

JOHN McCAIN
ARIZONA

COMMITTEE ON ARMED SERVICES
COMMITTEE ON COMMERCE,
SCIENCE, AND TRANSPORTATION
COMMITTEE ON INDIAN AFFAIRS

United States Senate

241 RUSSELL SENATE OFFICE BUILDING
WASHINGTON, DC 20510-0303
(202) 224-2236

5353 NORTH 16TH STREET
SUITE 105
PHOENIX, AZ 85016
(602) 952-2410

4703 SOUTH LAKESHORE DRIVE
SUITE 1
TEMPE, AZ 85282
(480) 897-8289

407 WEST CONGRESS STREET
SUITE 103
TUCSON, AZ 85701
(520) 670-8334

TELEPHONE FOR HEARING IMPAIRED
(802) 952-0170

March 19, 2008

Bureau of Land Management

Phoenix, Arizona
Phoenix, Arizona

Ms. Elaine Zielinski
Arizona State Director
Department of the Interior
222 North Central Avenue
Phoenix, AZ 85004

MAR 21 2008

919	CC	930	2
LEO		950	
910B		Field Office	
911		Central Files	
912	CC	FOIA	JK 3/21/08
917		Action	430

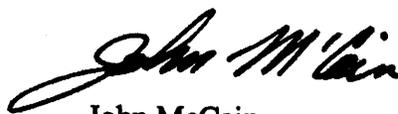
Dear Ms. Zielinski:

I wish to bring to your attention the matter concerning my constituent, Ex. 6 who has encountered a problem with the denial of access to her claim in Cochise County. Please investigate my constituent's claim, within the existing rules, regulations and ethical guidelines, and provide me with the final decision. MARK ALL CORRESPONDENCE TO:

Attn: GLORIA STEVENS
Office of Senator John McCain
407 W. Congress Street
Suite 103
Tucson, Arizona 85701

The response you provide will be most appreciated and will be forwarded to my constituent. If you should have any questions in the meantime, you can reach my office at (520) 670-6334. I look forward to your reply at your earliest convenience.

Sincerely,



John McCain
United States Senator

JM/tgs
Enclosures

To the Honorable John McCain
United States Senator

March 10, 2008

MAR 11 2008

RE: The Alkey (Pat Mines in Tombstone MNG DIST; Alkey 15.67AC in SEC 6 21 22 16 11/98 LV CHT 97-3)

Dear Sir:

I write to request your assistance in resolving a problem I have recently encountered with the Bureau of Land Management (BLM). My late husband, Ex. 6 was a veteran of the Korean War and later retired from Civil Service after becoming disabled. Ex. 6 and I owned a patented mining claim that has been in the Ex. 6 family since the early 1900's. A short dirt road to the property has been in use for over 100 years. The claim consists of 15.67 acres located just off Charleston Road in Cochise County. BLM took control of the surrounding land in 1988 and labeled it a Riparian Wildlife Area. Ex. 6 passed away in 1997 and the claim is now in my possession. I never had any problem accessing the land until January 2008 when BLM Rangers Ex. 6 and Ex. 6 decided they would no longer allow me, my family, or any persons I give permission, access to the property.

During January and March I made several calls to the local BLM office requesting to speak to the Rangers mentioned to determine why they have suddenly denied access to my land, however, no one will return my phone calls. On February 28 I called back asking to speak with a supervisor but was told the position is currently vacant and there is no-one to speak with. Meanwhile the two caretakers living on my property are repeatedly being harassed and issued citations by the BLM Rangers each time they try to access the property by vehicle. The Rangers allow them to walk down the road but refuse to let them drive on it, and they will not return my calls to explain why. How is it that I can be denied access to my land (which has been in the family for over 70 years) and not even be given an explanation why?

I hate to bother you with this issue as I know how busy you are with your campaign at this time, but I feel that the freedom you and my late husband both fought for is being taken from me. I am a widow living on a small pension, and feel I have no other recourse than to seek your assistance. I sincerely appreciate any help you can give to resolve this matter and allow me access to my land.

Thank you,

Ex. 6

Phone: Ex. 6

02 609 28 002 8 03 10 08 08 09 02
CO BK MP PAR S C RUN DATE FILE DATE

PROPERTY STATUS INQUIRY
FOR: DLC

COUNTY: COCHISE
TAX YR: 2008 (CY)

02 609 28 002 8
CO BK MP PAR S C

----- NAME AND ADDRESS -----
1 Ex. 6
5
6

----- LAND -----
USAGE CLASS 0004
ASSMT RATIOS 16.0
% OF FCV 100
LEGAL CLASS 02.R
CUR FCV 29,146 AV 4,663
VALUE SOURCE 4
SITUS
SECTION TOWNSHIP RANGE
PARCEL SIZE 15.67 ACRES
VALUATION
BASE 4.07 PER ACRE

----- IMPROVEMENTS -----
USAGE CLASS 0000
ASSMT RATIOS
% OF FCV
LEGAL CLASS
FCV'S:
COST
MARKET
COST/MKT
ASSESSOR
CNTY/BRD
ST BOARD
FREEZE
CUR FCV: YEAR
AV:
----- PERSONAL PROPERTY -----
CLASS ITEMS FCV LCL RATIO ASSESSED
TOTAL:

ADDR CODE AVG LAND FCV
MARKET AREA 1 SUB AREA 3
PSC A1

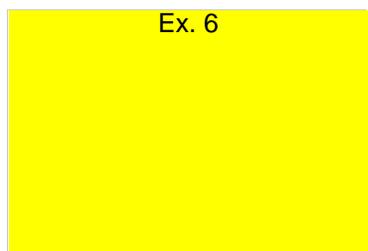
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DOCKET/PAGE 0950614 040
INSTR TYPE OTHER
DATE OF SALE 06 07 95
SALE PRICE

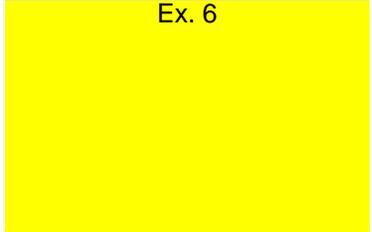
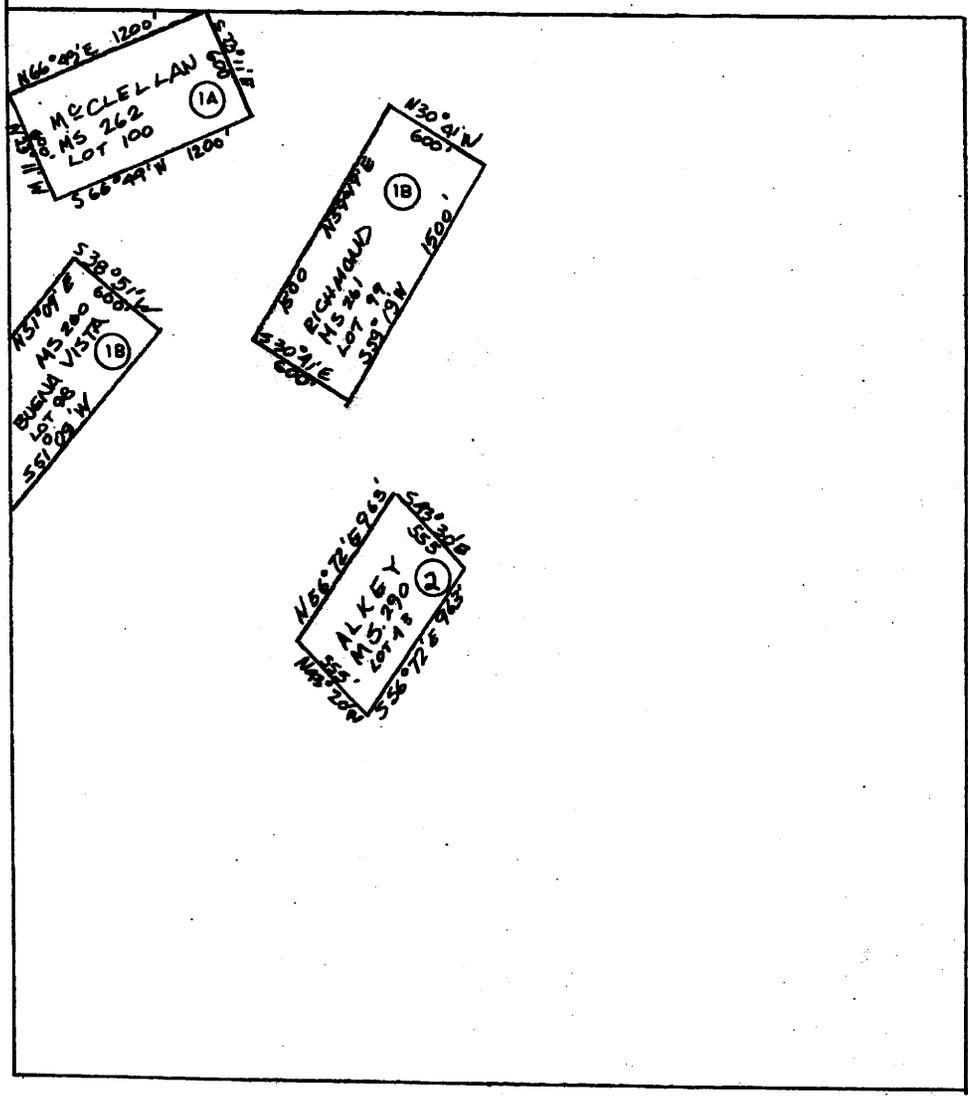
--- SPECIAL DISTRICT ---
CODE UNITS CODE UNITS

----- TAX DATA -----
AREA CODE 0100
EXEMPT STATUS
FCV EXEMPT
LPV EXEMPT
ASSMT RATIOS: LPV LAND IMPR COMB
16.0 16.0 16.0
TOTAL FCV: 29,146 NET AV: 4,663
CUR LPV: 29,146 NET AV: 4,663
----- PREVIOUS YEAR VALUES -----
PY FCV: 29,146 PY LPV: 29,146

----- MARKET DATA -----
APP DATE CONSTR YR CLASS STORIES ROOMS GRADE
EXT WALLS ROOF HEAT AIR COND BATH PATIO
PHY COND LIVING GAR/CPT CAPACITY POOL NUMBER
01 PAT MINES IN TOMBSTONE MNG DIST; ALKEY 15.67AC IN SEC 6 21 22
16 11/98 LV CHT 97-3

*** END OF PIC RECORD ***

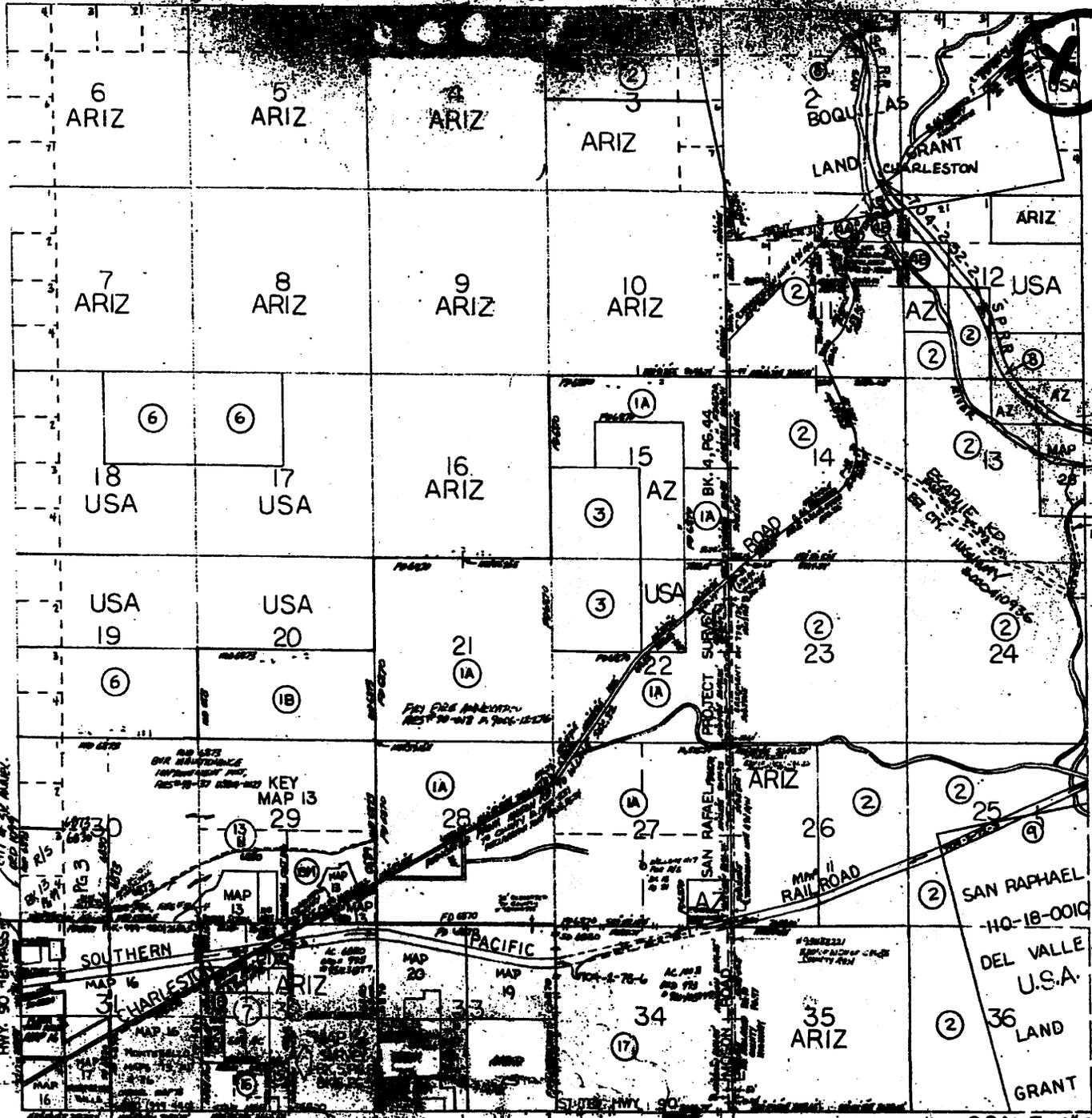
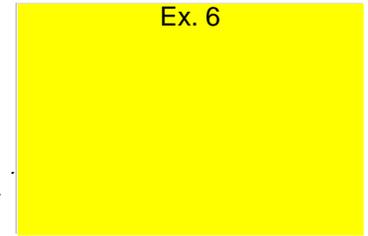




Ex. 6



← PROPERTY
LOCATION



BOOK 106, MAP 46

THIS DESCRIPTION IS FROM
CERTAINING RECORDS AND
DOES NOT CONSTITUTE A SURVEY

SEC. 31
SURVEY
BK 106, PG. 31

SCALE 1"=2640'

4-4-08
J. Stevens
4/4/08
4/4/08

APR 04 2008

In Reply Refer To:
1781/2800/8365 (AZ-931)

The Honorable John McCain
United States Senator
Attention: Ms. Gloria Stevens
407 West Congress Street, Suite 103
Tucson, Arizona 85701

Dear Senator McCain:

Thank you for the opportunity to address the concern voiced by your constituent, **Ex. 6** Your letter dated March 19, 2008, identified an issue regarding vehicular access to a patented mining claim through public lands in Cochise County managed by the Bureau of Land Management (BLM).

In December 2007, BLM law enforcement rangers assigned to the Gila District and a Cochise County Sheriff's Office Deputy learned that two or more people were living on a previously unoccupied parcel of private land south of Charleston Road in the Brunckow Road area. The individuals were erecting a storage ramada and moving personal belongings, including a motor home, onto the property. Vehicle access to the subject parcel is via Brunckow Road and an unnamed, unimproved dirt road.

The subject private property is a 15.67-acre patented mining claim located in the W½ of Section 6, Township 21 South, Range 22 East, Gila and Salt River Meridian, Arizona. This parcel is completely surrounded by federally managed public land within the boundaries of the San Pedro Riparian National Conservation Area (SPRNCA) and under the jurisdiction of the BLM Gila District, Tucson Field Office. The SPRNCA was designated by Congress in November 1988 to protect the natural and cultural resources associated with the San Pedro River's desert riparian ecosystem.

The *San Pedro River Riparian Management Plan and Environmental Impact Statement*, approved in August 1989, limited vehicle travel within the planning area to designated routes. The only designated routes in this area are the State highways and county-maintained roads that cross the SPRNCA. All other roads are limited to administrative access only and are not open to public use. Brunckow Road is not a designated route and is posted with three signs, one reading

“Road Closed – Administrative Use Only For Authorized Personnel” and two regulatory signs reading “No Motor Vehicles” and stating the designated route restriction. The unnamed, unimproved dirt road is an old mining and ranching road and likewise is not a designated route. As such, legal use of these roads would require a right-of-way issued by the BLM Tucson Field Office to allow vehicle access on these non-designated routes. The BLM Tucson Field Office realty specialist has been unable to locate any valid rights-of-way or existing use agreements of record for either Brunckow Road or the unnamed, unimproved dirt road leading through the subject property.

In late February, a BLM Gila District Law Enforcement Ranger contacted an individual driving a car on Brunckow Road, past the “Road Closed” and regulatory signs. The Ranger did not recognize the car or the person as being associated with the subject parcel. The person told the Ranger that she was living on the subject property; however, she provided no proof. The Ranger issued the individual a Federal violation notice for violating the SPRNCA designated route restriction under 43 Code of Federal Regulations 8365.1-6.

Although the BLM management plan restricts vehicular access, it also allows the BLM to consider right-of-way applications on a case-by-case basis. An application for use of the existing road as legal access would also require an environmental analysis, as required under the National Environmental Policy Act. We verbally provided Ex. 6 with information on the right-of-way process; our Tucson Field Office will also mail her the application form.

We regret any communication problems that Ex. 6 may have encountered when she called our office. For further information, Ex. 6 should call Ex. 6 BLM Tucson Field Office Assistant Field Manager, or Ex. 6 BLM Realty Specialist, at 520-258-7200.

If you have any questions about this matter, please contact Tom Dabbs, Gila District Manager, at 520-439-6400.

Sincerely,

Helen Hankins

EY

Elaine Y. Zielinski
State Director

cc: The Honorable John McCain
United States Senate
241 Russell Senate Office Building
Washington, D.C. 20510

bc: WO-615, 401 LS
AZ-912/400/420

Ex. 6

djj:04/04/08