

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.

Management Guidelines

A. Mineral Exploration. By statute, exploration for locatable minerals is allowed on all state lands. 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. Mineral entry on land owned by the University of Alaska is not authorized without the prior approval of the University of Alaska, Land Management office.)

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 ADF&G. Such 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. Since less than 50% of all anadromous streams are listed in the ADF&G Catalogue of Anadromous Waters, DNR should consult with ADF&G prior to the issuance of an authorization where stream channels are present.

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 and 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 the standards set by 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 parcels designated Settlement and historical or potential mining activity in the planning area. Since little potential conflict is expected to exist, this plan does not create any new mineral closing orders or leasehold location orders. The current

Mineral Closing Orders will, however, be retained. These affect extensive areas within the planning boundary, including most legislatively designated areas, many areas of settlement, both current and proposed, forestry areas in the Kashwitna Uplands region, anadromous streams⁹, and the previously proposed capital site south of Deception Creek. To determine the location of areas closed to mineral entry in the planning area consult the DNR Alaska Mapper, available on-line at: mapper.landrecords.info.

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. Similar requirements apply to land owned by the University of Alaska.)

G. Oil and Gas Resources. It is probable that oil and gas resources are present within the planning area. The planning and decision making processes for oil and gas development occur under a separate section of Alaska Statutes (AS 38.05.180) and these processes are not included as part of area plans. For this reason, the area plan does not make any development decisions related to these resources, and defers all decisions regarding licensing or leasing of oil and gas to DNR's existing licensing and leasing processes.

Oil and gas sales are not subject to the regional planning process; instead they follow the planning process identified under AS 38.05.180. The land use designations of the plan are multiple use in character and do not preclude oil and gas development.

H. Other Guidelines Affecting Subsurface Resources. Other guidelines will affect subsurface resources. See other sections of this chapter.

⁹ The following streams are affected by mineral closing orders: Montana Creek, Sheep Creek, Kashwitna River, Deception Creek, and the Little Susitna River and certain of its tributaries. Consult Alaska Mapper to determine the precise location of the closure.