United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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TAKE PRIDE IN AMERICA

AA-085089 (1864)

AUG 8 2005

Memorandum

To: Chief, Branch of Lands and Realty (932)

From: Navigable Waters Specialist C. Michael Brown

Subject: Navigability of Wood River and Lake System in the Bristol Bay Region, Alaska

On July 18, 2003, the State of Alaska filed an application for a recordable disclaimer of interest for lands underlying rivers and lakes in the Wood River System. This system consists of six rivers and six lakes. The lakes, in downstream order, are: Kulik Lake, Mikchalk Lake, Lake Beverley, Lake Nerka, and Lake Aleknagik. The rivers connecting the lakes, in downstream order, are: Wind River, Peace River, Agulukpak River, Agulowak River, and Wood River. The State also applied for lands under Little Togiak Lake and its outlet—sometimes called the Little Togiak River—to Lake Nerka. (For the purpose of this report, all these water bodies are referred to as the Wood River System.) Finally, the State applied for lands underlying "all interconnecting sloughs" of the rivers. The subject water bodies are shown on two maps dated May 1, 2003 and entitled "Wood River and Lakes Recordable Disclaimer of Interest Application" which the State attached to its application.

In its application, as amended by letter dated June 8, 2005, the State claims to own the lands underlying the five rivers, one stream (Little Togiak Lake outlet), and six lakes in the Wood River System. The State's claim is based upon the Equal Footing Doctrine, the Submerged Lands Act of 1953, the Alaska Statehood Act, the Submerged Lands Act of 1988, and "any other legally cognizable reason." As evidence of its claim, the State submitted four Bureau of Land Management (BLM) memoranda: 1) a December 31, 1975, memo issued by an Easement and Navigability Task Force finding that Wood River, Agulowak River, Lake Aleknagik, and Lake Nerka are navigable; 2) a decision dated November 29, 1979, approving lands for conveyance to Aleknagik Natives, Limited, and Bristol Bay Native Corporation and stating that Wood River, Agulowak River, Lake Aleknagik, and Lake Nerka are navigable; 3) a memo dated November 25, 1983, stating that in 1963 the BLM had determined Lake Kulik, Lake Nerka, Lake Beverley (including its Silver Horn and Golden Horn), and Peace River to be navigable; and 4) a memo

dated December 12, 1983, stating that in 1963 the BLM had determined Lake Beverley, Lake Nerka, Little Togiak Lake and its outlet, Lake Nerka's Amakuk Arm, and Agulukpak River to be navigable.[1]

The purpose of this paper is to review the merits of the State's application. The BLM memos cited above contain little or no factual evidence that the rivers or lakes were used, or were susceptible to use, as highways of commerce at the time of statehood. The State's evidence also contains no reference to Lake Mikchalk and Wind River. Thus, this paper analyzes the status of uplands along the rivers and lakes, reviews BLM's past navigability determinations for the Wood River system and tributaries, and considers whether any new information changes or modifies BLM's navigability findings. The paper also discusses whether the State's application for lands underlying the subject water bodies meets the regulatory requirements (43 CFR Subpart 1864).

Background

The Wood River system is located in the Bristol Bay region of Southwest Alaska. This region contains some of the largest lakes in Alaska, most if not all of them important for salmon spawning. The Wood River system includes some of these lakes. The system consists of four large, clear water lakes, all connected by short streams. The waters of Lake Kulik, the uppermost body in the system, flows through a short river and lake system--Wind River, Mikchalk Lake, and Peace River--to Lake Beverley. The waters of Lake Beverley flow down the Agulukpak River to Lake Nerka, thence down the Agulowak River to Lake Aleknagik, and finally down Wood River into the Nushagak River, which in turn empties into Nushagak Bay.

In 1967 James W. VanStone, the leading historian of the Nushagak River area, wrote, "it is true that except for the broad outlines, the Nushagak area was almost unknown to the Russians at the time of the sale of Alaska to the United States in 1867, and it was to remain unknown to its new American owners until almost the turn of the century."[2] Most historians would still agree with VanStone's statement.

Until 1867, the Russian-American Company monopolized the fur trade in Alaska. Deciding to expand its operations from its base at Sitka, the company sent experienced military officers and other men northward to explore potentially rich fur regions and to establish trading posts. In 1818 Fedor Kolmakov and his men constructed the Alexandrovski redoubt at the mouth of the Nushagak River. The Russian traders learned much about the geography of the Nushagak River area from the Eskimos living along the river and its tributaries who came to trade their furs for European goods. They also conducted exploring expeditions into the surrounding country and documented their observations. Unfortunately, most of these records are not available. However, in his 1852 atlas of the northwest coast of Alaska, Tebenkov included an 1849 chart of Bristol Bay. The chart shows the Nushagak River as well as Wood River and its chain of lakes.[3]

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[1] Tom Irwin to Henri Bisson, BLM, July 18, 2003 and June 8, 2005, file AA-085089 (1864), Alaska State Office, BLM records, Anchorage. Robert M. Loeffler, Director, Division of Mining, Land & Water, signed the letter.
[2] VanStone 1967, 13.
[3] *Ibid.*

After the Purchase of Alaska, the Alaska Commercial Company of San Francisco took over many of the former Russian trading posts, including the one at Nushagak [Alexandrovski redoubt]. Few other Americans moved into the area. The federal government's presence in the Nushagak River area was also negligible. The U.S. Revenue Cutter Service conducted annual patrols in the Bering Sea, and, during the 1880's, the U.S. Army Signal Service operated a meteorological station at Nushagak.[4] Not until salmon canneries were constructed in the area did the area's white population increase.

In the 1880's, the American salmon canning industry discovered the huge salmon runs in Nushagak Bay, sparking a boom in cannery construction in the area. Several canneries were built in Nushagak Bay. By 1901 a cannery was constructed near the mouth of the Wood River. Each summer the industry imported hundreds of workers from the west coast of the continental states to work in the canneries. Local Natives were also hired to work in the canneries. As VanStone wrote, "This remarkable industry, one of the most significant commercial innovations in Alaska's history, has, from its inception, brought about significant and far-reaching changes in the area."[5] The decline of Eskimo villages along the interior waterways was among these changes.

Each spring during the first half of the twentieth century, U.S. Bureau of Fisheries officials returned to Nushagak Bay to enforce the fishing laws. They also occasionally undertook exploring expeditions in the region, including the Wood River system, by boat, snowshoe, and airplane. Their purpose was to monitor salmon escapements, locate salmon spawning grounds, and to destroy such predators of salmon fry as Dolly Varden trout and birds. Their reports on these investigations are important contributions to our knowledge of the geography and history of the area.

In 1938 the U.S. Geological Survey (USGS) made a significant contribution to geographical knowledge when it published its first topographic map of the Nushagak District, including the Nushagak River, the Tikchik Lakes, and the Wood River Lakes. The USGS's map was the product of several years of geological and topographical surveys. Although they relied upon airplanes to transport them from Seattle to Dillingham by way of Anchorage, the government explorers also used boats to explore and map the Wood River Lakes.

Showing such cultural features as communities, cabins, and trails, the USGS's map is a snapshot of conditions then extant in the Wood River Lakes area. Aleknagik, the only community in the system, is shown at its present location on Lake Aleknagik. Cabins and fish camps are shown scattered along Lake Aleknagik and Lake Nerka, and trails link these two lakes. There are no such cultural features shown on Lake Beverley, the Peace River system, or Lake Kulik, an indication of the remoteness of these water bodies. The USGS rarely denoted river conditions on its Alaska maps, but in this instance its topographer noted rapids in the Wind, Agulukpak, and Agulowak Rivers. Although they took soundings and quickly determined that the lakes were among the deepest in the United States, the USGS field crew did not report lake depths on the map.[6]

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[4] *Ibid.*, 14.
[5] *Ibid.*, 63. See also Moser, 201-205, for an account of the early history of Nushagak Bay canneries.
[6] Plate I, "Topographic Map of Nushagak District, Alaska," 1938, scale 1:250,000, in Mertie 1938.

In 1952 and 1954 the USGS published new topographic maps of the Nushagak Bay area. These maps are not much different than the 1938 map. New developments are confined mostly along Wood River and Lake Aleknagik. The development of a new industry, that is, the commercial sport fishing industry, in the area appears on new editions of the maps published in the late 1970's and early 1980's. The revised maps show the location of several fishing lodges and "seaplane landing areas" on Lake Nerka and Mikchalk Lake.

Since statehood the number of commercial sport fishing lodges in the Wood River system has risen. There were two before statehood; now, there are five. They are located along Mikchalk Lake, Lake Beverley, Upper Nerka Lake, Lake Aleknagik, and Wood River. In 1974 the lodges charged a client an average of $150 a day.[7] For the year 2005, the lodges generally advertise a charge of $500 per day for an all inclusive week-long stay. Each lodge has facilities for approximately six clients. Clients are usually transported by floatplane or Grumman Goose from Dillingham to the lodges. From the lodges they may charter flights or take small boats (Lunds, Jon boats) from the lodges to popular fishing spots.[8]

Also since statehood, land tenure in the Wood River system has changed significantly. Before, with the exception of a few small, isolated parcels, the BLM managed all land in the system. Today, much of the land is in the Wood-Tikchik State Park. In the 1950's, federal and territorial officials recognized the area's scenic beauty, remoteness, sparse population, and sport fishing opportunities, as worthy of park status. In the early 1960's, the new State of Alaska selected lands throughout the system. The state still holds title to most uplands along the rivers and lakes.

Most lands along Wood River and Lake Aleknagik were conveyed out of federal ownership under the Alaska Native Claims Settlement Act, the Alaska Statehood Act, and the Native Allotment Act. Since the late 1970's and early 1980's, the Native corporations have been the principal landowners in this area. The village corporations of Aleknagik and Dillingham own the surface estate. The regional corporation, Bristol Bay Native Corporation, holds title to the subsurface estate.

In addition to a few small tracts conveyed to lodge operators, numerous Native allotments are scattered along the Wood River system, most of them clustered along Lake Aleknagik and the Dillingham-Aleknagik road. The BLM has issued certificates for the vast majority of the allotments.

In conveying lands to the State and Native corporations, the BLM issued determinations of navigability. In 1963 the BLM issued five decisions granting tentative approval for the conveyances of lands in the Wood River system to the State of Alaska. In the decisions the BLM identified the following as navigable: Lake Kulik, Mikchalk Lake, Peace River, Lake Beverly, Agulukpak River, Lake Nerka, and Little Togiak Lake. No mention was made of Wind River or the outlet of Little Togiak Lake. The decisions were not appealed.[9]

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[7] State of Alaska, Division of Parks 1974, 29.

[8] Most lodges have websites: http://www.woodriver lodge.com; http://www.fishingbear.com; http://www.bearclawlodge.com; and http://bristolbaylodge.com. See http://www.tikchiklodge.com for an account about Bob and Gayle Curtis, owners of the Wood River Lodge until 1969.

[9] Alfred P. Steger, Decision, September 3, 1963, file A-054312; Alfred P. Steger, Decision, September 6, 1963, file A-054562; Warner T. May, Decision, September 23, 1963, file A-054596; Alfred P. Steger, Decision, October 22, 1963, file A-054601; Al J. Holley, Decision, December 5, 1963, file A-054607, State selection files, Alaska State Office,

Prior to conveying lands to the Native corporations, the BLM determined that Wood River, Lake Aleknagik, Agulowak River, and Lower Lake Nerka were navigable. In 1979 these determinations were included in a decision to convey lands to the corporations. This decision also contained a notice of the right to appeal. The decision was not appealed. In 1979 and 1980 the BLM issued Interim Conveyances incorporating BLM's navigability determinations. Lands underlying the navigable waterways were excluded from the conveyances by the name of the river and lake.[10]

Lake Aleknagik and Wood River[11]

Land Status

Most lands abutting Wood River are owned by Native corporations, the State of Alaska, or Native allottees. Aleknagik Natives, Ltd., and Choggiung Limited (Dillingham) are the principal private landowners. (Bristol Bay Native Corporation is the principal owner of the subsurface estate.) In 1979 the BLM determined that Wood River was navigable in its entirety and included the determination in a decision to convey (DIC) lands to Aleknagik Natives, Limited, and the Bristol Bay Native Corporation (BBNC). This DIC also contained a notice of the right to appeal. The decision was not appealed. Subsequently, the BLM issued Interim Conveyance Nos. 286 and 287, conveying lands in Sections 31 and 32, T. 10 S., R. 55 W., SM, to the corporations. In 1979 Choggiung Limited and BBNC received title to riparian lands in Sections 3, 4, 10, and 11, T. 13 S., R. 55 W., SM, through Interim Conveyance Nos. 233 and 234; and in 1980, in Sections 4, 5, 8-10, 16, 21, and 33, T. 11 S., R. 55 W., SM, through Interim Conveyance Nos. 335 and 336. Lands underlying the river were excluded from the conveyances by the name of the river.[12]

The State of Alaska is also a major landowner along Wood River. On September 27, 1982 the BLM issued a tentative approval (TA) for the conveyance of the riparian lands in Secs. 22, 28, and 34, T. 11 S., R. 55 W., SM, and in Secs. 3, 4, 10, 14-16, 22, 23, 25-27, 35, and 36, T. 12 S., R. 55 W., SM. Prior to these conveyances, the BLM issued decisions incorporating a navigability determination that the Wood River was navigable. The decisions were not appealed.[13]

BLM [hereafter BLM records]. See also Donald T. Griffith, State Selection Report, December 7, 1962; George R. Schmidt to Land Office Manager, Anchorage, August 29, 1963, in file AA-085089 (1864), BLM records.

[10] Sue A. Wolf, Decision, November 26, 1979, file AA-006648-A, part I; Interim Conveyances 286 and 287, February 18, 1980, file AA-006648-A, part II, ANCSA selection files, BLM records. See also Curtis V. McVee to Chief, Division of ANCSA Operations, October 3, 1979, regarding "Final Easements for the Village of Aleknagik," file AA-6648-EE, part III, Alaska Native Claims Settlement Act (ANCSA) files, BLM records. State Director to Chief, Division of ANCSA Operations, April 3, 1980, and Interim Conveyance Nos. 335 and 336, June 17, 1980, file AA-6659-A, ANCSA files, BLM records.

[11] See USGS Dillingham A-7 and B-7 quadrangles.

[12] Sue A. Wolf, Decision, November 26, 1979, file AA-006648-A, part I; Interim Conveyances 286 and 287, February 18, 1980, file AA-006648-A, part II, ANCSA selection files, BLM records. See also Curtis V. McVee to Chief, Division of ANCSA Operations, October 3, 1979, regarding "Final Easements for the Village of Aleknagik," file AA-6648-EE, part III, Alaska Native Claims Settlement Act (ANCSA) files, BLM records.

[13] Jules V. Tileston, Chief, Division of Resources, to State Director, June 25, 1981, files A-054330 and A-054334, State selection files, BLM records. Fred E. Wolf, State Director, approved the determination on June 25, 1981.

Native allottees are the remaining principal riparian landowners along Wood River. The BLM has issued certificates for all but two Native allotment applications along the river. One application (A-056498-B) is for lands on the left bank of the river in Sec. 32, T. 10 S., R. 55 W., SM; the other (AA-83236), for lands on the left bank of the river but in Sec. 15, T. 11 S., R. 55 W., SM.

Aleknagik Natives, Limited, Bristol Bay Native Corporation, State of Alaska, and Native allottees are also the principal riparian landowners along Lake Aleknagik. The Native corporations own most of the riparian lands. In 1979 the BLM determined that the lake was navigable and included the determination in a decision to convey (DIC) lands to the corporations. This DIC also contained a notice of the right to appeal. The decision was not appealed. In 1980 the BLM issued Interim Conveyance Nos. 286 and 287. Lands underlying the lake in T. 10 S., R. 55 W.; Tps. 9 and 10 S., R. 56 W.; Tps. 8-10 S., R. 57 W.; and T. 9 S., R. 58 W., SM, were excluded from the conveyances by the name of the lake.[14]

The State of Alaska owns riparian lands in Tps. 8 and 9 S., R. 57 W., SM, and T. 9 S. R. 58 W., SM. In 1980 the BLM determined that Lake Aleknagik in Tps. 8 and 9 S., R. 57 W., SM, was navigable. The following year, the lake in T. 9 S., R. 58 W., SM, was also determined to be navigable. These determinations were included in appealable decisions to tentatively approve conveyances to the State. The decisions were not appealed.[15]

Only one Native allotment application for lands along Lake Aleknagik remains to be adjudicated. The application (AA-7285-B) is for lot 3 of U.S. Survey No. 9302, located on the northernmost section of Lake Aleknagik.[16]

Physical Characteristics

Lake Aleknagik (elevation 37'), the first in the Wood River system, is the only lake with a community (Aleknagik) located along its shores. The lake is approximately 20 miles long and 3 miles wide, or 34 square miles in area. Containing numerous islands, the lake is up to 330 feet deep. Besides the Agulowak River, the principal stream emptying into the lake is Sunshine Creek at its northwest end.[17]

From the southeast end of Lake Aleknagik, Wood River, the longest river in the Wood River system, flows approximately 19 miles southeasterly to the Nushagak River.[18] The Bering Sea

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[14] Sue A. Wolf, Decision, November 26, 1979, file AA-006648-A, part I; Interim Conveyances 286 and 287, February 18, 1980, file AA-006648-A, part II, ANCSA selection files, BLM records. See also Curtis V. McVee to Chief, Division of ANCSA Operations, October 3, 1979, regarding "Final Easements for the Village of Aleknagik," file AA-6648-EE, part III, Alaska Native Claims Settlement Act (ANCSA) files, BLM records.

[15] Chief, Division of Resources, to State Director, March 6, 1980, files A-054609 and A-054613, and Jules V. Tileston, Chief, Division of Resources, to State Director, June 25, 1981, file A-054615, State selections files, BLM records. Curtis V. McVee, State Director, approved the determinations on March 7, 1980 and June 25, 1981, respectively.

[16] An ANCSA selection (AA-6648-G) is also filed on the land.

[17] See USGS Dillingham B-7 and B-8 and Goodnews Bay B-1 quadrangles.

[18] The first known chart of Wood River is " Sketch of Aleknagik (Wood River), Lieut. Hugh Rodman, US Navy in 1900," Scale 1"=1 nautical mile, General Records--Stream Markers, Western Alaska, 1920-25, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, Box 43, FWS records, RG 22, NA. The map shows the location of a cannery and villages along the river, cannery, as well as shoals and islands. See also Plate XI, "Running Sketch of

tides extend well up Wood River. The extent of tidal influence has not been determined, however. Jefferson Moser of the U.S. Fish Commission, wrote, "Fifteen miles from the mouth there is a rise of tide, on the springs, of about 12 feet, at which point it is either slack or ebb current for about nine hours on each full tide, and at the lake entrance it rises about 1½ feet, but, from the size of the lake, there can be no material change in its water level due to tidal influence." John B. Mertie, Jr., of the U.S. Geological Survey (USGS), who described the river five or six miles below Lake Aleknagik as "a muddy stream," reported that high tides may cause water levels in the lower part of Lake Aleknagik to rise as much as eight inches. In effect, the tides reverse the river's current, thereby increasing water levels upstream by several feet. A fisheries agent claimed that "at high tide about 4 feet of water could be carried right into the lake." Another agent, discussing the problems attendant to the installation of a weir at the lake outlet, noted that "the tide floods into the lake once nearly each day . . . ." However, James VanStone, who was well aware of Mertie's remarks, observed that "the effects of the tide are rarely noticeable much beyond the mouth of the Muklung River."[19] Recently, Rhonda Reynolds of the BLM determined, after analyzing color infrared photography (scale 1:63,360), that the river is tidally influenced about 13 miles inland from the Nushagak River (or to left bank creek emptying into the river in Sec. 21, T. 11 S., R. 55 W., SM). This is approximately 4 miles above the mouth of the Muklung River.[20]

Wood River is confined mostly to one wide channel between high, wooded banks in its upper reaches and low, muddy banks in its lower reaches. The river is nearly 400 feet wide at its head and approximately a mile wide where it empties into the Nushagak. In 1906, after making two trips up the river to the lake in a launch, Cobb described river as follows: "Its width at the mouth is about three-fourths of a mile, and thence it varies from 200 to 600 yards for about 15 miles. From here it narrows very much until at the lake entrance it has a width of about 50 yards."[21] Above its principal tributary, Mukling River (Mile 10), the river is "clearer and shallower"; below, it is "a muddy yellowish gray."[22] Sand bars and islands, one of which named Sheep Island, are located in the lower reaches.

Stream depths vary according to streamflows, stage of tide, and location. The U.S. Army Corps of Engineers estimated a controlling depth of 2½ feet at low water.[23] Fisheries scientists reported a range of depths of 4 to 18 feet in the uppermost 2 miles of the river. Its flow on July 8, 1969 was

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Wood River and Lake Bristol Bay [Lake Aleknagik], Alaska, By Lieut. Hugh Rodman, U.S. Navy, U.S.F.C.S. *Albatross*, Comd. Jeff'n. F. Moser, U.S.N. Comd'g, July 1900," in Moser 1902, facing page 200.

[19] Moser, 199; Mertie, 10, 24; John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, and Fred R. Lucas, Warden, Seattle, "Annual Report: Bristol Bay District, Season of 1932," Feb. 20, 1933, Annual Reports, 1930-31, CCF, Box 162, Entry 112, FWS records, RG 22, NA; and VanStone, 1967, xvi.

[20] Personal communication, Rhonda L. Reynolds, Cartographer, BLM, Alaska State Office, May 4, 2005. The analysis was made on the basis of the following aerial photos: CIR 60, roll 3110, frame 226, August 1982 and CIR 60, roll 3271, frame 5606, August 1983, in the BLM's Branch of GIS and Mapping (971).

[21] John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, FWS records, RG 22, NA.

[22] Pahlke, 1980, 33.

[23] The U.S. Army Corps of Engineers has determined Wood River and Lake Aleknagik to be navigable. In a 1957 report to Congress, the Corps stated that the river has "a controlling depth of 2½ feet at low water. The lake is navigable throughout its entire length." See U.S., Congress, House of Representatives, *Southwestern Alaska*, 49.

5,048 cubic feet per second (cfs).[24] Tom Hawkins, a former land planner at Dillingham, claimed that stream depths could range from 3 to 15 feet.

The USGS has monitored streamflows at the Lake Aleknagik outlet since September 1957. After the breakup of the river and lake ice, water levels rise to a "momentary maximum" in mid June and then decline. The river rarely overflows its banks, but there are times when a combination of high winds and a high tide cause the river to jump its banks.[25]

The Nushagak and Wood Rivers are frozen from November to May. The rivers usually break up in early May, and are open to navigation by mid May.[26] There are records of the river breaking up as early as April. In 1915, for example, the river was free of ice on April 9, then regarded as the record.[27]

The breakup on Lake Aleknagik occurs later than on Wood River. Sometimes the lake is not ice-free until mid June.[28] Like most of the principal Wood River lakes, Lake Aleknagik is usually ice-free from early June to late October. It is the first of the lakes to breakup, the others following successively within a two-week period.[29]

Evidence of Use

Few records exist of the Russians or early Americans exploring Wood River and Lake Aleknagik, much less the entire Wood River system. Only two exploring expeditions are recorded. In the late summer of 1829, Vasiliev at Alexandrovsk Redoubt ascended Wood River to Lake Aleknagik and Lake Nerka. In 1902 an Eskimo man at Nushagak recalled that Charles L. McKay, a U.S. Signal Corps official stationed at Nushagak from 1881 to 1883, ascended Wood River to Lake Aleknagik. A record of McKay's journey has not been found.[30]

VanStone also wrote that, in the late nineteenth century, the Wood River system may have been a trade route for Togiak Eskimos. According to his source, identified in his book as a man from New Koliganek (a small village along the Nushagak River), Tikchik Eskimos used to descend the Nushagak River in large skin boats shortly after the breakup of the river ice. After a season of fishing and trading, they would obtain small kayaks and with these travel as a group up the Wood River and lakes to their village. This route required only "one extensive portage from the

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[24] Marriott 1964, 5.
[25] Tom Hawkins to Al Pack, July 29, 1975, file AA-6659-B/2, ANCSA files, BLM records; and Grumman Ecosystem Corporation, vol. 2, pp 11.3, 11.9; and 11.24. See table 11.22, "Dates of Ice Breakup at Lake Aleknagik, 1951-1969," in Grumman Ecosystem Corporation, vol. 2, p. 11.30.
[26] "The Nushagak River also breaks up in the first or second week in May and freezes anywhere from the first to the third week in November." Mertie, 29. See also Pahlke, 33; U.S., U.S., National Park Service, "Investigation Report," 11.
[27] "Report of Harry J. Christoffers, Assistant Salmon Agent, for Season 1915," Reports and Related Records—All Alaska Miscellaneous Fisheries Reports, 1912-16, Division of Fisheries, Bureau of Fisheries, Entry 91, Items 333-348, FWS records, RG 22, NA.
[28] Pahlke, 33; U.S., U.S., National Park Service, "Investigation Report," 11.
[29] Grumman Ecosystems Corporation, vol. 2, p. 11.24. According to Burgner, Lake Nerka may breakup on the same day as Lake Aleknagik, though the latter is usually the first to break. Burgner 1958, 94. See Table 6 in Rogers and Rogers July 1998, for a list of dates, 1949 to 1998, of ice breakup in Lake Aleknagik.
[30] VanStone 1967, 4-13 and 14.

Wood River Lakes system to the Tikchik Lakes." VanStone did not report if his source stated how often this was done.[31]

There is also indirect evidence in the available records of early twentieth century Eskimos traveling to villages and fish camps along the banks of Wood River and Lake Aleknagik and in particular to a fish camp at the mouth of the Agulowak River. As was the case for other villages in the Nushagak River area, disease and the availability of wage labor at the canneries probably led to the decline and eventual abandonment of these villages and camps. Exploring the banks of the Wood River during the summer of 1964, VanStone located ten village sites. He ascertained the date of three sites, and from census records estimated the population of two sites. He concluded, "there was no sizable population along the river until the period between 1859 and 1880. At that time Aleknagik (Wood River Village), Vuktuli, Imiak, and perhaps one other were inhabited and we estimate a population for the river of perhaps 200 but probably not much more." After the construction of a cannery near the mouth of the Wood River, a village called Wood River near the cannery grew to a year-round population of about 100 residents during the first two decades of the twentieth century.[32]

The early records of the U.S. Bureau of Fisheries in Alaska also refer to Native villages and fish camps along Lake Aleknagik. Each spring beginning in the early 1900's, Bureau agents traveled to the lake in launches and scows where they prepared for the work of counting the salmon runs and identifying salmon spawning beds. In the course of their travels, they frequently observed former village sites and learned from local Natives of others in the system. In 1906, for example, John Cobb noted the existence of a small village "on the small lagoon at the foot of the lake" and "an Indian village" at the mouth of the Agulowak River.[33] Deserted when he first saw it, the village was occupied by "one Indian family" when he returned two weeks later. The Natives were then spearing red salmon. Possibly from these Natives, Cobb learned that the village had been abandoned "several years ago" after an "epidemic somewhat resembling grip." Besides the villages, Cobb also saw salmon drying racks at several places, leading him to conclude that the Eskimos often fished at Lake Aleknagik.[34]

By the early 1910's, the village at the foot of Lake Aleknagik was also in decline. Fisheries agent F. M. Chamberlain in 1913 reported that only a few families remained at the village.[35] A few years later, the village was abandoned. In 1918 Shirley A. Baker, a fisheries agent, recorded the death of Ozaak, an octogenarian Eskimo who had lived in an igloo each summer near the head of Wood River. "He was the only human resident of the wilderness region of the Aleknagik chain of lakes," Baker claimed. To Baker, the man's death marked the end of an era.

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[31] *Ibid.*, 128.
[32] *Ibid.*, 117.
[33] This may have been the village called Ablengik which a BLM employee referred to in a 1980 report. However, he indicated that the village site was located on a Native allotment at the southerly mouth of the Agulowak River. The current Master Title Plats do not show a Native allotment here. See Mac Wheeler, "Navigability Report—Dillingham Quadrangle FY 80," February 27, 1980, file A-054609, State selection files, BLM records.
[34] John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, FWS records, RG 22, NA.
[35] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pages 34 and 43 of report.

"While the shores of this chain of lakes abound with ruined sites of old Eskimo villages, the natives have all died or migrated and no one living knows even the dates at which the villages flourished and the time or cause of their abandonment. Ozaak was born in one of these old, decaying Aleknagik villages, and made the lake region his home during his long life, incidentally having the distinction of being the last scion of his people to exist at the old home tree of the lakes."[36]

A year later, Baker returned to the foot of Aleknagik Lake and, much to his horror, found the bodies of an Eskimo family, victims of the Spanish influenza epidemic. As he described the scene:

> A mile from the rack was an Eskimo igloo, where it was known that an Eskimo family of seven persons had passed the winter. Observing no sign of life about the place, I visited the spot on the day of arrival at the lake, and found the entire family dead and their bodies, badly decomposed, lying in the structure. A pack of Eskimo dogs that had reverted to wolf-like characteristics, and which had terribly mutilated the bodies in feeding upon them, prowled about in a threatening and dangerous mood. These were later shot. I then returned to the Scandinavian cannery, and, getting a plentiful supply of oil, started back with Mr. Noyes and an assistant in a row boat. Just before reaching the lake, however, I was taken very sick, being poisoned from eating canned goods, and had to leave the party at Strawberry Point, returning with passing cannerymen to Scandinavian cannery. Mr. Noyes waited a few days until the arrival of the Cutter officials at the lake, when the oil was poured upon the structure and set on fire. The bodies were in such a frightful state of putrefaction, and the tunnel entrance to the igloo was so difficult to negotiate, that burial was out of the question. No attempt was made to retrieve anything of value that might have been in the igloo.
>
> Every indication went to prove that the family, which consisted of two men, two women, and three children, were victims of the Flu. The sex of the children, I did not learn. It is quite probable that these children, being as elsewhere in the Bristol bay region practically immune to the plague, outlived their elders, and may have died from weakness induced by grief, or by starvation. The fierce pack of wolf-like dogs also constituted a deadly peril to an unprotected child.[37]

In many parts of Alaska, Natives did not return to villages sites where so many family members and friends had died. This may also have been the case with the village at the foot of Lake Aleknagik. In the late 1920's, according to VanStone, families from the Nushagak Bay, Togiak River, and Kuskokwim River regions settled along Lake Aleknagik.[38] This influx of families may have occurred even earlier. In 1921 a government official reported seven Native families in the entire Wood River system: three at Lake Aleknagik; "one family at the village well up the river;" and three families on the "lower river" (presumably Wood River). He did not state whether these were permanent residents of the area.[39] In the early 1920's, fisheries agent A. T. Looff observed five Native families fishing for salmon on Lake Aleknagik, most likely at the mouth of the

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[36] Shirley A. Baker to Dr. H. M. Smith, Commissioner of Fisheries, November 12, 1918, Reports and Related Records—Wood River Weir, Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Box 55, FWS records, RG 22, NA.

[37] Shirley A. Baker, Warden, Seattle, to Commissioner of Fisheries, November 11, 1919, Reports and Related Records—Wood River Weir, Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Box 55, FWS records, RG 22, NA.

[38] VanStone 1967, 117.

[39] Dennis Winn, "Survey of Predatory Fishes and Birds, Inspection of Spawning Grounds, and Enforcement of Laws and Regulations in Bristol Bay, Alaska, District—Season of 1921," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

Agulowak River.[40] One prospector (possibly Frank H. Waskey) was also reported at the head of Lake Aleknagik, fishing for salmon and Dolly Varden trout for use as dog food.[41]

Wood River and Lake Aleknagik were undoubtedly used for travel to villages and fish camps during the open season. Little is known about these boat trips, however. Much of what we know about boat travel on Wood River and Lake Aleknagik comes from the U.S. Bureau of Fisheries. Working closely with the cannery interests, bureau officials annually enumerated salmon running up Wood River, eradicated such predators of salmon fry as trout and birds, and identified and mapped salmon spawning beds. Each summer the bureau operated two camps: one at the foot of Aleknagik Lake, where a "tally rack" was established to enumerate salmon, and one at the mouth of the Agulowak River, where officials and hired labor engaged in destroying Dolly Varden trout. Not long after the breakup, the men ascended Wood River to Lake Aleknagik in a launch or tugboat with a houseboat (and a piledriver) in tow and oversaw construction of the Wood River census-taking rack. Sometimes, the tally scow was moved from the Lake Aleknagik outlet to the mouth of Agulowak River.[42]

John N. Cobb, an assistant fisheries agent, may have been the first bureau employee to boat up Wood River and Lake Aleknagik. In July 1906 he made two trips up Wood River in a launch drawing a little more than three feet of water. Other than it scraped sand bars once or twice, the launch ascended the river without incident. Cobb also took the launch up Lake Aleknagik to the mouth of the Agulowak River.[43]

During the 1930's, boat traffic on Wood River and Lake increased after the establishment of a white community at the foot of Lake Aleknagik. Frank H. Waskey, Alaska's first delegate to Congress in 1906 and well known throughout Alaska as a prospector and a longtime resident of Dillingham, promoted a proposal to establish a white community on Lake Aleknagik near the head of Wood River. In 1930 approximately seven families, all members of the Seventh Day Adventist Church in Washington state, heard the call and founded a colony near Mosquito Point. The settlers moved a sawmill to the lake, built houses, and started gardens. A school for grammar and high school students was operating the following year. In 1937 a post office called

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[40] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pp. 39 and 41 of report.

[41] Bower 1926, 99.

[42] According to one estimate, 35,000 to 40,000 pounds of trout were destroyed in a summer. Dennis Winn, "Survey of Spawning Grounds, Extermination of Predatory Fishes and Birds, Bristol Bay, Alaska, 1920," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

[43] John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, FWS records, RG 22, NA. The bureau relied on the packers to furnish up to six launches for their use. By 1922 the bureau had purchased its own launch. The launches were of two types: 30-foot Columbia River type launches fitted with living accommodations for three men; and 28-foot launches of the Columbia River trolling type with accommodations for two men. They were powered by five or six horsepower engines. See "Report of Dennis Winn, Representing Bristol Bay Salmon Packers and U.S. Bureau of Fisheries, Season of 1922: Survey of Spawning Grounds, Improvement of Streams, Destruction of Predatory Fishes and Birds, and Enforcement of Fishery Laws and Regulations in Bristol Bay, Alaska." General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, FWS records, RG 22, NA.

Aleknagik was established. In 1939 the Territory constructed a school for grammar student (the church continued to operate a high school), and the Alaska Road Commission (the federal agency responsible for building roads and trails in Alaska) finished construction work on a road from Dillingham to Wood River. Local residents began to construct homes along the new road.[44]

Beginning in 1937, a few Eskimo families moved from the Bering Sea coast to Lake Aleknagik. The parents wanted their children to attend the school, and they wanted to purchase houses from the colonists. By 1945 Aleknagik consisted of four Eskimo and eight white families. From more than 40 in 1931, the population had increased to 32 whites and 44 Eskimos in 1945. Besides a church building and a community school building, the village consisted of about 30 buildings, including a sawmill. The principal occupation of the residents was fishing and working in the salmon canneries. A small amount of trapping, especially for beaver, was also done.

Aleknagik was served principally by boat and airplane. R. E. Smith Lighterage Company operated a gas launch and two barges from Dillingham to Aleknagik. At least three air operators served the community as well: Moran Flying Service of Dillingham; Don Wren of Aleknagik; and Clarence Wren and Associates.[45]

After the Second World War, two communities developed along the head of Wood River—one called the North Shore (Aleknagik Mission) and the other called the South Shore. The construction of the 20-mile-long road from Dillingham to the South Shore and an airplane landing strip probably contributed to the rise of that community. The road provided ready access to stores at Dillingham and a Native hospital at Kanakanak.[46] During the 1950s the mission population began to decline. In 1960 the population of Aleknagik Lake was 180; and Aleknagik Mission, 50.[47]

After Alaska achieved statehood, Aleknagik continued to be supplied by road, air, and water. In the mid 1970s at least four local barge companies hauled oil and supplies to Aleknagik. Barges (80'x 32') and drawing about 4 feet of water were taken up Wood River to Aleknagik. Other craft operating on the river and lake included fishing boats (32' long), skiffs, and scows. By 1982 only Elmer Smith and Rolan Moody operated lighterage companies serving Aleknagik.[48]

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[44] *Valdez Miner*, November 19, 1937, 1; *Anchorage Daily Times*, October 26, 1938, 5; *Fairbanks Daily News-Miner*, December 5, 1939, 7; *Valdez Weekly Miner*, November 8, 1940, 1; and Josie L. Waskey, Alaska Indian Service Post War Planning Survey: Aleknagik, March 26, 1945, file Aleknagik, Box 1610, Records of the Bureau of Indian Affairs, RG 75, Federal Records Center, Seattle, Washington. Josie Waskey was Frank's wife. Frank Waskey, who rushed to Alaska in 1898 and after 58 years in Alaska finally returned to Washington state, died in 1964 at the age of 88. *Fairbanks Daily News-Miner*, April 20, 1960, 3 and January 28, 1964, 3.

[45] *Ibid.*

[46] Kresge, *et al.*, 7-2.

[47] Notes from Alice Ruby, "ANCSA: Section 14C3 and the Village of Aleknagik," unpublished report, Dillingham: Choggiung, Ltd., c. 1981. See Stirling print-out, citation 600.

[48] William Tennyson to Richard Thompson, September 10, 1975, file AA-6659-EE, Part 1; Tom Hawkins to Al Pack, July 29, 1975, file AA-6659-B, part II; and "Justification Statement for Public Use Recommendations," n.d. (c. 1974) [handwritten in pencil]; file AA-6659-A, part I, ANCSA files, BLM records. See also Stirling printout, citation 1376, from Lium and Associates, Engineers, "Aleknagik Dock Study (Anchorage: Alaska Department of Transportation and Public Facilities, 1980), pages 2 and 5; and Alaska Department of Regional Affairs, "Upper Bristol Bay Region: Community Planning Profiles."

Lake Nerka and Agulowak River

Land Status

The State of Alaska is by far the largest riparian landowner along Lake Nerka. The lake lies in 14 townships. The State owns nearly all riparian lands along Lake Nerka except in three townships: Tps. 9 S., Rs. 55-57 W., SM. Aleknagik Natives, Limited, and BBNC are the major landowners in these three townships. The Native corporations are also the principal landowners along Agulowak River (located entirely in T. 9 S., R. 57 W., SM).

The BLM has consistently maintained that Lake Nerka is navigable. In 1963 the BLM tentatively approved (TA) the conveyance of all uplands to the State of Alaska in Tps. 6 S., Rs. 56-58 W., Tps. 7 S., Rs. 54-58 W., and Tps. 8 S., Rs. 55 and 56 W., SM. In the decision documents, Lake Nerka was determined to be navigable.[49] In 1980 and 1983 the BLM reaffirmed that the lake was navigable in these and a number of other townships with lands selected by the State.[50] Prior to conveying lands to several Native corporations in 1980, the BLM also determined that the lake was navigable and included the determination the appealable decision to convey lands to the corporations. The decision was not appealed. In 1980 the BLM issued Interim Conveyance Nos. 286 and 287, excluding lands underlying the Lake Nerka from the conveyances by the name of the lake.[51]

The BLM has also determined that the Agulowak River is navigable. Aleknagik Natives, Limited, and the BBNC own most lands along the river. In 1979 the BLM determined that the river was navigable and included the determination in a decision to convey lands to the corporations. This decision also contained a notice of the right to appeal. The decision was not appealed. In 1980 the BLM issued Interim Conveyance Nos. 286 and 287, excluding lands underlying the Agulowak River from the conveyances by the name of the river.[52]

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[49] Alfred P. Steger, Chief, Lands Section, to State of Alaska, September 3, 1963, file A-054312, file A-54343 (and others), and Alfred P. Steger to State of Alaska, September 6, 1963, file A-54571, State selection files, BLM records.

[50] Chief, Division of Resources, to State Director, March 6, 1980, and Robert W. Arndorfer to Chief, Branch of State Adjudication, December 12, 1983, file A-054609; Robert W. Faithful, Deputy State Director for Conveyance Mangement, to Assistant Deputy State Director for Conveyance Management, August 23, 1983, files A-054601 and A-054607; and Robert W. Arndorfer to Chief, Branch of State Adjudication, November 25, 1983, file A-054571, State selection files, BLM records.

[51] Sue A. Wolf, Decision, November 26, 1979, file AA-006648-A, part I; Interim Conveyances 286 and 287, February 18, 1980, file AA-006648-A, part II, ANCSA selection files, BLM records. See also Curtis V. McVee to Chief, Division of ANCSA Operations, October 3, 1979, regarding "Final Easements for the Village of Aleknagik," file AA-6648-EE, part III, Alaska Native Claims Settlement Act (ANCSA) files, BLM records.

[52] Sue A. Wolf, Decision, November 26, 1979, file AA-006648-A, part I; Interim Conveyances 286 and 287, February 18, 1980, file AA-006648-A, part II, ANCSA selection files, BLM records. See also Curtis V. McVee to Chief, Division of ANCSA Operations, October 3, 1979, regarding "Final Easements for the Village of Aleknagik," file AA-6648-EE, part III, Alaska Native Claims Settlement Act (ANCSA) files, BLM records.

Approximately thirteen Native allotment applications are located along Lake Nerka;[53] two (AA-7759-A and AA-7289-C) at the head of Agulowak River; and two (A-053202 and AA-7284) at the mouth of the river.[54] The BLM has adjudicated and approved most of the allotments. However, several dozen remain to be adjudicated, including AA-7759-A at the head of the Agulowak River. Title to the other three Native allotments along the Agulowak River has been conveyed.

One patented trade and manufacturing (T&M) site is located at the foot of Lake Nerka, where the Agulowak River leaves the lake. John L. Pearson obtained a patent to the T&M site in 1972, eleven years after he filed an application for the lands.

Physical Characteristics

Lake Nerka (elevation 40') is the second and largest lake in the Wood River system.[55] The lake is U-shaped; the upper part is often referred to as Upper Lake Nerka and the lower part, Lower Lake Nerka. The lake (78 square miles) is approximately 29 miles long and 4½ miles wide. It is up to 538 feet deep; the mean depth is 128 feet. The lake contains several dozen islands, and many of its bays are named—for example, Anvil Bay, Ott Bay, Amakuk Arm, and River Bay. Little Togiak Lake empties into the western end of Lake Nerka through a short stream.

Long known for its fishing opportunities, the Agulowak River flows southwesterly approximately 4 miles from Lower Lake Nerka's River Bay to Lake Aleknagik.[56] The river averages 200 in width, but in places it is 300 feet wide. Marriott reported midstream depths as ranging from 1.6 feet to 15 feet (pools). Rogers and Rogers cited a mean depth of 30 inches. Its average velocity is 3.2 fps. Velocities may range from 1.5 to 4.0 fps. On August 11, 1962, the flow at its mouth was 1,500 cfs.[57] The bottom consists of gravel, boulder, and rubble. Several islands are located in its lower reaches. The river's fall is very low—approximately 1½ feet per mile. State park officials described the river as containing "fairly fast water with some high, standing waves." The main channel was characterized as "narrow, rocky and, at times, very shallow."[58]

Several Bureau of Fisheries agents have left brief descriptions of the river. One reported that the river was 3 to 4 feet deep and, at its mouth, approximately 150 feet wide. Here "the water runs like a mill race, but a few hundred yards up there is a gentle current."[59] Another estimated the river's velocity at 8 miles per hour. Immediately above an old village site, he wrote, the river drops abruptly 2 or 3 feet. The water was 4 or 5 feet deep here. He also confirmed Native reports that the river never freezes.[60]

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[53] These Native allotment applications are: AA-7723-B, AA-7243, AA-7292, AA-7295-B, AA-7294-B, A-054492-B, A-054373-C, A-7292-A, AA-6124-C, AA-8105, AA-7278-B, AA-7270-C, and AA-7798-A.
[54] An ANCSA (village) selection (AA-6648-F) is also filed on the land.
[55] USGS Dillingham B-7, B-8, C-7, C-8, and Goodnews C-1 quadrangles.
[56] See USGS Dillingham B-8 quadrangle.
[57] Marriott 1964, 64; and Rogers and Rogers March 1998, Table 2.
[58] State of Alaska, Division of Parks, *Wood-Tikchik State Park Management Plan*, 9-26 and 9-27.
[59] Cited in Pahlke 1980, 36.
[60] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska" (pp. 62-63), Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See also G. Dallas Hanna, "Observations on Lake Aleknagik, Alaska, Jan. and Mar. 1912" (p. 5) following p. 158 of Chamberlain's report. The report also includes a "Rough Sketch of Agooloerok River," also following p. 158.

Evidence of Use

Since the nineteenth century at least, Eskimos have fished the Agulowak River for salmon and trout. A village was once located at or near the mouth of the river. When in 1906 Cobb visited the area, he reported a deserted village at the river's mouth. The village had been abandoned "several years ago" after an "epidemic somewhat resembling grip." Still, "during August and September some of the Indians from the Nushagak visit this lake and dry spawning salmon and use them as food for their dogs during the winter." In fact, at the time of his visit, he observed "one Indian family" spearing red salmon there.[61]

During the 1920's, Bureau of Fisheries agents sometimes noted the presence of Eskimos fishing at the river's mouth. In 1921 Dennis Winn may have been referring to the river when he reported "one family at the village well up the river." He did not state whether they permanently resided at the river, but he did note that the family was unique in that the members did not travel to the coast to fish commercially or work in the canneries.[62] A. T. Looff counted five Native families fishing for salmon on Lake Aleknagik, most likely at the mouth of the Agulowak River.[63] Several prospectors were also reported in the area: one at the head of Lake Aleknagik and another on Lake Nerka. Both fished for salmon and Dolly Varden trout for use as dog food. It is possible that these people were actually fishing the Agulowak River.[64]

Besides fishing the mouth of the Agulowak River, Eskimos from Nushagak Bay also caught large numbers of Dolly Varden trout at or near the head of the river. This may have been done during the winter months. In early 1912 G. Dallas Hanna wrote that one man fishing with a single hook sometimes filled his sled in a day. A year later, F. M. Chamberlain reported that two Natives had succeeded in catching a dogsled load of trout with two hooks.[65]

Before the 1930's, Natives probably did not use the Agulowak River as a route of boat travel. It is more likely that they followed a well known portage trail between Lake Aleknagik and Lake Nerka or followed along the river to Lake Nerka. Government officials noted a Native trail along the west side of the river. As early as 1908, a government agent reported "a fairly good old native trail" from Lake Aleknagik west of the Agulowak River to Lake Nerka which took about an hour

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[61] John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, FWS records, RG 22, NA.
[62] Dennis Winn, "Survey of Predatory Fishes and Birds, Inspection of Spawning Grounds, and Enforcement of Laws and Regulations in Bristol Bay, Alaska, District—Season of 1921," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.
[63] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pp. 39 and 41 of report.
[64] Bower 1926, 99.
[65] G. Dallas Hanna, "Observations on Lake Aleknagik, Alaska, Jan. and Mar. 1912," following page 158 of F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See page 6 of report. See also F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pages 34 and 43 of report.

to traverse.[66] In the summer of 1913 F. M. Chamberlain, encamped at Lake Aleknagik, observed several Natives traveling to Lake Beverley. They planned to portage their bidarka across from "Padden Bay" on Lake Aleknagik to Lake Nerka, and on their return, follow the Agulowak River to Lake Aleknagik. The Natives were en route to "a celebrated trout stream" which Chamberlain understood to empty into the upper end of the third lake (Agulukpak River). The Natives claimed that because this stream contained "sufficiently abundant" trout, they "would be able to make the trip, a distance of at least 60 miles each way and a hard portage going, at a profit above the available resources in the home lake (Aleknagik)."[67]

In 1912 F. M. Chamberlain made the first known attempt by a Bureau of Fisheries agent to take a boat up the Agulowak River. Before, at least some bureau officials were doubtful that boats could be taken up the river. On June 12, 1908, for example, bureau officials boated to the mouth of the Agulowak River when the river was at "a high stage, the current swift, and the water very clear." Assessing the situation, they concluded: "Only with difficulty could a boat have been pushed up the heavy riffles, which in places become rapids."[68] With four men in his party, Chamberlain planned to sail and tow upriver a "fishing skiff," such as those used on the Nushagak River. For use in carrying the towline, they had a 20-foot one-man poling boat built.

In the end, they were unsuccessful. As Chamberlain succinctly described the venture: "Four days of hard labor were expended in the attempt to take the skiff through before it was finally given up. During the interval between the inception of the project with the preliminary survey and the actual undertaking to put the boat through, the river had risen about one foot, a fact not apparent at once but a condition materially enhancing the amount of labor required. At the end of the third day it was apparent that the line in use would not be strong enough to hold in the swifter water of the upper river nor would the strength of our party have been equal to the task of moving the boat against the swifter current. So the plan was abandoned and the boats dropped back into the lake."[69]

Chamberlain decided to cross the Native portage to Lake Nerka.[70] Two hired men succeeded in taking the 20-foot poling boat across the portage. But Chamberlain quickly found that the boat was very dangerous to use on such a large lake. The boat had only about two inches of freeboard

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[66] "Notes on Explorations of Lake Aleknagik, Alaska, Its Tributaries, and the Salmon Spawning Grounds, in 1908 and 1909" in Bower 1923, 45.

[67] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See page 43.

[68] "Notes on Explorations of Lake Aleknagik, Alaska, Its Tributaries, and the Salmon Spawning Grounds, in 1908 and 1909" in Bower 1923, 45, 47.

[69] Ibid. See pages 57-58. They estimated the river's fall at 7½ feet. A sketch of the poling boat is in the file.

[70] This may have been the same portage that, in the winter of 1922-23, A.T. Looff and three other men used to reach Lake Nerka on a mission to determine the effect of the winter cold on stream flow of spawning streams. They had intended to continue to the upper Wood River lakes and the Tikchik lakes but the snow was too deep for travel. One of the men, P. Knutsen, spent the winter at the head of Lake Aleknagik trapping. He took 1,300 Dolly Varden. See "Report of A. T. Looff, January-February 1923" in "Report of Dennis Winn, Representing Bristol Bay Salmon Packers and U.S. Bureau of Fisheries, Season of 1924: Survey of Spawning Grounds, Improvement of Streams, Destruction of Predatory Fishes and Birds, and Enforcement of Fishery Laws and Regulations in Bristol Bay, Alaska" General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

when fully loaded. "It is ordinarily neither economic nor wise to attempt exploration with such an outfit but it was this or nothing in our case," Chamberlain noted. "After getting the boat in the lake, nearly half the time was lost in waiting for weather in which it was possible to travel and even then risks were taken entirely incommensurate with the necessities of the investigation," he wrote. Yet, Chamberlain and his companion G. Dallas Hanna succeeded in using the boat to explore Lake Nerka.[71]

On the return trip to Lake Aleknagik, Chamberlain probably followed the "Padden Bay" portage. He investigated the feasibility of constructing a 9,400-foot-long tramroad over the portage in the event that the bureau decided to build a hatchery on Lake Nerka. His companion, G. Dallas Hanna, also crossed the "Padden Bay" portage to Lake Aleknagik.[72] In his notes, Hanna mentions that he took a boat "through Agoolerok River" [Agulowak River]. His notes are not clear, however. He may have descended the river in the poling boat or another boat, either shooting the river or lining the boat downriver. It is also possible he meant that he used a boat to travel from the foot of the portage to the mouth of the Agulowak River, where he was to be met by a launch.[73]

By the 1920's, fisheries agents and local residents were lining boats up the Agulowak River to Lake Nerka. In 1922 A. T. Looff may have been the first fisheries agent to take a boat up the Agulowak River, not to mention the entire Wood River system. In mid August he and an assistant traveled by launch from Snag Point to Lake Aleknagik and then used an "18-foot codfish dory" to travel up the system as far as Lake Kulik, which he reached in early September. "No difficulty was experienced in ascending and descending the connecting rivers," he reported; "[e]ach lake was circled and the entire shore line examined." With regard to the Agulowak River specifically, Looff commented that they lined the boat up the entire river "without any great difficulty" in seven hours.[74]

Frank H. Waskey, a well known pioneer of Alaska who had a cabin near Sunshine Creek on the westernmost part of Lake Aleknagik and was seasonally employed by the U.S. Bureau of Fisheries, claimed that August was the best time to ascend the river. "Ordinarily in August," he wrote, "the lakes and connecting rivers have fallen to a stage where it is a simple matter to take a dory or other suitable boat up the several short outlet rivers." Boats were usually lined or nosed up the rivers from the banks.

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[71] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pages 58-60.

[72] Hanna had also made a winter trip to the Agulowak River in January-March 1912. See G. Dallas Hanna, "Observations on Lake Aleknagik, Alaska, Jan. and Mar. 1912," following page 158 of F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA.

[73] "Hanna's general notes on L. Nerka trip (handwritten title)" in F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA.

[74] "Report of A. T. Looff" in "Report of Dennis Winn, Representing Bristol Bay Salmon Packers and U.S. Bureau of Fisheries, Season of 1923: Survey of Spawning Grounds, Improvement of Streams, Destruction of Predatory Fishes and Birds, and Enforcement of Fishery Laws and Regulations in Bristol Bay, Alaska," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

In August 1928, however, he failed to ascend the Agulowak River by boat. Instructed to identify salmon spawning streams in the Wood River system and to count the number of spawners, Waskey made several attempts reach Lake Nerka by way of the Agulowak River. Because of extended periods of rainfall, however, rivers and lakes in the area were unusually high. Waskey described his efforts as follows:

> Several bad shallows, rapids and many rocks in the Agulowak River make its ascent by power boat impracticable. During all of August it was impossible to nose boats along the rocky shore of that river, as the water was so deep that there was no footing.
>
> While waiting for better conditions, counts and estimates of salmon on Aleknagik were made, but this work was greatly hampered by the almost continuous bad weather and by dark water due to cloudy skies.
>
> By August 18 Agulowak River had fallen only slightly, and on August 19 rains started again, continuing for several days and causing a further rise of the water. It was then hoped that if the river did not fall soon it would rise high enough to cover the rapids and bars sufficiently to permit the use of a power boat. Preparations for this undertaking were started, and everything was in readiness for ascent on the 25th. Rain and heavy storms continued throughout August. It was necessary to have a day without wind and with a clear sky so that the water could be 'read' and reefs and rocks avoided. No such day occurred until September 2, when the first attempt to ascend was made with an 18-foot dory, powered with a 5½-horsepower outboard motor. Two trials with this rig showed its lack of power and general unsuitability for the unusual conditions. The use of a 28-foot river boat with motors having a total of 12 horsepower was then attempted but was successful only in the lower mile of the river. In the rapids in the second mile it was found there was not depth of water enough for safety, and further ascent with power boat was abandoned.

Waskey subsequently obtained two kayaks at Lake Aleknagik and with these crossed a portage to Lake Nerka, almost certainly the same portage followed by Chamberlain in 1912. His published report does not contain an account of his return trip to Lake Aleknagik in November.[75]

In the early 1930's, the airplane began to play a prominent role in travel and transportation in Bristol Bay. By the end of the decade, fisheries agents customarily used airplanes to conduct surveys of the Wood River system. What use to take days by boat could be accomplished in a few hours by airplane. After an overflight of the Wood River system in 1937, Warden Fred Lucas wrote, "It is possible these lakes have never been so thoroughly surveyed as to salmon escapement before."[76]

During the 1930's the U.S. Geological Survey (USGS) used both airplanes and boats to explore, map, and study the geology of the Wood River system and the nearby Tikchik River system. On three different occasions, the survey crew took a boat up the Agulowak River to Lake Nerka. In 1930 Gerald FitzGerald, a geologist, and two camp assistants purchased a riverboat at Dillingham to ascend the Wood River system as far as Lake Beverley. The boat was lined up the Agulowak and Agulukpak Rivers. In the summer of 1931, FitzGerald returned to Dillingham and continued the work on Lakes Aleknagik, Nerka, and Beverley, this time with P. A. Davison, assistant

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[75] Bower 1929, 248. Waskey's map showing "The Wood River Lake System" in 1928 follows page 248. The map shows the names of rivers, creeks, and lakes, and the location of U.S. Fisheries camps, salmon spawning areas, shelter cabins, the Lake Aleknagik-Lake Nerka portage, and Waskey's house.

[76] Fred R. Lucas, Seattle, "Semi-Monthly Report of Fred R. Lucas, Assistant Agent, Alaska Service, For the Period September 16 to September 30, 1937 Inclusive," November 23, 1937, Semi-Monthly Reports-Bristol Bay, 1939-51, CCF, Entry 269, Box 656808, FWS records, RG 22, NA.

geologist, and two camp hands. Finally, in 1935 geologist John B. Mertie, Jr., and three assistants moved their camp in the Tikchik Lakes area to Lake Beverley by airplane. After setting up a base camp there, they flew to Dillingham to hire a riverboat. Mertie's two camp hands then took the boat back to Lake Beverley by way of the Agulowak and Agulukpak Rivers.[77]

In the late 1920's and especially after the founding of Aleknagik village at the foot of Lake Aleknagik in 1930, boat traffic on Lake Aleknagik, Agulowak River, and Lake Nerka increased. The Agulowak River was a popular destination for those wanting to catch Dolly Varden trout. The government offered a bounty on Dolly Varden, partly because the trout preyed on salmon fry and partly because the bounty provided an alternative source of income to local residents during the Depression. In 1930 a fisheries warden reported that about fourteen people fished on Lake Nerka, taking a total of 8,877 trout. In all probability, they used boats to reach Lake Nerka.[78]

Frank Waskey also participated in this activity, operating at a Native fish camp located on a gravel spit near the mouth of the river. He was soon joined by Ray Smith and his son, Clyde, relatives who decided in 1930 to escape the Depression in Washington state and move to Lake Aleknagik. The two men decided to try their luck in catching Dolly Varden at the head of the Agulowak. Waskey told them that they would likely have to line his 18-foot skiff with outboard motors (kickers) part of the way up the river. At first, they took his advice. "When they got to the 'rollers' they 'lined' the boat by walking along the bank and pulling the skiff past the rocks and dangerous rapids," recalled a relative. It took nearly all day to reach the lake. After catching a large number of trout, the two motored back to Lake Aleknagik. Ray thought it was possible to run the boat up the entire river. He was right. In a boat loaded with a net and sundry equipment, Ray and Clyde made the trip to Lake Nerka in four and a half hours. "Never before had anyone made it from Lake Aleknagik to Second Lake with a kicker," Waskey reportedly said. Ray and Clyde again motored up the river with Frank on board, just to prove that it could be done. A member of the Smith family claimed, "ever since that time people have been scooting up the Agulowak River without 'lining' the boat."[79]

Certainly after the Second World War, local residents took boats up the Agulowak River to Lake Nerka for hunting and trapping purposes. The BLM's Native allotment files provide some insight into these activities. Approximately 20 Native allotments are located along Lake Nerka. It is not known how many of these Natives used boats to reach their allotments. In 1995, however, several Natives testifying at a BLM hearing regarding the validity of a Native allotment application, described the use of boats to Lake Nerka and other lakes during the 1950's and 1960's. Several witnesses testified that the Native allotment applicant (Willie Samuel of Aleknagik) used a skiff to travel from Aleknagik to Lake Nerka where he hunted for moose. Such a trip would take most of a day because the boats were heavier than those used today and because the motors were not as powerful. Gusty Chythlook (born 1940) recalled that

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[77] Mertie, 6 and 7. See citations 613, 614, 615, 668, and 1371 in Stirling print-out for descriptions of photos of the USGS boats in 1930 and 1935. The photos are from the USGS Photo and Field Records Collection.

[78] Eric Fenno, Special Warden, Dillingham, to Dennis Winn, Juneau, September 11, 1930, General Records-Bristol Bay Destruction of Predatory Enemies of Salmon, 1929-1939, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

[79] Doward 1961, pp. 25, 32, 35-37, 119. During the 1940's Ray Smith operated Smith Lighterage in Dillingham. He operated the tugboat "Sea Pigeon" on Wood River to Aleknagik.

two men named Willie and Roy Fox used to boat up to the lakes in "one of these unique long, narrow river skiff [sic]." These boats could be taken up the rivers when the water was low and "without hardly banging their motor on the [river] bottom." Lawrence Murphy (born 1924) described skiffs of that time as typically 18 feet long (though there were some 20 feet long), constructed of lumber or plywood, and powered by thirty-five-horsepower motors. Wassillie Ilutsik of Aleknagik (born 1939) claimed that it used to take a day to travel by boat from Aleknagik to Lake Nerka because it was not uncommon to break shearpins in the motors trying to get up the Agulowak River. Since the late 1960's, however, local residents have used lighter boats with powerful engines to ascend the rivers and lakes in far less time. Molly Chythlook claimed that a person could make a round-trip from Aleknagik to Lake Kulik in a day with a boat powered with a seventy-horsepower motor with a jet unit. According to Gusty Chythlook, it used to take five or six hours to run a boat with a fifteen- to twenty-horsepower motor to Lake Nerka's Anvil Bay. With modern boats and motors, it takes only a couple of hours.[80]

The 1950's also saw sport fishermen, many of them from the States, visiting the Wood River system. When airline companies instituted daily flights between Seattle and Anchorage and between Anchorage and Dillingham and other places in Alaska, tourists, including sport fishermen and hunters, were encouraged to make the long trip to Alaska during the short summer season. Several operators believed that tourists could be attracted to the Wood River Lakes, known for its scenery, bountiful salmon and trout, and isolation. It would be a simple matter to fly tourists in small floatplanes from Dillingham to the lakes. The first two commercial sport fishing operators to establish permanent headquarters in the Wood River Lakes system were John L. Pearson and Roger W. Maves.[81]

Pearson operated a business called "Wood River Wilderness Camps" with headquarters at Lake Nerka's River Bay, near the head of the Agulowak River. From Dillingham or Aleknagik, clients were flown to the site. From this place, they could fish the entire Agulowak River for grayling and rainbow trout. The company also offered to transport clients by boat to "Lake Beverly River" (Agulukpak River), where they could fish for grayling and rainbow trout. Clients could also charter floatplanes "at modest cost" to fly them to the many "'unfished' fishing spots" in this "vast" area. In the 1950's, the company's rates, all inclusive, ranged from $140 for 3 nights/3 days to $280 for 7 nights/7 days.[82]

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[80] Ilutsik named the Agulukpak River when he discussed the problem of broken shearpins, but as he was discussing travel between Aleknagik and Lake Nerka, the writer believes he meant the Agulowak River. See "Transcript of Proceedings: Validity Hearing of the Native Allotment Of: Willie Samuel, A-054493 Before Elizabeth Carew, Hearing Officer," Dillingham City Hall, Dillingham, Alaska, Friday, June 9, 1995," part 2, pp. 20-21, 45, 79, 123-126, file A-054493, Native allotment files, BLM records. See also Gregory Peters (attorney), Applicant's Post Hearing Brief, November 30, 1995 file A-054493, part 1, pp. 7 and 8, in same file. The earliest known instance of the use of boats with jet-powered-engines in the Wood River system was reported in 1968. Conducting geological investigations in the area in 1967, Eakins wrote, "The moving of the camp from lake to lake was accomplished by Fisheries Research Institute employees who towed the boats [16'] between lakes with shallow draft, jet-engine-powered motor boats. Camp gear and supplies were moved by float plane." Eakins, 2.

[81] Maves's lodge on Mikchalk Lake is discussed below in connection with Lake Kulik and the Peace River system. In 1958 Carl P. Nunn of Dillingham also filed for a small tract along the Agulukpak River draining Lake Beverley. The case was closed as inactive in 1959 and the records destroyed in 1994. See BLM-Alaska's automated land records for file A-044768 (2730).

[82] See "Wood River Wilderness Camps" (brochure), n.d., file A-054215, BLM records, NA, Anchorage.

The early history of the company's operations is not entirely clear. In correspondence with the BLM in the early 1960s regarding his application for a trade and manufacturing site near the Agulowak River, Pearson presented a confused history of the company's operations. Indeed, BLM officials were at first not sure whether Pearson was applying for land at the mouth of the river or near its head.[83]

Sometime in the early 1950's, Pearson apparently started a sport fishing business at the mouth of the Agulowak River. In several letters to the BLM, he noted that in 1952 he had leased a frame cabin from two men named Fenno and Wiles, and later purchased the "Fenno cabins," which he described as having been located on Lake Aleknagik north of Agulowak River for many years. His company purchased the property, made improvements, and for several years used it as "our headquarter Camp in our Tourist, Sport Fishing business." The camp, accessible by plane, was located on a gravel spit. This was the historic Native fish camp because Pearson referred to the many "fish racks for drying salmon that many Natives or Indians are using each fall for drying their fish." After Slim Yako of Aleknagik filed for a Native allotment in this area, which may have encompassed some of Pearson's improvements, Pearson considered obtaining a lease to the lands where his cabins were located. Whether or not he was successful is unknown. In any case, the company moved its headquarters to Lake Nerka near the head of the Agulowak River. Pearson continued to have a lodge (Wilderness Camp No. 1) and scow at the mouth of the river.[84]

In 1961 Pearson applied to the BLM for a trade and manufacturing site at the head of the Agulowak River on Lake Nerka's River Bay. The site "belonged" to the National Guard during the Second World War, he claimed. In 1947 he leased the land, and in 1957 purchased a cabin and frame building there from Floyd Beck of Dillingham. Pearson mention that he also purchased a cabin from Fenno and Wiles, but it is not clear whether he was referring to the one on Lake Aleknagik or another one on Lake Nerka. In 1960 he built a frame structure for use as a kitchen and dining room as well as a toilet. Three years later, Pearson was referring to the site as the company's headquarters, with facilities for six people. The company intended to build a lodge structure (20' x 20') that summer. A government survey plat (U.S. Survey No. 4796) shows the locations of cabins, a log cabin, a frame tin cabin, a tin cabin, and several sheds on the land. In 1972 Pearson received a patent to the land (28 acres).[85]

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[83] The BLM land examiner visited the claimed lands in the summer of 1962. The Alaska Sportsman issue of September 1962 has a photo showing "Pearson's Wilderness Camp No. 1." The BLM informed Pearson that his claim fronted more than 80 rods along navigable waters. Sherman F. Berg, Land Examination Report, September 26, 1962, file A-054215, BLM records, NA.

[84] John L. Pearson to [BLM], March 17, 1961, Notice of Location of Settlement or Occupancy Claim in Alaska, April 19, 1961, and John L. Pearson to [BLM], January 28, 1963, file A-054215, BLM records, NA, Anchorage. The BLM informed Pearson that his claim fronted more than 80 rods along navigable waters. They wanted the land description revised because cadastral surveyors thought that the Agulowak "may be navigable." Alfred P. Steger to John L. Pearson, January 24, 1963, and Jack C. Means to Manager, Anchorage Land Office, January 15, 1962, in same file. A photo of Pearson's Wilderness Camp No. 1 appears in Hutchins 1962: 21. Marriott 1964, 65, reported Pearson's scow at the mouth of the Agulowak River.

[85] In 1964 he claimed that he had occupied the tract in June 1956. John L. Pearson, Notice of Location of Settlement or Occupancy Claim in Alaska, April 19, 1961; John L. Pearson to Bureau of Land Management, March 17, 1961, John L. Pearson to Bureau of Land Management, January 28, 1963, and John L. Pearson, Application to Purchase Trade and Manufacturing Site, February 8, 1964; U.S. Survey 4796 and Patent No. 50-72-0380, April 12, 1972, file A-054215, BLM records, NA.

By the early 1960's the Wood River Lakes was well known for its sport fishing opportunities. Reaching readers throughout the country, the *Alaska Sportsman* magazine published an article about the bountiful rainbow trout in the Agulowak River.[86] Reviewing economic conditions in the area in 1962, a BLM employee reported that commercial sport fishing was "becoming a significant activity in the Lake area." Two guides (probably Pearson and Maves) maintained two "permanent camps" in the area. Pearson maintained a scow at the mouth of the Agulowak River and a cabin at the mouth of the Agulukpak River.[87] In addition, approximately nine guides at Dillingham provided floatplane charter service to the lakes and operated temporary camps on public lands during the short season (three months).[88] Lake Nerka was certainly one of the lakes.

Pearson is no longer associated with the lodge. At one time, the business was called the Curtis Lodge. According to a representative of the Bristol Bay Native Corporation, skiffs were used to transport goods to the lodge.[89] Now known as Reel Wilderness Adventures, the lodge is one of five lodges in the Wood River system. In 1974 the lodges charged a client an average of $150 a day. For the year 2005, these lodges generally advertise a charge of $500 per day for an all inclusive week-long stay. Each lodge has facilities for approximately six clients. Clients are usually transported by floatplane or Grumman Goose from Dillingham to the lodges by floatplane. From the lodges they may also charter flights from the lodges to fishing spots, or they may be transported by small boats (Lunds, Jon boats).[90]

Since the 1970s the Agulowak River and Lake Nerka have been a popular sport fishing destination for both local and Outside residents. The principal sport fishing areas in the Wood River system include the Agulowak River, the eastern end of Lake Nerka, the section linking Lower and Upper Lake Nerka, and Little Togiak Lake.[91] The Agulowak River is especially popular.[92] Numerous small boats run up and down the river during the fishing season. In 2002 the Alaska Division of Parks reported that the level of use had reached dangerous levels:

> At any given time during the peak of the season, there are as many as 15 john boats on the river and dozens of wading fishermen in the shallows. All lodges within and adjacent to the park either boat or fly into the Agulowak to fish on a daily basis. Lodges have a number of john boats cached along the river for this purpose.
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> Because the river receives such high levels of use during the salmon season, there are regular conflicts between users of the main river channel. The main channel is quite narrow, rocky and, at times, very shallow. Powerboats traveling between the two large lakes must stay on step to avoid grounding. However, in this same channel are wading anglers, boats drift fishing, floaters and oncoming boats under power. This has led to several near misses and a few collisions.[93]

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[86] Hutchins 1962. The author accompanied Kenneth Wren in his 21-foot fishing skiff up the Agulowak River. The skiff carried a total of 13 people. See pages 20 and 21 for an account of the river ascent.
[87] Marriott 1964, 65 and 158.
[88] Donald T. Griffith, State Selection Report, December 5, 1962, file A-054351, State selection files, BLM records.
[89] John C. Moores to Sue A. Wolf, January 10, 1975, file AA-006648-A, part II, ANCSA selection files, BLM records.
[90] State of Alaska, Division of Parks 1974, 29; State of Alaska, Division of Parks 2002. See websites of lodges. These websites contain numerous photographs of the lakes, rivers, and boat, not to mention, fish.
[91] State of Alaska, Division of Parks 1974, 20.
[92] John C. Moores to Burton W. Silcock, December 20, 1976, file AA-6648-EE, part 1, ANCSA files, BLM.
[93] State of Alaska, Division of Parks 2002, 9-27.

Lake Beverley and Agulukpak River

Land Status

Lake Beverley lies in eight townships. On September 3 and 6, 1963, the BLM tentatively approved the conveyance of all available lands, including the lake's riparian lands, in the eight townships to the State of Alaska. At the time of the decision, the BLM determined that Lake Beverley was navigable.[94]

The Agulukpak River lies in two townships: Tps. 7 S., Rs. 54 and 55 W., SM. On September 3, 1963, the BLM issued a decision tentatively approving all available lands, including the river's riparian lands, in the two townships to the State of Alaska. In the decision, the Agulukpak River was determined to be navigable. Again, a notice of the right to appeal the decision was not included in the decision document.[95]

The current BLM master title plats show only a few Native allotments located along the lake and river. Three applications (AA-60606, A-057946-C, and A-054527-D) are located along Lake Beverley; one (AA-07223-B) on the right bank of the Agulukpak River at its mouth. Two Native allotments (A-056860 and AA-05793-B) are located on opposite sides of the Agulukpak River where it empties Lake Beverley. Another allotment parcel (Parcel B, AA-07723) is located on the left bank of the river at its mouth on Lake Nerka and extends easterly along the lake's shoreline. The BLM has adjudicated and approved most of the allotments.

Physical Characteristics

Lake Beverley (elevation 67'), the third lake in the Wood River system, is approximately 22 miles long and 3½ miles wide, or approximately 35 square miles in area.[96] Of the five lakes in the system, Lake Beverley is the deepest at 617 feet. The mean depth is 180 feet. On the western end of the lake, the fjord-like Golden Horn and the smaller Silver Horn are approximately 5½ and 4 miles long, respectively. Other than Peace River, which is part of a lake-and-stream system draining Lake Kulik, no large streams empty into the lake. Its principal tributaries are Hope, Moose, Spider, and Unowhokkuit creeks, and Rainbow Basin. Hardluck Bay, located east of the mouth of Peace River on the north side of the lake, is the only bay named on the USGS maps.

Compared to the Agulowak River, the Agulukpak River is shorter and narrower. The river is approximately 1.8 miles long and approximately 400 feet wide.[97] Its width ranges from 200 to 350 feet and averages 250 feet. The mean depth in midstream is 30 inches. Its average velocity is 3.5 fps; its flow, 2,000 cfs.[98] The river flows north to south, following an "S"-shaped course. Its fall is about 6 feet per mile. The river is swift with large boulders in its channel. The USGS maps

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[94] Alfred P. Steger, Chief, Lands Section, Decision, September 3, 1963, file A-054568, and Alfred P. Steger, Decision, September 6, 1963, file A-054597, State selection files, BLM records.
[95] Alfred P. Steger, Chief, Lands Section, Decision, September 3, 1963, files A-054310 and A-054312, State selection files, BLM records.
[96] See USGS Dillingham C-7 and C-8 quadrangles.
[97] See Dillingham C-7 Quandrangle.
[98] Marriott 1964, 157; and Rogers and Rogers March 1998, Table 2.

show a small island in mid channel in its lower reaches. Pioneer Frank H. Waskey described the upper mile of the river as "made up of wide-spreading shallows with moderate current."[99] A color photo in a Native allotment file of the head of the river shows rapids along the left bank near a cabin.[100]

Evidence of Use

Under the terms of the Alaska Native Claims Settlement Act, the Bristol Bay Native Corporation applied for several historic village sites along Lake Beverley. A village called Gui-Guok-Lok-Puk, reported by a U.S. Bureau of Fisheries agent in the early 1900's, was located just west of the mouth of Peace River. Local residents also identified another village site on the south shore of Beverley Lake in T. 6 S., R. 56 W., SM. Nothing more is known about these village sites.

Two village sites were also reported along the Agulukpak River—the oldest one along Lake Beverley and a more recent one along Lake Nerka. In the census reports of 1880 and 1890, the village population was reported as 53 and 22, respectively. In 1900-01, a Bureau of Fisheries agent noted a village at the mouth of the Agulukpak River, but he made no mention of a village at the river's head. Anthropologists thus believe that the Lake Beverley village was probably abandoned before 1900. After the Spanish influenza epidemic of 1918-19, the Lake Nerka village was probably abandoned as well.[101]

The records of the U.S. Bureau of Fisheries contain references not only to a former Native village at the mouth of the Agulukpak River but also to other abandoned Native villages along Lake Beverley. In 1906 residents of Lake Aleknagik told Cobb of an "Indian village" located "at the head of the second lake [Lake Nerka]." Almost certainly this was at the mouth of the Agulukpak River.[102] Although Natives abandoned the village, some occasionally traveled to the river in order to catch fish. In the summer of 1913, a fisheries agent on Lake Aleknagik noted the passage of several Natives in a bidarka en route to Lake Nerka, where there was "a celebrated trout stream." From Chamberlain's description, this was the Agulukpak River. The Natives claimed that as this stream contained "sufficiently abundant" trout, they "would be able to make the trip, a distance of at least 60 miles each way and a hard portage going, at a profit above the available resources in the home lake (Aleknagik)."[103] Exploring Lake Beverley in the fall of 1922 by boat, A. T. Looff of the fisheries bureau observed "the ruins of native villages" at several places along the lake. Looff

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[99] Bower 1923, 37; Bower 1929, 249-250.
[100] See file A-056860, Native allotment files, BLM records.
[101] In any case, the BLM rejected the applications because the lands were not available for selection, having been tentatively approved for conveyance to the State of Alaska in 1963. William P. Johnson, Regional Corporation Selection Application, December 15, 1975; Harvey M. Shields, Statement for "BB 185 Gui-Guok-Lok-Puk, n.d. (c. September 31, 1976), Sue Wolf, Decision, August 11, 1978, file AA-10551 (2653); and William P. Johnson, Regional Section Application, December 15, 1975, Harvey M. Shields, Statement for BB 164 Agulukpak, n.d. (c. September 31, 1976), Heather A. Coats, April 12, 1995, file AA-10655 (2653), BLM records.
[102] John N. Cobb, Assistant Agent, to George M. Bowers, Commissioner of Fisheries, November 24, 1906, Reports and Related Records, Bureau of Fisheries, Division of Alaska Fisheries, Entry 91, FWS records, RG 22, NA.
[103] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See page 43.

claimed that they had not been long abandoned, but he did not explain why he thought this was the case.[104]

On the basis of the available records, it is not possible to determine whether these early Native residents accessed Lake Beverley by boat. Historic maps of the area show winter trails, but not summer trails, between Lake Nerka and Lake Beverley. Two dogsled trails between the lakes are shown: one from the head of Amakuk Arm of Lake Nerka to the head of the Golden Horn of Lake Beverley; the other from the mouth of Box Creek on Lake Nerka northerly to Lake Beverley.[105] The absence of other trails suggests that the Agulukpak River may have been used as a summer route of travel.

In the 1920's and early 1930's, several government officials took boats up the Agulukpak River and explored Lake Beverley. In late summer of 1922, A. T. Looff and an assistant took an "18-foot codfish dory" up the Wood River system to Lake Beverley, circumnavigated the lake, and then proceeded to Lake Kulik. Looff described the Agulukpak River as the "most difficult of ascent of the four connecting rivers. The water is swift and the channel strewn with large bowlders."[106] In 1928 Frank H. Waskey made a similar journey in a kayak. His account of the journey does not indicate whether he lined the kayak up the Agulukpak River or followed a portage trail.[107] On separate expeditions in 1930, 1931, and 1935, USGS geologists Gerald FitzGerald and John B. Mertie, Jr., together with two or three camp assistants, acquired riverboats at Dillingham which they used to ascend the Wood River system. In all three instances, they lined the riverboats up the Agulukpak River to Lake Beverley.[108]

The uppermost Native allotments on the Wood River system are located on Lake Beverley. These tend to be clustered near the mouth of Peace River and at the head of Agulukpak River. Five members of the Thorson family applied for the allotments along the lake in the vicinity of Peace River. They have traveled from Dillingham or Aleknagik to Lake Beverley by boat and small plane. Although the family members (seven children and parents) claimed that personal use of the lands began in the late 1950s and early 1960s, they indicated that other relatives had used the area before that time. Esther Thorson of Dillingham filed for an allotment on the left bank of Peace River at its mouth. Her mother, Christine, applied for an allotment on the opposite bank of the river. According to Esther, her father, Thomas Theron, Sr., said that the family began traveling to Lake Beverley when she was a young child (born c. 1951). The family "would travel from Dillingham to Lake Beverly by boat with my great uncle Sam Nesvogg. He died in about 1964." These trips would be made after late July, when the salmon fishing season was over. They would make camp near the west bank of Peace River at its mouth.[109] Thomas S. Thorson, the father, in support of his daughter's (Gloria) claim for an allotment on Lake Beverley east of Peace River, recalled that Sam Nesvogg, his wife's brother, had a cabin on the lake during the 1950s. On several occasions, Nesvogg went to the lake with his children. In support of her daughter's

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[104] Bower 1923, 39.
[105] Bower 1929, figure 4 following page 248; and Plate I, "Topographic Map of Nushagak District, Alaska," 1938, scale 1:250,000, in Mertie 1938.
[106] Bower 1923, 39.
[107] Bower 1929, 248.
[108] Mertie, 6 and 7. See citations 613, 614, 615, 668, and 1371 in Stirling print-out for descriptions of photos of the USGS boats in 1930 and 1935. The photos are from the USGS Photo and Field Records Collection.
[109] Affidavit of Esther T. Jeffery, July 23, 1994, file AA-8263, part 1, Native allotment files, BLM records.

(Marcia) application for a 160-acre allotment on the west bank of Peace River at its mouth, Christine stated that the land was "located at the mouth of Peace river next to Beverly Lake above old Uncle Sam's old cabin."[110]

Two Native allotments are located at or near the head of the Agulukpak River. In 1962 Harold Harvey Samuelson applied for an allotment on the west bank, claiming to have occupied the site since July 1, 1954 for trout fishing and berry picking.[111] He later stated that he planned to build a retirement home there. When in 1975 a BLM examiner visited the site, he found "an old village site" on the land but no physical evidence of Samuelson's use of the land. From this point, the examiner also saw "the Stovall cabin" on the opposite bank of the river. (Stovall may have been a sport fishing guide and air taxi operator.) Several Dillingham residents subsequently provided statements in support of Samuelson's application, and in 1985 he received a certificate to 160 acres of land. BLM records do not specifically state how Samuelson customarily reached this site. However, it is known that he owned an air taxi operation and flew sportfishing clients to Lake Beverley.[112]

On the opposite bank of the Agulukpak River is Emma Ann Nicholson's Native allotment. Nicholson applied for the allotment in 1971 and received a certificate to 160 acres of land in 2000. (The "Stovall cabin" is just west of the allotment lands.) In her application, she claimed to have used the land since 1958 for the purpose of hunting, trapping, fishing, and berry picking. Two BLM examiners visited the site, but they found no evidence of Nicholson's use. They noted, however, evidence of a campfire and debris along the lakeshore and a cabin (probably the "Stovall cabin") on the eastern bank of the river. A floatplane was on the lake, not far from the cabin. The examiners subsequently learned that floatplanes belonging to Samuelson's Flying Service picked up clients of the sportfishing lodge at this location. Approximately eight local witnesses submitted statements to the BLM attesting to Nicholson's use of the land. The records in her Native allotment file do not state how she customarily reached the site.[113]

At least seven other Natives applied for allotments at various sites along Lake Beverley. Their files contain reports of use before and at the time of statehood. The reports do not specifically mention the use of boats, but frequent references to summer activities suggest that the applicants traveled to the lake by boat. Nearly all Native applicants claimed that their use began sometime between 1954 to 1960 and consisted of berry picking, hunting, trout fishing, and trapping. BLM field examiners usually found little or no evidence of use (e.g., camp debris, tent poles, tree marks,

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[110] "Affidavit of Thomas S. Thorson, Sr.," June 14, 1994, file AA-50573; and Christine Thorson, Statement of Witness, March 8, 1976, file AA-7208, part 1, Native allotment files, BLM records.

[111] Harold Harvey Samuelson, Alaska Native Allotment Application, January 20, 1962, Alaska Native Allotment Application and Evidence of Occupancy, January 4, 1964, file A-056860, Native allotment files, BLM records. In the 1964 application Samuelson claimed that use began in 1960. His wife, Florence, also applied for an allotment there. It was relocated. See AA-007655, Native allotment file, BLM records.

[112] Robert A. Baker, Native Field Allotment Report, February 5, 1976, file A-056860, Native allotment files, BLM records. This file contains several good photos of the Agulowak River. Rapids are clearly visible in the river near the left bank.

[113] Emma Ann Nicholson, Alaska Native Allotment Application and Evidence of Occupancy, October 29, 1971, William K. Stowers, Native Allotment Field Report, June 25, 1976, Kathy A. Stubbs, "Environmental Preliminary Analysis Report," September 29, 1999, file AA-05793-B (two parts), Native allotment files, BLM records.

etc.). However, one examiner in 1975 found "a very old cabin" at the head of Hardluck Bay, Lake Beverley, in Sec. 1, T. 6 S., R. 56 W., SM.[114]

Since statehood, several sportfishing lodges have been established at Lake Beverley. In the early 1960's John Pearson maintained a cabin at the mouth of the river. The Tikchik Fishing Bear Lodge is located at the outlet of Peace River.[115] Another lodge is located at the head of the Agulukpak River. Lodge operators rely upon airplanes to transport clients and supplies. However, there is one report that skiffs were used to transport goods to the lodge on Mikchalk Lake.[116] Clients are usually transported by floatplane or Grumman Goose from Dillingham to the lodges by floatplane. From the lodges clients may also charter flights from the lodges to fishing spots, or they may be transported by small boats (Lunds, Jon boats).[117]

The Agulukpak River attracts numerous sports fishermen, most of them from the area lodges. In 1985 thirteen people on average visited the river each day. In 1997 the number had more than doubled to twenty-eight. Some lodges have boats stored at the head of the Agulukpak River. Their guides and clients use the boats on the entire length of the river. [118] To accommodate visitors, the Alaska Division of Parks constructed a "primitive trail" along the east side of the river. Three campsites were also built.[119]

Kulik Lake, Wind River, Mikchalk Lake, and Peace River[120]

Land Status

The Wind River-Mikchalk Lake-Peace River system, connecting Lake Kulik with Lake Beverley, lies in three townships: Tps. 4 and 5 S., Rs. 56 W., SM, and T. 5 S., R. 57 W., SM. On September 3 and September 6, 1963, the BLM tentatively approved for conveyance to the State of Alaska all available lands, including the system's riparian lands, in the three townships. In the decisions, Peace River and Mikchalk Lake were determined to be navigable. Wind River, not mentioned by name in the decisions, was determined to be non-navigable.[121]

Lake Kulik lies in seven townships. In 1963 the BLM issued three decisions granting tentative approval of all available lands, including the lake's riparian lands, in the townships to the State of

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[114] Alvin D. Pack, Native Allotment Field Report, May 6, 1965, file, A07280, part 1, Native allotment files, BLM records.
[115] State of Alaska, Division of Parks 2002.
[116] John C. Moores to Sue A. Wolf, January 10, 1975, file AA-006648-A, part II, ANCSA selection files, BLM records.
[117] See websites of lodges. These websites contain numerous photographs of the lakes, rivers, and boat, not to mention, fish.
[118] State of Alaska, Division of Parks & Outdoor Recreation 1987, 51.
[119] State of Alaska, Division of Parks 2002, 9-21.
[120] See USGS Dillingham C-8 and D-8 quadrangles.
[121] Alfred P. Steger, Chief, Lands Section, Decision, September 23, 1963, file A-054568, and Alfred P. Steger, Decision, September 6, 1963, files A-054565 and A-054568, State selection files, BLM records. The Peace River system was not excluded from the surveys of the three townships.

Alaska. In the decisions issued on September 3, September 6, and September 23, 1963, Lake Kulik was determined to be navigable.[122]

The State of Alaska owns all of Lake Kulik's riparian lands and nearly all lands along the Peace River system. Three Native allotments are located at the mouth of Peace River. One application (AA-7208) is still active. The BLM has issued certificates for the remaining two allotments. Two patented five-acre tracts of land, the sites of sport fishing lodges, are also located on the Peace River system: one on Lake Beverley at the mouth of Peace River and one on the east bank of Mikchalk Lake.

Physical Characteristics

Historically, Lake Kulik (elevation 123'), the uppermost lake in the Wood River system, was often referred to as the "Fifth Lake."[123] In 1931 the USGS recorded the present name, an Eskimo word meaning "small lake."[124] On one map published by the National Geographical Society in 1914, the lake was named Lake Padden. Obviously, the name did not stick.[125]

The lake is approximately 17 miles long and averages 1½ miles wide. Like most of the large lakes in the Wood River system, it is oriented on a northwest-southeast axis. It is the smallest of the four lakes—about 17 square miles in area. It is also the shallowest—525 feet deep at its maximum and with a mean depth of 253 feet.[126] At least one island is located in the lake. Grant River, the largest stream emptying into the lake, has been identified as a possible source of hydroelectric power.[127]

The waters of Lake Kulik flow approximately 4 miles to Lake Beverley through Wind River, Mikchalk Lake, and Peace River. Compared to Peace River, the Wind River is longer (approximately 2 miles long) and narrower, and has a faster current. The river falls approximately 16 feet per mile. The river ranges in width from 100 to 200 feet, and averages 125 feet wide. Midstream depths range from 2 to 15 feet; the mean is 36 inches. Velocities range from 0.8 to 4.0 fps. The average is 3.0 fps. On July 21, 1961, when the water level was high, representatives of the Fisheries Research Institute calculated a flow measurement of 960 cfs at the river's head.[128] There are several sections of rapids. Also unlike the Peace River, there are several forested islands in the river. A U.S. Bureau of Fisheries agent reported that the upper reaches of the river

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[122] Alfred P. Steger, Chief, Lands Section, Decision, September 3, 1963, file A-05308; Alfred P. Steger, Decision, September 6, 1963, file A-054562; and Warner T. May, Manager, Land Office, Decision, September 23, 1963, file A-054595, State selection files, BLM records.

[123] See USGS Dillingham D-7 and D-8 quadrangles.

[124] Orth, 642.

[125] A local school teacher, G. Dallas Hanna, angrily protested this action, claiming that the lake was named after a local resident named Padden. This man, Hanna wrote, was "a disreputable old drunken sot, a parasite on the country. He has never been farther up the lake system than Lake Aleknagik, where he dug a barabara and spent one winter. He almost died from the scurvy brought on by his inactivity and the beer he brewed.. . . It is a disgrace to Alaska to name one of her most beautiful bodies of water after such a disreputable old character. He lives in the country on subscription wholly." G. Dallas Hanna, Schoolteacher, St. George Island, to Commissioner, Bureau of Fisheries, July 7, 1914, Reports and Related Records-Wood River and Nushagak Bay, 1907-17, Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, FWS records, RG 22, NA.

[126] Grumman Ecosystems Corporation, 11.26.

[127] See USGS Dillingham D-7, Alaska, quadrangle, 1954.

[128] Marriott 1964, 196; and Rogers and Rogers March 1998, Table 2.

are too fast for salmon spawning. However, the lower reaches were "almost one continuous spawning nest" as the river flows through a quarter-mile-wide gravel delta area.[129]

Mikchalk Lake (elevation 91'), sometimes referred to as the "Fourth Lake," is approximately 2 miles long and a half mile wide or a half square mile in area. Local residents sometimes refer to an Upper and Lower Mikchalk Lake. On its southern end there is a peninsula jutting from the eastern side of the lake, constricting the lake to a width of approximately 200 to 300 feet. At the constriction, a "slight" rapids is noticeable. One U.S. Bureau of Fisheries agent described the lake as follows: "Excepting for the deep narrow gorge at the head where the river enters and the gorge at the outlet where the river flows out, this tiny lake is entirely surrounded by steep and high mountains rising from the very water's edge." Several BLM employees indicated that level land extends for about a half mile on the east side of the lake "and then rises fairly sharply." Other than Wind River and Peace River, the lake has no other large tributaries. There are also no islands. The water is very deep near the shore, though there are places where the water is shallow and salmon spawn on the gravel bed.[130]

Peace River, approximately 1.8 miles long, is a sluggish, wide stream. Its average gradient is 12 feet per mile. The river is approximately 300 feet wide where it leaves Mikchalk Lake, gradually narrowing to less than 200 feet at its mouth. Its mean width is 250 feet. Depths range from 6 to 120 inches with the average being 36 inches. Velocities range from 1.2 to 2.2 fps; the average velocity is 1.7 fps. On September 3, 1960, at a point a half mile upstream from its mouth, fisheries researchers obtained a flow measurement of 1,190 cfs when the water level was high.[131]

Unlike Wind River, the Peace River has a prominent bend in its meandering course. Flowing generally southeast from Mikchalk Lake, the river swings southwest and then southeast just before emptying into Lake Beverley. The U.S. Bureau of Fisheries records state that the entire river "offers splendid spawning gravel."[132] Frank H. Waskey, a longtime resident of Aleknagik, once described the river as "very shallow" and having "little current."[133] One kayaker estimated its velocity at less than 4 miles an hour.[134]

Evidence of Use

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[129] Bower 1923, 38. The USGS's 1938 map of the Wood-Tikchik area denotes rapids in Wind River, but not in Peace River. See Mertie, 1938, Plate 1. See State of Alaska 1974, p. 7, for a photo of Wind River and Kulik Lake. A large forested island is located in mid channel of the Wind River.

[130] Pahlke 1980, 38; Bower, 38; Lester P. Sweeney and Sherman F. Berg, Land Report—Field Examiners Conclusions, March 26, 1964, file A-04485, Small Tract Lease files, Records of the BLM, RG 49, National Archives, Anchorage.

[131] Marriott 1964, 191; and Rogers and Rogers March 1998, Table 2.

[132] Bower 1923, 38; Pahlke 1980, 38. See photo #2 of Peace River, dated June 22, 1974, attached to Alvin D. Pack, Native Allotment Field Report, June 13, 1975, file A-007208, part 1, Native allotment files, BLM records. In late August 1999 a BLM employee also took several good photos of the lower reaches of Peace River. See Kathy A. Stubbs, "Environmental Preliminary Analysis Report: Proposed Native Allotment Title Recovery, Marcia Thorson Native Allotment, AA-007208, Lot 1, U.S. Survey No. 7588, Alaska," September 29, 1999, file AA-007208, part 2, Native allotment files, BLM records. Native allotment file AA-8263, part 2, contains a dozen excellent photos, taken in the fall of 2000, of Peace River and Lake Beverley. One photo shows a boat on the lower reach of the river.

[133] Bower 1929, 250.

[134] Pahlke 1980, 32.

Little is known about the history of the Kulik Lake and Peace River system before statehood. So far is known, there are no Native village sites in this area. On a map prepared by Frank H. Waskey in 1928, two shelter cabins are shown on the north shore of Lake Kulik. Their owners and histories are unknown. No other cultural features are shown on the lake, and none are shown along the Peace River system. Maps published by the USGS also show no cultural features along the system.[135] Sometime before 1958, Kenneth Wren of Dillingham reportedly owned a cabin along Mikchalk Lake. It is not known for what purpose the cabin was used.

The historical record yielded little information about pre-statehood use of boats on Kulik Lake and the Peace River system. In the early 1960's, ethnohistorian James W. Vanstone learned from a local Eskimo that in the late nineteenth century Natives returning to their villages in the Tikchik River system after a summer of trading at Nushagak ascended the Wood River system in kayaks and crossed a short portage to the Tikchik Lake. Lake Kulik is a short distance from Lake Nuyakuk in the Tikchik Lake system. In 1922 A. T. Looff of the U.S. Bureau of Fisheries, succeeded in navigating the entire Wood River system in an "18-foot codfish dory." He and an assistant reached Lake Kulik in September. He later wrote, "No difficulty was experienced in ascending and descending the connecting rivers. Each lake was circled and the entire shore line examined." The Peace River "was easy to pole a boat up." Because of its several rapids and "separate channels," Wind River was more difficult to ascend, requiring the two men five hours to line the boat up the river to Lake Kulik.[136] In 1928 Frank H. Waskey repeated Looff's journey, this time in a kayak. Other than he circumnavigated Lake Kulik, Waskey did not provide details of his experiences on Lake Kulik or the Peace River system in the published account of his journey.[137]

Golden Horn Lodge, one of the first sport fishing lodges established in the Wood River Lake system, was founded at Mikchalk Lake around the time of statehood. In 1958 Roger W. Maves of Dillingham applied to the BLM for a five-acre tract of land on the east shore of the lake. After a BLM official flew over the site, the agency notified Maves that because a cabin was located on or near his land claim, he may need to adjust the boundaries of his claim. Maves replied that the cabin, owned by Kenneth Wren of Dillingham, was located over a quarter of a mile away from his land, that "it has been caved in for a number of years and has been abandoned," and that no one to his knowledge had filed on the land. By 1963, when he sought to purchase the tract, Maves had constructed two cabins, a toilet, and two wells, and planned to build additional improvements that summer. He also had a 19-foot aluminum canoe "permanently based at the recreation site." Traveling to Mikchalk Lake by airplane, BLM field examiners inspected the improvements, noting in addition that the site was "accessible by small boat from Dillingham." "At times of low water, a small boat would have to be portaged or lined up the Agulowak and Agulupak Rivers," they

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[135] Bower 1929, map following page 248; and Plate I, "Topographic Map of Nushagak District, Alaska," 1938, scale 1:250,000, in Mertie 1938.

[136] Bower 1923, 38 and 39. See also "Report of A. T. Looff" in "Report of Dennis Winn, Representing Bristol Bay Salmon Packers and U.S. Bureau of Fisheries, Season of 1923: Survey of Spawning Grounds, Improvement of Streams, Destruction of Predatory Fishes and Birds, and Enforcement of Fishery Laws and Regulations in Bristol Bay, Alaska," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

[137] Bower 1929, 248 ff.

added. The BLM subsequently approved the application for a small tract, and, in 1966, Maves received a patent to the land (U.S. Survey No. 4701; five acres).[138]

Maves also obtained a headquarters site along Lake Beverley near the mouth of the Peace River. Applying for the land in 1961, he claimed that he began to use the site in November 1957 and had since constructed a log cabin and a log toilet. He used the land for "trapping and sports fishing rental." In 1962 a BLM examiner flew to the site and inspected the improvements. The examiner also contacted Frank Church, an employee of the Alaska Department of Fish and Game, and Richard Armstrong, a local pilot, both of whom confirmed that Maves had used the land since 1957. In 1967 Maves received a patent to the five-acre tract of land (U.S. Survey 4702) along the north shore of Lake Beverley.[139]

The Golden Horn Lodge operator relies heavily on airplanes in transporting clients and goods to Peace River and Mikchalk Lake. Whenever an airplane was not suitable, the lodge operators reportedly used boats. According to a BBNC representative, skiffs were used to transport goods to the Golden Horn Lodge.[140] There is also a report, perhaps from the same source, that building materials and supplies were "barged" up the system to the Golden Horn Lodge. These reports have not been confirmed, however.[141]

Two commercial sport fishing lodges are located in the Peace River system. The Golden Horn Lodge still operates on Mikchalk Lake. The Tikchik Fishing Bear Lodge is located at the outlet of Peace River.[142] From the lodges clients may charter flights from the lodges to fishing spots, or they may be transported by small boats (Lunds, Jon boats). The Peace River lodge also provides inflatable kayaks.[143]

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[138] Roger W. Maves, Application Under Small Tract Act, July 31, 1958; Roger W. Maves to Alfred P. Steger, August 11, 1959; Sherman F. Berg, Report, April 12, 1961; Roger W. Maves to Bureau of Land Management, November 9, 1961, January 5, 1963; and Lester P. Sweeney and Sherman F. Berg, Land Report—Field Examiners Conclusions, March 26, 1964, file A-044685, BLM records, NA. In 1961BLM examiner Sherman F. Berg prepared a report, recommending that the land be leased only. He noted that the land was used primarily for recreational purposes and that it was accessible by plane and by boat.

[139] In his 1961 application, Maves identified Richard Larson and Thomas E. Ward as someone who could verify his use of the land. Both men were residents of Dillingham. Roger W. Maves to Bureau of Land Management, July 6, 1961; Roger W. Maves, Application to Purchase Headquarters Site, June 30, 1961; Sherman F. Berg, Land Examination Report, September 12, 1962; and Patent No. 50-67-0394, February 3, 1967, file A-055064 (2563), BLM records, NA. After operating a sport fishing business at the lake and river for many years, Maves reportedly sold the property to William "Bill" Shoemaker. His wife, Henrietta, may now reside in Hawaii. Marcia K. Thorson to Sharon Warren, July 15, 2003, file AA-7208, part 2, Native allotment files, BLM records.

[140] John C. Moores to Sue A. Wolf, January 10, 1975, file AA-006648-A, part II, ANCSA selection files, BLM records.

[141] There is a document in BLM's easement file referring to plans to ship fuel by barge to the Golden Horn Lodge: "fuel for use in a BLM helicopter during the 1974 field season was to be barged from Dillingham to the Golden Horn Lodge on Lake Beverly via the Wood River and the Wood River Lake System. Materials for use in the construction of the lodge were also barged in." "Justification Statement for Public Use Recommendations," n.d. (c. 1974), file AA-6648-EE, part 1, ANCSA files, BLM records, NA. (Original is in pencil).

[142] State of Alaska, Division of Parks 2002.

[143] See websites of lodges. These websites contain numerous photographs of the lakes, rivers, and boat, not to mention, fish.

The principal sport fishing areas are the Wind River-Mikchalk Lake-Peace River system and Lake Kulik at the mouth of Grant River.[144] The Peace River system receives considerable boat use but not to the degree as the Agulukpak and Agulowak Rivers. Guides from the local lodges use small boats on the entire system. Skiffs from Dillingham and Aleknagik are taken to Lake Kulik. Kayakers and rafters fly to Kulik Lake and then float down the system. The Alaska Division of Parks reported the occurrence of boating accidents at the first turn of the upper Wind River because of "swift water" (apparently at high water). Peace River, on the other hand, is "an easy float at all water levels."[145]

Little Togiak Lake and Outlet

Land Status

The State of Alaska owns all lands abutting this lake and stream. Little Togiak Lake and its outlet lie in two townships: Tps. 6 and 7 S., Rs. 58 W., SM. On October 22, 1963 the BLM tentatively approved the conveyance to the State of Alaska of all lands in T. 6 S., R. 58 W., SM, excepting lands in Power Project 2295 (Lake Elva). In the decision the BLM determined that Little Togiak Lake was navigable.[146] On December 5, 1963 the BLM also tentatively approved lands in T. 7 S., R. 58 W., SM. The decision determined that Little Togiak Lake (and Lake Nerka and Elva Lake) was navigable. No mention was made of the lake's outlet. Subsequently, on August 23, 1983, the BLM issued a report reaffirming that Little Togiak Lake is navigable and determining that Little Togiak River is navigable. This latter determination was not incorporated into a decision, however. [147]

Physical Characteristics

Little Togiak Lake (elevation 40') is approximately 6 miles long and 1½ miles wide. The lake, approximately 2,560 acres in area, is more than 200 feet deep. The mean depth is less than half that figure. Near the shore the water is shallow and the bottom mostly covered with rocks. A small area of gravel, suitable for salmon spawning, is located at the head of the lake.[148] Several islands are located in the lake.

Little Togiak River (historical name) empties into the western end of Lake Nerka. It is a narrow, shallow, and short stream (about 1,500 feet long). The river ranges in width from 50 to 200 feet, but on average is 175 feet wide. Its mean depth is 16 inches. Depths range from 6 to 30 inches.

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[144] State of Alaska, Division of Parks 1974, 20; and State of Alaska, Division of Parks & Outdoor Recreation 1987, 51.
[145] State of Alaska, Division of Parks 2002, 9-15 and 9-18.
[146] Alfred P. Steger, Chief, Lands Section, Decision, October 22, 1963, file A-054601, State selection files, BLM records.
[147] Al J. Holley, Acting Manager, Land Office, Decision, December 5, 1963; and Robert W. Faithful, Deputy State Director for Conveyance Management, to Assistant Deputy State Director for Conveyance Management, August 23, 1983, file A-054607, State selection files, BLM records. On the survey plat for T. 7 S., R. 58 W., SM, it is not clear whether the land underlying Little Togiak River was segregated from the uplands. Only Little Togiak Lake and Lake Nerka were identified as "exclusions."
[148] Bower 1923, 37.

Its average velocity is 2.4 fps. Velocities may range from 1.8 to 3.2 fps. Flows range from 261 to 272 cfs. The bottom consists mostly of gravel and rubble.[149]

Evidence of Use

The Little Togiak Lake area is not known to have been permanently inhabited. The available historical records, including maps, do not contain any references to cultural features in the area. The BLM's land records before the date of statehood also contain no record of human activity along the lake or its outlet.

Before statehood, fisheries scientists may have been the principal visitors of Little Togiak Lake. F. M. Chamberlain's of 1912 may be the first report on the lake and outlet. At one point in his exploration of Lake Nerka, he noticed a creek which he did not name but it could very well have been the outlet of Little Togiak Lake. It is, he wrote, "only a few hundred yards in length with very little fall. It is about 50 to 75 feet in width and too deep for wading. The lake it drains bends to the eastward at its upper end and its extent is unknown to me. There may be important spawning grounds connected with it but time did not permit of its exploration."[150] A decade later, fisheries warden A. T. Looff explored the lake in an 18-foot-long "codfish dory." "The river is only 500 yards long, and it was an easy matter to pole our boat up into Little Togiak Lake," he wrote. He observed that much of the lake was not suitable for salmon spawning, the water being shallow near the shore and the bottom covered mostly with rocks. At the head of the lake, however, there was a small area with good gravel where a large number of salmon were spawning. Salmon were also spawning in the river.[151] In the 1950's, researchers associated with the University of Washington's Fisheries Research Institute, used small boats to explore the lake. In the late 1950's, for example, Robert Louis Burgner used 14- and 15-foot aluminum boats towing a net, to collect fish samples from the lake.[152]

Only one Native allotment is known to have been filed along the lake. In 1971 Helene E. Sagmoen of Dillingham filed for a Native allotment on the southeastern end of the lake, claiming to have used the land for fishing and berry-picking since 1960. Travelling to the site by helicopter, BLM's field examiners reported a tent frame as the only evidence of use. Subsequently, Sagmoen reached an agreement with the State of Alaska, releasing her interest in land along Little Togiak Lake in exchange for land on Kenai Peninsula which was owned by the State of Alaska.[153]

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[149] Marriott 1964, 134; and Rogers and Rogers March 1998, Table 2.

[150] F. M. Chamberlain to Commissioner of Fisheries, April 5, 1913, submitting "Report of the Work in Bristol Bay and Elsewhere in Alaska," Division of Alaska Fisheries, Bureau of Fisheries, Entry 91, Item 349, FWS records, RG 22, NA. See pages 58-60.

[151] "Report of A. T. Looff" in "Report of Dennis Winn, Representing Bristol Bay Salmon Packers and U.S. Bureau of Fisheries, Season of 1923: Survey of Spawning Grounds, Improvement of Streams, Destruction of Predatory Fishes and Birds, and Enforcement of Fishery Laws and Regulations in Bristol Bay, Alaska," General Records-Bristol Bay, 1921-25, Survey of Spawning Grounds, Division of Alaska Fisheries, Bureau of Fisheries, Entry 92, FWS records, RG 22, NA.

[152] Burgner, 166, 169, and 171.

[153] Helene M. Sagmoen, Alaska Native Allotment Application and Evidence of Occupancy, October 4, 1971; Arvilla Bartlett, Native Allotment Field Report [Parcel b], March 2, 1976; and Charles F. Bunch, BIA, to Rory

In more recent times, local residents and clients of sport fishing lodges visit Little Togiak Lake to fish, hunt, pick berries, and view the scenery. Most tourists are usually flown to the lake; they then fish for pike and Arctic char at the lake's outlet. According to Randy Smith, a manager of Tikchik Lodge, local residents use skiffs to transport trapping gear to the lake. Joe Chythlook of Aleknagik reported that local Native residents visit the lake each year in boats to fish for red salmon in the outlet and the northernmost end of the lake. A wide variety of recreational craft are reportedly used on the lake and its outlet: 14- to 18-foot Lund boats, 16- to 18-foot boats, 14- to 24-foot skiffs with outboard motors and jet units, canoes, and kayaks.[154]

Interconnecting Sloughs

The State applied for all "interconnecting sloughs" of the Wind, Peace, Agulukpak, Agulowak, and Wood Rivers. However, the State did not provide any information relating to the physical character or historical use about any slough in specific or in general. Nor did the State identify the specific location of any slough. Without this information, it is not possible to determine whether or not a specific slough was navigable in fact, or susceptible to navigation, for travel, trade, and commerce at the time of statehood. Nevertheless, we do not believe that the navigability of any slough in the Wood River system need be addressed. As a general rule, if the named rivers are navigable in fact, and if the waters of these rivers flow through the sloughs at the time of statehood, then the sloughs are an integral part of the navigable river and are thus navigable as well.

Conclusions

In assessing the navigability of inland water bodies, the BLM relies upon federal administrative and case law and the advice of the Interior Department's Solicitor's Office. The classic definition of navigable waters is found in *The Daniel Ball*, 77 U.S. (10 Wall.) 557 (1870). Pertinent DOI Office of the Solicitor's opinions include Associate Solicitor Hugh Garner's memo of March 16, 1976 ("Title to submerged lands for purposes of administering ANCSA") and Regional Solicitor John Allen's memo of February 25, 1980 ("Kandik, Nation Decision on Navigability"). The agency is also guided by the Submerged Lands Act of 1953 and the Submerged Lands Act of 1988.

After reviewing the State of Alaska's application, riparian land status, the historic record pertaining to the Wood River System as set forth above, the history of federal land conveyances in the system, and the legal guidance, we conclude that the State of Alaska owns the bed of the Wood River from its mouth on the Nushagak River to and including Lake Aleknagik, Lake Nerka, Little Togiak Lake, Lake Beverley, Lake Mikchalk, Kulik Lake, Agulowak River, Agulukpak River, and Peace River. These lakes and rivers were previously determined to be navigable and that

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Spurlock, BLM, March 29, 1999, enclosing the Settlement and Release Agreement, file AA-7679, Native Allotment files, BLM records.

[154] Robert W. Faithful to Assistant Deputy State Director for Conveyance Management, August 23, 1983, file A-054607, state selection files, BLM records.

determination was incorporated into conveyance documents. We found no evidence to overturn those decisions.

The State of Alaska is the sole owner of the riparian lands of Wind River and the Little Togiak River. Therefore, under the Submerged Lands Act of 1988, ownership of the lands underlying these rivers passed to the State of Alaska.

The State of Alaska's application for the beds of interconnecting sloughs should not be approved. The State did not provide any information relating to the physical character or historic use about any slough in specific or in general. Nor did the State of Alaska identify the specific location of any slough. Without this information, it is not possible to determine whether or not a specific slough was navigable in fact, or susceptible to navigation, for travel, trade, and commerce at the time of statehood. Nevertheless, we do not believe that the navigability of any slough in the Wood River system need be addressed specifically. As a general rule, if water from navigable rivers and streams flowed through the slough at the time of statehood and the underlying lands were not reserved, then the slough is considered to be an integral part of the river or stream, and thus the State of Alaska would hold title to the underlying lands.

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