

Redated for printing  
January 1, 1993

Hon. Carl L. Rosier  
Commissioner  
Department of Fish  
and Game

December 9, 1992

663-92-0525

465-3600

Composition of regional  
aquaculture association  
boards

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You have asked us several questions concerning the composition of the board of directors of the Cook Inlet Aquaculture Association, a regional aquaculture association ("RAA"). One of these questions is about the state's role in the composition of RAA boards in general.<sup>1</sup> That question is whether the Commissioner of Fish and Game is required to continually monitor the composition of these boards to make sure all user groups and organizations are adequately and fairly represented. The answer to this question is "no."

Discussion. Alaska Statute 16.10.380(a) addresses the commissioner's responsibilities concerning the composition of RAA boards. This statute says:

**Sec. 16.10.380. Regional associations.** (a) The commissioner shall assist in and encourage the formation of qualified regional associations for the purpose of enhancing salmon production. A regional association is qualified if the commissioner determines that it

(1) is comprised of associations representative of commercial fishermen in the region;

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<sup>1</sup> The other questions concern the particular composition of the board of the Cook Inlet Aquaculture Association. Because the state has no role or stake in this issue, we decline to answer these questions. We note, however, that in two earlier memoranda we commented on some of the issues raised by these questions. (Please see 1983 Inf. Op. Att'y Gen. (Oct. 7; 366-629-83) and 1982 Inf. Op. Att'y Gen. (Apr. 8; J66-552-82), copies of which are attached.)

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(2) includes representatives of other user groups interested in fisheries within the region who wish to belong; and

(3) possesses a board of directors that includes no less than one representative of each user group that belongs to the association.

In an earlier memorandum to your department, we advised that this statute establishes a one-time duty for the commissioner to determine whether an RAA is qualified under these criteria. (Please see 1983 Inf. Op. Att'y Gen. (Oct. 7; 366-629-83), a copy of which is attached.) Because the commissioner's duty is directed toward the "formation" of an RAA, we said that this statute neither requires nor authorizes the commissioner to continue monitoring an RAA board after the association has been formed. Our interpretation of AS 16.10.380(a) has not changed since this earlier memorandum.

SMW:lae

Enclosures