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To: Assembly <assembly@petersburgak.gov>

Cc: Liz Cabrera <lcabrera@petersburgak.gov>; Stephen Giesbrecht <sgiesbrecht@petersburgak.gov>

Subject: History of Papke's Landing

Mayor, Assembly members and Staff,

I am happy to hear that the borough is acquiring ownership of the Papke's Landing dock and tidelands. I am writing in regard to the history of the facilities there, as there is a lot of erroneous information about them circulating, and the actual history is important in establishing certain access claims we have to the uplands there.

The newspaper last week incorrectly reported that Herman Papke donated land from his homestead for the dock. Papke's homestead was located in Section 11, between the 1935 Mitkof Highway and Falls Creek. The dock and its upland facilities were built on unappropriated lands of the United States in Section 14, the next section to the south. Papke did grant a 33' easement along his south property line to the Bureau of Public Roads for construction of the Mitkof Highway and this may be the basis for the rumor of his donating land.

In the fall of 1935, The Petersburg Press reported that the contractor building the Mitkof Highway had reached Wrangell Narrows. The area of the dock was referred to as the end of the Mitkof Highway or the end of the road for nearly 20 years until the highway was extended from the junction south of Falls Creek on out to Blind Slough in the 1950s. Interestingly, the earliest reference in print that I have found anywhere to the dock area being called Papke's Landing was in the 1959 Alaska Omnibus Deed, in which the Mitkof Highway right of way includes the spur to Papke's Landing.

It was also reported in the Pilot that the State built the Papke's Landing dock in 1960, which might lead some to think that this was when a dock was first constructed there. The actual original dock on the Narrows was a part of the old Trading Union float from town. It was towed to the end of the road in the fall of 1936. The newspaper reported at the time that it was being prepared by the light department for city use. At that time, all access to the hydroelectric plant at Blind Slough was with river skiffs and small wooden scows through the Slough on high tides. The city had boathouses for their skiffs at the dock into the mid 1950s, when the highway was finally extended to the Blind Slough power plant.

The Civilian Conservation Corps was active in Petersburg beginning in 1933. They were managed by the US Forest Service and were involved in a number of road and trail jobs in the Petersburg area. The Forest Service also managed the Bureau of Public Roads in the region, so it is only natural that the CCC was put to work after 1935 putting the finishing touches on the Mitkof Highway at the Wrangell Narrows terminus. The road had been extended from Scow Bay in a series of two and three mile sections over about a five year period by contractors. It was logical to use the CCC to build the short addition to the road and various improvements there rather than to let another contract

for a relatively small amount of work. In the fall of 1938, Forester J.M. Wykcoff reported that a float had been built by the CCC at the end of the highway and that if the town would provide a telephone, the CCC would build a phone booth for it. In the spring of 1939, the phone booth was completed, as was an outhouse, both of which are still standing, close to 90 years later.

On page 2 of the November 1 , 1940, Petersburg Press there is a summary of CCC accomplishments. The listed improvements made to the end of the Mitkof Highway include adding 1/10th of a mile to the highway to provide easy access to the small boat dock on Wrangell Narrows, 300 square yards of parking area, 150 cubic yards of fill, moving the phone booth and constructing a toilet. It is easy to see from this why the Omnibus Deed granted a part of the Mitkof Highway a right of way all the way to the landing or dock.

Over the years, many improvements were made to the facilities as public use grew. The original floating pier to the dock that the CCC built was replaced by the now existing pile trestle in 1962. The Forest Service built an A-frame log dump and a log storage there a few years later, and later the concrete ramp that we now use as a boat launch. The bottom line is that the improvements there were created from the beginning to benefit public access between the Mitkof Highway and Wrangell Narrows and have for all the years they have existed been the primary transportation interface along the Narrows outside of Petersburg itself.

A few years back, the Alaska Mental Health Trust Land office claimed ownership of the parking area within the Mitkof Highway right of way at Papke's and accused the public users of trespass there. This was notwithstanding the 1956 Mental Health Enabling Act granting lands to the Trust subject to all valid existing rights, which would include such things as highway rights of way built by public entities and accepted by public users. The Trust had their in house land title expert supposedly research the history of the property. His conclusion seemed to be based more on speculation and supposition than on actual research and he cited no sources. He found for the Trust, saying that while a right of way existed for the D.O.T. to access their dock, it wouldn't have extended to the public, whose use would have been in trespass for all the years it occurred. This is laughable considering the historical evidence of public construction for public use that a simple newspaper search provides. After raising a big fuss and stirring everybody up, the Trust Land Office traded the Papke's Landing property to the Department of Natural Resources. Consequently, the DNR now owns the parking lot parcel there that is fully encumbered by the right of way granted to the State in the Omnibus Deed.

A few years back, I visited the Right of Way office at the Southeast Division D.O.T Office in Juneau. The gentleman I talked to there was aware of the issues at Papke's Landing. He told me though, that he was of the understanding that higher ups in the department had acknowledged and accepted the Trust Land Office's claim of ownership. I can understand where a highway agency charged with the thorny issues of maintaining a parking lot at the end of a road might jump at the chance to wash their

hands of that responsibility if another entity claimed ownership. However, the vacation of a highway right of way deeded by Congress requires a formal process as outlined in AS 19.30.410, it cannot be done by any one official just allowing another party to annul public access. Highway rights of way are vested in the public, the government entities are only entrusted with management.

We have an extremely strong case that history shows the dock and road were built with public funds to create public access. I believe the DOT and the DNR have dropped the ball on defending the interests of public users of Papke's Landing from the depredations of the Mental Health Trust. We need to hold these agency's feet to the fire to get them to acknowledge the historical reality and to cooperate with our further development there.

I have more historical information about this matter and more to say about this, but I will leave that for another time. I can be contacted at 907-518-0506, at PO Box 821, or by return email if anyone has any questions. Once again, I am very happy that the dock and tidelands are now ours.

Sincerely,
Harold Medalen