



A SOCIO-CULTURAL ASSESSMENT OF INHOLDERS  
IN THE OLYMPIC NATIONAL PARK  
- LAKE CRESCENT AND ELWHA VALLEY AREA -

by

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## ACKNOWLEDGEMENTS

This report was funded independently by a grant from the Institute for Human Rights Research located in San Antonio, Texas. All opinions expressed herein are solely the responsibility of the author. I would like to take this opportunity to thank those many people who permitted me to interview them. Most, but not all, of these people were inholders or former inholders within the Olympic National Park. Several people assisted this report further by supplying me with various documents and I would like to thank the following people specifically: Dr. Bill Gray, Ray Green, Robert Ficken, John Halberg, Anthony Hoare, Ernie Lackman, Henry and Janet Myren, Jack and Florence Nattinger, Terry Norberg, Larry Winters, and, especially, Kay Flaherty, and Helen Radke.

## CHAPTER ONE: INTRODUCTION

The Olympic National Park, in the state of Washington, is so large that there are separate clusters of inholders within the area. On the northern boundary of the Park, near the small city of Port Angeles, is beautiful Lake Crescent (Photos 1 and 2), a lake whose water is so clear and pure that many inholders pump the water directly into their homes for drinking. Lake Crescent contains the largest single number of inholders within the Park. Nearby is the Elwha River (Photo 3), whose rich valley also holds another smaller number of inholders. This report will confine itself to those two areas.

The reader will first read a brief history of the Park and learn how the changing land acquisition policies of the National Park Service have affected the inholders around Lake Crescent and the Elwha River. Following that, the reader will be presented with a large sampling of inholders in the form of brief "profiles" or case studies. It is in this manner, hopefully, that the reader will be able to sense a "feel" for the life and people of the Lake. Perhaps the main objective for the reader would be to obtain a mental portrait of a diverse collection of people and their perceptions about their lives, their land, and their homes, and most crucially, how these people feel they have been treated by their government in the form of the National Park Service.

## CHAPTER TWO: A BRIEF HISTORY OF THE OLYMPIC NATIONAL PARK

Some National Parks are born; others are made. Some National Parks, such as Grand Canyon, Yellowstone, and Yosemite are blessed with such stunning and spectacular physical features that they are quickly recognized by a populace as an area necessary for protection and special care. Other areas, less spectacular, owe their creation as National Parks less to readily acknowledged unique landscapes and more to persistent political action, often within an atmosphere of profound disagreement and controversy. Such origins typify the formation of the Olympic National Park.

As is the case with many large forest lands within the nation, the Olympic Peninsula in the state of Washington possesses many undeniably beautiful scenes; murky rain forests, high mountains, and herds of elk and other species. Shortly before he left office in 1897, Grover Cleveland set aside 1,500,000 acres of public land in the area to form the Olympic National Forest. In 1909 President Theodore Roosevelt proclaimed the center portion of this Forest (615,000 acres) as Mount Olympus National Monument, named after the highest mountain on the Peninsula. The Monument was reduced by half during World War I to allow for lumbering and mining enterprises. Until 1933, the Monument was administered by the United States Forest Service. At that time, it was transferred to the Department of Interior under the supervision of its Secretary, Harold Ickes. Shortly thereafter, eastern conservationists along with some wilderness advocates in the Pacific Northwest began a campaign for the creation of a National Park on the Olympic Peninsula and they soon had a strong supporter in the person of the Interior Secretary.<sup>1</sup>

At this point, something should be said about the care the Olympic Peninsula received while it was under the management of the Forest Service and of one of the near-legendary homesteaders and pioneers of the Peninsula, Ranger Chris Morgenroth. Morgenroth was born in Germany in 1871 and came to this country as a very young man. He settled on the Olympic Peninsula near the Bogachiel River area in 1889, the year that the territory of Washington became the state of Washington. After a career which included whaling in the Bering Sea and many other adventures, Chris Morgenroth joined the Forest Service in 1904. He then began an illustrious career and a life's devotion to the Olympic Peninsula. It was Morgenroth who explored and surveyed much of the area as well as provided many of the placenames for the lakes and mountains in what later became the Olympic National Park. The scenic string of mountains south of Lake Crescent called Aurora Ridge was such an example of Morgenroth's mark on the area. He also developed fire fighting crews, established telephone lines and blazed many of the original trails in the forest. Morgenroth was so respected by the public, the timber industry, and the government that when he attempted to retire in 1924, he was dissuaded from doing so by a wide variety of people. Said one newspaper at the time, "To mention the

Olympics without somehow coupling with them the name of Morgenroth will not sound right, somehow." Eventually Chris Morgenroth did retire, in 1927, and started a new phase of his life among the Olympic Mountains.<sup>2</sup>

One of the greatest concerns of Chris Morgenroth within the Olympic Forest area was not the trees and lakes, but rather a threatened species of mammal, the Olympic Elk. For years Morgenroth had warned of its declining number and had advocated strong preservation methods for the animal's protection. In October of 1933, shortly after Secretary Ickes assumed control of the Olympic National Monument area of the Peninsula, hunters killed 250 of the rare elk during a four-day open season on Forest Service land adjoining the Monument. This single event coalesced many divergent conservationists on both coasts and the "pro-Park" movement gathered momentum. Chris Morgenroth had already been an advocate of setting aside some of the Olympic Monument area as a National Park in the belief that such an arrangement would best serve the public.<sup>3</sup>

After Congressman Monrad C. Wallgren, representing the Peninsula, first introduced a bill calling for a "Mount Olympus National Park" in 1935, it soon became apparent to all sides of the question that some sort of National Park would be created in the region. The heated controversy centered on the amount of acreage the Park would encompass and each side had formidable allies. Chris Morgenroth envisioned a "small Park" of a few hundred thousand acres. The Governor of the state of Washington, Clarence Martin, also wanted a "small Park", fearing that much of the region's and state's economy would suffer if too much timber was withdrawn from the sustained-yield harvesting allowed on Forest Service lands. Photographer Asahel Curtis interpreted the National Park Act of 1916 to mean that only the upper ridge of the Olympic Mountains was truly worthy of National Park status. The advocates of a "big" Olympic Park wanted vast areas of National Forest land beyond the boundaries of the nearly 400,000 acres of the Olympic National Monument. Allied on this side were Interior Secretary Ickes, the eastern conservationists, and some supporters in the Pacific Northwest. For nearly three years Congressman Wallgren kept introducing bills to create a Park with no success. His bills rose up and down in the proposed acreage depending on which side of public opinion Wallgren felt more strongly. Finally it was necessary for President Franklin D. Roosevelt, himself, to enter the fray and forge a compromise.<sup>4</sup>

The President came to the Olympic Peninsula in the fall of 1937, accompanied by Harold Ickes. Roosevelt tended to favor the "big Park" proponents and this fact soon became clear when the President, after passing by a logged-over area of National Forest land, uttered this now-famous quotation, "I hope the lumberman who is responsible for this is roasting in hell." In early 1938, Roosevelt met with Governor Martin and later that spring compromise legislation produced an Act creating the Olympic National Park. Its initial size was a slightly large "small Park" of 648,000 acres. To appease the "big Park" advocates, a clause was inserted into the law to allow the President to add nearly 250,000 more acres to the Park, but only after serious consultation with the state of Washington.<sup>5</sup>

For the purposes of this report, the most important item about

the 1938 Act which created the Olympic National Park was that portion of the legislation which addressed itself to the status of the inholders who suddenly were living under a new jurisdiction, the National Park Service. That portion was labeled Section Five and has always been indelibly engraved on the minds of the great majority of inholders. Section Five reads as follows:

Nothing herein contained shall affect any valid existing claim, location or entry made under the land laws of the United States, whether for homestead, mineral, right-of-way, or any other purpose whatsoever, or shall affect the right of any such claimant, locator, or entryman to the full use and enjoyment of his land, nor the rights reserved by treaty to the Indians of any tribes.

That part of the Act assured inholders that their lots (which had been purchased prior to the formation of the National Park) would continue in their possession and the possession of their heirs for purposes of "homestead" development, among other uses. The statement Interior Secretary Ickes made that same year regarding inholdings was also reassuring. Said Ickes:

Private land within a national park is no different from private land outside the park. The owner may do what he likes with it. He may farm it, cut and sell timber from it, build and operate a hotel upon it, sink an oil well, or develop a mine. He has the legal right of ingress or egress.

Thus began a relationship between a few hundred inholders located within Olympic National Park (the largest number of which was centered around Lake Crescent) and a renowned government agency which probably most Americans regarded as they did the Federal Bureau of Investigation, a genuine bureaucratic triumph, a Federal agency that could do no wrong.<sup>6</sup>

For more than a quarter century after the creation of the Park, relations between inholders and the National Park Service proceeded along relatively amicably. A number of inholders owned several lots which were passed on to heirs or sold to other parties who then built new structures on their property, most often in the form of a second home where a person's family might retreat for a succession of delightful summers. Other lots had been unimproved in 1938, but many of these were later developed, normally not commercially, but rather along the lines just described. The most significant occurrence which happened in the Olympic National Park during this time was that Presidents Roosevelt and Truman expanded the size of the Park to nearly 900,000 acres, almost the maximum allowed by the original Act, and an area larger than the state of Rhode Island. These new areas included the rain forests of the Bogachiel River, the Hoh and Queets River valleys, and a strip of land along the Pacific Ocean. In the end, then, the "big Park" advocates of the 1930s, who had fought against Chris Morgenroth, Washington Governor Clarence Martin, and the state's leading industry, timber, won the battle over the size of the ONP.

In 1965 Congress passed an Act which has since drastically altered the uneasy balance between inholder and public land policy. This Act was the Land and Water Conservation Act which garnered revenue from off-shore oil leases and other tax sources strictly for the purpose of land purchase by the National Fish and Wildlife Service. These funds have proven to be an immense windfall of billions of dollars for a fairly narrow purpose of governmental activity. Prior to 1965, National Park officials may only have wished to acquire more lands whereas after 1965, the NPS and other agencies obtained the means to acquire land through a bountiful supply of funds. Following the Land and Water Conservation Act, each National Park began to re-evaluate its position on land acquisition and the Olympic National Park was no exception. Since the mid-1960s, the ONP has gone through cycles of wildly shifting NPS policies on development and land acquisition which have directly affected all inholders. While these changes in policy and regulation were for the entire Park, for the purpose of this report, the reactions of the inholders to those NPS changes will be confined to the Lake Crescent and Elwha River valley area for the remainder of this chapter and all of the next one.

In July of 1966, Olympic National Park Superintendent Bennett Gale issued a rulemaking proposal for the Park which would impose a one year moratorium on all construction by inholders on their land, both unimproved lots and lots already built upon. This was the first time in the history of the ONP that the National Park Service proposed to prohibit the rights of the property owners to change their land and its usage. The reason Superintendent Gale gave for suspending all development was so the Park administration might have time to develop a "comprehensive land use management plan." In accordance with law, the Superintendent issued the proposed rule change in the Federal Register that summer for the purpose of collecting public comment prior to the final rule changes anticipated for January of 1967. Gale stressed that all he was proposing was a temporary halt to construction and assured inholders with the following statement:

The main purpose of the moratorium is to maintain the status quo on land use along the Lake (Crescent) until a new set of zoning regulations can be composed and put into law. . .

Nobody who has private property on Lake Crescent has anything to fear! We're simply trying to maintain park values. . . There is no effort from the Department of Interior to preclude residential use of the land.

Bennett Gale also gave essentially the same assurance to Congressman Lloyd Meeds whose district encompassed Lake Crescent and the rest of the Park. Gale wrote to Meeds that summer, "...there is no intent to deprive any owner of reasonable use of his property." Despite these assurances, though, many inholders were alarmed at the thought that the NPS, after 25 years as a good neighbor, might now be dictating what a person could do with his or her property. Some inholders had planned small additions to their homes while others anticipated

building on their unimproved lots. The comments the Park Service received in 1966 were not numerous, but they were intense. One of the earliest inholders to protest the Park change in policy was James Flaherty who had a second home on Lake Crescent with his family. Flaherty was the editor-publisher of the Seattle weekly newspapers, the Beacon Hill News, the South District Journal, and the Capitol Hill News. Another inholder who protested against the NPS in 1966 was Jack Del Guzzi who had a construction business. After the vehemence and letter-writing had subsided, the Park Service retreated from its moratorium proposal and a "comprehensive land use management plan" did not emerge from this initial controversy. The final rule which came forth in December of 1966 only contained a vaguely-worded prohibition against subdivision of lots. Most lots along Lake Crescent had been formed or sold with a minimum of 50 feet of lakeshore frontage, the key factor in determining land value, not total acreage. There had been some instances of subdivision within the Park prior to 1966 and these occurred without any protestations from the Park Service. Some inholders had subdivided large parcels of land into residential lots. Others had subdivided their land among their heirs who, in turn, built homes, thus causing an occasional small cluster of relatively "dense" construction (Photo 4). The legality of whether the NPS could prohibit subdivision without new Congressional authority is still at issue within the Park.<sup>7</sup>

In the late 1960s, equipped with LWC funds, most National Parks instituted an "Opportunity Purchase Program" which meant that the NPS would offer to buy inholdings on a willing-seller basis. There were few objections in principle, to this increased purchase activity of the Park Service, except on those occasions when the NPS too aggressively pursued the willing seller. As the 1970s wore on, however, NPS policies and ONP administrative changes brought even greater anxiety to the inholders around Lake Crescent and the Elwha River. In 1973 the National Park Service and other sources proposed to set aside much of the Olympic Park and surrounding National Forest Land and designate it as a Wilderness area under the provisions of the Wilderness Act of 1964. A Wilderness area was defined as totally natural, having no species of plant or animal which was not original to the area as well as having no evidence of a man-made environment such as trails, roads, shelters or campgrounds. Obviously, for that part of the ONP near Lake Crescent, in addition to ridding the land of inholders, this would have entailed "returning to nature" U.S. Highway 101 which ran along one side of the Lake and was a vital link to market for the lumbering industry outside the Park's boundary. These Wilderness proposals were largely ignored by Congress; rarely did they get beyond the sub-committee stage of the legislative path. What made the Wilderness suggestion important, though, was that it brought together a group of highly individualistic property holders around Lake Crescent into a unified, unique, and surprisingly effective organization called the Friends of Lake Crescent.

What made the group unique was that it was one of the first organizations of inholders in the country. The Friends of Lake

Crescent (or F.O.L.C.) was formed in the fall of 1973 at the height of the Wilderness controversy in the ONP and shortly after the first condemnations had been issued in the Park against Ray Green, Ernie Lackman, and Harold Sission (which will be discussed in the next chapter). The F.O.L.C. was organized largely by the previously mentioned Jim Flaherty and Don Jones, a retired rear admiral from the U.S. Coast and Geodetic Survey. Jones was the first informal "chairman" of the group while Flaherty became the first President of F.O.L.C. the following year. Even though, by late 1974, after it appeared that little of the ONP would be designated as Wilderness, the Friends of Lake Crescent continued to function as an ongoing organization with a vigilant eye on NPS policy as it affected their lives on their land. Dues were collected; a newsletter was published on a semi-regular basis; county court records and tax assessments were examined; and within two or three years after its inception, virtually every one of the approximately 150 inholders around Lake Crescent had joined F.O.L.C.<sup>6</sup>

In the spring of 1977, Olympic National Park Superintendent Roger Allin retired and was replaced by James Coleman. Allin had endured a rather controversial tenure as Park chief, at least in his relations with inholders. Particularly controversial was the Land Acquisition Office of the Park Service, also located in Port Angeles, but in a separate building. In the ten years since Superintendent Gale's initial moratorium proposal in 1966, the LAO had spent over \$3,400,000 in acquiring land in the ONP. This figure was strictly for the part of the Park in Clallam county and does not reflect the land purchased in the ONP near Lake Ozette and ShiShi Beach. The LAO often seemed to function independently from the Superintendent and some of the specific practices of the LAO will be discussed in the next chapter in the individual case studies of inholders.

The arrival of Superintendent Jim Coleman in the Park seemed to bring forth a new spirit of goodwill and cooperation between the inholders and the ONP administration. Whatever hope there was for smooth sailing, however, was short-lived with the issuance of a stunning proclamation from NPS headquarters in Washington, D.C. that fall. In September of 1977 the newly-appointed Director of the entire National Park Service, William Whalen, issued a revised land acquisition policy for all areas of the NPS system and directed at all inholdings which (1) prohibited alterations to one's home such as the addition of a bathroom or bedroom (2) prohibited any development of construction whatsoever on unimproved inholdings (3) permitted minor alterations to already improved land (such as a tool shed) only after consultation with the Park Service (4) prohibited inholders from selling their land to anyone other than the Park Service and (5) increased the intent to acquire by condemnation inholdings with "incompatible" uses (such as an inholding which violated rules (1) or (2) above. Director Whalen's dictum was a major shift in Park policy which the NPS tended to dismiss as a more "clearly defined" administrative procedure. Even more astounding, the Park Service made the change without any public hearings. The NPS justified this action

by saying that the revised policy did not warrant public hearing, or, as NPS public information officer, Duncan Morrow, stated, "...in no one park is it a major question involving large numbers of people." Though their numbers may have been relatively small, the revised land acquisition policy touched off a storm of protest among the Friends of Lake Crescent as well as among inholders all over the nation.<sup>9</sup>

According to William Whalen, the origin of the revised land acquisition policy of September 1977 began that summer when Congressman Phil Burton of California, Chairman of the House Subcommittee on National Parks and Insular Affairs, visited Grand Teton National Park in the state of Wyoming. Burton became concerned with what he viewed as recent incompatible developments within the Park and requested that the Park Service make a determination as to how to prevent such developments from occurring in the future. Despite Whalen's proclamation, though, Congressman Burton obviously felt that even sterner measures were necessary to stop the threat to the nation's Parks as he perceived it. Only one month after the NPS Director sparked the agencies greatest conflagration with the country's inholders, Burton added more fuel to the fire by adding an amendment, labeled Title III, to a minor House bill ostensibly concerned with protection of a river in Georgia. Title III directed the NPS to acquire all inholding throughout the country within four years! This momentous bill (H.R. 8336) was amended with the addition of Title III without public hearings and, coupled with the revised land acquisition policy, provoked a vigorous nationwide reaction from inholders and their allies which carried the debate well into 1978 and 1979.<sup>10</sup>

The inholders of the Olympic National Park reacted quickly to these major changes in policy at the national level. Some F.O.L.C. members considered withholding their property taxes from Clallam county as a protest, but the vast majority of them took part in a massive letter writing campaign which, most importantly, helped garner the necessary political support to combat the National Park Service. Don Bonker, the Congressman whose district contained Lake Crescent and much of the ONP, was one of the earliest political figures to speak out against Whalen's policy, calling it "an example of bureaucratic insensitivity at its worst." By the spring of 1978, the two Senators from the state of Washington and two of the most powerful in the U.S. Senate, Henry Jackson and Warren Magnuson, were in opposition to the severe changes envisioned by the NPS. Although less vocal on the issue, Jackson said that he opposed the use of any condemnations in the ONP, according to political sources within the state of Washington such as State Senator Paul Conner. More crucial was the work of Warren Magnuson who deleted Congressman Burton's amendment, Title III, from H.R. 8336 when it came to the Senate for consideration. Washington Governor Dixy Lee Ray wrote to Director Whalen protesting his 1977 policy. The Governor stated that it violated the Olympic National Park Master Plan of 1976 which clearly stated that, as long as inholders continued to use their land for the construction and improvement of homesites, no acquisition by the NPS would be considered.<sup>11</sup>

Also, in the spring of 1978, it appeared that the Park Service, itself, was having second thoughts about some of the parts of its new policy toward inholders. The House Appropriations Committee asked the NPS that it not prohibit alterations to existing structures. Due to the widespread outcry, the Park Service also said that it would suspend implementation of its new policies until after public hearings were held in the fall. Those public hearings, held in September of 1978, did little to assuage the Friends of Lake Crescent. The members received notice on August 29 for a hearing scheduled for September 8 in Seattle. The NPS also stated that it intended to have a fully developed policy statement by October 1. Presumably, this would have meant sifting through and analysing the hundreds of public statements given throughout the country in only two weeks, a task which the Park Service did not accomplish. Despite the short notice, the F.O.L.C. was able to assemble over 100 of its members and concerned friends to testify, on a weekday, before the Park Service. Hearings were also held in Washington D.C., and the F.O.L.C. sent Dr. Bill Gray and Helen Radke to give statements in the nation's capital. There they met inholders from all parts of the nation and discovered, to their surprise, the great extent of protest against the Park Service and the enormity of anxiety over a people's concern with the fundamental rights of home and property.

In March of 1979, NPS Director Whalen announced that his agency had scrapped some of the 1977 changes and was devising a more lenient and reasonable policy for inholders. Later that spring, he admitted that it was a "horrible mistake" to attempt such a major shift in policy without public input. This was not a total retreat on the part of the Park Service, though, because when the "new" revised land acquisition policy was unveiled that spring, it still contained some of the major objections of the inholders as far as restricting their right to improve their homesites. The NPS still prohibited development on unimproved land, but did allow major alterations to existing homes and structures. Public participation would be sought in each locality as part of the NPS policy implementation. In fact, the Park Service recognized the need for greater de-centralization of policy in April of 1979, allowing each Park the flexibility to formulate local master plans within general Park Service guidelines. One other vexing rule which still remained from 1977 was that inholders could not sell their property to anyone outside their immediate family other than the NPS. In other words, as William Whalen said in a tumultuous meeting on his first visit to the Olympic National Park that summer, "You can pass your property within your family, but if we catch you trying to sell it to someone else other than the Park Service, we'll condemn it." What was especially galling to inholders about this regulation was that the Park Service defined "heirs" in a very narrow sense, unlike any reasonable probate statute, excluding such relations as nephews and nieces.

The aforementioned trip of Director Whalen to the Olympic Peninsula occurred shortly after ONP Superintendent Coleman was promoted and

transferred to Pennsylvania, much to the regret of many inholders. Coleman had enjoyed a warm and friendly relationship with many of the Friends of Lake Crescent despite the fact that he was called upon to implement the Whalen policies. There was some speculation among the local populace that Jim Coleman had been transferred out of the area because he had shown too much sympathy and understanding with the plight of the inholders, but the former Superintendent denied to this author that he was transferred for that reason. Thus, coupled with his only slightly less restrictive new policy, Whalen entered the ONP in a highly charged atmosphere. There was additional speculation that the Park Director had been forced to come and meet with Olympic inholders due to the political demands placed upon him and the Carter Administration from Senators Jackson and Magnuson, but this supposition cannot be proven. After one very acrimonious meeting, Whalen and the Friends of Lake Crescent met on a more calm plane. One result of the Director's visit to the Northwest was that, after listening to all of the complaints about actions of the local Land Acquisition Office, he said that he would remove the LAO from Port Angeles, a move which was accomplished by the successor of Jim Coleman, Superintendent Roger Contor. Despite this action, though, the Whalen visit left the inholders of the ONP still angry, afraid, and uncertain as to what they might specifically do with their homes without the very real threat of condemnation bearing down on their lives.<sup>12</sup>

According to the revised land acquisition policy presented in April of 1979, Interior Secretary Andrus directed the National Park Service to direct each Park to prepare a master plan for acquisition, after the appropriate draft stages and public participation. Despite Director Whalen's pronouncements that spring, this plan did much to relieve the heated protestations which were being directed at the NPS. In effect, the agency reversed itself, somewhat, and defused the controversy at the national level by requesting that each Park prepare its own individual approach to land acquisition. The new ONP Superintendent, Roger Contor, accordingly prepared a draft plan that fall, received public comment, and in March of 1980 unveiled the current land acquisition plan for the Olympic National Park. In it, inholders would not be prohibited from alterations and improvements on their homes such as additional rooms; the Park Service would continue to purchase land on a willing-seller basis, but an inholder could sell to whomever he or she wished; and on unimproved "tracts" no development would be permitted with the exception of 20 inholders, who owned unimproved parcels, out of at least 32, along Lake Crescent. These specifically selected inholders would be permitted to build their homes on their unimproved lots anytime within the next five years. Also, the new master plan toned down the possible use of condemnations in the ONP. Condemnations would now (1) result only when serious environmental damage was being done (2) be handled only on a case-by-case basis; in other words, a serious incompatibility need not be uniform for all areas and (3) require specific approval from the Congressional Appropriations Committee. In some ways, then, this was a further retreat by the NPS from the shocking measures proposed for land acquisition in the fall of 1977, but there was a new wrinkle in the scheme for the Friends of Lake Crescent. In recent years, the

Park Service at the ONP has instituted a new terminology, crucial to the future of inholdings. Most inholdings were obtained in lots of a minimum of 50 feet of Lake frontage. These were deeded as lots, had always been taxed by the county as lots, and had been bought and sold separately as lots. The new change of the NPS in the Park has been to lump all single ownerships of land into "tracts" whether the inholder has one 50-foot lot or four. Furthermore, in doing this, the Park now insists on a policy of "one tract, one house." For those inholders who owned several lots and who had been intending to give such lots to their sons and daughters so that their progeny also might enjoy the beauty of living on Lake Crescent, this new semantic switch from lots to tracts shattered that dream.

In the following chapter, the reader will meet a large sampling of the Friends of Lake Crescent and a few inholders of the Elwha valley region. Each will present a different story and may provide additional details to the brief history just presented. General impressions and feelings of the inholders regarding their land and its relationship to their lives will, hopefully, come forth as will specific instances of inholder grievances against the Park Service, a neighbor with whom inholders have lived for over forty years.<sup>13</sup>

## ENDNOTES FOR CHAPTER TWO

<sup>1</sup> Interview with Robert Ficken, Historian, Forest History Society, September 18, 1980; Elmo Richardson, "Olympic National Park: Twenty Years of Controversy," Forest History, April, 1968, p. 4.

<sup>2</sup> Letter from Herbert Evison, Secretary, The Washington Natural Parks Association, to George H. Cecil, District Forester, U. S. Forest Service, July 7, 1924; Interview with Kay Flaherty, September 22-24, 1980; Letter from Chris Morgenroth, U.S. Forest Service, to R.L. Fromme, Forest Supervisor, Olympic National Forest, U.S. Forest Service, June 1, 1924; Interview with John and Mary Morgenroth, September 23 and 24, 1980; "The Olympic Howler" (unpublished newsletter of the Olympic National Forest), January 1, 1927, Vol. 1, No. 7; Port Angeles Evening News, June 30, 1924, (clipping - pagination unavailable); Ibid, July 10, 1924, (clipping - pagination unavailable); Telegram from Theodore Rixon, Agent, Clallam Lumber Co., to R. L. Fromme, June 30, 1924.

<sup>3</sup> Flaherty interview; Chris Morgenroth, "Olympic or Roosevelt Elk," Western Out-of-Doors, May 1922, pp. 133-135; Port Angeles Evening News, January 15, 1935, (clipping - pagination unavailable); Richardson, loc. cit.

<sup>4</sup> Ficken interview; Flaherty interview; Richardson, pp. 7-12.

<sup>5</sup> Ficken interview; Olympic National Park Establishment Statutes at Large, LII, 1241-1242, 1454 (1938); Richardson, pp. 10-12.

<sup>6</sup> Friends of Lake Crescent Newsletter, March 6, 1980, p. 4; Olympic National Park Establishment, 1242.

<sup>7</sup> Ficken interview; Flaherty interview; Friends of Lake Crescent Newsletter, March 6, 1980, loc. cit.; Morgenroth interview; Port Angeles Chronicle, July 28, 1966, pg. 1; Port Angeles Evening News, July 7, 1966, P. 1; Ibid., November 23, 1966, (clipping - pagination unavailable); Statement of Helen Radke before a public hearing on National Park Service land acquisition policies, Seattle, Washington, September 8, 1978; U.S. Department of Interior, National Park Service, "Olympic National Park Temporary Land Use Regulation," Federal Register, XXXI, No. 130, June 30, 1966, 9278-9279; U.S. Department of Interior, National Park Service, "Proposed Rulemaking," Ibid., XXXI, No. 242, December 15, 1966, 15804.

<sup>8</sup> Statement of Kay Flaherty before a public hearing on the Wilderness proposal for the Olympic National Park Port Angeles, Washington, November 3, 1973; Friends of Lake Crescent, Minutes of Meeting of November 1, 1973; Letter from Senator Henry Jackson to the Friends of Lake Crescent, November 29, 1974; Interview with Don and Francie Jones, September 28, 1980; South District Journal, October 4, 1973, p. 1; Ibid., October 11, 1973, p.1; Ibid., October 18, 1973, p. 1.; Ibid., October 25, 1973, p. 1.

<sup>9</sup>Letter to James Coleman, Superintendent, Olympic National Park, National Park Service, to all Olympic National Park property owners, October 4, 1977; Port Angeles Chronicle, January 18, 1978, p.1; Port Angeles Daily News, October 12, 1977, p. 1; Ibid., April 13, 1979, (clipping - pagination unavailable); Ibid., May 3, 1979, p. 4; Interview with Fred and Helen Radke, September 26, 1980; Memorandum from William Whalen, Director, National Park Service, to Directorates, Field Directorates, and Division Chiefs, September 14, 1977; Letter, with attachment, from William Whalen to Senator Warren Magnuaon, November 15, 1977.

<sup>10</sup>Friends of Lake Crescent Newsletter, June, 1978; Port Angeles Daily News, October 26, 1977, (clipping - pagination unavailable); Whalen letter to Magnuson.

<sup>11</sup>Flaherty interview; Letter from Senator Warren Magnuson to Jim Flaherty, June 13, 1978; Port Angeles Daily News, October 12, 1977, p. 1; Ibid., October 28, 1977, p.1; Ibid., April 26, 1978, (clipping - pagination unavailable); Letter from Governor Dixy Lee Ray to William Whalen October 20, 1978.

<sup>12</sup>Interview with James Coleman, Regional Director, Mid-Atlantic Region, National Park Service, October 7, 1980; Interview with Roger Contor, Superintendent, Olympic National Park, National Park Service, September 26, 1980; Friends of Lake Crescent, Minutes of Board Meeting, August 16, 1979; Friends of Lake Crescent Newsletter, June, 1978; Statement of Dr. Bill Gray before a public hearing on National Park Service land acquisition policies, Seattle, Washington, September 8, 1978; Interview with Harold and Wilda Laird, September 25, 1980; Port Angeles Chronicle, May 3, 1978, p. 1; Ibid., June 21, 1978, pp. 1 and 3; Ibid., November 29, 1978, p. 1; Ibid., July 11, 1979, (clipping - pagination unavailable); Port Angeles Daily News, April 13, 1979 (clipping - pagination unavailable); Radke interview; Seattle Post-Intelligencer, September 9, 1978, p. A10; Ibid., March 21, 1979, (clipping - pagination unavailable).

<sup>13</sup>Contor interview; Letter from Roger Contor to Olympic National Park landowners, December 5, 1979; Memorandum from Roger Contor for general distribution, February 20, 1980; Port Angeles Daily News, June 18, 1980, p. 9; Ibid., June 30, 1980, (clipping - pagination unavailable); U.S. Department of Interior, National Park Service, Land Acquisition Plan, Olympic National Park, March, 1980 (Port Angeles, Washington: Prepared by the Olympic National Park Office, 1980), pp. 1-7; U.S. Department of Interior, National Park Service, "Revises Land Acquisition Policy," Federal Register, XLIV, No. 82, April 26, 1979, 24790-24798.

CHAPTER THREE: SOME FRIENDS OF LAKE CRESCENT AND SOME INHOLDERS  
OF THE ELWHA RIVER VALLEY

John and Mary Morgenroth (Photo 5)

John Morgenroth is the son of Chris Morgenroth and lives in the house built by the famous ranger in the late 1920s (Photo 6). About three years ago he retired from his job as a longshoreman in Seattle and moved to Lake Crescent with his wife, Mary, to become one of the approximately 20 year-round residents of the Lake. In fact, during the winter months, the Morgenroths are the only full-time residents at Barnes Cove (Photos 7 and 8), an area on the south shore, shaded by Aurora Ridge, and one of the first areas of settlement on the Lake. John Morgenroth feels that the inholders are an essential part of the Lake and he resents an earlier (and incorrect) perception of inholders as "squatters" who had no legal right to their land. He has often assisted tourists in the Park and one spring he rescued two young Forest Service employees whose boat had capsized in the occasionally swift and dangerous Barnes Cove current. Had Morgenroth not been there at his residence, the USFS workers probably would have drowned. John Morgenroth said that he has never experienced any adverse relationship with any of the Park rangers; in fact, he singled out his District ranger of the past several years, Dick Thomas, as a decent and friendly person. Nonetheless, the recent rulings of the Park Service regarding what he can and cannot do with his home have made him "constantly on edge," or, as he described the NPS of recent years, "They're a good neighbor, but a hell of an enemy." He has only done interior work on his house recently, but he may wish to add on sometime later. When his children and grandchildren visit, it makes for a total of four generations of Morgenroths who have stayed at Barnes Cove.

John, along with his wife and sister, Kay, took this researcher on his small motorboat on a tour of the north shore of Lake Crescent. He pointed out where several former tourist resorts used to be on the lakeshore, such as Ovington Resort (photo 9) and Bonnie Brae Resort (photo 10). He said there used to be over ten resorts on the Lake, but now that number has shrunk to two or three as the Park Service has bought out most of the resorts and destroyed them, letting the land return to a more natural setting or replacing the former resort sites with picnic tables. If the Park Service is truly concerned with tourists in the Olympic National Park, John Morgenroth wonders why the agency has made Lake Crescent less accessible and less habitable for the average tourist. There are fewer places to eat and fewer places to stay overnight for tourists than at any time in the Lake's history. Reiterating his distress over the recent fluctuations in Park policy, Morgenroth said, "They're depriving me of the big reason I'm here - tranquility."<sup>1</sup>

Betty Hooper

Betty Hooper is a registered nurse who lives most of the year in Seattle. She and her two sisters share the original summer home of their father, Mike Schmitt. Mike, along with his neighbor, Chris Morgenroth, were two proponents of the Olympic National Park, representing the Port Angeles Chamber of Commerce at the Congressional

hearings in Washington, D.C. in April of 1938. She confirmed much of what John Morgenroth said about the value of the presence of inholders at the Lake. Her children rescued some would-be drowning victims nearly ten years ago. During the winter months, she said, it is even more crucial that some inholders are at the Lake to watch over and protect it as all seasonal rangers have departed by the off-season. One winter her husband, Bill, noticed some men stuffing a deer, which they apparently had shot from the highway, into the trunk of their car. He took down the license plate, called his neighbor, Francie Jones, who had a telephone; and, that night, the two men and their wives were arrested in Tacoma for poaching in a National Park. Betty Hooper feels that inholders definitely assist the Park Service in its job and that to eventually rid the Lake of all inholdings, which apparently the NPS wants to do in time, means that Lake Crescent will lose much of its protection.

#### Don and Francie Jones

As the first "chairman" of the Friends of Lake Crescent, Don Jones occupies a special position within the history of the Park. He retired in the spring of 1972 after a 39-year distinguished career in the U.S. Coast and Geodetic Survey, finishing with the rank of rear admiral. At that point, he and his wife began coming to Lake Crescent on a more regular basis. Technically, Jones was not an inholder, but his wife, Francie, was. Her grandfather had owned a considerable amount of land around the Lake. Much of it was near the Lyre River Cove area, but he also had eight lots along Barnes Cove which were divided between his two granddaughters. Francie thus inherited four lots with a 50-year old cabin resting on the border of two of them. The Joneses refurbished the cabin and planned to spend many of their summers there when events of the early 1970s in the ONP began to cause them great concern. The Wilderness proposal and the condemnations brought against Harold Sisson, Ray Green, and Ernie Lackman (which will be discussed next) fomented a lot of anxiety around Lake Crescent, or, as Don Jones recalled, "People were getting frightened." Before Jones and the late Jim Flaherty went to hearings in Aberdeen and Port Angeles in opposition to the Wilderness bill, the Friends of Lake Crescent was formed, a remarkable administrative feat for a collection of highly individual and somewhat skeptical inholders. Because he was not a property owner, Jones did not want to be a strong chairman of F.O.L.C. for fear of being accused as an "outsider" by others. Even though his leadership has declined in F.O.L.C. since the inception of the organization, Don Jones still feels strongly that what the Park Service has done in the ONP is wrong. His Survey career included charting the Beaufort Sea, above the north coast of Alaska, and the headwaters of the Blue Nile in Ethiopia, and he stated that the "taxpayer came first." Whenever his government work required him to place a geodetic marker on private property, in no matter what setting, Jones said, "We did everything we could to satisfy the customer...but I have not seen this with the National Park Service." Both Don and Francie feel that lawsuits may be the only answer to clearing the dispute between inholder and the NPS over land use. Since government workers can be sued individually, Francie said then, "Maybe some of these people will be as frightened as we feel."

Ernie Lackman and Ray Green (Photo 11)

The story of Ernie Lackman and Ray Green is long and rather complicated, but very significant because it marked the first use of condemnation by the Park Service against an inholder. Ray Green and Ernie Lackman and their wives were small businessmen with a wide variety of business interests, including interests in gas stations, working in a retail store, and only a part of which occasionally involved buying and selling land. Both Green and Lackman had previously sold land to the NPS and both had owned land in the region near Lake Crescent called Arcadia which they had sub-divided and developed in the mid and late 1960s. At no time during this, were they ever bothered or criticized by the Park Service. In the early 1970s Green and Lackman were co-owners of 3.74 acres off North Shore Road on Lake Crescent. This land was extremely steep and did not have any lakeshore portion of it years earlier. Since they were both approaching retirement age, they wanted this land for their own recreational use, not to sell. Ray Green and Ernie Lackman had planned to use the parcel as their own private camping area with the later possibility of a small cabin.

Adjoining their land was a larger lot owned by a man named Harold Sisson. Sisson was an acquaintance of the pair, not a friend. Lackman had known Sisson from the times he had come to the store where he was working. Both plots were so steep that Sisson and Green and Lackman agreed to a mutual easement whereby construction of a "switchback" type road was initiated into the steep landscape which crossed both pieces of property. This zigzag road was the only possible entry onto their land from North Shore Road, and even then, only vehicles with four-wheel-drive were able to proceed on the road.

In 1970, a land acquisition officer from the Park had offered Green and Lackman slightly less than \$2000 for their land, a price Ernie Lackman considered far too low. From then until late 1972, the LAO made little further attempts to purchase the property, but after the construction of the "switchback" road was begun the Park Service became alarmed that a potential subdivision and extensive development was being planned by both Sisson and Green and Lackman. Sisson, in particular, seemed to be a target of the Park Service. He was a logger and was rumored to have done some selective logging on his inholding. The road that Sisson and Green-Lackman granted each other through mutual easement was visible from Lake Crescent and on December 8, 1972 ONP Superintendent Roger Allin recommended to his supervisor, Regional Director John Rutter that condemnations in the form of Declarations of Taking be filed against the three men. In his letter to Rutter, Allin said that the NPS "has been trying for almost two years to purchase these tracts," and added, "There is no doubt the owners intend to sell view lots." A Declaration of Taking is the most severe form of condemnation available to the government in its arsenal of eminent domain. A DT grants title to the government immediately and normally evicts the former owner within 20 to 90 days. The only issue normally decided in the trial following a DT is whether or not the government's estimate of the property is truly just compensation for the former owner. In a normal condemnation proceeding, the landowner retains title to the property until after all litigation is over and the determination of just compensation is made at the time of trial, whereas, in a Declaration of Taking,

the determination of award is based upon the time of the Taking. Ray Green and Ernie Lackman had no idea at this time that such drastic action was being directed at their land. Five days later, on December 13, 1972, an incident occurred which Green and Lackman feel sealed their fate as inholders on Lake Crescent. Superintendent Allin and Harold Sisson had a physical altercation.

Ray Green, who witnessed the incident, offered the following description. He and Harold Sisson had driven up on North Shore Road near their "switchback" road and noticed Roger Allin and some other Park Service employees. They stopped and Allin came over to their pickup truck and alleged that Sisson had been trespassing on NPS property and had left debris on North Shore Road due to their construction of the "switchback" road. Sisson denied the charge of trespassing, saying that he had done a survey and then he asked the NPS if they had surveyed. Allin said no, but added something to the effect, "You can bet we will." Sisson replied, "You can do as you God damn well please!" and proceeded to get out of his truck. Allin then grabbed Sisson by his collar and shoved him against the truck. Sisson did not resist or fight back and the two men quickly calmed down shook hands, and proceeded to discuss their differences in a more rational manner. The Park Service employees present gave a somewhat different account than Green's, emphasizing that Sisson uttered a long barrage of profanity. No one denied that Superintendent Allin grabbed Sisson. Despite the fact that he had initiated condemnation proceedings against Sisson, Allin concluded the encounter by saying that he would give Sisson 90 days in which to work out an agreeable solution with the Park Service regarding his land.

The months passed and Ray Green and Ernie Lackman still had no idea that their small plot of land without lakeshore frontage was being targeted for condemnation. Then, in March of 1973, the Greens and the Lackmans received a letter warning them "that the Government is giving serious consideration to the acquisition of this property through eminent domain." Lackman and his partner were stunned by this action. Especially troubling was the way they were linked with Harold Sisson as planning some sort of joint commercial venture. A few days later, the Greens and Lackmans received the Declarations of Taking and their land was taken by the Park Service. Immediately following this, Lackman said the Chief Ranger of the ONP came to him and described Allin as a "terrible" Superintendent, saying that Allin had once threatened him with bodily harm. Then another full-time ranger came to Lackman and suggested that he call the FBI or the U.S. Attorney's Office about possibly filing charges against Allin. Then another different tanger came to Lackman and said that the Superintendent had diverted funds from the ONP Natural History Association to his personal use to help "defray expenses of visiting V.I.P.s." This was a serious charge and Lackman relayed this information in a letter to Senator Henry Jackson who, in turn, demanded an investigation into the matter. Lackman had been even more astounded at the procession of rangers who volunteered negative reports about the Superintendent with whom Lackman had always enjoyed a good relationship.

The investigation, conducted informally by the NPS at the Regional level, exonerated Allin. During the course of this investigation, Lackman and Green had great difficulty obtaining the proper documentation and information from the government for their trial. They finally resorted to the Freedom of Information Act which provided them with the needed documents and it took over one year for them to obtain the "report" from Assistant Park Service Director, Lawrence Hadley, to Senator Jackson on the entire matter. In this letter, the two men were now surprised to learn that they had been condemned because they were planning "to sell lots for trailer campsites!" This was unbelievable news to Ray Green and Ernie Lackman because the parcel in question was so steep that trailers could have only been put upon it via cables and helicopter.

It seemed that their troubles were nearing an end as the trial date approached after numerous delays. Assistant U.S. Attorney William Rubidge, told Lackman that he thought the two men had a good chance of winning a trial and, perhaps, overturning the Declaration of Taking. In October of 1975, as the trial approached, Ray Green suffered a massive heart attack which, even recently, has required open heart surgery. Therefore, the following year, Ernie Lackman and Ray Green agreed to settle out-of-court with the government and accepted \$4500 for their land as compensation.

Today, Lackman calls the experience a "nightmare" and believes that the only reason he lost his land was the constant linkage to the actions of Harold Sisson by the Park Service. The NPS unfairly alleged, but never proved, that he and his friend, Ray Green were planning a commercial subdivision with Sisson which was never their intention.<sup>4</sup>

#### Patty Janders

Patty, at age 26, is one of the youngest residents on Lake Crescent. She moved to the Lake three years ago as a permanent year-round inhabitant in the Lyre River Cove area of the Lake. She works for the telephone company and commutes to Port Angeles. Her parents, George and Shirley Janders, had hoped to build a permanent home on their 150-foot frontage lot, but the pressure of the National Park Service forced them to abandon their plans. Said Patty's mother, "They scared us off." Patty Janders is determined to stay. She presently lives in a mobile home with an attachment (Photo 12), but would like a more permanent structure for her home. Her brother and sister have also expressed an interest in setting on the Janders land, but the uncertainty about what the NPS will allow forced Patty Janders to ask, "In the year 2000 will I have a home?"<sup>5</sup>

#### Anthony Hoare

Hoare is a successful Seattle lawyer who owns an unimproved lot on Lake Crescent next to other property which has been in his family since the mid-1920s. His mother, a former schoolteacher, and step-father have lived on a Lake lot since the 1950s while one of his sisters and her husband, Bill Mead, also live on an improved lot. Tony Hoare believes his sister and brother-in-law have been the victims of "appraisal-shopping" by the Park Service. This practice occurs

when more than one appraisal is done for a given piece of property, unbeknownst to the potential seller, and, then the lowest one is offered by the potential buyer as fair market value. For at least ten years in the ONP, the Park Service, in an effort to hasten the purchase of inholdings, has offered free appraisals to inholders. In the fall of 1977, Bill Mead agreed to let the Park Service provide him with an appraisal and directed that his brother-in-law handle the project. The appraisal was done in December of that year with neither Mead nor Hoare present, but Hoare recalled that the appraiser, Don Muir, had called and asked for permission to go onto the land. In the spring of 1978, the NPS gave Hoare their appraisal from Stewart Clark and Associates which valued the Mead property at \$48,750. This struck Hoare as odd because Stewart Clark and Associates was not the appraisal firm for which Don Muir worked. After some detective work, Tony Hoare located Don Muir who had performed an appraisal for the company of Butler and Walls, Darnell and had submitted it to the park Service. For ethical reasons Muir could not tell Hoare the amount, since the appraisal was contracted by the NPS, but Hoare's curiosity was now piqued. He went to the Land Acquisition Office in Port Angeles and inquired about the "other" appraisal made by Butler and Walls, Darnell. The land acquisition officer there denied that there were any other appraisals made. Tony Hoare then called Don Muir who reconfirmed that he had done an appraisal. Back at the LAO, Hoare met a different land acquisition officer who said that there had been another appraisal on the Mead property, but "we didn't approve it." The next day the persistent lawyer called the first land acquisition officer to whom he had talked and who then admitted that the Butler and Walls, Darnell appraisal was contracted, but that the Park Service no longer had a copy since unapproved appraisals "are not appraisals to us." This land acquisition officer also referred to Butler and Walls, Darnell appraisers as "rum dums". Tony Hoare then used the Freedom of Information Act to attempt to disclose the first appraiser's estimate. Regional Park Service Director Russell Dickenson originally refused to hand over the report since it was not a NPS document. Dickenson also told Hoare, "The requested report was not approved because the appraiser's analysis of his data was not acceptable." Finally, only after Director William Whalen came to the ONP in mid-1979 and ordered all appraisals released, did Tony Hoare discover that the "unacceptable" appraisal for his brother-in-law's property was \$67,160, a figure nearly \$20,000 less advantageous to the Park Service than the "acceptable" \$48,750 appraisal from Stewart Clark and Associates. Bill Mead has not sold yet and Tony Hoare no longer believes the Park Service when it says it will offer an inholder fair market value for his or her property.<sup>6</sup>

### Kay Flaherty (Photo 13)

Katherine, or Kay, Flaherty is the widow of Jim Flaherty, the sister of John Morgenroth, and the daughter of Chris Morgenroth. She is essentially proud of the work her father did for the Park. Not too far from her house in Barnes Cove (Photo 14) is the first Forest Service cabin

built on the Olympic Peninsula (Photo 15) which was constructed from hand-hewn cedar logs in about 1905 with the help of Chris Morgenroth. The Park Service owns the structure now and it is being allowed to deteriorate as is nearby Rosemary Lodge (Photo 16 and 17) which was an attractive and uniquely-designed former resort which the Park Service purchased about 1940. Flaherty complained that this was visual proof of the inconsistency of NPS policy. On the one hand, the agency seeks eventually to acquire all the structures of inholders and private concessionaires, such as resort owners, for the stated purpose of dismantling them so that the land might "return to nature". On the other hand, the Park has shoddily maintained Rosemary Lodge for 30 years to house many of their seasonal employees. Former homes of inholders at Barnes Cove and all around Lake Crescent, such as the former Dangerfield house on East Beach near her friend, Helen Radke, have been kept standing by the Park Service often for ten years and usually occupied both full and part-time by the NPS. Apparently, thought Kay Flaherty, the park Service wants to rid the Lake of inholders, but not their homes. Also near her home is Marymere Falls (Photo 18) which has a NPS sign directing hikers to the "Barns" Creek Trail (Photo 19) near Barnes Creek which flows into Barnes Cove, another example pointed out by Kay as the Park Service's lack of attention to detail and disregard for the historical aspects of the Park. She echoed many of the sentiments of her late husband who believed that Section Five in the original Act has been ignored by the Park Service and that there was no legal right for the shifting whims and dictates of the NPS as to how a citizen might use his or her property. Kay Flaherty was actively involved with her husband in the creation of Friends of Lake Crescent and the years afterward, often taking minutes for the meetings, often testifying and traveling to make speeches, but now she said, "I'm getting tired; tired of defending myself and my little piece of property."<sup>7</sup>

#### John and Mary Hordyk

For the past 12 years, John Hordyk has been a Port Angeles city councilman as well as working for the telephone company. He and his wife, Mary, bought a lot on the Lake in 1975 (Photo 20), next to the home of Patty Janders, which was unimproved except for a septic tank. The Hordyks put small mobile homes on the property, hoping some year to build something more permanent for their summertime use on Lake Crescent. The 1977 directive of William Whalen shocked them as they wondered whether they might ever have their summer home. Hordyk said he was not "anti-Park," but resents much of their actions and, in particular, the often arrogant tone of the Land Acquisition Office when it was formerly located in Port Angeles. Hordyk described the time when Robert Kennedy visited the Park for which entire new facilities were constructed for his family as well as allowing them to ride horses throughout the Park which had always been forbidden by the NPS. Hordyk also said that his biggest complaint against the NPS was their poor law enforcement on Lake Crescent. The rangers frequently do not enforce the regulation against overly loud motorboats, especially those with illegal dry stacks. "The inholders police the water, not the rangers," said Hordyk. He then recalled with a smile the day William Whalen was "fired"

this spring. (Actually Whalen was not fired, but rather transferred to a lesser position within the NPS by Interior Secretary Cecil Andrus due to health reasons.) On that day Hordyk was installing a new telephone system at Park headquarters and said that most of the rangers reacted "joyously" to the news.<sup>8</sup>

#### Barb Botnen

The story of Barb Botnen bears some similarity to that of Tony Hoare. About 1970 she and her sister inherited a lot on the Lake from their grandfather which Barb wanted to develop approximately six years later. Her lot was unimproved land and she wanted to build a small A-frame house. The Superintendent at that time told her she "might be able to build, but that any future owner of the plot could not. She then turned to the option of selling her land, especially since her family was growing, but for a number of years she was restricted solely to the Park Service as a buyer. Finally, after that rule was discarded, she asked the NPS to contract for an appraisal. The firm chosen by the agency was Stewart Clark and Associates and Barb Botnen accompanied the agent. She was amazed that he only spent ten or fifteen minutes on her property. What was surprisingly sloppy about the appraisal was that when Botnen received the appraisal, one of the three photos taken by the appraiser was of the lot adjoining hers owned by her sister, Diana. She did not recall the exact amount of the appraisal, but late in 1979, the NPS offered her \$38,250.00 for her inholding which she thought was extremely low. In June of this year, the NPS made a "final" offer of \$42,750.00. Two months later Barb Botnen sold her lot and A-frame for \$50,000.00 on the open market. She feels that the Park Service does not look at comparable sales when formulating their offers to buy inholdings. Such under-evaluation of the property of inholders was particularly devastating during those few years when the Park Service was the only buyer allowed.<sup>9</sup>

#### Fred and Helen Radke (Photo 21)

Fred and Helen Radke purchased five adjoining lots, each with a 50 foot frontage on Lake Crescent, in 1946, with the hope of first building a summer home, then eventually to retire to the Lake, and then to allow for their children to eventually settle on the land. In 1974, Fred Radke retired from his job as a superintendent at the Rayonies mill in Port Angeles and the Radkes began building a beautiful home on the lake-shore (Photo 22). They experienced no difficulty with building permits and believed the Park Service had given them a full commitment to use their homesite as they wished. In fact, at the time, Park Superintendent Roger Allin told the Radkes to "build and enjoy." In 1976 Fred and Helen Radke sold their house in Port Angeles and moved to Lake Crescent as full-time residents. The Radkes are particularly angered by the recent NPS dictum which lumps all lots together into "tracts." While a few inholders have always had their land deeded as tracts, such as their East Beach neighbor Joe Wolfe, this is not the case with the Radkes nor with most inholders. Their lots were purchased

separately as lots; they are identified and labeled separately as lots by the county treasurer. Fred and Helen Radke have three grown children, two sons and one daughter, to each of whom their parents would like to give a lot for the purpose of building homes and living on the Lake as Fred and Helen have done. As it stands now, the Park Service, by creation of the new "one tract, one house" rule would not allow such a future for the Radke family. Helen Radke is very distressed at the policies of the Park. She is currently finishing out her second term as Chairman of the State Board for Community College Education, having been appointed to that position by two separate Washington Governors. She has also served on the State Board of Education for 18 years and was once President of the National School Boards Association. Helen Radke has devoted a lifetime to public service and knows the value of good government for which "in return, government needs to treat people fairly." She feels that the NPS has abandoned its long-standing commitment to the "full use and enjoyment" of the land of the inholders, private land which existed prior to the formation of the Olympic National Park. As she said in a letter to her Senators and Congressman:

I have been an elected or appointed public official for thirty years and I use words with care. I never use such words as 'lying', 'harassment', or 'dishonesty', casually...I am confident that these words are used properly in describing much that has occurred in the management of the National Park Service.<sup>10</sup>

#### John and Betty Halberg (Photo 23)

John Halberg has been literally raised on Lake Crescent or, as he put it, "I've been drinking Lake Crescent water since 1936." He lives in the house built by his family in about 1928 (Photo 24), having moved there in 1972. Before that, the homestead had been occupied by his brothers and sisters. Since their permanent move to the East Beach area of the Lake, the Halbergs would like to expand and remodel their home now that the family has grown to include six children. The Park Service, however, has insisted upon no new houses; however, to John Halberg, because he is an independent appraiser who has even occasionally done work for the NPS, the most aggravating item about Park Service actions has been their methods of appraisal. He thinks that the NPS tends to lead appraisers toward their conclusions and that the NPS rarely acknowledges that the property owner has a right to negotiate an appraisal. He described the attitude of land acquisition officers on this point as, "Take it or we'll see you in court." Halberg also said that the Park Service often does not survey before buying a piece of property as it is supposed to nor does the agency carefully examine comparable sales as directed by Uniform Standards for Federal Land Acquisition. He had also heard the stories from Tony Hoare and Eugene and Lynn Hitt about the "appraisal-shopping" of the Park Service. Such a tactic does not surprise him. In fact, in September of 1979, a report was completed by an independent appraiser named William Follis, Jr. who had been contracted by the Park Service to improve their appraisals, according to the agency. Halberg believes that the

Follis Report was actually used to try to prove that the NPS did not shop for appraisals. When he asked a land acquisition officer whether he might be able to see the Report, the Park employee hung up the telephone on him. Halberg said this reaction typifies the attitude of the LAO whom he said does not "negotiate in good faith." He said many inholders have informed him of the "We'll get it anyway," tone of their discussions with land acquisition officers. This arrogance is in sharp contrast to the Park rangers for whom Halberg had the highest praise as very friendly and decent people. Despite all these problems, though, John Halberg felt confident that his rights as a normal homeowner will be restored some day. His wife, Betty, added, "I'd like to have the privilege to tell my children they could build a little cabin on their property some day."<sup>11</sup>

#### Henry and Janet Myren (Photo 25)

As with the experience of Ray Green and Ernie Lackman, the account of Hank Myren and his wife, Janet, involves the use of condemnation against inholders and, as with Green and Lackman, it is a long and complex story, but it is instructive, nonetheless, to go into some detail in this case study. Hank Myren is a shrewd businessman and a very experienced buyer of land in the area, but he never expected the treatment he received from the Park Service after buying a large inholding in the Elwha River valley region of the ONP. Approximately eight years ago, Myren had heard of a possible sale from an inholder named Edith Johnson, daughter of the late Anna Sweet. She had inherited four 40-acre parcels on line from her mother. Three of these were in the Park while the fourth was just outside the boundary. She was anxious to sell and offered the 160 acres to Myren for \$130,000. The Myrens were surprised at this low "windfall" offer and agreed to buy. As the date approached to sign the final papers and consummate the contract, Hank Myren became alarmed at a discrepancy he discovered in his title search. Myren unearthed a flume line curving through the middle of all four vertically stacked land parcels. A flume is an artificial channel or trough constructed for the purpose of carrying logs down a landscape to a river. The old abandoned flume on the land that Myren was about to buy had a right-of-way attached to it which did not belong to Edith Johnson. After intensive detective work, Myren discovered that the Crown Zellerbach paper company owned the flume right-of-way. With that discrepancy on his land, the best use of the parcel for development would not be great; without the flume discrepancy, the value would increase. Three days before he bought the parcels from Edith Johnson in late 1972, Hank Myren bought the flume right-of-way from Crown Zellerbach for \$10,000. At that point, the Myrens knew that they had an extremely valuable piece of property, purchased at a bargain price. About a year later the Park Service approached Myren with an offer to buy the acreage for \$225,000 which Hank Myren thought was "ridiculously" low since the land was no longer encumbered by the flume problem. The couple then initiated plans to sub-divide the land into residential lots, after setting aside 13 acres for themselves. They quickly sold ten lots (one of which went to Terry Norberg (Severs) who will be discussed in the next profile). Both Clallam county and

the state tried to get Myren to cease and desist from breaking up the land into lots, but he correctly ignored their orders since they had no jurisdiction whatsoever over the land. Hank Myren proceeded with the construction of a road and the Public Utility District was perfectly willing to come onto the land to provide power and a sewer system for the attractive planned community called Elkhorn Estates. The NPS again came with another offer to buy, but, at that stage, Myren felt he could not "doublecross" the people who had just purchased the ten lots. Finally in February of 1975, the Park Service condemned the land of the Myrens by a Declaration of Taking, but their manner of informing the inholders of this fact left something to be desired in the way of tact. The Park Service first called the P.U.D. and informed them that the government had taken over the land. Then several rangers and land acquisition officers went out to the Myren development and ordered the confused P.U.D. workers out of the area. The Myrens came out from their house to investigate and were informed of the Declaration of Taking, but the Park Service had nothing in writing with them verifying that fact. They told the Myrens that the papers were "in the mail". (This occurred on a Friday and the Myrens finally received the notice on the following Tuesday.) While the NPS people were still there, Janet Myren approached one ranger who was taking photographs who ordered her to keep away and said, "I've got a gun."

The Myrens then had 20 days to file an objection to the entire DT, but they hired two successive lawyers who stalled long enough in their litigation to force the Myrens into missing the deadline. At that point, they could only contest the price that the NPS was going to give them for their land. In a notorious trial that is still being talked about in Port Angeles and among inholders, a six-person Federal jury awarded Henry and Janet Myren only about \$250,000 even though, among the independent appraisals given, Philo Tyler and Associates of Tacoma appraised the land at \$695,500. Hank Myren does not resent the taking of his property as much as the Park Service's action to devalue its true worth. The appraiser hired by the NPS used only a helicopter and did not even walk upon the land. Admittedly, the Myrens had an "unlucky draw" for their jury. Their third attorney, Frank Peters, informally talked with the jurors after the trial and the foreman, who never even entered high school, admitted that he had no idea of what "just compensation" meant.<sup>12</sup>

#### Terry (Severs) Norberg

In 1974, when she was Terry Severs, Terry Norberg bought one of Hank Myren's initial lots in Elkhorn Estates for \$13,000. As a young widow, she wanted to settle down in the beautiful setting of the Elwha valley in her small house. Like Henry Myren and the other lot owners, she received a DT for her land in February of 1975. Like Henry Myren, her letter objecting to the DT failed to reach the desk of the appropriate U.S. Attorney under the deadline even though she had mailed the letter in plenty of time. As if that was not bad enough, the trial

for her compensation that December was a "nightmare". She sat across from the same jury that faced Myren and the other inholders. The U.S. Attorney arguing for the Park Service portrayed Severs as a "cosmopolitan", conniving blonde, out to "get" the NPS for all she could. The jury was clearly unsympathetic to the widow Severs because, in a decision which shocked the entire courtroom, she was awarded only \$11,000 as "just compensation" for her property, a figure actually \$2,000 less than she had paid for it. Hank Myren was so shocked at this outcome that he compensated her loss. After the Park Service took control of her lot, it burned her former homestead to the ground. Terry (Severs) Norberg is presently living a new life in Joyce, Washington where her past as an inholder is now just an unpleasant memory.<sup>13</sup>

#### Dr. Don Bettger

Bettger has owned an inholding on Lake Crescent since 1962. At first, he had only a small mobile home on the lot, but built a nice house before the end of the decade and with no comment at all from the National Park Service. Dr. Bettger has had no problems personally with Park officials except for one possible instance back in 1973 when the Wilderness proposal for much of the ONP had alarmed most of the inholding population. In a period of two weeks, with the help of a local newspaper ad, he collected 1755 signatures against the proposal. (Incidentally, this ad required the participants to respond by paying for their own postage.) When Bettger brought the petitions to a public hearing in Port Angeles, the Park Service refused to acknowledge them and counted Dr. Bettger and the high number of protests as "one entry." At the same hearing, held late in November of that year, the Park Service had gone to Port Angeles High School and recruited hundreds of high school youths and Boy Scouts to come and testify in favor of the Wilderness proposal. Just recently, said Bettger, two sales of unimproved Lake lots to the NPS typified the careless lack of precision of the LAO when buying land and the totally arbitrary prices paid by them. In July of 1979, Charles Bowen sold a lot with a 50 foot frontage to the Park for \$23,500. Both lots are very similar in that they were unimproved, but the shape of the Jacobs land was most unusual. She had 70 feet of frontage on the upper road, but only 17 feet of Lake frontage as proven by a survey Jacobs had contracted a year earlier. As any appraiser and inholder knows, said Bettger, it is the frontage of one's land on beautiful Lake Crescent which is the key factor in determining the price of property and yet the Park Service apparently chose to ignore this logic.<sup>14</sup>

#### Rich Bates (Photo 26)

Like John Halberg, Rich Bates has spent most of his life on Lake Crescent. His grandparents were the caretakers of Camp David, a youth camp now owned by Clallam county. The 29-year old Bates is an experienced building contractor on the Lake. Bates' close friend, Wayne Thompson, inherited a lot with a 100 foot frontage and offered Rich

a 50 foot lot from his land if he would construct a house for him. Bates agreed and also decided to build one for himself. Unfortunately for Bates, this occurred in the fall of 1977 when NPS Director Whalen issued the order against further construction. After some brief harassment from the Assistant Superintendent which included both written and verbal threats of condemnation, the Park Service and Bates reached a compromise. Since he had initiated some construction at the time of Whalen's proclamation in late 1977, and since it became apparent the following year to the ONP administration that the NPS construction ban would be of a temporary nature due to the massive outcry and pending public hearings, it was agreed that Bates would hold off further building of his house and Thompson's until July 1, 1979. After that date, Rich Bates completed his home where he now lives with his wife and two children. He said the Park was very inconsistent in its enforcement of the Whalen order. In the early spring of 1978, he broke ground in the construction of Lawyer Alan Bird's home on East Beach. This was well after the deadline allowed by the Park Service on exemptions to the construction ban, designed to protect those in-holders who had "initiated" construction. Rich Bates broke ground for his own home in the fall of 1977 and was threatened with condemnation while he broke ground for the home of Alan Bird several months later and the Park Service said nothing.<sup>15</sup>

#### Petrus Pearson

Petrus, or Pete, Pearson is a 72-year old inholder who came to Lake Crescent with his family in 1924. He has been one of the larger landowners around the Lake and in 1958-1959 Pete Pearson had 2200 feet of contiguous frontage which he proceeded to break up into lots, or sub-divide his land. He received no reprobation from Park officials; there was no threat of condemnation nor any suggestion of disapproval for what he was doing with his land from the NPS. Thus, Pete Pearson did to his land exactly what Hank and Janet Myren wanted to do with theirs, namely, to sub-divide it and sell lots. Pearson did not sub-divide on the scale envisioned by Myren. For one thing, he did not have the acreage, but the similarity of the actions of the two men in what they intended to do with their property stands in sharp contrast to what happened to each inholder. In fact, from an esthetic standpoint, it could be argued fairly easily that the land sub-divided by Pearson was more crucial to the Olympic National Park than the Elwha Valley acreage of Hank Myren. Yet, for doing the same thing, unlike Hank Myren, Pete Pearson did not suffer the extreme indignities of condemnation, loss of land, and a very unpleasant trial.<sup>16</sup>

#### Dr. Bill Gray (Photo 27)

Dr Gray is an orthodontist who became an inholder five years ago when he purchased a lot, one of the original subdivisions of Pete Pearson.

When he bought the land, Gray knew that he did not have clear title to the property because of inconclusive surveying and the presence of an old disputed railroad right-of-way. He knew then that a lawsuit might be the only solution to determine clear title, but for nearly four years, through his title insurance lawyers, Gray tried to work out a compromise solution out-of-court. The Park Service contended that it had title of the former railroad right-of-way because the original rail line sold its right-of-way to a salvage company which cleared the rail bed of the rail and ties and then, in turn, sold its interest to the NPS. Finally, Dr. Gray sued the Park Service for clear title and, in what his lawyers called "the most extreme course" of legal action open to the agency, the NPS, in turn, counter-sued Gray for trespassing. Dr Gray's lawyers were surprised that the NPS would choose such a severe course. For one thing, if the Park Service had won the case, the back rent and damages it claimed were not covered by the doctor's title insurance. Thus, a simple suit for clear title turned into a potential for real disaster for Gray. Prior to the counter-suit, an out-of-court settlement seemed possible. Pete Pearson, who had owned the five lots in dispute of which one was Dr. Gray's, offered to give the Park Service three acres of back land, or land without frontage, in return for the clear title to the five lots. Superintendent Coleman thought that this was a good compromise, but the Land Acquisition Office wanted to press on through the lengthy and costly adjudicative process. As one land acquisition officer said, he was "curious" to see who had clear title. In July of 1979, the judge ruled against the Park Service on every count and in favor of Dr. Gray's contention that the right-of-way reverted back to him upon the sale of the right-of-way by the railroad.

Bill Gray has married since he became an inholder in the Lyre River Cove area of Lake Crescent and, now, wants to expand his house, but is worried that the Park Service might attempt to restrict him again. He cannot understand the agency's negative attitude toward inholders and resents the number of high-level meetings within the government on the subject of inholdings without any inholders present. Dr. Bill Gray testified in Washington D.C. as to some of the worth of inholders:

Inholders serve as a fire watch service, rescue service and also do a commendable job of monitoring and reporting illegal behavior - all free of charge. You can't beat that price.<sup>17</sup>

#### Carl Hansen

Hansen is a 75-year old inholder who is also a retired concessionaire. The relationship between concessionaires and the Park Service is a subject fit for an entire report in itself, but a few glimpses into the life and

thoughts of Carl Hansen might be instructive. For 31 years he managed the Log Cabin Lodge and Hansen confirmed what other inholders had said about the deliberate policy in the ONP to buy and dismantle the older resorts in an effort to deny tourists overnight facilities and return the Lake to a more natural setting. He fondly recalled that there were once 13 resorts on the Lake and now only two. Hansen also confirmed what others had stated about the hopeful attitude held toward the ONP administrations under James Coleman and the current Superintendent, Roger Contor. For years, Hansen has maintained the only pile driver on the Lake and every Superintendent until the present one attempted to pressure Hansen into removing it. Not only did Contor not "hassle" Carl Hansen about his pile driving machine but actually asked if he would like to use it for some Park Service work. While there may be hope for the future, Hansen was still troubled at how Lake Crescent has become so much more inhospitable to tourism than at any time in its history. Asked why he thought the Park Service has discouraged concessions and Lake access, Hansen replied, "Simple, they hate people."<sup>18</sup>

#### Marven Lofquist

For ten summers Lofquist was a seasonal naturalist for the Park Service in the ONP. Twenty years ago he purchased a lot on the North Shore with the intention of someday building his retirement home there. The Superintendent at the time, Bennet Gale, and all subsequent Superintendents until recent years assured him that he would be allowed to build there. Another ranger purchased the lot alongside his with the same intent. He never received the Draft land acquisition plan distributed late in 1979 and was stunned this spring when he was informed by his friend, Jack Nattinger, that his unimproved lot was not on the list of 20 which could have structures on them within five years. He was forbidden to build by the new Park plan. Had he known this, said Lofquist, he would have sold his lot years ago. Lofquist is a high school biology teacher who lives in Salinas, California, and who retires in six years. At that time he had hoped to become a full-time resident of Lake Crescent, but his hopes have been dashed. Marven Lofquist is considering selling his lot now, but said, "I don't know what to do."<sup>19</sup>

#### Jack Nattinger (Photo 28)

For 31 years Jack Nattinger worked as a ranger for the National Park Service, stationed for most of that time in the Olympic National Park. The last several years of his tenure with the NPS were particularly distressing to Jack. When he began with the agency, "people meant something," according to Nattinger. This feeling withered away in the 1970s, he said, beginning with the arrival of many "resource managers" in the ONP to whom trees and trails were infinitely more important than people. Beginning about 1975, the Park administration began destroying many of the shelters along the back country trails as part of the false notion that this would make the area more

of a Wilderness. Under the Wilderness Act of 1964, no area with trails of any sort can be considered Wilderness. Thus, to Jack Nattinger, the destruction of ONP shelters in the mid-1970s not only made no sense for true Wilderness advocates, but actually endangered the human use of the Park. Nattinger knows of many backpackers and hikers who have written to him and the Park Service saying that they owed their lives to the shelters. The Olympic Mountains sustain an enormous quantity of rain and weather can shift very radically. Nattinger explained that being caught in the rain, in light clothing, even at the seemingly high temperature of 50 degrees Fahrenheit, can produce hypothermia. In its administrative trend toward Wilderness in the ONP, the Park has preached against pollution and yet moved a new campground with toilets near the confluence of the Elip Creek and the North Fork of the Quinault River, an unwise move according to the retired ranger. He also criticized the inconsistency of the Park Service after it installed ten bridges in the back country of the ONP, all with gray concrete abutments, and then those same administrators devised color regulations for the house paint for inholders' homes.

Jack Nattinger does not pretend to know all things necessary for the management of the Olympic Park and he does admit that some "resource management" is needed. He has become dismayed, however, at the way inholders are treated by the Park. He cannot understand why some are allowed to build and others are not, such as his friend Marven Lofquist. He and his wife, Florence, who is the sister of the aforementioned Francie Jones, have a home in the Barnes Cove area of Lake Crescent and hope some year to move there year-round. Jack Nattinger said he "can't accept the fact that individuals don't mean anything" as his former employer has done, and asked why he retired from the National Park Service at the relatively early age of 58, he said simply, "I couldn't stand it any longer."<sup>20</sup>

ENDNOTES FOR CHAPTER THREE

<sup>1</sup>Morgenroth interview.

<sup>2</sup>Interview with Betty Hooper, September 23, 1980.

<sup>3</sup>Jones interview.

<sup>4</sup>Letter from Roger Allin, Superintendent, Olympic National Park, to John Rutter, Director, Pacific Northwest Region, National Park Service, December 8, 1972; Memorandum from Roger Allin to Mr. and Mrs. Ray Green, March 9, 1973; Letter from Roger Allin to Mr. and Mrs. Ernest Lackman, March 9, 1973; Letter from Roger Allin to Mr. and Mrs. Ernest Lackman, March 20, 1973; Memorandum from Roger Allin to John Rutter, April 6, 1973; Notes of L.H. Feser, National Park Service regarding Sission properties, March 27, 1973; Interview with Ray Green, September 24, 1980; Letter from Lawrence Hadley, Assistant Director, National Park Service to Senator Henry Jackson, July 20, 1973; Letter from Henry Jackson to Ernie Lackman, May 7, 1973; Notes from Sherman Knight, National Park Service, regarding Allin-Sisson incident, undated; Letter from Ernie Lackman to Henry Jackson, March 12, 1973; Letter from Ernie Lackman to Henry Jackson, May 18, 1973; Interview with Ernie Lackman, September 24, 1980; Notes of Robert Lesch, National Park Service, regarding Allin-Sisson incident, December 13, 1972; Letter from Stan Pitkin, U.S. Attorney, and William Rubidge, Assistant U.S. Attorney, to Ernie Lackman, February 27, 1976; Port Angeles Chronicle, March 28, 1973, pp.1-2; Letter from Joseph Rumberg, Acting Associate Director, National Park Service, to Henry Jackson, April 26, 1973; Letter from John Rutter to Ernie Lackman, July 13, 1973.

<sup>5</sup>Interview with Patty Janders, September 23 and 28, 1980.

<sup>6</sup>Letter from Kevin Clarke to Les Parnell, National Park Service, April 4, 1978; Letter from Fred Darnell to John Ritchie, LAO, National Park Service, December 2, 1978; Letter from Russell Dickenson, Pacific Northwest Regional Director, National Park Service, to Anthony Hoare, October 11, 1978; Interview with Tony Hoare, September 19, 1980; Letter from Robert Lesch, National Park Service to Anthony Hoare, March 1, 1974.

<sup>7</sup>Flaherty interview; Radke interview.

<sup>8</sup>Interview with John and Mary Hordyk, September 27, 1980; Port Angeles Daily News, October 11, 1977, (clipping - pagination unavailable)

<sup>9</sup>Interview with Barb Botnen, September 26, 1980.

<sup>10</sup>Letter from the Friends of Lake Crescent to Senator Henry Jackson, July 14, 1980; Radke interview; Letter from Helen Radke to Henry Jackson, September 9, 1980; Letter from Helen Radke to Senator Warren Magnuson, September 9, 1980; Radke statement; Interview with Joe Wolfe, September 26, 1980.

<sup>11</sup>Report from William T. Follis, Jr., Appraiser, to Rex Daugherty, Lands Division, National Park Service, September 27, 1979; Interview with John and Betty Halberg, September 23 and 24, 1980; Interview with Eugene and Lynn Hitt, September 27, 1980; U.S. Inter-agency Land Acquisition Conference. Uniform Appraisal Standards for Federal Land Acquisitions (Washington, D.C., Government Printing Office, 1973), p.9.

<sup>12</sup>Letter from Carl Lamb, Acting Superintendent, Olympic National Park, National Park Service, to Henry and Janet Myren, October 23, 1973; Memorandum of Roy Lycksell, Chief Engineer, Public Utility District, March 10, 1975; Interview with Hank and Janet Myren, September 26, 1980 .

<sup>13</sup>Interview with Terry (Severs) Norberg, September 24, 1980; Port Angeles Chronicle, April 7, 1976; Letter from Terry Severs to Stan Pitkin, U.S. Attorney, March 5, 1975.

<sup>14</sup>Interview with Dr. Don Bettger, September 24 and 25, 1980.

<sup>15</sup>Interview with Rich Bates, September 28, 1980.

<sup>16</sup>Interview with Pete Pearson, September 28, 1980.

<sup>17</sup>Interview with Dr. Bill Gray, September 23 and 27, 1980; Statement of Dr. Bill Gray before a public hearing on National Park Service land acquisition policies, Washington D.C., September 15, 1978.

<sup>18</sup>Interview with Carl Hansen, September 28, 1980.

<sup>19</sup>Letter from Donald Jackson, Acting Superintendent, Olympic National Park, National Park Service, to Marven Lofquist, August 7, 1980; Interview with Marven Lofquist, October 13, 1980; Letter from Marven Lofquist to Roger Contor, July 20, 1980; Letter from Marven and Barbara Lofquist to Jack Nattinger, June 18, 1980.

<sup>20</sup>Jim Lawless, "The Case for Shelters in Olympic National Park," October 19, 1977; Interview with Jack Nattinger, September 23 and 27, 1980.

## CHAPTER FOUR: CONCLUSIONS

Compared to many other areas within National Parks, the inholders of the Olympic National Park have received less severe treatment from the National Park Service in terms of harassment by rangers, local rules and restrictions, and, most importantly, numbers of condemnations. This is not meant to diminish their plight as inholders, however, nor their very real struggle against a bureaucracy for the past decade and earlier. Probably the main reason why they have received comparably less harsh handling is because of the actions and responses of the inholders themselves. The Friends of Lake Crescent was one of the first organizations of its kind and has presented an extremely united stand. After preparing reports on inholders in other areas, this researcher has not yet encountered a more unified group of inholders than the Friends of Lake Crescent. Nor has this researcher encountered a greater number of inholders who have so meticulously and voluminously kept the letters, tape recordings, and official papers to document their grievances than those inholders interviewed around Lake Crescent and the Elwha River valley. The resources available could have easily doubled the size of this report. In short, the Friends of Lake Crescent are probably one of the most well-educated, articulate, and politically astute collections of inholders in the country; and yet, in spite of these apparent advantages over other regions and groups, their battle for their rights of home ownership has been anything but "easy". The F.O.L.C. had the great fortune to be located in a state with two of the most powerful Senators in the U.S. Senate. Without that political clout, which the group was able to call upon, the efforts of F.O.L.C. might have been considerable less successful.

Today, around Lake Crescent, there exists a curious mixture of uneasiness and hope among the inholders. Many inholders are hopeful due to some of the actions of the current Park administration and the preceding one. The Land Acquisition Office has been removed from the local community of Port Angeles and now appears to be under the close scrutiny of the Superintendent. Other former restrictions of the Whalen era have been removed. The current Superintendent told this researcher that the Park Service is obligated to give the inholders "time and consistency," which has not been done in the recent past. He also said that he expected that there would be inholders on the Lake Crescent "200 years from now". This is certainly a more patient and reasonable attitude than the inexplicable "mad rush" to acquire all inholdings which occurred in the mid-1970s. Despite this progress, though, there is much uneasiness in the Park and major problems still exist between inholder and Park Administration. The whole basic assumption of why the National Park Service feels the need to acquire further inholdings at all must be debated more; and this crucial question must be debated in Congress. For example, less than 15 percent of the total frontage on Lake Crescent is owned by inholders; the rest belongs to the National Park Service. It is still difficult for an outsider to understand why

some inholders cannot build homes upon their land. As one example, the home of Marv Lofquist would have been 400 feet from the lakeshore, surrounded by trees, and totally invisible from the Lake. Yet, he is not allowed to build as of this writing. The reason given was that his lot is in isolation from other structures and inholdings and, thus, his home would have "stuck out." Perhaps the most important thing to remember in this entire report is that all of the complaints and grievances of the inholders have been relatively recent. For decades, these people had behaved as most normal residential homeowners everywhere behave, living on their property and in their homes with all the accompanying rights as citizens. There were no large commercial developments. There were no high-rise hotels put up. After nearly 30 years as good neighbors to Lake Crescent and its visitors, the inholders were suddenly bereft of all the original and subsequent assurances given to them by the Park Service regarding their lives and homes on the Lake. Such a reversal of policy, without a new Act of Congress, appears indisputably unfair.

Despite their unity, it would be a mistake to paint all Friends of Lake Crescent with the same stroke of opinion. There are many inholders willing to compromise with the Park Service; many who would be willing to submit to restrictions regarding the littler items on their homesteads such as regulations on the color of paint for their houses, height restrictions and other matters, but not on the fundamental right of building their homes on their individual lots. On the other hand, there are many inholders who cannot compromise with the Park; people to whom the "little thing" strike at the very heart of their individual freedom as property owners defined by Section Five of the original Act. Section Five may, indeed, be the key to the whole dispute. There is a legal question as to whether or not this part of the Act has been affected by a 1960 court case entitled U.S. vs Kennedy. This appellate court decision overturned an inholder's earlier court victory and ruled that the Department of Interior has the power to acquire land by eminent domain, by virtue of appropriations for acquisitions, despite the lack of language granting such expressed authority. The case involved an inholder in Mt. McKinley National Park which had an enabling Act containing language very similar to Section Five. Whether this decision is totally transferable to the Olympic National Park and whether it relates to Park Service actions which are "less than eminent domain" are legal questions which this report cannot answer. Perhaps Don Jones is right. The former first chairman of the Friends of Lake Crescent has suggested that a lawsuit which goes all the way to the Supreme Court of the United States will be the only final assurance for his friends and neighbors on Lake Crescent and in National Parks everywhere. Only then might the basic issue be resolved: Whether a property owner can be denied by a government agency the reasonable "full use and enjoyment" of his or her home, and land simply because that property owner happens to be an inholder.<sup>1</sup>

ENDNOTES FOR CHAPTER FOUR

<sup>1</sup>Contor interview; Flaherty interview; Halberg interview; Hoare interview; Letter, with attachment, from Jerome Hillis to Jim Flaherty, November 3, 1977; Jones interview; Lofquist interview; Letter from C. Richard Neely, Assistant Regional Solicitor, Department of Interior, to Russell Dickenson, October 19, 1977; Radke interview.

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Green, Ray      September 24, 1980  
Halberg, John and Betty-September 23-24, 1980  
Hansen, Carl      September 28. 1980  
Hitt, Eugene and Lynn-September 27, 1980  
Hoare, Anthony      September 19, 1980  
Hooper, Betty      September 23, 1980  
Hordyk, John and Mary-September 27, 1980  
Janders, Patty      September 23 and 28, 1980  
Jones, Don and Francie-September 28, 1980  
Lackman, Ernie      September 24, 1980  
Laird, Harold and Wilda- September 25, 1980  
Lofquist, Marven      October 13, 1980  
Morgenroth, John and Mary- September 23-24, 1980  
Myren, Henry and Janet- September 26, 1980  
Nattinger, Jack      September 23 and 27, 1980  
Norberg, Terry (Severs)- September 24, 1980  
Pearson, Pete      September 28, 1980  
Radke, Fred and Helen- September 26, 1980  
Wolfe, Joe      September 26, 1980

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May, 1922, pp. 133-135

Richardson, Elmo "Olympic National Park: Twenty Years of Controversy."  
Forest History April, 1968, pp. 7-12.

PHOTOGRAPHIC DOCUMENTATION TO ACCOMPANY REPORT

<u>Photograph Number</u>	<u>Subject</u>
1	Lake Crescent looking west from Barnes Cove
2	Lake Crescent looking toward East Beach
3	Elwha River
4	"Bowersville" on the North Shore
5	John and Mary Morgenroth
6	Home of John and Mary Morgenroth
7	Barnes Cove
8	Barnes Cove taken from East Beach area with Aurora Ridge in the Background
9	Site of former Ovington Resort
10	Site of former Bonnie Brae Resort
11	Ray Green and Ernie Lackman

Photograph Number

Subject

12	Home of Patty Janders
13	Kay Flaherty
14	Home of Kay Flaherty
15	First Forest Service cabin built on the Olympic Peninsula
16 & 17	Rosemary Lodge
18	Marymere Falls
19	"Barns" Creek sign near Marymere Falls
20	Property of John and Mary Hordyk
21	Fred and Helen Radke
22	Home of Fred and Helen Radke
23	John and Betty Halberg, with Ricky and Jim
24	Property of John and Betty Halberg
25	Hank and Janet Myren
26	Rich Bates
27	Dr. Bill Gray
28	Jack Nattinger



ABOUT THE AUTHOR

Kent Anderson received his Ph.D in history from the University of Washington in 1975. Prior to that, he was a pre-doctoral instructor in U.S. History at that same institution for three years. His dissertation was published by Greenwood Press in 1978 under the title of Television Fraud: The History and Implications of the Quiz Show Scandals as part of their contributions in American Studies series. Anderson has also worked for the U.S. Atomic Energy Commission, the U.S. Nuclear Regulatory Commission, and the C. V. Mosby Publishing Co. Other research citations of Kent Anderson have appeared in Public Administration Review and the three volume work, Perspectives on Political Philosophy, edited by David Kirk Hart and James Downton. In 1981 Anderson was a Visiting Assistant Professor of History at the University of Arizona.