

SB

172

<TARGET><BILL>SB 172</BILL><SUBJECT>SB
172</SUBJECT><COMM>SRES29</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 2/5/16

FURTHER: Finance

Date of 5-Day Notice: 02/18/16
(in accordance with Uniform Rule 23)

DATE TURNED IN TO OFFICE: 03/17/16

Resources Committee considered SENATE BILL NO. 172

SB 172 FISH/SHELLFISH HATCHERY/ENHANCE. PROJECTS

"An Act relating to management of enhanced stocks of fish; authorizing the operation of nonprofit shellfish hatcheries; relating to application fees for salmon and shellfish hatchery permits; and providing for an effective date."

and recommends:

- be replaced with CS SB 172 (RES) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

Dept Abbr.	
ADM	LWF
CED	LAW
COR	LEG
EED	MVA
DEC	DNR
DFG	DPS
GOV	REV
DHS	DOT
AJS	UA

NEW FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #

PREVIOUS FISCAL NOTE(S)				
Dept.	Fiscal	Indet.	Zero	FN #
DFG	✓			

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	PRINTED LAST NAME	DO PASS	DO NOT PASS	NO REC	AMEND
	Costello	✓			
	Wielechawski			✓	
	Coghill			✓	
	Micciche	✓			
	Stedman			✓	
	Stoltze		✓		
CHAIR:	Giesel	✓			

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Governor Bill Walker
STATE OF ALASKA

February 4, 2016

The Honorable Kevin Meyer
President of the Senate
Alaska State Legislature
State Capitol, Room 111
Juneau, AK 99801-1182

Dear President Meyer:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill relating to management of enhanced stocks of fish; authorizing the operation of nonprofit shellfish hatcheries; and application fees for salmon and shellfish hatchery permits.

The bill would authorize the Commissioner of Fish and Game to permit the construction and operation of shellfish hatcheries by nonprofit corporations for the purpose of enhancing shellfish fisheries. The bill would also make several other related amendments to State law relating to shellfish hatcheries.

The Board of Fisheries is statutorily tasked to manage fish stocks in the state; fish stocks include invertebrate species, such as shellfish. Currently, under AS 16.40.100 - 16.40.199 the Commissioner may permit the construction and operation of shellfish hatcheries for the purpose of supplying shellfish to an aquatic farm, but may not permit the construction and operation of shellfish hatcheries for the purpose of enhancing shellfish fisheries. The bill is largely modeled after AS 16.10.375 - 16.10.480, which authorizes the Commissioner of Fish and Game to permit the construction and operation of salmon hatcheries for the purpose of enhancing salmon fisheries.

The bill would also make conforming amendments to the determination of authorized gear to allow use of legal gear to harvest shellfish, to allow donations of shellfish to a food bank, and to exempt from State corporate income tax income from a nonprofit corporation holding a permit to operate a shellfish hatchery for enhancement of shellfish stock.

In addition, the bill would update the application fee for a salmon hatchery permit.

Enhancement of the State's shellfish fisheries would benefit the state's economy by providing a method to increase the available harvest of shellfish for public use in an environmentally safe manner.

The Honorable Kevin Meyer
Transmittal Shellfish Hatcheries
February 4, 2016
Page 2

I urge your prompt and favorable action of this measure.

Sincerely,

A handwritten signature in black ink that reads "Bill Walker". The signature is written in a cursive, flowing style.

Bill Walker
Governor

Enclosure



Sectional Analysis, SB 172
Shellfish Enhancement Project
February 16, 2016

Sec. 1

Provides the Alaska Board of Fisheries authority to direct the department to manage production of enhanced shellfish stocks, beyond broodstock needs, for cost recovery harvest.

Sec. 2

Increases the permit application fee for new private nonprofit salmon hatcheries from \$100 to \$1,000.

Sec. 3

Provides direction to the commissioner on issuance of permits for private nonprofit shellfish hatcheries and establishes a \$1,000 permit application fee. This section directs the commissioner to consult with technical experts in the relevant areas before permit issuance. This section provides for a hearing prior to issuance of a shellfish hatchery permit and describes certain hatchery permit terms including cost recovery fisheries, harvest, sale, and release of hatchery-produced shellfish, and selection of broodstock sources. This section describes reporting requirements and terms for modification or revocation of a permit.

Sec. 4

Provides the commissioner authority to issue special harvest area entry permits to holders of private nonprofit hatchery permits issued by the department.

Sec. 5

Defines legal fishing gear for special harvest area entry permit holders.

Sec. 6

Exempts fish raised in a private nonprofit shellfish hatchery from the farmed fish definition.

Sec. 7

Provides liability immunity to nonprofit shellfish hatchery operators who donate fish to a food bank.

Sec. 8

Establishes tax exemption to a nonprofit corporation holding a shellfish hatchery permit.

Sec. 9

Exempts shellfish harvested a special harvest area entry permit from certain taxes.

Sec. 10

Sets an effective date for new fee proposed in sec. 2 as the date this bill is effective.

Sec. 11

Authorizes the department to adopt implementing regulations.

Sec. 12

Establishes an immediate effective date for sec. 11 pursuant to AS 01.10.070(c).



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of Fish and Game

OFFICE OF THE COMMISSIONER
Headquarters Office

1255 West 8th Street
P.O. Box 115526
Juneau, Alaska 99811-5526
Main: 907.465.4100
Fax: 907.465.2332

February 16, 2016

The Honorable Cathy Giessel, Chair
Senate Resources Committee
State Capitol Building, Room 427
Juneau, AK 99801

Dear Senator Giessel:

The Alaska Department of Fish and Game (ADF&G) respectfully requests SB172 "An Act relating to management of enhanced stocks of fish; authorizing the operation of nonprofit shellfish hatcheries; relating to application fees for salmon and shellfish hatchery permits; and providing for an effective date." be scheduled for a hearing in the Senate Resources Committee at your earliest convenience.

The purpose of this legislation is to allow ADF&G to permit the construction and operation of shellfish hatcheries by nonprofit corporations for the purpose of enhancing shellfish fisheries. This bill allows donations of enhanced shellfish resources to a foodbank. This bill also exempts nonprofit corporations holding a permit to operate a shellfish hatchery from state corporate income tax requirements. Additionally, this bill allows enhancement of the state's shellfish fisheries and benefits the state's economy by providing a method to increase available harvest of shellfish for public use.

Your favorable consideration of this request is appreciated. If you need any additional information, please contact Kevin Brooks, Deputy Commissioner for the Alaska Department of Fish and Game at 907-465-6138.

Sincerely,

A handwritten signature in cursive script that reads "Sam Cotten".

Sam Cotten
Commissioner

cc: Darwin Peterson, Legislative Director, Office of the Governor



ALASKA STATE LEGISLATURE

SENATE RESOURCES COMMITTEE

SEN. CATHY GIESSEL
Chair
State Capitol, Room 427
Juneau, AK 99801-1182
(907) 465-4843 Fax 465-3871

Sen. Mia Costello, Vice-Chair
Sen. Peter Micciche
Sen. Bert Stedman

Sen. John Coghill
Sen. Bill Stoltze
Sen. Bill Wielechowski

SENATE BILL 172

Sponsor(s): Senate Rules Committee by Request of the Governor

Explanation of Changes: Version E

1. The title is changed to reflect the following changes:
"An Act relating to management of stocks of shellfish; authorizing certain nonprofit organizations to engage in shellfish stock rehabilitation efforts, carry out shellfish enhancement projects, and operate shellfish hatcheries; relating to application fees for salmon hatchery permits; and providing for an effective date."
2. Page 2, Lines 13-14, inserts a new title for the new chapter 12: "Shellfish Stock Rehabilitation Efforts, Enhancement Projects, and Hatcheries."
3. Page 2, Lines 15-19, reflect language changes to include shellfish stock rehabilitation and enhancement projects in the section;
4. Page 2, Lines 22-24, changes the language by removing "hatchery permit" and replacing it with "a permit issued under this section." Also removes "a hatchery" and replaces it with "a facility."
5. Page 2, Lines 28-30, restructures the wording of the paragraph without substantive changes.
6. Page 3, Lines 6-10, restructures the wording of the paragraph. Adds the terms proposed stock rehabilitation effort and enhancement project (line 7) to the paragraph. Adds the words "the capacity of the facility" (line 9) to the paragraph.
7. Page 3, Lines 15-16, removes the words "a hatchery operator" and replaces them with "a permit issued under this chapter."
8. Page 3, Lines 17-20, restructures the wording of the paragraphs without substantive changes.

9. Page 3, Lines 21-22, adds a new paragraph prohibiting a permit holder from procuring or placing genetically modified shellfish into the water of the state.
10. Page 3, Lines 23-31, restructures the wording of the paragraphs without substantive changes.
11. Page 4, Lines 1-3, restructures the wording of the paragraph. Removes the words "operators of other hatcheries," replacing them with "other permit holder."
12. Page 4, Lines 4-8, restructures the wording of the paragraphs without substantive changes.
13. Page 4, Lines 21-22, removes the word "hatchery," replacing it with "permit holder." Also replaces "AS 16.12.010-16.12.199" with "this chapter."
14. Page 4, Line 25, removes the words "hatchery operator," replacing it with "permit holder."
15. Page 4, Line 29, replaces the words "hatchery operators" with "permit holders."
16. Page 4, Line 31, replaces "AS 16.12.010-16.12.199" with "this chapter."
17. Page 5, Lines 4-5, replaces "in the planning, construction, or operation of shellfish hatcheries" with "as to stock rehabilitation efforts, enhancement projects, or the planning, construction, and operation of facilities."
18. Page 5, Line 7/Page 5, Line 8 replaces "AS 16.12.010-16.12.199" with "this chapter."
19. Page 5, Lines 12-13, restructures the wording of the paragraph. Removes the words "and then, upon department approval, from other areas, as necessary."
20. Page 5, Line 15, replaces "shellfish hatchery operator" with "permit holder."
21. Page 5, Line 16, replaces "another hatchery operating under a permit issued under AS 16.12.010-16.12.199" with "another permit holder under this chapter."
22. Page 5, Line 18-19, restructures the wording of the paragraph without substantive changes.
23. Page 5, Lines 20-22, restructures the wording of the paragraph without substantive changes.
24. Page 5, Lines 23-23, replaces "a hatchery permit holder may harvest shellfish for a facility" with "a permit holder may harvest shellfish for a stock rehabilitation effort, an enhancement project, or a hatchery."
25. Page 5, Lines 30-31/Page 6, Lines 1-2 replaces "a hatchery permit holder" with "a permit holder;" replaces "membership of the hatchery permit holder's board" with "permit holders board;" replaces "established for that facility through the common property fishery" with "established for stock rehabilitation, an enhancement project, or a hatchery through the common property fishery."

26. Page 6, Line 11, replaces "hatchery" with "permit holder."
27. Page 6, Line 13, replaces "hatchery" with "permit holder."
28. Page 7, Line 4, replaces "hatchery permit holder" with "permit holder."
29. Page 7, Line 8, replaces "shellfish hatchery" with "permit holder's stock rehabilitation effort, enhancement project, or hatchery."
30. Page 7, Lines 19-20, replaces "hatchery permit holder who operates a facility" with "permit holder who is rehabilitating stock, carrying out an enhancement project, or operating a facility."
31. Page 7, Lines 30-31/Page 8, Line 1, removes the definition of "facility" from subsection (g)."
32. Page 8, Line 3, replaces the title "Inspection of hatchery" with "Inspection by the department."
33. Page 8, Lines 3-7, includes the terms stock rehabilitation facility and enhancement project facility to be inspected along with hatcheries by the Department of Fish and Game.
34. Page 8, Lines 8-9, restructures the wording of the paragraph without substantive changes.
35. Page 8, Lines 10-19, reformats the paragraph to be enumerated.
36. Page 8, Line 19, removes the word "hatchery," inserts the words "by the permit holder."
37. Page 8, Lines 25-26, inserts a definition of "facility." NOTE: This definition is different than the one removed in change 31.
38. Page 8, Lines 27-31, inserts a definition of "genetically modified shellfish."
39. Page 9, Line 4, the definition of "shellfish" is modified to remove the words "or that is authorized to be imported into the state under a permit issued by the commissioner."
40. Page 9, Lines 5-6, inserts a definition of "stock rehabilitation."
41. Page 9, Lines 8-14, reformats Section 4(a) to constitute two new paragraphs. Replaces "AS 16.12.010-16.12.199 for shellfish," with "(2) nonprofit organizations holding a permit under AS 16.12 for a shellfish stock rehabilitation effort, a shellfish enhancement project, or a shellfish hatchery."
42. Page 10, Line 1, inserts the words "or other facility."
43. Page 10, Lines 19-30, inserts a new Section 9 to comport with the repeal and reenactment language of sec. 2, ch.55, SLA 2013, related to Section 8 (Page 10, Lines 4-18).

44. Page 11, Line 10, removes the words "may proceed to."
45. Page 11, Lines 15-16, inserts a new Section 14, instituting an effective date for the new Section 9 (Page 10, Lines 19-30).

Nancy Hillstrand
Pioneer Alaskan Fisheries Inc.
4306 Homer Spit
Homer Alaska 99603

March 4th 2016
907-235-9772

Greetings,

Please consider the below changes to SB 172 to clarify and uphold the wild spawning fish population policies and constitutional articles of the State of Alaska and to create a broader partnership to oversee Commercial Hatchery operations to avert "adverse affects on natural stocks of fish" and Alaskans .

SENATE BILL NO. 172

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/5/16

Referred: Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to management of enhanced stocks of fish; authorizing the operation of
2 nonprofit shellfish hatcheries; relating to application fees for salmon and shellfish
3 hatchery permits; and providing for an effective date."

4 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

5 * **Section 1.** AS 16.05.730(c) is amended to read:

6 (c) The board may consider the need of enhancement projects authorized
7 under AS 16.10.400 and contractors who operate state-owned enhancement projects
8 under AS 16.10.480 to harvest and sell fish produced by the enhancement project that
9 are not needed for brood stock to obtain funds for the purposes allowed under
10 AS 16.10.450 or 16.10.480(d). The board may consider the need of enhancement
11 projects authorized under AS 16.12.010 to harvest and sell shellfish that are not
12 needed for brood stock to obtain funds for the purposes allowed under
13 AS 16.12.080. The board may exercise its authority under this title as it considers
14 necessary to direct the department to provide a reasonable harvest of fish, in addition

SB0172A

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SB 172

New Text Underlined [DELETED TEXT BRACKETED]

1 to the fish needed for brood stock, to an enhancement project to obtain funds for the
 2 enhancement project if the harvest is consistent with sustained yield of wild fish
 3 stocks. **And all comprehensive measures have been taken to first comprehend, mitigate or correct underlying causes of localized depletions of wild naturally spawning shellfish, gear/allocation conflict. Habitat structure damage, wild stock interaction, predation or outcompetition by other hatchery fish activities.**
 The board may adopt a fishery plan to provide fish to an enhancement project

4 to obtain funds for the purposes allowed under AS 16.10.450, [OR] 16.10.480(d), **or**
 5 **AS 16.12.080.**

6 * **Sec. 2.** AS 16.10.400(b) is amended to read:

7 (b) The application for a permit under this section shall be on a form
 8 prescribed by the department and be accompanied by an application fee of **\$1,000**
 9 **[\$100]**. The commissioner may waive the submission of an application for a permit to
 10 operate a hatchery under AS 16.10.480.

11 * **Sec. 3.** AS 16 is amended by adding a new chapter to read:

12 **Chapter 12. Shellfish Hatcheries.**

13 **Sec. 16.12.010. Permits for shellfish hatcheries.** (a) The commissioner or
 14 a designee with the **Independent Neutral Council (INC) and the Board of Fisheries**
 15 **BOF** may issue a permit, subject to the restrictions imposed by statute or
 16 regulation under AS 16.12.010 - 16.12.199, to a nonprofit corporation organized under
 AS 10.20, for the construction and operation of a shellfish hatchery **only after being**
presented with comprehensive measures first taken to comprehend, mitigate or
correct underlying causes of localized depletions of wild naturally spawning
shellfish, gear/allocation conflict. Habitat structure damage, wild stock interaction,
predation or outcompetition by other hatchery fish activities.

17 (b) Each application for a permit under this section must be in a format
 18 prescribed by the department and be accompanied by an application fee of \$1,000.

19 (c) A hatchery permit is nontransferable. If a permit holder sells or leases a
 20 hatchery for which a permit is issued under this section, the new operator shall apply
 21 for a new permit under this section.

22 (d) The commissioner shall consult with and solicit recommendations from
 23 federal and state agencies and technical experts in the relevant area regarding permit
 24 stipulations and issuance. **An Independent Neutral Council (INC) will be created to**
aid oversight with the commissioner, the department, and the BOF

25 (e) A permit may not be issued under this section unless the commissioner
Independent Neutral Council (INC)

26 determines that the action would result in substantial public benefits and obvious
27 return for the maximum benefit of the Alaskan people. and would not
jeopardize outcompete, replace or genetically alter natural stocks of wild fish species.

28 **Sec. 16.12.020. Hearings before permit issuance.** (a) At least 90 [30] days
before

29 the issuance of a permit under AS 16.12.010, the department shall hold a public
30 hearing in a central location in the vicinity of the proposed release.

31 (b) Notice of the hearing shall be published in a newspaper of general

1 circulation once a week for **eight** [three] consecutive weeks, with completion of the notice at
 2 least **thirty** [five] days before the hearing.

3 (c) The hearing shall be conducted by the department **and the**
Independent Neutral Council (INC). The applicant shall
 4 present a plan for the proposed hatchery describing the capacity of the hatchery,
Condition of surrounding habitat structure, wild stock interaction, measures taken to
first comprehend, mitigate or correct underlying causes of localized depletions,
gear/allocation conflict and
 5 other relevant facts that may be of interest to the department or the public. Interested
 6 members of the public shall be given an opportunity to be heard.

7 (d) The department with the **Independent Neutral Council (INC)** shall record
 and consider objections and recommendations
 8 offered by the public at the hearing conducted under this section. The department shall
 9 respond in writing, not later than 30 days after the hearing is held, to a specific
 10 objection offered by a member of the public at the hearing.

11 **Sec. 16.12.030. Conditions of a permit.** The department shall require, in a
 12 permit issued to a hatchery operator, that

13 (1) shellfish procured by the permit holder must be from the
 14 department or a source approved by the department **the Independent Neutral Council**
(INC) and the Board of Fisheries (BOF);

15 (2) shellfish may not be placed in water of the state other than those
 16 specifically designated in the permit, **native to the area eggs were taken**;

17 (3) shellfish sold to a permit holder by the state or by another party
 18 approved by the department **and the Independent Neutral Council (INC)** may not
 be resold or otherwise transferred to another
 19 person;

20 (4) shellfish may not be released by the permit holder before
 21 department approval, and, for purposes of pathological examination and approval, the
 22 department shall be notified of the proposed release at least **(30)** 15 days before the
 date of

23 their proposed release by the hatchery;

24 (5) diseased shellfish be destroyed in a specific manner and place
 25 designated by the department **signed off by three employees pathology lab**;

26 (6) shellfish be harvested by the permit holder only at specific
 27 locations **native to the area where eggs were taken** and under specific conditions as

designated by the department **The INC and the BOF**

28 (7) surplus shellfish be made available for sale first to the department
29 and then, after inspection and approval by the department **signed off by three**
employees of the genetics lab, and the INC to operators of other
30 hatcheries authorized by permit to operate under AS 16.12.010 - 16.12.199;

31 (8) if surplus shellfish are sold by a permit holder to another permit

1 holder, a copy of the sales transaction must be provided to the department **and INC and BOF**;

2 (9) a release be located in an area where released shellfish will be
3 available to traditional fisheries, **in their native habitat** subject to the provisions
4 of this chapter and
5 regulations adopted under this chapter.

6 **Sec. 16.12.040. Alteration, suspension, or revocation of permit.** (a) If a
7 permit holder fails to comply with the conditions and terms of the permit issued under
8 AS 16.12.010 within a reasonable period after notification of noncompliance by the
9 department, **and the Independent Neutral Council (INC) and BOF**, the permit
10 may be suspended or revoked, in the discretion of the
11 commissioner and **the INC**.

12 (b) If the commissioner **and INC** finds that the operation of the permitted
13 activity is not

14 **for the maximum benefit and not** in the best interests of the **Alaskan** public, **or**
15 **wild natural fish stocks**, the commissioner **shall** [may] alter the conditions of the
16 permit to mitigate the adverse effects of the operation, or, if the adverse effects are
17 irreversible and cannot be mitigated sufficiently, initiate a termination of the operation
18 under the permit over a reasonable period of time under the circumstances, not to
19 exceed four years. During the period of time that the operation is being terminated, the
20 permit holder may harvest shellfish under the terms of the permit but **shall** [may] not
21 release
22 additional shellfish.

23 **Sec. 16.12.050. Regulations relating to released shellfish.** (a) Shellfish
24 released into the natural water of the state by a hatchery operated under AS 16.12.010
25 - 16.12.199 are available to the people for common use and are subject to regulation
26 under applicable law in the same way as shellfish occurring in their natural state
27 except when they are in a special location designated by the department for harvest by
28 the hatchery operator.

(b) The Board of Fisheries may, after the issuance of a permit by the
commissioner, amend by regulation adopted in accordance with AS 44.62
(Administrative Procedure Act), the terms of the permit relating to the source of brood
stock, the harvest of shellfish by hatchery operators, and the specific locations
designated by the department for harvest. The Board of Fisheries may not adopt a

29 regulation or take an action regarding the issuance or denial of a permit required in
30 AS 16.12.010 -16.12.199.

31 **Sec. 16.12.060. Department assistance and cooperation.** (a) Before and after

1 permit issuance under AS 16.12.010, the department shall make reasonable efforts,
 2 within the limits of time and resources, to advise and assist applicants or permit
 3 holders, as appropriate, in the planning, construction, or operation of shellfish
 4 hatcheries. **costs to be reimbursed to the department at the applicants expense.**

5 (b) Nothing in this section exempts an applicant or permit holder from
 6 compliance with AS 16.12.010 - 16.12.199 or from compliance with the regulations or
 7 restrictions adopted under AS 16.12.010 - 16.12.199.

8 **Sec. 16.12.070. Brood stock sources.** (a) The department, **the INC and the**
BOF shall approve the
 9 source and number of shellfish taken for use as brood stock under AS 16.12.010 -
 10 16.12.199.

11 (b) Where feasible, shellfish taken by a hatchery operator shall **only** [first]
 12 be taken
 13 from stocks native to the area in which the shellfish will be released, [~~and then, upon~~
~~department approval, from other areas, as necessary].~~

14 **Sec. 16.12.080. Sale of shellfish; use of proceeds; quality and price.** (a) A
 15 shellfish hatchery operator that sells **hatchery** shellfish harvested from the natural
 16 water of the
 17 state, or sells **hatchery** shellfish to another hatchery operating under a permit
 18 issued under
 19 AS 16.12.010 - 16.12.199, shall use the funds only for reasonable **frugal** operating
 20 costs,
 21 including debt retirement, expanding its facilities, shellfish rehabilitation projects,
 22 shellfish research, or the department's costs of managing the affected fisheries for the
 23 area in which the shellfish release is located. **Funds shall not be used for**
administration or arbitration.

24 (b) Shellfish harvested by a permit holder and sold for human consumption
 25 must be of comparable quality to shellfish harvested by commercial fisheries in the
 26 area and must be sold at prices commensurate with the current market **and markets in**
other parts of the state shall not be devalued by excess hatchery shellfish flooding
the supply demand markets.

27 **Sec. 16.12.090. Cost recovery fisheries.** (a) A hatchery permit holder may
 28 harvest shellfish for a facility in

29 (1) a special harvest area **without the use of** [~~through~~] agents **without**
the use of employees of or persons

27 under contract with the permit holder as provided under a permit from the department
28 or regulations of the Board of Fisheries **to eliminate special privileges and benefits to**
select employees, agents or board members of the permit holder ; or

29 (2) a special harvest area through the common property fishery under
30 this section.

31 (b) A hatchery permit holder may, by a majority vote of the membership of

1 the hatchery permit holder's board, **and the Hatchery permit holders affected**
2 **fisherman** elect to harvest shellfish in a special harvest area
3 established for that facility through the common property fishery. At the request of the
4 permit holder and if the commissioner, **INC and BOF** determines that there are no
5 allocative issues
6 involved, and after reasonable consultation with affected commercial fishermen, the
7 commissioner may adopt regulations governing the harvest of shellfish in a special
8 harvest area through a common property fishery. The regulations must specify the
9 terms, conditions, and rules under which the common property fishery in the special
10 harvest area shall be conducted, including requirements for holding inspections and
11 reporting of harvests and sales of shellfish taken in the special harvest area. Following
12 adoption of regulations by the department **the INC and the BOE**, before January 15
13 of each year, the permit
14 holder's board of directors, by a majority vote of the board's membership, **and**
15 **affected fisherman** may
16 determine whether the hatchery will operate under the regulations adopted under this
17 subsection during the current calendar year and shall notify the department if the
18 hatchery intends to operate under the regulations adopted under this subsection. The
19 Board of Fisheries may adopt regulations under AS 16.05.251 regarding a fisheries
20 management plan governing operations under this subsection in a special harvest area,
21 including allocation plans. Participation in the fishery must be open to all interim-use
22 permit and entry permit holders who hold permits to operate a type of gear that may be
23 used in the fishing district in which the special harvest area is located if that type of
24 gear is authorized by regulation to be used in the special harvest area. An interim-use
25 permit holder or an entry permit holder who takes shellfish in a common property
26 fishery in a special harvest area may sell the shellfish to a fish buyer or processor who
27 is licensed to do business in the state.

24 (c) As a condition of participation in a common property shellfish fishery in a
25 special harvest area under this section, a fisherman who participates in the fishery is
26 **allowed ½ of all shellfish available and is**
27 subject to the payment of the assessment levied under (d) of this section on the
28 projected value of the shellfish or on the pounds of shellfish harvested. The
29 assessment is levied on the shellfish that the fisherman takes in the special harvest area
30 and sells to a licensed buyer. The buyer of the shellfish must be licensed under

30 AS 43.75, and the buyer shall collect the assessment on shellfish taken in a special
31 harvest area at the time of purchase and remit the assessment to the Department of

1 Revenue in accordance with regulations adopted by the Department of Revenue.

2 (d) The Department of Revenue may, by regulation, annually, by March 1 of
 3 each year, set the assessment levied on shellfish taken in a special harvest area in
 4 consultation with the Department of Commerce, Community, and Economic
 5 Development, the hatchery permit holder, and representatives of affected commercial
 6 fishermen. The assessment shall provide sufficient revenue to cover debt service,
 7 reasonable operating expenses, reasonable maintenance expenses, and development or
 8 maintenance of a reserve fund up to 100 percent of annual operating costs of the
 9 shellfish hatchery. In setting the assessment, the department shall consider the
 10 estimated harvest of shellfish in the special harvest area, the projected price to be paid
 11 for shellfish in the region, the amount of the existing reserve held by the permit holder,
 12 and the amount by which the assessment collected in previous years exceeded or fell
 13 short of the amount anticipated to be collected. The assessment may not exceed 50
 14 percent of the value of the shellfish. The department may levy the assessment as a
 15 percentage of the projected value of the shellfish harvested in the special harvest area
 16 or as a flat rate on each pound of shellfish harvested in the area, to the nearest whole
 17 cent.

18 (e) The Department of Revenue shall deposit the assessments collected under
 19 this section in the general fund. The legislature may appropriate the funds collected
 20 under this section to the hatchery permit holder who operates a facility in the special
 21 harvest area in which the assessment was levied. A hatchery permit holder shall use
 22 funds appropriated under this subsection for the purposes set out under
 23 AS 16.12.080(a). The legislature may also appropriate funds collected under this
 24 section to the Department of Revenue for costs incurred by the department under this
 25 section **only if this activity is providing an obvious return for the maximum benefit**
of the Alaskan people.

26 (f) A person who violates a regulation adopted under (b) of this section is
 27 guilty of a violation under AS 16.05.722 or a misdemeanor under AS 16.05.723. A
 28 person who violates a regulation adopted by the Department of Revenue under (c) of
 29 this section is guilty of a class A misdemeanor.

30 (g) In this section,

31 (1) "facility" means a hatchery or shellfish rehabilitation project for

1 which a permit is issued under AS 16.12.010 - 16.12.199;

2 (2) "special harvest area" means an area designated by the
3 commissioner or the Board of Fisheries where shellfish may be harvested by the
4 hatchery operators and by the common property fishery;

5 (3) "value" has the meaning given in AS 43.75.290.

6 (4) "

7 **Sec. 16.12.100. Inspection of hatchery.** (a) As a condition of and in
8 consideration for a permit to operate a hatchery under AS 16.12.010 - 16.12.199, an
9 inspection of the hatchery facility by department **pathology and genetics** inspectors
10 shall be permitted by the

11 permit holder at any time the hatchery is operating. The inspection shall be conducted
12 in a reasonable manner.

13 (b) The cost of an inspection performed by the department under this section
14 shall be borne by the department **and will be reimbursed by the permit holder.**

15 **Sec. 16.12.110. Annual report.** (a) A person who holds a permit for the
16 operation of an shellfish hatchery under AS 16.12.010 - 16.12.199 shall submit an
17 annual report no later than December 15 to the department to include information
18 pertaining to species; brood stock source; number, age, gender, and size of spawners;
19 number of eggs collected and juveniles produced; **observations of natural
20 stock health, other fish species interactions,** and the number, age,
21 gender, and

22

23 size of harvested **and released** shellfish attributable to hatchery releases, on a form to
24 be provided

25 by the department.

26 **Sec. 16.12.199. Definitions.** In AS 16.12.010 - 16.12.199,

27 (1) "hatchery" means a facility for the artificial propagation of stock,
28 including rearing of shellfish and release of shellfish into the natural water of the state;

29 (2) "shellfish" means a species of crustacean, mollusk, or other

30 **(3) "enhancement" means**

31 **(4) "rehabilitation means to restore, to put back in good condition,
32 reestablished on a firm sound basis to bring or restore to an
33 optimum state of health**

34 **(5) "maintain" means to keep in existence or continuance of natural
35 health and condition. Efficiently, self sustaining, to hold against
36 attack to defend**

37 **(6) "conserve" means to keep from being damaged, lost, or wasted**

38 **(7) develop means to grow gradually become gradually fuller, larger,**

better, stronger, more effective,

24 invertebrate, in any stage of its life cycle, that is indigenous to state water
25 **Imported shellfish are not permitted into the state.** [~~or that is~~
25 ~~authorized to be imported into the state under a permit issued by the commissioner.~~]

26 * **Sec. 4.** AS 16.43.400(a) is amended to read:

27 (a) In addition to entry permits, interim-use permits, and educational permits,
28 the commission **IINC and BOF** may issue special harvest area entry permits to
holders of private,

29 nonprofit hatchery permits issued by the Department of Fish and Game under
30 AS 16.10.400 - 16.10.475 **for salmon or AS 16.12.010 - 16.12.199 for shellfish.**

31 * **Sec. 5.** AS 16.43.430 is amended to read:

1 **Sec. 16.43.430. Authorized gear.** For the purposes of harvesting salmon or
 2 shellfish, a special harvest area entry permit holder may employ any fishing gear
 3 designated as legal gear in the applicable special harvest area by the Board of
 4 Fisheries.

5 * **Sec. 6.** AS 17.20.049(b)(1) is amended to read.

6 (1) "farmed fish" means fish that is propagated, farmed, or cultivated
 7 in a facility that grows, farms, or cultivates the fish in captivity or under positive
 8 control but that is not a salmon hatchery that is owned by the state or that holds a
 9 salmon hatchery permit under AS 16.10.400, or a shellfish hatchery that holds a
 10 permit under AS 16.12.010 in this paragraph, "positive control" has the meaning
 11 given in AS 16.40.199;

12 * **Sec. 7.** AS 17.20.345(c) is amended to read.

13 (c) A person who donates to a food bank salmon from a hatchery that operates
 14 under a permit issued under AS 16.10.400 - 16.10.470 or shellfish from a hatchery
 15 that operates under a permit issued under AS 16.12.010 - 16.12.199 is immune
 16 from liability as provided in this section if the salmon or shellfish are [IS] apparently
 17 fit for human consumption at the time of its donation, even if the hatchery does not
 18 have a permit issued by the Department of Environmental Conservation under this
 19 chapter or other statute to process fisheries products for human consumption.

20 * **Sec. 8.** AS 43.20.012(a) is amended to read:

21 (a) The tax imposed by this chapter does not
 22 (1) apply to an individual;
 23 (2) apply to a fiduciary;
 24 (3) for a tax year beginning after December 31, 2012, apply to an
 25 Alaska corporation that is a qualified small business and that meets the active business
 26 requirement in 26 U.S.C. 1202(e) as that subsection read on January 1, 2012; [OR]
 27 (4) for a tax year beginning after June 30, 2007, apply to the income
 28 received by a regional association qualified under AS 16.10.380 or nonprofit
 29 corporation holding a hatchery permit under AS 16.10.400 from the sale of salmon or
 30 salmon eggs under AS 16.10.450 or from a cost recovery fishery under AS 16.10.455;
 31 or

- 1 **(5) apply to income received by a nonprofit corporation holding a**
2 **hatchery permit under AS 16.12.010 from the sale of shellfish under AS 16.12.080**
3 **or from a cost recovery fishery under AS 16.12.090.**
- 4 * **Sec. 9.** AS 43.76.390 is amended to read:
5 **Sec. 43.76.390. Exemption.** AS 43.76.350 - 43.76.399 do not apply to salmon
6 **or shellfish** harvested under a special harvest area entry permit issued under
7 AS 16.43.400.
- 8 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
9 read:
10 APPLICABILITY. AS 16.10.400(b), as amended by sec. 2 of this Act, applies to
11 salmon hatchery permits applied for on or after the effective date of this Act.
- 12 * **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to
13 read:
14 TRANSITION: REGULATIONS. The Department of Fish and Game may proceed to
15 adopt regulations necessary to implement this Act. The regulations take effect under AS
44.62
16 (Administrative Procedure Act), but not before the effective date of this Act.
- 17 * **Sec. 12.** Section 11 of this Act takes effect **in one year** [immediately] under AS
01.10.070(c).

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	SB 172
Fiscal Note Number:	1
(S) Publish Date:	2/5/2016

Identifier: DFG-CF-1-19-16
 Title: FISH/SHELLFISH HATCHERY/ENHANCE.
 PROJECTS
 Sponsor: RLS BY REQUEST OF THE GOVERNOR
 Requester: Governor

Department: Department of Fish and Game
 Appropriation: Commercial Fisheries
 Allocation: Statewide Fisheries Management
 OMB Component Number: 2171

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues				3.0	2.0	1.0	1.0
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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? Yes
 If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/17

Why this fiscal note differs from previous version:

Not applicable. Initial version.

Prepared By:	Forrest R. Bowers, Deputy Director	Phone:	(907)465-6139
Division:	Commercial Fisheries	Date:	01/19/2016 12:00 PM
Approved By:	Kevin Brooks, Deputy Commissioner	Date:	01/19/16
Agency:	Department of Fish and Game		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION**Analysis**

The Commercial Fisheries Division intends to utilize existing staff under the Aquaculture Section to administer the program proposed in this legislation. The Private Nonprofit Hatchery Permit Coordinator is the primary person responsible for evaluating these permit applications. The Department of Fish and Game genetics, pathology, and management staff also contribute to the permit application review process. Permit application review generally takes six months to one year to complete. The permit fee is established in AS 16.012.010(c) at \$1,000. This fee would also apply to applications for new salmon private nonprofit hatcheries. That fee is currently \$100. The division anticipates that there will be two to three applicants per year for the first two years and then decline to an estimated one permit per year.

Senator Cathy Giessel, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801
Senator.Cathy.Giessel@akleg.gov



Board of Directors

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Harvester, Region IV
American Seafoods Company

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Alaska Whitefish Trawlers
Association

Buck Laukitis
Harvester, At-Large
Magic Fish Company

Chris Mierzejek
Service Sector
Aleutian Pribilof Island
Community Development Assoc.

John Sund
Service Sector
Stellar North LLC

Mark Tupper
Processor, At-large
Triad Fisheries, LTD

Stefanie Moreland
Processor, At-large
Trident Seafoods

Re: Support for SB 172

March 4, 2016

Dear Senator Giessel and Senate Resources Committee:

The Alaska Fisheries Development Foundation (AFDF) would like to express support for Senate Bill 172; AFDF also recognizes that SB 172 is part of a larger effort to develop mariculture in Alaska.

Since 1978, AFDF's mission has been to identify problems and opportunities that are common across Alaska's seafood industry and help develop solutions utilizing applied research and development which balancing economic benefits with sustainability principles. AFDF's membership is comprised of seafood harvesters, seafood processors, and support sector businesses.

One of AFDF's recent projects is to spearhead the Alaska Mariculture Initiative, which is meant to expedite the development of mariculture in Alaska with the vision to grow a \$1 billion industry in 30 years. Governor Walker's recent [Administrative Order #280](#) establishes the Alaska Mariculture Task Force and is also part of this larger effort to develop mariculture. The purpose of the Task Force is to provide recommendations to develop a viable and sustainable mariculture industry producing shellfish and aquatic plants for the long-term benefit of Alaska's economy, environment, and communities.

SB 172 plays an important role in the development of mariculture in Alaska. SB 172 creates a regulatory framework with which ADF&G can manage shellfish fishery enhancement and shellfish hatcheries, in a similar fashion as the current management of salmon fishery enhancement and salmon hatcheries. This would allow interested stakeholders to either continue or begin enhancement work on species such as King crab, sea cucumber, geoduck, abalone, or razor clams.

Some individual stakeholders groups may seek minor amendments to the bill, and AFDF would be happy to play a role in communicating between stakeholders and the Committee. The most common concern voiced so far is the inclusion of salmon hatcheries in SB 172, which can be confusing to the public and potentially ineffective for bill passage.

Overall, however, AFDF supports the intent of SB 172 and appreciates the Administration's proactive role in introducing the legislation.

Please let me know how I can be of help.

Sincerely,


Julie Decker, Executive Director

March 4, 2016

Senator Cathy Giessel, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: Support for SB 172

Dear Senator Giessel and Senate Resources Committee members:

The Steering Committee of the Alaska King Crab Research, Rehabilitation and Biology (AKCRRAB) program would like to express appreciation and support for Senate Bill 172.

The AKCRRAB program is a coalition of university, federal and stakeholder groups, formed in 2006 with the goals of adding to the scientific understanding of crab life history and ecology, as well as the eventual rehabilitation of depressed king crab stocks in Alaska. AKCRRAB is developing scientifically sound strategies for hatching, rearing and outplanting king crab in Alaska, in order to help restore populations to self-sustainable levels.

In phase one, from 2006 to 2011, AKCRRAB researchers made significant accomplishments in developing and improving methods of hatchery rearing of larval and juvenile king crab from wild-caught broodstock, to the point where large-scale production is feasible. Parallel field and laboratory studies of crab ecology and population genetics were also conducted during this time.

In the second and current phase, hatchery studies have been complemented by studies essential to understanding optimal release strategies, appropriate habitat, and potential impact on existing ecosystems. This research is providing the science necessary for informing the responsible release of hatchery-reared animals. Increased knowledge will allow scientists and managers to assess the feasibility of ecologically sound rehabilitation of depressed stocks, with potentially substantial benefits to Alaska.

In the third and final phase, AKCRRAB intends to evolve from the current, research-oriented coalition, to a formal entity focused on transitioning hatchery techniques and outplanting technologies to communities and industry as part of statewide efforts to help rehabilitate depleted king crab stocks. As phase three develops, the program will require support and guidance from the State of Alaska, as the transition from feasibility to implementation will need to be guided with a new regulatory structure.

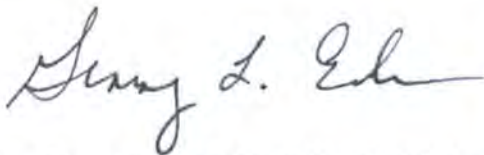
Senate Bill 172 is a response to the need for new regulations for shellfish hatcheries. The AKCRRAB Steering Committee is pleased that the Administration and the Legislature are addressing this need. In a preliminary review of the proposed legislation, we have identified several areas on which AKCRRAB program participants would like to work with

the Committee as the bill moves forward. We would be pleased to identify those areas at the appropriate time.

The overarching concern we have is that the bill combines new enabling language for shellfish hatcheries with references to salmon hatcheries. We believe it would be more practical and efficient to separate the two elements, and ask that the committee consider doing so before moving forward.

We intend to participate fully in further discussions and hearings on Senate Bill 172. The AKCRRAB Steering Committee stands ready to interact with Committee members and staff as needed. Please let us know how we can be of help.

Best regards,



Dr. Ginny Eckert, PhD, School of Fisheries and Ocean Sciences, UAF, Juneau Division
Heather McCarty, Central Bering Sea Fishermen's Association
AKCRRAB Steering Committee Co-chairs

Steering Committee members:

Jeff Hetrick, Alutiq Pride Hatchery, Seward

Jeff Stephan, United Fishermen's Marketing Association, Kodiak

Dr. Bob Foy, NMFS, Alaska Fisheries Science Center, Kodiak

Chris Mierzejek, Aleutian Pribilof Islands Community Development Association, Anchorage

Gale Vick, Fairbanks

Ruth Christiansen, Alaska Bering Sea Crabbers

Lauren Divine, Tribal Government of St. Paul

Support SB 172
PO Box 232 Petersburg, AK 99833

Petersburg Vessel Owner's Association
(907) 772-9323 email: pvoa@gci.net

February 29, 2016

Senator Cathy Giessel
Chair, Senate Resources Committee

Alaska State Legislature
State Capitol
Juneau, AK 99811-1182
Email: Senator.Cathy.Giessel@akleg.gov

**RE: Support SB 172-An Act relating to management of enhanced stocks of fish;
authorizing the operation of nonprofit shellfish hatcheries...**

Dear Chair Giessel and Committee Members,

Petersburg Vessel Owner's Association (PVOA) is composed of almost 100 members participating in a wide variety of species and gear type fisheries. An additional thirty businesses supportive to our industry are members. PVOA members fish throughout Alaska from Southeast to the Bering Sea. Targeted species include salmon, herring, halibut, sablefish, cod, crab, and shrimp.

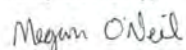
Petersburg Vessel Owner's Association is in support of an opportunity for nonprofit organizations to enhance shellfish stocks.

Our organization followed some of the progress of the shellfish enhancement activities at the University of Alaska Fairbanks. It has come to our attention that the program has out lived it's developmental permitting and that this bill would allow them to continue their work.

However, we question the term "hatchery," since they are seeking permitting for shellfish enhancement projects not in the form of the traditional sense of a hatchery. We believe the term may confuse the public.

PVOA supports the increase in permitting fee from \$100 to \$1,000. We heard how expensive and time consuming it is for the Alaska Department of Fish and Game to process enhancement permitting and the increase seems appropriate. Thank you for considering our comments.

Respectfully,



Megan O'Neil
Executive Director



Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway

Juneau, AK 99801

Phone: 907-586-6652

Email: seafa@gci.net

Fax: 907-523-1168

Website: <http://www.seafa.org>

February 22, 2016

Senate Resources
Alaska State Legislature
Senator Cathy Giessel, Chair
State Capitol
Juneau, AK 99811

RE: SB 172

Dear Senator Giessel, Chair and Senate Resource Committee Members,

As a member of the Board of Directors of United Fishermen of Alaska we had an opportunity to discuss this legislation with the Department of Fish and Game (ADF&G). SEAFA supports this legislation, BUT we do have some concerns that there is a reliance on describing shellfish hatcheries when the real intent is to permit shellfish enhancement projects such as the king crab enhancement efforts that have outgrown developmental permitting. By relying on the word hatchery vs permitting shellfish enhancement projects this has become confusing to the public on the intent of this legislation.

SEAFA is a non-profit commercial fishing association representing our 300+ members involved in salmon, crab, shrimp and longline fisheries.

Sincerely,

Kathy Hansen
Executive Director



UNITED FISHERMEN OF ALASKA

Mailing Address: PO Box 20229, Juneau AK 99802-0229
Physical Address: 410 Calhoun Ave Ste 101, Juneau AK 99801
Phone: (907)586-2820 **Fax:** (907) 463-2545
Email: ufa@ufa-fish.org **Website:** www.ufa-fish.org

March 4, 2016

Senator Cathy Giessel, Chair
Senate Resources Committee
Alaska State Legislature
State Capitol
Juneau, AK 99801

Re: Support for SB 172 regarding shellfish enhancement

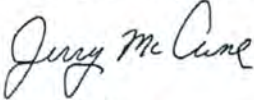
Dear Senator Giessel and Committee members,

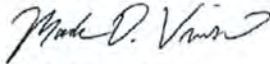
United Fishermen of Alaska is the statewide commercial fishing trade association, representing 34 commercial fishing organizations participating in fisheries throughout the state and its offshore federal waters.

Although we include eight salmon aquaculture associations that will each be subject to the increase of their fee on new hatchery facilities to \$1000, we support SB 172 because of the broader need to help develop shellfish aquaculture beyond only producing broodstock. Another UFA member group represents shellfish dive fisheries and is actively working with the Alutiiq Pride Shellfish Hatchery to spawn sea cucumbers as a part of ongoing research into production of juveniles to support enhancement of wild sea cucumber populations.

UFA strongly supports Alaska's salmon enhancement programs that are carefully regulated to provide salmon for common property harvest by subsistence, sport and commercial fisheries without detriment to wild stocks. We believe the state can carefully develop opportunities for additional enhancement of shellfish, and passage of SB 172 will help in this effort.

Thank you for your consideration.


Jerry McCune
President


Mark Vinsel
Executive Administrator

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 • 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 Cook Inlet Drift Association • United Southeast Alaska Gillnetters • Valdez Fisheries Development Association