

ATTACHMENTS

for

Ophir 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

June 29, 2011

UNITED STATES GOVERNMENT

Memorandum

**Ophir Creek System
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:

- Interim Plan Creek
Creekland (6)
1/76*
- 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



*ADP 2-1
4/21/76*

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.

Howard D. Jarden

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.,



United States Department of the Interior

IN REPLY REFER TO

BUREAU OF LAND MANAGEMENT

**Ophir Creek System
Interim Summary Report
Attachment 2**

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

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

**Ophir Creek System
Interim Summary Report
Attachment 3**

D.R. King 5/22/89
KAESTETTER 5/22/89
CA Brown 5/22/89

- Russian Mission-CS-FY'89-#6
- Sleetmute-CS-FY'89-#1
- AA-12682 (2620)
- AA-12876 (2620)
- AA-12893 (2620)
- AA-12899 (2620)
- ✓ F-14831-EE (75.4)
- ✓ F-14871-EE (75.4)
- F-14888-EE (75.4)
- F-14900-EE (75.4)
- F-14928-EE (75.4)
- (961)

MAY 24 1989

Memorandum

To: Deputy State Director for Cadastral Survey (923)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey 266 (Window 1833)

This memorandum identifies navigable water bodies under a certain size on lands in Group Survey 266 (Aniak) selected under the Alaska Native Claims Settlement Act (ANCSA) and the Statehood Act, and those water bodies identified as navigable and excluded in the conveyances (ICs and TAs) under these acts. In addition, it identifies navigable waters under a certain size on Native allotments and other small claims located in ICd areas, and navigable waters which abut or cross such land claims on federal lands. Finally, this memorandum serves as the navigability determination for the following State selections: AA-12682, AA-12876, AA-12893 and AA-12899. In accordance with the draft BLM-State MOU, the BLM will not make determinations for streams less than three miles long on State-selected lands. This would apply to the slough of the Aniak River in Secs. 3-5, T. 16 N., R. 56 W., Seward Meridian (AA-12682).

The fifty-one townships in the survey group are shown on the United States Geological Survey (USGS) Russian Mission and Sleetmute topographic maps (1:250,000 scale) and are described in Table 1. Lakes larger than fifty acres and streams wider than 198 feet (three chains) are not described because they

are segregated by the survey regardless of navigability. Such water bodies include the Kuskokwim River and its larger interconnecting sloughs (e.g., Aniak Slough), lower Discovery Creek, Aniak River, Whitefish Lake, and numerous other unnamed lakes concentrated in the southwest corner of the group survey area.

The BLM's navigability determinations are based on criteria described in the memorandum dated March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management, subject "Title to submerged lands for purposes of administering ANCSA"; the Alaska Native Claims Appeal Board's (ANCAB) decision (RLS 76-2) of December 14, 1979, on the navigability of the Nation and Kandik rivers; 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 they were navigable for crafts larger than a one-person kayak at the time of Statehood.

Information about the land status, history, and physical character of water bodies in the report area comes primarily from the USGS maps, NASA aerial infrared photographs (GIR 60) taken in 1978, 1980, and 1984; the BLM's Master Title Plats (MTPs), Alaska Automated Lands and Minerals Record System (AALMRS); ANCSA easement files; C. Michael Brown's "Alaska's Kuskokwim River Region: A History" (BLM, unpublished ms., 1985); Alaska Environmental Information and Data Center (AEIDC), "Historical Notes on Alaska Water Bodies," June 10, 1979; and previous navigability reports and determination memos. In addition, Donald Koenig of the Navigability Section conducted telephone interviews with the following people:

<u>Name</u>	<u>Date</u>	<u>Telephone Number and Background</u>
Jim Wicks	8/08/88	(276-2101) Land Manager, Kuskokwim Corporation.
Elsie Kameroff	8/08/88	(675-4481) Accounting clerk, City of Aniak.
Jerry Peterson	8/09/88 & 4/14/89	(467-4313) President, traditional council, Chuathbaluk.
Ray Peterson	8/09/88	(675-4384) Employee, Kuskokwim Native Corporation, Aniak. Part-time ADF&G.
Jerrie Simeon	8/11/88	(675-4373) Commercial fisherman, Aniak.
Archie Morris	8/11/88 & 8/16/88	(675-4446) Chief mechanic, City of Aniak.
George Yaska	8/16/88	(467-4313) Administrator for traditional council.
Olga K. Nesbit	4/10/89	(471-2317) Allottee near Ophir Creek.
George Nook	4/10/89	(471-2249) Resident of Kalskag and brother of allottee on Ophir Creek.

Mike Reardon 4/12/89 & (543-3151) Assistant Refuge Manager, Yukon Delta
4/14/89 NWR.

Mike Hincks 4/14/89 (543-3151) Wildlife Biologist and pilot for
Yukon Delta NWR.

For a full account of the interviews, see Donald Koenig to File F-14833-EE (75.4), September 20, 1988, and to file F-14831-EE (75.4), May 1, 1989.

Discovery Creek

This creek heads on the south slope of Mount Hamilton in the Kilbuck Mountains, and flows northeast then northwest for sixty-five miles to the Kuskokwim River, fifteen miles west of Aniak. Discovery Creek is entirely within the Yukon Delta National Wildlife Refuge. The stream runs through ANCSA selections from its mouth in Sec. 31, T. 17 N., R. 59 W., SM, to over eight miles. It maintains a width of about three hundred feet as it passes through selected lands in Secs. 1-4, 11 and 12, T. 16 N., R. 60 W., SM. It re-enters selected lands in Secs. 1-3, and 9-12, T. 16 N., R. 59 W., SM, where it becomes a single-lined stream about twenty feet wide on the USGS maps. (See Russian Mission B-3, C-3.)

In NASA aerial photographs, this stream is an unobstructed and unbroken solid black channel of water through the most upstream selection area (CIR 60, roll 3397, frame 8185, August 1984; and roll 2911, frame 6462, July 1980). The NASA photographs also confirm that the stream remains open even after it turns south, which is many miles upstream from the selection area.

In 1978, the BLM determined the lower reaches of this creek (T. 17 N., R. 59 W., SM) non-navigable. The determination was based in part upon a June 1978 report that a BLM employee was unable to take a boat up this creek because the mouth was silted in. However, in 1988, Jerrie Simeon, who has a cabin on the creek about fifteen air miles from its mouth, said that the mud-bottomed stream does get very low at times--as little as twelve inches--particularly in the first few miles where it is very wide. Nevertheless, he believes it offers no problems to a jet boat, canoe, or raft. He believes that a jet boat could go eight to ten miles up this creek. This description was supported by J. Peterson, R. Peterson, and A. Morris, each of whom has been on this stream beyond the selected area.

I determine that Discovery Creek is navigable through the ANCSA-selected areas. Four interviewees, all local residents and experienced boaters, confirm the navigability of this stream at high water stages to well beyond the selected lands. The NASA photographs confirm the physical susceptibility of this stream to travel by canoe or larger craft.

George One's Creek

Unnamed on the USGS Russian Mission C-3 quadrangle, this creek empties into the Kuskokwim River from the north in Sec. 5, T. 17 N., R. 58 W., SM. Local residents travel the creek in boats fourteen to thirty feet long when moose and duck hunting, as well as on fishing trips. The BLM declared the creek navigable to and through Sec. 30, T. 18 N., R. 58 W., SM, and excluded the bed from land conveyances made under ICs 741 and 742.

About one air mile upstream from the ICd area, this very sinuous creek enters an ANCSA-selected area in Sec. 24, T. 18 N., R. 59 W., SM. Prior to entering the selection area, and continuing throughout its course to the headwaters within this township, this stream is less than twenty feet wide and is frequently blocked by heavy vegetation. All the tributaries disappear in vegetation as they are very narrow and shallow. (See CIR 60, roll 2616, frame 4574, June 1978.) George One's Creek is non-navigable in T. 18 N., R. 59 W., SM.

Doestock Creek

This stream heads on the north slope of the Kuskokwim Mountains and flows northwesterly forty miles, mostly across swampy lowlands, to the Aniak River, about five miles southeast of Aniak (see USGS Russian Mission C-1, C-2). Sections 23-26, T. 17 N., R. 56 W., SM, which include Doestock Creek, were TAD to the State under AA-12893. A BLM navigability determination is still required for this conveyance.

The BLM declared this stream navigable in a Decision to Issue Conveyance dated August 23, 1982. (See ANCSA file F-14926-EE.) It was excluded from IC 747 in T. 17 N., R. 55 W., SM, and from IC 741 in Sec. 27, T. 17 N., R. 56 W., SM. A Native allotment (F-15817) which covers the southeast quarter of Section 27 T. 17 N., R. 56 W., SM, and includes the mouth and first half mile of Doestock Creek; it was excluded from IC 741.

Only the lower few miles of this creek are within the selected area, which may be clearly seen on a NASA photograph of June 1978 (CIR 60, roll 2816, frame 4553). This photograph shows Doestock Creek to be a continuous, unobstructed, black ribbon of water several miles east of the core township. It shows no distinction between the double-lined and single-lined segments depicted on the USGS quadrangle maps (1:63,360).

Four informants were very positive about the navigability of this creek. Jerry Peterson, Ray Peterson, Jerry Simeon, and Archie Morris all agreed that fourteen- to eighteen-foot boats with jet units could be taken through the core township (T. 17 N., R. 55 W., SM.) of Chuathbaluk (formerly Little Russian Mission). Doestock Creek is about ten feet deep in the first several miles and about two feet deep for many more miles; it is forty to one hundred feet wide. Simeon noted that fallen trees may hinder navigation after the first two miles.

I determine Doestock Creek navigable in Secs. 23-26, T. 17 N., R. 56 W., SM, and in Native allotment F-15817, located in the SE $\frac{1}{4}$ Sec. 27 of this township. Four experienced boaters who live in the area positively confirm the navigability of this stream far upstream of the State-selected segment within the group survey.

Holokuk River

This river heads in the eastern slope of the Buckstock Mountains and flows northeast through a broad valley before it turns northwesterly and enters the group survey area in a gorge in T. 15 N., R. 51 W., SM. It continues for about fifteen miles in a well-defined channel approximately three chains wide

across the lowlands, dropping only 100 feet in elevation before it merges with the Kuskokwim River in a split channel three miles above Napaimiut. The width is marginal for meandering by the BLM, particularly in its first five miles, where it is somewhat less than three chains wide. This stream is found entirely on the USGS Sleetmute B-7 and C-7 maps (1:63,360 scale). It may be viewed on two NASA photographs of June 1978 (CIR 60, roll 2616, frames 4547 and 4632).

The BLM declared the Holokuk navigable in a Decision to Issue Conveyance dated September 30, 1982 (see ANCSA file F-14900-EE), and excluded it from IC 733 in Secs. 28, 29, 30 (the mouth) and 33, T. 17 N., R. 51 W., SM. The river remains ANCSA-selected in Sec. 34; it is also State-selected (AA-12899) here. This river is also ANCSA-selected in Secs. 6-8, 17, 20, 29 and 32, T. 16 N., R. 51 W., SM, and in Secs. 4, 5, 10 and 11, T. 15 N., R. 51 W., SM. The BLM declared the Holokuk River navigable through the latter two townships (State selections AA-21468 and AA-21464) in a navigability determination memorandum signed December 27, 1983.

According to Brown's report, "Little evidence of boat traffic on this river was found in the historic record." One example, however, is found in a geological report. Brown states that "In 1946, W. M. Cady and J. M. Hoare of the USGS ascended the river as far as Girl Creek, apparently in a poling boat with an outboard motor." This is over twelve miles beyond the selected area in this group survey. Brown's report also alludes to the BLM's easement task force's report of prospectors ascending the river as far as Gold Run Creek. This is about three and one-half miles below the most upstream selected area.

Two residents in the region were very positive about the susceptibility of this river to travel by small boat. One informant, Archie Morris, has been on the Holokuk River in a jet boat well beyond Camp Creek, probably to Girl Creek. He says the river varies from four inches to ten feet deep and has many big boulders; however, it is definitely navigable in a jet boat. Another informant, Jerry Peterson, has direct knowledge that two men went up this creek around August 27, 1988, in an aluminum boat with a jet motor and reached a point beyond the gorge and south of Holokuk Mountain.

I determine the Holokuk River navigable through the group survey area. Boaters have ascended the river to Camp Creek, about two miles beyond the selection area.

Kolmakof River

This river drains the westerly slopes of the Horn Mountains and the nearby hills. It drops 100 feet in elevation in eight miles and meets the Kuskokwim River twenty-one miles east of Aniak. For the first mile this stream is about 100 feet wide and is shown as a double line. The remaining distance (about twenty-five air miles) is an unobstructed single-lined stream about twenty feet wide. It has numerous tributaries heading in the surrounding hills and mountains. This river may be seen on the USGS Sleetmute C-8 and D-8 quadrangles (1:63,360 scale) and NASA aerial photographs of June 1980 (CIR 60, roll 2616, frames 4549 and 4583).

The Kolmakof River to Suter Creek in Sec. 10, T. 17 N., R. 53 W., SM, was excluded from IC 733. It is ANCSA-selected in Sec. 9 (the mouth) of this township. It remains selected also in Secs. 3, 10 and 22, T. 18 N., R. 53 W., SM; and Secs. 27 and 34, T. 19 N., R. 53 W., SM. The BLM declared this river to Suter Creek navigable in Sec. 10 in a Decision to Issue Conveyance dated September 30, 1982 (see ANCSA file F-14900-EE).

Three informants (J. Peterson, R. Peterson, A. Morris) have all boated on this stream at least as far north as the Horn Mountains, or ten to twelve miles upstream. They went beyond the selected areas described in this report. Morris specifically commented that the Kolmakof River, which has a gravel bottom, would be easily canoeable, even north of the Horn Mountains. He has taken a sixteen-foot Lund with a prop this distance at high water stages. Another informant, J. Simeon, stated that he knows that others have boated this river. According to George Yaska, the river is a foot or more deep. In 1945, Cady and Hoare made a geological reconnaissance of the Kolmakof River to its headwaters, perhaps using poling boats and canoes.

I determine the Kolmakof River navigable through selected lands in Tps. 17-19 N., R. 53 W., SM, in this group survey. Contemporary boaters affirm that the river is navigable by small prop boats and canoes.

Owhat River

This river heads near Molybdenum Mountain and is fed by numerous tributaries from the Russian Mountains to the west. It loses about 250 feet in elevation as it flows sinuously for twenty-one air miles to the Kuskokwim River, four miles east of Aniak. The river is about 100 feet wide and double-lined for the first six air miles, then continues about fifty feet wide, and finally down to thirty feet as shown on the USGS Russian Mission C-1 and 2, and D-1 quadrangles (1:63,360 scale). The depth varies from six inches to about two feet. It may be seen on NASA photographs (CIR 60, roll 2616, frame 4580, June 1987; and roll 2913, frame 6709, July 1980).

The BLM determined on September 30, 1982, that this river was navigable through the areas selected by the Little Russian Mission (Chuathbaluk) Village and Aniak Village; that is, to and through T. 19 N., R. 55 W., Seward Meridian. (See Decisions to Issue Conveyance of this date and navigability maps referenced in ICs 741 and 747, in ANCSA files F-14928-EE and F-14831-EE.) Approximately the first four air miles of this stream were excluded from IC 741 in Sec. 3, T. 17 N., R. 56 W., SM (includes the mouth), and IC 747 in Sec. 2, T. 17 N., R. 56 W., SM, and Secs. 28 and 35, T. 18 N., R. 56 W., SM. The stream continues excluded through ANCSA-selected lands for the next seven air miles in Secs. 1, 12-14, and 23, T. 18 N., R. 56 W., SM; and in Secs. 13, 24, 25 and 36, T. 19 N., R. 56 W., SM. At this point it re-enters IC 747 in Secs. 6, 7, 18 and 19, T. 19 N., R. 55 W., SM, wherein the stream is excluded. Then the stream crosses the final upstream ANCSA-selection in Sec. 5, T. 19 N., R. 55 W., SM, through which it remains excluded (shaded as navigable). One quarter mile further upstream the shading on the easement map ceases, but the Owhat River, now about thirty feet wide, continues unbroken past Molybdenum Mountain and six miles later receives its principal tributary, Cobalt Creek.

Four informants (J. Peterson, R. Peterson, J. Simeon and A. Morris) have all been on the Owhat River and expressed no concern about being able to use a jet boat to within a few miles of Molybdenum Mountain during high water periods. Certainly canoes and rafts could be used also, but they would not be as practical as a fast jet boat. They all agreed that high water periods were the most favorable times to boat this sometimes very shallow river, which has a gravel bottom, especially since jet boat impellers are sensitive to gravel damage. Jerry Peterson stated that during mid-summer, the river is six to eighteen inches deep with some deeper stretches. Ray Peterson, Simeon and Morris also indicated that sweepers were hazards.

I determine this stream to be navigable through the selection areas. Contemporary boaters claim it is navigable for small boats to within a few miles of Molybdenum Mountain, which is located outside of the report area.

Whitefish Lake Outlet

The thirty-five-foot wide stream draining Whitefish Lake in Secs. 3-6, T. 15 N., R. 60 W., Seward Meridian, was determined navigable by the BLM on November 8, 1982 (see ANCSA file F-14888-EE) and excluded from IC 745. Within these sections the stream crosses four Native allotments (F-16854; F-17003, Parcel B; F-16022, Parcel A; and F-15845, Parcel B). The NASA photograph of July 1980 confirms that this stream is continuous and unobstructed thru these lands (CIR 60, roll 2911, frame 6382). Therefore, the stream must be meandered thru these ICd lands and allotments.

Ophir Creek

This creek heads on the west slope of Mount Hamilton near Rockpile Pass and flows about twelve miles to the mid southeast shore of Whitefish Lake in Sec. 35, T. 15 N., R. 60 W., SM, all within the Yukon Delta NWR. One of its tributaries in the mountains is the three-mile-long Hot Spring Creek. Near the mouth are three Native allotments (F-15676, F-17343-B, and F-17348-B). The first mile and one quarter of the creek has an average gradient of twenty-eight feet per mile. The area may be seen on the USGS Russian Mission B-3 quadrangle and a NASA aerial infra-red photograph (CIR 60, roll 2911, frame 6382, July 1980).

The location maps in the Native allotment casefiles show that the first one-fourth mile of this stream is outside the allotments, but then it crosses over two allotments (F-17343-B and F-17348-B) within the first air mile from the mouth. The NASA aerial photograph clearly shows this stream to be about forty feet wide near the mouth, but it narrows to about twenty feet after one-quarter mile and disappears into vegetation in very short segments about one-half air mile upstream and thereafter is occasionally obscured by vegetation. The low-level aerial photographs in the allotment casefiles clearly show this stream's wide, forked mouth. Several photos show very dense brush and trees along the stream, and one shows a well-defined and wide channel beyond the uppermost Native allotment.

The first known record of boat travel on this creek occurred in 1914. In August of that year, Alfred G. Maddren ascended the creek about one-half mile in a poling boat. He landed at a fish camp where several men were netting and

curing whitefish to sell in the nearby mining camps. (Brown, pp. 415 and 416).

Local residents indicated that the stream is susceptible to navigation. Few people take boats up it. Nesbit said that her eighteen-foot boat with a seventy-five horsepower motor was too large to go beyond the mouth area of Ophir Creek, but she had heard that people go up the creek in small boats and canoes to fish and hunt. Nook was not aware of any boat use beyond his brother's allotment on the first half mile of the creek. He thought it was too shallow for boats generally used to cross Whitefish Lake. Peterson did not have any specific knowledge of boating activity in this area. Reardon and Hincks have flown over this creek many times. Both believe that canoes and small boats easily could be used on the first air mile or two of Ophir Creek, certainly during high water. Reardon suggested that the very dense vegetation and trees may appear to block the stream on the photographs, but in fact this vegetation is more of a canopy than an obstruction. This swift flowing stream has a gravel and/or mud bottom and any debris is most likely flushed out to the lake, he believes.

I determine Ophir Creek navigable to and through the southern boundary of Native allotment F-17343, Parcel B, which is the highest upstream point (almost exactly one air mile from the shore of Whitefish Lake) bordering or crossing the two affected Native allotments (F-17348-B and F-17343-B). Low- and high-level aerial photographs show a stream susceptible to travel by small boats or canoes. Two refuge managers who have flown over this stream many times confirm this susceptibility. An allottee near the mouth is sure that people in boats or canoes have gone up the creek to fish and hunt. One documented trip in a poling canoe went upstream about one-half mile to a fishing camp in 1914.

Navigable Waters Excluded from Interim Conveyances

Various sloughs were excluded from ICs through shading on the navigability maps. All are described below and in Table 1.

1. Kuskokwim River slough in Secs. 5, 6 and 8, T. 17 N., R. 55 W., Seward Meridian. (Russian Mission C-1)
2. Kuskokwim River slough in Secs. 7 and 8, T. 17 N., R. 55 W., Seward Meridian. (Russian Mission C-1)
3. Aniak River sloughs in T. 18 N., R. 56 W., Seward Meridian (sloughs shaded on the attached USGS Russian Mission C-1).
4. Slough double-lined on USGS Russian Mission C-2 in Secs. 7 and 18, T. 17 N., R. 56 W., Seward Meridian.
5. Kuskokwim River slough double-lined on USGS Russian Mission C-2 in Secs. 4 and 5, T. 17 N., R. 57 W., Seward Meridian.
6. Slough double-lined on USGS Russian Mission C-2 in Secs. 3, 8-10, 16 and 17, T. 17 N., R. 57 W., Seward Meridian.
7. Slough double-lined on USGS Russian Mission C-2 in Secs. 10, 15, 16 and 20-23, T. 17 N., R. 57 W., Seward Meridian.

8. Slough double-lined in SE $\frac{1}{4}$ Sec. 11, T. 17 N., R. 58 W., Seward Meridian. (Russian Mission C-2)
9. Double-lined parts of slough shown on USGS Russian Mission C-3 in Secs. 7 and 18, T. 17 N., R. 58 W., Seward Meridian.
10. Aniak River slough in Secs. 5, 6 and 7, T. 16 N., R. 56 W., Seward Meridian (double-lined on USGS Russian Mission C-1 and C-2).

Navigable Waters Identified Through Photo-Interpretation

The USGS maps show various sloughs or streams in the selection areas with little or no gradient which are wide (double-lined on the maps), but less than three chains and connected to a larger water body which is clearly navigable. The NASA photographs are used to confirm the width and openness of these water bodies. These sloughs/streams are:

1. Slough in NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31, T. 17 N., R. 59 W., Seward Meridian, which connects Discovery Creek to a large meander lake. (Russian Mission C-3)
2. Slough (marginally three chains wide) with mouth in SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29 thru NW $\frac{1}{4}$ Sec. 28, T. 17 N., R. 59 W., Seward Meridian. (Russian Mission C-3)
3. Stream-sloughs of Kuskokwim River in Secs. 23, 24, SE $\frac{1}{4}$ 26, 27, NW $\frac{1}{4}$ 34, and NW $\frac{1}{4}$ 35, T. 17 N., R. 59 W., Seward Meridian. (Russian Mission C-3)
4. Slough of Discovery Creek with mouth in SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, T. 16 N., R. 60 W., Seward Meridian, to end of slough shown as double-lined on USGS Russian Mission C-3 in NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2, T. 16 N., R. 60 W., Seward Meridian.
5. Slough of Discovery Creek with mouth in NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, to where the fifty-foot contour line crosses slough (major blockage) in Sec. 4, T. 16 N., R. 59 W., Seward Meridian.

These five streams/sloughs are all influenced not only by their particular drainage but by the Kuskokwim River and its directly influenced tributary, Discovery Creek. The exception to this possibly would be the streams described in number three above which are higher than the fifty-foot contour line. However, above this elevation these double-lined streams remain nearly flat and drain very wet, marshy terrain. There is no doubt that during high water periods all these water bodies are susceptible to navigation by canoe, raft and jet boat.

I determine that the segments of streams and sloughs described above and listed in Table 1 are navigable. Based on a review of the maps and aerial photographs, these water bodies appear sufficiently wide and deep for navigation by small watercraft.

Other Water Bodies

A Native allotment (F-029275, Parcel C) partially covers the SE¼ of Sec. 11 and the NE¼ of Sec. 14, T. 17 N., R. 55 W., Seward Meridian. This includes approximately the lowest one-third mile of Mission Creek to within about 300 feet of its mouth on the Kuskokwim River. One informant, Jerry Peterson, who lives nearby in Chuathbaluk and is a frequent boater, states that only the first 200 feet "at most" are navigable in a small boat before excessive vegetation and fallen trees block the stream. Therefore, the stream through this allotment is considered non-navigable because substantial blockage occurs before entering the allotment. A photograph in the allotment case file confirms the very thick, high overgrowth to the edge of this very narrow stream.

All other rivers and streams less than 198 feet wide (three chains) and lakes less than fifty acres in size on lands selected under ANCSA, the Native Allotment Act, the Statehood Act, and mining laws, are nonnavigable. They are too small or steep for boats, or do not connect to any navigable water body. Other water bodies, which have relatively low gradients, are too shallow or obstructed for boat travel. These include New York, Aghaluk and Suter creeks.

Wayne A. Boden

Enclosures:

USGS Russian Mission
C-1, C-2, C-3 navigability 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

U.S. Fish and Wildlife Service
Alaska Regional Office
1011 East Tudor Road
Anchorage, Alaska 99503

DM-A (040)

Chief, Planning Staff (920B)

Chief, Branch of Field Survey (921)

Chief, Branch of Examination (922)

Chief, Branch of Cartography and Mapping Sciences (924)

Chief, Branch of Calista Adjudication (963)

961:DKoenig:lm:5-17-89:2140f

Table 1

Navigable Rivers and Streams Less Than 198 Feet Wide and Lakes Less Than 60 Acres in Size on Lands Selected Under the Public Land Laws in Group Survey 256 (Window 1833), by Township

Seward Meridian

Tps. 17-19 N., R. 50 W.
None

T. 15 N., R. 51 W.
Holokuk River in Secs. 4, 5, 10-13.

T. 16 N., R. 51 W.
Holokuk River in Secs. 6-8, 17, 20, 29 and 32.

T. 17 N., R. 51 W.
Holokuk River in Secs. 28-30 and 33 (IC 733), and 34.

Tps. 18-19 N., R. 51 W.
None

Tps. 15-19 N., R. 52 W.
None

Tps. 15-16 N., R. 53 W.
None

T. 17 N., R. 53 W.
Kolmakof River in Sec. 9; and in Sec. 10 (IC 733).

T. 18 N., R. 53 W.
Kolmakof River.

T. 19 N., R. 53 W.
Kolmakof River in Secs. 27 and 34.

Tps. 15-19 N., R. 54 W.
None

Tps. 15-16 N., R. 55 W.
None

T. 17 N., R. 55 W.
Doestock Creek in IC 747, Secs. 25, and 29-36; Kuskokwim River slough in Secs. 5, 6 and 8; and Kuskokwim River slough in Secs. 7 and 8.

T. 18 N., R. 55 W.
None

T. 19 N., R. 55 W.
Owhat River in Sec. 5; and in IC 747, Secs. 6, 7, 18 and 19.

T. 15 N., R. 56 W.

None

T. 16 N., R. 56 W.

Aniak River sloughs (shaded on the attached USGS Russian Mission C-1 map);
Aniak River slough in Secs. 5, 6 and 7 (double-lined on USGS Russian
Mission C-1 and C-2 maps).

T. 17 N., R. 56 W.

Doestock Creek in Secs. 23-27 (Includes NA F-15817).
Owhat River in IC 741, Sec. 3, and IC 747, Sec. 2.
Slough between Aniak and Kuskokwim rivers in Secs. 7 and 18.

T. 18 N., R. 56 W.

Owhat River in Secs. 1, 12-14 and 23; and in IC 747, Secs. 26 and 35.

T. 19 N., R. 56 W.

Owhat River in Secs. 13, 24, 25 and 36.

Tps. 15 and 16 N., R. 57 W.

None

T. 17 N., R. 57 W.

In IC 741:

Interconnecting sloughs between the Kuskokwim River and Aniak Slough in
Secs. 3, 8-10, 15-17, and 20-23.

Slough of the Kuskokwim River in Secs. 4 and 5.

Slough of Aniak Slough with mouth in Sec. 22, through Sec. 27, ending at
beginning of cut-off meander in Sec. 26.

Interconnecting slough of Aniak Slough with unnamed slough in Sec. 32.

Mouth of slough in ~~NE~~~~NE~~~~NE~~ Sec. 33.

Tps. 18-19 N., R. 57 W.

None

T. 16 N., R. 58 W.

None

T. 17 N., R. 58 W.

In IC 741:

Slough of Kuskokwim River in SE $\frac{1}{4}$ Sec. 11.

Slough of Kuskokwim River in W $\frac{1}{4}$ Sec. 11.

Interconnecting slough of Kuskokwim River in Secs. 7 and 18, double-lined on
USGS Russian Mission C-3 map.

Unnamed stream (George One's Creek) in Secs. 4 and 5.

T. 18 N., R. 58 W.

Unnamed stream (George One's Creek) in IC 741, Secs. 28-30, 32 and 33.

T. 19 N., R. 58 W.

None

T. 15 N., R. 59 W.

None

T. 16 N., R. 59 W.

Discovery Creek in Secs. 1-4, and 9-12.

Slough of Discovery Creek with mouth in NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 8, to where fifty-foot contour line crosses slough (major blockage) in Sec. 4.

T. 17 N., R. 59 W.

Discovery Creek in Sec. 31.

Slough in NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 31 which connects Discovery Creek to the large meander lake.

Slough (marginally three chains wide) in Sec. 28 to mouth in SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ Sec. 29.

Stream-slough of Kuskokwim River in Secs. 23, 24, 26(SE $\frac{1}{4}$), 27, 34(N $\frac{1}{4}$), and 35(N $\frac{1}{4}$).

T. 18 N., R. 59 W.

None

T. 19 N., R. 59 W.

None

T. 14 N., R. 60 W.

Ophir Creek within Native allotments F-17348, Parcel B, Sec. 2, and F-17343, Parcel B, Sec. 2.

T. 15 N., R. 60 W.

Whitefish Lake outlet in IC 745, Secs. 3-6, which also crosses the following Native allotments: F-16854; F-17003, Parcel B; F-16022, Parcel A; and F-15845, Parcel B.

T. 16 N., R. 60 W.

Slough of Discovery Creek with mouth in SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ Sec. 2, to end of slough in NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ Sec. 2.



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Alaska State Office

222 West Seventh Avenue, #13

Anchorage, Alaska 99513-7504

<http://www.blm.gov/ak>

J. Johnson 5/17/09
C. Jacobs
5-6-09

In Reply Refer To:

AA-10267 (2653)¹

AA-8099-01 (2652)

AA-12466-8E (75.4)²

F-14862-A (2651)³

AA-12896 (2627)⁴

(965) ccl/jjl/mre

**Ophir Creek System
Interim Summary Report
Attachment 4**

JUN 19 2009

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DECISION

Calista Corporation	:	AA-10267, AA-12466, AA-70148,
Attn: Land Department	:	AA-70149, AA-70150, AA-74549,
301 Calista Court, Suite A	:	AA-84417, AA-8099-01
Anchorage, Alaska 99518-3028	:	Regional Selection Applications
	:	
Kuitsarak, Incorporated	:	F-14862-A, F-14862-A2
P.O. Box 10	:	Village Selection Applications
Goodnews Bay, Alaska 99589-0010	:	
	:	
The Kuskokwim Corporation	:	F-14936-A, F-14936-A2
Successor in Interest to	:	Village Selection Applications
Sleetmute Limited	:	
P.O. Box 227	:	
Aniak, Alaska 99557	:	
	:	
State of Alaska	:	AA-12896, AA-76385, AA-76536,
Department of Natural Resources	:	AA-76570
Division of Mining, Land and Water	:	General Grant Applications
Realty Services Section	:	
550 West Seventh Avenue, Suite 1050A	:	
Anchorage, Alaska 99501-3579	:	

¹ AA-12466, AA-70148, AA-70149, AA-70150, AA-74549, and AA-84417

² AA-70148-8E, AA-70149-8E, AA-70150-8E, AA-74549-8E, and AA-84417-8E

³ F-14862-A2, F-14936-A, and F-14936-A2

⁴ AA-76385, AA-76536, and AA-76570

State Selection Applications Rejected
Village Selection Applications Rejected
Regional Selection Applications Rejected
Lands Proper for Regional Selection
Approved for Conveyance

On March 9, 1972, Public Land Order No. 5184 withdrew lands for study by the Secretary of the Interior for the purpose of classification or reclassification, pursuant to Sec. 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA). Section 17(d)(1) states "...the Secretary is authorized to classify or reclassify any lands so withdrawn and to open such lands to appropriation under the public land laws in accord with his classifications. Withdrawals pursuant to this paragraph shall not affect the authority of the...Regional Corporations...to make selections...within the areas withdrawn pursuant to section 11." Therefore, selection of these lands is allowed under Sec. 14(h)(8) of ANCSA.

On February 11, 1991 and August 8, 2002, Calista Corporation requested a waiver of regulations under the provisions of Sec. 14(h)(8) of ANCSA, 43 U.S.C. 1613(h)(8) to reopen the land selection period to select the surface and subsurface estates of certain lands formerly withdrawn pursuant to Sec. 11(a)(1) and 11(a)(3) of ANCSA.

Much of the corporation's previous land selections did not meet the criteria under 43 CFR 2653.9(c), specifically the requirement to conform to the two mile linear boundary to the maximum 5,760 acreage requirement. In its request, Calista noted that the proposed new Sec. 14(h)(8) selections were contiguous with existing patented or interim conveyed Native corporation lands and would not cause land management problems.

On May 24, 1991 and March 31, 2004, the Secretary of the Interior waived the requirements of 43 CFR 2653.4(c) and 43 CFR 2653.9(c) for a period of ninety (90) days to permit Calista Corporation to select additional lands under the provisions of Sec. 14(h)(8) of ANCSA. In the table described below, Calista Corporation filed selection applications for these lands. Lands filed under AA-84417 were identified in Calista Corporation's August 8, 2002, waiver request and later modified by BLM's State Director for Alaska in a memorandum dated October 17, 2003.

Serial Number	Date Filed
AA-70148, as amended	February 11, 1991
AA-70149, as amended	February 11, 1991
AA-70150, as amended	February 11, 1991
AA-74549, as amended	February 11, 1991
AA-84417	April 13, 2004

On September 30, 1976, Calista Corporation filed selection application AA-12466, as amended under the provision of Sec 14(h)(8) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. § 1613(h)(8), for the surface and subsurface estates of certain lands withdrawn by Secs. 11(a)(1) of ANCSA.

Lands herein approved for conveyance are located near Lime Village, Stony River, Sleetmute, Red Devil, Crooked Creek, Aniak, Chuathbaluk, Russian Mission, and Goodnews Bay, Alaska. Case files AA-70148, AA-70150, and AA-74549 will be closed of record when this decision becomes final as there are no other lands remaining selected. Further action on case files AA-70149, AA-84417, and AA-12466 as to those lands not conveyed will be taken at a later date.

STATE SELECTION APPLICATIONS REJECTED

As described in the table below, the State of Alaska filed selection applications, respectively, under the provisions of Sec. 6 of the Alaska Statehood Act of July 7, 1958, Pub. L. 85-508, 72 Stat. 339, as amended, for certain lands near the Native villages of Stony River, Sleetmute, Aniak, and Russian Mission. Section 6 of the Alaska Statehood Act provides that the State may select vacant, unappropriated, and unreserved public lands in Alaska.

Serial Number	Date Filed
AA-12896, as amended	April 12, 1977
AA-76385	December 31, 1992
AA-76536	January 26, 1993
AA-76570	May 25, 1993

The State selection applications describe lands which were validly selected on September 30, 1976 and February 11, 1991, by Calista Corporation, in regional selection applications AA-12466, AA-74549, and AA-70150, and are herein approved for conveyance. These lands were not available for selection by the State of Alaska; therefore, the State selection applications are rejected as to the lands described below:

Seward Meridian, Alaska

AA-12896

T. 20 N., R. 41 W.,
Sec. 36, lots 3, 5, 7, and 8.

Containing 543.90 acres.

AA-76385

T. 13 N., R. 59 W.,
Sec. 3, excluding mining claims AA-24700, AA-24701, and AA-41164;
Sec. 4, excluding mining claims AA-24701, AA-24702, AA-24703, AA-24704, AA-41163, and AA-41164;
Sec. 9;
Sec. 10, excluding mining claims AA-24696, AA-24697, and AA-24698, AA-24699, and AA-41165;
Sec. 15, mining claims AA-24694, AA-24695, and AA-24749, AA-41146, AA-41147, AA-41157, and AA-41165;
Sec. 16, excluding mining claim AA-41157;
Sec. 21, excluding mining claims AA-41154 and AA-41155;

Sec. 22, excluding mining claims AA-24747, AA-24748, AA-24749, AA-41148, AA-41149, AA-41155, and AA-41156;

Sec. 27, excluding mining claims AA-24745, AA-24746, AA-24747, and AA-41166;

Sec. 28, excluding mining claims AA-41154 and AA-41159.

Containing 5,820 acres.

AA-76536

T. 23 N., R. 64 W.,
Sec. 35.

Containing 640 acres.

AA-76570

T. 20 N., R. 41 W.,
Sec. 36, lots 3, 5, 7, and 8.

Containing 543.90 acres.

Aggregating 7,547.80 acres.

Further action on State selection applications AA-76385, AA-76536, and AA-76570 will be taken at a later date.

Regarding State selection case file AA-12896, there are no other lands remaining selected and appears that this application can be closed of record once a final audit is performed.

VILLAGE SECTION 12(a) and 12(b) SELECTION APPLICATIONS REJECTED

As described in the table below, Kuitsarak Incorporated and Sleetmute Limited, filed selection applications, respectively, pursuant to Secs. 12(a) and 12(b) of ANCSA for certain lands previously withdrawn pursuant to Sec. 11(a)(1)(3). On May 25, 2005, Kuitsarak Incorporated prioritized selections to identify their remaining entitlement. On April 25, 1977, Sleetmute Limited merged with nine other villages consolidating individual interests into one single constituent corporation, The Kuskokwim Corporation. On December 13, 2000, as amended, The Kuskokwim Corporation, Successor in Interest to Sleetmute Limited, consolidated and re-prioritized selections to identify their remaining entitlement. The lands described below were not among the prioritized selections made by Kuitsarak Incorporated and The Kuskokwim Corporation. Furthermore, on April 12, 1995 and August 7, 2002, Calista Corporation requested expedited conveyance of these lands pursuant to Sec. 14(h)(8). Therefore, selection applications described in the table below are hereby rejected as to the lands herein approved for conveyance. Further action on these case files as to the lands not rejected herein will be taken at a later date.

Serial Number	Date Filed
F-14862-A	November 13, 1974
F-14862-A2	December 11, 1975
F-14936-A	November 18, 1974
F-14936-A2	November 17, 1975

Seward Meridian, Alaska

F-14862-A

T. 10 N., R. 74 W.,
Sec. 22.

Containing 640 acres.

F-14862-A2

T. 10 N., R. 74 W.,
Sec. 22.

Containing 640 acres.

F-14936-A

T. 17 N., R. 45 W.,
Secs. 14 and 15.

Containing 1,280 acres.

F-14936-A2

T. 17 N., R. 45 W.,
Secs. 14 and 15.

Containing 1,280 acres.

Aggregating 3,840 acres.

REGIONAL IN-LIEU SELECTION APPLICATION REJECTED

Calista Corporation filed subsurface in-lieu selection application AA-8099-01 on December 17, 1975, pursuant to Sec. 12(a)(1) of ANCSA, 43 U.S.C. § 1611(a)(1), as to certain lands selected on April 13, 2004, in selection application AA-84417. Since Calista Corporation elected to take these lands under Sec. 14(h)(8) of ANCSA, selection application AA-8099-01 is hereby rejected as to those lands in conflict with the lands herein approved for conveyance under AA-84417. Further action on in-lieu selection application AA-8099-01 as to those lands not rejected herein will be taken at a later date.

Seward Meridian, Alaska

T. 10 S., R. 74 W.,
Secs. 10, 11, 14, 15, and 22.

Containing 3,200 acres.

REGIONAL SECTION 14(h)(1) SELECTION APPLICATION REJECTED

On November 6, 1975, Calista Corporation filed regional selection application AA-10267, as amended, pursuant to Sec. 14(h)(1) of ANCSA, 43 U.S.C. § 1613(h)(1). The same lands selected under AA-10267 were subsequently selected on February 11, 1991 by Calista Corporation under Sec. 14(h)(8) of ANCSA. Since Calista Corporation, in a letter dated April 12, 1995, requested expedited conveyance of these lands under Sec. 14(h)(8) of ANCSA, selection AA-10267 is hereby rejected as to the same lands herein approved for conveyance. Case file AA-10267 will be closed of record when this decision becomes final as there are no other lands remaining selected.

LAND APPROVED FOR CONVEYANCE

As to the lands described below, applications AA-70148, AA-70149, AA-70150, AA-74549, AA-12466, all as amended, and AA-84417 is properly filed and meets the requirements of ANCSA 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; neither do they include any submerged lands which passed to the State of Alaska under the Equal Footing Doctrine, U.S. Const. art. IV, § 3, and Sec. 6(m) of the Alaska Statehood Act of July 7, 1958, 72 Stat. 339.

Further, this decision does not make any determination as to the ownership of islands, if any, that have emerged from the bed of a navigable water body on or after the date of statehood, January 3, 1959. Determinations regarding islands that have emerged from the beds of navigable waters on or after January 3, 1959, will be completed prior to patent. If it is determined that the lands herein approved for conveyance contain islands that have emerged from the beds of navigable waters on or after January 3, 1959, such islands will be excluded from the final patent.

In view of the foregoing, the surface and subsurface estates of the following-described lands, selected pursuant to Sec. 14(h)(8) of ANCSA, aggregating approximately 81,811 acres, are considered proper for acquisition by Calista Corporation and are hereby approved for conveyance pursuant to Sec. 14(h)(8) of ANCSA:

Lands to be Patented

Seward Meridian, Alaska

T. 17 N., R. 35 W.,
Secs. 16 to 19, inclusive;
Sec. 20, lots 1, 2, and 3;
Sec. 21;

Sec. 28, lots 1 and 2;
Secs. 29 to 33, inclusive.

Containing 6,383.48 acres, as shown on plat of dependent resurvey and survey officially filed March 21, 2007.

T. 22 N., R. 38 W.,
Sec. 1, lots 1 and 3;
Sec. 2, lots 1 and 3;
Sec. 3, lots 1 and 3;
Sec. 9, lot 1;
Sec. 10, lots 1, 3, 4, and 5;
Sec. 11, lots 1 and 3;
Sec. 12, lots 1 and 3;
Sec. 15, lot 1;
Secs. 23 and 26;
Sec. 27, lots 1 and 3.

Containing 6,659 acres, as shown on plat of survey accepted March 31, 1978, and plat of dependent resurvey and survey officially filed October 18, 2005.

T. 20 N., R. 41 W.,
Sec. 35, lots 1, 3, and 5;
Sec. 36, lots 3, 5, 7, and 8.

Containing 1,138.90 acres, as shown on plat of survey accepted March 31, 1978, and supplemental plat officially filed March 5, 1992.

T. 17 N., R. 44 W.,
Secs. 4, 9, and 16;
Secs. 17 and 18.

Containing 3,193.75 acres, as shown on plat of survey accepted March 31, 1978, and plat of dependent resurvey and survey officially filed March 16, 2007.

T. 19 N., R. 49 W.,
Secs. 1, 2, and 3;
Secs. 10 to 14, inclusive;
Sec. 24, lots 1 and 2;
Sec. 25, lots 1 and 2;
Secs. 26, 27, and 28;
Secs. 33 to 36, inclusive.

Containing 10,841.34 acres, as shown on plat of survey accepted March 31, 1978, and plat of photogrammetric resurvey officially filed September 7, 2005.

T. 20 N., R. 55 W.,
Secs. 15, 16, and 17;
Secs. 20, 21, and 22;
Secs. 27 to 32, inclusive.

Containing 7,612.04 acres, as shown on plat of survey officially filed September 22, 2006.

T. 23 N., R. 64 W.,
Secs. 13 to 17, inclusive;
Sec. 20;
Secs. 29 to 32, inclusive;
Sec. 35.

Containing 6,993.04 acres, as shown on plat of dependent resurvey, survey and subdivision officially filed February 8, 2006.

T. 21 N., R. 65 W.,
Secs. 3, 4, and 5.

Containing 1,920 acres, as shown on plat of survey officially filed July 28, 1987, and plat of dependent resurvey and subdivision officially filed December 27, 2005.

T. 22 N., R. 65 W.,
Secs. 27, 28, and 29;
Secs. 32, 33, and 34.

Containing 3,840 acres, as shown on plat of survey officially filed July 28, 1987, and plat of dependent resurvey and subdivision officially filed January 23, 2006.

T. 23 N., R. 65 W.,
Secs. 25 and 26;
Secs. 34, 35, and 36.

Containing 3,200 acres, as shown on plat of dependent resurvey, survey and subdivision officially filed January 23, 2006.

Aggregating 51,781.55 acres.

Lands to be Interim Conveyed

Seward Meridian, Alaska

T. 13 N., R. 36 W.,
 Sec. 2, excluding lot 1, U.S. Survey No. 9408;
 Secs. 3 to 6, inclusive;
 Sec. 7, excluding U.S. Survey No. 9407;
 Secs. 8, 9, and 10;
 Secs. 16 to 21, inclusive.

Containing approximately 5,898 acres.

T. 17 N., R. 45 W.,
 Secs. 13, 14, and 15.

Containing approximately 1,920 acres.

T. 9 N., R. 59 W.,
 Secs. 19 to 22, inclusive;
 Secs. 27 to 34, inclusive.

Containing approximately 7,672 acres.

T. 13 N., R. 59 W.,
 Sec. 3, excluding mining claims AA-24700, AA-24701, and AA-41164;
 Sec. 4, excluding mining claims AA-24701, AA-24702, AA-24703, AA-24704,
 AA-41163, and AA-41164;
 Sec. 9;
 Sec. 10, excluding lot 1, U.S. Survey 5238, and mining claims AA-24696,
 AA-24697, and AA-24698, AA-24699, and AA-41165;
 Sec. 15, excluding lots 1 and 2, U.S. Survey 5238, and mining claims
 AA-24694, AA-24695, and AA-24749, AA-41146, AA-41147, AA-41157, and
 AA-41165;
 Sec. 16, excluding mining claim AA-41157;
 Sec. 21, excluding lot 2, U.S. Survey 5238, and mining claims AA-41154 and
 AA-41155;
 Sec. 22, excluding lot 2, U.S. Survey 5238, and mining claims AA-24747,
 AA-24748, AA-24749, AA-41148, AA-41149, AA-41155, and AA-41156;
 Sec. 27, excluding mining claims AA-24745, AA-24746, AA-24747, and
 AA-41166;
 Sec. 28, excluding mining claims AA-41154 and AA-41159.

Containing approximately 5,580 acres.

T. 8 N., R. 60 W.,
Secs. 1 to 4, inclusive;
Secs. 9 to 12, inclusive.

Containing approximately 5,120 acres.

T. 10 S., R. 74 W.,
Secs. 10, 11, and 12;
Secs. 14, 15, and 22.

Containing approximately 3,840 acres.

Aggregating approximately 30,030 acres.

Total aggregate approved for conveyance is approximately 81,811 acres.

Only uplands are 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, navigable water bodies of lesser size, and lands covered by tidal waters up to the line of mean high tide are excluded from the acreage charge, as provided by Sec. 901 of the Alaska National Interest Lands Conservation Act of December 2, 1980, as amended by the Act of August 16, 1988, 43 U.S.C. § 1631. The submerged lands will be identified at the time of survey and the acreage charge adjusted accordingly.

Within the lands herein approved for conveyance, only the following water bodies have been determined to be navigable:

Kuskokwim River and its interconnecting sloughs, Stink River, Stony River Cutoff, and Oskawalik River

All other named and unnamed water bodies within the lands approved for conveyance were reviewed, and were determined to be non-navigable based on existing evidence.

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

Pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616(b) (1976), the following public easements, referenced by Easement Identification Number (EIN) on the easement maps, copies of which can be found in the Bureau of Land Management's public land records, 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, dogsleds, animals, snowmobiles, two- and three-wheeled vehicles, and small all-terrain vehicles (ATV's) (less than 3,000 lbs. Gross Vehicle Weight (GVW)).

One Acre Site - The uses allowed on a site easement are: vehicle parking (e.g., aircraft, boats, all-terrain vehicles (ATV's), snowmobiles, cars, trucks), temporary camping, and loading or unloading. Temporary camping, loading, or unloading shall be limited to 24 hours.

- a. (EIN 16 C4, D1) An easement twenty-five (25) feet in width for a proposed access trail from the junction with EIN 3 C3, C4, D1, D9 in Sec. 26, T. 10 S., R. 74 W., Seward Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- b. (EIN 18 D1, D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 7, T. 13 N., R. 36 W., Seward Meridian, on the west shore of Tundra Lake. The site easement will have an additional twenty-five (25) foot wide easement on the bed of Tundra Lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.
- c. (EIN 18a D1, D9) An easement twenty-five (25) feet in width for an existing access trail running from site EIN 18 D1, D9 in Sec. 7, T. 13 N., R. 36 W., Seward Meridian, westerly to Sec. 12, T. 13 N., R. 37 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- d. (EIN 19 D9) A one (1) acre site easement upland of the ordinary high water mark in Sec. 16, T. 13 N., R. 36 W., Seward Meridian on the south shore of Tundra Lake. The site easement will have an additional twenty-five (25) foot wide easement on the bed of Tundra Lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.
- e. (EIN 19a D9) An easement twenty-five (25) feet in width for a proposed access trail running from site EIN 19 D9 in Sec. 16, T. 13 N., R. 36 W., Seward Meridian, southwesterly to Sec. 24, T. 13 N., R. 37 W., Seward Meridian. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- f. (EIN 20 D1) A one (1) acre site easement upland of the ordinary high water mark in Sec. 33, T. 17 N., R. 35 W., Seward Meridian on the south shore of Why Lake. The site easement will have an additional twenty-five (25) foot wide easement on the bed of Why Lake along the entire waterfront of the site. The uses allowed are those listed above for a one (1) acre site easement.

- g. (EIN 20a D1) An easement twenty-five (25) feet in width for a proposed access trail from site EIN 20 D1 in Sec. 33, T. 17 N., R. 35 W., Seward Meridian, southeasterly to public lands. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- h. (EIN 21 D1) An easement twenty-five (25) feet in width for a proposed access trail running from Sec. 33, T. 20 N., R. 55 W., Seward Meridian, northwesterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- i. (EIN 23 D1) A one (1) acre site easement in Sec. 10, T. 22 N., R. 38 W., Seward Meridian. The uses allowed are those listed above for a one (1) acre site easement.
- j. (EIN 23a D1) An easement twenty-five (25) feet in width for a proposed access trail from EIN 23 D1 in Sec. 10, T. 22 N., R. 38 W., Seward Meridian, southeasterly to public land. The uses allowed are those listed above for a twenty-five (25) foot wide trail easement.
- k. (EIN 24 D1) A one (1) acre site easement in Sec. 36, T. 20 N., R. 41 W., Seward Meridian on the left bank of the Kuskokwim River. The uses allowed are those listed above for a one (1) acre site easement.

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 of survey confirming the boundary description and acreage of the lands hereinabove granted; and in accordance with a determination as to those islands, if any, that emerged from the bed of a navigable water body on or after January 3, 1959;
2. 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. Further, pursuant to Sec. 17(b) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1616(b)(2) (1976), any valid existing right recognized by the Alaska Native Claims Settlement Act shall continue to have whatever right of access as is now provided for under existing law; and
3. **Granted Right-of-Way**
A right-of-way, AA-12502, for a water pipeline, located in Sec. 21, T. 13 N., R. 59 W., Seward Meridian. Federal Land Policy Management Act of October 21, 1976, as amended, 43 U.S.C. § 1761-1771.

Certain lands are authorized for outfitting and guiding services under Special Recreation Permit AA-70277, issued to Gary Pogany on August 21, 2003. The land use area will be reduced in accordance with the Guides/Outfitters Special Recreation Permit Stipulations and Conditions identified in No. 3 of Environmental Assessment AK-040-03-EA-003, dated August 11, 2003, when the patent issues for the lands described herein approved for conveyance.

Calista Corporation is entitled to a minimum of 283,157.64 acres of land selected pursuant to Sec. 14(h)(8) of ANCSA. Together with the lands herein approved, approximately 205,822 acres of this entitlement were conveyed or approved for conveyance. The remaining entitlement will be conveyed at a later date.

Enclosed are 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 has been published once in the Federal Register, and will be published once a week for four (4) consecutive weeks in the Tundra Drums.

APPEAL PROVISIONS

A Federal agency, a regional corporation, or any party claiming a property interest in lands affected by this decision may appeal the decision to the Interior Board of Land Appeals, Office of Hearings and Appeals. See DOI Form 1842-1 and 43 CFR Part 4, enclosed, for instructions.

The time limits for filing an appeal are:

1. Parties receiving service of this decision by personal service or certified mail, return receipt requested, shall have thirty 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, parties who failed or refused to sign their return receipt, and parties who received a copy of this decision by regular mail which is not certified, return receipt requested, shall have until JUL 20 2009 to file an appeal.

The appellant has the burden of showing that the decision appealed from is in error. Failure to file the notice of appeal with the Bureau within the time allowed will result in dismissal of the appeal. In order to avoid dismissal of the appeal, there must be strict compliance with the regulations.

/s/ Charles C. Lovely

Charles Lovely
Land Transfer Resolution Specialist
Branch of Adjudication II

Enclosures:
Form 1842-1
Appeal Regulations
Plats
Maps

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/plats and maps)

State of Alaska (CM-RRR)
Department of Fish and Game
Division of Sport Fish
ATTN: Ellen Simpson
333 Raspberry Road
Anchorage, Alaska 99518-1599
(w/plats and maps)

State of Alaska
Department of Transportation and Public Facilities
ATTN: Chief, Right-of-Way Branch
Central Region
4111 Aviation Avenue
Anchorage, Alaska 99502-1058
(w/plats and maps)

Federal Aviation Administration
ATTN: Acquisition & Real Estate Branch, AAL-59RE
222 West Seventh Avenue, #14
Anchorage, Alaska 99513-7587
(w/plats and maps)

United States Coast Guard (CA)
Commander (s)
MLC Pacific
1301 Clay Street, Suite 700N
Oakland, California 94612-5203
(w/plats and maps)

Commander (DPR)
17th Coast Guard District
P.O. Box 25517
Juneau, Alaska 99801-5517
(w/plats and maps)

Harry E. Faulkner, Sr. (AA-12502)
P.O. Box 1307
Bethel, Alaska 99559

Gary Pogany (AA-70277) (CM-RRR)
P.O. Box 770323
Eagle River, Alaska 99577

Professbr Paul Friesema
Environmental Policy & Culture Program
Northwestern University
304 Scott Hall
601 University Place
Evanston, Illinois 60208-1006

FM-AKA-010

Jeff Kowalczyk (FM-AKA-010)

Chief, Branch of Adjudication II (965)

ANCSA Acreage Control (965)

Escrow (962)

Pat Moreno (961)

Becky Johnson (965)

Dina Torres (962)

SENDER. COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 		<p>A. Signature <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X <i>Sally M Hoffman</i></p>	
<p>1. Article Addressed to:</p> <p>The Kuskokwim Corporation Successor in Interest to Sleetmute Limited P.O. Box 227 Aniak, Alaska 99557</p> <p>AA-10267/ AA-8099-01/ AA-12466-8E /F-14862-A/AA-12896 (965) ccl</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p><i>Sally M Hoffman</i></p>	
<p>2. Article Number (Transfer from service label)</p> <p>7007 2560 0000 2955 4174</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> <p>JUN 19 2009</p>	
<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>		<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>	
<p>Domestic Return Receipt</p>		<p>102595-02-M-15</p>	



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov/ak>

John 07/09/09
J. Saboy 7/9/09

In Reply Refer To:

AA-9361-1E (75.04)
AA-9657-1E (75.04)
AA-9833-1E (75.04)
AA-9346 (2653)¹
(962) dlt/jjl/lga

**Ophir Creek System
Interim Summary Report
Attachment 5**

JUL 10 2009

Memorandum

To: Chief, Branch of Land Transfer Adjudication I (964)

From: Dina Torres, Land Transfer Resolution Specialist, Resolution Branch (962)

Subject: Final Easement Memorandum for Lands to be Conveyed to Calista Corporation

Section 17(b) of the Alaska Native Claims Settlement Act (ANCSA) requires that easements be identified for lands selected by Calista Corporation pursuant to Sec. 14(h)(1) of ANCSA. The following are the final easement recommendations. Of these recommendations, my decision is as follows for the lands described below.

Kateel River Meridian, Alaska

T. 28 S., R. 30 W.
U.S. Survey No. 10694, Alaska.

T. 28 S., R. 28 W.
U.S. Survey No. 10675, Alaska.

¹ AA-9353, AA-9361, AA-9379, AA-9477, AA-9526, AA-9635, AA-9657, AA-9676, AA-9743, AA-9811, AA-10279, AA-9833, AA-9880, AA-9938, AA-9964, AA-10034, AA-10066, AA-10173, AA-10205, AA-10211, AA-11471, AA-10222, AA-10224, AA-10273, AA-10278, AA-10319, AA-10322, AA-10381, AA-11412, AA-10383, AA-11303, AA-11304, AA-11317, AA-11318, AA-11665

Seward Meridian, Alaska

T. 29 N., R. 79 W.
Lot 2, U.S. Survey No. 10526, Alaska.

T. 27 N., R. 82 W.
U.S. Survey No. 10541, Alaska.

T. 25 N., R. 85 W.
U.S. Survey No. 11157, Alaska.
Lot 3, U.S. Survey No. 10480, Alaska.

T. 10 S., R. 76 W.
U.S. Survey No. 13740, Alaska.

T. 1 N., R. 67 W.
Lots 1 and 2, U.S. Survey No. 10157, Alaska.

T. 4 S., R. 83 W.
Lots 2, 3, and 4, U.S. Survey No. 10076, Alaska.

T. 10 N., R. 84 W.
U.S. Survey No. 13608, Alaska.

T. 1 S., R. 88 W.
U.S. Survey No. 13829, Alaska.
Lot 1, U.S. Survey No. 13826, Alaska.
U.S. Survey No. 13827, Alaska.
Lots 2 and 3, U.S. Survey No. 13826, Alaska.

T. 3 N., R. 86 W.
U.S. Survey No. 13591, Alaska.

T. 26 N., R. 83 W.
U.S. Survey No. 10673, Alaska.

T. 1 S., R. 77 W.
U.S. Survey No. 10646, Alaska.
U.S. Survey No. 10647, Alaska.

T. 19 N., R. 71 W.
U.S. Survey No. 11058, Alaska.

T. 11 N., R. 66 W. and T. 10 N., R. 66 W.
U.S. Survey No. 10548, Alaska.

T. 15 N., R. 69 W.
Lot 6, U.S. Survey No. 11006, Alaska.
Lots 1 and 2, U.S. Survey No. 11005, Alaska.

T. 3 N., R. 67 W.
U.S. Survey No. 10769, Alaska.

T. 5 N., R. 67 W. and T. 4 N., R. 68 W.
U.S. Survey No. 11795, Alaska.

T. 10 N., R. 64 W.
Lots 1 and 2, U.S. Survey No. 10728, Alaska.

T. 13 N., R. 65 W.
U.S. Survey No. 13765, Alaska.

T. 1 N., R. 84 W.
U.S. Survey No. 13823, Alaska.

T. 1 S., R. 87 W.
U.S. Survey No. 13825, Alaska.

T. 4 N., R. 72 W.
Lot 7, U.S. Survey No. 10155, Alaska.
Lot 2, U.S. Survey No. 10155, Alaska.

T. 2 N., R. 72 W.
U.S. Survey No. 10123, Alaska.

T. 2 N., R. 78 W.
U.S. Survey No. 13816, Alaska.
U.S. Survey No. 13817, Alaska.

T. 1 N., R. 77 W.
U.S. Survey No. 13818, Alaska.
Lots 1 and 2, U.S. Survey No. 13819, Alaska.

T. 15 N., R. 60 W. and T. 14 N., R. 60 W.
U.S. Survey No. 10573, Alaska.

MAJOR WATERWAYS:

There are no major waterways within these lands.

EASEMENT TO BE RESERVED:

There are no Sec. 17(b) easements to be reserved for the above lands.

EASEMENT MAPS:

The easement map reflects the current status of easements. Only those easements recommended for inclusion in the conveyance document are shown on the easement map.

/s/ Robert L. Lloyd

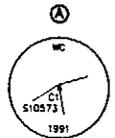
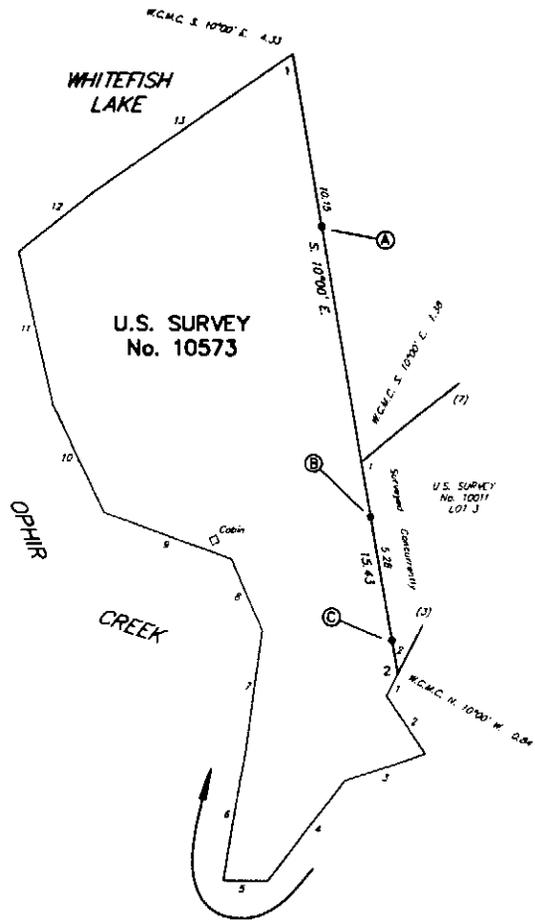
Robert L. Lloyd
Chief, Land Transfer Adjudication I

SL501

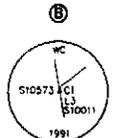
IMPROVEMENTS

From the Witness Cor. to Cor. No. 1, a Meander Cor.

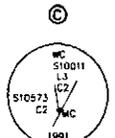
The E. cor. of a cabin, 12 x 12 ft., bears S. 18°22' W., 8.11 chs. dist., long side bears N. 24° W.



Drive an alum rod, 12 ft. long, 3/4 in. diam., 1 1/2 in. in the ground, with alum cap mid. as shown, from which:
 A pink DEEP-1 magnet bears S. 45° E., 15 lbs. dist., 15 ins. below ground.
 A blue DEEP-1 magnet bears S. 45° W., 15 lbs. dist., 18 ins. below ground.
 Bury a clear DEEP-1 magnet along side the alum rod, 18 ins. below ground.



Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mid. as shown, from which:
 A birch, 6 ins. diam., bears N. 13 1/2° E., 75 lbs. dist., mid. X BT.
 A birch, 7 ins. diam., bears N. 82° W., 101 lbs. dist., mid. X BT.
 Bury a clear DEEP-1 magnet at the base of the stainless steel post.



Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mid. as shown, from which:
 A birch, 4 ins. diam., bears N. 83 3/4° E., 402 lbs. dist., mid. X BT.
 A birch, 4 ins. diam., bears N. 40° W., 224 lbs. dist., mid. X BT.
 Bury a clear DEEP-1 magnet at the base of the stainless steel post.

MEANDERS

Along a well-defined bank, 2 to 4 ft. high, at the line of ordinary high water.

- 1. S. 27°31' W., 0.61 chs.
- 2. S. 33°37' E., 1.74 chs.
- 3. S. 70°58' W., 2.13 chs.
- 4. S. 37°44' W., 3.13 chs.
- 5. N. 89°48' W., 1.12 chs.
- 6. N. 9°35' E., 3.47 chs.
- 7. N. 71°00' E., 2.83 chs.
- 8. N. 23°30' W., 1.90 chs.
- 9. N. 70°28' W., 3.38 chs.
- 10. N. 24°16' W., 2.89 chs.
- 11. N. 13°01' W., 3.84 chs.

At end of course, confluence with the southern shore of Whitefish Lake, thence northeasterly with the meanders of the southern shore of Whitefish Lake, along a grassy bank, 0 to 1 ft. high, at the line of ordinary high water.

- 12. N. 51°25' E., 2.48 chs.
- 13. N. 59°17' E., 5.94 chs.

U.S. SURVEY No. 10573, ALASKA

This plot contains the entire survey record.

The monumentation of the north, south, and east boundaries and a portion of the subdivisional lines of Township 14 North, Range 60 West, Seward Meridian, was established in 1975-76 under Special Instructions for Group No. 256, Alaska, dated September 26, 1975, and approved September 26, 1975. The plot has not been accepted as of this date.

U.S. Survey No. 10011 was surveyed concurrently with this survey by Donald E. Mullikin, Registered Alaska Land Surveyor, under Contract No. N651-C1-3022.

This survey was executed by Donald E. Mullikin, Registered Alaska Land Surveyor No. LS-4469, for Mullikin Surveys, May 30 through June 29, 1991, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated June 13, 1990, approved August 17, 1990, Contract No. N651-C1-3022 awarded February 26, 1991, and Notice to Proceed dated May 20, 1991.

Field assistants were:

- Timothy L. Mullikin, Party Chief
- Leo A. Americus, Instrument Man
- James E. York, Instrument Man

Area: 9.63 Acres

The azimuth was obtained from direct observations of the sun, using the hour angle method, and refers to the true meridian.

The geographic position of the witness corner to corner No. 1, a meander cor., as determined from the same control data used to establish the witness corner to the meander corner to sections 2 and 35, Townships 14 and 15 North, Range 60 West, Seward Meridian, is:

Latitude: 61° 20' 30.51" North
 Longitude: 159° 59' 24.15" West NAD 27

The mean magnetic declination was taken from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (B-3)," Alaska, 1952 edition.

This survey is located on the right bank of Ophir Creek, near the mouth of Whitefish Lake, approximately 24 miles southwest of the village of Aniak, Alaska.

The land is nearly level, open tundra, vegetated with dense older and willow near Ophir Creek. The soil is silty loam. Permafrost was found 6 ins. below the surface.

Access to this survey was by riverboat, floatplane, helicopter, and hovercraft.

The B.L.M. Location tag was found. The position of this survey was determined by the Contract inspector from the description given in the Land Examiner's report.

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

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

The survey represented by this plot, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director

Raymond D. Evans *June 20, 1992*
 Date
 Deputy State Director for Cadastral Survey, Alaska

I, DONALD E. MULLIKIN, Registered Alaska Land Surveyor, No. LS-4469, HEREBY CERTIFY upon honor that, in pursuance of Special Instructions dated June 13, 1990, and under Contract No. N651-C1-3022 awarded February 26, 1991, I have executed the survey depicted on this plot of survey, in strict conformity with said special instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1973, and in the specific manner described on this plot.

15 May 1992
 Date

Donald E. Mullikin
 Signature



**Ophir Creek System
Interim Summary Report
Attachment 6**

F-15676 (2561)
F-14888-A2 (2651)
✓AA-11665 (2653)
(963/RH)

SEP 29 1992

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Olga K. Nesbit	:	F-15676
General Delivery	:	Native Allotment
Chauthbaluk, Alaska 99557	:	Application
The Kuskokwim Corporation	:	F-14888-A2
429 D Street, Suite 307	:	Village Selection
Anchorage, Alaska 99501	:	
Calista Corporation	:	AA-11665
601 West Fifth Avenue,	:	Regional Selection
Suite 200	:	
Anchorage, Alaska 99501	:	

Legislative Approval of Native Allotment Confirmed
Village Selection Rejected in Part
Regional Selection Rejected in Part
Native Allotment Application Conformed to Survey

On March 13, 1972, the Bureau of Indian Affairs (BIA) filed Native allotment application F-15676, and evidence of use and occupancy on behalf of Olga K. Nesbit. The application was filed under the provisions of the Act of May 17, 1906, as amended, 43 U.S.C. 270-1 to 270-3 (1970), which was repealed with a savings provision by the Alaska Native Claims Settlement Act (ANCSA), of December 18, 1971, 43 U.S.C. 1617. The application, which was before the Department on June 19, 1971, indicates use and occupancy since July 1953, for approximately 160 acres of unsurveyed land as follows:

Secs. 1 and 2, T. 14 N., R. 60 W., Seward Meridian, and
Secs. 35 and 36, T. 15 N., R. 60 W., Seward Meridian,
now surveyed and described as Lots 3 and 6, U.S. Survey
No. 10011, Alaska.

On March 7, 1983, the applicant was informed that Native allotment application F-15676 was legislatively approved pursuant to Sec. 905 of the Alaska National Interest Lands Conservation Act (ANILCA) of December 2, 1980, 43 U.S.C. 1634, effective June 1, 1981. That approval is hereby confirmed.

All applications approved pursuant to ANILCA are subject to the provisions of the Act of March 8, 1922, as amended, 43 U.S.C. 270-11 and 270-12. Pursuant to the Act and to the requirements of 43 CFR 2561.0-8(d) and 43 CFR 2093.4-1, a decision was issued on March 4, 1983, that the oil and gas in the lands in Native allotment application F-15676 will be reserved to the United States in the Certificate of Allotment, when granted.

On December 17, 1975, The Kuskokwim Corporation (Successor in Interest to Lower Kalskag, Incorporated) filed village selection application F-14888-A2, as amended, under the provisions of Sec. 12 of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1601 et seq., for lands in T. 14 N., R. 60 W., and T. 15 N., R. 60 W., Seward Meridian, Alaska, including the lands in Native allotment application F-15676. The allotment application was legislatively approved; therefore village selection application F-14888-A2 is rejected as to the lands described in Native allotment F-15676.

On June 4, 1976 and on December 14, 1988, Calista Corporation filed regional selection application AA-11665, as amended, under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act (ANCSA) of December 18, 1971, 43 U.S.C. 1601 et seq., for lands in Sec. 2, T. 14 N., R. 60 W., and Sec. 35, T. 15 N., R. 60 W., Seward Meridian, Alaska, including the lands in Native allotment application F-15676. The allotment application was legislatively approved; therefore the regional selection is rejected as to the lands in conflict with Native allotment F-15676 and all the minerals therein.

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

A right-of-way for ditches or canals constructed by the authority of the United States pursuant to the Act of August 30, 1890, 43 U.S.C. 945.

All the oil and gas in the land so allotted, and to it, or persons authorized by it, the right to prospect for, mine, and remove such deposits from the same upon compliance with the conditions and subject to the provisions and limitations of the Act of March 8, 1922, as amended, 43 U.S.C. 270-11 (1982) (repealed, with savings clause, effective 1986) and 270-12 (1982) (amended with savings clause, effective 1986).

The survey of this Native allotment application was officially filed June 25, 1992, and a copy is enclosed.

The official surveyed description of the claim is as follows:

Lots 3 and 6, U.S. Survey No. 10011, Alaska, situated along the former shoreline of Whitefish Lake approximately 17 miles southeast of the village of Lower Kalskag, Alaska.

Containing 159.98 acres, as shown on the plat of survey.

On November 15, 1989, the applicant was sent a final date to amend notice. Since no response was received the survey is considered correct. However, the applicant has 30 days from receipt of this decision to notify this office, in writing, if the survey does not include the land shown in the final date to amend notice.

Any questions the applicant may have regarding future use relative to the Native allotment or any assistance the applicant may need with the description should be directed to the Kuskokwim Native Association at the following address:

Kuskokwim Native Association
P.O. Box 127
Aniak, Alaska 99557

An appeal from this decision may be taken to the Interior Board of Land Appeals, Office of Hearings and Appeals, in accordance with the enclosed regulations in Title 43 Code of Federal Regulations (CFR), Part 4, Subpart E. The appellant has the burden of showing that the decision appealed from is in error.

If an appeal is taken, the notice of appeal must be filed with the Bureau of Land Management, Alaska State Office, 222 West Seventh Avenue, #13, Anchorage, Alaska 99513-7599 within 30 days of the receipt of this decision. Do not send the appeal directly to the Board. The appeal and case history file will be sent to the Board from this office. The regulations also require the appellant to serve a copy of the notice of appeal, statement of reasons, written arguments or briefs on the Regional Solicitor, Alaska Region, U.S. Department of the Interior, 4230 University Drive, Suite 300, Anchorage, Alaska 99508-4626. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations. Form 1842-1 is enclosed for additional information.

If an appeal is filed, each party named in the heading of this decision must be served. In addition, the following agency must also be served:

Kuskokwim Native Association
P.O. Box 127
Aniak, Alaska 99557

U.S. Fish and Wildlife Service
Attn: Realty (Yukon Delta NWR)
1011 East Tudor Road
Anchorage, Alaska 99503

/s/ Charlotte Pickering

Charlotte M. Pickering
Lead Land Law Examiner
Branch of Calista Adjudication

Enclosures:
Form 1842-1
Appeal Regulations
Survey Plat
Master Title Plat

Copy furnished to:

Kuskokwim Native Association (CM-RRR)
P.O. Box 127
Aniak, Alaska 99557
(w/enclosures)

Bureau of Indian Affairs
Alaska Title Services Center
1675 C Street
Anchorage, Alaska 99501-5198
(certified true copy)

U.S. Fish and Wildlife Service
Attn: Realty (Yukon Delta NWR)
1011 East Tudor Road
Anchorage, Alaska 99503
(w/enclosures)

State of Alaska
Department of Natural Resources
Division of Land
Title and Contracts Section
3601 C Street, Suite 960
Anchorage, Alaska 99503
(w/survey plat)

Larry Ethelbah
Rights Protection Officer
Juneau Area Office
Bureau of Indian Affairs
P.O. Box 25520
Juneau, Alaska 99802-5520

cc:

DM-040

963*RHolland*09/28/92*F-15676.DEC

STEVEN SCORDINO, Attorney-Advisor
Office of the Solicitor – Alaska Region
United States Department of the Interior
4230 University Drive, Suite 300
Anchorage, AK 99508-4626
(907) 271-4131/Fax (907) 271-4143

RECEIVED
NOV 9 2009
Board of Land Appeals

UNITED STATES DEPARTMENT OF THE INTERIOR
OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF LAND APPEALS
801 N. Quincy St., Suite 300
Arlington, Virginia 22203

**Ophir Creek System
Interim Summary Report
Attachment 7**

IBLA 2009-286) AA-10267, *et al.*
)
HARRY E. FAULKNER, SR.) Regional Selection Applications
)
) Sections 3, 4, 9, 10, 15, 16, 21,
) 22, 27, and 28, T. 13 N., R. 59 W.
) Seward Meridian, Alaska

MOTION TO REMAND

On June 19, 2009, the Bureau of Land Management (BLM) issued a decision approving the surface and subsurface estate of approximately 81,000 acres of land for conveyance to Calista Corporation. That decision was appealed as to the lands within Township 13 North, Range 59 West, Seward Meridian, Alaska, by Harry Faulkner. On August 28, 2009, the Interior Board of Land Appeals (Board) segregated the lands on appeal, allowing BLM to convey all lands impacted by the June 19, 2009, decision outside of T. 13 N., R. 59 W., S.M., Alaska.

Upon a review of the record, BLM has found that the lands within T. 13 N., R. 59 W., S.M., Alaska, were withdrawn pursuant to section 17(d)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 85 Stat. 688 (December 18, 1971), under

Public Land Order 5180. As such, the lands were not available for selection under section 14(h)(8) of ANCSA. 43 U.S.C. § 1613(h)(8). BLM asks the Board to remand so that BLM can vacate the portion of the June 19, 2009, decision affecting the lands within T. 13 N., R. 59 W., S.M., Alaska, and for further adjudication.

Dated this 6th day of November, 2009.



Steven Scordino
Attorney Advisor

CERTIFICATE OF SERVICE

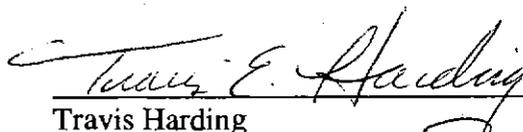
I certify that I am an employee in the Office of the Solicitor, Alaska Region, and that I am a person of such age and discretion as to be competent to serve papers. I further certify that on the date noted below I caused the foregoing original Motion to Remand to be filed by certified mail, return receipt requested, postage prepaid, to the Interior Board of Land Appeals, Office of Hearings and Appeals, 801 N. Quincy Street, Suite 300, Arlington, Virginia 22203, and to be served upon the following as indicated:

By Certified Mail, Return Receipt Requested:

Calista Corporation
Attn: Land Department
301 Calista Court, Suite A
Anchorage, AK 99518-3028

Harry Faulkner
P.O. Box 1307
Bethel, AK 99559

11/6/09
Date



Travis Harding



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
Interior Board of Land Appeals
801 N. Quincy Street, Suite 300
Arlington, Virginia 22203

703-235-3750

703-235-8349

CERTIFIED



Ophir Creek System
Interim Summary Report
Attachment 8

November 17, 2009

IBLA 2009-286

AA-10267, et al.

HARRY E. FAULKNER, SR.

Regional Selection Applications

Vacated and Remanded

ORDER

On November 9, 2009, counsel for the Bureau of Land Management (BLM) filed a motion to remand this case. He states that the appeal in this case relates to that part of a June 19, 2009, decision of the Alaska State Office, BLM, approving the conveyance of lands in T. 13 N., R. 59 W., Seward Meridian, Alaska, to Calista Corporation (Calista). He further states that BLM has determined that the lands within that township and range were withdrawn pursuant to sec. 17(d)(1) of the Alaska Native Claims Settlement Act of 1971, 43 U.S.C. § 1616(d)(1) (2006), and, as such, were not available for selection by Calista.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, the decision appealed from is vacated as to the lands in question and the case remanded to BLM for appropriate action.

Bruce R. Harris
Deputy Chief Administrative Judge

I concur:

H. Barry Holt
Chief Administrative Judge

APPEARANCES:

Harry Faulkner, Sr.
P.O. Box 1307
Bethel, AK 99559

Steven Scordino, Esq.
Office of the Regional Solicitor
U.S. Department of the Interior
4230 University Drive, Suite 300
Anchorage, AK 99508-4626

FAX: 907-271-4143

cc: Calista Corporation
Attn: Land Department
301 Calista Court, Suite A
Anchorage, AK 99518-3028



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Alaska State Office
222 West Seventh Avenue, #13
Anchorage, Alaska 99513-7504
<http://www.blm.gov/ak>



In Reply Refer To:
9600 (AK9270)

Your Reference:
F-14838-EE (75.04)¹

MAR 17 2010

**Ophir Creek System
Interim Summary Report
Attachment 9**

Memorandum

To: Group Survey No. 1088
/s/ Craig Frichtl

From: Craig Frichtl
Chief, Branch of Survey Planning and Preparation (AK9270)

Subject: Supplemental Navigability Determination for Water Bodies within Group Survey
No. 1088 (Bethel - Nyac)

Reference: Bethel and Russian Mission, Alaska (1:250,000) Quadrangle Maps

This memorandum supplements our navigability determination dated May 5, 2009, for prioritized selected and conveyed lands within the vicinity of the mining town of Nyac. Additional lands were added to Group Survey No. 1088 as a result of the requests for survey²

¹ AA-8099-EE, AA-70150-8E, AA-84417-8E, AA-87834-8E (all 75.04); F-14838-B, F-14838-B2 (both 2651); AA-8099-01 (2652); AA-10267, AA-70150, AA-84417, AA-87834 (all 2653); AA-76142, AA-76380, AA-76381, AA-76382, AA-76383, AA-76385, AA-76493 (all 2627)

² Titled "Request for Survey for the Village of Bethel 12(a) entitlement and 12(b) reallocation, Calista Region - Group 1088", "Request for Survey for 14(h)8 entitlement and Regional Selection Waiver Application, Calista Region" and Request for Survey of Section 14(h)(1) Selection Application in Calista Region" dated June 24, 2009; and "Amended Request for Survey for the Village of Bethel 12(a) entitlement and 12(b) reallocation, Calista Region - Group 1088" and "Amended Request for Survey for 14(h)8 entitlement, Calista Region" dated September 18, 2009

submitted by the Alaska Lands Division. The additional lands covered in this report are listed below:

Seward Meridian, Alaska

- T. 9 N., R. 59 W.
Secs. 19-22 and 26-35
- T. 11 N., R. 59 W.
Secs. 1, 2, 11-14, 23-29, and 31-36
- T. 12 N., R. 59 W.
Secs. 5-8, 17-26, 35, and 36
- T. 13 N., R. 59 W.
Secs. 1-22 and 26-35 (excluding Yukon Delta NWR)
- T. 8 N., R. 60 W.
Secs. 1-4 and 9-12
- T. 10 N., R. 60 W.
Secs. 2, 3, 9, 10, and 19
- T. 11 N., R. 60 W.
Secs. 34-36
- T. 12 N., R. 60 W.
Secs. 1-5 and 7-30

The navigability status of a portion of the lands listed above was covered in a previous decision dated June 19, 2009. That decision's findings are hereby affirmed. The authority to identify navigable waters on selected lands rests in the Alaska Statehood Act, the Alaska Native Claims Settlement Act, and the Submerged Lands Act of 1988.

The lands not covered in the above-mentioned decision dated June 19, 2009, were reviewed using pertinent USGS topographic quadrangle maps (USGS quads)³, color-infrared aerial (CIR) photography⁴, Google-Earth imagery, and previous determinations made for lands within the report area. The USGS quads depicted mountainous terrain with local reliefs ranging anywhere between 500 to 2584 feet. Waterways traversing the lands were all depicted as single-lined streams exhibiting high to very high stream gradients in excess of 100 feet per mile. Based on the physical characteristics of all water bodies present on the subject lands including high to extremely high stream gradients and the short, narrow, and shallow nature of the streams, we determine the waterways to be non-navigable for travel, trade and commerce. The attached appendix summarizes the navigability status by township of the lands included in this report.

Criteria

The federal test of navigability is found in *The Daniel Ball*, 77, U.S. (10 Wall.) 557 (1870). The U.S. Supreme Court stated: "Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used, or are

³ Bethel D-2, D-3; Russian Mission A-2, A-3, B-3 - Alaska, Scale 1:63,360

⁴ CIR Photos (1:60,000), Roll 3397, Frames 8147, 8167-8169, 8187, and 8188 taken August 1984; Roll 3259, Frame 4892, taken July 1983

susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.”

In assessing the navigability of inland water bodies, the BLM relies upon this test as well as federal statutes, federal case law, and the advice of the Interior Department’s Solicitor’s Office. Relevant federal statutes include the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988. Associate Solicitor Hugh Garner’s memo of March 16, 1976, (“Title to submerged lands for purposes of administering ANCSA”) and Regional Solicitor John Allen’s memo of February 25, 1980 (“Kandik, Nation Decision on Navigability”) provide valuable guidance on applying title navigability law in Alaska.

For more information, please contact Rory Spurlock, Navigable Waters Specialist, at (907) 271-3760.

Attachment

APPENDIX

Navigable Waters
Within Lands Encompassing
Group Survey No. 1088 (Bethel – Nyac)

Seward Meridian, Alaska

T. 9 N., R. 59 W. (Quads: Bethel D-2, D-3)

Secs. 19-22 and 27-34

No navigable waters (6/19/2009)

Secs. 26 and 35

No navigable waters

T. 11 N., R. 59 W. (Quads: Bethel D-2, D-3; Russian Mission A-2, A-3)

Secs. 1, 2, 11-14, 23-29, and 31-36

No navigable waters

T. 12 N., R. 59 W. (Quads: Russian Mission A-2, A-3)

Secs. 5-8, 17-26, 35, and 36

No navigable waters

T. 13 N., R. 59 W. (Quads: Russian Mission A-3, B-3)

Secs. 1, 2, 5-8, 11-14, 17-20, 26, and 29-35 (excluding Yukon Delta NWR)

No navigable waters

Secs. 3, 4, 9, 10, 15, 16, 21, 22, 27, and 28

No navigable waters (6/19/2009)

T. 8 N., R. 60 W. (Quads: Bethel D-2, D-3)

Secs. 1-4 and 9-12

No navigable waters (6/19/2009)

T. 10 N., R. 60 W. (Quad: Bethel D-3)

Secs. 2, 3, 9, 10, and 19

No navigable waters

T. 11 N., R. 60 W. (Quads: Bethel D-3; Russian Mission A-3)

Secs. 34-36

No navigable waters

T. 12 N., R. 60 W. (Quad: Russian Mission A-3)

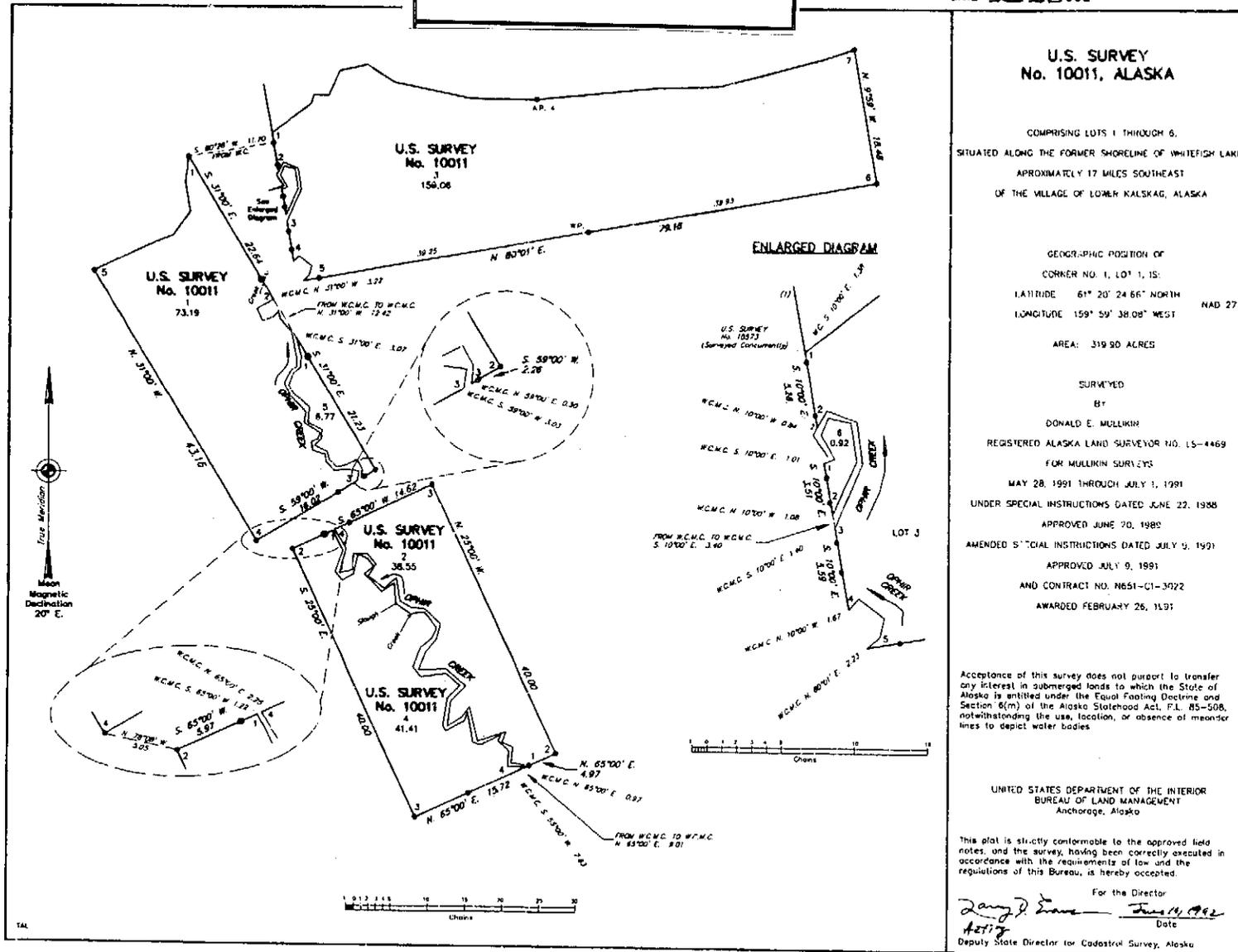
Secs. 1-5 and 7-30

No navigable waters

Ophir Creek System Interim Summary Report Attachment 10

Officially Filed
DATE JUNE 25, 1992

ORIGINAL

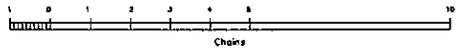
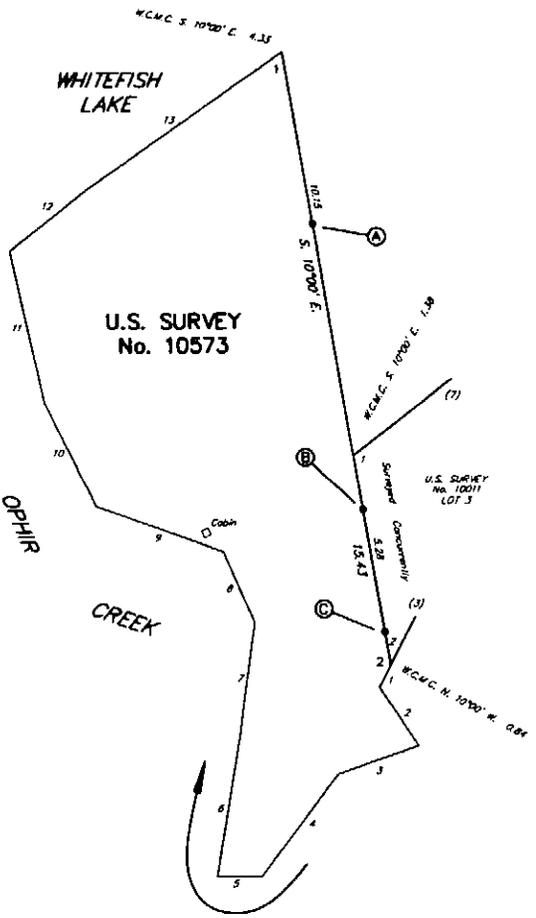


86501

IMPROVEMENTS

From the Witness Cor. to Cor. No. 1, a Meander Cor.

The E. cor. of a cabin, 12 x 12 ft., bears S 18°22' W, 8.11 chs. dist., long side bears N 24° W.



- (A)**
Drive an alum. rod, 12 ft. long, 3/4 in. diam., 11.6 ft. in the ground, with alum. cap mkd. as shown, from which
A pink DEEP-1 magnet bears S. 45° E., 15 lks. dist., 15 ins. below ground.
A blue DEEP-1 magnet bears S. 45° W., 15 lks. dist., 18 ins. below ground.
Bury a clear DEEP-1 magnet along side the alum. rod, 16 ins. below ground.
- (B)**
Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 28 ins. in the ground, with brass cap mkd. as shown, from which
A birch, 6 ins. diam., bears N. 13 1/2° E., 75 lks. dist., mkd. X BT.
A birch, 7 ins. diam., bears N. 62° W., 101 lks. dist., mkd. X BT.
Bury a clear DEEP-1 magnet at the base of the stainless steel post.
- (C)**
Set a stainless steel post, 28 ins. long, 2 1/2 ins. diam., 26 ins. in the ground, with brass cap mkd. as shown, from which
A birch, 4 ins. diam., bears N. 83 3/4° E., 402 lks. dist., mkd. X BT.
A birch, 4 ins. diam., bears N. 40° W., 224 lks. dist., mkd. X BT.
Bury a clear DEEP-1 magnet at the base of the stainless steel post.

MEANDERS

Along a well-defined bank, 2 to 4 ft. high, at the line of ordinary high water.

- 1. S. 27°31' W. . . 0.61 ch.
- 2. S. 33°57' E. . . 1.74 chs.
- 3. S. 70°52' W. . . 2.13 chs.
- 4. S. 37°44' W. . . 3.13 chs.
- 5. N. 89°49' W. . . 1.12 chs.
- 6. N. 94°33' E. . . 3.67 chs.
- 7. N. 7°40' E. . . 2.83 chs.
- 8. N. 23°30' W. . . 1.90 chs.
- 9. N. 107°28' W. . . 3.58 chs.
- 10. N. 26°18' W. . . 2.09 chs.
- 11. N. 13°01' W. . . 3.94 chs.

At end of course, confluence with the southern shore of Whitefish Lake, thence northeasterly with the meanders of the southern shore of Whitefish Lake, along a grassy bank, 0 to 1 ft. high, at the line of ordinary high water.

- 12. N. 51°55' E. . . 2.48 chs.
- 13. N. 55°17' E. . . 3.94 chs.

I, DONALD E. MULLIKIN, Registered Alaska Land Surveyor, No. LS-4469, HEREBY CERTIFY upon honor that, in pursuance of Special Instructions dated June 13, 1990, and under Contract No. N651-C1-3022 awarded February 26, 1991, I have executed the survey depicted on this plat of survey, in strict conformity with said special instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1973, and in the specific manner described on this plat.



15 May 1992
Date Donald E. Mullikin
Signature

**U.S. SURVEY
No. 10573, ALASKA**

This plat contains the entire survey record.

The monumentation of the north, south, and east boundaries and a portion of the subdivisional lines of Township 14 North, Range 60 West, Seward Meridian, was established in 1975-76 under Special Instructions for Group No. 256, Alaska, dated September 26, 1975, and approved September 26, 1975. The plat has not been accepted as of this date.

U.S. Survey No. 10011 was surveyed concurrently with this survey by Donald E. Mullikin, Registered Alaska Land Surveyor, under Contract No. N651-C1-3022.

This survey was executed by Donald E. Mullikin, Registered Alaska Land Surveyor No. LS-4469, for Mullikin Surveys, May 30 through June 29, 1991, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated June 13, 1990, approved August 17, 1990, Contract No. N651-C1-3022 awarded February 26, 1991, and Notice to Proceed dated May 20, 1991.

Field assistants were:

- Timothy L. Mullikin, Party Chief
- Leo A. Americus, Instrument Man
- James E. York, Instrument Man

Area: 9.63 Acres

The azimuth was obtained from direct observations of the sun, using the hour angle method, and refers to the true meridian.

The geographic position of the witness corner to corner No. 1, a meander cor., as determined from the same control data used to establish the witness corner to the meander corner to sections 2 and 35, Townships 14 and 15 North, Range 60 West, Seward Meridian, is:

Latitude: 61° 20' 30.51" North
Longitude: 159° 59' 24.15" West
NAD 27

The mean magnetic declination was taken from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (B-3)," Alaska, 1952 edition.

This survey is located on the right bank of Ophir Creek, near the mouth of Whitefish Lake, approximately 24 miles southwesterly of the village of Aniak, Alaska.

The land is nearly level, open tundra, vegetated with dense alder and willow near Ophir Creek. The soil is silty loam. Permafrost was found 6 ins. below the surface.

Access to this survey was by riverboat, floatplane, helicopter, and hovercraft.

The B.L.M. Location Tag was found. The position of this survey was determined by the Contract Inspector from the description given in the Land Examiner's report.

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

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

The survey represented by this plat, having been correctly executed in accordance with the requirements of law and the regulations of this Bureau, is hereby accepted.

For the Director
James P. [Signature]
Date
June 25, 1992
Acting
Deputy State Director for Cadastral Survey, Alaska

SURVEYED TOWNSHIP 15 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

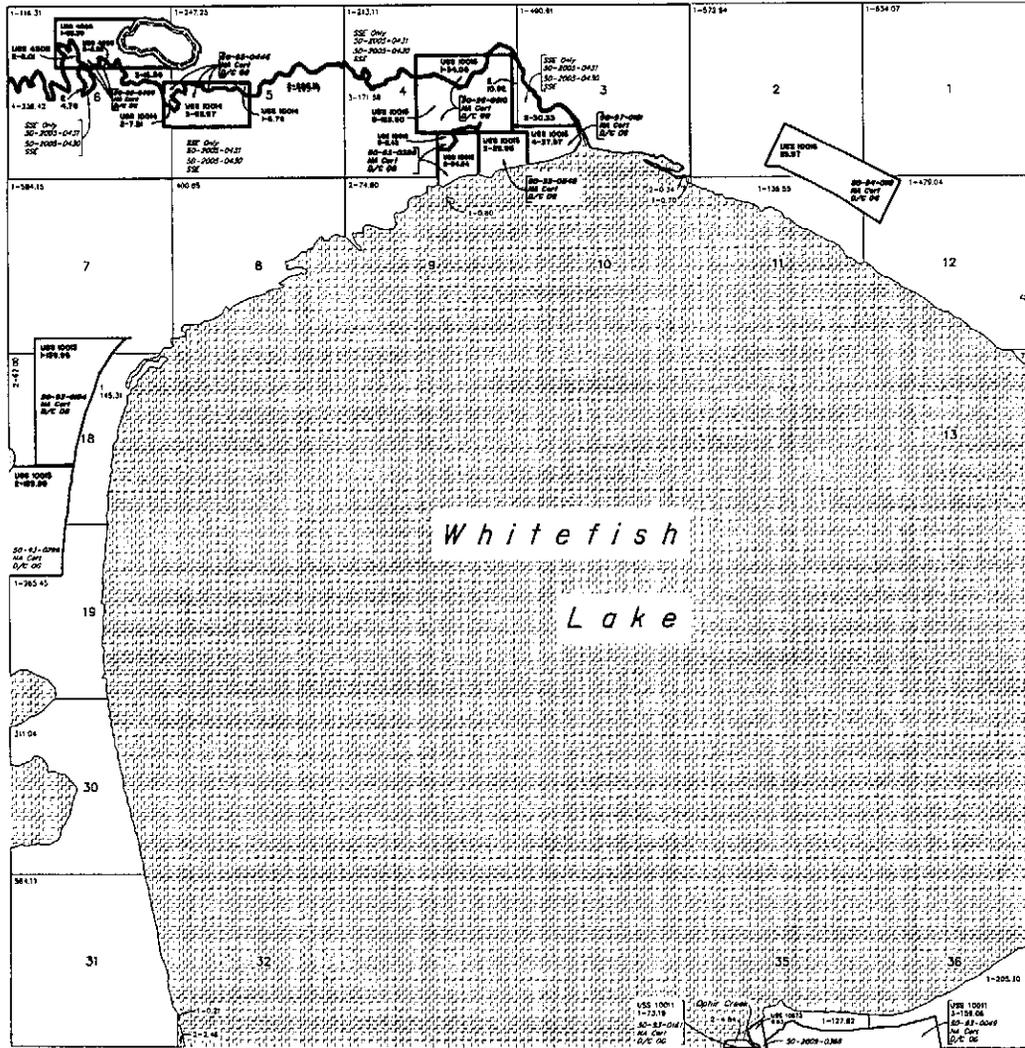
MTP

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

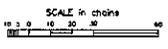
PL 92-203 WR 71486 Lots W/7 714300-A2

PLD 5184 WR C affects Lots/Interests not conveyed

PL 98-607 WR Yukon Delta NWR enters To



**Ophir Creek System
Interim Summary Report
Attachment 11**



NOTICE:
This plan is the Bureau's Record of Title and should be used only as a graphic display of the boundary lines, etc. Plans and reports do not reflect title changes since they were made, affected by related instruments of record or other books of record filed in the office surveying jurisdiction.

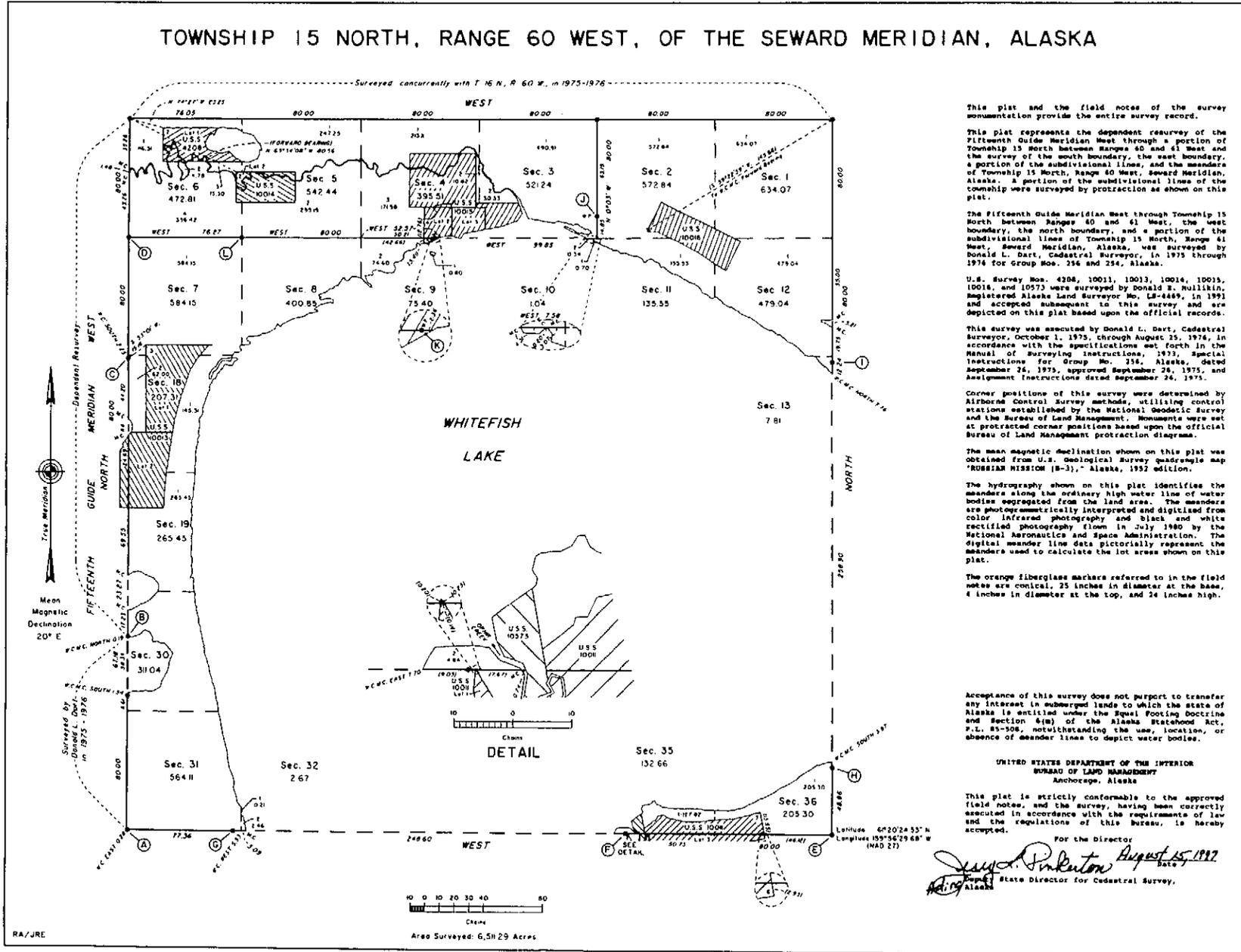
Lat 81°24'51.7\"/>

CURRENT TO	Sew Mer
11-19-2009	T. 15 N
	R. 60 W

PV

DATE - SEPTEMBER 2, 1997

TOWNSHIP 15 NORTH, RANGE 60 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the field notes of the survey monumentation provide the entire survey record.

This plat represents the dependent reurvey of the Fifteenth Guide Meridian West through a portion of Township 15 North between Ranges 60 and 61 West and the survey of the north boundary, the west boundary, a portion of the subdivisional lines, and the meanders of Township 15 North, Range 60 West, Seward Meridian, Alaska. A portion of the subdivisional lines of the township were surveyed by protraction as shown on this plat.

The Fifteenth Guide Meridian West through Township 15 North between Ranges 60 and 61 West, the west boundary, the north boundary, and a portion of the subdivisional lines of Township 15 North, Range 61 West, Seward Meridian, Alaska, was surveyed by Donald L. Dart, Cadastral Surveyor, in 1975 through 1976 for Group Nos. 254 and 254, Alaska.

U.S. Survey Nos. 4204, 10011, 10013, 10014, 10015, 10016, and 10573 were surveyed by Donald E. Mullikin, Registered Alaska Land Surveyor No. LD-4469, in 1991 and accepted subsequent to this survey and are depicted on this plat based upon the official records.

This survey was executed by Donald L. Dart, Cadastral Surveyor, October 1, 1975, through August 25, 1976, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions for Group No. 254, Alaska, dated September 24, 1975, approved September 26, 1975, and Assignment Instructions dated September 26, 1975.

Corner positions of this survey were determined by Airborne Control Survey methods, utilizing control stations established by the National Geodetic Survey and the Bureau of Land Management. Monuments were set at protracted corner positions based upon the official Bureau of Land Management protraction diagrams.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "RUSSIAN MISSION (8-3)," Alaska, 1952 edition.

The hydrography shown on this plat identifies the meanders along the ordinary high water line of water bodies segregated from the land area. The meanders are photogrammetrically interpreted and digitized from color infrared photography and black and white rectified photography flown in July 1980 by the National Aeronautics and Space Administration. The digital meander line data pictorially represent the meanders used to calculate the lot areas shown on this plat.

The orange fiberglass markers referred to in the field notes are conical, 2 1/2 inches in diameter at the base, 4 inches in diameter at the top, and 24 inches high.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the state of Alaska is entitled under the Equal Footing Doctrine and Section 8(a) of the Alaska Statehood Act, P.L. 85-508, notwithstanding the use, location, or absence of meander lines to depict water bodies.

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

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

For the Director
James P. Pinkerton August 15, 1997
State Director for Cadastral Survey,
Alaska

Plot Sheet 510-3 MWB

SURVEYED TOWNSHIP 14 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MTP

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

PL 92-203 w/ F1488B Loc w/ F1488P-12

PLD 5176 w/ Aid of Log & G affects Lds/Interests
not conveyed

PLD 5184 w/ G affects Lds/Interests not conveyed

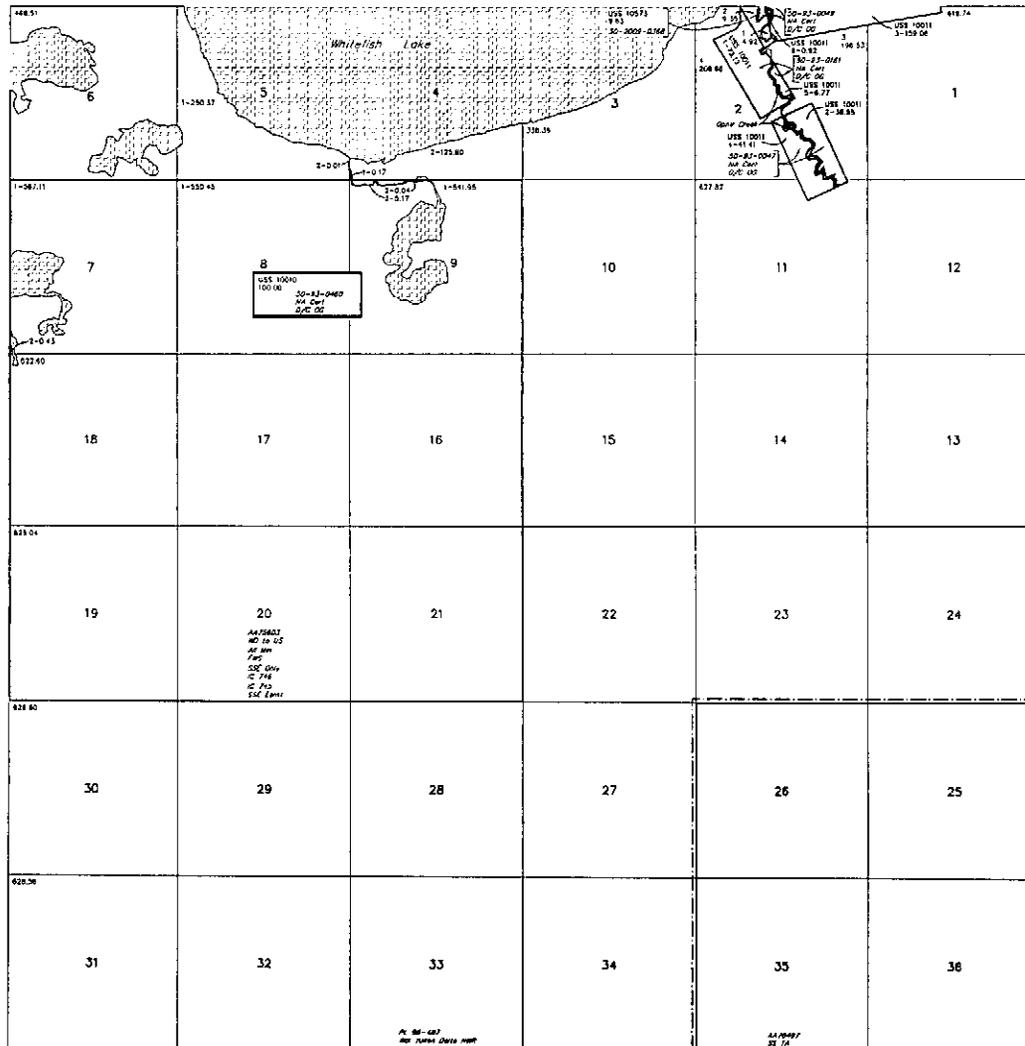
AA/5601 Conservation Esmt affects

Sec 2, Lots 1&2

Sec 2, Lot 1 Evtl USS 10010

Sec 2, Lots 1-3 Evtl USS 10010

Sec 16-21



Lot 8115712.59"N
Long 15976139.68"W



WARNING:
This plan is the Bureau's Record of Title, and should be used
only as a guide. Affect of the Government Survey data. These
plans are for reference only. They do not constitute a
contract by the Government of Alaska, or other bodies of water,
hereby for the individual survey or official survey information.

CURRENT ID	Acq
11-23-2010	See Mer
	T 14 N
	R 60 W

ACAD

SURVEYED TOWNSHIP 14 NORTH RANGE 60 WEST OF THE SEWARD MERIDIAN, ALASKA

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES
AND ACQUIRED LANDS

MTP

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

PL 92-203 AND 11488A Sec. 11488B-2

FED 5129 AND AID of Leg. & O affects L&M/Minerals
not conveyed

FED 5104 AND O affects L&M/Minerals not conveyed

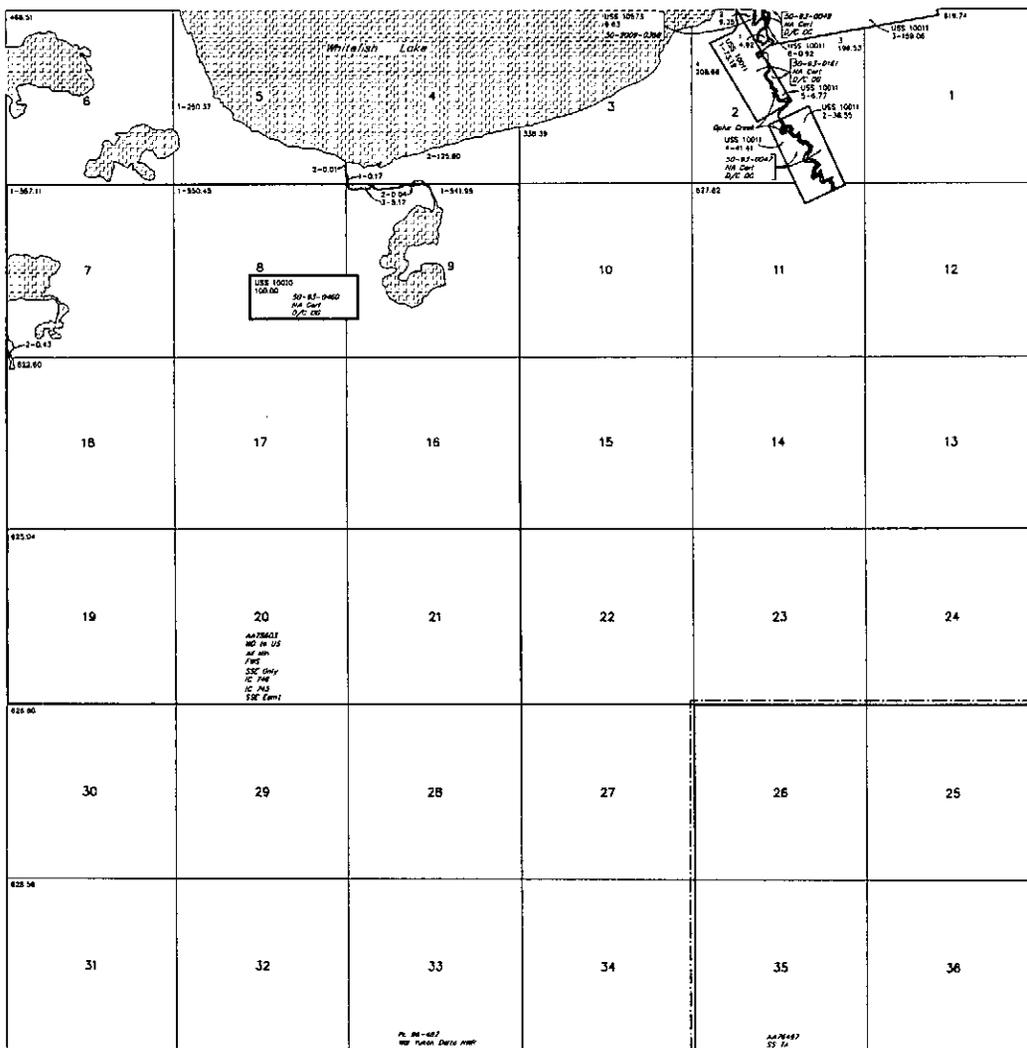
AA75803 Conservation Easement affects:

Sec. 7, Lot 1 & 2

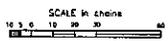
Sec. 8, Lot 1 East US 10010

Sec. 9, Lots 1-3 East US 10010

Sec. 16-21



Lat 61°15'12.59"N
Long 159°56'29.88"W



WARNING
This map is the Bureau's record of 30m and should be used
only as a general guide of the various survey areas. Accu-
racy cannot be guaranteed. The accuracy of the data is
affected by related measurements of lines or other bodies of water.
Refer to the appropriate survey for official survey information.

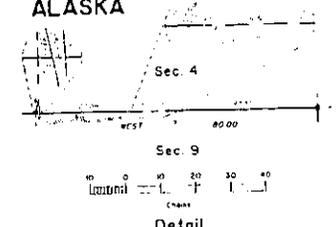
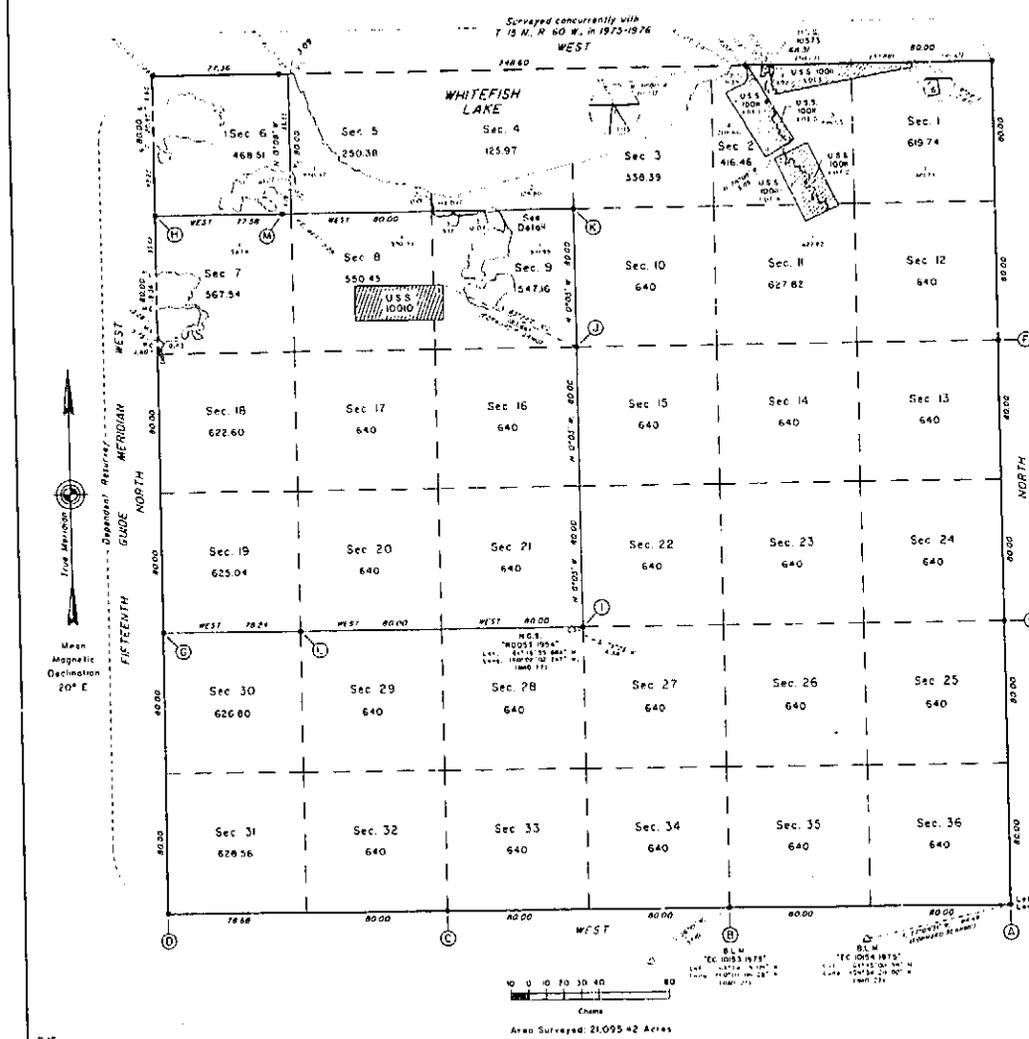
CURRENT TO	Sec Mar
11-23-2010	1 14 N
	R 60 W

Acq
ACAD

Officially Filed
DATE - SEPTEMBER 2, 1997

ORIGINAL

TOWNSHIP 14 NORTH, RANGE 60 WEST, OF THE SEWARD MERIDIAN, ALASKA



This plat and the field notes of the survey monumentation provide the entire survey record.

This plat represents the dependent resurvey of the Fifteenth Guide Meridian West through Township 14 North between Range 60 and 61 West and the survey of the north boundary, the east boundary, a portion of the subdivision lines, and the meanders of Township 14 North, Range 60 West, Seward Meridian, Alaska. A portion of the subdivision lines of the township were surveyed by retraction as shown on this plat.

The Fifteenth Guide Meridian west through Township 14 North between Range 60 and 61 West, Seward Meridian, Alaska, was surveyed by Donald L. Dert, Cadastral Surveyor, in 1975 through 1976 under special instructions for Group Nos. 256 and 254, Alaska.

U.S. Survey Nos. 10010 and 10011 were surveyed by Donald E. Mullikin, Registered Alaska Land Surveyor No. 12-4469, in 1991 and accepted subsequent to this survey and are depicted on this plat based upon the official records.

U.S. Survey No. 10572 was surveyed by Donald E. Mullikin, Registered Alaska Land Surveyor No. 12-4469, in 1990 and accepted subsequent to this survey and is depicted on this plat based upon the official records.

This survey was executed by Donald L. Dert, Cadastral Surveyor, October 1, 1975, through August 25, 1976, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1913, Special Instructions for Group No. 256, Alaska, dated September 25, 1975, approved September 26, 1975, and assignment instructions dated September 24, 1975.

Corner positions of this survey were determined by traverse control survey methods, utilizing control stations established by the National Geodetic Survey and the Bureau of Land Management. Monuments were set at retracted corner positions based upon the official Bureau of Land Management protection diagrams.

The mean magnetic declination shown on this plat was obtained from U.S. Geological Survey quadrangle map "BUSINESS DISTRICT (8-3)," Alaska, 1952 edition.

The hydrography shown on this plat identifies the meanders along the ordinary high water line of water bodies negotiated from the land area. The meanders are photogrammetrically interpreted and digitized from color infrared photography and black and white rectified photography flown in July 1980 by the National Aeronautics and Space Administration. The digital meander line data pictorially represent the meanders used to calculate the lot areas shown on this plat.

The orange fiberglass markers referred to in the field notes are circular, 25 inches in diameter at the base, 4 inches in diameter at the top, and 24 inches high.

Acceptance of this survey does not purport to transfer any interest in submerged lands to which the state of Alaska is entitled under the Equal Footing Doctrine and Section 6(a) of the Alaska Statehood Act, P.L. 85-506, notwithstanding the use, location, or absence of meander lines to depict water bodies.

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

This 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
James H. Johnston August 15, 1997
Deputy State Director for Cadastral Survey, Alaska

RJC

MWB

**Ophir Creek System
Interim Summary Report
Attachment 12**

Rain 5/1/89

Russian Mission-GS-FY'89-#8
Sleetmute-GS-FY'89-#1
✓ F-14871-EE (75.4)
F-14888-EE (75.4)
F-14900-EE (75.4)
F-14926-EE (75.4)
(961)

Memorandum

MAY 1 1989

To: File F-14831-EE (75.4)

From: Navigable Waters Specialist (961)

Subject: Interviews for Ophir Creek in Yukon Delta NWR, Group Survey 256
(Window 1833)

April 10, 1989

Olga K. Nesbit (471-2317), lifetime resident of Chuathbaluk and Kalskag. Allottee (F-15676) located immediately east of the mouth of Ophir Creek, along shoreline of Whitefish Lake. She said that this creek was "not much of a river." However, she had "heard that people go up Ophir Creek," but she did not have any names and said that her boat is too large for that stream, except near the mouth, where it is very deep and clear (over ten feet in places). She has an 18-foot aluminum River Runner with a 75-hp motor.

Further questioning revealed that she was certain that "canoes and small boats" had been taken up Ophir Creek for the purpose of hunting and fishing. The stream is especially prolific with white fish, but other species as well. She did not know how to reach Steven Alexie (F-17343-B).

April 10, 1989

George Nook (471-2249), lifelong resident of Kalskag and vicinity. His brother, David, is the allottee located immediately west of the mouth of Ophir Creek on the shore of Whitefish Lake. This creek crosses over the southeast corner of the allotment. Nook did not know personally anyone other than his brother who used this creek past the mouth, but he knew his brother could reach his allotment on the creek. He thought that it would be too shallow for boats generally used in the area, particularly those used for crossing Whitefish Lake. He was not aware of any canoe use. His English was marginal, so exact information was difficult to elicit. His brother does not have a phone and Nook could give me no schedule where I might contact him, nor did he know how to reach Steven Alexie.

April 12 and 14, 1989

Mike Reardon (543-3151), Assistant Manager for Yukon Delta NWR. He has flown over Ophir Creek and Whitefish Lake many times. He believed that the first half mile would be navigable in normally used boats almost any time. Beyond that, it would probably require high water to use the regular boats, but he thought that a canoe could be taken up an air mile or two, or more during high water. Poling a canoe was certainly possible, he said. He said Ophir Creek "is a fairly fast stream," about twenty feet wide after the first half mile and probably a foot deep. Because of its swiftness, he believes that any log debris would be flushed out. I mentioned how this description agreed with my high and low level aerial photographs, but that I had a problem with what the stream was like as it meandered through the heavy vegetation. We soon agreed that the vegetation, as seen on the photographs, was more a canopy than an obstruction, and there was no reason to believe that any significant obstructions existed in the first two miles, which more than covers the two Native allotments (F-17348-B and F-17343-B) on the stream. The creek appears to have a gravel or mud bottom, he said, and boulder obstructions are unlikely.

Reardon was interested in the subject of navigability and requested information from us on the subject. This was sent after consultation with Mike Brown (Navigability Section Chief). Reardon also said that he would specifically look more closely at Ophir Creek this summer, keeping in mind our conversation about it. He knows that the creek very likely will be found navigable through the first two allotments under the present "Gulkana standard."

April 14, 1989

Mike Hincks (543-3151), wildlife biologist and pilot for Yukon Delta NWR, formerly with the BLM Anchorage District. Mike has flown over Ophir Creek and the entire refuge many times. He does not recall seeing boats very far up the creek, but he agrees with the description of the creek given by Mike Reardon (above). It is swift, narrow (20 feet) and goes through heavy vegetation, but he believes that a canoe or raft could easily be used, certainly during high water, and certainly within the first mile and a half or so, which is well beyond the two allotments under consideration.

April 14, 1989

Jerry Peterson (467-4212) President of traditional council in Chuathbaluk. He was aware of boating activity on Whitefish Lake, but he was not familiar with Ophir Creek, nor could he recommend someone who might be. This was beyond his area of usual interest. He was interested in suspected pollution from mining in his region and wanted to know who the contact person would be. I gave him the names of Carl Person, geologist, and Dave Kelly, biologist in charge of surface protection (CFR 3809), at the Anchorage District Office.

/s/ Donald C. Koenig

981:DKoenig:lm:4-28-89:2417z

Office of History and Archaeology
NAVIGABLE WATERS RESEARCH REPORT SERIES

Completed to date

These reports are available in PDF format on the State of Alaska website at

<http://www.dnr.state.ak.us/mlw/nav/naar/>

- No. 1 Buzzell, Rolfe G. *Kisaralik River System (Including interconnected slough and Kisaralik Lake) HUC 30502, Zone 2, Kuskokwim River Region, Final Summary Report.* Phase IV Submission, for the BLM/State Assistance Agreement Program, Office of History and Archaeology Navigable Waters Research Report No. 1, Alaska Department of Natural Resources, Anchorage, January 15, 2010.
- No. 2 Buzzell, Rolfe G. *Kwethluk River, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 2, Alaska Department of Natural Resources, Anchorage, June 29, 2010.
- No. 3 Shoaf, Edwin. *Kuskokwak Creek, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 3, Alaska Department of Natural Resources, Anchorage, June 29, 2010.
- No. 4 Shoaf, Edwin. *Tungak Creek, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 4, Alaska Department of Natural Resources, Anchorage, June 29, 2010.
- No. 5 Shoaf, Edwin. *Columbia Creek, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 5, Alaska Department of Natural Resources Anchorage, July 22, 2010.
- No. 6 Dorsey, Janine. *Arolik River, HUC 30501, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 6, Alaska Department of Natural Resources, Anchorage, August 3, 2010.
- No. 7 Shoaf, Edwin. *Kasigluk River, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 7, Alaska Department of Natural Resources, Anchorage, August 10, 2010.
- No. 8 Buzzell, Rolfe G. and Amy Russell. *Kanektok River System, HUC 30502, Zone 1, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 8, Alaska Department of Natural Resources, Anchorage, October 7, 2010.
- No. 9 Buzzell, Rolfe G. and Chris Chambers. *Tuluksak River System, HUC 30502, Zone 3, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 9, Alaska Department of Natural Resources, Anchorage, October 7, 2010.
- No. 10 Shoaf, Edwin. *Akulikutak River, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 10, Alaska Department of Natural Resources, Anchorage, October 19, 2010.
- No. 11 Lantz, Nicole. *Slate Creek, HUC 30502, Zone 1, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 11, Alaska Department of Natural Resources, Anchorage, October 19, 2010.
- No. 12 Lantz, Nicole. *Tivyagak Creek, HUC 30502, Zone 1, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 12, Alaska Department of Natural Resources, Anchorage, December 21, 2010.
- No. 13 Shoaf, Edwin. *Eenayarak River and Eek Lake, HUC 30502, Zone 2, Kuskokwim River Region, Final Interim Summary Report,* Office of History and Archaeology Navigable Waters Research Report No. 13, Anchorage, Alaska Department of Natural Resources, February 23, 2011.

OHA Navigable Waters Research Report Series, continued:

- No. 14 Buzzell, Rolfe G. *Goodnews River System (Including the Middle and South Forks of Goodnews River)*, HUC 30502, Zone 1, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 14, Alaska Department of Natural Resources, Anchorage, June 8, 2011.
- No. 15 Shoaf, Edwin. *Little Bogus Creek and Yukaniluk Creek*, HUC 30503, Zone 2, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 15, Alaska Department of Natural Resources, Anchorage, June 29, 2011.
- No. 16 Lantz, Nicole. *Ophir Creek*, HUC 30502, Zone 3, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 16, Alaska Department of Natural Resources, Anchorage, June 29, 2011.
- No. 17 Lantz, Nicole. *Putu and Mogak Creeks*, HUC 30502, Zone 4, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 17, Alaska Department of Natural Resources, Anchorage, August 30, 2011.
- No. 18 Lantz, Nicole. *Kinegnak and Unaluk Rivers*, HUC 30502, Zone 1, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 18, Alaska Department of Natural Resources, Anchorage, September 14, 2011.
- No. 19 Dorsey, Janine. *Eek River System*, HUC 30502, Zone 2, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 19, Alaska Department of Natural Resources, Anchorage, September 14, 2011.
- No. 20 Lantz, Nicole. *Discovery Creek System (Including Unnamed Leftbank Tributary of Discovery Creek and Slough near Mouth of Discovery Creek)*, HUC 30502, Zone 3, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 20, Alaska Department of Natural Resources, Anchorage, September 14, 2011.
- No. 21 Lantz, Nicole. *Throat Creek*, HUC 30502, Zone 3, Kuskokwim River Region, *Final Interim Summary Report*, Office of History and Archaeology Navigable Waters Research Report No. 21, Alaska Department of Natural Resources, Anchorage, October 5, 2011