

**CS FOR HOUSE BILL NO. 220( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-NINTH LEGISLATURE - SECOND SESSION

**BY**

**Offered:  
Referred:**

**Sponsor(s): REPRESENTATIVE TALERICO**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to certain fish; and establishing a fisheries enhancement permit."**

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

**\* Section 1.** AS 16.05 is amended by adding a new section to read:

**Sec. 16.05.855. Fisheries enhancement permit.** (a) Subject to restrictions imposed under this section, the department may issue a fisheries enhancement permit to a qualified person that allows the person

(1) to remove anadromous or freshwater finfish from water of the state, collect gametes or fertilize and incubate eggs taken from the fish, and place the incubated and fertilized eggs or hatched fish in the same or other water of the state; and

(2) to enhance habitat and augment nutrients in water of the state to aid the survival of the fish.

(b) An applicant for a permit under this section shall apply on a form prescribed by the department. The department shall make the application form available on the department's Internet website and at the department's regional and

1 local offices. The department shall charge a fee for printing an application form  
2 provided by the department's offices. An application for a permit must include

3 (1) the name of the applicant;

4 (2) a statement of the reasons for and feasibility of the proposed  
5 project using historical and current data relating to habitat, the food web, and fish  
6 populations in the project area;

7 (3) documentation of

8 (A) the conditions justifying the project;

9 (B) the applicant's collaboration, and plan for continued  
10 collaboration, with a qualified person under (l)(2) of this section; and

11 (C) any communication, or plan for continued communication,  
12 from the applicant with affected persons, relevant organizations with  
13 applicable expertise, and stakeholders in the project area;

14 (4) the locations of the water from which the applicant will take fish  
15 and the water in which the applicant will place fish eggs or fish;

16 (5) the species and number of fish to be taken and, if applicable, the  
17 number to be taken for brood stock;

18 (6) a management plan that demonstrates the ability of the applicant to  
19 carry out and sustain the proposed project, including the applicant's plan for fish  
20 propagation or repopulation in permitted water;

21 (7) the applicant's goals, schedule, planned duration, performance  
22 measures, scope of work, budget, means of collecting data, plan for genetics  
23 management, and watershed habitat enhancement plan, if applicable, for the project;  
24 and

25 (8) an application fee of \$100.

26 (c) The department may not issue a permit under this section unless the  
27 commissioner determines that the project

28 (1) may restore or introduce a population of fish in a body of water in  
29 which

30 (A) subsistence and escapement goals have not been met;

31 (B) there are no established escapement goals and local

1 stakeholders have identified a decline in the number of the species of fish; or

2 (C) the population of the species of fish is limited or the species  
3 of fish is absent because of an identified factor including restricted  
4 accessibility to the body of water for fish because of a natural or manmade  
5 barrier;

6 (2) will result in public benefits; and

7 (3) will not introduce a nonindigenous fish or live fertilized eggs of  
8 nonindigenous fish in violation of AS 16.35.210.

9 (d) In reviewing an application submitted under (b) of this section and  
10 determining whether the department will issue a permit for a proposed project, the  
11 commissioner shall consider

12 (1) the department's assessment of the proposed project;

13 (2) the capabilities of the applicant;

14 (3) the degree to which the applicant has reasonably communicated  
15 with affected persons, including relevant organizations with applicable expertise, and  
16 stakeholders in the project area;

17 (4) relevant and applicable comments relating to the proposed project  
18 submitted under (h) of this section;

19 (5) the consistency of the proposed project with the constitutional and  
20 statutory requirements and duties imposed on the department; and

21 (6) whether the proposed project will increase scientific knowledge  
22 and understanding of natural resources affected by the project.

23 (e) A permittee or a person to whom a project is transferred under (f) of this  
24 section shall

25 (1) collect and provide project data and reports reasonably requested  
26 by the department;

27 (2) reasonably communicate with affected persons, including relevant  
28 organizations with applicable expertise, and stakeholders in the project area.

29 (f) A permit issued under this section may be transferred to another qualified  
30 person as defined in (l) of this section.

31 (g) Within 15 days after the department receives an application for a fisheries

1 enhancement permit, the commissioner shall notify an applicant that the application is  
2 complete or incomplete. The commissioner may reject an application that is not  
3 completed within 30 days after the commissioner notifies the applicant that the  
4 application is incomplete. Within 60 days after the date the commissioner notifies an  
5 applicant that an application is complete, the commissioner shall approve or reject the  
6 application. If the commissioner fails to act within that period, the application is  
7 approved and the department shall issue a permit.

8 (h) The department shall provide public notice of a permit application in  
9 summary form within 15 days after the application is received by the department. A  
10 person may submit comments to the department on a pending application within 30  
11 days after the department provides public notice of the application. The department  
12 shall also provide public notice of approval or rejection of an application within 30  
13 days after the date of the project's approval or rejection. The department shall provide  
14 public notice by electronic mail to a person who registers with the department and by  
15 posting at the department's regional and local offices and on the department's Internet  
16 website. The department shall charge a fee under AS 40.25.110 for a printed copy of a  
17 public record related to a fisheries enhancement project.

18 (i) A permit issued under this section shall require that the permittee

19 (1) preserve natural fish feeding behavioral patterns to the extent  
20 reasonably possible;

21 (2) may only use supplemental nutrients if the biological components  
22 of the nutrients are from indigenous sources in the state;

23 (3) place no more than 500,000 incubated and fertilized eggs or  
24 hatched fish into the water of the state;

25 (4) implement appropriate controls to avoid the introduction of  
26 nonindigenous or invasive pathogens or the increase of indigenous pathogens beyond  
27 levels acceptable to the department.

28 (j) Unless confidential by law, the department shall make information  
29 provided under (e) of this section available on the department's Internet website for at  
30 least six months after the information is provided to the department.

31 (k) Fish released into the water of the state under a permit issued under this

1 section are available to the people for common use and are subject to applicable law in  
2 the same way as fish occurring in their natural state.

3 (l) In this section,

4 (1) "person" means an individual, corporation, business trust, estate,  
5 trust, partnership, limited liability company, association, joint venture, or government;  
6 governmental subdivision, agency, or instrumentality; public corporation; or another  
7 legal or commercial entity;

8 (2) "qualified person" means a state resident under AS 43.23.095, a  
9 corporation organized under laws of this state, or a corporation not organized under  
10 the laws of this state that collaborates with a state resident or corporation organized  
11 under the laws of this state;

12 (3) "reasonably communicate" means communicating significant  
13 information by a mode of communication likely to provide notice to persons a  
14 reasonable person would know are affected by a project or proposed project.

15 \* **Sec. 2.** AS 16.05.871 is amended by adding a new subsection to read:

16 (e) In making a finding that the plans and specifications for a proposed  
17 construction, work, or use sufficiently protect fish and game under (d) of this section,  
18 the commissioner shall consider related fisheries enhancement projects under  
19 AS 16.05.855.