

HOUSE BILL NO. 329

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES VANCE, Josephson

Introduced: 2/15/24

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state tideland leases; and relating to aquatic farming or related**
2 **hatchery operation site leases."**

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

4 *** Section 1.** AS 38.05.081(a) is amended to read:

5 (a) **Except as provided in (n) of this section, the** [THE] commissioner may
6 lease state land for carbon management purposes. A lease agreement under this section
7 must include land use restrictions and authorizations consistent with the carbon
8 management purpose of the lease.

9 *** Sec. 2.** AS 38.05.081 is amended by adding a new subsection to read:

10 (n) The commissioner may not lease state tideland to a person solely for
11 carbon management purposes.

12 *** Sec. 3.** AS 38.05.083(c) is amended to read:

13 (c) **An aquatic farming or related hatchery operation** [A] site [MAY BE]
14 leased under this section **is subject to appraisal under AS 38.05.840 only if the**

1 **commissioner determines in writing that the site is subject to appraisal under**
 2 **AS 38.05.840** [FOR NOT LESS THAN THE APPRAISED FAIR MARKET VALUE
 3 OF THE LEASE. THE VALUE OF THE LEASE SHALL BE REAPPRAISED
 4 EVERY FIVE YEARS].

5 * **Sec. 4.** AS 38.05.083(f) is amended to read:

6 (f) The commissioner shall adopt regulations establishing criteria for the
 7 approval or denial of leases under this section and for limiting the number of sites for
 8 which leases may be issued in an area in order to protect the environment and natural
 9 resources of the area. The regulations

10 (1) must provide for the consideration of **whether the proposed use of**
 11 **a site is compatible with the traditional and existing uses of the area in which the**
 12 **site is located; and**

13 (2) **may provide for the consideration of** upland management
 14 policies [AND WHETHER THE PROPOSED USE OF A SITE IS COMPATIBLE
 15 WITH THE TRADITIONAL AND EXISTING USES OF THE AREA IN WHICH
 16 THE SITE IS LOCATED].

17 * **Sec. 5.** AS 38.05.083 is amended by adding new subsections to read:

18 (j) The compensation to be paid to the state for a lease issued under this
 19 section shall be in accordance with AS 38.05.073(m).

20 (k) A site leased under this section is subject to survey under AS 38.04.045
 21 only if the commissioner determines in writing that the site is subject to survey under
 22 AS 38.04.045.

23 (l) The lessee of a site leased under this section is eligible for a preference to
 24 lease the site under AS 38.05.102 but is not eligible for a preference to purchase the
 25 site under AS 38.05.102.

26 (m) Except for a site used as a hatchery for aquatic plants or shellfish, a site
 27 leased under this section must be used for the commercial production of an aquatic
 28 farm product. In this subsection, "aquatic farm product," "aquatic plant," "hatchery,"
 29 and "shellfish" have the meanings given in AS 16.40.199.

30 (n) Notwithstanding AS 38.05.070(b), a lease negotiated under this section
 31 may be issued for a period of up to 25 years.

1 * **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 APPLICABILITY. AS 38.05.081, as amended by sec. 1 of this Act, and
4 AS 38.05.081(n), added by sec. 2 of this Act, apply to a lease of state tideland for carbon
5 management purposes or a renewal of a lease of state tideland for carbon management
6 purposes entered into on or after the effective date of this Act.