

ISSUE RESPONSE SUMMARY
Mineral Order 1328

| Subject | Issue Summary | Response | Recommended Revision | Comment # |
|-------------------|---|---|----------------------|-----------|
| Federal actions | Concern regarding implications of lifting of Public Land Order 5150 and revocation of the Central Yukon Resource Management Plan. | Respecting the validity of these concerns, the Mineral Order does not and cannot modify legislative designations, area plans, or regional management intents, so we have not included these topics in the public process. This Mineral Order only closes specific state-owned and -selected lands to mineral entry per AS 38.05.185. | None. | 1,2 |
| Public process | Concern that the public notice does not constitute adequate public notice for these land use changes. | Per 11 AAC 86.135(e), we have conducted this public notice under and adhering to AS 38.05.945. The Department of Natural Resources (DNR) recognizes the importance of collaboration when managing natural resources. DNR's divisions typically engage with all stakeholders - including Tribal entities, municipal governments, private landowners and federal agencies - during public comment periods and our experts carefully consider this feedback. | None. | 3 |
| Management intent | Concern whether and how the Mineral Order comports with the recommendations of the Yukon Tanana Area Plan. | The Yukon Tanana Area Plan did not recommend new mineral closing orders at the time of adoption (2014). However, it does not recommend against future mineral closing orders. New mineral orders are commonly adopted that were not anticipated at the time of area plan adoption. The lifting of Public Land Order 5150 was not an anticipated action at the time when the Yukon Tanana Area Plan was created, and it represents a significant change of conditions, especially concerning subsurface resources. | None. | 4 |

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| Management intent | Further explanation is requested regarding language: “Once approved, this mineral order would close state-owned lands and is intended to close state-selected lands currently withdrawn under Public Land order 5150 upon convenience to the State.” | The cited language was not intended to imply “any” or “all” state-owned or state-selected lands, but only those consistent with the mineral order and its administrative finding. The text of the Mineral Order will be revised to clarify the current and future lands that may be affected without formal amendment. | The text has been revised to clarify that future closures without formal amendment may only affect those lands described in the mineral order. Original text: “to accommodate future facilities added to the James Dalton Highway as well as closure of state-selected lands when they are conveyed to the state without a formal amendment”. Revised text: “to accommodate future maintenance sites and facilities of the James Dalton Highway and lands within 150 feet of the Highway, including future segments as they are acquired, when they are conveyed to the state without a formal amendment.” | 5 |
| Management intent | Request for information regarding how this Mineral Order interacts with MCO 529. | Mineral Closing Order 529 has been superseded by Mineral Order 1147, which does overlap spatially with some sections of this Mineral Order. However, Mineral Orders 1147 is separate from this Mineral Order, with independent intents and spatial extents, such that actions affecting Mineral Order 1147 do not and will not affect this Mineral Order or vice versa unless explicitly indicated. | None. | 6 |
| Management intent | Concern regarding the future management intent of the James Dalton Highway. | Management intent of the James Dalton Highway is provided in the Dalton Highway Master Plan (1998). The Mineral Order only affects mineral location and mining and does not affect or alter the management intents established in the Dalton Highway Master Plan or any of the adjoining area plans. | None. | 7 |
| Management intent | Concern regarding the future management intent of the Dalton Highway Corridor with specific respect to Tribal access, subsistence, and land-use. | Respecting the validity of this concern, the Mineral Order does not affect Tribal access, subsistence, or land-uses except mining activity at only the lands described in the Mineral Order. | None. | 8 |