Alaska Placer Mining Claim Operations Guide

For anyone who owns, leases, or has an interest in placer mining claims in Alaska

June 2012 Update

This basic information will help you learn what is required to legally and responsibly explore, develop and conduct placer mining operations in Alaska. You will also find information sources and contact information for appropriate agencies where you can contact to get more details, as this guide is not comprehensive, simply an overview.

What are your rights and obligations to mine in Alaska?

You can prospect, explore, claim, access, develop, and extract minerals from all federal lands, under the General Mining Law of 1872 as amended, except for those lands designated for other uses such as parks or wilderness areas. Federal and state agencies have dual roles of encouraging use and protecting resources on public lands. Building a cooperative relationship with these land managers can help you ensure the proper use of your mining claims, help protect the land, and uphold everyone's right to mine in Alaska's future. It is your responsibility to understand your rights and obligations prior to mining. Mining is highly regulated by federal and state governments and sometimes requires multiple permits. Although State of Alaska mining laws are similar to federal mining regulations, there are important differences. Many placer miners in Alaska take advantage of the convenience of the Annual Placer Mining Application or APMA. The Alaska Department of Natural Resources (ADNR) distributes completed APMAs to appropriate federal and state agencies to facilitate their permitting processes and reduce paperwork for miners. State claim owners submit an APMA to receive a state land use permit to mine. Federal claim owners must submit an APMA to access the State of Alaska Bonding Pool to provide a financial guarantee of reclamation. The APMA may not be all you need. Although the BLM may accept the APMA as a Notice or a Plan of Operation, the Forest Service requires different submittals.

Take time to learn and understand what is required, regardless of land ownership. Before you begin any mining activity on your mining claim, contact the appropriate land manager.

Since the last edition of this guide, a portion of the U.S. Environmental Protection Agency's authority to issue water-quality permits was transferred to the Alaska Department of Environmental Conservation (ADEC). It is also no longer a requirement to get a review by the Alaska Division of Ocean and Coastal Management for mining operations.

Failure to comply with regulations may result in the loss of your mining claims and other significant penalties.

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 Water: (907) 451-2790 Mining: (907) 451-2736	**Tongass National Forest Office** 8501 Mendenhall Loop Road Juneau, AK 99801 (907) 586-8800 (Minerals Group)
Alaska Dept. of Environmental Conservation 610 University Ave Fairbanks, AK 99709 (907) 451-2142	**Alaska Department of Revenue** 550 West 7th Ave, Suite 500 Anchorage, Alaska 99501 (907) 269-6620	**Chugach National Forest Office** 161 East 1st Ave., Door 8 Anchorage, AK 99501 (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
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
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/

Army Corp of Engineers (COE)

Under the Clean Water Act, the Corps of Engineers is responsible for protecting and maintaining the physical, chemical and biological integrity of waters of the U.S., while allowing reasonable development. The Corps issues permits for activities affecting waters of the U.S., including wetlands. The law applies to all waters and wetlands without regard to property ownership.

Your APMA is reviewed to determine if your project affects waters of the U.S. The Corps may ask for more information to determine if you are working in wetlands or in a stream channel, to verify if a permit is necessary. There are three levels of permits: Nationwide (NWP) for exploration; Regional General Permits (RGP) for mechanical placer operations up to 10 acres and uplands with stream diversions less than 2,000 feet or suction dredge operations with suction nozzles in navigable waters; and finally Individual Permits (IP) for larger footprint operations. An IP takes 90-120 days to evaluate; advanced planning is required.

For more information contact Leslie Tose by phone: (907) 753-2712, or email: leslie.w.tose@usace.army.mil
Corps of Engineers Regulatory website:
http://www.poa.usace.army.mil/reg/

State Of Alaska

Alaska Department of Natural Resources (ADNR)

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.
6. Check if you need a Title 16 Fish Habitat Permit. (website: www.habitat.adfg.alaska.gov)

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/ and read the fact sheets appropriate 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 in Anchorage or Fairbanks and online at www.dnr.state.ak.us/mlw/forms/. For operators not using the APMA Process, contact the DNR Water Resources Section (907-451-2790) to determine whether or not a water use authorization is required. (website: www.dnr.state.ak.us/mlw/water/)

Alaska Department of Revenue (ADOR)

It is illegal to engage in any mining activity in Alaska without an ADOR issued mining license. This includes all owners, lessors and operators and all mining operations on state, federal, municipal, and private lands. For more information go to DOR's website at www.tax.alaska.gov.

Alaska Department of Environmental Conservation (ADEC)

The ADEC is responsible for issuing Small and Medium Suction Dredge, Mechanical Placer Mining, and individual wastewater permits previously issued by the EPA. Most ADEC permits can be obtained through the APMA process (see DNR Section). For information on obtaining Alaska Pollutant Discharge Elimination System (APDES) permits contact Nick Dallman at (907) 451-2142 or go to the ADEC website: http://dec.alaska.gov/water/wwdp/index.htm

Alaska Department of Fish and Game - Habitat Division (ADF&G)

The ADF&G, through the Division of Habitat, has the statutory responsibility for protecting freshwater anadromous fish habitat and providing free passage for anadromous and resident fish in fresh water bodies. A Title 16 Fish Habitat Permit Application can determine if restrictions are necessary to protect fish habitat and passage. The Title 16 permit can be found at:
www.adfg.alaska.gov/index.cfm?adfg=uselicense.placer

See front cover for ADF&G contact information.

Bureau of Land Management

The BLM administers mining claims on subsurface minerals on all federal lands. This includes adjudication of mining claims, maintaining mining claim files, documentation, location, and fee collection.

For federal mining claim information contact the local Public Information Center (see front page for locations and phone numbers) or the BLM Alaska Minerals webpage: http://www.blm.gov/ak/st/en/prog/minerals.html

The BLM also manages the surface use and occupancy of 80 million acres of public lands in Alaska.

There are three generally recognized levels of mining operations on BLM Lands, each of these represent increasing environmental impact:

1. Casual Use is defined as activities ordinarily resulting in only negligible disturbance such as non-motorized prospecting with hand tools and gold pans.
2. Notice Level Operations are defined as operations that will result in a cumulative surface disturbance of 5 acres or less – depending on local Resource Management Plans.
3. Plan Level Operations involve areas greater than 5 acres or involves production phase operations regardless of size.

Each Plan or Notice must include a reclamation plan and a financial assurance of reclamation. Most BLM placer operations use the State of Alaska - Reclamation Bonding Pool to provide financial assurance of reclamation. An APMA must be submitted in order to access the Bonding Pool. (See Alaska-DNR section) After an APMA is received by the state for an operation on BLM land it is forwarded to the local Field Office to start the review process. Once a Plan or Notice is accepted as complete and is in compliance with BLM regulations and local Resource Management Plans - Notices are acknowledged and Plans are approved. The mining operation is then regularly inspected for compliance with the approved Plan or Notice and BLM regulations. For information on Federal Regulations and BLM Land Use Policies go to: www.blm.gov/wo/st/en/info/regulations.html

Gold found at Nolan Creek. *Photo by Joe Kurtak, BLM*

U.S. Forest Service

The Forest Service manages the surface use and occupancy of nearly 23 million acres of National Forest System lands in Alaska including the administration of mining operations.

Proposed mining activities on lands managed by the Forest Service may require submission of a Notice of Intent (NOI) or Plan of Operations (POO) to the appropriate District Ranger. The Forest Service will conduct a completeness review and establish a case file when they receive your POO. You may be required to provide additional information. 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 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 without a written authorization.
2. Notice of Intent: activities that do not result in any significant surface disturbance.
3. Plan of Operations: operations that are causing or will likely cause a significant surface disturbance.

The District Ranger will determine whether your proposed operations may cause a significant surface disturbance. Neither the BLM's "5-acre-rule" nor the State-bond pool apply to operations on National Forest System lands. You can find the Plan of Operations requirements in 36 CFR 228 Subpart A. A proposed Plan of Operations may be submitted on form (FS-2800-5) or as a narrative that includes necessary information for a full evaluation.

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

Activity purposed on mining claim *(Producing operations in AK require a Mining License and annual filing of Mining License Tax. See Dept. of Revenue Section)*	APMA, notice or plan required?	STATE OR FEDERAL LAND MANAGER		
		Alaska Dept. of Natural Resources (ADNR) *(A Production Royalty Tax is also required on production from State Claims, see DNR Section).*	**Bureau of Land Management- Alaska (BLM)**	**U.S. Forest Service**
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" www.dnr.state.ak.us/mlw/factsht/	Pay maintenance fees **or** (if less than 10 claims) submit Maintenance Fee Waiver Certification then perform and file evidence of assessment work.	Same as BLM land. Website for U.S. Forest Service information: http://www.fs.fed.us/geology
Prospecting[1] and panning: via non-motorized access.	NO	Allowed on State land open to mineral entry.	The public is generally allowed to prospect[1] on unclaimed BLM land.	Allowed on lands open to mineral entry AND most withdrawn lands.
Prospecting[1] 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.	Motorized restrictions exist. ATV's not allowed off road or on most roads/ trails without a POO[4], Check with District Office.
Suction Dredging (less than 6" nozzle within active stream channel)	May be required (2) (3)	Generally allowed with up to 6" nozzle. Fish Habitat Permit required from ADF&G. ADEC wastewater permit required.	Contact local Field Office for more information. Most BLM land is closed to suction dredging outside of active claims. ADF&G and ADEC permits required.	Generally allowed without a written authorization but restrictions exist. ADF&G and ADEC permits required[2]. (Restricted to active stream channel or unvegetated gravel bars.)
High banking (outside active stream and banks)	May be required (2)	Allowed on unencumbered State land. ADF&G and ADEC permits required in active stream.	Restrictions exist for motorized prospecting equipment. Contact local Field Office for more information. ADF&G and ADEC permits required in active stream.	POO may be required.[4] Contact District Office. ADF&G and ADEC permits required in active stream.
Accessing Claims: via non- motorized methods.	NO	Allowed	Allowed	Allowed
Accessing Claims: via motorized vehicles. (Stream crossings may require permit from ADF&G.)	May be required	Restrictions apply, contact local district office.	Restrictions may apply, contact local BLM Field Office.	POO required for most motorized access[4]. (See Forest Service Section)
Larger Exploration Operations (less than 1000 tons of material processed and/or 5 acres disturbed).	Yes (2) (3)	APMA required for activities other than Generally Allowed Uses; other required permits are variable.[2]	File a Notice of Intent to Operate is required. Notice reviewed by BLM Field Office (additional permits and reclamation bond required[2]).	File a POO,[4] additional permits 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 for activities other than Generally Allowed Uses; required permits are variable.[2] NEPA review required.[3]	POO required. Use APMA. Significant permits[2] and bond required. Environmental Analysis is required under NEPA,[3] BLM generally conducts the analysis and prepares the EA or EIS, and decision document.	POO required (significant permits required[2]). Environmental Analysis is required under NEPA.[3] Forest Service generally conducts the analysis and prepares the EA or EIS, and decision document.

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

[2] Additional permits or reviews possibly required: APMA, ADF&G Title 16 Fish and Wildlife Fish Habitat permit, ADEC-APDES Permits (see ADEC section), Corp of Engineers permits (see COE section), MSHA, OSHA, ATF, etc.

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

[4] State APMA is not applicable or accepted in lieu of Plan of Operations by the Forest Service.

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.

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