

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

**ADMINISTRATIVE FINDING
MINERAL ORDER NO. 1174
Closing Lands to Mineral Entry**

ANCHOR POINT HEIGHTS SUBDIVISION

Pursuant to AS 38.05.035, the State of Alaska, Department of Natural Resources, Division of Mining, Land, and Water proposes to issue a Final Finding and Decision to convey State-owned land into private ownership within the Anchor Point Heights Subdivision project area (ADL 232197). As noted in the Preliminary Decision – Proposed Land Offering Anchor Point Heights Subdivision – ADL 232197, issued November 28, 2016, the project area is within Unit 333B of the *Kenai Area Plan*. DMLW proposes to close the entire project area to mineral entry. The attached mineral order includes the legal description of area to be closed to mineral entry.

The Division of Mining, Land, and Water requests the mineral estate of approximately 74 acres, identified in the attached mineral order, be closed to mineral entry and location, in accordance with AS 38.05.300 for a land disposal. Mining activity on the project area would be incompatible with the current and proposed land estate uses. The land does not contain any known mineral deposits and was not selected for mineral values. There are no mining claims on the land.

Public notice of the comment period for the proposed mineral order was conducted in accordance with AS 38.05.945. The Department did not receive objections or comments regarding the proposed mineral order 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. 1174.

Concur: /S/
Brent Goodrum, Director
Division of Mining, Land and Water
Department of Natural Resources

24 APR 2017
Date

Approved: /S/
Andrew T. Mack, Commissioner
Department of Natural Resources

5/19/2017
Date

Reconsideration Provision

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 the Commissioner, Department of Natural Resources, 550 W. 7th Ave., Ste. 1400, Anchorage, Alaska 99501; faxed to 907.269.8918; or sent by electronic mail to 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 31st day after issuance. Failure of the commissioner to act on a request for reconsideration within 30 calendar 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.

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

MINERAL ORDER No. 1174

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

- I. Name of Mineral Order: Anchor Point Heights Subdivision – ADL 232197
- II. Reason for Mineral Order: This Mineral Order is based upon the attached *Finding of the Commissioner* and the written justification contained in the following:
Preliminary Decision, Anchor Point Heights Subdivision – ADL 232197, November 28, 2016 and the subsequent Final Finding and Decision for same
Land Sale under AS 38.05.045 pursuant to a decision under AS 38.05.035(e)
- III. Authority: AS 38.05.185 and AS 38.05.300.
- IV. Location and Legal Description: Project is located on north side of Sterling Highway near mile post 161; within N1/2NE1/4 excluding Sterling Highway right-of-way and S1/2SW1/4NW1/4NE1/4 Section 13, Township 5 South, Range 15 West, Seward Meridian; containing 74 acres more or less; located within the Homer Recording District, Third Judicial District, Alaska. See Attachment A-1: Vicinity Map
- V. Mineral Order: This order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185 – AS 38.05.275 to the Alaska 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 closure of the land described in this mineral order to entry under mineral location and mining laws of the State of Alaska. The above described lands are hereby **closed** to entry under the locatable mineral and mining laws of the State of Alaska.

/S/

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

24 APR 2017

Date

/S/

Approved by: Andrew T. Mack
Commissioner
Department of Natural Resources
State of Alaska

5/19/2017

Date



Anchor Point Heights Subdivision ADL 232197

Attachment A-1: Vicinity Map
to the Preliminary Decision for a
Proposed Land Offering in the
Kenai Peninsula Borough

This depiction is for illustrative purposes only. It is intended to be used as a conceptual 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.



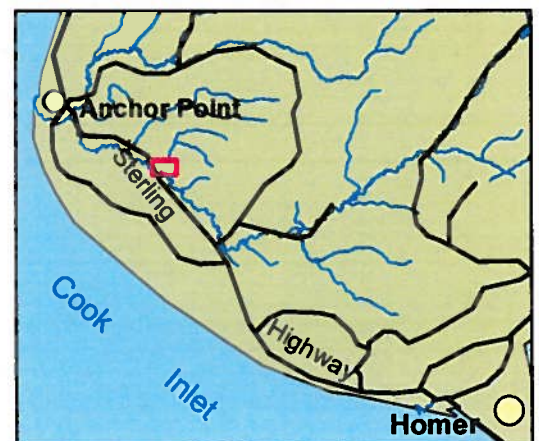
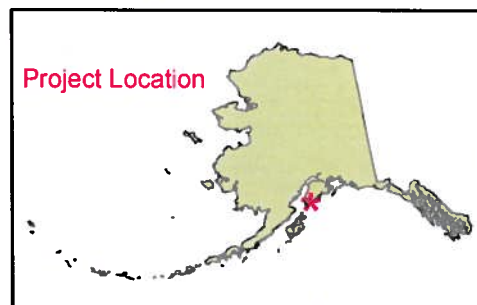
NOTE: Portion to be developed within project area boundary will exclude most wetlands. All lots will be platted >200 feet from any part of the Anchor River.

Legend

JWT 11/4/2016

- TOWNSHIP Line
- SECTION Line
- SterlingHwyROW
- Proposed Project Boundary

Portions of N1/2NE1/4
Section 13, T5S, R15W,
Seward Meridian



USGS QUAD 1:63,360
Seldovia (C-5) Quadrangle
For more information contact:
John W. Thomas or Cliff Baker
Department of Natural Resources
Division of Mining, Land and Water
Land Sales Section or Survey Section
Phone 907.269.8591 or 269.8522
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Email land.development@alaska.gov