

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

MINERAL ORDER NO. 1080

_____ Closing Lands to Mineral Entry **X** Opening Lands to Mineral Entry

I. Name: Opening of previously closed mineral entry area of Southwest Prince of Wales Island.

II. Reason for Mineral Order: This mineral order is based on the attached Commissioner's Administrative Finding and applicable statutes.

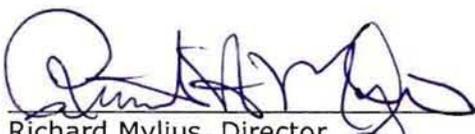
III. Authority: AS 38.05.185.and AS 38.05.300.

IV. Location and Legal Description: This order affects all lands contained within MCO 466, consisting of approximately 130,360 acres. This order rescinds Mineral Closing Order 466, which affected all lands designated as crucial habitat in the former Southwest Prince of Wales Island Area Plan (1988)

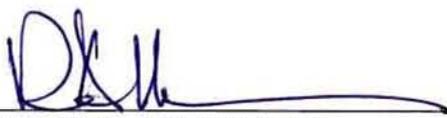
V. Rescind MCO 466: This MO 1080 supersedes MCO 466.

VI. Mineral Opening: This mineral order is issued under the authority granted by AS 38.05.185 – AS 38.05.275 to the Department of Natural Resources. In accordance with AS 38.05.185(a), I find that the best interests of the State of Alaska and its residents are served by opening the land described in this mineral order to entry under the mineral location and mining laws of the State of Alaska. The above-described lands are hereby opened to entry under the locatable mineral and mining laws of the State of Alaska.

The date of issuance for this decision shall be May 29, 2008.

Concur: 
Richard Mylius, Director
Division of Mining, Land & Water

5/29/08
Date

Approved: 
Tom Irwin, Commissioner
Department of Natural Resources

5/29/08
Date

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

**ADMINISTRATIVE FINDING OF THE COMMISSIONER
AS 38.05.185(a)
For
MINERAL ORDER No. 1080 (Opening)
Prince of Wales Island Area Plan Amendment:
(Inclusion of the Southwest Prince of Wales Island Area)**

Pursuant to AS 38.05.185(a) the Commissioner of the Alaska Department of Natural Resources (DNR) hereby opens to mineral entry approximately 130,360 acres of state lands now closed to new mineral entry by Mineral Closing Order (MCO) 466. This closure, which occurred in 1985, affects tidelands designated as Crucial Habitat/Harvest on the plan maps of the Southwest Prince of Wales Island Area Plan (SWAP), amended December, 1988. This action rescinds Mineral Closing Order 466 and reopens these lands to mineral entry under Mineral Order (MO) 1080 (Opening).

The Amendment of the Prince of Wales Island Area Plan (POWIAP, 2008) that is associated with this order rescinds the SWAP and incorporates the Southwest area into the POWIAP as four new Regional Management Units. The 2008 Amendment does not use the SWAP Crucial Habitat/Harvest designation; instead it uses a single Habitat and/or Harvest designation. Areas designated Habitat or Harvest in the 2008 Amendment also do not coincide with the spatial boundaries of the former SWAP Crucial Habitat/Harvest designation. The 2008 Amendment applies the Habitat/Harvest designation to more areas and to different areas. Continued use of MCO 466 is therefore impractical for the purpose of protecting habitat and harvest areas in an effective way, which was the intent for using the MCO in 1985.

The MO is based on a review of current (2008) mineral data, reanalysis of current resource data, and the statutory requirements of AS 38.05.185. DNR review of current mineral data did not indicate the presence of significant locatable mineral areas within the area of the current MCO. While there are areas of leasable minerals within this area, locatable minerals were not found to be significant in these same areas. A recent DNR re-analysis of these areas has concluded that the potential for commercial mining on these state tide and submerged lands within the planning area is low. This area has limited, if any, known mineral and mining potential primarily due to the glaciated geologic history of the area and a rapid deepening bathymetry making any dredging operation very difficult. Based on available information and professional judgment, it is more likely that locatable minerals are situated on uplands and that mining, if it should occur (which is unlikely) would occur in the uplands, not tidelands.

The Crucial Habitat designation, which was used in the SWAP as the basis for the mineral closure in the SWAP, cannot form the basis for continued closure in the 2008 Amendment. In addition to the changes implied by new resource data and changes in plan designation, statutory changes have occurred since 1985 that affect the ability for DNR to close areas to mineral entry and that establish standards for such closures. AS 38.05.185(a) specifies that state land may not be closed to mineral entry except as provided in AS 38.05.300 and unless the commissioner makes a finding that mining

would be incompatible with significant surface uses on state land. This statutory requirement was initiated in 1993, well after the approval of the SWAP.

Plan revisions, such as the 2008 Amendment of the POWIAP, comprehensively reevaluate the conditions of an area and the recommendations of the current area plan. Revisions to an initial plan are made where resource data and statutory requirements differ. The reanalysis that occurred in the 2008 Amendment concluded that low mineral potential exists within areas now closed under the MCO and that the statutory requirements for closure, requiring incompatibility of surface and subsurface uses under AS 38.05.185, cannot be met. Accordingly, it is appropriate for these lands to be reopened to mineral entry.

For the above reasons, in accordance with AS 38.05.185(a), I find that the best interests of the State of Alaska and its residents are served by the opening of the land described in this mineral opening order to entry under the mineral location and mining laws of the State of Alaska. The amount of land opened under this mineral order is approximately 130,360 acres. This action rescinds Mineral Closing Order 466.

The date of issuance for this decision shall be May 29, 2008.

Approved:  Date: 5/29/08

 Tom Irwin, Commissioner
Department of Natural Resources