

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

MINERAL ORDER NO. 1162
Closing Lands to Mineral Entry

X Closing Lands to Mineral Entry _____ Opening Lands to Mineral Entry

I. Name: Alaska Stand Alone Pipeline (ASAP)

II. Reason for Mineral Order: This mineral order is based on the attached Commissioner's Administrative Finding and applicable statutes.


III. Authority: AS 38.05.185-38.05.275 and AS 38.05.300

IV. Location and Legal Description: Lands to be closed under this order include all state land and state selected lands 100' either side of the Alaska Stand Alone Gas Pipeline Right-of-Way lease (ADL 418997) or a similar project with a comparable ROW lease and alignment, as may be renewed and amended. This order affects approximately 26,905 acres.


This action also authorizes changes to MO 1162 to accommodate future related facilities that may be added to the ASAP Right-of-Way lease or a similar gas line project with a comparable ROW lease and alignment. It also provides for the closure of state selected lands when they are conveyed to the state without a formal amendment to this order.

V. This order rescinds Leasehold Location Order 32. This rescission will become effective 30 days after the adoption of the order.

VI. Mineral Closing: This mineral order is subject to valid existing rights and is issued under the authority granted by AS 38.05.185-38.05.275 and AS 38.05.300 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 closing the land described in this mineral closing order to entry under the 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: 
Brent Goodrum, Director
Division of Mining, Land & Water

26 JAN 2015
Date

Approved:  FOR
Mark D. Myers, Commissioner
Department of Natural Resources

2/26/15
Date

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

**ADMINISTRATIVE FINDING
MINERAL ORDER NO. 1162
Closing Lands to Mineral Entry**

THE ALASKA STAND ALONE PIPELINE

This proposed action involves the closure of state land and state selected lands spanning the length of the proposed Alaska Stand Alone Pipeline (ASAP) or a similar gas line project with a comparable ROW lease and alignment, including proposed pipeline and future related facilities, to mineral entry and development. The ASAP line, a gas pipeline, is proposed to be 727 miles long and to have a diameter of 36 inches. The closure extends from Prudhoe Bay to the Beluga distribution system near Big Lake and includes the Fairbanks Lateral Alignment. The Fairbanks lateral alignment is proposed to be a 30-mile-long, 12-inch-diameter lateral pipeline connecting the ASAP mainline to Fairbanks. The lands subject to the terms of this Mineral Order are located 100 feet either side of the ASAP ROW lease (ADL 418997) or similar gas line project with a comparable ROW lease and alignment, as may be renewed and amended. Graphic representation is provided in the attached Map, boundaries reflected are derived from EIS Revision 5 alignment information. The total amount of state land affected will be approximately 26,905 acres.

This mineral closure is intended to allow for the inclusion of additional lands necessary for the operation of the ASAP line authorized under revisions and/or amendments to the ASAP Right-of-Way Lease or to any modifications of the pipeline alignment that may be approved in the final EIS (revision 6 and any later versions). In addition, this Mineral Order is intended to apply to state selected lands along the ASAP route or similar gas line project with a comparable ROW lease and alignment, when those lands are conveyed to the state with no amendment to the Mineral Order.

The proposed Alaska Stand Alone Pipeline has the intent to deliver natural gas from Alaska's North Slope to Fairbanks and South-central, as a means of providing cost effective long term energy to as many Alaskan communities as practicable. Mining operations and activities would have the potential to adversely impact the final location, construction and operation of the gas pipeline. I therefore find that the standards for the closure to mineral entry and development under AS 38.05.185-38.05.275 and AS 38.05.300 have been met and that the area of the gas line corridor should be precluded from mineral entry and development.

This proposed action calls for Leasehold Location Order No. 32 (LLO 32) to be rescinded concomitantly with the implementation of Mineral Order (Closing) 1162. LLO 32 restricts a larger project area than the gas pipeline corridor itself, affecting an area one-half mile on either side of the ASAP ROW centerline (ADL 418997), which includes the Fairbanks Lateral. A total of 345,777 acres of state land are affected. The application of a Mineral Order to a more defined area will restrict a smaller amount of state and state selected lands, while providing more cohesive mineral closure to lands intended for gas pipeline development.

For these reasons, I find:


1. The requirements for closure under AS 38.05.185-38.05.275 and AS 38.05.300 have been met for both the pipeline and its associated oil and gas facilities.
2. It is appropriate to close to mineral entry state lands and state selected lands associated with the gas pipeline corridor of the ASAP facility or a similar gas line project of comparable alignment. Mineral entry and development are inappropriate uses within a statewide pipeline corridor.
3. State selected lands along the gas pipeline corridor as described in MO 1162, which are conveyed to the state in the future, can be incorporated into this order without a formal amendment of Mineral Order.

4. That related future facilities required for the operation of the gas line project, as incorporated into the Right-of-Way Lease, can be incorporated into the legal description of this order without a formal amendment of the Mineral Order.
5. It is appropriate to rescind LLO 32, as a Mineral Order would provide a more cohesive closure and restrict a smaller area of state land. The rescission of LLO 32 will become effective 30 days after the adoption of this mineral order.
6. The proposed Mineral Order will have a sunset clause. The Mineral Order will be rescinded if no significant project progress or development has taken place over a 15 year term.

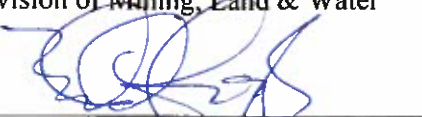
The amount of land closed under this order is approximately 26,905 acres. The areas affected by this closing order are depicted generally in the attached maps. Under AS 38.05.300, the Commissioner of the Department of Natural Resources can approve a mineral closing order in excess of 640 acres if the closure is related to utility or transportation corridors or projects. The requirements of DO 138 are applicable to this decision.

Written comments in response to the Administrative Finding posted for public notice:

No comments received.

Concur: 
 Brent Goodrum, Director
 Division of Mining, Land & Water

26 JAN 2015
 Date

Approved: 
 Mark D. Myers, Commissioner
 Department of Natural Resources

2/26/15
 Date

REQUEST FOR RECONSIDERATION PROCEDURES

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 in writing 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 Mark Myers, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501; faxed to 1-907-269-8918; or sent by electronic mail to dnr.appeals@alaska.gov.

If reconsideration is not requested by that date or if the commissioner within the time allowed does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st day after the date of issuance. Failure of the commissioner to act on a request for reconsideration within 30 days after issuance of this decision is an automatic denial of the request for reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. (AS 44.37.011 (c); 11 AAC 02.020(c)) 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.