Regulation of Mining in Alaska

Overview of Mining Regulation
This section gives an overview of the process a mining company or individual would take if they want to develop a claim. Subsequent sections give more details on the process if the mining claim was made on State, Federal, Native Corporation, or other types of land. Keep in mind that one entity may have the surface rights of a parcel of land, while another entity may have the subsurface rights.

The first step is to find out if the area of interest is open to mineral entry. If the land is open, contact the land owner/manager that has jurisdiction over those lands to find out the requirements for mineral entry. If it is private land, permission must be obtained from the land owner and the State of Alaska must be contacted. Mining claims are staked and recorded through the entity that owns the land.

Once the claim paperwork is in place, an exploration permit should be obtained from the entity that owns the land. Permits will be required for every phase of the mine development, and most mines go through four phases: exploration, development, construction and operation.

Exploration will set the stage for the type and amount of ore to be mined. Furthermore, the environment where the anticipated mining will occur gets identified. A mining plan of operation will be submitted to a federal land management office (BLM, NPS, USFWS, or Forest Service), the Alaska Department of Natural Resources, and/or the private landowner. The scope and location of the proposed mining operation will determine whether the guidelines of the National Environmental Policy Act (NEPA) will be part of the permitting process. If the project is solely on state or private land and will not have a detrimental affect on adjoining land, NEPA will probably not come into play. If the project lies on federal lands or impacts federal lands, NEPA will be triggered.

For most small mining operations an Environmental Assessment (EA) will be done to analyze the proposed action/actions. An alternative action will also be derived and analyzed. Stipulations to preferred alternatives will be attached to the approval of the mining plan. Mining proposals with large impacts to the environment or health and human safety will trigger an Environmental Impact Statement (EIS).
During the development stage of a mine, designs of the preferred alternatives are analyzed, baseline data are collected, and the EA or EIS is completed. At this point the mine developer has identified and been informed of all of the permits needed for the next stage of development: construction.

By the time construction begins, all necessary permits are in place to allow the construction of the mine infrastructure. While the mine is under construction the developer should move forward and carefully review the operating permits.

The final stage is the operation phase. The developer should have all operating permits in place. These would include all monitoring and reporting requirements specified by the permits. If the developer has been successful, mining can commence.


**Land Ownership**

Breakdown of land ownership in Alaska

![Land Ownership](http://www.dnr.state.ak.us/kodiak/gis/raster/map_library/y1994/iris/akpie_61.jpg)

![Alaska Land Ownership](http://204.126.119.8/oil/products/slideshows/ogactivity_feb1999/sld002.htm)
Tools for Determining Land Ownership

If you want to find out the status of mining activities on a parcel of land, the first thing to do is to find out who owns the land. There are some excellent on-line resources that will help you do this, you can use other resources such as topographic maps, or you can contact entities listed below to help you.

Mining Claims Mapper (Alaska Mapper)
This website contains both land ownership and mining claims information. The Mining Claims Mapper website (http://akmining.info/) is a joint effort between DNR and BLM to provide internet-accessible information to the public on State and Federal mining properties. The Mining Claims Mapper site links to DNR’s Alaska Mapper site (http://mapper.landrecords.info/) See the legend for the mining claim symbol.

To use the Mining Claims Mapper:
• Click “Click to View Interactive Map” or “Enter Public Site”
• At the center of the top
  o Select “Mineral Estate Map” to locate mining claims
  o Select “Land Estate Map” to determine land ownership
• Use toolbar located on left to zoom in & out, pan, use legend, etc.
• Hint: Map widths (lower right part of page) of 150,000 ft. and 300,000 ft. are helpful resolutions. Since each time you zoom in, a new page must load, it will save you time if you type in these map widths instead up zooming multiple times.

See the Alaska Mapper User Guide (http://akmining.info/docs/ug.pdf ) for more details or contact ADNR Land Records Public Information Desk at (907) 269-8400 (Anchorage) for help with these websites. Note that the Alaska Mapper User Guide has some advanced mapping instructions that are only relevant for State employees.

LandRecords.Info
http://quadpicker.landrecords.info/
• Click on rectangle nearest to you. This will open to a USGS 1:250,000 map.
• Click on this 1:250,000 map and get a more detailed Status Plat map
  o Status Plat maps exist only where there are State lands

Contact DNR Land Records Public Information Desk for help with this website (907) 269-8400 (Anchorage)

Additional Resources for Determining Land Ownership
Developed by Zender Environmental Health www.zendergroup.org for Alaska Inter-Tribal Council’s “Nunat” www.nunat.net © Copyright 2008
Locating Lands Factsheet
http://www.dnr.state.ak.us/mlw/factsht/locate_land.pdf

USGS Topographic maps
Contact the Alaska Science Center Map Store if you would like to order topographic maps. The maps come in several levels of detail, and are $7 per map.

Alaska Resource Data Files
This is a U.S. Geological Survey site that shows mines, mining prospects, and mineral occurrences. Click on “map” or “table” to view these mineral interests by 1:250,000 topographic map.
http://ardf.wr.usgs.gov/

Corporations/Boroughs
Contact your village or regional corporation (http://www.nunat.net/ANCSA_corp_list.pdf) or your borough (http://www.nunat.net/borough_list.pdf). You may be able to determine land ownership by talking with one of these entities.

Alaska Inter-Tribal Council
Feel free to contact AITC (563-9334; e-mail envr@aitc.org) if you need any help determining land ownership or have any other questions about mining in Alaska.

Primary resources used: Websites and documents listed above.

Permitting Processes of the Various Land Managers
Once you have identified the land owner, you can use the information below to determine the various mining permit processes that each land owner has. There is also contact information listed in case you have questions that are not answered here. You can always contact AITC (563-9334; e-mail envr@aitc.org) you need help with any of these steps.

Native Lands
If a miner wishes to stake a mining claim on ANCSA Native lands, s/he must obtain mineral rights from the landowner. Here is a summary of ANCSA Corporation sand mineral inholding regulations:

- A native corporation can sell or lease any of its land without review or approval of the U.S. Department of the Interior. Thus, these lands are essentially private lands.
- Four types of native corporations were created to receive lands through ANCSA—regional, village, group, and urban corporations. In reality, regional and village corporations are by far the most common type of corporations.
• In general, village corporations received only surface estate lands. Some villages have subsurface benefits through contracts with their regional corporations. Note that the mining of sand and gravel is treated differently in the various regions.
• Regional corporations generally have subsurface rights beneath the village-selected lands in addition to their surface and subsurface selections. When regional corporations exchange land with other entities, they may/may not receive and they may/may not give up these subsurface land rights.
• Some pre-ANCSA Native reserves were given the option to acquire surface and subsurface land rights through ANCSA. Though the Annette Island Reserve in Metlakatla is the only reservation remaining after ANCSA, some Tribes have jurisdiction over other lands such as restricted townsite lots, Native allotments, and restricted Tribal lots.

For specific questions on mineral interests on Native lands, contact the Regional or Village corporation (http://www.nunat.net/ANCSA_corp_list.pdf) who holds the rights to this land.

http://books.google.com/books?id=Wm6QMRaX9C4C&pg=PA154&lpg=PA154&dq=ancsa+mineral&sourc e=web&ots=sHLMEr93bn&sig=NVLPCLYJHrOmtfR65xBJ7To_PCg#PPA154,M1 and Steve Sumida, Personal Communication 10/4/07.

Private Lands
Locatable minerals non-ANCSA private lands usually have mineral closing orders (MCOs) in place. A mineral closing order negates the ability to establish a mining claim on private lands, though the State still has the rights to lease energy subsurface resources, such as oil and gas. A miner interested in the minerals that may lie underneath private land must get permission of the private landowner to enter the land and to do any excavation. If a private land parcel does not have an MCO and a landowner (or another person, with his/her permission) wishes to stake a mining claim, s/he should contact the ADNR Land Records Public Information Desk at (907) 269-8400 (Anchorage) to determine how to proceed for mineral exploration and entry. The State of Alaska does not authorize mining claims on privately owned land.

Primary resources used: ADNR Public Information Center Staff, Personal Communication 2/1/08 and 2/4/08.

Borough Government Lands
Through the Municipal Selections Act (AS 29.18.201, revised in AS 29.65.201), boroughs were established in Alaska and each one obtained a certain number of acres from the State of Alaska http://www.dced.state.ak.us/dca/LOGON/pubs/29_65.htm#as65_010. Any land that did not become an organized borough is by default considered to be in the “unorganized”
Where boroughs exist, they form another layer of regulatory government. This includes developing ordinances, permitting, landuse planning, and taxation over all lands and activities. “All lands” include ANCSA lands which are taxed only if the lands are developed. If a parcel of land is within the unorganized borough, the state legislature carries out these functions. Regardless of land ownership, State and Federal regulations such as water quality standards and wetland filling still apply and must be followed. Boroughs and ANCSA Corporations can impose ordinances above and beyond State and Federal regulations, such as higher water quality standards, or habitat protection or noise restrictions. For specific questions on mining projects within organized borough boundaries, contact the borough (http://www.nunat.net/borough_list.pdf).

Primary resources used: Websites listed above and Steve Sumida, Personal Communication 10/4/07.

**Federal Lands**


> “Areas withdrawn from mineral entry include National parks, National Monuments, American Indian reservations, most reclamation projects, military reservations, scientific testing areas, most wildlife protection areas (such as Federal wildlife refuges), and lands withdrawn from mineral entry for other reasons.”

More than 75% of Federal public lands in Alaska are closed to mining because they are located in National Parks, Preserves, Monuments, Wildlife Refuges, or other areas withdrawn from mineral entry. Of the remaining lands open to mineral entry (staking mining claims), potentially valuable areas are often already claimed.

The four main federal agencies that manage public land in Alaska are the Bureau of Land Management, U.S. Forest Service, U.S. Fish and Wildlife Services, and the National Park Service.
Service. Each of these agencies manages the surface uses of their respective public lands and have their own surface regulators and mineral examiners. However, the BLM manages the subsurface minerals on all federal lands. This includes managing mining claims, mining claim filing, documentation, and fee collection.

The federal land management agencies in Alaska are described below.

U.S. Department of the Interior Bureau of Land Management (BLM)

The BLM manages 83.5 million acres of public land in Alaska for multiple uses, including energy development in the vast, roadless Arctic; research at Bering Glacier (North America's largest glacier); transfer of public land titles to Alaska Natives, Native corporations, and the State of Alaska; and public visitation to scenic, historic/cultural, and recreation areas unique to Alaska.

One of BLM's programs is the Alaska Minerals Program (http://www.blm.gov/ak/st/en/prog/minerals1.html) which has fact sheets, mining information, mineral assessments, and reports on their website. A number of additional materials are not currently on the BLM website due to the Indian Native Trust (Cobell) lawsuit, but that may change once the litigation is resolved.

The BLM-Alaska State Office Public Information Center (http://www.blm.gov/ak/st/en/res/pub_room.html) is located at the Federal Building in Anchorage and another center is located in Fairbanks. The BLM land records in Alaska are based on the rectangular survey system (Meridian, Township, Range, and Section) and kept on microfilm at the Centers. These records can help you identify the legal description of the land and view topographical maps. If you are in Anchorage or Fairbanks for a meeting, you can research land records and pick up brochures, maps, informational books, and reference materials at the Center. Otherwise, call or e-mail the Center ((907)271-5960; AKSO_Public_Room@blm.gov) and request these materials. Here is a partial list of available materials at the Center:

- Mining Claims and Sites on Federal Lands [http://www.blm.gov/nhp/300/wo320/MiningClaims.pdf](http://www.blm.gov/nhp/300/wo320/MiningClaims.pdf) (BLM publication)
- Frequently Asked Questions: Financial Guarantees Required for Exploration and Mining Under the 1872 Mining Law (BLM publication)
- How to Obtain Sand, Gravel and other Mineral Materials from BLM-Administered Federal Lands (BLM publication)
- Recreational Mining in Chugach National Forest (Alaska Miners Association publication)
- Sustainable Development and Your Mining Operations: Making It Work for Company, Community, and Society (Forest Service & BLM publication)
• Alaska Minerals: Facts, Figures, & Trivia (BLM publication)
• Recreational Mining Websites (Printout from Alaska Mining & Diving Supply’s website)
• Recreational Gold Mining in Alaska (Alaska Dept. of Natural Resources publication)
• Mining on Public Lands in Alaska (BLM publication)
• Mining Claim Application with request to collect GPS Coordinates for Federal Active Mining Claims (BLM)
• Commonly Asked Questions about Placer Mining (Alaska Dept. of Natural Resource’s Annual Placer Mining Application: contains some information on Federal claims)
• Recreational Gold Panning on Nome Creek (BLM publication)
• Metal Detectors on BLM-Administered Lands (BLM publication)
• Mining in National Forests (U.S. Forest Service publication)
• Legal handout defining several mining terms and procedures (pages 167-168, no reference)

The first reference listed above is particularly helpful. The Mining Claims and Sites on Federal Lands (http://www.blm.gov/nhp/300/wo320/MiningClaims.pdf) includes definitions of locatable, leasable, and salable minerals; rules for lode, placer, mill site, and tunnel site claims; federal lands that are withdrawn from mineral entry; information on staking, recording, and maintaining a mining claim; and whom to contact for more information.

The Mining on Public Lands in Alaska webpage (http://www.blm.gov/ak/st/en/prog/minerals/mining_on_public_lands.html) gives a good overview of steps one should take to determine if land is open to mining. Note that the Mining Claims Mapper website, with information on federal and state mining claims, (http://akmining.info/) contains most of the information as the Alaska Land Information System available through the Alaska State Public Information Center, but the latter is updated more regularly. Also, the Recorder’s Office is located at the Alaska Dept. of Natural Resources (DNR). Alaska State law says that persons filing mining claims on federal lands must first “record” with DNR and then with the BLM within 90 days of their recording with DNR.

Exploration Activities
Exploration and mining activities on BLM-managed lands in Alaska are regulated by laws outlined in 43 CFR 3809 (http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=/ecfrbrowse/Title43/43cfr3800_main_02.tpl). (There are no wilderness study areas in Alaska, so 43 CFR 3802 does not apply in Alaska.) These regulations require that you obtain an exploration permit using the following for these categories of land use:

1. Casual Use Activities: Generally, causal use activities are those that do not include the use of mechanized earth-moving machinery. Casual use activities may include the use of suction dredges. It is best to consult with your local BLM office to determine whether or not your proposed activities qualify as casual use. There is no requirement to notify BLM if the land use will cause “negligible disturbance of public
lands and resources” including prospecting, surveying a claim, rock collecting, and using hand tools and/or a metal detector.

2. Notice-Level Operations: Notice-level activities include exploration activities that disturb less than five acres, including the sampling and testing of less than 1000 tons of ore. Environmental assessments (EAs) are not required for this type of operation, but depending on the project, an EA may be performed. The “Notice” must contain all information listed in 43 CFR 3809.301 including an activity description, schedule of activities, reclamation plan, and financial backing.

3. Plan-Level Operations: Plan-level activities are those that disturb more than five acres of land. The “Plan” must contain all information listed in 43 CFR 3809.401 including Notice level requirements plus water management plans, spill contingency plans, a monitoring plan, etc. Plan-level operations require review under the National Environmental Policy Act (NEPA). The NEPA may require an environmental impact statement depending on the project, but it is not required.

If a claimant wishes to explore using suction dredging, call the BLM Public Information Center to discuss the project. Suction dredging requires either a Notice or a Plan, depending on whether it is recreational suction dredging or commercial. There is no charge for a State recreation suction dredge permit, but the permit is required to dredge in a waterbody designated as important for the spawning, rearing, or migration of anadromous fish or that is used by resident fish as a migratory corridor. DNR considers a suction dredge operation recreational if the dredge has an intake diameter of six (6) inches or less, powered by an 18 horsepower or less engine. Larger intake diameters are considered commercial mining and need to get a state commercial mining application.

The recreation permit is considered by the Environmental Protection Agency as a Notice of Intent. However, larger dredges are considered commercial operations and require prior notice of intent to both the EPA and from the U.S. Army Corps of Engineers. More information on regulations for these use types and reclamation bonding can be found at this website from the Arizona BLM (regulations are the same for Alaska) http://www.blm.gov/az/mines/3809/Public_Handout_3809.pdf and the Solid Mineral Programs on the Nation’s Federal Land website http://www.blm.gov/wo/st/en/prog/more/non-energy_minerals/solid_minerals_brochure.html.
Mining Activities
If mining exploration is successful, applicants file Alaska Placer Mining Applications and Alaska Hardrock Applications with DNR. DNR then places complete applications on their website for other agencies to view. Each agency is responsible for determining which permits are required by their agency for the project.

Once this documentation is in place and all permits have been obtained, the claimant can begin mining operations as outlined in the Plan and Permits. BLM staff performs field inspections once per year for all operations and more if needed. If leaching operations are proposed, the operation will have at least four inspections per year.

Primary resources used: BLM Public Information Center staff; Steve Lundeen, Personal Communication 11/20/07 and 12/11/07; websites listed above; John Hoppe, Personal Communication 10/11/07, 11/16/07, & 11/27/07; Ruth McCoard and Karen Laubenstein, Personal Communication, 1/29/08.

Forest Service
Alaska has two National Forests, the Chugach and the Tongass, which are broken into three and ten districts, respectively (http://www.fs.fed.us/r10/). Together, these forests comprise 22 almost million acres, 5.4 million acres on the Chugach and 16.4 million acres on the Tongass. Approximately 60% of National Forest System (NFS) lands in the Alaska Region are open to mineral entry. Regulations for mineral entry and mining on NFS lands are very similar to regulations on BLM lands. NFS regulations are found at 36 CFR 228 (http://www.blm.gov/nhp/news/regulatory/371Oetal-Final/36CFR228.html), and BLM regulations at 43 CFR 3800. A person who has made a mineral “discovery” on NFS land stakes either a lode or placer claim and files the claim (including a map of the claim area) at their local recorders office (DNR). Within 90 days of recording with DNR, the claimant must bring the recording documentation they received from DNR to BLM and record their claim with BLM.

When a claim has been staked on NFS lands and the claimant wishes to initiate mining activities to actively explore or develop a mine, a notice of intent or plan of operation (see 36 CFR 228 A) is submitted only to the Forest Service authorized officer (not to BLM). As previously mentioned, there are 13 ranger districts in the Alaska Region’s national forests, and there is one District Ranger in each of these districts. The District Ranger reviews the notices of intent or plans of operation submitted and is the person who determines which of the three levels of NEPA (link to NEPA section below) the proposed activity requires.

These levels include:
1. No significant disturbing activity, surface resources minimally impacted (example: performing geophysical exploration, geological mapping, or hand sampling). This type of activity generally requires a “notice of intent” instead of a plan of operation. If a plan of operation is required, the level of evaluation is usually a categorical exclusion
2. Activity that will disturb some surface resources (example: diamond drilling 2” diameter exploration holes, trenching, or placing work camp for an extended stay). This type of activity generally requires an Environmental Assessment (EA) under NEPA.

3. Activity which could involve considerable impact to surface resources and the human environment (example: developing a large mine for production). This type of activity generally requires an Environmental Impact Statement (EIS) under NEPA.

District Rangers' staff or support groups include surface resource specialists and mineral administrators to evaluate mineral development proposals and monitor activities. After a plan has been approved, the mineral administrators perform compliance inspections in the field. Depending on the project, these inspections can vary from once or twice a year with small operations, to every two weeks for a large mine.


National Park Service (NPS)

Federal lands within national parks and national monuments have been closed to mineral entry since 1976. People who established mining claims prior to 1976 can carry out exploration activities and develop mines under federal guidelines http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8dcdcb179e1d23ce6594a2a2e9fbdd44&tpl=/ecfrbrowse/Title36/36cfr9_main_02.tpl

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&rgn=div6&view=text&node=36:1.0.1.9.1&idno=36

http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=8dcdcb179e1d23ce6594a2a2e9fbdd44&rgn=div6&view=text&node=36:1.0.1.9.4&idno=36, though few such claims have been developed.

Some national parks contain non-federal lands within their boundaries, such as Native corporation lands, homesteads, state lands, etc. These non-federal lands could be developed for mining or other purposes because the NPS does not control activities on these non-federal lands even if they are within the boundaries of a national park. An example of this situation in which the Native corporation CIRI owns land within Lake Clark National Park near the Johnson River and is considering developing mineral interests on these lands (link: http://www2.nature.nps.gov/geology/parks/lacl/). At present, CIRI is not moving forward with this project.

If someone made a mining claim on NPS land before 1976 and would like to develop it now, s/he would need to develop a plan of operations and follow many other federal guidelines as
Recreational mining is allowed in national parks, though regulations are stringent. Recreational mining can include panning for gold, but digging tools (e.g., shovels) and suction dredges are not allowed. The NPS offers a brochure on “Recreational Goldmining in Alaska” [http://www.nps.gov/aplic/Goldmining.pdf](http://www.nps.gov/aplic/Goldmining.pdf) as well as one entitled “Mining—Mining Legacy in National Parks of Alaska” [http://www.nps.gov/akso/AKParkScience/ANILCA/Mining%20in%20the%20Parks.pdf](http://www.nps.gov/akso/AKParkScience/ANILCA/Mining%20in%20the%20Parks.pdf).

Primary resources used: Websites listed above and Chuck Gilbert, Personal Communication, 10/30/07.

### Wild and Scenic Riverways

There are 25 rivers or segments of rivers in Alaska that are included in the Wild and Scenic Rivers System. [http://www.rivers.gov/wildriverslist.html](http://www.rivers.gov/wildriverslist.html#ak) Most of these rivers are managed by BLM, but the NPS and USFWS manage a few of these rivers. Mining interests could only be developed if a claimant can show proof of a discovery prior to 1984. Any mineral interests near these rivers as well as those that are being studied for inclusion in the System must abide by a \(\frac{1}{4}\) mile buffer zone and may not operate closer than one-quarter of a mile from the river.

Primary resources used: Website listed above and Mining Claims and Sites on Federal Lands BLM brochure.

### United States Fish and Wildlife Service (USFWS) National Wildlife Refuges (NWRs)

The USFWS manages 16 NWRs in Alaska as shown on this map [http://alaska.fws.gov/nwr/map.htm](http://alaska.fws.gov/nwr/map.htm). The Service is currently updating the Comprehensive Conservation Plans (CCPs) that discuss the long-term goals and objectives for managing the Refuges, including mineral interests [http://alaska.fws.gov/nwr/planning/plans.htm](http://alaska.fws.gov/nwr/planning/plans.htm). As with Wild and Scenic Riverways and National Parks, National Wildlife Refuges are withdrawn from mineral entry, but are subject to preexisting rights. As a result, no new mining claims have been granted on federal refuge lands since ANILCA in 1980, when nine refuges were created and another seven existing refuges were expanded. Pages 30-31 of the Tetlin NWR draft comprehensive conservation plan detail federal regulations and amendments specific to mineral leasing [http://alaska.fws.gov/nwr/planning/pdf/TetlinDraftpdfs/Chapter%203%20Final.pdf](http://alaska.fws.gov/nwr/planning/pdf/TetlinDrafpdfs/Chapter%203%20Final.pdf).

In general, USFWS holds both surface and subsurface rights on refuge lands, but there are many exceptions to this general rule. Furthermore, the exterior boundaries of the National Wildlife Refuges in Alaska encompass over 80 villages and more than 16 million acres of private land, including land owned by Native corporations. The USFWS has developed detailed maps of land ownership within the NWR boundaries which should be available on the on each refuge’s webpage (see above link) and on the USFWS Alaska Realty and Natural
Resources webpage ("Mapping Sciences" button) (http://alaska.fws.gov/nwr/realty/index.htm) by March 2008. If you have questions about mining on refuge lands near you, you can contact the BLM Public Information Center at (907) 271-5960 or the refuge office.

Primary resources used: Websites listed above, Paul Liedberg, Refuge Manager, Togiak National Wildlife Refuge, Personal Communication, 10/07); Danielle Jerry, Division Chief, Realty & Natural Resources Division, Personal Communication, 11/8/07.

Military Lands and Scientific Testing Areas

Military lands are closed to mineral entry. Alaska has one scientific testing area on BLM land that is closed to mineral entry. This area is the Mesa Site in the Brooks Range, an archeological site reserved for anthropological studies.

Primary resources used: Mining Claims and Sites on Federal Lands BLM brochure and John Hoppe, Personal Communication, 11/16/07.
State Lands

State of Alaska Department of Natural Resources (DNR) Division of Mining, Land, and Water http://www.dnr.state.ak.us/mlw/mining/index.htm

In Alaska, 91 million acres of State land are managed by DNR. With input from the public, State lands are managed for the “maximum public benefit” and are designated for various uses, sold or kept, determined to be open or closed to mineral entry, etc. Most State land (92%) is open to mining, as it is a constitutional right of the public under Alaska Constitution, Article VIII, Section 11. Specific land designations are summarized in Land Use Area Plans and Management Plans discussed on the DNR Mining, Land, and Water Land Use Planning website (http://www.dnr.state.ak.us/mlw/planning/). All State lands have land designations (such as public use/recreation, forest land, general state land, etc.) even if there is no area plan for that area. Lands that are closed to mineral entry will be noted on status plat maps and in Alaska Mapper (http://mapper.landrecords.info/) by “MCO,” an acronym for mineral closing order. DNR manages mining claims, permits, and mines on any State land. Mining laws and regulations (http://www.dnr.state.ak.us/mlw/mining/2004Reg_book.pdf) as stated in the Alaska Statutes and Alaska Administrative Code are located on DNR's website.

Staking a Claim

Staking a mining claim is the first step in assessing or developing any mining interest. There are about 400,000 active mining claims in on State lands in Alaska, which are indicated by (mining symbol) on the Alaska Mapper program (http://akmining.info/). Claimed parcels of land range from 40 acres or less to 160 acres and can be "traditional" claims, odd-shaped pieces of land, or "MTRSC“ (meridian, township, range, and section claim) which must be in square parcels. For more information on mining claims, visit these DNR factsheets:

Mineral Claims and the Rights Acquired
http://www.dnr.state.ak.us/mlw/factsht/mine_fs/minera_rights.pdf

Mining on State Selected Lands in Alaska
http://www.dnr.state.ak.us/mlw/factsht/mine_fs/stselect.pdf

MTRSC Mining Claim Locations (New Claims)
http://www.dnr.state.ak.us/mlw/factsht/mine_fs/mtrsc.pdf

MTRSC Prospecting Site Locations
http://www.dnr.state.ak.us/mlw/factsht/mine_fs/mtrsc_prospect.pdf

Conversion of Traditional Claims to MTSRC Claims
http://www.dnr.state.ak.us/mlw/factsht/mine_fs/mtrs_cnv.pdf
Exploration Permits
The next step after staking a mining claim is to explore the claimed land. To obtain an exploration permit for placer or hardrock mining, a Miscellaneous Land Use Permit for Exploration and Reclamation (http://www.dnr.state.ak.us/mlw/forms/land/LUP_app_packet.pdf) is completed and submitted to DNR. Hardrock exploration requires an additional permit (link to Annual Hardrock Exploration Permit Application), and coal exploration permits (regulated under the ASMCRA program; see section below) require yet a different permit. Stipulations require that drilling muds are placed into any holes drilled and that the land is claimed to its natural state. Other stipulations may be added to an application as circumstances warrant.

Mining Applications
If a claimant has explored a mining claim and found it to be favorable for production, s/he then submits the proper application to DNR. The Annual Placer Mining Application (APMA) webpage http://www.dnr.state.ak.us/mlw/forms/07apma/index.htm provides links to hardrock exploration, suction dredging, and placer mining applications.

Annual Hardrock Exploration Permit Application
http://www.dnr.state.ak.us/mlw/forms/07apma/hardrock.pdf
http://www.dnr.state.ak.us/mlw/forms/07apma/hardrock.htm
The Miscellaneous Land Use Permit for Exploration and Reclamation is included in this permit application. It may seem confusing that hardrock mining applications are located under the placer mining application. Hardrock applications are located here because DNR considers hardrock mining to cause minimal (surface) disturbance, so it is included with other minimally disturbing mining activities such as placer mining and suction dredging.

Large Mines (generally hardrock mines)
http://www.dnr.state.ak.us/mlw/mining/largemine/index.htm
An overview of the permitting process for large mines is located at this website (http://www.dnr.state.ak.us/mlw/mining/largemine/lmpt.pdf). DNR’s Office of Project Management and Permitting coordinates the permitting of large mines. A project manager from this office is assigned to the mining project to serve as the primary agency contact for the project. In addition, an inter-agency large mine project team works with the large mine applicant, federal agencies, and the public to facilitate the application and permitting processes. Coal mining projects are also facilitated by DNR staff through the Coal Regulatory Program.
http://www.dnr.state.ak.us/mlw/mining/coal/index.htm

Annual Placer Mining Application for Placer Mining Permits
http://www.dnr.state.ak.us/mlw/forms/07apma/placer.pdf

Developed by Zender Environmental Health www.zendergroup.org for Alaska Inter-Tribal Council’s “Nunat” www.nunat.net © Copyright 2008
The Miscellaneous Land Use Permit for Exploration and Reclamation is included in this permit application. The State developed the Annual Placer Mining Application, which is submitted to DNR each year that placer mining is to occur and organizes the dozen permits required by State and Federal agencies. More information can be found on placer mining from DNR's placer mining website [http://www.dnr.state.ak.us/mlw/mining/placer.htm](http://www.dnr.state.ak.us/mlw/mining/placer.htm) and factsheet [http://www.dnr.state.ak.us/mlw/factsht/mine_fs/apmathru.pdf](http://www.dnr.state.ak.us/mlw/factsht/mine_fs/apmathru.pdf).

Annual Placer Mining Application for Suction Dredging
[http://www.dnr.state.ak.us/mlw/forms/07apma/suction.pdf](http://www.dnr.state.ak.us/mlw/forms/07apma/suction.pdf)  
[http://www.dnr.state.ak.us/mlw/forms/07apma/suction.htm](http://www.dnr.state.ak.us/mlw/forms/07apma/suction.htm)

The exploration permit for placer suction dredging is included under the placer mining permit application for suction dredging. DNR considers suction dredging to be recreational if the nozzle is 6 inches in diameter or less and hand tools are being used. Note that a four-inch or less nozzle is considered recreational dredging on federal lands; nozzles greater than this are considered commercial. Suction dredging is further described in DNR's suction dredging fact sheet ([http://www.dnr.state.ak.us/mlw/factsht/mine_fs/suctiond.pdf](http://www.dnr.state.ak.us/mlw/factsht/mine_fs/suctiond.pdf)).

Recreational mining
[http://www.dnr.state.ak.us/mlw/factsht/mine_fs/recgoldm.pdf](http://www.dnr.state.ak.us/mlw/factsht/mine_fs/recgoldm.pdf)

No permits are required for gold panning on State lands. Recreational mining is covered under DNR’s generally allowed use regulation. Gold panning can be done on any State land including State parks that is not staked for a mining claim. Recreational miners must submit a permit to dredge in anadromous streams and follow rules outlined in the above suction dredging section.

Coal Mining
(See section below.)

Once DNR receives a completed application, the application is reviewed and approved when all criteria are met. DNR staff then send a copy of the application to all agencies and entities that may require a permit of the applicant. If a regional Native Corporation has a land agreement with a mining applicant, DNR can manage the permit process if the Native Corporation requests DNR to do this. In the meantime, approved applications are sent to DNR's Revenue department, which in turn sends a mining license to the applicant. A mining license is required to produce the minerals in Alaska, and is used to track revenues for taxing purposes. Miners must pay a royalty for production on State lands. Applicants cannot extract minerals until all State, federal, and local (where applicable) permits have been issued.

Reclamation Plan Approval
DNR issues approval of reclamation plans as directed by AS 27.19.020. This statute dictates that a minesite must be returned to a physically and chemically stable condition.
that is compatible with the post-mining land use. The reclamation plan must include financial backing to ensure that if the company cannot perform the reclamation, the State will have funds to carry out the reclamation process. Most financial assurance documents are letters of credit, though bonds and other forms are accepted. The amounts of financial assurance varies by project and is dependent on long-term obligations for monitoring, etc. The amount of financial assurance is reviewed every five years during the Environmental Audit and may be adjusted if there are changes in the project.

For more information, contact:
DNR Public Information (907) 269-8400
Kerwin Krause (907) 269-8652, e-mail: kerwin.krause@alaska.gov

Primary resources used: Websites listed above; DNR Public Information Center staff; Information obtained from Large Mine Team public information session on 11/13/07 (in Anchorage); Kerwin Krause, Personal Communication, 1/8/08.

Coal Mining (http://www.dnr.state.ak.us/mlw/mining/coal/index.htm)
Coal mine regulations are different from those that apply to large and small scale placer mining and hardrock mining projects. The State of Alaska has had primacy over coal mining regulations since 1983 when it enacted the Alaska Surface Coal Mining Control and Reclamation Act (http://www.dnr.state.ak.us/mlw/mining/coal/coalreg.pdf), which is consistent with the federal Surface Coal Mining Control and Reclamation Act of 1977 (http://www.osmre.gov/ and http://www.nunat.net/smcra.pdf).

To learn more about coal mining and reclamation in Alaska, view this Power Point presentation (http://www.nunat.net/coal_permit_ppt.pdf) and this poster (http://www.nunat.net/AK_coal_law_poster.pdf). These flow charts may also be helpful to you in understanding the process in which a coal mine is permitted and regulated:

- Generalized Flow Chart & Timeline for a New Coal Exploration Permit (Exploration) (http://www.nunat.net/new_exploration.pdf)
- Generalized Flow Chart & Timeline for a New Coal Mine Permit (Production) (http://www.nunat.net/new_permit.pdf)
- Generalized Flow Chart & Timeline for a Coal Mine Renewal Permit (Production) (http://www.nunat.net/renewal.pdf)
- Generalized Flow Chart & Timeline for a Coal Mine Renewal Permit Major Revision (Production) (http://www.nunat.net/major_revision.pdf)

Exploration and production permits for coal mining are separate documents, and the applications are not located on DNR’s website. The permit applications themselves range from 20 pages for exploration permits to hundreds of pages for a production permit. Both applications require a lot of supporting documentation. Therefore, DNR asks persons
interested in coal mining to contact them directly to discuss permits (and save wasted
effort/resources).

There are two active coal mines in Alaska, both owned and operated by Usibelli Coal Mine,
Inc. Several other mines are permitted but inactive, and there are a number of exploration
permits that have been issued to claimants. Monthly inspections by DNR staff are required
for active coal mines under state regulations, whereas at least one annual inspection is
required for projects holding an exploration permit. One project of particular interest in
South-central Alaska is the Chuitna Coal project (http://www.chuitnaseis.com/) near the
Native Village of Tyonek. An e-mail update list has been created for the Chuitna project to
keep interested persons informed. If you would like to be added to this list, contact one of
these people:

- Russell Kirkham, DNR Acting Coal Regulatory Program Manager, russell.kirkham@alaska.gov
- Tom Crafford, DNR Acting Large Mine Coordinator, tom.crafford@alaska.gov
- Hanh Shaw, EPA NEPA Compliance Coordinator, Shaw.Hanh@epa.gov

For more information coal mining, contact Russell Kirkham, DNR’s Acting Coal Regulatory
Program Manager, at (907) 269-8650 or e-mail russell.kirkham@alaska.gov .

Primary resources used: Websites and documents listed above; Meeting with Bruce Buzby, Russell
Kirkham, and Chuck White (ADNR Coal Regulatory Staff), 12/13/08; Russell Kirkham, Personal
Communication, 1/30/08.