

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON FISHERIES

April 4, 2017
10:01 a.m.

MEMBERS PRESENT

Representative Louise Stutes, Chair
Representative Zach Fansler
Representative Jonathan Kreiss-Tomkins
Representative Mike Chenault
Representative Mark Neuman

MEMBERS ABSENT

Representative Geran Tarr
Representative David Eastman

COMMITTEE CALENDAR

HOUSE BILL NO. 128

"An Act relating to management of enhanced stocks of shellfish; authorizing certain nonprofit organizations to engage in shellfish enhancement projects; relating to application fees for salmon hatchery permits; and providing for an effective date."

- MOVED HB 128 OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: HB 128

SHORT TITLE: SHELLFISH ENHANCE. PROJECTS; HATCHERIES

SPONSOR(S): REPRESENTATIVE(S) ORTIZ

02/15/17	(H)	READ THE FIRST TIME - REFERRALS
02/15/17	(H)	FSH, FIN
03/07/17	(H)	FSH AT 10:00 AM GRUENBERG 120
03/07/17	(H)	Heard & Held
03/07/17	(H)	MINUTE(FSH)
03/14/17	(H)	FSH AT 10:00 AM GRUENBERG 120
03/14/17	(H)	-- MEETING CANCELED --
03/28/17	(H)	FSH AT 10:00 AM GRUENBERG 120
03/28/17	(H)	Scheduled but Not Heard
03/30/17	(H)	FSH AT 10:00 AM GRUENBERG 120
03/30/17	(H)	-- MEETING CANCELED --
04/04/17	(H)	FSH AT 10:00 AM GRUENBERG 120

WITNESS REGISTER

REPRESENTATIVE DAN ORTIZ
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Presented HB 128, as prime sponsor.

MARY HAKALA, Staff
Representative Dan Ortiz
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Responded to questions during the hearing on HB 128.

FORREST BOWERS, Deputy Director
Commercial Fisheries Division
Alaska Department of Fish & Game (ADF&G)

POSITION STATEMENT: Responded to questions during the hearing on HB 128.

ACTION NARRATIVE

[10:01:49 AM](#)

CHAIR LOUISE STUTES called the House Special Committee on Fisheries meeting to order at 10:01 a.m. Representatives Stutes, Chenault, Fansler, & Neuman were present at the call to order. Representative Kreiss-Tomkins arrived as the meeting was in progress.

HB 128-SHELLFISH ENHANCE. PROJECTS; HATCHERIES

[10:02:23 AM](#)

CHAIR STUTES announced that the only order of business would be HOUSE BILL NO. 128, "An Act relating to management of enhanced stocks of shellfish; authorizing certain nonprofit organizations to engage in shellfish enhancement projects; relating to application fees for salmon hatchery permits; and providing for an effective date."

[10:02:36 AM](#)

REPRESENTATIVE DAN ORTIZ, Alaska State Legislature, reintroduced HB 128 to the committee, paraphrasing from a prepared statement, which read as follows [original punctuation provided]:

Thank you for hearing HB 128 dealing with Shellfish Enhancement Projects.

HB128 advances mariculture opportunities in Alaska - through shellfish enhancement projects.

Very briefly, it allows non-profits to apply for, and pursue enhancement or restoration projects involving shellfish. This may include Red and blue king crab, sea cucumber, geoduck (gooey duck) & razor clams, plus other shell fish species -not yet on the radar.

HB 128 bill holds the Department to a very high standard in their process of issuing permits - specifically requiring the Commissioner to make a finding of "substantial public benefit" and a determination that the project "would not jeopardize natural stocks.

It's important to note that when shellfish are released back into the wild by a permit holder, the shellfish become a common property resource.

HB 128 addresses both rehabilitation and enhancement of shellfish stocks.

The bill has 2 zero fiscal notes

[10:04:24 AM](#)

REPRESENTATIVE NEUMAN asked if there are mechanisms in the bill to allow the commissioner the authority to ensure compliance.

[10:05:08 AM](#)

MARY HAKALA, Staff, Representative Dan Ortiz, Alaska State Legislature, said the commissioner has the discretion to shut down the operation entirely by invoking the safeguards found in Sec. 16.12.040, page 4, line 8, which reads:

(a) If a permit holder fails to comply with the conditions and terms of the permit issued under AS 16.12.010 within a reasonable period after notification by the department of noncompliance, the permit may be suspended or revoked, in the discretion of the commissioner.

(b) If the commissioner finds that the operation of the permitted activity is not in the best interests of the public, the commissioner may alter the conditions of the permit to mitigate the adverse effects of the operation or, if the adverse effects are irreversible and cannot be mitigated sufficiently, initiate a termination of the operation under the permit over a reasonable period under the circumstances, not to exceed four years.

[10:06:17 AM](#)

REPRESENTATIVE FANSLER noted that the terms rehabilitation and enhancement were an initial concern, and asked whether the situation has been addressed.

REPRESENTATIVE ORTIZ deferred comment.

[10:07:16 AM](#)

FORREST BOWERS, Deputy Director, Commercial Fisheries Division, directed attention to the bill, page 8, line 18, to indicate the definitions of the terms for application to HB 128. Enhancement includes increasing the wild stocks reproduction beyond natural levels. Rehabilitation is taking a depressed stock and rebuilding it to a natural reproductive level. A rehabilitation project generally ends once a stock has recovered to a level that it can sustain a common property harvest versus enhancement, which may continue for a period of time.

REPRESENTATIVE FANSLER asked whether the use of the term enhancement, in the bill title, accurately reflects the sponsor's intent.

MR. BOWERS said the title is accurate, and added that the terms were scrutinized for the purposes required in HB 128.

REPRESENTATIVE FANSLER commented on the importance of clarity and maintaining a universal meaning for the terms throughout statute.

[10:10:42 AM](#)

REPRESENTATIVE NEUMAN said that when enhancement occurs, introduction of a species is taking place, and asked what science goes into that decision, and what steps are taken to determine how the action might affect existing aquatic life. He

further asked if a peer review is part of the consideration/permitting process.

MR. BOWERS reported that the types of projects initially anticipated would be efforts for rebuilding stocks that once existed in abundance. Future projects might propose to introduce outside species, and applicants could expect close scrutiny to be exercised prior to permitting. Successful species introduction has occurred elsewhere, such as Norway introducing king crab into Barents Sea, and those successes and challenges would be studied and compared.

REPRESENTATIVE NEUMAN suggested that peer reviews would be in order along with consideration for the entire biological system into which organisms are being introduced, or reintroduced.

MR. BOWERS assured the committee that the bill includes a provision for engaging an external review by independent experts, to advise the commissioner on any permitting decisions.

[10:14:25 AM](#)

REPRESENTATIVE FANSLER moved to report HB 128 out of committee with individual recommendations and the accompanying zero fiscal note. Without objection, HB 128 was moved from the House Special Committee on Fisheries.

[10:14:46 AM](#)

CHAIR STUTES thanked the participants and concluded the meeting.

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Fisheries meeting was adjourned at 10:15 a.m.