



## Fact Sheet: Mineral Locations (Claims) and the Rights Acquired

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### **What mineral rights are acquired with a mining claim?**

Under the mining law, a mining claim grants the exclusive right to the locatable minerals in the ground. Locatable minerals are a variety of uncommon minerals, and typically consist of precious metals and/or base metals. Precious metals are elements such as gold (Au), silver (Ag), and platinum (Pt). Base metals are elements such as copper (Cu), lead (Pb), and zinc (Zn). Minerals containing these metals, and the rock they are contained in, are considered locatable under the mining laws. Locatable minerals can also include uncommon varieties of rock that are considered rare in occurrence and are valuable for marketing. Examples are precious stones such as the sapphires, rubies and diamonds, or the industrial stones such as garnet, diamond and quartz sand, or stones such as marble, high grade limestone or dolomite, that has a specific chemical composition that is of value to industry.

### **Does the mining law grant exclusive right to all minerals in the ground?**

No, only those minerals that are considered locatable. The mining law does grant the exclusive right to extract the locatable minerals upon receiving all required authorizations, and most of the time the extraction involves removing the surrounding or encompassing rock or materials in order to get at the locatable minerals.

### **What about other minerals, rocks or materials in the ground?**

Any other mineral, rock or material in the ground that is not considered locatable, do not belong to the mining claimant. Sand and gravel is a common variety material present on most mining claims that are located for placer minerals such as gold, platinum, and precious stones, etc. The sand and gravel may be mined in order to screen and wash and separate the locatable placer minerals from the sand and gravel, but the screened and washed sand and gravel may not be sold as a byproduct to mining by the mining claimant unless the claimant obtains a material sale permit from the department to sell the sand and gravel materials. This also applies to tailings and spoil byproducts of hardrock mining operations. See definition of "materials" under AS 38.05.965(11). The use of materials for beneficial purposes on a claim requires the purchase of the material from the state under AS 38.05.550-565.

### **What happens to these other minerals, rocks or materials in the ground that are removed as a result of mining?**

Their disposition is defined in an approved reclamation plan authorized by the department.

### **What about resources on the surface such as trees or timber stands, can a mining claimant harvest them for personal use or resale?**

No, not unless the claimant gets a timber sale contract or firewood permit from the department first. A claimant may remove trees and timber without the above contract or permit in the process of mining the ground under an approved mining plan of operation, but the trees and other vegetative matter must be saved for reclamation purposes to be mixed with the topsoil for reclamation when mining is completed.

### **What else can a mining claimant do on a mining claim - build a recreation cabin or other living structure on the claim - keep other people off the claim, and post it with no trespassing?**

**No.** Cabins or living structures on mining claims are absolutely forbidden unless approved in writing by the department under an approved mining plan of operation. Camp structures, which are generally authorized for large-scale exploration, or commercial-scale mining operations, range from portable tent-type camps to ATCO-type trailer units or other modular-type buildings on skids, which can be easily moved or removed after mining ceases. Cabins on pilings, and especially log cabins are never authorized as they cannot be easily removed after mining ceases. Prohibiting public access is also illegal.

**For further questions, please contact one of our public information offices below:**

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