

2d SPONSOR SUBSTITUTE FOR SENATE BILL NO. 292**IN THE LEGISLATURE OF THE STATE OF ALASKA****SEVENTEENTH LEGISLATURE - SECOND SESSION****BY SENATOR HOFFMAN****Introduced: 3/19/92**
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, 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, mineral leasing, or mineral prospecting in the submerged land of the bay. A
11 reduction in the fishery resource because of mining, mineral entry or location, mineral prospecting, or
12 mineral leasing activity would be extremely harmful to the cultural heritage of the communities and
13 residents of the area. The legislature further finds that closing the Goodnews Bay Submerged Land Area
14 to mining, mineral entry or location, mineral prospecting, and mineral leasing represents the maximum

1 use of the area consistent with the public interest.

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

3 CHAPTER 24. LIMITED USE AREAS.

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

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

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

8 (3) to close the area to mining, mineral entry, mineral location, mineral
9 prospecting, and to leasing as mineral land.

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

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

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

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

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

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

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

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

12 (2) exploration, development, and extraction of minerals under AS 38.05.135 -
13 38.05.184.

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

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

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

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

27 (1) the activity

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

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

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

4 * Sec. 3. APPLICABILITY. The prohibitions in AS 41.24.010 - 41.24.020, added by sec. 2 of this
5 Act, do not apply to valid mineral leases for the offshore state land and water within the Goodnews Bay
6 Submerged Land Area described in AS 41.24.020(a), added by sec. 2 of this Act, that are in existence
7 on the effective date of this Act.

8 * Sec. 4. This Act takes effect immediately under AS 01.10.070(c).