

**STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES**

MINERAL ORDER 1058

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

I. Name of Mineral Order: HPMP: Government Peak Subunit (AS 14.40.365)

II. Reason for Mineral Order: This mineral order is based upon the attached *Commissioner's Finding* and applicable state statutes (AS 14.40.365)

III. Authority: AS 38.05.185 and AS 38.05.300(b)

IV. Location and Legal Description: Lands to be closed under this order include the area of the Government Peak subunit within the Hatcher Pass Management Plan, depicted in the attached map, which is also available at DNR Public Information Centers and is accessible at www.dnr@state.ak.us/mlw/planning/HPMP

V. This order rescinds and supersedes MCO 499 and 541.

VI. This order is subject to valid existing rights and issued under the authority granted by AS 38.05.185 and AS 38.05.300 to the Department of Natural Resources. Valid existing mining claims and mineral entries are not allowed to expand the existing authorized area of operations. The above described land is hereby closed to entry under the locatable and mining laws of the State of Alaska.

Concur: _____
Dick Mylius, Acting Director Date
Division of Mining, Land and Water

Approve: _____
Mike Menge, Commissioner Date
Department of Natural Resources

**PROPOSED DRAFT FINDING OF THE COMMISSIONER
MINERAL ORDER 1058 (CLOSING)
GOVERNMENT PEAK SUBUNIT/HATCHER PASS MANAGEMENT PLAN**

The Commissioner of the Alaska Department of Natural Resources (DNR) proposes to close to new mineral entry approximately acres of state and Matanuska Susitna Borough (Borough) land located in the Government Peak subunit of the Hatcher Pass Management Plan (Plan Amendment dated X 2006). The area affected by this closure is depicted on the attached map. The Commissioner can close state land in excess of 640 acres to mineral entry when this action is necessary for a land disposal or exchange (AS 38.05.300(a)(2)). This action also involves the rescission of two existing mineral closing orders (MCOs 499 and 541) which cover a portion of the area that is to be closed to mineral entry.

The Borough, in cooperation with a private sector developer, intends to develop an 11,000 acre ski project in portions of the area depicted in this map. This project includes an Alpine ski resort, ski lifts and ski runs, and a planned residential community. Development is to be initially concentrated in the subareas Alpine Ski Area: Primary, Alpine Ski Area: Resort Base, and Southside, as depicted on Map 1, but may expand into other areas over time. To preclude mining activity that would be inconsistent with this use and to ensure that the entirety of the area that may be encompassed by resort development and associated uses in the future, this closure extends throughout the area 'Special Land Use Designation' (SPUD) on the attached map.

The Borough and state have recently agreed to joint manage and plan for the SPUD area in the revised Hatcher Pass Management Plan for the Government Peak subunit. The purpose of the SPUD is to ensure that development authorizations that may be granted by DNR on state land and the Borough on its land are consistent and are compatible with the eventual development of this area. The SPUD identifies activities that are consistent with the eventual development of this project. Mining is not listed as a permitted or conditional use in the SPUD.

This mineral order rescinds mineral closing orders 499 and 541. Closure of these mineral orders through this action provides for a simple administrative record. It also avoids having to amend the current mineral closing orders to delete the phasing requirements related to ski resort development. No such phasing requirement is part of this action.

For the above reasons, the Commissioner finds that closing state and Borough lands to future mineral entry, to expedite the development of a ski resort and associated uses and ensure that inconsistent uses are not created, is appropriate. The amount of land closed under this mineral order is approximately X acres. This action rescinds mineral closing orders 499 and 541.

Michael Menge, Commissioner
Department of Natural Resources

Date