

BY THE RESOURCES COMMITTEE

1 IN THE SENATE

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SENATE BILL NO. 544

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

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A BILL

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For an Act entitled: "An Act relating to reclamation of land and water
within the state; and providing for an effective
date."

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

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* Section 1. AS 27 is amended by adding a new chapter to read:

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CHAPTER 19. RECLAMATION.

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Sec. 27.19.010. JURISDICTION. (a) The commissioner of natural
resources shall implement this chapter. This chapter applies to
state, federal, and private land and water subject to

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(1) mining development; or

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(2) sand and gravel development.

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(b) This chapter does not apply to activities regulated under
AS 27.21.

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Sec. 27.19.020. STANDARDS. (a) A mining operation shall be
conducted under a reclamation plan approved by the commissioner. The
reclamation plan must provide for the prevention of undue or unneces-
sary degradation of the mining site and for the return of the site to
a stable condition consistent with the reclamation plan.

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(b) In reviewing a reclamation plan under (a) of this section,
the commissioner may consider uses to which the land may be put after
mining has been completed, including trails, lakes, recreation sites,
and agricultural uses.

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Sec. 27.19.030. RECLAMATION PLAN. (a) A miner may not engage
in a mining operation until the commissioner has approved a

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1 reclamation plan for the mining operation.

2 (b) The commissioner shall require a miner to post a performance
3 bond on a determination by the commissioner that the miner has failed
4 to follow an approved reclamation plan.

5 (c) The commissioner may not require an individual performance
6 bond under this section in an amount in excess of the amount reason-
7 ably necessary to ensure the faithful performance of the requirements
8 of the approved reclamation plan. The amount of the performance bond
9 shall be determined by the commissioner and shall reflect the reason-
10 able and probable costs of reclamation but may not exceed \$750 for
11 each acre subject to the reclamation plan.

12 Sec. 27.19.040. EXEMPTION FOR SMALL OPERATORS. (a) This chap-
13 ter does not apply to a miner who mines on less than five acres in any
14 year or to a miner who disturbs or removes less than 1,500 cubic yards
15 of gravel or other material in any year.

16 (b) This section does not prevent the owner of private land from
17 establishing requirements for reclamation in excess of those estab-
18 lished by this chapter.

19 Sec. 27.19.050. COOPERATIVE MANAGEMENT AGREEMENTS. The commis-
20 sioner, on a determination that an agreement is in the best interests
21 of the state, may enter into a cooperative management agreement with
22 the federal government, a state agency, or a private landowner to
23 implement a requirement of this chapter or a regulation adopted under
24 it.

25 Sec. 27.19.090. DEFINITIONS. In this chapter,

26 (1) "miner" means the owner, operator, or lease holder of a
27 mining operation;

28 (2) "mining operation"

29 (A) means each function, work, facility, and activity

1 in connection with the development, extraction, and processing of
2 a locatable mineral deposit or of a sand and gravel deposit and
3 each use reasonably incident to the development, extraction, and
4 processing;

5 (B) includes the construction of facilities, roads,
6 transmission lines, pipelines, and other means of access for
7 support facilities;

8 (3) "reclamation plan" means a plan submitted by a miner
9 under regulations adopted by the commissioner for the reclamation of a
10 proposed mining operation;

11 (4) "unnecessary or undue degradation"

12 (A) means surface disturbance greater than would
13 normally result when an activity is being accomplished by a
14 prudent operator in usual, customary, and proficient operations
15 of similar character and considering site specific conditions and
16 the effects of operations on other resources and land uses;

17 (B) includes a failure to initiate and complete rea-
18 sonable reclamation under the reclamation plan or the creation of
19 a nuisance.

20 * Sec. 2. The commissioner of natural resources shall propose regula-
21 tions implementing AS 27.19 as enacted in sec. 1 of this Act. The proposed
22 regulations shall be forwarded on their preparation to the chairs of the
23 resources committees but in any case not later than January 15, 1991. The
24 commissioner may not adopt the regulations before October 15, 1991.

25 * Sec. 3. AS 27.05.250 is repealed.

26 * Sec. 4. Sections 2 and 3 of this Act take effect immediately under
27 AS 01.10.070(c).

28 * Sec. 5. Section 1 of this Act takes effect October 15, 1991.