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MAR 3 1987

TO: Senate and House Resources Committees
FROM: Dennis P. Higgins
DATE: February 13, 1987
SUBJECT: Comments on the proposed Minto Flats State Game Refuge
SB 55

Honorable Committee Members,

Though it has come to the attention of the various groups representing the Alaska mining industry that certain clauses of SB 55 are incompatible with the future development of mineral, timber, and other natural resources, none of these clauses causes me greater consternation than the closure to mineral entry (proposed AS 16.20.037g).

It is inconceivable that in a time of severe economic hardship in Alaska, a proposal for mineral closure should be included in this bill. Not only is the reasoning for this closure flawed, but the enactment into law of this bill would create a dangerous and unsuitable precedent by allowing mineral closure for administrative expediency. The Department of Fish and Game believes that this closure would prevent the use of falsified or other bad faith mining claims to be used as a reason for hunting access. There are provisions under mineral law for addressing mining claim validity, and these provisions should not be ignored for convenience sake.

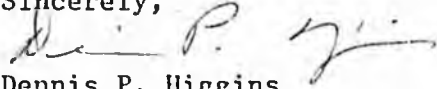
Not one of Alaska's other game refuges is subject to blanket mineral closure. That the state legislature would adopt an unprecedented position on the Minto Flats Game Refuge, a position that is permanently inimicable to fostering economic progress in the interior, is irresponsible and unconscionable.

Another topic that the bill pointedly does not address is access for future development. Extensions of the Alaska Railroad, a utility corridor for a future oil or gas pipeline, guaranteed access along established rights-of-way (Commissioner's Line Trail, Fairbanks-Manley Hot Springs Trail) all need to be included in any final writing of this bill.

I am just beginning my involvement in the mining industry in Alaska, and it is my sincerest wish that no more opportunities for natural resource exploration and development are foresaken because of lack of foresight. Alaska is my home, and I'd hate to have to leave it for someplace with a more encouraging regulatory and resource development climate.

cc: Steve Frank
Mark Boyer
Roger Burrgraf
Sherry Schlofeldt
Mike Davis

Sincerely,


Dennis P. Higgins

Dennis P. Higgins
P.O. Box 83151
Fairbanks, AK 99708



Alaska State Senate
Community and Regional Affairs Committee
P.O. Box
Juneau, AK 99811

Alaska State Legislature

ARLISS STURGULEWSKI, Chairman
TIM KELLY, Vice Chairman
RICK HALFORD
MIKE SZYMANSKI
FRED ZHAROFF



P. O. BOX V
JUNEAU, ALASKA 99811
(907) 465-4989

Senate Community and Regional Affairs Committee

TO: Senate C&RA Members March 10, 1987

FROM: Senate C&RA Staff *MSK*

RE: CSSB 55 (C&RA) - Minto Flats State Game Refuge

The proposed committee substitute has three changes since the committee last saw it.

The first is the insertion of "Reasonable" as the first word on page 7, line 26, to define egress and ingress to and from private property. This change is intended to ensure that access corridors to and from private property within the refuge are reasonable from the owner's point of view.

The second change is the deletion of the former section (f) that allowed private landholders to enter management agreements with Fish and Game. This section was causing confusion and after discussion with all involved parties, it did not appear necessary.

The third change (page 2, lines 2-6) is a rewording of the section that assigns management responsibility in the refuge. The new wording is identical to the wording that was worked out for the Anchorage Coastal Refuge and it is supported by both the Departments of Natural Resources and Fish and Game.

May 27, 1986

Dear Honorable Member of the Alaska Legislature:

We the undersigned users of the Minto Flats area, urge you to introduce the enclosed legislation to create the Minto Flats State Game Refuge.

The abundance of game and nongame fish and wildlife species in the Minto Flats area is widely recognized (e.g., moose, black bear, beaver, muskrat, river otter, wolf, red fox, waterfowl, northern pike, whitefish [including sheefish], and salmon). The Sport Fish Division of the Alaska Department of Fish and Game estimated that during 1984, 819 anglers spent 1829 days fishing the Minto Flats area and harvested over 2300 fish. The United States Fish and Wildlife Service has been conducting annual aerial waterfowl breeding population surveys in Alaska for 30 years; they state that "The Minto Flats area is one of the highest quality waterfowl nesting habitats on the North American continent." Minto flats is a very popular human use area for hunting, fishing, trapping and other outdoor uses. The Alaska Department of Fish and Game reports that during the 1984 waterfowl season 5,094 hunter days (6.7% of the total waterfowl hunter effort in the state) were expended hunting waterfowl in the Minto area. The estimated 1984 harvest in the Minto area was 11,685 ducks (11.5% of total state harvest) and 777 geese (5.1% of total state harvest).

It is our intent in proposing the creation of the Minto Flats State Game Refuge that the legislation 1) recognize the high value of fish and game and their habitat in the area; 2) guarantee the perpetuation of hunting, fishing, and trapping activities in accordance with harvest regulations as established by the Boards of Fisheries and Game; 3) guarantee historical and customary access to private lands; and 4) perpetuate nonconsumptive uses. It is our intent that the following human uses will continue without further agency authorization unless otherwise provided by law or found to be incompatible with the purpose for which the refuge is established:

- (1) Hiking and backpacking, horse and dog team travel, cross-country skiing, snowmachining, boating, landing of aircraft and camping (to include campfires);
- (2) hunting, fishing and trapping; and

Proposed Minto Flats
State Game Refuge

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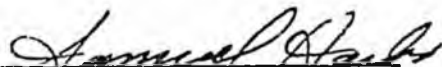
- (3) other related uses that are temporary in duration and have no foreseeable adverse effect on vegetation, drainage, soil stability, fish, game or their habitat.

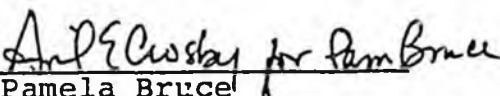
When the compatibility of a use is questioned, the Department of Fish and Game will conduct specific fact finding efforts, including public meetings, prior to making a final determination.

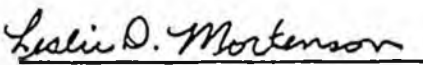
The Department of Fish and Game is to consult with adjacent communities and other interested parties in the preparation of the management plan for the Minto Flats State Game Refuge. It is our desire that the Department of Fish and Game be funded to initiate the management planning process immediately following the legislative designation of this important area.

It is also the objective of this group that this letter of intent be incorporated as part of the legislative record during the establishment of the Minto Flats State Game Refuge.

Sincerely,


vics
Samuel Harbo
President
Alaska Outdoor Council
P.O. Box 73478
Fairbanks, AK 99707

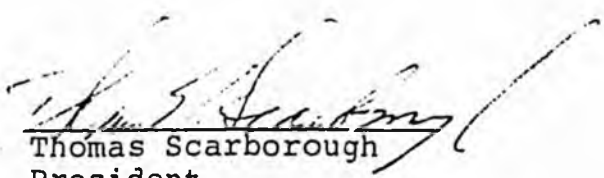

Pamela Bruce
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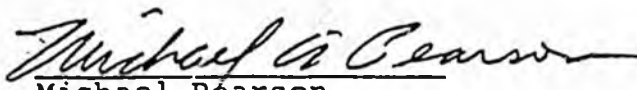

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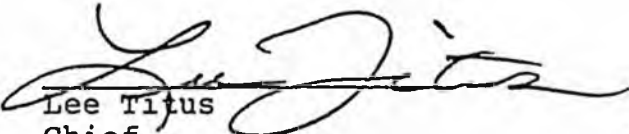
Proposed Minto Flats
State Game Refuge

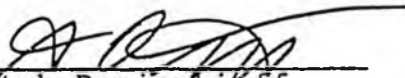
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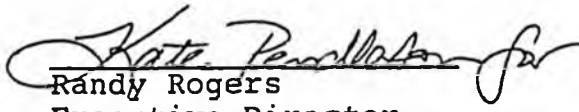
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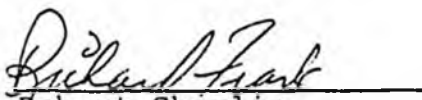

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Proposed Minto Flats
State Game Refuge

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5/27/86

*Oliver Burris by Joe Nava, Chairman,
Minto Flats Refuge Committee*

Oliver Burris
President
Tanana Valley Sportsman Association
Fairbanks, AK 99701

Enclosure



ALASKA MINERS ASSOCIATION, INC.

AIRBANKS BRANCH

January 10, 1987

Senator Jack Coghill
30 Capitol Building
Pouch V, Juneau 99811

OFFICE COPY

Subject: Minto Flats Refuge

Dear Senator Coghill,

Many miners have very serious concerns with some of the elements of the proposed Minto Flats Game Refuge, and we feel that the start of the legislative session is an opportune time to acquaint you with these concerns. We are not opposed to the proposal in concept, but have serious problems with some of the particulars. The most disturbing is the blanket closure of the area to mineral entry. It was explained to the miners that the Fish and Game Habitat Division is worried that unscrupulous persons will falsely file mining claims in order to have a cabin in the proposed refuge to hunt from, and that it would be inconvenient to adjudicate the validity of such claims. We feel that a blanket mineral closure of a completely unexplored area for the sake of administrative convenience is a dangerous concept. Fish and Game Habitat Division may well be cutting the throat of Alaska's economic future with this kind of thinking. We feel very strongly that this concept is unjustifiable because there are procedures to challenge the validity of improper claims and a mineral closure will be of no benefit to the stated purposes of the proposed refuge. There is no present conflict in use, and decisions on mineral closures should be made based on proper mineral assessment .

We also are very concerned that the proposed refuge extensions will block access to important sections of the Tanana Valley State Forest, specifically Sections 1A, 1B, 1C, 2A, 2B, 2C, and 3B. Section 2 of the forest contains much of the sustained yield timber that is scheduled to be harvested. With the present economy we feel that the Habitat Division is unjustified to pre-empt employment opportunities. Further, the proposed refuge would block the traditional use of the Dunbar Trail, the Manley Hot Springs-Fairbanks Trail, and the Commissioner's Trail. There also has been no discussion of access that takes place over waters that are navigable. We are concerned that the priorities as enumerated in the proposal will effectively



Dedicated to the development of Alaska's Mineral Resources

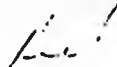


(2)

block access. To quote the proposal at (b), "...Refuge is established to ensure the protection and enhancement of habitat and the conservation of fish and wildlife species dependent thereon; and to guarantee its continued use and enjoyment by the public for hunting, fishing, trapping and other uses compatible with the protection of habitat and the conservation of the fish and wildlife species. (c) Public access including, but not limited to, the use of horses, boats, aircraft, dog teams and snowmachines is guaranteed provided that such use is consistent with (b) of this section." End quote. We are extremely suspicious of this wording, we feel there is deception here. Who will make this consistency determination and on what basis? What kind of mechanized vehicle is compatible with the protection of habitat? What does "enhancement of habitat" mean, anyway? How does hunting and fishing conserve fish and wildlife? Why is mining implied to be an incompatible use? These are serious questions that are in the minds of many miners.

We feel that the Minto Flats Game Refuge proposal, as it is presently written, is a lock-up for the benefit of a few and not in the best interest of the State of Alaska

Sincerely,

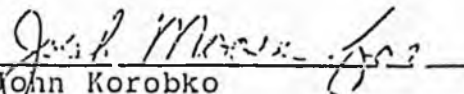

Del Ackels
Chairman, Alaska Miners Association

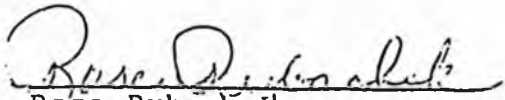
cc: Senate Resources
House Resources

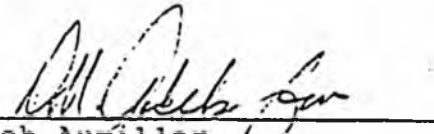
Subject AMA response to Minto Flats Game Refuge.

It is also the objective of these groups that this letter of intent be incorporated as part of the Legislative record during the establishment of the Minto Flats State Game Refuge.

Sincerely,


John Korobko
President
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Rose Rybachej
President
Livengood-Tolovana Mining District
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Fairbanks, Alaska 99707


Bob Aumiller
President
Miners Advocacy Council
P.O. Box 83909
Fairbanks, Alaska 99708

Comments on Minto Flats State Game Refuge

Draft

The Alaska Miners Association (AMA) has reviewed the proposed legislation for the creation of the Minto Flats State Game Refuge. We do not oppose this legislation provided the refuge is established in a manner that recognizes valid existing rights and other resource values. With this in mind, AMA recommends the following sections be considered in an effort to limit administrative discretion and prevent another well intentioned lock-up:

AS 16.20.037 (b) add. Commercial development of forest resources shall be the desired alternative for vegetative manipulation for those areas supporting commercial size timber.

All too often in the past valuable resources have been destroyed for political or administrative expediency, while Alaska residents have been unable to acquire such resources for beneficial use. AMA believes such waste is unnecessary and can be prevented with advanced planning and by working with the public and industry.

AS 16.20.037 (c) Public access is generated to and through the refuge area with priority to be given to the extension of the Alaska Railroad, oil and gas pipelines, and roads to serve the established units of the Tanana Valley State Forest. Location of such access facilities shall be controlled principally by engineering feasibility and economics of construction with due consideration to be given to critical habitat areas and construction timing. Gravel resources available on site shall be made available for such construction. Road access may be regulated with public access closures limited to no more than four (4) months per year. Emergency closures relating to public health and safety or to prevent undue damage to the facilities are exceptions to the above cited closure limit.

All too often in the past, well intentioned special use areas have been created only to be used later, to administratively block critically needed developmental access. Since the Minto flats Refuge area is located in a manner to block desperately needed future access routes and since alternate access routes are neither economically nor technically feasible, AMA believes controls must be included in the legislation to prevent another administrative land lock-up.

Draft

AS 16.20.037 (e) Access to and from private property interest within and adjacent to, the Minto Flats State Game Refuge, shall be guaranteed, through joint agreement with the owners of the private property interest. The Department of Fish and Game may establish access corridors for such guaranteed access.

In the past, both State and Federal guaranters of access to inholders have been perverted and used as a means to eliminate viable property rights. AMA believes that guaranteed access rights must be established in a manner that precludes administrative elimination of such access.

AS 16.20.037 (f) add. Lack of a management plan shall not be used as a justification to limit or otherwise restrict any of the provisions of this act.

Past experiance with both the State and Federal agencies using the planning process to restrict or deny benefits of legislation, particularly to private interest, even though legislation clearly intended no such restrictions, prompts the addition of this clause. AMA believes this qualifier is absolutely necessary to protect private and public rights.

Section 2. The proposed mineral closure should be eliminated in it's entirety. There have been mining claims within and adjacent to the refuge area for many years without appriciable problems. The area is rated as having low mineral potential in the Tanana Valley Management Plan and is unlikely to receive significant interest in the near future, but it remains as a virtually unexplored mineral area. It therefore should remain open until sceintific data, in sufficient detail to eliminate the area as having mineral potential.

The value and integrity of the proposed refuge will be neither jepordized nor enhanced by mineral closure. AMA believes that it is in the best public interest to leave the area open to encourage assessment of its mineral potential. The Departments' concern over control of trespass cabins is without merit since there are already laws available to affect such control. While the area has low mineral potential, with mineral closure, it has no mineral potential.

While the Minto Flats area deserves retention and management as an important fish and game concentration area and public use area, the Alaska Miners Association firmly believes tha it must not become another lock-up of Alaska's resources. AMA ask that serious consideration be given to the above proposed bill amendments to accomplish a much needed reasonable balance.

May 27, 1986

Dear Honorable Member of the Alaska Legislature:

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Proposed Minto Flats
State Game Refuge

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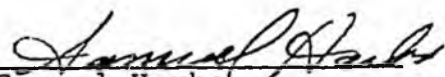
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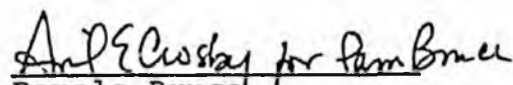
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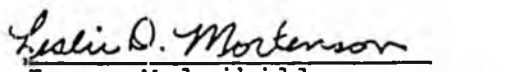
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Sincerely,


Samuel Harbo
President
Alaska Outdoor Council
P.O. Box 73478
Fairbanks, AK 99707

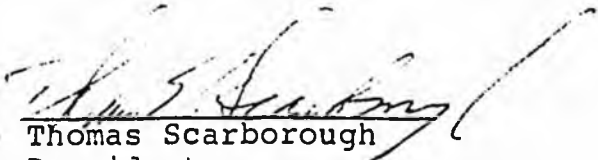

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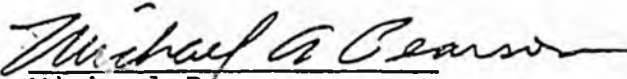

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President
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Clear, AK 99704


Proposed Minto Flats
State Game Refuge


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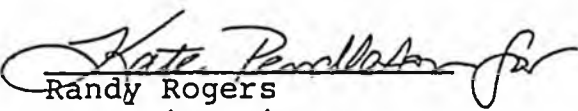
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Thomas Scarborough
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Land Manager
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Proposed Minto Flats
State Game Refuge

-4-

5/27/86

*Oliver Burris by Joe Nava, Chairman,
Minto Flats Refuge Committee*

Oliver Burris
President
Tanana Valley Sportsman Association
Fairbanks, AK 99701

Enclosure

Hein
3/2/87

Original sponsors: Binkley and Kerttula

1 IN THE SENATE

BY THE COMMUNITY AND
REGIONAL AFFAIRS COMMITTEE

2 CS FOR SENATE BILL NO. 55 (C&RA)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act establishing the Minto Flats State Game
7 Refuge; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 16.20 is amended by adding a new section to read:

10 Sec. 16.20.037. MINTO FLATS STATE GAME REFUGE. (a) The follow-
11 ing state-owned land and water is established as the Minto Flats State
12 Game Refuge:

- 13 (1) Township 1 North, Range 6 West, Fairbanks Meridian
14 Sections 2 - 11
15 Sections 14 - 23
16 Sections 26 - 34
- 17 (2) Township 1 North, Range 7 West, Fairbanks Meridian
18 Sections 1 - 36
- 19 (3) Township 1 North, Range 8 West, Fairbanks Meridian
20 Sections 1 - 16
21 Sections 21 - 28
22 Section 35: E1/2
23 Section 36
- 24 (4) Township 1 North, Range 9 West, Fairbanks Meridian
25 Sections 1 - 12
- 26 (5) Township 1 North, Range 10 West, Fairbanks Meridian
27 Sections 1 - 12
- 28 (6) Township 1 North, Range 11 West, Fairbanks Meridian
29 Sections 1 - 4

1	Sections 8 - 17
2	Sections 20 - 29
3	(7) Township 2 North, Range 6 West, Fairbanks Meridian
4	Sections 1 - 36
5	(8) Township 2 North, Range 7 West, Fairbanks Meridian
6	Sections 1 - 36
7	(9) Township 2 North, Range 8 West, Fairbanks Meridian
8	Sections 1 - 36
9	(10) Township 2 North, Range 9 West, Fairbanks Meridian
10	Sections 1 - 36
11	(11) Township 2 North, Range 10 West, Fairbanks Meridian
12	Section 3
13	Sections 8 - 10
14	Section 11: S1/2N1/2, S1/2
15	Section 12: S1/2N1/2, S1/2
16	Sections 13 - 36
17	(12) Township 2 North, Range 11 West, Fairbanks Meridian
18	Sections 13 - 15
19	Sections 22 - 27
20	Sections 34 - 36
21	(13) Township 3 North, Range 6 West, Fairbanks Meridian
22	Sections 13 - 36
23	(14) Township 3 North, Range 7 West, Fairbanks Meridian
24	Sections 6 - 8
25	Section 9: S1/2S1/2
26	Sections 13 - 36
27	(15) Township 3 North, Range 8 West, Fairbanks Meridian
28	Section 1
29	Sections 5 - 10

1 Sections 14 - 23

2 Sections 25 - 36

3 (16) Township 3 North, Range 9 West, Fairbanks Meridian

4 Section 24: S1/2

5 Section 25

6 Sections 33 - 36

7 (17) Township 3 North, Range 10 West, Fairbanks Meridian

8 Sections 34 - 35

9 (18) Township 4 North, Range 6 West, Fairbanks Meridian

10 Sections 2 - 9

11 Sections 16 - 21

12 (19) Township 4 North, Range 7 West, Fairbanks Meridian

13 Sections 1 - 4

14 Section 5: S1/2

15 Section 6: S1/2

16 Sections 7 - 24

17 Sections 30 - 31

18 (20) Township 4 North, Range 8 West, Fairbanks Meridian

19 Sections 10 - 15

20 Sections 22 - 27

21 Sections 30 - 31

22 Sections 35 - 36

23 (21) Township 5 North, Range 5 West, Fairbanks Meridian

24 Section 6: W1/2

25 Section 7: W1/2

26 Section 18: W1/2

27 (22) Township 5 North, Range 6 West, Fairbanks Meridian

28 Sections 1 - 3

29 Section 4: SE1/4

1 Section 9: E1/2

2 Sections 10 - 15

3 Section 16: E1/2, SW1/4

4 Section 20: S1/2

5 Sections 21 - 29

6 Sections 31 - 36

7 (23) -Township 5 North, Range 7 West, Fairbanks Meridian

8 Section 35: SE1/4

9 Section 36: S1/2

10 (24) Township 1 South, Range 6 West, Fairbanks Meridian

11 Sections 5 - 8

12 Sections 17 - 20

13 Sections 29 - 31

14 (25) Township 1 South, Range 7 West, Fairbanks Meridian

15 Sections 1 - 36

16 (26) Township 1 South, Range 8 West, Fairbanks Meridian

17 Sections 1 - 2

18 Sections 11 - 14

19 Sections 23 - 26

20 Sections 35 - 36

21 (27) Township 1 South, Range 9 West, Fairbanks Meridian

22 Sections 1 - 36

23 (28) Township 1 South, Range 10 West, Fairbanks Meridian

24 Sections 7 - 36

25 (29) Township 1 South, Range 11 West, Fairbanks Meridian

26 Sections 25 - 26

27 Sections 35 - 36

28 (30) Township 2 South, Range 6 West, Fairbanks Meridian

29 Section 6: S1/2NW1/4, S1/2

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Section 7: all North and West of the Alaska Railroad
right-of-way

Section 18: all North and West of the Alaska Railroad
right-of-way

Section 19: all North and West of the Alaska Railroad
right-of-way

(31) Township 2 South, Range 7 West, Fairbanks Meridian

Sections 1 - 12

Section 13: NE1/4, E1/2NW1/4, NE1/4SW1/4, S1/2SW1/4,
SE1/4

Section 14: W1/2

Sections 15 - 22

Section 23: W1/2

Section 24: all North and West of the Alaska Railroad
right-of-way

Section 27: NW1/4

Sections 28 - 32

Section 33: NE1/4NE1/4, W1/2NE1/4, W1/2, W1/2SE1/4

(32) Township 2 South, Range 8 West, Fairbanks Meridian

Section 1

Sections 12 - 13

Sections 24 - 25

Section 36

(33) Township 2 South, Range 9 West, Fairbanks Meridian

Sections 1 - 12

Section 17: W1/2NW1/4, NW1/4SW1/4

Section 18

Section 19: N1/2, N1/2S1/2

(34) Township 2 South, Range 10 West, Fairbanks Meridian

1 Sections 1 - 20

2 Section 21: NE1/4, W1/2

3 Section 22: NW1/4

4 Section 24: N1/2, N1/2S1/2

5 Sections 29 - 31

6 (35) Township 2 South, Range 11 West, Fairbanks Meridian

7 Sections 1 - 5

8 Sections 7 - 36

9 (36) Township 2 South, Range 12 West, Fairbanks Meridian

10 Sections 25 - 26

11 Sections 35 - 36

12 (37) Township 3 South, Range 7 West, Fairbanks Meridian

13 Section 5: N1/2NE1/4, W1/2

14 Sections 6 - 7

15 Section 18: NE1/4, W1/2, N1/2SE1/4, SW1/4SE1/4

16 (38) Township 3 South, Range 8 West, Fairbanks Meridian

17 Section 1

18 Section 12

19 Section 13

20 Section 22: NE1/4 (that portion above the ordinary
21 high water mark right bank Tanana River)

22 Section 23: N1/2, SE1/4

23 Section 24: N1/2, SW1/4

24 Section 25: NW1/4

25 (39) Township 3 South, Range 11 West, Fairbanks Meridian

26 Sections 2 - 10

27 Section 11: N1/2

28 Section 14: SW1/4NE1/4, S1/2NW1/4, SW1/4, W1/2SE1/4

29 Sections 15 - 21

1 Section 22: NE1/4, W1/2, W1/2SE1/4

2 Section 23: NW1/4

3 Section 27: W1/2NE1/4, NW1/4, W1/2SW1/4

4 Sections 28 - 31

5 Section 32: NE1/4, NW1/4, SE1/4

6 Section 33: W1/2

7 (40) Township 3 South, Range 12 West, Fairbanks Meridian

8 Sections 1 - 2

9 Sections 11 - 14

10 Sections 23 - 26

11 Sections 35 - 36

12 (b) The Minto Flats State Game Refuge is established to guaran-
13 tee

14 (1) the protection and enhancement of habitat;

15 (2) the conservation of fish and wildlife; and

16 (3) the continuation of hunting, fishing, trapping and
17 other uses compatible with the protection of habitat and the conserva-
18 tion of fish and wildlife.

19 (c) The state may not acquire by eminent domain privately owned
20 land within the Minto Flats State Game Refuge, but may acquire pri-
21 vately owned land by purchase, exchange, or otherwise for inclusion in
22 the Minto Flats State Game Refuge.

23 (d) Public access to the Minto Flats State Game Refuge by means
24 of horse, boat, aircraft, dog team, snowmachine, or other means con-
25 sistent with (b) of this section may not be prohibited.

26 (e) Egress and ingress to and from private property within the
27 Minto Flats State Game Refuge shall be guaranteed through access
28 corridors established through agreement between the Department of
29 Natural Resources, the Department of Fish and Game, and the private

1 property owners involved.

2 (f) An owner of private property within the Minto Flats State
3 Game Refuge may enter into an agreement with the Department of Fish
4 and Game to provide that the department shall manage the private
5 property as part of the refuge.

6 (g) The Department of Fish and Game shall manage the Minto Flats
7 State Game Refuge in accordance with a management plan prepared by the
8 commissioner of fish and game in *consultation with the commissioner*
9 *of natural resources.*

10 (h) In the Minto Flats State Game Refuge management plan the
11 commissioner of fish and game shall recognize the existence of his-
12 toric trails and shall provide access across the refuge to the extent
13 consistent with ~~(b) of this section.~~ *(b) of this section.*

14 (i) Land and water within the Minto Flats State Game Refuge that
15 is closed to mineral entry by the commissioner of natural resources
16 under the Tanana Basin management plan is closed to mineral entry
17 under AS 38.05.185 - 38.05.275. In the Minto Flats State Game Refuge
18 management plan, the commissioner of fish and game shall recommend to
19 the commissioner of natural resources which other portions of the
20 refuge, if any, should be closed to mineral entry under AS 38.05.185 -
21 38.05.275.

22 * Sec. 2. This Act takes effect immediately under AS 01.10.070(c).
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29

FAIRBANKS FISH AND GAME ADVISORY COMMITTEE

1676 Taroka Drive,
Fairbanks, Alaska 99709

March 23, 1987

479-3412

Ron Sumerville, Executive Director
Alaska Outdoor Council
3780 MiGinnis Drive,
Juneau, Alaska 99801

Re: Senate Bill No. 55, Minto Flats Refuge

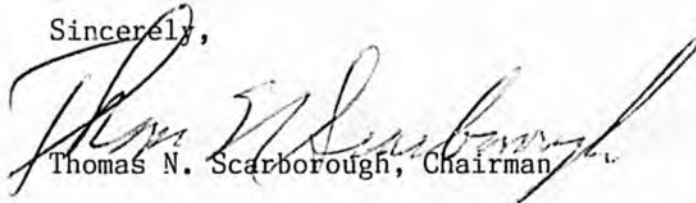
Dear Ron;

A review of SB-55 as introduced by Binkley and Kerttula reveals several issues that were specifically avoided in the Draft bill approved by the working group of organizations here in the Interior. The problems we have with SB-55 are detailed as follows:

1. The letter of intent as prepared and attached to our bill should be approved by legislature.
2. The legislation must guarantee use for hunting, fishing, and trapping by the public. The word continuation will not suffice.
3. Access to both public and private property must be guaranteed. The work allowed is currently used.
4. Management by Dept. of Natural Resources has been inserted. This may be necessary but should be clarified that ADF&F has final say in access decisions.

Until the above issues with SB-55 are resolved, the FF&GAC has no choice but to oppose this legislation.

Sincerely,



Thomas N. Scarborough, Chairman

5/27/86

IN THE LEGISLATURE OF THE STATE OF ALASKA
FIFTEENTH LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act creating the Minto Flats State Game Refuge."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 16.20 is amended by adding a new section AS 16.20.037, to read:

Section 16.20.037. Minto Flats State Game Refuge.
(a) All state-owned land and water contained in the following description is established as the Minto Flats State Game Refuge:

Township 1 N., Range 6 W., Fairbanks Meridian
Sections 2 - 11
Sections 14 - 23
Sections 26 - 34

Township 1 N., Range 7 W., Fairbanks Meridian
Sections 1 - 36 All

Township 1 N., Range 8 W., Fairbanks Meridian
Sections 1 - 16
Sections 21 - 28
Section 35: E $\frac{1}{2}$
Section 36

Township 1 N., Range 9 W., Fairbanks Meridian
Sections 1 - 12

Township 1 N., Range 10 W., Fairbanks Meridian
Sections 1 - 12

Township 1 N., Range 11 W., Fairbanks Meridian
Sections 1 - 4
Sections 8 - 17
Sections 20 - 29

Township 2 N., Range 6 W., Fairbanks Meridian
Sections 1 - 36 All

Township 2 N., Range 7 W., Fairbanks Meridian
Sections 1 - 36 All

Township 2 N., Range 8 W., Fairbanks Meridian
Sections 1 - 36 All

Township 2 N., Range 9 W., Fairbanks Meridian
Sections 1 - 36 All

Township 2 N., Range 10 W., Fairbanks Meridian
Section 3
Sections 8 - 10
Section 11: S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Section 12: S $\frac{1}{2}$ N $\frac{1}{2}$, S $\frac{1}{2}$
Sections 13 - 36

Township 2 N., Range 11 W., Fairbanks Meridian
Sections 13-15
Sections 22-27
Sections 34-36

Township 3 N., Range 6 W., Fairbanks Meridian
Sections 13 - 36

Township 3 N., Range 7 W., Fairbanks Meridian
Sections 6 - 8
Section 9: S $\frac{1}{2}$ S $\frac{1}{2}$
Sections 13 - 36

Township 3 N., Range 8 W., Fairbanks Meridian
Section 1
Sections 5 - 10
Sections 14 - 23
Sections 25 - 36

Township 3 N., Range 9 W., Fairbanks Meridian
Section 24: S $\frac{1}{2}$
Section 25
Sections 33 - 36

Township 3 N., Range 10 W., Fairbanks Meridian
Sections 34 - 35

Township 4 N., Range 6 W., Fairbanks Meridian
Sections 2 - 9
Sections 16 - 21

Township 4 N., Range 7 W., Fairbanks Meridian
Sections 1 - 4
Section 5: S $\frac{1}{2}$
Section 6: S $\frac{1}{2}$
Sections 7 - 24
Sections 30 - 31

Township 4 N., Range 8 W., Fairbanks Meridian
Sections 10 - 15
Sections 22 - 27

Sections 30 - 31
Sections 35 -36

Township 5 N., Range 5 W., Fairbanks Meridian
Section 6: $W\frac{1}{2}$
Section 7: $W\frac{1}{2}$
Section 18: $W\frac{1}{2}$

Township 5 N., Range 6 W., Fairbanks Meridian
Sections 1 - 3
Section 4: $SE\frac{1}{4}$
Section 9: $E\frac{1}{2}$
Sections 10 - 15
Section 16: $E\frac{1}{2}$, $SW\frac{1}{2}$
Section 20: $S\frac{1}{2}$
Sections 21 - 29
Sections 31 - 36

Township 5 N., Range 7 W., Fairbanks Meridian
Section 35: $SE\frac{1}{4}$
Section 36: $S\frac{1}{2}$

Township 1 S., Range 6 W., Fairbanks Meridian
Sections 5 - 8
Sections 17 - 20
Sections 29 - 31

Township 1 S., Range 7 W., Fairbanks Meridian
Sections 1 - 36 All

Township 1 S., Range 8 W., Fairbanks Meridian
Sections 1 - 2
Sections 11 - 14
Sections 23 - 26
Sections 35 - 36

Township 1 S., Range 9 W., Fairbanks Meridian
Sections 1 - 36 All

Township 1 S., Range 10 W., Fairbanks Meridian
Sections 7 - 36

Township 1 S., Range 11 W., Fairbanks Meridian
Sections 25 - 26
Sections 35 - 36

Township 2 S., Range 6 W., Fairbanks Meridian
Section 6: $S\frac{1}{2}NW\frac{1}{4}$, $S\frac{1}{2}$
Section 7: All N. and W. of the Alaska
Railroad ROW
Section 18: All N. and W. of the Alaska

Railroad ROW

Section 19: All N. And W. of the Alaska
Railroad ROW

Township 2 S., Range 7 W., Fairbanks Meridian

Sections 1 - 12

Section 13: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 14: W $\frac{1}{2}$

Sections 15 - 22

Section 23: W $\frac{1}{2}$

Section 24: All N. and W. of the Alaska .

Railroad ROW

Section 27: NW $\frac{1}{4}$

Section 28 - 32

Section 33: NE $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Township 2 S., Range 8 W., Fairbanks Meridian

Section 1

Sections 12 - 13

Sections 24 - 25

Section 36

Township 2 S., Range 9 W., Fairbanks Meridian

Sections 1 - 12

Section 17: W $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 18

Section 19: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$

Township 2 S., Range 10 W., Fairbanks Meridian

Sections 1 - 20

Section 21: NE $\frac{1}{4}$, W $\frac{1}{2}$

Section 22: NW $\frac{1}{4}$

Section 24: N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$

Sections 29 - 31

Township 2 S., Range 11 W., Fairbanks Meridian

Sections 1 - 5

Sections 7 - 36

Township 2 S., Range 12 W., Fairbanks Meridian

Sections 25 - 26

Sections 35 - 36

Township 3 S., Range 7 W., Fairbanks Meridian

Section 5: N $\frac{1}{2}$ NE $\frac{1}{4}$, W $\frac{1}{2}$

Sections 6 - 7

Section 18: NE $\frac{1}{4}$, W $\frac{1}{2}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$

Township 3 S., Range 8 W., Fairbanks Meridian

Section 1

Section 12

Section 13

Section 22: NE $\frac{1}{4}$ (That portion above the ordinary high water mark right bank Tanana River.)

Section 23: N $\frac{1}{2}$, SE $\frac{1}{4}$

Section 24: N $\frac{1}{2}$, SW $\frac{1}{4}$

Section 25: NW $\frac{1}{4}$

Township 3 S., Range 11 W., Fairbanks Meridian

Sections 2 - 10

Section 11: N $\frac{1}{2}$

Section 14: SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Sections 15 - 21

Section 22: NE $\frac{1}{4}$, W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$

Section 23: NW $\frac{1}{4}$

Section 27: W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$

Sections 28 - 31

Section 32: NE $\frac{1}{4}$, NW $\frac{1}{4}$, SE $\frac{1}{4}$

Section 33: W $\frac{1}{2}$

Township 3 S., Range 12 W., Fairbanks Meridian

Sections 1 - 2

Sections 11 - 14

Sections 23 - 26

Sections 35 - 36

- (b) The Minto Flats State Game Refuge is established to ensure the protection and enhancement of habitat and the conservation of fish and wildlife species dependent thereon; and to guarantee its continued use and enjoyment by the public for hunting, fishing, trapping and other uses compatible with the protection of habitat and the conservation of the fish and wildlife species.
- (c) Public access including, but not limited to, the use of horses, boats, aircraft, dog teams and snowmachines is guaranteed provided that such use is consistent with (b) of this section.
- (d) The state may not acquire by eminent domain privately-owned land within the state game refuge established by this Act but may acquire privately-owned land by purchase, exchange, or otherwise for inclusion in the Minto Flats State Game Refuge.
- (e) Egress and ingress to and from private property within the Minto Flats State Game

Refuge shall be guaranteed through access corridors established through agreement between the Department of Fish and Game and the private property owners involved.

- (f) The Minto Flats State Game Refuge will be managed in accordance with a management plan prepared by the Department of Fish and Game. The management plan will be prepared in a timely fashion in accordance with available funding.

* Section 2. All state-owned land and water within the state game refuge established by this Act are closed to mineral entry under AS 38.05.185 - 38.05.280.

* Section 3. This Act takes effect immediately in accordance with AS 01.10.070(c).

Tanana Chiefs Conference, Inc.

201 First Ave.
Fairbanks, Alaska 99701
(907) 452-8251

February 13, 1987

Sen. John Binkley
Alaska State Legislature
Pouch V.
Juneau, Alaska 99801

Atten: Mark Ernest

Dear Mark:

Enclosed is a copy of the list of inholders within the proposed Minto Flats Refuge. This list only excludes about 3-4 of the land holders within the Minto Flats Study area used in the Shepard report. Those individuals who are written in pencil are allottees whose applications were closed. They are included in case their casefiles are opened in the future for some reason.

I hope this complies with the Committee's request and is of use to you in your consideration of the Legislation.

TANANA CHIEFS CONFERENCE, INC.

Michael J. Walleri
Michael J. Walleri
Village Govt. Spec. II/ Attorney

T. 1 N., R. 6 W.

Emil Usibelli
 Urban Eugene Rohoi
 Paul Gavora
 Fred D. Bast
 Kenneth Ulz
 Walt John Babula
 John C. Haggland
 James S. Magoffin T & M Site
 Minto Lake Duck Shack T & M Site
 U OF A R & PP
 Leo Titus, Sr. (dec)
 Matilda Titus
 Alfred John, Jr.
 Patrick Carter
 Annie Titus
 Josephine Riley
 Ellen Frank
 Lena Peter

T. 1 N., R. 7 W.

Josephine RILEY
 Orrin John (dec)
 James Alexander
 Jonathan David
 Alfred Frank
 Steven Jimmie
 George Titus (dec)
 Susie L. Jimmie
 Ruth Grant
 Louie Silas (dec)
 Charlie Titus, Sr.
 Alfred Wright
 Solomon Peter
 Elsie John
 Cora John Smith

T. 1 N., R. 8 W.

Lucy Frank (dec)
 Robert Titus
 Daniel Jimmie (dec)
 Geraldine Charlie
 Rita Alexander
T. 1 N., R. 9 W.

Lindred Jimmie *Little Charlie (dec)*
 Berkman Silas *Greenway Frank*
 Matthew Titus
 Timothy Charlie (dec)
 Jimmie Charlie (dec)
 Selina Titus (dec)
 Cerosky Charlie
 Wilson Titus
 Lige Charlie
 Fred Alexander
T. 1 N., R. 10 W.

~~NONE~~
 Fred Alexander

T. 1 N., R. 11 W.

~~NONE~~ Fred Alexander

T. 2 N., R. 6 W.

George D. Cooper
 Pearl A. Chanar
 Rosie David
 Evelyn Alexander
 Floyd Alexander
 Clarence Smelcer
 Lindred Jimmie
 William Jimmie (dec)
 Walter Titus (dec)
 Andrew Jimmie
 Hazel Larson
 John William (dec)
T. 2 N., R. 7 W.

Alfred Frank
 Eldrane T. Jimmie (dec)
 Steven Jimmie
 Lindred Jimmie
 Evelyn Alexander

T. 2 N., R. 8 W.

Lige Charlie

T. 2 N., R. 9 W.

Cerosky Charlie
 Fred Alexander

T. 2 N. R. 10 W.

Jonathan David
 Matilda Titus
 Rita Alexander
T. 2 N., R. 11 W.

NONE

T. 3 N., R. 6 W.

Wilson Titus, Sr.
 Andrew J. Jimmie

T. 3 N., R. 7 W.

Gerald R. Riley
 Vernell Titus
 Jules Wright
 Charlie Titus, Sr.
 Leo Titus, Sr. (dec)

T. 3 N., R. 8 W.

Floyd Alexander

T. 3 N. R. 9 W.

Neal M. Charlie
 Sarah Silas
 Lucy Frank (dec)
 Berkman Silas
 Timothy Charlie (dec)
 Peter John
 Marie Roberts
 Melvin Charlie
 Geraldine Charlie
 Moses Charlie (dec)
 Ellen Frank
 Arthur Frank
 Arthur Charlie (dec)

T. 3 N., R. 10 W.

Melvin Charlie
 Richard Frank
 Lucy Frank (dec)
 Franklin Silas

T. 4 N., R. 6 W.

NONE

T. 4 N., R. 7 W.

Eugene ROberts
 Chris Charlie (dec)

T. 4 N., R. 8 W.

Jerry Peterson
 Robert Herman
 Floyd ALEXander
 Harry Riley
 Geraldine Charlie
 Rita Alexander

T. 5 N., R. 5 W.

NONE

T. 5 N., R. 6 W.

NONE

T. 5 N., R. 7 W.

NONE

T. 1 S., R. 6 W.

Solomon Peter
 Wilson Titus

T. 1 S., R. 7 W.

Orrin John (dec)
 Robert Titus
 Elsie Titus
 Elsie John

T. 1. S., R. 8 W.

Matthew Titus
 Julius Pilot (dec)
 Hannah M. Titus Carter
 Peter JOHN
 Martha Charlie (dec)
 Pearl A. Chanar
 Chris Charlie (dec)
 George Titus (dec)
 James ALEXander
 Isaac S. Edwin
 Vernell R. Titus
 Steven Jimmie
 Lena Peter
 Solomon Peter
 Peter Jimmie (dec)

Teddy Charlie (dec)

T. 1 S. R. 9 W.

Lawrence Titus
 Matthew Titus

T. 1 S., R. 10 W.

NONE

T. 1 S., R. 11 W.

Henry Worn Martin
 Chief Alexander (dec)
 William Burk Jr. (dec)
 Virgil Titus

T. 2 S., R. 7 W.

NONE

T. 2 S., R. 8 W.

Robert A. Coghill
 Walter Minano
 Harry Riley
 Leo Titus, Sr. (dec)
 Viginia H. Albert
 Berkman Silas
 Estella Ketzler
 Authur Frank
 Wilson Titus, Sr.
 Walter Titus (dec)

Dick Albert
Solomon KullaT. 2 S., R. 9 W.

NONE

T. 2 S., R. 10 W.

NONE

T. 2 S., R. 11 W.,

NONE

T. 2 S., R. 12 W.

NONE

T. 3 S., R. 11 W.

NONE

T. 3 S., R. 12 W.

Mitchell Allen

T. 4 S., R. 12 W.

NONE

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

Kie

NAME: SCOTT GRUNDY
TITLE:
ADDRESS: 821 LANCASTER DRIVE
CITY: FAIRBANKS
PHONE: 457-3526
BILL NO: SB 55
SUBJECT: MINTO FLATS

ZIP: 99712

MESSAGE: I HELPED FACILITATE PROPOSAL. RE: HEARING ISSUES: NATIVE LANDS ALSO STATE SELECTED. MINTO AGREED SHOULD STATE RECEIVE. NO AGRICULTURAL/STATE FOREST LANDS. SUPPORT GROUP EXPANDED BOUNDARIES TO INCLUDE HIGH VALUE WILD-LIFE/RECREATIONAL LANDS. MANAGEMENT PLAN WILL FOCUS ON TRAILS. MOST LIKELY RS2477. NO REAL NEED TO ADDRESS. CALL ANY TIME FOR CLARIFICATION. AN

POMID: 07122251
DATE: 02/13/87
TIME: 12:22:51
LIONAME: FAIRBANKS LIO

COPIES: SENATORS

HALFORD
KELLY
SZYMANSKI
ZHAROFF
COGHILL
BINKLEY

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI



NAME: DOUG FRUGE

TITLE:

ADDRESS: 936 EASTWOOD LANE

CITY: FAIRBANKS

PHONE: 456-0418

ZIP: 99712

BILL NO: SB 55

SUBJECT: MINTO FLATS STATE GAME REFUGE

MESSAGE: I WOULD LIKE TO SUPPORT THIS BILL AS IT IS CURRENTLY WRITTEN.

EOM/MW

POHID: 07090842

DATE: 02/11/87

TIME: 09:08:42

LIONAME: FAIRBANKS LIO

COPIES: REPRESENTATIVES SENATORS

BOYER

DAVIS

KOPONEN

FRANK

MILLER

HALFORD

KELLY

SZYMANSKI

ZHAROFF

FAHRENKAMP

BENNETT

COGHILL

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

MC

NAME: PAM BRUCE

TITLE:

ADDRESS: BOX 781

CITY: FAIRBANKS

PHONE: 488-4466

ZIP: 99707

BILL NO: SB 55

SUBJECT: MINTO FLATS STATE GAME REFUGE

MESSAGE: PASS SB 55 AS IS. ENTRY ON TO PROPOSED REFUGE FOR MINERAL DEVELOPMENT IS UNACCEPTABLE.

EOM/MW

POMID: 07073226

DATE: 02/12/87

TIME: 07:32:26

LIONAME: FAIRBANKS LIO

COPIES: SENATORS

HALFORD
KELLY
SZYMANSKI
ZHAROFF

PUBLIC OPINION MESSAGE

DEAR: SENATOR STURGULEWSKI

MC

NAME: APRIL CROSBY

TITLE:

ADDRESS: 380 STYX RIVER ROAD

CITY: FAIRBANKS, ALASKA

PHONE: 479-2846

ZIP: 99709

BILL NO: SB 55

SUBJECT: MINTO FLATS STATE GAME REFUGE

MESSAGE: SUPPORT PASSAGE OF SB55 AS WRITTEN WITHOUT MINERAL ENTRY. FURTHER-
MORE, TRADITIONAL ACCESS ROUTES SHOULD BE LIMITED TO TRADITIONAL ACCESS MEANS.
ANY CONFUSION ABOUT AGRICULTURAL OR FOREST LANDS CAN BE RESOLVED BY EXAMINATION
OF LEGAL DESCRIPTION OF REFUGE DISPOSAL. IMPORTANT EMPHASIS TO PROTECT LAND
FOR WATER FOUL AND RELATED SUBSISTENCE AND RECREATIONAL ACTIVITIES.

EOM-FZ

POMID: 07074238

DATE: 02/12/87

TIME: 07:42:38

LIONAME: FAIRBANKS LIO

COPIES: SENATORS

HALFORD

KELLY

SZYMANSKI

ZHAROFF

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2/5/87 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

**FISCAL NOTE(S) ATTACHED yes **
IN ACCORDANCE WITH AS 24.08.035
(see below)

FURTHER RESOURCES
FINANCE

1/19/87
Mr. President:

DATE TURNED INTO OFFICE 3/11/87

COMMUNITY & REGIONAL AFFAIRS Committee considered SR 55

establishing the Minto Flats State Game Refuge; efd,

and recommended:

replace with CS SB 55 (C+RA) same title
 new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted and attached

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Mike Swanson - outstanding legislation
[Signature]

Rick Helford NO REC

Artis Stargulovich
Chairman signature and recommendation

Committee Backup Attached

Do Pass

Minto Flats State Game Refuge
ADF&G Testimony
February 1987

Chair and members of the Committee: My name is Bruce Baker; I'm Acting Director of the Department of Fish and Game's Habitat Division, and I would like to convey ADF&G's support of the proposed Minto Flats State Game Refuge, SB 55.

The Proposed Minto Flats Refuge consists of extensive, low-lying wetlands. It is located in interior Alaska, about 35 air miles west of Fairbanks and adjacent to the village of Minto.

The Minto Flats support outstanding concentrations of waterfowl and furbearers as well as productive fisheries. The area is well used for hunting, fishing, and trapping by the residents of Fairbanks and the surrounding area. The area provides exceptional habitat for trumpeter and tundra swans, white-fronted geese, cranes, and loons. It produces an average of 213 ducks per square mile and is the #1 waterfowl hunting area in the state for number of ducks taken! It is also used year-round by Minto and Nenana villagers. The Minto Flats sport fishery is one of the most productive in the state, especially for northern pike.

Establishment of a Minto Flats game refuge would ensure that these resource values are maintained, that the public continues to have access to and use of these fish and wildlife resources, and that traditional community activities can continue.

This legislation represents a unique effort on the part of a broad based coalition of public interests to help decide the future of state lands in their region. This legislation is well deserving of your support.

Thank you for the opportunity to testify. I would be happy to answer any questions.

Senator Johne Binkley

Alaska State Senate

P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985



Finance Committee
Co-Chairman

M E M O R A N D U M

February 10, 1987

TO: SENATOR ARLISS STURGULEWSKI, CHAIRPERSON
Senate Community and Regional Affairs Committee

FROM: SENATOR JOHNE BINKLEY *Johne*

Subj: Senate Bill 55, "An Act relating to establishing the Minto Flats State Game Refuge."

Minto Flats is located in interior Alaska, 35 air miles west of Fairbanks adjacent to the village of Minto and five miles north of Nenana. The Minto Flats area is primarily low-lying wetlands fed by the Tolovana, Chatanika, and Tatalina Rivers and Goldstream and Washington Creeks. The flats are drained by the Tanana River. The proposed refuge encompasses approximately 792 square miles (507,136 acres).

Minto Flats supports vast concentrations of waterfowl and fur-bearing animals, as well as productive fisheries and a variety of game. The U.S. Fish and Wildlife Service has reported that the Minto Flats area is one of the highest quality waterfowl nesting habitats on the North American continent. The Service estimates that Minto Flats produces 150,000 ducks annually, supporting breeding populations averaging 213 ducks per square mile.

The area is used year-round by residents of Minto and Nenana as primary subsistence hunting, fishing and trapping grounds. It is also a popular hunting, fishing and trapping area for residents of Fairbanks and the surrounding area. Minto Flats is the third most popular duck hunting area in the state, logging over 5,000 hunter days with over 11,000 ducks and 700 geese taken annually. The Minto Flats is one of the most productive sports fisheries in the state; each year over 800 anglers spend 1,800 days fishing in the Minto Flats area harvesting over 2,300 fish. In addition, over 100 beavers are taken each year on Minto Flats. Land otter, lynx, wolverine, wolf, red fox, mink and muskrat are also regularly trapped on the flats.

No. 117

STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE

MC

REQUEST: _____

SENATE
BILL VERSION: CSSB 55(C&RA)
PUBLISH DATE: 3/11/87

Revision Date: _____

Agency Affected: Fish and Game

Title: Minto Flats State Game

BRU: Habitat

Refuge

Sponsor: Senator Binkley

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES		0				
TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				
CAPITAL		0				
REVENUE		0				

FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS :

Prepared by: Roland Shanks

Phone: 465-4100

Division: Commissioner's Office

Date: 3/4/87

Approved by Commissioner: [Signature]

Date: 2-5-87

Agency: Fish and Game

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)
- Senate Secretary

Senator Arliss Sturgulewski
February 10, 1987
Page 2

The bill to create the Minto Flats State Game Refuge is in response to the findings of the Tanana Basin Area Plan. The purpose of establishing the Minto Flats Refuge is to:

1. protect and enhance fish and game and their habitat in the area;
2. ensure the perpetuation of hunting, fishing, and trapping activities in accordance with harvest regulations as established by the Boards of Fisheries and Game;
3. ensure historical and customary access to private lands consistent with the provisions of the bill;
4. perpetuate nonconsumptive uses.

The bill would accomplish the following:

1. Establishes Minto Flats State Game Refuge.
2. Identifies the purpose for which the area is established.
3. Provides for the management of Minto Flats State Game Refuge including development of a management plan.
4. Ensures continued public access.
5. Provides for acquisition of private property from willing owners.
6. Ensures continued access to private inholdings.
7. Closes the refuge to mineral access.

The proposed legislation to establish the Minto Flats State Game Refuge has the support of a wide range of user and interest groups throughout the region. Support for the bill comes from the Alaska Outdoor Council, Arctic Audubon, Cleary Sky Sportsmen Club, Fairbanks Fish and Game Advisory Committee, Healy/Clear Fish and Game Advisory Committee, Minto Native Council, Nenana Native Council, Northern Alaska Environmental Center, Seth-de-ya-ah Corporation (Fairbanks), and Tanana Valley Sportsman Association.



Alaska State Legislature

SENATE

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Senate C&RA Members

Feb 10, 1987

FROM: Senate C&RA Staff

A handwritten signature in dark ink, appearing to be "NKA", written over the word "Staff" in the "FROM" line.

RE: SB 55 - Minto Flats State Game Refuge

Enclosed in this packet is a memo and sectional analysis of SB 18 provided by the prime sponsor, a map of the affected area, a letter and zero fiscal note from Fish and Game, a news article on the proposed refuge, and letters from the Minto Village Council and the Alaska Miners Association.

A position paper and fiscal note from DNR has not yet been received, however representatives of the department will be at the meeting and they hope to have a position prepared by that time.

Senator Johne Binkley

Alaska State Senate
P.O. Box V • Juneau, Alaska 99811 • (907) 465-4985



Finance Committee
Co-Chairman

M E M O R A N D U M

February 10, 1987

TO: SENATOR ARLISS STURGULEWSKI, CHAIRPERSON
Senate Community and Regional Affairs Committee

FROM: SENATOR JOHN E BINKLEY *Johne*

Subj: Senate Bill 55, "An Act relating to establishing the Minto Flats State Game Refuge."

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Hydraulic gold mining activity in the Chatanika River drainage and Goldstream Creek from the early 1920's to 1963 dumped an estimated 100 million cubic yards of hydraulic muck onto Minto Flats, altering hydrology, vegetation, habitat, and drainage patterns on the flats. Since 1963, over a dozen

Senator Arliss Sturgulewski
February 10, 1987
Page 2

placer mines have operated in the Minto Flats watershed in the Chatanika and Tolovana rivers and Goldstream Creek. Although of much less impact than the earlier hydraulic mining activity, two of these placer mines did not meet EPA standards for settleable solids in 1984. It should be noted that at the present time, there is no mining activity occurring on the flats.

The bill to create the Minto Flats State Game Refuge is in response to the findings of the Tanana Basin Area Plan. The purpose of establishing the Minto Flats Refuge is to:

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STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER SB55	SPONSOR Binkley
DEPARTMENT POSITION Support			
PREPARED BY Habitat Division	DATE 1/23/87	COMMISSIONER'S SIGNATURE <i>Chris Eversmuth</i>	DATE 25.87

SUMMARY

OTHER AGENCIES AFFECTED BY BILL Department of Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL Hunting & Fishing Groups Nenana, Minto and Fairbanks area residents
ORGANIZATIONAL SUPPORT FOR BILL See attached Supplemental Sheet	ORGANIZATIONAL OPPOSITION TO BILL None Known

FISCAL IMPACT. NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

The purpose of establishing the Minto Flats State Game Refuge is to provide:

1. protection and enhancement for fish and wildlife habitat.
2. conservation of fish and wildlife.
3. continued opportunity for hunting, fishing and trapping.
4. other recreational opportunities

ANALYSIS OF BILL PROGRAM EFFECTS

1. Establishes Minto Flats State Game Refuge.
2. Identifies the purpose for which the area is established.
3. Provides for the management of Minto Flats State Game Refuge including development of a management plan.
4. Ensures continued public access.
5. Provides for acquisition of private property from willing owners.
6. Ensures continued access to private inholdings.
7. Closes the refuge to mineral entry.

AMENDMENTS PROPOSED

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

BILL ANALYSIS
(Supplemental Sheet)
Page 2 of 2

Organizational Support For Bill

AK Outdoor Council
Arctic Audubon
Clear Sky Sportsmen Club
Fbks. Fish & Game Advisory Comm.
Healy/Clear Fish & Game Advisory Comm.
Minto Native Council
Nenana Native Council
Northern AK Environmental Center
Seth-de-ya-ah Corp.
Tanana Valley Sportsmen Assoc.

**STATE OF ALASKA 1987 LEGISLATIVE SESSION
FISCAL NOTE**

REQUEST: _____

Bill Version: SB 55

Publish Date: _____

Revision Date: _____

Title: Minto Flats State Game

Agency Affected: Fish and Game

BRU: Habitat

Refug: _____

Sponsor: Senator Binkley

Components: _____

Requestor: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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TRAVEL		0				
CONTRACTUAL		0				
SUPPLIES		0				
EQUIPMENT		0				
LAND & STRUCTURES		0				
GRANTS, CLAIMS		0				
MISCELLANEOUS		0				
TOTAL OPERATING		0				

CAPITAL		0				
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REVENUE		0				
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FUNDING: (Thousands of Dollars)

GENERAL FUND		0				
FEDERAL FUNDS						
OTHER						
TOTAL		0				

POSITIONS:

FULL-TIME		0				
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Roland Shanks
Division: Commissioner's Office

Phone: 465-4100
Date: 2/4/87

Approved by Commissioner: [Signature]
Agency: Fish and Game

Date: 2.5.87

- Distribution (by preparer):
- Legislative Finance
 - Legislative Sponsor
 - Requestor
 - Office of Management and Budget
 - Impacted Agency(ies)
 - Senate Secretary

Bill would make Minto Flats refuge

UNEAU—A marshy flatland tered about 40 miles west of rbanks may become a state life refuge if a bill introduced state Sen. John Binkley, R-hel, is approved. Binkley, a former Fairbanksan, he introduced a bill to establish Minto Flats State Game Refuge he request of the Minto Village ncil. Minto is located on the tern edge of the proposed re- e area.

he flats are heavily used by hun- s, trappers and fishermen from to, Nenana and Fairbanks. kley said the legislation was in- led to protect the fish and wild- populations and perpetuate h uses. It's an important area to the ple of Minto and really to the ple of Fairbanks," Binkley i.

inkley, and several other law- kers, received a letter this ing asking the legislation be in- luded. Ten Native, environmen- and hunting and fishing groups red the request.

he interested groups said they it hunting, fishing and trapping ontinue on the refuge. They also at most forms of travel to be wed in the refuge without res-

triction, including snowmachines, floatplanes and boats.

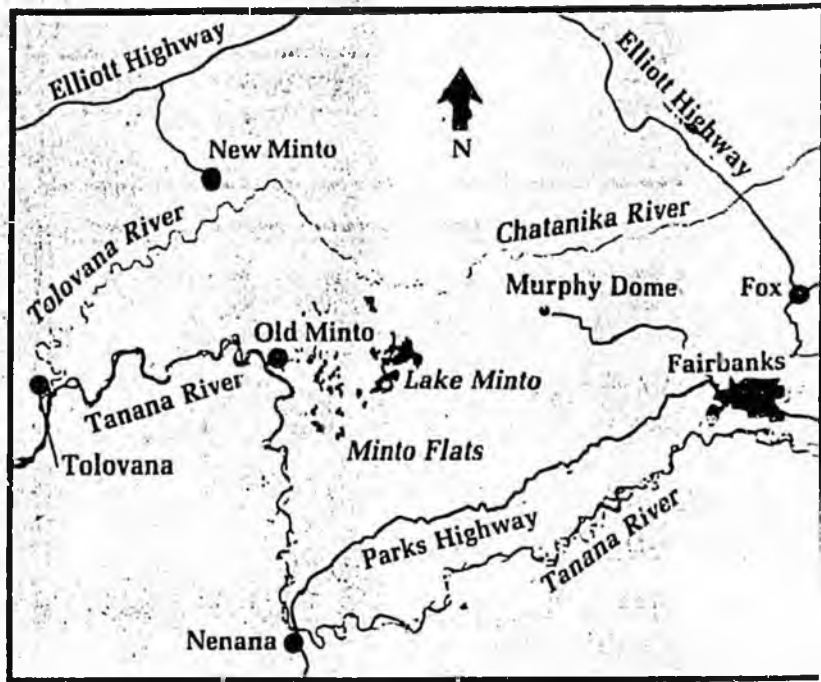
Binkley also noted the Tanana Valley Area Basin Plan suggested the legislation be introduced. The plan was completed in 1984 by the Department of Natural Resources, with the assistance of other state agencies. It outlines optimum uses for state land in the Tanana Val'ey, as determined by public and agency comments as well as general resource surveys.

Boundaries of the refuge may need some work still; Binkley said. The village council of Minto has requested the boundaries include the banks of the Tanana River, he said. A map submitted with the letter from the interested' groups indicated the boundary would be mostly set back from the river.

"There's also some concern in the mining community over a statement in the legislation," Binkley said. The bill says the refuge should be closed to mineral claim entry.

"It's not really a substantive concern. There are no mines in the area and very little potential for mining," Binkley said. "It's the principle of the thing. They don't like to see that wording anyplace."

The 10 interesting groups included: the Minto village corpora-



PRIME WATERFOWL AREA—A recently introduced bill would establish the Minto Flats State Game Refuge. Minto is located on the western edge of the proposed refuge area. The flats are heavily used by hunters, trappers and fishermen from Minto, Nenana and Fairbanks.

tion, the Northern Alaska Environmental Center, the Nenana Native Council, the Minto Native Council, the Healy/Clear and Fairbanks fish and game advisory committees, the Cleary Sky Sportsmen Club, the Arctic Audubon Society and the Alaska Outdoor Council.

In their letter, they said the U.S. Fish and Wildlife Service has described the flats as "one of the high-

est quality waterfowl nesting habitats on the North American continent."

The letter quoted figures from the Alaska Department of Fish and Game, which estimated, in 1984, that hunters shot 11,685 ducks in the Minto Flats, or 11.5 percent of the statewide harvest. Also, an esti-

(See MINTO, Back Page)

MINTO

(Continued from page 1)

mated 777 geese were shot in the area, about 5 percent of the statewide harvest.

No acreage for the proposed refuge was included in the bill. The boundaries at present would encompass marshy flatlands stretching from Nenana to the Tolovana Hot Springs Dome and from Murphy Dome west to the Tolovana River. The refuge would also include a large block west of Nenana and south of the Tanana River.

FAIRBANKS NEWS MINER 1/22/87



Minto Village Council

Minto, Alaska 99758

(907) 798-8007

7112

December 3, 1986



Mr. John Binkley
Senator, Alaska Legislature
P.O. Box 1065
Bethel, AK 99559

Dear Mr. Binkley:

Congratulations on your bid for the Alaska state legislature.

The Minto Village Council is working on putting the Minto Flats into a state refuge. The Minto Village Council doesn't agree with the boundaries as they are now. We want the refuge to go all the way to the river banks of the Tanana River. We would like both sides of the river bank to be included in the refuge.

We took this concern to the people of Minto at a general meeting on November 13, 1986, and they were also concerned about banks of the Tanana River. Our concern is for the future disposals of lands along the river and commercial development along the banks.

The refuge is for a wildlife habitat, and preservation of the animals and their habitat. We would appreciate your support in our efforts. The Minto Flats are of great concern to each resident of Minto.

Sincerely,

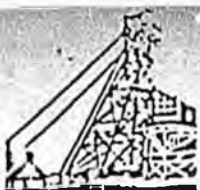
Philip Titus

Philip Titus, Member
Minto Village Council
P.O. Box 26
Minto, AK 99758

PT/nc

Enclosure





ALASKA MINERS ASSOCIATION, INC.

FAIRBANKS BRANCH

January 10, 1987

JAN 19 1987

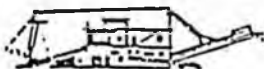
Senator Jack Coghill
30 Capitol Building
Pouch V, Juneau 99811

Subject: Minto Flats Refuge

Dear Senator Coghill,

Many miners have very serious concerns with some of the elements of the proposed Minto Flats Game Refuge, and we feel that the start of the legislative session is an opportune time to acquaint you with these concerns. We are not opposed to the proposal in concept, but have serious problems with some of the particulars. The most disturbing is the blanket closure of the area to mineral entry. It was explained to the miners that the Fish and Game Habitat Division is worried that unscrupulous persons will falsely file mining claims in order to have a cabin in the proposed refuge to hunt from, and that it would be inconvenient to adjudicate the validity of such claims. We feel that a blanket mineral closure of a completely unexplored area for the sake of administrative convenience is a dangerous concept. Fish and Game Habitat Division may well be cutting the throat of Alaska's economic future with this kind of thinking. We feel very strongly that this concept is unjustifiable because there are procedures to challenge the validity of improper claims and a mineral closure will be of no benefit to the stated purposes of the proposed refuge. There is no present conflict in use, and decisions on mineral closures should be made based on proper mineral assessment .

We also are very concerned that the proposed refuge extensions will block access to important sections of the Tanana Valley State Forest, specifically Sections 1A, 1B, 1C, 2A, 2B, 2C, and 3B. Section 2 of the forest contains much of the sustained yield timber that is scheduled to be harvested. With the present economy we feel that the Habitat Division is unjustified to pre-empt employment opportunities. Further, the proposed refuge would block the traditional use of the Dunbar Trail, the Manley Hot Springs-Fairbanks Trail, and the Commissioner's Trail. There also has been no discussion of access that takes place over waters that are navigable. We are concerned that the priorities as enumerated in the proposal will effectively



Dedicated to the development of Alaska's Mineral Resources



block access. To quote the proposal at (b), "...Refuge is established to ensure the protection and enhancement of habitat and the conservation of fish and wildlife species dependent thereon; and to guarantee its continued use and enjoyment by the public for hunting, fishing, trapping and other uses compatible with the protection of habitat and the conservation of the fish and wildlife species. (c) Public access including, but not limited to, the use of horses, boats, aircraft, dog teams and snowmachines is guaranteed provided that such use is consistent with (b) of this section." End quote. We are extremely suspicious of this wording, we feel there is deception here. Who will make this consistency determination and on what basis? What kind of mechanized vehicle is compatible with the protection of habitat? What does "enhancement of habitat" mean, anyway? How does hunting and fishing conserve fish and wildlife? Why is mining implied to be an incompatible use? These are serious questions that are in the minds of many miners.

We feel that the Minto Flats Game Refuge proposal, as it is presently written, is a lock-up for the benefit of a few and not in the best interest of the State of Alaska

Sincerely,

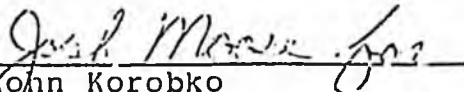

Del Ackels
Chairman, Alaska Miners Association

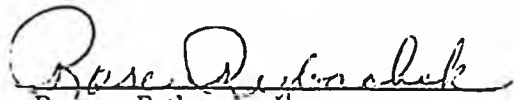
cc: Senate Resources
House Resources

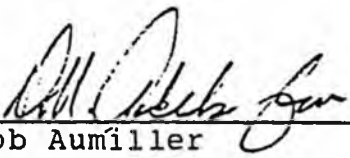
(3)
Subject: AMA response to Minto Flats Game Refuge.

It is also the objective of these groups that this letter of intent be incorporated as part of the Legislative record during the establishment of the Minto Flats State Game Refuge.

Sincerely,


John Korobko
President
Placer Miners of Alaska
P.O. Box 73756
Fairbanks, Alaska 99701


Rose Rybachev
President
Livengood-Tolovana Mining District
P.O. Box 73069
Fairbanks, Alaska 99707


Bob Aumiller
President
Miners Advocacy Council
P.O. Box 83909
Fairbanks, Alaska 99708