



# LAWS OF ALASKA

1981

**Source**

SCS CSHB 350(Res) am S

**Chapter No.**

108

**AN ACT**

Relating to mineral leasing; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: July 26, 1981  
Actual Effective Date: July 27, 1981

AN ACT

Relating to mineral leasing; and providing for  
an effective date.

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

(a) The acquisition and continuance of rights in and to deposits on state lands 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 - 38.05.280. Nothing in AS 38.05.185 - 38.05.280 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 those lands from which mineral deposits may be mined only under lease, and, subject to the limitations of AS 38.05.300, those lands 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.

\* Sec. 2. AS 38.05.205(a) is amended to read:

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1 (a) Prior discovery, location and filing shall initiate prior  
2 rights to mineral deposits subject to AS 38.05.185 - 38.05.280 in or on  
3 state lands, other than submerged lands, which are open to mining  
4 leasing. Locations shall be made and certificates of location recorded  
5 in accordance with AS 38.05.195. If the located lands are available  
6 only for leasing, the director shall publish in a paper of general  
7 circulation in the area of the location, notice of the filing of the  
8 location and notice that a mineral lease will be issued. The notice  
9 may be combined with notices of locations either in the same general  
10 area or statewide. Unless a conflicting location exists, no later than  
11 two weeks after publication of the notice, an application form for a  
12 mining lease shall be mailed to the locator by the director [UPON RE-  
13 QUEST OR UPON RECEIPT OF NOTICE THAT THE LOCATION HAS BEEN MADE ON  
14 LANDS OPEN ONLY FOR LEASING]. A lease application shall be filed with  
15 the director by the locator within 90 days after receipt of the form.  
16 If the located lands are not available for leasing, notice shall be  
17 given the locator by the director and the locator's [HIS] prior rights  
18 shall terminate. A mining lessee has the exclusive rights of possession  
19 and extraction of all minerals subject to AS 38.05.185 - 38.05.280 lying  
20 within the boundaries of his lease or location. Mining leases may be  
21 issued for one location or for a group of contiguous locations held in  
22 common. Minerals may not be mined and marketed or used until a lease is  
23 issued, except for limited amounts necessary for sampling or testing.

24 \* Sec. 3. AS 38.05.305 is amended by adding a new subsection to read:

25 (e) The provisions of this section do not apply to a lease issued  
26 under AS 38.05.205.

27 \* Sec. 4. AS 38.05.345 is amended by adding a new subsection to read:

28 (h) The provisions of this section do not apply to a lease issued  
29 under AS 38.05.205.

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\* Sec. 5. SPECIAL PROVISION FOR MINING LEASE LOCATIONS. Notwithstanding AS 38.05.205(a), until December 31, 1983, minerals may be mined, marketed, or used on a location for mineral leasing under AS 38.05.205 on land tentatively approved or patented to the state under section 6(a) or 6(b) of the Alaska Statehood Act (P.L. 85-508, 72 Stat. 339, as amended) 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.

\* Sec. 6. This Act takes effect immediately in accordance with AS 01.10.-070(c).