

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

**ADMINISTRATIVE FINDING
MINERAL ORDER NO. 1192
Closing Lands to Mineral Entry**

EL CAPITAN WEST 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 El Capitan West Subdivision project area (ADL 108376). As noted in the Preliminary Decision – Proposed Land Offering El Capitan West Subdivision– ADL 108376, issued month August 24, 2018, the project area is within the Prince of Wales Island Area Plan, Unit 4 - El Capitan, Subunit 4a. In accordance with the 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 139 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 comment 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. 1192.

Concur: Signature on file 11/19/2018
Brent Goodrum, Director Date
Division of Mining, Land and Water
Department of Natural Resources

Approved: Signature on file 11/21/2018
Andrew T. Mack, Commissioner Date
Department of Natural Resources

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. Under *11 AAC 02.030*, requests for reconsideration filed under *11 AAC 02* must be accompanied by the fee established in *11 AAC 05.160(d)(6)*, which has been set at \$200 under the provisions of *11 AAC 05.160 (a) and (b)*.

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. 1192

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

I. Name of Mineral Order: El Capitan West Subdivision – ADL 108376

II. Reason for Mineral Order: This Mineral Order is based upon the attached Commissioner’s Administrative Finding, applicable statutes, and the written justification contained in the following:

Prince of Wales Island Area Plan (adopted 1985, revised 1998, amended 2008)
Preliminary Decision, El Capitan West Subdivision – ADL 108376, August 24, 2018 and the subsequent Final Finding and Decision for same.

III. Authority: AS 38.05.185 and AS 38.05.300.

IV. Location and Legal Description: Government Lots 1 and 2, and the N1/2NE1/4 of Section 11, within Township 66 South, Range 78 East, Copper River Meridian. The project area consists of approximately 139 acres, located within the Unorganized Borough, Ketchikan Recording District, First Judicial District, Alaska.

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.

Concur: Signature on file
 Brent Goodrum, Director
 Division of Mining, Land and Water
 Department of Natural Resources

11/19/2018
Date

Approved: Signature on file
 Andrew T. Mack, Commissioner
 Department of Natural Resources

11/21/2018
Date