

## Questions and Answers Regarding Proposed Mining Regulations

Division of Mining, Land and Water

Department of Natural Resources

February 12, 2021

**Question:** What amendments are you making to the mining regulations?

**Answer:** The proposed regulations are posted on the Division of Mining, Land and Water's (DMLW) website in the Regulations section here: <https://dnr.alaska.gov/mlw/news/>.

As explained in the box at the top of the first page of the proposed regulations, language proposed to be added to the regulations is bolded and underlined. Language proposed to be deleted is in brackets and capitalized.

**Question:** What exactly are the changes in a nutshell?

**Answer:** The changes are summarized in the Notice of Proposed Mining Regulations and the "Dear Alaskan" letter posted on DMLW's website in the Regulations section here: <https://dnr.alaska.gov/mlw/news/>.

**Question:** Why are you making these changes?

**Answer:** As explained in the Notice of Proposed Mining Regulations and the "Dear Alaskan" letter, the Department of Natural Resources (DNR) is proposing to adopt regulations changes in Title 11 of the Alaska Administrative Code, dealing with mining rights, in response to the passage of Senate Bill (SB) 155 (Session Law of Alaska 2020, Chapter 31).

A copy of the Notice of Proposed Mining Regulations, SB 155, and the "Dear Alaskan" letter is posted on DMLW's website under the Regulations heading here:

<https://dnr.alaska.gov/mlw/news/>.

**Question:** Who is behind making these proposed changes?

**Answer:** DMLW drafted the proposed regulations in response to the passage of SB 155. After the public comment period ends, DMLW 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.

A copy of SB 155 is available on DMLW's website in the Regulations section at:

<https://dnr.alaska.gov/mlw/news/>

**Question:** Who is the winner and loser in these changes? Who benefits from these changes?

**Answer:** Both the mining industry and DNR will benefit from the changes to the proposed mining regulations. Regarding the changes made by SB 155, the bill's sponsor statement explained that the legislation improves mining policy to allow miners to do what they do best: produce. The sponsor statement also explains that the legislation addresses several issues that have arisen over the years from miners in Alaska, and the bill implemented legislative changes suggested by individual miners, the Alaska Miners Association working group, and the Department of Natural Resources. Since these regulatory changes only clarify requirements implemented by the legislative amendments for maintaining mineral tenure on mining locations, there are no losers in these changes.

A copy of SB 155 is available on DMLW's website in the Regulations section at:

<https://dnr.alaska.gov/mlw/news/>

A copy of the sponsor statement is available on the Alaska Legislature's website at:

[http://www.akleg.gov/basis/Bill/Detail/31?Root=sb%20155#tab5\\_4](http://www.akleg.gov/basis/Bill/Detail/31?Root=sb%20155#tab5_4)

**Question:** Will the new regulations make it easier for a federal claim owner to convert their claims to state claims?

**Answer:** SB 155 revised Alaska Statute (AS) 38.05.275(a) by adding the following language: "A mining location on state selected land located within an active unpatented federal mining claim may be located only by or with the written and recorded permission of the holder of the unpatented federal mining claim." The sectional analysis for SB 155 explained that the change to AS 38.05.275 would ensure that mining on state selected land located on an active unpatented federal mining claim may be located only with recorded permission of the unpatented federal mining claim holder.

A copy of SB 155 is available on the Division of Mining, Land and Water's (DMLW) website in the Regulations section at: <https://dnr.alaska.gov/mlw/news/>

A copy of the sectional analysis is available on the Alaska Legislature's website at:

[http://www.akleg.gov/basis/Bill/Detail/31?Root=sb%20155#tab5\\_4](http://www.akleg.gov/basis/Bill/Detail/31?Root=sb%20155#tab5_4)

The proposed mining regulations would implement the requirements of the change to AS 38.05.275(a) by adding a new subsection (f) to 11 AAC 86.115, listing the information required

to locate a mining claim on state-selected land located within an active unpatented federal mining claim.

This change does not affect those state-selected locations that were posted prior to the enactment of SB 155.

**Question:** Do these changes affect the permitting process for Pebble Mine?

**Answer:** No. The changes in the regulation package affect the requirement to maintain mineral tenure of a mining location and does not change the permitting requirement for the proposed Pebble Mine or any other active mining operation within the State of Alaska.

**Question:** One of the changes is to limit input from the community, is this correct?

**Answer:** This question appears to address DMLW's proposed changes to water regulations rather than addressing the proposed mining regulations, which do nothing to limit input from the community. See the Questions and Answers document related to DMLW's proposed water regulations for a response to this question.