

SENATE BILL NO. 141

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

BY SENATOR TORGERSON

Introduced: 3/14/01

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to aquatic farming of shellfish; and providing for an effective date."**

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

3 *** Section 1.** AS 38.05.083(c) is amended to read:

4 (c) A site may be leased under this section for not less than the appraised fair
5 market value of the lease. The value of the lease shall be reappraised every five years.

6 **In determining the fair market value of a lease for an aquatic farming site where**
7 **shellfish indigenous to the site are cultured, the department shall consider the**
8 **value of the harvestable shellfish resource on the site and the potential**
9 **productivity of the site for cultured shellfish.**

10 *** Sec. 2.** AS 38.05.083 is amended by adding a new subsection to read:

11 (g) Upon the expiration or termination of the lease, a person who holds a lease
12 for an aquatic farming site where wild stocks of shellfish indigenous to the site are
13 cultured shall, as a condition of the lease, restore the wild stock of shellfish, as
14 consistent with sustained yield management of the wild stock, to the population level
15 that existed on the site when the lease was initially issued.

1 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 LEASE OF AQUATIC FARMING SITES FOR FARMING OF SHELLFISH. (a)
4 The commissioner of natural resources shall offer for lease to the public before July 1, 2002, a
5 minimum of 60 sites suitable for suspended culture of shellfish, 20 sites suitable for aquatic
6 farming of clams, and 10 sites suitable for aquatic farming of geoducks. The commissioner
7 shall offer the sites for lease by public auction under AS 38.05.075. The leases are subject to
8 AS 38.05.083(b) - (g). The renewal of the leases is subject to AS 38.05.083(a).

9 (b) Before offering leases for aquatic farming sites under (a) of this section, the
10 commissioner of natural resources shall solicit nominations of sites suitable for aquatic
11 farming of clams, geoducks, and other shellfish from the aquatic farming industry in the state
12 and the public. The commissioner of natural resources, in consultation with the Department
13 of Fish and Game and the Department of Environmental Conservation, shall identify sites
14 suitable for aquatic farming of clams, geoducks, and other shellfish. The sites identified by
15 the commissioner must include sites in areas of the state where aquatic farming activities are
16 already occurring. Aquatic farming sites for on-bottom culture of shellfish must be located in
17 areas where either (1) an indigenous population of the shellfish species to be cultivated is not
18 present, or (2) if an indigenous population of the shellfish species to be cultivated is present,
19 aquatic farming of the shellfish species would not interfere with an established commercial,
20 subsistence, or personal use fishery. After the commissioner has published the final list of
21 sites suitable for farming of clams, geoducks, and other shellfish, the commissioner shall offer
22 the sites for lease in accordance with (a) of this section.

23 (c) The aquatic farming sites that are offered for lease under this section are in
24 addition to those offered by the commissioner of natural resources under regulations adopted
25 by the Department of Natural Resources under AS 38.05.083. Aquatic farming leases issued
26 under AS 38.05.083 before the effective date of this Act may not be counted toward the
27 satisfaction of the requirement established by (a) of this section; however, leases for aquatic
28 farming sites that are issued after the effective date of this Act on the basis of lease
29 applications filed with the department before the effective date of this Act may be counted
30 toward the satisfaction of the requirement established by (a) of this section.

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