

ALASKA MARICULTURE TASK FORCE

Established by Governor Walker's Administrative Order #280

REGULATORY ISSUES ADVISORY COMMITTEE

December 8, 2016, 2:00pm–4:00 pm
ADNR Conference Room 900C, Atwood Building, 550 W. 7th Ave., Anchorage, AK
Teleconference info: 1-800-315-6338 access code: 29660

MEETING SUMMARY

1) Roll call/introductions and comments:

Chair-Sam Rabung, ADF&G, MTF member
John Kiser, Aquatic Farmer, SE AK (on Phone)
Adam Smith, ADNR
Christy Colles, ADNR
Jim Aguiar, Aquatic Farmer, PWS AK
Kim Stryker, ADEC
Eric Wyatt, Aquatic Farmer - SE AK. MTF member

Also in attendance: Clark Cox, ADNR

2) Review and approve agenda

3) Review and approve meeting summary from 9-9-2016 meeting

4) Conduct situational assessment: The Regulatory Issues AC initiated a review of current statutes, regulations and policies of ADEC, ADNR and ADFG, pertaining to mariculture in Alaska to identify strengths of the regulatory environment as well as challenges to growth of the industry posed by the current guidance. The result of this review will be suggested actions to address the identified challenges where possible.

ADEC-Identified Strengths:

- Demonstrated track record of safe products
- Credible program
- Adopt by reference federal regulations so that product can be sold across state lines
- Product certified PSP free means something to the market
- Water quality certification services
- Supportive staff willing to work with and build relationships with industry
- Website
- Transparency = confidence

ADEC-Identified Challenges:

- Federal water quality sampling requirements not always good fit for Alaska
- Federal enforcement patrol requirements difficult to achieve in Alaska
- Biotxin sampling
- Diminishing State funding/staffing
- Testing fees (too low to cover agency costs, too high for small farmers)

- Communication with diverse and relatively unorganized industry participants

ADEC-Suggested actions to address challenges:

- Test federal water quality sampling protocols by sampling at depth following storm events to determine if depth will mitigate
- Reduce the number of recreational beaches on the Alaska enforcement patrol plan
- Proactive sampling programs for biotoxins
- Develop an industry working group to interface with regulators to come up with industry proposed solutions to water quality/sampling issues
- Improve communication with industry through the above, quarterly letters, etc.

ADNR-Identified Strengths:

- 1988 Aquatic Farm Act allows for the leasing of State lands for aquatic farms for shellfish and marine plants
- Supportive staff willing to communicate with industry
- 28 years into program, 58 leases on 320 acres
- Not enforcing commercial use requirement (CUR) so as to not revoke leases
- Reasonable application of regulations to date (have never terminated a lease)
- Fees unchanged for over 10 years

ADNR-Identified Challenges:

- Communication with diverse and relatively unorganized industry participants
- Enforcement of regulatory requirements without harming industry (CUR, bonding, insurance, etc.)
- Performance bonding is inadequate to cover the costs of cleanup of derelict sites
- Non-performing farms on good sites prevent other farmers from using the site
- CUR does not work for Geoduck farms
- Diminishing State funding/staffing

ADNR-Suggested actions to address challenges:

- Develop an industry working group to interface with regulators
- Enforce CUR with provisions for appeal
- Develop qualifications metric to be used to determine fees/bonding in order to promote successful farmers. Credits to be applied for experience, training, proximity to other farms/co-op, location (ease of access for remediation), etc.
- Use CUR to remove chronic nonperforming farms making established sites available to other farmers
- Amend CUR regulations to accommodate species besides oysters

ADFG-Identified Strengths:

- 1988 Aquatic Farm Act allows for permitting of aquatic farms for shellfish and marine plants
- Supportive staff willing to work with and build relationships with industry
- Website

ADFG-Identified Challenges:

- Genetic policy requirements prevent efficient development of new species for culture
- “Domestication” of indigenous stock is prohibited
- Importation of stock (other than Pacific Oysters and Alaska Weathervane Scallop) is prohibited
- Enhancement (of species other than salmon) not legal
- Reporting requirements are onerous
- Interpretation and implementation of regulations by staff is subjective
- Diminishing State funding/staffing
- Communication with diverse and relatively unorganized industry participants

ADFG-Suggested action to address challenges:

- Support/encourage/conduct research on genetic stock structure of indigenous species of interest to the mariculture industry
- Support/encourage/conduct research on use of sterilization to mitigate domestication concerns
- Pursue statutory authority for shellfish fishery enhancement
- Review interpretation and implementation of regulatory guidance to avoid overreach

5) The next meeting date was not established.

6) Closing Comments

This was viewed as a good start to developing a list of suggested actions to address challenges. Some of the challenges will likely not be eliminated simply due to Alaska’s status as a common property resource state and constitutional guidance. There are other regulatory issues that have not yet been discussed pertaining to insurance and finance of farms. Additional farmers should be consulted.