

From: [Wait, Alexander J \(DNR\)](#)
Sent: Friday, February 26, 2021 9:18 AM
To: [Shook, Cora V \(DOT\)](#)
Cc: [Hite, David R \(DNR\)](#); [Cheek, Jaclyn M. \(DNR\)](#); [Leinberger, Dianna L \(DNR\)](#); [Woods, Marsha S. \(DOT\)](#)
Subject: AMA Comments
Attachments: [AMA Comments Sullivan Creek MCO.pdf](#)

Good Morning Cora

Please be advised we received the attached comments for the Alaska Miner Association. To assist us in evaluating and responding to the comment, please provide information on the following questions

1. An MO has been requested for both Sullivan Creek and Dalton 0-9. AMA has noted that MO's typically have not been requested for lineal type projects. Is there a shift in DOT practice in terms of requesting MO's? Do we anticipate seeing more of these?
2. AMA has expressed a belief that existing law (specifically AS 38.5.130 and 11 AAC 86.145(b)) are sufficient to protect DOT's interest in operating a transportation system. What is your belief and why? We understand there may be two fact patterns, FHWA and non-FHWA, or there may be a single analysis. Sullivan Creek is a non-FHWA project. Please specify if your information is specific to this fact pattern or general in that it applies to both FHWA and non-FHWA projects.

We understand there were tight timelines associated with the Sullivan Creek project. We were hoping to have a draft decision to me for review by COB next week, and to Dianna/Jeanne by the end of the next week. We were intending to follow the same schedule for the MO finding, but this would likely require a response from DOT by COB next Thursday. Please advise if this is not possible. We are already a little behind schedule – we were hoping for a March 2 signature date for the RMD and MO decision, however, I don't think that will hold up the project. Looking at the original timeline, we have built in a 45 safety margin for mineral estate certainty that we can work around.

Marsha: It is very important you do not execute and partial mining claim relinquishment without talking to Jackie or myself in order to accommodate a reduction in the 45 day safety margin.

Thanks
AJ