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REPRESENTATIVE JIM ELKINS

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Sponsor Statement for HB 198 Dive Fishery Management Assessment

“An Act relating to aquatic farming; and providing for an effective date.”

House Bill 198 amends the state’s Aquatic Farming Act (AS 16.40.100 – 199) to allow aquatic farms to continue to operate in compliance with a recent Supreme Court decision.

In mid-April, the State Supreme Court ruled that the Act requires the Department of Fish and Game to deny shellfish farmers exclusive rights to significant populations of wild geoducks on their proposed farm sites. Since then, the Southeast Alaska Regional Dive Fisheries Association (SARDF), the Alaskan Shellfish Growers Association (ASGA) and the Department have negotiated an agreement that would allow these farmers to harvest “insignificant” populations of standing stocks of geoducks. In order to be implemented, this agreement would require a change in statute. Section 1 of HB 198 amends the Aquatic Farming Act to allow shellfish farmers to own, harvest and sell “insignificant populations” of wild shellfish stocks on their aquatic farm sites.

On February 11, 2005, the Department of Fish and Game announced that it will conduct a commercial dive fishery on designated mariculture sites, to remove the commercially significant population of wild geoducks from these small areas. This fishery will be open to all commercial divers in Southeast Alaska. Section 2 of HB 198 makes it clear that the aquatic farmers will not have to replace the shellfish that are harvested in this common property fishery.

Section 3 gives the Department the authority, when it determines it would be beneficial to do so, to let shellfish farmers remove all but an “insignificant population” of wild stock from their sites themselves and give the proceeds from their sale to ADF&G. Section 4 codifies the requirement that proposed farm sites can only get permits if there is an “insignificant population” of the shellfish species to be cultured there, and Section 7 says that this section applies only to permits issued after July 1, 2005.

This legislation, the product of industry members and the administration working to find a compromise, will help ensure the future of this new fishery in Southern Southeast Alaska for years to come and I urge the member’s support.