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REPRESENTATIVE DAVE TALERICO

Section Analysis – House Bill 220

“An Act relating to fish; and establishing a fisheries enhancement permit.”

Sec. 1 – AS 16.05.855

Creates a new section in AS 16.05 to create a fisheries enhancement permit. AS 16.05.855 consists of the following subsections:

- (a) Creates a new subsection for the activities that are allowed under the new fisheries enhancement permit:
 - (1) Remove fish from water, incubate or fertilize eggs, and place eggs back in water
 - (2) Enhance habitat and augment nutrients in state water
 - (3) Create a hatchery subject to AS 16.10.375-16.10.480
- (b) Creates a new subsection setting what type of information must be on the application to obtain a fisheries enhancement permit. This information includes:
 - (1) The applicant’s name
 - (2) Reasoning and feasibility of the proposed project
 - (3) Documentation of conditions justifying project and any collaboration with local stakeholders
 - (4) Locations of water in which applicant will take fish and place fish eggs or fish
 - (5) Species and number of fish taken from water
 - (6) Applicant’s management plan for propagation or repopulation in permitted water
 - (7) Applicant’s goals, schedule, scope of work, budget, means of data collection, plan for genetics management, and watershed enhancement plan, if applicable.
 - (8) Application fee of \$100
- (c) Creates a subsection requiring that the Department of Fish & Game (DF&G) determine, before issuing a permit, that the project:
 - (1) May restore or introduce a fish population in a body of water where subsistence and escapement goals have not been met, where there are no established escapement goals and local stakeholders have identified a decline in fish populations, or the species of fish is limited or absent due to a lack of access to the body of water

- (2) Will result in public benefits
- (3) Will not introduce a nonindigenous fish species to a body of water in violation of AS 16.35.210
- (d)** Creates a subsection regarding factors that the commissioner of DF&G shall consider when determining if a permit will be issued, including:
 - (1) The department's assessment of the project
 - (2) The capabilities of the applicant
 - (3) The degree of communication that exists between the applicant and individuals affected by the project
 - (4) Comments relating to the project
 - (5) If the project is consistent with the constitutional and statutory requirements imposed on the department
 - (6) If the project will increase scientific knowledge and understanding of the natural resources affected by the project
- (e)** Creates a new subsection requiring a permittee to collect and provide project data and reports requested by the department and to reasonably communicate with individuals affected by the project.
- (f)** Creates a new subsection to allow a permit that is issued to be transferred to another qualified person as defined by subsection (k).
- (g)** Creates a subsection which sets the timeline for when DF&G must act on a permit application. Within 15 days, the department must notify an applicant whether or not their application is complete and can reject an incomplete application if it is not complete within 30 days of the notification. After the notification, DF&G must approve or reject the application with 60 days, otherwise the application is automatically approved.
- (h)** Creates a new subsection setting requirements for public notice and comment for a permit application. DF&G will provide public notice of an application on the department's website and by e-mail to individuals who request notification within 15 days after the department receives the application. A person may submit public comment within 30 days after public notice is given. DF&G will also provide public notice of the approval or rejection of an application within 30 days after a determination is made.
- (i)** Creates a new subsection to enact requirements of a permittee to:
 - (1) Preserve natural fish feeding behavioral patterns
 - (2) If necessary, use supplemental nutrients derived from indigenous sources in the state
 - (3) Implement controls to avoid the introduction of nonindigenous pathogens or to increase indigenous pathogens beyond acceptable levels
- (j)** Creates a new subsection requiring that information provided under subsection (e) must be made available on the department's website for at least six months, unless it is confidential by law.
- (k)** Creates definitions for the following terms under AS 16.05.855:
 - (1) "person" is defined as an individual, any business, governmental agency, or another legal or commercial entity

- (2) “qualified person” is defined as a state resident, a corporation organized under Alaska law, or a corporation not organized under Alaska law that collaborates with a resident or Alaskan corporation
- (3) “reasonably communicate” is defined as communicating significant information regarding the project by a mode of communication that is likely to notify persons that a reasonable person would know are affected by the project

Sec. 2 – AS 16.05.871

Creates a new section that requires the commissioner of DF&G to consider a fisheries enhancement project when determining if a project will provide sufficient protections of fish and game resources from project related damages.

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