

**CS FOR SENATE BILL NO. 141(RES)**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE SENATE RESOURCES COMMITTEE**

**Offered: 2/27/02**

**Referred: Finance**

**Sponsor(s): SENATOR TORGERSON**

**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 is amended by adding a new subsection to read:

4 (g) Upon the expiration or termination of the lease, a person who holds a lease  
5 for an aquatic farming site where wild stocks of shellfish indigenous to the site are  
6 cultured shall, as a condition of the lease, restore the wild stock of shellfish, as  
7 consistent with sustained yield management of the wild stock, to the population level  
8 that existed on the site when the operating permit for the site was initially issued by  
9 the Department of Fish and Game.

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

12 LEASE OF AQUATIC FARMING SITES FOR FARMING OF SHELLFISH. (a)  
13 The commissioner of natural resources shall offer for lease to the public before July 1, 2003, a  
14 minimum of 60 sites suitable for suspended culture of shellfish, 20 sites suitable for aquatic  
15 farming of clams, and 10 sites suitable for aquatic farming of geoducks. The commissioner

1 shall offer the sites for lease by public auction under AS 38.05.075. The commissioner shall  
2 offer for lease through offices of the department those sites that were not leased when offered  
3 at a public auction held under this subsection. The leases entered into under this subsection  
4 are subject to AS 38.05.083(b) - (g). The renewal of the leases entered into under this  
5 subsection is subject to AS 38.05.083(a).

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

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

28 \* **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).