

Original sponsor(s): Resources Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

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CS FOR SENATE BILL NO. 544 (Resources)

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

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SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

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For an Act entitled: "An Act relating to the reclamation of land and water; requiring land and water within the state to be reclaimed to a stable condition without undue or unnecessary degradation due to mining activities and exempting small operators mining less than five acres per year from this requirement; limiting reclamation bonds to no more than \$750 per acre; and providing for an effective date."

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14 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

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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 unnecessary 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,

1 the commissioner may consider uses to which the land may be put after  
2 mining has been completed, including trails, lakes, recreation sites,  
3 wildlife habitat, and agricultural uses.

4 Sec. 27.19.030. RECLAMATION PLAN. (a) A miner may not engage  
5 in a mining operation until the commissioner has approved a recla-  
6 mation plan for the mining operation.

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

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

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

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

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

1           Sec. 27.19.090. DEFINITIONS. In this chapter,

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

4                   (2) "mining operation"

5                           (A) means each function, work, facility, and activity  
6 in connection with the development, extraction, and processing of  
7 a locatable mineral deposit or of a sand and gravel deposit and  
8 each use reasonably incident to the development, extraction, and  
9 processing;

10                           (B) includes the construction of facilities, roads,  
11 transmission lines, pipelines, and other means of access for  
12 support facilities;

13                   (3) "reclamation plan" means a plan submitted by a miner  
14 under regulations adopted by the commissioner for the reclamation of a  
15 proposed mining operation;

16                   (4) "unnecessary or undue degradation"

17                           (A) means surface disturbance greater than would  
18 normally result when an activity is being accomplished by a  
19 prudent operator in usual, customary, and proficient operations  
20 of similar character and considering site specific conditions;

21                           (B) includes a failure to initiate and complete rea-  
22 sonable reclamation under the reclamation plan or the creation of  
23 a nuisance.

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

29       \* Sec. 3. AS 27.05.250 is repealed.

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

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