

MATANUSKA-SUSITNA BOROUGH Fish & Wildlife Commission

350 E Dahlia Ave., Palmer, Alaska 99645

CHAIRPERSON

Peter Probasco

VICE CHAIR

Andy Couch

MSB STAFF

Maggie Brown



BOARD MEMBERS

Tim Hale

Michael Bowles

Marty Van Diest

Gabe Kitter

Bill Gamble

Kendra Zamzow

Ex officio: Jim Sykes

Regular Meeting

March 13, 2025

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- 10 = MSB Memorandum to Waterbody Setback Advisory Board
- 12 = Connecting Across Tikahtnu: Kenai & Mat-Su Joint Fish Habitat Partnership Symposium
- 16 = Senate Bill No. 108
- 26 = House Bill No. 9

Physical Location of Meeting: MSB Assembly Chambers, DSJ Bldg, 350 E. Dahlia Ave., Palmer

Remote Participation: See attached agenda on p. 1

Planning and Land Use Department - Planning Division

<http://www.matsugov.us> • planning@matsugov.us

**MATANUSKA-SUSITNA BOROUGH
MSB Fish and Wildlife Commission
AGENDA**

Edna Devries, Mayor

Peter Probasco – Chair
Andy Couch – Vice Chair
Gabriel Kitter
Tim Hale
Bill Gamble
Kendra Zamzow
Michael Bowles
Marty Van Diest
Jim Sykes – Ex officio member

Maggie Brown – Staff



Michael Brown, Borough Manager

PLANNING & LAND USE DEPARTMENT
Alex Strawn, Planning & Land Use Director
Jason Ortiz, Planning & Land Use Deputy
Director
Vacant, Development Services Manager
Fred Wagner, Platting Officer

Conference Room 203
Dorothy Swanda Jones Building
350 E. Dahlia Avenue, Palmer

**March 13, 2025
REGULAR MEETING
4:00 p.m.**

Ways to participate in MSB Fish and Wildlife Commission meetings:

IN-PERSON: Conference Room 203, DSJ Building

REMOTE PARTICIPATION VIA MICROSOFT TEAMS:

Join on your computer:

[Join the meeting now](#)

Meeting ID: 213 715 044 561

Passcode: mJ26N5BL

Or call in (audio only):

1-907-290-7880

Phone Conference ID: 123 236 754#

- I. CALL TO ORDER
- II. ROLL CALL – DETERMINATION OF QUORUM
- III. LAND ACKNOWLEDGEMENT
"We acknowledge that we are meeting on traditional lands of the Dena'ina and Ahtna Dene people, and we are grateful for their continued stewardship of the land, fish, and wildlife throughout time immemorial."
- IV. PLEDGE OF ALLEGIANCE
- V. APPROVAL OF AGENDA

- VI. APPROVAL OF MINUTES
 - A. February 13, 2025

- VII. AUDIENCE PARTICIPATION (*three minutes per person*)

- VIII. STAFF/AGENCY REPORTS & PRESENTATIONS (10 min)
 - A. Staff Report/ New Appointees to MSB FWC
 - B. Chair's Report

- IX. UNFINISHED BUSINESS
 - A. Deshka Cold Water/Land Designation Updated Resolution (15 min)
 - B. Borough Waterbody Setback Report (25 min)
 - C. FWC Game Special Meeting (10 min)

- X. NEW BUSINESS
 - A. Connecting Across Tikahtnu: Kenai & Mat-Su Joint Fish Habitat Partnership Symposium on April 21-22, 2025 (10 min)
 - B. SB 108 - An Act relating to finfish farms and finfish farm products discussion (20 min)
 - C. HB 93 - An Act changing the residency requirements for hunting, trapping, and sport fishing privileges discussion (10 min)

- XI. MEMBER COMMENTS

- XII. NEXT MEETING DATE: April 10, 2025, 4:00-6:00 PM

- XIII. ADJOURNMENT

People needing reasonable accommodation in order to participate at a MSB Fish and Wildlife Commission Meeting should contact the borough ADA Coordinator at 861-8404 at least one week in advance of the meeting.

MATANUSKA-SUSITNA BOROUGH
MSB Fish and Wildlife Commission
 Regular Meeting: February 13, 2025
 Assembly Chambers/TEAMS
Minutes

I. CALL TO ORDER

Chair Andy Couch called the meeting to order at 4 pm

II. ROLL CALL – DETERMINATION OF QUORUM

Present:

- Andy Couch
- Gabe Kitter
- Kendra Zamzow
- Jim Sykes
- Michael Bowles
- Marty Van Diest
- Peter Probasco

Absent:

- Tim Hale
- Bill Gamble

III. LAND ACKNOWLEDGEMENT

"We acknowledge that we are meeting on traditional lands of the Dena'ina and Ahtna Dene people, and we are grateful for their continued stewardship of the land, fish, and wildlife throughout time immemorial."

IV. PLEDGE OF ALLEGIANCE

V. APPROVAL OF AGENDA

PP moved to approve the agenda; seconded by GK.
No objection, motion passed unanimously.

VI. APPROVAL OF MINUTES

KZ moved to approve the January 9 minutes; seconded by GK.
No objection, motion passed unanimously.

VII. AUDIENCE PARTICIPATION

- Dewy Bitler
- Jonah Profta
- Karlie
- Jackson

Stephen Braund
 Jason Ortiz
 Becca Skjothaug
 Jeff Fisher
 Jessica Speed
 Sue Mauger
 Howard Delo
 Lindsey Kitter

VIII. STAFF/AGENCY REPORTS & PRESENTATIONS

- A. Staff Report/ New Appointees to MSB FWC
- B. Chair’s Report
- C. Elections
 - i. Chairperson

GK nominated AC for chairperson; seconded by JS
AC accepted the nomination
KZ nominated PP for chairperson; seconded by GK
AC rescinded his acceptance for the nomination of chairperson
PP accepted nomination, and the motion passed without objection.

- ii. Vice Chairperson

KZ nominated AC for vice chairperson; seconded by GK
The nomination was accepted, and the motion passed without objection.

IX. UNFINISHED BUSINESS

- A. Deshka Cold Water/Land Designation

GK moved to approve the document to be taken to the assembly; seconded by KZ
PP tabled the resolution discussion until the next meeting; seconded by GK
No objection, motion passed unanimously.
PP and AC to update the resolution

- B. Borough Waterbody Setback Report

GK moved to make MB and MVD advisors to KZ for the waterbody setback advisory board;
seconded by PP
No objection, motion passed unanimously.

- C. Report on Board of Game
- D. FWC Game Special Meeting
- E. Report on CAPSIS
- F. Report from workgroup on comments to NOAA

X. NEW BUSINESS

A. Presentation on ACWA

GK moved to have the FWC sign the letter of support for the Assembly to accept the AWCA grant funds; seconded by PP

MB objected for a question of discussion.

KZ recommended removing “through active community engagement” from the letter and adding “\$133,500” before “provided by.”

No objection to the amendments to the letter

No objection to the letter as amended; motion passed unanimously.

JS moved to extend the meeting to 6:15pm; seconded by

No objection, motion passed unanimously.

B. Participation at Statewide Board of Fisheries meeting March 11 – 16 Egan Convention Center, Anchorage -- Supplemental issues

C. Participation at BOG Statewide Regulations March 21-28 Anchorage

KZ moved to extend the meeting to 6:20pm; seconded by GK

No objection, motion passed unanimously.

XI. MEMBER COMMENTS

XII. NEXT MEETING DATE: March 13, 2025, 4:00-6:00 PM

XIII. ADJOURNMENT

PP moved to adjourn; seconded by GK.

No objection, motion passed unanimously.

Meeting adjourned at 6:18 PM.

**MATANUSKA-SUSITNA BOROUGH
FISH & WILDLIFE COMMISSION RESOLUTION SERIAL NO. FWC 25-01**

A RESOLUTION OF THE MATANUSKA-SUSITNA BOROUGH FISH AND WILDLIFE COMMISSION RECOMMENDING MATANUSKA-SUSITNA BOROUGH ASSEMBLY DIRECT ADMINISTRATION TO CLASSIFY KEY BOROUGH-OWNED PARCELS ON THE SHORE OF DESHKA RIVER AS WATERSHED LANDS TO PROTECT SALMON POPULATIONS.

WHEREAS, the Matanuska-Susitna Borough (MSB) Fish and Wildlife Commission (FWC) has reviewed the outcomes of a recent study on the temperature of water entering the Deshka River from adjacent groundwater seeps; and

WHEREAS, this new information shows that certain parcels supporting the cold-water inputs to the Deshka River are essential for maintaining healthy salmon runs on the river; and

WHEREAS, spatial variation in water temperature is a key feature of habitat complexity that contributes to the movement, resilience, and persistence of cold-water fishes, including salmonids; and

WHEREAS, during spawning migration, periods of high river temperatures can block migratory corridors and cause thermal stress or mortality; and

WHEREAS, the Alaska Department of Fish and Game (ADF&G) ranks the Susitna River drainage king salmon population as the fourth largest in the State of Alaska, with Deshka River providing spawning and rearing habitat for approximately 20 percent of the Susitna River king salmon return on an annual basis; and

WHEREAS, during the 10-year period from 1997-2006 Deshka River king salmon spawning escapements averaged more than 33,000 fish per year and the Deshka River king salmon sport fishery was an important economic driver for the Matanuska - Susitna Borough; and

WHEREAS, even with no sport harvest allowed in 2023 and 2024, not a single Chinook salmon spawning escapement goal was attained anywhere in the Susitna River drainage; and

WHEREAS, unsustainability of Susitna River drainage Chinook salmon is a rapidly accelerating problem; and

WHEREAS, the Deshka River is also a very productive producer of coho salmon within the Susitna River drainage, with Deshka River coho salmon escapements used by ADF&G as a tool for managing coho salmon stocks throughout the entire Susitna River drainage; and

WHEREAS, economic studies in our region in 2007 and 2017 show the significant positive economic impact returning salmon have on the economy of the MSB, that included \$56 million in direct spending benefits to the MSB in 2017 alone, and there are additional economic benefits from healthy wildlife and fish populations, both of which require adequate and quality habitat locally; and

WHEREAS, the FWC believes it is important that the MSB takes every available action to safeguard healthy salmon runs in local water bodies; and

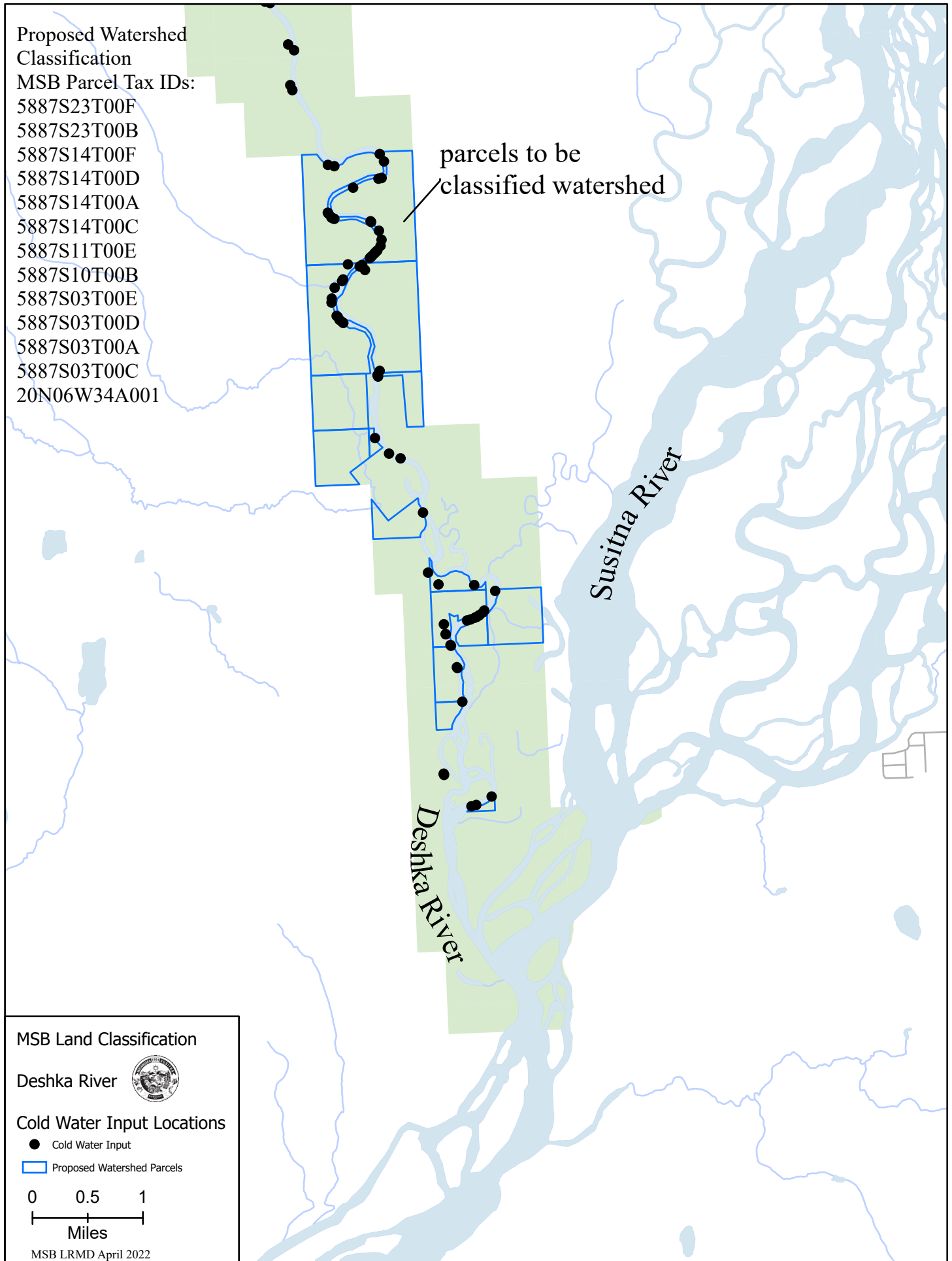
WHEREAS, the MSB can classify these parcels as watershed lands in recognition of the water quality function they provide that protects salmon habitat.

NOW, THEREFORE, BE IT RESOLVED, that the FWC recommends the Matanuska- Susitna Borough Assembly direct Borough Administration to bring forward legislation classifying key

Borough- owned parcels on the shore of the Deshka River as "Watershed" Lands ADOPTED by the Matanuska- Susitna Borough Fish and Wildlife Commission this 13th day of March 13, 2025.

Note: include map provided by Sue Mauger

DRAFT





MATANUSKA-SUSITNA BOROUGH

Borough Attorney's Office

Nicholas Spiropoulos, Borough Attorney
 350 East Dahlia Avenue • Palmer, Alaska 99645-6488
 Telephone (907) 861-8677 • Facsimile (907) 861-8559
www.matsugov.us

MEMORANDUM

DATE: February 11, 2025

TO: Waterbody Setback Advisory Board

THROUGH: Nicholas Spiropoulos, Borough Attorney *NS*

FROM: John Aschenbrenner, Deputy Borough Attorney
 Erin Ashmore, Assistant Borough Attorney *ea*

SUBJECT: Equal Protection Issue on Waterbody Setback Advisory Board Recommendations

QUESTION PRESENTED

The draft ordinance proposes to offer a path for a property owner who has built in violation of the 75' setback requirement to become a legal nonconforming structure by requiring a series of mitigation measures to protect the affected waterbody. DRAFT MSB 17.80.020(B)(4); 17.02.035. This path is not available to property owners who have complied with the law by not building in violation of the setback requirement. The question presented upon our review of the ordinance is whether this proposal raises the constitutional issue of equal protection. This memorandum is provided as a summary without extensive analysis.

LEGAL ANALYSIS

“Alaska's constitutional equal protection clause mandates ‘equal treatment of those similarly situated;’ it protects Alaskans' right to non-discriminatory treatment more robustly than does the federal equal protection clause.” *State v. Planned Parenthood of Alaska*, 28 P.3d 904, 909 (Alaska 2001); *Malabed v. N. Slope Borough*, 70 P.3d 416, 420 (Alaska 2003); Alaska Const. Art. 1, § 1; U.S. Const. XIV Amend. Under the current proposal, similarly situated property owners are not treated equally. The objectives of the

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February 11, 2025
Memorandum to Board

proposed ordinance to protect waterbodies is not fairly and substantially served by the proposal when property owners who violated the Code receive more favorable treatment than property owners who have complied with the Code. Accordingly, we believe that the current proposal opens the Borough to claim of a violation of the equal protection clauses of the Alaska and U.S. Constitutions.

POTENTIAL AMENDMENT

One way to fix this constitutional equal protection issue is to allow property owners who have complied with the law the opportunity to build within 45' and 75' of the water body as long as those property owners meet the same conditions as those property owners who built in violation of the law. To accomplish this, changes would be required as follows:

- Provide for an exception for compliant property owners at DRAFT MSB 17.55.020 who meet the requirements of DRAFT MSB 17.02.035
- Add compliant property owners to the applicable standards at DRAFT MSB 17.02.035

[Partnership](#)[Mat-Su](#)[What We Do](#)[Your Help](#)[Resources](#)[Contact](#)[Blog](#)FEBRUARY 14, 2025 BY **ADMIN**

Connecting Across Tikahtnu: Kenai & Mat-Su Joint Fish Habitat Partnerships Symposium

Register & consider submitting a presentation abstract, session or collaborative dialogue topic idea! April 21-22, 2025 at the BP Energy Center, Anchorage.

The intent of the symposium is to support healthy fisheries, people and economies on the Kenai Peninsula and in the Mat-Su by better connecting people and organizations working on salmon watershed stewardship in the region, particularly Kenai and Mat-Su fish habitat partnerships and the Tikahtnu Cook Inlet Intertribal Fisheries Commission. The **call for presentation abstracts, sessions and collaborative dialogue topics is open, and closes March 7th**. There is also an opportunity to reserve space on the UAA campus on April 23rd, for additional gatherings. **Click this link to submit an abstract or discussion topic and learn more. Register here.** This event is sponsored by the Salmon Watershed Stewardship Project and organized by UAA Alaska Center for Conservation Science and Kachemak Bay Estuarine Research Reserve. Contact Rosie Masui, rmmasui@alaska.edu with questions.

Map author: Cook Inletkeeper



Filed Under: Dates and Updates, News, Uncategorized



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dialogue topic idea! April 21-22, 2025 at the BP Energy Center, Anchorage. The intent of the symposium is to support healthy fisheries, people and economies on the Kenai Peninsula and in the Mat-Su by better connecting people and organizations working on salmon watershed stewardship in [...]



Connecting Across Tikahtnu: Kenai & Mat-Su Joint Fish Habitat Partnerships Symposium



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SENATE BILL NO. 108

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/24/25

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to finfish farms and finfish farm products; and providing for an
2 effective date."

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

4 * **Section 1.** AS 09.45.235(d)(1) is amended to read:

5 (1) "agricultural facility" means any land, building, structure, pond,
6 impoundment, appurtenance, machinery, or equipment that is used or is intended for
7 use in the commercial production or processing of crops, livestock, or livestock
8 products, or that is used in aquatic or finfish farming;

9 * **Sec. 2.** AS 09.45.235(d)(2) is amended to read:

10 (2) "agricultural operation" means
11 (A) any agricultural and farming activity such as
12 (i) the preparation, plowing, cultivation, conserving,
13 and tillage of the soil;
14 (ii) dairying;

- 1 (iii) the operation of greenhouses;
- 2 (iv) the production, cultivation, rotation, fertilization,
- 3 growing, and harvesting of an agricultural, floricultural, apicultural, or
- 4 horticultural crop or commodity;
- 5 (v) the breeding, hatching, raising, producing, feeding,
- 6 keeping, slaughtering, or processing of livestock;
- 7 (vi) forestry or timber harvesting, manufacturing, or
- 8 processing operations;
- 9 (vii) the application and storage of pesticides,
- 10 herbicides, animal manure, treated sewage sludge or chemicals,
- 11 compounds, or substances to crops, or in connection with the
- 12 production of crops or livestock;
- 13 (viii) the manufacturing of feed for poultry or livestock;
- 14 (ix) aquatic or finfish farming;
- 15 (x) the operation of roadside markets; and
- 16 (B) any practice conducted on the agricultural facility as an
- 17 incident to or in conjunction with activities described in (A) of this paragraph,
- 18 including the application of existing, changed, or new technology, practices,
- 19 processes, or procedures;

20 * **Sec. 3.** AS 16.05.050(a) is amended to read:

21 (a) The commissioner has, but not by way of limitation, the following powers
22 and duties:

23 (1) through the appropriate state agency and under the provisions of
24 AS 36.30 (State Procurement Code), to acquire by gift, purchase, or lease, or other
25 lawful means, land, buildings, water, rights-of-way, or other necessary or proper real
26 or personal property when the acquisition is in the interest of furthering an objective or
27 purpose of the department and the state;

28 (2) under the provisions of AS 36.30, to design and construct
29 hatcheries, pipelines, rearing ponds, fishways, and other projects beneficial for the fish
30 and game resources of the state;

31 (3) to accept money from any person under conditions requiring the

1 use of the money for specific purposes in the furtherance of the protection,
2 rehabilitation, propagation, preservation, or investigation of the fish and game
3 resources of the state or in settlement of claims for damages to fish or game resources;

4 (4) to collect, classify, and disseminate statistics, data and information
5 that, in the commissioner's discretion, will tend to promote the purposes of this title
6 except AS 16.51 and AS 16.52;

7 (5) to take, capture, propagate, transport, buy, sell, or exchange fish or
8 game or eggs for propagating, scientific, public safety, or stocking purposes;

9 (6) under the provisions of AS 36.30, to provide public facilities where
10 necessary or proper to facilitate the taking of fish or game, and to enter into
11 cooperative agreements with any person to effect them;

12 (7) to exercise administrative, budgeting, and fiscal powers;

13 (8) under the provisions of AS 36.30, to construct, operate, supervise,
14 and maintain vessels used by the department;

15 (9) to authorize the holder of an interim-use permit under AS 16.43 to
16 engage on an experimental basis in commercial taking of a fishery resource with
17 vessel, gear, and techniques not presently qualifying for licensing under this chapter in
18 conformity with standards established by the Alaska Commercial Fisheries Entry
19 Commission;

20 (10) not later than January 31 of each year, to provide to the
21 commissioner of revenue the names of those fish and shellfish species that the
22 commissioner of fish and game designates as developing commercial fish species for
23 that calendar year; a fish or shellfish species is a developing commercial fish species
24 if, within a specified geographical region,

25 (A) the optimum yield from the harvest of the species has not
26 been reached;

27 (B) a substantial portion of the allowable harvest of the species
28 has been allocated to fishing vessels of a foreign nation; or

29 (C) a commercial harvest of the fish species has recently
30 developed;

31 (11) to initiate or conduct research necessary or advisable to carry out

1 the purposes of this title except AS 16.51 and AS 16.52;

2 (12) to enter into cooperative agreements with agencies of the federal
3 government, educational institutions, or other agencies or organizations, when in the
4 public interest, to carry out the purposes of this title except AS 16.51 and AS 16.52;

5 (13) to implement an on-board observer program authorized by the
6 Board of Fisheries under AS 16.05.251(a)(13); implementation

7 (A) must be as unintrusive to vessel operations as practicable;

8 and

9 (B) must make scheduling and scope of observers' activities as
10 predictable as practicable;

11 (14) to sell fish caught during commercial fisheries test fishing
12 operations;

13 (15) to establish and charge fees equal to the cost of services provided
14 by the department, including provision of public shooting ranges, broodstock and eggs
15 for private nonprofit hatcheries, department publications, and other direct services, and
16 reasonable fees for the use of state facilities managed by the department; fees
17 established under this paragraph for tours of hatchery facilities, commercial use of
18 sport fishing access sites, and for operation of state hatchery facilities by private
19 aquaculture associations are not subject to the cost limit under AS 37.10.050(a);

20 (16) to permit and regulate aquatic farming **and finfish farming** in the
21 state in a manner that ensures the protection of the state's fish and game resources and
22 improves the economy, health, and well-being of the citizens of the state;

23 (17) to operate state housing and facilities for employees, contractors,
24 and others in support of the department's responsibilities and to charge rent that is
25 consistent with applicable collective bargaining agreements, or, if no collective
26 bargaining agreement is applicable, competitive with market conditions; rent received
27 from tenants shall be deposited in the general fund;

28 (18) to petition the Alaska Commercial Fisheries Entry Commission,
29 unless the Board of Fisheries disapproves the petition under AS 16.05.251(g), to
30 establish a moratorium on new entrants into commercial fisheries

31 (A) that have experienced recent increases in fishing effort that

are beyond a low, sporadic level of effort;

(B) that have achieved a level of harvest that may be approaching or exceeding the maximum sustainable level for the fishery; and

(C) for which there is insufficient biological and resource management information necessary to promote the conservation and sustained yield management of the fishery;

(19) to promote fishing, hunting, and trapping and preserve the heritage of fishing, hunting, and trapping in the state.

* Sec. 4. AS 16.05.251(f) is amended to read:

(f) Except as expressly provided in AS 16.40.120(e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100, [OR] 16.40.120, or 16.40.220, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, the construction or operation of a finfish farm required to have a permit under AS 16.40.220, or a harvest with a permit issued under AS 16.40.120 or 16.40.220.

* Sec. 5. AS 16.05.930(c) is amended to read:

(c) AS 16.05.920 and 16.05.921 do not prohibit [REARING AND SALE OF FISH FROM PRIVATE PONDS,] the raising of wild animals in captivity for food [,] or the raising of game birds for the purpose of recreational hunting on game hunting preserves, under regulations adopted by the appropriate board. In this subsection, "animals" includes all animal life, including insects and bugs.

* Sec. 6. AS 16.05.930(g) is amended to read:

(g) AS 16.05.330 - 16.05.723 do not apply to an activity authorized by a permit issued under AS 16.40.100, [OR] 16.40.120, or 16.40.220, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100, [OR] 16.40.120, or 16.40.220.

* Sec. 7. AS 16.10.269 is amended to read:

Sec. 16.10.269. Limitations. AS 16.10.265 and 16.10.267 do not apply to the purchase or sale of

(1) aquatic farm products from a holder of a permit issued under

1 AS 16.40.100;

2 (2) [OR] stock from a holder of a permit issued under AS 16.40.120;

3 or

4 (3) finfish stock or finfish farm products from a holder of a permit
5 issued under AS 16.40.220.

6 * Sec. 8. AS 16.40.210(a) is amended to read:

7 (a) A person may not grow or cultivate finfish in captivity or under positive
8 control for commercial purposes unless the person holds a current valid finfish
9 farm permit under AS 16.40.220.

10 * Sec. 9. AS 16.40 is amended by adding new sections to article 3 to read:

11 **Sec. 16.40.220. Finfish farm permits.** (a) The commissioner or a designee
12 may issue a triennial finfish farm permit, subject to the restrictions imposed by this
13 section, to a qualified applicant.

14 (b) A finfish farm permit authorizes the permittee, subject to the conditions of
15 AS 17.20, this section, and regulations adopted under this section, to operate a finfish
16 farm and to acquire, purchase, offer to purchase, transfer, possess, sell, and offer to
17 sell finfish stock and finfish farm products that are used or reared at the finfish farm.

18 (c) All finfish acquired, purchased, offered to purchase, transferred, possessed,
19 sold, offered for sale, or otherwise kept at a finfish farm must be triploid. A finfish
20 farm permit may not authorize the artificial propagation of finfish at a finfish farm.

21 (d) Notwithstanding AS 16.05.080, the commissioner may adopt regulations
22 that establish the amount and manner of payment of fees for a permit issued under this
23 section so that the total amount of fees collected equals the actual regulatory cost to
24 the department of permitting finfish farms in the state. The commissioner shall review
25 the fee level to determine whether the regulatory costs are approximately equal to the
26 fee collections on a triennial basis.

27 (e) The commissioner may attach terms and conditions to a permit issued
28 under this section that are necessary in the judgment of the commissioner to protect
29 natural fish and wildlife resources.

30 (f) The commissioner shall adopt regulations under AS 44.62 (Administrative
31 Procedure Act) after consultation with the commissioner of environmental

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1 conservation to implement this section, including regulations that govern

2 (1) eligibility for a finfish farm permit;

3 (2) siting of a finfish farm;

4 (3) operation of a finfish farm;

5 (4) sources, acquisition, importation, transportation, and export of
6 finfish stock and finfish farm products at a finfish farm;

7 (5) control, prevention, and eradication of disease and destruction of
8 diseased finfish at a finfish farm; and

9 (6) other matters necessary to implement this section and to protect
10 wild stocks of fish and game in the state.

11 (g) A person may stock a lake located on private property with finfish for
12 personal consumption without a permit under this section if the lake is under positive
13 control.

14 **Sec. 16.40.230. Definitions.** In AS 16.40.210 - 16.40.230,

15 (1) "finfish" means any bony fish belonging to the osteichthyes class,
16 but does not include pink salmon, chum salmon, sockeye salmon, coho salmon,
17 chinook salmon, or Atlantic salmon;

18 (2) "finfish farm" means a natural or artificial inland, closed-system
19 body of water under positive control for the cultivation of finfish and the production of
20 finfish farm products for commercial sale;

21 (3) "finfish farm product" means a finfish, or a part of a finfish, that is
22 farmed or cultivated in a finfish farm and sold or offered for sale;

23 (4) "finfish stock" means live finfish acquired, collected, possessed, or
24 intended for use by a finfish farm;

25 (5) "positive control" means enclosed within a natural or artificial
26 escape-proof barrier;

27 (6) "triploid" means a naturally occurring or artificially induced
28 presence of three sets of chromosomes in a finfish that results in sterility.

29 * **Sec. 10.** AS 16.43.940 is amended to read:

30 **Sec. 16.43.940. Exempted activities.** This chapter does not apply to activities
31 authorized by a permit issued under AS 16.40.100, [OR] 16.40.120, or 16.40.220.

1 * **Sec. 11.** AS 16.51.180(7) is amended to read:

2 (7) "seafood" means finfish, shellfish, and fish by-products, including
3 but not limited to salmon, halibut, herring, flounder, crab, clam, cod, shrimp, and
4 pollock, but does not include aquatic farm products as defined in AS 16.40.199 **or**
5 **finfish farm products as defined in AS 16.40.230.**

6 * **Sec. 12.** AS 17.20.005 is amended to read:

7 **Sec. 17.20.005. Powers and duties of commissioner.** To carry out the
8 requirements of this chapter, the commissioner may issue orders, regulations, permits,
9 quarantines, and embargoes relating to

10 (1) food offered to the public or sold, subject to AS 17.20.017,
11 including

12 (A) inspection of meat, fish, poultry, and other food products;

13 (B) standards of sanitation and handling methods for all phases
14 of slaughtering, processing, storing, transporting, displaying, and selling;

15 (C) labeling; and

16 (D) the training, testing, and certification requirements for
17 individuals who handle or prepare food, their supervisors, and their employers
18 to ensure their knowledge of food safety and sanitation principles and
19 requirements;

20 (2) control and eradication of pests;

21 (3) enforcement of hazard analysis critical control point programs for
22 seafood processing that are developed in cooperation with appropriate industry
23 representatives or, to the extent not inconsistent with this chapter or regulations
24 adopted under the authority of this chapter, that are established by regulations of the
25 United States Food and Drug Administration as they may periodically be revised;

26 (4) labeling, subject to AS 17.20.013, and grading of milk and milk
27 products and standards of sanitation for dairies offering to the public or selling milk or
28 milk products to at least the minimum of current recommendations of the United
29 States Public Health Service pasteurized milk ordinance as it may periodically be
30 revised;

31 (5) standards and conditions for the operation and siting of aquatic

1 farms and related hatcheries and finfish farms, including

2 (A) restrictions on the use of chemicals; and

3 (B) requirements to protect the public from contaminated
4 aquatic farm products and finfish farm products that pose a risk to health;

5 (6) monitoring of finfish farms and aquatic farms and of finfish farm
6 products and aquatic farm products to ensure compliance with this chapter and, to the
7 extent not inconsistent with this chapter or regulations adopted under the authority of
8 this chapter, with the requirements of the national shellfish sanitation program manual
9 of operations published by the United States Food and Drug Administration as it may
10 periodically be revised;

11 (7) tests and analyses that may be made and hearings that may be held
12 to determine whether the commissioner will issue a stop order or quarantine;

13 (8) transportation of, use of, disposal of, recalls of, or warnings
14 concerning quarantined or embargoed items;

15 (9) cooperation with federal and other state agencies.

16 * **Sec. 13.** AS 17.20.070 is amended to read:

17 **Sec. 17.20.070. Inspection by department.** An officer or employee
18 designated by the commissioner shall have access to a factory, aquatic farm, finfish
19 farm, or establishment, the operator of which holds a permit from the commissioner,
20 for the purpose of ascertaining whether the conditions of the permit are being
21 complied with. Denial of access for inspection is ground for suspension of the permit
22 until access is freely given.

23 * **Sec. 14.** AS 17.20.200(a) is amended to read:

24 (a) The commissioner of environmental conservation or an agent shall have
25 free access at reasonable hours to a factory, warehouse, or establishment in which
26 foods or cosmetics are manufactured, processed, packed, or held for introduction into
27 commerce, to enter a vehicle being used to transport or hold these foods or cosmetics
28 in commerce, or to an aquatic farm or finfish farm in order to

29 (1) inspect a factory, warehouse, establishment, vehicle, finfish farm,
30 or aquatic farm to determine if the provisions of the commissioner's respective
31 portions of this chapter are being violated; and

1 (2) secure samples or specimens of a food, **finfish farm product,**
2 aquatic farm product, or cosmetic.

3 * **Sec. 15.** AS 17.20.370 is amended by adding new paragraphs to read:

4 (16) "finfish farm" has the meaning given in AS 16.40.230;

5 (17) "finfish farm product" has the meaning given in AS 16.40.230.

6 * **Sec. 16.** The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 REVISOR INSTRUCTION. The revisor of statutes is requested to change the catch
9 line of AS 16.40.210 from "Finish farming prohibited" to "Finfish farming prohibited without
10 a permit."

11 * **Sec. 17.** This Act takes effect immediately under AS 01.10.070(c).

34-LS0058\N

HOUSE BILL NO. 93

IN THE LEGISLATURE OF THE STATE OF ALASKA
THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES HIMSCHOOT, Hannan

Introduced: 2/10/25

Referred: House Special Committee on Fisheries, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act changing the residency requirements for hunting, trapping, and sport fishing**
2 **privileges; and providing for an effective date."**

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

4 *** Section 1.** AS 16.05.400 is amended by adding a new subsection to read:

5 (d) A person issued a permanent identification card under (b) of this section
6 may sport fish, hunt, or trap under the identification card only if the person continues
7 to meet the residency requirements of AS 16.05.415.

8 *** Sec. 2.** AS 16.05.415(a) is amended to read:

9 (a) In AS 16.05.330 - 16.05.430, a person, except as provided in (c) - (f) of
10 this section, is a resident if the person

11 (1) is physically present in the state with the intent to remain in the
12 state indefinitely and to make a home in the state;

13 (2) has maintained the person's domicile in the state for the 12
14 consecutive months immediately preceding the application for a license;

1 (3) **has been physically present in the state at all times during the**
 2 **12 consecutive months under (2) of this subsection or, if absent, was absent only**
 3 **as allowed in AS 43.23.008;**

4 (4) is not claiming residency in another state, territory, or country; and
 5 (5) [(4)] is not obtaining benefits under a claim of residency in another
 6 state, territory, or country.

7 * Sec. 3. AS 16.05.415(e) is amended to read:

8 (e) A person who is an alien is a resident for the purposes of AS 16.05.330 -
 9 16.05.430 if the person

10 (1) is physically present in the state with the intent to remain in the
 11 state indefinitely and to make a home in the state;

12 (2) has maintained the person's domicile in the state for the 12
 13 consecutive months immediately preceding the application for a license;

14 (3) **has been physically present in the state at all times during the**
 15 **12 consecutive months under (2) of this subsection or, if absent, was absent only**
 16 **as allowed in AS 43.23.008;**

17 (4) is not claiming residency in another state, territory, or country; and
 18 (5) [(4)] is not obtaining benefits under a claim of residency in another
 19 state, territory, or country.

20 * Sec. 4. AS 16.05.415 is amended by adding a new subsection to read:

21 (j) The commissioner shall adopt regulations under AS 44.62 (Administrative
 22 Procedure Act) for determining the eligibility of an individual for licensure as a
 23 resident under this section. The commissioner may require an individual to provide
 24 proof of eligibility, and the commissioner may use other information available from
 25 other state departments or agencies to determine the eligibility of an individual. The
 26 commissioner shall consider all relevant circumstances in determining the eligibility
 27 of an individual.

28 * Sec. 5. This Act takes effect January 1, 2027.