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To: "Eric P Fuglestad (eric.fuglestad@alaska.gov)"
Cc: "Karen Tilton (ktilton@rmconsult.com)"; Chad Weiler
Subject: Sterling Hwy Federal Mining Claims
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Eric, you may already have this but the following link [<https://www.blm.gov/download/file/31752>] is to the latest (2019) Alaska Federal Mining Claim Information Guide from BLM. It references Forest Service lands on pages 9 & 16. The Forest Service is the manager of the surface of lands staked as mining claims where they have jurisdiction. Before 1955, a federal mining claimant had exclusive use of the surface rights associated with their claim. The Surface Resources and Multiple Use Act of 1955 eliminated these exclusive rights for unpatented claims. The general rule is that the mining estate is dominant such that the owner of the surface estate cannot prohibit the owner of the mineral estate from accessing and developing the minerals. The miner's use of the surface can be limited to what is reasonably necessary. I am not familiar with Forest Service regulations regarding management of mining claims but they would likely provide a better understanding on how a federal Title 23 ROW Grant issued by FHWA over Forest Service lands would be impacted by a valid mining claim. There is always a possibility of challenging a claim with a mineral validity examination but I recall when we looked into that for some claims at the Chicken airport that BLM was reluctant to investigate and invalidate claims due to political pressure to look the other way. That's all. JohnB

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