

Federal appeals court rebuffs Pilgrim family

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ANCHORAGE, Alaska (AP) - A federal appeals court has sent the Pilgrim family back to the National Park Service for a permit to drive a bulldozer across park land to get to their property inside Wrangell-St. Elias National Park.

The family, led by Robert Hale, has been engaged in a fight with the National Park Service going back to 2003. That is when the federal agency rejected Hales' bid to use an old mining road to access their land.

The problem arose after Hale, without getting a permit first, drove a bulldozer over the old road to reopen it to bring building supplies after their cabin burned.

Hale battled the Park Service over its permit requirements, but lost in the U.S. District Court and 9th U.S. Circuit Court of Appeals.

In March 2004, the 9th Circuit agreed to reconsider its initial dismissal. The administration of Gov. Frank Murkowski filed a brief on the Hales' side, while several environmental groups joined the Park Service.

A three-judge panel last week again rejected the lawsuit. The 9th Circuit said the Park Service has the right to exert "reasonable regulation" on access to private land in Alaska's national parks. But the judges said the Hale family must go through the permit process first, then come back to court to argue about whether the park's rules were "reasonable."

The permit has taken a back seat to other issues involving Hale. Last fall, Hale was indicted by a grand jury on 30 felony counts of rape, assault and incest, and is being held in the Mat-Su Pre-Trial Facility. His criminal trial is scheduled for March.

Hale's wife and 15 children are not living this winter on the park inholding.

"We don't know what God's plans are for us at this time, but we would still like to be able to access our property with appropriate consideration given for all those involved with the situation," said Kurina Rose Hale, Hale's wife, in a statement released Monday through a friend.

Russell Brooks, a lawyer with the Pacific Legal Foundation that has been representing the family for free, said they will ask the 9th Circuit for a hearing involving more justices.

Brooks said he would argue that the Park Service erred when it sought to impose a lengthy environmental review on the road permit application, and the family should be able to challenge that error in court.

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