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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Mary Kay Ryckman
Department of Natural Resources

FROM: April Simpson, Office of the Lieutenant Governor
465.4081 

DATE: July 31, 2019

RE: Filed Permanent Regulations: Department of Natural Resources
Department of Natural Resources Regulation re: Mining Rental Revision (11 AAC
86.221 - .541)

Attorney General File:	2019200516
Regulation Filed:	7/31/2019
Effective Date:	8/30/2019
Print:	231, October 2019

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis
Joseph Joyner, Department of Natural Resources

ORDER ADOPTING CHANGES TO REGULATIONS
OF THE DEPARTMENT OF NATURAL RESOURCES

The attached 3 pages of regulations, dealing with 11 AAC 86.221, the annual rental for mining claims and leasehold locations; 11 AAC 86.313 the annual rental for mining leases made under AS 38.05.205; 11 AAC 86.422 the annual rental for prospecting sites made under AS 38.05.245 and 11 AAC 86.541 the annual Offshore Mining Lease rental, are adopted and certified to be a correct copy of the regulation changes that the Department of Natural Resources adopts under the authority of AS 38.05.020 and AS 38.05.211 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Natural Resources paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: 24 July 19




Corri Feige, Commissioner, Department of
Natural Resources

April Simpson for

FILING CERTIFICATION

I, Kevin Meyer, Lieutenant Governor for the State of Alaska, certify that on

July 31st, 2019, at 8:35a.m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor *Kevin Meyer*

Effective: August 30, 2019.

Register: 231, October 2019

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, KEVIN MEYER, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employees to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2018.



K. Meyer

**KEVIN MEYER
LIEUTENANT GOVERNOR**

11 AAC 86.221(b) is amended to read:

(b) Except as provided in (f) of this section, the amount of the annual rental payment is based on the number of years since a mining claim or leasehold location was first located, as follows:

Number of Years Since First Located	Rental Amount for Each Quarter-Section Size MTRSC Location	Rental Amount for Each Quarter Quarter-Section Size MTRSC Location	Rental Amount for Each Traditional Mining Claim or Leasehold Location
0-5	\$165 [\$140]	\$40 [\$35]	\$40 [\$35]
6-10	\$330 [\$280]	\$85 [\$70]	\$85 [\$70]
11 or more	\$825 [\$680]	\$205 [\$170]	\$205 [\$170]

(Eff. 5/18/90, Register 114; am 8/26/98, Register 147; am 4/24/99, Register 150; am 1/19/2002, Register 161; am 8/23/2009, Register 191; am 8 / 30 / 2019, Register 231.)

Authority: AS 38.05.020 AS 38.05.185 AS 38.05.265
AS 38.05.035 AS 38.05.211

11 AAC 86.313(c) is amended to read:

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(c) The annual rental amount is based on the number of acres included in the lease and the number of years since the predecessor claim or leasehold location of the mining lease was first located, as follows:

Number of Years Since First Located	Rental Amount Per Acre for Mining Lease
0-5	<u>\$1.03</u> [\$.88]
6-10	<u>\$2.06</u> [\$1.75]
11 or more	<u>\$5.16</u> [\$4.25]

Before survey under 11 AAC 86.311, the rent will be based on the number of acres estimated in the lease document. (Eff. 5/18/90, Register 114; am 8/26/98, Register 147; am 4/24/99, Register 150; am 1/19/2002, Register 161; am 8/23/2009, Register 191; am 8/30/2019, Register 231)

Authority: AS 38.05.020 AS 38.05.185 AS 38.05.211
AS 38.05.035 AS 38.05.205 AS 38.05.265

11 AAC 86.422(b) is amended to read:

(b) The rental required for a prospecting site is **\$305** [SET OUT IN AS 38.05.211(a)] and must be paid in accordance with 11 AAC 86.107. The rental for a prospecting site located on state land is due within the time provided by AS 38.05.245(c). The rental for a prospecting site located on state-selected land is due on

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the date the federal government conveys all or a portion of the land within the location to the state, and must be paid within 90 days after that date. Before the date of conveyance, a locator of a prospecting site on state-selected land may submit a **\$305** [\$255] payment with the certificate of location, as provided in 11 AAC 86.107. The payment will be considered a non-refundable deposit credited to the required rental payment if the selection is conveyed to the state. (Eff. 1/19/2002, Register 161; am 8/23/2009, Register 191; am 8 / 30 / 2019 , Register 231)

Authority: AS 38.05.020 AS 38.05.245 AS 38.05.265

AS 38.05.211

11 AAC 86.541(b) is amended to read:

(b) The amount of the annual rental payment is **\$1.03** [\$.88] per acre during the first five years of the lease, **\$2.06** [\$1.75] per acre during the next five years of the lease, and **\$5.16** [\$4.25] per acre after that. Payments made for an offshore prospecting permit will not be applied against the rent that becomes due after the permit is converted to a lease. (Eff. 5/18/90, Register 114; am 4/24/99, Register 150; am 8/23/2009, Register 191; am 8 / 30 / 2019 , Register 231)

Authority: AS 38.05.020 AS 38.05.185 AS 38.05.250
AS 38.05.035 AS 38.05.211 AS 38.05.265