

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

DRAFT COMMISSIONER'S ADMINISTRATIVE FINDING
Mineral Order 1288
Closing Lands to Mineral Entry

United States Army Corp of Engineers (USACE), Permafrost Tunnel Drainage Research

The Commissioner of the Alaska Department of Natural Resources (DNR) proposes to close approximately 425 acres to mineral entry within an adjacent to a proposed lease for drainage improvement associated with the Permafrost Tunnel research facility in Fox.

Mineral Closing Order (MCO) 12 was signed on July 16, 1968, to preclude conflicts with the Permafrost Project. Since 1968, drainage patterns have changed, and these changes appear to be accelerating. USACE has requested the expansion of this MCO to limit significant surface disturbance often associated with subsurface estate development. This would allow USACE to successfully model the drainage patterns and develop and implement appropriate mitigation measures to preserve the permafrost tunnel research area.

The requested expansion is larger than the requested lease area; the expansion is intended to encompass the drainage, while the lease is the area in which they anticipate needing more site control and to be able to take active measures to protect the facility. Additionally, we propose to exclude Government Lot 5 in Section 7 from the new boundary, as we do not anticipate development in this area would have significant impacts on drainage patterns affecting the Permafrost Tunnel project. DMLW implemented a new file naming convention whereby new mineral estate closures and openings are assigned a Mineral Order (MO) number, rather than a Mineral Closing Order (MCO) and a separate Mineral Opening Order (MOO). Therefore, this action will result in the issuance of a new MO with a legal description of lands from MCO 12 that will continue to be closed to mineral entry and the additional lands to be closed to mineral entry. Upon execution of MO 1288, MCO 12 will be revoked, and the file closed.

The Permafrost Tunnel supports the University of Alaska's (UA) research efforts to better understand changes to permafrost and its impacts on surrounding communities and infrastructure, attracting scientists from around the world to conduct permafrost-related research. Additionally, by better understanding and diverting the drainage, it may reduce potential impacts to the neighboring subdivision. The issuance of the Mineral Order will support USACE's efforts in diverting the drainage that threatens the security of the permafrost tunnel which is in the State's best interest.

Therefore, DNR recommends closing this land to mineral entry to protect the integrity of USACE's proposed research aims and the Permafrost Tunnel that attracts researchers from around the world to study permafrost.

Public notice was published on the State of Alaska’s online public notice website [DATE]. In addition, public notice was sent to the Fairbanks North Star Borough and Doyon, Ltd.

In accordance with AS 38.05.185 – 38.05.275 and AS 38.05.300, I find that the best interests of the State of Alaska and its residents are served by closing this land as described by Mineral Order (closing) 1252 to new entry under the locatable and mining laws of the State of Alaska.

Concur:

_____	_____
Christy Colles, Director	Date
Division of Mining, Land and Water	
Department of Natural Resources	

Approved:

_____	_____
John Boyle, Commissioner	Date
Department of Natural Resources	

An eligible person affected by this decision of the department, and who provided timely written comment or public hearing testimony may request reconsideration to the DNR Commissioner per AS 44.37.011 and 11 AAC 02. Any request for reconsideration must be received by the Commissioner’s Office within twenty (20) calendar days after issuance of the decision under 11 AAC 02.040. The Commissioner may order or deny a request for reconsideration within thirty (30) calendar days after issuance of the decision. If the Commissioner takes no action on a request for reconsideration within thirty (30) days after issuance of the decision, the request for reconsideration is considered denied. The Commissioner’s decision on reconsideration, other than a remand decision, is a final administrative order and decision of the department. An eligible person must first request reconsideration to the Commissioner before seeking relief in superior court. The Alaska Court System establishes its own rules for timely appealing final administrative orders and decisions of the department.

Reconsideration may be mailed or hand-delivered to the DNR Commissioner’s Office, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska, 99501; or faxed to (907)-269-8918 or sent by electronic mail to dnr.appeals@alaska.gov. Reconsideration must be accompanied by the fee established in 11 AAC 05.160(d)(1)(F), which has been set at \$200 under the provisions of 11 AAC 05.160(a)-(b). A copy of 11 AAC 02 is available on the department’s website at <https://dnr.alaska.gov/mlw/pdf/DNR-11-AAC-02.pdf>