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ALASKA STATE LEGISLATURE - SENATE

SENATOR RICHARD I. ELIASON

RULES COMMITTEE, CHAIRMAN
LABOR & COMMERCE COMMITTEE, VICE CHAIRMAN
LEGISLATIVE COUNCIL
RESOURCES COMMITTEE
FISHERIES SUBCOMMITTEE, CHAIRMAN



P.O. BOX 143
SITKA, ALASKA 99835

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May 11, 1987

Commissioner Don Collinsworth
Department of Fish and Game
P.O. Box 3-2000
Juneau, Alaska 99802

Dear Commissioner Collinsworth,

Recently hearings on Senate Bill 106, an act relating to aquatic farming, were conducted by the Senate Resources Subcommittee on Fisheries at five different locations -- Dillingham, Kodiak, Anchorage, Ketchikan, and Sitka. The individuals testifying at the hearings raised many concerns which must be addressed fully prior to the Legislature taking any formal action on permitting aquatic farming in Alaska.

Some of the unanswered questions asked are as follows:

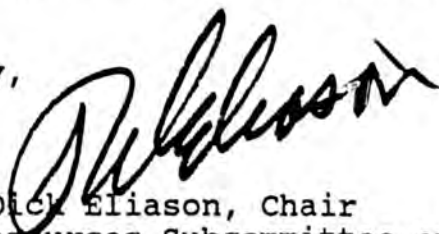
- 1) How will land use conflicts be resolved?
- 2) How can favoritism or the appearance of favoritism be avoided in the awarding of tide land permits?
- 3) What steps will be implemented to reduce tide land speculation?
- 4) What is the role of the non-profit hatcheries in the sea farming industry?
- 5) Will the role of a non-profit hatchery change if the hatchery chooses to rear pen salmon?
- 6) What will be the role of borough governments if a sea farm is within the borough's jurisdiction?
- 7) What will be the procedures in determining the monetary value for the tide land sites?

- 8) Will additional safeguards be established if the potential sea farm site is in a designated wilderness area?
- 9) How will the upland owners' concerns be resolved?
- 10) What exactly is known regarding any potential environmental danger in raising salmon in a concentrated area?

As these questions and other unresolved concerns regarding aquatic farming are reviewed and discussed during the interim by the Subcommittee on Fisheries, it will be most helpful if the various affected state agencies take an active role in the discussion. As chair of the interdepartmental work group on mariculture, the subcommittee looks forward to working with you and other members of the working group during the interim.

Commissioner Collinsworth, hopefully time will allow the subcommittee to meet with the agency representatives prior to adjournment in order to formalize plans for the next few months.

Sincerely,



Senator Dick Eliason, Chair
Senate Resources Subcommittee on Fisheries

cc: Senate Resources Committee Members
House Resources Committee Members



SENATOR FRED F. ZHAROFF ALASKA STATE LEGISLATURE

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DURING SESSION:

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DISTRICT N

ALASKA PENINSULA • ALEUTIAN CHAIN • BRISTOL BAY • KODIAK ISLAND • LAKE CLARK/LAKE ILIAMNA • Pribilof Islands • Shumagin Islands

SECTIONAL ANALYSIS

SENATE BILL NO. 297

"An Act placing a moratorium on the issuance or granting of licenses, permits, leases, or authorizations for commercial finfish farming; and providing for a bivalve spat collection permit; and providing for an effective date."

SECTION 1 FINFISH FARMING MORATORIUM.

The state is prohibited from issuing the following licenses, permits, leases or authorizations for the construction or operation of a commercial finfish farm:

- (1) authorization for use of an interim-use permit for the experimental taking of a fishery resource.
- (2) fish farming license
- (3) collection permit
- (4) land use or tidelands permit
- (5) a land lease
- (6) fish transport permit
- (7) permit to appropriate water
- (8) temporary water use permit

This section means that a commercial finfish farm will not be able to obtain any of the licenses, permits, etc. that it needs to operate.

SECTION 2 NO PREFERENCE INTENDED.

Anyone who obtains any of the above listed permits for a purpose other than commercial finfish farming (shellfish farm, houseboat, floats, etc.) will receive no right or preference with regard to the "issuance, granting, or renewal of, or conditions or limitations placed on" any license, permit, etc., used to operate an aquatic farm.

This section is intended to discourage speculation. Everyone will be on notice that nothing they do now in regard to aquatic farming will give them any advantage if and when final aquatic farming legislation passes the legislature. Also, everyone will be on notice that their acquisition of a tidelands permit (renewable after one year) grants them no competitive or

speculative advantages if and when the legislature decides the state's official aquatic farming policy.

SECTION 3

Amendment to AS 16.05.340(b)

Allows the commissioner of fish and game to issue a discretionary permit for individuals to collect bivalve (two-shelled - scallops, mussels, clams, etc.) spat (seeds) to grow in aquatic farms. Fish and Game does not now have a permit that allows individuals to collect and possess bivalve spat for their private operations. Assists individuals now doing scallop and mussel mariculture.

SECTION 4

The Finfish Farming Moratorium is repealed July 1, 1988, on the expectation that the legislature will have developed and passed a final state aquatic farming policy.

SECTION 5

Immediate effective date.

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Aquatic Farming Projections*

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Figure 1

Anticipated Number of Proposed Aquatic Farm Projects,
After Legislative Action
(Annually, All Types)

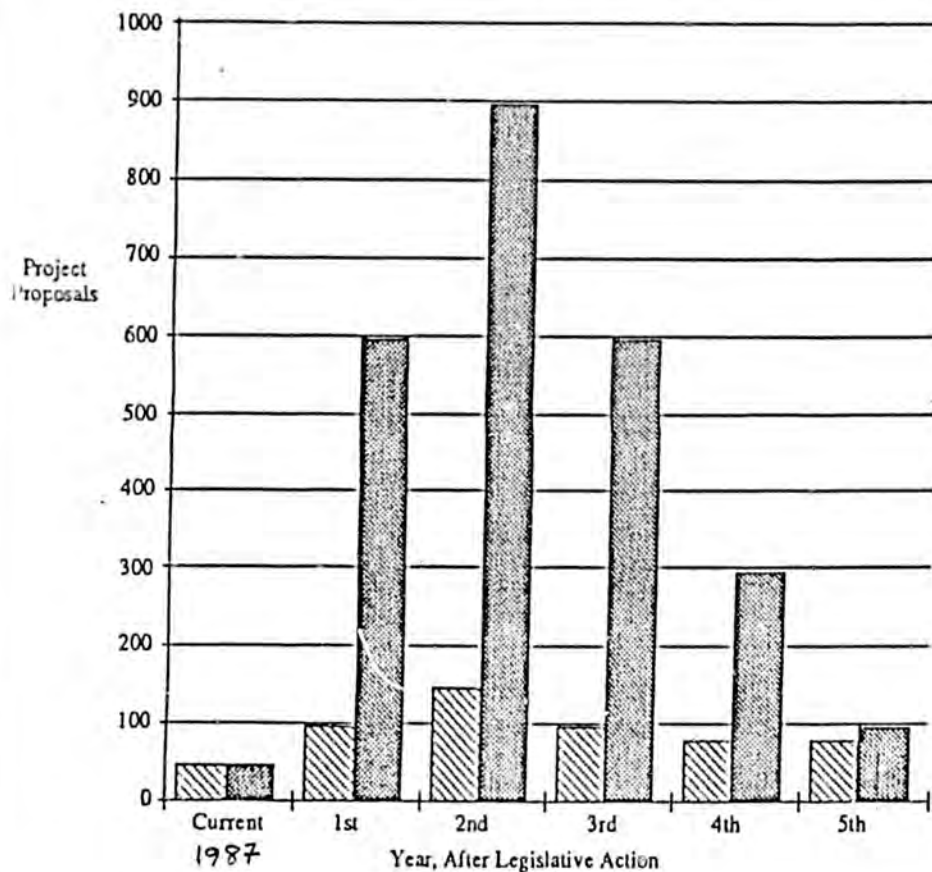
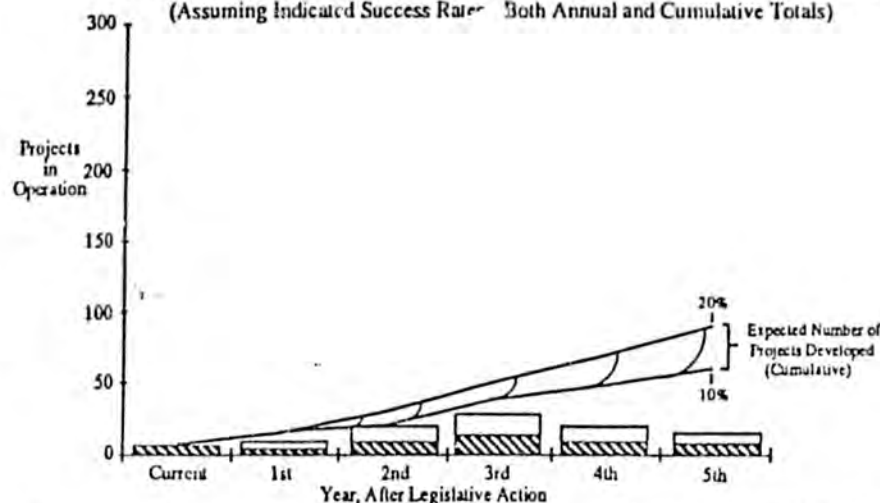


Figure 2A

Estimation of Operating Aquatic Farms After Legislative Action
(Assuming Indicated Success Rate - Both Annual and Cumulative Totals)



Assumptions: - Based on number of applications from Figure 1.
 - Range of 10% to 20% success rate.
 - No atlantic salmon.
 - Existing level of pathology.

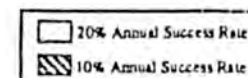
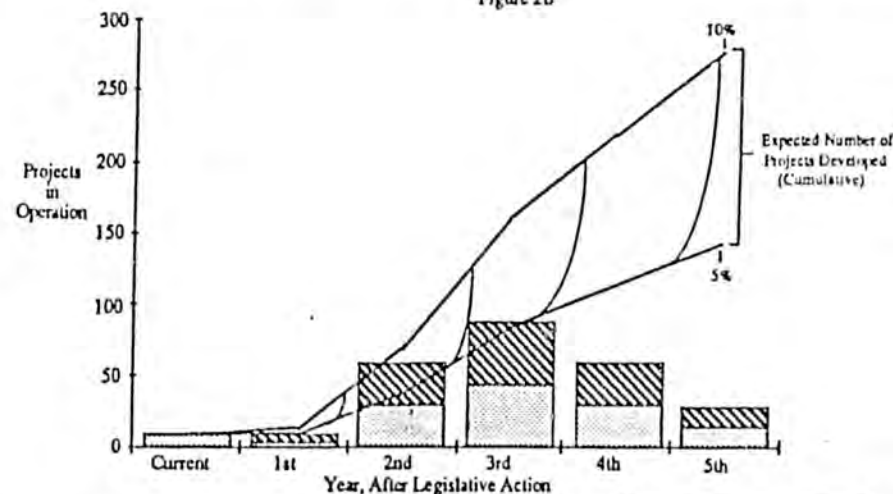
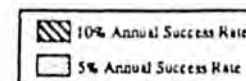


Figure 2B



Assumptions: - Based on number of applications from Figure 1.
 - Range of 5% to 10% success rate.
 - No atlantic salmon.
 - Existing level of pathology.



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*All figures are based on resource projections jointly developed by OMB, DNR, DF&G, DEC, and the Marine Advisory Program (U of A).

1 IN THE SENATE

BY ZHAROFF, ELIASON AND DUNCAN

2

SENATE BILL NO. 297

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act placing a moratorium¹ on the issuance or
granting of licenses, permits, leases, or authoriza-
tions for commercial finfish farming; providing for a
bivalve spat collection permit; and providing for an
effective date."

11

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

12

* Section 1. FINFISH FARMING MORATORIUM. The following licenses, per-
mits, leases, or authorizations may not be issued or granted for the con-
struction or operation of a commercial finfish farm:

15

(1) authorization for use of an interim-use permit for the
experimental commercial taking of a fishery resource (AS 16.05.050(10));

17

(2) fish farming license (AS 16.05.340(a)(14));

18

(3) collection permit (AS 16.05.340(b));

19

(4) land use or tidelands permit (AS 38.05.035);

20

(5) a land lease (AS 38.05.070);

21

(6) fish transport permit (5 AAC 41.005);

22

(7) permit to appropriate water (11 AAC 93.120);

23

(8) temporary water use permit (11 AAC 93.210 - 11 AAC 93.220).

24

* Sec. 2. NO PREFERENCE INTENDED. A license, permit, lease, or au-
thorization described in sec. 1 of this Act that is issued or granted for a
purpose other than commercial finfish farming and that is in effect during
the period of the moratorium imposed by sec. 1 of this Act does not create
a right or preference with regard to the issuance, granting, or renewal of,
or conditions or limitations placed on, any license, permit, lease, or

1 authorization for aquatic farming after the period of the moratorium.

2 * Sec. 3. AS 16.05.340(b) is amended to read:

3 (b) The commissioner of fish and game may issue without cost a
4 permit to collect fish and game, including fur animals, subject to
5 limitations and provisions that are appropriate, for a scientific,
6 propagative, or educational purpose. The commissioner also may issue
7 a permit for the collection of bivalve spat for use in connection with
8 an aquatic farm. In addition, the commissioner shall issue a permit
9 for the collecting of wild fur animals for improving the genetic stock
10 of fur farm animals. Permits issued under this subsection shall be in
11 accordance with current sustained yield management practices for the
12 species of wild game for which the permit is requested. The annual
13 permit fee for an Alaska resident to collect wild fur animals for fur
14 farming purposes is the same as the fee for resident trappers.

15 * Sec. 4. Section 1 of this Act is repealed July 1, 1988.

16 * Sec. 5. This Act takes effect immediately under AS 01.10.070(c).