

Subsurface resources

Minerals Development²³

Note: By statute, all state lands are **open to exploration and location for locatable minerals** unless specifically closed by the Commissioner.

DNR generally requires a land use permit for minerals exploration (AS 38.05.850), and a mining and reclamation plan for minerals development (under AS 38.05, AS 27.19 and 11 AAC, chapters 86, 96 and 97). These permits will manage any adverse effects of mining on surface resources or uses by applying state and borough laws and regulations and the management intent and guidelines of this plan. DNR may limit some forms of access in specific areas to avoid resource damage.

A. Protect fish habitat

When DNR issues a permit for mining in or adjacent to designated fish habitat, the permit will require any measures necessary for the operation to meet statutes and regulations for fish protection and water quality standards. These measures may include levees, berms, seasonal restrictions, and settling ponds.

Mining in fish habitat requires permits from DEC. Mining in fresh water fish habitat and certain estuarine habitat also requires permits from DFG.

B. Offshore prospecting permits

DNR determines what areas will be opened for offshore prospecting permits under AS 38.05.250. No areas in the planning area are currently open for permits. Offshore areas may be opened to prospecting permits or through a future lease sale.

C. Submarine tailings disposal

Submarine tailings disposal was federally prohibited when this plan was being developed. If the federal Environmental Protection Agency authorizes submarine tailings disposal at some future time, DNR will apply the guidelines and management intent from this plan when considering authorizations for this use on state lands.

D. Oil and gas

This plan defers decisions on offering oil and gas leases to DNR's existing leasing process. Subsequent to a lease sale, surface land uses and activities related to oil and gas development are subject to this area plan.

Note: In October 1994, the Division of Oil and Gas issued a Preliminary Finding favoring the proposed oil and gas lease sales for approximately 563,490 acres of state-owned onshore and offshore lands between Icy Cape and Cape Suckling. If approved, the sale will be held in 1996.

²³ With the exception of Guideline "D" above, these guidelines apply to locatable minerals. Locatable minerals under state law include both metallic (gold, silver, lead, etc.) and non-metallic (asbestos, mica, etc.). Locatable minerals do not include materials (see definition under Materials section) or leasable resources (oil, gas, coal, phosphates, sodium, potassium, oil shale, or geothermal resources).

Mineral leasehold location and closures

In the Yakataga Area Plan planning area, DNR has determined that mining is incompatible with certain anadromous fish waterbodies shown on map 2-1 and listed in Appendix B. Therefore, under this plan, approximately 2,797 acres of shorelands are closed to new mineral entry. Approximately 21,459 acres of shorelands and tidelands are subject to mineral leasehold. Mineral closures and leaseholds are listed and mapped in Appendix B.

The decision to apply mineral location closures and leaseholds was made by the commissioner within the parameters set by the Alaska Statutes. AS 38.05.185(a) states, "State land may not be closed to mining or mineral location unless the commissioner makes a finding that mining would be incompatible with significant surface uses on state land." The fact that an area is closed to new mineral location will not be cause for denying access across state land. **Mineral closures do not affect valid existing claims.**

Each of the waterbodies listed in Appendix B has had a peak escapement count that meets the criteria below.

- a. 500 pink salmon *and* 500 chum salmon; or
- b. 1,000 pink salmon *or* 1,000 chum salmon; or
- c. 500 coho salmon *or* 500 sockeye salmon.

Maintaining the high quality anadromous fish habitat in these streams and avoiding impacts to water quality is essential to sustaining the productivity of the Yakataga area's commercial, sport, and community harvest fisheries.