

# ALASKA MARICULTURE TASK FORCE

*Established by Governor Walker's Administrative Order #280*

## REGULATORY ISSUES ADVISORY COMMITTEE

September 9, 2016, 9:30am–11:30 am  
ADF&G HQ Comfish Conference Room, 1255 W. 8<sup>th</sup> St., Juneau, AK  
Teleconference info: 1-800-315-6338 access code: 41601

### MEETING SUMMARY

1) Roll call/introductions and comments:

Chair-Sam Rabung, ADF&G Statewide Aquaculture planning and permitting. MTF member  
John Kiser, Aquatic Farmer, SE AK  
Christy Colles, ADNR (for Adam Smith), Shore Fishery Program Manager  
Jim Aguiar, Aquatic Farmer, PWS AK  
Chris Whitehead, Sitka Tribe, Environmental Program Manager. MTF member  
Kim Stryker, ADEC, Food Safety and Sanitation  
Eric Wyatt, Aquatic Farmer - SE AK. MTF member

Also in attendance: Julie Decker, AFDF Executive Director. MTF vice-chair

2) Review Administrative Order #280:

a. Directive: *"to provide recommendations to develop a viable and sustainable mariculture industry producing shellfish and aquatic plants for the long-term benefit of Alaska's economy, environment and communities"*.

2) Determine purpose/goals of AC:

The AC will work to identify regulatory issues and identify potential means or actions to address them. These will be organized as short term, midterm and long term action items. This will be provided to the MTF for consideration for inclusion in the MTF recommendation to the Governor.

4) Brief discussion of regulatory agency responsibilities related to mariculture:

- A. ADNR: is responsible for authorizing the use of State land and waters.
- B. ADFG: is responsible for authorizing the use of live organisms in State waters.
- C. ADEC: is responsible for food safety and human health.

5) Discussion of issues related to specific regulations or agency operations and suggestions/potential options to address:

A. ADNR

- a) Lease fee was changed in middle of term; change when lease changes (renewal).
- b) Lease fee is high; potential cap in fee amount.
- c) Farms abandoned and DNR responsible for cleanup, but bond is not enough to cover cost of cleanup; consider requiring insurance and/or higher bond amounts, selling off farm assets to nearby farmers in exchange for site cleanup. Consider a bonding schedule or matrix utilizing criteria such as experience/training, proximity to other farms, ease of access, etc. to determine bond levels.

d) Commercial use requirement (CUR) not being met by many farms but these still require time and money to administer; enforce the CUR to encourage performance or revoke lease for non-performance.

#### B. ADFG

a) Requires irrelevant/unknowable information on application and reports; only request real information required by statute or regulation.

b) Amendments required for every minor change; only require amendments for substantive changes related to organisms.

c) “Overreach”; adhere to what is authorized/required by statute or regulation.

d) Restrictions on R&D; provide more flexibility in permit conditions.

e) State funding is being cut substantially; reduce footprint, only do what is required by law.

#### C. ADEC

a) Not following NSSP; Adhere to guidance in NSSP

b) Not consulting with industry when creating new regulations; improve communication and consult with effected industry during drafting process.

c) Erroneous interpretation/implementation of regulations by individuals;

d) Unequal application of regulations to aquatic farmers as compared to dive fishery;

e) Environmental data is collected but is unavailable and unused:

f) “Down South” regulations do not work in AK;

g) Growing area certification process is not efficient; proactive approach, utilize data from nearby areas where possible, etc.

h) Uncertainty around W.Q. criteria for new species;

i) Clusters of farms should ease permitting; see g above.

j) State funding is being cut substantially; seek other sources of funding, partnerships with other agencies/entities.

k) Actions often required by Federal government, State has no choice; push back on unworkable actions/requirements, offer workable alternatives.

#### 6) Closing Comments

The simple act of having regulators meeting with the affected public to discuss regulatory issues will go a long way towards improving the regulatory climate for the mariculture industry.

Discussion with Aquatic Farmers as a group or industry is challenging for regulators because it is unorganized, made up of independent businesses.

Consider increasing input on AC to include geoduck and kelp farmers, and those interested in enhancement rather than farming.