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April 15, 2004

The Honorable Gale A. Norton  
Secretary of the Interior  
U.S. Department of the Interior  
1849 C Street, NW  
Washington, D.C. 20240

Dear Madam Secretary:

I am writing to apprise you of very troubling reports that I have received from literally dozens of Alaskans, many of whom are inholders within the Wrangell-St. Elias National Park (the Wrangells), about their treatment at the hands of the National Park Service (NPS). If these reports of arbitrary and sometimes abusive behavior are accurate, they raise serious questions about the Park Service's implementation of the Alaska National Interest Lands Conservation Act (ANILCA), particularly sections 1110(a) and (b). Accordingly, I respectfully request that you direct an immediate investigation of these claims for the purpose of instituting remedial measures, where necessary.

To apprise you more fully of the charges leveled against the Park Service, I am enclosing a package of material prepared by residents and users of the Wrangells. As you will note, this information consists of testimonials, press releases, and other relevant documents. These documents allege various patterns of misbehavior and abuse, including unreasonable right-of-way closures and restrictions; undue delays in the issuance of permits; and intimidation, harassment, and selective law enforcement by NPS personnel. In addition, I want to bring to your attention the allegations made by the Pilgrim family against the NPS, as described in the Hale v Norton litigation pending before the Ninth Circuit Court of appeals and summarized at [www.landrights.org/ak](http://www.landrights.org/ak). As stated previously, I believe that all of the allegations described above are serious enough to warrant immediate attention and investigation.

No matter how your investigation comes out, I think that there are compelling reasons to provide further direction to Park Service personnel to guide their implementation of the access provisions of ANILCA. In my opinion, new statutory or regulatory guidance is not necessary. However, I believe that the anecdotal information now available amply demonstrates the need for

additional guidance from NPS policy makers to the personnel who administer section 1110 of ANILCA on a daily basis.

This guidance should address the following issues, among others:

- An articulation of when and what type of access authorization may be required and a specification of required information in the case of a formal permit.
- A standardized procedure specifically designed to process applications for access to inholdings (as opposed to access requested under other provisions of ANILCA or other federal laws).
- A precise timeline for the NPS' processing of an application. Further guidance concerning compliance with the National Environmental Policy Act (NEPA), including an articulation of situations when no environmental impact statement or environmental assessment is required. This should include a categorical exclusion for de minimus situations involving access to inholdings (for example, access to a single family dwelling or small business).
- Further guidance concerning what constitutes reasonable stipulations governing access.
- A presumption in favor of the access route requested by the applicant, unless the NPS can fully justify the necessity to consider alternative routes.
- A quick and simple administrative appeals process, including the establishment of a body in Alaska to hear access related appeals.
- A minimal application and processing fee, if any. In our opinion, the fee requirement should be very small or eliminated all together in cases involving access to inholdings, especially where the route has been used previously.
- A requirement that visits by Park Service personnel to an inholder's residence, as well as low level aircraft overflights, be duly noticed in advance and that such personnel avoid behavior that could alarm livestock or be interpreted as intimidating or threatening.

I have long been troubled by the NPS' implementation of ANILCA. My concern transcends the access provisions discussed above. ANILCA is a lengthy and complex piece of legislation replete with exceptions to general NPS policy. Accordingly, I have previously recommended a training program for NPS personnel newly assigned to Alaska, and it is my understanding that this recommendation has been implemented at least in part.

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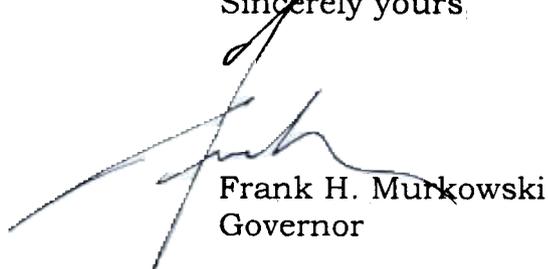
However, no training program can fully address the implementation issues that have come to my attention. Accordingly, I recommend that, working together, we create an organizational entity composed of federal and state officials and private citizens to consider implementation questions and to recommend solutions to the appropriate Interior Department officials. For example, I believe it would be beneficial for such a group to review decisions concerning applications for reasonable and feasible access guaranteed to inholders in ANILCA.

Beginning with the joint Federal-State Land Use Planning Commission established in the Alaska Native Claims Settlement Act, Alaska has a long and useful tradition of formal federal-state-private cooperation in considering land management and resource issues. This tradition was perpetuated by the Alaska Land Use Council established by ANILCA and then with the less formal Alaska Land Managers' Forum, which followed the council. These entities have performed some useful work, and current circumstances strongly suggest that we continue the dialogue and problem solving they fostered.

In conclusion, even though almost 24 years have elapsed since ANILCA's enactment, serious access and other implementation problems and uncertainties remain. I believe that these problems, which affect law abiding, industrious Alaskans in their daily lives, must be addressed. Accordingly, I respectfully request that you investigate and act upon the many serious allegations that have been brought to my attention and that, together, we establish a formal structure designed to identify and resolve these problems in the future.

Thank you very much for your consideration of my views.

Sincerely yours



Frank H. Murkowski  
Governor

Enclosures

cc: The Honorable Ted Stevens, United States Senate  
The Honorable Lisa Murkowski, United States Senate  
The Honorable Don Young, United States House of Representatives

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cc continued:      Drue Pearce, Senior Advisor, Department of the Interior  
                         Cam Toohey, Special Assistant, Alaska Affairs,  
                         Department of the Interior  
                         Jim Clark, Chief of Staff, Office of the Governor,  
                         State of Alaska  
                         Gregg Renkes, Attorney General, State of Alaska  
                         John W. Katz, Director, Alaska Office of the Governor,  
                         Washington D.C.  
                         Mike Menge, Special Assistant, Office of the Governor,  
                         State of Alaska  
                         Dennis Fradley, Director of Communications, Office of the  
                         Governor, State of Alaska