

SENATE BILL NO. 292

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATOR HOFFMAN

Introduced: 5/14/91
Referred: Resources

A BILL

FOR AN ACT ENTITLED

**1 "An Act establishing the Goodnews Bay Submerged Land Area; closing the area to mining,
2 mineral entry, mineral location, and mineral leasing; relating to the management of offshore
3 state land and water adjoining the area; and providing for an effective date."**

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

**5 * Section 1. FINDINGS. The legislature finds that Goodnews Bay is of extreme importance to the
6 culture, communities, and residents of the area. Since the area was first inhabited, Goodnews Bay has
7 been and remains a source of fish, including salmon and herring, wildlife, and marine life important for
8 local cash and subsistence economies. That heritage, and current use, could be endangered by mining,
9 mineral entry or location, or mineral leasing of the submerged land of the bay. A reduction in the
10 fishery resource because of mining, mineral entry or location, or mineral leasing activity would be
11 extremely harmful to the cultural heritage of the communities and residents of the area. The legislature
12 further finds that closing the Goodnews Bay Submerged Land Area to mining, mineral entry or location,
13 and mineral leasing represents the maximum use of the area consistent with the public interest.**

14 * Sec. 2. AS 41 is amended by adding a new chapter to read:

1 CHAPTER 24. LIMITED USE AREAS.

2 Sec. 41.24.010. PURPOSE OF CHAPTER. The purpose of this chapter is

3 (1) to establish the Goodnews Bay Submerged Land Area as a limited use area
4 to be managed by the department as provided in AS 41.24.020;

5 (2) to protect and perpetuate the fisheries resources and habitat in the area; and

6 (3) to close the area to mining, mineral entry, and to leasing as mineral land.

7 Sec. 41.24.020. GOODNEWS BAY SUBMERGED LAND AREA ESTABLISHED. (a)

8 The state tideland, submerged land, and water lying within the area described in this subsection
9 is designated as the Goodnews Bay Submerged Land Area:

10 (1) seaward of the mean higher high tide line, starting at the point where the
11 section line separating Section 32, Township 13 South, Range 75 West, Seward Meridian, from
12 Section 4, Township 14 South, Range 75 West, Seward Meridian, intersects with the mean higher
13 high tide line, thence northerly along the higher high tide line of Kuskokwim Bay, continuing
14 along the higher high tide line of Goodnews Bay, continuing northerly along the higher high tide
15 line of Kuskokwim Bay to the point where the higher high tide line intersects with the section
16 line separating Section 36, Township 11 South, Range 75 West, Seward Meridian, from Section
17 1, Township 12 South, Range 75 West, Seward Meridian, thence westerly along the section line
18 to the point where the line separating the state territorial waters from the contiguous zone
19 intersects with the section line, thence southerly along the line separating the state territorial
20 waters from the contiguous zone to the point where the section line separating Section 32,
21 Township 13 South, Range 75 West, Seward Meridian, from Section 4, Township 14 South,
22 Range 75 West, Seward Meridian, intersects the line separating the state territorial waters from
23 the contiguous zone, thence easterly along the section line to the starting point;

24 (2) seaward of the mean higher high tide line, starting at the point where the
25 northern boundary line of Section 4, Township 14 South, Range 75 West, Seward Meridian,
26 intersects with the mean higher high tide line, thence southerly along the higher high tide line
27 of Kuskokwim Bay, continuing southerly along the mean higher high tide line of Chagvan Bay,
28 continuing southerly along the higher high tide line of Kuskokwim Bay to the point where the
29 higher high tide line intersects with the southern boundary line of Section 33, Township 16
30 South, Range 75 West, Seward Meridian, thence westerly along the section line to a point 2,640
31 feet seaward from the higher high tide line, thence northerly along a line 2,640 feet seaward of

1 the higher high tide line to a point where this line intersects the westward extension of the
2 northern boundary of Section 4, Township 14 South, Range 75 West, Seward Meridian, thence
3 easterly to the starting point.

4 (b) The land and water described in (a) of this section is designated as a special purpose
5 area under art. VIII, sec. 7, Constitution of the State of Alaska.

6 (c) The land and water described in (a) of this section is closed to

7 (1) mining, mineral location, mineral entry, and mineral leasing under
8 AS 38.05.185 - 38.05.275;

9 (2) exploration, development, and extraction of minerals under AS 38.05.135 -
10 38.05.184.

11 (d) The department may not manage the Goodnews Bay Submerged Land Area as a unit
12 of the state park system.

13 (e) The department shall manage the Goodnews Bay Submerged Land Area as it does
14 other state land and water except as provided in (c) of this section and shall permit other uses
15 as provided by law.

16 Sec. 41.24.030. MANAGEMENT OF OFFSHORE STATE LAND AND WATER
17 ADJACENT TO THE GOODNEWS BAY SUBMERGED LAND AREA. (a) The department
18 shall manage offshore state land and water adjoining the Goodnews Bay Submerged Land Area
19 as it does other state land and water and shall permit other uses as provided by law, except as
20 provided in this section.

21 (b) The department may permit mineral and mining activity in the offshore state land and
22 water adjoining the Goodnews Bay Submerged Land Area unless the commissioner of fish and
23 game determines, before the beginning of the activity or during the course of the activity, that

24 (1) the activity

25 (A) is not consistent with the protection of fish and wildlife, their habitat,
26 and their use in the Goodnews Bay Submerged Land Area; or

27 (B) unduly restricts or interferes with the public use and enjoyment of the
28 resource values of the Goodnews Bay Submerged Land Area; and

29 (2) effects of the activity upon fish and wildlife, their habitat, and their use in the
30 Goodnews Bay Submerged Land Area cannot be mitigated under regulations adopted by the
31 commissioner of fish and game.

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