

SB

181

<TARGET><BILL>SB 181</BILL><SUBJECT>SB
181</SUBJECT><COMM>SRES27</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/27/12

FURTHER:

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 3/14/12

Resources Committee considered SENATE BILL NO. 181

SB 181-CLOSING CERTAIN LAND TO MINERAL ENTRY

"An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; amending the mineral entry closure in sec. 2, ch. 8, SLA 2003, for certain land within the Glacier Creek and Winner Creek drainages; and providing for an effective date."

and recommends:

- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LEG
CED	LAW
COR	LWF
CRT	MVA
EED	DNR
DEC	DPS
DFG	REV
GOV	DOT
DHS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
<i>NR</i>			✓	

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	Do PASS	Do NOT PASS	No REC	AMEND
<i>[Signature]</i>	<i>McBride</i>	✓			
<i>[Signature]</i>	<i>French</i>			✓	
<i>[Signature]</i>	<i>Wielechowski</i>	✓			
<i>[Signature]</i>	<i>STRONG</i>			✓	
CO-CHAIR: <i>[Signature]</i>	<i>WAGNER</i>	✓			
CO-CHAIR: <i>[Signature]</i>	<i>PASKVAN</i>	X			

ALASKA STATE LEGISLATURE

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Senator Cathy Giessel Senate District P

Memorandum

Date: January 31, 2012

To: Senators Tom Wagoner & Joe Paskvan
Co-Chairs Senate Resources Committee 

From: Senator Cathy Giessel

Re: Request for Hearing – SB 181 Closing Certain Land To Mineral Entry

I respectfully request Senate Bill 181 be scheduled for hearing before the Senate Resources Committee at your earliest convenience.

Senate Bill 181 closes certain land within the Glacier Creek and Winner Creek drainage to new mineral entry. It also amends sec. 2, ch. 8, SLA 2003, to reference and exclude two federal mining claims that were inadvertently missed in the legal description in Section 34 of the original legislation.

Please contact myself or Sharon Long in my office for any questions you may have.

Direct line for Sharon: 465-3623

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Senate Bill 181 Sponsor Statement

“An Act approving an interim classification by the commissioner of natural resources closing certain land within the Glacier Creek and Winner Creek drainages to new mineral entry; amending the mineral entry closure in sec. 2, ch. 8 SLA 2003, for certain land within the Glacier and Winner Creek drainages; and providing for an effective date.”

SB 181 closes presently state-owned and state-selected lands in the Glacier and Winner Creek drainages of the Girdwood area to new mineral entry. For both residents and tourists, the development and expansion of Girdwood’s potential as a year-round destination for myriad recreational activities will lead to more private sector jobs, opportunities for new business, and an enriched community and state.

In January 2011, Department of Natural Resources Commissioner Dan Sullivan, issued an interim classification (Mineral Order 1121) which closed state subsurface lands and state-selected lands to mineral entry within Glacier Creek and Winner Creek drainages in the Girdwood area. SB 181 approves this mineral order and amends sec. 2, ch. 8, SLA 2003, to exclude two federal mining claims that were inadvertently missed within Section 34 in the original legislation.

A Mineral Closing Order was issued in 1992 for this area and became necessary when numerous mining claims were staked at the same time that the federal government was in the process of conveying this land to the State of Alaska. The Municipality of Anchorage purchased the claims so that these lands could be developed for recreational use and to prevent conflict between surface and subsurface users. The Commissioner of the Department of Natural Resources closed this area to mineral entry on state-owned, state-selected, and municipal lands in the Upper Girdwood Valley under Mineral Closing Order 593. The closure had a limit of ten years unless the commissioner certified to the governor and the legislature that recreational land use and development plans had begun in this area. In 2003, the commissioner extended the mineral closing order for another ten-year term through Mineral Closing Order 593 Amendment 3. This extension was set to expire in April of 2012.

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Senator Cathy Giessel Senate District P

Closing these lands to mineral entry supports the Department of Natural Resources findings that:

- Mining in this area is inconsistent with recreation and tourism development.
- It is important to protect current and future development including: Alyeska Resort, expanding Nordic ski trails, the upgraded Winner Creek Trail system, and commercial snowcat and helicopter skiing activities.
- A mineral closure in this area would be consistent with the Turnagain Arm Management Plan, Alaska Statehood Act, Alaska State law, and various natural resource court decisions.

Alyeska Resort commissioned and paid for a detailed analysis and technical feasibility study. The study concluded that expansion of skier based facilities into the area is feasible. Additionally, community interests in expanding recreational opportunities within the Girdwood Valley have increased significantly in the last decade. SB 181 mitigates future conflict between competing, potentially incompatible, interests.

Senate Bill 181
Closing Certain Land To Mineral Entry
Sectional Analysis

- Section 1:** States the purpose of Senate Bill 181. This Act approves the interim classification contained in Commissioner of Natural Resources' Mineral Order 1121 and in Amendment 3 to Mineral Closing Order 593, closing state land in the Glacier and Winner Creek drainages in the Girdwood area to new mineral entry. Closing these state-owned lands to mineral claims will enable continued recreational developments in accordance with area land use plans.
- Section 2:** Identifies the land in the Glacier Creek and Winner Creek drainages that is closed to new mineral entry.
- Section 3:** Amends the description of land in the Glacier Creek and Winner Creek drainages that were closed to mineral entry and approved by the legislature in sec. 2, ch. 8, SLA 2003 by excluding two additional federal mining claims lying east of Crow Creek Road that should have been listed in the original mineral closure order.
- Section 4:** Provides for an immediate effective date.

SENATE BILL NO. 181

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SEVENTH LEGISLATURE - SECOND SESSION

BY SENATOR GIESSEL

Introduced: 1/27/12

Referred:

A BILL

FOR AN ACT ENTITLED

1 **"An Act approving an interim classification by the commissioner of natural resources**
2 **closing certain land within the Glacier Creek and Winner Creek drainages to new**
3 **mineral entry; amending the mineral entry closure in sec. 2, ch. 8, SLA 2003, for certain**
4 **land within the Glacier Creek and Winner Creek drainages; and providing for an**
5 **effective date."**

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

7 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
8 to read:

9 PURPOSE. The purpose of this Act is to approve the interim classifications contained
10 in Mineral Order No. 1121 and in Amendment 3 to Mineral Closing Order 593, issued by the
11 commissioner of natural resources, to close state land within the upper Glacier Creek and
12 Winner Creek drainages near Girdwood to new mineral entry. The legislature recognizes that
13 mineral entry would be incompatible with the existing and proposed development of

1 significant surface-based recreational facilities and infrastructure in the Glacier Creek and
 2 Winner Creek drainages. The legislature finds that closure of the state-owned mineral estate
 3 to new mineral entry will reserve those lands for recreational development opportunities as
 4 provided in the land use plans of the state and the Municipality of Anchorage.

5 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 6 read:

7 MINERAL ENTRY CLOSURE. Under AS 38.05.300(c), and subject to existing valid
 8 rights, the following state-owned land, and all land acquired in the future by the state, laying
 9 within the Glacier Creek and Winner Creek drainages, is closed to new mineral entry:

10 (1) Township 10 North, Range 2 East, Seward Meridian

11 Section 9: E1/2SE1/4NE1/4 within the Chugach National Forest,

12 E1/2SE1/4 within the Chugach National Forest

13 Section 10: SW1/4, SW1/4SW1/4NE1/4, S1/2NW1/4 except for the

14 N1/2NE1/4SE1/4NW1/4, W1/2SE1/4, W1/2SW1/4NE1/4SE1/4,

15 SE1/4SE1/4 except for the NE1/4SE1/4SE1/4

16 Section 12

17 Section 13: N1/2

18 Section 14: W1/2

19 Section 15

20 Section 16: E1/2E1/2 within the Chugach National Forest

21 Section 21: E1/2NE1/4NE1/4 within the Chugach National Forest

22 Section 22: N1/2N1/2

23 (2) Township 10 North, Range 3 East, Seward Meridian

24 Section 5: NW1/4, S1/2

25 Section 6: SE1/4, S1/2SW1/4

26 Section 7: SW1/4, N1/2

27 Section 8: NW1/4

28 Section 18: N1/2NW1/4

29 (3) Township 11 North, Range 2 East, Seward Meridian

30 Section 25: S1/2SE1/4

31 (4) Township 11 North, Range 3 East, Seward Meridian

1 Section 20: SE1/4
 2 Section 21: W1/2SW1/4
 3 Section 28: W1/2W1/2
 4 Section 29
 5 Section 30: S1/2
 6 Section 32: NE1/4
 7 Section 33: NW1/4NW1/4

8 * **Sec. 3.** The uncodified law of the State of Alaska enacted in sec. 2, ch. 8, SLA 2003, is
 9 amended to read:

10 Sec. 2. MINERAL ENTRY CLOSURE. Under AS 38.05.300(c), and subject
 11 to existing valid rights, the following described state-owned land in the Glacier Creek
 12 and Winner Creek drainages, totaling approximately 5,740 acres, is closed to new
 13 mineral entry:

14 Township 10 North, Range 2 East, Seward Meridian

15 Sections 1-3 [: ALL]

16 Section 4: N1/2NE1/4 east of Crow Creek Road, and those portions of
 17 SE1/4NE1/4 and E1/2SE1/4 within the Chugach National Forest

18 Section 9: E1/2NE1/4NE1/4 within the Chugach National Forest

19 Section 10: N1/2N1/2, N1/2NE1/4SE1/4NW1/4, N1/2SW1/4NE1/4,
 20 SE1/4SW1/4NE1/4, SE1/4NE1/4, N1/2NE1/4SE1/4,
 21 E1/2SW1/4NE1/4SE1/4, SE1/4NE1/4SE1/4, NE1/4SE1/4SE1/4

22 Section 11 [: ALL]

23 Township 10 North, Range 3 East, Seward Meridian

24 Section 6: N1/2, N1/2SW1/4

25 Township 11 North, Range 2 East, Seward Meridian

26 Section 33: SE1/4SE1/4 All land lying southeast of Crow Creek Road

27 Section 34: SW1/4 All land lying east of Crow Creek Road, SE1/4;
 28 excluding mining claim recordations AA 56277, AA 56278, AA
 29 56282 and AA 56283 and U.S. Survey 11872

30 Section 35: All, excluding the N1/2NE1/4, NE1/4NW1/4

31 Section 36: All, excluding the NW1/4NW1/4

1 Township 11 North, Range 3 East, Seward Meridian
2 Section 31 [: ALL]
3 Section 32: W1/2
4 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

Bill Version SB 181
 Fiscal Note Number _____
 () Publish Date _____

Identifier (file name) SB181-DNR-MLW-03-07-12 Dept. Affected Department of Natural Resources
 Title CLOSING CERTAIN LAND TO MINERAL ENTRY Appropriation Land & Water Resources
 Allocation Mining Land & Water
 Sponsor Sen. Giessel
 Requester (S) RES OMB Component Number 3002

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

	FY13 Appropriation Requested	Included in Governor's FY13 Request	Out-Year Cost Estimates				
			FY14	FY15	FY16	FY17	FY18
OPERATING EXPENDITURES	FY13	FY13	FY14	FY15	FY16	FY17	FY18
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants, Benefits							
Miscellaneous							
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002	Federal Receipts							
1003	GF Match							
1004	GF							
1005	GF/Prgm (DGF)							
1037	GF/MH (UGF)							
1178	temp code (UGF)							
TOTAL		0.0	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS

Full-time							
Part-time							
Temporary							

CHANGE IN REVENUES	0.0	0.0	0.0	0.0	0.0	0.0	0.0
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Estimated SUPPLEMENTAL (FY12) operating costs 0.0 (separate supplemental appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY13) costs 0.0 (separate capital appropriation required)
 (discuss reasons and fund source(s) in analysis section)

Why this fiscal note differs from previous version (if initial version, please note as such)

Initial Version, not applicable

Prepared by Brent Goodrum, Director
 Division Mining, Land & Water
 Approved by Daniel S. Sullivan, Commissioner
Department of Natural Resources

Phone 269-8600
 Date/Time 3/7/12 9:00 AM
 Date 3/7/2012

FISCAL NOTE

STATE OF ALASKA
2012 LEGISLATIVE SESSION

BILL NO. SB 181

Analysis

SB 181 amends uncodified law to approve the interim classifications contained in Mineral Order #1121 and in Amendment 3 to mineral Closing order #593, issued by the commissioner of DNR to close state land within the upper Glacier Creek and Winner Creek drainages near Girdwood to new mineral entry.

This proposed legislation will not result in any additional fiscal impact to the department or measurable loss of revenue to the state.

STATE OF ALASKA

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

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October 12, 2011

The Honorable Sean Parnell
Governor
State Capitol
Juneau, Alaska 99811

Pam Finley
Revisor of Statutes
Legislative Affairs Agency
Legislative Legal and Research Services
State Capitol
Juneau, Alaska 99811

Re: Certification Letter –Mineral Closing Order 593, Amendment 3

Dear Governor Parnell and Ms. Finley:

The purpose of this letter is to certify, pursuant to sec. 4, ch. 8, SLA 2003, that development of a resort within the Glacier and Winner Creek drainages near Girdwood has begun, with the effect of terminating Mineral Opening Order No. 603. Under sec. 2, ch. 8, SLA 2003, the Legislature closed state-owned land within the Glacier and Winner Creek drainages to mineral entry. Sec. 3 of the Act repeals the mineral closure effective April 3, 2012, unless the Commissioner of Natural Resources certifies to the Governor and the Revisor of Statutes on or before April 2, 2012 that development of a resort as described in sec. 1, ch. 8, SLA 2003 and as provided in state and Municipality of Anchorage land use plans has begun in the area closed to mineral entry.

Community interest in expanding recreational opportunities within the Girdwood Valley has increased significantly within the last decade. The original development vision of a new four season resort has expanded to include a variety of recreational development opportunities. Local interest groups, private businesses, and governmental agencies have developed Nordic ski trails, expanded backcountry helicopter and snowcat skiing opportunities, and upgraded local trails including the Winner Creek Trail system, and the owner of Alyeska Resort has commissioned the development of a Master Development Plan to promote skier based recreational facilities within the Glacier and Winner Creek drainages. This continued development was further supported by the administration's approval of 3.5 million dollars to the Municipality of Anchorage to extend Arlberg Road to secure access into the Winner Creek area. This road extension project will encourage additional recreational infrastructure and support a variety of recreational opportunities.

As the Commissioner of the Department of Natural Resources, I hereby certify that development of a resort as provided in State and Municipality of Anchorage land use plans has begun in the Glacier and Winner Creek drainages. Therefore, by operation of sec. 4, ch. 8, SLA 2003, Mineral Opening

"Develop, Conserve, and Enhance Natural Resources for Present and Future Alaskans."

Order No. 603 is terminated and the mineral entry closure of all land described within Mineral Closing Order 593, Amendment 3, remains in effect.

Respectfully,

A handwritten signature in black ink, appearing to read 'D. Sullivan', with a small 'DSS' monogram to the right.

Daniel S. Sullivan, Commissioner
Alaska Department of Natural Resources

Cc: Hon. Gary Stevens, Senate President
Hon. Mike Chenault, Speaker of the House of Representatives
John Burns, Attorney General
John Byrne, Alyeska Resort President

State of Alaska
Department of Natural Resources
Division of Mining, Land, and Water

FINDING OF THE COMMISSIONER

AS 38.05.185(a) and 38.05.300(c)

MINERAL ORDER (Closing) 1121

Glacier-Winner Creek Drainages

The Southcentral Regional Manager of the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water recommends thru the Director's Office that the Commissioner close to new mineral entry approximately 5,580 acres of state and state selected lands within the Upper Girdwood Valley (see Attachment A) in accordance with AS 38.05.185(a) and 38.05.300(c). The purpose of this closure is to support and promote additional recreational development in the Glacier and Winner Creek drainages near Girdwood, Alaska.

Mineral Order (MO) 1121 compliments Mineral Closing Order 593, Amendments 1, 2, and 3.

Background:

The need for a Mineral Closing Order in this area became apparent some time ago when numerous federal mining claims were staked while the federal government was in the processes of conveying these lands to the State of Alaska. As the Municipality of Anchorage was interested in these lands for recreational development, they purchased the claims so that there would be no conflict between surface and sub-surface users. During the formulation of the Turnagain Arm Management Plan, the Anchorage Assembly requested that the State close the area to new mineral staking. In the early 1990's the Commissioner of the Department of Natural Resources closed this area to mineral entry on approximately 10,000 acres of state, state selected, and municipal lands in the Girdwood Valley under Mineral Closing Orders 593 (including amendments 1 and 2). This closure had a term limit of ten years. In 2002, the Commissioner extended the mineral closing order for another ten year term through MCO 593 Amendment 3 (MCO 593 A3). This extension will expire on April 2, 2012.

In accordance with AS 38.05.300(c), MCO 593 A3 was presented to the 2003 Alaska State Legislature for approval. That approval was granted through House Bill (HB) 139 which enacted as ch. 8, SLA 2003. Sec. 4 of that act provides that should the DNR Commissioner certify to the governor and the revisor of statutes on or before April 2, 2012, that development of a resort as described in sec. 1 of the act and as provided in

and Municipality of Anchorage land use plans has begun, the expiration of the closing order would not take effect.

Originally, DNR public noticed that all mineral closing actions for this area would be conducted under MO 1121. It was the intent of DNR to bundle all of the MCOs together and eliminate the confusion the various amendments have caused. However, after consulting with the Department of Law, it was determined that the best course of action was to certify that recreational development has occurred per legislative requirements outlined within ch. 8, SLA 2003. Therefore, a separate process of certifying development has already occurred will parallel this finding, thus eliminating the expiration date for those lands affected by the third amendment of MCO 593 and negating the need to include them within MO 1121.

Recommended Actions under this Finding:

1. Issue Mineral Order 1121 (closure) per AS 38.05.185(a) as mineral entry (mining) is incompatible with the significant surface use development activities occurring within the Glacier and Winner Creek drainages near Girdwood.
2. Transmit and introduce Mineral Order 1121 within the first 10 days of the 2012 legislative session for legislative approval per AS 38.05.300(c).

Rationale for Mineral Closures within the Glacier and Winner Creek Drainages:

Community interest in expanding recreational opportunities within the Girdwood Valley has increased significantly within the last decade. Local interest groups, private businesses, and governmental agencies have developed Nordic ski trails, expanded backcountry helicopter and snowcat skiing opportunities, upgraded local trails including the Winner Creek Trail system, and Alyeska Resort has commissioned the development of a Master Development Plan to promote skier based recreational facilities within the Glacier and Winner Creek drainages. Furthermore, in July 2011 a legislative appropriation of 3.5 million dollars to extend Arlberg Road was approved to fund the necessary road development project to secure access into the Winner Creek area. This extension project is designed to encourage additional recreational infrastructure including, a Nordic trail facility; expanding the existing Nordic trail systems; additional parking areas; and land necessary for additional lodging and real estate opportunities.

If the lands in the Girdwood area were to open to mineral entry and claims staked, it would interfere with the planned, orderly development of the area and could interfere with attempts of developers to obtain financing. Additionally mining activity in this area would be incompatible with the management intent for Management Units 3a and 3b described in the Turnagain Arm Management Plan, which recognizes that this area should be closed to mineral entry. By not taking action to close this area to mineral entry, the possibility exists that mineral staking could occur, in the same way that it did previously with the Municipality of Anchorage. This approach is inconsistent with the intent of AS 38.05.185 which provides for the closure of areas where an apparent incompatibility exists. Substantial recreational development has already occurred and a

development plan has been drafted that provides for recreational use and infrastructure development of this area. The reopening of this area to mineral entry would be incompatible with these existing and planned recreational activities.

Term Length:

The previous mineral orders in this area have been subject to a term limit, in large part based on the stipulation in the area plan that the closures be of ten year duration. However, in its entirety the area plan states “This closure is in effect until ten years from the date of conveyance of this land to the state, at which time the land may be re-opened to mineral entry *if resort development is not likely to occur.*” Until recently, it was not apparent when and how this type of development would occur, but this aspect has changed and development on a long-term basis is now much more probable.

One large factor in favor of vacating the “termed” MCO approach is a recent change in ownership of Ayleska Resort. When the first mineral closure was instituted over 20 years ago, the then owner of Ayleska Resort strongly indicated no desire to expand ski area facilities beyond its current boundary, stating that any such expansion of ski area facilities would have to be addressed by a third party. That situation alone made it very difficult for a third party to find it financially feasible to create new skier services in the area which would meet the requirement for a long-term mineral closure.

The current owner of Ayleska Resort is committed to extensive upgrades of equipment and facilities at the resort and to the development of increasingly diverse recreation opportunities within the area of closure. In fact, this change in ownership has resulted in millions of dollars being spent for recreational and infrastructure development to date. Additionally, continued upgrades are planned for the resort, including new lift systems. Forecasted lift upgrades at the Ayleska Resort within the next several years will cost millions of dollars for which public and private financing is available. However, if the Glacier and Winner Creek drainages are subjected to another Mineral Order with a term limit imposed, investment in new lift systems – as well as other important infrastructure improvements—are not likely to occur due to the absence of long term certainty. Ayleska Resort has stated that it is committed to investing capital dollars into infrastructure but not if the area is open to mineral entry.

There is significance to the condition of new ownership at the resort that goes beyond the financial realities. This owner is a highly skilled owner/operator in the ski resort business and is acutely aware of the importance and significance of the resource values in this area. Not just for the opportunity to expand recreational services beyond the current resort’s boundary, but for the values development in the surrounding area offer his existing operation at the resort. Increasing the diversity of recreational choices in the surrounding backcountry increases the value of Ayleska Resort as a destination. A diversity of attractions in the area as a whole will lead to increased demand for services, development of jobs, and opportunity for new entrepreneurs. Expansion of recreational based facilities into the Glacier Winner Creek Valley is shown to be feasible by a detailed analysis and technical feasibility study commissioned and paid for by Ayleska Resort. When such an expansion might occur is more closely related to economic conditions.

Agency Review:

An Interagency Review was initiated on January 6, 2011 and concluded on January 18, 2011. Included in the review were Alaska Department of Transportation and Public Facilities, Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, Bureau of Land Management, U. S. Forest Service, Municipality of Anchorage, and Cook Inlet Region Incorporated. Within the Department of Natural Resources, the Divisions of Mining, Land, and Water; Parks and Outdoor Recreation; and the Geological & Geophysical Surveys were included in the review. In total, one "no objection" comment and three agency comments were received.

Agency Comments:**U.S. Forest Service/Glacier Ranger District**

Supports the mineral closure in favor of the recreational development in the Girdwood area. Closure is in accordance with current U.S. Forest Service management intents.

MOA Heritage Land Bank

Fully supportive of the mineral closure. MOA lands in the upper Girdwood Valley have a mix of commercial, residential, and recreational values which are inconsistent with mineral entry. They would prefer if the closure was permanent.

ADGGS

The Alaska Division of Geological & Geophysical Surveys reviewed the lands within MO 1121 for mineral resources. They have reported that the USGS and BLM reports are good and thorough summaries for the potential of locatable minerals in this area and that there are no known mineral prospects within the closure area.

Public Notice:

Pursuant to AS 38.05.945, a draft Commissioner's Finding was advertised for a 30 day public comment period, starting on January 20, 2011. This notice was run in both the Anchorage Daily News and the Turnagain Times. Courtesy notices were mailed to interested parties located in and around the mineral closure area on January 19, 2011. The deadline to submit comments was set for February 21, 2011. However, as that date turned out to be a state holiday, the deadline was extended to February 22 so as to accommodate those who tried to submit comments on the last day.

Public Comment Summary:

During the public notice period, DNR received ten public comments in favor of the mineral closure. Below is a summary of those submitted reasons:

- Important for the continued sustainability and viability of the Alyeska resort.
- Important for any possible expansion of the Alyeska Resort.
- Important to maintain the natural view shed for locals and tourist alike.

- Mining is inconsistent with recreation and tourism development and only benefits a few while recreation is available for everyone's enjoyment.
- Several residents did not want to live next to "full blown mining" but also felt that recreational gold panning was acceptable.
- Important to protect current and future recreational development including;
 - Alyeska Resort
 - Expanding Nordic ski trails
 - The upgraded Winner Creek trail system
 - Commercial snowcat and helicopter skiing activities
- A mineral closure in this area would be consistent with the Turnagain Arm Management Plan, Alaska Statehood Act, Alaska state law, and various natural resource court decisions.

Furthermore, nine of the commenters stated that they wanted the mineral closure to either be indefinite or permanent. One comment was submitted by Crow Creek Mine which stated that they supported the intent of the mineral closure, but they recommended instituting a term limit of 10 to 15 years on lands not under a recreational lease so as to prevent a "permanent" closure.

- **DNR Response:** The State of Alaska has the ability to open or close land to new mineral entry through mineral orders. Typically these mineral orders do not have an expiration date. The State of Alaska does not have the ability to make a mineral order permanent. This was purposely set up this way so that future generations can address changes in land use. The Girdwood mineral orders which were established in 1991 were unusual in that the orders had a termination date. This was purposely done so as to trigger a review of land use patterns in the upper Girdwood Valley every ten years. At this time, DNR has determined that sufficient recreational development has begun in the Girdwood area and in order to protect current recreational activities and promote further development, DNR will not place an expiration date on this mineral closure order.

Crow Creek Mine recommended including land within Township 11 North Range 2 East, Seward Meridian: Section 33: SE1/4 SW1/4 All lands lying SE of Crow Creek Road, and Section 34: SE1/4SW1/4 all lands lying East of Crow Creek Road within MO 1121. According to Crow Creek Mine, this would exclude and not impact the U.S. Survey 11872 and federal mining claim recordations AA 56277, AA 56278, AA 56282 and AA 56283.

- **DNR Response:** Mineral Order 1121 (MO 1121) does not include the area described above. Instead, this area is already covered under Mineral Closing Order 593, Amendment 3 (MCO 593A3). It is important to recognize, neither mineral closing order has any effect on U.S. Survey 11872 and federal mining claim recordations AA 56277, AA 56278, AA 56282 and AA 56283 as they are not state owned lands. So long as Crow Creek Mine's federal mining claims are active, these lands are not eligible to be conveyed to the state. If at some point in

time this area is conveyed to the state, MCO 593A3 will then affect the area described.

During the adjudication of MO 1121, an error in the Tentative Approval (TA) for this area was discovered in which two federal mining claims (AA 56277 and AA 56278) were inadvertently excluded from the TA. For this reason, DNR will pursue an amendment to the legal description for MCO 593A3 to read as follows: Township 11 North, Range 2 East, Section 34: SW1/4 all land lying east of Crow Creek Road, SE1/4; excluding mining claim recordations AA 56277, AA 56278, AA 56282 and AA 56283 and U.S. Survey 11872.

Signature page follows:

Commissioner's Decision:

In accordance with of AS 38.05.185(a) and AS 38.05.300(c), I find that the best interest of the State of Alaska and its residents are served by issuing Mineral Order 1121 for closure to mineral entry the described lands within Attachment A. The closure is necessary and proper in order to protect current recreational activities and to promote further development in the Girdwood area. This Administrative Finding determines that mining would be incompatible with the significant surface uses on state land, including potential land disposals such as a recreational development lease (AS 38.05.073), and does not place any term limit on the closure.

The effective date of this closure is to be 30 days after the approval of Mineral Order 1121 by the Commissioner of the Department of Natural Resources. Mineral Order 1121 closes all state land described in Attachment A until such time that the Department determines that they are no longer required for this function. The described state selected lands within Mineral Order 1121 will automatically take effect upon conveyance to the state.

Recommended By: Richard B. Thompson 9/16/2011
Richard B. Thompson Date
Southcentral Regional Land Manager

Concurrence: Brent Goodrum 9/16/2011
Brent Goodrum, Director Date
Division of Mining, Land & Water

Approved: Daniel S. Sullivan 10/11/2011
Daniel S. Sullivan, Commissioner Date
Alaska Department of Natural Resources



Request for Reconsideration:

A person affected by this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received by 5:00 pm on November 1, 2011 and may be mailed or delivered to Daniel S. Sullivan, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918, or sent by electronic mail to dnr.appeals@alaska.gov. If reconsideration is not requested by that date or if the commissioner does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on November 14, 2011. Failure of the commissioner to act on a request for reconsideration within 30 days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. The decision may then be appealed to Superior Court within a further 30 days in accordance with the rules of the court, and to the extent permitted by applicable law. An eligible person must first request reconsideration of this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 may be obtained from any regional information office of the Department of Natural Resources.



**ATTACHMENT A
MINERAL ORDER NO. 1121**

Containing approximately 5,580 acres
within the Glacier and Winner Creek Drainages near Girdwood, AK

LEGAL DESCRIPTION

State owned lands affected by this MO are further described as follows:

Township 10 North 2 East, Seward Meridian

Section 9: E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ within the Chugach National Forest

E $\frac{1}{2}$ SE $\frac{1}{4}$ within the Chugach National Forest

Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,

S $\frac{1}{2}$ NW $\frac{1}{4}$ except for the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$ except for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

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

Section 15: All

Section 16: E $\frac{1}{2}$ E $\frac{1}{2}$ within the Chugach National Forest

Section 21: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ within the Chugach National Forest

Section 22: N $\frac{1}{2}$ N $\frac{1}{2}$

Totaling approximately 1,540 acres

State selected lands included within this MO:

Township 11 North Range 3 East, Seward Meridian

Section 20: SE $\frac{1}{4}$

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

Section 28: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 29: All

Section 30: S $\frac{1}{2}$

Section 32: NE $\frac{1}{4}$

Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Township 11 North Range 2 East, Seward Meridian

Section 25: S $\frac{1}{2}$ SE $\frac{1}{4}$

Township 10 North Range 3 East, Seward Meridian

Section 5: NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 6: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 7: SW $\frac{1}{4}$, N $\frac{1}{2}$

Section 8: NW $\frac{1}{4}$

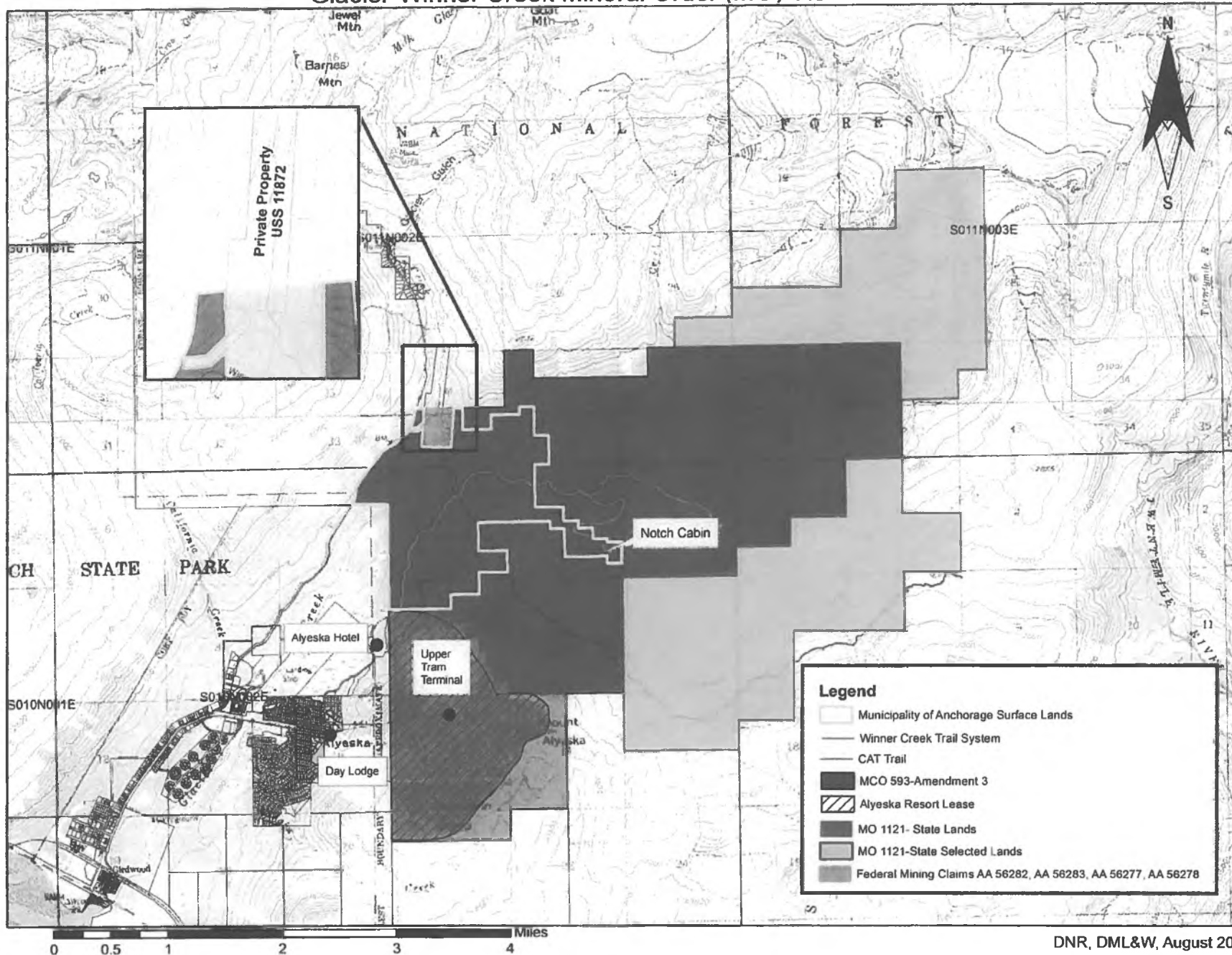
Section 18: N $\frac{1}{2}$ NW $\frac{1}{4}$

Township 10 North 2 East, Seward Meridian

Section 12: All

Section 13: N $\frac{1}{2}$

Glacier-Winner Creek Mineral Order (MO) 1121



STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF MINING, LAND AND WATER

Northern Region
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2705

Southcentral Region
550 W. 7th Ave, Suite 900C
Anchorage, AK 99501-3577
(907) 269-8503

Southeast Region
400 Willoughby, #400
Juneau, AK 99801
(907) 465-3400


MINERAL ORDER 1121
Closing Lands to Mineral Entry

- I. Legal Description/Geographic Location: Glacier and Winner Creek Drainages, Girdwood, AK
- II. This mineral order is based upon the attached Commissioner's Finding and the written documentation contained in: MO 1121

III. File Number Legal Description Acreage

Please see Attachment A

- IV. This order is subject to valid existing rights and issued under the authority granted by AS 38.05.185 - 38.05.275 to the Department of Natural Resources. The above described lands are hereby **CLOSED** to entry under the locatable mineral and mining laws of the State of Alaska.

Concur: 
Brent Goodrum, Director
Division of Mining, Land and Water

9/16/2011
Date

Approved: 
Daniel S. Sullivan, Commissioner
Department of Natural Resources

10/11/2011
Date

ATTACHMENT A

MINERAL ORDER NO. 1121

Containing approximately 5,580 acres
within the Glacier and Winner Creek Drainages near Girdwood, AK

LEGAL DESCRIPTION

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E $\frac{1}{2}$ SE $\frac{1}{4}$ within the Chugach National Forest

Section 10: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$,

S $\frac{1}{2}$ NW $\frac{1}{4}$ except for the N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,

SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$,

SE $\frac{1}{4}$ SE $\frac{1}{4}$ except for the NE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$

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

Section 15: All

Section 16: E $\frac{1}{2}$ E $\frac{1}{2}$ within the Chugach National Forest

Section 21: E $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ within the Chugach National Forest

Section 22: N $\frac{1}{2}$ N $\frac{1}{2}$

Totaling approximately 1,540 acres

State selected lands included within this MO:

Township 11 North Range 3 East, Seward Meridian

Section 20: SE $\frac{1}{4}$

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

Section 28: W $\frac{1}{2}$ W $\frac{1}{2}$

Section 29: All

Section 30: S $\frac{1}{2}$

Section 32: NE $\frac{1}{4}$

Section 33: NW $\frac{1}{4}$ NW $\frac{1}{4}$

Township 11 North Range 2 East, Seward Meridian

Section 25: S $\frac{1}{2}$ SE $\frac{1}{4}$

Township 10 North Range 3 East, Seward Meridian

Section 5: NW $\frac{1}{4}$, S $\frac{1}{2}$

Section 6: SE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$

Section 7: SW $\frac{1}{4}$, N $\frac{1}{2}$

Section 8: NW $\frac{1}{4}$

Section 18: N $\frac{1}{2}$ NW $\frac{1}{4}$

Township 10 North 2 East, Seward Meridian

Section 12: All

Section 13: N $\frac{1}{2}$

Totaling approximately 4,040 acres

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,

A handwritten signature in black ink that reads "Christopher J. Owens". The signature is written in a cursive, flowing style.

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

GIRDWOOD



2020

P.O. Box 1102

Girdwood, Alaska 99587

www.girdwood2020.org

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

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 Hiibner

Lana Johnson

Lynn Johnson

Philip 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

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', written over a horizontal line.

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

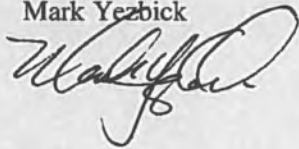
Re: Mineral Order 1121

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

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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,


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:

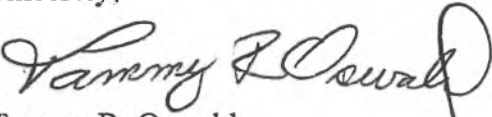
The Municipality of Anchorage (MOA) Real Estate Department appreciates the opportunity to comment on the Mineral Order 1121 regarding the State's subsurface estate lands in the Girdwood Valley. We are interested in providing comments in regard to the Department of Natural Resources' notice of Agency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

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United States
Department of
Agriculture

Forest
Service

Glacier
Ranger
District

P.O. Box 129
Forest Station Road
Girdwood, AK 99587

File Code: 1500/2800

Date: February 2, 2012

Jennifer Murrell
Natural Resource Specialist II
SOA-DNR-SCRO-Leasing Unit
550 W 7th Avenue Ste 900c
Anchorage, AK 99501-3577

Dear Ms. Murrell,

The Glacier Ranger District supports the Glacier Winner Creek Mineral Closing Order. Withdrawal of this area is important to the continued investment in recreational development by businesses in the Girdwood Community; including Alyeska Resort and Chugach Powder Guides. In addition, withdrawal provides certainty to other small businesses which provide recreational services on both these state lands and the adjacent federal lands of the Chugach National Forest. Lastly, withdrawal offers the best form of protection for the existing Winner Creek and Upper Winner Creek trails, both are trail segments of the significant and historic National Iditarod Trail.

Sincerely,

/s/ Tim Charnon
TIM CHARNON
Glacier District Ranger

cc: dhiibner
geoff.gross





ALASKA MINERS ASSOCIATION, INC.

3305 Arctic Blvd., #102, Anchorage, Alaska 99503 • (907) 563-9229 • FAX: (907) 563-9228 • www.alaskaminers.org

February 6, 2012

The Hon. Cathy Giessel
The Hon. Bill Hawker
State Capital
Juneau, Alaska

Re: SB181 and HB285

Dear Senator Giessel and Representative Hawker;

As you both are aware, the Alaska Miners Association is a long established group dedicated to promoting the responsible development of Alaska's mineral resources. The Alaska Miners Association is a non-profit membership organization established in 1939 to represent the mining industry in Alaska. The AMA is composed of more than 1400 individual prospectors, geologists and engineers, vendors, suction dredge miners, small family mines, junior mining companies, and major mining companies. Our members look for and produce gold, silver, platinum, diamonds, lead, zinc, copper, coal, limestone, sand and gravel, crushed stone, armor rock, and other materials. Our members live and work throughout the state.

We recently took up the questions that are addressed in your respective bills as identified above, regarding a mineral closure order in the Glacier and Winter Creek drainages in the Girdwood area. We are specifically appreciative of the process followed by DNR, in evaluating the proposed areas as to their mineral potential and other values. We support the closure orders and agree with the assessment that these lands are properly suitable for expansion of the recreation uses. We would note that should such use cease, we would like to see the closure orders reversed and the areas reopened to mineral development.

Again, we appreciate the chance to comment and support the effort to accomplish these particular withdrawals. Thanks to you both for all of the hard work and dedication you provide to the citizens of Alaska in your roles as legislators.

Please feel free to contact me if you have further questions or need additional information.

Cordially,

Fred Parady
Executive Director