

**SPONSOR SUBSTITUTE FOR SENATE BILL NO. 292**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY SENATOR HOFFMAN**

**Introduced: 1/24/92**  
**Referred: Resources, Finance**

**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, mineral prospecting, and mineral leasing; relating to the  
3 management of offshore state land and water adjoining the area; and providing for an  
4 effective date."

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

6 \* **Section 1. FINDINGS.** The legislature finds that Goodnews Bay is of extreme importance to the  
7 culture, communities, and residents of the area. Since the area was first inhabited, Goodnews Bay has  
8 been and remains a source of fish, including salmon and herring, wildlife, and marine life important for  
9 local cash and subsistence economies. That heritage, and current use, could be endangered by mining,  
10 mineral entry or location, or mineral prospecting or leasing of the submerged land of the bay. A  
11 reduction in the fishery resource because of mining, mineral entry or location, or mineral prospecting  
12 or leasing activity would be extremely harmful to the cultural heritage of the communities and residents  
13 of the area. The legislature finds that baseline studies are required of the ecosystem of the area in order  
14 to make an informed decision concerning mining of the area. The legislature further finds that closing

1 the Goodnews Bay Submerged Land Area to mining, mineral entry or location, and mineral prospecting  
2 or leasing except as provided in this Act represents the maximum use of the area consistent with the  
3 public interest.

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

5 CHAPTER 24. LIMITED USE AREAS.

6 Sec. 41.24.010. PURPOSE OF AS 41.24.020 - 41.24.040. The purpose of  
7 AS 41.24.020 - 41.24.040 is

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

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

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

12 Sec. 41.24.020. GOODNEWS BAY SUBMERGED LAND AREA ESTABLISHED. (a)  
13 The state tideland, submerged land, and water lying within the area described in this subsection  
14 is designated as the Goodnews Bay Submerged Land Area:

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

29 (2) seaward of the mean higher high tide line, starting at the point where the  
30 northern boundary line of Section 4, Township 14 South, Range 75 West, Seward Meridian,  
31 intersects with the mean higher high tide line, thence southerly along the higher high tide line

1 of Kuskokwim Bay, continuing southerly along the mean higher high tide line of Chagvan Bay,  
2 continuing southerly along the higher high tide line of Kuskokwim Bay to the point where the  
3 higher high tide line intersects with the southern boundary line of Section 33, Township 16  
4 South, Range 75 West, Seward Meridian, thence westerly along the section line to a point 2,640  
5 feet seaward from the higher high tide line, thence northerly along a line 2,640 feet seaward of  
6 the higher high tide line to a point where this line intersects the westward extension of the  
7 northern boundary of Section 4, Township 14 South, Range 75 West, Seward Meridian, thence  
8 easterly to the starting point.

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

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

12 (1) mining, mineral location, mineral entry, mineral prospecting, and mineral  
13 leasing under AS 38.05.185 - 38.05.275;

14 (2) exploration, development, and extraction of minerals under AS 38.05.135 -  
15 38.05.184.

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

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

21 Sec. 41.24.030. GOODNEWS BAY SUBMERGED LAND AREA STUDY  
22 COMMITTEE. (a) The Goodnews Bay Submerged Land Area Study Committee is established  
23 in the department. The committee consists of eight members appointed by the governor as  
24 follows:

25 (1) a representative of the department;

26 (2) the director of the division of habitat, Department of Fish and Game, or the  
27 designee of the director;

28 (3) one member of the Cenaliuriiit Coastal Management District Council;

29 (4) a representative of the Calista Corporation;

30 (5) four village elders, one representing each of the following villages: Goodnews  
31 Bay, Platinum, Quinhagak, and Eck.

1 (b) The director of the division of habitat, Department of Fish and Game, or the  
2 director's designee, serves as chair of the committee.

3 (c) Members of the committee serve without salary, per diem, or reimbursement of travel  
4 costs.

5 (d) Members of the committee serve three-year terms. Committee members may be  
6 reappointed.

7 Sec. 41.24.040. MANAGEMENT OF OFFSHORE STATE LAND AND WATER  
8 ADJACENT TO THE GOODNEWS BAY SUBMERGED LAND AREA. (a) The department  
9 shall manage offshore state land and water adjoining the Goodnews Bay Submerged Land Area  
10 as it does other state land and water and shall permit other uses as provided by law, except as  
11 provided in this section.

12 (b) The department shall cancel all mineral leases and offshore prospecting permits that  
13 exist on the effective date of this Act for the offshore state land and water adjoining the  
14 Goodnews Bay Submerged Land Area. The department may not issue a new mineral lease or  
15 offshore prospecting permit before September 1, 1995, and after that date only as provided in (d)  
16 of this section. A study team shall conduct detailed baseline studies of the ecosystem of the  
17 southern Kuskokwim Bay. The baseline studies shall be conducted on an annual basis for a  
18 period of not less than three years, and shall study, at a minimum, marine mammals and their  
19 haulout periods, sea birds, fish, invertebrates, and physiographic characteristics of the area,  
20 including storm events. The study team shall be composed, at a minimum of, a physical  
21 oceanographer, a marine chemist, a marine geologist, and marine biologists specializing in the  
22 study of marine mammals, sea birds, and fish. The habitat division, Department of Fish and  
23 Game, is the lead agency for the study and shall supervise the study team. The study team may  
24 consist of employees or contractors of the department.

25 (c) The Goodnews Bay Submerged Land Area Study Committee shall oversee, provide  
26 direction for, and review the work of the study team. The committee shall issue annual interim  
27 reports while the baseline studies are being conducted except that every third year the report must  
28 include a detailed assessment of the results of the baseline studies.

29 (d) After September 1, 1995, an offshore prospecting permit or mineral lease for the  
30 offshore state land and water adjoining the Goodnews Bay Submerged Land Area may be issued  
31 only if the commissioner finds, after having considered the baseline studies and the reports of

1 the Goodnews Bay Submerged Land Area Study Committee, that issuance of a permit would be  
2 in the best interest of the state, would be consistent with the Cenaliuriiit Coastal Management  
3 District plan, and would comply with state law. A lease may be issued under AS 38.05.250,  
4 provided the commissioner considers the material and makes the findings required in this  
5 subsection for issuance of a permit.

6 (e) If the department issues a permit or lease as provided in (d) of this section, the  
7 baseline studies described in (b) of this section and the reports of the committee described in (c)  
8 of this section shall be continued during the life of the permit or lease.

9 (f) In addition to the requirements of (a) - (e) of this section, the department may only  
10 permit mineral and mining activity in the offshore state land and water adjoining the Goodnews  
11 Bay Submerged Land Area if the commissioner of fish and game determines, before the  
12 beginning of the activity or during the course of the activity, that

13 (1) the activity

14 (A) is not inconsistent with the protection of fish and wildlife, their  
15 habitat, and their use in the Goodnews Bay Submerged Land Area; and

16 (B) does not unduly restrict or interfere with the public use and enjoyment  
17 of the resource values of the Goodnews Bay Submerged Land Area; and

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

21 (g) In this section and AS 41.24.030 "committee" means the Goodnews Bay Submerged  
22 Land Area Study Committee.

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