



Wolf Creek Boatworks Overview

History of Wolf Creek Boatworks

- The facilities now known as Wolf Creek Boatworks, presently owned by Sam Romey, have existed in some form on National Forest System lands since 1938. The Wolf Creek Boatworks shop building (Boatworks) was constructed in 1938.
- In 1988, the USDA Forest Service determined that the Boatworks was eligible for listing on the National Register of Historic Places.
- Approximately one-third of the Boatworks sits on National Forest System lands. The other two-thirds of the building sits below mean high tide on State of Alaska land.
- Mr. Romey purchased the facilities, including the Boatworks, in 1994. Between 1995 and 2015, he was authorized to occupy National Forest System lands by special use permit. His last permit expired on its own terms on December 31, 2015. Since that time, the facilities, including the Boatworks, have been in trespass. Mr. Romey does not have a valid existing right to occupy National Forest System lands.
- Mr. Romey's facilities are not currently permitted by either the Forest Service or the State of Alaska.
- In December 2019, the Forest Service notified Mr. Romey that he was required to remove his property, including his facilities, and vacate the land. He agreed to and signed a removal plan.

Land Exchange Act

- The Boatworks and related facilities occupy lands that Congress directed the Forest Service to exchange with the Alaska Mental Health Trust Authority. (Consolidated Appropriations Act, 2017 (PL 115-31), Div. G, Section 431(a)(2) (the "[Alaska Mental Health Trust Land Exchange Act of 2017](#)")).
- Congress only made provision in the law for the conveyances to be encumbered with valid existing rights at the time the law was passed. When the law was enacted, the Boatworks and related facilities were not under a valid existing permit.
- The law only gives minor exceptions to deviate from the lands Congress identified to be exchanged. These minor exceptions do not apply in such a way that the land occupied by the Boatworks can be removed from the exchange.

Forest Service Permitting

- When the Boatworks facility was first permitted by the Forest Service, there was a need for a boat maintenance and construction facility to serve and maintain the local fishing boats. Even though the location was some distance from town, it was ideal because of the high-elevation lake that was used to generate hydroelectric power to run the equipment.
- As boat servicing facilities were built in nearby communities, the need for this remote facility to be located on public lands lessened. Commercial vessels and other boats are now primarily serviced at boatyards located in Ketchikan, Wrangell, and Petersburg.
- Over time, the use of the buildings and Boatworks gradually shifted from a boat repair and construction facility to private, residential use.
- When Mr. Romey's permit expired in 2015, it was not reissued because the reviewing district ranger could not reconcile the current use of the facilities (residential) with the purpose and need of a boat repair and construction facility.
- Issuance of a new permit for private residential use would have been contrary to the Forest Service Alaska Region's policy for recreation residences.
- Even if that policy did not exist, the Forest Service does not have the authority to issue a new permit to Mr. Romey that will survive the transfer of the lands to Alaska Mental Health Trust Authority, as it would



not have been a valid existing right as of the date of the Alaska Mental Health Trust Land Exchange Act 2017.

National Historic Preservation Act – Section 106

- The Alaska Mental Health Trust Land Exchange Act of 2017 requires that the Forest Service complete reviews and mitigation activities relating to cultural and historic resources. To do so, the Forest Service complied with [Section 106 of the National Historic Preservation Act](#) by entering into a Programmatic Agreement with Alaska Mental Health Trust Authority, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation. The Programmatic Agreement to resolve adverse effects on historic properties was executed in April 2018.
- The Forest Service invited potentially interested parties, including tribes, Alaska Native corporations, local communities, and historic preservation organizations to consult on the development of the Programmatic Agreement. The Forest Service also posted public notices in Ketchikan and Prince of Wales newspapers. No individual or entity outside of the signatory parties chose to participate.
- At the time of the development of the Programmatic Agreement in 2018, Forest Service Heritage staff incorrectly assumed that the Boatworks was owned by the Forest Service and would remain intact when transferred to the Alaska Mental Health Trust Authority.
- Due to the misunderstanding regarding ownership of the Boatworks when the signatories signed the Programmatic Agreement, they did not take into consideration that the Boatworks might be removed. This misunderstanding came to light after the Forest Service notified Mr. Romey that the structures must be removed as required by his expired permit.
- The signatories to the Programmatic Agreement recognized that the removal of the Boatworks was a potential direct adverse effect to a historic property and an amendment would be needed.
- Mr. Romey was invited to participate as a consulting party in a teleconference regarding an amendment to the Programmatic Agreement. As a courtesy, the Forest Service also invited other interested parties to participate in the teleconference to share their ideas on how to mitigate the potential adverse effects of removing the Boatworks. The signatories will accept further comments and ideas for mitigation measures until May 22. Comments may be emailed to: sm.fs.WC_Boatworks@usda.gov.

Options for the Boatworks

- Mr. Romey has been ordered to remove his property from National Forest System lands (the removal of the Boatworks itself is pending the outcome of the Section 106 process). The potential direct adverse effects to the Boatworks from removal will be addressed in an amendment to the Programmatic Agreement.
- If Mr. Romey chooses to abandon the Boatworks, Alaska Mental Health Trust Authority would accept conveyance of the lands with the structure intact; however, they would need assurance that Mr. Romey had relinquished any ownership interest prior to conveyance.
- If the Boatworks is conveyed as part of the land exchange, after conveyance, Alaska Mental Health Trust Authority will decide the future of the Boatworks, which may be to sell, lease, retain or remove the Boatworks. Alaska Mental Health Trust Authority has indicated that it will make the decision that best benefits the Alaska Mental Health Trust.

Although the Forest Service has explored different options, it does not have the authority to issue a new permit to Mr. Romey, to remove the lands from the exchange, or to sell the lands to Mr. Romey. The Forest Service is obligated to convey the lands to Alaska Mental Health Trust Authority free of encumbrances and subject only to valid existing rights.

