

Griffith, Kimberly D (DNR)

From: William Smith <william.j.smtih54@gmail.com>
Sent: Friday, May 29, 2026 11:31 AM
To: Griffith, Kimberly D (DNR)
Subject: Mining claims

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Hello Ms. Griffith,

I got your name from Will Koehler.

We have five mining claims that were originally federal claims. They were wrongly given to the State as a result of ANILCA. We have a Federal patent number and an MOU between the federal government and the State of Alaska that says that the claims were given to the State erroneously and that the patent was complete and the claims should be transferred back to the BLM so we could receive the patent.

We finished with the process of patenting the claims when the feds transferred the land to the state. Before that transfer took place we had hired a mineral surveyor to do the land survey. An Economic and Validity Study was done by the BLM employees per the MOU. We had everything completed for the patent.

Per the Memorandum of Understanding the State would reconvey the claims to the Federal Government for the sole purpose of writing the patent title but the BLM refused to do this.

We filed for the patent in 1979 and had all the requirements done when the land was transferred from BLM to the state. We have been trying to resolve this issue and gain patent to our claims since then. Per the MOU we staked State claims over the Federal claims and have been performing assessment work and paying State maintenance fees on the claims every year to satisfy the State's requirements.

We have had meetings with Don Young, Ted Steven's and many BLM officials over the years with promises to help but nothing has been done.

We would appreciate any help in getting a Federal patent on our claims.

Thank you,

William J. Smith
907-460-9597

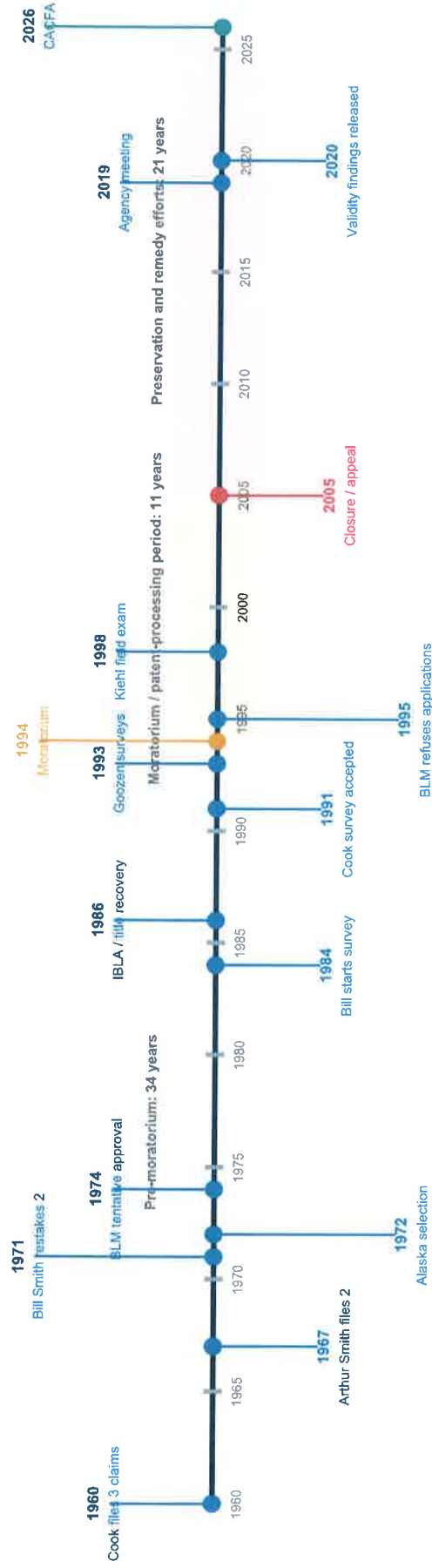
Portage Creek Patent Timeline

VIEW 1 - EVENTS IN ORDER (equal spacing; designed for discussion and note-taking)

DATE	PERSON / AGENCY ACTION AND RECORD
1960	Fred Cook files and stakes three federal claims Cook filed a Certificate of Location of Placer Mining Claims (Record 60-4562, Vol. 030, p. 76); Discovery F58600, No. 1 Below F58601, and No. 2 Below F58602.
Sept. 1967	Arthur E. Smith files two claims Smith filed certificates for Billy No. 1 Above Discovery (68-2474, Book II, p. 350) and Billy No. 2 Above Discovery (68-2475, Book II, p. 351).
Aug. 1971	William J. (Bill) Smith restakes his father's claims After Arthur Smith died, Bill Smith restaked Billy Nos. 1 and 2 in his own name (71-07840, Book 20, p. 4; 71-07841, Book 20, p. 5). Magistrate Ed Crutchfield flew him to the mine and assisted.
Jan. 21, 1972	State of Alaska selects the land Alaska's selection application F-15121 included the five pre-existing Cook and Smith federal claims.
Aug. 29, 1974	BLM tentatively approves Alaska selection F-15121 Tentative approval created the federal-state jurisdiction and title problem that later complicated patent processing.
1979	Cook and Smith preserve federal claim records Fred Cook requested that his claims remain under federal jurisdiction and filed a FLPMA location notice; Bill Smith also filed FLPMA location notices. BLM assigned F62084 and F62085 to Smith's claims.
May-July 1984	Bill Smith starts patent/mineral-survey process Smith submitted a letter of intent on May 29 and received mineral-survey application F-84276 on July 2 for F62084 and F62085, paying \$700.
1985-1986	BLM closes Smith claims; attorney Doris Loening appeals James Murray of BLM declared the claims closed because the land was tentatively approved to Alaska. Loening appealed; IBLA 85-887 later held that declaring the claims null and void was improper, while noting BLM lacked jurisdiction over the land.
1986-1991	BLM and DNR develop a title-recovery path Loening, BLM, and DNR pursued reconveyance. DNR proposed quitclaiming listed parcels back to BLM; William J. Smith appeared under ADL 414558. The record describes claim validation, surveys, and patent adjudication as prerequisites.
Aug. 3, 1991	BLM accepts Fred Cook's mineral-survey application BLM accepted Cook's \$1,500 deposit and assigned mineral-survey application/survey identifier F87836.
Feb.-July 1993	BLM orders; Eric Goozen completes mineral surveys Larry D. Evans of BLM issued survey orders. Approved surveyor Eric Goozen completed Cook Mineral Survey 2528 and Smith Mineral Survey 2482 on July 3, 1993 (the later certificate lists completion documentation dated Nov. 1, 1994).
Oct. 1, 1994	Congress imposes mining-patent moratorium The annual appropriations restriction began while Cook and Smith were completing the patent packages.

Portage Creek Patent Timeline

VIEW 2 - ACTUAL TIME ELAPSED (1960-2026; horizontal position is proportional to time)



Reading the scale: the crowded 1993-1998 cluster is intentional. Those events occurred within a short period after more than three decades of earlier claim and land-status history.

Meeting focus: distinguish the 1994 patent-processing problem from the separate 2005 claim-maintenance dispute, while showing how the unresolved patent and land-status history continued for decades.

CLAIM HISTORY for FRED COOK and WILLIAM (Bill) SMITH

- **1960** - Fred Cook filed "Certificate of Location of Placer Mining Claims". Record 60-4562, Vol. 030, pg 76. Cook staked federal three (3) mining claims: Discovery- F58600, #1 Below- F58601 and #2 Below- F58602.
- **1967 Sept-** Arthur Smith filed "Certificate of Location of Placer Mining Claims" for Billy #1 above Discovery and Billy #2 above Discovery. 68-2474, Book II, pg 350 and 68-2475, Book II, pg 351 respectively.
- **1969 June-** Fred Cook filed "Certificate of Location of Placer Mining Claim" for #3 Below Discovery. Recorded 69-2820, Book VII, pg 149. Not maintained.
- **1971 Apr 17-** Arthur Smith passed away.
- **1971 Aug-** William Jude Smith (Bill Smith) staked over BLM claims Billy #1 and Billy #2 to record in his name. Record 71-07840, Book 20, pg 4 and Record 71-07841, Book 20, pg 5 respectively. Magistrate Ed Crutchfield flew Smith into the mine and assisted.
- **1972 Jan 21-** Alaska Statehood Act of 1958. State selected lands that included Cook's and Smith's BLM claims. Application F-15121.
- **1974 Aug 29-** State of Alaska – state selection F-15121 tentative approval given regarding Jan 21, 1972 selection application.
- **1977 Aug 25-** John Jeffery (BLM Acting Chief, Cadastral) answered Smith's request on mineral survey application and provided roster of approved surveyors.
- **1979 Oct 11-** Fred Cook wrote a letter dated Sept 20, 1979, requesting his claims on Portage Creek remain under federal jurisdiction. Cook also provided location notice in compliance with Sec 314 of FLPMA of 1976.
- **1979 Oct 15-** Smith filed location notices pursuant to FLPMA 1976.
- **1979 Nov 14-** Bowman Hinckley (BLM Chief Public Services) gives notice of serial log with assigned numbers to Smith's claims: Billy #1 F62084, Billy #2 F62085.
- **1983 Nov 21-** Fred Cook received notice from BLM that if his claims were located before January 1, 1983, he was to file his affidavit of annual labor to

1 of 8

include BLM claim numbers at the Ak State office or the Fbks District office by the close of business December 30, 1983.

- **1984 May 29-** Smith submitted letter of intent to patent/mineral survey.
- **1984 July 2-** Smith received mineral survey application F-84276 for BLM claims F62084 and F62085 located within section 3, township 12S, range 3E, Fairbanks meridian, Smith paid \$700.00.
- **1985 July 26-** James Murray (BLM Asst District Manager, Operations) sent Smith a letter declaring BLM claims "closed" because lands are tentatively approved to the State, application F-15121.
- **1985 Aug 23-** Doris Loening (Smith's attorney) filed Notice to Appeal the claim closure on F62084 and F62085.
- **1985 Sept 4-** Wm. Philip Horton (BLM Chief Admin Judge) docketed IBLA 85-887 and provided notice to this effect.
- **1985 Sept-** Loening advised Smith to re-stake BLM claims as State claims because Sandy Garbowski (State lands) shows the area "open for staking".
- **1986 Apr 9-** Doris Loening requested Kay Kletka (BLM Adjudication Div) to include Smith's two BLM claims in the reacquisition from the State.
- **1986 Sept 30-** IBLA 85-887 decided ... appellant content to declare claims null and void improper. However, BLM has no jurisdiction on the land. Loening pursuing issue to recover land from State to BLM.
- **1986 Oct 26-** Loening's response from Kletka was for Smith to request the State to reconvey the area covering the mining claims to BLM so claims can remain Federal.
- **1987 Feb 23-** Loening, having reviewed memorandum #Ak 86349 requested from Commissioner Brady (DNR) "an application for formal title recovery."
- **1987 Mar 31-** Loening received reply on title recovery from Tom Hawkins (DNR Director) stating first BLM needed to validate Smith's claims. Because no action toward re-conveyance would occur, Hawkins recommended Smith "protect" his interest and "consider staking a State mining claim under State law."

208

- **1987 May-** Smith filed State Mining Claim Location Notice/Certificate on BLM claims and lands upstream from the BLM claims. Billy #1 (F62084)- record 87-16469 book 538, pg 0850,0851: Claim B2 (F62085)-record 87-16470 Book 538, pg 0852, 0853; additional sites: recorded 87-16463 thru 87-16468 Book 538, pgs 0838 thru 0849.
- **1987 Apr-** Smith addressed letter to Ak State Govenor Steve Cowper with history and the dilemma between staking claims under State law and BLM claiming they have no jurisdiction. No reply.
- **1987 June 9-** Settlement Agreement between BLM and DNR for "White River Placers, Inc."
- **1987 June 24-** Doris Loening requested a "letter of instruction" from Reed (BLM Deputy Director) on what information is required and what steps we should take to assist BLM with the validation of Smith's claims to permit reconveyance.
- **1988 May 3-** Loening addressed Reed's letter to John Santora (BLM)
- **1988 Dec 30-** Smith received BLM notice and form of changes to the "General Mining Law of 1872 and the Federal Land Policy Management Act of 1976."
- **1989 Mar 29-** Smith requests assistance from Senator Frank Murkowski and Representative Don Young on getting a reply from John Santora on letter dated May 3, 1988.
- **1989 Apr 17-** Curtis McVee (Ak Miners Ass., Executive Director) wrote Santora inquiring on the status of Smith's claims.
- **1989 Apr 24-** Smith sent letter to Michael Penfold (BLM) referring to the Ed Bilderback case and decision noting the legal issue where similar to Smith's claims.
- **1989 May-** Robert Merrill (BLM) replied to Smith's letter addressed to Penfold stating "no finalized agreement worked out between BLM and the State" and the Bilderback decision "is unique to that case."
- **1989 –** Robert Merrill (BLM Lead Land Law Examiner) responded to McVee's inquiry stating there in NO finalized agreement between State and BLM on title recovery.

308

- **1989 July-** Eric Goozen replied to Smith's cost inquiry to survey mining claims. The cost to Smith's two claims and the cost to include Cook's three will be \$10,000 plus or minus. Actual cost was \$8,600.00.
- **1989 Aug 10-** Cook staked over claims with the State of Alaska: ADL 530207, ADL 530208 and ADL 530209.
- **1989 Sept 22-** Michael Penfold (BLM State Director) responded to Senator Steven's inquiry insisting the bureau is "actively pursuing the reconveyance of the Smith claims and regrets that it is such a complicated and lengthy undertaking." BLM and DNR are pursuing "legal requirement" to ensure "vesting a clear title with the mineral patentee."
- **1989 Nov 2-** Ruth Stockie (BLM Mineral Adjudication) wrote Carol Shobe (DNR Titles & Contracts) request closure order on Smith's claims and a "conflict of title review" report. Cook's claims were also MCOed.
- **1990 Feb 9-** Gary Saupe (DNR Title) letter to Dean Brown (DNR manager) PD request a mineral closure order (MCO). The 1st step in processing the reconveyance request and before direction to BLM to survey the claims.
- **1990 Mar 5-** Carol Shobe (DNR Title and Contracts) letter to Ruth Stockie (BLM) on MCO, expected time to complete, 60 days. Shobe requested the region deviate from standard operating procedures and get other necessary information: survey and favorable BLM validity determination and show the claims meet the requirements of federal law for proceeding to patent.
- **1991 Mar 14-** Frederick Smith (DNR Regional Manager) notice to Smith on what actions and legal ramification to his claims.
- **1991 Mar 27-** Doris Loening sent letter to Glen Franklin (DNR) on clarification and correction on location description on Smith's claims.
- **1991 Mar-** DNR amended public notice.
- **1991 Apr 14-** Glen Franklin (DNR classification officer) informs Smith on closure order effective 5-6-91 following public notice.
- **1991 June 5-** Frederick Smith (DNR) "Notice" the DNR proposes to "quitclaim to the BLM the parcels indicated on the attached list." William J Smith is listed under ADL 414558.

4108

- **1991 June 24-** Nell Alloway (BLM Land Law Examiner) informed Smith to contact Malcolm McCone (BLM Cadastral Survey Div.) to reaffirm and initiate survey of claims, that under regulation 3862.6-1, "require application for mineral patent be diligently pursued." The "BLM Guide to Preparation of Mineral Patent Application" was provided.
- **1991 June 30-** Smith's letter to Malcolm McCone (BLM Cadastral) advised Eric Goozen would be doing the surveys and Goozen's address was provided.
- **1991 July 1-** Eric Goozen advised Smith of possible adjustments to survey fees and he was waiting on BLM's "survey order."
- **1991, Aug 3-** BLM accepted Cook's mineral survey application with a deposit of \$1,500.00. Survey number assigned, F87836.
- **1992 May 15-** Norm Johnson (DNR Cadastral Survey) sent letter to George Oviatt (BLM Cadastral Survey) regarding "memorandum of understanding (MOU), however the draft was not complete.
- **1991, Sept 16-** Ruth Stockie requested the State provide a "complete conflict of title review" on the land and implement a mineral closure order over the claims.
- **1992, Dec 11-** Cook paid Doris Loening \$500.00 for the Abstract of Title (needed for the patent application).
- **1993 Jan 11-** Smith sent a note to Malcolm McCone providing him the address for Eric Goozen who was doing the mineral survey on the claims.
- **1993 Feb 16-** Larry D Evans (BLM Cadastral Survey) informed Cook and Smith that Goozen was given survey orders on their mining claims: Cook's "Mineral Survey No. 2528" on claims: F58600, F58601, F58602 and Smith's "Mineral Survey No. 2482" on claims: F62084 and F62085.
- **1993, July 3-** Goozen completed Cook's mineral survey No. 2528 and Smith's mineral survey No. 2482.
- **1994, Jan 13-** Liz Hawkins (DNR) sent notice on "claim(s) abandoned" for failure to record annual labor.
- **1994, Jan 24-** Smith wrote letter of protest.
- **1994, Jan 31-** Kerwin Krause (DNR) vacated the abandonment order after confirming Smith had performed annual labor.

508

- **1994, Oct 1-** Congress imposed moratorium on patents for one year. Smith and Cook were unaware of the moratorium. The moratorium was extended for several years following its implementation. To date, June 2026, the moratorium has never been removed.
- **1995, Jan 24-** Jerry L. Pinkerton (BLM Cadastral Survey) approved the mineral surveys on Cook's claims No. 2528 and Smith's claims No. 2482. Documents needed in the Patent applications.
- **1995, Jan 31-** Cook and Smith receive their "Certificate of Mineral Survey" which shows Goozen's dated document as complete on November 1, 1994 and Jerry Pinkerton (BLM Cadastral Survey) approved the documents on Jan 24, 1995.
- Thomas Deiling (BLM Acting chief, Cadastral) provided Cook and Smith with the completed mineral survey plats, land descriptions and all related material from surveyor, Eric Goozen. Deiling also said the moratorium would be in effect through Sept 30, 1995.
- NOTE: the survey was needed for the legal description of the claims before a publication agreement/contract could be established and the patent notice given to the public.
- **1995, Mar 8-** Cook and Smith sent Evvie Punches (BLM) newspaper publication notice of intent to patent and publisher agreements.
- **1995, May 17-** Evvie Punches (BLM) informed Smith and Cook that publication notices of intent to patent can not be run in the newspapers nor will the patent applications be accepted by BLM because of the patent moratorium.
- **1995, Oct 11-** Rose sent Evvie Punches a letter to submit publication notices to patent because the dates of closure had expired. Punches sent notice of a continuance on the patent moratorium through September 30 1997. To date, 2026, the moratorium is still in effect.
- **1996-** Cook and Smith have solicited help from our federal representatives in both the House and Senate without success.
- **1996 Nov 25-** Nolan Heath (BLM Deputy State Director) informed our federal representatives of the complex land issues, title conflict and the erroneous

648

conveyance of the lands within the mining claims to the State which has impeded the patent process. Heath believes until the federal moratorium is lifted, there is no action we can take.

- **1996 Dec-** Letter to Ted Stevens from Hort Tipton's office states that Cook and Smith did not meet the half-way point on the patent process.
- **1997 Aug-** Don Keill (BLM mining engineer) informed Cook and Smith he was given authorization to conduct the field verification/exam on their Portage Creek claims. The field study was conducted in July 1998.
- **1998 July/Aug-** Keill performed the field study on Cook's and Smith's claims. Cook and Smith were present to assist Keill when necessary.
- **2001 June-** Keill called the Smith's home and Rose answered. His final draft on the economic and validity study was complete and the reports were forwarded to Bob Fisk and Evvie (Punches) Garis for final approval.
- **2002 Mar 6 –** Fred Cook passed away bequeathing his Portage Creek claims to Rose Edgren. Cook wanted the claims to stay in the family.
- **2002 Aug 21-** Henri Bisson (BLM State Director) replied to all the congressmen who enquired on our behalf for patent that "if and when the moratorium is lifted and federal law will allow the filing of new mineral patent applications, the BLM will accept the applications..."
- **2005 Mar 14-** Evvie Garis (BLM) files closure notice on Smith's claims for non-compliance with Federal regulations.
- **2005 Mar 23-** Smith received notice of closure on claims and mineral survey file.
- **2005 Apr 4-** Smith and Edgren met with Garis in the Fairbanks BLM office on this closure. We explained, to no avail, that we have done everything in good faith to comply with the state and federal regulations. But the summer of fires and heavy smoke prohibited us getting into Portage Creek for our annual assessment work. Don Keill told us we only needed to pay the filing fee which was not correct. We asked for the validity report but Garis said the report was not a "final document" therefore could not be released.
- **2005 Apr 5-** Smith and Edgren filed an appeal on the closure and hired JP Tangen to fight the closures for all five claims on Portage Creek.

798

- **2005 Apr 16-** Smith and Edgren requested assistance from all State and Federal representatives but to no avail.
- **2005-** IBLA 2005-136 as filed on behalf of Smith
- **2006, Jan 18-** IBLA affirmed decision on closure. The attorney fees where \$20,000.
- **2019, Dec 10-** Smith and Edgren with our spouses met with the State Lands and BLM director, Kevin Pendergast to agree on a resolution with the claims on Portage Creek. It became evident that the State and BLM had come to their own conclusion on the claims that we could not agree too. The state wanted to sell us a five- acre parcel where we could build a cabin. Any mining activity on the five claims would be governed by the State regulations and fees. We left the table with no agreement.

after the meeting, Bill asked Pendergast if he has the validity reports on Portage Creek from Don Keill and he said he would get those reports. So on January 15th, we made a second trip to anchorage from Delta and got the final documents for the patent requirement. However, with the moratorium still in effect, nothing will be accepted by BLM.

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