

Activity purposed on mining claim <i>(Producing operations in AK require a Mining License and annual filing of Mining License Tax. See Dept. of Revenue Section)</i>	APMA, notice or plan required?	STATE OR FEDERAL LAND MANAGER		
		Alaska Dept. of Natural Resources (ADNR) <i>(A Production Royalty Tax is also required on production from State Claims, see DNR Section).</i>	Bureau of Land Management- Alaska (BLM)	U.S. Forest Service (USFS)
Simple mining claim maintenance; or in the case of assessment work for small miners, casual use activities only.	NO	Perform and file annual labor, pay annual rental fees: See AK DNR Fact Sheet: "Rental and Labor" Website for DNR Fact Sheets: www.dnr.state.ak.us/mlw/factsht/	Pay maintenance fees or (if less than 10 claims) submit Maintenance Fee Waiver Certification and perform and file evidence of assessment work. See BLM Fact Sheet- Maintenance and Location Fee Requirements at: www.blm.gov/ak/st/en/prog/minerals.html	Same as BLM land. Website for U.S. Forest Service information: http://www.fs.fed.us/geology
Prospecting¹ and panning: via non-motorized access.	NO	Allowed on State land open to mineral entry.	Allowed on BLM land open to mineral entry.	Allowed on FS land open to mineral entry (restricted to active stream channel or unvegetated gravel bars).
Prospecting¹ and panning: via motorized access.	May be required	ATV's do not require APMA, see DNR: Generally Allowed Uses Fact Sheet (See above for website or DNR Section).	Restrictions exist, check with local Field Office for more information.	Restrictions exist. ATV's not allowed off road or on most roads/trails except under a Plan of Operations (POO), check with District Office for more information.
Suction Dredging (less than 4" nozzle within active stream channel)	May be required (2) (3)	Generally allowed with up to 6" nozzle. Fish Habitat 16 permit required from AK Fish and Game-Habitat Division Office. ²	Generally allowed but contact local Field Office for more information. Fish Habitat 16 permit required from AK Fish and Game-Habitat Division Office. ²	Generally allowed under Notice of Intent. Fish Habitat 16 permit required from AK Fish and Game-Habitat Division Office. ² (Restricted to active stream channel or unvegetated gravel bars.)
High banking (outside active stream and banks)	May be required	Allowed on unencumbered State land.	Generally allowed but contact Field Office for more information.	Notice of Intent or POO required. Contact District Office for more information.
Access Claims via non- motorized methods	NO	Allowed	Allowed	Allowed
Access Claims via motorized vehicles.	May be required	Restrictions apply, contact local district office for more information.	Restrictions could apply, contact local Field Office for more information.	Restricted on most roads and trails. ATV's not allowed off road or on most roads/trails except under a Plan of Operations (POO), Review roads/trails in Forest Plan; website: http://www.fs.fed.us/r10/chugach/forest_plan/plan_docs1.html
Larger Exploration Operations (less than 1000 tons of material processed and/or 5 acres disturbed).	Yes (2) (3)	APMA required; required permits are variable. ²	Notice of Intent to Operate or APMA required; Notice/APMA reviewed by BLM Field Office (significant additional permits may be required ²). Bond Required.	File a POO. APMA encouraged (significant additional permits may be required ²).
Production Operations (or exploratory operations exceeding 5 acres of disturbance and/or less than 1000 tons of material processed).	Yes (2) (3)	APMA required; required permits are variable. ² NEPA review required. ³	Plan of Operations (POO) required. APMA encouraged (significant permits required ²). Bond required. Environmental Analysis is required under NEPA. ³ BLM generally conducts the analysis and prepares the EA or EIS, and decision document.	Plan of Operations (POO) required. APMA encouraged (significant permits required ²). Environmental Analysis is required under NEPA. ³ USFS generally conducts the analysis and prepares the EA or EIS, and decision document.

¹ Prospecting typically includes: panning, hand sluicing, activities with hand tools and use of metal detectors (local restrictions apply)

² Additional permits or reviews possibly required: APMA, Fish and Wildlife Fish Habitat 16 permit, EPA-NPDES permits AKG -37-1000 or AKG-37-5000, Corp of Engineers Placer Mining General Permit (GP) 2006-1944, CWA 402 or CWA 404 permits, or Alaska Division of Coastal Management review, MSHA, OSHA, ATF, Alaska Department of Environmental Conservation, and possibly others.

³ National Environmental Policy Act requires federal agencies to consider environmental impacts in decision making.

The authors of this guide provide no warranty, expressed or implied, as to the accuracy, reliability, or completeness of this data. It is recommended that anyone interested in mining related activities in Alaska, contact the appropriate agency and/or a qualified attorney experienced with mining law and regulations.



Alaska Placer Mining Claim Operations Guide
 Guide for anyone who owns, leases, or has an interest in placer mining claims in Alaska.
 October 2008 Update

General Alaska Mining Rights and Requirements:

Under the General Mining Law of 1872, as amended, you have the right to prospect, explore, claim, access, develop and extract minerals from all federal lands unless they are otherwise appropriated. The State of Alaska's laws are similar to federal laws, but it is important to understand the differences. State and federal agencies have dual roles of encouraging use and protecting public lands: a cooperative relationship with land managers ensures the proper use of your mining claims, maintains the responsibility to protect the land, and upholds the right to mine in Alaska's future.

Mining is highly regulated by the federal and state government. Before engaging in any activity on your mining claim, you are strongly encouraged to contact the appropriate agency(s). Be aware that failure to comply with regulations may result in loss of your mining claims or other significant penalties. The Annual Placer Mining Application (APMA), filed with the Alaska Department of Natural Resources (DNR), is for a state land use permit. DNR provides copies of the APMA to appropriate state

and federal agencies to facilitate those agency's permitting processes and reduce paper work for miners. Although the APMA may be accepted by the BLM and Forest Service as a Notice or a Plan of Operation, additional information maybe required before your plan can be processed (see Forest Service section).

Owners and operators of developing and producing mines, regardless of land status, are required to obtain an Alaska Department of Revenue (DOR) Mining License and file a state Mining License Tax Return (MLT). To get a mining license, you need to contact DOR's Tax Division. Your mining license can be renewed by checking the appropriate box on the MLT form. In addition, claimants operating on state owned lands must file a State Production Royalty Tax return each year with the Department of Natural Resources. To maintain good standing, these tax forms must be filed even if no taxes are owed. Failure to file the Production Royalty tax return will result in the loss of your state claim.

Alaska State and Federal Agency Contacts

Bureau of Land Management Anchorage State Office, Public Information Center 222 West 7th Avenue Anchorage, AK 99513-7504 (907) 271-5960	Alaska Department of Natural Resources Mine Permitting/ Mineral Property Mgmt 550 West 7th Avenue, Suite 900B Anchorage, AK 99501 (907) 269-8400	USDA Forest Service Region 10 Regional Office 709 W. 9th Street Juneau, AK 99801-1807 (907) 586-8806 (Regional Geologist)
Bureau of Land Management Fairbanks District Office, Public Information Center 1150 University Avenue Fairbanks, AK 99709 (907) 474-2200	Alaska Department of Natural Resources Fairbanks Office Mine Permitting 3700 Airport Way Fairbanks, AK 99709 (907) 451-2793	Tongass National Forest Office 8501 Mendenhall Loop Road Juneau, AK 99801 (907) 586-8800 (Minerals Group)
Division of Ocean and Coastal Management 550 W. 7th Ave, Suite 705 Anchorage, AK 99501 (907) 269-7470	Alaska-Department of Revenue 550 West 7th Ave, Suite 500 Anchorage, Alaska 99501 (907) 269-6620	Chugach National Forest 3301 C Street Suite 300 Anchorage, AK 99503-3998 (907) 743-9500 (Forest Geologist)

Other Agency Contacts:
Alaska Department of Fish and Game, Division of Habitat: (907) 267-2342 or website: www.habitat.adfg.alaska.gov
Alaska Dept. of Environmental Conservation: (907) 269-7644 or website: www.dec.state.ak.us/divs_contacts/index.htm
Army Corp of Engineers: (907) 753-2712 or (800) 478-2712 or website: www.poa.usace.army.mil/reg
Environmental Protection Agency: (907) 271-6561 or (800) 781-0983 or website: yosemite.epa.gov/R10/WATER.NSF/NPDES+Permits/General+NPDES+Permits
National Park Service: (907) 644-3571 (NPS Geologist) or www.nps.gov/akso/

This guide was coordinated by the **Alaska Miners Association (AMA)**– Small Scale Mining Committee and produced by the State of Alaska, BLM, and Forest Service. The AMA can provide additional contacts or information: (907) 563-9229 or www.alaskaminers.org/

Alaska Department of Natural Resources (DNR)

For a state mining claim, you should:

1. Properly stake and record your claim's location with the DNR State Recording District where the claim is located
2. Timely record annual labor with the Recorder's Office
3. Pay annual claim rental
4. If you have a mining license or are in development or production, you must file the Mining License Tax and Production Royalty returns, even if you had no production.
5. For heavy equipment use to mine or evaluate your claim, or to build any structures on your claim, you need to file the Annual Placer Mining Application (APMA) to obtain a Miscellaneous Land Use Permit.

Check if you need a Title 41 Fish Habitat permit. (website: www.habitat.adfg.alaska.gov)

6. Miners working in the coastal zone are required to fill out a Coastal Consistency Evaluation. The coastal zone extends inland to an elevation of 1,000 feet. For help, contact the Division of Ocean and Coastal Management. (Address on first page)

Failure to do these steps will result in the loss of your claim. DNR strongly recommends that you visit www.dnr.state.ak.us/mlw/factsht/. Read the fact sheets appropri-



Mining operation on Eldorado Creek near Talkeetna.

ate to your situation. Also, read the fact sheet, "Generally Allowed Uses on State Lands," about mining activities allowed on State lands without a Miscellaneous Land Use Permit. If any of your planned mining activities are beyond the scope of these allowed activities, you must file the APMA. You need to file the APMA for any structures, even if you have a mining claim or lease. DNR forwards your APMA to other appropriate government agencies, and generally help you with the application process. You can get printed fact sheets and the APMA form at DNR Public Information Centers and the APMA form in Anchorage or Fairbanks and online at www.dnr.state.ak.us/mlw/forms/.

U.S. Forest Service (USFS)

Surface Operations on Forest Service Managed lands:

The Forest Service manages the surface use and occupancy of nearly 23 million acres of National Forest System lands in Alaska. The Forest Service administers mining operations by reviewing Notices of Intent (NOI), approving mining Plans of Operations (POO), conducting inspections, enforcing Federal Regulations regarding surface use, environmental impacts, occupancy, bonding, and reclamation. Proposed mining activities, including exploration, on land managed by the Forest Service may require submission of an NOI or POO to the appropriate District Ranger.

When the Forest Service receives your NOI or POO, they will conduct a completeness review and establish a case file. You may be required to submit additional information. The District Ranger will notify you whether the Forest Service will allow the activity under the NOI or if you will

need to submit a POO. After an environmental review, you must provide a bond as determined by the projected level of disturbance, prior to receiving an approval. Following approval of the POO, the Forest Service will periodically monitor and inspect operations for compliance with the approved POO and regulations.

There are three levels of mining activities on National Forest System lands which represent increasing environmental impacts. Level of surface disturbance may vary according to site specific conditions:

1. **Casual Use:** activities that the general public may undertake.
2. **Notice of Intent:** activities that do not result in any significant surface disturbance.
3. **Plan of Operations:** operations that are or will likely cause a significant disturbance.

The District Ranger will determine whether your proposed operations may

cause a significant disturbance. The BLM's "5-acre-rule" does not apply to operations on National Forest lands.

You can find the Plan of Operations requirements in 36 Code of Federal Regulations 228 Subpart A. Submission of a Plan of Operations on the available form or as a narrative following the POO format is strongly encouraged. (NOTE: A new Proposed Rule is currently listed in the Federal Register and may significantly alter the information provided above. Please consult 36 CFR 228A for the current regulations).

Forest Service POO form, regulations and other information can be found at: www.fs.fed.us/geology/mgm_minerals.html and www.fs.fed.us/geology/mgm_locatable.html.

Or contact:
John Kato, Regional Geologist
U.S. Forest Service Alaska Regional Office (907) 586-7869
E-mail: jkato@fs.fed.us

Bureau of Land Management (BLM)

Federal Mining Claims:

The Bureau of Land Management (BLM) administers the claims on subsurface minerals on all federal public lands. This includes adjudication of mining claims, collecting fees, and maintaining mining claim files and official land records.

Surface Operations on BLM Managed Lands:

The BLM also manages the surface use and occupancy of 80.3 million acres of BLM public lands in Alaska. There are three generally recognized levels of mining operations on BLM public lands*

1. **Casual Use:** Activities ordinarily resulting in only negligible disturbance
2. **Notice-level:** Exploratory operations, which result in a cumulative surface disturbance of five acres of land or less and extracts less than 1,000 tons of material for sampling purposes requires a Notice to be filed with the BLM. Reclamation bond is required.
3. **Plan-level:** Activities that involve greater than five acres of disturbance, extract over 1,000 tons of material for sampling or production phase operations regardless of size require a Plan of Operation to be filed with the BLM. Reclamation bond is required.

After adjudication, claim files are assigned to field office personnel for inspections as required. Management of surface uses on BLM mining claims includes review of Notices and Plans of operation, and inspection of operations for compliance with federal regulations. Notices and Plans may be submitted to BLM-Alaska through the APMA process, and by federal regulation, must include a reclamation plan for any surface disturbances. Posting a reclamation bond is required by the BLM prior to acknowledging Notices and approving Plans of operation. Although various options for bonding exist, most placer mines and exploration projects on BLM land participate in the state bonding pool through the APMA (contact ADNR or Fairbanks District Office for more information on bonding).

Department of Revenue (DOR)

It is illegal to engage in any mining activity in Alaska without a mining license. This includes all owners, lessors and operators and all mining operations on state, federal, municipal, and private lands. DOR issues mining licenses and Certificates of Exemption for the 3 1/2 year exemption period and processes the Mining License Tax Return. Mining licenses are issued annually for the period May 1 through April 30. If all prior filing requirements are not met, DOR will not renew a license for a specific property.

The mining production tax is based upon net taxable income from a mining operation (or the consolidated net taxable income if there is more than one mining operation). For more information, check DOR's website at www.tax.alaska.gov/programs/index.aspx or contact DOR. Failure to have a mining license is a misdemeanor punishable by a fine of not more than \$2,000 per day, or by imprisonment for not more than six months, or both.



Panning along Valdez Creek.

Questions about federal mining claims?

BLM- Alaska Mining Program webpage: <http://www.blm.gov/ak/st/en/prog/minerals.html>
Or visit the BLM Alaska Public Information Centers in Anchorage and Fairbanks (see cover for addresses)

Do you have questions on federal regulations and BLM land use policies?

Go to the BLM webpage: <http://www.blm.gov/wo/st/en/info/regulations.html>

Do you have a specific question about a proposed activity on a BLM mining claim in Alaska?

Contact Stephen Lundeen, Natural Resource Specialist, Fairbanks District Office. (907) 474-2347
E-mail: Steve.Lundeen@blm.gov

* 43 Code of Federal Regulation § 3809.10



A day's take for suction dredging on Mills Creek, Kenai Peninsula.