

CS FOR HOUSE BILL NO. 14(FSH)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTIETH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered: 4/28/17

Referred: Resources

Sponsor(s): REPRESENTATIVE JOSEPHSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to the Bristol Bay Fisheries Reserve; and providing for an effective**
2 **date."**

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

4 * **Section 1.** AS 38.05.142 is amended to read:

5 **Sec. 38.05.142. Legislative approval required for certain large-scale mines.**

6 (a) In addition to permits and authorizations otherwise required by law, a final
7 authorization must be obtained from the legislature for a large-scale metallic sulfide
8 mining operation located within the watershed of the Bristol Bay Fisheries Reserve
9 designated in AS 38.05.140(f). This authorization shall take the form of a duly enacted
10 law finding that the proposed large-scale metallic sulfide mining operation will not
11 constitute danger to the **fisheries, fish, or wildlife** [FISHERY] within the **watershed**
12 **of the** Bristol Bay Fisheries Reserve.

13 (b) The commissioner **shall** [MAY] adopt regulations under AS 44.62 to
14 implement this section.

(c) In this section,

(1) "fisheries" means subsistence, personal use, sport, or commercial fisheries as those fisheries are defined in AS 16.05.940;

(2) "large-scale metallic sulfide mining operation" means a specific mining proposal to extract metals, including gold and copper, from sulfide-bearing rock and that would directly disturb 640 or more acres of land;

(3) "permits and authorizations" means permits, decisions, amendments to permits or decisions, extensions, renewals, modifications, compliance orders by consent, or authorizations necessary for or related to a large-scale metallic sulfide mining operation within the watershed of the Bristol Bay Fisheries Reserve, including one that approves a dam, plan of operation, bond, or reclamation plan related to the large-scale metallic sulfide mining operation.

* **Sec. 2.** AS 38.05.142 is amended by adding new subsections to read:

(d) Before a final authorization may be obtained from the legislature for a large-scale metallic sulfide mining operation located within the watershed of the Bristol Bay Fisheries Reserve,

(1) the commissioner, the commissioner of fish and game, and the commissioner of environmental conservation must each make an independent finding that an applicant has proven beyond a reasonable doubt that a large-scale metallic sulfide mining operation located within the watershed of the Bristol Bay Fisheries Reserve will not constitute a danger to the fisheries, fish, or wildlife within the watershed of the Bristol Bay Fisheries Reserve;

(2) the commissioner must submit a report to the legislature that contains the three independent determinations made by the commissioner, the commissioner of fish and game, and the commissioner of environmental conservation under this subsection; the commissioner shall deliver the report to the senate secretary and the chief clerk of the house of representatives and notify the legislature that the report is available; and

(3) any judicial review of permits and authorizations must be completed.

1 (e) If, after an applicant receives final authorization under (a) of this section,
2 the applicant receives a permit or authorization that is significantly different than one
3 previously granted to the applicant, the large-scale metallic sulfide mining operation
4 may not be undertaken until the commissioner, the commissioner of fish and game,
5 and the commissioner of environmental conservation each make a revised independent
6 determination that an applicant has proven beyond a reasonable doubt that a large-
7 scale metallic sulfide mining operation located within the watershed of the Bristol Bay
8 Fisheries Reserve will not constitute a danger to the fisheries, fish, or wildlife within
9 the watershed of the Bristol Bay Fisheries Reserve. The commissioner shall submit a
10 revised report to the legislature regarding the three revised independent
11 determinations.

12 (f) The commissioner shall deliver a report or revised report under (d) or (e) of
13 this section to the senate secretary and the chief clerk of the house of representatives
14 and notify the legislature that the report is available. The commissioner shall

15 (1) prepare the report or revise a report using an interagency public
16 process, in cooperation with the commissioners of fish and game and environmental
17 conservation;

18 (2) provide an opportunity for public comment before the report or
19 revised report is submitted to the legislature; and

20 (3) subject the report to peer review.

21 (g) The commissioner shall inform the governor, the president of the senate,
22 and the speaker of the house of representatives of any incident that may create a
23 danger to the fisheries, fish, or wildlife within the watershed of the Bristol Bay
24 Fisheries Reserve.

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