

## Subsurface Resources

### MINERAL DEVELOPMENT<sup>14</sup>

**A. Mineral Exploration.** By statute, exploration for locatable minerals is allowed on all state lands except those specifically closed to location. A land use permit is required under most circumstances. Hand prospecting and exploration activities generally do not require a permit. DNR may determine that some forms of access will not be allowed in specific areas to avoid resource damage.

**B. Open to Mineral Location.** By statute, all state lands are open to mineral location unless specifically closed. Where an area is open to mineral location, a miner has the right to stake a mining location regardless of the surface use designation or classification. Any adverse effects of mining on surface resources or uses will be managed through compliance with state laws and regulations and borough ordinances and management intent and guidelines in this plan. Reclamation activities are directed by the Mining Reclamation Act (AS 27.19) and regulations (11 AAC 97).

**C. Mining in Fish Habitat.** When DNR issues a permit for mining in or adjacent to designated fish habitat, conditions of the permit will require any necessary measures, such as levees, berms, seasonal restrictions, and settling ponds, that will allow the operation to meet water quality standards, and statutes and regulations governing the protection of fish. Mining in fish habitat requires permits from DEC and ADFG. ADFG permits are not required in marine waters or estuarine areas outside of the intertidal channel exposed at mean low water of specified anadromous fish streams.

**D. Offshore Prospecting Permits (OPP).** Under AS 38.05.250 an exclusive right to prospect for deposits of minerals offshore may be granted through a permit issued by DNR. DNR determines what areas will be opened for permits. No areas in the planning area are currently open for permits. If workable mineral deposits are found offshore, the permittee must apply for a lease in order to develop the mineral deposit. Fish and wildlife habitat designated "Ha" are areas of significant surface use of or by fish. The Alaska Department of Fish and Game has stated that it has initially determined mining in "Ha" estuarine areas to be nonconforming use under the ACMP. ACMP procedures will be used to determine whether mining can be made a conforming use and, if mitigation is possible, the appropriate mitigating measures needed to protect fish and wildlife resource values.

**E. Submarine Tailings Disposal.** The plan does not address submarine tailings disposal because it was activity prohibited by the Environmental Protection Agency (EPA) when the plan was being developed. However, the plan does not specifically allow nor prohibit it on any tidelands or submerged lands. The plan, including Chapter 2 guidelines and management intent and guidelines in Chapter 3, will be used when con-

---

14 With the exception of Guideline D. above and Guideline F. on the next page, these guidelines apply to locatable minerals. Locatable minerals under state law include both metallic (gold, silver, lead, etc.) and non-metallic (asbestos, mica, etc) minerals. Locatable minerals do not include materials (see definition in the *Materials* section in this chapter) or leaseable resources (oil, gas, coal, phosphates, sodium, potassium, oilshale, or geothermal resources).

sidering authorizations for this type of use on state lands if EPA authorizes submarine tailings disposal at some future time.

**F. Oil and Gas and Other Energy Resources.** The plan defers any decisions regarding leasing for oil and gas and other energy resources to DNR's existing leasing process. No lease sales are proposed due to the relatively low potential for oil and gas discoveries in the Juneau State Land Plan area.

## MINERAL CLOSURES

The decision to apply mineral location closures was made by the commissioner within the parameters set by the Alaska Statutes. AS 38.05.185(a) requires that the commissioner determine that mining is incompatible with a significant surface use before an area can be closed to mining. The same section of the statute requires that the Commissioner determine that a potential use conflict exists before requiring that development of locatable minerals be conducted under lease. The fact that an area is closed to new mineral location will not be cause for denying access across state land. Mineral closures do not affect valid existing claims.

Under state mining laws, a mining claim can be filed on the tidelands. A provision of state mining regulation, however, is that the mining claim can extend into the tidelands and submerged lands only if two of the corners are on or above the line of mean high tide (11 AAC 86.135(c)). This provision allows for mining claims to be staked adjacent to the shore on any state tidelands and submerged lands, regardless of who the upland owner is. Because a mining claim may not exceed 1,320 feet in the longest dimension, these claims cannot extend more than 1,320 feet seaward from mean high tide.

**A. Areas to Be Closed to New Mineral Location.** Approximately 28,500 acres will be closed to new mineral entry. These areas are listed below and shown in Map 2.1 and in Appendix B. In the Juneau State Land Plan planning area, mining has been determined to be incompatible with the following significant surface uses.

1. **Areas proposed for settlement** (*approximately 1,110 acres*). Lena Point parcel, Lena Creek parcel, Channel Vista Drive parcel, Lemon Creek tract will be managed to support residential settlement needs.
2. **Identified materials sites** (*approximately 380 acres*). Lemon Creek, and 11-Mile Creek on north Douglas, Sheep Creek Delta, and a site near Eagle Beach are identified as important materials sites. DNR will consider re-opening these sites to mineral entry when they are no longer used for materials extraction.
3. **Mouths of certain anadromous fish streams** (*approximately 23,865 acres*). The estuarine area, from mean high water to a water depth of approximately 40 feet (measured at mean low low water), at the mouths of the 29 anadromous fish streams listed below. Each of these streams has had a peak escapement count that meets the criteria below.
  - a) 500 pink salmon and 500 chum salmon; or
  - b) 1,000 pink salmon or 1,000 chum salmon; or
  - c) 500 coho salmon or 500 sockeye salmon.

Maintaining the high quality estuarine rearing habitat adjacent to these streams and avoiding impacts to the associated water quality and marine plant and animal communities is essential to sustaining the productivity of the Juneau area commercial and community harvest fisheries.

### **Mainland Systems**

Berners-Lace-Gilkey-Antler rivers  
Sawmill Creek  
Cowee Creek  
Herbert River  
Peterson Creek  
Tee Creek  
Auke Nu Creek  
Wadleigh Creek  
Auke Creek  
Sheep Creek  
Taku River  
Limestone Creek  
Sweetheart Creek

### **Douglas Island Systems**

Kowee Creek  
Lawson Creek

### **Admiralty Island systems**

Greens-Zinc creeks  
2 creeks head of Hawk Inlet  
Fowler-Cabin-West Cabin-First West  
Admiralty creeks

**4. Fish hatcheries and net-pen sites** (*approximately 480 acres*). Forty-acre tideland and submerged land sites adjacent to the fish hatcheries at Kowee Creek, Snettisham, Sheep Creek, and Salmon Creek; and surrounding the net pen sites for remote release of hatchery salmon at Sheep Creek, Eagle-Amalga Harbor, Speel Arm (the cove south of the Snettisham hatchery), Auke Creek, Twin Lakes, Limestone Inlet, Williams Cove, and Gilbert Bay. The hatcheries, net pens, and the fisheries they support are critically dependent on the estuarine rearing habitat. The closure is to protect the significant state and private investments in these hatcheries and net pens.

**5. Berners River** (*approximately 960 acres*). The bed (below the ordinary high water) of both branches of the Berners River from the mouth north to the planning area boundary will be closed to new mineral entry. The Berners River will be closed because mining in the bed of the river would conflict with spawning, incubation, and rearing of the significant populations of anadromous fish that live in this clear-water system.

**6. Montana Creek** (*approximately 575 acres*). The bed (below the ordinary high water) of Montana Creek will be closed from the north boundary of state land on Montana Creek to the confluence of Montana Creek with the Mendenhall River. Montana Creek will be closed to protect the spawning, incubation, and rearing areas for significant populations of anadromous fish that live in this clear-water system. Upper Montana Creek (on state lands) is heavily used for sport fishing, hiking,

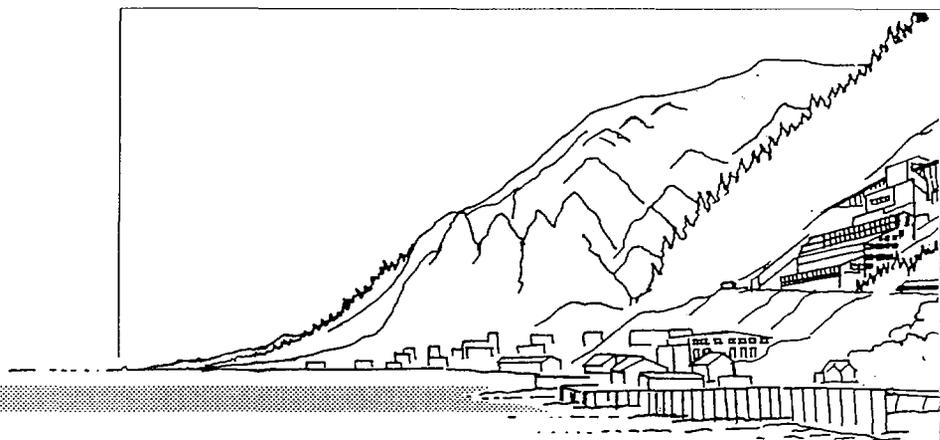
and hunting. Lower Montana Creek (on CBJ lands) has been identified by the CBJ as a greenbelt.

State uplands above the ordinary high water extending landward 50 feet on either side of Montana Creek will be closed to protect the intensive recreation uses and the fisheries values.

**7. Windfall Lake and Herbert River** (*approximately 150 acres*). The bed of Windfall Lake and portions of Herbert River (below ordinary high water) will be closed to new mineral entry. Windfall Lake and approximately 1-1/2 miles of the southern branch of the upper Herbert River will be closed because mining in the bed of the lake and river would conflict with salmon spawning, incubation, and rearing of the significant populations of anadromous fish that live in this clear-water system.

**8. Lower Peterson Creek** (*approximately 40 acres*). Subunits 1d25 and 1d26 will be closed to new mineral entry to protect lands purchased by ADFG with matching federal funding for the purposes of providing public access to Peterson Creek, and to protect wetlands, fish spawning and rearing habitat.

**9. Mendenhall Lake** (*approximately 700 acres*). Mendenhall Lake (below ordinary high water) will be closed to new mineral entry to protect high recreation values.



## TABLE 2.4 - Lands closed by the Area Plan to new mineral locations

### ◆ AREAS PROPOSED FOR SETTLEMENT

1. Lena Creek (Subunit 2d1)
2. Lena Point (Subunit 2d2)
3. Lemon Creek tract (Subunit 5a27)
4. Channel Vista Drive parcel (Subunit 5b28)

### ◇ IDENTIFIED MATERIAL SITES

5. Lemon Creek (Subunit 5b27)
6. 11-Mile Creek on North Douglas  
(subunit 10a25)
7. Eagle Beach (Subunit 1c26)
- 7.5 Sheep Creek Delta (Subunit 7b8)

### ■ MOUTHS OF CERTAIN ANADROMOUS FISH STREAMS

8. Berners-Lace-Gilkey-Antler rivers  
(Unit 11b)
9. Sawmill Creek (Unit 1a)
10. Cowee Creek (Unit 1a)
11. Herbert River (Unit 1c)
12. Peterson Creek (Unit 1d)
13. Tee Creek (Unit 2b)
14. Auke Nu Creek (Unit 3e)
15. Wadleigh Creek (Unit 3e)
16. Auke Creek (Unit 3e)
17. Kowee Creek (Unit 8a)
18. Lawson Creek (Unit 9b)
19. Sheep Creek (Unit 7b)
21. Limestone Creek (Unit 14b)
22. Whiting River and tributaries (Unit 15c)
23. Sweetheart Creek (Unit 15b)
24. 2 creeks into Gilbert Bay (Unit 15b)
25. Greens-Zinc creeks (Unit 13a)
26. 2 creeks head of Hawk Inlet (Unit 13a)
27. Fowler-Cabin-West Cabin-First West  
Admiralty creeks (Unit 13a)
45. Taku River (Unit 14a)
46. Auke Creek (Unit 3e)

### ▲ FISH HATCHERIES

28. Kowee Creek (Unit 8a)
29. Salmon Creek (Unit 5a)
30. Sheep Creek (Unit 7b)
31. Snettisham (Unit 15a)

### ● NET PEN SITES

32. Eagle-Amalga Harbor (Unit 1d)
34. Twin Lakes (Unit 5a)
35. Sheep Creek (Unit 7b)
36. Limestone Inlet (Unit 14b)
37. Speel Arm (cove south of the Snettisham  
hatchery) (Unit 15a)
38. Gilbert Bay (Unit 15b)
39. Williams Cove (Unit 15d)
47. Auke Creek (Unit 3a)

### +++ STREAMS OR RIVERS

40. Berners River (Unit 11b)
41. Montana Creek (Unit 3f)
42. Windfall Lake & Herbert River (Unit 1c)

### \* LANDS PURCHASED WITH FEDERAL MONEY

43. Lower Peterson Creek (Subunits 1d25 & 1d26)

### \* RECREATION AREA

44. Mendenhall Lake (Unit 3f40)

Numbers are keyed to Map 2.1 (following).

