

ATTACHMENTS

for

Kinegnak and Unaluk Rivers

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

September 14, 2011

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 1**

Goodnews-GS-FY'88-#3
Hagemeister Island-GS-FY'88-#1
Kuskokwim Bay-GS-FY'88-#2
✓ F-14862 (75.4)
F-14920 (75.4)
(961)

Handwritten: s/31/88
CMK Brown 6/1/88
KARSTETTER 6/6/88

Memorandum

JUN 06 1988

To: Deputy State Director for Cadastral Survey (920)
From: Deputy State Director for Conveyance Management (960)
Subject: Navigable Waters in Group Survey No. 194 (Window 1704)

This memorandum identifies navigable water bodies on lands in Group Survey No. 194 (Goodnews Bay) that are selected (but not conveyed) under the Alaska Native Claims Settlement Act (ANCSA). The memorandum also identifies navigable waters excluded from ANCSA conveyances. The sixty-two townships in the group survey are described in Table 1. Over one-half of these lands are within the Togiak National Wildlife Refuge (NWR). The table identifies navigable waters that must be segregated on the survey plats. Streams 198 feet or more in width and lakes 50 acres or more in size are not listed in the table because they are excluded on the survey plats regardless of their navigability. The BLM's Photogrammetry Section has completed the meandering of water bodies for this group survey and the overlays were reviewed for this report. Goodnews River and Middle Fork Goodnews River have been meandered by reason of size throughout the report area. South Fork Goodnews River (less than three chains wide) also has been meandered.

The BLM's criteria for navigability determinations are described in a memorandum of March 16, 1976, from the Associate Solicitor, Division of Energy and Resources, to the Director, Bureau of Land Management (BLM), subject "Title to submerged lands for purposes of administering ANCSA": the Alaska Native Claims Appeal Board's (ANCAB) decision of December 14, 1979, on the navigability of the Nation and Kandik rivers (RLS 76-2); the Regional Solicitor's February 25, 1980 interpretation of the ANCAB decision; and dicta in the U.S. District Court's decision (Case No. A80-359 Civ.) of April 16, 1987, on the navigability of the Gulkana River. In general, the BLM considers nontidal water bodies navigable if they were navigable by crafts larger than a one-person kayak at the time of Statehood.

For this report Dave Rukke of the Navigability Section interviewed the following people:

<u>Name</u>	<u>Date(s)</u>	<u>Phone Number and Background</u>
Keith Schultz	11/4/86	(543-2433) ADF&C, Bethel
Joseph Martin Sr.	11/5/86	(967-8511) Kuitsaruk Inc.
Battle Amerit	11/5/86	(967-8511) Goodnews Bay resident
Willie Eechuck	11/5/86	(979-8127) Platinum resident
James Bright	11/6/86	(967-8515) Goodnews Bay resident
William Walter	11/6/86	(967-8311) Goodnews Bay council
Dave Fisher	11/6/86	(967-8311) Togiak NWR, Dillingham
Walter Galila	11/7/86	(967-8414) Goodnews Bay resident
Ron Hyde	11/7/86	(333-2860) AK River Safari, Anch.
Ron Hyde Jr.	11/12/86	(333-2860) AK River Safari, Anch.
Ron Hyde	11/14/86	(333-2860) AK River Safari, Anch.
Peter Samuals	11/14/86	(979-8114) Mayor, Platinum
James Akuerilea	11/18/86	(279-5516) Calista Corporation
Oscar Snyder	11/18/86	(979-5516) Platinum resident
George Dahl	11/19/86	(543-3494) F&W Protection, Bethel
Ron Whittom	11/19/86	(543-3350) Miner, Bethel
Ron Hyde Jr.	11/19/86	(333-2860) AK River Safari, Anch.

Follow-up interviews by C. Michael Brown of the Navigability Section with the following people were also used for this report:

<u>Name</u>	<u>Date</u>	<u>Phone Number and Background</u>
Keith Schultz	9/9/87	(543-2433) ADF&C, Bethel
Joseph Martin, Sr.	9/9/87	(967-8511) Kuitsaruk Inc.
Ron Hyde, Sr.	9/9/87	(333-2860) AK River Safari, Anch.

For a full account of the interviews, see David C. Rukke to File F-14862-EE, November 21, 1986, and C. Michael Brown to File F-14862 (75.4), December 10, 1987.

South Fork Goodnews River

This river is shown on the USGS Goodnews A-7 (1954) quadrangle as a double-lined stream through the report area. It drains a marshy lowland and has little gradient. BLM's aerial photograph taken in August 1983 (CIR 128-3271-83, frame 5516) shows a clear, wide channel downstream from Tivyagak Creek, which lies just upstream in T. 12 S., R. 71 W., SM. Tivyagak Creek appears to have as much water as the South Fork. This river is tidal (Photogrammetry determination) from its mouth to the northeast corner of Sec. 21, T. 12 S., R. 72 W., SM, which is all within IC 885. Upstream from this corner this river flows through ANCSA-selected lands in Secs. 11, 12, 14 and 15, T. 12 S., R. 72 W., SM.

Local residents and guides agreed that the South Fork has the least amount of water and is less traveled of the three forks. Hyde, Jr., Schultz, and Walter have taken small boats to Table Mountain or Tivyagak Creek. They described the river as slow-moving, narrower than the other forks, and carrying less water. Ron Hyde, Jr., regularly takes his eighteen-foot Lund upstream to Tivyagak Creek. Schultz has taken an eighteen-foot boat to Lookout Mountain

and Walter said he took a fourteen-foot boat up about five miles. According to Schultz, the river is fifty to seventy feet wide and three to four feet deep. Hyde, Jr., said it is about three feet deep. On the corners it may be only ten to fourteen inches deep.

I determine South Fork Goodnews River navigable to and through T. 12 S., R. 72 W., SM, beyond which is federal (BLM) land in the report area. Hyde, Jr., Schultz, and Walter have taken boats to Tivyagak Creek and vicinity.

Indian River

From the confluence of its North and South forks, the river meanders westward four miles through marshy lowlands to Carter Bay, which is mostly tidal mud flats. It is shown on the USGS Goodnews B-8 (1954) quadrangle to be double-lined with a gradient of twenty-five feet per mile until it branches into the North and South forks, which are single-lined. Several short segments are single-lined in Secs. 13, 14, 15 and 24, T. 10 S., R. 75 W., SM, but this is not obvious in the aerial photographs taken in August 1983 (CIR 127-3271-83, frames 5572 and 5574). Indian River has a fifteen to twenty-five-foot wide channel which continues unobstructed to the confluence of the North and South forks in Sec. 24, T. 10 S., R. 75 W., SM. Above this confluence, both forks become very narrow and sinuous; each fork splits less than one-half mile upstream, further reducing the waterflow.

This river was excluded from IC 885 in Secs. 16, 20 and 21, T. 10 S., R. 75 W., SM. The river remains under ANCSA-selection in the report area in Secs. 15, 23 (extreme northeast corner) and 24, T. 10 S., R. 75 W., SM.

Local residents take small boats up this river a mile or more on the incoming tide. Walter, who has frequently stayed at a cabin at the river's mouth, thought that the river was too shallow for his fourteen-foot boat (prop). Martin, Sr., termed it just a creek, not suitable for boats. However, during an overflight of the river, Fisher observed boats about a mile up the river. He thought the boaters had reached this distance only by taking advantage of a high tide. Eechuck, who once took a twenty-foot boat up a quarter mile and thought he could have gone farther, said that local residents take boats to the river during the fall hunting season.

One person thought that the river is navigable for jet boats for a longer distance. Bright said that one needed a high tide to reach the river. He has taken an eighteen-foot boat up the river at high water and believed that a small boat with a jet unit could be taken upriver at least ten miles.

I determine Indian River non-navigable. Boaters only use the lowest mile of the river and then only on a high tide. The river is too shallow for canoes or rafts.

Slate Creek

This creek empties into the Goodnews River from the mountains to the north. The creek flows through ANCSA-selected land in T. 10 S., R. 71 W., SM. It is shown on the USGS Goodnews B-6 (1954) and B-7 (1954) quadrangles as a

single-lined stream with a gradient averaging thirty-five feet per mile. In an August 1983 aerial photograph (CIR-127-3271-83, frame 5578), the channel of the creek is clearly visible. Slate Creek narrows only slightly through the report area.

In the late 1910s, miners transported supplies to Wattamuse Creek on a small scow. How long and to what extent they relied upon this method of transportation is unknown. Like others in the region, they probably relied upon winter trails and roads in transporting heavy equipment--for example, the dredge that was built on Wattamuse Creek in 1938. An airfield was also built at the mouth of Wattamuse Creek.

Both Dahl and Whitton confirmed the use of boats on Slate Creek. Dahl said Clyde Huffman, a miner on Wattamuse Creek, used a small boat (15 to 18 feet) with a jet unit as far as Wattamuse Creek. Dahl's son also rafted down Slate Creek from the airstrip. According to Whitton, who mines on Fox Creek, a person should experience no difficulties in boating Slate Creek as far as Olympic Creek. Below Olympic Creek, Slate Creek is thirty to forty feet wide and three to four feet deep at low water stages. Above, the creek has more shallow places and fewer deep pools.

I determine Slate Creek navigable to the mouth of Olympic Creek. Miners used small boats to travel to Wattamuse Creek. Slate Creek's physical character below Olympic Creek is such that small boats can be taken to that tributary.

Puvulik Creek

This creek heads northeast of Knight Mountain in T. 13 S., R. 73 W., SM and flows ten miles to Goodnews River. This creek is shown on the USGS Goodnews A-7 (1954) quadrangle as double-lined from its mouth upstream into Sec. 1, T. 13 S., R. 74 W., SM. Its lowest 6.7 miles have an average gradient of thirty-seven feet per mile. In BLM's aerial photograph dated August 1983 (CIR 129-3271-83, frame 5561) the main channel appears small. It is tidally influenced in its lowest reaches, where it is within IC'd land. This creek enters selected lands in Sec. 7, T. 13 S., R. 73 W., SM.

I determine this creek nonnavigable. Eechuck and Schultz described this stream as being too shallow for boats. It would be impossible to enter this creek since it is only a trickle at low tide, and it has a very steep average gradient of fifty feet per mile within the selected area.

Salmon River

From a small valley between Red Mountain and Susie Mountain, Salmon River flows eight miles south-southwest to Kuskokwim Bay. The lowest mile of the river is located in the Togiak NWR. This river is shown on the Hagemeister Island D-6 (1950, limited revisions 1981) quadrangle. Its lowest three miles are double-lined. The river crosses ANCSA-selected lands in T. 14 S., R. 75 W., SM.

In 1933 the Goodnews Bay Mining Company acquired platinum claims in the area and began mining. The company in 1937 introduced a dredge on the Salmon River and by 1960 over half a million ounces of platinum had been produced. The extensive tailings cover about six miles of this river, stopping near the boundary of the Togiak NWR, as clearly shown by Cadastral Survey's orthophotos (Scale 2" = 1 mile) for Group Survey 194.

I determine the Salmon River nonnavigable. Due to extensive dredging, it was not in its natural condition at the time of Statehood in 1959.

Smalls River

About one and one-half miles of this river fall within ANCSA-selected lands in Sec. 7, T. 14 S., R. 74 W., SM., and Sec. 12, T. 14 S., R. 75 W., SM. The remainder is in IC'd lands.

This short river heads on the west face of Crater Hill and flows westerly for approximately ten miles to empty into the southwest corner of Goodnews Bay near the village of Platinum. Smalls River is shown on both USGS Goodnews A-7 (1954), A-8 (1954), and Hagemester Island D-5 (1954) and D-6 (1950, limited revisions 1981) quadrangles as double-lined through Sec. 2, T. 14 S., R. 75 W., SM. Its lowest two miles are on the tidal delta and exhibit a gradient of less than twenty-five feet per mile. Beyond this, the gradient increases to over thirty-five feet per mile.

Local residents do not boat this river. In the summer of 1986 Lynette Nakazawa, a BLM-photointerpreter, examined the river. She believed it was too shallow for boats. Residents had their boats parked in the tidal area of its mouth. Schultz and Eechuck said that the Smalls River is too shallow for even a kayak. Schultz had observed its summer depth to be less than a foot deep. Platinum residents boat only a portion of the lowest mile, reaching their homes and storing their boats for the winter. This lowest portion is also tidal.

I determine Smalls River nonnavigable. Local residents use boats on the lowest mile and then only with the aid of the tide.

Carter Creek

The BLM excluded this creek from IC 886 as navigable and tidal to the point on the USGS Goodnews B-8 quadrangle where the double-lined stream becomes single-lined in Sec. 35, T. 10 S., R. 75 W., SM. The single-lined portion of the stream was IC'd.

Barnum Creek

The BLM excluded this creek from IC 886 as navigable through Secs. 2 and 3, T. 11 S., R. 72 W., SM, T. 10 S., R. 72 W., SM, and to and through Sec. 13, T. 10 S., R. 73 W., SM. (See Goodnews B-7 quadrangle in easement file.) Since no portion of this stream falls within ANCSA-selected lands, a navigability determination is not required here.

Sphinx Creek

The BLM excluded from IC 886 the double-lined portion of this creek on the USGS Goodnews A-7 quadrangle in T. 12 S., R. 73 W., SM., as navigable and tidal. It does not cross ANCSA-selected lands. A navigability determination is not required.

Tunulik River

This river, marked navigable and tidal on the USGS Goodnews A-7 quadrangle referenced in IC 886 was excluded from IC 886 as far as the northeast corner of Sec. 4, T. 12 S., R. 73 W., SM; that is, the double-lined portion on the USGS quadrangle. The remainder of the river (single-lined) in the township was IC'd.

Kinegnak and Unaluk Rivers

These rivers are within the Togiak NWR. Under the Submerged Lands Act, we are not required to make a navigability determination for these rivers because the U.S. retained title to the beds when Alaska became a State. The Kinegnak River traverses lands which have also been ANCSA-selected in Ts. 14 and 15 S., R. 74 W., SM; however, a navigability determination is not required because this river was in withdrawn status at the time of Statehood.

Other Water Bodies

The remaining streams less than three chains wide and lakes fifty acres in size are not suitable for navigation. The streams and creeks are too shallow, narrow, and/or too steep. The lakes are small and drained by small shallow creeks or are landlocked.

~~Robert W. Anderson~~

Enclosure:
Table 1

cc:

Kuitsaruk Inc.
Goodnews Bay, Alaska 99589

Calista Corporation
516 Denali Street
Anchorage, Alaska 99501

Dave Fisher
Togiak National Wildlife Refuge
P.O. Box 10201
Dillingham, Alaska 99576

Ron Whitton
P.O. Box 411
Bethel, Alaska 99559

State of Alaska
Department of Natural Resources
Division of Land and Water Management
State Interest Determinations Unit
3601 C Street, 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

Arvig, Incorporated
Platinum, Alaska 99651

Branch of Planning and Development (920B)

Branch of Field Surveys (921)

Branch of Cartography (922)

Branch of Photogrammetry (924)

961:DKoenig:blj:05/27/88:1836u

Table 1

Navigable Rivers and Streams Less Than 198 Feet Wide and
Lakes Less Than 50 Acres in Size in Group Survey 194
to be Excluded on Survey Plats, by Township

Seward Meridian

Tps. 9-12 S., R. 70 W.
None.

T. 9 S., R. 71 W.
None.

T. 10 S., R. 71 W.
Slate Creek to Olympic Creek in Secs. 10, 16 and 21 (ANCSA-selected).

Tps. 11-16 S., R. 71 W.
None.

T. 9 S., R. 72 W.
None.

Tps. 10 and 11 S., R. 72 W.
Barnum Creek.

T. 12 S., R. 72 W.
South Fork Goodnews River.

Tps. 13-16 S., R. 72 W.
None.

T. 9 S., R. 73 W.
None.

T. 10 S., R. 73 W.
Barnum Creek to and through Section 13.

T. 11 S., R. 73 W.
None.

T. 12 S., R. 73 W.
Tunulik River and Sphinx Creek (double-lined portions on USGS quadrangle).

Tps. 13-18 S., R. 73 W.
None.

Tps. 9-18 S., R. 74 W.

None.

T. 9 S., R. 75 W.

None.

T. 10 S., R. 75 W.

Indian River to and through Sec. 16; Carter Creek (double-lined portion on USGS quadrangle).

Tps. 11-19 S., R. 74 W.

None.

Tps. 10-13 S., 17-19 S., R. 76 W.

None.

Tps. 17 and 18 S., R. 77 W.

None.

Tps. 17 and 18 S., R. 78 W.

None.

STATE OF ALASKA

STEVE COWPER, GOVERNOR

DEPARTMENT OF NATURAL RESOURCES

DIVISION OF LAND AND WATER MANAGEMENT

3601 "C" STREET
P.O. BOX 107005
ANCHORAGE, ALASKA 99510-7005
PHONE: (907) 561-2020

June 28, 1988

*No response
necessary.
JWS
7/20/98*

Robert W. Arndorfer
Deputy State Director for
Conveyance Management
701 C Street, Box 13
Anchorage, AK 99513-0099

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 2**

Dear Mr. Arndorfer:

We recently received your June 6, 1988 decision regarding navigable waters within Survey Window 1704 (Survey Group 184). In your decision you state that BLM is not required to make navigability determinations for the Kinegnak and Unaluk Rivers within the former Cape Newenham National Wildlife Refuge (now Togiak National Wildlife Refuge) because title to the beds of navigable water bodies located in this reserve did not pass at the time of Statehood.

As you know, we strongly disagree with this position based on the U.S. Supreme Court decision involving Utah Lake which has been confirmed by IBLA in Susitna River and most recently Katalla River. We request that you reconsider your position and make navigability determinations in these withdrawn areas pursuant to the criteria in Utah Lake.

Sincerely,



Ron Swanson, Manager
State Interest Determinations

JUN 30 1 50 PM '88
BLM AK SO 0748



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>



D. Torres 01/05/09

In Reply Refer To:
AA-10384 (2653)¹
(962) dlt/rll/lga

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 3**

JAN 07 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.

Seward Meridian, Alaska

T. 15 S., R. 74 W.
AA-10312: U.S. Survey No. 13742, Alaska.
AA-10376: Lot 1, U.S. Survey No. 13743, Alaska.
AA-10377: U.S. Survey No. 13741, Alaska.

T. 16 S., R. 74 W.
AA-10376: Lots 2 and 3, U.S. Survey No. 13743, Alaska.

T. 15 S., R. 75 W.
AA-10365: U.S. Survey No. 13744, Alaska.

T. 19 S., R. 75 W.
AA-10384: Lots 1 and 2, U.S. Survey No. 13748, Alaska.

T. 17 S., R. 76 W.
AA-10426: U.S. Survey No. 13745, Alaska.

¹ AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, AA-10365

T. 17 S., R. 77 W.
AA-9481: Lot 1, U.S. Survey No. 13746, Alaska.
AA-9485: Lot 2, U.S. Survey No. 13746, Alaska.

MAJOR WATERWAYS:

There are no major waterways within these lands.

EASEMENTS TO BE RESERVED:

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

/s/ Robert L. Lloyd

Robert L. Lloyd
Chief, Land Transfer Adjudication I

Copy furnished to:

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

Department of Natural Resources
Division of Mining, Land and Water
Realty Services Section
550 West Seventh Avenue, Suite 1050A
Anchorage, Alaska 99501-3579

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

U.S. Fish and Wildlife Service
Division of Realty, Mail Stop 211
Chief, Branch of Operations
1011 East Tudor Road
Anchorage, Alaska 99503

U.S. Fish and Wildlife Service
Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576

Bureau of Indian Affairs
ANCSA
Attn: Kenneth L. Pratt, ANCSA Program Manager
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Mark W. Fullmer (962)

Joe Labay (962)

Pat Moreno (961)

Anchorage Field Manager (011)

Charles Lovely (965) (Adjudicator Copy)

Easement Reading File (963)

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 4**

✓ F-13780 (2561)
Parcels A and B
F-14862-A2 (2651)
AA-10376 (2653)
(963-MJB)

MBrommer 9/28/92

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

OCT 02 1992

DECISION

Walter Smith (Deceased)	:	F-13780, Parcels A and B
c/o Association of Village	:	Native Allotment
Council Presidents, Inc.	:	Application
P.O. Box 219	:	
Bethel, Alaska 99559	:	
	:	
Kuitsarak Inc.	:	F-14862-A2
General Delivery	:	Village Selection
Goodnews Bay, Alaska 99589	:	
	:	
Calista Corporation	:	AA-10376
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 30, 1971, the Bureau of Indian Affairs (BIA) filed Native allotment application F-13780 and evidence of use and occupancy on behalf of Walter Smith (Deceased). 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, as amended, which was before the Department on November 4, 1970,

2-11-1993 *MC*

2/17/93 *MC*

HL

indicates use and occupancy since May 1919, for approximately 160 acres of land located as follows:

Parcel A: Sec. 2, T. 12 S., R. 73 W., Seward Meridian, Alaska, now surveyed and described as U.S. Survey No. 9646, Alaska.

Parcel B: Sec. 32, T. 15 S., R. 74 W., Seward Meridian, Alaska, now surveyed and described as lot 2, U.S. Survey No. 9618, Alaska.

On March 16, 1983, the applicant was informed that Native allotment application F-13780, Parcels A and B, 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. It has been determined that the above-described lands are without value for minerals; therefore, none shall be reserved to the United States.

On December 11, 1975, Kuitsarak Inc. filed village selection F-14862-A2, under the provisions of Sec. 12 of ANCSA of December 18, 1971, 43 U.S.C. 1601 et seq., for lands in Sec. 2, T. 12 S., R. 73 W., Seward Meridian, Alaska, including the lands in Parcel A of Native allotment application F-13780. The allotment application was legislatively approved; therefore village selection application F-14862-A2 is rejected as to the surveyed land described in Parcel A of Native allotment application F-13780.

On November 11, 1975, the Calista Corporation filed regional selection AA-10376, as amended, under the provisions of Sec. 14 (h)(1) of ANCSA of December 18, 1971, 43 U.S.C. 1601 et seq., for lands in Sec. 32, T. 15 S., R. 74 W., Seward Meridian, Alaska, including the lands in Parcel B of Native allotment application F-13780. The allotment application was legislatively approved; therefore the regional selection is rejected as to the portion in conflict with Parcel B of Native allotment F-13780 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.

The plats of survey of Parcels A and B of this Native allotment application were officially filed on December 17, 1991 and October 24, 1991, and copies are enclosed. The surveyed descriptions of the parcels are as follows:

Parcel A: U. S. Survey No. 9646, Alaska, located between the Goodnews River and the Tunulik River, approximately 4 miles northeasterly of the village of Goodnews Bay, Alaska.

Containing 120.00 acres.

Parcel B: Lot 2, U. S. Survey No. 9618, Alaska, situated on both sides of Kookukluk Creek at its confluence on the right bank with the Kinegnak River approximately 13 miles southeasterly of the village of Platinum, Alaska.

Containing 39.97 acres.

Aggregating 159.97 acres.

On March 10, 1989, the applicant was sent a final date to amend notice. Since no response was received the survey is considered correct. However, you have 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 heirs of Walter Smith may have regarding future use relative to the Native allotment or any assistance the heirs may need with the descriptions should be directed to the Association of Village Council Presidents, Inc. (AVCP, INC.) at the following address:

AVCP, INC.
P.O. Box 219
Bethel, Alaska 99559
(907) 543-3521

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:

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

/s/ ~~Laura Maus~~

Laura Matus
Lead Land Law Examiner
Branch of Calista Adjudication

Enclosures:
Form 1842-1
Appeal Regulations
Survey plats
MTPS

Copy furnished to:

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

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

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

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

cc: DM-040

963*MJB*F-13780



United States Department of the Interior



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

D. Jura 07/16/07
J. February 7/17/07

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 5**

AA-10162 (2653)¹
AA-10162-1E (75.4)²
(964) dlt/jjl/sla

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

DECISION

Calista Corporation	:	AA-10162 ³
Attn: Land Department	:	Regional Selection Applications
301 Calista Court, Suite A	:	
Anchorage, Alaska 99518-3028	:	
U.S. Fish and Wildlife Service	:	Yukon Delta National Wildlife Refuge
Division of Realty, Mail Stop 211	:	Togiak National Wildlife Refuge
Chief, Branch of Operations	:	
1011 East Tudor Road	:	
Anchorage, Alaska 99503	:	

Section 14(h)(1) Selection Applications Rejected in Part
Lands Proper for Regional Selections
Approved for Conveyance

In April, September, October, and November of 1975, Calista Corporation filed cemetery site and/or historic place selection applications AA-10162, AA-10297, AA-10155, AA-10156, AA-10158, AA-11389, AA-10157, AA-11496, AA-10159, AA-9528, AA-9527, AA-9643, AA-9800, AA-10105, AA-10018, AA-9943, AA-10313, AA-10317, AA-10385, AA-9484,

¹ AA-10297, AA-10155, AA-10156, AA-10158, AA-11389, AA-10157, AA-11496, AA-10159, AA-9528, AA-9527, AA-9643, AA-9800, AA-10105, AA-10018, AA-9943, AA-10313, AA-10317, AA-10385, AA-9484, AA-9483, AA-9482, AA-9632.

² AA-10297-1E, AA-10155-1E, AA-10156-1E, AA-10158-1E, AA-11389-1E, AA-10157-1E, AA-11496-1E, AA-10159-1E, AA-9528-1E, AA-9527-1E, AA-9643-1E, AA-9800-1E, AA-10105-1E, AA-10018-1E, AA-9943-1E, AA-10313-1E, AA-10317-1E, AA-10385-1E, AA-9484-1E, AA-9483-1E, AA-9482-1E, AA-9632-1E.

³ AA-10297, AA-10155, AA-10156, AA-10158, AA-11389, AA-10157, AA-11496, AA-10159, AA-9528, AA-9527, AA-9643, AA-9800, AA-10105, AA-10018, AA-9943, AA-10313, AA-10317, AA-10385, AA-9484, AA-9483, AA-9482, AA-9632.

AA-9483, AA-9482, and AA-9632, as amended, under the provisions of Sec. 14(h)(1) of the Alaska Native Claims Settlement Act of December 18, 1971 (ANCSA), 43 U.S.C. 1613(h)(1), for a total of approximately 580 acres of land near Eek and Platinum, Alaska. Most of the selected lands are located within the Yukon Delta and Togiak National Wildlife Refuges. Selection applications AA-9800, AA-10105, AA-10018, and AA-9943 are not located within a refuge.

Section 14(h)(1) of ANCSA, as amended, authorizes the Secretary of the Interior (hereinafter, the Secretary) to convey to a regional corporation fee title to existing cemetery sites and historical places located on unreserved and unappropriated public lands. Section 14(h)(7) of ANCSA further provides that lands located within a national forest or within the boundary of a national wildlife refuge as that boundary existed on December 18, 1971, may be conveyed for the purposes set forth in Sec. 14(h)(1).

On January 20, 1969, Public Land Order No. 4583, as amended, established the Cape Newenham National Wildlife Refuge. On December 2, 1980, Sec. 303(6) of the Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2385, re-designated the Cape Newenham National Wildlife Refuge as the Togiak National Wildlife Refuge.

Selection applications AA-10313, AA-10317, AA-10385, AA-9632, AA-9483, AA-9482, and AA-9484 are located within the boundaries of Cape Newenham National Wildlife Refuge, now known as the Togiak National Wildlife Refuge.

Section 14(h)(1) of ANCSA, as amended, authorizes the conveyance of the surface and subsurface estates located within the boundary of a national wildlife refuge, as that boundary existed on December 18, 1971, when the cemetery site or historical place is 640 acres or less and the regional corporation asserted a claim to the subsurface estate on or before June 1, 1981.

Calista Corporation did not assert a claim to the subsurface estate within the Cape Newenham National Wildlife Refuge, now known as the Togiak National Wildlife Refuge, as authorized in Sec. 1406(e) of ANILCA, and is, therefore, entitled to in-lieu subsurface estate pursuant to Sec. 14(h)(9) of ANCSA for lands approved for conveyance herein under selection applications AA-10313, AA-10317, AA-10385, AA-9632, AA-9483, AA-9482, and AA-9484.

The Secretary authorized the Bureau of Indian Affairs (BIA) to investigate historical places and cemetery sites and to certify their eligibility in accordance with 43 CFR 2653.5(h).

SELECTION APPLICATIONS REJECTED IN PART

The BIA certified applications AA-10162, AA-10297, AA-10155, AA-10156, AA-10158, AA-11389, AA-10157, AA-11496, AA-10159, AA-9528, AA-9527, AA-9643, AA-9800, AA-10105, AA-10018, AA-9943, AA-10313, AA-10317, AA-10385, AA-9484, AA-9483, AA-9482 and AA-9632 as to the lands described below, as an eligible cemetery site and/or historic place in accordance with Departmental regulations 43 C.F.R. 2653.5. The Bureau of Land Management (BLM) has reviewed the BIA report of investigation for these sites and concurs that all parcels fit the definition of cemetery site and/or historical place as defined in

43 CFR 2653.0-5(a) and (b). The selection applications listed above are hereby rejected as to those lands not approved for conveyance herein.

Yukon Delta National Wildlife Refuge

Selection Application	Date BIA Certified Eligible	Cert. Acres (approx.)	Site Now Surveyed As:	Surveyed Acres
AA-10162	April 13, 1988	4.41	Lots 2 and 3, USS 10191	5.51
AA-10297	April 4, 1988	5.3	Lot 1, USS 10191	2.42
AA-10155	January 12, 1988	38.8	Lots 1 and 2, USS 9887	43.60
AA-10156	January 12, 1988	5.6	Lot 1, USS 10192	6.00
AA-10158	January 12, 1988	5.8	USS 9883	6.39
AA-10157	January 11, 1988	0.4	USS 9865	0.41
AA-11389	June 22, 1988	10.4	Lots 1 and 2, USS 9866	18.54
AA-10159	February 4, 1988	6.69	USS 9867	6.86
AA-11496	January 12, 1988	1.35	USS 9868	1.44
AA-9528	December 14, 1987	15.4	Lot 1, USS 9799	16.05
AA-9527	December 18, 1987	0.9	USS 9902	0.56

Selections Located Outside Refuge Boundary

Selection Application	Date BIA Certified Eligible	Cert. Acres (approx.)	Site Now Surveyed As:	Surveyed Acres
AA-9800	December 13, 1987	20.2	Lots 1 and 2, USS 9757	19.09
AA-10105	May 9, 1988	5.6	Lot 3, USS 9488	7.40
AA-10018	April 20, 1988	5.5	USS 9495	4.99
AA-9943	July 24, 1987	13.1	USS 9760	12.39

Togiak National Wildlife Refuge

Selection Application	Date BIA Certified Eligible	Cert. Acres (approx.)	Site Now Surveyed As:	Surveyed Acres
AA-9643	December 13, 1987	8.3	Lot 2, USS 9958	11.23
AA-10313	April 7, 1989	5.85	USS 10533	4.94
AA-10317	April 7, 1989	9	USS 10531	8.32
AA-10385	December 15, 1987	8.3	USS 10525	8.28
AA-9632	April 7, 1989	5.5	Lot 1, USS 10527	5.39
AA-9483	December 14, 1987	15	Lot 2, USS 10527	14.95
AA-9482	January 11, 1988	4.4	USS 10529	5.55
AA-9484	April 26, 1990	13	USS 10530	11.81

LANDS APPROVED FOR CONVEYANCE

As to the lands described below, selection applications AA-10162, AA-10297, AA-10155, AA-10156, AA-10158, AA-11389, AA-10157, AA-11496, AA-10159, AA-9528, AA-9527,

AA-9643, AA-9800, AA-10105, AA-10018, AA-9943, AA-10313, AA-10317, AA-10385, AA-9484, AA-9483, AA-9482, and AA-9632 are 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.

In view of the foregoing, the following surface and subsurface estates are considered proper for acquisition by Calista Corporation and is hereby approved for conveyance pursuant to Sec. 14(h)(1) of ANCSA:

Seward Meridian, Alaska

AA-10162

Lots 2 and 3, U.S. Survey No. 10191, Alaska.

Containing 5.51 acres, as shown on plat of survey officially filed on June 7, 1993.

AA-10297

Lot 1, U.S. Survey No. 10191, Alaska.

Containing 2.42 acres, as shown on plat of survey officially filed on June 7, 1993.

AA-10155

Lots 1 and 2, U.S. Survey No. 9887, Alaska.

Containing 43.60 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-10156

Lot 1, U.S. Survey No. 10192, Alaska.

Containing 6.00 acres, as shown on plat of survey officially filed on June 7, 1993.

AA-10158

U.S. Survey No. 9883, Alaska.

Containing 6.39 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-10157

U.S. Survey No. 9865, Alaska.

Containing 0.41 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-11389

Lots 1 and 2, U.S. Survey No. 9866, Alaska.

Containing 18.54 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-10159

U.S. Survey No. 9867, Alaska.

Containing 6.86 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-11496

U.S. Survey No. 9868, Alaska.

Containing 1.44 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-9528

Lot 1, U.S. Survey No. 9799, Alaska.

Containing 16.05 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-9527

U.S. Survey No. 9902, Alaska.

Containing 0.56 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-9643

Lot 2, U.S. Survey No. 9958, Alaska.

Containing 11.23 acres, as shown on plat of survey officially filed on August 13, 1990.

AA-9800

Lots 1 and 2, U.S. Survey No. 9757, Alaska.

Containing 19.09 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-10105

Lot 3, U.S. Survey No. 9488, Alaska.

Containing 7.40 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-10018

U.S. Survey No. 9495, Alaska.

Containing 4.99 acres, as shown on plat of survey officially filed on December 17, 1991.

AA-9943

U.S. Survey No. 9760, Alaska.

Containing 12.39 acres, as shown on plat of survey officially filed on February 10, 1992.

Aggregating 162.88 acres.

In view of the foregoing, the following surface estates are considered proper for acquisition by Calista Corporation and is hereby approved for conveyance pursuant to Sec. 14(h)(1) of ANCSA:

Seward Meridian, Alaska

AA-10313

U.S. Survey No. 10533, Alaska.

Containing 4.94 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-10317

U.S. Survey No. 10531, Alaska.

Containing 8.32 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-10385

U.S. Survey No. 10525, Alaska.

Containing 8.28 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-9632

Lot 1, U.S. Survey No. 10527, Alaska.

Containing 5.39 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-9483

Lot 2, U.S. Survey No. 10527, Alaska.

Containing 14.95 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-9482

U.S. Survey No. 10529, Alaska.

Containing 5.55 acres, as shown on plat of survey officially filed on October 11, 1991.

AA-9484

U.S. Survey No. 10530, Alaska.

Containing 11.81 acres, as shown on plat of survey officially filed on October 11, 1991.

Aggregating 59.24 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, and navigable water bodies of lesser size, if any, 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. Also excluded from the above-described lands are lands covered by tidal waters up to the line of mean high tide.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of ANCSA.

The conveyance issued for the surface estate of the lands described in selection applications AA-10313, AA-10317, AA-10385, AA-9632, AA-9483, AA-9482, and AA-9484, shall contain the following reservation to the United States:

The subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. § 1613(f).

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

1. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) 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
2. A covenant, running with the land, providing that (1) Calista Corporation shall not authorize mining or mineral activities of any type; nor shall it authorize any use which is incompatible with or is in derogation of the values as a cemetery site/historic place (the standards for determining incompatibility or derogation are found in 36 C.F.R. 800 which contains the Advisory Council on Historic Preservation criteria of effect and adverse effect); and (2) that the United States reserves the right to seek enforcement of the covenant in an action in equity.

The grant of the above-described lands for selection applications AA-10313, AA-10317, AA-10385, AA-9632, AA-9483, AA-9482, and AA-9484 shall also be subject to:

3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1621(g), that (a) the above-described lands which were on December 18, 1971, within the boundaries of the Cape Newenham National Wildlife Refuge, Public Land Order No. 4583, as amended, now known as the Togiak National Wildlife Refuge, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States.

The Secretary of the Interior had previously allocated a maximum number of acres available for conveyance to each regional corporation under Secs. 14(h)(1), (2) and (5) of ANCSA. Pursuant to Sec. 14(h)(1), as amended by Sec. 204 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1613(h)(1)(C), the Secretary may convey any cemetery site or historical place for which an application was on record with the Secretary as of December 10, 2004, that is found eligible for conveyance, notwithstanding the previous acreage allocations. Lands conveyed as cemetery and historical sites continue to be charged against the 2 million acres available for conveyance under Sec. 14(h). Upon conveyance of the lands described above, approximately 10,778 acres will have been conveyed to regional corporations under Sec. 14(h)(1).

Calista Corporation did not assert a claim to the subsurface estate within the boundaries of the Cape Newenham National Wildlife Refuge, now known as the Togiak National Wildlife Refuge, as authorized in Sec. 1406(e) of ANILCA, and is, therefore, entitled to in-lieu subsurface estate pursuant to Sec. 14(h)(9) of ANCSA. When this decision becomes final, Calista Corporation's in-lieu subsurface entitlement will be increased by 59.24 acres.

Enclosed is a CD-ROM containing the electronic version of current status plats and survey plats showing the lands approved for conveyance.

In accordance with Departmental regulation 43 C.F.R. 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

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 C.F.R. 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 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.

Questions concerning this document should be addressed to Dina Torres, Land Law Examiner, at (907) 271-3248 or Joe Labay, Resolution Specialist, at (907) 271-3340.

/s/ Ramona Chinn Acting

State Director

Enclosures:
Form 1842-1
Appeal Regulations
CD-ROM containing Status Plats and Survey Plats

Copy furnished to:

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

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/CD-ROM)

U.S. Fish and Wildlife Service
Refuge Manager
Yukon Delta National Wildlife Refuge
P.O. Box 346
Bethel, Alaska 99559
(w/CD-ROM)

U.S. Fish and Wildlife Service
Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
(w/CD-ROM)

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/CD-ROM)

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

Department of Homeland Security
United States Coast Guard (CA)
Commander (s)
MLC Pacific
1301 Clay Street, Suite 700N
Oakland, California 94612-5203
(w/CD-ROM)

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

Alaska Legal Services Corporation
1016 West Sixth Avenue, Suite 200
Anchorage, Alaska 99501-1963

Alaska Legal Services Corporation
Fairbanks Office
1648 Cushman Street, # 300
Fairbanks, Alaska 99701-6206

Bureau of Indian Affairs
ANCSA
Attn: Kenneth L. Pratt, ANCSA Program Manager
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Alaska Federation of Natives, Inc.
1577 C Street, Suite 100
Anchorage, Alaska 99501

Ahtna, Incorporated
P.O. Box 649
Glennallen, Alaska 99588-0649

The Aleut Corporation
One Aleut Plaza
4000 Old Seward Highway, Suite 300
Anchorage, Alaska 99503-6079

Arctic Slope Regional Corporation
P.O. Box 129
Barrow, Alaska 99723-0129

Bering Straits Native Corporation
P.O. Box 1008
Nome, Alaska 99762-1008

Bristol Bay Native Corporation
111 West 16th Avenue, Suite 400
Anchorage, Alaska 99501

Chugach Alaska Corporation
560 East 34th Avenue, Suite 300
Anchorage, Alaska 99503

Cook Inlet Region, Incorporated
Attn: Land Department
P.O. Box 93330
Anchorage, Alaska 99509-3330

Doyon, Limited
Lands and Natural Resources Department
1 Doyon Place, Suite 300
Fairbanks, Alaska 99701-2941

Koniag, Incorporated
104 Center Ave., Suite 205
Kodiak, Alaska 99615

NANA Regional Corporation, Inc.
Attn: Jeff Nelson
1001 East Benson Boulevard
Anchorage, Alaska 99508

Sealaska Corporation
One Sealaska Plaza
Suite 400
Juneau, Alaska 99801-1276

AK FM (040)

Deputy Chief, Branch of Adjudication II (964)

ANCSA Acreage Control (961)

Escrow (961)

Pat Moreno (961)



United States Department of the Interior



BUREAU OF LAND MANAGEMENT

Alaska State Office

222 West Seventh Avenue, #13

Anchorage, Alaska 99513-7504

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

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 6**

In Reply Refer To:

AA-10384 (2653)¹

F-14920-A (2651)

(962) jak/dlt/lga

*1/15/09
jak*
*1/15/09
Dlt*
*1/24/09
lga*

JAN 27 2009

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

DECISION

Calista Corporation	:	AA-10384 ² Regional Selection
Attn: Land Department	:	Applications
301 Calista Court, Suite A	:	
Anchorage, Alaska 99518-3028	:	
	:	
Arviq Incorporated	:	F-14920-A Village Selection
P.O. Box 9	:	Application
Platinum, Alaska 99651	:	
	:	
U.S. Fish and Wildlife Service	:	Togiak National Wildlife Refuge
Division of Realty, Mail Stop 211	:	
Chief, Branch of Operations	:	
1011 East Tudor Road	:	
Anchorage, Alaska 99503	:	

**Section 14(h)(1) Selection Applications Rejected in Part
Village Selection Application Deemed Relinquished in Part
Lands Proper for Regional Selections
Approved for Conveyance**

In 1975, Calista Corporation filed regional selection applications AA-10384, AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, and AA-10365, 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. 1613(h)(1), for certain lands located in the vicinity of Platinum, Alaska, and within the Togiak National Wildlife Refuge.

¹AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, AA-10365

²AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, AA-10365

On January 20, 1969, Public Land Order No. 4583, as amended, established the Cape Newenham National Wildlife Refuge. On December 2, 1980, Sec. 303(6) of the Alaska National Interest Lands Conservation Act (ANILCA), 94 Stat. 2392, re-designated the Cape Newenham National Wildlife Refuge as the Togiak National Wildlife Refuge.

Section 14(h)(1) of ANCSA, as amended, authorizes the Secretary of the Interior (hereinafter, the Secretary) to convey to a regional corporation fee title to existing historical places and/or cemetery sites located on unreserved and unappropriated public lands. Section 14(h)(7) of ANCSA further provides that lands located within a national forest or within the boundary of a national wildlife refuge as that boundary existed on December 18, 1971, may be conveyed for the purposes set forth in Sec. 14(h)(1).

Section 14(h)(1) of ANCSA, as amended, authorizes the conveyance of the surface and subsurface estates located within the boundary of a national wildlife refuge, as that boundary existed on December 18, 1971, when the historical place or cemetery site is 640 acres or less and the regional corporation asserted a claim to the subsurface estate on or before June 1, 1981.

Calista Corporation did not assert a claim to the subsurface estate within the wildlife refuge as authorized in Sec. 1406(e) of ANILCA, and is, therefore, entitled to in-lieu subsurface estate pursuant to Sec. 14(h)(9) of ANCSA.

The Secretary authorized the Bureau of Indian Affairs (BIA) to investigate historical places and cemetery sites and to certify their eligibility in accordance with 43 CFR 2653.5(h).

SELECTION APPLICATIONS REJECTED IN PART

The BIA certified applications AA-10384, AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, and AA-10365, as to the lands described below, as an eligible historical place and/or cemetery site in accordance with Departmental regulations 43 C.F.R. 2653.5. The Bureau of Land Management (BLM) has reviewed the BIA report of investigation for these sites and concurs that all parcels fit the definition of historical place and/or cemetery site as defined in 43 CFR 2653.0-5(a) and (b). The selection applications listed above are hereby rejected as to those lands not approved for conveyance herein.

Selection Application	Site Name (BIA Report)	Date BIA Certified Eligible:	Site Surveyed As:	Surveyed Acres:
AA-10384	Site B-0744H	June 18, 1988	Lots 1 & 2 USS No. 13748	34.49
AA-10426	Kukupagmuit	February 1, 1992	USS No. 13745	2.06
AA-9481	Kugyuaq	December 14, 1987	Lot 1, USS No. 13746	10.78
AA-9485	Site B-0267H	December 15, 1987	Lot 2, USS No. 13746	13.57
AA-10312	Kiangqayraq	February 1, 1992	USS No. 13742	1.13
AA-10377	Qiuurliurmiut	August 5, 1991	USS No. 13741	1.18
AA-10376	Kangirnaq	February 4, 1988	Lots 1 thru 3 USS No. 13743	11.07
AA-10365	Site B-0284H	June 14, 1988	USS No. 13744	1.56

VILLAGE SELECTION APPLICATION DEEMED RELINQUISHED IN PART

On November 13, 1974, Arviq Incorporated, for the Native village of Platinum, filed selection application F-14920-A, as amended, under the provisions of Sec. 12(a) of ANCSA, 43 U.S.C. § 1611(a), for the surface estate of certain lands in and around the Native village of Platinum, including the lands being approved for conveyance herein described as U.S. Survey No. 13741, Alaska. Because Arviq Incorporated did not prioritize the lands described as U.S. Survey No. 13741, Alaska, located within Sec. 13, T. 15 S., R. 74 W., Seward Meridian, for conveyance under Sec. 12(a) of ANCSA, selection application F-14920-A is deemed to have been relinquished pursuant to Sec. 403(d) of the Alaska Land Transfer Acceleration Act of December 10, 2004, as to the lands described below:

U.S. Survey No. 13741, Alaska.

Containing 1.18 acres.

Further action on village selection application F-14920-A as to those lands not deemed relinquished herein will be taken at a later date.

LANDS APPROVED FOR CONVEYANCE

As to the lands described below, selection applications AA-10384, AA-10426, AA-9481, AA-9485, AA-10312, AA-10377, AA-10376, and AA-10365 are properly filed and meet 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.

In view of the foregoing, the following surface estates are considered proper for acquisition by Calista Corporation and are hereby approved for conveyance pursuant to Sec. 14(h)(1) of ANCSA:

AA-10384

Lots 1 and 2, U.S. Survey No. 13748, Alaska.

Containing 34.49 acres, as shown on plat of survey officially filed on April 29, 2008.

AA-10426

U.S. Survey No. 13745, Alaska.

Containing 2.06 acres, as shown on plat of survey officially filed on July 28, 2008.

AA-9485

Lot 2, U.S. Survey No. 13746, Alaska.
Containing 13.57 acres, as shown on plat of survey officially filed on January 25, 2008.

AA-10312

U.S. Survey No. 13742, Alaska.
Containing 1.13 acres, as shown on plat of survey officially filed on January 11, 2008.

AA-10377

U.S. Survey No. 13741, Alaska.
Containing 1.18 acres, as shown on plat of survey officially filed on January 31, 2008.

AA-10376

Lots 1 thru 3, U.S. Survey No. 13743, Alaska.
Containing 11.07 acres, as shown on plat of survey officially filed on August 4, 2008.

AA-10365

U.S. Survey No. 13744, Alaska.
Containing 1.56 acres, as shown on plat of survey officially filed on April 29, 2008.

Aggregating 75.84 acres.

There are no easements to be reserved to the United States pursuant to Sec. 17(b) of ANCSA.

The conveyance issued for the surface estate of the lands described above shall reserve to the United States the subsurface estate therein, and all rights, privileges, immunities, and appurtenances, of whatsoever nature, accruing unto said estate pursuant to the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1613(f).

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

1. Valid existing rights therein, if any, including but not limited to those created by any lease, contract, permit, right-of-way, or easement, and the right of the lessee, contractee, permittee, or grantee to the complete enjoyment of all rights, privileges, and benefits thereby granted to him. Further, pursuant to Sec. 17(b)(2) 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;
2. A covenant, running with the land, providing that (1) Calista Corporation shall not authorize mining or mineral activities of any type; nor shall it authorize any use

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;

2. A covenant, running with the land, providing that (1) Calista Corporation shall not authorize mining or mineral activities of any type; nor shall it authorize any use which is incompatible with or is in derogation of the values as a historic place and/or cemetery site (the standards for determining incompatibility or derogation are found in 36 C.F.R. 800 which contains the Advisory Council on Historic Preservation criteria of effect and adverse effect); and (2) that the United States reserves the right to seek enforcement of the covenant in an action in equity; and
3. Requirements of Sec. 22(g) of the Alaska Native Claims Settlement Act of December 18, 1971, 43 U.S.C. 1621(g), that (a) the above-described lands which were on December 18, 1971, within the boundaries of the Cape Newenham National Wildlife Refuge, Public Land Order No. 4583, as amended, now known as the Togiak National Wildlife Refuge, remain subject to the laws and regulations governing use and development of such refuge, and that (b) the right of first refusal, if said land or any part thereof is ever sold by the above-named corporation, is reserved to the United States.

The Secretary of the Interior had previously allocated a maximum number of acres available for conveyance to each regional corporation under Secs. 14(h)(1), (2) and (5) of ANCSA. Pursuant to Sec. 14(h)(1), as amended by Sec. 204 of the Alaska Land Transfer Acceleration Act of December 10, 2004, 43 U.S.C. 1613(h)(1)(C), the Secretary may convey any historical place or cemetery site for which an application was on record with the Secretary as of December 10, 2004, that is found eligible for conveyance, notwithstanding the previous acreage allocations. Lands conveyed as historical and cemetery sites continue to be charged against the 2 million acres available for conveyance under Sec. 14(h). Upon conveyance of the lands described above, approximately 12,686 acres will have been conveyed to regional corporations under Sec. 14(h)(1).

Calista Corporation did not assert a claim to the subsurface estate within the wildlife refuge as authorized in Sec. 1406(e) of ANILCA, and is, therefore, entitled to in-lieu subsurface estate pursuant to Sec. 14(h)(9) of ANCSA. When this decision becomes final, Calista Corporation's in-lieu entitlement will be increased by 75.84 acres.

Enclosed is a CD-ROM containing the electronic version of current status plats and survey plats showing the lands approved for conveyance.

In accordance with Departmental regulation 43 C.F.R. 2650.7(d), notice of this decision is being published once in the Federal Register and once a week, for four (4) consecutive weeks, in the Anchorage Daily News.

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 C.F.R. 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 FEB 25 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.

Questions concerning this document should be addressed to Judy Kelley, Land Law Examiner, at (907) 271-3786, or Dina Torres, Land Transfer Resolution Specialist, at (907) 271-3248.

/s/ John A. Sroufe **Acting**

State Director

Enclosures:
Form 1842-1
Appeal Regulations
CD-ROM containing Plats

Copy furnished to:

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

U.S. Fish and Wildlife Service (CM-RRR)
Refuge Manager
Togiak National Wildlife Refuge
P.O. Box 270
Dillingham, Alaska 99576
(w/CD-ROM)

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/CD-ROM)

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/CD-ROM)

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

Department of Homeland Security
United States Coast Guard (CA)
Commander (s)
MLC Pacific
1301 Clay Street, Suite 700N
Oakland, California 94612-5203
(w/CD-ROM)

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

Alaska Legal Services Corporation
1016 West Sixth Avenue, Suite 200
Anchorage, Alaska 99501-1963

Alaska Legal Services Corporation
Fairbanks Office
1648 Cushman Street, # 300
Fairbanks, Alaska 99701-6206

Bureau of Indian Affairs
ANCSA
Attn: Kenneth L. Pratt, ANCSA Program Manager
3601 C Street, Suite 1100
Anchorage, Alaska 99503-5947

Alaska Federation of Natives, Inc.
1577 C Street, Suite 100
Anchorage, Alaska 99501

Ahtna, Incorporated
P.O. Box 649
Glennallen, Alaska 99588-0649

The Aleut Corporation
One Aleut Plaza
4000 Old Seward Highway, Suite 300
Anchorage, Alaska 99503-6079

Arctic Slope Regional Corporation
P.O. Box 129
Barrow, Alaska 99723-0129

Bering Straits Native Corporation
P.O. Box 1008
Nome, Alaska 99762-1008

Bristol Bay Native Corporation
111 West 16th Avenue, Suite 400
Anchorage, Alaska 99501

Chugach Alaska Corporation
3800 Center Pant Drive, Suite 601
Anchorage, Alaska 99503

Cook Inlet Region, Incorporated
Attn: Land Department
P.O. Box 93330
Anchorage, Alaska 99509-3330

Doyon, Limited
Lands and Natural Resources Department
1 Doyon Place, Suite 300
Fairbanks, Alaska 99701-2941

Koniag, Incorporated
104 Center Ave., Suite 205
Kodiak, AK 99615

NANA Regional Corporation, Inc.
Attn: Jeff Nelson
1001 East Benson Boulevard
Anchorage, Alaska 99508

Sealaska Corporation
One Sealaska Plaza
Suite 400
Juneau, Alaska 99801-1276

FM-Anchorage (011)

ANCSA Acreage Control (965)

Escrow (961)

Pat Moreno (961)

Dina Torres (962)

Charles Lovely (965)



U.S. Department of the Interior
BUREAU OF LAND MANAGEMENT

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

Goodnews Bay-FY'87-#1
Hagemeister Island-FY'87-#1
Kuskokwim Bay-FY'87-#1
(961)

NOV 21 1986

Memorandum

To: File F-14862-EE
From: Realty Specialist

Subject: Interviews for Group Survey No. 194 (Window 1704)

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 7**

November 4, 1986.

Keith Schultz (543-2433) is a biologist with the Alaska Department of Fish and Game in Bethel that knows the Goodnews River. He spends time each summer traveling up the Goodnews River. In referring to the Indian River or the Kinegnak River he had no experience.

Keith had floated the north fork Goodnews River from the lake and its origin. He described this fork as having the most water and resident boater use of the three Goodnews River forks. He had also taken an eighteen-foot Gregor boat with a thirty-five horsepower outboard upstream to the start of Federal land in T. 10 S., R. 71 W., SM. This is where Alaska River Safari has one of its summer camps. He said that AK River Safari is a large operation with ten eighteen-foot Klamith skiffs with fifty-five horsepower jets, a twenty-two-foot Monarch with a fifty-five horsepower jet, and a big air boat. AK River Safari regularly hauls its clients upstream to float and fish down the Wilderness portion of the Togiak National Wildlife Refuge or camp at their motorized camps. He said that the local boaters regularly travel to the refuge which is upstream of the report area. To reach the refuge with a propellered-motor the operator would have to be familiar with the numerous braids to properly select the channel of sufficient summer depth for BLM's craft. The water was the highest and widest in the spring and the lowest in July, but Keith estimated the average to be one-hundred and fifty feet wide and seventy inches deep in T. 10 S., R. 71 W., SM. Since Keith had regularly taken BLM's smallest commercial craft upstream for this distance during different times each summer, he knew it was possible with a propeller and a thousand pound load. AK River Safari frequently exceeded this load with their clients and gear.

In 1981 the ADF+G set up a weir tower to count salmon on the Middle Fork Goodnews River. It is located twelve miles upstream at the base of Table Mountain in Sec. 3, T. 12 S., R. 72 W., SM. During the first summer they operated eighteen-foot skiffs with thirty-five horsepower propelled motors. To regularly reach their tower, three shallow spots were crossed. He reported these shallow spots to be thirty to forty inches deep. In 1981 these boats and motors were used all summer to haul supplies, the tower, building material, and equipment to their salmon weir. Since 1982, ADF+G has used eighteen foot boats with jet units to reach their camp. Since the local boaters rarely use the Middle Fork, Keith could report an average of only three resident boaters to travel upstream beyond their tower during the summer. He did remember one Native with an allotment claim three miles upstream from the tower who regularly used an eighteen-foot skiff with a fifteen horsepower propelled motor to reach his claim. In recent years the Middle Fork Goodnews River has become popular for sportfishing guides and their clients. AK River Safari has established a camp just below their tower site. Keith thought the name of another guide was the Bristol Bay Coastal Guiding Service. The Togiak National Wildlife Refuge staff had issued them a permit, and could verify their name. Their camp was located near Sec. 3, T. 11 S., R. 70 W., SM which is in the Ahklun Mountains and beyond the report area. Keith had taken an eighteen foot riverboat with a jet unit upstream to Tigukauivet Mountain and their camp during the summer and believed it could be done at any time of the summer with a propeller and a thousand pounds. He felt it might be necessary to install a lift on his outboard to get over the increasing number of shallow spots to reach their upper camp.

Keith said the South Fork Goodnews River was slow moving and free of split channels, and its beds were mud. This was a different character than the other forks with faster water, braided channels and a gravel bottom. During the summer he had taken his personal eighteen-foot Gregor boat with a thirty-five horsepower propelled motor upstream to Lookout Mountain or Sec. 13, T. 12 S., R. 72 W., SM. He described the stream as being 50 to 70 feet wide and 30 to 50 inches deep. He also believed BLM's commercial load could be taken upstream for this distance. He had not seen any other boats on the South Fork during the time he has spent fishing there.

It was difficult to even enter the Goodnews River system at low tide because of the tidal flats. However, Puyulik Creek would be impossible since it was just a trickle when the tide was out. Keith did not know how far a high tide might permit BLM's boat, and he was not aware of anyone using BLM's smallest commercial boat on this stream.

Keith frequently passes Carter Bay, but he had never taken his boat on the Indian River. From his aerial reconnaissance he believed it might be navigable in its lower reaches in the early spring or late fall. He knew this was not a popular area. Resident boaters referred to the old abandoned cabin near the mouth of the Indian River as being haunted.

The resident boaters of Platinum travel only a short distance up the Small's River. They commonly park their boats near the mouth for the summer. In the fall they only travel upstream to the village to store their boats for the winter. At low tide the river simply does not have enough water. Last fall Keith took his three-wheeler up the road from Platinum and described the Small's River in Sec. 11, T. 14 S., R. 75 W., SM to be less than knee deep. The reason they call it the Small's River is because of its low volume and narrow nature. He did not believe BLM's smallest craft with a thousand pounds could be taken up Small's River. It might be possible to take a jet boat up this river on the spring high water.

Keith said that Chagvan Bay is a popular spot for resident boaters during the fall duck hunting. It was not possible to get to Kinegnak River when the tide was out. Keith knew that the old village site of Kinegnak was abandoned from having taken his his boat into Chagvan Bay for the fall hunting. He had never been to the mouth of this river but he did not believe it was navigable because of lack of water in the bay at low tide. He knew of no boating on this river and did not believe it was possible. The local three wheelers from Platinum access the river in T. 14-15 S., R. 74 W., SM, from the three wheeler trail off the Goodnews Mining Camp road.

Keith described Slate Creek as being 30 to 40 feet wide and 30 to 40 inches deep. The old post master of Goodnews still operates the Wattamuse mine during the summer. His name is Huffman and he leaves his eighteen foot riverboat with a twenty-five horsepower jet near the mouth of Slate Creek and walks to the mine from there. The local law enforcement boaters stop to check on him each summer. Keith said that there is also an old cat trail to Wattamuse Mine that was used to haul supplies to the mine. He was not aware of anyone using Slate Creek by boat other than Huffman, who lived out there and parked at its mouth.

Keith recommended I contact Willie Eechuck (979-8127) of Platinum or James Bright (967-8515) of Goodnews for additional information. He requested that he be called if we research the Arolik River near Quinhagak. The Native council of Quinhagak would like a chance to comment, and he is aware of their names.

November 5, 1986.

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Joseph Martin Sr.. (967-8511) is a Native land planner for Kuitsaruk Inc.. or Goodnews Bay Village. He said that his grandparents use to take eighteen to twenty-four-foot boats up to Wattamuse Creek on the north fork Goodnews River in the olden days because of the mine there. It is important to realize that the resident boaters referred to Slate Creek as Wattamuse Creek as well. He was unsure how the equipment was brought up to Wattamuse Mine. Joseph said that he takes his twenty-four-foot boat with a thirty-five to fifty horsepower propellered motor up the north fork to the refuge at least once each season. He knew that jet boats were used by guides further upstream, but felt the depth was sufficient for BLM's smallest commercial boat with a thousand pound load to be taken through the report area. Since Joseph felt unable to provide me with the physical character of the Goodnews River, he used his CB radio to call his neighbor Battle Amerit over. Battle is a shareholder of the tribal council and felt more comfortable with the english language. Joseph said that the jet boats used by Alaska River Safari were going to ruin the fishing by destroying the fish eggs in the riverbed. He said the jet boat were navigating the Goodnews River in only a foot of water.

Battle felt that Indian River was just a creek and could provide no means of travel by boat. This river would be too shallow for BLM's smallest commercial boat unless you travel up it in the spring.

Battle said that he had taken an eighteen foot skiff with a propeller all the way up to the lake on the Goodnews River after the heavy rains of fall. He believed it would be possible with a thousand pound load after a few days rain in the fall. However, he said that there were dry years when it would not be possible to go even 1/2 up to the lake with BLM's propellered craft and a thousand pound load. He felt the river depth was too inconsistent to give an average depth.

Battle said he had never been on the Middle Fork Goodnews River in the summer. After some discussion I found out that he is a commercial fisherman in the summer and is not in the area to travel up the Goodnews River. He suggested that I contact William Carter who works in the Goodnews Village community hall.

Willie Eechuck (979-8127) is a Native of Platinum that has boating experience in the area. He had been to the Indian River back in 1961 or 1962 in his old wooden 19 to 20 foot riverboat with a propeller equipped outboard. He knew it would only be possible to get across the mud flats of Carter Bay if it were high tide. Once he got into the Indian River he only went about a quarter of a mile and remembered the mud beds of the river. He knew BLM's boat could go upstream beyond this distance because every fall resident boaters camp on the river and hunt. He said that Bob LaMerik (967-8214) of Goodnews regularly takes his boat to the Indian River each fall.

Willie said that the north fork or main Goodnews River was the primary fork of all the resident travel by boat. He felt it was common for resident boaters to travel all the way to Goodnews Lake. Willie had personally taken his eighteen-foot Lund with a propellered eighteen horsepower motor all the way to the lake which is well beyond the report area. He said that there was a canyon about five miles upstream from Wattamuse/Slate Creek. At low water this canyon is the swiftness part of the river with a big rock in the channel. The number of rocks increases above the canyon at low water. He said that this area would require a larger fifty horsepower motor. Since the river varies each season according to the rains it is not always possible to reach the lake. For example, two years ago it was a dry season and he estimated that it would take eighteen hours to reach the lake unless you had a jet boat. The farthest he had been two years ago was just below Wattamuse/Slate Creek in Sec. 20, T. 10 S., R. 71 W., SM. He said to continue would mean tearing up propellers. Although jet boats can be taken all the way to the lake with little regard to the water level. Willie described the upper river in T. 10 S., R. 71 W., SM as being thirty to forty feet wide and three to five feet deep. This fall the heavy rains have raised the river and it would be possible to take BLM's smallest commercial craft with a thousand pound load and powered by a propeller all the way to the lake from Platinum in just a few hours.

Six years ago Willie took his old wooden nineteen to twenty-foot boat with a propeller about seven to eight miles up the Middle Fork Goodnews River before he remembered hitting bottom. Since his eighteen foot Lund is much lighter he felt he could now go at least ten to twelve miles with his propellered outboard and a thousand pounds and maybe more. He said that the resident boaters do use the Middle Fork for bear and moose hunting in the fall. Resident boaters walk their boat through the shallow areas with a thousand pounds to continue upstream beyond the twelve miles when the water level is low. However, even the shallow areas would not be a problem for a jet boat.

Willie had never been on the South Fork Goodnews River but he had flown over it and felt that he could take his eighteen-foot Lund, but he was again unsure how far.

Willie said that Puyulik Creek is too shallow and full of trees for BLM's smallest commercial boat or any boat.

Willie said that the Small's River is too shallow and narrow to even use a Kayak. Since he lives at Platinum which is located at the mouth of the Small's River there is no question about it, this river is just a foot deep.

Willie has taken his eighteen-foot Lund a quarter of a mile up the Kinegnak River in Chagvan Bay and described it to be only a foot deep. In order to even get to the mouth there must be a high tide. Since Chagvan Bay is nothing but a large sand and mud flat when the tide is out. Willie thought it might be possible to drag a raft up this stream and float down, but there was not enough water for his eighteen-foot Lund or BLM's smallest commercial craft. He said that a person could walk all the way up the bed of this stream. The old village site of Kinegnak near the mouth of this stream has been abandoned for a long time.

Willie said that Wattamuse/Slate Creeks were just trickles that flow out of the mountains like a lot of the so called rivers in the Goodnews area. Although the USGS quadrangle refers to a lot of the streams in the area as rivers, they simply do not provide any means of travel by boat. Although Wattamuse has a history of early riverboats' being taken up the Goodnews River to Slate Creek there would not be enough water for any propellered craft to power a boat up to the old mine on Wattamuse Creek. He said that it might be possible to walk up a boat up this creek but he was not sure. He said that there was an old road leading to the mining camp that they must have used in the olden days to haul equipment or supplies to the mine.

November 6, 1986.

James Bright is a Native of Goodnews village (967-8515). Although he was familiar with the water bodies in the area he did not want to help a gussik and referred me to the Goodnews Village Council. He said he had taken BLM's smallest commercial craft with a propeller up the Indian River. He felt it would be possible to travel up this river at least ten miles in a jet boat. Once in a while he takes his propellered craft up this river but there must be a high water. To even enter the river a high tide is needed to get across the mud flats of Carter Bay. He takes his boat as far upstream as he can but could not provide a distance with a propeller. He also provided me with Bob LaMerik phone number of Goodnews at 967-8214.

William Walter represents the Goodnews Bay Village Council at 967-8311. He is a Native with extensive boating experience in the Goodnews area. The first river that Walter commented on was the main Goodnews River. He said he has taken his fourteen-foot aluminum boat with a propellered outboard all the way to Goodnews Lake. The average depth is between two and a half and twelve feet deep. This depth would be normal for the months of July, August, September and October. He believed that BLM's smallest commercial boat with a thousand pound load could not be taken all the way upstream to the lake during the normal water stages of June, November and December, because there was not enough water for a propellered motor. He knew many resident boaters to regularly ascend the Goodnews to the lake each season in boats similar to BLM's smallest commercial craft and load while powered by a propeller.

William said that boats can not ascend the Middle Fork Goodnews River to reach its upper lake at low or high water because of rocks that block the channel. This blockage is located upstream beyond the report area. During the late summer the resident boaters will ascend the Middle Fork in search of berries. Each fall resident boaters travel up the Middle Fork for bear and moose. William had personally taken his fourteen foot aluminum boat with a propellered outboard to the blockage which he described as being sixteen to twenty miles beyond the ADF+G fish counting camp in Sec. 3, T. 12 S., R. 72 W., SM. The blockage was even beyond Tigukauivet Mountain in T. 10 S., R. 70 W., SM and upstream of the report area. The average depth of this fork was between one and a half and seven feet deep. He said the local boaters are expert at getting over in shallow spots because of their knowledge of the river and its channel. It would not be a problem for BLM's boat and load during the normal water stages of July, August, September and October.

William said it was possible to ascend the South Fork Goodnews River for five miles. Beyond this there was not enough water, it was too shallow. Although this fork was not as heavily used as the other two forks, some resident boaters do travel this distance in boats similar to BLM's smallest commercial boat for fishing and berry picking. He had taken his fourteen-foot boat upstream for this distance and knew it was possible for larger propellered craft. He believed the thousand pounds would not make a difference.

For many years William has traveled up the coast to enter Carter Bay and stay at the cabin located on the Indian River during hunting season. To get to the Indian River a high tide would be needed to cross Carter Bay. William believed the Indian River was too shallow for his boat or BLM smallest commercial boat. There was simply not enough water for a propellered craft. The cabin and the river were said to contain evil spirits. Evidently there had been white men that had gone to this river and never come back.

Each season many of the resident boaters travel south from Goodnews Bay and enter Chagvan Bay for the dog salmon run on the Kinegnak River. He said that this area was known to be a popular fish feeding area for large groups of brown bears. He said that the local village of Kinegnak had been abandoned for some time. He felt that it had been abandoned because there were no doctors in the area and its danger due to the bears. He said that many resident boaters travel up the Kinegnak River in boats similar to BLM's smallest commercial craft. He describe it as being forty to fifty feet wide and two and a half to seven feet deep. He knew that Adolph Nicolai (at 967-8413), John James (no listing) and William Mark (no listing) were just a few of the boaters who ascend the Kinegnak River with BLM's smallest commercial propellered craft. They travel up the Kinegnak for the salmon fishing and hunting. He said it was only possible to go about half way up this river. Resident boaters were traveling upstream to the first mountain on the left. It was not possible to reach Fog Creek or Wind Creek, the first mountain is at the 860 foot elevation and downstream from these creeks. The northern border of Sec. 1, T. 15 S., R. 74 W., SM would probably not be possible with a thousand pounds because of the rocks that begin to drop into the river from the cliffs. Beyond Sec. 1, the hills converge down to the river causing swifter water, more rocks, and shallow water.

Dave Fisher is the manager of the Togiak National Wildlife Refuge. His office is located in Dillingham at 842-1063. Dave said that a large amount of aerial reconnaissance is done each season to monitor the bird and wildlife populations of the refuge. This last fall they conducted a water fowl survey on Carter Bay and the Indian River. They observed a number of boats similar in size to BLM's smallest commercial boat about a mile upstream. Dave believed the reason they got this far upstream was only due to a high tide. They had never observed any boats further upstream and Dave did not believe it was possible for BLM's craft. Beyond this mile the natural water stages would not provide a depth sufficient for travel with BLM's smallest propellered craft.

Dave had floated down the main Goodnews River from Goodnews Lake by raft. He said that he had observed Alaska River Safari's two large twenty-two to twenty-four-foot boats with large inboard engines and cabins all the way upstream to Goodnews Lake. Although these boats were equipped with jet units, Dave believed it could be done with BLM's smallest craft carrying a half ton while powered by propeller. He felt this would be possible on the high water stages of summer and fall. Alaska River Safari's use to have a camp on Goodnews Lake that they regularly took clients upstream to all summer. While floating the river Dave had observed the average depth to range from one to four feet, and this was not during the high water stages of summer.

Dave described Slate/Wattamuse Creek as being small, shallow and rocky. He did not believe that BLM's smallest commercial craft could be taken upstream very far if at all by propeller. Dave had never rafted the Middle Fork Goodnews River, but he had issued permits to Bristol Bay Lodge to set up camp for their clients inside the refuge boundaries. He believed that their camp was located near Sec. 2, T. 11 S., R. 70 W., SM. He knew that they used fourteen to sixteen foot boats with thirty-five horsepower jet units all the way upstream to this camp. Dave believed that a propellered craft could not get much past the ADF+G camp unless it had a lift. He recommended that I call Bristol Bay Lodge (243-5385) in Anchorage for more information on the physical character of the Middle Fork and additional boat use upstream beyond the ADF+G camp.

Dave felt that the South Fork had even less water than the other forks, and he had never observed any boats on this fork. He felt that this fork was too shallow for BLM's smallest commercial boat.

Although Dave had never been on the Kinegnak River by boat, a refuge employee named mark had established a camp near its mouth this last fall. He had taken his Zodiac with a keel about a mile upstream with a propellered outboard. Mark told Dave that he had needed the tide to get into the Kinegnak River and across the mud flats of Chagvan Bay. However, once into the river it was deep enough for BLM's smallest craft with a propeller to travel upstream. From Dave's conversation it was unclear how far Mark could have gone upstream. In any event, a flat bottomed boat could travel further upstream than a zodiak with a keel.

I tried to contact Adolph Nicolai at 967-8413 in Goodnews Bay but the phone was hung up after two words were said, "I'm sorry." Perhaps Nicolai does not feel comfortable speaking english.

November 7, 1986.

James Smith of Goodnews (967-8515) would not provide any information. He told me to come down here and check it out for myself.

Walter Galila (967-8414) had taken BLM's smallest commercial propellered boat upstream on the Middle Fork Goodnews River to the ADF+G camp in Sec. 3, T. 12 S., R. 72 W., SM. However, he knew the resident boaters of Goodnews Bay were going upstream into the refuge each fall in boats similar to BLM's smallest craft while powered by a propeller. He believed that the upstream limit to BLM's boat and load would be well beyond the report area. The water is deep enough each season for the local boaters to travel this distance.

Walter had not been on the South Fork or the Kinegnak River. However, Henry Small was with Walter when I called and he had taken his boat a half a mile up the Kinegnak River but he was not sure how far BLM's smallest commercial boat could be taken beyond this. One of the reasons that resident boaters do not report to go further upstream is because they anchor their large commercial fishing vessels with a deep draft in Chagvan Bay. These vessels are larger than BLM's craft. Because of their draft requirements, they can not be taken beyond the tidal influence in the lower reaches of the river.

I phoned Bob LaMerik of Goodnews (967-8214) and he said it had been many years since he had taken a boat up the Goodnews River and would not comment. He recommended that I call the sportfishing guides that use the upper Goodnews forks.

Ron Hyde of the Alaska River Safari's (333-2860) provided substantial information. Although he was recovering from a recent stroke, he could provide the following information: Every year for the past fourteen, Ron said that he had been on the Goodnews River every day from break up to freeze up. He said that it was extremely normal under any conditions to see the Natives of Goodnews Bay taking BLM's smallest commercial boat with a propeller upstream to the refuge. He considered this the predictable lower stretch for travel any time with a propeller. He said that the main Goodnews was eighty miles in length and climbed 540 vertical feet in this distance to reach the lake. The resident boaters only have to climb two-hundred feet of little gradient to reach the refuge. The difficult navigation was the last 340 vertical feet gained inside the refuge alone to reach Goodnews Lake. Ron use to have a camp on the Goodnews Lake for many years. He has seen Natives of Goodnews village hunting, fishing and berry picking all the way up to the lake each season. The boats he had seen the locals use were similar to BLM's smallest craft with propellers. These boats with propellers are able to reach the refuge pretty much all year. At low water there are some rocks that make final climb into the lake difficult for propellered boats. Ron said that the canyon is quite a bit further upstream than the five miles above Slate Creek that had been described to me in an earlier interview. He said that the Goodnews River is remote and boaters have to be experienced to select the proper channel. Experience one year could not be relied upon three years later because the course of the river and its channels change. Ron considers the Native boaters to be the best in the world. Every season he sees the Natives bring BLM's smallest commercial boats all the way up to the lake with a propeller. Just this last fall he saw four of the Native boaters each bring a moose out from Goodnews Lake. The half ton load would not be a problem. In fact Ron hauls clients all the way upstream to Goodnews Lake in his heavy twenty-four foot jet boats.

Ron said that he Middle Fork Goodnews River is also used by BLM's smallest commercial craft with a propeller all the way upstream into the refuge. Since the Natives are involved in commercial fishing during the summer, they would not normally be seen on the Middle Fork until fall. During the fall the commercial fisherman of Goodnews Bay have the one to five day period of time that is needed to camp and hunt bear and moose, to trap, and to fish for white fish, rainbow trout, and dollies. Even when the water is low on the Middle Fork the Native boaters of Goodnews can travel upstream into the refuge for these activities. Although the shallow spots are more frequent on the Middle Fork, the Natives will lift their propellered motor out of the water in time to travel over a shallow spot thirty feet long. Ron has seen the Natives in the refuge each season with BLM's smallest propellered craft. He also has seen the fourteen foot jet boats used by Bristol Bay Lodge to carry their sportfishing clients upstream to their camp in the refuge.

Ron said that the South Fork Goodnews River is slower moving with the least amount of water of the three forks. He said his son Ron Hyde Jr.. guides on the South Fork each season and he was more familiar with it. When I asked if BLM's smallest commercial boat with a propeller could be taken to the first fork in the refuge called Tivyagak Creek, Ron said that this was common and done each season. There were also some moose taken on the South Fork. Ron has seen the Natives in boats of this size and load while powered by a propeller be taken this distance, but it was usually in the fall when the Natives have more time.

Ron's son spends a lot of time camping on the Kinegnak River each fall during the hunting season. Since Ron Jr.. goes to college during his afternoons his son will call me back on Monday or Tuesday.

November 12, 1986.

Ron Hyde Jr.. (333-2860) is a sportfishing guide with Alaska River Safari's. He spends his summer boating the Middle Fork and South Fork Goodnews River. He also has a fall camp on Kinegnak River in Chagvan Bay. He said he had thirteen years of boating experience on these rivers, spending from six to eight hours a day on the rivers from May to Mid or late October. He primarily spends his time on the Middle fork camp about one mile downstream from the ADF+G camp or in Sec 9 of T. 12 S., R. 72 W., SM. He regularly uses a twenty-three foot Duckworth with a large inboard engine and a jet unit to take clients upstream into the refuge. The boat alone weighs an estimated 2,400 lbs.. without passengers. With three passengers, gear and

fuel he estimated the boats weight to be over 3,400 lbs.. He regularly takes this boat upstream on the Middle Fork Goodnews River through the report area to reach the Kukaktlik River in T. 10 S., R. 75 W., SM. He described the Kukaktlik River as a small shallow creek. However he has seen the Natives boaters take their boats which are similar to BLM's smallest commercial craft upstream on this small stream by riding their wake. This is done by adding power or reducing power on their propellered motors to get over the shallow areas. Ron said that he had hauled a lot of gear and clients up the Middle Fork. Last summer he even took Lynette Nakazawa of the BLM photogrammetry section up the Middle Fork and the main Goodnews River to their tide markers. Under the right water conditions Ron had taken a small skiff powered by a propeller all the way up to Middle Fork Lake. These conditions would follow the normal storms of spring, August or fall. After several days of rain the river will rise and frequently cover the gravel bars. For the last two years their cook tent has had eight inches of water in it on these high gravel bars. After several days of flooding the channels are frequently altered and the river becomes silty. It normally takes about three more days for the river to return to its natural clear water state. Ron said he had also spent a fall trapping on the upper Middle Fork. He had taken a snowmobile in his eighteen-foot Lund upstream to a Native mud house in the refuge. This was a common practice for the Native boaters. The Natives will usually drag their boat out of the water for the winter and wait for freeze up. Then they will drive the snow machine back to the village and pick up the boat in the spring. The resident boaters take BLM's smallest commercial craft and load upstream on the Middle Fork each fall to hunt or trap for beaver and otter. No special conditions are necessary for BLM's boat and load to be taken this far by propeller except experience. He described the Middle Fork as being 8 to 12 feet deep. The deepest areas were along the cut banks, but he estimated its average depth to be three feet. He said that there were at least a half dozen Native cabins on the Middle Fork upstream from the ADF+G camp and he regularly sees the Native boaters traveling upstream to these cabins each fall. Many of the cabins are located inside the refuge and upstream from the report area.

Ron also spends a lot of time on the South Fork Goodnews River. He described this river as being a tundra river with less trees than either of the other forks. Ron regularly takes his propellered eighteen-foot Lund upstream to Tivyagak Creek. He said that the resident boaters could take BLM's smallest commercial propellered craft and load up to the outlet of a small creek which connect to a lake in T. 12 S., R. 71 W., SM. He believed that this would be the normal limit for BLM's boat and load while powered by a propeller. Although there are not a lot of moose in the area, the Natives will then hike upstream to

this lake and occasionally shoot moose. Ron had been further upstream in a smaller sixteen-foot boat. Ron described this river as having shallow corners of 10-14" water on the cut banks. He knew of the early Pike expedition had poled their boats up the South Fork Goodnews to cross into the Osviak River drainage and rejoin Bristol Bay. He believed that they used Tivyagak Creek to cross over to the Osviak River.

Ron also began to discuss the Kinegnak River which drains into Chagvan Bay. He said that there were no jet boats reaching this river. Chagvan Bay is shallow and full of kelp and seaweed which would plug a jet. Getting to this river was tricky, but once on the river he said it was about the same size and average three foot depth as the South Fork. He believed that the high tide would extend up this river about one mile. It was very similar to the South Fork Goodnews River. In addition to the Native allotments and the old village site on the lower river there were trappers cabins upstream in the hills of the Kinegnak River. Ron said that a propellered boat comparable to BLM's boat and load could be taken upstream to the cliffs and hills. The hills and cliffs are identified between the 405 and 860 foot hills on the west side of the river. The east side of the river has a larger hill at 1555 feet above sea level. He related this to traveling to the top of the J in the river. Ron had taken his eighteen-foot Lund with a thirty-five to sixty-five horsepower propellered motor through Sec. 12, T. 15 S., R. 74 W., SM. Beyond this, the river bed began to have rocks falling into the river from the fifty foot high cliffs. It also becomes too shallow as the gradient increases. He believed that this was the upper limit of navigation for BLM's boat and load. Ron said he would come into the office and help identify the Native cabin locations and their individual extent of travel by boat.

November 14, 1986.

Peter Samuels is the Mayor of Platinum and located in the city office (979-8114). He was familiar with the Kinegnak River. Samuels had taken BLM's smallest commercial boat with a propeller up this river. The problem with this river is getting into it. He said that Chagvan Bay is a large sand and mud flat that is difficult to cross at low tide. He said that if a boat reaches the mouth of Kinegnak River when the tide was out they would have to wade their boat a short distance upstream to get over a bar. Once in the river, it has a depth of three to eight feet deep. It is possible to go upstream by traveling back and forth across the river following the channel and the cut banks. He said that he had turned around an estimated five to eight miles upstream. He remembered the spot to be the first cliff on the right. He believed that he could have gone further upstream

but he was alone and had no reason to. He said that the old timers grandparents use to live up the Kinegnak River and their old cemeteries are still found upriver in or near Sec. 13, T. 15 S., R. 74 W., SM. He thought that Moses Kilbuck (no listing), Willie Eechuck (979-8127), or Oscur Snyder (979-8129) might have a knowledge of the early boaters and how far they use to go on this river since their grandparents lived on the river. Although he had never been to the upper limit many others had described its limit to be in the hills and he knew you could only go so far upstream. He didn't know how far upstream the Natives who use to live on the river had gone by boat. But he knew that the old timers used kayaks on this river when they lived there. He was not sure if they used poling boats.

Ron Hyde (333-2860) said that he had also been up the Kinegnak River but it was three years ago and his son Ron Hyde Jr.. was more familiar with it. He said that he had taken an eighteen-foot boat with a propellered motor upstream into the hills before turning around. He believed that BLM's boat could be taken upstream for this distance with a propeller and a thousand pound load. During this thirteen miles, the river climbed less than a hundred feet. He remembered seeing an old shack in the hills that he believed to be used by Native trappers. Beyond this distance the river is no longer a marshy valley and its depth begins to shallow out. Although he did not see any other boats, his son had spent more time on the river and seen propellered boats this far upstream each fall. Ron Hyde considered this river deep enough for easy navigation by BLM's smallest commercial boat. The real problem is not with the river, but to get across the shallow and muddy Chagvan Bay.

November 18, 1986.

James Akerelrea, a land planner with Calista Corporation (279-5516) came into the office to discuss the Kinegnak River. After he looked the area over on the map he said that he was not familiar with the area. He was familiar with the Quinhagak area just north of Group Survey 194. James could speak fluent Upic and offered to call Adolph Nicolai of Goodnews Bay. The call was not placed from my office because James had just had his tonsils out and couldn't speak well on the phone. James was from Scammon Bay. He suggested that a map of the rivers in this area be sent to Goodnews Village.

Oscur Snyder is a old Native from Platinum (979-8129) that was estimated to be over seventy years old. Snyder said that he was one of the only old timers that use to live at the old village site of Kinegnak. In those days he said that the Natives did not have outboard motors. All the travel was done by can or kayak. He remembered taking his canoe several miles upstream

from the old village and drift fishing for chum salmon. He said that this river was real deep in some places but also had some hard to get over places. Each fall he could remember the trappers who took their camp and supplies upriver for the winter by canoe. Sometimes the trappers would come back into town in December for the Christmas dance. These trappers would build igloos upriver to spend the winter and come back down river in the spring by canoe. There were also reindeer herders who use to travel upstream by canoe to reach their herds. These canoes were various sizes like the modern day canoe and provided the primary means of transportation. Snyder remembered the village of Kinagnak to be nearly empty each spring and fall. The Natives were upriver hunting and trapping with these canoes and it provided their primary means of travel.

November 19, 1986.

I phoned the Division of Fish and Wildlife Protection in Bethel (543-3494) and talked to George Dahl. Dahl worked at the old Platinum mine when he was a boy and he was familiar with the Goodnews Bay area. Dahl is also a trooper that does a lot of flying. Each summer he would land on the airstrip at the mouth of Wattamuse Creek to check on Clyde Huffman who operated the old Wattamuse Mine. Clyde use to be the old post master of Bethel and until his recent death last summer operated the old Wattamuse Mine. Clyde regularly relied upon his fifteen to eighteen-foot flat bottomed boat for transportation and the hauling of supplies and equipment each summer. Dahl knew that Huffman relied upon Slate Creek to reach Wattamuse Creek. Huffman use to park his jet boat just downstream from the old mining dredge in the mouth of Wattamuse Creek. From here Huffman use to load his supplies on his three or four wheelers for the last three fourths of a mile to his cabin on Wattamuse claim. Dahl said that Wattamuse Creek was full of boulders and shallow. He did not believe that BLM's smallest commercial boat could be taken up Wattamuse Creek very far. He was sure BLM's smallest craft could not reach Huffman's cabin which was another three fourths of a mile upstream. Last summer Dahl had also flown his son into the air strip on Slate Creek for him to float Dahl's raft downstream passing the mouth of Wattamuse Creek to reach Goodnews Village. Officer Dahl recommended that I also contact Ron Whittom (543-3350) who has a mining claim in this same area.

Ron Whittom (543-3350) lives in Bethel but has a mining claim on Fox Creek which is upstream from Wattamuse Creek on Slate Creek. Whittom use to work for the troopers, but quit his job to go into full scale mining on his Fox Creek claim. Whittom had spent a number of summers on Slate Creek and regularly flies his supercub airplane into the air strip at Wattamuse and Fox Creeks. He said that Slate Creek was thirty to forty feet wide

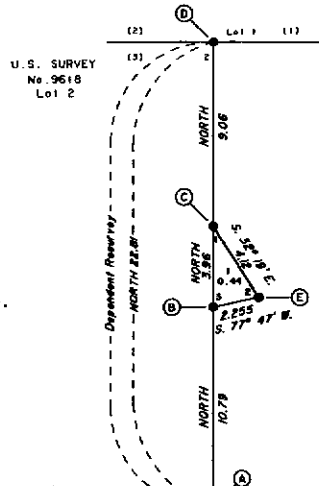
and two to three feet deep at low water. On a high water the creek would be five or six feet deep. Whitton said that high water comes within eight to ten hours after a heavy rain. These rains are very common for most of the summer and especially in the fall. He said it was no problem for BLM's smallest commercial craft to be taken upstream on Slate Creek to reach the airstrip across from Wattamuse Creek on an average summer flow. He knew that Huffman used BLM's smallest commercial craft and regularly traveled upstream for this distance. Whitton believed that BLM's smallest commercial boat and load could be taken upstream to Olympic Creek by propeller. Olympic Creek was only a short distance upstream from this airstrip on Slate Creek. Olympic Creek was very small and too shallow by itself. Beyond Olympic Creek, Slate Creek still has six and seven-foot deep pools of water, but there were too many shallow spots. Whitton said that Slate Creek did not begin its steep climb until after leaving Fox Creek. However, Whitton believed that the thousand pound load would limit BLM's smallest propelled craft to Olympic Creek. Whitton had also flown over the Kinegnak River and observed Native boaters upstream. He said it was a popular spot for duck hunting in the fall.

Ron Hyde Jr.. came into the office today to discuss the Kinegnak River. Ron is currently going to college in Anchorage to take welding and business courses. Since his father's recent stroke, Ron Hyde Jr.. will be expected to take over more of Alaska River Safari's guiding business on the Goodnews River system. Ron has guided sport fish clients in the Goodnews area for the last thirteen years. He has a house at Goodnews Bay Village and has been on the villages search and rescue team for the last four years. On June 6, 1986, Hyde Jr.. had administered mouth to mouth to Clyde Huffman, a miner on Wattamuse Creek, after his recent heart attack. Hyde Jr.. said that Alaska River Safari's main camp on the Goodnews River was just downstream from Isurik Creek, and he was going to follow Huffman upstream. Hyde Jr.. had taken his eighteen-foot propelled Lund upstream on the Goodnews River to the airstrip on Slate Creek across from the mouth of Wattamuse Creek many times over the years and believed that it was not a problem for BLM's smallest craft and load. Wattamuse Creek itself was full of huge boulders and was too shallow for BLM's boat. Huffman use to park his boat at the mouth of Wattamuse Creek and take his three wheelers the remaining three fourths of a mile upstream to his cabin. Hyde Jr.. also has a camp on the Kinegnak River in the fall. On this river he usually takes his eighteen-foot Lund with a sixty-five horsepower propelled outboard. He uses this bigger motor because he said that the wind can create some dangerous sea conditions near Red Mountain. He has seen thirty-foot boats capsize near Red Mountain and likes to have the extra power to get back to Goodnews Bay Village before a storm comes up. Several boats have been stranded in Chagvan Bay because of the

rough seas. Some of the Platinum residents keep a three wheeler near Chagvan Bay in case they get weathered in. Each fall, Hyde Jr.. said that the Natives of Platinum and Goodnews Bay come to Chagvan Bay and/or the Kinegnak River for fish, duck, goose, seals, and clams. Camps are always set up near both sides of the entrance to Chagvan Bay and near the mouth of the Kinegnak River. The Natives' travel up the Unaluk River to reach the lakes south of the river for duck hunting. They travel up the Kinegnak each fall for the trout, white fish, black fish, greyling and ducks. The larger thirty foot vessels anchor near the southern side of the entrance to Chagvan Bay. From here they use their smaller skiffs to reach the Kinegnak River. Julius Henry of Platinum usually travels with Hyde Jr.. to hunt, trap and fish on the Kinegnak. They had both taken BLM's smallest commercial craft up the Kinegnak by propeller. Hyde Jr.. also regularly takes this size boat upstream past Shaw Creek each summer. The reason the valley appears to be marshy is because of the large number of beaver dams have caused this area to flood. The trees have also been killed as a result of the beavers. Hyde Jr.. said that the Kinegnak River is used by the Native boaters in the fall on high water upstream into T. 14 S., R. 73 W., SM. However, he believed that the thousand pounds could only be comfortably taken upstream through Sec. 12, T. 15 S., R. 74 W., SM. He had easily been this far with a smaller motor on his eighteen foot Lund and knew the Natives to go this distance in their propellered boats each fall. The shallowest part of the Kinegnak River was in it lowest reaches because of the sediment and sand that has accumulated from flooding. The Natives also liked to hunt the seals near the mouth of the Kinegnak River. The large number of cut banks along this river create an easy three to eight feet of water for this distance. The holes are deep enough for the fish to hold up under these cut banks for the entire winter. Hyde Jr.. had also been over the Kinegnak River by snow machine many times. He said that the cliffs are over fifty feet straight down along the river where the boulders start to appear in the river. These boulders would create a problem for BLM's smallest propellered boat and load before reaching Fog and Wind Creek and especially where the hills converge with the river in T. 14 S., R. 73 W., SM. Hyde Jr.. was also very familiar with the Osviak River, and Warehouse Creek in T. 3 S., R. 74 W., SM.

David Rukke

Kinognak and Unaluk Rivers Interim Summary Report Attachment 8



MEANDERS Lot 2

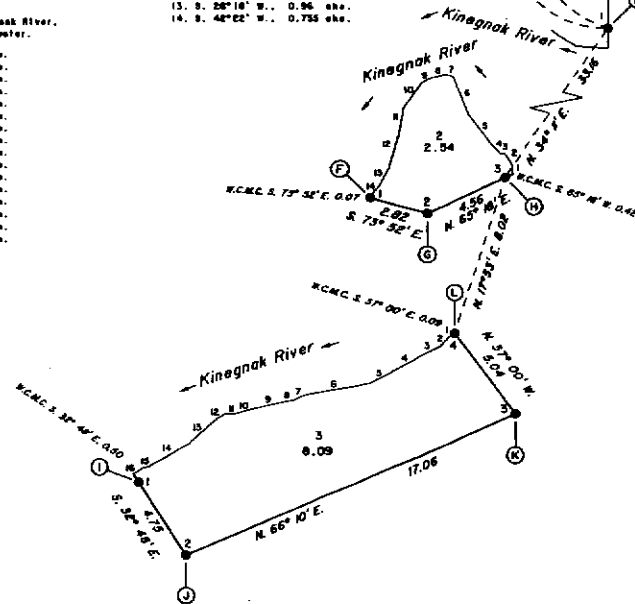
Along the left bank of the Kinognak River, of the line of ordinary high water.

1. N. 67°41' W., 0.54 chs.
2. N. 38°25' W., 0.65 chs.
3. S. 80°04' W., 0.17 chs.
4. N. 43°12' W., 0.65 chs.
5. N. 37°10' W., 1.91 chs.
6. N. 21°51' W., 1.99 chs.
7. N. 71°13' W., 0.38 chs.
8. S. 70°21' W., 0.79 chs.
9. S. 57°43' W., 0.49 chs.
10. S. 37°44' W., 1.42 chs.
11. S. 0°44' W., 1.29 chs.
12. S. 14°20' W., 1.79 chs.
13. S. 28°18' W., 0.96 chs.
14. S. 48°02' W., 0.755 chs.

MEANDERS Lot 3

Along the left bank of the Kinognak River, of the line of ordinary high water.

1. S. 38°21' W., 0.06 chs.
2. S. 41°57' W., 0.92 chs.
3. S. 43°19' W., 1.03 chs.
4. S. 50°47' W., 1.72 chs.
5. S. 43°36' W., 0.85 chs.
6. S. 70°25' W., 3.04 chs.
7. S. 66°50' W., 0.96 chs.
8. S. 77°17' W., 0.47 chs.
9. S. 70°50' W., 1.54 chs.
10. S. 74°29' W., 0.85 chs.
11. S. 80°50' W., 0.49 chs.
12. S. 80°04' W., 0.45 chs.
13. S. 47°55' W., 1.85 chs.
14. S. 60°09' W., 2.19 chs.
15. S. 77°01' W., 0.51 chs.
16. S. 38°41' W., 0.38 chs.



I, John A. Pax, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated February 2, 2006, I have executed the survey depicted on this plot 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.

MAY 13 2008 *John A. Pax*
Date Celestial Surveyor

**U.S. SURVEY
No. 13743, ALASKA
COMPRISING 3 LOTS**

This plot (in 2 sheets) contains the entire survey record. See sheet 2 for monumentation details.

U.S. Survey No. 9618, was surveyed under contract IA 1990.

This survey was executed using the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques; no lines were brushed or marked between corners.

This survey was executed by John A. Pax, Celestial Surveyor, June 29 through July 1, 2006 in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated February 2, 2006, approved February 9, 2006, and Assignment Instructions dated June 1, 2006.

Field assistants were:

John G. Hill, Land Surveyor
Michael R. Stephen, Land Surveyor
Jacob M. Erickson, Surveying Technician
Robert A. Goodwin, Surveying Technician
Melinda R. Willman, Surveying Technician

Area: 11.07 Acres.

The azimuth was obtained from the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques and refers to the true meridian.

Preliminary to the resurvey the lines of the original survey were retraced and a search was made for all corners and other colla of the record. The retracement data were thoroughly verified and only the true line data are given herein.

All surveyed lines and ties between corners are mean bearings.

The geographic position of corner No. 1, Lot 1, on line 1-2, lot 2, U.S. Survey No. 9618 as determined from the record plot of U.S. Survey No. 9618, is:

Latitude: 58° 49' 55.76" North MAG 27
Longitude: 161° 39' 30.90" West

The mean magnetic declination was obtained from U.S. Geological Survey quadrangle map "HAGENWEISTER ISLAND (D-5)" Alaska, 1954 edition.

This survey is situated on the banks of the Kinognak River, approximately 21 miles southwesterly of the village of Goodness Bay, Alaska, in Townships 15 and 16 South, Range 74 West, Seward Meridian, Alaska.

The land is mostly level with grassy tundra and willow vegetation. The soil is sand and clay.

Access to the survey was by helicopter.

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
John S. ... May 16, 2008
Deputy State Director for Celestial Survey, Alaska

ARJ

U.S. SURVEY
No. 13743, ALASKA
COMPRISING 3 LOTS



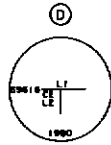
A Found a stainless steel post, 2 1/2 in. diam., firmly set, projecting 1 in. above the surface, with brass cap red. as shown.
The magnetic accessories were not searched for.



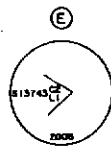
B Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 26 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 1/2 in. in the ground, 5 ft. N of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in open grassy tundra with scattered willow.



C Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 26 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 5 ft. N of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in open tundra with scattered brush to the south.



D Found an alum. rod, 5/8 in. diam., heavily cut, projecting 2 1/2 in. above the surface, bent over and nearly broken, with diam. cap red. as shown.
Found the original triangular marker alum. rod, 5/8 in. diam., projecting 2 1/2 in. above ground, 10 ft. W of corner, with a faded orange alum. triangular marker bolted on top.



E Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 26 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 1/2 in. in the ground, 5 ft. N of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in flat grassy tundra, with scattered willow.



F Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. E of witness cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in open flat, moorland, grass covered ground.



G Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. S of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in open, flat grassy ground.



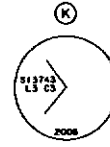
H Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. W of witness cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in open, flat grassy ground.



I Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. E of witness cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in flat marshy tundra, 60 ft. S of the left bank of the Klagnag River, 180 ft. wide, bears N. 45° E. The soil is sandy and sticky.



J Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. W of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in flat marshy tundra. The soil is sticky.



K Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. N of cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in flat marshy tundra. The soil is sticky.



L Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 27 in. in the ground, with brass cap red. as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 ft. E of witness cor.
Deposit a magnet in a white plastic case at the base of the stainless steel post.
Located in flat marshy tundra. The soil is sticky.

REFERENCE SHOULD BE MADE TO SHEET 1 FOR SURVEY INFORMATION

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.

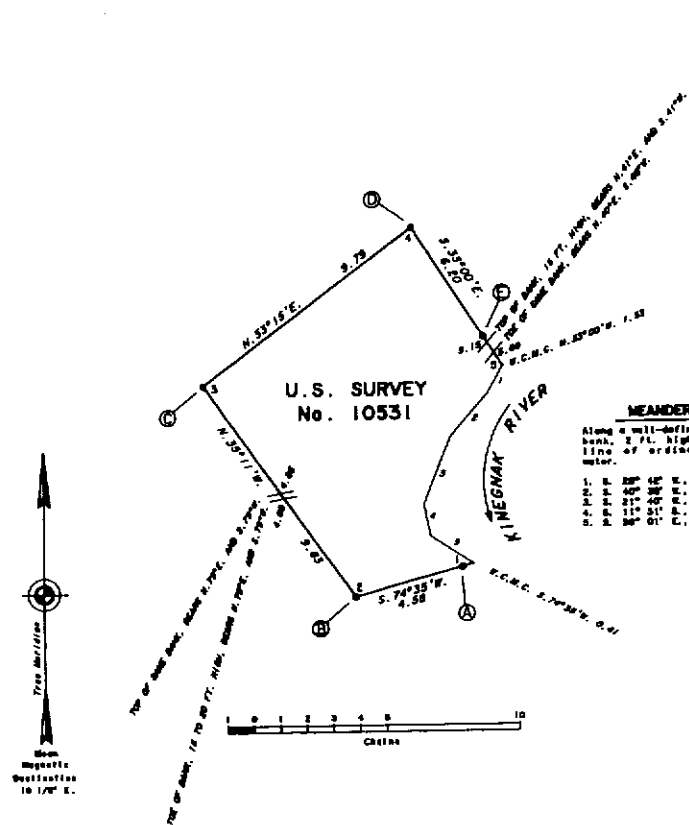
For the Director

John Brown *May 16, 2008*
Date

Deputy State Director for Cadastral Survey, Alaska

DATE OCTOBER 11, 1991

1001



- (A)** Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 23 in. in the ground, with brass cap abd. as shown, from which
A blue DEEP-1 magnet bears S. 27° W., 15 in. dist., 18 in. below ground.
An orange DEEP-1 magnet bears N. 64 2/3° W., 12 in. dist., 18 in. below ground.
Bury a clear DEEP-1 magnet beneath the witness cor.
- (B)** Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 23 in. in the ground, with brass cap abd. as shown, from which
A silver DEEP-1 magnet bears S. 18° E., 15 in. dist., 18 in. below ground.
A pink DEEP-1 magnet bears S. 82° E., 15 in. dist., 18 in. below ground.
Bury a clear DEEP-1 magnet beneath the cor.
- (C)** Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 23 in. in the ground, with brass cap abd. as shown, from which
A pink DEEP-1 magnet bears S. 57° E., 15 in. dist., 18 in. below ground.
A blue DEEP-1 magnet bears S. 41° E., 15 in. dist., 18 in. below ground.
Bury a clear DEEP-1 magnet beneath the cor.
- (D)** Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 23 in. in the ground, with brass cap abd. as shown, from which
A pink DEEP-1 magnet bears S. 71° E., 15 in. dist., 18 in. below ground.
A blue DEEP-1 magnet bears S. 38° W., 15 in. dist., 18 in. below ground.
Bury a clear DEEP-1 magnet beneath the cor.
- (E)** Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 23 in. in the ground, with brass cap abd. as shown, from which
A silver DEEP-1 magnet bears N. 23° E., 15 in. dist., 18 in. below ground.
An orange DEEP-1 magnet bears N. 72° W., 15 in. dist., 18 in. below ground.
Bury a clear DEEP-1 magnet beneath the witness cor.
Drive an elem. rod, 8.0 ft. long, 3/8 in. diam., 4.5 ft. in the ground to refusal, N. 35° E., 18 in. dist., with an orange triangular marker on the top.

U.S. SURVEY No. 10531, ALASKA

This plot contains the entire survey record.
The monumentation of the north boundary of Township 15 South, Range 74 West, Board Meridian, was established by Timothy A. Galt and Carl E. Linn, Cadastral Surveyors, in 1879 through 1901, under Special Instructions for Group No. 104, Alaska, dated September 22, 1878. The plot has not been accepted as of this date.

This survey was executed by Paul E. Fox, Registered Alaska Land Surveyor No. 15-2745, for LCDR Jamesbury, Joint Venture, June 18, 1988 through July 13, 1988, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1972, Special Instructions dated March 2, 1980, approved May 1, 1980, under Contract No. Y4861-CT9-348888 awarded September 28, 1988, and Order to Proceed dated May 24, 1989.

Field assistants were:
Edward F. Balle, Land Surveyor
Stanley C. Swain, Surveying Technician
Russell L. Whitfield, Surveying Technician
Area: 2.38 Acres.

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

The approximate geographic position of the witness corner to corner No. 1, a meander corner, as sealed from U.S. Geological Survey geodetic map "HAGEMEISTER ISLAND (D-5), Alaska, 1968 edition, is:

Latitude: 62°58.0' North (MAD 27)
Longitude: 151°28.0' West

The mean magnetic declination was taken from U.S. Geological Survey geodetic map "HAGEMEISTER ISLAND (D-5), Alaska, 1968 edition.

This survey is located on the right bank of the Kinognak River, approximately 1 1/2 miles southwesterly of the village of Platinum, Alaska.

The S.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.

The land is rolling tundra vegetated with native grasses and berry plants.

Perimeter line approximately 12 to 25 inches below the topsoil of silt and silty gravel.

Access was by helicopter.

**Kinognak and Unaluk Rivers
Interim Summary Report
Attachment 9**

I, PAUL E. FOX, Registered Alaska Land Surveyor No. 15-2745, HEREBY CERTIFY upon Oath that in performance of Special Instructions dated March 2, 1980, and under Contract No. Y4861-CT9-348888, awarded September 28, 1988, I have executed the survey depicted on this plot in strict conformity with said Special Instructions, the Manual of Instructions for the Survey of the Public Lands of the United States, 1972, and in the specific manner described on this plot.

September 31, 1991
Date

Paul E. Fox
Registered Land Surveyor



Acceptance of this survey does not purport to transfer any interest in subsurface lands to which the State of Alaska is entitled under the Equal Footing Doctrine and Section 2(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

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.

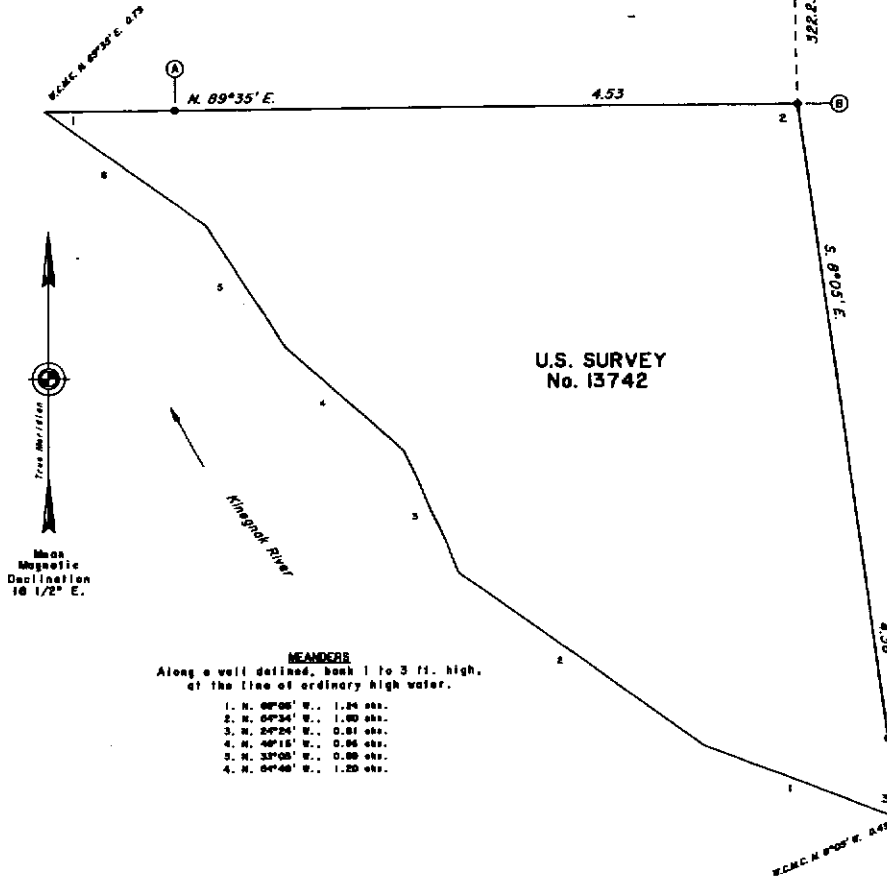
For the Director
Robert H. Anderson 26 SEPTEMBER 1991
Date

Deputy State Director for Cadastral Survey,
Alaska.

PROT: S20-16 T155 R74W 5M
HAGEMEISTER ISLAND D-5

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 10**

The corner of sections 2, 3, 34 and 35,
Townships 14 and 15 South, Range 74
West, Seward Meridian, Alaska



Mean Magnetic Declination
10 1/2° E.

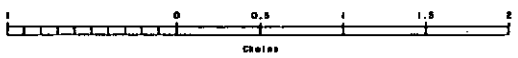
MEANDERS
Along a well defined bank 1 to 3 ft. high,
at the line of ordinary high water.

1. N. 00°06' W..	1.24 chs.
2. N. 04°34' W..	1.00 chs.
3. N. 24°24' W..	0.81 chs.
4. N. 40°15' W..	0.66 chs.
5. N. 33°00' W..	0.60 chs.
4. N. 04°40' W..	1.20 chs.

I, John A. Pax, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated February 1, 2006, I have executed the survey depicted on this plot 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.

December 3, 2007
Date

John A. Pax
Cadastral Surveyor



- (A)**
Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 25 in. in the ground, with brass cap and, as shown.
Drive a steel fence post, 5 ft. long, 2 1/2 in. in the ground, 10 in. N. of witness cor.
Deposit a magnet in a white plastic case of the base of the stainless steel post.
T158 R749
MC
613742
2008
- (B)**
Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 25 in. in the ground, with brass cap and, as shown.
Drive a steel fence post, 5 ft. long, 2 1/2 in. in the ground, 10 in. N. of cor.
Deposit a magnet in a white plastic case of the base of the stainless steel post.
T158 R749
MC
613742
2008
- (C)**
Set a stainless steel post, 28 in. long, 2 1/2 in. diam., 25 in. in the ground, with brass cap and, as shown.
Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 in. N. of witness cor.
Deposit a magnet in a white plastic case of the base of the stainless steel post.
T158 R749
MC
613742
2008
- (D)**
Found an iron rod, 5/8 in. diam., loosely set, projecting 5 ft. above ground, with iron cap, and, as shown.
The original triangular marker iron rod, 5/8 in. diam., broken off, projecting 12 in. above ground, 10 in. N. of corner, with a faded orange stain. Triangular marker buried on top. Reset broken piece of rod with iron triangle attached alongside original iron rod.
T148 R748
354 633
53 82
T158
1979
At the corner, build a mound of stone, 3 ft. base, to top of iron cap.

**U. S. SURVEY
No. 13742, ALASKA**

This plot contains the entire survey record.

The south boundary of Township 14 South, Range 74 West, Seward Meridian, Alaska, was surveyed in 1979 thru 1987, by Timothy A. Kent and Carl B. Lyon, Cadastral Surveyors.

This survey was executed using the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques; no lines were brushed or marked between corners.

This survey was executed by John A. Pax, Cadastral Surveyor, June 28 through June 30, 2006 in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated February 1, 2006, approved February 9, 2006, and Assignment Instructions dated June 1, 2006.

Field assistants were:
Nothen M. Price, Lead Surveyor
Robert A. Goodwin, Surveying Technician

Area: 1.13 Acres.

The azimuth was obtained from the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques and refers to the true meridian.

All surveyed lines and ties between corners are mean bearings.

The geographic position of corner No. 2, as determined from a tie to the corner of sections 2, 3, 34 and 35, Townships 14 and 15 South, Range 74 West, Seward Meridian, Alaska, using the Global Positioning System (G.P.S.), utilizing static relative positioning techniques, is:
Latitude: 58°51'19.11" North
Longitude: 161°34'56.25" West

The mean magnetic declination was obtained from U.S. Geological Survey quadrangle map Hegemester Island (D-5) Alaska, 1984 edition.

This survey is situated on the right bank of the Kinegnak River, approximately 13 1/2 miles southeasterly of Platinum, in Township 15 South, Range 74 West, Seward Meridian, Alaska.

The land is level with willow vegetation. The soil is wet clay.

Access to the survey was by helicopter.

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
John Samp 12/14/07
Date

Deputy State Director for Cadastral Survey, Alaska

Kinognak and Unaluk Rivers Interim Summary Report Attachment 11

Officially Filed

ORIGINAL

DATE JAN 31, 2008

U.S. SURVEY No. 13741, ALASKA

This plat contains the entire survey record.

The south boundary of Township 14 South, Range 74 West, Seward Meridian, Alaska, was surveyed in 1979 thru 1987, by Timothy A. Keel and Carl B. Lyon, Cadastral Surveyors.

This survey was executed using the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques; no lines were brushed or marked between corners.

This survey was executed by John A. Pax, Cadastral Surveyor, June 26 through June 30, 2006 in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated January 31, 2006 approved February 9, 2006 and Assignment Instructions dated June 1, 2006.

Field assistants were:

Michael R. Stephens, Lead Surveyor
Mark A. Erickson, Student Trainee (Lead Surveyor)
Robert A. Goodwin, Surveying Technician
Mellado R. Williams, Surveying Technician

Area: 1.18 Acres.

The azimuth was obtained from the Global Positioning System (G.P.S.) utilizing Real-Time Kinematic positioning techniques and refers to the true meridian.

All surveyed lines and ties between corners are mean bearings.

The geographic position of corner No. 3, as determined from a tie to the corner of sections 2, 3, 34 and 35, Townships 14 and 15 South, Range 74 West, Seward Meridian, Alaska, using the Global Positioning System (G.P.S.), utilizing static relative positioning techniques, is:

Latitude: 58°52'32.38" North

MAD 27

Longitude: 161°32'34.21" West

The mean magnetic declination was obtained from U.S. Geological Survey quadrangle map Hognomeister Island (D-5) Alaska, 1954 edition.

This survey is situated on the right bank of the Kinognak River, approximately 13 1/2 miles southeasterly of Pitmead, in the Township 15 South, Range 74 West, Seward Meridian, Alaska.

The land is local tundra and native grasses, with alder and willow.

Access to the survey was by helicopter.

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

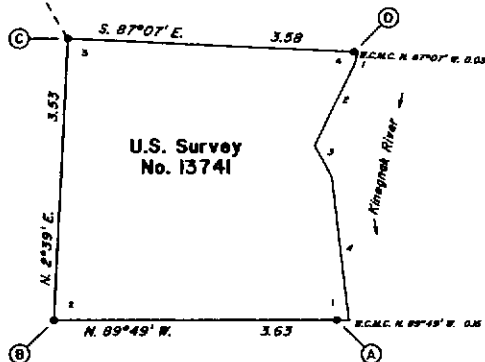
John Frank January 4, 2008

Deputy State Director for Cadastral Survey, Alaska

The corner of sections 2, 3, 34 and 35, Township 14 and 15 South, Range 74 West, Seward Meridian

MEMORANDUM
Along a well defined, best 1 to 3 ft. high, at the time of ordinary high water

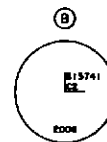
1. S. 14°56' W., 0.17 obs.
2. S. 23°14' W., 1.12 obs.
3. S. 23°15' E., 0.44 obs.
4. S. 6°57' E., 1.01 obs.



Set a stainless steel post, 20 in. long, 2 1/2 in. diam., 25 lbs. in the ground, with brass cap mid., on above.

Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 lbs. N. of corner.

Deposit a magnet in a white plastic case at base of stainless steel post.



Set a stainless steel post, 20 in. long, 2 1/2 in. diam., 25 lbs. in the ground, with brass cap mid., on above.

Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 lbs. N. of corner.

Deposit a magnet in a white plastic case at base of stainless steel post.



Set a stainless steel post, 20 in. long, 2 1/2 in. diam., 25 lbs. in the ground, with brass cap mid., on above.

Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 lbs. N. of corner.

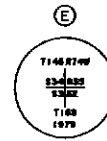
Deposit a magnet in a white plastic case at base of stainless steel post.



Set a stainless steel post, 20 in. long, 2 1/2 in. diam., 25 lbs. in the ground, with brass cap mid., on above.

Drive a steel fence post, 5 ft. long, 2 ft. in the ground, 10 lbs. N. of corner.

Deposit a magnet in a white plastic case at base of stainless steel post.



Found on stem, red, 3/8 in. diam., 3 1/2 ft. long, projecting 12 in. above ground, with brass cap mid., on above.

The original triangular marker stem, red, 3/8 in. diam., broken off, projecting 12 in. above ground, 10 lbs. W. of corner, with a faded orange stem. Triangular marker found on top. Small broken piece of red with faded stem, triangle attached alongside original stem, red.

At the corner, hold a mound of stone, 3 ft. diam., to top of stem, cap.



I, John A. Pax, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated January 31, 2006, I have executed the survey depicted on this plat 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.

DEC 26 2007 *John A. Pax*
Date Cadastral Surveyor

JMC

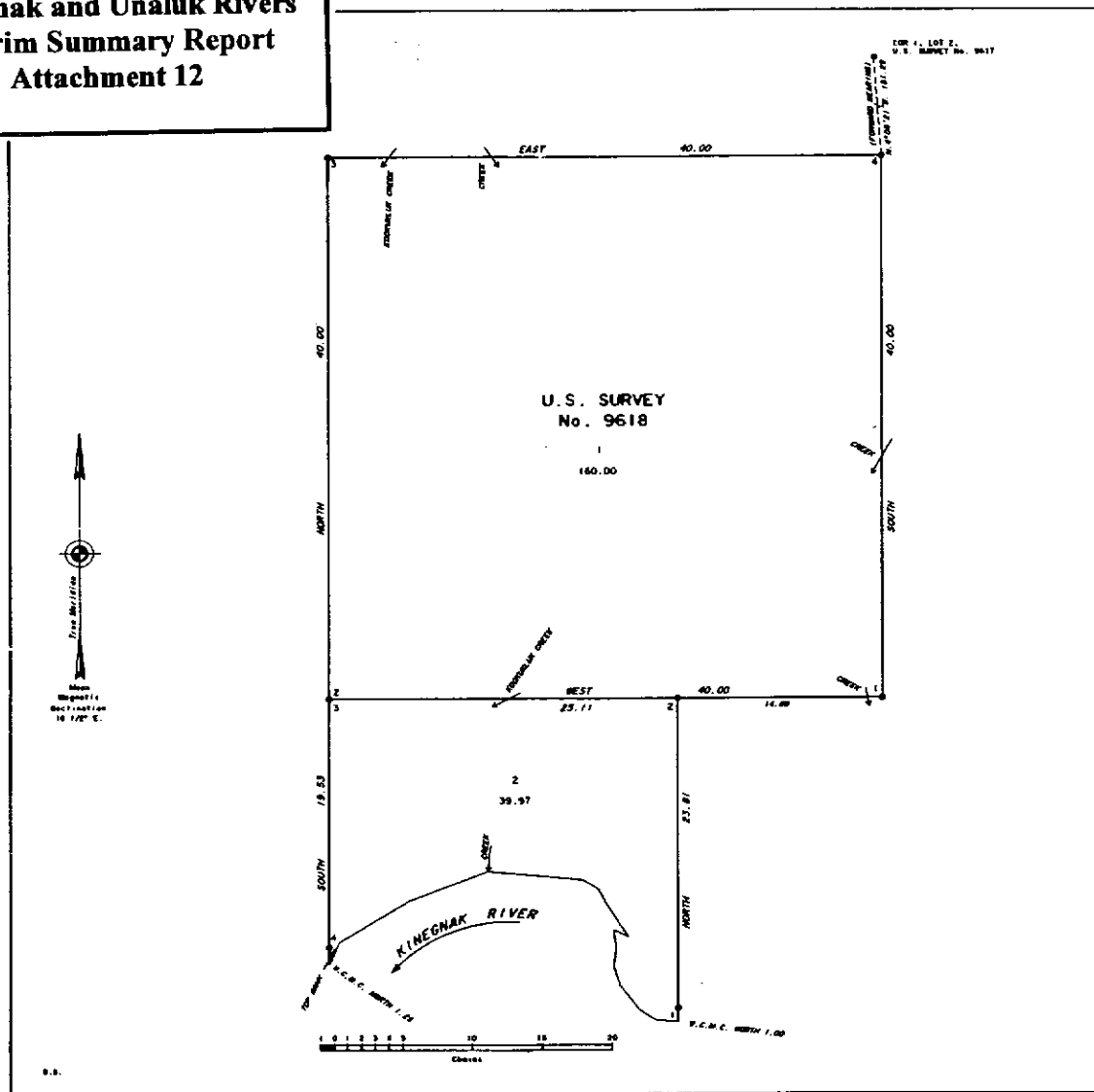
M.R.L.

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 12**

Officially Filed

ORIGINAL

DATE OCTOBER 24, 1991



**U.S. SURVEY
No. 9618, ALASKA**

COMPRISED OF 2 LOTS

SITUATED
ON BOTH SIDES OF KONGIALIK CREEK
AT ITS CONFLUENCE WITH THE KINEGNAK RIVER
APPROXIMATELY 13 MILES SOUTHEASTERNLY OF THE VILLAGE OF
PLATINUM, ALASKA

GEOGRAPHIC POSITION

OF

CORNER NO. 4, LOT 1,

IS:

LATITUDE: 58°50'27.86" NORTH

LONGITUDE: 161°20'12.23" WEST (MAD 27)

AREA: 160.97 ACRES

SURVEYED

BY

PAUL E. FOX

REGISTERED ALASKA LAND SURVEYOR NO. 18-3743

JULY 13 THROUGH AUGUST 8, 1980

UNDER SPECIAL INSTRUCTIONS

DATED OCTOBER 26, 1987

APPROVED MARCH 17, 1988

AND CONTRACT NO. YABSI-CYS-340285

AWARDED SEPTEMBER 26, 1989

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 4(c)
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 the survey, having
been correctly executed in accordance with
the requirements of law and the regulations
of this Bureau, is hereby accepted.

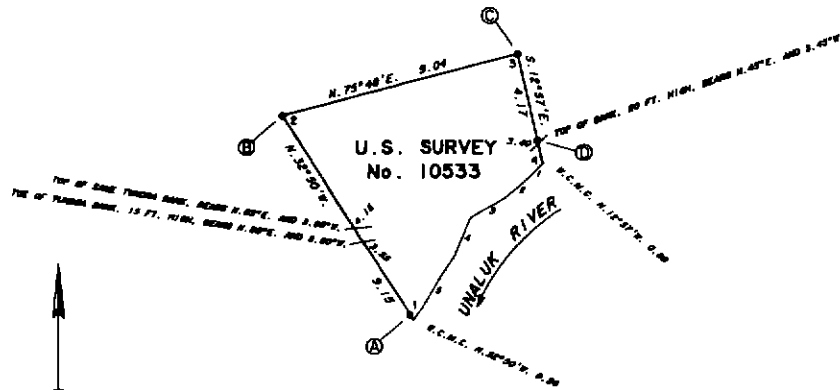
For the Director

David W. Wall Oct. 1, 1991
Deputy State Director for Cadastral Survey,
Alaska.

DATE OCTOBER 11, 1991

**Kinegnak and Unaluk Rivers
Interim Summary Report
Attachment 13**

**U.S. SURVEY
No. 10533, ALASKA**



MEANDERS

Along a well-defined
lodge pole, 20 ft. high,
at the line of ordinary
high water.

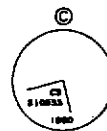
1. S. 48° 30' E., 8.74 chs. At end of course, begin
a grassy bank, 3 ft. high.
2. S. 46° 20' E., 1.13 chs.
3. S. 60° 00' E., 1.47 chs.
4. S. 21° 30' E., 1.58 chs.
5. S. 22° 27' E., 1.26 chs.



Set a stainless steel post, 20 in. long, 1/2 in. diam., 25 in. in the ground, with brass cap and on shown, from which
A blue DEEP-1 magnet bears S. 75° E., 15 in. dist., 10 in. below ground.
An orange DEEP-1 magnet bears S. 15° E., 10 in. dist., 10 in. below ground.
Bury a clear DEEP-1 magnet beneath the witness cor.



Set a stainless steel post, 20 in. long, 1/2 in. diam., 25 in. in the ground, with brass cap and on shown, from which
A blue DEEP-1 magnet bears S. 46° E., 15 in. dist., 10 in. below ground.
An orange DEEP-1 magnet bears S. 46° E., 15 in. dist., 10 in. below ground.
Bury a clear DEEP-1 magnet beneath the cor.



Set a stainless steel post, 20 in. long, 1/2 in. diam., 25 in. in the ground, with brass cap and on shown, from which
A blue DEEP-1 magnet bears S. 30° E., 15 in. dist., 10 in. below ground.
An orange DEEP-1 magnet bears S. 60° E., 10 in. dist., 10 in. below ground.
Bury a clear DEEP-1 magnet beneath the cor.



Set a stainless steel post, 20 in. long, 1/2 in. diam., 25 in. in the ground, with brass cap and on shown, from which
A blue DEEP-1 magnet bears S. 60° E., 15 in. dist., 10 in. below ground.
An orange DEEP-1 magnet bears S. 2° E., 10 in. dist., 10 in. below ground.
Bury a clear DEEP-1 magnet beneath the witness cor.

This plot contains the entire survey record.

This survey was executed by Paul E. Fox, Registered Alaska Land Surveyor No. LS-3746, for LCF/Aspenbury, Joint Venture, July 8, 1990, through July 6, 1990, in accordance with the specifications set forth in the Manual of Surveying Instructions, 1973, Special Instructions dated March 8, 1990, approved May 1, 1990, under Contract No. YAG31-C78-309023 awarded September 22, 1990, and Notice to Proceed dated May 24, 1990.

Field assistants were:

Edward F. Seltin, Land Surveyor
Douglas A. Pughon, Surveying Technician
Robert J. Farmer, Surveying Technician

Area: 4.94 Acres.

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

The approximate geographic position of the witness corner is corner No. 1, a monument corner, as sealed from U.S. Geological Survey quadrangle map "HAGEMEISTER ISLAND (D-5)", Alaska, 1964 edition, is:

Latitude: 59°51.2' North (1983 27)
Longitude: 157°25.6' West

The mean magnetic declination was taken from U.S. Geological Survey quadrangle map "HAGEMEISTER ISLAND (D-5)", Alaska, 1964 edition.

This survey is located on the right bank of the Unaluk River, approximately 16 miles southwesterly of the village of Pitmelem, Alaska.

The U.S.L.M. Location Tag was found. The position of this survey was determined by the Control Inspector from the description given in the Land Owner's report.

The land is rolling lands vegetated with native grasses and berry plants.

Permafrost lies approximately 8 to 12 inches below the topsoil of silt and silty gravel.

Access was by helicopter.

Receipts of this survey does not purport to transfer any interest in unpatented lands to which the State of Alaska is entitled under the Equal Funding Doctrine and Section 6(m) of the Alaska Statute Act, P.L. 95-226, notwithstanding the use, location, or absence of meander lines to depict water bodies.

UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
Fairbanks, 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

Robert A. Anderson 28 SEPTEMBER 1991
Date

Deputy State Director for Cadastral Survey,
Alaska.

I, PAUL E. FOX, Registered Alaska Land Surveyor No. LS-3746, HEREBY CERTIFY upon honor that in pursuance of Special Instructions dated March 8, 1990, and under Contract No. YAG31-C78-309023, awarded September 22, 1990, I have executed the survey depicted on this plot 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.

September 21, 1991
Date

Paul E. Fox
Registered Land Surveyor

