

HOUSE BILL NO. 513

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

**BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE HOUSE SPECIAL COMMITTEE ON
ECONOMIC DEVELOPMENT, TRADE, AND TOURISM**

**Introduced: 4/1/02
Referred: Resources**

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to issuance of permits for aquatic farming of shellfish."**

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

3 * **Section 1.** AS 16.40.100 is amended by adding new subsections to read:

4 (e) After receiving notice that the applicant for a permit to operate an aquatic
5 farm has received a determination that the proposed aquatic farm is consistent with the
6 Alaska coastal management program and a finding from the commissioner of natural
7 resources that the issuance of a lease for the aquatic farm site is in the best interest of
8 the state, the commissioner of fish and game shall issue a permit under this section to
9 operate an aquatic farm at the site

10 (1) within 30 days if an indigenous population of a shellfish species to
11 be cultivated at the site is not present on the site;

12 (2) within 150 days if an indigenous population of a shellfish species
13 to be cultivated in an intertidal area on the site is present; after receiving notice of the
14 consistency determination and the best interest finding for the site, the commissioner

1 shall provide notice to the public for 30 days that the site will be opened for harvest of
 2 shellfish; at the end of the public notice period, the site is opened for 90 days for
 3 shellfish fishing by sport, personal use, and subsistence fisheries and, if the Alaska
 4 Commercial Fisheries Entry Commission has issued limited entry permits authorizing
 5 the taking of a shellfish species to be cultivated in an intertidal area on the site, by
 6 commercial fisheries;

7 (3) within 90 days if an indigenous population of a shellfish species to
 8 be cultivated in a subtidal area on the site is present; after receiving notice of the
 9 consistency determination and the best interest finding for the site, the commissioner
 10 shall provide notice to the public for 30 days that the site will be opened for harvest of
 11 shellfish; at the end of the public notice period the site is opened for 30 days for
 12 shellfish fishing by sport, personal use, and subsistence fisheries and, if the Alaska
 13 Commercial Fisheries Entry Commission has issued limited entry permits authorizing
 14 the taking of a shellfish species to be cultivated in a subtidal area on the site, by
 15 commercial fisheries.

16 (f) After the close of the respective harvest period established under (e)(2) or
 17 (3) of this section, the commissioner shall issue a permit to operate an aquatic farm at
 18 the site. The site for which the permit is issued is closed to fishing for shellfish by all
 19 persons other than the permit holder while the permit is in effect.

20 (g) Upon the expiration or termination of a permit to operate an aquatic farm
 21 at a site where an indigenous population of a shellfish species to be cultivated on the
 22 site was present when the permit was issued, the person who holds the permit shall, as
 23 a condition of the permit, restore the population of shellfish, as consistent with
 24 sustained yield management of the shellfish species, to the population level that
 25 existed on the site at the time when the commissioner received notice of the
 26 consistency determination and the best interest finding for the site under (e) of this
 27 section.

28 * **Sec. 2.** AS 16.40.120 is amended by adding a new subsection to read:

29 (h) Notwithstanding other provisions of this section, following the close of the
 30 harvest period established under AS 16.40.100(e)(2) or (3) and the issuance of a
 31 permit under AS 16.40.100, the commissioner shall issue an aquatic stock acquisition

1 permit authorizing the holder of the aquatic farm permit issued for the site under
2 AS 16.40.100 to cultivate and harvest the indigenous population of the shellfish
3 species remaining on the site.

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

6 **APPLICABILITY.** AS 16.40.100(e) - (g), added by sec. 1 of this Act, and
7 AS 16.40.120(h), added by sec. 2 of this Act, apply to persons who, as of the effective date of
8 this Act, have applied for, but have not received, a permit under AS 16.40.100 and to persons
9 who apply for a permit under AS 16.40.100 on or after the effective date of this Act.