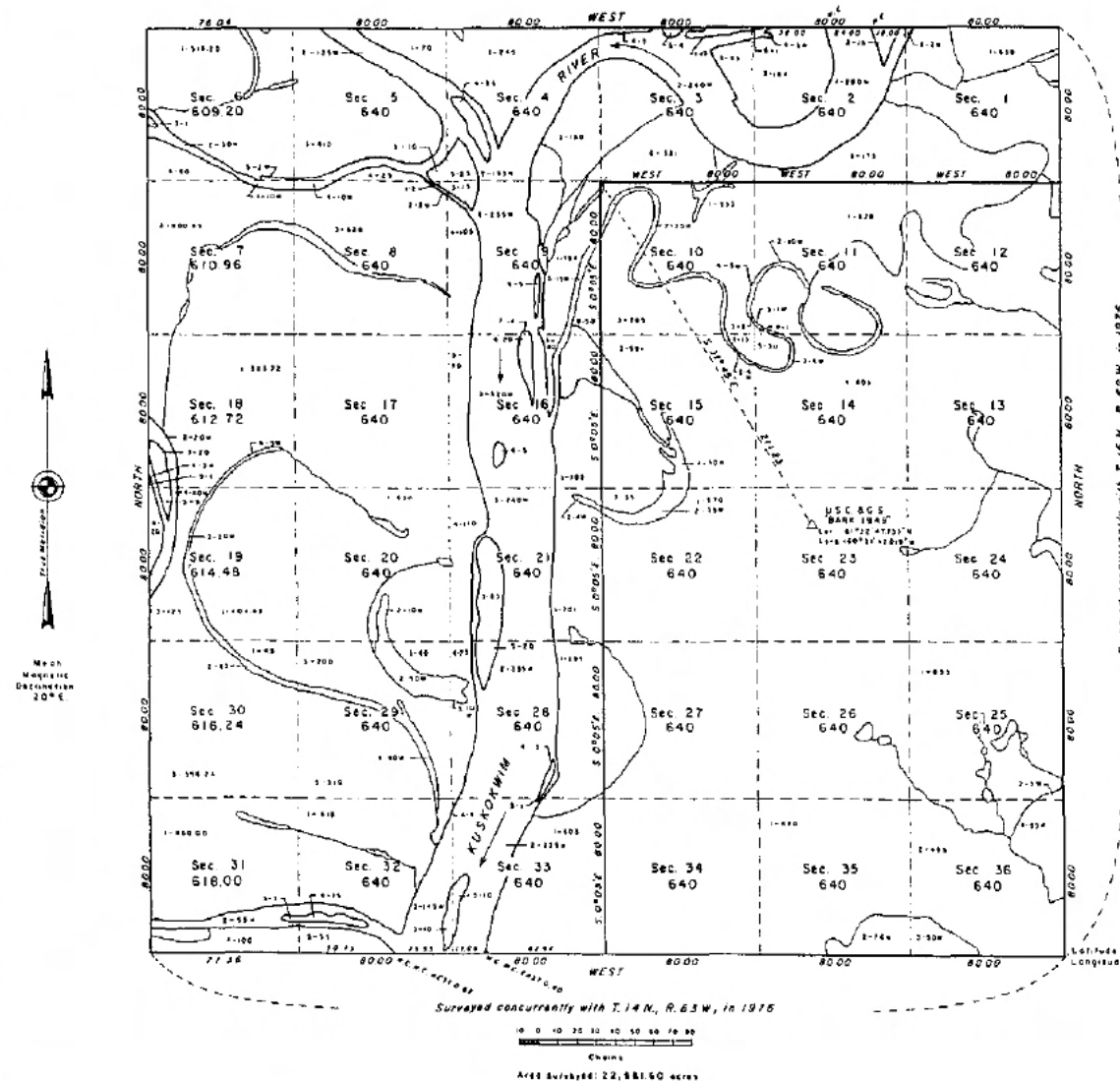
Water lot designations are to facilitate identification and acreage computations only and are not intended to fix boundaries or alter riparian entitlement.

Refer to memorandum File Number 9500 (D-401), dated December 11, 1981, for authority to make this annotation.

Mapping source referred to on this plat is USGS quadrangle maps "RUSK" MISSION (8-4), Alaska, 1954 edition, with minor revisions in 1972; "RUSSIAN MISSION (8-5), Alaska, 1954 edition.

ORIGINAL

TOWNSHIP 15 NORTH, RANGE 63 WEST, OF THE SEWARD MERIDIAN, ALASKA



The survey of the west and north boundaries, and a portion of the subdivisional lines of T. 15 N., R. 63 W., Seward Meridian, Alaska, was executed by Donald L. Barr, Cadastral Surveyor, August 26, 1976, through September 15, 1976, under Special Instructions dated December 22, 1973, for Group No. 234, Alaska.

Portions of this township are protracted, based on the record of the surveyed lines, the plats of adjoining townships, concurrently prepared, the official protraction diagram, and the approximate line of mean high water, as shown on U.S. Geological Survey topographic maps.

Marine waters considered seaward under the guidelines of the Manual of Surveying Instructions, 1922, have been seawarded and defined on this plat, and are identified by the letter "M" following the given areas. These areas are included in the total "area surveyed" for each section and for the township.

The hydrography shown on this plat was obtained from U.S. Geological Survey quadrangle maps, and measurements to topographic features.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Denver, Colorado May 23, 1980

This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

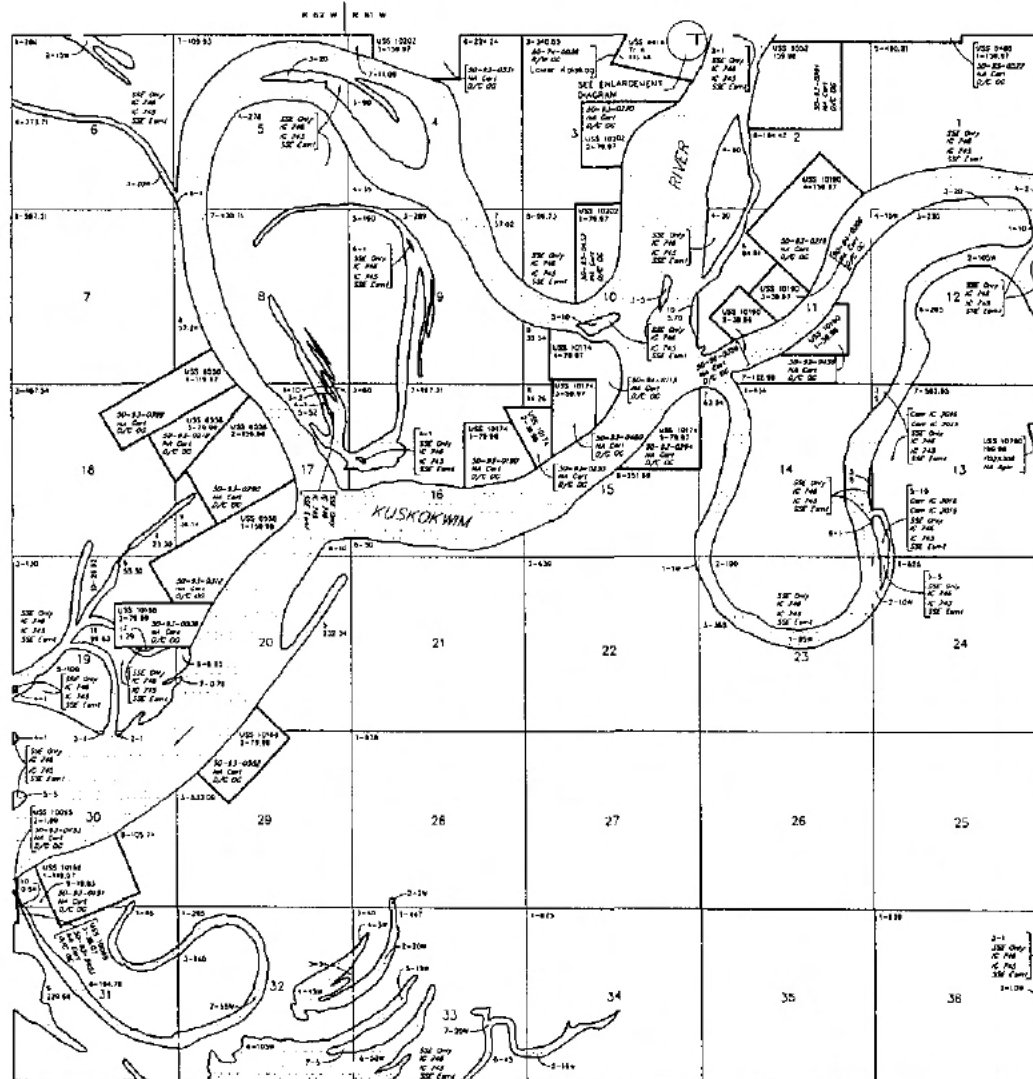
For the Director

[Signature]
Acting Chief, Cadastral Survey
Examination and Approval Staff

Latitude 61°20'24.83"N
Longitude 160°28'47.15"W

vol. 68

SURVEYED TOWNSHIP 16 NORTH RANGE 62 WEST OF THE SEWARD MERIDIAN, ALASKA



SCALE in inches
0 10 20 30 40

WARNING:
This map is the Bureau's Product of this survey and should be used only as a general reference. It is not intended for use in any other way. The Bureau does not warrant the accuracy of the data shown on this map. The user assumes all responsibility for the use of this map. The user assumes all responsibility for the use of this map.

Lat 61°25'36.43"N
Long 150°16'01.33"W

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

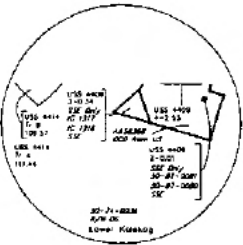
MTP

FOR ORDERS EFFECTING DISPOSAL OR USE OF UN-
IDENTIFIED LANDS WITHIN FOR CLASSIFICATION
MATERIALS, MAPS AND/OR OTHER PUBLIC PURPOSES
REFER TO INDEX OF UNCLASSIFIED DOCUMENTS

OLD STATE MAP OF OFFICIAL LANDS/INTERESTS NOT SURVEYED

HE 50-487 MAP KUSKOKWIM RIVER AREA TO

ENLARGEMENT DIAGRAM



SCALE in inches
0 10 20 30 40

Throat Creek Interim Summary Report Attachment 14

COMMENT TO	See Map
5-21-2007	T 15 N R 62 W

ACAD

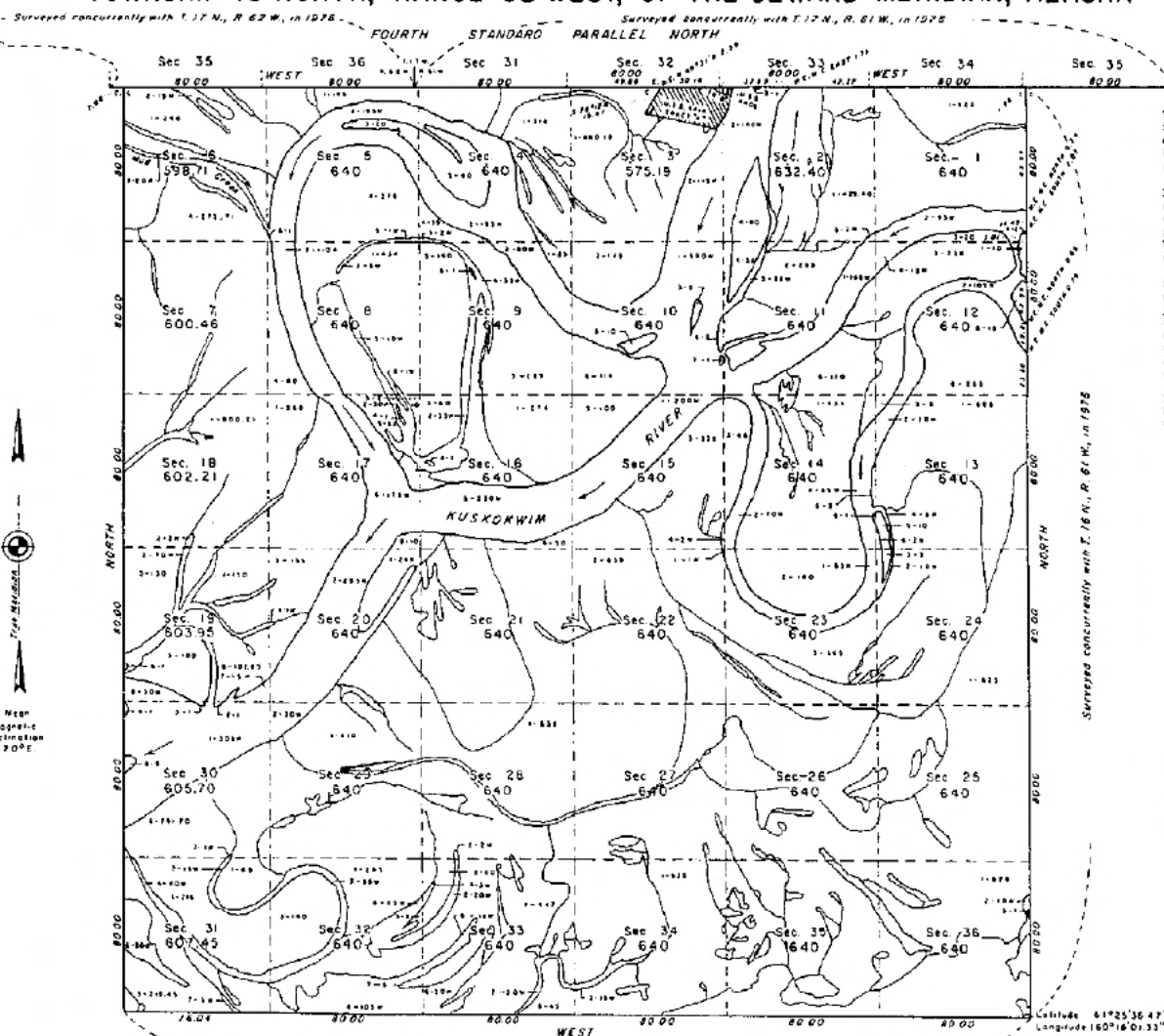
Water lot designations are to facilitate identification and acreage computations only and are not intended to fix boundaries or alter riparian entitlements.

Refer to memorandum File Number 9600 (D-401), dated December 11, 1981, for authority to make this annotation.

Mapping sheets covering this area were made under MISSION (B-4), and "RUSSIAN MISSION (C-4)," Alaska, 1954 editions, both with minor revisions in 1977.

ORIGINAL

TOWNSHIP 16 NORTH, RANGE 62 WEST, OF THE SEWARD MERIDIAN, ALASKA



The survey of the west boundary of T. 16 N., R. 62 W., Seward Meridian, Alaska, was executed by Donald L. Hart, Cadastral Surveyor, August 26, 1976, through September 15, 1978, under Special Instructions dated December 22, 1975, for Group No. 254, Alaska.

Portions of this township are protracted, based upon the record of the surveyed lines, the plats of adjoining townships, concurrently prepared, the official protraction diagram, and the approximate line of mean high water, as shown on U.S. Geological Survey topographic maps.

Nontidal waters considered measurable under the guidelines of the Manual of Surveying Instructions, 1973, have been segregated and defined on this plat, and are identified by the letter "M" following the given acres. Water areas so identified are subject to any riparian entitlement attaching under Revised Statute 2476. These areas are included in the total "area surveyed" for each section and for the township.

The hydrography shown on this plat was obtained from U.S. Geological Survey quadrangle maps, and measurements to topographic features.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Denver, Colorado May 28, 1980

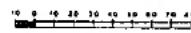
This plat is strictly conformable to the approved field notes, and the survey, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Alan J. Smith
Acting Chief, Cadastral Survey
Examination and Approval Staff

Latitude 61°25'36.47"N
Longitude 160°16'01.32"W

Surveyed concurrently with T. 15 N., R. 62 W., in 1978



Area surveyed: 22,748.07 acres

vol. 68

MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

[illegible]

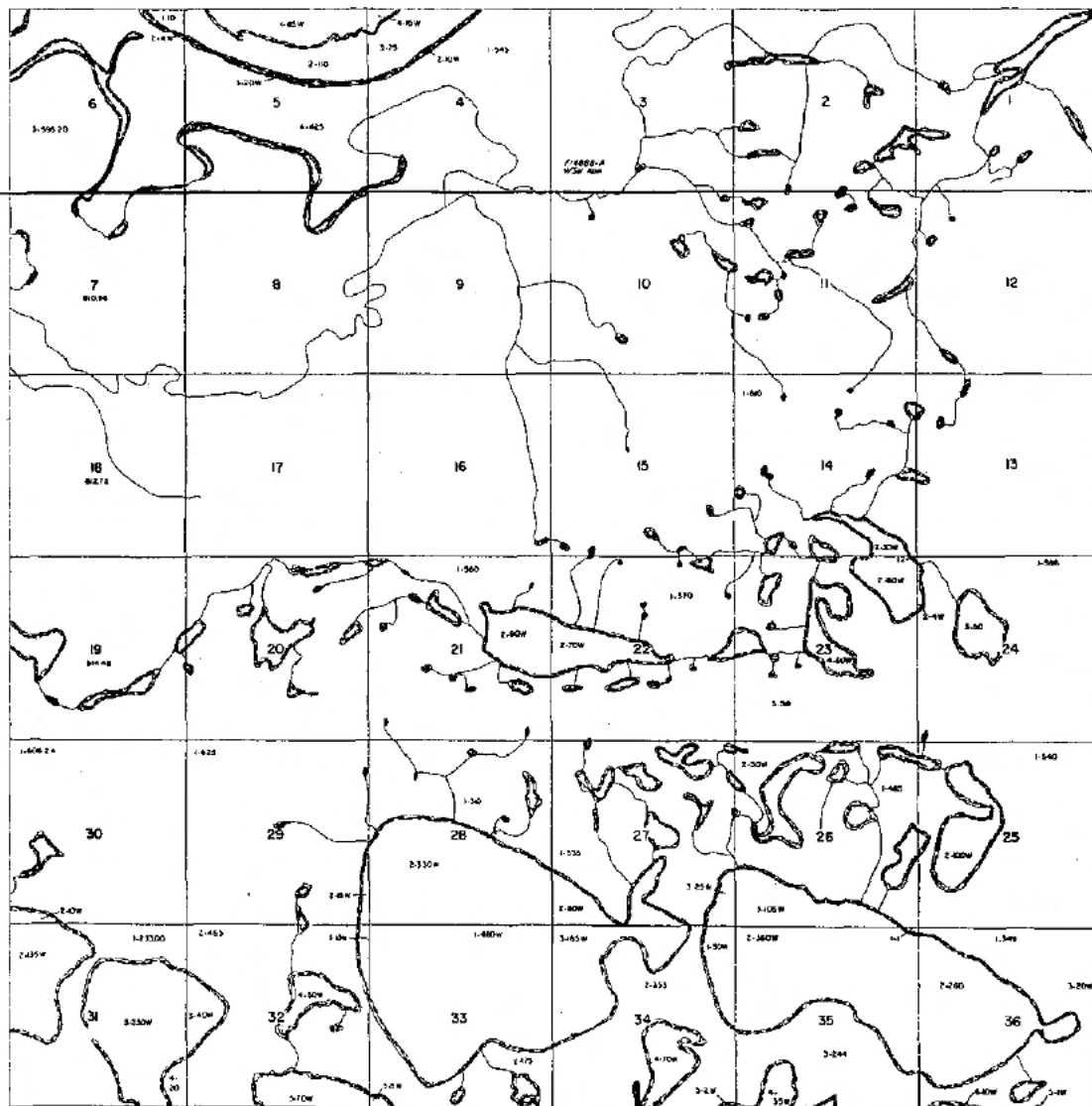
FOR ORDERS EFFECTING DISPOSAL OR USE OF
UNIDENTIFIED LARGE WITHDRAWN FOR CLASSI-
FICATION MINERALS WATER AND/OR OTHER
PUBLIC PURPOSES REFER TO INDEX OF
MISCELLANEOUS DOCUMENTS.

F14060 Wd. Pr. 92-203 12/28/1971 Leland W. FRA 888-A,
F14060-A2

PLS 2104 3/15/1972 Will Enter To

FI4888-A2	W38	Apr	Sec 1-6	B	NAA	B	Unrec
Lords	within	FI4888	12(a)				

PL 99-407 12-2-1986 WOL Entire To Nation Datto HWR



Lat 61°20'24.53"N
Long 160°18'08.33"W

WARNING STATEMENT
This plan is the Bureau's Record of Ticks, and should be used only as a graphic display of the Ipswich survey data. Records have to be subject to change which may be influenced by federal movements of ticks or other factors of weather. In the absence of such data, the Bureau will not be able to provide the necessary information.

SCALE

0 10 20 30 40

30 chains to 1/4 inch

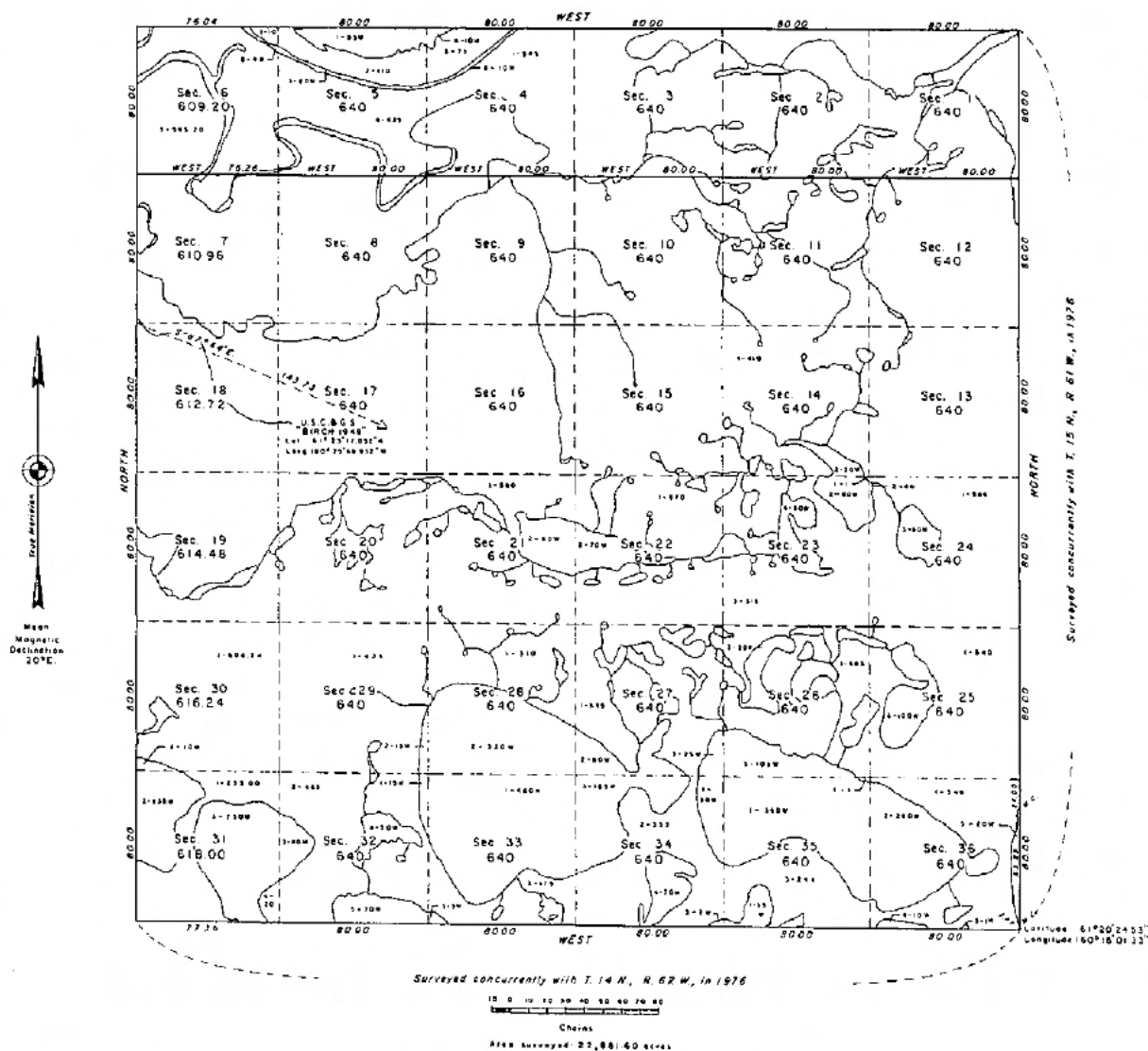
FWS
AEC

[illegible]

Y. H. N.
R. 624
S. M.

ORIGINAL

TOWNSHIP 15 NORTH, RANGE 62 WEST, OF THE SEWARD MERIDIAN, ALASKA



The survey of the west and north boundaries, and a portion of the subdivisional lines of T. 15 N., R. 62 W., of the Seward Meridian, Alaska, was executed by Donald L. Dett, Cadastral Surveyor, August 26, 1976, through September 15, 1976, under Special Instructions dated December 22, 1975, for Group No. 224, Alaska.

Portions of this township are protracted, based upon the record of the surveyed lines, the plat of adjoining townships, concurrently prepared, the official protraction diagram, and the approximate line of mean high water, as shown on U.S. Geological Survey topographic maps.

Roadside waters considered meanderable under the guidelines of the Manual of Surveying Instructions, 1973, have been segregated and defined on this plat, and are identified by the letter "M" following the given areas. These areas are included in the total "area surveyed" for each section and for the township.

The hydrography shown on this plat was obtained from U.S. Geological Survey quadrangle maps, and measurements to topographic features.

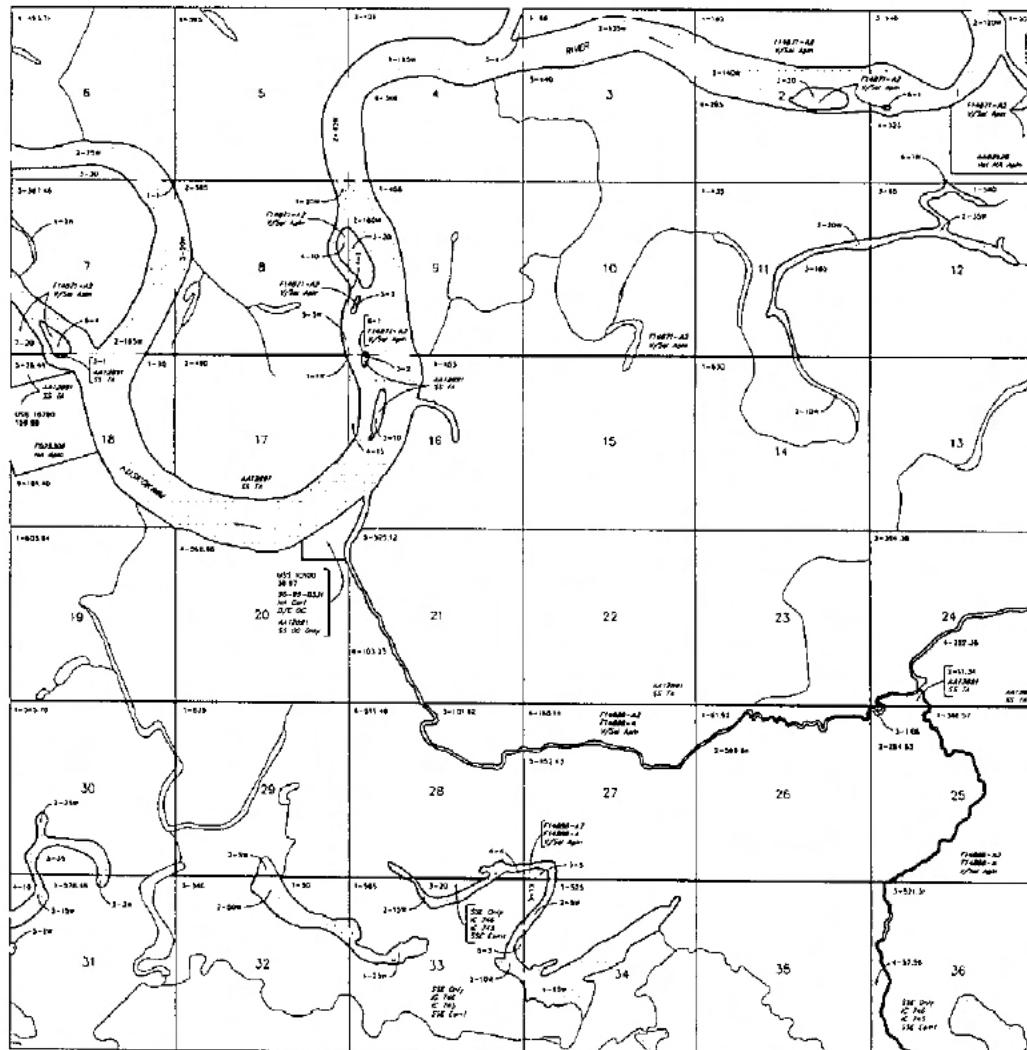
SURVEYED TOWNSHIP 16 NORTH RANGE 61 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MTP

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

PL 92-203 AND 174821, LOS 10/174821-42
PL 92-203 AND 174821, LOS 10/174821-42
PL 92-203 AND 174821, LOS 10/174821-42
PL 92-203 AND 174821, LOS 10/174821-42
PL 92-203 AND 174821, LOS 10/174821-42



SCALE IN CHAINS
0 10 20 30 40

NOTES:
This map is the Bureau's record of this township and should be used
only as a general guide. It is not a survey map. It is not a title
map. It is not a map of the land. It is a map of the township.
It is a map of the township. It is a map of the township.

Lot 1000
1000 1000 1000

COMMENT TO	NEW MAP
5-10-2007	16 N 61 W

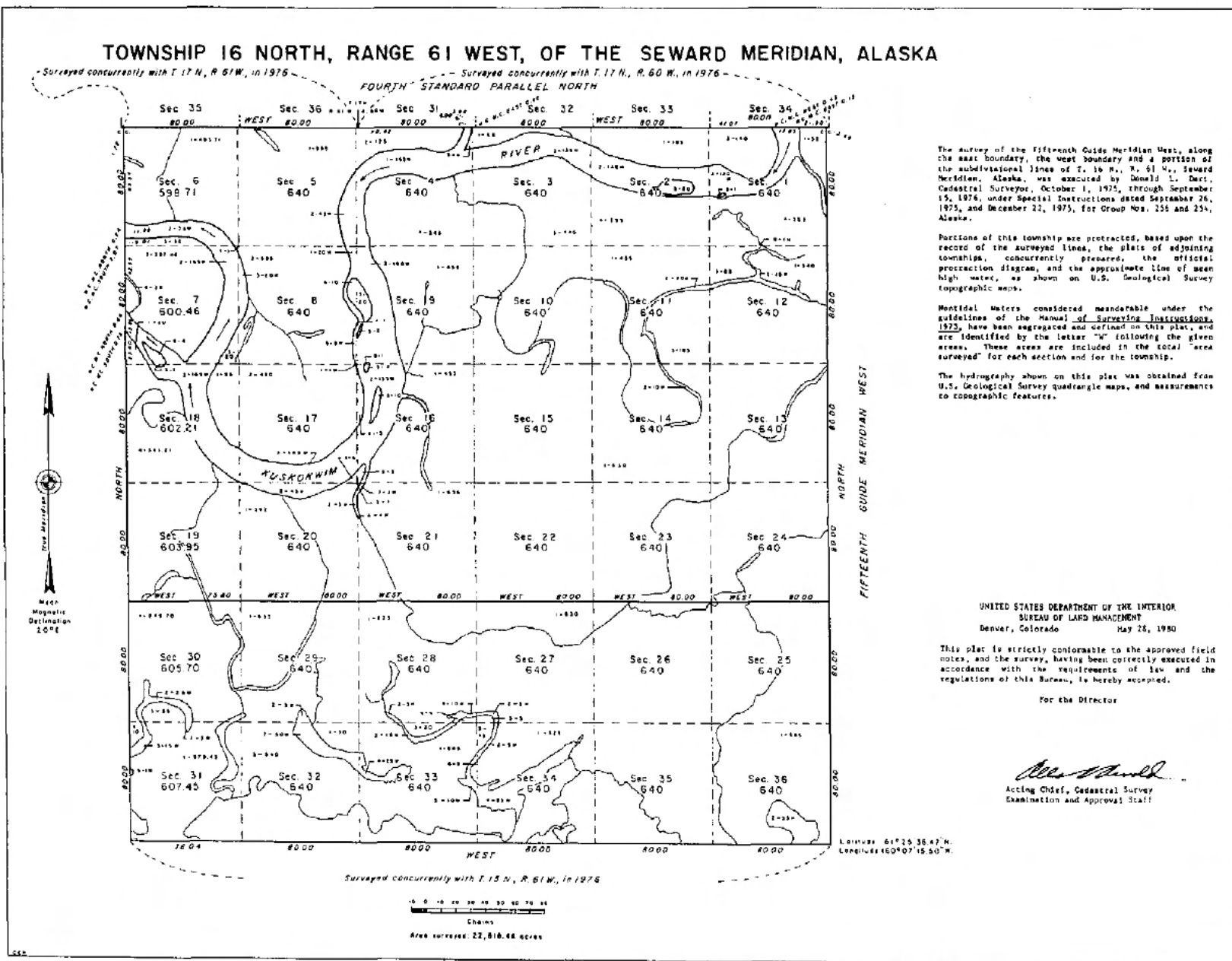
ACAD

Water lot designations are to facilitate identification and acreage computations only and are not intended to fix boundaries or alter riparian entitlement.

Refer to memorandum File Number 9600 (D-401), dated December 11, 1981, for authority to make this annotation.

Mapping source referred to on this plat is USGS quadrangle maps "MUSHAY MISSION (B-3)," Alaska, 1957 edition; "RUSSIAN MISSION (C-3)," Alaska, 1952 edition, with minor revisions in 1972; and "RUSSIAN MISSION (B-4)," and "RUSSIAN MISSION (C-4)," Alaska, 1954 editions, both with minor revisions in 1972.

ORIGINAL



vol. 68

SURVEYED TOWNSHIP 15 NORTH RANGE 61 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

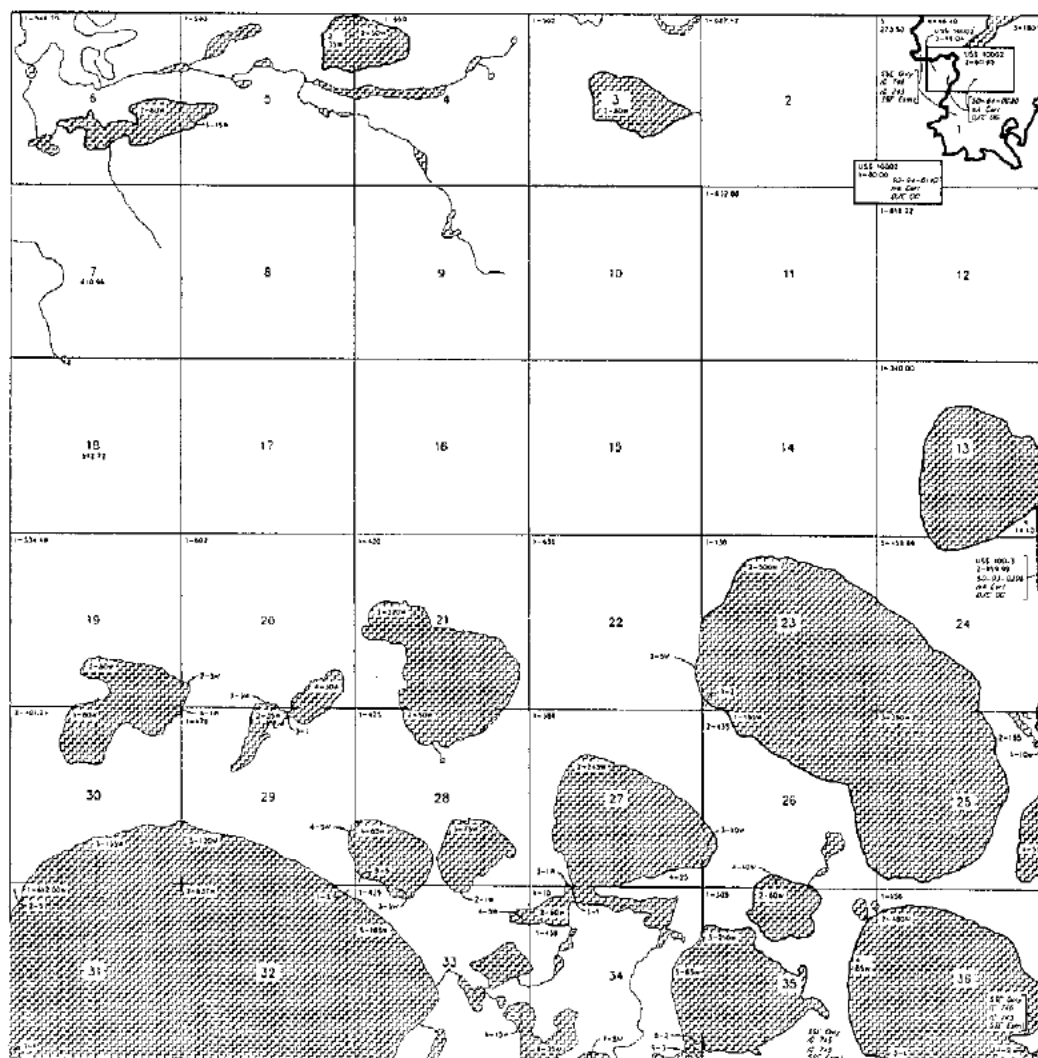
MTP

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

PL 97-253 AND 97-254, LOS NO. 11888-12

PL 98-558 AND 559, LOS NO. 11888-12

PL 98-557 AND 558, LOS NO. 11888-12



SCALE in miles
0 1 2 3 4 5 6 7 8 9 10

Notes:
This map is in Bureau of Land Management files and should be used
only in a general manner. It is not intended to be used as a basis for
any legal claim or title. The Bureau of Land Management is not responsible
for any errors or omissions in this map or for any claims or titles based
thereon. It is the responsibility of the user to verify the accuracy of the
information shown on this map.

Lot 61 20 24 5571
Long 151 00 15.50" N

CURRENT TO	See Map
10-28-2004	T 12 N
	R 61 W

ACAD

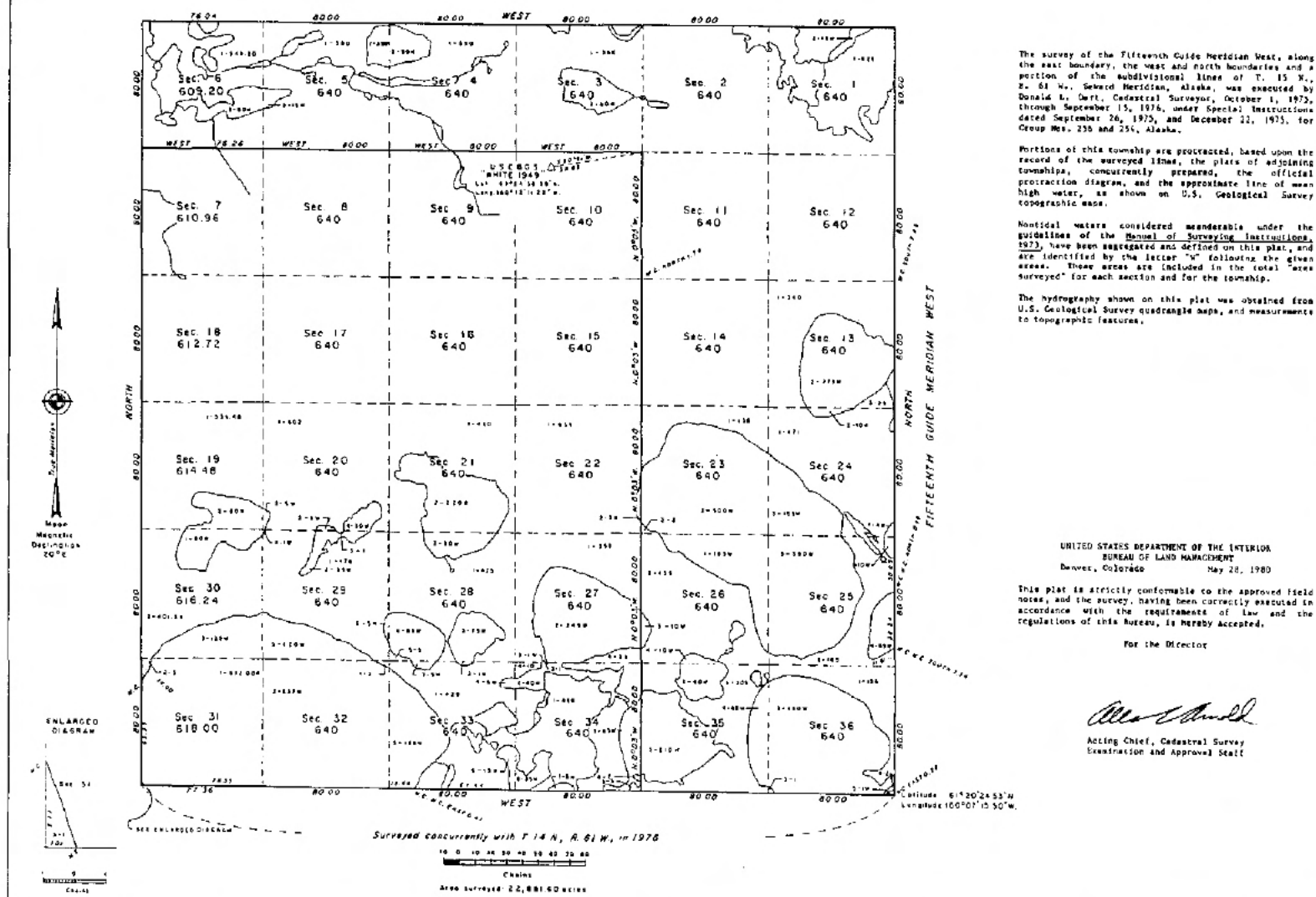
Water lot designations are to facilitate identification and acreage computations only and are not intended to fix boundaries or alter riparian entitlement.

Mapping source referred to on this plat is USGS quadrangle map "RUSKOV MISSION (D-4)," Alaska, 1954 edition, with minor revisions in 1972.

Refer to memorandum File Number 9603 (D-401), dated December 11, 1981, for authority to make this annotation.

ORIGINAL

TOWNSHIP 15 NORTH, RANGE 61 WEST, OF THE SEWARD MERIDIAN, ALASKA



**Throat Creek
Interim Summary Report
Attachment 15**

Russian Mission -GS-FY'88-1
F-14871-EE (75.4)
F-14888-EE (75.4)
F-14949-EE (75.4)
AA-12877 (2620)
AA-12891 (2620)
(961)

AUG 4 1988

Memorandum

To: Files
From: Realty Specialist
Subject: Interviews for Group Survey 254 (Window 1834)

June 14, 1988

I telephoned Jim Wickes of Kuskokwim Corporation to find out who currently represents the two Kalskags. Wickes said that Wassilie Kameroff, Mayor of Lower Kalskag and George Morgan, Jr. in Upper Kalskag are the current corporation representatives for their ANCSA villages. He suggested we mark the waters on a map and send copies out to the village representatives. He gave me Kameroff's phone number, but said he could not find Morgan's. I told him that we preferred to talk to the people if possible, and hoped to discuss the streams with maps in hand. Wickes provided phone numbers and noted that representatives of the villages come to Anchorage for monthly corporation meetings.

Wassilie Kameroff (471-2228) was reached at the Lower Kalskag city office. After I told him what we are doing, Kameroff said that Krim Evan who assists in the city office is a good source. Evan came on the line. I asked Evan about use and characteristics of Israthorak Creek and Pikmiktalik River, but it was clearly evident that we were having communication problems. I asked about maps. Then Kameroff said they had a Russian Mission 1:250,000 quad, a "refuge map," but difficulties communicating the names and locations of water bodies continued. Mayor Kameroff suggested we wait until he and another villager came to Anchorage the following week. They will be in the Federal Building to meet with Gail Ozmina, BLM's Townsite Trustee, on Tuesday or Wednesday.

June 23, 1988.

Wassilie Kameroff, Mayor of Lower Kalskag and Kuskokwim Corporation board member, accompanied by Evan Savage, also of lower Kalskag, completed their townsite business at ten. I then met with them with them. Susan DiPrete of the Navigability section was in attendance part of the time because she had questions regarding streams up the Kuskokwim from the Kalskags.

We started with the named streams in the lower left part of the Kalskags survey window. Kameroff and Savage both commented that use of Israthorak Creek above a point in the south half of Sec. 3, T. 14 N., R. 64 W., SM, would require extensive portaging. They confirmed that the stream entering the creek in Sec. 35, T. 15 N., R. 64 W., SM, is filled-in. It had been excluded from LC 745 as navigable. They did not believe the Gweek River could be boated by any crafts, but Sinka Williams, Sr., of Tuluksak should be contacted because it mostly people from his village who hunt and fish in this area. They believed that Sinka, and "Rabbit" Wise would know the most about the Israthorak and Pikmiktalik, too. They are aware that some sections of these streams may be used, at least by a canoe, but not how much and what portages are involved. The said that Johnson River is the name used for the stream coming out of Arhymot Lake (Crooked Creek on the USGS maps). Kameroff said "Johnson" is boatable. Evan Savage said that the the stream from the north, designated Johnson River on the map, is sometimes blocked and tends to fill-in several miles upstream of its confluence with Crooked Creek (map designation). It is boatable into the refuge lands. An alternate route for the summer portage from the north tramway and via the lakes is the stream which heads in Sec. 4, T. 17 N., R. 63 W., SM, and enters "Crooked Creek" about two miles east, in Sec. 3 of that township. They said that the Johnson River is boatable all the way in a sixteen-foot river boat. It has been used for travel downriver all the way to the confluence of the two streams. According to Evan and Wassilie the Johnson River and Crooked Creek, whichever they are called, are generally narrow, about fifteen feet wide in most places.

We looked at streams on the south and east side of the Kuskokwim. Wassilie and Evan they did not believe any more streams were usable beyond what was previously determined navigable. They noted the outlet to Whitefish lake is used to go to the lake for hunting and pike fishing, but did not believe there are any more streams, not meanderable by reason of width, which are boatable any appreciable distance. For example, Savage said that the interconnecting slough of a slough of the Kuskokwim which runs from Sec. 34 to Sec. 27, T. 17 N., R. 60 W., SM, is closed at its northern end, but boatable part way up from Sec. 24, to about halfway across Sec. 27. It is not meanderable for most of its course, ranging from about two hundred feet at the south end to no water at all at the north. The stream entering the slough of the Kuskokwim in Sec. 4, T. 16 N., R. 61 W., is also filled-in for much of its course. Evan, with Wassilie nodding, said the stream which enters the slough of the Kuskokwim in Sec. 25, T. 16 N., R. 63 W. is used to access the narrow lakes with sixteen foot river boats for hunting. He has used it to go duck hunting. It is boatable with a short portage every spring and fall. At least one portage is needed in Sec. 31, T. 16 N., R 62 W. The single-lined streams and upper ends of sloughs in this area are not boatable.

Wassilie and Evan said that the upper part of the Pikmiktalik River is in an area often used by a man named Rabbit (from his Native name) from Tuluksak who Evan would soon see at said Rabbit's fish camp. Evan said he would take a map and ask Rabbit about it for me. Wassilie said Sinka Williams, Sr., (471-2241), in Tuluksak, is the best person to contact regarding Israthorak Creek.

June 24, 1988

I telephoned Sinka Williams, Sr., (471-2241) in Tuluksak at nine and ten today. There was no answer. Information from the Kuskokwim Corporation office indicated that it would be most advantageous to contact George Morgan, Jr., at the July meeting of the corporation in Anchorage. Further calling lead to a short conversation with Sinka Williams, Sr. at 471-2241, but no substantive information, mainly, it seemed, due to lack of a common map.

July 15

I telephoned Sinka Williams, Sr., again, after failing to establish any other contact in Tuluksak. Williams said he remembered putting ribbons out in the early seventies for Native allotments that people access by water. I explained the Gulkana criteria to him and he said the people can use almost all of the streams in summer.

July 27, 1988

As prearranged, George Morgan, Jr., of Upper Kalskag, called to arrange the time I could meet with him. I met him at the Holiday Inn where the Kuskokwim Corporation is meeting at nine. We proceeded to review the Kalskag area streams beginning upriver using inch-to-the-mile maps. He said that the slough which enters the Kuskokwim from the southeast in Sec. 1, T. 16 N., R. 61 W. is boated to approximately the East boundary of Sec. 6, T. 16 N., R. 60 W. It is used for hunting duck and muskrat. He said that he and about ten others use the portage in Sec. 31, T. 16 N., R. 63 W., to reach the water body which can be boated approximately to the bend in Sec. 33, T. 16 N., R. 63 W., about two and one-half miles. When asked for the names of the users, he mentioned that Nick Sergei, Mike Jordan and Krim Evan (Evan first identified this stream with this interviewer), all of Lower Kalskag. They can be reached at 471-2228, the city office for Lower Kalskag. Morgan said the Throat Creek is boatable every spring and in times of high water, all the way to the portage in Sec. 1, T. 15 N., R. 61 W. We next discussed Throat Creek, described by Morgan as a twenty-five to thirty feet wide and usable in spring and rainy periods to near the outlet to Whitefish Lake where a short portage is necessary to reach the outlet. When asked about Israthorak Creek, Morgan said that he uses a one-hundred horsepower motor on an eighteen foot boat to ascend it from the Kuskokwim, going up the part described as a "slough of a slough of the Kuskokwim" to the point where it is filled-in. The creek is about 150 feet wide and can be boated to what he described as filled-in areas commencing in Sec. 27, T. 15 N., R. 64 W., and with several portages could be navigated by a small boat to where it essentially ends in Sec. 24, T. 15 N., R. 63 W. is boatable. sing two portages, to Sec. 24, T. 15 N., R. 64 W. Johnson Creek, Morgan said, the creek is boated by Sinka Williams an indeterminate distance downstream of Crooked Creek, well-beyond the subject survey area layed out on our map. He noted that Elias Wise, who's Native Allotment I had marked on the map, knows the Johnson River and what it accesses well. Wise can be reached through the city office. (We had to cut off our meeting at this point because the corporation meeting had started.)

I met again at noon with George Morgan, Jr. We were joined by Wassilie Kameroff. I asked again about Pikmiktalik River and they said that a number of people have spring camps near it. Their access has been from Mud Slough, the old portage and the Johnson River. Israthorak Creek, according to Morgan is 150 feet wide to the point where it is often filled-in commencing in the NE4 Sec. 27., T. 15 N., R. 64 W. Kameroff and William again stated that one needed to "go out there" to know what the situation is, apparently both because of the language difficulties when dealing by telephone and because of the many patterns of use, or potential use, by numerous short portages. They did not believe I could get the facts of the situation without going out and talking to the people who use the streams.

I attempted to locate Elias Wise for information on accessing his allotment, F017263 Parcel A by calling Nancy Wise in Tuluksak (471-2303). Nancy said that Elias is out berry picking. She did not know when he would be back. We were not able to communicate very well, likely due to language problems.

August 1, 1980

I contacted Dennis Stromm (543-3151), one of the managers of the Yukon Delta National Wildlife Refuge, in Bethel. I asked first about the Pikmiktalik River. He said it is deceptive because it is so narrow, but it is deep enough for boats. He traced the from above Akiachak and noted that it is tidally influenced to above Tuluksak, exactly how far he doesn't know, but he is certain it can be boated to or from its head in Sec. 28, T. 16 N., R. 63 W. in spring and fall. In many trips by plane observing the area, especially the around the Pikmiktalik River and Israthorak Creek, he has never ceased to be amazed at the extent of penetration of the tundra by boats as large as twenty-one feet long in the fall rises of the water, as well as in the spring. In August, when the water is still low he has seen drag marks made by people making numerous short portages in the area west and north of the oxbow slough below Lower Kalskag. Israthorak Creek is deep, he said, however narrow. He traced the stream from a north branch heading in Sec. 2., T. 15 N., R. 64 W., which he is certain is boatable most of the year; the south branch, which enters/exits the Kuskokwim in Sec. 11, T. 14 N., R. 64 W. he believes to flow both ways, depending on the level of the Kuskokwim. It connects downstream with the Pikmiktalik and he believes it is also used to to the Gweek. Stromm said that part of the country is like many others this year, dry with low water. In summary, hunting moose, picking berries, hunting and fishing attract people in boats all over the area, many times to places where from a plane, on the map, or in pictures it would not appear possible without prohibitively long portages.

Stromm said he would attempt to locate people who use the lower part of the report area after I told him I was having trouble contacting people from Tuluksak with whom I could communicate our questions on use and physical characteristics. Stromm said he would locate some people who could help. He will have them call the Navigability Section.

August 3, 1988

Dennis Stromm called yesterday to say that Joe Dementle, Sr. (695-6615) is the best contact in Tuluksak. When contacted today Dementle said he does not have time to be bothered more by we people (BLM) who are "paid to do it." There was a radio crackling in the background. I told him I regretted the need to contact busy people. He was uncommunicative about an appropriate time to call. Our conversation was ended as Dementle complained about officials asking to much. I said I regretted the situation and thanked him.

/s/ Edgar A. Earnhart

961:EEarnhart:hmc:08/04/88:1472t