



ALASKA

NORTH TO OPPORTUNITY

REPORT OF THE ALASKA MINERALS COMMISSION

JANUARY 2021



Old Dredge Nome 2002

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State of Alaska

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Alaska Minerals Commission

The 11-member Alaska Minerals Commission (AMC) 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 and 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.



Donlin Gold Project - Drill rig workers – Donlin Gold LLC.

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INTRODUCTION

Mining provides some of the building blocks of our society. The minerals industry provides critical components to pieces of technology we use every day, from cell phones and computers to clean technologies like electric vehicles and solar panels; and plays an important role in construction and electricity generation. 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 an important 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 hardrock mines, one large coal mine, and approximately 236 small placer mines^[1]. Alaska's major mineral deposits currently in production include the Red Dog Mine in the Northwest Arctic region; Greens Creek and Kensington mines in the Southeast region; and Pogo Mine and Fort Knox Mine, both in the Interior region. Usibelli Coal Mine is the state's only active coal mine, providing coal for Interior Alaska power plants.

According to the McDowell Group^[2], together these operations provided 4,600 direct jobs in 2019, employing residents from throughout Alaska. In 2019, mining provided a total of 9,400 direct and indirect jobs, with a total direct and indirect payroll of \$740 million. Mining provides some of the highest paying jobs in the state with an annual average wage of \$112,800. In addition, \$37 million in local government revenue was attributed to mining activities through property taxes and payments in lieu of taxes. In 2019, the mining industry provided \$149 million in state and local government-related revenue through rents, royalties, fees, and taxes, and \$242 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. 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 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 Alaska Minerals Commission commends state leadership on actions taken to improve the minerals exploration, development, and production climate in Alaska. The Alaska Minerals Commission presents this 2021 report with 8 priorities and corresponding recommendations.



Underground operations – Pogo Mine, Fairbanks

[1] Athey, J.E., and Werdon, M.B. Alaska's Mineral Industry 2016: Alaska Division of Geological & Geophysical Surveys Special Report 72, 65 p. November 2017.

[2] Alaska Miners Association. The Economic Benefits of Alaska's Mineral Industry. The McDowell Group. February 2020

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's reputation as a hospitable location for investment has suffered from inconsistent support for mineral resource development by state leadership. This changed last year when Governor Dunleavy, Commissioner Feige, Commissioner Brune, Commissioner Vincent-Lang and Chief Policy Director Brett Huber attended AME Roundup in Vancouver, BC and Commissioner Feige attended PDAC Convention in Toronto, ON.

The Alaska Mineral Commission wants to give a special Thank You to the State of Alaska for defending and promoting the minerals and mining industry in Alaska. The Commission encourages the administration and 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 fourth 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 2019, and was ranked seventh out of 76 jurisdictions internationally for mineral potential, assuming a "best practices" policy regime.^[1]

Increased investment in minerals exploration and mining is essential to diversify the state's economic underpinnings. While "[m]ore than 190 million acres of Federal, State, 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's economic stability, reasonable regulatory environment, and ongoing support of the minerals industry at the highest levels of government.

Recommendations:

The Alaska Minerals Commission recommends that 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 welcomed.

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.

The Alaska Mineral Commission again thanks the Governor and his commissioners for their efforts.

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

State Priorities:

1. Address key state regulations governing water use.
2. Support the Division of Geological & Geophysical Surveys (DGGS).
3. On-line Mineral Claim Staking and Claim Management System.
4. Pursue reforms to the ballot initiatives process.

Federal Priorities:

1. Industry Must Have a Clear Path to Wetland Compensatory Mitigation Requirements.
2. Definition of Waters of the United States -2020.
3. Ensure the state defends Alaska's navigable waters and access corridors.
4. Lifting of Public Land Orders and Resource Management Plans.

^[1] Ashley Stedman, Jairo Yunis, and Elmira Aliakbari, Fraser Institute Annual Survey of Mining Companies, February 25, 2020

State Priorities

1. Address key state regulations governing water use - Tier 3 Waters

The State of Alaska is required by the Clean Water Act and other federal regulations 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 private activities that would require a water discharge permit.

There are currently no designated Tier 3 waters in the state, but the Alaska Department of Environmental Conservation (ADEC) has developed a process for the nomination and designation of Tier 3 waters; however, once waters are designated as Tier 3, there is no recognized process to remove that designation. “Currently, there is no precedent for removing an ONRW [designation] once in place; neither is there 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.”^[1]

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

Recommendation:

The Alaska Minerals Commission recommends that legislation be introduced and passed during the 2021 legislative 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.



Winter exploration trail drifted in. - Alaska Minerals Commission

^[1] Alaska Department of Environmental Conservation (ADEC) Division of Water, March 20, 2018, dec.alaska.gov/media/4800/tier-3-factsheet-032018.pdf

2. Support the Division of Geological & Geophysical Surveys (DGGS)

The Alaska Minerals Commission recognizes the key role that the DGGS plays in identifying Alaska mineral resources and the importance of those critical and strategic resources to America's secure future. This agency not only collects earth science data but also interprets how these data can lead the way to new discoveries. DGGS encourages and supports exploration by the global mining industry. These efforts have played an important role in Alaska achieving high ranking in the Fraser Institute's worldwide ranking of favorable mineral localities. Basic science, especially geologic and geophysical mapping, is the essential foundation that leads to future discoveries and production.

Beginning in 2019, in conjunction with the U.S. Geological Survey, the DGGS increased its focus on identifying metals considered strategic for national security. Critical minerals – including barite, graphite, platinum group metals, germanium, cobalt, antimony, tin, tungsten, and rare earth minerals such as yttrium and dysprosium^[1] – are crucial to the production of advanced military technology, automotive parts, and energy products. The United States is dependent on unreliable foreign producers such as China, Russia, and the Democratic Republic of the Congo for many of its critical mineral supplies; an unacceptable risk to the national and economic security of the United States. President Trump addressed this by issuing the Critical Minerals Executive Order, which empowers the U.S Geological Survey (USGS) to improve the topographic, geologic and geophysical maps of the United States.

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."^[2] DGGS, now tasked by both Alaska's Legislature and the USGS, 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 has previously supported these efforts through the Airborne Geophysical/Geological Mineral Inventory (AGGMI) program. The Minerals Commission recommends that AGGMI should continue to be funded in 2021 and in the foreseeable future.

Another critical support for DGGS is the continuation and growth of the Geologic Materials Center (GMC). The GMC hosts the state's archives for geologic samples collected by mineral, oil, and gas exploration companies as well as state and federal agencies. Samples in the state archives date back to the early 1900s. Usage of the GMC has tripled to 1,400-1,500 visits per year since it relocated. The GMC archives contain 16.7 million feet of core samples and cuttings from oil and gas exploration and 354,000 linear feet of drill core samples from mineral companies.^[3] The GMC is a unique facility that attracts geologists and other scientists from around the world; however, to continue to do so, the GMC must be modernized with high quality hyperspectral, photographic, and XRF scanning equipment.



Gold Dust and Ingots - Alaska Minerals Commission



[1] U.S. Department of the Interior, May 28, 2018, Final List of Critical Minerals 2018, Vol. 83, No. 97, p. 23295 - 23296
 [2] U.S. Geological Services, 2017, Geospatial Analysis Identifies Critical Mineral-Resource Potential in Alaska Fact Sheet
 [3] Division of Geological & Geophysical Surveys, accessed January 2018, dggs.alaska.gov/gmc/inventory.php

Another way to increase successful mineral exploration efforts in Alaska is to encourage the DGGs to annually collect and store reports of activity from exploration companies. Although labor reports must be filed annually, the current data requirements are minimal. Much more information could be mandated and DGGs could take the lead on data collection efforts. Discoveries are based on accumulated geological, geochemical, and geophysical data; if the State does not require the reporting of these data, each successive exploration group must recreate previous work, leading to unnecessary increases in time and money expended. Successful programs in Canada and Australia can serve as models to create a similar data collection structure in Alaska.

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 Alaska 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.
- DNR and DGGs should be directed to evaluate a system that would require companies working on state land to submit expanded reports that include geological, geophysical, and geochemical exploration data.
- The GMC needs additional funding support to obtain hyperspectral, photographic, and other non-destructive scans of core samples. These added capabilities will increase mining and energy companies' interest and investment in Alaska.
- Funding should continue to support attendance by DGGs and DNR at international and national mining conferences to promote Alaska's mining industry.



Barnes Creek Heap Leach ribbon cutting ceremony 2020 – Ft. Knox – Left to right: Anna Atchison (Ext. Affairs Mgr, Alaska), Jeremy Brans (FK GM), Kelley Jeans (Admin Serv Sup), Brandon Holm (Mine Supt), Danny Poland (Mine Shift Sup), Sarah Ingram (Mill Ops Sup), Jason Perino (Cap Proj Mgr), Nathan May (Operator, Utility Mine Lead), Craig Natrop (Mine & Tech Serv Mgr), Hunter Propsom (Ore Proc Mgr); On truck – left to right: Shonnalee Follett (Operator, Mine Ops), Jeff Wilson (Mine GF)



Hauling Pay - DCRA Photo Library

3. 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 on-line submission of claim applications and maintenance. Many other jurisdictions and agencies (e.g., Bureau of Land Management) 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" by 4" post, or as has become common practice, a four-foot-long steel "rebar" post with a 4" by 4" 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 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 Department of Natural Resources (DNR) website to determine if: (1) the land in question is State of Alaska land open for mineral entry, and (2) not already 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 and 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.

Since the DNR AlaskaMapper system of land management is outdated, prone to errors, and unreliable for accuracy, it 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 online system from anywhere in the world, and have the ability to stake claims using the same on-line system. Fees would be immediately collected by the State, 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 would realize significantly increased revenue from claim rentals and mining taxes.

Recommendation:

Numerous other jurisdictions and the Bureau of Land Management 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 Alaska state 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 claims staking system with real time up to date claim maps.

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

Ballot initiative processes are intended to solve the problem (which can arise in democracies) 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 Alaska Minerals Commission 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.

Recommendation:

The Alaska Minerals Commission recommends pursuing reforms to limit the use and impact of ballot measures affecting natural resources policy. The Commission also recommends that legislation to limit severance of ballot measures be introduced and passed during the 2021 legislative 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 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 cost are an added tax to projects. Where wetland preservation is used to meet mitigation requirements, it results in locking up future resources. Furthermore, the compensatory mitigation requirements are poorly defined and lack transparency and consistency across Alaska.

Recommendations:

The Commission recommends that the State of Alaska, EPA, and USACE actively work together to find a viable compensatory mitigation solution that recognizes Alaska 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 Clean Water Act both provide valuable starting points for establishing a consensus approach that is workable in Alaska. This approach should be included in the regulations to make clear that Alaska is, in fact, different from the Lower 48.

Second, there must be a clear path articulated to applicants and agencies. This should include transparent methods to determine when and how much mitigation is required.

Third, the Governor and State need to actively engage the USACE Alaska District Engineer and EPA in compensatory mitigation discussions for large projects in Alaska. It is time to dust off 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 goals of the 2013 document are admirable, but it is time for action. The Alaska Minerals Commission recommends that the signatory agencies of the 2013 document convene and develop an action plan that works for Alaska.



Project for White Rock, Zonge Geophysics conducting CSAMT survey with Alaska Earth Sciences assisting - Connor Taylor, AES

2. Definition of Waters of the United States - 2020

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 not defined in the CWA, but by regulation. On April 21, 2020, the U.S. Environmental Protection Agency (EPA) and the Department of the Army finalized the "Navigable Waters Protection Rule" ("rule") which clarified "navigable waters". The definition is significant because if a water is jurisdictional under the Rule, a CWA 404 permit is required for the discharge of dredge and or fill material under the CWA. Conversely, no CWA 404 permits are required to discharge dredged or fill material into non-jurisdictional waters.

The current rule provides clarity to regulators and permit applicants that will result in a well-defined and efficiently executed process for the identification and delineation of wetlands and waters in Alaska.

Recommendation for Waters of The United States:

The Alaska Minerals Commission recommends that the State of Alaska carefully monitors the implementation of the Navigable Waters Protection Rule to ensure Agency guidance recognizes the unique and ubiquitous nature of wetlands and waters Alaska. The administration should defend the Navigable Waters Protection Rule as it is written now.



Project for White Rock, Zonge Geophysics conducting CSAMT survey with Alaska Earth Sciences assisting - Connor Taylor, AES

3. Ensure the state defends Alaska's navigable waters and access corridors

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 — heightening the need for vital access corridors over lands. Whenever possible, 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 United States Constitution's Equal Footing Clause, the Alaska Statehood Act and the Submerged Lands Act. These navigable waters similarly provide crucial access necessary for mining and other activities; however, affirming state title over key submerged lands often requires legal action.

One way DNR protects this vital access is through the work of the Public Access Assertion and Defense Unit (PAAD) within the Division of Mining, Land and Water. PAAD has the dual mission of asserting and defending both state title to its submerged lands and navigable waters and state title to its RS 2477 and other public trail network statewide.

PAAD has achieved considerable success over the past few years with both objectives. Working alongside the Alaska Department of Law (LAW), PAAD has won several victories against the federal government in litigation brought pursuant to the Federal Quiet Title Act. High-profile wins in recent years confirmed state title to navigable waters on the Mosquito Fork of the Fortymile River, the Stikine River, and the Knik River. The threat of litigation has led to further federal concessions for the Delta River, the Denison and West Forks of the Fortymile River, and the Kisaralik River and Kisaralik Lake. Regarding its work in protecting land-based access corridors, PAAD and LAW also successfully utilized (for the first time) DNR's condemnation powers in the Chicken area to resolve ongoing public access issues to the state network of RS 2477 rights-of-way and to public lands. These efforts and procedures were completely and totally validated by both the trial court and the United States Court of Appeals for the Ninth Circuit.

PAAD presently has other pending significant RS 2477 litigation—including a Quiet Title Act action seeking confirmation of state rights-of-way over federal lands in the Chicken Trails RS 2477 litigation. PAAD has other significant navigability litigation—including a Quiet Title Action seeking confirmation of state ownership of the North Fork and Middle Fork of the Fortymile River. All these cases spearheaded by PAAD will have a lasting impact on mining statewide since frequently the only access to natural resources crosses large swaths of federal lands.

Recommendation:

The Alaska Minerals Commission recommends that the Governor and Legislature 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.



Gold Nuggets - Alaska Minerals Commission



4. Lifting of Public Land Orders and Resource Management Plans

The U.S. Bureau of Land Management (BLM) Resource Management Plans (RMPs) must not violate the “no more” clauses in the Alaska National Interest Lands Conservation Act (ANILCA). Congress passed ANILCA in 1980, establishing more than 100 million acres of federal land in Alaska as new or expanded Conservation System Units (CSUs). Congress included many provisions in ANILCA to balance the national interest of Alaska’s scenic and wildlife resources with the needs of the state’s fledgling economy, infrastructure, and distinctive rural way of life. To ensure that no further executive or administrative actions could be taken in Alaska to establish new CSUs, Alaska’s delegation included several “no more” clauses” into the statute (sections 101(d), 1326(a) and (b), and 708(b)(4)).

The BLM has been in the process of updating several Resource Management Plans (RMPs) in Alaska. Normally, these updates would involve modest changes, however under some presidential administrations, BLM used the RMPs as a tool that could severely restrict development on, and access across, federal lands. Even though BLM’s mandate is to manage resources for multiple use, recent plans have included proposals and alternatives that provide extensive conservation while largely ignoring resource development.

BLM is using management tools within the RMPs – including Areas of Critical Environmental Concern (ACEC), Research Natural Areas (RNA), and other special designations – to close large areas to future development. Through these actions, BLM is attempting to avoid the withdrawal limitations of ANILCA without congressional approval by claiming the RMP restrictions are not withdrawals. As the RMPs are managed like a CSU, the Alaska Minerals Commission sees them having the same effect as a withdrawal and consider such moves a breach of the congressional intent in ANILCA.

BLM needs to also continue lifting onerous Public Land Orders (PLOs), of which there are approximately 2,600 across 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 often place regulatory burdens on valid, existing federal mining claims.

In addition to resource development, these management plans and PLO’s also present a significant obstacle to infrastructure development and access. In addition, the system of managing and restricting lands through RMPs is complex, preventing most Alaskans from participating meaningfully in land management decisions.

Recommendation:

The Alaska Minerals Commission recommends the Alaska State Legislature pass a resolution urging Alaska’s congressional delegation to prevent BLM from imposing new 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 the 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.



Connor Taylor, geologist at Alaska Earth Sciences Measuring and mapping structures, Skagway Alaska - Rob Retherford



Bill Ellis, Vice President of Alaska Earth Sciences prospecting claims in South Central Alaska for E & T Gold - Rob Retherford



Tryg Jorgensen age 3, helping stake mining claims in the Fortymile Mining District - Alaska Minerals Commission

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/ded/DEV/MineralsDevelopment/> AlaskaMineralsCommission

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Select Mines in Alaska

