



UNITED FISHERMEN OF ALASKA

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March 15, 2013

Representative Bill Stoltze, Co-Chair
Representative Alan Austerman, Co-Chair
House Finance Committee
Alaska State Legislature
120 4th St, State Capitol, Room 3
Juneau, AK 99801-1182

RE: Support for HB 89 Regarding Marine Invasive Species

Dear Chairmen Stoltze and Austerman, and Committee Members,

United Fishermen of Alaska (UFA) is the largest statewide commercial fishing trade association, representing 36 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters. UFA member groups have long been concerned with the number of marine invasive species that have been identified in Alaska or have the potential to be introduced here. If rapid response capabilities are not established in advance, or if invasives and their transporting vectors are not identified at early stages, they pose potentially devastating effect on the state's fishery resources and the livelihoods of fishing fleets.

UFA commends the committee for drawing attention to this issue through sponsorship of HB 89, and we recommend support in the legislature. Thank you for your attention to this issue, and your support of HB 89.

Sincerely,

Julianne Curry
Executive Director

CC: Representative Paul Seaton

MEMBER ORGANIZATIONS

Alaska Bering Sea Crabbers • Alaska Independent Fishermen's Marketing Association
Alaska Independent Tendermen's Association • Alaska Longline Fishermen's Association • Alaska Scallop Association • Alaska Trollers Association
Alaska Whitefish Trawlers Association • Aleutian Pribilof Islands Community Development Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Cape Barnabas Inc. • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United
Douglas Island Pink and Chum • Freezer Longline Coalition • Golden King Crab Coalition • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owner Association
Seafood Producers Cooperative • Southeast Alaska Herring Conservation Alliance • Southeast Alaska Fisherman's Alliance
Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners • Southern Southeast Regional Aquaculture Association
United Catcher Boats • United Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association



Alaska Committee for Noxious and Invasive Plant Management

March 8, 2013

**Representatives Eric Feige and Dan Saddler
Co-Chairs House Resources Committee
State Capitol
Juneau AK 99801**

RE: HB 89 An Act relating to the rapid response to, and control of, aquatic invasive species

The Alaska Committee for Noxious and Invasive Plant Management (CNIPM) is the professional society for the study and management of invasive species in Alaska. Invasive species cause hundreds of billions of dollars in management costs, crop losses, loss of property value, damage to infrastructure, and cause a host of environmental problems across the USA each year. In Alaska we are lucky that many of the most harmful invasive species have not arrived yet and those that are already here have not yet overrun Alaska's relatively pristine natural resources. We support the intent of HB 89 as introduced by the House Fisheries Committee and wish to provide comments and suggestions as the bill moves forward in the legislative process.

The CNIPM board feels that this legislation is an excellent step toward developing rapid response capabilities for priority invasive species in Alaska. HB 89 would direct Fish and Game to increase the priority of rapid response to identified aquatic invasive species, specifically with rapid response planning. Effective response to new invasions requires all resource management and permitting agencies to recognize the urgency and elevate the priority for swift management.

We offer the following comments and suggestions for this legislation:

1. We suggest including a definition of "rapid response", for example: "initiation of eradication efforts or critical interim measures to achieve containment while a longer term eradication or suppression strategy is formulated".
2. In addition to response, the invasive species plans this bill directs State agencies to develop should identify and lead to the implementation of prevention measures as well. Preventing invasive species introductions in the first place is highly cost-effective and an essential element of effective invasive species management.
3. The bill should continue to deal with rapid response to both marine and freshwater invasive species.
 - o A bill for rapid response of aquatic invasive species is an excellent first step towards managing those species that pose the greatest threat to Alaska's resources and economy. Certain resources, such as anadromous salmon, could be negatively impacted by aquatic invasive species in both marine and freshwater habitats.
 - o While this bill adds to Title 16 – the Fish and Game statutes in the Alaska Code, we want to make sure these provisions and authority also apply to the Department of Natural Resources, who by a recently adopted MOU with ADF&G and DEC is the lead agency in responding to freshwater invasive plant threats.



Alaska Committee for Noxious and Invasive Plant Management

4. We appreciate the inclusion of terminology in the legislation to direct rapid response to incipient infestations that have the highest capacity to negatively affect valuable resources while being sufficiently limited in scope that control is feasible.
 - In the best practices of invasive species management, rapid response is tied to early detection – with the understanding that management is most effective when managers are directing effort at small, isolated, incipient populations. Please see the attached “Invasion Curve” for reference. With the challenges of detecting new invasive species in our huge state, a harmful new invader may have arrived multiple times and be present in far apart locations by the time it is noticed. For example, while Elodea has been found in several communities throughout the state, its range is still extremely limited compared to the amount of Alaska’s uninfested waters and the likelihood for effective rapid response actions is high.
 - In order to effectively plan for and implement rapid response, a quantitative risk and decision methodology should be developed determining the risks, benefits, and costs of a set of management choices, including no action and delayed action. In the delayed action case, the benefits of collecting more information to make a more informed decision outweigh the costs of the delay. This methodology takes into account future consequences of all management alternatives. Such an effort directs resources to the highest priority infestations, applies the most cost effective management effort, and minimizes the highest potential losses for the economy and environment of the state.
5. We support the inclusion of the ‘hold harmless’ clause
 - Though we are not lawyers and are uncertain of the particular language that is constitutionally required or which language is appropriate for statute versus regulations, the State of Alaska has a public trust duty to act to protect the publicly owned resources of the State. It is common practice for State leases and permits to include a hold harmless agreement for anticipated or required State actions.
 - The Dept of Natural Resources’ plant health and quarantine regulations state that the director of the Division of Agriculture can establish quarantines to protect the state’s agriculture industry from pests. 11 AAC 34.100 sets forth that any treatment required under the quarantine will be at the owner’s expense. We see the hold harmless clause preferable to the Division of Agriculture’s regulations because the lease or permit holder would not be required to pay for the determined method of control. Rapid response to invasive species is an emergency situation, where decisive control actions will protect Alaska’s critical natural resources.
6. The provision for the establishment of a rapid response fund is essential for the future success of aquatic invasive species control.
 - We urge the legislature to allocate money to this fund once established so that this critical resource protection work can occur.
 - This fund could be accessed for containment, eradication, and monitoring activities to deal with the highest priority aquatic invasive species. Rapid response funds would result in actual management as opposed to just more planning. In addition, if state funds for implementation were made available they could be used to match federal funds to address new issues efficiently. This need is



Alaska Committee for Noxious and Invasive Plant Management

underscored by a recent study by UAA's Institute for Social and Economic Research, which found that the federal government pays for about 84% of the invasive species management taking place in Alaska, while the State pays for only about 5% (Report attached).

- We suggest that dispersal of funds be done in cooperation with appropriate agencies, university professionals, and user groups, as opposed to unilateral control by one department or division.
- We understand that the rapid response fund created by this bill is intended for very recent discoveries of invasive aquatic species statewide or regionally; however, for effective eradication agencies must be encouraged to propose funding critical to ongoing efforts which may take 3-7 years. Currently the Governor's budget does not include funds for DNR to control known infestations of the freshwater invasive aquatic plant Elodea, which we understand (as a known introduction) may fall outside of the scope of this bill. For this bill to result in eradication of new infestations agencies must propose the necessary funding to continue management beyond the first year after detection.

Though this legislation will be a significant step forward for invasive species management in Alaska, an Invasive Species Council will be necessary in the future as we move towards effective management of invasive species on a statewide scale. This panel of experts from various agencies and stakeholder groups would work together to determine State priorities for invasive species management and the best projects to strategically control the most harmful invasive species with limited funds. Other states utilize councils to accomplish their goals, and there are many models that could be adapted to fit Alaska's needs.

If we can be of any additional assistance on invasive species issues, please do not hesitate to contact us. CNIPM is a volunteer organization composed of concerned citizens, scientists, and land managers that volunteer or work for non-profit, tribal, local, state, and federal agencies across Alaska. The goals of CNIPM are to heighten the awareness of problems associated with non-native invasive plant species and to bring about greater statewide coordination, cooperation, and action to halt the introduction and spread of these undesirable plants. To learn more about the mission and goals of CNIPM, please visit www.uaf.edu/ces/cnipm.

Sincerely,

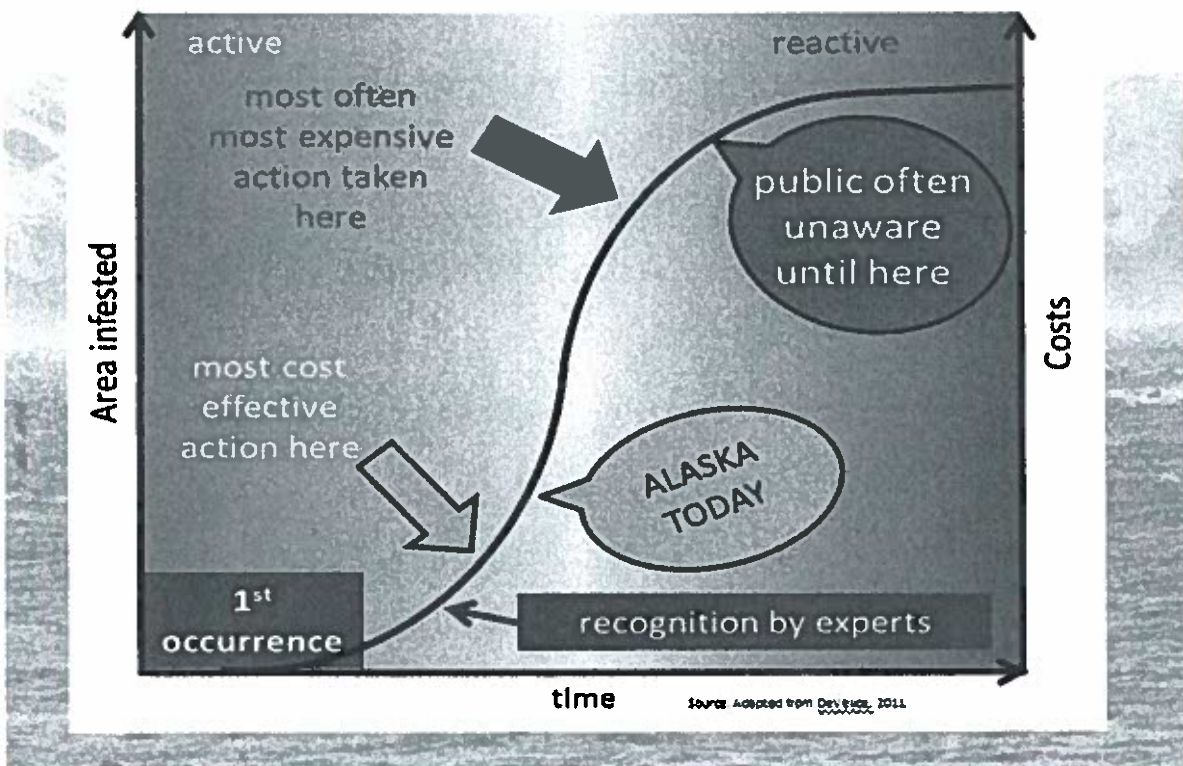
Tim Stallard, Chair
Alaska Committee for Noxious & Invasive Plant Management
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Alaska Committee for Noxious and Invasive Plant Management

Invasion Curve:

As species establish, costs go up!





February 4, 2013

**Representative Paul Seaton
State Capitol
Juneau, AK 99801**

Re: HB 89

Dear Rep. Seaton:

While ASGA supports the intent of HB 89, we are uneasy that it could potentially allow a state agency to be held harmless when unilaterally deciding to destroy private property.

Specifically, 16.05.093(f) holds the State of Alaska harmless if the Alaska Department of Fish and Game (ADFG) unilaterally decides it is necessary to destroy a crop of shellfish, shellfish production equipment or other floating infrastructure to eradicate an invasive species at a shellfish farm.

You attempted to respond to our concerns with 16.05.093(h) which states in part: "the department shall consider the potential effects of its response measures on private property while selecting the most effective methods to eradicate or control the aquatic invasive species."

Frankly, the language is not as strong as we had hoped. Some background might help.

While an invasive species such as the "sea vomit" infecting Whiting Harbor is a serious concern, oyster farmers can completely eradicate the organism from their crops, gear and floating infrastructure utilizing a variety of strategies. While these tunicates are very hard to eradicate from submerged reefs and rocks, there are many treatments an oyster farmer can employ to safely kill the organism without harming the crop of oysters, culture gear, vessels and infrastructure.

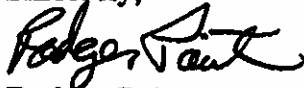
Despite the legitimate concerns about the spread of the tunicates in the marine environment and resulting impacts to habitat and wild organisms, there is no threat to human health from consuming oysters that had been covered by the "marine vomit."

ADFG should work closely with the operators of infected farms to ensure invasive organisms are fully eradicated before ordering destruction of shellfish stocks and other private property. This seems like a common sense response and a course the agency is likely to follow, but we worry about the lack of recourse should ADFG personnel make a quick decision without consultation and interaction with the permit-holder.

We understand the need for a quick response to a situation such as Whiting Harbor and support your intent, but the "hold harmless" clause troubling, particularly when coupled with the soft language in AS 16.05.093(h): "...the department shall consider the potential effects of its response measures on private property while selecting the most effective methods to eradicate or control the aquatic invasive species."

We'd be pleased to work with you and the House Special Committee on Fisheries to resolve this dilemma.

Sincerely,

A handwritten signature in black ink, appearing to read "Rodger Painter", written in a cursive style.

Rodger Painter
ASGA President

c.c. House Special Committee on Fisheries
 Cora Campbell, ADFG
 Ron Josephson, ADFG
 Cynthia Pring-Ham, ADFG



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February 8, 2013

Rep. Paul Seaton
House Fisheries Committee
State Capitol Room 102
Juneau, AK 99801
f. 465.3472

RE: HB 89 "Aquatic Invasive Species"

Dear Chairman Seaton and Committee Members:

I am writing on behalf of the Cordova District Fishermen United Board of Directors and our membership to express our support of the intent of House Bill 89, as it would be a valuable addition to the Department's arsenal for the management of Aquatic Nuisance Species.

As was evidenced in the Pacific NW, marine debris associated with the 2011 Japanese tsunami poses increased opportunity for the introduction and transmission of invasive species into Alaskan waters. The outside beaches in the Gulf of Alaska and the PWS area, where the majority of debris washes ashore, are remote, uninhabited and yet hold some of our most productive salmon streams. Having a rapid response system in place gives the Department the tools to quickly implement eradication efforts and prevent the spread of ANS.

I would also like to acknowledge the concerns expressed by the Alaska Shellfish Growers Association, although in our region we currently don't have the same ANS complications, we can recognize their concern and request for amended language.

Thank you for your thorough consideration of HB 89.

Sincerely,

Alexis Cooper
Executive Director