

THOMAS E. MEACHAM, TERI  
NAMTVEDT, and KIRK DUNCAN,  
  
Appellants,  
  
vs.  
  
CORRI A. FEIGE, Commissioner  
of Natural Resources, State of  
Alaska, RICKY GEASE, Director  
of Alaska Division of Parks, and  
ALASKA DEPARTMENT of  
NATURAL RESOURCES,  
  
Appellees.

Appellants Thomas E. Meacham, Teri Namtvedt, and Kirk Duncan, by and through their counsel Thomas E. Meacham, Attorney at Law, have taken this appeal from the Denial of Request for Reconsideration signed by Corri A. Feige, Commissioner of the Alaska Department of Natural Resources and dated February 10, 2020, and the Final Decision dated January 13, 2020, recommended by Ricky Gease, Director of the Alaska Division of Parks & Outdoor Recreation and signed by Commissioner Corri A. Feige on that date.

1. The Commissioner's Final Decision and her Denial of Request for Reconsideration violate the provisions of Section 6.3 of the adopted 2016 Chugach State Park Master Plan, regarding the Arctic Valley area and the Anchorage Ski Club Lease

Site. The Department of Natural Resources and the Division of Parks & Outdoor Recreation have not initiated a planning process or completed and adopted a site-specific area plan for the present and future public uses of the Arctic Valley area as a new component of Chugach State Park, before approving issuance of a long-term, 60-year concession contract to Anchorage Ski Club, Inc. Section 6.3 of the 2016 Master Plan requires the appellees to initiate and adopt a site-specific area plan for all public uses of the Arctic Valley area after the existing lease ADL-32018 has concluded, and before entering into new contractual commitments involving the Arctic Valley area.

Instead, Commissioner Feige has approved the contractual commitment of the Arctic Valley area to a private winter-recreation concessioner for a total of 60 years from the date of the Final Decision, concluding in the year 2080. The unlawful absence of the required planning process and a site-specific area plan for Arctic Valley before the area is obligated to a single contractor precludes consideration and implementation of the broader public interest in Arctic Valley as a newly added component of Chugach State Park. Chugach State Park is a special-purpose site reserved from the public domain pursuant to Alaska Constitution, Art. VIII, Section 7 and Alaska Statutes 41.21.120-.125.

2. The Commissioner's Final Decision and her Denial of Request for Reconsideration are abuses of administrative discretion because they will contractually obligate the Arctic Valley area to a private winter-recreation concessioner without first considering and adopting provisions dealing with a wide range of topics vital to implementing and protecting the general public interest in this discrete geographic area of Chugach State Park, including but not limited to such subjects as climate change, water availability, access and infrastructure for public uses in all seasons, and multi-agency collaboration.

3. The Commissioner's Final Decision and her Denial of Request for Reconsideration are abuses of administrative discretion because they authorize the execution by the appellees of a concession contract with a private contractor on state park land for an initial period of 20 years, with two consecutive 20-year renewals, but with few mandatory benchmarks, performance requirements, deliverables or other safeguards of the public interest.

4. The Commissioner's Final Decision and her Denial of Request for Reconsideration are abuses of administrative discretion because they authorize the execution by the appellees of a concession contract with a private contractor on state park land for an initial period of 20 years, with two consecutive 20-year renewals, which is effectively the unlawful renewal for a period of 60 years of that contractor's existing 55-year lease ADL-32018, due to expire in 2022. Lease ADL-32018 cannot lawfully be renewed because after the issuance of that lease in 1967 the land involved has become enclosed within the exterior boundaries of Chugach State Park under AS 41.21.121, and there is no legal authority to lease state park land.

5. The Commissioner's Final Decision and her Denial of Request for Reconsideration are abuses of administrative discretion because they authorize the execution by the appellees of a concession contract with a private contractor on state park land for an initial period of 20 years, with two consecutive 20-year renewals, for a total concession contract length of 60 years. This total length of a concession contract in a state park is an abuse of discretion because it is unprecedented in state history under the provisions of AS 41.21.027, which requires the finding of certain facts when a concession within a state park is proposed to exceed only a benchmark four (4) years in length.

6. The appellants request that upon motion, a stay be entered in this appeal to preserve the exiting *status quo* while the issues on appeal may become involved in a mutually agreed settlement; or absent a settlement, that the stay, on motion, be eventually dissolved, permitting the issues involved to proceed to a final judicial decision.

7. The appellants reserve the right to timely move to supplement this Statement of Points on Appeal pursuant to Appellate Rule 602(c)(1)(A).

Dated at Anchorage, Alaska this 11th day of March, 2020.

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Thomas E. Meacham, Attorney at Law  
Alaska Bar No. 7111032

representing appellants Thomas E. Meacham,  
Teri Namtvedt, and Kirk Duncan