



File Code: 5430; 2700
Date: December 16, 2019

Mr. Samuel Romey
Wolf Creek Boatworks LLC
PO Box 5278
Ketchikan, AK 99901

Dear Mr. Romey,

Thank you for meeting with members of my staff, Deputy Forest Supervisor Troy Heithecker, who was at the time of this meeting Acting Forest Supervisor in my absence, and Prince of Wales District Ranger Scot Shuler, at Wolf Creek Boatworks on September 26, 2019.

I understand your desire to continue to occupy the site; however, as you are aware, the Forest Service (FS) is required by law to transfer certain lands to Alaska Mental Health Trust Authority (AMTHA), including the land you are occupying.

Because the FS is required to convey the land encumbered only with valid existing rights and because you do not hold a current permit, the FS does not have the discretion to issue a new special use permit for the purposes of authorizing your continued use of the land prior to the finalization of the land transfer with the AMHTA.

At the meeting in September, staff stated that a formal letter asking you to vacate the federal property would be forthcoming. This letter is your formal notification that your personal and business property must be removed from the premises.

Your special use permit terminated by its own terms on December 31, 2015. Clause VII.D. "Termination" of your expired permit states:

"This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer. Examples include but are not limited to, expiration of the permit by the terms on a specified dated and termination of control of the business entity. Termination of this permit shall not require notice, a decision document, or any environmental analysis or other documentation. Termination of this permit is not subject to administrative appeal and shall not give rise to any claim for damages by the holder against the Forest Service."

On May 5, 2017, Consolidated Appropriations Act, 2017, P.L. 115-31, Div. G, Section 431(a) (2) (the "Alaska Mental Health Trust Land Exchange Act of 2017") (hereinafter referred to as "the Act.") became law, and directed a land exchange along with a transfer of specific lands between the AMTHA and the FS. Your privately owned-buildings, personal and business property and fixtures occupy National Forest System lands that are expected to be exchanged and transferred to AMTHA pursuant to the Act in Sec. 24, T. 73 S. R. 84 E., Copper River Meridian along Twelve-mile Arm at Wolf Creek.



Your privately owned-buildings, personal and business property and fixtures need to be removed from the premises no later than December 15, 2020. Enclosed with this letter is a removal plan. Because the boathouse and shop building is historic, the removal plan does not direct removal of that structure until the National Historic Preservation Act Section 106 process has been completed. At that time, the FS anticipates amending the removal plan to address the boathouse and shop building. If you fail to remove all identified structures and improvements within the prescribed period, then those structures and improvements will become the property of the United States and will be transferred to AMTHA as part of the land exchange.

Following any removal actions, an inspection of the site will be made to ensure that the parcel has been vacated and any restoration needs were completed. If you have any questions regarding the removal plan or any information in this formal letter, please contact me at 907-228-6200 or at earl.stewart@usda.gov. You may also contact Prince of Wales District Ranger Scot Shuler at (907) 826-1600 or via email at: scot.shuler@usda.gov at the Craig Ranger District Office regarding additional questions on the removal plan.

Your signature on the removal plan is requested; however, the removal plan is still in effect, with or without your signature.

I acknowledge the difficulty of the situation, but Forest Service options are limited. Thank you for your continued cooperation.

Sincerely,



M. EARL STEWART
Forest Supervisor, Tongass NF

Enclosures (1)

cc: cc: Hillary Woods, Dawn Collinsworth, Mel Slayton, Troy Heithecker, Francis Sherman, Scot Shuler, Jennifer Berger

Wolf Creek Boatworks
Permit #CRG239

Removal Plan

Wolf Creek Boatworks occupies National Forest System lands for which authorization to occupy the lands under Special Use Permit #CRG239 terminated on its own terms on December 31, 2015 leaving structures, improvements, equipment and belongings in trespass.

Permit clause VII (D.) states in part: *This permit shall terminate when by its terms a fixed or agreed upon condition, event, or time occurs without any action by the authorized officer.*

Example...expiration of the permit by its terms on a specified date...

Permit clause VII (E.) states in part: *Upon...termination of this permit...the holder shall remove all structures and improvements...within a reasonable period...and shall restore the site to the satisfaction of the authorized officer.*

Further, Wolf Creek Boatworks occupies National Forest System lands that Congress directed the Forest Service to convey to the Alaska Mental Health Trust Authority pursuant to the Alaska Mental Health Trust Land Exchange Act of 2017. The Forest Service is required legally to convey the land encumbered only with valid existing rights.

The Removal Plan (plan) is intended to identify tasks and guide removal of structures, improvements, equipment and belongings from the area. Mr. Samuel A. Romey, the undersigned, is the responsible party for the expired Permit #CRG239.

Because of the boathouse and shop building has historic significance, the Forest Service is not directing removal of this particular structure until the National Historic Preservation Act Section 106 process is complete and determination made as to further direction for this structure.

List of Structures and Improvements:

Wood frame house (14X40); boat house and shop (35X80); smoke house (6X8); wood shed (10X16); 12-inch/700-foot long HDPEP pipeline; bridge (8X70); cabin (16X20); wood shed (12X12); outhouse (4X4); powerhouse (12X12); covered walkway to dock (8X40); dock (8X70 and 20X40), and 1902 Francis water turbine.

List of Equipment:

Belt drive, band saw, cut-off saw, planer, hack saw, drill press, stone and lathe, pressure washer, MIG welder, plasma cutter, hydraulic pipe bender, oxy-acetylene torches, arc welder, drill press and bench grinders.

Removal of structures, improvements, equipment and belongings and restoration of the site to agency standard is to be completed by December 15, 2020.

1. Remove building contents, along with all accumulated equipment, materials and debris from National Forest System lands within the permit area, including:
 - a. Fuel tanks,
 - b. Wood stoves or heaters inside or outside of structures,

- c. Metal barrels, grills, scrap metal, and skiffs,
- d. Lockers, storage bins, totes or boxes,
- e. All furnishings inside and outside of structures,
- f. All bedding, mattresses, clothes, or cloth items,
- g. All cooking equipment, stove, pots, pans, dishware or silverware,
- h. All food items.

2. Remove all spikes, nails, electrical lines and ropes from trees.
3. Remove all items from stowed beneath buildings or in building rafters or crawlspaces.
4. Remove all structures other than the boat house and shop (pending outcome of NHPA 106 process). Structures can be moved, intact, off-forest, or dismantled on site. Once dismantled, remove remnants from the premises. Scrap wood or paper can be burned below mean high tide, with Alaska Department of Natural Resources concurrence.
5. Inform the authorized officer when the steps identified in this removal plan have been completed and provide before and after digital photographs.
6. Removal of materials outlined in this plan may commence upon signature of the authorized officer.

Any potentially hazardous and non-burnable materials such as fuel oil, gasoline, tarps, and other plastics must be removed from National Forest System lands and disposed of at a proper waste disposal site.

This plan is accepted by:



Samuel A. Romey
Permittee for CRG239

12/16/2019

Date



M. Earl Stewart
Authorized Officer

16 December 2019

Date