

# TVSA PROTESTS CLOSURE

## Local Guide Appeals Military Closure of Large Sporting Area

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Fairbanks sportsmen are protesting a new game regulation closing an area to hunting and trapping because of military research—and possibly describing the wrong area.

The regulation creates the Delta Creek Closed Area—"That portion of Unit 20 lying within 5 miles of Delta Creek, from its headwaters north to the boundary of the military reser-

vation (closed to all hunting and trapping)." The area is about 100 miles southeast of Fairbanks and 35 miles southwest of Delta Junction.

The request for the closed area was made by the army. The justification was that the military would be conducting research in the area and that the research would be hampered by public entry. The exact type of activity to be conducted there was classified, and was known only to James Brooks, director of the Alaska Division of Game.

The Tanana Valley Sportsmen's Association, acting on the complaint of guide Robert Elliot, has sent a letter to the Attorney General asking him to rule that such a closure is beyond the powers of the Board of Fish and Game. Elliot, whose guiding business

is based in the area, has already sent a complaint to the Commissioner of the Fish and Game Department, Walter Kirkness.

The TVSA and Elliot are claiming that the Board does not have the power to grant the use of land to the military in avoidance of the proper withdrawal procedure. No application has been made for a withdrawal or a use permit, cording to the Fairbanks office of the Bureau of Land Management.

When questioned on the request, military spokesmen at Fort Greely commented: "This is not a newly closed area. This area is within the Fort Greely reservation and does not go outside of the reservation."

"This area is in the impact

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zone of Fort Greely and access to this area has been granted in the past consistent only with test requirements. Effective 1 September 1966 a test series will begin and entry will not be granted into this area."

The military added that all testing would be done within the present reservation and that no new land would be withdrawn.

A check with local Fish and Game Department officials showed that they interpreted the regulation to mean that an area south of the military reservation would be closed. Maps of the area show that a major source of Delta Creek is the Trident Glacier, which is shown ending a mile and a half within the reservation.

However, a branch of the creek extends beyond the boundary, and several small streams flow into the glacier. In addition, the glacier has retreated since the maps were drawn, and part of the stream may be formed outside the reservation.

Tending to support the belief that the area described is outside the reservation is the fact that this closure is unnecessary if the area desired is within the reservation. The military reservation is entirely under the control of the army, and they can bar access without help from any state agency.

Acting on the probability that the regulation covers public lands, the TVSA has written to the State Attorney General, asking him to exercise his power to void illegal acts of the Board of Fish and Game. They base their claim that the closure is illegal on the theory that the Board is supposed to make rules to provide protection and reasonable harvest of wildlife, and not to provide land for military research.

Robert Elliot has asked the Commissioner of Fish and Game to provide an emergency open season in the area, in case the Attorney General does not overrule the closure. Kirkness has indicated that he will consider the request, especially since the information presented was not available at the board meeting.

The Fairbanks member of the Board, Eugene Miller, has stated that, after thinking the matter over, he agrees that the action of the board was too hasty. He has said that he has learned from the experience, and suggests that a full explanation be required for future board actions.