

Fact Sheet

Title: Mining On State Selected Land In Alaska



Alaska Department of
**NATURAL
RESOURCES**

Division of Mining, Land & Water
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What is State-Selected Land?

State-selected land is federal land that the state has applied for as part of its statehood entitlement. The term state-selected land refers to land for which the State has **NOT** received conveyance through tentative approval or patent from the federal government. **This land does not belong to the State.**

Can a mining claim be staked on State-selected land?

When the State of Alaska files a land selection, that land is closed to **federal** claim staking. However, Alaska Statute 38.05.27 allows **State** mining claims to be staked on such land.

Is it risky for a miner to stake a State claim on State-selected land?

Yes. The federal government may restrict or deny access to claims on State-selected land. (Remember, this land still belongs to the federal government.) Furthermore, you will lose all rights to your claim under State law if the State never gets title to the land – a risk that is especially high if the land has also been selected by a Native Corporation under the Alaska Native Claims Settlement Act (ANCSA). Also, through the over selection process, the State was allowed to select 25% more land than it is entitled to receive. Thus, large amounts of selected land will never go into State ownership.

What is the advantage of my staking a claim on State-selected land?

The staking of a claim on State-selected land establishes a preference right prior to the State acquiring full title to the land from the Federal government. If the locator complies with the State's requirements for maintaining the claim when/if the land is conveyed to the State from the federal government, then the locator's preference right may be used to establish senior mineral rights against another State locator's claims.

When will I be able to mine a claim located on State-selected land?

The date the State receives conveyance of the selection from the federal government will be the date that your right to the possession and extraction of locatable minerals under State law will begin, **provided that the terms of federal approval or classification by the State do not prohibit mineral location.**

Do I need to perform assessment work on a claim staked on State-selected land?

No. Because the State does not own the land on which your claim is staked, the Division of Mining, Land & Water cannot require you to perform assessment work on your claim. Your obligation to comply with the statutes and regulations governing mining in the State of Alaska begins on the date the State receives conveyance of the selection. Therefore, your assessment year begins on the first day of September **following** the date the State receives conveyance.

When do I pay annual rent for a claim on State-selected land?

The first annual rental year for a location on State-selected land begins on the date of conveyance and ends at noon the following September 1. **The first rental payment is due within 90 days of the date of conveyance. It is your responsibility to know the date of conveyance.** You may make a **non-refundable** deposit of \$35 (¼-¼ section location) or \$140 (¼ section location) for each location made on State-selected land by following State regulation 11 AAC 86.107 or regulation 11 AAC 86.215(f). The department will credit the deposit to the first annual rental payment if the State receives conveyance to the selection.

Will the Division of Mining, Land & Water inform me when the State receives conveyance to the land where my claim is located?

No. It is your responsibility to know when the State receives conveyance to the land on which your claim is located. We advise you to check regularly with the Bureau of Land Management (BLM) or the State Mining Information Offices listed below to find out whether the land has been conveyed to the State of Alaska.

Will my claim on State-selected land be plotted on State status plats?

Yes, your claim will be plotted on State status plats as soon as possible. However, all documents pertaining to your claim (location certificate, affidavits of annual labor, etc.) will be accepted by this office for filing purposes only and will not be reviewed until the State receives conveyance.

Where can I get answers to questions not covered in this fact sheet?

Further information can be obtained at the Department of Natural Resources Public Information Centers:

Anchorage

550 West 7th Ave., Suite 1260
Anchorage, AK 99501-3557
Phone: 907-269-8400
Fax: 907-269-8901
TDD: 907-269-8411

Fairbanks

3700 Airport Way
Fairbanks, AK 99709-3844
Phone: 907-451-2705
Fax: 907-451-2706
TDD: 907-451-2770