



LAWS OF ALASKA

2002

Source
CSHB 208(RES)

Chapter No.
81

AN ACT

Relating to aquatic farming of shellfish; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: June 20, 2002
Actual Effective Date: June 21, 2002

AN ACT

1 Relating to aquatic farming of shellfish; and providing for an effective date.

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3 * **Section 1.** AS 16.40.100 is amended by adding a new subsection to read:

4 (e) Upon the expiration or termination of a permit issued under this section, a
5 person who holds a permit for an aquatic farming site where wild stocks of shellfish
6 indigenous to the site are cultured shall, as a condition of the permit, restore the wild
7 stock of shellfish, as consistent with sustained yield management of the wild stock, to
8 the population level that existed on the site when the permit for the site was initially
9 issued by the commissioner.

10 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
11 read:

12 LEASE OF AQUATIC FARMING SITES FOR FARMING OF SHELLFISH. (a)
13 The commissioner of natural resources shall offer for lease to the public before February 15,
14 2004, areas providing for a minimum of 60 sites suitable for suspended culture of shellfish, 20
15 sites suitable for aquatic farming of clams, and 10 sites suitable for aquatic farming of

Chapter 81

1 geoducks. The commissioner shall offer the sites for lease by public auction under
2 AS 38.05.075. The commissioner shall offer for lease through offices of the department those
3 sites that were not leased when offered at a public auction held under this subsection. The
4 leases entered into under this subsection are subject to AS 38.05.083(b) - (f). The renewal of
5 the leases entered into under this subsection is subject to AS 38.05.083(a).

6 (b) Before offering leases for aquatic farming sites under (a) of this section, the
7 commissioner of natural resources shall solicit nominations of sites suitable for aquatic
8 farming of clams, geoducks, and other shellfish from the aquatic farming industry in the state
9 and the public. The commissioner of natural resources, in consultation with the Department
10 of Fish and Game and the Department of Environmental Conservation, shall identify sites
11 potentially suitable for aquatic farming of clams, geoducks, and other shellfish. The sites
12 identified by the commissioner must include sites in areas of the state where aquatic farming
13 activities are already occurring. Aquatic farming sites for on-bottom culture of shellfish must
14 be located in areas where either (1) an indigenous population of the shellfish species to be
15 cultivated is not present, or (2) if an indigenous population of the shellfish species to be
16 cultivated is present, aquatic farming of the shellfish species would not require significant
17 alterations in traditional fisheries or other existing uses of fish and wildlife resources. After
18 the commissioner has published the final list of sites suitable for farming of clams, geoducks,
19 and other shellfish, the commissioner shall offer the sites for lease in accordance with (a) of
20 this section.

21 (c) The aquatic farming sites that are offered for lease under this section are in
22 addition to those offered by the commissioner of natural resources under regulations adopted
23 by the Department of Natural Resources under AS 38.05.083. Aquatic farming leases issued
24 under AS 38.05.083 before the effective date of this Act may not be counted toward the
25 satisfaction of the requirement established by (a) of this section, however, leases for aquatic
26 farming sites that are issued after the effective date of this Act on the basis of lease
27 applications filed with the department before the effective date of this Act may be counted
28 toward the satisfaction of the requirement established by (a) of this section.

29 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).