

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672

3055 SCOMM 138: HOUSE SPECIAL COMMITTEE ON FISHERIES 2005-2006

(c) The state forester shall give due deference to the Department of Environmental Conservation in decisions concerning water quality. The commissioner of environmental conservation retains the authority to adopt nonpoint source pollution regulations for activities subject to this chapter to the extent that regulations are not adopted by the state forester and approved by the commissioner of environmental conservation under this chapter. The commissioner of environmental conservation may withdraw approval of regulations adopted by the state forester under this chapter by following the procedure for the adoption, amendment, and repeal of regulations under AS 44.62.180 - 44.62.290.

(d) The state forester shall recognize the expertise of the deputy commissioner with regard to fish and wildlife habitat. On private land, the state forester shall give due deference to the deputy commissioner regarding effects on fish habitat from timber operations including variations to riparian standards, designation of alternative site-specific riparian protection plans, and road location decision within riparian areas. On public land, the state forester shall give due deference to the deputy commissioner regarding effects on fish and wildlife habitat from timber operations including timber harvest in riparian areas, variations to riparian standards, and road location decisions within riparian areas. In making decisions under AS 41.17.087, the state forester shall recognize fish habitat as the primary value in riparian areas.

(e) In this section, "due deference" means that deference that is appropriate in the context of the agency's or deputy commissioner's expertise and area of responsibility and all the evidence available to support a factual assertion. Where due deference is given, if the state forester does not agree with a commenting agency or the deputy commissioner, the state forester shall prepare a written statement of the reasons for the disagreement.

(f) If a disagreement described in (e) of this section exists, an officer of an agency may require reevaluation of the disagreement at a higher level within the agencies, or by the governor if necessary, before a decision is made by the commissioner. (§13 ch 34 SLA 1990; am E.O. No. 107 §20-24 (2003))

Sec. 41.17.100. Deployment of broadcast chemicals. The commissioner of environmental conservation, in consultation with the commissioner, shall formulate necessary plans and measures to ensure that application of broadcast chemicals and other substances foreign to the state's forest ecosystem do not lead to results contrary to the objectives and provisions of this chapter and other applicable laws and regulations relating to renewable resources. Regulations adopted by the commissioner of environmental conservation may include requirements for advance testing, posting of security, written reports, and other matters. (§1 ch 108 SLA 1978)

Sec. 41.17.110. Conversion of forest land to other uses. An intention to convert forest land to other uses after timber harvesting may be stated in the notification submitted under AS 41.17.090. In that event, reforestation requirements adopted under this chapter do not apply, except that conversion shall be completed during the time set by regulation for minimum reforestation of the land, and other

requirements for revegetation may be imposed to the extent permitted by law. If the state forester finds at any time that the responsible party has failed to conform to the intent to convert as stated in the notification, the state forester shall revoke approval of the conversion and require full compliance with reforestation requirements. (§1 ch 108 SLA 1978; am E.O. No. 107 §25 (2003))

Article 2. Riparian Management

Sec. 41.17.115. Management of riparian areas; regulations. (a) The state forester shall protect riparian areas from the significant adverse effects of timber harvest activities on fish habitat and water quality. The management intent for riparian areas is the adequate preservation of fish habitat by maintaining a short- and long-term source of large woody debris, stream bank stability, channel morphology, water temperatures, stream flows, water quality, adequate nutrient cycling, food sources, clean spawning gravels, and sunlight.

(b) The state forester shall adopt regulations for the protection of riparian areas; the regulations may include higher standards of protection for fish and other public resources on land managed by the department than on other public land or private land. The regulations may vary by region of the state and must take into consideration reasonable classification of water bodies and the economic feasibility of timber operations. (§14 ch 34 SLA 1990; am E.O. No. 107 §26 (2003))

Sec. 41.17.116. Riparian standards for private land. [Repealed and reenacted to read:] (a) Private forest land adjacent to the following types of waters and located in Region I is subject to the riparian protection standards established in this subsection:

- (1) along a Type I-A water body,
 - (A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and
 - (B) harvest of timber may not be undertaken within 66 feet of the water body;
- (2) along a Type I-B water body,
 - (A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and
 - (B) harvest of timber may not be undertaken within 66 feet of the water body or to the break of the slope, whichever area is smaller;
- (3) along a Type I-C water body,
 - (A) operations within 100 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and
 - (B) the operator shall, where prudent, retain low value timber within 25 feet

of the water body or to the limit of the area described in (A) of this paragraph, whichever area is greater, where the width of the water body is

- (i) greater than 13 feet at the ordinary high water mark; or
- (ii) greater than eight feet at the ordinary high water mark if the channel is incised;

(4) along a Type I-D water body,

(A) operations within 50 feet of the water body or to the break of the slope, whichever area is smaller, shall be conducted in compliance with slope stability standards established in regulations adopted under this chapter; and

(B) the operator shall, where prudent, retain low value timber within 25 feet of the water body or to the limit of the area described in (A) of this

paragraph, whichever area is greater, where the width of the water body is

- (i) greater than 13 feet at the ordinary high water mark; or
- (ii) greater than eight feet at the ordinary high water mark if the channel is incised.

(b) Private forest land adjacent to the following types of waters and located in Region III is subject to the riparian protection standards established in this subsection:

(1) along a Type III-A water body, harvest of timber may not be undertaken within 66 feet of the water body;

(2) along a Type III-B water body, harvest of timber may not be undertaken within 33 feet of the water body; between 33 feet and 66 feet from the water body, up to 50 percent of standing white spruce trees having at least a nine-inch diameter at breast height may be harvested without requiring a variation;

(3) along a Type III-C water body, harvest of timber within 100 feet of the water body must be located and designed primarily to protect fish habitat and surface water quality as determined by the state forester with due deference to the deputy commissioner.

(c) The state forester shall adopt regulations for private land in Region II that designate the areas that are subject to riparian protection standards and the restrictions on timber harvesting operations within those areas that are necessary for their protection under the management goals established in AS 41.17.115.

(d) In this section,

(1) "low value timber" means timber that the owner or operator determines, at the time of harvest, to be uneconomic to harvest and market;

(2) "prudent" means that the requirement can be met using reasonably available means or technology, that complying with the requirement is not likely to create significant impairment of the productivity of the land and water, and that the cost of achieving the requirement is not out of proportion to the benefits that can reasonably be expected to be achieved in the particular situation.

(§14 ch 34 SLA 1990; am § 1-2 ch 3 SLA 1999; am §2 ch 123 SLA 2003)

Sec. 41.17.118. Riparian standards for state land. (a) [Repealed and reenacted to read:] (a) The riparian standards for state land are as follows:

(1) on state forest land managed by the department that is located in Region III,

(A) along a Type III-A water body, harvest of timber may not be undertaken within 100 feet of the water body, except that, between 66 feet and 100 feet from the water body, harvest of timber may be undertaken where consistent with the maintenance of important fish and wildlife habitat as determined by the state forester with the concurrence of the deputy commissioner;

(B) along a Type III-B water body, harvest of timber may not be undertaken within 50 feet of the water body; between 50 feet and 100 feet from the water body, up to 50 percent of standing white spruce trees having at least a nine-inch diameter at breast height may be harvested;

(C) along a Type III-C water body, harvest of timber within 100 feet of the water body must be consistent with the maintenance of important fish and wildlife habitat as determined by the state forester with due deference to the deputy commissioner;

(2) on state forest land managed by the department that is in Region I or Region II,

(A) harvest of timber may not be undertaken within 100 feet immediately adjacent to an anadromous or high value resident fish water body;

(B) between 100 and 300 feet from the water body, harvest of timber may occur but must be consistent with the maintenance of important fish and wildlife habitat as determined by the state forester with due deference to the deputy commissioner.

(b) The department may impose additional riparian protection standards for timber harvest operations through the adoption of land use plans under AS 38.04.065.

Within a state forest established under AS 41.17.200 - 41.17.230, riparian standards adopted by the commissioner under this subsection may not exceed the standards established under (a) of this section unless the commissioner makes a finding of compelling state interest.

(c) In the absence of a site-specific determination by the deputy commissioner, the state forester shall presume for planning purposes that a stream is anadromous if it is connected to anadromous waters that are without department documentation of a physical blockage and has a stream gradient of 8 percent or less. (§14 ch 34 SLA 1990; am E.O. No. 107 §28,29 (2003); am §3 ch 123 SLA 2003; am §10 ch 153 SLA 2003)

Sec. 41.17.119. Minimum riparian standards for other public land. [Repealed and reenacted to read:] The riparian standards for other public land are as follows:

(1) in Regions I and II, harvest of timber may not be undertaken within 100 feet of an anadromous or high value resident fish water body;

(2) in Region III, the standards are the same as for state land under AS 41.17.118 and regulations adopted under this chapter.

(§14 ch 34 SLA 1990; am §4 ch 123 SLA 2003)

Article 3. Enforcement

Sec. 41.17.120. Inspections and investigations. The state forester may inspect and investigate forest land and activities on it and may enter upon it in conjunction with any operations as necessary to ensure compliance with applicable regulations and requirements and to otherwise enforce the provisions of this chapter. Other state agencies and the deputy commissioner have this same authority to the extent necessary to enforce their own laws and regulations on forest land. Those agencies, the deputy commissioner, and the state forester shall coordinate their actions under this section. (§1 ch 108 SLA 1978; am E.O. No. 107 §31 (2003))

Sec. 41.17.125. Enforcement coordination. All state agencies with enforcement authority over an activity subject to regulation under this chapter shall establish a uniform enforcement strategy that avoids duplication and inconsistencies. All participating agencies shall agree to and comply with the contents of the uniform strategy. In developing and implementing the uniform strategy, each state agency retains its authority to determine the appropriate remedies under the statutes and regulations it administers. (§15 ch 34 SLA 1990)

Sec. 41.17.131. Penalties for violations. (a) An operator, forest landowner, or timber owner who violates or permits a violation of this chapter, a regulation adopted under this chapter, a directive issued under AS 41.17.136, or a stop work order issued under AS 41.17.138 is liable, after notice and hearing, for a civil fine in an amount not to exceed \$10,000 to be assessed by the commissioner. In determining the amount of civil fine, the commissioner shall consider

- (1) the character and degree of injury to forest resources and values;
- (2) the degree of intent or negligence of the respondent in causing or permitting the violation;
- (3) the character and number of past violations caused or permitted by the respondent; and
- (4) if the information is available, the net economic savings realized by the respondent through the violation.

(b) An operator, forest landowner, or timber owner that, with criminal negligence, violates or permits a violation of this chapter, a regulation adopted under this chapter, a directive issued under AS 41.17.136, or a stop work order issued under AS 41.17.138 is guilty of a class A misdemeanor. In this subsection, "criminal negligence" has the meaning given in AS 11.81.900(a).

(c) Each day that a violation described in this section occurs is a separate violation.

(d) If a respondent violates a directive issued under AS 41.17.136 or a stop work order issued under AS 41.17.138, the attorney general, at the request of the commissioner, may seek an injunction requiring the respondent to suspend all or part of the operations until the respondent complies with the directive or stop work order, and requiring the respondent to repair or correct damage resulting from the violation.

(e) If a respondent violates a directive issued under AS 41.17.136 that requires the respondent to repair or correct damage, the commissioner may proceed to repair or correct the damage using state agency employees or contractors and the respondent is liable for the cost of the repair. The commissioner shall deliver to the respondent an itemized statement of expenses incurred. (§1 ch 108 SLA 1978; am §16 ch 34 SLA 1990)

Sec. 41.17.136. Directives. (a) Upon a determination that a planned or ongoing activity violates or would violate this chapter or a regulation adopted under it, the state forester shall notify the respondent in writing and direct the respondent to halt or avoid the violation or to repair or correct any damage resulting from the violation. The written notification must include a summary of the basis for the directive.

(b) The respondent may either comply with the directive or request a hearing under AS 41.17.139 within 15 days of receipt of the notification. If a hearing is requested, the respondent may continue with the activity unless the state forester issues a stop work order under AS 41.17.138. If the directive is affirmed by the hearing officer, the respondent shall cease the activity unless a stay is issued under AS 41.17.143(c) or by the superior court. (§17 ch 34 SLA 1990)

Sec. 41.17.138. Stop work orders. (a) Upon a determination that a violation of this chapter or a regulation adopted under it is occurring or is likely to occur and that significant harm to public resources is likely to occur if work is not halted before a hearing can be held, the state forester may issue a stop work order requiring the respondent to stop the violation or otherwise halt the threatened harm.

A stop work order must be in writing and must state the facts on which it is based.

(b) The state forester shall immediately refer the matter to a hearing officer for determination of the validity of the stop work order under AS 41.17.139. The hearing officer shall consider any arguments and evidence presented by the respondent within five workdays after receipt of the stop work order and shall then make an immediate decision sustaining or reversing the stop work order. The stop work order is of no further effect if it is not sustained by the hearing officer within the five-workday period. A stop work order may be sustained only upon the same grounds on which it was originally issued. (§18 ch 34 SLA 1990)

Sec. 41.17.139. Hearing procedures. (a) Unless otherwise specified, proceedings under AS 41.17.131 - 41.17.139 are not subject to the Administrative Procedure Act (AS 44.62). A hearing under AS 41.17.136 or 41.16.138 shall be held before the state forester, a regional forester, or another employee of the division with similar qualifications acting as a hearing officer. A hearing on an appeal under AS 41.17.087 and a hearing under AS 41.17.082(b) shall be held before the commissioner or the commissioner's designee. A person who has assisted in the preparation of the division's case is ineligible. Hearings are not limited by common law, statutory, or judicial rules of evidence; however, the hearing officer may admit only that evidence that appears to be reliable and trustworthy. All hearings shall be

open to the public. Written or oral testimony may be submitted. A party to a hearing may make written or oral argument, secure the issuance of a subpoena under AS 44.62.430, offer testimony or other evidence, and cross-examine witnesses. The hearing officer shall endeavor, in conducting any hearing, to ensure that the respondent understands the proceedings and that the facts supporting the position of each party have been adequately presented.

(b) If the respondent notifies the commissioner within five days before the hearing provided for in (a) of this section, the following rules and procedures apply to the hearing:

- (1) the hearing shall be a nonadversary proceeding, with the hearing officer fully and impartially representing the interests of the state and the respondent;
- (2) the hearing officer shall thoroughly investigate the facts and circumstances relating to the alleged violation, including taking testimony from appropriate persons, collecting and examining documents and other evidence, and performing other actions consistent with due process of law; and
- (3) the hearing officer shall issue a decision in accordance with the applicable procedures of (a) of this section.

(c) The hearing officer shall select the location of the hearing, giving consideration to the convenience of the parties and witnesses. The hearing officer may permit witnesses to testify through teleconferencing. (§1 ch 108 SLA 1978; am §§19, 20 ch 34 SLA 1990)

Sec. 41.17.143. Appeals and judicial review.

(a) A decision by a hearing officer under AS 41.17.136 or 41.17.138 or by the commissioner under AS 41.17.082(b), 41.17.087, or 41.17.131(a) constitutes final agency action that may be appealed to the superior court within 30 days after it is issued. Judicial review shall be as provided in AS 44.62.560 and 44.62.570.

(b) An operator, forest landowner, or timber owner may request the commissioner to reconsider the decision of a hearing officer within 30 days after it is issued. Reconsideration is not a precondition of judicial review under (a) of this section. If reconsideration is requested, the final agency action for purposes of judicial review is a decision by the commissioner to affirm, modify, or reverse the hearing officer or to deny the request for reconsideration.

(c) The commissioner may stay or modify a directive or order pending administrative or judicial review. A stay or modification may not be appealed separately from an appeal of the substantive decision.

(d) A person, except the aggrieved forest landowner, timber owner, or operator, may not maintain an administrative or judicial appeal, or other action or proceeding of any kind, challenging a decision or failure to act by the department with respect to the compliance of a timber operation on private forest land with this chapter or a regulation, standard, directive, or order issued under this chapter. This subsection does not prohibit the maintenance of an action

- (1) for an alleged violation of a constitutional right; or
- (2) against the department regarding a regulation, standard, or systematic course of conduct that does not involve a challenge to, or attempt to enjoin,

stay, modify, or otherwise affect a timber operation on private forest land subject to this chapter. (§1 ch 108 SLA 1978; am §21 ch 34 SLA 1990)

Article 4. State Forest System

Sec. 41.17.200. State forest purposes. (a) The purpose of AS 41.17.200 - 41.17.230 is to permit the establishment of designated state-owned or acquired land and water areas as state forests. The primary purpose in the establishment of state forests is timber management that provides for the production, utilization, and replenishment of timber resources while allowing other beneficial uses of public land and resources.

(b) In managing a state forest, the commissioner shall, consistent with the primary purpose of a state forest under (a) of this section, restrict the public use of the land and its resources, including timber, fish and wildlife, and minerals, only when necessary to carry out the purposes of this chapter. (§5 ch 91 SLA 1983; am §§7,8 ch 122 SLA 1996; am §11 ch 153 SLA 2003)

Sec. 41.17.210. State forests. (a) The governor may propose to the legislature the establishment of state forests consisting primarily of commercially valuable forest land determined by the governor to be necessary for retention in state ownership for management under the principles of multiple use and sustained yield and consistent with AS 38.04.005. The proposal of the governor shall include a report and recommendations of the commissioner including

- (1) a preliminary forest inventory;
- (2) a summary of the testimony offered at public hearings held on the management of the proposed state forest in communities proximately located to a proposed state forest;
- (3) [Repealed]
- (4) [Repealed]
- (5) an estimate of the cost of a full implementation of an operational level forest inventory and the management plan. (§1 ch 91 SLA 1983; am §22 ch 34 SLA 1990; am §9 ch 122 SLA 1996; am §16 ch 153 SLA 2003)

Sec. 41.17.220. Management of state forests. Land within a state forest or within a unit of a state forest shall be managed under

- (1) the sustained yield principle;
- (2) this chapter; and
- (3) a forest management plan prepared by the department. (§1 ch 91 SLA 1983; am §12 ch 153 SLA 2003)

Sec. 41.17.230. Management plans. (a) The commissioner shall prepare a forest management plan consistent with AS 38.04.005 and this chapter for each state forest and for each unit of a state forest to assist in meeting the requirements of this chapter. An operational level forest inventory shall be completed before a forest

management plan for the state forest or the unit of a state forest is adopted. The forest management plan shall be adopted, implemented and maintained within three years of the establishment of a state forest by the legislature. To the extent they are found to be compatible with the primary purpose of state forests under AS

41.17.200, the forest management plan must consider and permit uses of forest land for nontimber purposes, including recreation, tourism, mining, mineral exploration, mineral leasing, material extraction, consumptive and nonconsumptive uses of wildlife and fish, grazing and other agricultural activities, and other traditional uses.

If the commissioner finds that a permitted use is incompatible with one or more other uses in a portion of a state forest, the commissioner shall affirmatively state in the management plan that finding of incompatibility for the specific area where the incompatibility is anticipated to exist and the time period when the incompatibility is anticipated to exist together with the reasons and benefits for each finding.

(b) The commissioner shall review and revise a forest management plan when necessary.

(c) A management plan may not be adopted or revised after the establishment of the state forest without prior review by the Board of Forestry and by other appropriate state agencies or without prior public hearings held in a community proximately located to the state forest or to a unit of a state forest.

(d) [Repealed] (§1 ch 91 SLA 1983; am §34 ch 34 SLA 1990; am §10 ch 122 SLA 1996; am §13,14,16 ch 153 SLA 2003)

Article 5. State Land Reforestation

Sec. 41.17.300. State land reforestation fund. A state land reforestation fund is established in the department. The money in the state land reforestation fund may be used only for the reforestation of state land, including site preparation, seed and seeding acquisition and cultivation, planting, and other reforestation measures, timber stand improvement, and the development of materials and techniques for the reforestation of state land. (§2 ch 91 SLA 1983)

Sec. 41.17.310. Appropriations to state land reforestation fund. (a) The state land reforestation fund consists of money appropriated by the legislature and contributions from private donors. It is the intent of the legislature that the appropriations made to the fund equal no less than 25 percent of the revenues from the sale of timber and other forest products from state land as well as the total revenues from

- (1) compensation for loss or damage to land within a state forest; and
- (2) the federal government and other governmental units for reforestation.

(b) Money appropriated to or paid into the state land reforestation fund does not lapse. (§2 ch 91 SLA 1983)

Sec. 41.17.320. Report. The commissioner shall make an annual report to the legislature within the first 10 days of each session of the legislature on the uses of

the money in the state land reforestation fund, the proposed uses of the fund in the following fiscal year, and the balance in the fund. (See 2 ch 91 SLA 1983; am §75 ch 21 SLA 1995)

Article 6. Tanana Valley State Forest

Sec. 41.17.400. Tanana Valley State Forest. (a) Subject to valid existing rights and except for land owned by or transferred to the University of Alaska under a settlement agreement between the state and the university, the state-owned or acquired land and water lying within the parcels described in (d) of this section is designated as the Tanana Valley State Forest.

(b) The commissioner shall prepare a management plan for the Tanana Valley State Forest under AS 41.17.230.

(c) The commissioner may establish transportation corridors within the Tanana Valley State Forest.

(d) The Tanana Valley State Forest includes the state-owned or acquired land and water lying within the following described parcels:

(e) The wildlife management objective of the Tanana Valley State Forest is the production of wildlife for a high level of sustained yield for human use through habitat improvement techniques to the extent consistent with the primary purpose of a state forest under AS 41.17.200. (§3 ch 91 SLA 1983; am §§33,34 ch 85 SLA 1988; am §23 ch 34 SLA 1990; am §11 ch 122 SLA 1996; am §15 ch 153 SLA 2003)

Article 7. General Provisions

[Note: legal descriptions have been deleted.]

Sec. 41.17.900. Applicability. (a) Unless otherwise specified, this chapter applies to forest land under state, municipal, or private ownership.

(b) For federal land,

(1) the degree of resource protection may not be less than that established by this chapter for state land except that AS 41.17.119 establishes the minimum riparian standard;

(2) a timber harvest activity subject to this chapter shall satisfy the requirement to be consistent to the maximum extent practicable with the Alaska coastal zone management program if the federal land management plans, guidelines, and standards applicable to that timber harvest activity provide no less resource protection than the standards that are established in this chapter provide for state land except that

(A) AS 41.17.119 establishes the minimum riparian standards; and

(B) this paragraph does not apply to a timber harvest activity that requires a state or federal authorization under a provision of law other than this chapter.

- (c) The state forester shall exempt by regulation from the provisions of this chapter
 - (1) minor, small scale, or incidental commercial operations of little significance with respect to the purposes of this chapter; and
 - (2) operations for primarily noncommercial purposes, including but not limited to the harvesting of timber for personal use.
- (d) Notwithstanding any other provision of this chapter, the state forester and the commissioner may not employ the authority vested by this chapter so as to duplicate or preempt the statutory authority of other state agencies to adopt regulations or undertake other administrative actions governing resources, values, or activities on forest land except for
 - (1) regulations under the Coastal Management Act; and
 - (2) regulations, if authorized by the commissioner of environmental conservation, relating to control of nonpoint source pollution.
- (e) Subject to 16 U.S.C. 1456(f) (Sec. 307(f) of the Coastal Zone Management Act of 1972, P.L. 92-583) as to private land, this chapter and the regulations adopted under this chapter establish the forest management standards, policies, and review processes under AS 46.40 (Alaska Coastal Management Act). This subsection does not apply to timber harvest activity that requires a state or federal authorization under a provision of law other than this chapter.
- (f) This chapter does not diminish the rights, privileges, or immunities of Alaska Natives or Alaska Native corporations with respect to land conveyed under 43 U.S.C. 1601 - 1628 (Alaska Native Claims Settlement Act), and does not alter or diminish the authority of the Department of Fish and Game under AS 16, of the Department of Environmental Conservation under AS 46, or of a state agency under other law. (§1 ch 108 SLA 1978; am §§24, 25, 34 ch 34 SLA 1990; am E.O. No. 107 §32,33 (2003))

Sec. 41.17.905. Independent authority. With respect to matters governed by this chapter, the deputy commissioner does not have supervisory authority over the state forester. (E.O. No. 107 §34 (2003))

Sec. 41.17.910. Wildlife habitat on private land. (a) The deputy commissioner and the state forester shall work cooperatively with private forest landowners and timber owners to protect, maintain, and enhance wildlife habitat to the maximum extent practicable, consistent with the interests of the owners in the use of their timber resources.

(b) The deputy commissioner shall provide educational and technical assistance and extension services to owners of private forest land or timber to assist in identifying important wildlife habitat and to assist in designing voluntary management techniques that minimize adverse effects on wildlife habitat.

(c) The deputy commissioner and the landowner shall cooperate in identifying areas of important wildlife habitat on private forest land and in developing methods for their protection. Methods of protection for wildlife habitat may include, with the agreement of the landowner, the purchase of fee title, purchase of conservation easements, and land exchanges.

(d) This section does not alter or diminish the authority and responsibility of the state over wildlife on private land. (§26 ch 34 SLA 1990; am E.O. No. 107 §35-37 (2003))

Sec. 41.17.950. Definitions. In this chapter, unless the context otherwise requires,

(1) "anadromous water body" means the portion of a fresh water body or estuarine area that

- (A) is cataloged under AS 41.14.040 as important for anadromous fish; or
- (B) is not cataloged under AS 41.14.870 as important for anadromous fish but has been determined by the deputy commissioner to contain or exhibit evidence of anadromous fish in which event the anadromous portion of the stream or waterway extends up to the first point of physical blockage;

(2) "backwater slough" means a water body that

- (A) has sluggish flow, is warm in summer, and is typically only connected to the main stem or a side channel at one end of the water body;
- (B) carries river current only under high water conditions; and
- (C) may have only a seasonal connection to the main stem or side channel;

(3) "board" means the Board of Forestry established in AS 41.17.041;

(4) "broadcast chemicals" includes pesticides, herbicides, fungicides, fertilizers, poisons, and any other substances

(A) used for silvicultural management or related purposes;

(B) not native to the ecosystem in which they are being applied, and

(C) having a foreseeable adverse impact on the welfare of renewable resources, as determined by the commissioner of environmental conservation;

(5) "deputy commissioner" means the deputy commissioner of natural resources appointed under AS 44.37.055.

(6) "division" means the division of forestry;

(7) "forest land" means land stocked or having been stocked with forest trees of any size and not currently developed for nonforest use, regardless of whether presently available or accessible for commercial purposes, and includes any such land under state, municipal, or private ownership;

(8) "forest landowner" means a person who owns forest land, but does not include the owner of mineral or subsurface rights only;

(9) "glacial," with respect to a water body, as used in the phrases "glacial high value resident fish water body" and "glacial anadromous water body," means that, under normal conditions, a water body receives significant surface flow from a glacier; "glacial," with respect to a water body, includes a water body that receive a mix of glacial water and water from other sources;

(10) "high value resident fish" means resident fish populations that are used for recreational, personal use, commercial, or subsistence purposes;

(11) "multiple use" means

- (A) the management of all the various resources of forest land so that they are used in the combination that will best meet the needs of the citizens of the state, making the most judicious use of the land for some or all of these

resources or related values, benefits, and services over areas large enough to provide sufficient latitude for periodic adjustments in use to conform to changing needs and conditions;

(B) that some land will be used for less than all of the resources; and

(C) harmonious and coordinated management of the various resources, each with the other, without significant impairment of the productivity of the land and water, with consideration being given to the relative values of the various resources, and not necessarily the combination of uses that will give the greatest dollar return or the greatest unit output;

(12) "nonglacial," with respect to a water body, as used in the phrases "nonglacial high value resident fish water body" and "nonglacial anadromous water body," means that, under normal conditions, a water body does not receive significant surface flow from a glacier;

(13) "operations" means timber harvesting or activities associated with timber harvesting or forest development unless exempted under AS 41.17.900(a) - (c);

(14) "operator" means a person who is engaged in timber harvesting or activities associated with timber harvesting or forest development, or who contracts with others to conduct operations for that person, except a person who is engaged in an operation as an employee with wages or piecework as the sole compensation;

(15) "ordinary high water mark" means the mark along the bank or shore up to which the presence and action of the tidal or nontidal water are so common and usual, and so long continued in all ordinary years, as to leave a natural line impressed on the bank or shore and indicated by erosion, shelving, changes in soil characteristics, destruction of terrestrial vegetation, or other distinctive physical characteristics;

(16) "other public land" means state land managed by state agencies other than the department, land owned by a municipality, and land owned by the University of Alaska;

(17) "person" has the meaning given in AS 01.10.060 and also includes a joint venture;

(18) "Region I" means all land in Southeast Alaska, plus all land that is south of the crest of the Chugach Mountains and Saint Elias Mountains and east of a line running from the crest of the Chugach Mountains to O'Malley Peak, then southerly to Gull Rock, then southwesterly to the eastern junction of Skilak Lake Road and the Sterling Highway, then southwesterly to the mouth of the Fox River, then southwesterly through Kachemak Bay to Mt. Douglas, plus all land on the Alaska Peninsula between Mt. Douglas and Cape Kumliun that is east of the crest of the Aleutian Range, plus all islands in the Gulf of Alaska north of 56 degrees 23 minutes North latitude;

(19) "Region II" means all land in the state south of the Nutzotin Mountains and Mentasta Mountains, south of the Alaska Range, and east of the Aleutian Range, except for the area within Region I and peninsular and island land south of Cape Kumliun;

(20) "Region III" means all land in the state outside of Regions I and II;

(21) "riparian area" means

(A) the areas subject to riparian protection standards in AS 41.17.116(a) and (b) on private land in Regions I and III;

(B) the areas subject to riparian protection standards in regulations adopted by the state forester under AS 41.17.116(c) on private land in Region II;

(C) the area 100 feet from the shore or bank of an anadromous or high value resident fish water body on state land managed by the department and on other public land;

(22) "significant impairment of the productivity of the land and water" means an activity that may foreseeably result in prolonged or substantial damage to renewable resources or prolonged or substantial reduction of the continuing capability of the land or water to produce renewable resources at their natural or historic levels;

(23) "silviculture" means the art of producing and tending a forest, the application of the knowledge of silvics in the treatment of a forest, and the theory and practice of controlling and managing forest establishment, composition, and growth;

(24) "state forest" means an area designated by the legislature and retained in state ownership in order to

(A) provide a base for sustained yield management of renewable resources; and

(B) permit a variety of beneficial uses;

(25) "sustained yield" means the achievement and maintenance in perpetuity of a high level annual or regular periodic output of the various renewable resources of forest land and water without significant impairment of the productivity of the land and water, but does not require that timber be harvested in a non-declining yield basis over a rotation period;

(26) "timber owner" means a person who owns timber on forest land or who has the rights to timber, but does not own the land itself;

(27) "Type I-A water body" means, in Region I, an anadromous water body that

(A) is a stream or river of any size having an average gradient of eight percent or less, with banks held in place by vegetation, channels that are not incised, and a substrate composed of rubble, gravel, sand, or silt;

(B) consists of wetlands and lakes, including their outlets; and

(C) is an estuarine area delimited by the presence of salt-tolerant vegetation;

(28) "Type I-B water body" means, in Region I, an anadromous water body that does not meet the definition of a Type I-A water body;

(29) "Type I-C water body" means, in Region I, a water body that is not anadromous, that is a tributary to a Type I-A or Type I-B water body, and that has a gradient of 12 percent or less.

(30) "Type I-D water body" means, in Region I, a water body that is not anadromous, that is tributary to a Type I-A or Type I-B water body, and that has a gradient greater than 12 percent.

(31) "Type III-A water body" means, in Region III, a

(A) nonglacial high value resident fish water body greater than three feet in width at the ordinary high water mark;

(B) nonglacial anadromous water body; or

(C) backwater slough;

(32) "Type III-B water body" means, in Region III, a glacial high value resident fish water body or a glacial anadromous water body; "Type III-B water body" does not include a glacial backwater slough;

(33) "Type III-C water body" means, in Region III, a nonglacial high value resident fish water body that is less than or equal to three feet in width at the ordinary high water mark and that does not contain anadromous fish. (§1 ch 108 SLA 1978; am §88 ch 59 SLA 1982; am §43 ch 85 SLA 1988; am §27 ch 34 SLA 1990; am § 3-5 ch 3 SLA 1999; am E.O. No. 107 §38,39 (2003); am §5-10 ch 123 SLA 2003)

Revisor's note: Paragraphs (2) and (5) were both enacted as (23); paragraph (9) was enacted as (24); paragraph (12) was enacted as (25); paragraph (15) was enacted as (26); paragraphs (18) – (20) were enacted as (27) – (29); paragraphs (31) – (33) were enacted as (30) – (32); renumbered in 2003, at which time the remaining paragraphs were renumbered accordingly.

Topic Guide

Forest Resources And Practices Act

September 2003

Note: This guide is presented as an aid and is not all inclusive

TOPIC	Section in AS 41.17
Agency coordination	.098; also .010(5-6), .047(c), .055(d-e), .070(b), .085, .090(d), .125, .900(f)
Appeals	.143; also .070(b)
Applicability	.900; also .110 for reforestation
Backwater slough	.950(2)
Board of Forestry	.020(b), .041-.047, .070(b), .230(c), .950(3)
Change in operations	.090(g)
Chemicals	.100, .950(4)
Clean Water Act	.010(6)
Clearing of spruce trees	.082-.083
Coastal zone management	.090(d), .098(a)(b), .900(d), (e)
Definitions	.950; also .098(e), .116(c)
Detailed plan of operations	.080(b), .090, .098, .110
Due deference	.087(c), .098(c)-(e)
Enforcement procedures	.125-.138
Estuarine areas	.950(1), (19)
Fish habitat protection	.010(7), .060(b)(5), .087(a), .098(d), .115, .118(a)(1), .119(2)
Glacial and nonglacial	.950(9) and (12)
Hearings	.139; also .070(b), .082(b), .131(a), .136(b), .138(a)(b); (state forest plans) .143
Independent authority	.905
Insects and diseases	.082
Inspections	.120; also .090(e)(f)
Land use conversion	.083, .110
Monitoring (implementation & effectiveness)	.047(d)
Multiple use	.060(c)(1), .210, .950(11)
Nonpoint source pollution	.010(5), .055(d), .060(b)(2), .098(c), .900(d)
Notification of operations	see detailed plan of operations
Reforestation	.055(b), .060(b)(43), .060(c)(4), .110, .300-.320
Regions	.080(c), .950(18 - 20)
Regulations (authorities and standards)	.047(a), (d); .055(d), (g); .060(a), (b)(2); .080; .087(b); .098(c); .100; .115; .116(a), (b); .900(c)
Riparian areas	.087(b), .098(d), .115-.119, .950(21)
Road construction	.080(a)(1), .098(d)
Stream and waterbody classification	.118(c), .950(1), (27)-(33)
State forests	.200-.230, .400
Sustained yield	.060(b)(4), (c)(1), (c)(4); .210; .220; .400(e); .950(24)(25)
Timber harvest	.060(c)(4), .080, .082(b), .090(b), .900(b)(2); see also riparian areas
Variations from requirements	.087, .098(b)-(d)
Water quality protection	.047(d), .055(d), .060(b)(5), .087(a), (c); .115
Wildlife habitat	.060(c)(7), .910

This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

SCOMM

138:19

Alaska State Legislature

Representative Peggy Wilson

House District 2

Putting Alaska's Families First

MEMORANDUM

Date: February 13, 2006

To: Representative Bill Thomas Co-Chair Special Committee on Fisheries
Representative Gabrielle LeDoux Co-Chair Special Committee on Fisheries

From: Representative Peggy Wilson *PW*

Re: HB 484 "An Act allowing for revenue received from issuance of additional entry permits to be appropriated for reimbursement to salmon fishery associations."

HB 484 is a housekeeping measure to clarify what would happen to the revenue if the Commercial Fishery Entry Commission should decide to sell (re-issue) permits that have been relinquished under the by back program authorized under AS 16.40.250.

Under HB484 the Association that paid money to remove the permit from the market in the first place may have money returned to them if permit is sold (re-issued).

Please schedule HB 484 for a hearing before the House Fisheries Committee as soon as possible.



Alaska State Legislature

Representative Peggy Wilson

House District 2

Putting Alaska's Families First

SPONSOR STATEMENT

HB 484

"Fishery Association Reimbursement"

In 2002, the Alaska legislature created salmon fishery associations (AS 16.40.250) to encourage fleet reduction in the Alaska salmon fisheries. Salmon fishery associations may be formed in salmon fisheries throughout the state to facilitate a permit buyback program.

HB 484 is a housekeeping measure to clarify what may happen to the revenue if the Commercial Fishery Entry Commission should find it necessary to sell (re-issue) permits that have been relinquished under the buyback program authorized under AS 16.40.250.

Under HB484 the legislature may appropriate revenue from the permit sale (re-issue) to the Association that paid money or incurred debt to remove the permit from the market in the first place.

The state (CFEC) has the responsibility to monitor each limited entry fishery. In the event the CFEC determines more permits are needed in a salmon fishery through an optimum number determination or court action, the provisions of HB 484 would apply.

I ask for your support of HB 484 "Fishery Association Reimbursement."

24-LS1693\G
Kane
2/15/06

CS FOR HOUSE BILL NO. 484()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE WILSON

A BILL

FOR AN ACT ENTITLED

1 "An Act allowing for revenue received from issuance of additional entry permits to be
2 appropriated for reimbursement to salmon fishery associations."

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

4 * **Section 1.** AS 16.43.330 is amended by adding a new subsection to read:

5 (c) If a salmon fishery association qualified under AS 16.40.250 takes part in a
6 fleet reduction program by expending money or incurring debt to contract with permit
7 holders to relinquish the holders' entry permits under AS 16.43.150(i), and if this
8 section requires additional permits to be issued for the same fishery in which the fleet
9 reduction program was implemented, the legislature may appropriate any resulting
10 revenue to the association for reimbursement of money expended or to retire any
11 outstanding debt incurred for fleet reduction purposes.

HOUSE BILL NO. 484

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE WILSON

Introduced: 2/13/06

Referred: House Special Committee on Fisheries, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act allowing for revenue received from issuance of additional entry permits to be**
2 **appropriated for reimbursement to salmon fishery associations."**

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4 * **Section 1.** AS 16.43.330 is amended by adding a new subsection to read:

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6 fleet reduction program by expending money or incurring debt to contract with permit
7 holders to relinquish the holders' entry permits under AS 16.43.150(i), and if under
8 this section, additional permits must be issued, the legislature may appropriate any
9 resulting revenue to the association for reimbursement of money expended or to retire
10 any outstanding debt incurred for fleet reduction purposes under this subsection.



March 20, 2006

Representative Thomas and LeDoux, Co-Chairs
House Fisheries Committee
State Capitol Building
Juneau, Alaska

Dear Mr. and Madame Chair,

The Southeast Alaska Seiners Association (SEAS) urges you to pass HB484, relating to fixing a simple housekeeping measure regarding statutorily authorized fleet consolidation associations. And although this fix is a simple one, it is nonetheless incredibly important.

For years, salmon fishermen in Alaska have agonized over the question of fleet consolidation or buybacks. There are a number of considerations that make consolidation a fit for some regions and not for others. But there has always been one limiting factor in even initiating discussion of the question of "whether to do a buyback" in a region. This factor has been the requirement of "optimum number". Unfortunately our forefathers did not foresee the problems and the lack of durability in "optimum number" studies. But that is an issue for another day.

So the problem for the fleets, simply put, is that they may have to pay a bunch of money for permits that may then be reissued and resold by CFEC at a later date. Therefore the fishermen would have wasted their money to buy back permits just to see those same permits resold again.

HB484 solves, at least temporarily for decades, the "optimum number" issue. The fishermen's association in that region will be able to recover the funds that they expended for the permits that they bought back originally. This will have a positive effect on the way fleet consolidation is viewed by Alaska's fleets who may be of a mind to use fleet consolidation under state statute. This is what SEAS is in the midst of pursuing and we are sure others will follow.

Sincerely

Dan Castle
President, SEAS



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 21, 2006

Representative Bill Thomas, Co-Chairman
Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801

Dear Representative Thomas,

The United Fishermen of Alaska (UFA) supports House Bill 484, allowing for revenue received from issuance of additional entry permits to be appropriated for reimbursement to salmon fishery associations.

In 2002 we supported HB 286 to create the option for fishermen to proceed with self-funded voluntary fleet reduction, to be paid for by an assessment from fishery revenues from the remaining fleet after such a buyback. In the detailed analysis of this it has been pointed out that the possibility of permits being reissued after such a buyback would disrupt the mechanisms of the payback for the permits that were bought back. We support HB 484 as a fine tuning of the mechanism for self-funded buybacks, in the spirit and intention of the legislation already passed.

UFA represents 31 Alaska commercial fishing organizations throughout the state, altogether representing thousands of Alaska commercial fishermen. We appreciate your consideration of our input.

Respectfully,

Bob Thorstenson Jr
President

Mark Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Driggers Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cook Inlet Aquaculture Association • Cordova District Fishermen United
Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association
Kodiak Regional Aquaculture Association • North Pacific Fisheries Association • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



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March 21, 2006

Representative Gabrielle LeDoux, Co-Chairman
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801

Dear Representative LeDoux,

The United Fishermen of Alaska (UFA) supports House Bill 484, allowing for revenue received from issuance of additional entry permits to be appropriated for reimbursement to salmon fishery associations.

In 2002 we supported HB 286 to create the option for fishermen to proceed with self-funded voluntary fleet reduction, to be paid for by an assessment from fishery revenues from the remaining fleet after such a buyback. In the detailed analysis of this it has been pointed out that the possibility of permits being reissued after such a buyback would disrupt the mechanisms of the payback for the permits that were bought back. We support HB 484 as a fine tuning of the mechanism for self-funded buybacks, in the spirit and intention of the legislation already passed.

UFA represents 31 Alaska commercial fishing organizations throughout the state, altogether representing thousands of Alaska commercial fishermen. We appreciate your consideration of our input.

Respectfully,

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Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

SCOMM

138:20

Representative Beth Kerttula

Alaska State Legislature District 3

MEMORANDUM

DATE: January 19, 2005

TO: House Special Committee on Fisheries
Representative Bill Thomas, Co-Chair
Representative Gabrielle LeDoux, Co-Chair

FROM: Representative Beth Kerttula *Beth*

RE: Hearing Request for HJR 6, Labeling Of Fish Products

I respectfully request that House Joint Resolution 6 be scheduled for a hearing in the House Special Committee on Fisheries.

Attached you will find:

- Current version of House Joint Resolution 6
- Sponsor Statement
- Copy of pages of Federal Register dealing with processed food items

Thank you for your consideration.

Representative Beth Kerttula

Alaska State Legislature District 3

MEMORANDUM

DATE: January 19, 2005
TO: Representative Gabrielle LeDoux
FROM: Representative Beth Kerttula
RE: House Joint Resolution 6, Labeling Of Fish Products

As Alaskans, we all know that Alaskan fish tastes better and is healthier than farmed fish. Alaskans have long shown their support of country-of-origin labeling (COOL) and labeling of farmed or wild fish. Labeling for fish has been delayed from September 2004 to April 2005. Included in the proposed regulations for COOL is an exclusion for processed food items, which would include canned and smoked fish. Many Alaskan fish products are processed in some way and sometimes these are the only products available to many Americans.

House Joint Resolution supports the timely implementation of COOL and opposes the exclusion of processed food items from the requirements. I would be honored if you would consider cosponsoring this legislation.

Representative Beth Kerttula

Alaska State Legislature District 3

HJR 6

Labeling of Fish Products

Sponsor Statement

As Alaskans, we all know that Alaskan fish tastes better and is healthier than farmed fish. Alaskans have long shown their support of country-of-origin labeling (COOL) and labeling of farmed or wild fish. These national labeling standards will help maintain the vitality of Alaska's fishing industry by allowing consumers to make informed choices in the marketplace.

Under the Farm Security and Rural Investment Act of 2002, COOL requirements for fish were to be implemented on September 30, 2004. However, the United States Department of Agriculture (USDA) has pushed the effective date to April 2005 and extended the comment period on proposed regulations to February 2, 2005. Included in the proposed regulations is an exclusion for processed food items, which would include canned and smoked fish. Many Alaskan fish products are processed in some way and sometimes these are the only products available to many Americans.

House Joint Resolution supports the timely implementation of COOL and opposes the exclusion of processed food items from the requirements.

**HOUSE OF REPRESENTATIVES
COSPONSOR REQUEST**

TO: CHIEF CLERK

Please add my name as co/cross sponsor
to the following:

HJR 6
Bill or work order number

*Use one slip for each request.

1/25/05
Date

Gabrielle LeDoux
Member's printed name

Chad LeDoux
Member's signature

To: Lynn Barnes / Leg Legal FAX: 465-2029
From: Kimberly Wallace
Date: 1/24/05 A RESOLUTION

Relating to the labeling of fish and shellfish to identify the country of origin and to distinguish between wild and farmed fish.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS Americans deserve wholesome foods and information about the contents and production of their food supply; and

WHEREAS Alaska's fish production is distinct from farmed fish production because Alaska fish are wild, free-ranging and, therefore, naturally wholesome and health; and

WHEREAS there are numerous outstanding issues regarding public policy, fair trade, and the social and economic consequences of farmed fish production; and

WHEREAS more and more consumers are expressing a preference for, and requesting, wild fish over farmed fish; and

WHEREAS both the Alaska State Legislature and the United States Congress have passed labeling laws specifically to inform consumers about fish and shellfish and other food products; and

WHEREAS the United States Department of Agriculture has exempted processed food items from federal country of origin labeling requirements; and

WHEREAS many Alaskan fish and shellfish readily available to Americans are canned, smoked, cured, or cooked without significantly changing the nature of the fish or shellfish;

BE IT RESOLVED that the Alaska State Legislature supports the timely labeling of fish and shellfish in the market place to identify the country of origin and to distinguish between wild and farmed fish; and be it

FURTHER RESOLVED that the Alaska State Legislature supports adding canned, smoked, cured, or cooked fish and shellfish to the labeling requirements to identify the country of origin of fish and shellfish and to distinguish between wild or farmed fish and shellfish.

same list of recipients

Please draft a fisheries committee
CS for HJR 6 using the above
language.
Thank you, Linn

24-LS0383VF

Utermohle

1/25/05

CS FOR HOUSE JOINT RESOLUTION NO. 6(FSH)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FOURTH LEGISLATURE - FIRST SESSION****BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES****Offered:****Referred:**

Sponsor(s): REPRESENTATIVES KERTTULA, Gara, Seaton, Harris, Foster, Chenault, Elkins, Anderson, Olson, Gatto, Coghill, Cissna, Ramras, Gruenberg, Wilson, Samuels, Kott, Kapsner, Guttentberg, Neuman, McGuire

A RESOLUTION

1 Relating to the labeling of fish and shellfish to identify the country of origin and to
2 distinguish between wild and farmed fish and shellfish.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 WHEREAS Americans deserve wholesome foods and information about the contents
5 and production of their food supply; and

6 WHEREAS Alaska's fish production is distinct from farmed fish production because
7 Alaska fish are wild, free-ranging, and, therefore, naturally wholesome and healthy; and

8 WHEREAS there are numerous outstanding issues regarding public policy, fair trade,
9 and the social and economic consequences of farmed fish production; and

10 WHEREAS more and more consumers are expressing a preference for, and
11 requesting, wild fish over farmed fish; and

12 WHEREAS both the Alaska State Legislature and the United States Congress have
13 passed labeling laws specifically to inform consumers about fish and shellfish and other food
14 products; and

15 WHEREAS the United States Department of Agriculture has exempted processed
16 food items from federal country of origin labeling requirements; and

1 **WHEREAS** many Alaska fish and shellfish readily available to Americans are
2 canned, smoked, cured, or cooked without significantly changing the nature of the fish or
3 shellfish;

4 **BE IT RESOLVED** that the Alaska State Legislature supports the timely labeling of
5 fish and shellfish in the marketplace to identify the country of origin and to distinguish
6 between wild and farmed fish and shellfish; and be it

7 **FURTHER RESOLVED** that the Alaska State Legislature supports adding labeling
8 requirements for canned, smoked, cured, or cooked fish and shellfish to identify the country
9 of origin of the fish and shellfish and to distinguish between wild and farmed fish and
10 shellfish.

11 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
12 of the United States; the Honorable Don Evans, United States Secretary of Commerce; the
13 Honorable Mike Johanns, United States Secretary of Agriculture; and the Honorable Ted
14 Stevens and the Honorable Lisa Murkowski, U.S. Senators, and the Honorable Don Young,
15 U.S. Representative, members of the Alaska delegation in Congress.



Federal Register

Tuesday,
October 5, 2004

Part IV

Department of Agriculture

Agricultural Marketing Service

7 CFR Part 60

Mandatory Country of Origin Labeling of
Fish and Shellfish; Interim Rule

maintained for a period of 1 year from the date the origin and production designations are made at retail.

How Does This Regulation Impact Existing State Country of Origin Labeling Programs?

To the extent that State country of origin labeling programs encompass commodities which are not governed by this regulation, the States may continue to operate them. For those State country of origin labeling programs that encompass commodities that are governed by this regulation, these programs are preempted.

Can Food Products That Are Not Covered by This Regulation Be Voluntarily Labeled With COOL Information?

Yes. Such voluntary claims must be truthful and accurate and adhere to existing Federal labeling regulations.

Prior Documents in This Proceeding

This interim final rule is issued pursuant to the Farm Bill, the 2002 Appropriations, and the 2004 Appropriations, which amended the Act.

On October 11, 2002, AMS published Guidelines for the Interim Voluntary Country of Origin Labeling of Beef, Lamb, Pork, Fish, Perishable Agricultural Commodities, and Peanuts (67 FR 63367) providing interested parties with 180 days to comment on the utility of the voluntary guidelines.

On November 21, 2002, AMS published a notice requesting emergency approval of a new information collection (67 FR 70205) providing interested parties with a 60-day period to comment on AMS' burden estimates associated with the recordkeeping requirements as required by the Paperwork Reduction Act of 1995 (PRA). On January 22, 2003, AMS published a notice extending this comment period (68 FR 3006) an additional 30 days.

On October 30, 2003, AMS published the proposed rule for the mandatory COOL program (68 FR 61944) with a 60-day comment period. On December 22, 2003, AMS published a notice extending the comment period (68 FR 71039) an additional 60 days.

Overview of the Law

Section 10816 of Public Law 107-171 (7 U.S.C. 1638-1638d) amended the Act (7 U.S.C. 1621 *et seq.*) to require retailers to inform consumers of the country of origin of covered commodities beginning September 30, 2004.

The intent of this law is to provide consumers with additional information on which to base their purchasing decisions. COOL is a retail labeling program and as such does not provide a basis for addressing food safety. Seafood products, both imported and domestic, must meet the food safety standards of the Food and Drug Administration (FDA). The law defines the term "covered commodity" as muscle cuts of beef (including veal), lamb, and pork; ground beef, ground lamb, and ground pork; farm-raised fish and shellfish; wild fish and shellfish; perishable agricultural commodities; and peanuts. The law excludes items from needing to bear a country of origin declaration when a covered commodity is an "ingredient in a processed food item." The law defines the terms "retailer" and "perishable agricultural commodity" as having the meanings given those terms in PACA. The law defines the term "wild fish" as naturally-born or hatchery-raised fish and shellfish harvested in the wild and excludes net-pen aquacultural or other farm-raised fish.

The law specifically outlines the criteria a covered commodity must meet in order to bear a "United States country of origin" declaration. In the case of farm-raised fish and shellfish, the covered commodity must be derived from fish or shellfish hatched, raised, harvested, and processed in the United States. In the case of wild fish and shellfish, the covered commodity must be derived from fish or shellfish harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel. In addition, the law also requires that fish and shellfish covered commodities be labeled to indicate whether they are wild or farm-raised.

To convey the country of origin information, the law states that retailers may use a label, stamp, mark, placard, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers. Food service establishments, such as restaurants, cafeterias, food stands, and other similar facilities are exempt from these labeling requirements.

The law makes reference to the definition of "retailer" in section 1(b) of PACA as the meaning of "retailer" for the application of the labeling requirements under the COOL law. Under this interim final rule, a retailer is any person engaged in the business of selling any perishable agricultural commodity at retail. Retailers are

required to be licensed when the invoice cost of all purchases of produce exceeds \$230,000 during a calendar year. Since fish markets and similar specialty shops do not generally sell fruits and vegetables, they do not meet the PACA definition of a retailer and therefore are not covered by this rule.

The law requires any person engaged in the business of supplying a covered commodity to a retailer to provide the retailer with the product's country of origin information. In addition, the law states the Secretary of Agriculture may require that any person that prepares, stores, handles, or distributes a covered commodity for retail sale maintain a verifiable recordkeeping audit trail. The law prohibits the Secretary from using a mandatory identification system to verify the country of origin of a covered commodity and provides examples of existing certification programs that may be used to certify the country of origin of a covered commodity. The law contains enforcement provisions for both retailers and suppliers that include civil penalties of up to \$10,000 for each violation. The law also encourages the Secretary to enter into partnerships with States with enforcement infrastructure to the extent possible to assist in the program's administration.

II. Highlights of This Interim Final Rule

Covered Commodities

The term "covered commodity" includes: farm-raised fish and shellfish (including fillets, steaks, nuggets, and any other flesh) and wild fish and shellfish (including fillets, steaks, nuggets, and any other flesh).

Exclusion for Ingredient in a Processed Food Item

Items are excluded from labeling under this regulation when a covered commodity is an ingredient in a processed food item. Under this interim final rule, a "processed food item" is defined as: a retail item derived from fish or shellfish that has undergone specific processing resulting in a change in the character of the covered commodity, or that has been combined with at least one other covered commodity or other substantive food component (breeding, tomato sauce), except that the addition of a component (such as water, salt, or sugar) that enhances or represents a further step in the preparation of the product for consumption, would not in itself result in a processed food item. Specific processing that results in a change in the character of the covered commodity includes cooking (e.g., frying, broiling, grilling, boiling, steaming, baking,

roasting), curing (e.g., salt curing, sugar curing, drying), smoking (cold or hot), and restructuring (e.g., emulsifying and extruding, compressing into blocks and cutting into portions). Examples of items excluded include fish sticks, surimi, mussels in tomato sauce, seafood medley, coconut shrimp, soups, stews, and chowders, sauces, pates, salmon that has been smoked, marinated fish fillets, canned tuna, canned sardines, canned salmon, crab salad, shrimp cocktail, gefilte fish, sushi, and breaded shrimp.

Labeling Covered Commodities of United States Origin

The law prescribes specific criteria that must be met for a covered commodity to bear a "United States country of origin" declaration. The specific requirements for each commodity are as follows:

(a) **Farm-raised Fish and Shellfish**—covered commodities must be derived exclusively from fish or shellfish hatched, raised, harvested, and processed in the United States, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.

(b) **Wild Fish and Shellfish**—covered commodities must be derived exclusively from fish or shellfish either harvested in the waters of the United States or by a U.S. flagged vessel and processed in the United States or aboard a U.S. flagged vessel, and that has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) outside of the United States.

Labeling Country of Origin for Imported Products That Have Not Been Substantially Transformed in the United States

Under this interim final rule, an imported covered commodity shall retain its origin as declared to U.S. Customs and Border Protection at the time the product enters the United States, through retail sale, provided it has not undergone a substantial transformation (as established by U.S. Customs and Border Protection) in the United States.

Covered commodities imported in consumer-ready packages are currently required to bear a country of origin declaration on each individual package under the Tariff Act of 1930 (Tariff Act). This interim final rule does not change these requirements.

Labeling Imported Products That Have Been Substantially Transformed in the United States

Under this interim final rule, in the case of wild fish and shellfish, if a covered commodity was imported from country X and substantially transformed (as established by U.S. Customs and Border Protection guidelines and policies) in the United States or aboard a U.S. flagged vessel, the product shall be labeled at retail as "From [country X], processed in the United States." The covered commodity must also be labeled to indicate that it was derived from wild fish or shellfish.

In the case of farm-raised fish, if a covered commodity was imported from country X at any stage of production and substantially transformed (as established by U.S. Customs and Border Protection guidelines and policies) in the United States, the product shall be labeled at retail as "From [country X], processed in the United States." The covered commodity shall also be labeled to indicate that it was derived from farm-raised fish or shellfish.

Defining Country of Origin for Blended Products

Under this interim final rule, the country of origin declaration of blended or commingled retail food items comprised of the same covered commodity (e.g., bag of shrimp) having different origins, shall indicate the countries of origin for covered commodities in accordance with existing Federal legal requirements when the commingled product contains imported covered commodities that have not subsequently been substantially transformed in the United States. When the retail product contains imported covered commodities that have subsequently undergone substantial transformation in the United States commingled with other imported covered commodities that have subsequently undergone substantial transformation in the United States (either prior to or following substantial transformation in the United States) and/or U.S. origin covered commodities, the declaration shall indicate the countries of origin contained therein or that may be contained therein.

Remotely Purchased Products

For sales of a covered commodity in which the customer purchases a covered commodity prior to having an opportunity to observe the final package (e.g., Internet sales, home delivery sales, etc.) the retailer may provide the country of origin and method of production information (wild and/or

farm-raised), either on the sales vehicle or at the time the product is delivered to the consumer.

Markings

Under this interim final rule, the country of origin declaration and method of production (wild and/or farm-raised) designation may be provided to consumers by means of a label, stamp, mark, placard, band, twist tie, pin tag, or other clear and visible sign on the covered commodity or on the package, display, holding unit, or bin containing the commodity at the final point of sale to consumers. The country of origin declaration and method of production (wild and/or farm-raised) designation may be combined or made separately. Except as provided in § 60.200(g) and § 60.200 (h)(2) of this regulation, the declaration of the country(ies) of origin of a product shall be listed according to existing Federal legal requirements.

Abbreviations and variant spellings that unmistakably indicate the country of origin, such as "U.K." for "The United Kingdom of Great Britain and Northern Ireland" are acceptable. The adjectival form of the name of a country may be used as proper notification of the country(ies) of origin of imported commodities provided the adjectival form of the name does not appear with other words so as to refer to a kind or species of product. Symbols or flags alone may not be used to denote country of origin.

With respect to the production designation, various forms of the production designation are acceptable, including "wild caught," "wild," "farm-raised," "farmed," or a combination of these terms for blended products that contain both wild and farm-raised fish or shellfish provided it can be readily understood by the consumer and is in conformance with other Federal labeling laws. Designations such as "ocean caught," "caught at sea," "line caught," "cultivated," or "cultured" do not meet the requirements of this regulation. Alternatively, the method of production (wild and/or farm-raised) designation may also be in the form of a check box. However, the labeling requirements under this rule do not supersede any existing Federal legal requirements, unless otherwise specified, and any such country of origin and method of production (wild and/or farm-raised) notification must not obscure or intervene with other labeling information required by existing regulatory requirements.

In order to provide the industry with as much flexibility as possible, this rule does not contain specific requirements

**United Southeast Alaska Gillnetters**

P.O. Box 23370, Ketchikan, AK 99901 Phone & Fax (907) 247 2471 Email usa_gillnetters@att.net

January 21, 2005

The Honorable Beth Kerttula
House of Representatives
State Capitol, Room 430
Juneau, AK 99801

Send Via Fax to: 465-4748

Dear Representative Kerttula,

The United Southeast Alaska Gillnetters (USAG) is an association of about 150 small business owners who catch salmon by drift gillnetting in Southeast Alaska and market salmon throughout the United States. Many of our members also participate in other fisheries such as crab, shrimp, longline, and dive fisheries. USAG supports HJR 6 which supports the application of the federal country of origin labeling legislation (COOL) to processed as well as unprocessed seafood items. We believe the American consumer wants to know and has the right to know if the fish and seafood products they are purchasing are wild or farm raised. This is particularly important if we are to realize the maximum benefit from ASMI's "wild" Alaska seafood marketing efforts. In trade publication articles, salmon farmers have written that ASMI's "wild" salmon marketing has increased the sales of all salmon because the consumer cannot distinguish the difference between farmed and wild salmon in retail outlets. This is a totally unacceptable situation and we wholeheartedly support your efforts to encourage the federal government to apply the COOL regulations to all seafood products.

We also believe the State of Alaska should continue to work with other agriculture states to have the COOL regulations apply to all food items consumed in this country. Again, thank you for introducing this resolution and for your continuing support of our Alaska seafood industry.

Yours truly,

Kenneth Duckett
Executive Director

cc: Representative Bill Thomas
Co-chair House fisheries Committee

Via Fax to: 465-2652



UNITED FISHERMEN OF ALASKA

January 24, 2005

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Fisheries Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau, AK 99801-1182

Dear Representative LeDoux,

United Fishermen of Alaska supports the CS for IJR 6 relating to the labeling of fish products and processed food items containing fish. Americans have expressed their desire to know whether their seafood product is farmed or wild caught as well as to distinguish what country it was harvested in. UFA has been working diligently for the last five years on such regulations which will benefit the northwest commercial fishing salmon industry along with many others.

United Fishermen of Alaska represents 31 Alaska Commercial fishing organizations and hundreds of individual fishermen and fishing related businesses. We support the CS for IJR 6 and thank you for your attention to this matter.

Sincerely,

Mark Vinsel
Executive Director

CC: Representative Beth Kerttula

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • Armstrong Keta • At sea Processors Association • Bristol Bay Preserve
Concerned Area "M" Fishermen • Cordova District Fishermen United • Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum
Kodiak Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association • North Pacific Scallop Cooperative
Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purcell Sound Vessel Owners Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association • Southeast Alaska Regional Dive Fisheries Association
Southern Southeast Regional Aquaculture Association • United Chitchee Boats • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fishery Development Association • Western Gulf of Alaska Fishermen

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801



Phone 907-586-6652

Fax 907-523-1168

E-mail: seafa@gci.net

January 25, 2004

House Special Committee on Fisheries
House Resource Committee
State Capitol
Juneau, AK 99801-1182

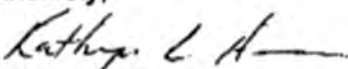
RE: Support for HJR 6

The Southeast Alaska Fishermen's Alliance supported the federal Country of Origin Labeling (COOL) legislation that requires labeling of fish and shellfish and distinguishes between wild and farmed fish and shellfish. We support HJR 6 that has the Alaska legislature supporting the implementation of COOL regulations. It is important that the federal government understand during this comment period that the regulations be extended to cover labeling of canned, smoked, and cured products and reverse the current decision that exempts these products.

We appreciate that the legislature would be willing to send a resolution during this comment period supporting labeling and asking that the labeling be extended to canned and smoked products. Consumers are asking for wild salmon again it is important that the products be labeled so they can make informed choices and receive the product they wish to buy.

The Southeast Alaska Fishermen's Alliance is a non-profit membership based fishermen's organization representing permit holders involved in the salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Sincerely,


Kathryn L. Hansen

Cordova District Fishermen United



Celebrating 70 Years of Service to Commercial Fishermen in Cordova, Alaska

P.O. Box 939 Cordova, Alaska 99574 Telephone 907.424.3447 Fax 907.424.3430

E-mail: cdfu@ak.net

January 25, 2005

Representative Gabrielle LeDoux, Co-Chair
House Fisheries Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau, AK 99801-1182

FL

Dear Representative LeDoux,

Cordova District Fishermen United (CDFU) supports the CS for HJR 6 relating to the labeling of fish products and processed food items containing fish. CDFU, along with United Fishermen of Alaska, has been working for several years to have these type of federal regulations implemented. The American public would like to have their seafood products identified as farmed or wild as well as know what country their seafood was harvested in.

Cordova District Fishermen United represents hundreds of commercial fishermen in Area E Copper River and the Prince William Sound. We support the CS for HJR 6 and appreciate your attention to this matter.

Sincerely,

Diane Platt

Diane Platt
Executive Director

CC: Representative Beth Kerttula

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

January 31, 2005

Country of Origin Labeling Program
Room 2092-S
Agricultural Marketing Service, USDA
Stop 0249
1400 Independence Avenue SW
Washington, DC 20250-0249

Faxed to (202) 720-3499
Original to follow in mail

To Agricultural Marketing Service, USDA:

We are writing to submit comment on the proposed regulations for Mandatory Country of Origin Labeling of Fish and Shellfish, 7 CFR Part 60. The Alaska State Legislature has passed resolutions in support of labeling fish, shellfish, and fishery food products in the market place to identify the country of origin and to distinguish between wild fish and farmed fish. We reiterate our support for Country of Origin Labeling (COOL), including labeling of processed fishery food products.

National labeling standards will allow consumers to make informed and healthy choices in the market place as well as support our American fishing industry. We support implementation of the fish and shellfish labeling requirements of the Farm Security and Rural Investment Act of 2002.

We are concerned by the definition of processed food items as presented in the proposed regulations. Because processed food items would be excluded from COOL requirements, under the proposed definition canned, smoked, cured, or cooked fish and shellfish would not be subject to labeling requirements. We encourage the USDA to change this and ensure that canned, smoked, cured, and pouched fish and shellfish are covered by COOL requirements.

Thank you for your consideration of our comments.

Sincerely,

Members of the Alaska State Legislature



Alaska Trollers Association

130 Seward St., No. 211

Juneau, Alaska 99801

(907) 586-9400

(907) 586-4473 Fax

February 2, 2004

Representative Gabrielle LeDoux, Co-Chair

Representative Bill Thomas, Co-Chair

House Special Committee on Fisheries

Alaska State Legislature

Juneau, AK 99811

Dear Representatives LeDoux, Thomas, and Committee Members:

I am writing to express the Alaska Trollers Association's (ATA) support for HJR6, which advocates labeling of canned and smoked seafood products for country of origin, as well as distinguishing between wild and farm raised.

ATA has long supported reasonable labeling programs, as a means to provide consumers with information they need and want to make informed choices about the foods they eat. Recent passage by Congress of Country of Origin Labeling (COOL) is a substantial step toward that end.

Unfortunately, the USDA chose during the regulatory drafting process to omit simple canned and smoked seafood products from the list of covered commodities. The USDA considers those foodstuffs to be "processed". While much of Alaska's seafood is canned and smoked, it is not significantly altered and still retains its natural characteristics. It is difficult to believe that those items are what most people consider "processed food" - as they would the protein in some TV dinners, or other products that are blended with other foods, sauces, or chemicals.

Consumers are becoming much more discerning when it comes to selection of seafood, but in the marketplace it is often hard to distinguish where it comes from or how it is harvested. And, this is becoming increasingly difficult as a greater number of species are being raised in more countries around the world. Labeling will provide a service to those people who care to know. And, Alaska seafood is likely to fare well in their purchasing decisions, which is why the state should care.

While ATA strongly supports labeling of seafood, we also appreciate some of the concerns that have been expressed by those who will have to implement the program. Therefore, we support working with others in the food service industry where necessary, to ease unnecessary burdens.

Please don't hesitate to contact me if I can be of assistance on this or other matters.

Best Regards,

Dale Kelley

Executive Director

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HJR 6
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Environmental Conservation
Title Labeling of fish products RDU Environmental Health
Component Food Safety and Sanitation
Sponsor Rep Kertula
Requester House Fisheries Component No. 2343

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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						
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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 (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 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)

This House Joint Resolution has no fiscal impact on the department.

Prepared by: Kristin Ryan, Director Phone (907) 269-7644
Division Environmental Health Date/Time 1/25/05 11:59 AM
Approved by: Kurt Fredriksson Date 1/25/2005
Agency Department of Environmental Conservation

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number:

Bill Version:

HJR 6

() Publish Date:

Revision Date/Time (Note if correction):

Title Labeling of Fish Products

Dept. Affected:

Fish and Game

RDU

Component

Sponsor Representative Kerttula

Requester House Special Committee on Fisheries

Component No.

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson
Division: Legislative Liaison

Approved by: Acting Commissioner Wayne Regelin
Agency: Alaska Department of Fish & Game

Phone 465-6137
Date/Time 1/25/05 11:47 AM

Date 1/25/2005



UNITED FISHERMEN OF ALASKA

*Lead +
Return to:
Luu*

January 24, 2005

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Fisheries Committee
Alaska State Legislature
State Capitol (Mail stop 3100)
Juneau, AK 99801-1182

Dear Representative LeDoux ,

United Fishermen of Alaska supports the CS for HJR 6 relating to the labeling of fish products and processed food items containing fish. Americans have expressed their desire to know whether their seafood product is farmed or wild caught as well as to distinguish what country it was harvested in. UFA has been working diligently for the last five years on such regulations which will benefit the northwest commercial fishing salmon industry along with many others.

United Fishermen of Alaska represents 31 Alaska Commercial fishing organizations and hundreds of individual fishermen and fishing related businesses. We support the CS for HJR 6 and thank you for your attention to this matter.

Sincerely,

Mark Vinsel
Executive Director

CC: Representative Beth Kerttula

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Druggers Association • Alaska Longline Fishermen's Association • Alaska Trollers Association • Armstrong Keta • At-sea Processors Association • Bristol Bay Reserve Concerned Area "M" Fishermen • Cordova District Fishermen United • Crab Rationalization and Buyback Group • Douglas Island Pink and Chum • Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association • Kodiak Seiners Association • North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association • Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation • Purse Seine Vessel Owners Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association • Southeast Alaska Regional Dive Fisheries Association • Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Salmon Association • United Southeast Alaska Gilnetters • Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen



Representative Beth Kerttula

Alaska State Legislature District 3

DATE: February 16, 2005
TO: Representative Gabrielle LeDoux
FROM: Representative Beth Kerttula
RE: Country of Origin Labeling for Fish and Shellfish

Thank you very much for signing the COOLest letter in the Legislature.

I've attached a copy of the letter submitted to the United States Department of Agriculture on the proposed Country-of-Origin Labeling regulations. We were able to gather 41 signatures. This was an outstanding show of support for our fishing industry!

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

February 2, 2005

Country of Origin Labeling Program
Room 2092-S
Agricultural Marketing Service, USDA
Stop 0249
1400 Independence Avenue SW
Washington, DC 20250-0249

Faxed to (202) 720-3499
Original to follow in mail

To Agricultural Marketing Service, USDA:

We are writing to submit comment on the proposed regulations for Mandatory Country of Origin Labeling of Fish and Shellfish, 7 CFR Part 60. The Alaska State Legislature has passed resolutions in support of labeling fish, shellfish, and fishery food products in the market place to identify the country of origin and to distinguish between wild fish and farmed fish. We reiterate our support for Country of Origin Labeling (COOL), including labeling of processed fishery food products.

National labeling standards will allow consumers to make informed and healthy choices in the market place as well as support our American fishing industry. We support implementation of the fish and shellfish labeling requirements of the Farm Security and Rural Investment Act of 2002.

We are concerned by the definition of processed food items as presented in the proposed regulations. Because processed food items would be excluded from COOL requirements, under the proposed definition canned, smoked, cured, pouched, or cooked fish and shellfish would not be subject to labeling requirements. We encourage the USDA to change this and ensure that canned, smoked, cured, pouched, and cooked fish and shellfish are covered by COOL requirements.

Thank you for your consideration of our comments.

Sincerely,

Members of the Alaska State Legislature

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

Signature: *Beth Kerttula*
Title: *State Representative*

Signature: *K. S. G.*
Title: *State Senator*

Signature: *[Signature]* *HUM E. OLSON*
Title: *STATE REPRESENTATIVE*

Signature: *Max Huenberg*
Title: *State Representative*

Signature: *Max Klee*
Title: *State Rep. Dist. 15*

Signature: *WILLARD*
Title: *STATE Rep DIST - 5*

Signature: *Samuel Cassia*
Title: *State Rep.*

Signature: *Al Olsen*
Title: *State Rep.*

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

Signature: *Belinda L. Day*

Title: Rep- House District 36

Signature: *Paul R. Seaton*

Title: Rep. House Dist 35

Signature: *John H. Harris*

Title: Dist 12

Signature: *Mike Alvarado*

Title: Rep House District 34

Signature: *Beggy Wilson*

Title: State Rep Alaska Dist 2

Signature: *Donna J. Moore*

Title: Rep Dist. 2

Signature: *R. S. S. S.*

Title: State Rep. District 39

Signature: *Gay R.*

Title: Rep. District 10

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

Signature:

Title:

John B. Cichetti
Rep. Dist 11, Majority Leader

Signature:

Title:

DA SA
Rep. Dist 29

Signature:

Title:

Mary Kapsner
Representative, House District 38

Signature:

Title:

Kull
Rep. Les Gare

Signature:

Title:

Tom Anderson
CHAIR, LABOR & COMMERCE COMMITTEE

Signature:

Title:

Pete Dett
Chair, Legislative Council

Signature:

Title:

UABR at
Democratic Leader

Signature:

Title:

Cici O'Neil
Rep. Dist 26

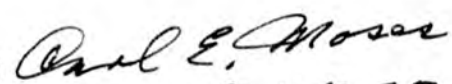
Alaska State Legislature

Official Business

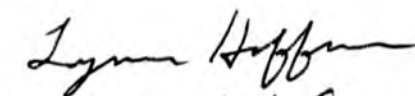


State Capitol
Juneau, Alaska
99801-1182

Signature: 
Title: Senator Dist H

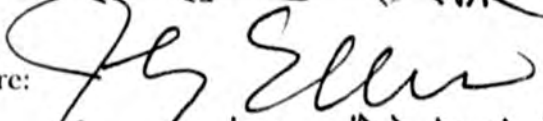
Signature: 
Title: Rep. District 37

Signature: 
Title: Senator District P

Signature: 
Title: Senate dist. S

Signature: 
Title: House District 32

Signature: 
Title: Senate Dist. R

Signature: 
Title: Senate District L

Signature: 
Title: House District -13

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

Signature:

Mike Kelly

Title:

State Representative District 7

Signature:

Gene Theriault

Title:

State Senate District F

Signature:

Allan M. Kooker

Title:

State Senate District C

Signature:

K. Mearns

Title:

State Representative District 30

Signature:

Leslie McSee

Title:

State Representative District 28

Signature:

Berta Gardner

Title:

Alaska State Representative, District 24

Signature:

John J. Condees

Title:

Senator

Signature:

Arvid M. Almm

Title:

State House (AK)

Alaska State Legislature

Official Business



State Capitol
Juneau, Alaska
99801-1182

Signature: *Norman Rokkeberg*

Title: *Representative, House District 27*

Signature:

Title:

Signature:

Title:

Signature:

Title:

Signature:

Title:

Signature:

Title:

Signature:

Title:

Signature:

Title:

SCOMM

138:21

ALASKA STATE LEGISLATURE



Rep. John Harris
Rep. Peggy Wilson
Rep. Jim Elkins
Rep. Mary Kapsner
Rep. Woodie Salmon

State Capitol, Room 124
Juneau, AK 99801-1182
Co-Chairs
Rep. Gabrielle LeDoux
(907) 465-2487 FAX 465-4956
Rep. Bill Thomas
(907) 465-3732 FAX 465-2652

HOUSE SPECIAL COMMITTEE ON FISHERIES

SPONSOR STATEMENT

HJR 15

"Relating to open ocean aquaculture in the federal exclusive economic zone"

Open Ocean Aquaculture (OOA) is a concept that concerns many Americans who are involved in the seafood business and whose communities depend on the economic strength of the commercial fishing industry. This new method of seafood production has been under development for a number of years, and there is pending federal legislation drafted by the Department of Commerce that would establish a program allowing OOA in federal waters.

In response to many environmental, economic and social concerns, Alaska enacted legislation in 1990 that prohibits finfish farming in state waters. This prohibition has enabled the Alaska fishing industry to differentiate itself in the global seafood market. Our name is associated with natural, healthy and safe seafood that has inherent quality because it is not artificially raised with antibiotics, artificial coloring and industrial fish food. Alaska's relative market share of seafood has diminished with the massive increases in farmed fish production, but our products have excellent name recognition and often occupy high value niches in the market. Our commitment to wild fisheries is beginning to pay dividends to our industry and the state, as some prices that dipped to severely low levels are showing strong signs of recovery.

HJR 15 recognizes that the Alaska Legislature is committed to ensuring the biological and economic health of our fisheries and the social and economic well-being of our communities. It requests that the U.S. Congress require any federal proposal to authorize OOA to undergo a legislative environmental impact statement. It also asks that the North Pacific Fisheries Management Council be involved in any proposals regarding OOA. This is critical in that the Council was established to regulate the fisheries of the Gulf of Alaska and Bering Sea. It is essential that the Council, which generally has so well managed Alaska's federal fisheries, be a part of any discussion of OOA proposals.

24-LS0631\F
Utermohle
3/8/05

CS FOR HOUSE JOINT RESOLUTION NO. 15(FSH)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE HOUSE SPECIAL COMMITTEE ON FISHERIES

Offered:
Referred:

Sponsor(s): HOUSE SPECIAL COMMITTEE ON FISHERIES

A RESOLUTION

1 **Relating to open ocean aquaculture in the federal exclusive economic zone.**

2 **BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 **WHEREAS** Alaska wild fish stocks are healthy and sustainable, in large part due to a
4 strong gene pool and Alaska's history of sound fisheries management, clean water, and habitat
5 protection; and

6 **WHEREAS** Alaska commercial, subsistence, and recreational fisheries are managed
7 to achieve the state's constitutional mandate of sustained yield; and

8 **WHEREAS** the State of Alaska enacted legislation in 1990 to prohibit finfish farming
9 in state waters; and

10 **WHEREAS** there are numerous outstanding issues and concerns regarding the social,
11 economic, health, and environmental consequences of farmed fish, both in state and federal
12 waters; and

13 **WHEREAS** open net cage fish farming poses persistent risks to the health of the
14 marine resources of Alaska; and

15 **WHEREAS** there are patents pending to cultivate and introduce genetically modified
16 fish into open waters which will pose a direct threat to wild stock fisheries; and

ERIC
BORRER

1 **WHEREAS** salmon farming has had severe economic impacts on coastal
2 communities in Alaska as demonstrated by significantly lower prices for wild salmon
3 fisheries products; and

4 **WHEREAS** Alaska coastal communities and fishing families rely on the health of
5 wild fish stocks for a strong economy; and

6 **WHEREAS** global markets increasingly demand natural seafood products harvested
7 sustainably from a clean environment; and

8 **WHEREAS** the seafood industry in Alaska has developed strong name recognition in
9 the marketplace for wild, natural, and healthy seafood products; and

10 **WHEREAS** successful seafood marketing depends on product differentiation and
11 Alaska's untarnished name is its greatest asset in the global market; and

12 **WHEREAS** the National Oceanic and Atmospheric Administration is promoting
13 legislation to permit open ocean aquaculture in federal waters from three to 200 miles
14 offshore of the states; and

15 **WHEREAS** the Magnuson-Stevens Fishery Conservation and Management Act
16 provides for input from fishermen and coastal communities through regional fishery
17 management councils; and

18 **WHEREAS** the proponents of federal open ocean aquaculture and members of the
19 ocean aquaculture industry have not satisfactorily demonstrated that this activity will not be
20 detrimental to the ocean resources and to the economy of Alaska coastal communities; and

21 **WHEREAS** Governor Frank H. Murkowski has proposed a five-year moratorium on
22 all permitting, leasing, or development of ocean pen-reared shellfish and finfish in the federal
23 exclusive economic zone off Alaska;

24 **BE IT RESOLVED** that the Alaska State Legislature is committed to ensuring that
25 open ocean aquaculture does no harm to ecosystem integrity, to existing wild fisheries, or to
26 the social and economic well-being of Alaska coastal communities; and be it

27 **FURTHER RESOLVED** that the Alaska State Legislature respectfully urges
28 Congress to prohibit the issuance of any license to permit an aquaculture facility that imports,
29 exports, possesses, cultivates, sells or otherwise handles genetically modified fish in the
30 federal exclusive economic zone or has access to open waters; and be it

31 **FURTHER RESOLVED** that the Alaska State Legislature supports the regional

1 fishery management councils under the Magnuson-Stevens Fishery Conservation and
2 Management Act and their involvement in any discussions or proposals regarding open ocean
3 aquaculture proposals in federal waters; and be it

4 **FURTHER RESOLVED** that the Alaska State Legislature respectfully requests the
5 United States Congress to require any federal proposal to authorize open ocean aquaculture in
6 the federal exclusive economic zone to undergo a legislative environmental impact statement,
7 as required by law.

8 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
9 of the United States; the Honorable Ted Stevens, President Pro Tempore of the U.S. Senate
10 and member of the Alaska delegation in Congress; the Honorable J. Dennis Hastert, Speaker
11 of the U.S. House of Representatives; the Honorable Carlos Gutierrez, United States Secretary
12 of Commerce; and the Honorable Lisa Murkowski, U.S. Senator, and the Honorable Don
13 Young, U.S. Representative, members of the Alaska delegation in Congress.



UNITED FISHERMEN OF ALASKA

211 Fourth Street, Suite 110
Juneau, Alaska 99801-1172
(907) 586-2820
(907) 463-2545 Fax
E-Mail: ufa@ufa-fish.org
www.ufa-fish.org

March 8, 2005

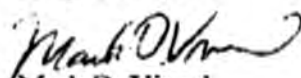
Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries
Alaska State Legislature
State Capitol (Mail Stop 3100)
Juneau AK 99801-1182

Dear Representative Thomas,

United Fishermen of Alaska (UFA) represents thirty-one Alaska commercial fishing groups and hundreds of individual fishermen, crew members and related businesses. UFA supports House Joint Resolution 15 as a clear statement to congress from the State of Alaska regarding the potential environmental and economic threat of fish farms in federal waters.

UFA shares the position in HJR 15, that any management of any offshore aquaculture be under the authority of the regional fishery management councils. UFA also supports the requirement of a legislative environmental impact statement on any federal legislation that would allow fish farms in the Exclusive Economic Zone off U.S. Waters.

Respectfully,


Mark D. Vinsel
Executive Director

MEMBER ORGANIZATIONS

Alaska Crab Coalition • Alaska Drifters Association • Alaska Longline Fishermen's Association • Armstrong Keta • At-sea Processors Association
Bristol Bay Reserve • Concerned Area "M" Fishermen • Cordova District Fishermen United • Douglas Island Pink and Chum
Fishing Vessel Owners Association • Groundfish Forum • Kenai Peninsula Fishermen's Association • Kodiak Regional Aquaculture Association
North Pacific Fisheries Association • North Pacific Scallop Cooperative • Northern Southeast Regional Aquaculture Association
Old Harbor Fishermen's Association • Petersburg Vessel Owners Association • Prince William Sound Aquaculture Corporation
Purse Seine Vessel Owner Association • Seafood Producers Cooperative • Southeast Alaska Herring Seiners Marketing Association
Southeast Alaska Fisherman's Alliance • Southeast Alaska Regional Dive Fisheries Association • Southeast Alaska Seiners Association
Southern Southeast Regional Aquaculture Association • United Catcher Boats • United Salmon Association • United Southeast Alaska Gillnetters
Valdez Fisheries Development Association • Western Gulf of Alaska Fishermen

ALASKA STATE LEGISLATURE



Rep. John Harris
Rep. Peggy Wilson
Rep. Jim Elkins
Rep. Mary Kapsner
Rep. Woodie Salmon

6-Fyl-
State Capitol, Room 124
Juneau, AK 99801-1182
Co-Chairs
Rep. Gabrielle LeDoux
(907) 465-2487 FAX 465-4956
Rep. Bill Thomas
(907) 465-3732 FAX 465-2652

HOUSE SPECIAL COMMITTEE ON FISHERIES

MEMORANDUM

Date: April 7, 2005

To: Senator John Cowdery, Chair
Senate Rules Committee

From: Representative Bill Thomas, Co-Chair
Representative Gabrielle LeDoux, Co-Chair
House Special Committee on Fisheries

Re: Hearing Request CSHJR 15(RES)

The House Special Committee on Fisheries hereby requests that the Senate Rules Committee schedule HJR 15, relating to open ocean aquaculture in the federal exclusive economic zone, for a Senate floor vote at your earliest convenience. Senator Gary Stevens has committed to speaking to this resolution.

Attached please find the pertinent supporting materials. If you have any questions, please contact Ian Fisk in Rep. Thomas' office at 465-6867.

GL

Suzanne Hancock

From: Renee Limoge
Sent: Tuesday, April 12, 2005 5:39 PM
Subject: Legislature Passes Resolution Regarding Fish Farming in Federal Waters
Attachments: 04-12-05Thomasd.doc

FOR IMMEDIATE RELEASE: April 12,
2005
Thomas (907) 465-3732

CONTACT: Representative Bill

Legislature Passes Resolution Regarding Fish Farming in Federal Waters

(JUNEAU) – The Alaska State Legislature unanimously passed the Committee Substitute for HJR 15, a resolution that states the Alaskan Legislature's opposition to Open Ocean Aquaculture (OOA) in federal waters.

The resolution reaffirms the Legislature's commitment to ensuring the biological and economic health of Alaska's fisheries, as well as the social and economic well-being of our state's communities. Further, it requests that Congress require any federal proposal to authorize Open Ocean Aquaculture to undergo a legislative environmental impact statement and asks that Congress ban the introduction of genetically modified fish to the Exclusive Economic Zone.

House Special Committee on Fisheries Co-Chair Bill Thomas (R-Haines) said of the resolution, "Today, we sent a clear message to those in Washington who are pushing the idea of aquaculture in federal waters. The global fish farming industry is bad news for Alaska and for fishermen nationwide. In Alaska, we produce seafood the way it should be done, and we will fight for the well-being of our industry and our communities."

"It would be irresponsible for us to ignore the economic, social, and environmental concerns that caused us to ban finfish farming in state waters in 1990," said Fisheries Co-Chair Gabrielle LeDoux (R-Kodiak). "Open Ocean Aquaculture goes even further and could create even greater dangers to our fisheries."

HJR 15 also requests that Regional Fisheries Management Councils be granted authority over any proposals regarding OOA.

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FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 15
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Fish and Game
 Title Relating to Open Ocean Aquaculture RDU _____
in the Federal Exclusive Economic Component _____
 Sponsor House Special Committee on Fisheries
 Requester House Special Committee on Fisheries Component No. _____

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation would have no fiscal impact.

Prepared by: Sarah Gilbertson
 Division: Legislative Liaison
 Approved by: Acting Commissioner Wayne Regelin
 Agency: Alaska Department of Fish & Game

Phone 465-6137
 Date/Time 3/8/05 4:54 PM
 Date 3/8/2005

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HJR 15
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Legislature
 Title Relating to open ocean aquaculture in the BRU Legislative Council
federal exclusive economic zone. Component: Session Expenses
 Sponsor House Special Committee on Fisheries
 Requestor House Special Committee on Fisheries Component No. 783

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
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
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2004) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation has zero fiscal impact on the Legislative Affairs Agency.

Prepared by: Karla Schofield, Deputy Director Phone 465-6626
 Division Administrative Services Date/Time 3/7/05 1:34 PM
 Approved by: Pamela Varni, Executive Director Date 3/7/2005
 Agency Legislative Affairs Agency

SCOMM

138:22



Representative Eric Croft

Memorandum

TO: Representative Bill Thomas
Representative Gabrielle LeDoux, Co-Chairs
House Special Committee on Fisheries

FROM: Representative Eric Croft *MS for ECC*

DATE: February 6, 2006

RE: Hearing Request, HJR 29

Please schedule HJR 29 for a hearing in the House Special Committee on Fisheries at your earliest convenience. I have attached a copy of the resolution and a sponsor statement.

Thank you.



Representative Eric Croft

Sponsor Statement

HJR 29 – Urging the United States Department of Justice and the Alaska Department of Law to identify all natural resource damages from the Exxon Valdez oil spill that were unanticipated at the time of the 1991 settlement, to develop plans to remedy the damages, and to present the ExxonMobil corporation with a request for the full \$100,000,000 that is available through the "Reopener for Unknown Injury" clause of the 1991 civil settlement to carry out these plans.

HJR 29 urges the federal and state governments to request the \$100 million available for unforeseen and unanticipated damages stemming from the 1989 Exxon Valdez oil spill. The 1991 civil settlement contains a "Reopener for Unknown Injury" clause, which makes these funds available if additional impacts are discovered. Under the terms of the settlement, there is a limited window in which to apply for these funds, which closes on September 1, 2006. Plans for use of the funds must be submitted to Exxon 90 days in advance of the claim, or approximately June 1. This is unrelated to ongoing litigation regarding the punitive damages Exxon owes to individual Alaskans.

The resolution also requests an update from the Attorneys General of Alaska or the United States regarding the status of any reopener claim.

Since the spill and settlement, scientists funded by the initial payments have determined a number of unanticipated injuries to the spill zone. One major impact that did not become evident until after the settlement was the 1993 crash of the Prince William Sound herring population. Scientists have determined that crude oil affected the reproductive processes of the herring, which explains the delayed onset of the crash. Other significant discoveries regard lingering oil. A number of beaches in Prince William Sound still contain significant amounts of oil that has yet to biodegrade. Since the spill and settlement, scientists have also learned that they had underestimated the toxicity of crude oil to wildlife. These issues, among others, show the necessity of these additional restoration funds.

The Kenai Peninsula Borough, Kodiak Island Borough, and City of Cordova have passed resolutions in support of this action.

Introduced by:
Requested by:
Introduced:
Adopted:

Mayor Selby
Assembly
11/03/2005
11/03/2005

**KODIAK ISLAND BOROUGH
RESOLUTION NO. FY2006-17**

**A RESOLUTION OF THE KODIAK ISLAND BOROUGH ASSEMBLY URGING
THE UNITED STATES DEPARTMENT OF JUSTICE AND THE STATE OF ALASKA
TO REOPEN THE 1991 CIVIL SETTLEMENT FROM THE EXXON VALDEZ OIL SPILL AND
CLAIM THE FULL \$100 MILLION FOR
MITIGATION OF UNANTICIPATED LONG-TERM HARM**

WHEREAS, on October 9, 1991, the U.S. District Court of Alaska in Anchorage approved a settlement among Exxon, the United States, and the state of Alaska for damages to "natural resources" (publicly-owned wildlife and wild lands) from the Exxon Valdez oil spill (EVOS); and

WHEREAS, this settlement included a clause that provided a "Reopener for Unknown Injury," which states (essentially) that, between September 1, 2002, and September 1, 2006, Exxon shall pay to the Governments such additional sums as are required (up to \$100 million) to restore oil-damaged populations, habitats, or species in the spill zone if the injury could not reasonably have been known nor anticipated at the time of the settlement; and

WHEREAS, unanticipated long-term harm from the Exxon Valdez oil spill has been clearly and conclusively demonstrated by scientists funded through the EVOS Trustee Council and, separately, through federal and state agencies, universities, and private foundations; and

WHEREAS, unforeseen damage includes delayed recovery of: 5-6 years for pink salmon, about 8 years for black oystercatchers and river otters; and 15 or more years for mussel beds and beach communities, sea otters, and fish-eating areas (from slow replacement of losses after spill); and

WHEREAS, unforeseen damage includes species not recovered after 15 or more years such as: harlequin ducks, Pacific herring, pigeon guillemots, harbor seals (from slow replacement of losses after spill), and mammal-eating orcas (from spill losses and impaired reproduction due to high body burdens of PCBs); and

WHEREAS, unforeseen damage includes indirect effects to species like black-legged kittiwakes that were not initially harmed by the spill, but were harmed through spill-related loss of prey species such as Pacific herring; and

WHEREAS, much of the documented unforeseen damage stems from unexpectedly high levels of spilled oil, which remains buried in the intertidal zone and which NOAA scientists now estimate will take at least another 20 years to naturally degrade; and

WHEREAS, all of these long-term damages from oil were completely unanticipated at the time of settlement because the understanding of oil toxicity then held that oil only caused short-term harm at water levels of parts per million, while scientists now realize that oil also causes long-term harm at water levels of parts per billion and trillion; and

WHEREAS, because of the scientific finding that oil is more toxic than previously thought, it is critical to educate the public as to this finding and take measures to reduce risk of spills as well as to mitigate lingering harm; and

WHEREAS, none of the three parties to the settlement-Exxon, the federal government or the State of Alaska-have petitioned to reopen the settlement.

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH THAT the Assembly hereby urges the United States Department of Justice and the State of Alaska to Reopen the 1991 Civil Settlement From the Exxon Valdez Oil Spill and Claim the Full \$100 Million for Mitigation of Unanticipated Long-Term Harm: and

BE IT FURTHER RESOLVED THAT the US Justice Department and the State of Alaska consider, at a minimum, the following potential mitigation projects:

Mitigation of lingering harm:

1. Monitor weathering and toxicity of residual oil under beaches
2. Monitor recovery of, and oil contamination in, subsistence foods on oiled beaches
3. Continue to monitor species that have not yet recovered
4. Establish, and compensate for, cost of unforeseen injury to species
5. Conduct a feasibility study and cohort epidemiology study on cleanup workers whose health may have been impaired by the EVOS cleanup
6. Study of treated and untreated beaches to determine if any treatment methods used during the EVOS cleanup actually worked; i.e., improved recovery of beach ecology over the long-term

Public education:

1. Fund an assessment of injured resources through the National Research Council
2. Fund a review and assessment of oil spill cleanup products that are not toxic to humans or the environment through the National Research Council
3. Develop and implement national education programs on new understanding that oil is more toxic than previously thought to humans and the environment (like tobacco industry settlement)

Measures to reduce risk of large spills:

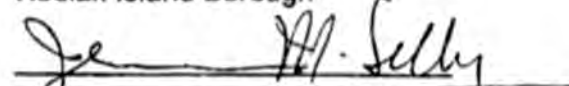
1. Endow citizen oversight council for the Trans-Alaska Pipeline System (estimated cost: \$25 million)

**ADOPTED BY THE ASSEMBLY OF THE KODIAK ISLAND BOROUGH
THIS THIRD DAY OF NOVEMBER 2005**

ATTEST:


Judith A. Nielsen, CMC, Borough Clerk

Kodiak Island Borough


Jerome M. Selby, Borough Mayor

Introduced by:

Martin

Date:

12/06/05

Action:

Adopted as Amended

Vote:

7 Yes, 2 No

KENAI PENINSULA BOROUGH

RESOLUTION 2005-105

A RESOLUTION SUPPORTING REOPENING THE 1991 CIVIL SETTLEMENT FROM THE EXXON VALDEZ OIL SPILL AND CLAIMING THE FULL \$100 MILLION FOR MITIGATION OF UNANTICIPATED LONG-TERM HARM

WHEREAS, On October 9, 1991, the U.S. District Court of Alaska in Anchorage approved a settlement among Exxon, the United States, and the State of Alaska for damages to "natural resources" (publicly owned wildlife and wild lands) from the Exxon Valdez oil spill (EVOS); and

WHEREAS, this settlement included a clause that provided a "Reopener for Unknown Injury," which states (essentially) that between September 1, 2002, and September 1, 2006, Exxon shall pay to the governments such additional sums as are required (up to \$100 million) to restore oil-damaged populations, habitats, or species in the spill zone *if the injury could not reasonably have been known nor anticipated at the time of the settlement*; and

WHEREAS, unanticipated long-term harm from the Exxon Valdez oil spill has been clearly and conclusively demonstrated by scientists funded from the EVOS Trustee Council and separately through federal and state agencies, universities, and private foundations; and

WHEREAS, the severity and duration of the impact this oil spill would have on the native villages in Kachemak Bay, as well as the entire coastline of the Kenai Peninsula extending south from Seward to the west side of the Kenai Peninsula was not, and could not have reasonably been known as the above-described effects on species have drastically damaged these areas and the native village lifestyle, economics and populations; and

WHEREAS, all of these long-term damages from oil were completely unanticipated at the time of settlement because the understanding of oil toxicity then held that oil only caused short-term harm at water levels of parts per million, while scientists now realize that oil also causes long-term harm at water levels of part per billion and trillion; and

WHEREAS, none of the three parties to the settlement - Exxon, the federal government, or the State of Alaska - have petitioned to reopen the settlement;

NOW, THEREFORE, BE IT RESOLVED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. That the Kenai Peninsula Borough Assembly hereby requests the United States Department of Justice and the State of Alaska to reopen the 1991 civil settlement and claim the entire \$100 million for mitigation projects; and

SECTION 2. That copies of this resolution shall be sent to Governor Frank Murkowski, Senator Thomas Wagoner, Senator Gary Stevens, Senator Con Bunde, Senator Albert Kookesh, Representative

Mike Chenault, Representative Kurt Olson, Representative Paul Seaton, Representative Mike Hawker, Representative Woodie Salmon, U.S. Attorney Timothy M. Burgess and Department of Natural Resources Commissioner Michael Menge.

SECTION 3. This resolution takes effect immediately upon its adoption.

ADOPTED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH THIS 6TH DAY OF DECEMBER, 2005.

**CITY OF CORDOVA, ALASKA
RESOLUTION 12-05-51**

**A RESOLUTION OF SUPPORT BY THE CITY COUNCIL OF THE CITY OF
CORDOVA, ALASKA, TO REOPEN THE 1991 CIVIL SETTLEMENT FROM THE
EXXON VALDEZ SPILL AND CLAIM THE FULL \$100 MILLION FOR MITIGATION
OF UNANTICIPATED LONG-TERM HARM**

WHEREAS, on October 9, 1991, the U.S. District Court of Alaska in Anchorage approved a settlement among Exxon, the United States, and the state of Alaska for damages to "natural resources" (publicly-owned wildlife and wild lands) from the *Exxon Valdez* oil spill (EVOS); and

WHEREAS, this settlement included a clause that provided a "Reopener for Unknown Injury," which states (essentially) that, between September 1, 2002, and September 1, 2006, Exxon shall pay to the Governments such additional sums as are required (up to \$100 million) to restore oil-damaged populations, habitats, or species in the spill zone *if the injury could not reasonably have been known nor anticipated at the time of the settlement*; and

WHEREAS, unanticipated long-term harm from the *Exxon Valdez* oil spill has been clearly and conclusively demonstrated by scientists funded through the EVOS Trustee Council and, separately, through federal and state agencies, universities, and private foundations; and

WHEREAS, unforeseen damage includes delayed recovery of: 5-6 years for pink salmon; about 8 years for black oystercatchers and river otters; and 15 or more years for mussel beds and beach communities, sea otters, and fish-eating orcas (from slow replacement of losses after spill); and

WHEREAS, unforeseen damage includes species not recovered after 15 or more years such as: harlequin ducks, Pacific herring, pigeon guillemots, harbor seals (from slow replacement of losses after spill), and mammal-eating orcas (from spill losses and impaired reproduction due to high body burdens of PCBs); and

WHEREAS, unforeseen damage includes indirect effects to species like black-legged kittiwakes that were not initially harmed by the spill, but were harmed through spill-related loss of prey species such as Pacific herring; and

WHEREAS, much of the documented unforeseen damage stems from unexpectedly high levels of spilled oil, which remains buried in the intertidal zone and which NOAA scientists now estimate will take at least another 20 years to naturally degrade; and

WHEREAS, all of these long-term damages from oil were completely unanticipated at the time of settlement because the understanding of oil toxicity then held that oil only caused short-term harm at water levels of parts per million, while scientists now realize that oil also causes long-term harm at water levels of parts per billion and trillion; and

WHEREAS, because of the scientific finding that oil is more toxic than previously thought, it is critical to educate the public as to this finding and take measures to reduce risk of spills as well as to mitigate lingering harm; and

WHEREAS, none of the three parties to the settlement—Exxon, the federal government, or the State of Alaska—have petitioned to reopen the settlement.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Cordova, Alaska, hereby requests the United States Department of Justice and the State of Alaska to reopen the 1991 civil settlement and claim the entire \$100 million for mitigation projects; and

BE IT FURTHER RESOLVED THAT the US Justice Department and the State of Alaska consider, at a minimum, the following potential mitigation projects:

Mitigation of lingering harm:

1. Monitor weathering and toxicity of residual oil under beaches
2. Monitor recovery of, and oil contamination in, subsistence foods on oiled beaches
3. Continue to monitor species that have not yet recovered
4. Establish, and compensate for, cost of unforeseen injury to species
5. Conduct a feasibility study and cohort epidemiology study on cleanup workers whose health may have been impaired by the EVOS cleanup
6. Study of treated and untreated beaches to determine if any treatment methods used during the EVOS cleanup actually worked; i.e., improved recovery of beach ecology over the long-term

Public education:

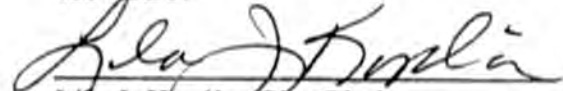
1. Fund an assessment of injured resources through the National Research Council
2. Fund a review and assessment of oil spill cleanup products that are not toxic to humans or the environment through the National Research Council
3. Develop and implement national education programs on new understanding that oil is more toxic than previously thought to humans and the environment (like tobacco industry settlement)

Measures to reduce risk of large spills:

1. Endow citizen oversight council for the Trans-Alaska Pipeline System (estimated cost: \$25 million)

PASSED AND APPROVED THIS 7TH DAY OF DECEMBER, 2005.


Timothy L. Joyce, Mayor

ATTEST:

Lila J. Koplin, City Clerk

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HJR 29
(H) Publish Date: 2/22/2006

Revision Date/Time (Note if correction):

Title Collect More Exxon Valdez Spill Damages

Dept. Affected:

RDU

Component

Sponsor Representative Croft

Requester

Component No.

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES ()

FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No Fiscal Impact

Prepared by: Kimberly Wallace

Division: House Special Committee on Fisheries

Approved by: Co-Chair LeLoux & Co-Chair Thomas

Agency: House Special Committee on Fisheries

Phone 465-2487

Date/Time 2/22/06 9:05 a.m.

Date 2/22/2006

SCOMM

138:23

Alaska State Legislature

Senator Kim Elton
State Capitol, Room 115
Juneau, Alaska 99801-1182
465-4947 phone ♦ 465-2108 fax



Senator Gary Stevens
State Capitol, Room 103
Juneau, Alaska 99801-1182
465-4925 phone ♦ 465-3517 fax

MEMORANDUM

DATE: March 9, 2005

TO: Representative Gabrielle LeDoux, Co-Chair
Representative Bill Thomas, Co-Chair
House Special Committee on Fisheries

FROM: Senator Kim Elton and Senator Gary Stevens

SUBJ: Hearing Request for SB 25, an Act relating to labeling and identification of genetically modified fish and fish products.

We respectfully request a hearing for SB 25, amending section 17.20.040 of the Alaska Food, Drug, and Cosmetic Act to require Alaskan retailers to label genetically modified fish and shellfish, or food products containing genetically modified fish and shellfish when sold in retail.

This bill gives Alaska seafood consumers the ability to choose between genetically modified and non-genetically modified products. Additionally, SB 25 helps bolster the "purity" message that Alaskan seafood marketers have worked to convey, serving to further differentiate wild Alaskan seafood from seafood that has been either bred, or engineered by humans.

SB 25 is similar to legislation introduced in Oregon and California, and comes with the unanimous support of the Joint Legislative Salmon Industry Task Force.

We ask that you hear SB 25 at your earliest convenience.

Kim - ✓
talk
to
Jans
get
this
on
our
calendar

Alaska State Legislature

Senator Kim Elton
State Capitol, Room 115
Juneau, Alaska 99801-1182
465-4947 phone ♦ 465-2108 fax



Senator Gary Stevens
State Capitol, Room 103
Juneau, Alaska 99801-1182
465-4925 phone ♦ 465-3517 fax

SB 25 Sponsor Statement

"An Act relating to labeling and identification of genetically modified fish and fish products."

Transgenic foods are those in which the genetic structure has been altered at the molecular level by means that are not possible under natural conditions or processes. There has been widespread concern throughout the world over the largely unknown effects of transgenic, or genetically modified (GM) products on human and environmental health.

In an effort to address concerns raised by consumer, environmental, health, and Alaska fish marketing groups, SB 25 requires Alaska retailers to identify and label foods containing fish and shellfish, or fish and shellfish products that have been genetically modified.

The message that Alaska seafood is more natural than seafood that has been engineered or bred is a highly important marketing tool. This bill, by requiring a differentiation between GM and wild seafood helps highlight Alaska seafood as distinct from GM seafood, thereby doing away with any vagueness that may exist to the consumer when purchasing seafood without labeling, and reinforcing the natural message.

Many GM agricultural products are currently allowed on the U.S. market, and an application submitted by an aquaculture company for the use of a GM, growth-enhanced salmon is pending before the Food and Drug Administration's Center For Veterinary Medicine. The Pacific Fisheries Legislative Task Force *Fish Review* dated December 2004 reports that Aqua Bounty, a biotechnology company with offices in the United States and Canada, is planning to ask Canadian authorities for approval to use GM fish in Canada's fish farms.

Currently, legislation in the European Union, Japan, New Zealand, and Australia requires labeling on foods made from, or containing GM products. SB 25 is similar to legislation introduced in other states, such as Oregon and California, and it comes with the unanimous support of the Joint Legislative Salmon Industry Task Force, a committee comprised of legislators, seafood harvesters and seafood processors.

Alaska State Legislature

Senator Kim Elton
State Capitol, Room 115
Juneau, Alaska 99801-1182
465-4947 phone ♦ 465-2108 fax



Senator Gary Stevens
State Capitol, Room 103
Juneau, Alaska 99801-1182
465-4925 phone ♦ 465-3517 fax

SB 25

Recommended Witness/Interested Party/Teleconference request

Denny Kelso, assistant professor of environmental studies at UC Santa Cruz.
Will call in offnet from either (831) 459-3685 or (831) 477-0758.



THE CENTER FOR FOOD SAFETY

660 PENNSYLVANIA AVE., SE, SUITE 302, WASHINGTON, DC 20003

(202) 547-9359 ☎ FAX (202) 547-9429

1009 GENERAL KENNEDY AVE., #2, SAN FRANCISCO, CA 94129

(415) 561-2524 ☎ FAX (415) 561-7651

WWW.CENTERFORFOODSAFETY.ORG

January 31, 2005

Senator Kim Elton
State Capitol, Room 115
Juneau, AK 99801-1182

Dear Senator Elton:

The Center for Food Safety is pleased to endorse Senate Bill No. 25 and your efforts for a mandatory labeling requirement to identify genetically engineered (GE) fish and shellfish. Because GE fish are being developed for commercial use, the potential release into the environment and the use of these fish as food is imminent. Therefore, Senate Bill No. 25 would give Alaskan consumers the right-to know whether their seafood is genetically altered.

GE fish present a host of serious risks to humans and the environment. Human health effects include the potential for toxicity, allergenicity, and antibiotic resistance. As for the environmental impacts, the risk of biological contamination from GE fish is particularly acute, since GE fish may be raised in net pens from which they can easily escape and breed with native strains. The harm of such interbreeding would be severe. A Purdue University study concluded that the release of GE fish could cause the extinction of an entire fish species in a matter of a few generations. The National Academy of Sciences also issued a report warning that GE fish that escape could wreck havoc on the environment.

Despite these potentially irreversible human health and environmental risks, there is a profoundly disturbing lack of federal regulation of marine biotechnology. As such, we applaud your leadership on this issue and hope the Alaskan legislature can step into the void by ensuring that consumers are aware of genetically engineered seafood products through a mandatory labeling requirement.

Sincerely,

Tracie Letterman
Fish Program Director



United Southeast Alaska Gillnetters

P.O. Box 23378, Ketchikan, AK 99901 Phone & Fax (907) 247 2471 Email: usa_gillnetters@att.net

January 29, 2005

The Honorable Gary Stevens
The State Senate
State Capitol, Room 103
Juneau, Alaska 99801

Send Via Fax to: 465-3517

Dear Senator Stevens,

The United Southeast Alaska Gillnetters (USAG) is an association of about 150 small business owners who catch salmon by drift gillnetting in Southeast Alaska and market salmon throughout the United States. Many of our members also participate in other fisheries such as crab, shrimp, longline, and dive fisheries. USAG strongly supports SB 25 which requires the labeling of genetically modified (GM) fish and fish products sold in the State of Alaska. We believe the Alaskan consumer wants to know and has the right to know if the fish and seafood products they are considering buying for their families have been genetically modified. This is in part a marketing issue as we believe that Alaska wild-caught seafood is the best and most healthy in the world and the Alaska consumer will choose it over a genetically modified product if they are given that information about the respective products. More than that, some GM fish may have attributes that allow those fish to be raised and brought to market at a price point with which quality wild fish cannot compete. If these GM fish are not labeled, the cost conscious consumer may choose the GM product on the basis of price, whereas if that consumer knew it was a GM product, they may not purchase it.

Thank you for introducing this legislation and for your continuing support for our seafood industry.

Yours truly,

Kenneth Duckett
Executive Director

cc: Senator Elton Via Fax to: 465-2108
Senator Bunde, Chair Senate Labor & Commerce Via Fax to: 465-3871

Southeast Alaska Fishermen's Alliance

9369 North Douglas Highway
Juneau, AK 99801

Phone 907-586-6652

Fax 907-523-1168



E-mail: seafa@gci.net

January 31, 2005

Senate Labor & Commerce Committee
Senator Con Bunde, Chair
Alaska State Legislature, State Capitol
Juneau, AK 99801-1182

RE: Support for SB 25

The Southeast Alaska Fishermen's Alliance supports SB 25, which would require genetically modified fish or fish products to be labeled. The Joint Legislative Salmon Industry Task Force offered unanimous support for this legislation last year although it failed to make it through the process.

It is important that Alaska have this type of labeling law in place prior to the advent of genetically modified fish or fish products make it into the marketplace. Aqua Bounty has already applied to the United States FDA and Canadian officials for the permits to grow genetically modified fish in fish farms. By being proactive on labeling requirements you help differentiation between genetically altered fish or fish products and our natural wild Alaskan fish in the marketplace. This allows us the use of an important marketing tool.

The Southeast Alaska Fishermen's Alliance is a non-profit membership organization located in Juneau representing our members involved in salmon, crab, shrimp and longline fisheries of Southeast Alaska.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kathy Hansen', with a long horizontal flourish extending to the right.

Kathy Hansen
Executive Director