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MEMORANDUM

February 12 2003

SUBJECT: Sectional Summary of HB 95, An Act relating to permits for aquatic farming of geoducks (Work Order No. 23-LS0407\D)

TO: Representative Cheryll Heinze
Attn: Helen Bedder

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of HB 95, An Act relating to permits for aquatic farming of geoducks.

As a preliminary matter, note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.40 by adding a new section of statute relating to permits for aquatic farming of geoducks.

If an indigenous population of geoducks is not present at a site and if a preexisting commercial fishery does not exist on the site, the commissioner of fish and game shall issue a permit for an aquatic farm for geoducks on the site within 30 days after the later of approval of the development and operation plan for the site, a consistency determination for the site by the Alaska coastal management plan, or a finding by the commissioner of natural resources that the issuance of a lease for an aquatic farm on the site is in the best interest of the state.

If an indigenous population of geoducks is present at a site and if a preexisting commercial fishery does not exist on the site, the commissioner of fish and game shall issue a permit for an aquatic farm for geoducks on the site within 90 days after the later of approval of the development and operation plan for the site, the completion of a resource inventory and biomass survey of the site, a consistency determination for the site by the Alaska coastal management plan, or a finding by the commissioner of natural resources that the issuance of a lease for an aquatic farm on the site is in the best interest of the state.

Before a permit for an aquatic farm site for geoducks is issued for a site where an indigenous population of geoducks exists, the Department of Fish and Game must complete a resource inventory and biomass survey of the site. The reasonable cost of the inventory and survey is to be borne by the applicant for the permit.

Upon issuance of a permit for an aquatic farm for geoducks on a site where an indigenous population of geoducks is present, the site is closed to commercial fishing for geoducks. The site may be opened for sport, personal use, or subsistence fishing for indigenous geoducks by the commissioner of fish and game.

A permittee who operates an aquatic farm site where an indigenous population of geoducks is present may only harvest 20 percent of the original population of indigenous geoducks during a calendar year. The permittee must meet geoduck population restoration requirements in order to harvest indigenous geoducks from the site.

Upon expiration or termination of a permit for an aquatic farm for geoducks the permittee must restore the population of geoducks, on the site.

An explanation of what is a "preexisting commercial fishery" is set out.

Section 2 of the bill amends AS 16.40.120 by adding a new subsection relating to stock acquisition permits for aquatic farms where an indigenous population of geoducks is present.

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Section 3 of the bill provides that the provisions added by sec. 1 of the bill apply to permit applications under consideration by the Department of Fish and Game at the time that the bill takes effect, as well as permit applications received after the bill takes effect.

If I may be of further assistance, please advise.

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