

CS FOR HOUSE BILL NO. 134(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 2/27/08

Referred: Resources

Sponsor(s): REPRESENTATIVES EDGMON, Ramras, Dahlstrom, Gara, Kerttula

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to conservation and protection of anadromous fish production in**
2 **drainages affecting the Bristol Bay Fisheries Reserve; and providing for an effective**
3 **date."**

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 LEGISLATIVE FINDINGS. The legislature finds that

8 (1) in 1972, the Seventh Alaska State Legislature determined that a heightened
9 level of protection was needed for the Bristol Bay fisheries and acted by designating the
10 Bristol Bay Fisheries Reserve in order to protect the longstanding and valuable commercial,
11 subsistence, and sport fishing in the area;

12 (2) the area described as the Bristol Bay Fisheries Reserve and the rivers,
13 streams, and lakes that produce the fish continue to need protection just as when the reserve
14 was created; and

1 (3) the considerations that justified the 1972 action also warrant extension of
 2 similar conservation measures and protections to the river systems, ground water, aquifer
 3 systems, and other hydrologic regimes, including any hydrologically interrelated or connected
 4 surface and ground water, within the drainage systems that connect to the surface water of
 5 Bristol Bay.

6 * **Sec. 2.** AS 16.10 is amended by adding a new section to read:

7 **Sec. 16.10.015. Protection of salmon streams within certain drainages**
 8 **affecting Bristol Bay.** (a) Notwithstanding any other provision of law, a person may
 9 not withdraw, obstruct, divert, inject, pollute, or pump, either temporarily or
 10 permanently, any subsurface or surface water within the anadromous fish waters of the
 11 Bristol Bay watershed in connection with a sulfide mining operation.

12 (b) Notwithstanding any other provision of law, a person may not alter,
 13 destroy, displace, relocate, channel, dam, convert to dry land, or otherwise adversely
 14 affect any portion of the anadromous fish waters of the Bristol Bay watershed in
 15 connection with a sulfide mining operation.

16 (c) In addition to any other penalties, a person who violates (a) or (b) of this
 17 section, upon conviction, is punishable by a fine of not less than \$100,000 a day or
 18 more than \$1,000,000 a day. Each day on which a violation described in (a) or (b) of
 19 this section occurs constitutes a separate violation of (a) or (b) of this section.

20 (d) In this section,

21 (1) "anadromous fish waters of the Bristol Bay watershed" means the
 22 waters in the Bristol Bay watershed that are specified under AS 41.14.870 as being
 23 important for the spawning, rearing, or migration of anadromous fish;

24 (2) "sulfide mining operation" means a mining operation for

25 (A) antimony, arsenic, copper, iron, lead, mercury,
 26 molybdenum, nickel, palladium, platinum, silver, or zinc; or

27 (B) gold associated with any of the minerals listed in (A) of
 28 this paragraph.

29 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).