



LAWS OF ALASKA

1990

Source

HCS CSSB 528(Res) am H

Chapter No.

187

AN ACT

Relating to shellfish mariculture within the Kachemak Bay State Park; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 10

Approved by the Governor: June 21, 1990
Actual Effective Date: June 22, 1990

AN ACT

Relating to shellfish mariculture within the Kachemak Bay State Park; and providing for an effective date.

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

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

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

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

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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).
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