

Comments On:
A USER'S GUIDE TO ACCESSING INHOLDINGS IN A NATIONAL PARK SERVICE
AREA IN ALASKA DRAFT TWO

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Thank you for the opportunity to comment on this document. My wife and I have lived within the boundaries of WRST since 1977 and currently own and operate several small businesses in the area.

I appreciate that several items were changed in Draft two; fees being waived and a Programmatic EA being considered.

However, most of the items in my prior comment letter (and the comments of others) have not been addressed. In fact, the lack of acknowledgment of many serious issues raised by those who commented on the first *Draft Handbook* has caused me to feel “left out” of the process.

On August 5th, 2002, my wife and I met with NPS Director Fran Mainella and discussed community relations between NPS and inholders. Here are several quotes of Director Mainella, as published in the September & October issue of the Wrangell St. Elias News (copy attached).

“Everything needs to focus off of partnerships and we want to make everything a win, win,” said Mainella. “It can’t be that the NPS just wins or the partner just wins; it needs to be a win, win on all sides which means it takes time and energy to work on those relationships.”

“As I go across this nation I talk about partnerships—why I’ve succeeded, why we got voted the best state park system in the country in Florida is because of our ability to make sure that we had a wide variety of folks at the table. We spent a lot of time on the front side before decisions were made to bring people together,” she continued. Talking about groups that had disagreed with her decisions, she said they still supported her confirmation as NPS director. “Fran always had us at the table and we were respected,” they would say. “Now we didn’t always get the resolution that we were looking for, but we always felt respected, and we felt we were at the table.”

Frankly, we do not feel respected, we do not feel we were “at the table” in this *Handbook* process. Our comments have been to a large part ignored. The *Draft Two* product reflects the lack of consideration of comments by interested parties other than NPS.

To punctuate this fact, after meetings in both McCarthy and Slana in May, at which stakeholders raised serious concerns about Draft Two of the *Handbook*, NPS moderator Chuck Gilbert stated in Anchorage that Draft Two was likely to become the final document. After stating that meetings had been already held in both McCarthy and Slana, Gilbert then said,

“At this point we don’t know if there is going to be a third draft or not. This may be it. If there are not that many comments that are substantial...” His statements are evidence that comments are being largely ignored.

Governor Murkowski, as well as others, requested that major stakeholders be represented not just at meetings after the fact, but “at the table” as the handbook is being prepared. NPS has told us this is not possible, but not why it is not possible. We would like to see NPS find a way to “make it happen.”

As a minimum, some means must be found where legal, historic routes can be validated, such as declaring them to be Park Roads where this is acceptable to the inholder. Additionally, the mandate of the WRST General Management Plan of 1986 to validate existing rights-of-way (stated below,) should be incorporated into the Handbook. (WRST GMP Page 179, 180)

“Revised Statute 2477 (repealed in 1976) provides that: ‘The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.’ Wrangell-St. Elias was established subject to valid existing rights, including rights-of-way established under RS 2477. The validity of these rights-of-way will be determined on a case-by-case basis. These rights-of-way are discussed further in the access section of the plan. A list and map of the rights-of-way that the state contends may be valid under IRS 2477 are located in appendix M.”

Recent guidance from Secretary of Interior Gale Norton makes this easier for your land managers as she sets forth a number of ways that the routes can be validated.

In cases where this validity has already been ascertained by the State of Alaska the routes should be accepted by the NPS with little further process. Other cases, not yet established, should be investigated for validity.

Draft two is based on inholders obtaining a permit that is revokable. This is not acceptable nor in compliance with ANILCA.

Again, as in my comments to Draft One, I refer to a letter written by Alaska State Governor Frank Murkowski (to Secretary Gale Norton) dated April 15, 2004 regarding the need for this document. Several key points have still not been addressed in the Draft 2 Users Guide:

1. “Further guidance concerning compliance with the National Environmental Policy Act (NEPA), including an articulation of situations when no environmental impact statement or environmental assessment is required. This should include a categorical exclusion for de minimus situations involving access to inholdings (for example, access to a single family dwelling or small business.”

(Comment: By definition, existing routes cannot cause a trigger of NEPA since no change to the human environment could take place unless the route was expanded, moved, or closed)

2. “A presumption in favor of the access route requested by the applicant, unless the NPS can fully justify the necessity to consider alternative routes.”
3. “A quick and simple administrative appeals process, including the establishment of a body in Alaska to hear access related appeals.”
4. “A requirement that visits by Park Service personnel to an inholder’s residence, as well as low level aircraft overflights, be duly noticed in advance and that such personnel avoid behavior that could alarm livestock or be interpreted as intimidating or threatening.”
5. “However, no training program can fully address the implementation issues that have come to my attention. Accordingly, I recommend that, working together, we create an organizational entity composed of federal and state officials and private citizens to consider implementation questions and to recommend solutions to the appropriate Interior Department officials. For example, I believe it would be beneficial for such a group to review decisions concerning applications for reasonable and feasible access guaranteed to inholders in ANILCA.”

In closing, the Access Handbook should help NPS administrators understand how to implement the special access provisions of ANILCA rather than simply work around them in an effort to comply with regulations that may not reflect the intent of ANILCA.

Sincerely,

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NPS Director visits McCarthy, Kennicott

BY RICK KENYON

It's not often that the director of the National Park Service comes all the way from Washington, D.C. to visit the bush communities of McCarthy and Kennicott—in fact it has never happened before!

But it did happen. On August 5th Fran Mainella—accompanied by the Alaska Director Rob Arnberger—spent two days in our humble towns.

Ms. Mainella, who likes to be called Fran, made history long before she came to our town. She is the first woman to ever be appointed as Director of the National Park Service.

Bonnie and I felt a kinship to this special lady, since she moved to Florida about the time that we left Florida and moved to Alaska. “My folks lived down in Bonita Springs,” said Fran. “I’ve been in Florida since 1977 but I served on both the municipal level and private sector. I served as executive director of a non-profit called the Florida Recreational Park Association, and then I moved into being director of the Florida Park Service. I came in under Governor Martinez and then served under Governor Chiles and recently under Governor Bush.”

We talked with Fran about relations between the community and the Park Service. The Director said she wants to concentrate on the concept of partnership. “Everything needs to focus off of partnerships and we want to make everything a win, win,” said Mainella. “It can’t be that the NPS just wins or the partner just wins; it needs to be a win, win on all sides which means it takes time and



WSEN staff photo

MAINELLA: “THE FOCUS IS ON PARTNERSHIPS.”

energy to work on those relationships.” Fran said she would like the NPS staff to spend more time working with the community. The local park recently got funding for increased staffing, and Mainella hopes it will help. “I don’t think we’ve given Gary and his staff here all the tools, and we still don’t have all the staffing we need, but we certainly, I think, are making a step forward.”

Mainella told us she wants to make sure that the park staff has a broad spectrum of partners sitting at the table when they have meetings. “If we aren’t doing that we need to make sure we are,” said Fran. “As I go across this nation I talk about partnerships—why I’ve succeeded, why we got voted the best state park system in the country in Florida is because of our ability to make sure that we had a wide variety of folks at the table. We spent a lot time on the front side before decisions were made to bring people together,” she

continued. Talking about groups that had disagreed with her decisions, she said they still supported her confirmation as NPS director. “Fran always had us at the table and we were respected,” they would say. “Now we didn’t always get the resolution that we were looking for, but we always felt respected, and we felt we were at the table.”

Fran talked about several other subjects. She used the expression “environmentally friendly access” to describe her goal for access to the nation’s parks. “We’ve been very successful recently in some cases around our national park systems working on those access questions,” said Mainella.

The Director had just come from dedicating the new NPS Visitor Center in Copper Center, and was clearly excited about the new facility. She sees it as a place where visitors can get information on the area, perhaps watch a video, then be directed into the park itself.

About the McCarthy Road: “Again, the state is a partner, and the state has the right-of-way and we plan to work with them.”

About the Kennicott River bridge: “If it becomes the desire of the community in this area to make a change in the state then we’ll be glad to work along and see how we can adjust if the desires that they want are different access than just a walking access.”

About Kennecott: “We’re really doing an awful lot of, it’s not *development*, but *improvement* in that it is bringing things back to as we call it “adaptive

management”— taking facilities, improving them.”

“I was so impressed with the facilities that I’ve seen over there and the opportunities that are going to be available. Not only the great natural resources, but these cultural resources we have here and that’s part of what the mill is—it’s part of the history of this country.”

“I saw when I was over there so many groups going through tours, and then others that were walking up on the glaciers and that kind of thing—all this diversity, so you’re reaching a lot of needs and I believe our staff is ready and willing to reach out to [different] groups.”

“We still have our national needs that we have to meet, but we are very reflective of what the community is looking for, so if we’re not getting the right read,



WSEN staff photo

BONNIE KENYON, NPS DIRECTOR FRAN MAINELLA, RICK KENYON AND WRST SUPERINTENDENT GARY CANDELERIA AT VISITOR KIOSK NEAR MCCARTHY.

maybe you all can help us with that.”

We here at *Wrangell St. Elias News* and the residents of Kennecott and McCarthy wish you all

the best, Fran, and look forward to working with you.

Locals take part in Kennecott stabilization

BY DOUG VOLLMAN

This summer over 20 locally hired seasonal employees are taking part in the stabilization and renovation project at the Kennecott mill site. About \$407,000 will be spent this year on the project that is funded by a variety of sources, including NPS money specifically earmarked for historic property stabilization, matching funds from the Friends of Kennecott, ‘fee demonstration’ (a program funded by fees collected by the park service and distributed to parks like Wrangell St. Elias that do not collect fees), Federal Lands Highway Program, and park base funds, according to NPS maintenance supervisor Will Tipton.

The goal is to stabilize structures and landscape features to prevent their accelerated rate of



deterioration. The large buildings like the mill building, leaching plant and machine shop will be stabilized and treated like exhibits. The company store, recreation hall, depot, and possibly

the school and west bunkhouse will see more complete restoration and be adaptively re-used for public presentations and according to Tipton. “Our challenges are to develop utilities including