

**Senate Bill 181
Closing Certain Land to Mineral Entry
Support Letter Index**

Attached is a sample of letters received in support of closing Glacier Creek and Winner Creek drainage areas in Girdwood to mineral entry.

Chris Owens
Cynthia Pickering Christianson
Girdwood 2020
John Byrne
Larry Daniels
Mark Yezbick
Matt Kissinger
Municipality of Anchorage
Simon Evans



CHUGACH
POWDER GUIDES

To whom it may concern:

On behalf of Chugach Powder Guides I am sending a letter requesting an indefinite closure of mining in the Upper Winner Creek/Glacier Creek drainages. I believe opening this area to mining would be a detriment to my business. This area represents a critical element of both our heli ski and snowcat skiing activities. This area is our most commonly used terrain and is also necessary for the safe access of our other terrain areas. We believe that mining in this area would substantially disrupt our ability to effectively use this area in a safe and enjoyable manner for our clients. The attached maps show our permitted area of operation around the Upper Winner Creek / Glacier Creek drainages. We have been an established business in operation in this area for 15 years. We have made substantial investments in the development of our product and necessary infrastructure to deliver it in this area.

I am making this request for purposes of the public record. Feel free to contact me at owens@chugachpowderguides.com or 907-783-4354.

Respectfully,

Chris Owens
General Manager
Chugach Powder Guides

**Comments of Cynthia Pickering Christianson
In support of Proposed Mineral Order Number 1121
Closing Lands In the Upper Girdwood Valley to Mineral Entry**

I. Personal Comments:

My husband, our three sons, and I have had a home in Girdwood for over 20 years. Our Girdwood cabin was the center of our family's life while our children were growing up. It still is the place our kids want to go as soon as they come home to Alaska-- from college, ski racing events or working Outside. (They are now age 30, 26 and 18).

From our front door step in Girdwood, depending on the season, we are only minutes away from skiing or hiking the slopes at Alyeska Resort, skiing around Moose Meadow while dog teams whiz by, exploring the upper meadows of Glacier Valley on foot or on skis, skiing with skins up the cat track to the backcountry, mountain biking on the newly created bike trails at the Resort or on other trails through the forest, hiking or mountain biking the Winner Creek trail, berry-picking, fishing at Glacier Creek, backpacking up Winner Creek trail with a pack raft and tent into the neighboring Twenty Mile valley, taking a helicopter to a nearby ridge and hiking back home, going out to a gourmet restaurant (or maybe a down-home one), getting a massage at the spa at the Resort, enjoying a festival, attending a ski club event.the list goes on. What is unique about Girdwood is the accessibility of these activities, and the mix.

Our family has spent countless hours, in summer and in winter, exploring the trails, experiencing the pristine wilderness and enjoying the amazingly beautiful backcountry of the Glacier-Winner Creek Valley. All of us are alpine skiers, and some of us enjoy the Nordic trails as well. Our sons grew up spending every free minute on the mountain skiing during ski season --beginning with lessons at the Alyeska Resort's ski school, progressing through the Alyeska Ski Club's race programs, and chasing each other and their friends down the mountain free skiing when their lessons, training or racing were done for the day. One of our sons went on to become a 4 time NCAA All American alpine ski racer who represented the United States twice at World University Games, and another is currently on the U.S. Ski Team and won the U-15 (Children's) World Alpine Ski Championship in Italy in 2007.

Alyeska Resort has a lot of great alpine skiing terrain for its relatively small size. Its chutes on the North Face are world class. It has hosted U.S. National Alpine Ski Championships three times in the last 10 years, and many other types of ski competitions as well. It's a great mountain, but frankly it needs to expand its skiable terrain and update its lifts to attract more winter visitors from Outside and position itself as a top destination ski resort. One of the benefits of having kids who

ski race is that we travel to ski resorts all over the world, and we are always peppered with questions by people who want to know what Alyeska Resort is like and whether they should come to visit in winter.

We feel incredibly lucky to have had the opportunity to spend our free time and raise our sons in Girdwood. I know of no other place that offers what Girdwood offers in the way of outdoor recreation and community, less than an hour from a major metropolitan area. Girdwood's location has allowed us to have the best of both worlds---challenging work in the major urban center of the State, and a great place to be together the rest of the time, away from town, in the outdoors, in our cabin and on the mountain. Visitors to the State can likewise have easy access to Girdwood's unique mix ---the beauty of the Alaska wilderness, the developed trail system in the Glacier-Winner Creek Valleys, great restaurants, and choices in accommodations ranging from a luxury hotel with spa to good camping--- less than an hour from the Anchorage International Airport.

On any summer day, one is likely to run into tourists from all over the world walking from the Hotel toward Winner Creek, on the recently upgraded Winner Creek Trail. My husband and I hike it often, usually to get to the more remote Upper Winner Creek valley, which we love for its wilderness and amazing vistas. Nearly every time I hike the trail in the Upper Winner Creek Valley, I say something like --- "I cannot believe this spectacular valley is just an hour from a city. There cannot be a more beautiful trail anywhere. We are so lucky." That trail, and the joy of hiking it, would be destroyed if the Glacier-Winner Creek Drainages are opened to mining. In fact, opening the Glacier-Winner Creek area to mining would most likely wreck a lot of the Girdwood we know and enjoy.

Mining, today, is not done by a prospector with a pick and shovel and a gold pan. That romantic icon of the Gold Rush is long gone, and mining today is anything but romantic.

Mining is a full-blown industrial activity. For the State of Alaska to open Girdwood's ski and hiking trails, and the area designated for proposed expansion of the Resort ski area, to industrial development would be completely misguided. It is not as though there are proven mineral reserves in the Glacier-Winner Creek Drainages and/or that development of world class resort and recreational facilities is just a pipe dream. Just the opposite. There are no proven reserves and there is a world class resort developer in place.

Mining in Glacier-Winner Creek Drainages would directly conflict with existing and proposed recreational and tourism uses of state lands in Girdwood. Making it an industrial area would destroy the Girdwood we love---- both as it is, and what we hope it will become.

The mine run by Girdwood Mining Company mine at about Mile 5 on Crow Creek Road hints, in a minor way, at what mining in the Glacier-Winner Creek area

would be like---the natural site at the GMC mine has been irrevocably scarred, the riverbed has been reduced to enormous piles of gravel and rubble, and heavy equipment is scattered about. The GMC mine is an eyesore, and it blocks the public's access to public lands. And, notwithstanding the extent of surface disturbance which that mine has already caused, from what I understand it is not even really operating at this point.

At least the GMC mine is on an established road system. Most new mining operations in the Glacier-Winner Creek valleys would likely require the construction of access roads and, or the use of 6x6 vehicles, through pristine forest, riverbeds and wetlands. The ecological ramifications of gaining access for a mining location, or even for prospecting and sampling necessary to establish a mineral discovery, could be horrendous in these drainages. Thus, just to ascertain the scope of minerals available would require roads and extensive disturbance of the area with heavy machinery. Thus, the effects of mining in the Glacier-Winner Creek drainages would extend beyond the specific lands covered by the proposed DNR Order.

Heavy and extensive industrial activity in the Glacier Valley would negatively affect Girdwood's character and desirability as a place to recreate and visit.

II. Professional Comments:

I practiced public lands and natural resources law in Alaska for thirty years.

I am very familiar with the difficult legal and practical problems presented by mining in recreational areas. I was the lead trial attorney stationed in Alaska within the Land and Natural Resources Division of the U.S. Department of Justice for nearly 7 years, during which time I had the opportunity to handle a number of cases involving conflicts among miners or would-be miners and recreationists/environmentalists. In private practice, representing a bankruptcy trustee of a gold mine, I spearheaded the federal buyout of mining claims in Kantishna in Denali National Park, and to that end worked to get three Congressional appropriations passed, and participated in contentious negotiations and vitriolic litigation for more than a decade. In the case of Kantishna, the point was to get pre-existing mining claims bought out of lands that had been added into Denali National Park in 1980 with passage of ANILCA. It was kind of like trying to put the genie back in a bottle. DNR is well-advised to close the Glacier-Winner Creek Drainages to mineral entry and avoid the obvious user and legal conflicts that would surely develop. Indeed, opening those lands to mining would virtually guarantee the conflicts which are endemic when split estates in public lands are conveyed to or used by different parties for different uses---especially mineral development and recreation. To open public lands to mining in a well-used recreation area, and perhaps the middle of a successful resort, would be unimaginably shortsighted.

Furthermore, it is appropriate that DNR uphold the state and municipal public land planning process. This result is accomplished by issuance of Mineral Order 1121. The Turnagain Arm Management Plan ("Plan"), which recommends that the area in question be closed to mineral entry in light of recreational use and development in the area, was the result of public input and professional expertise that should be respected and incorporated in state land use decisions. It also appears that although previous state mineral orders affecting the lands in question have had a ten year term "in large part based on the stipulation in the area plan that closures be of ten year duration", (see Proposed Finding of the Commissioner, p.2, second full paragraph), said plan stipulation actually says that the mineral closure "may" be reopened "if resort development is not likely to occur", i.e. that reopening the land to mineral entry is not mandatory under the plan.

Finally, closure of the Glacier-Winner Creek Drainages to mineral entry by Proposed Mineral Order 1121 is consistent with Section 6(a) of the Alaska Statehood Act, which is the legislative authority pursuant to which the State has, or will, obtain title to the lands in question from the federal government as part of its statehood entitlement. These lands were at one point (or still are), part of the national forest. Section 6(a) governs selection and conveyance of lands out of the National forests to the State of Alaska. Section 6(a) states in relevant part:

For the purpose of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within thirty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land . . . all of which shall be adjacent to established communities or suitable for prospective community centers and recreation areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands . . .

The Ninth Circuit Court of Appeals upheld the Forest Service's more restrictive interpretation of the statute requiring a community nexus, and an expectancy that that the lands would be used for development of communities and recreation areas, in litigation between the State of Alaska and the United States entitled *Alaska v. Lyng*, 797 F.2d 1479 (9th Cir. 1986). (I represented the Forest Service in this case at the trial level). While it is easy to see how resort and recreational development would be consistent with development of community centers and recreation areas consistent with the intent of Section 6(a), in my opinion opening the lands to mineral entry and development would be inconsistent with such intent.

AS 38.05.275 provides that mining locations on state land acquire for the locator mining rights, "subject to . . . any . . . restriction in the tentative approval of state selection or patent of the land to the state ." Thus, Section 275 recognizes that any

conditions in title obtained from the federal government flow through to the mineral locator, and may limit mining rights obtained by a mineral locator. Section 6(a) imposes conditions on the conveyances authorized by it by limiting state land selections from the national forest to lands chosen for community and recreational development purposes. The U.S. Secretary of Agriculture had to have approved conveyance of the lands within Glacier-Winner Creek Drainages to the State based on their suitability for community and recreational development. Proposed Mineral Order 1121 is consistent with those conditions.

III. For the foregoing reasons, I support the Proposed Finding of the Commissioner and Mineral Order 1121.

Cynthia Pickering Christianson
February 21, 2011



**P.O. Box 1102
Girdwood, Alaska 99587
www.girdwood2020.org**

Executive Committee

Diana Stone Livingston, Chair
Hank Hosford, Secretary
Carl Propes, Treasurer

Gary Bucy
Randall Call
Larry Cash
Larry Daniels
Dick Day
Jeff Demain
Bryan Epley
Alexandra Fletcher
Bob Gross
Di Hibner
Lana Johnson
Lynn Johnson
Phillip Livingston
David McVeigh
Dave Parish
Sherron Perry
John Rense
Dave Stratton
Ethan Tyler
Dave Wilson
Jim Barnett, Honorary Member
Per Bjorn-Roli, Honorary Member
Chris von Imhof, Honorary Member

February 17, 2011

Mr. Rick Thompson, Regional Land Manager
Alaska Department of Natural Resources
Division of Mining, Land and Water
Southcentral Region Land Office
550 West Seventh Avenue, Suite 900C
Anchorage, AK 99501-3577

Subject: Girdwood 2020 Supports Proposed Finding of the Commissioner
Mineral Order 1121

Mr. Thompson:

Thank you for this opportunity to comment in support of the referenced Proposed Finding of the Commissioner, Mineral Order 1121. Girdwood 2020 is a citizen's group that advocates for thoughtful resort, recreation and community development in the Girdwood Valley. We also advocate for the region's natural setting and the mountain gateway community lifestyle this area offers. Our organization realizes that a healthy community has a good economy, and to that end we support wise valley infrastructure as well as education and employment consistent with a mountain resort community. Our membership includes both Girdwood residents and non-resident property owners, and other interested parties, all committed to the area.

Girdwood 2020 recognizes the importance of mineral resources to the State of Alaska and the role mining played in the origins of our community, so we did not arrive at our position lightly. Natural resource revenues are the backbone of our State and we all enjoy the job and infrastructure benefits provided by mineral revenues. However, most of the Girdwood area has been under mineral closure for the past decade based on its potential for a recreation-based economy. During that time significant progress has been made towards the recreational development proposed in the Girdwood Area Plan completed in 1994.

The Girdwood Area Plan is the best guide for land use in this area. The plan recognizes the potential for a variety of recreational uses, and acknowledges that the area could eventually become a high quality four season development of international scope.

In its present configuration, the Girdwood area is an economic generator that provides activities to Alaska residents and visitors. Improvements of the past ten years include trail enhancement, a major overhaul of Alyeska Resort's ski and support facilities, and new biking and hiking venues. A public visitor center focusing on the Girdwood Valley's history has been opened at the top of the Alyeska Resort Tram.



Mr. Rick Thompson, Regional Land Manager
Alaska Division of Natural Resources
Division of Mining, Land and Water
February 17, 2011
Page Two

Under construction today is a major multi-use Nordic all season loop in the Girdwood upper valley. The first 5K is nearly completed and when opened will accommodate Nordic activities, hikers, bikers and other trail users, at all times of the year. When the full trail design is realized we expect it to attract more major winter events and visitors to Alaska.

The present owner of Alyeska Resort embraces the vision contemplated in the Girdwood Area Plan. In addition to many resort improvements, the owner is providing real estate opportunities that will enhance commercial and visitor related business in the area.

Over the past ten years, Girdwood 2020 has confirmed widespread support for the concept of four season recreation development in the area. Numerous statewide organizations, leaders and government agencies came together to sign a memorandum of understanding in support of the concept. We have conducted two independent surveys that found overwhelming support for recreational development among the residents of Girdwood and Anchorage. Furthermore, the State and Federal governments have funded significant infrastructure and road improvements that support the growth of the community and recreational development.

I say with certainty that this letter of support expresses the convictions of Girdwood 2020's membership that the portions of the Girdwood Valley now closed to mining activity should continue to be closed.

You may contact me for clarification and further information. Thank you.

Sincerely,

Diana Stone Livingston, Chair
Girdwood 2020
Email: dstoneliv@livingstonalaska.com
Phone: 907-351-5722



ALYESKA RESORT
ALASKA

February 11, 2011

Alaska Division of Natural Resources
Division of Mining, Land and Water
Southcentral Region Land Office
Mr. Rick Thompson, Regional Land Manager
550 W 7th Avenue, Suite 900c
Anchorage, AK 99501-3577

Dear Rick:

I recently received and have reviewed the Proposed Finding of the Commissioner (Mineral Order 1121) ("Proposed Finding"). I find the Proposed Finding necessary and appropriate. The closure of the lands described in the Proposed Finding to mining is important for the continued sustainability and viability of Alyeska Resort. I expect Alyeska Resort and the community of Girdwood to continue to grow and expand as an important recreational resource of both the Municipality of Anchorage and the State of Alaska. I fully support the Proposed Finding as currently drafted.

Sincerely

John Byrne
President, Alyeska Ski Resort

Mr. Adam Smith
STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER
SOUTHCENTRAL REGION
550 W7th Ave., SUITE 900c
Anchorage, Alaska 99501-3577

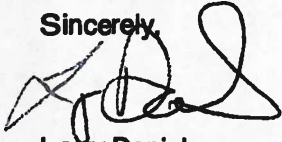
Public Notice Under AS 38.05.945
Mineral Order 1121

Feb. 12, 2011

Dear Mr. Smith,

I would like to go on record as supporting the planned closure of Winner Creek and surrounding State lands to mineral entry. The State of Alaska and before that, the US Forrest Service, has had this important recreational area closed to mineral entry for many years. This restriction should continue for the foreseeable future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Daniels', with a large, stylized loop at the end.

Larry Daniels
154 Kitzbuhel
PO Box 867
Girdwood, AK 99587
907-229-2550

Mark Yezbick
PO BOX 918
171 Crow Creek Road Apt 2
Girdwood, AK 99587-0071

February 17, 2011

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Region
550 W 7th Ave., Suite 900c
Anchorage, AK 99501-3577

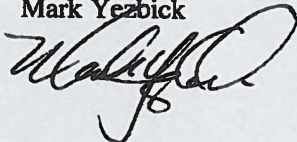
Re: Mineral Order 1121

I am a full-time resident of Girdwood Alaska. I support a continued closure to new mineral entry in the Glacier and Winner Creek drainages as described in your public notice dated 20 January, 2011.

While I support the mining industry in the State of Alaska, mineral entry in this area is inconsistent with the recreational and tourism development of the Girdwood valley. The area under consideration in the Glacier and Winner Creek drainages offers more potential for increased recreational and tourism development, which helps diversify the Alaskan economy.

I would also support a permanent closure of this area to mineral entry on the basis that future recreational and tourism development may be hampered by the risk that the area may be opened to mineral entry.

Regards,
Mark Yezbick



Matt Kissinger
PO BOX 71
928 Timberline Dr.
Girdwood, AK 99587-0071
February 17, 2011

State of Alaska
Department of Natural Resources
Division of Mining, Land and Water
Southcentral Region
550 W 7th Ave., Suite 900c
Anchorage, AK 99501-3577

Re: Mineral Order 1121

I am a full-time resident of Girdwood Alaska. I support a continued closure to new mineral entry in the Glacier and Winner Creek drainages as described in your public notice dated 20 January, 2011.

While I support the mining industry in the State of Alaska, mineral entry in this area is inconsistent with the recreational and tourism development of the Girdwood valley. The area under consideration in the Glacier and Winner Creek drainages offers more potential for increased recreational and tourism development, which helps diversify the Alaskan economy.

I would also support a permanent closure of this area to mineral entry on the basis that future recreational and tourism development may be hampered by the risk that the area may be opened to mineral entry.

Regards,

A handwritten signature in black ink, appearing to read 'Matt Kissinger', with a stylized flourish at the end.

Matt Kissinger

MUNICIPALITY OF ANCHORAGE



Real Estate Department, Heritage Land Bank

907-343-7533

Mayor Dan Sullivan

January 14, 2011

Mr. Adam Smith
Natural Resources Manager
DNR, Southcentral Region
550 W 7th Avenue, # 900c
Anchorage, AK 99501

RE: Mineral Order 1121

Dear Mr. Smith:

The Municipality of Anchorage (MOA) Real Estate Department appreciates the opportunity to comment on the Mineral Order 1121 regarding the State's subsurface estate lands in the Girdwood Valley. We are interested in providing comments in regard to the Department of Natural Resources' notice of Agency Review on closure of several Mineral Orders and have the following comments.

The MOA Heritage Land Bank is fully supportive of DNR's proposal to continue the existing closure to mineral entry. This includes support of the new Mineral Order 1121 which would supersede and rescind MCO 593, MCO 603 and MOO 942 and related amendments. The MOA lands in the upper Girdwood Valley have a mix of residential, commercial and recreational values which are inconsistent with a policy of open subsurface mineral entry. We agree that mineral entry in this area is incompatible with these values and with current and planned use of the lands. Only the term causes us concern; we would prefer DNR permanently close the subject lands to entry.

To reiterate, the MOA fully supports DNR's proposed closure of the above lands to mineral entry and supports approval of Mineral Order 1121, and hope that you consider permanent closure.

Please contact Alison L. Smith at 343-7531 or smithal@muni.org if you have any questions.

Sincerely,

Tammy R. Oswald
Acting Director

cc: Alison L. Smith, Land Manager

Smith, Adam M (DNR)

From:
Sent: Monday, February 21, 2011 3:23 PM
To: Smith, Adam M (DNR)
Subject: Re:Closure of Mining in Girdwood

Hi Adam,

As a 10 yr. resident of Girdwood, I am in favor of closing commercial mining. I believe that Girdwood is successfully transitioning into a recreational area and that should be our focus in the future. If activities don't bring in tourists, than they should be done elsewhere. Small scale personal mining is acceptable and can be a tourism draw. However, large scale commercial operations cause more destruction of our natural resources and only benefit a few people.

Best Regards,

Simon Evans, P.E.
907-230-0310

mail2web.com - What can On Demand Business Solutions do for you?
<http://link.mail2web.com/Business/SharePoint>