



LAWS OF ALASKA

1993

Source

SCS CSHB 213(RES)(efd fld)

Chapter No.

52

AN ACT

Prohibiting the commissioner of natural resources from permanently classifying state land, water, or land and water so that mining, mineral entry and location, mineral prospecting, and mineral leasing are precluded or are designated an incompatible use without an act of the legislature if the area involved contains more than 640 contiguous acres except in certain situations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 3, 1993
Actual Effective Date: September 1, 1993

AN ACT

1 Prohibiting the commissioner of natural resources from permanently classifying state land,
2 water, or land and water so that mining, mineral entry and location, mineral prospecting, and
3 mineral leasing are precluded or are designated an incompatible use without an act of the
4 legislature if the area involved contains more than 640 contiguous acres except in certain
5 situations.

6

7 * Section 1. AS 38.05.185(a) is amended to read:

8 (a) The acquisition and continuance of rights in and to deposits on state land
9 of minerals, which on January 3, 1959, were subject to location under the mining laws
10 of the United States, shall be governed by AS 38.05.185 - 38.05.275. Nothing in
11 AS 38.05.185 - 38.05.275 affects the law pertaining to the acquisition of rights to
12 mineral deposits owned by any other person or government. The director, with the
13 approval of the commissioner, shall determine that land from which mineral deposits

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1 may be mined only under lease, and, subject to the limitations of AS 38.05.300, that
2 land that [WHICH] shall be closed to mining. State land may not be closed to mining
3 or mineral location except as provided in AS 38.05.300 and unless the commissioner
4 makes a finding that mining would be incompatible with significant surface uses on
5 the state land. State land may not be restricted to mining under lease unless the
6 commissioner determines that potential use conflicts on the state land require that
7 mining be allowed only under written leases issued under AS 38.05.205 or the
8 commissioner has determined that the land was mineral in character at the time of state
9 selection. The determinations required under this subsection shall be made in
10 compliance with land classification orders and land use plans developed under
11 AS 38.05.300.

12 * Sec. 2. AS 38.05.300(a) is amended to read:

13 (a) The commissioner shall classify for surface use land in areas considered
14 necessary and proper. This section does not prevent reclassification of land where the
15 public interest warrants reclassification, nor does it preclude multiple purpose use of
16 land whenever different uses are compatible. If the area involved contains more
17 than 640 contiguous acres, state [STATE] land, water, or land and water area may
18 not, except by act of the state legislature, (1) be closed to multiple purpose use, or (2)
19 be otherwise classified by the commissioner so that mining, mineral entry or
20 location, mineral prospecting, or mineral leasing is precluded or is designated an
21 incompatible use, except when the classification is necessary for a land disposal
22 or exchange or is for the development of utility or transportation corridors or
23 projects or similar projects or infrastructure, or except as allowed under (c) of
24 this section [IF THE AREA INVOLVED CONTAINS MORE THAN 640 ACRES].

25 * Sec. 3. AS 38.05.300 is amended by adding a new subsection to read:

26 (c) Notwithstanding (a)(2) of this section, if the commissioner considers it
27 necessary and proper, the commissioner may provide by order for an interim
28 classification that precludes, or designates as an incompatible use, mining, mineral
29 entry or location, mineral prospecting, or mineral leasing. Within 10 days after the
30 convening of each regular legislative session, the commissioner shall transmit to the
31 legislature for consideration all the interim classification orders issued under this

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1 subsection during the preceding calendar year. Unless the legislature approves by law
2 an interim classification contained in an order transmitted under this subsection, that
3 order expires on the 90th day of that legislative session or upon adjournment of that
4 session, whichever occurs first. Approval by the legislature of an interim classification
5 satisfies the requirement of (a) of this section for an act of the state legislature.

6 * Sec. 4. AS 38.05.300(a)(2) and (c) added by secs. 2 and 3 of this Act apply to
7 classifications made after the effective date of this Act.