

SUBSURFACE GUIDELINES

1. MINERAL CLOSURES

a. The following areas will remain closed to new locatable mineral entry.

- (1) The capital site core development area as identified in the capital site 1982 General Development Plan (subunits 5A, 5B, 5C, and 6):

T19N, R4W, SM: Sec 13 S1/2S1/2, Sec 14 S1/2S1/2, Sec 22-27 and Sec 34-36 (those portions within the Deception Creek management unit)

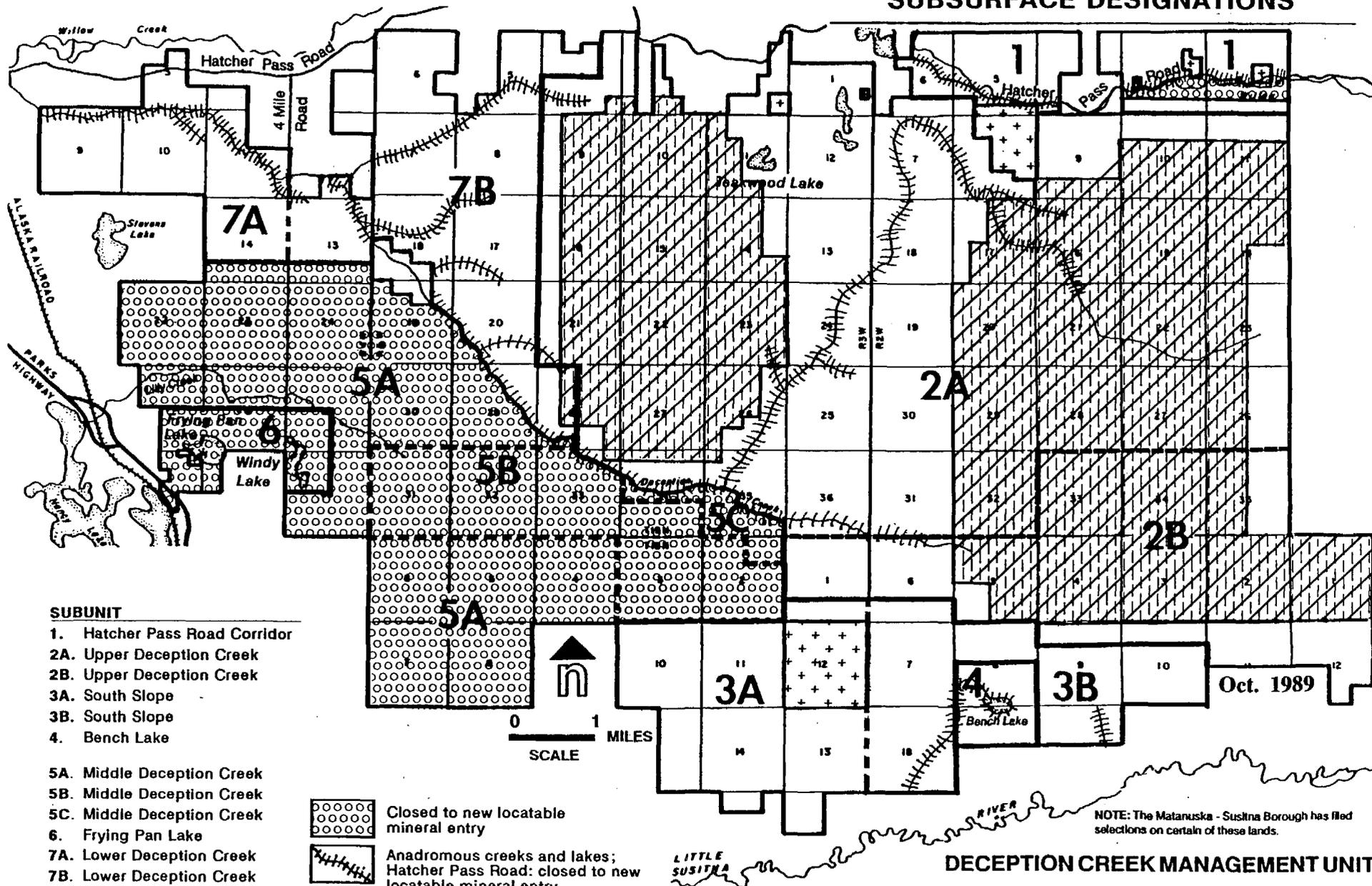
T19N, R3W, SM: south of Deception Creek

T18N, R3W, SM: Sec 2-8

The purpose of continuing to keep this portion of the original capital site closed to new locatable mineral entry is to protect the surface development potential of the site and preserve the option for a new city. Such uses constitute significant surface uses that would be incompatible with mining.

- (2) The streambed of Deception Creek and its tributaries as shown on the Subsurface Designations map (between the ordinary high water marks on either side).
- (3) The outlet of Bench Lake, the eastern stream in section 16, T18N, R2W, SM, and 200 feet above ordinary high water on both sides; and Bench Lake and a buffer 200 feet around it. (Closures are also justified for Frying Pan (Lynx) Lake, Windy (L) Lake and a 200-foot buffer around them; and Lilly Creek and 200 feet above ordinary high water on both sides of Lilly Creek; but they are already covered by inclusion within the core development area; if the closure of the core development area is lifted in the future, these three areas should remain closed.) The purpose of retaining these closures and the closure along Deception Creek and its tributaries is to protect the anadromous fish streams and areas and the recreational values of the river corridor. These constitute significant surface uses that would be incompatible with mining.

SUBSURFACE DESIGNATIONS



SUBUNIT

- 1. Hatcher Pass Road Corridor
- 2A. Upper Deception Creek
- 2B. Upper Deception Creek
- 3A. South Slope
- 3B. South Slope
- 4. Bench Lake
- 5A. Middle Deception Creek
- 5B. Middle Deception Creek
- 5C. Middle Deception Creek
- 6. Fryling Pan Lake
- 7A. Lower Deception Creek
- 7B. Lower Deception Creek

- Private, university, or borough land
- 2.3 acre parcel of state land on Fryling Pan Lake

- Closed to new locatable mineral entry
- Anadromous creeks and lakes; Hatcher Pass Road: closed to new locatable mineral entry
- Open to locatable mineral entry under leasehold
- Areas open to locatable mineral entry under leasehold but subject to special guidelines

NOTE: The Matanuska - Susitna Borough has filed selections on certain of these lands.

DECEPTION CREEK MANAGEMENT UNIT

- (4) Approximately 185 acres in sections 2 and 3, T19N, R2W, SM, south of the Hatcher Pass Road along Willow Creek. The purpose of this closure is to provide a location for public gold panning which would be incompatible with a private claim to the subsurface.
 - (5) The Hatcher Pass Road corridor right-of-way (100 feet on each side of the center line) in sections 2-6, T19N R2W.
- b. Mineral licks sites will be closed case by case as they are identified and approved by ADF&G and DNR.

2. MINERAL LEASEHOLD

The balance of the Deception Creek Management Unit will be open to new mineral entry under leasehold.

3. APPROVALS FOR EXPLORATION AND MINING

- a. **Miscellaneous Land use Permits** Under existing regulations, mining operations that will involve use of heavy equipment, disturb the riverbed, restrict public access, and/or involve building or using a surface structure require approval by the Division of Mining. Off-site operations (i.e. access) require the approval of DLWM. This approval is given by issuance of a Miscellaneous Land Use Permit except during the development phase of a mine that requires a lease. To simplify the permitting process, mine operators can file an Annual Mining Application which serves as a combined permit application for several agencies.

Data Needs The applications for Miscellaneous Land Use Permit will include, in addition to the standard Annual Mining Application questionnaire, sufficient explanation to show how the mine operator plans to comply with the plan guidelines for mineral development, rehabilitation of mine sites, and relationship to other resources (the scenic resources, cultural resources, and public access guidelines.) If the Annual Mining Application form is used, additional details may be attached on a separate sheet(s) as necessary.

Copies of the Annual Mining Applications and of the issued Miscellaneous Land Use Permits will be distributed to agencies that request copies.

- b. **Plan of Operations for Mineral Leases** An approved plan of operations is required prior to mining. (On land subject to leasehold requirements, an approved plan of operations takes the place of the miscellaneous land use permit that would be required for unleased land.)

The plan of operations must show how the operator proposes to comply with the lease stipulations and other pertinent guidelines in this plan. It includes a reclamation plan.

Data Needs Plans of operation will follow existing regulations given in 11 AAC 86.800. In addition, the following information will be required:

- (1) Justification for vegetation clearing.
 - (2) Clearly delineate proposed access roads within the lease or accessing the lease on a topographic map.
 - (3) Location, size and purpose of any proposed structures and, if applicable, description of how visual guidelines will be met.
- c. **Approval of Plan of Operations and Miscellaneous Land Use Permits** DNR will approve plans of operation required for locatable mineral leases and Miscellaneous Land Use Permits if the plans or permit applications adequately address the guidelines of the applicable area plans and this plan, and DNR has consulted with and given careful consideration to the recommendations of ADF&G and the Department of Environmental Conservation. Violation of the plan of operations or Miscellaneous Land Use Permits is cause for enforced cessation of operations or termination of the lease, if, after a reasonable period of time, a negotiated solution cannot be reached with the operator, or in the event of repeated violations.
- d. **Best Management Practices** ADF&G will utilize its manual, *Best Management Practices for Placer Mining*, in issuing its own Title 16 permits and its review of and recommendations for plans of operations and miscellaneous land use permits for mining and mining-related activities. Any recommendations by ADF&G for rejection or modifications of a miscellaneous land use permit or a plan of operations for placer mining will be based on Title 16 and the ADF&G *Best Management Practices*. (This document is available from ADF&G or DNR for reference to any miner interested in its use in designing the mining plans.)

4. MINERAL EXPLORATION AND DEVELOPMENT

a. Guidelines that Apply to Entire Management Unit

- (1) **Roads** No roads shall be constructed for exploratory mining.
- (2) **Validity Determination** In subunits 1, 2A, 2B, and 5C, prior to issuing a mining lease, DOM will do a validity determination if necessary to establish that there is a valid mineral discovery (however, lack of a validity determination may not be construed as proof that DNR considers a claim valid).
- (3) **Permanent Structures** No permanent structures shall be constructed until a lease is granted and production occurs.
- (4) **Removal of Vegetation** Vegetation may be removed no more than one year ahead of mining unless unusual circumstances exist. The area of vegetation removal will be for the immediate areas of the excavations, sites for overburden

storage, settling ponds, access roads, equipment storage, and other authorized structures. This must be outlined in the mining plan.

- (5) **Tailings and Overburden** Overburden and tailings will be stockpiled and/or deposited in accordance with the plan of operations.
- (6) **Control of Run-off, Siltation and/or Pollution** The area must be managed to minimize non-point sources of pollution.
- (7) **Residential Use** Seasonal or year-round residential use on the mineral location or lease will not be allowed except where necessitated by the mining operation in the judgement of the Division of Mining. The intent is to prohibit use of mining locations or leases for homesites, non-mining related business or recreation sites.

b. Special Guidelines that Apply to Area Shown on Subsurface Designations Map

Note: The following guidelines apply to major portions of subunits 2A and 2B, a small part of subunit 7B, and a buffer 200 feet above ordinary high water along both sides of Deception Creek and its tributaries as depicted on the Subsurface Designations map. The reason for these special guidelines is the high wildlife values in these areas. The alternative that was considered was continuing to keep these areas closed to locatable mineral entry.

- (1) **Inspection Prior to Detailed Exploration** Following preliminary exploration, an inspection of areas targeted for more detailed exploration is required to determine whether a Miscellaneous Land Use Permit (MLUP) shall be issued for detailed exploration activities. The inspection will be conducted by DLWM, DOM, and ADF&G representatives and expenses shall be paid by the miner.
- (2) **Use of Heavy Equipment in Exploration** The use of heavy equipment shall be prohibited for exploratory mining purposes unless it is determined that use of such heavy equipment will not damage habitat (e.g., a drill flown in by helicopter).
- (3) **Pre-development Inspection** Prior to issuing a lease, a pre-development inspection of the prospect site by DLWM, DOM and ADF&G representatives is required. Costs of this inspection shall be paid for by the miner. The purpose of this inspection is to evaluate the effects of the proposed mining operation on wildlife and wildlife habitat to determine what mitigation measures may be needed. On-site conferences should be held between the mine operator and DNR, ADF&G, and the Department of Environmental Conservation officials. The intent is to assist the mine operator in developing the operation in a manner that promotes compatibility with wildlife and recreational uses of the area.

- (4) **Surface Disturbance Limitation** Surface disturbance by mining activities (including access) within the two large areas shown on the Subsurface Designations map as subject to special guidelines shall not exceed one percent (1%) of these areas, exclusive of the stream buffers. Surface disturbance by mining activities (including access) within the anadromous fish stream buffers shall not exceed 1 percent of the total area within the stream buffers. The remaining portions of these areas shall be closed to further mining activities and mineral entry when surface disturbances as a result of mining have reached the one percent (1%) maximum surface disturbance threshold. No additional MLUPs, mining leases, etc., shall be issued or authorized until the disturbed wildlife habitat lands have been rehabilitated as required by the reclamation plan.
- (5) **Determination of Pre-development Conditions** Pre-development conditions and values for the habitat, wildlife use, and public use shall be determined prior to authorization of development. The cumulative value of the lost resource and its use will also be determined. These should either be done by the state, with costs paid by the applicant, or by the applicant in consultation with the Department of Fish and Game. In either case, DNR must approve the design of the evaluation and the scope of the evaluation must be appropriate to the scale of changes proposed.
- (6) **Bonding** A third-party surety or performance bond shall be required of the miner, operator, or mining lease holder. The amount will be based on the project and will be adequate to repair disturbances created by mining. The bond shall be forfeit if the conditions of the mining lease and reclamation plan are violated by the mining lease holder or its employees. The bonding company is responsible for carrying out the requirements of the reclamation plan.

5. REHABILITATION OF MINING SITES

- a. **Reclamation Plan Required** Reclamation plans will be required for mining activities authorized by a miscellaneous land use permit or a mining lease. The reclamation plan will address plant density, plant cover, and plant diversity. The reclamation plan is done and approved as part of the plan of operations.
- b. **Phased Reclamation** Disturbed acreage should be kept to a reasonable minimum and reclaimed as phases of the mine operations are completed unless this is not feasible or prudent.
- c. **Rehabilitation Requirements** The mining lease holder/operator shall be required to remove structures and to rehabilitate the mining site, road/roads and all other surface disturbance related to exploration, development and production when mining is completed. Disturbed areas will be reclaimed to a state which is equivalent to the pre-mining natural conditions; the reclamation will be monitored for five years to ensure that the revegetation is successful. The successful reclamation and monitoring

is the responsibility of the applicant. Excavated areas and waste disposal sites will be recontoured to a natural appearing shape at an average slope no steeper than 3:1 or equivalent to the original slope, topsoil replaced, and the area revegetated. ADF&G and the Division of Agriculture's Plant Materials Center should be consulted as to types of vegetation most conducive for returning the mined area to a state which approaches the "pre-mining" natural conditions. Use of native plant species is preferred. See discussion of revegetation in the Transportation and Access portion of this chapter.

6. RELATIONSHIP TO OTHER RESOURCES

- a. **Scenic Resources** Special requirements will be included in leases for mines in areas visible from the Hatcher Pass Road. These requirements will be designed to minimize alteration of the appearance of the natural landscape as seen from the road. The requirements may address the location and type of structures, storage of equipment, removal of trash, and utilities. It is recognized that in many cases it will not be possible or feasible to hide mining operations from view of the road; the emphasis will be on screening or eliminating the storage of solid waste within view of the road.
- b. **Cultural Resources** Mining will avoid areas with cultural resources to the extent possible. Where this is not possible, negative impacts will be minimized. If artifacts are discovered while mining, the discovery must be reported immediately to the Office of History and Archeology, Division of Parks and Outdoor Recreation. Work that would disturb the artifacts must be stopped until the State Historic Preservation Officer has given directions as to the preservation of the artifacts in accordance with AS 41.35.010.
- c. **Public Access Across Mining Claims**
 - (1) Public access within an active mine area may be restricted only if authorized under an approved plan of operations or land use permit in order to protect public safety or to prevent unreasonable interference with the rights of the miner.
 - (2) "No trespass" signs may only be posted in the immediate working area or on storage buildings after access restrictions have been authorized by DNR. They must not be used to block or intimidate the public's use of legal access.
 - (3) Facilities will not be located where they would block public access to public waters or lands.