ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES
February 5, 2013
10:05 a.m.

MEMBERS PRESENT

Representative Paul Seaton, Chair
Representative Eric Feige
Representative Lynn Gattis
Representative Bob Herron
Representative Craig Johnson
Representative Kurt Olson

MEMBERS ABSENT

Representative Jonathan Kreiss-Tomkins

COMMITTEE CALENDAR

OVERVIEW(S): ALASKA DEPARTMENT OF FISH & GAME PRESENTATION OF FOREGONE HARVEST OF SALMON

- HEARD

HOUSE BILL NO. 89
"An Act relating to the rapid response to, and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 89
SHORT TITLE: AQUATIC INVASIVE SPECIES
SPONSOR(s): REPRESENTATIVE(s) SEATON

01/28/13	(H)	READ THE FIRST TIME - REFERRALS
01/28/13	(H)	FSH, RES, FIN
02/05/13	(H)	FSH AT 10:00 AM CAPITOL 120

WITNESS REGISTER

JEFF REGNART, Director
Division of Commercial Fisheries
Alaska Department of Fish & Game (ADF&G)

Juneau, Alaska
POSITION STATEMENT: Provided the Foregone Harvest of Salmon overview on behalf of ADF&G.

LOUIE FLORA, Staff
Representative Paul Seaton
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Presented HB 89 on behalf of Representative Seaton, Prime Sponsor.

DOUGLAS DUNCAN, Intern
Representative Paul Seaton
Alaska State Legislature
Juneau, Alaska
POSITION STATEMENT: Assisted in the presentation of HB 89 on behalf of Representative Seaton, Prime Sponsor.

CHARLIE SWANTON, Director
Division of Sport Fish
Alaska Department of Fish & Game (ADF&G)
Juneau, Alaska
POSITION STATEMENT: Responded to questions, during the hearing of HB 89.

ACTION NARRATIVE

10:05:08 AM

CHAIR PAUL SEATON called the House Special Committee on Fisheries meeting to order at 10:05 a.m. Present at the call to order were Representatives Seaton, Gattis, Herron, and Olson; Representatives Johnson and Feige arrived as the meeting was in progress.

10:05:37 AM

Overview(s): Alaska Department of Fish & Game Presentation of Foregone Harvest of Salmon

CHAIR SEATON announced that the first order of business would be an overview from the Alaska Department of Fish & Game (ADF&G) titled Foregone Harvest of Salmon.

10:06:24 AM

JEFF REGNART, Director, Division of Commercial Fisheries, Alaska Department of Fish & Game (ADF&G), directed attention to the committee handout titled, "A report to the House Fisheries Committee: Salmon Escapements in Excess of Goal," February 2013, and the page 5 illustration titled, "Table 1-Statewide summary," to indicate the overall escapement trends.

The committee took an at-ease from 10:08 a.m. to 10:09 a.m.

10:09:20 AM

MR. REGNART explained that Table 1 provides the frequency change of escapement goals exceeded across the state, by region, with varying results depending on the benchmark being applied. He moved to Table 2-Southeast Region, pointing out that the information reported is specific to each region and names the systems being monitored; the data spans 2002-2011. If analysis shows a system exceeding goals five out of five years, it is highlighted for further scrutiny and the department makes determinations on why over escapement might be occurring and how to improve the situation; a narrative of each identified system is included in the full report. Continuing through the document, he said the succeeding tables similarly report data for each region, namely: Table 3-Central Region, Table 4-Arctic Yukon-Kuskokwim (AYK), and Table 5-Westward Region. He pointed out the systems in each region with escapement criteria showing five out of five years of over escapement, highlighted for further review. He offered that the criteria could be expanded to three out of five, and information provided for the systems which that data would include; however, area biologists would need to be consulted for comment.

CHAIR SEATON requested the expanded report, and stressed the need for the committee to gain an understanding of the reasons for exceeding upper escapement goals.

10:14:22 AM

MR. REGNART returned to page 1, of the handout, and said the narratives correspond to the tables. He said that specific reasons behind the over escapement and how the department considers each situation are herein discussed and include: adequate management techniques; correct in-season authority; and necessary oversight tools - additional assessment projects or regulatory language for better in-season management. He said that in some situations a good fix is not available, such as: harvesting ability; interest within the fleet to target an area;

availability of processors to purchase the catch; and conflict of overlapping runs where one stock is weak and requires protection. All of these challenges face the department on any given year, he said.

10:16:30 AM

MR. REGNART began with the Igushik system, which is productive due to low pressure by fishermen for a number of reasons. The department has provided ample opportunities for harvest; however, certain gear types cannot fish this area. Located in Bristol Bay, the Igushik is often passed over by the fleet due to other bountiful areas that are easier to fish and where tenders are positioned within proximity. Another example of what can preclude harvest of an abundant fishery occurs on the Yukon River. He directed attention to page 3, which begins with discussion of the Yukon Mainstem Summer Chum Salmon. The Chinook [also referred to in this report as King] salmon are a concern in this area, but the once declining chum runs have rebounded to healthy levels. In an effort to protect the Chinook salmon, 750,000 chum go unharvested, due to the runs entering the system simultaneously. The department and Board of Fisheries (BOF) have each taken measures to address the overlap of the runs and improvements are being made. The process is slow as demands on this system are made by every user group. One innovative, strategic approach has been for the department to operate test fisheries prior to announcing a chum opening. Additionally, as a disincentive, the commercial sale of Chinook salmon is disallowed during times of chum harvest. The BOF has recently authorized the department to allow dip nets for chum harvest, for the live release of Chinook bycatch. Additionally, seine catching is being allowed, with the same expectation that Chinook will be live released. The over escapement is a current loss of economic opportunity, but does not have a negative effect on future fishing. As the new management tools are implemented, data for the coming years should show that the Chinook are being protected, as well as an economic increase in the chum harvest.

10:20:42 AM

CHAIR SEATON noted the steps being undertaken to protect the Chinook runs and asked if the department has the appropriate emergency order (EO) authority and regulations in place, for effective in-season management.

MR. REGNART answered that the department has been granted the necessary authority and appropriate regulations are in place to effectively manage the fishery. For example, he said that fish wheels are required to have live boxes to allow release of Chinook, and a Commercial Fisheries Entry Commission (CFEC) permit holder, perhaps for the Lower Yukon, will now be allowed to use as many as four dip nets or a seine made of four inch or smaller gill net, to effectively target the chum. He said these are management tools that the department did not have authority to implement in the past.

CHAIR SEATON stated his understanding, from this testimony, that ADF&G has authority to implement management strategies that will allow appropriate opportunity for economic growth, based on an expanded purview which up to now has been precluded.

10:22:59 AM

MR. REGNART returned to page 1, to review the report in further detail, and began with Southeast Region I. He named the coho salmon index stocks, which are: Hugh Smith, Sitka Survey, and Auke Creek. He said the coho salmon in Southeast are difficult to manage and data is less accurate, due to the way in which the runs move into the systems. Typically, a large movement will occur in conjunction with a natural event, such as a heavy rainfall; escapements will go from zero then soar beyond range. Other species in Region I are not as volatile and do not move a quickly. An exploitation rate of 50 percent, or less, is applied, and the hard data is gathered in post season surveys.

10:24:48 AM

CHAIR SEATON recalled the reluctance of fishing fleet to harvest Southeast coho, in certain areas, and legislation was passed to provide the issuance of permits allowing independent fishermen to tend one another's catch; in the absence of commercial tenders. He asked if these permits are being utilized in Southeast.

MR. REGNART reported that the transporter permits have been used across the state and offered to provide further information to the committee.

CHAIR SEATON stressed the importance for the fleet to know what opportunities are available, and he briefly reviewed the legislation that was passed allowing the department to issue transfer permits.

10:29:39 AM

MR. REGNART stated that the Taku and Klukshu system sockeye salmon are managed under the auspices of the Pacific Salmon Treaty with Canada; the harvests are not solely the purview of ADF&G. Because of treaty dictates, the department does not manage these fisheries solely on abundance and escapement goals can easily exceed targets.

CHAIR SEATON acknowledged the burden for compliance with treaty criteria and stressed the importance to maintain accord among the participants regarding harvest/escapement goals for the systems. He requested further information regarding the cooperative effort.

MR. REGNART agreed to provide further details.

10:31:06 AM

MR. REGNART moved onto Central Region II and the Igushik River Sockeye Salmon narrative. He said it is one of three sockeye producing rivers, in the Nushagak District of Bristol Bay. The over escapement in the system is mainly due to minimal effort and the inability of the fishermen to pull the fish out. The district is shallow and primarily a set-net fishery. The number of fishermen using set-nets has declined from roughly 80 to 50 and drift net fishermen are not inclined to put in effort due to the shallow conditions, making this a hard area to manage. When a strong run returns to the Igushik the department will have daily or continuous openings, but over escapement will continue to occur. Additionally, processors may not emphasize purchasing in the area, nor place tenders in proximity; primarily due to the shallow water conditions.

CHAIR SEATON noted that the report indicates an opening occurred from 6/24-30, 2011. He asked whether the run was over by the end of June and if the closure was for the remainder of the season.

MR. REGNART explained that the run was neither over, nor closed for the year. Usually, the opening would be similar to the Nushagak District, commencing at the peak of the sockeye run, the first week of July, and continuing through the 25th of the month; allowing 12-18 hours of effort per day. Sockeye peak early in the Igushik River and the June coho opening was in addition to the simultaneous opening with the remainder of the

district. He said this is an example of what the department does to encourage harvest of these coho.

10:34:16 AM

MR. REGNART returned to the report, page 2, and drew attention to the Island Creek Pink Salmon section. He stated that the system primarily provides a seine fishery and is one area in a larger system that includes weak runs. Conservative openings are allowed in an effort to rebuild the surrounding streams. It is not possible to describe a fishery or isolate a stream, as the fish will be harvested together. No additional tools are needed to address the over escapement, and the expectation is for adjacent stocks to rebuild and eventually allow expanded opportunity in the area.

CHAIR SEATON clarified that the agency has appropriate means for assessing the area and to adequately issue EOs. He asked whether the technology being used to assess these remote stocks causes any delays of the in-season management

MR. REGNART reported that inflationary budget cuts had caused a cutback in aerial surveys, but additional funding was provided by the governor in FY 2012 and flights have been reinstated. Some of the most isolated systems are being monitored via remote sensing, eliminating the need for an expensive manned weir or costly aerial counts. Additionally, due to satellite uplinks, real-time management occurs on some systems, but not necessarily this one.

CHAIR SEATON asked the division to provide the committee with specific requests to identify whatever ways/means are lacking that would allow economic opportunities to be pursued in the identified areas.

10:39:03 AM

MR. REGNART continued with the Chenik Lake Sockeye Salmon narrative, paraphrasing from the report, which read [original punctuation provided]:

> Historically, the Chenik Lake system (also in Lower Cook Inlet) has been difficult to manage precisely for sockeye salmon given the barrier falls that prevent passage into the Chenik River from the ocean at all but the highest tides. Salmon, therefore, enter the lake in very large pulses. Complicating this is the

turbid water of Lower Cook Inlet that prevents managers from making accurate estimates of sockeye numbers outside of Chenik Lagoon. Current EO authority and management plans are adequate to manage this fishery.

CHAIR SEATON said that the report indicates over escapement in this system every year and said the legislature would like to see the resource harvested to the maximum extent. He suggested that in areas that are consistently over the escapement goals, it may be possible to implement additional remote sensing devices using funding from test fisheries or other means. These are issues which the committee needs to have brought forward for appropriate action to ensure that the state's interests for economic opportunity are being served, he opined.

10:41:22 AM

MR. REGNART directed attention to page 3, to discuss the Yukon Mainstem Summer Chum Salmon narrative. The department is trying new approaches to satisfy chum harvests while protecting Chinook salmon, he reported. The south, middle, and north mouths of the Yukon River are being handled independently, as the ratios of species vary in each area. Test fisheries are conducted to determine the optimal harvest and allow selective chum openings specific to the area; an approach implemented from 2010-2012. During the 2013 season, the department will have additional authority, granted by the BOF, for alternative gear use, as previously mentioned, that should allow for live release of Chinook bycatch. He said it is premature to draw conclusions on how this will improve the chum harvest.

10:43:29 AM

REPRESENTATIVE HERRON said the complaint in AYK is that the mechanical assessment tools being used are restrictive. He asked about the need for new technology, with improved monitoring methods, such as sonar capable of species identification, to clearly monitor the Chinook salmon returns, and if there are any additional/new devices that the department would like to have to help monitor the [south mouth] of the Yukon River.

MR. REGNART responded that the test fishing is important and is conducted more in the south mouth with increased frequency. Through local knowledge, the department has learned that the Chinook return variably through one of the three mouths and, he

said, in-season isolation of which mouth the run is returning through would be key. Sonar would not necessarily prove helpful, but the test nets that are being used, as well as feedback from the commercial fishery appear to be sufficient. Additionally, the commercial applications that will be allowed in the coming season, with the use of dip and seine nets for live release, have good potential to allow an effective harvest of the chum salmon.

REPRESENTATIVE HERRON asked about the department's policy for starting and stopping monitoring of a system that is achieving escapement.

MR. REGNART responded that the department approaches monitoring in a uniform manner across the state, whether data is being collected on a system via a weir, sonar system, tower, or other assessment method. It is important for assessment methods to be in place prior to the arrival of a run, and the department endeavors to set-up systems early, based on historical information; keeping in mind annual migratory variations that may occur. Assessments are continued through the end of a run to gain the most accurate information. He assured the committee that uniform data collection criteria are applied.

REPRESENTATIVE HERRON said that, in the AYK area, the prevailing perception is that fewer monitoring sights are in place and asked if this is a fact and, if so, why.

MR. REGNART answered that modifications have occurred and some techniques work better on some species or in certain areas. For instance, the use of sonar can be effective but also presents problems depending on whether mixed runs are present, in which case test fishing is a better method. He cited the Anvik River sonar assessments, recently discovered to be flawed, which require different techniques to be implemented. The most effective method is sight identification, but in glacial systems, sonar is effective due to lack of visibility. Every system presents challenges, sometimes too great to get satisfactory results. However, the department has not walked away from monitoring any system, but rather proceeded to tailor assessment methods to obtain the best information.

10:51:01 AM

CHAIR SEATON referred to the anticipated use of beach seines and asked whether the parameters of length, depth, and usage are being determined by the department. Further, considering the

methodology of the area, with small operators utilizing skiffs or multiple permit holders working together to release bycatch Chinook alive, he pondered whether the department has the ability to monitor the situation or if special regulations will be needed.

MR. REGNART said the board has adopted regulations for the permit holders and identified the net parameters. He said it is not a seining web, but a gill net; a different net than what might be used in other areas.

CHAIR SEATON inquired further about the different net size and crew configuration.

MR. REGNART responded that the net must be four inches or less, and he assured the committee that the newly approved methods focus on the ability to live release Chinook salmon.

10:53:39 AM

REPRESENTATIVE OLSON inquired how many DIDSON (Dual-frequency IDentification SONar) sonar systems ADF&G is planning to use for in-season monitoring in 2013.

MR. REGNART stated that the primary system being used will be DIDSON. The Bendix system has become obsolete, for the most part, with only one in use; possibly on the west side of Cook Inlet. The short and long range DIDSON has replaced the Bendix units for the most part, and he offered to provide details to the committee. To a follow-up question he said the DIDSON can be operated continuously, around the clock, sometimes enumerating hourly increments. The schedule for operation is based on the species and the run, he said, for instance a ten minute enumeration for every hour of the day may be appropriate depending on the application and management requirements.

REPRESENTATIVE OLSON asked how counting fish on the Kenai River is being handled.

MR. REGNART reported that during a site visit, in 2012, he observed that the units were operating continuously. He offered to provide further details to the committee.

10:56:55 AM

CHAIR SEATON asked whether the department has published any documents on the effectiveness of the sonar. He stressed that

negative results should also be published as Alaska data are a resource for many other state agencies. Further, the reputation of the department is important, and specifically designed systems should have published results for reference purposes, reporting both positive and negative outcomes.

MR. REGNART said the Bendix system was new technology in the 1960s, but the department had to curtail use when it became obsolete with the death of the person who designed and built the systems; eliminating the possibility for continued operation to be supported. The DIDSON was developed in an applied physicist laboratory, at the University of Washington, and has proven to be an index system that works very well. In order to replace the Bendix with a DIDSON, the two units are operated side by side, for a specified number of years, on an index system. The overlap of reported data is important to provide understandable differences, which may be within 15-20 percent. The important aspect is to have confidence in the stability and consistency of the reported data, over a period of time, for effective management of a fishery. He stressed that the accuracy of the Bendix was not in question, but required replacement by a supportable system. The DIDSON does provide additional flexibility, such as the possibility for differentiation of species.

CHAIR SEATON stated his understanding that split beam sonar was not put in the Kenai, in 2012, because there was such variability between the readings from the DIDSON and the split beam counts from the previous two years. Reportedly it was not possible to determine a ratio and escapement goal indexing could not be correlated. He asked for a written report from the department regarding analysis of the Kenai situation and the two devices.

MR. REGNART explained that the split beam unit is created by BioSonics, Incorporated, and he clarified the three systems used in the field, which are: DIDSON, BioSonics split beam, and Bendix. He confirmed the chairman's understanding that the split beam gave the department "fits" within the Kenai [River] enumerating Chinook salmon. The BioSonics unit has not been deployed on the Kenai for the last couple of years, and has been replaced with a long range DIDSON unit. He agreed to provide the committee with a report.

CHAIR SEATON recalled an ADF&G report touting technological effectiveness and suggested the need for the department to publish a retraction statement. He again stressed the

importance for the reliability and reputation of ADF&G publications.

11:02:58 AM

MR. REGNART drew attention to page 4, and the Cinder River Sockeye Salmon report. He said the Cinder River is another system that is difficult to harvest due to the shallow tidal flats. The department is seeking regulatory changes through the BOF, and the Cinder River is a main topic on the agenda for the next meeting; action is expected prior to the next season.

11:04:36 AM

MR. REGNART addressed the handout titled, "Fishery Manuscript Series No. 12-03; Summary of Pacific Salmon Escapement Goals in Alaska with a Review of Escapements from 2003 to 2011," by Andrew R. Munro and Eric C. Volk, dated August 2012, to state that it is an annual document which provides a level of departmental transparency. The report is verbose but allows a look at what is occurring with salmon across the state, by region. He directed attention to page 49, Table 13, titled "Summary of Southeast Region salmon escapements compared against escapement goals for the years 2003 to 2011," which is followed by Figure 6, a bar graph of the same title, providing an illustration of the information by annual percentage of goal achieved. For the table, he suggested viewing the center row, or column, labeled "Goal Met" for a comparison of the data that brackets it labeled "Above Upper Goal" and "Below Lower Goal". These comparisons provide useful escapement trends and he briefly discussed the escapement percentages illustrated on the succeeding pages which provide the same information for the other regions of the state. He offered to explain the report in further detail, when the committee has had an opportunity for review, and to respond to any questions that arise.

CHAIR SEATON said this is important information for the committee to receive, as well as to gain an understanding for how the department tracks salmon escapement trends.

HB 89-AQUATIC INVASIVE SPECIES

11:09:10 AM

CHAIR SEATON announced that the final order of business would be HOUSE BILL NO. 89, "An Act relating to the rapid response to,

and control of, aquatic invasive species and establishing the aquatic invasive species response fund."

11:09:38 AM

LOUIE FLORA, Staff, Representative Paul Seaton, Alaska State Legislature, introduced HB 89 stating that the intent is to address a rapid response to invasive species which may already or are likely to appear in Alaskan waters. In recent committee meetings, invasive species, such as the Sitka infestation of D.vex, commonly called Sea Vomit, have been presented and shown to be a growing problem. It is important to have the ability to address these types of outbreaks. Additionally, he said, immediate attention may be required to address situations such as unknown species arriving on the Japanese tsunami debris and what the growing commerce connected to marine traffic may bring to regions in Alaska. On the books, a long range plan is in place, but HB 89 is specific for developing a rapid response capability within, as well as through the coordination of, state agencies.

11:12:20 AM

DOUGLAS DUNCAN Intern, Representative Paul Seaton, Alaska State Legislature, paraphrased from the sponsor statement, which read [original punctuation provided]:

> HB 89 provides the Alaska Department of Fish and Game (ADF&G) with the statutory authority, and a fund, to swiftly address outbreaks of aquatic invasive species such as D.vex.
>
> HB 89 requires ADF&G, in coordination with the Department of Environmental Conservation, the Department of Natural Resources, and other applicable agencies, to establish and carry out a rapid response plan to an incipient aquatic invasive species.
>
> HB 89 gives ADF&G the authority to use chemical, biological, mechanical, or physical methods to deal with the outbreak. It allows for expedited review of plans for dealing with invasive species, and directs ADF&G staff to prioritize eradication of the invasive species over other management issues for a specific area.

HB 89 specifies that affected private property owners shall be considered, but still allows responding agencies to be held harmless for damages caused by their invasive species treatment. Impacts to native species shall be minimized if possible.

Sea Vomit and other aquatic invasive species have the potential to seriously impact our lucrative commercial fishing, mariculture, and recreational fishing industries. HB 89 gives Alaska the tools to rapidly combat this threat.

MR. DUNCAN stressed that the sooner response can take place the better the possibility of success in protecting the aquatic resources of Alaska; established invasive species are more difficult to control or eradicate.

11:15:13 AM

MR. FLORA reported that, because of the previous legislation considered on this subject, the topic has been discussed by, and opinions contributed from, various interest groups to assist in the crafting of the bill language. For example, inclusion of "incipient populations of aquatic invasive species" is helpful to isolate and trigger a rapid response for targeted action on an incipient versus an endemic invasive population. Paraphrasing from the bill, he said private property owners would be held harmless, as indicated by the language on page 2, subsection (h), which reads [original punctuation provided]:

(h) In responding under (b) of this section to the occurrence of an incipient population of an aquatic invasive species, 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.

MR. FLORA referred to existing regulatory language that governs agricultural pests and can require property owners to pay for mitigation efforts, to underscore the need to include subsection (h). Also, HB 89 creates a rapid response fund, avoiding the need to call a special legislative session in order to appropriate money in the event of an emergency situation due to an outbreak.

11:18:40 AM

REPRESENTATIVE HERRON asked when the current memorandum of understanding (MOU), between DNR, ADF&G and DEC, was signed and whether it is specific to D.vex.

MR. FLORA said he would provide the information to the committee, regarding the signature date of the MOU, and clarified that it is specific to aquatic species.

REPRESENTATIVE HERRON inquired why the governors proposed budget does not include funding for a study/plan for rapid response.

MR. FLORA deferred to a state agency for response.

11:20:30 AM

CHAIR SEATON pointed out that the intent of the bill requires the creation of a plan, including applicable agency MOUs, and to establish a fund to support and make capable a rapid response. The purpose of the fund is not for planning purposes. Citing the Whiting Harbor D.vex infestation, he said it has taken three years for the department to formulate a request for proposal (RFP) in order to handle the outbreak; putting economic fisheries in jeopardy. He pointed out that the purpose of the fund is described within the bill, at the bottom of page 2 [subsection (i)]. Finally, he offered that ADF&G is not only working with DEC and DNR but is collaborating with other state, federal and private entities as well, to develop an effective plan.

11:24:14 AM

CHARLIE SWANTON, Director, Division of Sport Fish, Alaska Department of Fish & Game (ADF&G), referred to Representative Herron's question regarding the MOU to state that it was signed in mid-January. He declined to offer a definitive reason for the lack of a rapid response to the Sitka D.vex infestation, and said some confusion existed over statutory responsibility, which required review by the Department of Law (DOL). He then reviewed the fiscal note, prepared by ADF&G, for HB 89, and said it includes the cost for a staff of three to attend to the administrative procedures required in the bill, over the next 18 months. The first phase would be to update the Aquatic Nuisance Species Management Plan, an eleven year old document, as well as establish a comprehensive outline and finally, create a detailed rapid response plan for the five identified species, which are: Northern pike, D.vex, European green crab, Spartina cordgrass and crayfish.

11:27:18 AM

REPRESENTATIVE HERRON acknowledged that the MOU was signed on January 15, [2013], and said it appears to only cover the freshwater invasive plant Elodea. Referring to the MOU, he noted that the directional language states, "Responses must be thorough and shared by all three agencies." He opined that critics could interpret this to mean a slow response; something to bear in mind. Further, he conjectured whether the sponsor should take heart that the 18 month fiscal note will be adequate. Referring to the previously mentioned 2002 ADF&G statewide management plan for aquatic species considered to be the highest threat, he asked whether the plan is being implemented in relation to today's subject matter.

11:28:41 AM

MR. SWANTON responded, yes, and cited the ADF&G legislative report [presented to this committee on 1/29/13]. Although not considered a rapid response to the D.vex infestation, the report also included discussion of the Northern pike issue, which has been an on-going ADF&G concern. The department has met these challenges utilizing the resources that have been available.

11:29:38 AM

CHAIR SEATON agreed that the agencies were attempting to respond to the D.vex appropriately, and said the legislature may have had other expectations; revealing the need to revisit the statutory authority. He stated his understanding for the major delay, regarding the response to D.vex in Sitka, were the liability issues that arose around the private mariculture facility in Whiting Harbor. He asked if HB 89 would alleviate repetition of a similar legal situation, with the inclusion of the hold harmless language.

11:31:14 AM

MR. SWANTON noted that the bill offers comfort regarding liability concerns; however, statute may apply differently on a situational basis.

CHAIR SEATON requested that the bill be reviewed by ADF&G legal counsel to ensure appropriate language and announced that the bill would be held for further study and response.

11:33:39 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 11:33 a.m.