2620(NAV)(932)

Memorandum

To: State Director

From: Chief, Division of Resources

Subject: Navigability Review - State Selections - Skagway Quadrangle

We have received a report from the Anchorage District Office containing recommendations as to the navigability or nonnavigability of waterbodies within areas selected by the State of Alaska which are in the area shown on the USGS 1:250,000 Skagway Quadrangle. The selections are:

AA 208	T30S Rs 58-59E CRM	46,000
A063034	T29S Rs 58-59E CRM	
	T28S Rs 57-58E CRM	92,000
		138,000 Ac±

A supplemental memorandum report has been prepared by this office and is attached.

A review has been made of the report, for content and consistency with the 12/14/79 ANCAB decision on navigable waters. I agree with the conclusions and recommendations contained in the report except the one as regards the Tsirku River. The recommendation as regards this river contained in the District's report was discussed with a representative of ADO, and it was agreed that the upper limit of this river was located in Section I, T30S, R53E, CRM. I agree with the modified recommendation. Your concurrence is requested.

I concur:

/s/ ROBERT W. ARNDORFER

ACTING State Director DAte

cc: Navigability, ADO (013)

932:SBerg:db:6/3/80:x3355

2620(NAV)(932)

Memorandum

To: Files

From: Realty Specialist (932)

Subject: Head of Navigation - Tsirku River

The Anchorage District Report on State Selections which will be within the area shown on the USGS 1:250,000 Skagway quadrangle contains a recommendation that the Tsirku River be administratively determined to be navigable "to the border."

As shown on the USGS quadrangle, it does not extend the international border with Canada.

The recommendation was discussed with Mary Jane Sutliff, Historian, ADO. She stated it had been her intent when she wrote her report ot recommend that the head of navigation be considered to fall in Section 1, T30S, R53E, CRM.

She agreed the easiest way to handle the situation would be to have Office 932 write a memorandum report recommending the necessary change.

Accordingly, I recommend your memorandum to the State Director contain reference to this modification of the report.

cc: ADO, Navigability, (013)

932:SBerg:db:6/3/80:x3355

UNITED STATES GOVERNMENT

Memorandum

DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

IN REPLY REFER TO:
2620 (013)

To : SD (932)

Date: 19 MAY 1980

FROM : DM-A

SUBJECT: Navigability Recommendations for Skagway Quadrangle FY 80

Enclosed is a report of FY 80 navigability recommendations for the Skagway 1:250,000 quadrangle which covers the State of Alaska's "priority E."

The report was written based on a review of available maps, the AEIDC contract materials and a field investigation.

We submit this report for your review, signature, and distribution to the appropriate office(s).

Enclosure

cc:
SD (932)
Navigability (013)

SC-1541-2
Mar. 1974

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

NAVIGABILITY REPORT TITLE PAGE

State	District	
Alaska	Anchorage	
Quadrangle Name and FY	Organization Code	Report Number
Skagway FY 80	013	2
Type of Action		Format
State Selection		Long
Applicant's Name	Address (include zip code)	
State of Alaska	N/A	

Remarks:

LANDS INVOLVED

Township	Range	Meridian	Serial Number	Watershed	Acres (est.)
T. 30 S.	R. 58-59 E.	CRM	AA-208		46,000
T. 29 S.	R. 58-59 E.	CRM	A063034		92,000
T. 28 S.	R. 57-58 E.	CRM	A063034		
				Total	138,000

Purpose of report

Recommendations on navigable and non-navigable waters within selected lands for Skagway quadrangle FY 80.

Prepared by	Title	Date of Report
Mary Jane Sutliff	Historian	3/25/80

NAVIGABILITY REPORT
SKAGWAY QUADRANGLE FY - 80
REPORT #2 (LONG FORMAT)

I. Primary Policy Guidelines

A. Memorandum from Hugh C. Garner, Solicitor's Office, Washington, D.C. to Director, Bureau of Land Management, "Title to Submerged Lands for Purposes of Administering ANCSA," March 16, 1976.

B. Regional Solicitor's letter dated February 25, 1980, Kandik, Nation Decision on Navigability.

C. Alaska Native Claims Appeal Board decision, Appeal of Doyon Ltd., ANCAB RLS 76-2.

II. Source of Information

A. USGS Quadrangles (Scales 1:63,360-1:250,000)

B. Master Title Plats

Master title plats were consulted to determine land status regarding ownership, withdrawals, power projects, etc.

C. State - BLM Water Delineation Maps

In 1974 the State of Alaska submitted water delineation maps to BLM covering waterbodies within the state which they considered navigable. Later, at an informal meeting between Anchorage District personnel and State of Alaska personnel, the State annotated the maps to include additional waterbodies. BLM also delineated those waterbodies which had appeared to be navigable under current guidelines. No work was done in southeast Alaska.

D. AEIDC

The University of Alaska, AEIDC (Arctic Environmental Information and Data Center), under contract to BLM, researched historic information in Alaska and extracted the information relevant to many waterbodies in Alaska. The information is arranged alphabetically by watershed. Copies of the contract data are available at the Alaska Resources Library, Anchorage District BLM, Fairbanks District BLM, and BLM State Office.

E. Field examination.

III. Selections

A. Serial No. AA-208 (46,000 acres)

1. General

a. Location, Development, and Accessibility

The selection is shown on Skagway A-2, B-2 quadrangles in T. 30 S., R. 58 and 59 E., CRM. The town of Haines is located in the selection and the Chilkoot Highway and Haines Highway provide access. Access up river in the area and beyond city limits must be by water. The mountains in the area are very steep gradients of 3,000 or 4,000 feet per mile and travel is safest, least time consuming, and least expensive by water.

b. Topography

The Takshanuk Mountains divide the selection into an east and west half. These mountains range in elevation from sea level to over 4,000 feet.

c. Lakes

There are no lakes in the selection area, however, the Chilkat Lake is discussed because it is located in the Chilkat drainage area.

d. Streams

The east half of the selection area is characterized by a series of short very steep drainages flowing into Lutak Inlet. The west side has a southeastern aspect and is steeper and dryer. Kicking Horse River joins the Chilkoot at this point through a series of braided channels. The Takhin River also joins the Chilkoot River here. It drains an ice field containing seven glaciers, therefore, the character and amount of flow vary with the ice melt. The Tsirku River drains into the Chilkat as does the Klehini which will both be addressed by this report.

e. Historic Use

The following historical discussion addresses named rivers. Old spellings and Indian spellings of river names are not changed in quoted passages from AEIDC materials.

Takhin River - AEIDC makes two references to the Takhin River regarding its ice field drainage area and the fact that gold was found at its head. No reference is made of use or navigability.

Tsirku River - There is no information on the Tsirku River in the AEIDC information.

Klehini River - Concerning the Klehini River the relevant materials state:

> Gold was discovered in the Porcupine district by a party of men. Traveling along the Klehini River, following the Dalton Trail, the party was actually proceeding along Thorp's Trail on the north side of the Klehini River. The author indicates that freight and supplies were moved to the town of Porcupine over the Klehini River when it was frozen during winter time. During the summer, freight and supplies "carried on wagons fairly easily along the banks of the Klehini River to Porcupine" (p. 14). Linda K. Thompson, Alaska's Abandoned Towns: Case Studies for Preservation and Interpretation. Anchorage: Alaska Division of Parks, 1972.
>
> In a 1949 archeological survey of the north Tlingit territory, F. De Laguna states that Hubert Holder has a homestead on the Klehini River. "There is supposed to have been a native camping place at Mile 28 on the highway, on a high terrace on the east bank of the Klehini River, a tributary of the Chilkat" (p. 6). Frederica De Laguna, Survey of the Northern Tlingit, 1949. Bryn Mawr, P.A.: Bryn Mawr College, 1949.
>
> The valley of the Klehini is a flat-bottomed gravel flat, averaging one-fourth mile in width. Its tributary creeks typically cut deep canyons and many of them are glacier fed. Freight was brought into the area by canoe up the Chilkat River to a cache opposite wells at

the mouth of the Klehini and from there by wagon to Porcupine City, about 10 miles distance (p. 60). A geological description of the area is given on page 61. It was speculated that the gold had been derived from the surrounding country rock. There were also important bench deposits filling abandoned channels a few hundred feet above the present creek bottoms which furnished workable placers (p. 61). The gold prospecting dates from the summer of 1898 (p. 62). C.W. Wright, The Procupine Placer Mining District, Alaska. U.S. Geological Survey Bulletin 225. Washington: Government Printing Office, 1904.

Transportation over frozen rivers was common as was movement of commerce by canoe:

Aurel Krause, a German anthropologist, visited the Procupine area in 1880. He reported the major settlement or Tlingit Indians in the area to be Klukwan, a large village 19 miles up the Chilkat River from Haines. The village contained 65 houses and 500 to 600 inhabitants (p. 11). The Dalton Trail and Thorp's Trail, early routes to the interior, both followed the Chilkat River from near its mouth to the vicinity of its junction with the Klehini River (p. 11-13). "Freight and supplies were usually moved in during the months of winter and early spring, when the snow and the frozen condition of the streams made transportation easier. In the summer, the prospectors hired Indians to transport the freight in their canoes as far as Welk Post," on the Chilkat just above its junction with the Klehini River (p. 14). At Wells Post, a short distance above Klukwan, Thorp's Trail crossed the Chilkat River (p. 13). Linda K. Thompson, Alaska's Abandoned Towns: Case Studies for Preservation and Interpretation. Alaska Division of Parks, 1972.

As a heavily populated area, the river must have received heavy use:

In 1879 Reverend Young, accompanying John Muir, paddled up the winding channel of the Chilcat River (p. 188). Enumerators in 1890 counted 811 Chilkat in three villages along the Chilkat River (p. 198). Polly Miller, Lost Heritage of Alaska; The Adventure and Art of the Alaskan Coastal Indians. Cleveland: World Publishing Company, 1967.

Chilkat River:

The third volume of Boundary Tribunal Protocols, Wm. H. Dall to Mr. Moore, State Department, January 3, 1888, stated the land at head of Chilkat River is inaccessible except by the Chilkat River (p. 377-378).

A group of Tlingit Indians live at the foot of Chilkat Lake (p. 29). Welles Mort Partridge, Some Facts About Alaska and its Missions, printed by C.H. Shepard, 1946.

As to commerce on the river, relevant material states:

Charles Hallock in his traveler's description of 1908 states "through one of the clefts of the mountains the sparkling Chilkat River leaps over the obstructing rocks in a succession of pools and rapids and upon the point of rocks at its mouth the cannery stands" (p. 131). One could take a side excursion from the steamer by canoes or boats "to the Chilkat Village, where the famous blankets are made" (p. 34). Charles Francis Hall, Life With the Exquimaux: a Narrative of Arctic

Experience in Search of Survivors of Sir John Franklin's Expedition. C.E. Tuttle, Co., 1970.

Chilkat Lake received floatplane use as early as 1949:

F. De Laguna reported in 1949 that the natives at Klukwan were upset by parties of sportsmen being flown by charter plane to Chilkat Lake to hunt game (p. 18). A small floatplane also landed and took off from the lake. Wells Mort Partridge, Some Facts About Alaska and its Missions. Printed by C.H. Shepard, 1946.

Trade occurred as early as 1903:

In the sixth volume of the Tribunal Boundary Protocols of 1903, Sir Robert Finlay, British Counsel, quoted from Mr. Tittman, U.S. Surveyor in 1900 for Modus Vivendi of 1899, who went up the Chilkat River (p. 272). He quoted a report of the governor of the Russian-American Company, dated March 30, 1935. "... sail for Chilkat, and, according to the promise given you last year, trade furs with them..." (p. 323). He stated that during the early part of possession by U.S. there were several visits to Indians up the river (p. 330). British counsel maintained that the mouth of the river was surveyed by Lindenburg in 1838 (p. 306).

Chilkat and Klehini Rivers - Transportation of commerce:

In the second volume of Boundary Tribunal Protocols, the deposition of D.H. Tittiman, Assistant in Coast and Geodetic Survey, states that he ascended the Chilkat River in 1893 and on to Klehini River and found no continuous mountain range parallel to coast within distance of 30 miles (p. 529-30). Captain W.H. Howard and Cutter Lincoln in 1867 entered mouth and spoke to Indian chief (p. 338). Over 2,300 sables (martens) were sold to Hudson Bay Company at mouth of this river in 1867 (p. 342). General Davis went to head of river August 3, 1968, to talk with sub-chiefs since main party is fishing salmon further up river. Davis feels this river is the shortest route to the Yukon (p. 355). O.D. Howard anchors at mouth of river to receive Indian greetings June 16, 1875 (p. 360). L.A. Bearbslee sent three Indians to calm down the Chilkat tribes and receive an invitation to send miners up the river on October 3, 1879. In May 20, 1880, having received the invitation, he appointed Lieut. McClellan and 13 sailors as escort for the first group of miners and instructed the lieutenent to remind the Indians of their invitation and treat the miners as guests. If miners do not fulfill promise to be peaceful and friendly, the Indians should send them back to Sitka. In return, the Indians would no longer be allowed to work or trade at Sitka. The trip was a success and the Chilkat River was open to whites (p. 365-368). In July 1880, two men not bound to the pledge attempted to trade with the Stick Indians. The Chilkat Chief Klotz-Kutch asked that the men be taken away. Beardslee goes in person to the river. Main Indian villages are 20 miles upstream, but one trading village is located just below the bars. A trail leads from there across the peninsula to Portage Bay where the Northwest Trading Company has built a house and trading post with Mr. George Dickenson as trader. He went to Portage Bay where he receives chiefs and settles the trading problem and a blood-feud between Chilkoots and Chilkats (p. 369-72). In proceeding of the Boundary Tribunal between England and U.S. the U.S. delegates state

that at the time of transfer from Russian to U.S. ownership, an Assistant Superintendent of the U.S.G.S. was gathering observations for charts and maps on the Chilkat River (Volume I, Part II, p. 83). August 3, 1968, U.S. General Davis visited Indians at mouth of river; 1869, this trip took him up the river to the village of Klukwan. 1870, Davis made another trip (p. 88-89). Naval officers surveyed river for more than eight miles above village of Klukwan (p. 93). Village of Klukwan is 25 miles upstream from mouth of river. 1880, Navy went there to quell uprising (p. 93-99). Arrests of Indians for 1887, '88, '89, '90, and '92 were in areas along river to a distance of 30 miles from tidewater (p. 95). Census of 1890 taken on river up the Klukman by Edward Armstrong (p. 96). Alaskan Boundary Tribunals, Proceedings of the Alaskan Boundary Tribunal, convened at London under Treaty between the United States and Great Britain, concluded at Washington, January 24, 1903. Washington: Government Printing Office, 1903-04.

In 1882, The Chilkat River was the trade route for access into the interior: Aurel Krause notes that his brother Arthur went up the Chilkat River June 17, 1882, on a geographical expedition. They were both sheltered in the winter at the Chilkat Village of Klukwan by the Chilkat Chief. "From here he (Arthur) went out with two Indians when he took as a guide and packer into the valley of the Chilkat River and up its right tributary. The Tlehini (Klehini) (p. 6). "The Chilkat River flows into the northwest arm of Lynn Canal and from its territory several passes lead into the Alsek" (p. 53). "The principal village (of Chilkat Tlingits) is Klukwan on the Chilkat River about 30 kilometers from its mouth with 65 houses and from 500-600 inhabitants; about eight kilometers below is Katkwaltu with eight houses and 125 inhabitants; and at the mouth itself is Tendestake with 16 houses and 150-200 inhabitants" (p. 66). Vancouver's Lieutenant Whidbey heard of eight chiefs on the Chilkat River and "nowhere in his extensive investigations had he found as large a population as here; much to his discomfort this group of natives grew to the number of about 200 warriors" (p. 66). "The location of the main village above the mouth of a river which was navigable only by canoe in itself prevented the Europeans from reaching them and also gave the inhabitants a feeling of safety" (p. 67). "Just as every tribe had its hunting and fishing territory, so they had their trading trails. The Chilkat went up the Chilkat River" (p. 137). The map shows location of Chilkat Villages. Aurel Krause, The Tlingit Indians, University of Washington Press, 1956.

In his report on jade in Canada and Alaska, G.T. Emmons writes: "The writer has made extended trips inland on the Skeena, Nass, Stikine, and Chilkat Rivers . . " (p. 13). This book was published in 1923. George Thornton Emmons, Jade in British Columbia and Alaska and Its Use by the Natives. Museum of the American Indian, Heye Foundation, 1923.

White traders could not travel as far up river as natives in the area: Marius Barbeau described the competition between Russia's Indians and Hudson Bay for furs. From James Douglas' Journal, 1840, Hudson's Bay at Taku, "of the two considerable rivers falling into Lynns

Canal the Chilkat is the larger. It takes two days to ascend it as far as navigable, and in that distance there are several village of natives who reside on its banks. Individuals of this tribe are in the regular practice of trading furs from the inland tribes who probably have no other market within reach. These traders return to their homes in August and early September,-and it is at this season that the greatest quantity of furs may be had at Chilkat" (p. 141). Charles Marius Barbeau, Alaska Beckons. Caldwell, Idaho: The Caxton Printers, 1947.

Some "travel writers" upon cursory examinations failed to realize the value of the rivers:

On an excursion cruise of southeast Alaska in 1890, travel writer M.M. Ballou visits the Pyramid Harbor area and notes that the Chilcat River is "very shallow and not navigable for anything but native canoes. Twenty miles inland on its bank is a large independent settlement of the Chilcat Tribe" (p. 273). Maturin Murry Ballou, The New Eldorado: A Summer Journey to Alaska. New York: Houghton, Mifflin and Company, 1889.

As to volume of trade:

Broad, shallow mouth, which at low water (16 feet below high water) looks like large sand flat. Indians spear salmon on the bars. Indian villages along river, including the largest one called Klukwan (p. 36). Many years before 1880 the Chilkat Indians did 8-10 tons of trade in materials between interior Indians and themselves and white traders. The Chilkat's Trail was up river to near its head, - where Long Mountain Trail of 7-10 days travel brought them to tributary of Yukon River (p. 60). Stewart Elihu, A Summer in Alaska. St. Louis, Missouri: J.W. Henry, 1893.

Author Carpenter on his tour of Alaska around 1923 mentions Klukwan, a village of Chilkats, on the Chilkat River (p. 46). Population is 1,000. Village is 300 years old. Chilkats are traders and trappers. Klukwan has a store, school, and churches. Government is trying to establish a cannery and sawmill (p. 47). Frank George Carpenter, Alaska, Our Northern Wonderland. New York Doubleday Page and Company, 1928.

Dog sleds pulled over frozen rivers was a traditional mode of transportation around 1890:

The Chilkat River empties into one of the forks at the head of Lynn Channel. The river is the pass over the mountains to the Yukon River, by sleds drawn by dogs (p. 29,7). At Chilkat, on Pyramid Bay, where there are three canneries (p. 29). Alexander Badlan, The Wonders of Alaska. San Francisco: The Bancroft Co., 1890.

"In 1897 ... one cannery used 32 boats, the other (cannery) 43, all with 450 fathoms of web to a boat, and they fished all the stream from Chilkhat River to Eyak, in the Delta, and all the streams in Prince William Sound" (p. 35). Jefferson F. Moser, The Salmon and Salmon Fisheries of Alaska: Report of Operations of the United States Fish Commission Streamer Albatross for the Year Ending June 30, 1989. Washington: Government Printing Office, 1900.

Speaking of the limitations of forging the river and the expertise of the Indians in canoes:

> Explorations during De Laguna's archeological survey in 1949 were confined to the neighborhood of Klukwan on the Chilkat River (p. 5). A site on the Chilkoot Lake could be reached by a three mile trail which follows the west bank of the river up from an anchorage on the southwest side of the inlet. "At high water a canoe can ascend the river for a short distance, but only an expert could get a canoe up through the boulders and rapids to the lake" (p. 5). In 1949 anthropologist De Laguna stated that the Tlingits traveled into the Yukon territory via the Alsek River and "even back across the divide to the Tlingit Villages along the Chilkat River" (p. 8). The Tlingits are described as adept canoemen (p. 8). The Chilkat Indians lived at Klukwan at the time of this study which was built about 1910 (p. 15). At this village, "its men still make and use dugout canoes on the river" (p. 15). One of De Laguna's assistants was taken out in a canoe by two natives to visit their nets (p. 16). The natives at Klukwan felt resentment when white prospectors camped along the river and by road construction along the river (p. 18). They also resent "the presence of a small powerboat at Wells, an Indian fishing camp on the Chilkat about a mile above Klukwan (p. 18). Frederica De Laguna, Survey of the Northern Tlingit, 1949. Bryn Mawr, P.A.: Byrn Mawr College, 1949.

But Indians were known to travel up the river in 20 days:

> The Chilkaht River enters the northern extremity of Lynn Channel. The general direction of the river is from the north. It is said to flow between bare and precipitous cliffs, destitute of timber. The Indians ascend it, against a very rapid current, in 20 days, when they make a portage by several lakes to the Lewis River, a tributary of the Yukon. The river is probably 100 miles long, with numerous branches (p. 271). In 1838 Lindenberg continued the researches among the islands near Sitka. He particularly examined Lynn Canal and the Chilkhat River (p. 339). William Healy Dall, Alaska and its Resources. Boston: Lee and Shepard, 1870.

USGS recommended the Chilkat as the best route of transportation to the interior:

> Author notes in a letter to the Superintendent dated February 12, 1868, that the Chilkaht and Tacou Rivers are the best means of penetrating the interior. The Indians told the author that the river had a swift current and it took them 15 to 20 days to ascend a distance which took them three or four days to return (p. 3-4). The author recommended that the Chilkaht River be used as a route to the interior (p. 6). Author notes in letter dated June 17, 1868, that the Chilkaht is navigable for a distance of 30 miles for canoes or boats (p. 1-2). U.S. Coast and Geodetic Survey, George Davidson, 1866-1875, Superintendent's file (no. 375). Records of the Office of the Director, Record Group 23, 1 Vol. (Industrial and Social Branch).

f. Additional Research

Frank G. Carpenter, Alaska, Doubleday, Page and Company, 1926

> The Chilkats are great trappers. They have divided their hunting grounds among the various families and the hunting rights descend from generation to generation" (p. 46).

When gold was first discovered in Klondike there were two roads or trails from the head of Lynn Canal over the mountains. One started here at Skagway and climbed through the White Pass to Lake Bennett, then went on down the Yukon to Dawson. The other began at Dyea, four miles away, and went over the Chilkoot Pass to the Yukon (p. 99).

Bureau of American Ethnology, Report 26, 1904-1905. Washington: Government Printing Office, 1908

There were four principal towns, three of which (Klukwan, Katkwahtu, and Yendestake) were on the Chilkat River and inlet, while the fourth, Chilkoot, was near the head of the Chilkoot Inlet" (p. 413).

Alfred Hulse Brooks, Blazing Alaska's Trails, Head of USGS, University of Alaska Press, Fairbanks 99701

More important, however, was the geographic knowledge obtained by the coast natives who in their trading expeditions had penetrated far into the interior by way of the Chilkat River Basin, Chilkoot Pass, and Taku River. The Chilkat Natives knew well the shortest route from the coast was from the head of Lynn Canal and over Chilkoot Pass to the headwaters of the Lewes River. Anxious to maintain their trading monopoly with the interior Indians, they jealously guarded the route to the Yukon by way of this pass (p. 321).

Frederick Schwatka, Report of a Military Reconnaissance in Alaska, made in 1883. Washington: Government Printing Office, 1885.

The Lynn Channal, at its head, divided into two deep inlets, the Chilkat and Chilkoot, each receiving rivers at their heads and from these valleys lead out trails that reach different sources of the Yukon River and that have been known to have been traveled by Chilkat and Chilkoot Indians respectively, for many years in the past, the object of these expeditions being to trade with the interior Indians, the Tahkeesh, or, as white men call them "Sticks" (p. 12).

On the issue of the Krause brother's maps, Schwatka had the following observation:

That he has viewed the account of the trail and that the Chilkoot Pass was traveled by Krause. Schwatka makes this statement after viewing the maps of the expedition over the Chilkoot Pass which, he states, are of an "excellent character" (p. 12-13).

Henry M. Eakin, Gold Placer Mining in Porcupine District, USGS Bulletin 662 states:

The area around the Chilkat River is known as the Porcupine Mining District (p. 93)

g. Field Examination

Each individual questioned commented on each of the named rivers in the area.

While on our trip to Haines we discovered there are presently guiding services on the Klehini River run by Ron Martin (766-2542) and Jean Stewart, both of Haines.

March 11, 1980, Haines, Alaska -- Spoke with Al Cain, State of Alaska Fish and Game office for Haines. He stated the following in response to the question

"who uses this river" while pointing to it on a map. Mr. Cain has been in the area a relatively short period of time.

Chilkoot Lake

There is a boat launch at the campground at the south end of the lake. Goat hunters use the boat launch in the fall to cross the lake. There is a lot of sport fishing in the fall. The majority of the fall sport-fishermen in Haines (he estimated 60%) are Canadians and persons who are not Haines residents. Canoers use the lake; the lake also has floatplane use. A Gruman Goose used it this year as a landing strip.

Turkey's Delight, a store in town, has an owner who rents canoes for use on the lake. There is also a concessioner on the lake who rents canoes during summer months.

The entire river is navigable up to the glacier says Mr. Cain. However, there is a log jam just above the north end of the lake. There is presently a road beyond the lake and the log jam. If a person put in above the log jam, he could travel the river to Ferebee Glacier. The river can be run by motorboat. Officer Cain said he's found gil nets up there and evidence of use.

Ferebee River

Office Cain said the Ferebee River is occasionally used and you can get a boat up there. He said the river is used for hunting.

Takhin River

Officer Cain said the Takhin River is used extensively for commercial trapping. In the summer, airboats and jetboats are used. In the winter the trappers use snowmobiles.

Access to the Takhin River is Mile 10. People put in a boat at Mile 10 off of the highway and go across the Chilkat River to the Takhin River. People tow canoes up and drift back down. It is not pleasant, rather rocky, but used constantly. People have built cabins up there using this route.

There is professional guiding on the Takhin by Tom Katzeek, Ronny Martin, his son, and assistant. We tried to contact Ronny Martin to verify this information but could not reach him at his home.

Chilkat Lake

Officer Cain said the Tsirku River above the Chilkat Lake is called the "Big Salmon River" by residents. That river is run by airboats and powerboats. He called the Chilkat and Tsirku Rivers a "virtual highway" with constant use. There are many cabins built on Chilkat Lake, big expensive homes. Materials were transported over water.

Tsirku River ("Big Salmon River")

Officer Cain said the Tsirki River is a virtual highway with constant use.

Klehini River
Is very large and navigable to Canadian Border by jet or airboat. "Wherever the people can go, they--do not matter how difficult."

Larry Fry, Assistant Area Forester, State Department of Natural Resources, Division of Forest, Land, Water Resources in response to the inquiry "who uses these rivers?"

Chilkat Lake
Floatplane use possible, summer homes, materials, and food are transported across the lake.

There is airboat travel up the Chilkat.

Tsirku (Big Salmon)
Can't go past Devils Elbow although he has heard of people going past it.

Chilkat River
Eagle habitat; biggest wintering bald eagles (over 3,000) within 1½-miles. Canoes go down it. Airboats go up it to the border.

Kelsarth River and Others
Can't get up it.

Kicking Horse Creek
Probably not navigable.

Takhin River
Overgrowth from brush.

Amount of timber to be sold is dependent on the date of tentative approval to the state. August 1, 1979 (2 years).

Larry Monroe, Harbor Master, Post Office Box 437, Haines, Alaska 99827:

Chilkat River
He stated there was a guiding outfit up the Chilkat River. He called the city to get the name but they didn't remember what name to look the license up under.

Mr. Monroe said Exploration Northwest, on a T.V. show recently did a story on the Chilkat showing the guide services on the rivers. The boats used were outboards and airboats.

Chilkat River Tours, Inc., has a cabin on the bank of Chilkat Peninsula across from Pyramid Island. There are sandbars, and the rivers constantly change like with any big river that hasn't been dammed. You can still go up the river every year on the deepest channel, and people do.

Logging and fishing are the major industries in Haines. Schnabels Mills is the major industry. It is a lumber mill.

Chilkat Lake
Mr. Monroe stated 50 or 60 familes have cabins on the Chilkat Lake. The Chilkat Lake is used in summer by boats; in winter by snow machines. Supplies to build the cabins were brought in by boat.

People traverse the Chilkat on kyak and canoes.

Conversation with Mimi Greg and Carl Heinmiller, Magistrate, Haines, Alaska. Magistrate Heinmiller is a partner with other businessmen in the area and owns a business (a part of a joint venture or partnership).

I spoke with Mimi Greg, clerk to the magistrate. Magistrate Heinmiller stated in response to the question "who uses these rivers?"

Klehini River
Is floated by airboats.

Takhin River
Is harder to get up.

Kicking Horse River
Is used by hunters on airboats and canoes.

Chilkoot Lake
Magistrate stated he knows of no use of Chilkoot above the lake.

Ferebee River
Magistrate stated the upper part of the Ferebee is not used.

Takhin and Chilkat Rivers
Have commercial use as route of transportation by a local iron company.

Both Magistrate and his clerk stated that wherever airboats are used, canoes are used by recreation guides, miners, commercial trappers, timber people, and recreationists.

Gary Saupe, Department of Natural Resources, State of Alaska, Division of Forest, Land, Water Resources stated the following in response to the question "who uses these rivers?"

Chilkat River
He'd been almost to the Canadian border himself. He stated the natives go further.

Takhin River
People ski the river when it's frozen for recreation and to get to the cabins. Ronny Martin guides out of the Takhin River. Tommy Kassak is a native who goes out to the Takhin as a guide service. It is a large river.

Chilkoot and Ferebee
Not that familiar with them. There is a road along the Chilkoot up to Coxes homestead. Before the road, the river was used to carry supplies to build the cabin.

Takhin River
There is no way to get to the river without a boat.

Chilkat River
Tidally influenced, at least to the airport. Tidal influence may continue up to the drainage.

Tsirku River
Quite a flow of water; not certain of use.

Chilkat Lake
Extensively used. One of the few clear water lakes. Not glacial melt.

Lizabeth Hakkinen, Haines Museum. Museum curator was not in when we visited the Haines museum. We found a brochure which showed that the "Chilkat Guides Raft Trips and Guide Service" has one, two, and three day trips on the Tsirku River.

Chilkat River
One day trips.

Tatshenshini and Alsek Rivers
Eleven day trips.

The museum outlined the history of the development of Haines. The Tlingit Indians settled the area prior to 1879. The Tlingit Indians "established as a powerful tribe ... but also had established a thriving trading business with tribes east and north of the mountains before the earliest recorded white man had arrived in the area." Various displays at the museum show the rivers in the area, specifically the Chilkat, Chilkoot, and surrounding rivers as routes of trade, travel, and commerce. Attached is the museum newsletter with facts about the area.

g. Land Status

The MTP's for the area were examined. They reveal a large number of claims on both sides of the river in the area. The rivers specifically addressed by the investigation of the MTP's were: the Chilkat River, Chilkoot Lake, Takhin River, Tsirku River, Chilkat Lake, Klehini River, Ferebee Glacier, Ferebee River, and Chilkoot River.

The rivers in general showed patents, native claims, and heavy claims for the areas on both sides of the rivers except the Takhin which showed no claims of record filed on its banks. The Ferebee River also showed no claims of record on its banks.

The MTP's specifically supported the factual use stated by the people of Haines who were questioned about the rivers use. The MTP's also support the

lack of use stated by the people questioned concerning the Takhin and Ferebee Rivers.

The presence of native claims on the rivers supports the information documented in the museum; that is, that the natives used the rivers to transport themselves and their goods to Fort Seward for trading.

As mentioned before, the terrain in the area does not lend itself to travel overland. The area has had substantial settlement. It is a population center. The rivers have historically been the most expedient, least expensive, most accessible means of transport and have, in fact been the route of travel.

h. Maps

Attached is a Skagway A-2, B-2, 1:63,360 quadrangle map of the area.

i. Physical and Commercial Susceptibility

The Chilkoot River, Chilkoot Lake, Chilkat River, Klehini River, Tsirku River, Chilkat Lake are all used in fact and documentation of past and present use are discussed above. Continued use of the waterbodies as the least expensive means of transport and for commerce is likely given the terrain, absence of other transportation corridors, and the present intention of the local residents.

In light of the extensive historical documentation and personal interviews concerning these rivers, a thorough discussion of physical characteristics was considered unnecessary and has not been included in this report. It should be emphasized that access to any area around Haines is either over very steep mountains or up the rivers. It appears unlikely roads could be built without excessive expense. The rivers provide at least seasonal access to the interior in and around the area.

2. Recommendation

It is recommended that the Chilkat River, Klehini River, Chilkoot Lakes, Tsirku River, and Chilkat Lake are administratively determined to be navigable to their source although the Tsirku River has a sharp bend, that bend can be portaged. This recommendation concerning this "impairment to navigation" and its effect on the determination of navigation is consistent with the Garner memo.

It is recommended that the Ferebee River and Takhin River be administratively determined to be non-navigable. All other named and unnamed fresh-waterbodies in the above townships are non-navigable. All tidal waters within the selection area are considered navigable under the Submerged Lands Act (67 STAT. 29, PL-31, May 22, 1953). The mean high tide line will be established at the time of survey.

Serial No.	Legal Description	Recommendation
AA-208	T. 30 S., R. 58-59, CRM	Chilkat River, Klehini River, Tsirku River are navigable to the border. Chilkat Lake is navigable. The Ferebee and Takhin Rivers are non-navigable. All other fresh-waterbodies in the township are non-navigable. All tidal waters are navigable.

B. Serial No. A063034 (92,000 acres)

1. General

a. Location, Development, and Accessibility

The area selected is described as T. 29 S., R. 58-59 E., CRM, T. 28 S., R. 57-58 E., CRM. The area is located one air mile east of the city of Haines. The area is heavily used by residents of Haines and visiting Canadians as well as visitors from the lower 48. There are several large industries (timber, fishing, national/internationl tourism) in the area. The Alaska Ferry system has a port at Haines. Access into the area is by plane and by the rivers in the area. There is a trail along the Chilkoot River. The selection is located on the Skagway B-1, B-2, 1:63,360 quadrangle map.

b. Topography

Elevations range from sea level to 4,000 feet in one-half mile. A field examination revealed that the terrain did not lend itself to easy crossing. The tides make it difficult to travel along the coast. The cliffs along the shore are very steep.

c. Lakes

Chilkoot Lake is in the area. It is large enough for floatplane use.

d. Streams

Ferebee River and Chilkoot River are in the area. The Ferebee River has a gradient of approximately 100 feet in six miles. The Chilkoot River has a gradient of approximately 100 feet in two miles.

e. Historic Use

The AEIDC materials show no information on the Ferebee River, however it does show historic information on Chilkoot Lake and Chilkoot River.

Chilkoot River:

References to the use of the Chilkoot River are at times confusing. The area's history dates back over more than 300 years. The area is archeologically rich as was noted by Frederica De Laguna and others. There were two predominant tribes in the area, the Chilkat and the Chilkoot. These two tribes were arch enemies, a fact that accounts for the development and maintenance of two distinct routes of commerce at times for trapping and trading in the area.

The attached map of the Chilkoot Pass was taken from The Tlingit Indians by Dr. Aurel Kraus. It is a map which was made around the time Frederick Schwatha conducted his travels as reported in Along Alaska's Great Rivers. The map should be used in connection with reading the excerpts from Along Alaska's Great Rivers. There was a similar map in Schwatha's book but there was no zerox machine in the bookstore.

The confusion which can occur in the reader's mind (which is alluded to in the first paragraph above) stems from the fact that the Chilkoot River and the Chilkoot Pass are not one and the same thing. There is a river which is located in the area of the Chilkoot Pass. Throughout the history of the area the river has had different names depending on the nationality of the users of the river or settlers around the river. The river which falls within the area historically known as Chilkoot Pass is, to the best of my knowledge, the ~~modern~~ Tlaya River, ~~and White Pass Fork of the Skagway River.~~

To the best of my knowledge in the historical documents that I have read, the Chilkoot River, and all references to it, describe the river which lies above the Chilkoot Lake.

A student of the history of the area would be relieved of much grief in his/her study of the area if he/she were aware of the fact that the description of the history of the use of Chilkoot Pass did not relate to the use of the Chilkoot River.

Some early accounts of the area were made in Russian and German. Errors in translation could account for some of the problems in reading old accounts which fail to add the words "river" or "pass" after the word Chilkoot.

Some of the sources checked to determine whether the Chilkoot River was ever a trade route for the Chilkoot Indians are listed below. These references were also checked to see if the Chilkoot River was ever known by another name and for references to use of the Chilkoot River under that other name.

Dictionary of Names and Places, Geological Survey Professional Paper 567, United States Printing Office, Washington, 1967.

Frank G. Carpenter, Alaska, Doubleday, Page and Company, 1926.

Krusenstern, The Russian Circumnavigator, 1856, Reprint by Shorey Book Store, 813 Third Avenue, Seattle, Washington 98104.

Alfred Hulse Brooks, Blazing Alaska's Trails, Head of USGS, University of Alaska Press, Fairbanks, 1970.

Frederick Schwatha, Report of a Military Reconnaissance in Alaska, Made in 1883. Washington: Government Printing Office, 1885.

Frederick Schwatha, Along Alaska's Great Rivers, George M. Hill Co., 1898.

Ralph Stockman Tarr, Alaskan Glacier Studies, of National Geographic Society, 1914.

John Rickman, Journal of Cook's Last Voyage, Frank Cass and Co., Ltd./ London, (1781 original manuscript).

After reading a number of passages with descriptions of the trade route of the Chilkoots, with a USGS 1:63,360 map of the area, I could find no passage that described travel on the Chilkoot River that related to trade or commerce on the river.

Life on the Chilkoot reached a sedentary level after exploration, wars, and development by whites:

> The Chilkoot River is a little more than a mile in length from the mouth to the lake. The stream is narrow and full of rocks and rapids. The Indians erect platforms on the banks and in the stream at every available point and hook the fish with gaffs as they try to struggle by in the shallow water (p. 27). U.S. Fish and Wildlife Service, Alaska Fishery and Fur Seal Industries. Washington: Government Printing Office, 1906-1956.

Chilkoot Lake:

Archeologist De Laguna reported in 1949 that the most promising site for excavation was at the lower end of Chilkoot Lake. This site, which is at the point between the lake and the Chilkoot River, can be reached by floatplane from the lake (p. 5). Frederica De Laguna, Survey of the Northern Tlingit, 1949. Bryn Mawr, P.A.: Bryn Mawr College, 1949.

f. Field Examinations

Each individual questioned commented on each named river in the area.

Guiding services on the Klehini River are run by Ron Martin (766-2542) and Jean Stewart, both of Haines.

March 11, 1980, Haines, Alaska -- Spoke with Al Cain, State of Alaska Fish and Game office for Haines. He stated the following in response to the question "who uses these rivers?"

Chilkoot Lake

There is a boat launch at the campground at the south end of the lake. Goat hunters use the boat launch in the fall to cross the lake. There is a lot of sports fishing in the fall. The majority of the fall sport-fishermen in Haines (he estimated 60%) are Canadians and persons who are not Haines residents. Canoers use the lake; the lake also has floatplane use. A Gruman Goose used it this year as a landing strip.

Turkey's Delight, a store in town, has an owner who rents canoes for use on the lake. There is also a concessioner on the lake who rents canoes during summer months.

The entire river is navigable up to the glacier says Mr. Cain. However, there is a log jam just above the north end of the lake. There is presently a road beyond the lake and the log jam. If a person put in above the log jam, he could travel the river to Ferebee Glacier. The river can be run by motorboat. Officer Cain said he's found gil nets up there and evidence of use.

Ferebee River

Office Cain said the Ferebee River is occasionally used and you can get a boat up there. He said the river is used for hunting.

Takhin River

Officer Cain said the Takhin River is used extensively for commercial trapping. In the summer, airboats and jetboats are used. In the winter the trappers use snowmobiles in the winter.

Access to the Takhin River is Mile 10. People put in a boat at Mile 10 off of the highway and go across the Chilkat River to the Takhin River. People tow canoes up and drift back down. It is not pleasant, rather rocky, but used constantly. People have built cabins up there using this route.

There is professional guiding on the Takhin by Tom Katzeek, Ronny Martin, his son, and assistant.

Chilkat Lake
Office Cain said the Tsirku River above the Chilkat Lake is called the "Big Salmon River" by residents. That river is run by airboats and powerboats. He called the Chilkat and Tsirku Rivers a "virtual highway" with constant use. There are many cabins built on Chilkat Lake, big expensive homes. Materials were transported over water.

Tsirku River ("Big Salmon River")
See discussion under Chilkat Lake.

Klehini River
Is very large and navigable to Canadian Border by jet or airboat. "Wherever the people can go, they do not matter how difficult."

Mimi Greg and Carl Heinmiller, Magistrate, Haines, Alaska:

I spoke with Mimi Greg, clerk to the magistrate. Magistrate Heinmiller in response to the question "who uses these rivers?" stated:

Klehini River
Is floated by airboats.

Takhin River
Is harder to get up.

Kicking Horse River
Is used by hunters on airboats and canoes.

Chilkoot Lake
Magistrate stated he knows of no use of Chilkoot above the lake.

Ferebee River
Magistrate stated the upper part of the Ferebee is not used.

Takhin and Chilkat Rivers
Have commercial use as route of transportation by a local iron company.

Both Magistrate and his clerk stated that wherever airboats are used, canoes are used by recreation guides, miners, commercial trappers, timber people, and recreationists.

Gary Saupe, Department of Natural Resources, State of Alaska, Division of Forest, Land, Water Resources stated the following in response to the question "who uses these rivers?:

Chilkat River
He'd been almost to the Canadian border himself. He stated the natives go further.

Takhin River
People ski the river when it's frozen for recreation and to get to the cabins. Ronny Martin guides out of the Takhin River. Tommy Kassak is a native who goes out to the Takhin as a guide service. It is a large river.

Chilkoot and Ferebee
Not that familiar with them. There is a road along the Chilkoot up to Coxes homestead. Before the road, the river was used to carry supplies to build the cabin.

Takhin River
There is no way to get to the river without a boat.

Chilkat River
Tidally influenced, at least to the airport. Tidal influence may continue up to the drainage.

Tsirku River
Quite a flow of water; not certain of use.

Chilkat Lake
Extensively used. One of the few clear water lakes. Not glacial melt.

Lizabeth Hakkinen, Haines Museum. Museum curator was not in when we visited the Haines museum. We found a brochure which showed that the "Chilkat Guides Raft Trips and Guide Service" has one, two, and three day trips on the Tsirku River.

Chilkat River
One day trips.

Tatshenshini and Alsek Rivers
Eleven day trips.

The museum outlined the history of the development of Haines. The Tlingit Indians settled the area prior to 1879. The Tlingit Indians "established as a powerful tribe ... but also had established a thriving trading business with tribes east and north of the mountains before the earliest recorded white man had arrived in the area." Various displays at the museum show the rivers in the area, specifically the Chilkat, Chilkoot, and surrounding rivers as routes of trade, travel, and commerce. The newsletter from the museum is attached. It contains relevant information.

g. Land Status

The MTPs were checked and showed no claims present on the Ferebee River although Star Bronczyk had examined a Native allotment claim on the Ferebee River. There are claims on the Chilkoot River and Chilkoot Lake. Evidence of historic use by natives is substantiated by native allotment claims in the area. An extensive discussion of use of the waterbodies is under the "field report" section.

h. Maps

A 1:63,360 Skagway map is attached.

i. Physical and Commercial Susceptibility

A search of all known historical information concerning these rivers was not possible. The information listed in the AEIDC material as well as additional information was read. The Chilkoot River has a gradient which would seem to limit its use to transport commerce beyond Mr. Cox's homestead. The MTPs were checked by Bob Wiseman who accompanied me on the field trip. He was aware of the existence of the homestead. He located it on the MTP. Mr. Saupe, Department of Natural Resources for the State of Alaska stated he believed the Chilkoot River to be navigable up to Mr. Cox's homestead. It is common knowledge to Haines residents that Mr. Cox transported all of the supplies to build his cabin across Chilkoot Lake and up the Chilkoot River to his homestead. These facts were considered in the determination made concerning the navigability of the river. Mr. Cox's use makes the river navigable up to the northern boundary of Sec. 22, T. 28 N., R. 57 E., CRM.

Although Mr. Cain, Alaska Fish and Game Department stated he believed the river navigable to the Ferebee Glacier, he also stated he knew of no known use of the river for transportation beyond Cox's homestead. He did say he found nets for fishing along the river but did not know of the boat use. There is a canyon on the river which appears impassable.

Chilkoot Lake is navigable based on historical use. It is worthy to note that the Indian population in this area around the late 1800s made it a major trade and population center in its day whose reputation was well known to the Hudson Bay Company and other international traders.

The Ferebee River has less of a gradient but has apparently not been used for commerce nor is it currently used to transport goods. Its source is a glacier and it is the furthest river to the east of the city of Haines. There was no testimony to support a determination of susceptibility for transportation of commerce in the future.

Because of the extensive historical information and personal interviews, a thorough discussion of physical characteristics of the rivers was considered unnecessary and has not been included in this report.

2. Recommendations

Based on the foregoing, it is recommended that Chilkoot River is navigable to Sec. 22, T 28 S, R 58 E, CRM and Chilkoot Lake is administratively determined to be navigable. There is a portion of Chilkoot River by the mouth of the river that must be portaged due to the presence of large boulders. It is recommended that the Chilkoot River be navigable its length up to Sec. 22, T. 28 S., R. 58 E., CRM. This recommendation is consistent with the Garner memo which discusses impairments to navigation and their effect on navigability determination. All other fresh-waterbodies in serial no. A063034 are non-navigable. All tidal waters within the selection area are considered navigable under the Submerged Lands Act (67 STAT. 29, PL-31, May 22, 1953). The mean high tide line will be established at the time of survey.

Serial No.	Legal Description	Recommendation
A063034	T. 29 S., R. 58-59 E., CRM T. 28 S., R. 57-58 E., CRM	Chilkoot Lake is navigable. Chilkoot River is navigable to the northern boundary of Sec. 22, T.28 S., R. 57 E., CRM. Ferebee River is non-navigable. All other fresh-waterbodies in the township are non-navigable. All tidally influenced waterbodies are navigable.

V. Summary of Recommendations

Serial No.	Legal Description	Recommendation
AA-208	T. 30 S., R. 58-59, CRM	Chilkat River, Chilkat Lake, Klehini River, Tsirku River are navigable to the border. Takhi River is non-navigable. All other fresh-waterbodies in the township are non-navigable. All tidal waters are navigable.
A063034	T. 29 S., R. 58-59 E., CRM T. 28 S., R. 57-58 E., CRM	Chilkoot Lake is navigable. Chilkoot River is navigable to the northern boundary of Sec. 22 T. 28 S., R. 57 E., CRM. Ferebee River is non-navigable. All other fresh-waterbodies in the township are non-navigable. All tidally influenced water-bodies are navigable.

Mary Jane Sutliff
Mary Jane Sutliff, Historian

May 11, 1980
Date

Area Manager

May 16, 1980
Date

District Manager

5/19/80
Date

Attachment

IN REPLY REFER TO

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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

Skagway-SS-FY'83-#1
A-060929
A-063842
2628 (962) NAV

MAY 2 4 1983

Memorandum

To: Chief, Division of ANCSA and State Conveyances (960)

From: Acting Assistant to the State Director for Conveyance Management (913)

Subject: Final Navigability Determination for State Selections Located on the Skagway Quadrangle

Following is the final navigability determination for all water bodies within available federal public lands in two townships selected by the State of Alaska.

A review has been completed on all water bodies located within the following described townships:

Copper River Meridian (CRM), Alaska	Serial Number
T. 28 S., R. 54 E.	A-060929
T. 29 S., R. 57 E.	A-063842

By State Director memorandum dated August 11, 1982, navigability determinations were made for all water bodies located within T. 29 S., R. 57 E., CRM, for State selection serial number A-061132. The State Director determined that the Chilkat River, the Tsirku River and Chilkat Lake are navigable and that all other water bodies are nonnavigable.

Since no determination has been made for water bodies located within the T. 28 S., R. 54 E., CRM, this report will cover all water bodies located within federal public lands in that township. A review was made of the AEIDC contract material regarding use information on the Klehini River and its tributaries. The information describes mining activities on Porcupine Creek as well as on some of the other tributaries to the Klehini River. Sources in the AEIDC material were not specific in regards to mode of transport to the Porcupine mines. An article in the Alaska Journal-Winter, 1975, Vol 5, No. 1 entitled "Porcupine", was reviewed for information regarding travel to the mines.

The following three paragraphs are taken from page 5 of the article.

> "Freight and supplies were moved during the winter and early spring. Horse-drawn bobsleds were used when the snows were light, but when the deep snow came they employed dog sleds.
>
> There was a second way to reach the Porcupine in summer. The Chilkat Indians, who had several villages along the Chilkat River, hired out their canoes with themselves as paddlers to ascend the river.

> But this could be a highly unreliable mode of transporation, for the Indians sometimes took a miner and his outfit part way up the river, then struck for higher pay."

It is interesting to note that the river was considered unreliable not because of physical characteristics but rather due to arguments over prices.

In addition, a letter dated June 16, 1901 from the Governor of Alaska to the Secretary of the Interior was reviewed for use information. The Governor was contacted by a Mr. Gardiner, who had apparently on a trial basis, taken a steam vessel upstream to Porcupine mines. This upset the local Natives as they felt this action would destroy their industry of supplying the mines by canoe. Mr. Gardiner was so concerned that he contacted the local Army command to see if they would protect his use of the Chilkat and Klehini Rivers. What is interesting about this account is the apparent importance the Natives placed on supplying of the Porcupine mines by canoe. Apparently, no small industry.

It is not surprising given the physical characteristics of the river and the intensity of mining at Porcupine that later trails and even later roads were built that negated the need to supply the mines by river. The existing Haines Highway was built as a route from tidewater to the Interior, for reasons that had nothing to do with the navigability of either the Chilkat or Klehini Rivers. The point is that in the early development stages the Chilkat and Klehini were used as highways of commerce and are, therefore, navigable. All other streams within the report area have gradients greater than 200 feet per mile. The AEIDC contract material contains no watercraft use information on any of the other water bodies within T. 28 S., R. 54 E., CRM. Some of the streams may be used during the ice-free season by recreational type watercraft (kayaks, canoes and inflatable rafts). In addition some streams may be used in their frozen state and some of the lakes may be used by float or ski plane. Under existing departmental criteria, recreational, frozen state and floatplanes uses by themselves do not lead to a determination of navigable.

Based on a previous State Director's determination which covered all water bodies within T. 29 S., R. 57 E., CRM, Chilkat River, Chilkat Lake and the Tsirku River are navigable, and all other water bodies are nonnavigable. Based on this report, I determine that the Klehini River in the township is navigable and that all other water bodies within T. 28 S., R. 54 E., Seward Meridian, are nonnavigable.

/s/ Robert W. Faithful IV

Attachment:
Map (1)

cc:

Navigability Project
State of Alaska
Department of Natural Resources
Pouch 7-005
Anchorage, Alaska 99510

United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

TAKE PRIDE IN AMERICA

Skagway-R/W-FY'91-#1
AA-74632 (2800)
(961)

JUN 27 1991

Rec'd 7/15/91

Memorandum

To: District Manager (041)

From: Deputy State Director for Conveyance Management (961)

Subject: Navigibility of Klehini River

This memorandum is in response to a request dated May 28, 1991, from the Assistant District Manager for Lands for a report on the navigability of the Klehini River in T. 28 S., R. 56 W., CRM. Specifically, a right-of-way application for fisheries enhancement activities is pending for lot 11, Sec. 29, of that township. Our examination indicates the Klehini River is navigable in this lot and township.

The BLM's navigability findings are based upon Federal law of title navigability. In a March 16, 1976, memorandum, Associate Solicitor Hugh C. Garner summarized the law for the purpose of administering the Alaska Native Claims Settlement Act (ANCSA). In general, nontidal water bodies are navigable if, at the time of statehood, they were used or susceptible to use for travel, trade and commerce. The Ninth Circuit Court's decision of December 13, 1989, on the navigability of the Gulkana River provides additional guidance. In this case, the Court found that watercraft customary at statehood included boats with a capacity of about 1,000 pounds. The Court further held that contemporary guided fishing and sightseeing activity on the Gulkana River was commerce and that watercraft customary at statehood "could have at least supported" this commercial activity.

For this report, the following people were interviewed by telephone by Ed Earnhart of our office in late May and early June, 1991: Randy Erikson (766-2625), ADF&G in Haines; Bart Henderson (766-2491), owner, Chilkat Guides, Haines; Ronald Martin, (766-2085), hunting and fishing guide, Haines; Ray and John Schnabel (766-2821), son and father who own

lumber and other enterprises in Haines; and Russ Lyman (766-2491) who conducts raft floats for Chilkat Guides. For a complete summary of the interviews, see Edgar A. Earnhart to File AA-74632 (2800), June 18, 1991.

The Klehini River, forty-two miles long, heads in a glacier on Nadahini Mountain in Canada and joins the Chilkat River about a mile upstream from the village of Klukwan. It is fed by some half a dozen glaciers through the tributaries along its length.

The gradient for the lower 6.6 miles of the river is about thirty feet per mile. Between rivermile 6.6 and 14.1, it is steeper, about forty feet per mile. The river's channels range from thirty to over two hundred feet wide through the lower twenty miles. It flows through a bottom ranging from a quarter- to a half-mile in width.

The Klehini River has shifted its channels over a number of years. On the USGS Skagway B-3 (1954, minor revisions 1963) quadrangle, the river's main mouth is in Sec. 29, T. 28 S., R. 56 E., CRM. However, in NASA photographs taken in July, 1979, the main channels have shifted and converge about a half mile downstream from where depicted on the map and in BLM survey plats. The main mouth and a narrower distributary now reach the Chilkat in Sec. 32, T. 28 S., R. 56 W., CRM. (See CIR 60, roll 11, frames 9 and 10, July 1979.)

At about rivermile 0.5, four sloughs meander south a short distance before joining to form one slough which reaches the Chilkat River near the northern reach of the Tsirku River delta, about three-quarters of a mile below the Klehini's main channel. This slough varies from about twenty feet wide in its upper branches to an average of over one hundred feet in its last three-fourths mile to the Chilkat. In the photographs, the sloughs are clearly visible and unobstructed.

The Haines Highway parallels the left bank of the Klehini all the way into Canada. A number of other roads, present and former, reach many points along the river. Logging and mining operations all depended on roads. A bridge at about mile 26 of the Haines Highway connects to roads leading north to Porcupine Creek and southeast to the Tsirku River. The Haines Highway dates from about 1908. Cargo was originally carried from Haines up the Chilkat to Wells by water, and then up the highway.

The historical evidence suggests that at least some commercial transportation took place on the Klehini around the turn of the century. This evidence is summarized in a May 24, 1983, BLM navigability memorandum reporting on two townships of State-selected land which found the Klehini River navigable through T. 28 S., R. 54 E., CRM. The 1983 determination was based on evidence that the Klehini was used for transportation of materials to the mines on and around Porcupine Creek by Indians using canoes. The mouth of Porcupine Creek is at mile 10.95 of the Klehini. The 1983 memorandum cites a letter from the Alaska territorial governor to the Secretary of the Interior which spoke of a steamboat taking cargo up the Klehini to the mines. The Indians reputedly attempted to raise their rates after making part of the journey to Porcupine. The Governor said the incidence of one steamboat getting up the river to Porcupine was seen by the Indians as a

threat to their commercial activities. (See Robert W. Faithful, IV, to Chief, Division of ANCSA and State Conveyances, May 24, 1983, file A-060929.) (For a short history of the use of the Klehini River during the Porcupine Creek mining development, see Patricia Roppel, "Porcupine," Alaska Journal, Vol. 5, No. 1, [Winter 1975], 2-10.)

In recent years, Chilkat Guides, a company specializing in nature viewing, has offered raft trips of varying distances on the lower part of the Klehini River. Owner Bart Henderson told Earnhart that his company accomodated six thousand people last year on various tours to streams and trails. On the Klehini the company usually makes three trips a day down the river in eighteen-foot inflatable rafts carrying six to eight people. The season is mostly June to September. The water level generally holds up through the season, reaching a peak in July, and its lowest level in September before the fall rains. According to Chilkat Guides personnel, the main channels followed by the rafters average about thirty feet wide and six feet deep. According to Henderson, the most outstanding characteristic of the Klehini is that its channels change almost daily. The lengths of the floats Henderson's people make vary, although many are from the vicinity of the steel bridge over the Klehini at mile 26 of the Haines Highway. This is about three miles above the mouth of the Klehini. The run is swift enough to be enjoyable, but slow enough for good viewing. Occasionally longer floats are made, putting in at about rivermile 9.5, near mile 31 of the Haines Highway. Henderson said that both the narrower south branch and the more shifting, wider, north branch are used to reach the Chilkat. Henderson's company has been rafting the Klehini since 1978.

Another, sometime user of the Klehini, is Ronald Martin. In his guide work, he generally goes to points on the Klehini by road, but has used his airboat to access some points, going up from the mouth. He also said he once ran his airboat to the Canadian border to show it could be done. Given the extent of road access, most boating up the Klehini is not practical. Contrary to some others, such as John Schnabel and Russ Lyman, Martin believes that canoes and jet boats could operate on the Klehini. Martin contends that the problem is not the river's condition, but the lack of skill of most of the canoe and boat recreationists who attempt to use it. He does not recommend that as a practical way to reach points in or along the river, but believes any competent boat-handler could do it. On the other hand, his preference for the air boat is that it can get him places others can't reach.

The Klehini may have been used as a commercial highway since the turn of the century. About 1901, Indians reportedly transported goods to the Porcupine mines in canoes. It is currently used by a commercial recreational rafting operation. Although it is not easy to navigate due to its shifting channels, deadfalls, and gravel bars, it is regularly used by inflatable rafts carrying six to eight people from as far as about nine miles above its mouth down to the Chilkat.

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