



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.

This is a great and welcomed sign that instead of hiding your own laws from us until we break them – you're letting us know before hand. Actually asking for answers that would be used in making our traditional lifestyle livable.

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.

You know as well as I, that you've not only allowed others to use this road constantly by a continuous flow of people's that traveled to provide both traditional uses and economic needs for themselves for over 60 yrs. after the close of the Green/Butte and Motherlode mines.

I submit the superfluous information you ask for hoping for all sakes that this isn't a devious deployment of stall tactics, but that your letter does have inherent in it a true desire to help and work with us.

You spoke about several routes existing – I personally know of only one road that accesses the Motherlode properties. It is the shortest, and most expedient, as well as environmentally safe. You could be referring to such roads as the “Wigger upper Road”, or possibly old routes that led up to Green-Butte bunkhouse. There could possibly need to be alternative routes because of rockslides etc. **But after your own multi-thousand dollars assessment of the road you should be able to determine this – for yourself!** The route is very obvious.

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.

As for wetlands, I know of one area only (60 yards) possibly and a few muddy places during the rainy season. Heavy equipment has always been used for almost 100 years continually till present, and there is no evidence of such problems or constructions anywhere on this obvious road for drainage.

Here goes my best shot at meeting your needs in hope that you have this opportunity to listen and act accordingly – And you won’t prove yourself to be a “stonewaller” (a stonewaller is in my definition a person who acts in such a deceptive manner that important issues are not acted on, but put off by more and more superfluous and senseless rhetoric, designed to evade the real issues at hand).

The application does not provide sufficient information to allow us to address the request. Please provide the following information: How many trips are planned?

It will take 4 trips of food for animal hay and feed (dogs, horses, goats, chickens) and another 4-5 trips to provide food, building supplies, tools, sawmill, personal emergency need for 17 people; clothing, windows, insulation, roofing materials, bedding and many personal items, such as socks and underwear.

and when will those trips occur? These trips must occur in the 10th and 11th months of 2003.

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.

Something along the lines of a smaller D-4 dozer would be used with trailer of 16' size estimated – although equipment used and number of trips could vary on conditions and ability.

When would the blade not be up?

Blade would be up except then encountering rock slides which are very few indeed.

Please clarify the meaning of the word “deadheading” in the application.

“Deadheading” means blade up and not used except for emergency application

The application characterizes the request as an emergency request. Please explain the nature of the emergency.

Q. Please explain the nature of emergency!

I will try to explain this in possibly three categories

I. The actual physical needs

II. The unfeasibility of winter travel to supply emergency needs.

III. The “open window” concept so indigenous to Alaska bush living.

I. The Needs:

Our cabin burnt down in the devastating storm that hit the part of Alaska around April of 2003. –35 degree temps rolled down our valley, pushed by winds that exceeded 100 mph. The older family members were out on the trail at the time and “mama country rose” and her smaller children fought the blaze with courage. Upon return of the rest of the family, only tearful eyes and broken awed hearts were found standing among the flame soaked smoldering remnants of all that we had. In the months following an all out effort was put forth to replenish necessary and emergency needs. Gathered below in McCarthy we waited for the perfect moment to bring it home. Deceived by a local ranger “Stevens” – park officials in a sting operation were informed when we could bring the emergency supplies home, and the NPS closed the Motherlode Road to all motorized vehicles for the first time in almost a hundred years – to keep us from personally being able to go home again – just days before our planned departure.

This “sting operation” and “new law” written by the NPS, left us without being able to supply our needs, or rebuild. Now winter in Alaska approaches. Needs grow as winter has demands that must be met.

II. The unfeasibility of winter travel!

1) the possibility of airlifts are not possible due to extreme expense, and the lack of ability to haul fuel, big objects, such as tools, windows, building supplies, etc. – not forgetting snow covered airstrip. Of course, you could offer a helicopter as you’ve made hundreds of flights up here already – but I wouldn’t be able to

accept such a waste of taxpayer's monies when I am perfectly able to provide for myself, if given the opportunity.

2) Winter travel and timing will not provide our extreme emergency needs. You could easily say "If you don't need them before the middle of winter, then you don't need them!" We cannot wait till then to see! To eat! To sleep! To Build! To Transport! To Feed Animals! OR TO BE WARM!!

3) The biggest reason for our emergency need is because you shut off our access (that is guaranteed) days before we were prepared to meet our own needs last spring. We've run out of everything and we can't wait till the middle of winter to re-supply.

3. Horses, goats, chickens, cats, dogs can't wait till -40 and 3 feet of snow to eat.

4. Machinery – snow machines, horses etc have extreme problems in mid winter during -30 cold and snow.

5. sometimes it doesn't snow, and we can't rely on your timing to come home with supplies.

6. a) In cold weather, foods, varnishes, glues, paints, lacquers, milk, and drink etc are ruined by freezing.

b) What good is building supplies that you can't use! Cement, foundations, etc. are impossible to construct with and use when it is very cold.

c) 50% of the time, rivers break up, causing flood conditions that would soak loads that time of year.

7) Warm ups in the winter often break out ice bridges naturally formed or even break out many that we make by hand.

8) snow machines are unreliable- we have the small Tundra, older models, that need a lot of work mechanical, constantly. They will not be able to bring loads and besides, by the time you could use them IT WILL BE TOO LATE. Many of the snow machine trips were only accomplished with block and tackle – snatch blocks and took many hours to traverse the hills and glaciers.

9) In winter travel is extremely dangerous for these reasons:

A) Avalanches lurk on the valley walls and extreme caution is required – silent and speedy maneuverability is required that a dozer doesn't have.

B) Glaciers form ice hiways on the mountain cliffs that seem to dare your courage, threatening to swallow dozer, horse and wagon, and even snow machine off the side, and made much worse by heavy swinger loads on mountain iced trails with loaded trailers.

10) "Shelf Ice" on the sides of McCarthy Creek represent impossible passage as they form over 10' at times, harder than cement – create drop-offs that challenge even a D-9 dozer.

11) The event of injury to horses, people, and equipment is greatly increased in the winter season. There is no reasonableness in a "law of permitting" one to risk life, injury, and destruction of survival tools.

III. The "Open Window Concept"

Here in Alaska, we who live in the bush-mountain lifestyles know how important timing is for survival – A must that absolutely cannot be ignored! There is an "open window" in the fall during the 10th and 11th month of the year that one can travel to and from homesteads, such as ours, "Hillbilly Heaven".

On the one hand you have frozen and unmuddy ground to travel on. The temperatures are not severe/ you have much ground cover from falling leaves, while grasses are going dormant, the partially frozen ground and colder temp and EASY RIVER PASSAGES due to lack of rain and glacier melt – afford easy and low water passages, which later will swell with false ice dams and flooding.

If any fish were to be proven, they also would be gone absolutely and non-existent. (this is not applicable although almost track-less passage – affording safely, quality soil protection and expediently fast trips would be obtained)

Work and building at the homestead site would also be practical.

While food, clothing, feed, fuel etc would be home WHEN and WHERE you need them.

We've already had to kill two milking goats for lack of feed.

Food is very low, windows are broken by marauding bears, temperatures are dropping, no insulation to the point when my wife and I decided to move our bed to another room last night we found it frozen to the floor.

We ask you to give us access that we can begin to work together.

The Pilgrims

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.

Q. I would like to receive proof of spawning anadromous fish in McCarthy Creek – and if so, how far up, and where they begin. Historically, it's never had fish, being pure glacier fed and no sighting that can be documented. Not to mention that the stream has been crossed 1,000 of times. In all far and near past – documentation is abundantly available about these as you know.

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