



United States Department of the Interior

NATIONAL PARK SERVICE

Wrangell-St. Elias National Park/Preserve
Mile 106.8 Richardson Hwy. P.O. Box 439
Copper Center, AK 99573
907 822 5234 Fax 907 822 7216

L3017(WRST-AD)

October 2, 2003

Mr. J.P. Tangen
Attorney at Law
1600 A Street, Suite 310
Anchorage, Alaska 99501

Dear Mr. Tangen:

This letter reiterates the proposal made telephonically to you on September 29, 2003, by Acting Deputy Regional Director Vic Knox, in response to your clients' request for emergency bulldozer access to their property. To date we have received no reply.

Our October 1, 2003, letter to you set forth the reasons why the request does not constitute an emergency allowing an exemption from the requirements of the National Environmental Policy Act (NEPA). Although the circumstances do not fall within an emergency category for NEPA purposes, we appreciate that your clients continue to believe that they have an urgent need for bulldozer access. The current application contemplates use of a D-4 bulldozer pulling a 16-foot trailer for eight to nine round-trips between McCarthy and the Marvelous Millsite. Your clients' hoped to accomplish the nine trips in October or November. Because issuance of the permit to operate the bulldozer requires preparation of an environmental assessment (EA), we are unable to meet that time frame.

We are willing to process your clients' application for temporary access on an expedited basis. We anticipate that such an expedited request would result in a completed EA in approximately nine weeks. This includes about 30 days to prepare the EA, 30 days for required public review, and approximately one week to make a final decision after receipt of public comment.

The EA will analyze your clients' proposal, a required "no action" alternative (non-motorized, air and snowmachine access which do not require permits), and possibly a third alternative that would evaluate a reduced number of trips.

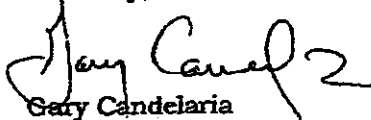
Please let us know if you wish us to begin processing your clients' request for temporary access with the understanding that the timeframe you identified must be extended to accommodate the required environmental assessment. We will not begin work on the EA until you inform us you wish us to proceed. Should you wish us to proceed, please let us know who will be the point of contact to respond to questions that might arise during the environmental assessment process.

The regulations at 43 CFR 36.6 and National Park Service NEPA guidelines allow for recovery of reasonable administrative and other costs related to conducting the NEPA process. We have elected to waive these costs for processing this application for a temporary permit.

Given the proposed route, it is possible a permit would be required from the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (33 U.S.C. 1344). We recommend the Corps of Engineers be contacted to determine whether a permit is required. We also recommend the Alaska Department of Natural Resources be contacted to determine if they have permit requirements that apply to the proposal.

We look forward to working together to find solutions that work for your clients and that uphold both the access and environmental protection provisions of federal law. Please contact me at 907-822-5234 with any questions on this matter.

Sincerely,


Gary Candelaria
Superintendent