

HJR

25

# Alaska State Legislature

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*Senate*

*Committee on Resources*

March 23, 1981

Fred Heflinger  
P. O. Box 74304  
Fairbanks, Alaska 99707

Dear Fred:

Per your request, enclosed is a copy of the minutes of the Senate Resources Committee February 4th hearing.

The Senate Resources Committee has not addressed either HRJ 25 or SJR 23. The House Resources Committee did hold a teleconferenced meeting March 10th on this issue. I have forwarded a copy of your letter and request to them.

Best regards.

Sincerely,

A handwritten signature in cursive script that reads "Bettye".

Bettye Fahrenkamp,  
Chairman

*Good Lecturing  
this weekend*

Enclosure

cc: House Resources Committee

BF:rk

A handwritten signature in cursive script that reads "Kristine Harder".

Fred HeFlinge  
P.O. Box 74304  
F6K3, AK 99707

Senate Resources Comm.  
Pouch V  
Juneau, AK

Dear Sirs:

I would like transcripts  
of the Senate Resources teleconference  
of February 4, 1981 which involved  
aspects of Susitna Dam; and of the  
10 March 1981 teleconference which  
involved HSR no. 25 or SJR no. 23  
which may have been a joint house-senate  
session.

Thank you,  
Fred HeFlinge

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Fred Heflinger  
P.O. Box 74304  
Fairbanks, Alaska  
99707

Senate Resource Committee  
Pouch V  
Juneau, Alaska 99811

Committee Members:

I was unable to testify on Tuesday 10, March during the conference with the house resources committee on House Joint Resolution no. 25 ( Senate Joint Resolution 23 ). So I am sending you my testimony and suggested changes.

In commenting on House Joint Resolution no. 25 (SJR 23) I would like to say I am certainly for the essence of it. Mineral leasing I feel would be totally counter-productive.

Reading section 6(1) can be very confusing. The terminology is very clumsy. The section first talks of the grant lands to be given to the state and, then it talks of lands the state may grant in the future. However, it does not say anywhere that all grant lands shall be subject to lease.

I have talked to people who have said they read the section more than once and it wasn't any clearer to them the last time they read it than it was the first time. But, after I read it for about the fifth time I came to the conclusion that the only lands which the state is required to lease are lands the surface rights of which have been reconveyed to entities or individuals. In other words all sales, grants, deeds, or patents of state land to third parties must contain a clause retaining the mineral estate to the state of Alaska; and, in any of this mineral estate, in lands the surface of which has been reconveyed by the state to individuals or entities, the right to mine those minerals will be made through a lease arrangement with the state and the owner of the surface rights by the mining entity.

Lands, the surface rights of which have not been reconveyed by the state after being granted to it by the federal government, have no requirements placed upon the method of acquiring

rights to minerals for development. Therefore, the mineral location system without patent is perfectly legal as long as the legislature grants the privilege- which the legislature has done.

Now, I have two suggestions to make that would alter House Joint Resolution no. 25.

The first suggestion was to change the wording of the 1<sup>st</sup> whereas ( lines 12 to 15) as follows:

Whereas sec. 6(i) of the Alaska Statehood Act (P.L. 86-508) requires that only mineral deposits in those grant lands reconveyed by the state to entities or individuals be subject to lease; and,

The second suggestion is to insert the word reconveyed before the expression " mineral lands" in line 18 ( the second whereas).

A privilege or right granted should not be given up without a fight. Mineral location is such a right.

A location system does not remove minerals from state ownership. It only grants a right to an individual to develop and mine a mineral deposit. As soon as an individual abandons his property the mineral estate reverts to the state.

A location system allows the small miners to participate in mineral development.

What is found or discovered by the small miner can lead to other discoveries by geological inference. His energies add to the state data base.

In the previous 21 years that we have had a mineral location system in effect in the state of Alaska the Attorney General for the United States has not seen fit to contest any claims or the system. This is because he has no grounds to contest the system.

I heard Jim Williams testimony on 10 March and his conclusions are the same as mine.

Thank you,

Fred Heflinger

12 March 1981