

HB

169

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

DATE: 2/27/95

PLACE: ROOM 124

SUBJECT OF MEETING:

HB 169 - DNR IS LEAD AGENCY for Mining
HB 80 - ONE APPROVAL OF PLATS IN UNDERB. PARCELS
HB 170 - Intensive Mgt. of Game

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
NEIL MacKinnon	AK MINERALS COMMISSIONER	1114 GLACIER AVE JUNEAU, AK	99801	586 3092	586 1254	(Y)	N	HB 169
Wayne Regelin	Dept Fish & Game	PO 25526 JUNEAU	99801	4654190		Y	N	HB 170
Ron Swanson	DNR	3601 C ST Anch	99503		762 2690	(Y)	N	HB 80
BOB STILES	DRVEN	711 H ST #600 ANCH	99501	276-6868		(Y)	N	HB 169
Charlie Green	AK Minerals Commission	PO Box 71805 Fbx AK 99707	99707	479-2489	452-2625	(Y)	N	HB 169
Charlie Boddy	Us. Lelli Coal Mine	122 1 st Ave Fbx, AK 99701	99701		2625 452	(Y)	N	HB 169
Joel Bennett	Defenders of Wildlife	114 W. 6 th St Juno	99801	586-1255		(Y)	N	HB 170
Molly Sharma	AEL	BOX 22151 JUNO	99802	467-3366		(Y)	N	HB 170
						Y	N	
						Y	N	
						Y	N	

HOUSE RESOURCES COMMITTEE



Alaska State Legislature
House of Representatives

SUBJECT OF MEETING:
HB 169
HB 80
HB 170

DATE: 2-27-95

PLACE: ROOM 124

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
✓ <u>MARK COGHILL</u>	SELF	904 CALHOUN	99801	463-5153 582-4071	463-5153	<input checked="" type="radio"/> Y	<input type="radio"/> N	HB 170
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	
						<input type="radio"/> Y	<input type="radio"/> N	

02/27/95 09:50:51 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1120
MESSAGE FROM: LIOCFRA IN FAIRBANKS JNU

RE TCN: 50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00
SPONSOR: HOUSE RESOURCES PURPOSE: PUBLIC HEARING

MESSAGE TEXT: RALF SEEKINS HAS ADDITIONAL TEST - PLZ

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:15:44 PARTICIPANT LIST (ALL PARTICIPANTS) BY:GLN
TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:GLN
PUBLIC HEARING HOUSE RESOURCES
LOCATION:GLENNALLEN
HB 170 MR. FRED T. WILLIAMS TESTIFY

left before Testifying

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
08:16:53 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC
TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:ANC
PUBLIC HEARING HOUSE RESOURCES
LOCATION:ANCHORAGE
HB 170 WARREN ✓ OLSON *5961 Crest Cir Anch 99516 346-1811* TESTIFY
HB 170 DAVID ✓ OLSON *same* TESTIFY

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 09:07:32 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
 TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION: FAIRBANKS
 HB 170 MR. BILL HAGAR TESTIFY
 HB 170 MR. LYNN LEVENGOOD TESTIFY
 HB 170 MR. TOM SCARBOROUGH TESTIFY
 HB 170 MR. PETER SHEPHERD *biologist* TESTIFY
 HB 170 MR. RALPH SEEKINS TESTIFY

02/27/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150
 09:50:06 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX
 TCN:50270 SCHEDULED FOR:02/27/95 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION: FAIRBANKS
 HB 170 MR. BILL HAGAR *431 Gaffney Rd 99701 452-6295* TESTIFY
 HB 170 MR. LYNN LEVENGOOD TESTIFY
 931 Vide Way 99712 457-3841
 HB 170 MR. TOM SCARBOROUGH TESTIFY
 1676 Taroken Dr. 99789 479-3412
 HB 170 MR. PETER SHEPHERD TESTIFY
 1012 Galena 99789 474-4685
 HB 170 MR. RALPH SEEKINS TESTIFY
 1625 Old Steese Hwy FBX 99701 452-1991
 HB 170 MR. GREG MACHACEK TESTIFY
 P.O. Box 56245 North Pole 99705 488-4534

(9)

Date Referred: February 8, 1995

FURTHER REFERRALS:

Date of Committee Action: 2/27/95

The RESOURCES Committee considered:

HB 169

HOUSE BILL NO. 169

DEPT. NAT RES. IS LEAD AGENCY FOR MINING

"An Act defining the scope of the responsibility of the Department of Natural Resources for regulating the development of the mineral resources of the state."

recommends it be replaced with the following committee substitute CS HB 169 (RES) [] the same title [X] a new title

[] additional referral to _____ Committee [] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date) [] fiscal note(s) [] fiscal note(s)

[X] zero fiscal note(s) DNR, DEC, GOV, F+G [] zero fiscal note(s)

Table with 5 columns: SIGNING WITH RECOMMENDATIONS, DP, DNP, NR, AM. Contains handwritten signatures and checkmarks in the DP column.

CHAIR'S SIGNATURE [Handwritten Signature]

Alaska State Legislature House of Representatives

COMMITTEE ASSIGNMENTS:

LABOR & COMMERCE, CHAIRMAN
MILITARY & VETERANS AFFAIRS, CHAIRMAN
COMMUNITY & REGIONAL AFFAIRS
RESOURCES
INTERNATIONAL TRADE / TOURISM
LEGISLATIVE COUNCIL



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10928 EAGLE RIVER ROAD, SUITE 141
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PHONE (907) 694-8944
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SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
PHONE (907) 465-3777
FAX (907) 465-2819

TO: Representative Joe Green, Co-Chair
Representative Bill Williams, Co-Chair
House Resources Committee

FROM: Representative Pete Kott

A handwritten signature in cursive script, appearing to read "Pete Kott".

FEB 16 1995

DATE: February 16, 1995

RE: HB 169

Please schedule HB 169 for a hearing in the House Resources Committee.

This legislation amends AS 27.05 to make the Department of Natural Resources the lead agency for regulations that affect the development or management of mineral resources.

By appointing a single department, the one that houses the Division of Mining & Water Management, as the coordinating agency for regulations that affect the management of mineral resources in Alaska, consistency of policy and regulatory interpretation should result. It should also simplify input and comment by private citizens during the regulation adoption process.

Thank you in advance for scheduling HB 169 for a hearing in the House Resources Committee.



Representative Pete Kott



9-LS0679F
Chenoweth
2/24/95

CS FOR HOUSE BILL NO. 169()

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES KOTT, Williams, Kelly, MacLean

A BILL

FOR AN ACT ENTITLED

1 "An Act defining the scope of the responsibility of the Department of Natural
2 Resources for regulating the mineral resources of the state."

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

4 * Section 1. AS 27.05.010 is amended by adding a new subsection to read:

5 (b) The department is the lead agency for all matters relating to the exploration,
6 development, and management of mining, and, in its capacity as lead agency, shall
7 coordinate all regulatory matters concerning mineral resource exploration, development,
8 mining, and associated activities. Before a state agency takes action that may directly or
9 indirectly affect the exploration, development, or management of mineral resources, the
10 agency shall consult with and draw upon the mining expertise of the department.

Alaska State Legislature House of Representatives

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PHONE (907) 465-3777
FAX (907) 465-2819

SPONSOR STATEMENT HB 169

One of the toughest problems the Alaskan public faces when dealing with state government is knowing which agency to contact.

HB 169 would designate the Department of Natural Resources(DNR) as the lead agency for regulations dealing with mining development and regulation. Three and some times four agencies of the Executive Branch are involved in the regulation of mining. By designating DNR as the lead agency an individual who contacts the state in regard to mining will know to contact DNR and they will coordinate the interface with other state agencies. It should also mean that a single agency has complete knowledge of the program.

I urge your support for this legislation.



Representative Pete Kott



FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date: _____
Title: ...responsibility of DNR for regulating
the development of mineral resources...
Sponsor: Rep Kott
Requestor: Hs (RES)

Department Affected: Environmental
Conservation
BRU: Administration
Component: Commissioner's Office

COMPONENT SERIAL NO. 633

Expenditures/Revenues:

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND&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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipt	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Larry Jones *Lawrence Jones*
Division: Director, Information and Administrative Services

Phone: 465-5010
Date: 2/24/95

Approved by Commissioner: *Lawrence Jones*
Agency: Department of Environmental Conservation

Date: 2/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Defining the scope of the responsibility of DNR for BRU: Habitat and Restoration
regulating the development of the mineral resources of the state. Component: Habitat
 Sponsor: Rep.(s) Kott, Williams, Kelly, MacLean
 Requester: Resources COMPONENT SERIAL NO. 486

Expenditures/Revenues

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & 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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0		0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

If amended as proposed by ADF&G, the legislation simply confirms by law ADF&G's established practice of consulting with other state agencies prior to adopting, repealing, or modifying regulations. Traditionally, ADF&G also has consulted with other affected agencies and constituencies prior to adopting major policy revisions. Confirming this consultation by law will not increase ADF&G's fiscal costs.

If the intent of the legislation, however, is to require ADF&G to coordinate each and every permitting decision with the DNR prior to permit issuance, the department will incur additional time delays and staffing requirements. A revised fiscal note will need to be prepared once the intent of this legislation is clarified.

Prepared by: Ellen Fritts, Acting Director
 Division: Habitat and Restoration
 Approved by Commissioner: Geison Bruce for Frank Rue
 Agency: _____

Phone: 465-4105
 Date: 2/23/95
 Date: 2/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 169

Revision Date: _____ Dept. Affected: Office of the Governor
 Title: Relating to the scope of responsibility of the Dept. of Natural Resources for regulating development of mineral resources BRU: Office of Management and Budget
 Sponsor: Representative Kott Component: Governmental Coordination
 Requester: _____ COMPONENT SERIAL NO. 18

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & 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	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
------------------------	-----	-----	-----	-----	-----	-----

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1006 GF/MHTIA	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	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

The Division of Governmental Coordination (DGC) coordinates the consistency review of projects that require federal permits or permits from 2 or more State agencies. If a proposed mining project required these type of permits, DGC would coordinate the State's consistency review. For mining projects, DGC routinely seeks the input from the Department of Natural Resources, as required by this bill. Current review procedures meet the intent of the bill, therefore DGC anticipates no fiscal impact.

Prepared by: Kerry Howard, Acting
 Division: Governmental Coordination
 Approved by Commissioner: [Signature]
 Agency: [Signature]

Phone: 465-3562
 Date: 2/24/95
 Date: 2/24/95

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FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB169

Revision Date: Original Dept Affected: Natural Resources
 Title: An Act defining the scope of the responsibility of the BRU: Resource Development
 Department of Natural Resources for regulatingmineral resources... Component: Mining Development
 Sponsor: Representative(s) Kott, Williams
 Requestor: _____ Component Serial No. 442

Expenditures/Revenues	(Thousands of Dollars)					
OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE	(Thousands of Dollars)					
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ None

POSITIONS	FY96	FY97	FY98	FY99	FY00	FY01
FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

There is no anticipated fiscal impact for the Department of Natural Resources with implementation of this legislation.

Prepared by: Jules Tileston, Director Phone: 745-2165
 Division: Mining & Water Management Date: 16-Feb-95
 Approved by Commissioner: _____ Date: 2-16-95
 Agency: Natural Resources

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PHONE (907) 465-3777
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SECTIONAL ANALYSIS HB 163 - 9-LS0679\A

- Section 1. Adds a new section to AS 27.05.010, the statutes defining the Department of Natural Resources' role in mining resource development and mining regulation. It designates the Department as the lead agency.



Representative Pete Kott





ALASKA MINERS ASSOCIATION, INC.

501 W. Northern Lights Blvd., Suite 203, Anchorage, Alaska 98503 FAX: (907) 278-7997 Telephone: (907) 276-0347

February 24, 1995

Honorable Joe Green
Co-Chairman
House Natural Resources Committee
State Capitol
Juneau, AK 99801

RE: HB-169, DNR as Lead Agency

Dear Representative Green,

On behalf of the Alaska Miners Association I wish to go on record in support of House Bill 169 which would designate the Department of Natural Resources as the lead agency in mining projects.

House Bill 169 will insure that the Department of Natural Resources, the State's land management agency, will be the lead agency for "all matters relating to the development and regulation of mining". The DNR is the only department with the expertise to deal with the full range of issues that must be addressed for mining projects. This lead agency status will not affect the statutory authorities of other departments but will provide a single focal point for mining issues.

The permitting of the Fort Knox Mine is a prime example of how this lead agency approach can work. This was the first major mine to be permitted with a lead agency "project" approach and this greatly increased the efficiency of all the agencies involved. Everyone within the various state agencies, as well as within the industry, knew exactly where to go when they had questions. The DNR was able to bring the necessary mining, land, water, etc. expertise to the discussion as needed and in the most efficient manner.

The use of the DNR as lead agency will be of value to both the State and the industry. For the State it will result in lower costs and less confusion and duplication of effort for permitting or other work with mining projects. For the mining industry it will mean clearer lines of communication and less duplication of effort and a more orderly, and hopefully less time-consuming permitting process.

We urge passage of this bill.

Sincerely,

Steven C. Borell, P.E.
Executive Director

cc: Representative Pete Kott

DAVID E. ROGERS, ESQUIRE

211 FOURTH STREET, SUITE 108

P.O. BOX 33032

JUNEAU, ALASKA 99803

TELEPHONE (907) 586-1107

FAX (907) 586-1097

February 27, 1995

House Resources Committee
Capitol Building
Juneau, Alaska 99811

Dear Committee Members:

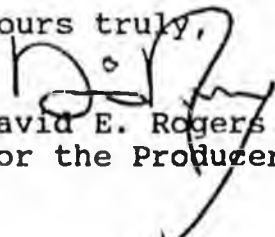
This letter is submitted on behalf of the Council of Alaska Producers (Producers Council) in conceptual support of HB 169. This bill, which was recommended by the Alaska Minerals Commission in its January 1995 Report, would designate the Department of Natural Resources as the "lead agency" in all "matters relating to the development and regulation of mining."

As you probably know, the permitting process for mining projects can be quite a challenge. It involves multiple agencies and is often extremely complicated, cumbersome and expensive. Based on the recent experience with the Fort Knox operation in Fairbanks, we believe that this commonsense idea of permanently establishing a single source for providing information and coordinating mining regulatory programs will result in a more manageable public process saving both the state and the regulated community precious time and money.

We understand and acknowledge that this is a procedural measure only; there is no intention to tinker with existing regulatory powers, duties or jurisdiction of other departments and agencies.

Our sincere thanks to bill sponsor Rep. Kott for introducing this legislation and to the House Resources Committee for giving it early attention.

Yours truly,


David E. Rogers
For the Producers Council