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Judge Beistline Says No To Pilgrims Emergency Access

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Anchorage ----- In an opinion released late today, the request by the Pilgrim Family for emergency access to their home in the Wrangell St. Elias National Park was denied today by Judge Ralph Beistline. He said the Pilgrims must go through the Park Service permitting process if they are to be given access.

The Pilgrims requested both a Temporary Restraining Order and a Preliminary Injunction to allow them to carry large emergency supplies up to replace their home 13 miles outside of McCarthy that burned down last spring. Where they are living now has little insulation, is small in size and must now apparently house the Pilgrim Family with 15 children ranging in age from 10 months to 27 years for the winter in very difficult circumstances.

“This is a like a 10 round fight,” said Chuck Cushman, Executive Director of the American Land Rights Association that has been helping the Pilgrims gain access to their home. “Today we won one round when the State ruled that there is no permit required to cross McCarthy Creek as the McCarthy-Green Butte Road criss-crosses the stream 13 times. But we at least temporarily lost the fight for emergency access.”

“The judge did not rule on the big and important RS 2477 or the ANILCA 1110b Right-Of-Way issues. He said that it was reasonable for the Park Service to require a permit. The Pilgrims must now go for a permit for access while they continue their fight for fair and reasonable access. But they are likely to lose an entire winter in very forbidding conditions,” Cushman said.

“For the six months we’ve been involved in this case, a lot of our time has been taken up undoing and investigating lies and misinformation spread by the Park Service. This ruling was based on written affidavits and it appears that Judge Beistline may have relied heavily on misstatements made by the National Park Service in their affidavits,” Cushman said.

Ray Kreig, Chairman of the Kantishna Inholders Association expressed disappointment with the ruling. “This decision was based on an emergency hearing with no opportunity to examine the witnesses or challenge the statements by the Park Service. Judges, because of the appearance of expertise, often defer to NPS personnel. It is up to us to clarify the record as we prepare for the next stage of action. Not getting access for the Pilgrims is unacceptable.”

“The new statewide access association, the Alaska Land Rights Coalition, the American Land Rights Association and those of us who support the Pilgrims are prepared to go the distance to protect the access of thousands of Alaskans who have been deprived by the Park Service and other Federal agencies. We are not going to stop until Congress honors its promises in the 1980 ANILCA and the State of Alaska honors its commitment to RS 2477 Rights-of-Way,” Kreig concluded.

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