ALASKA LEGISLATURE COMMITTEE FILES 1995-1996 8672
8718 HOUSE RESOURCES

Box 4349
Kodiak, Ak 99615
January 28, 1994

Alaska Board of Fisheries
Box 3 - 2000
Juneau, Ak 99802 - 2000

Dear Commissioners:

For years the Kodiak Dungeness fishery has been the perfect fishery with biological protection of the resource managed solely by size, sex and season. With implementation of halibut and black cod I.F.Q.s eminent in 1995, the advent of limited entry in many other dungeness fisheries in Alaska and the West Coast, and Council proposed limited entry in other crab fisheries and bottom fish fisheries; the Kodiak District Dungeness Fishery will experience a catastrophic influx of new fishing effort in this open access fishery.

A petition for limited entry has been endorsed and submitted by many Kodiak area dungeness fishermen. In conjunction with our request for limited entry we request emergency consideration for implementation of pot limits for the Kodiak Dungeness Regulatory District. The enclosed request form for a change in the regulation discusses an 850 pot limit.

To protect the resource of the Kodiak Dungeness Fishery and the economic viability of this fishery we feel both the institution of a pot limit and limited entry by permit be approved. We must look forward to saving the biological resource and economic viability of this fishery before it is destroyed.

Thank you for consideration of this emergency request.

Sincerely,

Robert J. Gustafson
F/V Alska

Petition for Limited Entry for the Kodiak Area Dungeness Fishery

Management of fisherises on the West Coast of the U.S. including Alaska,is changing drasticly. Government intervention by virtue of instituting various forms of limited entry in most if not all fisheries is eminent. Halibut and Black Cod I.F.Q.s will be implemented by 1995 or sooner. The Dungeness crab fishery in Southeast Alaska is closed to new access by moratorium. The West Coast; Washington and Oregon are currently working on a plan to close their Dungeness fishery to new access with a Limited Entry Plan. California already has limited entry for dungeness crab. Salmon and herring have been closed for a long time. Discussions in the North Pacific Fisheries Management Council now include Limited Entry for Pacific cod [longline, pot and trawl], all other forms and species of trawl, and Bering Sea crab. Other areas of the State of Alaska are in the process of developing limited entry proposals for dungeness crab.

The balance of the small Dungeness fishery of the Kodiak area will experience a catastrophic increase in fishing pressure from boats from all over the West Coast. This fishery could be destroyed as a viable fishery for all participants if not protected from a massive influx of boats that are displaced from other fisheries. The Kodiak Dungeness fishery may be over capitalized based on the number of boats which would qualify for limited entry permits currently.

Considering the need for a stable, economic dungeness fishery; we the following Kodiak Area Dungeness Fishermen request that the Kodiak Dungeness Fishing Area be placed under limited entry by the State of Alaska.

The precedent for expediting this limited entry permit system request for Kodiak dungeness fisheries can be seen from the Chatham Black Cod limited entry and Southeast Alaska dungeness limited entry.

We propose this fishery's limits be based on the following criteria;

[1] Retain size, sex and season as the biological criteria for season harvest.

[2] Limit entry by access, one boat/one permit.

[3] The base period for consideration to qualify for entry should be only those boats which were registered and delivered crab harvested from the Kodiak harvest area from any years from 1991 through 1993.

[4] The permit belongs to the boat owner or lease holder of record. Only one permit will be qualified for each boat active for the qualifying period.

[5] A pot limit is being requested currently from the State Board of Fish.

We strongly urge the State to consider our petition for immediate action. This method of management appears to be the only way to save the dungeness fishery in Kodiak from economic chaos. Thank you for your concern.

Sincerely,

Robert J. Gustafson
F/V Alska

RECEIVED
APR 13 1994
CFEC

The undersigned Kodiak area fishermen would like to encourage the C. F. E. C. to proceed with the developement of plans for a limited entry system for the Kodiak area Dungeness fishery, and to make such plans available for public review as soon as possible.

Name	Address	Vessel	Signature
ANDRE NAULT	Box 922 KODIAK	F/V Gold Nugget	Andre Nault
ALLAN GRAUEL	BOX2669 KODIAK	F/V LORI ANN	Allan Grauel
Scott S Wioboda	P.O. Box 1921	F/V Phoenix	Scott Swioboda
CHARLES L. THOMPSON	ROX 2193 KODIAK	F/V DARK STAR	Chas L Thomp
William E. HEWERT	BOX 1711 KODIAK	F/V BUCCANEER	William E. Hewert
RONALD L BLONDIN	Box 3703 Kod. AK	F/V PRIMO	Ronald L Blondin
Kenneth W. HOLLAND	Box 608	KODIAK F/V	Point Omega Ken Holland
RANDY BLONDIN	BOX 4478	KODIAK F/V	SARAH MARIE Randy Blondin
Skip Bolton	Box 2852	Kodiak F/V	Dominion

ALASKA BOARD OF FISHERIES & ALASKA BOARD OF GAME
REGULATION PROPOSAL FORM

Box 3-2000, Juneau, Alaska 99802-2000

BOARD OF FISHERIES REGULATIONS

☒ Fishing Area Stat Area J, Kodiak Distri

☐ Subsistence ☐ Personal Use

☐ Sport ☒ Commercial

JOINT BOARD REGULATIONS

☐ Advisory Committee ☐ Regional Council ☐ Rural

BOARD OF GAME REGULATIONS

Game Managment Unit (GMU) _____

☐ Hunting ☐ Trapping

☐ Subsistence ☐ Other _____

☐ Resident

☐ Nonresident

Please answer all questions to the best of your ability. All the answers will be printed in the proposal packets along with the proposer's name (addresses and phone nos. will not be published). Use separate forms for each proposal.

1. Alaska Administrative Code Number 5 AAC 32.425 Regulation Book Page No. 50

2. What is the problem you would like the Board to address? The dungeness crab resource in the Kodiak Regulatory Area is threatened by unregulated pot access as well as a dynamic increase in boats to the fishery due to displacement from other areas by various limited access schemes.

3. What will happen if this problem is not solved? The dungeness fishery in the Kodiak Regulatory Area will go unchecked to the point of threatening the bilolgical resource as well as the ecomonic viability of the fishery.

4. What solution do you prefer? In other words, if the Board adopted your solution, what would the new regulation say?

Under section 5 AAC 32.425. Lawfull gear part A. stays the same.

Part B. would be-- In Statistical Area J, Kodiak District, no more than 850 dungeness crab pots may be used by a vessel to take dungeness crab.

5. Solutions to difficult problems benefit some people and hurt others:

A. Who is likely to benefit if your solution is adopted?

The existing dungeness fleet and the resource as well as ADF&G in the process of managing the fishery.

B. Who is likely to suffer if your solution is adopted?

Those boats wishing to fish more than 850 dungeness pots.

6. List any other solutions you considered and why you rejected them.

An IFQ form of limit was considered but rejected due to the nature of this fishery.

Submitted By: Name Robert J. Gustafson Robert J. Gustafson

Individual or Group

Address Box 4349 Kodiak, Ak. Zip Code 99615 Phone (907) 487-4430

11-08(6-88)

STATE OF ALASKA
THE LEGISLATURE

LEGISLATIVE AFFAIRS AGENCY
DIVISION OF PUBLIC SERVICES

PETERSBURG LEGISLATIVE INFORMATION OFFICE

PHONE: 772-3741 FAX: 772-3779

FAX TRANSMISSION

TO: House Resources Committee 3/1/95 TELEconfevence

FAX #: 465-3793

DATE: 3/1/95

MESSAGE: Hb 107.....Testimony by fax.....per Marine Operator call

From Bob Tepley....Box 1728, Petersburg, AK. 99833

I believe we do need a limited entry system to save the resource. I believe the number of pots should be limited equally, Fishing capacity should be equal for all who participate.

Telecoference - HB 107

My name is Liv Ewing my husband Lynn Ewing and I are a commercial fishing family and we support House Bill 107 and its mangement of the resource.
Box 1335 Psg. 772-3644

Telecoference - HB 107

My name is Gwynne Short. My husband Joe Short has been in the fisheries since 1979. We are both for House bill 107.
Gwynne Short Box 1224 Psg 772-3585

Teleconference for HB 107 Limited Entry Permits

My name is Beth Flor. I am in favor of HB 107. This amendment will enable CFEC to design specific limited entry programs that will solve many problems for resource conservation as well as providing equitable levels of participation.
Thank you. Box 262 772-3829 ext. 2626

Tele.conference - HB-107

P.O. Box 1312 - Psg. AK. 99833

My Name is Sheri Wohlhueter, Im strongly in Favor of HB-107 - This bill would give CFEC a Responseabe mangement tool For this Resource. Which is cruciel For the longevity of this Resource Fishery.

Teleconference - HB-107

My name is Heidi Lyons My husband, Jack Lyons is a Dungeness fisherman and we both support House Bill 107
Thank you. POBox 527 Ph. 772-3754
Psg

Erling W. Husvik
P.O. Box 297 • Petersburg, Alaska 99833

MARCH 1, 1995

I SUPPORT HOUSE BILL NO. 107.

ERLING W. HUSVIK
Erling W Husvik

Maxine Husvik
P.O. box 297
Petersburg. Ak. 99833

I support HOUSE BILL No. 107.

Thank You.
Maxine Husvik
Maxine Husvik

HB

113

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg. (Mon.), Wed., Fri.

Date: 2/6/95

Tape# 95-10 Joint

Time: 8:08 am/pm Time Adjourned: am/pm

ROLL CALL:	PRES	ABS	TIME AR			
Rep. Joe Green	✓					
Rep. Bill Williams	✓					
Rep. Scott Ogan	✓					
Rep. Alan Austerman	✓					
Rep. Ramona Barnes						
Rep. John Davies						
Rep. Pete Kott	✓					
Rep. Eileen MacLean						
Rep. Irene Nicholia						

Other Legislators Present

AGENDA:

Bill No.	Short Title	Action Taken
HB 121	SALVAGE TIMBER SALES	
HB 113	REPORTS BY OUT OF STATE FISHING VESSELS	

OTHER

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130 Seward Street, Suite 400
Juneau, Alaska 99801-2105

Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources
2-6-95 8:08 am
Tape #95-10, Side A, #000
HB 113

HOUSE RESOURCES COMMITTEE

Alaska State Legislature
House of Representatives

DATE: 2/6/95

PLACE: ROOM 124

SUBJECT OF MEETING:
HB 121 – SALVAGE TIMBER SALES
HB 113 – BOARDS BY OUT OF STATE FISHING VESSELS

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
Tom Bostin	DNR Forestry				465-3514	Y	N	HB 121 ANSWER 2 QUESTIONS
Ron Wolfe	Kenai Wood Forest Products	P.O. Box 3463 Juneau, AK	99803 4653		9-7104	Y	N	H.B 121
Sara Hannan	A.E.L	PO Box 22151 Juneau	99802			Y	N	HB 121
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	
						Y	N	

[redacted]USE COMMITTEE REPORT[redacted]

(9)

Date Referred: February 3, 1995 FURTHER REFERRALS:

Date of Committee Action: 2/6/95

The RESOURCES Committee considered: HB 113

HOUSE BILL NO. 113 REPORTS BY OUT OF STATE FISHING VESSELS

"An Act relating to reports by fishing vessels that are not registered under the laws of the state."

recommends it be replaced with the following committee substitute _____ [ ] the same title [ ] a new title

[ ] additional referral to _____ Committee
[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____ [ ] fiscal note(s) _____

[ ] zero fiscal note(s) _____ [X] zero fiscal note(s) ADF+G 1/30/95

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
			✓	
	✓			
	✓			
	✓			
	✓			
	✓			

CHAIR'S SIGNATURE W.K. Williams

Alaska State Legislature

Committees:

House Resources, Chairman

Community & Regional Affairs

Labor & Commerce

Representative William K. Williams

During Session:
State Capitol
Juneau, AK 99801-1182
(907) 465-3424
Fax (907) 465-3793

In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

SPONSOR STATEMENT

HOUSE BILL 113

"An Act relating to reports by fishing vessels that are not registered under the laws of the state."

House Bill 113 will give the Board of Fish the authority to adopt regulations concerning foreign fishing vessels transiting or in state waters. This legislation would allow the Board to require foreign fishing vessels to report to the Department of Fish and Game the quantity, species, and origin of fish on board.

This will assist the Alaska Department of Fish and Game in their effort to collect data on our border fisheries. House Bill 113 could provide Fish and Game with additional in season management data, providing the state with some significant and timely information that was previously unavailable to our fisheries managers. House Bill 113 will also help protect the state's interest by deterring potential illegal fishing in our waters.

Section two of the Bill directs the Board of Fish to consider for adoption, before May of 1996, the provisions of House Bill 113 concerning foreign fishing vessels present in or transiting the waters of Southeast Alaska.

I urge your positive support of this proposed legislation.

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. HB 113

Revision Date:
Dept. Affected: Fish and Game
Title: Reports by Fishing Vessels Not Registered Under the Laws of the State.
BRU: Commercial Fisheries Manage. & Dev.
Component: Fisheries Management
Sponsor: Rep. Williams
Requester: House Fisheries
COMPONENT SERIAL NO. 1941

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
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
CHANGE IN REVENUES ( )	0.0	0.0	0.0	0.0	0.0	0.0

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
1006 GF/MHTIA	0.0	0.0	0.0	0.0	0.0	0.0
Other	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 (FY95) cost: $ 0.0

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)

The proposed legislation should not have any fiscal or program-related impact on the Commercial Fisheries Management and Development Division.

Prepared by: Bob Clasby
Phone: 465-4210
Division: Commercial Fisheries Management and Development
Date: 1/26/95
Approved by Commissioner:
Date: 1.30.95
Agency:

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(Rev 10/94) 95fisno.xls/D88

DEPARTMENT OF FISH AND GAME

POSITION PAPER

Bill No. HB 113

Sponsor: Rep. Williams

Division: Commercial Fisheries Management and Development

Bill Title: Reports by Fishing Vessels That Are Not Registered Under the Laws of the State.

Department Position: Support

Background/Legislative Intent:
Canadian commercial salmon trollers commonly fish close to the international boundary in Dixon Entrance. Frequently, these vessels enter Alaskan waters to anchor for the night. While at anchor, they do occasionally clean and ice fish. Because of the controversy surrounding the Pacific Salmon Treaty, the use of Alaska harbors by Canadian vessels disturbs some Alaskans. There is also the possibility of illegal fishing by the vessels while in Alaskan waters. The intent of the proposed legislation is to have the Board of Fisheries adopt regulations that will allow the state to more closely monitor the activities of Canadian vessels while in Alaskan waters. This will not only prevent illegal fishing, but reassure concerned Alaskans that Canadian vessels are not taking advantage of their access to our waters to engage in illegal fishing.

Analysis of Bill/Program Effects:
The proposed legislation explicitly grants the Board of Fisheries the authority to adopt regulations that will require a foreign fishing vessel to report to the state information on fish they have aboard their vessel when it is in or transuding state waters. The adoption of this legislation and subsequent adoption of regulations requiring the reporting by a foreign fishing vessel should not have a negative impact on the division's programs. The adoption of such regulations may assist in the prevention of illegal fishing by foreign vessels.

Commissioner's Signature Frank Rue Date 1-30-91

Frank Rue, Acting Interim Commissioner

DIVISION OF LEGAL SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

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130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM February 1, 1995

SUBJECT: Authority of the State to Impose Reporting Requirements on Fishing Vessels Not Registered Under the Laws of the State (HB 113)

TO: Representative Bill Williams

FROM: George Utermohle
Legislative Counsel

This memorandum is in response to the query of Pete Ecklund of your staff as to whether the state may impose reporting requirements on a fishing vessel not registered under the laws of the state (foreign fishing vessels).

HB 113 provides that the Board of Fisheries may adopt regulations requiring foreign fishing vessels present in or transiting the water of the state to report the quantity, species, and origin of fish on board to the Department of Fish and Game. In the context of HB 113, a foreign fishing vessel is any fishing vessel that is not registered under the laws of the state, i.e. fishing vessels from another state or another country. Generally to be registered under the laws of the state, a fishing vessel must have a commercial fishing vessel license issued by the state. The Board of Fisheries is authorized under AS 16.05.475 to adopt a definition of "registered under the laws of the state" for purposes of that statute but has not done so.

The primary constraint on the authority of the state to enact a provision such as that proposed by HB 113 is the interstate and foreign commerce provisions of the United States Constitution (Article 1, sec. 8, cl. 3). The commerce clause gives power to the Congress to regulate foreign and interstate commerce and limits the power of the states to erect barriers against interstate and foreign trade.

The commerce clause is not an absolute barrier to state laws affecting interstate or foreign commerce. The state retains authority under its general police powers to regulate matters of legitimate local concern, even though interstate and foreign commerce may be affected. Maine v. Taylor, 477 U.S. 131, 138, 91 L.Ed.2d 110, 120 (1986). In reviewing a state law affecting commerce, the courts distinguish between state laws that affirmatively discriminate against interstate and foreign commerce and those that place only an incidental burden on commerce.

State laws that fall into the first group, by directly discriminating against commerce or by having an effect that discriminates against commerce, are subjected to demanding scrutiny by the courts. The burden falls on the state to demonstrate that the law serves a legitimate local purpose and that the purpose cannot be served as well by nondiscriminatory means. Maine, 477 U.S. at 138, 91 L.Ed.2d at 121. Laws that fall into the second group violate the commerce clause only if the burden that they impose on commerce are clearly excessive to the putative local benefits.

The first issue to be resolved is whether HB 113 falls into the first group by discriminating against interstate and foreign commerce or the second group by only incidentally affecting commerce. The distinction between the two groups is often a function of whether the purpose or effect of the law is economic protectionism. Pacific Northwest Venison Producers v. Smitch, 20 F.3d 1008 (9th Cir. 1994). If HB 113 is viewed as affirmatively discriminating against interstate and foreign commerce, the state must be able to establish that it is pursuing a legitimate state interest, unrelated to economic protectionism. A law that pursues the goal of economic protectionism is per se invalid under the commerce clause.

The state's interest in protecting fish resources is a recognized justification for state laws affecting interstate and international commerce. Hughes v. Oklahoma, 441 U.S. 322, 60 L.Ed.2d 250 (1979). If the purpose of the HB 113 is to protect state fishery resources by preventing illegal fishing by foreign fishing vessels while they are in state waters, the state would be able to establish that it is pursuing an appropriate goal. However as the purpose of the law become less oriented toward the conservation of state resources and more oriented toward protecting the economic interests of Alaska fishermen, the ability of the state to satisfy the requirements of the commerce clause decreases. The state must also be able to show that it cannot achieve its purpose by a less discriminatory means. If HB 113 is directed at addressing a problem that is posed only by foreign fishing vessels, such as illegal fishing by foreign fishing vessels while they are temporarily in state water, there could not be any less discriminatory means available to the state to achieve its purpose. Also, as long as the reporting requirement is the least burdensome measure available to achieve that goal, then the state law should be able to survive scrutiny under the commerce clause. A simple reporting requirement that could be satisfied by radio or by a phone call is more likely to be consistent with the requirements of the commerce clause, than would a requirement that foreign fishing vessels report to the nearest Fish and Game office and be subjected to a physical inspection by a fish and game officer.

If HB 113 falls into the second group then the state need only show that the local benefit of the law justifies the burden placed on commerce. Under this analysis, the conservation and protection of fishery resources are a legitimate local concern. New York State Trawlers Association v. Jorling, 16 F.3d 1303 (2d Cir. 1994). A simple reporting requirement would probably be a slight burden on foreign vessels and not be clearly excessive in relation to the benefit derived by the state by imposing the requirement.

In the abstract, it would seem that the state could easily justify imposing a reporting requirement on foreign fishing vessels in state water and still conform with the requirements of the federal commerce clause. However, the ultimate issue will be whether the actual reporting requirement as adopted by the Board of Fisheries is consistent with the federal commerce clause. In adopting a reporting requirement for foreign fishing vessels, the Board of Fisheries must be very careful as to the proposes for which it is establishing the requirement and as to the degree of burden that is imposed on foreign fishing vessels.

There is no obstacle, that I am aware of, to assertion of state jurisdiction over foreign fishing vessels while they are present in state water. A cursory review of the Magnuson Fishery Conservation and Management Act has not uncovered any provisions that would deprive the state of its authority to regulate activities of foreign fishing vessels in state water.

The laws of the state are equally applicable to nonresidents and aliens who are present in the state. The only possible exception being a treaty that restricts the power of the state to arrest a foreign national, such as treaties relating to diplomatic immunity. There are no treaties that I am aware of that would prevent the state from arresting fishermen who are foreign nationals. The Department of Law has not reported any such problems in exercising criminal jurisdiction over foreign nationals.

If I may be of further assistance, please advise.

GU:lmb
95-109.lmb

Legislative Research Agency

Alaska State Legislature

130 Seward Street, Suite 218
Juneau, Alaska 99801-2196

Phone: (907) 465-3991
Fax: (907) 463-3351

February 1, 1995

MEMORANDUM

TO: Representative Bill Williams

FROM: Linda J. Snow
Legislative Analyst

RE: **Reporting Requirements of Fishing Vessels Entering U.S. and Canadian Waters**
Research Request 95.083

You asked for information about the Canadian reporting and fee requirements for U.S. fishing vessels that enter Canadian waters. In particular, you asked what, when, to whom, and how U.S. vessels must report. You were also interested in similar information about reporting requirements of Canadian fishing vessels that enter U.S. (Alaska) waters.

Reporting Requirements for U.S. Fishing Vessels Entering Canadian Waters

In general, the Canadian government has no mandatory reporting requirements or fees[1] for foreign fishing vessels transiting Canadian waters unless the vessel operators intend to dock or anchor somewhere along the way. If a foreign vessel intends to dock or anchor in Canadian waters, operators of that vessel must report to Canadian Customs. The exception is that operators of foreign vessels fishing for tuna in Canadian waters must report the vessel name, owner, position, radio call-in sign, and areas to be fished, whether or not they stop in Canadian waters.

According to Roy Zak, senior customs officer with the Canadian Customs office in Prince Rupert, B.C., U.S. vessels that intend to stop at a Canadian port for any reason, or intend to anchor in

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[1]According to Dave Knapton, enforcement officer for the Conservation and Protection section of the Canadian Department of Fisheries and Oceans, a fee for U.S. fishing vessels transiting Canadian waters was temporarily charged during the summer of 1994. However, that fee was politically motivated in response to the continued dispute over shares of salmon harvest allocated between the U.S. and Canada as defined in a proposed treaty between the two countries, and has since been discontinued.

Canadian waters must report to the first Customs clearing station after crossing the border (in a north to south transit, Prince Rupert is the first Customs clearing station). In reporting to Canadian Customs, a vessel operator must present the vessel and crew to the Customs dock immediately upon arrival (Customs personnel is on call 24 hours a day). The information required for a report to Canadian Customs includes documentation information on the vessel, its registry, tonnage, crew, owner, operator, and home port. Canadian Customs checks the citizenship, and sometimes the criminal records, of the crew. Customs also requires a cargo manifest, which will include pounds of fish by species, and in which country they were caught if the vessel is transporting fish.

Large vessels that have four or five crew members and can carry a large supply of fuel have no difficulty making the three-day transit of Canadian waters without stopping. However, many small boats must dock or anchor at some time along the way. Vessel operators who feel they can travel further than the first customs port into Canada before they must dock or anchor, and do not report at the **first** customs port, subject themselves to possible fines and vessel seizure.

Mr. Zak stated that it is not common for small U.S. fishing vessels to bring a cargo of fish caught in Alaska all the way through Canadian waters to sell or process in Bellingham or further south. Some vessels will take their catch to Prince Rupert for processing, but the vessels do not come in unannounced. They generally have prearranged agreements with processors in Prince Rupert.

All foreign vessels transiting Canadian waters are urged to voluntarily report to the Canadian Coast Guard for safety's sake, as the trip takes about three days, and the Coast Guard can be aware of the vessel's position should it run into trouble. Also, vessels over 20 meters in length (about 65 feet) are asked to voluntarily take part in the "Vessel Traffic System," an electronic tracking safety system that helps prevent collisions of large vessels. As is the case in U.S. waters, the Coast Guard of the host country makes its radio facilities available free of charge to relay any reports made from a vessel to a government agency.

Reporting Requirements for Canadian Fishing Vessels Entering U.S. (Alaska) Waters

A foreign vessel that enters U.S. (Alaska) waters must report to U.S. Customs as soon as it ceases forward motion (i.e., anchors or docks). If a vessel will be in U.S. waters for less than 24 hours, and does not offload cargo (including fish), send crew ashore to purchase supplies or fuel, or to change crews, the vessel operators are only required to report the name and description of the vessel, where it will be, and the approximate time it intends to leave U.S. waters.[2] Foreign vessel

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[2]According to Ketchikan Coast Guard Base Executive Officer Daryl Milburne, during Canadian fishing openings in Dixon Entrance, near the border between Alaska and Canada. Canadian fishing vessels too small to anchor in the entrance safely, seek the closest harbor in which to rest after a day of fishing. The closest harbors are across the border in Alaska waters. These boats generally leave early in the morning to continue fishing in Canada.

operators generally report to the U.S. Coast Guard, and the Coast Guard relays the information to the nearest U.S. Customs office.

The U.S. Coast Guard informs foreign fishing vessel operators that they cannot fish or process fish except to operate their freezers, and that they may have their riggers down if they need them for stability, but otherwise, all fishing gear must be stowed. Foreign fishing vessels which fall under the jurisdiction of the Magnuson Act cannot offload cargo, and the Coast Guard informs them of this also. They are also told that if their time of departure changes more than one-half hour from the original estimate, they must inform the Coast Guard of the new time and reason for the change.[3] The Coast Guard watches foreign fishing vessels harbored in Alaska waters by going into those harbors at odd times of the night to make sure that the vessels are shut down, and that no fishing or processing is occurring. The Coast Guard also follows up reports of foreign vessels fishing in U.S. waters. According to the Coast Guard Base Ketchikan Executive Officer, during peak season for Canadian fisheries openings near the border last year, an average of forty boats a night were spending the night in U.S. harbors, his agency seized only three vessels for fishing north of the AB line.[4] All Canadian vessels seized for illegal fishing were actively fishing during the day, and not in the harbors at night.

Foreign vessel operators who intend to spend more than 24 hours in U.S. waters, or who intend to send crew ashore, exchange crew, or offload cargo, must make a full report to the nearest U.S. Customs. Generally, vessel operators radio the report to a ships agent who reports to Customs for them. The information required for a full report to Customs includes documentation information on the vessel, its registry, tonnage, crew, owner, operator, and home port. U.S. Customs also requires a cargo manifest, which will include pounds of fish by species, and in which country they were caught if the vessel is a fishing vessel.[5] Attachment A contains basic reporting forms required for the entry of foreign vessels from the U.S. Customs Services.

If a Canadian vessel enters Alaska waters from a river such as the Stikine or Taku rivers in Southeast Alaska, it is not under the jurisdiction of the Magnuson Act, and may dock to offload cargo. Generally, small Canadian fishing boats transiting rivers into Alaska waters either sell the fish unprocessed to canneries in Juneau or Wrangell, while the larger vessels flash freeze the fish in the round, containerize them, and transport them to markets in Canada. Canadian boats coming down the rivers must report to the nearest U.S. Customs office the quantity of fish on board by

---

[3]Personal communication with Ketchikan Coast Guard Base Executive Officer Daryl Milburne, January 27, 1995.

[4]The AB line is the undisputed border between Alaska and Canada waters in Dixon Entrance. There is some disputed area in Dixon Entrance, but it is not illegal to fish in those waters, although the Canadian Coast Guard informs U.S. fishing vessels it is illegal.

[5]Personal communication with Doug Harmon, port director, U.S. Customs office in Ketchikan, January 27, 1995.

weight and species.[6] According the Steve Baker, the U.S. Customs agent in Wrangell, Canadian vessels fishing in the Stikine River are not likely to fish in the U.S. portion of the river, as the operator of each vessel has established fish camps on the Canadian portions of the river from which they fish. They simply pass through U.S. waters going to and from their home ports and their fish camps.

We hope this information is helpful to you. If you need further assistance, please don't hesitate to call this office.

Attachment

---

[6]Personal communication with Steve Baker, U.S. Customs agent at Wrangell, January 27, 1995.

January 13, 1995

Senator Robin Taylor
Representative Bill Williams
State Capitol
Juneau, AK 99801

Dear Robin and Bill,

Enclosed is a proposal from the trustees of the Ketchikan Trollers Committee that foreign fishing vessels with salmon aboard which enter Alaskan waters be required to report the quantity and harvest area of these fish to the nearest Alaska Department of Fish & Game personnel or Fish & Wildlife Protection officer.

The particular problem that we are trying to address is the lack of appropriate harvest information from the booming Canadian salmon troll fishery off Cape Chacon and Cape Muzon at the Alaskan border. Southeast Alaskan fishermen are suffering irreparable harm at the U.S./Canada Pacific Salmon Treaty due to the inability or unwillingness of fishery managers in British Columbia to monitor this growing fishery.

We urge you to introduce joint legislation to address this situation. Please note that we are not asking for the State to interfere inappropriately with the ongoing federal negotiations and actions regarding the "disputed" zone in Dixon Entrance. Our proposal addresses only those foreign fishing vessels which enter waters that undisputedly are under Alaskan jurisdiction.

Thank you for taking the time to consider our proposal. We hope you find that it merits consideration and action.

Sincerely,

Lonnie

Lonnie Haughton, Secretary/Treasurer
Ketchikan Trollers Committee
PO Box 3006
Ketchikan, AK 99901
(907) 225-1289 & 225-0600 *fax*

cc: Dave Gaudet, Alaska Department of Fish & Game
Dale Kelley, Alaska Trollers Association
Jim Bacon, Southeast Alaska Seiners
Geoff Bullock, United Southeast Alaska Gillnetters
Representative Jerry Mackie
Mayor Dennis Watson, City of Craig
Gary Freitag, SSRAA

Proposal by the Ketchikan Trollers Committee
to require that all foreign salmon fishing vessels that enter Alaskan waters
be required to report to the Alaska Department of Fish & Game

The **Problem** -

Within the last five years there has been a dramatic increase in the number of Canadian salmon trollers fishing in the "disputed waters" at the Alaskan border near Cape Chacon and Cape Muzon and anchoring each night in Alaskan harbors (Nichols Bay and McLeod Bay). A border fishery that once attracted no more than a dozen trollers now has, at times, in excess of 100 vessels targeting Alaskan and Canadian salmon. Many of these vessels are state-of-the-art freezer trollers, with large crews, that are able to fish until their holds are full.

The magnitude and effect of this shift in salmon harvesting from the British Columbia side of Dixon Entrance over towards the Alaskan border is impossible to determine because:

a. there is absolutely minimal monitoring of their border fishery by the British Columbia enforcement vessels,
b. the reporting requirements for British Columbia fishermen are extremely lax,
c. B.C. salmon managers are unable (or unwilling) to provide information in a timely and appropriate manner, and
d. what data is available does not adequately differentiate the sub-areas in or near Dixon Entrance in which salmon harvesting has occurred.

The lack of appropriate information about this growing border fishery may mask an overharvest of Alaskan stocks and definitely harms Alaska during negotiations of the U.S./Canada Pacific Salmon Treaty.

The **Solution** -

Most of the Canadian trollers that participate in the border fishery in this "disputed" zone are allowed (for safety considerations) to anchor each night in harbors that are undisputedly in the jurisdiction of the United States and the State of Alaska. It is the recommendation of the Ketchikan Trollers Committee that legislation be enacted to require the operators of all foreign fishing vessels with salmon aboard that enter undisputed Alaskan waters to report the following information to the Alaska Department of Fish & Game:

a. the quantity of salmon, per species, aboard the vessel, and
b. the area where these fish have been harvested.

HOUSE COMMITTEE REPORT

(5)
Date Referred: January 23, 1995 FURTHER REFERRALS: Resources

Date of Committee Action: _____

The SPECIAL COMMITTEE ON FISHERIES Committee considered: HB 113

HOUSE BILL NO. 113 REPORTS BY OUT OF STATE FISHING VESSELS

"An Act relating to reports by fishing vessels that are not registered under the laws of the state."

recommends it be replaced [ ] the same title
with the following committee substitute _____ [ ] a new title

[ ] additional referral to _____ Committee
[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept) APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____ [ ] fiscal note(s) _____

_____ _____

[X] zero fiscal note(s) F&G [ ] zero fiscal note(s) _____

_____ _____

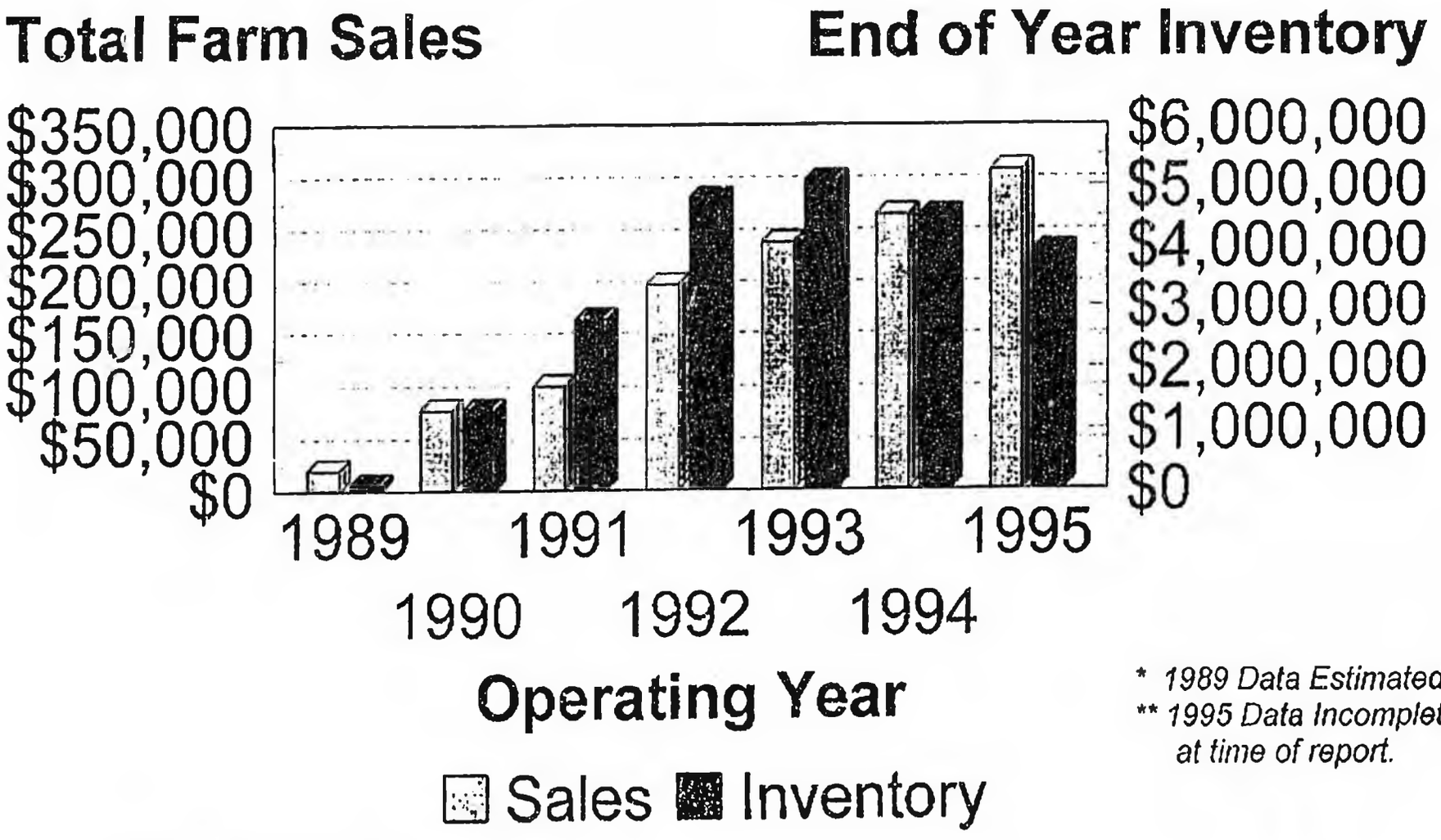
SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	✓			
	✓			
			✓	

CHAIR'S SIGNATURE _____ _____

HB

118

AQUATIC FARM SALES AND INVENTORY



* *1989 Data Estimated*
** *1995 Data Incomplete at time of report.*

- *1995 Reporting Year*

FISCAL NOTE

STATE OF ALASKA
1996 LEGISLATIVE SESSION

BILL NO. CS HB 118

Revision Date:
Title: An Act relating to seafood marketing , to the definition of seafood and to an aquatic farm product marketing tax
Sponsor: Austerman
Requestor: House Special Committee on Fisheries

Department: Commerce and Economic Development
BRU: Alaska Seafood Marketing Institute
Component: Alaska Seafood Marketing Institute
COMPONENT SERIAL NO.: 393

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY00	FY 01	FY 02
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	1.0	1.0	1.5			
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	1.0	1.0	1.5	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 General Fund						
1005 GF/Program Receipts	1.0	1.0	1.5			
1006 GF/MHTIA						
Other						
TOTAL	1.0	1.0	1.5	0.0	0.0	0.0

Estimate of any current year (FY 96) cost: $ _____

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

CS HB 118 amends the Alaska Seafood Marketing Institute statutes (AS 16.51.180 (a)) to include aquatic farm products in the seafood marketing assessment. The assessment is a voluntary tax on seafood products levied at .3 percent of the value paid by the processor for the product. Aquatic farm sales in 1995 was valued at $300,000 which would produced $900 for the seafood marketing assessment. The value of product in inventory is approximately $3,00,000 which will provide some future growth in sales .

The assessments are collected by the Department of Revenue and transferred to the ASMI to be utilized to purchase advertising services to promote of consumption of Alaska products. In order to receive and expend these funds for the intended purpose, ASMI is requesting additional program receipt authorization of $1,000 in FY97 with a gradual increase in the subsequent years to meet anticipated increased sales.

Prepared by: Dwayne Peeples
Division: Alaska Seafood Marketing Institute
Phone: 465-5571
Date: 2/2/96

Approved by Commissioner: William L. Hensley
Agency: Commerce and Economic Development
Date: 2-6-96

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STATE OF ALASKA
1996 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO: CSHB 118( )
9-LS0088\M

Revision Date: _____ Dept. Affected: Revenue

Title: Seafood Marketing / Aquatic Product Tax BRU: Revenue Operations

Component: Income and Excise Audit

Sponsor: Rep. Austerman

Requestor: (H) SCF COMPONENT SERIAL NO. 113

Expenditures/Revenues: (Thousands of Dollars)

OPERATING EXPENDITURES	FY 97	FY 98	FY 99	FY 00	FY 01	FY 02
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 (GF)	124.0	124.0	124.0	124.0	124.0	124.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY96) cost $ 0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

(See Attached Analysis)

Prepared by: Paul E. Dick Phone: 465-2320

Division: Income and Excise Audit Date: 2/20/96

Approved by Commissioner: Wilson Condon Date: 2/20/96

Agency: Department of Revenue

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LEG:CSHB118 X!.S

Alaska State Legislature

House of Representatives
Special Committee on Fisheries

SPONSOR STATEMENT

CSHB 118 - "SEAFOOD MARKETING / AQUATIC PRODUCT TAX"

March 3, 1996

CSHB 118 brings ASMI two new sources of revenue to ASMI.

First, this bill imposes an aquatic farm product marketing assessment at the rate of .3 percent on the value of aquatic farmers' product. The aquatic farmers' assessment would be remitted to the Department of Revenue annually by April 1 of the calendar year following the sales. Oysters, mussels and clams are permitted for aquatic farming; however, at present, only oysters are being sold in any significant amount.

Second, CSHB 118 amends AS 43.76.110 so that special harvest area permit holders would be subject to the 1 percent salmon marketing tax. Special harvest area permit holders are those fishermen who harvest cost recovery salmon for the hatcheries. The salmon put on the market through this method enter and effect the salmon market and should contribute to our ailing salmon markets.

Room 434, State Capitol, Juneau, Alaska 99801-1182 (907) 465-4230 or 465-2487

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101

130 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM February 23, 1996

SUBJECT: Sectional Summary of CSHB 118(FSH); An Act relating to seafood marketing, to the definition of "seafood" for purposes of the Alaska Seafood Marketing Institute, to an aquatic farm product marketing assessment, and to the salmon marketing tax.

TO: Representative Alan Austerman

FROM: George Utermohle
Legislative Counsel

You have requested a sectional summary of CSHB 118(FSH); An Act relating to seafood marketing, to the definition of "seafood" for purposes of the Alaska Seafood Marketing Institute, to an aquatic farm product marketing assessment, and to the salmon marketing tax.

As a preliminary matter, please note that a sectional summary of a bill is not an authoritative interpretation of the bill. The bill itself is the best statement of its contents.

Section 1 of the bill amends AS 16.51.090 by authorizing the board of directors of the Alaska Seafood Marketing Institute to establish committees related to the marketing of seafood and seafood products.

Section 2 of the bill adds a new section to AS 16.51 which defines "seafood" for the purposes of AS 16.51.120 - 16.51.161, seafood marketing assessment.

Section 3 of the bill adds a new section to AS 16.51 establishing a marketing assessment of 0.3 percent of the value of aquatic farm products sold by aquatic farms.

Section 4 of the bill amends AS 16.51.170 to provide that AS 43.05 and AS 43.10 apply for the enforcement and collection of the aquatic farm product assessment established by sec. 3 of the bill.

Section 5 of the bill amends the general definition of "seafood" for AS 16.51 to include aquatic farm products.

Section 6 of the bill adds a definition of "aquatic farm product" for purposes of AS 16.51.

Section 7 of the bill amends AS 43.76.110 to provide that persons (private nonprofit hatcheries under AS 16.10.400) who have special harvest area entry permits must pay the salmon marketing tax.

Section 8 of the bill provides that the bill takes effect immediately under AS 01.10.070(c).

GU:glc:klb
96-114.glc

Bill Analysis

Section 1 amends AS 16.51.090 such that powers of the Alaska Seafood Marketing Assessment board would apply to the marketing of seafood products.

Section 2 adds a new section to 16.51 to define "seafood" such that it does not include aquatic farm products for AS 16.51.120 - 16.51.161.

Section 3 of this bill provides for a new aquatic farm product marketing assessment of .3% on the value of aquatic farm product sold by aquatic farm permit holders. Permit holders would be required to file returns and remit assessments to Department of Revenue by April 1 each year.

Section 4 specifies that tax enforcement provisions authorized under AS 43.05 and AS 43.10 would apply to collection of the aquatic farm products assessment.

Section 5 adds language to the definition of "seafood" so that it includes aquatic farm products.

Section 6 adds a new paragraph to AS 16.51.180 so that "aquatic farm product" has the meaning given in AS 16.40.199.

Section 7 amends AS 43.76.110 so that special harvest area permit holders would be subject to the salmon marketing tax.

Section 8 provides for an immediate effective date.

Operating Costs

The Department does not anticipate any additional costs to administer the aquatic farm product marketing assessment or collect salmon marketing tax collections from special harvest area permit holders.

Revenue

According to the Alaska Seafood Marketing Institute (ASMI), a .3% assessment would yield approximately $1.0 per year. According to Department of Fish and Game data, the total value of salmon harvested under special harvest area permits in 1995 was $12.3 million. If values remained at the 1995 level, a 1% salmon marketing tax would yield $123.0.

Total revenue increases from both the assessment and tax under this bill is estimated at $124.0.

Alaskan Shellfish Growers Association

Amy
Rick
HB 118

Rep. Alan Austerman
Capitol Building
Juneau, AK 99811

Dear Rep. Austerman:

Thank you for inviting our comments on House Bill 118. The Alaskan Shellfish Growers Association (ASGA) voted unanimously at its annual meeting in October to support this measure if two amendments are adopted. These amendments relate to reporting requirements and the amount of the assessment.

The collection provisions of the legislation would be unduly burdensome and costly to administer. In fact, the Alaska Department of Revenue estimates the administrative cost of the procedures would far exceed the amount collected. These sections would require the reporting to the state of each sale of aquatic farm products, and would impose enormous paperwork requirements on growers and the state.

These sections were based upon the collection requirements of the one percent marketing assessment on salmon fishermen. They work well for that purpose because each purchase of salmon must be recorded on a "fish ticket" and a copy forwarded to the state for other purposes. However, aquatic farmers are not under a "fish ticket" system and to impose a similar system strictly for the marketing assessment would be excessive.

Discussion with Revenue officials suggest that the department would support a single annual report from growers for the purposes of collecting the tax. Shellfish growers currently are required to submit an annual report to the Alaska Department of Fish and Game. The year-end report includes a month-by-month summary of aquatic farm product sales and gross revenues from those sales. It seems that this report could be revised slightly to fit the purposes of this legislation.

The legislation would impose a one percent marketing tax on aquatic farmers to help support the programs of the Alaska Seafood Marketing Institute (ASMI). While we believe that ASMI is doing a very good job in promoting Alaska oysters, ASGA believes the tax should be fair and equitable to everyone in the industry.

Aquatic farmers are classified by the state for all other purposes as seafood, but HB 118 would put us in a new category. Existing statutes allows seafood processors to set the level of the

Rodger Painter, president ◆ P.O. Box 20704 Juneau, AK 99802 ◆ Phone: (907) 463-3600

assessment through a vote of all licensed processing companies. Currently, this assessment is set at .3 percent. ASGA strongly believes that aquatic farmers should be put under the same assessment as all other seafood processors.

Again, ASGA strongly supports ASMI's marketing efforts, but we believe adoption of both of these amendments are vital. I would be pleased to work with you and your staff to develop legislation acceptable to the industry.

Sincerely,

Rodger Painter

c.c. Rep. Caren Robinson
Rep. Kim Elton
Art Scheunemann, ASMI

Table 1. 1995 Aquatic farm permit data.

	Southeast	Southcentral	TOTAL
OPERATIONS			
Aquatic farm permit applications	2	7	9
New Farm Permits issued	1	3	4 1)
Permits pending or still in process	1	4	5
Total permitted aquatic farms	15	41	56
Shellfish hatcheries/nurseries	1	1	2
Farm/Hatchery Major Amendment Applications	2	1	3
Farms reporting activity	13	31	44
Farm permit renewals received	2	7 2)	9
Farm permit renewals issued	4	11	15
1994 renewals pending/still in process	1	4	5
Acreage permitted for aquatic farming	46	163 3)	209
RESEARCH			
Permit applications	11	26	37
SHELLFISH AND AQUATIC PLANT ACQUISITION/TRANSPORT			
Permit applications	30	47	77
Permits issued	27	44	71
Permits pending or still in process	3	1	4

1) *From 1994 applications.*

2) *Includes one shellfish hatchery renewal application.*

3) *Includes 20 acres in Kachemak Bay State Park.*

Table 2. 1995 Aquatic farm operations data.

	Southeast	Southcentral	TOTAL
MARKET SALES			
Oysters	599,106	267,866 [1]	866,972
Value	$185,723	$110,302	$296,025
Mussels (lbs)	100	4,235	4,335
Value	— [3]	$10,458	$10,458
Total aquatic farm market sales			$306,483
HATCHERY/NURSERY SALES			
Oysters	0	43,370	43,370
Value	$0	— [3]	— [3]
SEEDSTOCK PURCHASED			
Oyster spat	1,779,752	2,404,000 [1]	4,183,752
Oyster larvae	0	4,000,000	4,000,000
END OF YEAR INVENTORY [2]			
Oysters	3,506,064	6,809,002 [1]	10,315,066.00
Value	$1,086,879	$2,655,510	$3,742,389
Mussels (lbs)	1,000	73,210 [4]	74,210
Value	— [3]	$179,365	$179,365
Total End-of-Year Aquatic Farm Inventory Value			$3,921,754
Oysters(hatchery/nursery)	33,800	94,000	127,800.00
Value	— [3]	— [3]	— [3]
Littleneck clams (hatchery stock)	0	34,000	34,000
Value	$0	— [3]	— [3]
EMPLOYMENT SUMMARY			
Number of employees	24	50	74 [5]
Days worked	1,342	2,887	4,229

1) Southcentral production data preliminary

2) A small inventory of other species, primarily scallops (<5,000 organisms) exists.

3) Single producer, financial information confidential.

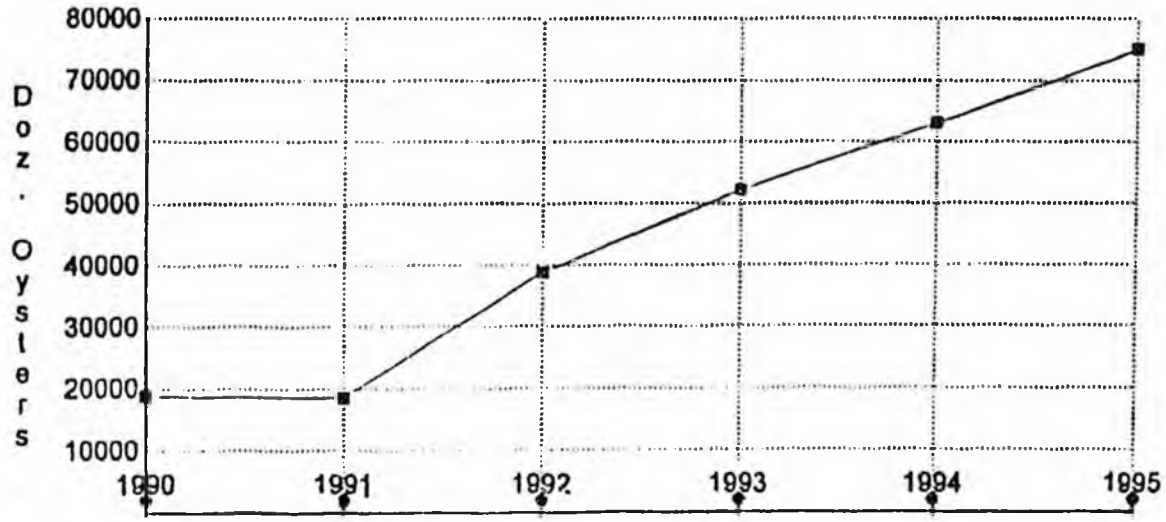
4) Estimate. Mussel inventory methods vary widely between farms.

5) Does not include owner/operator work days.

HB118

Alaska Oyster Sales 1990-1995

(1995 estimated)



HB

121

HOUSE RESOURCES COMMITTEE
Roll Call and Members' Bill Votes

* (indicates first public hearing)

Room 124, Capitol Bldg. Mon., Wed., (Fri.)

Date: 2/3/95

Tape# 95-8 Joint

Time: 8:15 (am)/pm Time Adjourned: 10:00 (am)/pm

ROLL CALL:	PRES	ABS	TIME AR			
Rep. Joe Green		✓				
Rep. Bill Williams	✓					
Rep. Scott Ogan	✓					
Rep. Alan Austerman		✓				
Rep. Ramona Barnes			8:36			
Rep. John Davies	✓					
Rep. Pete Kott		✓				
Rep. Eileen MacLean		✓				
Rep. Irene Nicholia	✓		8:18			

Other Legislators Present

AGENDA:

Bill No.	Short Title	Action Taken
HB 121	Salvage Timber Sales	No Action Taken
HB 113	Reports by Out of State Fishing Vessels	Scheduled But Not Heard

OTHER

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Copies of minutes listed below were originally included in this file. The minutes are available on the legislative computer database. In order to save space copies of minutes have not been left in the files.

Mary Pagenkopf

House Resources
2-3-95 8:15am
Tape #95-8
HB121

HOUSE RESOURCES COMMITTEE

Alaska State Legislature
House of Representatives

DATE: 2/2/95

PLACE: ROOM 124

SUBJECT OF MEETING:
HB 121 - SALVAGE TIMBER SALES

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?		WHAT SUBJECT/ WHICH BILL?
BOB LORESCE ✓	KLUKWAN FOR. PROD	P.O. BOX 34659 JUNEAU, AK 99803		586 6845 ~~789 7361~~	789 7361	(Y)	N	121
RILOTT ✓	UFA	PO BOX 1430 Cordova 99574 2114 1st St, #112, Juneau		424 3915 586 2820		(Y)	N	121
TOM Boutin	ALASKA DNR			465-3379	465-3379	(Y)	N	121 - TAS Wer Questions
Chris Moss ✓	NPFA	Box 1115 Homer AK 99603		235-8053		(Y)	N	121
Willy Dunne ✓	AFL	Box 22151 Juneau	99802		463-3366	(Y)	N	121
Chuck Achberger ✓	Juneau Chamber	124 W 4th St Juneau	99801	586 6420		(Y)	N	121
Linda Behnken	ALASKA LONGLINE FISHERMEN ASSN.	403 Lincoln Ste 237 SITKA	99835	—	747-3400	Y	(N)	121
						Y	N	
						Y	N	
						Y	N	
						Y	N	

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:09:36 PARTICIPANT LIST (ALL PARTICIPANTS) BY:KTN

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:KTN

PUBLIC HEARING HOUSE RESOURCES

LOCATION:KETCHIKAN

HB 121	MS.	ERNESTA	BALLARD	TESTIFY
HB 121	MS.	SANDRA	MESKE	TESTIFY
HB 121	MR.	CHRIS	GATES	TESTIFY
HB 121	MS.	K.A.	SWIGER	TESTIFY

105 99901 247-0846

111 Stedman St. 99901 225-1060

225 6114

by 23645

225 8627

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:08:44 PARTICIPANT LIST (ALL PARTICIPANTS) BY:ANC

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:ANC

PUBLIC HEARING HOUSE RESOURCES

LOCATION:ANCHORAGE

HB 121	KEN	FREEMAN	TESTIFY
	121 W. Firewood #258	99507	276-0788
HB 121	TABITHA	GREGORY	TESTIFY
	P.O. Box 100686	99510	274-3621
HB 121	CLIFF	EAMES	TESTIFY
	519 W. 8th #201	99501	274-3621
HB 121	ROBERT	LACOCK	TESTIFY
	4511 Laurel St. #31	99504	561-1238
HB 121	LARRY	SMITH	TESTIFY
	Fritz Creek AK	99603	235-3855

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:09:19 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SEW

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:SEW

PUBLIC HEARING HOUSE RESOURCES

LOCATION/SEWARD

HB 121	LOU E	BENCARDINO	Port + Comm.	TESTIFY
	P.O. Box 2064 99664	224-5798		
HB 121	AL	SHAFER		TESTIFY
	box 610	3138		
HB 121	BOB	VALDATTA		OBSERVE
	bx 1267	5656		
HB 121	[illegible]	SMITH		OBSERVE
	bx 167	4047		
HB 121	TYLER	JONES	CITY OF SEWARD	TESTIFY
HB 121	RON	LONG		TESTIFY
	2464	7068		
HB 121	MARK	LUTTRELL		TESTIFY
	bx 511	5372		

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:03:22 PARTICIPANT LIST (ALL PARTICIPANTS) BY:FBX

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:FBX

PUBLIC HEARING HOUSE RESOURCES

LOCATION:FAIRBANKS

HB 121	SEAN	MCGUIRE	TESTIFY
	351 Cloudberry	99789	479-7154
HB 121	DAN	RITZ	TESTIFY
	324 Lynn	99789	455-7868
HB 121	DOUGLAS	YATES	TESTIFY
	P.O. Box 221	Ester 99725	479-8388

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

07:58:48 PARTICIPANT LIST (ALL PARTICIPANTS) BY:SOL

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PUBLIC HEARING HOUSE RESOURCES

LOCATION:KEN/SOL

HB 121 MR. DUANE ANDERSON "LITTLE PEOPLE" TESTIFY
37685 Conner Rd Soldotna 99669 262-7233

HB 121 MR. STAN STEADMAN ECO DISTRICT TESTIFY
110 S. Willow Kenai 99611

HB 121 MR. G.R. BROOKMAN TESTIFY
715 Mission Kenai

Red Smith AK Husky Wood
Box 770 Cooper Landing 99572 595-1281

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:26:24 PARTICIPANT LIST (ALL PARTICIPANTS) BY:VAL

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:VAL

PUBLIC HEARING HOUSE RESOURCES

LOCATION:VALDEZ

HB 121	MR.	TERRY	KERMACH	835-3473	TESTIFY
	Dx	2493	99686		
HB 121	MR.	BILL	COPELAND		TESTIFY
	Bx	2581		835 5863	

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:16:49 PARTICIPANT LIST (ALL PARTICIPANTS) BY:TOK

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:TOK

PUBLIC HEARING HOUSE RESOURCES

LOCATION:TOK

HB 121 MR. JOE YOUNG TESTIFY

Box 42 Tok 99780 883-5060

02/03/95 LEGISLATIVE TELECONFERENCE NETWORK SYSTEM LTN1150

08:00:19 PARTICIPANT LIST (ALL PARTICIPANTS) BY:HOM

TCN:50149 SCHEDULED FOR:02/03/95 08:00 TO 10:00 FOR:HOM

PUBLIC HEARING HOUSE RESOURCES

LOCATION:HOMER

HB 121 MR. STEVE GIBSON ✓ TESTIFY

1622 Highland Dr 99603 235-6487

'USE COMMITTEE REPOR

(9)

Date Referred: January 25. 1995

FURTHER REFERRALS:

Date of Committee Action: 2/6/95

The RESOURCES Committee considered:

HB 121

HOUSE BILL NO. 121

SALVAGE TIMBER SALES

"An Act relating to the timber resources within the state."

recommends it be replaced with the following committee substitute _____

[ ] the same title
[ ] a new title

[ ] additional referral to _____ Committee
[ ] attached amendment(s)

ADOPTS: _____ Letter of Intent

ATTACHES NEW FISCAL NOTE(s): (Dept)

[ ] fiscal note(s) _____

_____

[X] zero fiscal note(s) DNR

_____

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal note(s) _____

_____

[ ] zero fiscal note(s) _____

_____

SIGNING WITH RECOMMENDATIONS	DP	DNP	NR	AM
	✓			
	✓			
	✓			
	✓			
	✓			
	✓			

CHAIR'S SIGNATURE R.K. Williams _____

Alaska State Legislature

Committees:

House Resources, Chairman

Community & Regional Affairs

Labor & Commerce

Representative William K. Williams

During Session:
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Juneau, AK 99801-1182
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In Ketchikan:
352 Front Street
Ketchikan, AK 99901
(907) 247-4672
Fax (907) 225-8546

SPONSOR STATEMENT

HOUSE BILL 121

Currently, AS 38.05.113 provides that before timber is sold from state forests, the proposed sale must be listed in the two five-year sale schedules immediately preceding the proposed sale.

Alaska's state forests occasionally suffer from disease, insect infestation, and fire. The state also has occasion to convert forest lands to nonforest uses. These situations do not always fall within the five-year sale schedule mandated by AS 38.05.113. This often prevents the state from realizing the full benefit of harvesting the timber affected by these situations.

House Bill 121 is designed to alleviate this conflict. The bill will allow the commissioner of natural resources, after making a best interest determination, to sell timber that stands to lose substantial economic value unless harvested within two years, thus avoiding the costly time delay required by AS 38.05.113.

AS 38.05.118 currently authorizes the commissioner to enter into short term negotiated sales of state timber at appraised value. House Bill 121 would amend this statute to increase the commissioner's ability to use negotiated timber sales as a management tool. The amendment would allow short term negotiated sales when the timber involved is expected to lose substantial economic value due to disease, insect infestation or fire, or when the land is being converted to a nonforest use.

House Bill 121 will increase the state's ability to respond to forest management situations in a timely fashion. I urge its speedy passage.

FISCAL NOTE

STATE OF ALASKA

1995 LEGISLATIVE SESSION

BILL NO. HB121

Revision Date: Original

Dept Affected: Natural Resources

Title: An Act relating to the timber resources within the state.

BRU: Resource Development

Component: Forest Mgmt. & Development

Sponsor: Representative Williams, Therriault, Ogan...

Requestor:

Component Serial No. 435

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY96	FY97	FY98	FY99	FY00	FY01
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	0.0	0.0	0.0	0.0	0.0	0.0
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						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: $ None

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)

There is no fiscal impact associated with implementation of HB121.

Prepared by: Tom Boutin, Director

Phone : 465-3379

Division: Forestry

Date : 1-Feb-95

Approved by Commissioner:

Date: 2/1/95

Agency: Natural Resources

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MEMORANDUM January 30, 1995

SUBJECT: Sectional Summary of HB 121.
(Work Order No. 9-LS0488\C)

TO: Representative Bill Williams

FROM: Gerald P. Luckhaupt
Legislative Counsel

You have requested a sectional summary of the above-described bill. As a preliminary matter, please note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 38.05 by adding a new section related to salvage sales of timber by the Department of Natural Resources.

Section 2 of the bill amends AS 38.05.118(c) related to the conditions for negotiated timber sales.

GPL:klb
95-024.klb

Amendment #1

This amendment clarifies that salvage timber is timber currently being or already has been attacked by insects, disease or fire. It makes the statute more clear as to not include areas that might "in danger" in the future.

9-LS0488\C.3
Luckhaupt
2/2/95

AMENDMENT #1

OFFERED IN THE HOUSE BY REPRESENTATIVE DAVIES

TO: HB 121

Page 1, line 7:

Delete "of"

Insert "the stand is currently, or has been, infested or infected with"

After "epidemics or"

Insert "as a result of a"

Page 2, line 5:

Delete "**due to insects,**"

Insert "**because the timber is currently, or has been, infested or infected with insects or**"

After "**disease, or**"

Insert "**as a result of a**"

Amendment #2

Under the Alaska Administrative Code, salvage sales are exempt from reforestation. This amendment allows salvage areas to be reforested.

9-LS0488\C.2
Luckhaupt
2/2/95

AMENDMENT #2

OFFERED IN THE HOUSE BY REPRESENTATIVE DAVIES

TO: HB 121

Page 1, following line 11:

Insert a new subsection to read:

"(c) Salvage sales offered under this section of timber stands that will lose substantial economic value because of insect or disease epidemics or fire ~~must~~ may be reforested in the manner and to the same extent as timber harvested generally from forest land under regulations adopted under AS 41.17."

Page 2, following line 6:

Insert a new bill section to read:

"* **Sec. 3.** AS 38.05.118 is amended by adding a new subsection to read:

(d) Negotiated sales of timber that will lose substantial economic value due to insects, disease, or fire ~~shall~~ may be reforested in the manner and to the same extent as timber harvested generally from forest land under regulations adopted under AS 41.17."

Amendment # 4

Some abuse of salvage timber statutes has occured in Washington and Oregon from unemployed timber workers. This amendment would remove incentives for arson.

9-LS0488\C.1
Luckhaupt
2/2/95

AMENDMENT #4

OFFERED IN THE HOUSE BY REPRESENTATIVE DAVIES

TO: HB 121

Page 1, following line 11:

Insert a new subsection to read:

"(c) Timber stands that lose substantial economic value due to arson may not be offered for sale under this section."

Page 2, line 5, following "fire,"

Insert "other than arson fires,"

Amend # 5

This amendment removes the proposed requirement for the Commissioner of DNR to predict unemployment rates, market fluctuations or future fires up to two years in advance.

The DNR Commissioner is not an economist and therefore would have difficulty predicting future umemployment rates or market conditions. Furthermore, fire conditions rely on a variety of environmental circumstances. I would be skepitcal of anyone who could accurately predict rainfall two years in advance.

AMENDMENT #5

OFFERED IN HOUSE RESOURCES BY REPRESENTATIVE JOHN DAVIES
HB 121

Page 1, line 15 and Page 2 line 1

Delete "and will exist within two years"

Forest Insect
& Disease
Leaflet 127

U.S. Department
of Agriculture
Forest Service

The Spruce Beetle

Edward H. Holsten,[1] R.W. Thier,[2] and J.M. Schmid[3]

Figure 1—*Yellowish orange and reddish colors in the tops of trees are evidence of spruce beetle infestation in Arizona.*

The spruce beetle, *Dendroctonus rufipennis* (Kirby), is the most significant natural mortality agent of mature spruce. Outbreaks of this beetle have caused extensive spruce mortality from Alaska to Arizona and have occurred in every forest with substantial spruce stands. Spruce beetle damage results in the loss of 333 to 500 million board feet of spruce sawtimber annually. In the past 25 years, outbreaks have resulted in estimated losses of more than 25 million board feet in Montana, 31 million in Idaho, over 100 million in Arizona, 2 billion in Alaska, and 3 billion in British Columbia (fig. 1).

Spruce beetle outbreaks cause extensive tree mortality and modify stand structure by reducing the aver-

[1]Entomologist, U.S. Department of Agriculture, Forest Service, Alaska Region, Anchorage, AK.
[2]Entomologist, U.S. Department of Agriculture, Forest Service, Intermountain Region, Boise, ID.
[3]Entomologist, U.S. Department of Agriculture, Forest Service, Rocky Mountain Forest and Range Experiment Station, Fort Collins, CO.

age tree diameter, height, and stand density, leaving small, slow-growing trees and intermediate-sized trees to become dominant.

As mature spruce are killed, forage may increase, benefiting some wildlife species. But species that depend on the mature spruce for habitat may be adversely affected.

Indirectly, extensive spruce mortality can also affect water yields and result in water gains in rivers, lakes, and streams because of reduced transpiration from dead and dying trees.

Hosts

The spruce beetle infests all species of spruce within its geographical range (fig. 2). The more important commercial tree species attacked include white, Lutz, Sitka, and Engelmann spruce.

Evidence of Infestation

On standing trees, the first sign of spruce beetle infestation is reddish-brown boring dust accumulating at the beetle's entrance holes, in bark crevices, and on the ground around the trunk of infested trees. Masses of pitch may accumulate around the en-

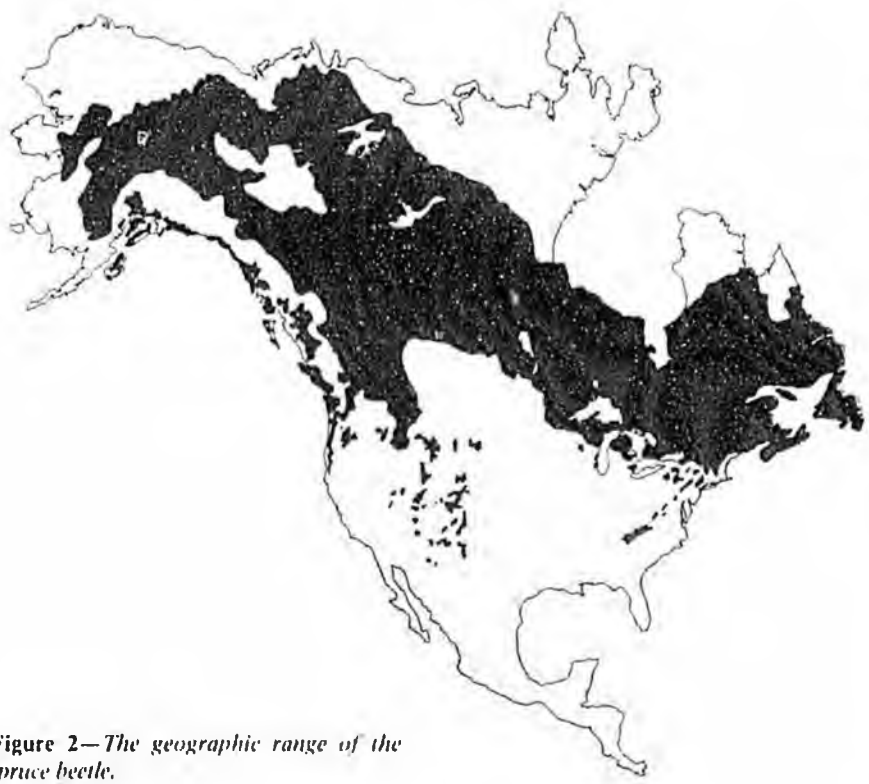

Figure 2—*The geographic range of the spruce beetle.*

trance sites. These signs are most visible the summer following infestation and become less noticeable months later.

On windthrown trees and logging residuals, spruce beetle attacks are readily detected on the lower surfaces of the material and should not be confused with *Ips* beetle attacks more commonly found on the upper surfaces.

Some standing trees may be attacked on only one side of the bole, creating a "strip attack." The infested area may die, but the tree usually remains alive, so the foliage does not discolor. Trees with "strip attacks" frequently are infested by subsequent spruce beetle generations and may host two or more generations simultaneously.

During the first fall and winter following spruce beetle infestation, one should look for trees "debarked" by woodpeckers (fig. 3). Partially debarked, green trees are easily noticed. However, on trees without significant debarking, one must be relatively close to see sawdust in bark crevices and around the tree base.

The needles of infested trees do not usually fade or discolor within the first year following attack. However, during the second summer following attack most needles turn yellowish. Some needles even remain green until the third summer, or up to 2 years after the initial infestation. The needles on separate branches of the same tree discolor at different times. Needles are removed periodically from the trees by wind or thunderstorms, leaving the upper crowns of exposed twigs with a yellowish-orange to reddish hue.

Figure 3—*Infested spruce debarked by woodpeckers.*

Identification of the Life Stages

Adult beetles are blackish brown to black with reddish-brown or black wing covers. The beetles are cylindrical, approximately 1/4 inch (6 mm) long and 1/8 inch (3 mm) wide (fig. 4).

Spruce beetles look similar to other *Dendroctonus* beetles and, if no host material is present, can be distinguished from them only by microscopic examination. At first glance, spruce beetles may also be confused with *Ips* beetles in spruce. It is important to remember that the posterior margins of the wing covers on spruce beetles are evenly rounded, while *Ips* beetles have wing covers with concave margins and teethlike projections.

Figure 4—*An adult spruce beetle.*

The eggs of the spruce beetle are oblong, pearly white, and 1/16-inch (1.5 mm) long. The larvae are stout, cylindrical, legless grubs that pass through 4 larval stages (instars) and reach a length of 1/4 inch (6 mm) at maturity (fig. 5). The pupae are opaque white, inactive, and somewhat similar in size and shape to adults.

Life Cycle

Spruce beetles may complete their life cycle in 1 year on warm sites at lower elevations or take up to 3 years on cool, well-shaded locations on north slopes.

However, it generally requires 2 years for the spruce beetle to complete its life cycle. Adults may emerge any time from May to October, depending on temperature. The beetles attack host material soon after emerging. Adults that appear in August to October may represent a reemergence of parent adults or a movement of maturing brood adults to hibernation sites.

Figure 5—*Spruce beetle larvae.*

Figure 6—*Spruce beetle egg gallery and larval mines.*

To deposit eggs, female beetles bore through the outer bark of the host tree and create egg galleries in the underlying phloem tissue. Eggs are laid on either side of the egg gallery (fig. 6). Egg galleries are slightly wider than the beetle and, except for the terminal portion, are packed with frass and boring dust. Egg gallery length ranges from about 2.5 to 12 inches (6 to 30 cm). Eggs are usually deposited in short rows along alternate sides of the gallery in numbers ranging from 4 to 14 eggs per centimeter of gallery.

Most of the eggs hatch by August. The larvae bore outward from the egg gallery and feed as a group for the first and second instars. Third and fourth instars construct individual feeding galleries. The larval stage predominates during the first winter, although adults and eggs may also be present. During the 2-year life cycle, most larvae pupate approximately 1 year after attack. Pupation lasts 10 to 15 days and usually takes place in pupal chambers at the end of the larval galleries.

During the second winter of the 2-year cycle in standing trees, some beetles overwinter in their pupal sites. Other beetles—from 5 to 88 percent—emerge, move to the base of the tree, and bore into the bark near the litter line to hibernate. In windthrown trees, most adults overwinter in place. Approximately 2 years after attack, adults emerge from overwintering sites and attack new host material.

Stand Conditions Conducive to Infestations

Endemic spruce beetle populations usually live in windthrown trees (fig. 7). When beetle populations increase to high levels in downed trees, beetles may enter susceptible, large-diameter, standing timber. Most outbreaks in standing timber originate in windthrown trees.

In mature stands, large-diameter trees ($\geq 18''$) usually are attacked first, an obvious characteristic denoting susceptibility to spruce beetle attack. If an infestation persists in a stand, smaller diameter trees are attacked. Recent evidence from Alaska indicates that tree diameter is important in determining susceptibility only when coupled with less-than-average radial growth in the preceding 5 years. The proximity of uninfested standing spruce trees to infested hosts also denotes vulnerability to attack.

In the Rocky Mountain area, susceptibility of a stand to spruce beetle attack is based on the physiographic location, tree diameter, basal area, and percentage of spruce in the canopy. Spruce stands are highly susceptible if they grow on well-drained sites in creek bottoms, have an average diameter (d.b.h.) of 16 inches or more, have a basal area greater than 150 square feet per acre, and have more than 65 percent spruce in the canopy.

In Alaska, the susceptibility of a spruce stand is based on average tree

Figure 7—*Windthrown trees and logging residuals—prime habitat for beetle populations.*

diameter, age of the stand, condition of the stand, and proportion of white spruce in the canopy. A spruce stand of old-growth or damaged sawtimber is very susceptible to spruce beetle attack if the larger diameter spruce trees have a slower-than-average growth rate, have an average diameter (d.b.h.) greater than 12 inches, and if the stand has more than 70 percent white spruce.

Susceptibility of a spruce stand to spruce beetle attack in British Columbia and the Northeastern United States is based on criteria similar to that used in the Rocky Mountains and Alaska.

Hazard rating systems based on the stand and site conditions discussed above have been developed so that managers can identify stand susceptibility to spruce beetle attack.

Management Strategies

Forest managers can develop various strategies to avoid or reduce resource losses to spruce beetles. Before developing a strategy, the forest manager must evaluate the resource values and economics of management actions for each stand in light of management objectives. The beetle population level must also be considered because population levels will determine the priority of management actions and the type of strategy to be invoked.

The primary strategy should be silvicultural treatments of potentially susceptible stands in order to maintain their health with a moderate growth rate. The first step in this strategy is to hazard-rate spruce stands, which will indicate the most susceptible stands. The stands can then be treated with harvesting directed at the most susceptible stands. Infested logging residuals need never become a significant contributor to spruce beetle populations if stump height is kept below 18 inches (45 cm) and cull logs and tops are limbed, cut into short lengths, and left unshaded, unpiled, and exposed to sunlight. Silvicultural treatments have greater long-term effectiveness, because these treatments modify stand conditions.

The primary strategy assumes, in general, beetle populations are not immediately threatening resource values. If beetle populations are threatening, then strategies involving suppression methods are more appropriate. Suppression methods including silvicultural, physical, and chemical measures are available to forest managers for reducing spruce beetle populations. Some methods are suitable only for populations in windthrown host material; other methods are better suited for infestations in standing trees. Most suppression methods are short-term responses to existing beetle populations and, therefore, correct only the immediate situation.

Figure 8—*Green trees felled to capture emerging spruce beetles.*

Silvicultural Methods:

- ***Sanitation overstory removal*** involves the removal of all infested and susceptible spruce to encourage regeneration of a new vigorous stand.

- ***Sanitation partial*** cut involves the removal of infested and susceptible spruce to improve the growth of the residual stand. Sanitation partial cut removes most of the larger trees but may leave a residual stand that is below the recommended level of basal area. This residual stand may be more susceptible to windthrow.

- ***Trap trees*** are green trees with a diameter greater than 18 inches (d.b.h.) that are felled before beetle flight. Trap trees can absorb up to 10 times the number of spruce beetles that a standing tree will absorb. Once infested, trap trees should be removed from the forest.

Trap trees shaded from direct sunlight attract the most beetles. Spruce beetles attack cool, shaded portions of the trap tree boles (fig. 8). Felled trees should not be delimbed because limbs on the upper side of the bole provide shade while limbs on the underside permit the beetles to colonize the underside of the bole by keeping it off the ground.

Past ratios of trap trees to infested standing trees have ranged from 1:2 to 1:10. Current ratios vary with the size of the green trees to be felled as traps, with the number and size of infested trees in a stand, and with the existing beetle population.

- ***Lethal trap trees*** are green trees injected with a silvicide and felled before beetle flight. They are effective in areas where traps cannot be removed.

Physical Methods:

- ***Solar heat*** involves exposing infested logging residuals or windthrow to direct sunlight to kill inhabiting larvae. To maximize brood mortality, residuals should be cut into 5-foot lengths. All branches and debris shading the host material should be removed. The infested material should be rotated at 2-week intervals during the summer to expose all surfaces. While using solar heat is effective in the Rocky Mountains, it is not effective in Alaska, because summer temperatures are not warm enough.

- ***Fire*** involves piling and burning infested logging residuals and windthrow to destroy inhabiting broods. The infested material is usually green and difficult to burn, but only the bark has to be scorched to destroy the inhabiting brood.

Chemical Methods:

- ***Pheromones*** are chemical substances that influence insect behavior. Synthetic aggregating and anti-aggregating pheromones increase the attractiveness of trap trees, attract beetles into the trees to be cut, or discourage infestation of high-value trees. Aggregating pheromones are most efficient when used with trap trees. Methylcyclohexenone (MCH), an anti-aggregating pheromone, shows promise in discouraging spruce beetles from attacking trees; however, it has not yet been registered by the U.S. Environmental Protection Agency (EPA).
- ***Insecticides***, such as Lindane and carbaryl, can be applied to the boles of uninfested trees to kill attacking adults. In Alaska, carbaryl applied as a 2-percent spray has provided 100-percent protection from attacking beetles for at least 2 years. Cacodylic acid and MSMA (monosodium methanearsonate) are silvicides that can be injected into standing trees, which become lethal trap trees when they are felled.

Assistance

More information about the management of the spruce beetle may be obtained from the State Forester's office or the U.S. Department of Agriculture, Forest Service, Forest Pest Management.

The publications listed in the references provide more information on the biology, ecology, and management of the spruce beetle.

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Pesticides used improperly can be injurious to human beings, animals, and plants. Follow the directions and heed all precautions on labels. Store pesticides in original containers under lock and key—out of the reach of children and animals—and away from food and feed.

Apply pesticides so that they do not endanger humans, livestock, crops, beneficial insects, fish, and wildlife. Do not apply pesticides where there is danger of drift when honey bees or other pollinating insects are visiting plants, or in ways that may contaminate water or leave illegal residues.

Avoid prolonged inhalation of pesticide sprays or dusts; wear protective clothing and equipment, if specified on the label.

If your hands become contaminated with a pesticide, do not eat or drink until you have washed. In case a pesticide is swallowed or gets in the eyes, follow the first aid treatment given on the label, and get prompt medical attention. If a pesticide is spilled on your skin or clothing, remove clothing immediately and wash skin thoroughly.

NOTE: Some States have restrictions on the use of certain pesticides. Check your State and local regulations. Also, because registrations of pesticides are under constant review by the U.S. Environmental Protection Agency, consult your local forest pathologist, county agriculture agent, or State extension specialist to be sure the intended use is still registered.

A STUDY REPORT

of the

DETERIORATING FOREST HEALTH

OF SOUTH-CENTRAL AND INTERIOR ALASKA

Alaska State Society of American Foresters
July, 1993

TABLE OF CONTENTS

1. BACKGROUND

The largest spruce bark beetle epidemic in North America is resulting in substantial and expanding impacts to wildlife, fisheries, recreation, and timber resources, as well as loss of critical mature forest ecosystems, in white, Sitka, and Lutz spruce forests of south-central and interior Alaska. Increased spruce beetle activity is also ocurring in the maritime Sitka spruce stands of Prince William Sound and southeast Alaska, although of lesser magnitude than infestations further north. This epidemic constitutes one of the most significant forest health declines currently impacting Alaska forests.

Historical descriptions from miners, fur traders and settlers (Lutz 1960, Johnson 1975) indicate common and extensive fires in these Alaska forest types in the mid-to late 1800's. Fire was a major natural change agent that helped maintain species and age class diversity on the landscape. Stand development following these early fires, and effective fire suppression since the 1950's, has created hundreds of thousands of acres of white, Sitka, and Lutz spruce forest types that are simultaneously becoming mature, decadent and highly susceptible to spruce beetle damage today.

In a 1987 timber inventory, the Kenai Peninsula was estimated to have 364,000 acres of white/Lutz spruce type, of which 220,500 acres was considered commercial timberland, – that is producing over 20 cubic feet of wood per acre per year (Van Hees and Larson, 1991). This inventory estimated that on the Chugach National Forest portion of the Kenai Peninsula, mortality exceeds annual growth and that 57% of this mortality is estimated to have been caused by the spruce bark beetle. Van Hees (1992) noted dramatic increases in spruce bark beetle populations on the Kenai Peninsula since the 1987 inventory.

Systematic monitoring of insect conditions by the U.S. Forest Service has been in effect since the 1950's. Entomologists monitoring the spruce beetle infestations have been predicting substantial population increases for a number of years (Holsten 1990). Rapid beetle population increases to epidemic levels have become a reality in the last 4 years. Statewide, acreages of active spruce beetle infestation from the U.S. Forest Service annual forest insect and disease aerial surveys (USDA Insect Conditions Reports: 1989, 1990, 1991, 1992) are:

1989 – 177,000 acres
1990 – 232,000 acres
1991 – 375,000 acres
1992 – 600,000 acres

The current infestation of 600,000 acres is located in three principal geographic locations. These are the Kenai peninsula, the Copper River basin, and the Yukon River basin. This infestation is the largest area of active spruce beetle infestation ever mapped in Alaska and constitutes the largest existing spruce bark beetle infestation in North America.

This epidemic spans a variety of private as well as state and federal land ownerships. Addressing this situation will require coordinated land management actions. Significant ownerships of infested forest types include; the Bureau of Land Management, the U.S. Fish and Wildlife Service, the U.S. National Park Service, the State of Alaska, the U.S. Forest Service, several boroughs, and privately owned forest lands. Some of these ownerships have few or no forest management specialists to address this problem. (ie. The State Division of Forestry currently has less than 2 full time forestry people dedicated to planning and implementing forest health treatments on the Kenai Peninsula.)

Efforts to address this problem to date include:

..During 1991 and 1992, the U.S. Forest Service coordinated a comprehensive forest health protection and restoration effort for the Cooper Landing area of the Kenai Peninsula. The majority of that project has been implemented.

..As part of a State Forest Health Initiative, the State Division of Forestry completed a general Forest Health plan for the Western Kenai Peninsula and Kalgin Island in 1992. Seven project areas were identified in that plan to receive management actions. The first of the seven areas (Falls Creek) is planned for project implementation, but is receiving criticism from the environmental community. Also as part of this initiative, the Division of Forestry has established a citizen working group to consider management actions in the Copper River basin.

..The U.S. Forest Service has begun a planning effort for the Seward Scenic By-Way and Hope portions of the Kenai Peninsula. These actions constitute the extent of coordinated planning and implementation efforts to date in spruce beetle impacted areas.

These actions have thus far resulted in approximately 3,000 of the current 600,000 acres (0.5%) receiving actual ground treatments.

2. DISCUSSION

Concern for maintanence of healthy forest ecosystems has become as national issue in recent years. A national strategic plan has been developed by the U.S. Forest Service to address concerns of forest health (USDA, 1993). The current national forest health monitoring programs by the U.S. Forest Service and the Environmental Protection Agency give strong emphasis to maintaining forest health along with forest biodiversity, all within the context of sound ecosystem management. Many existing silvicultural practices have strong application within this context.

Public perception regarding the spruce bark beetle problem in Alaska has been documented (Daniels 1991, Kruse 1991). Study respondents overwhelmingly were in favor of prevention of spruce beetle outbreaks, mitigation of associated impacts as well as providing management actions that would restore the health of the impacted forests. Surveyed publics expressed a willingness to subsidize reforestation actions if necessary.

The Society of American Foresters has recently published a National Task Force report "Sustaining Long-Term Forest Health and Productivity" (Society of American Foresters, 1993). This report describes the need to address the sustainability of healthy forests by considering social or human forces as well as considering the scientific and economic forces. This Task Force Report includes 26 recommendations on ecologically sound approaches to maintaining or improving forest health. These fall in four broad areas of action:

-Advocate ecosystem management.
-Integrate ecosystem management into educational programs.
-Promote ecosystem management research.
-Coordinate between land owners and the public.

A coordinated effort applying assertive management actions to deal with this Alaskan forest health crisis would be consistent with the recommendations of this report to sustain long-term forest health

and productivity in our ecosystems. Lack of action allowing continuation of increasing forest health decline would be inconsistent with sustained ecosystem productivity and biodiversity.

Not all resource disciplines are actively furthering the ecological significance of these forest alterations. Changes in forested wildlife habitat and/or old-growth habitat has not been raised as an issue in south-central or Interior Alaska. The limited and naturally fragmented landscape patterns of south-central and Interior Alaska make this loss of forest habitat a much more critical issue to sustained ecosystems than loss of habitat in southeast Alaska where the forested landscape is broader and more contiguous. Yet, habitat loss has been raised as a major issue in southeast and virtually not acknowledged in south-central or Interior Alaska.

Lack of fully recognizing the ecological impacts coupled with lack of a viable forest industry to provide cost effective management options has resulted in little direct action to address this declining forest health problem. Meanwhile, hundreds of thousands of acres of Alaska forests are being subject to ever-increasing negative impacts, losing future resource potential, and rapidly losing economic value that could fund positive management actions.

Forest economic development is often billed as the rationale for "logging". While economics should not be the major driver for addressing Alaska forest health problems, clearly, economics should also not be ignored. Implementation of forest management to address forest health can not only assist to pay for the needed forest health treatments, but contribute to other state goals such as rural economic development and economic diversification. Particularly with wood product values rising rapidly, the potential for significant economic returns from implementing forest health treatments, and consequent loss of these values through inaction, should not be ignored. The U.S. imports nearly thirty (30%) percent of its wood fiber, much of which comes from countries with less stringent environmental guidelines than our own (Salwasser, MacCleery, and Snellgrove). Non-use of the large and growing inventory of beetle killed spruce, while supporting the harvest of green trees from foreign sources, may be considered environmentally irresponsible.

The previous lack of viable timber markets in South-central and Interior Alaska have prevented development of a forest industry to utilize industrial wood recovered in silvicultural management activities. Without an industry to provide a reasonably cost effective vehicle to support forest management actions, few silvicultural management actions have been taken to assist ecosystem manipulations. The recent national rise in industrial wood product values has set the stage for ecosystem and silvicultural management that could subsidize assertive forest health enhancements. Markets are rapidly developing for a variety of forest products from Alaskan forest types including house logs, veneer, dimension lumber, and chips. All indications are that market values will increase in the future.

3. STATEMENT OF FINDINGS

Forest health in South-central and Interior Alaska is rapidly deteriorating. However, the greatest forest impact is potential long-term change in forest cover from spruce bark beetle induced tree mortality over extensive portions of the white, Sitka, and Lutz spruce forest types.

Spruce beetle populations have shifted from endemic to epidemic levels in many areas of Alaska. Spruce beetles have and always will be a feature of these ecosystems, however, the notion that this infestation is or should be managed as a totally "natural" event is erroneous. While several environmental factors such as annual weather conditions, host susceptibility, changes in predator and parasite populations, etc., continue to influence beetle population changes, past and future human intervention (such as fire suppression, clearing activities, or simply increased habitation) has re-

moved this situation from a 'natural' setting. Even if this event was natural, impacts are occurring which could be either positive or negative depending on the affected resource and the desired future condition. Consideration of human needs and influences to establish an appropriate desired future condition for these impacted forest types is ecologically appropriate.

Spruce beetle induced mortality is currently occurring on over 600,000 acres in these forest types (USDA, Insect Conditions Report-1993). In many instances this mortality is eliminating all live forest cover (main canopy) in major portions of large drainages. Impacts associated with forest tree canopy losses are occurring to all resources that require a forested landscape (ie. wildlife, fisheries, watersheds, scenic vistas, etc.).

Many of these spruce beetle impacted forest stands will not meet current definitions of "ecologically functional" old-growth (USDA, Ecological Old-Growth Definitions-1992) following beetle infestation. This long-term loss of old-growth habitat will have a significant impact on maintaining current biological diversity in South-central and Interior Alaska.

Natural regeneration of spruce in these impacted stands is spotty at best. Without assertive reforestation actions, long-term forest conversion from spruce to hardwood stands or grass dominated areas could occur on many sites. This conversion will drastically alter current landscape patterns, substantially reducing forested wildlife habitat for the long term. Cover and large organic material input to anadromous streams will be significantly altered over time. From a human ecology standpoint, fire risk and hazard are increasing and causing substantial concern in rural communities as well as in the larger urban forest interface areas such as the Anchorage bowl.

Research on impacts of the bark beetle on the timber resource and control methods exists (Werner and Holsten, 1983; Werner, Hard, Holsten, 1988; Holsten and Werner, 1990; Hard, 1989), but more emphasis is needed in this area. There is currently a lack of research documenting impacts to non-timber resources associated with the spruce bark beetle infestation. Impacts to wildlife and stream side stability are observable, but documentation of these through research studies or long-term monitoring are limited. The emergency nature of this beetle epidemic dictates use of an adaptive management approach based upon known research.

Lack of action and continued forest health decline will result in:

-Increasing loss of wildlife habitat for mature forest species.
-Continued riparian area degradation.
-Substantial long-term conversion from forest to grass or hardwoods (lack of spruce regeneration).
-Increased community fire hazard & associated increased fire suppression costs.
-Degradation od aesthetic quality of forested landscapes.
-Degradation of developed recreation areas and increased trail maintenance costs for removal of hazard and down trees.

Continued focus of habitat loss in southeast Alaska (primarily the Tongass National Forest) with little expressed concern for habitat loss in south-central or interior Alaska is a serious wildlife management oversight. Applying fundamental habitat relations and fragmentation concepts, it is clear that hundreds of thousands of acres of tree mortality (with little natural regeneration) to forested habitat in a naturally fragmented environment (south-central and interior situation) has tremendously more impact than one-thirtieth of those acres being converted to young forest conditions a less fragmented environment (southeast situation). Wildlife species only respond to habitat changes, regardless if those changes are human induced (timber harvesting) or from another change agent (spruce

beetles). Ecologically sound resource management philosophy must be founded upon biological and ecological reasoning rather than development versus non-development opinion. Strong focus needs to be directed to maintaining the biological diversity through sound ecological management (including silvicultural) procedures.

4. CONCLUSIONS

Lack of forest management, non-recognition of the biological/ecological impacts, and lack of expressed professional concern have all contributed to this forest health problem.

Halting the infestation in the near-term is unlikely; however, concerted efforts by all landowners and resource managers can significantly slow the buildup, restore already impacted areas, and minimize future resource impacts from this insect.

Once forests are dead, options for the type and size of ecosystem management are limited. If, however, silvicultural treatments are considered not only for restoration of damaged areas, but also for damage prevention of currently uninfested areas, a variety of silvicultural options are available to meet various resource objectives. Maximum ecosystem values can be maintained using coordinated restoration and assertive silvicultural treatment planning.

Coordinated ecosystem enhancement and restoration planning has the capability to provide:

-Restoring damaged wildlife habitat (forage and cover).
-Restoring damaged riparian area integrity (cover and stream bank stability).
-Providing immediate reforestation.
-Reducing potential fire hazard to communities.
-Preventing additional uncontrolled impacts (reduced mortality).
-Providing rural community development (jobs).

The most generally accepted treatment to reduce hazard and risk of spruce beetle induced resource damage at the landscape scale is to maintain a mosaic of species and age types. Considering public habitation and use of the forests, eliminating fire suppression now and allowing this change agent to create future mosaics through unrestricted burning is not a viable option. Active ecosystem management, applying appropriate silvicultural techniques to create a future desired mosaic is the most plausible solution.

An aggressive forest restoration and forest health maintenance program involving federal, state, local and private forest managers is necessary tc fully address the severity and extent of impacts to forest resources and to develop coordinated forest management actions to restore damaged ecosystems and prevent unnecessary additional ecological impacts. This conclusion is consistent with the recommended option of the Kenai Peninsula Borough report (Hall 1992) addressing forest health management needs for the Kenai Peninsula.

5. RECOMMENDATIONS

The Alaska Society of American Foresters fully supports:

1) Coordinated multi-interest forest health planning at the landscape scale,

2) Research to identify spruce beetle induced impacts to all forest resources,

3) Development of a forest industry as the funding mechanism to subsidize implementing planned forest health actions.

Following the lead of the National SAF Task Force report on Sustaining Long-Term Forest Health and Productivity, it is recommended that the 26 specific recommendations from that Task Force Report be implemented in Alaska using ecologically sound approaches to maintaining or improving forest health. These recommendations will be applied through the following four broad areas of action:

-Advocate ecosystem management,
-Integrate ecosystem management into educational programs,
-Promote ecosystem management research,
-Coordinate between land owners and the public.

The Alaska Society of American Foresters should actively highlight the need for assertive management actions to address declining forest health in south-central and interior Alaska to local, state, and federal officials. This implies implementation of ecologically and silviculturally sound management approaches that will assure maintenance of the health of the forest as well as it's biodiversity.

The Alaska Society recommends that agencies charged with a mandate to manage sustainable forest resources establish adequate organizations with appropriate expertise to develop site specific silvicultural treatments to accomplish those goals.

The Alaska Society recommends that the U.S. Forest Service's Pacific Northwest Research Station prepare a white paper evaluating the significance of the loss of old-growth habitat in south-central Alaska resulting from continued forest health decline.

The Alaska Society recommends using the 1994 National Convention to highlight the National significance of this extensive forest health problem and promote understanding and support for assertive ecological management applications within the American Forestry profession.

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Alaska Society of American Foresters

Cook Inlet Chapter
Juneau Chapter
Ketchikan Chapter
Yukon Chapter
Sitka Chapter
Stikine River Chapter

A POSITION STATEMENT

ON

SOUTH-CENTRAL AND INTERIOR ALASKA'S

DETERIORATING FOREST HEALTH

I. Summary

The largest spruce bark beetle epidemic in North America is resulting in substantial and expanding impacts to wildlife, fisheries, recreation, and timber resources, as well as loss of critical old-growth habitat, in the white and Lutz spruce forests of Southcentral and Interior Alaska. Continued extensive tree mortality and associated resource impacts constitutes the greatest ecological crisis facing Alaska forests today.

An aggressive forest restoration and forest health maintenance program involving federal, State, local and private forest managers is necessary to fully recognize the severity and extent of impacts to forest resources and to develop coordinated forest management actions to restore damaged ecosystems and prevent unnecessary additional ecological impacts.

The Society of American Foresters fully supports coordinated multi-ownership forest health planning at the landscape scale, research to identify spruce beetle induced impacts to all forest resources, and development of a forest industry as the funding mechanism to subsidize implementing planned forest health actions.

II. Definition of Issue

Forest health in Southcentral and Interior Alaska is rapidly deteriorating. The spruce beetle epidemic is manifesting unprecedented rapid forest change within the white, Lutz and Sitka spruce forest types. Spruce beetle induced mortality is in many instances eliminating all live forest cover (main canopy) in major portions of large drainages. Impacts associated with forest tree canopy losses are occurring to all resources that require a forested landscape [ie. wildlife, fisheries, watersheds, scenic vistas, etc.]. Many of these infested forest stands do not meet current definitions of "ecologically functional" old-growth and lack of regeneration following infestation has potential to convert these stands to