



US Army Corps
of Engineers

Alaska District
Regulatory Branch
Post Office Box 898
Anchorage, Alaska 99506-0898

Public Notice

Date: 14 February 1992

Identification No 91-7

In reply refer to above Identification Number

General Permit 91-7

Aquatic Farm Structures Within the State of Alaska

A general permit has been issued under the authority of Section 10 of the Rivers and Harbors Act of 1989 (33 U.S.C. 403), and in accordance with the Department of the Army Regulations (33 CFR Part 320-330), for the purpose of authorizing the placement of aquatic farm structures with the exception of associated floathouses in certain navigable waters within the State of Alaska, for the purpose of commercial and/or experimental aquatic plant and/or shellfish aquaculture.

In response to Special Public Notice 91-7, dated September 20, 1991, the proposed General Permit 91-7 was revised to reflect comments and address substantive concerns submitted by local, State and Federal agencies and the interested public. Based on a review of all pertinent information, including a prepared Environmental Assessment, the issuance of this permit will not have more than minimal adverse impact on the environment and is not contrary to the public interest.

All activities would be in accordance with the conditions of the general permit, a copy of which is attached. Failure to comply with the terms and conditions of the general permit could result in suspension, modification, or revocation of the permit, and/or imposition of penalties as provided by law.

The attached terms and conditions outline the criteria which must be met in order for work to be accomplished under this general permit. An individual wishing to perform work under this general permit must review these conditions carefully. If the proposed work does not meet the requirements of the conditions, the general permit will not apply and an individual Department of the Army permit application must be submitted.

Any person who wishes to perform work under this general permit must submit an application for an Aquatic Farmsite Permit to the appropriate regional office of the Alaska Department of Natural Resources for projects located on State-owned tide- and submerged lands or to the appropriate regional office of the Alaska Division of Governmental Coordination (ADGC) for projects located on privately owned tide- and submerged lands to initiate the State review process. Issuance of the required State and Federal permits and approvals listed in this general permit will constitute Federal authorization under this general permit unless the Corps has determined that an individual permit is required for a specific proposal.

This general permit has been issued for a period of five years, effective the date of the signature shown on the last page of the permit. At the end of this five-year period, an evaluation of the general permit will be made, and at that time it will be decided whether or not this general permit should be renewed. The District Engineer, or his authorized representative, may at any time during this five-year period, alter, modify, suspend, or revoke this permit, if he deems such action to be in the public interest.

District Engineer
Alaska District
U. S. Army Corps of Engineers



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
P.O. BOX 898
ANCHORAGE, ALASKA 99506-0898

EFFECTIVE: 14 February 1992

EXPIRES: 14 February 1997

GENERAL PERMIT 91-7

Aquatic Farm Structures Within the State of Alaska

Under the authority of Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403); and in accordance with Department of the Army Regulations (33 CFR Part 320-330), this General Permit (GP) is issued to authorize the placement of aquatic farm structures with the exception of associated floathouses in certain navigable waters within the State of Alaska, for the purpose of commercial and/or experimental aquatic plant and/or shellfish aquaculture. This authorization does not include fin-fish related activities. Navigable waters of Alaska are defined as those marine and estuarine waters subject to the ebb and flow of the tide, within the limits of the Territorial Seas of Alaska, and certain inland waters. This general permit excludes inland navigable waterways; the Alaska District, Corps of Engineers, Regulatory Branch, maintains a list of the navigable waters that are covered by this general permit. Additional navigable waters which are excluded from authorization are specified in Conditions 5, 14, 17, and 18 of this general permit. This general permit does not authorize any dredging or the discharge of any dredged or fill material into waters of the United States, including adjacent wetlands. Uses landward of mean high water associated with the placement (anchorage) or operation of aquatic farm structures are not authorized by this general permit.

This general permit conveys full authorization to place and maintain aquatic farm structures in certain navigable waters provided the conditions specified below are met. Any applicant seeking authorization under this general permit is responsible for ensuring compliance with all of its terms and conditions. No correspondence or authorization from the Corps of Engineers is necessary. However, anyone may request written confirmation of whether or not a proposed aquatic farm structure would be authorized by this general permit (see the Additional Information section below).

TERM

This general permit shall be effective for a period of five years from the date of issuance. At the end of the five-year period, an evaluation of the general permit shall be made and at that time it would be decided whether or not this permit should be renewed. The District Engineer (DE) or his authorized representative may, at any time during this five-year period, alter, modify, or revoke this permit, if he deems such action to be in the public interest.

PROCEDURES AND REPORTING REQUIREMENTS

Aquatic farm structures shall be authorized for placement in navigable waters within Alaska provided the appropriate permits listed below are obtained from the State of Alaska and the pertinent Federal land manager, if applicable, in addition to any other permits required by State or Federal agencies, and that all portions of the proposed project are covered by those permits:

- a. Alaska Department of Natural Resources (ADNR) Aquatic Farmsite Permit
- b. Alaska Division of Governmental Coordination (ADGC) Coastal Consistency Determination
- c. Alaska Department of Fish and Game (ADFG) Aquatic Farm Operations Permit and, where applicable, a Special Area Permit.
- d. A permit and an Alaska National Interest Lands Conservation Act (ANILCA) Section 810 determination may be required and performed by the Federal land manager if the proposed project is located within areas subject to a Federal land manager's jurisdiction. Additional information can be obtained by contacting the appropriate Federal land manager's office at the addresses and telephone numbers listed in Conditions 1 through 4.

A copy of this general permit will be distributed with each Aquatic Farmsite Permit application by the appropriate State office. Any person who wishes to perform work under this general permit must submit an application for an Aquatic Farmsite Permit to the appropriate regional office of the ADNR for projects located on State-owned tide- and submerged lands or to the appropriate regional office of the ADGC for projects located on privately owned tide- and submerged lands to initiate the State review process.

The State of Alaska will provide the Corps with correspondence related to aquatic farming applications, including start-up packets, decision documents, and quarterly and annual reports during the review process. These documents will provide a means for the Corps to determine if the work proposed is in conformance with the parameters of the general permit. Upon receipt of the start-up packet, the Corps will advise the State within 20 days if the applicant does not meet the terms and conditions of the general permit. However, at any time during the State's permit review, the DE may, at his discretion, determine that this general permit will not be applicable to a specific mariculture proposal. In such cases, the procedures for processing an individual permit in accordance with 33 CFR 325 will be available. At the end of the State review period, the State shall provide the Corps with an Aquatic Farm Final Decision report. This report shall include the name, location, species and acreage for each Aquatic Farm Permit issued and shall be sent to: Project Evaluation Section - South, Regulatory Branch, CENPA-CO-R-S, Box 898, Anchorage, Alaska 99506-0898. This report shall be made available to the public upon request.

Issuance of the required State and Federal permits and approvals listed above will constitute Federal authorization under this general permit unless the Corps has determined that an individual permit is required for a specific proposal as noted in the preceding paragraph. If it is determined by ADGC during the initial review of a project potentially covered by this general permit, that the proposed activity would have impacts of a scope not typical of projects authorized under this general permit, they will inform the Corps that the Coastal Zone Certification originally issued for the general permit does not apply for the specific project.

If any of the required State or Federal authorizations are denied, the Alaska Division of Governmental Coordination will inform the Corps and the Corps will inform the applicant that Federal authorization under this general permit is denied without prejudice.

CONDITIONS

The applicant shall be responsible for fulfilling the following conditions:

1. The Environmental Compliance Division of the National Park Service shall be notified in writing 90 days in advance prior to commencement of any activity within three miles of a National Park System unit, a National Natural Landmark or a National Historic Landmark. A list of National Historic Landmarks and National Natural Landmarks is attached to this general permit. Contact the National Park Service, Environmental Compliance Division, 2525 Gambell Street, Anchorage, AK 99503-2892, telephone (907) 257-2649 for additional information.
2. The U.S. Department of the Interior, Fish and Wildlife Service, Regional Director, 1011 East Tudor Road, Anchorage, Alaska 99503, telephone (907) 786-3542, shall be contacted regarding the need for a Special Use Permit prior to any activities within National Wildlife Refuges of Alaska.
3. When adjacent to National Forest system lands, aquatic farm structures shall be located consistent with the existing Forest land use management direction. The appropriate National Forest Supervisors office shall be contacted prior to any activity within one mile of Chugach or Tongass National Forest lands. You may contact the Chugach National Forest office at 201 E. 9th Avenue, Suite 206, Anchorage, Alaska 99501-3686, telephone (907) 271-2500 or one of the three Tongass National Forest offices at the Federal Building, Ketchikan, Alaska 99901, telephone (907) 225-3101 for the Tongass National Forest, Ketchikan Area; 204 Siginaka Way, Sitka, Alaska 99835 for the Tongass National Forest, Chatham Area, telephone (907) 747-6671; or 201 12th Street, P.O. Box 309, Petersburg, Alaska 99833, telephone (907) 772-3841 for the Tongass National Forest, Stikine Area.

4. The appropriate U.S. Department of the Interior, Bureau of Land Management Office, 222 W. 7th Avenue, Room 13, Anchorage, Alaska 99513, telephone (907) 271-5960, shall be contacted prior to any activity within one mile of Federal lands under its management/ownership.
5. This general permit will not apply adjacent to or within one half mile of a designated wilderness or wilderness study area administered by the U.S. Forest Service, National Park Service or U.S. Fish and Wildlife Service unless permission is obtained from the Federal land manager. Contact the appropriate Federal land manager's office listed under Conditions 1, 2, or 3 for further information.
6. The United States Coast Guard (USCG) shall be contacted prior to the construction or placement of any aquaculture structure under this permit. The permittee must install and maintain, at the permittee's expense, any safety lights and markings prescribed by the USCG, through regulations or otherwise, on the authorized facilities. The USCG may be reached at the following address and telephone number: Commander, 17th Coast Guard District (oan), Post Office Box 2-5517, Juneau, Alaska 99802-5517, (907) 463-2248.
7. Use of the permitted activity must not interfere with the public's right to free navigation around the aquatic farm structure on all navigable waters of the United States nor be placed in such a fashion as to create a hazard to navigation. Aquatic farm structures shall not be placed in locations that would hinder safe access to, or use of, existing ports, docks, piers, harbors, boat launch ramps, buoys, floats, piles, or any other existing structures or facilities within navigable waters.
8. Aquatic farm structures shall be constructed and maintained to avoid attracting or entangling marine birds, mammals or other wildlife. The operation of aquatic farms may subject you to provisions of 1) the Marine Mammal Protection Act of 1972, 16 U.S.C. Sections 1361-1407, and amendments, and 2) the Migratory Bird Treaty Act, 16 U.S.C. Sections 701-718h. Instances of predation by marine birds or sea otters should be reported to the Corps and USFWS. A violation of the Marine Mammal Protection Act or the Migratory Bird Treaty Act (in either case, confirmed by a judicial determination, or administrative determination having the force of law) shall be grounds to suspend, modify or revoke this authorization.
 - a. The Marine Mammal Protection Act prohibits non-natives from taking (harassing, hunting, capturing, collecting or killing; or attempting to harass, hunt, capture, collect or kill) marine mammals without a permit from the Department of Interior or Department of Commerce.
 - b. The agencies responsible for enforcing the Marine Mammal Protection Act and implementing regulations are the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

c. National Marine Fisheries Service regulations at 50 CFR Part 229.7(b) require that all lethal incidental takes of marine mammals must be reported to the nearest National Marine Fisheries Service office, in person, by phone, or by letter, within 10 days of when the taking occurred.

d. The National Marine Fisheries Service may be reached at the following address and phone number: National Marine Fisheries Service, Regional Office, P.O. Box 2-1668, Juneau, Alaska 99802, telephone (907) 586-7235.

e. Should you have any questions regarding the requirements or provisions of the Marine Mammal Protection Act or implementing regulations, please contact the U.S. Fish and Wildlife Service at (907) 561-1239 or the National Marine Fisheries Service at the above telephone number.

f. To prevent predator entanglement, vertical ropes, lines, wires, etc., shall not be connected by more than one horizontal lead line, longline, rope, wire, etc., excluding culture gear constructed of mesh, such as lantern nets or bags.

g. The Migratory Bird Treaty prohibits the take of migratory birds, their parts, nests and eggs outside of established legal seasons, limits, and limitations. The agency responsible for enforcing the Migratory Bird Treaty Act and implementing regulations is the U.S. Fish and Wildlife Service.

9. Aquatic farm structures, excluding structures such as racks and bags used in intertidal areas for beach culture and hardening, shall be located in waters of sufficient depth and secured in a manner to preclude grounding at any tidal stage.

10. All aquatic farm structures shall be sufficiently anchored to hold in storm conditions and/or in swift current.

11. The activity authorized by this general permit must be maintained in good condition and in conformance with the terms and condition of this general permit. Removal of the structures associated with the authorized activity is required if the site is abandoned. Should the permittee wish to abandon the activity, this office and all appropriate state and local agencies must be notified. Abandoned is defined as a discontinuance of activity at the site for a period of one year or more. In addition, this office must be notified if the permitted facility is being transferred to a new party.

12. If any previously unknown historic or archeological artifacts or remains are discovered while accomplishing the activity authorized by this permit, the permittee must notify this office immediately of what has been found. The Corps will initiate the Section 106 process to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

13. Representatives from this office must be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this general permit.

14. Aquatic farm structures shall be located to avoid sites where the project could cause detrimental impacts on concentrations of marine mammals, waterfowl and shorebirds, hardshell clams, eelgrass and kelp beds, fish spawning or migration routes, large wildlife population, or adjacent to brown and black bear concentration areas and known bear travel corridors. Specifically, avoid siting:

- a. within a 300-foot radius of the mouths of anadromous fish streams at Mean Lower Low Water; these streams are listed in the State's "Catalog of Waters Important for Spawning, Rearing or Migration of Anadromous Fishes";
- b. within fish hatchery Special Harvest Areas or Terminal Harvest Areas established by the Alaska Department of Fish and Game.

Information concerning paragraphs a. and b. above can be obtained from one of the two Alaska Department of Fish and Game offices, Habitat Division, 333 Raspberry Road, Anchorage, Alaska 99518-1599, telephone (907) 267-2284 or Habitat Division, P.O. Box 2526, Juneau, Alaska 99802-5526, telephone (907) 465-4105.

- c. within one mile of harbor seal haulout concentration areas or pupping areas;
- d. within three miles of Steller sea lion pupping areas;

Information concerning paragraphs c. and d. above can be obtained from the National Marine Fisheries Service, Regional Office, P.O. Box 2-1668, Juneau, Alaska 99802, telephone (907) 586-7235;

- e. within one mile of seabird colonies;
- f. within one mile of walrus haulouts;
- g. within 330 feet of bald eagle nests; and,

- h. if within sight of an active bald eagle nest, no equipment haulouts shall occur nor work rafts on which equipment is worked on shall be present within 660 feet of the nest.
- i. within Izembek and Nelson Lagoons, Ugashik Bay, and within one mile of the Pribilof Islands, the Walrus Islands State Game Sanctuary, Stikinak, Tugidak, and Bogoslof Islands.
- k. within 3 miles of National Wildlife Refuges only weathervane scallops (Patinopecten caurinus), rock scallop (Crassodoma gigantea), pink scallop (Chalamys hericia), Pacific oysters (Crassostrea gigas), blue mussels (Mytilus edulis), and various kelp (Macrocystis spp., Laminaria spp., and Porphyra spp.) may be grown.

Information concerning paragraphs e. through k. above can be obtained from the U.S. Fish and Wildlife Service, Ecological Services Anchorage, 605 West Fourth Avenue, Room G-62, Anchorage, Alaska 99501, telephone (907) 271-2888 if the proposed project is located west of Cape Suckling, or the U.S. Fish and Wildlife Service, Ecological Services Juneau, Post Office Box 021287, Juneau, Alaska 99802, telephone (907) 586-7240 if the proposed project is located east of Cape Suckling.

15. No mariculture operation shall use any chemicals that are not approved by the Food and Drug Administration. Aquatic farm structures (i.e., rafts, booms, longlines) shall not be treated with any preservatives, as these toxic chemicals may be absorbed and accumulated within the shellfish, which are to be sold for human consumption. For additional information contact the Alaska Department of Environmental Conservation, Southcentral Regional Office, 3601 C. Street, Suite 1350, Anchorage, Alaska 99503, telephone (907) 563-6529, or the Alaska Department of Environmental Conservation, Region 1, P.O. Box 32420, Juneau, Alaska 99803, telephone (907) 789-3151.
16. The harvesting operations associated with aquaculture activities have the potential to generate waste which attracts birds (gulls) potentially hazardous to flying aircraft. Proposed sites within 5 miles of a public airport runway shall be coordinated with the Federal Aviation Administration, Alaskan Region, Airports Division, 222 W. Seventh Avenue, #14, Anchorage, Alaska 99513-7587, telephone (907) 271-5816.
17. Aquatic farm structures shall not be placed in any unacceptable areas specified by the State of Alaska.
18. Aquatic farm structures shall not be placed in areas prohibited by Federal, State or local law.

LIMITS OF THIS AUTHORIZATION

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

LIMITS OF FEDERAL LIABILITY

In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

REEVALUATION OF PERMIT DECISION

This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. The general permittee fails to comply with the terms and conditions of this permit.
- b. The information provided by the permittee in support of the permit application proves to have been false, incomplete, or inaccurate.
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use, on an individual or generic basis, the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures, such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring the permittee to comply with the terms and conditions of the permit and for the initiation of legal action where appropriate. The permittee will be required to pay for any corrective measures ordered by this office, and if the permittee fails to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill the permittee for the cost.

ADDITIONAL INFORMATION

This general permit does not require notification to the District Engineer prior to commencement of the authorized activity, nor does it require confirmation from the District Engineer that a proposed activity is in full compliance with all terms and conditions of this general permit is authorized and may proceed. Nevertheless, a general permittee may choose to request in writing a verification that his proposed activity is authorized by a specific general permit. The written inquiry must be sent to the Alaska District, U.S. Army Corps of Engineers, Regulatory Branch, Project Evaluation Section - South, Box 898, Anchorage, Alaska 99506-0898, and must include the following information:

- a. Name, address and telephone number of the general permittee;
- b. Location of the proposed work;
- c. Brief description of the proposed work;
- d. Identification of the general permit or permits which apply to the proposed work;
- e. Any other information that the general permittee believes is appropriate.

To the extent that the Corps' limited resources will allow, the Alaska District office will attempt to respond to such a request for verification in a timely manner. If the general permittee's written request for verification is complete, accurate and made in good faith, and the Alaska District does not respond to such inquiry within 20 days after the Alaska District received such inquiry, the general permittee may proceed with the activity. In such a case, the general permittee's authorization can only be suspended, modified or revoked in accordance with the procedure set forth in 33 CFR 325.7.

On the other hand, if the Corps later determines that the general permittee's written request for verification was inaccurate, incomplete or made in bad faith, and that the activity was not in fact authorized by the general permit, the Federal Government may bring an appropriate enforcement action against the general permittee. Section 12 of the Rivers and Harbors Act provides civil penalties of not less than \$500, and not more than \$2,500 per day of violation or by imprisonment of up to one year, or both.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

14 February 1992
DATE

Larry L. Reeder
Larry L. Reeder
Chief

Project Evaluation Section - South
Regulatory Branch
FOR: District Engineer
US Army Corps of Engineers

Alaska National Historic Landmarks with Coastal Frontage

<u>Name</u>	<u>Location</u>
Adak Army Base & Naval Operating Base	Adak
Alaska Native Brotherhood Hall	Sitka
Anangula Archeological District	Nikolski vicinity
Attu Battlefields & U.S. Army & Navy Airfields	Attu
Bering Expedition Landing Site	Kayak Island
Birnirk Site	Barrow
Cape Field at Fort Glenn	Umnak Island
Cape Krusenstern Archeological District	Kotzebue vicinity
Cape Nome Mining District	Nome
Chaluka Site	Umnak Island
Chilkoot Trail and Dyea	Skagway
Dutch Harbor Naval Operating Base & Fort Mears	Unalaska
Fort Durham	Taku Harbor
Holy Ascension Orthodox Church	Unalaska
Ipiutak Site	Point Hope
Iyatet	Cape Denbigh
Japanese Occupation Site	Kiska
Kodiak Naval Operating Base	Kodiak
Leffingwell Camp	Flaxman Island
New Russia	Yakutat
Old Sitka	Sitka
Palugvik	Cordova
Seal Islands	Pribilof Islands
Sitka Naval Base	Sitka
Skagway and White Pass	Skagway
Three Saints Site	Old Harbor
Wales Site	Wales
Yukon Island Main Site	Homer Vicinity

Sandra Faulkner - National Historic Landmarks Program Coordinator
Alaska Regional Office, National Park Service
Telephone 257-2658

Alaska National Natural Landmarks with Coastal Frontage

Bogoslof Island
Clarence Rhode National Wildlife Range
Malaspina Glacier
McNeil River State Game Sanctuary
Middleton Island
Simeonof National Wildlife Refuge
Unga Island
Walrus Islands

Paul McLaughlin - National Natural Landmarks Program Coordinator
Alaska Regional Office, National Park Service
Telephone 257-2562

APPLICABILITY CERTIFICATION FOR
GENERAL PERMIT 91-7

Aquatic Farm Structures Within the State of Alaska

Before completing the statement below, please read the attached General Permit carefully. If your proposed project does not comply with all of the terms and conditions contained herein, you will need to apply for an individual Department of the Army (DA) permit. If you have questions, or need clarification about whether or not the general permit applies to your project, you may call the Corps of Engineers, Regulatory Branch at (907) 753-2712, or toll free in Alaska at (800) 438-2712.

Please retain the General Permit for your records, but detach and include the statement below with your Aquatic Farm Permit Application.

_____ I, the undersigned, desire authorization under General Permit 91-7 for placement of aquatic farm structures, located in/near _____, Alaska. I have read the general permit and have determined that my project will comply with all of the terms and conditions contained therein.

_____ I, the undersigned, request that my application for placement of aquatic farm structures, located in/near _____, Alaska, be processed under DA individual permit processing procedures. I have read the general permit and have determined that my project will not comply with all of the terms and conditions contained therein.

NAME (Please Print)

SIGNATURE

DATE

CORPS' PROJECT NUMBER _____

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

DEPARTMENT OF FISH AND GAME

DIVISION OF FISHERIES REHABILITATION, ENHANCEMENT & DEVELOPMENT (F.R.E.D.)

P.O. Box 3-2000
Juneau, Alaska 99802-2000

PHONE: (907)465-4160
FAX: (907)465-4168

October 17, 1990

Oyster Spat Transport Permit Application Instructions

Procedures for application for Pacific oyster spat transport to project sites have been changed, effective November 1, 1990. The new form is attached.

Please complete all parts of the form concerning APPLICANT INFORMATION and PROJECT INFORMATION. The Department will assign a permit number. To comply with regulation, you should submit the application at least 45 days before you propose to transport the oyster spat. The spat supplier must be certified and the applicant must have a current enabling permit (Aquatic Farm Operation Permit, Scientific/Educational Permit). All other project permits issued by other agencies must also be current. Transports can only occur to a permitted project site.

The contact person is the individual the applicant authorizes to represent him/her for purposes of this application. All communications will be with the contact, if designated. The applicant is still responsible for the permit and compliance with its terms and conditions.

Unless a shorter effective period is requested, the permit will be effective until the spat source's certification expires. The Department certifies oyster spat suppliers annually, but the supplier must request certification, so the certification periods are unpredictable. Please call the FRED Division Mariculture Coordinator for current status.

Transport permits can only be amended to change effective dates and numbers of animals. All other changes require a new permit application. Amendments must be requested in writing and signed by the applicant. No special form is required.

Transport permit procedures and applications forms for all other shellfish and aquatic plants, including other life stages of Pacific oysters have not changed. Applicants wishing to import, export or transport for release into the waters of the State any other species or life stage of shellfish or aquatic plant must complete a shellfish/aquatic plant Transport Permit Application.

Sincerely,

James O. Cochran
Mariculture Coordinator



**ALASKA DEPARTMENT OF FISH AND GAME
APPLICATION
FOR THE TRANSPORT OF PACIFIC OYSTER SPAT
(CRASSOSTREA GIGAS)**

PERMIT NO. _____

APPLICANT INFORMATION

1. _____
Name of Applicant

Company Name

Address

City State Zip

Daytime Phone

Applicant's Signature

2. _____
Authorized Contact Person

Company Name

Address

City State Zip

Daytime Phone

Date

PROJECT INFORMATION

1. _____
ADF&G Aquatic Farm Permit Type

3. _____
Spat Source (must be ADF&G certified)

5. _____
Size of Spat to be Transported

7. _____
Destination of Shipments

9. _____
Procedures for Transport (method of transport, description of containers, plan of transport)

2. _____
Permit Number

4. _____
Number of Spat to be Transported

6. _____
Expected Shipment Dates

8. _____
Other Sources of Oysters at Site

PERMIT (Department Use Only)

1. _____
Effective Period

2. _____

Comments

3. _____

Conditions

APPROVED

DATE _____

DENIED

MARICULTURE COORDINATOR _____

Send Application to:

Alaska Department of Fish and Game
FRED Division
Mariculture Coordinator
P.O. Box 3-2000
Juneau, AK 99802
(907) 465-4160

SHELLFISH/AQUATIC PLANT TRANSPORT PERMIT

ALASKA DEPARTMENT OF FISH AND GAME FRED DIVISION

Explanation

These procedures are to implement Chapter 41 of Section 5 of the Alaska Administrative Code, governing the acquisition, transportation, possession, and release of live fish and their reproductive products.

Permit applications must be submitted to the Headquarters office of the Alaska Department of Fish and Game (ADF&G), Fisheries Rehabilitation, Enhancement and Development (FRED) Division, by the person or organization requesting to acquire, transport, possess, export from the state, or release into the waters of the state any live shellfish or aquatic plants.

Alaska Department of Fish and Game
F.R.E.D. Division
Mariculture Coordinator
P.O. Box 25526
Juneau, AK 99802-5526
(907)465-4160 (voice)
(907)465-4168 (FAX)

Note that "'fish' means any species of aquatic finfish, invertebrates and amphibians, in any stage of their life cycle, found in or introduced into the state," per AS 16.05.940(10).

A separate Shellfish Transport Permit (SFTP) form must be completed for spat collection operations. An Aquatic Stock Acquisition Permit is necessary to obtain and possess wild stocks of shellfish or aquatic plants for farming. The permit application form for acquisition of wildstocks for farm or hatchery activities shall be the Shellfish/Aquatic Plant Transport Permit [5 AAC 41.290].

A. Seed or brood stock collection:

1. Harvest. A single acquisition permit will authorize harvest for one species within an area. "Area" will be defined on an individual basis until more data is available.
2. Staging of Harvest. Collected stock may be staged, prior to transport to a permitted farm, in a central location to be specified on the permit. The permit allows only temporary possession for staging. If movement of spat from the collection location to the staging location crosses area lines or is to more than one destination, separate SFTP(s) may be required prior to the move.

B. Farm or hatchery operations:

1. Transport. A separate SFTP must be completed by the buyer or farmer for each transport of shellfish to the destination farm or hatchery.
2. Possession. An approved Shellfish Transport Permit or Aquatic Stock Acquisition Permit is required to possess shellfish.

If the farmer intends to possess shellfish stocks from more than one area, the disposition and management of those stocks will be handled on an individual basis. It may be necessary to keep the stocks separate, each permitted by a different SFTP.

Prior to setting collection gear, the ADF&G, Division of Commercial Fisheries area biologist must be notified, and if possible, the FRED Division area biologist.

The top section of page 1 and page 11 of the attached form must be completed by the applicant. Please note the following instructions for completion of page 11 of the FTP form.

1. Effective Period: The length of time that an transport permit is valid. Oyster spat permits will be issued for a maximum of one year, with each expiring coincidentally with the supplier's certification, or sooner if requested. No permits will be issued for longer than the effective dates of the enabling farm or hatchery permit.
2. Transport Date(s): Should include the expected date(s) of collection and/or all applicable transport dates.
3. Numbers of Shellfish to be Taken and/or Transported: Estimated numbers are to be adjusted to real numbers of stock on hand. Maximum allowable numbers shall not exceed those approved for that species for the farm, hatchery or project.
4. Collection, Staging, and Rearing Locations: Use attached sheet if necessary to give an explanation. Provide maps/charts to specify locations of activities.
5. Description of Locations from Item 4: With respect to other native stocks of shellfish and those of real or potential commercial activities.
6. History of Known Transport of this Stock: All known transport of this stock, either by the applicant's organization or others.
7. Disease History: Complete listing of disease prevalence testing, as conducted by the ADF&G, FRED Division, Pathology Section. The following information should be included: date of testing, life stage of shellfish, and results of the test. Note the following example:

2/6/81 Adult 0/60 (0%) Mytilicola (parasitic copepod)

Information provided by the applicant on disease history will be added to or completed by the Pathology Section.

The permit is issued by the Commissioner of ADF&G or his authorized designee. The Shellfish Transport Permit authorizes only that operation specified in the permit. The person or organization using the permit must be in compliance with all conditions of the permit and all other applicable federal, state and local laws.



**Alaska Department of Fish and Game
SHELLFISH/AQUATIC PLANT TRANSPORT PERMIT**

Applicant _____

Organization _____

Mailing Address _____

Phone _____

Species _____

Stock Origin _____

Proposed Stocking Location _____

Project summary - Summary statement of what is being proposed (be complete, use separate pages as necessary)

Aquatic Farm or Hatchery Operation Permit No.:

<u>Shellfish/Aquatic Plant Transport Permit</u>	<input type="checkbox"/>	<u>for department use only</u>	
<u>Aquatic Stock Acquisition Permit</u>	<input type="checkbox"/>	Tracking Number: DFG- _____	
Consistent with Farm, Hatchery or Project Permit	Yes _____	No _____	
Requires Permit Prior to Review	Yes _____	No _____	
Continuation of Project	Yes _____	No _____	
New Project	Yes _____	No _____	
<u>Status</u>			
Forms Complete	Yes _____	No _____	Date _____
Disease History Complete	Yes _____	No _____	Date _____
In Review Process	Yes _____	No _____	Date _____
Returned to Applicant	Yes _____	No _____	Date _____

Aquatic Farm Operation Permit No.: DFG-

5 AAC 41.005. PERMIT REQUIRED. (a) No person may transport, possess, export from the state, or release into the waters of the state, any live fish, unless the person holds a fish transport permit issued by the Commissioner of his authorized designee.

The Fish Transport Permit (FTP) is the single document, approved by the Commissioner of Alaska Department of Fish and Game (ADF&G), that allows for movements of fish and eggs on an interstate and intrastate basis.

STAFF RECOMMENDATIONS

SIGNATURE PAGE

	Comments	Comments		Date	Comments Provided	
		Agree	Disagree		Yes	No
1. Regional Supervisor - FRED						
Signature_____						
2. Fish Health Services Pathologist - FRED						

Incomplete						
3. Principle Geneticist - FRED						

4. Regional Supervisor - Comm Fish						

5. Mariculture Coordinator - FRED						

6. Chief - Technology and Development - FRED						

7. Director - FRED						

8. Commissioner		<u>Approval</u>	<u>Disapproval</u>	<u>Date</u>		

Tracking Number:

DFG-_____

COMMENT SHEET

1. Regional Supervisor - FRED

Comments

Signature _____

Date _____

Phone _____

Tracking Number:
DFG- _____

COMMENT SHEET

2. Fish Health Services Pathologist - FRED

Comments

Signature _____

Date _____

Phone 465-3577 _____

Tracking Number:
DFG- _____

COMMENT SHEET

3. Principal Geneticist - FRED

Comments

Signature _____

Date _____

Phone _____

Tracking Number:
DFG-_____

COMMENT SHEET

4. Regional Supervisor - Commercial Fisheries

Comments

Signature _____

Date _____

Phone _____

Tracking Number:
DFG-_____

COMMENT SHEET

5. Mariculture Coordinator - FRED

Comments

Signature _____

Date _____

Phone 465-4160

Tracking Number:
DFG- _____

COMMENT SHEET

6. Chief-Technology and Development - FRED

Comments

Signature _____

Date _____

Phone 465-4160

Tracking Number:
DFG-_____

COMMENT SHEET

7. Director - FRED

Comments

Signature _____

Date _____

Phone 465-4160

Tracking Number:
DFG-_____

COMMENT SHEET

8. Commissioner

Comments

Signature _____

Date _____

Phone 465-4100 _____

SHELLFISH/AQUATIC PLANT TRANSPORT PERMIT

Tracking Number:

DFG- _____

Applicant/Organization _____ Date _____

Project Leader _____ Phone No. _____

Effective Period _____ Species _____

Transport Date(s) _____

Stock Origin _____ Life Stage _____

Numbers of shellfish to be taken and/or transported _____

Description of collection, staging and rearing locations(s) _____

History of previous transports of this stock _____

Disease history of stock to be transported _____

Existing native or commercial stocks present in the immediate vicinity of staging of rearing _____

Procedures to be used during transport, including description of container, method and plan for transport _____

**AQUATIC STOCK ACQUISITION PERMIT LOG
INSTRUCTIONS**

1. *A log entry is required for each day (or period, in the case of planktonic seed collection) acquisition activities are conducted.*
2. *A log entry is required for each location acquisition activities are conducted at.*
3. *A separate log must be maintained for each year of permitted acquisition activities.*
4. *A separate log must be maintained for each AQUATIC STOCK ACQUISITION PERMIT.*
5. *A signed copy of the log with the original signature of the permittee must be submitted to the Alaska Department of Fish and Game as specified in the permit. If in-season reporting is not required as a condition of the permit, annual reporting as specified in instruction no. 6 is required.*
6. *A signed copy of the log must be submitted with the annual report submitted for aquatic farm operations. This is in addition to any in-season reporting required as a condition of the permit.*
7. *A copy of the log must be kept with the Aquatic Stock Acquisition Permit for inspection by a peace officer of the State of Alaska.*
8. *Sufficient organisms collected must be sampled and weighed to allow an accurate estimate of weight harvested, number harvested and average size. A sampling routine of 3 random samples per day (period) per location is suggested. Seed from collectors should be sampled at the time of transfer to the farm or hatchery site.*
9. *Questions regarding the AQUATIC STOCK ACQUISITION PERMIT, the log or instructions should be addressed to:*

**Mariculture Coordinator
Alaska Department of Fish and Game
FRED Division
P.O. Box 25526
Juneau, AK 99801
(907)465-4160**

NOTE: This form is printed on water-resistant paper intended for field use.