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Original sponsor(s): Rules/Legislative Budget & Audit Committee

1 IN THE SENATE

BY THE RESOURCES COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 528 (Resources) am H

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to shellfish mariculture within the
7 Kachemak Bay State Park; and providing for an effective date."
8

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

10 * Section 1. FINDINGS. (a) The legislature recognizes that shellfish
11 mariculture is a commercial activity that is generally incompatible with
12 the purposes of state parks, and that commercial activities of this type
13 conflict with the expressed purpose of Kachemak Bay State Park as set out
14 in AS 41.21.130.

15 (b) The legislature also recognizes that restricted commercial shell-
16 fish mariculture activity within Kachemak Bay State Park within Halibut
17 Cove Lagoon has been permitted in recent years. In this unique instance,
18 the legislature acknowledges that this particular commercial activity has
19 not appeared to significantly diminish Kachemak Bay State Park's value as a
20 scenic park under AS 41.21.990. The legislature further recognizes that if
21 this activity is not allowed to continue, the present operators may be
22 prevented from realizing a return on their investments that were made while
23 operating under valid state permits.

24 (c) Therefore, the legislature finds that notwithstanding the deter-
25 mination that shellfish mariculture is incompatible with recognized park
26 purposes, such activities within Halibut Cove Lagoon may, with proper
27 public oversight, be permitted to continue on a restricted basis.

28 (d) The legislature also finds that to achieve this end, the area
29 where shellfish mariculture activities may be permitted shall be confined

1 to Halibut Cove Lagoon and shall be limited to a maximum of 20 acres.

2 * Sec. 2. A person who is the operator of a shellfish mariculture
3 activity on Halibut Cove Lagoon within Kachemak Bay State Park on the
4 effective date of this Act is entitled to continue the shellfish maricul-
5 ture activity for five years with a right of renewal and otherwise accord-
6 ing to the terms of the permits issued by the commissioner of natural
7 resources as they existed on the effective date of this Act. The rights
8 granted under this section lapse if the right of renewal is not exercised.
9 Except as provided in this Act, the commissioner may not approve a transfer
10 or an extension of the permits. The area in which the shellfish mari-
11 culture occurs may not exceed 20 acres.

12 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).