

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

Memorandum of Decision

Interior Mining, LLC

LAS 28847

March 11, 2013

Proposed Action

Interior Mining, LLC (Permittee) has applied for cross country travel of heavy equipment on the RS 2477 Right-of-Way known to the State as RST 48, the Chistochina-Slate Creek trail, for the purpose of accessing patented mining claims in Sections 21-23 of Township 20 South, Range 15 East of the Fairbanks Meridian. Travel will occur during winter months when sufficient snow and/or ice cover exists to prevent ground disturbance or the crossing of open water. Some brushing of the route is allowed where necessary for safe vehicle passage.

Authority

This land use permit is being adjudicated pursuant to AS 38.05.850 (Permits), 11 AAC 96 (Miscellaneous Land Use) and applicable regulations.

Classification

The area of requested use is located within the Copper River Basin Area Plan (CRBAP), in Management Units 29 (Upper Gakona, Chistochina, and Slana River Drainages) and 31 (Slate Creek – Chisna River). The CRBAP recognizes this trail in both units, stating that “access [to unit 31] is via the Chistochina Trail for heavy equipment” and that “use of the Chistochina River Trail... by heavy equipment (cats, graders, large trucks) currently requires a permit.” The requested permit for cross country travel of heavy machinery via RST 48 is consistent with the CRBAP.

Administrative Record

The administrative record for this action consists of LAS 28847.

Location

Geographic: Travel begins from the Glenn Highway west of the Chistochina River in Section 34 of Township 10 North, Range 4 East of the Copper River Meridian and proceeds in a generally northerly direction, paralleling the Chistochina River, to Section 21 of Township 20 South, Range 15 East of the Fairbanks Meridian.

USGS Map Coverage: Gulkana & Mount Hayes (250K); Gulkana C-2, D-2 & Mount Hayes A-2 (63.4K)

Legal Description: Located within an existing RS 2477 Right-of-Way in Sections 5, 6, 8, 17, 20, 21, 28, 29, 33 & 34 of Township 10N, Range 4E, Copper River Meridian; Sections 4, 5, 8, 9, 17, 19, 20, 30 & 31 of Township 11N, Range 4E, Copper River Meridian; Sections 18, 19, 29, 30 & 32 of Township 12N, Range 4E, Copper River Meridian; Sections 1, 2, 12 & 13 of Township 12N, Range 3E, Copper River Meridian; Sections 3, 10, 15, 22, 27, 34 & 35 of Township 13N, Range 3E, Copper River Meridian;

Section 34 of Township 14N, Range 3E, Copper River Meridian; Sections 3, 10, 15, 22, 27, 34 & 35 of Township 22S, Range 15E, Fairbanks Meridian; Sections 6, 7, 18–20, 28, 29, 33 & 34 of Township 21S, Range 15E, Fairbanks Meridian; and Sections 20–23 & 29–31 Twp. 20S, Range 15E, Fairbanks Meridian.

Borough/Municipality: This project falls within the Unorganized Borough.

Regional/Village Corporation: Ahtna, Inc.; Cheesh'na Tribal Council

Title

RST 48 – Public use and acceptance dates to 1902

Agency and Landowner Review

Consistent with 11 AAC 51.100, a notice was sent on February 13, 2013 to all landowners affected by the proposed travel along RST 48. Agency notification of the proposed travel was distributed to state agencies – including the Office of History and Archaeology, Department of Transportation and Public Facilities (DOT&PF), Division of Forestry, Department of Environmental Conservation, Department of Fish and Game (ADF&G) and the Division of Parks and Outdoor recreation – and to the US Army Corps of Engineers on February 26, 2013.

No comments were received during the landowner notification period. The DOT&PF replied that they did not object to the proposed permit. The ADF&G replied that they did not object, with the following recommendations:

- Trail clearing should minimize surface runoff & erosion, avoid impacts to waters, wetlands and riparian zones, and should be kept to the minimum necessary for safe passage.
- Travel should be on snow and ice, leaving the vegetation layer intact.
- Sufficient snow cover (12”) and ground freezing (12”) must exist to prevent ground damage.
- No fill material should be used to construct roads through wetlands or riparian areas.
- The proposed activity should not unreasonably restrict or preclude other public use of RST 48.
- Activities that could affect anadromous fish habitat or the efficient passage of resident or anadromous fish may require a Fish Habitat Permit from ADF&G Division of Habitat.

The conditions recommended by ADF&G are consistent with the activities authorized under ADL 28847.

Permit Term

Effective use date: This permit is valid March 12, 2013 through April 30, 2017, effective during the months February–April each year so long as sufficient snow and/or ice cover exists to prevent ground disturbance or the crossing of open water.

Permit Fee

Annual Use Fee: no fee [11 AAC 05.010(e)(8)]

Performance Guaranty and Insurance

Bond: Per 11 AAC 96.060, the permittee is required to provide DNR a performance guaranty in the amount of \$1,500.00. The performance guaranty is subject to release upon project completion, DMLW inspection of the route used, and any repairs or rehabilitation as required by DMLW.

Insurance: Per 11 AAC 96.065, the permittee shall secure and maintain in force during the term of this permit, insurance in the amount and of a type necessary to protect the permittee and the state. A certificate of insurance must be furnished to the department before issuance of the permit and must provide for a 30-day notice in the event of cancellation, nonrenewal, or material change of condition. All insurance policies must comply with AS 21 and be issued by insurers licensed to transact the business of insurance under AS 21. The state shall be listed as an additional named insured on the policy.

Completion Report

A completion report shall be submitted to DNR, DMLW within sixty days of termination of permit activities. This report shall contain (a) actual routes of travel depicted on a USGS topographic map (or other similar map), (b) a list of vehicles used for any off-road travel which may have taken place, (c) a statement of cleanup activities and methods of debris disposal, if any, and (d) a report of any known incidents of damage to tundra or existing vegetation cover and follow-up corrective actions that may have taken place while operating under this authorization. Any report that includes the above noted information may be sent in lieu of the completion report. The information in a-d should be highlighted or otherwise marked for easy reference.

Decision

DNR, pursuant to its mission, seeks to facilitate development and use of natural resources on state lands for present and future Alaskans.

Based on the information provided by the applicant, review of relevant planning documents, statutes and regulations and an examination of documents and casefile record, it is the decision of the Southcentral Region Land Office to issue the land use permit to Interior Mining, LLC.

During the term of the LUP, periodic inspections may be conducted at the discretion of DNR to ensure permit compliance. The State of Alaska reserves the right to issue other compatible uses within this same area.


Eric Moore, Natural Resource Specialist III

3/11/13
Date

I concur I do not concur I concur with modifications


for Richard B Thompson, Southcentral Region Manager

3-12-13
Date

A person affected by this decision may appeal it, in accordance with 11 AAC 02. Any appeal 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 Dan Sullivan, 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 no appeal is filed by that date, this decision goes into effect as a final order and decision on the 31st day after issuance. An eligible person must first appeal 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.