

Terry -

Issue 2. There has been no 106 consultation w/ SHPO. This would be initiated BLM, had they known of the activity ahead of time.

Under Options, A. There are some philosophical difficulties with an "after the fact" 106 Review. Entire intent of the law is to consider National Register properties in planning.

Close proximity of 10-Mile cabin to historic site may result in a determination of "Adverse Effect" & recommendation would be to remove the trespass structure.

Replacing of the structure to blend

in with the "Historic Scene" is probably an acceptable alternative but not preferable.

Old Woman Trepas cabin - 106 review may result in "No Adverse Effect" with stipulation that ~~it~~ cabin be replaced. 'No Adverse' applies since cabin is some distance from historic site.

Bigger problem is its location on 14h(1) selector. When conveyed to Boeing Straits Regional Corp., this sort of development would probably not be permitted - confirm this ~~to~~ with BIA/ANSCA office/Chuck Holmes - why should City of Unalakleet be permitted to do it?
Larry Cooper
Chuck Holmes 271-3695

Concur w/ your recommendations.

IDITAROD NATIONAL HISTORIC TRAIL
Trespass Cabins

SITUATION: In August 1983, Lou Waller, McGrath Resource Area Manager, discovered two newly constructed 12' x 16' plywood shelters on two separate historic sites on the Iditarod Trail between Kaltag and Unalakleet.

One structure is located on BLM-managed land at the historic Ten-Mile Cabin (AHRS NOB-033). The Ten-Mile Cabin served as a relief cabin and WAMCATS maintenance station between Old Woman Roadhouse and Twenty-Two Mile Cabin. The historic site was inspected by Steve Peterson, Historic Architect, on August 5, 1980 and Alice Lynch, BLM Seasonal Archeologist on August 31, 1978. Based on these inspections, the Iditarod Project Team recommended in Iditarod National Historic Trail Comprehensive Management Plan, Volume One, pg. 81 (September 1981).

- Nominate to the National Register of Historic Places.
- Document existing ruins through NACR - quality photos.
- Include in any Wild & Scenic River Management Planning.
- Protect site from future disturbance.
- Allow structure to deteriorate.

Ten Mile Cabin will most likely be included within the final Unalakleet Wild and Scenic River corridor.

The structure located near Old Woman Creek is some distance from the Old Woman Cabin Site. (AHRS NOB-034). The historic site and the recent structure are located on an ANCSA 14(h) selection by Bering Strait Native Corporation. The Old Woman Cabin was originally constructed as a telegraph station on the WAMCATS line about 1903.

The historic site was inspected by Peterson on August 5, 1980 and Lynch on August 24, 1978. Based on their inspections, the Iditarod Project team had recommendations similar to those for the Ten-Mile Cabin as well as

- Record significant or unusual architectural features at the site.
- Protect site through existing Federal Mandates.
- In a historically sympathetic manner, construct a relief cabin in the vicinity of Old Woman for present and future trail use.

The site has been determined eligible for inclusion into the National Register of Historic Places in 1982.

The new plywood structures were reportedly constructed by individuals paid by the City of Unalakleet.

The material for the structures was reportedly paid for by the State of Alaska Department of Transportation and Public Facilities for construction and establishment of emergency shelter cabins.

No authorization was given to either the State of Alaska or the City of Unalakleet to construct these structures on BLM managed land. No known contact was made by either party to any BLM employee in regard to this entry onto public land.

ISSUES

1. Recognition of Trespass

The construction of two cabins on BLM managed land without authorization was clearly a trespass, unless the State of Alaska claims this portion of the Iditarod Trail as a state right-of-way. (See Issue #4).

If BLM issues a trespass notice to the City of Unalakleet, the BLM can probably expect "bad press" from Unalakleet and a Congressional inquiry.

If BLM does not issue a trespass notice to the City of Unalakleet, a precedent is set in that area regarding the building of shelter cabins on Federal land, a historic site, a National Historic Trail, and in a Wild River Corridor. A Congressional inquiry may be initiated by Wild and Scenic River proponents or possibly Bering Straits Native Corporation.

A "strongly worded letter" may prevent future trespasses from the City of Unalakleet, but that probably depends on how "calculated" the trespass by the City of Unalakleet was.

Totally ignoring the trespass at this point is not a viable option.

2. Historic Site Protection

Ten-Mile Cabin and the Old Woman Cabin vicinity are both highly significant historic and cultural sites as identified in:

Alaska Heritage Resource Survey
Report on the Cultural Resources of the Doyon Region,
Central Alaska, Iditarod National Historic Trail CMP.

The Old Woman Site was selected as a Cemetery-Historic Site (Sec. 14(h)-ANCSA) by Bering Straits Native Corporation. According to John Beck, BLM Archeologist, the site has been determined eligible for inclusion into the National Register of Historic Places. With BLM as interim manager, we are responsible for protecting Old Woman Site from any action which would threaten the historic integrity of the site. Any actions on Old Woman should be done in consultation with Bering Straits Native Corporation.

Ten-Mile Cabin was also recommended for nomination for inclusion in the National Register of Historic Places in the Iditarod National Historic Trail Plan.

Section 106 Compliance reviews should have been done prior to any significant action, such as shelter construction. 106 Consultation Proven?

3. Wild and Scenic River Status

In the Draft River Management Plan for the Unalakleet Wild and Scenic River it is stated (pg. 38), "Bureau of Land Management recreational developments such as campsites, interpretive areas, toilet facilities, etc., will not be constructed in the wild river corridor." It stated, "Construction of such facilities would diminish the aesthetic values of the wild river designation."

It was clearly the intent of BLM, during the planning process, to prevent structures such as the shelter cabins to be built at Ten Mile Cabin.

The Old Woman Cabin site is not in the proposed Wild and Scenic River Corridor.

4. RS-2477

A longstanding controversy is whether the Iditarod Trail (among others in the State) is a State Right-of-Way under the authority of Revised Statute 2477.

The Solicitor's Office is currently working on this decision as it applies to the historic route where it crosses what are now private lands.

Ten Mile shelter is on the Iditarod Trail and would be considered within a right-of-way if it is claimed by the State.

Old Woman Shelter is not immediately adjacent to this historic trail, but may be within a right-of-way if claimed by the State.

A decision accepting the State's claim to a right-of-way will have long reaching effects on BLM's management statewide.

5. "Management" of the Cabins

Even after a decision is made regarding what to do about the trespass, another decision must be made about what to do with each cabin.

Options

A. Leave and legalize "as is".

BLM can decide that both cabins should remain on site because "politically" it would be too "hot" to handle. The City of Unalakleet would probably be pleased with this decision. Wild and Scenic River and National Historic Trail advocates, and possibly Bering Straits Native Corporation may not be so happy with the decision and initiate congressional action. "Legalization" of the cabins could be done either by issuing a temporary use permit to the City of Unalakleet or by declaring the structure

as a BLM public use cabin. Either action will require an environmental analysis and a Section 106 Review by the State Historic Preservation Officer. This leads to a management problem relative to who will maintain them, monitoring of use, preventing people from moving in or commercial use of the buildings.

B. Reface the Cabins with Slab Logs/Rebuild Structures

These mitigating measures would improve the "aesthetic quality" of the structures, but all points discussed in option A would apply.

A decision must be made as to who would be responsible for the "improvements".

C. Relocate Structures

The structures could be removed from the Old Woman and/or Ten Mile Sites and or moved away from the historic sites and Wild and Scenic Corridor.

BLM could expect objections from the City of Unalakleet and probably a Congressional inquiry.

Individual decisions should be made on each structure. The new cabin at Old Woman may be in an acceptable location presently. However, resident 10 year old char reside in pools at confluence

of Old Woman and Main Stem. The new cabin at Ten-Mile is within one mile of the "new" (August 1983) Wild and Scenic River boundary proposals.

A decision must be made on who would be responsible for relocating the structures.

D. Remove Structures

BLM can decide to have one or both structures removed. This decision would be supported by previous management plans completed by the BLM and the significance of the historic sites.

Congressional Inquiries can be expected. Responses to the inquiries would remind the delegation that it was Congress that designated the two "National Areas" for protection.

If the structures are removed it would be in the best interest of the BLM to work with the City of Unalakleet and locate an area or two where shelter cabins could be located between Unalakleet and Kaltag.

RECOMMENDATIONS

Old Woman Cabin

1. Contact Bering Straits Native Corporation and determine response to trespass.
2. Contact State Historic Preservation Office and determine proper response to trespass.
3. Contact State of Alaska DOT&PF and inquire whether this portion of the Iditarod Trail is an RS2477 right-of-way.
4. If Bering Straits and SHPO do not object and DOTPF do not claim this right-of-way:
 - Issue trespass notice. This is simply the official initiation of a process. All alternatives are still open and available.
 - Conduct Section 106 Compliance with Class III Cultural Resource Survey.
 - Select option (B) - reface structure at city expense or at BLM expense.

- Issue Temporary Use Permit to City of Unalakleet until conveyance to Bering Straits.
5. If the State does claim an RS2477, immediately contact the Solicitor's office for advice.

Ten-Mile Cabin

1. Contact SHPO for response.
2. Contact State of Alaska DOTPF and inquire if they feel RS2477 right-of-way applies.
3. If SHPO and State of Alaska do not object.
 - Issue trespass notice. This is simply the official initiation of a process. All alternatives are still open and available.
 - Conduct Sect. 106 Compliance Review with Class III Cultural Resource Survey,
 - Issue a one year temporary use permit.
 - Select Option (C) - If possible, have the City remove the structure to an acceptable location in 1984. Work with City of Unalakleet in this project.

4. If the State does claim an RS2477 right-of-way at Ten Mile,
contact Solicitors Office immediately for advice.