

ATTACHMENT D

Leasehold Location Order 37

STATE OF ALASKA
DEPARTMENT OF NATURAL RESOURCES
STATE PIPELINE COORDINATOR'S OFFICE

LEASEHOLD LOCATION ORDER No. 37

- I. Order Restricting to Leasehold Location:** After the effective date of this order, rights to locatable minerals in the land covered by this order may be acquired only under the leasehold location system, AS 38.05.205, and may not be acquired by locating a mining claim under AS 38.05.195.

This leasehold location order recognizes that mineral development is possible in certain affected areas and that this use is appropriate, subject to the requirements of this Order. The State may, if requested by an applicant, permit those exploration activities the Department considers necessary to the determination of the feasibility for mineral development.

- II. Lands Subject to this Leasehold Location Order:** The lands subject to the terms of this order shall cover the operations right-of-way for the proposed Polar Natural Gas Pipeline (ADL 419237) which shall be a 30-foot wide right-of-way, containing approximately 12.9 acres, and will cross State of Alaska owned or managed lands within the Umiat Meridian:

Township 11 North, Range 14 East: Sections 36;
Township 11 North, Range 15 East: Sections 31;
Township 10 North, Range 14 East: Sections 1; and
Township 10 North, Range 15 East: Sections 6, 7, 8, 17

- III. Authority for this Order:** This order is issued under the authority granted by AS 38.05.185 and AS 38.05.300.

- IV. Findings and Determinations:** The following findings and determinations are made.

- a.** Portions of the lands affected by this Leasehold Location Order (LLO) may have mineral potential and therefore mining could occur within these areas. Mining operations and activities would have the potential to adversely impact the final location, construction and operation of the proposed pipeline. This LLO allows the Division of Mining, Land and Water to keep lands within the affected sections open to mining while retaining flexibility, through the leasing process, to ensure that the mining activities will not interfere with the location, construction, and operation of

the pipeline. In general, proposed plans of operations will be reviewed by the State Pipeline Coordinator to ensure that operations that may affect the ability to locate, construct or operate the pipeline are mitigated. Any recommendations for mitigation will be incorporated into the final mining plan of operations. Mining operations that are currently in existence will not be affected by this order.

- b.** Therefore, the land described above and in Appendix B of the Right-of-Way Lease is found to be subject to potential use conflicts, which require that mining be allowed only under written lease issued under AS 38.05.185.
- c.** The proposed pipeline Right-of-Way will be reduced from a 75 feet wide Construction Right-of-Way to a 30 feet wide Operations Right-of-Way after final construction of the pipeline has been completed. It is the intention that LLO No. 37 impacts the lands necessary to protect the right-of-way for the purposes described in the lease; therefore when construction has been completed LLO No. 37 may be revised as necessary.
- d.** The Department retains the ability, in the event a lease is not granted and no authorization for construction of the pipeline is issued, to rescind this LLO on the basis of absence of need.

V. Effective Date: This order is effective as of the following date: _____

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

Approved: _____
Commissioner, Department of Natural Resources Date