

CS FOR HOUSE BILL NO. 57 (RESOURCES)
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE RESOURCES COMMITTEE

Offered: 3/15/91
Referred: Finance

Sponsor(s): REPRESENTATIVES NAVARRE, Davidson

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to leases of state land for fisheries development; and providing for an
2 effective date."

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

4 * Section 1. PURPOSE. It is the purpose of this Act to provide for the continued classification and
5 lease of state land for shore fisheries development in an area or region of the state where the
6 commissioner of natural resources has not adopted a land use plan under AS 38.04.065 and to direct the
7 commissioner to adopt land use plans for an area or region of the state containing tideland having shore
8 fisheries development activities that currently does not have a land use plan.

9 * Sec. 2. AS 38.05.082(b) is amended to read:

10 (b) The director may classify land as subject to leases for fisheries development. In an
11 area or region of the state for which a land use plan has not been adopted under
12 AS 38.04.065, the director may classify land for lease under this section after notice under
13 AS 38.05.945. The director shall [, AND] publicly invite applications for lease of the selected
14 areas. Each application shall be accompanied by an affidavit to the effect that the applicant

1 presently intends to personally utilize the leased area for fishing purposes the following season.
2 If two or more applications are received for the same shore area, the director shall award the
3 lease to the most qualified applicant. In determining the qualifications of applicants, the director
4 shall consider the length of time during which the applicant has been engaged in set netting, the
5 proximity of the past fishing sites of the applicant to the land to be leased, the present ability of
6 the applicant to utilize the location to its maximum potential, and other factors relevant to the
7 equitable assignment of the disputed area. If the director cannot determine a preference between
8 conflicting applicants for the same lease site on the basis of qualifications, the director shall
9 select between the applicants by lot. An aggrieved applicant may appeal to the commissioner
10 within 30 [FIVE] days for a review of the director's determination.

11 * Sec. 3. AS 38.05.082(b) is amended to read:

12 (b) The director may classify land as subject to leases for fisheries development, and [IN
13 AN AREA OR REGION OF THE STATE FOR WHICH A LAND USE PLAN HAS NOT
14 BEEN ADOPTED UNDER AS 38.04.065, THE DIRECTOR MAY CLASSIFY LAND FOR
15 LEASE UNDER THIS SECTION AFTER NOTICE UNDER AS 38.05.945. THE DIRECTOR
16 SHALL.] publicly invite applications for lease of the selected areas. Each application shall be
17 accompanied by an affidavit to the effect that the applicant presently intends to personally utilize
18 the leased area for fishing purposes the following season. If two or more applications are
19 received for the same shore area, the director shall award the lease to the most qualified
20 applicant. In determining the qualifications of applicants, the director shall consider the length
21 of time during which the applicant has been engaged in set netting, the proximity of the past
22 fishing sites of the applicant to the land to be leased, the present ability of the applicant to utilize
23 the location to its maximum potential, and other factors relevant to the equitable assignment of
24 the disputed area. If the director cannot determine a preference between conflicting applicants
25 for the same lease site on the basis of qualifications, the director shall select between the
26 applicants by lot. An aggrieved applicant may appeal to the commissioner within 30 days for
27 a review of the director's determination.

28 * Sec. 4. COMPLETION OF LAND USE PLANS. The commissioner of natural resources is directed
29 to adopt a land use plan under AS 38.04.065 by January 1, 1995, for an area or region of the state
30 containing tideland having shore fisheries development activities for which a land use plan has not
31 already been adopted.

1 * Sec. 5. Section 3 of this Act takes effect January 1, 1995.

2 * Sec. 6. Except for sec. 3 of this Act, this Act takes effect immediately under AS 01.10.070(c).