

11 AAC 05.120. Locatable minerals

(a) Fees established under this section are for authorizations and services regarding mining operations under [AS 27](#) and [AS 38](#) for locatable minerals. The director of the division of mining, land and water may, by written order, reduce or revise one or more of the fees established in (d)(1) or (d)(2) of this section by waiving a portion of the fee. Under this section, an order waiving a portion of a fee

- (1) must apply to all applicants or petitioners for that authorization, petition, or service;
- (2) may not exceed 20 percent of the amount established in (d)(1) or (d)(2) of this section for an authorization, petition, or service;
- (3) must be published on the division's public internet webpage and the Alaska Online Public Notice System 30 days before the effective date of the waiver;
- (4) may not waive or reduce any additional fees imposed under (c) of this section; and
- (5) is not subject to appeal under AS 44.37.011 or 11 AAC 02.

(b) The director shall consider in waiving a portion of a fee under (a) of this section

- (1) the estimated actual costs of the authorization, petition, or service to the department;
- (2) the economic needs of the department; and
- (3) the public interest.

(c) When the department determines that an authorization, petition, or other service will require additional costs, or staff time in excess of the maximum hours set out in (d)(1) of this section, but that a higher fee under [11 AAC 05.270](#) is not required, then,

- (1) the department may, in addition to the fee established in (d)(1) of this section,
 - (A) charge an additional hourly fee under (d)(3) of this section for staff time in excess of the maximum hours set out in (d)(1) of this section to pay for the estimated actual staff cost for provision of the services requested; and
 - (B) charge fees necessary to pay for additional estimated actual costs, including costs under 11 AAC 05.200 for recordation by the department;
- (2) the department will provide the applicant or petitioner written estimates detailing the additional costs for the department to continue processing the application; and
- (3) the department may require payment of the appropriate additional fee amount before the department undertakes additional processing.

(d) The fees for authorizations and services regarding mining operations under [AS 27](#) and [AS 38](#) for locatable minerals are as follows:

- (1) for an application or submission for surface or subsurface use for locatable mineral services and authorizations for mining operations, for
 - (A) a tideland and submerged land prospecting permit, \$1,000 for up to 40 hours of staff time;
 - (B) conversion of a mining claim, leasehold location or a tideland and submerged land prospecting permit to a mining lease, \$1,000 for up to 40 hours of staff time;
 - (C) an amendment, assignment or renewal of a mining lease, leasehold location or a tideland and submerged land prospecting permit, \$750 for up to 30 hours of staff time;
 - (D) a competitive offshore mining lease
 - (i) for a total of no more than 500 acres in area, \$750 for up to 24 hours of staff time;

- (ii) for a total greater than 500 acres in area but no more than 3,000 acres in area, \$1,500 for up to 48 hours of staff time;
 - (iii) for a total greater than 3,000 acres in area but no more than 5,000 acres in area, \$2,500 for up to 80 hours of staff time;
 - (iv) for a total greater than 5,000 acres in area, the fee listed in (iii) of this subparagraph plus \$500 for up to 16 hours of staff time for each additional 1,000-acre area increment;
 - (v) if a competitive offshore mining lease sale is held by the department for land for which a fee under this subparagraph has been paid, the fee may be credited to the bid of the applicant who paid the fee or refunded if the bid is not successful; otherwise, the fee is not refundable;
- (E) a millsite permit or millsite lease, \$1,000 for up to 40 hours of staff time;
- (F) an amendment, assignment or renewal of an millsite permit or millsite lease, \$500 for up to 20 hours of staff time;
- (G) activities not subject to the exemption for small operations as described in AS 27.19.050 associated with a mining claim, mining lease, leasehold location or tideland and submerged land prospecting permit or prospecting site, for
- (i) a plan of operations under [11 AAC 86.150](#) or [11 AAC 86.800](#), \$500 for up to 20 hours of staff time, plus for an application for a multi-year plan of operations, a \$250 fee covering up to 10 hours of staff time for annual work and reports or amendments to an approved plan of operations over the term of the plan to maintain compliance with AS 27.19; separate water use application fees under 11 AAC 05.260 will also be required where appropriate; or
 - (ii) a land use permit under AS 38.05.850, \$300 for up to 12 hours of staff time, plus for an application for a multi-year permit, a \$100 fee covering up to 4 hours of staff time for annual work and reports or amendments to an approved permit over the term of the permit; water use application fees under 11 AAC 05.260 will also be required where appropriate;
- (H) an amendment to an approved plan of operations, land use permit or reclamation plan under AS 27.19 in excess of those addressed in (G) or (I) of this paragraph, \$250 for up to 10 hours of staff time;
- (I) activities subject to the exemption for small operations described in AS 27.19.050 associated with a mining claim, mining lease, leasehold location, tideland and submerged land prospecting permit or prospecting site as follows:
- (i) a plan of operations under 11 AAC 86.150 or 11 AAC 86.800, \$250 for up to 10 hours of staff time, plus for an application for a multi-year plan of operations, a \$100 fee covering up to 4 hours of staff time for annual work and reports or amendments to an approved plan of operations over the term of the plan to maintain compliance with AS 27.19; water use application fees under 11 AAC 05.260 will also be required where appropriate; or
 - (ii) a land use permit under AS 38.05.850, \$300 for up to 12 hours of staff time, plus for an application for a multi-year permit, a \$100 fee covering up to 4 hours of staff time for annual work and reports or amendments to an approved permit over the term of the permit; water use application fees under 11 AAC 05.260 will also be required where appropriate;
- (J) filing of a letter of intent for the exemption of small operations under AS 27.19.050 with the application with a plan of operations, no fee; (K) submission of a mineral mining reclamation plan under AS 27.19.030,
- (i) for state owned land submitted with a plan of operations or land use permit, no fee;

(ii) for state owned land not submitted with a plan of operations or land use permit, \$1,000 for up to 40 hours of staff time;

(iii) for non-state owned land \$500 for up to 20 hours of staff time;

(L) an amendment, extension, renewal or assignment of a mineral mining reclamation plan under AS 27.19 for a mining claim, mining lease, leasehold location, a tideland and submerged land prospecting permit or prospecting site, \$250 for up to 10 hours of staff time;

(M) inspection of a mining claim, mining lease, leasehold location, a tideland and submerged land prospecting permit or prospecting site under AS 27.19 subject to an approved plan of operation or permit before final release of bond under AS 27.19, \$400;

(N) a certificate of substantial compliance, \$500 for up to 20 hours of staff time;

(2) for the following land use authorizations for locatable mining:

(A) for a prospecting permit, \$300, annually;

(B) or a millsite lease, as determined at the discretion of the director:

(i) \$500 annually each acre; or

(ii) the yearly fair market rental value of the land;

(C) for a millsite permit located outside the boundaries of the mining claim, mining lease or leasehold location, the yearly fair market rental value of the land;

(D) for revocable and temporary land use authorization for a structure or facility that can be occupied or unoccupied in support of mining operations on a mining claim, lease or leasehold location;

(i) for a plan of operations under 11 AAC 86.800, for the first five acres no charge, for each additional acre, \$150 annually for each acre;

(ii) for a miscellaneous land use permit under AS 38.05.850, for the first two acres no charge, for each additional acre, \$100 annually for each acre;

(3) for each additional hour in excess of the maximum hours listed in (1) of this subsection, \$50.

(e) The department will establish the fees for a voluntary large mine permitting process on a negotiated basis to reflect agency costs.