

**Slide 1:**

- The starting photo relates to the second mining story in a highway vs. mining scenario.

**Slide 2:**

- Federal Mining Claims patented pre-statehood
- ANCSA lands “split estate”. For high value improvements (airport or highway) DOT might acquire an interest from both estates. For access to these mining claims if an easement or permit was to be obtained, it would only be obtained from the holder of the surface estate.

**Slide 3:**

- Location west of the Nome-Teller highway.

**Slide 4:**

- The review by R&M was the second access review. The initial review by another title examiner was comprehensive, but failed to find a right of access across the ANCSA lands to the mining claims.

## **Slide 5 & 6:**

- Our first activity was to find as many historical maps of the area that might support an assertion of an access right by one means or another.

**Slide 7:**

- As this was such an early area of mining in Alaska, we were successful in finding several good maps.

**Slide 8:**

- Note dates of early Location on the subject mining claims. With regard to access across these claims, they would not be subject to federal section line easements or Public Land Order ROW.

**Slide 9:**

- Mining claims up Cripple River are not continuous.
- Note location of Nome-Teller Highway

**Slide 10:**

- The 1918 Territorial Highway Plat book notes Nome, the Penny River, trails up the Penny river and the Cripple river to the west.

**Slide 11:**

- 1920 ARC map shows Cripple River as an existing Wagon Road.
- Also shows trail along coast to Teller.

**Slide 12:**

- There are clearly a lot of historical trails in the area. Could access be obtained by a prescriptive easement?
- See slide.

### **Slide 13:**

- Access by Section Line Easement?

### **Slide 14:**

- ANCSA 17(b) easement?
  - They may overlay RS-2477 but to avoid controversy, BLM will impose a secondary easement layer under 17(b)
- Why I hate 17(b) easements... A public highway perspective
  - MOU Manley Landing
  - Specific Transfer of Administration

**Slide 15:**

- No specific 17(b) easements serve the mining claims.

**Slide 16:**

- Access by RS-2477?



**Slide 17:**

- Evidence to support an RS-2477 assertion.

**Slide 18:**

- Plenty of evidence in ARC Annual reports to document public use and expenditure.

**Slide 19:**

- What about navigability of the Cripple River?
- BLM determination (1981) that Cripple River was non-navigable was prior to key Gulkana River decision in 1987.

**Slide 20:**

- Nome-Council Dredge

**Slide 21:**

- 1959 DOI Decisions - right of ingress & egress across public lands.

**Slide 22:**

- ANCSA 17(b) not limited to specific trails.
- Discuss Herbert IBLA decision

**Slide 27:**

- Once again we start by collecting all the historical maps and documents we can find.

**Slide 28:**

- The Klondike gold rush started just a couple of years prior to Nome.

**Slide 29:**

- Once again, the early mining activity gave us very early topographic mapping.

**Slide 30:**

- Even the Canadians had some mapping that might be useful.

**Slide 31:**

- Eagle District ARC map 1925
  - Wagon Road Dawson to Jack Wade Creek
  - Note telegraph line heading northwest to Eagle and road running south from Eagle.

**Slide 32:**

- 1951 USGS Quadrangle shows “FortyMile Highway”, “Top of the World” from Boundary to Jack Wade, old trail along Walker Fork.

**Slide 33:**

- 1956 Quads show milepost and area of mining conflict along Wade Creek.

**Slide 34:**

- Construction History

**Slide 35:**

- Taylor Highway construction lines, no control, angle and distance only.

**Slide 36:**

- Caribou ranching.



**Slide 45:**

- Omnibus Conveyance

**Slide 46:**

- Google Earth with BLM SDMS mining claim overlay.