

I would like to make some comments regarding Senate Bill SB166. I, and my family, have been involved in mining in the State of Alaska for over 40 years. When I first staked claims, I was not a “bona fide miner”; I was a greenhorn, like so many young people are when they first set sail. If I had to provide a notarized statement saying that I was a “bona fide miner” or a “bona fide fisherman” or other related “bona fide occupation” before working as such over 40 years ago, I may have gone a different direction. I don’t think Alaska should be denying the right to acquire claims based on your prior experience.

The "bona fide miner" clause is inappropriate and possibly violates the Alaska State Constitution. It is the State Constitution’s policy to encourage the settlement of its land and the development of its resources by making them available for maximum use consistent with the public interest. The State Constitution sets forth that discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which were subject to location under the federal mining laws.

Allowing this to pass as written might imply that any resource industry (fishing, lumber, sand/gravel, etc) could deny those who do not have proper credentials from acquiring permits, licenses, shares, etc to participate in those industries. It curtails entrepreneurship and exploration.

The Mining Law of 1872, as amended, allows citizens of the United States the opportunity to explore for, discover, develop, and purchase certain valuable mineral deposits on those federal lands that are open for mining claim location and patent (“open to mineral entry”). The Mining Law also allows for the enactment of state laws governing location and recording of mining claims and sites that are consistent with federal law.

The annual labor requirement has been part of the backbone of the 1872 Mining Law and should be retained. If the State language addressing annual labor needs to be changed to allow for remedy when certain “essential facts” are omitted, then perhaps a “grace period” could be implemented.

As a small family operation miner of over 40 years, I can tell you that increasing the rental fees, as suggested in this bill, will seriously impact myself, my children and many other small miners. Small miners in Alaska have been responsible for some very big discoveries. Alaska should not be making it more burdensome to be a part of the mining industry; it is an industry that could provide Alaska with a great future.

Instead of imposing additional burdens on Alaskans and industries that can contribute to Alaska’s revenue, the State should be encouraging development of minerals and their associated value-added industries.

Sincerely, Michael Busby

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