



ALASKA LAND RIGHTS COALITION

<http://www.landrights.org/ak/lrc>



*"Working for common-sense public lands management and
justice for Alaska landowners and land users"*

ACCESS TO INHOLDINGS IN ALASKA NATIONAL PARKS: IMPORTANT DEVELOPMENTS

SEE ATTACHED COMPREHENSIVE REVIEW OF NPS INTERFERENCE WITH
ACCESS TO PRIVATE, STATE AND NATIVE INHOLDINGS

ACCESS RIGHTS ARE SLIPPING AWAY -- WE URGE YOU TO BECOME
INFORMED AND PREPARE TO TAKE ACTION TO PROTECT YOUR ASSETS
AND RECREATIONAL OPPORTUNITIES

The National Park Service has long used extreme and heavy handed environmental regulation as a tool to strangle access and use of inholdings. The 26 year trend of unpleasant incidents has been getting worse culminating in events that took place in Wrangell – St. Elias National Park in 2003.

In the resulting outcry from local landowners and communities, several landowner associations became active. Then, Pacific Legal Foundation sued the NPS over its closure of the 100 year-old McCarthy - Green Butte Mine road, the only access to several properties. Finally Governor Murkowski and our Congressional delegation intervened.

In response, the NPS is developing a "User's Guide to Accessing Inholdings in a National Park Service Area in Alaska." The first draft proposed charging yearly rent to landowners to use the road or trail to their property and to make the access revocable. That unleashed another firestorm of criticism and the NPS is backing off of those two items.

This issue now has the attention of NPS Alaska Region Director Marcia

Blaszak. She and her deputy, Vic Knox, have been undertaking unprecedented outreach and communication. They are listening and are responding. Yet we must not assume that things are on autopilot.

There is still a very long way to go before we are safe and the statutory mandate for inholder access in ANILCA is put in practice by the NPS. The User Guide is not acceptable -- it is full of hurdles & hoops for the landowner and and commits to nothing.

The extensive comments from us attached have been under preparation for the last three months and have received input from people all over Alaska as well as experts around the U.S. They are submitted in response to developments subsequent to the the 2nd draft of the NPS Access Users Guide dated March 27, 2006.

WE ARE AT A HISTORIC JUNCTURE. PROBABLY THE MOST CRITICAL IN THE 26 YEARS SINCE THE PASSAGE OF ANILCA AFFECTING LANDOWNERS AND COMMUNITIES IN ALL ALASKA PARKS, NOT JUST WRANGELL-ST ELIAS.

AGAIN, WE URGE LANDOWNERS AND OTHERS INTERESTED TO TAKE NOTE OF DEVELOPMENTS. THIS MAY BE THE LAST CHANCE WE HAVE TO PROTECT OUR RIGHTS WHICH ARE OTHERWISE GOING TO CONTINUE TO SLIP AWAY.

Your first step would be to read our letter to the NPS appended below. Then the attached comments.

See also: <http://www.landrights.org/ak/NPS-AccessGuide.htm>

Please send comments or questions to:
Paula Easley, Chairman, Alaska Land Rights Coalition
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MORE INFORMATION: <http://www.landrights.org/ak/lrc>





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September 8, 2006

Marcia Blaszak, Alaska Regional Director
National Park Service
240 W. 5th Avenue
Anchorage, Alaska 99501

Re: FINAL COMMENTS – On March 27, 2006 “User’s Guide to Accessing Inholdings in a National Park Service Area in Alaska (2nd draft)”

Dear Ms. Blaszak:

Your unprecedented outreach and the obvious attention and management priority that you have recently been devoting to inholder access is generating optimism that we may be at a historic opportunity for the Alaska Region to make needed changes to resolve a festering issue that has consumed so much attention and energy.

For 26 years a long-standing management problem within the National Park Service Alaska Region has needlessly made Congressionally-mandated ANILCA landowner access into a chronic controversy. Not agreeing with the 1980 Congressional ANILCA compromise that protected economic use of private lands inside Alaska national parks, the NPS has used extreme and heavy handed environmental regulation to achieve its preferred outcome: acquisition of as much land as possible through extinguishing access and driving out owners that are inconvenient to the long range plans of the NPS.

In a long history of unpleasant incidents culminating in the events that took place in Wrangell – St. Elias National Park in 2003, the NPS has wasted a lot of money on arbitrary and vindictive activities. Unfortunately, there is nothing in the 2nd draft Access User Guide that would discourage a reoccurrence of such malfeasance.

Things are not working. Compared to the individual, the NPS has a virtually unlimited budget, power and time to apply pressure tactics against property owners in Alaska’s national parks. The courts are not an effective avenue for redress of injustice because they have long moved towards a “hands off” attitude to agency operations oversight. Rightly or wrongly, the NPS enjoys a preference with the burden of proof heavily laid on the individual. In the words of Chief Judge Edith Jones of the 5th Circuit Court, “The American legal system has been corrupted almost beyond recognition...the question of what is morally right is routinely sacrificed to what is politically expedient [2003].”

Paula Easley, Chairman – paulaeasley@yahoo.com – (907) 222-0605

Taking note of NPS pressure tactics against landowners, federal Judge John Roberts admonished, "The NPS should want to avoid getting a reputation as a bully [2004]."

Fearing just this situation, ANILCA's framers tried to protect landowners from regulatory abuse and lawsuits. "Having participated in the development of ANILCA, I know that...Congress did not intend that NEPA apply...as evidenced by the use of the phrase, 'notwithstanding any other provisions of this Act or other law'. Clearly, 'other law' includes NEPA." [Recent letter from Senator Ted Stevens]

The essence of the statutory mandate for inholder access is that regulatory technicalities should be minimized or generally eliminated. To do otherwise is going to keep legislators, public officials and hundreds of residents and landowners bogged down in endless debate, testimony and discussions over the details of permits and regulations.

Compared to all Alaska NPS lands, the extent of the subject inholdings is negligible, probably less than 0.1% (one part in 1,000). There is consequently no significant threat to the environment of Alaska national parks from use of inholdings.

To move forward, the first step for the NPS Alaska Region is to publicly acknowledge that it has been going in the wrong direction for the past 26 years regarding access and to articulate a clear statement of a reform agenda. A commitment must be made to use common-sense, honesty, fair-dealing and integrity to align itself with the spirit and letter of the law.

Your outreach indicates you want to improve the relationship NPS has with landowners, communities and the State of Alaska. We stand ready and are eager to help.

Sincerely,

ALASKA LAND RIGHTS COALITION

Paula Easley

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Ray Kreig [SIGNED ELECTRONICALLY]

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Attach: Submittal consists of 49 pages (of which 4 are blank) including ATTACHMENTS A-E

cc:

Senator Ted Stevens
Senator Lisa Murkowski
Congressman Don Young
Governor Frank Murkowski
Secretary of the Interior Dirk Kempthorne

Alaska Commissioner of Natural Resources Mike Menge
Mary A. Bomar, Director National Park Service
Ben Stevens, President, Alaska Senate
John Harris, Speaker, Alaska House of Representatives