



# ALASKA

NORTH TO OPPORTUNITY

REPORT OF THE ALASKA MINERALS COMMISSION

JANUARY 2022



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State of Alaska

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## Alaska Minerals Commission

The 11-member Alaska Minerals Commission (AMC or Commission) serves in an advisory capacity to the Governor and the Alaska State Legislature. Five members are appointed by the Governor (one of whom must reside in a rural community), three members are appointed by the President of the Senate, and three members are appointed by the Speaker of the House of Representatives. The State of Alaska Division of Community and Regional Affairs supports the AMC by facilitating their annual meetings and assisting with the annual report.

The Commission's role is to recommend strategies to mitigate constraints on mineral development in Alaska. Created by the Legislature in 1986, the AMC's authorization was extended through 2024 by the Legislature in 2013 via House Bill 99. For over 30 years, the AMC has worked with the State of Alaska and the Alaska State Legislature to successfully implement key recommendations that support a strong and sustainable Alaska minerals industry. This report builds upon past work with the intent to identify state and federal issues that can block responsible development.



## Commissioners

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# ALASKA

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## INTRODUCTION

Mining is a cornerstone of our society and economy, supporting all aspects of our everyday life. The minerals industry is the source of raw materials used in the production of critical components for technology we use daily, from cell phones and computers to clean technologies like electric vehicles and solar panels. It provides the minerals and metals used in construction and electricity generation, and every industry that drives our state and local economies. In Alaska, the mining industry has demonstrated its ability to help diversify the economy and provide wide-ranging employment opportunities in both rural and urban areas, supporting rural infrastructure and lowering the cost of living, all while operating at the highest environmental standards.

Mining is a fundamental component of the statewide five-year Comprehensive Economic Development Strategy (CEDS), developed in 2017 by the State of Alaska Division of Economic Development. Mining helps to create a diversified economy and a more stable fiscal environment in which all businesses can thrive. Increased minerals development and exploration in Alaska can help increase fiscal stability and economic development, helping to achieve Governor Dunleavy's priorities to grow the state's economy and promote the "Alaska is Open for Business" initiative.

Alaska has five operating large hard rock mines, one large coal mine, and approximately 169 small placer mines<sup>1</sup>. Alaska's major mineral deposits currently in production include the Red Dog Mine in the Northwest Arctic region; the Greens Creek and Kensington Mines in the Southeast region; and the Pogo and Fort Knox Mines in the Interior region. The Usibelli Coal Mine is the state's only active coal mine, providing coal for Interior Alaska power plants.

According to the McKinley Research Group<sup>2</sup>, formerly the McDowell Group, together these operations provided 4,700 direct jobs in 2020, employing residents from throughout Alaska. In 2020, mining provided a total of 9,600 direct and indirect jobs, with a total direct and indirect payroll of \$890 million. Mining provides some of the highest paying jobs in the state of Alaska, with an annual average wage of \$115,320. In addition, \$49 million in local government revenue was attributed to mining activities through property taxes and payments in lieu of taxes. In 2020, the mining industry provided \$117 million in state and local government-related revenue through rents, royalties, fees, and taxes, and \$175 million in payments to Alaska Native corporations.

The mining industry pays an Alaska corporate income tax of up to 9.4 percent of income, which is the same for all corporations in the State of Alaska. The mining industry also pays up to 7 percent of net profits as an additional mining license tax, which applies to all mining operations including royalty owners (regardless of size), land status, mineral ownership, or location. Mining operations on State of Alaska land pay an additional 3 percent net profit royalty. Large mining operations are also significant taxpayers in their communities, paying property taxes in the Fairbanks and Juneau boroughs and a payment in lieu of taxes in the Northwest Arctic Borough.

The AMC commends State of Alaska leadership on actions taken to improve the minerals exploration, development, and production climate in Alaska. The AMC presents this 2022 report with nine priorities and corresponding recommendations.

<sup>[1]</sup> Athey, J.E., Werdon, M.B., and Twelker, E. Alaska's Mineral Industry 2019: Alaska Division of Geological & Geophysical Surveys Special Report 75, 81 p. March 2021. <https://dggs.alaska.gov/pubs/id/30658>

<sup>[2]</sup> Alaska Miners Association. The Economic Benefits of Alaska's Mineral Industry. The McKinley Research Group, February 2021.

## Top Priority

### Continue to defend and promote the minerals and mining industry in Alaska.

Alaska is well-known for its excellent geologic potential. In the past, the State of Alaska's reputation as a hospitable location for investment has suffered from inconsistent support for mineral resource development by State of Alaska leadership. This changed when Governor Dunleavy, Commissioner Feige, Commissioner Brune, Commissioner Vincent-Lang, and Chief Policy Director Huber started attending and promoting Alaska at mining conventions.

The AMC wants to give a special thank you to the Governor and the State of Alaska for defending and promoting the minerals and mining industry in Alaska. The Commission encourages the Governor's administration and the Legislature to continue to work together into the future to ensure industry leaders in the United States and around the world know that mining and minerals development are welcome in Alaska.

The clear, concise, and proactive communication to prospectors, family miners, small mining companies, major mining companies, and investors from the Governor's administration and the Legislature has helped attract the mineral investment needed to develop Alaska's future mines. Their efforts will have a healthy effect on these sectors for many years to come.

Alaska is ranked fifth in the world for overall investment attractiveness by mining and exploration companies based on its geologic attractiveness and government policy towards exploration investment according to the Fraser Institute Annual Survey of Mining Companies in 2020. Alaska was also ranked fifth out of 77 jurisdictions internationally for mineral potential, assuming a "best practices" policy regime.

Increased investment in minerals exploration and mining is essential to diversify the State of Alaska's economic underpinnings. While "[m]ore than 190 million acres of federal, State of Alaska, and Native-owned lands are open for minerals-related activities and mining," the existence of a resource isn't compelling enough on its own to bring outside business to Alaska. Attracting investment requires companies to have faith in the State of Alaska's economic stability, reasonable regulatory environment, and ongoing support of the minerals industry at the highest levels of government.

### Recommendations:

The Alaska Minerals Commission (AMC) recommends the Governor's administration and the Legislature continue to create a shared message to minerals and mining companies that investment in, and development of, Alaska's mineral resources are welcome.

The Commission further recommends continued and increasing levels of outreach by the Alaska Department of Natural Resources (DNR) Commissioner and the Governor's administration to major mining companies and industry associations, defining the advantages of investing and exploring in Alaska, and inviting these companies to explore and develop in the State of Alaska<sup>3</sup>.

The following state and federal priorities, coupled with actions recommended by the Commission, support the open-door policy welcoming investment from all of Alaska's leadership.

### State Priorities:

- 1) Predictability of the State of Alaska permitting timeframes
- 2) Reallocate portions of the State of Alaska mining license tax to communities, while precluding targeted local severance taxes
- 3) Address key State of Alaska regulations governing water use
- 4) Support the Division of Geological & Geophysical Surveys
- 5) Modernize the online mineral claim staking and claim management system
- 6) Encourage the Governor's administration to continue challenging ballot initiatives that seek to regulate natural resource development

### Federal Priorities:

- 1) Industry must have a clear path to wetland compensatory mitigation requirements
- 2) Advocate for a consistent definition of Waters of the United States (WOTUS) - 2021
- 3) Defend against federal overreach

[3] Athey, Jennifer E., and Werdon, Melanie B., 2019, Alaska's Mineral Industry 2018: Alaska Division of Geological & Geophysical Surveys Special Report 74, p. 2

## State Priorities

### 1. Predictability of the State of Alaska permitting timeframes

Processing of permit applications from DNR and the Alaska Department of Environmental Conservation (ADEC) are often delayed due to a shortage of personnel resources to handle the volume of applications. Mineral resource operators must have predictability in the timeframes associated with review, processing, and adjudication of permits to ensure uninterrupted work and encourage investment in the State of Alaska's mineral resources.

Further aggravation to this issue may result from the Biden Administration's increase in construction funding to Alaska over the next five years through infrastructure projects for roads, airports, ports, ferries, broadband, climate resiliency, green energy, and community improvement projects. These projects will require decisions and permits from State of Alaska regulatory agencies; the same agencies that are currently engaged in permitting mineral projects in Alaska. Current Alaska demand has permitting agencies operating at capacity to issue decisions and permits.

The State of Alaska needs the capability to issue additional decisions and permits in a predictable manner for projects. This action will show investors that the State of Alaska's permitting system is robust and able to adapt to priorities and demand.

#### Recommendations:

- Support the development of tools to track the processing of permit applications with transparency for the applicant on progress and accountability for the State of Alaska in meeting required timeframes.
- Support funding of additional State of Alaska personnel positions for timely processing of permit applications.
- Seek ways to minimize employee turnover in State of Alaska departments. The State must be able to retain and attract qualified, experienced personnel to the permitting and regulatory agencies.

### 2. Reallocate portions of the State of Alaska mining license tax to communities, while precluding targeted local severance taxes

The AMC believes that communities should benefit when natural resource exploration and development occurs nearby. Whether related to large scale long-term mining or short-term seasonal prospecting, the economic boost to local economies from mining and mineral development may generate increased demand in providing local government services. Communities could benefit from a reallocation of the State of Alaska Mining License Tax (AS 43.65).

Presently, there is no uniform mechanism to allocate a portion of the tax revenue back to communities associated with mineral development. Such a revenue-sharing model could provide needed assistance to communities<sup>4</sup>.

Sharing portions of State of Alaska revenue from mineral resource development with local communities in a predictable fashion reduces the need for local governments to impose their own industry targeted taxes, such as severance taxes. The uncertainty of the timing, stability, and size of a local tax could discourage mineral development. Moreover, allowing local governments to impose potentially onerous severance taxes shifts control of development decisions away from the State of Alaska.

#### Recommendations:

- Allocate portions of the statewide mining license tax to communities located near mining operations in order to create a stable economic regime that can provide an attractive investment climate in Alaska.
- Revise the municipal tax code to preclude local municipal severance taxes on mineral resources. This revision would not prevent a local government's ability to utilize a broad-based tax<sup>5</sup>, such as a property tax or sales tax.

[4] The fishing industry has an informal means to split taxes between the state and the local communities. This approach would adopt the concept but be more specific in the division of revenues.

[5] Both the Fairbanks North Star Borough and the City and Borough of Juneau benefit from broad-based taxes that include local mine operations.

### 3. Address key State of Alaska regulations governing water use

There are currently two issues governing water use that are of key importance to the AMC: reservations of water and Tier 3 water.

#### Reservations of Water

When DNR evaluates instream flow reservations (IFR) applications, it must consider the “need” and “purpose” of the reservation. While the Legislature’s intention was for applicants to “demonstrate” in detail why the State of Alaska should impose a restriction on a stream, DNR’s review is falling short. This results in the proliferation of IFRs to protect aquatic habitat, while that same aquatic habitat is already protected by the existing permitting process.

#### Tier 3 Waters

The Clean Water Act and other federal regulations require the State of Alaska to have an anti-degradation policy and a process for the nomination and designation of Tier 3 waters, also known as Outstanding National Resource Waters (ONRWs). The purpose of a Tier 3 designation is to offer special protection for waters of exceptional recreational or ecological significance. Designation of a Tier 3 waterbody results in a prohibition of any discharge that could degrade water quality, regardless of whether the discharge meets state water quality standards. This prohibition applies to discharges into tributaries or waterbodies upstream of the designated Tier 3 waters that could affect downstream waters, preventing industrial, municipal, or and private activities that would require a water discharge permit.

Although DEC has developed a process for the nomination and designation of Tier 3 waters, there are currently no designated Tier 3 waters in the state nor is there a recognized process to remove that designation once waters are designated as Tier 3. According to DEC, “Currently, there is no precedent for removing an ONRW [designation] once in place; neither is there a federal regulation or policy prohibiting such an action. However, in practice, once a water has been determined to be of exceptional significance warranting Tier 3 protection, it would be presumed to be extremely difficult to show at some time in the future that it is no longer exceptional and justify removal of the Tier 3 designation and protection level”<sup>6</sup>.

Proposed legislation to establish that Tier 3 designation authority resides with the Alaska Legislature and failed to advance through the Alaska Legislature in 2020.

#### Recommendations:

- Amend the existing laws so instream flow reservations are issued only in circumstances when the current existing permitting process will not be sufficient to protect the resource.
- Introduce and pass legislation during the 2022 session to establish that Tier 3 designation authority resides with the Alaska Legislature. This will assure the most objective decision-making process for designation of Tier 3 waters.

[6] Alaska Department of Environmental Conservation (ADEC) Division of Water, March 20, 2018, <https://dec.alaska.gov/media/4800/tier-3-factsheet-032018.pdf>



#### 4. Support the Division of Geological & Geophysical Surveys

The Alaska Division of Geologic and Geophysical Surveys (DGGs) within DNR plays an integral role in identifying Alaska mineral resources, mineral potential, and attracting investment to the State of Alaska. Their work includes collecting new geologic data, quickly publishing that data, and maintaining an extensive publicly available database. This database is commonly a first stop for explorers looking to invest exploration funding within the State of Alaska.

In November of 2021, the U.S. Geological Survey (USGS) released a draft list of 50 minerals which are deemed critical to the development of the country's economy<sup>7</sup>. The United States is dependent on unpredictable foreign producers such as China, Russia, and the Democratic Republic of the Congo for many of its critical mineral supplies, which results in an unacceptable risk to the national and economic security of the United States. Many of these minerals (especially zinc, graphite, and cobalt) are hosted within established mineral belts across Alaska. DGGs' publicly available data provides explorers an advantage when selecting areas to claim on State of Alaska land, and therefore makes that investment more attractive when compared to other states or countries that lack such information.

Much of Alaska's 663,000 square miles of land (more than a sixth of the total area of the United States) "has not been systematically studied or sampled for mineral resource potential"<sup>8</sup>. Now tasked by both Alaska's Legislature and the USGS, DGGs must be well supported in its further efforts to identify where critical minerals are to be found. Federal funding is vital and currently available, but State of Alaska matching funds are necessary to maximize federal support. The State of Alaska has previously supported these efforts through the Airborne Geophysical/Geological Mineral Inventory (AGGMI) program. The AMC recommends the State of Alaska continue to provide matching funds for grants and funding opportunities available through the federal government. The data produced by such efforts will have a long-term positive impact on attracting exploration dollars to State of Alaska land.

Another critical support for DGGs is the continuation and growth of the Geologic Materials Center (GMC). The GMC hosts the State of Alaska's archives for geologic samples collected by mineral, oil, and gas exploration companies, as well as state and federal agencies. Core repositories such as the GMC are commonplace in states that host significant mineral resources. Samples in the State of Alaska archives date back to the early 1900s and contain a wealth of information that can lead to additional discoveries based on information collected by modern analysis. The GMC archives contain over 18 million feet of core samples and cuttings from oil and gas exploration and 565,000 linear feet of drill core samples from mineral companies. They also contain 507,000 surface samples and over 35,000 thin sections<sup>9</sup>.

Finally, DGGs' role in promoting the State of Alaska at international mining conferences – where local experts can showcase our mineral potential, investment climate, and interact with investors – needs ongoing support. Roughly 80 percent of the funding for mineral exploration in Alaska is from companies housed outside of Alaska, most recently from Canada and Australia. These outreach activities are how the State lets the world know that Alaska welcomes mineral and mining investment.

#### Recommendations:

- The Governor and Legislature should continue to support assessment of Alaska's critical minerals. Airborne geophysical surveys, geological mapping, and mineral inventories are activities that can be funded through annual capital appropriations to the operating budget. Investing in these state-funded programs will, in turn, ensure federal funds are maximized.
- Support for the GMC to host and maintain a core repository and ability to conduct analysis on samples should continue.
- Funding should continue to support attendance by DGGs and DNR at international and national mining conferences to promote Alaska's mining industry.

[7] USGS Seeks Public Comment on Draft List of 50 Minerals Deemed Critical to US National Security and the Economy, accessed November 2021, <https://www.usgs.gov/news/national-news-release/usgs-seeks-public-comment-draft-list-50-minerals-deemed-critical-us-0>

[8] U.S. Geological Services, 2017, Geospatial Analysis Identifies Critical Mineral-Resource Potential in Alaska Fact Sheet

[9] GMC Curator Kurt Johnson, personal communication, November 2021.

## 5. Modernize the online mineral claim staking and claim management system

Alaska's system for acquiring mineral rights is antiquated and is a disincentive for would-be explorers, developers, and miners. It is recommended that Alaska investigate moving to an online claim staking system using an interactive website. This website must allow for real-time viewing of mineral claim status and online submission of claim applications and maintenance. Many other jurisdictions and agencies (e.g., the Bureau of Land Management or "BLM") have done so, and the result is greater certainty for claimants and greater efficiency for the government agency.

In order to acquire mineral rights on state land in Alaska, an individual or company must place corner posts in the ground with appropriate markings that document the identity of the claimant and the date upon which the posts were placed. The post may be a squared-off tree, a four-foot-long 4 inch by 4 inch post, or as has become common practice, a four-foot-long steel "rebar" post with a 4 inch by 4 inch wooden block mounted at the top. If a large tract of claims is staked, many thousands of posts may be necessary. Often the posts are placed by dropping them from a helicopter or fixed wing aircraft. Once placed, the claimant has up to 45 days to record a Notice of Location with the appropriate Mining Recorder, at which time fees are paid. Claims are maintained by paying annual rental to the State of Alaska and by doing exploration, development, or mining on the claims. Under the Meridian-Township-Range-Section (MTRS) grid system, the claim posts are meant to be placed at the corner of each quarter section for 160 acre claims, or at the corners of each quarter-quarter section for 40 acres claims. Prior to staking, the claimant must review land status on the DNR website to determine if the land in question is (1) State of Alaska land open for mineral entry, and (2) not already been claimed by another party.

The DNR website is called AlaskaMapper. It is an interactive map that shows land status, and information on mining claims that are plotted may be obtained by clicking on the claim. Unfortunately, DNR is unable to keep the site up to date. This presents two problems: (1) claims may have been abandoned by an owner, but since AlaskaMapper is not up to date, the land still appears to be claimed; and (2) there is risk that claims have been staked by a competing party but not yet reflected on AlaskaMapper in which case a new claimant may waste time and money staking claims on land that has already been claimed by others. Diligent stakers also check the Mining Recorder's website to see if there has been recent staking activity. However, since there can be a 45-day window from staking date to recording date, there is still risk that money will be wasted staking claims that have already been staked by others.

The current AlaskaMapper creates a disincentive for claim staking and the exploration and development that follows. Many more claims would be staked if would-be developers could see accurate real-time land status through an interactive on-line system from anywhere in the world and could have the ability to stake claims using the same online system. Fees would be immediately collected by the State of Alaska, and subsequent claim rentals would be paid through the online system. Such a system would allow DNR staff to be more efficient. Additional mineral exploration, mineral discovery, mineral development, and mining would result from these changes. After the initial cost to change the system, DNR would likely save money on staff time, and the State of Alaska would realize significantly increased revenue from claim rentals and mining taxes.

### Recommendations:

- Numerous other jurisdictions and the BLM have successfully adopted online mining claim systems. The Commission recommends that DNR undertake a study – a cost-benefit analysis – concerning an online staking and tenure management system for State of Alaska mining claims. The legal barriers to implementing the online system and removing the requirement for physical staking should be analyzed in this process. If findings are positive, the State of Alaska should institute an online claim staking system with real time up-to-date claim maps.

## 6. Encourage the Governor's administration to continue challenging ballot initiatives that seek to regulate natural resource development

The ballot initiative process is a means for citizens to resolve a problem of governmental action that is inconsistent with the will of the majority of citizens, and which cannot be resolved by elections of representation alone. A ballot initiative can bring about a public vote on a proposed statute or constitutional amendment if the petition receives a certain number of registered voters' signatures. However, opponents of mining and resource development have concluded that initiatives can be used to stop projects. The AMC does not believe that natural resource regulation should be done through the ballot initiative process, which lies outside of both legislative and constitutional control.

Only the State of Alaska, acting through the legislative and executive branches, should have authority to control and develop its natural resources. Additional ballot measures of this kind could set a dangerous precedent for natural resource policy in Alaska.

### Recommendations:

- Pursue reforms to limit the use and impact of ballot measures affecting natural resources policy.
- Introduce and pass legislation to limit severance of ballot measures during the 2022 session.



## Federal Priorities

### 1. Industry must have a clear path to wetland compensatory mitigation requirements

The Clean Water Act (CWA) prohibits the discharge of dredged or fill material into wetlands, streams, and other Waters of the United States (WOTUS) unless a permit issued by the U.S. Army Corps of Engineers (USACE) authorizes such a discharge.

When there is a proposed discharge, all appropriate and practicable steps must first be taken to avoid and minimize impacts to aquatic resources. For unavoidable impacts, compensatory mitigation is required to replace the loss of wetland, stream, and/or other aquatic resource functions.

Compensatory mitigation is often impracticable, and the costs are an added tax to projects. Where wetland preservation is used to meet mitigation requirements, it results in locking up future resources. Furthermore, compensatory mitigation requirements are poorly defined and lack transparency and consistency across Alaska.

In 2021, the State of Alaska submitted a prospectus to USACE to develop an in-lieu fee (ILF) program in the state. An ILF program involves the restoration, establishment, enhancement, or preservation of aquatic resources through funds paid to a governmental entity to satisfy compensatory mitigation for CWA permits. USACE reviewed the prospectus and supplied substantive comments rejecting the application as incomplete.

#### Recommendations:

- The State of Alaska, U.S. Environmental Protection Agency (EPA), and USACE should actively work together to find a viable compensatory mitigation solution that recognizes Alaska's uniqueness. The 1994 Alaska Wetlands Initiative and the 2018 Memorandum of Agreement concerning the Mitigation Sequence for Wetlands in Alaska under Section 404 of the CWA both provide valuable starting points for establishing a consensus approach that is workable in Alaska. This approach should be included in regulations to make it clear that Alaska is, in fact, different from the Lower 48.
- There must be a clear path explaining mitigation requirements in Alaska. This must include transparent methods to determine when and how much mitigation is required.
- The Governor and State of Alaska need to actively engage the USACE Alaska District Engineer and EPA in compensatory mitigation discussions for large projects in Alaska. It is time to update the 2013 Alaska Statewide Interagency Review Team (SIRT) for Compensatory Mitigation Roles and Responsibilities (August 2013). Goal #1 of the SIRT: Seek overall improvement in the success of compensatory mitigation by recommending processes and guidelines that are scientifically defensible, efficient to implement, and address issues of statewide applicability to provide consistency.
- The signatory agencies of the 2013 document, noted above, should convene and develop an action plan that works for Alaska.
- The State of Alaska must remain diligent and continue to push for a workable statewide solution for compensatory mitigation such as an ILF program. The State of Alaska needs viable solutions to the current problem. A solution is critical for state resource development.

## 2. Advocate for a consistent definition of waters of the United States - 2021

The Clean Water Act (CWA) is the principal federal law governing pollution of the nation’s surface waters. The statute protects “navigable waters” including wetlands. The scope of the term Waters of the United States (WOTUS) is defined by regulation, not in the CWA.

On August 30, 2021, the U.S. District Court for the District of Arizona ordered vacating and remanding the Navigable Waters Protection Rule in the case of Pascua Yaqui Tribe v. U.S. Environmental Protection Agency (EPA). As a result of the ruling, the EPA and U.S. Army Corps of Engineers (USACE) halted use of the Navigable Waters Protection Rule. USACE and EPA now interpret WOTUS regulations consistent with pre-2015 regulatory guidance.

In 2021, the EPA and USACE started a new rulemaking process to engage stakeholders, take testimony, and develop an “enduring” definition of WOTUS.

### Recommendations:

- The State of Alaska should testify before the EPA to inform the agency of the importance of consistent rules that recognize the unique and ubiquitous nature of wetlands and waters in Alaska. The EPA needs reminding that investments in mineral projects take years and long-term investments need the certainty of stable regulations. Regulation uncertainty and definition changes add yet another risk and uncertainty to development in Alaska.



### 3. Defend against federal overreach

Since statehood, the federal government has failed to give Alaskans and the State of Alaska many of the rights and resources it was granted at statehood. The federal government has also pursued a policy on federal lands to hinder the access and rights of Alaskans to use and enjoy the resource benefits on private and State of Alaska lands. This overreach from the federal government restricts the State's uses of its resources and also inhibits Alaskans use and develop of the resources they are entitled to in the state.

Access by land, air, or water is fundamental to all mining activity in Alaska. Land selections across the state have created a checkerboard of land ownership and such access across public lands must be maintained and even expanded when appropriate. The State of Alaska was, moreover, granted title to submerged lands under all navigable waters within state boundaries – when certain conditions are met – by the U.S. Constitution's Equal Footing Clause, the Alaska Statehood Act, and the Submerged Lands Act.

The State of Alaska has pending significant RS 2477 litigation, including a Quiet Title Act action seeking confirmation of state rights-of-way over federal lands to access federal mining claims, state, and private lands. The roadless rule in the Tongass National Forest inhibits the ability of federal mine claimants' access through the National Forest.

The Bureau of Land Management (BLM) needs to continue lifting onerous Public Land Orders (PLOs). The federal government has approximately 2,600 PLOs across the State of Alaska. PLOs are actions implemented by the Secretary of the Interior to make, modify, extend, or revoke land withdrawals. Many of the major PLOs issued in Alaska derive from the Alaska Native Claims Settlement Act (ANCSA) under Section 17(d)(1), signed nearly 50 years ago in 1971. These PLOs preclude mineral exploration from taking place in many areas of the state, and they often place regulatory burdens on valid, existing federal mining claims. In addition, the system of managing and restricting lands with PLO's is complex, restricting most Alaskans' abilities to participate meaningfully in the process and provide input.

#### Recommendations:

- The Legislature and Governor should continue to further fund and support both DNR and the Alaska Department of Law in legal challenges against the federal government to assert the State of Alaska's rights against the federal government.
- The Governor and Legislature should continue to fund and support the DNR's Public Access Assertion and Defense Unit's mission to pursue corridors across all public lands, as appropriate, to ensure everyone can legally access the land and its mission to protect and defend state title submerged lands under navigable waters statewide.
- The Legislature should pass a resolution urging Alaska's congressional delegation to prevent BLM from imposing new Resource Management Plans (RMPs) in Alaska until the multiple-use mandate is reflected in the plans and there are no de facto withdrawals that violate the intent of Alaska National Interest Lands Conservation Act (ANILCA).
- BLM offices in Alaska need to identify PLOs that no longer serve their intended purpose and cause active harm to private investment on valid federal mining claims in Alaska. The identified PLOs requiring revocation need to be summarized in each RMP so the Secretary of Interior can complete revocation of unnecessary PLOs after the RMP has been approved.



The Alaska Minerals Commission appreciates the public's interest in these issues and the support of the Alaska minerals industry. Please feel free to contact the Alaska Minerals Commission with comments or concerns at any time.

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<https://www.commerce.alaska.gov/web/dcra/AlaskaMineralsCommission.aspx>

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# Selected Mines in Alaska

