

Peter Miscovich-Maria(Obradovic)Miscovich-Sandra MISCOVICH-DO.....

John A. Miscovich
Mary Miscovich
The GOLDEN HORN MINE Co.
General Delivery
Flat, Alaska 99584



Winter Address
1093 No. Greengrove St.
Orange, CA 92867-5812
714-532-3943

March 20, 2000

Mr. Stuart Hirsch
Bureau of Land Managment
Manager of Realty
Anchorage, Alaska

FAX No. 907-267-1267

Dear Stuart:

As per your request I am FAXing to you the letter and other material requested by Mark Kepler, Post Master at Flat.

It is most unfortunate that Mark and his wife Sherri should create so much fuss over a situation that really affects them.

Karl Persson can be thanked for getting Flat riled up over this situation that doesnt need the Congress of the United States involved when they have many more pressing issues for the good of our country.

I was born in flat in 1918 and over the years we have had many problems to solve and my Father always believed in going through the local authorities first. There was no need to get Ted Stevens involved and I refuse to participate in any such action.

The Postmaster has exposed himself to a very serious situation and he made a poor judgement 14 years ago to start expanding on Federal mining claims.

The law is very clear what a tresspasser is and what you can and cant do on Federal Mining claims.

Please feel free to call on mg for further information about Flat.

With kind regards,

Sincerely yours,

John A. Miscovich
John A. Miscovich

To: Honorable Ted Stevens
United States Senate
222 W. 7th Avenue, #2
Anchorage, AK 99513

Subject: Trespass Reconciliation

Sir,

I am the owner of a house and associated structures in what is known as the town of Flat, Alaska. I understand that according to BLM laws these buildings are in trespass on public lands. To protect my investment and future use of these buildings, I would like for the BLM to take an action similar to that taken in Randsburg, California and deed to me the surface rights to the land that my house and related structures are on. I would be willing to pay fair market value for this acreage.

To expedite the process, I would be agreeable to a survey done in a simple rectangular layout. Being that the town is already laid out in a general north/south, east/west pattern should simplify things. Main Street, from the airport to the Moose Hall and the Iditarod/Willow Creek Road would be excluded from private ownership, because they are supposedly Federal Right of Ways. Like Randsburg, the purchase price could be for full acres, therefore the survey could be done in full acres. This should be fairly easy to do, because in most cases there is a fair distance between different owners houses and structures. If my house or structures are close to another persons, the survey line could be equal distance between them.

I understand that I would be buying surface rights only and if the claimants of the underlying mineral rights decide to mine those minerals, they have the right to do so, if they compensate me, at fair market value, for my expenses in moving my house and related structures or buying them from me out right. In either case, I would retain ownership of the surface rights for future use when the mining was completed.

Because the future of Flat depends on it, I hope this matter can be resolved as soon as possible.

Name: _____

Signature: _____

Date: _____

Page 1

March 8, 2000

Hello From Flat,

As all of us who own houses in Flat know, we are trespassing on public land. This last summer the BLM was told to enforce the trespass laws. Because of Flats unique status of being here for so long, the BLM offered us the option of doing something similar to what Randsburg, California did, where we could buy the surface rights to the land that our buildings are on. They only had two stipulations:

- #1. Everyone had to be in general agreement on what was to be done. No local feuds. No special deals.
- #2. It couldn't look like a "land grab". You can only purchase the land that you have been using in the past. No speculations on future sales.

We recently found out from BLM that even tho a few letters have gone back and forth, nothing has been initiated to get this process going. Something has to be done by us soon, because the Anchorage BLM office has been told to do their job.

If we all come to an agreement and figure out what we each want to claim, then the land will be surveyed and sold to us at "fair market value". This would probably be decided by a BLM land person. But, what is the fair market value of a pile of rocks with bad drinking water and no road access? Not much.

To me, this sounds like a fair deal. The other alternative is that they would declare us all in trespass and tell us to move our stuff off of their land and then burn or bury what was left, which would be everything, because where are we going to move it to? We could hire lawyers and tie it up in court for years, but who wants to pay a lawyer \$10,000.00 to save a \$500.00 house? I know some of the buildings here are worth more than that, but it would be real hard to sell them if you don't own the land they are sitting on.

We would only be getting the ownership of the surface rights. The leases for the mineral rights (mining claims) would still be active and the agreement that started back in 1910 between the miners and the residents would still have to be honored, with some changes, because of the changing situation.

Another reason for the urgency is that I recently found out that the State is considering dropping the Flat airport. No airport, no post office. No post office, no town. We have to make it look like we care.

If you even somewhat agree with this, please print your name at the bottom of the enclosed letter, sign it, date it and mail it as soon as possible. This will at least get the ball rolling. If you don't agree with it, just throw it away, because we don't have a lot of time to hash out details. We can work them out after the ball is rolling.

Below is a list of the people I am sending copies to. I am enclosing an extra copy for you to give

PAGE 2

to someone you might think of that I forgot. If you want to make copies and have several family members claim different buildings, feel free to do so. Because we are dealing with the government, the more signatures the better.

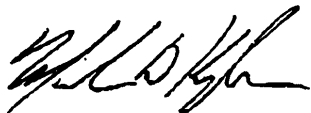
Alvin Agoff
Peter Browne
Rob Dahl
Artic Demantel
Tad Fullerton
Don Harris
Pete Leov
John Miscovich
George Walters

These people own houses in Flat, but I don't have any addresses for them.

Jim Cruse
Jim Flemmings
Shawn Flemmings
Mike Harbro
Andrew Miscovich
Darrel Olson
Darrel Snodgrass

Thank you for considering this.

Sincerely,



Mark D. Kepler
101 White St.
Flat, AK 99584

P.S. GLM THOUGHT IT MIGHT BE A GOOD IDEA TO GET TED STEVENS INVOLVED IN THIS, TOO. IF YOU DECIDE TO SEND ONE TO GLM, SEND ONE TO TED STEVENS, TOO.

I ENCLOSED AN EXTRA FOR YOU TO SEND TO YOUR BROTHER, ANDREW. I DON'T HAVE HIS ADDRESS.

MK

Bureau of Land Management

222 W. Seventh Avenue #13
Anchorage, Alaska 99513-7599

Phone 907-271-4405

Fax 907-271-5479

FAX TRANSMISSION COVER SHEET

Date: January 6, 2000
To: Carl Persson
Fax: 267-1304
Re: Peter Browne Congressional
Sender: Evvie Garis

You should receive ⁴ page(s), including this cover sheet.
If you do not receive all the pages, please call 907-271-4405.

Here is copy of Senator Stevens letter to the SD and Browne's letter to the Senator.

- Dennis -> Blow up map
- color in membership
- " eligibility

30 people full/part time term lease
20-30 life-estate ?

* letter to F Brouse (May-June) Re: PO federal or contract?
for mtg - legislate townsites
- trespass
- patent claims?

D - list of claims (blgs) on map
+ blgs hist sq/lot
2) Deyon - ab the/wants
- bud or will
- telegraph sh
- new dotley

SD building
staff w/o meeting paper } 12th
1) call rep/rep

01/06/00 THU 10:49 FAX
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United States Senate
COMMITTEE ON APPROPRIATIONS
WASHINGTON, DC 20510-6025

December 10, 1999

Mr. Francis "Fran" Cherry
State Director
Bureau of Land Management
U.S. Department of the Interior
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599

Dear Fran:

Enclosed is a copy of a letter I received from my constituent, Peter J. Browne, requesting assistance with obtaining surface rights on his mining claim in Flat, Alaska. I would appreciate it if you can review his concerns, and provide me with any information on which I may base a response.

Please send your reply to me at 222 West 7th Avenue, #2, Anchorage, Alaska 99513. Thank you for your assistance on this matter.

With best wishes,

Cordially,
Ted Stevens
TED STEVENS
United States Senator

Enclosure

01/06/00 10:49 FAX
01/06/00 10:49 FAX
01/06/00 10:49 FAX

November 23, 1999

Senator Ted Stevens
222 West 7th
Anchorage, Alaska 99513

Dear Senator Stevens:

I would like to tell you a story and ask for your assistance in this unique situation.

I own unpatented Federal Mining Claims AAO3615⁴A thru AAO36166, located in Flat, Alaska. These claims are located at the junction of Otter Creek and Flat Creek, extending approximately a mile on each creek. These claims came to me through my father Robert W. Browne and his father David E. Browne.

D.E. Browne participated in the "Trail of 98". The Flat-Iditarod-Discovery strike was one of the last big rushes, struck on Christmas day, in 1908. My grandfather purchased all the assets of The Yukon Gold Co. from the Guggenhiems, shortly after WWI. He acted as agent for The Yukon Gold during the war. My grandmother was the nurse at Flat and my grandfather was the District Commissioner there for some time. My father and uncle were raised at Flat.

There have been people living in Flat as well as a Federal U.S. Post Office since 1909. BLM rules now state no one can have "occupancy" on mining claims unless they are "substantially mining the claims". Moving the long-standing dwellings in Flat to alternate "privately" owned land in the area is not an option. As you ~~well~~ know, less than one percent of Alaska is in private ownership. The miners who mine at Discovery, Willow, Upper Flat, Chicken, and Prince Creeks as well as Snow Gulch, use the Flat Post Office and airport. Mineral exploration companies need these facilities as do the BLM firefighters. A surprising number of people pass through Flat every summer, many with past family connections to the mining history of the area.

Flat was never townsited precisely because the "occupancies" are on mining ground. These "occupancies" exist as they do out of necessity, without rents, taxes or legalities. The topography of the land lends itself to construction on only the placer tailings. Traditionally, any structure in the way of a mining plan shall be moved by the owner.

I am not interested in further limiting or complicating the mining potential of this area in any way. I am however interested in seeing to it that those parties with legitimate interests in surface structures are allowed to continue their traditional uses.

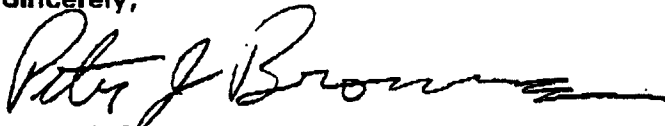
The BLM has in the past been able to accommodate exceptional situations by transferring surface rights to private individuals. A case in point being Randsberg, California. I believe a case officer named Linn Gum handled that situation. His phone # is 1-760-384-5400. Mr. Gum works out of the Ridgecrest, Calif. BLM office.

I am willing to consider all proposals, and am open to negotiate mineral rights, land use issues, and the establishment of Flat as a township as long as I can be assured that there will be no interference with my mining claims by non-mining interests. Conditions and restrictions would have to be considered for these potential land use conflicts.

My intent is to mine this ground. This economic option is one I wish to protect and the only viable one I foresee in Flat at this time.

Thank you for your time and consideration in this matter. I understand the conflicts inherent and am very interested in resolving them to the benefit of all concerned. I will look forward to hearing from you and hopefully working with you and your staff.

Sincerely,



Peter J. Browne

Peter J. Browne
30470 N.W. Nowakowski Rd.
Buxton, Or. 97109

1-(503)-324-2355

or

Flat, AK 99584
Message phone# Kepler's 1-(888)-812-5012



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

Kmahoney 12/29/99
E. Davis 12-29-99
J. Brown 12/29/99
ACTING 12/29/99
JB
ACTING
H. Delle 12/30/99

AA-36154 through
AA-36166 (3842)
(932)

DEC 30 1999

Honorable Ted Stevens
United States Senate
222 West Seventh Avenue #2
Anchorage, Alaska 99513

Dear Senator Stevens:

This is in reply to your letter dated December 10, 1999, concerning your constituent, Peter J. Browne. Mr. Browne has asked for your assistance with obtaining surface rights on his mining claims in Flat, Alaska.

A review of the casefiles relating to Mr. Browne's mining claims shows that a Use and Occupancy-Mining case was established in October 1996 by the Bureau of Land Management (BLM) Anchorage Field Office (AFO). The Surface Management Specialist has conducted compliance inspections of the claims during the summers of 1998 and 1999. He has been in contact with Mr. Browne in an effort to determine whether the occupancy on his Federal mining claims is for purposes of prospecting, mining, and uses reasonably incident thereto, as is required by the law and the regulations.

Our Surface Management Specialist has conferred by phone with Mr. Linn Gum at the Ridgecrest Field Office to discuss the "Randsberg Solution", which is a complex, multi-faceted process developed by Mr. Gum to resolve numerous mining camp/town occupancies located on Federal mineral lands in the vicinity of Randsberg, California. The AFO will endeavor to look closely at the Randsberg process as a possible model by which to formulate a legal and an amicable solution for the various occupancy issues observed at Flat. The BLM has found that each occupancy case will present its own particular set of facts and, therefore, the problems encountered and the solutions reached may be quite unique in each and every case. The goal of BLM-Alaska's enforcement activities is to persuade operators to comply with the regulations through negotiation and cooperation, whenever possible. You may assure Mr. Browne that the AFO staff will work closely with him in an effort to resolve the occupancy on his mining claims.

We appreciate your inquiry on behalf of Mr. Browne. If we can provide additional information, please let me know.

Sincerely,

/s/ Linda S.C. Rundett

Francis R. Cherry, Jr.
State Director

cc: Nolan Heath, ASO-930
Bob Fisk, ASO-932
Nick Douglas, AFO-040
David Dorris, AFO-040
✓ Carl Persson, AFO-040

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United States Senate
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WASHINGTON, DC 20510-6025

RECEIVED
MAR 17 8 38 AM '00
BUREAU OF LAND MGMT.
ANCHORAGE, ALASKA, DIST. OFFICE

March 15, 2000

Mr. Francis "Fran" Cherry
State Director
Bureau of Land Management
U.S. Department of the Interior
222 W. 7th Avenue, #13
Anchorage, Alaska 99513-7599

BLM AK SO 952
ANCHORAGE, AK
200 MAR 16 AM 11:09

Dear Fran:

Enclosed is a copy of a letter I received from my constituents, Mark and Sheryl Kepler, requesting assistance with purchasing the federal land where their home and other structures are located. I would appreciate it if you can review their concerns, and provide me with any information on which I may base a response.

Please send your reply to me at 222 West 7th Avenue, #2, Anchorage, Alaska 99513. Thank you for your assistance on this matter.

With best wishes,

Cordially
Ted Stevens
TED STEVENS

Enclosure

MAR 15 2000

BLM AK SO 952
ANCHORAGE, AK
200 MAR 16 AM 11:09

To: Honorable Ted Stevens
United States Senate
222 W. 7th Avenue, #2
Anchorage, AK 99513

Subject: Trespass Reconciliation

Sir,

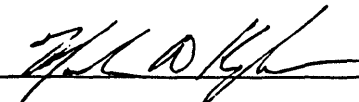
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To expedite the process, I would be agreeable to a survey done in a simple rectangular layout. Being that the town is already laid out in a general north/south, east/west pattern should simplify things. Main Street, from the airport to the Moose Hall and the Iditarod/Willow Creek Road would be excluded from private ownership, because they are supposedly Federal Right of Ways. Like Randsburg, the purchase price could be for full acres, therefore the survey could be done in full acres. This should be fairly easy to do, because in most cases there is a fair distance between different owners houses and structures. If my house or structures are close to another persons, the survey line could be equal distance between them.

I understand that I would be buying surface rights only and if the claimants of the underlying mineral rights decide to mine those minerals, they have the right to do so, if they compensate me, at fair market value, for my expenses in moving my house and related structures or buying them from me out right. In either case, I would retain ownership of the surface rights for future use when the mining was completed.

Because the future of Flat depends on it, I hope this matter can be resolved as soon as possible.

Name: MARK D. KEPLER

Signature: 

Date: 3/10/2000



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
ALASKA STATE OFFICE
222 W. 7th Avenue, #13
ANCHORAGE, ALASKA 99513-7599

AA-79865

Honorable Ted Stevens
United States Senate
222 West Seventh Avenue #2
Anchorage, Alaska 99513

Dear Senator Stevens:

This is in reply to your letter dated March 15, 2000, concerning your constituents Mark and Sherry Kepler, who reside in Flat, Alaska. The Keplers have requested your assistance in trespass reconciliation through a deed, granting surface ownership to the lands underlying residential structures owned by the Keplers. The Kepler's residence is located on unpatented Federal mining claims owned by Peter Browne. Peter Browne also requested your assistance regarding this matter by a letter dated November 23, 1999.

The Keplers want the Bureau of Land Management to pursue a course of action similar to what recently occurred in the town of Randsburg, California. In Randsburg, town residents were allowed an opportunity to purchase surface rights on Federal mining claims for fair market value. The purchase was to resolve long-term trespass problems that could not be resolved under Federal mining laws. The town of Flat, similar to Randsburg, never qualified as a town site, as the town is located on unpatented Federal mining claims. The Keplers and other building owners in Flat, are now technically unauthorized surface users, as they reside on a Federal mining claim and are not engaged in mining activity.

The Bureau has been investigating methods for resolving the occupancy problems in Flat. The approach taken by the Bureau in Randsburg is only one of several different approaches available to the Bureau to resolve the occupancy problems. Recognizing the complexity of the issue, the Bureau has not initiated formal trespass procedures against any of the building owners, while discussion and negotiation for a fair and comprehensive solution continue. The Bureau conducted an informal meeting in Flat on August 2, 1999, to discuss options with the town residents. Additionally, we have had several meetings with different building owners at their request. The Bureau will continue to work closely with the Keplers, other building owners, and the mining claimants, to legally resolve the occupancies in Flat. We will keep you informed of future actions taken to resolve the matter.

We appreciate your inquiry on behalf of the Keplers. If we can provide additional information, please let me know.

Sincerely,

Francis R. Cherry, Jr.
State Director

cc: Nolan Heath, ASO-930
Nick Douglas, AFO-040