

NOTICE OF PROPOSED CHANGES ON MINING RIGHTS
IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

The Department of Natural Resources (DNR) proposes to adopt regulations changes in Title 11 of the Alaska Administrative Code, dealing with mining rights, in response to the passage of Senate Bill 155 (Session Law of Alaska 2020, Chapter 31). Proposed revisions include the following:

- (1) AS 27.05.010 is included throughout as an authority in addition to existing authorities under the Alaska Land Act (AS 38.05) in order to further clarify that DNR is the lead agency charged with all matters affecting mining rights and exploration.
- (2) 11 AAC 86.100 (Applicability) is amended to add a reference to AS 38.05.880, a new statute relating to Departmental Review, enacted by SB 155 as AS 38.05.283 and later re-numbered as AS38.05.880.
- (3) 11 AAC 86.115 (Locations on state-selected land) is amended in part, and expanded in part, to update requirements for locations on state-selected land within unpatented federal mining claims.
- (4) 11 AAC 86.121 (Qualifications) is a new section to clarify requirements for qualifications under AS 38.05.190.
- (5) 11 AAC 86.202 (MTRSC and traditional mining claims and leasehold locations) is amended in part, and expanded in part, to clarify reporting requirements for claims and leasehold locations.
- (6) 11 AAC 86.215 (Certificate of locations and first rental payment) is amended in part, and expanded in part, to address new requirements for MTRS certificates of location and location requirements for trusts under AS 38.05.195, and to conform the existing regulation with statutory language.
- (7) 11 AAC 86.220 (Annual labor) is amended in part, repealed in part, and expanded in part, to address new requirements for annual labor under AS 38.05.210.
- (8) 11 AAC 86.223 (Abandonment, relinquishment, and relocation) is amended to more accurately define successors in interests due to changes under AS 38.05.190.
- (9) 11 AAC 86.314 (Annual labor) is amended to add a reference to AS 38.05.210 (as amended) regarding annual labor for upland mining leases.

- (10) 11 AAC 88.185 (Definitions) be amended to add definitions for ‘qualified expert’ and ‘state-selected lands.’

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Brandon McCutcheon at the Division of Mining, Land and Water, 550 W. 7th Ave., Ste. 1070, Anchorage, AK 99501. Additionally, the division will accept comments by email at dnr.mining.regulation@alaska.gov, or by fax at 907-269-8904. The comments must be received not later than **5:00 p.m. on Friday, February 19, 2021**.

You may submit written questions relevant to the proposed action by email at dnr.mining.regulation@alaska.gov and by mail to Brandon McCutcheon at the Division of Mining, Land and Water, 550 W. 7th Ave., Ste. 1070, Anchorage, AK 99501. The questions must be received at least 10 days before the end of the public comment period (**by 5:00 p.m. on February 9, 2021**). DNR’s mining section will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the agency website at <https://dnr.alaska.gov/mlw/news/>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Brandon McCutcheon by email at dnr.mining.regulation@alaska.gov or by phone at 269-8511 not later than **February 9, 2021**, to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, by contacting Brandon McCutcheon by email at dnr.mining.regulation@alaska.gov, by phone at 269-8511, or on the agency website at <https://dnr.alaska.gov/mlw/news/>.

After the public comment period ends, DNR will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. You should comment during the time allowed if your interests could be affected. Written comments received are public records and are subject to public inspection.

Statutory authority: AS 27.05.010; AS 27.05.020; AS 38.04.058; AS 38.05.020; AS 38.05.035; AS 38.05.125; AS 38.05.130; AS 38.05.177; AS 38.05.185; AS 38.05.190; AS 38.05.195; AS 38.05.205; AS 38.05.210; AS 38.05.211; AS 38.05.212; AS 38.05.230; AS 38.05.240; AS 38.05.242; AS 38.05.245; AS 38.05.250; AS 38.05.255; AS 38.05.265; AS 38.05.275; AS 38.05.300; AS 38.05.850.

Statutes being implemented, interpreted, or made specific: AS 27.05.010; AS 38.05.190; AS 38.05.195; AS 38.05.210; AS 38.05.240; AS 38.05.265; AS 38.05.270; AS 38.05.275; AS 38.05.880.

Fiscal information: These regulations implement the changes in Senate Bill 155, which included appropriations as follows: FY 2021, \$176,700; FY 2022, \$166,700; FY 2023, \$166,700; FY 2024, \$166,700. The proposed regulations do not require appropriations in addition to those required under SB 155.

Date: 1/15/2021

[Signature on File]

Martin Parsons

Director, Division of Mining, Land and Water

Department of Natural Resources

ADDITIONAL REGULATION NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Department of Natural Resources
2. General subject of regulation: Mining Rights
3. Citation of regulation (may be grouped): 11 AAC 86.100, 11 AAC 86.115, 11 AAC 86.121, 11 AAC 86.202, 11 AAC 86.215, 11 AAC 86.220, 11 AAC 86.223, 11 AAC 86.314, 11 AAC 88.185.
4. Department of Law file number: 2020200613

5. Reason for the proposed action:

() Compliance with federal law or action (identify):

(X) Compliance with new or changed state statute: Passage of Senate Bill 155 (SLA 2020, Chapter 31)

() Compliance with federal or state court decision (identify):

() Development of program standards

() Other (identify):

6. Appropriation/Allocation: None.

7. Estimated annual cost to comply with the proposed action to:

A private person: \$0.00 The proposed regulations provide for elective uses of state-owned land and do not establish mandatory permitting or compliance requirements that impose costs on a private person.

Another state agency: \$0.00 The proposed regulations provide for elective uses of state-owned land and do not establish mandatory permitting or compliance requirements that impose costs on another state agency.

A municipality: \$0.00 The proposed regulations provide for elective uses of state-owned land and do not establish mandatory permitting or compliance requirements that impose costs on a municipality.

8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year	Subsequent
	FY 2021	Years
Operating Cost	\$0.0	\$0.0

Capital Cost	\$0.0	\$0.0
1002 Federal receipts	\$0.0	\$0.0
1003 General fund match	\$0.0	\$0.0
1004 General fund	\$0.0	\$0.0
1005 General fund/ program	\$0.0	\$0.0
Other (identify)	\$0.0	\$0.0

9. The name of the contact person for the regulation:

Name: Brandon McCutcheon

Title: Chief, Program Support Section, Division of Mining, Land and Water, DNR

Address: 550 W. 7th Ave. Ste. 1070, Anchorage, AK 99501-3579

Telephone: 907-269-8511

E-mail address: brandon.mccutcheon@alaska.gov

10. The origin of the proposed action:

_____ Staff of state agency

_____ Federal government

_____ General public

_____ Petition for regulation change⁷

X Other (identify): Passage of Senate Bill 155 (SLA 2020, Chapter 31)

11. Date: 1/13/2021

Prepared by: [Signature on File]

Brandon McCutcheon

Chief, Program Support Section

Division of Mining, Land and Water

Department of Natural Resources