



United States Department of the Interior

NATIONAL PARK SERVICE

Wrangell-St. Elias National Park/Preserve

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Mr. J. P. Tangen
Attorney at Law
1600 A Street, Suite 310
Anchorage, AK 99501

September 8, 2003

Dear Mr. Tangen:

Thank you for the letter and the SF-299 application for what you have described as emergency access to the Marvelous Millsite, submitted on behalf of your clients Butterfly Sunstar, Nava S. Sunstar and Joshua Hale also known as the Pilgrims. We understand from the documents submitted that this is not a request for permanent access. We also understand that request may be submitted at a later date.

The application describes the proposed access route as essentially over the existing old road. Our preliminary review of the damage caused by your clients, starting in the fall of 2002, shows that there are several routes created in some locations. Please identify which of the several routes are proposed for use at this time. The routes created last fall cross several areas that appear to wetlands, and cross McCarthy Creek approximately 13 times between McCarthy and the Marvelous Millsite. These routes were not properly constructed to provide drainage or to sustain the impacts of heavy equipment. These considerations compel us to be particularly concerned about the possibility of additional permanent harm to park resources.

The application does not provide sufficient information to allow us to address the request. Please provide the following information: How many trips are planned and when will those trips occur? The application identifies the proposed vehicle(s) as a "bulldozer deadheading (blade generally up) with a trailer and/or tracked vehicles." In order to evaluate the impact of the vehicles we need to know the size and types of equipment contemplated. When would the blade not be up? Please clarify the meaning of the word "deadheading" in the application.

The application characterizes the request as an emergency request. Please explain the nature of the emergency. The request indicates that the need is to transfer supplies prior to freeze up. Special Use Permits have been granted in the past for access to inholdings with heavy equipment such as bulldozers during the winter months when the ground is protected by snow of sufficient depth, generally 6" – 12", or more or a combination of snow and frost depth sufficient to protect the underlying vegetation and soil. Under these conditions the damage that could be done by the equipment is limited. Previous applicants have been able to adapt to the winter schedule for freighting supplies and building materials. Travel over unfrozen ground causes significantly more damage. Travel over unfrozen ground by heavy equipment falls outside of any environmental assessment previously undertaken by the Park and therefore will require a more extensive review under the National Environmental Policy Act, most likely an environmental assessment (EA).

We are also concerned about the issue of the multiple stream crossings needed to travel from McCarthy to the Marvelous Millsite. Recent fisheries inventories lead us to believe that McCarthy Creek may be inhabited by spawning anadromous fish. The presence of an anadromous fishery requires that we consider the stream crossings under the National Environmental Policy Act.

In addition to our concerns mentioned in this letter please be aware that a permit may be required from the Alaska Department of Fish and Game for a stream crossing, if the stream carries anadromous fish.

We appreciate your efforts to help us understand the needs of your clients in this matter. We will address the request as soon as we have adequate answers to the issues raised above.

Sincerely,

Gary Candelaria
Superintendent
Wrangell-St. Elias NP/P