

Bennett, John F (DOT)

From: Bennett, John F (DOT)
Sent: Tuesday, October 25, 2011 10:36 AM
To: Wickham, Kathleen Kelley (DOT); Shurr, Martin D (DOT); Brooks, Steven Michael (DOT)
Subject: RE: Mills v US

FYI, just got off the phone with Scott Ogan. DNR is presenting a proposal to the Governor's Office to go after some of the 40 mile RS2477 claims against BLM. I mentioned that to the extent that DOT is a public information office we can expend a small amount of overhead to recover and provide archive documents to anyone who requests but that we are not funded to get into extensive research that is not DOT project related. Scott said that they did get an appropriation from the legislature to fund this type of activity and would provide it to us if they needed more of our involvement. At that point if funding is not an issue then the only thing we need to be concerned about is prioritization of the research against other active DOT ROW projects. That is we can't have staff dedicating days of time researching for DNR's project to the extent that it delays or adversely impacts our own project delivery. So before anyone gets started on a large research request please touch base with Marty or I to ensure that we have both the funding and time available to make it happen. JohnB

From: Ogan, William S (DNR)
Sent: Wednesday, October 19, 2011 9:51 AM
To: Bennett, John F (DOT); Wickham, Kathleen Kelley (DOT); Shurr, Martin D (DOT)
Cc: Clusiau, Stephanie J (DNR); Buzzell, Rolfe G (DNR); Menefee, Wyn (DNR)
Subject: RE: Mills v US

John,

Notwithstanding claims and perceptions by certain private citizens and statements made in the press, DNR and specifically PAAD, is fully committed to asserting these important rights of way in the Fortymile area, and other areas of the state. We are working on a comprehensive strategy to address this issue and enjoy strong support from the Third Floor and the AG.

As you know, one of the joys of doing this type of work is flying through flak fields from time to time. However, we have our eyes firmly fixed on the target and our commitment has not wavered.

In fact, part of our strategy will involve active participation by DOT. I would like to discuss this with you on the phone. In the mean time, simply ignore the latest flak field and know that we are still on track to aggressively assert this long dormant issue.

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From: Buzzell, Rolfe G (DNR)
Sent: Friday, October 14, 2011 1:41 PM
To: Bennett, John F (DOT); Wickham, Kathleen Kelley (DOT); Shurr, Martin D (DOT)
Cc: Ogan, William S (DNR); Clusiau, Stephanie J (DNR)
Subject: RE: Mills v US

John: Thanks for the e-mail. DNR intends to pursue assertion of the RS 2477 issue. I can't speak to the State's position in Mill's case, as that is up to the decision makers in DNR and the AG's office. However, today, I was instructed again to

proceed as rapidly and with as many resources as possible in researching the use of RST trails in the Fortymile area, including RST 1594. Carey Mill's opinions and the status of his case in no way speaks for the State or its intentions. If you have questions about the State's position, please contact Scott Ogan in DNR/ML&W/PAAD Unit.

If you have the resources available to help with our research, that help is very much appreciated by DNR. Your staff alerted me to the 1904 U.S. Army Survey maps located at UAF. I am trying to get clarification if the UAF version of the survey maps includes the area north of the Tanana River that is missing from the 1904 Survey maps at the State Archives in Juneau. I or one of my staff will visit Fairbanks in the next couple of months to do additional research on RST trails. We will give you advanced notice of our travel and we will stop in to look at what your staff has pulled together. We will also spend time in the UAF archives. Once again, I thank you and your staff for your help and assistance. Rolfe

From: Bennett, John F (DOT)
Sent: Friday, October 14, 2011 9:30 AM
To: Wickham, Kathleen Kelley (DOT); Shurr, Martin D (DOT); Buzzell, Rolfe G (DNR)
Subject: FW: Mills v US

Rolfe, see email below. Unless you have information to the contrary, that DNR intends to pursue assertion of this RS2477 issue, then I am directing my staff to stand down and cease any further research. JohnB

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From: Carey Mills [mailto:ccmalaska@aol.com]
Sent: Friday, October 14, 2011 6:35 AM
To: 'Mike Kramer'
Cc: travler@acsalaska.net; Bill Bear; Bill Dunlevy; Bill Iverson - Alaska Outdoor Council; Blake Harmon; Brad Jones; resources@akrdc.org; Chad Gerondale; david wright; jershobbs2@aol.com; Jim Burling; Jim Deininger; Mike Tinker; Patrick Keene; rahughes@gci.net; Rod Arno; Ron Somerville; Scott Harn; Sheldon Maier; Steve Borrell; Bill Brophy; J. P Tangen; Ray Kreig; Sharon Eddy; Althea St. Martin; Chad B. Padgett; Janelle Perry; Rhonda Boyles; Anderson, Brodie (LAA); Stepp, Jeff (LAA); Murray Richmond; "Representative Tammie Wilson (Representative.Tammie.Wilson.@legis.state.ak.us)"@imr-da04.mx.aol.com; Stoltze, Bill (LAA); Miller, Bob (LAA); Kawasaki, Scott Jw (LAA); Thomas, Joe (LAA); Wagoner, Tom (LAA); Troy Bouffard; Fogels, Edmund J (DNR); Sorensen, Kevin L (DNR); Kerin, Leo J (DNR); Bylsma, Rachel E (GOV); Ruaro, Randall P (GOV); Ogan, William S (DNR); Leaphart, Stanley E (DNR); Clusiau, Stephanie J (DNR); Tianhuo Nguyen; Richard Basarab; Fransico Blanco Cellphone; Donnie Thompson; Denny Chhyantal; Cord Davis; Amy Chausse; Associated Press; Jeff Richardson; newstips@upi.com; Allen Cody; Bill Mayo; Jim Swearingin; John Sandor; Mark Wayson; Phillip "Kib" Cannon; Tim Green; Dirk Tordoff; Kathleen Liska; Mick Manns; Paul G. Shultz; O D Odsather; Bennett, John F (DOT); Stiver, Vivian (LAA); Walton, Joshua C (LAA); Kerttula, Beth (LAA); Johnson, Craig W (LAA); Saddler, Dan (LAA); Guttenberg, David (LAA); Feige, Eric (LAA); Pruitt, Lance (LAA); Costello, Mia C (LAA); Maria Rendel; Natalie Howard; Sharon Mills
Subject: RE: Mills v US

Mike,

I understand your frustration. I've been dealing with it for 5 years now.

I have been contemplating what to say to your request for \$30,000 dollars by the end of the month. To be frank, I do not have that much money personally. When we first met you asked me if I just wanted access or did I want to fight this RS 2477 battle for the benefit of Alaskan's? My response was both!

I can only promise you I will seek the funding for your services with the same tenacity that I have for this RS 2477 fight. I don't know if I can get it done by your deadline but I will try!

You can see by the Cc of this e-mail I have sent it to everyone involved and I'm going to be sending out individual e-mails as well as personal phone calls to the various miner associations etc. seeking their financial support.

Please remember your quote of Mr. Franklin, "We must all hang together or assuredly we will hang separately."

Carey Mills
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From: Mike Kramer [mailto:mkramer@bnblaw.com]
Sent: Tuesday, October 11, 2011 8:31 AM
To: Carey Mills
Subject: Mills v US

Carey, I had a long frustrating conversation with the AAG Colleen Moore and a follow-up with AG John Burns. The State is still going to resist getting involved in your case and seems willing to drag their feet for years until they compile enough evidence and decide which trails in the area they are going to defend.

So here we are with not even an answer from any of the defendants and a pile of work in front of us on a "tentative order" mistaken on many grounds that is only working to the economic benefit of multinational corporations and to the strengths of the BLM.

While I believe you will eventually prevail, I cannot afford to take you to the end without getting paid.

It is with great reluctance that I must advise you that I will withdraw from further involvement after we file the objection, unless you can pay \$30,000 towards our outstanding fees before the due date of the objection brief in two weeks. There is a lot of work ahead and I simply cannot let the firm plunge farther into a hole.

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