

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

**FINDING OF THE COMMISSIONER**

AS 38.05.185 (a) and AS 38.05.600

for

**MINERAL ORDER (CLOSING) NO. 1123**

**Kakhonak Lake**

Pursuant to AS 38.05.035 (e) Powers and Duties of the Director, The Director of the State of Alaska Department of Natural Resources (DNR), Division of Mining, Land, and Water (DMLW) recommends the Commissioner close to new mineral entry approximately 4,996 acres of State-owned land located in the Kakhonak Lake project area (ADL 230871), in accordance with AS 38.05.185 (a) Generally [Mining Rights] and AS 38.05.300 Classification of Land for a land disposal. The attached Mineral Order (Closing) No. 1123 identifies the area that must be closed to mineral entry and gives a legal description.

DNR DMLW proposes to issue a Final Finding and Decision to convey State-owned land into private ownership within the Kakhonak Lake project area (ADL 230871), for staking Remote Recreational Cabin Sites under AS 38.05.600.

As noted in the Final Finding and Decision Attachment I: Preliminary Decision, closing the project area to mineral entry and location prior to sale is consistent with the management intent of the Bristol Bay Area Plan (BBAP) Management Unit R09-08. BBAP settlement management policy states that, in general, Mineral Closing Orders are recommended for use at the time that an area is being considered for disposal purposes of settlement and other forms of development that would be inconsistent with mining activity. As noted in BBAP, the Mineral Order, if approved, will revert to "open to mineral entry" in all areas not selected for staking within three years of the land sale. For the purposes of administering the Kakhonak Lake mineral order, the date the land status reverts to "open to mineral entry" will be the day after the first term of the Kakhonak Lake Remote Recreational Cabin Sites leases expires. Settlement is designated the primary use within Unit R09-08 Kakhonak Lake and the unit is classified Settlement under Classification Order SC-04-002. The DNR DMLW proposes to close the entire project area to mineral entry prior to sale as the location of parcels cannot be known prior to offering Remote Recreational Cabin Sites.

Public notice of the comment period for the mineral order was conducted in accordance with AS 38.05.945 Notice. DNR DMLW did not receive objections or comments regarding the proposed mineral orders from the public or agencies during the response period.

In accordance with AS 38.05.185 (a) and AS 38.05.300, I find that the best interests of the State of Alaska and its residents are served by closure of the land to entry under the mineral location and mining laws of the State of Alaska as described by Mineral Order (Closing) No. 1123.

/s/

\_\_\_\_\_  
Approved: Daniel S. Sullivan, Commissioner  
Department of Natural Resources, State of Alaska

11/07/2011

\_\_\_\_\_  
Date

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

**MINERAL ORDER NO. 1123**

**Closing Lands to Mineral Entry**                       **Opening Lands to Mineral Entry**

I. Name of Mineral Order: Kakhonak Lake

II. Reason for Mineral Order: This mineral order is based upon the related Finding of the Commissioner and the written justification contained within the following:

- Bristol Bay Area Plan, adopted April 2005, Management Unit R09-08; and
- Final Finding and Decision, Kakhonak Lake Remote Recreational Cabin Sites Project Area (ADL 230871), Proposed Land Offering pursuant to AS 38.05.035 (e) Powers and Duties of the Director.

III. Authority: AS 38.05.185 Generally [Mining Rights] and AS 38.05.300 Classification of Land.

IV. Location and Legal Description: Lands to be closed under this order include the area known as Kakhonak Lake, as described below and depicted in the attached map entitled Kakhonak Lake Mineral Order (Closing) No. 1123.

<b>MTR</b>	<b>Section</b>	<b>Gross Acres</b>	<b>Acquisition Authority</b>	<b>Classification</b>
Township 8 South, Range 28 West, Seward Meridian, Alaska	<ul style="list-style-type: none"><li>• Section 4-9</li><li>• Sections 16-18</li></ul>	4,996 acres	General Selection 6822, Federal Grant 24	Classification Order SC-04-002

V. Reversion: Lands not selected for Remote Recreational Cabin Sites revert to "open to mineral entry" the day after the first term of the Kakhonak Lake Remote Recreational Cabin Sites leases expires.

**Mineral Order (Closing) No. 1123**

Kakhonak Lake

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VI. Mineral Order: This mineral order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185 and AS 38.05.300 to the State of Alaska, Department of Natural Resources. In accordance with AS 38.05.185 (a), it is hereby found that mining activity in the project area would be incompatible with the current and proposed surface uses and therefore the best interests of the State and its residents are served by this mineral (closing) order. The above-described lands are hereby closed to entry under the locatable mineral and mining laws of the State of Alaska.

/s/

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Concur: Brent Goodrum, Director  
Division of Mining, Land, and Water  
Department of Natural Resources, State of Alaska

10/21/2011

\_\_\_\_\_  
Date

/s/

\_\_\_\_\_  
Approved: Daniel S. Sullivan, Commissioner  
Department of Natural Resources, State of Alaska

11/07/2011

\_\_\_\_\_  
Date

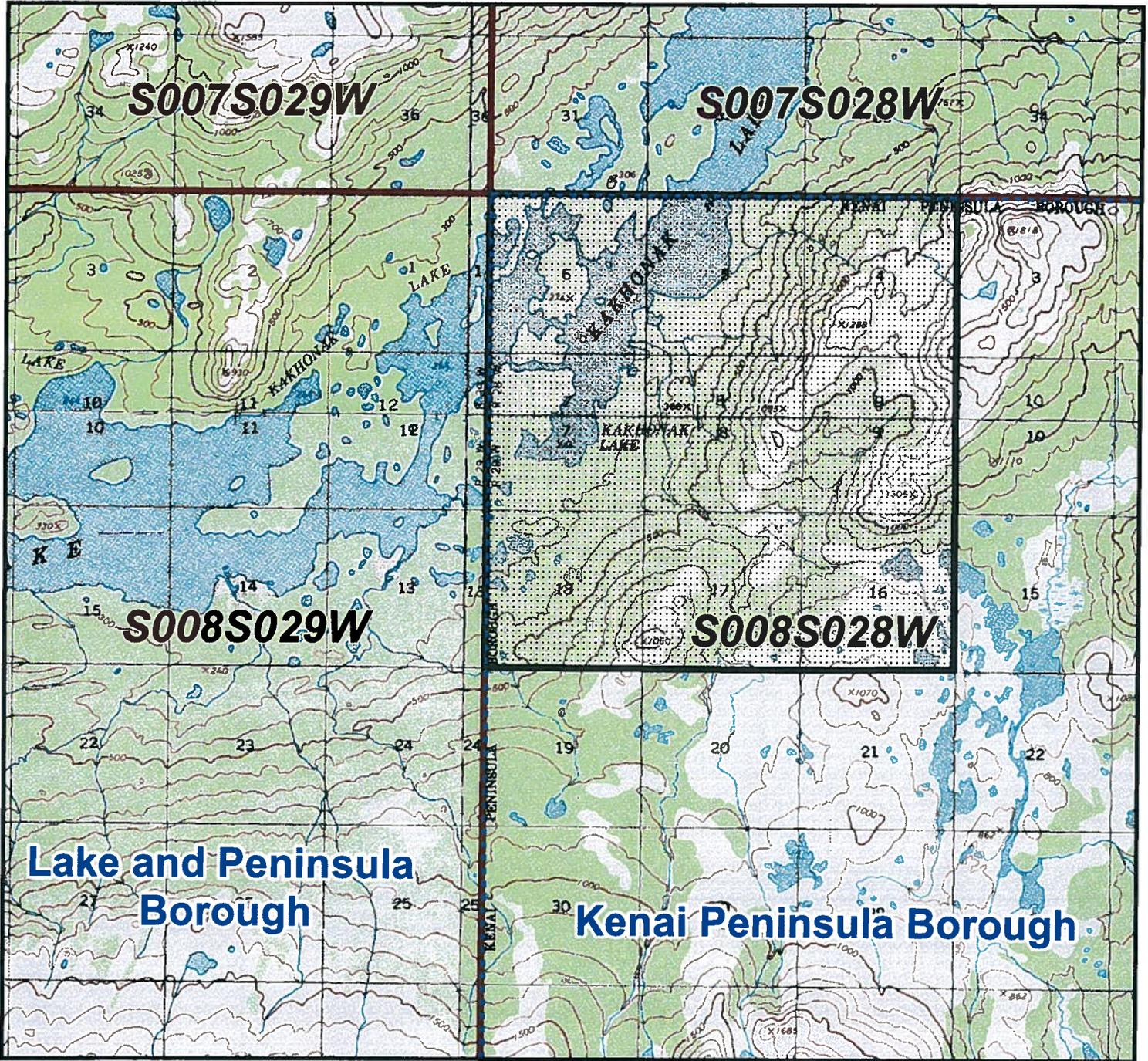
**Request for Reconsideration**

A person affected by this decision who provided timely written comment or public hearing testimony on this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received within 20 calendar days after the date of "issuance" of this decision, as defined in 11 AAC 02.040 (c) and (d) 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](mailto: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 the 31<sup>st</sup> day after issuance. 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.

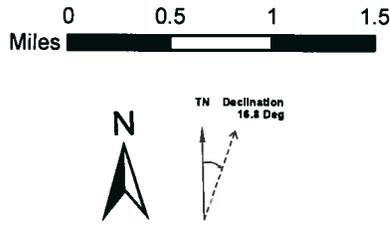


# Kakhonak Lake Mineral Order (Closing) No. 1123



**USGS QUAD 1:63,360**  
 Illiamna B-3, B-4, C-3, C-4  
 Township 8 South  
 Range 28 West  
 Seward Meridian

This map is for graphic representation only. It is intended to be used as a guide only and may not show the exact location of existing surveyed parcels or show all easements and reservations. Source documents remain the official record.



- Area Closed to Mineral Entry
- Project Area ADL 230871
- Borough Boundary
- Township