

HB

508

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Mission Statement: To develop, expand, and enhance new and existing dive fisheries in Southeast Alaska.

Julie Decker, Executive Director
Box 2138, Wrangell, AK 99929
Ph: 907-874-3110; Fax: 907-874-4270
gigjulie@aptalaska.net
www.sardfa.org

Representative Masek
Representative Scalzi
Alaska State Legislature
Capitol Building
Fax: 465-3472

RE: Support for HB 508

March 22, 2002

Dear Representatives Masek & Scalzi,

On behalf of the Southeast Alaska Regional Dive Fisheries Association, SARDFA, I would like to express support for House Bill 508.

HB 508 will do two things: 1) establish a state web site where all paralytic shellfish poisoning (PSP) results will be posted, and 2) include the Department of Environmental Conservation (DEC) in the planning stages of the dive fisheries each year.

It is necessary to establish a state web site where all PSP results will be posted for three reasons. First, the web site will allow the DEC lab personnel to be more efficient. Second, it will eliminate DEC from the role of deciding who is allowed to receive PSP results (e.g. only allowing those who paid for tests to see the results). Third, as both the harvested and farmed shellfish industries grow, the web site will be a public place to access PSP results for entire geographical areas. This will allow fisheries to be planned by both harvesters and shippers, potential farm sites to be chosen while taking historical PSP levels into account, and the DEC regulators to see if PSP blooms are occurring in a given geographical area.

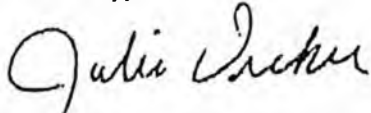
Because SARDFA felt posting PSP results on the web was so necessary with respect to the geoduck fishery, SARDFA began posting the results this year on its new web site. You can view SARDFA's simplistic postings at www.sardfa.org, and click on "PSP Results".

SUPPORT LETTER

Including DEC in the planning stages of the dive fisheries each year is necessary to coordinate information and scheduling between the groups involved (DEC, ADF&G, and SARDFA). Currently the geoduck fishery, and possibly the horse clam fishery in the future, requires coordination of area boundaries, water sampling stations, and PSP planning related to old and new fishing areas in order to schedule the work necessary to open the fishery. Much of the work must be done during the summer months when weather and daylight permit.

HB 508 is another step toward creating a more efficient and improved working structure between state agencies and private entities. Thank you for your consideration of this bill.

Sincerely,



Julie Decker, Executive Director

Members of:
Southeast Conference,
United Fishermen of Alaska, &
Alaska Fisheries Development Foundation

**Southeast Alaska Regional Dive
Fisheries Association**

**Annual Operating Plan
FY2002**

Alaska Department of Fish & Game

and

**Southeast Alaska Regional Dive Fisheries
Association**

June 19, 2001

Introduction

This Annual Operating Plan (AOP) is an agreement between the Alaska Department of Fish and Game (ADF&G) and the Southeast Alaska Regional Dive Fisheries Association (SARDFA) for the expenditure of dive fishery assessment funds for fiscal year 2002, beginning July 1, 2001, and ending June 30, 2002. The development of this plan is directed by Alaska Statute 43.76.200(b):

The Department of Fish and Game shall develop an annual operating plan with the cooperation of the regional dive fishery development association on or before a date specified by the Department of Fish and Game. The qualified regional dive fishery development association shall cooperate with the Department of Fish and Game in the development of the annual operating plan. The annual operating plan must describe the activities for which the funding will be expended, including identification of species and areas for which bioassessment surveys will be conducted, a description of management and research activities to be performed, planning for dive fisheries, and administrative activities of the association. Funds appropriated to the Department of Fish and Game for funding of qualified regional dive fishery development associations may not be disbursed by the department or expended by the association, except for administration of the association, unless the annual operating plan has been approved by the association and the Department of Fish and Game.

Available Funding

SARDFA members approved assessments of 7% of the landed value of red sea urchins, and 5% for sea cucumbers and geoducks, effective April 1, 1999. During the fiscal year beginning July 1st, 2000, and ending June 30th, 2001, \$43,922.83 was deposited into the State of Alaska's treasury from landings in the sea urchin fishery. During that same period, \$156,503.92 was deposited from the sea cucumber fishery, and \$24,495.63 from the geoduck fishery. The total dive assessments available for fiscal year 2002 for the three dive fisheries is \$224,922.38.

During the 2001 legislative session, the above available funds were appropriated by the Alaska State Legislature in the Operating Budget, HB103. The appropriation occurs in the language section of the Operating Budget, HB103:

Sec. 10. Dive Fishery Management Assessment. The dive fishery management assessment collected under AS 43.76.150 - 43.76.210 in fiscal year 2001 and deposited into the state treasury under AS 43.76.190(d) is appropriated from the state treasury to the Department of Fish and Game for disbursement under AS 43.76.200 in fiscal year 2002 of the amount collected in each administrative area to the qualified regional dive fishery development association operating within the administrative area in which the assessment was collected. For purposes of the state accounting system, the amount appropriated in this section may be treated as an appropriation made under the fund source code for receipt supported services.

Budget Plan

In accordance with SARDFA policy, these assessment revenues will be allocated to expenses related to the specific fishery from which the assessments were generated. For example, the sea cucumber assessments will be used to pay for surveys, research, and other expenses related only to the sea cucumber fishery, and an equal percentage of the SARDFA administration, based on the Fluctuating Guideline Ratio. The sea urchin and geoduck fisheries will do the same.

The Fluctuating Guideline Ratio (FGR) is the term designated by the SARDFA Board of Directors to describe the systematic way in which the SARDFA Administration is to be paid by the dive fishery assessments. The FGR is the total SARDFA Administration costs as a percentage of the total dive fishery assessments. This percentage is then taken from each species' assessment and rounded to the nearest dollar to pay for the cost of the SARDFA administration. For this AOP, the FGR is 27.945%.

Fluctuating Guideline Ratio

$$\begin{aligned} & \text{(Total SARDFA Administration costs / Total Assessments) =} \\ & \text{(\$62,855 / \$224,922.38) =} \\ & \text{27.945\%} \end{aligned}$$

The following budgets (Sea Cucumber, Sea Urchin, and Geoduck Assessment Budgets) outline how the dive assessments are to be used during the fiscal year 2002.

Sea Cucumber Assessment Budget

1) SARDFA Administration*	\$ 43,735.00
2) New Area Surveying (6 areas)	\$ 40,000.00
3) Continue Control Areas (3 areas)	\$ 20,000.00
4) Genetic, Growth, & Recruitment Studies	\$ 17,000.00
5) Reserve & Development Fund FY02*	\$ 35,768.92
Total	\$156,503.92

In the Sea Cucumber Assessment Budget above, Line 1, SARDFA Administration, shall be used by SARDFA as detailed in the Approved SARDFA Administration Budget (see page 5). Line 2, New Area Surveying, shall be used by ADF&G to survey and set quotas in six new areas (three areas for the 2001/2002 season and three for the 2002/2003 season). These areas shall be prioritized by SARDFA and ADF&G. Line 3, New Control Areas, shall be used by ADF&G to continue research on three control areas that have never been harvested. This research was started in these areas in fiscal year 2001. Line 4, Genetic, Growth and Recruitment Studies, shall be used by ADF&G to supplement federally funded research. \$12,000 shall fund genetic studies and \$5,000 shall fund growth and recruitment (tagging) studies. Line 5, Reserve and Development Fund FY02, shall be used by SARDFA for projects that will help develop the sea cucumber fishery. For example, the Reserve and Development Fund could be used for

further reconnaissance or bioassessment surveying, beginning an enhancement project, marketing, needed research, or any project that may further develop the fishery and is agreed upon by the SARDFa Board of Directors. [The asterisks designate funds to be disbursed by ADF&G to SARDFa.]

Sea Urchin Assessment Budget

1) SARDFa Administration*	\$ 12,274.00
2) ADF&G Management	\$ 31,648.83
Total	\$ 43,922.83

In the Sea Urchin Assessment Budget above, Line 1, SARDFa Administration, shall be used by SARDFa as detailed in the Approved SARDFa Administration Budget. Line 2, ADF&G Management, shall be used by ADF&G to fund the management of the sea urchin fishery. In the past, this cost was paid by the processors, divers, and municipalities. These management costs were paid by the dive assessments for the first time in fiscal year 2001.

Geoduck Assessment Budget

1) SARDFa Administration*	\$ 5,846.00
2) PSP & Water Testing*	\$ 17,649.63
Total	\$ 24,495.63

In the Geoduck Assessment Budget above, Line 1, SARDFa Administration, shall be used by SARDFa as detailed in the Approved SARDFa Administration Budget. Line 2, PSP and Water Testing, shall be used by SARDFa to pay the costs associated with water certification of new and old areas, sampling geoducks for PSP levels, shoreline surveys, and any other expenses associated with the geoduck fishery of which the SARFA Board of Directors approves.

The funds to be transferred from ADF&G to SARDFa are marked with asterisks above. They include the amounts listed for SARDFa Administration for each species (\$43,735 + \$12,274 + \$6,846 = \$62,855), the Sea Cucumber Reserve & Development Fund FY02 (\$35,768.92), and the Geoduck PSP & Water Testing (\$17,649.63). The total to be received by SARDFa from ADF&G is \$ 116,273.55.

Approved SARDFa Administration Budget

The Approved SARDFa Administration Budget below outlines the administrative activities for which SARDFa will be using the dive assessments.

Office Expenses Subtotal		<u>\$4,255</u>
Postage	\$180	
Long Distance Charges	\$1,200	
Misc. Office Supplies	\$375	
Legislative Newsletter	\$300	
Web Site Construction & Maintenance	\$2,200	
Conference Expenses Subtotal		<u>\$10,000</u>
Travel	\$6,000	
Teleconference	\$4,000	
Accountant/Attorney Expenses Subtotal		<u>\$5,400</u>
Annual Directors' Election	\$2,000	
Annual Report	\$500	
Federal Form 990	\$500	
Attorney Consultation	\$2,400	
Salary & Rents Subtotal		<u>\$40,000</u>
Executive Directors' Salary	\$35,000	
Office Rents	\$5,000	
Memberships Subtotal		<u>\$3,200</u>
AK Fisheries Dev. Foundation Membership	\$400	
Southeast Conference Membership	\$300	
United Fishermen of Alaska Membership	\$2,500	
Outstanding Debt		<u>\$ 0</u>
Grand Total SARDFa Admin. Budget		<u>\$62,855</u>

Fishing and Survey Areas

With respect to the aquatic farm regulations 5 AAC 41.240(b)(1)(F)(i)&(ii), SARDFA feels it is necessary to document its intent for commercial fishing areas. SARDFA was formed with this mission: "to develop, expand, and enhance new and existing dive fisheries in Southeast Alaska". The expansion of the dive fisheries is directly dependent upon opening new areas to commercial harvest. SARDFA intends to reconnaissance survey all potential harvest areas in Southeast Alaska, leading to the bioassessment and harvest of all commercially viable areas in Southeast Alaska.

Develop Survey Strategy

If ADF&G and SARDFA continue to be successful in reaching their goal of developing the dive fisheries by opening new harvest areas, a potential problem can be foreseen in supplying enough stock assessment hours to meet the needs of the fisheries. ADF&G and SARDFA will work on a strategy in the next fiscal year to deal with this potential problem.

Timeline

ADF&G will disperse the total amount of the dive assessments for SARDFA's use to SARDFA on or before July 31st, 2001.

Approval

The FY 2002 Annual Operating Plan, regarding use of the dive assessment funds for the fiscal year 2002, is hereby approved by the Southeast Alaska Regional Dive Fisheries Association (SARDF) and the Alaska Department of Fish and Game (ADF&G).

Julie Decker 7/10/01
 Julie Decker Date
 Executive Director
 Southeast Alaska Regional Dive Fisheries Association

Doug Mecum 6/29/01
 Doug Mecum Date
 Director, Division of Commercial Fisheries
 Alaska Department of Fish & Game

Kevin Brooks 6.29.01
 Kevin Brooks Date
 Director, Division of Administration
 Alaska Department of Fish & Game

Alaska State Legislature

Representative Beverly Masek
Co-Chair
State Capitol
Juneau, AK 99801-1182
(907) 465-3715
Fax: 465-4822
1-800-505-2678



Representative Drew Scalzi
Co-Chair
State Capitol
Juneau, AK 99801-1182
(907) 465-6890
Fax: 465-4822
1-800-665-2689

House Resources Committee

SPONSOR STATEMENT

House Bill 508

"An Act relating to publication of results of testing for paralytic shellfish poisoning by the Department of Environmental Conservation and to participation of the Department of Environmental Conservation in the development of operating plans of qualified regional dive fishery associations."

The standard practice of the Alaska Department of Environmental Conservation (ADEC) for posting of paralytic shellfish poisoning (PSP) results is to send the results by facsimile to interested parties usually within one hour of obtaining results. HB 508 requires ADEC to post these results on its official internet web site within this existing time frame rather than sending them by facsimile. The burden is shifted to the interested public to access the site to obtain results. The site will also act as a central database for PSP test results. This change will eliminate numerous calls from the public to the ADEC lab and eliminate duplicative effort by its personnel. Posting on the website will also provide equal public notification.

In 1977, the legislature created the statutory authority for the creation and assessment capability of qualified regional dive fishery associations. The Southeast Alaska Regional Dive Fisheries Association (SARDFA) was formed upon passage of this legislation and has been working with the Alaska Department of Fish & Game (ADF&G) to develop the commercial dive fishery in southeast Alaska since that time.

HB 508 adds ADEC to the planning process for the development of the fishery's annual operating plan. While ADF&G manages the fisheries, ADEC is responsible for certifying water quality and PSP levels for shellfish. In developing annual operating plans involving species subject to PSP, times, areas, and levels of testing must be included. Having ADEC officially participate in the planning process creates a more coordinated and successful operating plan and fosters the private/public partnership.

Rep. Drew Scalzi
March 21, 2002

HB 508

Amendment #1 to HB508

DELETE

Page 1 lines 6 through 9

REPLACE

Section 1. LEGISLATIVE INTENT: It is the intent of the legislature that the Department of Environmental Conservation promptly distribute the results of testing for paralytic shellfish poisoning for species harvested by regional dive fishery associations conducted by or on behalf of the department to the public by means of the official internet web site of the department.

Subject: [Fwd: HB 508]

Date: Mon, 25 Mar 2002 08:48:46 -0900

From: Representative Drew Scalzi <Representative_Drew_Scalzi@legis.state.ak.us>

To: Pat Hartley <Pat_Hartley@legis.state.ak.us>

Subject: HB 508

Date: Sat, 23 Mar 2002 14:12:39 -0900

From: "Adair, Janice" <Janice_Adair@envircon.state.ak.us>

To: "Representative_Drew_Scalzi@legis.state.ak.us" <Representative_Drew_Scalzi@legis.state.ak.us>

CC: "Siroky, Mary" <Mary_Siroky@envircon.state.ak.us>, "Brown, Michele" <Michele_Brown@envircon.state.ak.us>

Dear Representative Scalzi:

Please accept this email as testimony on HB 508. I apologize for submitting this via email (it seems very casual) but I am out of state and cannot participate in the hearing on Monday. Although the department will have a representative at the hearing, this is my only means to communicate with the committee.

We wholeheartedly support Section 2 of the bill. Hopefully, by having DEC participate in the development of the operating plan, many of the issues we've had in the past will be non-existent.

We do have two serious concerns with Section 1. We have been planning to do some sort of electronic posting of PSP results for members of SARDFA, however Section 1 applies to all PSP testing that we would do for any shellfish operation.

Many of them do not have access to the internet so posting on the web will be meaningless to them.

Although PSP results are public information, we are very concerned about posting them on the internet where they can be accessed by anyone, and potentially misused or misunderstood. We would hate to see the marketing of Alaska shellfish hampered or hurt in any way because someone interprets high PSP levels from one lot or species as applying to all lots or species.

In my dealings with seafood processors, they have been very sensitive to this kind of issue. Therefore, I believe that other shellfish operators must be contacted regarding Section 1.

In order to not slow the bill down, a solution might be to remove Section 1 as a law in statute and replace it as legislative intent language, something along the lines of:

It is the intent of the legislature that the department to find a way to post PSP test results on the internet as soon as they are available if such posting will speed the delivery of the PSP results to the shellfish operator who requested the testing.

As I said, we have been headed this way for geoduck PSP tests. No other shellfish operator has asked that we post their results on the internet but once we figure out an efficient way to do it for SARDFA, we could easily apply the system to any other shellfish operator.

Thank you for consideration of these concerns.

[Fwd: HB 508]

Janice Adair
Director
Division of Environmental Health
Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2002 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB 508
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title PSP Reporting/Dive Fishery Association BRU Environmental Health
Component Food Safety and Sanitation
Sponsor House Resources
Requester House Resources Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

POSITIONS

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary)

Should the Southeast Alaska Regional Dive Fisheries Association's Annual Operating Plan identify activities to be conducted by the Department of Environmental Conservation, those activities will need to be funded from the Dive Fishery Assessment fund or some other appropriate state or federal funding source.

Prepared by: Mary Siroky - Legislative Liaison Phone (907) 465-5355
Division: Statewide Public Services Date/Time 3/22/02 3:30 PM
Approved by: Kurt Fredriksson - Deputy Commissioner Date 3/22/2002
Agency: Department of Environmental Conservation