

Subsurface Resources

Goals

Opportunities for Mineral Exploration and Development. Provide opportunities through state land management for the exploration and development of mineral resources.

Economic Opportunities. Provide economic opportunities and stability by managing state lands for the efficient and environmentally sound:

- transfer of minerals from uplands to transport vessels;
- disposal of tailings;
- development of state land and submerged land mining sites; and,
- siting of infrastructure to support development of mineral resources.

Mineral Development Guidelines

Background: The planning area has produced small quantities of gold, chromium, and platinum. The majority of recorded gold production has been from placers in the beaches and dunes at the Cape Uganik-Miner's Point area, and occurred primarily between 1895 and 1920. Total gold production is estimated at 149 Kg. Significant chromite prospects are known at Claim Point and Halibut Bay; Claim Point is estimated to have produced 2,000 metric tons of chromite from layers and lenses in ultramafic rocks. The small amount of mineral development is likely due to the fact that the areas with the highest mineral potential are within the Kodiak National Wildlife Refuge and thus little or no modern era exploration has been carried out.

Bureau of Mines data indicates the presence of three mineral terranes, which affect the western and middle parts of Kodiak Island. Within these areas, however, there are few prospects or mineral occurrences and none that coincides with the units recommended for Settlement in this plan. Historically, DNR has closed areas designated Settlement to mineral entry and exploration if a potential incompatibility might exist.

A. Mineral Exploration. By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

B. Open to Mineral Location. By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws

and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are directed by the Mining Reclamation Act (AS 27.19) and regulations (11 AAC 97). (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

C. Reclamation of Mined Land. The reclamation of mining operations, including placer mining, must meet the reclamation standards given in AS 27.19. The reclamation law provides a standard that miners must meet during and after mining. The mining operation must be conducted in a manner that prevents unnecessary and undue degradation of land and water resources and requires that reclamation occur "contemporaneously" with the mining operation. Regulation 11 AAC 97 (Mining Reclamation) details the specific requirements that must be followed. In designated habitat areas, annual reclamation will be required concurrent with mining. Reclamation will be required to restore degraded fish and wildlife habitat and prevent hazards to navigation.

D. Mining in Fish Habitat. When DNR issues a permit for mining in or adjacent to designated fish habitat, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds that will allow the operation to meet water quality standards and statutes and regulations governing the protection of fish. Mining in fish habitat requires permits from DEC and DNR, Office of Habitat Management and Permitting. DNR, OHMP permits are not required in marine waters or estuarine areas outside of the intertidal channel of specified anadromous fish streams. The intertidal channel is that portion of the bed and banks below the mean high water level. However, a Special Area Permit issued by ADF&G is required if the project is located within a legislatively designated area, including uplands, estuaries or tidelands.

E. Offshore Prospecting Permits (OPP). Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through authorizations issued by DNR. DNR determines what areas will be offered for offshore prospecting. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. The Alaska Department of Fish and Game has stated that it has initially determined mining in areas designated Habitat or occupying estuarine areas to be a nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, determine the appropriate mitigating measures needed to protect fish and wildlife resource values.

F. Mineral Closures

1. **Background.** The decision to apply mineral location closures will be made by the Commissioner of DNR within standards set by the Alaska Statutes. AS 38.05.185(a) requires that the Commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict

exists before imposing leasing requirements for development of locatable minerals. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing mineral locations.

2. **Land Closed to Mineral Entry.** State mining law stipulates that mining must be determined to be in conflict with significant surface uses before an area can be closed to mineral entry. There is little correspondence between the location of state upland units designated Settlement and historical or potential mining activity in the planning area. Since little potential conflict can be expected to exist, this plan does not create any new mineral closing orders or leasehold location orders. The current Mineral Closing Orders affecting existing areas of settlement or proposed settlement will, however, be retained. The Ugak Bay Land Sale Area (unit K-57B) on the Shearwater Peninsula remains affected by Mineral Closing Order 191. Other areas closed to mineral entry are: Tugidak Island Critical Habitat Area (Mineral Closing Order 594) and Marmot Island (Mineral Closing Order 592).

Mineral Closing Orders are recommended for use at the time that an area is being considered for disposal for purposes of settlement or other forms of development that would be inconsistent with mining activity. The timing of the closure is at the discretion of DNR but should be early enough in the process to avoid the inadvertent staking of mining claims. (Note: Mineral entry on Alaska Mental Health Trust Land is not authorized without the prior approval of the Trust Land Office of DNR in accordance with 11 AAC 99.)

G. Other Guidelines Affecting Subsurface Resources. For details of these guidelines, see the following sections of this chapter:

- Coordination and Public Notice
- Cultural Resources
- Fish and Wildlife Habitat and Harvest Areas
- Forestry
- Material Sites
- Recreation, Tourism, and Scenic Resources
- Settlement
- Shorelines, Stream Corridors and Coastal Areas
- Public Access Easements, Neighborhood Trails, and Public Access