

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

## **Mineral Leasehold Location Order No. 34**

### **1.0 Order restricting to leasehold location**

After the effective date of this order, and unless otherwise closed to mineral entry, rights to locatable minerals in the land covered by this order may be acquired only under the leasehold location system, AS 38.05.205, and may not be acquired by locating a mining claim under AS 38.05.195.

This leasehold location order recognizes that mineral development is possible in certain affected areas and that this use is appropriate, subject to the requirements of this Order. The state may, if requested by an applicant, permit those exploration activities the Department considers necessary to the determination of the feasibility for mineral development.

### **2.0 Land subject to the terms of this order**

The lands subject to this order are known as the State lands located within a corridor of approximately one half mile (.5) on either side of the Port Mackenzie Rail Extension centerline (ADL 227588) as depicted on Maps 1 and 2, which are included as Attachment A and B. There are approximately 8,600 acres of State owned and subsurface lands affected by this order. Map 1 depicts the land that is affected by this Leasehold Location Order. For the purpose of background, Map 2 depicts the land status and mineral closing orders located within the corridor surrounding the rail extension.

### **3.0 Authority of the order**

**This order is issued under the authority granted by AS 38.05.185 and AS 38.05.300.**

### **4.0 Findings and determinations**

The following findings and determinations are made:

- 4.1 The land described in paragraph 2.0 is found to be subject to potential use conflicts, which require that mining only be allowed under written leases, under AS 38.05.205. Mining operations and activities would have the potential to adversely impact the final location, construction, and operation of the Port Mackenzie Railroad Extension.
- 4.2 The land described in paragraph 2.0 is found and determined to have mineral potential.
- 4.3 Because of the mineralized nature of the lands identified in this order, mining may be a use of these lands. Leasehold location is an appropriate method to allow mineral development with minimal impacts to areas that have been described as sensitive to mining operations in paragraph 4.1. The LLO allows the Division of Mining, Land and Water (DMLW) to keep lands within the affected sections open to mining while retaining flexibility, through the leasing process, to ensure that the mining activities will not interfere with the location, construction, and operation of the railroad. The use of a leasehold location order should ameliorate some or most of these effects through the careful siting of mining operations and the use of mitigation stipulations that reduce the adverse effects of such operations.
  - (a) Mining activity within these lands must avoid direct and indirect impacts to the construction and operation of the Port Mackenzie Railroad. The siting of mining

operations relative to the location and related operations of the Port Mackenzie Railroad is expected to be a major vehicle for minimizing such impacts, and the plan of operation must indicate how it complies with the following conditions, including operation siting to avoid or reduce impacts to the railroad.

- (b) Mining activity within these lands must avoid direct and indirect impacts on residential areas or areas that are designated for Settlement. Mining activities, to the maximum extent practicable, are to be sited so that their visibility from private property is minimized, noise impacts to such areas are to be mitigated, and off-site drainage avoids the settlement areas. The siting of mining operations relative to settlement activity is expected to be a major vehicle for minimizing such impacts, and the plan of operation must indicate how it complies with these conditions, including operation siting to avoid or reduce impacts to settlement areas.
- (c) Mining activity within lands classified for Wildlife Habitat must avoid direct and indirect impacts on habitats including: fish passage, spawning, or rearing within anadromous streams and wildlife resources. The siting of mining operations relative to recreational activities and areas of wildlife/habitat is expected to be a major vehicle for minimizing such impacts, and the plan of operation must indicate how it complies with these conditions, including operation siting to avoid or reduce impacts on recreational and habitat areas.
- (d) Mining activities, to the maximum extent practicable, are to be sited so that they avoid areas with existing utilities.

4.4 The Department retains the ability, in the event the Port Mackenzie Railroad Extension is not constructed or the route is altered, to rescind all or portions of this LLO or reduce the scope of the LLO on the basis of absence of need.

**5.0 Effective date**

This order is effective as of the following date: \_\_\_\_\_

Concur: \_\_\_\_\_  
Director  
Division of Mining, Land and Water

Date: \_\_\_\_\_

Concur: \_\_\_\_\_  
Commissioner  
Department of Natural Resources

Date: \_\_\_\_\_