

MINERAL ORDER 1118

**OPENING LANDS TO MINERAL ENTRY
PREVIOUSLY CLOSED UNDER MINERAL ORDER 1045**

RESOURCE ASSESSMENT AND DEVELOPMENT SECTION
DIVISION OF MINING, LAND, AND WATER
ALASKA DEPARTMENT OF NATURAL RESOURCES

December 22, 2010

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

MINERAL ORDER NO. 1118

_____ Closing Lands to Mineral Entry _____X___ Opening Lands to Mineral Entry

I. Name: Partial Reopening of Lands Conveyed to the University of Alaska (AS 14.40.365).

II. Reason for Mineral Order: This mineral order is based on the attached Commissioner’s Administrative Finding and the 2009 decision (Case No. 1JU-07-558 CI) of the Alaska Supreme Court that the conveyance of state land to the University of Alaska under the legislation CCS HB 130(efd fld S) FSS 2005 was invalid.

III. Authority: AS 38.05.185, AS 38.05.300(b), and the Order of the Superior Court (January 12, 2010) implementing the decision rendered by the Alaska Supreme Court (case 1JU-07-558 CI).

III. Location and Legal Description: Lands to be opened under this order include parcels of varying size situated in Southeast, Southcentral, and Interior Alaska, totaling approximately 161,634 acres. The location of these parcels is depicted in the report, ‘Reopening of State Land to Mineral Entry’, attached to this Order, excepted as noted.

IV. This order supersedes portions of Mineral Order 1045 and opens to mineral entry parcels identified in this report. Certain other parcels, also identified in the Report, remain closed under MO 1045.

IV. Mineral Closing: This mineral 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 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 the opening of the lands described in this mineral order to entry under the mineral location and mining laws of the State of Alaska. The above-described lands are hereby opened to entry under the locatable mineral and mining laws of the State of Alaska.

VII. Date of Opening: The date of mineral opening is 30 calendar days from the date of approval by the DNR Commissioner.

Concur: _____
Director
Division of Mining, Land & Water
Date _____

Approved: _____
Dan Sullivan, Commissioner
Date _____

AREAS TO BE OPENED TO MINERAL ENTRY UNDER MO 1118	ACREAGE	SPECIFIC AREAS TO BE EXCLUDED FROM MINERAL OPENING
NORTHERN AREA		
Caribou-Poker Creek Watershed	24,250	
Dalton Highway MP 345 – MP 347	880	
Delta Ag and Forestry Experimental Station	363	
Fairbanks Parking Garage	1	
Haul Road Nodes - Coldfoot	1,700	
Jarvis Creek Coal	16,000	
Jennie M Creek	5	
Nenana Oil and Gas Tract (part)	84,720	F005S009W: 10 (East ½ South of the Nenana-Kantishna Trail), 11 (W1/2), 15. TOTALLING 1,920 ACRES F006S010W: 8 (E1/2SE1/4) 9 (S1/2 and NE1/4), 16, 17 (S1/2, NE1/4, and S1/2NW1/4), 18 (SE1/4). TOTALLING 3,360 ACRES.
Noyes Slough	7	
Poker Flat Lease	533	
Poker Flat SUA	6,680	
Silver Fox Mine	120	
Tok Research Forest	4,015	
SUBTOTAL	139,274	
SOUTHCENTRAL AREA		
McCarthy-Nizina (part)	8,980	C005S013E: 28, 29, 30, 31(W1/2), 32, 33, TOTALLING 3,520 ACRES.
SUBTOTAL	8,980	
SOUTHEAST AREA		
Auke Wier	6	
Biorka Island	438	
Excursion Inlet	477	
El Capitan South	1,847	
Favor Peak	1290	
Hook Arm	1,280	
Ivanhoe	120	
Leask Cove (part)	231	C073S092E: 30(S1/2)
Lynn Canal	1,358	
Middle Island	665	
Mite Cove	320	
Moira Sound/Nowiskay Cove	160	

Olive Cove	450	
Port Conclusion	10	
Read Island	706	
Rowan Bay	665	
Sitka Campus	6	
Sumdum	5	
Tenakee Springs	346	
Thoms Place	2,360	
Ward Cove	3	
Whitney Island	316	
William Henry Bay	321	
SUBTOTAL	13,380	
TOTAL	161,634	

PROPOSED FINDING OF THE COMMISSIONER

MINERAL ORDER 1118

**OPENING LANDS TO MINERAL ENTRY
PREVIOUSLY CLOSED BY MINERAL ORDER 1045**

This mineral order (opening) rescinds portions of Mineral Order 1045, which closed land to mineral entry that was to be conveyed to the University of Alaska under the authority of CCS HB 130(efd fld S), approved in 2005. The Alaska Supreme court ruled in 2009 that most aspects of this legislation were invalid and required the State to desist from conveying state land to the University and, if conveyed, for the University to re-convey parcels to the State. The legislature, in the adoption of this legislation, did not legislatively close the parcels to be conveyed to the University. Mineral Order 1118 reopens 161,634 acres to mineral entry and location.

Mineral Order 1045, approved in June, 2006, closed the lands to be conveyed to the University in order to avoid the inadvertent or intentional staking of mining claims on lands to be conveyed to the University. The legislation stated that the Commissioner “may not convey, without the consent of the University, any ‘irrevocable interest’ in a parcel required to be conveyed to the University”, and a mining claim is a type of interest.

This mineral order opens lands to mineral entry that were formerly part of this legislation *except* for areas not required for land disposals or land exchanges (AS 38.05.300) or were determined to be valid conveyances under the legislation. Parcels depicted in the report, ‘Re-Opening of State Land to Mineral Entry: MO 1118’, are re-opened to mineral entry under this order, except for areas noted in the table and maps that are to remain closed to mineral entry. The effective date of this opening is to be 30 days after the approval MO 1118 by the Commissioner of Department of Natural Resources.

Certain parcels or portions of parcel are not reopened to mineral entry in this Mineral Order. The Alaska Supreme Court determined in its decision that a parcel (Key Bank in Fairbanks) had already been conveyed to the University and was not properly the subject of the legislation and that the University Research Forest was appropriately conveyed under aspects of the legislation. Both remain closed to mineral entry. In addition, this Order does not open to mineral entry those parcels that are intended for development through a land disposal, land exchange, or are required for similar projects or infrastructure as specified in AS 38.05.300. These parcels remain closed to mineral entry under Mineral Order 1045 and under the authority of AS 38.05.185 until such time that the Department determines that they are no longer required for this function.

Concur: _____
Director
Division of Mining, Land & Water
Date _____

Approved: _____
Dan Sullivan, Commissioner
Date _____

Parcels Referenced

in Table