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1 IN THE SENATE

2

SENATE BILL NO. 397

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act prohibiting finfish farming; and providing  
7 for an effective date."

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

9 \* Section 1. FINDINGS. Based on a legislative examination of the  
10 potential effects of allowing finfish farming in the state on the common  
11 property resources and on the overall economic well-being of the state; the  
12 number of serious concerns associated with finfish farming and the need for  
13 study of finfish farming that has caused the legislature to enact two  
14 moratoriums on finfish farming and establish a nonlegislative task force to  
15 study the issue and to report its findings and recommendations to the  
16 legislature; a review of the final report of the Alaska Finfish Farming  
17 Task Force which notes several possible benefits and some serious risks of  
18 finfish farming; the need for the legislature to take action before the  
19 current moratorium on finfish farming expires on July 1, 1990; the recom-  
20 mendation of the task force that the legislature not extend the moratorium,  
21 but make a final determination to either allow or prohibit finfish farming;  
22 and the testimony and evidence received; the legislature finds that

23 (1) the state has the healthiest stocks of wild salmon and other  
24 wild finfish in the world and benefits from thriving commercial, sport, and  
25 subsistence fisheries for these fish and a growing tourism industry related  
26 to sport fishing;

27 (2) the people, economy, and environment of the state are depen-  
28 dent in large measure upon the continued health of the state's wild finfish  
29 resources;

1 (3) serious risks are posed by commercial finfish farming,  
2 including the spread of disease among wild fish by farmed fish, genetic  
3 intermingling of wild fish stocks with genetically manipulated farmed fish,  
4 degradation of water quality near finfish farms, and land use conflicts  
5 over the siting of commercial finfish farms;

6 (4) the state has invested significantly in marketing efforts to  
7 promote Alaskan finfish as wild and natural fish products, and this invest-  
8 ment in developing the reputation of Alaskan finfish would be lost by  
9 allowing commercially farmed finfish to be produced and marketed from  
10 Alaska;

11 (5) the cost to the state to regulate the commercial finfish  
12 farming industry would be high;

13 (6) few jobs would be generated by a commercial finfish farming  
14 industry in the state;

15 (7) the state is responsible for ensuring the protection and  
16 wise use of the renewable natural resources of Alaska and providing a  
17 framework for a sound economy;

18 (8) a long-term decision must be made regarding the future of  
19 commercial finfish farming in the state;

20 (9) avoiding harm to the state's wild finfish, land, and water  
21 resources must take precedence over the development of a new speculative  
22 and potentially harmful commercial finfish farming industry;

23 (10) the best interests of the state are served by prohibiting  
24 commercial finfish farming.

25 \* Sec. 2. AS 16.40 is amended by adding a new section to read:

26 Sec. 16.40.210. FINFISH FARMING PROHIBITED. (a) A person may  
27 not grow or cultivate finfish in captivity or under positive control  
28 for commercial purposes.

29 (b) This section does not apply to

1 (3) serious risks are posed by commercial finfish farming,  
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- 1                   (1) the fishery rehabilitation, enhancement, or development  
2                   activities of the department;  
3                   (2) nonprofit corporations that hold permits under AS 16.-  
4                   10.400;  
5                   (3) the incidental sale of finfish held for scientific or  
6                   educational purposes under a permit issued by the department;  
7                   (4) rearing and sale of finfish for aquariums or ornamental  
8                   ponds.  
9                   \* Sec. 3. This Act takes effect July 1, 1990.