

Ambitious project —

Navigability will affect State and Native lands

The Alaska Department of Natural Resources is engaged in an ambitious project to identify streams and bodies of water which may be determined as "navigable" in several regions of Alaska. The outcome of this research will affect the type of lands selected by Alaska Native corporations and the total amount of lands selected by the State of Alaska under the Alaska Statehood Act.

The state is keenly interested in demonstrating navigability of lakes, rivers and streams so that it may more fully obtain its land entitlement under the Statehood Act, as Federal statutes provide for title to lands under navigable waterways to pass to the state.

Native corporations have been interested in demonstrating navigability so that they may not be required to select lands underlying such bodies of water,

and may be able to obtain title to more valuable lands under the Alaska Native Claims Settlement Act.

Many federal court opinions have addressed the navigability issue since the early 19th century, although few such cases have involved Alaska lands. A recommended decision in an administrative proceeding involving navigability in Alaska was issued by the Chief Administrative Law Judge of the Interior Department in case involving land selections by the Doyon, Limited regional Native Corporation in 1979.

In December of 1975, the Bureau of Land Management (BLM) issued an interim conveyance to Doyon involving riverbeds of the Kandik and Nation Rivers. BLM said the waterways were not navigable, and therefore required Doyon to receive title to those riverbeds. Doyon,

seeking to select more productive lands, appealed this determination to the Alaska Native Claims Appeals Board (ANCAB). ANCAB made a decision to include the state in the appeal because of its claim of title to navigable waterways, and referred the matter to the Chief Administrative Law Judge in October of 1977.

The Judge held a hearing on the matter in September of 1978, and issued a recommendation decision which said the waterways were navigable.

The Division of Research and Development in the Department of Natural Resources, in cooperation with the BLM, is seeking to document navigability of waterways of those regions.

Historians for the Division now have only about one month in which to identify which such submerged lands may properly be owned by the State of Alaska.

Identification of such areas, the historians point out, will improve the ability of Native corporations to select more valuable lands and increase the amount of lands under state ownership at the same time. "It's up to local residents — historians, bush pilots, trappers, fishermen, miners, and others — to provide us with information about the use of Alaska's inland water bodies," a historian for the Division said.

Barry Roderick, historian researching navigability in the Upper Susitna and Copper River drainages, stated, "If you have ever landed a plane on any pond or lake with skis, wheels or floats; if you have ever crossed a lake or pond on the ice or in a vessel on water, this is navigation."

Persons knowing of such use are asked to help in documenting navigability on maps which

are posted in places throughout the state, or to contact Barry Roderick, historian for Upper Susitna and Copper River; Gary Stein, historian for the Lower Yukon; Ron Swanson, Land Management Officer; or the historian for the Kuskokwim and Bristol Bay areas at the Division of Research and Development, Department of Natural Resources, 323 East 4th Avenue, Anchorage, Alaska 99501.

Maps are posted at the Talkeetna Library and Museum, the Wasilla Library, the Frontier Cafe in Palmer, the Noel Wien Library in Fairbanks, the Valdez Heritage Center, Ellis Air Taxi and Duffy's Tavern in Slana, the Department of Natural Resources in Gulkana, Chitina Saloon, Ruthie's Milepost Cafe in Copper Center, the Gakona Lodge, the Anchorage Historical and Fine Arts Museum and Susitna Air service in Cordova.