

**DRAFT B (8/27/03) - EMERGENCY BULLDOZER  
DEADHEADING ONLY**

STANDARD FORM 299 (2/2003)  
Prescribed by DOI/USDA/DOT  
P.L. 96-487 and Federal  
Register Notice 5-22-95

**APPLICATION FOR TRANSPORTATION AND  
UTILITY SYSTEMS AND FACILITIES  
ON FEDERAL LANDS**

FORM APPROVED  
OMB NO. 1004-0189  
Expires: October 31, 2005

**FOR AGENCY USE ONLY**

**NOTE:** Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

Application Number

Date filed

<p>1. Name and address of applicant <i>(include zip code)</i>  <b>Butterfly Sunstar, Nava S. Sunstar,          Joshua Hale          PO Box MXY, Glennallen AK</b></p>	<p>2. Name, title, and address of authorized agent if different from Item 1 <i>(include zip code)</i>  <b>JP Tangen, 1600 A Street, Suite 310          Anchorage, AK 99501-5148 ???</b></p>	<p>3. TELEPHONE <i>(area code)</i></p> <p>Applicant <b>(907) 554-4473</b></p> <p>Authorized Agent <b>(907) 222-3985 ???</b></p>
<p>4. As applicant are you? <i>(check one)</i></p> <p>a. <input checked="" type="checkbox"/> Individual</p> <p>b. <input type="checkbox"/> Corporation*</p> <p>c. <input type="checkbox"/> Partnership/Association*</p> <p>d. <input type="checkbox"/> State Government/State Agency</p> <p>e. <input type="checkbox"/> Local Government</p> <p>f. <input type="checkbox"/> Federal Agency</p> <p><i>* If checked, complete supplemental page</i></p>	<p>5. Specify what application is for: <i>(check one)</i></p> <p>a. <input type="checkbox"/> New authorization</p> <p>b. <input type="checkbox"/> Renewing existing authorization No.</p> <p>c. <input type="checkbox"/> Amend existing authorization No.</p> <p>d. <input type="checkbox"/> Assign existing authorization No.</p> <p>e. <input type="checkbox"/> Existing use for which no authorization has been received*</p> <p>f. <input checked="" type="checkbox"/> Other* <b>ANILCA Sections 1110(b), 1109 inholding access</b></p> <p><i>* If checked, provide details under Item 7</i></p>	

6. If an individual, or partnership are you a citizen(s) of the United States?  Yes  No

7. Project description *(describe in detail)*: (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction *(Attach additional sheets, if additional space is needed.)*

**EMERGENCY ACCESS essentially over existing 100 year old road by bulldozer deadheading (blade generally up) with a trailer and/or tracked vehicles. Road is approximately 15 miles long from McCarthy to Homestead, Marvelous Millsite (USMS 1082-B) continuing to Spokane parcel (USMS 875).**

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There is an immediate and urgent emergency need to transfer supplies between McCarthy and Homestead before freeze up. Latest date for go-ahead is 9/30/03. This was asked for on our first request for a permit to Supt. Candelaria dated 7/8/03.

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**NOTE:** This application covers only immediate needs. An application for permanent access requirements will be submitted at a later date.

8. Attach a map covering area and show location of project proposal **Map is attached**

9. State or local government approval:  Attached  Applied for  Not required

10. Nonreturnable application fee:  Attached  Not required

11. Does project cross international boundary or affect international waterways?  Yes  No *(If "yes," indicate on map)*

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

**Not Applicable under ANILCA.**

**IMPORTANT NOTE:** This application is filed under protest and we reserve all our rights not to accept unreasonable permitting requirements. There are NO provisions in ANILCA that allow agencies to require permits before use of ANILCA guaranteed access to inholdings. In making this application we yield none of our rights.

**WE DO, HOWEVER, DESIRE TO COOPERATE AND THEREFORE ARE MAKING THIS APPLICATION.**

13a. Describe other reasonable alternative routes and modes considered.

There are no other reasonable alternatives to the all-season surface route requested. Air only, winter only access is UNACCEPTABLE and is not feasible for economic and other purposes.

b. Why were these alternatives not selected?

See Item 13a.

c. Give explanation as to why it is necessary to cross Federal Lands.

See item 13a. Our property is totally surrounded by NPS lands. Title XI of ANILCA requires that inholders be given reasonable access across federal lands to their property. The McCarthy Creek Road is the only reasonable surface route to our inholdings.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name)

We have received no substantive answer to our previous emergency access request (the same as asked for in THIS application). It was made by email dated July 8, 2003 to Superintendent Gary Candelaria.

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

Access using the road is needed for inholders to access their properties for personal and business purposes. Air transportation would be prohibitively costly. Public benefits are derived from recreational opportunities to be provided by a diversity of choices for visitors to the park (horseback riding etc.)

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

No direct effects except to note that this access will specifically preserve and continue rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

Negligible. Very minor. There are no sensitive or thaw unstable permafrost areas. The road crosses very little permafrost of any kind. No significant clearing is needed beyond the existing road. Soil types crossed by the route are such that erosion will be negligible because in areas of significant slope they are generally coarse-grained and not subject to slope instability.

18. Describe the probable effects that the proposed project will have on (a) populations of fish, plantlife, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

a) Negligible; no rare, threatened or endangered plant or animals will be affected by this permit. b) Not applicable.

19. State whether any hazardous material, as defined in this paragraph, will be used, produced, transported or stored on or within the right-of-way or any of the right-of-way facilities, or used in the construction, operation, maintenance or termination of the right-of-way or any of its facilities. "Hazardous material" means any substance, pollutant or contaminant that is listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. 9601 et seq., and its regulations. The definition of hazardous substances under CERCLA includes any "hazardous waste" as defined in the Resource Conservation and Recovery Act of 1976 (RCRA), as amended, 42 U.S.C. 9601 et seq., and its regulations. The term hazardous materials also includes any nuclear or byproduct material as defined by the Atomic Energy Act of 1954, as amended, 42 U.S.C. 2011 et seq. The term does not include petroleum, including crude oil or any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under CERCLA Section 101(14), 42 U.S.C. 9601(14), nor does the term include natural gas.

None expected

20. Name all the Department(s)/Agency(ies) where this application is being filed.

National Park Service Regional Director - Anchorage / cc: Gary Candelaria

I HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant	[see attached signed fax copies]	Date	8-30-03
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Title 18, U.S.C. Section 1001 and Title 43 U.S.C. Section 1212, make it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.