

J. P. TANGEN, AK Bar No. 7507051  
1600 A Street, Suite 310  
Anchorage, Alaska 99501-5148  
Telephone: (907) 222-3985  
Facsimile: (907) 554-4473

JAMES L. BURLING, AK Bar No. 8411102  
Pacific Legal Foundation  
10360 Old Placerville Road, Suite 100  
Sacramento, California 95827  
Telephone: (916) 362-2833  
Facsimile: (916) 362-2932

RUSSELL C. BROOKS, (Admitted Pro Hac Vice)  
Pacific Legal Foundation  
10940 NE 33rd Place, Suite 109  
Bellevue, Washington 98004  
Telephone: (425) 576-0484  
Facsimile: (425) 576-9565

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

**ROBERT HALE; JOSHUA HALE; NAVA S.  
SUNSTAR; and BUTTERFLY SUNSTAR,**

Plaintiffs,

v.

**GALE NORTON**, Secretary of the Interior; **GARY  
CANDELARIA**, Superintendent, Wrangell-St. Elias  
National Park and Preserve; **HUNTER SHARP**, Chief  
Ranger, Wrangell-St. Elias National Park and Preserve;  
**DEPARTMENT OF THE INTERIOR; NATIONAL  
PARK SERVICE; FRAN MAINELLA**, Director of the  
National Park Service; **MARCIA BLASZAK**, Acting  
Regional Director of the National Park Service, all in their  
official capacities,

Defendants.

No. A03-0257-CV (RRB)

**SECOND DECLARATION OF  
RAYMOND A. KREIG IN  
SUPPORT OF MOTION  
FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

I, Raymond A. Kreig, declare as follows:

1. The facts set forth in this declaration are based on my personal knowledge and, if called as a witness, I could and would competently testify thereto under oath. As to those matters which reflect a matter of opinion, they reflect my personal opinion and judgment upon the matter.

2. I took all but one of the attached photos while I was a passenger on a charter flight between McCarthy and Marvelous Millsite on October 26, 2003. The flight was piloted by Gary Green. Russell Brooks was also a passenger on that flight. Photo 6 was taken the same day but from the ground while I was on foot near Marvelous Millsite.

3. The photos illustrate that the McCarthy Creek - Green Butte road generally has sparse vegetation growing on its surface. This can be well seen at this time of the year when the leaves are off the deciduous trees. The road is a very well defined feature on the landscape of the McCarthy Creek valley. The light snow cover on the surface of the road is easily visible because there is little vegetation growing on the road surface as compared to the natural ground cover in the adjoining forest and brush terrain which obscures the light snow covering there. *See* Ex. A, photos 1, 2, 3, 5.

4. The photos also illustrate that there is a maze of old historic roads and trails in places rather than only one specific route that has always been used. *See* Ex. A, photos 4 and 7.

5. Photo 6 illustrates the hazards and treacherousness of attempting to use horses for crossing the rocky bottomed McCarthy Creek in icy conditions. *See* Ex. A, photo 6.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 16<sup>th</sup> day of November, 2003, at Anchorage, Alaska.

[signed]

---

RAYMOND A. KREIG