

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2

SENATE BILL NO. 195

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to commercial finfish farming and aquatic farm and hatchery permits; and providing for an effective date."

7

8

9

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

10

* Section 1. AS 16.05.940(14) is amended to read:

11

(14) "[FISH OR] game farming" means the business of propagating, breeding, raising, or producing [FISH OR] game in captivity for the purpose of marketing the [FISH OR] game or game [THEIR] products, and "captivity" means having the [FISH OR] game under positive control, as in a pen[, POND,] or an area of land [OR WATER] that is completely enclosed by a generally escape-proof barrier; [IN THIS PARAGRAPH, "FISH" DOES NOT INCLUDE SHELLFISH, AS DEFINED IN AS 16.40.-199;]

12

13

14

15

16

17

18

19

* Sec. 2. AS 16.10.420 is amended to read:

20

Sec. 16.10.420. CONDITIONS OF A PERMIT. The department shall require, in a permit issued to a hatchery operator, that

21

22

(1) salmon eggs procured by the hatchery must be from the department or a source approved by the department;

23

24

(2) no salmon eggs or resulting fry be placed in waters of the state other than those specifically designated in the permit;

25

26

(3) no salmon eggs or resulting fry, sold to a permit holder by the state or by another party approved by the department, may be resold or otherwise transferred to another person, unless the person holds a permit issued under AS 16.40.100:

27

28

29

1 (4) no salmon be released by the hatchery before department
2 approval, and, for purposes of pathological examination and approval,
3 the department shall be notified of the proposed release of salmon at
4 least 15 days before the date of their proposed release by the
5 hatchery;

6 (5) diseased salmon be destroyed in a specific manner and
7 place designated by the department;

8 (6) adult salmon be harvested by hatchery operators only at
9 specific locations as designated by the department;

10 (7) surplus eggs from salmon returning to the hatchery be
11 made available for sale first to the department and then, after in-
12 spection and approval by the department, to operators of

13 (A) other hatcheries authorized by permit to operate
14 under AS 16.10.400 - 16.10.470; or

15 (B) aquatic farms and hatcheries authorized by a
16 permit under AS 16.40.100 - 16.40.199;

17 (8) if surplus salmon eggs are sold by a permit holder
18 under (7) of this section [TO ANOTHER PERMIT HOLDER], a copy of the
19 sales transaction be provided to the department;

20 (9) [REPEALED

21 (10)] a hatchery be located in an area where a reasonable
22 segregation from natural stocks occurs, but, when feasible, in an area
23 where returning hatchery fish will pass through traditional salmon
24 fisheries.

25 * Sec. 3. AS 16.10.450(a) is amended to read:

26 (a) Except as otherwise provided in a contract for the operation
27 of a hatchery under AS 16.10.480, a hatchery operator who sells salmon
28 returning from the natural waters of the state, or sells salmon eggs
29 to another hatchery operating under AS 16.10.400 - 16.10.470 or to an

1 aquatic farm or hatchery operating under AS 16.40.100 - 16.40.199,
2 after utilizing the funds for reasonable operating costs, including
3 debt retirement, expanding its facilities, salmon rehabilitation
4 projects, fisheries research, or costs of operating the qualified
5 regional association for the area in which the hatchery is located,
6 shall expend the remaining funds on other fisheries activities of the
7 qualified regional association.

8 * Sec. 4. AS 16.40.100(a) is amended to read:

9 (a) A person may not, without a permit from the commissioner,
10 construct or operate

11 (1) an aquatic farm; or

12 (2) a hatchery for the purpose of supplying aquatic plants,
13 finfish, or shellfish to an aquatic farm.

14 * Sec. 5. AS 16.40.100(b) is repealed and reenacted to read:

15 (b) A permit issued under this section authorizes the permittee,
16 subject to the conditions of AS 03.05 and AS 16.40.100 - 16.40.199, to
17 acquire, purchase, offer to purchase, transfer, possess, sell, and
18 offer to sell stock and aquatic farm products that are used or reared
19 at the hatchery or aquatic farm.

20 * Sec. 6. AS 16.40.100(c) is amended to read:

21 (c) The commissioner may attach conditions to a permit issued
22 under this section that are necessary to protect natural fish and
23 wildlife resources, including standards for treatment of water dis-
24 charged by a hatchery or aquatic farm to prevent the spread of disease
25 and pollution of fish and wildlife habitats.

26 * Sec. 7. AS 16.40.105 is amended to read:

27 Sec. 16.40.105. CRITERIA FOR ISSUANCE OF PERMITS. The commis-
28 sioner shall issue permits under AS 16.40.100 on the basis of the
29 following criteria:

1 (1) the physical and biological characteristics of the
2 proposed farm or hatchery location must be suitable for the farming of
3 the finfish, shellfish, or aquatic plant proposed;

4 (2) the proposed farm or hatchery may not require signifi-
5 cant alterations in traditional fisheries or other existing uses of
6 fish and wildlife resources;

7 (3) the proposed farm or hatchery may not significantly
8 affect fisheries, wildlife, or their habitats in an adverse manner;
9 and

10 (4) the proposed farm or hatchery plans and staffing plans
11 must demonstrate technical and operational feasibility.

12 * Sec. 8. AS 16.40.120(a) is amended to read:

13 (a) A person may not acquire aquatic plants, finfish, or shell-
14 fish from wild stock in the state for the purpose of supplying stock
15 to an aquatic farm or hatchery required to have a permit under AS 16.-
16 40.100 unless the person holds an acquisition permit from the commis-
17 sioner.

18 * Sec. 9. AS 16.40.120(c) is amended to read:

19 (c) The commissioner shall specify the expiration date of an
20 acquisition permit and may attach conditions to an acquisition permit,
21 including conditions relating to the time, place, and manner of har-
22 vest. Size, gear, place, time, licensing, and other limitations
23 applicable to sport, commercial, or subsistence harvest of aquatic
24 plants, finfish, and shellfish do not apply to a harvest with a permit
25 issued under this section. The commissioner [OF FISH AND GAME] shall
26 issue or deny a permit within 30 days after receiving an application.

27 * Sec. 10. AS 16.40.120(g) is amended to read:

28 (g) Aquatic plants, finfish, and shellfish acquired under a
29 permit issued under this section become the property of the permit

1 holder and are no longer a public or common resource.

2 * Sec. 11. AS 16.40.130 is amended to read:

3 Sec. 16.40.130. IMPORTATION OF AQUATIC PLANTS, FINFISH, OR
4 SHELLFISH FOR STOCK. A person may not import into the state an
5 aquatic plant, finfish, or shellfish for the purpose of supplying
6 stock to an aquatic farm or hatchery unless authorized by a regulation
7 of the Board of Fisheries.

8 * Sec. 12. AS 16.40.140(a) is amended to read:

9 (a) A private hatchery required to have a permit under AS 16.-
10 40.100 may sell or transfer stock from the hatchery only to the de-
11 partment to an aquatic farm or other hatchery that has a permit issued
12 under AS 16.40.100, or to a hatchery that has a permit issued under
13 AS 16.10.400; except that finfish and shellfish stock may also be sold
14 or offered for sale to an aquatic farm or related hatchery outside of
15 the state.

16 * Sec. 13. AS 16.40.199(2) is amended to read:

17 (2) "aquatic farm product" means an aquatic plant, finfish,
18 or shellfish, or part of an aquatic plant, finfish, or shellfish, that
19 is propagated, farmed, or cultivated in an aquatic farm and sold or
20 offered for sale;

21 * Sec. 14. AS 16.40.199(5) is amended to read:

22 (5) "hatchery" means a facility for the artificial propa-
23 gation of stock, including rearing of juvenile aquatic plants, fin-
24 fish, or shellfish;

25 * Sec. 15. AS 16.40.199(8) is amended to read:

26 (8) "stock" means live aquatic plants, finfish, or shell-
27 fish acquired, collected, possessed, or intended for use by a hatchery
28 or aquatic farm for the purpose of further growth or propagation.

29 * Sec. 16. This Act takes effect July 1, 1990.