

STATE OF ALASKA

MEMORANDUM

To: Lance Trasky
Regional Supervisor
Habitat Division

Date: May 5, 1991

FILE NO: I.700.300.8250

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SUBJECT: PNP Hatchery
Regulations

From: Christopher Estes
Statewide Instream Flow Coordinator
Research and Technical Services
Division of Sport Fish

As a follow up to the Solomon Gulch hatchery meeting on April 26, I reviewed Tom Kron's copy of the statutes and regulations pertaining to Private Nonprofit Salmon Hatcheries (PNP).

According to my interpretation of the statutes and regulations, the Commissioner is required to base the approval of a PNP application on whether it includes (in addition to other criteria) information demonstrating:

1. the hatchery and its operation will not adversely impact natural fish production;

AS 16.10.400 (g) During the development of a comprehensive plan for a region no permit may be issued for a hatchery unless the commissioner determines that such an action would result in substantial public benefits and would not jeopardize natural stocks.

2. the PNP has acquired valid water rights to quantities sufficient for the proposed level of fish production and other hatchery water needs; and

5 AAC 40.220 (5) The proposed hatchery must have a secured water source and delivery system that is adequate for the proposed levels of incubation and rearing. The security of the water source must be demonstrated through the appropriate water use permits, annual hydrographs, chemical analysis of water source, and any provisions necessary for recycling and depuration.

3. the hatchery and its operation will not adversely impact instream flows required for fish.

5 AAC 40.220 (7) The proposed hatchery must allow for the maintenance of adequate instream flows below the hatchery or any hatchery-related facilities, such as water intake structures, to support natural stocks.

I have not examined the Solomon Gulch hatchery permit and amendments. However, I am curious why the Department granted a permit and amendments to the Valdez Fisheries Development Association (VFDA) to incubate and rear fish if VFDA didn't demonstrate it had acquired formal water rights sufficient for supporting their desired production objectives.

Maybe the hatchery was grandfathered in before the regulations were promulgated? Nonetheless, it would appear that the above statute and regulations should, at a

minimum, apply to any current or future requests to expand the hatchery operation.

If time permits, I will attempt to acquire and review a copy of the hatchery permit and any amendments to follow up on this.

I have requested several copies of these regulations from Tom in the event you want to distribute them.

cc: T. Kron
M. Mills