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. 8th 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/unknown 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 affected 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.