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129

STATE OF ALASKA
THE LEGISLATURE

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JUNEAU, ALASKA 99811
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Copies of minutes listed below were originally included in this file. The minutes are available on the STAIRS database CMPR. In order to save space copies of minutes have not been left in the files.

Mary Van Nimwegen

SB 129

Senate Resources

1/27/89

Previous fiscal notes.

SENATE BILL NO. 84 was referred to the Rules Committee.

Selection=> B005-LAST PAGE
 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
 HELP EXIT MENU PRINT BWD FWD FIRST LAST QUIT
 Bill/Resolution History 02:36 PM 05/16/90 Page 1
 BILL: SB 129
 NAME: CSSB 129(FIN)
 TITLE: "An Act relating to mining; and providing for an effective date."

PRIME SPONSOR: RULES
BY REQUEST OF THE GOVERNOR

FUNDING : \$281,900 GENERAL(FNOTE) \$000 OTHER(FNOTE)

CURRENT STATUS: CHAPTER 101 SLA 89 STATUS DATE: 06/12/89

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 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
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 BASIS Journal Text

04/11/89 SENATE JOURNAL PAGE 1175
SB 129

The Resources Committee considered SENATE BILL NO. 129 (An Act providing for rent and royalty payments for a mining claim, leasehold location, or mining lease; relating to annual labor requirements for, and abandonment of, a mining claim, leasehold location, or mining lease; relating to

04/11/89 SENATE JOURNAL PAGE 1176
SENATE JOURNAL
1176 April 11, 1989

SB 129 cont'd
mining license tax information; and providing for an effective date) and a majority of the committee recommended it be replaced with

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 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
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 BASIS Journal Text

04/11/89 SENATE JOURNAL PAGE 1176

CS FOR SENATE BILL NO. 129 (Resources), entitled: "An Act relating to rent and royalty payments for a mining claim, leasehold location, or mining lease to mineral-in-character determinations, to annual labor requirements for and to abandonment of a mining claim, leasehold location, or mining lease and to mining license tax information; and providing for an effective date."

and do pass. The report was signed by Senator Fahrenkamp, Chair, and concurred in by Senators Halford, Frank, Eliason and Sturgulewski.

Fiscal note for the committee substitute forthcoming.

Selection=>
 PF1 PF2 PF3 PF4 PF5 PF6 PF7 PF8 PF9 PF10 PF11 PF12
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Alaska State Legislature

Senate Resources Committee

Senator Bettye Fahrenkamp, Chairman

Senator Jay Kerttula, Vice Chairman
Senator Dick Ellason
Senator Steve Frank
Senator Rick Hallford
Senator Arliss Sturgulewski
Senator Fred Zhoroff



P.O. Box V
Juneau, Alaska 99811
(907) 465-4907

TO: Members of the Senate

April 24, 1989

FROM: Senator Bettye Fahrenkamp

SUBJECT: CSSB 129 (Finance)
Mining Rents & Royalties

Overview: The Alaska Supreme Court decided in May, 1987 that Alaska's mining law failed to comply fully with section 6(i) of the Statehood Act. The Supreme Court decision found that rents and/or royalties were required from mining claims on state "mineral lands", but did not define "mineral lands". As a result of this court decision, the Resources Committee and Finance Committee have worked hard to craft a bill that would comply with the court decision, minimize impact on the mining industry, and guarantee passage this year. Failure to adopt "6(i)" legislation this year would pose a very real risk that state miners would be shut down by threat of injunction.

SECTIONAL ANALYSIS:

Section 1: This section amends existing statute to clarify that rent and royalty payments are required for leases.

Section 2: This section amends existing statute to add that annual labor be performed on leasehold locations and mining leases under this section. This requirement already exists under AS 38.05.205(b) and AS 38.05.250(c), but changes to these sections require moving the requirement to this section. In addition, this section reduces the annual labor required for each mining claim and leasehold location from \$200 to \$100 per year. Excess annual labor may still be carried forward for four years.

Section 3: This amends existing statute to conform with changes under Section 2. In addition, new language is added to allow a miner to make a cash payment to the state in lieu of annual labor.

Section 4: This new statute requires an annual rent of \$20 to be paid for each mining claim and leasehold location, and \$0.50 per acre for mining leases, including offshore leases, of \$0.50 per acre. After the claim or lease is 5 years old, the rent increases to \$40 each or \$1.00 per acre, and after 10 years the rental increases to \$100 each or \$2.50 per acre. Section c provides that the annual rent shall be credited against any royalty due. Section d requires the rent be adjusted each 10 years based on the change in the consumer price index (CPI) for Anchorage.

The production royalty under AS 38.05.212 is set at 3% of net income as defined under the Mining License Tax (AS 43.65).

Section 5: This amends the definition of annual labor so that it applies to leasehold locations and mining leases, in order to be consistent with section 2.

Section 6: This amends the existing offshore mining statute to delete the rental requirement in AS 38.05.250(c). It is now included under the new statutes in section 4.

Section 7: This change amends the "abandonment" language to make it clear that failure to pay the rent or royalty is considered abandonment of the claim. New language is added to provide for timely but deficient payments.

Section 8: A new section on reclamation is added in AS 27.05, although it is not effective until June 1, 1990. This section requires DNR to adopt reclamation regulations for miners on state land. The regulations must require the submission of a reclamation plan and include penalties of non-compliance. Upon failure to comply with the reclamation, the miner must submit a bond to the state.

Section 9: This amends the Mining License Tax statute to allow the commissioner of the Department of revenue to provide the Department of Natural Resources specific information from the Mining License Tax for royalty audit purposes. DNR must maintain confidentiality of this information.

Section 10: Two sections are repealed. AS 38.05.205(b) requirement for annual labor on mining leases is now included under AS 38.05.210(a). Deletion of AS 38.05.210(d) were made because this section repeats other sections and is unnecessary.

Section 11: This transition section states that this act applies to all state claims, leasehold locations and mining leases in existence on, before or after August 31, 1989. The first rental year begins on September 1, 1989 and the first royalty payments are for production after December 31, 1989. Section d allows the Department to adopt regulations to implement this act and may allow for the first year's rental payment due date to be deferred.

Section 12: This section requires reclamation regulations added by Section 8 to be adopted no later than July 1, 1991.

Section 13: This allows the Department to begin adopting regulations for the rent and royalty provisions immediately after this act becomes law.

Section 14: This section clarifies that the rent and royalty requirements do not become effective until August 31, 1989.

Section 15: This section delays the effective date of the reclamation sections (Sections 8 and 12) until June 1, 1990.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 129 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mining; and providing for an
7 effective date."

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

9 * Section 1. AS 38.05.036(a) is amended to read:

10 (a) The Department of Revenue shall audit reports, payments, and
11 payments due relating to

12 (1) the royalty and net profits under oil and gas con-
13 tracts, agreements, or leases under AS 38.05.180; [THIS CHAPTER]

14 (2) the royalty on net income from mining claims, leasehold
15 locations, or mining leases under AS 38.05.212.

16 * Sec. 2. AS 38.05.036(c) is amended to read:

17 (c) All information obtained by the Department of Revenue relat-
18 ing to royalty and net profits payments under AS 38.05.180 or royalty
19 on net income under AS 38.05.212, including information obtained under
20 AS 43, may be made available to the department, in the form of sum-
21 maries and, when in furtherance of the department's royalty and net
22 profits functions, relevant portions of the audits. Information made
23 available to the department that was obtained under AS 43 is confiden-
24 tial and subject to the provisions of AS 43.05.230.

25 * Sec. 3. AS 38.05.036(e) is amended to read:

26 (e) In this section, "audit" means the process of obtaining
27 sufficient competent evidentiary matter through inspection, observa-
28 tion, inquiry, and confirmation to afford a reasonable basis for
29 ascertaining the compliance by the subject of the audit with the

1 applicable law, regulation, lease, agreement, and contract terms; it
2 does not include any other actions necessary to administer this chap-
3 ter pertaining either to oil and gas royalty and net profits payments
4 under AS 38.05.180 or to mining royalty payments on net income under
5 AS 38.05.212, including daily accounting functions, certification
6 procedures associated with those accounting functions, and enforcement
7 of payments of royalties and net profits.

8 * Sec. 4. AS 38.05.205(c) is amended to read:

9 (c) A mining lease shall be for any period up to 55 years, and
10 is renewable if requirements for a lease remain satisfied. Annual
11 rental and production royalties shall be paid as required under
12 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
13 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
14 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
15 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A
16 valid mining claim located and held under AS 38.05.195 may be con-
17 verted to a lease at any time upon application by the owner, and
18 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
19 lease may not be exercised until the lease has been filed for record
20 in the recording district where the land is located.

21 * Sec. 5. AS 38.05.210(a) is amended to read:

22 (a) Labor shall be performed or improvements made annually on or
23 for the benefit or development of each mining claim, leasehold lo-
24 cation, and mining lease on state land except that where adjacent
25 claims, leasehold locations, or mining leases are held in common, the
26 expenditure may be made on any one claim, leasehold location, or
27 mining lease. The commissioner shall establish the date of the com-
28 mencement of the year during which the labor or improvements are to be
29 performed. Labor shall be performed at the annual rate of \$100 [\$200]

1 per claim or leasehold location, and \$100 for each partial or whole 40
2 acres of each mining lease. If more work is performed than is re-
3 quired by this section to be performed in any one year, the excess
4 [WORK UP TO A] value [OF \$800] may be applied against labor required
5 to be done during the subsequent year or years, for as many as four
6 years. Instead of performing annual labor, the holder of a claim,
7 leasehold location, or mining lease may make a cash payment to the
8 state equal to the value of the labor required by this subsection.

9 * Sec. 6. AS 38.05.210(b) is amended to read:

10 (b) During the year in which [THE PERFORMANCE OF] annual labor
11 is required or within 90 days after the close of that year, the owner
12 of the mining claim, leasehold location, or mining lease, or some
13 other person having knowledge of the facts shall record with the
14 recorder of the district in which the claim, leasehold location, or
15 mining lease is located a signed statement setting out the informa-
16 tion, as may be required by the commissioner, concerning the annual
17 labor of the preceding year, [AND] any labor in excess of that re-
18 quired for the preceding year, and any payment of cash instead of
19 annual labor. The statement, properly recorded, is prima facie evi-
20 dence of the performance of the labor. The failure of one of several
21 co-owners to contribute the proportion of the expenditures required
22 for annual labor from the co-owner shall be treated in accordance with
23 AS 38.05.215 - 38.05.235.

24 * Sec. 7. AS 38.05 is amended by adding new sections to read:

25 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining
26 claim, leasehold location, or mining lease including a mining lease
27 under AS 38.05.250(b), shall pay, in advance, annual rental for the
28 right to continue to hold the mining claim, leasehold location, or
29 mining lease. The annual rental amount shall be based on the number

1 of the years since a mining claim, a leasehold location, or a mining
2 lease's predecessor claim or leasehold location was first located, as
3 follows:

4 Number of Years Since	Rental Amount Per	Rental Amount
5 First Located	6 Acre for Mining	7 for Each Mining
	8 Leases	9 Claim or Leasehold
		10 Location
11 0 - 10	\$.50	\$ 20
12 ⁵ 13 6 - 10	\$1.00	\$ 40
14 11 - or more	\$2.50	100

(b) A claim, leasehold location, or mining lease located on or before August 31, 1989 is considered to have been first located on August 31, 1989 for purposes of determining the amount of rental under this section.

(c) The rental for each year shall be credited against the production royalty under AS 38.05.212 as it accrues for that year.

(d) The rental established under this section shall be revised each 10 years by the commissioner based on the consumer price index for Anchorage and published in regulations by the commissioner.

(e) This section does not apply to prospecting permits issued under AS 38.05.250(a).

21 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
22 preserve the right to extract and possess the minerals produced, the
23 holder of a mining claim, leasehold location, or mining lease, includ-
24 ing a mining lease under AS 38.05.250, shall pay a royalty on all
25 minerals produced from land subject to the claim, leasehold location,
26 or mining lease during each calendar year.

(b) The production royalty is two percent of net income as determined under AS 43.65.

(c) The commissioner shall adopt regulations to implement this

1 section and to provide for combined reporting and paying of production
2 royalties fo. mining operations that include more than one mining
3 claim, leasehold location, or mining lease including a mining lease
4 under AS 38.05.250.

5 * Sec. 8. AS 38.05.240 is amended to read:

6 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
7 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
8 geophysical, and airborne surveys conducted by qualified experts and
9 verified by a detailed report filed in the recording district office
10 in which the claim, leasehold location, or mining lease is located
11 which sets out fully (1) the location of the work performed in re-
12 lation to the point of discovery and boundaries of the claim, lease-
13 hold location, or mining lease, (2) the nature, extent, and cost of
14 it, and (3) the name, address, and professional background of the
15 person conducting the work. The commissioner, by regulation, shall
16 define the nature of acceptable survey work and the qualifications of
17 a person competent to perform this work. The airborne surveys, how-
18 ever, may not be applied as labor for more than two consecutive years
19 or for more than a total of five vears on any one mining claim, lease-
20 hold location, or mining lease, and each of those surveys shall be
21 nonrepetitive of any previous survey on the same claim, leasehold
22 location, or mining lease.

23 * Sec. 9. AS 38.05.265 is amended to read:

24 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
25 certificate of location or a statement of annual labor, [OR (2)] file
26 with the director within the time prescribed a lease application, [OR
27 (3)] pay annual rental, pay production royalty [OR RECEIVE CREDIT FOR
28 RENTAL], or [(4)] keep location boundaries clearly marked [, ALL] as
29 required by AS 38.05.185 - 38.05.275 and by regulations adopted under

1 these sections [,] constitutes abandonment of all rights acquired
2 under the mining claim [LEASE], leasehold location, lease, including a
3 lease under AS 38.05.250 or site involved, and the claim, location,
4 lease, or site [IT] is subject to relocation by others. A [IF A
5 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
6 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
7 or a successor in interest [,] may not [RETURN TO] relocate the lo-
8 cation until one year after abandonment [IT AS THOUGH IT HAD NEVER
9 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
10 accurately set out the essential facts is void and of no effect. If
11 an annual rental or a royalty payment is deficient but is otherwise
12 timely paid, abandonment does not result if full payment is made
13 within

14 (1) the period prescribed by a deficiency notice from the
15 commissioner; or

16 (2) 30 days after a final judgment establishing the amount
17 due if the deficiency amount due was contested.

18 * Sec. 10. AS 43.05.230 is amended by adding a new subsection to read:

19 (h) The commissioner shall, upon request, furnish to the Depart-
20 ment of Natural Resources copies of tax returns, reports, documents
21 filed under AS 43.65.010 - 43.65.060, and the department's deter-
22 minations and workpapers. The Department of Natural Resources shall
23 maintain the confidentiality that the department is required to extend
24 to the returns, reports, documents, determinations, and workpapers
25 furnished to the Department of Natural Resources under this sub-
26 section.

27 * Sec. 11. AS 38.05.205(b), 38.05.210(d), and 38.05.250(c) are re-
28 pealed.

29 * Sec. 12. TRANSITION. (a) This Act applies to mining claims,

1 leasehold locations, and mining leases located before, on, or after the
2 effective date of this Act.

3 (b) The first annual rental payment due under AS 38.05.211 as enacted
4 in sec. 7 of this Act is for the annual labor year beginning September 1,
5 1989.

6 (c) The first production royalty payment due under AS 38.05.212 as
7 enacted by sec. 7 of this Act is for production after December 31, 1989.

8 (d) The commissioner of natural resources shall adopt regulations to
9 implement the changes made by this Act. The regulations take effect under
10 the Administrative Procedure Act (AS 44.62) but not before August 31, 1989.
11 The regulations may defer the date for the first annual rental payment due
12 under AS 38.05.211 as enacted in sec. 7 of this Act.

13 * Sec. 13. Section 12(d) of this Act takes effect immediately under
14 AS 01.10.070(c).

15 * Sec. 14. Except for sec. 12(d), this Act takes effect August 31,
16 1989.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 129 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to mining; and providing for an
7 effective date."

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

9 * Section 1. AS 38.05.036(a) is amended to read:

10 (a) The Department of Revenue shall audit reports, payments, and
11 payments due relating to

12 (1) the royalty and net profits under oil and gas con-
13 tracts, agreements, or leases under AS 38.05.180;

14 (2) the royalty on net income from mining claims, leasehold
15 locations, or mining leases under AS 38.05.212 [THIS CHAPTER].

16 * Sec. 2. AS 38.05.036(c) is amended to read:

17 (c) All information obtained by the Department of Revenue relat-
18 ing to royalty and net profits payments under AS 38.05.180 or royalty
19 on net income under AS 38.05.212, including information obtained under
20 AS 43, may be made available to the department, in the form of sum-
21 maries and, when in furtherance of the department's royalty and net
22 profits functions, relevant portions of the audits. Information made
23 available to the department that was obtained under AS 43 is confiden-
24 tial and subject to the provisions of AS 43.05.230.

25 * Sec. 3. AS 38.05.036(e) is amended to read:

26 (e) In this section, "audit" means the process of obtaining
27 sufficient competent evidentiary matter through inspection, observa-
28 tion, inquiry, and confirmation to afford a reasonable basis for
29 ascertaining the compliance by the subject of the audit with the

1 applicable law, regulation, lease, agreement, and contract terms; it
2 does not include any other actions necessary to administer this chap-
3 ter pertaining either to oil and gas royalty and net profits payments
4 under AS 38.05.180 or to mining royalty payments on net income under
5 AS 38.05.212, including daily accounting functions, certification
6 procedures associated with those accounting functions, and enforcement
7 of payments of royalties and net profits.

8 * Sec. 4. AS 38.05.205(c) is amended to read:

9 (c) A mining lease shall be for any period up to 55 years, and
10 is renewable if requirements for a lease remain satisfied. Annual
11 rental and production royalties shall be paid as required under
12 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
13 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
14 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
15 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A
16 valid mining claim located and held under AS 38.05.195 may be con-
17 verted to a lease at any time upon application by the owner, and
18 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
19 lease may not be exercised until the lease has been filed for record
20 in the recording district where the land is located.

21 * Sec. 5. AS 38.05.210(a) is amended to read:

22 (a) Labor shall be performed or improvements made annually on or
23 for the benefit or development of each mining claim, leasehold lo-
24 cation, and mining lease on state land except that where adjacent
25 claims, leasehold locations, or mining leases are held in common, the
26 expenditure may be made on any one claim, leasehold location, or
27 mining lease. The commissioner shall establish the date of the com-
28 mencement of the year during which the labor or improvements are to be
29 performed. Labor shall be performed at the annual rate of \$100 [\$200]

1 per claim or leasehold location, and \$100 for each partial or whole 40
2 acres of each mining lease. If more work is performed than is re-
3 quired by this section to be performed in any one year, the excess
4 [WORK UP TO A] value [OF \$800] may be applied against labor required
5 to be done during the subsequent year or years, for as many as four
6 years. Instead of performing annual labor, the holder of a claim,
7 leasehold location, or mining lease may make a cash payment to the
8 state equal to the value of the labor required by this subsection.

9 * Sec. 6. AS 38.05.210(b) is amended to read:

10 (b) During the year in which [THE PERFORMANCE OF] annual labor
11 is required or within 90 days after the close of that year, the owner
12 of the mining claim, leasehold location, or mining lease, or some
13 other person having knowledge of the facts shall record with the
14 recorder of the district in which the claim, leasehold location, or
15 mining lease is located a signed statement setting out the informa-
16 tion, as may be required by the commissioner, concerning the annual
17 labor of the preceding year, [AND] any labor in excess of that re-
18 quired for the preceding year, and any payment of cash instead of
19 annual labor. The statement, properly recorded, is prima facie evi-
20 dence of the performance of the labor. The failure of one of several
21 co-owners to contribute the proportion of the expenditures required
22 for annual labor from the co-owner shall be treated in accordance with
23 AS 38.05.215 - 38.05.235.

24 * Sec. 7. AS 38.05 is amended by adding new sections to read:

25 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining
26 claim, leasehold location, or mining lease including a mining lease
27 under AS 38.05.250(b), shall pay, in advance, annual rental for the
28 right to continue to hold the mining claim, leasehold location, or
29 mining lease. The annual rental amount shall be based on the number

1 of the years since a mining claim, a leasehold location, or a mining
2 lease's predecessor claim or leasehold location was first located, as
3 follows:

4 Number of Years Since	5 Rental Amount Per	6 Rental Amount
7 First Located	8 Acre for Mining	9 for Each Mining
	10 Leases	11 Claim or Leasehold
		12 Location
13 0 - 5	14 \$.50	15 \$ 20
16 6 - 10	17 \$1.00	18 40
19 11 - or more	20 \$2.50	21 100

22 (b) A claim, leasehold location, or mining lease located on or
23 before August 31, 1989 is considered to have been first located on
24 August 31, 1989 for purposes of determining the amount of rental under
25 this section.

26 (c) The rental for each year shall be credited against the
27 production royalty under AS 38.05.212 as it accrues for that year.

28 (d) The rental established under this section shall be revised
29 each 10 years by the commissioner based on the consumer price index
for Anchorage and published in regulations by the commissioner.

(e) This section does not apply to prospecting permits issued
under AS 38.05.250(a).

30 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
31 preserve the right to extract and possess the minerals produced, the
32 holder of a mining claim, leasehold location, or mining lease, includ-
33 ing a mining lease under AS 38.05.250, shall pay a royalty on all
34 minerals produced from land subject to the claim, leasehold location,
35 or mining lease during each calendar year.

36 (b) The production royalty is two and one-half percent of net
37 income as determined under AS 43.65.

1 (c) The commissioner shall adopt regulations to implement this
2 section and to provide for combined reporting and paying of production
3 royalties for mining operations that include more than one mining
4 claim, leasehold location, or mining lease including a mining lease
5 under AS 38.05.250.

6 * Sec. 8. AS 38.05.240 is amended to read:

7 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
8 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
9 geophysical, and airborne surveys conducted by qualified experts and
10 verified by a detailed report filed in the recording district office
11 in which the claim, leasehold location, or mining lease is located
12 which sets out fully (1) the location of the work performed in re-
13 lation to the point of discovery and boundaries of the claim, lease-
14 hold location, or mining lease, (2) the nature, extent, and cost of
15 it, and (3) the name, address, and professional background of the
16 person conducting the work. The commissioner, by regulation, shall
17 define the nature of acceptable survey work and the qualifications of
18 a person competent to perform this work. The airborne surveys, how-
19 ever, may not be applied as labor for more than two consecutive years
20 or for more than a total of five years on any one mining claim, lease-
21 hold location, or mining lease, and each of those surveys shall be
22 nonrepetitive of any previous survey on the same claim, leasehold
23 location, or mining lease.

24 * Sec. 9. AS 38.05.265 is amended to read:

25 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
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28 (3)] pay annual rental, pay production royalty [OR RECEIVE CREDIT FOR
29 RENTAL], or [(4)] keep location boundaries clearly marked [, ALL] as

1 required by AS 38.05.185 - 38.05.275 and by regulations adopted under
2 these sections [,] constitutes abandonment of all rights acquired
3 under the mining claim [LEASE], leasehold location, lease, including a
4 lease under AS 38.05.250 or site involved, and the claim, location,
5 lease, or site [IT] is subject to relocation by others. A [IF A
6 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
7 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
8 or a successor in interest [,] may not [RETURN TO] relocate the lo-
9 cation until one year after abandonment [IT AS THOUGH IT HAD NEVER
10 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
11 accurately set out the essential facts is void and of no effect. If
12 an annual rental or a royalty payment is deficient but is otherwise
13 timely paid, abandonment does not result if full payment is made
14 within

15 (1) the period prescribed by a deficiency notice from the
16 commissioner; or

17 (2) 30 days after a final judgment establishing the amount
18 due if the deficiency amount due was contested.

19 * Sec. 10. AS 43.05.230 is amended by adding a new subsection to read:

20 (h) The commissioner shall, upon request, furnish to the Depart-
21 ment of Natural Resources copies of tax returns, reports, documents
22 filed under AS 43.65.010 - 43.65.060, and the department's deter-
23 minations and workpapers. The Department of Natural Resources shall
24 maintain the confidentiality that the department is required to extend
25 to the returns, reports, documents, determinations, and workpapers
26 furnished to the Department of Natural Resources under this subsec-
27 tion.

28 * Sec. 11. AS 38.05.205(b), 38.05.210(d), and 38.05.250(c) are re-
29 pealed.

b(a)(b)

go0759sE
Bradley
3/29/89

2

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 129 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rent and royalty payments for a
7 mining claim, leasehold location, or mining lease,
8 to annual labor requirements for and abandonment of a
9 mining claim, leasehold location, or mining lease and
10 to mining license tax information; and providing for
11 an effective date."

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

13 * Section 1. AS 38.05.036(a) is amended to read:

14 (a) The Department of Revenue shall audit reports, payments, and
15 payments due relating to

16 (1) the royalty and net profits under oil and gas con-
17 tracts, agreements, or leases under AS 38.05.180;

18 (2) the royalty on net income from mining claims, leasehold
19 locations, or mining leases under AS 38.05.212 [THIS CHAPTER].

20 * Sec. 2. AS 38.05.036(c) is amended to read:

21 (c) All information obtained by the Department of Revenue relat-
22 ing to royalty and net profits payments under AS 38.05.180 or royalty
23 on net income under AS 38.05.212, including information obtained under
24 AS 43, may be made available to the department, in the form of sum-
25 maries and, when in furtherance of the department's royalty and net
26 profits functions, relevant portions of the audits. Information made
27 available to the department that was obtained under AS 43 is confiden-
28 tial and subject to the provisions of AS 43.05.230.

29 * Sec. 3. AS 38.05.036(e) is amended to read:

1 (e) In this section, "audit" means the process of obtaining
2 sufficient competent evidentiary matter through inspection, observa-
3 tion, inquiry, and confirmation to afford a reasonable basis for
4 ascertaining the compliance by the subject of the audit with the
5 applicable law, regulation, lease, agreement, and contract terms; it
6 does not include any other actions necessary to administer this chap-
7 ter pertaining either to oil and gas royalty and net profits payments
8 under AS 38.05.180 or to mining royalty payments on net income under
9 AS 38.05.212, including daily accounting functions, certification
10 procedures associated with those accounting functions, and enforcement
11 of payments of royalties and net profits.

12 * Sec. 4. AS 38.05.205(c) is amended to read:

13 (c) A mining lease shall be for any period up to 55 years, and
14 is renewable if requirements for a lease remain satisfied. Annual
15 rental and production royalties shall be paid as required under
16 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
17 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
18 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
19 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A
20 valid mining claim located and held under AS 38.05.195 may be con-
21 verted to a lease at any time upon application by the owner, and
22 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
23 lease may not be exercised until the lease has been filed for record
24 in the recording district where the land is located.

25 * Sec. 5. AS 38.05.210(a) is amended to read:

26 (a) Labor shall be performed or improvements made annually on or
27 for the benefit or development of each mining claim, leasehold lo-
28 cation, and mining lease on state land except that where adjacent
29 claims, leasehold locations, or mining leases are held in common, the

1 expenditure may be made on any one claim, leasehold location, or
2 mining lease. The commissioner shall establish the date of the com-
3 mencement of the year during which the labor or improvements are to be
4 performed. Labor shall be performed at the annual rate of \$100 [\$200]
5 per claim or leasehold location, and \$100 for each partial or whole 40
6 acres of each mining lease. If more work is performed than is re-
7 quired by this section to be performed in any one year, the excess
8 [WORK UP TO A] value [OF \$800] may be applied against labor required
9 to be done during the subsequent year or years, for as many as four
10 years. Instead of performing annual labor, the holder of a claim,
11 leasehold location, or mining lease may make a cash payment to the
12 state equal to the value of the labor required by this subsection.

13 * Sec. 6. AS 38.05.210(b) is amended to read:

14 (b) During the year in which [THE PERFORMANCE OF] annual labor
15 is required or within 90 days after the close of that year, the owner
16 of the mining claim, leasehold location, or mining lease, or some
17 other person having knowledge of the facts shall record with the
18 recorder of the district in which the claim, leasehold location, or
19 mining lease is located a signed statement setting out the informa-
20 tion, as may be required by the commissioner, concerning the annual
21 labor of the preceding year, [AND] any labor in excess of that re-
22 quired for the preceding year, and any payment of cash instead of
23 annual labor. The statement, properly recorded, is prima facie evi-
24 dence of the performance of the labor. The failure of one of several
25 co-owners to contribute the proportion of the expenditures required
26 for annual labor from the co-owner shall be treated in accordance with
27 AS 38.05.215 - 38.05.235.

28 * Sec. 7. AS 38.05 is amended by adding new sections to read:

29 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining

1 claim, leasehold location, or mining lease on land selected by the
 2 state under Secs. 6(a) - (b) of the Alaska Statehood Act (P.L. 85-508,
 3 72 Stat. 339) shall pay, in advance, annual rental for the right to
 4 continue to hold the mining claim, leasehold location, or mining
 5 lease. The annual rental amount shall be based on the number of the
 6 years since a mining claim, a leasehold location, or a mining lease's
 7 predecessor claim or leasehold location was first located, as follows:

Number of Years Since First Located	Rental Amount Per Acre for Mining Leases	Rental Amount for Each Mining Claim or Leasehold Location
0 - 5	\$.50	\$ 20
6 - 10	\$1.00	40
11 - or more	\$2.50	100

15 (b) A claim, leasehold location, or mining lease located on or
 16 before August 31, 1989 is considered to have been first located on
 17 August 31, 1989 for purposes of determining the amount of rental under
 18 this section.

19 (c) The rental for each year shall be credited against the
 20 production royalty under AS 38.05.212 as it accrues for that year.

21 (d) The rental established under this section shall be revised
 22 each 10 years by the commissioner based on the consumer price index
 23 for Anchorage and published in regulations by the commissioner.

24 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
 25 preserve the right to extract and possess the minerals produced, the
 26 holder of a mining claim, leasehold location, or mining lease on land
 27 selected by the state under Secs. 6(a) - (b) of the Alaska Statehood
 28 Act (P.L. 85-508, 72 Stat. 339) shall pay a royalty on all minerals
 29 produced from land subject to the claim, leasehold location, or mining

1 lease during each calendar year.

2 (b) The production royalty is two percent of net income as
3 determined under AS 43.65.

4 (c) The commissioner shall adopt regulations to implement this
5 section and to provide for combined reporting and paying of production
6 royalties for mining operations that include more than one mining
7 claim, leasehold location, or mining lease.

8 * Sec. 8. AS 38.05.240 is amended to read:

9 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
10 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
11 geophysical, and airborne surveys conducted by qualified experts and
12 verified by a detailed report filed in the recording district office
13 in which the claim, leasehold location, or mining lease is located
14 which sets out fully (1) the location of the work performed in re-
15 lation to the point of discovery and boundaries of the claim, lease-
16 hold location, or mining lease, (2) the nature, extent, and cost of
17 it, and (3) the name, address, and professional background of the
18 person conducting the work. The commissioner, by regulation, shall
19 define the nature of acceptable survey work and the qualifications of
20 a person competent to perform this work. The airborne surveys, how-
21 ever, may not be applied as labor for more than two consecutive years
22 or for more than a total of five years on any one mining claim, lease-
23 hold location, or mining lease, and each of those surveys shall be
24 nonrepetitive of any previous survey on the same claim, leasehold
25 location, or mining lease.

26 * Sec. 9. AS 38.05.265 is amended to read:

27 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
28 certificate of location or a statement of annual labor, [OR (2)] file
29 with the director within the time prescribed a lease application, [OR

1 (3)] pay any required annual rental, pay any required production
2 royalty [OR RECEIVE CREDIT FOR RENTAL], or [(4)] keep location bound-
3 aries clearly marked [, ALL] as required by AS 38.05.185 - 38.05.275
4 and by regulations adopted under these sections [,] constitutes aban-
5 donment of all rights acquired under the mining claim [LEASE], lease-
6 hold location, lease, or site involved, and the claim, location,
7 lease, or site [IT] is subject to relocation by others. A [IF A
8 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
9 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
10 or a successor in interest [,] may not [RETURN TO] relocate the lo-
11 cation until one year after abandonment [IT AS THOUGH IT HAD NEVER
12 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
13 accurately set out the essential facts is void and of no effect. If
14 an annual rental or a royalty payment is deficient but is otherwise
15 timely paid, abandonment does not result if full payment is made
16 within

17 (1) the period prescribed by a deficiency notice from the
18 commissioner; or

19 (2) 30 days after a final judgment establishing the amount
20 due if the deficiency amount due was contested.

21 * Sec. 10. AS 43.05.230 is amended by adding a new subsection to read:

22 (h) The commissioner shall, upon request, furnish to the Depart-
23 ment of Natural Resources copies of tax returns, reports, documents
24 filed under AS 43.65.010 - 43.65.060, and the department's deter-
25 minations and workpapers. The Department of Natural Resources shall
26 maintain the confidentiality that the department is required to extend
27 to the returns, reports, documents, determinations, and workpapers
28 furnished to the Department of Natural Resources under this subsec-
29 tion.

1 * Sec. 11. AS 38.05.205(b) and 38.05.210(d) are repealed.

2 * Sec. 12. TRANSITION. (a) This Act applies to mining claims, lease-
3 hold locations, and mining leases located before, on, or after the effec-
4 tive date of this Act on land selected by the state under Secs. 6(a) - (b)
5 of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339).

6 (b) The first annual rental payment due under AS 38.05.211 as enacted
7 in sec. 7 of this Act is for the annual labor year beginning September 1,
8 1989.

9 (c) The first production royalty payment due under AS 38.05.212 as
10 enacted by sec. 7 of this Act is for production after December 31, 1989.

11 (d) The commissioner of natural resources shall adopt regulations to
12 implement the changes made by this Act. The regulations take effect under
13 the Administrative Procedure Act (AS 44.62) but not before August 31, 1989.
14 The regulations may defer the date for the first annual rental payment due
15 under AS 38.05.211 as enacted in sec. 7 of this Act.

16 * Sec. 13. Section 12(d) of this Act takes effect immediately under
17 AS 01.10.070(c).

18 * Sec. 14. Except for sec. 12(d), this Act takes effect August 31,
19 1989.

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 CS FOR SENATE BILL NO. 129 (Resources)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rent and royalty payments for a
7 mining claim, leasehold location, or mining lease, to
8 mineral-in-character determinations, to annual labor
9 requirements for and to abandonment of a mining
10 claim, leasehold location, or mining lease and to
11 mining license tax information; and providing for an
12 effective date."

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

14 * Section 1. AS 38.05.036(a) is amended to read:

15 (a) The Department of Revenue shall audit reports, payments, and
16 payments due relating to

17 (1) the royalty and net profits under oil and gas con-
18 tracts, agreements, or leases under AS 38.05.180;

19 (2) the royalty on net income from mining claims, leasehold
20 locations, or mining leases under AS 38.05.212 [THIS CHAPTER].

21 * Sec. 2. AS 38.05.036(c) is amended to read:

22 (c) All information obtained by the Department of Revenue relat-
23 ing to royalty and net profits payments under AS 38.05.180 or royalty
24 on net income under AS 38.05.212, including information obtained under
25 AS 43, may be made available to the department, in the form of sum-
26 maries and, when in furtherance of the department's royalty and net
27 profits functions, relevant portions of the audits. Information made
28 available to the department that was obtained under AS 43 is confiden-
29 tial and subject to the provisions of AS 43.05.230.

1 * Sec. 3. AS 38.05.036(e) is amended to read:

2 (e) In this section, "audit" means the process of obtaining
3 sufficient competent evidentiary matter through inspection, observa-
4 tion, inquiry, and confirmation to afford a reasonable basis for
5 ascertaining the compliance by the subject of the audit with the
6 applicable law, regulation, lease, agreement, and contract terms; it
7 does not include any other actions necessary to administer this chap-
8 ter pertaining either to oil and gas royalty and net profits payments
9 under AS 38.05.180 or to mining royalty payments on net income under
10 AS 38.05.212, including daily accounting functions, certification
11 procedures associated with those accounting functions, and enforcement
12 of payments of royalties and net profits.

13 * Sec. 4. AS 38.05.205(b) is amended to read:

14 (b) Beginning on the date established by the commissioner under
15 AS 38.05.210, [THERE SHALL ACCRUE] an annual rental accrues for each
16 leasehold location or portion of a leasehold location, [THEREOF]
17 whether or not under lease, in the amounts established in AS 38.05.211
18 [NOT LESS THAN THE VALUE OF ANNUAL LABOR IMPROVEMENTS REQUIRED FOR
19 MINING CLAIMS. THE VALUE OF WORK DONE ON, OR FOR THE BENEFIT OF, THE
20 LEASEHOLD IN COMPLIANCE WITH AS 38.05.210 MAY BE CREDITED AGAINST THE
21 RENTAL].

22 * Sec. 5. AS 38.05.205(c) is amended to read:

23 (c) A mining lease shall be for any period up to 55 years, and
24 is renewable if requirements for the lease remain satisfied. Annual
25 rental and production royalties shall be paid as required under
26 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
27 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
28 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
29 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A

1 valid mining claim located and held under AS 38.05.195 may be con-
2 verted to a lease at any time upon application by the owner, and
3 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
4 lease may not be exercised until the lease has been filed for record
5 in the recording district where the land is located.

6 * Sec. 6. AS 38.05 is amended by adding a new section to read:

7 Sec. 38.05.206. MINERAL CHARACTER DETERMINATIONS. (a) Within
8 three years after the receipt by the commissioner of a request for a
9 mineral character determination from the holder of the mining claim,
10 the commissioner shall determine under AS 38.05.243 whether the land
11 underlying a mining claim was mineral in character at the time of
12 state selection.

13 (b) A holder of a mining claim who fails to make a request for a
14 mineral character determination to the commissioner by September 1,
15 1990, or within one year from the location of the mining claim, which-
16 ever is later, shall make rental payments under AS 38.05.211 and
17 royalty payments under AS 38.05.212 until the commissioner makes a
18 mineral character determination concerning the land under AS 38.05.-
19 243. A holder of a mining claim who makes a request for a mineral
20 character determination to the commissioner by September 1, 1990, or
21 within one year after the location of the mining claim, whichever is
22 later, does not owe rental payments under AS 38.05.211 or royalty
23 payments under AS 38.05.212 until the commissioner makes the mineral
24 character determination under AS 38.05.243.

25 (c) On the determination by the commissioner that the land
26 underlying the mining claim was mineral in character at the time of
27 state selection, the holder of the mining claim is liable for rental
28 and royalty payments from the date of location or August 31, 1989,
29 whichever comes later.

1 (d) On the determination by the commissioner that the land
2 underlying the mining claim was not mineral in character at the time
3 of state selection and that the holder of the mining claim has made
4 rental payments under AS 38.05.211 or royalty payments under AS 38.-
5 05.212 on the claim, the commissioner shall refund to the holder of
6 the mining claim all rental and royalty payments paid on the mining
7 claim

8 (e) If the commissioner fails to make a mineral character deter-
9 mination within three years from the date of a request for a deter-
10 mination, the amount of the rental and royalty due under AS 38.05.211
11 and 38.05.212 is reduced by 50 percent from the time that the deter-
12 mination was requested through the date that the determination is
13 made. The holder of a mining claim may request that any excess pay-
14 ment accumulated under this subsection be

15 (1) applied to rental and royalty payments due in subse-
16 quent years; or

17 (2) refunded.

18 * Sec. 7. AS 38.05.210(a) is amended to read:

19 (a) Labor shall be performed or improvements made annually on or
20 for the benefit or development of each mining claim, leasehold lo-
21 cation, and mining lease on state land except that where adjacent
22 claims, leasehold locations, or mining leases are held in common, the
23 expenditure may be made on any one claim, leasehold location, or
24 mining lease. The commissioner shall establish the date of the com-
25 mencement of the year during which the labor or improvements are to be
26 performed. Labor shall be performed at the annual rate of \$100 [\$200]
27 per claim or leasehold location, and \$100 for each partial or whole 40
28 acres of each mining lease. If more work is performed than is re-
29 quired by this section to be performed in any one year, the excess

1 [WORK UP TO A] value [OF \$800] may be applied against labor required
2 to be done during the subsequent year or years, for as many as four
3 years. Instead of performing annual labor, the holder of a claim,
4 leasehold location, or mining lease may make a cash payment to the
5 state equal to the value of the labor required by this subsection.

6 * Sec. 8. AS 38.05.210(b) is amended to read:

7 (b) During the year in which [THE PERFORMANCE OF] annual labor
8 is required or within 90 days after the close of that year, the owner
9 of the mining claim, leasehold location, or mining lease, or some
10 other person having knowledge of the facts shall record with the
11 recorder of the district in which the claim, leasehold location, or
12 mining lease is located a signed statement setting out the informa-
13 tion, as may be required by the commissioner, concerning the annual
14 labor of the preceding year, [AND] any labor in excess of that re-
15 quired for the preceding year, and any payment of cash instead of
16 annual labor. The statement, properly recorded, is prima facie evi-
17 dence of the performance of the labor. The failure of one of several
18 co-owners to contribute the proportion of the expenditures required
19 for annual labor from the co-owner shall be treated in accordance with
20 AS 38.05.215 - 38.05.235.

21 * Sec. 9. AS 38.05 is amended by adding new sections to read:

22 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining
23 claim, leasehold location, or mining lease on land that has been
24 selected by the state under Secs. 6(a) - (b) of the Alaska Statehood
25 Act (P.L. 85-508, 72 Stat. 339) and that has been determined to be
26 mineral in character under AS 38.05.206 shall pay, in advance, annual
27 rental for the right to continue to hold the mining claim, leasehold
28 location, or mining lease. The annual rental amount shall be based on
29 the number of the years since a mining claim, a leasehold location, or

1 a mining lease's predecessor claim or leasehold location was first
2 located, as follows:

3 Number of Years Since	Rental Amount Per	Rental Amount
4 First Located	Acre for Mining	for Each Mining
	Leases	Claim or Leasehold
		Location
7 0 - 5	\$.50	\$ 20
8 6 - 10	\$1.00	40
9 11 - or more	\$2.50	100

10 (b) A claim, leasehold location, or mining lease located on or
11 before August 31, 1989 is considered to have been first located on
12 August 31, 1989 for purposes of determining the amount of rental under
13 this section.

14 (c) The rental for each year shall be credited against the
15 production royalty under AS 38.05.212 as it accrues for that year.

16 (d) The rental established under this section shall be revised
17 each 10 years by the commissioner based on the consumer price index
18 for Anchorage and published in regulations by the commissioner.

19 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
20 preserve the right to extract and possess the minerals produced, the
21 holder of a mining claim, leasehold location, or mining lease ~~on land~~
22 that has been selected by the state under Secs. 6(a) - (b) of the
23 Alaska Statehood Act (P.L. 85-508, 72 Stat. 339) and that has been
24 determined to be mineral in character under AS 38.05.206 shall pay a
25 royalty on all minerals produced from land subject to the claim,
26 leasehold location, or mining lease during each calendar year.

27 (b) The production royalty is ~~two~~⁴ percent of net income as
28 determined under AS 43.65.

29 (c) The commissioner shall adopt regulations to implement this

1 section and to provide for combined reporting and paying of production
2 royalties for mining operations that include more than one mining
3 claim, leasehold location, or mining lease.

4 * Sec. 10. AS 38.05.240 is amended to read:

5 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
6 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
7 geophysical, and airborne surveys conducted by qualified experts and
8 verified by a detailed report filed in the recording district office
9 in which the claim, leasehold location, or mining lease is located
10 which sets out fully (1) the location of the work performed in re-
11 lation to the point of discovery and boundaries of the claim, lease-
12 hold location, or mining lease, (2) the nature, extent, and cost of
13 it, and (3) the name, address, and professional background of the
14 person conducting the work. The commissioner, by regulation, shall
15 define the nature of acceptable survey work and the qualifications of
16 a person competent to perform this work. The airborne surveys, how-
17 ever, may not be applied as labor for more than two consecutive years
18 or for more than a total of five years on any one mining claim, lease-
19 hold location, or mining lease, and each of those surveys shall be
20 nonrepetitive of any previous survey on the same claim, leasehold
21 location, or mining lease.

22 * Sec. 11. AS 38.05 is amended by adding a new section to read:

23 Sec. 38.05.243. DETERMINATION OF MINERAL CHARACTER. (a) Land
24 on which a mining claim is located was not mineral in character at the
25 time of state selection unless, on the date the state selected the
26 land underlying the mining claim, the land was known to contain a
27 valuable mineral deposit in sufficient quantities that a prudent
28 person at that time would have expended time and resources to develop
29 the mineral deposit with a reasonable belief that the minerals would

1 be marketable at a profit.

2 (b) Land underlying a mining claim does not contain a valuable
3 mineral deposit unless, based on facts known at the date the land was
4 selected by the state, the land

5 (1) contained an actual exposure of valuable minerals capa-
6 ble of being marketed at a profit;

7 (2) was contiguous to an existing mining claim with an
8 actual exposure of valuable minerals capable of being marketed at a
9 profit;

10 (3) was within one mile from a placer deposit that has
11 existing reserves that were producing or capable of producing valuable
12 minerals at a profit if the mining claim is a placer claim; or

13 (4) was within one mile of a known mineral deposit that has
14 produced or is capable of producing minerals at a profit if the mining
15 claim is a lode claim.

16 * Sec. 12. AS 38.05.265 is amended to read:

17 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
18 certificate of location or a statement of annual labor, [OR (2)] file
19 with the director within the time prescribed a lease application, [OR
20 (3)] pay any required annual rental, pay any required production
21 royalty [OR RECEIVE CREDIT FOR RENTAL], or [(4)] keep location bound-
22 aries clearly marked [, ALL] as required by AS 38.05.185 - 38.05.275
23 and by regulations adopted under these sections [,] constitutes aban-
24 donment of all rights acquired under the mining claim [LEASE], lease-
25 hold location, lease, or site involved, and the claim, location,
26 lease, or site [IT] is subject to relocation by others. A [IF A
27 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
28 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
29 or a successor in interest [,] may not [RETURN TO] relocate the

1 location until one year after abandonment [IT AS THOUGH IT HAD NEVER
2 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
3 accurately set out the essential facts is void and of no effect. If
4 an annual rental or a royalty payment is deficient but is otherwise
5 timely paid, abandonment does not result if full payment is made
6 within

7 (1) the period prescribed by a deficiency notice from the
8 commissioner; or

9 (2) 30 days after a final judgment establishing the amount
10 due if the deficiency amount due was contested.

11 * Sec. 13. AS 43.05.230 is amended by adding a new subsection to read:

12 (h) The commissioner shall, upon request, furnish to the Depart-
13 ment of Natural Resources copies of tax returns, reports, documents
14 filed under AS 43.65.010 - 43.65.060, and the department's deter-
15 minations and workpapers. The Department of Natural Resources shall
16 maintain the confidentiality that the department is required to extend
17 to the returns, reports, documents, determinations, and workpapers
18 furnished to the Department of Natural Resources under this subsec-
19 tion.

20 * Sec. 14. AS 38.05.210(d) is repealed.

21 * Sec. 15. TRANSITION. (a) This Act applies to mining claims, lease-
22 hold locations, and mining leases located before, on, or after the effec-
23 tive date of this Act on land selected by the state under Secs. 6(a) - (b)
24 of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339).

25 (b) The first annual rental payment due under AS 38.05.211 as enacted
26 in sec. 9 of this Act is for the annual labor year beginning September 1,
27 1989.

28 (c) The first production royalty payment due under AS 38.05.212 as
29 enacted by sec. 9 of this Act is for production after December 31, 1989.

1 (d) The commissioner of natural resources shall adopt regulations to
2 implement the changes made by this Act. The regulations take effect under
3 the Administrative Procedure Act (AS 44.62) but not before August 31, 1989.
4 The regulations may defer the date for the first annual rental payment due
5 under AS 38.05.211 as enacted in sec. 9 of this Act.

6 * Sec. 16. Section 15(d) of this Act takes effect immediately under
7 AS 01.10.070(c).

8 * Sec. 17. Except for sec. 15(d), this Act takes effect August 31,
9 1989.

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Original sponsor: Rules/Governor

1 IN THE SENATE

2 CS FOR SENATE BILL NO. 129 ()

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rent and royalty payments for a
7 mining claim, leasehold location, or mining lease, to
8 annual labor requirements for and to abandonment of a
9 mining claim, leasehold location, or mining lease and
10 to mining license tax information; and providing for
11 an effective date."

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

13 * Section 1. AS 38.05.205(c) is amended to read:

14 (c) A mining lease shall be for any period up to 55 years, and
15 is renewable if requirements for the lease remain satisfied. Annual
16 rental and production royalties shall be paid as required under
17 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
18 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
19 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
20 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A
21 valid mining claim located and held under AS 38.05.195 may be con-
22 verted to a lease at any time upon application by the owner, and
23 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
24 lease may not be exercised until the lease has been filed for record
25 in the recording district where the land is located.

26 * Sec. 2. AS 38.05.210(a) is amended to read:

27 (a) Labor shall be performed or improvements made annually on or
28 for the benefit or development of each mining claim, leasehold lo-
29 cation, and mining lease on state land except that where adjacent

1 claims, leasehold locations, or mining leases are held in common, the
2 expenditure may be made on any one claim, leasehold location, or
3 mining lease. The commissioner shall establish the date of the com-
4 mencement of the year during which the labor or improvements are to be
5 performed. Labor shall be performed at the annual rate of \$100 [\$200]
6 per claim or leasehold location, and \$100 for each partial or whole 40
7 acres of each mining lease. If more work is performed than is re-
8 quired by this section to be performed in any one year, the excess
9 [WORK UP TO A] value [OF \$800] may be applied against labor required
10 to be done during the subsequent year or years, for as many as four
11 years. Instead of performing annual labor, the holder of a claim,
12 leasehold location, or mining lease may make a cash payment to the
13 state equal to the value of the labor required by this subsection.

14 * Sec. 3. AS 38.05.210(b) is amended to read:

15 (b) During the year in which [THE PERFORMANCE OF] annual labor
16 is required or within 90 days after the close of that year, the owner
17 of the mining claim, leasehold location, or mining lease, or some
18 other person having knowledge of the facts shall record with the
19 recorder of the district in which the claim, leasehold location, or
20 mining lease is located a signed statement setting out the informa-
21 tion, as may be required by the commissioner, concerning the annual
22 labor of the preceding year, [AND] any labor in excess of that re-
23 quired for the preceding year, and any payment of cash instead of
24 annual labor. The statement, properly recorded, is prima facie evi-
25 dence of the performance of the labor. The failure of one of several
26 co-owners to contribute the proportion of the expenditures required
27 for annual labor from the co-owner shall be treated in accordance with
28 AS 38.05.215 - 38.05.235.

29 * Sec. 4. AS 38.05 is amended by adding new sections to read:

1 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining
 2 claim, leasehold location, and mining lease, including a mining lease
 3 under AS 38.05.250, shall pay, in advance, annual rental for the right
 4 to continue to hold the mining claim, leasehold location, and mining
 5 lease, including a mining lease under AS 38.05.250. The annual rental
 6 amount shall be based on the number of the years since a mining claim,
 7 a leasehold location, or a mining lease's predecessor claim or lease-
 8 hold location was first located, as follows:

9 10 11 12	Number of Years Since First Located	Rental Amount Per Acre for Mining Leases	Rental Amount for Each Mining Claim or Leasehold Location
13	0 - 5	\$.50	\$ 20
14	6 - 10	\$1.00	40
15	11 - or more	\$2.50	100

16 (b) A claim, leasehold location, or mining lease located on or
 17 before August 31, 1989 is considered to have been first located on
 18 August 31, 1989 for purposes of determining the amount of rental under
 19 this section.

20 (c) The rental for each year shall be credited against the
 21 production royalty under AS 38.05.212 as it accrues for that year.

22 (d) The rental established under this section shall be revised
 23 each 10 years by the commissioner based on the consumer price index
 24 for Anchorage and published in regulations by the commissioner.

25 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
 26 preserve the right to extract and possess the minerals produced, the
 27 holder of a mining claim, leasehold location, or mining lease, includ-
 28 ing a mining lease under AS 38.05.250, shall pay a royalty on all
 29 minerals produced from land subject to the claim, leasehold location,

1 or mining lease during each calendar year.

2 (b) The production royalty is three percent of net income as
3 determined under AS 43.65.

4 (c) The commissioner shall adopt regulations to implement this
5 section and to provide for combined reporting and paying of production
6 royalties for mining operations that include more than one mining
7 claim, leasehold location, or mining lease.

8 * Sec. 5. AS 38.05.240 is amended to read:

9 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
10 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
11 geophysical, and airborne surveys conducted by qualified experts and
12 verified by a detailed report filed in the recording district office
13 in which the claim, leasehold location, or mining lease is located
14 which sets out fully (1) the location of the work performed in re-
15 lation to the point of discovery and boundaries of the claim, lease-
16 hold location, or mining lease, (2) the nature, extent, and cost of
17 it, and (3) the name, address, and professional background of the
18 person conducting the work. The commissioner, by regulation, shall
19 define the nature of acceptable survey work and the qualifications of
20 a person competent to perform this work. The airborne surveys, how-
21 ever, may not be applied as labor for more than two consecutive years
22 or for more than a total of five years on any one mining claim, lease-
23 hold location, or mining lease, and each of those surveys shall be
24 nonrepetitive of any previous survey on the same claim, leasehold
25 location, or mining lease.

26 * Sec. 6. AS 38.05.265 is amended to read:

27 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
28 certificate of location or a statement of annual labor, [OR (2)] file
29 with the director within the time prescribed a lease application, [OR

1 (3)] pay any required annual rental, pay any required production
2 royalty [OR RECEIVE CREDIT FOR RENTAL], or [(4)] keep location bound-
3 aries clearly marked [, ALL] as required by AS 38.05.185 - 38.05.275
4 and by regulations adopted under these sections [,] constitutes aban-
5 donment of all rights acquired under the mining claim [LEASE], lease-
6 hold location, lease, or site involved, and the claim, location,
7 lease, or site [IT] is subject to relocation by others. A [IF A
8 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
9 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
10 or a successor in interest [,] may not [RETURN TO] relocate the lo-
11 cation until one year after abandonment [IT AS THOUGH IT HAD NEVER
12 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
13 accurately set out the essential facts is void and of no effect. If
14 an annual rental or a royalty payment is deficient but is otherwise
15 timely paid, abandonment does not result if full payment is made
16 within

17 (1) the period prescribed by a deficiency notice from the
18 commissioner; or

19 (2) 30 days after a final judgment establishing the amount
20 due if the deficiency amount due was contested.

21 * Sec. 7. AS 27.05 is amended by adding a new section to read:

22 ARTICLE 4. RECLAMATION.

23 Sec. 27.05.250. RECLAMATION. (a) The commissioner shall re-
24 quire reclamation of state land from the effects of mining.

25 (b) The commissioner shall adopt regulations under this section
26 and under AS 38 to implement (a) of this section. The regulations
27 must require a miner to submit to the commissioner and receive ap-
28 proval on a reclamation plan before undertaking any mining activity;
29 the regulations must also establish penalties for noncompliance with

1 the regulations. On a determination by the commissioner that a miner
2 has failed to follow the reclamation plan, the commissioner shall
3 require proof of financial responsibility before the miner undertakes
4 any further mining activity.

5 (c) In order to provide for an effective reclamation program,
6 when adopting regulations under this section and AS 38, the commis-
7 sioner shall consult with the commissioners of environmental conserva-
8 tion and fish and game.

9 (d) This section does not apply to reclamation carried out under
10 AS 27.21.

11 * Sec. 8. AS 43.05.230 is amended by adding a new subsection to read:

12 (h) The commissioner shall, upon request, furnish to the Depart-
13 ment of Natural Resources copies of tax returns, reports, documents
14 filed under AS 43.65.010 - 43.65.060, and the department's deter-
15 minations and workpapers. The Department of Natural Resources shall
16 maintain the confidentiality that the department is required to extend
17 to the returns, reports, documents, determinations, and workpapers
18 furnished to the Department of Natural Resources under this subsec-
19 tion.

20 * Sec. 9. AS 38.05.205(b), 38.05.210(d), and 38.05.250(c) are repealed.

21 * Sec. 10. TRANSITION. (a) This Act applies to mining claims, lease-
22 hold locations, and mining leases, including mining leases under AS 38.05.-
23 250, located before, on, or after the effective date of this Act.

24 (b) The first annual rental payment due under AS 38.05.211 as enacted
25 in sec. 4 of this Act is for the annual labor year beginning September 1,
26 1989.

27 (c) The first production royalty payment due under AS 38.05.212 as
28 enacted by sec. 4 of this Act is for production after December 31, 1989.

29 (d) The commissioner of natural resources shall adopt regulations to
CSSB 129()

1 implement the changes made by this Act. The regulations take effect under
2 the Administrative Procedure Act (AS 44.62) but not before August 31, 1989.
3 The regulations may defer the date for the first annual rental payment due
4 under AS 38.05.211 as enacted in sec. 4 of this Act.

5 * Sec. 11. The commissioner of natural resources shall adopt the regu-
6 lations required by AS 27.05.250, added by sec. 7 of this Act, by July 1,
7 1991.

8 * Sec. 12. Section 10(d) of this Act takes effect immediately under
9 AS 01.10.070(c).

10 * Sec. 13. Except for secs. 7, 10(d), and 11, this Act takes effect
11 August 31, 1989.

12 * Sec. 14. Sections 7 and 11 of this Act take effect June 1, 1990.
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go0759sD ✓
Bradley
4/20/89

Original sponsor: Rules/Governor

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 129 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to rent and royalty payments for a
7 mining claim, leasehold location, or mining lease, to
8 annual labor requirements for and to abandonment of a
9 mining claim, leasehold location, or mining lease and
10 to mining license tax information; and providing for
11 an effective date."

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

13 * Section 1. AS 38.05.205(c) is amended to read:

14 (c) A mining lease shall be for any period up to 55 years, and
15 is renewable if requirements for the lease remain satisfied. Annual
16 rental and production royalties shall be paid as required under
17 AS 38.05.211 and 38.05.212 [THE LESSEE HAS A RIGHT TO A NEW LEASE AT
18 THE END OF EACH LEASE PERIOD. THE COMMISSIONER MAY MAKE REASONABLE
19 ADJUSTMENTS OF THE RENTAL RATE AT THE END OF EACH 20 YEAR PERIOD,
20 BASED UPON CHANGED CONDITIONS IN PRODUCTION COSTS AND MARKETS]. A
21 valid mining claim located and held under AS 38.05.195 may be con-
22 verted to a lease at any time upon application by the owner, and
23 issuance by the commissioner. Rights [NO RIGHTS] granted by a mining
24 lease may not be exercised until the lease has been filed for record
25 in the recording district where the land is located.

26 * Sec. 2. AS 38.05.210(a) is amended to read:

27 (a) Labor shall be performed or improvements made annually on or
28 for the benefit or development of each mining claim, leasehold lo-
29 cation, and mining lease on state land except that where adjacent

1 claims, leasehold locations, or mining leases are held in common, the
2 expenditure may be made on any one claim, leasehold location, or
3 mining lease. The commissioner shall establish the date of the com-
4 mencement of the year during which the labor or improvements are to be
5 performed. Labor shall be performed at the annual rate of \$100 [\$200]
6 per claim or leasehold location, and \$100 for each partial or whole 40
7 acres of each mining lease. If more work is performed than is re-
8 quired by this section to be performed in any one year, the excess
9 [WORK UP TO A] value [OF \$800] may be applied against labor required
10 to be done during the subsequent year or years, for as many as four
11 years. Instead of performing annual labor, the holder of a claim,
12 leasehold location, or mining lease may make a cash payment to the
13 state equal to the value of the labor required by this subsection.

14 * Sec. 3. AS 38.05.210(b) is amended to read:

15 (b) During the year in which [THE PERFORMANCE OF] annual labor
16 is required or within 90 days after the close of that year, the owner
17 of the mining claim, leasehold location, or mining lease, or some
18 other person having knowledge of the facts shall record with the
19 recorder of the district in which the claim, leasehold location, or
20 mining lease is located a signed statement setting out the informa-
21 tion, as may be required by the commissioner, concerning the annual
22 labor of the preceding year, [AND] any labor in excess of that re-
23 quired for the preceding year, and any payment of cash instead of
24 annual labor. The statement, properly recorded, is prima facie evi-
25 dence of the performance of the labor. The failure of one of several
26 co-owners to contribute the proportion of the expenditures required
27 for annual labor from the co-owner shall be treated in accordance with
28 AS 38.05.215 - 38.05.235.

29 * Sec. 4. AS 38.05 is amended by adding new sections to read:

1 Sec. 38.05.211. ANNUAL RENTAL. (a) The holder of each mining
2 claim, leasehold location, and mining lease, including a mining lease
3 under AS 38.05.250, shall pay, in advance, annual rental for the right
4 to continue to hold the mining claim, leasehold location, and mining
5 lease, including a mining lease under AS 38.05.250. The annual rental
6 amount shall be based on the number of the years since a mining claim,
7 a leasehold location, or a mining lease's predecessor claim or lease-
8 hold location was first located, as follows:

9 10 11 12	Number of Years Since First Located	Rental Amount Per Acre for Mining Leases	Rental Amount for Each Mining Claim or Leasehold Location
13	0 - 5	\$.50	\$ 20
14	6 - 10	\$1.00	40
15	11 - or more	\$2.50	100

16 (b) A claim, leasehold location, or mining lease located on or
17 before August 31, 1989 is considered to have been first located on
18 August 31, 1989 for purposes of determining the amount of rental under
19 this section.

20 (c) The rental for each year shall be credited against the
21 production royalty under AS 38.05.212 as it accrues for that year.

22 (d) The rental established under this section shall be revised
23 each 10 years by the commissioner based on the consumer price index
24 for Anchorage and published in regulations by the commissioner.

25 Sec. 38.05.212. PRODUCTION ROYALTY. (a) In exchange for and to
26 preserve the right to extract and possess the minerals produced, the
27 holder of a mining claim, leasehold location, or mining lease, includ-
28 ing a mining lease under AS 38.05.250, shall pay a royalty on all
29 minerals produced from land subject to the claim, leasehold location,

1 or mining lease during each calendar year.

2 (b) The production royalty is three percent of net income as
3 determined under AS 43.65.

4 (c) The commissioner shall adopt regulations to implement this
5 section and to provide for combined reporting and paying of production
6 royalties for mining operations that include more than one mining
7 claim, leasehold location, or mining lease.

8 * Sec. 5. AS 38.05.240 is amended to read:

9 Sec. 38.05.240. LABOR DEFINED FOR AS 38.05.210 - 38.05.235. In
10 AS 38.05.210 - 38.05.235, "labor" includes geological, geochemical,
11 geophysical, and airborne surveys conducted by qualified experts and
12 verified by a detailed report filed in the recording district office
13 in which the claim, leasehold location, or mining lease is located
14 which sets out fully (1) the location of the work performed in re-
15 lation to the point of discovery and boundaries of the claim, lease-
16 hold location, or mining lease, (2) the nature, extent, and cost of
17 it, and (3) the name, address, and professional background of the
18 person conducting the work. The commissioner, by regulation, shall
19 define the nature of acceptable survey work and the qualifications of
20 a person competent to perform this work. The airborne surveys, how-
21 ever, may not be applied as labor for more than two consecutive years
22 or for more than a total of five years on any one mining claim, lease-
23 hold location, or mining lease, and each of those surveys shall be
24 nonrepetitive of any previous survey on the same claim, leasehold
25 location, or mining lease.

26 * Sec. 6. AS 38.05.250(c) is amended to read:

27 (c) Each [LEASES FOR SUBMERGED LAND SHALL BE CONDITIONED UPON
28 PAYMENT OF AN ANNUAL RENTAL OF \$3 AN ACRE. EXPENDITURES ON OR FOR THE
29 BENEFIT OF THE LEASEHOLD MAY BE CREDITED AGAINST THE RENTAL. RENT

1 SHALL BE PAID OR A STATEMENT OF ANNUAL LABOR SHALL BE RECORDED WITHIN
2 90 DAYS AFTER EACH ANNIVERSARY DATE OF THE LEASE. ALL] submerged land
3 mining lease [LEASES] shall be for a period of up to 20 years [,] and
4 for so long as there is production in paying quantities from the
5 leased area. [THE COMMISSIONER MAY MAKE REASONABLE ADJUSTMENTS OF THE
6 RENTAL RATE AT THE END OF EACH 10-YEAR PERIOD, BASED UPON CHANGED
7 CONDITIONS IN PRODUCTION COSTS AND MARKET.]

8 * Sec. 7. AS 38.05.265 is amended to read:

9 Sec. 38.05.265. ABANDONMENT. Failure to [(1)] properly record a
10 certificate of location or a statement of annual labor, [OR (2)] file
11 with the director within the time prescribed a lease application, [OR
12 (3)] pay any required annual rental, pay any required production
13 royalty [OR RECEIVE CREDIT FOR RENTAL], or [(4)] keep location bound-
14 aries clearly marked [, ALL] as required by AS 38.05.185 - 38.05.275
15 and by regulations adopted under these sections [,] constitutes aban-
16 donment of all rights acquired under the mining claim [LEASE], lease-
17 hold location, lease, or site involved, and the claim, location,
18 lease, or site [IT] is subject to relocation by others. A [IF A
19 LOCATION IS NOT RELOCATED BY ANOTHER PERSON WITHIN ONE YEAR AFTER THE
20 FAILURE, THE] locator or claimant of an [THE] abandoned location [,]
21 or a successor in interest [,] may not [RETURN TO] relocate the lo-
22 cation until one year after abandonment [IT AS THOUGH IT HAD NEVER
23 BEEN LOCATED]. A statement of annual labor that [WHICH] does not
24 accurately set out the essential facts is void and of no effect. If
25 an annual rental or a royalty payment is deficient but is otherwise
26 timely paid, abandonment does not result if full payment is made
27 within

28 (1) the period prescribed by a deficiency notice from the
29 commissioner; or

1 (2) 30 days after a final judgment establishing the amount
2 due if the deficiency amount due was contested.

3 * Sec. 8. AS 27.05 is amended by adding a new section to read:

4 ARTICLE 4. RECLAMATION.

5 Sec. 27.05.250. RECLAMATION. (a) The commissioner shall re-
6 quire reclamation of state land from the effects of mining.

7 (b) The commissioner shall adopt regulations under this section
8 and under AS 38 to implement (a) of this section. The regulations
9 must require a miner to submit to the commissioner and receive ap-
10 proval on a reclamation plan before undertaking any mining activity;
11 the regulations must also establish penalties for noncompliance with
12 the regulations. On a determination by the commissioner that a miner
13 has failed to follow the reclamation plan, the commissioner shall
14 require proof of financial responsibility before the miner undertakes
15 any further mining activity.

16 (c) In order to provide for an effective reclamation program,
17 when adopting regulations under this section and AS 38, the commis-
18 sioner shall consult with the commissioners of environmental conserva-
19 tion and fish and game.

20 (d) This section does not apply to reclamation carried out under
21 AS 27.21.

22 * Sec. 9. AS 43.05.230 is amended by adding a new subsection to read:

23 (h) The commissioner shall, upon request, furnish to the Depart-
24 ment of Natural Resources copies of tax returns, reports, documents
25 filed under AS 43.65.010 - 43.65.060, and the department's deter-
26 minations and workpapers. The Department of Natural Resources shall
27 maintain the confidentiality that the department is required to extend
28 to the returns, reports, documents, determinations, and workpapers
29 furnished to the Department of Natural Resources under this sub-

1 section.

2 * Sec. 10. AS 38.05.205(b) and 38.05.210(d) are repealed.

3 * Sec. 11. TRANSITION. (a) Sections 1 - 7, 9, and 10 of this Act and
4 this section apply to mining claims, leasehold locations, and mining leases
5 located before, on, or after August 31, 1989.

6 (b) The first annual rental payment due under AS 38.05.211 as enacted
7 in sec. 4 of this Act is for the annual labor year beginning September 1,
8 1989.

9 (c) The first production royalty payment due under AS 38.05.212 as
10 enacted by sec. 4 of this Act is for production after December 31, 1989.

11 (d) The commissioner of natural resources shall adopt regulations to
12 implement the changes made by secs. 1 - 7, 9, and 10 of this Act and this
13 section. The regulations take effect under the Administrative Procedure
14 Act (AS 44.62) but not before August 31, 1989. The regulations may defer
15 the date for the first annual rental payment due under AS 38.05.211 as
16 enacted in sec. 4 of this Act.

17 * Sec. 12. The commissioner of natural resources shall adopt the regu-
18 lations required by AS 27.05.250, added by sec. 8 of this Act, by July 1,
19 1991.

20 * Sec. 13. Section 11(d) of this Act takes effect immediately under
21 AS 01.10.070(c).

22 * Sec. 14. Except for secs. 8, 11(d), and 12, this Act takes effect
23 August 31, 1989.

24 * Sec. 15. Sections 8 and 12 of this Act take effect June 1, 1990.
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STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 129
PUBLISH DATE: 4/11/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act relating to rent and
royalty payments for a mining claim"
Sponsor: Rules/Governor
Requestor: Resources

Agency Affected: Revenue
BRU: Income and Excise Audit Division
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	50.9	50.9	50.9	50.9	50.9	50.9
TRAVEL	5.0	5.0	5.0	5.0	5.0	5.0
CONTRACTUAL	17.9	17.9	17.9	17.9	17.9	17.9
SUPPLIES	1.0	1.0	1.0	1.0	1.0	1.0
EQUIPMENT	10.2	0.0	0.0	0.0	0.0	0.0
LANDS & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	85.0	74.8	74.8	74.8	74.8	74.8
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	85.0	74.8	74.8	74.8	74.8	74.8
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	85.0	74.8	74.8	74.8	74.8	74.8

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: See attached.

Prepared By: Steven E. Kettel *Steven E. Kettel* Phone: (907) 465-2320
Division: Income and Excise Audit Division Date: April 13, 1989

Approved by Commissioner: Hugh Malone *Hugh Malone* Date: April 13, 1989
Agency: Department of Revenue

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

CSSB 129 Analysis

Personal Services

Revenue Auditor III \$50.9
12 months, 18A

Travel \$5.0

Contractual \$17.9

Communications \$9.0
Courier \$0.5
Printing \$3.5
Advertising \$1.7
Maintenance \$0.7
Training \$1.0
Postage \$1.5

Supplies \$1.0

Equipment \$10.2*

Computer \$3.5
Office Furniture \$3.5
Computer Printer \$3.2

TOTAL \$85.0

*One Time Item

CSSB 129
Prepared by:
Steven E. Kettel
Income and Excise Audit Division
April 13, 1989

ANALYSIS

CS SB 129 places responsibility for auditing a new production royalty on mining operations in the Department of Revenue. The royalty is computed at 2% of net income determined under AS 43.65, the Mining License Tax Act, presently administered by the Department.

Department of Natural Resources estimates that approximately 100 royalty production returns will be filed annually. Profitability of mining operations on state claims has traditionally been low for all but a few large operations. Section 9 of the bill provides that the rental for the state mining lease may be used as a credit against the royalty, further minimizing collections.

Fiscal Impact

Continuing expenses of \$75,000 per year will fund a new position to audit royalty production returns as required by AS 38.05.036(a)(2).

Department Position

In addition to objections raised by Department of Natural Resources, the Department opposes putting the audit responsibilities for the production royalty in this Department. This proposal is not destined to be a revenue raising measure, yet will require significant agency attention, diverting management and staff from more important tax matters, which are our primary responsibilities.

Also, with the link between the lease rental and the royalty, it would seem more logical to administer both programs in the same agency.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: CSSB 129 (Resources) (a)
PUBLISH DATE: 4/12/89

FISCAL NOTE

REQUEST:

Revision Date: 11-Apr-89 Agency Affected: Natural Resources
Title: An Act relating to rent and Mining Management
royalty payments for mining claims.
Sponsor: Senate Rules
Requestor: Governor Components: Mining Management

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		673.4	52.3	52.3	52.3	52.3
TRAVEL		9.0	2.0	2.0	2.0	2.0
CONTRACTUAL		248.8	10.0	10.0	10.0	10.0
SUPPLIES		29.0				
EQUIPMENT		13.0				
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	973.2	64.3	64.3	64.3	64.3
CAPITAL						
REVENUE		75.0	75.0	77.0	77.0	80.0

FUNDING: (Thousands of Dollars)

GENERAL FUND		973.2	64.3	64.3	64.3	64.3
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	973.2	64.3	64.3	64.3	64.3

POSITIONS:

FULL-TIME		2.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY		2.0				

ANALYSIS: (Attach a separate page if necessary)

See Attached

Prepared by: Gerald Gallagher Phone: 762-2165
Division: Mining Management Date: 11-Apr-89
Approved by Commissioner: Lennie Gorsuch Date: 11-Apr-89
Agency: Department of Natural Resources

Distribution (by preparer) :
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

CS for SB121 Bill Analysis

Determining whether the 104.5 million acres of 6(a) and (b) state lands are "mineral-in-character at the time of state selection" will require a comprehensive evaluation of the selection history, mineral occurrences and location of state and federal mining claims on a township (status plat) scale. The department has prepared the following 14 step process:

- 1) Conduct a literature study for mineral occurrences. These occurrences are put on the ARC/INFO system as mineral occurrence polygons. This information is made available in digital form to LRIS. Dates are associated with all of these polygons as attribute information.
- 2) LRIS gets a digital dump from BLM ALARS system of the 110,000 federal mining claims. This information is processed onto regional GIS maps that will also contain the polygons from step one. Dates are associated with this information as attributes.
- 3) LRIS gets a digital dump from LAS of the 45,000 state mining claims. Dates are associated with this information as attributes. This information is processed onto the regional GIS maps mentioned above.
- 4) DGGS and Mining personnel review the GIS regional maps showing mineral polygons from literature, the federal mining claim scatter, and the state mining claim scatter. Based on this review, LRIS is instructed as to which federal mining claims must have actual locations determined.
- 5) The federal files in Anchorage and Fairbanks are searched for the above identified location maps by knowledgeable Mining staff.
- 6) The above location maps are converted to digital format by LRIS.
- 7) This incremental location information is added to the above regional GIS information by LRIS.
- 8) Division of Mining determines which of these occurrences (literature polygons and federal mining claims) qualify as "mineral-in-character".
- 9) The final mineral occurrence polygons are processed into the GIS data. These polygons are represented relative to the scatter of state mining claims. Regional products are produced by LRIS.

- 10) Title is given these regional products. In areas where state mining claims are in the vicinity of mineral occurrence polygons, title searches are done to determine title lines and dates of selection.
- 11) Title manuscripts onto copies of state status plats, the relevant title lines, and notes the date of selection for the land.
- 12) LRIS produces map overlays at the status plat scale of all mineral occurrence polygons, with dates associated.
- 13) Number twelve will be used by Mining to determine which claims are subject to rents and or royalties.
- 14) Status graphics devises a method of standard notation for putting these mineral occurrence polygons onto the status plats for purposes of identifying for the public and the land managers what areas have a "6(i)" liability associated with staking a mining claim.

This process relies on the Departments Geographic Information System (GIS) computer to compile data and produce maps at the scale of state status plats. Over 12,000 individual maps will have to be made in this process.

The Department has determined it will be more efficient and cost effective to conduct this assessment on a statewide basis for all 6(a) and 6(b) lands rather than react to requests for such determinations on each individual mining claim. (There are approximately 45,000 claims.) As such, all costs for mineral determinations are limited to a single year, rather than spread out over several years.

Continuing expenses of \$52.0 per year will fund a new position to issue leases as required by AS 38.05.205(b). These leases require notice, agency and public comment, and land title analysis. This position will be responsible for that additional work load under this bill.

Position Title Geologist IV		No. of Positions 1	Range/Step 20A	Barg. Unit SU
Time Status Non-Perm	Staff Months 12	Location Anchorage		Election District
Justification				
<p>This position will serve as the Project Manager for the mineral-in-character determinations required under the CS for SB 129. Oversight and technical quality control of the compilation of geologic, land status and mining claim data and adherence to schedules will be the responsibility of this person. See attachments to bill analysis for the full scope of this project.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	42.8			
Benefits	17.1			
Premium Pay				
Other				
Total Personal Services		59.8		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		59.8		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	59.8		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Natural Resources
 BRU Minerals Management
 Component Minerals Management

Page of
 Revised Date

FY 90

Position Title		Natural Resources Manager I		No. of Positions	1	Range/Step	18A	Barg. Unit	GGU
Time Status		Staff Months		Location		Election District			
Permanent		12 months/year		Anchorage					
Justification									
<p>During the first 12 months, this staff member will assist the project manager in the compilation and assessment of mining claims and land status data. After the final mineral-in-character determinations are completed, this position will process leases and track rent and royalty payments from these leases. See the bill analysis for a full description of this project.</p>									
Type of Expenditure			Amount						
1			2			3			
Salary			37.4						
Benefits			14.9						
Premium Pay									
Other									
Total Personal Services			52.3						
Travel									
Contractual									
Commodities									
Equipment									
Other									
Total Cost			52.3						
Funding Source for Total Cost									
Federal Receipts			1002						
G. F. Match			1003						
General Fund			1004			52.3			
I-A Receipts			1006						
CIP Receipts			1061						
Other									

**Request For
New Position**

Agency Natural Resources
 BRU Minerals Management
 Component Minerals Management

Page of
 Revised Date

FY 90

Position Title Analyst Programmer I		No. of Positions 2	Range/Step 13A	Barg. Unit GGU
Time Status Non-Perm	Staff Months 24	Location Anchorage		Election District
Justification				
<p>These staff will be responsible for inputting geologic, land status and mining claim data into the Geographic Information Computer System (GIS). In addition, they will perform quality control of all data and maps generated. See bill analysis for a full description of this project.</p>				
Type of Expenditure		Amount		
1	2	3		
Salary	52.9			
Benefits	21.2			
Premium Pay				
Other				
Total Personal Services		74.1		
Travel				
Contractual				
Commodities				
Equipment				
Other				
Total Cost		74.1		
Funding Source for Total Cost				
Federal Receipts	1002			
G. F. Match	1003			
General Fund	1004	74.1		
I-A Receipts	1006			
CIP Receipts	1061			
Other				

**Request For
New Position**

Agency Natural Resources
 BRU Minerals Management
 Component Minerals Management

Page of
 Revised Date

FY 90

STEVE COWPER
GOVERNOR



129

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

January 19, 1989

The Honorable Tim Kelly
President of the Senate
Alaska State Legislature
P.O. Box V
Juneau, AK 99811

Dear Senator Kelly:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making certain changes in the laws regarding state mining claims, leasehold locations, and mining leases. The main purpose of the bill is to resolve the long-standing "6(i)" issue, which has cast a legal cloud over the state's mining laws since statehood. The bill achieves that purpose by imposing rent and royalty requirements on state mining claims, leasehold locations, and mining leases. Those in the mineral industry will benefit from the added legal security of their mining interests, while all the people of the state will benefit from the rent and royalty income to the state.

Under existing state law, rights to "locatable" minerals (those minerals subject to location under the federal mining law at the time of statehood, including such minerals as gold, silver, and zinc) may be acquired, except in offshore areas, by staking a mining claim under AS 38.05.195, or by staking a leasehold location and converting it to a mining lease under AS 38.05.205. Present state law imposes no rent or royalty upon a mining claim under AS 38.05.195 or leasehold location under AS 38.05.205, and allows the rental requirement for a mining lease to be discharged through the performance of annual labor. AS 38.05.205(b).

In Trustees for Alaska v. State of Alaska, 736 P.2d 324 (Alaska 1987), cert. denied ___ U.S. ___, 108 S.Ct. 2013, 100 L.Ed.2d 601 (1988), the Alaska Supreme Court found that the state's mining law fails to comply with the minimum requirements in sec. 6(i) of the Alaska Statehood Act. In particular, the court found that cash rents or royalties are required for mining rights in mineral land granted under sec. 6 of the Statehood Act.

This bill conclusively resolves the "6(i)" issue within the context of existing law. The bill will minimize administrative burdens for the Department of Natural Resources and will generate significantly more in general fund revenue than it will cost to administer. Passage this session will remove the threat of an injunction against mining during this upcoming season. The balance of this letter discusses the particular changes proposed.

The bill amends AS 38.05.210 to make the annual labor requirement applicable to all mining claims, leasehold locations, and mining leases, while reducing the amount from \$200 to \$100. Cash payment in place of the annual labor will also be allowed. In addition, the current dollar limit on the application of excess work to future years is being converted to a durational limit of four years, and an unnecessary reference to AS 38.05.240 and 38.05.242 is also deleted. Section 2 of the bill.

Section 3 of the bill adds two new sections. Proposed AS 38.05.211 provides for a minimum annual rental on each mining claim, leasehold location, and mining lease. The minimum annual rental will be on a sliding scale ranging from a minimum of \$.50 per acre for a mining interest up to five years old, to a minimum of \$5 per acre for mining interests held for more than 20 years.

Proposed AS 38.05.212 provides for a minimum production royalty on all minerals produced from land subject to a claim, leasehold location, or mining lease. The production royalty will be determined on a sliding scale measured on gross income. At each level of gross income, the higher of a minimum royalty or a specified percentage of net income will be payable. The details for computing gross and net income will be established by regulations.

Section 5 of the bill amends AS 38.05.265 to provide that a mining interest is considered abandoned if no annual rental or production royalty is paid by the deadline, which will be set by regulation.

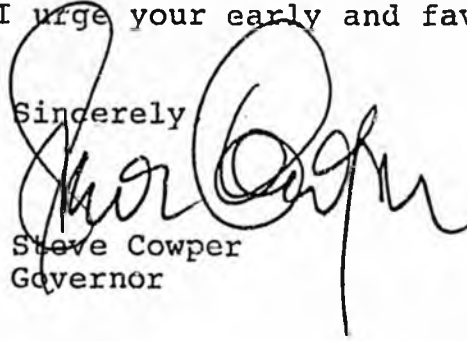
Section 6 of the bill amends AS 43.05.230 to require the commissioner of revenue to provide tax returns, reports, and documents relating to the mining license tax to the Department of Natural Resources, on the condition that confidential information be protected.

The bill includes a transition section that provides for commencement dates for the annual rental and royalty requirements. These dates will allow sufficient time for the Department of Natural Resources to adopt regulations implementing the bill.

The bill also includes technical revisions, a repealer section, and other conforming amendments, to make changes necessary to achieve the purposes generally described above.

Passage of this bill will end a long and troubled period of uncertainty under the state mining laws. It will give holders of interests in mining claims greater legal security, and the people of the State of Alaska a fair return on the public's mineral resources. I urge your early and favorable consideration of this bill.

Sincerely

A handwritten signature in black ink, appearing to read "Steve Cowper", written over the typed name and title.

Steve Cowper
Governor

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: Rent & Royalty Payments for
Mining Claims
 Sponsor: Rules Committee
 Requestor: Governor

Agency Affected: DNR
 BRU: Mining Management
Management/Administration
 Components: Property Management
Admin. Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES		35,900	37,000	38,200	39,400	40,800
TRAVEL		0	0	0	0	0
CONTRACTUAL		1,500	1,500	1,500	1,500	1,500
SUPPLIES		500	500	500	500	500
EQUIPMENT		4,000	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		41,900	39,000	40,200	41,400	42,800
CAPITAL		240,000	0	0	0	0
REVENUE		750,000	750,000	770,000	770,000	800,000

FUNDING: (Thousands of Dollars)

GENERAL FUND	281,900	39,000	40,200	41,400	42,800
FEDERAL FUNDS					
OTHER					
TOTAL					

POSITIONS:

FULL-TIME	1	1	1	1	1
PART-TIME					
TEMPORARY					

ANALYSIS : (Attach a separate page if necessary)

See attached sheet

Prepared by: Gerald Gallagher
 Division: Mining

Phone: 762-2165
 Date: 1/6/89

Approved by Commissioner: *Jennie Gorsuch*
 Agency: DNR

Date: 1-6-89

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Assumptions: As a result of the May, 1987 Alaska Supreme Court opinion, the State's mining laws will need to be amended to require the payment of a cash rent and production royalty. There are currently over 40,000 state mining claims and 200 mining operations on state land. Each claim will be assessed a rental of \$0.50 per acre (\$20 per claim) and each operation a minimum royalty of \$200 or 1% of the net profits, whichever is greater. DNR estimates revenue derived from rents and royalty will be \$750,000 in FY 90 and increase to \$800,000 by FY 94. Rental payments should account for \$650,000 and the royalty payments are estimated to be \$100,000 initially.

Program Summary: This expenditure is necessary to complete the additional work load of collecting rent and royalty payments and maintaining both the current mining records system and the state's revenue and billing system.

Positions: A new "Accounting Technician I" position is needed in the Mining and Administration BRU. This position will maintain accounts in the LAS's Revenue and Billing System, audit billing registers, and prepare worksheets and reports as necessary to assure proper accounting and coding of these funds.

Other Expenditures: A one-time capital appropriation of \$240,000 is necessary to purchase a new computer system in the "Mining Management" BRU. This new system will allow the Division of Mining to handle the additional workload of rent and royalty payment tracking and lease status verification without additional staff.

General fund revenues generated under this proposal will exceed expenditures in every year. During FY 90, a general fund contribution of \$468,000 after all expenses is estimated. Beginning in FY 91, general fund contribution of at least \$700,000 annually are expected after operating expenses are deducted.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: SB 129 (b)
PUBLISH DATE: 1/19/89

FISCAL NOTE

REQUEST: _____

Revision Date: January 13, 1989
Title: Rent and Royalties for
State Mining Claims
Sponsor: Rules Committee
Requestor: Governor

Agency Affected: Revenue
BRU: Income and Excise Audit Division
Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
OPERATING						
PERSONAL SERVICES	-	-	-	-	-	-
TRAVEL	-	-	-	-	-	-
CONTRACTUAL	-	-	-	-	-	-
SUPPLIES	-	-	-	-	-	-
EQUIPMENT	-	-	-	-	-	-
LANDS & STRUCTURES	-	-	-	-	-	-
GRANTS, CLAIMS	-	-	-	-	-	-
MISCELLANEOUS	-	-	-	-	-	-
TOTAL OPERATING	-	-	-	-	-	-
CAPITAL	-	-	-	-	-	-
REVENUE	-	-	-	-	-	-

FUNDING: (Thousands of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER	-	-	-	-	-	-
TOTAL	-	-	-	-	-	-

POSITIONS:

FULL-TIME	-	-	-	-	-	-
PART-TIME	-	-	-	-	-	-
TEMPORARY	-	-	-	-	-	-

ANALYSIS: (Attach a separate page if necessary)

Prepared By: Steven E. Kettel *Steven E. Kettel* Phone: (907) 465-2320
Division: Income and Excise Audit Date: January 13, 1989

Approved by Commissioner: Hugh Malone *Hugh Malone FOR* Date: January 13, 1989
Agency: Revenue

Distribution (by preparer):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Prepared by: Steven E. Kettel
Income and Excise Audit Division
Department of Revenue
January 13, 1989

Fiscal Note Analysis

Legislative action is necessary to cure a defect in the state's mining laws which do not comply with Section 6(i) of the Statehood Act. The central problem - - Alaska's mining leasing system does not require the payment of cash rent or royalties.

This legislation introduces a system of rental and royalty charges against those miners with claims on state land. There will be no fiscal impact upon the Department of Revenue. DNR has prepared a fiscal note showing the anticipated revenues this proposal will generate.

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

FEB 7 1989
STEVE COWPER, GOVERNOR

P.O. BOX 5
JUNEAU, ALASKA 99811-0400
PHONE: (907) 465-2300
TELEFAX: (907) 465-2389

February 7, 1989

The Honorable Bette Fahrenkamp
Alaska State Senate
P.O. Box V
Juneau, AK 99811

Dear Senator Fahrenkamp:

Per your Senate Resource Committee request, outlined are the responses to your questions.

1. What taxes are miners subject to?

- a) Mining license tax. (AS43.65) This is a tax based upon the net income of a mining operation. Generally net income is gross income less direct and indirect mining expenses, depletion, depreciation and royalty payments. Those receiving mining royalty income also pay this tax and cannot deduct any expenses except depletion. Rates are progressive from 3-7% of net income.
- b) Corporate net income tax. (AS43.20) Only those mining operations organized as a corporation pay this tax. (Less than a dozen in 1987).
- c) Motor fuel tax. (AS43.40) All fuel consumed in an internal combustion engine taxed at 8¢ per gallon. Miners generally are entitled to a 6¢ per gallon refund for off-highway consumption.

2. How much tax does the mining industry currently pay?

The total taxes paid by mining operations in the state of Alaska:

a) Mining License Tax	FY 85	\$259,464
	FY 86	317,014
	FY 87	259,335
	FY 88	402,344
b) Corporate Net Income Tax Received	1985	\$106,503
	1986	632,162
	1987	38,286
c) Motor Fuel Tax	1985-1987	unavailable

The Honorable Bette Fahrenkamp
February 7, 1989
Page Two

We are unable to make this determination because the returns filed do not give us this specific user detail.

3. How much gross business income is reported by the mining industry?

The gross income from sales of mining activities reported on all Mining License returns filed:

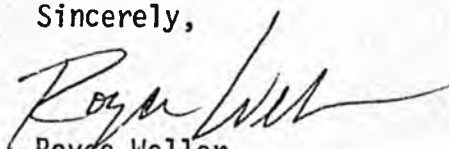
1985	\$57,658,225
1986	52,044,837
1987	47,990,426

4. How much royalty income is currently reported?

The gross royalty income received by mine lessors from mine operators reported for the following years was:

1985	\$ 1,797,953
1986	1,490,827
1987	1,126,506

Sincerely,


Royce Weller
Assistant Commissioner

RW:JH:jm
89-36

STATE OF ALASKA

DEPARTMENT OF LAW

OFFICE OF THE ATTORNEY GENERAL

STEVE COWPER, GOVERNOR

REPLY TO:

1031 W 4th AVENUE
SUITE 200
ANCHORAGE, ALASKA 99501-1994
PHONE: (907) 276-3550

1st NATIONAL CENTER
100 CUSHMAN ST.
SUITE 400
FAIRBANKS, ALASKA 99701-4679

P.O. BOX K—STATE CAPITOL
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600

February 7, 1989

FEB 10 1989

The Honorable Bettye Fahrenkamp
Senator
Chairman Natural Resources Committee
P.O. Box V
Juneau, AK 99811

Re: Whether a state employee is prohibited under the ~~Ethics Act~~ from disseminating information concerning abandoned mining claims

Dear Senator Fahrenkamp:

At the hearing on SB 129 on January 27, 1989 Senator Zharoff inquired whether there would be any ethical violation if a state employee communicated information concerning abandoned mining claims to friends or relatives. You requested that I research the matter and report to you. This letter contains the results of my review.

The short answer to your inquiry is that there is no apparent violation of the ethics law by the mere communication by a state employee to any third party of the fact that a mining claim is abandoned, regardless of the relationship of the third party to the state employee.

The governing statute is the Alaska Executive Branch Ethics Act (the "Ethics Act"), AS 39.52.010 -- 39.52.960. The section which is most specifically relevant to your question is AS 39.52.140(a). That section provides

A current or former public officer may not disclose or use information gained in the course of, or by reason of, the officer's official duties that could in any way result in the receipt of any benefit for the officer or an immediate family member, if the information has not also been disseminated to the public.

(emphasis added). This section does not make it an ethical violation for a Division of Mining ("division") employee to

February 7, 1989

disseminate information concerning abandoned mining claims to third parties. This is because the information available to the division is nothing more than is already available to the public. Indeed, DNR is not even the first agency to have information that would indicate that a mining claim has been abandoned. A miner loses his mining rights if he fails to record with the recorder's officer in the recording district in which the mining claim is located. DNR finds out who did and who did not timely file some time after the filing deadline. In the meantime, any member of the public would have the opportunity to check the recorder's files. Consequently, a DNR official would have no "inside" information which could be used in an unfairly advantageous way by the employee, or a friend or family member of the employee.

Although the section quoted above resolves the particular issue raised, a few other matters are worth noting. AS 39.52.120(b)(3) prohibits a state employee from using "state time, property, equipment, or other facilities to benefit personal or financial interest." Thus, an employee would not be permitted to research mining records for purposes of determining what claims had lapsed during state time. Nor could a state employee use state equipment or facilities for such purposes, except to the extent that members of the public could also use the equipment or facilities.

Finally, you may wish to be aware of AS 39.52.150(a), which prohibits a public officer or an immediate family member from attempting to

acquire, receive, apply for, be a party to, or have a personal or financial interest in a state grant, contract, lease, or loan if the public officer may take or withhold official action that affects the award, execution, or administration of the state grant, contract, lease, or loan.

This section does not create a per se bar to the holding of a mining claim or mining lease by a state employee. However, to the extent mining claims are considered "leases," a state employee may be precluded from acquiring or holding a mining claim or mining lease, depending on the particular circumstances of his or her duties with the state.

We have made a review of the advisory opinions issued under AS 39.52.240. We were unable to locate any opinion bearing on this issue.

The Honorable Bettye Fahrenkamp - 3 -

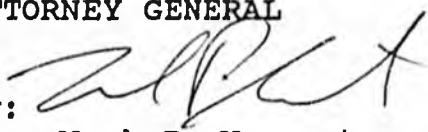
February 7, 1989

If you have any further question, please do not hesitate to contact me.

Sincerely,

GRACE BERG SCHAIBLE
ATTORNEY GENERAL

By:


Mark P. Worcester
Assistant Attorney General

MPW:so

cc: Gerald Gallagher, Director, Division of Mining
Robert Maynard, Assistant Attorney General

Senator John B. (Jack) Coghill

Alaska State Legislature

Box V
Juneau, Alaska 99811
(907) 465 4797

Box 55028
North Pole, Alaska 99705
(907) 488 0862



MEMORANDUM

To: Senator Bettye Fahrenkamp
Senate Resource Committee Chair

From: Senator Jack Coghill

Re: 6(i) Rent or Royalty for State Mineral Lands Issue

Date: January 12, 1989

This memorandum is to explain my position on the 6(i) issue and to encourage you to address this important issue as early in the committee process as possible. Considering the importance of the resolution of this issue to our mining industry, and my new minority position, I do not feel it would be in the best interest of the industry for me to introduce a legislative solution at this time. Instead, I offer you the following points for your consideration and my assistance in formulating a solution, should you need it.

1. It is important that the basic issue raised by the Trustees for Alaska in bringing their lawsuit to the courts is considered in our legislative solution.

Trustees, as you will recall, claimed Alaska's "current system allowing the extraction of minerals deposits from state lands, AS 38.05.185" (Mining Rights. Generally.) "violate[d] Section 6(i) of the Alaska Statehood Act because it does not require the payment of rents or royalties from state lands whose mineral character was known at the time of state selection."

It is my position that Alaska's best interest would be served by limiting the total number of acres requiring rents or royalties, to those lands known to be mineral in character at the time of statehood. Or to those lands that were selected because of known mineral potential. Further I would suggest that those state lands that have been classified, as a matter of selection as mineral lands, would be the only lands affected by rents or royalties. This would affect approximately 2.7 million acres rather than the state's full entitlement.

My interest in this approach stems from a concern that inclusion of all state land under 6(i) may instigate a challenge of DNR's ability to close lands to mineral entry. You will recall the 6(i) language reserving "the right to

prospect for, mine, and remove the same[.]" from the lands granted by this section. Also, this approach may open the door to a state patent process as an incentive to discovery, on lands not known to be mineral in character at the time of selection.

2. There are several terms which the Alaska Supreme Court used in its May 1, 1987 decision, but did not define, that are of major importance. The term "mineral in character" is one. I think it is important that the solution contain a bench mark indicator of mineral in character. Something like within a one mile radius of mining claims existing at the time of statehood or, perhaps, even those lands classified as mineral lands by DNR up to May 1, 1987.

The other term the court failed to define was the "time of state selection". You will recall that early state land selections were made on a basis of settlement, agricultural and community needs. It wasn't until ANCSA and FLPMA that the state really started to look at the lands ability to produce metalliferous minerals as a criteria for selection. These two federal acts greatly changed the pool of land available for state selection. Furthermore, ANILCA removed many millions of acres from the available land pool. It is evident that since statehood the federal rules under which the state could make land selections have continuously changed. Therefore it would seem most logical to tie a definition of this term to a date as close to statehood as possible, before ANCSA for instance.

3. It is my understanding the administration will be recommending a solution that:

- a. asks a rent or royalty be applied to all State land;
- b. establishes a statutory lease, which would be similar to our current mining claim system; and
- c. proposes a rent of not less than 25 cents per acre and a royalty of not less than 1 percent of net profits.

My position on these points is that "a" is a quick and dirty way out which will create further litigation; "b" is a good idea if it is worded right, and protects the discovery process and provides for tenure on existing claims (and no use it or lose it clauses); and "c" seems to be creating another "Usibelli Coal Royalty" situation, but I don't know what is proposed as a trigger mechanism to raise the rent or royalty above the "no less than" floor.

I received estimates in November 1988 that this plan would generate about a million dollars in revenue at the lowest rates. You should be aware however, that analysis of what other states, or even Canada has done, only exemplifies that there is no basis of consistency for rent or royalty rate levels.

You should also be aware that at one point last year I looked at changing our Mining Licence Tax statute to meet the needs of the Alaska Supreme Court, this option has some merit. But I think you will agree that generally, the levels of taxation and annual labor requirement costs should be included

in the discussions of adequate returns on our mineral resources.

4. The information I received some time ago indicates the environmental community will file suit in Federal Court if we use a mineral in character approach. Furthermore, they will argue their perspective in committee from a concept of "public trust" and they will demand a strong state reclamation law. As you know the DNR presently deals with reclamation through the land use permitting process.

Regarding the lawsuit possibility I believe that the federal courts were the proper forum for the original case, not state courts. I also think that the environmentalists would lose a mineral in character case in federal court for several reasons:

a. The first sentence of 6(i) relinquishes the federal governments claim to minerals in lands granted under the Statehood Act. "All grants made or confirmed under this Act shall include mineral deposits."

b. The second sentence of 6(i), if mineral in character is not the criteria, mandates that all state lands sold, granted, deeded, or patented, remain open to prospecting and mining. "The grants of mineral lands to the State of Alaska under subsection (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine and remove same."

I think you will agree that we could have a problem similar to the Mental Health Lands problem if anything other than a mineral in character standard is not used.

c. Since the Reagan administration, the actions of the U.S. Supreme Court reflect a general shift of primary resource management policy to the states, where lands other than federal lands are concerned.

So far as the "public trust" concept of natural resource management is concerned, I would like to share with you an outline I found recently. Basically it states the four principle areas of responsibility to the public trust are:

1. that governments have a duty to prosperity, that is to provide for the common good of present and future generations;

2. that the land and water are the real basis of all wealth and thus the basis from which the common good is derived;

3. that resource managers must develop plans for the future which give hope to the citizenry that government and industry can provide sustained opportunity; and

4. that a fundamental responsibility of government is to protect the values and treasures of our natural heritage.

I trust this is nothing new to you, but this short synopsis may be useful to you in your deliberations, as it is my view that these principle must be applied in balance.

To conclude this point, I would encourage you to keep the issues separate. 6(i) is a rent or royalty issue not a reclamation issue.

This is a rather lengthy memo and I apologize for that. My final comment in closing is, I believe that in managing our public resource assets, we must remember the three basic components of production from classical economic theory, they are land, labor and capital. How the administration, and we in the legislature, address these components in law and regulations, will determine the productivity of the Alaskan economy during the coming years.

I believe that action on 6(i) this session will not only set a trend for Alaskan land based economic activities, but it will also send a clear message to those interested in doing business in Alaska. My door is open to you and any suggestions you may have, as to how I can assist your efforts to get a solid, positive, resolution of this critical mining issue.

Please feel free also, to have your staff person on this issue use Bruce Geraghty in my office, to familiarize themselves with the 6(i) information that is available.

Senator John B. (Jack) Coghill

Alaska State Legislature

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MEMORANDUM

To: Senator Bettye Fahrenkamp
Senate Resource Committee Chair
and Members of the Senate Resource Committee

From: Senator Jack Coghill

Re: 6(i) Comments for Committee Meeting

Date: February 22, 1989

A large, stylized handwritten signature in black ink, likely belonging to Senator Jack Coghill, written over the "To:" and "From:" lines of the memorandum.

Due to the technical nature of my comments today before the committee regarding Mineral In Character lands, I have attached a copy of the text for your consideration.

MINERAL IN CHARACTER

1. THERE IS NO DEFINITION OF "MINERAL IN CHARACTER" IN FEDERAL STATUTES; HOWEVER, OVER THE YEARS THE COURTS HAVE DEFINED IT IN A VARIETY OF WAYS.

2. THE MOST AUTHORITATIVE TEST FOR DETERMINING THE MINERAL CHARACTER OF LAND WAS ANNOUNCED BY THE UNITED STATES SUPREME COURT IN DIAMOND COAL AND COKE v. UNITED STATES IN 1914, AND IT IS STILL USED TODAY. IN THIS CASE THE SUPREME COURT SAID:

"IT MUST APPEAR THAT THE KNOWN CONDITIONS ... WERE PLAINLY SUCH AS TO ENGENDER THE BELIEF THAT THE LAND CONTAINED MINERAL DEPOSITS OF SUCH QUALITY AND QUANTITY AS WOULD RENDER THEIR EXTRACTION PROFITABLE AND JUSTIFY EXPENDITURES TO THAT END."

THIS TEST CONTINUES TO BE QUOTED IN NUMEROUS FEDERAL COURT CASES AND INTERIOR DEPARTMENT ADMINISTRATIVE ACTIONS.

IT IS CLEAR THAT THE STATE SUPREME COURT HAD THIS IN MIND WHEN IT STATED WE WERE IN VIOLATION OF 6(i) BECAUSE WE DIDN'T "REQUIRE THE PAYMENT OF RENTS OR ROYALTIES FROM STATE LANDS WHOSE MINERAL CHARACTER WAS KNOWN AT THE TIME OF STATE SELECTION."

3. THE STATE SUPREME COURT FURTHER DIRECTED US TO ESTABLISH A LEASING SYSTEM WHICH INCLUDES "SOME PROCESS FOR DETERMINING

WHICH LANDS WERE OF KNOWN MINERAL CHARACTER AT THE TIME OF SELECTION AND" MUST INCLUDE PAYMENT OF RENTS OR ROYALTIES "FOR THE EXTRACTION OF MINERAL DEPOSITS FROM SUCH LANDS."

SB 161 PROVIDES ALL THE MECHANISMS TO FULLY COMPLY WITH THE COURTS DECISION WITHOUT JEOPARDIZING THE COMPETITIVE POSITION OF STATE LANDS TO FEDERAL OR PRIVATE LANDS.

4. NOW, HOW DO WE MAKE THE MINERAL CHARACTER DETERMINATION? THE PROCESS IN SB 161 IS THIS. EXISTING CLAIM HOLDERS HAVE 2 YEARS TO MAKE APPLICATION TO THE COMMISSIONER FOR A DETERMINATION, AND NEW CLAIMANTS HAVE ONE YEAR FROM THE DATE THEY FILE THE CLAIM. THE COMMISSIONER HAS 3 YEARS FROM THE DATE OF THE APPLICATION TO DETERMINE IF THE LAND WAS MINERAL IN CHARACTER AT THE DATE OF STATE SELECTION.

IN THE FEDERAL SYSTEM, THE DEFINITION AND EVIDENCE NEEDED TO MAKE A MINERAL IN CHARACTER DETERMINATION IS THIS:

"IT IS NOT ESSENTIAL THAT THERE BE AN ACTUAL DISCOVERY OF MINERAL ON THE LAND. IT IS SUFFICIENT TO SHOW ONLY THAT KNOWN CONDITIONS ARE SUCH AS REASONABLE TO ENGENDER THE BELIEF THAT THE LAND CONTAINS MINERAL OF SUCH QUALITY AND IN SUCH QUANTITY AS TO RENDER ITS EXTRACTION PROFITABLE AND JUSTIFY EXPENDITURES TO THAT END. SUCH BELIEVE MAY BE PREDICATED UPON GEOLOGICAL CONDITIONS, DISCOVERIES OF MINERALS IN ADJACENT LAND AND OTHER OBSERVABLE EXTERNAL CONDITIONS UPON WHICH

PRUDENT AND EXPERIENCED MEN ARE SHOWN TO BE ACCUSTOMED TO ACT."

IF YOU WILL CAREFULLY READ SECTION 5 OF SB 161, YOU WILL FIND IT CONTAINS ALL OF THE ELEMENTS OF THIS FEDERAL DEFINITION.

THIS DEFINITION AND SB 161'S PROCESS IS FULLY SUPPORTED BY SEVERAL IMPORTANT FEDERAL CASES, NOTABLY:

DIAMOND COAL & COKE CO. v. U.S., 233 US 236, 248-249
(1914)

U.S. v. SOUTHERN PACIFIC CO., 251 US 1, 14 (1919)

LADEN v. ANDRUS, 595 F2d 482, 489-490 (9th Cir 1979)

U.S. v. SOUTHERN PACIFIC TRANSPORTATION CO., 66 IBLA 191,
195 (1982)

THE SIGNIFICANCE OF THESE CASES IS THAT THEY ALL AGREE THAT AN ACTUAL DISCOVERY OF MINERALS WITHIN A TRACT OF LAND IS NOT REQUIRED AND THAT THE FOLLOWING TYPES OF EVIDENCE SUPPORT A DETERMINATION OF MINERAL IN CHARACTER.

1. DISCOVERIES OR MINES IN ADJACENT LAND;
2. OTHER EXTERNAL CONDITIONS THAT CAUSE PRUDENT AND EXPERIENCED MEN TO ACT AND MAKE EXPENDITURES; AND
3. FAVORABLE GEOLOGICAL CONDITIONS WITHIN THE TRACT.

5. SO FAR AS SB 161 IS CONCERNED, OUR RESEARCH OF THE FEDERAL SYSTEM INDICATES THAT THERE IS A RELATIONSHIP BETWEEN DISCOVERY AND MINERAL IN CHARACTER. BRIEFLY IT CAN BE STATED THAT IF YOU HAVE A DISCOVERY, YOU HAVE MINERAL IN CHARACTER LAND. IF YOU HAVE MINERAL IN CHARACTER LAND YOU DO NOT NECESSARILY HAVE A DISCOVERY.

HOWEVER THE CONCERN WE HAVE, AND HAS NOT BEEN DISCUSSED BY THE ADMINISTRATIONS LEGAL COUNCIL TO OUR KNOWLEDGE, IS THE BODY OF FEDERAL LAW THAT INDICATES IT HAS NEVER BEEN THE POLICY OF THE CONGRESS TO DISPOSE OF MINERAL LANDS UNDER THE AGRICULTURAL OR NONMINERAL LAWS AND THAT TITLE TO KNOWN MINERAL LAND CANNOT BE ACQUIRED UNDER AN AGRICULTURAL OR NONMINERAL ENTRY.

I HAVE A CONCERN IF WE DO NOT FOCUS 6(i) LEGISLATION ON LANDS WHERE MINING AND MINERAL INTERESTS ARE FOCUSED, WE MAY BE INVITING LITIGATION AT THE LEVEL OF THE RECENT MENTAL HEALTH LANDS LITIGATION, ESPECIALLY IF WE GO BEYOND THE SECTION 6(a) AND (b) LANDS.

FURTHERMORE 6(i) RESERVES THE "RIGHT TO PROSPECT FOR, MINE, AND REMOVE" THE MINERALS FROM THE MINERAL LANDS GRANTED UNDER THIS SECTION. WHAT DOES THIS DO TO OUR ABILITY TO CLOSE STATE LANDS TO MINERAL ENTRY, ESPECIALLY IF ALL LANDS ARE MINERAL IN CHARACTER? I THINK THIS DETERMINATION REPRESENTED IN THE ADMINISTRATIONS BILL, MAY INVALIDATE MINERAL CLOSURES AND THUS THROW OUR WHOLE SYSTEM OF LAND MANAGEMENT INTO CHAOS.

THE U.S. SUPREME COURT, ON THE OTHER HAND, HAS UPHELD THAT
.. "IF THE LAND IS WORTH MORE FOR AGRICULTURE THAN MINING, IT
IS NOT MINERAL LAND, ALTHOUGH IT MAY CONTAIN SOME MEASURE OF
GOLD OR SILVER." I SUSPECT THIS WOULD ALSO BE TRUE OF OUR
STATE PARKS. THE IMPORTANT POINT HOWEVER, IS IF WE ADOPT A
SYSTEM LIKE THAT IN SB 161, AS THE STATE SUPREME COURT HAS
DIRECTED US TO DO, WE DO NOT HAVE TO WORRY ABOUT LITIGATION
THAT WILL INVALIDATE STATE MINERAL CLOSING ORDERS.

THIS CONCLUDES MY REMARKS MADAM CHAIRMAN.

Senator John B. (Jack) Coghill

Alaska State Legislature

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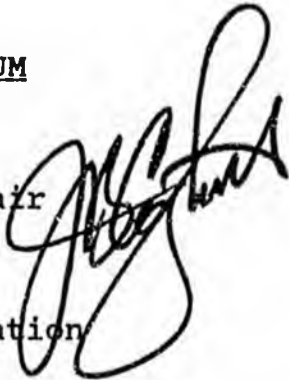
MEMORANDUM

To: Senator Bettye Fahrenkamp
Senate Resource Committee Chair

From: Senator Jack Coghill

Re: 6(i) and the issue of Reclamation

Date: February 28, 1989



There is a perception in the halls of the capitol that reclamation will continue to be linked to resolution of 6(i). You know of my position that this is a disservice to the industry, because it removes the focus from setting fair rent and royalty rates. You have also expressed like sentiments. So I have three suggestions if you are to use the Governors bill (SB 129) as the vehicle.

1. Add at line 23 (SB 129); The primary use of land covered by a mining lease is the extraction of minerals.
2. If a reclamation clause is to be tacked on to the bill, it should also include the direction that patenting of the surface will be part of the reclamation bill.
3. Since we will be going outside the preview of rents and royalties by tacking on reclamation, I would suggest you address the inequities of the interior river fisheries in the next fish tax or enhancement bill before the committee, by requiring the development of an individual quota system for fishermen.

I believe that Suggestion 1 and 2 are self-explanatory, as they are peripheral to the issue of reclamation. However I have also supplied in this memo the rational for Suggestion 3.

Rational for Suggestion 3.

The interior river fisheries are presently being managed as if the purpose of every fish entering the system was spawning. This does not allow for the beneficial use of the river fisheries by rural river residents use in developing a cash economy. Presently, allocation of the resource is such that over fishing in the coastal intercept fisheries, results in very brief commercial fisheries if any are allowed at all. It

is also evident that the species which have the highest commercial value in the interior river systems, are impacted primarily as a result of "bycatch" overfishing.

Bycatch, as you know, is the harvesting of fish species incidental to fishing a different species. For instance, the bycatch for a coho or King salmon opening in Bristol Bay or the Beings Sea, is chum salmon, bound for the Yukon and Tanana Rivers.

A quota system would better allocate the benefits of our fish resources, among users, and eliminate over fishing when run strengths are perceived to be high in coastal waters.

Background for Suggestion 3.

There is a political and policy similarity between appropriate levels of Reclamation and Bycatch. Both present a contentious management issue in 3 basic ways:

1. In the case of bycatch of a species in one fishery, this may reduce the amount of that species that can be taken in the fishery that targets on it.

In the case of reclamation, a particular mine site is considered to have reduced the amount of land area, natural or otherwise, that can be utilized by other activities. Reclamation then must be at a level that targets these other land uses.

2. With bycatch, a fishery may not be able to control its bycatch level, without using less productive or more costly fishing techniques.

With reclamation, a mine may not be able to perform reclamation without reducing the potential to mine marginally economic ore zones or employing reclamation schedules that jeopardize the mines economic viability.

3. Presently there is not a mechanism in place that tends to assure bycatch levels will be controlled to the appropriate management levels automatically.

However, there is a mechanism in place that assures reclamation at this time. The mechanism is the permit process where each individual mine is given reclamation stipulations.

The question that seems to be raised by the present discussions is whether or not the reclamation levels stipulated in permits are at the appropriate level to restore what ever the targeted future uses might be.

The answer to the appropriate bycatch level then, seems to be the institutionalization of individual fish quotas.

There are two assumptions we can make in both issues of appropriate bycatch levels, and appropriate reclamation levels. First the levels can be determined through a political process prior to the activity or secondarily, the levels can be determined by a market process during the activity.

From these assumptions we can recognize that the appropriate level for one bycatch species, or the reclamation of one mine site, is probably not independent of those of other bycatch species, or independent of reclamation of mines in other regions of the state.

We can also see that the concept of "bycatch needs" is so poorly defined that it could be counter productive in discussions focused on related fishery issues. The same can be said of the concept of "reclamation needs", being counter productive to discussions which should be focused on the related issue of rents and/or royalties.

In closing I will take this opportunity to remind those you might circulate this memo to, that the value of our natural resources depends on the rules that govern their use. These rules may be either formal laws and regulation of government or informal cultural rules of a particular user group.

This "value concept" is true whether you interpret value as economic benefits provided to society, a particular allocative distribution of benefits, or the achievement of a particular intangible cultural or conservation ethic.

I believe that so long as we are going to start using coercive tactics to impart additional rules on a particular user group, in order to give other user groups a perceived advantage or benefit, we should employ this process on other allocative resources.

Thank you for your consideration of this lengthy memorandum.

1. 106-2000-100000-100000-100000
Smooth - Obst Not High!
Hess
2. 106-2000-100000-100000-100000

Hard Rock &
minerals

SUSAN KNAPMAN, PRESIDENT OF CIRCLE MINING AND RECORDING DISTRICT. WINTER ADDRESS 1215 CHOCTAW NORTH POLE, ALASKA, MAILING ADDRESS PO BOX 1273 FAIRBANKS AK 99707.

AN EQUALITIBLE AND LEGALLY ACCEPTABLE SOLUTION TO THE 6 (1) ISSUE IS OF GREAT IMPORTANCE TO THE CONTINUED WELFARE OF THE MINERS, THEIR FAMILIES, EMPLOYEES AND THE POEPL E WHO MAKE A LIVING FROM THE SPIN OFFS OF MINING IN THE CIRCLE MINING AND RECORDING DISTRICT. THIS AREA HAS SEEN CONINUED MINING SINCE 1893 ACCEPT FOR A SHORT TIME DURING WW II. THE PEOPLE WHO BENEFIT FROM MINING IS THIS AREA LIVE IN CIRCLE, CENTRAL, FAIRBANKS AND EVEN AS FAR SOUTH AS ANCHORAGE.

LISTENING TO THE ADM PESENTATION OF 6 (1) I FIND THAT IN SOME REMARKS THEY APPEAR TO TAKE A MIDDLE OF THE ROAD APPROACH. IN OTHER REMARKS THEY GO FAR BEYOND WHAT WAS REQUIRED IN THE DECISION FROM THE STATE SUPREME COURT.

I AM SURE ALL OF YOU STATEMEN AND STATEWOMEN REALIZE THAT THERE ISN'T A PIECE OF LEGISLATION THAT CAN BE DRAFTED THAT IS LITIGATION PROOF--EVEN THE STATE'S LAWYER SO INFERRED IN THE HEARINGS.

SO PERHAPS THIS IDEA SHOULD NOT BE A STRONG POINT IN REACHING A JUST AND FAIR DECISION ON HOW TO MEET THE REQUIREMENTS LAID OUT BY THE COURT DECISION.

129

SB 126 AND HB 99 WHICH ARE COMPANION BILLS APPEAR TO HAVE A FEW FLAWS.

F I R S T

FIRST IT HAS NEVER BEEN STATED THAT 6 (1) LANDS MUST BE CHARGE RENTS AND ROYALTIES. THE COURT DECISION SAID RENTS AND OR ROYALTIES. YOU HAVE BEEN SOLD A CONCEPT BY THE ADM THAT IF RENTS AND ROYALTIES ARE PASSED ON IN THIS LEGISLATION YOU MAY (NO GUARENTEE) SAVE FURTHER LITIGATION ON 6 (1).

I REALY WOULD NOT WANT TO HAND MY HAT ON THAT CONCEPT FOR LONG.

S E C O N D

SECOND POINT I WOULD CALL YOUR ATTENTION TO A VERY CONFUSING TECHNICAL ERROR.

PAGE 1 LINE 13 IN REFERENCE TO AS 38.05.20 (c) THE (c) SHOULD BE BRACKETTED AND THE (b) UNDERLINDED

AND

YOU SHOULD FIRST REPEAL A SECTION BEFORE YOU ADMEND IT AND IF SO THE REFERENCE SHOULD BE CLOSE TOGETHER NOT SCATTERED THROUGHOUT THE BILL AS AN AFTER THOUGHT.

PLEASE REFER TO PAGE 6 LINE 12 SEC 7.

IT SHOULD BE MOVED UP IN THE BILL AND BE PUT IN AS SEC 1

AND THEN THE CURRENT SEC 1 WOULD BECOME SEC 2.

THIS CHANGE WOULD BRING THE BILL INTO CONSECUTIVE ORDER AND SAVE A LOT OF CONCERN THAT YOU MIGHT POSSIBLE PASS ON A BILL THAT HAS NOT CLEARED ALL AFFECTED STATES . THIS IS ONLY A SLIGHT TECHNICAL ERROR WHICH I AM SURE CAN BE LOCKED INTO .

T H I R D

THIRD. LET'S GO TO PAGE 3 AND SEE HOW THAT COMES OUT FOR THE MINER WHO BY THE WAY DOESN'T MIND PAYING A FAIR AMMOUNT BUT LIKE EVERYONE IN THIS ROOM RESENTS REAL GOUGING TACTICS.

I CAN ADD THAT WHEN YOU START IN THE MIDDLE YOU NEVER NEVER GO DOWN. (REMEMBER THE 5 NTU ISSUE). I FIND IT VERY INTERESTING THAT MR. GALLAGER THINKS A MINING PLACER CLAIM REALLY ONLY CONTAINS 40 ACRES OR THAT MINER/ OPERATORS WORKING A CLAIM ONLY HAVE TO WORRY ABOUT 40 ACRES. HE NEEDS TO CHECK HIS FILES. PERPHAPS A BETTER STATEMENT WOULD BE THAT GOOD SHARE OF CLAIMS ON WHICH MINING OCCURS CAN CONSIST OF FROM 2 TO 10 CLAIMS. THEN THE MULTIPLIER TAKES ON A DIFFERENT PICTURE.

I ALSO HAVE A HARD TIME UNDERSTANDING WHY ALASKA HAS TO BE THE "BIG GUY" AND DOUBLE THE RECOMMENDED FEE THE FEDERAL GOVERNMENT HAS PROMOGATED. PLEASE. I WOULD ASK THAT YOU TAKE THE TIME TO CHECK THIS OUT.

REMEMBER IT IS HUMAN NATURE TO REACH UP NOT TO GO BACK AS OUR STATE BUDGET IN THE PAST SEVERAL YEARS HAVE DEMOSTRATED.

F O U R T H

FOURTH, LET'S JUMP OVER TO PAGE 4 AND CHECK ON THIS ROYALTY PAYMENT.

1. IT COULD BE TAKEN AS A DOUBLE TAX SINCE WE STILL PAY A PRODUCTION TAX WHICH HASN'T BEEN REPEALED.

2. SMALL (c) ON LINE 15 IS WAY BEYOND THE SCOPE OF THE 6 (i) LAWSUIT AND ONLY SHOW TOTAL IGNORANCE ON THE PART OF ADM FOR TRYING TO PUT THIS IN. I AM SURE ALL OF YOU IF YOU READ THIS THOUGH CAN RECOGNIZE IF FOR WHAT IT IS. A VERY UNNECESSARY DEMANDING ESCALATINGG LEASE CLAUSE--MOST PRIVATE COMPANIES TRY THIS BUT SELDOM ACCOMPLISH IT.

F I F T H

I WOULD TAKE ARGUMENT WITH MR. GALLAGER'S (i) ADM STAND ON THE MINERAL IN CHARACTER ISSUE WHICH HAS BEEN TOTAL ABDOCATED FROM THE BILL. I WOULD BE REMISS IF I DIDN'T ASK WHY A TERM SO JUSTLY WON IN COURT AND DEFINED IN VARIOUS DOCUMENTS HAS BEEN TOTALLY IGNORED BY THE ADM IN THEIR BILL.

MY RECOMMENDATION AT THIS TIME IS A REWRITE OF BOTH BILLS WITH THE TECHNICAL QUESTIONS ADDRESSED AND ALSO AGAIN GO OVER THE SCOPE OF 6 (i) AND STAY WITHIN THE PARAMETERS LAYED OUT BY THE COURT DECISION.

TRYING TO FORM A COMPROMISE BILL IN ORDER TO AVOID LITIAGTION CAN ONLY GENERATE MORE LITIAGION AND WE CERTAINLY HAVE ENOUGH AS IT IS.

I WOULD ASK THAT YOU AS STATESMEN AND STATESWOMEN WEIGHT CAREFULLY WHO WINS AND WHO LOSES INSTEAD OF WHO PAYS AND HOW MUCH. THE PRICE MAY BE GREATER THAN YOU IMAGINE. A HEALTHY PROSPEROUS WORKING ECONOMY MUST BE MAINTAIN IN THIS STATE . THESE BILLS AS PRESENTED COULD ADD TO THE DECLINE OF THIS ECONOMIC ATMOSPHERE.

THANK YOU.



Northern Alaska Environmental Center

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FAIRBANKS, ALASKA 99701
(907) 452 5021

TESTIMONY OF REX BLAZER, EXECUTIVE DIRECTOR OF THE
NORTHERN ALASKA ENVIRONMENTAL CENTER, BEFORE THE SENATE
NATURAL RESOURCES COMMITTEE
JANUARY 30, 1989.

The State Supreme Court has determined that the State must collect rents and royalties from mining claims on State land under Section 6(i) of the Alaska Statehood Act. The U.S. Solicitor General has recommended that these lease payments apply to all State lands, not only those found to be mineral in character at the time of statehood. The opinion further held that the Federal Courts, rather than the State Court, had the ultimate jurisdiction over the issue. Rents discourage speculation and encourage efficient use of public resources. Royalties pay the people of the State for the extraction of non-renewable resources, as is done with coal, oil, and gas.

The legislature must determine how this is to be done. There is a possibility that mining on State lands for the 1989 season might be severely curtailed if adequate legislation does not pass this session. The State Division of Mining under Gerald Gallagher prepared these bills which were introduced by the Rules Committees for the Governor.

The legislation applies to all state lands and charges annual rents on a sliding scale from \$.50 per acre (\$20.00/claim) for the first five years to \$5.00 per acre (\$200.00/claim) after twenty-one years. Production Royalties will be assessed as a sliding scale percentage of net income or a minimum royalty based on gross income, whichever is higher. The state gives a break to the miners in that the annual labor requirement will be reduced from \$200.00 to \$100.00.

The major positive aspects of this bill are that the state will apply both rents and royalties to all state lands. Furthermore, revenues would help defray the cumulative costs to the state of regulating this industry. The negative aspects are that the bill does not go far enough. The bill does not insure an adequate basis for the condition in which state lands will be returned to the people of the state - hence no basis of foregone uses from which to calculate fair royalty.

The Northern Alaska Environmental Center opposes this bill as it is written and strongly supports the following amendments.

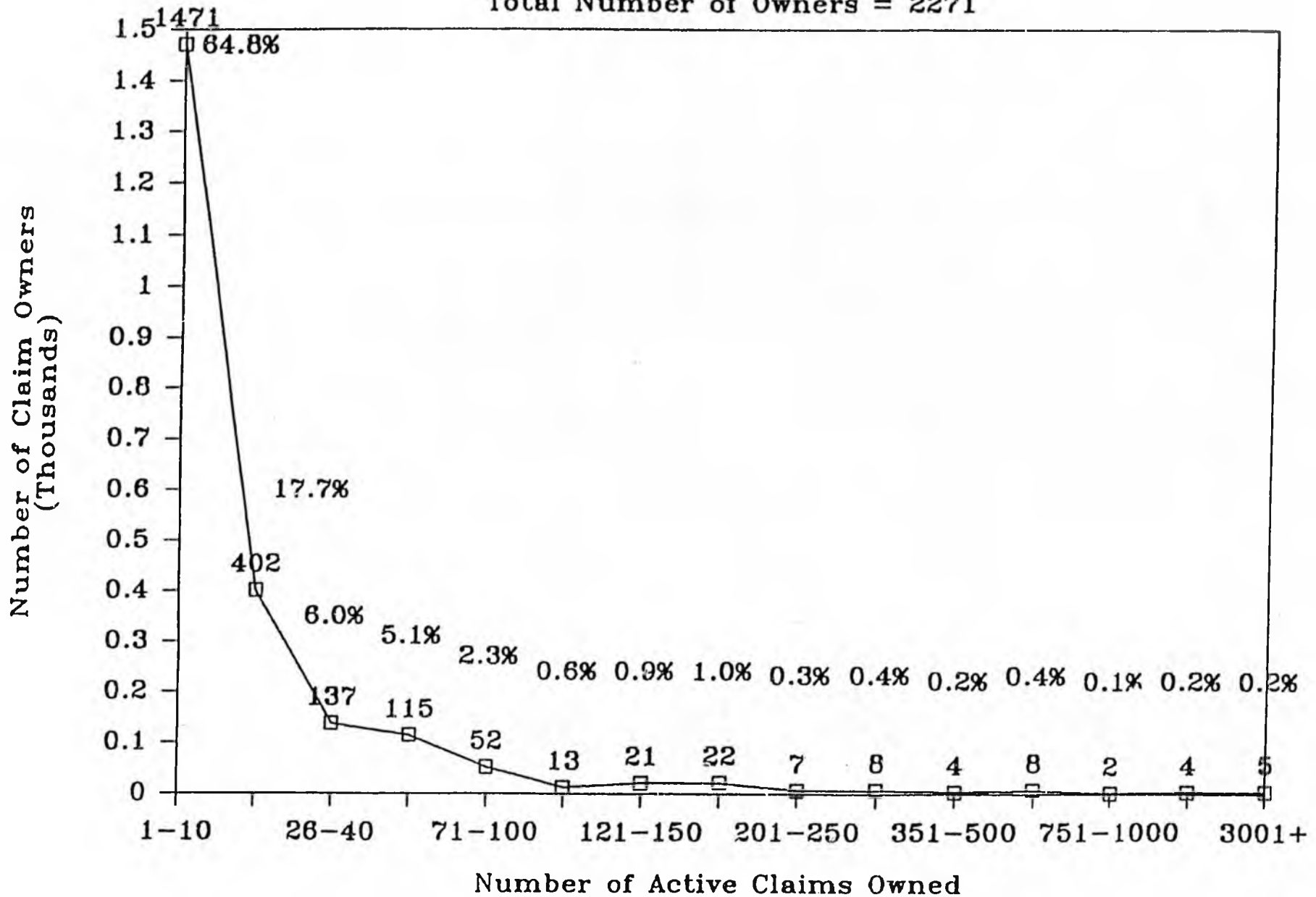
the opposite. We feel D.O.M. should provide the committee and the public with such information as a detailed list of the kinds of "exemptions" which will constitute the difference between net versus gross royalty basis. Will miners be able to write off losses on one claim against others? What kind of reporting problems have the Department of Revenue and D.O.M. had with the mining community and how do these very real problems factor into the equation? What Royalties are charged other extractive industries in our state?, in other states?

Lastly we are still unsure of the loophole accorded off-shore operations under AS 38.05.250 and feel the D.O.M owes the public a fuller explanation in terms of foregone revenues of this aspect of the equation.

Thank you for this opportunity to testify.

OWNERS OF ACTIVE CLAIMS

Total Number of Owners = 2271



Trustees for ALASKA

TESTIMONY OF RANDALL M. WEINER
EXECUTIVE DIRECTOR OF TRUSTEES FOR ALASKA

BEFORE THE SENATE RESOURCES COMMITTEE

ON LEGISLATION PROVIDING FOR RENT AND ROYALTY PAYMENTS FOR MINING
CLAIMS, LEASEHOLD LOCATIONS, OR MINING LEASES.

SENATE BILL No. 129

JANUARY 30, 1989 1:30pm

I. Introduction.

Trustees for Alaska commends the state for moving responsibly in drafting legislation required by court order in a case which was brought by Trustees for Alaska, Nunam Kitlutsisti, Dinyea Corporation, Village of Minto, Alaska Independent Fishermen's Marketing Association, Alaska Center for the Environment, Southeast Alaska Conservation Council, and Friends of the Earth. After three years, the courts ultimately ruled that a system which permits the extraction of hard-rock minerals while failing to collect rents and royalties therefrom violates Section 6(i) of the Alaska Statehood Act.

The legislation now being considered is appropriate because it requires that rents and royalties will be paid for a mining claim, leasehold location, or mining lease on all state lands. As I will be discussing, this will protect the state from needless litigation with the parties in the original lawsuit and remove the potential for the forfeiture of state lands by the federal government. It is insufficient, however, because it fails to include a provision for reclamation of mining sites when operations have ceased, thereby significantly diminishing the availability of that land for other purposes in a state whose Constitution and Supreme Court require common use of the state's natural resources.

II. Reasons for Lawsuit.

The so-called "6(i) lawsuit" was originally brought to assure that the State of Alaska would not continue to hemorrhage away revenues under an improper leasing system for gold, silver and other hardrock minerals. It was clear to the unprecedented and diverse coalition of environmental, fishing and Native rights groups and villages that a mineral leasing system in Alaska must be fair to

all interested parties -- the miners, the other concurrent and future users of the land and water affected by the mining operations, and the citizens of Alaska whose resources are being acquired by a select few.

Those plaintiffs insisted that the State meet the conditions under which it was granted statehood. Section 6(i) expressly enabled the State to obtain title to mineral lands it selected after statehood, but prohibited the disposal of such land except under lease. The purpose of this leasing requirement was to enable the State to derive revenues from its mineral lands on a long-term basis, since many in Congress were concerned that the State could ill afford the costs of statehood. Assuring the State an adequate source of revenue went a long way towards alleviating Congressional concern and guaranteeing that Alaska would become the nation's 49th State.

The Supreme Court of Alaska agreed with the environmental, fishing, Native rights groups and villages, and as a result, the case was remanded to Judge Douglas Serdahely in the Superior Court who declared that the state's present mineral extraction system "violates Section 6(i) of the Alaska Statehood Act because it does not require the payment of rents or royalties from state lands."

III. Injunction.

On remand, the plaintiffs asked the Superior Court to enjoin the State from allowing the extraction of any mineral deposits from state lands after May 15, 1988 if a leasing system conforming to the Supreme Court's interpretation of Section 6(i) had not been adopted. The Superior Court decided that the issuance of such an injunction would be premature until the Alaska Legislature had been given the opportunity to enact an appropriate leasing system during the next (this) legislative session. As Judge Serdahely wrote, "The Court thus declines to issue any injunctive relief in connection with the instant declaratory judgment. Should the State and/or Legislature fail to adopt an appropriate leading system by the time the next mining season is about to commence, any party is free to return to this Court with a proper application for injunctive relief at such time." The Superior Court could not be clearer; the Legislature must enact this legislation in this session.

IV. Federal Enforcement.

There are other compelling reasons why this legislation must be enacted. When some of the parties to the lawsuit were seeking a hearing before the U.S. Supreme Court, the U.S. Solicitor General, the third highest ranking law enforcement officer in the country, analyzed Section 6(i) of the Statehood Act and submitted a brief

on behalf of the United States. He pointed out that because the issues primarily involved an interpretation of a federal law -- the Alaska Statehood Act -- any party was free to relitigate the issue in federal court. As stated by the Solicitor General in his brief, "[i]n any future suit in federal court -- including a forfeiture action brought by the Attorney General of the United States -- both petitioners and respondents presumably would be free to relitigate the issues of federal law that were addressed by the Alaska Supreme Court in this case, since the district court in any such suit could not accept a proceeding in state court that did not constitute a case or controversy 'as the basis for conclusive disposition of an issue of federal law' (citation omitted)." [Solicitor General brief at 17.]

Thus, if the Legislature doesn't act, parties may seek an interpretation of Section 6(i) in federal court. Moreover, the environmental, fishing, and Native rights groups and villages know that in federal court the Solicitor General, representing the U.S. Government, will likely continue to disapprove of the current mineral leasing system and continue to disapprove of any new leasing system that does not apply to all state lands. [Solicitor General brief at 28.]

Not only can a party seek an injunction in state court or relitigate these issues in federal court if not adequately resolved by the Legislature, but the Solicitor General alluded to his ultimate authority to seek a forfeiture of state land as provided for in Section 6(i). As he states, "Nor does private litigation -- and especially a declaratory judgment action -- interfere with the Attorney General's enforcement authority under Section 6(i)... Forfeiture under Section 6(i) obviously was intended as an ultimate sanction to protect the interests of the United States if the restrictions it imposed are violated; respondents, by contrast, [meaning the environmental, fishing, and Native rights groups and villages] seek to prevent a violation of those restrictions from occurring and thereby to avoid any occasion for forfeiture, so that the land may be preserved for the State and its citizens, as Congress intended." [Solicitor General brief at 23.]

Injunctive relief, federal enforcement, and forfeiture. These are strong incentives for this Legislature to act. But it must nonetheless act correctly. Since it is clear in court decisions and the opinion of the Solicitor General that Section 6(i) was intended to provide Alaska with sufficient compensation for its mineral resources, the amount charged cannot be too low. It cannot provide only nominal revenue. Although the rents needn't reflect fair market value for the minerals, they should reflect a reasonable rate sufficient to compensate Alaska's citizens for the loss of resources that are their heritage. And doesn't that make sense in this current economy? Other speakers will address whether the rents suggested are too low, and whether a royalty fee relying in large part on "net" income provides too many opportunities for

liberal deductions and fails to provide Alaska and Alaska's citizens with an adequate return.

V. Reclamation.

But by far the most serious deficiency in this legislation is its failure, so far, to include a provision requiring the reclamation of land when mining operations have terminated. Reclamation has become the accepted procedure across the nation for the past few decades. Federal law requires that every coal mine operation be restored so that the land affected is capable of supporting the uses it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood. What applies to coal mines should apply equally to other operations, especially in a state that constitutionally requires that leases be "subject to reasonable concurrent use" [Art. VIII, Sec. 8], that its forests, wildlife, grasslands, and other replenishable resources be managed on a sustained yield basis [Art. VIII, Sec. 4], and that legislation governing development and conservation of natural resources provide for the maximum benefit of its people [Art. VIII, Sec. 2].

Reclamation is the only way to apply a multiple and common use framework to development of Alaska's resources. Reclamation is not only constitutionally supported, it's not only fair, but recent Supreme Court cases suggest that the common use concept is expanding. In the recent case of Owsichek v. Alaska, ruling on the constitutionality of exclusive guiding areas, the Supreme Court held that the common use provision of the State Constitution strongly protected public access to natural resources. This case is rapidly becoming a landmark case. It noted the importance of the common use clause of the Alaska Constitution, and, citing the Alaska Constitutional Convention Papers, it pointed out that the term "for common use" implies that resources are not to be subject to exclusive grants or special privilege.

Without reclamation, there can be no common use. The environmental, fishing and Native rights groups and villages who brought the 6(d) lawsuit know that reclamation is the only way that they will get their own opportunity to utilize the resources after the mining operations are terminated. Common use would be an empty term if there is no guarantee that topsoil will be returned to promote natural revegetation, that settling ponds will be drained, that stream channels will be reestablished to allow unobstructed flow, and that equipment and debris will be removed from the mine site when operations have terminated. Reclamation allows for different interests to co-exist in this State, and provides for the common, and efficient, use of resources.

The reclamation requirement will not present a hardship to miners. Many of them already reclaim their sites when operations have concluded, and mining representatives suggest that most miners

could comply with reasonable reclamation requirements without difficulty. Indeed, the mining industry has modernized, and most miners are becoming more responsible in their use of settling ponds, recirculation of waste water, and reclamation.

VI. Conclusion.

Thus, to conclude, the Legislature should pass this rent and royalty legislation, after the Department of Mining has determined the costs involved in various rent and royalty scenarios, and only if the failure to include provisions for reclamation is corrected. The 6(1) lawsuit, the Alaska Constitution, the unappealing prospect of federal enforcement and forfeiture actions, and the evolving common use doctrine, all compel this Legislature to move forcefully in passing an appropriate bill that, in the end, will bring Alaska much needed revenue while ensuring the wise management of its resources for all its citizens.

TELECOPY COVER SHEET

FATRENKAMP

Fairbanks Legislative Information Office

Office - (907) 452-4448

Fax - (907) 456-3348

TO: Jnu FAX: _____ PHONE: _____

FROM: Roger Burggraf PHONE: _____

INSTRUCTIONS: for Senate + House Resources: written testimony

to: Jahrenkamp, Kerttula, Eliason, Frank, Halford, Sturgulinski, Zharoff

o: Davidson, Meriand, Jacko, M. Davis, Foster, Navarre, Furnace, Hudson,

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TESTIMONY 6-1 SENATE RESOURCES COMMITTEE - SB-129
January 30, 1989

STATE HOUSE RESOURCES COMMITTEE-HB 99
February 3, 1989

Mr. and Madam Chairpersons:

I appreciate the opportunity to testify on the above bill today. I am Roger C. Burggraf, Mine property owner, mining consultant and miner, 830 Sheep Creek Rd., Fairbanks, AK 99709

1. I agree with the comments submitted by Earl Belstline, Chairman of the Minerals Commission.
2. Paul Glavinovich representing the Alaska Miners Associates, Inc.
3. Kevin Adler

SENATE BILL 129 and HB 9 represent a good stab at trying to work up legislation to resolve the court mandated decision. We in the industry have appreciated the opportunity to give input to the Division of Mining in its effort to develop legislation.

The basic approach taken by HB 99 has merit, but there are areas in the bill that I, as a mine property owner, and mining consultant disagree with.

The state's approach in the bill will tend to discourage mineral development on state land rather than encourage exploration and development on properties which will lead to production.

The point that the environmental community knows full well and the administration has not taken into consideration is that economics will dictate when a mine will go into production. The high rental rates and high royalties, combined with the existing mining license tax, will stop mining on state lands dead in its tracks if HB 99 is approved in its existing form. Some world class mines located on state land might be able

to operate under the high rentals and royalties proposed. Not all are world class mines, but can be productive, extracting minerals, providing needed jobs, taxes for the borough, the state and nation. Mining is a labor intensive industry which provides resources and jobs benefiting society. The margin of profit in the mining industry cannot be compared to the petroleum industry, and should not be.

Senator Fahrenkamp made the right observation when she was quoted in a Fairbanks Daily News-Miner editorial recently. She said that too high a rents and royalties will force mining companies who have state mining claim holdings to drop them and look elsewhere in Alaska on Federal or Native lands.

The bill, the way it is now, is a disincentive for developing state mining lands. If you want to stop mining on state lands, SB 129/HB 99 in its present form will do so. The 6-1 court decision has given the state an opportunity to send the right signals to the world and its people that it favors mineral development. The 6-1 issue is not one of the state demanding maximum revenues or adding on a whole Christmas tree of new rules and regulations which further discourage the development of our resources on state lands. The court ruled that the state did not have a leasing system in place. It did not say how much should be charged for rents or royalties or say that reclamation should be included in any legislation proposed to comply with the directives of the court.

The rental rates are too high as proposed. The escalating rents as proposed take monies that would be better invested in exploration and development on state lands. The state should be doing things to encourage mining on its lands so that its people can have jobs.

The royalty provisions penalize the mine operator for trying to develop a mine. A new mine operation that employs people and has high capital costs resulting in low profitability will be forced to pay royalties based on gross income. The clause could cause existing mines to close down and stop new mines from going into production. Is the state's policy to maximize revenues to support its bureaucracy or to encourage the development of private industry that puts people to work and produces wealth?

A small mom and pop operation may be able to make it for a few years on 40 acres, but any operation must have sufficient reserves, acreage, and claim blocks in the same area to justify the investment of equipment to operate. The cost to move an operation, which includes logistics and permitting, is high and contributes to instability.

Larger companies will not move into an area unless there is a sufficient land position to justify an investment of time, money and labor to develop a mine.

Fairbanks has a potential of 3 or 4 large mining ventures. The Grant Mine operation would not have developed if they had not been able to pull a large block of claims together. If the land position had been split up, no development would have occurred.

Cleary Hill, Pedro Dome, Gilmore Dome, the Scrafford Mine off the old Murphy Dome Rd., all have a potential. The development of these areas for hard rock is contingent upon large blocks of land being made available for consolidation by a larger company if the opportunities appear right. High rents will discourage claim blocks from being maintained and will further hinder the larger companies from pulling claim blocks together to develop mines.


If the Intent of this bill is to stop mining on state lands and put existing mining operations out of business, then I recommend you approve SB 129/HB99 as written.

Recommendations:

1. MINING LICENSE TAX: This should stay in place. It provides revenues from Federal, private and Native lands.
2. RENTS: These should be scaled down and not escalated to encourage investment in development of property.
3. ROYALTIES: The royalty on gross revenues should be deleted.
4. 6-1: This should not apply to lands which were not mineral in character at the time of selection, as directed by the court decision, and should only address the 6-1 issue, which is the state's failure to have a leasing system in effect.

I realize that legislation needs to be passed. We want reasonable rents or royalties. You can act and fulfill the court decision. You do not have to enact confiscatory legislation. If you do, it will deny the orderly development of Alaska's mineral resources.

Who wins or loses if SB 129/HB99 is enacted as is? The environmentalists win. The miners lose, and the state, its people and the nation will lose, and many needed jobs in the State of Alaska will be lost.



Roger C. Burggraf

1-30-89

Date

April 1, 1989

My name is Rosalyn Stowell, my address is 177 Simpson Way, Fairbanks, Alaska 99712. I would like to submit the following testimony on the proposed bi legislation.

As a small scale miner, I am probably one of the smallest scale. My husband died Dec. 28, 1988, my partner is 87 years old and refuses to get near the machinery, let alone operate it. I am the sole worker on the claims we hold.

The land I am working has all been worked in earlier years & I only recover what was missed by the early day (1898-1912) miners. I refuse to go into debt to upgrade my equipment, given recent developments brought about by litigation by various preservationist entities.

I believe the present system of location & annual labor meets the intent of the originators of our Statehood Commission. If they had desired otherwise, they would have said so, in plain English. If you must require a rent, \$1.00 per claim, with no escalation clause should be sufficient, from date of Bill passage. All claims filed & legally held before Bill passage should continue on location/annual labor system.

Without actually mining of the ground, there are no sure-fire methods of proving

mineral reserves of most areas. The Eureka area near Manley Hot Springs is notoriously spotty ground. Drilling may hit a hot spot or miss altogether. I mine systematically and am able to pay all my expenses & even once in a while have a wee bit left over. If I am required to start paying an extra cash amount, escalating each year, to the State of Alaska, I would be among the statistics of cases closed.

Through hard work, I am able to remain an independent individual. I do not wish to join the ranks of persons seeking work & taking jobs away from less motivated individuals that would then go on Welfare.

Miners do not, as a rule, accept Public Assistance (Welfare) but the people replaced by us in the workforce - do.

As for Paul G. speaking for me..... Well, as long as he does not vary from my position on this issue, yes. I am not an A.M.A member & consider most of them too wishy-washy to be of much consequence. I am State-wide Secretary of the Alaska Independence Party, so you should know where I stand.

Thank you for coming to our Conference, I appreciate it.

I do agree with Rose Rybachek's testimony.

Rosalyn Stowell
456-5832

unrelated subject, but it is not turbid water, its' nutrient enriched. Fish can not live in sterile water.

The area I mine in, has some characteristics not found in many areas. There are no fish in my small stream, the stream isn't large enough or deep enough & freezes solid each winter. The stream then sinks into the flats and never joins another stream. The only use on this stream is mining, yet I must go to total recycle, with no discharge. If I do not release my water, the Miners below me will not have water. I hold 1st water Right on the stream.

The State should manage our water resources and aggressively uphold our right to our land, water & in the future, air.

Sorry, your 25th is up & I don't have either, I don't have either, any change.



Feb. 2, 1989

House Resource Committee
Pouch V Juneau

Re: HB-99

Mr Chairman/ Resource Committee,

After waiting two days in the LAO office to testify on this bill it became apparent that time was running out on me again. So was requested by their staff to submit this in writing.

My name is Del Ackels, PO Bx 2151 Fairbanks, Alaska 99707. I would like this read into the record.

There are several points in this bill that I can not support. First I would like to point out that the reason the House and Senate was directed by Federal Court action to prepare this bill was because of the 6I issue. No where in this or the Senate version is 6I even mentioned. This should be corrected.

The State in this action spent a lot of money and time defending what it thought was it's States rights in this issue and in the end won some points and lost some points. In the end the Fed. Courts found that the State did indeed have some lands subject to location but also had some lands subject to 6I which had special qualifications which the court directed the State to identify. The qualification for these special 6I lands were they had to be KNOWN to be mineral in character at time of selection, and such lands were subject to Rents and/or Royalties. The Plaintiffs (Trustees for Alaska) in this case against the State, lost some on both these points. They wanted All lands to be included and both Rents and Royalties paid.

At this point I became a little confused because both these Bill's address the Plaintiffs point of view and not what the State fought so hard for and won in court. Is it because the State cannot identify these lands? Or is it because the State Feels it doesn't have money or time to do this? If this is the case this State may lose a tremendous amount of future revenues over the long run in development spin-offs by pushing this development on to more favorable lands and should reconsider it's position in this Bill. If not the question should be asked, Why did the State fight this in the first place?

Let's now look at what will happen if the Plaintiffs

point of view is taken, as both these bills suggest. Alaska will now have 104 million acres of land that is automatically more expensive to develop than its adjacent lands. These other lands are Native Lands, Private Lands, and Fed. Lands as you know. If a average size Co. is on these other lands and enjoying a 15% net profit over the long run of 10 years or so, this Co. would be an exception to the rule and above average. If it was subject to 6I fees that were either too high or that would escalate over time, this mine life would be limited if on State land. If this same mine was located on State lands subject to location, the mine life would be the same as other lands and would produce more income to the State over the long haul in taxation and spin offs.

How does this affect me? My wife and I are what you have been hearing as Mom and Pop type of business. We located 200 State mining claims in the Circle area in 1983. In the last 6 years we have put all our savings and what moneys we could save out of our budget to develop this prospect. This prospect has a strong promise to be a large mine in this area which would provide a badly needed income base for this part of Alaska. These claims were not on lands at the time of State selection that were known to be mineral in character. I found this mineral discovery through hard persistent work on lands open to location that were not subject to sales, grants, deeds, or patents.

Since H.B. 99 or S.B. 129 assumes there are for some reason no longer any location lands on State lands, where does this leave my wife and myself? Come this fall we will be assessed over \$4,000.00 that we don't have (if we did we would have put it into more exploration) and will most likely have to let this deposit drop from lack of funds. This would be a tremendous let down for us. Even if we could come up with this rent money there is no where in either one of these bills a provision that even would suggest once production begins the rent would be dropped. One sad thing for us in this bill is there is already enough information known about our deposit that when we are forced to drop it, a larger out of State Co. would be there to grab it. This would be a bitter blow to us.

I believe it is important that when you folks are forced to make a rushed, major decision such as this, that care be taken to view the overall picture. 6I should apply only to those State lands that qualified, that rents or royalties be charged. I know that extra moneys are hard to come by for you to spend in Juneau, but you have to keep in mind that 81% of all Federal Lands in this State are forever closed to mineral development, and this State will never develop revenues from. 17% of State lands are now closed to

mineral development, and what this State ended up with after ANLCA as far as mineral selection, is considered by your own departments (DNR and DDGS) as "DOG MEAT".

So it is important that you don't hinder what is left for a buck. That when you do put this in statute, it is as good as you can achieve. I would hate to be sitting in your chair when Gas and oil runs out. Right now only 9% of your current revenues would be covered with what is left. Who knows what it would be then? And where would you turn?

As a parting note, I saw a very appropriate bumper sticker on me way to the LAO office.....

IF DOLLY PARTON WAS AN ALASKA MINER
SHE WOULD BE FLAT BUSTED.

Sincerely,



Del Ackels

cc; Senate Resource Committee

THE FOLLOWING DOCUMENT MAY NOT FILM
LEGIBLY BECAUSE OF THE POOR QUALITY OF THE
ORIGINAL

As to Senate Bill 129 we recommend the elimination of any further extension of the 10% limit on the amount of any single contribution to any political committee. We believe a ceiling of 10% is a reasonable restriction and that any further extension would be a step in the wrong direction. We believe that the amount of any single contribution should be determined by the amount of the total contribution to the committee. For example, if the total contribution to a committee is \$100,000, then the amount of any single contribution should not exceed 10% of that total, or \$10,000. We believe that this restriction is a reasonable one and that it should be maintained.

and is hereby adopted.

Before I provide my comments on Senate Bill 129, I would like to state for the record that we are strongly opposed to the type of bill that would allow for the creation of a new political committee. We believe that the creation of a new political committee is a major departure from the principles of the Constitution and is hereby rejected. We believe that the type of bill that would allow for the creation of a new political committee is a major departure from the principles of the Constitution and is hereby rejected.

and clarification of the proposed legislation.

Madam Chairman, we have a bill that would allow for the creation of a new political committee. We believe that the creation of a new political committee is a major departure from the principles of the Constitution and is hereby rejected. We believe that the type of bill that would allow for the creation of a new political committee is a major departure from the principles of the Constitution and is hereby rejected. We believe that the type of bill that would allow for the creation of a new political committee is a major departure from the principles of the Constitution and is hereby rejected.

Examples of indirect costs include insurance, general administrative, employee benefits, and other taxes. At the very least, the legislation should include a clarifying statement to the effect that net income is that income, less allowable deductions, derived from the sale of minerals produced from State mining claims, leasehold locations or mining leases.

Strong consideration should also be given to including the expenditures for annual assessments and rental payments made to the State as valid deductions for the purposes of determining net income.

In this same vein, a clear definition of the term "production" should be included in Section 38.05.212 of this bill. Currently the only reference to production appears under the statutes of the Department of Revenue at AS 43.65.000(5) where it infers that production is "the shipment of products from mining operations". A precise definition of production will help clarify whether it is the intent of this legislation to impose a royalty on production or a royalty on the income derived from the sale of that production.

We also recommend that Section 38.05.212 Subsection (C) of this bill be revised to exclude any royalty on production that is not sold during a calendar year. We have no quarrel with the language ensuring that the State receives a royalty based on the fair market value of the production. However, the State should not receive a royalty on minerals produced until that production has been sold. Royalties should not be paid based on production, (however that is defined), but on the income derived from the sale of that production. To do otherwise will adversely impact mining production across the State during times of poor marginal market conditions. For example, if a miner produces gold and the

market price declines, he normally would not sell his product until the market improved. He receives no income from the production that year, yet under the proposed legislation he must still pay the State a fair market value royalty on what he produced. This is unfair. This would make many otherwise economically viable mining operations unfeasible which is certainly not in the best interest of the State, if it intends to receive revenues from mining operations on State lands.

On a technical point, if Senate Bill 129 is passed, Section 43.65.010 Subsection (e) of the Mining License Tax would need to be revised to exclude from the gross income an amount equal to the rents and royalties paid by the taxpayer with respect to the property when figuring the depletion allowance. This subsection currently reads rents or royalties for calculation of the applicable depletion allowance.

Finally, with regards to the topic of reclamation, we recommend that language be incorporated into this legislation to the effect that reclamation shall be addressed by existing Federal and State statutes and regulations. This bill is no place for establishing the intent to create new reclamation regulations to govern the mining industry. However, a statement acknowledging that the activities associated with this bill will be in compliance with Federal and State statutes and regulations for reclamation should not be too onerous to live with.

Thank you for the opportunity to present our views on this important piece of legislation.

Good Day!

BC/slb:584:67

COOK INLET

COOK INLET REGION, C.

TELECOPIER COVER LETTER
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TELEPHONE: (907) 274-8531
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TO: SENATOR BETTYE FAHRENKAMP FROM
CHAIRMAN RESOURCES COMMITTEE
STATE CAPITOL RM 125
JUNEAU, ALASKA 99801

MR. H. MARRS SR.
COOK INLET REGION INC
2525 C ST
ANCHORAGE, ALASKA 99503

~~456-3700~~

463-4867

Secretary/Contact Name for Address

SPECIAL INSTRUCTIONS

Senator: Attached is the draft testimony I intend to give at your (611) hearing on the 17th. If you have any problems or comments please give me a call.

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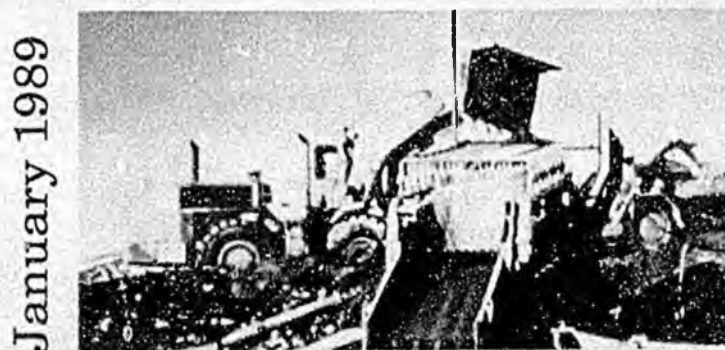
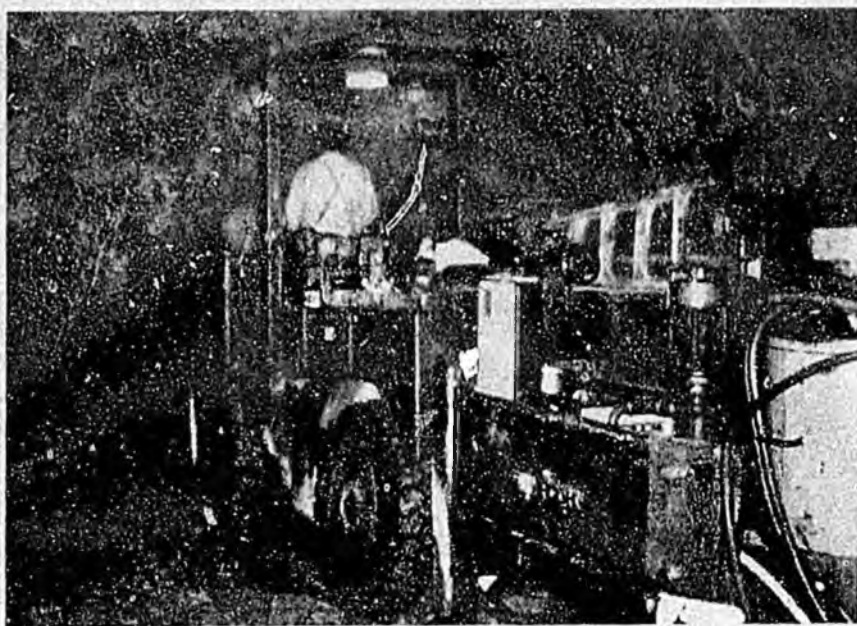
Section 38.05.213. Reclamation. (a) All mining claims, leasehold locations, and mining leases shall, at a minimum, be restored so that the land (including waters of the state) affected is capable of supporting all the uses it was capable of supporting prior to any mining, or all higher or better uses of which there is a reasonable likelihood, consistent with all applicable laws and the Alaska Constitution.

Equal or better standards.

*****STATEWIDE*****	INITIAL ALLOCATION	P/Y UNDERPMTS.	NET	MISC. SHARING PROPORTION FACTOR =	.44775451956209
MISCELLANEOUS AID SHARING:	\$11,126,544	\$0	\$11,126,544	TAX EQUALIZATION PROPORTION FACTOR =	2.222630575797
TAX EQUALIZATION:	\$21,492,176	\$0	\$21,492,176	MINIMUM ENT. PROPORTION FACTOR =	.92473765063983
HOSPITAL CONSTRUCTION:	\$0	\$0	\$0	HOSPITAL CONST. PROPORTION FACTOR =	.00000000000000
TOTAL:	\$32,618,720	\$0	\$32,618,720		

NAME	POP.	MILL RATE EQV.	PRIOR YEAR ADJUSTMENT	MISCELLANEOUS ENTITLEMENT	TAX EQUALIZATION ENTITLEMENT	MINIMUM ENTITLEMENT ADD ON	HOSPITAL CONSTRUCTION ENTITLEMENT	TOTAL FY ENTITLEMENT
MUNICIPALITIES								
PLATINUM								
PLATINUM	62	0.00	\$966	\$13,825	\$0	\$18,251	\$0	\$31,110
TOTALS	62	0.00	\$966	\$13,825	\$0	\$18,251	\$0	\$31,110
POINT HOPE								
POINT HOPE	600	18.17	\$642	\$0	\$22,469	\$9,730	\$0	\$32,841
TOTALS	600	0.00	\$642	\$0	\$22,469	\$9,730	\$0	\$32,841
PORT ALEXANDER								
PORT ALEXANDER	129	0.58	\$478	\$0	\$154	\$23,830	\$0	\$24,462
TOTALS	129	0.00	\$478	\$0	\$154	\$23,830	\$0	\$24,462
PORT HEIDEN								
PORT HEIDEN	114	0.07	\$885	\$44,320	\$18	\$0	\$0	\$45,223
TOTALS	114	0.00	\$885	\$44,320	\$18	\$0	\$0	\$45,223
PORT LIONS								
PORT LIONS	296	11.19	\$504	\$5,168	\$6,331	\$13,274	\$0	\$25,277
TOTALS	296	0.00	\$504	\$5,168	\$6,331	\$13,274	\$0	\$25,277
QUINAGAK								
QUINAGAK	511	8.26	\$634	\$9,707	\$9,702	\$13,356	\$0	\$32,399
TOTALS	511	0.00	\$634	\$9,707	\$9,702	\$13,356	\$0	\$32,399

Report of the
Alaska Minerals Commission



January 1989

**Report of the
ALASKA MINERALS COMMISSION**

to

Governor Steve Cowper

and the

Alaska Legislature

January 1989

FOREWORD

The Alaska Minerals Commission was created by the 14th Legislature and signed into law on June 6, 1986, through the enactment of Chapter 98 of the 1986 Session Laws of Alaska.

The enabling legislation instructs the Commission to make recommendations to the Governor and Legislature on ways to mitigate the constraints, including governmental constraints, on the development of minerals, including coal, in the state. The Commission's Statement of Purpose can be found in Appendix A.

The Commission presented its initial report to the Governor and the Legislature in January 1987, presented its interim report in January 1988, and was charged with making a final report to the first session of the 16th Legislature in January 1989 after which the Commission was to expire. However, during the second session of the 15th Legislature, House Bill 561 was enacted. The bill amended the enabling legislation by extending the Commission's charter through January 1994 and by providing that one member reside in a rural community (Appendix B).

Commission members are appointed by the Governor, the President of the Senate and the Speaker of the House. The current members include representatives of the placer, hard rock and coal mining industries and come from diverse areas of the state. Administrative and staff support to the Commission is provided by the Division of Business Development, Department of Commerce and Economic Development.

I would like to thank all members of the Commission, staff and those members of the public who have provided their comments and worked on committees for their contributions in preparing this report. I would also like to thank Governor Cowper and the Alaska Legislature for the support they have provided the Commission.

Earl H. Beistline
Chairman

ALASKA MINERALS COMMISSION

Chairman

Earl Beistline
Mining Consultant
Fairbanks, Alaska

Vice Chairman

Joseph E. Usibelli, Chairman
Usibelli Coal Mine, Inc.
Healy, Alaska

Del Ackels, Owner-Operator
Goldust Mines
Fairbanks, Alaska

Don Finney, Ketchikan Manager
U.S. Borax and Chemical Corp.
Ketchikan, Alaska

Irene Anderson, Land Planner
Sitnasuak Native Corporation
Nome, Alaska
(Appointed September 1988)

Karl Hanneman, President
Alaska Placer Development, Inc.
Fairbanks, Alaska

G.G. (Jerry) Booth
Manager, Alaska Exploration
Cominco Alaska Exploration, Inc.
Anchorage, Alaska

Jenny Hawley, Vice President
Hawley Resource Group, Inc.
Anchorage, Alaska
(Resigned, December, 1988)

Roger Burggraf, Owner
Grant Mine
Fairbanks, Alaska

Ron C. Sheardown, President
Greatland Exploration, Ltd.
Anchorage, Alaska
(Appointed, May 1988)

Tom Crafford, Mine Geologist
Greens Creek Mining Company
Juneau, Alaska
(Appointed December 1988)

Ernest N. Wolff
Mining Consultant
Fairbanks, Alaska

Staff

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Jim Deagen
Division of Business Development
Department of Commerce and
Economic Development
P.O. Box D
Juneau, Alaska 99811

Report of the
ALASKA MINERALS COMMISSION

January 1989

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INTRODUCTION

In its initial report to the Governor and Legislature in January 1987, the Alaska Minerals Commission presented findings and recommendations addressing the range of fundamental issues critical to Alaska's mineral industry. The Commission would like to refer interested readers to that report and would like to express continued support for the comprehensive recommendations made in it. In this report, as in the January 1988 report, the Commission has chosen to focus and to present recommendations on those issues of the most timely importance.

In 1988, a rebound in the production of gold and in expenditures made on Alaska exploration programs highlighted renewed interest in Alaska's precious metals. Additionally, Alaska continued its unique exports of subbituminous coal to Pacific Rim countries. In 1989, the Greens Creek mine and the Red Dog mine are scheduled to begin production, establishing the state as an international supplier of silver, zinc and lead.

During 1988, the Legislature and the administration took several positive steps to address regulatory and policy issues of importance to the industry. An Alaska Mineral Policy Act encouraging the development of the state's abundant mineral resources was passed by the Legislature and signed into law by Governor Steve Cowper on June 8, 1988. The Department of Environmental Conservation promulgated new mixing zone regulations for water discharges that are to be implemented during the 1989 season and has begun work on new regulations for start-up variances.

These positive developments, both in industry and government, have come at an opportune time. The international market forces which have brought new investment in Alaska's minerals and the willingness of the Legislature and administration to address legitimate concerns of the industry have helped to promote economic growth and diversification at a time when the state must begin to overcome its economic dependency on oil field development and oil production revenues.

Additional issues will challenge the continued growth of Alaska's mining industry in 1989 and beyond. Of primary concern is the legislative implementation of the Alaska Supreme Court's decision on a lawsuit regarding the interpretation of section 6(i) of the Alaska Statehood Act. Certain state laws governing the location of mining claims must be amended during the 1989 legislative session to reflect the court's directives.

A workable and reasonable legislative implementation of the Court's 6(i) decision has been identified as the highest priority of the Alaska Minerals Commission's subcommittees for hard rock mining, placer mining, coal mining and industrial minerals. The Commission's recommendations for the implementation of the 6(i) decision are found under the Legislative Priorities section of the report.

Additional recommendations in the legislative priorities section, as well as those under other section headings, represent other actions that the Commission feels will demonstrate the state's desire to expand its mineral industry and to provide a reasonable regulatory and tax climate for business. These actions will do much to attract exploration and development in the short-term, and in turn, will provide widespread economic benefits for the state and its residents over the long-term.

RECOMMENDATIONS OF THE ALASKA MINERALS COMMISSION

I. LEGISLATIVE PRIORITIES

Implementation of the 6(i) Court Decision

- The highest priority of the Alaska Minerals Commission is the fair and equitable implementation of the Alaska Supreme Court's interpretation of section 6(i) of the Alaska Statehood Act. (For a summary of the 6(i) issues and lawsuit, see Appendix C.)

The Commission supports the positions of both the Alaska Miners Association¹ and Governor Steve Cowper² on the following three critical aspects of any legislation to be enacted.

1. The traditional discovery, location and recordation system recognizes the unique nature of mineral resource development as well as the needs of individuals and companies carrying out mineral exploration and development. The right of self-initiation is guaranteed by the Alaska Constitution and no fundamental changes should be made in the way preferential minerals rights are initiated on state land.
2. Because of the long lead time commonly required between the discovery of a deposit and its initial production, there should be no arbitrary time limits placed upon the tenure of a mining claimant on state lands. This is especially important in Alaska where the need to construct basic infrastructure and to await financial and market "windows" will often result in longer development lead times than in more developed states and countries.
3. The setting of rental and/or royalty fees for mining claims on subject state lands should neither penalize claimants nor create disincentives for individuals or companies doing mineral exploration. In Alaska, exploration, development, capital and operating costs are commonly higher than in more developed states and countries. Alaska's cumulative mineral tax schedule, including existing corporate income taxes, mining license taxes and new rental and/or royalty fees should not unduly burden the small miner nor increase total development costs to the point where diminished economic feasibility precludes mine development or mineral exploration on subject state lands.

A fourth aspect of the implementation of the 6(i) court decision is the definition of lands to which the new legislative provisions will apply. The Commission agrees with Governor Cowper that it is in the interests of both the state and the mining industry that this aspect be resolved in a manner that minimizes the risk of lengthy and expensive litigation. As the Alaska Supreme Court ruled that the 6(i) provisions are applicable only to those state lands "known to be mineral in character at the time of state selection," the Commission also recommends that a clear definition of such lands be developed, and that workable and expeditious procedures be developed to allow timely classification of lands and claims subject to 6(i).

Finally, the Commission strongly recommends that proposed legislation implementing the 6(i) court decision be limited to only those issues specifically required by the court.

¹ *Communication from Richard A. Hughes, President, Alaska Miners Association to Governor Steve Cowper, September 9, 1988.*

² *Communication from Governor Steve Cowper to Richard A. Hughes, President, Alaska Miners Association, October 19, 1988.*

Allowance for Flexible Work Weeks

- The passage of legislation allowing work schedules to be set on the basis of project specific considerations will allow for more efficient use of labor and provide more desirable time-off patterns for employees. This will be particularly significant for mines in remote locations with employees who reside in communities distant from the work site.

Extension of Underground Work Hours

- Legislation is required to amend current statutes limiting shifts at the work face of underground mines from the current maximum of eight hours to a maximum of ten hours. The antiquated statute presently in effect does not recognize the implementation of modern safety programs and penalizes mine efficiency and employee time-off schedules on remote mining projects.

Multiple Use of State Lands

- The Commission would like to reemphasize four recommendations made in the Commission's 1987 report regarding the management of state lands.

1. Alaska Statute 38.05.300 should be amended as follows:

Classification of lands. (a) The commissioner shall, where considered necessary and proper, classify land for surface use. This section does not prevent reclassification of land, where the public interest warrants reclassification, nor does it preclude multiple use of land whenever different uses are compatible. State land, water, or land and water area may not, except by act of the state legislature, be closed to multiple use or to mineral entry if the area involved contains more than 640 acres.

2. The Legislature should redefine, to conform with constitutional intent, the various definitions of "multiple use" in the Alaska Statutes to require the management of state lands for the use of all resources rather than allocating or selectively denying resource use.
3. The Legislature should only make closures of land to mineral entry where documented and demonstrated incompatible use is proven and only when preceded by a mineral assessment.
4. The Legislature and Governor should periodically review lands closed to mineral entry to assess the need for continued closure and, if there is no longer a compelling need for closure, return the land to multiple-use designation.

Amending the Reporting Requirements of the Minerals Policy Act.

- Sec. 44.99.110(2) should be amended to require each department, board, commission, or agency, including the University of Alaska, to fulfill its reporting requirements as set out in this section on an annual basis through 1994 rather than once only in 1989.

Industrial Minerals Inventory

- The Legislature should reintroduce and enact legislation similar to SB 71 (or companion legislation HB 69), Senate Concurrent Resolution 4 and House Concurrent Resolution 5 as introduced during the Second Session of the 15th Legislature. These bills and resolutions address the need for systematic identification, inventory and reserve of sand and gravel resources to meet the present and future needs of transportation systems, populated areas and large-scale developments within the state and Pacific Rim.

II. ADMINISTRATIVE PRIORITIES

Public Information on Water Quality Progress

- Increased public awareness of the progress being made on improving water quality will assist in providing support for the administrative actions needed to provide for greater flexibility in the state's water quality regulations. To follow up on his March 1987 placer mining directive³, the Governor should instruct his agencies to make a special effort to inform other water user groups and the general public on the progress that has been made by miners on improving water quality.

Improve Flexibility of Water Quality Regulations

- The Department of Environmental Conservation should aggressively pursue implementation of the six areas identified by the Water Quality Task Force as having the potential to increase regulatory flexibility while complying with the Clean Water Act and protecting downstream users. These include the use of mixing zones and start-up variances, the reclassification of drainages, the restructuring of water uses, the revision of water quality criteria and the assumption of the NPDES program.

For there to be significant progress toward the objective of having flexible water quality management, the rate of progress on these issues should be accelerated to the point where each tool can be used appropriately and collectively to solve the problem. The recently completed Tolovana reclassification study is of minimal practical value and is an example of the time and expense that will be wasted unless these various tools are used in a concerted approach to a solution. Similarly, until a water quality criteria review is conducted and the 5 NTU drinking water standard is changed to 25 NTU, the new mixing zone regulations may not provide meaningful relief as the existing standards may still be unattainable. These tools must be used collectively to reach a solution and to date this is not being done.

The new mixing zone regulations that became effective September 15, 1988 must be implemented to achieve the objectives outlined in the Governor's March 1987 directive: maximize flexibility under the law while protecting downstream users. The Department of Environmental Conservation is currently making progress toward this end, and the Governor should direct the Alaska Department of Fish and Game, Habitat Division to contribute workable solutions to the implementation of mixing zones.

Reclassification of Drainages

- The Tolovana reclassification study did not seek to utilize the maximum flexibility available. For example, sampling on the Tolovana River and Livengood Creek both showed that existing natural bacterial contamination justified eliminating the 5 NTU drinking water turbidity standard. However, instead of using this data to appropriately and legally justify relief from the most stringent turbidity standards, the Department of Environmental Conservation chose to discount the data. In the future, the department must undertake reclassification studies with the objective of using all valid regulatory means to grant relief when conditions justify reclassification and downstream users remain protected. To date this is not being done.

³ Memorandum from Governor Steve Cowper to Department Commissioners Judith Brady, Don Collinsworth and Dennis Kelso, March 30, 1987.

Offshore Dredging

- The following three recommendations have the objectives of stimulating new offshore mining activity and resolving current regulatory issues concerning the analysis and permitting of offshore mining operations.
 1. The Governor should direct the Division of Mining to work closely with industry to develop workable offshore applications and leasing procedures in state waters, and to begin processing offshore applications and leases under those procedures.
 2. The Governor should encourage the Environmental Protection Agency and the Army Corps of Engineers to develop a Memorandum of Understanding that would classify material discharged from offshore dredges as dredged material regulated under Section 404 of the Clean Water Act, rather than as industrial waste under Section 402 as currently classified.
 3. The Office of the Governor should ensure that future coordinating groups, such as the Norton Sound Federal/State Task Force, be organized so as to provide greater accountability by the sponsoring agency to the participating groups. Some participants in the Norton Sound task force have been critical of the failure of the sponsoring agency to specifically respond to comments made by reviewing groups.

Resource Development in National Petroleum Reserve Alaska

- The Governor should urge the opening of the federal National Petroleum Reserve Alaska to coal and mineral development.

Transportation and Infrastructure

- The lack of an established transportation system and associated infrastructure is a primary impediment to mineral development in Alaska. While there have been many discoveries of world class deposits made in Alaska over the last two decades, lack of access has delayed or will definitely postpone their development.
 1. The Governor should reaffirm Alaska's rights of access as provided by RS 2477 and assert several pivotal rights-of-way which are vital for access to Alaska's remote mineralized areas.
 2. The Governor should adopt and implement a statewide infrastructure and transportation plan which includes the identification and development of access corridors within the state.

Coal Development Policy

- The appropriate state agencies, in consultation with the Legislature and the coal industry, should undertake a broad based review of coal development issues, including tax reform and unitary tax repeal, royalty and rental schedules, coal leasing programs, coal mining and reclamation programs, and future domestic energy demands. The objective of the review should be the establishment of a state coal development policy that will provide direction for the expansion of Alaska's coal industry and will provide guidance for policy decisions concerning future energy sources and international coal exports.

Clean Coal Technology

- The state should support appropriate research and development on clean coal technology that will benefit domestic power generation and the export of high-value coal through support of the newly created Alaska Science Foundation and through cooperative, political initiatives on behalf of the administration, Legislature, and congressional delegation to secure research and development funding and demonstration project grants from the federal Department of Energy Clean Coal Technology Program.

III. SUPPORT FOR MINERAL PROGRAMS AND SERVICES

Mineral Resource Education

- The Legislature and the Governor have continued to demonstrate support for the "Alaska Resources Kit: Minerals" by establishing a position in the Department of Education to oversee and implement the mineral resource curriculum that was jointly developed and funded by industry and by the state. Private industry, through the Alaska Mineral and Energy Resource Education Fund, shares in the annual cost of the newly created position and provides the annual costs of producing, maintaining and updating the educational kits. The Department of Education should be granted incremental funding to equally share as a full partner with industry in the cost of this educational program.

Professional and Technical Training

- To maximize job opportunities for residents and improve public acceptance of the industry, the professional education, vocational, and technical training services within the state should be strongly supported including enhancement of the School of Mineral Engineering at the University of Alaska Fairbanks.

The Commission specifically recommends that the Governor and the Legislature support the budgets set forth by the Board of Regents for the University of Alaska Southeast and for the Mining and Petroleum Training Service (MAPTS) to allow these institutions to continue the entry level training program for underground mining and milling employees. The initial training programs have been highly successful at placing graduates into jobs at the Greens Creek Mine and an expanded program is needed to train additional residents for new mining jobs in Alaska. The direct support for the University of Alaska Southeast program will allow MAPTS to be more effective in its ongoing training programs in other areas of the state.

State Mineral Programs

- Geological mapping, geologic surveys, mineral assessments and the publication of geologic reports are critical to the state's ability to maintain and expand its mining industry as well as providing for the health and benefit of the residents of the state. The Division of Geological and Geophysical Surveys should be funded at a level sufficient to allow its existing professional staff to work on a full-time basis and to provide operating funds for field mapping projects, including the continuation of the five-year sand and gravel inventory program, quadrangle mapping, and other essential services.

-
- The basic level of services provided by the Division of Mining should be supported, and budgetary increments be provided to review and rewrite (if necessary), and to implement the state's offshore mineral leasing program.
 - The mineral services and functions within the Department of Commerce and Economic Development, Division of Business Development, should be supported. Incremental funding should be provided to allow the division to conduct research and publish a report on potential export markets for Alaska industrial minerals and products, and on the availability of industrial mineral resources in Alaska.

Appendix A.

ALASKA MINERALS COMMISSION STATEMENT OF PURPOSE

The Alaska Minerals Commission was created by the 14th Legislature in Chapter 98 of the Session Laws of 1986 and was established to make recommendations to the Governor and to the Legislature on ways to mitigate constraints on the development of minerals in the State.

The minerals industry offers the greatest potential of any Alaska industry for expanding and diversifying the State's economic base; for increasing Statewide employment; and for generating new wealth to create businesses and provide revenues for State and local governments.

However, Alaska has a complex pattern of land ownership and management; has overlapping and uncertain regulatory requirements; has unique geographic, geologic and climatic conditions; and has an underdeveloped transportation system.

To attract the capital necessary for the exploration and development of new mines; to ensure that mines can be developed feasibly and in timely fashion; and to ensure that producing mines remain viable—constraints on the industry must be mitigated.

The Alaska Minerals Commission will prepare annual reports recommending to the Governor and to the Legislature the adoption of legislation and the implementation of administrative policy that will best accomplish the statement of policy found in Article VIII, of the Constitution of Alaska:

"It is the policy of the State to encourage the settlement of its land and development of its resources by making them available for maximum use consistent with the public interest."

and the statement of policy found in the President's National Materials and Minerals Report to Congress of April 5, 1982:

"It is the policy of this Administration to decrease America's mineral vulnerability by taking positive action that will promote our national security, help ensure a healthy and vigorous economy, create American jobs, and protect America's national resources and environment."

The goals of the recommendations of the Alaska Minerals Commission are to assure that the Legislature and the state administration encourage and promote development of a viable mining industry in the state.

Appendix B.

Chapter 98
Session Laws of Alaska, 1986
As Amended by
Chapter 71
Session Laws of Alaska, 1988

AN ACT

Relating to the Alaska minerals commission; and providing for an effective date.

Section 1. (a) The legislature finds that the minerals industries, including metallic minerals, industrial minerals, and hydrocarbons, have been traditionally and continue to be the major source of wealth and income in the state.

(b) The legislature further finds that there are major constraints on the continued development of a diverse mineral industry in the state, including the Environmental Protection Agency's effluent guidelines, state water quality standards and improperly classified streams and rivers, restrictions on surface access, complex and numerous permitting requirements, and limited access to minerals through mineral closing orders and restrictions on multiple use through state and federal land use plans.

Sec. 2. ALASKA MINERALS COMMISSION ESTABLISHED. (a) The Alaska Minerals Commission is established in the Department of Commerce and Economic Development.

(b) The commission is composed of 11 members. The commission shall be composed of individuals who have at least five years' experience in the various aspects of the minerals industries in the state. The governor shall appoint five members of the commission, one of whom must reside in a rural community. The President of the Senate shall appoint three members of the commission. The speaker of the House of Representatives shall appoint three members of the commission. Each member serves at the pleasure of the appointing authority.

(c) The commission shall make recommendations to the governor and to the legislature on ways to mitigate the constraints, including governmental constraints, on development of minerals, including coal, in the state.

(d) The commission shall report its recommendations each year to the governor and the legislature during the first 10 days of the regular session of the legislature.

Sec. 3. This Act is repealed February 1, 1994.

Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).

Appendix C.

Summary of the 6(i) Lawsuit *

Section 6(i) of the Statehood Act (P.L. 85-508) provides:

All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, that any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

The state and the Legislature have, since 1980, been aware that the state's mining laws (AS 38.05.185—.275) may not fully comply with section 6(i). In 1982, the Legislature adopted AS 38.05.207, creating the requirement for a miner to apply for a "Production License" prior to the commercial production of minerals. This license requires a public notice and was enacted in hopes of curing the 6(i) deficiencies.

In 1983, a coalition of environmental, Native and fishing groups challenged in State Court that Alaska's mining laws were not in compliance with section 6(i). On May 1, 1987, the Alaska Supreme Court found that:

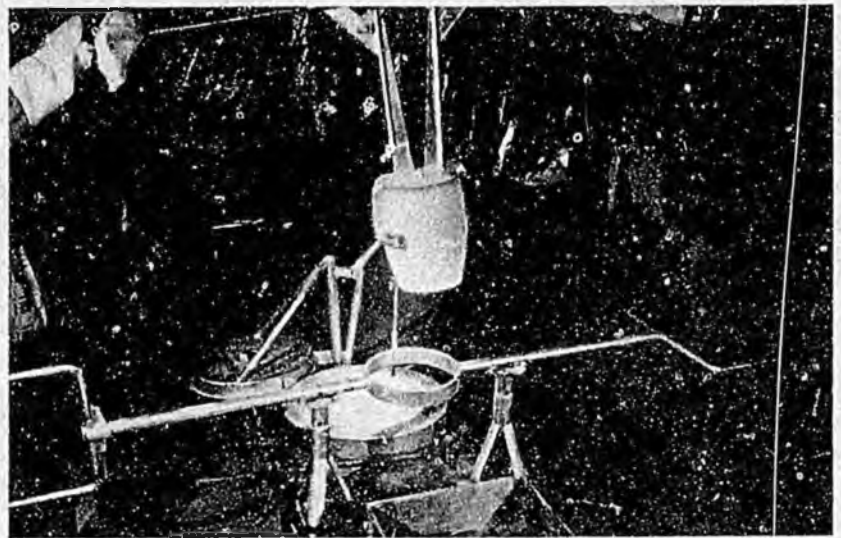
- Alaska's mining leasing system violates section 6(i) because it does not require the payment of cash rents or royalties; and
- Section 6(i) applies only to lands known to have been mineral-in-character at the time of state selection. (The Supreme Court specifically avoided the issue of what constitutes state selection and the meaning of the term mineral-in-character.)

All parties asked the U.S. Supreme Court to review the Alaska Supreme Court's decision. The state argued primarily that the state court should not have allowed these private interest groups standing to argue the case. The Trustees for Alaska, on behalf of the conservation groups, argued primarily that the term "mineral lands" refers to all state land. The U.S. Department of Justice submitted a brief which argued that 1) the Alaska Supreme Court erred in limiting the 6(i) lease requirement to lands that were known to be mineral-in-character at the time of state selection, and 2) that the Alaska court decision was advisory and final resolution could occur only in the federal courts. On May 1, 1988, the U.S. Supreme Court declined to consider this case.

Legislative action will be necessary to cure this defect. The significant questions to be addressed are:

1. Should the proposal include only "mineral lands" or all state land?
2. Should the proposal include rent, or royalty, or both?
3. What are the appropriate levels of rent and/or royalty?

* Prepared by the Department of Natural Resources, Division of Mining, September 1, 1988.



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Alaska Environmental Lobby, Inc.

P.O. Box 22151 Juneau, Alaska 99802

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SB 129 6(i) Rents and Royalties on Mining Lands

A combination of legal decisions on both the state and federal level have determined that the state of Alaska must collect rents and royalties from mining claims on state land under 6(i) of the Alaska Statehood Act. The intent of Section 6(i) was to guarantee some revenue for the operation of the new state. Other extractors of non-renewable resources, namely the oil and gas and the coal industries, are required to pay rents and royalties to the state.

SB 129 would require both rents and royalties be paid for mining activity on state lands, including submerged lands. These revenues would help defray the cumulative costs to the state of managing its mineral resources. However, there are some unanswered questions. The Division of Mining has stated that the yearly rental will help discourage speculation on mining claims. However, the majority of miners on state land hold less than ten claims. Would \$20.00/claim/year really be a discouragement to speculation? It seems minimum rents could be raised without undue economic hardship on most miners. Royalties based on either net or gross income have been introduced. Net income calculations are subject to numerous deductions. Miners can even charge expenses of one claim to another, perhaps more profitable claim. Minimum royalties based on gross income will most likely be used the most. Are the ones outlined in SB 129 equitable and do they help the state realize a return for the extraction of its resources?

SB 129 does not require any reclamation. Mining without reclamation destroys the value of the land for other uses and users. When the state commits land held in the public trust to a single use, statutory reclamation requirements would guarantee that the land will retain its multiple use capacity after mining is complete.

Our position is that all miners on all state lands should make substantial payments towards use of public lands and that miners should be required to reclaim the land before they return it to the people of Alaska.

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Miners point out that they already pay a host of sorts in the form of a corporate income tax and mining license tax. A sharp increase in state charges will stifle gold production, they say.

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

90 07595H

Date of 5-DAY NOTICE 1/19/89
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER

FINANCE

**FISCAL NOTE(S) MUST BE ATTACHED
IN ACCORDANCE WITH AS 24.08.035

1/19/89

DATE TURNED INTO OFFICE 4/11/89

Mr. President:

RESOURCES

Committee considered

SB 129

providing for rent and royalty payments for a mining claim, leasehold location, or mining lease; relating to annual labor requirements for, and abandonment of, a mining claim, leasehold location, or mining lease; relating to mining license tax information; efd

and recommended:

[] replace with CS SB 129 (Resources) [] same title

[] attached amendment(s) and new title

[] _____ letter of intent adopted

do pass

[] do not pass

[] no recommendation

[] individual recommendations

[] further referral to _____

CS FN
coming

FISCAL NOTE(S) attached [] zero
[] appropriation no FN attached

fiscal impact
[] Gov. FN introduced w/ bill

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Rich Halford
Steve Smith
Mike...
Chris...

Butte Sabert...
Chairman signature and recommendation

[] Committee backup attached



Anchorage Daily News/Ron Engstrom

debris for an hour and terrifying the others.

Residents of the village of Aleknagik used shovels to dig 11-year-old Shelly Aloysius from under a pile of snow, wooden beams and crumpled roofing materials — and said they were astonished to find her not critically injured. She suffered a broken jaw, a couple of missing teeth and bruises, but was out of a Dillingham hospital and back in the village by Thursday afternoon.

The five other girls and an adult supervisor, who happened to be standing near a wall that didn't collapse, were able to run away from the falling roof. Several of

Please see Back Page, GYM COLLAPSE

Poll finds public wants both wilderness and oil

By PATTI EPLER
Daily News reporter

The American public wants to protect unspoiled wilderness areas but would back responsible oil development in the Arctic National Wildlife Refuge to prevent an energy crisis, according to a nationwide poll.

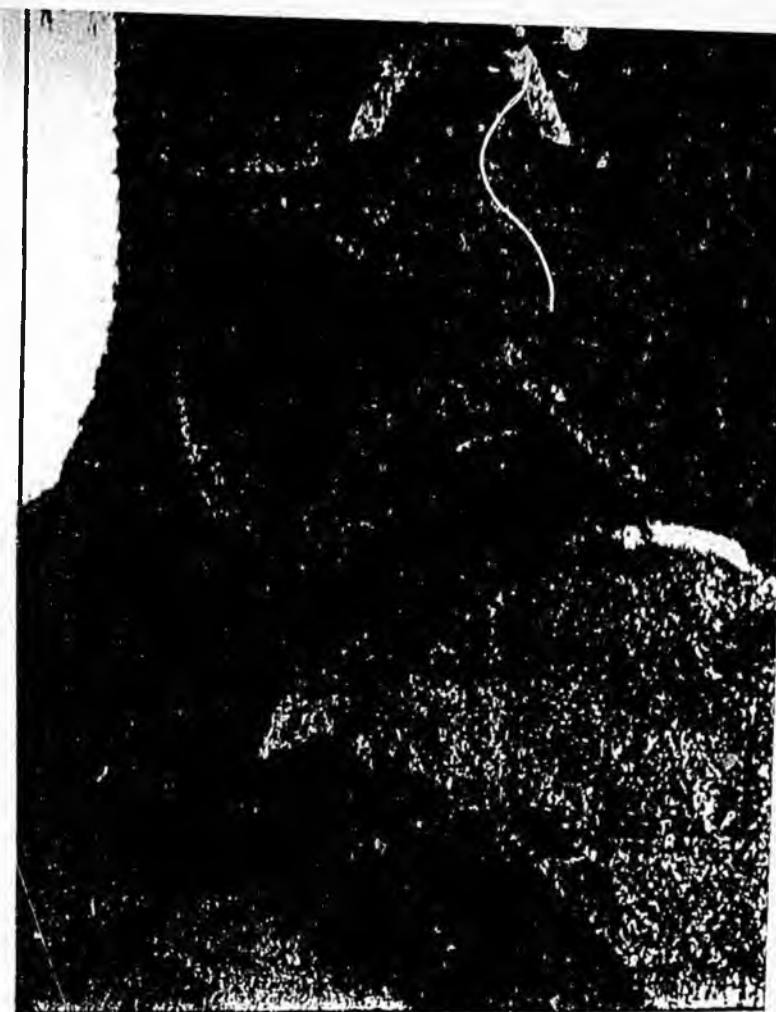
The poll was conducted a year ago for Arco by Peter D. Hart Research Associates Inc., a well-known Washington, D.C.-based pollster. A copy recently was obtained by the Daily News.

Environmentalists say the

poll shows the public agrees with the main point they've been making — that some places should remain wilderness simply for wilderness' sake.

But the oil company's poll, conducted at a time when oil tankers were dodging missiles in the Persian Gulf, also indicates that people believe the United States is too dependent on foreign oil and would support environmentally sound ANWR development.

Please see Back Page, POLL



Skier Paul Milloy waits on the Knik Lake Ice Thursday for back. Milloy was one of 22 skiers who started the 210-mile

Soviet magazine rips the party, Gorbachev

By BILL KELLER
The New York Times

MOSCOW — A Soviet magazine has broken another taboo by publishing a scathing attack on the Communist Party, including the first irreverent barbs directed at Mikhail Gorbachev.

The article, in the Leningrad literary and political monthly Neva, asserted that the party had ignored the interests of the public to become the instrument of a powerful "new class" of managerial bureaucrats.

WEATHER



Mostly cloudy today with light winds. High ranging into

the low 30s. Chance of snow tonight. Low in the mid-20s. Outlook for Saturday: Mostly sunny. High again in the low 30s.

High Thursday.....33
Low Thursday morning.....28
9 a.m. temperature.....28

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POLL: Arco finds concern for wilderness, oil supply

Continued from Page A-1

The poll shows "U.S. voters far from decided about opening the Arctic National Wildlife Refuge to energy exploration and development," analyst Jack Pfisterer wrote in a summary memo to Bill Duke, Arco public affairs manager. "The survey did find substantial public concern with the U.S. energy situation and at least some favorable disposition toward ANWR development, despite broad public sentiment for preservation of wilderness areas."

The survey, which took respondents about 30 minutes to complete, asked 1,507 people a series of questions designed to check their knowledge of and support for oil industry operations in the Arctic, specifically the arctic refuge issue.

"I really wanted to find out what was going on in the public," Duke said Thursday from Los Angeles. "But I really wouldn't want to

hang my hat on any of that stuff precisely."

Duke said the survey was intended to be for Arco's use only, and he was surprised to learn that others outside the firm had copies.

In an internal Arco memo dated Feb. 26, 1988, Duke said pollster Hart "suggested we have two basic arguments that will 'move' the number of people necessary: America needs more control over its energy future and ANWR is one way to do it, and we can have energy development in ANWR and protect the environment at the same time."

While 57 percent of those surveyed thought protection of Alaska wilderness was important, even more — 69 percent — believed it important to develop resources in wilderness areas if the oil is needed to prevent an energy shortage, Pfisterer said.

Asked specifically about the arctic refuge, about half the public favored develop-

ment while 40 percent opposed it.

But, Pfisterer said, "while voters generally favor preservation of wilderness areas, the issue doesn't seem to command strong voter commitment. They place wilderness protection far below water pollution, toxic waste cleanup and air pollution in assessing the importance of current environmental issues."

Environmentalists who are lobbying Congress to keep the arctic refuge off limits to the oil industry were pleased with the poll's findings.

"I thought it was pretty useful information," said Tim Mahoney, chairman of the pro-wilderness Alaska Coalition. "I was impressed that the poll showed pretty clearly that the argument that the Alaska Coalition groups have raised first and foremost — wilderness conservation — is supported by the public."

The survey shows that the

energy security issue is the oil industry's "strongest trump card," he said. "The peace in the Middle East is hurting their efforts. It takes away their principal scare tactics."

Mahoney noted that several things have changed in the year since the poll was taken that may have strengthened people's commitment to wilderness. Besides the easing of tensions in the Middle East, environmental issues like global warming and the greenhouse effect have gotten widespread attention in the media and in Congress, he said.

"The public has learned about global warming and seen it's all tied in to the same energy conservation policies that would make destruction of an arctic wilderness unnecessary," he said. "That new awareness has been reflected in the 1988 election and in a new sense of consciousness in the public and the Congress that isn't reflected in the poll."

Criticism of the party in newspapers write that: path under Stalin and Leon various mistakes of the p local party bureaucrats, th and self-criticism in party But to suggest that the to be the ruling party limits.

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Quoting the Soviet Co Communist Party the le Andreyev writes, "follo admit that it was the part country to economic crisi

Nothing in the Soviet public any power over t "It is obvious that the foreign policy is not the the general secretary of writes.

"But the general secr circle of people, several

He also advocates th forms" of political alter and says if this proves into parties.

"Naturally, even rais power with the people c workers, who have bee that it is not the party t people who serve the p

SOUTH AFRICA: Hunger strikers test detentions policy

Continued from Page A-1

Some detainees are said to have lost as much as 30 pounds. Seven were hospitalized Wednesday night. The government declined to say whether it was considering force-feeding the strikers. Vlok said that the authorities were committed to dealing with the fast "in a humane and civilized manner as prescribed by interna-

tional norms."

Forty-three lawyers in Johannesburg representing more than 100 of the striking detainees began a two-day sympathy fast Thursday, saying they had run out of legal options.

Under the state of emergency, police may arrest and hold indefinitely anyone the minister of law and order believes is a threat to public safety or the maintenance of

public order. No detention order has been overturned in court.

Audrey Coleman, a human rights activist who works with the families of detainees, said that the protest grew out of frustration.

"They are totally desperate, and they don't know how to get the government to pay attention to their problem," Coleman said in an interview. "They've done

everything they can to say: 'Charge us if we have broken the law or release us.'"

Human rights organizations in South Africa contend that the government uses detentions to silence its critics, and many of those now in detention belong to anti-apartheid organizations opposed to violence.

But Vlok said that all the detainees were "being held in prison for good reason."

CAUSE not yet known; villagers amazed no one was

WILDERNESS: HOW MUCH IS ENOUGH?

*Notes: *The following wilderness information was compiled from figures obtained directly from these sources: (1) U.S. Geological Survey (Reston VA & Denver, CO); (2) The Wilderness Institute (Missoula, MT); (3) U.S. Dept. of the Interior (Wash., D.C.); (4) U.S. Forest Service (Wash., D.C.); (5) U.S. Fish & Wildlife Service (Wash., D.C.); (6) National Park Service (Wash., D.C.); (7) U.S. Congress (Wash., D.C.); and (8) U.S. Bureau of Land Management (Wash., D.C. & Reno, NV). Land data and statistics were obtained from the U.S. Dept. of the Interior, the General Services Administration, U.S. Geological Survey, U.S. Bureau of Land Management and the U.S. Bureau of the Census, U.S. Dept. of Commerce.*

*** Every effort has been made to ensure the accuracy and completeness of this report. Several discrepancies and errors in the available data were noted and corrected, but a small margin of error remained in the totals - about two-thousandths of one percent (.000025) or 2,245 acres in the total national wilderness*

acreage. The margin of error for each individual state acreage figure (wilderness and federal land) came to less than one percent, and the overall totals and percentages were accurate to within one-tenth of one percent. However, inland water acreage was not included in the federal acreage data and some wilderness acreages probably include inland waters. It should also be noted that land classifications are continually being changed, but the figures given herein are among the most accurate available at this time.

THE CURRENT WILDERNESS SITUATION

As of January 1, 1989, more than 86,474,870 acres in the eleven Western states and Alaska had been designated as wilderness. This figure represents 12.8 percent of the total federal lands in these 12 states and 95.2 percent of the total acreage in the National Wilderness Preservation System - which contains 90,804,328 acres or 4 percent of the nation's total land area. This "system" now cov-

ered over 12.48% of all the federally-owned lands in the United States! And this is just the tip of the iceberg.

Federal agencies alone have already recommended another 20,256,780 acres for designation as wilderness, and the agencies are still conducting studies on another 133,653,459 acres for possible inclusion in the system. In addition, there are the numerous proposals being advanced by the various "environmental protection" groups, and the Bureau of Land Management wilderness recommendations are still to come within the next 2-3 years.

Please note that these figures only represent current wilderness withdrawals (either de jure or de facto) that cover 33.65% of the country's total Federal lands, and they do not include the numerous other types of land withdrawals (i.e. Wild & Scenic Rivers, National Parks, National Monuments, National Wildlife Refuges, National Recreation Areas, Department of Defense, Bureau of Reclamation, De-

Continued on page 15

From the ALASKA MINER
Feb. 1989

... WILDERNESS

Continued from page 14

partment of Energy, Bureau of Indian Affairs and many others).

This, briefly, is the current situation, and it obviously raises the question, "How much wilderness is enough?"

THE HARD FACTS

In order to provide a more complete picture of the wilderness issue, the relevant data has been compiled into the tables below:

withdrawal for many years to come. During this time, various groups will be pressuring legislatures for additional bills to create more wilderness areas.

It should also be noted that all wilderness study areas are managed as if they were, in fact, designated as wilderness, until the time that the legislative process is fully completed.

VIEWING WILDERNESS IN THE PROPER CONTEXT

We are concerned here with the most beneficial public and economic uses of

Total public domain lands in U.S. (29.17%)	=	662,705,140 acres
Current acreage in designated wilderness	=	90,804,328 acres
Total wilderness percent of public lands	=	13.70%
Wilderness withdrawal of public domain land	=	36.92%

NATIONAL SUMMARY OF DESIGNATED WILDERNESS (a/o Jan. 1, 1989)

Agency	No. Areas	Wilderness Acres
1) National Park Service:	39	38,510,222
2) U.S. Forest Service:	337	32,510,949
3) U.S. Fish & Wildlife:	71	19,332,897
4) Bureau of Land Management:	25	450,260
Total Designated Wilderness:	472	90,804,328 acres

PENDING AGENCY WILDERNESS RECOMMENDATIONS

1) National Park Service:	7,042,663
2) U.S. Forest Service:	9,776,918
3) U.S. Fish & Wildlife:	3,437,199
Total Recommended Wilderness:	20,256,780 acres

APPROXIMATE WILDERNESS STUDY AREAS (IN PROGRESS)

1) U.S. Fish & Wildlife:	60,000,000
2) National Park Service:	31,618,115
3) Bureau of Land Management:	24,777,589
4) U.S. Forest Service:	17,257,755
Total Wilderness Studies:	133,653,459 acres

TOTAL IMPACT OF WILDERNESS PROCESS

1) Existing wilderness:	=	90,804,328
2) Recommended wilderness:	=	20,256,780
3) Wilderness studies:	=	133,653,459
Total Potential Wilderness:	=	244,714,567 acres

It should be kept in mind that the preceding data reflects only federal agency wilderness acreages and it does not include other types of wilderness proposals currently being promoted by certain legislators, environmental groups and other organizations. The total figures also do not include buffer zones, special-use lands or acreages having land-use restrictions. In many cases, final wilderness legislation by Congress exceeds the acreage recommended by the particular agency involved and buffer zone are either specified or "tacked on" at a later date.

In addition, the wilderness issue has evolved into an ongoing process. It is never finished. Just as soon as Congressional legislation is enacted to designate specific areas of wilderness, further efforts are then made to prevent the release of those areas not included in the legislation back into a multiple use classification. Civil litigation is also used to prevent the release of those lands found unsuitable for wilderness designation during the study process. As a result, most of these lands will be in de facto

the public domain lands in the United States. As a result, it is important that all issues affecting the public lands should be considered on the basis of their individual impacts upon the availability and use of these lands. Any figures and percentages that are based upon the total of all the lands in a state or the nation can be deliberately misleading. It is, therefore, appropriate to define the country's overall land status in order to place the wilderness issue in its proper perspective.

SUMMARY OF U.S. LAND STATUS

Total land area of the U.S.	=	2,271,343,360 acres
Total acreage in private ownership (67.99%)	=	1,544,230,384 acres
Approx. inland water area in U.S.	=	50,867,840 acres
Total federal lands (32.01%)	=	727,112,975 acres
Acquired federal lands (non-public)	=	64,407,835 acres

Potential multiple use lands impacted = 55.14%

Continued on page 18



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801/487-9641 FAX 801-483-5937

...WILDERNESS

Continued from page 15

Much of the federal land area of the U.S. is not suitable for either multiple use or natural resource development. Most of the nation's available natural resources and potential multiple use lands lie in hilly and mountainous terrain, and it is

this area that is targeted for almost all of the present and future wilderness withdrawals. So, there is a definite bias towards removing access to the nation's natural resources that is not apparent in the general land classification data. In addition, the bulk of the country's federal lands are located on our most productive

natural resource areas, and these regions are the ones being targeted for the most massive wilderness withdrawals. In order to better illustrate the problem, the following list of the individual states shows the existing acreage in designated wilderness as compared to the total federal lands available.

EXISTING WILDERNESS IN EACH STATE (a/o Jan. 1, 1989)

State:	Wilderness Acreage	Federal Land Acreage	Percent in Wilderness	State:	Wilderness Acreage	Federal Land Acreage	Percent in Wilderness
Alabama	33 396	1,131,564	2.95%	Montana	3,442,048	28,236,114	12.19%
Alaska	56,484,676	218,356,732	18.00%	Nebraska	12,735	714,186	1.78%
Arizona	2,031,877	31,672,884	6.42%	Nevada	64,677	59,911,285	0.11%
Arkansas	128,478	3,399,410	3.78%	New Hampshire	102,932	740,420	13.90%
California	5,925,441	46,822,958	12.79%	New Jersey	10,341	150,973	6.85%
Colorado	2,641,092	24,188,875	10.92%	New Mexico	1,595,751	25,870,579	6.17%
Connecticut	-0-	13,806	-0-	New York	1,363	1,459,700	0.09%
Delaware	-0-	30,357	-0-	North Carolina	109,003	2,218,702	4.91%
Dist. Columbia	-0-	10,852	-0-	North Dakota	39,652	1,942,214	2.04%
Florida	1,420,353	4,279,982	33.19%	Ohio	77	322,486	0.02%
Georgia	460,215	2,298,681	20.02%	Oklahoma	22,570	867,380	2.60%
Hawaii	142,370	687,041	20.72%	Oregon	2,094,836	30,031,220	6.97%
Idaho	4,001,401	33,759,327	11.85%	Pennsylvania	9,705	638,790	1.52%
Illinois	4,050	499,830	0.81%	Rhode Island	-0-	4,794	-0-
Indiana	12,935	437,215	2.96%	South Carolina	67,029	1,169,109	5.73%
Iowa	-0-	160,308	-0-	South Dakota	74,074	2,733,176	2.71%
Kansas	-0-	581,099	-0-	Tennessee	66,714	1,988,154	3.35%
Kentucky	18,056	1,400,801	1.29%	Texas	82,263	3,335,478	2.46%
Louisiana	17,046	1,181,474	1.44%	Utah	802,238	33,568,979	2.39%
Maine	7,392	150,303	4.92%	Vermont	59,448	321,942	18.45%
Maryland	-0-	197,123	-0-	Virginia	1,195,313	2,455,076	7.00%
Massachusetts	2,420	82,926	2.92%	Washington	4,305,900	12,459,161	34.56%
Michigan	116,934	3,529,235	3.31%	West Virginia	78,131	1,165,040	6.71%
Minnesota	936,518	3,459,744	27.07%	Wisconsin	43,988	1,889,677	2.33%
Mississippi	8,702	1,678,473	0.52%	Wyoming	3,084,933	31,431,416	9.81%
Missouri	70,860	2,072,406	3.42%				

**Total federal land acreages for each state obtained from the most current data available from the General Services Administration, but the acreages do not include inland waters. However, two-thirds of the nation's inland waters

(33,738,880 of the total 50,867,840 acres) is in twelve mainly coastal and Great Lake states; Alaska, California, Florida, Louisiana, Maine, Michigan, Minnesota, New York, North Carolina, Texas, Washington, and Wisconsin. Alaska alone

accounts for 25.38% of the nation's inland water acreage.

(to be concluded next month)

...ASSAY

Continued from page 12

prove your product is truly unique and that its uniqueness is reflected in the market price it can command. You should seek independent legal advice from your attorney concerning how to protect your rights to the deposit while you are doing all this work. Even common varieties can be uncommonly confusing. However, the right deposit in the right place at the right time could yield rewarding results, because to this writer's knowledge not many prospectors have focused their attention on Alaskan building stone, either for use here in Alaska or for export.

Best wishes for a happy, healthy and profitable 1989.



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4

LEGISLATIVE TELECONFERENCE NETWORK

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SPONSOR: _____

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PLEASE PRINT

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Debbie Dale / D+K Mining	Debbie Dale 3104 Dyke Rd NP.	99705	488-1717	✓	✓	6I
2	Richard Davenport / "	Richard Davenport "	"	"		✓	6I
3	Andy Mizovitch	Box 1489 FBK1	99707	456-6107	✓	✓	6I
4	Aaron Knapp	P.O. Box 1273 FBK1	99907	455-6365	✓		6I
5	Jul D Wilkum	P.O. Box 9702 Fairb	99707	389 2109			
6	Joe Voglox	Box 40 FBK1 AK	99707	479-7344	✓		
7	JOSEPH FISHER	P.O. Box 640 NOME AK	99762	443-5272			
8	Barbara Maxwell	3910 Loc Sault Aneh.	99516	345-2059		✓	6I
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5

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OBSERVE

	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Rosalyn Stowell	177 Simpson Way FbksAK	99712	456-5832		✓	6-I
2	John Blackwell / FARRINGTON	301 W No. LITTS BLDG, ANCH. AK	99503	274-7211		✓	6T
3	LELA Bouton	665 Farmer Ln FBKS	99712	457-5077		✓	
4	Stu Ramstad	Box 10-11454 Anch	99510	277-3505		✓	
5	JOE RAMSTAD	" " " "	"	277-3504		✓	
6	Dan Walski	P.O. Box 73008 FBKS	99707	474-7135		✓	
7	Tom L. Pittman	173 Behrends Ave, Juneau, AK	99801	586-2718		✓	
8	Donald Stem	105 Dunbar Ave Feb	99701	456-7642	✓	✓	
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SPONSOR: _____

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	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Forest Hayden	3400 Rabbit Cr Rd	99511	3451241		✓	
2	Stanley C. Ryback	Box 55698 ⁹⁹⁷⁰⁵ 21 Pole AK		488-6450	✓		
3	Douglas B. Cold	1101 Barnette St ^{Fairbanks}	99701	456-7002	✓	Call Secret.	Marley
4	Robert Coey	Box 106 Central AK 99730		455-6369	✓	Coey	
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	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Earl H. Beistline	P.O. Box 80148, Fbks AK 99708	99708	479-6240	X		
2	Forest Haden	3400 Rabbit Creek Rd	99511	3451241		✓	
3	Randy K Kirby	P.O. Box 82741 Fbks AK	99708			✓	
4	Glenn D Bou Ton	665 Farmers Loop	99712		X		
5	Buddy Vetter	P.O. Box 342	99707		X		
6	Roger C Bugguf	830 Meep Creek Rd Fbks	99708		X		
7	Leslie J. Anderson	3910 Loch Sault + Anch	99516	345-2089	X		
8	Dic LOWE	Box 580 Palmer AK 99645	99645	745-8388		✓	
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LEGISLATIVE TELECONFERENCE NETWORK

3

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	NAME/REPRESENTING	ADDRESS	ZIP	PHONE#	TESTIFY	OBSERVE	BILL #
1	Rose Rybackeb	Box 55698, North pole, AK	99705	488-6453	✓		
2	John A. Misconick	Gen. Del. FLAT, AK. 9	99584	Kodiak only.		✓	
3	NURT McVIEE	7607 501 W. NORTHERN LIGHTS ANCHORAGE	99503	276-0347	✓		
4	Karin Adler	11976 wilderness Dr. Anchorage, AK 99576	99576	345-4815	✓	✗	Consulting business
5	Dave Eberhart et	551 Eberhardt Rd FLKS 9-	99712	488-3838	U		
6	JOHN KOROSKO <small>Same as Dave</small>	1967 YANKOVICH FBKS	99709	479-0471	✓		
7	Paul Rusanowski	4001 McMahon Ave Ave	99516	345-2539	✓		Westgold
8	Rich Hughes <small>Valley Co. Agency</small>	c/o UCIUC P.O. Box 110 Cantwell AK	99729	765-2561	1		Pres AMA
9	Paul Bateman	PO Box 10168 FAIRBANKS	99710	457-6927		✓	
10	Howard P Misconick						
11	Norma Phillips, Jr	201 First Ave Fbk. 99701	99701	452-4853		✓	
12	Glen D Franklin	1213 Coppet	99709	474-9475		✓	
13	Paul Franklin	402 Monroe St., FLKS	99701	456-5734			
14	Patricia L. Franklin	1213 Coppet	99709	474-9475		✓	
15	Larry Miller	3/4 mi Turn Horn Rd FBKS AK	99707	456-5061		✓	

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SAB 129



STATE OF ALASKA
ANNUAL PLACER MINING APPLICATION
LAND USE AND WATER USE PERMITS AND MINING LICENSE

GENERAL INFORMATION

- For most exploration and mining operations, the completion of this form should satisfy the application requirements for the following permits:
 Wastewater Discharge Permit - Issued by the Department of Environmental Conservation
 Habitat Protection Permit - Issued by the Department of Fish & Game
 Miscellaneous Land Use Permit - Issued by the Department of Natural Resources
 Water Use Permit - Issued by the Department of Natural Resources
 Alaska Mining License - Issued by the Department of Revenue
 This form also will be accepted by Federal Agencies for the following requirements:
 Annual Notice or Plan of operation - For the U.S. Bureau of Land Management
 Annual Plan of Operation - For the U.S. Environmental Protection Agency
 Notice of Intent and Plan of Operation - For the U.S. Forest Service
 If more detailed information is required, you will be contacted by the appropriate agency.
- Applications should be submitted early to assure the issuance of permits before annual operations in the field begin. Only permitted operators should be working in the field.
- The permits which are issued will authorize the work described in this application. Changes in your operation will require another application to describe the operation and may result in amended permits.
- This application does not serve as the application for other permits which may be needed for your operation. Separate applications may be required by the U.S. Environmental Protection Agency (National Pollutant Discharge Elimination System - NPDES Permit) and the U.S. Army Corps of Engineers.
- If you do not intend to perform exploration or mining work at the claim or transport equipment to the claim do not file this application.
- If any mining operations or access to the claims cross state park lands, please contact the Department of Natural Resources, Division of Parks, 3601 "C" Street, Anchorage, Alaska 99510; Telephone (907) 561-2020.
- A \$100 processing fee must accompany the application. Checks should be made out to the Alaska Department of Revenue.

INSTRUCTIONS

- PLEASE TYPE OR PRINT RESPONSES IN BLACK INK. Answers to all of the questions are necessary to expedite processing of your permits. If a question does not apply to your operation, indicate with N/A.
- If space provided on the form is not enough for your written response, please use an additional sheet of paper. Identify this sheet as part of the application by putting your name and the application number on the top of the sheet. (Additional space may be needed for listing claim names, ADL or BLM serial numbers.)
- With this application form, attach a copy of the appropriate USGS 1:63360 Map. Please identify this map as part of the application by putting your name and the 5 digit application number on the top of the map.
- On the USGS Map please provide the following information:
 - The Claim name and the ADL or BLM serial number for all claims in this claim group. Each claim will be specifically named on the water permit or certificate so it is important that the list is complete.
 - The location of all claims
 - The identification of those claims which will be worked this year
 - The location of your camp
 - The location of the access routes to your claims (include airstrips)

5. Submit this application, as well as attachments, to the office of the Department of Natural Resources, Division of Mining, which is nearest to the claim.

ANCHORAGE
(Mail P. O. Box 107016
Only) Anchorage, AK 99510
3601 C Street, Suite 880
(Frontier Building)
(907) 762-2518

FAIRBANKS
3700 Airport Way
Fairbanks, AK 99709
(907) 451-2790

JUNEAU
State Office Building
400 Willoughby, Suite 400
Juneau, AK 99801-1000
(907) 485-3400

STATE OF ALASKA
ANNUAL PLACER MINING APPLICATION
LAND USE AND WATER USE PERMITS AND MINING LICENSE No.

APPLICANT AND SITE INFORMATION				
DO NOT MARK IN THIS SPACE	Do you plan to do the following work on the claim(s)? <input type="checkbox"/> Explore <input type="checkbox"/> Mine <input type="checkbox"/> Transport Equipment		Coastal Zone <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are the mining claims: <input type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Private			
Check box(es) and list number(s) if you have had any of the following permits for these claims: <input type="checkbox"/> DNR Land Use Permit No.: <input type="checkbox"/> Fish & Game - Habitat Protection Permit No.: <input type="checkbox"/> DNR - Water Use Permit ADL No.: <input type="checkbox"/> DEC - Wastewater Discharge Permit No.: <input type="checkbox"/> Revenue - Alaska Mining License No.: <input type="checkbox"/> EPA-NPDES Wastewater Discharge Permit No.:		Check the mining district in which the claims are located: <input type="checkbox"/> Circle <input type="checkbox"/> Fairbanks <input type="checkbox"/> Forty Mile <input type="checkbox"/> Hot Springs <input type="checkbox"/> Iditarod <input type="checkbox"/> Innoko <input type="checkbox"/> Koyukuk <input type="checkbox"/> Kuskokwim <input type="checkbox"/> Seward <input type="checkbox"/> Seward Peninsula <input type="checkbox"/> Other (Specify):		Check the box to indicate who controls the land on which the claim(s) are located and which is crossed for access: <input type="checkbox"/> U.S. National Park Service <input type="checkbox"/> U.S. Military <input type="checkbox"/> U.S. Forest Service <input type="checkbox"/> U.S. Bureau of Land Management <input type="checkbox"/> U.S. Fish & Wildlife Service <input type="checkbox"/> State of Alaska <input type="checkbox"/> City (Specify): <input type="checkbox"/> Borough (Specify): <input type="checkbox"/> Native Corporation (Specify): <input type="checkbox"/> Other (Specify):
Claim Owner's Full Legal Name		Street Address or P.O. Box		
City	State	Zip Code	Home Telephone	Office Telephone
Name of Lease Holder (if rights to claim are leased)		Street Address or P.O. Box		
City	State	Zip Code	Home Telephone	Office Telephone
Name of Operating Company or Authorized Representative in Field		Street Address or P.O. Box (Specify if Summer Address is different from Winter)		
City	State	Zip Code	Home Telephone	Office Telephone
Employer I.D./Social Security Number		Month/Day of Start Up This Year	Month/Day of Shut Down This Year	Number of People Working Claim
On what creek(s) are your claim(s) located?		Claim(s) Location: Township(s), Range(s), Section(s), Meridian(s):		USGS Quad Map

DESCRIPTION OF OPERATION	
List type, size, purpose and number of pieces of equipment to be used on the claim.	
Which equipment listed above is used for the removal of overburden?	
Which equipment listed above will be used in the stream?	
Beginning and ending dates for transportation of equipment across country TO a claim:	If using a hydraulic giant, list nozzle size, number of nozzles, feet of head and total amount of water CFS or GPD:
Beginning and ending dates for transportation of equipment across country FROM a claim:	
List type and amount of explosives to be used:	If explosives will be used in or near streams or other bodies of water, indicate when, where and why they will be used;
Type of overburden: (O.K. to check more than one) <input type="checkbox"/> Rock <input type="checkbox"/> Sand <input type="checkbox"/> Silt <input type="checkbox"/> Clay <input type="checkbox"/> Organic Material <input type="checkbox"/> Other (Specify):	Depth of Overburden
Amount of Area to be disturbed: Number of acres:	

PLACER MINING METHOD

Check method of mining and processing: (O.K. to check more than one.)

Suction Dredge Intake Size _____ (in.) Water Used _____ (GPM)

Sluice Pump Intake Size _____ (in.) Water Used _____ (GPM)

Bucket Line Dredge Size of Buckets _____ (cu. ft.)

Washing Plant Type _____ Vol. Material Processed/hr. _____ (cu. yd.)

Sluice Box Length _____ (ft.) Width _____ (in.)
 Depth of Water in Box _____ (in.) Slope _____ (in./ft.)

Chemical Treatment Mercury Cyanide Other
 Describe process on a separate sheet.

Daily Volume of Material Processed: _____ (cu. yds.)

WATER SUPPLY

Type of Reservoir

Earthfill Dam Settling Pond Sump Other _____

Temporary On-stream

Permanent Off-stream

Size of Dam (in feet)

Length _____ Width at Crest _____ Width at Base _____ Height _____

Storage Capacity: (Indicate Length and Width of Area and Depth of Water)

Spillway Dimensions (in feet)

Depth _____ Width at Base _____ Side Slope _____

FUEL

Fuel Stored: (List type of fuel)

Amount of fuel stored: _____ Distance from stored fuel to nearest body of water: _____

Method of transporting fuel: _____ Amount of fuel transported per trip: _____

RECLAMATION

Indicate method of reclaiming area of operation. (O.K. to check more than one)

Level tailings piles Reestablish stream channels

Regrade contours Spread fines on tailings

Respread topsoil Other: (Specify) _____

Natural Revegetation

WATER USAGE

What % of a natural stream is diverted for any reason: _____ %	What % of diverted water is used for mining: _____ %	Of water used for mining what % is recycled: _____ %
Amt of water discharged Qty: <input type="checkbox"/> GPM <input type="checkbox"/> GPD <input type="checkbox"/> CFS	Usage: Hours/Day _____	Usage: Days/Week _____
Date commenced operations: Month _____ Year _____	Years needed to mine out claim: _____	
If water is not used for mining, is it routed around the treatment pond? <input type="checkbox"/> YES <input type="checkbox"/> NO	When wastewater is returned to a stream, is it treated? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Condition of stream above claim, prior to discharge of wastewater: <input type="checkbox"/> Clear <input type="checkbox"/> Murky <input type="checkbox"/> Muddy If "muddy", is it: <input type="checkbox"/> Natural <input type="checkbox"/> Manmade <input type="checkbox"/> Other: (Describe) _____		
Method of taking water: <input type="checkbox"/> Diversion Ditch <input type="checkbox"/> Headgate <input type="checkbox"/> Capacity _____ (GPM)		

WASTE WATER TREATMENT

Capacity of Settling Pond(s): Indicate length and width of area and depth of water for each pond.

1. _____	2. _____
3. _____	4. _____

ACCESS EXISTING TO BE BUILT

Indicate type of access if being built: Road Airstrip

Length _____ ft. Width _____ ft. Depth _____

DRILLING

Estimated maximum depth: _____ (ft.)	Number of holes drilled: _____
Diameter of holes drilled: _____ (in.)	Type of drill used: _____

CLAIM LISTING (Indicate with an asterisk (*) those claims to be worked this season)

Please list all claim names within this claim group. If claim numbers are not known, attach copies of location notices. Each claim will be specifically named on your water permit or certificate. You may use the number of each claim on your sketch and USGS map for convenience.

No.	CLAIM NAME	ADL/BLM No. if known	No.	CLAIM NAME	ADL/BLM No. if known
1.			9.		
2.			10.		
3.			11.		
4.			12.		
5.			13.		
6.			14.		
-			15.		
8.			16.		

Signature of Applicant _____	Relationship to Claim(s): <input type="checkbox"/> Owner <input type="checkbox"/> Lessee <input type="checkbox"/> Operator	Date _____
------------------------------	--	------------

No.

SKETCH SHEET In the area below sketch the area of operation; locate and label the following information.

Camp site including all buildings and structures used for housing, operations, and storage.
Access routes within area of claim(s).
Natural waterways within claim(s).
Name of creek.
Water source.
Any stream diversion.
Point of withdrawal of water.
Water ditches, pipelines, pumpsites, and discharge points.

Settling ponds and water supply reservoirs.
Where water is used.
Sluice.
Area to be mined this year.
Overburden disposal site.
Tailing disposal site.
Other disposal sites. (Solid waste or hazardous materials or sanitary waste.)
Fuel storage site.
Airstrips

Name of USGS Map(s) Used:

SCALE: 1" =



Public Notice

US Army Corps
of Engineers

Date: 16 August 1988

Identification No 88-02

Alaska District
Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506-0898

In reply refer to above Identification Number

EXPIRATION DATE: 01 September 1991

General Permit 88-02

f- 6(1)
SRB 129

Activities Associated with Placer Mining Within the State of Alaska

A General Permit (GP) has been issued under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344 et seq.) and Section 10 of the Rivers and Harbors Act of 1899, for the purposes of activities associated with placer mining located on Federal and State lands in Alaska.

In response to Special Public Notice 88-2, dated December 11, 1987, and December 17, 1987, proposed General Permit 88-02 was revised to reflect comments and address substantive concerns submitted by local, State and Federal agencies and the interested public. Informational copies of the revised General Permit 88-02 with its attendant Environmental Assessment were distributed to local, State and Federal agencies and interested parties on June 29, 1988. Based on a review of all pertinent information, including a prepared Environmental Assessment, I have concluded that the issuance of this permit will not have more than minimal adverse impact on the environment and is not contrary to the public interest.

All activities would be in accordance with the conditions of the General Permit, a copy of which is attached. Failure to comply with the terms and conditions of the permit could result in suspension, modification or revocation of the permit, and/or imposition of penalties as provided by law.

The attached terms and conditions of General Permit 88-02 outline the criteria which must be met in order for work to be accomplished under this General Permit. An individual wishing to perform work under General Permit 88-02 must review these terms and conditions carefully and submit an application for a Department of the Army permit to the Corps of Engineers (Corps) to receive confirmation that their work would be covered under this General Permit. No work can proceed without that confirmation. If the proposed work does not meet the requirements of the terms and conditions, the General Permit does not apply and the application would be processed under individual permit processing procedures.

General Permit 88-02 has been issued for a period of three years, effective the date of the signature shown on the last page of the permit. The Corps will conduct ongoing monitoring of activities authorized by this General Permit and before it would be re-issued will complete a follow-up report evaluating the General Permit and the projects authorized. The report will be scoped and prepared in consultation with interested resource agencies and will be coordinated with the public. The report will include, but is not limited to, the following: number and types of activities authorized; locations of activities authorized; number of non-compliance projects detected and resolved; effectiveness of compliance; total acres affected; acres of wetlands affected; river miles affected; cumulative impact of activities; and the amount, type, and success of restoration, including an analysis of successful revegetation techniques. At that time it will be decided whether or not this permit should be renewed. The District Engineer may, at any time during this three-year period, alter, modify, suspend, or revoke this permit, if he deems such action to be in the public interest.

Any questions or requests for additional information should be directed to: Alaska District, Corps of Engineers, Regulatory Branch, Post Office Box 898, Anchorage, Alaska 99506-0898, or telephone (907) 753-2712.

District Engineer
U.S. Army, Corps of Engineers

GENERAL PERMIT 88-02

Activities Associated with Placer Mining Within the State of Alaska

Upon the recommendation of the Chief of Engineers, and pursuant to Section 404 of the Clean Water Act (Public Law 95-217, 33 U.S.C. 1344 et seq.), and Section 10 of the Rivers and Harbors Act of 1899, the Secretary of the Army authorizes the general public to place fill material into waters of the United States, including wetlands, for the purposes of placer mining activities located on Federal and State lands in Alaska contingent on meeting the terms and conditions listed below. All miners planning to do work under this General Permit must submit an application to the Corps of Engineers (Corps) to receive confirmation that their work would be covered under this General Permit. No work can proceed without that confirmation. Placement of dredged or fill material associated with placer mining activities which do not fall within the scope of this General Permit, or which fail to meet the terms and conditions, are not authorized by this General Permit.

AUTHORIZED ACTIVITIES

Because of the linear nature of the disturbance area under Corps jurisdiction, the allowable disturbance shall not exceed five (5) acres of total impact (including streams, wetlands and uplands). Suction dredge operations in navigable waters (Section 10 waters) are acceptable so long as the intake diameter does not exceed four inches with a power source no greater than 15 horsepower. Disturbed areas reclaimed in accordance with a plan approved by a Federal or State Agency are not included in computing the area of disturbance. This General Permit authorizes the placement of dredged and/or fill material into waters of the United States, including wetlands, in association with construction of sedimentation basins, stream diversions, foundation pads, access roads and reclamation work; the stockpiling of overburden and placer bearing materials; and similar works. These works are also authorized when performed in association with recreational mining and with casual mining such as mining with pick and shovel and/or suction dredge.

This General Permit does not apply to marine or estuarine waters/wetlands, wetlands and/or waters used by anadromous fish, or spawning areas of resident game fish. This General Permit does not apply to placer mining activities within a National Wildlife Refuge, National Park or Monument, or Wild and Scenic River (existing or nominated), unless the activity is specifically authorized by the appropriate land management agency prior to initiating the work.

The lead role that Federal and State land management agencies have in identifying, evaluating and pursuing consultation on cultural resources is recognized. This consultation has a basis under 36 CFR 800 and any agency's cultural resources conservation implementing regulations. This General Permit does not apply to placer mining activities located in areas of known or high potential cultural resources as identified by the District Engineer.

Authorization granted under this General Permit applies only to work subject to the regulatory authority of the U.S. Army, Corps of Engineers. It does not obviate or affect in any manner the requirements or the need to meet any other required Federal, State or local governmental authorizations. If the proposed work authorized under this General Permit is subsequently modified by any other Federal, State, or local governmental authorization, a modification of the authorization to perform activities under this General Permit may need to be obtained from the Corps.

Further Information:

a. Limits of this Authorization.

(1) This permit does not grant any property rights or exclusive privileges.

(2) This permit does not authorize any injury to the property or rights of others.

(3) This permit does not authorize interference with any existing or proposed Federal Project.

b. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

(1) Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

(2) Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

(3) Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

(4) Design or construction deficiencies associated with the permitted work.

(5) Damage claims associated with any future modification, suspension, or revocation of this permit.

c. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

(1) You fail to comply with the terms and conditions of this permit.

(2) Appropriate new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

CONDITIONS OF THE GENERAL PERMIT

All activities identified and authorized by this General Permit shall be consistent with the following conditions:

1. The time limit for authorizing work under this GP ends September 1, 1991. Any activity authorized by this GP before the September 1, 1991, expiration date must be completed no later than November 1, 1991. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the September 1, 1991, expiration date.
2. You must maintain the lands and facilities subject to this General Permit in good condition and in conformance with the terms and conditions of this General Permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with condition "4" below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain approval from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this General Permit, you must immediately notify this office, the State Historic Preservation Office, and the coastal district contact if within a coastal district, of what you have found. The District Engineer will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places. (If the activity occurs on Federal land, the Federal land manager is responsible for coordination.)
4. If you sell the property associated with an activity authorized by this General Permit, you must obtain the signature of the new owner, along with appropriate documentation to record the transaction, and submit them to this office to validate the transfer of the authorized activity.

5. You must allow the District Engineer, or his designated representatives, to inspect the authorized activity at any time deemed necessary to ensure that the work is being or has been accomplished in accordance with the terms and conditions of this General Permit.

6. That the proposed placer mining activity shall not affect the continued existence of a threatened or endangered species as identified in the Federal Register, Vol. 48, No. 17.11 and 17.12, April 10, 1987, "Endangered and Threatened Wildlife and Plants" and subsequent updates, or endanger the critical habitat of such species. The discovery of the presence of a threatened or endangered species which may be affected by a permitted action or related activities shall result in immediate suspension of the General Permit for the specific operation until Section 7 consultation required by the Endangered Species Act of 1973, as amended, is completed.

7. That the permittee shall locate and conduct all authorized activities in a manner that will mitigate any adverse impact on fish, fish harvest, wildlife, subsistence resources and their use, and the natural environmental and resource values.

8. That the permittee shall perform the work authorized in a manner so as to minimize any degradation of water quality, consistent with State of Alaska Department of Environmental Conservation regulations.

9. That the placer mining activity shall not be located in waters used by anadromous fish species or spawning areas of resident game fish.

10. That any stream diversion shall be limited to 1000 linear feet at any one time. In the event of active adjoining claims, stream diversion within each claim shall be limited to 500 feet. All restoration activities must be completed on the diversion prior to construction of a new diversion (see condition "28" below).

11. That any stream diversion activity provides for the free passage of fish with no barriers or entrapment.

12. That the placer mining activity shall not be located within one-quarter mile of an eagle nest site. The applicant has additional responsibilities to protect eagles under provisions of the Bald Eagle Protection Act.

13. That there shall be no discharges into migratory waterfowl breeding, nesting, or rearing areas. Activities that disrupt waterfowl breeding, rearing, and nesting areas shall not occur.

14. That there shall be no discharges authorized in a National Wildlife Refuge, existing or nominated Wild and Scenic River, or National Park, unless the activity is specifically authorized by the appropriate land management agency prior to initiating the work.

15. That there shall be no discharges authorized in designated State Critical Habitat Areas and Game Refuges and Sanctuaries, unless the activity is specifically authorized by the appropriate land management agency prior to initiating the work.

16. That the U.S. Environmental Protection Agency, Alaska Department of Environmental Conservation and Alaska Department of Fish & Game, have issued a NPDES, State Certification of Reasonable Assurance, and A.S. Title 16 permits for the placer mining operation, if required.

17. That the placer mining activity shall be in compliance with permits issued by the Environmental Protection Agency, Alaska Department of Environmental Conservation, and Alaska Department of Fish & Game.

18. That the placer mining activity shall not adversely affect a public drinking water intake facility or the water quality of a public drinking water source.

19. That the placement of dredged or fill material shall not occur within one mile of a peregrine falcon (Falco peregrinus) nest site.

20. That work proposed in areas other than those identified in conditions 14 & 15 above shall be approved by the appropriate Federal and State agencies having regulatory authority prior to performance of proposed work.

21. That failure to implement mitigation measures identified in any Federal or State authorization shall be grounds for suspending or revoking the permit.

22. That the permittee shall stabilize and maintain dredged and/or fill material in areas subject to Corps' jurisdiction to prevent leaching of harmful or toxic substances and so that erosion of sediment into adjacent waters or wetlands is minimized.

23. That dredged and/or fill material, including stockpiled overburden, shall be placed in upland areas or previously disturbed areas if practicable.

24. That work in waters of the United States shall be minimized to the maximum extent practicable.

25. That topsoil, including the organic layer, that is removed as part of land clearing, shall be stockpiled for eventual redistribution as part of reclamation. Reclamation may include reclamation directed by Federal or State agencies or that under condition "27" that follows. Stockpiled materials shall not be placed in stream channels nor wetlands, where uplands or previously disturbed areas are available.

26. That no settling pond shall be located in a flowing stream.

27. That upon completion of the placer mining activity, or when mined areas are not expected to be used during the next mining season, the area shall be stabilized to prevent erosion and siltation and to minimize impacts to surface waters. Recontouring of tailings to approximate pre-construction elevations shall be conducted to the maximum extent practicable and shall be conducted so as to avoid impacting undisturbed habitat. Part of the stabilization techniques to be used must include the respreading of topsoil and organics where these resources are available (Condition 25) to facilitate revegetation. It is intended that appropriate reclamation shall be ongoing annually and concurrently with other mining activities.

28. That diverted stream reaches shall be restored to a condition that approximates their preconstruction length, flow velocity, grade, and cross-sectional configuration. In the event that a stream segment is to remain in a diversion channel, the diversion channel shall approximate the length, grade, and cross-sectional configuration of the diverted stream segment.

29. That settling pond or stream diversion berms, workpads, or roads shall be designed and constructed to withstand high waters to preclude washouts and loss of materials to waters and wetlands.

REPORTING AND MONITORING

Individuals engaged in placer mining activities authorized under this General Permit shall prepare an annual report for review and approval by the District Engineer. The report, to be submitted by November 30th of each year, shall describe work performed during the mining season including a description of the location and size of areas filled, a description of the purpose and intended use of filled areas, and drawings indicating the location, size, and height of filled areas.

The reports shall be sent to: Chief, Compliance Section, Corps of Engineers, CENPA-CO-R-C, P.O. Box 898, Anchorage, Alaska 99506-0898. Non-compliance with reporting procedures may result in permit revocation, restoration of effected areas, and/or imposition of civil and criminal penalties.

INSPECTION

The District Engineer, or his designated representative, may inspect sites of authorized work to determine that the work is being, or has been, performed in conformance with the terms and conditions of this General Permit. In the event that work is being, or has been, performed in noncompliance with this General Permit, appropriate measures shall be taken to resolve the violation, including a requirement to obtain an individual permit, even though others in the same area are not required to do so.

PENALTIES FOR VIOLATIONS

All work performed shall be in compliance with the terms and conditions of this General Permit. Failure to comply with the terms and conditions of this General Permit may result in suspension of the work, revocation of the permit, removal of dredged and/or fill material or other structures, restoration of waters and/or wetlands, and/or imposition of penalties as provided by law.

The discharge of dredged and/or fill material not in accordance with the terms and conditions of this General Permit is a violation of Section 301 of the Clean Water Act (33 U.S.C. 1319), and upon conviction thereof is punishable, in accordance with Section 309 of the Clean Water Act (33 U.S.C. 1319), by a fine of not less than \$2,500, nor more than \$25,000, per day of violation, or by imprisonment of not more than one year, or both. That individual is also subject to a civil penalty not to exceed \$25,000 per day of the violation.

EXTENSION, MODIFICATION AND REVOCATION OF GENERAL PERMIT

This General Permit may be revoked by issuance of a Public Notice at any time the District Engineer (DE) determines that the singular or cumulative effects of the activities authorized herein are having an unacceptable adverse effect upon the public interest. Following such revocation, all new applications will be processed under individual permit application review procedures and the DE would decide on a case-by-case basis if previously authorized activities should be revoked, suspended, or modified.

This General Permit will be effective for a period of three years. During that time, it may be modified by the DE if he determines that the singular or cumulative impacts of the activities authorized by this General Permit have an unacceptable adverse effect upon the public interest. During its third year, this General Permit and the work authorized under it shall be reviewed to determine if this General Permit should be modified, extended, or discontinued.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

16 AUG 1988

Date



William W. Kakel, Colonel
District Engineer
U.S. Army, Corps of Engineers

Reclamation information required by the Corps Engineers

PLAN VIEWS AND CROSS SECTIONS OF PROPOSED RECLAMATION

CHECKLIST

If you intend to perform reclamation during the next three mining seasons, the following information must be provided for your application to be considered complete. Use as many sheets of paper as necessary to completely identify proposed work.

1. Locations of areas to be reclaimed including their length, width, and height. Indicate areas from which material would be taken as well as areas into which material would be placed. Indicate, in relationship to existing, undisturbed, adjacent areas, the final contours of areas from which material would be taken. Indicate, in relationship to existing, undisturbed, adjacent areas, the final contours of areas into which material would be placed.
2. Locations, configurations, lengths, and depths of stream channel reconstruction. Indicate locations, types, and sizes of proposed habitat improvement features.
3. Location(s) and measures proposed to reclaim mine cuts, stream diversions, berms, water collection ditches, water diversion ditches, and similar works.
4. Measures proposed to abandon settling ponds.
5. Locations and measures proposed to reclaim roads, foundation pads, and airstrips.
6. Locations and measures proposed to reclaim areas used to stockpile overburden.
7. Identify areas in which seeding, replanting vegetation, redistributing the organic overburden, and similar measures to enhance vegetative growth would be performed.

NOTE: 1. Cross sections of reclaimed areas shall be provided.

2. A narrative description of measures taken to reclaim disturbed areas shall accompany drawings of proposed work.

3. A schedule of proposed reclamation activities shall be provided.

4. All disturbed areas that would not be reclaimed shall be identified.

Mining rent bill said compromise to speed House passage

By SAM BISHOP
Staff Writer

JUNEAU—A Senate bill that would charge miners new rents and royalties on their claims is a negotiated compromise designed to obtain quick House approval, according to lawmakers.

"We are anticipating moving this bill through with minimal changes," said Rep. Curt Menard, D-Wasilla and co-chairman of the House Resources Committee. The bill, SB 129, passed the Senate Tuesday.

On each 40-acre state mining claim, the bill places a \$20 annual

rent, which will double after six years and rise to \$100 after 11 years. A royalty of 3 percent of the mine's net income also would go to the state. The charges should bring the state \$700,000 next fiscal year.

The bill also orders the state Department of Environmental Conservation to develop rules forcing miners to restore land they disturb, if the Legislature doesn't pass such rules next session.

"It was a negotiated piece that I think everybody can live with," said Sen. Bettye Fabrenkamp, D-Fairbanks.

Menard, although confident the

bill will pass, said it has not gained the approval of the full House majority caucus. He will ask for the Democratic members' support soon.

"I plan on going before the caucus before I go to the floor," Menard said Tuesday.

Miners aren't entirely pleased with the bill, and they let Fabrenkamp know Tuesday night at the legislative teleconference.

Susan Knapman, president of the Circle Mining District, said she hadn't been informed of the deal.

Bob Cacy, a miner who works in that district, said he thinks the rent is too high. He suggested a \$20 annual charge for the first 10 years.

He also objected to the entire idea of a cash rent. He said companies could pay the state the money rather than doing annual work, which employs people in outlying areas.

He also complained that the language directing DEC to create rules for repairing claims would prevent comments by miners.

Fabrenkamp, surprised because she thought miners had signed off on the compromise, defended the bill. She heads the Senate Resources Committee and was a principal author of the bill.

"We're advised by every lawyer we talk to down here that if we tried

to lower that (\$20 per claim) for the first five years that we'd be right back in court," Fabrenkamp said.

The bill responds to a 1987 Alaska Supreme Court decision, which said the Statehood Act requires the state to charge miners rents and royalties. The state now requires only annual work on claims. The lawsuit was brought by the Trustees for Alaska, an environmental group specializing in litigation.

When the bill was introduced by Gov. Steve Cowper this year, en-

vironmental groups asked lawmakers to tack on standards for mending mining claims, called reclamation.

Fabrenkamp also defended the compromise on that issue. The bill asks DEC to develop rules, but only if the Legislature doesn't do it first next year. Whether the rules are written by DEC or the Legislature, there will be plenty of opportunity to comment, Fabrenkamp said.

Sen. Jack Coghill, R-Nenana, voted for the bill Tuesday and said

it was a compromise worth passing.

However, he is worried that it gives so-called "third parties," such as environmental groups, more ground to sue the state if they don't like the regulations it develops. Currently, reclamation standards are worked out on a case-by-case basis between the agency and miner.

Rep. Mike Davis, whose district covers much of the mining country north of Fairbanks, said "no bill"

was not an option. Without a bill, a group such as Trustees could come back and ask for an injunction against all mining on state claims.

The bill covers claims on all state lands, including those offshore, rather than just those that are "mineral in character," as the Statehood Act specified. Identifying mineral land for the purpose of charging rent and royalty would have been too expensive and, ultimately, unfair to miners working such land, Fabrenkamp said.

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

AOSTRA Advanced Oil Recovery Technologies

one

Leading the Way in Advanced Oil Recovery Technologies

The Alberta Oil Sands Technology and Research Authority (AOSTRA), a provincial crown corporation established in 1974, has helped to make Alberta a world leader in oil recovery technologies.

AOSTRA participates directly with members of the oil industry in a variety of experimental pilot projects, and operates the multiuser Underground Test Facility (UTF). AOSTRA also sponsors and acts as a catalyst for research by universities and other research institutions.

As a result of the investment by AOSTRA and its industry partners in the research and development of Alberta's hydrocarbon resources, a \$1-billion pool of technology is available for license from AOSTRA. AOSTRA has signed technology transfer agreements with government organizations in many nations plus numerous technology licensing agreements with industry.

Resources With a Future

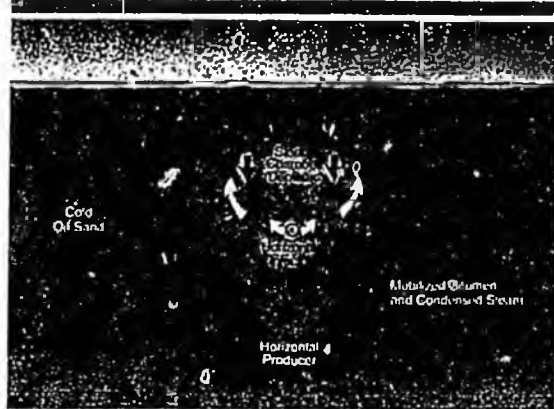
There are about 1.7 trillion barrels of bitumen in the oil sands and carbonate formations of Alberta plus about 8 billion barrels of heavy oil. Alberta has more than 40 percent of the

bitumen in the world. Although supplies of low-cost light oil appear to be abundant and currently satisfy more than 90 percent of world demand for petroleum, they account for less than 25 percent of the remaining world petroleum reserves. As reserves of light oil are depleted and oil prices rise, the production of oils from the oil sands and heavy oil, and through enhanced oil recovery (EOR) from conventional sources, will assume increasing importance.

Technology Benefits

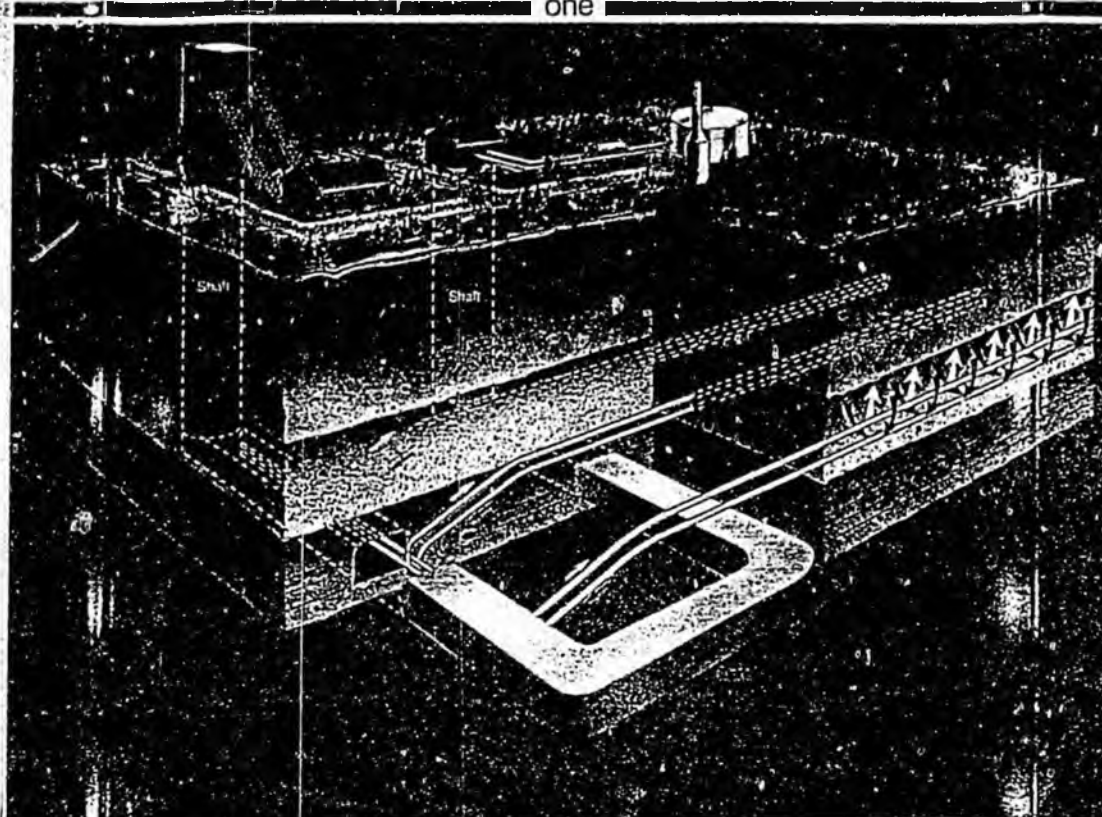
AOSTRA's billion-dollar pool of technology in the Alberta oil sands, heavy oil, and conventional oil resources means outstanding benefits for Alberta:

- Innovative oil recovery technology
- Research, development, and commercialization of in situ processes, heavy-oil upgrading, and bitumen extraction
- Assured hydrocarbon supply for Canada's domestic and export requirements
- Environmentally sound technology.



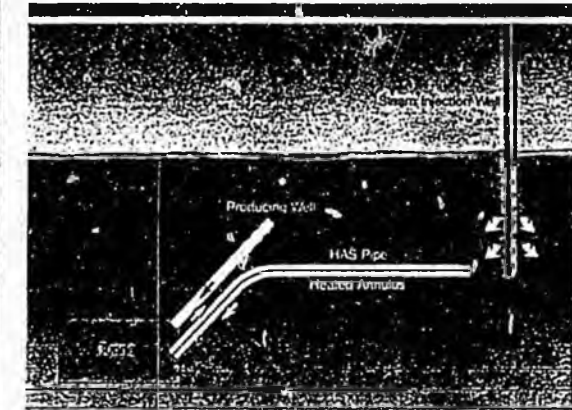
Steam-Assisted Gravity Drainage (SAGD)

Parallel horizontal wells are placed low in the reservoir. Steam is injected at the upper well, creating a steam chamber which grows as the steam condenses on the chamber walls and ceiling and releases heat. Heated bitumen and condensate drain by gravity into the lower production well.



Underground Test Facility (UTF)

Underground access technology reduces the cost of placing horizontal wells in reservoirs and causes less environmental impact than surface in situ projects. AOSTRA'S UTF provides a facility for testing access technologies and a means of evaluating a variety of horizontal well recovery processes at a very low cost per well.



Heated Annulus Steam Drive (HASDrive)

Steam is circulated in a closed horizontal pipe placed in the pay zone. This heats a zone around the pipe, mobilizing bitumen and thus providing a path for steam flooding.

6(i) Briefing Book
Prepared For
Senate Resources Committee
by
Department of Natural Resources
Division of Mining
Gerald Gallagher, Director

EXECUTIVE SUMMARY
6(i) Mining Rent/Royalty Issues

Section 6(i) of the Statehood Act (P.L. 85-508) provides:

All grants made or confirmed under the Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, that any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

The State and the legislature have since 1980 been aware that the State's mining laws (AS 38.05.185 - .275) may not fully comply with section 6(i). In 1982, the legislature adopted AS 38.05.207, creating the requirement for a miner to apply for a "Production License" prior to the commercial production of minerals. This license requires a public notice and was enacted in hopes of curing the 6(i) deficiencies.

In 1983, a coalition of environmental, Native and fishing groups challenged in State Court that Alaska's mining laws were not in compliance with section 6(i). On May 1, 1987, the Alaska Supreme Court found that:

* Alaska's mining leasing system violates section 6(i) because it does not require the payment of cash rents or royalties; and

* Section 6(i) applies only to lands known to have been mineral-in-character at the time of state selection. (The Supreme Court specifically avoided the issue of what constitutes state selection and the meaning of the term mineral-in-character.)

All parties asked the U.S. Supreme Court to review the Alaska Supreme Court's decision. The State argued primarily that the State court should not have allowed these private interest groups standing to argue the case. The Trustees for Alaska, on behalf of the conservation groups, argued primarily that the term "mineral lands" refers to all State land. The U.S. Department of Justice submitted a brief which argued that 1) the Alaska Supreme Court erred in limiting the 6(i) lease requirement to lands that were known to be mineral-in-character at the time of State selection, and 2) that the Alaska court decision was advisory and final resolution could occur only in the federal courts. On May 1, 1988, the U.S. Supreme Court declined to consider this case.

Legislative action will be necessary to cure this defect. The significant questions to be addressed are:

1. Should the proposal include only "mineral lands" or all state land?
2. Should the proposal include rent, or royalty, or both?
3. What are the appropriate levels of rent and/or royalty?

(Prepared by: DNR/DOM 9/1/88)

6(i) BRIEFING BOOK

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Constitution of Alaska
Art. VIII

Section 11. Mineral Rights. Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

Alaska Statehood Act (P.L. 85-508)
Section 6(i)

(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express conditions that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: *Provided*, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

**ALASKA LAWS AND REGULATIONS
FOR STAKING MINING CLAIMS,
PROSPECTING SITES AND LEASEHOLD
LOCATIONS ON STATE LAND**

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Governor**

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Commissioner
Department of Natural Resources**

June 1988

MINING CLAIM, PROSPECTING AND LEASEHOLD LOCATION RIGHTS

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CHAPTER 86.
MINING RIGHTS

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Sec. 38.05.185. Generally. (a) The acquisition and continuance of rights in and to deposits on state land of minerals which on January 3, 1959, were subject to location under the mining laws of the United States shall be governed by AS 38.05.185 — 38.05.275. Nothing in AS 38.05.185 — 38.05.275 affects the law pertaining to the acquisition of rights to mineral deposits owned by any other person or government. The director, with the approval of the commissioner, shall determine that land from which mineral deposits may be mined only under lease, and, subject to the limitations of AS 38.05.300, that land which shall be closed to mining. State land may not be closed to mining or mineral location unless the commissioner makes a finding that mining would be incompatible with significant surface uses on the state land. State land may not be restricted to mining under lease unless the commissioner determines that potential use conflicts on the state land require that mining be allowed only under written leases issued under AS 38.05.205 or the commissioner has determined that the land was mineral in character at the time of state selection. The determinations required under this subsection shall be made in compliance with land classification orders and land use plans developed under AS 38.05.300.

(b) The failure on the part of a mining lessee or a locator to comply strictly with AS 38.05.185 — 38.05.275 and regulations adopted under those sections does not invalidate the rights of a mining lessee or a locator if it appears to the satisfaction of the commissioner that the mining lessee or the locator complied as nearly as possible under the circumstances of the case, and that no conflicting rights are asserted by any other person.

(c) Unless otherwise provided, the usages and interpretations applicable to the mining laws of the United States as supplemented by state law apply to AS 38.05.185 — 38.05.275. (§ 1 art IX ch 169 SLA 1959; am § 19 ch 61 SLA 1960; am § 1 ch 123 SLA 1961; am § 1 ch 108 SLA 1981)

Revisor's notes. — In 1984, the phrase "the mining lessee of" was inserted following "the satisfaction of the commissioner that" in (b) of this section under AS 01.05.011(b)(7), and the former last sentence of (b) was designated as subsection (c).

Cross references. — For location and development of mining claims on federal public domain, see AS 27.10.

Effect of amendments. — The 1981 amendment added the fourth through sixth sentences of subsection (a).

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, §§ 23, 167.

58 C.J.S., Mines and Minerals, § 4 et seq.

Sec. 38.05.190. Qualifications. (a) The right to acquire exploration and mining rights under AS 38.05.185 — 38.05.275 may be acquired or held only by

- (1) citizens of the United States at least 18 years of age;
- (2) legal guardians or trustees of citizens of the United States under 18 years of age on behalf of the citizens;
- (3) persons at least 18 years of age who have declared their intention to become citizens of the United States;
- (4) aliens at least 18 years of age if the laws of their country grant like privileges to citizens of the United States;
- (5) corporations organized under the laws of the United States or of any state or territory of the United States and qualified to do business in this state, except that if more than 50 percent of the stock of a corporation is owned or controlled by aliens who are not qualified, the corporation is not qualified to acquire or hold the rights;
- (6) associations of persons described in (1) — (5) of this subsection.

(b) An unqualified person who acquires an interest in exploration or mining rights by operation of law shall be allowed two years in which to become qualified or to dispose of the interest to a qualified person. (§ 2 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 2 ch 93 SLA 1984)

Revisor's notes. — In 1984, former (a)(5) and (a)(6) of this section were reorganized as (a)(6) and (a)(5) respectively. A corresponding change in the internal reference in present (a)(6) was made.

amendment, in subsection (a), substituted "18" for "19" in paragraphs (1)-(4), "the" for "such" near the end of paragraphs (2) and (6), and "persons described in (1) — (6) of this subsection" for "such persons" in paragraph (5).

Effect of amendments. — The 1984

Sec. 38.05.195. Mining claims. Rights to deposits of minerals subject to AS 38.05.185 — 38.05.275 in or on state land that is open to claim staking may be acquired by discovery, location and filing as prescribed in AS 38.05.185 — 38.05.275. The locator has the exclusive right of possession and extraction of the minerals subject to AS 38.05.185 — 38.05.275 lying within the boundaries of the claim. A location may not exceed 1,320 feet in its longest dimension, and the boundaries of a claim located after January 1, 1985 shall run in the four cardinal directions unless the claim is a fractional claim or the commissioner determines that staking in compliance with this section is impractical because of local topography or because of the location of other claims. A location shall be distinctly marked on the ground in the manner prescribed by the commissioner and a notice of location shall be posted on the claim in the manner and containing the information required by the commissioner. Within 90 days after the date of posting

the notice of location on the claim, the locator shall file for record in the recording district where the claim is located a certificate of location. The certificate of location shall contain the information required by the commissioner. Locations may be amended in the manner and with the effect prescribed in AS 38.05.200. Annual labor shall be performed and statements of annual labor recorded as prescribed in AS 38.05.210 — 38.05.235. (§ 3 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 3 ch 93 SLA 1984)

Effect of amendments. -- The 1984 amendment, effective January 1, 1985, inserted "subject to AS 38.05.185 — 38.05.280" in the second sentence and "of a claim located after January 1, 1985" in the third sentence, added "unless the claim is a fractional claim or the commissioner determines that staking in compliance with this section is impractical because of local topography or because of the location of other claims" at the end of the third sentence, and made a series of technical changes throughout the first three sentences.

Opinions of attorney general. -- The filing of a prima facie valid application for an offshore prospecting permit under AS 38.05.250 acts to segregate the land from the public domain, thereby precluding a later mining claimant from obtaining any right to the minerals in that land, even where the offshore prospecting permit application subsequently is declared void, is withdrawn, or is denied. February 23, 1984, Op. Att'y Gen.

NOTES TO DECISIONS

Cited in *Moore v. State*, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Sec. 38.05.200. Changes in locations and amended notices. Notices may be amended at any time and monuments changed to correspond with the amended location but a change may not be made that interferes with the rights of others. Whenever monuments are changed or an error is made in the notice or in the certificate of location, an amended certificate of location shall be filed for record in the same manner and with the same effect as the original certificate. (§ 47-3-34 ACLA 1949)

Collateral references. — 54 Am. Jur. 58 C.J.S. Mines and Minerals, § 12 et seq. 2d, Mines and Minerals, § 25 et seq.

Sec. 38.05.205. Mining leasing. (a) Prior discovery, location and filing shall initiate prior rights to mineral deposits subject to AS 38.05.185 — 38.05.275 in or on state land, other than submerged land, which is open to mining leasing. Locations shall be made and certificates of location recorded in accordance with AS 38.05.195. If the located land is available only for leasing, the director shall publish in a paper of general circulation in the area of the location, notice of the filing of the location and notice that a mineral lease will be issued. The notice may be combined with notices of locations either in the same general area or statewide. Unless a conflicting location exists, no later than two weeks after publication of the notice, an application form for a mining lease shall be mailed to the locator by the director. A lease application shall be filed with the director by the locator within 90 days after receipt of the form. If the located land is not available for leasing, notice shall be given the locator by the director and the locator's prior rights shall terminate. A mining lessee has the exclusive rights of possession and extraction of all minerals subject to AS 38.05.185 — 38.05.275 lying within the boundaries of the lease or location. Mining

leases may be issued for one location or for a group of contiguous locations held in common. Minerals may not be mined and marketed or used until a lease is issued, except for limited amounts necessary for sampling or testing.

(b) Beginning on the date established by the commissioner under AS 38.05.210 there shall accrue an annual rental for each leasehold location or portion thereof whether or not under lease, not less than the value of annual labor improvements required for mining claims. The value of work done on, or for the benefit of, the leasehold in compliance with AS 38.05.210 may be credited against the rental.

(c) A mining lease shall be for any period up to 55 years, and the lessee has a right to a new lease at the end of each lease period. The commissioner may make reasonable adjustments of the rental rate at the end of each 20 year period, based upon changed conditions in production costs and markets. A valid mining claim located and held under AS 38.05.195 may be converted to a lease at any time upon application by the owner, and issuance by the commissioner. No rights granted by a mining lease may be exercised until the lease has been filed for record in the recording district where the land is located. (§ 4 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 2 ch 108 SLA 1981; am § 39 ch 152 SLA 1984)

Effect of amendments. — The 1981 amendment in subsection (a), added "the director shall publish in a paper of general circulation in the area of the location, notice of the filing of the location and notice that a mineral lease will be issued" at the end of the third sentence, added the present fourth sentence, added "unless a conflicting location exists, no later than two weeks after publication of the notice" at the beginning of the fifth sentence, deleted "upon request or upon receipt of notice that the location has been made on lands open only for leasing" at the end of the fifth sentence, substituted "the locator's" for "his" preceding "prior rights" in the sixth sentence and added "or location" following "lease" in the seventh sentence

The 1984 amendment substituted "commissioner" for "director" in the third sentence in subsection (a).

Editor's notes. — Section 5, ch. 108, SLA 1981, as amended by § 1, ch. 90, SLA 1983, provides: "SPECIAL PROVISION FOR MINING LEASE LOCATIONS Notwithstanding AS 38.05.205(a), until December 31, 1985, minerals may be mined, marketed, or used on a location for mineral leasing under AS 38.05.205 on state land upon discovery, location, and recording in accordance with AS 38.05.195. However, this section does not apply to a locator who does not file an application for a lease within 90 days after receipt of the application form as required by AS 38.05.205."

NOTES TO DECISIONS

Cited in *Moore v State*, Sup Ct Op. No. 1284 (File Nos. 2551, 2587), 553 P 2d 8 (1976).

Collateral references. — 54 Am Jur. 2d, Mines and Minerals, §§ 97 to 101, 120 to 147.

58 C.J.S., Mines and Minerals, § 164 et seq.

"Mine" as used in written instrument. 92 ALR2d 868.

Sec. 38.05.207. Production license. (a) An application for a production license must be filed with the commissioner when a locator of a mining claim under AS 38.05.195 or a lessee of a mining location under AS 38.05.205 is prepared to produce minerals for sale in commercial quantities. The application shall state under oath the location of the land and ownership of the mineral deposits involved in the mining operation and the date production began or is expected to begin. Upon receipt of an application, the commissioner shall publish in a paper of general circulation in the area of the location notice of the application and notice that a production license will be issued. The notice may be combined with notices of other applications either in the same general area or statewide. Pending completion of this public notice requirement and issuance of the production license, the locator or lessee has the right to produce minerals from the property.

(b) If the commissioner determines under AS 38.05.185(b) that a locator or lessee has complied as nearly as possible under the circumstances of the case with the provisions of AS 38.05.185 — 38.05.275 and that no conflicting rights are asserted by any other person, the commissioner shall issue a transferable production license for mineral extraction. If conflicting rights are asserted the commissioner may resolve the conflict. (§ 2 ch 87 SLA 1982)

Cross references. — For purpose and legislative finding, see § 1, ch. 87, SLA 1982, in the Temporary and Special Acts and Resolves.

Opinions of attorney general. — The production license requirement of this sec-

tion apply to riverbeds that the state claims to own under § 6(a) of the Statehood Act as well as to lands tentatively approved to the state under § 6(a) and (b) of the Statehood Act June 10, 1982, Op. Atty Gen.

Sec. 38.05.210. Annual labor. (a) Labor shall be performed or improvements made annually on or for the benefit or development of each mining claim on state land except that where adjacent claims are held in common, the expenditure may be made on any one claim. The commissioner shall establish the date of the commencement of the year during which the labor or improvements are to be performed. Labor shall be performed at the annual rate of \$200 per claim. If more work is performed than is required by this section to be performed in any one year, the excess work up to a value of \$800 may be applied against labor required to be done during the subsequent year or years.

(b) During the year in which the performance of annual labor is required or within 90 days after the close of that year, the owner of the mining claim or some other person having knowledge of the facts shall file for record with the recorder of the district in which the claim is located a signed statement setting out the information, as may be required by the commissioner, concerning the annual labor of the preceding year and any labor in excess of that required for the preceding year. The statement, properly filed, is prima facie evidence of the performance of the labor. The failure of one of several co-owners to contribute the proportion of the expenditures required for annual labor from the co-owner shall be treated in accordance with AS 38.05.215 — 38.05.235.

(c) The statement of annual labor required in (b) of this section may be amended within two years of the date by which the annual labor statement was required to be filed. An amended statement shall be filed for record in the same manner as the original statement. Addi-

tional labor claimed in an amended statement may not be applied against labor required to be done during a subsequent year.

(d) AS 38.05.240 and 38.05.242 apply to this section. (§ 5 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 1 ch 88 SLA 1970; am § 4 ch 93 SLA 1984)

Revisor's notes. — Subsection (c) was enacted as (b) and renumbered in 1984 and a corresponding change was made in the internal reference in (c). The balance of the

section was reorganized into subsections (a), (b) and (d) in 1984 for clarity.

Effect of amendments. — The 1984 amendment added subsection (c).

NOTES TO DECISIONS

Express statement not required. — Neither this section nor the regulations concerning the contents of an affidavit of annual labor require an express statement that excess labor will be carried over to be applied against labor required to be done during the subsequent year or years. *Ashbrook v. O'Harra*, Sup. Ct. Op. No. 1661 (File No. 2702), 581 P.2d 218 (1978).

Express statement that excess labor will be carried over would serve no

function since one can readily determine from the affidavit whether the value of the labor set forth is greater than the minimum required to maintain each claim for the year in question. *Ashbrook v. O'Harra*, Sup. Ct. Op. No. 1661 (File No. 2702), 581 P.2d 218 (1978).

Cited in *Moore v. State*, Sup. Ct. Op. No. 1284 (File Nos. 2551, 2587), 553 P.2d 8 (1976).

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, §§ 68 to 75.

Sec. 38.05.215. Notice to co-owners to contribute to cost of annual labor or improvements and forfeiture for failure to contribute. If one of several co-owners fails to contribute the proportion of the expenditures required for annual labor from the co-owner, the co-owners who have performed the labor or made the improvements may, at the expiration of the annual labor year, give the delinquent co-owner personal notice in writing, or notice by publication in the newspaper published nearest the claim for at least once a week for 90 days. If at the expiration of 90 days after the service of the notice in writing, or 90 days after the completion of the publication the delinquent fails or refuses to contribute the required proportion of the expenditures, the interest of the delinquent co-owner in the claim is forfeited to the co-owners who have made the expenditures. (§ 47-3-56 ACLA 1949)

Sec. 38.05.220. Recording the notice to contribute and affidavits. (a) Within 120 days after personal service, or within 120 days after the completion of publication of the notice provided for in AS 38.05.215, the co-owner who claims the forfeiture shall file for record in the office of the recorder of the recording district in which the claim is located a copy of the notice with the following affidavits attached:

(1) an affidavit of the person serving the notice giving the time, place and manner of service and by whom and upon whom the service was made or, if service was made by publication in a newspaper, an affidavit of the editor, publisher, printer or foreman of the newspaper giving the name of the newspaper, the place where, and the time during which the notice was published and the number of insertions;

(2) an affidavit of the co-owner who claims the forfeiture stating that neither the delinquent co-owner nor any person acting for the delinquent co-owner has paid or tendered to the affiant the delinquent's proportion of the expenditures for annual labor or improvements.

(b) The record of the notice and affidavits or a certified copy of it is prima facie evidence of the facts contained in it. (§ 47-3-57 ACLA 1949)

Sec. 38.05.225. Lienholder may perform the annual labor. A person who holds a claim to or lien upon an unpatented mining claim under a certificate of sale, mortgage, attachment, levy, judgment, or other lien may, when necessary for the protection of the lien or claim, go upon the mining claim and perform or cause to be performed the annual labor required by law to prevent forfeiture. Before performing the labor the claimant or lien holder shall mail a written notice of intent to perform the annual labor on the claim to the owner of the claim at the last known address of the owner of the claim. (§ 47-3-58 ACLA 1949)

Sec. 38.05.230. Lien for performance of annual labor. (a) The person performing or causing to be performed annual labor upon an unpatented mining claim as provided in AS 38.05.225 shall have a lien upon the claim for the assessment work, including the reasonable cost of transportation to and from the claim incurred in doing the work. The lien is enforced either as in other suits for the foreclosure of liens upon real property or as supplemental accruing costs in an action, if any, then pending in which the claim has been levied upon by attachment, execution or other court process.

(b) A person claiming a lien under this section shall, within 90 days after the completion of the annual labor for which the lien is claimed, file for record in the office of the recorder of the recording district in which the property on which the lien is claimed is situated a notice of claim of lien, verified by the oath of the person claiming the lien or that of some other person having knowledge of the facts, and stating the name of the owner or reputed owner of the property, the amount of the claim, the time of the performance of the annual labor for which the lien is claimed, the nature of the labor done or improvements made, and the amount of the claim, including costs of transportation, after deducting all just credits and offsets.

(c) An independent suit or action brought to enforce a lien under this section shall be commenced within six months after the filing for record of the notice of claim of lien. (§ 47-3-59 ACLA 1949)

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, §§ 256 to 259
58 C.J.S., Mines and Minerals, §§ 259 to 269.

Assertion of statutory mechanic's or materialman's lien against oil or gas produced or against proceeds attributable to oil and gas sold, 59 ALR3d 278.

Sec. 38.05.235. Lien for annual labor is independent of other liens. The lien given for the performance of annual labor by AS 38.05.230, if the work is done in good faith and necessarily for the protection either of possession under a certificate of sale or of an attachment, levy, mortgage, judgment or other lien, remains in effect notwithstanding the contemporaneous or subsequent vacation, dissolution, or setting aside of, or redemption from, the certificate of sale, attachment, levy, mortgage, judgment or other lien. (§ 47-3-60 ACLA 1949)

Sec. 38.05.240. Labor defined for AS 38.05.210 — 38.05.235. In AS 38.05.210 — 38.05.235, "labor" includes geological, geochemical, geophysical, and airborne surveys conducted by qualified experts and verified by a detailed report filed in the recording district office in which the claim is located which sets out fully (1) the location of the work performed in relation to the point of discovery and boundaries of the claim, (2) the nature, extent, and cost of it, and (3) the name, address, and professional background of the person conducting the work. The commissioner, by regulation, shall define the nature of

acceptable survey work and the qualifications of a person competent to perform this work. The airborne surveys, however, may not be applied as labor for more than two consecutive years or for more than a total of five years on any one mining claim, and each of those surveys shall be nonrepetitive of any previous survey on the same claim. (§ 47-3-61 ACLA 1949; added by § 1 ch 67 SLA 1960; am § 2 ch 88 SLA 1970; am § 5 ch 93 SLA 1984)

Effect of amendments. — The 1984 amendment deleted the former second sentence, which read "Basic survey finds shall be filed in the central recording office of the Department of Natural Resources, but kept confidential and released only if the claim or prospecting site lapses," and, in the first sentence, substituted "In AS 38.05.210 — 38.05.235, 'labor' includes" for "The term 'labor' where used in §§ 210 — 235 of this chapter includes, without being limited to" and "of it" for "thereof" near the end, and deleted "or persons" following "person," also near the end.

Sec. 38.05.242. Definitions for AS 38.05.210 — 38.05.240. In AS 38.05.210 — 38.05.240

(1) "airborne survey" means a survey from the air for mineral deposits by the proper application of magnetometers, electromagnetic input systems, infrared detectors, side-looking radar, vertical and panoramic cameras and other devices as they relate to the search for and discovery of mineral deposits.

(2) "geochemical surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of chemistry as they relate to the search for and discovery of mineral deposits;

(3) "geological surveys" means surveys on the ground for mineral deposits by the proper application of the principles and techniques of the science of geology as they relate to the search for and discovery of mineral deposits;

(4) "geophysical surveys" means surveys on the ground for mineral deposits through the employment of generally recognized equipment and methods for measuring physical differences between rock types or discontinuances in geological formations;

(5) "qualified expert" means an individual qualified by education or experience to conduct geological, geochemical or geophysical surveys, as the case may be. (§ 47-3-62 ACLA 1949; added by § 1 ch 67 SLA 1960; am § 3 ch 88 SLA 1970)

Revisor's notes. — Formerly AS 1984, the section was reorganized to alpha 38.05.280. Renumbered in 1984. Also in beta to alphabetize the defined terms.

Sec. 38.05.245. Prospecting sites. (a) Before the discovery of valuable minerals, an exclusive right to prospect by geophysical, geochemical and similar methods may be acquired by marking boundaries and posting a notice of location of a prospecting site in a manner and containing the information the commissioner requires. A prospecting site may not exceed 2,640 feet in its longest dimension and its boundaries shall run in the four cardinal directions. A certificate of location shall be filed for record in the recording district where the prospecting site is located within 90 days after posting the notice of location. The locator of a prospecting site has the exclusive right to stake mining claims or leasehold locations within the boundaries of the site.

(b) A prospecting site location may not include within its exterior boundaries, nor shall its boundaries be coincident with more than one boundary of any mining claim, mining leasehold location, or land under a mining lease, unless the locator of the prospecting site is also the owner, optionee or lessee of said mining property. If such mining property or area is so included or bounded, the prospecting site is void.

(c) A person may not hold more than eight prospecting sites in one township at one time. A prospecting site remains in effect for one year after the notice of location is posted and may, at the discretion of the director, be extended for one year periods. During each year, work of a type compatible with the purpose of this section and acceptable to the director shall be done. The minimum expenditure for the work shall be established by the commissioner uniformly for all prospecting sites. Where adjacent prospecting sites are held in common the expenditure may be made on any one or more locations. If a prospecting site expires, neither the locator nor a successor in interest of the locator may again hold the same prospecting site or any portion of it, as a prospecting site, for a period of one year following the date of expiration or abandonment; nor may the locator or a successor in interest of the locator, during the year, either directly or indirectly, obtain a beneficial interest in the same prospecting site or a portion of it. (§ 6 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am §§ 6, 7 ch 93 SLA 1984)

Effect of amendments. -- The 1984 amendment, in subsection (a), deleted "and a copy of the certificate shall also be mailed to the director within the 90 day period" at the end of the next-to-last sentence and made a series of technical changes throughout the rest of the subsection; and, in subsection (c), rewrote the first and last sentences, which formerly read "No person may locate more than six prospecting sites in one calendar year in one recording district" and "If a prospecting site expires, neither the

locator nor his successor in interest may again locate the same prospecting site or any portion of it, as a prospecting site, for a period of two years following the date of expiration or abandonment, nor may he, during the two years, either directly or indirectly, obtain a beneficial interest in the same prospecting site or a portion of it," respectively.

Collateral references. -- 54 Am. Jur. 2d, Mines and Minerals, §§ 25 to 46.
58 C.J.S., Mines and Minerals, §§ 37 to 48.

Sec. 38.05.250. Prospecting permits and leases on tide and submerged land. (a) The exclusive right to prospect for deposits of minerals subject to AS 38.05.185 — 38.05.275 in or on tide and submerged state land may be granted by a permit issued by the director. Permits shall be granted to the first qualified applicant. A permit may not include an area larger than 2,560 acres, subject to the rule of approximation. Lands subject to a prospecting permit shall be as compact in form as possible taking into consideration the area involved. The term of the permit shall be 10 years. Prospecting permits shall be conditioned upon payment of rental against which credit shall be given for useful expenditures on land covered by the permit or group of contiguous permits under common ownership or assignment. Excess expenditures may be applied against rentals due for the following four years. The rental shall be \$3 per acre for the first two-year period of the permit, payable on the second anniversary of the permit and \$3 per acre for each following year, payable annually on the anniversary date of the permit. Minerals from land under a prospecting permit may not be mined and marketed or used, except for limited amounts necessary for sampling or testing. A person may not take or hold prospecting permits for minerals on state land under this section exceeding in the aggregate 300,000 acres. A person may not take or hold leases for minerals on state land under this section exceeding in the aggregate 100,000 acres.

(b) A noncompetitive lease shall be granted to a holder of a prospecting permit for so much of the land subject to the permit as is shown to the satisfaction of the director to contain workable mineral deposits. Submerged land containing known deposits of minerals subject to AS 38.05.185 — 38.05.275 may, in the discretion of the director, be offered by competitive bid. The land shall be leased to the qualified person offering the highest amount of cash bonus.

(c) Leases for submerged land shall be conditioned upon payment of an annual rental of \$3 an acre. Expenditures on or for the benefit of the leasehold may be credited against the rental. Rent shall be paid or a statement of annual labor shall be filed within 90 days after each anniversary date of the lease. All submerged land mining leases shall be for a period of up to 20 years, and for so long as there is production in paying quantities from the leased area. The commissioner may make reasonable adjustments of the rental rate at the end of each 10-year period, based upon changed conditions in production costs and market.

(d) The commissioner may, on the request of the lessee, assent to the suspension of operation and production under a lease whenever in the judgment of the commissioner the suspension is necessary to promote development of the lease or the lease cannot be successfully operated under its terms. The payment of acreage rental may be suspended during the period of suspension of operation and production. The suspension of the lease shall extend the term of the lease by adding the period of suspension to the lease. The commissioner may extend the term of a nonproducing lease on an application by the lessee accompanied by a showing that the lessee is reasonably close to attaining production and that, despite diligent good faith efforts by the lessee, the lessee is not able to produce due to force majeure, depressed market conditions, or other situations beyond the reasonable control of the lessee. A suspension or extension granted under this subsection may not exceed two years. (§ 7 art IX, ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 1 ch 96 SLA 1966; am § 4 ch 87 SLA 1982; am §§ 8-12 ch 93 SLA 1984)

Effect of amendments. — The 1982 amendment, in subsection (a) substituted "seven years" for "10 years" at the end of the fifth sentence, added the present seventh sentence, substituted "\$3 per acre for each year" for "\$1 per acre for the first two-year period of the permit, payable at the end of the period, and \$1 per acre for each year thereafter" in the present eighth sentence, and added the present next-to-last and last sentences. In subsection (c), the amendment substituted "\$3 an acre" for "\$1 an acre" in the first sentence, substituted the language beginning "10 years" for "55 years, and the lessee has a right to a new lease at the end of each lease period" at the end of the fourth sentence, and substituted "10 year period" for "20 year period" in the last sentence.

The first 1984 amendment, effective July 1, 1984, in subsection (a), substituted "land" for "lands" in the first and ninth sentences, "Land" for "Lands" in the fourth sentence, "10" for "seven" in the fifth sentence, "four" for "two" in the seventh sentence and "the first two-year period of the permit, payable on the second anniversary of the permit and \$3 per acre for each following year, payable annually on the anniversary date of the permit" for

"each year, payable at the end of each year" in the eighth sentence; in subsection (b), deleted the former first sentence, which read "Upon discovery, the right to possess and extract the minerals may be acquired by noncompetitive lease," substituted "land" for "lands" in the second sentence and "The land" for "These lands" in the third sentence, and deleted "responsible" preceding "qualified," also in the third sentence; in subsection (c), substituted "land" for "lands" in the first sentence and "20" for "10" in the next-to-last sentence; and added subsection (d). The second 1984 amendment, effective January 1, 1985, in subsection (a), substituted "300,000" for "100,000" in the next-to-last sentence and "100,000" for "46,080" in the last sentence.

Opinions of attorney general. — The filing of a prima facie valid application for an offshore prospecting permit under this section acts to segregate the land from the public domain, thereby precluding a later mining claimant from obtaining any right to the minerals in that land, even where the offshore prospecting permit application subsequently is declared void, is withdrawn, or is denied. February 23, 1984. Op. Att'y Gen

NOTES TO DECISIONS

There is no express statutory provision for the "full evidentiary hearing." State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Subsection (b) does not compel a hearing on the issue of the conversion of an offshore prospecting permit to a mining lease. State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

But entitlement to full and fair opportunity to present case is implicit. — Entitlement to a full and fair opportunity to present his case to the director and the commissioner is implicit in the provision of subsection (b) which provides that the holder of a prospecting permit shall be granted a noncompetitive lease "for so much of the land subject to the permit as is shown to the satisfaction of the director to contain workable mineral deposits." State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Only with a full and fair opportunity to present his case can the permit holder receive fair consideration of his application, and benefits of a full presentation by the permit holder inure to the state as well by providing comprehensive data for the decisions made by the director. State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

The responsibility for providing the data to the director is on the permit holder. State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Need for flexible standard in granting noncompetitive lease. — By using the term "workable mineral deposit" in subsection (b) to define what must be "shown to the satisfaction of the director" in order to acquire a noncompetitive lease, the legislature was cognizant of the need for a flexible standard, and, in entrusting this determination to the director, the legislature took notice of the peculiar expertise required in making such decisions. State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Test on review. — The reasonable basis test is the test required on review as to the propriety of decisions to grant or deny offshore leases pursuant to this section. State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Applicable rules of law and procedure observed in denying application to convert offshore prospecting permit to mining lease. — See State, Dep't of Natural Resources v. Universal Educ. Soc'y, Inc., Sup. Ct. Op. No. 1701 (File No. 3324), 583 P.2d 806 (1978).

Sec. 38.05.252. Extralateral rights under shore, tide, and submerged land. (a) Extralateral rights under shoreland, tideland, and submerged land are confirmed and granted to an owner of a lode mining claim located before January 3, 1959 under the mining laws of the United States.

(b) In this section, "extralateral rights" means rights given to an owner of a mining claim under 30 U.S.C. 26 to follow, and mine, any vein or lode the apex of which lies within the boundaries of the location of the surface of the mining claim, notwithstanding that the course of the vein or lode on its dip or downward direction may so far depart from the perpendicular as to extend beyond the planes which would be formed by the vertical extension downwards of the sidelines of the location. (§ 1 ch 20 SLA 1985)

Effective dates. — Section 2, ch. 20, May 10, 1985, in accordance with AS SLA 1985, makes this section effective 01.10.070(c).

Sec. 38.05.255. Surface use of land or water. Surface uses of land or water included within mining properties by owners of those properties shall be limited to those necessary for the prospecting for, extraction of, or basic processing of mineral deposits and shall be subject to reasonable concurrent uses. Permits for millsites and tailings disposal may be granted by the director. The permits shall be conditioned upon payment of a reasonable charge for the use and continuance of the limited use. Timber from land open to mining without lease, except timberland, may be used by a mining claimant or prospecting site locator for the mining or development of the location of adjacent claims under common ownership. On other land, timber may be acquired as provided in this chapter. Use of water shall be made in accordance with AS 46.15. (§ 8 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 102 ch 6 SLA 1984)

Effect of amendments. — The 1984 amendment added "of land or water" at the end of the catchline, substituted "AS 46.15" for "§ 260 of this chapter and rules and regulations adopted under it or in accordance with any law amending or superseding that section" in the last sentence, and made a series of technical changes throughout the rest of the section.

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, § 210.

What constitutes reasonably necessary use of the surface of the leasehold by a mineral owner, lessee, or driller under an oil or gas lease or drilling contract, 63 ALR3d 15.

Grant, reservation, or lease of minerals and mining rights as including, without expressly so providing, the right to remove the minerals by surface mining, 70 ALR3d 383.

Sec. 38.05.260. Water rights where claim includes both banks of a stream. [Repealed, § 2 ch 50 SLA 1966. For current law on water usage and appropriation, see AS 46.15.]

Sec. 38.05.265. Abandonment. Failure to (1) properly file for record a certificate of location or a statement of annual labor, or (2) file with the director within the time prescribed a lease application, or (3) pay rental or receive credit for rental, or (4) keep location boundaries clearly marked, all as required by AS 38.05.185 — 38.05.275 and by regulations adopted under these sections, constitutes abandonment of all rights acquired under the mining lease, location, or site involved, and it is subject to relocation by others. If a location is not relocated by another person within one year after the failure, the locator or claimant of the abandoned location, or a successor in interest, may return to relocate it as though it had never been located. A statement of annual labor which does not accurately set out the essential facts is void and of no effect. (§ 9 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 13 ch 93 SLA 1984)

Effect of amendments. — The 1984 amendment deleted "or a copy of a prospecting site location certificate" following "application" in the first sentence and, in the second sentence, substituted "within one year after the failure" for "with one year after such failure, or, in the case of a prospecting site, two years" and "a" for "his" preceding "successor."

Opinions of attorney general. — Requirement under AS 38.05.275 that

miners file a copy of the certificate of location if a state-owned riverbed is included in the location is a procedural requirement that should be followed but, if a miner fails to comply with the requirement, he does not forfeit his rights under state law. June 10, 1982. Op. Att'y Gen.

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, §§ 141 to 145.

58 C.J.S., Mines and Minerals, § 211.

Sec. 38.05.270. Transfers. The sale, lease or other transfer of mining property or interest in mining property shall be recorded or shall be approved by the director in compliance with such regulations as the commissioner may adopt. The heirs and assigns of mining property or interest in mining property have the same rights and duties as their predecessors. (§ 10 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961)

Sec. 38.05.275. Recognition of locations. Mining locations made on state land, including shorelands, tidelands or submerged land or state selected land, under AS 38.05.185 — 38.05.275 or in the manner described in AS 27.10 acquire for the locator mining rights under AS 38.05.185 — 38.05.275, subject to existing claims and to any denial of or restriction in the tentative approval of state selection or patent of the land to the state. If shorelands, tidelands or submerged land is included in a mining location or within the projected boundaries of a mining location made in accordance with this section, the locator shall file a certificate of location under AS 38.05.195. The certificate of location must identify the position of the mining location in the system of rectangular or protracted surveys. If the mining location is made in the manner described in AS 27.10, the commissioner may require that the locator amend the mining location to conform with AS 38.05.185 — 38.05.275 and thereafter to comply with the requirements of AS 38.05.185 — 38.05.275. (§ 1 art IX ch 169 SLA 1959; am § 1 ch 123 SLA 1961; am § 3 ch 96 SLA 1966; am § 14 ch 93 SLA 1984)

Effect of amendments. — The 1984 amendment, in the first sentence substituted "land" for "lands" in the first three places it occurs and "or patent of the land" for "of in the patent of the lands," and, in the second sentence, substituted "land is" for "lands are" and "shall file a certificate of location under" for "is required to file a certificate of location with the division of lands within 90 days following the date of posting the notice of location, in addition to filing a certificate of location as required by," and added the last sentence.

Opinions of attorney general. — This section was intended to provide a solution to the problem presented by miners staking state claims on top of other miners' federal claims in riverbeds where title to the riverbed as between the state and federal government is unresolved. June 10, 1982, Op. Att'y Gen.

This section protects valid federal

mining claims which include a state-owned riverbed from top-staking under state law. June 10, 1982, Op. Att'y Gen.

Federal locators have rights under state mining law pursuant to this section if they have complied with all federal requirements under AS 27 of the Alaska Statutes. June 10, 1982, Op. Att'y Gen.

Requirement under this section that miners file a copy of the certificate of location if a state-owned riverbed is included in the location is a procedural requirement that should be followed but, if a miner fails to comply with the requirement, he does not forfeit his rights under state law. June 10, 1982, Op. Att'y Gen.

Collateral references. — 54 Am. Jur. 2d, Mines and Minerals, §§ 53 to 56

58 C.J.S., Mines and Minerals, §§ 49 to 56.

**CHAPTER 86.
MINING RIGHTS**

Article

1. General Provisions
(11 AAC 86.100-11 AAC 86.155)
2. Staking, Recording and Maintaining Claims and Leasehold Locations
(11 AAC 86.200-11 AAC 86.230)
3. Upland Mining Leases
(11 AAC 86.300-11 AAC 86.325)
4. Prospecting Sites
(11 AAC 86.400-11 AAC 86.435)
7. Mining Production Licenses
(11 AAC 86.700-11 AAC 86.750)
8. General Prospecting Permit and Lease Provisions
(11 AAC 86.800-11 AAC 86.815)

Editor's Note: The mineral-leasing regulations in chapters 82, 83, 84, 86 and 88 of this title, effective September 5, 1974, and distributed in Alaska Administrative Register 51, constitute a comprehensive reorganization and revision of this material, and thus the history line at the end of each section does not reflect the history of the provisions before September 5, 1974, and the section numbering may or may not be related to the numbering before that date.

**ARTICLE 1.
GENERAL PROVISIONS**

Section

100. Applicability
105. Discovery defined
110. Existing mining claims, federal leases and permits
115. Locations before tentative approval
120. Conditional mining leases and locations
125. Failure to comply
130. (Repealed)
135. Mineral deposits open to location
140. Drawing of prior existing locations
145. Surface use
150. Plan of operations instead of land use permit
155. Sale, lease, or other transfer

11 AAC 86.100. APPLICABILITY. The provisions of this chapter apply to the acquisition of mineral rights under AS 38.05.185 - 38.05.280. (Eff. 9/15/74, Reg. 51)

Authority: AS 38.05.020(b)(1)

11 AAC 86.105. DISCOVERY DEFINED. "Discovery" means a finding of valuable mineral as would justify an ordinarily prudent person in expending further time, labor, and money upon the property with a reasonable expectation of developing a paying mine. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020(b)(1)
AS 38.05.185(b)

11 AAC 86.110. EXISTING MINING CLAIMS, FEDERAL LEASES AND PERMITS. Nothing in 11 AAC 86 and 11 AAC 88 adversely affects the continued validity of any lease, permit, license, location, or contract, or any rights arising thereunder, granted or issued by the United States, or any rights acquired or being exercised pursuant to the mining laws of the United States, before the land was acquired by the State of Alaska. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020(b)(1)

11 AAC 86.115. LOCATIONS BEFORE TENTATIVE APPROVAL. (a) Locations made on state-selected land that has not received tentative approval by the United States for conveyance to the state are made at the locator's risk. Because the state does not have management authority over the land until the selection has been tentatively approved, and cannot authorize exploration work or mining until that time, the locator is responsible for obtaining any necessary permits from the federal land manager and other permitting authorities.

(b) Locations made on state-selected land in accordance with this chapter create prior rights against subsequent locators. Subject to the state's ultimate receipt of patent to the land, locations made on state-selected land in accordance with this chapter become valid mining claims, leasehold locations, or prospecting sites as soon as the federal government tentatively approves the state's selection, unless the tentative approval restricts or bars the locations, or a state mineral closure is in effect on the date of tentative approval. If a leasing restriction is in effect on the date of tentative approval, prior locations are subject to that restriction. If the land is closed to mineral entry or restricted to leasing after the date of tentative approval, valid prior locations are unaffected.

(c) The provisions of AS 38.05.210 - 38.05.240 do not apply to locations made on

state-selected land until the state receives tentative approval of the selection from the federal government. The first labor year for a mining claim, and the first rental year for a leasehold location, made on state-selected land begins at noon on the first September 1 after the date the federal government tentatively approves the selection. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.185
AS 38.05.275

11 AAC 86.120. CONDITIONAL MINING LEASES AND LOCATIONS. (a) The director may issue conditional mining leases, or locations may be made, on land the state selects under various federal land grants and on which it has received tentative approval prior to the state's receipt of patent. Leases issued and locations made on tentatively approved land shall be cancelled in whole or in part if the state is denied patent to that land. Rentals prepaid in cash on land to which patent is denied the state may not be refunded except for that pro rata portion of the unexpired lease year.

(b) A lessee or locator on tentatively approved land shall hold the state harmless for damages done by him, or for any claim of any third party, or for any claims that may arise from ownership. If the state receives patent to the land under lease or location, the conditional lease or location has the same standing, force, and effect as an unconditional lease or location issued or made under this chapter. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020(b)(1)

11 AAC 86.125. FAILURE TO COMPLY. (a) The failure on the part of a mining lessee or locator to comply strictly with the provisions of this chapter and the applicable statutes does not invalidate his rights if it appears to the satisfaction of the director that the locator or lessee complied as nearly as possible under the circumstances and that no conflicting rights are asserted by any other person. Upon application, the director or his authorized representative, with the concurrence of the commissioner, may issue a certificate of substantial compliance which states the specific failure on the part of the lessee or locator and the relief granted. The certificate does not cure any defect not

specifically referred to in the certificate. The certificate, when granted, must be recorded in the recording district where the located or leased land is located.

(b) An application for a certificate of substantial compliance must include the name and address of the owner, the name of the location, any serial number assigned by the department to the location or lease, a statement of the specific failure to comply, the reasons for the failure, and any other information the director considers necessary to determine the circumstances of the case. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.185

11 AAC 86.130. FILING AND RECORDING. Repealed 12/31/82.

11 AAC 86.135. MINERAL DEPOSITS OPEN TO LOCATION. (a) Rights in and to deposits of locatable minerals, except on tide and submerged land as specified in (c) of this section, may be acquired by making a mineral location in conformance with AS 38.05.185 - 38.05.275 and 11 AAC 86, unless the deposits are in or on state land that is closed to location. To constitute a valid location, both discovery and posting of the location notice must occur during a time when the land is open to location.

(b) This section constitutes the commissioner's finding, in accordance with AS 38.05.185(a), that selling, leasing, or otherwise disposing of any interest in land other than a locatable mineral interest, with the mineral rights reserved to the state, creates potential use conflicts requiring that mining be allowed only under written leases. If the land remains open to location, any location made on that land after the disposal is a leasehold location.

(c) Rights in and to deposits of locatable minerals on tide and submerged land may be acquired only under the provisions of AS 38.05.250 and 11 AAC 86.500 - 11 AAC 86.570, except that tide and submerged land may be included in a location under AS 38.05.275 if two corners are on or above the line of mean high tide.

(d) If the land upon which a location is made is restricted to mining under lease before the discovery date or the date the location notice was posted, the locator has prior rights only to a lease.

(e) Notice will be given under AS 38.05.945 before an order closing land to mining or mineral location or restricting it to mining under lease is issued, amended, or revoked. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020 AS 38.05.275
AS 38.05.185 AS 38.05.300

11 AAC 86.140. DRAWING OF PRIOR EXISTING LOCATIONS. The requirement under 11 AAC 86.210(4), 11 AAC 86.215(a)(6), 11 AAC 86.410(a)(4), and 11 AAC 86.410(b)(6) that a locator show the relationship of his location to adjacent and contiguous mining claims, leasehold locations, and prospecting sites held by other parties is for informational purposes only. It is not an admission by the locator of the proper location and maintenance, good standing, or validity of those other claims, locations, or sites. (Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84)

Authority: AS 38.05.020(b)(1)

11 AAC 86.145. SURFACE USE. (a) The following provisions apply to land for which the state owns the surface:

(1) A locator does not have exclusive use of the surface of the location. A locator may restrict public access to the surface of the location only if authorized to do so under an approved plan of operations or land use permit, to

(A) protect public safety; or

(B) prevent unreasonable interference with the rights of the locator.

(2) A surface structure built or placed within the boundaries of a mining property must be necessary for mineral prospecting, development, extraction, or basic processing, or for the storage of mining equipment. The building or placing of surface structures, and the use of surface structures other than during periods of mining or development, must be approved through a plan of operations or a land use permit. Factors used

by the director in approving the structures or uses will include: access to the property, remoteness of location, security of the operation, planned level of operation, and the current level of activity.

(3) A classification or designation indicating that timber and other forest products of significant value are included within a mining property is prima facie evidence that the land on which the property is located is considered to be "timberlands" for purposes of AS 38.05.255. The division of forestry must be contacted before using or clearing timber from timberlands.

(b) If the surface estate or interests in the surface estate are owned by a third party, with the minerals reserved to the state under AS 38.05.125, the locator must make provisions under AS 38.05.130 to pay the owner of the surface interests for any damage that may be caused by the use or development of that location. (Eff. 5/30/85, Reg. 94)

Authority: Art. VIII, sec. 11, Alaska Const.
AS 38.04.058
AS 38.05.020
AS 38.05.035
AS 38.05.130
AS 38.05.255
AS 38.05.965

11 AAC 86.150. PLAN OF OPERATIONS INSTEAD OF LAND USE PERMIT. A person intending to conduct mineral exploration or development activities that would require a land use permit under 11 AAC 96 may file a plan of operations for approval instead of applying for a land use permit. The plan of operations must meet the requirements of 11 AAC 86.800. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.850

11 AAC 86.155. SALE, LEASE, OR OTHER TRANSFER. (a) The rights held under a mining location on state land, or any interest in an undivided location, may be sold, leased, or otherwise transferred without the approval of the director. However, the sale, lease, or other transfer must be recorded within 90 days after the date of the transaction and the transfer

document must include the current mailing address of all involved parties.

(b) Before a portion of a mining location may be sold or granted, the original location must be physically divided by amending it to reduce its size. A new location must be created on the remaining ground in accordance with this chapter. The original discovery and location dates apply only to the amended location and not to the newly created location. Any sale or grant of rights under either the amended location or the new location must comply with (a) of this section. (Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.270
AS 38.05.920

Editor's Note: 11 AAC 86.155 replaces former 11 AAC 86.230 which was repealed 5/30/85, Register 94. The history note for 11 AAC 86.155 includes the history of the repealed section.

ARTICLE 2. STAKING, RECORDING AND MAINTAINING CLAIMS AND LEASEHOLD LOCATIONS

Section

- 200. Discovery required
- 205. Marking boundaries
- 210. Posting location notice
- 215. Certificate of location
- 220. Annual labor
- 225. Service of notice on co-owners
- 230. (Repealed)

11 AAC 86.200. DISCOVERY REQUIRED. No mining claim location is complete until after the discovery, as defined in 11 AAC 86.105, of locatable minerals within the limits of the claim. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020
AS 38.05.195

11 AAC 86.205. MARKING BOUNDARIES. The discoverer of a mining claim or leasehold location shall designate the location by erecting at each corner of the location substantial monuments of stone or setting posts, not less than three feet in height nor less than three inches in diameter hewn and marked with the name of the location, the number of the monument beginning with number 1 at the northeast corner and

proceeding in a clockwise direction around the claim, and by cutting out, blazing, or marking the boundary lines so that they can readily be traced. Where it is impracticable to place a monument in its true position, a witness monument shall be erected and marked so as to indicate the true position of the corner. Where locations under common ownership have common corners, a common corner monument may be used. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020
AS 38.05.195
AS 38.05.205

11 AAC 86.210. POSTING LOCATION NOTICE. The locator of a mining claim or leasehold location shall personally, or through an agent, post a notice on the monument at the northeast corner of the location. The notice must contain

(1) the name or number of the mining claim or leasehold location;

(2) the date of the locator's discovery and the date of posting the notice of location;

(3) the length and width of the mining claim or leasehold location in feet;

(4) a sketch depicting, to the best of the locator's knowledge, the relationship of the mining claim or leasehold location to adjoining and contiguous mining claims, leasehold locations, and prospecting sites, and;

(5) the name and current mailing address of each locator and the signature of each locator or of the locator's agent. (Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: Art. VIII, sec. 11, Alaska Const.
AS 38.05.020
AS 38.05.195
AS 38.05.205

11 AAC 86.215. CERTIFICATE OF LOCATION. (a) The locator of a mining claim or leasehold location on state land shall, within 90 days after the date of the posting of the notice of location, record a certificate of location in conformance with AS 38.05.195. The certificate of location must be recorded on a form provided by the division, a copy of that form, or a form approved by the director, and must

(1) contain the name or number of the location;

(2) contain the date of the locator's discovery and the date of posting the notice of location;

(3) contain the length and width of the location in feet;

(4) contain the name and current mailing address of each locator and the signature of each locator or of the locator's agent;

(5) indicate the recording district in which the claim is located;

(6) include a map at an indicated scale of 1:63,360 (1 inch = 1 mile) or a more detailed scale which shows the boundaries of the claim or leasehold location, the dominant physical features of the land, the protracted or surveyed section lines surrounding the location and, to the best of the locator's knowledge, the relationship of the location to adjacent and contiguous mining claims, leasehold locations and prospecting sites; if more than one contiguous location is being recorded simultaneously, a single map showing all of the locations may be attached to one of the certificates of location if the document to which the map is attached is cross-referenced on each certificate of location; and

(7) indicate every township, range, meridian, section, and quarter section in which the claim is located.

(b) Failure to file for record a certificate of location within the time specified in (a) of this section, constitutes an abandonment of the claim or leasehold location.

(c) Repealed 5/30/85.

(d) Repealed 5/30/85.

(e) Repealed 5/30/85. (Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: AS 38.05.020 AS 38.05.205
AS 38.05.195 AS 38.05.265
AS 38.05.200 AS 44.37.025

11 AAC 86.220. ANNUAL LABOR. (a) Except as provided in 11 AAC 86.115, the first

labor year begins at noon on the first September 1 following the date a location notice is posted under 11 AAC 86.210. Each subsequent annual labor year begins at noon on September 1.

(b) Work performed outside the boundaries of the location must develop or benefit the location to qualify as annual labor. Transportation of workers or equipment to or from the location does not qualify as annual labor. Drilling or excavating, including ore extraction, or geological, geochemical, geophysical, or airborne surveys, as provided for in AS 38.05.240, may qualify as annual labor.

(c) During each year in which the performance of annual labor is required or within 90 days after the close of that annual labor year, the owner of each mining claim or leasehold location on state land or some other person having knowledge of the facts, shall make and file for record an affidavit describing the performance of the labor or the making of improvements for the immediately preceding assessment year and any labor in excess of that required for the preceding year that is to be applied to the subsequent year or years. The affidavit must state

(1) the name or number of the mining claim or leasehold location, a description of where it is situated, and the name and current mailing address of each owner;

(2) the number of days' work done and the character and value of the improvements made;

(3) the dates of performance of the labor and of the making of improvements, and the name and mailing address of the person who did the work;

(4) the actual amount paid for the work and improvements, and, if the work was not done by the owner or the owner's lessee, a statement of who paid.

(d) An affidavit required by this section may be made before any officer authorized to administer oaths, or, when no official empowered to administer oaths is available, in the manner provided by AS 09.63.020.

(e) Repealed 5/30/85.

(f) Repealed 5/30/85.

(g) An affidavit of annual labor may be amended under AS 38.05.210(c). However, an affidavit that does not set out the essential facts is void under AS 38.05.265 and may not be amended. (Eff. 9/5/74, Reg. 5; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: AS 27.05.010	AS 38.05.242
AS 38.05.020	AS 38.05.265
AS 38.05.210	AS 44.37.025
AS 38.05.240	

11 AAC 86.225. SERVICE OF NOTICE ON CO-OWNERS. The service of written personal notice authorized by AS 38.05.215 shall be made by certified mail only. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020
AS 38.05.215

11 AAC 86.230. RECORDATION OF SALE, LEASE, OR OTHER TRANSFER. Repealed 5/30/85.

ARTICLE 3. UPLAND MINING LEASES.

Section

- 300. Preference right by leasehold location
- 305. Application for lease
- 308. Rental
- 309. Showing of discovery
- 310. (Repealed)
- 311. Survey of exterior boundary
- 312. Lease duration
- 315. (Repealed)
- 320. (Repealed)
- 321. Surrender
- 325. (Repealed)

11 AAC 86.300. PREFERENCE RIGHT BY LEASEHOLD LOCATION. The preference right to a lease that is acquired by establishing and maintaining a leasehold location remains in existence until a lease is issued or denied, the leasehold location is adjudicated and found invalid, the leasehold location is abandoned, or the state's selection of the land is rejected or relinquished. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.205

11 AAC 86.305. APPLICATION FOR LEASE.

(a) When the division receives a copy of a certificate of location for a location on state land restricted to mining under lease, the division will notify the locator of the leasing requirement.

(b) The division will publish the notice required by AS 38.05.205(a) and subsequently mail a lease application form to the locator only when

(1) it learns that the leasehold locator is ready to begin production or, if authorized by sec. 5, ch. 108, SLA 1981, as amended by sec. 1, ch. 90, SLA 1985, is already producing;

(2) the leasehold locator requests a lease application form; or

(3) the owner of a mining claim requests a lease application form.

(c) The application must include a sworn affidavit stating, for each mining claim or leasehold location,

(1) that discovery, location, and filing were performed as required by law;

(2) the type and nature of the mineral discovery; and

(3) the position of the discovery in relation to the northeast corner of the location.

(d) A lease application will be rejected and the location will be void if the director determines, after a review of all filing documents, a field examination, or analysis of other information, that

(1) the requirements of AS 38.05.185 - 38.05.275 have not been met;

(2) the land was not open to location when the mining claim or leasehold location was made; or

(3) the land is closed to mining.

(e) A lease application received for a location on state-selected land that has not received tentative approval by the United States for conveyance to the state, or on other land to which

the state does not hold title to the locatable mineral estate, will be rejected.

(f) If conflicting rights are asserted by another locator and the director decides not to adjudicate the conflict, the lease application will be rejected and the parties advised to resolve the conflict. A new application may be filed after the conflict has been resolved. The director will also send a copy of the notice by certified mail to the holders of apparent conflicting rights, as shown on state land records, that a lease application is being processed.

(g) An application that does not meet the requirements of this section, or that otherwise deviates from the form provided by the division, will not be adjudicated and will be returned to the applicant with an explanation of the reason. A new application may be filed later. (Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: AS 38.05.020

AS 38.05.035

AS 38.05.185

AS 38.05.205

AS 38.05.265

11 AAC 86.308. RENTAL. (a) Rental for a leasehold location or leasehold must be made payable to the Alaska Department of Revenue and be tendered to the accounting office of the Department of Natural Resources in Anchorage. It must be accompanied by a statement containing the owner's name and address, any serial number assigned by the department to the leasehold location or lease, and, if applicable, the name of the leasehold location. If more annual rental is paid, or work performed instead of rental, than is due under this section, the excess value up to \$800 per leasehold location may be applied against rental due during subsequent years; excess value accrued for a leasehold location may be applied against rental due after conversion to lease.

(b) The following provisions apply to rental payments for leasehold locations:

(1) The annual rental is \$200 per leasehold location;

(2) The rental year is the same as the annual labor year established under 11 AAC 86.220(a);

(3) If work done on or for the benefit of the

leasehold location is to be credited against the rental, it must be done before the end of the rental year and must be work acceptable under 11 AAC 86.220;

(4) Within the time specified in 11 AAC 86.220(c), the holder of a leasehold location shall meet the rental obligation by paying the rental due, or by recording an affidavit in the same form and manner as required under 11 AAC 86.220 documenting work done within the rental year to be credited against rental, or by a combination of the two. A previous filing of excess work instead of rental does not relieve the leasehold locator of the obligation to record an affidavit in order to receive credit against the rental due;

(5) If the leasehold locator fails to make either the timely rental payment or the timely recording of an affidavit of work instead of rental, the leasehold location automatically terminates as abandoned under AS 38.05.265;

(6) If a rental payment is timely submitted to the department, or an affidavit of work in lieu of rental is timely recorded, but the director finds that the payment made or the expenditures creditable against rental are less than \$200 per leasehold location, the locator will be granted 30 days after receipt of a notice from the director to submit the additional rental due. If the default is not corrected by the locator within 30 days, the leasehold location automatically terminates without further notice.

(c) The following provisions apply to rental payments for leaseholds.

(1) The rental year begins on the effective date of the lease;

(2) Rental is \$10 per acre during the first five years of the lease, increasing to \$15 per acre during the next five years of the lease, and increasing again to \$20 per acre during the next 10 years;

(3) Rental must be paid, or an affidavit of work submitted to the department, within 90 days after the anniversary date of the lease;

(4) An affidavit of work performed instead

of rental must meet the requirements of 11 AAC 86.220(b) - (g), except that it need not be recorded;

(5) If the lessee fails to make either the timely rental payment or the timely recording of an affidavit of work instead of rental, the lease automatically terminates as abandoned under AS 38.05.265;

(6) If a rental payment or affidavit of work is timely submitted to the department, but the director finds that the payment made or the expenditures creditable against rental are less than the amount due, the mining lessee will be granted 30 days after receipt of a notice from the director to submit the additional rental due. If the default is not corrected by the mining lessee within 30 days, the lease automatically terminates without further notice. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020 AS 38.05.205
AS 38.05.035 AS 38.05.210
AS 38.05.185 AS 38.05.265

11 AAC 86.309. SHOWING OF DISCOVERY.

(a) The director will, in his or her discretion, at any time, require a showing of discovery for each mining claim or leasehold location included within a leasehold or listed in a lease application.

(b) The showing of discovery required of a lessee must relate to the discovery originally sworn to in the application for a lease. However, the showing may be supported with subsequently acquired data.

(c) The statement of discovery sworn to in a lease application is not confidential, but any supplemental geological, geophysical, or engineering data supplied in support of a showing of discovery will, upon the lessee's request, be kept confidential by the state and by any agents or experts consulted or retained by the state to assist in the determination of the existence of a discovery.

(d) A mining claim or leasehold location determined by the director to lack a discovery is void and will be excluded or removed from the

leasehold or the lease application. (Eff 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.205

11 AAC 86.310. BOND. Repealed 5/30/85.

11 AAC 86.311. SURVEY OF EXTERIOR BOUNDARY. (a) Unless otherwise specified by the director, within 10 years after the effective date of the lease, the exterior boundary of the leasehold must be surveyed in accordance with 11 AAC 53 and instructions issued by the department.

(b) The leasehold's exterior boundary must be kept brushed or, in treeless terrain, flagged or otherwise marked so as to be reasonably visible, until the survey is completed. It is not necessary to clear interior boundaries if mining claims or leasehold locations included within the leasehold adjoin each other. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.205

11 AAC 86.312. LEASE DURATION. A lease will be issued for a term of 20 years, subject to renewal as provided in AS 38.05.205(c). However, the director will, in his or her discretion, set a different term if justified on the basis of the expected mine life. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.205

11 AAC 86.315. TERMINATION. Repealed 5/30/85.

11 AAC 86.320. RELINQUISHMENT. Repealed 5/30/85.

11 AAC 86.321. SURRENDER. Unless otherwise specified by the director, 11 AAC 82.635 applies to the surrender or relinquishment of an upland mining lease. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.205

11 AAC 86.325. TRANSFERS. Repealed 5/30/85.

ARTICLE 4. PROSPECTING SITES

Section

- 400. Purpose and rights acquired
- 405. Boundaries and corners
- 410. Prospecting site location notice and certificate of location
- 415. (Repealed)
- 420. (Repealed)
- 425. Prospecting work
- 430. Extension
- 435. Staking claims on expired permits

11 AAC 86.400. PURPOSE AND RIGHTS ACQUIRED. (a) A prospecting site may be located at the option of the prospector and nothing in this chapter requires that a prospecting site location must be made before any prospecting work may be done on state land.

(b) The holder of a prospecting site on state land has the exclusive right, subject to any prior rights, to use the surface within the boundaries of the location for performing work acceptable as prospecting work under 11 AAC 86.425 and also has the exclusive right to stake mining claims or leasehold locations within the boundaries of the prospecting site. The exclusive right begins when the corners and boundaries are marked and the location notice posted as required in 11 AAC 86.405 and 11 AAC 86.410 and terminates as provided in 11 AAC 86.420. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020
AS 38.05.245

11 AAC 86.405. BOUNDARIES AND CORNERS. Boundaries and corners of a prospecting site must be marked in accordance with 11 AAC 86.205. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.245

11 AAC 86.410. PROSPECTING SITE LOCATION NOTICE AND CERTIFICATE OF LOCATION. (a) On a monument at the northeast corner of the prospecting site location, the locator shall post a notice. The notice must state

(1) the name or number of the prospecting site location;

- (2) the date of posting the notice of location;
- (3) the length and width of the prospecting site location in feet;
- (4) a sketch depicting, to the best of the locator's knowledge, the relationship of the prospecting site to adjacent and contiguous prospecting sites, mining claims, and leasehold locations; and

(5) the name and current mailing address of each locator and the signature of each locator or of the locator's agent.

(b) The holder of a prospecting site location shall, within 90 days after the date of posting the location notice, file for record a certificate of location in the recording district in which the location is made. The certificate of location must

(1) contain the name or number of the prospecting site location;

(2) contain the date of posting the notice of location;

(3) contain the length and width of the prospecting site location in feet;

(4) contain the name and current mailing address of each locator and the signature of each locator or of the locator's agent;

(5) indicate the recording district in which the prospecting site is located;

(6) include a map at an indicated scale of 1:63,360 (1 inch = 1 mile) or a more detailed scale which shows the boundaries of the prospecting site, the dominant physical features of the land, the protracted or surveyed section lines surrounding the prospecting site and, to the best of the locator's knowledge, the relationship of the prospecting site to adjacent and contiguous mining claims, leasehold locations, and prospecting sites; and

(7) indicate every township, range, meridian, section, and quarter section in which the prospecting site is located.

(c) Failure to file for record a certificate of location within 90 days, as provided in (b) of this section, constitutes abandonment of all rights in the prospecting site location. After abandonment the site becomes open to location by others. If no other person relocates that site within one year, the original locator or that locator's successor in interest may return to relocate it as though it had never been located.

(d) Repealed 5/30/85.

(e) Repealed 5/30/85.

(f) Repealed 5/30/85.

(Eff. 9/5/74, Reg. 51; am 12/31/82, Reg. 84; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.245
AS 38.05.265

11 AAC 86.415. RECORDATION OF SALE, LEASE, OR OTHER TRANSFER. Repealed 5/30/85.

11 AAC 86.420. DURATION. Repealed 5/30/85.

11 AAC 86.425. PROSPECTING WORK. (a) Within one year after the date of posting the location notice for a prospecting site, acceptable work amounting to at least \$5 per acre for the area enclosed within the prospecting site location must be performed. The amount of work required per acre during the first extension is also \$5; but, if further extensions are granted, the amount of work required during each additional year is \$10 per acre.

(b) The only prospecting work acceptable for holding prospecting sites is

(1) drilling or excavating; or

(2) geological, geophysical, or geochemical work by persons qualified to do the work. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.245

11 AAC 86.430. EXTENSION. (a) A request for extension of a prospecting site must be filed in writing with the division before the prospecting site expires.

(b) The request for extension must

(1) contain the name and current mailing address of the locator;

(2) contain the name and any serial number assigned by the department to the prospecting site;

(3) state why an extension is needed; and

(4) be signed by the owner or the owner's agent.

(c) The director will, in his or her discretion, request that additional information be supplied to support the request for extension.

(d) If an extension is granted, the prospecting site locator shall, within 90 days after receiving the notice of extension, record the notice in the recording district in which the site is located. (Eff. 9/5/74, Reg. 51; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.245

11 AAC 86.435. STAKING CLAIMS ON EXPIRED PERMITS. The expiration of a permit does not prevent the locator or his successor from staking a mining claim or leasehold location in the area formerly covered by his prospecting site location if no intervening locations have been made by others. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020

ARTICLE 6. MILLSITES

Section 600. Millsites

11 AAC 86.600. MILLSITES. If a mining claimant, lessee, locator, or assignee of a leasehold desires to construct a mill, reduction plant or provide tailing disposal on state land not covered by a claim or leasehold, upon application, the director shall grant him a use permit for the necessary land upon satisfaction of the requirements of the division. A reasonable rate

or fee schedule shall be charged for all such use. A permit remains in good standing as long as the fees are paid and the land is not used for a purpose other than that for which the permit is granted. (Eff. 9/5/74, Reg. 51)

Authority: AS 38.05.020
AS 38.05.255

ARTICLE 7. MINING PRODUCTION LICENSES

Section

- 700. Applications for production licenses
- 705. Application review
- 710. Public notice
- 715. Review after public notice
- 720. Commissioner's determination to adjudicate
- 725. Adjudication by commissioner
- 730. No adjudication by commissioner
- 735. Interim mining
- 740. Transfer of a production license
- 745. Expiration of a production license
- 750. Definitions

11 AAC 86.700. APPLICATIONS FOR PRODUCTION LICENSES. (a) An application for a mining production license is required of the owner or owners of a mining claim under AS 38.05.195 or a mining leasehold location or mining lease under AS 38.05.205 who are prepared to initiate or continue production of minerals for sale. An application is required for each state mining claim, mining leasehold location, or mining lease from which that production is anticipated. A group of contiguous mining claims, mining leasehold locations, or mining leases under common ownership may be included on one production license application. A license for multiple claims, leasehold locations or leases will be considered a license for each individual mining claim, mining leasehold location, or mining lease.

(b) An application for a mining production license must be on a form provided by the department or an exact reproduction of that form.

(c) An application must be made under oath by the holder of the mining claim, leasehold location, or upland mining lease and must contain

(1) the names and current mailing addresses of all owners of the mining claim, mining leasehold location, or mining lease;

(2) the name and serial number (if assigned by the division of minerals and energy management) of the mining claim, mining leasehold location, or mining lease;

(3) a description of the location of the mining claim, mining leasehold location, or mining lease, including the section, township, range, and meridian and such other detail as the commissioner requires in the application;

(4) the statement that either

(A) each mining claim or leasehold location has been discovered, located, filed, and maintained in accordance with AS 38.05.185 - 38.05.280, or

(B) a state mining lease has been issued under AS 38.05.205;

(5) a statement of the date that the applicant either began or expects to begin production of minerals for sale from that property; and

(6) a statement that the applicant or applicants are qualified to own the mining claim, mining leasehold location, or mining lease under AS 38.05.190.

(d) Applications which do not meet the requirements of this section or which otherwise deviate from the form provided by the department will be rejected and returned to the applicant with an explanation of the reason for rejection. An applicant may file another application after the rejection of a previous application. (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.705. APPLICATION REVIEW.

(a) Upon receipt of an application for a production license for either a mining claim or a mining leasehold location, the commissioner will review the department's records to determine that location certificates and annual labor affidavits have

been properly filed. The sworn intent of the applicant to commence production is sufficient evidence to establish that a valuable discovery has been made for purposes of a production license issued under AS 38.05.207.

(b) Upon receipt of an application for a production license for a state mining lease, the commissioner will review the department's records to determine that the applicant has complied with the terms of the lease.

(c) If the commissioner discovers that a location certificate or an annual labor affidavit for a mining claim or leasehold location has not been properly filed, or the terms of a mining lease have not been met, processing of the application will be suspended until either the commissioner is satisfied that compliance has been achieved or the commissioner determines under AS 38.05.185(b) that the applicant has complied as nearly as possible under the circumstances of the case and that no conflicting rights are asserted. The commissioner will notify the applicant of any noncompliance that causes the suspension of processing of the application. The applicant may, within the time period specified in the notice, either demonstrate compliance or request a certificate of substantial compliance. The application will be rejected if the applicant does not timely respond to the notice or if the applicant neither demonstrates compliance nor satisfies the commissioner that a certificate of substantial compliance is justified.

(d) If the location is on state-selected land that has not received tentative approval by the United States for conveyance to the state, or is on land to which the state does not hold title to the locatable mineral estate, the application will be rejected. The commissioner will notify the applicant of the rejection of the application. (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.710. PUBLIC NOTICE. (a) Within 60 days after the commissioner is satisfied that the applicant is in compliance as provided in 11 AAC 86.705, the department will publish, in a paper of general circulation in the area of the mining claim, mining leasehold location, or mining lease, a notice which contains:

(1) the name of the applicant along with a description of the location of the area subject to the production license application identifying the township, range, and section of the applicant's claim, leasehold location, or lease;

(2) the statement that within 60 days the department intends to issue a production license to the applicant authorizing the production of minerals for sale, subject to other applicable statutes and regulations, unless the commissioner receives a written statement from a person asserting conflicting rights;

(3) the statement that any written assertion of conflicting rights

(A) must be sent to the commissioner at an address set out in the public notice so that it is received within 30 days after the date of the public notice; and

(B) must set out the nature of the conflicting rights and the basis for the assertion; at a minimum, the written assertion must refer to the serial numbers assigned to the mining claims, mining leasehold locations, or mining leases which form the basis for the conflicting rights, or must include copies of the certificates of location or leases for those mining claims, mining leasehold locations, or mining leases;

(C) may be submitted with any additional documents, affidavits, or information which may more fully set out for the commissioner the nature of the conflicting rights and the reasons why the person is asserting those rights; this additional information must be submitted to the commissioner before the expiration of the 30-day period, unless the commissioner authorizes late submission.

(b) The commissioner will, in his or her discretion, combine individual notices with notices of other applications either in the same general area or statewide.

(c) The commissioner will also send a copy of the notice to the holders of any apparent conflicting rights as indicated on state land records available to the department at the time the application is reviewed. The copy will be sent by

certified mail to the address of record in the department's files. If the copy of the notice is returned by the mail service, the department will assume no further obligation to notify the third party. (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020

AS 38.05.035

AS 38.05.207

11 AAC 86.715. REVIEW AFTER PUBLIC NOTICE. (a) If no conflicting rights are asserted, the commissioner will issue the production license to the applicant between 30 days and 60 days after the date that the public notice of the application appears in the paper.

(b) If the commissioner receives an assertion of conflicting rights, the commissioner will send to the applicant a copy of the assertion within 10 days after receiving it. Within 30 days after receiving the assertion, the commissioner will send to the applicant, as well as to the party or parties asserting conflicting rights, the notice of the commissioner's determination, under 11 AAC 86.720, whether or not to adjudicate the matter. (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020

AS 38.05.035

AS 38.05.207

11 AAC 86.720. COMMISSIONER'S DETERMINATION TO ADJUDICATE. (a) The commissioner will not adjudicate matters involving difficult and protracted conflicts between mining claimants or lessees. However, the commissioner will, in his or her discretion, adjudicate minor conflicts which do not involve complicated factual or legal issues. This discretionary authority will be used sparingly.

(b) If the commissioner determines that the assertion of conflicting rights is a minor conflict which does not involve complicated factual or legal issues, the commissioner will, in his or her discretion, adjudicate the matter following the procedures set out in 11 AAC 86.725.

(c) If the commissioner determines that the assertion of conflicting rights does involve complicated factual or legal issues, then the commissioner will follow the procedures set out in 11 AAC 86.730.

(d) Reconsideration and appeal of the commissioner's determination under this section may be requested and, if requested, will be conducted under the procedures set out in 11 AAC 88.155 - 11 AAC 88.185. (Eff. 5/12/83, Reg. 86)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.725. ADJUDICATION BY COMMISSIONER. (a) If the commissioner decides to adjudicate the matter concerning conflicting rights, the commissioner will request the applicant to respond in writing to the written assertion of conflicting rights submitted by a third party under the provisions of 11 AAC 86.710 within 30 days after mailing to the applicant notice of the commissioner's determination to adjudicate.

(b) The commissioner will issue his or her decision within 30 days after either the date of receipt of the applicant's response statement or the date that such a statement was due, whichever is earlier. The commissioner will, in his or her discretion, grant an extension of time for filing a statement requested under (a) of this section.

(c) If, upon review of written statements submitted to the commissioner under this section and 11 AAC 86.710, the commissioner determines that the matter of conflicting rights involves complicated factual or legal issues, the commissioner will decide not to adjudicate the matter and will follow the procedures set out in 11 AAC 86.730.

(d) Reconsideration of the commissioner's decision may be requested and, if requested, will be conducted under the procedures set out in 11 AAC 88.155 - 11 AAC 88.185. (Eff. 5/12/83, Reg. 86)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.730. NO ADJUDICATION BY COMMISSIONER. (a) If the commissioner decides not to adjudicate a matter concerning an assertion of conflicting rights, and the application for a production license does not involve an area which is the subject of a state mining lease or a mining production license held by a

person other than the applicant, then the commissioner will notify the parties that

(1) the commissioner has decided not to adjudicate the matter.

(2) the courts are the appropriate fora for resolution of the matter, and

(3) unless prevented by a court order, the commissioner will issue a production license to the applicant no sooner than 30 days but before 60 days after the date of mailing of the notice.

(b) If the commissioner decides not to adjudicate a matter concerning an assertion of conflicting rights, and the application for a production license involves an area which is the subject of a state mining lease or a mining production license held by a person other than the applicant, then processing of the application for the production license will be suspended until the conflict with the state mining lease or mining production license held by a person other than the applicant is resolved, and the commissioner will notify the parties that

(1) the commissioner has decided not to adjudicate the matter;

(2) the courts are the appropriate fora for resolution of the matter; and

(3) until the conflict with the state mining lease or mining production license held by a person other than the applicant is resolved, the commissioner will not issue a production license to the applicant. (Eff. 5/12/83, Reg. 86)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.735. INTERIM MINING. After filing an application, and pending completion of the public notice requirement and the issuance of the production license, the applicant may, at his or her own risk, produce minerals for sale from the property unless either the application is rejected under 11 AAC 86.700(d) or the applicant is notified that processing of his or her production license has been suspended or rejected under 11 AAC 86.705 or 11 AAC

86.730(b). (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.740. TRANSFER OF A PRODUCTION LICENSE. (a) A mining production license passes with a conveyance of the mining claim, mining leasehold location, or mining lease that is the subject of the production license.

(b) If a production license covers multiple mining claims, mining leasehold locations, or mining leases, and not all of the claims, leasehold locations, or leases are transferred, the original production license will be amended to include only those claims that have been retained by the original holder of the production license, and a second production license will be issued covering the transferred claims, leasehold locations, or leases. (Eff. 5/12/83, Reg. 86; am 5/30/85, Reg. 94)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.745. EXPIRATION OF A PRODUCTION LICENSE. (a) A production license will be issued for an indeterminate period of time but will expire when

(1) the mining claim or mining leasehold location for which the production license was issued is abandoned, or

(2) the mining lease for which the production license was issued expires or is terminated or relinquished.

(b) If individual mining claims or mining leasehold locations within a contiguous area included in a multiple production license are abandoned, the abandoned claims or leasehold locations will no longer be covered by the multiple production license. (Eff. 5/12/83, Reg. 86)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

11 AAC 86.750. DEFINITIONS. As used in 11 AAC 86.700 – 11 AAC 86.750

(1) "conflicting rights" means ownership interests in the locatable mineral rights which are to be the subject of the production license;

(2) "production of minerals for sale" means

(A) any production from a mining operation, other than an exploration project, on a mining claim, mining leasehold location, or mining lease, or a contiguous group of mining claims, mining leasehold locations, or mining leases of 30 or more days during an assessment year; or

(B) any production, including production during exploration, from a mining claim, mining leasehold location, or mining lease, or contiguous group of mining claims, mining leasehold locations, or mining leases of gross value greater than \$10,000 during an assessment year. (Eff. 5/12/83, Reg. 86)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.207

Editor's Note: Other definitions applicable to 11 AAC 86.700 – 86.750 appear in 11 AAC 88.185.

ARTICLE 8. GENERAL PROSPECTING PERMIT AND LEASE PROVISIONS.

Section

800. Plan of operations

805. Bond

810. Suspension and termination

815. Transfers

11 AAC 86.800. PLAN OF OPERATIONS. (a) A plan of operations that describes the activities proposed to take place under an upland mining lease, offshore prospecting permit, or offshore mining lease must be submitted to and approved by the director before activities may occur under the prospecting permit or lease. An approved plan of operations takes the place of the land use permit or miscellaneous land use permit that would be required under this title for unleased land. If proposed lease or permit activities are so minor that they could take place

without a land use permit on unleased land, a plan of operations is not required.

(b) The plan must show how the operator proposes to comply with performance standards, stipulations, or conditions applicable to the prospecting permit or lease. The proposed plan of operations must address the areas to be mined, location and design of settling ponds, tailings disposal, overburden storage, permanent or temporary diversions of water, access routes, reclamation plans, and other actions necessary to conduct the operation. The plan must include statements and maps or drawings setting out the following, as applicable:

(1) the sequence, schedule, and duration of the proposed operations;

(2) size and purpose of the operations;

(3) number of pieces of equipment and people working on the project;

(4) amount of material to be handled, processed, or removed, and how the material will be processed;

(5) method of tailings disposal;

(6) area of timber to be cleared, amount to be used, and clearing methods;

(7) overland access routes to be used, and whether new roads, landing strips, or other new transportation facilities will be needed;

(8) reclamation that will be carried out, including a timetable for each step in the reclamation, an estimate of the cost, and a description of the measures to ensure that all debris is disposed of in a sound manner;

(9) the actions to be taken to avoid or minimize detrimental effects on fish and wildlife and their habitats;

(10) amount and source of water to be used;

(11) location and size of camp facilities;

(12) any site the operator wants the division to close to public access in order to protect

public safety or to prevent unreasonable interference with the rights of the operator;

(13) how the operator's plans for compliance with other applicable laws and regulations, including size and location of required facilities or improvements, will affect resources under the jurisdiction of the department; and

(14) any additional information required by the director to assist in evaluating the proposed plan of operations.

(c) Any geological, geophysical, or engineering data supplied by the applicant as part of the plan of operations will be kept confidential at the applicant's request. Confidential data must be clearly identified by the applicant and separated from information not qualifying as confidential.

(d) The plan of operations may cover up to a ten-year period. If the approved work is not completed before the end of the stated period, the director will, in his or her discretion, allow an extension rather than requiring a new plan to be filed. An amendment must be filed for approval if the operator wants to deviate significantly from the approved plan. If the time period the operator chooses to cover in the plan is less than the intended life of the mine, the plan must show how the proposed operations relate to subsequent operations.

(e) The plan must be submitted to the department at least 50 days before operations under the prospecting permit or lease are proposed to begin. Before operations may begin, the plan must be approved in writing by the division after consulting with the Department of Fish and Game, Department of Environmental Conservation, and other affected agencies.

(f) For the operator's convenience, the proposed plan may include information needed to apply for approvals from other departments or local and federal agencies under other applicable laws and regulations, such as effects of the operation on air and water quality, disposal of toxic wastes, effects on navigation, and effects on anadromous fish habitat. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020

AS 38.05.035

AS 38.05.205

AS 38.05.250

11 AAC 86.805. BOND. (a) 11 AAC 82.600 applies to offshore prospecting permits, offshore mining leases, and upland mining leases. If a bond is required, the applicant, permittee, or lessee will be given notice of the requirement and its effective date. At least 30 days will be allowed to provide the bond

accordance with 11 AAC 82.605 - 11 AAC 82.630. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020(b)(1)
AS 38.05.270

(b) The director will, in his or her discretion, if a significant change in the scope of operations occurs, or before approving an assignment, alter the amount of the bond.

(c) A bond provided under this section will be released upon the following conditions:

(1) the expiration or relinquishment of the lease or prospecting permit; and

(2) the reclamation of the lease area or prospecting permit area as set out and approved in the plan of operations. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020 AS 38.05.205
 AS 38.05.035 AS 38.05.250
 AS 38.05.130

11 AAC 86.810. SUSPENSION AND TERMINATION. If the permittee or lessee fails to comply with applicable statutes and regulations, or to comply with the provisions of the prospecting permit or lease (except for failure to pay rental, which results in termination under AS 38.05.265), and the failure continues for 30 days after service of written notice and an opportunity to be heard, the director will, in his or her discretion,

(1) suspend production or operations leading to production until compliance is achieved, during which the obligation to pay rental continues, or

(2) terminate the permit or lease. (Eff. 5/30/85, Reg. 94)

Authority: AS 38.05.020 AS 38.05.250
 AS 38.05.185 AS 38.05.265
 AS 38.05.205

11 AAC 86.815. TRANSFERS. An offshore prospecting permit, offshore mining lease, or upland mining lease may be transferred in

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THE SUPREME COURT OF THE STATE OF ALASKA

TRUSTEES FOR ALASKA, NUNAM KITLUTSISTI,)
DINYEA CORPORATION, VILLAGE OF MINTO,)
ALASKA INDEPENDENT FISHERMEN'S)
MARKETING ASSOCIATION, ALASKA CENTER)
FOR THE ENVIRONMENT, SOUTHEAST ALASKA)
CONSERVATION COUNCIL, FRIENDS OF THE)
EARTH,)

Plaintiffs/Appellants,)

v.)

STATE OF ALASKA, ALASKA DEPARTMENT OF)
NATURAL RESOURCES, ESTHER WUNNICKE,)
Commissioner, Department of Natural)
Resources,)

Defendants/Appellees,)

ALASKA MINERS ASSOCIATION, FAIRBANKS)
NORTH STAR BOROUGH and JOSEPH E. VOGLER,)

Defendants-Intervenors/Appellees.)

File No. S-1142

O P I N I O N

[No. 3175 - May 1, 1987]

Appeal from the Superior Court of the State of Alaska, Third Judicial District, Anchorage, Douglas Serdahely, Judge.

Appearances: Eric Smith and Robert W. Adler, Anchorage, for the Appellants. Robert M. Maynard and Mark P. Worcester, Assistant Attorneys General, Anchorage, Harold M. Brown, Attorney General, Juneau, for Appellee State of Alaska, Alaska Department of Natural Resources, and Esther Wunnicke, Commissioner, Department of Natural Resources. James N. Reeves, Bogle & Gates, Anchorage, for Appellee Alaska Miners Association. Ronald A. Zumbrun, Robin L. Rivett, and James S. Burling, Pacific Legal Foundation,

Clerk of the Appellate Court

Sacramento, California, and Michael B. Markham, Borough Attorney, Fairbanks, for Appellee Fairbanks North Star Borough. Thomas R. Wickwire, Fairbanks, for Appellee Joseph E. Vogler.

Before: Rabinowitz, Chief Justice, Burke, Matthews, Compton, and Moore, Justices.

MATTHEWS, Justice.

Alaska was granted the right to select 103,350,000 acres of land from the United States under section 6(a) and (b) of the Alaska Statehood Act, Pub. L. No. 85-508, 72 Stat. 339 (1958) (set out in a note preceding 48 U.S.C. § 21 (1982)). Mineral deposits in selected lands were also conveyed, subject to certain restrictions. Section 6(i) of the Act provides:

All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

This case presents issues concerning the meaning of the section 6(i) grant and restrictions, and of appellants' standing to bring an action in state court to construe the meaning of the Alaska Statehood Act.

I. PROCEEDINGS BELOW

The appellants are a coalition of environmental, Native, and fishing groups. They filed an action in superior court seeking a declaration that the state's mineral leasing system violates section 6(i) in that the state does not require payment of either rent or royalties in leases of lands subject to section 6(i), and that the state has incorrectly construed the section 6(i) restrictions to apply only to lands known to contain minerals at the time of state selection rather than to all selected lands which contain minerals.¹

All parties moved for summary judgment. The trial court ruled that the appellants did not have standing, that section 6(i) is enforceable only by the Attorney General of the United States, and that the state's mineral management system does not violate section 6(i). The court did not rule on the question whether the section 6(i) restrictions apply to all state-selected lands containing minerals or merely to those known to contain minerals at the time of selection.

We conclude that appellants have standing to maintain this declaratory judgment action, that the state's mineral leasing system violates section 6(i) because it does not require

1. Appellants also contend that section 6(i) has become part of the Constitution of Alaska, and has created public trust duties. Thus, appellants argue, to the extent that section 6(i) has been violated, so has the Alaska Constitution and the public trust.

the payment of rent or royalties on mining leases, and that section 6(i) applies only to those lands known to have been mineral in character at the time of state selection.

II. STANDING TO MAINTAIN DECLARATORY JUDGMENT ACTION

A. Standing

"Standing questions are limited to whether the litigant is a 'proper party to request an adjudication of a particular issue" Moore v. State, 553 P.2d 8, 24 n.25 (Alaska 1976) (quoting Flast v. Cohen, 392 U.S. 83, 100-01, 20 L. Ed. 2d 947, 961 (1968)). Standing in our state courts is not a constitutional doctrine; rather, it is a rule of judicial self-restraint based on the principle that courts should not resolve abstract questions or issue advisory opinions. Id. The basic requirement for standing in Alaska is adversity. Id.

The concept of standing has been interpreted broadly in Alaska. We have "departed from a restrictive interpretation of the standing requirement," Coghill v. Boucher, 511 P.2d 1297, 1303 (Alaska 1973), adopting instead an approach "favoring increased accessibility to judicial forums." Moore v. State, 553 P.2d at 23; see also State v. Lewis, 559 P.2d 630, 634 n.7 (Alaska) (and cases cited therein), cert. denied, 432 U.S. 901, 53 L. Ed. 2d 1073 (1977). Our cases have discussed two different kinds of standing. One is interest-injury standing; the other is citizen-taxpayer standing.

Under the interest-injury approach, a plaintiff must have an interest adversely affected by the conduct complained of. Such an interest may be economic, Moore, 553 P.2d at 24; Wagstaff v. Superior Court, Family Division, 535 P.2d 1220, 1225 (Alaska 1975), or it may be intangible, such as an aesthetic or environmental interest. Lewis, 559 P.2d at 635. The degree of injury to the interest need not be great; "[t]he basic idea . . . is that an identifiable trifle is enough for standing to fight out a question of principle; the trifle is the basis for standing and the principle supplies the motivation." Wagstaff, 535 P.2d at 1225 & n.7 (quoting Davis, Standing: Taxpayers and Others, 35 U. Chi. L. Rev. 601, 613 (1968)).

In the instant case, the appellants assert that they have standing as citizens or taxpayers, rather than because their interests are injured. In prior cases, we have often permitted taxpayers or citizens to challenge governmental action based on their status as taxpayers or citizens. In many such cases, standing has been assumed and not discussed.² We have, however,

2. E.g., Thomas v. Bailey, 595 P.2d 1 (Alaska 1979) (land grant initiative challenged by citizens and taxpayers); Abrams v. State, 534 P.2d 91 (Alaska 1975) (taxpayer and citizen suit challenging legislative formation of Eagle River-Chugiak Borough); Boucher v. Engstrom, 528 P.2d 456 (Alaska 1974) (citizen suit to enjoin placement of capital move initiative on ballot); Boucher v. Bomhoff, 495 P.2d 77 (Alaska 1972) (citizen challenge to the wording of a referendum question); Jefferson v. Asplund, 458 P.2d 995 (Alaska 1969) (taxpayer suit challenging public professional service contract); Jefferson v. Greater Anchorage Area Borough, 451 P.2d 730 (Alaska 1969) (taxpayer suit

(Footnote Continued)

explicitly addressed taxpayer-citizen standing on other occasions. For example, in Coghill v. Boucher, 511 P.2d 1297 (Alaska 1973), registered voters (one of whom was also a poll watcher) were allowed to challenge certain proposed vote-counting procedures. In finding standing, we stated:

In the case at bar, we conclude that a retreat to restrictive notions of standing, as urged by appellee, would not advance the public's vital interest in maintenance of the integrity of vote-tallying procedures during statewide elections. Denial of standing to appellants in the instant case would have the effect of unduly limiting the possibility of a popular check upon executive control of the election process. If registered voters and poll watchers are foreclosed from seeking judicial review of administrative regulation of this sensitive aspect of our governmental system, then it may well be that any review of executive activity in this area would be completely foreclosed, particularly in the event that candidates or political parties were unwilling to challenge such administrative actions. We decline to restrict the

(Footnote Continued)

challenging a bond issue); Suber v. Alaska State Bond Committee, 414 P.2d 546 (Alaska 1966) (taxpayer suit challenging public mortgage adjustment program); Walters v. Cease, 394 P.2d 670 (Alaska 1964) (citizen suit to enjoin referendum relating to formation of local government units); DeArmond v. Alaska State Development Corporation, 376 P.2d 717 (Alaska 1962) (taxpayer suit challenging the legality of public corporation); Starr v. Asplund, 374 P.2d 316 (Alaska 1962) (citizen suit to enjoin capital move initiative).

Some of these cases were subsequently recognized as taxpayer standing suits. See K & L Distributors, Inc. v. Murkowski, 486 P.2d 351, 353 n.1 (Alaska 1971) (characterizing Jefferson v. Asplund, 458 P.2d 995, and Greater Anchorage Area Borough v. Porter and Jefferson, 469 P.2d 360 (Alaska 1970), as taxpayer standing actions); Moore 553 P.2d at 24 n.26 (citing Jefferson v. Greater Anchorage Area Borough, 451 P.2d 730, as an example of taxpayer standing).

public's access to Alaska's courts in such a manner.

Id. at 1304.

We also discussed the question of taxpayer standing in Lewis, 559 P.2d 630. At issue was the legality of a three-way land trade between the state, the federal government, and a native regional corporation. Our characterization of the plaintiffs' interest in Lewis applies in this case. "Here, plaintiffs are seeking to protect mineral resources in land originally selected from the federal government under the Statehood Act. Their interest in the state's retention of mineral rights in state lands is no less significant than the aesthetic and environmental values sought to be vindicated in Sierra Club [v. Morton], 405 U.S. 727, 31 L. Ed. 2d 636 (1972) and [United States v.] SCRAP[,412 U.S. 669, 37 L. Ed. 2d 254 (1973)]." 559 P.2d at 635. We declined to decide whether standing should be allowed in all taxpayer or citizen actions, but we allowed taxpayer standing in Lewis. Several factors influenced our conclusion: the land transfer allegedly violated specific constitutional limitations, the transfer was significant in size and in its potential economic impact on the state, and no one seemed to be in a better position than the plaintiffs to complain of the illegality of the transaction. Id.

In Carpenter v. Hammond, 667 P.2d 1204 (Alaska), appeal dismissed, 464 U.S. 801, 78 L. Ed. 2d 67 (1983), we affirmed, in an alternative holding, the standing of a citizen to challenge

the reapportionment of a House District in which she did not reside or vote. We stated:

In the instant case, Carpenter alleges that District 2 violates a specific constitutional limitation and that the disputed transaction (the drawing of election district lines) arguably will have a significant impact on the state. Here the dispute over District 2 has been fully briefed, argued at trial and on appeal, and there is no one in a better position than Carpenter to litigate these issues. In our view, Carpenter also meets the standing criteria of Lewis.

Id. at 1210 (footnote omitted).

Gilman v. Martin, 662 P.2d 120 (Alaska 1983), involved a challenge to a municipal sale of land. We upheld taxpayer standing, stating that "[a]ny resident or taxpayer of a municipality has a sufficient interest in the disposition of a significant number of acres of the municipality's land to seek a declaratory judgment as to the validity of the disposition." Id. at 123.

In Hoblit v. Commissioner of Natural Resources, 678 P.2d 1337 (Alaska 1984), we held that plaintiff did not have standing as a taxpayer to challenge the sale of some twenty acres of state land. We distinguished Gilman on the grounds that the amount of acreage involved in Hoblit was not "significant." 678 P.2d at 1341. Similarly, we distinguished Lewis because the "'magnitude of the transaction and its potential economic impact on the State' which were determinative in Lewis are simply lacking here." Id. We remanded for a determination as to

whether or not the plaintiff had standing because of his status as an adjoining land owner. Id. at 1341-42.

This review of taxpayer-citizen standing in Alaska clearly demonstrates that taxpayer-citizen status is a sufficient basis on which to challenge allegedly illegal government conduct on matters of significant public concern. Taxpayer-citizen standing has never been denied in any decision of this court, except on the basis that the controversy was not of public significance,³ or on the basis that the plaintiff was not a taxpayer.⁴ However, Lewis and Carpenter suggested, without deciding, that taxpayer-citizen standing may be denied even in cases of public significance under certain circumstances.⁵

3. Hoblit, 678 P.2d 1337.

4. Greater Anchorage Area Borough v. Porter & Jefferson, 469 P.2d 360.

5. The Utah Supreme Court relied in part on Lewis and adopted a discretionary denial approach in Jenkins v. Swan, 675 P.2d 1145, 1150-51 (Utah 1983):

If the plaintiff does not have standing under the first step [that is, interest-injury standing], we will then address the question of whether there is anyone who has a greater interest in the outcome of the case than the plaintiff. If there is no one, and if the issue is unlikely to be raised at all if the plaintiff is denied standing, this Court will grant standing. See, e.g., State v. Lewis, Alaska, 559 P.2d 630, 635 (1977). When standing is predicated on the assertion that the issues involve "great public interest and societal impact," we will retain our practical concern that the parties involved

(Footnote Continued)

In our view, taxpayer-citizen standing cannot be claimed in all cases as a matter of right. Rather, each case must be examined to determine if several criteria have been met. First, the case in question must be one of public significance.⁶ One measure of significance may be that specific constitutional limitations are at issue, as in Carpenter and Lewis. That is not an exclusive measure of significance, however, as statutory and

(Footnote Continued)

have the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions. The Court will deny standing when a plaintiff does not satisfy the first requirement of the analysis and there are potential plaintiffs with a more direct interest in the issues who can more adequately litigate the issues.

The third step in the analysis is to decide if the issues raised by the plaintiff are of sufficient public importance in and of themselves to grant him standing. The absence of a more appropriate plaintiff will not automatically justify granting standing to a particular plaintiff. This Court must still determine, on a case-by-case basis, that the issues are of sufficient weight, see Jenkins v. Finlinson, Utah, 607 P.2d 289 (1980), and that they are not more properly addressed by the other branches of government. Constitutional and practical considerations will necessarily affect our decisions in cases where a plaintiff who lacks standing under step one nevertheless raises important public issues. These are matters to be more fully developed in the context of future cases.

6. See, e.g., Carpenter, 667 P.2d at 1210; Gilman, 662 P.2d at 123; Lewis, 559 P.2d at 635.

common law questions may also be very important.⁷ Second, the plaintiff must be appropriate in several respects. For example, standing may be denied if there is a plaintiff more directly affected by the challenged conduct in question who has or is likely to bring suit. The same is true if there is no true adversity of interest, such as a sham plaintiff whose intent is to lose the lawsuit and thus create judicial precedent upholding the challenged action.⁸ Further, standing may be denied if the plaintiff appears to be incapable, for economic or other reasons, of competently advocating the position it has asserted.⁹

7. See, e.g., *Coghill v. Boucher*, 511 P.2d 1297 (taxpayer's challenge of lieutenant governor's promulgation of regulations under elections statute).

8. See *Flast v. Cohen*, 392 U.S. 83, 100, 20 L. Ed. 2d 947, 962 (1968) ("federal courts will not entertain friendly suits . . . or those which are feigned or collusive").

9. One reason for the adversity requirement is to insure that the issues are well presented. As the Utah Supreme Court said, "When standing is predicated on the assertion that the issues involve 'great public interest and societal impact,' we will retain our practical concern that the parties involved have the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions." *Jenkins*, 675 P.2d at 1150-51.

In the analogous context of class action suits, one important criterion of a party's ability to effectively represent the class is its capacity, for economic and other reasons, to competently advocate its position. See 3B J. Moore and J. Kennedy, *Moore's Federal Practice* § 23.07[1.-1], at 23-215 (1985) (under Fed. R. Civ. P. 23(a)(4), "it has become routine to inquire into the competence, experience and vigor of the representative's counsel").

The instant case is undoubtedly one of public significance. If appellants prevail, the state must change its method of making state land available for mining. Some 50,000 existing mining claims may be affected. Under the current system, according to the appellants, the state is illegally giving up more than \$100,000 annually in royalties. Further, the state is at risk of forfeiting to the United States extensive areas of state lands. The state has correctly acknowledged the significance of this case.

We turn now to consider whether appellants are appropriate parties to bring this suit. They are well represented by competent counsel who have forcefully presented their position. They are not sham plaintiffs; their sincerity in opposing the state's mineral disposition system is unquestioned. On the other hand, the state argues that there is a potential plaintiff with a more direct interest in the validity of the state's system. The state contends that the Attorney General of the United States may bring a forfeiture proceeding under section 6(i) and that this possibility means that appellants lack standing.

In our view, the mere possibility that the Attorney General may sue does not mean that appellants are inappropriate plaintiffs. In Carpenter, a resident and voter of the House District in question would theoretically have been more interested in litigating the question whether the district was malapportioned than was the non-resident plaintiff in that case. However, no such person had filed suit. We noted that the issues

had been fully presented at trial and on appeal by the plaintiffs, and held that she had standing. 667 P.2d at 1210. Similarly, in Coghill v. Boucher, we suggested that candidates or political parties might be more interested than registered voters and poll watchers in challenging the vote-counting procedures at issue. However, they had not done so. We noted that if the plaintiffs were not afforded standing, "it may well be that any review of executive activity in this area would be completely foreclosed." 511 P.2d at 1034. Thus, the crucial inquiry is whether the more directly concerned potential plaintiff has sued or seems likely to sue in the foreseeable future. The Attorney General has not sued nor are there any indications that he plans to do so.

Moreover, the appellants' interest in this suit is different than the Attorney General's would be if suit were brought in the United States District Court pursuant to section 6(i). Appellants are interested in preserving to the state the economic value of these lands. The Attorney General, however, would be bringing an action for forfeiture of these lands, contrary to appellants' interest.

For these reasons we conclude that appellants have standing as taxpayer-citizens to maintain this action.

B. A Declaratory Judgment Action Interpreting the Provisions of Section 6(i) May be Maintained.

There has been much litigation concerning the meaning and scope of various statehood act land grants and their

restrictions.¹⁰ There have been frequent questions of ownership of the granted lands as between private or governmental contestants.¹¹ Much of this litigation has occurred in the state courts. The question presented in this case is whether Congress intended to preclude all litigation concerning the meaning of section 6(i) by enacting the proviso which reads:

That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

In our view, this question must be answered in the negative. It is clear that Congress intended that only the U.S.

10. E.g., *Boyce v. Pima County*, 208 P. 419 (Ariz. 1922); *Jensen v. Dinehart*, 645 P.2d 32 (Utah 1982); cf. *State v. University of Alaska*, 624 P.2d 807 (Alaska 1981).

11. E.g., *Rodgers v. Berger*, 103 P.2d 266 (Ariz. 1940) (appeal from suit by private mining claimant against state and other private claimants to quiet title in mining claim on land granted under statehood act; in trial court, state alleged it was owner because land was a school section; state did not appeal trial court's judgment for plaintiff); *Texas Pacific Coal & Oil Co. v. State*, 234 P.2d 452 (Mont. 1951) (corporation's suit against state to quiet leasehold title to oil and gas deposits under certain school land acquired by state under state enabling act); cf. *Lassen v. Arizona*, 385 U.S. 458, 17 L. Ed. 2d 515 (1967) (appeal from Arizona Supreme Court ruling in case between two state executive agencies to compel compensation to trust created under New Mexico-Arizona Enabling Act); *State v. Walker*, 301 P.2d 317 (N. M. 1956) (suit between State Highway Commission and Commissioner of Public Lands concerning rights of way or easements over state trust lands granted under New Mexico Enabling Act); *Ross v. Trustees of University of Wyoming*, 222 P. 3 (Wyo. 1924) (suit between governor and trustees concerning land granted and confirmed by act of admission for university purposes).

Attorney General could bring forfeiture proceedings and that such proceedings could only be brought in the United States District Court for the District of Alaska. No inference can be drawn, however, from either the context or the history of the Statehood Act that forfeiture proceedings were meant to be the only means by which a judicial interpretation of the meaning of section 6(i) could be obtained.

The sole reference to the land grant forfeiture provision which we have found in the legislative history appears in the Senate Report accompanying a 1954 bill providing for the admission of Alaska into the Union, S. 50, 83d Cong., 2d Sess. (1954):

The Attorney General is authorized to take appropriate proceedings for forfeiture of any of the lands granted to the State which are disposed of contrary to these restrictions. In making the above provision, the committee has followed the practice prevalent in a number of mining States - a practice that has stood the test of time and experience.

S. Rep. No. 1028, 83d Cong., 2d Sess. 32 (1954). This reference is to the forfeiture clause of the Act of January 25, 1927 (commonly called the School Lands Act of 1927) 44 Stat. 1026, codified at 43 U.S.C. § 870(b (1982)), which extended to public land states grants of certain numbered school sections which were mineral in character.¹² This clause has not prevented judicial

12. The proviso in the School Lands Act states:

(Footnote Continued)

interpretation of the School Lands Act in non-forfeiture proceedings.¹³ We hold that the identical language in section 6(i) has a similar, non-preclusive effect. It would be unusual in the extreme if a state court could not construe the meaning of its state's Statehood Act. In the absence of any indication that Congress intended to bar our state courts from interpreting section 6(i), we conclude that appellants' declaratory judgment action seeking an interpretation of section 6(i) may be maintained.

III. THE STATE'S DISPOSITION OF MINERALS VIOLATES SECTION 6(i) OF THE STATEHOOD ACT

Having determined that appellants have standing to bring this declaratory action, we now turn to their arguments on the merits. Their arguments may be summarized as follows. Section 6(i) of the Statehood Act provides that the state must reserve to itself all of the minerals in the mineral lands

(Footnote Continued)

That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

43 U.S.C. § 870(b) (1982). This proviso is discussed in more detail in part IIIB of this opinion, infra p. 21.

13. E.g., Rodgers, 103 P.2d 266; Jensen, 645 P.2d 32.

granted to the state pursuant to section 6(a) and (b) of the Act. Furthermore, section 6(i) provides that "[m]ineral deposits in such lands shall be subject to lease by the State as the State legislature may direct." Appellants argue that because the state does not require the payment of rent or royalties from those miners whom the state permits to locate and extract hardrock minerals, the state violates section 6(i) of the Act. Appellants also argue that the state has violated section 6(i) by defining "mineral lands" subject to the lease requirement to mean those lands known to be of mineral character at the time of state selection, rather than all lands selected which are ultimately discovered to be of mineral character.

The appellants' arguments raise questions concerning the meaning of section 6(i), and of Congress's intent in granting the state mineral rights on the one hand, but restricting the state in its method of disposing of those minerals on the other. To answer these questions, we look to the plain language of section 6(i), to the legislative history of the Statehood Act, and to cases construing section 6(i). We also look to general principles of mining law to understand the framework within which section 6(i) must be analyzed.

A. General Principles of Mineral Disposition

When Congress passed the Alaska Statehood Act, there were three methods for disposition of minerals located on federal

lands: location, lease, and sale. Only locations and leases are relevant in the instant case.¹⁴

The location system is the oldest method of mineral disposition. It originated on the public domain as a matter of custom and was institutionalized by various statutes, the most important of which was the Mining Law of 1872.¹⁵ Under the location system, the first claimant who discovers a valuable mineral deposit on unappropriated public domain, stakes and files a mining claim, and pursues it, has a legally protected interest. The locator is entitled to produce minerals from the deposit without paying rent or royalties, and has the right to obtain fee simple title by means of a patent issued by the United States government. 1 American Law of Mining § 30.01, at 30-3 (2d ed. 1985) (all references to American Law of Mining are to the 1985 edition unless otherwise noted).

Mineral leasing is the primary alternative to the location system. The Mineral Lands Leasing Act of 1920, 30 U.S.C. §§ 181-263 (1982), is the most important statute governing mineral leases; in many respects it has become the model for other federal mineral leasing acts. 1 American Law of Mining

14. The sale method pertains to certain varieties of sand and gravel and other common materials. 30 U.S.C. § 601 (1982).

15. Act of May 10, 1872, ch. 152, 17 Stat. 91. Portions of the Mining Act appear at 30 U.S.C. §§ 22-24, 26-30, 33-35, 37, 39-42, 47 (1982).

§ 20.01, at 20-6-7. The Mineral Leasing Act was passed to supersede the location system as to the minerals it covers because of Congress's perception that important revenues were being lost under the older system.¹⁶

Under the Mineral Leasing Act, competitive leases are issued on lands known to contain valuable mineral deposits. 30 U.S.C. §§ 262, 272, 283. Bidders buy competitive leases from the government for a premium established at a public sale. 43 C.F.R. §§ 3521.2-2, 3521.2-4, 3521.2-5 (1985). Where valuable mineral deposits are not known to exist, a prospecting permit may be issued to the first qualified applicant. See 43 C.F.R. § 3510.0-3. If the permittee discovers a valuable mineral deposit, the permittee may be rewarded with a preference right lease. 43 C.F.R. § 3520.1-1. No premium is charged the lessee of a preference right lease for the privilege of leasing. However, both competitive and preference right lessees must pay an annual rental fee¹⁷ and a production royalty, which is a specified percentage of the gross value of the leased substance produced. 30 U.S.C. §§ 262, 283.

16. "[R]oyalties and rentals" were required "so that the Government may not be passing to title the natural resources without receiving something in return therefor." H.R. Rep. No. 1059, 65th Cong. 3d Sess., at 20. (1919).

17. The fees usually vary from 25¢ to \$1.00 per acre, depending on the mineral. 1 American Law of Mining § 20.09[5]; see also 30 U.S.C. §§ 262, 283.

Appellants contend that although section 6(i) requires the state to lease mineral lands, and presumably to obtain rents or royalties, the state does not in fact receive any revenues when it grants miners the right to produce hardrock minerals from state lands. Thus, appellants argue that the state's mineral disposition method is for all practical purposes a location system, except that miners may not receive patent to the mineral estate.

The state responds that section 6(i) does not require a revenue-producing rent or royalty; rather, that choice is left to the state legislature's discretion. The state also asserts that it receives as consideration the continued exploration and development of its lands and the benefits that come from an active mining industry.

We shall next consider the language of section 6(i) and its legislative history to glean Congress's intent in its grant and restriction of mineral lands.

8. Origin of Section 6(i)

As we have already explained in part IIB of this opinion, the restrictive language in section 6(i) was derived from the 1927 School Lands Act.¹⁸ In Lewis, we discussed the School Lands Act in another context:

18. Act of January 25, 1927 (An Act Confirming in
(Footnote Continued)

In 1955, the Territory of Alaska, through its legislature, provided for a constitutional convention. Elected delegates adopted a Constitution on February 5, 1956, which was ratified by the people of Alaska on April 24, 1956. This Constitution adopted by the people of Alaska served as the basis for subsequent petitions to Congress for statehood and constituted an offer to accept the privileges and responsibilities of that status in accordance with its terms.

Throughout the process of drafting the Constitution and its adoption, there was considerable public controversy surrounding the issue of federal control over Alaska's power to dispose of its mineral resources. In statehood legislation for other states, Congress had limited land grants to non-mineral lands. Public lands, which were known to be chiefly valuable for commercial

(Footnote Continued)

States and Territories Title to Lands in Aid of Common or Public Schools), ch. 57, 44 Stat. 1026, 43 U.S.C. §§ 870-71 (1982).

43 U.S.C. § 870(b) (1983) provides:

The additional grant made by this section is upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain a reservation to the State of all the coal and other minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral rights in such lands shall be subject to lease by the State as the State legislature may direct, the proceeds and rents and royalties therefrom to be utilized for the support or in aid of the common or public school: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States district court for the district in which the property or some part thereof is located.

mineral production at the time of the grants, were retained in federal ownership for management and disposition under a theoretically unified system of federal mineral law. In part to avoid the litigation over titles which had resulted from this policy, Congress passed the School Lands Act of 1927, 43 U.S.C. § 870. This act extended the original statehood land grants to embrace lands mineral in character. These additional grants, however, were made subject to a mineral alienation condition which prohibited state disposal of land without a reservation of minerals and permitted a forfeiture action instituted by the Attorney General on behalf of the United States in the event of such disposal [43 U.S.C. § 870(b)].

Although the constitutions of most states were written after passage by Congress of the relevant enabling acts, Alaska's Constitution was drafted in the absence of a pre-existing act. While the delegates were therefore unsure of the particular restrictive language which might be chosen by Congress, they were aware of the history of federal control over state disposition of mineral lands and the likelihood that the United States would insist on retaining its usual powers. To many of the delegates and the people of the state, these restrictions were unpopular.

559 P.2d at 636 (footnotes omitted). Thus, we see in the School Lands Act language echoed fifty-one years later in section 6(i) of the Alaska Statehood Act: a requirement that grantee states reserve the mineral interest when disposing of granted lands, and a provision allowing grantee states to dispose of minerals only by lease.

Implicit in this quotation from Lewis are several points which must be emphasized. First, prior to the enactment of the School Lands Act, the statehood land grants of many western states did not include certain "school lands" sections

which were known to be mineral in character at the time for vesting.¹⁹ Andrus v. Utah, 446 U.S. 500, 508, 64 L. Ed. 2d 458, 465 (1980); see also 3 American Law of Mining § 60.06(2), at 60-11-13. Second, if lands vested which were in fact of mineral character, but whose mineral character was not known at the time of vesting, the state owned the lands and minerals contained therein. United States v. Wyoming, 331 U.S. at 443, 91 L. Ed. at 1593. Third, in United States v. Sweet, 245 U.S. 563, 572-73, 62 L. Ed. 473, 481 (1918), the Supreme Court held that congressional grants of school lands to a state conveyed no title to lands known to be of mineral character, even if the grant did not expressly reserve such mineral lands to the federal government. In other words, states received title to lands of known mineral character only when Congress expressly granted "mineral lands." Finally, the School Lands Act of 1927 served as an express congressional grant of school lands of known mineral character. Most importantly, the term "mineral lands" as used in the School Lands Act²⁰ is a term of art, and refers to the time that the mineral character of the lands was appreciated, not to the

19. Title to surveyed sections vested at statehood; title to unsurveyed sections vested upon completion of an official survey. United States v. Wyoming, 331 U.S. 440, 443, 91 L. Ed. 1590, 1593 (1947).

20. And as used in the Alaska Statehood Act § 6(i). See part III E of this opinion, infra p. 37.

ultimately discovered nature of the lands.²¹ See also Slaughter Memorandum infra p. 39.

C. Alaska Constitutional Response to Section 6(i)'s Restrictions

The School Lands Act restrictions had already been incorporated into the Alaska statehood bills pending in the 84th Congress when the delegates for the Alaska Constitutional Convention met in the winter of 1955-56. The restrictions were controversial because they signalled a change from the existing location-patent system to a leasing system. Ultimately, however, the benefits of statehood were seen to outweigh the doubts of some of the delegates concerning the section 6(i) restrictions. The state constitution was adopted containing a provision expressly consenting to the section 6(i) restrictions.²²

21. The School Lands Act did not completely eliminate litigation of the question whether lands were of known mineral character at the time of survey, however, because the state's interest in lands of known mineral character vested on the effective date of the School Lands Act, rather than at the time of survey. See, e.g., Rogers, 130 P.2d 268.

22. Alaska Const., art. XII, § 13 states:

All provisions of the act admitting Alaska to the Union which reserve rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property, are consented to fully by the State and its people.

However, the framers also sought to preserve key elements of the existing location-patent system should Congress permit. Thus, they adopted Article VIII, § 11, which provides:

Discovery and appropriation shall be the basis for establishing a right in those minerals reserved to the State which, upon the date of ratification of this constitution by the people of Alaska, were subject to location under the federal mining laws. Prior discovery, location, and filing, as prescribed by law, shall establish a prior right to these minerals and also a prior right to permits, leases, and transferable licenses for their extraction. Continuation of these rights shall depend upon the performance of annual labor, or the payment of fees, rents, or royalties, or upon other requirements as may be prescribed by law. Surface uses of land by a mineral claimant shall be limited to those necessary for the extraction or basic processing of the mineral deposits, or for both. Discovery and appropriation shall initiate a right, subject to further requirements of law, to patent of mineral lands if authorized by the State and not prohibited by Congress. The provisions of this section shall apply to all other minerals reserved to the State which by law are declared subject to appropriation.

According to one commentator (also a delegate to the Constitutional Convention):

In part, this provision was inserted in the hope that Congress might recede from its restriction. On the other hand, delegates who concurred in the policy limiting permanent disposal of minerals went along with the proposal because they assumed Congress would stand firm. Most also saw the provision as a demonstration to miners, who might otherwise object to the constitution, that any restrictions applicable to alienation of mineral lands were being imposed from outside and were not the convention's doing.

V. Fischer, Alaska's Constitutional Convention 134 (1975).

Congress did not recede from the section 6(i) restrictions. The people of Alaska ratified the constitution in 1956. The Statehood Act was passed by Congress and signed into law on July 7, 1958. Section 8(b) of the Act required the voters to vote in favor of three propositions, one of which was that:

(3) All provisions of the Act of Congress approved [July 7, 1958] reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or other property therein made to the State of Alaska, are consented to fully by said State and its people.

Alaska Statehood Act § 8(c)(1). The voters accepted each proposition at the election held on August 26, 1958, and Alaska subsequently became a state on January 3, 1959. See generally Lewis, 559 P.2d at 636-39.

Having examined the origin of section 6(i) and the unsuccessful efforts of Alaska's Constitutional Convention to avoid its restrictions, we now turn to the legislative history for an understanding of Congress's intent underlying section 6(i)'s grant of mineral lands and leasing restrictions.

D. Congress Intended that Alaska Receive Rents and Royalties from Section 6(i) Mineral Leases to Ensure the New State's Economic Viability

The primary purpose of the statehood land grants contained in section 6(a) and (b) of the Statehood Act was to ensure the economic and social well-being of the new state. Udall v. Kalerak, 396 F.2d 746, 749 (9th Cir. 1968), cert. denied, 393 U.S. 1118, 22 L. Ed. 2d 123 (1969); United States v.

Atlantic Richfield Co., 435 F. Supp. 1009, 1016, 1021 n.47 (D. Alaska 1977), aff'd, 612 F.2d 1132 (9th Cir.), cert. denied, 449 U.S. 888, 66 L. Ed. 2d 113 (1980). One of the principal objections to Alaska's admittance into the Union was the fear that the territory was economically immature and would be unable to support a state government. For example, opponents of statehood claimed that "Alaska is not capable of sustaining statehood unless it is heavily subsidized by the other 48 States of the Union." 104 Cong. Rec. 9498 (1958) (statement of Rep. Smith). Similarly, another opponent to statehood argued that "The prevailing doubt of Alaska's ability to support itself is evidenced by the generous special considerations which are made for it in this statehood act." 104 Cong. Rec. 12,297 (1958) (statement of Senator Talmadge).

The congressmen who favored statehood conceded that it would impose an additional financial burden on the territory, but they maintained that the Statehood Act sufficiently provided for Alaska's financial well-being. The land grant of 103,350,000 acres was perceived by these congressmen as an endowment which would yield the income that Alaska needed to meet the costs of statehood. Representative Dawson said that:

All grants include the mineral rights, but these rights must be retained by the State if the lands pass into private ownership. In other words, the mineral rights will always belong to the people of Alaska, and never to private individuals

These provisions are the foundation upon which Alaska can and will build to the enormous benefit of the national economy

shared by her sister States. We cannot make Alaska a "full and equal" State in name and then deny her the wherewithal to realize that status in fact.

104 Cong. Rec. 9361 (1958). The importance of mineral revenue to the new state is also highlighted by the following colloquy between Representative Miller and Alaska Territorial Senator William Egan:

Miller: Do you see where you would get much income out of this 103 million acres you might select around, bearing in mind most of the forests and good land has been set aside by the Government now, or by the military? How much income would you derive from that to begin with?

Egan: As to how much income would be derived, that would be entirely problematical, depending on the values that would be found there. . . . There are known deposits of almost every type of mineral.

. . . .

. . . I feel there would be development

Statehood for Alaska: Hearings Before the Subcomm. on Territorial and Insular Affairs of the House Comm. on Interior and Insular Affairs, 85th Cong., 1st Sess. 201-02 (1957) (remarks of Rep. Miller and William Egan, Alaska Territorial Senator and President of the Alaska Constitutional Convention).²³

23. See also 104 Cong. Rec. 9360-61 (1958) (further remarks of Rep. Dawson; remarks of Rep. O'Brien); 104 Cong. Rec. 12,012 (1958) (remarks of Sen. Jackson).

The 103,350,000 acre grant ultimately provided in
(Footnote Continued)

That Congress recognized the financial burden awaiting the new state is clear from its debates. It is equally clear

(Footnote Continued)

section 6(a) and (b) of the Statehood Act was one of unprecedented size whether considered either absolutely or as a percentage of the total land area of the state. H.R. Rep. No. 624, 85th Cong., 1st Sess. (1957), reprinted in vol. 1 Alaska Statutes "History of Alaska Statehood," at 20. As the colloquy between Representative Miller and William Egan suggests, another rationale for the unprecedented size was that the federal government had already reserved the most valuable land and the new state would, in effect, have second choice. In the House, Representative Saylor said that "the choice areas, more than 95 million acres, have been reserved for Federal agencies." 104 Cong. Rec. 9340 (1958). In Senate discussion of the federal reservations, Senator Robertson read a portion of the House report on the Act: "[T]his tremendous acreage of [federal] withdrawals might well embrace a preponderance of the more valuable resources needed by the new State to develop flourishing industries with which to support itself and its people." 104 Cong. Rec. 12,019 (1958). Thus, the large grant of 103 million acres was deemed necessary because the lands available for state selection were perceived to be only marginally productive.

Furthermore, Congress recognized that the agricultural potential of the statehood grant land was limited. In debate, Senator Byrd commented: "In all of the more than 365 million acres of land in Alaska, only 2 million or about one-half of 1 percent, are arable." 104 Cong. Rec. 12,336 (1958). Because Congress realized that agricultural development would not yield the revenue that Alaska would need to support statehood, the Act contained the provision granting the new state title to the mineral estate underlying the land grants. Senator Kuchel said in debate:

I believe, however, on the basis of the values of property in Alaska as they have been estimated, the tremendous wealth in the ground in minerals . . . , the State of Alaska will be able to make maximum use of the property which it will obtain under the bill from the Federal Government. This provision constitutes one additional assurance. I feel sure that economically the new government will succeed.

104 Cong. Rec. 12,035 (1958).

that the large statehood land grant and the grant of the underlying mineral estate were seen as important means by which the new state could meet that burden. Congress, then, granted Alaska the mineral estate with the intention that the revenue generated therefrom would help fund the new state's government.

The leasing restriction²⁴ in section 6(i) was intended to further the goal of state revenue production. As we have

24. Appellants and the state agree that the third sentence of section 6(i) requires that mineral deposits be disposed of only by lease. Intervenor Alaska Miners Association argues that the "shall be subject to lease" language is merely permissive: "[A]ll that this sentence requires is that 'leasing' be one of the mechanisms through which these lands would be made available for mining development. It does not require that leasing be the only disposal mechanism." (Emphasis in original.)

The Miners' position on this point is contradicted by the structure of section 6(i). If the third sentence was not meant to express the exclusive method of mineral disposition, it need not have been set forth at all. Further, the legislative history demonstrates a uniform belief that section 6(i) required leasing. For example, the Senate Committee Report concerning language that eventually became section 6(i) states:

Subsection (k) [of S. 50, 83d Cong., 2d Sess. (1954)] provides that all grants made or confirmed under the act shall include mineral deposits. Thus, the fact that the lands desired by the State are known or believed to be valuable for minerals will not preclude the State from exercising its right of selection with respect to them under the several grants. However, in order to give an added measure of protection to the new State government, which inevitably will be inexperienced and untried, the committee amendment provides for certain restrictions upon the disposition by the State of mineral lands which it may select under the 100-million acre grant provided in subsection (b) or the

(Footnote Continued)

discussed, the restriction was taken from the 1927 School Lands

(Footnote Continued)

2,550,000-acre grant made in subsection (c). The restrictions are that the State must retain title to all the minerals in these lands, whenever any of them are sold or granted. The State may dispose of the minerals in these lands only by lease in such manner as the State legislature may direct.

S. Rep. No. 1028, 83d Cong., 2d Sess. 32 (1954) (emphasis added).

The Miners' argument that Congress intended the "shall be subject to lease" provision to be permissive is belied by the Miners' testimony objecting to this provision before the House Subcommittee on Territorial and Insular Affairs on March 15, 1957:

Following is the statement of the Alaska Miners Association relative to mandatory leasing of mineral rights on all lands reserved to the new State of Alaska.

. . . .

We . . . believe that the grant of mineral rights on all these lands was done to aid the new State in meeting the added expense of statehood

We believe that the well-intended actions contained in the enabling legislation will have an adverse effect and the mandatory leasing of mineral rights by the new State of Alaska under the conditions imposed would irreparably damage the development of Alaska's mineral resources

We believe that the Legislature of the State of Alaska should be allowed to determine the disposition of the mineral rights on all State lands except those specifically reserved for schools

All lands so claimed [by the state] shall have the mineral deposits reserved to the State and it shall be mandatory that the

(Footnote Continued)

Act. That language was copied advisedly so that Alaska would be on an equal but not a favored footing with other public land states with respect to the disposition of mineral lands.²⁵ The School Lands Act leasing requirement was expressly intended to be productive of proceeds, rents, and royalties, and congressional history indicates that the same result was intended in Alaska.²⁶

(Footnote Continued)

State lease the mineral rights; forfeiture of rights could result if disposed of contrary to provisions in the bills.

Statehood for Alaska: Hearings on H.R. 50, H.R. 628, and H.R. 849 Before the Subcommittee on Territorial and Insular Affairs, 85th Cong., 1st Sess. 217-18 (1957) (statement of Glen D. Franklin, Chairman, Legislative Committee, Alaska Miners Association) (emphasis added) (hereafter "Hearings on H.R. 50"). Thus, it is clear that the Miners Association recognized in 1957 that section 6(i)'s provision requiring that mineral lands be subject to leasing was a mandatory provision. Their argument to the contrary today is without merit.

25.

In other words, the thought was that Alaska should be allowed to obtain mineral lands only if it would administer them in substantially the same manner that States now having mineral land grants are required to administer the lands obtained by them under those grants. This is evident from the close parallelism between the conditions proposed to be imposed upon Alaska and those contained in the 1927 [School Lands] act.

Memorandum from Herbert J. Slaughter, Chief, Branch of Reference, Division of Legislation, Department of the Interior, to the Honorable E.L. Bartlett, at 7-8 (Nov. 7, 1955) (regarding the mineral lands provision of the Alaska Statehood bills) (hereafter "Slaughter Memorandum").

26. S. Rep. No. 1028, supra n.24 (noting the "similar provision for the protection of the mineral school lands," in the School Lands Act); Slaughter Memorandum, supra n. 25. In State

(Footnote Continued)

Further, in congressional hearings, the section 6(i) leasing requirement was equated with the "leasing procedures as provided under the Leasing Act of 1920."²⁷ As previously noted, the federal Mineral Leasing Act was passed rejecting the location system for certain minerals in order to provide revenue to the United States.

Moreover, although the mineral leasing systems of other states differ from the federal mineral lands leasing system, they are uniform in requiring the payment of rent, or royalties, or both. 3 American Law of Mining § 63.054(d), at 63-28.

State statutes may be divided into two principal categories describing the manner of payment of consideration for a lease; first, those that require both rents and royalties but credit the former against the latter or cease rental when the payment of royalties begins; second, those that require both rents and royalties as distinct and independent considerations.

(Footnote Continued)

v. Lewis, we explained that

The lands to be selected by the state included mineral lands so as to be consistent with the rights granted other states as a result of the School Lands Act of 1927 The restrictions placed by Congress on alienation of Alaska's lands were of the same import as those set forth in that Act and applicable to other states.

559 P.2d at 638.

27. Hearings on H.R. 50, supra n.24, at 220 (Rep. Aspinall); see also id. at 231 (Rep. Abbott).

Id. at 63-29 (footnotes omitted). We therefore conclude that the leasing requirement in section 6(i), considered in the context of the School Lands Act, the Mineral Leasing Act, other statehood mineral grants,²⁸ and mineral leasing systems in other states, mandates a system under which the state must receive rent or royalties for its mining leases.²⁹

28. See, e.g., Oklahoma Statehood Act, Act of June 16, 1906, 34 Stat. 267, 273 (expressly including mineral lands, but prohibiting state from disposing of such mineral lands except by short-term lease). Statehood mineral grants are to be considered in light of the mining policies in existence at the time the grants are enacted. *Utah v. Bradley Estates*, 223 F.2d 129, 130 (10th Cir. 1955).

29. The state argues that the language in the third sentence of section 6(i), "as the state legislature may direct," gives the state the discretion not to charge rent or royalties. It cites as authority for this proposition language from the Slaughter Memorandum. The memorandum first discusses earlier Alaska statehood proposals allowing the state to sell lands it selected, including mineral rights, with a reservation of a royalty on all minerals produced therefrom. Concerning these proposals, the memorandum states:

These earlier proposals, it will be noted, differ in a number of respects from the restrictions contained in the bills now pending. In particular, the current language expressly calls upon Alaska to adopt a mineral leasing system, while the earlier versions permitted the mineral deposits to be disposed of along with the surface, provided a royalty interest was reserved by the State. On the other hand, the current language does not attempt to prescribe maximum or minimum rates of royalty as did the earlier versions, but appears to leave the terms of leasing wholly to the discretion of the State legislature. From a practical standpoint, this second difference may be more important than the first, since if the Alaska legislature is left, as

(Footnote Continued)

Although Alaska law requires mining leases for extracting hardrock minerals on those mineral lands thought to be subject to section 6(i),³⁰ the statutes do not require the payment of rent or royalties. AS 38.05.205, .210. Alaska Statute 38.05.205(b) speaks of an annual rental of not less than the annual labor requirement which would be imposed if the lease were a location. However, no rent actually needs to be paid, because the lessee may credit the value of annual labor performed against the rental. Annual labor is required to ensure that the claim is worked so that the miner does not locate numerous claims and obtain the right to exclude others. 2 American Law of Mining

(Footnote Continued)

H.R. 2535 and S. 49 now intend to provide, with the untrammelled [sic] right to frame its own mineral leasing laws, it can, if it so chooses, establish priorities that will tend to keep the surface and mineral rights in the same hands and can, in general, fit the provisions of its mineral leasing system to whatever may be its concepts of the public interest.

Slaughter Memorandum, supra n.25, at 9-10.

We are unable to read this language in Slaughter's memorandum as broadly as the state suggests. The memorandum does not suggest that the state was free from the duty to charge rent or royalties. In fact, Slaughter states that "Alaska should not be accorded greater freedom in the administration of mineral lands than that accorded existing States having Congressional land grants." Id. at 2. As noted previously, other states under the School Lands Act were required to lease mineral lands in order to generate rents and royalties.

30. "Hardrock" minerals are those which were subject to location under federal mining laws as of the beginning of statehood, January 3, 1959. A.S. 38.05.185.

§ 7.2, at 102 (1st ed. 1983); Chambers v. Harrington, 111 U.S. 350, 353, 28 L. Ed. 452, 453 (1884) ("Clearly, the purpose was . . . to require every person who asserted an exclusive right to his discovery or claim to expend something of labor or value on it as evidence of his good faith and to show that he was not acting on the principle of the dog in the manger."). It is not a source of revenue to the landowner. Alaska's mineral leases are in substance indistinguishable from state mining locations.³¹ Because they do not require rents or royalties, the state hardrock mineral leasing laws do not meet the leasing requirement of section 6(i).

E. The Section 6(i) Leasing Requirement Applies Only to Statehood Grant Lands Whose Mineral Character was Known at the Time of State Selection.

The appellants argue that the section 6(i) leasing requirement applies to all lands granted under section 6(a) and (b) which contain minerals. Their argument may be summarized as follows. Under the first sentence of section 6(i), all mineral deposits in selected lands are conveyed regardless of when the deposit's existence is first known. The term "mineral lands" in

31. A letter authored by John Sims, Director of State Office of Mineral Development, described the proposed state leasing system which is now reflected in AS 38.05.205 as a system "which allows a miner on State land virtually all the rights and privileges of the 1872 Federal Mining Law with the express exclusion of patent right." Letter from John Sims, Director, Alaska Office of Mineral Development, to Howard J. Grey, Executive Director, Alaska Miners Association (Feb. 23, 1981).

the second sentence of section 6(i), to which "such lands" in the third sentence of section 6(i) relates, refers to the same subject as the "mineral deposits" grant of the first sentence. Thus, all lands containing minerals are subject to the leasing requirement, regardless of when the minerals are discovered.

We agree with appellants that the grant language of the first sentence of section 6(i) contains the key to understanding the scope of the leasing requirement. We do not agree, however, that the grant language was intended to convey mineral deposits in selected lands whose mineral character was unknown at the time of selection. Unknown deposits would be conveyed automatically as a part of the section 6(a) and (b) grants without the use of the section 6(i) grant language. The section 6(i) grant was necessary so that known mineral deposits would be conveyed. See notes 19 - 21 and accompanying text, supra.

This interpretation is confirmed by the Senate Report on an early statehood bill (S. 50, 83d Cong., 2d Sess., (1954)) which states:

By the terms of previous statehood bills, and of S. 50 as introduced, the State was to have been permitted, under the land-grant provisions of those bills, to select large acreages of land, but in all previous bills, the State would have been estopped from choosing . . . those lands known or even believed to be mineral in character. These severe limitations in previous statehood bills on the State's right to select were not always apparent from the bare language of those measures. Yet they existed within the legal and judicial interpretations which have heretofore been given as to the meanings of certain words and

phrases of these previous proposed statehood bills.

If all the resources of value were withheld from the State's right of selection, such selection rights would be of little value to the new State. As a part of this new approach toward statehood, your committee has felt obligated to broaden the right of selection so as to give the State at least an opportunity to select lands containing real values, instead of millions of acres of barren tundra.

To attain this result, the State is given the right to select lands known or believed to be mineral in character (subsection k of section 5)³²

S. Rep. No. 1028, supra n.24, at 6. The Report explains that subsection 5(k), the precursor to section 6(i), "provides that

32. The report of the Committee on Interior and Insular Affairs on H.R. 7999, which became the Statehood Act, in language reminiscent of the Senate Report makes the same point:

If the resources of value are withheld from the State's right of selection, such selection rights would be of limited value to the new State. The committee members have, therefore, broadened the right of selection so as to give the State at least an opportunity to select lands containing real values instead of millions of acres of barren tundra.

To attain this result, the State is given the right to select lands known or believed to be mineral in character (sec. 6(i)).

H.R. Rep. No. 624, 85th Cong., 2d Sess. (1957), reprinted in 1958 US Code Cong. & Admin. News 2933, 2939. The Committee thus used the phrase "lands known or believed to be mineral in character" as synonymous with the "mineral deposits" language in the first sentence of section 6(i).

all grants made or confirmed under the act shall include mineral deposits. Thus, the fact that the lands desired by the State are known or believed to be valuable for minerals will not preclude the State from exercising its right of selection with respect to them under the several grants." Id. at 32.

The need for and the meaning of the grant language is also confirmed in the Slaughter Memorandum:

The bills in the 84th Congress for the admission of Alaska into the Union contain a provision which affirmatively declares that the land grants made or confirmed by those bills shall include mineral deposits, and which then proceeds to impose certain express restrictions upon the manner in which Alaska may administer any mineral lands so obtained by it. . . .

The reasoning which prompted the adoption of the provision in question by the Senate Committee is understood to be (1) that mineral deposits must be expressly mentioned in order for mineral lands to be encompassed by a Congressional land grant to a State; and (2) that Alaska should not be accorded greater freedom in the administration of mineral lands than that accorded existing States having Congressional land grants. . . .

With respect to those situations where, as was true of the Utah grants and the California school section grant, the law making the grant neither affirmatively included nor affirmatively excluded mineral lands, the Supreme Court has held that the failure to mention mineral lands was tantamount to an express exclusion of them from the grant. . . .

The members of the Senate Committee on Interior and Insular Affairs who took an active part in the study of S. 50, 83d Congress, considered that, in the light of the holdings of the Supreme Court, statutory language expressly including mineral deposits within the contemplated land grants to Alaska

would probably be necessary in order for these grants to encompass mineral lands.

Slaughter Memorandum, supra n.25, at 1-6 (citation omitted). Thus, the grant of mineral deposits in the first sentence of section 6(i) and the term "mineral lands" as used in the second sentence of section 6(i) both relate to mineral deposits in lands of known mineral character.

Appellants cite as support for their interpretation testimony of a representative of the Alaska Miners' Association before the House Subcommittee on Territorial and Insular Affairs on March 15, 1957. The representative, Mr. Franklin, assumed that mandatory leasing applied to all lands selected under what is now section 6(a) and (b) of the Statehood Act. See supra n.24. Several congressmen seemed to join in this assumption. However, the question whether all lands selected under section 6(a) and (b), or merely those lands known to be mineral in character at the time of selection, would be subject to mandatory leasing was not addressed.

Appellants also point out that S. 50, as amended by the Committee on Interior and Insular Affairs (83d Cong., 2d Sess. (1954)), and H.R. 2536 (83d Cong., 2d Sess. (1954)), which closely followed the language of S. 50, contained a final sentence which provided: "For the purposes of this subsection the mineral character of lands granted to the State of Alaska shall be determined at the time patent issues and the patent shall be conclusive evidence thereof." This language was stricken at the request of Delegate Bartlett who stated:

That amendment is offered at the suggestion of the Governor of Alaska and the Land Commissioner of Alaska. They were somewhat apprehensive about the rapidity with which lands would move to the new State if the requirement remained in that the mineral character of all the land would have to be determined in advance. And the rights of the United States, the attorneys tell me, are adequately protected in the foregoing part of that subsection.

Hawaii-Alaska Statehood: Hearings Before the Committee on Interior and Insular Affairs, 84th Cong., 1st Sess. 332 (1955) (statement of Delegate Bartlett) (hereafter "Interior Committee Hearings"). The committee chairman asked Delegate Bartlett: "It is your view, Mr. Bartlett, that language is surplusage and is not necessary?" Delegate Bartlett answered: "I do not think it is surplusage, but I will agree with the Governor and the Commissioner of Lands of Alaska, that had best be deleted." Id. The appellants argue that by agreeing to the deletion of this language, Congress must either have intended to utilize the traditional test of mineral lands or to define mineral lands as those containing minerals no matter when the minerals are discovered. The argument continues that since Congress was aware that considerable litigation had resulted under the enabling acts of other states as to whether lands were or were not mineral in character, Congress could not rationally have intended to employ the traditional test.

While we agree that administrative problems would be avoided if the section 6(i) limitations applied to all lands granted under section 6(a) and (b), we think it is reading too

much into the deletion of the quoted language to conclude that Congress meant by the deletion to change the meaning of "mineral lands" as used in the second sentence of the section. The "determination at patent" language demonstrates that Congress intended the section 6(i) limitations to apply only to section 6(a) and (b) lands of known mineral character. If this were not so there would be no reason for the determination of mineral character at patent. There is no suggestion that Congress intended to change the meaning of "mineral lands" in the second sentence by deleting the final sentence. Both the Chairman and Delegate Bartlett referred to this amendment as "pro forma," a characterization which could not accurately be used if the amendment were intended to change the definition of mineral lands. Interior Committee Hearings, supra p. 41, at 331, 333.

Appellants' final point is that construing "mineral lands" to mean all lands where minerals are found would further the congressional policy of assuring that the State of Alaska not squander the resources which it was granted. While it is true that the broader definition of mineral lands advocated by appellants would extend the protection of the section 6(i) restrictions, that does not mean that those restrictions were meant to have the reach which appellants contend. The context and history of section 6(i) heretofore cited persuades us that

its restrictions were intended to apply only to lands whose mineral character was known at the time of selection.³³

CONCLUSION

We conclude that appellants have standing to maintain this declaratory judgment action, that the state's mineral leasing system violates section 6(i) of the Statehood Act because it does not require the payment of rent or royalties on mining leases, and that section 6(i) applies only to those lands known to have been mineral in character at the time of state selection. Appellants' state constitutional and public trust theories depend on the meaning of the grant and restrictions of section 6(i). Since section 6(i) directly controls, we have no occasion to examine those theories further. For the above reasons, the judgment is REVERSED and this case is REMANDED with directions to enter a declaration in accordance with this opinion and for such other further proceedings as may be appropriate.³⁴

33. For convenience, we have referred to the relevant event as the time of selection. Whether this is the time that the state files its selection application, or some later event such as the tentative or final approval of the selection, is not an issue in this case or on which we express an opinion. Further, we observe that there is room for debate concerning how much must be known about the mineral character of selected lands to qualify them as mineral lands. We also intimate no view on this question as it is not before us.

34. The intervenors raise several other points in defense of the judgment below. We have examined each of them and find that they lack merit.

4000.⁰⁰
appellat
appellat

5-11-87
Matthews

4-29-87
Chall

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT

TRUSTEES FOR ALASKA; NUNAM KITLUTSISTI;)
DINYEY CORPORATION; VILLAGE OF MINTO;)
ALASKA INDEPENDENT FISHERMEN'S MARKETING)
ASSOCIATION; ALASKA CENTER FOR THE EN-)
VIRONMENT; SOUTHEAST ALASKA CONSERVATION)
COUNCIL; FRIENDS OF THE EARTH,)

Plaintiffs,)

vs.)

STATE OF ALASKA; ALASKA DEPARTMENT OF)
NATURAL RESOURCES, ESTHER WUNNICKE,)
Commissioner, Department of Natural)
Resources,)

Defendants,)

ALASKA MINERS ASSOCIATION, FAIRBANKS)
NORTH STAR BOROUGH, JOSEPH VOGLER,)

Defendants-Intervenors.)

Case No. 3AN-83-9862 Civ.

DECLARATORY JUDGMENT

Pursuant to the remand in this action by the Alaska Supreme Court in Trustees for Alaska v. State, 736 P.2d 329 (Alaska 1987), this Court has considered the Supreme Court's decision, plaintiffs' proposed declaratory judgment order and defendants' and defendant-intervenors' responses thereto. The Court finds and declares as follows:

1. The State of Alaska's current system allowing the extraction of mineral deposits from state lands, AS 38.05.185 et seq., violates Section 6(i) of the Alaska Statehood Act because it does not require the payment of rents or royalties from state lands whose mineral character was known at the time of state selection.

2. To comply with Section 6(i) of the Alaska Statehood Act, the State's mineral leasing system must include some process for determining which lands were of known mineral character at the time of selection and must further require the payment of rents or royalties for the extraction of mineral deposits from such lands.

3. Plaintiffs, as successful public interest litigants in this action, are entitled to their full, reasonable attorneys' fees and costs incurred during the litigation of this case. Plaintiffs shall file a proper application for attorneys' fees and costs along with detailed documentation therefor, pursuant to Civil Rules 82 and 79.

DATED this 9th day of November, 1987.

Douglas J. Serdahely
DOUGLAS J. SERDAHELY
Superior Court Judge

I certify that on 11-9-87
a copy of the above was mailed/
hand-delivered to each of the
attorneys and/or individuals at
their addresses of record.

E. Miller *Allen*
Secretary to Judge Serdahely *Burling*
Thomson
Rever
Wickwire
Andrew



ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, AK 99503 (907) 276-0347

Sept. 9, 1988

The Honorable Steve Cowper
Governor, State of Alaska
P.O. Box A
Juneau, Alaska 99811

Re: Implementation of Superior Court Order, November 19,
1987, re Section 6(1) of the Statehood Act

Dear Governor Cowper:

The State Supreme Court has concluded that the State's current mineral location system is not in compliance with Section 6(1) of the Statehood Act because it does not require the payment of rent or royalty on mining leases. The Court further concluded that Section 6(1) applies only to those lands known to have been mineral in character at the time that they were selected by the State.

The Department of Natural Resources is currently studying several methods by which the State's location system may be brought into compliance with the Supreme Court opinion and the Superior Court's order. The Alaska Miners Association considers the State's implementation of the 6(1) decision critical to the future of mining on state lands. We would like to identify several components that we feel must be a part to any rational solution to the 6(1) question.

1. The right of self initiation - the State constitution requires that a prospector, individual or a corporate that risks considerable time and money must be given a preferential right to mine the discovery. Any departure from the current discovery philosophy will seriously erode any incentive to explore upon state land. *Ability to stake claims*
2. Tenure - a claimant must be assured that he will not be subjected to some arbitrary time limit within which he must place the claim into production or lose it. Mining history is replete with examples of discoveries that required fifteen to thirty years before they could be developed as profitable producers. This is particularly true of operations in the northern environs. *Opposed to use-or-lose policy*
3. Fair rent or royalty - the AMA believes that the Supreme Court erred in deciding that the State must require additional rent or royalty from mining leases. We continue to believe that



ALASKA MINERS ASSOCIATION, INC.

the mining license tax constitutes an adequate and fair production royalty and that the annual labor requirement of \$200 per claim represents an adequate rent. Nevertheless, in order to comply with the Supreme Court's opinion, we strongly recommend that the State develop a rent or royalty schedule that will; (1) satisfy the Superior Court Order and, (2) not jeopardize nor act as a disincentive to the constructive development of state mining claims. We caution that in seeking a solution to the 6(i) issue, that State not adopt requirements that will penalize a claimant upon state land.

4. Mineral in character - the State Supreme Court specifically concluded the Section 6(i) applies only to those lands known to have been mineral in character at the time of state selection. Judge Sedahley, in his Declaratory Judgement, ordered that the "... State's mineral leasing system must include some process for determining which lands were of known mineral character at the time of selection". *as yet undefined class of lands*

We do not know how the State proposes to effecuate Judge Sedahley's order but we suggest that mineral in character be determined with a prescribed procedure such as that which we have developed and present to you in the form of the enclosed attachment.

The current developments at Red Dog and Greens Creek have sent a signal to the mining industry that mines can be made in Alaska. We, as concerned Alaskans, do not wish to see the State implement a mineral management system that will jeopardize or impede rational and responsible resource development upon state lands. We are prepared to assist you and your people develop a workable solution to the 6(i) issue.

Sincerely,
ALASKA MINERS ASSOCIATION

Richard A. Hughes
President

ATTACHMENT: Mineral in character language

cc: Paul Glavinovich
Jim Burling
Judy Brady
Jerry Gallagher

Attached to and made a part of letter to Gov. Steve Cowper,
September 9, 1988

MINERAL CHARACTER TEST

A. A state mining claim is deemed to be located on land that is mineral in character if, at the date of state selection, the individual claim was known to have contained valuable minerals in sufficient quantities such that a prudent person would expend time and resources towards the development of the deposit, with a reasonable belief that such minerals in the deposit would be marketable at a profit.

B. The Commissioner of the Department of Natural Resources shall find a claim to be of mineral in character if, based upon facts known at the time the land was selected by the state, the claim:

1. Contains an actual exposure of valuable minerals marketable at a profit at the date of state selection; or
2. is contiguous to a claim with an actual exposure of valuable minerals marketable at a profit at the date of state selection, or,
3. if a placer deposit, is within one mile from a placer deposit that has existing reserves that were producing or were capable of producing valuable minerals at a profit at the date of state selection, or
4. if a lode deposit, is on and within one mile of a known lode deposit that has produced or is capable of producing valuable minerals at a profit at the date of state selection.

C. If a claim fails to meet the tests of subsection B, then the claim is conclusively presumed not to be of mineral character.

Rural Alaska Community Action Program, Inc.

9: Don
JMS
CW
F

August 16, 1988

Governor Steve Cowper
State of Alaska
P.O. Box A
Juneau, AK 99811-0101

Dear Governor Cowper:

As you know, last year the Alaska Supreme Court held that section 6(i) of the Alaska Statehood Act requires the State to lease all of its "mineral lands." The State currently is out of compliance with this ruling. We understand that your Administration is now in the process of preparing a proposal on how to implement section 6(i): Because this issue is of such importance to the undersigned organizations, we are writing you now to let you know our basic position.

Basically, we believe that implementation of section 6(i) should be guided by the following three principles:

1. The leasing requirement should apply to all state lands, not just those which were known to be mineral in character at the time they were selected by the State. The federal government told the U.S. Supreme Court that it believed that the Alaska court interpreted the law too restrictively in this respect and that all state lands should be leased. In addition, it will be very difficult and time-consuming to figure out what the State knew about its lands when it selected them, which will only delay things still further. And of course, the more land that is covered by leasing, the more money the State will make.
2. The State should charge both rents and royalties. Again, the whole idea is to maximize revenue. To charge both rents and royalties also will avoid any future problems with the federal government. This is important, because the federal government can take lands back from the State if the State uses those lands in violation of section 6(i).
3. This is an excellent opportunity for the State to require that miners reclaim their land, and mine in an environmentally responsible manner. Right now, there is no explicit reclamation requirement on state lands; there ought to be one. The legislation implementing section 6(i) should contain provisions requiring state review of mining operations and reclamation.

*all
lands*

*maximize
revenue*

*State
reclamation
to have
state
select
mines*

We realize that the last point might be controversial. It nonetheless is very important. At present, the State is the only public land manager in Alaska that does not require reclamation on its lands. Yet unreclaimed lands are a major source of pollution, for they erode easily and hence cause considerable sedimentation in streams. This both pollutes the water and destroys fish and wildlife habitat. In addition, these lands formerly provided good habitat for moose and other wildlife.

There is no good reason why miners on state land should be exempt from requirements that apply to all other miners -- indeed, it is unfair to those other miners if reclamation is not required of miners on state land. Reclamation therefore is an integral part of any implementation of section 6(i). Of course, it also is a very complicated issue. Accordingly, we suggest that any legislation simply require reclamation, and provide that you appoint a committee (composed of state officials, miners, and downstream users) to prepare a proposal, within one year, to flesh out precisely what must be done.

Thank you for your attention to this matter.

Sincerely,

Jeanine Kennedy
 Jeanine Kennedy, Executive Director
 Rural Alaska Community Action Program, Inc.

Mitch Demientieff
 Mitch Demientieff, President
 Tanana Chiefs Conference, Inc.

Joe Shimegalrea
 Joe Shimegalrea
 Nunam Kitlutsisti

for Jim Czum
 Henry Mitchell, Executive Director
 Bering Sea Fishermen's Assn.

Patti J. Saunders
 Patti J. Saunders
 Trustees for Alaska

Rex Blazer
 Rex Blazer
 Northern Alaska Environmental Center

Stephanie Kessler
 Stephanie Kessler, Executive Director
 Alaska Center for the Environment

cc: Commissioner Brady, DNR
Commissioner Collinsworth, ADF&G
Commissioner Kelso, DEC
Senator John Binkley
Rep. Kay Wallis
Rep. Lyman Hoffman

Rep. Mike Davis
Rep. Mark Boyer
Rep. Niilo Koponen
Rep. Heinrich Springer
Rep. Adelheid Herrmann
Rep. Steve Frank

Overview of Mining Activity on State Land

- * 44,273 mining claims active on January 1, 1989

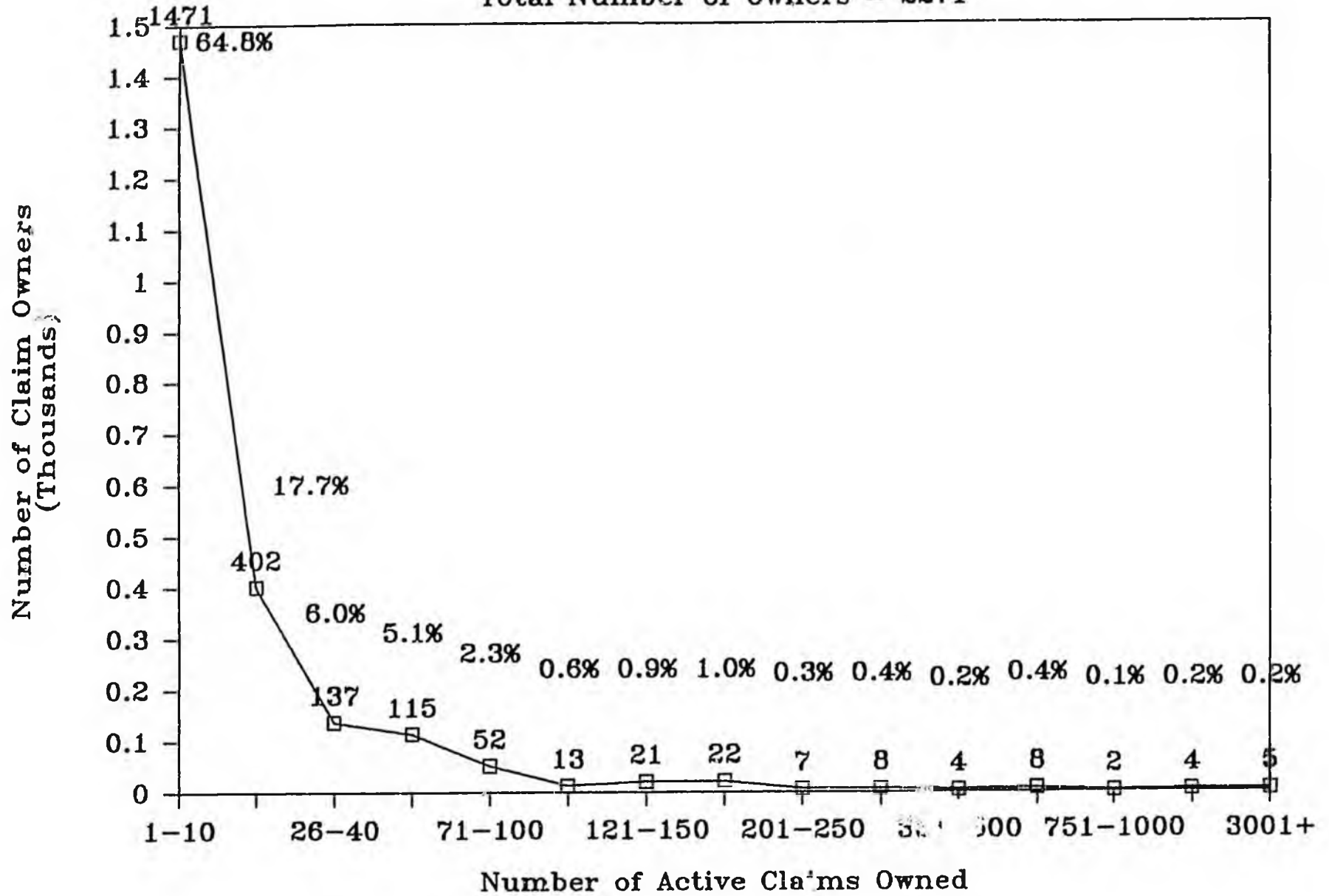
- * 2,271 owners of these claims

- * 202 permits issued to operate on state land in 1988

- * gold production estimated to be less than 50,000 ounces from state land in 1988. (FYI - Statewide production of gold in 1988 estimated to be 240,000 ounces.)

OWNERS OF ACTIVE CLAIMS

Total Number of Owners = 2271



OWNERS OF ACTIVE MINING CLAIMS

As of 12/31/88, Ranked by Total Number of Claims Held

Total Claims	Owner Name	L.A.S. C.I.D.
1	ACKMANN, LARRY E	171906
1	ADAMS, DIANA	9688
1	AFFLECK, MIKE	170542
1	ALBLINGER, BRETT	9296
1	ALBLINGER, STEPHEN	9295
1	ALDRICH, JIM	171492
1	ALMQUIST, KENT E	128522
1	ANNASARA ENTERPRISES	173571
1	ARCTIC MISSIONS INC	124782
1	ARTERBURN, WILLIAM N	4062
1	ASHBROOK, DANIEL E	116033
1	ATHERLY, NORMAN	10255
1	AU MINING INC	170481
1	AUSTIN, JEFF	172706
1	B-S MINING	157372
1	BABB, DONALD QUENTIN	8996
1	BAILEY, JAMES K	180593
1	BAKER, KAYE CORY	173267
1	BAKER, RAY S	157435
1	BARNARD, EARL R	129333
1	BARRY, MARY JANE	173978
1	BARSTOW, WILLIAM L	11577
1	BASS, CHARLES	169404
1	BATCHOLDER, MIKE	9360
1	BATTY, BEN	10256
1	BAUGHMAN, SHIRLEE A	174051
1	BEACH RIVER CORP	124906
1	BELARDE, C S	171885
1	BELENSKI, ALMA JEAN	173837
1	BELENSKI, HARVEY F	173836
1	BELL, CHET	9299
1	BELL, WILLIAM E	165120
1	BENERTH, AL L	162976
1	BENERTH, SHERAN L	162977
1	BERRY JR, TED L	157211
1	BLACK, HARVEY D	10428
1	BLACKWELL, GREGORY B	171166
1	BLADE, FREEMAN	5221
1	BLOOM, DEBORAH J	9349
1	BLOOM, RONALD E	9348
1	BOLES, BARBARA A	170917
1	BONHAM, STEVE A	170020
1	BOSCHE, BERNARD B	172049
1	BOTTASCH, DON	180738
1	BOWNE, ARDEN R	107310
1	BRADLEY, MARTI	180191
1	BRATTEN, DUANE	9957
1	BROCK, JACK M	107425
1	BRONSON, ROSE	171702
1	BROWN, BONNIE WARD	157437
1	BROWN, DARLENE E	130885
1	BRUHN, OPAL JUNE	180545
1	BRUNER, CHUCK	173750
1	BUCK, DARRIN	167948
1	BUCKLES, HOMER	4177
1	BURR, FRANK	9257
1	BURR, NONA J	9256
1	BUZBY, RICHARD J	165152
1	BUZBY, SAUNDRA L	165153
1	CAMPBELL, DAVE	104890
1	CANNADY, MARTHA	7605
1	CARLSON, LYLE R	131704
1	CARLSON, ROBERT DENNIS	131687
1	CHAMBLISS, MICHAEL DUANE	8756
1	CHARTRAND, G. M.	184736
1	CHENEY, JANET L	10769
1	CHILDRESS, RICHARD L	11672
1	CHRISTENSEN, CHARLENE	9581
1	CHRISTENSEN, CLINTON	9582
1	CHRISTENSEN, K C	9580
1	CHRISTIE, KNOX N	166742

Total Claims	Owner Name	L.A.S. C.I.D.
1	CHRISTIE, LORENA N	166743
1	CHRISTOPHERSON, M E	9902
1	CITY & BOROUGH OF JUNEAU	9956
1	CLIFT, SUSAN E	157371
1	CONKLIN, DAVID A	9617
1	CONKLIN, DONNA J	9618
1	COOK, JOHN PATRICK	182072
1	COX JR, JOSEPH L	173529
1	CRAMPTON, DONALD L	179875
1	CULLETT, DUANE A	10909
1	CUMER, ALEX	6335
1	DAFOE, NEAL	174041
1	DANGERFIELD, JOEL	9848
1	DART, CHARLES W	169954
1	DAVIS, BILLY MAC	10470
1	DAVIS, ROSS C	173636
1	DECKER, ROY A.	11542
1	DEFORE, ROBERT	9583
1	DEL, DENNIS A	8963
1	DEVORE, BRUCE HALE	155800
1	DICKERSON, JOHN L.	9925
1	DISSHON, DENNIS J.	10471
1	DRAVELING, LARRY J	134111
1	DURFEE, ROBERT BARDETT	172802
1	EAVES, WILLIAM L	170842
1	EDDY, R SCOTT	166730
1	EDDY, TIM A	10700
1	EDDY, TYLER A	10699
1	ELLIS, JENNIE L	165214
1	ELLS, CLIFFORD D	134612
1	ENSIGN, FRED	9362
1	ENSTICE, EUGENE W	171866
1	ERICKSON, DONALD	9586
1	EVANS, GAIL M	172601
1	EVANS, GEORGE S	172156
1	EVANS, KRISKA	10000
1	EVANS, PHILLIP L	172600
1	EVENSON, JEFFREY EARL	164195
1	EWING, JAMES D	171254
1	EWING, LINDA L	171256
1	FAIR, JAMES REX	7958
1	FARMER F, LARE FAYE	184398
1	FARNHAM, GARRY RAY	12027
1	FERGUSON, RAY W	107574
1	FERIANI, RALPH B	172263
1	FITZGERALD, KAREN	171218
1	FITZGERALD, MARY	171217
1	FITZWATER, LARRY L	9676
1	FORD, JAMES PATRICK	163357
1	FORSGREN, AUDRA K	172609
1	FORSGREN, RICHARD E	172608
1	FOSTER, CONNIE R.	11317
1	FRANKLIN, PATRICIA E SATHER	148147
1	FREEMAN, BILL	5252
1	FREY SR, JIM	180012
1	FRIZZELL, MICHAEL L	173168
1	FULLER, JACK L	172458
1	FYTEN, WARREN J	135743
1	GABER, DANIEL J	172664
1	GABER, STEVEN A	172663
1	GAPEN, JOHN	171576
1	GAY, ROGER H	179049
1	GLACIER VIEW MINING & DEV CORP	125817
1	GLANVILLE, DESSIE A	180071
1	GLENN, DAVID L	155485
1	GOINS, DAVID	4221
1	GOLSON, ROBERT E	9879
1	GOODMAN, FRED	11645
1	GOODMAN, LEE	172893
1	GOODMAN, MAE	11644
1	GREENE, MARK	11959
1	GREER, JAMES C	11677
1	GREGORY, MARK	11544

Total Claims	Owner Name	L.A.S. C.I.D.
1	GUESNAY, GARY N.	8966
1	GUNAER, ROBIN	7847
1	HACHEZ, MICHAEL A	7097
1	HAHN, GARRY LEE	9142
1	HAINES, NEIL W	115528
1	HALL, GORDON E	106583
1	HALL, JOHN R	173805
1	HALVORSEN, ROBERT A	169849
1	HAMANN, DELORES A	173435
1	HAMILTON, FAE	11643
1	HAMILTON, GORDON	11642
1	HAMMOND, DOROTHY	8123
1	HAMMOND, RICHARD	8122
1	HANSEN, DEBBIE	170831
1	HANSEN, HARRY BENT	137285
1	HANSON, KENNETH C	158777
1	HARLING, C JILL	170221
1	HAWLEY, CHARLES C	137670
1	HAYES, CARL	171864
1	HAYES, JO LOWRY	171744
1	HEATH, ELIZABETH A	172969
1	HENDRICKS, R	10109
1	HENDRICKSON, JOHN	172315
1	HENNUM, SHARON A	172402
1	HERNING, NANCY S	115809
1	HERZOG, JEAN ANN	173094
1	HERZOG, JEAN	173381
1	HERZOG, MARTIN	173380
1	HERZOG JR, MARTIN M	115232
1	HOFF, MICHAEL R.	9973
1	HOLT, DELLA	5136
1	HORCASITAS, YOLANDA	902
1	HUBNER, JAMES R	138795
1	HUEGEL, WILLIAM	10607
1	HUGGINS, BEVERLY	170729
1	HUGGINS, HAROLD	170730
1	HUGGINS, MIKE	10254
1	HUNT, HOWARD M	173943
1	HUNTER, JAMES A	138953
1	JACKE, DERRELL D	10289
1	JACKSON, JACK	173899
1	JACOB, ERIC	8964
1	JACOBSON, RODNEY N	173956
1	JENSEN, NORMAN A	173834
1	JOHNSON, CARLENE A	170726
1	JOHNSON, ERNEST O	9087
1	JOHNSON, ETHEL	112897
1	JOHNSON, PATRICIA L	9088
1	JOHNSON, PETER N	168038
1	JORGENSEN, GENE CHARLES	177628
1	KANE, DAVID A.J.	11887
1	KEATING, LORENA P	157799
1	KENNEY, WILLIAM O	180016
1	KETCHUM, CY	11101
1	KIDDY ROCK MINING COMPANY	11541
1	KLOCK, MARGARET M	9310
1	KNUE JR, JOHN F	171167
1	KOSKINEN, JUHANI	11203
1	KOUTCHAK SR, DONALD L	170259
1	KROLL II, HENRY F	107914
1	KROLL III, HENRY F	9337
1	LABOLLE, LARRY D	179972
1	LACY, VERN	7930
1	LAMB, ERNEST C	141098
1	LAMB, GILBERT A	172089
1	LAMPLEY, ANNA M	187788
1	LAMPLEY, DEBORAH D	187773
1	LAMPLEY, DONNA D	187731
1	LAMPLEY, JIMMY A	187730
1	LEE, DANIEL M	170065
1	LEE, DAVID J	170744
1	LEE, THOMAS R	174031
1	LEMAY JR, GEORGE E	170724

Total Claims	Owner Name	L.A.S. C.I.D.
1	LESLIE, DONALD SCOTT	157180
1	LIGHTBURN, STEVE	9837
1	LOBENDAHN, ELLIOTT	9845
1	LONGLEY SR, GARY T	157793
1	LOVELESS, MITCHELL	164713
1	LOVETT, MARGARET	116425
1	LOVETT, SONJAH	116426
1	LUCAS, EDITH	5135
1	LUCAS, WINFRED	142088
1	LYLE, RAY	142173
1	LYNCH, MARTIN J.	11368
1	MADSEN, JUNIOR A	142296
1	MAGBY, JED	7604
1	MAHAFFEY, DAVID	173590
1	MAJAK, JOHN J	126493
1	MALLINGER, EARL	142413
1	MALLINGER, GREG	142414
1	MALONE, DRU	154646
1	MARTIN, BEVERLY ANN	173839
1	MASON, AUDREY G	167650
1	MASON, GARY L	109342
1	MC MANNS, RICHARD	2539
1	MCAKINTOSH, M B	10129
1	MCCARTY, R V	174774
1	MCCOLLUM, DARLENE	10400
1	MCCORMACK, DANIEL	11412
1	MCELHANER, ROBERT L	180646
1	MC GEE, JOHN	154630
1	MCISAAC, GARRY N	8758
1	MCISAAC, GARRY N	179548
1	MERDES, ROBERT A	10291
1	METCALF, CLYDE	171752
1	MEYER, ANTON J	143559
1	MIDNIGHT SUN MINING ASSOCIATION	10294
1	MIKESELL, LEN A	170103
1	MILLER, JOHN E	143709
1	MILLIRON, CAMERON	9803
1	MILLIRON, JO	9802
1	MISCOVICH, VERDA M	169960
1	MITCHELL, VICTORIA	173398
1	MOERLEIN, GEORGE A	143940
1	MONLUX, LANE	11228
1	MONLUX JR, GEORGE	11229
1	MONNETT, DANNY	154383
1	MONNETT, JAY	173148
1	MONTGOMERY, LAVELLE	166609
1	MORIARTY, JOHN	173316
1	MORRISON, DON	11379
1	MORRISON, DORTHY	11380
1	MORTVEDT, ARTHUR D	144331
1	MOSS, ANNE LISE	174110
1	MOSS JR, WILLIAM BERT	174108
1	MOTO, GEORGE	11960
1	MURPHY, BRETT DALE	115533
1	MURPHY, LYNNE L	100665
1	MURPHY, WAYNE ARTHUR	109778
1	MYERS, MICHAEL R	1038
1	MYERS, RAY W	4774
1	NEBEKER, ROBERT L	171803
1	NELIUS JR, FRED W	173807
1	NELSON, GREGORY J	9430
1	NELSON, SIDNEY ARTHUR	105327
1	NIELSEN, DANIEL C	161811
1	NIELSEN, NICKI J	170556
1	NIELSEN, ROBERT J	170555
1	NIETUFSKI, WILLIAM N	144913
1	O'CONNOR, BONETA M	172798
1	O'CONNOR, FRANCIS D	145119
1	OATES, ALICE SARAH	180936
1	OGDEN, EDNA CHRISTINE	173397
1	OLSON, LESLIE A	155544
1	OLVER, FELIX EUGENE	10416
1	OMLIN, PAUL M	115678

Total Claims	Owner Name	L.A.S. C.I.D.
1	OTT, RICHARD K	145456
1	OWEN, WESLEY T.	9143
1	PATTY, OLIN	11578
1	PAUKSTYS, RAY	11886
1	PAUL, DOLORES M	173123
1	PAUL, FRANK E	145775
1	PECK, ART	8991
1	PEET, LEE A	145906
1	PELLETIEK, RONALD M	172921
1	PETERSON, DONALD E	157566
1	PETERSON, PETE	174040
1	PETTY, NETTIE L	170514
1	PHILLIPS, C J	169285
1	PHILLIPS, ROSEMARY	169286
1	PISZCZEK, CARL P	112153
1	PITTS, ROY	11903
1	PLACK, PAUL WALTER	167701
1	PLESSINGER, LAWRENCE R	5210
1	PORTEN, STEVEN GEORGE	158773
1	POTEET, PETE	173889
1	POULSON, CHARLES W	146525
1	POULSON, DONALD W	146526
1	PROMERSBERGER, DAROLD	175072
1	PRUITT, JACK H	146693
1	PRYSE, BETTY	8870
1	PUTNAM, WILLIAM G	180938
1	QUALLEY, RUSSELL N	174017
1	QUIMBY, ROLAND L	179876
1	RADDER, LOWELL G	171897
1	RANSOM, TODD	9753
1	RATAJ, JEANNE	170543
1	RATCLIFF, JOHN	9140
1	RATCLIFF, LORETTA	9141
1	REED, GEORGE L	9958
1	REEVES, ARCHIE	9805
1	REID, MARY C	105806
1	RICHERT, GLORIA J.	10427
1	RICHTER, RICK D	170756
1	RIDER, GARY	180087
1	RIES, JOHN P.	9847
1	ROARK, RICHARD A	10082
1	ROBINSON, RAYMOND F	147569
1	RUE, DALE	11067
1	RUMLEY, DONNA M	158164
1	RUMLEY, PAUL G	147908
1	RUSSELL'S IRREVOCABLE TRUST *	170856
1	SADOWSKI, DONALD E	148014
1	SALBURG, VIC	180884
1	SALTZ, EDWIN	173903
1	SALTZ, MARIANNE	173904
1	SANDERS, SHIRLEY P	173600
1	SANFORD, JAMES R.	7071
1	SCHENK, KATHLEEN	170651
1	SCHMIDT, WILLIAM A	173634
1	SCHNABEL, JOHN J	115205
1	SCHWEGEL, DAVID	11929
1	SCHWENGEL, RAY	11889
1	SHAWCROFT, ROBERT A	172801
1	SIMON, HERBERT P	157232
1	SIMPSON, DONVAL R	171268
1	SIMPSON, FRANK A	174323
1	SIPES, AUSTIN L	149114
1	SLAVIK, RICHARD H	185961
1	SLOAN, BOB	149205
1	SMART, DOYLE	169369
1	SMITH, JOSEPH D	173019
1	SMITH, LARRY L	173009
1	SMITH, TIMOTHY J	173007
1	SORENSEN, RICHARD L	10950
1	SORENSEN, RUSSELL G	10951
1	SPARKS, TESS BRONSON	180919
1	SPECK, RAYMOND S	154276
1	SPEERSTRA, HARRY FRED	161206

Total Claims	Owner Name	L.A.S. C.I.D.
1	SPENCER, SYLVIA E	170946
1	SROUFE, JOHN A	149780
1	SROUFE, RUSSELL W	172881
1	STARLING, MICHAEL THOMAS	159522
1	STARNER, ALAN E	173441
1	STARNER, LORA L	173291
1	STATIS, DEMETRIOS	164527
1	STEFANOWSKI, JAMES W	112358
1	STEVENS, BEVERLY A	171257
1	STEVENS, MILTON N	171255
1	STEVENS, VIRGINIA M	150028
1	STEVES, HAROLD CARLETON	6638
1	STEWART, ALBERT H	169698
1	STOCKBRIDGE, JOYCE	11497
1	STRINGFELLOW, LAWRENCE R.	11900
1	SUIKKI, RAIMO P	150349
1	SUPERDOCK, SAUNDRA L.	11498
1	TAFT, JOE	170097
1	TALBOT, MARION L	150567
1	TALLMAN, HENRY E	162875
1	TANDY, GARY A	105358
1	TATE, JOHN S	7865
1	TAYLOR, A J	8992
1	TAYLOR, BOB F	150689
1	TAYLOR, KENNETH E.	11381
1	TEEL, M/RY LOU	173150
1	THERRIEN, VALERIE M	157762
1	THIES, MARTHA A	172807
1	THIES, WILLIAM J	150782
1	THOMAS, JOHN S	4781
1	THOMAS, SYLVAN J.	10184
1	THOMPSON, ROY M	173517
1	THORNLEY JR, ROY S	173594
1	TML EXPLORATION	171794
1	TOMPKINS, ROBERT W	151153
1	TREB, KENNETH R	168222
1	TRIGG, ROBERT W	173442
1	TRIGG, SHARON L	173290
1	TWEET, BRUCE H.	11320
1	VEIT, MARK D	6354
1	VEIT, MELVIN D	4064
1	VELARDE, JUANA N	171855
1	VESTAL, KAREN A	10108
1	VINYARD, BROOKS	169616
1	WALSH, BRIAN K	11679
1	WALTON, ROSS	152042
1	WANN, ELINOR	114892
1	WELLS, JEANNE	152386
1	WELLS, JEANNE	152396
1	WESEN, CLINTON D	112437
1	WESTMARK, SANDRA LOWRY	173040
1	WHITE, FRED	4176
1	WILCOX, EDWARD C	172968
1	WILLIAMS, MARVIN E	9846
1	WILSON, GEORGE R	164893
1	WILSON, JOHN BRYAN	9767
1	WILSON, ROBERTA L	116032
1	WISE, RON	9359
1	WOBEL, HERTA	11656
1	WRIGHT, JEAN S.	9553
1	WRIGHT, JULES	170021
1	WYATT, LINDSAY R	169232
1	YODER, GEORGE	9749
1	YOUNG, DONALD E	153572
1	YOUNG, ROBIN ANN	178156
1	ZERKEL, JOYCE E	157112
1	ZERKEL, KENNETH GENE	157111
2	ALLEN, LINDA L	172473
2	ALLEN, WILBURN V	172474
2	ALMDALE, JOANNE	172718
2	ANELON, SAVA	10214
2	AUSTIN, E C	124831
2	AUSTIN, JEFFERY M.	157788

Total Claims	Cwner Name	L.A.S. C.I.D.
2	AYER JR, BRUCE E	171848
2	BAKER, GLENN F	172570
2	BALDWIN, JAMES D	174170
2	BARR, SYLVIA	11742
2	BASKIN, LANCE	115609
2	BATEMAN, PAUL L	172066
2	BENSON, EDDIE L.	7636
2	BENZEL, RUSSELL KEITH	131560
2	BERTRAM, BETTY L	178983
2	BERTRAM, KENNETH P	178982
2	BINKLEY, JAMES L	130027
2	BLONDEAU, ROBERT WAYNE	172516
2	BOWEN, CHARLES R	130430
2	BOYD, MARYLOU	11928
2	BRAVO, MARIO M	186575
2	BREID, JAMES D	170824
2	BRONSON, ROBERT L	130836
2	BROWN, MARVIN G	101433
2	BRUMFIELD, JAMES RUDY	174263
2	BUGLI, JOHN P	169161
2	BUTZKE, FRANCES R	180937
2	BUZBY, BOB	131419
2	CAPE YAKATAGA MINES LTD	172044
2	CARLIN, STEPHEN J	154392
2	CARTER, LEE MERRITT	167619
2	CHAMBLISS, ELLIS DUANE	8755
2	CHURCHES, LEROY	173417
2	CITIGOLD ALASKA INC.	11488
2	CLEVELAND, ELOISE V	171220
2	CONNER, ARTHUR E	172011
2	CORE, MARY WHITMORE	154923
2	CROPPI, BARNEY	11204
2	CROWN MINERALS	125373
2	CUSHMAN, DOUG	11922
2	DEFRANG, IRENE M	173202
2	DICKEY, HARVEY R	171051
2	DINGMAN, CLIFFORD CARL	171800
2	DUNHAM, JOSEPH C.	11543
2	DUNNELL, JERRY A	157325
2	ECHO BAY EXPLORATION, INC.	2995
2	EDGERTON, ROGER G	172013
2	ENSTICE III, FRANK E	158167
2	ERICKSON, MARK C.	9572
2	EXPLORATION VENTURES	187935
2	FAIRBANKS,UAK	127915
2	FONDY, VICTOR L	135379
2	FOYLE, RUSSELL M	125721
2	GIFFORD, PEGGY	136133
2	GILDERSLEEVE, RICHARD T	9903
2	GILL, TERRY S	115488
2	GISSSEL, CHRIS JON	171891
2	GROVER, MARVIN R	171152
2	HALL, FRED K	1011
2	HALL, JAY W	170594
2	HALL, LEE	9875
2	HAMILTON, DOUGLAS N	103458
2	HAMMOND, ROBIN L.	11383
2	HANSEN, MARK C	170925
2	HANSEN, TIM R	170850
2	HARPER, LEE W	180905
2	HARRIS, BRENDA C.	10431
2	HEIM, JOHN C	125981
2	HENNING, JOHN	10292
2	HENRIS, HORACE W.	11592
2	HIGHTOWER, EVERETT R	138173
2	HILTON, JAMES C	172697
2	HIRSCHEL, ARTHUR D	169881
2	HORNER, GEORGE	169761
2	HORNER, JOANN	4687
2	HOW JR, WILLIAM H	170505
2	J C ANPAS INC	170614
2	JACKSON, JENNIFER	172160
2	JACKSON, RODNEY D	172159

Total Claims	Owner Name	L.A.S. C.I.D.
2	JAQUES, D E	173631
2	JAQUES, ERIC	173623
2	JAQUES, GORDON	173624
2	JAYNES, MARK	139298
2	JAYNES, ROBERT L	174552
2	JOHNS, C E	171337
2	KANUTI LTD	11919
2	KAPATAK, KAVAILILA	9259
2	KIERSTEAD, CHRISTIE S	170634
2	KILBOURNE, RALPH E	170580
2	KILFOYLE SR, THOMAS J	170440
2	KILLIAN JR, ELWOOD C	154543
2	KIMBALL, JAMES R	174033
2	KIRK, D	172875
2	KORZDORFER, ROBERT F	171845
2	KRAFT, BRUCE	140829
2	KRAFT, RAYMOND W	154544
2	KRAUSE, DARYL	9030
2	KRAUSE, FLCYD E	9029
2	KRKOVICK, REGINALD D	158808
2	KURZIUS, DORIS	8605
2	LA MORE, DAVID A	9756
2	LAMPLEY JR, CHARLES A	187770
2	LANCASTER, FLORENCE	174088
2	LANCE, BILL	6105
2	LANDQUIST, MICHAEL A	180152
2	LANDRU, FREDERICK W	141151
2	LANDRU, HERSCHEL C	141153
2	LEHMAN, DIANA J	174169
2	LEMAY, VICTOR H	162516
2	LENTZ, RANCE	187196
2	LEVINSKI, STEVE	160295
2	LINDSTEN, RICHARD	158580
2	LORZ, CAMERON	174000
2	LOUNSBURY, LLOYD P	172774
2	LOVELESS, VIRGINIA M	142024
2	LOWE, GRACE	170746
2	MACCULLOCH, WILLIAM	9921
2	MARSHALL, LINDA L	11798
2	MARTIN, KENNETH D	174001
2	MASONHEIMER, D L	171457
2	MASSIE, F L	170244
2	MATSON, WILLIAM C	9642
2	MAURER, DEUBER L	142832
2	MEYER, VICTORIA	154524
2	MIKNICH, CHARLES M	171150
2	MILLS, NOMA V	102933
2	MITCHELL, KEITH R	143874
2	MOHRE, BRADFORD RAY	160604
2	MOLLING, L C	170755
2	MONROE, DEMPS GILBERT	160664
2	MORRIS, RYAN D	10430
2	MORROW, LYLE W	154525
2	MUCKEY, GREGORY L	115095
2	MUSGROVE, J W	101923
2	NELSON, FOREST C	11075
2	NESHEIM, JOHN G	144769
2	OAKES, PATRICIA A	155920
2	OLIVAS, HARRY L	11713
2	OLIVAS, ROBERTA G	11712
2	OLSON, NICHOLAS	170136
2	OLSON, VERNON J	170137
2	ORDIWAY, LLOYD R	9085
2	OSBORN, LLOYD J	165163
2	PANKRATZ, CLAYTON F	145589
2	PARKER, CURTIS C	171993
2	PARKER, JANIN	11674
2	PECOS RESOURCES, INC	11678
2	PLACK, PHILIP EARL	167700
2	PLOCKWIETZ, CARL	8720
2	POWELL, ANNA L	171170
2	POWELL, CALVIN S	171171
2	PRITCHETT, FRANCES	171370

Total Claims	Owner Name	L. A. S. C. I. D.
2	PRITCHETT, JERRY L	171369
2	QUAIL HILL MINING CO	9089
2	RADER, GLORIA B	11673
2	RAHOI, TACEY	174260
2	RAYBELL, STEVEN R	187273
2	REDCO BUILDERS INC	172388
2	REINDL, PATRICIA	179869
2	RENSHAW, KATHERINE L.	9101
2	RISTAU, MELVIN C	9018
2	ROELLEKE, HERMAN J	147633
2	ROHLOFF, TOM	180906
2	SANCHEZ, JOSEPH H	115574
2	SAUNDERS, C J	173360
2	SCHMIT, DENNIS VICTOR	170628
2	SCHMITZ, RICHARD C	173124
2	SCHOENBORN, HOWARD J	174261
2	SCHOENBORN, S	174262
2	SEAMAN, GARY D	7096
2	SELDOM SEEN MINING COMPANY	9905
2	SEVERANCE, GARY L.	11799
2	SEVERANCE, MARJORIE E.	11797
2	SHIMAKONIS, DORIS E	170677
2	SHIMAKONIS JR, PAUL	108392
2	SHIMAKONIS SR, PAUL	170678
2	JILFVEN, J E	173420
2	SINKOLA, PRISCILLA DIANE	173171
2	SMART, WILLIAM DOYLE	171341
2	SMITH, KATHLEEN M	9579
2	SMITH, ROSE	9250
2	SMITH, SHERYL O	149428
2	SMITH, WILLIAM J	102854
2	SNELL, PAUL V	115618
2	SOLOY, JAN	171754
2	SOLOY, L CHRIS	171756
2	SOULE, BETTY M	115323
2	SOULE, HAROLD L	176357
2	SPAIN, JOE ALFORD	170816
2	SPEGEL, HERMANN A	149686
2	SPEGEL, MARGARET R	173587
2	SPENST, DORAN	170059
2	STARR, GRETCHEN L	170496
2	STEFANOWSKI, LINDA L	112359
2	STEGER, EDWARD J	170799
2	STEVENSON, RONALD S	105542
2	STEWART, B CHARLENE	150069
2	STEWART, W B	171093
2	STORRS, PAMELA R.	11550
2	STRAUB, MICHAEL W	9907
2	STRAUB, SANDRA C	112167
2	STUBBLEFIELD, JOHN T	161039
2	STUBBLEFIELD, Y R	150307
2	SUME, RONALD K	104530
2	SUMPTER, DAVID J	9431
2	SWAINBANK, DONALD C	173592
2	T W S S	127791
2	TAKU MINING CO J-V	174166
2	THURNEAU, CAROL	151024
2	THURNEAU, VERNON A	151025
2	TINDELL, JAN	173016
2	TITCHENAL, SHIRLEY J	151098
2	TONKIN, GARY	9189
2	UNSDERFER, TONY	170926
2	VATKE, LINDA L.	11890
2	VENTURES NORTH MINING CO LTD	164670
2	VOURNAS, GEORGE	151823
2	WAHTO, DENNIS A	151894
2	WALKER, DARRELL	10952
2	WALKER, ROBERT M	11487
2	WALSH, PEARSE M	164510
2	WEATHERWAX, RONALD E	173589
2	WEAVER, VERNON	170640
2	WEBB, MICHAEL K	173581
2	WENDLER, RUTH	11671

Total Claims	Owner Name	L.A.S. C.T.D.
2	WESCOTT, ANDREW GEORGE	157898
2	WESTWOOD, EDWARD A	152495
2	WILKINSON, TERRY	169257
2	WILLIAMS, KAREN M.	11120
2	WILLIAMS, RUSSELL H	152889
2	WILLIAMS, THOMAS P	169505
2	WINGATE, JEAN M	173845
2	WRIGHT, DEBORAH A	171304
2	ZIMMERMAN, ARTHUR D	174022
3	ALASKA PETROLEUM & MINING INC	171441
3	ALDRICH II, JAMES W	158943
3	ALMDALE, EARL W	172716
3	AMERICAN CREEK JOINT VENTURE	180791
3	AMES, ROBERT D. JR.	6866
3	APPLEBEE, ROBERT	4667
3	BABCOCK, JACK GARDNER	124857
3	BALL, BONNIE J	173684
3	BAUER, TOD A	6361
3	BAUGHMAN, ERROL G	129508
3	BEGICH, NICHOLAS J	173854
3	BEVARD, KEITH EUGENE	158860
3	BEVARD, LINDA M	172756
3	BICKFORD, REGGIE S	157556
3	BIDDLE, JOHN C	172686
3	BILDERBACK, ED E	169241
3	BILL, GREGORY	170240
3	BLACK CREEK MINING CO	124966
3	BLUEBIRD ASSOC INC	115887
3	BOOKOUT, WILLIAM DOM	173718
3	BUCHHOLZ, GARY	9841
3	BUFFAS, EDNA	5198
3	BULLWINKLE, WALTER H	131147
3	BUMGARDNER III, MARION A	8328
3	BUZBY, DENNIS	9576
3	CANNON, KIB P	10290
3	CHEESEMAN, DORECE R	172085
3	CHEESEMAN, WILLIAM A	172083
3	CHILDS, TIM	9976
3	COMER, LEO	11958
3	CONNELLY, A J	172590
3	COUTURE, MICHAEL J	170486
3	CROSS, ROBERT D.	10185
3	CUNNINGHAM, CHARLES E	9086
3	CUYLE, JOHN A	170821
3	DENKER, CHRIS B	116408
3	DRAMASH, DAVID	10880
3	DUTHIE, RAY	4772
3	EARLES, HAROLD	154643
3	EKLUND, NEIL K	181482
3	ERICKSON, CARL	8994
3	ERICKSON, KENNETH N	162311
3	ERICKSON, NORMA I	154218
3	FAIRBANKS MINING COMPANY	180658
3	FINLAY, DAVID L	9677
3	FLANIK, WARREN F	135289
3	FLEMING, CLARK	10882
3	FRANK, CONRAD G.B.	8993
3	FRISBY, DAN	171211
3	FRISBY, DANIEL M	171212
3	FRISBY, LARRY E	171210
3	GAPEN, ANN P	171575
3	GAPEN, PAUL E	135845
3	GIDDINGS, GLEN G.	4634
3	GLANZ, WILLIAM L.	11423
3	GRAHAM EXPLORATION	171608
3	GREGER, SCOTT H	165721
3	GREIF, RICHARD	115953
3	GRUNDBERG, CARL E	170096
3	GRUNDBERG, MICHAEL R	162019
3	GUSHULAK, KIM	10397
3	GUSHULAK, WILLIAM	10396
3	HAMILTON, FRED	9573
3	HARDESTY, MARK	10986

Total Claims	Owner Name	L.A.S. C.I.D.
3	HARDWICK, MERLYN T.	6765
3	HART, DON	9547
3	HART, VICTOR D	154440
3	HASKINS, SCOTT	7160
3	HERMAN, JAMES S	6217
3	HERMAN, LESLIE B	9578
3	HERMAN SR., SAM S	9577
3	HERMON SR, BEN H	178576
3	HIGGINS, DENNIS P	10323
3	HIGH BENCH PLACERS	126008
3	HILL, HENERY M	7755
3	HILL, LLOYD	138209
3	HOWARD, VINCENT F	114128
3	HOWELL, JOHN N	173937
3	HOWELL, JOAN R	173938
3	HOWELL, SARAH J	173940
3	HOWELL, SUSANNAH J	173939
3	HUNT, HELEN E	169208
3	HUNT, RICHARD P	169207
3	JAQUES, DARRELL E	170834
3	JENSON, ORLIN	10186
3	JOHNSON, DALE	9922
3	KALTENEKKER, BELA	174032
3	KELLY, STEVEN	115965
3	KERNS, FRANK	11124
3	KIEHL, DON T	170416
3	KIMBALL, BETTY J	174035
3	KINCAID, MARY ELLEN	170995
3	KINCAID, R DAVID	170994
3	KIRTON, CHERYL R	140510
3	KIRTON, ROLLAND J	140511
3	KRAUSE, EARLING	165111
3	KRAUSE, GEORGE	9660
3	KUHN, CARL	9548
3	KURTH, JAMES	10107
3	KURTH, JAMES M	126387
3	LAMPLEY, CHARLES A	187727
3	LAMPLEY, JACUELINE A	187729
3	LANGTON, CLARA	5199
3	LARSON, MILNOR G	170494
3	LEFEVER, DAVID E	164550
3	LETARTE, JOESEPH	10879
3	LIBBEE, ANITA	11583
3	LINDIG, CHERYLE	172765
3	LINDIG JR, EDWIN	105567
3	LITTLE, HAROLD G	4666
3	MARCY, ROBERT CLAYTON	160450
3	MASON, MICHAEL A.	11796
3	MATHISEN, CARL W	5201
3	MATTHISEN, CLIFFORD J	142800
3	MATTHISEN, MARILYN B	169206
3	MCALPIN, RONALD W	159035
3	MCCLAIN, PATRICK	11657
3	MCCOY, JONATHAN L	170725
3	MCDANNEL, MICHAEL WAYLAND	175857
3	MCMANUS, PAUL T	170727
3	MEADORS, BARBARA C	9139
3	MESICH, DRAGO	157441
3	METCALF, T. M.	10187
3	MICHETTI, RICHARD	115498
3	MICHETTI, SHARON	172714
3	MIRCOVICH, SUSAN C	178935
3	MONZULLA, LINDA G	167099
3	MORGAN, TRACY	9901
3	MOTSCHMAN, GEORGE R	173914
3	NELCHINA MINES	126775
3	NELLES, BRUCE I	8898
3	NELSON, MARTIN J.	7161
3	NEMEC, WILLIAM J	171991
3	NEW AND USED EQUIPMENT	173902
3	NICKLES, L S	172589
3	NOVAK, ROSS	8704
3	O'BRIEN, JACK I	145086

Total Claims	Owner Name	L.A.S. C.I.D.
3	OHLY JR, JOHN H	173279
3	OLSON, GUSTAF W	10076
3	OLSON, STEPHEN G	10075
3	ORO FINO MINING CO	126352
3	PARSONS, ANTHONY C	186338
3	PAYTON, CHARLES J	171032
3	PAYTON, GRACE L	171031
3	PAYTON, PETIE EUGENIE	101651
3	PAYTON, WILLIAM C	171030
3	PELKEY, ALICE	9897
3	PELKEY, CECIL	9898
3	PELKEY, DALE	9899
3	PELKEY, PENNY	9900
3	PHILLIPS PETROLEUM COMPANY	159322
3	PINNEY, JOAN	9138
3	PROBERT, BRUCE	178904
3	RAHOI, RICHARD P	174259
3	ROBINSON, ROBERT M	9083
3	ROHRBAUGH, V M	147677
3	RUSSELL, GENE	171740
3	RUSSELL, TERRY L	6218
3	SABO, BARBARA	11668
3	SACKETT, LLOYD J	115454
3	SCHLAHT, THEODORE H	148293
3	SCHRADER, WILLIAM EUGENE	9442
3	SELMAN, EVERETT A	4633
3	SEXTON, WILLIAM D	106830
3	SHERHART, THOMAS VICTOR	164573
3	SIFSOF, LAWRENCE	9993
3	SIMPSON, DONVAL R	116071
3	SMITH, SHERMAN CLAYTON	149426
3	SOUTH CENTRAL TIMBER DEV INC	128199
3	ST. GERMAINE, CLIFF	9338
3	STATON, MARY A	173628
3	STATON, TIMOTHY L	173627
3	STEWART, JACK	170417
3	STOWELL, ROSALYN ELAINE	114226
3	STRANGE, JOHN D	182581
3	SWANATROM SR, SUEDE	4773
3	TAYLOR, JANICE E	150692
3	TEPASTE, GLENN	10077
3	TIMINSKIS, WILLIAM L.	9344
3	TOPS, BRUCE	174090
3	TRYCK, JAMES W	151328
3	WEINARD, BRIAN	9557
3	WESCOTT, PAMELA S	172521
3	WEST, GEORGE W	173579
3	WETLESEN, LILY	10881
3	WHITING, EUGENE	169483
3	WILLIS, DEAN L	169338
3	WILSON, MILLARD	186832
4	A M M	187387
4	ADAMS, DAVID D	103936
4	AK EMPIRE GOLD MINING CO INC	180942
4	ALASKA-JUNEAU FOREST IND., INC c/o BANK OF CA	10132
4	ALBERT, DENNIS	8931
4	ALEXANDER, DEVON' E	128431
4	ALEXANDER, HELEN ELAYNE	11411
4	ALEXANDER, RALPH THOMAS	11410
4	ANDERSON, ERLING A	167329
4	ANDERSON, ROBERT	8932
4	ARNETT, LESLIE	116003
4	BALDWIN, CLAYTON D	178913
4	BARBER, MARY ANN	10100
4	BERGLUND, ARTHUR A	129852
4	BERGLUND, JEANNE S	181416
4	BILLMAN, DANNY B	172412
4	BILLMAN, PATRICIA E	172411
4	BIRCHELL, DAVID M	172038
4	BLYSTONE, F. LYNN	9654
4	BOMBERGER, GARY D	7727
4	BRAUN, JOEL H	172154
4	BURTON, JEFFREY	8903

Total Claims	Owner Name	L.A.S. C.I.D.
4	CAMPBELL, CALVIN K	170104
4	CAMPBELL, CHARLOTTE M	171587
4	CAMPBELL, ROBERT H	115516
4	CARPENTER, GREGORY D	170660
4	CASWELL, JOHN	180132
4	CAVICCHI, DONNA LEE MARGARET	4591
4	CAVICCHI, DONALD F.	11545
4	CHAPLIN, LARRY D	131989
4	CHARTER RESOURCES, INC.	10175
4	CINTULA, BRANDON J	173096
4	CINTULA, JOHN L	132225
4	CINTULA, PATRICIA A	104769
4	CINTULA, SCOTT W	173097
4	CLARK JR, ROBERT V	115973
4	CONWAY, JAMES PATRICK	115665
4	DEFRANG, WILLIAM K	115050
4	DEWAN, JASON T	9574
4	DOLPHIN, KIM	10188
4	DORAN, JAMES	8869
4	DUGGER, MICHAEL B	168710
4	DUNLAP, JAMES C	106599
4	DUTHIE, RICHARD E	4771
4	EAGAN, DANIEL PETER	172652
4	EBENAL, DOUG	5196
4	ERIKSON, FRED I	115964
4	FAIRBANKS, GRANT	9990
4	FATEJR, HUGH B	187702
4	FISHELL, FRANK E	171269
4	FOSTER, DIANE	171738
4	GARBER, MILDRED	11888
4	GERMANICA INC	125793
4	GLANVILLE, CARL	180070
4	GRANT, SHELLEY M	7917
4	GREBE, GORDON S	179982
4	GREEN, JOHN	10398
4	GREENE, LELA M	170346
4	HAAG, VINCENT M	164119
4	HAMANN, DENNIS L	157332
4	HARRELL, ERNEST B	137429
4	HART, MARK	11199
4	HASKINS, GEORGE RONALD	174005
4	HASSEBROEK, MARVIN O	171777
4	HATCH, MALONIA N	171020
4	HATCHER, JERRY E	179983
4	HAZELTON ENTERPRISES	10133
4	HENTON, MICHAEL R	160283
4	HODGE, SHERREL M	170345
4	HOIBY, KAREN A.	11078
4	HORNICK FR., MIKE	9924
4	HORTON, WAYNE	174037
4	HORVAT JR, PAUL J	138658
4	HOWARD, VINCENT F	171240
4	HOWELL, CARLENE	138746
4	INTEREX, USA, INC	9955
4	JAEKE, DERRELL D	180150
4	JAMES, BRUCE	9093
4	JOHNSON, EUGENE H	139498
4	JOHNSTON, JAMES M.	9927
4	KALOUS, JOSEPH D	170565
4	KEEN, GARLEN ROCKY	126247
4	KELLER, ROBERT W	10131
4	KELLEY, KEVIN J	172964
4	KIRK, BEN	115998
4	LEVINE, ROBERT	179981
4	LINDFORD, HUGO	9116
4	LONG, CLOIS G	104425
4	LONG, ELAINE J	169563
4	LONG, KENLYN H	171809
4	LONG, PENNY L	171810
4	LONG, RONALD L	169562
4	LYNCH, GARRY T	142180
4	MARLIN, HARVEY W	4873
4	MARTIN JR, EDWARD D	142625

Total Claims	Owner Name	L.A.S. C.I.D.
4	MCCORMICK, ROBERT N	178912
4	MCMULLEN, MARTHA A	169895
4	MCNARY, TIM	173502
4	MCPHERSON, KAREN MICHEL	143337
4	MENDENHALL, NANCY M	159477
4	MENDENHALL, PERRY T	9680
4	MEYERES, BUD F	172737
4	MICHEL, DANIEL	170412
4	MILLER, RALPH E	180644
4	MISCOVICH, ANDREW W	143845
4	MOORE, JOHN L	8904
4	MORRIS, GEORGE ALLEN	103646
4	NEWTON, DICK	4036
4	NICK, EVAN	9988
4	NUTTING, JACK L	173526
4	O'CARROLL, ELLEN M	145104
4	O'CARROLL, MICHAEL J	145105
4	O'LEARY, EDWARD	145145
4	PANNICK, HARRY A	145592
4	PANNONE, MICHAEL L	179984
4	PARENT, VERN	169956
4	PARKER, DAVID L	105296
4	PETTY, PATRICK M	146147
4	PHILLIPS, DENNIS R	101336
4	PITTMAN, CHARLES I.	9892
4	PORTER, CLARA MARIE	172435
4	PRESLEY, J T	174038
4	PROBERT, GARY LEE	170820
4	RED ARROW RESOURCES, INC.	11675
4	REINER, DENNIS E	169396
4	RUSSELL, T L	10079
4	SCHENKER, ROBERT A.	9850
4	SHIPLEY, ROBERT C	173614
4	SIMMONS, TOM	9060
4	SNEED, STEVEN ERIC	167692
4	SOPER, CLIFF A	162111
4	SOPER, SANDY K	173400
4	SORSBY, MICHAEL A MASON	172324
4	STEPHENS, CHESTER E	170485
4	STREET, W BRUCE	172965
4	STRUTHERS, LORN	9585
4	STUDINAK, GERALD	7597
4	SWENSON, SHIRLEY	173734
4	TATE, MYRON C	160285
4	TURNER, REBECCA L	173043
4	WEST, JERRY C	172091
4	WILCOX, DOROTHY	10081
4	WILKINS, SYLVIA	172410
4	WILKS, RONALD DOUGLAS	162715
4	WILLIAMS, ANGIE	171183
4	WILLIAMS, HERMIE JEAN	171184
4	WJN MINING	170941
4	WOELLERT, DAVID ALLEN	174018
4	WOELLERT, LAWANA J	173472
4	WOELLERT, ROBERT D	173471
4	WOOD, MARI B	173586
4	WYLDE, MICHAEL D	173503
4	WYRICK, MARILYN A	163928
5	A.T.E. INVESTMENT GROUP	8895
5	AKELKOK, JOHN	10717
5	AKELKOK, LORETTA	10716
5	ALASKA MUTUAL BANK	8765
5	AYSON, RUDY	174121
5	BABCOCK, PATRICIA RAE	171913
5	BALDWIN, CLYDE	11655
5	BETTISWORTH, ROBERT H	129945
5	BIRD CREEK MINING CO INC	124959
5	BIRKLID, NAIMY J	116226
5	BIRKLID, RONALD L	130038
5	BRADY, MARK	8983
5	BRODIS, JUDY	170770
5	BROOKS, RONALD ALAN	169825
5	BURKETT, BETTY ANN	180462

Total Claims	Owner Name	L.A.S. C.I.D.
5	BURKETT, RICHARD G	171298
5	BURLEIGH, ROGER E	131250
5	BURNS, JOHN R	155481
5	CATE, STEVE E	131897
5	CLEVELAND, CHARLES W	114978
5	COLLEY JR, CECIL	172939
5	COMPTON, BEN D	116217
5	CORNWALL, TOM	115707
5	CULLETT, THERESA A	171049
5	DALE, JAMES	169768
5	DESALERNOS, MATT	172272
5	D'IONNE, SUSAN M	170668
5	DORY, JIM A	172270
5	DUNN, RODERICK E	115108
5	EVERSOLE, JOHN J	7620
5	FERRENBACH, CHERYL M	171005
5	FERRENBACH, ROY W	116146
5	FULLMER, CLINTON	9706
5	GIBSON, MAVERICK	9920
5	GOODALL, BRANDT N.	11653
5	GREENE, JOHN W	170731
5	GRIFFARD, GEORGE L	172605
5	GROVER, MARVIN	116440
5	H & H EXP & MINING INC	125909
5	HAHN, MICHAEL W	170758
5	HEFLINGER, DAVID LYNN	103226
5	HELFLINGER, DAVID	186837
5	HERRON, JIM	173525
5	IVANHOE ALASKA PARTNERS	11927
5	JAQUES, MELBURN	173632
5	JOHNSTON, JOEL	11729
5	KIBBY JR, RALPH L	157304
5	KIRSTEATTER, PAUL	154529
5	KLEIN, RONALD	11382
5	KOEHLER, JAMES E	170529
5	LITTLEFIELD, BOB	171046
5	LOKEN, KENNETH	141906
5	LYLE, WILLIAM C.	10179
5	MANN, ALBERT M	157431
5	MANN, GARY	171345
5	MARLEY, MICHAEL B	171925
5	MARRS, KATHY	170741
5	MARRS, LARRY	170740
5	MARTINSON, ELMER E.	11453
5	MATHEWS, RALPH	9928
5	MAURER, ERNEST LEASURE	142829
5	MAY JR, DONALD J	170233
5	MCCULLOUGH, DOLORES J	110618
5	MCCULLOUGH, GEORGE H	143043
5	MCMULLEN, RICK L	170979
5	MEINERS, DENNIS	101261
5	MENDENHALL, KEITH J	115668
5	METZ, P A	10698
5	MIKNICH, CHARLES M	115456
5	MILLER, RUSS	171535
5	MITCHELL, JESSE	8900
5	MONNETT, JIM H	143994
5	MORGAN, CHRIS	8960
5	MORGAN, WAYNE F	171056
5	MUEHLENKAMP, CHUCK	171148
5	MUEHLENKAMP, WILLIAM J	171147
5	MURPHY, JOHN D.	9987
5	O'BRIEN, STEPHEN F	145094
5	OLDS, MONTE C	171874
5	ORDIWAY, CLIPPER Z	9084
5	PAGEL, DONALD W	166805
5	PALMER, DAVID R	169615
5	PETERSEN, JANICE D	170425
5	PETERSON, JOHN R	186806
5	PHILLIPS, GERALD C	170959
5	PHILLIPS, WANDA FAY	11432
5	R&M CONSULTANTS INC	172643
5	RAMEIER, BRAD D	160296

Total Claims	Owner Name	L.A.S. C.I.D.
5	RICHERT, DALE D	173282
5	SALOMON, ROBERT L	148046
5	SCHNESE, CALVIN	9703
5	SPARKS, JAMES W	181470
5	STEIN, DONALD	173591
5	STONEBURG, NEAL C	150160
5	SUNSHINE MINING CO	127627
5	SWINGLE, FRED L	162707
5	SWINGLE, JUNE	4680
5	THOMPSON, BRIAN D	169310
5	THOMPSON, LOWELL	11730
5	TRAXLER, ROY E	116224
5	VIDAL, ANGEL	163426
5	WESTERN SURVEYS, INC.	8757
5	WETLESEN, STEPHEN W	171242
5	WHEAT, DAVID S	171026
5	WHITE, KATHIE S.	4344
5	WHITE, MICHAEL P.	128071
5	WILLIAMS, ANN J	8670
5	WILLIAMS, WILBUR A	152902
5	WILSON, DON	115097
5	WITHROW, DONALD EARL	172092
5	WOODALL, CLARENCE R	157795
5	WRIGHT, BONNIE T	9769
5	WRIGHT, RICHARD L	9768
5	ZOLTON, JERRY L	170427
5	ZUCCHINI, ALBERT A	115062
6	ADAMS, KELDON	184300
6	ALASKA APOLLO GOLD MINES LTD	173489
6	ALASKA GOLD INC	11071
6	ALASKO GOLD INC	9782
6	AOS MINING & ENGINEERING	171266
6	BAUMER, RONALD M	171887
6	BOLES, JOSEPH WM	170482
6	BOWERS, NANCY LEE	130446
6	BOWERS, RALPH H	130447
6	BRODIS, ROGER	170769
6	CARNELL, DON H	115857
6	CLINE, HENRY CURTIS	169418
6	COBEN JR, DANIEL K	115868
6	CODDINGTON, MARY LOU	9804
6	COOK, ROB	9656
6	CROWS NEST MINING	173050
6	CURNAN, CHRISTOPHER J	173683
6	DANIELS, LEE	133354
6	DAVIES, JAMES M	115866
6	DEVAULT, ROBERT E	170985
6	ERICKSSON, SVEN	134789
6	EVEN, DANIEL L	11539
6	EVEN, RHONDA	11540
6	FALLDORF, LARRY	172625
6	FULTON, GORDON	170781
6	GARBER, JOHN P	135848
6	GERAGHTY, RICHARD W	136041
6	GERAGHTY, RICHARD F	171197
6	GILBERT, RONALD D	170503
6	GLASSBURN, DON	136273
6	GRADNEY, HANK	8026
6	GREENE, JACK	180600
6	HALE, DONALD H	115725
6	HANKEE, JOHN	158968
6	HANSEN, D E	116004
6	HARRIS, DONALD	114728
6	HENRICKS, R J	172009
6	HILLHOUSE, MARY J	171888
6	HOLBROOK, CLYDE	180027
6	HOLT, CARSON	115065
6	HOOD, ROLLIE L	9108
6	HOUTS, PERCY WILLIAM	106904
6	IPALOOK, ESTHER B	174056
6	KIRBY, RANDY KEITH	161664
6	KLAPPERICH, JOHN	9877
6	KNUDSON, JAMES	10449

Total Claims	Owner Name	L.A.S. C.I.D.
6	KRENZKE, MARK K	115993
6	KUMLER, JEAN	170987
6	KUSEL, JOHN A	171886
6	LACROSS, JACK	141056
6	LACZAY, PETER W	172451
6	LESTER, MICHAEL J	159491
6	LEWIS, BOBBY L	170030
6	LONGLEY, KAREN M.	9203
6	LUCAS, CALVIN C	170474
6	LUCAS, KIBE	9876
6	MALONEY, JON	184428
6	MANN, ALAN	170805
6	MANN, BRENDA	170807
6	MASSENGAL, ELIZABETH	174134
6	MAXWELL, SAMUEL L	166511
6	MAY, DANIEL JAY	172017
6	MCMILLAN, DAN A	10448
6	MOEN, DENNIS JEFFERY	103345
6	MORRIS, FAYE MARIE	9754
6	MORRIS, MARY D	8927
6	MORRIS, WILLIAM H.	7254
6	MOSBY, B.P.	8029
6	MURPHY, JACK V	3576
6	NEWMAN, CLEM	170986
6	O'DONNELL, FRANKLIN L	113651
6	OGDEN, WILLIAM	11622
6	OUELLETTE, ROLAND J	170188
6	PANICK, HARRY A	10078
6	PARISH, DOUG E	127027
6	PARR, GLEN C	154488
6	PERRY, WALLACE C	170535
6	PETERSEN, DONALD E	116364
6	PETERSON, FRANCES	186726
6	PIKE, JOHN K	9428
6	PIKE, SARALYN	9429
6	POPE-MURPHY, LINDA ANN	9325
6	PREVOST, RICHARD T	146628
6	REESE, NANCY	170477
6	ROMILLY, EUGENE	184301
6	ROSS, JOHN	11574
6	ROUTH, GENE	147834
6	SAVAGE, DWAYNE	3767
6	SCHMOYER, ED WILLIAM	172626
6	SNCW-ROSANDER, JUDITH	172109
6	SOUTHWELL, JOSEPH HOWARD	169243
6	SPARKS SR, H W	149663
6	STEEG, PHILLIP S	173612
6	STERN, D. T.	11094
6	STEVENS, DONALD R	169940
6	SUNRISE EXPLORATION	184665
6	SUPERDOCK, ELEANOR H	169337
6	SWEETSIR, J MATSON	170923
6	SYREN JR, ROY N	150531
6	TAYLOR, JILL M	6451
6	TORSON, EUGENE	4182
6	TOWSE, COLIN W	115862
6	VAN OSTRAND, SHANNON D	172436
6	VAN OSTRAND, TOM C	172471
6	WARD, DAYLON	170264
6	WARD, LAHUNTA JUNE	170265
6	WYRICK, L E	163927
6	YOUNG, DENNIS	180599
6	YOUNG, EDWARD J	153573
6	YOUNG, JEAN F	10450
7	AK MLNG & METALLURGICAL CO INC	124522
7	BABCOCK, DONNA L	8907
7	BABCOCK, MICHAEL F	172662
7	BABCOCK, RODNEY E	8906
7	BASS, NICKY	170858
7	BATT, LARRY R	178974
7	BELL, BLAKE	173993
7	BIEDERMAN, CHARLIE R	103147
7	BLAKE, T S	9878

Total Claims	Owner Name	L.A.S. C.I.D.
7	BREEDLOVE, DOROTHY	178521
7	BROWN, DARLENE J	174168
7	BTW MINING & EXP CORP	171890
7	CARPENTER, DAVID H	170659
7	CEDENO, ROBERTO	173301
7	COBB, LES	132409
7	COBB ENTERPRISES	8830
7	COPE, POGER	168934
7	CORBIN, DOUGLAS L	171861
7	CPAIG, ROBERT L	115730
7	CURRINGTON, RICHARD	133195
7	DART, JOHN REED	133390
7	DAVIS, DIANE F	170361
7	DAVIS, ROSEMARIE	133480
7	DAVIS, T NEIL	109583
7	FAA, TOM	169392
7	FAIRBANKS, GRANT	9997
7	FERRENBACH, ROY W	170340
7	FORCK, CHARLES G	115019
7	GETTY, HAROLD T	10910
7	GREER, RUTH L	116025
7	HAMILTON, HILDA A	9643
7	HAMILTON, MARION M	9644
7	HELMS, GREGORY J.	11942
7	HOOK, JERRY L	115803
7	JENKINS, ROBERT A	183981
7	JENNINGS, DONALD	5152
7	JENNINGS, GEORGE HR	173522
7	JUKANOVICH, RAMO E	170423
7	KEYSTONE MINES INC	126299
7	KIRSCHNER, CHARLES	11035
7	KOTOWSKI, ROLAND R	181409
7	KRACKER, JIM	167868
7	LAURANCE, MAURICE	169219
7	LAZENBY, DAVID L.	9281
7	LOUNSBURY, JAMES G	173221
7	MCMAHON JR., WILLIAM R.	9923
7	MINUGH, ROBERT CHARLES	9280
7	MONROE, JOHN	171962
7	MULLIGAN, HANK	173295
7	MUNZ, WILLIAM	115713
7	OLSON, VERNON J	169419
7	PIKE, GARY R.	160873
7	ROBERTS, DON O	170757
7	SALTER, EDWARD	116345
7	SCHASTEEN, DOLLY	169393
7	SOUTHWOOD, ROBERT L	6816
7	TOLMAN, GARY	7751
7	WALKER, GERALD F.	11956
7	WALKER, MARABELLE	11973
7	WARING, BRIAN R	11286
7	WELCOME, ROBERT	8673
7	WELLS, CLAYTON	169716
8	ALASKA GOLD CO	124494
8	ALMASY, THEODORE J	171365
8	BARRON, DENNIS L	129419
8	BARRON, MAY	3571
8	BEAVER, MARY P	171850
8	BICKEL, BOBBY D	9959
8	BORNAND, R.	10312
8	BRADSTREET, ARLO M	170170
8	BRATTEN, MICHEAL J	170432
8	BREWER, BILL	172739
8	BROWN, C.	10311
8	BUCKLEY, DOUGLAS B	170919
8	BURCH, WILLIAM J	180929
8	BURNETT, DONALD	131268
8	CARLSON-THIBEDAU, JANINE E	104429
8	CARLSON-TOMSHA, ANITA LOUISE	157950
8	CHAMBERS, FREDERICK J.	9224
8	CHAMBERS, JUDITH	9223
8	CHURCHWELL, ROY	171014
8	CONSHAFTER, KENT T	170499

Total Claims	Owner Name	L.A.S. C.I.D.
8	EMERSON, ROBERT CLIFFORD	155882
8	FELDMANN, GARY	135070
8	FOX GULCH TRIO	9801
8	FUNK, LYNDON F	115523
8	GERAGHTY, BRUCE R	170431
8	GILLIAM, J. DOUGLAS	9473
8	GOLD ONE LTD	172090
8	GOTTSCHALK, MICHAEL T	115841
8	HALL, BRIAN V	180604
8	HARROD, BARNEY L	115670
8	HARTT, BETH	9757
8	HEWITT, SYLVIN	10780
8	HODGES, NORMA C	172585
8	HODGES, TROY D	138348
8	HOUSE, CONRAD H	172323
8	HUNT, MIKE	7952
8	HUNTSBURY, JOHN V	172367
8	JOHNSON, MARTHA	11824
8	JOHNSTON, GORDON W	172738
8	JOLLY, JOSEPH B.	11073
8	KEISLING, KELLY LEON	159276
8	KILLION, M T	170920
8	LANCE, FRANK	170767
8	LAWLOR, THOMAS ALAN	102256
8	LILLER, JAMES	11714
8	LOSOSKY, ROSEMARY	173005
8	LOYER, VICTOR E	115802
8	MACKINNON, ERIC NEIL	173338
8	MARCOUX, J.	10313
8	MARTINSON, RYAN	10001
8	MASSENGALE, WILLIAM M	169624
8	MASSENGALE, WILLIAM MARK	174135
8	MCCORMMACH, ORVAL	10781
8	MCLANE, STANLEY S	143254
8	MESPELT, MARGARET L	171367
8	MILLER, DOUGLAS L	171994
8	MINNER, JERRY	11489
8	MCWAHAN, HAROLD E	115473
8	MONNETT, JIM H	170563
8	MOORE, ROGER L	174252
8	NEGUS, FREDERICK W	144647
8	NELSON, CLIFFORD D	170227
8	NELSON, PAUL W	4707
8	OLSON, ALAN G	115800
8	PASKVAN, CHARLES A	161665
8	PASKVAN, STEPHEN T	172442
8	PETTY, JACK	115819
8	PISZCZEK, CARL P	171302
8	PRITCHARD, JOHN	10130
8	RIEM, DEBRA	11716
8	RIEM, HERBERT	147379
8	RIEM, MARGARET	11715
8	ROBERTSON, TIMOTHY D	9755
8	ROHLOFF, FRANK R	114867
8	RY-J MINING CO	127315
8	SCHUSTER, GAIL	11997
8	SCOTT, ARTHUR G	157324
8	SCOTT, DAVID HUGH	10997
8	SPEAKER, THERESA ANNETTE	9998
8	STEIN, EVELYN J	149943
8	STILL, VERN T	127595
8	STONY RIVER VENTURES	7849
8	STULL, DENNIS LEON	170739
8	THOMAS, TOM	11490
8	VOLLENDORF, WILLIAM A	164988
8	WIETCHY, DANIEL M	170406
8	WILLIAMS, BILL RUSSELL	157319
8	WILLIAMS, DOVER T	115739
8	WREDE, RONALD J	171912
9	ACHING BACK MINING CORP	173315
9	ALASKA ENERGY CORP	106341
9	BEAN, CHRIS	180030
9	BEAN III, ROBERT E	180034

Total
Claims Owner Name

L.A.S.
C.I.D.

9	BENSON, RODNEY A	10445
9	BLASINGAME, WALLACE E	115662
9	BPS INC	166621
9	CARIBOU MINING	10987
9	CASE, HARVEY E	131844
9	CHRISTENSEN, DARREL W	172749
9	CONNELLY, RYAN E	170766
9	DAVIS, ROBERT A	170928
9	FABRIZIO, JERRY L	115318
9	FOSTER, EARLE C	116101
9	FRANKE, ELEANOR I	170885
9	FRIER, JEFF	10443
9	GEIERMANN, LOUIS J	135980
9	GEIERMANN, TIMOTHY	135981
9	GRUNDHAUSER, RAY S	170516
9	HATCH, EDWIN L	168822
9	JONES, DENNIS E	157529
9	KNOWLTON, CLIFFORD E	140653
9	LOWE, DAVID	172223
9	MANN, CHERYL	170804
9	MARTIN, WALTER J	178938
9	MAXWELL, SAMUEL L	187926
9	MICHAEL, KEVIN O	173218
9	MOORE, ROGER B	116423
9	MOORE, ROGER B	187924
9	OLSON, NICHOLAS D	169420
9	PARKER, DAVID L (BAKER)	173578
9	PAYNE, DUANE K	171904
9	PEARSON, CHARLES L	145847
9	PETTIGREW, BERT	9230
9	PETTIGREW, CARLA	9229
9	SAVAGE, BRUCE D	115088
9	SPAULDING, RONALD L	10444
9	WAGAR, JIM	151862
9	WALKER, MALCOLM	9702
10	ALASKA VENTURES	171506
10	ANDERSON, RON	9692
10	B O MINING CO	171762
10	BARANAUSKAS, WILLIAM D	170339
10	BRODERSEN, KELVIN C	158796
10	BURGEIS, DEAN J	165562
10	CANNON, PHILIP JAN	103336
10	CORK, DENNIS	171903
10	DAVIS, JOHN	170362
10	FAIRVIEW MT GOLD INC	171360
10	FERRIS, WILLIAM	135130
10	FRY, CLARENCE	135668
10	GEIGER, GERRI A	171490
10	GEIGER, RONALD E	115463
10	GROVER SR, EDWIN M	10440
10	HERMON, BEN H	138049
10	HERMON, JAMES S	138052
10	HUGHES III, KENNETH A	138858
10	JORDAN, KENNETH	10441
10	JORDAN, WAYNE	10442
10	KUNZ, MICHAEL L	140986
10	LABINSKI, BEN	171779
10	LAPPI, ARTHUR J	116022
10	LESTER, RAYMOND P	169509
10	LINDSKOOG, BARBARA	170931
10	LIVERMORE, GEORGE DAN	141828
10	MASSIE, GEORGE	154379
10	MELVIN, RONALD K	171509
10	MRAK, WILLIAM	126709
10	NEW DYNASTY MINES (US) INC	173484
10	NORTHERN VENTURES	173809
10	PECK, JEFF	9819
10	PETERSON JR, OTTO WILSON	146092
10	PETTIT, ARGILE E	115658
10	PHILLIPS, GAIL	170934
10	RAWHIDE EXPLORATION	5194
10	ROLAND, JAMES G	5990
10	SAEED, EDWARD	170483

Total Claims	Owner Name	L.A.S. C.I.D.
10	SANDERS, ANDRE REX	173341
10	SCANLON, MICHAEL	173974
10	SCARBOROUGH II, TRUETT L	9518
10	SCARBOROUGH, TRUETT L	148219
10	SCHURR, JOHN	173385
10	SCOFIELD, WALTER P	173703
10	SIPES, JOHN WESLEY	149113
10	STRINGFELLOW, MARC	170773
10	SWENSON, LLOYD D	161572
10	TURNER, JEAN E	187279
10	TURNER II, WALLACE O	161601
10	WISE, KENNETH G	173708
10	WORTMAN, JOHN E	153364
11	BETZ, RICHARD EARL	173225
11	BOLES, JOHN	170851
11	BOYD, JACK	115550
11	BRATTON, PAUL	1548
11	BROWN, DENNIS K	155994
11	CHARTRAND, MIKE	10394
11	CONWAY, CAROLE L	132662
11	COTE, LAWRENCE A	132827
11	DALE, DEBBIE	172309
11	DEMOSS, RAYMOND A	171208
11	DEWAN, HELEN E	6220
11	FARRAR, RAY G	168927
11	FIDLER, DALE NICK	162988
11	FULLER, JACK	168931
11	GUINN, EMRAL L	173101
11	HANAK, ANTON J	1259' 9
11	HASSON, PETER	137593
11	HASSON, RINDA K	172415
11	HENDERSON, DON	169347
11	JOHNSON, DELL E	126160
11	LAC MINERALS	9868
11	LONG, BECKY	10395
11	MARTINSON, CLEON H	169661
11	MCINTOSH, MARY C	143183
11	NORCROSS, IRENE E	109263
11	O'NEARA, ROBERT MATTHEW	159940
11	OLIVERS, CLARENCE	169662
11	PARRY, JAMES M	115505
11	PLENINGER, STANLEY B	164062
11	POWERS JR., WILLARD B.	9345
11	PRICE, JUDY M	184669
11	RANSY, DENIS	112545
11	RC MINING	11551
11	SARCHET, DAVID E	173215
11	SCHUSTER, WERNER E.	10209
11	SHEMEL, STEVEN E	172603
11	SHERRER, GAIL	170912
11	SIDES, DANNY MAX	173226
11	SLAMBROUCK, THOMAS VAN	3729
11	SLAUGHTER, BOB F	162987
11	STEWART JR, JAMES E	156596
11	SUMNER, DOUGLAS	150391
11	TAYLOR JR, JOSEPH F	150656
11	THOENNES, MARK R	171209
11	THOMAS, DANIEL A	173100
11	WESEMAN, AIMEE	152441
11	WHEELER, RICHARD	9204
11	WIETCHY, THOMAS	171177
11	WILKINS, DENNIS D	155996
11	WILSON, DEAN E	187221
11	WISWELL, AUSTIN	9283
11	WORTMAN, ROBERT E	169907
12	ALASKA AGLIME AND CEMENT CO	173023
12	B P MINING	173103
12	BATEMAN, MARLENE J TITUS	151103
12	CLAY, BARRY LLOYD	171876
12	CLAY, HOPE EMIKO	171877
12	DAHL, JAMES C	116195
12	DECAMILLO, LYN C	167691
12	DELTA RESOURCES	9361

Total	Claims Owner Name	L.A.S.	C.I.D.
12	DIONNE, PAUL H	170667	
12	ERICKSON, BRUCE	171164	
12	ERICKSON, RICHARD F	134770	
12	EVANS, MARTY	9137	
12	EVERTS, RAY	173738	
12	FARMER, CHARLES E.	9880	
12	GACKSTETTER, KERRY	11899	
12	GATES, HERMAN N	169303	
12	GENET, RAYMOND, ESTATE OF	108306	
12	HYAK MINING CO INC	126091	
12	KEHAULANI, BELFIELD	11405	
12	LACHAUSSEE MR, ROBERT H	9255	
12	LONGBOTHAM III, ROY	9906	
12	MASON, GEORGE A.	11898	
12	MCCLANAHAN II, ROBERT C	186580	
12	METCALF, JAMES CLYDE	143539	
12	NELSON, LARRY CRAIG	168494	
12	NORMAN, BETTY J	5423	
12	PHILLIPS JR, NORMAN L	115017	
12	PHILLIPS SR, NORMAN L	172999	
12	PORTER, GENE	146470	
12	SHILLING, JOHN ARTHUR	114750	
12	SMITH, CURT	171790	
12	SUMNER, RICHARD P	150394	
12	TAYLOR, RENA NELL	9284	
12	TILTON, BERKLEY H	157619	
12	VOSS, JEREMY	157621	
12	VOURNAS, PETE	8877	
13	AKLESTAD, JUDITH	128371	
13	AKLESTAD, RONALD P	171840	
13	BERRY, MICHAEL	169900	
13	BORELLO, RAY D.	9952	
13	CURNAN, MARTIN J	173599	
13	DOMRES, HILDEGARDE R	172657	
13	DUNHAM, JOHN H	171660	
13	FERREE, STEVEN D	135121	
13	FITHIAN, BARBARA A	169416	
13	FITHIAN, ROBERT R	169415	
13	GILLAM, HAROLD	170157	
13	GILLAM, JANET	159606	
13	GIRTH, JAMES R	169899	
13	GOCHANOUR, L BOYD	136303	
13	GRILLEY, WARD W	2207	
13	HERMON, EVE C	157473	
13	HERMON, MARIANNE	157474	
13	KERMOIAN, KIP	170738	
13	LEWIS, RICHARD J	180233	
13	MCCLANAHAN III, ROBERT C	187698	
13	MCCOWAN, JEAN	9584	
13	METZ DELONG AND ASSOCIATES	172365	
13	MRAK, ELEANOR	173896	
13	POLAR MINING INC	180105	
13	PUDDICOMBE, CRAIG R	169847	
13	QUINTON, GRIFFIN E	115772	
13	QUINTON, GREGORY J	115774	
13	REDMON, ALLEN	172046	
13	REINHARDT, RONALD	170644	
13	ROCKSTAD, RONALD D	101006	
13	SHARP, PAUL R	170532	
13	YRJANA, ALBERT M	128164	
14	BRADFORD JR, CHARLES R	169269	
14	BRAGG, DONALD E	173490	
14	BURR, DELBERT R	131310	
14	DEVILLE, HUEY	105378	
14	DICKENS, RICHARD	173491	
14	FRANK, THOMAS R	172271	
14	GEBHARD, MICHAEL E	169618	
14	HAMMON, DANIEL	173493	
14	HYDE, BOB	154459	
14	JAMES, LOU	170787	
14	KAISER, ALLAN	170493	
14	LUCAS, RANDY G	5137	
14	MATHISEN, WILLIAM A	5200	

Total Claims	Owner Name	L.A.S. C.I.D.
14	MONROE, GILBERT	144002
14	RENDICH, SCOTT H	169320
14	RUSHING, WILLIAM F	174020
14	SCOTT, BRYAN LEE	148501
14	SOUTH, LAWRENCE L	173492
14	THREE D INC	169371
14	WILSON, HARRY W	812
14	WINKLER, MARVIN	116424
14	WYMAN, LEWIS B	161412
14	ZANONA, MAGORIANO E	171893
15	ANDERSON, GERALD	10425
15	ANDERSON, RANDI M	171179
15	ANDERSON, TURY GARTH	171230
15	ANDRESEN, CARL IRVING	114949
15	ATLEE, DAVID	180252
15	BEATON, LAURETTA MAY	9301
15	BRISKE, DEAN	174196
15	CARIE, JOE RAPHAEL	154533
15	CASSIDY, STEPHEN A	174021
15	CHRISTIAN, STEPHEN B	154346
15	CZARNECKI, CLYDE A	173530
15	DAVID, BOBBY L	165560
15	DAVID, JUDY	4978
15	DOZETTE, MICHAEL	134089
15	ENGFER, LOWELL D	157789
15	FASSLER, HERBERT F	115484
15	FERN GOLD MINING COMPANY	170654
15	FICKUS, MATT	173213
15	JACHIM, WILLIAM A	6219
15	KING, PAUL A	170502
15	KNAPP, KERRY L	173531
15	LAKE, LAURENCE K	180250
15	LINDSKOOG, STANLEY W	170932
15	LOZO, SUZI	116208
15	MATHISEN, DIANE ELIZABETH	179976
15	MCGUIRE, SEAN E	170737
15	MRAX SR, WILLIAM	126711
15	OGG, MARK R	170408
15	OLSON, DENNIS L	170598
15	PANCOAST, PETER J	9303
15	PHILLIPS JR, WALTER T	170936
15	POLAND, JONATHAN L	170666
15	REESE, ELDEN L	147046
15	STAUFFER, JUDITH A.	11055
15	STEVENSON, DALE V	105584
15	UNSDERFER, TONY	151495
15	WALKER, MILES	173214
15	WOOD, ELLEN	170735
15	YOUNGBERG, ARLYN L	153581
15	YUKON ENT.	11920
16	ALLEMAN, JOHN F	128465
16	ANTHONY, ROBERT MARK	10421
16	BRAGG, MICHAEL D	130565
16	CHEESMAN, GARY	178990
16	CLARK, BOYD W	171061
16	COLBY, MARK A	171771
16	DAUTRICH, JEFFREY W	176148
16	DEMPSEY, GARY E	170024
16	DUEBELBEISS, MARTIN	170961
16	GALVIN, JOE	9974
16	GRIEVE, ROBERT C.	4121
16	HANSEN, PETER C.	11979
16	HARTMAN, DANIEL A.	4122
16	HOWARD, WARREN	9881
16	JOHNSON, GEORGE	139509
16	KEATING, DOUGLAS R	174318
16	KRIZAK, RUDY W	172005
16	LAMBERT, HOWARD CHRISTOPHER	115066
16	LYMAN RESOURCES IN ALASKA INC	174089
16	MCCLANAHAN II, ROBERT C	187697
16	MENHAMS, FRED	10180
16	MESPELT & ALMASY MINING CO	169340
16	PEPLER, WAYNE M	115743

Total Claims	Owner Name	L. A. S. C. I. D.
16	REEDER, EDWARD	11658
16	REINHARDT, ROBERT G	169588
16	SAUNBY, JOHN HENRY	101941
16	TITCHENAL, ROBERT L	169325
16	TRUDEAU, JOE	169389
16	TUFTS, JAMES L	178988
16	WHEAT, MIKE	9975
16	WHITE RIVER PLACERS, INC	8486
16	WILLFORD, FRANK E	6432
16	ZIMMERMAN, VON	10501
17	ALASKA EXPLORATION CORP	106350
17	ATTWOOD, WILLIAM	184444
17	BARD, MATTHEW J	170031
17	BEERS, ROY	11499
17	CIRCLE MINING CO	125217
17	DAVIS, EDWARD LLOYD	133496
17	GRIEF, TONI A	173893
17	GUMAER, A MARK	169619
17	GUMAER, MARK	136900
17	HARLING, JILL	10424
17	HENRY, ELWOOD	170927
17	KNIFE, DON	180503
17	KNIFE, LINDA S	180504
17	KRINKE, ANNA	140887
17	MCCRARY, J B	178915
17	MONZULLA, LINDA	187966
17	PARR, SHIRLEY B	145683
17	PETERSON, RICK	9427
17	SHUMEFF, GREGORY	11121
17	WALTER, CAROL L	165883
17	WALTER, FRANK	165882
17	WENTZ, JOHN B	165748
17	WINEGAR, LARRY J	173013
18	BOTNAN, TED R	169707
18	BURGGRAF, ROGER C	116067
18	CORBIN, R L	171862
18	DENNIS, ANNIE L	168936
18	DOMRES, ELLSWORTH E	172656
18	DREW, DENNIS H	178215
18	ELLINGSON, ALICE	158161
18	GATES, WILLARD E	115768
18	HANSON, ALLEN W	155433
18	HARLING, VICTOR R	170220
18	HORNICK, J MICHAEL	170692
18	LONGLEY SR, GARY T	170763
18	MITCHELL, MICHAEL R	174277
18	NORCROSS, JAMES H	144971
18	OSTRANDER, JOHN W	172717
18	READ, DONALD M	172960
18	REESE, ELDEN L	106968
18	SHEPARD, DENNIS M	170990
18	SWENSON, RICHARD A	150499
18	TRINITY MINING CO	174275
19	ALBRECHT, ANDREW B	179786
19	ANDERSON, ESKIL	128628
19	BLACK, JERALD D	158549
19	BROWN, JAMES F	130914
19	CONNER, MICHAEL A	169736
19	DUNSHIE, JACK	169412
19	FITZGEROLD, LYN	186699
19	GELVIN, EDWIN C	115952
19	GORDON, BONNIE L	170321
19	GORDON JR, WALLACE E	154619
19	HAGEN SR, ALBERT M	136996
19	KELLY, TIM	115962
19	KRINKE, EARL	140886
19	MASEK, BEVERLY L	174140
19	MASEK, JAN R	156813
19	MAY, DONALD J, ASSOCIATION	125385
19	MITCHELL, JOSEPH D	173514
19	MITCHELL, MONA	173515
19	SAUNDERS, BUDDY M.	11800
19	SHERRER, DOUGLAS	148837

Total Claims	Owner Name	L. A. S. C. I. D.
19	SHORE, CONNIE	170495
19	SMITH, PHILIP N	176478
19	VOLF, EDWARD J	151790
19	WAY, RONALD M	155466
19	WHEAT, D MICHAEL	152510
19	ZERBE, LES PAUL	157772
20	ADLER, KERRY M	8909
20	ANDERSON, WHITTEN H	128724
20	ANDRESEN, JOHN R	172441
20	BROWN, CURT	9347
20	BUILDERS MILLWORK SUPPLY, INC	3893
20	EICHMAN, ROGER K	134500
20	FEVER CITY MINING, INC.	6221
20	GELVIN, STANLEY M	136001
20	GOGGANS, THOMAS HOWARD	157320
20	GOLDSCHMIDT, EDWIN G	169848
20	GOLDUST MINES	172107
20	GUTHERT, ROBERTA	170689
20	KERRIGAN, JOHN	103707
20	KING, RICHARD	169922
20	KING, ROBERT	169923
20	KNUDSEN, WILLARD J	140658
20	KOCUREK, MARVIN	172019
20	KOPPENBERG, JEROME	7189
20	KOPPENBERG, SAM	10144
20	LIVENGOOD PLACERS INC	126441
20	MILES, CLYDE	169343
20	PARRY, NANCY	9521
20	PAYNE, KELLY	169921
20	RAINES, RICHARD LYLE	146839
20	WILLIAMS, PAM	9522
21	ALASKA METAL CORPORATION	7771
21	BERGMAN, THOMAS W	116007
21	BRIDGES, COY RAY	11115
21	BRIDGES, JAMES A.	11114
21	DAVAULT, GLENN	174224
21	DONALD J MAY ASSOCIATION	125493
21	DRAPER, DANIEL D	165876
21	GACKSTETTER, BETTY	173367
21	GACKSTETTER, CURWOOD K	135756
21	GOODWIN, ROBERT E	170235
21	GRAY, BRUCE	169568
21	HAYES, CAROL L.	11661
21	HAYES, JAN F.	11651
21	HOUSE, LEE	172008
21	JONES, NANCY	170530
21	MANNING, KENNETH H	142464
21	MAXWELL, BARBARA M	5165
21	MCMASTER, JIMMY K	134590
21	PLACID OIL COMPANY	154510
21	REESE, DELLA	171003
21	SCOTT, FRED	174223
21	VAN OSTRAND JR, TOM C	115734
21	W. MARTIN EXPLORATION, INC.	4619
21	WOOTEN, DONNA J	180488
21	WOOTEN, KENNETH E	115042
22	ADLER, KEVIN M	950
22	ALEXANDER, THOMAS E	167816
22	ANDERSON, WAYNE S	115806
22	BLONDE, JAMES	9992
22	CULHANE, JACK	170691
22	DENNIS, ERNEST L	168935
22	DONNELLY, EDWARD E	2747
22	KRAGER, BLANCHE J	108790
22	MCCRARY, WAYNE	169986
22	MITCHELL, EARL	116050
22	O'DOCHARTY, RAY	9191
22	OWNSBEY, BILLEY J.	9190
22	RIENDL, JOSEPH R	171065
22	ROBERTS, ROBERT H	147509
22	SMITH JR, JESSE G	116327
22	SOWL, JERRY L	149645
23	AMERICAN CREEK PTRS	124688

Total Claims	Owner Name	L. A. S. C. I. D.
23	BOUNDARY EIGHT	9891
23	DEWAN, JOHN T	133758
23	FLAT CREEK MINING CO INC	171992
23	HART, DONALD S	173374
23	HEINZ, FRED E.	11709
23	LEACH III, JAMES B	115890
23	ODEGAARD, GLENN L	145204
23	PARENT, DAVID B	116215
23	ROSANDER, RONALD	170675
23	WILKINS, NORMAN	157243
24	BAGNELL, WALTER	186153
24	BAILEY, OSCAR H	185660
24	BILLINGS, HENRY CLARKE	163789
24	COUTTS, RICHARD W	132877
24	DELGADO, CHARLES R	133623
24	FENNIMORE, GEORGE	157552
24	GIBBS, DAVID D	136088
24	GUTHERT, DAVID	169567
24	KETCHEM CRK JV PARTNERSHIP	167144
24	KUBEK, JOHN	114952
24	MEDDERS JR, TOM B	115481
24	PARKER, DAVE	170131
24	PEEDE, PATRICK D	115793
24	PYNE, ERIC	8878
24	RANKEL, GENNY W	167119
24	STEWART, ROBERT L	150075
24	STOWELL, CHARLES W	114196
24	VOSS, DON	171795
24	WALKER, TOM	154532
24	WHITE, PAUL W	157671
24	WOLF, RAY D	115983
24	WOLFF, ROBERT VICTOR	160340
24	YOUNG, ROBERT V	170940
25	ABBAY, DENNIS J	10217
25	BLAIR, PAUL J	104512
25	EMPIRE EXP INC	9939
25	FOX, WILLIAM L	170619
25	GARRETT, DENNIS R	187037
25	GORDON, EARL H	136431
25	HINGST, LEANDER M	113459
25	HUDSON, CLIFF	105633
25	LEWIS, JERRY E	172068
25	LOSONSKY, STEVE	141988
25	MONZULLA, VINCENT C	115817
25	PATRICK, WILLIAM A	10215
25	ROSS, EDWARD T	170997
25	STOCKBRIDGE, OWEN B	104332
25	SUPERDOCK, GEORGE G	169336
25	TUNDRA EXPS	116137
25	WORTMAN, DEBRA J.	7838
26	ACKELS, TIFFANY	11859
26	BAKER, MARIE G	156317
26	DEGNAN, CAROLINE H	170828
26	DEGNAN, JOSEPH A	115738
26	KARR, RICHARD D	140026
26	LINES, LESTER	9049
26	PAVEY, MARION A	167220
27	AULT, ROBERT W	128989
27	GOLD EXPLORATION AND MINING COMPANY	9728
27	JAMES, WILLIAM P	159371
27	MORTERUD, WILLIAM C	9678
27	MYSTIC MTN MINING CO	126737
27	SEUFFERT JR, GEORGE W	102304
28	DART, JAMES C	133392
28	EAGAN, PETER	10216
28	GREEN, JOHN R	180408
28	GRINDLE, JON W	136777
28	HERNING MINING & EXPLORATION	171188
28	HICKOK, BRUCE	180640
28	LASPESA, JOSEPH S	164843
28	LEE, ROBERT E	141460
28	MCINTOSH, RICHARD LEE	143184
28	NORLUM, ROGER	168458

Total Claims	Owner Name	L.A.S. C.I.D.
28	WALSH, JOHN D	172633
28	WRIGHT, BERNARD D	169808
28	WRIGHT, BETTY D	169809
29	ANDERSON, BUD	173508
29	ARNOLD, BRONELL M	128882
29	ARNOLD, GLADYS N	115333
29	DARR, LOREN L	169944
29	HALL, PATRICIA	1012
29	HAYDEN, FOREST A	137677
29	HOPKINS, DAVID J	138596
29	JACOBSEN, JOHN	126143
29	MASSIE, PERRY	9520
29	MATTER, MARK	9610
29	MOFFITT, DOUG	10328
29	PARKER, HAROLD F	145628
29	PIONEER PLACER COMPANY	171112
29	RENSHAW JR, ANSON L	157680
29	STRANGE, PHILIP D	104163
29	STUGART, EDWARD R	150319
29	TURNER, JOHN L	151395
29	WILLIAMS, ANTHONY	179893
29	WOODS, FERREL LEE	170243
30	ANDERSON, TURY F	171102
30	BAILEY, SAMUEL RANDOLPH	170629
30	BIRDSALL, STEPHEN LEE	101418
30	COYLE, TOM	155119
30	KOCUREK, MARVIN	140684
30	KOUGAROK MINING COMPANY	126368
30	MISCOVICH, HOWARD P	143846
30	STARLIGHT COMPANY	170656
30	TAYLOR, TOMI B	159458
30	VANDERPOOL, ROBERT I	168146
30	VOGLER, JOSEPH E	115503
31	ANACONDA CO	124710
31	BELT, LEONARD U.	10662
31	GREER, BARBARA J	163916
31	KADOUN, ROY	10664
31	LIKINS, DAVID	172874
31	NORTHERN RESOURCES COMPANY	170584
31	PUSHCAR, JERRY	169792
31	PUSHCAP, MARILYN	169793
31	REYNOLLS, SHERMAN GEORGE	187836
31	SHERIDAN, CAROL L	9309
31	STEINHACKER, PAUL	149958
31	TAYLOR, LARRY R	150660
31	TRYCK, KEITH E	115972
31	WATTS, DONALD L	116145
31	WILLIAMS, RICHARD W.	10663
31	WILSON, STARKEY A	153016
32	BERING STRAITS NATIVE CORP	153844
32	BROCKMAN, JACK ALTON	130803
32	BURGIN, ROBERT A	131214
32	CASTLE, NANCY	170414
32	DEJONG, MARVA L	171350
32	GROVER, EDWIN M	173041
32	GUMAER, ROBIN C	136898
32	LUHRS JR, JAMES	171348
32	MANNS, JEFF	170517
32	MUNSELL, JAMES	157261
32	MUTO, MARIANNE R	6045
32	ROMAN, ROBERT I	165468
32	ROMAN, RONALD	165469
32	ROMAN, RUTH A	165467
32	ROMAN, WALTER E	115858
32	SNOW JR, PETER T	170720
33	CORNWALL, PAULA LANE	11552
33	DOLPHIN, KELLY	171470
33	DUNSHIE, KENNETH E	115999
33	HUMPHREY, HANK M	169946
33	OHMAN, BILL	115783
33	PARR, GLEN C	170513
33	REESF, WADE	171002
34	DUVAL CORPORATION	125524

Total Claims	Owner Name	L.A.S. C.I.D.
34	HAMBY, EUGENE A	170060
34	HUGHES MINING, INC.	10790
34	K.C. MINING COMPANY	9893
34	PANOLA ENERGY CORP.	10792
34	TORI MINES, INC.	10791
34	VAN MINING, INC.	10788
34	ZAISER, BERTHA M	11128
34	ZIMMERMAN, JOSEPH D	170886
35	MAXWELL, LESLIE L	114963
35	MAY SR, DONALD J	142856
35	SANDFORD RESOURCES INC	127353
35	THISTLE CREEK MINING CO	172207
35	WHEELER, JAMES P	115715
36	GEIGER, FRANK W	178923
36	INTERMOUNTAIN EXPLORATION INC	5938
36	KOROBKO JR, JOHN	115714
36	MAGNUSON, LLOYD	9357
36	ROCKSTAD, RONALD D	186807
37	ANDERSON, RALPH S	180917
37	MONROE, JOHN B	169523
37	NASON, RONALD F	170631
37	OGG, CHARLES J	170407
38	FIEDLER, WILLIAM H	135150
38	IPEX MINERALS INC	9659
38	MCGRANE, SEAN ROBERT	184520
38	OLSON, STEVEN L	170599
38	PACIFIC RIM MINING CO	165422
38	S & B MINING COMPANY	173619
39	ADAMS, JON S	128293
39	BOLT, ALEX W	179745
39	BRISTER, DONALD E	179134
39	DELTAK, INC	10097
39	MASSIE, R. L.	10477
39	O'KELLEY, LONZO L	145142
39	PETERSON, GREGORY A	169859
39	SMITH, JOSEPH MICHAEL	106959
39	STUDEBAKER, WILLIAM C.	184594
39	SWEETSIR, MICHAEL A	150493
40	CUDE, JAMES W	9695
40	GREER, RICHARD	163915
40	OX CO	170367
41	KRISTENSON, KENNETH	5128
42	BELL, BILLY LEE	169198
42	MANN'S FAMILY	172915
42	SHOPE, WES	170018
43	FREEMAN, CURTIS J	135585
43	JOHNSON, MYRTLE F	170797
43	JOHNSON, THOMAS	139624
43	LAWLER, JIM	7093
43	LEACH, ANN	173511
44	ACKELS, GAIL E	169267
44	BELISLE, ROBERT K	169256
44	BURNETT, GIL	2119
44	CONGDON, CARL J	132605
44	HENKINS, DALE E	170837
44	KNAPP, FRANK H	140602
44	NORTHERN BONANZAS	169537
44	TWEET, N B & SONS	151423
45	BEISTLINE, EARL H	129684
45	BLAKESTAD, RODNEY A	10061
45	HALLORAN, JIM	159504
45	HAYES, MICHAEL R	171898
45	RAMSTAD, S G	9432
45	ROBESON, VICKI LEA	105118
45	SMITH, JOSEPH R	171327
46	FITZGERALD, WILLIAM D	116049
46	HARRIS III, CHARLES D	137444
46	RINGSTAD, MARK B	110423
47	BELFIELD, JAMES	157364
47	FRY, CHARLOTTE	170369
47	LYON, CURT	172457
47	O'CARROLL, JOHN J	145103
47	PELKEY, DARRELL	170865

Total Claims	Owner Name	L.A.S. C.I.D.
47	WILKINSON, FRED D	115231
48	DEWITT, ESTILL	133771
48	ELECTRUM RESOURCES CORPORATION	9926
48	MURTO, ARNE W	163177
48	MURTO, INGRID	6044
48	NICHOLSON, DOUGLAS C	173997
48	NORTHWEST EXPLORATION INC	170368
48	RILEY, KENNETH R	7517
48	SWARTHOUT, RALPH	115674
48	WIETCHY, DANIEL M	152703
49	GEM EXPS CO	125772
49	HALL, FRED R	137085
49	MEINING, EINAR T	143428
49	SHAW, GILBERT A	170857
49	YOUNKER, PHIL A	9279
50	AWE JR, CHARLES J	179739
50	BRENNAN, JOHN	10923
50	D2 EXPLORATION	171159
50	GALLAGHER, KEVIN C	115989
50	GALLAGHER, PAUL E	135796
50	LEMONS, ALBERT D	8028
50	WORTMAN, MARTIN D	7836
51	EBERHARDT, DAVID A	101349
51	MCPHERSON, ROGER	168770
51	RECOVERY SYSTEMS INC	169514
51	TUNGSTEN INC	11765
51	WETLESEN, THORLEIF B	164612
52	ALAMIN MINING CORP	171921
52	EAGAN, DAN F	134342
52	HEATHERLY, GLENN	125975
52	TAYLOR, JUNE M	165415
54	PAXTON, DAVID E	116156
55	BRISK, MARVIN J	11584
55	BUCKLEY MINING & MFG COMPANY	169920
55	FOSTER, NEAL R	135463
55	HUNT, HOWARD J	138932
55	PARKER, HAROLD F	158790
55	SAYER, PHILIP	114831
55	TWOGOOD, ALEX	10203
56	AK AGRIL LIMESTONE & CEMENT	179148
56	GOODSON, GARY DUANE	173538
56	KOTTER, MARK G	171770
57	BATTLE MOUNTAIN GOLD CO	186159
57	DUTCH CREEK MINING CO	125521
57	MITCHELL, RODNEY D	115785
57	PEPLER, WAYNE M	170377
58	HANSEN, MIKE	9657
58	MANNS, MONTY	170933
58	SNYDER, DONALD L	172145
59	DELONG, DAVID FRANCIS	164991
59	DELONG, THOMAS P	161456
59	LARSON, SHERRY LEE	171448
59	RUSSELL, CARL A	5141
59	SLAYTON, VERN W	154629
59	WILMARTH, RICHARD C	115660
60	CINNABAR CREEK ALASKA, INC	9010
60	ELLIS, EDWARD E	171016
60	HAGGLAND, PETE	137010
61	ALR COMPANY	171769
61	LUNDGREN (ESTATE OF), JAMES	142132
61	WILKES, FRED M	170239
61	WYLIE, JAMES R	153446
62	HOWELL, FLOYD	138747
62	REGAN, JOHN E	180108
63	CURRIER, DOYLE E	107109
63	HARTMAN, MICHAEL GEORGE	137537
63	PEEDE, PATRICK D	169755
63	WHITE, PAUL W	169754
64	BARELKA, ARLINE	129316
64	HAYES, HOWARD C	171900
65	BLAIR ENTERPRISES	124968
65	GOLDEN ZONE, INC	9950
66	DOYON LTD	153849

Total Claims	Owner Name	L.A.S. C.I.D.
66	JONG, CHERYL	7893
66	TWEET, ELIZABETH S.	7894
67	ACKLES, J	10712
67	MANN, MICK	170515
67	ROWLEY, DONALD R	108702
67	TAYLOR, ARLEY R	114970
69	KENNECOTT CORPORATION	124908
69	MCMASTER, LARRY	172067
69	ROBERTS, ROGER L	169408
70	REGAN, JAMES L	115792
71	BYRD, DICKIE L	131444
71	ROBINETT, JOHN T	171328
71	RUSSELL, ERNEST C	3740
72	BUTLER, EDWARD O	174867
72	LARSON, MARVIN A	173745
73	GREENE, EDITH A	172611
73	HEINZ, FRED	169360
73	HEINZ, MARK	169361
73	SKIDMORE, DONNA GENE	172572
75	MURRAY, BARRY G	171018
76	ENSERCH PROCESSING PARTNERS LTD	5908
77	MANN, CECILIA	142471
77	O'RILEY, ROGER	9999
77	SOUTHERN, RON	10390
78	LAVENDER, STELLA DARLENE	157249
78	THURNEAU, JOSIE	173259
79	SKIDMORE JR, SAMUEL C	170226
80	BLACK, GERALD D	130085
80	MASSIE, GEORGE	169373
81	SINKOLA, GARY L	149106
82	BERG, RHINEHART M	115589
82	LIVENGOOD GOLD MINES INC	172705
83	ALEXANDER, CLIFFORD D	124649
83	CARMODY, DOYLE V	9681
83	COBEN SR, DANIEL K	116330
83	HOWELL, CHARLES E	9491
83	KILFOYLE, PATRICK O	172444
83	NYE, DANIEL A	11682
83	PHILO, ANNA B	115039
83	TINGLEY, JEFFREY B	170262
84	BELFIELD, KEHAULANI	10922
84	GETTY OIL COMPANY	171765
84	GUTHRIE, H. PAUL	170409
84	JENSEN, DANIEL D	139353
85	ENSERCH EXPLORATION INC	153730
85	UPPER SUSITNA MINERALS INC	172735
86	AMEND MINING CO	124684
91	LITTLE SQUAW GOLD MINING CO	126440
92	HOLITNA BASIN MINING& EXPL., INC.	8908
92	INMACHUK GOLD CORP	170877
94	JACOBSON, JOHN	181176
94	LARSON, EDNA C	169283
94	SILVERADO MINES INC	187388
94	YUPIK LAND & EXPLORATION	11110
96	BOLSTRIDGE, BASIL S	130287
96	BYRON, THOMAS F	115037
96	OSBORNE, RICHARD HAZELET	161295
96	STINEHOWER, DOUGLAS C	154201
96	WEILAND, LAURENCE	154297
97	JOHNSON, GEORGE	171024
98	KNUDSEN, LOUIE W	140657
98	PALKOVITCH, Y	8889
101	ACKELS, DEL	169266
101	SHEPARD, M DENNIS	161932
102	WOODRUFF, CHARLES B	153293
107	RYBACHEK, ROSALIE A	170478
107	RYBACHEK, STANLEY C	147984
109	CHENA MINING COMPANY	171189
112	B COMPANY	167686
112	PETERSON SR, JOSEPH	146076
112	VIKING EXPLORATION, INC.	10301
115	MUD CREEK MINING CO INC	114731
116	NORTH COAST MINING INC	155432

Total Claims	Owner Name	L.A.S. C.I.D.
117	THURNEAU, NEIL	151022
119	GCO MINERALS COMPANY	169711
121	DEL ORO CORPORATION	173383
125	RUPPERT, HAROLD H	169592
125	TEEUWEN, WALTER L	157389
127	CLAYSON, JAMES	171191
128	MARLEY, MICHAEL	173762
130	LARSON, LOREN J	170224
131	DONNELLAN, BARRY	9611
131	NORTHERN MINING AND MINERALS	171416
132	BURROW, WILBERT E	131324
132	WARNER, HELEN	114715
136	HARTT, ROBERT D.	9480
137	BLAIR, BOYD J	115741
138	BARELKA, PAUL I	112209
138	BOULDER CREEK MINING COMPANY	115773
138	MOHAWK RESOURCES AK INC	169506
140	HUNT OIL CO	170366
142	KNUDSON, RICHARD	173546
142	PHELPS DODGE CORP	173114
142	YUKON VALLEY MINES, INC.	7048
144	LOFSTEDT, VERNON L	4282
148	GEORGE, ROY THOMAS	160383
159	ON-LINE EXPLORATION SVCS INC	169407
160	MURTC, ARNE W	170960
161	GIBSON, ELLEN	136116
166	CACY JR, ROBERT J	101439
169	HARTT, JUDITH D	9177
171	SHEARDOWN, RONALD C	148759
174	KINZOKU, INC.	11921
177	GOODSON, RICHARD	169342
177	HARTT, JOHN	8844
179	M & W ASSOCIATES	173470
179	RAMSEY, JOHN P	146861
179	RYERSON, JAMES G	172268
180	COCHETAS, GEORGE S	9701
181	PETERSON, JOSEPH	171190
182	POWERS, WILLARD B	169591
184	C & J ENTERPRISES	9493
184	CONTRACTORS EQUIPMENT CORP.	9496
188	AL-VON MINING CO INC	124619
188	HORNER TRUST, GEORGE	138634
194	HANSEN, JAMES H	104311
194	HANSEN, KATHLEEN LOIS	104439
196	GRIFE, REGGIE J	136725
204	NORANDA EXPLORATION INC	126825
216	MITCHELL, JOHN R	168811
227	LOVELESS, ROBERT M	171320
227	RUBEL, JOHN D	171319
230	KNAEBEL, JEFF	140594
237	RANGE MINERALS CORP	127196
248	RICH VALLEY RESOURCES LTD	7287
271	PETERSON, GARY J	165860
275	GIBSON, WAYNE	114996
277	BUSK, RICHARD L	158413
282	VOSS, JAMES W	157706
284	AMAX GOLD INC.	8929
308	STOCKMAN EXPLORATION & DEV CO	169884
336	FAIRBANKS EXPLORATION INC	180921
347	VETTER, ROUDOLPH	157378
374	TAYLOR, JOSEPH	157403
376	KCKIBBEN, HARLEY R	104936
392	BUSK, L R	172018
477	VETTER, ADOLPH	157388
503	SPHINX AMERICA INC	9808
508	WESTERN GOLD EXPL & MINING CO	10218
521	VETTER, GRACE E	157387
559	GREATLAND EXPLORATION LTD	125882
569	AMERICAN COPPER AND NICKEL CO	10911
678	HOUSTON OIL & MINERALS EXP CO	169714
701	TRI-VALLEY CORP	9658
703	WGM INC	157303
832	SESSKIN, NEIL	171606

Total Claims	Owner Name	L.A.S. C.I.D.
898	HASKINS, PAT	171605
1039	ATLANTIC RICHFIELD COMPANY	169397
1167	PRESTON, JOHN HENRY	8612
2025	COMINCO ALASKA	169802
2973	NERCO EXPLORATION COMPANY	155299
3217	COOK INLET REGION INC	125310
3330	BOLSTRIDGE, BASIL S	161770
3330	PARTEE, BEVERLY	11701
3493	PARTEE, TOMMY S	101204
3524	BOLSTRIDGE, ELIZABETH W	161771

OWNERS OF ACTIVE MINING CLAIMS
As of 12/31/88, Alpha Order

L.A.S. C.I.D.	Owner Name	Total Claims
187387	A M M	4
8895	A.T.E. INVESTMENT GROUP	5
10217	ABBEY, DENNIS J	25
173315	ACHING BACK MINING CORP	9
169266	ACKELS, DEL	101
169267	ACKELS, GAIL E	44
11859	ACKELS, TIFFANY	26
10712	ACKLES, J	67
171906	ACKMANN, LARRY E	1
103936	ADAMS, DAVID D	4
9688	ADAMS, DIANA	1
128293	ADAMS, JON S	39
184300	ADAMS, KELDON	6
950	ADLER, KEVIN M	22
8909	ADLER, KERRY M	20
170542	AFFLECK, MIKE	1
179148	AK AGRIL LIMESTONE & CEMENT	56
180942	AK EMPIRE GOLD MINING CO INC	4
124522	AK MLNG & METALLURGICAL CO INC	7
10717	AKELKOK, JOHN	5
10716	AKELKOK, LORETTA	5
128371	AKLESTAD, JUDITH	13
171840	AKLESTAD, RONALD P	13
124619	AL-VON MINING CO INC	188
171921	ALAMIN MINING CORP	52
173023	ALASKA AGLIME AND CEMENT CO	12
173489	ALASKA APOLLO GOLD MINES LTD	6
106341	ALASKA ENERGY CORP	9
106350	ALASKA EXPLORATION CORP	17
11071	ALASKA GOLD INC	6
124494	ALASKA GOLD CO	8
7771	ALASKA METAL CORPORATION	21
8765	ALASKA MUTUAL BANK	5
171441	ALASKA PETROLEUM & MINING INC	3
171506	ALASKA VENTURES	10
10132	ALASKA-JUNEAU FOREST IND., INC c/o BANK OF CA	4
9782	ALASKO GOLD INC	6
8931	ALBERT, DENNIS	4
9296	ALBLINGER, BRETT	1
9295	ALBLINGER, STEPHEN	1
179786	ALBRECHT, ANDREW B	19
171492	ALDRICH, JIM	1
158943	ALDRICH II, JAMES W	3
124649	ALEXANDER, CLIFFORD D	83
128431	ALEXANDER, DEVON' E	4
11411	ALEXANDER, HELEN ELAYNE	4
11410	ALEXANDER, RALPH THOMAS	4
167816	ALEXANDER, THOMAS E	22
128465	ALLEMAN, JOHN F	16
172473	ALLEN, LINDA L	2
172474	ALLEN, WILBURN V	2
171365	ALMASY, THEODORE J	8
172716	ALMDALE, EARL W	3
172718	ALMDALE, JOANNE	2
128522	ALMQUIST, KENT E	1
171769	ALR COMPANY	61
8929	AMAX GOLD INC	284
124684	AMEND MINING CO	86
10911	AMERICAN COPPER AND NICKEL CO	569
124688	AMERICAN CREEK PTRS	23
180791	AMERICAN CREEK JOINT VENTURE	3
6866	AMES, ROBERT D. JR.	3
124710	ANACONDA CO	31
173508	ANDERSON, BUD	29
167329	ANDERSON, ERLING A	4
128628	ANDERSON, ESKIL	19
10425	ANDERSON, GERALD	15
171179	ANDERSON, RANDI M	15
180917	ANDERSON, RALPH S	37
8932	ANDERSON, ROBERT	4
9692	ANDERSON, RON	10

L.A.S. C.I.D.	Owner Name	Total Claims
171102	ANDERSON, TURY F	30
171230	ANDERSON, TURY GARTH	15
115806	ANDERSON, WAYNE S	22
128724	ANDERSON, WHITTEN H	20
114949	ANDRESEN, CARL IRVING	15
172441	ANDRESEN, JOHN R	20
10214	ANELON, SAVA	2
173571	ANNASARA ENTERPRISES	1
10421	ANTHONY, ROBERT MARK	16
171266	AOS MINING & ENGINEERING	6
4667	APPLEBEE, ROBERT	3
124782	ARCTIC MISSIONS INC	1
116003	ARNETT, LESLIE	4
128882	ARNOLD, BRONELL M	29
115333	ARNOLD, GLADYS N	29
4062	ARTERBURN, WILLIAM N	1
116033	ASHBROOK, DANIEL E	1
10255	ATHERLY, NORMAN	1
169397	ATLANTIC RICHFIELD COMPANY	1039
180252	ATLEE, DAVID	15
184444	ATTWOOD, WILLIAM	17
170481	AU MINING INC	1
128989	AULT, ROBERT W	27
124831	AUSTIN, E C	2
157788	AUSTIN, JEFFERY M.	2
172706	AUSTIN, JEFF	1
179739	AWE JR, CHARLES J	50
171848	AYER JR, BRUCE E	2
174121	AYSON, RUDY	5
167686	B COMPANY	112
171762	B O MINING CO	10
173103	B P MINING	12
157372	B-S MINING	1
8996	BABB, DONALD QUENTIN	1
8907	BABCOCK, DONNA L	7
124857	BABCOCK, JACK GARDNER	3
172662	BABCOCK, MICHAEL F	7
171913	BABCOCK, PATRICIA RAE	5
8906	BABCOCK, RODNEY E	7
186153	BAGNELL, WALTER	24
180593	BAILEY, JAMES K	1
185660	BAILEY, OSCAR H	24
170629	BAILEY, SAMUEL RANDOLPH	30
172570	BAKER, GLENN F	2
173267	BAKER, KAYE CORY	1
156317	BAKER, MARIE G	26
157435	BAKER, RAY S	1
11655	BALDWIN, CLYDE	5
178913	BALDWIN, CLAYTON D	4
174170	BALDWIN, JAMES D	2
173684	BALL, BONNIE J	3
170339	BARANAUSKAS, WILLIAM D	10
10100	BARBER, MARY ANN	4
170031	BARD, MATTHEW J	17
129316	BARELKA, ARLINE	64
112209	BARELKA, PAUL I	138
129333	BARNARD, EARL R	1
11742	BARR, SYLVIA	2
129419	BARRON, DENNIS L	8
3571	BARRON, MAY	8
173978	BARRY, MARY JANE	1
11577	BARSTOW, WILLIAM L.	1
115609	BASKIN, LANCE	2
169404	BASS, CHARLES	1
170858	BASS, NICKY	7
9360	BATCHOLDER, MIKE	1
151103	BATEMAN, MARLENE J TITUS	12
172066	BATEMAN, PAUL L	2
178974	BATT, LARRY R	7
186159	BATTLE MOUNTAIN GOLD CO	57
10256	BATTY, BEN	1
6361	BAUER, TOD A	3
129508	BAUGHMAN, ERROL G	3

L.A.S. C.I.D.	Owner Name	Total Claims
174051	BAUGHMAN, SHIRLEE A	1
171887	BAUMER, RONALD M	6
124906	BEACH RIVER CORP	1
180030	BEAN, CHRIS	9
180034	BEAN III, ROBERT E	9
9301	BEATON, LAURETTA MAY	15
171850	BEAVER, MARY P	8
11499	BEERS, ROY	17
173854	BEGICH, NICHOLAS J	3
129684	BEISTLINE, EARL H	45
171885	BELARDE, C S	1
173837	BELENSKI, ALMA JEAN	1
173836	BELENSKI, HARVEY F	1
157364	BELFIELD, JAMES	47
10922	BELFIELD, KEHAULANI	84
169256	BELISLE, ROBERT K	44
169198	BELL, BILLY LEE	42
173993	BELL, BLAKE	7
9299	BELL, CHET	1
165120	BELL, WILLIAM E	1
10662	BELT, LEONARD U.	31
162976	BENERTH, AL L	1
162977	BENERTH, SHERAN L	1
7636	BENSON, EDDIE L.	2
10445	BENSON, RODNEY A	9
131560	BENZEL, RUSSELL KEITH	2
115589	BERG, RHINEHART M	82
129852	BERGLUND, ARTHUR A	4
181416	BERGLUND, JEANNE S	4
116007	BERGMAN, THOMAS W	21
153844	BERING STRAITS NATIVE CORP	32
169900	BERRY, MICHAEL	13
157211	BERRY JR, TED L	1
178983	BERTRAM, BETTY L	2
178982	BERTRAM, KENNETH P	2
129945	BETTISWORTH, ROBERT H	5
173225	BETZ, RICHARD EARL	11
158860	BEVARD, KEITH EUGENE	3
172756	BEVARD, LINDA M	3
9959	BICKEL, BOBBY D	8
157556	BICKFORD, REGGIE S	3
172686	BIDDLE, JOHN C	3
103147	BIEDERMAN, CHARLIE R	7
169241	BILDERBACK, ED E	3
170240	BILL, GREGORY	3
163789	BILLINGS, HENRY CLARKE	24
172412	BILLMAN, DANNY B	4
172411	BILLMAN, PATRICIA E	4
130027	BINKLEY, JAMES L	2
172038	BIRCHELL, DAVID M	4
124959	BIRD CREEK MINING CO INC	5
101418	BIRDSALL, STEPHEN LEE	30
116226	BIRKLID, NAIMY J	5
130038	BIRKLID, RONALD L	5
130085	BLACK, GERALD D	80
10428	BLACK, HARVEY D.	1
158549	BLACK, JERALD D	19
124966	BLACK CREEK MINING CO	3
171166	BLACKWELL, GREGORY B	1
5221	BLADE, FREEMAN	1
115741	BLAIR, BOYD J	137
104512	BLAIR, PAUL J	25
124968	BLAIR ENTERPRISES	65
9878	BLAKE, T S	7
10061	BLAKESTAD, RODNEY A	45
115662	BLASINGAME, WALLACE E	9
9992	BLONDE, JAMES	22
172516	BLONDEAU, ROBERT WAYNE	2
9349	BLOOM, DEBORAH J	1
9348	BLOOM, RONALD E	1
115887	BLUEBIRD ASSOC INC	3
9654	BLYSTONE, F. LYNN	4
170917	BOLES, BARBARA A	1

L.A.S. C.I.D.	Owner Name	Total Claims
170482	BOLES, JOSEPH WM	6
170851	BOLES, JOHN	11
130287	BOLSTRIDGE, BASIL S	96
161770	BOLSTRIDGE, BASIL S	3330
161771	BOLSTRIDGE, ELIZABETH W	3524
179745	BOLT, ALEX W	39
7727	BOMBERGER, GARY D	4
170020	BONHAM, STEVE A	1
173718	BOOKOUT, WILLIAM DON	3
9952	BORELLO, RAY D.	13
10312	BORNAND, R.	8
172049	BOSCHE, BERNARD B	1
169707	BOTNAN, TED R	18
180738	BOTTASCH, DON	1
115773	BOULDER CREEK MINING COMPANY	138
9891	BOUNDARY EIGHT	23
130430	BOWEN, CHARLES R	2
130446	BOWERS, NANCY LEE	6
130447	BOWERS, RALPH H	6
107310	BOWNE, ARDEN R	1
115550	BOYD, JACK	11
11928	BOYD, MARYLOU	2
166621	BPS INC	9
169269	BRADFORD JR, CHARLES R	14
180191	BRADLEY, MARTI	1
170170	BRADSTREET, ARLO M	8
8983	BRADY, MARK	5
173490	BRAGG, DONALD E	14
130565	BRAGG, MICHAEL D	16
9957	BRATTEN, DUANE	1
170432	BRATTEN, MICHEAL J	8
1548	BRATTON, PAUL	11
172154	BRAUN, JOEL H	4
186575	BRAVO, MARIO M	2
170824	BREID, JAMES D	2
178521	BREEDLOVE, DOROTHY	7
10923	BRENNAN, JOHN	50
172739	BREWER, BILL	8
11115	BRIDGES, COY RAY	21
11114	BRIDGES, JAMES A.	21
11584	BRISK, MARVIN J.	55
174196	BRISKE, DEAN	15
179134	BRISTER, DONALD E	39
107425	BROCK, JACK M	1
130803	BROCKMAN, JACK ALTON	32
158796	BRODERSEN, KELVIN C	10
170770	BRODIS, JUDY	5
170769	BRODIS, ROGER	6
130836	BRONSON, ROBERT L	2
171702	BRONSON, ROSE	1
169825	BROOKS, RONALD ALAN	5
157437	BROWN, BONNIE WARD	1
10311	BROWN, C.	8
9347	BROWN, CURT	20
130885	BROWN, DARLENE E	1
174168	BROWN, DARLENE J	7
155994	BROWN, DENNIS K	11
130914	BROWN, JAMES F	19
101433	BROWN, MARVIN G	2
180545	BRUHN, OPAL JUNE	1
174265	BRUMFIELD, JAMES RUDY	2
173750	BRUNER, CHUCK	1
171890	BTW MINING & EXP CORP	7
9841	BUCHHOLZ, GARY	3
167948	BUCK, DARRIN	1
4177	BUCKLES, HOMER	1
170919	BUCKLEY, DOUGLAS B	8
169920	BUCKLEY MINING & MFG COMPANY	55
5198	BUFFAS, EDNA	3
169161	BUGLI, JOHN P	2
3893	BUILDERS MILLWORK SUPPLY, INC	20
131147	BULLWINKLE, WALTER H	3
8328	BUMGARDNER III, MARION A	3

L.A.S. C.I.D.	Owner Name	Total Claims
180929	BURCH, WILLIAM J	8
165562	BURGEIS, DEAN J	10
116067	BURGGRAF, ROGER C	18
131214	BURGIN, ROBERT A	32
180462	BURKETT, BETTY ANN	5
171298	BURKETT, RICHARD G	5
131250	BURLEIGH, ROGER E	5
131268	BURNETT, DONALD	8
2119	BURNETT, GIL	44
155481	BURNS, JOHN F	5
131310	BURR, DELBERT R	14
9257	BURR, FRANK	1
9256	BURR, NONA J	1
131324	BURROW, WILBERT E	132
8903	BURTON, JEFFREY	4
172018	BUSK, L R	392
158413	BUSK, RICHARD L	277
174867	BUTLER, EDWARD O	72
180937	BUTZKE, FRANCES R	2
131419	BUZBY, BOB	2
9576	BUZBY, DENNIS	3
165152	BUZBY, RICHARD J	1
165153	BUZBY, SAUNDRA L	1
131444	BYRD, DICKIE L	71
115037	BYRON, THOMAS F	96
9493	C & J ENTERPRISES	184
101439	CACY JR, ROBERT J	166
170104	CAMPBELL, CALVIN K	4
171587	CAMPBELL, CHARLOTTE M	4
104890	CAMPBELL, DAVE	1
115516	CAMPBELL, ROBERT H	4
7605	CANNADY, MARTHA	1
10290	CANNON, KIB P	3
103336	CANNON, PHILIP JAN	10
172044	CAPE YAKATAGA MINES LTD	2
10987	CARIBOU MINING	9
154533	CARIE, JOE RAPHAEL	15
154392	CARLIN, STEPHEN J	2
131704	CARLSON, LYLE R	1
131687	CARLSON, ROBERT DENNIS	1
104429	CARLSON-THIBEDEAU, JANINE E	8
157950	CARLSON-TOMSHA, ANITA LOUISE	8
9681	CARMODY, DOYLE V	83
115857	CARNELL, DON H	6
170659	CARPENTER, DAVID H	7
170660	CARPENTER, GREGORY D	4
167619	CARTER, LEE MERRITT	2
131844	CASE, HARVEY E	9
174021	CASSIDY, STEPHEN A	15
170414	CASTLE, NANCY	32
180132	CASWELL, JOHN	4
131897	CATE, STEVE E	5
4591	CAVICCHI, DONNA LEE MARGARET	4
11545	CAVICCHI, DONALD F	4
173301	CEDENO, ROBERTO	7
9224	CHAMBERS, FREDERICK J	8
9223	CHAMBERS, JUDITH	8
8755	CHAMBLISS, ELLIS DUANE	2
8756	CHAMBLISS, MICHAEL DUANE	1
131989	CHAPLIN, LARRY D	4
10175	CHARTER RESOURCES, INC.	4
184736	CHARTRAND, G. M.	1
10394	CHARTRAND, MIKE	11
172085	CHEESEMAN, DORECE R	3
172083	CHEESEMAN, WILLIAM A	3
178990	CHEESMAN, GARY	16
171189	CHENA MINING COMPANY	109
10769	CHENEY, JANET L	1
11672	CHILDRESS, RICHARD L	1
9976	CHILDS, TIM	3
9581	CHRISTENSEN, CHARLENE	1
9582	CHRISTENSEN, CLINTON	1
172749	CHRISTENSEN, DARREL W	9

L.A.S. C.I.D.	Owner Name	Total Claims
9580	CHRISTENSEN, K C	1
154346	CHRISTIAN, STEPHEN B	15
166742	CHRISTIE, KNOX N	1
166743	CHRISTIE, LORENA N	1
9902	CHRISTOPHERSON, M E	1
173417	CHURCHES, LEROY	2
171014	CHURCHWELL, ROY	8
9010	CINNABAR CREEK ALASKA, INC.	60
173096	CINTULA, BRANDON J	4
132225	CINTULA, JOHN L	4
104769	CINTULA, PATRICIA A	4
173097	CINTULA, SCOTT W	4
125217	CIRCLE MINING CO	17
11488	CITIGOLD ALASKA INC.	2
9956	CITY & BOROUGH OF JUNEAU	1
171061	CLARK, BOYD W	16
115973	CLARK JR, ROBERT V	4
171876	CLAY, BARRY LLOYD	12
171877	CLAY, HOPE EMIKO	12
171191	CLAYSON, JAMES	127
114978	CLEVELAND, CHARLES W	5
171220	CLEVELAND, ELOISE V	2
157371	CLIFT, SUSAN E	1
169418	CLINE, HENRY CURTIS	6
132409	COBB, LES	7
8830	COBB ENTERPRISES	7
115868	COBEN JR, DANIEL K	6
116330	COBEN SR, DANIEL K	83
9701	COCHETAS, GEORGE S	180
9804	CODDINGTON, MARY LOU	6
171771	COLBY, MARK A	16
172939	COLLEY JR, CECIL	5
11958	COMER, LEO	3
169802	COMINCO ALASKA	2025
116217	COMPTON, BEN D	5
132605	CONGDON, CARL J	44
9617	CONKLIN, DAVID A	1
9618	CONKLIN, DONNA J	1
172590	CONNELLY, A J	3
170766	CONNELLY, RYAN E	9
172011	CONNER, ARTHUR E	2
169736	CONNER, MICHAEL A	19
170499	CONSHAFTER, KENT T	8
9496	CONTRACTORS EQUIPMENT CORP.	184
132662	CONWAY, CAROLE L	11
115665	CONWAY, JAMES PATRICK	4
182072	COOK, JOHN PATRICK	1
9656	COOK, ROB	6
125310	COOK INLET REGION INC	3217
168934	COPE, ROGER	7
171861	CORBIN, DOUGLAS L	7
171862	CORBIN, R L	18
154923	CORE, MARY WHITMORE	2
171903	CORK, DENNIS	10
11552	CORNWALL, PAULA LANE	33
115707	CORNWALL, TOM	5
132827	COTE, LAWRENCE A	11
132877	COUTTS, RICHARD W	24
170486	COUTURE, MICHAEL J	3
173529	COX JR, JOSEPH L	1
155119	COYLE, TOM	30
115730	CRAIG, ROBERT L	7
179875	CRAMPTON, DONALD L	1
11204	CROPPI, BARNEY	2
10185	CROSS, ROBERT D.	3
125373	CROWN MINERALS	2
173050	CROWS NEST MINING	6
9695	CUDE, JAMES W	40
170691	CULHANE, JACK	22
10909	CULLETT, DUANE A	1
171049	CULLETT, THERESA A	5
6335	CUMER, ALEX	1
9086	CUNNINGHAM, CHARLES E	3

L.A.S. C.I.D.	Owner Name	Total Claims
173683	CURNAN, CHRISTOPHER J	6
173599	CURNAN, MARTIN J	13
107109	CURRIER, DOYLE E	63
133195	CURRINGTON, RICHARD	7
11922	CUSHMAN, DOUG	2
170821	CUYLE, JOHN A	3
173530	CZARNECKI, CLYDE A	15
171159	D2 EXPLORATION	50
174041	DAFOE, NEAL	1
116195	DAHL, JAMES C	12
172309	DALE, DEBBIE	11
169768	DALE, JAMES	5
9848	DANGERFIELD, JOEL	1
133354	DANIELS, LEE	6
169944	DARR, LOREN L	29
169954	DART, CHARLES W	1
133392	DART, JAMES C	28
133390	DART, JOHN REED	7
176148	DAUTRICH, JEFFREY W	16
174224	DAVAULT, GLENN	21
165560	DAVID, BOBBY L	15
4978	DAVID, JUDY	15
115866	DAVIES, JAMES M	6
10470	DAVIS, BILLY MAC	1
170361	DAVIS, DIANE F	7
133496	DAVIS, EDWARD LLOYD	17
170362	DAVIS, JOHN	10
133480	DAVIS, ROSEMARIE	7
170928	DAVIS, ROBERT A	9
173636	DAVIS, ROSS C	1
109583	DAVIS, T NEIL	7
167691	DECAMILLO, LYN C	12
11542	DECKER, ROY A	1
9583	DEFORÉ, ROBERT	1
173202	DEFRANG, IRENE M	2
115050	DEFRANG, WILLIAM K	4
170828	DEGNAN, CAROLINE H	26
115738	DEGNAN, JOSEPH A	26
171350	DEJONG, MARVA L	32
8963	DEL, DENNIS A	1
173383	DEL ORO CORPORATION	121
133623	DELGADO, CHARLES R	24
164991	DELONG, DAVID FRANCIS	59
161456	DELONG, THOMAS P	59
9361	DELTA RESOURCES	12
10097	DELTAK, INC	39
171208	DEMOSS, RAYMOND A	11
170024	DEMPSEY, GARY E	16
116408	DENKER, CHRIS B	3
168936	DENNIS, ANNIE L	18
168935	DENNIS, ERNEST L	22
172272	DESALERNOS, MATT	5
170985	DEVAULT, ROBERT E	6
105378	DEVILLE, HUEY	14
155800	DEVORE, BRUCE HALE	1
6220	DEWAN, HELEN E	11
9574	DEWAN, JASON T	4
133758	DEWAN, JOHN T	23
133771	DEWITT, ESTILL	48
173491	DICKENS, RICHARD	14
9925	DICKERSON, JOHN L	1
171051	DICKEY, HARVEY R	2
171800	DINGMAN, CLIFFORD CARL	2
170667	DIONNE, PAUL H	12
170668	DIONNE, SUSAN M	5
10471	DISSHON, DENNIS J	1
171470	DOLPHIN, KELLY	33
10188	DOLPHIN, KIM	4
172656	DOMRES, ELLSWORTH E	18
172657	DOMRES, HILDEGARDE R	13
125493	DONALD J MAY ASSOCIATION	21
9611	DONNELLAN, BARRY	131
2747	DONNELLY, EDWARD E	22

L.A.S. C.I.D.	Owner Name	Total Claims
8869	DORAN, JAMES	4
172270	DORY, JIM A	5
153849	DOYON LTD	66
134089	DOZETTE, MICHAEL	15
10880	DRASHASH, DAVID	3
165876	DRAPER, DANIEL D	21
134111	DRAVELING, LARRY J	1
178215	DREW, DENNIS H	18
170961	DUEBELBEISS, MARTIN	16
168710	DUGGER, MICHAEL B	4
11543	DUNHAM, JOSEPH C.	2
171660	DUNHAM, JOHN H	13
106599	DUNLAP, JAMES C	4
115108	DUNN, RODERICK E	5
157325	DUNNELL, JERRY A	2
169412	DUNSHIE, JACK	19
115999	DUNSHIE, KENNETH E	33
172802	DURFEE, ROBERT BARDETT	1
125521	DUTCH CREEK MINING CO	57
4772	DUTHIE, RAY	3
4771	DUTHIE, RICHARD E	4
125524	DUVAL CORPORATION	34
134342	EAGAN, DAN F	52
172652	EAGAN, DANIEL PETER	4
10216	EAGAN, PETER	28
154643	EARLES, HAROLD	3
170842	EAVES, WILLIAM L	1
5196	EBENAL, DOUG	4
101349	EBERHARDT, DAVID A	51
2995	ECHO BAY EXPLORATION, INC.	2
166730	EDDY, R SCOTT	1
10700	EDDY, TIM A	1
10699	EDDY, TYLER A	1
172013	EDGERTON, ROGER G	2
134500	EICHMAN, ROGER K	20
181482	EKLUND, NEIL K	3
9926	ELECTRUM RESOURCES CORPORATION	48
158161	ELLINGSON, ALICE	18
171016	ELLIS, EDWARD E	60
165214	ELLIS, JENNIE L	1
134612	ELLS, CLIFFORD D	1
155882	EMERSON, ROBERT CLIFFORD	8
9939	EMPIRE EXP INC	25
157789	ENGFER, LOWELL D	15
153730	ENSERCH EXPLORATION INC	85
5908	ENSERCH PROCESSING PARTNERS LTD	76
9362	ENSIGN, FRED	1
171866	ENSTICE, EUGENE W	1
158167	ENSTICE III, FRANK E	2
171164	ERICKSON, BRUCE	12
8994	ERICKSON, CARL	3
9586	ERICKSON, DONALD	1
162311	ERICKSON, KENNETH N	3
9572	ERICKSON, MARK C.	2
154218	ERICKSON, NORMA I	3
134770	ERICKSON, RICHARD F	12
134789	ERICKSSON, SVEN	6
115964	ERIKSON, FRED I	4
172601	EVANS, GAIL M	1
172156	EVANS, GEORGE S	1
10000	EVANS, KRISKA	1
9137	EVANS, MARTY	12
172600	EVANS, PHILLIP L	1
11539	EVEN, DANIEL L	6
11540	EVEN, RHONDA	6
164195	EVENSON, JEFFREY EARL	1
7620	EVERSOLE, JOHN J	5
173738	EVERTS, RAY	12
171254	EWING, JAMES D	1
171256	EWING, LINDA L	1
187935	EXPLORATION VENTURES	2
169392	FAA, TOM	7
115318	FABRIZIO, JERRY L	9

L.A.S. C.I.D.	Owner Name	Total Claims
7958	FAIR, JAMES REX	1
9990	FAIRBANKS, GRANT	4
9997	FAIRBANKS, GRANT	7
180921	FAIRBANKS EXPLORATION INC	336
180658	FAIRBANKS MINING COMPANY	3
127915	FAIRBANKS,UAK	2
171360	FAIRVIEW MT GOLD INC	10
172625	FALLDORF, LARRY	6
9880	FARMER, CHARLES E.	12
184398	FARMER F, LARE FAYE	1
12027	FARNHAM, GARRY RAY	1
168927	FARRAR, RAY G	11
115484	FASSLER, HERBERT F	15
187702	FATEJR, HUGH B	4
135070	FELDMANN, GARY	8
157552	FENNIMORE, GEORGE	24
107574	FERGUSON, RAY W	1
172263	FERIANI, RALPH B	1
170654	FERN GOLD MINING COMPANY	15
135121	FERREE, STEVEN D	13
171005	FERRENBACH, CHERYL M	5
116146	FERRENBACH, ROY W	5
170340	FERRENBACH, ROY W	7
135130	FERRIS, WILLIAM	10
6221	FEVER CITY MINING, INC.	20
173213	FICKUS, MATT	15
162988	FIDLER, DALE NICK	11
135150	FIEDLER, WILLIAM H	38
9677	FINLAY, DAVID L	3
171269	FISHELL, FRANK E	4
169416	FITHIAN, BARBARA A	13
169415	FITHIAN, ROBERT R	13
171218	FITZGERALD, KAREN	1
171217	FITZGERALD, MARY	1
116049	FITZGERALD, WILLIAM D	46
186699	FITZGEROLD, LYN	19
9676	FITZWATER, LARRY L	1
135289	FLANIK, WARREN F	3
171992	FLAT CREEK MINING CO INC	23
10882	FLEMING, CLARK	3
135379	FONDY, VICTOR L	2
115019	FORCK, CHARLES G	7
163357	FORD, JAMES PATRICK	1
172609	FORSGREN, AUDRA K	1
172608	FORSGREN, RICHARD E	1
11317	FOSTER, CONNIE R.	1
171738	FOSTER, DIANE	4
116101	FOSTER, EARLE C	9
135463	FOSTER, NEAL R	55
170619	FOX, WILLIAM L	25
9801	FOX GULCH TRIO	8
125721	FOYLE, RUSSELL M	2
8993	FRANK, CONRAD G.B.	3
172271	FRANK, THOMAS R	14
170885	FRANKE, ELEANOR I	9
148147	FRANKLIN, PATRICIA E SATHER	1
5252	FREEMAN, BILL	1
135585	FREEMAN, CURTIS J	43
180012	FREY SR, JIM	1
10443	FRIER, JEFF	9
171211	FRISBY, DAN	3
171212	FRISBY, DANIEL M	3
171210	FRISBY, LARRY E	3
173168	FRIZZELL, MICHAEL L	1
170369	FRY, CHARLOTTE	47
135668	FRY, CLARENCE	10
168931	FULLER, JACK	11
172458	FULLER, JACK L	1
9706	FULLMER, CLINTON	5
170781	FULTON, GORDON	6
115523	FUNK, LYNDON F	8
135743	FYTEN, WARREN J	1
172664	GABER, DANIEL J	1

L.A.S. C.I.D.	Owner Name	Total Claims
172663	GABER, STEVEN A	1
173367	GACKSTETTER, BETTY	21
135756	GACKSTETTER, CURWOOD K	21
11899	GACKSTETTER, KERRY	12
115989	GALLAGHER, KEVIN C	50
135796	GALLAGHER, PAUL E	50
9974	GALVIN, JOE	16
171575	GAPEN, ANN P	3
171576	GAPEN, JOHN	1
135845	GAPEN, PAUL E	3
135848	GARBER, JOHN P	6
11888	GARBER, MILDRED	4
187037	GARRETT, DENNIS R	25
169303	GATES, HERMAN N	12
115768	GATES, WILLARD E	18
179049	GAY, ROGER H	1
169711	GCO MINERALS COMPANY	119
169618	GEBHARD, MICHAEL E	14
135980	GEIERMANN, LOUIS J	9
135981	GEIERMANN, TIMOTHY	9
178923	GEIGER, FRANK W	36
171490	GEIGER, GERRI A	10
115463	GEIGER, RONALD E	10
115952	GELVIN, EDWIN C	19
136001	GELVIN, STANLEY M	20
125772	GEM EXPS CO	49
108306	GENET, RAYMOND, ESTATE OF	12
160383	GEORGE, ROY THOMAS	148
170431	GERAGHTY, BRUCE R	8
136041	GERAGHTY, RICHARD W	6
171197	GERAGHTY, RICHARD F	6
125793	GERMANICA INC	4
10910	GETTY, HAROLD T	7
171765	GETTY OIL COMPANY	84
136088	GIBBS, DAVID D	24
136116	GIBSON, ELLEN	161
9920	GIBSON, MAVERICK	5
114996	GIBSON, WAYNE	275
4634	GIDDINGS, GLEN G.	3
136133	GIFFORD, PEGGY	2
170503	GILBERT, RONALD D	6
9903	GILDERSLEEVE, RICHARD T	2
115488	GILL, TERRY S	2
170157	GILLAM, HAROLD	13
159606	GILLAM, JANET	13
9473	GILLIAM, J. DOUGLAS	8
169899	GIRTH, JAMES R	13
171891	GISSEL, CHRIS JON	2
125817	GLACIER VIEW MINING & DEV CORP	1
180070	GLANVILLE, CARL	4
180071	GLANVILLE, DESSIE A	1
11423	GLANZ, WILLIAM L.	3
136273	GLASSBURN, DON	6
155485	GLENN, DAVID L	1
136303	GOCHANOUR, L BOYD	13
157320	GOGGANS, THOMAS HOWARD	20
4221	GOINS, DAVID	1
9728	GOLD EXPLORATIONAND MINING COMPANY	27
172090	GOLD ONE LTD	8
9950	GOLDEN ZONE, INC.	65
169848	GOLDSCHMIDT, EDWIN G	20
172107	GOLDUST MINES	20
9879	GOLSON, ROBERT E	1
11653	GOODALL, BRANDT N.	5
11645	GOODMAN, FRED	1
172893	GOODMAN, LEE	1
11644	GOODMAN, MAE	1
173538	GOODSON, GARY DUANE	56
169342	GOODSON, RICHARD	177
170235	GOODWIN, ROBERT E	21
170321	GORDON, BONNIE L	19
136431	GORDON, EARL H	25
154619	GORDON JR, WALLACE E	19

L.A.S. C.I.D.	Owner Name	Total Claims
115841	GOTTSCHALK, MICHAEL T	8
8026	GRADNEY, HANK	6
171608	GRAHAM EXPLORATION	3
7917	GRANT, SHELLEY M	4
169568	GRAY, BRUCE	21
125882	GREATLAND EXPLORATION LTD	559
179982	GREBE, GORDON S	4
10398	GREEN, JOHN	4
180408	GREEN, JOHN R	28
172611	GREENE, EDITH A	73
180600	GREENE, JACK	6
170731	GREENE, JOHN W	5
170346	GREENE, LELA M	4
11959	GREENE, MARK	1
163916	GREER, BARBARA J	31
11677	GREER, JAMES C	1
163915	GREER, RICHARD	40
116025	GREER, RUTH L	7
165721	GREGER, SCOTT H	3
11544	GREGORY, MARK	1
115953	GREIF, RICHARD	3
173893	GRIEF, TONI A	17
4121	GRIEVE, ROBERT C.	16
136725	GRIFE, REGGIE J	196
172605	GRIFFARD, GEORGE L	5
2207	GRILLEY, WARD W	13
136777	GRINDLE, JON W	28
173041	GROVER, EDWIN M	32
116440	GROVER, MARVIN	5
171152	GROVER, MARVIN R	2
10440	GROVER SR, EDWIN M	10
170096	GRUNDBERG, CARL E	3
162019	GRUNDBERG, MICHAEL R	3
170516	GRUNDHAUSER, RAY S	9
8966	GUESNAY, GARY N.	1
173101	GUINN, EMRAL L	11
169619	GUMAER, A MARK	17
135900	GUMAER, MARK	17
136898	GUMAER, ROBIN C	32
7847	GUNAER, ROBIN	1
10397	GUSHULAK, KIM	3
10396	GUSHULAK, WILLIAM	3
169567	GUTHERT, DAVID	24
170689	GUTHERT, ROBERTA	20
170409	GUTHRIE, H. PAUL	84
125909	H & H EXP & MINING INC	5
164119	HAAG, VINCENT M	4
7097	HACHEZ, MICHAEL A	1
136996	HAGEN SR, ALBERT M	19
137010	HAGGLAND, PETE	60
9142	HAHN, GARRY LEE	1
170758	HAHN, MICHAEL W	5
115528	HAINES, NEIL W	1
115725	HALE, DONALD H	6
180604	HALL, BRIAN V	8
1011	HALL, FRED K	2
137085	HALL, FRED R	49
106583	HALL, GORDON E	1
170594	HALL, JAY W	2
173805	HALL, JOHN R	1
9875	HALL, LEE	2
1012	HALL, PATRICIA	29
159504	HALLORAN, JIM	45
169849	HALVORSEN, ROBERT A	1
157332	HAMANN, DENNIS L	4
173435	HAMANN, DELORES A	1
170060	HAMBY, EUGENE A	34
103458	HAMILTON, DOUGLAS N	2
11643	HAMILTON, FAE	1
9573	HAMILTON, FRED	3
11642	HAMILTON, GORDON	1
9643	HAMILTON, HILDA A	7
9644	HAMILTON, MARION M	7

L.A.S. C.I.D.	Owner Name	Total Claims
173493	HAMMON, DANIEL	14
8123	HAMMOND, DOROTHY	1
8122	HAMMOND, RICHARD	1
11383	HAMMOND, ROBIN L.	2
125939	HANAK, ANTON J	11
158968	HANKEE, JOHN	6
116004	HANSEN, D E	6
170831	HANSEN, DEBBIE	1
137285	HANSEN, HARRY BENT	1
104311	HANSEN, JAMES H	194
104439	HANSEN, KATHLEEN LOIS	194
170925	HANSEN, MARK C	2
9657	HANSEN, MIKE	58
11979	HANSEN, PETER C.	16
170850	HANSEN, TIM R	2
155433	HANSON, ALLEN W	18
158777	HANSON, KENNETH C	1
10986	HARDESTY, MARK	3
6765	HARDWICK, MERLYN T.	3
170221	HARLING, C JILL	1
10424	HARLING, JILL	17
170220	HARLING, VICTOR R	18
180905	HARPER, LEE W	2
137429	HARRELL, ERNEST B	4
10431	HARRIS, BRENDA C.	2
114728	HARRIS, DONALD	6
137444	HARRIS III, CHARLES D	46
115670	HARROD, BARNEY L	8
9547	HART, DON	3
173374	HART, DONALD S	23
11199	HART, MARK	4
154440	HART, VICTOR D	3
4122	HARTMAN, DANIEL A.	16
137537	HARTMAN, MICHAEL GEORGE	63
9757	HARTT, BETH	8
8844	HARTT, JOHN	177
9177	HARTT, JUDITH D	169
9480	HARTT, ROBERT D.	136
174005	HASKINS, GEORGE RONALD	4
171605	HASKINS, PAT	898
7160	HASKINS, SCOTT	3
171777	HASSEBROEK, MARVIN O	4
137593	HASSON, PETER	11
172415	HASSON, RINDA K	11
168822	HATCH, EDWIN L	9
171020	HATCH, MALONIA N	4
179983	HATCHER, JERRY E	4
137670	HAWLEY, CHARLES C	1
137677	HAYDEN, FOREST A	29
11661	HAYES, CAROL L.	21
171864	HAYES, CARL	1
171900	HAYES, HOWARD C	64
11651	HAYES, JAN F.	21
171744	HAYES, JO LOWRY	1
171898	HAYES, MICHAEL R	45
10133	HAZELTON ENTERPRISES	4
172969	HEATH, ELIZABETH A	1
125975	HEATHERLY, GLENN	52
103226	HEFLINGER, DAVID LYNN	5
125981	HEIM, JOHN C	2
11709	HEINZ, FRED E.	23
169360	HEINZ, FRED	73
169361	HEINZ, MARK	73
186837	HELFLINGER, DAVID	5
11942	HELMS, GREGORY J.	7
169347	HENDERSON, DON	11
10109	HENDRICKS, R	1
172315	HENDRICKSON, JOHN	1
170837	HENKINS, DALE E	44
10292	HENNING, JOHN	2
172402	HENNUM, SHARON A	1
172009	HENRICKS, R J	6
11592	HENRIS, HORACE W.	2

L.A.S. C.I.D.	Owner Name	Total Claims
170927	HENRY, ELWOOD	17
160283	HENTON, MICHAEL R	4
6217	HERMAN, JAMES S	3
9578	HERMAN, LESLIE B	3
9577	HERMAN SR., SAM S	3
138049	HERMON, BEN H	10
157473	HERMON, EVE C	13
138052	HERMON, JAMES S	10
157474	HERMON, MARIANNE	13
178576	HERMON SR, BEN H	3
115809	HERNING, NANCY S	1
171188	HERNING MINING & EXPLORATION	28
173525	HERRON, JIM	5
173094	HERZOG, JEAN ANN	1
173381	HERZOG, JEAN	1
173380	HERZOG, MARTIN	1
115232	HERZOG JR, MARTIN M	1
10780	HEWITT, SYLVIN	8
180640	HICKOK, BRUCE	28
10323	HIGGINS, DENNIS P	3
126008	HIGH BENCH PLACERS	3
138173	HIGHTOWER, EVERETT R	2
7755	HILL, HENRY M	3
138209	HILL, LLOYD	3
171888	HILLHOUSE, MARY J	6
172697	HILTON, JAMES C	2
113459	HINGST, LEANDER M	25
169881	HIRSCHEL, ARTHUR D	2
170345	HODGE, SHERREL M	4
172585	HODGES, NORMA C	8
138348	HODGES, TROY D	8
9973	HOFF, MICHAEL R.	1
11078	HOIBY, KAREN A.	4
180027	HOLBROOK, CLYDE	6
8908	HOLITNA BASIN MINING& EXPL., INC.	92
115065	HOLT, CARSON	6
5136	HOLT, DELLA	1
9108	HOOD, ROLLIE L	6
115803	HOOK, JERRY L	7
138596	HOPKINS, DAVID J	29
9092	HORCASITAS, YOLANDA	1
169761	HORNER, GEORGE	2
4687	HORNER, JOANN	2
138634	HORNER TRUST, GEORGE	188
170692	HORNICK, J MICHAEL	18
9924	HORNICK FR., MIKE	4
174037	HORTON, WAYNE	4
138658	HORVAT JR, PAUL J	4
172323	HOUSE, CONRAD H	8
172008	HOUSE, LEE	21
169714	HOUSTON OIL & MINERALS EXP CO	678
106904	HOUTS, PERCY WILLIAM	6
170505	HOW JR, WILLIAM H	2
114128	HOWARD, VINCENT F	3
171240	HOWARD, VINCENT F	4
9881	HOWARD, WARREN	16
138746	HOWELL, CARLENE	4
9491	HOWELL, CHARLES E	83
138747	HOWELL, FLOYD	62
173937	HOWELL, JOHN N	3
173938	HOWELL, JOAN R	3
173940	HOWELL, SARAH J	3
173939	HOWELL, SUSANNAH J	3
138795	HUBNER, JAMES R	1
105633	HUDSON, CLIFF	25
10607	HUEGEL, WILLIAM	1
170729	HUGGINS, BEVERLY	1
170730	HUGGINS, HAROLD	1
10254	HUGGINS, MIKE	1
138858	HUGHES III, KENNETH A	10
10790	HUGHES MINING, INC.	34
169946	HUMPHREY, HANK M	33
169208	HUNT, HELEN E	3

L.A.S. C.I.D.	Owner Name	Total Claims
138932	HUNT, HOWARD J	55
173943	HUNT, HOWARD M	1
7952	HUNT, MIKE	8
169207	HUNT, RICHARD P	3
170366	HUNT OIL CO	140
138953	HUNTER, JAMES A	1
172367	HUNTSBURY, JOHN V	8
126091	HYAK MINING CO INC	12
154459	HYDE, BOB	14
170877	INMACHUK GOLD CORP	92
9955	INTEREX, USA, INC	4
5938	INTERMOUNTAIN EXPLORATION INC	36
174056	IPALOOK, ESTHER B	6
9659	IPEL MINERALS INC	38
11927	IVANHOE ALASKA PARTNERS	5
170614	J C ANPAS INC	2
6219	JACHIM, WILLIAM A	15
10289	JACKE, DERRELL D	1
173899	JACKSON, JACK	1
172160	JACKSON, JENNIFER	2
172159	JACKSON, RODNEY D	2
8964	JACOB, ERIC	1
126143	JACOBSEN, JOHN	29
181176	JACOBSON, JOHN	94
173956	JACOBSON, RODNEY N	1
180150	JAEKE, DERRELL D	4
9093	JAMES, BRUCE	4
170787	JAMES, LOU	14
159371	JAMES, WILLIAM P	27
173631	JAQUES, D E	2
170834	JAQUES, DARRELL E	3
173623	JAQUES, ERIC	2
173624	JAQUES, GORDON	2
173632	JAQUES, MELBURN	5
139298	JAYNES, MARK	2
174552	JAYNES, ROBERT L	2
183981	JENKINS, ROBERT A	7
5152	JENNINGS, DONALD	7
173522	JENNINGS, GEORGE HR	7
139353	JENSEN, DANIEL D	84
173834	JENSEN, NORMAN A	1
10186	JENSON, ORLIN	3
171337	JOHNS, C E	2
170726	JOHNSON, CARLENE A	1
9922	JOHNSON, DALE	3
126160	JOHNSON, DELL E	11
9087	JOHNSON, ERNEST O	1
112897	JOHNSON, ETHEL	1
139498	JOHNSON, EUGENE H	4
139509	JOHNSON, GEORGE	16
171024	JOHNSON, GEORGE	97
11824	JOHNSON, MARTHA	8
170797	JOHNSON, MYRTLE F	43
9088	JOHNSON, PATRICIA L	1
168038	JOHNSON, PETER N	1
139624	JOHNSON, THOMAS	43
172738	JOHNSTON, GORDON W	8
9927	JOHNSTON, JAMES M.	4
11729	JOHNSTON, JOEL	5
11073	JOLLY, JOSEPH B.	8
157529	JONES, DENNIS E	9
170530	JONES, NANCY	21
7893	JONG, CHERYL	66
10441	JORDAN, KENNETH	10
10442	JORDAN, WAYNE	10
177628	JORGENSEN, GENE CHARLES	1
170423	JUKANOVICH, RAMO E	7
9893	K.C. MINING COMPANY	34
10664	KADOUN, ROY	31
170493	KAISER, ALLAN	14
170565	KALOUS, JOSEPH D	4
174032	KALTENEKKER, BELA	3
11887	KANE, DAVID A.J.	1

L.A.S. C.I.D.	Owner Name	Total Claims
11919	KANUTI LTD	2
9859	KAPATAK, KAVAILA	2
140026	KARR, RICHARD D	26
174318	KEATING, DOUGLAS R	16
157799	KEATING, LORENA P	1
126247	KEEN, GARLEN ROCKY	4
11405	KEHAULANI, BELFIELD	12
159276	KEISLING, KELLY LEON	8
10131	KELLER, ROBERT W	4
172964	KELLEY, KEVIN J	4
115965	KELLY, STEVEN	3
115962	KELLY, TIM	19
124908	KENNECOTT CORPORATION	69
180016	KENNEY, WILLIAM O	1
170738	KERMOIAN, KIP	13
11124	KERNS, FRANK	3
103707	KERRIGAN, JOHN	20
167144	KETCHEM CRK JV PARTNERSHIP	24
11101	KETCHUM, CY	1
126299	KEYSTONE MINES INC	7
157304	KIBBY JR, RALPH L	5
11541	KIDDY ROCK MINING COMPANY	1
170416	KIEHL, DON T	3
170634	KIERSTEAD, CHRISTIE S	2
170580	KILBOURNE, RALPH E	2
172444	KILFOYLE, PATRICK O	83
170440	KILFOYLE SR, THOMAS J	2
154543	KILLIAN JR, ELWOOD C	2
170920	KILLION, M T	8
174035	KIMBALL, BETTY J	3
174033	KIMBALL, JAMES R	2
170995	KINCAID, MARY ELLEN	3
170994	KINCAID, R DAVID	3
170502	KING, PAUL A	15
169922	KING, RICHARD	20
169923	KING, ROBERT	20
11921	KINZOKU, INC.	174
161664	KIRBY, RANDY KEITH	6
115998	KIRK, BEN	4
172875	KIRK, D	2
11035	KIRSCHNER, CHARLES	7
154529	KIRSTEATTER, PAUL	5
140510	KIRTON, CHERYL R	3
140511	KIRTON, ROLLAND J	3
9877	KLAPPERICH, JOHN	6
11382	KLEIN, RONALD	5
9310	KLOCK, MARGARET M	1
140594	KNAEBEL, JEFF	230
140602	KNAPP, FRANK H	44
173531	KNAPP, KERRY L	15
180503	KNIFE, DON	17
180504	KNIFE, LINDA S	17
140653	KNOWLTON, CLIFFORD E	9
140657	KNUDSEN, LOUIE W	98
140658	KNUDSEN, WILLARD J	20
10449	KNUDSON, JAMES	6
173546	KNUDSON, RICHARD	142
171167	KNUE JR, JOHN F	1
140684	KOCUREK, MARVIN	30
172019	KOGUREK, MARVIN	20
170529	KOEHLER, JAMES E	5
7189	KOPPENBERG, JFROME	20
10144	KOPPENBERG, SAM	20
115714	KOROBKO JR, JOHN	36
171845	KORZDORFER, ROBERT F	2
11203	KOSKINEN, JUHANI	1
181409	KOTOWSKI, ROLAND R	7
171770	KOTTER, MARK G	56
126368	KOUGAROK MINING COMPANY	30
170259	KOUTCHAK SR, DONALD L	1
167868	KRACKER, JIM	7
140829	KRAFT, BRUCE	2
154544	KRAFT, RAYMOND W	2

L.A.S. C.I.D.	Owner Name	Total Claims
108790	KRAGER, BLANCHE J	22
9030	KRAUSE, DARYL	2
165111	KRAUSE, EARLING	3
9029	KRAUSE, FLOYD E	2
9660	KRAUSE, GEORGE	3
115993	KRENZKE, MARK K	6
140887	KRINKE, ANNA	17
140886	KRINKE, EARL	19
5128	KRISTENSON, KENNETH	41
172005	KRIZAK, RUDY W	16
158808	KRKOVICK, REGINALD D	2
107914	KROLL II, HENRY F	1
9337	KROLL III, HENRY F	1
114952	KUBEK, JOHN	24
9548	KUHN, CARL	3
170987	KUMLER, JEAN	6
140986	KUNZ, MICHAEL L	10
10107	KURTH, JAMES	3
126387	KURTH, JAMES M	3
8605	KURZIUS, DORIS	2
171886	KUSEL, JOHN A	6
9756	LA MORE, DAVID A	2
171779	LABINSKI, BEN	10
179972	LABOLLE, LARRY D	1
9868	LAC MINERALS	11
9255	LACHAUSSEE MR, ROBERT H	12
141056	LACROSS, JACK	6
7930	LACY, VERN	1
172451	LACZAY, PETER W	6
180250	LAKE, LAURENCE K	15
141098	LAMB, ERNEST C	1
172089	LAMB, GILBERT A	1
115066	LAMBERT, HOWARD CHRISTOPHER	16
187788	LAMPLEY, ANNA M	1
187727	LAMPLEY, CHARLES A	3
187773	LAMPLEY, DEBORAH D	1
187731	LAMPLEY, DONNA D	1
187729	LAMPLEY, JACUELINE A	3
187730	LAMPLEY, JIMMY A	1
187770	LAMPLEY JR, CHARLES A	2
174088	LANCASTER, FLORENCE	2
6105	LANCE, BILL	2
170767	LANCE, FRANK	8
180152	LANDQUIST, MICHAEL A	2
141151	LANDRU, FREDERICK W	2
141153	LANDRU, HERSCHEL C	2
5199	LANGTON, CLARA	3
116022	LAPPI, ARTHUR J	10
169283	LARSON, EDNA C	94
170224	LARSON, LOREN J	130
173745	LARSON, MARVIN A	72
170494	LARSON, MILNOR G	3
171448	LARSON, SHERRY LEE	59
164843	LASPESA, JOSEPH S	28
169219	LAURANCE, MAURICE	7
157249	LAVENDER, STELLA DARLENE	78
7093	LAWLER, JIM	43
102256	LAWLOR, THOMAS ALAN	8
9281	LAZENBY, DAVID L	7
173511	LEACH, ANN	43
115890	LEACH III, JAMES B	23
170065	LEE, DANIEL M	1
170744	LEE, DAVID J	1
141460	LEE, ROBERT E	28
174031	LEE, THOMAS R	1
164550	LEFEVER, DAVID E	3
174169	LEHMAN, DIANA J	2
162516	LEMAY, VICTOR H	2
170724	LEMAY JR, GEORGE E	1
8028	LEMONS, ALBERT D	50
187196	LENTZ, RANCE	2
157180	LESLIE, DONALD SCOTT	1
159491	LESTER, MICHAEL J	6

L.A.S. C.I.D.	Owner Name	Total Claims
159509	LESTER, RAYMOND P	10
10879	LETARTE, JOESEPH	3
179981	LEVINE, ROBERT	4
160295	LEVINSKI, STEVE	2
170030	LEWIS, BOBBY L	6
172068	LEWIS, JERRY E	25
180233	LEWIS, RICHARD J	13
11583	LIBBEE, ANITA	3
9837	LIGHTBURN, STEVE	1
172874	LIKINS, DAVID	31
11714	LILLER, JAMES	8
9116	LINDFORD, HUGO	4
172765	LINDIG, CHERYLE	3
105567	LINDIG JR, EDWIN	3
170931	LINDSKOOG, BARBARA	10
170932	LINDSKOOG, STANLEY W	15
158580	LINDSTEN, RICHARD	2
9049	LINES, LESTER	26
4666	LITTLE, HAROLD G	3
126440	LITTLE SQUAW GOLD MINING CO	91
171046	LITTLEFIELD, BOB	5
172705	LIVENGOOD GOLD MINES INC	82
126441	LIVENGOOD PLACERS INC	20
141828	LIVERMORE, GEORGE DAN	10
9845	LOBENDAHN, ELLIOTT	1
4282	LOFSTEDT, VERNON L	144
141906	LOKEN, KENNETH	5
10395	LONG, BECKY	11
104425	LONG, CLOIS G	4
169563	LONG, ELAINE J	4
171809	LONG, KENLYN H	4
171810	LONG, PENNY L	4
169562	LONG, RONALD L	4
9906	LONGBOTHAM III, ROY	12
9203	LONGLEY, KAREN M.	6
157793	LONGLEY SR, GARY T	1
170763	LONGLEY SR, GARY T	18
174000	LORZ, CAMERON	2
173005	LOSONSKY, ROSEMARY	8
141988	LOSONSKY, STEVE	25
173221	LOUNSBURY, JAMES G	7
172774	LOUNSBURY, LLOYD P.	2
164713	LOVELESS, MITCHELL	1
171320	LOVELESS, ROBERT M	227
142024	LOVELESS, VIRGINIA M	2
116425	LOVETT, MARGARET	1
116426	LOVETT, SONJAH	1
172223	LOWE, DAVID	9
170746	LOWE, GRACE	2
115802	LOYER, VICTOR E	8
116208	LOZO, SUZI	15
170474	LUCAS, CALVIN C	6
5135	LUCAS, EDITH	1
9876	LUCAS, KIBE	6
5137	LUCAS, RANDY G	14
142088	LUCAS, WINFRED	1
171348	LUHRS JR, JAMES	32
142132	LUNDGREN (ESTATE OF), JAMES	61
142173	LYLE, RAY	1
10179	LYLE, WILLIAM C.	5
174089	LYMAN RESOURCES IN ALASKA INC	16
142180	LYNCH, GARRY T	4
11368	LYNCH, MARTIN J.	1
172457	LYON, CURT	47
173470	M & W ASSOCIATES	179
9921	MACCULLOCH, WILLIAM	2
173338	MACKINNON, ERIC NEIL	8
142296	MADSEN, JUNIOR A	1
7604	MAGBY, JED	1
9357	MAGNUSON, LLOYD	36
173590	MAHAFFEY, DAVID	1
126493	MAJAK, JOHN J	1
142413	MALLINGER, EARL	1

L.A.S. C.I.D.	Owner Name	Total Claims
142414	MALLINGER, GREG	1
154646	MALONE, DRU	1
184428	MALONEY, JON	21
142464	MANNING, KENNETH H	6
157431	MANNS, ALBERT M	5
170805	MANNS, ALAN	6
170807	MANNS, BRENDA	6
142471	MANNS, CECILIA	77
170804	MANNS, CHERYL	9
171345	MANNS, GARY	5
170517	MANNS, JEFF	32
170515	MANNS, MICK	67
170933	MANNS, MONTY	58
172915	MANNS FAMILY	42
10313	MARCOUX, J.	8
160450	MARCY, ROBERT CLAYTON	3
171925	MARLEY, MICHAEL B	5
173762	MARLEY, MICHAEL	128
4873	MARLIN, HARVEY W	4
170741	MARRS, KATHY	5
170740	MARRS, LARRY	5
11798	MARSHALL, LINDA L.	2
173839	MARTIN, BEVERLY ANN	1
174001	MARTIN, KENNETH D	2
178938	MARTIN, WALTER J	9
142625	MARTIN JR, EDWARD D	4
169661	MARTINSON, CLEON H	11
11453	MARTINSON, ELMER E.	5
10001	MARTINSON, RYAN	8
174140	MASEK, BEVERLY L	19
156813	MASEK, JAN R	19
167650	MASON, AUDREY G	1
109342	MASON, GARY L	1
11898	MASON, GEORGE A.	12
11796	MASON, MICHAEL A.	3
171457	MASONHEIMER, D L	2
174134	MASSENGALE, ELIZABETH	6
169624	MASSENGALE, WILLIAM M	8
174135	MASSENGALE, WILLIAM MARK	8
170244	MASSIE, F L	2
154379	MASSIE, GEORGE	10
169373	MASSIE, GEORGE	80
9520	MASSIE, PERRY	29
10477	MASSIE, R. L.	39
9928	MATHEWS, RALPH	5
5201	MATHISEN, CARL W	3
179976	MATHISEN, DIANE ELIZABETH	15
5200	MATHISEN, WILLIAM A	14
9642	MATSON, WILLIAM C	2
9610	MATTER, MARK	29
142800	MATTHISEN, CLIFFORD J	3
169206	MATTHISEN, MARILYN B	3
142832	MAURER, DEUBER L	2
142829	MAURER, ERNEST LEASURE	5
5165	MAXWELL, BARBARA M	21
114963	MAXWELL, LESLIE L	35
166511	MAXWELL, SAMUEL L	6
187926	MAXWELL, SAMUEL L	9
172017	MAY, DANIEL JAY	6
170233	MAY JR, DONALD J	5
142856	MAY SR, DONALD J	35
125385	MAY, DONALD J, ASSOCIATION	19
2539	MC MANNS, RICHARD	1
10129	MCAKINTOSH, M B	1
159035	MCALPIN, RONALD W	3
174774	MCCARTY, R V	1
11657	MCCLAIN, PATRICK	3
186580	MCCLANAHAN II, ROBERT C	12
187697	MCCLANAHAN II, ROBERT C	16
187698	MCCLANAHAN III, ROBERT C	13
10400	MCCOLLUM, DARLENE	1
11412	MCCORMACK, DANIEL	1
178912	MCCORMICK, ROBERT N	4

L.A.S. C.I.D.	Owner Name	Total Claims
10781	MCCORMMACH, ORVAL	8
9584	MCCOWAN, JEAN	13
170725	MCCOY, JONATHAN L	3
178915	MCCRARY, J B	17
169986	MCCRARY, WAYNE	22
110618	MCCULLOUGH, DOLORES J	5
143043	MCCULLOUGH, GEORGE H	5
175857	MCDANNEL, MICHAEL WAYLAND	3
180646	MCELHANER, ROBERT L	1
154630	MC GEE, JOHN	1
184520	MCGRANE, SEAN ROBERT	38
170737	MCGUIRE, SEAN E	15
143183	MCINTOSH, MARY C	11
143184	MCINTOSH, RICHARD LEE	28
8758	MCISAAC, GARRY N	1
179548	MCISAAC, GARRY N	1
104936	MCKIBBEN, HARLEY R	376
143254	MCLANE, STANLEY S	8
9923	MCMAHON JR., WILLIAM R.	7
170727	MCMANUS, PAUL T	3
134590	MCMASTER, JIMMY K	21
172067	MCMASTER, LARRY	69
10448	MCMILLAN, DAN A	6
169895	MCMULLEN, MARTHA A	4
170979	MCMULLEN, RICK L	5
173502	MCNARY, TIM	4
143337	MCPHERSON, KAREN MICHEL	4
168770	MCPHERSON, ROGER	51
9139	MEADORS, BARBARA C	3
115481	MEDDERS JR, TOM B	24
101261	MEINERS, DENNIS	5
143428	MEINING, EINAR T	49
171509	MELVIN, RONALD K	10
115668	MENDENHALL, KEITH J	5
159477	MENDENHALL, NANCY M	4
9680	MENDENHALL, PERRY T	4
10180	MENHAMS, FRED	16
10291	MERDES, ROBERT A	1
157441	MESICH, DRAGO	3
171367	MESPELT, MARGARET L	8
169340	MESPELT & ALMASY MINING CO	16
171752	METCALF, CLYDE	1
143539	METCALF, JAMES CLYDE	12
10187	METCALF, T. M.	3
10698	METZ, P A	5
172365	METZ DELONG AND ASSOCIATES	13
143559	MEYER, ANTON J	1
154524	MEYER, VICTORIA	2
172737	MEYERES, BUD F	4
173218	MICHAEL, KEVIN O	9
170412	MICHEL, DANIEL	4
115498	MICHETTI, RICHARD	3
172714	MICHETTI, SHARON	3
10294	MIDNIGHT SUN MINING ASSOCIATION	1
170103	MIKESELL, LEN A	1
115456	MIKNICH, CHARLES M	5
171150	MIKNICH, CHARLES M	2
169343	MILES, CLYDE	20
171994	MILLER, DOUGLAS L	8
143709	MILLER, JOHN E	1
180644	MILLER, RALPH E	4
171535	MILLER, RUSS	5
9803	MILLIRON, CAMERON	1
9802	MILLIRON, JO	1
102933	MILLS, NOMA V	2
11489	MINNER, JERRY	8
9280	MINUGH, ROBERT CHARLES	7
178935	MIRCOVICH, SUSAN C	3
143845	MISCOVICH, ANDREW W	4
143846	MISCOVICH, HOWARD P	30
169960	MISCOVICH, VERDA M	1
116050	MITCHELL, EARL	22
8900	MITCHELL, JESSE	5

L.A.S. C.I.D.	Owner Name	Total Claims
168811	MITCHELL, JOHN R	216
173514	MITCHELL, JOSEPH D	19
143874	MITCHELL, KEITH R	2
174277	MITCHELL, MICHAEL R	18
173515	MITCHELL, MONA	19
115785	MITCHELL, RODNEY D	57
173398	MITCHELL, VICTORIA	1
103345	MOEN, DENNIS JEFFERY	6
143940	MOERLEIN, GEORGE A	1
10328	MOFFITT, DOUG	29
169506	MOHAWK RESOURCES AK INC	138
160604	MOHRE, BRADFORD RAY	2
170755	MOLLING, L C	2
115473	MONAHAN, HAROLD E	8
11228	MONLUX, LANE	1
11229	MONLUX JR, GEORGE	1
154383	MONNETT, DANNY	1
173148	MONNETT, JAY	1
143994	MONNETT, JIM H	5
170563	MONNETT, JIM H	8
160664	MONROE, DEMPS GILBERT	2
144002	MONROE, GILBERT	14
169523	MONROE, JOHN B	37
171962	MONROE, JOHN	7
166609	MONTGOMERY, LAVELLE	1
167099	MONZULLA, LINDA G	3
187966	MONZULLA, LINDA	17
115817	MONZULLA, VINCENT C	25
8904	MOORE, JOHN L	4
116423	MOORE, ROGER B	9
174252	MOORE, ROGER L	8
187924	MOORE, ROGER B	9
8960	MORGAN, CHRIS	5
9901	MORGAN, TRACY	3
171056	MORGAN, WAYNE F	5
173316	MORIARTY, JOHN	1
9754	MORRIS, FAYE MARIE	6
103646	MORRIS, GEORGE ALLEN	4
8927	MORRIS, MARY D	6
10430	MORRIS, RYAN D	2
7254	MORRIS, WILLIAM H	6
11379	MORRISON, DON	1
11380	MORRISON, DORTHY	1
154525	MORROW, LYLE W	2
9678	MORTERUD, WILLIAM C	27
144331	MORTVEDT, ARTHUR D	1
8029	MOSBY, B.P.	6
174110	MOSS, ANNELEISE	1
174108	MOSS JR, WILLIAM BERT	1
11960	MOTO, GEORGE	1
173914	MOTSCHMAN, GEORGE R	3
173896	MRAK, ELEANOR	13
126709	MRAK, WILLIAM	10
126711	MRAK SR, WILLIAM	15
115095	MUCKEY, GREGORY L	2
114731	MUD CREEK MINING CO INC	115
171148	MUEHLENKAMP, CHUCK	5
171147	MUEHLENKAMP, WILLIAM J	5
173295	MULLIGAN, HANK	7
157261	MUNSELL, JAMES	32
115713	MUNZ, WILLIAM	7
115533	MURPHY, BRETT DALE	1
3576	MURPHY, JACK V	6
9987	MURPHY, JOHN D	5
100665	MURPHY, LYNNE L	1
109778	MURPHY, WAYNE ARTHUR	1
171018	MURRAY, BARRY G	75
163177	MURTO, ARNE W	48
170960	MURTO, ARNE W	160
6044	MURTO, INGRID	48
101923	MUSGROVE, J W	2
6045	MUTO, MARIANNE R	32
1038	MYERS, MICHAEL R	1

L.A.S. C.I.D.	Owner Name	Total Claims
4774	MYERS, RAY W	1
126737	MYSTIC MTN MINING CO	27
170631	NASON, RONALD P	37
171803	NEBEKER, ROBERT L	1
144647	NEGUS, FREDERICK W	8
126775	NELCHINA MINES	3
173807	NELIUS JR, FRED W	1
8898	NELLES, BRUCE I	3
170227	NELSON, CLIFFORD D	8
11075	NELSON, FOREST C	2
9430	NELSON, GREGORY J	1
168494	NELSON, LARRY CRAIG	12
7161	NELSON, MARTIN J	3
4707	NELSON, PAUL W	8
105327	NELSON, SIDNEY ARTHUR	1
171991	NEMEC, WILLIAM J	3
155299	NERCO EXPLORATION COMPANY	2973
144769	NESHEIM, JOHN G	2
173902	NEW AND USED EQUIPMENT	3
173484	NEW DYNASTY MINES (US) INC	10
170986	NEWMAN, CLEM	6
4036	NEWTON, DICK	4
173997	NICHOLSON, DOUGLAS C	48
9988	NICK, EVAN	4
172589	NICKLES, L S	3
161811	NIELSEN, DANIEL C	1
170556	NIELSEN, NICKI J	1
170555	NIELSEN, ROBERT J	1
144913	NIETUPSKI, WILLIAM N	1
126825	NORANDA EXPLORATION INC	204
109263	NORCROSS, IRENE E	11
144971	NORCROSS, JAMES H	18
168458	NORDLUM, ROGER	28
5423	NORMAN, BETTY J	12
155432	NORTH COAST MINING INC	116
169537	NORTHERN BONANZAS	44
171416	NORTHERN MINING AND MINERALS	131
170584	NORTHERN RESOURCES COMPANY	31
173809	NORTHERN VENTURES	10
170368	NORTHWEST EXPLORATION INC	48
8704	NOVAK, ROSS	3
173526	NUTTING, JACK L	4
11682	NYE, DANIEL A	83
145086	O'BRIEN, JACK I	3
145094	O'BRIEN, STEPHEN F	5
145104	O'CARROLL, ELLEN M	4
145103	O'CARROLL, JOHN J	47
145105	O'CARROLL, MICHAEL J	4
172798	O'CONNOR, BONETA M	1
145119	O'CONNOR, FRANCIS D	1
9191	O'DOCHARTY, RAY	22
113651	O'DONNELL, FRANKLIN L	6
145142	O'KELLEY, LONZO L	39
145145	O'LEARY, EDWARD	4
159940	O'MEARA, ROBERT MATTHEW	11
9999	O'RILEY, ROGER	77
155920	OAKES, PATRICIA A	2
180936	OATES, ALICE SARAH	1
145204	ODEGAARD, GLENN L	23
173397	OGDEN, EDNA CHRISTINE	1
11622	OGDEN, WILLIAM	6
170407	OGG, CHARLES J	37
170408	OGG, MARK R	15
173279	OHLY JR, JOHN H	3
115783	OHMAN, BILL	33
171874	OLDS, MONTE C	5
11713	OLIVAS, HARRY L	2
11712	OLIVAS, ROBERTA G	2
169662	OLIVERS, CLARENCE	11
115800	OLSON, ALAN G	8
170598	OLSON, DENNIS L	15
10076	OLSON, GUSTAF W	3
155544	OLSON, LESLIE A	1

L. A. S. C. I. D.	Owner Name	Total Claims
169420	OLSON, NICHOLAS D	9
170136	OLSON, NICHOLAS	2
10075	OLSON, STEPHEN G	3
170599	OLSON, STEVEN L	38
169419	OLSON, VERNON J	7
170137	OLSON, VERNON J	2
10416	OLVER, FELIX EUGENE	1
115678	OMLIN, PAUL M	1
169407	ON-LINE EXPLORATION SVCS INC	159
9084	ORDIWAY, CLIPPER Z	5
9085	ORDIWAY, LLOYD R	2
126958	ORO FINO MINING CO	3
165163	OSBORN, LLOYD J	2
161295	OSBORNE, RICHARD HAZELET	96
172717	OSTRANDER, JOHN W	18
145456	OTT, RICHARD K	1
170188	OUELLETTE, ROLAND J	6
9143	OWEN, WESLEY T.	1
9190	OWNSBEY, BILLEY J.	22
170367	OX CO	40
165422	PACIFIC RIM MINING CO	38
166805	PAGEL, DONALD W	5
8889	PALKOVITCH, Y	98
169615	PALMER, DAVID R	5
9303	PANCOAST, PETER J	15
10078	PANICK, HARRY A	6
145589	PANKRATZ, CLAYTON F	2
145592	PANNICK, HARRY A	4
179984	PANNONE, MICHAEL L	4
10792	PANOLA ENERGY CORP.	34
116215	PARENT, DAVID B	23
169956	PARENT, VERN	4
127027	PARISH, DOUG E	6
171993	PARKER, CURTIS C	2
105296	PARKER, DAVID L	4
170131	PARKER, DAVE	24
173578	PARKER, DAVID L (BAKER)	9
145628	PARKER, HAROLD F	29
158790	PARKER, HAROLD F	55
11674	PARKER, JANIN	2
154488	PARR, GLEN C	6
170513	PARR, GLEN C	33
145683	PARR, SHIRLEY B	17
115505	PARRY, JAMES M	11
9521	PARRY, NANCY	20
186338	PARSONS, ANTHONY C	3
11701	PARTEE, BEVERLY	3330
101204	PARTEE, TOMMY S	3493
161665	PASKVAN, CHARLES A	8
172442	PASKVAN, STEPHEN T	8
10215	PATRICK, WILLIAM A	25
11578	PATTY, OLIN	1
11886	PAUKSTYS, RAY	1
173123	PAUL, DOLORES M	1
145775	PAUL, FRANK E	1
167220	PAVEY, MARION A	26
116156	PAXTON, DAVID E	54
171904	PAYNE, DUANE K	9
169921	PAYNE, KELLY	20
171032	PAYTON, CHARLES J	3
171031	PAYTON, GRACE L	3
101651	PAYTON, PETIE EUGENIE	3
171030	PAYTON, WILLIAM C	3
145847	PEARSON, CHARLES L	9
8991	PECK, ART	1
9819	PECK, JEFF	10
11678	PECOS RESOURCES, INC.	2
115793	PEEDE, PATRICK D	24
169755	PEEDE, PATRICK D	63
145906	PEET, LEE A	1
9897	PELKEY, ALICE	3
9898	PELKEY, CECIL	3
9899	PELKEY, DALE	3

L.A.S. C.I.D.	Owner Name	Total Claims
170865	PELKEY, DARRELL	47
9900	PELKEY, PENNY	3
172921	PELLETIER, RONALD M	1
115743	PEPLER, WAYNE M	16
170377	PEPLER, WAYNE M	57
170535	PERRY, WALLACE C	6
116364	PETERSEN, DONALD E	6
170425	PETERSEN, JANICE D	5
157566	PETERSON, DONALD E	1
186726	PETERSON, FRANCES	6
165860	PETERSON, GARY J	271
169859	PETERSON, GREGORY A	39
171190	PETERSON, JOSEPH	181
186806	PETERSON, JOHN R	5
174040	PETERSON, PETE	1
9427	PETERSON, RICK	17
146092	PETERSON JR, OTTO WILSON	10
146076	PETERSON SR, JOSEPH	112
9230	PETTIGREW, BERT	9
9229	PETTIGREW, CARLA	9
115658	PETTIT, ARGILE E	10
115819	PETTY, JACK	8
170514	PETTY, NETTIE L	1
146147	PETTY, PATRICK M	4
173114	PHELPS DODGE CORP	142
169285	PHILLIPS, C J	1
101336	PHILLIPS, DENNIS R	4
170934	PHILLIPS, GAIL	10
170959	PHILLIPS, GERALD C	5
169286	PHILLIPS, ROSEMARY	1
11432	PHILLIPS, WANDA FAY	5
115017	PHILLIPS JR, NORMAN L	12
170936	PHILLIPS JR, WALTER T	15
159322	PHILLIPS PETROLEUM COMPANY	3
172999	PHILLIPS SR, NORMAN L	12
115039	PHILO, ANNA B	83
160873	PIKE, GARY R	7
9428	PIKE, JOHN K	6
9429	PIKE, SARALYN	6
9138	PINNEY, JOAN	3
171112	PIONEER PLACER COMPANY	29
112153	PISZCZEK, CARL P	1
171302	PISZCZEK, CARL P	8
9892	PITTMAN, CHARLES I.	4
11903	PITTS, ROY	1
154510	PLACID OIL COMPANY	21
167701	PLACK, PAUL WALTER	1
167700	PLACK, PHILIP EARL	2
164062	PLENINGER, STANLEY B	11
5210	PLESSINGER, LAWRENCE R	1
8720	PLOCKWIETZ, CARL	2
170666	POLAND, JONATHAN L	15
180105	POLAR MINING INC	13
9325	POPE-MURPHY, LINDA ANN	6
158773	PORTEN, STEVEN GEORGE	1
172435	PORTER, CLARA MARIE	4
146470	PORTER, GENE	12
173889	POTEET, PETE	1
146525	POULSON, CHARLES W	1
146526	POULSON, DONALD W	1
171170	POWELL, ANNA L	2
171171	POWELL, CALVIN S	2
169591	POWERS, WILLARD B	182
9345	POWERS JR., WILLARD B.	11
174038	PRESLEY, J T	4
8612	PRESTON, JOHN HENRY	1167
146628	PREVOST, RICHARD T	6
184669	PRICE, JUDY M	11
10130	PRITCHARD, JOHN	8
171370	PRITCHETT, FRANCES	2
171369	PRITCHETT, JERRY L	2
178904	PROBERT, BRUCE	3
170820	PROBERT, GARY LEE	4

L.A.S. C.I.D.	Owner Name	Total Claims
175072	PROMERSBERGER, DAROLD	1
146693	FRUITT, JACK H	1
8870	PRYSE, BETTY	1
169847	PUDDICOMBE, CRAIG R	13
169792	PUSHCAR, JERRY	31
169793	PUSHCAR, MARILYN	31
180938	PUTNAM, WILLIAM G	1
8878	PYNE, ERIC	24
9089	QUAIL HILL MINING CO	2
174017	QUALLEY, RUSSELL N	1
179876	QUIMBY, ROLAND L	1
115772	QUINTON, GRIFFIN E	13
115774	QUINTON, GREGORY J	13
172643	R&M CONSULTANTS INC	5
171897	RADDER, LOWELL G	1
11673	RADER, GLORIA B	2
174259	RAHOI, RICHARD P	3
174260	RAHOI, TACEY	2
146839	RAINES, RICHARD LYLE	20
160296	RAMEIER, BRAD D	5
146861	RAMSEY, JOHN P	179
9432	RAMSTAD, S G	45
127196	RANGE MINERALS CORP	237
167119	RANKEL, GENNY W	24
9753	RANSOM, TODD	1
112545	RANSY, DENIS	11
170543	RATAJ, JEANNE	1
9140	RATCLIFF, JOHN	1
9141	RATCLIFF, LORETTA	1
5194	RAWHIDE EXPLORATION	10
187273	RAYBELL, STEVEN R	2
11551	RC MINING	11
172960	READ, DONALD M	18
169514	RECOVERY SYSTEMS INC	51
11675	RED ARROW RESOURCES, INC.	4
172388	REDCO BUILDERS INC	2
172046	REDMON, ALLEN	13
9958	REED, GEORGE L	1
11658	REEDER, EDWARD	16
171003	REESE, DELLA	21
106968	REESE, ELDEN L	18
147046	REESE, ELDEN L	15
170477	REESE, NANCY	6
171002	REESE, WADE	33
9805	REEVES, ARCHIE	1
115792	REGAN, JAMES L	70
180108	REGAN, JOHN E	62
105806	REID, MARY C	1
179869	REINDL, PATRICIA	2
169396	REINER, DENNIS E	4
169588	REINHARDT, ROBERT G	16
170644	REINHARDT, RONALD	13
169320	RENDICH, SCOTT H	14
9101	RENSHAW, KATHERINE L	2
157680	RENSHAW JR, ANSON L	29
187836	REYNOLDS, SHERMAN GEORGE	31
7287	RICH VALLEY RESOURCES LTD	248
173282	RICHERT, DALE D	5
10427	RICHERT, GLORIA J	1
170756	RICHTER, RICK D	1
180087	RIDER, GARY	1
11716	RIEM, DEBRA	8
147379	RIEM, HERBERT	8
11715	RIEM, MARGARET	8
171065	RIENDL, JOSEPH R	22
9847	RIES, JOH. P.	1
7517	RILEY, KENNETH R	48
110423	RINGSTAD, MARK B	46
9018	RISTAU, MELVIN C	2
10082	ROARK, RICHARD A	1
170757	ROBERTS, DON O	7
147509	ROBERTS, ROBERT H	22
169408	ROBERTS, ROGER L	69

L.A.S. C.I.D.	Owner Name	Total Claims
9755	ROBERTSON, TIMOTHY D	8
105118	ROBESON, VICKI LEA	45
171328	ROBINETT, JOHN T	71
147569	ROBINSON, RAYMOND F	1
9083	ROBINSON, ROBERT M	3
101006	ROCKSTAD, RONALD D	13
186807	ROCKSTAD, RONALD D	36
147633	ROELLEKE, HERMAN J	2
114867	ROHLOFF, FRANK R	8
180906	ROHLOFF, TOM	2
147677	ROHRBAUGH, V M	3
5990	ROLAND, JAMES G	10
165468	ROMAN, ROBERT I	32
165469	ROMAN, RONALD	32
165467	ROMAN, RUTH A	32
115858	ROMAN, WALTER E	32
184301	ROMILLY, EUGENE	6
170675	ROSANDER, RONALD	23
170997	ROSS, EDWARD T	25
11574	ROSS, JOHN	6
147834	ROUTH, GENE	6
108702	ROWLEY, DONALD R	67
171319	RUBEL, JOHN D	227
11067	RUE, DALE	1
158164	RUMLEY, DONNA M	1
147908	RUMLEY, PAUL G	1
169592	RUPPERT, HAROLD H	125
174020	RUSHING, WILLIAM F	14
5141	RUSSELL, CARL A	59
3740	RUSSELL, ERNEST C	71
171740	RUSSELL, GENE	3
10079	RUSSELL, T L	4
6218	RUSSELL, TERRY L	3
170856	RUSSELL'S IRREVOCABLE TRUST *	1
127315	RY-J MINING CO	8
170478	RYBACHEK, ROSALIE A	107
147984	RYBACHEK, STANLEY C	107
172268	RYERSON, JAMES G	179
173619	S & B MINING COMPANY	38
11668	SABO, BARBARA	3
115454	SACKETT, LLOYD J	3
148014	SADOWSKI, DONALD E	1
170483	SAEED, EDWARD	10
180884	SALBURG, VIC	1
148046	SALOMON, ROBERT L	5
116345	SALTER, EDWARD	7
173903	SALTZ, EDWIN	1
173904	SALTZ, MARIANNE	1
115574	SANCHEZ, JOSEPH H	2
173341	SANDERS, ANDRE REX	10
173600	SANDERS, SHIRLEY P	1
127353	SANDFORD RESOURCES INC	35
7071	SANFORD, JAMES R	1
173215	SARCHET, DAVID E	11
101941	SAUNBY, JOHN HENRY	16
11800	SAUNDERS, BUDDY M	19
173360	SAUNDERS, C J	2
115088	SAVAGE, BRUCE D	9
3767	SAVAGE, DWAYNE	6
114831	SAYER, PHILIP	55
173974	SCANLON, MICHAEL	10
9518	SCARBOROUGH II, TRUETT L	10
148219	SCARBOROUGH, TRUETT L	10
169393	SCHASTEEN, DOLLY	7
170651	SCHENK, KATHLEEN	1
9850	SCHENKER, ROBERT A	4
148293	SCHLAHT, THEODORE H	3
173634	SCHMIDT, WILLIAM A	1
170628	SCHMIT, DENNIS VICTOR	2
173124	SCHMITZ, RICHARD C	2
172626	SCHMOYER, ED WILLIAM	6
115205	SCHNABEL, JOHN J	1
9703	SCHNESE, CALVIN	5

L.A.S. C.I.D.	Owner Name	Total Claims
174261	SCHOENBORN, HOWARD J	2
174262	SCHOENBORN, S	2
9442	SCHRADER, WILLIAM EUGENE	3
173385	SCHURR, JOHN	10
11997	SCHUSTER, GAIL	8
10209	SCHUSTER, WERNER E.	11
11929	SCHWEGEL, DAVID	1
11889	SCHWENGEL, RAY	1
173703	SCOFIELD, WALTER P	10
157324	SCOTT, ARTHUR G	8
148501	SCOTT, BRYAN LEE	14
10997	SCOTT, DAVID HUGH	8
174223	SCOTT, FRED	21
7096	SEAMAN, GARY D	2
9905	SELDOM SEEN MINING COMPANY	2
4633	SELMAN, EVERETT A	3
171606	SESSKIN, NEIL	832
102304	SEUFFERT JR, GEORGE W	27
11799	SEVERANCE, GARY L.	2
11797	SEVERANCE, MARJORIE E.	2
106830	SEXTON, WILLIAM D	3
170532	SHARP, PAUL R	13
170857	SHAW, GILBERT A	49
172801	SHAWCROFT, ROBERT A	1
148759	SHEARDOWN, RONALD C	171
172603	SHEMEL, STEVEN E	11
170990	SHEPARD, DENNIS M	18
161932	SHEPARD, M DENNIS	101
164573	SHERHART, THOMAS VICTOR	3
9309	SHERIDAN, CAROL L	31
148837	SHERRER, DOUGLAS	19
170912	SHERRER, GAIL	11
114750	SHILLING, JOHN ARTHUR	12
170677	SHIMAKONIS, DORIS E	2
108392	SHIMAKONIS JR, PAUL	2
170678	SHIMAKONIS SR, PAUL	2
173614	SHIPLEY, ROBERT C	4
170018	SHOPE, WES	42
170495	SHORE, CONNIE	19
11121	SHUMEFF, GREGORY	17
173226	SIDES, DANNY MAX	11
9993	SIFSOF, LAWRENCE	3
173420	SILFVEN, J E	2
187388	SILVERADO MINES INC	94
9060	SIMMONS, TOM	4
157232	SIMON, HERBERT P	1
116071	SIMPSON, DONVAL R	3
171268	SIMPSON, DONVAL R	1
174323	SIMPSON, FRANK A	1
149106	SINKOLA, GARY L	81
173171	SINKOLA, PRISCILLA DIANE	2
149114	SIPES, AUSTIN L	1
149113	SIPES, JOHN WESLEY	10
172572	SKIDMORE, DONNA GENE	73
170226	SKIDMORE JR, SAMUEL C	79
3729	SLAMBROUCK, THOMAS VAN	11
162987	SLAUGHTER, BOB F	11
185961	SLAVIK, RICHARD H	1
154629	SLAYTON, VERN W	59
149205	SLOAN, BOB	1
169369	SMART, DOYLE	1
171341	SMART, WILLIAM DOYLE	2
171790	SMITH, CURT	12
106959	SMITH, JOSEPH MICHAEL	39
171327	SMITH, JOSEPH R	45
173019	SMITH, JOSEPH D	1
9579	SMITH, KATHLEEN M	2
173009	SMITH, LARRY L	1
176478	SMITH, PHILIP N	19
9250	SMITH, ROSE	2
149426	SMITH, SHERMAN CLAYTON	3
149428	SMITH, SHERYL O	2
173007	SMITH, TIMOTHY J	1

L.A.S. C.I.D.	Owner Name	Total Claims
102854	SMITH, WILLIAM J	2
116327	SMITH JR, JESSE G	22
167692	SNEED, STEVEN ERIC	4
115618	SNELL, PAUL V	2
170720	SNOW JR, PETER T	32
172109	SNOW-ROSANDER, JUDITH	6
172145	SNYDER, DONALD L	58
171754	SOLOY, JAN	2
171756	SOLOY, L CHRIS	2
162111	SOPER, CLIFF A	4
173400	SOPER, SANDY K	4
10950	SORENSEN, RICHARD L	1
10951	SORENSEN, RUSSELL G	1
172324	SORSBY, MICHAEL A MASON	4
115323	SOULE, BETTY M	2
176357	SOULE, HAROLD L	2
173492	SOUTH, LAWRENCE L	14
128199	SOUTH CENTRAL TIMBER DEV INC	3
10390	SOUTHERN, RON	77
169243	SOUTHWELL, JOSEPH HOWARD	6
6816	SOUTHWOOD, ROBERT L	7
149645	SOWL, JERRY L	22
170816	SPAIN, JOE ALFORD	2
181470	SPARKS, JAMES W	5
180919	SPARKS, TESS BRONSON	1
149663	SPARKS SR, H W	6
10444	SPAULDING, RONALD L	9
9998	SPEAKER, THERESA ANNETTE	8
154276	SPECK, RAYMOND S	1
161206	SPEERSTRA, HARRY FRED	1
149686	SPEGEL, HERMANN A	2
173587	SPEGEL, MARGARET R	2
170946	SPENCER, SYLVIA E	1
170059	SPENST, DORAN	2
9808	SPHINX AMERICA INC	503
149780	SROUFE, JOHN A	1
172881	SROUFE, RUSSELL W	1
9338	ST. GERMAINE, CLIFF	3
170656	STARLIGHT COMPANY	30
159522	STARLING, MICHAEL THOMAS	1
173441	STARNER, ALAN E	1
173291	STARNER, LORA L	1
170496	STARR, GRETCHEN L	2
164527	STATIS, DEMETRIOS	1
173628	STATON, MARY A	3
173627	STATON, TIMOTHY L	3
11055	STAUFFER, JUDITH A.	15
173612	STEEG, PHILLIP S	6
112358	STEFANOWSKI, JAMES W	1
112359	STEFANOWSKI, LINDA L	2
170799	STEGER, EDWARD J	2
173591	STEIN, DONALD	5
149943	STEIN, EVELYN J	8
149958	STEINHACKER, PAUL	31
170485	STEPHENS, CHESTER E	4
11094	STERNS, D. T.	6
171257	STEVENS, BEVERLY A	1
169940	STEVENS, DONALD R	6
171255	STEVENS, MILTON N	1
150028	STEVENS, VIRGINIA M	1
105584	STEVENSON, DALE V	15
105542	STEVENSON, RONALD S	2
6638	STEVES, HAROLD CARLETON	1
156596	STEWART JR, JAMES E	11
169698	STEWART, ALBERT H	1
150069	STEWART, B CHARLENE	2
170417	STEWART, JACK	3
150075	STEWART, ROBERT L	24
171093	STEWART, W B	2
127595	STILL, VERN T	8
154201	STINEHOWER, DOUGLAS C	96
11497	STOCKBRIDGE, JOYCE	1
104332	STOCKBRIDGE, OWEN B	25

L.A.S. C.I.D.	Owner Name	Total Claims
169884	STOCKMAN EXPLORATION & DEV CO	308
150160	STONEBURG, NEAL C	5
7849	STONY RIVER VENTURES	8
11550	STORRS, PAMELA R.	2
114196	STOWELL, CHARLES W	24
114226	STOWELL, ROSALYN ELAINE	3
182581	STRANGE, JOHN D	3
104163	STRANGE, PHILIP D	29
9907	STRAUB, MICHAEL W	2
112167	STRAUB, SANDRA C	2
172965	STREET, W BRUCE	4
11900	STRINGFELLOW, LAWRENCE R.	1
170773	STRINGFELLOW, MARC	10
9585	STRUTHERS, LORN	4
161039	STUBBLEFIELD, JOHN T	2
150307	STUBBLEFIELD, Y R	2
184594	STUDEBAKER, WILLIAM C.	39
7597	STUDINAK, GERALD	4
150319	STUGART, EDWARD R	29
170739	STULL, DENNIS LEON	8
150349	SUIKKI, RAIMO P	1
104530	SUME, RONALD K	2
150391	SUMNER, DOUGLAS	11
150394	SUMNER, RICHARD P	12
9431	SUMPTER, DAVID J	2
184665	SUNRISE EXPLORATION	6
127627	SUNSHINE MINING CO	5
169337	SUPERDOCK, ELEANOR H	6
169336	SUPERDOCK, GEORGE G	25
11498	SUPERDOCK, SAUNDRA L.	1
173592	SWAINBANK, DONALD C	2
4773	SWANATROM SR, SUEDE	3
115674	SWARTHOUT, RALPH	48
170923	SWEETSIR, J MATSON	6
150493	SWEETSIR, MICHAEL A	39
161572	SWENSON, LLOYD D	10
150499	SWENSON, RICHARD A	18
173734	SWENSON, SHIRLEY	4
162707	SWINGLE, FRED L	5
4680	SWINGLE, JUNE	5
150531	SYREN JR, ROY N	6
127791	T W S S	2
170097	TAFT, JOE	1
174166	TAKU MINING CO J-V	2
150567	TALBOT, MARION L	1
162875	TALLMAN, HENRY E	1
105358	TANDY, GARY A	1
7865	TATE, JOHN S	1
160285	TATE, MYRON C	4
8992	TAYLOR, A J	1
114970	TAYLOR, ARLEY R	67
150689	TAYLOR, BOB F	1
150692	TAYLOR, JANICE E	3
6451	TAYLOR, JILL M	6
157403	TAYLOR, JOSEPH	374
165415	TAYLOR, JUNE M	52
11381	TAYLOR, KENNETH E.	1
150660	TAYLOR, LARRY R	31
9284	TAYLOR, REMA NELL	12
159458	TAYLOR, TOMI B	30
150656	TAYLOR JR, JOSEPH F	11
173150	TEEL, MARY LOU	1
157389	TEEUWEN, WALTER L	125
10077	TEPASTE, GLENN	3
157762	TERRIEN, VALERIE M	1
172807	THIES, MARTHA A	1
150782	THIES, WILLIAM J	1
172207	THISTLE CREEK MINING CO	35
171209	THOENNES, MARK R	11
173100	THOMAS, DANIEL A	11
4781	THOMAS, JOHN S	1
10184	THOMAS, SYLVAN J.	1
11490	THOMAS, TOM	8

L. A. S. C. I. D.	Owner Name	Total Claims
169310	THOMPSON, BRIAN D	5
11730	THOMPSON, LOWELL	5
173517	THOMPSON, ROY M	1
173594	THORNLEY JR, ROY S	1
169371	THREE D INC	14
151024	THURNEAU, CAROL	2
173259	THURNEAU, JOSIE	78
151022	THURNEAU, NEIL	117
151025	THURNEAU, VERNON A	2
157619	TILTON, BERKLEY H	12
9344	TIMINSKIS, WILLIAM L.	3
173016	TINDELL, JAN	2
170262	TINGLEY, JEFFREY B	83
169325	TITCHENAL, ROBERT L	16
151098	TITCHENAL, SHIRLEY J	2
171794	TML EXPLORATION	1
7751	TOLMAN, GARY	7
151153	TOMPKINS, ROBERT W	1
9189	TONKIN, GARY	2
174090	TOPS, BRUCE	3
10791	TORI MINES, INC.	34
4182	TORSON, EUGENE	6
115862	TOWSE, COLIN W	6
116224	TRAXLER, ROY E	5
168222	TREB, KENNETH R	1
9658	TRI-VALLEY CORP	701
173442	TRIGG, ROBERT W	1
173290	TRIGG, SHARON L	1
174275	TRINITY MINING CO	18
169389	TRUDEAU, JOE	16
151328	TRYCK, JAMES W	3
115972	TRYCK, KEITH E	31
178988	TUFTS, JAMES L	16
116137	TUNDRA EXPS	25
11765	TUNGSTEN INC.	51
187279	TURNER, JEAN E	10
151395	TURNER, JOHN L	29
173043	TURNER, REBECCA L	4
161601	TURNER II, WALLACE O	10
11320	TWEET, BRUCE H.	1
7894	TWEET, ELIZABETH S.	66
151423	TWEET, N B & SONS	44
10203	TWOGOOD, ALEX	55
151495	UNSDERFER, TONY	15
170926	UNSDERFER, TONY	2
172735	UPFER SUSITNA MINERALS INC	85
10788	VAN MINING, INC.	34
172436	VAN OSTRAND, SHANNON D	6
115734	VAN OSTRAND JR, TOM C	21
172471	VAN OSTRAND, TOM C	6
168146	VANDERPOOL, ROBERT I	30
11890	VATKE, LINDA L.	2
6354	VEIT, MARK D	1
4064	VEIT, MELVIN D	1
171855	VELARDE, JUANA N	1
164670	VENTURES NORTH MINING CO LTD	2
10108	VESTAL, KAREN A	1
157388	VETTER, ADOLPH	477
157387	VETTER, GRACE E	521
157378	VETTER, ROUDOLPH	347
163426	VIDAL, ANGEL	5
10301	VIKING EXPLORATION, INC.	112
169616	VINYARD, BROOKS	1
115503	VOGLER, JOSEPH E	30
151790	VOLF, EDWARD J	19
164988	VOLLENDORF, WILLIAM A	8
171795	VOSS, DON	24
157706	VOSS, JAMES W	282
157621	VOSS, JEREMY	12
151823	VOURNAS, GEORGE	2
8877	VOURNAS, PETE	12
4619	W. MARTIN EXPLORATION, INC.	21
151862	WAGAR, JIM	9

L.A.S. C.I.D.	Owner Name	Total Claims
151894	WAHTO, DENNIS A	2
10952	WALKER, DARRELL	2
11956	WALKER, GERALD F.	7
9702	WALKER, MALCOLM	9
11973	WALKER, MARABELLE	7
173214	WALKER, MILES	15
11487	WALKER, ROBERT M	2
154532	WALKER, TOM	24
11679	WALSH, BRIAN K	1
172633	WALSH, JOHN D	28
164510	WALSH, PEARSE M	2
165883	WALTER, CAROL L	17
165882	WALTER, FRANK	17
152042	WALTON, ROSS	1
114892	WANN, ELINOR	1
170264	WARD, DAYLON	6
170265	WARD, LAHUNTA JUNE	6
11286	WARING, BRIAN R	7
114715	WARNER, HELEN	132
116145	WATTS, DONALD L	31
155466	WAY, RONALD M	19
173589	WEATHERWAX, RONALD E	2
170640	WEAVER, VERNON	2
173581	WEBB, MICHAEL K	2
154297	WEILAND, LAURENCE	96
9557	WEINARD, BRIAN	3
8673	WELCOME, ROBERT	7
169716	WELLS, CLAYTON	7
152386	WELLS, JEANNE	1
152396	WELLS, JEANNE	1
11671	WENDLER, RUTH	2
165748	WENTZ, JOHN B	17
157898	WESCOTT, ANDREW GEORGE	2
172521	WESCOTT, PAMELA S	3
152441	WESEMAN, AIMEE	11
112437	WESEN, CLINTON D	1
173579	WEST, GEORGE W	3
172091	WEST, JERRY C	4
10218	WESTERN GOLD EXPL & MINING CO	508
8757	WESTERN SURVEYS, INC.	5
173040	WESTMARK, SANDRA LOWRY	1
152495	WESTWOOD, EDWARD A	2
10881	WETLESEN, LILY	3
171242	WETLESEN, STEPHEN W	5
164612	WETLESEN, THORLEIF B	51
157303	WGM INC	703
152510	WHEAT, D MICHAEL	19
171026	WHEAT, DAVID S	5
9975	WHEAT, MIKE	16
115715	WHEELER, JAMES P	35
9204	WHEELER, RICHARD	11
4176	WHITE, FRED	1
4344	WHITE, KATHIE S.	5
128071	WHITE, MICHAEL P.	5
157671	WHITE, PAUL W	24
169754	WHITE, PAUL W	63
8486	WHITE RIVER PLACERS, INC	16
169483	WHITING, EUGENE	3
152703	WIETCHY, DANIEL M	48
170406	WIETCHY, DANIEL M	8
171177	WIETCHY, THOMAS	11
10081	WILCOX, DOROTHY	4
172968	WILCOX, EDWARD C	1
170239	WILKES, FREL M	61
155996	WILKINS, DENNIS D	11
157243	WILKINS, NORMAN	23
172410	WILKINS, SYLVIA	4
115231	WILKINSON, FRED D	47
169257	WILKINSON, TERRY	2
162715	WILKS, RONALD DOUGLAS	4
6432	WILLFORD, FRANK E	16
8670	WILLIAMS, ANN J	5
171183	WILLIAMS, ANGIE	4

L.A.S. C.I.D.	Owner Name	Total Claims
179893	WILLIAMS, ANTHONY	29
157319	WILLIAMS, BILL RUSSELL	8
115739	WILLIAMS, DOVER T	8
171184	WILLIAMS, HERMIE JEAN	4
11120	WILLIAMS, KAREN M.	2
9846	WILLIAMS, MARVIN E	1
9522	WILLIAMS, PAM	20
10663	WILLIAMS, RICHARD W.	31
152889	WILLIAMS, RUSSELL H	2
169505	WILLIAMS, THOMAS P	2
152902	WILLIAMS, WILBUR A	5
169338	WILLIS, DEAN L	3
115660	WILMARTH, RICHARD C	59
187221	WILSON, DEAN E	11
115097	WILSON, DON	5
164893	WILSON, GEORGE R	1
812	WILSON, HARRY W	14
9767	WILSON, JOHN BRYAN	1
186832	WILSON, MILLARD	3
116032	WILSON, ROBERTA L	1
153016	WILSON, STARKEY A	31
173013	WINEGAR, LARRY J	17
173845	WINGATE, JEAN M	2
116424	WINKLER, MARVIN	14
173708	WISE, KENNETH G	10
9359	WISE, RON	1
9283	WISWELL, AUSTIN	11
172092	WITHROW, DONALD EARL	5
170941	WJN MINING	4
11656	WOBEL, HERTA	1
174018	WOELLERT, DAVID ALLEN	4
173472	WOELLERT, LAWANA J	4
173471	WOELLERT, ROBERT D	4
115983	WOLF, RAY D	24
160340	WOLFF, ROBERT VICTOR	24
170735	WOOD, ELLEN	15
173586	WOOD, MARI B	4
157795	WOODALL, CLARENCE R	5
153293	WOODRUFF, CHARLES B	102
170243	WOODS, FERREL LEE	29
180488	WOOTEN, DONNA J	21
115042	WOOTEN, KENNETH E	21
7838	WORTMAN, DEBRA J.	25
153364	WORTMAN, JOHN E	10
7836	WORTMAN, MARTIN D.	50
169907	WORTMAN, ROBERT E	11
171912	WREDE, RONALD J	8
169808	WRIGHT, BERNARD D	28
169809	WRIGHT, BETTY D	28
9769	WRIGHT, BONNIE T	5
171304	WRIGHT, DEBORAH A	2
9553	WRIGHT, JEAN S.	1
170021	WRIGHT, JULES	1
9768	WRIGHT, RICHARD L	5
169232	WYATT, LINDSAY R	1
173503	WYLDE, MICHAEL D	4
153446	WYLIE, JAMES R	61
161412	WYMAN, LEWIS B	14
163927	WYRICK, L E	6
163928	WYRICK, MARILYN A	4
9749	YODER, GEORGE	1
180599	YOUNG, DENNIS	6
153572	YOUNG, DONALD E	1
153573	YOUNG, EDWARD J	6
10450	YOUNG, JEAN F	6
170940	YOUNG, ROBERT V	24
178156	YOUNG, ROBIN ANN	1
153581	YOUNGBERG, ARLYN L	15
9279	YOUNKER, PHIL A.	49
128164	YRJANA, ALBERT M	13
11920	YUKON ENT.	15
7048	YUKON VALLEY MINES, INC.	142
11110	YUPIK LAND & EXPLORATION	94

L.A.S. C.I.D.	Owner Name	Total Claims
11128	ZAISER, BERTHA M	34
171893	ZANONA, MAGORIANO E	14
157772	ZERBE, LES PAUL	19
157112	ZERKEL, JOYCE E	1
157111	ZERKEL, KENNETH GENE	1
174022	ZIMMERMAN, ARTHUR D	2
170886	ZIMMERMAN, JOSEPH D	34
10501	ZIMMERMAN, VON	16
170427	ZOLTON, JERRY L	5
115062	ZUCCHINI, ALBERT A	5

SUMMARY OF MINING LICENSE TAX REVENUE
By Industry Group

	<u>1987</u>	<u>1986</u>	<u>1985</u>
"Locatable Minerals" (Placer gold only)	\$34,179	\$6,627	\$7,258
Coal	\$206,328	\$212,325	\$16,554
Rock, Sand & Gravel	\$19,142	\$86,418	\$42,774

* Information provided by Dept. of Revenue

Records =

→ Private & Federal Lands -

Alaska Statutes

Title 43. Revenue and Taxation.

Part 1. Administration.

Chapter 65. Mining License Tax.

Sec. 43.65.010. Mining license. (a) A person prosecuting or attempting to prosecute, or engaging in the business of mining in the state shall obtain a license from the department. All new mining operations are exempt from the tax levied by this chapter for three and one-half years after production begins. The tax exemption granted to new mining operations does not extend or apply to the mining of sand and gravel.

(b) The Department of Natural Resources shall certify to the department the date upon which production begins, and the department shall issue a certificate of exemption to the producer accordingly.

(c) The license tax on mining is as follows: upon the net income of the taxpayer from the property in the state, computed with allowable depletion, plus royalty received in connection with mining property in the state

over \$40,000 and not over \$50,000	3 per cent
over \$50,000 and not over \$100,000	\$1,500 plus 5 per cent of the excess over \$50,000
over \$100,000	\$4,000 plus 7 per cent of the excess over \$100,000.

(d) Where mining operations are conducted in two or more places by one person the operations are considered a single mining operation and the tax under this chapter is computed upon the aggregate income derived from all the mining operations. The lessor of a mine operated under a lease is considered to be engaged in mining within this chapter, and the royalties received by the lessor are considered to be the net income of the lessor's mining operations. If the lessor receives royalties from more than one mine or mining operation, the tax payable under this chapter by the lessor is computed upon the aggregate royalties received by the lessor from all the mines or mining operations as though they were a single mining operation.

(e) The allowance for depletion included as an allowable deduction from gross income is a percentage of the gross income from the property during the taxable year, excluding from the gross income an amount equal to the rents or royalties paid by the taxpayer in respect to the property, as follows: (1) coal mines: 10 per cent; (2) metal mines, fluorspar, flake graphite, vermiculite, beryl, feldspar, mica, talc, lepidolite, spodumene, varite, ball and sagger clay, or rock asphalt mines and potash mines or deposits: 15 per cent; and (3) sulphur mines or deposits: 23 per cent.

(f) The allowance for depletion may not exceed 50 per cent of the net income of the taxpayer, computed without allowance for depletion, from the property, except that in no case may the depletion allowable be less than it would be if computed on a reasonable cost basis.

(g) Deductions which are not directly attributable to particular properties or processes shall be fairly allocated. To illustrate: If the taxpayer engages in activities in addition to mineral extraction in the state and to ordinary treatment processes, deductions for depreciation, taxes, general expenses, and overhead, which cannot be directly attributed to a specific activity, shall be fairly apportioned between (1) the mineral extraction and ordinary treatment processes, and (2) the additional activities, taking into account the ratio which the operating expenses directly attributable to the mineral extraction and ordinary treatment processes bear to the operating expenses directly attributable to the additional activities. If more than one mineral property is involved, the deductions apportioned to the mineral extraction and ordinary treatment processes shall, in turn, be fairly apportioned to the several properties taking into account their relative production.

(h) Taxes upon royalties shall be paid by the taxpayer receiving the royalties and no deduction, excepting depletion, is allowed.

(i) A license issued under this section shall include

(1) the name and address of the licensee;

(2) the nature or type of mining activity to be conducted; and

(3) the year for which the license is issued. (§ 35-1-31 (a) — (c) (e)

(f) ACLA 1949; am § 1 ch 64 SLA 1951; §§ 1, 2 ch 26 SLA 1953; am § 1 ch 78 SLA 1955; am § 1 ch 14 SLA 1962; am § 43 ch 113 SLA 1980)

Sec. 43.65.020. Taxpayer's duties. (a) A person subject to tax under this chapter shall make a return stating specifically the items of gross income from the property, including royalty received and the deductions and credits allowed by this chapter, and other information for carrying out this chapter which the department prescribes. The return shall show the mining license number and shall be signed by the taxpayer or an authorized agent of the taxpayer, under penalty of perjury. If receivers, trustees, or assigns are operating the property or business, they shall make returns for the person engaged in mining, or the recipient of royalty in connection with mining property. The tax due on the basis of the returns shall be collected in the same manner as if collected from the person of whose business they have custody and control.

(b) A return made on the basis of the calendar year shall be made before May 1 of the next year. A return made on the basis of a fiscal year shall be made before the first day of the fifth month of the next fiscal year.

(c) The department may grant a reasonable extension of time for filing returns, under regulations prescribed by it. Except in the case of a taxpayer going abroad, no extension may be made for more than six months.

(d) A taxpayer's return shall be made to the department at Juneau. A taxpayer shall make a return either on a calendar year or fiscal year basis, in conformance with the basis used in making the taxpayer's return for federal income tax purposes.

(e) The total amount of tax imposed by this chapter shall be paid on the 30th day of April of the next calendar year, or, if the return is made on the basis of the fiscal year, then on the last day of the fourth month of the next fiscal year.

(f) Every person prosecuting or attempting to prosecute or engaging in the business of mining in the state shall comply with the department's regulations and shall keep such records, give such statements under oath, and make such returns as the department prescribes.

(g) When the department considers it necessary, it may require a person, by notice served upon the person, to make a return, give statements under oath, or keep records as it considers sufficient to show whether or not the person is liable to tax under this chapter. If a person fails to file a return at the time prescribed by law or regulation, or makes, wilfully or otherwise, a false or fraudulent return, the department shall make the return from its own knowledge and from such information as it can obtain through testimony or otherwise. A return so made and subscribed by the department is prima facie good and sufficient for all legal purposes. (§ 35-1-32 ACLA 1949)

Sec. 43.65.030. Application for renewals. Application for renewal of a mining license shall be made before May 1 of each year. (§ 35-1-35 ACLA 1949)

Sec. 43.65.040. Limitation. [Repealed, § 4 ch 94 SLA 1976. For current law, see AS 43.05.260.]

Sec. 43.65.050. Violations and penalties. [Repealed, § 4 ch 94 SLA 1976; § 3 ch 166 SLA 1976; §§ 45, 46 ch 113 SLA 1980. For current law, see AS 43.05.220 and 43.05.290.]

Sec. 43.65.060. Definitions. In this chapter, unless the context otherwise requires,

(1) "gross income from property" means the gross income from mining in the state;

(2) "mining" means an operation by which valuable metals, ores, minerals, asbestos, gypsum, coal, marketable earth, or stone, or any of them are extracted, mined, or taken from the earth; "mining" includes the ordinary treatment processes normally applied by mine owners or operators to obtain the commercially marketable product, but does not include the extraction or production of oil and gas;

(3) "net income of the taxpayer (computed without allowances for depletion) from the property" means the gross income from the property, less allowable deductions attributable to the mineral property upon which the depletion is claimed and the allowable deductions attributable to ordinary treatment processes insofar as they relate to the product of the property, including overhead and operating expenses, development costs properly charged to expense, depreciation, taxes, losses sustained, etc., but excluding allowances for depletion, and deductions for federal income taxes, or for the tax imposed by this chapter;

(4) "new mining operations" means mining operations which began production after January 1, 1953, or which have not been liable to pay a mining license tax under this chapter on net income since January 1, 1948;

(5) "ordinary treatment processes" includes

(A) in the case of coal: cleaning, breaking, sizing, and loading for shipment,

(B) in the case of sulphur: pumping to vats, cooling, breaking and loading for shipment,

(C) in the case of iron ore, bauxite, ball and sagger clay, rock asphalt, and minerals which are customarily sold in the form of crude mineral product: sorting, concentrating and sintering to bring to shipping grade and form, and loading for shipment, and

(D) in the case of lead, zinc, copper, gold, silver, platinum metals or fluorspar ores, potash and ores which are not customarily sold in the form of the crude mineral product: crushing, grinding, and beneficiation by concentration (gravity, flotation, amalgamation, electrostatic, or magnetic), cyanidation, leaching, crystallization, precipitation (but excluding electrolytic deposition, roasting, thermal or electric smelting or refining), or by substantially equivalent processes or combination of processes used in the separation or extraction of a product from the ore, including the furnacing or quicksilver ore;

(6) "production" means the date on which the initial shipment of products from mining operations is made. (§ 35-1-31(a) (d) (e) ACLA 1949; am § 1 ch 64 SLA 1951; am §§ 1, 2 ch 26 SLA 1953; am § 1 ch 14 SLA 1962)

THE FOLLOWING DOCUMENT HAS
NOT BEEN FILMED BUT IS
AVAILABLE IN THE ORIGINAL
FILE

U.S. Govt. Public Lands	52,000,000		Prospecting permit	2,660	2 Years	Occasionally	Occasionally	2,660-10,240	20	Yes	\$1.00/acre	Negotiated	
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LOCATABLE MINERAL LEASING SYSTEMS

OWNER	SUBSURFACE HOLDINGS		REQUIREMENTS PRIOR TO LEASE			LEASE ISSUANCE		LEASE SIZE	LEASE DURATION	LEASE RENEWAL	LEASE RENTAL	LEASE ROYALTY	RENTAL DEDUCTIONS
	Mineral Acres Available (Approx.)	Mineral Acres Leased	eg. Claim Staking, Prospecting or Land Use Permits, License etc.	Claim or Prospecting Permit Size (Acres)	Duration of Claim or Permit Before Conversion to Lease	Competitive	Noncompetitive	(Acres)	(Years)		(Annual)	(Annual)	
Alaska	102,800,000	7,676	Discovery and location	Claim -40 Prospecting Permit -80	Indefinite	Never	Always	Unlimited	20	Yes	Year 1 to 5 -\$10.00/acre Year 6 to 10 -\$15.00/acre Year 11 to 20 -\$20.00/acre	None	W
Arizona	8,800,000	46,800	Prospecting permit or claim(s)	20	5 Years	Never	Always	640 or less	20	Yes	\$1.00/acre	5% net	N
California	760,000	586,000	Prospecting permit	640	2 Years	Rarely	Usually	640	20	Yes	Negotiable	20% adjusted gross or 5% net	T
Colorado	4,087,000	53,029	Claim and prospecting Permit	640	60 Days	Occasionally	Usually	Negotiated	10	Yes	\$1.00/acre	Sliding Scale Based on Ore Value per ton \$0 to \$100.00/ton -4% net \$100.00 to \$200.00/ton -5% net \$200.00 to \$300.00/ton -6% net \$300.00 up/ton -7% net	P T E S
Idaho	3,000,000	47,200	Exploration permit	20	2 Years	Rarely	Usually	640	10	Yes	\$1.00/acre	Sliding Scale Based on Ore Value Per Ton \$50.00 ore is 6% of net smelter return	F T