

From: John Bennett
To: "[Steinberger, Wendy S \(DNR\)](mailto:Wendy.S@alaska.gov)"
Subject: RE: Cripple River
Date: Monday, March 09, 2015 2:21:00 PM

Thanks for the quick reply Wendy. I'm having a blast at R&M. Finally back to doing the stuff I love to do! JohnB

From: Steinberger, Wendy S (DNR) [<mailto:wendy.steinberger@alaska.gov>]
Sent: Monday, March 09, 2015 2:19 PM
To: John Bennett
Cc: Sorensen, Kevin L (DNR)
Subject: RE: Cripple River

John,

It is so nice to hear from you. I hope your time with R&M is going well.

I have updated the navigable waters dataset to reflect the information provided in the Ducker report you sent. In accordance with current department policy the state does assert navigability on surveys prior to statehood. The submerged lands of navigable water were reserved for the future state unless the U.S. reserved them under the [Utah Lake](#) test.

The lower portion up the river from its mouth up to the north section line of Sec. 12, T. 11 S., R. 36 W., KRM is now indicated as tidal influence. The portion upstream of this point to the confluence of Unnamed Stream measured 10 miles is now marked as conflict, DNR navigable, BLM non-navigable. Unnamed stream confluence with the Cripple River is located within Sec. 9, T. 10 S., R. 36 W. KRM. Upstream from this point there is no information regarding use. The BLM did meander the river within the ANCSA conveyances upstream into Sec. 30, T. 9 S., R. 35 W., KRM; approximately ½ mile below the Bob-Blodgett Hwy bridge. It may be a month or so before these updates are published to the Navigable Waters Map.

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From: John Bennett [<mailto:JBennett@rmconsult.com>]
Sent: Monday, March 09, 2015 9:29 AM
To: Steinberger, Wendy S (DNR)
Subject: Cripple River

Hi Wendy, I'm not sure if you are still in the Navigability sub-unit but I thought I would start with

you. I'm working on a mining claim access project on the Cripple River just to the west of Nome in T9-11S, R36W, KRM. The on-line Navigability map gives it a Database ID of "1785". The mining claims along the Cripple River were all located and patented prior to 1926. My understanding is that to the extent the River was in fact navigable at statehood, those portions would be considered excluded from the Mineral Survey patents as they would be considered as not available for patent. Of course the question is whether the river was navigable at statehood. The on-line map is indefinite with a "0" status for both BLM and State determinations. I presume this means that a determination has never been made as opposed to a determination that it is not navigable.

I've attached a page out of the 1985 BLM history of Alaska's Northwest Region in which they discuss navigability of the Cripple River (creek). I was just curious whether the DNR files contain any information that would suggest an assertion of navigability or whether DNR even pursues assertions of navigability over these mining claims that were patented many years before statehood. Thanks in advance. JohnB

John F. Bennett, PLS, SR/WA *Senior Land Surveyor – Right of Way Services*

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