



LAWS OF ALASKA

1974

Source

CSHB 830 am S

Chapter No.

111

AN ACT

Authorizing the operation of private nonprofit salmon hatcheries.

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

* Section 1. INTENT. It is the intent of this Act to authorize the private ownership of salmon hatcheries by qualified nonprofit corporations for the purpose of contributing, by artificial means, to the rehabilitation of the state's depleted and depressed salmon fishery. The program shall be operated without adversely affecting natural stocks of fish in the state and under a policy of management which allows reasonable segregation of returning hatchery-reared salmon from naturally occurring stocks.

* Sec. 2. AS 16.10 is amended by adding new sections to read:

ARTICLE 8. SALMON HATCHERIES.

Sec. 16.10.400. PERMITS FOR SALMON HATCHERIES. (a) The commissioner or his designee may issue a permit, subject to the restrictions he considers desirable or that are imposed by statute or regulation under secs. 400 - 470 of this chapter, to a nonprofit corporation organized under AS 10.20, for the construction and operation of a salmon hatchery.

(b) The application for a permit under this section shall be on a form prescribed by the department and be accompanied by an application fee of \$100.

(c) A hatchery permit is nontransferable. If a permit holder sells or leases a hatchery for which a permit is issued under this section, the new operator shall apply for a new permit under this section.

(d) Permits are renewable on terms prescribed by the

commissioner.

Sec. 16.10.410. HEARINGS BEFORE PERMIT ISSUANCE. (a) At least 30 days before the issuance of a permit under sec. 400 of this chapter, a public hearing shall be held in a central location in the vicinity of the proposed hatchery facility.

(b) Notice of the hearing shall be published in a newspaper of general circulation once a week for three consecutive weeks, with completion of the notice at least 10 days before the hearing.

(c) The hearing shall be conducted by the department, with a presentation by the permit applicant of a plan for the proposed hatchery, describing its capacity and any other relevant facts which may be of interest to the department or the public. Interested members of the public shall be afforded an opportunity to be heard.

(d) The department shall record and consider objections and recommendations offered by the public at the hearing conducted under this section. It shall respond in writing, within 10 days after the hearing is held, to any specific objections offered by a member of the public at the hearing.

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

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

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

(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;

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

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

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

(7) surplus eggs from salmon returning to the hatchery be made available for sale first to the department and then, after inspection and approval by the department, to operators of other hatcheries authorized by permit to operate under secs. 400 - 470 of this chapter;

(8) if surplus salmon eggs are sold by a permit

holder to another permit holder, a copy of the sales transaction be provided to the department;

(9) the cost of inspections or examinations conducted by the department under this section before the release of salmon, or when eggs are procured from sources other than the department, or to determine the existence of disease, be borne by the hatchery owner for which the inspection or examination is conducted;

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

Sec. 16.10.430. ALTERATION, SUSPENSION OR REVOCATION OF PERMIT. (a) If a permit holder fails to comply with the conditions and terms of the permit issued under secs. 400 - 470 of this chapter within a reasonable period after notification of his noncompliance by the department, his permit may be suspended or revoked, in the discretion of the commissioner.

(b) If the commissioner finds that the operation of the hatchery is not in the best interests of the public, he may alter the conditions of the permit to mitigate the adverse effects of the operation, or, if the adverse effects are irreversible and cannot be mitigated sufficiently, initiate a termination of the operation under the permit over a reasonable period of time under the circumstances, not to exceed four years. During the period of time that the operation is being terminated, the permit holder may harvest salmon under the terms of the permit but may not release additional fish.

Sec. 16.10.440. REGULATION. (a) Fish released into the natural waters of the state by a hatchery operated under secs. 400 - 470 of this chapter are available to the people for common use and are subject to regulation under applicable law in the same way as fish occurring in their natural state until they return to the specific location designated by the department for harvest by the hatchery operator.

(b) The board may promulgate regulations necessary to implement secs. 400 - 470 of this chapter.

Sec. 16.10.445. EGG SOURCES. (a) The department shall approve the source and number of salmon eggs taken under secs. 400 - 470 of this chapter.

(b) Where feasible, salmon eggs utilized by a hatchery operator shall first be taken from stocks native to the area in which the hatchery is located, and then, upon department approval, from other areas, as necessary.

Sec. 16.10.450. SALE OF SALMON AND SALMON EGGS BY HATCHERY. A hatchery operator who sells salmon returning from the natural waters of the state, or sells salmon eggs to another hatchery operating under secs. 400 - 470 of this chapter, after utilizing the funds for reasonable operating costs, including debt retirement, or expanding its facilities, shall expend the remaining funds on fisheries research,

salmon rehabilitation projects, or other fisheries activities. Fish sold by hatcheries for human consumption shall be of comparable quality to fish harvested by commercial fisheries in the area, and shall be sold at prices commensurate with the current market.

Sec. 16.10.460. INSPECTION OF HATCHERY. As a condition of and in consideration for a permit to operate a hatchery under secs. 400 - 470 of this chapter, an inspection of the hatchery facility by department inspectors shall be permitted by the permit holder at any time the hatchery is operating. The inspection shall be conducted in a reasonable manner.

Sec. 16.10.470. ANNUAL REPORT. A person who holds a permit for the operation of a salmon hatchery under secs. 400 - 470 of this chapter shall submit an annual report to the department to include but not be limited to

- (1) a complete description of all significant hatchery operations;
- (2) statistics on the numbers of eggs and fish handled by the hatchery, whether for production or sale;
- (3) future recommendations for modification of the hatchery program;
- (4) any other relevant data required by the department.