

**HOUSE BILL NO. 95**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

**BY THE HOUSE SPECIAL COMMITTEE ON ECONOMIC DEVELOPMENT, INTERNATIONAL TRADE,  
AND TOURISM**

**Introduced: 2/12/03**

**Referred: House Special Committee on Economic Development, International Trade, and Tourism, House  
Special Committee on Fisheries, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

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

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

3 **\* Section 1.** AS 16.40 is amended by adding a new section to read:

4 **Sec. 16.40.115. Permits relating to aquatic farming of geoducks.** (a) The  
5 commissioner shall issue a permit under AS 16.40.100 to operate an aquatic farm for  
6 geoducks, at a site where an indigenous population of geoducks is not present and  
7 where a preexisting commercial fishery does not occur, within 30 days after the later  
8 of

9 (1) approval of the development and operation plan for aquatic farming  
10 of geoducks at the site;

11 (2) the determination that the proposed aquatic farm is consistent with  
12 the Alaska coastal management program; and

13 (3) a finding by the commissioner of natural resources that the  
14 issuance of a lease for the site for an aquatic farm is in the best interest of the state.

15 (b) The commissioner shall issue a permit under AS 16.40.100 to operate an

1 aquatic farm for geoducks, at a site where an indigenous population of geoducks is  
2 present and where a preexisting commercial fishery does not occur, within 90 days  
3 after the later of

4 (1) approval of the development and operation plan for aquatic farming  
5 of geoducks at the site;

6 (2) the completion of a resource inventory and biomass survey of the  
7 site by the department;

8 (3) the determination that the proposed aquatic farm is consistent with  
9 the Alaska coastal management program; and

10 (4) a finding by the commissioner of natural resources that the  
11 issuance of a lease for the site for an aquatic farm site is in the best interest of the  
12 state.

13 (c) Before a permit is issued under AS 16.40.100 to operate an aquatic farm  
14 for geoducks at a site where an indigenous population of geoducks is present, the  
15 department shall conduct a resource inventory and biomass survey of the site. The  
16 applicant for an aquatic farming permit for the site shall pay the reasonable costs of  
17 the resource inventory and biomass survey conducted by the department.

18 (d) Upon issuance of a permit to operate an aquatic farm for geoducks at a site  
19 where an indigenous population of geoducks is present, the site is closed to  
20 commercial fishing for geoducks by all persons other than the permit holder while the  
21 permit is in effect. The site may be opened for sport, personal use, or subsistence  
22 fishing for indigenous geoducks under regulations adopted by the commissioner.

23 (e) A person who holds a permit to operate an aquatic farm for geoducks at a  
24 site where an indigenous population of geoducks is present may not harvest more than  
25 20 percent of the original indigenous population of geoducks present on the site in a  
26 calendar year. Following the first complete calendar year after the permit was initially  
27 issued for the site, the permit holder may not harvest indigenous geoducks from the  
28 site during a calendar year unless the commissioner has determined that the geoduck  
29 population restoration requirements established by the commissioner for the prior  
30 calendar year have been satisfied. The requirements of this section do not apply to  
31 geoducks planted on the site by the permit holder; however, the permit holder is not

1 exempt from (f) of this section.

2 (f) Upon the expiration or termination of a permit to operate an aquatic farm  
3 for geoducks at a site where an indigenous population of geoducks was present when  
4 the permit was issued, the permit holder shall, as a condition of the permit, restore the  
5 population of geoducks, as consistent with sustained yield management of geoducks,  
6 to the population level that existed on the site at the time when the permit was issued.

7 (g) For purposes of this section, a preexisting commercial fishery does not  
8 occur at a site if

9 (1) a commercial fishing resource assessment survey has not been  
10 completed for the site by the department before the date on which an application for an  
11 aquatic farm permit for the site is submitted to the department; or

12 (2) a commercial fishing resource assessment survey has been  
13 completed for the site by the department before the date on which an application for an  
14 aquatic farm permit for the site is submitted to the department and the department has  
15 determined that the site will not be opened to commercial fishing for geoducks.

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

17 (h) Notwithstanding other provisions of this section, following the issuance of  
18 a permit to operate an aquatic farm for geoducks at a site where an indigenous  
19 population of geoducks is present, the commissioner shall issue an aquatic stock  
20 acquisition permit authorizing the holder of the aquatic farm permit to cultivate and  
21 harvest the indigenous populations of geoducks present on the site.

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

24 **APPLICABILITY.** AS 16.40.115, added by sec. 1 of this Act, and AS 16.40.120(h),  
25 added by sec. 2 of this Act, apply to persons who, as of the effective date of this Act, have  
26 applied for, but have not received, an aquatic farm permit for geoducks under AS 16.40.100  
27 and to persons who apply for an aquatic farm permit for geoducks under AS 16.40.100 on or  
28 after the effective date of this Act.