SUBSURFACE RESOURCES

Goals

Opportunities for Mineral Exploration and Development. Provide opportunities through state land management for exploration and development of both private and public mineral resources to help ensure a stable national minerals supply and minerals development opportunities.

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

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

Mineral Development Guidelines

A. Mineral Exploration. Recognized exploration methods for locatable minerals will be allowed on all state lands except those specifically closed to prospecting and will be subject to the conditions of a land use permit. DNR may determine that some traditional forms of access will not be allowed in specific areas to avoid resource damage.

B. Open to Mineral Entry. All state lands that are open to mineral entry are multiple use areas where mineral development will be accommodated and encouraged.

Where an area is open to mineral entry, a miner has the right to stake a claim 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 the management intent and guidelines of this plan.

C. Reclamation of Mined Land. Land use permits and plans of operation for mineral development will specify measures needed to return the land to a useful state. Determination of the specific measures to be taken will be done in consultation with the affected agencies. Specific measures may include storage and reuse of topsoil; disposal of overburden; regrading of tailings and revegetation; reestablishment of natural (not necessarily original) contours; reestablishment of a natural drainage system; long-term erosion control measures; and removal of equipment, improvements, and other man-made items.

In crucial habitat[6] areas annual reclamation will be required concurrent with mining. Reclamation will be required as necessary to restore productive fish and wildlife habitat and prevent hazards to navigation.

D. Mining in Fish and Wildlife Habitat. When DNR issues a permit for mining in or adjacent to fish habitat, the land manager will require as a condition of the permit any necessary measures, such as levees, berms, and/or settling ponds, that will allow the operation to meet water quality standards, and statutes and regulations governing the protection of anadromous fish. Mining in fish habitat many require a permit from ADEC and ADF&G. ADF&G permits, however, are not required in marine waters and estuaries outside of the mouths of specified anadromous streams (except within the Copper River Delta State Critical Habitat Area).

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6 Crucial fish and wildlife areas are defined in the glossay (Appendix A) and are depicted on the unit maps in Chapter 3.

E. Bonding. Whether or not a performance bond will be required for a mining operation will be decided after consultation with other agencies. However, in crucial fish and wildlife habitats a bond of not less than $5,000 will be required for any permitted mining operation.

F. Offshore Prospecting Permits (OPP). Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through a permit issued by DNR. DNR determines what areas will be opened for permits. No areas in the Sound area are currently open for permits. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. Crucial habitat and harvest areas are areas of significant surface use of or by fish. The Alaska Department of Fish and Game has stated that it has initially determined mining in crucial estuarine areas to be 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, the appropriate mitigating measures to protect fish and wildlife resource values.

Application of Mineral Closures and the Locatable Leasing Program

The decision to apply mineral closures or locatable mineral leasing will be made by the Commissioner within the parameters 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 statutes requires that the commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted only under a lease. The fact that an area is closed to new mineral entry will not be cause for denying access across state land.

A. Land to be Closed to New Mineral Entry. Using the criteria established in AS 38.05.185(a), DNR generally finds mining to be incompatible with the types of surface uses listed below and will close the area to mineral entry at the specified times in the decision making process. However, each situation will be evaluated separately when mineral orders are prepared and a determination made that the requirements of AS 38.05.185(a) have been met.

1. Areas Scheduled for Disposal. Land scheduled for commercial, industrial, agricultural, or subdivision sale will be closed to mining and mineral location at the end of the first year of the Land Availability Determination System (LADS) process (that is, approximately 2 years before the anticipated land sale).

2. Land Proposed for Exchange. Lands proposed for exchange or trade will be closed to mineral entry and location at the time a preliminary agreement to exchange the land is reached.

3. Land to be Transferred to Another Public Agency. Lands reserved for transfer to another public agency for development of a public facility, or reserved as a future townsite will be closed to mineral entry and location at the time the area is classified "reserved use."

4. Marine Parks. Mining would also conflict with any state land designated as units of the state park system. These areas would be closed to mineral entry by the legislature if the legislature establishes new park units. Existing units of the Alaska Marine Park system are closed to new mineral entry.

5. Anadromous Fish Habitat. Mining would also be in conflict with certain anadromous fish spawning and rearing habitats. However, these areas have been closed by Mineral Order #556 (see paragraph below). The state owns the land under all navigable waterbodies, including tidelands, under all streams on state-owned land.

B. Land Closed to New Mineral Entry. Using the criteria established in AS 38.05.185(a), DNR has found mining to be incompatible on approximately 89,000 acres.

These areas were closed to new mineral entry by Mineral Closing Order #556 (in Appendix D). These areas were closed to new mineral entry to protect existing fishery and habitat values and to prevent conflict with those resources. These areas include the most productive stream and estuarine salmon spawning and rearing habitats in the planning area, and the Copper Delta State Critical Habitat Area. Existing valid claims are not affected by these closures. Closed areas are shown in **Map 2-2**, Appendix D, and in each management unit of Chapter 3. A summary of the closures and their acreage is given in the Policy Summary that follows these guidelines, including **Table 2-4**.

Under state mining laws, a state mining claim can be filed on the tidelands. A provision of state mining regulations, however, is that a mining claim can extend into tide and submerged lands only if "two of the corners are on or above the line of mean high tide" (11 AAC 86.135(c)). This provision allows for mining claims to be staked adjacent to the shore on any state tide and submerged lands, regardless of who the upland owner is. As a mining claim may not exceed 1,320 feet in its longest dimension, these claims cannot extend more than 1,320 feet seaward from mean high tide.

C. Oil and Gas and Other Energy Resources. The plan defers any decisions regarding leasing for oil and gas and other energy resources to DNR's existing leasing processes. No lease sales are proposed due to the relatively low potential for oil and gas discoveries and the lack of any other significant known leasable minerals on state land in Prince William Sound.

D. Other Guidelines Affecting Subsurface Resources. Guidelines in the Forestry section of this chapter that have "RTF" or "RTS" in the title apply to mineral transfer facilities and sites. Other relevant guidelines in the following sections of this chapter will also apply to the management of subsurface resources.

Coordination and public notice
Fish and wildlife habitat and harvest areas
Forestry
Instream flow
Materials
Public access
Recreation, tourism, cultural, and scenic resources
Settlement
Shoreline development

Summary of Policies

Most known economically valuable subsurface resources are located on private or federal land. While few active mining operations exist on state land, the majority of state lands and tidelands in Prince William Sound are open to mining. The plan uses guidelines to minimize potential conflicts between mining and other uses of state land. In a few cases, areas are closed to new mineral entry where guidelines are not sufficient to mitigate potential conflicts. Where past conflicts no longer exist, state lands will be reopened to mineral entry. Finally, the plan reserves sites for mineral transfer facilities on state tidelands.

Mineral Transfer Sites. Mining on US Forest Service and private lands require state tidelands for mineral transfer sites. Access to state-owned tidelands for transfer facilities are protected where active mineral exploration indicates a probable need for developed access. Access needs have been identified at five sites:

- Poe Bay (Passage Canal, subunit 2B)
- Granite Mine (Port Wells, subunit 5F)
- Drier Bay (Knight Island, subunit 16E)
- Cliff Mine (Valdez Arm, subunit 22B)
- Katalla (Katalla, subunit 29D)

Transfer facilities may be sited at other locations on state land where needed and consistent with the management intent and guidelines of the plan.

Mineral Closures and Openings. The majority of state-owned uplands and tidelands remain open to mineral entry. About six percent, or approximately 74,827 acres of state-owned land in the Sound will be closed to new mineral entry. Existing valid mining claims are not affected by these closures. In addition, approximately 13,810 acres in proposed settlement areas will be closed prior to sale.

Other mineral closures are to protect the most important salmon spawning and rearing habitats. Approximately 5,200 acres of state-owned tidelands adjacent to the existing hatcheries at Chenega Bay, Main Bay, Cannery Creek and Lower Solomon Gulch will be closed. The hatcheries and the fishery they support are critically dependent on these tidelands for salmon habitat including the growth of juvenile salmon. (Tidelands adjacent to the Esther Lake hatchery were closed by the legislature when it established the Esther Island State Marine Park.)

Approximately 50,058 acres of state-owned tidelands in 143 crucial estuarine areas are closed to new mineral entry. These closures are to protect important salmon spawning and rearing areas and to prevent conflict with those resources. Approximately 4,069 acres will be closed in twenty-nine stream beds and their associated state-owned upland riparian

Table 2-4. Lands Open to Mineral Location or Closed to Mineral Location

	Acreage	Percent of State-owned Land in Planning Area
Uplands Open to Mineral Location:	924,392	62.2%
Uplands Re-opened to Mineral Location (Blying Sound Remote Parcel Area)	42,081	2.8%
Uplands Closed to Mineral Location for fish habitat values - 4,069 acres for settlement - 13,810 acres	17,879	1.2%
Tidelands Open to Mineral Location[a]	430,242	29.0%
Tidelands Closed to Mineral Location[a] for fish habitat - 50,058 acres for fish hatcheries - 5,200 acres Shotgun Cove - 500 acres SCHA[b] - 15,000 acres	70,758	4.8%
TOTAL	**1,485,352**	**100.0%**

Notes

[a]. Under state mining laws, a mining claim can be filed on state tidelands. These claims cannot exceed more than 1,320 feet (1/4-mile) seaward from the mean high tide. Acreage shown is based on tide and submerged lands within 1/4-mile of shore.

[b]. SCHA is the Copper River Delta State Critical Habitat Area.

closures include the most productive state-owned, stream and lake salmon-spawning habitats in the planning area.

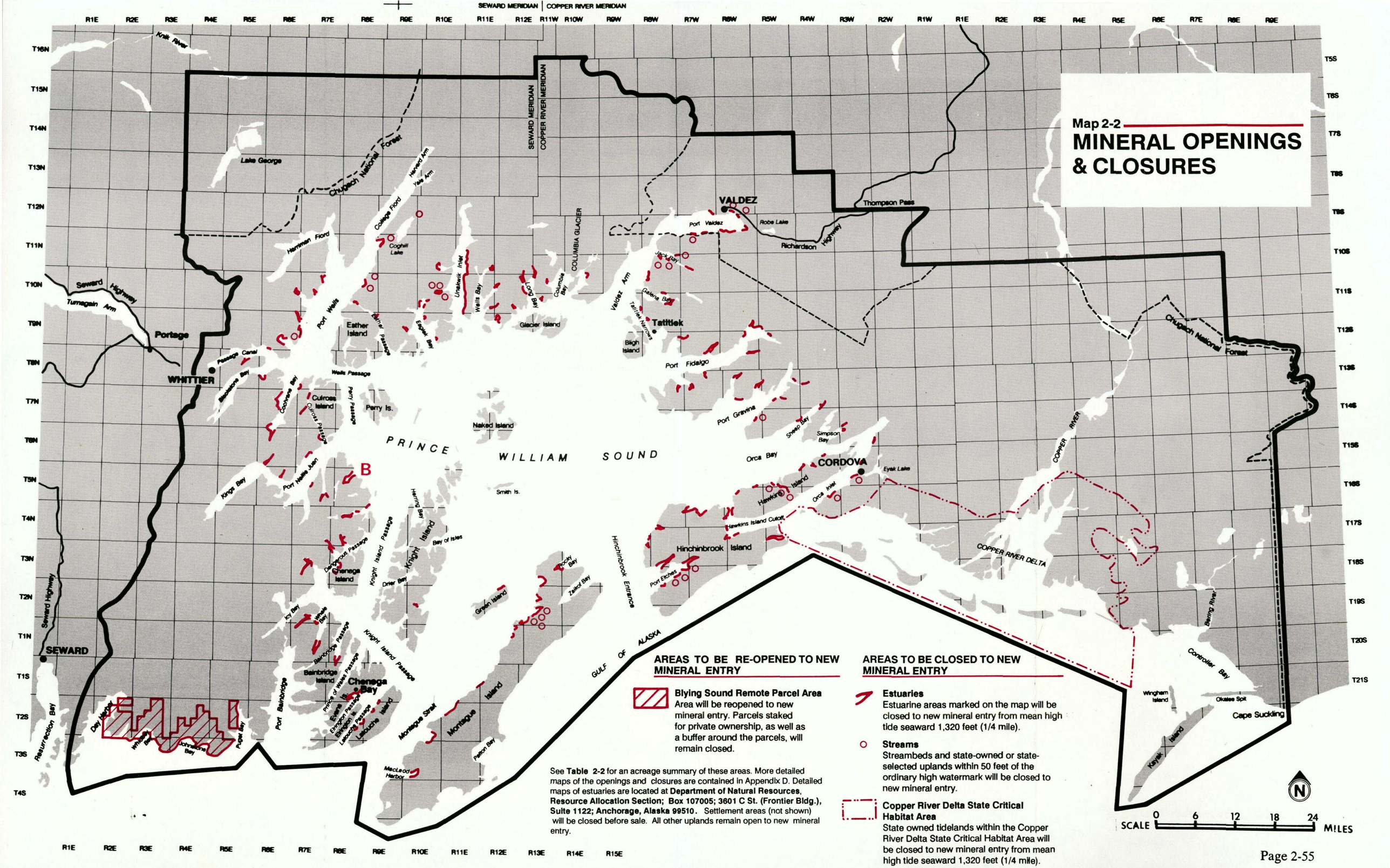
Within the Copper River Delta State Critical Habitat Area (SCHA), 15,000 acres will be closed to new mineral entry. The SCHA is one of the most productive and critical avian habitats in all of Alaska. The closure will protect productive waterfowl breeding grounds on the river delta and adjacent lowlands, salmon producing and rearing areas, and harbor seal haulout sites.

The Blying Sound area (Unit 15) was closed to mineral entry prior to a remote parcel sale. The Department does not intend to sell additional land there, and approximately 42,081 acres of unsold land will be opened to mineral entry. Parcels previously staked for private ownership, and a buffer around the parcels, will remain closed.

Oil & Gas. All state uplands, tidelands, and submerged lands are available for oil and gas exploration. The plan defers any decisions concerning leasing for oil and gas to DNR's Five-Year Oil and Gas Leasing Program. No areas in Prince William Sound are currently proposed for lease.

Leases for other leasable subsurface resources such as coal will be offered on a case-by-case basis consistent with the management intent and guidelines of the unit.

Mineral Opening and Closing Orders. Mineral orders to implement the plan, including the Commissioner's Final Finding, Mineral Opening Order #337 Amendment 1, and Mineral Closing Order #556, are in Appendix D. These orders include legal descriptions and maps of the affected areas. More detailed maps of areas closed to mineral entry may be viewed at Department of Natural Resources, Resource Allocation Section; Box 107005, 3601 C Street, Suite 1122; Anchorage, Alaska 99510.



AREAS TO BE RE-OPENED TO NEW MINERAL ENTRY

Blying Sound Remote Parcel Area
Area will be reopened to new mineral entry. Parcels staked for private ownership, as well as a buffer around the parcels, will remain closed.

See **Table 2-2** for an acreage summary of these areas. More detailed maps of the openings and closures are contained in Appendix D. Detailed maps of estuaries are located at **Department of Natural Resources, Resource Allocation Section; Box 107005; 3601 C St. (Frontier Bldg.), Suite 1122; Anchorage, Alaska 99510.** Settlement areas (not shown) will be closed before sale. All other uplands remain open to new mineral entry.

AREAS TO BE CLOSED TO NEW MINERAL ENTRY

Estuaries
Estuarine areas marked on the map will be closed to new mineral entry from mean high tide seaward 1,320 feet (1/4 mile).

Streams
Streambeds and state-owned or state-selected uplands within 50 feet of the ordinary high watermark will be closed to new mineral entry.

Copper River Delta State Critical Habitat Area
State owned tidelands within the Copper River Delta State Critical Habitat Area will be closed to new mineral entry from mean high tide seaward 1,320 feet (1/4 mile).