

Original sponsor(s): REP. HOFFMAN, Davidson, Wallis, Jacko

1 IN THE HOUSE BY THE RESOURCES COMMITTEE  
2 SENATE CS FOR CS FOR SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 332 (Resources)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL  
6 For an Act entitled: "An Act establishing the Goodnews Bay Critical Hab-  
7 itat Area and the Goodnews Bay management plan;  
8 relating to offshore prospecting permits and leases;  
9 and providing for an effective date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. LEGISLATIVE FINDINGS. This Act establishes the Goodnews  
12 Bay Critical Habitat Area. In establishing this area, the legislature  
13 finds that

14 (1) Goodnews Bay is an area of high biological productivity that  
15 supports valuable commercial and sport fisheries and a rich and varied  
16 subsistence economy;

17 (2) important platinum prospects have been identified near  
18 Goodnews Bay; platinum is a strategic mineral that the United States now  
19 imports from other countries; the United States Bureau of Mines has identi-  
20 fied these coastal areas as having favorable potential for the development  
21 of important additional platinum reserves;

22 (3) in 1982, applications for offshore prospecting permits were  
23 properly filed under applicable state laws and regulations for land in the  
24 Goodnews Bay area;

25 (4) the Department of Natural Resources has properly processed  
26 these applications under applicable laws and has issued its Preliminary  
27 Best Interest Finding, dated March 9, 1989;

28 (5) the processing of the applications has resulted in the  
29 responsible agencies identifying the various opportunities, interests, and

1 risks involved in the exploration and development of the platinum prospects  
2 in the Goodnews Bay area;

3 (6) in preparing the Preliminary Best Interest Finding dated  
4 March 9, 1989, the commissioner of natural resources has held hearings,  
5 solicited testimony, considered the applicable issues, and taken all steps  
6 required by applicable law to allow the offshore prospecting permits to be  
7 issued and exploration to take place;

8 (7) preservation of the fish and wildlife habitat in and around  
9 Goodnews Bay is crucial to perpetuation of the existing commercial and  
10 sport fisheries and the local subsistence economy; mineral exploration and  
11 development can be conducted in the offshore coastal area outside the  
12 Goodnews Bay Critical Habitat Area in a manner consistent with state law  
13 and resource management policies and without endangering the habitat and  
14 resources in and around Goodnews Bay;

15 (8) certain areas within Goodnews Bay and the territorial water  
16 should be designated as critical habitat areas and other areas are more  
17 appropriately administered under general law;

18 (9) responsible development of the platinum prospects in the  
19 offshore area south of Township 13 South, Seward Meridian is in the state's  
20 best interest under AS 38.05.035(e) and can be conducted in a manner con-  
21 sistent with applicable coastal zone management programs.

22 \* Sec. 2. AS 16.20 is amended by adding a new section to read:

23 Sec. 16.20.630. GOODNEWS BAY CRITICAL HABITAT AREA ESTABLISHED.

24 (a) The following described areas are established as the Goodnews Bay  
25 Critical Habitat Area: the state tideland below the mean high tide  
26 line, submerged land, and water of the state along Kuskokwim Bay from  
27 the northwesterly point of Section 33, Township 12 South, Range 75  
28 West, Seward Meridian along Kuskokwim Bay to the southeasterly point  
29 of Section 32, Township 13 South, Range 75 West, Seward Meridian, and

1           **within Goodnews Bay within**  
2           **Township 12 South, Range 73 West, Seward Meridian**  
3           **Sections 17 - 36**  
4           **Township 12 South, Range 74 West, Seward Meridian**  
5           **Sections 19 - 20**  
6           **Sections 23 - 36**  
7           **Township 12 South, Range 75 West, Seward Meridian**  
8           **Sections 24 - 26**  
9           **Sections 33 - 36**  
10          **Township 13 South, Range 74 West, Seward Meridian**  
11          **Sections 1 - 10**  
12          **Sections 16 - 19**  
13          **Township 13 South, Range 75 West, Seward Meridian**  
14          **Sections 1 - 24**  
15          **Sections 26 - 32**  
16          **Township 13 South, Range 76 West, Seward Meridian**  
17          **Sections 1 - 3**  
18          **Sections 9 - 16**  
19          **Sections 21 - 27**  
20          **Sections 34 - 36.**

21           (b) The Goodnews Bay Critical Habitat Area is established to  
22           protect and maintain fish and wildlife habitat, populations, and  
23           aquatic plant resources, especially eelgrass beds, and to ensure the  
24           continued productivity of the area's fisheries and fish and wildlife  
25           harvest.

26           (c) The Goodnews Bay Critical Habitat Area is closed to mineral  
27           entry and mineral leasing under AS 38.05.185 - 38.05.275.

28           (d) The commissioner shall permit the construction, maintenance,  
29           and the reasonable use of docking facilities within the Goodnews Bay

1 Critical Habitat Area.

2 \* Sec. 3. AS 41.23 is amended by adding a new section to read:

3 ARTICLE 3. GOODNEWS BAY MANAGEMENT PLAN.

4 Sec. 41.23.700. GOODNEWS BAY MANAGEMENT PLAN. (a) The commis-  
5 sioner shall establish and may revise the Goodnews Bay management plan  
6 to protect fish migration and spawning and to permit the exploration  
7 and development of mineral resources within the area described in (c)  
8 of this section. The management plan shall be prepared with the  
9 concurrence of the commissioner of fish and game.

10 (b) The commissioner shall permit mining under AS 38.05.185 -  
11 38.05.275 within the area described in (c) of this section under terms  
12 established in the management plan that prevent the material interfer-  
13 ence from mining with fish migration and spawning within the area  
14 described in (c) of this section.

15 (c) The Goodnews Bay management plan shall cover the state  
16 tideland below the mean high tide line, the submerged land, and water  
17 of the state to a line one-half mile offshore from the mean high tide  
18 line within

19 Township 14 South, Range 75 West, Seward Meridian

20 Sections 4 - 5

21 Section 9

22 Section 16

23 Section 21

24 Section 28

25 Section 33

26 Township 15 South, Range 75 West, Seward Meridian

27 Section 4

28 Section 9

29 Sections 15 - 16



1 and spawning in the area.

2 (d) Notwithstanding any other provision of law, action taken under  
3 this section is in the best interest of the state, is consistent with the  
4 Alaska Coastal Management Act, and is in compliance with each applicable  
5 statute and regulation, and further administrative action is not required.

6 \* Sec. 5. Until the commissioner of natural resources adopts the man-  
7 agement plan under AS 41.23.700, as enacted in sec. 3 of this Act, the  
8 Preliminary Best Interest Finding of the Department of Natural Resources  
9 dated March 9, 1989, constitutes the management plan for the area described  
10 in AS 41.23.700(c).

11 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).