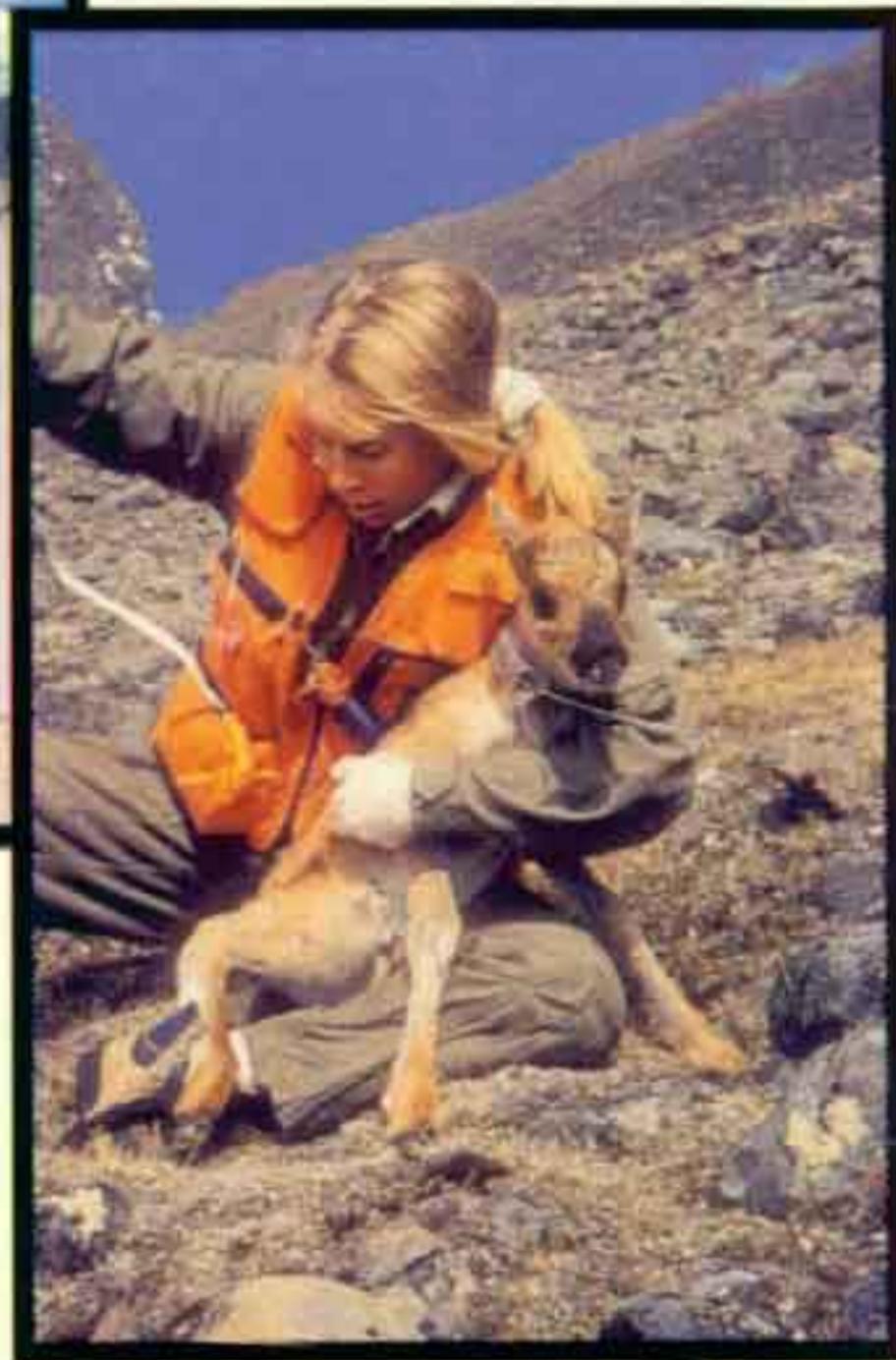
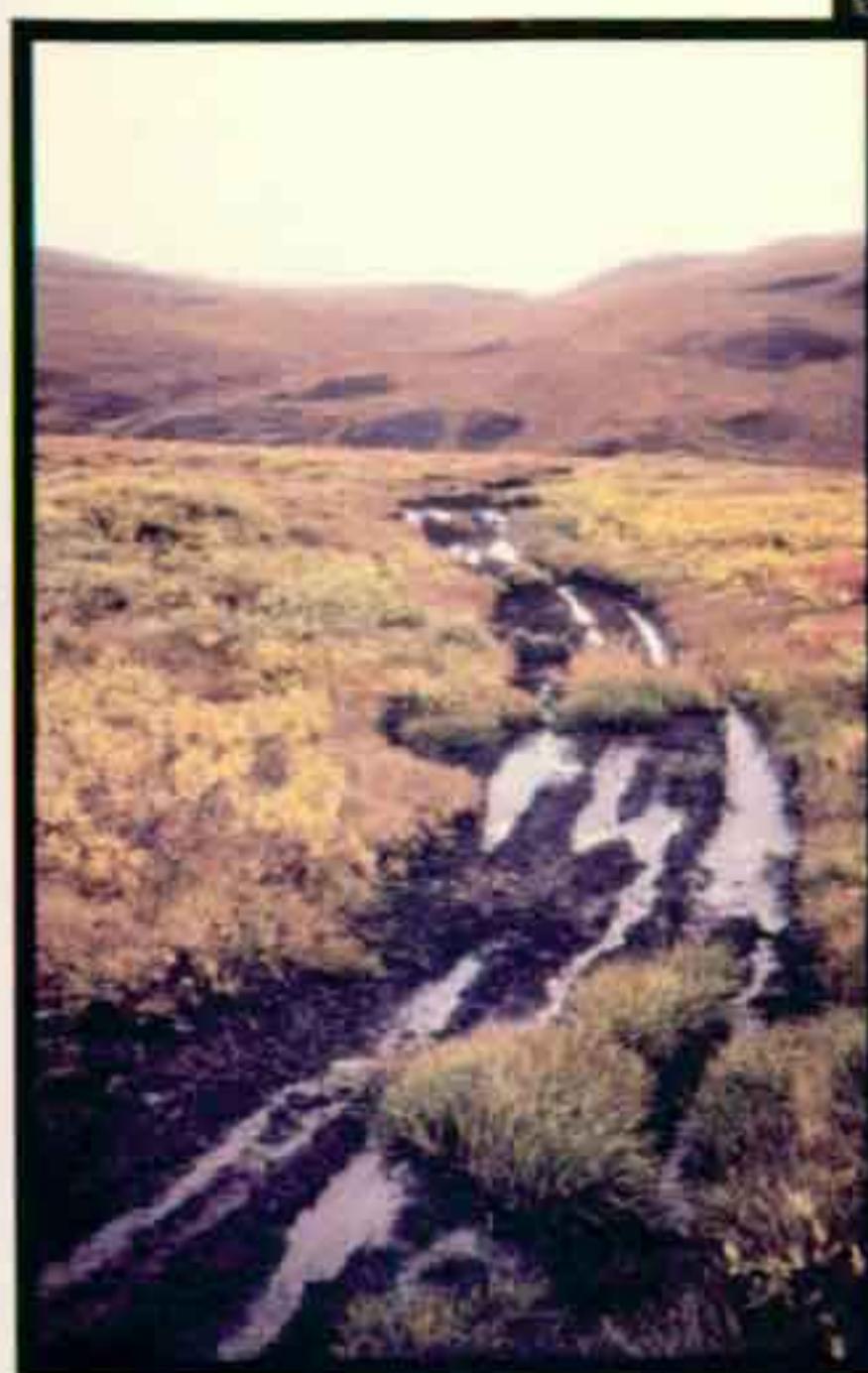


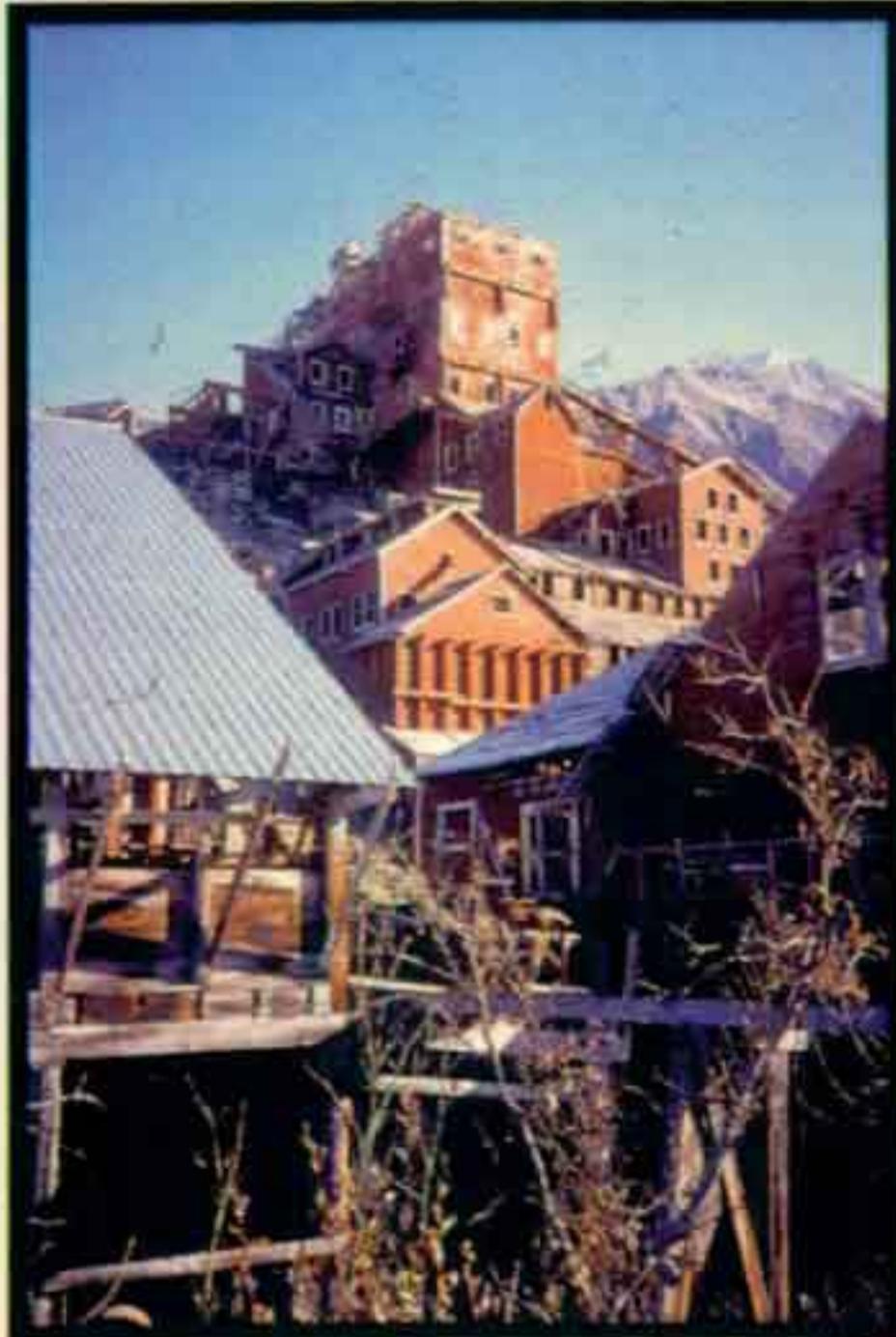
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CONTESTED GROUND

An Administrative History of
Wrangell-St. Elias National Park and Preserve,
Alaska, 1978-2001

Geoffrey T. Bleakley

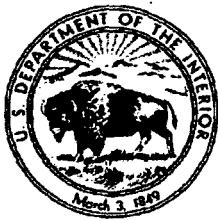


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October 3, 2002

Enclosed please find a complimentary copy of *Contested Ground: An Administrative History of Wrangell-St. Elias National Park and Preserve, Alaska, 1978-2001* by park historian Geoffrey Bleakley.

Born in the social and political turmoil surrounding the struggle over the fate of Alaska's public lands, Wrangell-St. Elias National Park and Preserve was, and in many respects remains, contested ground. This study attempts to identify and clarify the complex assortment of policies and issues that led to the creation of the park and have shaped its operation for the past two decades.

Additional copies may be obtained by contacting Geoffrey Bleakley at (907) 822-7406 or e-mailing geoff_bleakley@nps.gov.

Sincerely,

Gary Candelaria
Superintendent

CONTESTED GROUND

**An Administrative History of
Wrangell-St. Elias
National Park and Preserve, Alaska,
1978-2001**

Geoffrey T. Bleakley

**National Park Service
Alaska System Support Office
Anchorage, Alaska
2002**

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Special thanks go to past and present Wrangell-St. Elias National Park employees Mick Absher, Jennifer Allen, Jim Baker, Hala Bates, Tom Betts, Mary Beth Cook, Nancy Cook, Ann Crow, Sarah Dolge, Bob Frisbie, Russell Galipeau, Jim Hannah, Glenn Hart, Arvid Hogstrom, Steve Hunt, Ken Hutchison, Bob Jones, Laurie Jones, Tony Knutson, Jacqueline Lott, Michelle Masters, Molly McCormick, Sean McGuinness, Carl Mitchell, Jon Murphy, Marshall Neeck, Dave Panebaker, Lee Penwell, Mason Reid, Rich Richotte, Ed Roberts, Vicki Rood, Danny Rosenkrans, Sandy Scotton, Hunter Sharp, Thelma Shrank, Vicki Snitzler, Margie Steigerwald, Clarence Summers, Susan Sura, Will Tipton, Eric Veach, Lona Ward, Ruth Warden, Jay Wells, and Heather Yates. All cheerfully answered endless questions and generously contributed both time and expertise.

No such work could be accomplished without the help of a few especially knowledgeable individuals. While too numerous to list completely, I would particularly like to thank Gerald Wright and Richard Gordon for imparting crucial insight on the placement of WRST's boundaries; Judy Alderson, Sandy Rabinowitch, and Jack Mosby for helping unravel the wilderness review process; and Loy Green, Ben Shaine, Marci Thurston, Sally Gibert, Ivan Thorall, Frank Pease, Samme Gallaher Darnall, Al Clayton, and the late Harry Heintz, for providing useful details about local life.

As is the case with any such work, all opinions and interpretive errors are entirely my own.

PREFACE

Wrangell-St. Elias National Park and Preserve (WRST) is a land which invites superlatives. The largest unit in America's national park system, it contains 13.2 million acres, making it about six times the size of Yellowstone National Park or around twice the size of Yellowstone, Yosemite, Grand Canyon, Everglades, and Glacier National Parks combined. The country's premier mountain wilderness, it includes parts of four major ranges and nine of the nation's sixteen highest peaks. It also contains North America's largest active shield volcano, its biggest tidewater glacier, its longest interior valley glacier, and its largest piedmont glacier.

While conceived primarily as a natural park, WRST contains ample evidence of the region's rich cultural history as well. Archeologists have only begun to survey this immense area, but they have already located prehistoric sites dating back nearly 7,000 years. The park also holds dozens of important historic properties, including the Kennecott Mines National Landmark, the Chisana Mining Landscape, and the Bremner Mining District.

Born in the social and political turmoil surrounding a decades-long struggle over the fate of Alaska's public lands, WRST was, and in many respects remains, contested ground. Between 1940 and 1980 several federal agencies, including the Bureau of Land Management (BLM), the U.S. Forest Service (USFS), the U.S. Fish and Wildlife Service (USF&WS), and the National Park Service (NPS), jockeyed for control of the area.

After statehood, Alaska selected the most accessible portions of the region to facilitate community expansion, and following the Alaska Native Claims Settlement Act of 1971 (ANCSA), Native corporations chose some of the remaining land to protect subsistence resources or provide a basis for future economic growth. Each continues to pursue its own special and often conflicting objectives.

While every national park presents unique management challenges, WRST's mission has proven to be especially complex. The National Park Service's 1916 Organic Act directed it to

promote and regulate the use of the Federal areas known as national parks, monuments, and reservations . . . by such means and measures as conform to the

CONTESTED GROUND

fundamental purposes of said parks, monuments and reservations, which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment of future generations.¹

Similarly, the Alaska National Interest Lands Conservation Act (ANILCA) protected certain Alaska lands by instructing the Interior Department to

preserve unrivaled scenic and geological values associated with natural landscapes; to provide for the maintenance of sound populations of, and habitat for, wildlife species . . . ; to preserve in their natural state extensive unaltered . . . ecosystems; . . . to protect and preserve historic and archeological sites, rivers, and lands and to preserve wilderness resource values and related recreational opportunities . . . within large arctic and subarctic wildlands and on freeflowing rivers; and to maintain opportunities for scientific research and undisturbed ecosystems.²

ANILCA, however, also allowed some sport hunting and mining to continue and required the NPS to "provide the opportunity for rural residents engaged in a subsistence way of life to continue to do so." WRST therefore faced the dual and often

conflicting task of retaining traditional park values while preserving the lifestyles of its residents—protecting resources while permitting their consumptive use. Unfortunately, as resources remain finite and user numbers continue to grow, the opportunities for conflict will inevitably increase.³

The philosopher George Santayana once argued that those who cannot remember the past are condemned to repeat it. This study hopes to help WRST's managers avoid that pitfall by identifying and clarifying the complex assortment of policies and issues that led to the creation of the park and have shaped its operation over the past two decades. Such knowledge should allow park staff to respond more quickly to many reoccurring themes and enhance their ability to make informed and accurate decisions.

NOTES

¹ 39 Stat. 535.

² ANILCA, Sec. 101(b).

³ Ibid, Sec. 101(c).

ABBREVIATIONS

ADEC	Alaska Department of Environmental Conservation
ADOT	Alaska Department of Transportation (1977-present)
ADNR	Alaska Department of Natural Resources
ADF&G	Alaska Department of Fish and Game
ADH	Alaska Department of Highways (1959-1977)
AML	Abandoned Mine Lands
AMRAP	Alaska Mineral Resource Assessment Program
AKSO	NPS Alaska Support Office (1995-present)
ANCSA	Alaska Native Claims Settlement Act
ANILCA	Alaska National Interest Lands Conservation Act
ARC	Alaska Road Commission
ARO	NPS Alaska Regional Office (1980-1995)
ATV	All Terrain Vehicle
BIA	U.S. Bureau of Indian Affairs
BLM	U.S. Bureau of Land Management
BOR	U.S. Bureau of Outdoor Recreation
BRD	USGS Biological Resources Division
BWG	Backcountry Working Group
CCSO	Columbia Cascades Support Office (NPS)
CFR	Code of Federal Regulations
CRNA	Copper River Native Association
DEIS	Draft Environmental Impact Statement
DOE	Determination of Eligibility
DSC	Denver Service Center (NPS)
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
FAA	Federal Aviation Administration
FHWA	U.S. Federal Highway Administration
FLPMA	Federal Land Policy and Management Act
FONSI	Finding of No Significant Impact
FOK	Friends of Kennicott
GLBA	Glacier Bay National Park and Preserve

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GMP	General Management Plan
GMU	Alaska Game Management Unit
HABS	Historic American Building Survey
HAER	Historic American Engineering Record
HRS	Historic Structure Report
IBLA	Interior Board of Land Appeals
MPO	Mining Plan of Operations
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NAEC	Northern Alaska Environmental Center
NEPA	National Environmental Policy Act
NHL	National Historic Landmark
NHPA	National Historic Preservation Act
NPCA	National Parks and Conservation Association
NPL	National Priorities List
NPS	National Park Service
NRCS	Natural Resource Conservation Service
NRHP	National Register of Historic Places
ORV	Off Road Vehicle
PNRO	Pacific Northwest Regional Office (NPS), Seattle
RMP	Resource Management Plan
ROD	Record of Decision
ROW	Right-of-Way
RPP	Resource Protection Plan
SHPO	State Historic Preservation Office
SRC	Subsistence Resource Commission
UAA	University of Alaska Anchorage
UAF	University of Alaska Fairbanks
USDI	U.S. Department of the Interior
USF&WS	U.S. Fish and Wildlife Service
USFS	U.S. Forest Service
USGS	U.S. Geological Survey
WASO	Washington, D.C., Office, NPS
WRO	Western Regional Office, NPS
WRST	Wrangell-St. Elias National Park and Preserve

* * * * *

Managing and preserving these great wilderness parks on behalf of the several hundred million American citizens who own them, while meeting the legitimate needs of the several hundred people who live in them and the interests of the several hundred thousand Alaskans who live near them is one of the toughest challenges I know. Because of unique laws and land patterns, Park Service personnel in Alaska need a broad variety of skills and talents, and the Service itself must stretch itself to create new and more effective approaches to management, both within its own agency, and cooperatively with other landowners and land managers. Nowhere is this more true than in Wrangell-St. Elias.

Chip Dennerlein
National Parks and Conservation Association
March 1994

* * * * *

INTRODUCTION

Historical Overview

In order to grasp the issues which have driven the management of Wrangell-St. Elias National Park and Preserve (WRST), it is necessary to possess some knowledge of the park's human history, and in particular, to understand what attracted people to this region in the first place.

PREHISTORY

No one knows for sure when humans first reached interior Alaska, but artifacts discovered near the Tanana River at Dry Creek and Healy Lake show that they have lived there for at least 11,000 years. About 8,000 years ago, early caribou hunters began visiting the Tangle Lakes, located at the head of the Gulkana River about fifty miles northwest of the present park boundary. As glacial ice retreated, these or similar people eventually entered the Wrangell Mountains.

While undoubtedly occupied much earlier, archeological evidence has only established a continuous human presence in the middle Copper Basin for the past 1,000 or so years. Some believe that the area was originally settled by the Eyak, who now inhabit the Copper Delta. The Ahtna, however, replaced them long ago.¹

Game in the region was never plentiful enough to support large concentrations of people, so the Ahtna population remained small and scattered. Most villages contained twenty to thirty members of a familial clan and were situated where a major tributary entered the Copper River. At some point, two larger communities developed: *Taghaelden* (Taral), near the mouth of the Chitina River, and *Nataelde* (Batzulnetas), on Tanada Creek at the start of the primary route leading northward to the Tanana and Yukon Rivers. Other important Ahtna sites located within the present park included *Staghael Na'* (Strelna), *Kayaxi Na'* (Kiagna River) *Naghæl Na'* (Tebay River), *C'elaxi Na'* (Lakina River), *Tsedi T'se'e Cae'e* (Nicolai's Village), *Tay'sdlaexden* (Kuslina Creek), *Sdates* (Billum's Village), *Tsesnen' Cae'e* (Cheshnina Village), *T'aghes Tah* (Wood Camp), *Ts'itael Na'* (Sanford River), and *Sdzedi Na'* (Caribou Creek Camp).²

Upper Tanana Indians settled the northern edge of the Wrangell Mountains to the east of Batzulnetas, establishing several small villages along the Nabesna and Chisana Rivers.

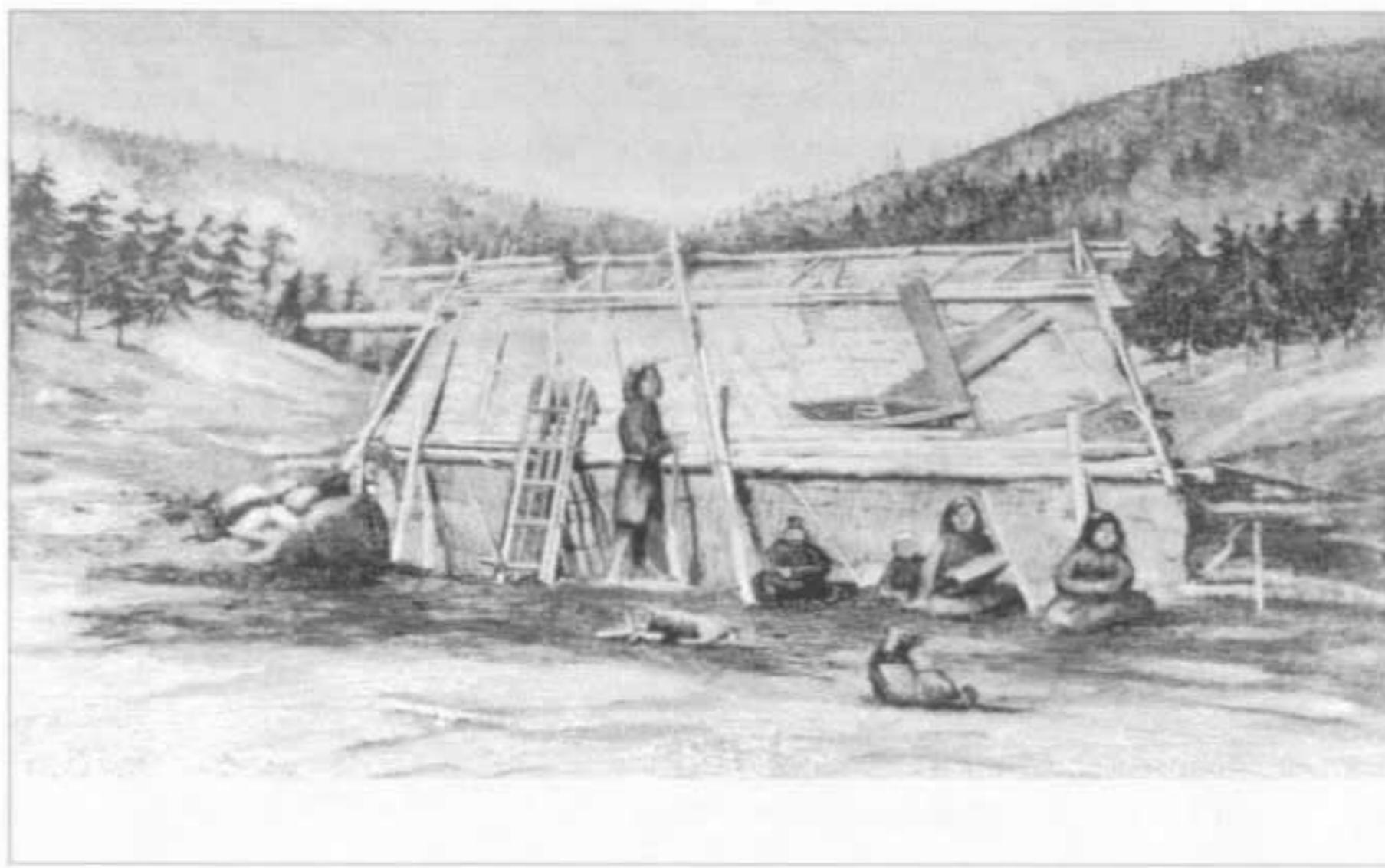
While most of their communities were located further north, two, *Tthiixaa' Ndiig* (Cooper Creek Village) and *Nach'etay Cheeg* (Cross Creek Village), were situated within the present boundaries of the park.³

Experts believe that the Tlingit also originated in the interior, probably somewhere east of the Coast Mountains in what is now northern British Columbia. From there, the group traveled down one of the major rivers to the sea, then spread to the north and west, ultimately occupying the coast as far as Cape Yakataga. Most of those who used the present park lived around Yakutat Bay.⁴

The Eyak emanated from an interior group as well. They apparently moved down the Copper River to its mouth, then southeastward across the Bering Glacier to occupy the coast between Yakataga and Cape Fairweather. Pressure from more powerful groups of Chugach Eskimo and Tlingit eventually concentrated most remaining Eyak in two villages just west of the Copper River delta, Eyak and Alaganik.⁵

RUSSIAN EXPLORATION

Europeans first approached the Wrangell-St. Elias region in 1741 when the *St. Peter*, a vessel commanded by Vitus Bering and attached to his Second Kamchatka Expedition, landed at Kayak Island, about thirty miles southeast of the Copper Delta. Bering himself died during his return voyage to Russia, but expedition survivors carried a wealth of fur, starting a rush to exploit that resource.⁶



Ahtna house at Taral, as described by Lt. Henry Allen in 1885

Russian interest in the region accelerated in the early 1780s. During a period of considerable expansion, *promyshlenki*—independent fur trad-

ers—traveled from their bases on the Aleutians Islands, Kodiak Island, and the Kenai Peninsula along the southern coast of Alaska's mainland.⁷

These traders noticed the huge Copper River relatively quickly. The first written record of the drainage appears in the journal of Russian navigator Potap K. Zaikov, who visited Prince William Sound in 1783. During the course of that expedition, a small party under the command of

INTRODUCTION

Leontii Nagaev reported examining the river's mouth.⁸

The Russians returned to the area in 1793 and soon established a post on Hinchinbrook Island, about twenty miles southwest of the Copper Delta. This base, officially called *Konstantinovsky Redoubt* but better known as Nuchek, served as the Lebedev-Lastochkin Company's regional headquarters, and it was here that the majority of Russian forays into Copper Basin began.⁹

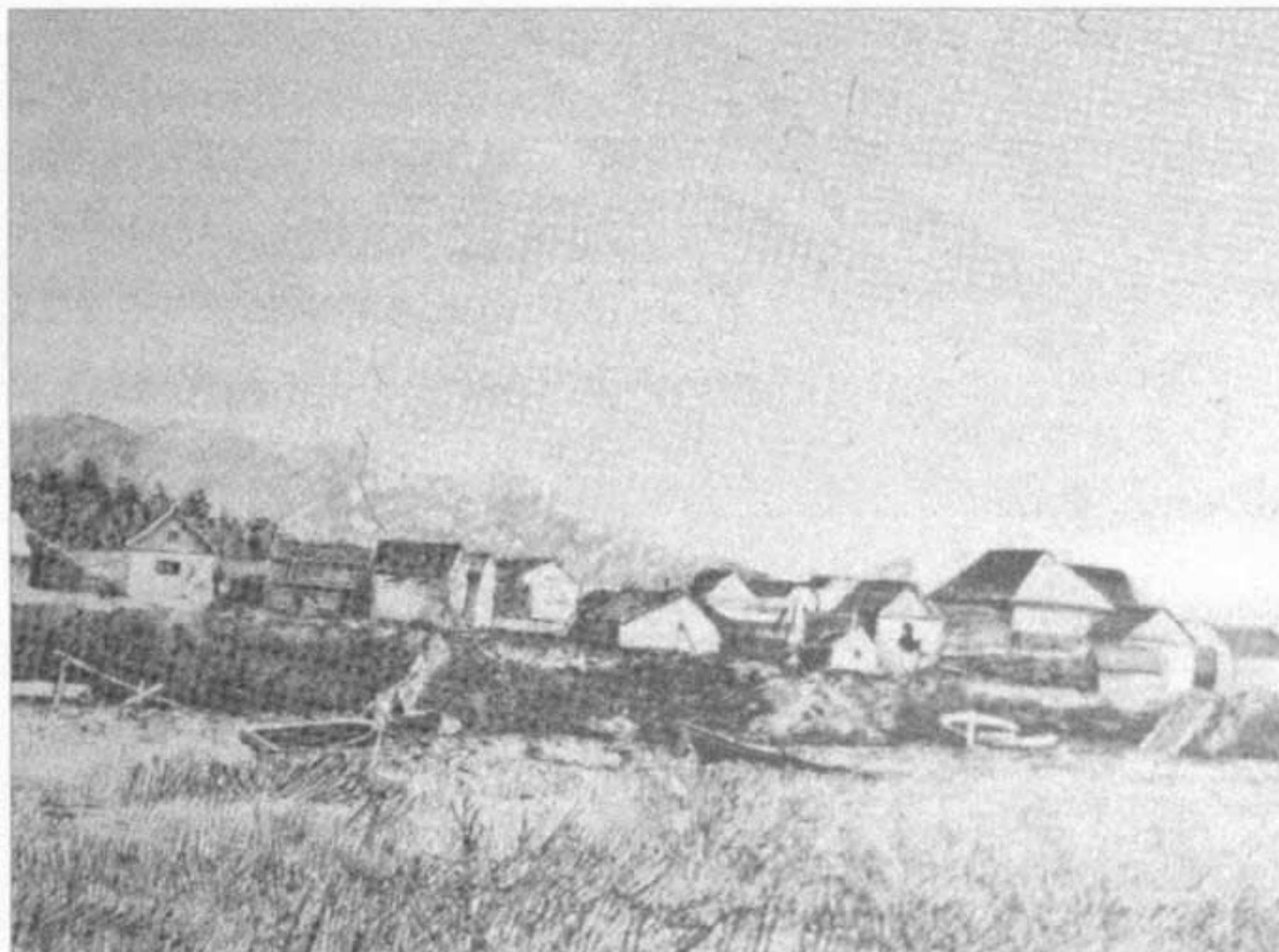
The Shelikhov Company, Lebedev-Lastochkin's most important competitor, also wanted the area explored. After establishing a

post at Yakutat Bay in 1796, it dispatched Dmitri Tarkhanov to locate long-rumored copper deposits on the upper Copper River. While Tarkhanov examined the coast between Yakutat and the Copper Delta and may have ascended the lower river, the full extent of his journey remains unclear.¹⁰

Another serious attempt to explore the Copper River occurred about a year later when it was visited by thirteen Lebedev-Lastochkin employees under the command of Konstantin A. Samoilov. The results this time were tragic. All were killed, probably by the lower Ahtna.¹¹

In 1798 Semyen Potochkin became the first European known to have ascended the lower Copper River completely. Dis-

patched by Shelikov Company Manager Alexandre Baranov to conduct a census of local inhabitants, Potochkin reached the mouth of the Chitina River and wintered at the Ahtna village of Taral.¹²



Both the Russians and the early Americans located their regional headquarters at Nuchek, a trading station on Hinchinbrook Island in Prince William Sound

Konstantin Galaktionov surpassed Potochkin's record the following year when he attained the mouth of the Tazlina River. The Ahtna, however, objected to these increasing Russian incursions and attempted to stop the explorer. Although seriously wounded, Galaktionov managed to escape down the Copper. He came back in 1800, but this time quit near the

mouth of the Chitina. Returning again in 1803, both Galaktionov and his interpreter were murdered somewhere on the middle river.¹³

Attempts to examine Alaska's eastern interior ended abruptly in 1805 when a Tlingit/Eyak coalition destroyed the Russian colony at Yakutat. As a result, it was not until after the Russian-American Company replaced Alexandr Baranov as manager in 1818 that interest in the area returned. Because coastal sea otter stocks had been nearly depleted, traders sought other furs, including fox, lynx, and marten. One source was the Copper Basin.¹⁴

In 1819 the governor of Russian America sent Afanasi Klimovskii to explore the region. Klimovskii progressed farther than any of his predecessors, certainly reaching the Gakona River and perhaps even the mouth of the Chistochina. Of more lasting importance, his party established a trading post called *Mednovshaya Odinochka* (Copper Fort) near Taral, which endured, off and on, for the next thirty years.¹⁵

The Russian American Company tried to examine the rest of the Copper Basin in 1847-1848. Assigned the task of traversing from the Copper to the Yukon River, Ruf Serebrennikov's party wintered at Taral before continuing north in May 1848. All were killed by the upper Ahtna later that summer, probably at or near the village of Batzulnetas. The Russians made no further efforts to explore the region.¹⁶

AMERICAN EXPLORATION

When the United States acquired Alaska from Russia in 1867, it knew little about the territory's eastern interior. Neglected for the next fifteen years, the district started attracting attention in the mid-1880s, when gold strikes in northern British Columbia's Cassiar region and near the present site of Juneau began luring prospectors to the north. Many eventually entered the interior, most by way of the Yukon River, but some via Cook Inlet and Prince William Sound.¹⁷

George Holt, the first American known to have ascended the lower Copper River, reached the mouth of the Chitina River in 1882. Holt, however, was primarily interested in trading. The area's first genuine prospecting occurred in 1884, when John Bremner examined several of the Copper's lower tributaries before wintering in Taral.¹⁸

The American government worried about the potential for conflict between the undisciplined miners and Alaska's Native population. Consequently, the U.S. Army soon dispatched several expeditions to reconnoiter the region. One such group, led by Lt. Frederick Schwatka, charted the entire Yukon River in 1883.¹⁹

Another party, headed by Lt. William Abercrombie, attempted to examine the Copper Basin the following year. Although stopped by rapids on the lower river, Abercrombie reported finding an alternative overland route to the interior –

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across the glacier heading the Valdez Arm.²⁰

In 1885 the army sent Lt. Henry Allen to finish Abercrombie's work. More successful than his predecessor, Allen explored both the Chitina and Copper Rivers.²¹

Several groups investigated the southern edge of the St. Elias Mountains during this period as well. In 1886 a party led by Frederick Schwatka approached by sea, landing at the mouth of the Yahtse River just east of Icy Bay. While they failed in their attempt to reach the summit of Mt. St. Elias, they explored the lower portion of the Tyndall Glacier before returning to the coast.²²

Israel Russell headed similar expeditions in 1890 and 1891. On the first, he landed near the head of Yakutat Bay and explored the Marvine, Seward, and Agassiz Glaciers.

On the second, he started at Icy Bay and ascended the Newton Glacier as far as Russell Col.²³

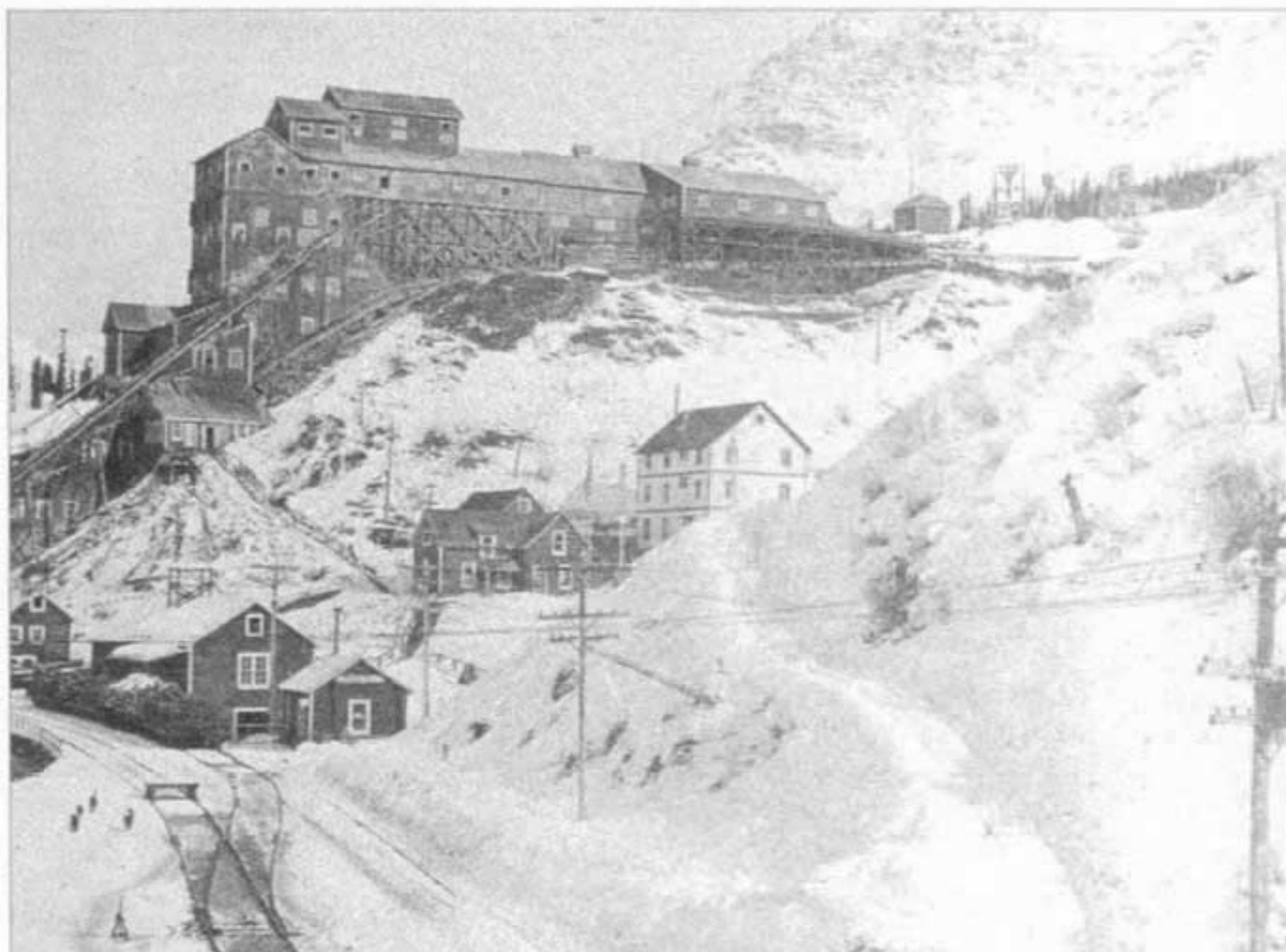
Explorers also probed the northern outskirts. Frederick Schwatka's 1891 expedition traversed overland from the Yukon River to the upper White River. From there, his party crossed Skolai Pass and descended the Nizina, Chitina, and Copper Rivers, ultimately connecting his own 1883 Yukon River survey with Allen's 1885 chart of the Chitina and the Copper Rivers.²⁴

MINERAL DEVELOPMENT

Northern gold discoveries continued, climaxing with an especially rich find on Canada's Klondike River in 1896. Beginning the next year, many stampeders attempted to reach the Klondike via the

Copper River. Few attained that objective, but some eventually made their own discoveries here, including gold placers along Dan (1901), Golconda (1901), Chititu (1902), Young (1902), and

Bonanza (1913) Creeks; and lodes near the Nabesna (1925) and Bremner (1927) Rivers.



Kennecott Mill

While the Wrangell and Chugach Mountains yielded only small amounts of gold, it was copper that brought the greatest development to the region. Searching for the source of the copper float reported a year earlier by USGS geologist Oscar Rohn, Jack Smith and Clarence Warner examined

the Kennicott Valley in July 1900. Legend maintains that the pair was resting near National Creek when they spotted a large green "sheep pasture" high on a distant hillside.

Scrambling up to the spot, they found a fabulously rich deposit, which they accurately dubbed the "Bonanza."²⁵

A young mining engineer named Stephen Birch soon acquired a controlling interest in the property and organized the Alaska Copper and Coal Company to develop it. After gaining the financial support of the Guggenheim brothers and J. P. Morgan in the so-called Alaska Syndicate, Birch reorganized in 1906 as the Kennecott Mines Company, which subsequently became the Kennecott Copper Corporation.²⁶

Pack horses and sleds were able to haul sufficient materials to build and equip the mill site, but a railway was necessary to move the ore. One had to be built.

Although only 195 miles long, the Copper River and Northwestern Railway

(CR&NW) was truly an engineering marvel. On a scale similar to the later Alaska Highway and Trans-Alaska Pipeline, the project required nearly five years to complete and cost the then stag-



Copper River and Northwestern Railway construction through Wood Canyon

gering sum of \$23,500,000.²⁷

To overcome the region's precipitous terrain, the CR&NW elevated much of its track, placing about 15 percent on either bridges or trestles. Three were especially striking monuments to the skill of their builders.

The Miles Glacier Bridge, often called the "million-dollar" bridge despite the fact that it actually cost nearly a million and a half to complete, was the route's single most ambitious feature. Located between the

INTRODUCTION

termini of the Miles and Childs Glaciers, this 1,550-foot-long steel structure not only had to withstand the Copper River's 8-mile-per-hour current, but an endless barrage of floating icebergs.²⁸

The CR&NW overcame another serious obstacle 17

miles east of Chitina when it successfully spanned the Kuskulana River. Built in two months during the bitter winter of 1910-11, this 525-foot-long, 238-foot-high structure was, on completion, the seventh highest bridge in the United States.²⁹

By comparison, erecting the wooden trestle over the Gilahina River probably seemed downright easy. Despite requiring over a half-million board feet of lumber, this massive, 880-foot-long and 90-foot-high structure was constructed in just eight days.³⁰

Two major communities developed along the railway between Cordova and Kennecott: Chitina and McCarthy. In 1910 the

Alaska Road Commission also linked Chitina to the Valdez Trail, providing shippers and travelers with a shortcut to Alaska's interior. McCarthy served as the regional transportation hub as well as providing recreation opportunities for Kennecott's workers.



Chitina, Alaska, circa 1920

High prices during the First World War spurred Kennecott's production, and the mines and mill operated around the clock. Output dipped during the 1920s as copper prices declined and

the richest ore was depleted.

The situation grew even grimmer in the 1930s. Copper prices fell to five cents a pound in 1931, and although Kennecott dropped its expensive leaching process, it still lost \$2 million. The destruction of the bridge over the Copper River caused additional problems in 1932. The company suspended local operations, but reopened in 1935. That recovery was only temporary and it shut down permanently in 1938.

During its 30-year stay in the Wrangells, Kennecott recovered more than 4.5 million tons of ore. When smelted, this yielded nearly 600,000 tons of copper and 9,000,000 ounces of silver—and, most importantly, a net profit of around \$100 million.

POST-WAR ERA

As mining activity declined in the 1920s and 1930s, local residents sought other ways to support their families. As long as fur prices remained high, some trapped or tried their

hand at commercial fox farming. Others began guiding wealthy sport hunters. A few even located seasonal work with the Alaska Road Commission. Virtually all relied on the region's fish and wildlife for the bulk of their food.³¹

Japanese threats to the territory in the early 1940s caused the federal government to authorize construction of the Alcan (now Alaska) and Glenn Highways. During the same period it also substantially upgraded the Richardson Highway.³²

Alaska achieved statehood in 1959. This event had little impact in the Wrangell-St. Elias region, whose small population received scant attention from either the state or federal government.

No major changes occurred until the late 1960s, when the North Slope oil discovery necessitated the construction of a trans-Alaska pipeline. Disputes with Alaska

Natives over the ownership of any potential route culminated in 1971 with passage of the Alaska Native Claims Settlement Act (ANCSA), which

returned much of the area to its original Native occupants.

The Copper Basin became a scene of frenzied activity in 1974 as the long-awaited pipeline construction finally began. Although a significant source of income, the undertaking greatly increased the population and severely taxed local services. Things slowly returned to more traditional levels following the completion of the project in 1977.



Early fox farm near Slana, Alaska

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Additional disruption occurred in 1980. Besides settling Native land claims, ANCSA had required Congress to evaluate certain other lands for permanent federal protection. This issue was finally resolved by the passage of the Alaska National Interest Lands Conservation Act (ANILCA), which, among other things, established Wrangell-St. Elias National Park and Preserve.

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² Frederica de Laguna and Catharine McClellan, "Ahtna," in June Helm, ed., *Handbook of North American Indians, Subarctic, Volume 6* (Washington: Smithsonian Institution, 1981), 644-45; Holly Reckord, *Where Raven Stood: Cultural Resources of the Ahtna Region* (Fairbanks: Cooperative Park Studies Unit, University of Alaska, 1983), *passim*. My spelling of Ahtna place names follows James Kari, *Ahtna Place Name Lists* (Fairbanks: Copper River Native Association and Alaska Native Language Center, 1983).

³ Robert A. McKennan, "Tanana," in Helm, *Handbook of North American Indians, Subarctic*, 562-66; Reckord, *Where Raven Stood*, 225-32, 238-39.

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⁵ Kaj Birket-Smith and Frederica de Laguna, *The Eyak Indians of the Copper River Delta, Alaska* (Copenhagen: Levin and Munksgaard, 1938), *passim*.

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⁷ Andrei V. Grinev, "On the Banks of the Copper River: The Ahtna Indians and the Russians, 1783-1867," *Arctic Anthropology* 30, no. 1 (1993): 56.

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from the glacier as well, but unaccountably spelled it with an "e." So did the Kennecott post office, which the U.S. government established in 1908 and operated for a full thirty years. Despite that precedent, in the early 1950s the United States Geological Survey unaccountably decided to correct the company's "error" by spelling the site's name with an "i" on its topographical maps, and many later residents subsequently followed its example. In contrast, the National Park Service adopted the opposite standard, choosing to recognize Kennecott's rich human history by restoring the company's spelling. WRST, therefore, spells the site's name with an "e."

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MAKING A PARK IN THE WRANGELLS

1

PATHWAY TO PROTECTION

EARLY PROPOSALS

Efforts to preserve the scenery and resources of the Wrangell Mountains began long before Congress established the present park. Although the U.S. Forest Service (USFS) first suggested protecting the region in 1908, the U.S. Department of the Interior (USDI) displayed little interest until 1937, when Washington Sen. Lewis Schwellenback and Alaska's nonvoting congressional delegate, Anthony Dimond, proposed placing an international park there.

Ernest Gruening, then director of the Interior Department's Division of Territories and Island Possessions, advanced that effort the following year by asking the National Park Service to create a new unit—which he suggested calling Alaska Regional National Park or Panorama National Park—in the Chitina Valley. Gruening also sought to establish a 900-square-mile Kennicott National Monument, which would have included the Kennicott Glacier and the adjacent Kennecott mill site.¹

In promoting his plan, Gruening argued that the Wrangells were not only the most spectacular mountains in Alaska, but some of the most beautiful in the world.

I have traveled through Switzerland extensively, have flown over the Andes, and am familiar with the Valley of Mexico and with other parts of Alaska. It is my

unqualified view that this is the finest scenery that I have ever been privileged to see.²

Other government officials apparently agreed. Following a tour of the region, Harry J. Liek, then superintendent of Mt. McKinley National Park, and John D. Coffman, the Interior Department's Chief of Forestry, wrote:

[T]here is no question . . . that this area meets the superlative character so desirable in a national

park. It is superlative in scenic features and in its presentation of glacial phenomena. . . . Among our national parks it would rate with the best if in fact it would not even excel the mountain scenery of any of the existing national parks.³

Interior Secretary Harold L. Ickes supported Gruening's proposal and asked President Franklin D. Roosevelt to make the necessary proclamation. The president, however, denied Ickes's request.



Interior Department inspection team at Kennecott, 1941

In view of the emergency with which we are confronted and the necessity for the preparation for total defense, with the vast expenditures which this preparation entails, I have recommended the curtailment of every possible activity not directly related to national defense. It seems to me that there is no urgency with respect to this proposal. Most of the area is now within

the public domain and is accorded some protection. Moreover, I believe that the fees collected from the small number of persons that may be expected to visit the area will fall far short of the amount required for annual protection and maintenance. In the circumstances, I deem it appropriate to withhold the issuance of the proposed proclamation.⁴

Mount McKinley National Park Superintendent Frank Been toured the region in 1941, completing a final assessment of its potential scenic value. Unlike his prede-

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Interior Department inspection team at Kennecott, 1941

cessors, he was not impressed. Been argued that the area lacked the outstanding scenic and natural assets that characterize National Park Service lands.

When the clouds lifted in the afternoon that we were leaving we obtained a distant perspective which was pleasing. But it was not impres-

sive com-
pared to
many
other
sections
of
Alaska..
.. There
is no
question
about
the
glory of
the St.
Elias

Range which is apparently spec-
tacularly visible from mountain
vantage points near Kennecott or
from a plane over Kennecott.
There is ample reason for believ-
ing that a portion of Alaska and
Canada will one day be considered
for a national park or for an inter-
national park. That subject, how-
ever, is for future study.⁵

Been's negative assessment slowed the preservation effort, but it did not eliminate it completely. The Canadian government, for example, proposed creating a St. Elias

Mountains International Park in 1942, and bolstered that process in 1943 when a Privy Council Order established the Kluane Game Sanctuary.⁶

While the USDI delayed taking similar action on America's side of the border, it studied the concept for several years,

during
which it
considered
protecting a
large por-
tion of
Alaska "as
an adjunct
to the Cana-
dian area."
This in-
cluded
Glacier Bay
National
Monument,
the
Malaspina

and Bering Glaciers, and a large part of the Chugach and Wrangell Mountains.⁷

Nevertheless, the idea of preserving a large part of the region languished during the late 1940s and was not really rekindled until 1966 when Gruening, now one of Alaska's U.S. senators, suggested that the NPS create a "National Park Highway" there. Although that idea was soon dis-
carded, it caused several agencies to take a fresh look at the Wrangells. In 1968, for example, the U.S. Bureau of Land Management (BLM) recommended that the federal government retain most of the



Kennecott townsite, as viewed from the mill in 1941

Copper Basin “because of the outstanding qualities” it possessed.⁸

The NPS renewed talks with the Canadians the following year about including the area in an international park, but although the NPS completed a conceptual master plan, an environmental impact statement, and drafted the necessary legislation, that endeavor stalled once again.⁹

Secretary of the Interior Walter Hickel directed the Bureau of Outdoor Recreation (BOR) to reexamine Gruening’s “National Park Highway” proposal in 1969. Going beyond Gruening, the BOR eventually advised creating a 10.5-million-acre “Wrangell Mountain Scenic Area,” but suggested that the BLM, and not the NPS, would be the best agency to manage it. This was largely because the BLM championed multiple-use, which the BOR believed would protect the area’s environment while still permitting its resources to be developed.¹⁰

The National Park Service questioned the BOR’s proposal, characterizing it as “pro-BLM, and transparently anti-NPS.” Managers complained that they were “dealt out of anything except team membership,” and even that was only added as an after-thought.¹¹

Despite the reservations expressed by the National Park Service, Interior Secretary Walter J. Hickel enthusiastically endorsed the plan.

[T]his study has convinced me that the Wrangells merit national recog-

nition. I propose to designate this unique area as the Wrangell Mountains National Scenic Area. This proposal provides for protection, enhancement, and use of the environmental and recreational resources, while allowing for development of non-recreational resources. It differs from the management of other significant national areas—such as the national parks, national seashores, and national recreation area—by providing balanced use of the resources.¹²

In contrast, Alaska Gov. Keith H. Miller strongly opposed the proposal. Noting that Alaska’s Statehood Act had attempted to encourage economic development by authorizing it to pick 104 million acres from the public domain, Miller argued that the BOR plan would thwart that effort by removing a huge and potentially valuable block from further consideration.¹³

ORIGINS OF ANILCA

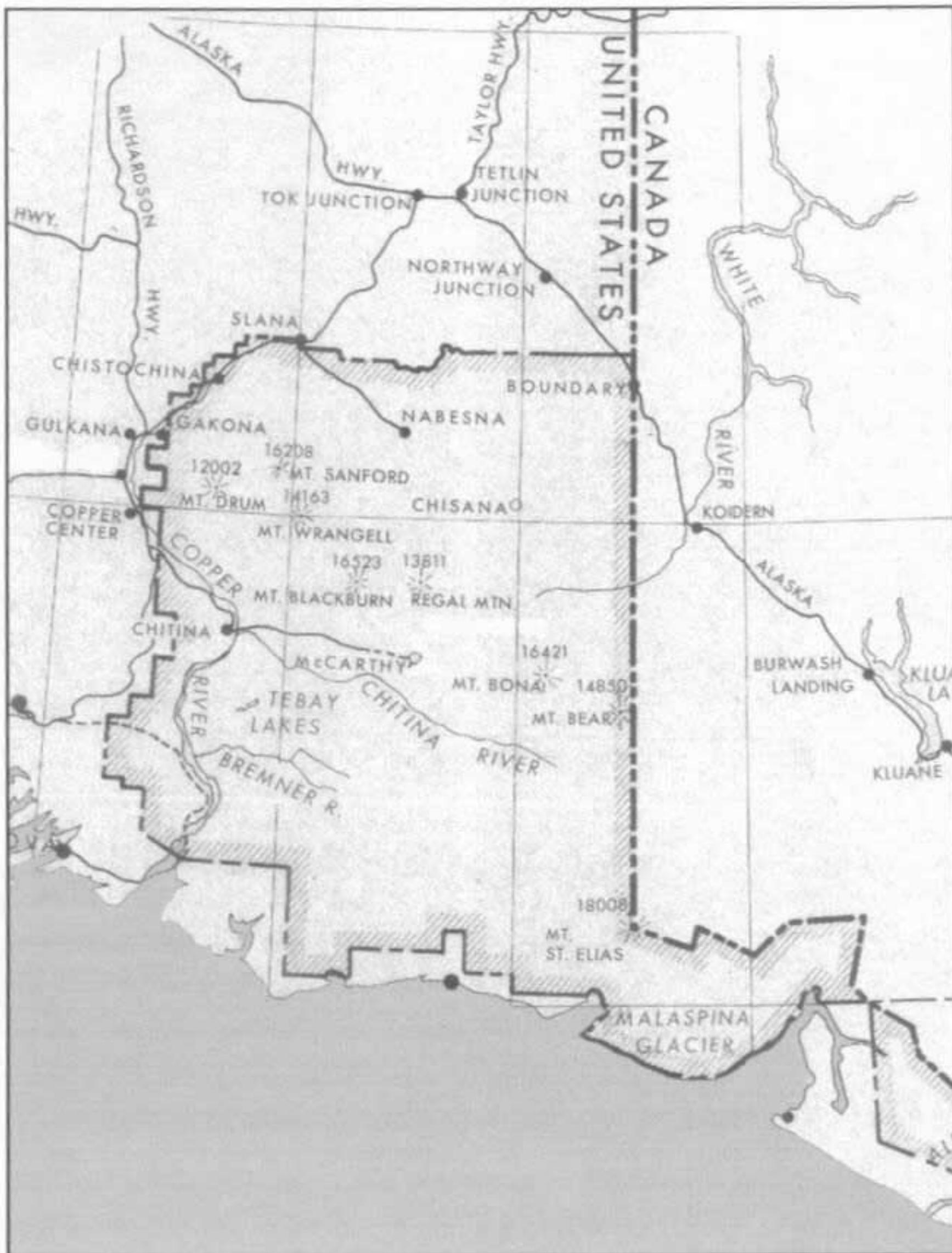
In late 1971 the Alaska Native Claims Settlement Act (ANCSA) drastically altered the region’s land ownership pattern when it authorized two regional and a host of village Native corporations to begin selecting local land. In addition to other directives, ANCSA instructed the interior secretary to withdraw and evaluate 80 million acres of additional federal land in Alaska for possible inclusion into the nation’s conservation system. Much was

PATHWAY TO PROTECTION

situated in the Wrangell, Chugach, and St. Elias Mountains.¹⁴

The idea of preserving a large part of the region progressed on other fronts as well.

In Alaska, the NPS proposed creating an adjoining 15-million-acre “Alaska National Park,” which was intended “to provide, in a national park of exceptional magnitude, maximum protection to an assemblage of



In 1972 the NPS proposed creating a 15-million-acre Alaska National Park encompassing much of the Wrangell, Chugach, and St. Elias Mountains

In 1972, for example, the Canadians established the 22,015-square-kilometer Kluane National Park Reserve on the northern slope of the St. Elias Mountains.¹⁵

nationally significant natural, recreational, and historical resources.” Much larger than the current unit, this park would have included all of its present holdings, as well

CONTESTED GROUND

as the entire Bering Glacier and a large block of land west of the Copper River.¹⁶

Secretary of the Interior Rodgers D. B. Morton largely ignored the National Park Service's request, withdrawing only 9.3

ing both Mt. Sanford and Mt. Wrangell from the earlier proposal.¹⁷

Recognizing that the secretary's boundaries divided watersheds and excluded critical habitat, the NPS's Alaska Task Force asked



The Interior Department promoted a far less ambitious, 8.64-million-acre Wrangell-St. Elias National Park in 1973

million acres for consideration under the terms of ANCSA. His plan envisioned a western boundary that ran in a nearly straight line from the terminus of the Copper Glacier to the Chitina River, delet-

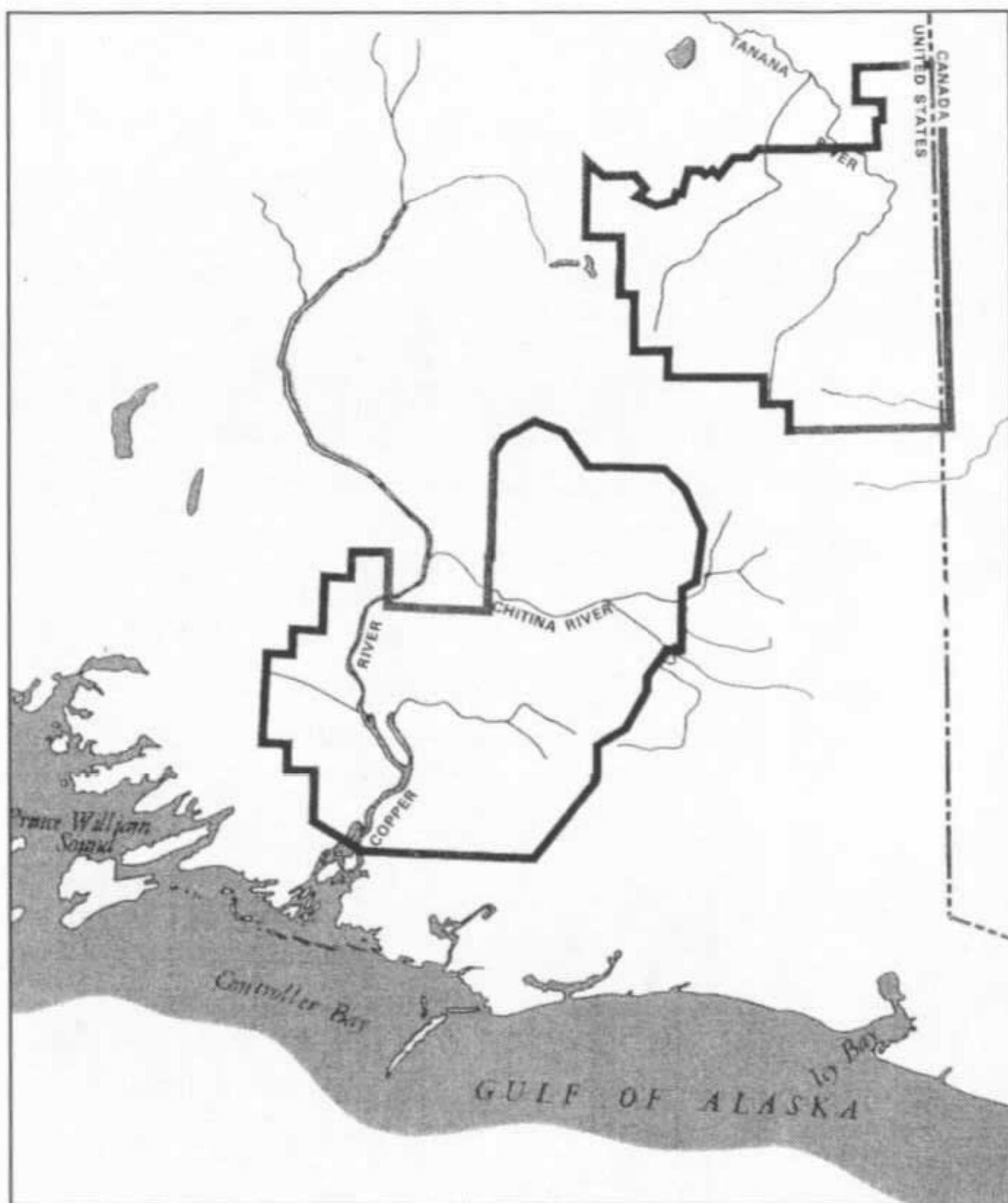
him to increase his local withdrawal to 13.4 million acres. Morton eventually added more than a million acres, but still excluded the western Wrangells.¹⁸

PATHWAY TO PROTECTION

By 1973 the NPS was promoting a plan for a far less ambitious 8.64-million-acre Wrangell-St. Elias National Park. This time the bureau progressed substantially further, not only completing an environ-

Mountain National Forest at about this same time.¹⁹

Morton forwarded legislation including both proposals to Congress that Decem-



In 1973 the U.S. Forest Service proposed establishing a 5.5-million-acre Wrangell Mountains National Forest

mental impact statement (EIS) for the project, but also developing a conceptual strategy to guide its future administration. The USFS composed an EIS for a proposed adjoining 5.5-million-acre Wrangell

ber, but his bill satisfied no one. Preservationists believed that it would not sufficiently protect the wilderness and developers warned that it would eliminate local mining.²⁰

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In response, the preservationists convinced their supporters to introduce another, stronger bill. Their legislation sought to protect the entire Wrangells by creating a park that would be closed to both mining and sport hunting, but would continue to allow subsistence.²¹

The developers, of course, soon marshaled some powerful allies of their own. In March 1974 the so-called “Alaska delegation”—comprised of Sen. Ted Stevens, Cong. Don Young, and Gov. Jay Hammond—drafted a competing, multiple-use bill that greatly reduced the amount of land to be distributed to the NPS. Their plan also contained several novel concepts, including “buffer zones,” which augmented the state’s influence over adjoining federal land, and “national parks for the future,” which allowed development to continue until the year 2000.²²

Nevertheless, the National Park Service remained confident that Congress would eventually pass a bill similar to the administration’s, and began acquiring the data necessary to develop a preliminary management plan. In 1975 it hired keymen to evaluate the resources in its projected new units, assigning Gerald Wright from its Denver Service Center to assess the Wrangells.²³

Wright quickly identified several problems with Morton’s proposal. For one thing, while the park encompassed several different ecosystems, it lacked a single unifying theme. Wright also noted that USFS, state, and Alaska Native control of the adjoining

lowland would drastically diminish the National Park Service’s ability to manage its part of the Wrangells.²⁴

The USFS planned to run its portion of the region from Anchorage in conjunction with the Chugach National Forest. Although it promised to move slowly, it clearly intended to encourage additional public use. The Forest Service proposed, for example, to establish visitor centers at May Creek, Dan Creek, Baultoff Lakes, and possibly the head of the Kuskulana Valley, and also planned to bridge the Nizina River and establish a trail system linking Tanada Lake with McCarthy.²⁵

While the NPS wanted to manage the area more like a park—by eliminating many inholdings and limiting mining—the two bureaus finally agreed on a cooperative endeavor. In August 1974, NPS and USFS planners began to conduct joint studies in the Wrangells. They prepared a “memorandum of understanding” the following year with each promising to exchange technical advice. In 1976 they cooperated in conducting an architectural survey at the Kennecott mill site, as well as glaciological studies near Mt. Wrangell.²⁶

PUSH FOR LEGISLATION

A new flurry of Alaska Lands bills reached Congress in 1976. The Department of the Interior reintroduced Morton’s earlier proposal. In response, the Alaska Delegation drafted the Alaska Public Lands Conservation Act, which not only reduced the size of the park to only 3.7 million

acres, but gave the Alaska Department of Fish and Game (ADF&G) the authority to manage sport hunting and subsistence, allowed other agencies to establish access corridors, and prevented any additional wilderness review.

Legislation introduced by the Joint Federal-State Land Use Planning Commission proposed establishing a 9.83-million-acre park. While closed to hunting and mining, the unit would adjoin a cooperatively-managed national reserve around Nabesna and Chisana.

The preservationists sponsored another bill as well. Like before, theirs protected subsistence while banning sport hunting and mining. But unlike the competing proposals, this one granted the National Park Service exclusive authority over the entire 18.1-million-acre Wrangell-St. Elias mountain region.

When Congress failed to resolve the Alaska lands issue in 1976, a coalition of national conservation groups began drafting another bill. Drawing on numerous prior studies, the so-called Alaska Coalition still opposed sport hunting and mining in the park, but it now supported a scheme that permitted sport hunting within “national preserves.” It also added “instant wilderness” to most of its parkland proposals.²⁷

Cong. Morris K. Udall (D-Arizona) introduced the resulting H.R. 39, the first to be called the Alaska National Interest Lands Conservation Act, in Congress on January

4, 1977. It proposed establishing two new conservation units in the Wrangells: a 14,000,000-acre Wrangell-St. Elias National Park and a 1,800,000-acre Chisana National Preserve.²⁸

The NPS supported H.R. 39. Gerald Wright, the National Park Service’s local keyman, believed that the bill was far superior to any previous version because it allowed planners to implement an ecosystem-wide preservation program.²⁹

In contrast, the state condemned H.R. 39 as an assault on economic growth and intensified its opposition. Local newspapers sided with the state, denouncing the legislation as just another “federal land-grab.”³⁰

Andrus suggested additional revisions the following September. His bill called for a 9.6-million-acre Wrangell-St. Elias National Park and an adjoining 2.49-million-acre Wrangell-St. Elias National Preserve. Like several earlier proposals, it permitted sport hunting in the preserve, but prohibited it in park. This plan confined subsistence to specially designated “management zones,” which were jointly managed by the state and federal governments. It also called for the establishment of two mineral management zones where the Interior Department could issue permits for exploration and extraction.³¹

Accepting the basic thrust of the Andrus bill, the NPS Alaska Task Force amended its projected management guidelines for Wrangell-St. Elias in November 1977. It

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also incorporated many of Gerald Wright's suggestions, such as allowing traditional access by aircraft, motorboats, and snowmachines to continue.³²

The House Affairs Committee held a series of hearings over the winter of 1977-1978 that helped to refine H.R. 39. The committee successfully defined WRST's exterior boundaries, but controversy erupted over where to place its internal ones. Many groups opposing the bill considered this to be an especially crucial question, as the Wrangell Mountains contained a large percentage of Alaska's Dall sheep population, and sport hunting would be limited to the preserve. The committee eventually decided to increase that activity by expanding the preserve by about a million acres. Although the Alaska delegation supported a substitute bill that contained more multiple-use concessions, the committee version cleared the House on May 19, 1978.³³

The Senate Energy Committee made several substantial changes. Reflecting the greater power of Alaska's senators, it reduced the unit's acreage by designating 1.4 million acres north of the White River, Chisana, and Nabesna as a national recreation area. It also expanded the size of the preserve in the Chitina Valley, but retained the provision which established a nine-million-acre wilderness.³⁴

On October 11, 1978 the key players, who now included Ted Stevens, Mike Gravel, Cecil Andrus, Morris Udall, Henry M. Jackson (D-Washington), and John

Sieberling (R-Ohio), formed an *ad hoc* committee in a last ditch effort to resolve their differences before the ANCSA protections expired. Two days later, Jackson reported that the group had struck a deal.³⁵

In an attempt to pacify the developers, the compromise retained the national recreation area situated north of the Wrangells, but left some of the most important wildlife habitat open to mining. In addition, it removed the wild and scenic river classification from the Chitina River, and reduced the designated wilderness to only 4.79 million acres.³⁶

While considered extreme by the preservationists, those measures failed to satisfy Alaska Sen. Mike Gravel, who resolved to kill any legislation limiting resource development in Alaska. On October 14 he also threatened to filibuster a bill that proposed to extend the ANCSA protection for another year.³⁷

With the Alaska Lands bill now dead, the Interior Department sought other ways to protect its withdrawals, and the Federal Land Policy and Management Act (FLPMA) and the Antiquities Act provided the necessary means. FLPMA allowed the secretary to close the ANCSA Section 17(d)(1) lands temporarily to state and Native selection, and the Antiquities Act allowed the president to select "small areas" of public land for permanent protection.³⁸

Andrus warned Congress that he would advise President Carter to invoke the Antiquities Act if it failed to pass a bill before ANCSA's statutory deadline, but Alaska's congressional delegations clearly underestimated the secretary's resolve. Gravel, for example, totally dismissed the threat, claiming that neither Andrus nor the president would dare to bypass Congress.³⁹

Alaska ignored the secretary's warning as well, choosing that moment to select another 41 million acres from the 104-million-acre entitlement promised by its Statehood Act. This included 14.1 million acres located within the Interior Department's proposed conservation units.⁴⁰

In response to the state's action and ANILCA's failure in the Senate, on November 16, 1978, Andrus used FLPMA's "emergency" withdrawal authority to protect some 110 million acres, temporarily shielding them from both mineral entry and state selection. President Carter then invoked the Antiquities Act, establishing 17 new national monuments and permanently protecting 56 million acres. This included a 10,950,000-acre Wrangell-St. Elias National Monument.⁴¹

The president justified his action by enumerating the sorts of items he wished to preserve. In the case of the Wrangells, these included "a variety of landforms . . . with associated geological, ecological, biological, and historical phenomena of great importance." This, Carter argued,

satisfied the terms of the Antiquities Act, which authorized the president to protect "historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States."⁴²

Although Wrangell-St. Elias allowed subsistence hunting to continue, the decision to protect the area still infuriated most Alaska residents. Faced with growing protests, the Interior Department attempted to develop regulations that were reconciled to local conditions and mitigated some local concerns. In keeping with that philosophy, it allowed visitors to carry firearms and access the park with aircraft, but forbid sport hunting.⁴³

ANILCA REALIZED

The president's action, however, accomplished its intended goal, marshalling support for some sort of final legislative solution. In January 1979 Morris Udall and 91 cosponsors introduced a "refined" H.R. 39, that confirmed the action taken by the Carter administration and deleted many of the earlier compromises. Informed that this new version of H.R. 39 would only be used as a vehicle for markup, the Interior Department decided not to revise its earlier proposal.⁴⁴

During the succeeding meetings and hearings, the pro-development interests supported a string of substitute bills designed to reduce the level of protection that the

CONTESTED GROUND

conservation units had already acquired. A bill cosponsored by Cong. John Breaux (D-Louisiana) and John D. Dingell (D-Michigan), for example, proposed designating 2,450,000 acres of Wrangell-St. Elias as a wildlife refuge. Although the developers eventually merged several versions in an attempt to present a stronger front, the House selected the Udall bill, which it passed by a vote of 360-65.⁴⁵

In the Senate, the Energy Committee indicated that it would only reconsider the version that it had reported the previous year, and Sen. Henry Jackson introduced the necessary legislation. Following a dozen markup sessions, the committee reported a nearly identical bill.⁴⁶

Both the Interior Department and the environmental lobby began work on amendments to modify the committee's proposal. At the urging of the Alaska Coalition, Sen. Paul E. Tsongas (D-Massachusetts) and Sen. William V. Roth (R-Delaware) attempted to repeat the strategy employed by Udall in the House: they introduced their own substitute. While similar to H.R. 39, the Tsongas-Roth bill provided inholders with access across conservation units and revoked the 1978 national monument and FLPMA withdrawals.⁴⁷

Most Senators believed they were finally nearing the end of the process, but a vote was again delayed. In exchange for limitations placed on the number of amendments and the amount of debate, Tsongas and Durkin agreed on February 6 to post-

pone consideration until after the July recess.⁴⁸

Interior Secretary Andrus still feared that Congress would fail to act. In response, he employed his authority to make his earlier FLPMA withdrawal permanent. Included were 1,240,000 acres of "natural resource areas" associated with the proposed Wrangell-St. Elias National Park and Preserve, but lying just outside the existing monument boundaries.⁴⁹

The Senate finally passed its version of ANILCA on August 18 by a vote of 78-14. Hopes of strengthening the Senate bill ended in November when the public elected a slate of national candidates who opposed the legislation. On November 12, Udall asked the House of Representatives to approve the Senate's version, and, following a desultory voice vote, the nine-year battle over Alaska's national interest lands was concluded.⁵⁰

Few participants in the struggle were entirely satisfied with its outcome. The preservationists, for example, had wanted the bill to contain more wilderness, including the Malaspina Forelands. They also objected to the bill's assault on standard wilderness policy, and especially its stand on mechanized access. Although the plan to include a Wrangell-St. Elias National Recreation Area had been dropped, most believed that the balance between monuments, parks, and preserves had shifted too far toward the latter, which provided much less protection.

Nevertheless, ANILCA was a milestone of American conservation. Never before had Congress preserved lands on such a epic scale. Among its many provisions, it extended NPS protection to three existing areas and established ten additional ones, including Wrangell-St. Elias National Park and Preserve.

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¹² USDI, press release, April 23, 1970, Archival Collection, WRST.

¹³ Keith H. Miller, "Hearings for the Wrangell Mountains National Scenic Area," April 23-25, 1970.

¹⁴ ANCSA, Sec. 17(d)(1) an (d)(2); USDI, *Final Environmental Supplement. Alternative Administrative Actions. Alaska National Interest Lands* (Washington: USDI, n.d.), I-1. While only Ahtna, Inc., and Chugach Natives, Inc., selected lands within what is now Wrangell-St. Elias National Park and Preserve, the ancestors of some Doyon and Sealaska shareholders utilized resources there as well.

¹⁵ Parks Canada, *Kluane National Park Reserve*, park brochure, Wildlife files, WRST.

¹⁶ NPS, "Environmental Statement, A Proposal—Alaska National Park, January 1972," I-3-4.

¹⁷ G. Frank Williss, *Do Things Right the First Time: The National Park Service and the Alaska National Interest Lands Conservation Act of 1980* (n.p.: NPS, 1985), 98.

¹⁸ Ibid, 115-16; USDI, NPS, "Recommendations Regarding 17(d)(2)," 3; Williss, *Do Things Right the First Time*, 124.

¹⁹ NPS, Alaska Planning Group, *Draft Environmental Impact Statement for Proposed Wrangell-St. Elias*

National Park (Anchorage: NPS, 1973); USFS, Alaska Planning Team, *Final Environmental Impact Statement, Proposed Wrangell Mountains National Forest* (Anchorage: USFS, 1973).

²⁰ Proposals authorized by Alaska Native Claims Settlement Act, P. L. 92-203, December 18, 1973.

²¹ Cooperative Extension Service, University of Alaska Fairbanks, "A Summary of Current Congressional Proposals," History files, WRST.

²² Sen. Ted Stevens, Gov. Jay Hammond, and Cong. Don Young, "Press Conference by Ted Stevens, Jay Hammond, and Don Young Pertaining to the Alaska Bill in Congress," March 1974, cited in Lappen, "Whose Promised Land?," 101.

²³ Lappen, "Whose Promised Land?," 103-04.

²⁴ R. Gerald Wright, "Wildlife Resources in Creating the New Alaskan Parks and Preserves," *Environmental Management* 8, no. 2 (1984): 124.

²⁵ USDI, Alaska Planning Group, "Proposed Wrangell Mountains National Forest, Draft Environmental Impact Statement."

²⁶ Lappen, "Whose Promised Land?," 111-13.

²⁷ Ibid, 123-29.

²⁸ U.S. Congress, House, *A Bill to designate certain lands in the state of Alaska as units of the National Park, National Wildlife Refuge, Wild and Scenic Rivers, and National Wilderness Preservation System, and for other purposes*, H.R. 39, 95th Congress, 1st sess., 1977.

²⁹ Lappen, "Whose Promised Land?," 132.

³⁰ Ibid, 134.

³¹ USDI, press release, September 15, 1977; USDI, "Department of the Interior Recommended Amendments to H.R. 39, proposed Alaska National Interest Lands Conservation Act," press release, September 20, 1977.

³² Lappen, "Whose Promised Land?," 141-42. According to Richard Gordon, when the USDI instructed the Alaska Task Force to reduce the size of its Wrangell-St. Elias selection, it deleted the Bering Glacier because the adjoining coastal

land had already been selected by the state or the Chugach Native Corporation, and the rest was largely ice, in no danger of development. Richard Gordon, conversation with author, September 8, 2000, Copper Center, Alaska, notes in Oral History folder, History files, WRST.

³³ Ibid, 143-48. The Wrangells also contained some of Alaska's largest sheep. As of 1977, 68 of the top 200 trophies listed by the Boone and Crockett Club were taken in the Wrangells. W. H. Nesbitt and J. S. Parker, eds., *North American Big Game* (Washington: Boone and Crockett Club and National Rifle Association, 1977), 317-23.

³⁴ Williss, *Do Things Right the First Time*, 208.

³⁵ Ibid, 209-10

³⁶ Lappen, "Whose Promised Land?," 152.

³⁷ *Congressional Record*, Senate, October 14, 1978, 19135-141.

³⁸ Williss, *Do Things Right the First Time*, 213-16.

³⁹ Ibid, 233. ANCSA provided that the lands withdrawn under Sec. 17(d)(2) would remain withdrawn "until such time that Congress acts on the Secretary's recommendations, but not to exceed five years from the recommendation dates." That period was due to expire in December 1978.

⁴⁰ USDI, "Report for Alaska Land Withdrawals, Section 204(e) of PL 94-587, November 14, 1978," vi.

⁴¹ Federal Land Policy and Management Act, P.L. 94-587, October 21, 1976, 43 U.S.C. 1701, Sec. 204(e); Williss, *Do Things Right the First Time*, 217.

⁴² President Jimmy Carter, Proclamation 4625, December 1, 1978, *Federal Register* 43, no. 234 (December 5, 1978); Antiquities Act, P.L. 59-209, 16 U.S.C. 431, Sec. 2.

⁴³ Carter, Executive Proclamation 4625; Williss, *Do Things Right the First Time*, 224.

⁴⁴ Ibid, 225-27.

⁴⁵ Ibid, 227-30.

⁴⁶ Ibid, 230-32.

⁴⁷ Ibid, 232-33.

⁴⁸ Ibid, 233.

⁴⁹ Ibid, 233-34.

⁵⁰ Ibid, 235-37.

2

DRAWING BOUNDARIES

Arguments over the placement of WRST's key internal boundaries, including those separating the park from the preserve and wilderness from nonwilderness, began during the ANILCA struggle and have continued ever since.

PARK/PRESERVE

The idea of splitting an NPS unit into separate management zones was neither new nor unique to Alaska. The National Park Service proposed creating preserves—an area set aside to protect certain resources while allowing other activities to continue—as early as 1958. Richard J. Gordon, a well-known Alaska conservationist, had even recommended establishing one at Alaska's Gates of the Arctic in 1969. However, it was 1973 before the NPS finally employed the strategy, establishing Big Thicket in Texas and Big Cypress in Florida.

The National Park Service's Alaska Task Force was aware of those efforts when it began developing ways to manage the Lake Clark area in January 1976. After considering a number of possibilities, the group recommended dividing the unit into two parts: a 1,800,000-acre park and a 1,800,000-acre preserve. While hunting, subsistence uses, motorized transportation, and new mineral entry was excluded from the area designated as "park," all were allowed in specific portions of the "preserve."¹

Gaining additional support as the Alaska lands struggle continued, the idea of dividing NPS units into separate management zones was incorporated into the final version of ANILCA. WRST, for example, consisted of a 8,147,000-acre Wrangell-St. Elias National Park and a 4,171,000-acre Wrangell-St. Elias National Preserve. The bill stipulated that national preserves were to be administered "in the same manner as a national park . . . except that the taking of fish and wildlife for sport purposes and subsistence uses, and trapping shall be allowed."²

In drawing the boundary between the park and preserve, ANILCA tried to balance the interests of several competing user groups. Some of the most bitter arguments focused on future access to Dall sheep, a species for which the Wrangell and St. Elias Mountains were justifiably famous. ANILCA placed WRST's borders in such a way as to leave about 60 percent of the sheep in the preserve, and therefore available for sport hunting.³

Congress based most of these decisions on data provided by Edward C. Murphy and Frederick C. Dean, who had just completed an exhaustive study of local hunting for the NPS. Gerald Wright, the National Park Service's local keyman, contributed as well, analyzing the harvest statistics for most local drainages to help differentiate between sport and subsistence hunting areas.⁴

Hunting drove the process, but some decisions were made for other reasons. Although more logically situated within the preserve, Nikolai Pass was placed within the park, connected to the rest by a thumb of territory that stretched from the mouth of the Chitistone River to Sourdough Hill. Ben Shaine, a McCarthy resident who assisted Wright during this period, defended that decision by suggesting that the pass would eventually become a key viewpoint for visitors, making it a critical aspect of any Wrangell Mountain unit.⁵

Wright used similar arguments to obtain corridors connecting the southern and northern portions of the park near the

mouth of the Chitina River, and dividing the northern and western sections of the preserve along the Sanford River. He argued that the first was needed to provide visitors with "a good area . . . to see undisturbed sheep relatively close to the road," and the second to supply some protection to migrating caribou populations. At this time, of course, Wright still anticipated that the so-called "hard" park—the park as opposed to the preserve—would prohibit all hunting.⁶

Early versions of ANILCA, including the 1978 and 1979 House-passed bills, Senate 222, and the administration proposal, placed the boundary separating the park and preserve just west of Canyon Creek, a northern tributary of the Chitina River, in order to protect the sheep living along the Bernard and Hawkins Glaciers. The 1979 Report of the Senate Committee on Energy and Natural Resources moved the boundary approximately 20 miles further east, where it remained positioned in the final bill.⁷

The committee adjusted the boundary in the eastern Malaspina Forelands as well, converting a thin section lying between Bancas Point and Manby Stream from park to preserve. Here, its decision was more puzzling, as the area was not extensively utilized by sport hunters.⁸

WILDERNESS/NONWILDERNESS

The efforts to satisfy the terms of the Wilderness Act of 1964 and its supporting ANILCA provisions have become one of

the WRST's most enduring themes. Here, the park has attempted to reconcile the wishes of local residents opposed to any further wilderness designation with ARO's repeated attempts to satisfy the larger constituency's demands to maximize the wilderness selected. First, of course, came the difficulty in determining what "wilderness" actually was.

Many people viewed wilderness in terms of inaccessibility. Others associated the word with primitiveness or the absence of other humans. The Wilderness Act incorporated all three ideas, defining wilderness as

an area of underdeveloped Federal land retaining its primeval character and influence, without permanent improvements or human habitation, which is protected and managed so as to preserve its natural conditions and which (1) generally appears to have been affected primarily by the forces of nature, with the imprint of man's work substantially unnoticeable; (2) has outstanding opportunities for solitude or a primitive and unconfined type of recreation.⁹

Passed by Congress in 1964, the Wilderness Act initially covered only 9.1 million acres of National Forest lands. Congress expanded the system in 1968, establishing four new National Forest areas and the first within a National Wildlife Refuge. Two years later, Congress began incorporating National Park Service lands.

The decision to include 43 million acres of so-called "instant wilderness" in the 1977 version of ANILCA marked a significant departure from the action originally directed by ANCSA, which made no mention of wilderness whatsoever. Alaska developers objected to the plan, arguing that it ignored the formal procedures required by the Wilderness Act, which mandated a series of agency reviews and public hearings.¹⁰

Although the House Interior Subcommittee initially hoped to reduce the amount of wilderness included in ANILCA, it eventually expanded that figure to 66 million acres. The Senate later cut that number in half, but a last minute compromise between the two houses again raised it to 50 million acres. A threatened filibuster by Alaska Sen. Mike Gravel ultimately killed that legislation.¹¹

Cong. Morris Udall revived ANILCA in 1979 and the version passed by the House that year included 65 million acres of wilderness. The bill approved by the Senate Energy and Resources Committee reduced that total once again, but it was not until a year later, on August 19, 1980, that the Senate passed a compromise measure which set the designated wilderness at 56 million acres. The final version of ANILCA, passed in December 1980, retained that figure, 9.66 million acres of which were situated in Wrangell-St. Elias.¹²

In light of Alaska's "unique conditions," ANILCA imposed far fewer restrictions on wilderness located there. It specifically

permitted land managers to maintain or replace cabins that had existed in wilderness before its designation. It even allowed them to construct new structures, provided they were deemed necessary "for the protection of the public health and safety."¹³

WRST's wilderness boundaries followed fairly logical divisions. The line between Chisana and Nabesna, for example, generally adhered to the border devised in 1979 to separate the northern preserve from the Chisana National Recreation Area. Developed districts, like the Chitina-McCarthy road corridor, Tebay Lake, Ptarmigan Lake, the head of the White River, and the communities of Nabesna and Chisana were excluded. So were areas that had been heavily mined, like the country between the Nizina and Chitina Rivers, the Kuskulana Valley, and Gold Hill. Areas which had been seriously impacted by ATV traffic, like the district surrounding Tanada and Copper Lakes, were excluded as well. Curiously, the Bremner Mining District, containing one of WRST's best preserved industrial mining operations, retained its wilderness designation.

Not only did ANILCA establish WRST's wilderness boundaries, but it also included other relevant provisions. In keeping with the original terms of the Wilderness Act, ANILCA gave the interior secretary five years to evaluate the 19 million acres of NPS lands in Alaska not yet selected as wilderness in order to determine their suitability for inclusion. Although only Congress possessed the authority to desig-

nate wilderness, these study areas were to be administered in a manner that would retain their existing character. Established uses might be permitted to continue, subject to the secretary's restrictions, but only in the manner and to the extent that they were being conducted on the date of ANILCA's enactment. Many viewed that approach as a *de facto* wilderness designation.¹⁴

In June 1983 WRST moved to meet the ANILCA deadline by beginning its wilderness suitability review. The first study was assigned to Richard Alesch, who appreciated both the complexity and volatile nature of his job.

In theory, suitability is based only on the amount of or lack of disturbance by man. . . . In practice, it is hard to separate management realities from a suitability decision. A suitability determination is difficult to make without considering whether the area will be manageable. . . . Moreover, even though the suitability conclusions will not be stated as proposals in the draft GMP, the local public will perceive them as such and we should be prepared for some adverse public reaction. They will view it as another attempt by the Park Service to lock up more land.¹⁵

Although WRST did not seek any wilderness additions in 1983, it did attempt to reduce the wilderness it already managed. The park tried to move a portion of its

northern wilderness boundary to exclude Beaver Lake and Bryan Creek, cutting its wilderness by 10,394 acres. It also wanted to designate two ATV use-areas totaling 9,545 acres, 17.9 miles of year-around ATV trails, 2.8 miles of winter-only ATV trails, and a corridor through the wilderness area to permit winter access to private lands.¹⁶

WRST justified its proposal by arguing that Chisana residents had constructed those primitive roadways long before the park was established, using them for recreational purposes as well as subsistence. Now, although ANILCA authorized the use of the roads for subsistence, it forbade the recreational use of ATVs in wilderness. WRST only wished to adjust the wilderness boundary to allow these inholders to resume using their existing roads.¹⁷

At the end of 1984, WRST proposed several additional changes to its wilderness boundary. In keeping with the terms of ANILCA, most were relatively minor, and involved moving the border from section lines to natural features that could be more easily identified on the ground. These changes would only have increased the park's designated wilderness by about 16,700 acres, well below the 23,000 acres permitted by ANILCA.¹⁸

Two more substantial adjustments were also considered. One proposed shifting the boundary near Mount McPherson, situated just west of Icy Bay, in order to exclude approximately 5,100 acres of mineral land that had been selected by

Chugach Natives, Inc. (now Chugach Alaska Corporation). In conjunction with this deletion, the NPS sought to acquire approximately 3,200 acres of state land on the southern end of Guyot Glacier, which would bring the border in line with the hydrographic divide.

The second adjustment involved incorporating about 101,100 acres located outside the park just to the east of Icy Bay. This included part of the Malaspina Glacier, now designated a National Natural Landmark, and a portion of the adjoining piedmont forelands, used extensively by migratory birds and other wildlife. In conjunction with this addition, WRST proposed to delete approximately 33,900 acres of park wilderness in the vicinity of the upper Steller Glacier. WRST included all these proposals in its draft General Management Plan (GMP), which it released in January 1985.¹⁹

While WRST hoped to acquire some of this property by trading other federal land, ANILCA forbade any enlargement of Alaska's federal conservation units without explicit congressional approval. As a result, the BLM refused to authorize an exchange.²⁰

Many inholders rejected WRST's plan as well. Some suggested that the changes were "pulled out of a hat" without any planning or consideration of their effect on local users. Others believed that the NPS knew exactly what it was doing, and was trying to prevent them from developing their inholdings.²¹

Several objected on more substantive grounds. The Sierra Club questioned WRST's decision to delete wilderness around Chisana. Jack Hession argued that although ANILCA allowed boundary adjustments under certain specific conditions, providing recreational access was not one of them. In addition, because the boundary near Chisana already followed easily recognizable features, there was no obvious need to adjust it for that purpose. Moreover, Hession viewed the proposed boundary adjustment to be procedurally defective.

As the change would lead to designation of an access route, the National Environmental Policy Act (NEPA) required that its environmental consequences be fully disclosed.²²

Even fellow NPS officials questioned some of WRST's proposals. David Wright, the National Park Service's Associate Director for Planning and Development, challenged the park's plan to move the wilderness boundary in order to encompass the Tebay Lakes, noting that the area was

specifically excluded during the ANILCA hearings.

Wright also disputed WRST's finding that the territory north of Copper and Tanada Lakes did not qualify for a wilderness designation, dismissing the claim that the area was unsuitable because it was significantly damaged by ATVs used to access inholdings, subsistence, and recreation. In contrast, he argued that allowing ATVs to cause such damage was contrary to existing laws, executive orders, regulations, and NPS policy.

While ANILCA permitted the recreational use of snow-machines on lands under wilderness review, it did not allow the use of other ATVs. Instead, ATV use was subject



Aerial photo detailing the level of ATV impact near Tanada Lake

to the provisions of Executive Order 11644, the "Use of Off-Road Vehicles on the Public Lands," which required that such use "not adversely affect the natural, aesthetic, or scenic values," that in this case, it clearly had.²³

The Interior Department finally released its guidelines for evaluating potential wilderness in September 1986. Maintaining

that the “designations in ANILCA were accompanied by extensive . . . environmental review, analysis, and debate,” Assistant Director for Fish and Wildlife and Parks William P. Horn directed the NPS to “focus on areas with unique resources or characteristics that may have been overlooked by this congressional evaluation.” Horn concluded his recommendations by pointedly stating that he “would not anticipate there to be a significant amount of land proposed for wilderness designation.”²⁴

The environmental community condemned Horn’s memo, characterizing it as a “no-more wilderness policy.” Susan Alexander, an Alaska representative of the Wilderness Society, for example, described Horn’s effort as “a way of short-circuiting the wilderness review process.” While the NPS acknowledged that the policy would limit “what would be added as wilderness,” it suggested that it would only “limit that a little more than what otherwise might have been the case.”²⁵

WRST’s General Management Plan, then in the final stages of review and completed less than two months later, clearly lacked the time to incorporate Horn’s directive. As a result, the document remained relatively vague, only mentioning that the park had identified 2,243,800 acres of nonwilderness federal lands that qualified as wilderness. While it failed to enumerate the areas it deemed suitable, it did list seven sites which it specifically excluded. These included:

- 1) a narrow strip of land paralleling the shore of the Malaspina Forelands (within 100 yards of mean high tide) . . . because of commercial fishing activities;
- 2) the area around Chisana . . . because of extensive mining development and nonfederal interests;
- 3) several scattered parcels of federal land between the Copper River and Mt. Drum . . . because they are surrounded by nonfederal lands;
- 4) the Kuskulana River valley . . . because of mining development and well-defined routes to several nonfederal interests;
- 5) an area east of McCarthy . . . because of its extensive mining claims, active mining operations, human habitation, and numerous buildings;
- 6) an area between the Nabesna Road and Tanada Lake, and the Suslota Lake trail north of the Nabesna Road that allows access to BLM lands north of the preserve . . . because of the impacts from regularly used access routes for subsistence, recreation, and nonfederal interests; and
- 7) the main road corridors (Chitina-McCarthy Road, Nabesna Road, Dan Creek Road, and Kennecott Road).²⁶

The Denver Service Center completed WRST’s wilderness draft Environmental

Impact Statement (DEIS) in 1987. The park then finalized its recommendations and released the DEIS for public review and comment in May 1988.²⁷

WRST's wilderness DEIS offered four alternatives. The first proposal merely retained the *status quo*. The second relocated the wilderness boundaries along recognizable topographical features, resulting in a net wilderness gain of approximately 164,000 acres. The third increased the wilderness by 1,513,000 acres, with most located in the Nutzotin Mountains. The fourth sought a wilderness designation for all 2,696,000 acres determined suitable by the study. These included those lands listed in the previous proposal, as well as additional ones along the Copper River and both sides of the Nabesna and McCarthy Roads.²⁸

As part of the review process, WRST held local meetings in Yakutat, Glennallen, Tok, McCarthy, Slana, and Chitina. Following those meetings, WRST Superintendent Richard Martin recommended making several changes to the DEIS. He suggested, for example, that the park leave the boundary on the Malaspina Forelands where it was, as having it follow constantly shifting glacial moraines would not provide any genuine advantage. He also recommended clarifying the location of the boundary adjustment near Ophir Creek, which the maps that accompanied the DEIS erroneously showed crossing Beaver Creek.²⁹

While the DEIS proposed adopting alternative 2, which conformed most closely to Horn's recommendations, the ARO preferred alternative 3. Regional staff dismissed the assistant secretary's guidelines, suggesting that they had little basis in the Wilderness Act. Instead, the region wanted to include additional lands, a course supported by respondents' comments, more than two-thirds of which had favored alternative 4.³⁰

In keeping with that position, the ARO recommended that WRST increase its designated wilderness by 11 percent, raising the park's total to 80 percent. This figure included the Nutzotin Mountains, lower Bremner River, Tebay Lakes, south slope of MacColl Ridge, lower Chitistone Canyon, and the Malaspina Forelands.³¹

Superintendent Martin sympathized with the region's goal, but he objected to its approach. Noting that WRST had just completed its local scoping, Martin argued that such a change might seriously damage the park's credibility.

While we did not necessarily agree with the selection of the proposed action in the DEIS, once it was selected we took it to the public as the proposed recommendation of the National Park Service as well as the Department of the Interior. To now change that recommendation requires some significant change in the facts or overwhelming public opinion. Neither of these conditions presently exist. In the absence of these conditions,

any major change should be taken back to the public for additional comment and review, so it does not appear that we had a 'hidden agenda' during this first public comment period.³²

The state objected to much of the ARO's proposal, requesting that the NPS delete the south slope of MacColl Ridge, the upper Chitina River, and the lower Bremner River from further consideration. Noting that MacColl Ridge was heavily used by hunters and generally accessed by air, Alaska feared that, over time, a wilderness designation could lead to access restrictions. In addition, the state claimed that both the Chitina and Bremner Rivers were navigable, and, as such, were not suitable for wilderness designation.³³

The USDI rejected the ARO's plan as well and drafted an alternative of its own. Acting Assistant Secretary for Fish and Wildlife and Parks Susan Reece-Lamson's so-called Reece alternative cut the proposed wilderness additions from 7 to 4.7 million acres. In WRST, it deleted the upper Chitina Valley, the Malaspina Forelands, the lower Chitistone River, and the upper Nabesna River, reducing the park's total increase to less than 61,000 acres.³⁴

The ARO tried to reverse Reece's action, but her office refused to modify its stand. Nevertheless, when the NPS submitted the park's wilderness EIS in January 1989, the accompanying Record of Decision, signed by Director William Penn Mott, still supported a wilderness increase of 164,000

acres. Like those of other Alaska parks, WRST's ROD was never approved.³⁵

Following the replacement of several key interior department officials at the beginning of the Bush administration, the ARO renewed its efforts, presenting its proposal to NPS Director James Ridenour and Assistant Secretary for Fish and Wildlife and Parks Constance Harriman in September 1989. While neither favored alternative 3, both supported raising ARO's overall request to at least the 7 million acres included in alternative 2, and agreed to consider increasing that figure even further. Nevertheless, the effort remained stalled.³⁶

In December 1990, Jack Morehead (Associate Regional Director, Operations, WASO), Paul Haertel (Associate Regional Director, Resources, ARO), and Jack Mosby (Wilderness Coordinator, ARO) met for two days with representatives from Alaska's governor's office and its congressional delegation in an attempt to reconcile the differences separating the various wilderness proposals, and put the project back on track. Unfortunately, the group failed to reach a consensus.³⁷

Briefings continued sporadically over the next decade, but it was not until late 1999 that the interior department displayed any genuine interest in reviving the long-stalled process. Unfortunately, the effort's slow progress in early 2000 kept it from being approved by the Clinton administration, and it now appears to be dead.³⁸

NOTES

¹ Williss, *Do Things Right the First Time*, 166-67.

² Alaska National Interest Lands Conservation Act, P.L. 96-487, December 2, 1980, Sec. 201(9), 1313.

³ Roger Contor, oral testimony, February 16, 1978, U.S. Congress, Senate, Committee on Energy and National Resources, *Alaska National Interest Lands Workshops*, Part I (Washington: GPO, 1978), 331-32; Richard Martin to Frank and Sue Entsminger, April 21, 1986, April-October 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

⁴ Wright, "Wildlife Resources in Creating the New Alaskan Parks and Preserves," 123; Edward C. Murphy and Frederick C. Dean, *Hunting Activity and Harvest in the Wrangell-St. Elias Region, Alaska, 1973-1977: Final Report for the National Park Service* (Fairbanks: Cooperative Park Studies Unit, University of Alaska, 1978); Richard Gordon, personal communication with author, Copper Center, Alaska, September 8, 2000, notes in Oral history folder, History files, WRST.

⁵ Ben Shaine, oral testimony, February 16, 1978, U.S. Congress, Senate, Committee on Energy and National Resources, *Alaska National Interest Lands Workshops*, Part I (Washington: GPO, 1978), 315.

⁶ Wright, "Wildlife Resources in Creating the New Alaskan Parks and Preserves," 123; R. Gerald Wright to author, February 18 and March 14, 2000, electronic messages, History files, WRST; Richard Gordon, conversation with author, September 8, 2000, Copper Center, Alaska, notes in Oral History folder, History files, WRST.

⁷ U.S. Senate, Committee on Energy and Natural Resources, *Alaska National Interest Lands, Report of the Committee on Energy and Natural Resources United States Senate, Report No. 96-413* (Washington: GPO, 1979), 384.

⁸ Ibid.

⁹ Wilderness Act of September 3, 1964, P.L. 88-577, 78 Stat. 890, 16 U.S.C. Sec. 1131.

¹⁰ Claus-M. Naske and Herman E. Slotnick, *Alaska: A History of the 49th State* (Norman: University of Oklahoma Press, 1987), 230.

¹¹ Ibid, 230-31.

¹² Ibid, 233-35.

¹³ ANILCA, Sec. 1315.

¹⁴ ANILCA, Sec. 1004, 1317.

¹⁵ Richard Alesch to Alaska/Pacific Northwest/Western Team, Denver Service Center, July 28, 1983, 2, Wilderness Suitability folder, Park Library, WRST.

¹⁶ Roger Contor to Sen. Ted Stevens, July 18, 1983, GMP folder, Park Library, WRST.

¹⁷ Boyd Evison to Jack Hession, December 13, 1985, GMP folder, Park Library; WRST, "General Management Plan Briefing Statement, May 12, 1986," 1, GMP folder, Park Library, WRST.

¹⁸ ANILCA, Sec. 103(b).

¹⁹ WRST, "Proposed Boundary Changes, Wrangell-St. Elias National Park and Preserve," February 27, 1985, Proposed Boundary Adjustment folder, Park Library, WRST.

²⁰ Kurt Kotter to Roger Contor, July 15, 1985, Proposed Boundary Adjustment folder, Park Library, WRST. ANILCA did, however, provide the NPS with the authority to acquire state-owned lands under Sec. 1302(i). See also, 16 U.S.C. Sec. 3192(i)(1).

²¹ Jan Held, "National Parks Are Not Public," *Alaska Journal of Commerce* 9, no. 38 (September 23, 1985): 10.

²² Jack Hession to Boyd Evison, October 16, 1985, Historical folder, Central files, WRST.

²³ David Wright to Alaska Regional Director, NPS, c. August 15, 1986, 1-2, GMP folder, Park Library, WRST.

²⁴ William Horn to NPS Director, September 30, 1986, Planning files, WRST.

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²⁵ Anchorage Times, October 16, 1986.

²⁶ WRST, *General Management Plan. Land Protection Plan. Wilderness Suitability Review* (Anchorage: NPS, 1986), 36.

²⁷ Richard Martin, "Superintendent's Annual Report, 1987," 4.

²⁸ WRST, *Draft Environmental Impact Statement: Wilderness Recommendation* (Anchorage: NPS, 1988), 13-14.

²⁹ *Copper Valley Views*, May 25, 1988; Richard Martin to Alaska Regional Director, NPS, June 17, 1988, Planning files, WRST.

³⁰ NPS, ARO, "Wilderness Designation Alternatives Preferred by the Alaska Region but Differing from Those in the Final Environmental Impact Statement," November 1988, 3, attached to Boyd Evison to Director, NPS, November 10, 1988, Judy Alderson, "Information on 1988 Alaska Wilderness Recommendations. Assembled January 2000 [hereafter cited Alderson briefing binder]," 17, AKSO; Richard Stenmark to NPS Director, WASO, May 23, 1988, Planning files, WRST; NPS, ARO, "Briefing Statement Prepared for Deputy Assistant Secretary Sewell," April 1990, Alderson briefing binder, 41.

³¹ NPS, ARO, "Wilderness Designation Alternatives Preferred by the Alaska," November 1988, 3, attached to Evison to Director, November 10, 1988, Alderson briefing binder, 17.

³² Richard Martin to Alaska Regional Director, NPS, June 27, 1988, Planning files, WRST.

³³ NPS, ARO, "Summary of the State's November 1988 Comments on Each NPS Wilderness Proposal Contained in Final EISs," July 1990, Alderson briefing binder, 16.

³⁴ Assistant Secretary for Fish and Wildlife and Parks, "Alaska Wilderness Recommendations. Overview," December 1988, Alderson briefing binder, 23; Planning Chief, ARO, to Alaska Regional Director, NPS, January 10, 1989, Alderson briefing binder, 27.

³⁵ Wilderness Coordinator, ARO, to Alaska Superintendents, NPS, January 11, 1989, Alderson briefing binder, 30; Jacob J. Hoogland to Alaska Wilderness files, July 20, 1989, Alderson briefing binder, 34.

³⁶ Sanford P. Rabinowitch, September 22, 1989, notes to files, Alderson briefing binder, 36; Sanford P. Rabinowitch to Alaska Superintendents, NPS, October 2, 1989, Alderson briefing binder, 37.

³⁷ Jack Mosby to files, December 20, 1990, Alderson briefing binder, 42.

³⁸ Judy Alderson, Sandford Rabinowitch, and Jack Mosby, June 22, 2000, personal communications with author.

3

FITTING IN

No park can survive as an island. Many key issues transcend unit boundaries and require local community support to be effectively addressed. This is particularly true at WRST, which contains extensive inholdings and provides crucial subsistence resources to local residents.

Early relations between the National Park Service and its adjoining Copper Basin communities were often stormy. Much of this hostility stemmed from 1971 when ANCSA reallocated local land, disrupting traditional lifestyles and leaving many residents feeling victimized by the process. Federal efforts to create a national park in the region only increased that perception.¹

MONUMENT PERIOD

Following the establishment of Wrangell-St. Elias National Monument in December 1978, the NPS sought ways to protect its resources without further alienating the local residents. Since Congress failed to fund the monument, substantive action was delayed until the following summer, when Alaska Area Director John Cook assigned a hand-picked, roving ranger task force, headed by Mt. McKinley National Park's Assistant Superintendent Charles A. "Chuck" Budge and including Dave Mihalic, Craig Johnson, and Harry Delashmutt, to the unit.²

Many Alaskans, of course, objected to any federal presence. Cong. Don Young was a particularly strident critic, advising the state to fight the process by claiming most disputed lands. He also suggested that Alaskans stop furnishing utilities to federal buildings. "We've got to do something positive and you can call it civil disobedience," Young said.³

Even environmentalists, who were unquestionably the monument's chief supporters, recognized the inherent dangers of federal control. While they wanted to restrain mining

and other development, they knew that the monument would undoubtedly curb their freedom and attract more people.⁴

NPS rangers spent relatively little time in the Wrangells during 1979 but they still encountered some overt hostility. Most businesses, for example, simply refused to serve them. "They have been asked to leave and told they were not welcome," said businessman Robert Teich.⁵

Some local residents went considerably further. At the ranger's first public meeting, held in Slana in late July, members of an organization called "Alaskans Unite" were particularly hostile, calling the rangers "leaches off the taxpayers," and issuing a variety of threats. The residents were clearly frustrated, and the rangers later admitted that, after the meeting, they were all emotionally "strung out" themselves.⁶

WRST rangers first heard rumors of possible sabotage to their airplane toward the end of July, and those stories were confirmed six weeks later when fire gutted their Cessna while it was parked at the Tazlina Glacier Lodge. Despite an extensive investigation, the responsible party was never apprehended.⁷

Local attitudes changed little the following year. That August, Chuck Budge dispatched a second task force, this time consisting of Tony Andersen, Mona McKenzie, Peter Armington, Nancy Howell, and Jan Dick, to the area. While the group completed a few observation flights, they devoted most of their efforts

toward improving public relations. Unfortunately, the rangers overall reception remained what one NPS official termed "tolerantly hostile." Don Horrell's Tazlina Store, for example, sported a sign that summer that warned: "We reserve the right to refuse service to anyone. Due to our beliefs in freedom we prefer not to serve the National Park Service."⁸

Like Horrell, most white residents still objected to any federal control of the Wrangells. Peg Richcreek, for example, worried that the National Park Service presence would profoundly affect her lifestyle.

How would you feel if everything you have worked for all your life is going to be flat taken away, and you are shoved out in the cold? It is not only frustrating, but scary.⁹

Jerry Miller expressed similar reservations.

The park is set up for the elite. The real Alaskan and real American will never use this place. They are squeezing out the real people. They are making me into a criminal for gathering firewood to keep my wife and baby warm. It's wrong. I don't even know what the word freedom means anymore.¹⁰

In contrast, local Ahtna leaders generally supported the idea. Assured that their subsistence uses would be protected, they recognized the monument's potential to generate local jobs and supply desperately

needed income. Among other things, the Ahtna hoped to participate in road and trail construction, help develop visitor centers, and manage wildlife.¹¹

Copper Basin residents were not the only ones facing a difficult situation. It was challenging for the rangers as well. Describing his experiences that summer, one noted:

We are always on edge. We had threats made on our lives. It's hard to let your hair down. We have to be careful about everything we say. When we go to dinner we wonder whether or not we are going to be served. We can't eat at some restaurants. Now I know how blacks felt in the sixties in the south. It's the same with us. The antagonism is the one thing that bothers me most about this job.¹²

SETBACKS

The establishment of Wrangell-St. Elias National Park and Preserve in 1980 brought few immediate changes. Not only did park staff continue to maintain a relatively low profile, but they tended to ignore many minor infractions, such as small-scale mining and guiding without a permit, in the interests of improving community relations.¹³

Superintendent Chuck Budge moved to the area in May 1981, and was closely followed by Chief Ranger Bill Paleck and Chitina Ranger Jim Hannah. By July, Nabesna Ranger Virgil "Red" James and

seasonal rangers, assigned to Solo Creek, Chitina, McCarthy, May Creek and Chisochina, were on duty as well. The Alaska Regional Office continued to provide the park's administrative support until Administrative Technician Adell Gochow arrived in early November.

Community relations improved considerably in the early 1980s, but they suffered a serious setback in 1985, when the White River began threatening Doug Vaden's homestead on North Fork Island. Vaden attempted to save his property by diverting one of the river's upstream channels, but was prevented from doing so by the NPS, which could not legally allow him to proceed. The river eventually destroyed several of Vaden's buildings, converting the park's decision into a *cause célèbre* that generated lots of unfavorable publicity.¹⁴

The National Park Service's slow but steady efforts to exercise control often renewed local controversy. Completion of WRST's draft General Management Plan in 1982 was one such catalyst, and many individuals submitted unfavorable comments. Chitina resident J. Sesky, for example, questioned the very basis of federal authority.

The draft is, and the park is, unconstitutionally and illegally imposed on our citizens. Likewise ANILCA and the National Park Service were unconstitutionally imposed on our citizens. The American Revolution was fought against similar tyranny that Congress and the Federal government

impose on our docile (as yet) citizens and I'm sure you've already felt that the NPS is unwelcome here.¹⁵

Several organizations, like the Tok chapter of Alaskans Unite, objected to more specific NPS proposals, including its plans for writing new regulations and constructing additional facilities.¹⁶

Some challenged the federal presence in other ways. A building near Jack Lake that WRST had just leased from Bill Ellis to use as a ranger station was torched by an unknown arsonist. Someone burned a public cabin on the McCarthy Road near Strelna as well. Far to the south, an OAS Cessna 185 was vandalized while parked overnight at the Yakutat Airport.¹⁷

Chisana inholders, like guide Terry Overly, were especially vocal critics. Although unwilling to identify any specific regulation that significantly hurt him, Overly claimed that his freedom had been "gradually eroded" by the National Park Service's presence. He and neighbors voiced numerous complaints, including the need to obtain a concession permit for trespass cabins; potential limits on grazing; guide fees based on gross revenue; threats to mining; restrictions on ATV use; and the placement of the park's radio repeaters.¹⁸

Situated on the top of nearby mountains, WRST's repeaters were a source of particular irritation. Some questioned why they were even installed, as local residents were not allowed to use them. Others objected

to their installation on purely aesthetic grounds.¹⁹

Many inholders also viewed the park as nothing more than a private "playground" for its staff. To support that allegation, they cited the government's frequent use of helicopters, a means of access denied to most private citizens.²⁰

Some local criticism was certainly valid. Kelly Bay, a McCarthy pilot and hunting guide, noted that he had lost about a quarter of his income when the park barred sport hunting in some of his favored areas. Nevertheless, even Bay conceded that the park's impact was "mostly psychological. It is the idea of living with fairly strict rules compared with what we had before."²¹

The publicity surrounding the National Park Service's proposed park management plans also generated fresh attacks from Cong. Don Young, but this time the NPS received help from a surprising ally: Alaska Gov. Bill Sheffield. Noting the divisiveness of the ANILCA struggle, the governor suggested that it was time to lay the hostility and antagonism aside.

I don't see how inflammatory language has solved our problems in the past, and I don't think it will in the future. The National Park Service is here to stay in Alaska, whether we like it or not. I don't think ranting and raving in public will change their policies. I think carefully reasoned, well thought out and documented arguments will.²²

Meanwhile, WRST renewed its efforts to involve local communities in its more important decisions. The park initiated a outreach program during the summer of 1986 that gave the public a regular opportunity to meet with its managers and discuss current issues and concerns, and that fall it held a series of meetings that focused on wilderness review. WRST's strategy seemed to work. While some residents remained hostile, most of it was now far less overt.²³

Local business leaders eventually recognized the park's potential to draw tourists to the area. In 1987 WRST was invited to join a reactivated Copper Valley Chamber

of Commerce and serve on its Tourism Committee. Several businesses started promoting the park as the area's primary attraction and the Chamber even began calling the Glennallen area "the Gateway to Wrangell-St. Elias."²⁴

The following year the park helped establish the organization's visitor information center in Glennallen, contributing exhibits,

informational materials, and the staff necessary to get the center going.²⁵

After years of steady improvement, community relations began to sour in 1992 when the Slana Ranger Station was mysteriously destroyed by fire. Representing years of work, it was the nicest facility in the park and WRST's employees were stunned by its loss. Although the NPS immediately allocated \$229,000 in emergency funds

to replace it, the threat of arson now haunted the staff, and many understandably withdrew from the community.²⁶

Events in McCarthy the following year

damaged relations even further. In the midst of the National Park Service's lengthy Kennecott acquisition effort, an article published in *Alaska Magazine* claimed that most local residents opposed WRST's efforts to acquire and preserve the property, fearing that it might restrict their access. "Besides," stated Rick Kenyon, "it's hypocritical of the Park Service to spend millions of dollars running miners out of



The Slana Ranger Station following the 1992 fire

business, then to turn around and manage Kennicott as a ghost town.”²⁷

Kenyon, who had lived in the McCarthy area since 1977 and published the *Wrangell-St. Elias News*, also accusing the agency of lying:

They say they don't want another Denali here, but apparently they want something even worse, another Yellowstone or Yosemite. For years, they've said they don't promote the park, but that's exactly what they've been doing.²⁸

Most of WRST's staff viewed Kenyon's accusations as both inaccurate and unfair. Superintendent Karen Wade had addressed many of the same concerns a few months earlier in a letter to Roger Brockman.

It is not my intention to create another Denali or to destroy the unique qualities of the communities and lifestyles that preexisted the Park. The eventuality of destruction is not inevitable in my mind, but to overcome the obstacles to a different future requires effort on the part of all of us. We must all feel free to express our feelings and opinions and offer constructive recommendations within an atmosphere that is free of retribution. Accusations will not help us achieve such a working relationship.²⁹

Some McCarthy residents apparently agreed. Kelly Bay, for example, suggested that the NPS was composed of two separate groups.

The problem is that it's managed by people in D.C., who don't know what the heck is going on out there. But if you're talking about the crew working in Wrangell-St. Elias, 99 percent are nice people; I like working with them.³⁰

WRST's local reputation bottomed in March 1994, when Wade, testifying on her own time before Congress as an official of the Association of National Park Rangers, sought increased funding for park operations. Her address, reported in the “Voice of the Times” section of the *Anchorage Daily News*, infuriated many Alaskans.

In this great northern kingdom, our ranger work force of seven deals with threats to park resource values generated by one million acres of dispersed inholdings upon which timbering, hunting, mining and commercial activities of all kinds take place. . . . In order to protect park resources, these rangers need trained backups to ride shotgun while they patrol for poachers and contact locals with frontier mentalities who scoff at rules and regulations; they need other rangers who'll take their places when they need weekends off to buy groceries 200 miles away in Anchorage or take vacations; they need seasonal rangers

to help them attend to many other duties that go begging for lack of sufficient hands; they need modern equipment and resources to help them do their work; they need quality housing and pay and benefits commensurate with their skills, training and incredible dedication. We must have a budget that will permit us to do all these things.³¹

The local response was both immediate and angry. The *Copper River Country Journal*, the Copper Basin's only newspaper, characterized Wade's tone as "decidedly superior," and suggested that she believed that her main job was to keep inholders, miners, and hunters in check. "In her early remarks, she seemed to reveal an animosity towards Copper River's people, whom she portrayed as lawless."³²

Much of controversy generated by Wade's testimony was based on misinformation. Although the "Voice of the Times" implied that she had referred to the local residents as "savages," that word was actually inserted by author Dennis Fradley, who later dismissed its use as "merely hyperbole." Nevertheless, people attributed the insult to Wade, a hardly surprising conclusion, considering that in the middle of his editorial Fradley assured his readers, "honest to goodness, this is verbatim."³³

Alaskans promptly dispatched a flurry of letters attacking Wade. A typical example, written by Will Sherman and published by the "Voice of the Times," argued:

While it is true that there aren't too many copies of Amy Vanderbilt's 'Etiquette' up here, I know of no park ranger who has ever been shot. I do however know of scores of Alaskans whose businesses have been ruined and whose rightful land, property, and access have been regulated out of their hands by Karen Wade and her predecessors. . . . The purpose of Ms. Wade's long-distance sellout of not only Alaskans, but future Park Service community relations, is of course to wheedle more bucks for the park budget—especially for herself and her pistol-whipped associates. If these people really want pay 'commensurate with their skills, training, and incredible dedication,' then they actually need to take massive pay cuts. . . . Is there no way short of defecting to Iraq that we can stop having to help pay the salaries of these people? They come from thousands of miles away, tell us what our values should be, complicate our ability to make an honest living, tear apart our communities, and then have the temerity to whine that we don't pay them enough.³⁴

A few days later, another writer suggested that the NPS utilized "Gestapo/CIA" tactics to harass innocent hunters who wandered near the park boundary. "Unless a person carries a bag of 'gorp,' sleeps in a tent, walks very softly across 'their' park and deplores the use of traps and

guns, that person is the enemy of park rangers.”³⁵

The growing controversy reinvigorated the Slana chapter of Alaskans Unite, which since the mid-1980s had become virtually dormant. In a paid advertisement to the *Copper River Country Journal*, the organization warned of the threat still posed by the NPS.

We haven’t forgotten, have you? Slana Alaskans Unite was founded in 1978 because the National Park Service has one agenda: erase your lifestyle and freedom. The problem isn’t just over Karen Wade; it is the mentality and aggression policies of the Agency she represents. Stand up—be counted. Write or call your state and federal representatives now!! Ask them to officially object to this flagrant misrepresentation of our community and lifestyle. Let them know you are personally insulted. Unite with your neighbors and fight Park Service propaganda. Slana Alaskans Unite will not submit. Why should you?³⁶

Many park inholders held similar beliefs. Richard T. Kasteler, for example, claimed to fear federal condemnation of his home. Writing to the editor of the “Voice of the Times,” he asked:

After Karen Wade’s testimony, how much would it take to convince Congress that the park needs a mere million dollars help protect

themselves and the valuable resource? From there, it is only a matter of sending letters of proposed acquisition for a fee simple check. We would have an option—federal condemnation! How close am I to this tragic reality? I do not trust smiling park rangers who laughingly assure us of no buyout threat. . . . Perhaps they are hoping we will give up and ‘donate’ our inholdings for the ‘good of the people.’ Then they can burn our homes down or turn them into ranger stations.³⁷

Others, like Daryl L. Reindl protested what they perceived as NPS harassment.

Starting in 1982, rangers and other Park Service employees have engaged in a behavior pattern, during the fall hunting seasons, that can only be called harassment. . . . Up until 1986, the frequency and seriousness of these disturbances was on a very small scale. Since 1987, the matter has become serious. More permanent employees and temporary rangers (always imported from parks in the contiguous states) have come to engage in this activity. Almost daily, ATVs and bush planes attempt to thwart my best efforts to hunt on the relatively few acres open to me. I’m confident that the harassment will continue to escalate to the point of becoming malicious.³⁸

Even Yakutat residents complained about NPS mistreatment. Submitting numerous grievances, Yak-Tat Kwann, Inc., President Don Bremner suggested that the relationship between the local community and the government had “reached the point of hate.”³⁹

Wade never returned to WRST. After completing her temporary assignment in Philadelphia, she sought and received a new appointment as superintendent of Great Smokey Mountains National Park in Tennessee in May 1994. She was replaced the following October by Jonathan Jarvis, then superintendent of Craters of the Moon National Monument in Idaho.⁴⁰

REVERSING THE TREND

Even before Jarvis’s appointment, local resentment had begun to ebb. Many members of Alaskans Unite, some of the park’s most vocal and persistent critics, attended the dedication ceremony at the new Slana ranger station. Several, including Jim Frey, Harry Heintz, and LeNora Conkle, even delivered conciliatory speeches. Conkle offered the following explanation for the SAU’s involvement:

They’re [the National Park Service] not going to go away—and we’re not going to go away. We let it be known that we’re still an active group. We get along with them—as long as they treat us like we’re citizens of the United States. We’re taxpayers. We help pay for the building at the Park Service—and that’s our attitude.⁴¹

Jarvis sought to improve local communications. In his first interview with the *Copper River Country Journal*, for example, Jarvis indicated that he would welcome input from any member of the community. “I’ve got an open door, and if anybody wants to come down and talk to me about any of these issues, or any other issues, they can call me.” Jarvis also promised not to impose WRST’s standards on local residents. “We’re starting to develop a relationship,” he said. “I want to continue with that; have an open relationship. The park is a neighbor, and can be a very good one.”⁴²

Jarvis believed that the future of the park and the rest of the Copper Basin community were tied together, that they shared common goals, and that only by working together could they enhance park values, protect local lifestyles, promote local employment, and grow the local economy. Superintendent Gary Candelaria, who replaced Jarvis in late 2000, has continued that policy, encouraging community involvement at every level.

While the park has eliminated most local resentment, one potential flashpoint remains: WRST’s designation as a World Heritage Site.

WORLD HERITAGE SITE

In an attempt to promote cooperation among nations to protect worldwide heritage which is of such “outstanding universal value” that its conservation should be a concern to all people, the General Confer-

ence of the United Nations Educational, Scientific, Cultural Organization (UNESCO) adopted the Convention concerning the Protection of the World Cultural and Natural Heritage at its seventeenth session in Paris in November 1972. The first countries ratified the Convention in 1974 and it was soon recognized as “most widely supported worldwide instrument in the field of heritage conservation.”⁴³

On October 26, 1979, UNESCO designated Wrangell-St. Elias National Monument and Canada’s adjoining Kluane National Park as its first international World Heritage Site. The committee added Glacier Bay National Park to the area in 1992 and British Columbia’s Tatshenshini-Alsek Provincial Park in 1994, making the 24.3-million-acre combined area the largest internationally protected ecosystem on the planet.

WRST’s designation troubled many local residents, who viewed it as a threat to national sovereignty. The John Birch Society, for example, warned that a “UN-aligned eco-juggernaut” intended to take over America’s National Park System. Such fears were groundless, as direct authority over individual properties remained with the national, state, tribal, or local government or private organization in charge.⁴⁴

While most parks have enthusiastically promoted their World Heritage status, at WRST it has fueled more controversy than pride. Interpretative signs noting the

park’s participation in the program have been repeatedly defaced and some have even been stolen. Such activities will undoubtedly continue.⁴⁵

NOTES

¹ Author Alvin Toffler termed such reactions “future shock,” which he defined as the stress and disorientation caused by uncontrollable change. Alvin Toffler, *Future Shock* (New York: Random House, 1970).

² Michael A. Lappen, “Whose Promised Land?,” 174.

³ *Fairbanks Daily News-Miner*, May 30, 1979.

⁴ Benjamin A. Shaine, “Hunting: An Opinion,” January 18, 1976, Ben Shaine folder, Park Library, WRST.

⁵ *Anchorage Daily News*, August 1, 1979.

⁶ Wrangell-St. Elias National Monument, Ranger Log, July 28, 1978.

⁷ *Ibid*, July 21, 1979; September 11, 1979.

⁸ Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 57; Unidentified NPS official, quoted in *ibid*, 93.

⁹ Peg Richcreek, quoted in *ibid*, 59.

¹⁰ Jerry Miller, quoted in *ibid*, 60.

¹¹ Unidentified Anchorage land-use planner, quoted in *ibid*, 18.

¹² Unidentified NPS ranger, quoted in *ibid*, 94.

¹³ Charles Budge and William Paleck, cited in Lappen, “Whose Promised Land?,” 177-78.

¹⁴ *Anchorage Times*, October 6, 1985.

¹⁵ J. Sesky to Charles Budge, May 27, 1982, History files, WRST.

¹⁶ Sue Entsminger and Dave Kelleyhouse to Charles A. Budge, c. June 1982, Historical folder, Central files, WRST.

¹⁷ William F. Paleck, "Case Incident Report 820005," April 25, 1982, 82001-82026 folder, Hanger files, WRST; Clarence Summers, "Ranger Report, Yakutat District, May 1982," Monthly Reports, 1981-1982, Park Library, WRST; Jim Hannah interview, conducted by author, Copper Center, Alaska, February 16, 2000, audio tape in Archival Collection, WRST.

¹⁸ Sam Bishop, "Home Bittersweet Home," *Heartland* 5, no. 35 (September 1, 1985): 9-10.

¹⁹ Sen. Frank Murkowski to Roger Contor, September 17, 1984, Radio System folder, Maintenance files, WRST.

²⁰ *Anchorage Times*, October 6, 1985.

²¹ *New York Times*, August 4, 1986.

²² Gov. Bill Sheffield to Cong. Don Young, February 24, 1986, Historical folder, Central files, WRST.

²³ Richard Martin, "Superintendent's Annual Report, 1986," 1.

²⁴ Ibid, "Superintendent's Annual Report, 1987," 1.

²⁵ Richard Martin to Richard Schultz, March 23, 1988, K18, January 1-March 31, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Richard Martin, "Superintendent's Annual Report, 1988," 1.

²⁶ Karen Wade, "Superintendent's Annual Report, 1992," 12; WRST, press release, February 10, 1993.

²⁷ *Alaska* (November 1993): 43.

²⁸ Ibid. Ironically, Kenyon's widely-circulated local newspaper, the *Wrangell-St. Elias News*, has probably done more to promote tourism in the Kenecott-McCarthy region than any effort yet instigated by the NPS.

²⁹ Karen Wade to Roger Bockman, April 26, 1993, April-June 1993 Reading folder, Administrative files, WRST.

³⁰ Ibid.

³¹ *Anchorage Daily News*, March 9, 1994.

³² *Copper River Country Journal*, March 17, 1994.

³³ Ibid.

³⁴ Will Sherman to editor, "Voice of the Times," *Anchorage Daily News*, March 16, 1994.

³⁵ Kenneth Robertson to editor, "Voice of the Times," *Anchorage Daily News*, March 19, 1994.

³⁶ Slana Alaskans Unite, paid advertisement, *Copper River Country Journal*, April 7, 1994.

³⁷ Richard Kasteler to editor, "Voice of the Times," *Anchorage Daily News*, April 11, 1994.

³⁸ Daryl Reindl to editor, "Voice of the Times," *Anchorage Daily News*, April 11, 1994.

³⁹ Don Bremner to Roger Kennedy and Jack Thomas, September 19, 1994, Yak-Tat Kwann folder, Central files, WRST.

⁴⁰ Wade went on to win the Director's Award for Superintendent of the Year for Natural Resource Stewardship in 1998 and was appointed Director of the National Park Service's Intermountain Region in 1999.

⁴¹ *Copper River Country Journal*, June 2, 1994.

⁴² Ibid, February 16, 1995.

⁴³ P. H. C. Lucas, "Cultural Landscapes and the World Heritage Convention: The Road to Tongariro and Uluru-Kata Tjuta," paper delivered at Australia Icomos, April 27-29, 1995, World Heritage Site folder, Interpretation files, WRST.

⁴⁴ *National Parks Magazine* (July/August 1996).

⁴⁵ *Copper River Country Journal*, July 4, 1996.

4

KENNECOTT

From the very beginning, park boosters saw the Kennecott property as a key part of any Wrangell Mountain unit. Ernest Gruening, for example, suggested making the site a national monument in 1938. Interior Secretary Harold L. Ickes obviously agreed, asking President Franklin D. Roosevelt to issue the necessary proclamation, but faced with other more urgent matters, the president refused to act.¹

ACQUISITION

The NPS made its first effort to acquire Kennecott in December 1940. Officials met with E. Tappen Stannard, then president of the Kennecott Copper Corporation (KCC), who indicated that his company had no interest in selling the complex. Stannard did, however, offer to lease it to the federal government on a temporary basis.²

Mount McKinley National Park Superintendent Frank Been toured Kennecott the following summer to make a final assessment about its potential value. Unlike Gruening, he was not impressed. Been dismissed the mill site as an “unsightly conglomeration of shapes, sizes and locations,” which would undoubtedly become a perpetual maintenance problem.

The expense for remodeling . . . and clearing enormous machinery and buildings will be much greater than if the Service started from scratch and built as requirements demanded. Travel will not be enough for many years to justify maintenance costs on the unused buildings. They are not interesting nor appropriate for tourists edification or for historical purposes.

Been identified other problems as well, including the Kennecott Copper Corporation’s unwillingness to relinquish fee simple title to the property.

The short term arrangement is quite impractical as the National Park Service functions on a perpetual basis. Because large copper deposits remain, the com-

pany may hold the expectation that operations will be resumed when market and transportation factors are favorable.

This negative report effectively ended the National Park Service's first effort to acquire and preserve the site.³

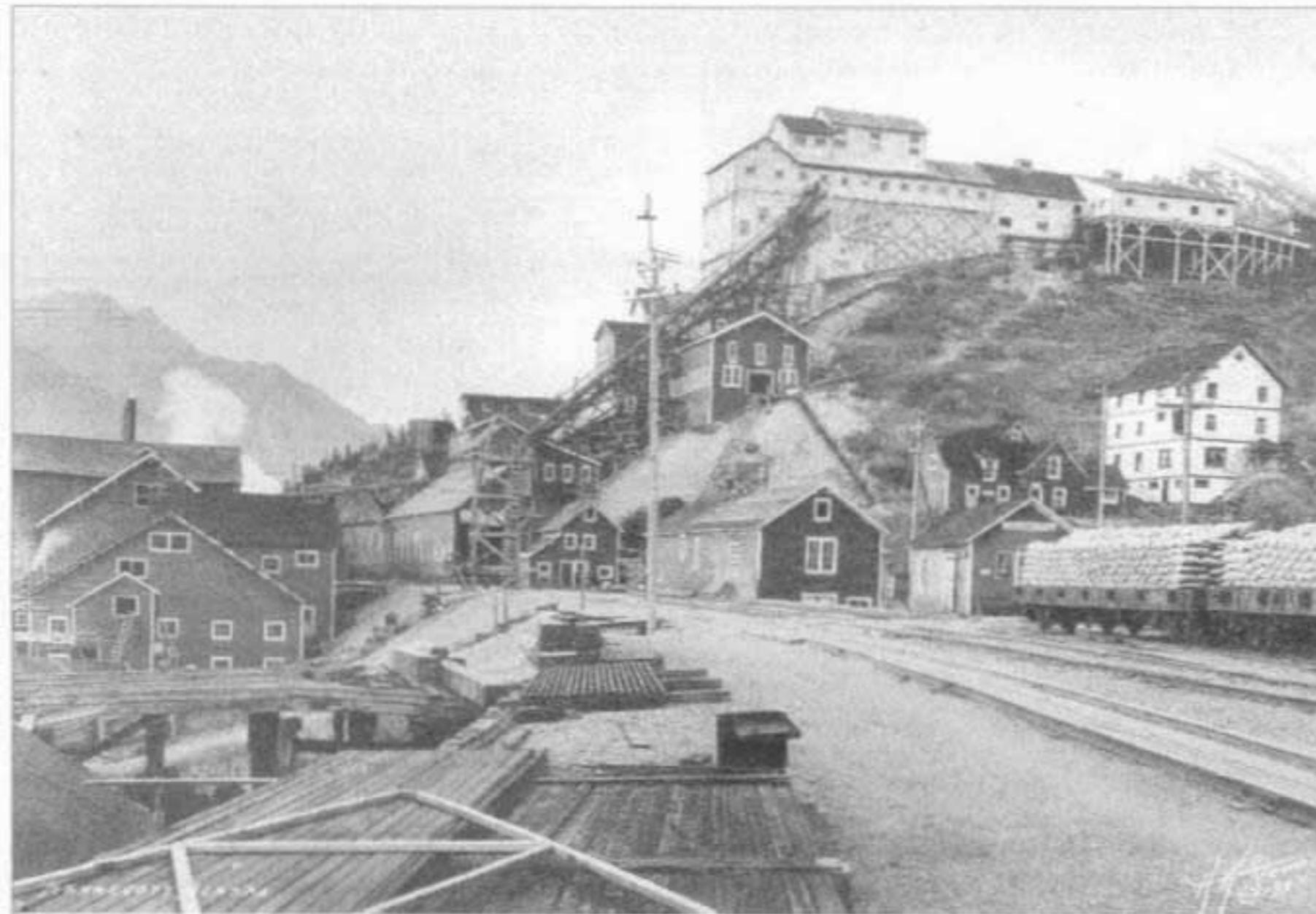
Kennecott received few visitors during the 1940s, and little actually changed there until the early 1950s, when the KCC hired Ray Trotochau to raze the remaining buildings. Although Trotochau never completed his assignment, he did demolish the staff house, the superintendent's residence, and the guest house, as well as remove roofs from part of the mill and the company store, seriously diminishing the integrity of the site.

The Consolidated Wrangell Mining Company (CWMC) purchased Kennecott's surface estate in 1965 and began working a small copper deposit located just below the Bonanza Mine. Some of its efforts eventually damaged Kennecott as well. The company, for example, installed an ore bin

and separator near the former site of the superintendent's residence, and used an adjacent shed to store other equipment. Tailings from its operation were dumped downhill, where they nearly inundated the historic manager's office.⁴

As part of an ANCSA-generated effort to establish new conservation units in Alaska, the Forest Service and the National Park Service jointly inspected Kennecott in

1976. The NPS evaluated its significance and prepared a structural analysis that provided sufficient information to nominate the site to the National Register of Historic Places.⁵



Kennecott, 1927

The Great Kennecott Land Company (GKLC) acquired the Kennecott complex and approximately 1,500 acres of surrounding land from the CWMC the following year. Not interested in mining, this company subdivided the property and began selling lots. The GKLC's decision to dismember the complex helped focus a growing effort to protect it. The Alaska Historical Society sponsored a two-and-one-half-year historic preservation study

that was specifically designed to guide "further stabilization, restoration, and new development by private building and land owners."⁶

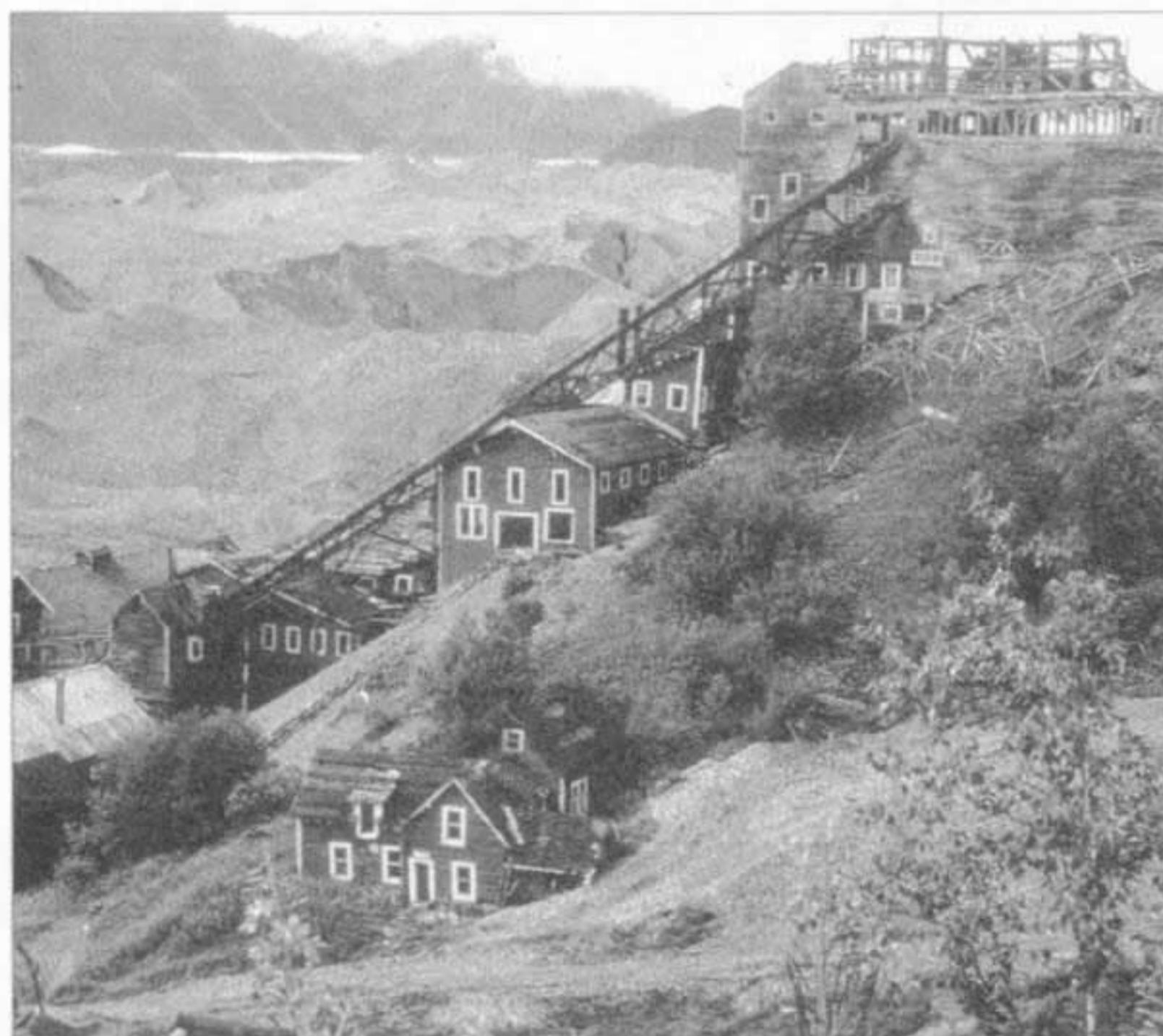
The GKLC apparently already recognized and appreciated Kennecott's importance. Following the establishment of Wrangell-St. Elias National Park and Preserve in December

1980, it repeatedly tried to convince the federal government to acquire the site's industrial core, promising to donate the larger buildings "as a charitable contribution" if the NPS would agree to maintain them.⁷

Unable to reach an agreement with the

National Park Service, James Harrower, an Anchorage dentist who headed the GKLC, eventually approached other parties. In March 1984 the company offered to sell part of the site to the University of Alaska. The GKLC promised to donate three acres of land, the 14-story mill, leach plant, office building, and National Creek footbridge if the university paid \$460,000 for ten of the smaller buildings.⁸

The NPS remained interested as well, and even sent a hazardous materials team to complete a preliminary survey. The group, consisting of Brad Cella, Jim Hannah, and Mike Reitz, searched the mill site and the mines for electrical equipment that might contain PCBs, but none was discovered.⁹



Kennecott as it looked in the mid-1980s. Note damage to the upper portion of the mill.

With the help of an \$80,000 grant provided by the National Parks and Conservation Association (NPCA), the Historic American Engineering Record (HAER) prepared detailed drawings of Kennecott's structures and machinery the following year. Partly as a result of this effort,

the site was designated a National Historic Landmark on June 23, 1986.¹⁰

Having failed to sell Kennecott to the university, Harrower approached the NPS again in March 1987 and proposed a more complex four-part deal. This time the GKLC offered to donate the site's reserved property to the National Park Service, providing that it, the university, or

some other institution purchase the remaining unsold townsite lots and buildings for \$685,000; the unsold lots in the Bonanza, Motherlode, Erie, and Jumbo subdivisions for \$3,502,435; and the approximately 1,500 acres of unsubdivided mineral property for \$450,000.¹¹

WRST Superintendent Richard Martin was clearly skeptical of the deal, warning his superiors that the NPS “should carefully consider all [its] implications.” Among the perils of the project, Martin noted its cost, potential effect on local lifestyles, liability, personnel requirements, logistics, maintenance, and access.¹²

Despite Martin’s warning, the NPS sent an interdisciplinary team to Kennecott in order to inspect the site and better analyze Harrower’s proposal. After considering all its alternatives, the team decided to support the plan.¹³

There is no question of the desirability of the buildings and lands coming into Federal ownership and National Park Service administration. Kennecott is a ‘premier’ National Historic Landmark, and is situated at the heart of Wrangell-St. Elias National Park and Preserve. Failure to acquire it—with the added risk of private, uncontrolled development on patented claims and private inholdings at the mill site—would be to the significant detriment of the park and preserve.¹⁴

The inspection team’s final report outlined three preservation options, but its preferred alternative proposed stabilizing the structures as ruins and essentially managing Kennecott as a “ghost-town.” It also suggested that the NPS establish a visitor center there, as well as provide guided access through some of the buildings.¹⁵

Alaska’s Regional Director Boyd Evison supported the team’s position in his letter to the National Park Service’s Washington headquarters in September 1987.

The existing ownership pattern and subsequent management situation of the area is at best ‘unstable’ and it is not likely that in the normal course of events, the situation would change for the benefit of the Park and Preserve. Therefore, we believe that the stated position of the NPS should be to acquire by appropriate means—acceptance of donations and purchase—as much of the mine and mill complex as is possible. We do not recommend a ‘half-way’ measure of only accepting the historic buildings proposal for donation.¹⁶

The National Park Service’s Washington, D.C., headquarters (WASO) displayed little enthusiasm for the project. It informed Evison that there was no money available to pay for the property, and warned that even if an appraisal confirmed its value, it could only be acquired by exchange, and then only if there were acceptable Federal lands in Alaska.¹⁷

Despite WASO's negative assessment, some acquisition efforts continued. WRST Superintendent Dick Martin, for example, approached the KCC in the spring of 1989 to see if it would consider donating the site's subsurface rights to the NPS. While the company refused to make any commitment, Martin remained optimistic that it would eventually agree.¹⁸

The NPS recognized that it would be impossible to establish Kennecott's potential liability without first identifying the type, amount, and location of its hazards, and therefore decided to schedule an environmental audit. As both past and present owners were responsible under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), the NPS notified the KCC of its impending study.¹⁹

At about this same time, Boyd Evison directed the Alaska Regional Office's Land Resources Division to initiate a title search and to appraise the property. Noting that others were assessing the cost of any future cleanup, Evison asked the appraiser, Norman Lee, to determine its value as if that task had already been completed.²⁰

The title search produced few surprises, although it did identify about 50 individuals owning tracts in Kennecott's four subdivisions. It also revealed that the property's rights-of-way were not open to the general public, as the mill site plat clearly restricted any use of the corridors to land owners and their guests. The NPS

viewed this access problem as particularly serious because it could force the park to negotiate separately with every owner.²¹

While the NPS made little progress toward acquiring the property, its efforts to preserve Kennecott's history did advance on other fronts. In 1989 WRST hired Greg Ringer to assist volunteers from the McCarthy-Kennicott Historical Museum in gathering the documents which remained in Kennecott's buildings. Most were eventually collected and deposited at the local museum.²²

NPS Special Assistant Janet McCabe organized a series of informal luncheon meetings over the next year to facilitate communication among the parties most interested in Kennecott's preservation. Those attending included representatives from WRST, ARO, the Alaska Association for Historic Preservation, the McCarthy-Kennicott Museum, the Prospectors Club, and others. The group, called the "Friends of Kennecott (FOK)," eventually incorporated for the expressed purpose of preserving the "natural and cultural values and resources" of the Kennecott National Landmark.²³

As its first genuine initiative, in April 1990 the FOK proposed undertaking a two-year, \$450,000 project to complete emergency stabilization of some of the site's most significant buildings. Their timing was excellent. The following month the National Trust for Historic Preservation placed the Landmark on its list of America's most endangered historic places.

The NPS helped draft the plan to stabilize the mill, with NPS experts like Steve Peterson and Brad Richie providing technical assistance.²⁴

Largely in response to efforts by the FOK and strongly supported by the National Trust, the Alaska legislature appropriated \$50,000 that summer to start the work. Unfortunately, that funding was promptly vetoed by Gov. Steve Cowper.

The National Park Service began seeking its own money at about the same time, hoping to hire a project manager to coordinate a cooperative planning effort. The NPS realized that such a person would be needed to establish networks with the public; assemble a planning team; prepare future cost projections; and begin developing a comprehensive plan.²⁵

In October 1990 WRST Superintendent Karen Wade visited Salt Lake City to lobby the Kennecott Corporation personally. Like her predecessor, she suggested that

the company consider donating its subsurface interest to the NPS. Wade also recommended that the company help clean up the site, and even provided it with three positive incentives: tax benefits, public relations, and protection from future liability. Regarding the latter, she implied that the NPS might assume legal responsibility for the property after the cleanup was completed, holding the company "harmless." Her argument was apparently persuasive, as the following month the Kennecott Corporation engaged America North, an Anchorage environmental firm, to develop cost estimates for remediation.²⁶



The mill's loading deck in 1993, following emergency stabilization by the Friends of Kennicott

Local residents were becoming increasingly involved in the process. In early 1990, two McCarthy-based non-profits, the Wrangell Mountain Center and the McCarthy-Kennecott Historical Museum, obtained grants from Alaska's Division of Tourism, the National Trust for Historic Preservation, and the Alaska Conservation Foundation to support a study of the area's future as a visitor

destination. The resulting report, completed by University of California Professor Joseph L. Sax, accurately conveyed the community's long-term goals, including stabilization of threatened historic buildings; public acquisition of the GKLC and KCC holdings; cleanup of hazardous waste; introduction of protective covenants on Kennecott's private lands; and management of the McCarthy Road corridor as a scenic, low-speed route.²⁷

Largely in response to a preliminary environmental audit which identified several sources of contamination, the KKC agreed to pay for a complete assessment of the site, and hired EMCON Alaska to conduct the work. EMCON investigated all areas showing evidence of human activity and collected samples of asbestos, soil, tailings, paint, oils, grease, ash, ore concentrates, fire bricks, the contents of storage tanks, surface water from streams, and groundwater seeps. Water quality remained good, and EMCON detected no adverse effects from tailings, ore concentrates, or fire bricks. It did, however, consider the asbestos, lead paint-impacted soils, oil spills, foundry ash, oil, and ammonia to be potentially hazardous, and recommended that KCC take remedial action.²⁸

Now convinced that an extensive cleanup would be necessary, representatives of the KCC, the GKLC, and the NPS met in Anchorage in February 1991 to coordinate their future plans. The KKC and the GKLC indicated their readiness to clear the site, providing the National Park Service's was willing to acquire it. The

three parties eventually agreed that the owners would conduct the cleanup under the supervision of the Bureau of Mines (acting as agent for NPS) while the National Park Service pursued acquisition.²⁹

Unfortunately, the NPS again failed to convince the KCC to donate its subsurface interest. Instead, the company now offered to trade those rights "acre for acre" for fee title to some of its unpatented mining claims in Utah.³⁰

Meanwhile, the National Park Service's efforts to preserve Kennecott began drawing national attention. In early 1991, the U.S. Senate Appropriations Committee directed the NPS to prepare a plan and cost estimate for Kennecott's basic stabilization, clean-up, and acquisition.

In response, the National Park Service drafted "Kennecott, Alaska: A Partnership Proposal," to outline its future plans. It recommended that WRST acquire "the primary historic Kennecott properties, as well as sufficient lands in the vicinity to adequately protect the historic scene." In addition, it suggested that the NPS prepare a comprehensive plan for Kennecott, regardless of whether the government acquired it or not, noting that if there was no acquisition, it could focus on the effects of the road corridor on federal lands.³¹

The National Park Service soon realized that in order to preserve Kennecott it would need to acquire some outside sources of funding, the most obvious of which was the state. Others apparently

agreed. Sen. Ted Stevens, for example, informed Alaska's legislature that it must contribute to Kennecott's stabilization effort if it wished to attract any significant federal appropriation. The legislature soon provided the FOK with a \$200,000 grant.³²

Meanwhile, the NPS accelerated its effort, detailing Clay Alderson as the project's field manager. It was the FOK, however, which supplied the actual construction crew, expending \$117,500 of their \$200,000 budget to repair three rooms in the mill building, the store, the office building, and the meat house.³³

WRST failed to secure sufficient funding to rehire a full-time planner in 1992. Fortunately, it obtained the temporary services of Laura Rotegard, who worked for the Denver Service Center. Rotegard visited Kennecott that August, and was also able to devote about two months in early 1993 to the project.³⁴

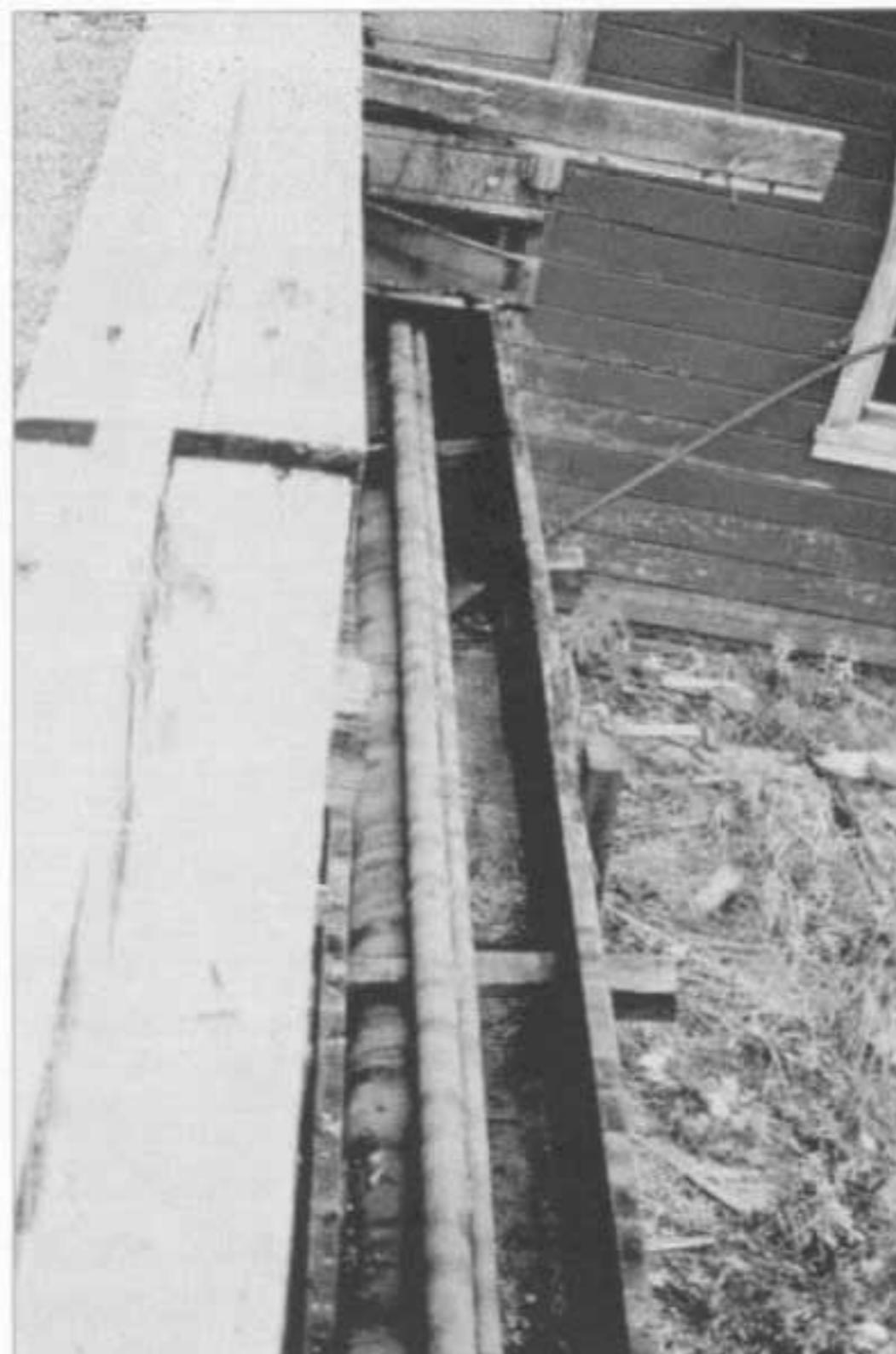
Although some hazardous materials, including laboratory chemicals and glassware, hospital drugs, electrical batteries, small volumes of ore processing chemicals, lubricating oils, and grease, were removed during the summer of 1992, it was not

until early 1993 that all the interested parties finally agreed on the scope of the cleanup.³⁵

Recognizing that it was to their mutual advantage to inventory the company's portals, WRST and the Kennecott Corporation drafted a memorandum of agreement in 1993 to locate and describe them. While NPS staff actually conducted all of the field operations, Kennecott allowed WRST to examine its applicable records, files, and photographs, and funded the project's transportation costs.³⁶

Later that summer, the Kennecott Corporation hired Technic Services of Anchorage to clear the mill site's asbestos, and it bagged and stockpiled most of it during fall 1993 and early summer 1994. Although it had initially hoped to bury the material next to the Kennecott cemetery, the NPS refused to authorize that solution, forcing the firm to transport it to an approved landfill near Anchorage.³⁷

EMCON handled the remainder of the planned remediation, which included installing a concrete cap over the foundry ash; draining several tanks of ammonia; draining and cleaning several fuel oil stor-



Many of Kennecott's utilidors were once insulated with asbestos

age tanks; stabilizing an old fuel spill; and removing drums of oil and grease.³⁸

The Environmental Protection Agency (EPA) visited Kennecott in early 1995 and conducted the sampling necessary to determine if the site should be placed on the Superfund National Priorities List (NPL). The NPS was confident that, as long as the site remained in private hands, it would score below 28.5, making it ineligible for NPL inclusion. It also recognized that, should the NPS acquire the site, it might well exceed that figure based on the special criteria used for National Park Service properties. While aware that the EPA used weighted scoring as a way of prioritizing the protection of park resources and visitors, the NPS believed that, in this particular instance, placing Kennecott on the NPL would not help to reach that objective, but could, in fact, actually hinder it.³⁹

By now, the NPS ranked Kennecott's acquisition among its highest priorities for a variety of reasons. Kennecott was located in the heart of the park, at the terminus of the unit's primary road, and was considered its primary destination. It was also a National Historic Landmark which the National Trust for Historic Preservation considered one of the nation's eleven most endangered historic properties. Although most of the property remained vacant, the owners were actively seeking buyers, and further development would inevitably impact the adjoining park.⁴⁰

The EPA finally released its inspection report in June 1995, concluding, as the NPS had hoped, that it was not necessary to place Kennecott on the NPL. Nevertheless, the EPA reminded the National Park Service that its determination did not relieve the NPS from complying with state regulations, which remained the responsibility of Alaska Department of Environmental Conservation (ADEC).⁴¹

The following month the NPS assembled an interdisciplinary team and conducted a Level I survey of the site. Like the EPA, it determined that several hazards remained, including the site's old dumps, lead paint, oil spills, and some asbestos.⁴²

By now, the KCC had abandoned its efforts to exchange its Kennecott claims for similar property in Utah. Instead, it finally offered to donate the claims, providing the NPS agreed to release it from any future liability and publicly acknowledge its past efforts to remediate the site.⁴³

Unfortunately, the NPS was unable to accept the KCC's proposal. It informed the company that it could not protect it from future liability, as such an agreement would be "inconsistent with well established legal principles, National Park Service and Department of the Interior policy, and the best interests of the public." It promised, however, to minimize the company's exposure by entering into a "prepurchaser agreement" with the State which would identify the specific actions necessary to protect both human health and the environment.⁴⁴

For its part, Alaska identified three basic requirements for any prepurchaser agreement. First, it must clearly establish the ADEC's expectations for remedial measures at the site. Second, it must contain "re-openers" if new information should indicate that additional action is necessary. Third, it must provide a means to reimburse the ADEC for the cost of negotiating and implementing the agreement.⁴⁵

The NPS accepted the state's requirements and added two more of its own. The first was a "covenant not to sue," protecting the federal government from any state action due to existing contamination at the site. The second was a section on "contribution protection," protecting it from actions or claims for matters addressed in the agreement.⁴⁶

The state generally accepted the National Park Service's additions, but it refused to provide any general covenant not to sue. Officials there wanted to retain the ability to pursue the NPS if the scheduled work was not completed.⁴⁷

Meanwhile, Kennecott's environmental hazards still kept the parties from finalizing a deal. For one thing, the NPS now feared that the site's lead paint-contaminated soil might pose an OSHA liability, as any NPS employees working there would undoubtedly be exposed.⁴⁸

The EPA quickly dismissed that problem. In a letter to WRST Superintendent Jonathan Jarvis, EPA representative Dor-

othy A. Canter recommended against removing any soil, noting that the EPA's cleanup guidelines applied only to sites used for residential purposes.

This clearly does not apply to Wrangell-St. Elias. Moreover, even for residential sites, the 400 ppm soil lead level is only a threshold. Below 400 ppm, one should not have to consider remediation activities. Above 400 ppm, site-specific information should be taken into account before making a decision. The guidance also applies to exposures to young children (one through six years of age) who live at the site. Again this does not apply to Wrangell-St. Elias. In addition, because of the weather, the ground at Wrangell-St. Elias is under snow cover much of the year. I doubt that there will be very [many], if any, children between the age of one and six years old who will have the opportunity to ingest any soil, let alone lead-contaminated soil, near the contaminated buildings at Wrangell-St. Elias.⁴⁹

In June 1996 a national environmental group finally moved to end the impasse. The Conservation Fund, a Virginia-based nonprofit which purchased historic sites, wildlife habitat, and open space for resale or donation to the federal government, paid the GKLC \$10,000 for an 18-month option on its remaining property at Kennecott. However, before a deal could be finalized, a new dispute surfaced over the

property's value. This clearly worried the officials of the Conservation Fund, who reminded WRST's superintendent that only 12 months remained on its option and warned that further delays might jeopardize the project.⁵⁰

Nevertheless, in April 1997 the Conservation Fund announced that it had negotiated an agreement with the GKLC to purchase Kennecott's surface estate for \$3.5 million. The Conservation Fund, of course, was only acting as an intermediary, and immediately arranged to sell the property to the federal government. The following spring, under the leadership of Sen. Ted Stevens, Congress appropriated the necessary funding through the Land and Water Conservation Fund.⁵¹

In the interim, the NPS had completed a Level II hazardous materials survey of the site and drafted an "integrated emergency stabilization and lead-based paint management program."

The survey found that no further work was necessary for the tailings, but that the site's remaining asbestos, fuel spills, transformers, petroleum lubricants, and lead-based paint would require additional remediation. It also recommended that the NPS begin monitoring the groundwater at Kennecott's historical dump sites.⁵²

Lead paint remained a special problem because it was integrally tied to the historic fabric of the site. Although the NPS had not allowed the KCC to remove the paint during its cleanup, it agreed, in concert

with the ADEC, to mitigate it as part of its long-term stabilization process.⁵³

With the last of its major problems resolved, the NPS finally acquired Kennecott on June 16, 1998, in a complex deal which had involved, at various times and to varying degrees, the U.S. Bureau of Land Management, the U.S. Forest Service, the Friends of Kennicott, the Great Kennicott Land Company, the Consolidated Wrangell Mining Company, the Kennecott Minerals Company (the successor to the Kennecott Copper Corporation), the Conservation Fund, the U.S. Environmental Protection Agency, the Alaska Department of Environmental Conservation, as well as a host of others. The Great Kennicott Land Company and the Consolidated Wrangell Mining Company donated four major historic buildings, including the 14-story mill, the central focus of the complex, and received approximately \$3 million for 2,839 acres of land and its remaining unsold buildings; the Kennecott Minerals Company donated 3,097 acres of subsurface mineral rights, as well as the Kennecott cemetery; and the NPS began developing a strategy to manage its newly acquired site.⁵⁴

MANAGEMENT

Although WRST appreciated the importance of its new acquisition, many staff members justifiably feared that Kennecott might draw scarce resources from other programs. Even Superintendent Jon Jarvis, who spearheaded the purchase,

worried over the site's potential to dominate the remainder of the park. As a result, he requested that WRST add the following language to its preservation goals:

The goal of the National Park Service's Kennecott preservation program is to stop the deterioration of the historic buildings of the Kennecott NHL by repairing and replacing deteriorated roofs, walls and foundations while preserving the present qualities of the site. Rapid deterioration and potential failure of key structures will be arrested. However, it is understood that extraordinary federal efforts and funds will not be allocated to prevent the eventual deterioration of the Kennecott structures to the point of historic ruin over the next 100 years. The Kennecott structures will not be 'reconstructed' nor 'rebuilt' when they have reached a point where their structural integrity no longer allows occupancy.⁵⁵

Although the National Park Service had met with interested community members throughout the acquisition process, it solicited more formal comments in June, August, and September 1998 in order to help develop an interim management plan. It also began producing a newsletter, the *Kennecott Cable*, to provide information to those unable to attend the meetings.⁵⁶

WRST utilized site assessments, acquisition data, scoping meetings, and community,

state, and federal input, to identify the site's most significant issues. These included subsistence; visitation and recreation; air quality; geology, topography, and soils; water resources; wetlands and floodplains; vegetation and wildlife; threatened and endangered species; cultural resources; socioeconomic environment; park management; safety and security; and cumulative effects. Once it identified the issues, WRST formulated the alternatives and mitigating measures, basing its decisions on applicable environmental statutes, regulations, and executive orders, and NPS policies.⁵⁷

When the National Park Service purchased the Kennecott property, it became the site's largest landowner and therefore responsible for staffing and operating its Architectural Control Committee (ACC). The ACC, which the Great Kennecott Land Company created in 1976 when it established the subdivision, was charged with enforcing the property's many "restrictions, conditions, covenants and agreements" approved by each landowner at the time of their purchase.⁵⁸

While WRST's first ACC included only NPS employees (WRST Superintendent Jonathan Jarvis, WRST Planner Vicki Snitzler; and AKSO Historical Architect Steve Peterson), it promised to add two private landowners in the near future. In the interim, the park announced that the committee would start reviewing development proposals and would begin formulating its "design guidelines" in 1999.⁵⁹

In October 1999 WRST released the Kennecott Interim Management Plan (KIMP) and Draft Environmental Assessment. It noted the park's need to analyze the condition of Kennecott's historic landscape and stabilize any deteriorating elements; determine where services should be located; and provide visitors with opportunities to explore the history of the site. It also identified several health and safety concerns as well as continuing threats to the site's cultural resources. Designed to get Kennecott's basic operations underway and scheduled to last just five years, the KIMP amended the park's GMP.⁶⁰

The draft EA's preferred alternative enhanced visitor understanding of Kennecott "by preserving and interpreting the remaining structures and landscape features, patterns, and relationships that defined the historic character of the national historic landmark." It included a program to stabilize and adaptively reuse historic structures; reestablish historic circulation routes; restore historic vistas; preserve significant archaeological features; and add interpretive facilities, including trails, waysides, and a visitor contact station. It also allowed development within the historic landmark, as long as it was compatible with the historic character of the site.⁶¹

Significant problems remain. Given Kennecott's distance from the park headquarters in Copper Center—120 miles by road—and its obvious complexity, it demands its own dedicated management

team. Unfortunately, Congress failed to authorize such an expense. WRST funded the first three years of its Kennecott's operations with the \$1.2 million that remained in its purchase budget, but that money will soon be exhausted, and without a significant base-increase, it will become increasingly difficult to maintain the site.⁶²

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ISSUES

5

INHOLDINGS

When Congress established Wrangell-St. Elias National Park and Preserve (WRST), it contained the most complex patchwork of public and private land of any unit in America's National Park system, including over a million acres of inholdings. Most fell into five main groups.¹

Local Native corporations held the majority. Ahtna, Inc., Chugach Natives, Inc. (now the Chugach Alaska Corporation), and Chitina Village, Inc., had acquired their approximately 875,000 acres under the terms of the Alaska Native Claims Settlement Act of 1971 (ANCSA). All three corporations sought to protect traditional activities while providing their shareholders with an economic base.

The state possessed significant holdings as well, having chosen some 70,000 acres under the terms of its 1959 Statehood Act. Alaska considered several options for its property, managed by the ADNR, including resource leases and public land disposals.

The University of Alaska held an additional block of 8,200 acres acquired differently and held separately from other state holdings. Its options were similar to the state's.

WRST also contained roughly 11,400 acres which were originally patented under the terms of the Mining Law of 1872 for the purpose of mineral development. While only a few parcels were still mined, many held recreational cabins or headquarters sites. Some also possessed toxic waste, explosives, open mine shafts, and other threats to public safety.²

The Act of May 17, 1906 (better known as the Alaska Native Allotment Act) allowed individual Alaska Natives to select up to 160 acres of vacant and unappropriated land, providing they were able to show historic use and occupancy of the lands they selected. By the time that Congress established WRST in 1980, nearly 4,000 acres within its borders had been chosen in this manner.³

In addition to lands held in fee, WRST also contained numerous valid mining claims, which complicated park management even further. There was nothing, for example, to prevent the holder of an unpatented claim from applying for a patent. The government, in fact, considered this to be one of the “valid existing rights” protected by ANILCA, and the BLM was only concerned that the applicant met its tests, both when the park was established and when they made their application for patent.⁴

While both patented and unpatented mining claims acquired under the Mining Law of 1872 remained subject to the Mining in the Parks Act, land acquired under the Alaska Statehood Act, ANCSA, or other authorities did not. This meant that the Part 9 regulations did not apply to mining on state or Native lands, and, as a plan of operations was not required, the park possessed little control over potentially incompatible development.⁵

NATIVE LANDS

Ahtna, Inc., a Alaska Native regional corporation created by ANCSA and representing the Ahtna people of the Copper Basin, was WRST’s largest private inholder, and as such, was undoubtedly the most impacted by the park’s creation. For one thing, WRST’s establishment denied the Ahtna Corporation the full economic benefit of its land. Recognizing that many of its development plans were incompatible with park goals, the corporation proposed to trade some of its inholdings for other land located outside park boundaries. It also offered to consolidate its remaining inholdings in order to simplify future management. Nevertheless, Ahtna’s lands were never consolidated and its extensive inholdings remain scattered throughout the western portion of the park.⁶

STATE LAND DISPOSALS

Alaska’s efforts to garner income from its local lands complicated relations between it and the park as well. In 1979 the state legislature passed a bill mandating that Alaska dispose of 100,000 acres a year. In 1980 the ADNR proposed to include 2,300 acres of its land in the Chitina Valley.⁷

The NPS objected to the state’s proposal, citing the legislative history of ANILCA, whose authors hoped to eliminate the inappropriate development which marred other parks.

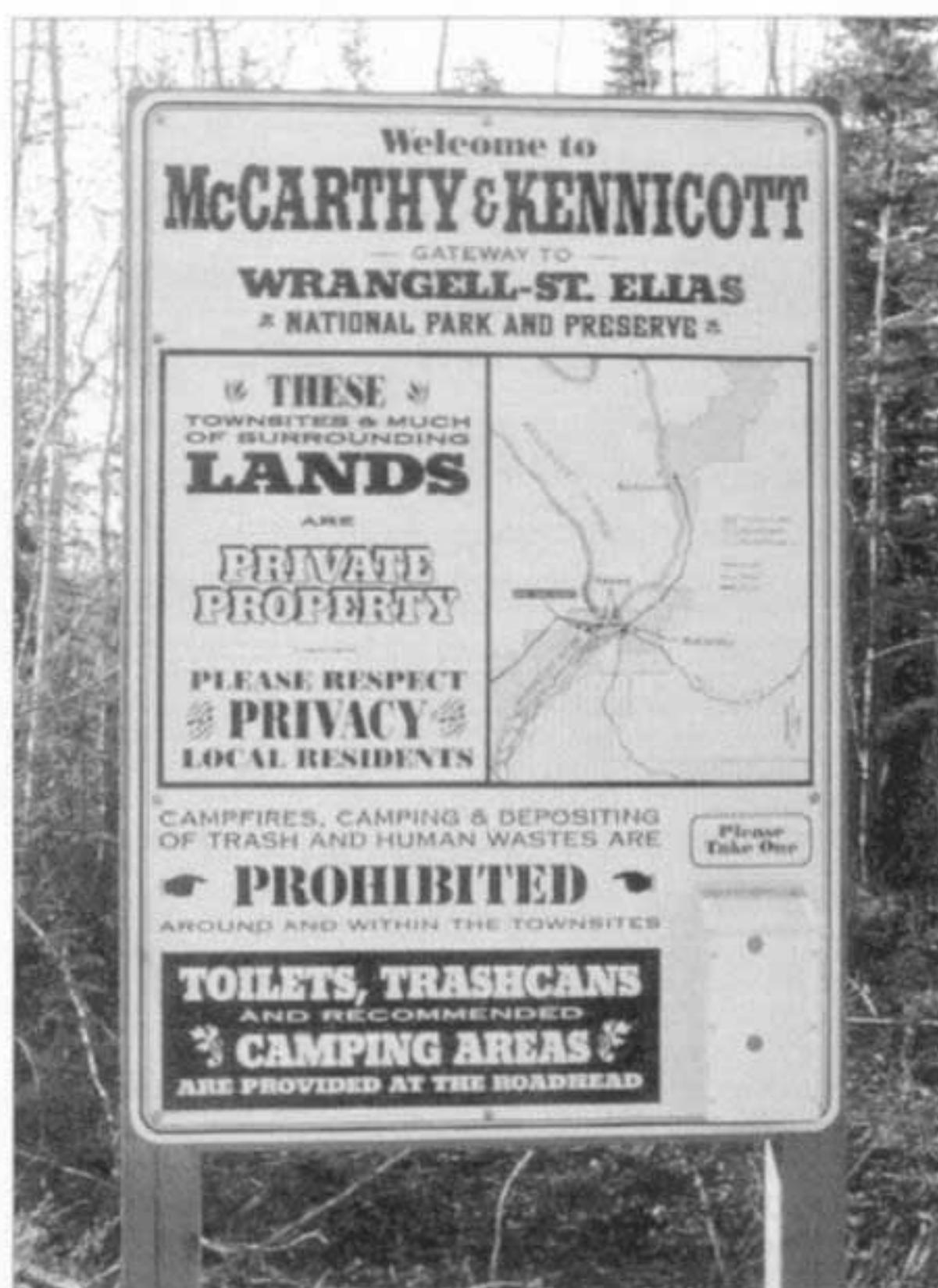
While improved private residences are explicitly protected from immediate unjustified condemnation, the intent of section 1302 is that the Secretary takes those steps necessary to prevent substantial population increases within conservation system units and to prevent land speculation and subdivision within these areas. He is to take an assertive position in buying currently undeveloped land, giving priority in such places... where undeveloped subdivided parcels now on the market gravely threaten the achievement of the purposes for which the park and preserve are established.⁸

Local residents also opposed the disposals. Following a McCarthy hearing, 21 community members submitted a petition asking the ADNR to withdraw its proposal.

The McCarthy hearing record of July 22 shows clearly that the needs of the existing, viable settlements of McCarthy, Kennicott

and Long Lake are neither considered nor met in the 2,300 acre disposal proposed for fiscal year 1983.⁹

In response to such widespread opposition, the ADNR postponed its initial sale, and, over the next year, tried to negotiate an equitable land exchange with federal officials. Unfortunately, the two parties failed to agree, and the ADNR offered a reduced Fireweed Mountain Subdivision, including approximately 44 lots on 235 acres, in 1983.¹⁰



Much of the land bordering the McCarthy Road is private property

attending a public meeting still opposed the plan, citing its potential impact on their quality of life. However, this time the state would not be swayed. According to one participant, Ben Shaine,

the planners asked repeatedly for narrow physical reasons, such as permafrost, that might make land unsuited for settlement. The planners found quality of life arguments irrelevant to their task; residents considered these argu-

ments primary and urgent, and could not describe their views in reductionist physical terms. It was a clash of values: McCarthy versus the city.¹¹

Several participants questioned the motives driving the state's disposal, which seemed designed to foster the animosity already clouding relations between the federal government and the state. An ADNR representative confirmed that there was no cooperation between the two governing bodies. "You've got to understand from the state point of view, the state feels that it is getting screwed by the federal government, and you don't cooperate with people that are screwing you."¹²

Asked why the ADNR was advancing its proposal before completing its own Copper Basin Area Plan and without initiating the consultation process promised in the November 1983 "Memorandum of Understanding for the Management of the McCarthy Road and Adjacent Public Lands," ADNR southcentral area manager claimed she was not familiar with the MOU and that "de-

velopment of state lands would not be delayed by a planning process." When reminded of the MOU, the ADNR officially informed WRST of its proposed land offerings and gave it 30 days in which to respond.¹³

WRST cited several valid objections. Reiterating the legislative history of ANILCA, Superintendent Richard Martin argued that "professional land management" involved "careful and comprehensive planning before irreversibly committing limited resources." He also noted that the park's

draft Land Protection Plan, then undergoing public review, did "not support additional subdivisions or land disposals" in the upper Chitina Valley. In addition, Martin

expressed the park's concerns about the impact of increased road traffic; the cost of additional road maintenance; the potential need for and cost of other infrastructure, such as solid waste disposal; and the socioeconomic impacts to current residents.¹⁴



McCarthy Lodge, McCarthy, Alaska

Even the Copper River Planning Team, then drafting the Copper Basin Area Plan, opposed the ADNR's proposal. An internal memorandum dated November 21, 1984, recommended that the state postpone further sales

until after the Area Plan has looked at all the resource values and solicited public review on the future uses of state lands in this area. There is private land available for sale in the McCarthy area which lessens the need for these disposals.¹⁵

As during the earlier disposal process, the ADNR dismissed the National Park Service's concerns.

It is our position that, while the draft general management plan for the park may provide resource management guidelines, it does not dictate management of non-federal lands located within the park boundary. We recognize that the U.S. Congress has expressed concern about land subdivision within the national park. Too often land sales are regarded as diminishing land quality or land use, although in fact, properly designed sales can increase public access, use and understanding of state and federal lands—even beside or within a national park. State lands are to be managed for the highest and best use, and we don't believe that the state or its citizens would be served by poli-

cies that would remove our small holdings within the national parks from consideration for disposal, especially where other private land holdings, transportation corridors or communities already exist.¹⁶

Nevertheless, the ADNR eventually deleted the McCarthy project area from its list of FY 1987 disposals and reduced the size of the Fireweed Mountain Addition.¹⁷

SLANA HOMESITE TRACT

Although far less adversarial than the state, the BLM occasionally created problems for the NPS as well. In September 1983, the bureau opened several areas in Alaska for homesteading, including the 10,250-acre North Slana Settlement Area, bordering the northwestern corner of WRST. By the end of 1985, over 420 people had staked claims, more than tripling Slana's population.¹⁸

When Americans heard that they could get five acres of Alaskan land for \$12.50, they didn't want to hear anything else. They didn't want to hear that the land was not suitable for farming. They didn't want to hear that it might cost them 1,000 times the filing fee to develop; that everything would have to be airlifted in if they were lucky enough to be near a lake or airstrip; that packing materials in by horse was out of the question; that there were no local medical facilities; and that when the land let

them down, there were no local jobs.¹⁹

The new homesteaders soon contacted WRST to obtain permits for access, firewood, and house logs. The park denied their requests for access corridors because their property was neither within nor effectively surrounded by the park or preserve. They were not deemed qualified to harvest firewood or house logs either, as they lacked a history of traditional use. WRST suggested that they instead contact the BLM or the ADNR.²⁰

Most of the homesteaders were unprepared for the lifestyle they had chosen. As one BLM employee noted, “homesteading was a wonderful part of our history that people wanted to recreate, and they mistakenly believed that if the government offered land, there must be some value to it.” Some of the newcomers required welfare and food stamps to survive, and poaching became a persistent problem. As a result, the BLM ended the program in October 1986. Nevertheless, many of the homesteaders remain.²¹

PRIVATE LAND

By the mid 1980s WRST recognized that its extensive inholdings would serve as a constant source of conflict. As the park’s enabling legislation required it to maintain the area’s scenic beauty, WRST opposed any development which potentially threatened to diminish it. Other uses considered incompatible with park values included those causing water pollution, impairing wildlife habitat, diminishing opportunities

for subsistence, damaging cultural resources, blocking public access, or endangering public health or safety.²²

While the National Park Service possessed the authority to “acquire by purchase, donation, exchange, or otherwise” any lands within its boundaries, none could be obtained “without the consent of the owner” unless proven necessary to fulfill its mandate. Nevertheless, many residents believed that the NPS ultimately intended to seize their land.²³

While the inholders fears of seizure were largely illusionary, some did face genuine challenges. Due to the location of their properties, for example, many were subject to flooding, forcing several to negotiate long-term solutions with the park. The most contentious occurred in 1984 when a southern channel of the White River began threatening a Douglas Vaden’s guiding headquarters on North Fork Island.

North Fork Island

The White River first menaced hunting guide Douglas Vaden’s North Fork Island headquarters in the mid-1970s when it began shifting toward the southern edge of its floodplain. Vaden contacted the BLM in November 1978, seeking permission to divert the threatening channel, but his request arrived too late.²⁴

We are really sorry but we have been told that the moment the President recently invoked the Antiquities Act, the land was transferred to the National Park

Service. Therefore, we cannot even consider your request to receive authorization to modify the flow of some of the White River near North Fork Island...

.. We simply are not the federal agency that is responsible for this area now. However, we do hope everything works out well for you.²⁵

Unfortunately, the threat continued, and in 1984 Vaden sought and received permission from the NPS to walk a bulldozer in from Canada in order to stabilize his site. Although he was told in advance that he would need a permit from the Corps of Engineers to alter the course of the river, the guide tried to divert the offending channel without permission, and was cited by the NPS.²⁶

Vaden later requested authorization from the Corps, but it refused to issue a permit for work outside his inholding. The Corps only identified two possible ways of protecting North Fork Island: either by

channelizing part of the upper White River at a cost of \$1 million or by surrounding the island with sheet-piling at a cost of \$610,000. It dismissed both options as cost prohibitive.²⁷



Tanada Lake Lodge

The NPS sought other solutions to Vaden's problem. It agreed, for example, to consider a land exchange and even funded an independent appraisal.

Unfortunately, due to the obvious flood hazard the appraiser valued the property at less than \$1,000, ending any possibility of exchange.²⁸

WRST then issued Vaden a temporary concession permit for five acres of nearby park land, allowing him to relocate his headquarters and thereby salvage his business. Although he started to move to the concession site, his bulldozer fell through the ice, and he eventually halted the operation.²⁹

Vaden ultimately sold his site to T. David Boyd, and the new owner approached the park about trading the 15-acre parcel for equal acreage near Solo Creek. If that was

not possible, he asked for permission to establish a new 2,000-foot airstrip in order to provide better access to his holding on North Fork Island.

While park managers continue to evaluate Boyd's proposals, no definitive decisions have yet been made.³⁰

Bear Island

Wilderness lodge operator John Claus faced a similar threat to his five-acre inholding, situated on the north bank of the Chitina River about a mile and a half north of Bear Island. Instead of attempting to divert the active channel, Claus arranged to exchange a 96.7-acre parcel located further up the Chitina River which he also owned for 101 acres adjacent to but mostly higher than his existing site.³¹

A win-win situation, Claus was able to protect and enlarge his facility while WRST consolidated two private inholdings, removed one from designated wilderness, and transferred key mineral property to the United States. The deal included deed restrictions that prohibited the owner from subdividing the land in perpetuity,

erecting any structures that exceeded 35 feet (except antennas), or covering his exterior building surfaces with reflective material or bright paint.³²



Urban Rahoi's inholding on Ptarmigan Lake

Ptarmigan Lake

Wilderness lodge operator Urban Rahoi contacted WRST

managers shortly after the park was established to obtain permission to construct a 1,500 x 100 foot-long grass airstrip adjacent to his inholding on public land. Rahoi claimed that his access, which was then limited to ski- or float-equipped aircraft on Ptarmigan Lake, was not "adequate" under the terms of ANILCA.³³

The park studied Rahoi's plan, but before it could take any definitive action, the land-owner made another proposal. In May 1984 he offered to trade his 4.93-acre patented inholding at Rock Lake for fee simple title to a 3,500 x 135 foot-long strip of federal land at a mutually agreed location adjacent to his lodge. He did, however, request that the NPS provide him with a 20-year unconditional use permit for the Rock Lake property.³⁴

During the ensuing negotiations, Rahoi dropped his request for continued use of the Rock Lake property, but now sought 25 acres near his headquarters in order to construct the airstrip, which had grown to 5,000 x 200 feet.³⁵

WRST completed its EA on the proposal in January 1987. While finding that the proposed action would "not significantly affect the quality of the human environment under section 102(2)(c) of the National Environmental Policy Act," it included several important stipulations. The use of the land, for example, was limited to the construction, maintenance, and utilization of the airstrip, and could not be utilized for buildings or other improvements. It also required that no water courses be altered, that the gravel source at Francis Creek be returned to its original configuration, and that no exotic plants be introduced to the area. WRST and Rahoi finally consummated their deal in January 1988.³⁶

The lodge owner built his airstrip and operated it for a decade within the terms

of his agreement. In 1998, however, Rahoi unlawfully removed more than 1,300 cubic yards of gravel from federal land, leaving a pit measuring approximately 95 x 75 x 6 feet in the Francis Creek channel. Superintendent Jonathan Jarvis outlined the park's position on the case.

Our concern . . . goes beyond the dollar value of the gravel taken. Constructing stream diversions and excavating gravel from an active stream bed affects the natural system and processes. Manipulating a stream system can have adverse consequences to park resources and values. Your actions have the potential to capture stream flow and alter the hydrology and hydrologic systems in

Francis Creek alluvial fan, possibly causing Ptarmigan Lake level to change.³⁷

Rahoi was charged for "willful injury or depredation against the property of the United States" and eventually paid a fine.³⁸



Aerial view of Richard Fredrick's inholding on Copper Lake

Copper Lake

Like Vaden's site on North Fork Island, Richard Frederick's inholding at the eastern end of Copper Lake was also threatened by a shifting stream channel, a recurring problem since at least 1978, when the Army Corps of Engineers had authorized Frederick to conduct stabilization activities under its nationwide permit. Frederick's attempts to protect his property by berming and channelization, however, were generally unsuccessful. Flood waters repeatedly threatened the site, destroying most of his work.³⁹

During an especially serious event in June 1992, the lake's eastern inlet reoccupied several abandoned channels and most of Frederick's inholding was inundated. Water overflowed the active north branch along the property boundary, scouring a new channel that undermined his lodge.⁴⁰

In response to the flooding, Frederick requested permission to divert the stream away from his property by constructing a channel 15-20 feet wide and 2-3 feet deep

along a 350-foot stretch of the sparsely vegetated floodplain.⁴¹

WRST staff completed its EA for the proposal in December 1996, evaluating five possible alternatives. Although the park agreed to authorize emergency stabilization, it rejected diversion as a long-term solution. As Superintendent Jarvis informed Frederick:



Richard Frederick's inholding on Copper Lake

I want to emphasize that [the SUP] is only a temporary authorization to divert Inlet Creek within

WRST. We must work together to find and implement a long-term fix to this recurring problem over the next five years as we cannot authorize the stream diversion over an indefinite period. Identifying, assessing and implementing a feasible long-term solution to the flood hazards threatening your property will be a lengthy process. Within the next three years we request that you identify and provide to us with a list of poten-

tial long-term solutions that are acceptable to you.⁴²

For its part, WRST clearly favored a land exchange. Writing to Sen. Ted Stevens in November 1996, Alaska Regional Director Bob Barbee noted that the park would permit Frederick “to conduct stream manipulations” temporarily, but suggested that he pursue “a land exchange that would move his cabins out of the stream path.”⁴³

Nevertheless, the following summer Frederick requested permission to reestablish an “emergency” airstrip on public land in an abandoned channel of the inlet stream adjacent to his inholding. Like Rahoi, Frederick claimed that he needed the airstrip to conduct his business, and that his present access was not “adequate,” as defined by ANILCA.⁴⁴

The NPS evaluated Frederick’s request using the regulations in 43 CFR 36.10(a)(1), which defined adequate access as

a route and method . . . that is shown to be reasonably necessary and economically practicable but not necessarily the least costly alternative for achieving the use and development by the applicant’s nonfederal land or occupancy interest.

WRST based its decision on the criteria found in 43 CFR 36.10(e)(1), that allowed it to deny such requests if adequate and feasible access otherwise exists; if it would cause significant adverse impact on natural

or other values of the areas; if it is inconsistent with the management plans for the area or purposes for which the area was established; or, if it is unnecessary to accomplish the applicant’s objective.

The park’s analysis concluded that Frederick already possessed reasonable access.

Mr. Frederick’s property lies directly adjacent to a large lake that has float plane access. This has historically been the method of access to Copper Lake. A well established snowmachine trail leads directly to his property and we have issued permits in the past for him to drive large vehicles and equipment to the site when there is adequate snow cover. The frozen surface of Copper Lake and the Inlet Creek area offer excellent ski plane access in the winter as well.

WRST also found that Frederick’s proposal would create an unacceptable impact to the environment, would increase the erosion and flooding of his property, and was inconsistent with park management plans. As a result, his request to construct an airstrip was denied.⁴⁵

Tebay Lake

Wayne Smith faced a similar situation on Lower Tebay Lake in 1997 when a landslide blocked its outlet. The lake level rose, flooding his inholding, which was situated along its edge. Smith requested

permission to fly heavy equipment to his property, float it to the site of the landslide, and clear the debris, but the park refused to authorize that approach. Noting that WRST did "not want to support a situation which required long-term manipulation of the stream channel," here too, the park staff suggested negotiating a land exchange.⁴⁶

Chathenda Creek

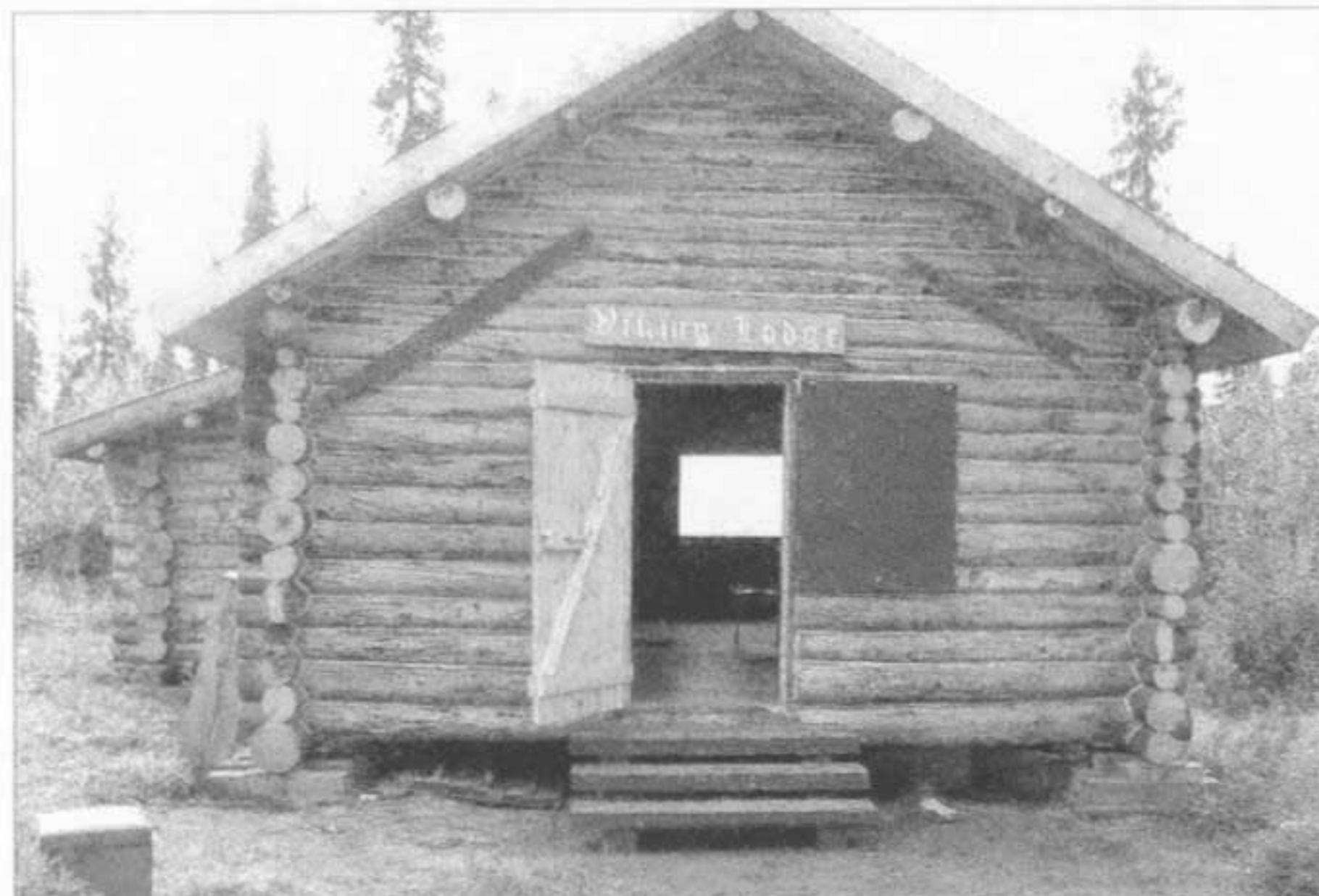
While no serious flooding had yet occurred along Chathenda Creek, the rapid erosion of its northern bank ultimately threatened part of the community of Chisana, including an inholding owned by outfitter Ray McNutt. As a result, in 1995 McNutt sought permission to divert the stream and stabilize the stream bank.⁴⁷

McNutt proposed constructing a 7-foot-wide, 4-foot-high, and 224-foot-long, gravel-capped berm out of logs, dead trees, and

root wads parallel to the stream bank. He then planned to splice a 16-foot-long jetty to the southern end of the berm, diverting

the water away from the headland and into another portion of the creek.⁴⁸

WRST recognized that the continuing erosion posed a significant threat to the buildings and structures contained in the Chisana Historic District, including at least six historic cabins listed on the National Register of Historic Places and located on NPS lands. Nevertheless, it modified McNutt's original proposal in several ways. While prohibiting him from constructing his 16-foot diversion, it authorized him to extend the length of his berm to 330 feet. It also required that the logs be placed obliquely to the bank and/or partially buried below the surface of the active streambed.⁴⁹



Thor Brandt-Erichsen's "Viking Lodge"

After completing an EA, WRST found that the work would have no significant effect on natural resources or values, but required that park personnel monitor future construction and mainte-

nance activities in order to minimize environmental impacts and insure that they remained within the scope indicated.⁵⁰

As a result, the NPS authorized McNutt to enhance the stream bank. The first work is expected to be completed in 2002.⁵¹

Viking Lodge

Not all of the issues separating the park and its inholders stemmed from natural phenomenon. WRST questioned the validity of a few inholdings and several were ultimately rejected. One such property was Thor Brandt-Erichsen's so-called Viking Lodge.

Built on public land near mile 22.5 of the Nabesna Road in 1965 and 1966, Brandt-Erichsen used the cabin for seven years before finally seeking title to the surrounding 80 acres as a trade and manufacturing site. The BLM, however, determined that the property lacked any commercial purpose and therefore failed to qualify under the existing law. Although Brandt-Erichsen appealed that decision, the Interior Department's Board of Land Appeals eventually affirmed it.⁵²

Following the establishment of WRST, Brandt-Erichsen tried to retain exclusive use of the site by obtaining a cabin permit based on its prior usage for subsistence. The park denied that request, noting that as a resident of Anchorage Brandt-Erichsen did not qualify for a subsistence cabin permit, which ANILCA limited to "local rural" residents. Deeming Brandt-Erichsen's use to be recreational in nature, the NPS gave him one year to remove his

personal property before it would be subject to seizure as abandoned.

The cabin, if remaining after that date, will be available for public use and is to remain unlocked. You may use the cabin on a first-come first-serve basis, but will have no exclusive rights for use and occupancy.⁵³

Brandt-Erichsen appealed the park's decision and requested an informal hearing at the regional office. The ARO thoroughly examined the issue and even drafted a letter which confirmed WRST's decision. Unfortunately, the National Park Service temporarily tabled its response when the court incorporated Brandt-Erichsen's complaint into a larger state action which disputed the Interior Department's entire cabin policy. However, the district court ultimately ruled in favor of the department, and when Brandt-Erichsen appealed that decision, the Ninth Circuit affirmed the earlier judgement.⁵⁴

In response to another appeal, the NPS invited Brandt-Erichsen in March 1995 to submit additional evidence to support his claim. This time he suggested that both the regulations and administrative proceedings used against him exceeded the statuary authority granted in 16 U.S.C., Sec. 3193. Ultimately, WRST dismissed that argument as well, and the park began renovating the cabin in preparation for its future public use.⁵⁵

Upon discovering WRST's action, Brandt-Erichsen demanded that the park quit

tampering with his private cabin. In response to WRST's claims that the structure was now public, he reminded the park that the ARO's 1989 directive had never been delivered. WRST offered to grant him 28 days per year of exclusive use if he would vacate all other claims to the property, but Brandt-Erichsen refused. As a result, the park ordered him to move his cabin off public land. Negotiations over the ultimate fate of the structure continue.⁵⁶

Nelson cabins

In 1988 Glenn DeSpain attempted to obtain a permit which would allow him to continuing occupying two historic N. P. Nelson cabins, then situated at the southwest corner of the Chisana airstrip.

DeSpain informed the park that the cabins were previously located about 200 yards further east, but that he had moved them to the airstrip when Ray McNutt received patent to their original site.⁵⁷

DeSpain's unilateral action had restricted possible solutions. As Superintendent Richard Martin explained to DeSpain:

At that time you were under the impression that the cabins were being moved onto land owned by the State of Alaska. . . . There seems, of course, to be no question but what you own the buildings. The only concern under the law is the fact that you moved the buildings onto property belonging to the United States after the park was established.⁵⁸

WRST eventually identified another problem as well. DeSpain did not start using the cabins as his primary residence until spring 1980. As his occupation began after December 1, 1978, NPS regulations prevented the park from issuing him a cabin permit. To retain ownership of the cabins, which would otherwise have been considered abandoned, DeSpain was required to move them off public lands.⁵⁹

WRST issued DeSpain a special use permit for the move and another for the harvest of six mature spruce trees, which he used as skids and new foundation logs. The cabins are now situated just west of Chathenda Creek on property owned by Ray McNutt.⁶⁰

Solo Creek allotment

In January 1963 the BLM issued Douglas Vaden a grazing lease on a parcel of land situated between Pingpong Mountain and the terminus of the Russell Glacier. Although the lease, a multiple-use classification, effectively protected the land from further settlement, in June 1972 Henrietta Vaden, Douglas's ex-wife, filed an application for a 160-acre Indian allotment in order to obtain fee simple ownership of that portion of the property lying adjacent to her unperfected Trade and Manufacturing Site at Solo Creek.⁶¹

Finding that Henrietta Vaden's settlement efforts prior to 1963 were insufficient to survive the "segregative effects of the land" associated with the grazing lease, the Interior Board of Land Appeals denied

her application, and the Ninth Circuit Court of Appeals later upheld the IBLA's decision.⁶²

In May 1993 WRST notified Vaden that her claim had been deemed invalid. Although the park authorized her to continue using the site until December 31, 1993, it warned her that after that date, "absent tangible results from your appeal to Senator Stevens," it would no longer do so.⁶³

Although Vaden occupied the site until the spring of 1995, she eventually moved her operation onto her adjacent parcel. However, her efforts to reestablish her claim continue.⁶⁴

ACQUISITIONS

One of WRST's most important additions came in 1991, when inholder Ron Hayes forfeited his 40 acres at Chelle Lake to the NPS to satisfy part of a judgement associated with a game violation.⁶⁵

Most dealings with inholders were far less contentious. In 1983, for example, Texas-

based Cooper Industries donated 502 unpatented mining claims situated near the lower Chitistone River to the NPS. Totaling over 10,000 acres, the bequest was until that time the largest ever made to the interior department by a private firm.⁶⁶

Several other miners followed suit. In 1984 Bud Seltenreich donated the Nizina No. 1 and 2 mining claims to the park.

The following year, Theodore Van Zelst contributed six patented mining claims and 12 unpatented mining and mill site claims totaling 93 acres near the Peavine Bar. In

1986 the Barry brothers and Richard Benson donated 372 acres of unpatented mining claims above the Lakina River.⁶⁷

After lengthy negotiations, WRST purchased the historic 123-acre Edison Association placer mining property on Rex Creek from Roscoe Livingston in January 2001. Only three months later, the park reached a tentative agreement with the Surdna Trust to acquire the Andrus family's 908-acre patented claim block on Chititu Creek. Negotiations for other



Chelle Lake Cabin

mining properties, like those on Orange Hill and above Nugget Creek, continue. WRST has completed some of the preliminaries, but no further deals have yet been consummated.⁶⁸

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¹ Charles Gilbert, "Briefing Statement, Inholdings and Incompatible Land Use," February 28, 1994, History folder, Central files, WRST.

² Duane A. Thompson, Congressional Research Service, Report for Congress, "Mining in National Parks and Wilderness Areas: Policy, Rules, Activity," February 12, 1996.

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⁴ Richard Martin to Glenn DeSpain, September 7, 1988, September 1-October 31, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Thompson, "Mining in National Parks and Wilderness Areas."

⁵ Richard Martin to Roy Ewan, November 14, 1988, September 1-October 31, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

⁶ Ahtna, Inc., "Ahtna Land Exchange," undated paper cited in Defenderfer and Walkinshaw, *One Long Summer Day*, 19.

⁷ John Cook to Robert LeResche, October 6, 1980, State Land Disposal folder, Central files, WRST.

⁸ Richard Martin to Margaret Hayes, May 6, 1985, State Land Disposal folder, Central files, WRST. For the legislative history of ANILCA, see *Congressional Record* (November 12, 1980).

⁹ McCarthy Community Council, petition requesting withdrawal of DNR's land disposal proposal, 1980, State Land Disposal folder, Central files, WRST.

¹⁰ Richard Martin to Margaret Hayes, May 6, 1985, 1-2, WRST LPP folder, Park Library, WRST.

¹¹ Ben Shaine, "One Person's Perspective on the Copper River Basin Planning Meeting at McCarthy, November 13, 1984," Copper River Basin Study—AK DNR folder, Park Library, WRST.

¹² Defenderfer and Walkinshaw, *One Long Summer Day*, 63-70.

¹³ William Paleck to Alaska Regional Director, NPS, December 12, 1984, State Land Disposal folder, Central files, WRST; Margaret Hayes to William Paleck, February 1, 1985, State Land Disposal folder, Central files, WRST.

¹⁴ Richard Martin to Margaret Hayes, May 6, 1985, State Land Disposal folder, Central files, WRST.

¹⁵ Cited in Richard Martin to Margaret Hayes, May 6, 1985, State Land Disposal folder, Central files, WRST.

¹⁶ Richard LeFebvre to Richard Martin, July 12, 1985, State Land Disposal folder, Central files, WRST.

¹⁷ Ibid.

¹⁸ WRST, *General Management Plan*, 71. Technically, the settlers at Slana were not "homesteaders" but "homesitters," having staked their land under the terms of the Homestead Act. Jennifer Brice, *The Last Settlers* (Pittsburgh: Duquesne University Press, 1998), 52.

¹⁹ *Outside* (December 1985): 20.

²⁰ Charles Budge to Associate Regional Director, Operations, ARO, July 9, 1984, 1984 Reading folder, Chronological Correspondence files, Historical Collection, WRST.

²¹ WRST, "Draft Statement for Management," c. 1985, 11; *Outside* (December 1985): 20.

²² WRST, *General Management Plan*, 74-75.

²³ Defenderfer and Walkinshaw, *One Long Summer Day*, 98.

²⁴ Douglas Vaden to Area Manager, BLM, November 9, 1978, Douglas B. Vaden folder, BLM case files, WRST.

INHOLDINGS

²⁵ Darryl Fish to Doug Vaden, December 28, 1978, Douglas B. Vaden folder, BLM case files, WRST.

²⁶ Charles Budge to Douglas Vaden, February 23, 1984, 1984 Reading folder, Chronological Correspondence files, Historical Collection, WRST; *Ibid*, May 21, 1984, 1984 Reading folder, Chronological Correspondence files, Historical Collection, WRST; Robert Peterson to Kathy Paulsberg, October 10, 1984, Vaden Land Exchange folder, Central files, WRST.

²⁷ Roger Contor, "Letters to the Editor," *We Alaskans* (July 28, 1985): 6.

²⁸ Floyd Sharrock to Douglas Vaden, April 17, 1985, Vaden Land Exchange folder, Central files, WRST.

²⁹ William Horn to Sen. Frank Murkowski, August 14, 1985, Associated with North Fork Island folder, Central files, WRST; Contor, "Letters to the Editor," 6.

³⁰ David Boyd to Jonathan Jarvis, March 2, 1999, North Fork Island David Boyd 1999 folder, Chief Ranger files, WRST; David Boyd to Hunter Sharp, April 9, 2000, electronic message, North Fork Island David Boyd 1999 folder, Chief Ranger files, WRST.

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³³ Robert Babson to John Cook, April 23, 1982, Rahoi Exchange-Ptarmigan Lake folder, Central files, WRST.

³⁴ Urban Rahoi to Charles Budge, May 28, 1984, Rahoi Exchange-Ptarmigan Lake folder, Central files, WRST.

³⁵ Harlan Hobbs, "Notes on Ptarmigan Lake Exchange," September 1984, Rahoi Exchange-Ptarmigan Lake folder, Central files, WRST.

³⁶ WRST, "Environmental Assessment. Rahoi Land Exchange," February 9, 1987, Rahoi Exchange-Ptarmigan Lake folder, Central files, WRST.

³⁷ Jonathan Jarvis to Urban Rahoi, October 6, 1998, October-December 1998 Reading folder, Administrative files, WRST.

³⁸ USC Title 18 Part I Sec. 1361. See "Ptarmigan Lake (Francis Creek) Unauthorized Gravel Removal from NPS Lands by Urban Rahoi," no date, Rahoi Exchange-Ptarmigan Lake folder, Central files, WRST.

³⁹ WRST, "Environmental Assessment: For the Issuing of a Special Use Permit to Richard Frederick to Temporarily Channelize and Divert an Active Stream Channel for the Purpose of Protecting Private Property and Structures Located Adjacent to Copper Lake within Wrangell-St. Elias National Park and Preserve," December 19, 1996, 6.

⁴⁰ Paul Chatari to Richard Frederick, May 5, 1978, Frederick Stream Diversion folder, Central files, WRST; WRST, "Draft Environmental Assessment for the Issuing of a Special Use Permit to Richard Frederick . . . , 1996," October-December 1996 Reading folder, Administrative files, WRST.

⁴¹ Jonathan Jarvis to Nora David, September 25, 1995, July-September 1996 Reading folder, Administrative files, WRST.

⁴² Jonathan Jarvis to Douglas Frederick, April 21, 1997, April-June 1997 Reading folder, Administrative files, WRST.

⁴³ Robert Barbee to Sen. Ted Stevens, November 18, 1996, Frederick Stream Diversion folder, Central files, WRST.

⁴⁴ Douglas Frederick to Jonathan Jarvis, July 10, 1997, Frederick Stream Diversion folder, Central files, WRST. ANILCA Sec. 1323(a) deemed access "adequate" if it secured the owner "the reasonable use and enjoyment thereof."

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⁴⁵ Jonathan Jarvis to Sen. Frank Murkowski, July 15, 1998, Frederick Stream Diversion folder, Central files, WRST; Jonathan Jarvis to Sen. Frank Murkowski, March 2, 1998, January-March 1998 Reading folder, Administrative files, WRST.

⁴⁶ Tom Betts, "Case Incident Report 960051," July 6, 1997, 1997 Case Incident folder, Chief Ranger files, WRST; Hunter Sharp to Wayne Smith and Tom Prijatel, June 16, 1998, April-June 1998 Reading folder, Administrative files, WRST.

⁴⁷ Jonathan Jarvis to Randy Steen, April 20, 1995, April-June 1995 Reading folder, Administrative files, WRST.

⁴⁸ WRST, "Environmental Assessment: For the Issuing of a Special Use Permit to Ray McNutt to Stabilize an Eroding Stream Bank for the Purpose of Protecting Private Property and Historic Structures Located in Chisana Adjacent to Chathenda Creek within Wrangell-St. Elias National Park and Preserve," May 12, 1997, 14.

⁴⁹ Ibid, 9, 28.

⁵⁰ Ibid, "Finding of No Significant Impact," n.p.

⁵¹ Jonathan Jarvis to Ray McNutt, June 12, 1997, April-June 1997 Reading folder, Administrative files, WRST.

⁵² NPS, ARO, "Regional Director's Decision, Thor Brandt-Erichsen Appeal," May 1989.

⁵³ Richard Martin to Thor Brandt-Erichsen, September 28, 1988, September 1-October 1, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

⁵⁴ NPS, ARO, "Draft Regional Director's Decision, Thor Brandt-Erichsen Appeal," May 1989, Viking Lodge folder, Chief Ranger files, WRST; *Viggo Thor Brandt-Erichsen v. United States Department of the Interior*, Case Number A89-183 Civil.

⁵⁵ Scott A. Brandt-Erichsen, "Supplemental Briefing Re: Application of V. T. Brandt-Erichsen," May 27, 1995, Viking Lodge folder, Chief Ranger files, WRST; Will Tipton, May 15, 2000, personal communication with author.

⁵⁶ Hunter Sharp, March 15, 2001, personal communication with author.

⁵⁷ Richard Martin to Glenn DeSpain, October 5, 1988, September 1-October 31, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

⁵⁸ Ibid.

⁵⁹ 36 CFR 13.17(e)(2)(ii); Karen Wade and Kit Mullen to files, January 4, 1991, DeSpain Cabin Move folder, Environmental files, WRST.

⁶⁰ Karen Wade, "Superintendent's Annual Report, 1991," 19-20.

⁶¹ John Morehead to Henrietta Vaden, August 2, 1993, Native Allotments—H. Vaden folder, Central files, WRST.

⁶² *Vaden v. Bureau of Land Management*, 96 IBLA 198 (1987); John Morehead to Henrietta Vaden, August 2, 1993, Native Allotments—H. Vaden folder, Central files, WRST.

⁶³ Karen Wade to Henrietta Vaden, May 21, 1993, April-June 1993 Reading folder, Administrative files, WRST.

⁶⁴ Russell Lesko to Henrietta Vaden, March 3, 1995, January-March 1995 Reading folder, Administrative files, WRST.

⁶⁵ WRST, Squad Notes, January 3, 1991, Planning 1991-1993 folder, Interpretation files, WRST; Jim Hannah, January 10, 2001.

⁶⁶ *Anchorage Daily News*, June 1, 1983; Charles Budge, "Superintendent's Annual Report, 1983," 5.

⁶⁷ Richard Martin to Bud Selteneich, May 12, 1985, January-June 1985 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Alaska Regional Director, NPS, to T. W. Van Zelst, December 10, 1984, Geneva Pacific Chitistone Region folder, Mining files, WRST; Richard Martin, "Superintendent's Annual Report, 1985," 1.

⁶⁸ Chuck Gilbert to Jonathan Jarvis, May 28, 1997, SKAC, Historic files, WRST; Danny Rosenkrans,

INHOLDINGS

January 4 and April 20, 2001, personal communications with author.

6

ACCESS

Parts of the Wrangell and St. Elias Mountains have always been difficult to reach. The Copper River and Northwestern Railway provided relatively convenient access to adjacent portions during the teens and twenties, but since its closure in 1938, most traffic into the region has been restricted to the McCarthy and Nabesna Roads, both of which are controlled by the state.

ANCSA and ANILCA sought to improve public access. Under ANCSA, the federal government was required to identify “reasonably necessary” easements across any lands selected by Native corporations, as well as to periodic access points along the courses of major lakes and rivers.¹

ANILCA imposed additional limitations, requiring that the government design its easements to minimize their impact on Native lifestyles, and situate them so that they included only those areas necessary for the purpose for which they were reserved.

ANILCA’s access provisions focused on maintaining routes to subsistence resources and inholdings. Sec. 811(a), for example, ensured that rural residents could continue harvesting subsistence resources on public lands, permitting the appropriate use of “traditionally employed” surface transportation.²

ANILCA clearly intended to protect the rights of inholders, requiring that the secretary provide them with “adequate and feasible access,” and specifically permitting the use of snowmachines, motorboats, airplanes, and nonmotorized surface transportation methods “for travel to and from villages and homesites.” It warned, however, that such use would be “subject to reasonable regulations,” and could be prohibited if the secretary found that it was detrimental to the resource values of the unit.³

In conditioning access permits, the superintendent could specify not only the specific routes to be followed but also what times and methods of access were allowed. The

superintendent could require, for example, that use of heavy tracked vehicles be restricted to times when the ground was frozen.⁴

Considering the wide range of goals sought by the park's various users, it is not surprising that access remains a contentious issue. The state retains control of the primary corridors and is free to develop them at its own discretion. It also maintains that it holds title to all other routes established prior to 1976 under the terms of Revised Statutes 2477. In addition, Native corporations fear the potential effect of the ANCSA 17(b) easements; inholders believe their access is unfairly, and in some cases unlawfully, constrained; and subsistence hunters object to provisions which will not permit them to access the park by air.

Even Sen. Ted Stevens has questioned the present arrangement, suggesting at one time that Alaska's parks had become merely playgrounds for the rich. "In most park areas, access is restricted to backpackers who can afford float planes. Parks were

created for all people, not just the wealthy."⁵

Glennallen resident Jack Wilson obviously agreed. Speaking in favor of improving access to McCarthy, Wilson argued:

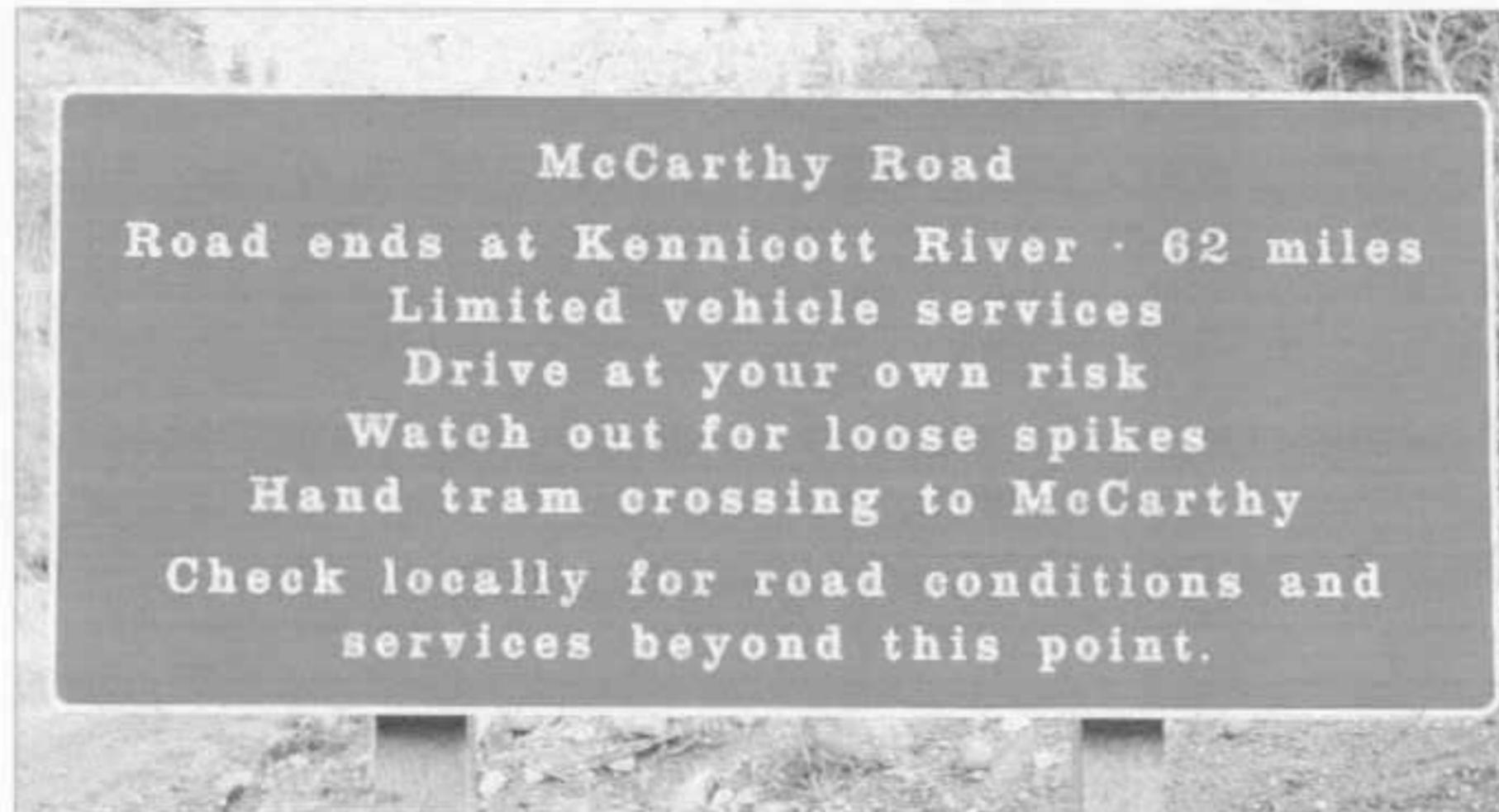
This country belongs to everyone in the United States, and I firmly believe that. Now there are a lot of those people who would like to

come up here and see this country. But a lot of them don't want to walk across a foot bridge and come and see

the town of McCarthy and then walk back, and that's all they get to see. They'd like to see a little more country. And I think they have a perfect right to.⁶

STATE ROADS

A few years before statehood, the Federal-Aid Highway Act transferred authority over the construction, repair, and maintenance of Alaska's roads from the Department of the Interior to the Department



Warning sign at beginning of McCarthy Road

of Commerce, but that act did not explicitly convey rights to any land.⁷

On June 25, 1959, President Dwight D. Eisenhower approved the Alaska Omnibus Act, which authorized the Secretary of Commerce to transfer

by appropriate conveyance without compensation, but upon such terms and conditions as he may deem desirable, all lands or interests in lands . . . which are owned, held, administered by, or used by the Secretary in connection with the activities of the Bureau of Public Roads in Alaska.⁸

The federal government drafted a quit claim deed a few days later that conveyed several local rights-of-way to the state. These included the McCarthy and Nabesna Roads, as well as connecting routes from McCarthy to Dan Creek, from McCarthy to the Kennicott River, from Mc-

Carthy to Kennecott, and up Chititu Creek to the abandoned mining camp at the junction of Rex and White Creeks.⁹

As the Department of Commerce held no land in fee other than a few small parcels containing highway maintenance camps, it could not have transferred anything but an easement. The state initially challenged

that interpretation, but, by the late 1980s, it seemed to accept that the federal government owned the land beneath its roads.¹⁰

McCarthy Road

The 60-mile-long McCarthy Road

begins at Chitina and follows the abandoned railbed of the Copper River and Northwestern Railway to the Kennicott River, approximately $\frac{1}{2}$ mile west of McCarthy. Along the way it traverses private, state, and federal lands, including the westcentral portion of WRST.

Although the Alaska Department of Highways (ADH) helped build a primitive twelve-foot-wide roadway in the early 1960s, it otherwise ignored the Chitina Valley until the early 1970s, when it decided to bridge the Copper River and



Recycled one-lane bridge over the Lakina River

construct a genuine highway to McCarthy. It completed the bridge in August 1971 and predicted that the highway would be finished by 1975.¹¹

Before that was accomplished, a coalition of environmental groups halted its construction. The National Environmental Policy Act of 1969 (NEPA) required that federally-supported projects likely to affect the natural, ecological, cultural, or scenic resources of national, state, or local significance prepare a written analysis of impacts.

In 1972 several environmental organizations demanded that the ADH stop road construction until it had completed an EIS.¹²

Following substantial study of the Chitina-McCarthy route, the ADH realized that it might obtain approval considerably quicker if it reduced the scale of its project. As a result, it decided to focus on merely improving the existing road, and in particular, the bridges over the Lakina and Kennicott Rivers.¹³

The public approved a \$101,800 bond proposal in 1978, which, when combined with \$916,000 in matching federal funds, would have allowed the state to replace the rapidly failing Lakina River Bridge. Unfortunately, the Alaska Department of Transportation (ADOT) diverted the allocated money to other projects. Following a sustained public outcry, the department agreed to use its maintenance budget to move a surplus structure to the Lakina site. As a result, the local residents ultimately

received a used one-lane bridge at a cost of about \$130,000 instead of the modern million-dollar structure they had originally been promised.¹⁴



The lofty Kuskulana River Bridge from the west

The public approved a bond proposal to

construct two bridges across the Kennicott River during this period as well, but here too, the ADOT diverted the funding—in this case for the Gastineau Channel Bridge at Juneau. That action generated far less resistance. While the National Park Service supported providing pedestrian access to McCarthy, it opposed building a vehicu-

lar bridge. Most McCarthy residents agreed.¹⁵

WRST recognized that the means and degree of access would ultimately define the use and character of the park, and must be closely monitored.

I think access to the area should be allowed only in keeping with present, traditional use, or only under careful development as necessary that does not seriously threaten natural values.. . . No new roads for the park should be allowed.

New roads in the preserve should not be developed except as deemed essential for present mining claims. In general, road improvements should not be sought.¹⁶

The park also realized that it would need to develop a cooperative relationship with the ADOT in order to encourage comprehensive planning. That relationship proved difficult to achieve.¹⁷

The ADOT closed the Kuskulana River Bridge to all but emergency traffic in August 1987, following an incident in which the rear wheels of a recreational vehicle broke through its decking. After examining the bridge and finding serious deterioration, the ADOT installed gates at both ends and posted warning signs. It also established weight restrictions and nailed plywood over the decking to help distribute the weight of passing vehicles.¹⁸



Aerial view of McCarthy Road, showing Kuskulana River Bridge

The state's decision surprised many local residents, as they were not informed that it intended to restrict access until it had already done so. One, Jim Miller, who operated Wrangell Mountain Bus Adventures,

complained that the action had severely impacted his business. "With no notification to the local residents, our access was cut off and our way of making a living was jeopardized with the signs that deceived the public into believing that they could not get to McCarthy." Others apparently objected as well, as someone promptly tore down the signs and the gates and threw them into the Kuskulana River.¹⁹

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The ADOT repaired and reopened the Kuskulana Bridge in the spring of 1988, but it was clear that it needed to devote more effort to communicating its intentions. As part of that effort, it solicited input from other interested agencies, including the NPS, ADNR, ADF&G, FWHA, and Ahtna, Inc.²⁰

All eventually signed a MOU which provided a framework for future decisions by ensuring that the management of the adjacent lands and the design and operation of the road itself considered “the scenic, recreational and habitat values of the area.” This approach adhered to the “Park Road Standards” developed by the NPS in 1984, which suggested that roads through areas administered by federal agencies be “carefully designed to protect important natural and cultural resources.”²¹

While generally in agreement over the fate of the corridor, the state and the federal government still had one important question to address. What was the width of the corridor?

In July 1989 the BLM granted John Billum, Jr., title to a parcel of land situated along the route under the terms of the Act of May 17, 1906, the Alaska Native Allotment Act. Following the regulations found at 43 CFR Sec. 2561, it provided that the certificate of allotment would contain

an easement, for highway purposes, extending fifty (50) feet each side of the centerline . . . pursuant to the quitclaim deed dated June 30, 1959, and executed

by the Secretary of Commerce pursuant to the authority of the Alaska Omnibus Act, Pub. L. 86-70, 73 Stat. 141 (1959).²²

Alaska promptly appealed that decision, asserting that the BLM should have reserved a 200-foot easement. The state argued that, according to the terms of the 1898 Alaska Right of Way Act, the United States had granted the Copper River and Northwestern Railway a 200-foot right-of-way (ROW), and, following closure of the line in 1938, Congress authorized it to convey to the United States “all or any portion” of its ROW and for the Secretary of the Interior to accept it. The act further provided that the transferred property would be “used, operated, and maintained, as far as may be practicable or necessary, as a public highway, tramroad, or tramway under the provisions of the Act of June 30, 1932.”²³

Alaska contended that by accepting that relinquishment, the United States became the owner of the ROW and by virtue of the limitation on use established by the Act of July 15, 1941, it became a public highway. The state therefore maintained that it had acquired the 200-foot railroad ROW and that that should have been reserved in Billum’s certificate of allotment.

The federal government rejected the state’s assumption that the railway ROW had survived its relinquishment to the United States. At the time of the March 1945 action, 43 CFR 105.1 (1938) provided for acceptance of the relinquish-

ment of an approved ROW, "whereupon the right-of-way would be deemed cancelled and the land available for other disposition." Accepting that argument, the court ultimately sided with the BLM.²⁴

Despite its loss in court, the ADOT has continued to claim a 200-foot easement across federal lands.

As recently as September 2000, ADOT district manager George Lavasser argued that the Billum case had only established a 100-foot easement for that particular parcel and did not apply to the remainder of the road.²⁵

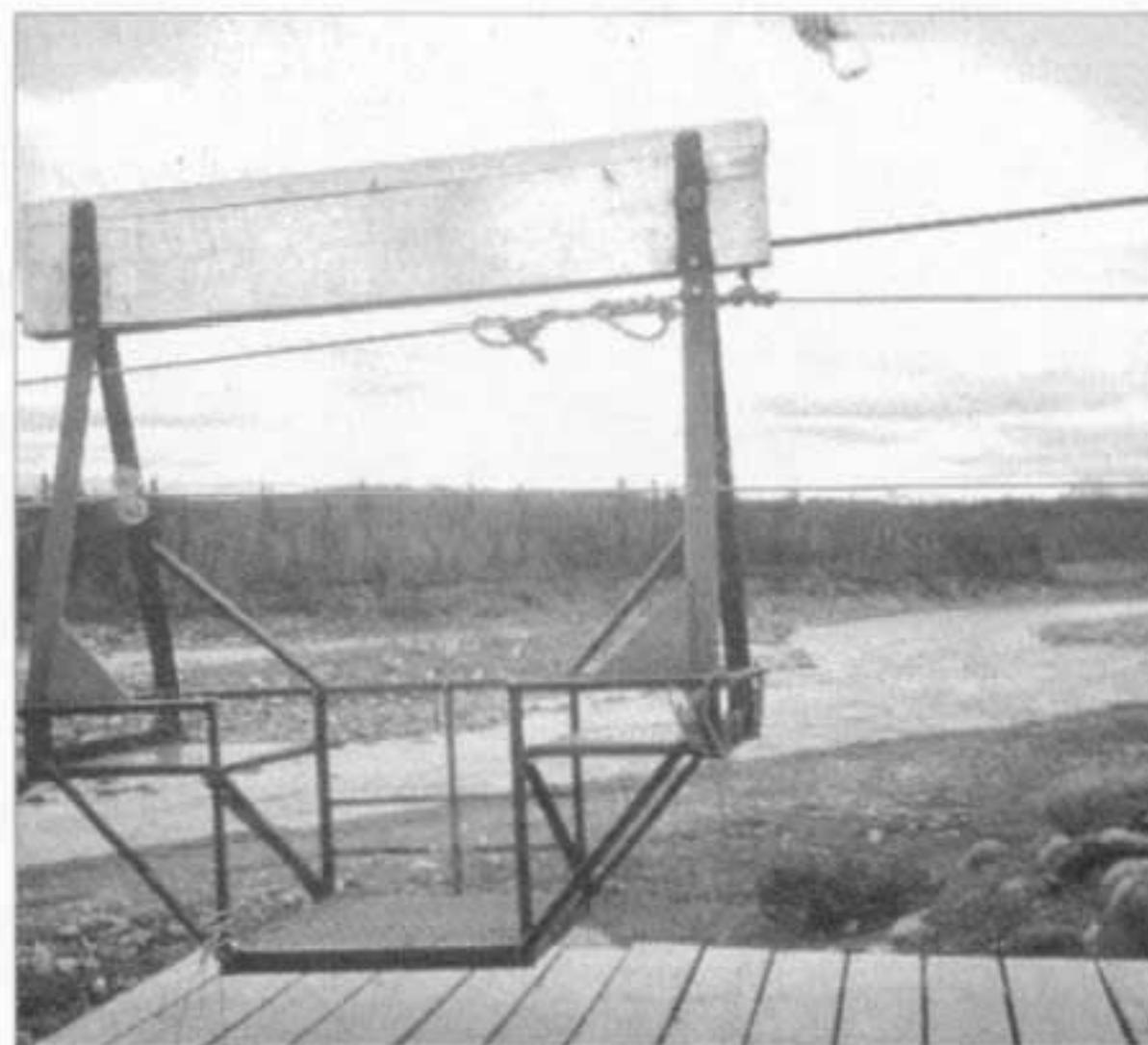
His superiors apparently agree. In an interview conducted by the *Wrangell-St. Elias News*,

Sigvald J. Strandberg, the right-of-way supervisor for ADOT's northern region, noted that his department's 200-foot assertion still stood:

This assertion dates back to Territorial days, over fifty years ago. I have seen nothing from the public record that would persuade me that a conclusion of a contrary width of less than 200 feet could be obtained from the factual circumstances attending to the origin and history of the McCarthy Road,

and its transfer from the United States to the State of Alaska.²⁶

The ADOT, however, was ultimately forced to abandon that position. Alaska's attorney general sided with the BLM, ruling in May 2002 that the state lacked any property interest in the corridor and that its easement was restricted to only 100 feet.²⁷



For years the Kennicott River tram provided the only access to McCarthy

Despite the uncertainty over the width of the ROW, state plans to improve the McCarthy Road have continued to evolve. The ADOT conducted a reconnaissance study in 1989 which evaluated three possible alternatives: to leave it unchanged; to upgrade the existing corridor; or to realign it.²⁸

While WRST generally supported the state's plans, the park still opposed providing vehicular access beyond the Kennicott River.²⁹

The National Park Service feels that road access via the McCarthy road to the west side of the Kennicott River is very important for visitor access to that portion of the park. We continue to agree with the consensus developed by the community of McCarthy that the community should retain

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pedestrian access. We could support the installation of a footbridge across the Kennicott River for nonmotorized access if that is the wish of the community. We do not feel, at this time, that motorized access across the Kennicott River is appropriate.³⁰

In the fall of 1990, NPS staff met with the ADOT in Glennallen to discuss the state's plans for the road. As a result, the National Park Service agreed to participate in ADOT's reconnaissance study of the route, and the two organizations arranged to fund an EIS and location study jointly. They also agreed to emphasize improving the road for safety rather than for speed.³¹

The state released its "Partnership for Developing a Transportation Corridor and Visitor Opportunities, Wrangell-St. Elias/Kennicott Area" in August 1991, characterizing its effort as "a state/federal partnership to develop the Wrangell-St. Elias and Kennicott area's potential as a world class tourism destination." The following year WRST and the ADOT agreed to develop and evaluate a plan cooperatively for proposed improvements to the McCarthy Road and adjacent lands.³²

In 1993 the Federal Highway Administration and the ADOT issued a notice of intent to prepare an EIS on the proposed reconstruction, and ADOT soon asked the NPS to help them draft it. The National Park Service's participation was seen as crucial to the state, as some of the proposed road alignments would move the route off state-held easements and onto

park lands, requiring authorization under Title XI of ANILCA. For its part, the NPS believed that its cooperation would help maintain the beauty and historical integrity of the route and ensure that the road's design remained compatible with the purposes of the park.³³

Recognizing that any McCarthy Road improvements would have "a critical impact on their lifestyles and set the tone of the park for generations," the McCarthy Area Landowners Association (MALA) addressed this same issue in late February 1994. MALA informed the NPS that the community supported the road improvement projects, providing that their planning was "sensitive to local conditions." McCarthy residents were particularly concerned about the construction of a bridge over the Kennicott River, arguing that it should be designed to accommodate only foot and bicycle traffic.

Approaches to the bridge should be capable of providing for the disabled as required under the American Disabilities Act, but the bridge should be designed to physically prevent access to motorized vehicles such as ATVs, snow machines, street and all other motorized vehicles.³⁴

Like the NPS, MALA wanted the corridor to become "a visitor experience compatible with the wilderness nature of the park rather than simply a means of access."³⁵ It was particularly concerned about the end of the road, where it questioned how the ADOT would satisfy growing needs for

parking, camping, sanitation, and trash removal. MALA also recommended that WRST establish a visitor contact station there, to help set visitor expectations.³⁶

Conforming with the wishes of both MALA and WRST, the ADOT installed two six-foot-wide foot bridges over the twin channels of the Kennicott River in 1997, placing steel and concrete bollards at either end in order to deny access to motorized vehicles. Unfortunately, that strategy generated further conflict. Some McCarthy residents viewed the foot-only bridge as an “absurd restriction imposed by an eco-elite,” and have repeatedly removed the bollards. That controversy continues.³⁷

Meanwhile, the various agencies signed a new MOU to coordinate plans to upgrade the rest of the highway. They also established criteria to evaluate proposed land uses; to evaluate land development plans; and, to pursue joint project funding. In March 1995 they established an Inter-agency Planning Team (IPT) to study the road corridor further.³⁸

In June 1995, Gov. Tony Knowles announced a new \$2 billion, ten-year transportation initiative, which, among other things included a program called “Trails and Recreational Access for Alaska (TRAAK).” As a result, the IPT added preliminary trail planning to its corridor study.³⁹

The IPT conducted its field investigations in 1995 and 1996, talking to most local

residents and identifying the corridor’s existing natural, scenic, historic, cultural, and recreational resources. The resulting “McCarthy Road Scenic Corridor Plan,” released in November 1997, made several recommendations, including land-use policies, road and corridor design standards, maintenance guidelines, and a series of waysides. It also identified the best location for a parallel, multipurpose trail.⁴⁰

TRAAK’s Citizens Advisory Board strongly supported ADOT’s efforts to improve the McCarthy Road, suggesting that adequate funding for the work “be listed as a separate priority line item in the state budget.” Nevertheless, the Division of Statewide Planning’s September 1997 “Transportation Needs and Priorities in Alaska” delayed the road’s design funding from 1998 until 2002.⁴¹

The Alaska Land Managers Forum (ALMF) joined the effort in 1998 when its Copper River/Wrangells Tourism Work Group began examining the proposal. This resulted in the “McCarthy Road Roundtable Report,” which identified stakeholder interests, issues, and concerns; analyzed land ownership, use, and management policies, natural and cultural attractions, tourism infrastructure, and levels of visitation; completed traffic analysis; developed growth scenarios; and crafted a range of preliminary management strategies.⁴²

The ADOT and the NPS started analyzing the plans for McCarthy Road improvements and rehabilitation in 1999. The EIS

will use the McCarthy Road Scenic Corridor Plan as its preferred alternative.⁴³

In early 2001, continuing concerns about bears, trespass on adjoining public property, and competition with private campground operators caused WRST to close its tempo-

rary camping area at the end of the McCarthy Road. Simultaneously, WRST began planning the construction of a new walk-in campground on the east

bank of the Kennicott River just north of McCarthy. That work is scheduled for 2002.⁴⁴

WRST began drafting a transportation plan for the McCarthy-Kennecott area in 2001, examining transportation issues both to the NHL and within it. Community members and the ADOT participated in the effort. Those results are pending.⁴⁵

Nabesna Road

The 46-mile-long Nabesna Road, originally built to serve the Nabesna Gold Mine and to facilitate transportation to the gold fields near Chisana, begins at Slana and ends at the Devil's Mountain Lodge.

Along the way it traverses both private and federal lands, including the northwestern quarter of WRST. While the park and the ADOT generally compromised over management of the McCarthy Road, control of the Nabesna corridor was occasionally more contentious.



Nabesna Road wayside at Dead Dog Hill

One problem occurred in 1986, when Alex Bolt, who was trying to conduct a drilling operation at the Nabesna Gold Mine, applied for a state permit to construct

a turnaround/staging area within the state's right-of-way. In reviewing Bolt's request, the NPS argued that the Omnibus Act only conveyed an easement for the Nabesna road, "with the remainder of the lands encumbered by the right-of-way held by the federal government." As state actions could potentially affect federal resources, all were subject to applicable federal laws, including NEPA and NHPA.⁴⁶

The NPS also reminded the ADOT that the Omnibus Act restricted the state's rights to "highway purposes," which included the construction and maintenance of a roadway for public transportation. Therefore, if the turnaround was con-

structed in the ROW, the general public must be allowed to use it.⁴⁷

Stipulating that the turnaround must be available for public use, the ADOT granted Bolt's request over the National Park Service's objections.⁴⁸ Unfortunately, rather than building it on the site his permit indicated, he placed part of it outside the ROW on federal land. WRST blamed Bolt's action on the ADOT.

We are concerned that the state DOT's apparent lack of planning and consultation, the problem with adequate cultural and environmental clearances prior [to] the proposed action and the lack of follow-up efforts to ensure compliance with the terms of the permit have resulted in impacts to park resources.⁴⁹

Despite such problems, WRST recognized that the Nabesna Road provided critical access, and eventually adopted a less strident approach. Superintendent Dick Martin, for example, encouraged the ADOT to improve the route, suggesting that the park

would welcome significant improvements . . . such as bridging of the creek crossings, adding sufficient gravel where needed, straightening curves as required for safety and improved drainage.⁵⁰

In 1992 WRST and the ADOT signed an agreement to cooperatively develop and evaluate a plan for proposed improve-

ments, and park staff participated in scoping meetings held by the ADOT the following year to determine their level of public support.⁵¹

The park completed an archeological reconnaissance of the corridor in 1993 and in 1995 the ADOT and WRST worked together to construct its first scenic overlook and parking area at "Dead Dog Hill."⁵²

The park continued its effort in 1998, installing vault toilets and trash receptacles in four locations, as well as adding picnic tables to several pullouts and constructing a new pullout at mile 18.⁵³

Park Planner Vicki Snitzler began working with local community members and ADOT in early 2001 to develop a Scenic Corridor Plan for the Nabesna Road. That effort continues.⁵⁴

Four-Mile Road

In September 1983 BLM opened several areas in Alaska for homesteading, including the 10,250-acre North Slana Settlement Area, bordering the northwestern corner of WRST. The following summer the community's new residents began accessing their property by driving their three-wheeled ATVs over an historic winter trail which traversed approximately 1,470 feet of the northern preserve.

WRST Superintendent Chuck Budge met with the Slana community in July 1984 to discuss the continued use of the corridor and the residents' ongoing access con-

cerns. The superintendent encouraged the community to locate an alternative route, either across the adjoining BLM land or along one of the area's designated section lines. Budge, however, warned them that the Four-Mile Trail "could not be used for anything but foot access," and that the park "would not tolerate the construction" of any additional trespass trails.⁵⁵

Although the park attempted to close the trail, Slana residents continued to use it. Recognizing that the sliver of affected land was "not critical for park purposes," and that the park required a long-term solution, WRST offered to relinquish the property to the BLM.⁵⁶

The BLM responded favorable to WRST's request, notifying the ARO that it supported transferring the parcel in order to solve the ongoing "jurisdictional problems." Unfortunately, fearing that that strategy would generate adverse public opinion, the NPS selected a different approach.⁵⁷

WRST met with the Slana community again in June 1985, and this time notified it that the NPS was prepared to grant a temporary access permit. The park, however, stressed that the permit could only be issued to some official organization that would be responsible for following its envisioned stipulations. In response, the homesteaders promised to establish a group to represent them.⁵⁸

Little progress occurred during the remainder of 1985, but in June 1986 the homesteaders informed the park that they had organized the South Slana Homeowners Association. WRST in turn issued that body a two-year SUP for access over the Four-Mile Road, and later renewed that permit through December 1989.⁵⁹

The SCC applied for a Department of the Army permit in February 1989 to upgrade the route by removing the existing 36-inch Rufus Creek culvert and replacing it with a wooden bridge. Faced with the SCC's continuing requests for improvements, WRST Superintendent Dick Martin again suggested transferring the affected parcel to the BLM.⁶⁰

I still believe that a boundary adjustment/land exchange has some advantages but we can certainly live with administrating the road. The important point now is for us to make a decision about the proper course of action and follow it.⁶¹

Nevertheless, following the demise of the South Slana Homeowners Association, WRST issued two new SUPs to its successor, the Slana Community Corporation (SCC). One provided the corporation with temporary access across NPS lands, and the other allowed it to complete further upgrades. The attached stipulations required that the road remain in its present location; that the access corridor not exceed 50 feet; that no gravel be taken

from NPS land; and that no bridges be constructed.⁶²

The park issued a special use permit to the SCC to utilize the Four-Mile Road temporarily, but it made that use conditional upon the route's designation as a right-of-way. While such rights-of-way were limited to providing access to "inholdings," federal regulations defined an "inholding" as State or privately owned land which was "within or effectively surrounded by one or more [federally held] areas." As the existing road was arguably the only "adequate and feasible" access route to the land in question, the ARO's Land Resources Division determined that it was "effectively surrounded" by WRST, and therefore should be treated as an inholding. The park agreed, issuing the SCC a renewable, ten-year right-of-way permit in February 1992.⁶³

Problems with the Four-Mile Road continued throughout the 1990s, with most of the difficulties associated with the culverts at Rufus Creek. Too small and poorly situated, they caused repeated local flooding.⁶⁴

WRST allowed the SCC to complete emergency repairs to the corridor in early 1999, when ice-blocked culverts caused flooding once again. The park authorized the replacement of one, but stipulated that "more permanent upgrades to the road and culvert systems" were not permitted. The ADF&G expressed reservations about the project as well. Although it also granted approval, it warned that the

project might "obstruct the efficient passage and movement of fish."⁶⁵

Faced with a request from the SCC in March 2001 to place another 48-inch culvert in Rufus Creek, the ADF&G finally balked.

The 9.5-foot diameter bottomless arch pipe design was expected to be the solution for a problematic structure that experienced several failures over the past few years. For example, Fish Habitat Permit FG 93-II-0604, FG 95-II-0612 and FG 96-II-0470 were issued in 1993, 1995 and 1996, respectively for culvert repair or replacement at this location. These past failures were symptomatic of an inadequate culvert design. The ADF&G had recommended replacing this culvert with a properly designed bottomless CMP culvert or a bridge that would meet 'stream simulation' and provide for fish passage.⁶⁶

WRST expressed reservations as well, notifying the SCC that it needed to develop a long-term solution to the road's recurring problems prior to the expiration of its existing ROW permit on December 31.

The culverts are frequently distorted or displaced by winter ice or floodwaters. The altered culverts do not allow for the free passage of water through the creek crossing or the free passage of the

anadromous fish to the upper reaches of Rufus Creek. The erosion of the road around the dysfunctional culverts has contributed to road gravel deposition downstream of the crossing and a raising of the riverbed downstream of the crossing. This shallowing of the creek in turn also creates a barrier to fish passage.⁶⁷

Park staff met with the SCC in April 2001 to seek a mutually acceptable solution. That effort continues.⁶⁸

RS 2477 RIGHTS-OF-WAY

Alaska began attempting to assert control over WRST's historic transportation corridors soon after the park was established. To do so, it relied on an obscure nineteenth century law which was originally intended to provide states and territories with blanket permission to construct highways across public lands. Only one sentence long, the relevant section of the Act of July 26, 1866, stated:

And be it further enacted, that the right of way for the construction of highways over public lands, not reserved for public uses, is hereby reserved.⁶⁹

The validity and potential impact of these so-called RS 2477 corridors affects federal land managers throughout the United States. In Utah, for example, the Burr Trail has generated a great deal of litigation. While not definitive, the case law associated with that route suggests that the

federal government's grant was self-executing—that is, that these rights-of-way were established without needing any further action or approval; that it created vested property rights; and that it incorporated state law for its interpretation.⁷⁰

WRST includes 9.7 million acres of contiguous wilderness, the largest such area in the National Park System. Unfortunately, that wilderness contains 525 miles of state-identified RS 2477 corridors, potentially destroying the solitude, quiet, and aesthetics of the area by penetrating every valley and crossing every pass.⁷¹

In 1984 Alaska asked WRST to acknowledge the state's RS 2477 claims and agree to address them should it or any other claimant decide to utilize them for access purposes. The park incorporated Alaska's claims into its Land Protection Plan, but included a disclaimer on the attached map which warned the public that the listed routes might not be valid.

The map does not establish the validity of these rights-of-way claims and does not provide the public right to travel over these areas. The use of off road vehicles in locations other than established roads or designated routes in park areas is prohibited by 36 CFR 13.14. These assertions do not constitute designated routes for off road vehicle use.⁷²

Two of the region's largest and most influential landowners objected to WRST identifying routes which crossed their

holdings. The Chugach Alaska Corporation maintained that mapping them before they were verified could cause unnecessary management problems. Ahtna, Inc., objected on similar grounds, suggesting that identifying routes that "may or may not" exist and that "may or may not" stop at its boundaries would only encourage trespass.⁷³

Despite these reservations, WRST's 1986 GMP included the 110 RS 2477 corridors which had been identified by the state. None, of course, were really "highways" and most lacked any evidence of "construction." Many were only employed briefly at the beginning of the twentieth century, and had been abandoned ever since. Others crossed swampy ground and were only used in the winter when the soil was frozen. Some avoided the ground altogether, following the surface of glaciers or frozen rivers.

Four of the routes identified by Alaska particularly troubled WRST. The 72-mile-long Millard Trail would provide access to portions of the park and preserve between the Copper River and the western slopes of the Wrangell Mountains, a major calving ground for the Mentasta caribou herd; the 80-mile-long Hanagita Trail would open the relatively inaccessible park-wilderness south of the Chitina River to subsistence hunting; the 120-mile-long McCarthy-Chisana-Nabesna trail system would establish a loop through similar northeastern park-wilderness; and the Beaver Creek Trail would provide easy access from the

Yukon Territory, increasing the opportunity for poaching.

WRST presented other objections as well, including the effect of the improved access on wildlife. While difficult to quantify, most authorities maintained that the corridors would provide a 1,400 percent increase in road accessible areas within WRST for wildlife harvest through sport hunting, subsistence, and poaching. Assuming that vehicles, hunting, and trapping would disturb wildlife for an average of a half a mile on either side of the corridor, then approximately 1,471 square miles or 940,000 acres of habitat would ultimately be affected.

In June 1993 the ADNR notified WRST that it had received an application nominating the Nabesna-Chisana (Cooper Pass) Trail for certification under 11 AAC 51.010 as an RS 2477 right-of-way. Later that year the ADNR notified the park that it intended to file real property quiet title actions on 11 of the state's most well documented RS 2477 rights-of-way, including the Nabesna-Chisana route.⁷⁴

Although the ADOT attempted to assert ownership over that corridor in August 1994, it ultimately abandoned its effort when informed that it lacked the authority to adjudicate possible RS 2477 rights-of-way within park units unilaterally. The USDI argued that only it could administratively recognize such rights-of-way without a court determination. The interior department finally tried to utilize that approach in late 1996 by formulating a new

policy which defined highways as routes suitable for vehicular use and requiring that states establish that such trails contained mechanical improvements.⁷⁵

The Alaska State Senate objected vigorously to the USDI's action, passing a Joint Resolution which urged the state's congressional delegation to continue pressing for access. Sen. Rick Halford, the prime sponsor of the bill, demanded that Alaska

aggressively assert RS 2477 access routes and oppose the Department of the Interior's blatant disregard for the laws passed by Congress. Alaskans agree that bureaucrats, 5,000 miles away, should not be making decisions that belong in the hands of Alaskans.⁷⁶

The U.S. Congress acted as well, placing a moratorium on the interior department's 1997 appropriations bill which prohibited it from issuing any new RS 2477 regulations without the express consent of Congress. While such moratoriums normally lasted only a single year, this one's statutory language suggested that Congress intended it to be permanent. In response to inquiries from 30 members of Congress, including the entire Alaska delegation, the Acting Comptroller General of the United States agreed, ruling that the USDI could not administratively regulate or invalidate any rights-of-way granted by the federal government before 1976.⁷⁷

While currently at an impasse, this dispute continues.

17(b) EASEMENTS

ANCSA Section 17(b) required the government to identify and reserve "public easements" in order to guarantee "a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as [it] determines to be important." It also promised not to limit "any valid existing right" then provided under existing law.⁷⁸ The size of those so-called 17(b) easements varied according to their projected use. The government reserved a 25-foot-wide easement for trails used by foot traffic, animals, snowmachines, two- and three-wheeled vehicles, and smaller ATVs (with a gross weight of less than 3,000 lbs.). Trails utilized by larger ATVs (greater than 3000 lbs. gross), track vehicles, and four-wheel drive vehicles received easements that were 50 feet wide. Roads used by automobiles and trucks received easements that were 60 feet wide. Site easements, including those used as airstrips, campsites, or parking lots, were generally restricted to one acre.⁷⁹

Disagreements quickly erupted over the nature, number, and frequency of the easements. When BLM issued its preliminary system for transportation and utility corridors in 1975, it included more than 11,000 miles of easements, with many of them crossing Native land and a substantial number located in the Wrangells.⁸⁰ Most Alaska Natives, like Roger Lang, then president of the Alaska Federation of Natives (AFN), saw the government's

efforts to designate easements as an attempt to cheat them out of their land claim settlement. He argued that Congress had not intended to allow Natives to select lands "and then permit federal agencies to take the land back by calling their uses 'easements'."⁸¹

Native landowners were particularly worried about three possible outcomes. They feared

that easement users would trespass on their adjoining private lands; would utilize the lands within the boundaries of an easement for purposes other than provided for in the reservation; or would "injure, impair, or obstruct" the easement, forcing them to devote additional labor and expense to maintain and repair it.

The regional solicitor addressed all three concerns in 1980, finding that it was not the responsibility of the park to prevent trespass on adjoining land. Similarly, only the property owner could prevent the use of an easement that did not interfere with or damage the easement holder's rights. Only actual interference with and damage

to the easement were actionable by WRST.⁸²

ANILCA addressed some of ANCSA's shortcomings by imposing additional limitations on the selection of the 17(b)s. It required that the government design them to minimize their impact on Native lifestyles and subsistence, and include only those areas necessary for the purpose for which they were reserved.⁸³

Although the BLM began developing regulations in 1985 to facilitate the transfer of jurisdiction over 17(b)s to other agencies, it was 1988 before the BLM, USF&WS, and NPS drafted a MOU which completed that process. The MOU determined that:

- 1) Easements within existing boundaries of a conservation system unit (CSU) would be administered by the agency managing the CSU.



Chitina District Ranger Tom Betts and Yakutat District Ranger Jon Murphy, shown here, signed WRST's 17(b) easements along the Bremner River

CONTESTED GROUND

- 2) Those that accessed a CSU would be administered by the agency managing the CSU.
- 3) Those accessing private lands not within the boundaries of a CSU would be administered by the BLM.
- 4) Those accessing state lands and not within the boundaries of a CSU would be administered by the state.
- 5) Those accessing lands managed by more than one agency would be administered by the agency having the largest land area accessed.
- 6) The BLM would ensure that easements conformed to current regulations prior to determining their management.
- 7) The BLM would determine the appropriate administering agency and notify it in writing. Upon concurrence by the affected agency, the BLM would transfer control of the easement by notifying the public land record.⁸⁴

While the CFR delegated temporary management authority to the BLM, it instructed the bureau to revoke those 17(b)s not accessing isolated public lands which were not utilized by December 18, 2001.

It also directed the BLM to eliminate those which were no longer necessary for their intended purpose; that duplicated routes already reserved; or which were reserved as proposed roads that were not constructed within five years of their conveyance.⁸⁵



ATVs have severely impacted many local trails

Park personnel should collect information on existing use of their 17(b) easements. There is no set information requirement, but the following kinds of data should be sufficient: notes or memos describing observed use, photos of use, names (and addresses) of users, signs of human use, etc. These data should be collected prior to December 18, 2001, and be available for use in making our case for the retention of easements.⁸⁶

AKSO also suggested that the parks devote more effort to identifying and manag-

In April 2000 AKSO warned its parks that the time to document the use of their easements was growing short.

Park personnel should collect information

ing their easements. While some were marked on the ground, most were not. "We need to work with the affected Native corporation in locating, marking and posting these easements, in informing the public of their existence and terms, and in other aspects of management."⁸⁷

WRST began documenting its 17(b)s during the summer of 2000, and in late 2000 it accepted administrative control over all its internal ones. The park is currently reviewing several easements which are adjacent to, but located outside its boundaries. It hopes to complete that work by fall

2001.⁸⁸

ATV CORRIDORS

By the time that Congress established WRST, people had been using all-terrain vehicles (ATVs) in parts of its backcountry

for over 30 years. While most of the ATV trails probably began as foot or game trails, people constructed others to provide access to cabins, lodges, mining claims, and game.



Rich Richotte, Jon Jarvis, Tom Betts, Danny Rosenkrans, and Mary Beth Cook survey the Crystalline Hills Trail prior to construction

Prior to the passage of ANILCA, ATV use in national parks was primarily governed by a pair of executive orders issued in the 1970s by Presidents Richard M. Nixon and Jimmy Carter.

Nixon's order gave federal agencies six months to designate "areas and trails on public lands" on which the use of ATVs would be permitted. Although all agencies were ordered to place their trails in a manner which minimized "damage to soil, watershed, vegetation, or other resources," the NPS was further instructed to allow them only if it determined that such use would not "adversely affect its natural, aesthetic, or scenic values."⁸⁹

Carter's order strengthened the federal government's control. It required that agencies close an area or trail if

they determined that such use was causing "considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat or cultural or historic resources," and until such time that they determined that "such adverse effects" were eliminated.⁹⁰

ANILCA authorized the use of traditionally utilized surface transportation for subsistence purposes. The dictionary defines "tradition" as:

1. The handling down of information, beliefs, and customs by word of mouth or by example for one generation to another without written instruction.
2. An inherited pattern of thought or action (as a religious practice or a social custom).
3. Cultural continuity in social attitudes and institutions.⁹¹

Based on these definitions, the use of ATVs for subsistence purposes in WRST was clearly traditional, and therefore appropriately permitted. Although park eventually regulated the recreational use of ATVs to 14 established trails, their subsistence use remains unrestricted.⁹²

CON- STRUCTED FOOT TRAILS

Recognizing that "self initiated, wilderness-oriented activities along existing roads and in the backcountry" remained a primary attraction, WRST soon identified the need to

provide additional opportunities to a broader spectrum of users. In 1985, for example, its GMP promised that

as visitor use trends become more clearly established and more information is gathered about resources, the National Park Service will examine the options for improving visitor access and increasing recreational opportunities along the unit's existing road system and elsewhere. Among the areas that will be considered are Chitina, Nabesna, the Kuskulana River, and Tebay Lakes.⁹³

WRST initiated its first effort in 1996 when it began planning to construct a hiking trail from mile 35 of the Nabesna Road into the Skookum Volcanic field. With labor provided by the Sierra Club, that route was completed in 1997.⁹⁴



Air taxis use many primitive airstrips, like this one in Nikolai Pass

That same summer, the McCarthy Road Scenic Corridor Plan identified several possible areas for recreational trail development in the Chitina Valley. One was the Crystalline Hills.

WRST located a suitable site there in 1998, and drafted an EA in late 2000. It completed construction in 2001.⁹⁵

AIRPLANES

All federal lands within WRST remain open to authorized aircraft uses, except where specifically prohibited pursuant to 36 CFR 1.5 and 13.30 and 43 CFR 36.11.⁹⁶

During the Senate Committee Hearings prior to the passage of ANILCA, the participants determined that subsistence wildlife harvests by local rural residents had not generally necessitated the use of aircraft. They identified two conditions which would justify using such a method: places with no alternative food resources that could be assessed without aircraft; and places where surface transportation would be extremely dangerous. The committee also noted that Yakutat residents "customarily used aircraft for access to the Malaspina Forelands . . . since traveling by boat, the only other possible means of transportation, can be extremely dangerous due to the violent storms that frequent the Gulf of Alaska."⁹⁷

Although one section of ANILCA specifically allowed the use of airplanes "for traditional activities . . . and for travel to and from villages and homesites," its subsistence section failed to address that subject directly. As a result, when the federal government developed its "Special Regulations for Alaska" in 1981, it restricted subsistence aircraft permits to cases where: 1) there existed extraordinary

circumstances with no reasonable alternative; 2) the applicant was a permanent resident of Yakutat; or 3) access was to the Malaspina Forelands area.⁹⁸

Predictably, most such permits went to residents of Yakutat, but several subsistence trappers in other parts of the park received individual exemptions as well. In 1982 WRST granted one to Tom Sperstad, who was then landing on a dangerous stretch of the frozen Chitina River just outside the park boundary. To avoid this risk, park managers authorized Sperstad to utilize a lake just inside the park.⁹⁹

Kelly Bay received a similar exemption in 1987, based on his dependence on the resource and the difficulty of surface access from McCarthy during the trapping season. WRST limited his permit to landing at Louise Lake in order to service his trapline via snowmachine.¹⁰⁰

While the park generally forbade subsistence hunters from using airplanes to access resources in the park directly, it initially permitted them to reach such resources indirectly, either by landing their airplanes in the preserve adjacent to the park or on private property within the park, and then proceeding into the park on foot.¹⁰¹

The National Park Service's Alaska regional director closed that loophole in 1985.

Because Section 13.45 of 36 CFR uses the word 'access' and not 'landing,' any aircraft access to the park . . . with the intent of har-

vesting its fish and game for subsistence is prohibited no matter where the actual landing of the aircraft may occur.

Hunting from a private inholding was allowed to continue.

In the situation where an individual or family permanently resides on private property within a [park/preserve] and their only reasonable means of access to their property is via aircraft, they may hunt within the park . . . from their private property. The use of aircraft in this instance is to access their home and is not being used with the sole intent to hunt within the park.¹⁰²

Local hunters, confused and discouraged by the new interpretation, left 184 caribou permits unfilled in 1985. Most believed that they needed aircraft to hunt successfully in such a large area. SRC Chairman Bill Ellis agreed, arguing that “residents in communities such as Glennallen, Copper Center, Chitina and McCarthy depend on wildlife for food, and they need airplanes to hunt those animals efficiently.” Nevertheless, the regulation was never altered.¹⁰³

AIRSTRIPS

Air travel came relatively late to the Copper Basin. While many of the most important airstrips were built in the late 1920s and early 1930s, it was not really until after the close of the Copper River and Northwestern Railway in 1938 that airplanes truly

became a key element in local transport. Improved airstrips are scattered throughout the park, and pilots also land their specially-equipped, fixed-wing aircraft on lakes, gravel bars, ridge tops, and glaciers.

While hunters and guides established many of the smaller airstrips, the Alaska Road Commission (ARC) constructed most of the larger ones, building five within the present boundaries of WRST between 1927 and 1935. These included the ones at McCarthy, Chisana, Nabesna, Bremner, and May Creek.

McCarthy Airport

Most of the region’s major airstrips were directly associated with mineral development. The ARC, for example, built the Nizina district’s first airfield on a bar of McCarthy Creek in 1927 to supply the community of McCarthy, the recreational center for the workers at Kennecott, as well as a local mining hub.¹⁰⁴

Although moved or expanded several times over the years, the present airport is situated just off the Kennecott Road on land donated to the community by Laurence Barrett, the son of McCarthy founder John E. Barrett. It is still administered by the state.

Chisana Airstrip

The ARC hired Gus Johnson in 1929 to construct the first Chisana airstrip in an abandoned channel of Chathenda Creek. While the original runway measured only

1,500 x 150 feet, local miners eventually widened and extended it.¹⁰⁵

Although neither the Statehood Act nor ANILCA explicitly mentioned the Chisana airstrip, the

ADOT claimed ownership in 1987, basing its assertion on the airstrip's history and on the state's statutory responsibility for airport maintenance and operation. The NPS disputed

Alaska's claim, arguing that ANILCA had transferred that property to the park.¹⁰⁶

WRST and the ADOT never developed any formal agreement to maintain the airstrip, but the state funded some runway grading and brushing in the 1980s. Afraid that WRST would eventually restrict the airstrip's use and hoping to obtain additional improvements, Chisana residents pressed the state to assume control.¹⁰⁷

The ADOT received a grant from the Federal Aviation Administration (FAA) in 1993 to complete a "master plan" for the Chisana airstrip. The NPS objected, stating that the state had no authority to

conduct such a study and citing a specific exception to the use of FAA grant funds on NPS lands under the Airport and Airway Improvement Act of 1982.¹⁰⁸



The Alaska Road Commission built the first airstrip on this site at Chisana in 1929

funds.¹⁰⁹

To get federal funds the state must prove to the FAA that they have title or hold a long-term property interest in the airstrip. The big question here is, can the state take us to court and show that the airport is needed for the convenience and safety of the people. If so, it may be possible for the court to rule that in the national interest the airstrip should be deeded to the state.¹¹⁰

Nevertheless, in 1995 the NPS and the state agreed to set aside their respective ownership claims in order to facilitate the

The ADOT then tried to obtain a Title XI right-of-way from the NPS. WRST opposed that move as well, arguing that a ROW would not give the ADOT sufficient legal interest to expend FAA

planning of airstrip improvements, consistent with the purposes of the park and preserve. Although Alaska completed its planning effort in 2000, the extent of its envisioned improvements has generated fresh resistance. Negotiations between the ADOT and WRST continue.¹¹¹

Nabesna Airstrip

The ARC hired Gus Johnson to construct the first Nabesna airstrip on the west bank of the Nabesna River in 1929, the same year that he built the one in Chisana. Originally measuring only 900 x 200 feet, it was substantially improved as part of America's war effort in 1941.¹¹²

Much of that work was done by pioneer aviator Bob Reeve, who the firm of Morrison-Knudson had hired to support airport construction at Northway, a key link in America's lend-lease route to the Soviet Union. Following

Reeve's improvements, the remote Nabesna facility was the third largest airfield in Alaska and contained two runways, measuring 5,000 and 3,000 feet in length.¹¹³

Due to a lack of maintenance, both were eventually eroded by the Nabesna River and only one short section of runway remains.

Bremner Airstrip

In 1931 the ARC funded construction of a relatively well-drained, centrally located, 700-foot-long by 100-foot-wide airstrip on Golconda Creek in the Bremner mining district.¹¹⁴

Although territorial maintenance ended when the Yellow Band Mine closed in 1940, the airstrip is still used extensively by local air taxis. Unlike the ARC-constructed ones at McCarthy, Chisana, and May Creek, this airstrip was never claimed by the state.



The Alaska Road Commission constructed this airstrip in the Bremner district during the 1930s

May Creek Airstrip

The Alaska Road Commission constructed the May Creek runway in about 1934 and at least part was covered by an Air Navigation

Site Withdrawal in 1940. As at Chisana, early maintenance was preformed by local miners.¹¹⁵

In October 1959 Alaska's Department of Public Works, Division of Aviation, applied to the BLM for a 20-year lease to the May Creek airstrip under the terms of the Act of May 24, 1928. The state modified its application in 1965, excluding part of the original lands and submitting a revised legal description. The BLM completed a field inspection and recommended granting the lease in 1967, but conflicts with existing mining claims, homesteads, and Native allotments eventually stalled that process.¹¹⁶

Following the USDI's withdrawal of Alaska lands under the terms of ANCSA, the state sued the interior secretary, forcing the BLM to table Alaska's May Creek lease application. The bureau based its action on language contained in the *BLM Manual*, which stated:

When public lands are in 'litigation,' the Bureau of Land Management will take no action with respect to the use or disposal of the lands until the litigation is terminated, unless the Field Solicitor states that the proposed action is not inconsistent with the litigation.¹¹⁷

Alaska requested that its lease application be reactivated in 1976, and BLM resumed its review. Unfortunately for the state, when the airstrip was replotted, its location conflicted with a Native allotment already selected by Francis Gagnon; and before that problem could be resolved, President Carter permanently protected the site by including it in Wrangell-St. Elias National Monument.¹¹⁸



May Creek airstrip

After the passage of ANILCA and the creation of WRST, the state largely ignored the airstrip until 1984, when it informed the park that it was pursuing ownership under the

terms of the Alaska Omnibus Act. The NPS disputed Alaska's action, noting the Omnibus Act required the state to apply for such a transfer and that it had never submitted any application.¹¹⁹

Stymied on that front, Alaska asked the NPS to resume processing the 1959 lease application which it had originally filed with the BLM. The ADOT suggested that the title to property that was transferred from the BLM to the NPS was subject to "valid existing rights," and that it possessed

such rights because its lease application was already properly filed.¹²⁰

Here the NPS argued that the Act of May 24, 1928, under the terms of which the lease application was originally submitted, applied only to “unreserved and unappropriated” contiguous public lands. Since the May Creek site was reserved as federal parkland in 1980, WRST lacked the authority to approve the lease.¹²¹

Superintendent Richard Martin tried to end the dispute in 1989. Writing to the ADOT, he suggested that the state and the NPS

cooperate and communicate on our joint goals and objectives. We can agree upon projects and methods for getting it done. We can avoid any surprises and possible duplication of effort, and most importantly we can insure that management of the National Park meets public expectations.¹²²

Little more occurred until 1991 when the ADOT applied for a Special Use Permit to conduct a field survey for aerial photography control and soils/geologic reconnaissance in order to complete an Airport Layout Plan. Alaska argued that the runway needed improvements to meet the standards set by the National Plan of Integrated Airport System and the Alaska Aviation System Plan.¹²³

WRST denied the state’s request. After reviewing the application, the park deter-

mined that the ADOT had not supplied it with sufficient information.

We need to know the intended purpose of the proposed field work. Is the proposed field work intended to produce information that is required to later make an application to the NPS for an airport ROW under 43 CFR? If it is the intent of the State of Alaska to apply for an airport ROW, then pre-application activities may be permitted under 43 CFR 36.3. If it is not the intent of the State of Alaska to apply to the NPS for an airport ROW, we do not have the authority to allow the proposed field work at the May Creek air-strip.¹²⁴

The issue has remained essentially dormant ever since.

HELICOPTERS

Public comments received in response to a Notice of Intent to Propose Rulemaking, published in the *Federal Register* on February 29, 1979, led the Interior Department to distinguish between the various aircraft used in Alaska monuments. The regulations stipulated that fixed-wing airplanes could freely access the lands and waters, but that helicopters required a written permit.¹²⁵

In keeping with that decision, WRST developed its first helicopter policy in 1981, establishing flight restrictions and

exclusion areas in order to ensure that their use did not impact other users.¹²⁶

This policy was deemed necessary as WRST had received numerous complaints from the public, some of whom accused its staff of disturbing the solitude, herding game, and joy riding at the taxpayers expense. The USDI eventually addressed this problem as well,

noting that "uncontrolled helicopter use may have negative impacts on the purposes and values for which the various areas were established, especially upon the wildlife."¹²⁷

The Interior Department developed its own set of helicopter regulations in September 1986 in order to implement its ANILCA mandates. It restricted helicopters to

designated landing areas pursuant to the terms and conditions of a permit issued by the appropriate federal agency, or pursuant to a memorandum of understanding between the appropriate federal agency and another party, or in-

volved in emergency or search and rescue operations.¹²⁸

In September 1987 AKSO issued a regional NPS policy as well.



WRST prohibits the recreational use of helicopters

1. All transportation flights were required to maintain an altitude of 2,000 feet above ground level (AGL).
2. If approved in advance by the superintendent, certain patrol, resource management, and search and rescue flights could operate at lower levels
3. All aircraft were required to maintain at least 1,000 feet horizontal distance from any person on the ground, structure, wildlife, boat, aircraft, or other motorized vehicle, regardless of the altitude being held.¹²⁹

WRST strengthened guidelines for its helicopter use in 1989.

1. Use restrictions apply to all helicopters regardless of the ownership, project, or crew.
2. Landing permits issued for privately owned or contracted helicopters

must observe the WRST policy.

3. No helicopter flights are allowed over Dall sheep hunting areas from July 27 to September 20.
4. Helicopters must remain at least 3,000 feet AGL over high avoidance areas (as identified on a map).
5. Helicopters must remain at least two miles from certain designated dwelling areas.
6. Helicopter must remain at least five miles from certain designated sensitive areas.¹³⁰

WRST always prohibited recreational use of helicopters and after 1981 reduced their discretionary use during hunting seasons.

By the mid-1990s, their use had been restricted even further, limited to search and rescue, bona-fide scientific research, removal of downed aircraft, and similar operations. The use of helicopters in wilderness was particularly controversial. WRST managers scrutinized such requests carefully and refused to authorize them unless clearly the “minimum tool.” That policy continues.¹³¹

BOATS

Outside of Alaska, most National Parks restricted the use of motorboats, but regulations here permitted them unless they were specifically excluded.¹³²

On some local rivers, like the Chitina, operating conventional propeller-driven craft was extremely dangerous, as the bottom was constantly shifting and it was impossible to see through water muddied

by glacial silt. Many people viewed airboats as the only safe form of transport under those conditions. Nevertheless, the NPS determined that airboats were not motorboats for the purpose of its regulations.¹³³

In the fall of 1987, WRST Ranger Jim Hannah cited Anchorage resident Hank Wilson for operating an airboat illegally on the Chitina River. As the Chitina had only been declared navigable for its lower twelve miles, the upper part of the river remained managed by the park, and the use of airboats on park waters was prohibited by the NPS.¹³⁴

After reviewing the case, the USDI’s regional solicitor determined that the question of navigability was peripheral to the case and the United States could assert authority to regulate activities on rivers and submerged lands within the park boundary whether they were navigable or not. However, lacking any specific definition of “motorboat” in either 36 CFR or 43 CFR 36, he decided that an airboat should be considered a motorboat and therefore allowed on park waters under Section 1110(a) of ANILCA.¹³⁵

Despite the solicitor’s ruling, most airboats are still forbidden to use park waters. Federal regulations prohibit the operation of vessels in National Parks that exceed a noise level of 82 decibels measured at a distance of 82 feet (25 meters). Few

airboats are capable of meeting that standard, and in WRST, only one ever has.¹³⁶

NAVIGABILITY

Prior to 1983, the federal government treated submerged lands in Alaska like uplands, surveying those waterbodies it deemed nonnavigable and charging their acreage against the entitlement granted by the Statehood Act or ANCSA. Because of these conveyance procedures, the navigability of waterways in Alaska remained a contentious issue, and due to the number and importance of waterways located within Wrangell-St. Elias National Park and Preserve, the question of navigability presents profound policy implications for park managers.¹³⁷

Navigability is a common law doctrine, stemming from court decisions, rather than law and regulations. The federal test for navigability was first defined in 1870 in *The Daniel Ball* decision, when the Supreme Court ruled that rivers must be regarded as navigable in law if they were navigable in fact. And they were navigable in fact when they were used, or were “susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.” Past use, therefore, was not a requirement; waterways only had to be suitable for use.¹³⁸

Under federal law, the title to the beds of navigable lakes, rivers, and streams passed from the United States to Alaska in 1959,

when the state entered the Union. As a result, the state holds a right to manage such riverbeds as state land “unless and until” its claim is successfully challenged in court.¹³⁹

The standard manual employed for surveying federal lands supports Alaska’s interpretation, maintaining that the

beds of navigable bodies of water are not public domain and are not subject to survey and disposal by the United States. . . . This includes all tidewater streams and other important permanent bodies of water whose natural and normal condition at the date of the admission of a State into the union was such as to classify it as navigable water.¹⁴⁰

In May 1979 BLM determined that the lower 30 miles of the Gulkana River, a major tributary of the Copper River lying just outside the park, was not navigable. The following month, it conveyed the property to Ahtna, Inc., under the terms of ANCSA. In November 1980 Alaska sued to reverse that conveyance, claiming that the river was navigable, and that it was therefore owned by the state and could not be legally conveyed.¹⁴¹

The so-called Gulkana River decision firmly defined the characteristics that an Alaska waterway must possess in order to be determined navigable. In this case, both the district court and the Ninth Circuit Court of Appeals rejected the federal government’s overly restrictive

interpretation of navigability, finding instead the it was only necessary to show that the waterbody was physically capable of “the most basic form of commercial use: the transportation of people or goods.” The appeals court found that the guided hunting, fishing, and sight-seeing trips demonstrated current commercial use and, since the physical characteristics of the river had not changed significantly since 1959, provided conclusive evidence that the river was capable of being utilized for commercial purposes at statehood. Such use established navigability.¹⁴²

Following the Gulkana River decision, the state asserted ownership over the bed of every waterway in Alaska that was identified on any USDI map, plat, drawing or written record as a “river.”¹⁴³

Only limited portions of three park rivers have ever been formally evaluated. The BLM found parts of the Copper and Chitina Rivers to be navigable in the mid-1980s, and in 1990 the NPS administratively determined the navigability of two other waterways: the lower two miles of Tanada Creek and the two miles of the upper Copper River immediately below Tanada’s mouth.¹⁴⁴

In August 1992 the state notified the Interior Department that it intended to file a quiet title action for submerged lands beneath 23 rivers and lakes within existing National Park System units in Alaska, including three in WRST: the Chitina River below the Tana River; the Copper River below Batzulnetas; and the Nabesna River

below Jacksina Creek. However, Alaska never submitted the necessary paperwork, and none have yet been designated.¹⁴⁵

NOTES

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² ANILCA, Sec. 811(a).

³ ANILCA, Sec. 1110(a), (b).

⁴ National Park Service, Geological Resources Division, “Guide to National Park Service Regulations on Mining Claims,” 36 CFR Part 9, Subpart A., May 1995.

⁵ *Copper Valley Views*, March 30, 1988.

⁶ Jack Wilson, quoted in Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 79-80.

⁷ Act of July 29, 1956, P.L. 627, 70 Stat. 377; Kirk Stanley to Curtis V. McVee, January 19, 1987, Nabesna 1987 Correspondence folder, Mining files, WRST.

⁸ Alaska Omnibus Act, June 25, 1959, P.L. 86-70, 73 Stat. 145, Sec. 21(a).

⁹ Chief, Division of Lands, ARO, to Associate Regional Director, Operations, ARO, January 14, 1987, Nabesna 1987 Correspondence folder, Mining files, WRST.

¹⁰ Kirk Stanley to Curtis McVee, January 19, 1987, Nabesna 1987 Correspondence folder, Mining files, WRST.

¹¹ ADOT and WRST, “McCarthy Road Study,” September 1992, McCarthy Road Improvement Project 1994 folder, Environmental files, WRST; Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 73.

¹² Ibid, 73-74.

¹³ Rowe Redick to H. Scougal, April 28, 1976, 1, EIS Copper River Road folder, Park Library, WRST.

¹⁴ Ibid; *Wrangell-St. Elias News* 9, no. 6 (November & December 2000): 35-36. The Alaska Department of Highways was reorganized in 1977 and renamed the Alaska Department of Transportation and Public Facilities.

¹⁵ Ibid; John Cook to Maurice Wilson, June 11, 1979, MOU MXY Road (General), Book I folder, Central files, WRST.

¹⁶ Mark Meeks to Charles Budge, August 30, 1982, Historical folder, Central files, WRST.

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¹⁸ *Copper Valley Views*, August 26, 1987, *Copper River Country Journal*, September 3, 1987.

¹⁹ *Anchorage Daily News*, September 11, 1987; *Copper Valley Views*, November 4, 1987.

²⁰ *Copper River Country Journal*, June 2, 1988.

²¹ "Memorandum of Understanding for the Management of the McCarthy Road and Adjacent Public Lands," February 1989, MOU MXY Road (General) Book I folder, Central files, WRST; Richard Martin to Steve Sisk, September 28, 1988, Road Maintenance/Improvements, McCarthy and Nabesna folder, Environmental files, WRST.

²² 127 IBLA 137-38, ARC folder, History files, WRST.

²³ Act of July 15, 1941, P.L. 176, 55 Stat. 594. The Act of June 30, 1932, 47 Stat. 446, afforded the Secretary of the Interior the authority to locate, construct, and maintain roads in the Territory of Alaska.

²⁴ 127 IBLA 140-41.

²⁵ George Lavasser, conversation with author and Danny Rosenkrans, September 27, 2000, McCarthy, Alaska, notes in Kennicott Landslide folder, Cultural Resource files, WRST.

²⁶ Sigvald Strandberg quoted in Rick Kenyon, "ROW Revisited," *Wrangell-St. Elias News* 9, no. 6 (November & December 2000): 15.

²⁷ Ken Smith, "Attorney General: State Lacks Property Interests on McCarthy Road," *Wrangell-*

St. Elias News 11, no. 3 (July & August 2002): 8-9.

²⁸ David McCaleb to Jack Morehead, February 15, 1994, McCarthy Road Improvement Project 1994 folder, Environmental files, WRST.

²⁹ NPS, "Administrative Record NPS Involvement in Kennicott Mine Project As of June 1991," 2, Central files, WRST.

³⁰ Richard Martin to Steve Sisk, June 27, 1989, Road folder, Central files, WRST.

³¹ NPS, "Administrative Record NPS Involvement in Kennecott Mine Project As of June 1991," 4, Central files, WRST; Karen Wade, "Superintendent's Annual Report, 1990," 16.

³² "Interagency Agreement for McCarthy Road Corridor," August 1992, Nabesna Road Corridor folder, Central files, WRST; ADNR, "Partnership for Developing a Transportation Corridor and Visitor Opportunities," August 1991, Kennecott Book 3 file, 1991, WRST.

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³⁵ Eric Yould to Cordell Roy, March 2, 1994, DOT/McCarthy Road folder, Planning files, WRST.

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⁴⁰ Ibid, 3.

⁴¹ TRAAK Citizens Advisory Board, "Resolution 97-8, McCarthy Road Improvements," September 5, 1997, Planning files, WRST; Tina Lindgren to Tom Brigham, October 23, 1997, Planning files, WRST.

⁴² Land Design North, Alaska Land Managers Forum, "McCarthy Road/Chitina Valley. Roundtable Project, Phase I Report, April 2000," 4.

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⁴⁵ Ibid.

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7

SUBSISTENCE

While American national parks have generally prohibited the consumptive use of wildlife, that policy was occasionally modified in response to local conditions and concerns. Mount McKinley National Park's 1917 enabling legislation, for example, allowed some hunting, stipulating that "prospectors and miners engaged in prospecting or mining . . . may take and kill therein so much game as may be necessary for their actual necessities when short of food."¹

Despite that precedent, the National Park Service's 1972 proposal to create a 17-million-acre Alaska National Park in the Wrangell Mountains specifically excluded big game hunting. Although the NPS recognized that its decision might harm the local economy, it maintained that the effect would be short-lived and, ultimately, of less importance "than the ecological and esthetic benefits [to be] gained through preserving the native wildlife in its natural state."²

The Joint Federal-State Land Use Planning Commission championed the opposite approach. In a report submitted to Interior Secretary Rogers C. B. Morton in August 1973, it recommended that "hunting, fishing, trapping, berry picking, timber cutting for local consumption of fuel and home building, and other subsistence activities" be allowed to continue. It also suggested that in case of a conflict between commercial, sport, and subsistence needs, that subsistence should be given priority.³

Parks Canada opposed the commission's liberal proposal, fearing that it might erode the "longstanding principle" which banned hunting in National Parks and could "influence other countries to follow suit." Noting that Alaska guides could hunt the territory immediately adjacent to Kluane National Park and Kluane Game Sanctuary, it feared that Alaska hunters would surreptitiously cross the border and poach Canadian sheep.

Temptation to hunt the presently unhunted Kluane sheep will likely grow as the number of trophy heads diminish on the Alaskan side, and the risks involved in

crossing the boundary will, in the eyes of many, be worth the financial rewards to be gained.⁴

The Interior Department attempted to reconcile these divergent positions in September 1977 by revising the Alaska National Interest Lands legislation. The bureau proposed dividing the Wrangell-St. Elias Mountain region into a 2,490,000-acre preserve, which allowed sport hunting, and a 9,560,000-acre park, which did not. It also added jointly managed "subsistence zones," granting its secretary the authority to establish and eliminate them and the Alaska Department of Fish and Game the responsibility for determining, "without regard to race or ethnic origins," who was qualified to use them.⁵

Congress failed to pass the Alaska National Interest Lands legislation in either 1977 or 1978, forcing President Jimmy Carter to invoke the Antiquities Act in order to preserve the area. In December 1978 he established seventeen new national monuments, including one in the Wrangell Mountains.

MANAGING HUNTING IN THE MONUMENT

In light of the emphasis which the Interior Department had placed on subsistence, it was not surprising that the president included a provision to protect it. Noting that the withdrawn lands supported "a unique subsistence culture," and that the continued existence of that culture enhanced "the historic and scientific values of the natural objects" being protected, he

promised that the monument would retain those values.⁶

While the proclamation protected subsistence, it did not address sport hunting and that activity was immediately banned. The decision angered many Alaskans and particularly infuriated local guides. Having already booked their clients for the fall hunting season, most hoped that the government would allow it to continue, at least temporarily. As Bill Ellis, who had lived and worked in the Wrangell Mountains since 1954, explained: "All my clients make arrangements months ahead of time and they have to put a third down. I've spent all that money and more getting ready and I am in no way able to pay it back."⁷

Even some of the rangers patrolling the new monument were sympathetic to the guides. Craig Johnson, for example, recognized that eliminating sport hunting would cost the outfitters both revenue and credibility with their clients.⁸

Nevertheless, on July 26, only 15 days before the opening of that year's hunting season, the USDI officially notified the guides that the monument was closed. Frank Pease, a 29-year Alaska resident who had operated in the region for a decade, was one of many disheartened by the decision. "My future's gone down the drain," he said. "At my age, changing careers is going to be difficult."⁹

By then, the federal government had developed its first rules for evaluating the

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eligibility of “local rural residents” to harvest subsistence resources. All were judged according to the proximity of their residence to the resource, the degree of their dependence on the resource, and their history of its use. The historic criterion forced local residents to prove “a history of subsistence activities within the monument as demonstrated by use of fish camps, trapline cabins, hunting camps, cache sites, and other identifiable locations” The economic criterion forced them to prove their dependence on the monument’s wild resources for the mainstay of their livelihoods. Communities containing a substantial concentration of eligible people could qualify as “resident zones.” People living outside resident zones were eligible for individual subsistence permits.¹⁰

As the Wrangell Mountains contained more than a quarter of Alaska’s Dall sheep population, the federal government’s plan to restrict sport hunting generated tremendous opposition, which reached far beyond that generated by the guides. Several organizations, including Alaskans Unite and the Real Alaska Coalition (RAC), advised hunters to defy the order, and promised to defend any who were arrested. They also asked sportsmen to join a “Great Monument Trespass” on August 10, the opening day of sheep season.¹¹

RAC Executive Director Ken Fanning went even further. He sent telegrams to President Carter, Interior Secretary Cecil Andrus, and Andrus’s Anchorage aide, Jerry Gilliland, informing them of his

plans to hunt sheep in the Wrangell-St. Elias National Monument and challenging the federal government to stop him.¹²

Most Alaska sportsmen condemned the government’s action and saw little justification for providing a subsistence preference. Jim Rearden, a member of the Alaska Board of Game, claimed that subsistence was not an problem in most rural areas and linked the issue to special interest groups.¹³

In a letter to regional NPS Director John Cook, Marcus Jensen, the chairman of Alaska’s Guide Licensing and Control Board, suggested that the subsistence preference was just a ploy:

I have lived in Alaska over 50 years and hunted all over Alaska. I have never had any problems with the native people in jointly using the resources and the land. It is very obvious to Alaskans that the bureaucrats planning this land grab . . . knew that they had to include the native people in their plan to make it workable. In my opinion, this is the lowest form of blackmail that could happen. The thing that makes many of us mad is the fact that the bureaucrats will do anything to accomplish their end. This includes developing racial strife between the urban and rural peoples.¹⁴

A scheduled trespass brought many protestors to Mt. McKinley (now Denali) National Park, but it drew far fewer to the

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Wrangells. While eight rangers patrolled portions of the monument, they focused on informing the public instead of making arrests and no incidents were reported. Most participants in the Wrangell-St. Elias Great Monument Trespass were dismayed by the turnout. According to Keith Appel, “even the normal population of hunters had not arrived, let along the hoped for mob in protest hunting.”¹⁵

The Copper Basin community clearly objected to the creation of the monument and resented the rangers’ presence. Stores and gas stations refused to serve them and several businesses posted signs reading: “We reserve the right to refuse to do business with park rangers.” One group of rangers was even forced out of their Glennallen apartment by a landlord who canceled their lease.¹⁶

Other local residents responded far more reasonably. Defenderfer and Walkinshaw interviewed one guide who argued:

[The NPS] cut 45 percent of my business, and when you lose that much, life gets tough. A lot of folks have gotten mad and started hating the Park Service, but I know that doesn’t solve anything. If it would do any good, I’d be at the top of the list. I could give them a hard time, but I don’t. The Park Service isn’t the enemy. Carter, Udall, and Andrus—they’re the real pains in the butt. I wouldn’t give any of them the time of day or a tank of gas. I’ve got nothing against monuments or

parks —everyone ought to have one—but I think it’s a little unfair for Alaska to save the world and bear the burden of it. Why don’t they just make all the mountain tops parks? Why doesn’t California take on some of the burden and preserve itself. People seem to think Alaskans are going to turn Alaska into a parking lot. People forget that we’re the ones who came up here in the first place because we love this country and have taken care of it this far.¹⁷

State’s rights advocates soon challenged the federal government’s authority to allocate local fish and wildlife resources. Those questions were easily addressed. A report issued by the House Interior Committee in 1979 noted that Federal law granted no state the authority “to administer fish and wildlife resources outright on the public lands.”¹⁸

The committee based its argument on *Kleppe v. New Mexico*, in which the Supreme Court ruled that the United States “has Constitutional power to enact laws and regulations controlling and protecting . . . [its] lands, including the . . . resident species of wildlife situated on such lands, and that authority is superior to that of a State.” This decision not only supported the federal government’s authority to manage fish and wildlife on its own lands, but also upon state lands when state policies might adversely affect federal fish and wildlife.¹⁹

CHANGES UNDER ANILCA

Finally passed in 1980, the Alaska National Interest Lands Conservation Act (ANILCA) not only established Wrangell-St. Elias National Park and Preserve, but provided a more detailed framework with which to manage its resource allocation.²⁰ One whole section of the act, Title VIII, focused on subsistence, which the law now explicitly defined as

the customary and traditional uses by rural Alaska residents of wild, renewable resources for direct personal or family consumption as food, shelter, fuel, clothing, tools, or transportation; for the making and selling of handicraft articles out of nonedible byproducts of fish and wildlife resources taken for personal or family consumption; for barter, or sharing for personal or family consumption; and for customary trade.²¹

Arizona Cong. Morris K. Udall, the legislation's primary architect, confirmed that its rural residency requirement was intended primarily to benefit Alaska Natives.

[W]hile the statutory allocation scheme is racially-neutral, its application may result in instances in which significantly more Natives than non-Natives may be afforded access to a particular subsistence resource. Such a result will be consistent with a statutory ap-

proach based, as the subsistence title is, upon the constitutional authority of the Congress to manage Native affairs.²²

That approach was neither new nor surprising. The government had employed laws to protect Native subsistence economies before, often viewing them as an integral part of "aboriginal title."²³

ANILCA mandated that, consistent with sound management principles and the conservation of healthy wildlife populations, federal management would avoid adversely impacting those rural residents who depended upon subsistence resources. In keeping with that philosophy, the law required that nonwasteful subsistence receive priority over other consumptive uses.²⁴

The government developed strict criteria to guide that allocation, including customary use, local residency, and the availability of alternative resources. It also directed the park to work with its Subsistence Resource Commission (SRC) to develop a comprehensive hunting plan.²⁵

ANILCA provided two basic systems to determine subsistence eligibility: designation of entire communities as residents zones and authorization of individuals and families through permits.²⁶

To implement the law, the National Park Service drafted criteria to identify resident zone communities, which it viewed as either located inside a park or situated near enough to contain "preponderant concen-

trations of local rural residents" who have customarily and traditionally engaged in subsistence uses there.²⁷

Some non-local residents probably ignored the law and continued to hunt in the park. Although WRST's rangers enforced the regulations, even some of them recognized that the issue was far from settled.

The subsistence issue . . . will continue to haunt us into the future. I am of the opinion that it is one of those great ideas that look so good in theory but is so hard to put into practice. It is not a fair law in that it does not treat all people equally or even justly. As such I find it a difficult item to sell—both to myself and to the affected public. But like the salesman who deeply suspects that his product is not the best, I will continue to sell it because that is what I am paid to do.²⁸

ANILCA'S LEGACY OF CONFLICT

In order to ensure that Alaska would be allowed to continue managing fish and wildlife, the state legislature passed a law granting a subsistence priority in 1978. In it, the state defined subsistence as "customary and traditional" use and developed criteria to distinguish between the various user groups. Sport hunters objected to the state's position and soon drafted an initiative to repeal the unpopular regulation.²⁹

Few of the initiative's backers seem to have fully grasped the consequences

of their act. Tom Scarborough, for example, maintained that the federal government would limit its control to subsistence. "The state will retain management on federal lands for any surpluses over and above those needed for subsistence uses and will allocate those surpluses to other uses."³⁰

State Representative Dick Randolph agreed, dismissing the threat of extensive federal management. He claimed that "the federal government lacked the manpower, the available funds, and the will to manage Alaska's wildlife, and that thousands of Alaskans would undoubtedly ignore them if they tried."³¹

Although the backers of the initiative to repeal the state's subsistence priority eventually succeeded in getting a proposition on the ballot, it was rejected by the voters in 1981. In response, sportsmen filed *McDowell v. Alaska*, challenging the constitutionality of the state's subsistence law.³²

The Alaska Boards of Fisheries and Game attempted to find their own solution to this contentious issue the following year, when they established eight criteria to define "customary and traditional" and incorporated the federal definition of "rural" into the state's regulations. Hunting groups disputed that approach as well, charging in *Madison v. Alaska Department of Fish and Game* that the new regulation conflicted with the 1978 law.

Alaska's Supreme Court eventually concurred, forcing the state legislature to

amend its subsistence statute in 1986, limiting subsistence uses to “rural areas” and thereby complying with Title VIII of ANILCA. But that law, too, was quickly challenged, and overturned by *McDowell v. Alaska* in 1989.³³

MCDOWELL V. ALASKA

In *McDowell*, the Alaska Supreme Court found that the “rural” priority in state law violated several provisions contained in Article VIII of Alaska’s Constitution: Section 3, the “common use” clause; Section 15, the “no exclusive right to fisheries” clause; and Section 17, the “equal applicability” clause.³⁴

The court’s decision effectively divided subsistence management into two separate regimes, with one managed by the state and the other by the federal government. Hoping that Alaska would amend its Constitution, the court initially stayed *McDowell*, but the legislature refused to make the changes necessary to bring the state into compliance. As a result, the federal government assumed management of subsistence hunting on public lands effective July 1, 1990.³⁵

Following the plaintiffs’ success in removing the rural preference from state law, urban hunters challenged ANILCA’s “rural” preference as well by re-filing *McDowell* in federal court. There, they were unsuccessful. In late 1992, the U.S. District Court upheld the constitutionality of Title VIII.³⁶

Meanwhile, WRST began implementing and regulating the federal subsistence hunts located within the park and preserve, concentrating initially on providing accurate information to park users in an effort to minimize the confusion associated with the divided system. Staff prepared land status maps, answered jurisdictional and eligibility questions, and addressed access concerns. They also helped the federal task force set seasons and bag limits.³⁷

EFFORTS TO AMEND ANILCA

The federal/state debate over the terms of ANILCA’s Title VIII was not the only conflict generated by the legislation. Alaska’s congressional delegation initiated further controversy in 1982 when it proposed amending ANILCA by converting 12 million acres of Alaska from park to preserve. Among the areas to be transferred and thus opened to sport hunting were 2.3 million acres in Wrangell-St. Elias, including the Alaskan portion of the Logan Glacier, a premier Dall sheep region situated at the head of the Chitina Valley. Although the amendments were endorsed by Interior Secretary James G. Watt, they clearly had no chance of passing that session, as Congress planned to recess in early October.³⁸

Preservationists fought the proposal, arguing that the move upset the delicate compromise which made ANILCA possible. They threatened to revive the entire Alaska lands issue unless lawmakers killed the legislation.³⁹

In contrast, most Alaskans welcomed the bill, although some questioned its underlying purpose. The *Fairbanks Daily News-Miner*, for example, suggested that it was timed to defuse the in-state debate over the initiative to repeal the state's subsistence priority law.⁴⁰

The proposal resurfaced the following April, when it was referred to the Senate Energy and Natural Resources Committee, but it still lacked sufficient support for passage. Eight senators, in fact, promised an "all-out floor fight" to defeat the bill, which Sierra Club Executive Director Michael McCloskey called "a single-minded assault" on the National Park System, and that effort to modify ANILCA eventually died.⁴¹

RESIDENT ZONE COMMUNITIES

Cong. Morris Udall (D-AZ) developed the idea of establishing residence zones prior to the passage of ANILCA. Udall defined residence zones as communities containing "concentrations of local residents with established or historical patterns of subsistence use" within a particular park unit, and suggested that the system could protect subsistence lifestyles by assuring that rural communities not be unnecessarily burdened by a regulatory park system unless it was required "to protect and administer unit values." Recognizing that the composition of a particular community could change substantially over time, Congress warned that the zone system would continue protecting park values only

so long as such zones remained primarily composed of residents with an established or historical pattern of subsistence use.⁴²

ANILCA required that agencies try to allow rural residents "engaged" in a subsistence lifestyle to continue to do so, consistent with scientific principles of fish and wildlife management and the purposes for which each unit was established. The dictionary defines "engaged" as either "involved in a specific activity" or "committed" to it. Using that definition, Congress clearly intended those persons once involved in or currently committed to subsistence lifestyles on federal public lands to continue to do so. However, the wording did not provide for future users who lack a demonstrable history of past use or commitment.⁴³

Some of WRST's most enduring problems stemmed from efforts to identify those residents qualified to participate in its subsistence harvests. On the surface at least, the law seemed relatively clear. ANILCA's priority restricted eligibility to "local" residents and provided for two methods of identifying them: resident zones and "13.44" permits. Those who lived within residence zones were allowed to participate in subsistence activities on NPS lands without a permit. Local rural residents who lived outside established resident zones were eligible for an individual permit, provided under 36 CFR 13.44.⁴⁴

The USDI initially identified 18 resident zone communities in the Wrangell-St. Elias

region. These included Chisana, Chisochina, Chitina, Copper Center, Gakona, Gakona Junction, Glennallen, Gulkana, Kenny Lake, Lower Tonsina, McCarthy, Mentasta Lake, Nabesna, Slana, Tazlina, Tok, Tonsina, and Yakutat.⁴⁵

No changes occurred until June 1986, when the Alaska Board of Game surprised local residents by reclassifying Glennallen as urban because it enjoyed “a cash-based, rather than subsistence” economy. This, of course, meant that community residents were no longer eligible for subsistence hunting in the park. The local Fish and Game Advisory Committee and Ahtna, Inc., immediately petitioned the board to reverse its decision, and it complied the following month.⁴⁶

Glennallen residents welcomed the reversal, but it angered hunters elsewhere. Anchorage sportsmen, for example, recognized that the decision diminished their odds of drawing a Nelchina caribou permit. In order to provide for local hunters, the Alaska Department of Fish and Game had reduced by 200 the number of permits available to hunters from other areas.

Don Horrell, then chairman of the Copper Basin Advisory Committee, was surprised to learn that the number of non-subsistence permits had been lowered. Horrell said Glennallen residents primarily sought to maintain their hunting and trapping privileges in WRST. When the state reclassified the community as urban, the NPS followed suit, denying Glennallen

residents access to their traditional territory.⁴⁷

While there has been only one serious effort to reduce the number of WRST’s resident zone communities, there have been many attempts to increase them. The SRC first suggested adding Northway in 1985, and after the Federal Regional Advisory Council was established in 1993, the Southcentral and Eastern Interior Subsistence Advisory Councils forwarded a request to add the village of Tetlin as well.⁴⁸

The park also initiated an effort to define the boundaries of its 18 designated resident zone communities that year, but met with stiff local opposition, as no one agreed where the borders should be placed. Those proposed for McCarthy, for example, only enclosed an area of about 200 acres, and included only 4 or 5 of the 35 or 40 people that called McCarthy home. Rick Kenyon offered a typical objection to the plan, suggesting that such a determination could threaten the others rights to harvest resources in the park. As a result of this and similar objections, that idea was eventually shelved.⁴⁹

The SRC approved a motion in November 1998 to proceed with designating Northway, Tetlin, Tanacross, and Dot Lake as resident zone communities. In response to a request from the Tanana Chiefs Conference to expedite the process, the National Park Service’s Deputy Director instructed his staff to finalize those

changes as soon as possible. That action is currently pending.⁵⁰

The effort to classify Healy Lake as a resident zone community continues as well. NPS staff from both WRST and ASO visited the village in December 1997 and interviewed nine subsistence users. After reviewing evidence provided by the community the following April, the SRC supported a "positive" customary and traditional use determination for selected species in some game management units. In October 1998, the Copper River Native Association supported Healy Lake's request, noting that its residents had traditionally shared several hunting areas with the Upper Tanana people. Finally, in April 1999 the SRC passed a motion supporting Healy Lake's inclusion. Like those of the previous communities, that action is currently pending.⁵¹

In contrast, Cordova's request seems to have reached an impasse. Following a public meeting and a series of interviews conducted in the community in September 1999, WRST determined that Cordova had failed to meet the "significant concentrations" test used to identify resident zone eligibility. Part of that determination was undoubtedly based on by a 1977 study which found that only a few local families practiced a subsistence lifestyle and even fewer utilized the resources now encompassed by the park.⁵²

The most recent challenge to WRST's resident zone communities came in 1999, when the Sierra Club asked WRST to

reevaluate their composition and definitively map them. Superintendent Jonathan Jarvis essentially rejected both suggestions. While promising to continuing monitoring their nature and character, he maintained that the region's sparse settlement pattern and low population densities made the explicit definition of their boundaries unnecessary.⁵³

MIGRATORY BIRD HUNTING

Migratory bird hunting and egg gathering traditionally served as an important food source for rural Alaskans, but such subsistence hunting and gathering was not allowed in Wrangell-St. Elias National Park. The NPS based its decision to deny migratory bird hunting on the fact that the taking of such birds was not explicitly sanctioned under ANILCA. While Title VIII conveyed a subsistence priority, Sec. 815(4) required that nothing in the title would modify or repeal "the provisions of any federal law governing the conservation or protection of fish and wildlife," including the Migratory Bird Treaty Act.⁵⁴

In 1994 the SRC asked the NPS to establish a fall subsistence waterfowl harvest. It also requested Interior Secretary Bruce Babbitt's assistance in amending the Migratory Bird Treaty Act to protect the subsistence harvest of bird eggs, which were particularly important to residents of Yakutat and other places along the coast. In response, the secretary noted that the establishment of a fall hunting season would conflict with existing federal regula-

tions that excluded migratory bird harvests from subsistence.⁵⁵

WRST's SRC submitted a formal hunting plan recommendation to Secretary Babbitt in December 1996, requesting a fall subsistence season and bag limit consistent with the state's. It also again asked the Interior Department to authorize a spring and summer harvest of migratory birds and their eggs.

The NPS responded in May 2000. Noting that ANILCA did not specifically prohibit the taking of migratory birds for subsistence purposes when such uses were otherwise allowed, the government authorized a fall hunt. It also noted that the Senate had recently amended the migratory bird treaties with Canada and Mexico to provide for spring subsistence hunting and egg harvest in Alaska. The USFWS expects to draft harvest regulations in 2001.⁵⁶

SUBSISTENCE FISHING

While efforts to regulate sport and subsistence hunters differently was controversial from the start, fishing elicited far less conflict. Few sport fishers utilized the park's rivers and streams, and there was no shortage of fish available for other users.

Alaska passed its first subsistence law in 1978, granting those users priority rights to fish and game in Alaska. In compliance with this law, the Board of Fisheries (BOF) adopted the Copper River Subsistence Management Plan (5 AAC 01.647) which

established seasons, open areas, legal gear, permit requirements, and bag limits for subsistence salmon fishing in the Copper Basin.⁵⁷

As was the case with hunting, ANILCA provided the legal framework which guided fishing in WRST. Title II established new NPS units and described the purposes for which they were to be managed. Title VIII established a priority for subsistence fishing on federal lands in Alaska over other consumptive uses. Title VIII defined subsistence in terms of customary and traditional use.⁵⁸

Unfortunately, the Copper River subsistence take grew rapidly during the early 1980s, forcing the BOF to limit the harvest even further. In April 1982 it approved a regulation to bring the state into compliance with federal subsistence requirements, limiting the definition of a subsistence user to rural Alaskans. It also established eight criteria for identifying "customary and traditional uses," and awarded subsistence fishery participants one of four classes of permits, depending on their proximity to the resource, income, age, and past use. At times of low returns, Copper Basin residents received priority over other residents.⁵⁹

KATIE JOHN

Congress had preserved Alaska Natives' aboriginal fishing rights when it drafted the territory's Statehood Act in July 1958. Nevertheless, after the state assumed responsibility for fish and wildlife manage-

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ment, it closed several traditional subsistence fisheries, including the one situated at Batzulnetas, an abandoned Ahtna village located near the mouth of Tanada Creek, an upper tributary of the Copper River. While ANCSA extinguished aboriginal fishing rights in 1971, Congress clearly expected both state and federal agencies to protect subsistence. Frustrated by their failure to do so, Congress included a section in ANILCA requiring that subsistence receive priority over other types of fishing on "public lands."⁶⁰

In 1984 two Alaska Native elders, Katie John and Doris Charles asked the Board of Fisheries to reestablish the historic subsistence fishery at Batzulnetas. Despite the fact that commercial users were then harvesting hundreds of thousands of salmon downstream, the board refused.

In response to that action, the Native American Rights Fund filed suit against the state in 1985, forcing it to reverse its earlier decision and allow limited subsistence fishing to resume. The ADF&G established an interim permitted fishery at Batzulnetas in 1987, authorizing local residents to fish two days a week in June and 3.5 days a week in July and August and providing for a maximum harvest of 1,000 sockeye salmon. Ultimately, the ADF&G issued eight permits and locals harvested a total of 22 fish.⁶¹

Although the NPS followed the policy, at least one ARO staffer questioned the decision to issue a permit to Charles.

Dot Lake is a long way from the park. [The] park needs to consider the eight-point criteria for customary and traditional as well as determine whether or not Dot Lake is local. I don't believe that it meets any of these criteria. Politically, I think we would take some heat for denying her the permit but we should document this case as an exception so a precedent is not set.⁶²

The BOF reviewed the state's emergency regulations the following year, establishing a season and eliminating the quota. Following the board's recommendations, the ADF&G allowed local residents to fish 48 hours per week from June 17 through June 30 and 84 hours per week during July and August, but no residents obtained permits or harvested fish in 1988.⁶³

In 1989 John, Charles, and the Mentasta Village Council sued to allow continuous fishing in the open waters adjacent to Batzulnetas. The U.S. District Court ruled in favor of John, eliminating the permit requirement and ordering the state to open the fishery continuously from June 23 through September 1.⁶⁴

In 1990 the court found the state's regulations too restrictive and ordered the BOF to reexamine the issue. But before the board could take any action, the Alaska Supreme Court found the state's "rural" provision to be unconstitutional. Recognizing that this ruling meant that the state was no longer in compliance with ANILCA, the court stayed its decision

until July 1, 1990, in order to give the legislature time to rewrite the law. When the state failed to act by that deadline, the federal government assumed subsistence management of wildlife on federal lands.⁶⁵

Agencies initially adopted a “minimal intrusion rationale” in order to limit the disruption. In keeping with that policy, the federal government provided for a subsistence fishery at Batzulnetas which was virtually identical to the one that had earlier been provided by the state. Since this new regulation still restricted Katie John’s traditional right to fish, NARF petitioned the government to reconsider its decision.

Instead of addressing that issue directly, the federal government ruled that the Copper River and Tanada Creek were navigable waters and, as such, were not eligible for protection under ANILCA’s Title VIII because they did not qualify as “public lands.” While Alaska agreed with that decision, John filed suit. She claimed that the government’s definition of public lands was unlawfully narrow, and that such lands should include navigable waters. Before either issue was decided, the district court consolidated these and several other cases in order to address the fundamental issue of whether navigable waters were public lands.⁶⁶

By the time that that question was argued in March 1994, the federal government had reversed its earlier position and now maintained that all waters in Alaska subject to reserved water rights were “public

lands” as defined by ANILCA. The district court agreed, finding that public lands included all navigable waters encompassed by the navigational servitude—which are, those waters where the United States holds a paramount interest in maintaining navigation. The state appealed.⁶⁷

The Ninth Circuit Court of Appeals heard oral arguments on *Katie John* on February 7, 1995. Two months later the court rejected the district court’s “highly expansive definition of public lands,” but agreed that “by virtue of its reserved water rights, the United States has interests in some navigable waters.” On that basis, the court held that “the subsistence priority” set out in Title VIII applied “to navigable waters in which the United States has reserved water rights.” It therefore instructed the government to identify those waters.⁶⁸

Most parties recognized that such an effort would inevitably alter both the nature and scope of federal management. If the government determined that only those waters within conservation units qualified as “public lands,” then villages outside the reserves would not be entitled to ANILCA’s subsistence preference. But if the government decided that it possessed a property interest in navigable waters outside the reserves, then the subsistence priority would extend to most of the major waterways in Alaska.

A special Alaska policy group, created explicitly to address these issues, employed the following test to identify federal reserved water rights.

In determining whether there is a federally reserved water right implicit in a federal reservation of public land, the issue is whether the Government intended to reserve unappropriated and thus available water. Intent is inferred if the previously unappropriated waters are necessary to accomplish the purposes for which the reservation was created.⁶⁹

Employing this standard, the NPS concluded that it possessed federally reserved water rights within its Alaskan units as well as in adjoining waters. In the case of WRST, this included a portion of the Copper River.

The federal government published its final regulations in January 1999, expanding its management of subsistence fisheries to all waters within and adjacent to the boundaries of "conservation system units" managed by the U.S. Department of the Interior and the U.S. Department of Agriculture.

The regulations were very similar to those previously utilized by the state, but included two important additions: one provided for the noncommercial exchange of subsistence foods through customary trade; the other extended jurisdiction for subsistence wildlife management to selected but unconveyed lands within federal conservation units.⁷⁰

The new regulations extended federal management to approximately 60 percent of Alaska's waterways, including 3,917

miles of rivers and streams in Wrangell-St. Elias. The government delayed implementing the rules until October 1, 1999, in order to allow the Alaska legislature additional time to resolve the impasse. But when the state failed to comply, the federal government assumed control.⁷¹

Although the state appealed the government's action to the Ninth Circuit, WRST's fisheries remain under federal management. The court heard oral arguments in December 2000 and in May 2001 affirmed the earlier decision.

NOTES

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³ Joint Federal-State Land Use Planning Commission, *Report of the Joint Federal-State Land Use Planning Commission* (Washington: GPO, 1973).

⁴ John Nicol, Director General, Parks Canada, to Theodor Swem, Alaska Planning Group, NPS, July 17, 1974, Kluane N.P. folder, Park Library, WRST.

⁵ USDI, "Department of the Interior Recommended Amendments to H.R. 39, proposed Alaska National Interest Lands Conservation Act," September 20, 1977.

⁶ President Jimmy Carter, Proclamation 4625, December 1, 1978, *Federal Register* 43, no. 234 (December 5, 1978).

⁷ Helen Gillette, "Home Country," *Anchorage Times*, June 24, 1979.

⁸ Wrangell-St. Elias National Monument, Ranger Logbook, July 21, 1979.

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⁹ *The Valley Sun* [Wasilla], July 31, 1979.

¹⁰ *Federal Register*, June 28, 1979, 37742, cited in Rogers, "An Analysis of Eligibility for Subsistence Hunting," 50-51.

¹¹ Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 36-37; *Fairbanks Daily News-Miner*, August 1, 1979.

¹² *Fairbanks Daily News-Miner*, August 10, 1979.

¹³ *Ibid*, July 28, 1979.

¹⁴ *Anchorage Times*, August 10, 1979.

¹⁵ Douglas Morris, "Case Incident Report 790022," August 15, 1979, 9240 folder, Hanger files, WRST.

¹⁶ *Ibid*.

¹⁷ Unidentified guide quoted in Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 19.

¹⁸ U.S. Congress, House Report 96-97, 544.

¹⁹ *Kleppe v. New Mexico*, 426 US 529, 49L Ed 2d 34, 96, S Ct 2285. *Kleppe* derived its authority from Article IV, Sec. 3, cl. 2 [the Property Clause] and Article IV, Sec. 3, cl. 2 [the Supremacy Clause] of the U.S. Constitution.

²⁰ Rogers, "An Analysis of Eligibility for Subsistence Hunting," 24.

²¹ ANILCA, Sec. 803, 16 USC 3113.

²² 126 Cong. Rec. H. 10545 (Nov. 12, 1980).

²³ See *Confederated Tribes of Warm Springs Reservation v. United States*, 177 Ct. CL. 184, 194 (1966).

²⁴ ANILCA, Sec. 802, 16 USC 3112.

²⁵ ANILCA, Sec. 804, 16 USC 3114.

²⁶ Rogers, "An Analysis of Eligibility for Subsistence Hunting," 11.

²⁷ *Federal Register*, January 19, 1981, 5562, cited in Rogers, "An Analysis of Eligibility for Subsistence Hunting," 51.

²⁸ Randy King, "[Nabesna District] September [1981] Monthly Report," Monthly Reports, 1981-1982, Park Library, WRST.

²⁹ *Fairbanks News-Miner*, January 5, 1982; *Anchorage Times*, March 4, 1982; Richard Caulfield and Taylor Brelsford, "Subsistence Policy in Alaska: A Brief History," Department of Rural Development, University of Alaska Fairbanks.

³⁰ *Fairbanks Daily News-Miner*, January 15, 1982.

³¹ *Copper Valley News*, April 21, 1982.

³² Caulfield and Brelsford, "Subsistence Policy in Alaska."

³³ *Madison v. Alaska Department of Fish and Game*, 696 P.2d 168 (Alaska 1985).

³⁴ Caulfield and Brelsford, "Subsistence Policy in Alaska."

³⁵ *McDowell v. Alaska*, 785 P.2d 1 (Alaska 1989); Native American Rights Fund (NARF), *Legal Review* 20, No. 2 (Summer/Fall 1995): 3-4.

³⁶ Robert W. Loescher, "Native Subsistence Right—Where Are We Now in State and National Politics?", speech presented to the Alaska Federation of Natives Leadership Summit, February 16, 1999.

³⁷ Karen Wade, "Superintendent's Annual Report, 1990," 18-19, 22.

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⁴⁰ *Fairbanks Daily News-Miner*, August 14, 1982.

⁴¹ *Anchorage Times*, July 19, 1983.

⁴² Clarence Summers, "WRST Resident Zone Project Briefing Statement," July 1992, 1.

⁴³ ANILCA, Sec. 802, 16 USC 3112; Louis Waller, "Customary and Traditional: What Did Congress Intend?", March 21, 1991, 3.

⁴⁴ NPS, "National Park Service Subsistence Management Program, August, 1997," 8.

⁴⁵ WRST, "Subsistence Plan, November 1998," Chapter 2: Resident Zone Eligibility, 9.

⁴⁶ *Anchorage Daily News*, June 5, 1986; *Copper Valley Views*, July 16, 1986; *Copper Valley Views*, August 13, 1986.

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⁴⁷ *Anchorage Daily News*, August 22, 1986.

⁴⁸ *Ibid.* 10.

⁴⁹ *Wrangell-St. Elias News*, September & October, 1993.

⁵⁰ WRST, "Subsistence Plan, November 1998," Chapter 2: Resident Zone Eligibility, 3; Devi Sharp, April 2, 2002, personal communication with author.

⁵¹ WRST, "Subsistence Plan, November 1998," Chapter 2: Resident Zone Eligibility, 38-39; *Federal Register* 67, no. 37 (February 25, 2002): 8481-84.

⁵² WRST, "Subsistence Plan, November 1998," Chapter 2: Resident Zone Eligibility, 30; Stephen A. McNeary, "Local Exploitation of D-2 Lands in the Gulf of Alaska Region," University of Alaska Cooperative Park Studies Unit, Occasional Paper No. 16 (1978).

⁵³ Jonathan Jarvis to Jack Hession, March 8, 1999, January-March 1999 Reading folder, Administrative files, WRST.

⁵⁴ 40 Stat. 755; 16 U.S.C. 703-711. Rowen Gould to Joshua Cleveland, May 13, 1991, Subsistence folder, WRST Ranger files; Felicia Beeching to Bob Gerhard, et al., "Subsistence Migratory Bird Hunting and Egg Gathering in Wrangell-St. Elias National Park," June 16, 1998, Subsistence folder, WRST Ranger files.

⁵⁵ Roy Ewan to Bruce Babbitt, April 18, 1994, January-March Reading folder, Administrative files, WRST; George Frampton to Roy Ewan, September 12, 1994, Subsistence folder, Ranger Files, WRST.

⁵⁶ Robert Barbee to Ray Sensmeier, undated draft, Resource Management files, WRST.

⁵⁷ NPS, "Subsistence Fisheries Management Handbook," October 1999, 11.

⁵⁸ Rogers, "An Analysis of Eligibility for Subsistence Hunting," 24.

⁵⁹ NPS, "Subsistence Fisheries Management Handbook," October 1999, 11; *Anchorage Times*,

April, 6, 1982; NPS, "Subsistence Fisheries Management Handbook," October 1999, 11.

⁶⁰ *State of Alaska v. Babbitt*, 54 F.3d 549 (9th Cir. 1995).

⁶¹ Dave Nelson, "A Summary of the Batzulnetas Subsistence Fishery," March 7, 2000 draft, 4-5.

⁶² Louis Waller, handwritten comments on Dick Stenmark to Vaugh Baker, "Notes on Batzulnetas," June 15, 1987, 1, Batzulnetas Subsistence Fishery folder, Fisheries files, WRST.

⁶³ Nelson, "Summary of the Batzulnetas Subsistence Fishery, 5.

⁶⁴ *Ibid.*

⁶⁵ *McDowell v. Alaska*; NPS, "Subsistence Fisheries Management Handbook," October 1999, 11-12.

⁶⁶ Chuck Gilbert to Boyd Evison, October 16, 1990, Subsistence folder, WRST Ranger files; "Subsistence Management Regulations for Public Lands in Alaska; Final Rule," May 29, 1992, *Federal Register* 57, 22940-64; *Alaska v. Babbitt*. The jointly managed cases included *Kluti Kaah Native Village of Copper Center v. Alaska*, No. A90-004-CV; *Fish and Game Fund v. Board of Fisheries*, No. A92-0443-CV; *Peratrovich v. United States*, No. A92-0734-CV; *Native Village of Stevens v. McVee*, No. A92-0567-CV; and *Native Village of Quinhagak v. United States*, No. A93-0023-CV. See the previous chapter for a more detailed examination of navigability.

⁶⁷ Karen Wade, "Superintendent's Annual Report, 1990," 18-19.

⁶⁸ *Alaska v. Babbitt*.

⁶⁹ *Cappaert v. United States*, 426 U.S. 128, 139 (1976); Lauri J. Adams to Katie John Policy Group Members, "Draft Regulations Package Implementing Federal Reserved Water Rights Decision in *Katie John*," September 1, 1995.

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⁷¹ Connie Barclay, U.S. Fish and Wildlife Service, "Subsistence in Alaska," press release, December 15, 1997, Central files; WRST, "Subsistence Plan, November 1998," Chapter 10: Harvest of Fish, 1, revised 04/20/99; NPS, "Subsistence Fisheries Management Handbook," October 1999, 1.

8

MINING

Mining dramatically shaped the landscape of the Wrangell-St. Elias region. Beginning in the late 1890s, prospectors claimed most of its potentially valuable mineral property under the terms of the General Mining Law of 1872, which provided that

all valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, shall be free and open to exploration and purchase, by citizens of the United States and those who have declared their intention to become such.¹

Mining in the Wrangells slowed significantly after 1940, but prospectors continued staking claims there until the Interior Department temporarily closed the area to further entry in 1969. After passage of ANCSA in 1971, the government allowed local Native corporations to select land in the region.

Like most regional corporations, Ahtna, Inc., hoped that its lands would provide its shareholders with future income, so much was picked for its mineral potential. In 1971 the corporation signed a mineral exploration agreement with a consortium of exploration companies to find and develop any local deposits.²

Others hoping to acquire mineral lands in the Wrangells faced greater challenges. The 1972 proposal to create a 17-million-acre Alaska National Park, for example, advocated ending mineral entry altogether, as the “economic loss which might be sustained is considered less than the ecological and esthetic values which are to be preserved.”³

Recognizing that mining could easily and negatively impact the values for which a National Park was established, Congress enacted the Mining in the Parks Act (MPA) in September 1976 in order to regulate future operations. A month later, Congress also passed the Federal Land Policy and Management Act (FLPMA), which, among other things, established a federal system for recording claims. While the MPA did not include

any specific filing requirements, the USDI promulgated regulations in January 1977 which required annual filings in accordance with FLPMA.

The NPS studied the importance of Alaska mining prior to creation of Wrangell-St. Elias National Monument in 1978, and developed a list of specific reasons that it believed justified limiting or excluding future activity. These included:

- 1) Only in Alaska does the United States have the option remaining to preserve extensive tracts of nearly pure wilderness lands. By definition, high wilderness quality is not compatible with surface disturbance.
- 2) American society has recently come to place a very high value on wilderness quality lands and unique natural features. Evidence is the Wilderness Act, and 36 additions by Congress to the National Park System in the past twenty years of lands containing natural values.
- 3) There has been a negligible increase for generations of National Park Service lands in Alaska, whereas, e.g., nine major new parks have been recently created in adjacent northwestern Canada.
- 4) It is a fact that allocations of land ownership and land use are being made now in Alaska, notwithstanding present lack of total knowledge of the extent of resources within them.
- 5) It appears to be the intent of Congress that all concerned interests be adequately provided for during this division of lands. The State of Alaska and the Natives have legally authorized acreages to select, energy interests have an oil pipeline authorized and a gas pipeline pending, and mineral interests have most of the high value lands known either within State or Native selections or on federal lands not within the d(2) areas. Congress at the same time authorized withdrawal of the d(2) lands to satisfy national conservation concerns. Fairness demands that action be completed to similarly achieve provision for that national interest.
- 6) Short of public provision of a transport infrastructure, virtually all mineral deposits away from the coasts or existing transport systems are very doubtfully economic in the foreseeable future. Such a transport system would in effect be a subsidy, possibly justifiable in certain areas, but needing to be recognized as a subsidy.
- 7) The primary mineral known to be impacted by proposals is copper, which is judged to be

in good supply for the foreseeable future.

8) Since restrictive laws are reversible, but developmental actions create irreversible impacts, due consideration to needs and desires of future generations can be considered to require a conservative attitude by the present generation.⁴

ANILCA completed that process in 1980.

Subject to valid existing rights, and except as explicitly provided otherwise in this Act, the Federal lands within units of the National Park System established or expanded by or pursuant to this Act are hereby withdrawn from all forms of appropriation or disposal under the public lands laws, including location, entry, and patent under the United States mining laws, disposition under the mineral leasing laws, and from future selections by the State of Alaska and Native Corporations.⁵

Not surprisingly, the decision to close the Wrangells angered local miners, many of whom believed that the region still held large and undiscovered deposits. Some claimed that “about 50 percent” of the area contained promising formations. Others noted that interested companies had invested nearly a million dollars in local exploration over the past 16 years, demonstrating the area’s potential value.⁶

Tim Jacobsen, who operated a mine near McCarthy in the 1970s, echoed the feelings of most local miners toward the National Park Service when he angrily noted:

They’ve got 400 years to drive you out and they’ll keep their same salary as they fine you and delay you and permit you to death. They have total power—they can keep you in court forever. If they want to close you down, they’ll do it. The Park Service is anti-mining and I look at them as an adversary. I get so upset about this my wife won’t let me talk about it at home; I’ve ruined too many dinners.⁷

Even many experts expressed dismay over NPS control of the Wrangells. Noting that any future development was subject to strict regulations, University of Alaska Professor Leo Mark Anthony maintained that mining in the parks was a myth, as “no one can meet the requirements.”⁸

Miners found ANILCA regulations too restricting, but many environmentalists objected for opposite reasons. In 1982, for example, the National Parks and Recreation Association questioned the legislation’s entire management approach:

Mining in an area that has the management objective of retaining living systems and landscapes in a natural state is a direct and obvious conflict and would mar any attempt to institute a consistent and effective management plan.⁹

While the NPS admitted that it knew very little about mining in the region, it promised to prepare a “Mining and Minerals Management Plan” to develop consistent standards; identify areas of potential sensitivity; minimize environmental damage; and determine the validity of WRST’s roughly 1,600 unpatented claims.¹⁰

A study team consisting of personnel from the Denver Service Center and the ARO inventoried WRST’s claims in 1982 and 1983, collecting the data necessary to evaluate their status and to begin composing an Environmental Impact Statement (EIS). But before that process could be completed, several environmental groups became frustrated by the National Park Service’s failure to enforce federal law, and chose to contest the process.¹¹

NORTHERN ALASKA ENVIRONMENTAL CENTER V. HODEL

ANILCA prevented WRST from denying reasonable and feasible access to miners possessing valid existing rights, but the Mining in the Parks Act (MPA), passed by Congress in 1976, gave it sufficient authority to regulate development in order to control any negative impact. Specifically, the law required that all mining operations be conducted in a manner which minimized “damage to the environment and other resource values.”¹²

The Northern Alaska Environmental Center (NAEC) filed suit in early 1985 to stop the NPS from issuing mining permits without first completing an EIS. Driven

largely by events in Denali National Park and Preserve, the NAEC alleged that the National Park Service had authorized mining operations without satisfying the requirements set by NEPA and the MPA.¹³

The MPA not only required that mining operations on National Park System lands minimize environmental damage. It also suggested that the government temporarily halt mineral development in certain areas while Congress determined whether or not to acquire the valid mineral rights.¹⁴

NEPA required the parks to evaluate applications to conduct mining operations in order to determine if their cumulative impact was potentially significant. If not significant, the park could issue an environmental assessment (EA) and a finding of no significant impact (FONSI). But if the impact was found to be significant, the NPS was required to prepare an EIS.¹⁵

District Court Judge James von der Heydt issued a preliminary injunction on July 24, 1985, barring the parks from approving additional operations until each had completed an EIS which evaluated the cumulative effect of further mining. Agreeing with the NAEC, the court held that the NPS had indeed violated NEPA since 1979 by approving operations without first preparing EISs or EAs. Although the Alaska Miners Association (AMA) and the Resource Development Council for Alaska appealed the ruling by challenging the validity of the preliminary injunction, it was confirmed by the court after the NPS admitted to circumventing the process.¹⁶

As a result, the district court issued a permanent injunction preventing the National Park Service from permitting any further mining until it prepared adequate environmental impact statements. Von der Heydt initially gave the miners only 45 days to suspend their operations, but later modified his order, allowing them to continue until October 15, the defacto end of their mining season.¹⁷

WRST notified its miners of the order and most of them immediately complied. Wayne Bolt, however, continued core-drilling operations at the Nabesna Mine. Chief Ranger Dave Panebaker visited the site on October 23 and formally notified Bolt that his actions were in contempt of the order. Although Bolt initially obeyed, he soon resumed working, and it required both legal and regulatory actions to force him to shut down for good.¹⁸

In defending his action, Bolt argued that, because he used a state road to access his claims, he did not cross park lands and was therefore not required to submit a MPO, exempting him from the terms of the injunction.¹⁹

The state clearly supported Bolt's interpretation. Although Alaska admitted that there might be room to debate whether the right-of-way conveyed by the Omnibus Act qualified as a fee simple interest, it claimed that the NPS lacked "the authority to regulate the uses and access over a state highway."²⁰

WRST disagreed. The park acknowledged that the state claimed ownership of the road, but suggested that the quit claim deed which the federal government supplied Alaska in 1959 only conveyed an easement and not any rights to the corridor itself.²¹

The NPS initially pursued litigation to stop Bolt, but ultimately developed a regulatory solution. Arguing that the 39 CFR 9A mining requirement for a plan of operations was neither replaced nor modified by ANILCA, the National Park Service held that there was no basis for 36 CFR 13.15(d)(1), which exempted patented claims in Alaska from the requirement for compliance with the 9A regulations if access to the claims could be obtained without crossing federally-owned parkland. The NPS, therefore, promulgated new regulations which required an approved plan of operations before an access permit could be issued.²²

Meanwhile, the NPS announced that it would make "every effort" to satisfy Von der Heydt's order and thereby lift the injunction. Boyd Evison, the National Park Service's Alaska Regional Director, noted that the NPS had already gathered most of the data necessary for its cultural resource assessments, and had also collected much of the information needed by miners to prepare their MPOs. Although he hoped that the court would agree to allow mining to continue while WRST and the other parks prepared environmental impact statements, Evison warned that such an approach might not be possible.

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"If the petition is denied, operations in those two areas cannot be permitted next season."²³

By March 1986, the NPS realized what would be needed to satisfy NEPA, including a series of \$100,000 per mine EAs. Each miner would also be required to submit a plan of operations which would then be assessed for its potential effect on water quality. NPS spokesperson Nancy Stromsem noted that the bureau had assigned 26 specialists to the work and hoped to complete the majority of the assessments prior to the start of the 1986 mining season.²⁴

Mining industry sources were skeptical. Most believed that only a small number of mining plans would be approved and that few mines would operate in 1986. As a result, the AMA sought the state's assistance in fighting the injunction. Alaska Gov. Bill Sheffield rejected their request, arguing that the state, too, had an obligation to protect the environment. "The needs of downstream users for water, fish, wildlife, and recreational opportunities require environmentally sound mining practices to become the norm," Sheffield said. With that avenue closed, the Fairbanks chapter of the AMA launched a fund-raising drive to raise the \$125,000 necessary to pay for its own defense.²⁵

Despite the predictions of the AMA, WRST staff completed several EAs and helped operators prepare MPOs for submission to the court. As a result, two miners, Russ Hoffman on Rex Creek and

Kirk Stanley at Nabesna, received permission to operate in 1986. The park also began working on its court-ordered environmental impact statements.²⁶

Hoffman was the only WRST operator who actually mined in 1987. Three additional plans were submitted for review, but the park was unable to complete the necessary environmental assessments. Staff from the Denver Service Center assumed primary responsibility for preparing the EIS for the minerals management plan, although park staff provided significant input.²⁷

That August, the NPS moved to reconcile differences between ANILCA and the MPA by amending its mining regulations. Many people found the National Park Service's rules confusing because they incorrectly assumed that the ANILCA provisions trumped those in the earlier act.²⁸

WRST completed the EA for Jim Moody's small scale, suction-dredge operation on Bonanza Creek in early 1988, and after reviewing the document, the court allowed him to resume mining. The park's environmental staff monitored his operation carefully in order to document his compliance and assist him in obtaining further relief from the injunction.

Two other mines, at Nabesna and Green Butte, submitted MPOs to operate that season. The park approved Kirk Stanley's plan for the Nabesna Mine, but although he was granted relief from the injunction,

he encountered problems with the state and was unable to operate. WRST rejected David Bartoli's plan for the Green Butte Mine, describing it as incomplete.²⁹

The NPS released its revised regulations in July 1988. The amendments required miners to submit MPOs on both patented or unpatented claims and regardless of the means of access, including all 923 valid claims then contained in WRST. This upset many miners, who, like Wayne Bolt, had previously believed that they were not required to file a plan if they could reach their claim without crossing federal land.³⁰

Following a three-and-a-half-year study, the NPS completed the court-ordered EISs in early 1990. Each included four alternatives for evaluating the cumulative effect of future mining and developed a hypothetical "mining development scenario" which predicted the number and type of mines likely to operate in each unit over the next ten years. The EIS then evaluated the cumulative impact of managing that level of development under each alternative.³¹

Under Alternative A, the NPS proposed to study applications on a case-by-case basis, using qualitative site-specific information to assess cumulative impacts. If the impact could not be sufficiently mitigated, the plan would not be approved.³²

Alternative B set resource protection goals (RPGs) which estimated the percentage of pre-mining habitat that it would try to maintain or reestablish. If cumulative impacts reduced a specified habitat below

its RPG, the National Park Service would use that as a factor in considering the plan. The NPS believed that this quantitative analysis would reduce environmental degradation more than the purely qualitative approach in Alternative A.³³

Alternative C proposed to evaluate the cumulative impact both qualitatively and quantitatively for each specific permit. It also sought to modify the law in such a way so that future patents of existing mining claims would convey only the minerals and be subject to stricter requirements for reclamation. In addition, the NPS resolved to initiate a program to acquire those claims whose development would be detrimental to park values.³⁴

Alternative D proposed purchasing all existing patented and unpatented mining claims as funds became available, giving priority to those claims whose development would most threaten the resource values of the park. Pending acquisition of the claims, the National Park Service recommended processing applications according to the procedures outlined in Alternative C.³⁵

On August 21, 1990, the NPS issued an Record of Decision for each park, including WRST: all adopted Alternative D. The bureau justified its decision by arguing that Alternative D had "the least potential to cause damage to the biological and physical environment, and would provide the highest level of protection." In addition, the NPS promised to consider both the site-specific impact of an individual opera-

tion and the cumulative impact caused by all previously permitted development.³⁶

The NAEC opposed the plan, suggesting that the bureau's decision to continue considering mining applications until all the claims were acquired was tantamount to approving at least some of the operations. The NPS agreed, arguing that the mining regulations were designed to regulate, not prohibit mining, and promising that, "until funds for acquisition are available, all plans of operations approvable under 36 CFR 9A will be approved."

Insisting that its new process satisfied all applicable regulations, the National Park Service filed to dissolve the permanent injunction in September 1990. The NAEC opposed the bureau's motion, maintaining that the EISs failed to consider the effect of non-mining activities outside the areas targeted for study and the impact of simultaneous mining in multiple "study areas."³⁷

The court ruled in favor of the NPS. Noting that the injunction did not require that EISs evaluate the cumulative effect of non-mining activities or combine the cumulative impact of mining in different areas, it granted the bureau's motion on January 2, 1991, and following consideration of several motions and briefs, finally lifted the injunction in April 1992.³⁸

CLAIM VALIDITY

The concern over a claim's potential environmental impact was only one of several

important mining issues. As part of its initial lawsuit to force the NPS to complete the EAs required by NEPA before authorizing mining operations, the NAEC also sought to stop it from approving them without first determining the validity of the claim. The NAEC based its action on language contained in the Mining in the Parks Act and ANILCA, both of which restricted mining to areas in which the operators held "valid existing rights."

Miners were required by law to complete several steps in order to demonstrate the validity of their claim. First, they had to "locate" it, a process which generally required the claimant to post some form of notice; mark the boundaries; conduct preliminary work; and record it. In addition, the claimant had to establish that he had made a "discovery"—that is, found valuable minerals—and that they could be profitably marketed.³⁹

The cardinal test of discovery was the "prudent man rule." First articulated in 1894, it provided that:

Where minerals have been found and the evidence is of such a character that a person of ordinary prudence would be justified in the further expenditure of his labor and means, with a reasonable prospect of success, in developing a valuable mine, the requirements of the statute have been met.⁴⁰

In order to prove that a claim's minerals were marketable required an operator to

show that, as a present fact, considering historic price and cost factors and assuming that they will continue, there is a reasonable likelihood of success that a paying mine can be developed.⁴¹

To support its case, the NAEC cited the example of the Silver Star/Pandora Mine, which operated in WRST's designated wilderness from 1979-1985. When the NPS finally completed a mineral examination in 1985, it discovered that over half of the claims lacked a legitimate "discovery," and that "a proper economic analysis" would have found the other claims invalid.⁴²

NAEC argued that the National Park Service's failure to address this issue violated the requirements of the Administrative Procedures Act in three separate ways: by causing the NPS to ignore what is logically the most basic issue of all—that there is no right to mine without a discovery; by frustrating the purposes of the Mining in the Parks Act and ANILCA by ignoring the validity requirement; and, by unreasonably treating Alaska parks differently than it does parks in other parts of the country.⁴³

The court disagreed. In dismissing the NAEC's complaint in December 1987, it ruled that the decision to require a validity examination was "a matter of agency discretion."

Furthermore, the court determined that existing NPS procedure of making a preliminary

evaluation of validity is a reasonable alternative to a formal validity determination before approving a mining plan of operations.⁴⁴

Although a validity determination was no longer viewed as an essential prerequisite to approving a proposed mining plan, the NPS made it clear that it would not permit any operation if there was sufficient evidence of its invalidity.⁴⁵

CLAIM ASSESSMENTS

FLPMA required owners of unpatented mining claims located before October 21, 1976, to file evidence of annual labor or notice of intention to hold with the BLM by October 22, 1979, and by December 30 of each calendar year thereafter.⁴⁶

The penalty for failure to make timely annual filings was addressed in Sec. 314(c), which provided:

The failure to file such instruments as required by subsections (a) and (b) shall be deemed conclusively to constitute an abandonment of the mining claim or mill or tunnel site by the owner . . .⁴⁷

Congress substantially altered the provisions regulating the retention of mining claims in 1992. As part of the Department of the Interior and Related Agencies Appropriation Act for Fiscal Year 1993, it required that each claimant beginning paying an annual \$100.00 maintenance fee to the Secretary of the Interior

for each unpatented mining claim, mill or tunnel site on federally owned lands, in lieu of the assessment work requirements contained in the Mining Law of 1872, and the filing requirement contained in section 314(a) and (c) of the Federal Land Policy and Management Act of 1976⁴⁸

In promulgating regulations to implement the act, the Interior Department exempted claimants holding ten or fewer claims. It also agreed to exempt certain claims temporarily when:

- 1) The claimant has received a notice of taking or a notice of intent to take from the National Park Service pursuant to sections 6 and 7 of the Act of September 28, 1976, as amended . . . or the Act of December 2, 1980, as amended.
- 2) The claimant has applied for and been denied a Plan of Operations pursuant to 36 CFR part 9.
- 3) The claimant is currently maintaining an action in a United States District Court or United States Court of Claims, or Federal appellate courts, for compensation for the taking of his right, title, or interest in a mining claim or site located upon National Park System lands.⁴⁹

Ahtna, Inc., attempted to utilize the second exemption in August 1993, when it requested that the BLM waive its annual

assessment fees on the Big Eldorado and Nike-Becky claim blocks. The corporation argued that it should be exempt from paying the fees because Congress had established them in lieu of assessment work, and Ahtna's access for the purpose of performing assessment work had been prohibited by WRST.⁵⁰

Interior Board of Land Appeals Judge Bruce R. Harris countered that argument by noting that the NPS had not denied Ahtna access, but merely postponed further action until the corporation accurately located the claims.

While Ahtna may have been precluded from then conducting the activities that it wanted to pursue on its claims, the case record fails to show that it was denied access to the claims in question. In rejecting Ahtna's plans of operations as incomplete, NPS required finalization of the location of the claim boundaries and specifically authorized Ahtna to access the Nike-Becky group of claims by fixed wing aircraft to conduct surveys on foot to locate existing claims corners and discovery points. . . . Thus, we are unable to conclude . . . that Ahtna was denied access to its claims.⁵¹

WATER RIGHTS

One of the most confused policies facing local placer miners centered on their use of water. The NPS recognized that placer

miners required running water to extract gold from alluvial gravel, but federal regulations prohibited the approval of a MPO unless the operator's water right was already perfected. In order to possess a perfected water right, the miner had to have previously obtained a state water use permit and used it for a specified period. If they had not already obtained and utilized a permit, it was impossible to perfect. Even the NPS admitted that the regulation was a problem.

Under the Section 9.8 regulations, the National Park Service, cannot approve the use of waters within National Park Service units without a perfected water right, even if that water use is necessary to obtain a perfected water right.

Although the NPS promised miners that it would review the regulation, no changes were ever made.⁵²

NOTES

¹ General Mining Law of 1872.

² Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 18.

³ USDI, NPS, "Environmental Statement, A Proposal—Alaska National Park, January 1972," V-2, V-3.

⁴ Richard Gordon to Bryan Harry, May 11, 1976, Minerals folder, Mining files, WRST.

⁵ ANILCA, Sec. 206. One of those protected "valid existing rights" was the ability of a miner to take his unpatented claim to patent.

⁶ Hank Berg, oral testimony, February 16, 1978, U.S. Congress, Senate, Committee on Energy and National Resources, *Alaska National Interest Lands*

Workshops, Part I (Washington: GPO, 1978), 347; George Moerlein, *ibid*, 351; Bob Frankhauser, *ibid*, 351-52.

⁷ Tim Jacobsen, quoted in Defenderfer and Walkinshaw, *One Long Summer Day in Alaska*, 30.

⁸ Leo Mark Anthony, "Mining Access Across Park Service Land," in Jon Maloney, ed., *Alaskan Homesteader's Handbook* (Anchorage: Anchorage Printing Company, 1979), 18.

⁹ Destry Jarvis to Charles Budge, June 25, 1982, Historical folder, Central files, WRST.

¹⁰ WRST, "Status of GMP Planning," February 1982, unpaginated; Richard Stenmark, "1982-BLM Mining Claims Activity," April 13, 1982, Mining files, WRST.

¹¹ Charles Budge, "Superintendent's Annual Report, 1982," 2; NPS, Environmental Assessment Branch, "Mining Claim Filed Inventory, Wrangell-St. Elias National Park and Preserve, Chitina District," June 1983; NPS, Environmental Assessment Branch, "Mining Claim Filed Inventory, Wrangell-St. Elias National Park and Preserve, Nabesna District," March 1985.

¹² Mining in the Parks Act, P.L. Law 94-429, September 28, 1976, 90 Stat. 1343, 1901.

¹³ *Northern Alaska Environmental Center, et al. v. Manuel Lujan, et al.*, No. 91-35296, D.C. No. CV-85-009-JAV, April 14, 1992, 2-3.

¹⁴ Mining in the Parks Act, 1901.

¹⁵ "Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act," 40 CFR, 1508.7, 1508.8, 1508.11, 1508.13.

¹⁶ *Northern Alaska Environmental Center v. Lujan*, 3.

¹⁷ *Anchorage Times*, July 24, 1985; August 21, 1985; *Northern Alaska Environmental Center, et al. v. Donald Hodel*, J85-009 Civil, Final Judgment and Injunction, March 7, 1988, pt. 8.

¹⁸ Richard Martin, "Superintendent's Annual Report, 1985," 1; Dave Panebaker, "Nabesna

District Monthly Report, October 1985," Monthly Reports, 1985-87, Park Library, WRST.

¹⁹ Boyd Evison to Wayne Bolt, October 29, 1985, Nabesna Correspondence, 1980-1985 folder, Mining files, WRST; *Opposition to Temporary Restraining Order, United States v. Alex Wayne Bolt*, Case No. A86-637 Civil, 3.

²⁰ Tom Hawkins to Kirk Stanley, August 18, 1986, Nabesna 1986 Correspondence folder, Mining files, WRST; Mark Hickey to Wayne Bolt, November 17, 1986, Nabesna 1986 Correspondence folder, Mining files, WRST.

²¹ Richard Martin to Wayne Bolt, June 11, 1986, Nabesna 1986 Correspondence folder, Mining files, WRST.

²² Floyd Sharrock to Wayne Bolt, May 29, 1987, Nabesna 1987 Correspondence folder, Mining files, WRST. See *Federal Register* 52, no. 64 (April 3, 1987): 10866.

²³ *Copper Valley News*, October 23, 1985.

²⁴ *Alaska Business Newsletter*, March 21, 1986.

²⁵ *Anchorage Daily News*, March 9, 1986; *Anchorage Daily News*, March 27, 1986.

²⁶ Kit Mullen and Jim Thorne, "Edison Association Placer Claims: Three Year Progress Report," 1991, 1991 Project folder, Floristic files, WRST; Richard Martin, "Superintendent's Annual Report CY 1986," 2.

²⁷ Mullen and Thorne, "Edison Association Placer Claims," 1991; Richard Martin, "Superintendent's Annual Report, 1987," 3.

²⁸ NPS, press release, August 18, 1987.

²⁹ Richard Martin, "Superintendent's Annual Report, 1988," 3-4.

³⁰ *Copper Valley Views*, July 27, 1988.

³¹ *Northern Alaska Environmental Center v. Lujan*, 4.

³² *Ibid*, 4-5.

³³ *Ibid*, 5.

³⁴ *Ibid*, 5-6.

³⁵ *Ibid*, 6.

³⁶ *Ibid*, 7.

³⁷ *Ibid*, 8.

³⁸ Danny Rosenkrans to files, January 15, 1992, Mining files, WRST.

³⁹ *Dredge Corp. v. Conn*, 733 F.2d 704, 705-07.

⁴⁰ *Castle v. Womble*, 19 L.D. 455, 457 (1984); endorsed as the correct rule of discovery by the Supreme Court in *Chrisman v. Miller*, 197 U.S. 313, 322 (1905), and reaffirmed in *Cameron v. United States*, 252 U.S. 450 (1920), and *Best v. Humboldt Placer Mining Co.*, 371 U.S. 334 (1963).

⁴¹ *In re Pacific Coast Molybdenum Co.*, 75 IBLA 16, 90 I.D. 352, 360.

⁴² Northern Environmental Center, "Brief of the Plaintiffs-Appellants," *Northern Environmental Center, et al., v. Donald P. Hodel, et al.*, August 12, 1988, 10.

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⁴⁷ FLPMA, Sec. 314(c).

⁴⁸ Pub. L. No. 102-381, 106 Stat. 1378-79 (1992).

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9

HAZARDOUS MATERIALS

As much of the Wrangell-St. Elias region's historic human activity was industrial in nature, WRST's staff knew from the beginning that they would eventually encounter hazardous waste. They were therefore not surprised when they discovered such materials on Sudden Stream, 20 miles northwest of Yakutat.¹

SUDDEN STREAM

The Colorado Oil and Gas Corporation (COGC) spudded its first well, the Malaspina Unit No. 1, on Sudden Stream on May 17, 1962. Unfortunately, the company encountered problems at a depth of about 1,576 feet and was forced to plug it. After moving the rig about 20 feet to the north, COGC drilled a second well, the Malaspina Unit 1-A. It eventually reached a depth of 13,823 feet without encountering any signs of oil or gas, causing the company to plug and abandon that hole as well.²

During the course of the COGC's exploration activities, it constructed a warehouse in which to store its drilling muds and additives. Although abandoned in 1962, the warehouse remained standing until at least 1972, when it was photographed from the air. The structure eventually collapsed, exposing the bags to the weather and spilling their contents on the ground.³

WRST staff first visited the site in July 1984, but it was the following fall before Environmental Specialist Kit Mullen sampled some of the mud and surrounding soil.⁴

Mullen, Jacques Gusmano (EPA), and Bill Lawrence (ARO) returned to the site in August 1986 to evaluate the area for the EPA. After resampling the soils and surface waters, they determined that the potential for contamination was high and recommended that the park initiate a cleanup operation. Fortunately, the park received Natural Resource Preservation funding that year to inventory, sample, and analyze the soil and water to determine the extent of heavy metals migration outward from the waste pile.⁵

WRST sampled the area more thoroughly in July 1987, seeking to determine the extent of the contamination. It concluded that water, soil, and vegetation within 200 feet of the mud pile contained elevated levels of barium and chromium. The tissues of fish and mollusks collected within that same distance showed elevated levels of barium as well.⁶

Alaska issued new solid waste regulations in 1987 that required all oil field operators to identify and assess impact on water quality and to provide closure plans for

abandoned sites. The state hoped to prevent improperly closed reserve pits from contaminating Alaska's waters. Even sites whose closures had been previously approved by USGS, ADNR, or Alaska Oil and Gas Conservation Commission, were subject to these new strengthened standards.⁷

In response to this change, British Petroleum Exploration (Alaska) Inc. (BPX) began the process of identifying its abandoned drilling sites in need of closure.

Because it had possessed a 12.5 percent minority working interest in COGC, one of those identified was Malaspina Unit No. 1-A.⁸

During 1988 WRST funded a long-term position to conduct its Hazardous Waste Program. This position supervised the identification and reporting of hazardous material sites, disposal of abandoned

explosives, and the continuing inventory and monitoring of Sudden Stream. Work that summer further refined the extent of local contaminant and identified other

potential contaminant sources resulting from the mixing and dispersal of drilling muds. WRST staff surveyed the site for topographic mapping and procured low-level aerial photographs to assist in the assessment and eventual disposal of the waste.⁹

WRST staff returned to Sudden Stream in 1989, developing and implementing a grid sampling system to determine the extent of the contamination. They also revisited the water quality sites originally sampled



Crews removing hazardous materials at Sudden Stream

the previous year. Analyses again showed high metals concentrations in the soil adjacent to the mud piles and at isolated sites nearby.¹⁰

That fall, BPX contacted WRST regarding the Sudden Stream site. While it did not assume liability for the contamination, it did agree to accept responsibility for removing the contaminants and monitoring the results.¹¹

BPX hired ENSR Consulting and Engineering to determine the nature and extent of the contamination. In addition, ENSR was directed to

ascertain the site's status with respect to state and federal hazardous waste regulations and pertinent cleanup procedures. Hoping to begin its cleanup in 1990, BRX also began developing a bid package for that operation.¹²

That spring, BPX hired MARTECH to perform the Sudden Stream remediation, and it completed the five-week project in May and June 1990. Although MARTECH's contract only required it to eliminate 80 tons of drilling muds and

miscellaneous debris, the firm actually removed 475 tons, effectively mitigating the warehouse site.¹³

Unfortunately, later that summer BPX located the drilling mud reserve pits associated with COGC's drilling operation. Although not sampled until September, even a cursory visual inspection indicated that standing water in the pit provided a potential mechanism for release.¹⁴



Sudden Stream cleanup

The EPA entered the picture in late 1990. While the NPS had originally submitted the site for Superfund consideration in 1988, WRST

had failed to provide adequate information, and it was never scored. Unfortunately, the EPA changed its criteria in 1991 to give special consideration to national parks. As a result, the Sudden Stream site now exceeded the minimum 28.5 points necessary for inclusion on the National Priorities List (NPL). Such a listing would provide access to Superfund monies, but it would label the whole park as a Superfund site, forcing it to mitigate all hazardous waste sites and significantly increasing the liability of the NPS. Fortunately, the EPA

agreed not to evaluate the site formally until BPX had concluded its planned remediation.¹⁵

ENSR acknowledged the dangers posed by Malaspina Unit No. 1-A, but presented a strong case for not disturbing the site.

The duration and frequency of exposure, and the concentration and toxicity of contaminants are not significant; this site is remote and wildlife presence is short-term and transient. Also, the contaminant concentrations are not highly toxic relative to ADEC or EPA criteria. Efforts to perform corrective actions at this site would increase the impacts to the area rather than reducing the risk of exposure. Therefore, the impacts of corrective action were determined to be greater than the benefits of site remediation.¹⁶

WRST apparently agreed. Writing to the Alaska Region's Chief of Environmental Compliance in May 1993, Resources Chief Russell Galipeau argued persuasively that the pits not be disturbed.

The disturbance of vegetation and surrounding soil associated with the removal of pit material would be more destructive than remaining in place. We are aware that the contents of the pits may be considered solid waste and subject to NPS management policies requiring solid waste disposal outside park boundaries. This policy was

considered in reaching our decision. However, the aforementioned factors of increased disturbance and the lack of approved solid waste disposal sites influenced our decision to leave the site as is. This approach is compatible with the Management Policy Chapter 9:5 on solid waste that states decisions will be based on a consideration of economics, effect on the environment, and other factors of sound engineering. Isolation (capping) the site has been rejected for the same intrusion and disturbance reasons.¹⁷

Completing its review of the site January 1995, the EPA determined that Sudden Stream scored high enough for inclusion on the NPL. Nevertheless, based on the site's condition and the actions already completed, the agency assigned it a low priority for NPL listing. In keeping with that decision, the ADEC approved the closure of Malaspina Unit No. 1-A in March 1995.¹⁸

NABESNA TAILINGS

Prior to its closure at the beginning of World War II, the mill at the Nabesna Gold Mine had processed some 70,000 tons of gold. While it initially deposited its tailings on the patented land immediately downslope, it allowed the waste to drain onto adjacent unpatented mining claims, then held by the same company. The owners abandoned those unpatented claims in the late 1950s and early 1960s, returning them to the public domain, and

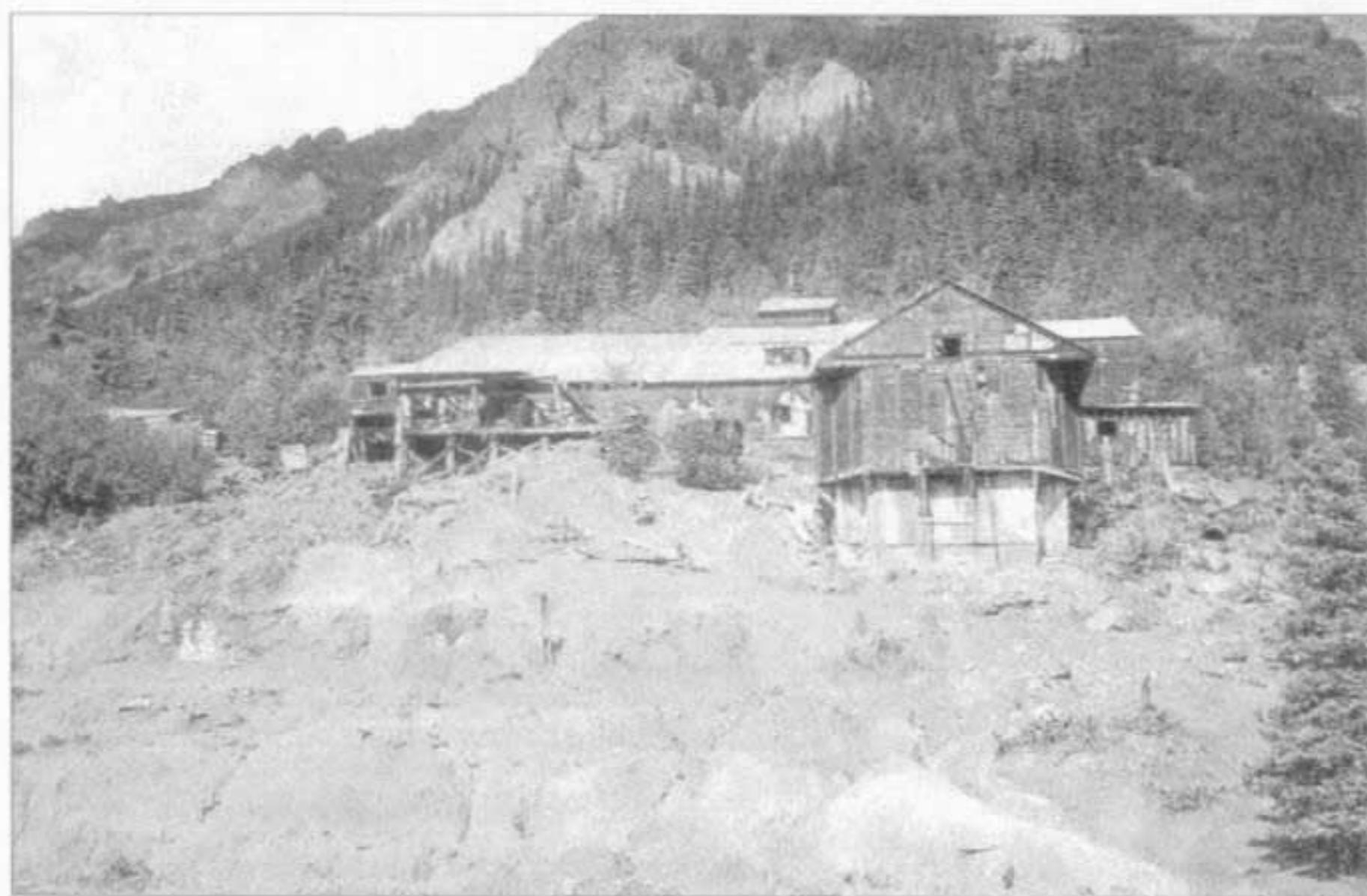
in 1980 that property was incorporated into Wrangell-St. Elias National Preserve.¹⁹

WRST first considered this dilemma in 1984, when Resource Management Specialist Brad Cella and Regional Environmental Specialist Bill Lawrence toured the site. They reported that they saw no toxic substances, and the tailings did not appear to present an immediate environmental threat.²⁰

The U.S. Bureau of Mines contracted a Canadian firm, Bondar-Clegg and Company Limited, to sample and analyze the tailings in 1993. Although its tests re-

vealed high concentrations of inorganics, WRST largely ignored the problem until that fall, when Wayne Bolt, a disgruntled former business associate of Nabesna Mine owner Kirk Stanley, notified the Sierra Club, the NPS, and the EPA that the site contained hazardous waste. Bolt maintained that Stanley's "continuing and intentional negligence has caused significant environmental damage at Nabesna" and that the owner should be held responsible for the cleanup.²¹

The EPA formally placed Stanley's portion of the Nabesna site on the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Federal Facilities Docket in March 1994. As in all such cases, the agency planned to evaluate the site's actual and/or potential human and environmental threats before deciding whether or not it required a Superfund cleanup effort.²²



Tailings remain from early ore processing at Nabesna

The EPA hired URS Consultants to examine the site in 1995. After collecting and analyzing water, sediment, soil, and tailings samples, it reported finding significant

concentrations of cyanide in local soils. Although those preliminary findings were not viewed as sufficiently dangerous to restrict access, the EPA asked Stanley to post signs to warn recreational users that the site contained high levels of heavy metals.²³

Dissatisfied with the EPA's reaction, Bolt continued his efforts to force Stanley to conduct an extensive cleanup. In February 1997 he contacted a series of public offi-

cials, including Vice President Al Gore and Alaska Gov. Tony Knowles, claiming that the site's toxic materials had contaminated the adjoining NPS lands. Bolt also charged that the NPS, EPA, and ADEC had allowed the environmental damage to continue because of Stanley's "local political connections."²⁴

The NPS employees, to include the past Alaska Director, have been acutely aware of this unlawful activity for many years without commencing any action to abate the problem. I wonder why the NPS continues to allow the owner of the mining claims to unlawfully contaminate public lands and the groundwater in the area.²⁵

Hoping to forestall further action by the EPA, WRST volunteered in 1997 to sample spring runoff in an effort to identify any overflow or sheet flow across the tailings surface; sample surface water; and prepare a detailed map of the tailings. The park made further concessions the following year, promising to place monitoring wells to determine possible contaminant transport mechanisms; finish mapping the tailings; and initiate a study to evaluate the alternatives for removing them. Shannon and Wilson, Inc., a Fairbanks environmental consulting firm, actually installed the three wells in 1998, but only one encountered groundwater.²⁶

After years of study, the EPA finally made its decision in September 1998. Declining to add the tailings site to the Superfund list, it instead suggested that the Ptarmigan

Company work directly with the NPS and the ADEC to address its ongoing environmental concerns. The EPA warned, however, that "should any new or additional information become available," it might warrant reevaluation.²⁷

In early 2000, the NPS hired Shannon and Wilson to address its continuing environmental concerns, and the firm's engineering evaluation/cost analysis identified several possible alternatives. These included: 1) no action/monitoring; 2) exclusion fencing; 3) reestablish historic drainage ditches; 4) surface cap with talus; 5) surface cap with crushed limestone; 6) solidify the tailings surface with soil cement; 7) place tailings in on-site containment cell; 8) process tailings to recover economic minerals and place reject in containment cell; or (9) combination of alternative 2 and 3.²⁸

Based on its comparative analysis, Shannon and Wilson suggested that the surface cap would best satisfy the park's objectives, as it would provide a long-term, low maintenance way to eliminate access to the tailings which could be implemented with minimal exposure to workers.²⁹

WRST's EA, however, proposed a more complicated solution. Rather than relying exclusively on capping the tailings, the park decided to reestablish the site's historic drainage ditches as well, limiting the surface water flowing onto the tailings and reducing the metals entering Cabin Creek.³⁰

WRST surveyed the ditches in 2001, collecting locational information and determining how the necessary clearing would be accomplished, the size of the excavation, and where any debris would be placed. WRST intends to reexcavate the ditches in late 2002.³¹

Due to snags in the planning process, efforts to identify possible material sites for the talus have been postponed until early summer 2003. Capping could be completed later that summer or delayed until early 2004.³²

In order to ensure that all the constructed features work satisfactorily and are properly maintained, WRST also intends to develop a site monitoring plan. It hopes to begin that program in 2005.³³

GENERAL GEOCHEMICAL INVESTIGATIONS

WRST and the USGS conducted geochemical investigations of specific mineral deposits between 1994 and 1997, including the Kennecott copper mines and mill site; the Bremner mines and camp; the placer mining area on Gold Hill; the undisturbed copper-molybdenum deposits around Orange Hill; and the gold mines and mill at Nabesna. Researchers hoped to characterize the geochemistry of these mineralized areas, to identify potential geochemical hazards, and to determine the baseline levels for various elements.

Researchers found surface water samples collected at Kennecott in August 1994 to

be nearly neutral in pH and to have relatively low conductivity. None of the significant inorganic parameters exceeded established maximum contaminant levels. The studies suggested that Kennecott's deposit was rather benign, due mainly to the large amount of carbonate rock present, the high buffering capacity of the water, the absence of high acid-producing minerals, and the scarcity of metals which could be mobilized at higher pH levels.³⁴

Water samples collected in the Bremner district in August 1996 possessed pH values between 6.3 and 7.9, and conductivities between 86 and 220 microsiemens per centimeter. In two instances, they contained manganese concentrates slightly above and pH slightly below maximum contaminant level guidelines. Researchers also found mercury in the tailings at the Lucky Girl Mill. Fortunately, none of the district's samples possessed mercury levels anywhere near the maximum allowable contaminant level of two parts per billion.³⁵

Researchers collected baseline geochemical data at Gold Hill in August 1997, while all of its placer miners were idle. Waters were nearly neutral (pH 7.3-8.5), with conductivities ranging from 52 to 416 microsiemens per centimeter and alkalinites from 16 to 150 parts per million. Significantly, Big Eldorado Creek possessed less acid-neutralizing capacity than other drainages in the area, a characteristic which was considered before the park allowed it to be disrupted. Although Gold Hill's surface waters contained the highest concentra-

tions of mercury reported by the study, even these were far below the two parts per billion which the law allows.³⁸

The natural conditions near Orange Hill demonstrated that mining was not the sole source of acidic, metalliferous waters in the environment. Surface water samples collected there in August 1996 and August 1997 were calcium- and sulfate-dominant, had totally dissolved solids that generally exceeded 2,000 parts per million, pH values ranging from 3.5 to 8.4, and conductivities from 192 to 3,080 microsiemens per centimeter. Sulfate, aluminum, iron, manganese, and totally dissolved solids exceeded maximum contaminant levels in almost every sample, and several contained unsafe levels of cadmium, copper, nickel, antimony, and zinc as well. Other elements found in relative high concentrations included cobalt, molybdenum, strontium, and the rare-earths.³⁹

Researchers sampled Nabesna during a range of climatic conditions during 1996 and 1997, and their results varied considerably. Totally dissolved solids and alkalinites covered over two orders of magnitude, pH levels varied from 2.2 to 8.6, and conductivities from 58 to more than 4,500 microsiemens per centimeter. Manganese and sulfate exceeded maximum contaminant levels in samples collected during all periods. Other elements found in high concentrations included cobalt, molybdenum, and the rare-earths.⁴⁰

ABANDONED MINE LANDS

The conservation units established or enlarged by ANILCA included many areas which had been previously mined. Mine buildings, openings, tailings, equipment, and explosives all held the potential to pollute the environment and threaten visitor safety. WRST alone contained about 2,500 active mining claims and possibly another 2,000 abandoned ones. To remedy that situation, the NPS initiated an Abandoned Mine Lands (AML) program in 1989 to determine the number of potential sites; develop a priority system for conducting field examination; conduct site inventories and register sites with EPA if appropriate; develop site mitigation plans and perform compliance; and implement mitigation plans.⁴¹

Sites containing explosives received the most immediate attention. This was because, once explosives were reported, legal considerations drove the decision-making process. This was due to the "Doctrine of Absolute Liability," which provided that:

Any person who is assigned or assumes control of any explosives is deemed to have assumed absolute liability in any instance of accident or theft involving that explosive.⁴²

The ARO developed a regional policy in 1994 to deal with park properties containing explosives. Any site known or reasonably suspected to contain abandoned explosives was to be closed to further

public entry, investigated by an employee trained to recognize explosive hazards, and ultimately safed.⁴³

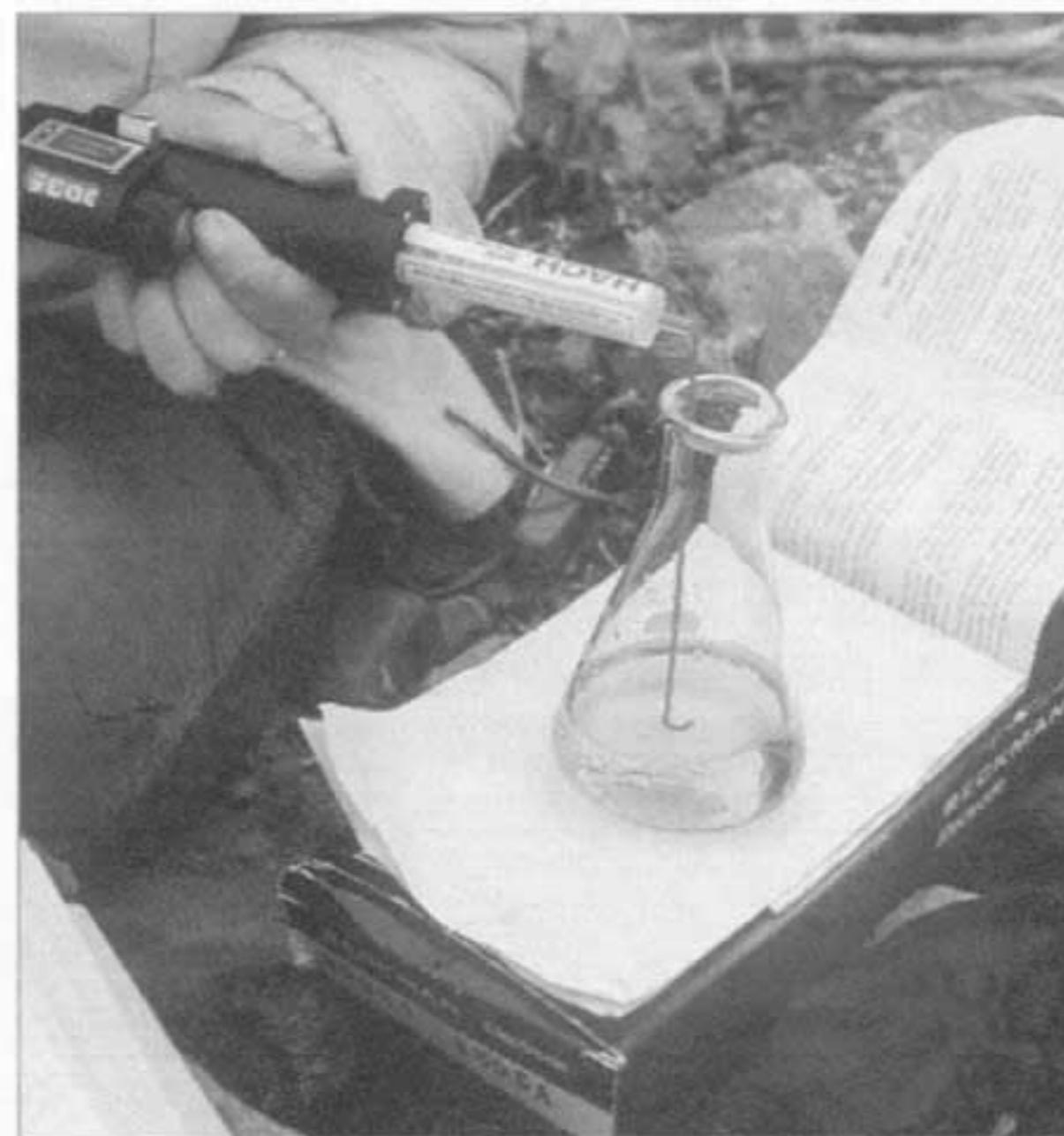
While the NPS mitigated its own properties, the policy for mitigating sites on private property was less well defined. In such cases, WRST contacted the property owner and requested that they secure or remove the explosives. Unfortunately, notification was sometimes impossible because the park could not determine who owned the claim.

Consequently, WRST suggested that ARO expand its policy to address unsecured explosives located on private lands; establish criteria to insure that the NPS had fulfilled its responsibilities; develop a framework to prioritize and coordinate mitigation; and identify the appropriate source and mechanism for mitigation funding.⁴⁴

Between 1988 and 2000, the NPS mitigated all 67 known explosive sites under the park's control. Eight others, all situated on private inholdings, remain.⁴⁵

WRST also devoted substantial effort toward safing mine openings, more than 25 of which were located at Kennecott alone. Park and regional staff, including Danny

Rosenkrans, Logan Hovis, Lynn Griffiths, and Jeff Bennett, located many of the sites, evaluating and recording them. The most dangerous have since been closed.⁴⁶



Testing water from Bonanza Creek

Besides making the park more safe, the AML program brought another benefit as well. Staff researched BLM and state mining records for all claims located within WRST, and discovered many significant defects. These included CCCU Nos. 1-83 (83), Upper Gold Run (3), Hidden Creek (12), Donoho Peak (30), Big Eldorado/Gold Hill Lodes (60), Kennicott Glacier (5), Rhodes #10 (1) and North Midas Mill site (1). All 195 claims were eventually voided.⁴⁷

BARREL REMOVAL

WRST began a multiyear, park wide effort in 1984 to locate and identify hazardous waste sites. Most consisted of small fuel caches, which, if left in place, posed a risk of contaminating surface water and soils. In order to complete this inventory the park incorporated data from FIREPRO personnel, park rangers, cultural resource surveys, and the ongoing cabin inventory program.⁴⁸

A more detailed inventory of hazardous waste materials was conducted in 1985 using Parks Restoration and Improvement Programming System funding. This was intended to qualify and quantify the sites identified in 1984.⁴⁹

WRST staff continued its recording effort for nearly a decade, but it was 1993 before it seriously began to cleanup the affected sites. That

year the park removed 37 55-gallon barrels and 36 five-gallon drums from various mining sites in the Chugach Mountains.⁵⁰

WRST accelerated its program in 1994, eliminating barrels from 21 more locations. In all, teams of cultural and biological technicians visited 52 sites, noting and recording the presence, condition, size, distribution, fluid volume, and labels of barrels. In addition, crews conducted level I hazardous waste surveys at each location. Forty-one sites on NPS lands were found to contain barrels, drums, and/or batteries, including 506 55-gallon drums, 287 five-gallon barrels, and 46 one-gallon cans.⁵¹

The most ambitious efforts occurred in 1995, when WRST concentrated its staging and removal activities in four areas: Nabesna, Chokosna, Ptarmigan Lake, and May Creek. The park staff selected Nabesna and Chokosna because they were located along the highway system, and Ptarmigan Lake and May Creek because their airstrips were sufficiently long to support the necessary air cargo operations.⁵²



Crews consolidated barrels, like this group near Nikolai Pass

WRST conducted its retrieval and staging in two separate phases. It first consolidated the barrels at the two remote airstrip locations where their security

could be most easily maintained. It later moved them to either Nabesna and Chokosna, where handling crews could most easily monitor the entire process.⁵³

Typical of the project, the Chokosna operation involved the helicopter slinging of approximately 28 barrels from sites along the Kuskulana River. Crews placed damaged and/or leaking barrels in watertight "overpacks" before moving them, and, once at Chokosna, put them on an impervious ground liner before they were

sampled. Once that was completed, the barrels were labeled, placed on wooden pallets, loaded on a flat bed truck, and transported out of the area.⁵⁴

As a result of this effort, WRST developed a new policy which limited fuel caches to less than 30 gallons and prohibited the use of 55-gallon barrels for storage. This was intended to reduce the potential for spills, and in the event that the cache was abandoned, make them substantially easier to mitigate.⁵⁵

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10

NATURAL PHENOMENA

NELSON MOUNTAIN LANDSLIDE

The Nelson Mountain Landslide, located on the north face of Nelson Mountain about 25 miles southeast of Chitina, is considered one of the most spectacular examples of ongoing geological processes within the park. Approximately 4.5 km long and 1.1 km wide, the slide traversed a vertical distance of approximately 1280 meters. Freeze/thaw cycles during the late fall and early winter of 1992 probably caused the initial failure, which occurred at the beginning of 1993. Although no one witnessed the event, it may have produced a seismic signal recorded at Gilahina on January 4. The Chitina River began eroding the debris deposited in the river's floodplain the following spring, but the scar itself remains both obvious and substantial.¹

HUBBARD GLACIER SURGE

Experts familiar with the Wrangell-St. Elias region realized that the Hubbard Glacier, the largest tidewater glacier in North America, was advancing long before the park was established. Richard Gordon, for example, warned a congressional subcommittee in 1978 that the glacier would eventually block off Russell Fiord, "causing a great glacial river to flow down . . . the Situk River."²

Part of Gordon's prediction was realized in early 1986 when the advancing ice and moraine closed Sand Dab Passage, the connection between Disenchantment Bay and Russell Fiord, turning the fiord into a 40-mile-long lake. That July, representatives of a number of state and federal agencies, the University of Alaska, the city of Yakutat, and the Sealaska Corporation met in Fairbanks to discuss the situation.³

After sharing their mutual concerns, the participants identified priorities and divided the necessary tasks. The group designated the U.S. Forest Service (USFS) as the lead agency,

although the others were expected to maintain their normal responsibilities. In addition, the USFS and the NPS negotiated another agreement.⁴

[T]he National Park Service will manage the glacier itself as long as it remains over areas that were formerly salt water. Any part of the glacier that moves onto Gilbert Point or other lands presently managed by the Forest Service will come under [its] jurisdiction. We believe this keeps the boundary situation as simple as possible.⁵

By mid-August the lake level had risen about 60 feet above sea level and was increasing at a rate of about seven inches per day.

Scientists offered two possible scenarios regarding its fate. It might

breach its southern end and flow into the Situk River. This would cause a tenfold increase in the river's volume, scouring salmon spawning habitat and devastating the local fishery. Or it might break through the snout of the glacier at its northern end. While resulting in less environmental damage, this would be extremely dangerous to anyone boating on Russell Lake, since the outburst would likely

be very rapid and create strong currents.⁶

The national media showed considerable interest in the advance of the glacier and its associated impact. Reporters representing CBS, *Time Magazine*, and *National Geographic* visited Yakutat.

CBS carried a story on the evening news and *Newsweek* featured a two-page

piece in its environment section.⁷



Nelson Mountain landslide



The Hubbard Glacier closed Sand Dab Passage during its 1986 advance

The NPS provided information and interpretation to the public and sought support for additional research. Since the terminus of the glacier was within the park, WRST realized that it needed to be involved in monitoring its movement. In addition, the USFS requested \$300,000 to mitigate any impacts should the lake reach the Situk River.⁸

By the end of August the water behind the glacial dam had risen to about 70 feet above sea level, creating an increasingly fresh Lake Russell. Worried about the sea mammals trapped in this hostile environment, animal rights activists, including the Whale Museum and the California Marine Mammal Center, soon requested permission to attempt a rescue operation in Russell Fiord.⁹

In contrast, most federal officials considered the animals' plight to be part of a natural phenomenon that should be allowed to continue. Not only were these seals not endangered, but the local Tlingit residents even harvested them for food.¹⁰

The National Marine Fisheries Service would only allow a limited number of rescuers into the area because of the marine mammals sensitivity to human presence and the inherent hazards associated with working near the ice front. Fortunately, in mid-September the seals began leaving Russell Lake on their own by crossing the glacier's terminal moraine.¹¹

Recognizing that the ice dam was about to fail, on September 27 the Tongass National Forest Supervisor issued an order closing Russell Lake "to all forms of human use including boat travel and aircraft landings." USGS glaciologist Larry Mayo remained on the scene to monitor the situation.¹²

The ice dam finally broke on October 7, completely emptying the lake within 30 hours. At the conclusion of the event, the southeastern front of the Hubbard Glacier bottomed on a shoal, minimizing future calving losses. Nevertheless, the ice may advance again, and if the closure exceeds 14 months the lake will probably overflow, flooding the Situk River.¹³

KENNICOTT BASIN OUTBURSTS

The NPS and the USGS conducted a joint hydrologic study of the Kennicott Basin in 1994 and 1995, assessing the hazards associated with outburst flooding. Researchers collected data on the ground as well as attempted to reconstruct historical information.¹⁴

As part of that study, USGS and NPS researchers identified, mapped, and described all local glacially-dammed lakes and evaluated the timing and manner of their outbursts. Staff also identified, mapped, and described historic changes to the Kennicott Glacier, including its internal drainage system and the location of its terminus. Finally, they evaluated hydrologic hazards for both channels of the Kennicott River, identifying appropriate ways with which to monitor specific haz-

ards. By combining known maximum outburst discharges from Hidden Creek and Erie Lakes with a large regional flood, the study estimated its potential flood magnitude at 48,300 cubic feet.¹⁵

NABESNA FLOOD

Following a period of record rainfall in late July 1997, major flooding occurred throughout the Nabesna district.

Skookum Creek topped the Nabesna Road and then eroded most of its crossing. Caribou Creek shifted to a new location, stranding about a dozen park visitors for several days.

Although the road suffered extensive damage, local ATV trails were even more seriously affected. All were saturated and some were completely submerged. A key section of the Tanada Lake Trail was even buried by a landslide. Consequently, on August 5, WRST Superintendent Jarvis temporarily suspended ATV use on several major trails.¹⁶

Nabesna District Ranger Marshall Neeck defended the park's action, noting that the decision

was purely based on the potential for soil damage to those trails that are muddy and rain-soaked already. The restriction only affects those access routes that cross the rain-soaked tundra environments. We don't want the wheels of an ATV to get stuck and dig deep holes into the soil. Once a mudhole is created, other ORV users tend to

go around it, making the trails wider and braided.¹⁷

Nevertheless, some local residents objected. Doug Frederick, for example, questioned the park's motives.

It's nice to see that Big Brother is still looking out for us. Over the Labor Day weekend, I went up to see my folks and I noticed that there were no hunters or fisherman in the area. The National Park Service, in their wisdom, or could it be called harassment, closed off the majority of the ATV trails in the area, claiming it to be too wet. . . . When the Park Service took over, were asked to mark on a map all the known trails. Over the last few years, the National Park Service has shut down the majority of these trails. Now the last trails left for the public to use are shut down because the National Park Service feels that the trails are too wet.¹⁸

The affected trails remained closed that summer but most had reopened by mid-September after soil saturation diminished. All were accessible the following summer, and have remained available ever since.¹⁹

ADOT crews made emergency repairs and reopened the flood damaged road fairly quickly. However, its permanent repairs were not completed until 1998.²⁰

MCCARTHY FLOOD

Following a period of intense rainfall in September 2000, McCarthy Creek jumped its banks and flooded the lower portions of the McCarthy townsite, nearly destroying the Dunning warehouse and threatening the historic Mother Lode power house, now owned by Bob Jacobs and used as the headquarters for St. Elias Alpine Guides.

After the waters receded, Ahtna Construction, under a \$118,000 contract funded by the McCarthy-Kennicott Chamber of Commerce, the Alaska Department of Community and Economic Development, and the U.S. Department of Agriculture's Natural Resource Conservation Service (NRCS), resumed its efforts to protect the bank and stop further erosion. Ahtna installed five rock vanes, 60-foot-long lines of boulders which projected at a 25-degree angle from the stream's northern bank in order to redirect its flow.²¹

Unfortunately, the ultimate effect of that approach remains problematic. WRST Geologist Danny Rosenkrans believes that

the McCarthy Creek's current actions are caused by the Kennicott River's abandonment of its eastern channel. As the river no longer scours the mouth of McCarthy Creek, silt has accumulated there and forced the creek to seek another outlet. If

Rosenkrans's hypothesis is correct, the current problems will undoubtedly continue.²²



The 2000 Kennicott Landslide buried a key section of the McCarthy-Kennecott Road

KENNICOTT LANDSLIDE

As the result of the same record rainfall which caused the flood in McCarthy, a large landslide inundated the McCarthy-Kennecott Road on September 27,

2000, burying a 500-foot-long section from 10 to 15 feet deep and severing the primary vehicular access to Kennecott. Park and ADOT personnel visited the site on October 16, 2000, seeking agreement on a strategy to reopen the corridor.

WRST Geologist Danny Rosenkrans advised the ADOT to reestablish the road in the existing ROW by running it over the debris atop a three- to five-foot-thick gravel cap. Although recognizing that the ADOT would need to construct culverts at either end of the slide in order to drain the pooling water, he cautioned against unnecessary excavation, suggesting that

such an action might increase the risk of another slide.²³

The ADOT did not attempt to reestablish the road at its original level, but it did cut through some of the upper debris, completing its work after freeze-up in late 2000. The efficacy of its approach awaits the next major rain event.

NOTES

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² Richard J. Gordon, oral testimony, U.S. Congress, Senate, Committee on Energy and National Resources, *Alaska National Interest Lands Workshops, Part I* (Washington: GPO, 1978), 309.

³ Richard Martin to Alaska Regional Director, NPS, August 12, 1986, April 1-September 30, 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Jere Christner to Richard Martin, July 16, 1986, Hubbard Glacier 1986 folder, Central files, WRST.

⁴ Ibid.

⁵ Richard Martin to Kenneth Roberts, July 27, 1986, Hubbard Glacier 1986 folder, Central files, WRST.

⁶ Richard Martin to Alaska Regional Director, NPS, August 12, 1986, April 1-September 30, 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Richard Martin to Alaska Regional Director, NPS, August 22, 1986, April 1-September 30, 1986 Reading folder,

Chronological Correspondence file, Historical Collection, WRST.

⁷ Ibid; *Newsweek* (August 25, 1986): 52-53.

⁸ Richard Martin to Alaska Regional Director, NPS, August 22, 1986, April 1-September 30, 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

⁹ *Anchorage Daily News*, September 9, 1986; Boyd Evison to J. Pappis, November 3, 1986, October-December 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

¹⁰ *Anchorage Daily News*, August 28, 1986.

¹¹ Richard Martin to Howard Rosenfeld, September 17, 1986, April 1-September 30, 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST; *Anchorage Daily News*, September 24, 1986.

¹² K. W. Roberts, "Forest Supervisor's Order," September 27, 1986, Hubbard Glacier 1986 folder, Central files, WRST; *Anchorage Daily News*, September 28, 1986.

¹³ *Anchorage Daily News*, January 18, 1987; *Anchorage Daily News*, May 10, 1987; Gary W. Winkler, *A Geologic Guide to Wrangell-Saint Elias National Park and Preserve, Alaska. A Tectonic Collage of Northbound Terranes* (Denver: USGS, 2000), 144.

¹⁴ Danny Rosenkrans to Ronald Rickman, March 2, 1994, January-March 1994 Reading folder, Administrative files, WRST; Danny Rosenkrans to David Adams, September 28, 1995, July-September 1995 Reading folder, Administrative files, WRST.

¹⁵ Ronald Rickman and Danny Rosenkrans, "Hydrologic Conditions and Hazards in the Kennicott River Basin, Wrangell-St. Elias National Park and Preserve, Alaska," USGS Water-Resources Investigation Report 96-4296, 1997, 3, 50.

¹⁶ WRST, "Nabesna Area Trail Report for August 4-9," Nabesna District files, WRST; WRST, press release, August 5, 1997.

¹⁷ Ibid.

¹⁸ *Copper River Country Journal*, September 11, 1997.

¹⁹ Marshall Neeck, January 25, 2001, personal communication with author.

²⁰ *Copper River Country Journal*, August 7, 1997.

²¹ Rick Kenyon, "Record Rainfall Causes Flooding at McCarthy," *Wrangell-St. Elias News* 9, no. 6 (November & December 2000): 6-7.

²² Danny Rosenkrans, conversation with author, September 25, 2000, Copper Center, Alaska, notes in History files, WRST.

²³ Danny Rosenkrans, "McCarthy-Kennecott Road Slide. Trip Report 10/16/00," electronic message, copy in Kennicott Slide folder, History files, WRST.

OPERATIONS

11

ADMINISTRATION

Many of the key issues now affecting the management of Wrangell-St. Elias National Park and Preserve were evident even before Congress established the unit. A U.S. Forest Service study completed in 1977, for example, identified seven questions then thought to be of particular concern: 1) Should undeveloped areas remain primitive? 2) Should scenic areas be closed to mining? 3) Should access be improved? 4) Should tourism be encouraged? 5) Will hunting and fishing be permitted? 6) Will logging continue? 7) Will local people have a voice in the management of public lands? Most remain contentious.¹

COPPER BASIN

The NPS was unable to staff its newly created monuments during their first winter. Instead of requesting a supplemental appropriation for FY79, the USDI merely sought to reprogram existing funds. When that request was denied, the NPS lacked the money with which to pay them.²

The pressure to protect the monument's resources intensified the following spring. Recognizing that the August sport hunting season was fast approaching, NPS officials realized that they must find some way to establish a local presence. Alaska Director John Cook asked Bill Tanner, then chief ranger at Chamizal National Monument, to design a short-term staffing plan. Patterned roughly on existing special events teams, Turner's proposal focused on protection rather than enforcement, and was designed to

provide accurate information regarding the National Park Service, its objectives and policies; to provide the traditional services of search and rescue, emergency

CONTESTED GROUND

medical care and other public services to the visitors and residents of the monuments; [and] to provide the best possible protection to the resources of the monuments.³

Richard Smith, whom Whalen had chosen to coordinate the program, Tanner, Walt Dabney, a ranger at Grand Teton National Park, and Mike Finley,

then assigned to the WASO office, selected the region's first Ranger Task Force at the beginning of July. The 21 senior-level rangers were drawn from a variety of parks, the Washington office, and the Albright Training Center at Grand Can-

yon. Each had demonstrated their ability to deal with people under stressful circumstances and to operate independently for long periods of time. In addition, all were commissioned law enforcement officers. WRST's three-ranger contingent, consisting of Dave Mihalic, Craig Johnson and Harry Delashmutt reached the Copper Basin only two weeks after their selection.⁴



Members of the second Ranger Task Force survived the crash of this Beaver at Huberts Landing in 1980



WRST's headquarters complex in Copper Center

lacked any permanent staff during the summer of 1980, the NPS assigned it another temporary Ranger Task Force, this time consisting of Tony Andersen, Mona McKenzie, Peter Armington, and

As Wrangell-St. Elias National Monument still

Nancy Howell. Later, the NPS dispatched Jan Dick to work in the Wrangells as well.⁵

None were familiar with the region, so they spent considerable time becoming oriented. While involved in that activity on August 17, their OAS assigned aircraft, a De Haviland Beaver, crashed on landing at Huberts Landing, a remote airstrip near the head of the Chitina River. Fortunately, although the aircraft was destroyed all four passengers and the pilot escaped serious injury.⁶

The NPS assigned WRST its first permanent employees in early 1981. Superintendent Charles A. Budge reached the Copper Basin in May and Chief Ranger Bill Paleck and Chitina

District Ranger Jim Hannah arrived a few weeks later. Although these three comprised the only full-time, permanent staff allowed under the ceiling then imposed by the NPS, WRST had already identified several other critical positions, including a Yakutat district ranger, a park ranger/pilot, and an administrative technician.⁷

The park's staff operated out of their quarters that first summer, but that arrangement proved to be quite inconvenient. WRST finally rented temporary

space in the Ellis Air Taxi building at the Gulkana airport in August, but moved that fall to a more permanent office at Mile 105.5 Old Richardson Highway in Copper Center. The park leased space for its two northern district ranger stations at about the same time. One was in the community of Chitina and the other at Mile 27.5

Nabesna Road.⁸

In March 1982 the park completed its initial round of facilities acquisition by acquiring a permanent hanger/operations facility at the Gulkana airport from Ken and Evelyn Bunch.⁹

YAKUTAT

In early 1981 the superintendents of WRST and Glacier Bay National Park and Preserve (GLBA)

developed a cooperative plan to manage the new ANILCA addition to Glacier Bay National Park and the southern, coastal section of WRST. WRST received base funding to rent a Yakutat facility and hire a district ranger with the understanding that the ranger worked for both parks.¹⁰

WRST launched the operation in May 1981, dispatching District Ranger Clarence Summers and a four-month seasonal ranger to establish the office. The park leased its first facility from Yak-Tat Kwaan



District Ranger Clarence Summers managed Yakutat operations for much of the 1980s

and storage at the Yakutat hanger from the Yakutat Pilots Association. Despite the promise to split expenses, WRST paid the entire cost of that year's effort.¹¹

The Yakutat operation remained similar the following year, with Summers's time split about evenly between the two parks. GLBA added a seasonal ranger, whom it stationed at Dry Bay. As before, WRST paid the overhead for the entire effort.¹²

WRST and GLBA formalized their earlier verbal agreement in April 1983. Meeting in Yakutat to discuss their joint venture, WRST Superintendent Chuck Budge and GLBA Acting Superintendent Joseph Alston not only assigned the operational responsibilities for the ANILCA addition to GLBA and the southern section of WRST to the Yakutat district ranger, but also delegated signature authority on special use permits; scheduled meetings between park staffs; and coordinated the dissemination of NPS policy, regulatory, and interpretive information. As far as funding the operation, the agreement stipulated that WRST would continue to provide the support facilities within Yakutat itself until a long-range cost sharing arrangement was developed, but that each park would pay for its own field activities and supply one seasonal employee to be supervised by the district ranger.¹³

The Yakutat community's comprehensive plan, adopted in November 1983, included many local policies supported by the NPS. The city, for example, suggested that the National Park Service: manage WRST and

northern Glacier Bay National Park and Preserve from a single office located in Yakutat; manage the Dry Bay/Alsek River area through use of seasonal facilities and personnel; give priority to traditional and established uses and users in the management of the Dry Bay/Alsek River area and Wrangell-St. Elias Preserve; guarantee the continuation of existing land and air access to Dry Bay; avoid creating mixed-use conflicts on the lower Alsek River; allow the continued use of existing fish camps; establish a ceiling on float trips down the Alsek River; prohibit the development of concessions on the Malaspina and Yakutat Forelands; continue its policy of allowing firearms to be carried in the park and preserve; and, maintain the Dry Bay air-strip.¹⁴

Little changed until 1985, when WRST Superintendent Richard Martin and GLBA Superintendent Michael Tollefson met to review Yakutat operations. As before, the Yakutat district ranger received operational responsibility for the area, but this time the two parks agreed to begin sharing Yakutat's operational expenses more fairly.

This will be accomplished through having Wrangell-St. Elias fund and provide the FTE for the district ranger position, cover lease costs and amortize the district vehicle. Glacier Bay will provide funding for utilities (e.g. telephone, fuel, etc.), facilities maintenance, and clerical support. Seasonal/special projects support will continue to be provided independently by each park.¹⁵

ADMINISTRATION

Despite that agreement, GLBA failed to contribute in either 1986 or 1987. In writing to his counterpart at GLBA in December 1987, Martin noted that the 1985 objectives had not been achieved.¹⁶

GLBA apparently ignored Martin's criticism, as fifteen months later WRST's superintendent was still pressing for greater assistance.

As we have discussed in past years the funding for the Yakutat joint operation is not adequate. . . . In order to keep the Yakutat operation going it is essential that GLBA fulfill the obligation to share equally in the costs. . . . In addition to our share of the joint operational costs, we will continue to provide the salary of the district ranger, administrative functions and support and we will continue to be the supervisor of record. We have provided a significant amount of support to this operation in the last few years, which provides a direct benefit to both park operations. We have provided a computer, printer and electronic typewriter for approximately \$5,000. We acquired the Yakutat District Ranger residence on surplus, secured \$12,000 for rehabilitation and this year an additional \$20,000 under the housing initiative. In addition, we are replacing the district vehicle (\$15,000). These projects took a significant amount of time and energy which was all done by the

WRST staff and clearly demonstrate our commitment to the joint operation."¹⁷

Summers left Yakutat in May 1988, and was replaced by Rick Mossman in early 1989. Although the district ranger position was previously a ten-month, subject-to-furlough job, it was converted to full time and permanent. During this same period, GLBA upgraded its seasonal Dry Bay job as well, making it subject-to-furlough.¹⁸

YAKUTAT SHARED COSTS, 1981-1995

	Total Shared Costs	WRST Paid	GLBA Paid
1981	\$ 46,100	\$ 46,100	\$ 0
1982	\$ 48,100	\$ 48,100	\$ 0
1983	\$ 55,000	\$ 55,000	\$ 0
1984	\$ 60,000	\$ 60,000	\$ 0
1985	\$ 60,000	\$ 60,000	\$ 0
1986	\$ 72,080	\$ 72,080	\$ 0
1987	\$ 71,725	\$ 71,725	\$ 0
1988	\$ 47,925	\$ 47,925	\$ 0
1989	\$ 128,849	\$ 118,849	\$ 10,000
1990	\$ 61,000	\$ 51,784	\$ 9,216
1991	\$ 85,236	\$ 71,520	\$ 13,726
1992	\$ 68,036	\$ 57,320	\$ 10,716
1993	\$ 69,716	\$ 57,000	\$ 12,716
1994	\$ 73,400	\$ 58,400	\$ 15,000
1995	\$ 89,800	\$ 64,500	\$ 25,300

Prior to 1989, the Yakutat district ranger spent the vast majority of his time completing WRST assignments. The time allotted to GLBA field operations grew rapidly after 1990, reaching about 60 percent by 1992. That trend has continued. District Ranger Jon Murphy reports that he now spends about 80 percent of his winter and 65 percent of his summer working on GLBA-related issues.¹⁹

Murphy's Dry Bay operation is particularly complex. He currently oversees about 12 primitive airstrips, a public use cabin, three sport lodges, a fish processing plant, a "buy and fly" operation, 21 permitted commercial fish cabins, 20 commercial river rafting companies, 20 private river rafting parties, a campground, a sewage waste facility and dump, and approximately 120 commercial fishermen.²⁰

PLANNING

General Management Plan

Once the initial staffing of the unit was completed, Superintendent Chuck Budge and Chief Ranger Bill Paleck traveled to Colorado in January 1982 to meet with the Denver Service Center's WRST Planning Team, which consisted of Sue Edelstein, Joanne Michalovic, Mike Strunk, and Team Captain Denis Davis, to begin developing alternatives for a General Management Plan (GMP).²¹

Later that spring, the park released its draft Statement of Management for public review and comment. WRST distributed nearly 500 workbooks to the general public, 197 of whom ultimately responded. Not surprisingly, their comments covered the full spectrum from totally supportive to completely opposed. Most counseled a slow and careful approach.²²

State Sen. Bettye Fahrenkamp (D-Fairbanks), for example, maintained that the Wrangell Mountain's were already suffi-

ciently developed and warned that any further National Park Service presence would only lead "to the degradation of the qualities that led to the creation of the park in the first place."²³

The Sierra Club agreed. While it acknowledged a legitimate need for visitor services, it maintained that most could be satisfied by the private sector. It suggested that future NPS facilities not compete with them, be concentrated together, and remain unobtrusive. "It is highly unlikely that anything more than primitive campsites will need to be developed by the National Park Service."²⁴

Sterling Eide posed more specific objections.

NPS planned developments and visitor services will create conflicts between consumptive and nonconsumptive resource users, particularly where improved access is provided. Such conflicts have been minimal in the past; NPS should reconsider such development objectives. Further, these objectives conflict with NPS administrative objectives to manage the unit as a 'natural' area.²⁵

The planning for and management of a new unit of the national park system is a dynamic process, and after WRST completed the first draft of its GMP in March 1985, it received another round of comments. Several demanded more specific resource information. Others requested more definitive statements of policy and

management intent. The following were the major differences between the draft completed in March 1985 and the revised draft released the following December:

- User Opportunities: The park added a statement articulating its policy for search-and-rescue operations.
- Information/Interpretation: The park clarified the direction of the visitor information program, including providing information on commercial visitor services and signing.
- Access: The park substantially revised this section, adding discussions of road and air access as well as of easements across native lands; clarified the discussion of recreational access and access to inholdings, including by off-road vehicles; and added a discussion of possible R.S. 2477 rights-of-way.
- General Development: The park clarified the discussion of cabins, including ownership determinations and maintenance; revised the policy on temporary facilities and equipment; and changed development costs to reflect current information.
- Boundary Changes: The park clarified its adjustments to the wilderness boundary; explained its intent for lands it proposed to add; and discussed a potential boundary adjustment north of the Copper River near Slana.
- Natural Resource Management: The park rewrote much of this section, clarifying its policy on fish stocking and adding discussions of forest products management, navigable waters, submerged lands, and water rights.
- Cooperation with Others: The park explained its recommendation for a state marine park in Icy Bay. It also expanded its discussion of continuing cooperation and communication with the state, local residents, and other interested parties.
- Land Protection Plan: The park clarified the purpose and function of its land protection plan, including its policy on condemnation. Its also updated its land status information, its land status map, and its land protection priorities map .
- Consultation and Coordination: The park summarized the comments received on the draft plan and added a discussion of future planning needs.
- Subsistence Management: The park added a general discussion of ANILCA Title VIII.²⁶

In the meantime, WRST also tried to address those parts of the document which were generating the greatest controversy, like its plans for local inholdings. Superintendent Richard Martin assured the public that private property would not be condemned unless park resources had

been damaged. Chief Ranger Bill Paleck noted that, prior to acquisition, the NPS would attempt to purchase covenants on inholdings in order to prohibit incompatible development.²⁷

WRST made further revisions in early 1986 before completing its final plan. These included:

- General: The park added a definition of “traditional.”
- Access: The park clarified its access and transportation planning process, including airstrip maintenance and subsistence.
- General Development: The park clarified its policy on new temporary facilities in the preserve, including a discussion of unclaimed cabins on federal land.
- Minerals Management: The park revised its discussion of minerals management and associated environmental impacts.
- Boundary Changes: The park agreed to seek legislation to adjust the existing wilderness boundary near Chisana, rather than proposing to make the change administratively under section 103(b) of ANILCA. It also clarified its discussion of the status of acquired lands.
- Wilderness Suitability: The park identified a 28,800-acre area on the south side of Chitistone Canyon above Peavine Bar as suitable for wilderness, raising the total deemed eligible to 2,243,800 acres.
- Natural Resource Management: The park clarified its discussions of the resource management plan, fish and wildlife management, and shorelands, tidelands, and submerged lands and added a section on watercolumn management.
- Land Protection Plan: The park clarified its discussions of NEPA and ANILCA Section 810 compliance. It also updated its land status information and the accompanying explanatory map.
- Consultation and Coordination: The park added a section on public involvement in the plan’s implementation. It also revised its proposals for state marine parks in Icy and Yakutat Bays.
- Subsistence Management: The park clarified its discussions of the subsistence resource commission and the subsistence management plan.²⁸

Despite these changes and the exhaustive public process which accompanied them, the Alaska Land Use Council refused to endorse WRST’s plan. The voting was divided closely along state-federal lines, with unanimous opposition from state officials. The council objected to several sections, including those on resources, wilderness, transportation, recreation, and inholders’ rights. A panel of Alaska citizens and state legislators rejected the documents on more specific grounds a

few weeks later. Some argued that it failed to provide for sufficient public access.²⁹

Nevertheless, Alaska Regional Director Boyd Evison forwarded WRST's plan to Washington, D.C., and recommended its approval. It was ultimately endorsed by William Penn Mott, Jr., the director of the NPS, in October 1986.

Land Protection Plan

WRST's Land Protection Plan (LPP), which was completed as part of the GMP effort in 1986, focused on preserving those parcels seen as especially important to maintaining the wilderness character of the park. Staff recognized that changes in the minerals market or general economic situation could spur local development. The NPS saw the acquisition of private interests in such areas as necessary to prevent land speculation, additional subdivisions, and a substantial population increase. Among those parcels given top priority were isolated patented mining claims, tracts in the Chisana and Nizina Valleys, and state lands in the middle Chitina Valley.³⁰

While Congress clearly intended wilderness areas to receive higher levels of protection, that alone was not seen as a sufficient reason for their acquisition. Other factors included the need to protect large undisturbed areas in their natural state, scenic qualities, remote recreational opportunities, and fish and wildlife habitat.³¹

Backcountry Plan

In 1994, ongoing discussions over the possibility of producing a National Geographic *Trails Illustrated* map for WRST led to formation of a self-directed Backcountry Working Group (BWG). Originally chaired by Interpretive Specialist Margie Steigerwald, the committee spent its first few meetings identifying and prioritizing the main issues associated with backcountry use. These included developing a more accurate and useful system for gathering and recording visitor-use data; maintaining the quality of visitor experiences; protecting human and natural resources; making recommendations for managing visitor activities; addressing backcountry transportation and access issues; identifying cultural resources requiring special protection; promoting visitor safety; and developing a management philosophy to be used as a framework for future backcountry planning.³²

Superintendent Jonathan Jarvis employed the backcountry working group the following year to identify potential trail corridors and "seek funding for construction . . . and maintenance of those compatible with resource protection." He asked the group to prepare a set of trail proposals for the McCarthy Road, Nabesna Road, and McCarthy area.³³

In an effort to provide the group with additional legitimacy, Jarvis invited it to submit "recommendations . . . on program direction, policy and actions." Jarvis also

reminded the committee of the park's authority to make decisions.

We have broad powers of discretion and are only limited by our own inertia. Don't be afraid to make a recommendation that actually has a result on the ground.³⁴

Following Jarvis's instructions, the BWG ultimately addressed a wide range of issues. These ranged from such mundane tasks as planning for a Root Glacier toilet and situating new foot trails, to developing a list of potential public-use cabins and updating the park's helicopter policy.³⁵

In 2000 the BWG—which then included Hunter Sharp, Ed Roberts, Bob Jones, Will Tipton, Danny Rosenkrans, Vicki Snitzler, Anne Worthington, and Vicki Rood—began formal efforts to develop a Backcountry Management Plan. That December, committee members identified the most relevant park issues, established front and backcountry boundaries, tested and adjusted management zones, and drafted interim guidelines. That process continues.³⁶

Business Plan

During the summer of 2000, WRST participated in a business plan initiative as part of a partnership between the National Park Service, the National Parks and Conservation Association, and a group of private foundations to provide park units with modern business plans. Designed to help individual parks make their own

decisions, these plans also provided the NPS with a convenient way to compare its units system wide. WRST's plan, written by Dan Erickson and Staci Leuschner, examined the park's funding sources, analyzed its investment expenditures, and developed financial strategies to address future needs.³⁷

Not surprisingly, WRST's plan identified many deficiencies in its current operations.

In essence, a key goal of applying a private sector approach to a National Park is to describe the park's business and reveal its 'bottom line.' Wrangell-St. Elias is in the business of resource protection, and its bottom line is that significant funds and personnel will be needed in that endeavor. Remarkably, twenty years after its inception, the park remains equivalent to a 'start-up company,' lacking infrastructure that many parks take for granted. But parks are not private organizations, and their funding is determined through a complex and often unruly system of Congressional legislation and federal budgeting systems. As another budget cycle begins, this plan clearly communicates in dollars and FTEs why Wrangell-St. Elias merits greater funding. However, it is also important to keep in mind that the values of the National Park Service are very much at stake in Wrangell-St. Elias, and that the next few years provide a finite window of opportu-

nity that will inevitably draw closed.³⁸

FUNDING

National Parks are funded in four major ways: annual Congressional appropriations for base operations (ONPS); competitively distributed nonrecurring funds on a project by project basis; revenues from visitor fees and donations; and reimbursable funds for services rendered and covered out of park funds. WRST depended nearly exclusively on ONPS and project dollars.

Over the two decades since it was established, WRST's annual ONPS appropriation grew by 347 percent—or 220 percent when adjusted for inflation—with most of the increase occurring between 1989 and 1999. Unfortunately, those figures were reduced by increases in the cost of staffing, including higher GS-levels; mandated but unfunded increases to compensation packages; increases in the number of full time employees (FTEs); and associated overhead.

Parks require staff, and WRST's staff was expensive, both in terms of salary and overhead support per employee. In addition to the federal government's required 25 percent cost-of-living adjustment for Alaska, the park spent nearly \$9,500 per FTE in 1999 to cover supplies and travel. This left the park only 75 percent to pay for its FTEs (versus 85-95 percent in non-Alaskan parks).

Besides the obvious costs of increased staffing, expenses associated with nonrecurring project funding grew as well. Virtually every task carried an operational burden in terms of cultural and natural resource compliance. In the absence of base increases to cover these expenses, the park was forced to rob other operations just to remain even.

Several other factors increased local costs as well. Due to its accessibility by road, WRST has little control over where people enter the park or where they go once they get there. Many are consumptive users, employing motorized vehicles like snowmachines and ATVs to hunt and trap. Managing such impacts require additional funding.

The acquisition of Kennecott, construction of a new visitor center, and rehabilitation of numerous backcountry cabins, have substantially increased the park's compliance and maintenance costs. In the absence of base increases for these projects, supporting funds will inevitably reduce the park's current preservation budget.

While WRST's initial funding enabled the park to become a viable operation, the succeeding budgets have not kept pace with the public's growing demands. Funding decisions have not reflected the full range of its costs, which make this unit as expensive as any in Alaska. To optimize park operations, future budgets must consider its expanding role.³⁹

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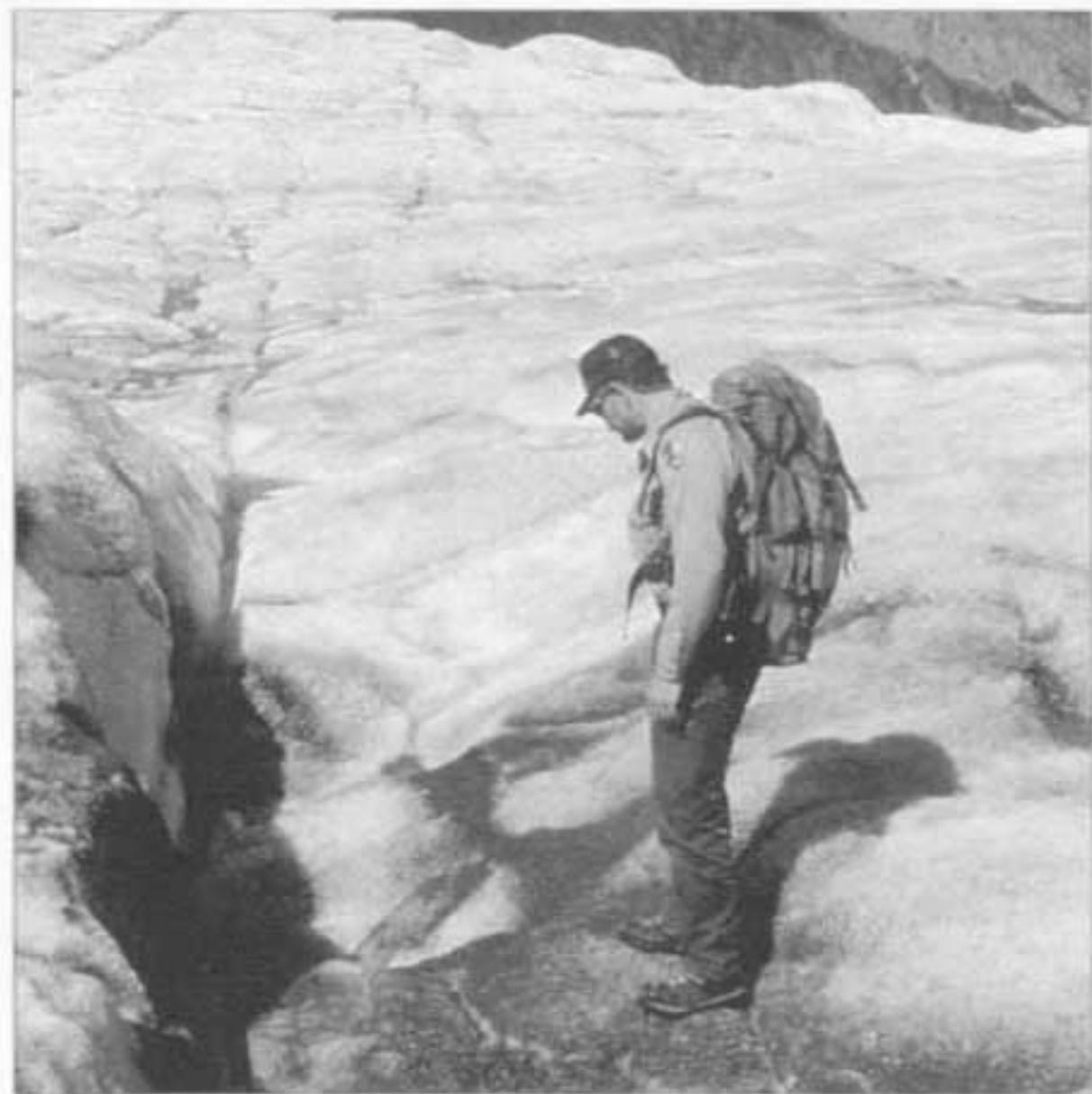
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12

RESOURCE AND VISITOR PROTECTION

NPS park rangers perform a variety of functions, but most involve protecting resources and insuring visitor safety. Their job at WRST is more complicated than at most other parks, as its enabling legislation allowed many consumptive uses, including gathering, trapping, and hunting, to continue.



Chitina District Ranger Tom Betts examines a crevasse on the Root Glacier near Kennecott

WRST's rangers initially filled a largely informational role, but with only a small contingent of Alaska State Troopers headquartered in Glennallen and no local police at all, they slowly assumed more law enforcement duties. Rangers have helped the Troopers investigate all manner of criminal activities, ranging from simple hunting violations all the way to murder. Most of those cases, however, remain confidential.

Due to its tremendous size and amount of hazardous terrain, WRST is an extremely difficult place in which to work. As the park has limited staff and no way to control or monitor public access, searches do not generally occur until a visitor is reported missing by friends or relatives. Investigations are equally

difficult, with many affected by the region's notoriously fickle weather. While far from exhaustive, the following examples help demonstrate the variety of incidents which WRST's rangers have addressed.

WRST's first significant search occurred in June 1979 when three members of a Japanese mountaineering expedition were reported missing on Mt. Sanford. The park lacked the

manpower to conduct a search on its own, but it contributed significantly to the interdepartmental effort. While a U.S. Army team found two of the bodies relatively quickly, the third was finally recovered in late August by Ranger Harry Delashmutt.¹

Alaska State Trooper Barry Ingalls and Ranger Anthony Andersen initiated a search on September 4, 1980, for a plane which crashed at Sheep Gulch near the Chichokna

River. The injured pilot and passenger were later evacuated with a helicopter provided by Alyeska Security.²

Park rangers completed another search in July 1981, when six-

teen-year-old Roy W. Gilleland III and his horse fell off a 30-foot-high embankment into the raging Kotsina River. His body was located four days later.³

The Kotsina claimed another victim in August 1985 when Palmer resident Daniel Alcantra's horse fell while attempting a river crossing. Although presumed to have

drowned, Alcantra's body was never recovered.⁴

In the early years, park staff often helped coordinate medical evacuations. Following an August 1982 plane wreck on the Solo Creek airstrip, for example, they arranged for a military helicopter to transport the two most seriously injured cases to Fairbanks.⁵

Rangers even occasionally conducted the medivacs themselves.

In June 1984 a structural fire at Solo Creek injured caretaker Paul Cunning. He was evacuated the following day by Ross Rice and Sean McGuinness.⁶



Nabesna District Ranger Marshall Neeck conducts most winter patrols by snowmachine

Rangers were usually the first to respond to aircraft accidents. In 1983, they helped investigate an incident in Hells Kitchen Gulch on MacColl Ridge which claimed the life of both the pilot and passenger. They completed a similar effort the following year when a local resident crashed his floatplane near Dadina Lake.⁷

In July 1985, rangers received a report of an aircraft emergency locator signal in the McCarthy area. They began the search, but the U.S. Air Force ultimately found the plane on upper Young Creek at the Big Bend Lakes. While the pilot survived, his passenger succumbed.⁸

Another search occurred in August 1987, when rangers responded by helicopter to an airplane crash near Kuskulana Pass. Fortunately, this time neither the pilot, Mike Hale, nor passenger Fred Hayden were seriously injured.⁹

While most searches were ultimately successful, some took years to resolve. WRST spent 2.5 weeks in 1985 looking for a missing airplane in the upper Chitina Valley without discovering any trace. Sheep hunters finally located the wreckage six years later.¹⁰

Others remain a mystery. In September 1983 rangers received a report of a missing hunter along the Nabesna Road. George Ochoa left his 10-year-old son in camp at about Mile 18 to go hunting and never returned. Unfamiliar with the area and unsure of what to do, the boy waited four days before reporting his father missing. Although the park, Troopers, and

U.S. military volunteers conducted an extensive search, no trace of Ochoa was ever discovered.¹¹

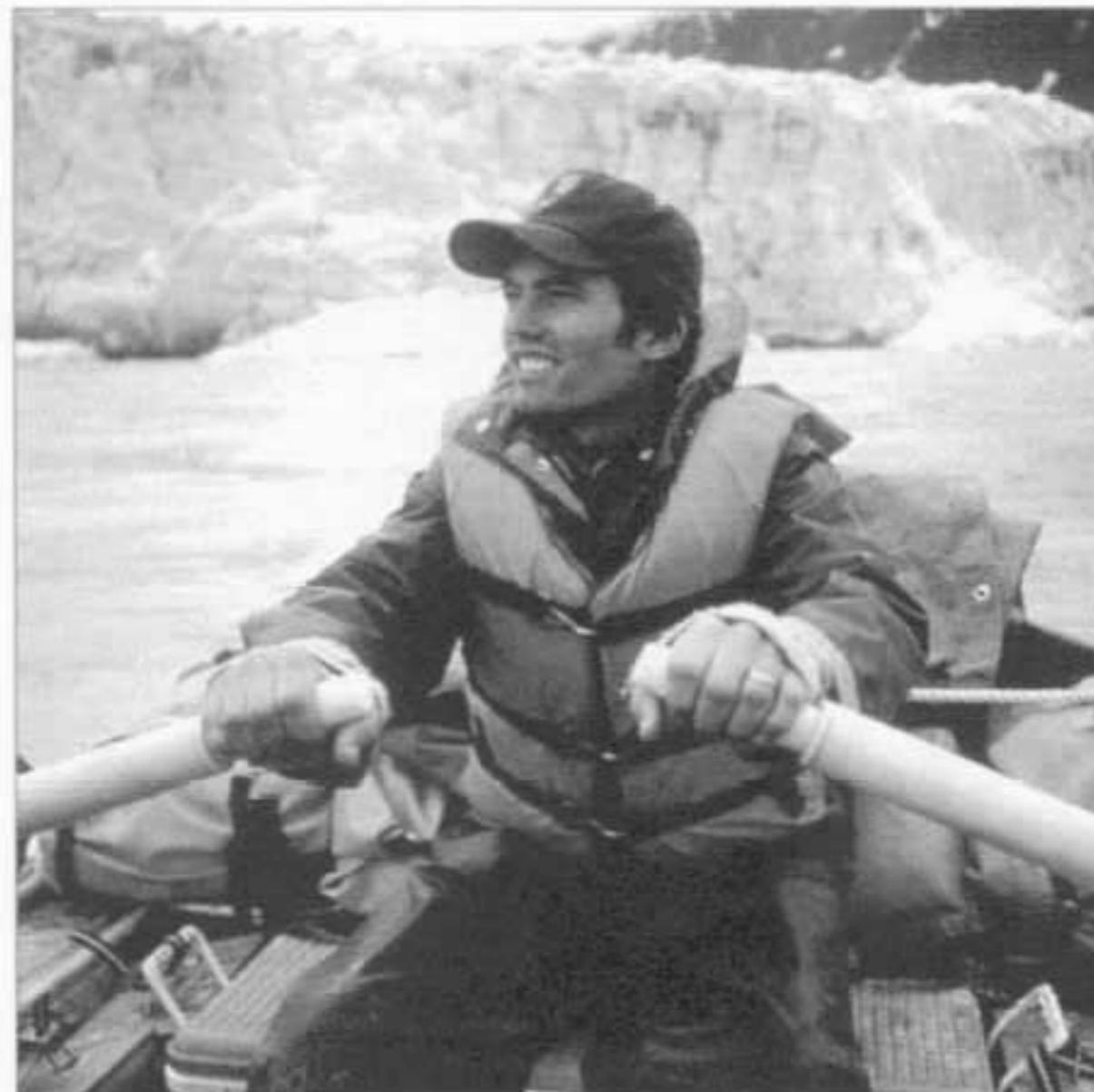
Some searches were especially poignant, as when WRST seasonally biotech Randy Howenstien drowned in May 1985 while kayaking alone in the Copper River. His body was recovered in early June.¹²

A party of Japanese climbers met with disaster on Mt. Blackburn in June 1988. The four were attempting the Northwest Ridge when an avalanche swept two of them, Shigeo Osawa and Tashiaki Tashiki, away. One of the victims was spotted from the NPS helicopter a week later at the 7,300 foot level, but bad weather delayed the initial recovery efforts.

WRST requested the aid of an expert Canadian team from Kluane National Park and

for a time hoped that a long-line rescue might be attempted, but the bad weather continued and the Canadians were finally forced to abandon their effort. Neither body was ever recovered.¹³

Later that summer, rangers dealt with another tragedy when a rafting party which included former Alaska Governor Jay Hammond ran into trouble on the



Seasonal Ranger Pete Reinhardt rows past the terminus of the Child's Glacier at the conclusion of a Copper River patrol

Tana River while filming a segment for a popular local television show. Four of the seven-member group led by Paul Claus were flipped out of boat. The remaining three managed to retrieve Donna Claus uninjured, but Larry Holmstrom and his daughter, Marcie, of Fairbanks, and Ron Eagle, of Wasilla, all died.¹⁴

The park conducted searches for five downed aircraft and one helicopter in 1989. Other incidents included a search for an overdue participant in the Alaska Wilderness Classic Nabesna to McCarthy race and one for a late backpacking party.¹⁵

Rangers helped evacuate two hiking parties stranded by extremely high water in 1990. They also investigated the death of a big game guide, an airplane crash which seriously injured a local air taxi pilot, and a grizzly mauling.¹⁶

WRST rangers took part in five major search and rescue operations in 1991, including two fatalities within the park and three just outside it. They also responded to four other minor incidents¹⁷

In 1992 rangers participated in three major searches, costing more than \$16,000. Two were seeking missing aircraft, where the park provided both search aircraft and logistical support.¹⁸

Park rangers participated in two major searches in 1993. Alexandria, Virginia, resident Peter Kysar disappeared in late June while completing a solo backpacking/rafting trip from Glacier Creek to the

Alaska Highway. After an intensive search, Ranger/Pilot Jim Hannah discovered Kysar's body near the head of the White River, where he had drowned after capsizing his raft.¹⁹

Anchorage sheep hunter Marty Phelps also died that summer in a freak accident on the Barnard Glacier when he was crushed by a falling house-sized chunk of ice. Although an investigation was conducted, his body was never recovered.²⁰

While 1994 was a mercifully quiet year for searches, in April 1995 park rangers helped look for a missing party of five skiers attempting to traverse Mt. Wrangell. All were eventually rescued by local air taxi pilot Harley McMahan.²¹

In early September 1996, following several days of investigative work and a short search, WRST rangers located and recovered the body of British hiker David Harrison from the Rock Creek drainage. He presumably fell into the ravine in early August while attempting to traverse Dixie Pass during unfavorable weather.²²

Later that month, park rangers conducted another search when friends reported two Valdez sheep hunters, Peter Murphy and John McCune, as missing. Searchers found the remains of their airplane two days later on a mountainside near the Hawkins Glacier. There were no survivors.²³

In May 1997 WRST rangers investigated the scene of an incident in which a USGS-BRD bio-tech counting songbirds along

RESOURCE AND VISITOR PROTECTION

the McCarthy Road was seriously injured by a grizzly bear. The bear, however, was never located.²⁴

In April 1999 rangers helped Alaska State Troopers investigate the death of James Haberl, who was killed by a slab avalanche while climbing near University Peak.²⁵

In June 2000, WRST rangers helped Alaska State Troopers investigate the scene of climbing accident on Mt. Bona in which guide David Paisley died. Paisley's body, however, proved to be impossible to recover.²⁶

WRST rangers participated in two major searches in 2001. In late June they helped

Alaska State Troopers locate the body of a German hiker who was killed by a fall near the terminus of the Nabesna Glacier; and in early July they coordinated the search for McCarthy resident Travis Young, who died under similar circumstances on Williams Peak.²⁷



President Bill Clinton presented the first annual Harry Yount Award to Ranger/Pilot Jim Hannah in 1995



Vice President Dick Cheney presented the seventh annual Harry Yount Award to Chief Ranger Hunter Sharp in 2001

Harry Yount Award annually to the ranger whose overall impact, record of accomplishments, and excellence in traditional ranger duties have promoted the highest

HONORS

Since 1995 the National Park Service has presented its

CONTESTED GROUND

degree of awareness and appreciation for the ranger profession. Despite WRST's relatively short tenure, remote location, and limited number of personnel, its rangers have received two of these prestigious awards. President Bill Clinton presented the first to Ranger/Pilot Jim Hannah in 1995, and Vice President Dick Cheney conferred the seventh on Chief Ranger Hunter Sharp in 2001.²⁸

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13

FACILITIES

When Congress established the 13.2-million-acre Wrangell-St. Elias National Park and Preserve, few envisioned that it would ever require additional land. After all, it was the nation's largest national park.



Administrative space was limited in the early 1980s. Here, Clerk Thelma Shrank operates out of a tent in Slana

Chitina, and Yakutat; sites for ranger residences near Chitina and Yakutat; and sites for a visitor center/headquarters and a maintenance facility near Glennallen. All were eventually acquired.²

SLANA DISTRICT

WRST began trying to acquire a Slana facility in early 1983 when it asked the BLM to allow it to construct a seasonal ranger station and visitor center on the bureau's administrative site withdrawal, located at Mile 0.5 on the Nabesna Road. The BLM, however,

Nevertheless, park managers quickly discovered that, due to its general lack of vehicular access, the unit lacked suitable sites on which to locate administrative and interpretative facilities. Fortunately for the park, ANILCA had anticipated this problem, authorizing the NPS to lease or acquire necessary administrative sites by purchase, donation, exchange.¹

By 1987 the NPS had identified seven priorities for future acquisition. These included sites for ranger stations near Slana,

CONTESTED GROUND

denied WRST's request, informing the park that the site was encompassed by two valid selections, and would eventually be conveyed to either the Slana Native Group or Ahtna, Inc., per ANCSA Sec. 3(e).³

The park acquired a more suitable site in 1984 when it purchased ten acres and its leased ranger residence from Andrew J. and Yvonne Scott for \$66,000. Two years later WRST greatly improved that facility by installing a diesel 4KW generator with provisions for a 4KW backup to charge its 12 volt solar/battery system. Maintenance personnel also added a back porch, wiring, plumbing, a bathroom, and

a propane system; widened the driveway; and built a garage.⁴

The park soon recognized that it also needed a permanent visitor contact station in Slana. After leasing a 1.1-acre lot near the ranger residence from Bill Ellis, the park acquired two prefabricated buildings and installed them on the site as a combination ranger station/visitor center and a bunkhouse.⁵



Nabesna District Ranger Dave Pannebaker and family outside their government-supplied residence in Slana



The first Slana Ranger Station burned in late 1992

While the Slana facility remained somewhat primitive, it enjoyed running water, even though its pump was powered by a small gasoline generator. The generator ran an electric

FACILITIES

typewriter as well, but never powered the lights. The ones in the bunkhouse relied on solar energy and those in the office ran on propane.⁶

Nearing the end of its lease, WRST began negotiating with the owner in May 1987 to purchase the property, and two months later Superintendent Richard Martin formally requested that the NPS acquire it. Unfortunately, Ellis demanded more than

the site's appraised fair market value of \$20,500, leaving the park with two possible options: either increase its offer for the property or move its existing buildings to another location.⁷

WRST estimated that preparing a new site and relocating the buildings would cost between \$150,000 and \$180,000, while meeting Ellis's price would only cost \$30,000.

We agree that normally the acceptance of an offer to sell for an amount 46.3 percent over the appraised value would not be prudent. However, in this instance, failure to accept the offer

to sell the Ellis tract will result in the expenditure of Federal funds far in excess of the offer amount. Acceptance of the present offer to sell the Ellis tract is the only cost-effective method that will ensure the continued operation of the Nabesna Ranger Station.⁸

WRST asked Congress for permission to increase its bid, but the House Appropriations Committee

denied its request, with Cong. Sidney Yates, chairman of the Subcommittee on Interior and Related Agencies, even suggesting that the park acquire the

property by condemnation. It was only after Interior officials informed the committee that ANILCA expressly forbade such an action that Congress finally permitted the park to purchase the property in 1990.⁹

Tragically, the original ranger station burned in November 1992. The NPS immediately began planning to replace the facility, allocating \$229,000 in emergency funds for the effort. The park and AKSO collaborated in designing a new building,



WRST constructed the present Slana Ranger Station in 1993

and WRST's maintenance personnel constructed it the following summer. Both it and the original bunkhouse are still occupied.¹⁰

CHITINA DISTRICT

In 1985 the park decided to place a ranger station in the Chitina district as well. Like in Slana, the best sites were situated outside the park.

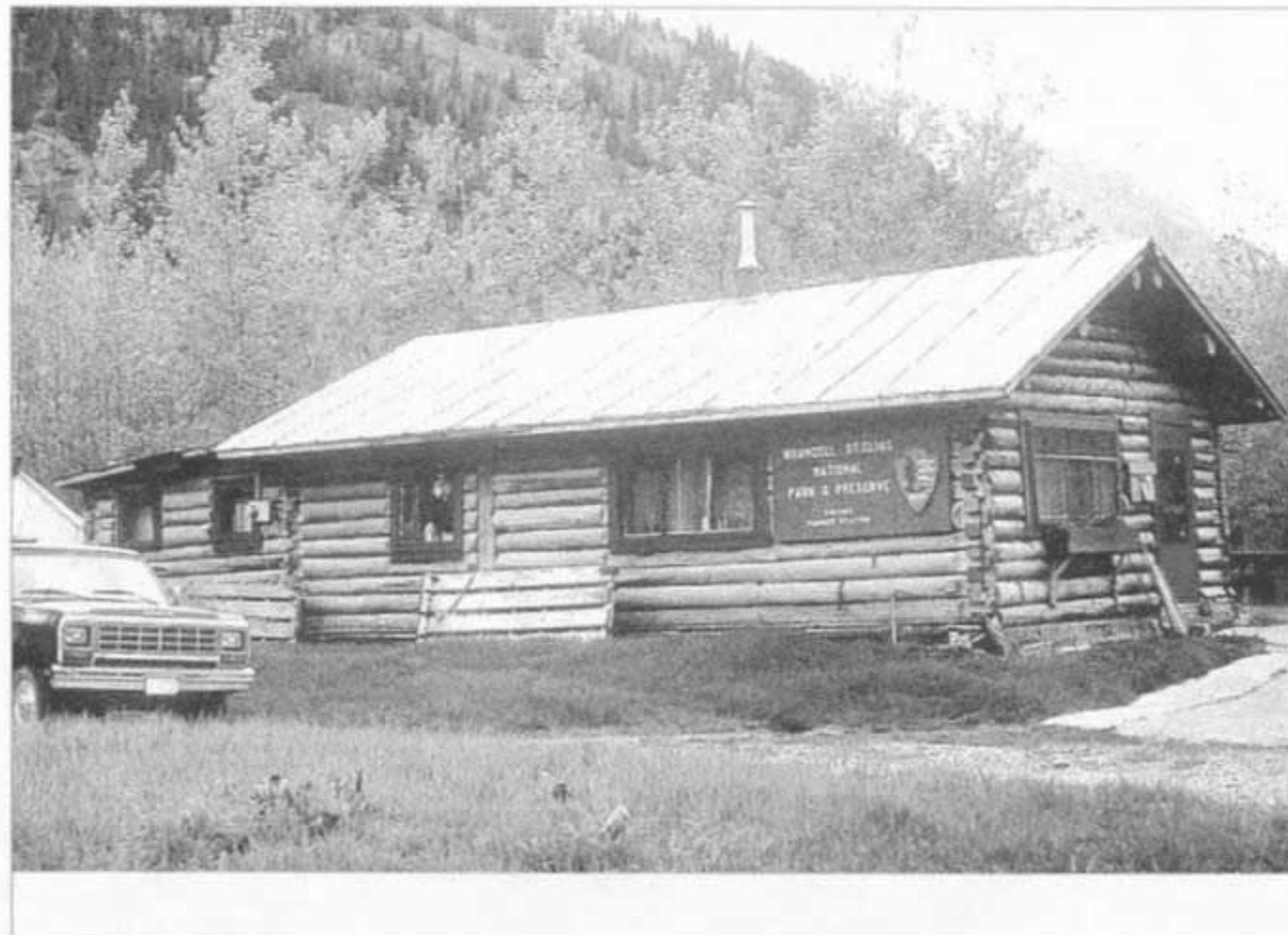
Since the land along the Chitina-McCarthy Road is encumbered by private ownership and Native land selections from the park boundary to Crystal Lake . . . and since commercial power and telephone service are available in Chitina we believe the planned facilities for this area should be located outside the Park boundaries in Chitina.¹¹

Over the next few years, the park's efforts progressed on several different fronts. In 1987, for example, WRST bought Margaret Brittain's three-acre site in Kenny Lake, though that property was never developed.¹²

WRST also began serious efforts to acquire its leased Chitina ranger station, the historic Orr Stage Company superintendent's cabin, purchasing that six-acre parcel in August 1989. This allowed the park to redesign its visitor contact area and upgrade the local interpretive exhibits.¹³

WRST finished restoring the cabin in 1993, and park staff landscaped the site, built period furniture, constructed an entry ramp, wired it for electricity, removed noncontributing outbuildings, installed foundation ventilation, and erected a sign. It has occupied the building every since.¹⁴

Although generally satisfied with the Orr Cabin, the park has occasionally considered expanding its Chitina presence. In 1995, for example, an interdisciplinary park taskforce consisting of Jim Hummel, Will Tipton, and Margie Steigerwald developed four alternatives for future development. Alternative A called for the purchase and renovation of the Chitina Bar; Alternative B considered acquiring and rehabilitating the remaining Copper River



Chitina Ranger Station

and Northwestern Railway buildings situated on the eastern edge of the community near the road cut; Alternative C suggested leasing property from the Chitina Village Corporation and hiring someone to build to suit; and Alternative D recommended purchasing or leasing a suitable lot near the Chitina airport. None were ever accomplished.¹⁵

MAY CREEK FACILITY

Faced with widespread hostility over the park's creation in the early 1980s, WRST sought to procure a base near Kennecott that would provide security for its staff without unduly provoking any of its neighbors. Al Gagnon's May Creek homestead, situated near the May Creek airstrip and only a few minutes by air from McCarthy, provided an excellent solution.

The park first leased the homestead in 1983, converting it to a ranger station and bunkhouse. Following the owner's threats to subdivide the surrounding property, Superintendent Martin suggested that the NPS acquire it, and that deal was finalized in 1985.¹⁶



May Creek Operations Center

In 1993 ARO helped WRST design a new water and sewer system for the May Creek facility. That work was completed in June 1995.¹⁷

YAKUTAT DISTRICT

WRST leased its first Yakutat office facilities from Yak-Tat Kwaan in 1981 and in 1986 acquired an excess three-bedroom house from the FAA,

which it began using as a bunkhouse for seasonal employees.¹⁸

Faced with renegotiating a new office lease in 1987, Yakutat District Ranger Clarence Summers examined a host of alternatives. After discovering that the only other suitable property was located at the Yakutat Airport, approximately ten miles from the village, he opposed making a move, suggesting that the current downtown location was the most desirable site. It provided necessary visibility and also helped establish a rapport with local residents by remaining accessible. In support of that conclusion, he argued that many local residents lacked transportation, and

that the present site was far more convenient to the boat harbor, which was utilized by most transient fishermen. Summers also mentioned the substantial cost of relocating, given the need to move radio equipment and the cost of adapting a new building to suit their needs. While he recommended that the NPS continue leasing its present facility, Summers noted that WRST would eventually need to acquire something more permanent.¹⁹

Superintendent Martin agreed, but Yak-Tat Kwaan's decision to double the park's lease costs made the acquisition and development of a park-owned facility far more urgent. As a result, in January 1989 the park submitted its first proposal to construct its own ranger station at Yakutat. Although WRST did not receive that funding, it submitted a second proposal in 1990.²⁰

After a one year break, WRST renewed its efforts to fund a new Yakutat ranger station in 1992, but this time the park persuaded GLBA to write the proposal.

In contrast to the plan developed by WRST, the one advanced by GLBA included a combination ranger station/visitor contact station, a storage facility, and a hanger for that park's new airplane.²¹



WRST's current Yakutat facility was constructed in 1993

Having finally received the necessary funding, WRST and GLBA arranged for Jake Jacobson to construct a ranger station to government specifications in 1993, and the GSA leased the building for a ten-year period beginning that September. The park obtained its new hanger/storage complex as well, occupying it in 1995.²²

RADIO SYSTEM

When WRST was first established the unit's size and its precipitous terrain greatly complicated communications, placing both staff and visitors at substantial risk. The park's first field operations lacked radio capabilities altogether. Often the only way to communicate with patrol rangers on the ground was to drop messages from low flying aircraft.²³

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WRST initially considered employing hand-held "citizen's band" radios. Unfortunately, the park discovered that a rule established to stop federal agencies from monitoring private conversations all but prohibited it from utilizing those particular channels.²⁴

Instead, the park obtained several hand-held VHF-AM radios, which allowed it to conduct line-of-sight communications between its aircraft and the ground. It also employed two long-range HF radios, but found them unsuitable for park conditions due to their bulk, difficult assembly, and sensitivity to atmospheric conditions. Nevertheless, that use continued through 1984.²⁵

ARO radio specialists met with WRST staff in April 1984 to design a more efficient system. FIREPRO crews visited and photographed 15 possible repeater sites that summer, and Chief Ranger Bill Paleck, Maintenance Coordinator Nick Powning, and the ARO's radio staff later selected the final site locations, divided

work assignments, and set tentative budget requirements.²⁶

In 1985 WRST received \$750,000 in PRIP funding for the final design and installation of a VHF-FM radio system, and it installed ten repeater buildings and three base station towers that summer. Unfortunately, the ARO technicians were

only able to complete their part of the work on one of the three base stations and six of the ten repeaters.²⁷

While the whole system was not completed and functioning until 1987, it has worked fairly well ever since, providing about 80 percent coverage over 40 percent of the unit. It now includes 11 repeaters and 4 base stations.²⁸

MAINTENANCE FACILITY

For most of the 1980s, WRST's maintenance facility was combined with its aircraft operations center at the Gulkana airport. Recognizing that it needed a storage area and a warm place for its staff



WRST crews prepared the repeater sites, like this one on Euchre Mountain

to work, the park began looking for another site, and soon settled on Alascom's surplus, 4.6-acre, Glennallen maintenance facility. Working with the BLM, which also needed a secure yard, WRST began negotiating to purchase the property in 1987 and finally acquired it in July 1989 for \$112,000.²⁹

GLENNALLEN HOUSING

From the beginning, WRST staff found it difficult to secure acceptable local housing. The rental market in the area was extremely tight, with few suitable places available for year-round occupancy. Most of those were substandard, and many even lacked such necessities as running water. In order to continue attracting qualified staff, WRST decided to acquire its own housing.

Although Management Assistant Vaughn Baker believed park housing should be dispersed throughout the surrounding region, he recognized that if new construction was required, it would probably be necessary to group them within a com-

pound in order to supply utilities most efficiently. WRST identified its initial search parameters in 1987. These included four single family homes possessing two-car garages; one four-plex apartment building; and a six-plex of efficiency apartments for seasonal housing. All sites had to be located within a ten-mile radius of the junction of the Glenn and Richardson Highways, and possess both road access and utilities.³⁰

An interdisciplinary team from WRST and ARO began evaluating possible sites in

1990, and the group eventually recommended construction of a joint NPS/BLM facility on a federally-owned site behind the BLM headquarters in Glennallen.³¹



WRST and the BLM share this modern housing facility in Glennallen

The NPS completed the conceptual designs for the facility the following year, signing a cooperative agreement with the BLM to develop the site. Construction began in FY 1994 and the six units were completed in February 1995 at a cost of approximately \$1,800,000. WRST's Facilities Manager Will Tipton served as project inspector intermittently during construction and the

contracting officer's representative after the Denver Service Center's supervisor left the project on June 30.³²

In November 1995 the four-plex's plumbing froze and failed, releasing approximately 10,000 gallons of water into its insulated floor space and causing extensive damage. The four-plex remained unusable for the remainder of the winter.³³

Following repairs that spring, the units were reoccupied and have remained so ever since.

VISITOR CENTER

The NPS began to consider building a modern visitor center soon after WRST was established in 1980. By 1985, many recognized the park's need as critical. Alaska Regional Director Boyd Evison, for example, suggested that the NPS ease the pressure on Denali by developing visitor facilities at other parks, such as Wrangell-St. Elias.³⁴

Although the park submitted its first Development/Study Package Proposal that summer and later specifically mentioned the idea in its 1986 General Management Plan, no progress occurred until the end of the decade.³⁵

The Alaska State Legislature aided the park's effort in 1989, when it began to champion the concept. Ahtna, Inc., the local Alaska Native regional corporation, backed the plan as well, offering to sell WRST the Ahtna Lodge, a motel which it

had earlier developed for the tourist trade. However, the ARO decided that that purchase was not in the park's best interest, and recommended that WRST pursue other options.³⁶

WRST next identified a ten-acre undeveloped parcel situated adjacent to the Ahtna Lodge. Although the property was owned by the Ahtna Corporation, it was controlled by the Native Village of Tazlina, which had retained approval authority over any land transactions in its area when it agreed to merge with the regional corporation. The village, however, refused to sell.³⁷

Although Tazlina's decision disappointed the park, its management assistant, Frank Fiala, and two community members continued their efforts to locate suitable property. This time they identified four possible sites, including two more owned by Ahtna, one held by the University of Alaska, and one already owned by the federal government, but managed by the BLM.³⁸

An interdisciplinary team comprised of members from both WRST and ARO evaluated the competing parcels on the basis of seven characteristics. These included their view of the park; access to and from the highway; suitable soils for utility systems, road construction, buildings, and facilities; ability to establish a parklike setting; location in relationship to the local communities; potential for buffering incompatible developments on adjacent lands; potential for expansion; and

interpretative opportunities. The team rejected the two Ahtna parcels due to their soils and lack of access, recommended that the BLM site be used for housing, and selected the University-owned land for its preferred visitor center/headquarters site.³⁹

While the park wanted to acquire the University's entire 560-acre parcel, Congress failed to provide additional funding for land acquisition in FY 1992. As a result, ARO and DSC recommended that part of its \$537,000 planning and design funding be reprogrammed to purchase a 260-acre portion of the original property.⁴⁰

Not surprisingly, the Ahtna Corporation strongly objected to the park's decision to reject its parcels. Writing to WRST Superintendent Karen Wade in December 1991, Land and Resource Manager John Devenport suggested that the NPS had failed to comply with ANILCA, which required that agencies "attempt to locate proposed sites and facilities on Native lands in the vicinity of the unit."⁴¹

The park disputed Ahtna's interpretation, maintaining that the corporation had not shown it any property which would satisfy its needs. In contrast, it argued that the NPS had made a reasonable attempt to locate facilities, "to the extent practicable and desirable," on Native lands in accordance with Section 1306(a)(2) of ANILCA.⁴²



Construction of WRST's new Visitor Center is expected to be completed in early 2002

Nevertheless, Acting Superintendent Russ Lesko asked AKSO's Chief of Planning and Landscape Architecture Mike Strunk to assemble another evaluation team and the group

visited Glennallen in June 1994. The Ahtna Corporation presented maps and photographs illustrating three parcels which it was interested in exchanging "on an equal value basis" for land that the NPS was in the process of acquiring from the University of Alaska. After spending the day examining the four competing parcels, the team members evaluated them with the same criteria utilized in the 1990 site analysis, and then rated them using an objective matrix process. At the conclu-

sion of that exercise, the team unequivocally recommended that WRST develop its visitor center/headquarters on the University-owned site. The NPS completed the deal in January 1995, when it purchased the tract for \$221,300.⁴³

Following acquisition of the property, the Denver Service Center (DSC) developed a schematic for a traditional, all-inclusive building and WRST obtained sufficient funding to carry that design forward. The park also arranged to survey the property, begin archaeological investigations, map its vegetation, and drill a test well.⁴⁴

As costs grew, WRST reexamined its commitment to the original plan. In March 1997 the NPS completed a value analysis of the two leading alternatives: the traditional building and a competing "village concept," which consisted of a group of smaller structures. The interdisciplinary team, which included members from other parks, other agencies, and the local community, eventually selected the village concept, based on its greater ability to provide an outdoor experience, less complexity, lower capital costs, and lower operating costs.⁴⁵

The full project consists of an entrance road, several parking lots, nine structures, and a ½ mile hiking trail. The major buildings include a headquarters building, a visitor contact station, an exhibit building, a restroom facility, and a theater. There will also be picnic sites and level trails constructed for the elderly or mobility impaired.

WRST and Ahtna, Inc., have also entered into a cooperative agreement to develop an Ahtna Heritage Museum on the visitor center grounds, allowing the Ahtna people to interpret and convey their own cultural history. The NPS has agreed to supply the museum with necessary technical support as well as to help it develop a program to train Ahtna shareholders in curation, preservation, and exhibit design.⁴⁶

Congress funded the visitor facility in 1999, and the NPS selected Ahtna Enterprise Corporation (AEC), a wholly owned subsidiary of Ahtna, Inc., to handle its construction. The AEC finished the access road and footing excavations in August 1999, and expects to complete the project in late 2001.⁴⁷

CABIN PROGRAM

While Congress intended the Wilderness Act to protect wilderness values, it clearly intended to preserve cultural resources as well, specifically retaining those standards previously developed by the Organic Act, the 1906 Antiquities Act, and the 1935 Historic Sites Act.

The NPS agreed. Its management policy made all programs affecting cultural resources subject to the provisions of the National Historic Preservation Act, and provided that:

Cultural features such as archeological sites, historic trails, routes or structures that have been included within wilderness will be

protected and maintained using methods that are consistent with preservation of wilderness character and values and cultural resource requirements.⁴⁸

ANILCA recognized that Alaska parks differed from those located elsewhere due to their size, remoteness, and climate. As a result, it not only authorized them to maintain or replace previously existing public use cabins, but even to construct new ones if park managers deemed them necessary for public health and safety.⁴⁹

Steve Peterson submitted WRST's first request for stabilization funding in No-

vember 1982, hoping to salvage four historic buildings in Chisana: the Women's Jail, the U.S. commissioner's courthouse, the U.S. commissioner's residence, and the Earl Hirst cabin.⁵⁰

Unfortunately, the park generally ignored its historic buildings until 1983, when its newly-drafted Natural and Cultural Resource Management Plan (NCRMP) finally addressed the issue:

Requirements are that the structure is accessible

and structurally sound and the action is economically feasible. The proposed action and working drawing must be reviewed to ensure that they comply with the



Huberts Landing cabin on the upper Chitina River

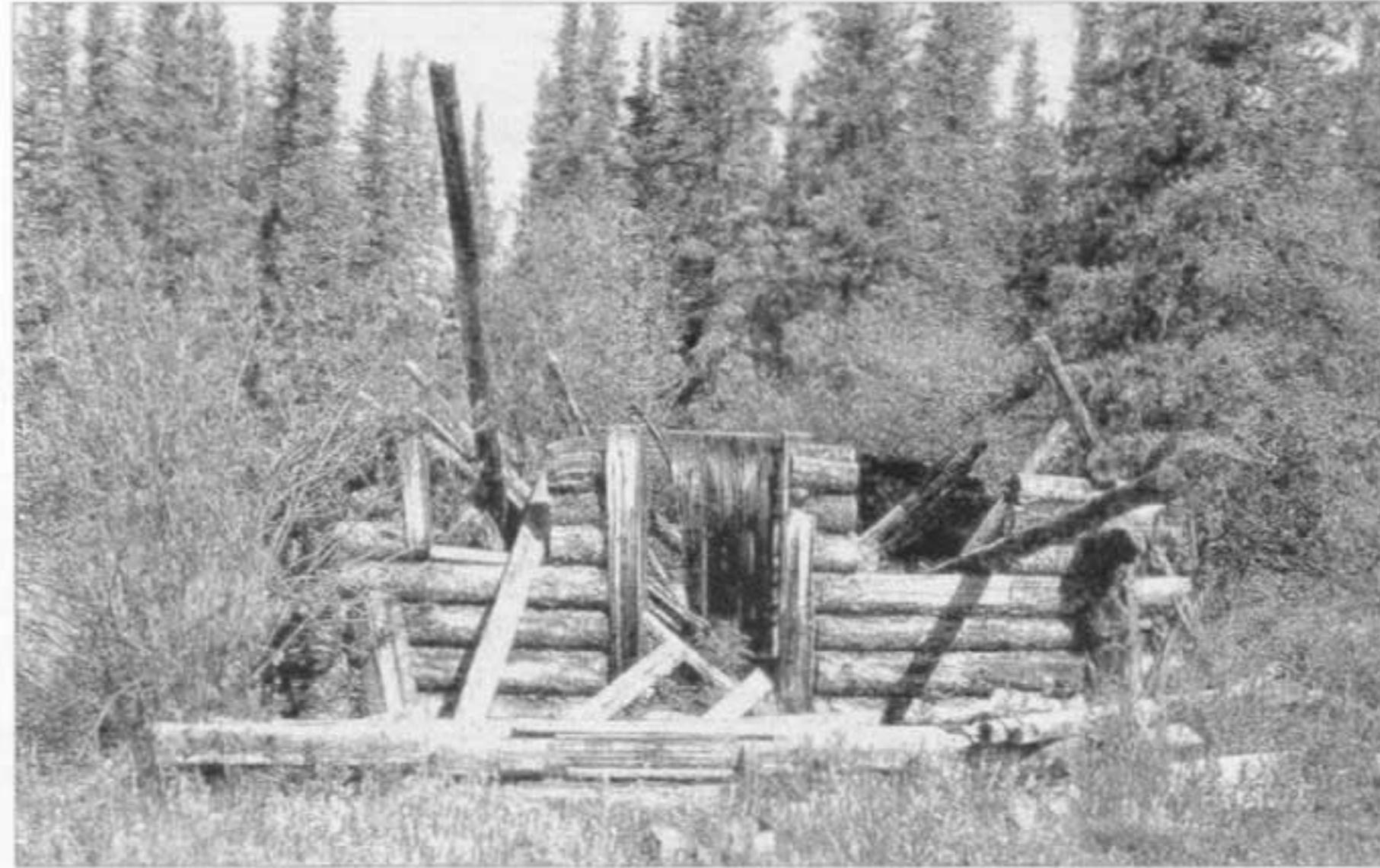


Nugget Creek cabin

FACILITIES

National Historic Preservation Act and NPS regulations. The Trail Creek Cabin and structures in Chisana, the Kuskulana/Kotsina Basin, and the Bremner drainage have been identified as potential candidates for stabilization.⁵¹

WRST's maintenance personnel began their first restoration project in 1983. Temporarily ignoring the park's historic structures, they devoted their effort to the modern cabin at Huberts Landing, situated near the head of the Chitina River.⁵²



The following year, VIP Bob Foley helped local residents Fred Denner, Severtin "Jake" Jacobson, Al Gagnon, Jerry and Judy Miller, John Bolivar, and Don Morrison put a new roof on the then modern May Creek mail cabin, while Larry and

Fran Weber cleaned and repaired the contemporary cabin on Nugget Creek.



"Too Much" Johnston cabin in Chisana

Maintenance staff led by Nick Powning and Jim Baker also finished work on the Huberts Landing cabin, installing a new roof, door, and sill logs.⁵³

WRST

began its first historic rehabilitation project in 1986. In keeping with Peterson's 1982 proposal, the park obtained a \$110,000

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grant from the National Historic Preservation Fund to repair the women's jail, the U.S. commissioner's courthouse, and the U.S.

commissioner's residence in Chisana. Local residents assisted the park's effort, volunteering time, materials, and equipment. Unfortunately, the Chisana project did not include repairs to the Earl Hirst cabin, which soon deteriorated and collapsed.⁵⁴

The park began to formalize its emergency stabilization program in 1990, prioritizing those

structures which were then in urgent need of repair. That year it selected the stable/corral complex, blacksmith shop, and generator building in Chisana, the Brem-

ner mining camp, and the Skolai Basin and Frederika Creek cabins. Of these, all but the last two have already been completed, and work on the Frederika cabin is scheduled for FY 2002.⁵⁵



WRST restored the Solo Mountain cabin in 1997



Park staff installed new cribbing under the Bremner bunkhouse

uting outbuildings, installed an entry ramp,

WRST and ARO staff began cooperatively planning the Orr cabin restoration in October 1990, and finished their initial work in 1993. Among other things, they ventilated the building's foundation, wired it for electricity, removed noncontrib-

FACILITIES

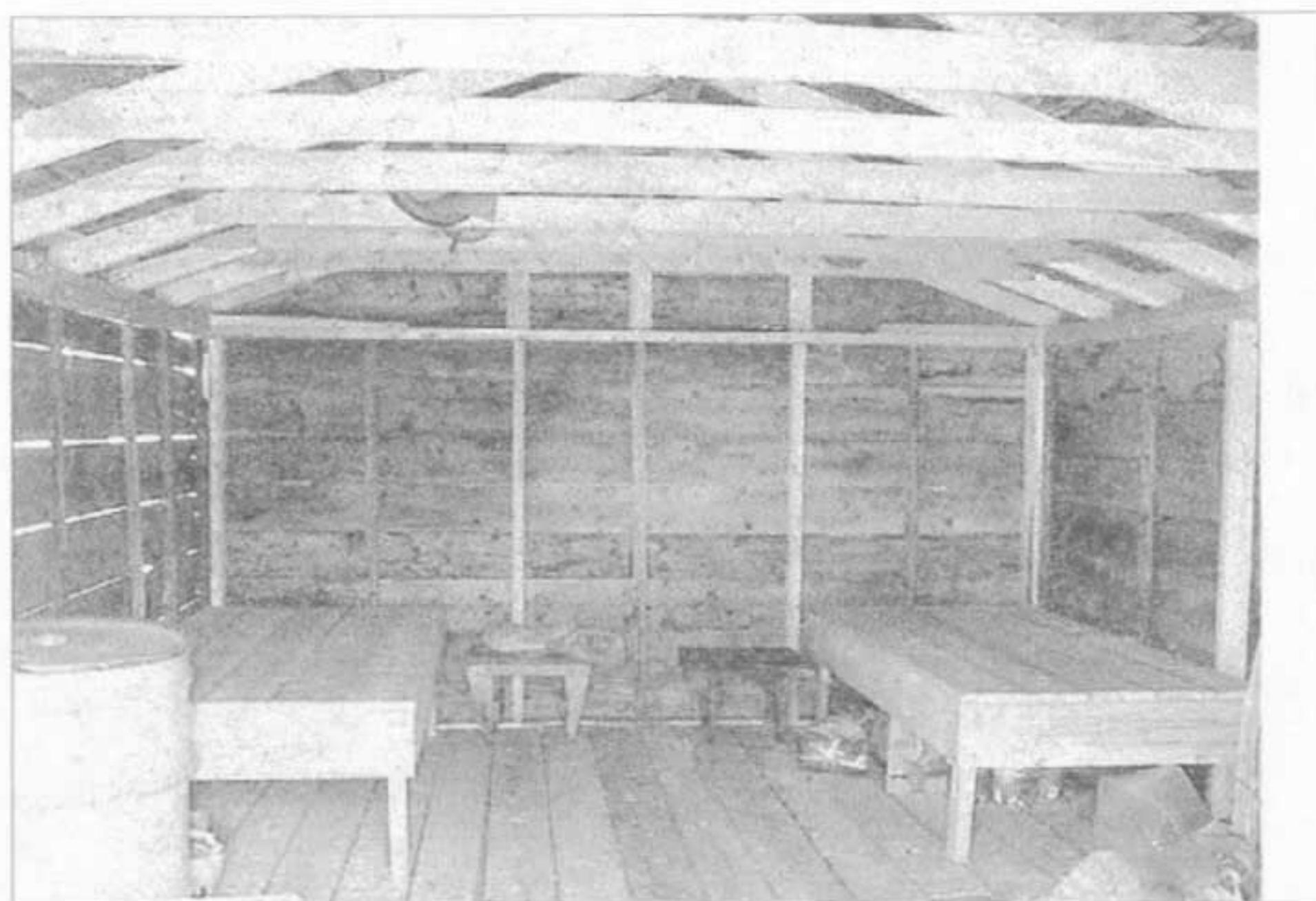
built period furniture, and landscaped the site.⁵⁶

The park began working on two more cabins in 1993, the historic Sidney "Too Much" Johnston cabin in Chisana and the larger of the cabins occupying Jake's Bar on the middle Chitina River.⁵⁷

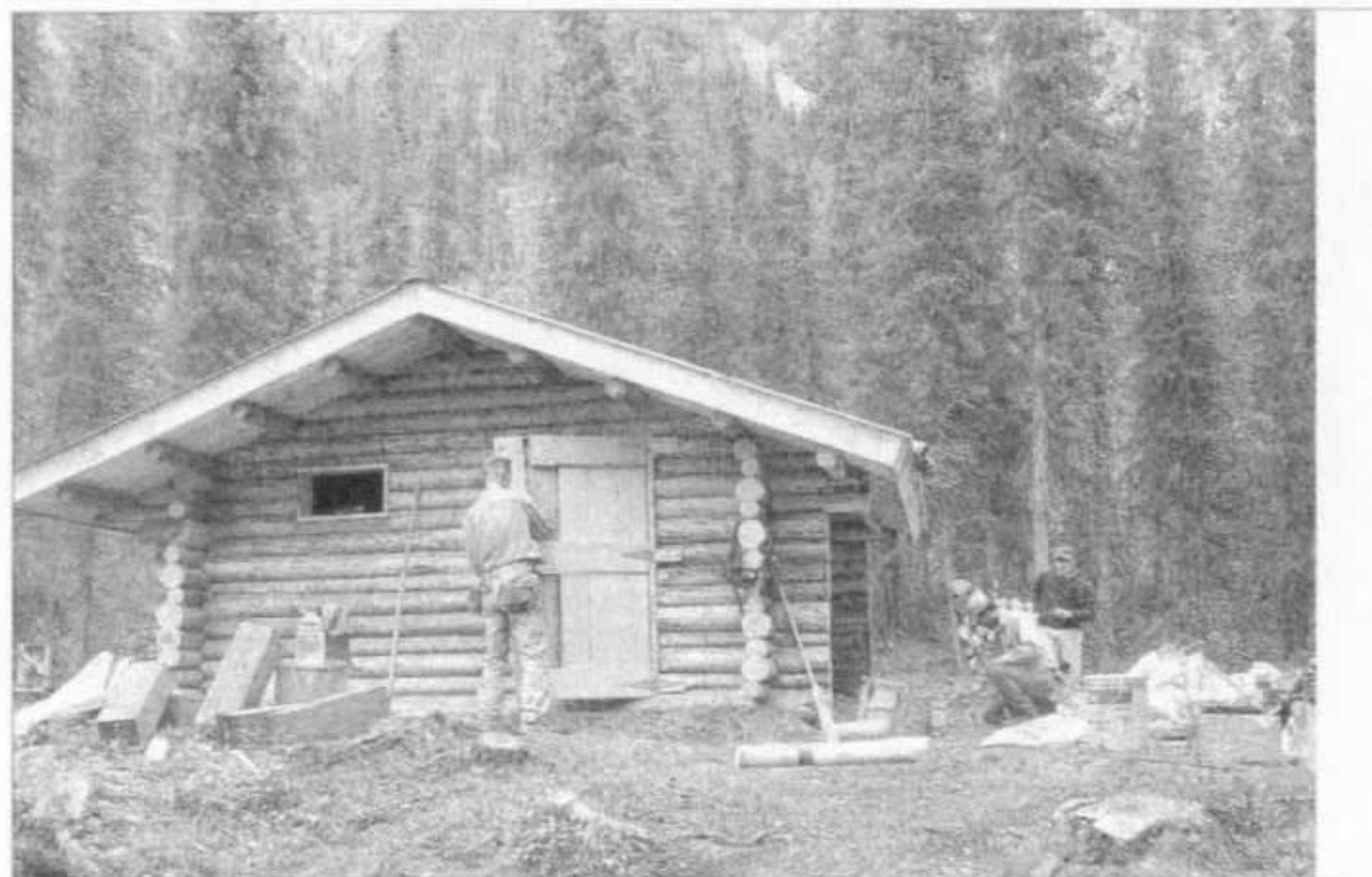
Jim Baker rehabilitated the Solo Mountain cabin in 1996, the first such project to be accomplished within designated wilderness. He and his

crew replaced its still logs, floor joists, and much of its roof, repaired its door, in-

stalled a new window sash, and added a privy.⁵⁸



Interior of the restored cabin on Gold Run



WRST staff restored two cabins on the Chitistone River's Peavine Bar

door, removed the pantry, added shutters, and installed a galvanized metal roof.⁵⁹

Baker stabilized the modern Chelle Lake cabin in 1997, replacing its original post and stump foundation with treated 8" x 8" timbers and cribbing. He and his crew also installed a second layer of plywood over the existing floor, constructed a new front

Baker completed work at the historic Bremner mining camp that summer as well, which, like the Solo Mountain cabin, was situated within designated wilderness. There, he and his crew replaced the untreated posts supporting the main bunkhouse with treated 8" x 8" timbers, patched the roof, and repaired the window and door coverings. They also replaced a skid and repaired the foundation on the storage shed, replaced the grade beam on the garage, installed a new mid-span post and beam on the blacksmith shop, straightened and reattached the porch on the assay building, and replaced the foundation posts on the powerhouse.⁶⁰

Baker completed three major projects in 1998. At Gold Hill he leveled the joists, installed new flooring, and reinforced and recovered the walls of the modern upper Gold Run cabin. He also stabilized a portion of the historic Bonanza Creek flume, reassembling the framework, replacing some broken and missing pieces, and adding additional supports. Baker restored the historic May Creek mail cabin that summer as well, replacing its foundation, sill logs, roof, and porch, and repairing its windows, sash, and door.⁶¹



WRST began its stabilization efforts at Kennecott in 1999



Park staff replaced the cribbing under the Kennecott Recreation Hall in 2001

WRST restored four other contemporary cabins in 1998:

the Geneva-Pacific Mining Company cook house on the Peavine Bar; the airstrip cabin on Glacier Creek; the trapper's cabin on Glacier Creek; and the smaller bunk-house cabin at Jake's Bar. Maintenance staff also completed additional work on the Orr cabin, redoing the foundation in order to prevent further differential settling due to the thawing of the adjacent permafrost.⁶²

Brad Seifert stabilized and rehabilitated a second Geneva-Pacific Mining Company cabin on the Peavine Bar in 2000. This time the crew replaced its sill logs, roof, floor, and one window. The park also constructed a small administrative-use cabin about 200 meters east of May Creek airstrip that summer, and is now considering designating it for public use.⁶³

KENNECOTT

The park began efforts to preserve its newly acquired Kennecott structures in 1999, focusing mainly on stabilizing them to prevent further deterioration. That year, maintenance staff repaired a lower dormer on the mill which had been damaged by snow and ice falling from the upper levels.⁶⁴

The park continued its stabilization efforts in 2000, excavating and rebuilding sections of the machine shop foundation, and completing roof repairs to the machine shop, mill, and power house. Staff also constructed four temporary sleeping cabins for transient workers on the bench below the west bunkhouse and a 24' x 44'

aviation support building on a leased lot at the McCarthy airstrip.⁶⁵

WRST began renovating Kennecott's recreation hall in 2000 and continued its efforts in 2001. Work was supported by a \$75,000 grant from the Save America's Treasures program and a matching grant from the National Park Foundation. Friends of Kennicott hopes to contribute as well, raising an additional \$50,000 through a mixture of private donations, corporate contributions, and grants by 2002. Scheduled renovations include some exterior reconstruction, foundation work, floorboard repair, window replacement, access improvements, and lead paint abatement.

NOTES

¹ ANILCA, Sec. 1306(b)(2).

² Richard Martin to Alaska Regional Director, NPS, June 29, 1987, L1425, Miscellaneous Documents to Acquisition folder, Central files, WRST.

³ Charles Budge to Darryl Fish, January 24, 1983, Slana RS/Bunkhouse folder, Management Assistant files, WRST; Lead Realty, BLM-Glennallen, to Area Manager, BLM-Glennallen, January 26, 1983, Slana RS/Bunkhouse folder, Management Assistant files, WRST; Darryl Fish to Chuck Budge, April 29, 1983, Slana RS/Bunkhouse folder, Management Assistant files, WRST.

⁴ Richard Martin, "Superintendent's Annual Report, 1984," 1-2; Andrew J. and Yvonne Scott, Statutory Warranty Deed, October 30, 1984, Book 20, Page 757-58, Chitina Recording District; Nicholas Powning to Regional Maintenance Office, ARO, October 24, 1986, October-December 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

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⁵ Will Tipton and Jim Baker, January 25, 2001, personal communications with author.

⁶ Dave Panabaker to author, February 2, 2001, electronic message, History files, WRST.

⁷ Richard Martin to Alaska Regional Director, NPS, May 18, 1987, April 15-June 15, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Dick Stenmark to Bill Ellis, June 16, 1987, Slana RS/Bunkhouse folder, Management Assistant files, WRST.

⁸ Assistant Secretary Rick Ventura, USDI, to Sidney Yates, June 7, 1988, Slana RS/Bunkhouse folder, Management Assistant files, WRST.

⁹ Ibid; ANILCA, Sec. 1306(b)(2); Bill Ellis, Alaska Warranty Deed, March 14, 1990, Box 31, Page 848-49, Chitina Recording District.

¹⁰ WRST, press release, February 10, 1993; Karen Wade, "Superintendent's Annual Report, 1993," 15; Sean McGuinness, March 14, 2000, personal communication with author.

¹¹ Richard Martin to Alaska Regional Director, NPS, July 9, 1985, Miscellaneous Documents to Acquisition folder, Central files, WRST.

¹² Richard Martin, "Superintendent's Annual Report, 1987," 4-5; Margaret E. Brittain, Alaska Warranty Deed, September 22, 1987, Book 27, Page 77-78, Chitina Recording District.

¹³ Richard Martin, "Superintendent's Annual Report, 1987," 4-5; Richard Martin, "Superintendent's Annual Report, 1988," 4-5; Richard Martin, "Superintendent's Annual Report, 1989," 11; WRST, "Interpretive Summary," December 1989, 1990 Chronological folder, Interpretation files, WRST. WRST's parcel actually included two adjoining tracts, one belonging to Delmar and Esther Wiley which it purchased for \$22,500 and another belonging to Jerry and Joan Coppess which it acquired for \$8,300.

¹⁴ Karen Wade, "Superintendent's Annual Report, 1993," 14-15.

¹⁵ Jim Hummel, Will Tipton, and Margie Steigerwald, "Chitina Site Facility Planning Alternatives," March 3, 1995, Chitina Ranger Station Rehabilitation folder, Cultural Resource files, WRST.

¹⁶ WRST, "Annual Maintenance Report, 1983," 4-5; Richard Martin to Alaska Regional Director, NPS, April 24, 1985, January-June 1985 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Richard Martin, "Superintendent's Annual Report, 1985," 1.

¹⁷ Karen Wade, "Superintendent's Annual Report, 1993," 14-15; Jonathan Jarvis, "Superintendent's Annual Report, 1995," 6-7.

¹⁸ Ibid; *St. Elias Peak*, October 19, 1981; Richard Martin to Alaska Regional Director, NPS, May 13, 1986, April-October 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Stanley Albright to Alaska Regional Director, NPS, August 19, 1986, Yakutat Facilities folder, Management Assistant files, WRST.

¹⁹ Richard Martin to Chief, Procurement and Property, ARO, March 19, 1987, March 1-April 14, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

²⁰ Richard Martin to Chief, Division of Lands, November 25, 1987, September 16-December 31, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST; WRST, "Development/Study Proposal, Yakutat Ranger Station and Seasonal Housing," January 1989, Yakutat District files, WRST.

²¹ WRST, "A Synopsis of the NPS Monies Spent and Administrative Histories of the Yakutat District, 1981-1995," 8, Yakutat District files, WRST.

²² Randy King to Chief, Contracting and Property Management, ARO, April 14, 1993, Yakutat Ranger Station folder, Maintenance files, WRST; Jon Murphy to author, January 25, 2001, electronic message, History files, WRST

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²³ Robert Peterson to Sen. Frank Murkowski, October 4, 1984, Radio System folder, Maintenance files, WRST.

²⁴ USDI, "Radiocommunications Handbook," 313 DM, July 11, 1977, Radio System folder, Maintenance files, WRST; Acting Director, NPS, to Superintendents, NPS, October 16, 1978, Special Directive 78-9, Radio System folder, Maintenance files, WRST.

²⁵ Charles Budge to Chief of Maintenance, ARO, March 10, 1981, Radio System folder, Maintenance files, WRST.

²⁶ WRST, "Scope of Work and Construction Schedule VHF-FM Radio System," n.d., Radio System folder, Maintenance files, WRST.

²⁷ Richard Martin to Acting Regional Director, Operations, ARO, March 27, 1986, Radio System folder, Maintenance files, WRST.

²⁸ Will Tipton, January 30, 2001, personal communication with author.

²⁹ Richard Martin to Alaska Regional Director, NPS, May 11, 1987, April 15-June 15, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST; Richard Martin, "Superintendent's Annual Report, 1987," 4-5; Richard Martin, "Superintendent's Annual Report, 1988," 4-5; Richard Martin, "Superintendent's Annual Report, 1989," 11.

³⁰ Catherine Sheppard to Chief, Division of Lands, ARO, November 30, 1987, Glennallen Housing folder, Management Assistant files, WRST.

³¹ Richard Martin to Alaska Regional Director, NPS, October 14, 1986, October-December 1986 Reading folder, Chronological Correspondence file, Historical Collection, WRST; NPS, ARO, "Visitor Center/Headquarters Facility, Wrangell-St. Elias National Park and Preserve, Site/Facility Survey," July 1994, 2.

³² Karen Wade, "Superintendent's Annual Report, 1991," 20; Jonathan Jarvis to Alaska Regional

Director, NPS, February 10, 1995, January-March 1995 Reading folder, Administrative files, WRST.

³³ Jonathan Jarvis, "Superintendent's Annual Report, 1995," 6-7.

³⁴ *Anchorage Times*, September 25, 1985.

³⁵ Denver Service Center, "Task Directive, Visitor Center/Headquarters, Glennallen," May 1992, 3, Acquisition Visitor Center folder, Environmental Files, WRST; WRST, "Call for Comments, Proposed Land Purchase for Visitor Center and Administrative Headquarters, Wrangell-St. Elias National Park and Preserve," November 14, 1991, Acquisition Visitor Center folder, Environmental Files, WRST.

³⁶ Alaska State Legislature, Legislative Resolve No. 43, SJR 42; Richard Martin, "Superintendent's Annual Report, 1987," 4-5; Richard Martin, "Superintendent's Annual Report, 1988," 4-5.

³⁷ Garey Coatney to Roy Ewan, March 28, 1989, Acquisition Visitor Center folder, Environmental files, WRST; Rebecca Hallgarth to file, February 7, 1990, Acquisition Visitor Center folder, Environmental files, WRST.

³⁸ Karen Wade, "Superintendent's Annual Report, 1990," 17.

³⁹ NPS, ARO, "Visitor Center/Headquarters Facility, Wrangell-St. Elias National Park and Preserve, Site/Facility Survey," July 1994, 2; Karen Wade, "Superintendent's Annual Report, 1991," 17-18

⁴⁰ DSC, "Task Directive, Visitor Center/Headquarters, Glennallen," May 1992, 3, Acquisition Visitor Center folder, Environmental Files, WRST.

⁴¹ ANILCA, Sec. 1306(a)(2); John Devenport to Karen Wade, December 17, 1991, Visitor Center 106 folder, Cultural Resource files, WRST.

⁴² Karen Wade to Wilson Justin, February 4, 1992, Acquisition Visitor Center folder, Environmental files, WRST.

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⁴³ NPS, ARO, "Visitor Center/Headquarters Facility, Wrangell-St. Elias National Park and Preserve, Site/Facility Survey," July 1994, 2-5, 42; University of Alaska, Alaska Warranty Deed, January 24, 1995, Book 43, Page 67-69, Chitina Recording District.

⁴⁴ *Copper River Country Journal*, November 16, 1995; Jonathan Jarvis, "Superintendent's Annual Report, 1995," 4.

⁴⁵ *Copper River Country Journal*, February 19, 1998; WRST, "Environmental Assessment. Visitor Center/Headquarters. Wrangell-St. Elias National Park and Preserve, Alaska," March 1998, 3-4.

⁴⁶ *Wrangell Wire* 1, no. 1 (Spring/Summer 1999): 2.

⁴⁷ *Wrangell Wire* 1, no. 2 (Fall/Winter 1999): 12.

⁴⁸ National Park Service Management Policies, 5:1, 6:7.

⁴⁹ ANILCA, Sec. 1315 (c).

⁵⁰ Acting Associate Regional Director, Operations, ARO, to WRST Superintendent, November 22, 1985, History files, WRST; Richard Martin to Chisana Landowners, November 28, 1986, History files, WRST; Richard Martin, "Superintendent's Annual Report, 1987," 4; Richard Martin to Chisana Landowners, April 28, 1988, History files, WRST.

⁵¹ WRST, "Natural and Cultural Resource Management Plan and Environmental Assessment, November 1983 Revision," 132, Resource Management files, WRST.

⁵² WRST, "Annual Maintenance Report, 1983," 4-5, attached to Charles Budge, "Superintendent's Annual Report, 1983."

⁵³ Fran and Larry Weber, "Nugget Creek Cabin, July 4-30, 1984," Chitina Trip Reports, 1984; Bob Foley, "Mail Cabin Roof Repairs, July 1984," Chitina Trip Reports, 1984; Richard Martin, "Superintendent's Annual Report, 1984," 5-6. Constructed in 1948, the May Creek Mail Cabin

was less than 50 years old and therefore modern in 1984. It is now considered historic.

⁵⁴ Acting Associate Regional Director, Operations, ARO, to WRST Superintendent, November 22, 1985, History files, WRST; Richard Martin to Chisana Landowners, November 28, 1986, History files, WRST; Richard Martin, "Superintendent's Annual Report, 1986," 2; Richard Martin, "Superintendent's Annual Report, 1987," 4; Richard Martin to Chisana Landowners, April 28, 1988, History files, WRST; Richard Martin, "Superintendent's Annual Report, 1988," 5.

⁵⁵ Russell Galipeau to Chief, Cultural Resources Division, ARO, March 6, 1990, Emergency Stabilization folder, Cultural Resource files, WRST.

⁵⁶ Steven Peterson to Superintendent, WRST, October 22, 1990, Maintenance files, WRST; Paul Gleeson to Superintendent, WRST, July 2, 1991, Maintenance files, WRST; Karen Wade, "Superintendent's Annual Report, 1993," 14-15.

⁵⁷ Ibid; Jonathan Jarvis, "Superintendent's Annual Report, 1995," 6-7.

⁵⁸ James R. Baker, "Preservation and Skills Training Projects, 1996-1997," 3-5, Cabin Rehabilitation folder, Cultural Resource files, WRST.

⁵⁹ Ibid, 9.

⁶⁰ Ibid, 10-12.

⁶¹ Brenda Reed, "May Creek Mail Cabin Test Excavation," July 22-23, 1998, May Creek Mail Cabin folder, Cultural Resource files, WRST; WRST, "Assessment of Actions, Gold Run Too Cabin Stabilization," May 5, 1998, Gold Hill folder, Cultural Resource files, WRST; WRST, "Assessment of Actions, Bonanza Creek Flume Stabilization," May 5, 1998, Gold Hill folder, Cultural Resource files, WRST.

⁶² Anne Worthington to files, May 5, 1998, Peavine Cabins folder, Cultural Resource files, WRST; WRST, "Assessment of Actions, Glacier

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Creek Cabin Rehabilitation" July 24, 1998, Glacier Creek Cabins folder, Cultural Resource files, WRST; WRST, "Assessment of Actions: Orr Cabin Foundation Work," July 10, 1998.

⁶³ WRST, "Assessment of Actions, Peavine Trapper's Cabin Stabilization," June 19, 2000, Peavine Cabins folder, Cultural Resource files, WRST.

⁶⁴ *Wrangell Wire* 1, no. 2 (Fall/Winter 1999): 8.

⁶⁵ *Wrangell Wire* 1, no. 3 (Spring/Summer 2000): 8.

14

CONCESSIONS

The NPS authorizes certain businesses to operate concessions within the parks under the authority granted by the Concessions Policy Act of October 9, 1965 (CPA), 16 U.S.C. 20 *et seq.*, and 36 CFR 51. The CPA noted that

the preservation of park values requires that such public accommodations, facilities, and services as have to be provided within those areas should be provided only under carefully controlled safeguards against unregulated and indiscriminate use, so that the heavy visitation will not unduly impair these values and so that development of such facilities can best be limited to locations where the least damage to park values will be caused. It is the policy of the Congress that such development shall be limited to those that are necessary and appropriate for public uses and enjoyment of the national park area in which they are located and that are consistent to the highest practicable degree with the preservation and conservation of the areas.¹

At present, WRST's hunting guides are its only concessionaires.

GUIDE AREAS

Following the establishment of WRST in 1980, the park "grandfathered" the existing guide areas into its concession system. This was because its guides already possessed exclusive areas assigned by the State Guide Board and no one else was eligible to provide guided hunting services there. In addition to validating the guide areas, the NPS recognized the transfer of those areas as approved by the board and assigned the facilities associated with the operation to the new operator.²

Controversy eventually erupted over Alaska's right to make those assignments. Some objected to the fact that the state required guides to own property within the area and

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subsequently allowed them to trade or sell that property using the associated area as part of its value.³

In response to that challenge, the Alaska Supreme Court addressed the issue in 1988. It found that the Alaska Constitution provided that, “wherever occurring in their natural state, fish, wildlife and waters are reserved to the people for common use.” After reviewing the public trust doctrine in *Owsichuk v. State Guide Licensing Control Board*, the court ruled that “the common use clause was intended to engraft in our constitution certain trust principles guaranteeing access to the fish, wildlife and water resources of the state.”⁴

As a result, the Alaska Supreme Court struck down the state-assigned exclusive guide areas for hunting in the preserve. Given that decision, WRST had little choice but to develop a program which more closely followed the requirements of the Concessions Policy Act.

Like the state, the park decided to establish exclusive guide areas because it allowed the guides to utilize their existing commercial property. While initially viewed as a temporary solution, the program continued until 1993, when the park developed a permanent replacement.⁵

WRST’s new program, which it finally completed that May, included 17 guide areas. They were:

- 1) Barnard Glacier (GMU-11): Located in the southeastern corner of the Preserve.

Bounded by the Chitina River on the south and the National Park boundary on the east and north. Includes Barnard and Hawkins Glaciers, University Peak, and Huberts Landing Strip. Does not overlap with any other guide area.

- 2) Canyon Creek (GMU-11): Located in the southeastern portion of the Preserve. Bounded by the Chitina River on the south and the National Park boundary on the north. Includes Canyon, Sheep, Cave and Erickson Creeks, Big Bend Lakes, and Mt. Brigham. Does not overlap with any other guide area.
- 3) Mt. Holmes (GMU-11): Located in the southern portion of the Preserve. Bounded by the Chitina River on the south, and the National Park boundary and the Nizina River on the north. Includes May Creek and Dan Creek airstrips, the west half of MacColl Ridge, Williams Peak and Mt. Holmes. Does not overlap with any other guide area.
- 4) Fireweed Mountain (GMU-11): Located in the southern portion of the Preserve. Bounded by the Chitina and Nizina Rivers on the south and the National Park boundary on the north. Includes the town of

CONCESSIONS

McCarthy (private land), the southeastern portion of the Crystalline Hills, parts of Kennicott and Root Glaciers, Fireweed Mountain, Hidden and Fohlin Creeks, and Bonanza Ridge. Does not overlap with any other guide area.

5) Gilahina River (GMU-11): Located in the southwestern portion of the Preserve. Bounded by the Chitina River on the south and National Park boundary on the north. Includes the northwestern portion of the Crystalline Hills, the settlement of Chokosna (private land), and the Gilahina and Chokosna Rivers. Does not overlap with any other guide area.

6) Chetaslina River (GMU-11): Located in the southwestern portion of the Preserve. Bounded by private land on the south and the National Park boundary on the north. Includes the Chetaslina, Chichokna and Dadina Rivers, parts of the Chetaslina, Chichokna and Dadina Glaciers, and Snider Peak. Does not overlap with any other guide area. A significant portion of this guide area is privately owned land which is not open to guided sport hunting under this Prospectus.

7) Capital Mountain (GMU-11): Located in the northwestern corner of the Preserve. Bounded by the National Park boundary on the south and east and the Glenn Highway on the north. Includes Capital Mountain, Sheep Creek and Sheep Glacier, Yokneda Lakes, Drop Creek, and Duck Lake. Does not overlap with any other guide area. A significant portion of this guide area is privately owned land which is not open to guided sport hunting under this Prospectus.

8) Nabesna River (GMU-12): Located in the northern portion of the Preserve. Bounded on the north by the Tetlin Indian Reservation and Tetlin National Wildlife Refuge, on the west by the National Park boundary and on the east and south by other guide areas. Includes the settlement of Nabesna (private land), Boyden Hills, Jacksina Creek, Nabesna River, Copper Creek, Blue Lake, Antler Creek, and Stuver Creek. Overlaps with Chisana River and Chisana Glacier Guide Areas.

9) Chisana River (GMU-12): Located in the northern portion of the Preserve. Bounded on the north by the Tetlin National Wildlife Refuge, and the west, south and east by

other guide areas. Includes most of the Chisana River, Sheep and Two By Four Creeks, Warrick Peak, Cooper Pass, and Blue Lake. Overlaps with Chisana Glacier and Nabesna River Guide Areas.

- 10) **Snag Creek (GMU-12):** Located in the northeastern corner of the Preserve. Bounded by the Tetlin National Wildlife Refuge on the north, the Canadian border on the east, and other guide areas on the south and west. Includes Snag, Cottonwood and Anaconda Creeks, and the Carden Hills. Does not overlap with any other guide area.
- 11) **Horsfeld Creek (GMU-12):** Located in the eastern portion of the Preserve. Bounded by the Canadian border on the east, and other guide areas on the north, south and west. Includes Braye Lakes, Horsfeld, Klein and Sonya Creeks, Mitten Hill, Carl Creek, Gold Hill, Carl Glacier, and Baultoff and Gravel Creeks. Overlaps with Ptarmigan Lake and Chisana Glacier Guide Areas.
- 12) **Ptarmigan Lake (GMU-12):** Located in the southeastern corner of the Preserve. Bounded by the White River on the south, the Canadian border on the east and other

guide areas on the west and north. Includes Ptarmigan, Rock and Pingpong Lakes, Divide Creek, Fogenbera Pass and Francis, Ptarmigan and Rocker Creeks. Overlaps with Horsfeld Creek and Chisana Glacier Guide Areas.

- 13) **Solo Creek (GMU-12):** Located in the southeastern portion of the Preserve. Bounded by the White River on the south, the National Park boundary on the west, and other guide areas on the north and east. Includes Solo and Greene Lakes, the southern portion of Solo Mountain, and Greene, Shotgold and Divide Creeks. Overlaps with Ptarmigan Lake and Chisana Glacier Guide Areas.
- 14) **Chisana Glacier (GMU-12):** Located in the north central portion of the Preserve. Bounded by the National Park boundary on the south, and other guide areas on the north, east and west. Includes the Chisana Glacier, the eastern portion of Cross Creek Glacier, Cross and William Creeks, Blue Lake, Cooper Pass, the Chisana River, Sheep, Two By Four, Nelson and Chavolda Creeks, Euchre Mountain, Beaver Lakes, Flat Creek Flats, Ophir Creek, portions of Divide Creek, Slipper Lake and Bow

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Pass. Overlaps with Nabesna River, Chisana River, Horsfeld Creek, Ptarmigan Lake and Solo Creek Guide Areas.

15) Nabesna Glacier (GMU-12): Located in the north central portion of the Preserve. Bounded by the National Park boundary on the south, Ice Fields Plateau on the west and other guide areas on the north and east. Includes the Nabesna Glacier, the eastern portion of Mt. Gordon, Orange Hill, Nikonda Creek and Nikonda Glacier. Does not overlap with any other guide area.

16) Jacksina Glacier (GMU-12): Located in the north central portion of the Preserve. Bounded by the National Park boundary on the south and west, Ice Fields Plateau on the east, Nabesna River Guide area on the north. Includes Jacksina Glacier, Tumble Creek, Lakes Plateau, Cone Ridge, and the west portion of Mt. Gordon. Does not overlap with any other guide area.

17) Malaspina (GMU-05): Located northwest of the town of Yakutat. Includes Malaspina Lake, Kwik Stream, the Floral Hills, Lucia Glacier, Galiano Glacier, Grand Wash, and Sudden, Manby and Alder

Streams. Does not overlap with any other guide area.⁶

Sixteen of the areas received valid proposals in 1993. A three-person, in-park panel rated the applicants in early August and notified the successful applicants in September. The park decided to leave the area which received no proposals vacant through 1997, at which time it would issue another prospectus.⁷

Although the park based its client allocation largely on objective data, it sometimes incorporated a subjective element as well. When Urban Rahoi argued that he had been sick and could not show a normal client base, for example, Superintendent Martin agreed to increase his allocation. Martin also worried that guides might be tempted to overharvest an area and then dispose of it and leave, and so he adjusted his levels accordingly.

Efforts to remove client limits met stiff opposition from some of the staff. Concession Specialist Russ Lesko, for example, feared that guides might not manage their areas responsibly. Chief Ranger Jay Wells, however, argued that the issue was far more complex. Noting that resident hunters often shot the rams that the guides were trying to conserve, he suggested that the regulation limiting the sport harvest to full curl rams provided the most efficient form of protection.⁸

One other issue still generated conflict: the question of overlapping guide areas. Rather than drawing boundaries which denied guides access to areas which they

had traditionally used, WRST allowed several areas to overlap. Although the guides were supposed to allocate the affected resources among themselves, there were frequently disagreements.

In deciding to address the issue, the park considered three major factors: the quality of the hunt (the visitor experience), the health of the wildlife population, and the viability of the guide business.⁹

In 1998 WRST required that all of its joint use guides sign a "joint use area agreement," and made adherence to that agreement one of their evaluation criteria. The contract allowed guides to continue using their assigned joint area, but allocated a specific number of animals that could be taken and identified a specific time allotment for each guide. Superintendent Jon Jarvis warned that guides who did not cooperate might face unsatisfactory ratings and could lose their opportunity to use the joint use area.¹⁰



Many outfitters use cabins, like this one on Big Bend Lakes, to support their operations

Unfortunately, the passage of a new concession law forced WRST to delay implementation and required the park to seek a congressional review before awarding any guide permits under its new prospectus. WRST published notice of its intention to sole source the guide permits in the *Federal Register* on May 19, 1999, and finally signed the permits the following month.¹¹

SUPPORT STRUCTURES

Prior to the establishment of WRST in 1980, guides operating in the Wrangell-St. Elias region were required to obtain a permit from the BLM prior to constructing a support structure on public lands. However, many guides ignored that requirement and built facilities that were technically in trespass.

After ANILCA established the park, all trespass structures were deemed to be the property of the United States and were assigned to the existing operator for their continued use. Upon sale or transfer of the established guiding operation, WRST

transferred control of the structures to whomever was authorized by the Guide Board to operate in the area.¹²

In April 1987 the USDI issued its final regulations concerning cabins and other structures on NPS lands in Alaska, and those used for commercial guiding purposes fell into category eight. Although outfitters were already authorized to use permanent structures in support of guiding or grazing, these were interim measures, and neither protected their continued use. WRST now recommended that all guides obtain a concession permit, which would provide the appropriate authorization for commercial use; could be issued for four years rather than the two-year renewal cycle for commercial use licenses or annual renewal cycle for grazing leases; and gave a preferential right of renewal.¹³

While the majority of guides complied with the park's regulations, several ignored them. Charles Edmonds, for example, situated his camp on the Cheshnina River several miles from the place he had indicated on his 1982 Commercial Use application. The park, therefore, informed Edmonds in 1988 that his use constituted trespass on public lands, and must cease until he obtained proper authorization.¹⁴

WRST found other problems with Edmonds's operation as well. For one thing, the guide worked during 1986 and 1987 without a Commercial Use License, clearly violating the regulation which pro-

hibited outfitters from "engaging in or soliciting any business in park areas, except in accordance with the provisions of a permit."¹⁵

Edmonds also ignored regulations regarding the use of ATVs, operating them off designated routes and within designated wilderness. He even constructed a trail from the airstrip to his cabin in violation of regulations which prohibit individuals from "destroying, injuring, defacing, removing, digging, or disturbing of any plant material from its natural state." WRST eventually cited Edmonds, and required that he restore all ATV impacts and forfeit his right to the exclusive use of the cabin.¹⁶

Neither ANILCA nor the Concessions Policy Act overrode the Wilderness Act's prohibition on permanent commercial facilities in wilderness, but in order to provide for a transition period, the NPS decided that current operators with cabins in wilderness or on lands which become wilderness in the future would be "grandfathered." The NPS adopted that policy to ease the implementation of the prohibition, but it lacked the authority to allow the cabins to be transferred to others.¹⁷

WRST extended that policy in 1996 when it decided to allow commercial outfitters and guides possessing an unbroken history of guiding in WRST which predates ANILCA, and have a documented history of use of specific cabins as part of their permitted operation, "to have exclusive use of those cabins in wilderness." Such

Special Use Permits were nontransferable and terminated when the individual no longer operated as a commercial guide.¹⁸

Another issue surfaced in 1997 when guide Bill Ellis requested that his "grandfathered" right to possess commercial cabins in wilderness be extended to his immediate family. As Ellis's wife and children had actively participated in his guiding operation since before WRST was established, the park eventually granted his request.¹⁹

IBPs

Only WRST's hunting guides are considered concessionaires, but many other operators offer services under Incidental Business Permits (IBPs). Operators can qualify for an IBP when they have no fixed commercial facilities within the park, the commercial activity originates and terminates outside the park, no money changes hands on park lands, and no commercial solicitation occurs on park lands. In Alaska, IBPs cover six separate groups of activities: 1) aircraft-related (such as air taxis and flightseeing); 2) horse-related (like horse back riding and horsepacking); 3) walking-related (such as guided day hiking, backpacking, mountaineering, and walking tours); 4) water-related (like charter boats, kayak touring, canoeing, and rafting); 5) winter-related (such as dogsledding and backcountry skiing); and 6) other (like bus tours, shuttle buses, and big game transporters).²⁰

While WRST has historically granted IBPs to all qualified applicants, the park has recently begun to question that policy, and is now trying to evaluate their impact. Both uses and users may eventually be restricted.

NOTES

¹ NPS, "Concessions Guideline, NPS 48," January 1986, Chapter 1, 1.

² Richard Martin to Vernon Porter, October 28, 1987, September 16-December 31, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

³ *Anchorage Daily News*, May 8, 1988; Jonathan Jarvis, "Notes on a Phone Conversation with Jay Wells and Russ Lesco, October 23 at 0830 hrs," Superintendent's files, WRST.

⁴ Alaska Constitution, Article VIII, Sec. 3; 763 P.2d 488 (Alaska 1988).

⁵ Richard Martin, "Superintendent's Annual Report, 1989," 13; Karen Wade, "Superintendent's Annual Report, 1992," 9.

⁶ WRST, "Prospectus Under Which Seventeen Concession Permits Will Be Negotiated for Sport Hunting Guide-Outfitter Services within Wrangell-St. Elias National Preserve," 1993.

⁷ Karen Wade to Bonnie Kenyon, December 7, 1993, October-December 1993 Reading folder, Administrative files, WRST; Karen P. Wade, "Superintendent's Annual Report, 1993," 16.

⁸ Jonathan Jarvis, "Notes on a Phone Conversation."

⁹ Jonathan Jarvis to Mark Rausch, March 9, 1998, January-March 1998 Reading folder, Administrative files, WRST.

¹⁰ Ibid; Jonathan Jarvis to Thomas Vaden, December 28, 1998, October-December 1998 Reading folder, Administrative files, WRST.

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¹¹ Jonathan Jarvis to Thomas Vaden, June 23, 1999, April-June 1999 Reading folder, Administrative files, WRST.

¹² Richard Martin to Dick Cox, July 20, 1987, June 16-September 15, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

¹³ Richard Martin to Ray McNutt, April 2, 1987, March 1-April 14, 1987 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

¹⁴ Richard Martin to Charles Edmonds, August 12, 1988, Lesco disks, Historical Collection, WRST.

¹⁵ 36 CFR 5.3.

¹⁶ 36 CFR 2.1; Jim Hannah, January 10, 2001, personal communication with author.

¹⁷ Richard Martin to Bill Ellis, May 17, 1988, April 1-May 31, 1988 Reading folder, Chronological Correspondence file, Historical Collection, WRST.

¹⁸ Jonathan Jarvis to Bill Ellis, July 17, 1996, July-September 1996 Reading folder, Administrative files, WRST

¹⁹ Jonathan Jarvis to Alaska Regional Director, NPS, April 29, 1997, April-June 1997 Reading folder, Administrative files, WRST; Hunter Sharp, personal communication with author, July 13, 2001.

²⁰ NPS, AKSO, "2001 Incidental Business Permit Information and Application Procedures," 1, Concessions files, WRST.

15

MINERALS MANAGEMENT

Although WRST contained more mining claims than any other unit in the National Park System, the park was initially given little authority to manage them. For most of the park's first decade, the NPS vested that power with the ARO. WRST began to assist regional authorities after it hired a mining engineer in 1986, but it was only after acquiring geologist Danny Rosenkrans in 1990 that it truly initiated a systematic program of its own.

Not all claims are alike, and their differences can profoundly affect the way that they are managed. One important consideration is the claimant's degree of possession. While originally staked for their mineral interests, patented claims are now held in fee. Operators only possess mining rights to unpatented claims.

Local claims also include three different types. Placer claims cover placer deposits, minerals which have been eroded from their original position and become mixed with alluvial gravel in stream bottoms. Lode claims encompass lode deposits, minerals which remain within their rock matrix and must be extracted directly. Mill site claims cover those non-mineral-bearing parcels necessary for placing mining camps and support structures. When WRST was established it contained 176 unpatented placer claims, 1445 unpatented lode claims, and 15 unpatented mill site claims.¹

A claim's ownership history often influences its management as well. In general, WRST's claims are held by either large corporations, small exploration companies, or distant family heirs. The large corporations have presented the park with relatively few concerns, as most finished exploring their properties before the park was established and never attempted to develop them. While many corporations merely abandoned their claims, some, like Kennecott Copper and Geneva Pacific eventually donated their holdings to the park.

CONTESTED GROUND

Little development has occurred on claims held by distant family heirs. Some, like the Hubbard-Elliott property on Elliott Creek, are rarely even visited. Others, like the historic Andrus group on Chititu Creek, were eventually offered to the NPS.

The claims held by small exploration companies have proven to be the most difficult to manage. Small miners generally possess few cash reserves and must limit expenses in order to develop marginal ground profitably. The National Park Service's effort to exercise control inevitably delays development and raises costs, often initiating contention.²

The NPS made its first effort to control WRST's mining in December 1980, when it contacted all known mine operators and requested that any planning to work their claims immediately submit an MPO.

Those miners who have operated under temporary approval of previously submitted plans of operations should give notice of intention to operate in 1981, and indicate any proposed changes to your existing plan.³

While WRST allowed most operators to continue working temporarily, such permission became increasingly more difficult to obtain.

SILVER STAR/PANDORA MINE

Melvin, Paul, and Francis Barry's unsuccessful attempt to develop their Silver Star and Pandora claims provides an excellent

example of the difficulties faced by a small exploration company trying to operate within the park. Neil Finnesand located the claims, situated just north of the Kotsina River, legally in the 1960s, but never took them to patent. They were also situated in an area which ANCSA later closed to further mineral entry. Nevertheless, in 1974 the Barrys negotiated a deal to purchase the unpatented claims from Finnesand for \$150,000, to be paid at a rate of \$5,000 per year or a sum equivalent to 5 percent of the net profits, whichever was greater.⁴

The Barrys notified the BLM the following year that they intended to construct a road linking their property with Strelna. The brothers began work in May 1975, generally following the historic Elliott Creek trail, which was already utilized by ATVs. Although they lacked permits for their work, the BLM allowed them to continue. Amazingly, the bureau only questioned the width of the road and the steepness of the grade leading down to the Kotsina River.⁵

While the first 20 and final 4 miles of the road crossed lands selected by Alaska Native corporations, the BLM determined that, as the Barrys' claims predated ANCSA, their access was guaranteed by the act. The bureau based its interpretation on Sec. 17(b)(2), which promised that

any valid existing right recognized by this Act shall continue to have whatever right of access as is now provided for under existing law and this subsection shall not oper-

ate in any way to diminish or limit such right of access.⁶

Nevertheless, the BLM informed the brothers that once the Ahtna-selected lands were conveyed, the miners would only retain use of the road for mining purposes, and the Natives would have the right to close the road to the general public wherever it digressed from the existing trail.⁷

The NPS reevaluated BLM's position in 1978 following the establishment of Wrangell-St. Elias National Monument. Interpreting ANCSA very differently than the BLM, it maintained that Sec. 17(b)(1) required the Planning

Commission to identify "public easements" in order to guarantee "a full right of public use and access for recreation, hunting, transportation, utilities, docks, and such other public uses as [it] determines to be important." Its interpretation was apparently correct, as two interim conveyances of Native land eventually included easements covering portions of the route.⁸



The living quarters for the Silver Star/Pandora Mine were situated on the peninsula separating the Kotsina and Kluvesna Rivers



The Barrys' mining operation substantially impacted the Peninsula

claims in 1979. After reviewing the accompanying data, Fred Spicker, a geologist with the Division of Mining and Minerals, PNRO, notified the ARO that they should

The Barrys applied for a permit from the NPS to work their

not be allowed to mine until they supplied the park with additional information.⁹

When ARO examiners first visited the site the following August, they were impressed by the size of the brothers' operation.

Six years of improving 41 miles of road preceded the shipping of any ore. At the mine there are two bulldozers . . . , a track-laying front end loader, a drill and a grader. At camp there was a Winnebago motor home, a camper dismounted from the truck, a travel trailer and a tent for living quarters. Two four-wheel drive, jointed body PUG all terrain vehicles are used to haul water for camp.¹⁰

Despite describing the impacts of the mining operation and the road from the camp to the mine as "obvious and spectacular," the NPS representatives voiced few serious objections. In deference to the Barrys, they even advised that future examiners emphasize the miners' contributions to the development of the region.

Any approaches to miners in the new monuments which reveal the bias or stance of regarding these people as criminal despoilers of the environment will be counterproductive and may create schisms that could block communication and cooperation for a long time.¹¹

As a result, the NPS authorized the Barrys to conduct "temporary" mining operations throughout the early 1980s. While approv-

ing further efforts, the NPS warned that it had not yet completed a formal determination of their claims' validity, so its permission should not be considered final.¹²

The brothers soon faced more immediate problems. While the Silver Star/Pandora lode claims were all staked before the withdrawal of the Wrangell-St. Elias region from further mineral entry in March 1972, the mill sites were not located until May 1979, rendering them invalid.¹³

The Barry brothers appealed that decision, even asking Alaska Sen. Ted Stevens to write special legislation which would permit miners with valid claims to "select non-mineralized sites for the purpose of milling and other mining related functions." This would have allowed them to avoid the existing "catch 22" situation, where an economically feasible claim "could be judged invalid because it is impossible to obtain the needed milling sites to carry on the necessary mining activities."¹⁴

While sympathetic to the brothers' plight, the NPS possessed few options. Lacking any legal authority to permit the establishment of mill sites on park land, it suggested that the brothers lease or purchase suitable property from a nearby inholder.¹⁵

The brothers eventually faced problems regarding their access route as well. Although the NPS allowed them to maintain their road as far as the Kotsina River, it did not authorize them to make any perma-

ment improvements, such as replacing the Kotsina River bridge.¹⁶

Due to the fact that the Silver Star/Pandora claims had been previously mined and were located in designated wilderness, WRST soon moved them to the top of its priority list for validity exams. As a result, the EMMO contracted with Luther Clemmer to perform the field work, which was completed in July 1985.¹⁷

Clemmer found four of the seven claims invalid due to a lack of discovery. When he submitted his conclusions to the BLM, however, it returned the report to the ARO, recommending that Clemmer complete additional analyses. After a thorough review the following spring, the ARO and the EMMO determined that all seven claims were invalid. While the ARO agreed to reexamine the claims, the NPS formally notified the brothers that it would not approve any additional plan until the claims' validity was established.¹⁸

In January 1987 the brothers again asked permission to repair their access road. This time WRST denied their request, arguing that such maintenance qualified as a mining-related operation that could not be legally authorized without an approved MPO.

There were other issues as well. The question was complicated by the fact that the road crossed land owned by several different parties and encumbered by different types of rights-of-way or easements covering different sections. Granting such

permission therefore required consultation with the various landowners, NEPA compliance, and issuance of an adequate authorizing document to assure the protection of both public and private interests. The park noted, however, that as Congress required it to provide "adequate and feasible access" to mining claims, it would consider a request for access utilizing the existing unmaintained road, or by some other means which would not damage park resources.¹⁹

Using the information in the Clemmer report to make a preliminary economic analysis of the claims, the EMMO determined that they were uneconomical to mine under current market conditions. Based on that, the EMMO suggested that the Clemmer report be discarded and a completely new validity exam be performed.²⁰

In the meantime, WRST notified the Barrys that Clemmer's report raised a "pall of significant doubt" regarding the validity of the claims. As a result, the NPS could neither "consider approval nor request waiver from the injunction for any Plan of Operations . . .".²¹

WRST drafted the EA necessary to allow the movement of heavy equipment from the Barry brothers' campsite to their claims in order to open the portals so their discovery points could be sampled, but the brothers never completed the necessary work. When questioned about their failure, they indicated that it would have cost

\$20,000, and they were unwilling/unable to undertake it.²²

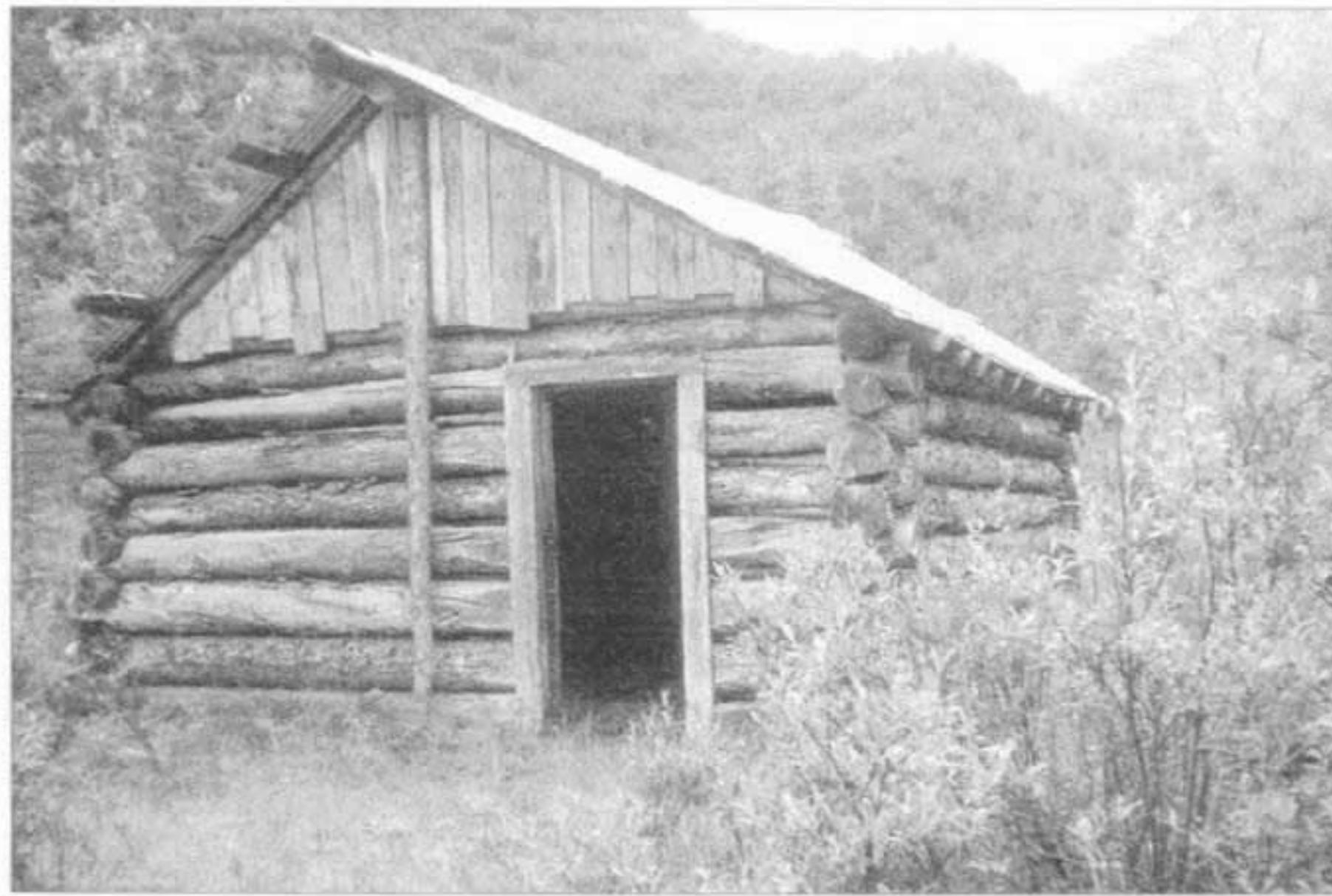
WRST warned the brothers about the possible consequences of that decision.

The Interior Board of Land Appeals has ruled numerous times that it is incumbent upon a mining claimant to keep

his discovery points available for inspection by Government mineral examiners. Where he does not, he assumes the risk that the mineral examiner will not be able to verify the discovery of the alleged mineral deposit, and his argument that the samples taken by the examiner are not representative, will be rejected.²³

In September 1987 Devenport notified the Barrys that no further work could be done that year. Luther Clemmer and Sidney Covington finally visited the site in 1988 and completed the examination.

The Barrys faced other problems that summer as well. The NPS informed them that they could not store their explosives in the historic buildings situated near the mouth of the Kluvesna River.²⁴



Historic cabin near the mouth of the Kluvesna River

Cabins or other structures . . . must be located on a valid mine claim, mill site or private property if they are to be used

for support of a mineral operation. The land at the Peninsula is park wilderness and not available for use in support of a mining operation.²⁵

The park consequently made the brothers remove all their personal property, including a trailer, a camper, a metal storage shed, bulldozers, explosives, fuel barrels, and lumber from public lands.²⁶

By then Clemmer and Covington had already completed their new validity report on the Silver Star/Pandora, and based upon the reviewers' comments and a recalculations of reserves, they reached three significant conclusions:

1) Because of the narrow veins of mineralization, the small tonnage of proven ore, the isolation of the mine, the harsh environment and short season and excessive distance to markets, it is not economically possible to show a profit mining from the Silver Star and Pandora lode mining claims.

2) The price of silver, the principal saleable product from this property, has remained in the \$6.00- to \$8.00-per-ounce range for several years and future prospects are not encouraging.

3) The Silver Star Nos. 1, 2, 3 and 4, and the Pandora Nos. 1, 2 and 3 lode mining claims, did not have in 1978 and do not have today, a discovery of valuable mineral sufficient to satisfy the requirements of the mining laws.²⁷

In applying the general propositions of federal mining law to the Silver Star and Pandora mining claims, WRST grappled with the question of whether the claims contained sufficient evidence of an adequate quantity of valuable minerals, computing the reserve at approximately 6,000 tons of mineralized ore. The park ultimately decided that there was insufficient evidence to provide a prudent man with a reasonable expectation of developing a paying mine. "Evidence that is only sufficient to justify further exploration to determine the extent of the mineral de-

posit is not sufficient to prove a discovery."²⁸

In May 1991, the NPS notified the Barrys that it now considered all seven claims to be invalid and that it would no longer consider approving an MPO. "Without an approved plan of operations mining activities can not be conducted."²⁹

The brothers tried to donate the claims to the park in 1992, but WRST informed them that it could not accept the donation because the site had not been surveyed for hazardous substances; ownership of the property was unclear; the record of State filings was incomplete; and the validity report indicated that they possessed no discovery.

The NPS recommended instead that the brothers merely relinquish the claims, but warned them that such relinquishment would not absolve them of responsibility for any hazardous substances that might later be discovered.³⁰

BLM effectively ended the controversy in October 1992, when it voided the claims for failure to file evidence of assessment work performed or notices of intent to hold with the State Recording Office for the years 1989 and 1990. Although Neil Finnesand's estate fought the BLM's decision, the Interior Board of Land Appeals dismissed that appeal on February 10, 1993. Following their return to federal ownership, the claims were automatically incorporated into WRST.³¹

GOLD HILL

Nels P. Nelson, Billy James, and Matilda Wales made the Chisana district's first significant placer discovery near the mouth of Bonanza Creek in May 1913, but it was the find made by James and Wales a few days later and a couple of miles upstream on Little Eldorado Creek that really put the place on the map. Reports of that strike electrified the region and precipitated Alaska's last major gold rush.³²

The Chisana district remained viable until about 1920, when even its most productive claims were virtually exhausted. No significant recovery occurred until 1934, when the construction of a road linking the Richardson Highway and the nearby Nabesna River greatly facilitated local transportation. The federal government's nearly 70 percent increase in the price of gold was even more significant, creating a substantial new incentive to mine.³³

As the 1930s ended, production again began to fall. That accelerated in October 1942, when America's War Production Board issued Limitation Order L-208 closed most of the country's gold mines.³⁴

Mining in the Chisana district resumed in 1945, though on a far smaller scale. While all of Gold Hill's original claims lapsed during the 1950s, most were relocated during the following decade.

Joe Layland was particularly active, staking Little Eldorado No. 2 for the Snowgulch

Mining Venture, which consisted of Layland, Rupert Baird, Bert Bruhn, and Harold Wilkings, in 1963. Layland eventually prospected Bonanza Creek as well, claiming Nos. 1-6 in August 1969.

Bruhn returned his portion of the Snowgulch holdings to the company, and Don Dippel and Monte Allen acquired Baird's share in June 1970. As a result, by the time the park was established, Wilkings, the Dippel/Allen partnership, and Gravest, Inc. (comprised of Layland's six heirs), each held a one-third interest in the property. Gravest also held the six Bonanza claims, which it had acquired following Layland's death in 1973.³⁵

Ivan Thorall prospected on Gold Hill during the 1960s as well, locating the Tony M and the Shamrock claims on upper Bonanza Creek in 1970. In October 1973, he staked two additional Bonanza claims, which he called Lucky Discovery and One Below Discovery, just downstream.

When President Jimmy Carter established Wrangell-St. Elias National Monument, its northern boundary was located south of Gold Hill, but ANILCA later moved it further north. As a result, Gold Hill was included within Wrangell-St. Elias National Preserve. One of several miners dramatically impacted by the change, Thorall described its effect on his operation.³⁶

As you probably already know, most of the ground here has been worked, intermittently, since 1913 and is not considered very valuable. One exception being a half

mile or so of Gold Run Creek which has not been worked and may contain from three to five thousand ounces of placer gold. At my age, 68, it is too deep and costly a venture for me to play around with. The rest of my ground

I had hoped to work to supplement my social security benefits. I had my Gold Run claims sold when all

the withdrawals hit us and the deal fell through. I doubt now that I could give them away at any price but would like to hang on for another year or two just in case things change for the better. This was going to be my first year with more income than outgo.³⁷

Recognizing that working the claims would violate NPS regulations, and not mining them would violate state requirements, Thorall sought a legal way to retain his holdings. The ARO informed him that filing an annual Notice of Intention to Hold with both the BLM and the state

recorder's office would protect his interests, pending a validity determination by the NPS.³⁸

WRST approved Dippel's MPO to conduct mining operations during 1982 on Skookum Nos. 1-20, CCCU Nos. 1-83, Big El Nos. 1-46, Big El Nos. B1-B8, and Big El Nos. C1 and C9-C13 lode claims, and Rocky No. 1, Tony No. 1, Ole No. 1-5, and Jay Nos. 1-3 placer claims.³⁹



James Moody uses this historic mining camp on Little Eldorado Creek as a staging area

The park approved Dippel's

operation again in 1983, allowing him to work on Skookum Nos. 1-20, Big El Nos. 1-46, Big El Nos. B1-B8, and Big El Nos. C1 and C9-C13 lode claims, and Rocky No. 1, Tony No. 1, Ole No. 1-5, Jay No. 1, Little El No. 1 and 2, Bench No. 1 and 2, Snow Gulch No. 1, and Skookum No. 1 placer claims. However, that November the BLM notified Dippel that he had failed to file the required duplicate copy of his "notice of intention to hold" his Skookum lode claims with the state in 1979. The bureau eventually deemed those claims abandoned and declared them void.⁴⁰

Although three companies worked various Gold Hill properties under approved MPOs in 1984, all were still small-scale operations. James Moody, the husband of Layland's daughter Rose, mined the Gravest property on middle Bonanza Creek, Thorall worked his claims on upper Bonanza

Creek, and Dippel divided his time between Big Eldorado, Gold Run, Little Eldorado, and Skookum Creeks.⁴¹

WRST approved MPOs for

the same three miners in 1985: Dippel on Little El Nos. 1 and 2, Bench Nos. 1 and 2, Snow Gulch No. 1, and Skookum No. 1 placer claims; Moody on Bonanza Nos. 1-6; and Thorall on upper Bonanza.

Thorall, however, did not mine his property that year and never submitted another MPO.⁴²

On July 24, 1985, District Court Judge James von der Heydt issued a preliminary injunction that barred the parks from approving further MPOs until the unit had completed an EIS evaluating the cumulative effect of further mining. That December the court allowed certain operators to obtain relief from the injunction, pro-

viding their operations "did not contribute to any cumulative impact on park resources."⁴³

Von der Heydt's injunction severely impinged on Chisana miners. Not only did it require them to submit more thorough

MPOs, including environmental reports and reclamation plans, but forced WRST to conduct exhaustive technical and environmental reviews before

granting the operators permission to mine. Temporary approvals were no longer permitted.⁴⁴

Many miners, like Ivan Thorall, were understandably bitter.

It now looks like this may be the third year in a row that for one reason or another I won't be allowed to mine and although I have already purchased a dredge and have it in shipment my loss this year will not be as heavy as the years past. I wish there was someone I could sue also. The Sierra Club seems to have the corner on that.... I will continue with my



Moody's floating dredge leaves little impact

prospecting as it pollutes nothing and bothers nobody and will prove of value if and when all the law-suits and legal maneuvers are over.⁴⁵

Gravest sat out 1986, and Thorall sold One Below Discovery and Lucky Discovery to Glenn DeSpain that June. Only Dippel submitted an MPO in 1986, hoping to continue working his claims on Big Eldorado, Little Eldorado, Gold Run, and Skookum Creeks, but his plan was rejected by the NPS.⁴⁶

No local companies operated in 1987, but Gravest planned to resume mining in 1988. To further that end, it appointed Moody as its official representative and convinced Dippel to allow him to utilize their jointly-owned Little Eldorado Creek mining camp.⁴⁷

WRST completed an EA for Gravest's middle Bonanza claims in early 1988, and, after reviewing the document, the court allowed Moody to resume mining. The park's environmental staff monitored his operation carefully in order to document his compliance and assist him in obtaining further relief from the injunction. Moody expanded his holdings that year as well, buying Dippel's Big Eldorado claims.⁴⁸



ATV trail from the Chicken airstrip to Big Eldorado Creek

Gold Hill received additional attention in 1989. Moody continued working his middle Bonanza claims under his existing MPO, and also submitted plans for his newly-acquired Big Eldorado and Gold Run claims. Although neither of those was approved that season, WRST drafted an EA that assessed Moody's maintenance plans for the ATV trails connecting the Chicken Creek airstrip with the mining camp on Little Eldorado Creek and the Big Eldorado and Gold Run Creek placer claims. WRST eventually allowed both the mining and the maintenance.⁴⁹

Moody's middle Bonanza Creek operation received its third season of temporary relief from the injunction in 1990. Still monitoring the operation closely, the park found that the miner had left trash at several historic sites, and notified him that it would deny further permits until he removed it. Moody subsequently complied.⁵⁰

Mark Fales and Larry James initiated negotiations to acquire Moody's Big Eldorado Creek claims that summer, agreeing to abide by the terms of his existing MPO. Moody and John Devenport, WRST's

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former mining engineer, submitted a plan to work Gravest's claims on lower Bonanza Creek, but it was rejected by the ARO.⁵¹

WRST's minerals management staff again focused on Gold Hill in 1991. While Moody's middle Bonanza Creek operation received another season of relief from the injunction, the park reviewed and rejected his MPO supplement covering Bonanza Nos. 1, 2, and 3. It also rejected his 1989 plan to conduct similar operations on Gold Run Creek. Nevertheless, it did issue him a special use permit to access his claims to conduct maintenance activities.⁵²

WRST met with Glenn DeSpain that summer as well in order to help him prepare an MPO for Bonanza Lucky Discovery and Below Discovery. Its dealings with DeSpain were complicated by his effort to take his claims to patent, an outcome considered unfavorable by the NPS.⁵³

Fales and James finalized their purchase of the Big Eldorado claim block in 1992. The park issued them a permit to access their support camp, but refused to authorize any mining. Nevertheless, some mining occurred, and the claimants were cited. WRST finally approved their five-year plan in July. This involved conducting and writing an EA tiered to the Mining FEIS, the first mining operation to be permitted under the cumulative impacts methodology.⁵⁴

The park approved Moody's supplement to include the Bonanza No. 2 and 3 claims

under his existing MPO in 1993, and the operator conducted suction dredge mining on Bonanza No. 3. WRST closely monitored his operation that season, the final year for that MPO, but Moody completed his required reclamation and the park returned his performance bond in 1994.⁵⁵

ARO staff located the corners on the Big El lode claims and began drafting a topographic map of the drainage. Ahtna, Inc., submitted an MPO to explore the block, but that plan, too, was reviewed and rejected. Regional mining staff examining Dippel's claim records discovered a potential defect. Although the claimants provided evidence that supported their compliance with FLPMA requirements and the regional solicitor indicated that they had followed the intent of the law, the Big El lode claims were eventually abandoned.

Moody submitted a new suction-dredge MPO for Bonanza Nos. 1-6 in September 1994. The park, however, required more information before approving the MPO, and only issued him a special use permit to access his support camp on Little Eldorado. WRST prepared an EA for Moody's new five-year Bonanza MPO in 1995. Extended in 2000, it remains valid through 2005.⁵⁶

Glenn DeSpain continued his efforts to patent Lucky Discovery and Below Discovery in 1994. The miner filed a Notice of Application in early June, but before he could submit his final documents to the BLM, President Bill Clinton signed the 1995 Appropriations Act, which sus-

pended processing of all such applications.⁵⁷

Thorall sold his two remaining upper Bonanza placer claims, Shamrock and Tony M, to Carol Ann and Lloyd Webb in 1994. Not surprisingly, in 1996 the couple informed the park that they intended to tender an MPO to conduct a suction-dredge operation on their property. As of spring 2002, however, no plan had yet been submitted.⁵⁸



Aerial view of Orange Hill and adjoining airstrip

Fales and James mined Big Eldorado Creek for a few days in 1993 under their approved five-year, suction-dredge MPO, but WRST reviewed and rejected their supplemental backhoe/trommel proposal due to missing information. As a result, the claimants postponed further mining until 1994, when the park finally approved it. Fales and James completed their first genuine work on their Big Eldorado placer claims that year, and continued sporadically through 1997. Monitoring the operation closely, the park found that the miners adhered to all permit stipulations and that their work had no significant environmental effects.⁵⁹

Fales began developing a ten-year Big Eldorado Creek MPO in 1997. Much more complex than his previous proposals, it addressed such topics as winter access, transportation of fuel and supplies, airstrip construction, operation of heavy equipment, and stream diversions. The NPS accepted the plan as complete in September 1998, and finished its analysis and permitting in late 2000. Fales is currently expected to mobilize his equipment in late 2001 and begin mining in 2002.⁶⁰

ORANGE HILL

Many Klondike stampeders ascended the Copper River in 1898 and 1899 and some prospected local streams. One party, which explored the upper Nabesna River, located a few gold claims on California Creek. None, however, were ever developed.⁶¹

Beginning about 1905, prospectors began searching the Nabesna region for copper. The so-called Bratnober party, which included Draper C. "Bud" Sargent, James Galen, and Carl Whitham, was probably the most successful, as John Irving's 1907

mineral map of the region shows a block of Galen's claims occupying Orange Hill.⁶²

Sometime between then and 1920, control of that group passed to Sargent, and he sold it to the Alaska Nabesna Corporation (ANC), which patented the property—consisting of 18 mining claims and an adjoining mill site—in 1923. The ANC completed considerable exploration by 1930, including several open

cuts, shafts, and tunnels. While it failed to make a discovery that could be profitably developed at the time, the ANC did confirm the presence of a substantial copper-molybdenum deposit.⁶³

That find attracted other companies to the region. One was the Kennecott Copper Corporation, whose exploration subsidiary, the Bear Creek Mining Company (BCM), began examining nearby properties in 1962. By 1979 it had accumulated numerous unpatented lode claims in the vicinity, including the Bond Creek Group. BCM sampled its claims in 1981 and 1982, but abandoned all of them in the mid-1980s.⁶⁴

The Alaska Nabesna Corporation eventually conveyed its patented Orange Hill property to the AJV Corporation, and in 1974 the block was acquired by Northwest Explorations (NWEX), which already held

99 other unpatented claims nearby. NWEX negotiated a long-term exploration and option-to-purchase agreement with Pacific Coast Mines, Inc. (PCM), a subsidiary of U.S. Borax, in

May 1977.⁶⁵

The NPS granted PCM temporary approval to conduct mining operations in 1981. By then, the company also controlled the 65 unpatented Nike-Becky claims, which were located in 1970. PCM explored both claim blocks, but it never exercised its option. Although the BLM voided the NWEX's 99 unpatented claims in 1988 when it failed to pay their annual assessment fees, the company still holds the patented claims on Orange Hill.⁶⁶

Western Gold Exploration and Mining Company eventually acquired ownership



This drilling mud was abandoned near Orange Hill following exploration activities in the 1960s

of the Nike-Becky claims and transferred them to Cominco Alaska Exploration in 1991. Although Cominco also examined the claims, it never developed them, and assigned its interest to Ahtna, Inc., in December 1992.⁶⁷

Ahtna submitted an MPO the following June to conduct some minor exploratory activities of its own. WRST, however, rejected Ahtna's plan, informing the company that it must definitively locate the claim group before the park would permit any further exploration.⁶⁸

Accurate claim size and corner location are essential in determining where your mineral rights exist. Since the NPS has no authority to approve or permit off-claim uses, except for access, this procedure is a necessary prerequisite to approval or any mining proposal.⁶⁹

While Ahtna asked the BLM to exempt it from paying annual assessment fees, the bureau denied its request. The corporation appealed that decision, but the Interior Board of Land Appeals eventually ruled against it as well.⁷⁰

Stymied in its attempt to develop the group, Ahtna donated its interest to the University of Alaska in late 1996. The university asked the NPS to postpone its scheduled validity exams, informing the bureau that it anticipated receiving a substantial federal land grant from Congress in exchange for relinquishing several inholdings, including the Nike-Becky Group.

Given the strong possibility of a future relinquishment of the claims, it would serve both the University's and the NPS' interests to refrain from expending significant time and money on the examination process unnecessarily. I strongly urge you to suspend the scheduled validity examination at least for the remainder of this year to allow Congress time to act on the legislation.⁷¹

The university's request did not sway the NPS, which conducted its validity exams on schedule. The bureau justified its decision by explaining that the Interior Department would not allow the Nike-Becky claims to be conveyed until their validity was confirmed.

An essential step in the unpatented mining claim acquisition process is the determination of valid existing rights. The validity examination is the method available to determine if a mining claim has a valid mineral discovery. An unpatented mining claim found to be lacking a valid mineral discovery is invalid. The NPS is not allowed to expend funds or exchange federal lands to acquire unpatented mining claims prior to determination of valid existing rights.⁷²

The NPS continued its testing in 1998 and 1999, but before it could complete its final report, the university failed to pay its annual assessment and the BLM voided the remainder of the claims.⁷³

NWEX filed suit against the Interior Department in December 1999, seeking compensation for an alleged “taking” which it claimed occurred when Judge von der Heydt’s preliminary injunction temporarily halted local mining in 1985. NWEX, however, had never submitted an MPO, which it maintained could not possibly have been approved under existing regulations.

In September 2000 the court granted an Interior Department motion to dismiss the suit, basing its decision on *Eastern Minerals Int’l, Inc., v. United States*, in which the court of federal claims refused to extend the futility exception to encompass a takings claim by a mining company that had never submitted a mining permit application. It held that although the company

may have faced the same delay [an unsuccessful applicant] endured [in receiving a decision from the government], this is the sort of speculation that the ripeness doctrine seeks to avoid. Each plaintiff must satisfy the threshold requirement of a single meaningful application to maintain the futility exception. We do not wish to read the meaningful proposal requirement so narrowly as to allow legal technicalities to undermine common-sense justice, but the Government was entitled to have meaningful notice of [the company’s] potential interest.⁷⁴

While the BLM extinguished all of the unpatented claims around Orange Hill, the patented ones remain. Developing those, however, would be a very expensive process. The operators would have to bridge the Nubesna River and construct about 14 miles of road in order to reach the property, then excavate a pit more than a half-mile in diameter and several hundred feet deep in order to recover the ore. The mine would also require about 500 employees, all needing housing, utilities, and a full range of other services. Permitting such a large and complex operation would obviously pose substantial environmental risks. The NPS still hopes to acquire the property and WRST continues negotiating with NWEX.⁷⁵

NABESNA/RAMBLER

A. J. Fjeld, who first explored the upper Nubesna region in 1899, returned to the area in 1903 and staked a group of lode claims on White Mountain. Although the ore contained about thirty dollars worth of gold per ton, Fjeld only recovered about 40 percent, leaving him too little to cover his expenses. Nevertheless, he continued his effort for several seasons, driving two tunnels for a total of about 130 feet. About 1914, however, he suspended operations and allowed his claims to lapse.⁷⁶

While prospecting in the area continued, nothing notable occurred until 1922, when Carl Whitham returned to the Nubesna district. Whitham, who had once looked for copper in the vicinity of Nubesna, had

spent most of the previous decade working a profitable gold claim on Little Eldorado Creek in the Chisana district, about thirty-five miles further east.⁷⁷

Reexamining Jacksina Creek, Whitham became convinced that the Fjeld had abandoned his efforts prematurely. He began prospecting nearby and in 1925 staked a new and promising exposure, which he called the "Bear Vein," only about 1,000 feet from Fjeld's original discovery.⁷⁸

Whitham spent the early 1930s developing his Nabesna Mine, establishing a large camp and installing a tram system, Blake-type crusher, ball mill, and classifiers. By 1936 his mill, which was run by Phil Holdsworth (who later served as Alaska's first commissioner of natural resources), was processing around 25-tons per day.⁷⁹

Whitham's property was very productive between 1934 and 1938, but output slowed in 1939 and 1940, and the onset of the Second World War ended it altogether. Although relatively short-lived, it was still a

very profitable venture, yielding nearly \$2 million.⁸⁰

Kirk Stanley bought the patented Nabesna property in the late 1960s and soon restaked the adjoining unpatented Rambler claim block. He also nominated the Nabesna Gold Mine to the National Register of Historic Places and it was listed in 1979.⁸¹



Nabesna

WRST permitted Stanley to conduct mining operations on the Rambler property in 1981, 1982,

and 1983, and the park even completed a FONSI in 1983 which allowed his Ptarmigan Company to construct some necessary roads. However, the BLM eventually declared the claims to be abandoned after the firm failed to file its annual affidavit of assessment.⁸²

Both Ptarmigan and Wayne Bolt, who was leasing the claims from Ptarmigan at the time, appealed that decision. Bolt's four-part argument contended that FLPMA did not apply to mining claims in national parks; that the regulation adopted pursuant to the MPA that applied FLPMA to mining claims in parks exceeded its statutory authority; that the NPS's approval of

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Bolt's MPO prohibited the BLM from challenging the validity of the claims; and, that the forfeiture of the claims amounted to a "taking" under the fifth amendment.⁸³

The 1985 mining injunction temporarily halted all activity in the park. Most operators immediately complied, but Bolt continued his core drilling operations on White Mountain. Although the park formally notified Bolt that his actions were in contempt of court, it took more than a year to stop him completely.⁸⁴

Unable to reverse BLM's decision regarding the validity of the Rambler property, in early 1986 Jack Stanley staked "new" claims at the same location. Although the BLM promptly declared them null and void *ab initio*, Stanley appealed, arguing that they were not on park lands because they retained their mining character when the surrounding ground was incorporated into WRST in 1980.⁸⁵

The BLM rejected that argument as well, noting that Public Land Order No. 5178 withdrew the entire township from all forms of appropriation—including location and entry under the mining laws—in March 1972. In addition, the bureau argued that,

[w]here lands covered by mining claims are withdrawn from future entries 'subject to valid existing rights,' the withdrawal attaches, as of the date of the withdrawal, to all land described by the withdrawal, including the lands covered by the mining claims. So long as

the claims are valid, the withdrawal is ineffective as to the lands embraced by the claims. However, when the claims terminate, the withdrawal automatically becomes effective . . . to the lands covered by the entry, thus closing them to future entries.⁸⁶

Meanwhile, the efforts to develop the Nabesna property progressed on other fronts. In September 1986, for example, the NPS approved Stanley's plan to conduct cyanide leaching operations on approximately 9,000 tons of tailings at the Sunshine Lode. Unfortunately for Stanley, the ADEC notified WRST the following May that it had developed new state requirements for heap leaching, requiring the operator to revise his MPO. This action, and its associated delays, ultimately forced Stanley to cancel the entire project.⁸⁷

Bolt remained active. In September 1988 he and his White Mountain Mining Partners assigned their Nabesna lease to Colorado Resources, Inc., and that company promptly negotiated a deal with Newmont Exploration to develop the property. Newmont agreed to increase its holdings by leasing the contiguous land from the Ahtna Corporation, which the company believed would enhance further exploration and development.⁸⁸

Visiting District Judge Muecke dismissed Bolt's 1983 FLPMA challenge in February 1989 on the grounds that the six-year statute of limitations applicable to actions against the government—FLPMA, after

all, was enacted in October 1976—had elapsed. Bolt appealed.⁸⁹

District Judge Holland delivered the final blow in March 1990 when he rejected of all of Bolt's remaining arguments. The court concluded that FLPMA applied to mining claims located in national parks, and dismissed the taking claim under a straightforward application of *United States v. Locke*, in which the Supreme Court found that FLPMA was "a valid exercise of the government's power to economically regulate for the public good, including legislatively imposing new regulatory constraints on the retention of vested property rights." The actual cause of the loss was the claimholder's failure to timely file rather than a legislative taking. Finally, he rejected the estoppel claims because Ptarmigan was not shown to be ignorant of the facts and because Stanley could not prove that he relied to his detriment on the NPS's approval.⁹⁰

By then, the Ptarmigan Company had turned on Bolt as well. In May 1990 it cancelled Bolt's lease of the Nabesna claims, and in May 1992 it successfully quieted their title. Both White Mountain Mining and Wayne Bolt were denied any right or interest.⁹¹

The Ptarmigan Company showed little interest in mining at Nabesna for most of the 1990s, but in December 1999 it submitted a plan for road construction to support future exploration. This time, Stanley planned to look for both gold and wollastonite, a calcium silicate formed

when limestone is invaded by magma. Although wollastonite is a relatively common material, it seldom occurs in large enough quantities to be profitably mined.⁹²

Ptarmigan supplied WRST with additional information in February 2000, and the park deemed the MPO complete on March 1. The following month, the NPS published a copy of the document in the *Federal Register* and released its accompanying EA for public comment.⁹³

While WRST favored approving Ptarmigan's MPO, the EA contained 26 stipulations. These protected cultural resources and addressed possible fuel spill containment, slope stabilization, and erosion control. Following a 30-day period for public comment, the park determined that the proposed action could be implemented with no significant adverse effects and completed the necessary FONSI on July 5, 2000. Work is expected to begin in 2001.⁹⁴

REX CREEK

Prospectors first explored Rex Creek in 1902 and have worked it nearly continuously ever since. Everett Brooks staked the Edison Associates group in 1909, and mined there extensively during the early teens. John J. Price and Frank Manley optioned the property in 1915, but it never provided them with any appreciable return. Walter Holmes acquired the patented claim block in the 1950s, and willed it to his widow, Tess. She held it until

1971, when she sold it to Roscoe Livingston and Eula Vickery.⁹⁵

Livingston and Vickery leased the ground to Gary Willis in 1981, and he mined there through 1983. Russ Hoffman worked for Willis in 1982 and 1983, and acquired the lease after Willis left. Hoffman mined the property until the injunction associated with *NAEC v. Hodel* forced him to suspend operations in October 1985.⁹⁶

Hoffman submitted a MPO in early 1986 to resume mining and the NPS completed its EA the following June. Although the miner began work that fall, he was only able to operate for about a month before being stopped by the weather.⁹⁷

WRST staff considered Hoffman to be a model miner. Praising his “cooperation, patience and persistence,” they acknowledged that his “diligence in complying with National Park Service requirements” was undoubtedly the reason his operation was approved by the court. Nevertheless, NPS delays in approving changes to his 1986 MPO caused him to abandon his effort at the end of the 1987 season.⁹⁸

Following the terms of his MPO, Hoffman reclaimed the site before leaving, backfilling and recontouring his cut and restoring the shape of the bench to approximate its natural condition. After monitoring the site for the next four seasons, park personnel found that the restored slopes were stable and that natural vegetation was returning.⁹⁹

Frustrated in his efforts to have his property mined, Livingston approached WRST in July 1988 with an offer to donate it, providing he could obtain a sufficiently lucrative tax benefit. Unfortunately, he and the NPS were never able to agree on terms.¹⁰⁰

Livingston approached the NPS again in 1991, this time offering to sell the 123-acre parcel for \$86,850. Although WRST wished to acquire the property, there was no funding available to purchase it.¹⁰¹

Realtor Robert Fox contacted the park in early 1995, now offering to sell the property for \$150,000. Like Livingston, Fox was informed that there were no funds available for mining claim acquisitions.¹⁰²

AKSO staff began a new round of negotiations with Livingston in 1998 and eventually arranged a deal. As part of that process, WRST staff completed contaminant surveys in August 1998 and July 2000. The park finally acquired the property for \$62,000 in January 2001.¹⁰³

DAN CREEK

Prospectors first detected gold in Dan Creek in 1899, but quantities then seemed too small to justify development. However, Dan Creek was not forgotten, and in 1901 Dan Kain and Clarence Warner staked much of the drainage. Most placer claims were patented by the Dan Creek Mining Company in 1910 and 1923, and one company or another has mined there ever since.¹⁰⁴

The Dan Creek Partners (DCP) acquired the property in 1975, and they or their agents worked it until they were stopped by the 1985 mining injunction. Aware that the NPS ultimately hoped to acquire all the mining claims in Alaska units, the DCP offered to sell it theirs. While WRST supported the proposal, no funding was then available for acquisition. In response, the company threatened to subdivide part of the property, enabling it to recoup some of its investment. When that approach failed as well, in May 1991 Randy Elliott informed park managers that he intended to mine it.¹⁰⁵

The park reminded Elliott that 36 CFR 9A controlled all mining activities in NPS units.

These regulations apply to all operations . . . in connection with mining on claims, conducted within any unit until a plan of operations has been submitted by the operator to the Superintendent and approved by the Regional Director.¹⁰⁶

Elliott refused to submit an MPO, arguing that neither the Mining in the Parks Act nor ANILCA applied to inholdings, which were technically located "outside" the park. Elliott questioned ANILCA's basic fairness as well.

Although ANILCA specifically says that this regulation is imposed to preserve the park land, no other inholders . . . are required to com-

ply with these regulations. I am allowed to mine and conduct any operations I wish on [N]ative patents, homestead patents, and state patents, all of which abut Dan Creek and contain suitable deposits. If the purpose of these regulations is to preserve park resources they should apply universally. The type law used to go to patent has never before been used to impose zoning in this fashion. The effect of current enforcement is to deny many property rights to only one class of inholder under a distinction of title not found anywhere in law except the empowering legislation.¹⁰⁷

Despite Elliott assertions to the contrary, WRST considered Elliott's document a MPO and rejected it as procedurally deficient. Nevertheless, later that summer park rangers observed Elliott mining in the drainage.¹⁰⁸

Elliott ignored federal requirements by operating without an MPO. He also violated Alaska state water quality regulations by discharging wastewater and placing tailings directly into Dan Creek. The park therefore notified the proper authorities and demanded that he immediately halt operations.¹⁰⁹

The EPA investigated Elliott's activity and eventually issued an administrative complaint, charging him with unlawfully discharging pollutants without a valid National Pollutant Discharge Elimination

System (NPDES) permit in violation of Section 301(a) of the Clean Water Act. Nevertheless, Elliott continued to mine and even invited tourists to participate. When questioned about that practice, he maintained that all visitors were informed that "their activities were not authorized and illegal."¹¹⁰

In 1997
Superintendent Jonathan Jarvis placed the Dan Creek property on his list of the park's nine highest land acquisition priorities. AKSO contacted the owners and at-

tempted to arrange the property's appraisal, but they refused to grant permission until the park actually possessed the funding necessary to complete the purchase. WRST's efforts to acquire the property continue.¹¹¹

GREEN BUTTE

John E. Barrett discovered the Green Butte lode in about 1906, but nearly a decade passed before the majority of the present claims were staked. The Green Butte Mining Company acquired the

property in 1922, and by 1925 it had constructed a 2,800-foot tramway and two large camps. It also completed about 15,000 feet of underground workings, including 11,000 feet of drifts and cross-cuts, 1,500 feet of inclines, and 2,500 feet of raises, winzes, and stopes. The Green Butte Mine produced approximately 1,500 tons of relatively rich ore during this

period, but copper prices remained low, forcing it to end its activities in 1925.¹¹²



Green Butte Mine

Although the Green Butte Mine was inactive when WRST was established, its owner, the Green Butte Copper Company, leased the property to David Bartoli in 1988. Hoping to work the claims, Bartoli submitted an MPO, but WRST rejected the document due to missing information.¹¹³

McCarthy residents strongly opposed Bartoli's plan. That September, 48 community members sent a letter to the president of the Green Butte Copper Company, requesting that the firm cancel the project.

Our way of life here now depends on the scenic and natural values of

the park. And our community now has a tourism-based economy. Mining as proposed for the Green Butte is not compatible with the community of McCarthy, nor with the visitors who come from all over the world to experience the park landscape. Appealing to your sense of civic responsibility, we request that the present plan for mining operations not go forward.¹¹⁴

WRST questioned Bartoli's plan to transport ore from McCarthy to Valdez via the McCarthy Road.

We had originally considered this to be a State problem, as the Chitina/McCarthy road is in a right-of-way granted to the State. However, we have come to realize that because the right-of-way is an easement across federal property, and because altered traffic patterns would directly impact safety and visitation to the park, ore haulage resulting from an approved mining operation could be construed as a federal action subject to environmental analysis required by 36 CFR 9A and possibly NEPA.¹¹⁵

The ARO accessed the potential impacts of the Green Butte Mine's planned reconstruction and use of the McCarthy Creek Road, evaluating the project's engineering requirements and estimating the materials necessary to complete them. It, too, found Bartoli's proposal to be deficient.¹¹⁶

The park completed boundary surveys of the Green Butte property in 1988 and 1989, and identified problems there as well. WRST discovered that both Green Butte's upper camp and its 200-foot-level spoil pile were on public property. The location of the spoil pile was particularly problematic, as the company planned to mine it during its first season's operations.¹¹⁷

Bartoli revised his MPO in 1989 and 1990, but it was always rejected. Although the owner promised to make the necessary changes, WRST never received an amended copy. Bartoli's three-year lease presumably expired in early 1991.¹¹⁸

MALASPINA FORELANDS

In 1989 John Pavlik applied to the ADNR for a permit to conduct a placer gold mining operation on the beach east of the Sitkagi Bluffs on the Malaspina Forelands. After being assured that his "recreational" operation would only employ hand-mining methods and would take place entirely below the mean high tide line (and therefore under state jurisdiction), the ADNR notified Pavlik that no permit would be required. Pavlik, however, did not conduct any mining in 1989.¹¹⁹

Pavlik proposed a more sophisticated operation in 1990, using a small pump to supply ocean water to the sluice and possibly a small suction dredge. While considered legal by the state, the miner's plans conflicted with federal regulations. WRST reminded Pavlik that such mining would

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not be permissible within the park. ANILCA closed lands located above the mean high tide line to mineral location, entry, or patent, and 36 CFR 13.20(c) limited recreational mining to the surface collection of rocks and minerals for personal use.¹²⁰

The park collected baseline environmental information that summer at Pavlik's two proposed mining sites and completed a detailed report. It found that

no one may conduct an activity on park lands . . . in support of a mining operation regardless if the operation is on a valid claims or off park land. This would prohibit the storage of fuels or equipment on park land, or the use of a structure (such as a cabin) permitted for other purposes. Access across park land to support a mining operation such as you have proposed is not permissible.¹²¹

Pavlik renewed his request in 1994, again seeking permission to support a beach mining operation from lands located within the park. This time WRST's refusal was even more explicit.

Camping on Federal lands inside the park boundary is controlled and regulated by the NPS. The camping you propose would be in support of a mining operation. Thus, camping in this case would be associated with a commercial operation. Such activities on Federal lands in park units are

regulated by 36 CFR 5. Since this commercial operation is not an activity for which WRST was established as a unit of the National Park System, we would not authorize your proposed activity.¹²²

Apparently recognizing that he would never obtain park approval for his operation, Pavlik abandoned his effort.

AMRAP

ANILCA authorized mineral exploration on public lands in Alaska with its Alaska Mineral Resource Assessment Program (AMRAP), which required the Secretary of the Interior to

assess the oil, gas, and other mineral potential on all public lands in the State of Alaska in order to expand the mineral resource data base of such lands.¹²³

Although the NPS routinely permitted mineral assessment work in Alaska parks during the 1980s, most was authorized under the terms of 36 CFR 1.6 (Permits) or 39 CFR 2.5 (Research Specimens), the latter of which allowed

reputable scientific or educational institutions, State and Federal agencies to collect rocks and minerals under a specimen collection permit for the purpose of research, baseline inventories, monitoring, impact analysis, group study or museum display.¹²⁴

Section 2.5 was useful as a short-term solution but was never intended to accommodate the needs of a long-term program like AMRAP. Recognizing that limitation, the NPS eventually instructed Alaska parks to withhold further authorizations until it had promulgated the regulations required under ANILCA Section 1010(b), which required that such work be completed in a manner consistent with applicable legislation and that did not impact park values, purposes, or resources.¹²⁵

The NPS released its final rules in March 1991. While the National Park Service identified the USGS as the agency primarily responsible for conducting the research, it allowed access to other Interior Department agencies, like the Bureau of Mines and the Minerals Management Service, as well.¹²⁶

The new regulations only permitted assessment methods and techniques that did not cause any lasting environmental damage. Those included hand-sampling, instrumental remote-sensing measurements, and certain geophysical techniques. While ANILCA Sec. 1010(a) prohibited core and test well drilling in NPS units, the new regulations allowed the use of a hand-held drill to collect paleomagnetic specimens. They also explicitly prohibited the use of explosives, due to its level of impact.¹²⁷

ANILCA AMENDMENT

In 1992 Alaska Natives proposed making a technical amendment to ANILCA Sec. 304(c) which would allow them to claim

the little pockets of land left within their holdings when federal mining claims lapsed. The Natives argued that, as the majority of the lapsed claims were null and void *ab initio* due to a lack of discovery, they should not affect a reservation or appropriation of the public lands. And because they were unreserved, vacant, and unappropriated at the time they were selected by the Natives, their selection was valid and the NPS could not legally preclude their conveyance.¹²⁸

The Ahtna Corporation strongly supported the amendment, as it held lands that surrounded several potentially important claim groups, including the Rambler near Nabesna, the Berg-MacDougall south of the Kuskulana River, and the Nelson Mountain just south of the Chitina River. The Rambler claims were declared abandoned and void in 1986, when their owner failed to make the timely annual filing required by FLPMA. Ahtna had actually purchased the valid Berg-MacDougall and Nelson Mountain claims in 1988, but failed to make its annual filing in 1990, voiding them as well.¹²⁹

Congress approved an ANILCA amendment in 1992, allowing lapsed unpatented mining claims within Native selections to revert to a “selected or conveyed land status.” Unfortunately for the Ahtna Corporation, the legislation specifically excluded those lands within conservation system units. Consequently, none of the lapsed claim blocks within WRST were affected, and they remain in public hands.¹³⁰

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⁶ ANCSA, Sec. 17(b)(2).

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⁸ These included EIN 1g C3, C5, D1, L, which awarded a 50-foot easement for an existing road from Omnibus Act Route No. 850 in Sec. 22, T. 4S., R. 7E., Copper River Meridian, near Strelna, northerly to public lands; EIN 17 C3, C5, D1, L, which awarded a 50-foot easement for an existing road from Sec. 36, T. 3S., R. 7E., Copper River Meridian, northerly along the Kotsina River to public land; and EIN 20 D1, which awarded an easement for an existing 50-foot trail from road EIN 17 C3, C5, D1, L in Sec. 2, T. 2S., R. 6E., Copper River Meridian, northerly to public land. AA-8104-1, AA-8104-2, Ahtna, Inc., Interim Conveyance No. 442, October 23, 1981, 10, Silver Star Pandora folder, Mining files, WRST; AA-6653-A, AA6653-B, Chitina Native Corporation Interim Conveyance No. 947, September 28, 1984, 7, Silver Star Pandora folder, Mining files, WRST; Walter B. Parker and Esther C. Wunnicke

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¹⁶ William Paleck to files, August 28, 1981, Silver Star Pandora folder, Mining files, WRST.

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Due to its immense size and the fact that it occupies three different climatic zones, WRST contains a diverse assortment of plant communities. Nevertheless, it remains largely unexplored by botanists and many parts of the park still appear as a void in the literature because they have not yet been surveyed.¹

Many traditional uses, like mining, grazing, camping, and even hiking can alter vegetation. Such uses will undoubtedly increase as road access improves, air taxi operations expand, and the public seeks to experience new wilderness areas. In order to monitor such uses, WRST must identify sensitive plants.²

INVENTORY AND MONITORING

Prior to the establishment of the park, only a few local areas had attracted modern floristic studies: Skolai Creek, Chitistone Pass, and the Chitistone River by David Murray in 1968 and 1970; Russell, Sheep, and Guerin Glaciers by Murray in 1969; Chitistone, Skolai, and Frederika Valleys by R. Scott in 1968 and 1974; Long Glacier and the Dadina Valley by Ransom Saltmarsh in 1976; and Bonanza Ridge near Kennecott by N. Nordell and A. Schmidt in 1977.³

WRST developed standard operating procedures for collecting, preparing, curating, and maintaining herbarium specimens in 1984. A copy of the procedures was sent to the regional coordinator and Diana Pardue at Harpers Ferry. Later that year, Kathleen Teare, Cynthia R. (Randy) Meyers, John Bolivar, Ken Hobson, and Carol Acuna made the park's first collections, accessioning 414 plants into the park herbarium.⁴

Between then and 1992, many specimens were collected by FIREPRO staff during a vegetation mapping project. Others important collections were made by volunteers from Anchorage Community College during a botanical survey of the "goat trail" through Chitistone Canyon; Dale Miquelle during a bison range condition study; Mary Beth Cook

during mining compliance surveys; Kurt Jenkins during a caribou range study; and Kathryn A. Beck during her successional study of the Guyot Glacier. Mike Duffy contributed as well, adding significantly to the park's understanding of its rare flora distribution, and helping identify the need for a comprehensive plant inventory.⁵

The park's staff sampled a total of 216 sites and completed three permanent plots in 1987. They also added over 90 plants to the park herbarium and drafted a vascular plant species list and database for the Yakutat district.⁶

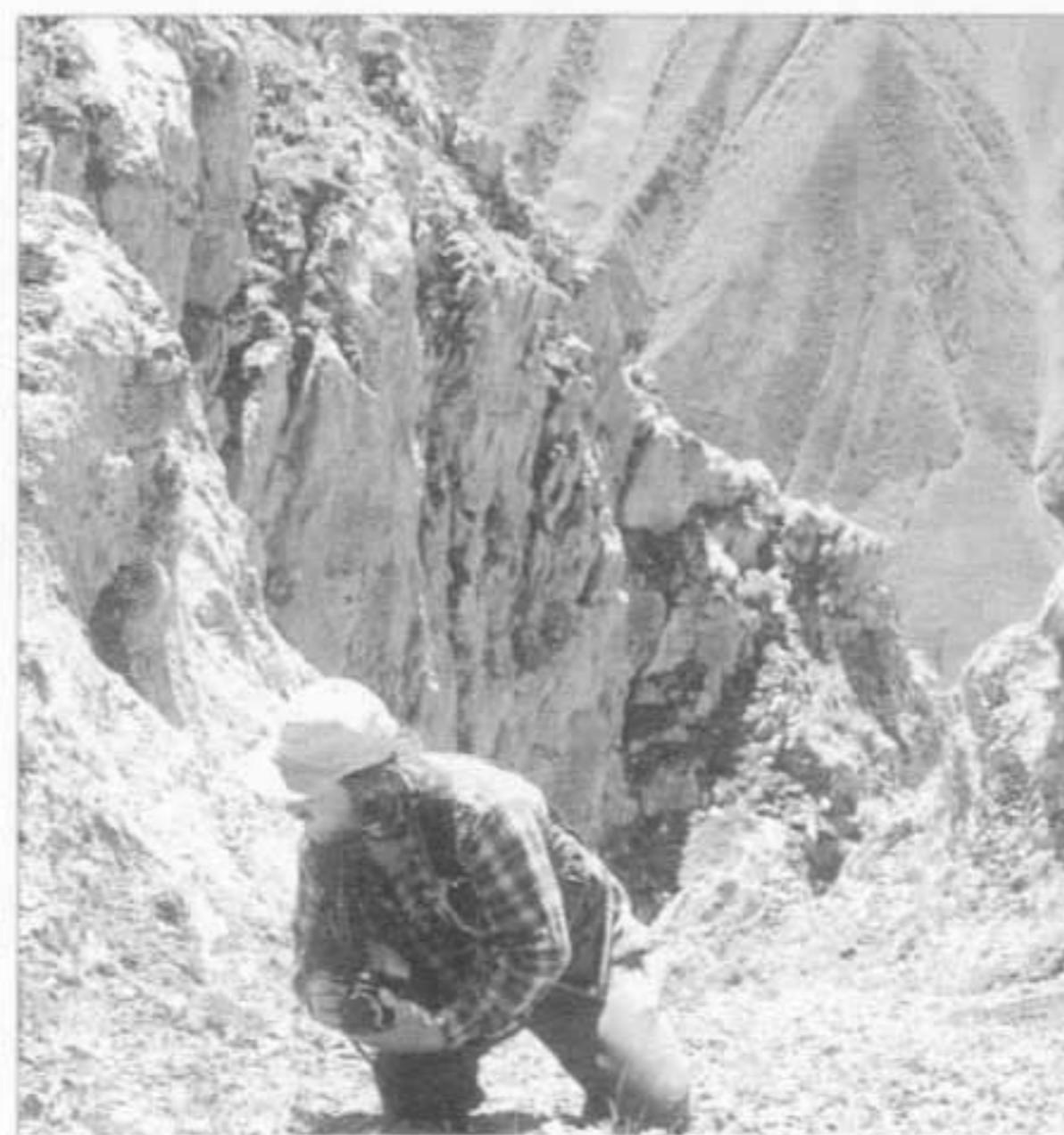
The following year, WRST completed an initial survey of disturbances and revegetation conditions along the Nabesna Road.⁷

WRST developed a plant list for the northeast margin of Summit Lake in 1989, adding 18 new plants to its park-wide list.

Botanists also began to implement a long-term inventorying and monitoring program in Icy Bay on a section of land called the "Arrowhead," where a receding tidewater glacier was exposing ground which had been ice-covered for more than 10,000 years. WRST hoped to document succession in this area by establishing a number of permanent vegetation transects.⁸



WRST botanist Mary Beth Cook conducted the park's first exhaustive floristic inventory



Park botanists surveyed all kinds of terrain. Here, Carl Roland photographs a specimen on a particularly steep slope

known to possess rare species, a high number of endemics, and a high number

In 1993 botanist Mary Beth Cook proposed undertaking an exhaustive floristic study in order to assess the genetic diversity of the region, to identify rare taxa and disjuncts, and to acquire the data needed to intelligently manage park resources. She viewed an inventory as necessary for compliance with the Endangered Species Act, to conduct impact analyses, and to assist long range planning efforts. Cook proposed to survey those areas

of major disjuncts; areas of phytogeographic significance (such as sand dunes, mud volcanoes, south-facing steep slopes, and glacial nunataks); and areas where no previous floristic work had been done.⁹

Over the course of the inventory, Cook and fellow botanist Carl Roland surveyed 260 sites, collecting and vouchering 7,000 specimens. Specialists reviewed each specimen for correct determinations, and the resulting data was entered into site, collection, and taxonomic databases.

WRST staff then labeled and mounted the specimens and filed them in the park herbarium. In all, Cook's study recorded 11 species new to the flora of Alaska, 17 occurrences of three

USF&WS Species of Concern, 362 occurrences of 69 Alaska Natural Heritage Program rare plants, 30 Alaska-Yukon endemics, and 52 significant range extensions, new to southcentral Alaska and greater than 200 km from any previous collection.¹⁰

CARIBOU EXCLOSURES

In 1981 WRST solicited wildlife study proposals from the state, and the ADF&G submitted a plan to construct and sample six caribou exclosures in order to determine the long-term effect of caribou on local vegetation. In response, park staff installed exclosures at Long Lake, Chelle Lake, Windy Ridge, upper Sanford River, Klawasi River, and Drop Creek in 1982.¹¹

Each 400-square-foot exclosure was constructed with 10-foot metal posts and overlapping rows of graduated-mesh hog wire. Although the details of the site selection process were not recorded, each fenced plot

was paired with a nearby unfenced control plot.

WRST's resource management staff revisited the exclosures in 1992. Despite the fact that none had been examined for a full decade, all remained in good condition. Unfortunately, there did not appear to be any obvious differences in vegetation



Typical caribou exclosure

CONTESTED GROUND

between the outside and the inside of the exclosures.¹²

The park staff excluded Long Lake from further study because its two plots showed obvious differences in micro-topography and soil moisture, and eventually deleted Drop Creek as well. They also identified several problems with the initial monitoring protocol, including its decision to measure frequency and biomass, rather than ground cover and heights of lichens; the size of the quadrants used to sample the site's variability; the decision to clip a different quadrant every five years, therefore confounding space and time as variables; and, the time-intensiveness of the program.¹³

To overcome those limitations, WRST staff modified the original monitoring protocol before measuring the vegetation in 1993, estimating cover and heights of all species within nested quadrants placed along three five-meter transects. They then compared the percentage of bare ground, the total cover, and the mean vegetative heights for the various plant types, including shrubs, dwarf shrubs, graminoids, lichens, forbs, mosses, and lower vascular plants.¹⁴

Nevertheless, the study's results were inconclusive. Botanists suggested that the exclosures may have been too small "to reliably separate the effects of ungulate exclusion from other possible influences." The fences may have influenced animal movements, affecting adjacent plots, or they may have changed the microclimate

and growing conditions within the plot. They could have even provided shelter for small herbivores, allowing them to affect the vegetation. Ultimately, the park staff determined that the Mentasta caribou exclosures were less than 4 percent of the size necessary to minimize such "fence effects" in long-term studies.¹⁵

Interpreting the results of the study was further complicated by the problems in its initial design. Because the researchers did not measure comparable data on plant cover when they constructed the exclosures, it was not possible to determine whether the vegetation had truly changed.¹⁶

WRST's research biologist recommended that the park continue monitoring the plots, but the subsequent decline of the Mentasta caribou population virtually eliminated the need. Consequently, WRST never resumed its monitoring effort.¹⁷

ATV IMPACT STUDIES

While ANILCA permitted some ATV use to continue, WRST recognized that such vehicles possessed significant potential for causing resource damage. As a result, its staff surveyed and mapped over 600 miles of trails in the early 1980s. All these studies were obviously cursory, but they did provide park managers with some useful information.¹⁸

Trails crossing well-drained soils established a fairly stable track, and those following stream beds were regularly scoured

by high water, which eliminated most of their visual impacts. In contrast, trails over muskeg or poorly-drained soils were susceptible to rapid deterioration, and often turned into quagmires. When users encountered impassable sections, they usually moved these routes to adjacent drier areas. The Tanada Lake Trail, which in places was over a quarter-mile wide, exemplified this process.¹⁹

In response to these findings, WRST restricted recreational use of ATVs to existing trails and dry stream beds in non-wilderness areas. It also instituted a permit system which was designed to provide data on use patterns without restricting the number or type of vehicles. The park made no effort to control ATVs employed for subsistence purposes.²⁰

WRST's policy followed 43 CFR 36.11(g), which limited ATV use in conservation units to established roads or other designated areas. Individuals could only receive a permit to use an ATV on existing trails in non-wilderness areas if such use was found to be compatible with the purposes and values for which the unit was established. Nevertheless, by 1988 the park had neither formally designated routes nor determined their compatibility. Writing to one interested party, Superintendent Richard Martin noted:

We are in the process of gathering information that will enable us to do so. In the meantime, we are issuing permits for the continued recreational use of ORVs [off-

road vehicles] on certain existing trails in nonwilderness areas.²¹

WRST conducted additional studies in the late 1980s, hoping to determine the type and extent of damage and to recommend corrective actions and allowable use levels. In response to mandates from two mining access EAs, crews established permanent monitoring transects on three trails in the Gold Hill area in 1988 and 1989. This showed that active ATV trails contained significantly less organic top soil and vegetation cover and demonstrated the vehicles' potential to cause environmental degradation in subarctic terrain.²²

WRST also authorized a study to document the response of vegetation and terrain to several different types of ATVs operated at different use levels throughout the snow-free season. It concluded that certain vehicle types caused greater damage, including deeper tracks, more injury to shrubs, and greater tussock compression, and that damage was sometimes increased by cumulative use.²³

In 1990 the park focused its efforts on monitoring the Gold Hill trails, and although its staff noted that the routes were degrading, they did not consider the damage sufficiently serious to justify closure.²⁴

After evaluating the resource information gaps and compliance requirements, Environmental Specialist Patti Happe developed a proposal in 1993 to conduct a more detailed study. The first phase of the four-year project, funded by the NPS Natural Resource Preservation Program,

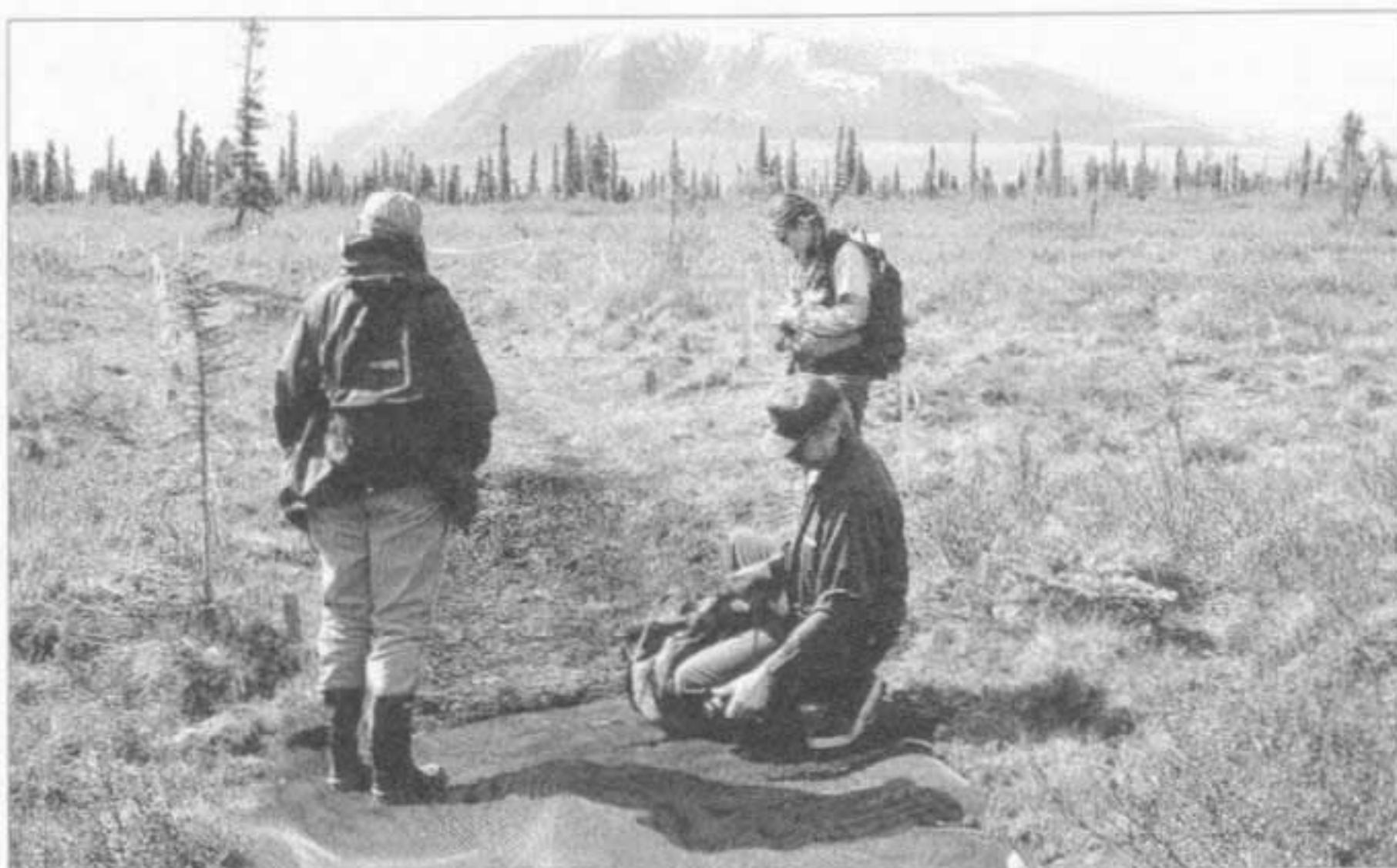
identified the nature and extent of impacts to vegetation and soils considered most susceptible to ATV damage.²⁵

To quantify the amount of ATV use, Happe's study tried to estimate the number of users by vehicle type per season. In 1994, her crew placed four seismic and four camera counters at major trailheads, including Copper, Lost, Suslota, and Tanada, to test the equipment and acquire preliminary data. The following summer, they installed twenty-one seismic and seven camera counters at a variety of locations.²⁶

Unfortunately, neither type preformed very well, with both recording numerous false passes. Unable to obtain precise data, the study integrated permit records with the 1994

and 1995 figures to estimate the relative use of each trail. It subsequently employed those data to stratify trails by amount of use and to determine how use levels affected trail and conditions and recovery rates.²⁷

To assess the impact, Happe's crew employed color infrared aerial photographs to classify the affected vegetation, then groundtruthed their determinations to verify their accuracy. During 1995 they mapped, measured, and tabulated the intercept of each vegetation type along each trail segment. From this they deduced which vegetation types were common enough and had patches large enough to sample. The ten resulting types were: 1) mesic herbaceous; 2) open low mixed shrub-sedge tussock bog; 3) open low birch/willow shrub; 4) closed low birch/willow shrub; 5) closed/open tall willow shrub; 6) white/black spruce woodland; 7) open white/black spruce forest; 8) open white spruce forest; 9) broadleaf/mixed forest; and 10) dwarf shrub tundra.²⁸



Superintendent Jon Jarvis inspecting WRST's mitigation efforts in the Nabesna District

Ultimately, Happe's study found that ATV impacts varied significantly between vegetation and soil types; that ATV impacts increased as the amount of ATV use increased; and that vegetation cover increased and the exposure of bare ground decreased after ATV use terminated. As a

result, she recommended that the park reroute trails to traverse those vegetation communities sustaining minimal initial damage from medium to heavy ATV use (such as open white spruce forest, open white/black spruce forest, broadleaf forest, dwarf shrub tundra, and tall willow shrub); restrict ATV use of trails which traverse vegetation types that continue to accumulate ATV damage (mesic herbaceous, open low mixed shrub-sedge tussock bog, open low birch/willow shrub, closed low birch/willow shrub, and white/black spruce woodland); and mitigate existing damage.²⁹

Phase two of the study, designed and implemented by Kelly Shea, sought to develop practical methods to mitigate ATV impacts and assessed various natural and geosynthetic materials for surface hardening of trails.³⁰

Shea's crew installed six hardening materials, including corduroy, wood matrix (frame of 2" x 4"s), 2" Geoblock®, 1.25" Geoblock®, Safety Deck®, and apolyn46 apn-3000/Pyramat™, along four trail

systems in 1996. They subsequently monitored vegetation, ground cover, and thaw depths to evaluate the economic feasibility of the treatment and to assess its ability to promote vegetation regrowth; decrease bare ground cover and ponding over time; and stabilize or reduce ground thaw depths. While site monitoring was scheduled to continue for ten years, the initial results suggested that all treatments withstood ATV traffic and allowed vegetation to regrow.³¹

WRST began similar efforts on the Malaspina Forelands in 1997, attempting to document the traditional use of ATVs.

While the study found that ATV traffic was largely restricted to the beach area below the foredune, where it caused little damage, the park recommended establishing

a program to monitor that area as well.³²

FOREST PRODUCTS

ANILCA protected a variety of "subsistence uses," which it defined as the "customary and traditional uses . . . of wild, renewable resources for direct personal or



Crews applying corduroy to a heavily impacted trail section

family consumption as food, shelter, fuel, clothing, tools, or transportation." In keeping with that determination, the CFR authorized rural Alaska residents to harvest house logs.³³

The Superintendent may authorize the harvest of live timber, greater than three inches in diameter, in accordance with the specifications of a permit, if such cutting is determined to be compatible with the purposes for which the park was established.³⁴

Recognizing the growing demand for house logs and firewood in and around the park's subsistence communities, WRST promised to survey "the availability, vitality and productivity of key forest products near these areas." It also agreed to include a vegetation management section in its subsistence management plan, incorporating woodlot management techniques in order to alleviate future threats to the resource. In addition, the NPS pledged to cooperate with U.S. Forest Service efforts to study, map, and monitor local forest insect infestation and disease.³⁵

Although the park had not yet developed a standardized policy for issuing house log permits, it insisted that environmental assessments and cultural resource clearances be completed prior to any harvest. It also required that all house logs be marked in advance by NPS staff, and that no cutting and skidding occur until the ground was covered by at least six inches of snow.³⁶



The Ahtna Corporation's commercial logging operation

WRST continued its forest resource assessment in 1988, expanding its understanding of local use and regeneration. Its staff completed an inventory that year for Yakutat,

allowing the park to finalize its forest resource use policy and begin offering subsistence permits.³⁷

WRST expanded its effort in 1989 by developing a Forest Resources Management Plan which included a system of compartments, where the amount of timber harvested depended on the annual productivity of the stand. Both the U.S. Forest Service and the University of

Alaska's Institute of Northern Forestry reviewed and supported the park's proposal.³⁸

WRST largely ignored commercial logging in the 1980s, but following the outbreak of spruce bark beetles in 1989, two local Native Corporations began examining strategies to salvage their dying trees, many of which were located within the administrative boundaries of the park.

In early 1992 the Alaska Division of Forestry advised the NPS that Ahtna, Inc., the park's largest inholder, planned to clear-cut 900 acres along the McCarthy Road. This news

troubled WRST because the Ahtna Corporation had earlier endorsed a Memorandum of Understanding, meant to control the use of the corridor, in which the signatories promised to consider "the scenic, recreational and habitat values of the area."³⁹

Ahtna quieted some fears in 1993, when president Roy Ewan pledged that "all state and federal permits will be acquired, in

compliance with the Forest Practices Act."⁴⁰ Ewan also promised that the logging would be done in "irregular patterns" to make it look more natural.⁴¹

Ahtna finally began harvesting the white spruce in its 7,000-acre "Kotsina block" in late 1994. About that same time, Ahtna and the Chitina Village Corporation announced plans to conduct a second major timber harvesting program, hoping this time to include a "value-added" component to the product.⁴¹



WRST Resources Chief Russell Galipeau inspecting a recently logged site

As the result of one of its annual requests from the ADNR for copies of all local Forest Products Act (FPA) Detailed Plans of Operation (DPO),

WRST learned that Ahtna's contractor, Copper River Forest Products, planned to construct a bridge across the Kotsina River in order to access the harvestable timber on its northern side. The DPO was reviewed by several state agencies, including the ADF&G, the ADEC, and the Alaska Division of Forestry, but federal regulatory agencies and land managers were not part of the process and were consequently not informed.⁴²

After studying Ahtna's plans, WRST identified several potential problems, including "the impacts to the scenic vista from the McCarthy Road; bridge and dike construction near the mouth of the Kotsina River; protection of riparian areas/wetlands and water quality; protection of wildlife and fishery resources; protection of soils and vegetation; reforestation; and road construction."⁴³

Recognizing that Ahtna, Inc., had largely ignored its concerns, WRST reminded the corporation that the park had "a mission to fulfill" and the current process only fostered "a reactionary role." Superintendent Jarvis suggested that the two organizations work together to plan harvests that would provide "sustainable resources management" while protecting the area's wildlife habitat and visitor experiences.⁴⁴

While communications between the park and corporation did improve, the timber harvest occurred on schedule, and Ahtna ultimately removed all the trees fronting the first few miles of the McCarthy Road. Ahtna defended its action by noting that it possessed a "mission" of its own.

We are in business to make money. . . . Ahtna is responsible to its shareholders. We won't be influenced by public opinion. Unless it affects us, why should we worry about what the public thinks?⁴⁵

Botanists now estimate that it will require at least 70 years to restore that forest completely.⁴⁶

SPRUCE BARK BEETLE PROJECT

Between 1989 and 1998, spruce bark beetles (*Dendroctonus rufipennis*) attacked mature white spruce (*Picea glauca*) on about a half million acres in the Copper Basin, nearly half of which were Native lands within the administrative boundaries of WRST. In some cases, the land owners employed clear-cut logging to salvage commercial timber and reduce fire hazard.⁴⁷

Because the effects of beetle kill and large-scale forest harvest on this landscape was poorly understood, the National Park Service's Natural Resource Preservation Program funded a project to map and analyze the distribution of both the trees and the beetles, describe beetle-driven changes in vegetation structure and composition, determine stand and landscape characteristics affecting the infestation, and develop a monitoring program to follow its impacts over time.⁴⁸

The NPS and the USGS Biological Resources Division (BRD) conducted the study from 1997-1999, completing a forest inventory, a vegetation and infestation map, and a detailed landscape analysis. After modeling the risk and potential effects of infestation, vegetation ecologist Sara Wesser and botanist Jennifer Allen developed recommendations to verify its models and assess future trends.⁴⁹

This study helped explain boreal forest ecology in the Copper Basin and increased

understanding of past beetle impacts. It also supplied new data on vegetation structure and community types in the area, helping WRST manager's protect park values while accommodating the management objectives of other landowners.⁵⁰

GRAZING

Prior to the establishment of Wrangell-St. Elias National Monument in 1978, the Taylor Grazing Act allowed the BLM to lease its public lands for grazing purposes. After that time, the NPS assumed management of the lands, and grazing is not permitted in a national park unless Congress has specifically allowed it.⁵¹

While Congress did not authorize grazing in WRST, it did permit guided big game hunting in the preserve, and because horses were deemed essential to certain hunting operations, the NPS authorized grazing pursuant to Sec. 1307 of ANILCA, which allows the Secretary to permit

any persons who, on or before January 1, 1979, were engaged in adequately providing any type of visitor service within any area established as or added to a conservation system unit to continue providing such type of service and similar types of visitor services within such area if such service is or services are consistent with the purposes for which such unit is established.⁵²



Horses grazing near the Chisana River

The NPS had no authority to issue a grazing lease, but it could provide a grazing permit, when the activity was associated with a guiding operation.⁵³

Conditions of the special use permit are such that when you no longer hold a valid concession permit, the special use permit for grazing is automatically terminated. Over-winter grazing is a use that the NPS plans, in the long term, to eliminate.⁵⁴

Although WRST had always monitored its grazing program closely, in 1998 it began

CONTESTED GROUND

requiring outfitters to provide more information about their stock by completing detailed inventories every fall and spring.⁵⁵

The intent of this requirement is to promote care of the horses and to provide for some measure of accountability for the care stock grazed on NPS lands. . . . The concessionaire is required to maintain an awareness of the condition of his/her stock and to provide prompt and adequate support for the stock, if needed as a result of weather and other conditions. . . . The Park will investigate reports of inadequate care of stock. If the Park needs to contract with a veterinarian to verify claims of animal abuse, the guide will be billed for the expense.⁵⁶

As scrutiny from animal rights and veterinarian groups grew, the park increased its oversight even further. WRST notified its guides that

past practices of retiring stock to the backcountry or of not promptly supplementing stock with feed during the winter months will no longer be tolerated. What this means is that during severe cold or snow conditions, you must provide your stock with supplemental feed either through driving your stock back to your homestead and providing feed at that location or through bringing feed to where your stock may be on the range.⁵⁷

As a result, reported cases of abuse have substantially decreased.

FIRE

The NPS directs individual parks to manage natural resources, and to maintain, rehabilitate, and perpetuate their inherent integrity. More specifically, it recognizes the need to foster healthy and natural ecosystems by developing fire management programs which satisfy resource management objectives.⁵⁸

Beginning in August 1979, all areas north of the Wrangell Mountains were placed under jurisdiction of the Fortymile Interim Fire Management Plan, a cooperative effort by the NPS, BLM, USF&WS, USFS, BIA, ADF&G, Alaska Division of Forest, Land and Water Management, the Doyon regional Native corporation, and various village corporations. In it, the managers divided the region into zones. In some, fires were to be vigorously attacked; in others, the attacks were restrained. After August 1, given appropriate weather and fuel moisture conditions, fires were generally not attacked. South of the Wrangells, there was an across-the-board policy to suppress all fires.⁵⁹

WRST's Resource Management Plan (RMP) provided a resource-oriented guidelines for the development of a fire management program, identifying the following fire management objectives: protection of life and physical developments; maintenance or restoration of fire as a naturally occurring factor in the ecosystem;

economy and efficiency in fire suppression and control actions; and protection of cultural/historic sites and sensitive habitats from total loss due to fire or disturbance during suppression activities.⁶⁰

WRST receives a FIREPRO crew annually to accomplish work associated with fire management and suppression. When not monitoring or fighting wildland fires, the crew performs other tasks, such as completing vegetation surveys. These provide essential fuel loading and topographic data which can be incorporated into fire behavior models.⁶¹

In 1989, for example, the FIREPRO crew initiated a four-year Thematic Mapper Land Cover Project, which was designed to verify land cover types, species composition, and geomorphic information. They verified computer generated, color plotted vegetation maps of the Chitina River Valley and checked the vegetation classes within preselected polygons.⁶²

FIREPRO crews completed their effort in 1992, collecting field data that season for 15 units in the Cordova, Yakutat, White River, Nabesna Glacier, and Iron Mountain areas. In total, the crews surveyed 954 polygons in 57 units, employing the data to produce a second thematic map.⁶³

Between 1993 and 1996, FIREPRO crews conducted a series of hazard fuel inventories to develop prescriptions for hazardous fuels reduction, improve access to both the cabin and water resources, and create a defensible space. The team also docu-

mented any local considerations likely to influence fire behavior, aircraft accessibility, and other possible resource needs.⁶⁴

The FIREPRO crew visited seven sites in 1997 to complete additional fuel reduction. It cleared certain fuels within a series of concentric rings surrounding each structure. All brush and small trees, for example, were removed from within 50 feet and ladder fuels were cleared within 100 feet. Although the staff prepared its general plan in advance, the site-specific approach depended on local conditions, including fuel types, fuel loading, and type of structure.⁶⁵

That effort continues.

FIRE MANAGEMENT PLAN

Since 1983 a series of cooperatively-developed, interagency plans have guided WRST's fire management activities. Unlike those early efforts, WRST's Fire Management Plan (FMP) is park-specific. As such, it will be used in conjunction with the current Alaska Interagency Wildland Fire Management Plan to help fire management personnel satisfy the objectives specified by the park's RMP.

WRST derived the authority for its FMP from the National Park Service's 1916 Organic Act, which stated that the bureau's primary goal was "to preserve and protect the natural and cultural resources found on lands under its management in such a manner as will leave them unimpaired for future generations." The

current service-wide fire management policy is specifically expressed in Director's Order 18 (DO-18) and the attendant Reference Manual (RM-18). WRST's FMP complies fully with those directives.

WRST's fire management officer, Marsha Henderson, designed its FMP to satisfy the requirements of the National Environmental Policy Act (NEPA), the National Historical Preservation Act (NHPA), and the Alaska National Interest Lands Conservation Act (ANILCA). It included an Environmental Assessment, which addressed the effects of its alternative actions on the park's natural and cultural resources. The EA, in turn, included an ANILCA 810(a) analysis, which assessed the plan's impacts on local subsistence activities. NPS local and regional staff, local communities, local Native corporations, and state and federal agencies holding or administering lands near WRST reviewed all three documents. The State Historic Preservation Officer (SHPO) reviewed the FMP and EA, as well, assuring that both complied with the National Historical Preservation Act. The SHPO will also review all individual prescribed fire burn plans prior to their approval by the Superintendent.

The NPS categorizes fires as either prescribed or wildland. Prescribed ignitions are those which are pre-authorized and implemented by the park. Wildland fires are naturally occurring or unplanned human-caused ignitions. Prescribed fires must be authorized by a formal plan prepared by the Fire Management Officer

(FMO), reviewed by the SHPO, and approved by the park superintendent prior to ignition. All human-caused wildland fires receive some suppression response, but its extent varies according to the values to be protected, its cost effectiveness, and the potential damage associated with suppression; thus the actions for human-caused wildland fires range from aggressive initial attack to merely containment and/or surveillance. The strategies for managing natural ignitions varies from full suppression to surveillance, according to conditions pre-designated by the FMO. In order to help identify those options, the FMP has divided the park into Fire Management Units (FMUs) with specific management objectives.⁶⁶

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17

WILDLIFE & FISH

From the beginning, WRST's wildlife program faced several conflicting goals. While the park's enabling legislation required it to "protect habitat for, and populations of . . . caribou, brown/grizzly bears, Dall sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals," ANILCA specifically authorized both subsistence hunting in the park and a continuation of sporting hunting in the preserve.

As in all parks, WRST's managers required accurate estimates of wildlife population densities and sex and age ratios in order to monitor changes in population parameters, interpret harvest data, evaluate "natural and healthy" status, and understand local predator-prey relationships. They also needed to correlate their surveys with other studies in order to quantify local ecological relationships.¹

WILDLIFE

Prior to 1990, WRST had no wildlife biologist on staff, and the park devoted most of its management efforts toward enforcing the game laws established by the state. WRST soon initiated its own inventory and monitoring effort, hoping to document existing knowledge; develop management objectives; evaluate survey techniques; and identify future research needs.²

Mentasta Caribou

WRST began a three-year, cooperative study of the Mentasta caribou herd (MCH) with ADF&G in 1988. This included radio-collaring individuals, determining herd compositions, and monitoring seasonal distribution and calving success.³

In 1990 WRST implemented and regulated the park's federal subsistence hunts, including the permit hunt for Mentasta caribou. The park issued 166 permits and local residents harvested 29 animals.⁴

By 1991, WRST had recognized that the MCH's calf survival had fallen dangerously low. The park, therefore, increased its monitoring efforts in 1992, initiating a pilot study to determine the causes of the herd's poor recruitment. Its objectives that year were to increase the sample of radio-collared caribou to 30; estimate population size, composition, and natality rate; and monitor distribution and survivorship of calves.⁵

The park also recommended that the Federal Subsistence Board close the hunt in GMU 11, arguing that even a small harvest of bulls could negatively affect this rapidly declining herd; that the sustainable harvest of bulls was unacceptably low; and that the availability of the huge (then numbering more than 45,000) Nelchina caribou herd made a Mentasta hunt unnecessary. Agreeing with WRST, the board closed the federal subsistence season.⁶

WRST began an intensive study of the MCH's population dynamics in 1993. Its objectives included monitoring annual demographic parameters, including size, composition, natality, survival, and emigration rate of females, and seasonal cause specific mortality rates of calves; determining if calf survival was related to calving

distribution and birth weights; determining summer diets and forage quality; and determining the influence of historic seasonal grazing on caribou forage composition and range conditions.⁷

Following a three-year study, WRST, the ADF&G, the Tetlin National Wildlife Refuge, and the Yukon Department of Renewable Resources (YDRR) approved a cooperative management plan for the MCH in 1995. The plan, endorsed by several federal regional councils and state local advisory committees, used calf survival to help calculate an annual harvest quota.

Based on those data, WRST submitted a proposal to the Federal Subsistence Board to conduct an ANILCA Title VIII, Section 804 hunt the following year, restricting the harvest to 15 bull caribou. Unfortunately, there was then no process for implementing the 804 criteria.⁸

In February 1996 the SRC endorsed the "Mentasta Caribou Herd Cooperative Management Plan" and recommended utilizing the 804 process. Determining that the seven Ahtna villages of Chitina, Copper Center, Tazlina, Gulkana, Gakona, Chistochina, and Mentasta had the greatest customary dependence on the herd, the SRC recommended allocating 20 animals



WRST biologists captured and collared many Mentasta caribou calves

to these villages. The Federal Subsistence Board authorized the hunt later that year, but the park limited the number of permits to just fifteen. Ahtna elders received all of the permits and ultimately harvested three caribou.⁹

Although the MCH continued to decline, WRST issued another 15 bull-only permits in 1997, and one caribou was taken. There has been no hunting season since.¹⁰

The park began a radiotelemetry study of Mentasta bulls in 1999, hoping to explain the consistently high, bull-cow ratios observed during the fall. Such data may provide greater insight into the biological and ecological factors influencing caribou populations and improve future management decisions. That effort continues.¹¹

Chisana Caribou

The Chisana caribou herd (CCH) is small and nonmigratory, summering in the northeastern corner of WRST and wintering just across the Alaska-Yukon border in Kluane Wildlife Sanctuary. Historically numbering as high as 3,000 animals in the early 1960s, the CCH fell to about 1,000 in the mid-1970s due to a series of severe winters and unusually high predation. It partially recovered in the 1980s, but has since again declined, reaching a low of about 350 individuals in 1999.¹²

Prior to the mid-1980s, the CCH attracted little attention due to its small size, remoteness, and relatively little hunting pressure. Following the establishment of

WRST, the international nature of the herd help bring its management to the forefront. WRST began a long-term cooperative study of the CCH with ADF&G and the YDRR in October 1987. This included radio-collaring additional individuals, determining herd compositions, and monitoring seasonal distribution and calving success.¹³

The CCH showed poor calf recruitment in 1992, with the bull/cow ratio slipping below the management objective set by ADF&G. In response, WRST staff drafted a plan to inventory and monitor the herd, and the state began efforts to restrict its harvest.¹⁴

From 1993 to 1995, wildlife biologists subjectively examined the body condition of captured caribou, and analyzed blood samples to determine pregnancy rates, incidence of disease, and herd genetics. Researchers collected fecal sample from the herd's winter range in 1994 and 1995 to establish food habits and range condition.¹⁵

Prior to the 1993-1994 regulatory year, the ADF&G utilized registration permits to control the CCH harvest. Since then, the season has been technically open under registration permit, but no permits have been issued due to the declining population numbers.¹⁶

WRST, the ADF&G, and the YDRR met in Tok, Alaska, in July 1999 to review all pertinent information on the herd's decline, discuss the factors limiting its popula-

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tion, determine which factors are reversible, identify what parameters should be monitored, and develop some realistic management options. While troubled by the continuing decline of the herd, the cooperators agreed that “natural population fluctuations that are primarily the result of natural ecological processes” should be allowed to continue. “While it is recognized that humans are an integral part of ecosystems, for the purpose of present day management the herd will be further managed in such a way as to remain free from human influence.”¹⁷

Moose

The ADF&G conducted 17 moose population surveys in GMC 11 between 1981 and 1999, finding densities relatively stable but consistently low. Sex and age ratios varied considerably depending on the year and technique employed.¹⁸

The department surveyed moose populations on the Malaspina Forelands in 1981, 1982, 1983, 1987, and 1995, but those surveys varied greatly by date, duration, observers, and conditions. Not surprisingly, the data varied as well, and the biologists identified no obvious trends.¹⁹

WRST, Tetlin National Wildlife Refuge, and the ADF&G cooperated in surveying Tetlin and the northeast section of the park in 1990. After examining 3,700 square miles of terrain, the researchers estimated the total moose population to be 1339, or a density of .32 moose per square mile. The fall composition count was 71 bulls per 100 cows, 31 yearlings per 100

cows, and 21.4 calves per 100 cows. Calves had declined from an estimated 35-40 per 100 cows in previous years.²⁰

WRST staff planned to conduct aerial moose population and composition counts in two sections of the park in 1992, but poor weather prevented them from reaching one of them. The ADF&G and USF&WS, however, completed counts in four other areas.²¹

Park biologists surveyed the northwestern section of WRST in 1993. This was basically a stratified random sample, with the stratification based on observed moose densities during a pre-count aerial survey. It produced estimates of moose densities with confidence intervals for each stratum, plus sex and age ratios.²²

WRST conducted additional surveys from 1994 to 1998, employing a modified GDRH method which utilized random sampling to determine sightability correction factors. This avoided the expensive pre-survey stratification and provided comparable results. Biologists carefully surveyed all available habitat, and their data included density estimates and sex and age ratios.²³

Dall sheep

WRST conducted its first sheep research in 1990, when it entered into a cooperative agreement with the University of Wisconsin to develop and test a safe and cost effective sampling design. Once that process was completed, biologists were

able to estimate the size of the local population at about 26,000 individuals.²⁴

The park sustained its monitoring efforts in 1991 and 1992. The goal of the 1992 study was to test new procedures designed to obtain better dispersion of sampling units throughout the park and to increase the precision and accuracy of Dall sheep population estimates.²⁵

WRST continued its surveys in 1995 to determine the minimum sampling intensity needed to estimate sex and age ratios for specific management zones. It also compared the visibility biases of both logistic modeling and ratio-estimation procedures. The logistic modeling method compared the numbers of sheep counted by separate observers using fixed-wing aircraft and helicopters. The ratio-estimation procedure compared the numbers of sheep seen in a sample of survey areas flown at two different survey intensities, a relatively low-intensity survey from an airplane and a high-intensity survey from a helicopter. Based on the limited sample, WRST biologists concluded that the ratio-estimation procedure was unsatisfactory. Observers in the helicopter missed several groups of sheep which the airplane observers saw, despite having sampled at a higher intensity.²⁶

The park has conducted annual sheep surveys since 1998, and now considers the animal its wildlife priority. It began a four-year habitat study in 2001.²⁷

Bison

No bison lived in Alaska when the first Russian explorers reached the district in the mid-eighteenth century, but as part of a general effort to increase big game populations, fish and wildlife officials transplanted them into the interior in 1928. Further transplants have resulted in four bison herds today, with two, the Chitina and the Copper River, living within WRST.²⁸

The Copper River bison are descended from 17 animals freed near Slana in 1950. Numbers increased to over 100 individuals in the early 1970s, but have since declined, apparently due to overgrazing. The Chitina bison are descended from 35 individuals released at the May Creek airstrip in 1962. Most originally wintered on the upper Nizina River around the mouths of Dan, May, and Young Creeks, but eventually moved into the upper Chitina drainage between the Chitina Glacier and the mouth of the Tana River.²⁹

The NPS generally tries to maintain a healthy and natural environment and eliminates, wherever possible, exotic animals and plants. But as WRST's bison predated the park's creation, those exotics were allowed to remain.³⁰

The park conducted its first genuine study of the bison in 1984, hoping to determine the extent to which the animals were competing for forage with moose and grazing horses. Although moose and bison consume different foods in the summer, competition was believed to occur during

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the winter when snow cover reduced the availability of forbs and grasses, forcing bison to consume alternative vegetation.³¹

Dale Miquelle established five two-hectare study sites representing a variety of range conditions along the Chitina River between the Tana River and Huberts Landing. He also surveyed 14 temporary sites to help assess distribution and habitat preferences.³²

After completing a microhistological analysis of fecal material, Miquelle found that all three species depended heavily of *Elaeagnus* and *Salix* in winter, which together provided over 70 percent of their diets. However, analysis of shrub conditions and twig utilization rates suggested that the bison were having little effect on vegetation characteristics. In conclusion, Miquelle recommended that the park investigate the quality of forage in the Upper Chitina Basin and develop better survey methods, including collaring some of the bison.³³

WRST and the ADF&G attempted to collar 10 female bison from the Copper River and Chitina bison herds in 1989, hoping to determine their abundance prior to setting the hunting quotas for that season. Tragically, six of the bison died from re-narcosis, forcing the ADF&G to cancel the 1989-90 hunting season.³⁴

The Chitina herd has declined substantially and hunting there is no longer permitted. The Copper River bison hunt was also suspended for a decade, but it reopened in

1999. The ADF&G issued 12 permits that year and hunters took seven bison.³⁵

Wolf

As wolves consume many of the same prey as man, their relative abundance is of particular concern to subsistence users. The SCR first questioned the National Park Service's predator policy in 1988, maintaining that the bureau was required "to maintain healthy populations and subsistence needs." The USDI disagreed. Citing the legislative history of ANILCA, Deputy Assistant Secretary for Fish and Wildlife and Parks Susan Reece argued that only the NPS could determine "the nature and degree" to which ecological manipulation would be allowed.³⁶

In authorizing subsistence uses within National Parks, Monuments, Preserves, and National Recreation Areas, it is the intent of the committee that certain traditional National Park Service values be maintained. It is contrary to the National Park Service concept to manipulate habitat or populations to achieve maximum utilization of natural resources. . . . Accordingly, the Committee does not expect the National Park Service to engage in habitat manipulation or control or other species for the purpose of maintaining subsistence uses within National Park System units.³⁷

Although WRST has so far refused to manipulate predator populations, it has

attempted several studies. In 1988, for example, the park cooperated with the ADF&G to conduct wolf research in the Tetlin National Wildlife Refuge.³⁸

USGS-BRD staff at WRST planned a more ambitious effort in 1996, hoping to examine the effects of existing subsistence and sport hunting and trapping on local wolf populations. Biologists collared ten wolves that February, but the park soon lost its BRD field station, staff, and funding. As the park's wildlife budget was too small to pay for necessary flight time, the wolves could only be tracked sporadically. Consequently, researchers found it impossible to compile an adequate sample of locations, preventing rigorous analyses of movements, home range size, or mortality rates.³⁹

No further wolf studies are currently scheduled.

Bear

WRST initiated its first bear project in 2000, when University of Idaho graduate student Jim Wilder began studying human-bear interactions in the vicinity of Kennecott and McCarthy. Designed to take two years to complete, Wilder's research addressed two different but intercon-

nected groups of issues. One focused on what kind of problems the communities had, how often they occurred, why they occurred, and how to alleviate them. The other centered on the animals themselves: how many were present, what was their sex and age composition, and which specific individuals were responsible for the problems.⁴⁰

Wilder's work continues, with a master's thesis, peer-reviewed article, and final report expected in 2002.⁴¹

Wolverine

Wolverine harvests declined substantially in GMU 11 between 1971 and 1990. As a result, in 1991 the park entered into a cooperative study with the ADF&G to investigate their population ecology in the Nelchina Basin, hop-

ing to collect sufficient demographic data to estimate sustainable harvests and ensure that current trapping levels were not adversely impacting the species.

Biologists surveyed 1,993 square kilometers of the park in 1992 and located 39 sets of tracks, most of which were along the Dadina, Kuskulana, Gilahina, and Lakina Rivers. Unfortunately, WRST only participated actively in 1992 and 1993 because it failed to obtain its requested



Captured lynx were measured and weighed before release

Challenge-Cost-Share funding in 1994, and the study was subsequently dropped.⁴²

Lynx

Trappers value lynx highly due to the marketability of their pelts. Heavy lynx trapping concerns park managers, because the species is relatively easy to catch, and if pursued vigorously during a low point in their cycle, to overexploit.

In 1990 WRST, the ADF&G, and the

Tetlin National Wildlife Refuge conducted a cooperative study on the 2,826-square-kilometer Jatahmund Lake habitat site, which included a portion of each conservation unit.

Biologists livetrapped and radio-collared 12 individuals between April 1990 and April 1991 in order to determine abundance, mortality factors, home range characteristics, habitat preferences, and trapping intensity.⁴³

The results from the study provided conflicting evidence regarding the status of the lynx. While reproductive indices and

harvest trends indicated that lynx were increasing, track indices and home range data suggested that they were instead in decline.⁴⁴

As part of this study, UAF graduate student Craig Perham focused on determining lynx habitat preferences and especially how they responded to the ecological changes caused by fire. While clearly preferring mixed and broadleaf forests, lynx used mid-successional post-fire habitats more than expected, corroborating

earlier findings that such habitats are beneficial.⁴⁵

Hare

Biologists consider snowshoe hares to be critically important to boreal forest ecosystems as they help determine

the densities and demographics of several important predators, including lynx, great-horned owl, golden eagle, and northern goshawk. Hares numbers also correlate positively with those of certain prey, like spruce grouse, willow ptarmigan, and arctic ground squirrel, "probably due to functional predation rates when hares are at high density." Finally, during their cyclic



Park biologists have completed annual hare pellet transects since 1991

peaks, hares can also impact local vegetation significantly, and may affect species composition and plant survival.⁴⁶

In 1987 a team of wildlife biologists led by C. J. Krebs developed and tested a new method of estimating hare densities in the Yukon Territory. Basically, the biologists counted hare fecal pellets on a number of quadrants located along several transects, and reported a high correlation between pellet counts and the density of the hares.⁴⁷

WRST began monitoring its hare population in 1991 after its wildlife biologist, Bill Route, adopted a similar procedure. The park selected four discrete study areas to determine local trends, based on access, land ownership, and the availability of suitable habitat. These included Chisana, the Nabesna Road, the McCarthy Road, and May Creek.⁴⁸

The park has completed the survey annually ever since.

Trumpeter swan

WRST has monitored trumpeter swans since 1984, attempting to determine the areas used for breeding, brood rearing, and staging. Wildlife biologist Karin Kotzie standardized the survey areas and procedures in 1992, allowing her to compare annual productivity.⁴⁹

Between 1992 and 1997, the park surveyed the Copper River and ponds near the Chitina, Tasnuna, Bremner, and Tana

Rivers. Kotzie selected these areas due to potential threats posed by local land use or development, the construction of a road from Cordova to Chitina, or their the proximity to known pollutants.⁵⁰

Swan population size and annual breeding success have shown only minor variations since 1992, and no clear trends are evident.⁵¹

Bald eagle

Biologists studied the productivity and nesting success of some of the park's bald eagles from 1988-1994, focusing on the Copper River between Copper and Miles Lakes and the lower Bremner River. Finding considerable annual and spatial variation in reproduction, they hypothesized that it might be caused by prey availability before and during incubation, perhaps regulated by spring severity or other factors.⁵²

Owl

Regular owl surveys conducted along the McCarthy and Nabesna Roads by park biologists in the 1990s indicated that great horned and boreal owls are common. Northern hawk and great gray owls are occasionally present as well.⁵³

Other raptors

As mining was known to affect nesting raptors, WRST conducted a survey in 1992 to provide managers with the information necessary to evaluate and mitigate any impact prior to approving an MPO.

Park biologists surveyed 14 individual sites, divided between four main study areas which possessed a high likelihood of future mining. Staff used aerial surveys to find cliff-nesting species, and ground surveys to locate forest-nesting raptors along access corridors and those in close proximity to valid claims. Utilizing both fixed wing aircraft and a helicopter for the cliff-nesting surveys, they recorded 56 golden eagle territories, six gyrfalcon territories, and one peregrine falcon territory. Although the researchers were unable to locate any nests belonging to forest-dwelling species, they did observe one northern harrier, seven sharp-shinned hawks, four northern goshawks, and three red-tailed hawks within the specific areas examined.⁵⁴

Only golden eagles were found to be potentially impacted by mining. Biologist recorded six territories within a half mile of claims and an additional eight territories within a half mile of a probably access route. Since the Bald Eagle Protection Act also protects golden eagles, WRST biologists established a half-mile buffer zone around each nest.⁵⁵

FISH

While the federal government first regulated Alaska fishing with the Act of March 2, 1889, no protective measures were awarded the Copper Basin until 1906, when Congress allowed the Secretary of Commerce to

set aside any streams or lakes as preserves for spawning grounds, in which fishing may be limited or entirely prohibited; and when, in his judgment, the results of fishing operations in any stream, or off the mouth thereof, indicated that the number of salmon taken is larger than the natural production of salmon in such a stream he is authorized to establish closed seasons or to limit or prohibit fishing entirely for one year or more within such stream or within five hundred yards of the mouth thereof, so as to permit salmon to increase.⁵⁶

By then, the Copper River fishery was already well established. Four companies operated canneries in 1889 near the river's mouth —two near the present site of Cordova and two on Wingham Island near Controller Bay. From 1897 until 1905 the Pacific Packing and Navigation Company and the Alaska Packers Association were the only canneries harvesting Copper River salmon. Only one operated from 1905 to 1914, but after 1914 the fishery rapidly expanded. Between 1914 and 1917, the amount of gear used in the delta grew by 450 percent and the up-river fishery increased by 1000 percent.⁵⁷

With the addition of a cannery situated about 40 miles above the mouth of the river in 1915, commercial fisherman began utilizing traditional Native methods, including gill nets in the calmer reaches of the lower river and dipnets in Abercrombie Canyon. They first used traps in the Cop-

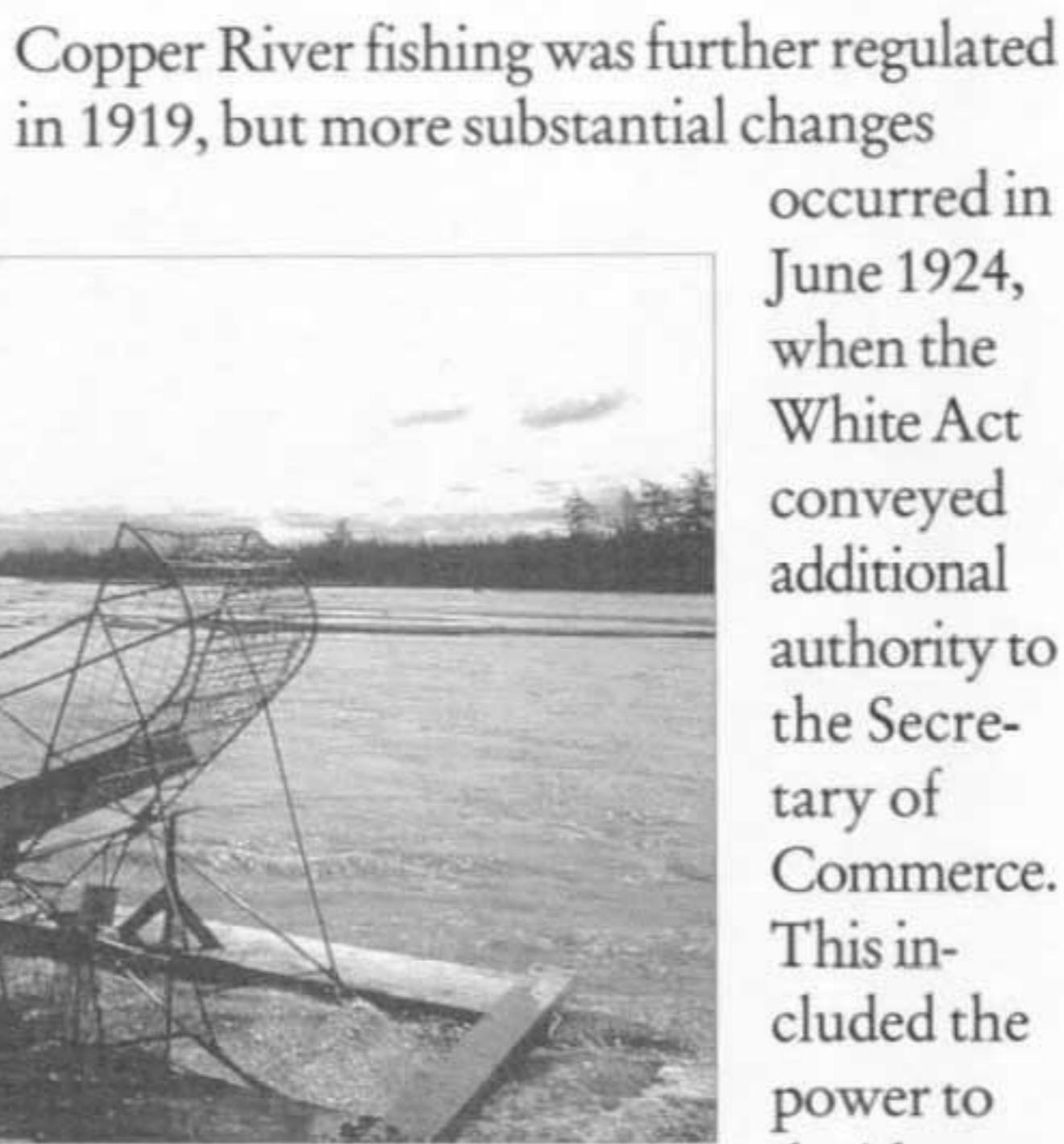
per during this period as well, operating three near Point Whitshed on the western edge of the delta in 1916.⁵⁸

As the commercial fishermen grew more successful, other residents began worrying about the fishery's ultimate effect on the river's salmon population. The Ahtna people were especially concerned, recognizing that the commercial fishery harvested the salmon necessary for their survival.⁵⁹

The federal government limited Copper River fishing in 1918, reducing open periods and placing restrictions on allowable gear. It also prohibited commercial fishing above Abercrombie Canyon to all except local residents, who were allowed to continue harvesting limited numbers for domestic use. Federal authorities restricted the use of the dipnets used in Abercrombie Canyon during this period as well, requiring that they be less than 16 inches in diameter and operated by hand.

Only one dip net shall be operated by a person. On the east side of the canyon there shall be distant intervals of at least 300 feet be-

tween fisherman operating dip nets. No fishing will be permitted in the so-called Bear Holes near the upper end of Abercrombie Canyon.⁶⁰



Local residents began using fishwheels to capture Copper River salmon about 1910. This wheel is situated near Slana

and other fish could be taken for commercial purposes in Alaska. Since then, such yearly revisions have continued.⁶¹

The government's regulations were apparently quite successful. By the time WRST was established the Copper produced more salmon than any other river flowing into the Gulf of Alaska. For the decade ending in 1962, its annual commercial production averaged about 612,000 sockeyes (red salmon), 11,500 chinooks (king salmon), and 182,000 cohos (silver salmon). In addition to this harvest, the Copper also supported a personal-use fishery above Wood Canyon, which in

1961 yielded over 25,000 salmon in the Chitina-Copper Center area alone. Perhaps half of these fish came from spawning grounds situated within the park. Long Lake was undoubtedly the park's leading sockeye salmon spawning area. During one peak year, the ADF&G estimated that 18 percent of the entire upper Copper River system's returning sockeye spawned there.⁶²

WRST

possessed little information on its other fisheries. Park biologists realized that small numbers of steelhead trout ran up the Hanagita and Chakina Rivers, but the ADF&G had never tried to estimate the size of the catch. WRST knew even less about its grayling, which lived in many local lakes, and Dolly Varden, which inhabited several streams and lakes east and north of Chitina.⁶³

The park soon discovered that several of its lakes were used extensively by sports fisherman. Those on the south side included Van, Sculpin, and Strelna Lakes, which contained stocked populations of rainbow trout, coho salmon, and chinook salmon, as well as native populations of

sculpin in all three lakes plus Dolly Varden in Van; Crystal Lake, located about one mile from Lakina River bridge, which held Dolly Varden; Long Lake, which contained sockeye salmon, coho salmon, grayling, Dolly Varden, lake trout, and burbot; Lou's Lake, which held coho salmon and grayling; and several small lakes in the Dan-May Creeks area, which contained grayling, Dolly Varden, and burbot. On the north side of the

park, the major lakes included Copper and Tanada, which provided recreational angling for lake trout, burbot, kokanee, and grayling; Twin, Long, and Jack Lakes, which contained grayling, burbot, and lake trout; and Ptarmigan, Rock, and Beaver Lakes, which held lake trout.⁶⁴

ADF&G harvest figures suggested that Van, Sculpin, and Strelna Lakes provided WRST's finest sport-fishing opportunities. The department estimated that in 1983 alone, the public expended approximately 2,300 angler-days harvesting 4,200 landlocked silver salmon and 500 rainbow trout.⁶⁵



Dipnetters ply the waters of the Copper River above Wood Canyon

Tanada Creek fish weir

The Copper River contains over 124 identified sockeye salmon stocks, of which 12 occur above the Slana River, and two enter Tanada Creek. Of those, one spawns around the perimeter of Tanada Lake and the other at its outlet.

The ADF&G conducted aerial surveys of Tanada Lake from 1962 to 1992, producing sockeye

stock estimates which ran from a single fish in 1967 to 13,700 in 1980. The department also installed fish weirs on Tanada Creek in 1975, 1978, and 1979, and those estimates ranged from 128 fish in 1975 to 10,244 in 1979.⁶⁶

WRST considered annual assessments of run strengths and timing essential to satisfy its ANILCA mandates. As Tanada's stocks were viewed as particular important due to ongoing legal challenges over their management (the details of the Katie John case are addressed in Chapter 7), the park's staff sought a reliable method of enumer-

ating runs in order to determine appropriate harvest methods and limits.⁶⁷

As a result, WRST sought and received funding in 1997 to study the Tanada fishery and obtained a Title 16 permit to install and operate its own portable rigid weir in Tanada Creek.

Although installation delays, limited personnel, and the weir's wash-out during a local flood prevented full counts

that season, park staff recorded 20,729 sockeye.⁶⁸

WRST staff reinstalled its weir on June 2, 1998. That year, low water levels impeded the migration of salmon, and researchers delayed their daily monitoring until July 12. Nevertheless, a total of 28,992 sockeye salmon were counted.⁶⁹

The park lacked sufficient funding to operate its weir in 1999, but reinstalled it in early June 2000. Unfortunately, high water again destroyed the structure, this time after only three days of operation. Although WRST attempted to repair it, the



In 2001 WRST installed a newly-designed floating weir in Tanada Creek

creek remained high and the job proved impossible. After considering all of its options, the park eventually decided to employ other methods to estimate salmon stocks that season.⁷⁰

WRST deployed a differently designed portable weir in 2001. Able to float, it adjusted more readily to Tanada Creek's changing water levels, making it far less susceptible to flooding.⁷¹

WRST initiated a multi-year freshwater fish inventory in 2001 as well. During the course of the summer, field teams sampled forty-three bodies of water, including 16 lakes, 7 rivers, and 20 creeks. Among other achievements, they recorded prickly sculpin and pacific lampreys, neither of which had been previously documented in the park, as well as increasing our knowledge of the distribution of other species.⁷²

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CULTURAL RESOURCES

ANILCA Sections 101 (a) and (b) charged all national park units in Alaska with the preservation of historic and archaeological sites. Nevertheless WRST operated for 13 years before it finally added a cultural resource specialist to its staff. Prior to then, the park relied on regional personnel to meet its basic preservation and compliance needs.

WRST administrators quickly realized how little they knew about the region's cultural legacy. Most of the park's sites were poorly documented and few had ever been surveyed. It also lacked several legally required documents, including a list of classified structures.¹

WRST initiated an historic structures and site inventory in 1982, and a crew dispatched by the ARO surveyed the northern half of the park that season. With the help of FIREPRO personnel, they completed this first, superficial inventory in 1983.²

The FIREPRO crew initiated another cabin survey in 1993 to evaluate and update their physical descriptions, and photograph those structures that had changed dramatically since they were originally recorded. Working cooperatively with cultural resource staff, the FIREPRO team identified cabins with historic or cultural significance, assessed their susceptibility to wildland fire, and developed a strategy to reduce that threat. Since all of WRST's cabins could not be inventoried in a single summer, the crew prioritized them based on their location, fire suppression status, surrounding vegetation, and historical significance.³

FIREPRO continued its efforts in 1994, inventorying 44 more cabins and bringing its two-year total to 88. Crews photographed and documented structures, and recommended strategies to reduce hazardous fuels.⁴

COMPLIANCE

Traditionally, most of the cultural resource recordation completed in WRST has been somehow associated with compliance. In particular, mining activities have posed a significant and enduring threat.

As part of the court-ordered effort to prepare an EIS addressing the cumulative impacts of mining, regional cultural resource personnel began surveying WRST's mining claims in 1986. Over the next few years, they surveyed several important districts, including Elliott Creek and the Kuskulana Valley in 1988, and Green Butte, Rambler, and Gold Hill in 1989.⁵

In 1990 the staff monitored James Moody's gold placer operation on Bonanza Creek, visited the Peavine Bar in order to assess the EA developed for its Phase I cleanup, and assisted AML staff examine the Bremner and Nikolai Mine. They also evaluated the patented mining property located on Chititu Creek.⁶

Cultural resource staff examined mining sites along the Bonanza, Big Eldorado, Chathenda, and Glacier Creeks in 1991 to document the condition of historical mining sites and accurately map the position of any threatened artifacts. The team documented three historic camps in the vicinity of Bonanza City, and surveyed a proposed access route through "No. 8" Pass, recording the historical artifacts and features located there.⁷

The crew continued documenting the historical structures and mining operations along Chititu Creek, recording three new sites. They also recorded a large group of structural foundations associated with the Bremner complex.⁸

Regional cultural resource staff surveyed claims and access routes in the Gold Hill and Dan Creek areas in 1992. Some worked at Kennecott as well. Anticipating that emergency stabilization work scheduled for the foundation of the machine shop might disturb nearby artifacts, Gene Griffen and Logan Hovis surveyed that area, recording and mapping approximately 200 artifacts.⁹

In 1993 the Kennecott Copper Corporation funded an inventory of the mine entrances on Bonanza Ridge. The NPS completed the project in July and provided a final report to the company under the terms of its agreement.¹⁰

The Alaska Office of History and Archaeology conducted an archeological survey along the McCarthy Road in 1995. WRST staff was busy that season as well, examining the site selected for the park's new visitor center; several potential picnic areas along the Nabesna Road; the Jack Lake Road right-of-way; a portion of MacColl Ridge; and the access route up the Lakina River.¹¹

In 1999 WRST and the State of Alaska Office of History and Archaeology undertook a cooperative inventory and assessment of the Kennecott machine shop.

Archaeologist Mary Ann Sweeney, who directed the field work, later drafted a comprehensive report which documented the effort and established a plan for the artifact assemblage that was recorded. She recommended assigning an accession number to the entire 2901-piece collection and cataloging 61 individual artifacts.¹²

The park initiated a major new compliance program in 2001 when it received special funding to address the compliance issues associated with its newly-developed Fire Management Plan. As part of that effort, WRST began evaluating structures to determine which must be saved and which will be allowed to burn. This requires that the park develop a detailed historic structures plan which considers all possible effects of its choices. Although the park plans to approach its effort from a historical significance/compliance perspective, the plan will also serve to guide other preservation efforts. The higher a structure rates on its significance list, the more likely WRST will attempt to preserve it. Because such decisions may lead to adverse effects, the park plans to consult with SHPO, ACHP, and other “interested parties,” including the public.¹³

LIST OF CLASSIFIED STRUCTURES

The List of Classified Structures (LCS) is the National Park Service’s primary database containing information about those historic or prehistoric structures in which it holds a legal interest. Properties included in the LCS are either listed or

eligible for listing in the National Register of Historic Places, or have been determined by law or policy to be managed as cultural resources even though they do not meet National Register requirements.¹⁴

The NPS developed WRST’s first LCS in 1986. It contained some 33 features, all of which, in keeping with the prejudices of the time, were historic buildings.¹⁵

The NPS initiated a multi-year effort to update the LCS in FY 1992, causing the ARO to modify its listing criteria. Cultural resource staff, including Historic Architect Jim Creech and Architectural Historian Bonnie Houston, began implementing those changes the following year. WRST’s FIREPRO crew helped as well, visiting and evaluating many of the local features in 1994. As a result, by 1995 the park’s revised list included 177 features.¹⁶

Since then, Cultural Resource Specialist Anne Worthington has added 24 more, most of which are situated within the recently acquired Kennecott National Historic Landmark, and removed ten others: five modern structures at the Geneva-Pacific mining camp on Peavine Bar, the Knutson cabin on the May Creek airstrip, and four historic structures at the Sanford River fox farm. The park’s current LCS contains 191 features.¹⁷

HISTORIC STRUCTURE REPORTS

The Historic Structure Report is the primary guide for the treatment and management of a historic structure. In keeping

with the National Park Service's Cultural Resource Management Guidelines, WRST and the staff of the ARO/AKSO have cooperated in generating Historic Structure Reports before undergoing significant repairs to or rehabilitation of historic structures. Each documents the structure's relevant administrative information and architectural data, including its significance and physical integrity.¹⁸

Craig Davis, David Snow, and Robert Spude completed WRST's first Historic Structure Report in 1984 for three cabins in the Chisana Historic District: the women's jail, the U.S. commissioner's courthouse, and the U.S. commissioner's residence.¹⁹

Steve Peterson and Doug Beckstead completed a report for the Ed S. Orr Stage Company's superintendent's residence in 1991 and Dave Evans drafted one for the Too Much Johnston cabin prior to its restoration in 1993.²⁰

WRST has prepared less formal reports for its other restoration projects.

NATIONAL REGISTER PROGRAM

Section 110 of the National Historic Preservation Act requires that the NPS identify, evaluate, and nominate all its eligible properties to the National Register of Historic Places. WRST began that process in 1984 when Alaska Regional Historian Robert Spude and Michael Lappen completed a National Register nomination for the Chisana Historic Dis-

trict. It was approved by the Keeper in November 1985.²¹

The ARO staff drafted National Register nominations for four elaborate mining camps during this period as well. John Jenkins, Michael Lappen, and Robert Spude nominated North Midas, Green Butte, and the Bremner, and Kathleen Lidfors nominated Coppertown. Although the SHPO approved all four documents, none were ever forwarded to the Keeper and none, therefore, were ever listed.²²

Following this initial burst of activity in the mid-1980s, WRST's National Register programs languished until 1995, when Geoffrey Bleakley completed a National Register multiple-property submission for the Valdez Trail, and an individual nomination for the route's Copper Bluff segment (crossing the park's newly acquired visitor center parcel). Both were approved by the Keeper in February 1998.²³

Bleakley drafted a National Register nomination for the 27,500-acre Chisana Historic Mining Landscape—which included the existing Chisana Historic District as one of its components—in November 1997. That property was listed in May 1998.²⁴

Bleakley completed a National Register multiple-property submission for the park's mining-related properties and a district nomination for the 14,200-acre Bremner Historic Mining District in Feb-

ruary 2000. Both were approved by the Keeper in June 2000.²⁵

In 1999 Bleakley drafted a National Register multiple property submission for WRST's transportation-related properties, as well as three associated individual nominations for historic Alaska Road Commission shelter cabins at Solo Mountain, Frederika Creek, and Amphitheatre Creek. He also completed an independent individual nomination for the Orr Stage Company superintendent's residence in Chitina (WRST's visitor contact station in that community), which is located just outside the park. All are presently pending.²⁶

ARCHEOLOGY



Archeological survey crews used horses to access remote sites near Wiki Peak



The University of Alaska Fairbanks conducted an archeological field school at Ptarmigan Lake in 1999

ciated with a land exchange negotiated by lodge owner Urban Rahoi. This revealed a large stratified lithic scatter that, based on

While archeologists have devoted relatively little attention to the southern portion of WRST, its staff has surveyed portions of MacColl Ridge, where they

identified two stone hunting blinds, and documented a small lithic scatter near the mouth of Skolai Creek. Both demonstrate some level of prehistoric use.²⁷

The park has invested substantially more resources in the Nabesna district. WRST completed its first survey around Ptarmigan Lake in 1985 as part of the 106 compliance process asso-

the types of artifacts identified, appeared to be relatively old.²⁸

A second survey about one mile north of Ptarmigan Lake in 1993 recorded another scatter. This site, originally reported by a field crew from the USGS, contained at least 80 artifacts, including flakes and scrapers.²⁹

BLM archeologist John Cook and WRST Cultural Resource Management Specialist Anne Worthington returned to the area in 1995 and sampled the local obsidian near Wiki Peak. Subsequent laboratory analysis proved that local outcrops were the source of the so-called “Type A” obsidian found at several of Alaska’s most important prehistoric sites, including Broken Mountain and Dry Creek.³⁰

In order to investigate the extent of human use of the area more fully, WRST funded a three-year project in 1997, headed by archeologist Jody Patterson, a University of Alaska doctoral student. Patterson surveyed those localities offering the highest potential to contain archeological materials in 1997, and completed more testing in 1998. He also investigated a previously recorded site adjacent to Ptarmigan Lake, excavating several test pits and delineating its northern boundary.³¹

Over the course of the project, Patterson located 109 new sites. All but two were lithic scatters, which generally consisted of obsidian and basalt debitage. He and his team of archeologists, who at various times included Anne Worthington, Ben

Potter, Amy Gallaway, Megan Wehrstedt, Aaron Robertson, and Kris Farmen, discovered several classes of tools, including notched projectiles, scrapers, and flakes. Patterson eventually excavated test pits at 12 of these sites and identified six different strata, five of which contained cultural materials.³²

Park staff conducted archeological surveys along portions of Tebay, Hanagita, Tanada and Rock Lakes in 2001, examining approximately 30 acres. No archeological sites were identified.

Paul White sampled the tailings below the Lucky Girl Mill in the Bremner district that same season, hoping to determine if such testing had value as a research tool. Unfortunately, his results were inconclusive.

James Dixon and staff members from the Institute of Arctic and Alpine Research at the University of Colorado also conducted archeological surveys on several snowfields in the Nabesna District. They developed and tested a research model which they hope will help identify areas with high site potential.³³

CULTURAL LANDSCAPES

The Cultural Landscape Inventory (CLI) is a baseline survey which identifies and evaluates the location, historical development, existing conditions, and management of cultural landscapes in the National Park System. CLIs generally precede a Cultural Landscape Report (CLR), a

far more comprehensive document which typically includes a narrative chronological history, an analysis of integrity and significance based on National Register criteria and existing conditions, and specific recommendations for management and treatment. WRST has completed CLRs on three of its historic mining districts: Chisana, Bremner, and Kennecott.³⁴

Chisana CLR

In 1995 WRST entered into a cooperative agreement with the Department of Landscape Architecture at the University of Texas, Austin, to complete a cultural landscape study of the Chisana/Gold Hill mining district. Its first year included three components: a cultural landscape inventory of Gold Hill, a archaeological survey of Chisana, and a special history study for the entire district. The CLI compiled existing archaeological data into a single document which described the features associated with the Chisana gold rush and the area's subsequent mining. A team under the direction of Cultural Resource Specialist Anne Worthington completed archaeological surveys for areas west of the Chisana airstrip, recording 42 additional sites. The special history study, completed by Geoffrey Bleakley, identified

sources for historic information on the Chisana/Gold Hill region. In addition, Bleakley wrote a separate history of the area for inclusion in the CLR and eventual publication.³⁵

In 1996 Landscape Architect Carol Feldman consulted with both staff and the general public in order to help develop condition assessments and treatment guidelines. Also that summer, a team led

by Amy Gallaway finished the extensive archaeological surveys of the Chisana town-site.

The following year, Feldman identified the district's significant resources and created character areas based on the physical qualities of the site and from the type and concentration of its cultural resources.

Then, in concert with other WRST and AKSO staff, she established management zones and developed treatment recommendations.³⁶

Feldman completed the CLR in late 1997, recommending that WRST preserve the historic character of the landscape. As a result, Superintendent Jonathan Jarvis committed the park to managing the Chisana district as a cultural resource.



WRST and ARO archeologists inventoried the Chisana/Gold Hill region in 1995

Bremner CLR

WRST entered into a cooperative agreement with the Industrial History and Archaeology program at Michigan Technological University in 1997 to complete a cultural landscape inventory and produce a cultural landscape report for the historic Bremner mining district. In addition to identifying and documenting cultural resources, this contract required researchers to assess the significance and integrity of the district's historical resources and suggest treatments for the more significant ones.³⁷

Primary investigator Paul White recorded the district's existing conditions in August 1997 and July 1998 and completed its CLR in 1999. Noting the area's value as an archaeological and historical resource and the fragility of its sites, White recommended that the Bremner "be reserved for low impact public use and interpretation, with a primary emphasis on protecting the district as an archaeological resource."³⁸

Kennecott CLR

In 1997 WRST began a two-phase project to document the cultural landscape of the Kennecott Mines National Landmark and

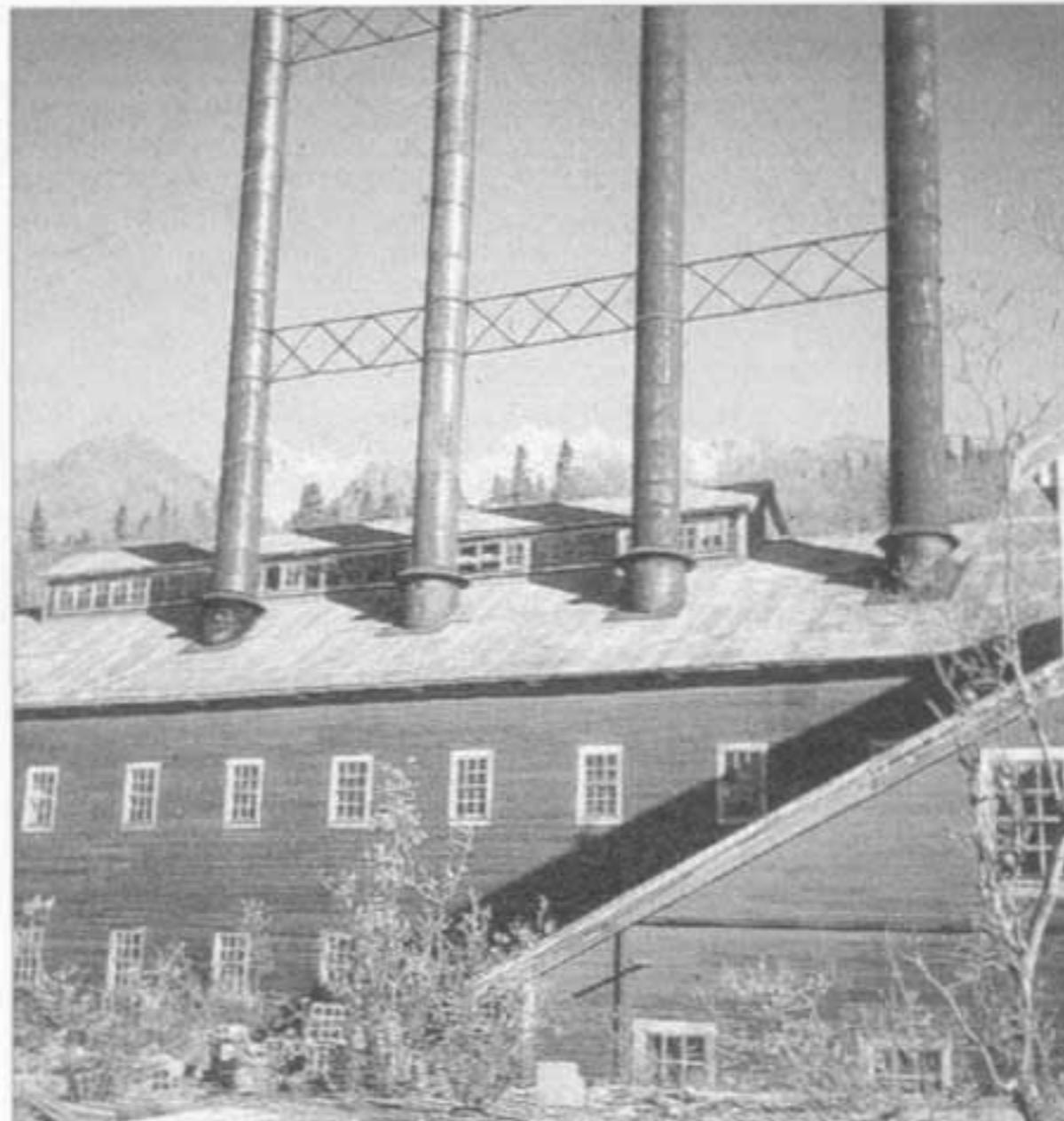
develop recommendations for the preservation and interpretation of the site. During the first year, Paul White reviewed the historic record, drafted a narrative site history which discussed the physical evolution of the landscape, and prepared historic base maps that detailed the most significant periods of its development.³⁹

Meanwhile, WRST conducted an archaeology survey of the lands surrounding the Kennecott mill site and mines in order to identify, document, and evaluate the significance of artifact concentrations and landscape features. Cathy Gilbert, a NPS historic landscape architect from Columbia

Cascades System Support Office (CCSO) completed surveys during this period as well, examining and documenting landscape characteristics throughout the study area.⁴⁰

During the second year of the project, WRST and CCSO identified management zones based on the analysis and evaluation of historic resources and con-

temporary programmatic needs. They also prepared management guidelines and recommendations for treatment of the site's cultural resources.⁴¹



Kennecott power plant, c. 1995

Gilbert, Paul White, and Anne Worthington completed the final draft of Kennecott's CLR in early 2001 and it was published later that year.⁴²

COLLECTIONS MANAGEMENT

WRST recognized the need to develop a collections management plan relatively early. Noting that there were many actions which could conceivably produce artifacts, including the natural erosion of prehistoric sites and the donation of historical material by private parties, the park warned that it possessed neither the facilities to properly store items nor an agreement with any other entity to do so.⁴³

WRST's collections have steadily grown, finally forcing the park to employ a temporary museum tech in 2001 to professionalize their treatment. As a result, 8,995 objects were accessioned, and a total of 10,272 objects were cataloged. These included many resource management archives as well as artifacts from Kennecott.

WRST also began work to reduce the huge backlog of archival items this season, cataloging and rehousing 9,615 items.

In addition, the park transferred the Kennecott Archives from Kennecott to headquarters and began work on the storage upgrade. It then moved the material to the ARCC in Anchorage for additional processing and temporary storage.⁴⁴

INTERGOVERNMENTAL RELATIONS

The U.S. Constitution gave the federal government sole power to negotiate with Native American tribes. Tribes possess all powers of government except those that have been expressly extinguished by Congress or that the Supreme Court has ruled are inconsistent with overriding national interests. As a branch of the federal government, WRST has been delegated some responsibilities for maintaining government-to-government relations with the Copper Basin's seven federally recognized tribes: Chistochina, Chitina, Gakona, Gulkana, Kluti-Kaah (Copper Center), Mentasta Village, and Tazlina.⁴⁵

ETHNOGRAPHY

WRST received funding in early 1995 to complete ethnographic overviews and assessments for areas traditionally associated with the Ahtna. The park intended the documents to familiarize staff with historic and modern Ahtna culture, to define the government to government relationship with federally recognized groups, to create a joint process for future consultation, and to assess park needs.⁴⁶

WRST eventually signed cooperative agreements with Chitina, Mentasta Village, and Chistochina to draft community history guidebooks. It also established a cooperative agreement with the Copper River Native Association (CRNA) to produce a document explaining Ahtna ethnohistory, traditional territory, and

culture, that would include the community histories of Gakona, Gulkana, Kluti-Kaah, and Tazlina. As Chitina never began its effort, WRST canceled that project in 1998.⁴⁷

Both Mentasta Village and Chistochina contracted with Cynthea Ainsworth to compose their community histories. Ainsworth's advanced draft for Chistochina, which she completed in 1999, drew largely on interviews conducted with village elders. Her advanced draft for Mentasta, finished in 2000, also relied heavily on oral history but utilized existing research and literature review essays as well.⁴⁸

Unfortunately, CRNA never completed its report. Although WRST extended its contract past the original 2000 deadline, CRNA was unable to finish, and the park terminated the project in 2001.

WRST received \$37,000 from CRPP in 2001 to research the ethnography of the Chitina River area in support of an archaeological survey of the river corridor to

be completed in 2002. That work was conducted through a cooperative agreement negotiated with the Alaska Department of Fish and Game, Division of Subsistence.

WRST also drafted a cooperative agreement in 2001 to help Mentasta Village document its traditional territory. Two products, a photo essay and a video, were prepared.⁴⁹

OTHER TOPICS



A backpacker approaches the masts of the Japanese schooner *Satsuma Maru*, buried beneath the sands of the Malapina Forelands

***Satsuma Maru* shipwreck**

In August 1982 WRST Rangers Clarence Summers and Karen Jetmar located the remains of the *Satsuma Maru*, a Japanese schooner which reportedly ran aground near the entrance to Yakutat Bay in 1909. The

ARO contacted the Submerged Cultural Resources Unit at the Southwest Region in early 1984 to obtain its assistance in having the site examined by a experienced nautical archeologist. Superintendent Chuck Budge repeated that request in May 1984, and the SCRU dispatched Dan Lenihan to Yakutat to conduct the work.⁵⁰

Lanahan completed his reconnaissance in August 1984. He found the upper portion of the ship's masts protruding from the beach sand in a nearly upright and parallel position, strongly suggesting that the buried hull remained intact. Rating the site as "significant by any standard," Lenihan recommended that it be nominated to the National Register of Historic Places.⁵¹

Besides the inherent significance that may be attributed to a largely intact turn of the century three-masted schooner, the unique post depositional processes that came to play on the site are worthy of preservation in themselves. The site has an ambience as a historical entity in a wild natural environment that would also lend itself to an imaginative park interpretive effort.⁵²

Lenihan asked WRST to protect the wreck in place, conducting periodic flights over the area in order to monitor it. He also suggested that the park add it to its List of Classified Structures and post a sign warning visitors that it was under NPS jurisdiction.⁵³

Superintendent Dick Martin supported Lanahan's recommendations and WRST's staff monitored the site for the rest of the decade. Unfortunately, storm-generated beach erosion exposed much of the wreck in 1990, and later squalls destroyed it. As of 1995, only a few scattered hull fragments remained.⁵⁴

Dora Keen camp

Some of WRST's cultural resource activities involve monitoring sites first discovered by members of the public. In 1994, for example, Cultural Resource Management Specialist Anne Worthington and Historian Geoffrey Bleakley, in conjunction with representatives from St. Elias Alpine Guides and the McCarthy-Kennicott Museum, attempted to locate the remains of an early mountaineering camp discovered earlier that summer on the Kennicott Glacier. While that particular site was not found, the team located and collected other artifacts, which later analysis suggested were associated with turn-of-the-century mountaineer Dora Keen, the first person to climb Mt. Blackburn.⁵⁵

Northwest Airlines crash site

Late in the evening of March 12, 1948, a Northwest Airlines DC-4 carrying 24 passengers and a crew of 6 crashed into the west face of 16,237-foot Mt. Sanford, approximately a vertical mile below its summit. The aircraft, which had been chartered by Overseas Tank Ship Corporation to retrieve crew members from an oil tanker delivered to the Nationalist Chinese government in Shanghai, was en route to New York City via Anchorage when the accident occurred.⁵⁶

Nearly disintegrating on contact, the plane's fragments slid about 2,500 feet down a steep gully and came to rest at the head of a deep cirque feeding an upper tributary of the Sanford Glacier. As the

crash site was inaccessible, no one attempted to recover the bodies, and all of the wreckage was soon buried beneath the basin's ever-accumulating snow.⁵⁷

Within months, rumors about the flight began to circulate. Many claimed that it carried a fortune in gold —either the crew's pay, the price of the oil tanker, or bullion being spirited out of China by Chiang Kai-shek, depending on whose version you received. Despite the fact that the airline, the shipping company, and their respective insurance carriers denied that there was anything valuable aboard, at least a dozen expeditions attempted to reach the crash site during the 1950s. All were stopped by the icefall which controlled access to the cirque.⁵⁸

Recovery efforts slowed during the 1960s and 1970s, but the gold rumors never completely died. At least four writers sent letters to a popular Anchorage newspaper column during the 1970s seeking to confirm some facet of the tale.⁵⁹

WRST first confronted the issue in 1989 when Edward Becker, a Northwest Airlines pilot, applied for a permit to access the crash site by helicopter. Although the park refused to authorize that approach, Becker hired mountaineer Vern Tejas to help him reach it on foot. The climbers ascended the glacier, but they too quit at the icefall, finding it just too risky to proceed.⁶⁰

Interest in the crash intensified in 1997, when Northwest Airline pilot Marc

Millican and Delta Airline pilot Kevin McGregor began their own search for the wreckage. By now, the moving glacier had transported the buried debris past the icefall, and it was beginning to surface amongst the lower rubble. Although Millican and McGregor quickly located many remains, they waited nearly two years before notifying the park of their success. Nevertheless, WRST eventually permitted the pair to survey the site and even collect some small fragments in order to confirm their discovery.

The pilots accomplished that objective, recovering a serial-numbered identification plate off one of the engines and a metal table knife imprinted with the Northwest Airline logo. The pair also located a well-preserved human forearm and hand, which was subsequently retrieved and examined by the Alaska State Troopers. Unfortunately, although the authorities were able to obtain fingerprints from the hand, they were never able to identify its owner.⁶¹

Recent accounts of the crash have tended to downplay the gold, but stories about it still circulate, and will undoubtedly spawn further efforts to locate and retrieve it. Although WRST considers the debris field to be a cemetery site, the park still lacks the resources necessary to protect it. Some pilfering has probably occurred already and that activity will almost certainly continue.⁶²

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INTERPRETATION

Constrained by a lack of funding, WRST developed its interpretative programs slowly and in several noticeable spurts. In the early 1980s the unit focused on protecting its resources and offered little interpretation at all. Although the park began supplying limited services in 1984, it still relied almost exclusively on temporary employees and restricted most of its efforts to the short summer season. WRST significantly upgraded its interpretive program in 1992 when it added a permanent full-time specialist to its staff. The park furthered that professionalization process in 1997 by establishing a new interpretative division and hiring experienced chief Ed Roberts to head it.

The overall goals for interpretation at WRST mirrored those articulated by the NPS elsewhere:

- 1) to develop in the visitor a deeper awareness and understanding of park resources;
- 2) to develop in the visitor an increased sense of appreciation and stewardship toward the park and its resources;
- 3) to increase public understanding of NPS goals and objectives; and
- 4) to assist park administration in accomplishing management goals.¹

Little occurred prior to 1984, when the park developed its first slide/tape orientation program and completed handouts for all of its districts. Two years later, the NPS Harpers Ferry Center helped park staff prepare a new park folder, improving their ability to provide prospective visitors with accurate information.²

WRST made far greater progress in 1987. The park installed its first three wayside exhibits at Slana, Simpson Hill, and Willow Lake, supplying visitors with additional information. Fee money enabled the park to add seasonal interpretive positions at Chitina and Nabesna that year as well, increasing coverage during the primary visitor season. The park

also completed an interim interpretive plan, expanding several broad themes which were earlier identified in its GMP.³

The interpretive program will focus on processes, relationships, and history within a northern mountain landscape. The process of mountain building through plate tectonics/faulting and volcanism is integral to other landscape features. The mountains have been sculpted by the erosive forces of glaciers and rivers. The abundance and diversity of glaciers relate to mountains in a northern location between continental and maritime weather systems. Variations in weather, altitude, and topography provide diverse habitats for vegetation, fish and wildlife.⁴

In 1988 WRST's fledgling interpretive program focused on improving the quality of its site bulletins. The park printed a hunting guide for each of its districts and upgraded its existing handouts for the McCarthy and Nabesna Roads. Park staff also drafted several trip descriptions in order to provide visitors with more timely information.⁵

WRST received additional support for its interpretive program in 1989. Frank Fiala, who joined the staff that June as management assistant, was also responsible for supervising the park's interpretive program. WRST hired Margie Steigerwald to work intermittently on various projects that spring and fall, and three summer

seasonal interpreters—stationed at Nabesna, Chitina, and the Copper Center headquarters—to staff its primary visitor contact stations.⁶

The park increased its commitment to its interpretive program in October 1989 when it hired Steigerwald to implement portions of its interim interpretive plan. This winter seasonal position allowed the park to begin several substantial projects, including improved management and accountability for WRST's branch of the Alaska Natural History Association (ANHA); an environmental education outreach program for the district's schools; organization of the park's slide file and audiovisual equipment; a full-page supplement to the *Tetlin Times* newsletter; several site bulletins; and two book projects. It also expanded and streamlined the park's visitor information system, resulting in a 20 percent increase in information requests.⁷

Steigerwald, unfortunately, left the position in April 1990 when she accepted a permanent job elsewhere on the staff. The interpretive program lost additional personnel that summer, forcing it to complete the season with several emergency employees. Nevertheless, it finished several new projects, including another jointly-produced *Tetlin Times*, a shared NPS/USFWS wayside exhibit, and additional site bulletins.⁸

Superintendent Karen Wade recognized that an innovative interpretive program could facilitate public understanding and

thereby assist the staff in protecting resource values.

Resource protection in such a vast area is largely dependent upon public understanding and acceptance. As popularity of this region rises and visitors come from near and far, public understanding is essential to achieve respect for the natural, cultural, and community resource values of the area. Public cooperation through restraint and a willingness to adhere to appropriate uses provides the desirable alternative to imposition of regulations and restrictions or the risk of overuse and abuse.⁹

To achieve those objectives, WRST began to design additional wayside exhibits; develop an interpretive prospectus; promote educational programs; establish a Junior Ranger program; improve written information; enhance the interpretive collections; and promote additional recreational opportunities.¹⁰

The park hired Margie Steigerwald as its first permanent interpretive specialist in 1992. Two seasonal interpreters also staffed WRST's Copper Center visitor center that summer.¹¹

That fall, the NPS, the ADNR, and the Cooperative Extension Center co-hosted a project WILD/Project Learning Tree workshop for 18 teachers from the Copper River School District. Offered as a

one-credit course through the local community college, the workshop introduced the teachers to an environmental education curriculum and even addressed some particularly controversial

local issues, including mining, logging, wolf control, and access.¹²

WRST published the first issue of *K'elt'aeni* in 1993. Edited by Steigerwald, the four-page, newspaper-style publication proved to be very popular with park visitors, and the park has published it irregularly ever since.¹³



Visitor Center at Slana Ranger Station

WRST's interpretative program advanced further in 1993 when it offered its first regularly scheduled evening slide shows. Other outreach efforts that year included participation in the Copper River Native Association's Summer Swim and Safety Program, Alaska Wildlife Week, Alaska Archaeology Week, several in-class school programs, a wildlife activity day for home schoolers, and the Copper Center Trade Fair.¹⁴

WRST added direction to its interpretive program in 1994. In addition to meeting current requirements, the park identified its most important future needs.

These included exhibits and furnishings for its three new visitor facilities in Yakutat, Slana, and Chitina; wayside exhibit planning for the McCarthy and Nabesna Roads, and the Glenn, Edgerton, and Richardson Highways; and a major planning effort for the new headquarters/visitor center.¹⁵

As part of its planning effort, WRST conducted a visitor survey in July 1995. Researchers determined that the park's

most the most visited sites were McCarthy (58 percent), Kennecott (53 percent), and its Copper Center Visitor Center (52 percent). Most visitors came to view glaciers/scenery (68 percent), observe wildlife (59 percent), visit McCarthy/Kennecott (55 percent), or simply recreate (46 percent). Among the most requested future services were exhibits (72 percent), a park movie (64 percent), trails (62 percent), and interpretive programs (53 percent).¹⁶



WRST and Wrangell Mountain Center cooperatively organized the first McCarthy-Kennicott Teachers Workshop in 1995

In 1995 WRST and McCarthy's Wrangell Mountain Center cooperatively organized their first McCarthy/Kennicott Teachers Workshop, an intensive field learn-

ing experience taught on site. Designed to familiarize local teachers with the natural and cultural processes shaping the Wrangell Mountains and to explore various methods for effectively teaching about those processes, it included sessions on geology, glaciology, botany, wildlife, and history. The workshop continues to be offered, with the seventh annual program scheduled for 2001.¹⁷

YAKUTAT

WRST began to organize its Yakutat interpretive effort in 1993, when Margie Steigerwald, Yakutat District Ranger Rick Mossman, and two members of the regional staff developed a plan for the park's new visitor center there. The group's three-tiered approach focused on providing temporary displays that winter; new panels before the following summer; and permanent displays as soon as the park budget would allow.¹⁸

Steigerwald returned to the community in early 1994 with WRST Cultural Resources Specialist Anne Worthington and Regional Curator Jean Sweringen to discuss options for exhibits and furnishings.¹⁹

The Princess Cruise Line contacted the Yakutat district ranger in 1994 to request that WRST offer interpretive programs on its visiting ships. Yakutat's district ranger and seasonal interpreter boarded four cruise ships that summer, providing videos and commentary.²⁰

As Yakutat's Tlingit community had expressed an interest in displaying some of their cultural objects in the park's visitor center, Harpers Ferry Conservators Ronald Sheetz and Alan Levitan visited that summer as well, accessing and cleaning the *Galyix Kaagaantaan* Beaver Screen. They also suggested raising the visitor center's ceiling in order to display it properly.²¹



ADOT/WRST Chitina Wayside

The visitor center added another exhibit in early 1995 when Steigerwald and WRST Geologist Danny Rosenkrans designed one which explained the signifi-

cance of the Malaspina Glacier National Natural Landmark.²²

Harpers Ferry Conservator Alan Levitan visited the community in 1997 to evaluate the artifacts and make recommendations about their care. He also refined his earlier plan for modifying the visitor center's ceiling in order to exhibit the Beaver Screen. However, as of 2001 the ceiling has still not been raised.²³

Recognizing that Yakutat was more culturally affiliated with GLBA than WRST, the two parks began to consider drafting a mutual long-range interpretive plan (LRIP) for the Yakutat district in 1997. Staff changes delayed the process, but WRST, GLBA, and the Harpers Ferry Center completed a draft LRIP in early 2001. The park hopes to implement that plan in early 2002.²⁴

CHITINA WAYSIDE

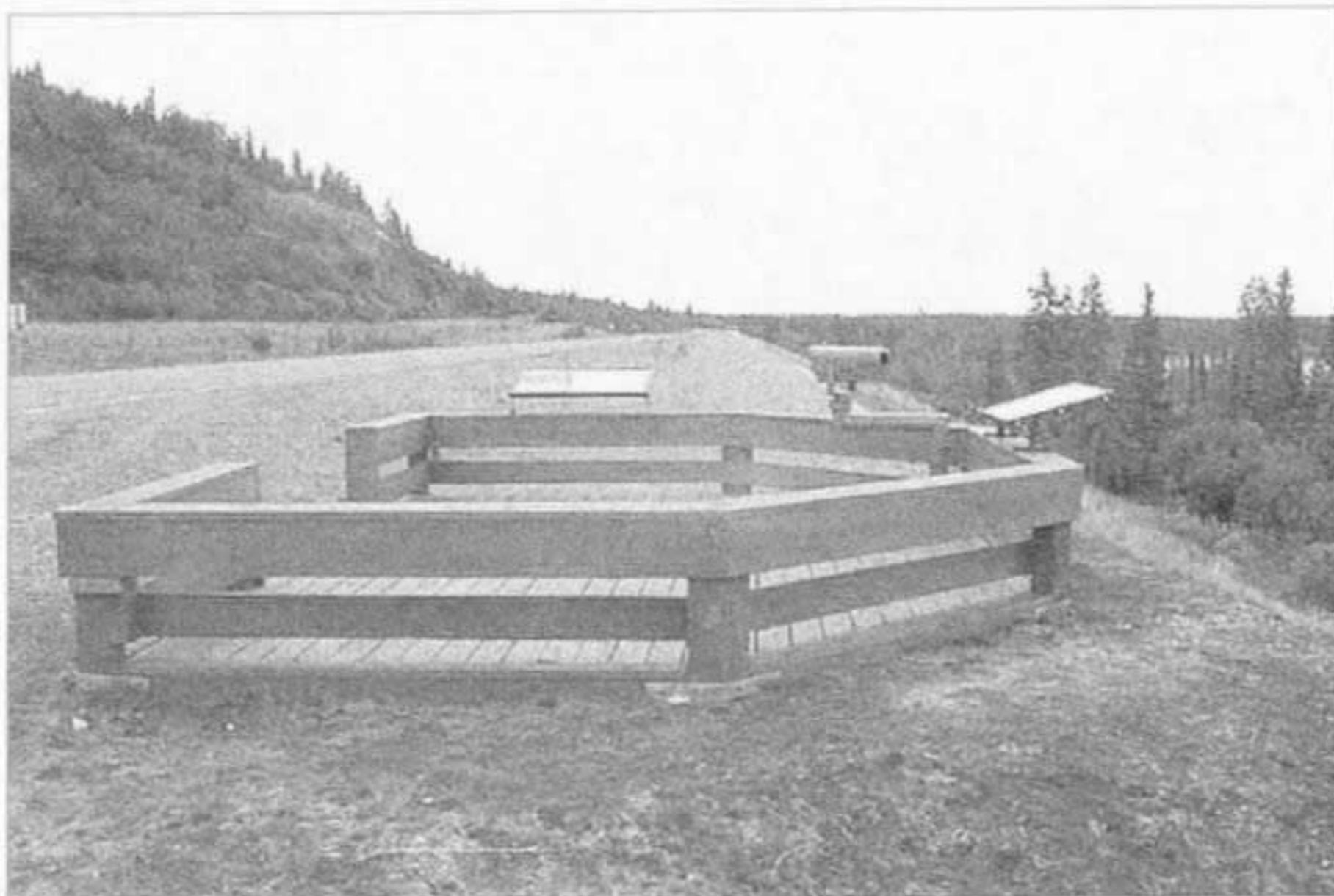
In March 1995, WRST met with the Chitina community group and agreed to contribute monetary and maintenance

support for a planned ADOT-constructed wayside in Chitina.²⁵



WRST informational kiosk at the end of the McCarthy Road

ern Railway's Chitina depot and was situated on its former site, provides a welcome stopping place for travelers as it contains the community's only public restrooms. Its exhibits supply information about the town and the surrounding region.²⁶



ADOT/WRST Willow Lake Wayside

KENNECOTT/MCCARTHY

WRST initiated its first interpretive programs in the McCarthy-Kennecott area in 1997. The park constructed an information kiosk near the end of the road and assigned a "roving" interpreter to the Kennecott site in order to provide visitors with additional information. Since then, the park has steadily increased its presence, assigning four interpretive rangers there in 2001.²⁷

WILLOW LAKE WAYSIDE

WRST and the ADOT initiated a joint project in 1997 to install a visitor information wayside along the Richardson Highway at Willow Lake. The agreement assigned the responsibility for producing the signage to the NPS and the turnout and viewing deck construction to the ADOT.

The National Park Service's Harpers Ferry Center developed the site's three interpretive panels. Designed to orient the visitor, they described the park's major resources, attractions, and activities, as well as conveying its major interpretive themes.²⁸

The ADOT completed its initial design plan in April 1997 and a project plan the following December. The NPS finished its exhibit plan in March 1998. The wayside was completed in 1999.²⁹

HEADQUARTERS VISITOR CENTER

Interpretive planning for WRST's new visitor center began in November 1994 when the exhibit designers at the DSC/HFC asked Margie Steigerwald to prioritize a list of themes for possible exhibits. By 1996 the park had determined that its visitor center must satisfy three main goals: to explain how the park was established and why it is different than parks outside of Alaska; to articulate the vast scale the natural and human history of the park; and to address its wide range of available activities. To achieve those objectives, WRST's staff helped outside contractors develop a wide range of displays.³⁰

Seattle-based Edquist Design developed the permanent exhibits for the visitor contact station, identifying and articulating those themes that best conveyed the WRST experience. NPS film maker John Grabowska complemented that effort by producing a sophisticated and visually stunning park film.³¹

The Interpretive Design Center at Harpers Ferry developed a series of exterior exhibits to orient visitors to the village complex and address natural and cultural history topics. This included an ethnobotanical garden, that identified and interpreted 15 local plants.³²

Currently under construction, the Copper Center Visitor Center is expected to be completed in early 2002.

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National Archives. Alaska Region.
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Park Library

CONTESTED GROUND

Archival collection
Central files
Office files
Administrative Division
 Superintendent
 Recreational Planner
 Chief of Administration
 Budget Analyst
 Management Assistant
Resource Management Division
 Chief of Resources
 Botanist
 Cultural Resource Specialist
 Environmental Specialist
 Fisheries Biologist
 Geologist
 Historian
 Subsistence Specialist
 Wildlife Biologist
Ranger Division
 Chief Ranger
 Gulkana Operations Center
 Chitina District Ranger
 Nabesna District Ranger
 Yakutat District Ranger
Interpretative Division
 Chief of Interpretation
 Park Ranger –Interpretation
Maintenance Division

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APPENDIX A

ENABLING LEGISLATION

PROCLAMATION 4625

DECEMBER 1, 1978

Wrangell-St. Elias National Monument

By the President of the United States of America

A PROCLAMATION

An area of southeastern Alaska adjacent to the International Boundary with Canada contains a variety of landforms, including high mountain peaks and steep canyons, with associated geological, ecological, biological, and historical phenomena of great importance.

The area includes the greatest assemblage of mountain peaks over 14,500 feet in elevation found in the Nation, the nation's second highest mountain (Mount St. Elias, at 18,008 feet), several inactive and one active volcano (Mount Wrangell), and an active glacial complex, including some of the largest and longest glaciers in the Nation. The high mountain peaks and glaciers offer an excellent opportunity for glaciological studies. The Malaspina Glacier is listed on the National Registry of Natural Landmarks.

Thermal features in the area include the mud cones and hot springs on the western base of Mount Drum. More complete undeveloped river systems exist here than in any other land area of the Nation, with more than 1,000 miles of powerfully running, silt-laden rivers.

Biologically unique subspecies of flora and fauna have developed in the Bremner and Chitina River Valleys. As a result of their isolation by virtue of ice fields and the Copper River, these areas are virtually ecological islands in which development of subspecies is largely unaffected by interchange with outside plant and animal species.

Wildlife populations include the largest population of wild mountain sheep in North America, moose, mountain goat, and a non-migratory population of caribou. The area is the only part of Alaska where four of the five identifiable forms of bear occur, including the interior grizzly, the coastal brown bear, the black bear, and the rare, blue-color phase of the black bear called glacier bear. Along the coast of the Gulf of Alaska bald eagles and a large and varied shorebird population occur.

Cultural development within the area is of interest to archaeologists and historians. Three major culture areas converge here, each with distinctive cultural patterns: the North Athapascans, the Pacific Eskimo, and the Chugach. Mining history is evidenced by the Kennecott Copper Works, a National Historic Landmark.

The land withdrawn and reserved by this Proclamation for the protection of the geological, archaeological, biological, and other phenomena enumerated above supports now, as it has in the past, a unique subsistence culture of the local residents. The continued existence of this culture, that depends on subsistence hunting, and its availability for study, enhances the historic and scientific

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values of the natural objects protected herein because of the ongoing interaction of the subsistence culture with those objects. Accordingly, the opportunity for local residents to engage in subsistence hunting is a value to be protected and will continue under the administration of the monument.

Section 2 of the Act of June 8, 1906 (34 Stat. 224, 16 U.S.C. 431), authorized the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other subjects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and to reserve as part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, by the authority vested in me by Section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431), do proclaim that there are hereby set apart and reserved as the Wrangell-St. Elias National Monument all lands, including submerged lands, and waters owned or controlled by the United States within the boundaries of the area depicted as the Wrangell-St. Elias National Monument of the map numbered WRST-90,007 attached to and forming a part of this Proclamation. The area reserved consists of approximately 10,950,000 acres, and is the smallest area compatible with the proper care and management of the objects to be protected. Lands, including submerged lands, and waters within these boundaries not owned by the United States shall be reserved as part of the monument upon acquisition of title thereto by the United States.

All lands, including submerged lands, and all waters within the boundaries of this monument are hereby appropriated and withdrawn from entry, location, selection, sale or other disposition under the public land laws, other than exchange. There is also reserved all water necessary to the proper care and management of those objects protected by this monument and for the proper administration of the monument in accordance with applicable laws.

The establishment of this monument is subject to valid existing rights, including, but not limited to, valid selections under the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601 *et seq.*), and under or confirmed in the Alaska Statehood Act (48 U.S.C. Note preceding Section 21).

Nothing in this Proclamation shall be deemed to revoke any existing withdrawal, reservation or appropriation, including any withdrawal under Section 17(d)(1) of the Alaska Native Claims Settlement Act (43 U.S.C. 1616(d)(1)); however, the national monument shall be the dominant reservation. Nothing in this Proclamation is intended to modify or revoke the terms of the Memorandum of Understanding dated September 1, 1972, entered into between the State of Alaska and the United States as part of the negotiated settlement of *Alaska v. Morton*, Civil No. A-18-72 (D. Alaska, Complaint filed April 10, 1972).

The Secretary of the Interior shall promulgate such regulations as are appropriate, including regulation of the opportunity to engage in a subsistence lifestyle by local residents. The Secretary may close the national monument, or any portion thereof, to subsistence uses of a particular fish, wildlife or plant population if necessary for reasons of public safety, administration, or to ensure the natural stability or continued viability of such population.

Warning is hereby given to all unauthorized persons not to appropriate, injure, destroy or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this 1st day of December, in the year of our Lord nineteen hundred and seventy-eight, and of the Independence of the United States of America the two hundred and third.

JIMMY CARTER

ENABLING LEGISLATION

ALASKA NATIONAL INTEREST LANDS CONSERVATION ACT

PUBLIC LAW 96-487—DEC. 2, 1980

ANACT

To provide for the designation and conservation of certain public lands in the State of Alaska, including the designation of units of the National Park, National Wildlife Refuge, National Forest, National Wild and Scenic Rivers, and National Wilderness Preservation Systems, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Section 1. This Act may be cited as the “Alaska National Interest Lands Conservation Act”.

TITLE II—NATIONAL PARK SYSTEM

ESTABLISHMENT OF NEW AREAS

Sec. 201. The following areas are hereby established as units of the National Park System and shall be administered by the Secretary under the laws governing the administration of such lands and under the provisions of this Act:

(9) Wrangell-St. Elias National Park, containing approximately eight million one hundred and forty-seven thousand acres of public lands, and Wrangell-St. Elias National Preserve, containing approximately four million one hundred and seventy-one thousand acres of public lands, as generally depicted on map numbered WRST-90,007, and dated August 1980. The park and preserve shall be managed for the following purposes, among others: To maintain unimpaired the scenic beauty and quality of high mountain peaks, foothills, glacial systems, lakes and streams, valleys, and coastal landscapes in their natural state; to protect habitat for, and populations of, fish and wildlife including but not limited to caribou, brown/grizzly bears, Dall sheep, moose, wolves, trumpeter swans and other waterfowl, and marine mammals; and to provide continued opportunities, including reasonable access for mountain climbing, mountaineering, and other wilderness recreational activities. Subsistence uses by local residents shall be permitted in the park, where such uses are traditional, in accordance with the provisions of title VIII.

APPENDIX B

GMP RECOMMENDATIONS

ADMINISTRATION

Manage the park/preserve according to applicable laws, regulations, executive orders, and policies.

Maintain adequate staff and administrative facilities to perpetuate the resources of the park/preserve and provide for visitor services.

Maintain the airstrips at Chisana and May Creek to accommodate air cargo.

Establish and maintain administrative headquarters and most ranger stations outside the boundaries of the park/preserve for administration, for visitor contact points and interpretation, for basing patrol operations, for launching search and rescue missions, and for cooperative resources management.

Develop and execute staffing plans that recognize the knowledge and skills of local persons and the effects of severe environmental conditions on worker productivity.

NATURAL RESOURCES

Manage natural resources to perpetuate ecological processes and systems.

Encourage traditional and new users of the park/preserve's natural resources to understand and respect ecosystems and to help maintain the natural processes and relationships among them.

Collect information and data about the fluctuating populations of wildlife and changing habitats so managers have a basis for making decisions to allow natural forces to operate as freely as possible.

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Encourage and assist nonfederal landowners and users of park and preserve resources to help perpetuate the natural features of the area.

Maintain communications and cooperative working arrangements with the Alaska Department of Fish and Game and the Alaska fisheries and game boards for regulating consumptive uses of natural resources and for maintaining habitats for and populations of fish and wildlife.

Work cooperatively and interdependently with managers of Parks Canada and the Tetlin National Wildlife Refuge in areas of mutual concern.

Elicit the cooperation of knowledgeable individuals, groups, institutions, and agencies in collecting and utilizing current data about the natural resources.

Maintain rivers in their free-flowing state while continuing to study their features and uses so that river management plans are current.

Maintain high environmental standards for the protection of natural resources in mining areas.

Consult and cooperate with landowners and land managers—within and adjacent to the park/preserve—in formulating land protection options that will protect and perpetuate natural resources.

CULTURAL RESOURCES

Establish and maintain programs to collect information and data about cultural resources so that management can provide for their protection and public enjoyment.

Maintain high environmental standards in mining areas to reduce the potential for adversely impacting historical and cultural resources.

Carry out programs to identify, evaluate, and preserve prehistoric and historic resources in a manner consistent with NPS policy and legislative and executive requirements.

Encourage and assist nonfederal landowners within the park/preserve and individuals and groups in surrounding communities to preserve cultural resources and perpetuate the cultural heritage of the region.

Collect oral and written information from and about the longtime residents involved in the development of the region and use this with other information and data in interpre-

GMP RECOMMENDATIONS

tive materials and programs for the education and enjoyment of visitors.

Identify and evaluate prehistoric and historic sites and structures—both in use and idle—for possible designation in the National Register of Historic Places and the Alaska Heritage Resource Survey.

Elicit cooperation from and provide assistance to private owners of historical objects, structures, and sites so that these historical resources may be preserved.

In conjunction with the Subsistence Resource Commission of the park, study traditional uses and harvests of resources as a basis for preparing and keeping current a management plan for traditional uses.

VISITOR USE AND INTERPRETATION

Provide visitors with services, materials, and interpretive programs to enhance their knowledge of park/preserve resources and their opportunities for enjoyable and educational visits.

In accordance with provisions of ANILCA and other federal law, provide all visitors with adequate and feasible access to park/preserve resources.

Accommodate visitors using resources of the park/preserve in keeping with legislation and special regulations for Alaska park units that allow for some harvest of wildlife and plant materials.

In cooperation with the state of Alaska, accommodate sport hunters in the preserve, guided by management's concerns and responsibilities to maintain the quality of wildlife habitat and healthy populations of wildlife.

Encourage and provide information and technical assistance to local businesses providing visitor services.

Study and inventory recreational resources and develop a recreational management plan accommodating such visitors as mountain climbers, river runners, campers, sport fishermen, backpackers, photographers, and horseback groups.

Provide visitors with information about the wilderness character of the park/preserve and about the congressional mandate to protect and perpetuate wilderness values.

VISITOR PROTECTION AND SAFETY

Provide well-trained, well-equipped field personnel to operate effectively in matters of search and rescue, emergency assistance, and law enforcement.

Establish procedures and programs to prevent injuries to visitors by providing such safety measures as voluntary registration, reports of weather and other conditions, information about visitor contact points and possible shelter, and emergency message systems.

Through cooperative agreements with the Alaska State Troopers and the Air Force Rescue Coordination Center and through the judicious uses of volunteer groups, plan and carry out efficient and effective procedures for providing visitor protection and safety.

Inform the public of the inherent dangers in the hazardous environment of the park/preserve.

DEVELOPMENT OF FACILITIES

Undertake development or construction projects architecturally harmonious with the natural and cultural setting, using the most suitable materials and equipment to conserve resources and protect the environment.

Establish—preferably through rental or lease—a park and preserve headquarters site and district offices to facilitate management and operations and to provide contact points and services for visitors.

Observe and collect data on visitor uses and determine the need for and feasibility of cataloging trails, primitive campsites, primitive shelters, access points, and remote river crossings.

Obtain and maintain adequate facilities for maintenance, storage, communications, and transportation.

Encourage private enterprise to provide services both inside and outside the park and preserve, with accommodations and bases for operations outside the park/preserve wherever possible.

CONCESSIONS

Identify the levels and types of commercial visitor services necessary and appropriate for the area. Negotiate concessions contracts, permits, and licenses in accordance with section 1307 of ANILCA, and PL 89-249 (Concessions Policy Act), and issue them as appropriate to those best able to meet the needs of the public.

Establish programs to collect data on visitor numbers and needs and make this information available to potential concessionaires so that accommodations and services are the result of visitor needs and are compatible with proper management of park/preserve resources.

COOPERATIVE ACTIVITIES

Develop cooperative management programs with managers of nonfederal resources within the park/preserve and with managers of adjoining lands and waters to perpetuate viable populations of wildlife species, fish and wildlife habitats, and cultural resources; provide for visitor services and resource uses; develop essential services for the protection of human life; and promote complementary uses of adjacent lands and waters.

Continue to work cooperatively with the U.S. Fish and Wildlife Service and the state of Alaska Department of Natural Resources, Department of Fish and Game, and Fish and Game Boards in areas of mutual concerns such as fish and wildlife, their habitats, subsistence uses, harvests, and disseminating public information.

Enter into and sustain cooperative, mutually benefiting agreements with Parks Canada to conduct studies, share information, facilitate management and operations, and provide visitor services.

APPENDIX C

PERMANENT PERSONNEL

SUPERINTENDENT

Chuck Budge	1980 – 1984
Dick Martin	1985 – 1990
Karen Wade	1990 – 1994
Jon Jarvis	1994 – 1999
Gary Candelaria	1999 – present

ASSISTANT SUPERINTENDENT

Hunter Sharp	2002 – present
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MANAGEMENT ASSISTANT

Vaughn Baker	1986 – 1989
Frank Fiala	1989 – 1991
Russ Lesko	1991 – 1995

CHIEF OF ADMINISTRATION

Chris Zinda	1998 – 1999
Ann Crow	2001 – present

ADMINISTRATIVE OFFICER

Julie Burwell	1989 – 1991
Karen Stoll	1991 – 1995
Hala Bates	1995 – 1997

ADMINISTRATIVE TECHNICIAN

Adell Grochow	1981 – 1983
Renee Craig	1983 – 1985
Carol Clark	1986 – 1988

CONCESSION MANAGEMENT SPECIALIST

Hala Bates	1994 – 1995
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COMPUTER SPECIALIST

Bob Jones	1997 – present
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BUDGET ASSISTANT

Hala Bates	1994 – 1994
Ann Crow	1995 – 2001

CONTESTED GROUND

PARK SECRETARY	
Lona Ward	1995 – 1997
OFFICES SERVICES ASSISTANT	
Lona Ward	1997 – present
ADMINISTRATIVE SUPPORT ASSISTANT	
Michelle Masters	1997 – present
PURCHASING AGENT	
Paula Price	1992
Paula Winningham	1993 – 1994
Ann Marie Baureis	1995 – 1996
ADMINISTRATIVE CLERK	
Renee Craig	1982 – 1984
Alice Craig	1985 – 1991
Joanne Perkins	1988 – 1988
Bonnie McLeod	1988 – 1990
Margie Steigerwald	1990 – 1992
Michelle Masters	1993 – 1997
OFFICE AUTOMATION CLERK	
Michelle Masters	1992 – 1993
NABESNA CLERK	
Thelma Schrank	1983 – present
MAINTENANCE SECRETARY	
Hala Bates	1993 – 1994
Roxy Venner	1995 – 1996
RECREATIONAL PLANNER	
Vicki Snitzler	1997 – present
ENVIRONMENTAL SPECIALIST	
Kit Mullen	1987 – 1992
Patti Happe	1993 – 1996
COMPLIANCE SPECIALIST	
Steve Hunt	2001 – present
CHIEF RANGER	
Bill Paleck	1981 – 1986
Jay Wells	1987 – 1997
Hunter Sharp	1998 – present

PERMANENT PERSONNEL

CHITINA DISTRICT RANGER

Jim Hannah	1981 – 1991
Jim Hummel	1991 – 1995
Tom Betts	1996 – present

NABESNA DISTRICT RANGER

Virgil James	1981 – 1982
Ross Rice	1982 – 1984
Dave Panebaker	1985 – 1988
Jim Hummel	1988 – 1991
Sean McGuinness	1992 – 1996
Marshall Neeck	1997 – 2002

SANFORD DISTRICT RANGER

Brian Goring	1984 – 1985
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YAKUTAT DISTRICT RANGER

Clarence Summers	1981 – 1988
Rick Mossman	1988 – 1996
Dennis Kaleta	1996 – 1999
Jon Murphy	2000 – present

KENNECOTT DISTRICT RANGER

Marshall Neeck	2002 – present
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RANGER/PILOT

Jim Hannah	1991 – 2002
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CRIMINAL INVESTIGATOR

Tim Saskowsky	1993 – 2000
Richard Larrabee	2002 – present

SUBSISTENCE RANGER

Donald Mike	1991 – 1997
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NABESNA AREA RANGER

Heather Yates	2000 – 2002
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CHITINA AREA RANGER

Rich Richotte	2002 – present
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PARK DISPATCH

Julie Seifert	2001 – present
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CONTESTED GROUND

CHIEF OF RESOURCES

Russell Galipeau	1989 – 1997
Devi Sharp	1998 – present

RESOURCE MANAGEMENT ASSISTANT

Gillian Bowser	2002 – PRESENT
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NATURAL RESOURCE MANAGEMENT SPECIALIST

Brad Cella	1982 – 1987
Bruce Connery	1987 – 1989

BIOLOGICAL TECHNICIAN

Bruce Connery	1985 – 1987
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WILDLIFE BIOLOGIST

Bill Route	1990 – 1995
Karin Kozie	1991 – 1995
Patti Happe	1996
Carl Mitchell	1997 – 2001
Mason Reid	2001 – present

RESEARCH WILDLIFE BIOLOGIST

Kurt Jenkins	1990 – 1996
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SUBSISTENCE FISHERIES BIOLOGIST

Eric Veach	2000 – present
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FISHERIES BIOLOGIST

Sandy Scotton	2001 – present
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MINING ENGINEER

John Devenport	1986 – 1990
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GEOLOGIST

Danny Rosenkrans	1991 – present
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BOTANIST

Mary Beth Cook	1995 – present
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SUBSISTENCE SPECIALIST

Heather Yates	1998 – 2000
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CULTURAL RESOURCE MANAGEMENT SPECIALIST

Anne Worthington	1992 – 2002
Michele Jesperson	2002 – present

PERMANENT PERSONNEL

HISTORIAN

Geoffrey Bleakley 2001 – present

CULTURAL ANTHROPOLOGIST / SUBSISTENCE SPECIALIST

Dave Krupa 2001

Barbara Cellarius 2002 – present

ARCHIVIST—KENNECOTT

Amy Marshall 2002 – present

ARCHEOLOGIST—KENNECOTT

Tim Marshall 2002 – present

FIRE MANAGEMENT OFFICER

Marsha Henderson 1998 – present

CHIEF OF INTERPRETATION

Edmond Roberts 1998 – present

INTERPRETIVE SPECIALIST

Margie Steigerwald 1992 – 1997

EDUCATION SPECIALIST

Glenn Hart 2001 – present

PARK RANGER—INTERPRETATION

Ruth Ann Warden 1996 – 2002

Vicki Rood 2001 – present

Jacqueline Lott 2001 – present

VISITOR USE ASSISTANT

Janelle Bricker 2001 – present

FACILITIES MANAGER

Will Tipton 1988 – present

LANDSCAPE ARCHITECT / KENNECOTT PROJECT MANAGER

Ken Hutchison 2002 – present

MAINTENANCE SUPERVISOR

Jim Baker 2001 – present

Bob Frisbie 2001 – present

MAINTENANCE COORDINATOR

Nick Powning 1985 – 1987

CONTESTED GROUND

PROGRAM ASSISTANT—MAINTENANCE

Tony Knutson 1999 – present

MAINTENANCE MECHANIC

Jim Baker 1992 – 2001

UTILITY / MAINTENANCE

Mick Absher 1999 – present

MAINTENANCE WORKER

Lee Penwell 2001 – present

CUSTODIAL WORKER

Alethia Dunn 2001 – present

APPENDIX D

OUTSIDE RESEARCH

1982

Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

1983

Kozinski, Jane (State University of New York at Albany). Evaluate the Validity of the Nutzotin Mountain Sequence/Dezadeash Link.

1984

Kozinski, Jane (State University of New York at Albany). Evaluate the Validity of the Nutzotin Mountain Sequence/Dezadeash Link.

Nokleberg, Warren J. (U.S. Geological Survey). Trans-Alaskan Crustal Transect.

Richter, Donald (U.S. Geological Survey). Wrangell Lavas Project.

Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

Savage, James C. (U.S. Geological Survey). Monitor Strain Accumulation in the Yakataga and Icy Bay Networks.

1985

Doak, Daniel F. (University of Washington). Ecological Study of *Epilobium Latifolium*.

Gardner, Mike (ARCO). Establish Regional Geologic Framework of Southern Alaska for the Late Cretaceous.

Nokleberg, Warren J. (U.S. Geological Survey). AMRAP: Trans-Alaskan Crustal Transect.

Panuska, Bruce C. (Vanderbilt University). Paleomagnetic Analysis to Determine Ancient Latitude of Wrangellia Terrane.

Richter, Donald (U.S. Geological Survey). Geologic Studies of Wrangell Volcanic Fields.

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Savage, James C. (U.S. Geological Survey). Monitor Strain Accumulation along the Totschunda Fault.

Steer, Peter (British Schools Exploring Society and Edinburgh University). General Ecological Investigations, Spirit Mountain Area.

Swem, Ted (U.S. Fish and Wildlife Service). Investigations of Raptor Migration, Malaspina Forelands.

Wallace, Wesley K. (ARCO). Establish Regional Geologic Framework for the Eocene Epoch.

1986

Cooper, David J. (Thorne Ecological Institute). The Influence of Soil Texture on Rate of Plant Succession in Front of the Kennicott Glacier, Alaska.

Hoffman, James D. (U.S. Geological Survey). AMRAP: Geochemical Sampling in the Gulkana Quadrangle.

Mayo, L. R. (U.S. Geological Survey). Monitor Surging Activities and Assess Condition of the Hubbard Glacier System.

Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

Savage, James C. (U.S. Geological Survey). Monitor Strain Accumulation in the Yakataga and Icy Bay Networks.

1987

Campbell, David L. (U.S. Geological Survey). Trans-Alaskan Crustal Transect.

Eyles, N. (unknown). Collect Mineral Specimens from Lime Creek Area.

Hoffman, James D. (U.S. Geological Survey). AMRAP: Geochemical Sampling in the Gulkana Quadrangle.

Panuska, Bruce C. (Vanderbilt University). Paleomagnetic Study of the Southern Alaska Superterrane. A Test for Transport on the Kula Plate.

Pflaker, George (U.S. Geological Survey). Geologic Sampling/Mapping.

Richter, Donald (U.S. Geological Survey). Wrangell Volcanic Field.

Savage, James C., and Michael Lisowski (U.S. Geological Survey). Monitor Strain Accumulation in the Yakataga and Icy Bay Strain Networks.

1988

Alaska Department of Fish and Game (Alaska Department of Fish and Game). Mentasta Caribou Study.

Emery, Phil (unknown). Glacial Activity.

Larsen, Fred (U.S. Forest Service). Land and Forest Resource Assessment.

Lehr, John (U.S. Geological Survey). Monitoring Seismotectonic Processes in Alaska.

Lisowski, Michael (U.S. Geological Survey). Earthquake Seismology in the Cape Yakutaga Area.

Panuska, Bruce C. (Mississippi State University). Paleomagnetic Study of the Southern Alaska Superterrane. A Test for Transport on the Kula Plate.

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Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

Savage, James C., and Michael Lisowski (U.S. Geological Survey). Monitor Stain Accumulation in the Yakataga and Icy Bay Strain Networks.

Schoonmaker, James R. (U.S. Geological Survey). Glacial Mapping—Malaspina.

Trabent, Dennis (U.S. Geological Survey). Spatial and Temporal Distribution of the Hubbard Complex.

1989

Chinnappa, C. C. (University of Calgary). Evolutionary Investigation in the Genus *Antennaria*.

Doak, Daniel F. (University of Washington). Effects of Grizzly Bear Digs on Alpine Plant Communities of the Wrangell Mountains, Alaska.

ENSR Consulting and Engineering (BP Exploration). Sudden Stream Data Evaluation.

Evenson, Edward B. (Lehigh University). Dating the Pre-Wisconsin Glaciations and Climatic Fluctuations of Alaska.

Gutierrez, Ralph J. (Humboldt State University). Genetic Variation and Systematic Relationship of the *Tetroninae*.

Kellyhouse, David (Alaska Department of Fish and Game). Chisana Caribou Herd Management.

Larson, Frederic R. (U.S. Forest Service). Natural Renewable Resources Inventory.

Panuska, Bruce C. (Mississippi State University). Paleomagnetic Study of the Southern Alaska Superterrane. A Test for Transport on the Kula Plate.

Pavis, Terry L. (University of New Orleans). Investigation of the Evolution of a Forearc System: Deformation, Age and Petrologic Studies in the Eastern Chugach Mountains, Alaska.

Philip, Kenelm W. (University of Alaska Fairbanks). *Lepidoptera* Survey of Alaska.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field.

Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

Sisson, Virginia B. (Rice University). Metamorphic and Structural Evolution of the Chugach Mountain Complex.

1990

Baker, Andrew (University of California, Berkeley). Soil and Vegetation Patterns on a Sequence of Stream Terraces Near McCarthy, Alaska.

DuBois, Gregory D. (U.S. Geological Survey). Determine the Source of the White River Ash.

Capogreco, James V. (Florida State University). Carabid Beetles.

Lowe, Dave (BP Exploration). Sudden Stream Site Heavy Metal Monitoring.

Mayo, Larry (U.S. Geological Survey). Glacier Monitoring through Oblique Photography within Wrangell-St. Elias National Park and Preserve.

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Miller, Bob (University of Alaska Anchorage). Hazardous Waste Survey of the Kennecott Properties at Wrangell-St. Elias National Park and Preserve.

Molnia, Bruce (U.S. Geological Survey). Ice-Penetrating Radar Investigations of the Malaspina Glacier, Alaska.

Panuska, Bruce C. (Mississippi State University). Paleomagnetic Study of the Southern Alaska Superterrane: A Test for Transport of the Kula Plate.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field.

_____. Mount Churchill/Bona Volcanic Complex.

Pavis, Terry L. (University of New Orleans), Virginia Sisson (Rice University), Sarah M. Roeske (University of California, Davis), and Bruce Molnia (U.S. Geological Survey). Metamorphic and Structural Evolution of the Chugach Metamorphic Complex.

Sherburne, Judy (The Natural Conservancy—Alaska Natural Heritage Program. Verify Plant Distributions near the Headwaters of the Copper River.

Stolte, Ken (NPS, U.S. Geological Survey). Baseline Biological Monitoring—Pre-Operation of a 10 M Coal-Fired Power Plant.

U.S. Geological Survey. McCarthy Creek.

1991

Benson, Carl (Geophysical Institute, University of Alaska Fairbanks). Ice-Volcano Interactions on Mt. Wrangell.

Bradshaw, Jack Y. (U.S. Geological Survey). Petrogenesis and Metamorphic History of the Nikolai Basalt.

Carlson, Paul R. (U.S. Geological Survey). Glacial Marine Processes and Sediment Accumulation in Fjords of Southeast Alaska.

Fitzpatrick, Joan J. (U.S. Geological Survey). Paleoclimate Reconstruction from Alaskan Ice Records: Teleconnections Between PNA, Reverse PNA and ENSO States.

Goldfarb, Richard J. (U.S. Geological Survey). AMRAP: Geochemical Survey.

Kay, Simon (American North, Inc.). Hazardous Waste Monitoring—Kennecott Complex.

Lowe, Dave (BP Exploration). Sudden Stream Site Heavy Metal Monitoring.

Pavlis, Terry L. (University of New Orleans). Petrologic, Isotopic, and Structural Evolution of Low Pressure Metamorphism in an Accretionary Complex, Eastern Chugach Mountains, Alaska.

Philip, Kenelm W. (University of Alaska Fairbanks). *Lepidoptera* Survey of Alaska.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field.

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Roeske, Sarah M. (University of California, Davis). Cretaceous Strike-Slip at the

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Arc-Forearc Boundary in Eastern and Southeastern Alaska.

Stolte, Ken (NPS, U.S. Geological Survey). Baseline Biological Monitoring—Pre-Operation of a 10 MW Coal-Fired Power Plant.

U.S. Geological Survey. McCarthy Creek.

1992

Benson, Carl (Geophysical Institute, University of Alaska Fairbanks). Ice-Volcano Interactions on Mt. Wrangell.

Clements, Richard M. (St. Catherine's College, Oxford). General Biological Research in Fireweed Mountain Area.

Ganley, Matthew L. (Ahtna, Inc.). Survey of ANCSA 14(h)(1) Historical/Cultural Selections within Wrangell-St. Elias National Park and Preserve.

Humprey, William (Kent State University). Collecting Small Herbs and Lichens.

Jones, Stanley (U.S. Geological Survey). Hydrologic and Mass-Movement Hazards near McCarthy, Wrangell-St. Elias National Park, Alaska.

Lassiter, John C. (University of California, Berkeley). Geochemical Investigation of the Wrangellia Flood Basalts, Alaska.

Lingle, Craig (Geophysical Institute, University of Alaska Fairbanks). Observations of Glaciers in St. Elias Mountains, Alaska-Yukon Territory, with Synthetic Aperture Radar.

McDonald, Lyman (University of Wyoming). Dall Sheep Abundance Estimation.

Panuska, Bruce (Mississippi State University). Magnetostratigraphy of Nikolai Greenstone

Pavlis, Terry L. (University of New Orleans). Petrologic, Isotopic, and Structural Evolution of Low Pressure Metamorphism in an Accretionary Complex, Eastern Chugach Mountains, Alaska.

Philip, Kenelm W. (University of Alaska Fairbanks). *Lepidoptera* Survey of Alaska.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field Geology.

_____. Mount Churchill/Bona Volcanic Complex.

Roche, James W. (University of Washington). Lithologic Controls on Frost-Induced Breakdown of Rock, Icy Bay, Alaska.

Roeske, Sarah M. (University of California, Davis). Cretaceous Strike-Slip at the Arc-Forearc Boundary in Eastern and Southeastern Alaska.

Rogers, John A. (U.S. Geological Survey). Seismograph Station Monitoring and Maintenance.

Sisson, Virginia B. (Rice University). Metamorphic and Structural Evolution of the Chugach Mountain Complex.

1993

Benson, Carl (Geophysical Institute, University of Alaska Fairbanks). Ice-Volcano Interactions on Mt. Wrangell.

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Ganley, Matthew L. (Ahtna, Inc.). Survey of ANCSA 14(h)(1) Historical/Cultural Selections within Wrangell-St. Elias National Park and Preserve.

Hart, William K. (Miami University-Ohio). Petrologic and Geochemical Investigation of the Wrangell Volcanic Field, Alaska.

Foley, Jeffrey Y. (U.S. Bureau of Mines). AMRAP—Titanium Mineral Resource Investigations.

Jacoby, Gordon C. (Lamont-Doherty Earth Observatory, Columbia University). Dendroclimatology in Wrangell-St. Elias National Park and Preserve.

Jenkins, Kurt (National Biological Survey). Estimation of Dall Sheep Population Composition in Wrangell-St. Elias National Park and Preserve.

Jenkins, Kurt (National Biological Survey). Population Dynamics and Management of the Mentasta Caribou Herd, Alaska.

Jones, Stanley (U.S. Geological Survey). Hydrologic and Mass-Movement Hazards near McCarthy, Wrangell-St. Elias National Park and Preserve, Alaska.

Panuska, Bruce (Mississippi State University). Magnetic Stratigraphy of the Nikolai Greenstone.

Pavlis, Terry L. (University of New Orleans). Petrologic, Isotopic, and Structural Evolution of Low Pressure Metamorphism in an Accretionary Complex, Eastern Chugach Mountains, Alaska.

Roche, James W. (University of Washington). Lithologic Controls on Frost-Induced Breakdown of Rock, Icy Bay, Alaska.

Rogers, John A. (U.S. Geological Survey). Yakataga Seismic Gap Activity Investigation.

Sauber, Jeanne (NASA). Subduction Zone Processes in Alaska.

Trabant, Dennis (U.S. Geological Survey, Water Resources Division). Bering Glacier Surge.

Yehle, Lynn (U.S. Geological Survey). Surficial Geology McCarthy B-6, B-7, B-8 and C-8.

1994

Hart, William K. (Miami University-Ohio). Petrologic and Geochemical Investigation of the Wrangell Volcanic Field, Alaska.

Jacoby, Gordon C. (Lamont-Doherty Earth Observatory, Columbia University). Dendroclimatology in Wrangell-St. Elias National Park and Preserve.

Jenkins, Kurt (National Biological Survey). Estimation of Dall Sheep Population Composition in Wrangell-St. Elias National Park and Preserve.

Plafker, George (U.S. Geological Survey). AMRAP: Geological Research, Bering Glacier Quadrangle.

Rogers, John A. (U.S. Geological Survey). Yakataga Seismic Gap Activity Investigation.

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Trabant, Dennis (U.S. Geological Survey, Water Resources Division). Bering Glacier Surge.

1995

Buzzell, Rolfe G. (Alaska Department of Natural Resources, Office of History and Archaeology). Archaeological Survey, McCarthy Road.

Hart, William K. (Miami University-Ohio). Petrologic and Geochemical Investigation of the Wrangell Volcanic Field, Alaska.

Ream, Bruce (Hart Cowser, Inc.). Archaeological Survey, Chisana Airstrip and Vicinity.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field Geology.

Richter, Donald H., and David M. Hite (U.S. Geological Survey). AMRAP: Geology and Hydrocarbon Resource of the Copper River Basin.

Sauber, Jeanne (NASA). Subduction Zone Processes—Geodetic Survey.

1996

Buzzell, Rolfe G. (Alaska Department of Natural Resources, Office of History and Archaeology). Archaeological Survey, McCarthy Road.

Loso, Michael (University of Vermont). White Spruce Productivity in the Kennicott Valley, Alaska: The Ecological Limits of a Sustainable Harvest.

Hart, William K. (Miami University-Ohio). Petrologic and Geochemical Investigation of the Wrangell Volcanic Field, Alaska.

Plafker, George (U.S. Geological Survey). AMRAP: Geological Research, Bering Glacier Quadrangle.

Richter, Donald H. (U.S. Geological Survey). Wrangell Volcanic Field Geology.

1997

Adams, Layne (U.S. Geological Survey, Biological Resources Division). Population Dynamics of the Mentasta Caribou Herd.

Elconin, Roger (University of Alaska Fairbanks). Fireweed Rock Glacier Research Project: Flow Survey.

Eppinger, Robert (U.S. Geological Survey). Environmental Behavior of Mineral Deposits in Alaska's National Parks—Wrangell-St. Elias National Park and Preserve.

Hallet, Bernard (University of Washington). Rapid Erosion.

Handel, Colleen (U.S. Geological Survey, Biological Resources Division). Community and Population Dynamics of Boreal Forest Birds: Effects of a Spruce Beetle Infestation in the Copper River Basin, Alaska.

Jacoby, Gordon C. (Columbia University Lamont-Doherty Earth Observatory). Long-Term, High-Resolution Paleoclimate in the Wrangell Mountain Range, Alaska.

CONTESTED GROUND

Meyer, Mark (Bureau of Land Management). Mineral Assessments of AHTNA, Inc., Selections within Wrangell-St. Elias National Park and Preserve.

Rexstad, Eric (Institute of Arctic Biology, University of Alaska Fairbanks). Response of Small Mammal Populations to a Major Spruce Beetle Infestation in the Copper Basin, Alaska.

1998

Adams, Layne (U.S. Geological Survey, Biological Resources Division). Population Dynamics of the Mentasta Caribou Herd.

Broadwell, Scott (University of Alaska Fairbanks). Kinematics of a Natural Growth Fold, Icy Bay, Alaska.

Doak, Patricia (Institute of Arctic Biology, University of Alaska Fairbanks). Effects of Stand Characteristics on the Spread of Spruce Beetle Infestations.

Elconin, Roger (University of Alaska Fairbanks). Fireweed Rock Glacier Research Project.

Hallet, Bernard (University of Washington). Rapid Erosion.

Handel, Colleen (U.S. Geological Survey, Biological Resources Division). Community and Population Dynamics of Boreal Forest Birds: Effects of a Spruce Beetle Infestation in the Copper River Basin, Alaska.

Hansen, Roger (Geophysical Institute, University of Alaska Fairbanks). Seismic Network Operation in Alaska.

Lill, Beate (unknown). Nabesna Area Soil Survey.

Manuszak, Jeff (Purdue University). Stratigraphic and Structural Study of the Nutzotin Mountains Sequence, Alaska.

Meigs, Andrew J. (Oregon State University). Dominant Topographic Signal at Convergent Plate Boundaries: Geomorphic or Tectonic?

Meyer, Mark (Bureau of Land Management). Mineral Assessments of AHTNA, Inc., Selections within Wrangell-St. Elias National Park and Preserve.

Pavlis, Terry L. (University of New Orleans). The Fairweather-St. Elias Orogenic System: A Slip-Partitioned Transpressional Orogen?

Rexstad, Eric (Institute of Arctic Biology, University of Alaska Fairbanks). Response of Small Mammal Populations to a Major Spruce Beetle Infestation in the Copper Basin, Alaska.

1999

Adams, Layne (U.S. Geological Survey, Biological Resources Division). Population Dynamics of the Mentasta Caribou Herd.

Anderson, Suzanne (UC Santa Cruz). Outbursts from an Ice-Dammed Lake.

Echelmeyer, Keith (Geophysical Institute, University of Alaska Fairbanks). Geophysical Investigation of Fireweed Rock Glacier, Wrangell Mountains, Alaska.

OUTSIDE RESEARCH

Hallet, Bernard (University of Washington). Rapid Erosion.

Handel, Colleen (U.S. Geological Survey, Biological Resources Division). Forest Bird Communities of Wrangell-St. Elias National Park and Preserve.

Hansen, Roger (Geophysical Institute, University of Alaska Fairbanks). Seismic Network Operation in Alaska.

Manuszak, Jeff (Purdue University). Stratigraphic and Structural Study of the Nutzotin Mountains Sequence, Alaska.

Meigs, Andrew J. (Oregon State University). Role of Glaciers in Shaping the Landscape of the Active Chugach/St. Elias Range, Alaska.

Patterson, Jody J. (University of Alaska Fairbanks). Archaeological Investigations, Ptarmigan Lake.

Pavlis, Terry L. (University of New Orleans). The Fairweather-St. Elias Orogenic System: A Slip-Partitioned Transpressional Orogen?

Schmidt, Jeanine (U.S. Geological Survey). Geologic Type Section Study: Golden Horn Formation, Hasen Creek Formation, and Station Creek Formation.

Sisson, Virginia B. (Rice University). Chugach Metamorphic Complex, Metamorphic Facies Transition.

2000

Adams, Layne (U.S. Geological Survey, Biological Resources Division). Population Dynamics of the Mentasta Caribou Herd.

_____. Breeding Area Fidelity and Dispersal Patterns of Bull Caribou.

Echelmeyer, Keith (Geophysical Institute, University of Alaska Fairbanks). Geophysical Investigation of Fireweed Rock Glacier, Wrangell Mountains, Alaska.

Elconin, Roger (University of Alaska Fairbanks). Broken Snout Rock Glacier.

Estes, Steve (U.S. Geological Survey). Yakataga Seismic Gap and Regional Seismic Activity.

Fountain, Andrew G. (Portland State University). Outbursts from a Ice-Dammed Lake.

Hansen, Roger (Geophysical Institute, University of Alaska Fairbanks). Seismic Network Operation in Alaska.

Hollis, Jeremy (University of Illinois). Chokosna and Moose Lakes Sediment Coring.

Pavlis, Terry (University of New Orleans). The Fairweather-St. Elias Orogenic System.

Power, John (U.S. Geological Survey). Volcano Monitoring and Research.

Richter, Donald (U.S. Geological Survey). Mt. Wrangell Geological Mapping and Volcanic Hazard Assessment.

Wartes, Marwan (University of Wisconsin—Madison). St. Elias-Chugach

CONTESTED GROUND

Mountain Uplift History and Role in Climate Change.

2001

Anderson, Lynn (University of Illinois). From Molecular Genetics to Global Change: Understanding Postglacial Development of the Boreal Biome in North America.

Cook, Joseph (University of Alaska Museum). Small Mammal Inventory of Alaska's National Parks and Preserves.

Dixon, E. James (University of Colorado). Archeology of Alaska: Glaciers and Snowfields.

Doak, Dan (UC Santa Cruz). Using Demographic Techniques to Test for the Signatures of Environmental Change.

Fleming, Douglas (Alaska Department of Fish and Game). Stock Status and Population Biology of the Copper River Steelhead.

Hanson, Roger (Geophysical Institute, University of Alaska Fairbanks). Seismic Network Operations in Alaska.

Loso, Michael G. (UC Santa Cruz). High-Resolution Neoglacial Record of Glacial Sediment Yield Exposed in a Jokulhlaup-Drained Proglacial Lake.

Meigs, Andrew (Oregon State University). Dominant Topographic Signal at Convergent Plate Boundaries; Geographic and Tectonic.

Power, John (U.S. Geological Survey). Volcano Monitoring and Research.

Price, Jason (Colorado School of Mines). Deciphering the Structural Controls of Kennecott Copper Deposits.

Trop, Jeffrey (Bucknell University). Jurassic-Cretaceous Paleography of the Wrangellia Terrane: Paleomagnetism of the Chisana Formation and Nutzotin Mountains Sequence, Wrangell-St. Elias National Park and Preserve.

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