

Byron Mallott
Lieutenant Governor
State Capitol
Juneau, Alaska 99811
907.465.3520
WWW.LTGOV.ALASKA.GOV



530 West 7th Ave, Suite 1700
Anchorage, Alaska 99501
907.269.7460
LT.GOVERNOR@ALASKA.GOV

**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

MEMORANDUM

TO: John Crowther
Department of Natural Resources

FROM: Scott Meriwether, Office of the Lieutenant Governor
465.4081

A handwritten signature in blue ink, likely belonging to Scott Meriwether.

DATE: October 10, 2017

RE: Filed Permanent Regulations: Department of Natural Resources

Department of Natural Resources regulations re: fees for geological and geophysical survey items and services (11 AAC 05.010(b),(c)(6); 11 AAC 05.090)

Attorney General File: JU2017200247 (Part 1)

Regulation Filed: 10/10/2017

Effective Date: 11/9/2017

Print: 224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF NATURAL RESOURCES

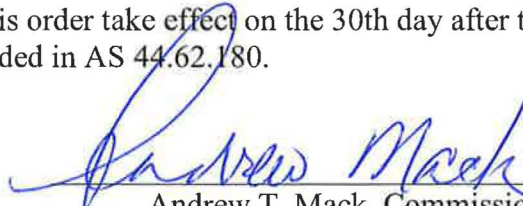
The attached 10 pages of regulations, dealing with fees for geological and geophysical surveys, facilities, equipment, products, services, and publications, 11 AAC 05.090, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and AS 41.08.045 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 10/9/2017




Andrew T. Mack, Commissioner
Department of Natural Resources

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

October 10, 2017, at 1250 .m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.



Lieutenant Governor

Effective: November 9, 2017

Register: 224, January 2018

11 AAC 05.010(b) is amended to read:

(b) This section lists all fees assessed by the department by regulation for authorizations, publications, and services which are not otherwise prescribed by statute, **except that the fees for facilities, equipment, products, services, and publications related to geological and geophysical surveys are set out in 11 AAC 05.090.** This section does not limit the amount the department may charge or receive under contracts, such as concession contracts, or bonuses, royalties, rentals, and other contractual obligations. This section does not list authorizations, publications, and services that the department provides free of charge.

11 AAC 05.010(c) is amended by adding a new paragraph to read:

(6) waivers and discounts for facilities, equipment, products, services, and publications related to geological and geophysical surveys are set out in 11 AAC 05.090(c) and (d).

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110; add'l am 7/1/89, Register 110; am 8/16/89, Register 111; am 12/9/89, Register 112; am 1/17/90, Register 113; am 3/16/91, Register 117; am 12/25/91, Register 120; am 5/14/92, Register 122; am 9/16/92, Register 123; am 4/18/93, Register 126; am 5/5/93, Register 126; am 10/1/94, Register 131; am 12/13/95, Register 136; am 2/16/96, Register 137; am 5/24/96, Register 138; am 5/18/97, Register 142; am 2/21/98, Register 145; am 7/29/98, Register 147; am 8/26/98, Register 147; am 9/10/98, Register 147; am 1/29/99, Register 149; am 5/9/99, Register 150; am 2/9/2001, Register 157; am 5/3/2001, Register 158; am 8/23/2001, Register 159; am 10/27/2002, Register 164; am 11/13/2002,

Register 224, January 2018

NATURAL RESOURCES

Register 164; am 12/7/2002, Register 164; am 1/14/2004, Register 169; am 10/2/2004, Register 171; am 1/16/2005, Register 173; am 9/10/2005, Register 175; am 2/15/2006, Register 177; am 3/13/2006, Register 177; am 11/22/2006, Register 180; am 8/31/2008, Register 187; am 12/14/2008, Register 188; am 8/19/2009, Register 191; am 12/5/2009, Register 192; am 8/29/2013, Register 207; am 10/8/2017, Register 224; am 11 / 9 / 2017, Register 224)

Authority:	AS 27.21.030	AS 38.05.550	AS 40.17.030
	AS 27.21.940	AS 38.05.555	AS 40.25.110
	AS 37.10.050	AS 38.05.560	AS 41.06.020
	AS 37.10.052	AS 38.05.565	<u>AS 41.08.045</u>
	AS 37.10.058	AS 38.05.600	AS 41.21.020
	AS 38.04.045	AS 38.05.850	AS 41.21.026
	AS 38.04.900	AS 38.08.110	AS 44.37.020
	AS 38.05.020	AS 38.09.020	AS 44.37.025
	AS 38.05.035	AS 38.09.110	AS 44.37.027
	AS 38.05.057	AS 38.35.020	AS 45.29.525
	AS 38.05.082	AS 38.35.050	AS 45.50.315
	AS 38.05.177	AS 38.50.160	AS 46.15.020
	AS 38.05.180	AS 38.95.240	AS 46.15.035
	AS 38.05.255	AS 40.15.370	AS 46.15.037
	AS 38.05.295		

11 AAC 05 is amended by adding a new section to read:

11 AAC 05.090. Geological and geophysical surveys, facilities, equipment, products, services, and publications. (a) For facilities, equipment, products, services, and publications related to geological and geophysical surveys, fees are set by a written order of the director of the division of geological and geophysical surveys. The director shall

(1) post the order

(A) continuously from the date of issuance of the order on the division of geological and geophysical surveys' public web page on the department's website; and

(B) on the Alaska Online Public Notice System (AS 44.62.175) for a minimum of 30 consecutive days from the date of issuance of the order; and

(2) establish in the order fees that do not exceed the amounts established under

(b) of this section.

(b) Fees for facilities, equipment, products, services, and publications from the center may not exceed the following amounts:

(1) for research space, including a basic zoom stereo microscope, a digital sample balance, basic sampling equipment, water spray bottles, 10 percent acid solution, a fluoroscope, whiteboards, and

(A) a single table, six feet in length, in the main core viewing room,

(i) \$40 each half day;

(ii) \$60 each day;

(B) a single roller table, not more than 34 feet in length, in the main core viewing room,

(i) \$60 each half day;

(ii) \$125 each day;

(C) use of the entire main core viewing room, including five roller tables with 152 total linear feet, \$500 each day;

(D) use of the confidential core-viewing room, including a single roller table 25 feet in length,

(i) \$175 each half-day;

(ii) \$275 each day;

(2) for space rental of

(A) the conference room, including all audio-visual equipment and a conference telephone,

(i) \$175 each half-day;

(ii) \$275 each day;

(B) warehouse shelving, with a one-shelf minimum of three feet by eight feet, \$60 each month, and \$2.50 for each additional square foot each month;

(C) interior space, with a 50-square-foot minimum, \$1.50 for each square foot each month;

(D) exterior space, with a 500-square-foot minimum, \$1 for each square foot each month;

(3) for equipment rental of

(A) a stereoscope,

(i) \$30 each half-day;

- (ii) \$50 each day;
- (B) an advanced, photo-capable petrographic microscope,
 - (i) \$50 each half-day;
 - (ii) \$80 each day;
- (C) an advanced, photo-capable stereo zoom microscope,
 - (i) \$40 each half-day;
 - (ii) \$70 each day;
- (D) a rock saw, including use of a sample-processing room but not including saw blades,
 - (i) \$80 each day for a 14-inch rock saw;
 - (ii) \$120 each day for a 20-inch rock saw;
- (E) non-destructive core analytical tools, including x-ray fluorescence (XRF) and gamma-ray spectrometers, \$150 each day;
- (4) for services that individuals provide and that consist of
 - (A) delivery of drill cuttings to the viewing area, \$8 each box;
 - (B) delivery of outcrop or miscellaneous rock samples to the viewing area, \$8 each box;
 - (C) delivery of core samples to the viewing area, \$6 each box;
 - (D) delivery of processed slides to the viewing area, \$5 each box;
 - (E) labor, clerical, or research support, for
 - (i) the first hour, no fee;
 - (ii) each additional hour, \$56;

(F) sample processing that involves

(i) longitudinal slabbing or splitting of a rock core up to 2.6 inches in diameter, \$8 each foot;

(ii) longitudinal slabbing or splitting of a rock core greater than 2.6 inches in diameter, \$10 each foot;

(iii) sample tray marking, \$15 each box;

(iv) rock core plugging, \$15 each plug;

(v) miscellaneous rock sample cutting or processing, \$56 each hour;

(G) digital photography that consists of

(i) a photograph of a core box, \$8 each;

(ii) a magnified photograph of a subsection of a core, \$5 each;

(iii) a photomicrograph of a thin section, \$8 each;

(iv) a photograph of a hand sample, \$4 each;

(v) a photograph of a specimen, \$4 each;

(5) for large data distribution that consists of

(A) a two-dimensional seismic dataset,

(i) full dataset fees of \$7,500, plus \$75 each line mile;

(ii) a post-stack data fee of 25 percent of full dataset fees, with the post-stack data fee counting toward full dataset fees;

(iii) a pre-stack data fee of 75 percent of full dataset fees, with the pre-stack data fee counting toward full dataset fees;

(B) a three-dimensional seismic dataset,

(i) full dataset fees of \$15,000, plus \$250 each square mile, plus \$1 each gigabyte;

(ii) a post-stack data fee of 25 percent of full dataset fees, with the post-stack data fee counting toward full dataset fees;

(iii) a pre-stack data fee of 75 percent of full dataset fees, with the pre-stack data fee counting toward full dataset fees;

(C) other data, \$56 for each hour of staff time for data processing in excess of one hour, not including copy time, plus the center's actual cost for each electronic storage medium or device if provided to the requestor by the center;

(6) for an extended rental and service package that consists of

(A) a research package, including the use of one roller table not more than 34 feet in length in the main core viewing room, use of the conference room, use of counter space, processed slide retrieval and box-pulling, use of a microscope and other equipment, core photography, and sample processing except core slabbing or splitting, for a duration of

(i) one work day, \$750;

(ii) one work week, \$3,000;

(iii) one month, \$7,500;

(iv) one year, \$20,000;

(B) a confidential research package, including the use of one confidential core viewing room, use of the conference room, processed slide retrieval and box-pulling,

use of an advanced microscope and other equipment, core photography, and sample processing except core slabbing or splitting, for a duration of

- (i) one work day, \$900;
- (ii) one work week, \$3,500;
- (iii) one month, \$10,000;
- (iv) one year, \$30,000;

(7) for publications

(A) available as online downloads, no fee;

(B) available on an electronic storage medium or device, a variable fee that does not exceed the center's actual cost for each storage medium or device, plus \$56 for each hour of staff time for data processing in excess of one hour.

(c) The division will waive fees as provided in AS 41.08.045(c)

(1) for an student or class from an elementary school, secondary school, or accredited postsecondary educational institution, if the student or class is using the facility for education, including educators promoting the theory and practice of teaching; or

(2) for a professor, an academic staff member, or a student conducting academic research and associated with an accredited postsecondary educational institution.

(d) By written order and notice as provided under (a) of this section, the director may discount or waive a fee if

(1) the director determines that the discount or waiver, including a discount or waiver for state or federal agency staff, is in the public interest; or

(2) the fee is less than \$5.

(e) In this section,

(1) "academic research"

(A) means the study of geologic materials or information at the undergraduate, graduate, post-graduate or professional levels through an accredited postsecondary educational institution, with the intent of publishing the results in a thesis, dissertation, or peer-reviewed journal article;

(B) does not include research performed with the intent to withhold the research from the public as proprietary information or a trade secret;

(2) "center" means the Alaska Geologic Materials Center;

(3) "day" means more than four hours of a calendar day;

(4) "director" means the director of the division of geological and geophysical surveys;

(5) "division" means the division of geological and geophysical surveys;

(6) "half-day" means four hours or less of a calendar day. (Eff. 11 / 9 / 2017,

Register 224)

Authority: AS 41.08.030

AS 41.08.045

Editor's note: Fee and fee discount orders issued under this section are available at the Department of Natural Resources, Division of Geological and Geophysical Surveys, 3354 College Road, Fairbanks, Alaska, 99709; at the the Department of Natural Resources, Division of Geological and Geophysical Surveys, Geologic Materials Center, 3651 Penland Parkway, Anchorage, Alaska, 99508; and on the division's Internet website at <http://dggs.alaska.gov>.

Register 224 January 2018

NATURAL RESOURCES

Please contact the division at (907) 451-5010, the center at (907) 696-0079, or

dggspubs@alaska.gov for more information regarding payments, invoices, shipping charges, and other related information.