



United States Department of the Interior

DO NOT REFER TO

BUREAU OF LAND MANAGEMENT

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

A-054314, etc. 1/ (2620)
AA-6648-A (2651)
thru
AA-6648-J (2651)
AA-6648-L (2651)
thru
AA-6648-O (2651)
AA-6648-EE (75.4)
(961)

CERTIFIED MAIL *8/17/86*
RETURN RECEIPT REQUESTED

NOV 29 1979

DECISION

State of Alaska	:	A-054314, A-054315
Department of Natural Resources	:	<i>5500</i> A-054323, A-054325
Division of Research and Development	:	A-054332, A-054609
323 East Fourth Avenue	:	A-054613, A-054615
Anchorage, Alaska 99501	:	A-054617, AA-21718
	:	AA-21732, AA-21733
	:	AA-21751
	:	State Selections
Aleknagik Natives, Limited	:	AA-6648-A thru AA-6648-J
Aleknagik, Alaska 99555	:	AA-6648-L thru AA-6648-O
	:	Village Selections
Bristol Bay Native Corporation:	:	
P.O. Box 237	:	
Dillingham, Alaska 99576	:	

Tentative Approval Rescinded in Part
State Selection Applications Rejected in Part
Lands Proper for Village Selection
Approved for Interim Conveyance or Patent

On May 2 and 19, 1961, the State of Alaska filed general purposes grant selection applications A-054314, A-054315, A-054323, A-054325, A-054332, A-054609, A-054613, AA-054615 and A-054617, all as amended, pursuant to Sec. 6(b) of the Alaska Statehood Act of July 7, 1958 (72 Stat. 339, 340; 48 U.S.C. Ch. 2, Sec. 6(b) (1976)). These applications selected lands near the Native village of Aleknagik. Decisions granting tentative approval were issued on September 3 and 6, 1963, for applications A-054314 and A-054315 covering Tps. 8 S., Rs. 55 and 56 W., Seward Meridian.

On December 18, 1971, Sec. 11 of the Alaska Native Claims Settlement Act (85 Stat. 688; 43 U.S.C. 1601, 1610 (1976)) (ANCSA), withdrew the lands surrounding the Native village of Aleknagik, including lands in the subject State selection applications for Native selection. On June 17 and October 15, 1974, Aleknagik Natives Limited filed village selection applications AA-6648-A through J,

1/ A-054315, A-054323, A-054325, A-054332, A-054609, A-054613, A-054615, A-054617, AA-21718, AA-21732, AA-21733, AA-21751

is granted to Aleknagik Natives Limited, for the surface estate and shall be subject to the same conditions as the surface conveyance.

Only the following inland water bodies, within the described lands, are considered to be navigable:

Wood River;
Agulowak River;
Lake Aleknagik;
Lake Nerka.

The Muklung River is considered to be tidally influenced to the northern boundary of Sec. 29, T. 10 S., R. 54 W., Seward Meridian.

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

In accordance with Departmental regulation 43 CFR 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Times. Any party claiming a property interest in lands affected by this decision may appeal the decision to the Alaska Native Claims Appeal Board, P.O. Box 2433, Anchorage, Alaska 99510 with a copy served upon both the Bureau of Land Management, 701 C Street, Box 13, Anchorage, Alaska 99513, and the Regional Solicitor, Office of the Solicitor, 510 L Street Suite 408, Anchorage, Alaska 99501, also:

1. Any party receiving service of this decision shall have 30 days from the receipt of this decision to file an appeal.
2. Any unknown parties, any parties unable to be located after reasonable efforts have been expended to locate, and any parties who failed or refused to sign the return receipt shall have until DEC 23 1978, to file an appeal.
3. Any party known or unknown who may claim a property interest which is adversely affected by this decision shall be deemed to have waived those rights which were adversely affected unless an appeal is timely filed with the Alaska Native Claims Appeal Board.

To avoid summary dismissal of the appeal, there must be strict compliance with the regulations governing such appeals. (See enclosed ASO Form 2650-4.)



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Dillingham-SS-FY'84-#3
A-054308
A-054603
A-054569
A-054571
2628 (962) NAV

*Reviewed
Dec 16, 83
no comment
DPO*

NOV 25 1983

Memorandum

To: Chief, Branch of State Adjudication (964)
From: Deputy State Director for Conveyance Management (913)
Subject: Final Navigability Determination for State
Selections - Dillingham and Goodnews Bay Quadrangles

This is the final navigability determination for water bodies within the following State selected lands:

Seward Meridian, Alaska

T. 6 S., R. 55 W;	(A-054569)
T. 5 S., R. 56 W;	(A-054308)
T. 6 S., R. 56 W;	(A-054571)
T. 6 S., R. 57 W;	(A-054603)

These townships are located between 40 and 50 miles north of Dillingham in the Wood River-Tikchik Lakes region. This area is one of long, narrow, deep, crystal clear lakes which lie in an east-west orientation between Wood River Mountains to the west and Nusagak Lowlands to the east. The lakes are interconnected by a series of streams creating a ladder effect and affording boat travel between them. The configuration of rivers and lakes and their proximity to the coast and well-traveled Nushagak River have made the region an important trading center historically and continue to make it an important recreational area today.

The report area encompasses portions of the northernmost Wood River lakes: Lake Kulik, and Lakes Nerka and Beverley and extensions. Remaining freshwater bodies include Peace River, Mikchalk Lake, Silver Horn and Golden Horn arms of Lake Beverley, and Tsun, Silver Horn, Joe, Sam, Moose and Hope creeks.

In an August 29, 1963 memorandum addressing the Wood River-Tikchik Lakes selections, Lake Kulik, Lake Beverley, Lake Nerka, Mikchalk Lake, and the Peace River were considered navigable by BLM and the State of Alaska. Under the principle

Creek, Clarence and his party thought it was feasible as they had flown over it on their way into Rainbow Basin for a moosehunt. However, the unnamed lake which they landed on proved too small to take off from once they bagged two moose, so they floated the creek in rafts. Clarence noted that the creek was small and overgrown with brush on both sides. He said that although at certain times of the year it would be possible to boat the creek, he didn't know of anyone else using it and certainly would not call it navigable. Clarence wouldn't call any of the small streams in the report area navigable, stating that there isn't even much winter use on them. Clarence Wren was a resident of Aleknagik from 1931-1948 and has been a resident of Dillingham since.

On September 30, 1983, Tom Hawkins, Director of Land and Water Management for the State of Alaska, told Eaton that all the streams in the report area are small ones. He further related that, historically, trapping and trading were important in the Wood River-Tikchik Lakes region and noted that the old Russian travel-trade loop was up the Nushagak to the Holitna River on the larger rivers.

Interviewed by Eaton on October 4, 1983, Joe Chythlook, a Dillingham resident and pilot for Yute Air Alaska (842-5333), stated that Moose, Hope, Silver Horn, and Tsun creeks are all small and not navigable by motorboat. He described Moose and Hope Creeks as shallow and obstructed by windfalls, adding that given high water it might be possible to take a boat, especially one with a jet unit, one mile upstream. Generally, Joe and others merely check the mouths of these streams when moose hunting. Joe noted that since Lake Beverley is quite a distance from any settlement, the area doesn't receive heavy wintertime use. Though the entire region has been trapped by people from Aleknagik on snowmachines, it is most popular for just the month of beaver season between January and February. Joe added that Moose and Hope creeks are not regular winter trails. With respect to Tsun and Silver Horn creeks, Joe noted that they are also small, obstructed by windfalls, and not navigable by motorboats. Though not very practical, it would be possible to canoe up Silver Horn Creek. Joe mentioned that Rainbow Basin is a popular snowmachine trail in wintertime running both on creek ice and alongside the creekbed.

A review of the master title plats depicts Native allotments along only the larger, navigable water bodies in the report area.

Per the previous determination, Lake Kulik, Lake Beverley, Silver Horn and Golden Horn Arms, Lake Nerka, Amakuk Arm,

Mikchalk Lake, and the Peace River, are navigable. Based on the information in this report, the remaining named water bodies (Tsun, Silver Horn, Joe, Sam, Moose, and Hope creeks) are determined nonnavigable.

/s/ Robert W. Arndorfer

cc:

Title Administration
Division of Technical Services
Alaska Department of Natural Resources
Pouch 7035
Anchorage, Alaska 99510-7035
(w/map)

✓ Retained Lands Unit - Navigability
Division of Land and Water Management
Alaska Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
(w/map)

Files, Navigable Waters, Alaska

December 31, 1975

Robert Q. Pickering (E&NTF Member)

In reply refer to:
9185 (922)

Navigable Waters within Village Selections

Members of the Easement and Navigability Task Force held regular meetings over the past few months on village selections. Easement recommendations and navigable water determinations were made.

Since easements do not have to be identified during survey, reference to them are omitted.

The purpose of this report is to identify the various rivers and lakes within the Village selections the Task Force determined to be navigable.

The area of all navigable water is to be excluded from the village selections.

Navigability determinations are based on historical evidence, field investigation, public testimony all documented in the case files, and the Bureau's navigability guidelines.

Navigable waters to be excluded from village selections as determined by the Task Force up to date are listed by village name alphabetical as follows:

<u>Aleknagik</u>	Wood River, Agulowak River, Lake Alelenagik, Lake Nerka, and Lake Nunouaugaluk
Angoon	Tidal water only
Aniak	Kuskokwim River and Aniak Slough. Aniak River was considered navigable pending assimilation of past history.
Chefornak	Kinia River and Keguk River, both are tidal also.
Chitna	Copper River up as far as Lower Tonsina. A final determination was not made on the Chitna River.
Clerks Point	Tidal water only. Manakotak River up as far as tidal influenced.

Crooked Creek	Kuskokwim River
Dillingham	Nushagak River and <u>Wood River</u> . Snake, Manakotak, and Werry Rivers as far up as influenced by tide.
	Snake Lake may be influenced by tide but not sufficient ground investigation to make a determination.
Dot Lake	Tanana River only.
Eklutna	Kinik River up as far as tidal influenced.
Ekuk	Igushik River, up to village of Manakotak and if tidal influenced farther, then to head of tidal influence.
Ekwok	Nushagak River
Eyak	Navigability determination withheld pending additional information.
False Pass	Tide water only.
Georgetown	Kuskokwim River
Gulkana	Copper River up as far as Lower Tonsina.
Healy Lake	Tanana River, Healy River up to Healy Lake, George Creek, Healy Lake, Lake George, and Mansfield Lake.
Hoonah	Tide water only.
Kalskag (upper)	Kuskokwim River
	That portion of the water route system along the portage between the Kuskokwim and Yukon Rivers. This system is Mud Creek, Crooked Creek, Johnson River, an unnamed lake, Kulik Lake, and Talbiksok River.
	For navigability purposes only that portion of the Johnson River in the above system was considered at this time.



United States Department of the Interior

IN REPLY REFER TO

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Dillingham-SS-FY'84-#
A-054310 (2620)
A-054312 (2620)
A-054314 (2620)
A-054315 (2620)
A-056351 (2620)
A-054373 (2620)
A-054609 (2620)
A-054605 (2620)
2628 (962) NAV

*Reviewed
Jan 24, 84
no comment
OO*

DEC 12 1983

Memorandum

To: Chief, Branch of State Adjudication (964)
From: Deputy State Director for Conveyance Management (960)
Subject: Final Navigability Determination for State Selections
A-054310 et al.

This is the final navigability determination for water bodies on lands encompassed by State selection serial numbers A-054310, A-054605, A-054312, A-054314, A-054315, A-056351, A-054373, and A-054609. For reporting convenience, all water bodies within the report area in the following townships were reviewed:

Seward Meridian, Alaska

T. 7 S., Rs. 54 through 57 W.
T. 8 S., Rs. 54 through 57 W.

These townships are located approximately 18 miles north of Aleknagik. The principal freshwater bodies in the report area are: Lake Beverley, Lake Nerka, Amakuk Arm, Ott Bay, Anvil Bay, River Bay, Agulukpak River, Lynx Lake, and Stovall Lake.

The AEIDC contract material does not contain references to smaller lakes and streams in the area.

In 1963, the BLM prepared a report on water bodies in the Wood River/Tikchik Lake system. Based on this report, the BLM on August 29, September 29, and September 6, 1963, recommended that the major bodies, including Lake Nerka, Lake Beverley, and the Agulukpak River, be considered navigable. This recommendation was included in a decision to tentatively approve lands to the State of Alaska.

Subsequent work resulted in the patenting of portions of some of the uplands surrounding these water bodies, which were

Sometimes he walks in. He does not use the stream to access the parcel as it is not useable by boat. He added that neither he, nor anyone else, uses the lake for subsistence.

Some of the other water bodies are probably used in their frozen state, as they offer the most expedient route for winter travel and some may be used in their liquid state by recreational boaters in kayaks, canoes, and small inflatables. In addition, some of the other lakes may be used by float or ski planes for access into this area. Under existing criteria, floatplane use, frozen state use, and recreational use by themselves do not make a water body navigable.

Based on the information in this report, the original of which is filed in the Navigability Section, I affirm previous determinations that Lake Beverley, Lake Aleknagik, Little Togiak Lake and outlet, Lake Nerka, Amakuk Arm, Agulukpak River, and the bays included by lateral extent are navigable. I determine all other named and unnamed water bodies within the report area to be nonnavigable.

/s/ Robert W. Arndorfer

cc:

Retained Lands Unit - Navigability
Division of Land and Water Management
Alaska Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510
(w/map)

Title Administration
Division of Technical Services
Alaska Department of Natural Resources
Pouch 7035
Anchorage, Alaska 99510-7035