

# Alaska State Legislature

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## HB 199 Explanation of Changes Version I to M

### **Subsection (f) on Page 8, lines 6 through 13:**

Added language to clarify that 30 days of public comment is required for the issuance of a general minor permit, but not for amending or rescinding a general minor permit. For amending or rescinding, only public notification is required. As has always been the case, the minor permit only requires public notification but not 30 days of public comment. This change was made so that the commissioner can amend or rescind a general permit immediately without 30 days of public comment if it is determined that the permit does not protect anadromous fish and anadromous fish habitat.

### **Subsection (d) on Page 10, lines 7 through 10:**

Following "AS 16.05.887." inserted "The bond shall be the amount determined necessary by the commissioner to ensure restoration of anadromous fish habitat if the applicant does not meet the permit conditions and mitigation measures imposed on the activity under AS 16.05.887." This is a clarification that conforms the language in (d) to the language (a)(5) on page 8, which is the first reference to the bond. The bond is for the restoration of habitat if the permit conditions and mitigation measures are not complied with and not the to ensure the completion of mitigation measures. This conforming change was made throughout the bill. In the previous version I, the first reference to the bond in (a)(5) accurately stated its purpose. However, subsequent references on Page 11, lines 20 through 21 and Page 11, line 27 incorrectly identified the bond as being for the completion of mitigation measures. As identified in (a)(5), the bond was always meant for the restoration of habitat if the permit conditions and mitigations measures are not complied with.

**Subsection (g) on Page 11, lines 18 through 19:**

Following “activity” inserted “and determines that the activity requires a bond,” This change clarifies that the commissioner can determine that a bond is not necessary for a certain activity. Although this was possible in the previous version if the commissioner determined that the amount of the bond was \$0, this language is more concise and avoids potential confusion regarding interpreting the statute. An interested person can request reconsideration of whether a bond is required or not.

**Subsection (a)(3)(B) on Page 13, line 26:**

In the previous version, only the reduction or the elimination of a bond could be challenged, and one could not request reconsideration of the increase of the amount. This was an oversight and was corrected.