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“Bristol Bay Forever” Initiative
A BILL BY INITIATIVE

FOR AN ACT PROVIDING FOR PROTECTION OF BRISTOL BAY WILD
SALMON AND WATERS WITHIN OR FLOWING INTO THE EXISTING
1972 BRISTOL BAY FISHERIES RESERVE

Be it enacted by the People of the State of Alaska:

Section 1. AS 38.05, is amended by adding a new section to read:

Sec. 38.05.142. Legislative approval required for certain large scale mines.

(a) In addition to permits and authorizations otherwise required by law, a final authorization must be obtained from the legislature for a large-scale metallic sulfide mining operation located within the watershed of the Bristol Bay Fisheries Reserve designated in AS 38.05.140(f). This authorization shall take the form of a duly enacted law finding that the proposed large-scale metallic sulfide mining operation will not constitute danger to the fishery within the Bristol Bay Fisheries Reserve.

(b) The commissioner may adopt regulations under AS 44.62 to implement this section.

(c) In this section, “large-scale metallic sulfide mining operation” means a specific mining proposal to extract metals, including gold and copper, from sulfide-bearing rock and that would directly disturb 640 or more acres of land.

Section 2. The uncodified law of the State of Alaska is amended by adding a section to read:

The People of Alaska find as follows:

(1) In 1972, the Alaska Legislature recognized the statewide importance of this region by establishing the Bristol Bay Fisheries Reserve to protect the salmon fisheries of the region by requiring legislative approval of permits to develop oil and gas leases within the Reserve;

(2) Given the recognized statewide importance of the Reserve, and given the potential of metallic sulfide mining to adversely affect and pollute the waters of the Reserve the people of Alaska believe that certain large scale mining projects must live up to the same standards that have been applied to oil and gas development within the Reserve since 1972;

(3) The Bristol Bay region of Alaska, including its multiple rivers, lakes, and streams, is a wild salmon producing region of statewide interest because the various fisheries in that region (a) feed and employ residents from across the state; (b) provide important statewide economic benefits; (c) produce one-third of the world's wild sockeye salmon supply.

(4) For thousands of years, the wild salmon of the Bristol Bay watersheds have sustained the subsistence and cultural lifestyles of Alaska Natives in many parts of Alaska;

(5) The wild salmon of Bristol Bay and its watersheds also support vital and growing sport and commercial fishing industries which provide important statewide economic benefits;

(6) The genetic diversity of the distinct salmon populations in the region is one of the primary reasons the wild salmon of the region are resilient and have remained abundant. Accordingly, each individual salmon population is an integral and irreplaceable part of the overall resource;

(7) As wild salmon resources decline worldwide, the value to Alaska of Bristol Bay's wild salmon resources continues to grow. The increasing value of this extraordinary and unique resource to all citizens of Alaska warrants additional protective measures for the wild salmon in the waters that drain into the waters of the Bristol Bay Fisheries Reserve;

(8) Metallic sulfide mining has the potential to adversely affect salmon resources because the byproducts of such mining can adversely alter the chemistry of waters inhabited by salmon during their lives and can have very serious consequences on the survival of individual salmon populations, subspecies and species. Accordingly, it is a matter of statewide public interest to ensure that the world's greatest wild salmon producing watersheds are protected from pollution and toxic materials and particularly

effects uniquely associated with large-scale metallic sulfide mining;

(9) The protective measures of this Act are reasonably based on the need to safeguard the Bristol Bay Fisheries Reserve. The facts, evidence and reasoning upon which the Alaska Legislature based its creation of the Bristol Bay Fisheries Reserve in 1972 also support the need for the protective measures of this Act; and

(10) It is the intent of this Act to require legislative approval of any large-scale metallic sulfide mining operation within the Bristol Bay Fisheries Reserve, or which has the potential to adversely affect any anadromous waters within the reserve.

Section 3. The uncodified law of the State of Alaska is amended by adding a new section to read:

AS 38.05.142, as enacted by section 2 of this Act, applies only to large-scale metallic sulfide mining operations that have not received all necessary authorizations, licenses, permits, or approved plans of operation before the effective date of this Act. The legislative action required in AS 38.05.142(a) does not apply to an existing mining operation in the state or a mine that does not affect the watershed described in AS 38.05.142(a).

Section 4. The uncodified law of the State of Alaska is amended by adding a new section to read:

It is the intention of the people of Alaska that the provisions of AS 38.05.142, as enacted, are independent and severable, and if any provision of AS 38.05.142 shall be

held to be invalid by a court of competent jurisdiction, the remainder of AS 38.05.142 shall not be affected and shall be given effect to the fullest extent possible.

Section 5. Effective Date. The uncodified law of the State of Alaska is amended by adding a new section to read:

This Act takes effect 90 days after enactment.