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

MINERAL ORDER No. 1202

<u>X</u> Closing Lands to Mineral Entry Opening Lands to Mineral Entry

I. Name of Mineral Order: Forest Highway Subdivision – ADL 108464

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

Preliminary Decision, Forest Highway Subdivision – ADL 108464, June 29, 2017 and the subsequent Final Finding and Decision for same Land Sale pursuant to AS 38.05.035(e)

III. Authority: AS 38.05.185 and AS 38.05.300.

IV. Location and Legal Description: Located within DNR's Southeast Region, approximately three miles northeast of the Yakutat Airport, located north of the Forest Highway. The project area is in the City and Borough of Yakutat and is further described as:

- The entirety of ASLS 71-34 (Plat #640), containing 20.00 acres, more or less;
- Approximately 0.33 acres of unsurveyed land between the southwest corner of ASLS 71-34 and the Forest Highway; and
- Tracts B and C of the XeitlAani' (Thunder Land) Subdivision, Plat 92-27, containing 7.59 acres, more or less;

All within Section 30, Township 27 South, Range 34 East, Copper River Meridian located within the Juneau 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:

<u>/S/</u> Brent Goodrum, Director Division of Mining, Land and Water Department of Natural Resources <u>Sept. 26, 2017_</u> Date

Approved:

<u>/S/</u> Andrew T. Mack, Commissioner Department of Natural Resources <u>Oct. 17, 2017</u> Date

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

ADMINISTRATIVE FINDING MINERAL ORDER NO. 1202 Closing Lands to Mineral Entry

Forest Highway 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 Forest Highway Subdivision project area (ADL 108464). As noted in the Preliminary Decision – Proposed Land Offering Forest Highway Subdivision – ADL 108464, issued June 29, 2017, the project area is within Subunit 8a5 (road junction) of the *Yakataga 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 28 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. 1202.

Concur:

<u>/S/</u> Brent Goodrum, Director Division of Mining, Land and Water Department of Natural Resources <u>Sept. 26, 2017</u> Date

Approved:

<u>/S/</u> Andrew T. Mack, Commissioner Department of Natural Resources <u>Oct. 17, 2017</u> 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 <u>dnr.appeals@alaska.gov</u>.

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.