



LAWS OF ALASKA

1976

Source

CSSB 688

Chapter No.

161

AN ACT

Relating to salmon hatcheries; and providing for an effective date.

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

* Section 1. INTENT. It is the intent of this Act to produce salmon for the common property fisheries of the state.

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

Sec. 16.10.375. REGIONAL PLAN FOR SALMON ENHANCEMENT. The commissioner shall designate regions of the state for the purpose of enhancing salmon production and shall develop and amend as necessary a comprehensive salmon enhancement plan for each region for both public and private nonprofit hatchery systems. Comprehensive salmon enhancement plans shall be developed in cooperation with appropriate qualified regional associations formed under sec. 380 of this chapter.

Sec. 16.10.380. REGIONAL ASSOCIATIONS. (a) The commissioner shall assist in and encourage the formation of qualified regional associations for the purpose of enhancing salmon production. A regional association is qualified if the commissioner determines that

(1) it is comprised of associations representative of commercial fishermen in the region;

(2) it includes representatives of other user groups interested in fisheries within the region who wish to belong; and

(3) it possesses a board of directors which includes no less than one representative of each user group that belongs to the association.

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(b) In this section "user group" includes, but is not limited to, sport fishermen, processors, commercial fishermen, subsistence fishermen, and representatives of local communities.

Sec. 16.10.475. DEFINITIONS. In secs. 375 - 470 of this chapter

(1) "commissioner" means the commissioner of fish and game;

(2) "department" means the Department of Fish and Game.

* Sec. 3. AS 16.10.400 is amended by adding new subsections to read:

(e) A qualified regional association formed under sec. 380 of this chapter, if it has become a nonprofit corporation under AS 10.20, has a preference right to a permit if its proposed hatchery is provided for in the comprehensive plan for that region developed under sec. 375 of this chapter. A local nonprofit corporation established or approved by a qualified regional association has an identical preference right.

(f) Except for permits issued before the effective date of this Act, no permit may be issued for construction or operation of a hatchery on an anadromous fish stream unless the stream has been classified as suitable for enhancement purposes by the commissioner. The commissioner shall undertake to make such classifications in conjunction with the development of the comprehensive plan under sec. 375 of this chapter.

(g) During the development of a comprehensive plan for a region no permit may be issued for a hatchery unless the commissioner determines that such an action would result in substantial public benefits and would not jeopardize natural stocks.

* Sec. 4. This Act takes effect immediately in accordance with AS 01.10.070(c).