

Alaska Digest  
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## McCarthy

Federal court turns down appeal from access-seeking Pilgrims The 9th U.S. Circuit Court of Appeals has turned down an appeal from a McCarthy-area family seeking access to their land through Wrangell-St. Elias National Park without a permit.

The family of Robert Hale, known as the Pilgrims , had sought access over a disused mining road without getting a permit from the National Park Service. The family, supported by several national property rights groups, went to federal court claiming the park had no authority over the old road.

But last November the Hale family lost before U.S. District Judge Ralph Beistline. He ruled the family needed to go through the permit process, then return to court if it was unhappy with the outcome.

In a terse decision released this week, the 9th Circuit agreed it had no jurisdiction over the issues in the case until a final order was issued and could be appealed.

Attorneys for the Hale family said Wednesday they may ask the appeals court to reconsider, noting what they call ambiguous recommendations in Beistline's decision.

Meanwhile the family's request for a permit is working through formal channels. The National Park Service is doing an environmental study looking at their application for temporary access over the 14-mile route through the park to the land, which they bought in 2002.

Robert Hale got in trouble with the Park Service after using a bulldozer to reopen the road. The family wants to use a bulldozer to travel the road, which crosses a glacial creek a dozen times. In asking for the permit, the family reserved the right to dispute the park's authority.

-- Anchorage Daily News