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Sectional Analysis

"An Act relating to certain fish; and establishing a fisheries rehabilitation 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, collect gametes and milt, fertilize and incubate eggs, and place fertilized eggs or un-fed fry back in the same water
- (2) Enhance habitat in state water for survival of the fish

(b) Creates a new subsection that prescribes an application form created by the department that states 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, any collaboration with local stakeholders, and any other permits required for the project
- (4) Locations of water in which applicant will take fish and place fertilized eggs or un-fed fry
- (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, plans for project evaluation, and watershed enhancement plan, if applicable
- (8) Application fee of $100

(c) Creates a subsection allowing the Alaska Department of Fish & Game (ADF&G) Commissioner to issue a permit after determining if a project:
- (1) May restore 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

(2) Will result in public benefits
(3) Will not harm indigenous wild fish stocks
(4) Will not place fertilized eggs or un-fed fry into a body of water if there are enough fish for natural propagation of the species to occur
(5) Will not introduce live fertilized eggs, larvae, or fry of nonindigenous fish in violations 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, including those by a regional planning team established under AS 16.10.375.
(5) If the project is consistent with the comprehensive salmon plan and constitutional and statutory requirements imposed on the department for the area
(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 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 90 days, otherwise the application is automatically approved.

(g) Creates a new subsection to enact requirements of a permittee to:
(1) Collect no more than 500,000 eggs for fertilization.
(2) Implement controls to avoid the introduction of nonindigenous pathogens or to increase indigenous pathogens beyond acceptable levels.

(h) Creates a new subsection to ensure that any fish released in State water with an enhancement project permit under this section will be available for common use in the same way as wild fish are.

(i) Creates a new subsection to specify the duration of a permit and how to extend a permit

(j) 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 or a corporation organized under Alaska's laws
(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

Amends this section by adding a new subsection (e)

Subsection (e) states that fisheries enhancement projects under AS 16.05.855 shall be considered by the commissioner as outlined in AS 16.05.871 (d) because precautions in subsection (d) will not damage a fish enhancement project

Sec. 3 – AS 16.10.375

Amends this section to allow enhancement projects created through this act to be included in regional comprehensive salmon plans