



LAWS OF ALASKA

1990

Source

CSHB 432 (Res)

Chapter No.

91

AN ACT

Prohibiting finfish farming; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1, LINE 9

Permitted to become law without signature
Actual Effective Date: July 1, 1990

AN ACT

Prohibiting finfish farming; and providing for an effective date.

* Section 1. FINDINGS. Based on a legislative examination of the potential effects of allowing finfish farming in the state on the common property resources and on the overall economic well-being of the state; the number of serious concerns associated with finfish farming and the need for study of finfish farming that has caused the legislature to enact two moratoriums on finfish farming and establish a nonlegislative task force to study the issue and to report its findings and recommendations to the legislature; a review of the final report of the Alaska Finfish Farming Task Force which notes several possible benefits and some serious risks of finfish farming; the need for the legislature to take action before the current moratorium on finfish farming expires on July 1, 1990; the recommendation of the task force that the legislature not extend the moratorium, but make a final determination to either allow or prohibit finfish farming; and the testimony and evidence received; the legislature finds that

(1) the state has the healthiest stocks of wild salmon and other wild finfish in the world and benefits from thriving commercial, sport, and subsistence fisheries for these fish and a growing tourism industry related to sport fishing;

(2) the people, economy, and environment of the state are dependent in large measure upon the continued health of the state's wild finfish resources;

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1 (3) serious risks are posed by commercial finfish farming,
2 including the spread of disease among wild fish by farmed fish, genetic
3 intermingling of wild fish stocks with genetically manipulated farmed fish,
4 degradation of water quality near finfish farms, and land use conflicts
5 over the siting of commercial finfish farms;

6 (4) the state has invested significantly in marketing efforts to
7 promote Alaskan finfish as wild and natural fish products, and this invest-
8 ment in developing the reputation of Alaskan finfish would be lost by
9 allowing commercially farmed finfish to be produced and marketed from
10 Alaska;

11 (5) the cost to the state to regulate the commercial finfish
12 farming industry would be high;

13 (6) few jobs would be generated by a commercial finfish farming
14 industry in the state;

15 (7) the state is responsible for ensuring the protection and
16 wise use of the renewable natural resources of Alaska and providing a
17 framework for a sound economy;

18 (8) a long-term decision must be made regarding the future of
19 commercial finfish farming in the state;

20 (9) avoiding harm to the state's wild finfish, land, and water
21 resources must take precedence over the development of a new speculative
22 and potentially harmful commercial finfish farming industry;

23 (10) the best interests of the state are served by prohibiting
24 commercial finfish farming.

25 * Sec. 2. AS 16.40 is amended by adding a new section to read:

26 Sec. 16.40.210. FINFISH FARMING PROHIBITED. (a) A person may
27 not grow or cultivate finfish in captivity or under positive control
28 for commercial purposes.

29 (b) This section does not restrict
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(1) the fishery rehabilitation, enhancement, or development activities of the department;

(2) the ability of a nonprofit corporation that holds a salmon hatchery permit under AS 16.10.400 to sell salmon returning from the natural water of the state, as authorized under AS 16.10.450, or surplus salmon eggs, as authorized under AS 16.10.420 and 16.10.-450;

(3) rearing and sale of ornamental finfish for aquariums or ornamental ponds provided that the fish are not reared in or released into water of the state.

(c) In this section "ornamental finfish" means fish commonly known as "tropical fish," "aquarium fish," or "goldfish," that are imported, cultured, or sold in the state customarily for viewing in aquaria or for raising in artificial systems, and not customarily used for sport fishing or human consumption purposes.

* Sec. 3. This Act takes effect July 1, 1990.