ATTACHMENT D

Draft Mineral Order
I. Name: Donlin Pipeline

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: This order affects lands with the AS 38.35 ROW lease ADL 231908 for the Donlin Pipeline, as renewed or amended, in addition to 100 feet on either side of the corridor. During pipeline construction, this affects approximately 14,706 acres which will be reduced to approximately 6,248 acres upon the acceptance of the operational ROW survey, within portions of the sections listed within Attachment A. See the attached maps (Attachment B) for reference.

This action also authorizes changes to MO 1212 to provide for the closure of state selected lands if they are conveyed to the state without a formal amendment to this order.

V. Proposed Mineral Order 1212 does not supersede or replace the pre-existing mineral orders co-located within the affected lands of this 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. Thereby, the above-described lands are hereby closed to entry under the locatable mineral and mining laws of the State of Alaska.

Concur: _______________________________ _______________
Brent W. Goodrum, Director
Division of Mining, Land, and Water

Approved: _______________________________ _______________
Corri A. Feige, Commissioner
Department of Natural Resources
This proposed action involves the closure of State lands to mineral entry associated with the Donlin Pipeline ROW lease (ADL 231908). The proposed pipeline originates at the west end of the Beluga Gas Field in Cook Inlet and terminates at the proposed Donlin Gold Mine site near Crooked Creek. The proposed Donlin ROW lease will authorize those portions of the project located on State owned lands including the 14-inch predominantly buried natural gas pipeline, one compressor station, and multiple work pads, material sites, camps, and temporary access roads during construction.

The lands subject to this Mineral Order (MO) would encompass the proposed ROW lease corridor, as may be renewed and amended, plus 100 feet on each side of the ROW as a buffer zone. Graphic representation of the corridor is provided in the attached maps (Attachment B). Once issued, this MO will remain effective until the administrative need is met and will be rescinded upon the termination or closure of the related ROW lease. During the construction phase, the total amount of State land affected by this order will be approximately 14,706 acres, and during the operational phase the total amount of State land affected by this order will be 6,248 acres. Sub-surface estates not owned by the State, or managed by the Mental Health Trust Office, are not affected by this order.

For these reasons, I find:

1. The requirements for closure to mineral entry under AS 38.05.185-38.05.275 and AS 38.05.300 have been met and the area of the pipeline corridor should be closed to mineral entry and development.

2. The closing of state land and state selected land to mineral entry within the corridor of the Donlin pipeline is appropriate. Mineral entry and development are incompatible uses within a pipeline corridor that would adversely affect the proposed use of the surface estate.

3. State selected lands along the Donlin pipeline ROW as described in MO 1212, which may be conveyed to the state in the future, will be incorporated into this mineral order upon conveyance to the state without a formal amendment to MO 1212.

4. The proposed Mineral Order does not supersede or replace the pre-existing mineral orders co-located within the affected lands of this order.
5. The proposed Mineral Order will not be issued if the ROW lease is not issued.

6. The proposed Mineral Order will have a sunset clause. The Mineral Order will automatically be rescinded upon the termination or closure of the ROW lease associated with MO 1212.

The amount of land closed to mineral entry under this Mineral Order during construction is approximately 14,706 acres. The amount of land closed to mineral entry under this Mineral Order during operation is approximately 6,248 acres.

Concur: _______________________________ _______________
Brent Goodrum, Director
Division of Mining, Land, and Water

Approved: _______________________________ _______________
Corri A. Feige, Commissioner
Department of Natural Resources

Request for Reconsideration Procedures

A person affected by this decision may request reconsideration, in accordance with 11 AAC 02. Any reconsideration request must be received 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 the 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 does not order reconsideration on his own motion, this decision goes into effect as a final order and decision on the 31st calendar day after issuance. Failure of the commissioner to act on a request for reconsideration within 31 calendar days after issuance of this decision is a denial of reconsideration and is a final administrative order and decision for purposes of an appeal to Superior Court. 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. Effective July 1, 2018, under 11 AAC 02.030, appeals and requests for reconsideration filed under 11 AAC 02 must be accompanied by the fee in 11 AAC 05.160(d)(6). Effective July 9, 2018, under 11 AAC 05.160 (a) and (b), this fee was reduced to $200.00 for each appeal or request for reconsideration. Please mail or hand-deliver a check made out to “State of Alaska” to the Public Information Center at 550 W. 7th Avenue, Suite 1360, Anchorage, AK 99501. Please ensure that the check references your appeal or request for reconsideration.
ATTACHMENT A

The Construction right-of-way will include Access Roads, material sites, water extraction sites, airstrips, camps, and staging areas as described in this Exhibit.

During construction, the width of the pipeline right-of-way shall be nominally 150 feet, situated unevenly (25’ and 125’) on either side of the pipeline. The pipeline shall begin at a point of connection with the Beluga pipeline (point of origin), then continue approximately 315 miles in a northern and westerly direction to a termination at the Donlin Gold mine site (point of termination). The pipeline crosses multiple land owners including native and federal lands; roughly 207 miles of the pipeline are on State lands. The portions of the pipeline on private lands are not incorporated in this right-of-way lease.

Seward Meridian

Pipeline:

Township 14 North, Range 09 West, Sections 7, 17, 18, 20, 28, 29
Township 14 North, Range 10 West, Sections 1, 12
Township 15 North, Range 10 West, Section 36
Township 15 North, Range 09 West, Sections 4, 5, 8, 17, 20, 29, 30, 31
Township 16 North, Range 09 West, Sections 3, 10, 15, 21, 22, 28, 33
Township 17 North, Range 09 West, Sections 4, 9, 10, 15, 22, 23, 26, 35
Township 18 North, Range 09 West, Sections 7, 18, 19, 20, 29, 32, 33
Township 18 North, Range 10 West, Sections 1, 12
Township 19 North, Range 10 West, Sections 6, 7, 8, 16, 17, 21, 22, 26, 27, 35, 36
Township 19 North, Range 11 West, Section 1, 2
Township 20 North, Range 11 West, Sections 5, 8, 9, 16, 21, 22, 26, 27, 35, 36
Township 21 North, Range 11 West, Sections 29, 30, 32
Township 21 North, Range 12 West, Sections 7, 18, 19, 20, 21, 22, 25, 26, 27
Township 21 North, Range 13 West, Sections 2, 4, 3, 11, 12, 13
Township 22 North, Range 13 West, Sections 30, 31, 32, 33
Township 22 North, Range 14 West, Sections 19, 20, 21, 22, 23, 25, 26
Township 22 North, Range 15 West, Sections 19, 20, 21, 22, 23, 24, 28, 29, 30
Township 22 North, Range 16 West, Sections 19, 20, 25, 26, 27, 28, 29
Township 22 North, Range 17 West, Sections 5, 6, 8, 9, 10, 13, 14, 15, 24
Township 22 North, Range 18 West, Sections 1, 2, 3
Township 23 North, Range 18 West, Sections 19, 20, 29, 32, 33, 34
Township 23 North, Range 19 West, Sections 2, 11, 12, 13, 24
Township 24 North, Range 19 West, Sections 7, 8, 16, 17, 18, 21, 22, 27, 34, 35
Township 24 North, Range 20 West, Sections 2, 3, 11, 12
Township 25 North, Range 20 West, Sections 7, 17, 18, 20, 22, 23, 26, 27, 28, 29, 35, 36
Township 25 North, Range 21 West, Sections 1, 2, 12
Township 26 North, Range 21 West, Sections 4, 5, 9, 10, 14, 15, 23, 26, 35
Township 27 North, Range 21 West, Sections 19, 30, 31, 32
Township 27 North, Range 22 West, Sections 2, 3, 4, 11, 13, 14, 24, 25
Township 28 North, Range 22 West, Sections 18, 19, 30, 31, 32, 33
Township 28 North, Range 23 West, Sections 12, 13, 14, 15, 16, 17, 19, 20, 21
Township 28 North, Range 25 West, Sections 34, 35, 36
Township 27 North, Range 25 West, Sections 3, 4, 5, 6, 7
Township 27 North, Range 26 West, Sections 11, 12, 14, 15, 16, 17, 19, 20
Township 26 North, Range 28 West, Sections 1, 2, 3, 9, 10, 16, 17, 19, 20
Township 25 North, Range 29 West, Sections 4, 5, 6, 7
Township 24 North, Range 32 West, Sections 4, 5, 7, 8
Township 24 North, Range 33 West, Sections 11, 12, 14, 15, 16, 19, 20, 21, 30
Township 24 North, Range 34 West, Sections 24, 25, 26, 27, 28, 29, 30
Township 24 North, Range 35 West, Sections 27, 28, 29
Township 24 North, Range 37 West, Sections 31, 32, 33
Township 23 North, Range 37 West, Section 6
Township 23 North, Range 38 West, Sections 1, 2, 3, 7, 8, 9, 10, 16, 17, 18
Township 23 North, Range 39 West, Sections 13, 14, 15, 16, 17, 18
Township 23 North, Range 40 West, Section 15

This portion of the right-of-way aggregates to 3,744 acres, more or less. All calculations are approximations based on the Applicant's description of the right-of-way.

Ancillary Facilities:

Additional facilities for construction purposes shall be included in the pipeline right-of-way, on lands listed below. Access roads for construction purposes shall be a total of 35-feet wide except as needed for designated tum-around locations. Additional sites such as airstrips, HDD pads, camps, storage yards, and material sites vary in size.

Seward Meridian

Material Site #1 and Water Extraction Site  
Township 14 North, Range 10 West, Section 1
Two Water Extraction Sites
Township 15 North, Range 9 West, Section 20

Access Road
Township 15 North, Range 9 West, Sections 17, 20

Shoofly Road
Township 15 North, Range 9 West, Sections 5, 8

Water Extraction Site and Shoofly Road
Township 16 North, Range 9 West, Section 28

Material Site #3, Water Extraction Site, and Shoofly Road
Township 16 North, Range 9 West, Section 15

Shoofly Road and Water Extraction Site
Township 16 North, Range 9 West, Sections 3
Township 17 North, Range 9 West, Sections 34, 35

Access Road and Water Extraction Site
Township 17 North, Range 9 West, Section 26

Access Road and Water Extraction Site
Township 17 North, Range 9 West, Sections 14, 15

Material Site #5 and Water Extraction Site
Township 18 North, Range 9 West, Sections 32, 33

Access Road and Water Extraction Site
Township 19 North, Range 10 West, Sections 14, 22, 23

Access Road and Water Extraction Site
Township 19 North, Range 10 West, Sections 5, 8, 7

Deep Creek Airstrip
Township 20 North, Range 11 West, Sections 26, 35, 36

Material Site #9
Township 20 North, Range 11 West, Section 21
Access Road and Water Extraction Site
Township 20 North, Range 11 West, Section 9

Access Road and Water Extraction Site
Township 20 North, Range 11 West, Section 5

Shoofly Road
Township 21 North, Range 11 West, Sections 30, 31, 32

Material Site #10
Township 21 North, Range 11 West, Section 30
Shoofly Road
Township 21 North, Range 12 West, Section 25

Camp Site, Access Road, and Water Extraction Site
Township 21 North, Range 12 West, Section 26

Shell Airstrip
Township 21 North, Range 12 West, Sections 21, 22, 27, 28

Material Site #11, Two Water Extraction Sites, and Access Road
Township 21 North, Range 12 West, Sections 17, 20, 29

Shoofly Road, Access Road and Water Extraction Site
Township 21 North, Range 13 West, Section 12

Access Road, Water Extraction Site
Township 22 North, Range 15 West, Section 23

Shoofly Road
Township 22 North, Range 15 West, Sections 21, 28

Water Extraction Site
Township 22 North, Range 15 West, Sections 19, 30

Access Road
Township 22 North, Range 16 West, Section 25

Happy River Airstrip Alternative Location and Access Road
Township 22 North, Range 16 West, Sections 19, 29, 30

Access Road and Water Extraction Site
Township 22 North, Range 16 West, Section 19

Happy River Airstrip, Camp, and Material Site #13
Township 22 North, Range 17 West, Section 23, 24

Shoofly Road and Two Water Extraction Sites
Township 22 North, Range 17 West, Section 14

Shoofly Roads
Township 22 North, Range 17 West, Section 5, 6, 15

Shoofly Road and Water Extraction Site
Township 22 North, Range 18 West, Section 1

Shoofly Road, Camp, Material Site #15A, and Water Extraction Site
Township 23 North, Range 18 West, Section 19
Township 23 North, Range 19 West, Section 24
Shoofly Road, Access Road, and Water Extraction Site  
Township 23 North, Range 19 West, Section 11, 12

Shoofly Road  
Township 23 North, Range 19 West, Section 2  
Township 24 North, Range 19 West, Section 35

Moose Airstrip  
Township 24 North, Range 19 West, Sections 21, 27, 28

Material Site # 17A  
Township 24 North, Range 19 West, Sections 17, 18

Threemile Airstrip, Material Site #17B, Camp, and Water Extraction Site  
Township 24 North, Range 20 West, Sections 2, 11

Material Site # 17C, Access Road  
Township 25 North, Range 20 West, Section 26

Shoofly Road, Two Water Extraction Sites, Material Site 18A, Material Site 18B  
Township 25 North, Range 20 West, Sections 7, 8, 17, 20, 27, 28

Material Site #19B, Shoofly Road  
Township 26 North, Range 21 West, Section 26

Shoofly Road  
Township 26 North, Range 21 West, Section 23

Shoofly Road, Material Site #20, Water Extraction Site  
Township 26 North, Range 21 W, Sections 14, 15, 10

Water Extraction Site, Material Site #21  
Township 26 North, Range 21 West, Section 4

Bear Paw Airstrip, Material Site #22, Water Extraction Site, Camp  
Township 27 North, Range 21 West, Sections 19, 30  
Township 27 North, Range 22 West, Sections 24, 25

Shoofly Road  
Township 27 North, Range 22 West, Section 2

Shoofly Road  
Township 27 North, Range 22 West, Section 3

Material Site #23  
Township 27 North, Range 22 West, Section 4

Shoofly Road and Water Extraction Site  
Township 28 North, Range 22 West, Section 32
Shoofly Road
Township 28 North, Range 22 West, Section 31

Shoofly Road
Township 28 North, Range 22 West, Section 30

Shoofly Road
Township 28 North, Range 22 West, Sections 18, 19

Shoofly Road
Township 28 North, Range 23 West, Sections 13, 24

Camp, Jones Airstrip, Access Road, Water Extraction Site
Township 28 North, Range 23 West, Section 11, 14

Material Site # 25 and Water Extraction Site
Township 28 North, Range 23 West, Sections 16, 20, 21

Shoofly Road
Township 28 North, Range 23 West, Section 19

Access Road and Material Site #27
Township 28 North, Range 25 West, Section 36

Farewell Airstrip and Access Road
Township 28 North, Range 25 West, Section 15, 22, 23, 25, 26

Material Site # 27A
Township 27 North, Range 25 West, Section 4

Material Site # 28A
Township 27 North, Range 26 West, Section 12

Two Water Extraction Sites and Shoofly Roads
Township 27 North, Range 26 West, Section 17, 19, 20

Material Site # 33, Water Extraction Site
Township 26 North, Range 28 West, Section 2

Material Site # 34
Township 26 North, Range 28 West, Section 9

Access Road and Water Extraction Site
Township 25 North, Range 29 West, Section 5

Access Road and Water Extraction Site
Township 25 North, Range 29 West, Section 7

Material Site #41
Township 24 North, Range 32 West, Section 4
Material Site #42 and Access Road  
Township 24 North, Range 33 West, Sections 19, 29, 30

Material Site #44 and Access Road  
Township 24 North, Range 35 West, Section 27, 34

Access Road  
Township 24 North, Range 37 West, Section 33

Kuskokwim East Airstrip, Access Road, and Water Extraction Site  
Township 23 North, Range 37 West, Section 4, 9  
Township 23 North, Range 38 West, Section 1

Access Road, Material Sites #50 and #52, Shoofly Road, Two Water Extraction Sites  
Township 23 North, Range 38 West, Section 2, 3, 11

Access Road  
Township 24 North, Range 38 West, Section 34, 35

Access Road and Material Site #53  
Township 23 North, Range 38 West, Sections 8, 9, 16, 17

Access Road, Water Extraction Site, Kuskokwim West Airstrip, Camp, Material Site #54  
Township 23 North, Range 39 West, Sections 11, 13, 14, 15

Shoofly Road  
Township 23 North, Range 39 West, Section 17

This portion of the right-of-way aggregate to 2,406 acres. All calculations are approximations based on the Applicant's description of the right-of-way.

The total acreage for the Construction right-of-way (which includes the Pipeline and the ancillary facilities) totals 6,150 acres, more or less.