

**Mariculture Program Summary for the
Planning/Permitting/Resource Development Action
Team (May, 1993)**

by

James O. Cochran

December 2010

Alaska Department of Fish and Game

Division of Commercial Fisheries



REGIONAL INFORMATION REPORT NO. 5J10-02

**MARICULTURE PROGRAM SUMMARY FOR THE
PLANNING/PERMITTING/RESOURCE DEVELOPMENT ACTION
TEAM (MAY, 1993)**

By

James O. Cochran

Alaska Department of Fish and Game, Commercial Fisheries Management and Development Division, Juneau

Alaska Department of Fish and Game
Division of Commercial Fisheries
Publishing Office Address

December 2010

The Regional Information Report Series was established in 1987 and was redefined in 2006 to meet the Division of Commercial Fisheries regional need for publishing and archiving information such as project operational plans, area management plans, budgetary information, staff comments and opinions to Board of Fisheries proposals, interim or preliminary data and grant agency reports, special meeting or minor workshop results and other regional information not generally reported elsewhere. Reports in this series may contain raw data and preliminary results. Reports in this series receive varying degrees of regional, biometric and editorial review; information in this series may be subsequently finalized and published in a different department reporting series or in the formal literature. Please contact the author or the Division of Commercial Fisheries if in doubt of the level of review or preliminary nature of the data reported. Regional Information Reports are available through the Alaska State Library and on the Internet at <http://www.adfg.alaska.gov/sf/publications/>

*James O. Cochran,
Alaska Department of Fish and Game, Division of Commercial Fisheries,
1255 W 8th St. P.O. Box 115526, Juneau AK 99811-5526, USA*

This document should be cited as:

Cochran, J. O 2010. Mariculture Program Summary for the Planning/Permitting/Resource Development Action Team (May, 1993). Alaska Department of Fish and Game, Regional Report Series 5J10-02, Anchorage.

The Alaska Department of Fish and Game (ADF&G) administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA) of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility please write:

ADF&G ADA Coordinator, P.O. Box 115526, Juneau AK 99811-5526

U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington VA 22203

Office of Equal Opportunity, U.S. Department of the Interior, Washington DC 20240

The department's ADA Coordinator can be reached via phone at the following numbers:

(VOICE) 907-465-6077, (Statewide Telecommunication Device for the Deaf) 1-800-478-3648, (Juneau TDD) 907-465-3646, or (FAX) 907-465-6078

For information on alternative formats and questions on this publication, please contact:

ADF&G, Division of Commercial Fisheries, P.O. Box 115526, Juneau AK 99811 (907)465-4210.

ALASKA DEPARTMENT OF FISH AND GAME

Commercial Fisheries Management
and Development Division



Mariculture Program Summary

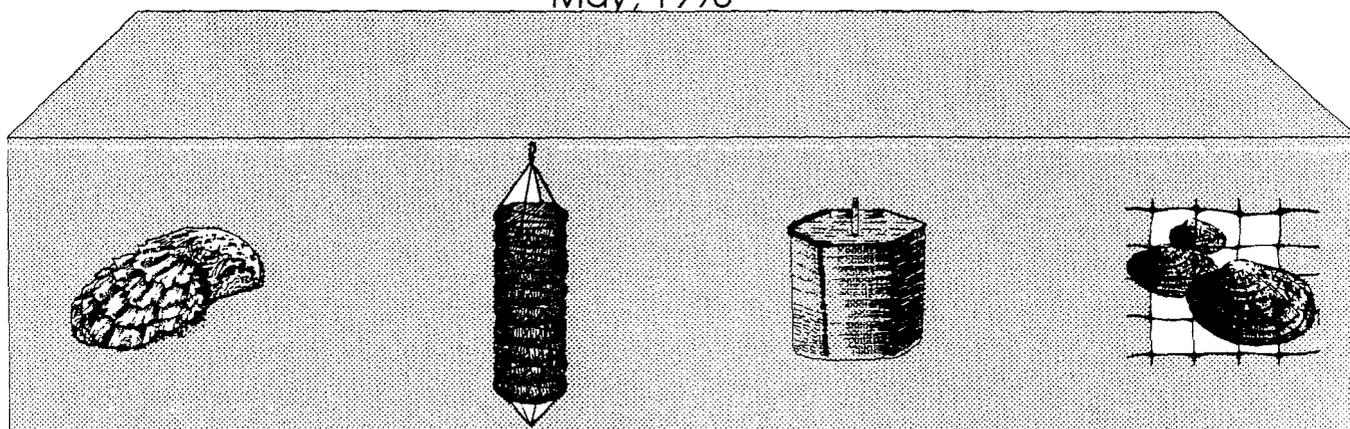
Prepared by:
James O. Cochran
Mariculture Coordinator

for

The Planning/Permitting/Resource Development
Action Team

P.O. BOX 25526
JUNEAU, ALASKA 99802

May, 1993





Permitted Aquatic Farms as of 3-31-93

James O. Cochran
 Mariculture Coordinator
 Commercial Fisheries Management and
 Development Division
 Alaska Department of Fish and Game

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

WALTER J. HICKEL, GOVERNOR

May, 1992

Dear Prospective Aquatic Farmer:

This package is intended to introduce the State of Alaska's program for Aquatic Farming. Recent events in the program are included for your information.

A list of attachments is provided. If you are missing one or more, copies may be obtained from this office.

This package should be informative and useful. If you have additional questions, or suggestions for improving the package, please give me a call or send me a note.

1. BACKGROUND

The 1988 legislature passed Senate Bill 514, providing for certain aquatic farming activities. The Bill was later codified as chapter 145, SLA 1988. The Department of Natural Resources (DNR) was named lead agency because the law provides the opportunity for aquatic farmers to obtain a permit or lease to use State tide or submerged lands. The Department of Fish and Game (ADF&G) and the Department of Environmental Conservation (DEC) also have responsibilities under this law.

State agencies completed writing the regulations required by law to be in place before the program could begin during the summer of 1989.

The program allows new aquatic farms to be developed if they meet certain criteria. Aquatic farmers who demonstrated that they were lawfully operating on the date the law was signed were allowed to continue normal operations. They applied for permits under the new law, though.

2. CURRENT SITUATION

DNR District openings:

The legislation required that DNR create aquatic farm districts and conduct a 60 day application opening in each district at least once each year. The first opening was for all districts in Southeastern. A combined district opening, for all districts north of Yakutat, ended in June, 1990. The first statewide opening was held in 1991. The statewide schedule seems to work best for all involved so we anticipate openings during March through April annually for the foreseeable future. Opening dates are advertised in major

newspapers. You may also place your name on a mailing list to receive application information by contacting DNR or ADF&G. Aquatic farm districts are shown on the attached map.

Due to the Exxon Valdez Oil Spill, certain tide and submerged lands have been determined to be unavailable or unsuitable for aquatic farming. Also, due to conflicts with fish and wildlife resources and/or their user groups, certain areas are excluded from aquatic farming. Applications will not be accepted for areas identified as "Unacceptable". Due to the high risk and/or conflicts with other uses or resources, the State also discourages applicants from submitting applications in areas designated as "Sensitive".

Detailed information regarding these areas is contained in the Aquatic Farm Application Packet available from DNR. **An example of the current application form is included in this packet.** Contact ADF&G or DNR if you have specific questions.

3.PERMITS REQUIRED

For Aquatic Farm Site Suitability Investigation:

Three permits are routinely required to investigate the suitability of a site for aquatic farming:

- 1) DNR Aquatic Farm Site Suitability Permit
- 2) COE Permit
- 3) ADF&G Shellfish or Aquatic Plant Transport Permit

If the area you wish to investigate is in a Critical Habitat Area, ADF&G also must issue a Special Area Permit.

Copies of applications for these permits are available from the respective agencies. A Coastal Project Questionnaire and Certification Statement must be completed. The latter also acts as a guide to other permits that may be necessary for a specific project. The completed packet of State permit applications, along with copies of all Federal applications must be submitted to the nearest office of the Division of Governmental Coordination (DGC). Please note that though the normal review schedule is 30 days, pathology sampling of animals or plants proposed for transport may require additional time. Contact ADF&G for details.

Site suitability permits are limited to a maximum of 10,000 organisms. The project must be completed in one year or less. The site size is limited to one acre or less. The organisms may not be used for commercial purposes. No preference rights to the site are established under this permit. These permits are not subject to the 60-day opening restrictions.

For an Aquatic Farm:

A diagram of the permit process is attached for reference. It is on two pages. The first page charts the process necessary to acquire aquatic farm permits. Page two proceeds through the process necessary to sell shellfish from a permitted aquatic farm.

The Application for Aquatic Farm Permits is designed to obtain the routine authorizations required by DNR, ADF&G, DEC and the Division of Governmental Coordination (DGC). It must be submitted during a 60 day opening for the district you wish to apply for a farm site in. During the first 30 days of the opening, the agencies will be available to help applicants. Detailed information is available in the application packet. Limited help will be available for applications submitted during the last 30 days of the opening. Submitting applications late in the opening will diminish the chances of correcting errors or omissions prior to the end of the period. Incomplete applications will not be considered. A Coastal Project Questionnaire and Certification Statement must also be submitted with the aquatic farm application. This questionnaire helps determine other permits that must be obtained prior to project initiation. Since most aquatic farms require structures to be placed in or on navigable waters of the United States, a Corps of Engineers (COE) application may be required. Your project may qualify under the terms of a COE general permit (GP 91-7) for aquatic farming if it meets certain criteria. **A copy of the GP is included in this packet.** Projects in the Kodiak and Afognak Island areas may also require a U.S. Fish and Wildlife Service (USFWS) permit. If uplands are required, an application to the appropriate agency will be necessary. Copies of all supplementary applications required for the proposed activity must be submitted with the aquatic farm application. Use the coastal project questionnaire as your guide. Please pay close attention to which agency is to receive the original application form and which agency receives the copy:

- DNR--- 1)Original Application for Aquatic Farm Permits (with filing fee).
 2)Original Coastal Project Questionnaire and Certification Statement
 3)Copies of COE, USFS, USFWS and other permit applications determined to be necessary for the proposed project.

Note that proposed farm sites within a Critical Habitat Area also require a Special Area Permit application. Contact ADF&G for details.

Development and operation plans are a required part of the Application for Aquatic Farm Permits. These plans are designed to provide you with a tool to outline the facilities and biological requirements needed to reach your projected goals. The development plan will also be used by the State to determine if your farm has met the minimum requirements approved for it. Permit renewals will be contingent upon meeting the goals and milestones outlined in the development plan. If you have questions regarding development plans, **PLEASE** contact the ADF&G Mariculture Coordinator.

For Hatcheries:

The Aquatic Farm Act of 1988 also made provision for construction and operation of hatcheries for the purpose of supplying shellfish or aquatic plant seed stock to aquatic farms. Unless the proposed hatchery includes farm facilities located on State land, hatchery permits may be applied for at any time. Contact DGC or ADF&G for additional information.

For Acquisition of Seed or Brood Stock:

After an aquatic farm or hatchery is permitted, acquisition and transport permits are required to acquire seed or brood stock from wild populations in the State and to transport and possess shellfish or aquatic plants in any situation. These applications allow ADF&G to review potential resource management issues of proposed acquisitions, and disease and genetic concerns of proposed transports. The Aquatic Stock Acquisition Permit also transfers ownership of common property wild stocks acquired under this permit from the State to the permittee.

Pacific oysters (Crassostrea gigas) are the only fish, shellfish or aquatic plant that may be imported into the State of Alaska. They must be from a certified source and limitations may be placed on the size of the animal that may be imported. Check with ADF&G for a current listing of approved suppliers. An approved Shellfish/Aquatic Plant Transport Permit is required prior to the movement of any live fish, shellfish or aquatic plant.

If you propose to collect brood stock or seed stock (for example, mussel seed) from wild sources, the Shellfish/Aquatic Plant Transport Permit application form also functions as an Aquatic Stock Acquisition Permit application. Structures required for brood/seed stock acquisition may require COE and/or DNR permits. Please check with the respective agencies.

Do not submit transport permit application(s) with the aquatic farm permit. Approximately 45 days in advance of final aquatic farm permits issuance you should plan on submitting transport permits to ADF&G for consideration. Disease sampling, if required, will not be performed until all aquatic farm permits have been issued.

For Aquatic Farming Related Research or Education Projects:

Under certain conditions, permits may be issued for research or education projects that will benefit the industry. The proposed research must be valid and have an identifiable need. Information gained from the research becomes public information. Animals or plants collected, cultured or produced under these permits remain the property of the State and cannot be sold, bartered or traded. The ADF&G permit is issued for one year at a time, contains specific reporting requirements and may be renewed if the project plan is multi-year. Depending on the nature of the project, permits from other agencies

including DNR and the COE may be required. The Coastal Project Questionnaire and Consistency Statement form, available from DGC will help guide you in determining what permits are required. Contact the ADF&G Mariculture Coordinator for more information on research or education permits.

4.HELP

Staff familiar with the aquatic farming program are available to assist in preparation of permit applications and to answer questions. They can be contacted at the offices listed below. Please remember, by contacting us early, you increase your chances of having time to develop and submit a viable application. To avoid unnecessary delays in the permitting process, the last 30 days of the opening are dedicated to determining completeness of applications submitted. Applications submitted early have much less chance of being rejected for technical errors or omissions.

5.APPLICATION FORMS

Application packets for aquatic farm sites may be obtained from:

Department of Natural Resources
Southcentral Regional Office
3601 C Street, Anchorage
MAILING ADDRESS:
P.O. Box 107005
Anchorage, AK 99510-7005

or

Department of Natural Resources
Southeast Regional Office
400 Willoughby, #400
Juneau, AK 99801

Information on Department of Fish and Game permits may be obtained from:

Alaska Department of Fish and Game
FRED Division
Mariculture Coordinator
P.O. Box 25526
Juneau, AK 99802

Thank you for your interest in aquatic farming.

Sincerely,



James O. Cochran
Mariculture Coordinator
Department of Fish and Game
F.R.E.D. Division

ACRONYMS

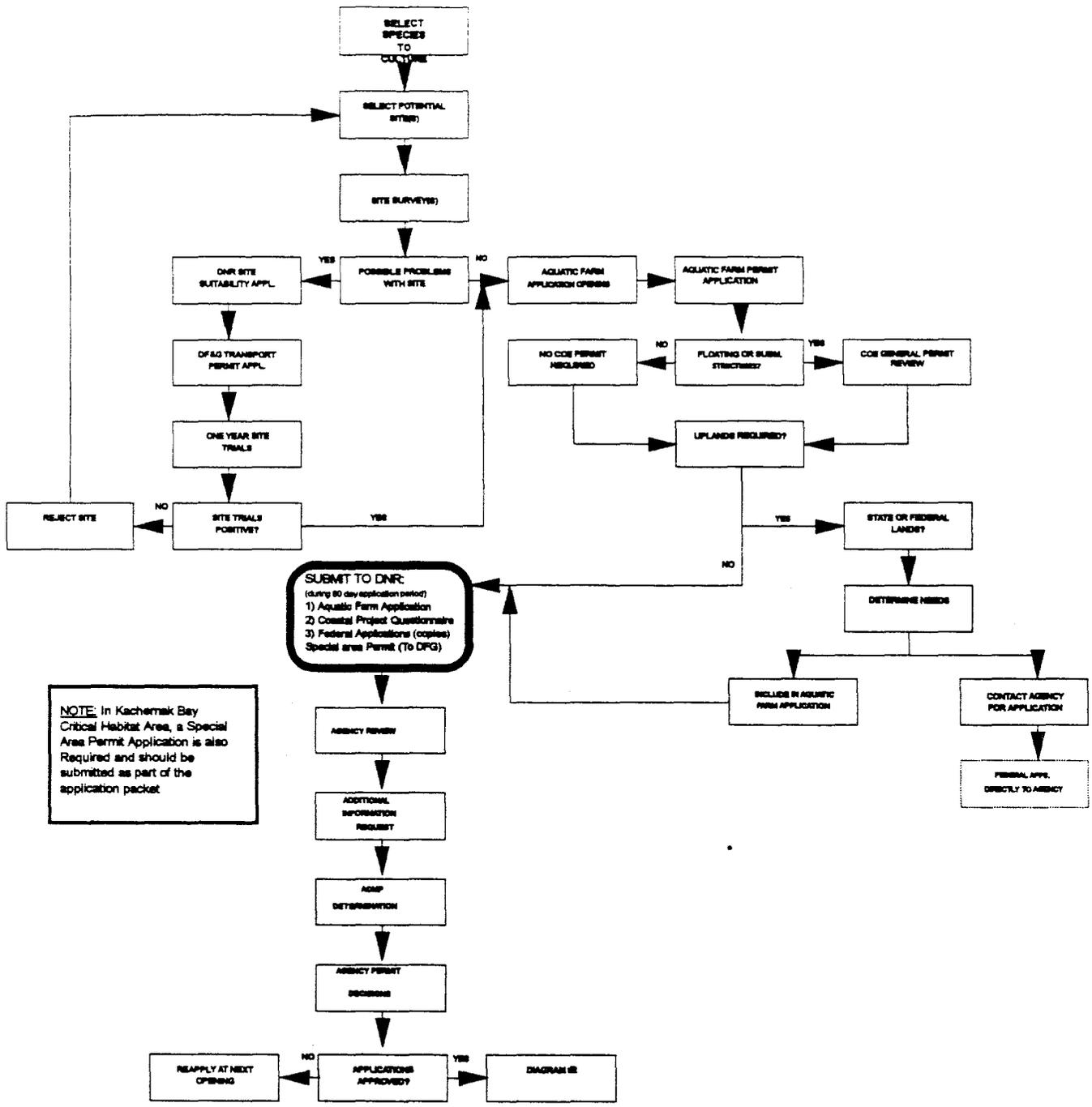
--COE: Corps of Engineers
--DEC: Department of Environmental Conservation
--ADF&G: Department of Fish and Game
--DGC: Division of Governmental Coordination, Office of Management and Budget
--DNR: Department of Natural Resources
--SLA: Session Laws of Alaska
--USFS: United States Forest Service
--USFWS: United States Fish and Wildlife Service

AGENCY MARICULTURE CONTACTS:

DEC, Anchorage.	Mike Ostasz	(907)563-0318
ADF&G, Juneau.	Jim Cochran	(907)465-4160
DGC, Anchorage	Francis Pillifant	(907)561-6131
DNR, Juneau.	Janet Burleson	(907)465-3400
DNR, Anchorage	Janetta Pritchard	(907)762-2270

ATTACHMENTS:

1. Aquatic Farm District Maps
2. Diagram of the Aquatic Farm Permit Application Process
3. Aquatic Farm Permit Guidelines
4. Aquatic Farming Statutes
5. ADF&G Aquatic Farming Regulations
6. ADF&G Regulations for the Transport of Live Fish
7. DNR Aquatic Farming Regulations
8. Aquatic Farm Permit Application (informational copy)
9. General Permit for Aquatic Farm Structures within the State of Alaska

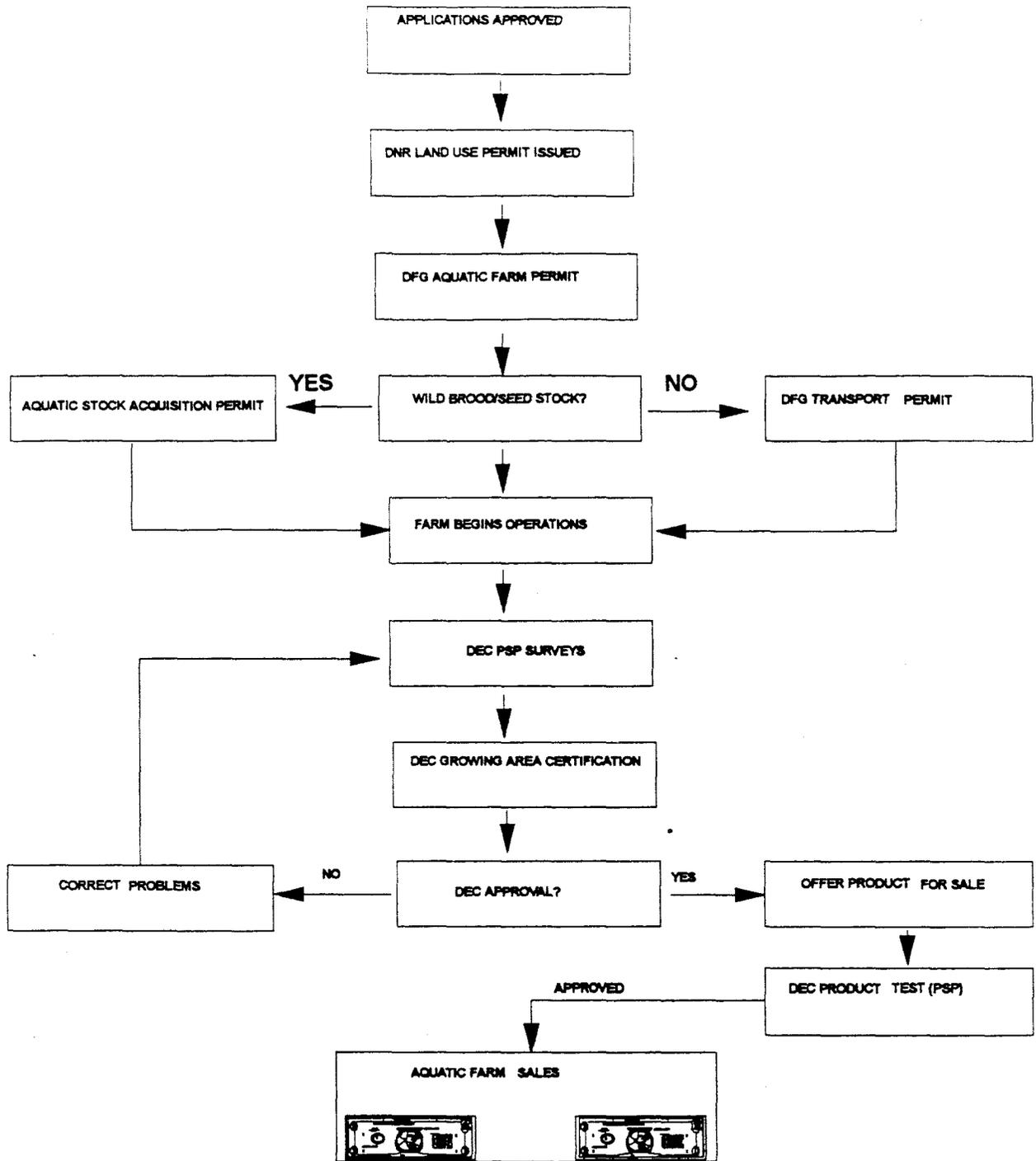


NOTE: In Kachemak Bay Critical Habitat Area, a Special Area Permit Application is also Required and should be submitted as part of the application packet

STATE OF ALASKA
AQUATIC FARM APPLICATION PROCESS



DIAGRAM #1



STATE OF ALASKA
AQUATIC FARM APPLICATION PROCESS



DIAGRAM #2

LAWS OF ALASKA

1988

Source
HCS CSSB 514(R1s)

Chapter No.
145

AN ACT

Relating to the farming of aquatic plants and shellfish; prohibiting the farming of Atlantic salmon; extending the moratorium of finfish farming until July 1, 1990; establishing the Alaska Finfish Farming Task Force; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1, LINE 13.

UNDERLINED MATERIAL INDICATES TEXT THAT IS BEING ADDED TO THE LAW AND BRACKETED MATERIAL IN CAPITAL LETTERS INDICATES DELETIONS FROM THE LAW; COMPLETELY NEW TEXT OR MATERIAL REPEALED AND RE-ENACTED IS IDENTIFIED IN THE INTRODUCTORY LINE OF EACH BILL SECTION.

Approved by the Governor: June 8, 1988
Actual Effective Date: June 9, 1988

AN ACT

Relating to the farming of aquatic plants and shellfish; prohibiting the farming of Atlantic salmon; extending the moratorium on finfish farming until July 1, 1990; establishing the Alaska Finfish Farming Task Force; and providing for an effective date.

* Section 1. FINDINGS AND POLICY. (a) The legislature finds that

- (1) aquatic farming in the state would
 - (A) provide a consistent source of quality food;
 - (B) provide new jobs;
 - (C) increase state exports;
 - (D) create new business opportunities; and
 - (E) increase the stability and diversity of the state's economy;

and

(2) development of aquatic farming in the state would increase the availability of fresh seafood to Alaskans and would strengthen the competitiveness of Alaska seafood in the world marketplace by broadening the diversity of products and providing year-round supplies of premium quality seafood.

(b) It is the policy of the state

- (1) to encourage the establishment and responsible growth of an aquatic farming industry in the state; and
- (2) that allocation of aquatic farming sites be made with full consideration of established and ongoing activities in an area.

* Sec. 2 AS 16.40 is amended by adding new sections to read:

ARTICLE 2. AQUATIC FARMING.

Sec. 16.40.100. AQUATIC FARM AND HATCHERY PERMITS. (a) A person may not, without a permit from the commissioner, construct or operate

- (1) an aquatic farm; or
- (2) a hatchery for the purpose of supplying aquatic plants or shellfish to an aquatic farm.

(b) A permit issued under this section authorizes the permittee, subject to the conditions of AS 03.05 and AS 16.40.100 - 16.40.199, to acquire, purchase, offer to purchase, transfer, possess, sell, and offer to sell stock and aquatic farm products that are used or reared at the hatchery or aquatic farm. A person who holds a permit under this section may sell or offer to sell shellfish stock to the department or to an aquatic farm or related hatchery outside the state.

(c) The commissioner may attach conditions to a permit issued under this section that are necessary to protect natural fish and wildlife resources.

(d) Notwithstanding other provisions of law, the commissioner may not issue a permit under this section for the farming of, or hatchery operations involving, Atlantic salmon.

Sec. 16.40.105. CRITERIA FOR ISSUANCE OF PERMITS. The commissioner shall issue permits under AS 16.40.100 on the basis of the following criteria:

(1) the physical and biological characteristics of the proposed farm or hatchery location must be suitable for the farming of the shellfish or aquatic plant proposed;

(2) the proposed farm or hatchery may not require significant alterations in traditional fisheries or other existing uses of fish and wildlife resources;

(3) the proposed farm or hatchery may not significantly affect fisheries, wildlife, or their habitats in an adverse manner; and

(4) the proposed farm or hatchery plans and staffing plans must demonstrate technical and operational feasibility.

Sec. 16.40.110. PERMIT APPLICATION, RENEWAL, AND TRANSFER. (a) An applicant for an aquatic farming or hatchery permit required under AS 16.40.100 shall apply on a form prescribed by the commissioner. An application for a permit must include a plan for the development and operation of the aquatic farm or hatchery, which must be approved by the commissioner before the permit is issued.

(b) An application for renewal or transfer of a permit must be accompanied by fees required by the commissioner, a report of the disease history of the farm or hatchery covered by the permit, and evidence that satisfies the commissioner that the applicant has complied with the development plan required under (a) of this section. The commissioner may require a health inspection of the farm or hatchery as a condition of renewal. The

department may conduct the inspection or contract with a disease diagnostician to conduct the inspection.

(c) A person to whom a permit is transferred may use the permit only for the purposes for which the permit was authorized to be used by the transferor, and subject to the same conditions and limitations.

Sec. 16.40.120. AQUATIC STOCK ACQUISITION PERMITS. (a) A person may not acquire aquatic plants or shellfish from wild stock in the state for the purpose of supplying stock to an aquatic farm or hatchery required to have a permit under AS 16.40.100 unless the person holds an acquisition permit from the commissioner.

(b) An acquisition permit authorizes the permit holder to acquire the species and quantities of wild stock in the state specified in the permit for the purposes of supplying stock to

(1) an aquatic farm or hatchery required to have a permit under AS 16.40.100;

(2) the department.

(c) The commissioner shall specify the expiration date of an acquisition permit and may attach conditions to an acquisition permit, including conditions relating to the time, place, and manner of harvest. Size, gear, place, time licensing, and other limitations applicable to sport, commercial, or subsistence harvest of aquatic plants and shellfish do not apply to a harvest with a permit issued under this section. The commissioner of fish and game shall issue or deny a permit within 30 days after receiving an application.

(d) The commissioner shall deny or restrict a permit under this section upon finding that the proposed harvest will impair sustained yield of the species or will unreasonably disrupt established uses of the resources by commercial, sport personal use, or subsistence users. The commissioner shall inform the Board of Fisheries of any action taken on permit applications for species that support commercial fisheries subject to limited entry under AS 16.43 and of any permits denied because of unreasonable disruption of an established use. A denial of the permit by the commissioner must contain the factual basis for the findings.

(e) The Board of Fisheries may adopt regulations for the conservation, maintenance, and management of species for which an acquisition permit is required.

(f) Except as provided in (d) of this section or in a regulation adopted under (e) of this section, the commissioner shall issue a permit if

(1) wild stock is necessary to meet the initial needs of farm or hatchery stock;

(2) there are technological limitations on the propagation of cultured stock for the species sought;

(3) wild stock sought is not fully utilized by commercial, sport, personal use, or subsistence fisheries; or

(4) wild stock is needed to maintain the gene pool of a hatchery or aquatic farm.

(g) Aquatic plants and shellfish acquired under a permit issued under this section become the property of the permit holder and are no longer a public or common resource.

Sec. 16.40.130. IMPORTATION OF AQUATIC PLANTS OR SHELLFISH FOR STOCK. A person may not import into the state an aquatic plant or shellfish for the purpose of supplying stock to an aquatic farm or hatchery unless authorized by a regulation of the Board of Fisheries.

Sec. 16.40.140. LIMITATION ON SALE, TRANSFER OF STOCK, AND PRODUCTION. (a) A private hatchery required to have a permit under AS 16.40.100 may sell or transfer stock from the hatchery only to an aquatic farm or other hatchery that has a permit issued under AS 16.40.100, except that shellfish stock may also be sold or offered for sale to an aquatic farm or related hatchery outside of the state.

(b) Stock may not be transferred to or from an aquatic farm or hatchery required to have a permit under AS 16.40.100 without prior notice of the transfer to the commissioner. A notice of transfer shall be submitted at least 45 days before the proposed date of transfer.

(c) A notice of transfer must be accompanied by a report of a health inspection of the stock. The department shall conduct the inspection or contract with a disease diagnostician to conduct the inspection. The cost of inspection shall be borne by the department.

(d) The department may restrict or disapprove a transfer of stock if it finds that the transfer would present a risk of spreading disease.

(e) A person may not sell, transfer, or offer to sell or transfer, or knowingly purchase or receive, an aquatic farm product grown or propagated in the state unless the product was grown or propagated on a farm with a permit issued under AS 16.40.100. The permit must be in effect at the time of the sale, transfer, purchase receipt, or offer.

Sec. 16.40.150. DISEASE CONTROL AND INSPECTION. (a) The department shall order the quarantine or the destruction and disposal of diseased hatchery stock or of aquatic farm products when necessary to protect wild stock. A holder of a permit issued under AS 16.40.100 shall report to the department an outbreak or incidence of disease among stock or aquatic farm products of the permit holder within 48 hours after discovering the outbreak or incidence.

(b) A holder of a permit issued under AS 16.40.100 shall allow the department to inspect the permit holder's farm or hatchery during operating hours and upon reasonable notice. The cost of inspection shall be borne by the department.

(c) The department shall develop a disease management and control program for aquatic farms and hatcheries.

(d) The department may enter into an agreement with a state or federal agency or a private, state-certified provider to provide services under (b) and (c) of this section, or inspections under AS 16.40.110(b).

Sec. 16.40.160. REGULATIONS. The commissioner may adopt regulations necessary to implement AS 16.40.100 - 16.40.199.

Sec. 16.40.170. PENALTY. A person who violates a provision of AS 16.40.100 - 16.40.199, a regulation adopted under AS 16.40.100 - 16.40.199, or a term or condition of a permit issued under AS 16.40.100 - 16.40.199, is guilty of a class B misdemeanor.

Sec. 16.40.199. DEFINITIONS. In AS 16.40.100 - 16.40.199

(1) "aquatic farm" means a facility that grows, farms, or cultivates aquatic farm products in captivity or under positive control;

(2) "aquatic farm product" means an aquatic plant or shellfish, or part of an aquatic plant or shellfish, that is propagated, farmed, or cultivated in an aquatic farm and sold or offered for sale;

(3) "aquatic plant" means a plant indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;

(4) "commissioner" means the commissioner of fish and game;

(5) "hatchery" means a facility for the artificial propagation of stock, including rearing of juvenile aquatic plants or shellfish;

(6) "positive control" means, for mobil species, enclosed within a natural or artificial escape-proof barrier; for species with limited or no mobility, such as a bivalve or an aquatic plant, "positive control" also includes managed cultivation in unenclosed water;

(7) "shellfish" means a species of crustacean, mollusk, or other invertebrate, in any stage of its life cycle, that is indigenous to state water or that is authorized to be imported into the state under a permit issued by the commissioner;

(8) "stock" means live aquatic plants or shellfish acquired, collected, possessed, or intended for use by a hatchery or aquatic farm for the purpose of further growth or propagation.

* Sec. 3. AS 03.05.011(a) is amended to read:

(a) To carry out the requirements of this title, the commissioner of environmental conservation may issue orders, regulations, permits, quarantines, and embargoes relating to

(1) examination and inspection of premises containing products, articles, and commodities carrying pests;

(2) establishment of quarantines for eradication of pests;

(3) establishment of standards and labeling requirements pertaining to the sale of meat, fish, and poultry;

(4) tests and analyses which may be made and hearings which may be held to determine whether the commissioner will issue a stop order or quarantine;

(5) cooperation with federal and other state agencies;

(6) regulation of fur farming; for purposes of this paragraph, "fur farming" means the raising of and caring for animals for the purpose of marketing their fur, or animals themselves for breeding stock;

(7) examination and inspection of meat, fish, and poultry advertised for sale or sold to the public;

(8) enforcement of quality assurance plans developed in cooperation with appropriate industry representatives;

(9) establishment of standards and conditions for the operation and siting of aquatic farms and related hatcheries, including

(A) restrictions on the use of chemicals; and

(B) requirements to protect the public from contaminated aquatic farm products that pose a risk to health;

(10) monitoring aquatic farms and aquatic farm products to ensure compliance with this chapter and with the requirements of the national shellfish sanitation program manual of operations published by the Food and Drug Administration.

* Sec. 4. AS 03.05.040(a) is amended to read:

(a) On any business day during the usual hours of business the commissioner or an authorized inspector may, for the purpose of inspecting agricultural, [OR] fisheries, or aquatic farm products or aquatic farm sites subject to regulation, enter a storehouse, warehouse, cold storage plant, packing house, slaughterhouse, retail store or other building or place where those products are kept, stored, processed or sold.

* Sec. 5. AS 03.05.100 is amended to read:

Sec. 03.05.100. DEFINITIONS. In this chapter,

(1) "agricultural products" does not include fish and fisheries products;

(2) "aquatic farm" and "aquatic farm product" have the meanings given in AS 16.40.199;

(3) "fish or fisheries products" means any aquatic animal, including amphibians, or aquatic plants or parts of those plants, animals or amphibians that are usable as human food.

* Sec. 6. AS 16.05.050 is amended by adding a new paragraph to read:

(17) to permit and regulate aquatic farming in the state in a manner that ensures the protection of the state's fish and game resources and improves the economy, health, and well-being of the citizens of the state;

* Sec. 7. AS 16.05.251 is amended by adding a new subsection to read:

(f) Except as expressly provided in AS 16.40.120(d) and (e) and 16.40.130, the Board of Fisheries may not adopt regulations or take action regarding the issuance, denial, or conditioning of a permit under AS 16.40.100 or 16.40.120, the construction or operation of a farm or hatchery required to have a permit under AS 16.40.100, or

a harvest with a permit issued under AS 16.40.120.

- * Sec. 8. AS 16.05.930 is amended by adding a new subsection to read:

(g) AS 16.05.330 - 16.05.720 do not apply to an activity authorized by a permit issued under AS 16.40.100 or 16.40.120, or to a person or vessel employed in an activity authorized by a permit issued under AS 16.40.100 or 16.40.120.

- * Sec. 9. AS 16.05.940(14) is amended to read:

(14) "fish or game farming" means the business of propagating, breeding, raising, or producing fish or game in captivity for the purpose of marketing the fish or game or their products, and "captivity" means having the fish or game under positive control, as in a pen, pond, or an area of land or water that [WHICH] is completely enclosed by a generally escape-proof barrier; in this paragraph, "fish" does not include shellfish, as defined in AS 16.40.199;

- * Sec. 10. AS 16.10 is amended by adding a new section to read:

Sec. 16.10.269. LIMITATIONS. As 16.10.265 - 16.10.267 do not apply to the purchase or sale of aquatic farm products from a holder of a permit issued under AS 16.40.100 or stock from a holder of a permit issued under AS 16.40.120.

- * Sec. 11. AS 16.43.140 is amended by adding a new subsection to read:

(d) This chapter does not apply to activities authorized by a permit issued under AS 16.40.100 or 16.40.120.

- * Sec. 12. AS 16.51.180(5) is amended to read:

(5) "seafood" means finfish, shellfish, and fish by-products, including but not limited to salmon, halibut, herring, flounder, crab, clam, cod, shrimp, and pollock, but does not include aquatic farm products as defined as AS 16.40.199;

- * Sec. 13. AS 38.05 is amended by adding a new section to read:

Sec. 38.05.083. AQUATIC FARMING AND HATCHERY SITE LEASES. (a) The commissioner may offer to the public for lease a site that has been developed for aquatic farming or related hatchery operations under a permit issued AS 38.05.856. Before offering the site to the public, the commissioner shall offer the site to the permittee.

(b) A site shall be leased under this section for not less than the appraised fair market value of the lease. The value of the lease shall be reappraise every five years.

(c) A lease under this section may be assigned, but if the assignee changes the use of the site the lease reverts to the state.

(d) Before entering into a lease under this section, the commissioner shall require the lessee to post a performance bond or provide other security to cover the costs to the department of restoring the leased site in the event the lessee abandons the site.

* Sec. 14. AS 38.05 is amended by adding new sections to read:

Sec. 38.05.855. IDENTIFICATION OF SITES FOR AQUATIC FARM AND HATCHERIES. (a) The commissioner shall identify districts in the state within which sites may be selected for the establishment and operation of aquatic farms and related hatcheries required to have a permit under AS 16.40.100.

(b) The commissioner shall schedule at least one 60-day period each year during which a person may submit an application that identifies a site in a district for which the person wishes to be issued a permit under AS 38.05.856.

(c) Based on applications received under (b) of this section, and after consultation with the commissioner of fish and game and the commissioner of environmental conservation, the commissioner shall make a preliminary written finding under AS 38.05.035(e) that proposes sites in each district for which permit may be issued under AS 38.05.856.

(d) After notice is given under AS 38.05.945 and a hearing is held under AS 38.05.946(b), the commissioner shall issue a final written finding under AS 38.05.035(e) that identifies sites in each district for which permits shall be issued under AS 38.05.856 and that specifies conditions and limitations for the development of each site

Sec. 38.05.856. TIDELAND AND LAND USE PERMITS FOR AQUATIC FARMING. (a) The commissioner may issue a tideland or land use permit for the establishment and operation of an aquatic farm and related hatchery operations. A permit under this section is valid for three years after the date of issuance. The permit may not be transferred.

(b) Before renewing a permit under this section, the commissioner shall allow interested persons to submit written or oral testimony concerning the renewal to the commissioner within 30 days after the date of the notice. The commissioner may hold a hearing to take testimony.

(c) Before issuing or renewing a permit under this section, the commissioner shall consider all relevant testimony submitted under this section or AS 38.05.946(b). The commissioner may deny the application for issuance or renewal for good cause, but shall provide the applicant with written findings that explain the reason for the denial.

(d) Before issuing or renewing a permit under this section, the commissioner shall require the permittee to post a performance bond or provide other security to cover the costs to the department of restoring the permitted site in the event the permittee abandons the site.

(e) The commissioner shall adopt regulations establishing criteria for the approval or denial of permits under this section and for limiting the number of sites for which permits may be issued in an area in order to protect the environment and natural resources of the area. The regulations must provide for the consideration of upland management policies and whether the proposed use of site is compatible with the traditional and existing uses of the area in which the site is located.

* Sec. 15. AS 38,05.945(a) is amended to read:

(a) This section establishes the requirements for notice given by the department for the following actions:

(1) classification or reclassification of state land under AS 38.05.300 and the closing of land to mineral leasing or entry under AS 38.05.185;

(2) zoning of land under applicable law;

(3) a decision under AS 38.05.035(e) regarding the sale, lease, or disposal of an interest in state land or resources; [AND]

(4) a competitive disposal of an interest in state land or resources after final decision under AS 38.05.035(e);

(5) a public hearing under AS 38.05.856(b);

(6) a preliminary finding under AS 38.05.035(e) and 38.05.855(c) concerning sites for aquatic farms and related hatcheries.

* Sec. 16. AS 38.05.945 is amended by adding a new subsection to read:

(g) Notice at least 30 days before action under (a)(5) or (6) shall be given to

appropriate

- (1) regional fish and game councils established under AS 16.05.260; and
- (2) coastal resource service areas organized under AS 46.40.110 - 46.40.210.

* Sec. 17. AS 38.05.946 is amended by adding a new subsection to read:

(b) The commissioner shall hold a public hearing in each district identified under AS 38.05.855 within 30 days after giving notice of a preliminary finding under AS 38.05.035(e) and 38.05.855(c) concerning sites for aquatic farms and related hatcheries.

* Sec. 18. Notwithstanding any other provisions of law, a person who is lawfully operating an aquatic farm or related hatchery in the state on the effective date of this Act is entitled to continue lawful operations at the existing site. The person may obtain an initial lease or permit for the person's existing operations under AS 38.05.083 or 38.05.856, enacted by secs. 13 and 14 of this Act, but as a condition of obtaining the lease or permit the person must agree that during the term of the lease or permit the person will not change the use of the site.

* Sec. 19. **LAND MANAGEMENT REPORT REQUIRED.** The commissioner of natural resources shall submit to the legislature not later than January 30, 1989, a report detailing the department's implementation of AS 38.05.083 and 38.05.856, enacted by secs. 13 and 14 of this Act. The report must include

- (1) the number of applications received under AS 38.05.083 and 38.05.856 and the number of leases and permits issued, according to type of aquatic farm product;
- (2) the restrictions attached to permits and leases;
- (3) a discussion of the system the department implements for issuing leases and tideland and land use permits;
- (4) the level of public involvement in the issuance process; and
- (5) a discussion of how the program is working, and the department's plans for modifications of the program.

* Sec. 20. **ALASKA FINFISH FARMING TASK FORCE.** (a) The legislature finds that the farming of finfish raises a series of socio-economic, biological, and environmental issues requiring an in-depth examination.

(b) The Alaska Finfish Farming Task Force is established to study the issue and make a report of findings for administrative and legislative consideration. The governor

shall appoint a five-member task force composed of state residents who are not state employees and who represent a broad spectrum of expertise, including one representative of commercial salmon fishermen, one aquatic farming advocate, one private economist, one fisheries biologist, and one public member with no involvement in the seafood or aquatic farming industry.

(c) The task force shall submit an interim report to the legislature not later than January 30, 1988, and a final report to the legislature not later than January 30, 1990. The reports must address finfish farming in the state in freshwater, in marine environments, and in tanks or other enclosed structure that contain marine water and that are located on land, and shall address related hatchery operations. The reports may address other issues the task force considers appropriate. The reports must examine

(1) whether the farming of finfish can be conducted in a manner that protects the health of the state's fishery resources;

(2) criteria for the siting of finfish farms to minimize land use conflicts and to protect the environment;

(3) net economic costs and benefits of finfish farming in the state to state residents, including jobs created or lost for state residents, tax revenue (assuming an appropriate tax rate), cost of state regulation and monitoring, and effect on markets for salmon caught by the state's commercial fishing fleets;

(4) the cost of providing adequate regulation of finfish farming to protect wild stocks, the environment, public health, and existing beneficial uses of the state's coastal water and land, and the role of the private sector in providing pathological and other services;

(5) identification and analysis of appropriate sources of supply of stock for finfish farms, including but not limited to private nonprofit hatcheries, private for-profit hatcheries, and wild stock, and their likely effect on existing state policy; and

(6) strategies for improving the marketability of Alaska salmon, particularly those high-value species competing with farmed salmon for domestic and export sales.

* Sec. 21. Section 4, ch. 70, SLA 1987, is amended to read:

Sec. 4. Section 1 of this Act is repealed July 1, 1990 [1988].

* Sec. 22. This Act takes effect immediately under AS 01.10.070(c).

Article 4. Aquatic Farming

Section

200. Applicability of regulations
210. Permit required
220. Aquatic farm operation permit application
230. Additional information
240. Review and determination
250. Permit conditions
260. Inspection of a farm

Section

270. Annual report
280. Permit application, renewal, and transfer
290. Aquatic stock acquisition permit
300. Limitations on sale, transfers of stock, and products
310. Disease control and inspection
400. Definitions

5 AAC 41.200. APPLICABILITY OF REGULATIONS. The provisions of 5 AAC 41.200 — 5 AAC 41.400 govern the permit application process for aquatic farm operation permits, and establish guidelines and procedures regarding the operation of permitted aquatic farms. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.210. PERMIT REQUIRED. An aquatic farm operation permit, issued by the commissioner, is required for the operations of an aquatic farm. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.220. AQUATIC FARM OPERATION PERMIT APPLICATION. An applicant must submit an aquatic farm operation permit application and coastal project questionnaire to the nearest office of the management and budget, division of governmental coordination for the purposes of complying with the project consistency review of the Alaska Coastal Management Program as identified in 6 AAC 50.010 — 6 AAC 50.190. An application for an aquatic farm operation that requires the use of state tideland, shoreland, or upland managed by the Department of Natural Resources must be submitted during a 60-day opening under AS 38.05.855 and 11 AAC 63.020 for that district. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.230. ADDITIONAL INFORMATION. If, after an application has been distributed to the department under 6 AAC 50, the department determines that information in the application is insufficient for an adequate evaluation of the proposed aquatic farm, the department will request additional information from the applicant. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.240. REVIEW AND DETERMINATION. (a) The commissioner will review the recommendations resulting from the department's review of an application before rendering a decision on an application.

(b) The commissioner will render a decision on the application within five days after a determination on project consistency with the Alaska Coastal Management Program has been issued by the office of management and budget under 6 AAC 50. The commissioner's decision will be based on the criteria for issuance of permits in AS 16.40.105.

(c) An application for an aquatic farm operation that has been denied by the commissioner will, in the commissioner's discretion, be reconsidered if the applicant provides new or additional information that might have altered the original decision. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.250. PERMIT CONDITIONS. (a) The commissioner will include conditions to the permit that are necessary to protect natural fish and wildlife resources and their habitat. A permit will be issued for a period of three years.

(b) If the commissioner finds that the operation of an aquatic farm is adversely affecting fisheries, wildlife, or habitat, and cannot be mitigated, the permit will be revoked. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.260. INSPECTION OF A FARM. A permit holder shall allow inspection of the aquatic farm by department inspectors at any time the farm is operating. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.270. ANNUAL REPORT. A person who holds a permit for an aquatic farm shall submit an annual report, no later than December 15, to the department. The annual report form will be distributed to permit holders by the department. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.160
 AS 16.05.340(b)

5 AAC 41.280. PERMIT APPLICATION, RENEWAL, AND TRANSFER. (a) An

applicant for an aquatic farm operation permit shall apply on an aquatic farm application form in the manner provided for in 5 AAC 41.220.

(b) Renewal of an aquatic farm operation permit issued by the commissioner shall be accomplished in accordance with AS 16.40.110.

(c) Transfer of an aquatic farm operation permit cannot occur unless the proposed permittee has an aquatic farmsite lease under Department of Natural Resources regulation 11 AAC 63.100, AS 38.05.053, and AS 38.05.856.

(d) In order to transfer an aquatic farm operation permit, the permittee must submit a letter of transfer to the commissioner. An aquatic farm permit application, prepared by the proposed permittee, must be submitted with the letter of transfer.

(e) The commissioner's decision on transfer of a permit will be based on the criteria for issuance of permits in AS 16.40.105. (Eff. 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.105
 AS 16.05.092 AS 16.40.110
 AS 16.05.340(b) AS 16.40.160
 AS 16.40.100

5 AAC 41.290. AQUATIC STOCK ACQUISITION PERMIT. (a) A permittee operating under the terms of an aquatic farm operation permit authorized by AS 16.40.100, or a person intending to collect and supply wild stock must obtain an aquatic stock acquisition permit from the commissioner before obtaining aquatic plants and shellfish from wild stock.

(b) When approved by the commissioner, a shellfish transport permit application form or an aquatic plant transport permit application form constitutes an aquatic stock acquisition permit.

(c) The department will, in its discretion, require the collection of samples for disease testing purposes at the time of aquatic stock acquisition. Sampling requirements will be identified on the permit at the time of issuance.

(d) The commissioner will issue a permit with appropriate conditions, or will deny the permit, in accordance with AS 16.40.120. (Eff. 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.120
 AS 16.05.340(b) AS 16.40.160

5 AAC 41.300. LIMITATIONS ON SALE, TRANSFER OF STOCK, AND PRODUCTS.

(a) No transfer of stock to or from an aquatic farm may occur without prior notice to the commissioner. Notice of transfer must be submitted, on a form prescribed by the commissioner, at least 45 days before the proposed date of transfer.

(b) Before the submittal of a notice of transfer, a permittee must notify the department in writing to arrange for a health inspection of the stock. The department will either (1) conduct the inspection and provide a written health inspection report, which is called a disease history report, to the permittee within 60 days after receipt of the notification, or (2) notify the permittee that the current disease history report of the stock is acceptable, and that no further inspection is required at the time.

(c) A request for a health inspection must be submitted to:

Alaska Department of Fish and Game

FRED Division
Attn: Pathology Laboratory
Box 3-2000
Juneau, Alaska 99802

(d) A shellfish transport permit application form or an aquatic plant transport permit application form constitutes a notice of transfer when it is submitted to the commissioner. When the form is approved by the commissioner, a transfer is authorized.

(e) A transfer of stock will be restricted or disapproved by the department if necessary in order to eliminate the risk of disease transmission.

(f) This section does not apply to the acquisition of wild stock authorized under 5 AAC 41.290 and AS 16.40.120. (Eff. 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.092 AS 16.40.140
 AS 16.05.340(b) AS 16.40.160

5 AAC 41.310. DISEASE CONTROL AND INSPECTION. (a) The department will continue to develop and implement a statewide fish health program in accordance with AS 16.40.150 and 5 AAC 41.001 — 5 AAC 41.400.

(b) An aquatic farm operation permit holder shall submit a verbal incident report within 48 hours when a significant loss occurs that is attributable to disease. An incident report shall be initiated by phoning the department pathology laboratory in Anchorage or Juneau.

(c) A written report related to each incident shall be submitted within 15 days after discovery of the incident. A written report shall include, at a minimum,

- (1) a description of the nature of the incident;
- (2) the cause of the incident;
- (3) the time of the incident;
- (4) the effect on the stocks and aquatic farm products;
- (5) corrective action taken and proposed measures to eradicate future problems; and
- (6) an assessment of the general impact on the program.

(d) The written report required by (c) of this section shall be submitted to:

Alaska Department of Fish and Game
FRED Division
Attn: Pathology Laboratory
Box 3-2000
Juneau, Alaska 99802

(e) Diseased stocks and aquatic farm products shall be managed in the manner prescribed by the department in accordance with AS 16.40.150 and 5 AAC 41.001 — 5 AAC 41.400.

(f) In this section "significant" means equal to or greater than 0.5 percent a day. (Eff. 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.150
 AS 16.05.092 AS 16.40.160
 AS 16.40.100

5 AAC 41.400. DEFINITIONS. In addition to the definitions set out in AS 16.40.199, in 5 AAC 41.200 — 5 AAC 41.400

(1) "commissioner" means the commissioner of the Department of Fish and Game or the commissioner's designee;

(2) "department" means the Alaska Department of Fish and Game. (Eff. 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.020 AS 16.05.340(b)
 AS 16.05.092 AS 16.40.199
 AS 16.05.251

**CHAPTER 41. TRANSPORT, POSSESSION
AND RELEASE OF LIVE FISH; AQUATIC
FARMING**

Article

1. Scope of Regulations (5 AAC 41.001)
2. Permit System Established (5 AAC 41.005 - 5 AAC 41.060)
3. General Provisions (5 AAC 41.070 - 5 AAC 41.100)
4. Aquatic Farming (5 AAC 41.200 - 5 AAC 41.400)

Article 1. Scope of Regulations

Section

1. Application of this chapter

5 AAC 41.001. APPLICATION OF THIS CHAPTER. The provisions of this chapter govern the transportation, possession, or release of live fish transplanted for or cultivated for human consumption or sport fishing purposes, or as part of an aquaculture program for scientific, educational, or propagative purposes, and the transportation and possession of shellfish or aquatic plants for commercial purposes in conjunction with an aquatic farming operation. Unless specifically provided, the provisions of this chapter do not apply to the cultivation of ornamental fish. Additionally, the provision of this chapter do not apply to the transportation, possession, or release of fish taken for commercial fishing, sport, or subsistence purposes. (In effect before 1988; am 4/10/88, Register 106; am 8/12/89, Register 111)

Authority: AS 16.05.050 AS 16.40.100
 AS 16.05.251 AS 16.40.160

Article 2. Permit System Established

Section

5. Permit required
10. Uniform application procedures
20. Inspection for disease of brood stock
30. Permit issuance or denial

Section

40. Amendments to the permit
50. Permit conditions
60. Retention of permit for inspection

5 AAC 41.005. PERMIT REQUIRED. (a) No person may transport, possess, export from the state, or release into the water of the state, any live fish unless the person holds a fish transport permit issued by the commissioner or his authorized designee, and the person is in compliance with all conditions of the permit and the provisions of this chapter. A fish transport permit will be issued for a fixed term subject to the provisions of (c) of this section.

(b) A fish transport permit authorizes only that operation specified in the permit. Any change of species, brood stock, or location requires a new permit. Any other change requires an amendment to the permit.

(c) The commissioner shall suspend the permit, or particular provisions of the permit including amendments, if he finds

(1) on the basis of new information or changed circumstances, that the permitted activity will adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(2) the permittee has failed to comply with permit terms or the provisions of this chapter.

(d) Notwithstanding the expiration, termination or suspension of a fish transport permit, each permittee is responsible for the obligations arising under the terms and conditions of the permit, and under the provisions of this chapter. (In effect before 1988)

Authority: AS 16.05.251(a)

5 AAC 41.010. UNIFORM APPLICATION PROCEDURES. (a) Each applicant for a fish transport permit shall submit the following information to the department:

(1) identification of each species and location of the stock to be transported, possessed or released;

(2) the destination of the transported fish and the release site;

(3) the number of fish and their life history stage or age;

(4) a descriptive history of previous transport, if any;

(5) a statement on the health or condition of the fish, including a disease history of the stock, a disease history of the hatchery or rearing facilities through which they may have passed, and any previous disease treatment or vaccinations, or, if the disease history is incomplete or unavailable a brood stock inspection and certification pursuant to 5 AAC 41.020;

(6) isolation measures planned to control disease during transport, including a description of containers, water source, depuration measures, and plans for disinfection;

(7) a description of proposed egg-take methods;

(8) the source of water for rearing and proposed effluent discharge location;

(9) identification and status of native stocks in the area of taking, retention and release site, including a statement of expected interactions with other stocks in these areas;

(10) the method of transport or release and the expected date of transport or release;

(11) the purpose and expected benefits of the transport or release; and

(12) evaluation plans.

(b) A completed application must be submitted to the department regional office in the region in which the proposed transport or release will occur.

(c) If the commissioner or his authorized designee determines that an application is incomplete and that further information is necessary, the department will return the application to the applicant with a description of the deficient information.

(d) The commissioner or his authorized representative will approve, condition, or deny a permit within 45 days after a completed application containing all of the applicable information listed in (a) of this section has been received in the appropriate regional office. (In effect before 1982; am 7/25/82, Register 83)

Authority: AS 16.05.251(a)

5 AAC 41.020. INSPECTION FOR DISEASE OF BROOD STOCK. If the disease history

of the brood stock is unavailable or incomplete as required by 5 AAC 41.010(a)(5), an inspection of the brood stock to detect fish disease must be scheduled by the applicant and conducted by the fish pathology section of the department, or by a person designated by the fish pathology section. The applicant must submit samples of the brood stock as directed by the fish pathology section for the purpose of inspection. The applicant will receive a certification form the fish pathology section upon successful completion of the inspection. (In effect before 1988)

Authority: AS 16.05.251(a)
AS 16.05.868

5 AAC 41.030. PERMIT ISSUANCE OR DENIAL. (a) The commissioner or his authorized designee will issue a fish transport permit if it is the department's determination that the proposed transport, possession or release of fish will not adversely affect the continued health and perpetuation of native, wild, or hatchery stocks of fish; or

(b) The commissioner or his authorized designee will issue a fish transport permit with terms and conditions attached if it is the department's determination that the terms and conditions are necessary to protect the continued health and perpetuation of native, wild, or hatchery stocks of fish.

(c) The commissioner or his authorized designee will deny an application for a permit, or a request for amendment of a permit, if the applicant's proposed plans, methods, or specifications are not adequate, on the basis of fish disease, genetics, competition, predation, or other biological considerations, to assure the continued health and perpetuation of native, wild, or hatchery stocks of fish. Written notice of denial shall be given to the applicant, including the reasons for denial. (In effect before 1988)

Authority: AS 16.05.251(a)

5 AAC 41.040. AMENDMENTS TO THE PERMIT. (a) A permittee may request amendment of a fish transport permit by submitting, in writing to the department regional office where the permit was issued, an amended plan and a statement explaining why the amendment is necessary.

(b) The commissioner or his authorized designee will issue an amendment to the permit upon a determination made pursuant to 5 AAC 41.030(a) or (b). The commissioner or his authorized designee will approve, condition or deny a request for amendment within 30 days after receipt of the request in the appropriate regional office.

(c) The commissioner or his authorized designee may alter or amend permit conditions if additional information or unforeseen changes allow relaxation, or changed circumstances affect the adequacy of permit terms and conditions

(d) Amendments approved by the commissioner or his authorized designee become effective when received by the permittee, or at a later date specified in the amendment. Unless otherwise specified, amendments remain valid for the duration of the permit. (In effect before 1988)

Authority: AS 16.05.251(a)

5 AAC 41.050. PERMIT CONDITIONS. The commissioner or his authorized designee

may prescribe conditions on a permit to control the occurrence of fish disease, genetic change, or control other disturbances of biological origin affecting native, wild, or hatchery stocks of fish. These conditions may include designation of brood stock and release locations, methods of transport or release, quarantine and depuration requirements and procedures, disease inspections, disposal of wastes and effluent, timing of transportation and release, reporting requirements, and other measures necessary to achieve the purposes of 5 AAC 41. (In effect before 1988)

Authority: AS 16.05.251(a)

5 AAC 41.060. RETENTION OF PERMIT FOR INSPECTION. (a) After issuance a copy of the permit including any amendments must be retained by the permittee, and be made available upon request for inspection by a representative of the department, or a law enforcement officer of the Department of Public Safety.

(b) For the purposes of inspecting and monitoring compliance with the terms of the permit or the requirements of this chapter for the continued health and perpetuation of native, wild, or hatchery stocks of fish, each permittee shall give authorized representatives of the department, and law enforcement officers of the Department of Public Safety, free and unobstructed access at all times to permit sites. Each permittee shall give such assistance and furnish information the representative or law enforcement office may reasonably require for monitoring and inspection. (In effect before 1988)

Authority: AS 16.05.251(a)

Article 3. General Provisions

Section

- 70. Prohibitions on imports and release of live fish
- 80. Reporting and control of fish diseases at egg-take sites, hatcheries, and rearing facilities

Section

- 90. Delegation of authority
- 100. Definitions

5 AAC 41.070. PROHIBITIONS ON IMPORTATION AND RELEASE OF LIVE FISH.

(a) Except as provided in (b), (c), and (d) of this section, no person may import any live fish into the state for purposes of stocking or rearing in the waters of the state.

(b) Live oysters native to and originating from the Pacific Coast of North America may be imported for aquaculture purposes, under a permit required by this chapter, and may be released into the waters of the state only if

- (1) the brood stock is derived from oysters commercially cultured on the Pacific Coast of North America through three or more generations; and
- (2) the disease history or an inspection indicates no incidence of disease that is not indigenous to Alaska.

(c) Ornamental fish not raised for human consumption or sport fishing purposes may be imported into the state, but may not be reared in or released into the waters of the state. Fish wastes and waste water from ornamental fish may not be released directly into the waters of the state.

(d) Weathervane scallops originating from wild stocks or cultured stocks in the Southeastern Alaska and Yakutat Areas may be imported for aquaculture purposes and may be released only into the waters of the Southeastern Alaska and Yakutat Areas under a permit required by this chapter only if

(1) the brood stock was taken under the provisions of a permit issued by the department;

(2) the brood stock was certified by the department's fish pathology section before transport out of the state;

(3) the brood stock was held continuously in a department-approved isolation facility;

(4) the weathervane scallops proposed for import have been held continuously in a department-approved isolation facility before import into the state;

(5) the disease history, or an inspection, of the weathervane scallops proposed for import indicates no incidence of a disease of transport significance. (In effect before 1988; am 9/19/90, Register 115; am 4/30/91, Register 118)

Authority: AS 16.05.251(a)

5 AAC 41.080. REPORTING AND CONTROL OF FISH DISEASES AT EGG-TAKE SITES, HATCHERIES, AND REARING FACILITIES. (a) The requirements of this section apply to all public and private egg-take programs, fish hatcheries, and fish rearing facilities in the state.

(b) Within 24 hours of transporting live fish eggs between water sheds, all eggs must be treated, for at least 10 minutes, with an iodine solution of at least 100 parts per million of active iodine ingredient, with pH at least 6.0 or greater, or in a manner approved by the fish pathology section of the department. This requirement does not apply to shellfish eggs.

(c) Each fish hatchery or fish rearing facility must be inspected by the department's fish pathology section at least once each year at least two weeks prior to the transport or release of fish. The commissioner or his authorized designee may require and conduct additional inspections if the disease history of the stock or facility is incomplete, or if the disease history of current condition of the stock evidences incidence of disease.

(d) The occurrence of any of the following pathogens or disease of fish must immediately be reported to the department's fish pathology section:

(1) Class I — Diseases of Critical Concern.

Infectious Pancreatic Necrosis Virus (IPNV) — trout pancreatic virus;

Viral Hemorrhagic Septicemia Virus (VHSV) — Egtved virus;

Pike Fry Rhabdovirus;

Spring Viremia of Carp (SVC) — a carp virus of potential danger to native cyprinids;

Ceratomyxa shasta — myxosporidian disease of salmonids;

Myxosoma cerebralis — whirling disease; and

Mytilicola intestinalis — an endoparasitic copepod of shellfish.

(2) Class II — High-risk Diseases.

Infectious Hematopoietic Necrosis Virus (IHNV) — sockeye or chinook salmon kidney virus;

Herpesvirus salmonis — low-temperature virus;

Viral Erythrocytic Necrosis (VEN) — intranuclear virus of marine fish;
Vibrio parahemolyticus — vibriosis in fish and shellfish;
Aeromonas salmonicida — furunculosis;
Yersinia ruckeri — enteric redmouth disease;
Renibacterium salmoninarum — bacterial kidney disease (BKD);
Flexibacter columnaris — columnaris disease;
Henneguya — spp. — myxosporidian disease of fish and shellfish;
Labyrinthomyxa marina — fungal or haplosporidian disease of shellfish;
Minchinia nelsoni — a haplosporidian disease of shellfish; and
Ocenebra japonica — an oyster drill;

(3) Class III — Diseases of Concern.

Vibrio alginolyticus — vibriosis in fish and shellfish;
Vibrio anguillarum — vibriosis in fish and shellfish;
Aeromonas hydrophila — aeromonad septicemia;
Ichthyobodo — spp. — costiasis in fish and shellfish;
Hexamita — protozoan disease of salmonids and shellfish;
Trichodina — spp. — external fish parasite;
Diplostomum — spp. — eye fluke disease of fishes; and
Mytilicola orientalis — an endoparasitic copepod of shellfish.

(e) Diseases reported under (d) of this section, or found by inspection under (c) of this section, must be treated by taking steps acknowledged by the fish pathology section to be effective in eliminating the disease. Containers or facilities must be disinfected by the permittee in a manner directed or approved by the commissioner or his authorized designee. Presence of any of these diseases, or any other disease not previously observed in Alaska, may be cause for the commissioner or his authorized designee to prohibit stocking of the fish in new areas, and to quarantine the permittee's facility until disinfected.

(f) Stocks of fish in hatcheries or rearing facilities in which a Class I disease has been detected must be immediately destroyed by the permittee if the commissioner or his authorized designee determines that the disease is new to the area, the disease is different strain of a disease than occurs locally, or if the disease poses a threat to the health and perpetuation of native, wild, or hatchery stocks of fish in the hatchery effluent watershed or the intended release location. In limited circumstances, the commissioner or his authorized designee may allow retention or transportation of these diseased fish under controlled conditions that pose no threat to native, wild, or hatchery stocks of fish (e.g. movement to a disease laboratory).

(g) Stocks of fish in hatcheries or rearing facilities in which a Class II disease has been detected must be immediately destroyed by the permittee if the commissioner or his authorized designee determines that the disease poses a threat to the health and perpetuation of native, wild, or hatchery stocks of fish in the hatchery effluent watershed or the intended release location. (In effect before 1988)

Authority: AS 16.05.251(a)

5 AAC 41.090. DELEGATION OF AUTHORITY. For the purposes of administering this chapter, the commissioner may delegate his authority to designated employees of the department. (In effect before 1988)

Authority: AS 16.05.020
AS 16.05.270

5 AAC 41.100. DEFINITIONS. In addition to the definitions set out in AS 01.10.060 and AS 16.05.940, in 5 AAC 41.001 — 5 AAC 41.100

(1) "completed application: means a form, series of forms, letters, or other documents that provide all of the information necessary for the commissioner or the commissioner's designee to issue, condition, or deny a permit:

(2) "department regional office" means the Alaska Department of Fish and Game, fisheries rehabilitation, enhancement and development division offices located as follows:

Region I — Southeastern Region
230 South Franklin Street
Juneau, Alaska 99801

Region II — Central, Westward and
Arctic-Yukon-Kuskokwim Region
333 Raspberry Road
Anchorage, Alaska 99502

(3) "fish pathology section" means the Alaska Department of Fish and Game, fisheries rehabilitation, enhancement and development division, fish pathology section, located at 333 Raspberry Road, Anchorage, Alaska 99502, telephone (907) 344-0541;

(4) "ornamental fish" means a fish commonly known as "tropical fish," "aquarium fish," or "goldfish," which are imported, cultured, or sold in the state customarily for viewing in aquaria or for raising in artificial systems, and not customarily used for sport fishing or human consumption purposes;

(5) "permit" means a fish transport permit, including any amendment or condition issued or approved by the commissioner or the commissioner's designee, which has not been suspended, terminated, or expired;

(6) "permittee" means the holder of a permit and includes anyone employed, contracted, or assigned by the person to whom the permit was issued. (In effect before 1988)

Authority: AS 16.05.251(a)

TITLE 11. NATURAL RESOURCES.

Part 1. Office of the Commissioner (11 AAC 03--11 AAC 06)

Part 6. Lands (11 AAC 52--11 AAC 98)

PART 1. OFFICE OF THE COMMISSIONER.

Chapter

05. Fees for Department Services (11 AAC 05.010--11 AAC 05.900)

CHAPTER 05. FEES FOR DEPARTMENT SERVICES.

Section

010. Fees

11 AAC 05.010. FEES. (a) Non-refundable fees to apply for authorizations and fees to obtain publications or services from the department are as follows:

(6) surface leasing

(K) application for aquatic farmsite permit or lease; for amendment or renewal of aquatic farmsite permit; or for amendment, extension, or assignment of aquatic farmsite lease, \$50;

(Eff. 1/1/86, Register 96; am 8/10/86, Register 99; am 9/28/86, Register 99; am 8/23/87, Register 103; am 1/28/88, Register 105; am 7/1/89, Register 110)

- Authority: AS 03.10.020
- AS 27.21.030
- AS 38.05.020
- AS 38.05.035
- AS 38.05.295
- AS 38.05.856
- AS 38.09.110
- AS 38.35.020
- AS 38.35.050
- AS 38.50.160

AS 38.95.240
 AS 41.06.020
 AS 41.21.020
 AS 41.21.026
 AS 44.17.030
 AS 44.37.020
 AS 44.37.025
 AS 45.50.315
 AS 46.15.020

PART 6. LANDS.

Chapter

63. Aquatic Farmsite Permits and Leases (11 AAC 63.010--11 AAC 63.900)

11 AAC is amended by adding a new chapter to read:

CHAPTER 63. AQUATIC FARMSITE PERMITS AND LEASES.

Section

- 010. Applicability; aquatic farmsite permit defined
- 020. District application periods
- 030. Aquatic farmsite permit applications
- 040. Associated facilities; upland owner preference right; upland owner access right
- 050. Application review; best interest finding
- 060. Notice and opportunity to comment
- 070. Aquatic farmsite permit
- 080. Required security
- 090. Transition; permits under AS 38.05.850
- 100. Aquatic farmsite lease
- 110. General permit and lease provisions
- 900. Definitions

11 AAC 63.010. **APPLICABILITY; AQUATIC FARMSITE PERMIT DEFINED.** (a) This chapter covers aquatic farmsite permits issued under AS 38.05.856 and leases issued under AS 38.05.083 for the development and operation of an aquatic farm or related hatchery, as those terms are defined in AS 16.40.199. An aquatic farmsite permit or lease will, in the commissioner's discretion, be issued for tideland, submerged land, and shoreland managed by the department under AS 38, but will not include land within a state park or other land that has been withdrawn from the state public domain. The aquatic farmsite authorization will, in the commissioner's discretion, include authorization for associated storage and housing facilities, including facilities on adjacent

upland managed by the department under AS 38, in accordance with 11 AAC 63.040.

(b) Issuance of an aquatic farmsite permit is a disposal of an interest in state land. An aquatic farmsite permit is revocable only for breach of its provisions. It conveys the exclusive, non-transferable right, during a three-year term, to improve and develop the site as an aquatic farm or related hatchery in accordance with the permit's provisions, and includes a preference right to an aquatic farmsite lease if the permittee develops the site for aquatic farming or related hatchery operations in accordance with the permit's provisions.

(c) A person who only wants to test a site's suitability for aquatic farming, without developing it or acquiring any property right, may be authorized to do so in accordance with 11 AAC 63.090(e)(1). A person who wants to acquire property rights so that he or she can develop the site into an aquatic farm may do so by applying for an aquatic farmsite permit, in accordance with 11 AAC 63.030, during the application period for that district. The applicant might be eligible for a preference right if the applicant is already lawfully operating an aquatic farm (11 AAC 63.090(a)) or is an upland owner or lessee (11 AAC 63.040(f)). A preference right is not an entitlement to receive the authorization, but it protects the applicant against some or all competition for it. If the applicant receives an aquatic farmsite permit and successfully develops the site as mentioned in (b) of this section, the permittee has a preference right to lease the site. No one else may apply for the aquatic farmsite lease, nor may anyone apply directly for a lease without first obtaining an aquatic farmsite permit. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.083
AS 38.05.855
AS 38.05.856

11 AAC 63.020. DISTRICT APPLICATION PERIODS. (a) The commissioner will prepare a fixed schedule of the dates on which aquatic farmsite permit applications may be filed in a district. The schedule will be available to the public.

(b) The commissioner will give notice that a district is open to aquatic farmsite permit applications by publication, beginning before the application period opens, in at least one newspaper of statewide circulation and one newspaper of general circulation in the district. If a preapplication conference is scheduled under 6 AAC 50.040 so that potential applicants and other interested persons can discuss their plans and exchange information about the district, notice of the conference will be included.

(c) The commissioner will, in his or her discretion, set application filing guidelines for a district, such as minimum or maximum size limits for aquatic farmsites, minimum distances from anchorages or the mouths of anadromous fish streams, or a limit on the total number of applications that a person may file, or permits that a person may hold, in that district. Filing guidelines will be available at the places listed in the public notice announcing the application period.

(d) Maps of a district that is open to aquatic farmsite permit applications will be available at the places listed in the public notice announcing the application period. To the extent practical, the map will indicate areas known to be unavailable or unsuitable for aquatic farmsite permits. For example, an area might be unavailable because it is already subject to aquatic farmsite authorizations or because aquatic farming is prohibited by an applicable zoning ordinance, district coastal management program, or state land use plan. An area might be unsuitable if the Department of Environmental Conservation determines that known water pollution is incompatible with raising shellfish and aquatic vegetables for human consumption. The map will also indicate areas where aquatic farming is discouraged, but not prohibited outright, by a state land use plan. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.855
AS 38.05.856

11 AAC 63.030. AQUATIC FARMSITE PERMIT APPLICATIONS. (a) An aquatic farmsite permit application is subject to 11 AAC 67.007, except that it may be filed only at the regional office responsible for the relevant district. The application must

- (1) be submitted on a form approved by the commissioner;
- (2) include the non-refundable application fee required by 11 AAC 05.010;
- (3) include a clear scaled drawing of the site boundaries on a U.S.G.S. map at a scale of 1:63,360 or a navigation chart, as required by the application form;
- (4) be accompanied by a completed coastal project questionnaire as required by 6 AAC 50, unless the application is solely for shoreland outside the coastal zone; and
- (5) comply with all application filing guidelines set under 11 AAC 63.020(c), except that the applicant may request a waiver of a filing guideline that sets a maximum size limit; the

commissioner will, in his or her discretion, waive the size limit if (A) the applicant shows that a waiver is justified by the applicant's experience, capitalization, and need for a larger site in order to form an economic unit and (B) the commissioner, after considering the reason for which the size limit was imposed and public comment on the proposed waiver, determines that the waiver is in the state's best interest; the commissioner's proposal to waive the size limit will be included in the preliminary finding under 11 AAC 63.050.

(b) Each application must include sufficient detail on the applicant's proposed site improvements to allow the commissioner to determine the amount of the security required under 11 AAC 63.080. It must also include a proposed development plan and schedule. The development plan and schedule must result in reasonable use of the site and must ensure that the site is developed for aquatic farming or related hatchery operations before the permit expires. The commissioner will, in his or her discretion, approve the development plan and schedule, or amend it as the commissioner considers necessary to make reasonable use of the site. The application may include both a minimum and maximum development plan and schedule; if both are approved, fulfilling the minimum development plan and schedule will fulfill the development requirement, and the permittee may operate at any higher level up to the maximum development plan and schedule without the need for an amendment.

(c) An applicant may file as many non-overlapping applications as desired, unless the commissioner has limited the number by setting a filing guideline under 11 AAC 63.020(c).

(d) Except as provided in 11 AAC 63.040(f) and 11 AAC 63.090(b), all complete applications received during a district application period are considered to have been simultaneously filed. If the number of applications filed for a particular area exceeds the number of sites that the commissioner decides to grant, the commissioner will hold a lottery to draw the proper number of applications.

(e) If two applications overlap in an area where the commissioner does not propose to limit the number of authorized sites, the applicants will be granted 30 days to agree on amendments that eliminate the overlap. If an application overlaps an existing aquatic farmsite permit or lease, or a mariculture testing or development site subject to a preference right under 11 AAC 63.090(a), the applicant will be granted 30 days to amend the application so as to eliminate the overlap. The commissioner will, in his or her discretion, amend an application

(1) to eliminate an overlap if the applicant has failed to do so, or

(2) to eliminate or reduce other site or resource use conflicts. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.855
AS 38.05.856

11 AAC 63.040. ASSOCIATED FACILITIES; UPLAND OWNER PREFERENCE RIGHT; UPLAND OWNER ACCESS RIGHT. (a) The commissioner will, in his or her discretion, authorize associated facilities for storing equipment or housing personnel at an aquatic farmsite, including upland managed by the department under AS 38, if the commissioner is satisfied that the associated facilities are necessary for aquatic farming. An applicant who wants authorization for associated facilities at either the permit or lease stage must request it as part of the permit application so that it can be considered during agency and public review.

(b) The conditions in this subsection apply to an authorization for personnel housing at an aquatic farmsite during the permit stage, but not at the lease stage. The commissioner will authorize such housing only if the applicant shows that (1) the level of site development at the time the housing is expected to begin will require that personnel be present on a daily basis, (2) the personnel cannot reasonably commute to the site by road, boat, or aircraft on a daily basis, and (3) no nearby land suitable for housing is available for rent or sale. The housing facility may not be used as the personnel's primary or full-time residence. It must be designed and constructed so that it can be removed and the site completely restored within 30 days if the permit terminates or if housing personnel at the aquatic farmsite ceases to be necessary. The housing facility may not be placed on a permanent foundation, except that a foundation of wooden pilings may be used if the applicant agrees either to remove the pilings or to cut them off at ground level if site restoration is required.

(c) The conditions in this subsection apply to an authorization for floating housing at an aquatic farmsite during either the permit or lease stage. The commissioner will authorize floating housing only if that use is consistent with the floathouse provisions and management intent of an applicable land use plan, zoning ordinance, or coastal management program, and if the Department of Environmental Conservation determines that such housing would not result in degraded water quality that would be incompatible with raising shellfish or aquatic vegetables for human consumption.

(d) The nature and extent of associated facilities are a factor in setting the security amount under 11 AAC 63.080, setting the fee for an aquatic farmsite permit under 11 AAC 63.070, and appraising the fair market value of a lease under 11 AAC 63.100.

(e) After a permit or lease terminates, the former permittee or lessee has no entitlement or preference right to continue using or occupying any portion of the aquatic farmsite, including anchoring a floathouse at the site.

(b) Under this subsection, the commissioner grants an aquatic farmsite permit preference right to eligible upland owners and lessees in order to increase the compatibility of aquatic farming with upland management policies. The owner or lessee of adjacent or nearby upland may request a preference right to an aquatic farmsite permit by agreeing to place his or her associated facilities for storing equipment or housing personnel on his or her own land or leasehold rather than on state-owned land or other public land. The following apply to a preference right under this subsection:

(1) For an upland owner or lessee to be eligible, the applicant's development plan and schedule must demonstrate that the associated facilities are necessary for aquatic farming.

(2) For an upland lessee to be eligible, the term of the upland lease must equal or exceed the combined terms of an aquatic farmsite permit and lease. A U.S. Forest Service special use permit does not constitute a leasehold interest that would make the holder eligible for a preference right under this subsection.

(3) A preference right granted under this subsection is secondary to a preference right that the commissioner grants under 11 AAC 63.090(a).

(4) If the number of applications eligible for an upland owner/lessee preference right exceeds the number of permits that the commissioner decides to grant, the commissioner will hold a lottery as set out in 11 AAC 63.030(d) among the preference-eligible applications only.

(5) An upland owner or lessee who wants a preference right for aquatic farming must apply under this subsection, rather than under AS 38.05.075(c). AS 38.05.075(c) does not give an upland owner or lessee any entitlement or preference right to an aquatic farmsite permit or aquatic farmsite lease.

(c) No aquatic farmsite permit or lease will be issued that would deny an upland owner's right of reasonable access to tidewater or deny access by boat to privately owned upland. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.083
AS 38.05.855
AS 38.05.856

11 AAC 63.050. APPLICATION REVIEW; BEST INTEREST FINDING.

(a) After an aquatic farmsite permit application period closes, complete applications will undergo review by agencies and affected coastal districts in accordance with 6 AAC 50.070 for consistency with the Alaska Coastal Management Program. Compliance with this requirement fulfills the agency consultation requirement of AS 38.05.855(c). Comments received will be considered both for the coordinating agency's proposed consistency determination and for the commissioner's preliminary best interest finding. If applications are filed for sites within a state game refuge or critical habitat area, the commissioner will request the approval of the commissioner of the Department of Fish and Game as required by AS 16.20.060 or 16.20.530.

(b) The commissioner will prepare a preliminary best interest finding that proposes sites for which permits may be issued. If the sites are unclassified, a proposed land use plan and classification order will be prepared, and might accompany or be included as part of the preliminary best interest finding. If the commissioner decides to deny an application, to require its amendment, or to limit the number of sites to be authorized, the finding will explain the reason. The finding will consider both advantages and disadvantages of the proposal. Criteria that will be considered in the finding include:

(1) whether the Department of Fish and Game considers the proposed aquatic farm or hatchery to meet the criteria of AS 16.40.105;

(2) whether the Department of Environmental Conservation determines that the proposed aquatic farmsite is protected from pollution from adjacent floating and upland support activities, to ensure product wholesomeness, and that effective pollution control measures can be implemented to protect land and water at the site from pollution caused by the proposed aquatic farm or hatchery;

(3) whether the coordinating state agency proposes to find the proposed aquatic farm or hatchery consistent with the Alaska Coastal Management Program;

(4) whether aquatic farming is compatible with official land management policies applicable to the proposed aquatic farmsite and nearby upland, including legislative or congressional designations such as parks or wilderness areas and adopted federal, state, and local land use plans, land classifications, and zoning;

(5) whether aquatic farming conflicts with existing uses, or with pending uses, as that term is defined in 11 AAC 63.900, of the site and of nearby land, whether or not the nearby land is in state ownership, including consideration of

(A) impacts on nearby communities or residential land;

(B) traditional and existing uses of the site, including commercial fishing, sport fishing, subsistence activities, use as a primary anchorage, navigation, seaplane landing area, recreation, sightseeing, and tourism; consideration of this criterion will, in the commissioner's discretion, be combined with a traditional use finding if such a finding is required by AS 38.05.830;

(C) historic and cultural resources;

(D) commercial or industrial facilities, such as log transfer facilities, salmon hatcheries, seafood processing plants, or harbor development, that would be incompatible with aquatic farming;

(6) how public access to and along public waters, and the upland owner's right of reasonable access to tidewater, will be ensured by reserving easements under 11 AAC 53 or by other means; if upland access to the water is limited to a specific point by topography, existing improvements, or other factors, the commissioner will ensure that aquatic farming facilities do not obstruct water access to that point;

(7) how the interests served by the public trust doctrine, specifically the public's right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes, will be protected;

(8) whether special permit provisions or other measures are needed to mitigate identified conflicts; for this purpose the commissioner will consult guidelines set out in an applicable land use plan, zoning ordinance, or coastal management program, or, if no such document or guidelines exist or if it would otherwise be appropriate, will consult the guidelines set out on pp. 80-85 of the final 1988 Etolin Island Area Mariculture Pilot Project;

(9) other significant social, economic, and environmental effects of the proposed aquatic farming.

(c) In general, the commissioner will not grant aquatic farmsite permits that would encumber more than a third of the surface area estimated to exist at mean lower low water of a bay, bight, or cove, unless the commissioner finds that (1) it is in the state's best interest to concentrate permits in one such bay, bight, or cove so as to keep other specified water bodies completely unencumbered, (2) the cumulative impacts will not be excessive, and (3) the upland owner will retain a right of reasonable access to tidewater. Such a finding will be included in the best interest finding, as well as in the land use plan if one is being prepared. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.127
AS 38.05.128
AS 38.05.855
AS 38.05.856

Editor's note: Pages 80-85 of the 1988 Etolin Island Area Mariculture Pilot Project, referred to in 11 AAC 63.050(b), may be obtained from DNR, Division of Land and Water Management, at either the Southcentral Regional Office (P.O. Box 107005, Anchorage, Alaska 99510-7005) or the Southeastern Regional Office (400 Willoughby Ave., Juneau, AK 99801).

11 AAC 63.060. NOTICE AND OPPORTUNITY TO COMMENT. (a) Notice under AS 38.05.945 that the preliminary best interest finding is available for written comment will, in the commissioner's discretion, be combined with notice of the time, place, and location of a hearing to be conducted under AS 38.05.946(b); notice of a proposed determination of consistency with the Alaska Coastal Management Program; notice of a proposed land use plan and classification, if the land is not yet classified; and notice of the approximate date when the final best interest finding, as well as the final land use plan, if required, is expected to be available.

(b) The commissioner will conduct the public hearing that AS 38.05.946 requires in each district either in person or by teleconference.

(c) The department will maintain a mailing list of persons who ask in writing to receive notice of district openings and

notice of comment opportunities. Any interested person may ask inwriting to be put on an aquatic farming mailing list. The department will use the mailing list to notify recipients of opportunities for public comment and involvement such as the opening of a district application period or the availability of a preliminary best interest finding.

(d) If the upland adjacent to an aquatic farmsite permit application is not managed by the department, the commissioner will notify the upland owner of the opportunity to comment under (a) of this section. If an aquatic farmsite permit applicant states that using upland for associated facilities is necessary for aquatic farming, and the upland owner notifies the commissioner in writing that the owner cannot or will not authorize the upland use, the commissioner will not grant the aquatic farmsite permit.

(e) Decisions made as a result of public and interagency comment will be incorporated into the final best interest finding and, if required, into the final land use plan. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.855
AS 38.05.856
AS 38.05.945
AS 38.05.946

11 AAC 63.070. AQUATIC FARMSITE PERMIT. (a) The commissioner will grant an aquatic farmsite permit to a successful applicant after the commissioner issues the final finding required by AS 38.05.035(e) and AS 38.05.855(d) and the coordinating state agency issues a conclusive determination of consistency with the Alaska Coastal Management Program.

(b) Within 30 days after receiving the permit, the applicant shall sign it and return it to the commissioner along with

(1) the security required by 11 AAC 63.080; and

(2) a use fee, set in a fee schedule approved by the commissioner, to provide the state a reasonable return for the permittee's use of the site, but less than the fair market value rent.

(c) An aquatic farmsite permit is subject to the provisions set out in this section in addition to the general provisions of 11 AAC 63.110.

(d) A permit might be also subject to special provisions that the commissioner imposes to make it consistent with the Alaska Coastal Management Program or that the commissioner otherwise considers necessary to serve the state's best interests.

(e) The aquatic farm development plan and schedule proposed in the application, as approved or amended by the commissioner, is incorporated as a provision of the permit.

(f) A permit will, in the commissioner's discretion, be cancelled, in whole or in part, if the permittee obtained it improperly through misrepresentation or error with respect to material facts.

(g) A permittee may apply for no more than two renewals of a permit, for an additional three years for each renewal. A new written finding is not required before the commissioner renews a permit. The commissioner will renew a permit if the commissioner is satisfied, based on information submitted by the permittee and testimony provided by interested persons after notice under AS 38.05.856 and notice to the upland owner, that

(1) the permittee is in substantial compliance with the permit's provisions and is in operation, or

(2) the permittee is in substantial compliance with the permit's provisions except that the permittee is not in operation, and that the failure to comply with the aquatic farm development plan and schedule and to begin operating is due to circumstances beyond the permittee's control. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.850
AS 38.05.855
AS 38.05.856

11 AAC 63.080. REQUIRED SECURITY. For any aquatic farmsite permit or lease, a bond, cash deposit, certificate of deposit, or other form of security acceptable to the commissioner must be posted and maintained in an amount determined by the commissioner to be sufficient to cover the cost of site cleanup and restoration and any associated cleanup costs. Factors that the commissioner will use in determining the amount of the security include travel costs to reach the site for cleanup or inspection; the planned size and extent of improvements; whether the improvements (including associated facilities on state land) could be towed away for use by other operators, burned onsite, or disposed of at an authorized landfill; and whether heavy equipment would be needed for upland site restoration and filling a foundation excavation. The commissioner will, in his or her discretion,

subsequently change the amount of the required security, based on changes in the level of site development, new information, or other appropriate factors. The commissioner will, in his or her discretion, reduce the amount of the security if the property is subject to a collateral assignment as security for financing and the collateral assignee agrees to assume the permittee's or lessee's obligations and restore the site if the permittee or lessee defaults. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.083
AS 38.05.856

11 AAC 63.090. TRANSITION; PERMITS UNDER AS 38.05.850. (a) If the commissioner finds that it is in the state's best interest to issue an aquatic farmsite permit, a person who has a permit in good standing that was issued under AS 38.05.850 for mariculture testing or development purposes has a preference right to the aquatic farmsite permit if

(1) as of June 9, 1988, the person was either lawfully operating an aquatic farm at that site, or had obtained and was complying with all permits necessary to operate an aquatic farm at that site and, in reliance on those permits, had undertaken the initial steps that would lead to full-scale operations; photographs, purchase orders, receipts, or other evidence acceptable to the commissioner must be provided to establish eligibility; and

(2) the person files a complete application for the site during the appropriate district application period.

(b) An application filed by a person who has a preference right to the site under (a) of this section is exempt from the amendment procedures of 11 AAC 63.030(e) and the lottery procedures of 11 AAC 63.030(d).

(c) A person who has a permit issued under AS 38.05.850 but who does not otherwise meet the requirements of (a) of this section does not have a preference right to an aquatic farmsite permit that might be issued for the site. However, the person may apply for an aquatic farmsite permit on a non-preference-right basis. If another person is chosen as the successful applicant, or if the commissioner decides that it is not in the state's best interest to grant an aquatic farmsite permit for the site, the commissioner will revoke the permit issued under AS 38.05.850 after reasonable notice to the permittee.

(d) A permit in good standing that was issued under AS 38.05.850 to a person who might have a preference right under (a) of this section will be renewed until the site is included in a district application period. In the interim, the permittee may continue operating so long as all required permits remain in good standing and no change of use occurs.

(e) Except as follows, no new permit will be issued under AS 38.05.850 for aquatic farming purposes unless the applicant filed a complete application before June 9, 1988:

(1) A person may obtain a permit under AS 38.05.850 solely to test a site's suitability for aquatic farming or, to the extent allowed by 11 AAC 96, may undertake such testing without a permit from the department. A permit for testing site suitability under AS 38.05.850 is limited to a period of no more than one year and the total area within which testing occurs may not exceed one acre. Testing includes placing data collecting equipment and up to 10,000 organisms in the water. The organisms may not be used for commercial purposes. A permit under AS 38.05.850 for testing site suitability may not be renewed.

(2) In an emergency, such as a dinoflagellate plankton bloom that could result in an unacceptable concentration of toxins in shellfish, the director will use his or her discretion under AS 38.05.850 to authorize the relocation of rafts or other rearing structures to another location until the emergency ends. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.083
AS 38.05.850
AS 38.05.855
AS 38.05.856
Sec. 18, ch.
145, SLA 1988

11 AAC 63.100. AQUATIC FARMSITE LEASE. (a) If the commissioner finds in accordance with AS 38.05.035(e) that it is in the state's best interest to issue an aquatic farmsite lease, an aquatic farmsite permittee who has developed the site for aquatic farming or related hatchery operations in accordance with the permit's provisions has a preference right to lease the site at its appraised fair market value without competitive bid. A person who does not have an existing aquatic farmsite permit may not apply for an aquatic farmsite lease.

(b) An aquatic farmsite permittee who has not succeeded in developing the site for aquatic farming or related hatchery operations does not have a preference right to any lease that may be offered for that site. However, if the commissioner offers the

lease at public auction, the unsuccessful permittee may bid for the lease. The commissioner will offer a former permit site for lease at public auction only if the former aquatic farmsite permittee does not qualify for a preference right or chooses not to exercise the preference right. (c) The term of an aquatic farmsite lease is 10 years. If the lessee applies for an extension before the lease's last day, the commissioner will, in his or her discretion, extend the term for an additional 10 years. The commissioner will, in his or her discretion, require a lease diagram before issuing the lease. Before the commissioner extends a lease, the commissioner will determine whether AS 38.04.045 or a successor statute requires a cadastral survey. If AS 38.05.102 or a successor statute is still in effect when the lease expires, the lessee may apply for a new lease in accordance with that statute.

(d) Before a lease is issued, security must be posted as required by 11 AAC 63.080.

(e) Unless the commissioner grants a variance for good cause, the lessee shall continue to operate the aquatic farm or related hatchery at or above the operating level reached when the permittee applied for the lease. For a lease offered at auction, the commissioner will either impose a minimum lease operating level or require the bidder or lessee to propose a lease operating plan for the commissioner's approval.

(f) A lease that is in good standing may, with the approval of the director, be assigned. The assignee shall promptly and diligently seek to obtain all permits necessary for lawful operations.

(g) Lease rental must be paid annually on or before the anniversary date of the lease. (Eff. 7/1/89, Register 110)

Authority: AS 38.04.045
 AS 38.05.020
 AS 38.05.035
 AS 38.05.083
 AS 38.05.856
 AS 38.05.920

11 AAC 63.110. GENERAL PERMIT AND LEASE PROVISIONS. An aquatic farmsite permit or lease will contain at least the following provisions:

(1) A permittee or lessee shall operate so as to cause no significant damage to land, public trust resources, and public uses of public trust resources.

(2) A permit or lease is subject to all applicable federal, state, and local law, including statutes and regulations in effect on its effective date; statutes and regulations placed in effect after its effective date, to the extent constitutionally permissible; and the public trust doctrine regarding the public's right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes.

(3) A permittee or lessee shall obtain and remain in compliance with all other federal, state, and local authorizations necessary for lawful operations.

(4) The commissioner will, in his or her discretion, after the application fee required by 11 AAC 05.010 has been paid, amend a permit or lease to change the species of shellfish or aquatic plant being raised or to change the boundary or acreage of the aquatic farmsite, or the number of rafts or other rearing structures authorized, if the change is minor and does not increase obstructions to navigation or to other public use. However, no change of use, as that term is defined in 11 AAC 63.900, will be authorized. Amendment of an aquatic farmsite permit or lease does not relieve the permittee or lessee of the obligation to obtain other necessary authorizations.

(5) A permittee or lessee and its invitees may not use an aquatic farmsite for any unlawful purpose.

(6) A permittee or lessee may use an aquatic farmsite only for the purposes authorized by the permit or lease, and the state reserves all other interests in the site. The rights granted by the permit or lease must be exercised in a manner that does not unreasonably interfere with the rights of the state or of its permittees, lessees, or grantees, consistent with the principle of reasonable concurrent uses as set out in art. VIII, sec. 8, of the Alaska Constitution. A permittee or lessee shall pay for any damages that are payable by reason of the permittee's or lessee's failure to comply with the requirements of this paragraph.

(7) A permittee or lessee shall comply with the approved development plan and schedule or the approved lease operating level.

(8) A permittee's or lessee's failure to timely perform its obligations under the permit, or otherwise to comply with all express or implied provisions of the permit, constitutes a default. If a permittee or lessee fails to cure the default or to begin and diligently continue to remedy the default within 30 days after written notice of the default and an opportunity to be heard, the commissioner will order suspension of site development

or operations until compliance is achieved, or will take other action that the commissioner finds appropriate, including revocation of the permit or lease or attachment of the site restoration security.

(9) With the commissioner's written consent, a permit or lease that is in good standing may be relinquished. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.035
AS 38.05.083
AS 38.05.085
AS 38.05.855
AS 38.05.856

11 AAC 63.900. DEFINITIONS. (a) In this chapter,

(1) "aquatic farm" has the meaning given in AS 16.40.199;

(2) "aquatic farmsite permit" means a property right to improve and develop state-owned public domain land as an aquatic farm or related hatchery;

(3) "aquatic farmsite lease" means a lease to operate an aquatic farm or related hatchery on state-owned public domain land;

(4) "change of use" means (A) a change from one species of shellfish to a species other than shellfish, or from one species of aquatic plant to a species other than aquatic plants, (B) a change in the location of the aquatic farmsite, (C) a significant increase in the aquatic farmsite's acreage, or (D) a significant increase in the surface area of the farmsite that is encumbered by rafts or other rearing structures;

(5) "commissioner" means the commissioner of the Department of Natural Resources or the commissioner's delegate;

(6) "department" means the Department of Natural Resources;

(7) "director" means the director of the division of lands or the director's delegate;

(8) "good standing" means being in compliance with all provisions of all required authorizations;

(9) "pending use" means a project documented by government agency plans or authorizations, the acquisition of property rights, or other evidence of investment-backed expectations that the use will occur;

(10) "primary anchorage" means a large or heavily used anchorage, or an anchorage for which there is no reasonable alternative with comparable protection from locally prevailing weather conditions.

(b) In this chapter and in AS 38.05.083, "developed for aquatic farming or related hatchery operations" means that all planned capital improvements are in place and functioning at their planned capacity to produce aquatic plants or shellfish; however, the aquatic plants or shellfish need not be marketed or have reached marketable size in order to fulfill the development requirement. (Eff. 7/1/89, Register 110)

Authority: AS 38.05.020
AS 38.05.083
AS 38.05.085
AS 38.05.855
AS 38.05.856
AS 38.05.920
AS 38.05.945
AS 38.05.946
Sec. 18, ch.
145, SLA 1988

F. R. E. D.
MARICULTURE

ALASKA'S MARINE RESOURCES

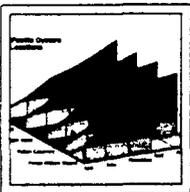


Vol. VII No. 4

December 1992

In This Issue:

Growing Shellfish in Alaska



Shellfish Aquaculture in Alaska: Its Promise and Constraints
 If you hope to succeed in the growing Alaskan shellfish industry, a good understanding of what is involved is required. Marine Advisory aquaculture specialist, Ray RaLonde, describes some of the history and the culture process for a variety of species that are possible in Alaska. 2



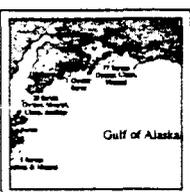
Aquatic Farm Permits
 Prior to 1988 aquatic farm permitting was a confusing and lengthy ordeal. Regulations were often unclear or non-existent. But with passage of the aquatic farm act, permit processing became formalized. However, for many people the process is still difficult to understand. Mariculture coordinator for the Alaska Department of Fish and Game, Jim Cochran, explains what you need to know to get started. 6



Commercial Oyster Farming: Part of Students Training
 In 1989 Petersburg high school instructor, Jack Eddy, conducted shellfish and plankton research in his area with the hopes of establishing a school aquaculture program. With the students involved from the beginning, a program was established with grant money. It has been so successful that it is now in the process of becoming a self-sustaining business with a scholarship program. 8



Sea Farming Alaska Style
 Long time oyster farmer, Don Nickolson tells it like it is. Oyster farming in Alaska is not a retirement occupation. It involves long hours and resourcefulness. But most of all he says it requires perseverance. 9



Is Aquatic Farming in Alaska for You?
 If you are considering shellfish aquaculture, this checklist can help you determine whether aquatic farming is feasible for your particular situation. Even though a business plan is not required by the state of Alaska to obtain an aquatic farming permit, it is well understood by persons doing well in aquaculture that one is necessary for success. This is a good place to start planning your business. 10



Shellfish Aquaculture in Alaska

Its promise and constraints

by Raymond RaLonde

Alaska's shellfish aquaculture industry has a relatively long history beginning in 1910 with the introduction of the Pacific oyster. Although distributed on intertidal beaches from Ketchikan to Kachemak Bay, the oysters grew best in southeastern Alaska. The industry continued until 1961, but production remained small peaking in 1943 with the sale of 550 gallons of oyster meat.

Shellfish culture started again in the late 1970s with reintroduction of Pacific oyster spat (juvenile bivalve shellfish) into southeast Alaska. This time the renewed industry cultured oysters for raw consumption in the half shell market. Restrained primarily by lack of capital and restrictive tidelands permit regulations, the industry was confined to a few farms near Wrangell, Alaska.

In 1989, implementation and funding of Alaska Senate Bill 514 revitalized the shellfish culture industry. New regulations streamlined permit processing, agency coordination vastly improved, and changes in tidelands permit regulations added more stability to the industry. The improvements in the permitting process induced a surge in permit applications. By the end of 1992, 72 aquatic farms will be permitted to culture seaweed, clam, scallop, blue mussel, abalone, and sea urchin.

The new Alaskan shellfish farmers have many challenges. To begin with, the state of Alaska does not allow importation of any fish or shellfish into the state other than Pacific oyster spat that are less than 20 mm in length. In addition, oyster spat must be purchased from shellfish hatcheries approved by the Alaska Department of Fish and Game. These importation restrictions require shellfish farms, culturing species other than Pacific oysters, use only species native to Alaska.

High operation cost is a major problem faced by the Alaska shellfish farmer. High transportation cost to ship equipment to the farms and product to market is a major reason for the problem. As an example, increased production costs require Alaskan oyster farmers to ask for \$3-\$4 compared to \$2-\$3 for a dozen oysters cultured in the state of Washington. Tough competition from Pacific northwest oyster farms compels the Alaska farmer to increase efficiency and cut production cost to succeed.

Presence of paralytic shellfish poison toxin (PSP) affects all bivalve shellfish cultured in Alaska. PSP is a naturally occurring toxin found in several species of microscopic dinoflagellate algae. Shellfish consume the toxic algae and accumulate the toxin in their intestinal tracts and tissues. The potential to concentrate PSP toxin requires shellfish cultured in Alaska to meet a safety standard of less than 80 mg of PSP toxin per 100 grams of tissue. To comply with these standards, the Department of Environmental Conservation (DEC) requires PSP screening of culture bivalves before marketing. The screening process requires that a farmer harvest shellfish, place them in cold storage,

and send a tissue sample to the DEC laboratory in Palmer, Alaska for testing. The samples must pass the test before shellfish can be shipped to market. Because of its extreme toxicity, PSP is a major concern to the industry, but the perception that it hinders shellfish aquaculture is inaccurate. Over 10 years of extensive PSP monitoring of shellfish farms have resulted in very few failed tests.

The constraints to aquaculture may seem overwhelming, but Alaska holds a major advantage not found in other states, superior water quality. While shellfish harvest areas around the United States are seeing more restrictions and closures, Alaskan aquaculture is expanding. Superior water quality and strict sanitation standards now place Alaskan aquaculture products in a very competitive position.

In Alaska, each species with aquaculture potential has special promises and constraints. Finding ways of dealing with the constraints and taking advantage of the promises are what will ultimately determine the success or failure of each shellfish aquaculture venture.

Pacific oyster

Pacific oysters do not reproduce in the cold waters of Alaska. As a result, Alaskan oyster farmers must buy oyster spat from a shellfish hatchery. Unfortunately, Alaska does not have a shellfish hatchery so farmers are compelled to buy spat from an out of state hatchery. Reliance on outside sources of oyster spat places farmers in a precarious position because oyster hatcheries are often reluctant to sell spat to Alaska. Unwillingness to sell spat is caused primarily by low demand for spat, and the time and expense required by the hatchery to receive a disease free certification from the state of Alaska. Shellfish hatchery managers are quick to point out that their facilities produce millions of spat that sell with little trouble to non-Alaskan farms. Despite these problems and because of expected increasing demand for spat, a few shellfish hatcheries have received certification and shipped spat into Alaska. However, this coming spring only one shellfish hatchery will be certified to ship oyster spat to Alaska.

Complicating the problem of spat acquisition is the timing of when spat arrive at the farm. Ideally, oyster spat should start arriving in early spring to take advantage of the dense plankton blooms. During these bloom periods, oyster spat can double their shell size in a few weeks, but delayed arrival of spat, caused by reliance on outside spat sources, may result in missing the first spring growing season. This happened in 1992 when spat shipments to many farms arrived in mid-summer.

Alaska is an outstanding place for Pacific oyster culture. Although native to warmer waters, it is an attractive species for aquaculture



in Alaska because it grows very well in cold water providing there is abundant, high quality plankton. Many estuaries in Alaska produce so much high quality plankton during bloom periods that they can match the growth achieved in warmer waters of the Pacific northwest. Cold, clean water also reduces bacteria contamination extending shelf-life and assuring safety of Alaska cultured oysters, especially oysters eaten raw.

Pacific oysters, grown in warmer waters, reach sexual maturation during their second summer of life, causing them to become soft and milky colored. These characteristics make oysters unmarketable. In Alaska, because cold water temperature retards maturation, high quality oysters are available during the summer. High quality, summer oysters allow farmers to market their product when there is less competition which can result in a higher price.

Blue mussel

Native populations of blue mussels live on many beaches in Alaska. Being so abundant, you may ask, "Why culture mussels if they are everywhere?" This is a good question. Mussels are everywhere, but they are not always edible because beach grown mussels tend to accumulate sand stirred up from the bottom and small pearls may develop. These mussels are not marketable, but mussels cultured off the bottom eliminates the grit problem. The mussels also grow faster.

Mussel farmers cannot buy spat from a shellfish hatchery. To start the mussel farm, the farmer must capture spat from the wild population. Successful capture of mussel spat requires an understanding of the bivalve life history, and using a proper collection technique.

Bivalves reproduce mainly by releasing eggs and sperm into the water. After fertilization, a sequence of free floating larval stages develop. Near completion of the last larval stage, the larvae seek a preferred substance to attach to and go through metamor-

phosis into their adult form. Theoretically, a mussel farmer can collect spat by simply deploying, at the proper location and time, a material that larva prefer to set on. Hemp or coconut fibers are good materials. After the metamorphosis occurs, the spat are transplanted to the farm where they grow to market size. The process may seem easy, but the farmer may need to modify the technique to get a good set of mussel spat.

Mussel larva generally set during the summer. Spat are ready for transfer to culture gear during the fall or spring following the set. The farmer removes spat from the gear and packs them into a net mesh tube, called a mussel sock. The spat filled mussel sock is hung from a raft or buoy until the mussels reach market size. In Alaska, blue mussels grow from spat to a market size of two to three inches in about one year.

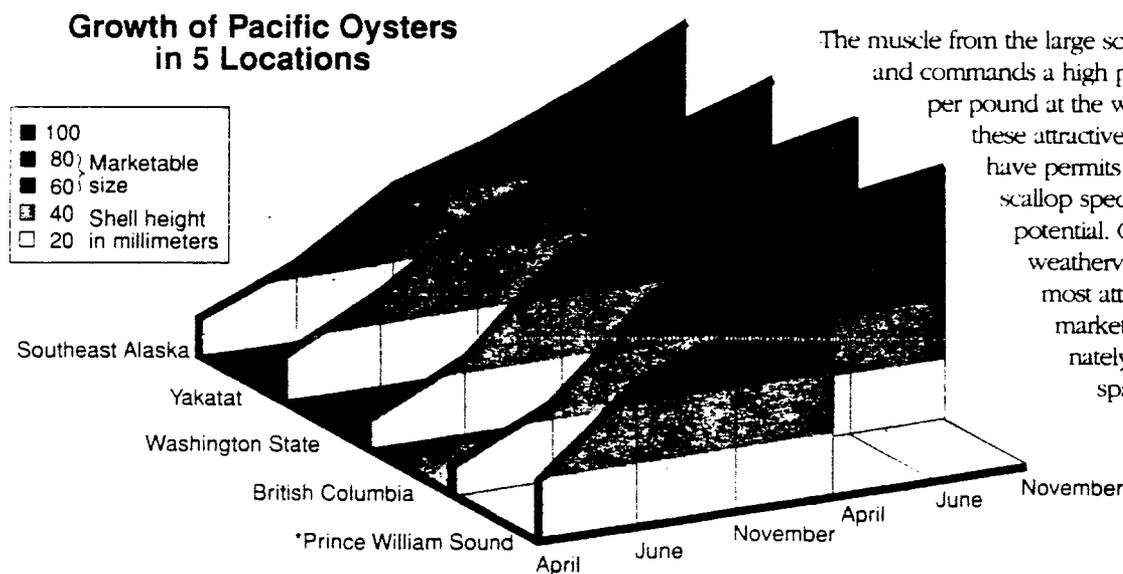
A major constraint for culturing blue mussels is the labor required to fill the mussel socks, and to harvest and process mussels for market. Mechanical aids are available that can help to reduce labor, but the equipment is expensive. Marketing is important for mussel culture to succeed because the west coast populations of the United States are not traditional mussel consumers. Mussels tend to accumulate PSP toxin faster and to higher levels than other shellfish. This increases the chances of high PSP test results that will deny or postpone sales. The risk is greater during the summer and is site dependent. Some farms have also experienced high summer mortalities at harvest time. These high mortalities can cut deeply into profits, and require further investigation.

Despite these obstacles, mussel culture has promise because cultured mussels are high quality and fast growing. Attaining an adequate production level to allow mechanization of some of the laborious tasks, providing a stable flow of product to the market, and marketing are some of the challenges facing the mussel farmer.

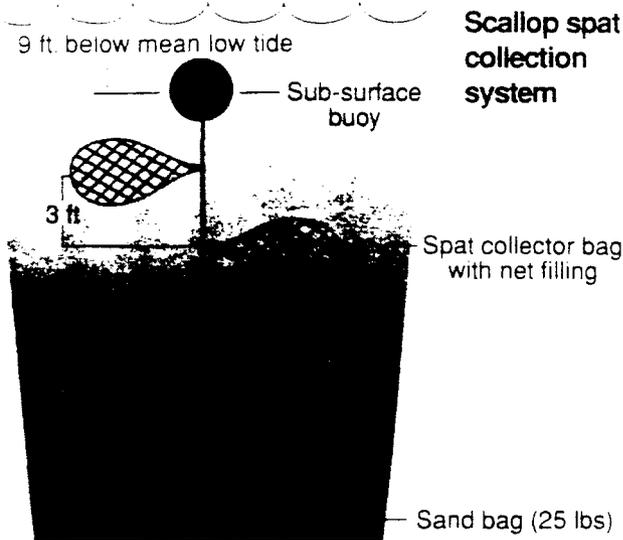
Scallop

The muscle from the large scallop is in great demand and commands a high price, selling for over \$2 per pound at the wholesale level. Because of these attractive features, several farmers have permits to culture scallops. Four scallop species have aquaculture potential. Of these species, the weathervane scallop attracts the most attention since it grows to a marketable size muscle. Unfortunately, weathervane scallop spat are not available because shellfish hatchery technology has not been successful in producing spat.

While wild spat collection, has been



*The PWS data are not extended to November because oysters reach market size by April



Scallop spat collection system

successful in capturing the Japanese scallop spat, it has not proven successful for capturing weathervane scallop spat. The growth rate for wild weathervane scallop is slow. While the growth rate of farmed shellfish often exceeds that of their wild counterparts, the potential growth rate for cultured weathervane scallop is unknown.

Culture of purple hinge rock scallop has promise because this species grows to a marketable size muscle. Spat can be hatchery produced, but since Alaska has no shellfish hatchery, this species is not currently feasible to culture. Collecting wild spat has been unsuccessful. Traditional shellfish culture gear cannot be employed to culture purple hinge rock scallops since one inch size scallops have the uncontrollable habit of cementing to a hard surface. The only way to remove scallops from the culture gear at harvest time is to cut them out, which destroys the gear.

Wild scallop spat collection has not been a total failure because of large incidental captures of pink and spiny scallop spat. Unfortunately, pink and spiny scallops do not grow large enough to produce a marketable size muscle. Farms currently culturing these species hope to develop a whole scallop market. Although very good quality, and easy to culture, whole scallops can retain more PSP toxin than is accumulated in the scallop muscle alone. Because of high PSP levels, there have been no sales of whole scallop. High PSP is most likely a site or season associated problem and not a measure of the tendency of whole scallop to retain the toxin. Whole scallops are sold alive and because of their short shelf-life, require prompt sale to the consumer or holding in live tanks for extended storage.

Littleneck clam

Littleneck clams, also called steamer clams, are a very popular seafood that sells for a good price, ranging between \$1.95-\$2.75 per pound at the wholesale level. Littleneck clam culture differs

from other bivalve species because they grow on the bottom, mixed with the existing wild population of clams. Clam farming begins with a survey of the beach to determine the current population size of resident clams. If a beach is found to be underutilized, clam spat are planted on the beach to bring the population size to the optimum level. The plot is then covered with net to prevent predation. Growth rates for littleneck clams are slow in the northern latitudes requiring up to 6 years for a crop to reach market size of 1-1 2 to 2 inches in length. Littleneck clam culture also requires a shellfish hatchery to produce the spat.

Seaweed

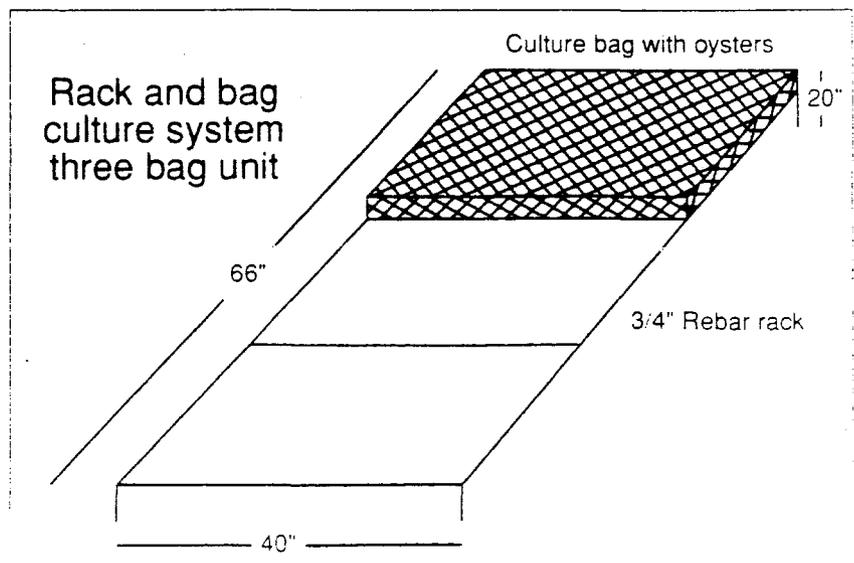
Seaweeds have several useful purposes: human consumption, food for other cultured marine animals (abalone and sea urchins), and for the herring spawn on kelp industry. In recent years, studies in Alaska have concentrated on techniques to culture the giant kelp *Macrocystis* for the herring spawn on kelp fishery in Prince William Sound.

Kelp culture involves four phases, collecting pore producing blades (sporophylls) from the wild, artificial reproduction in the laboratory, culture of the young plants (sporophytes), and culturing the plants to marketable size at the farm site. A pilot research project sponsored by the University of Alaska, the state of Alaska, and Japan was successful in collecting, reproducing, and planting young giant kelp sporophytes at a farm site near Sitka, Alaska. Although experimental results showed promise, no commercial kelp culture facility is currently available to produce kelp sporophytes for aquatic farming.

Other species

Abalone commands a very high price with wholesale prices reaching \$9.50 per pound, but culture of the Alaska pinto abalone is not currently feasible because no spat are available

History continued on page 5





Glossary of Shellfish Aquaculture Terms

Spat - A juvenile bivalve immediately following the free living larval stage. At this stage the larva attach to a preferred substrate and then metamorphose into their adult form. Bivalve spat are often referred to as seed when they reach 3-20 mm in length. At this stage the spat are cultured on the farm.

Suspended Culture - A shellfish culture technique where the shellfish are suspended individually or in cages attached to a floating structure such as a raft or buoy. An example is long line, lantern net culture.

Shellfish Transport Permit - A permit required by the Alaska Department of Fish and Game for a person to move or possess live shellfish for purposes other than harvesting for consumption.

Off Bottom Culture - A shellfish culture techniques where the shellfish are supported individually or in cages from a structure anchored to the bottom. An example is rack and bag culture.

Shell-stock - The entire bivalve including the shell and internal tissues.

Shell-stock shipper - Shell-stock shippers grow, harvest, buy or sell shell-stock. They are not authorized to shuck shellfish or to repack shellfish once received from shellfish farmers.

Bivalves - A group of animals characterized by having two shells. Examples are: clams, oysters, mussels, and scallop.

Bivalve larva - An early live stage immediately following egg fertilization where the bivalve is in a microscopic larva form.

Eyed larva - A later part of the larva stage where the shellfish develops a light sensitive organ, referred to as the eye. then begins the process of crawling on the bottom in search for a place to set.

Setting - The process where a bivalve larva ends its larval life by attaching to a substrate to begin its adult life form.

Remote setting - The process a shellfish farmer can use to produce spat using eyed larva purchased from a shellfish hatchery. It involves providing a saltwater tank with ideal conditions for setting, adding the larva to the tank and rearing the new spat in the tank until large enough to stock the farm.

Hardening - A process used by shellfish farmers to strengthen the adductor muscle of oysters, the muscle used to keep the shell closed. Oysters grown in suspended culture have a weak adductor muscle. Planting oysters in the intertidal zone, permits them to be out of water for a period of time each day causing the adductor muscle to strengthen. A strong adductor muscle helps to keep the shell closed during transportation and storage.

Dry Storage - A refrigerated, shellfish holding facility that is required to store shellfish after harvest and during the time period when tissue samples from the harvested shellfish are being tested by the Department of Environmental Conservation for paralytic shellfish poison toxin.

History continued from page 4

Abalone grow slowly and are expensive to feed. An abalone farmer should consider including seaweed culture as part of the farm operation to assure a constant food supply.

Sea urchin culture has generated some interest in recent years because the inconsistency of gonad quality obtained from harvested wild populations severely hampers development of a stable market price. Culturing urchins may help to eliminate this problem, but has not been explored in Alaska to date.

The future

Although growing at an unprecedented rate, modern shellfish culture in Alaska is in its infancy. The industry is so new that many farms have not yet produced their first crop of shellfish. At this stage of growth, the industry desperately needs a shellfish hatchery to supply a secure source of oyster spat, and develop additional species to diversify farm production. Several shellfish hatchery proposals are currently being investigated by the state

of Alaska and private industry; hopefully, a hatchery will be in production soon.

With the increased number of farmers, several signs of positive change are evident in the shellfish culture industry. Alaska farmers are working more cooperatively. Research and development in Alaska aquaculture are increasing. Marketing efforts to sell Alaska culture products are beginning to show results. Hatchery proposals are being pursued. A number of coastal communities are now funding aquaculture ventures or seriously looking at shellfish aquaculture to add economic diversity. Within a few years, millions of oysters and thousands of pounds of other Alaskan cultured shellfish should be ready for market.

National concern about seafood quality only helps fuel interest in Alaskan aquaculture. We have an opportunity to learn from the mistakes made by other aquaculture ventures, maintain the purity of our coastal waters, apply existing information to solve problems constraining the industry, and employ the energy from participants to produce the finest quality shellfish available for the seafood market.

Aquatic Farm Permits

by Jim Cochran

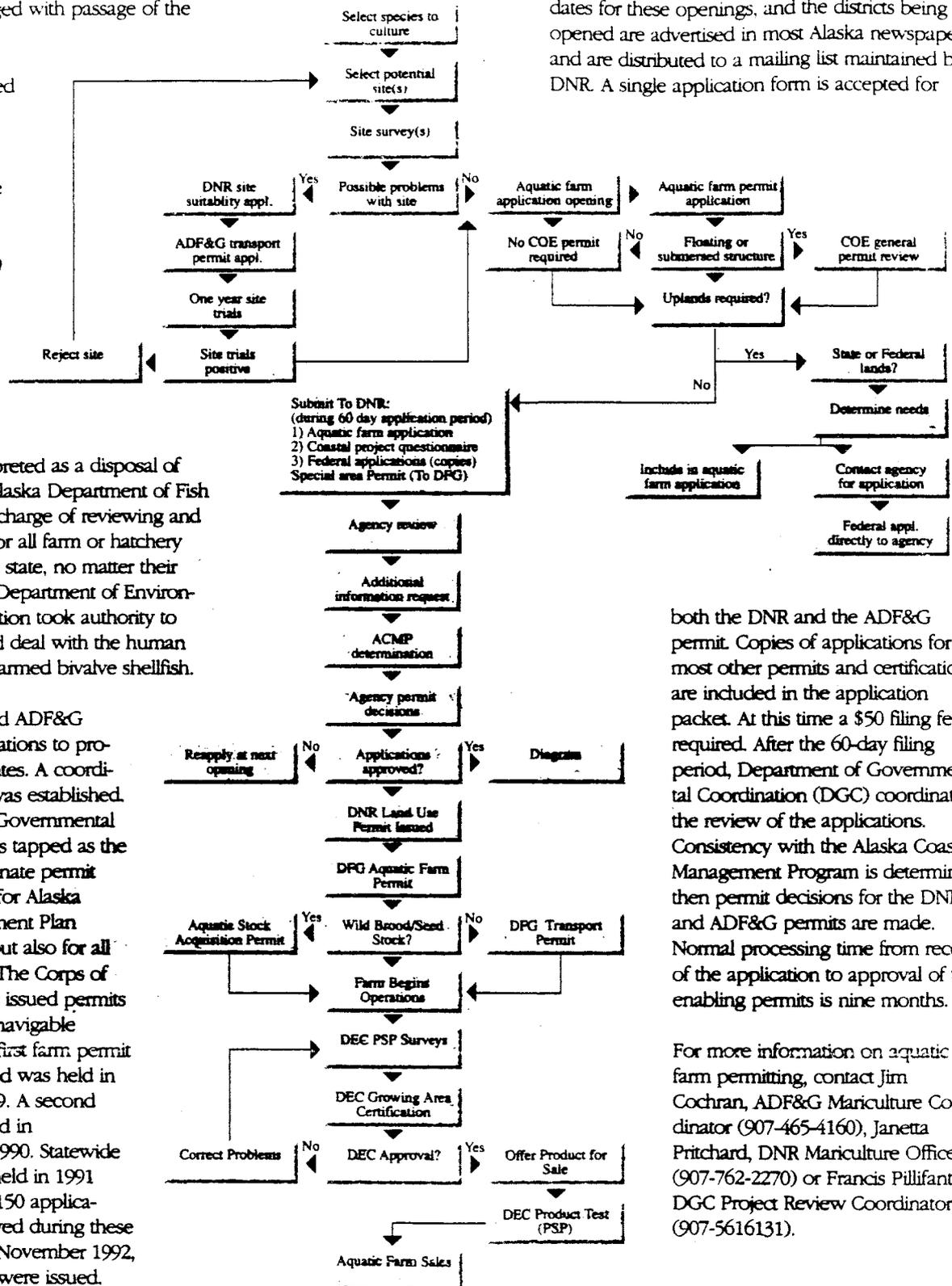
In 1988, the Alaska legislature approved an act that formalized the farming of shellfish and aquatic plants in the state. Prior to 1988, farmers had existed in a tenuous world of make-do permits and, in some cases, no authorizations at all. That changed with passage of the aquatic farm act.

This legislation specifically formed a program for shellfish and aquatic plant farming. On state land, the Department of Natural Resources (DNR) was identified as the lead agency because the aquatic farm permit could lead to a lease

which was interpreted as a disposal of state land. The Alaska Department of Fish and Game took charge of reviewing and issuing permits for all farm or hatchery operations in the state, no matter their land status. The Department of Environmental Conservation took authority to issue permits and deal with the human health issues of farmed bivalve shellfish.

In 1989, DNR and ADF&G formulated regulations to promulgate the statutes. A coordinated program was established. The Division of Governmental Coordination was tapped as the agency to coordinate permit review not only for Alaska Coastal Management Plan (ACMP) issues, but also for all agency permits. The Corps of Engineers (COE) issued permits for structures in navigable waterways. The first farm permit application period was held in Southeast in 1989. A second opening was held in Southcentral in 1990. Statewide openings were held in 1991 and 1992. Over 150 applications were received during these openings. As of November 1992, 72 farm permits were issued.

Applications for aquatic farm permits on state land (for tide and submerged lands, this is the area between mean high water [MHW] and the 3-mile limit) must be received by DNR during an annual 60-day opening. Announcement of the dates for these openings, and the districts being opened are advertised in most Alaska newspapers and are distributed to a mailing list maintained by DNR. A single application form is accepted for



both the DNR and the ADF&G permit. Copies of applications for most other permits and certifications are included in the application packet. At this time a \$50 filing fee is required. After the 60-day filing period, Department of Governmental Coordination (DGC) coordinates the review of the applications. Consistency with the Alaska Coastal Management Program is determined, then permit decisions for the DNR and ADF&G permits are made. Normal processing time from receipt of the application to approval of the enabling permits is nine months.

For more information on aquatic farm permitting, contact Jim Cochran, ADF&G Mariculture Coordinator (907-465-4160), Janetta Pritchard, DNR Mariculture Officer (907-762-2270) or Francis Pillifant, DGC Project Review Coordinator (907-5616131).

Quality of Alaska Shellfish

by Raymond RaLonde

National concern about seafood quality is on every shellfish farmer's mind. An important part of this concern is the fact that the Alaska aquaculture industry is particularly sensitive to this concern since 85 percent of all seafood illness is caused by eating raw seafood and the primary market for Alaska oysters is the half-shell oyster that is often eaten raw. In Alaska, assurance of seafood quality is the responsibility of the Alaska Department of Environmental Conservation (DEC). Bacteria counts found in raw shellfish tissue are indicators that DEC uses in its sampling program to check the quality of shellfish.

Two types of bacteria counts are monitored by DEC, fecal coliform and total bacteria. Fecal coliform bacteria are a part of the non-pathogenic natural flora found in the intestinal tracts of mammals. Fecal source pollution can be a serious problem since eating contaminated shellfish can cause some serious human illnesses. Total bacteria counts indicate the care given shellfish during processing, transporting, and storing. Generally, lower bacteria counts indicate better care and ensure a longer storage. Unfortunately, monitoring occurs at the wholesale level. Accompanied with a lengthy laboratory procedure, results of monitoring may not be available until after the shellfish are consumed. The past record of testing may be only sure to judge the quality of shellfish.

The Food and Drug Administration (FDA) sets the standards for bacterial contamination of seafood. For shellfish the standards are 230 fecal coliform bacteria per 100 grams of tissue and 500,000 total bacteria per gram of tissue. As you can see in the figure Alaska has consistently shown a superior record of compliance with FDA standards.

Results of wholesale level bacteria counts of shellfish since 1989

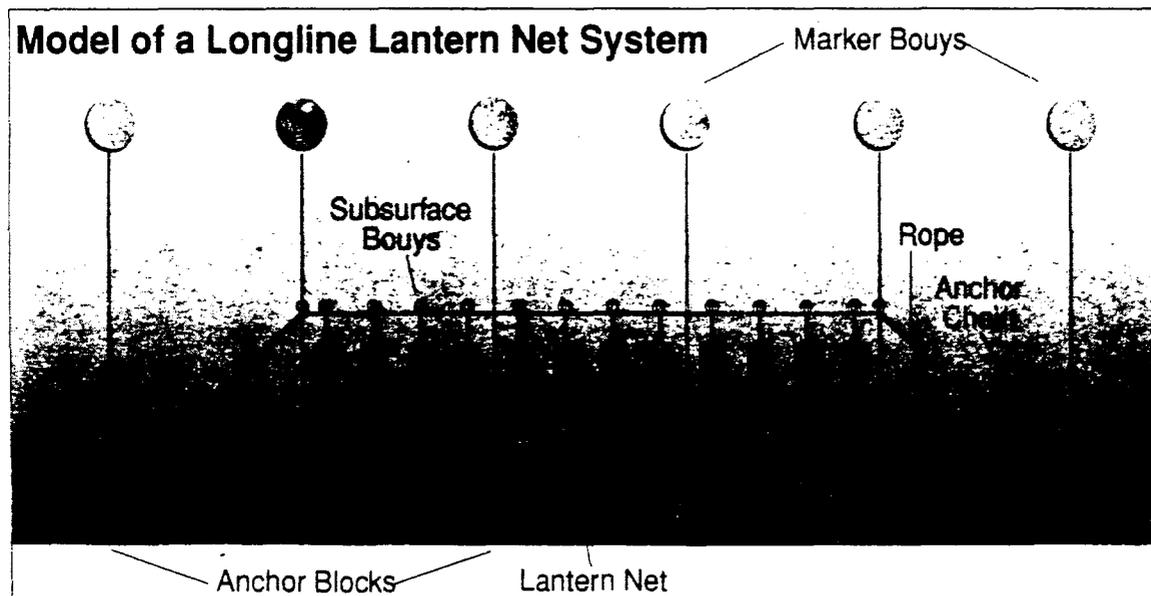
Year	Alaska		Imports into Alaska	
	Compliance	Violations	Compliance	Violations
1989	1	0	54	24
1990	12	0	55	8
1991	12	0	54	-
1992	12	0	20	2

NOTE: Products sampled were clams (other than razor clams or geoducks), oysters, and mussels. Data provided by the Alaska Department of Environmental Conservation.

You are probably wondering "How can I tell if the seafood I buy at the retail market is high quality and safe?" Actually, there is no sure way to determine if seafood is safe to eat, but for bivalve shellfish, there are some characteristics that will help you determine quality.

Shellfish should be stored in a moist environment at a temperature of less than 40°F. Cold temperature slows bacteria growth and the metabolic rate of the animal. When live bivalve shellfish are purchased, the shells should be closed, or close when you snap the shell with your finger. If shells are gaped, the animal may be dead, and you have no way of knowing for how long. Also look at the entire batch of shellfish displayed. If several shellfish are gaped, this may indicate that even the closed shellfish may be in poor condition. The liquor, fluid that drains from the shell when opened, should be clear. Milky, soft tissue may be an indication of spawning condition or decomposition. An opened shellfish should smell clean and fresh, not like rotten eggs. Shellfish should be refrigerated as soon as possible after purchase, and do not eat shellfish that have gaped shells.

The Alaska shellfish culture industry is continuing to focus on safety and quality. As a consumer, you can assist the quality assurance issue by buying only high quality seafood from your retail outlet.



This is an example of one type of lantern net longline system used to culture oysters or scallops



Commercial Oyster Farm

Part of Students' Aquaculture Training

by Jack Eddy, Instructor

After years of operating a successful pink salmon hatchery, the aquaculture students at Petersburg High School, located in South-east Alaska, became pioneers in a student operated commercial shellfish farm.

The purpose of the project is to provide "hands on" opportunities for aquaculture students in shellfish culturing, research and marketing techniques.

During the summer of 1989, the instructor conducted shellfish and plankton research in the Wrangell Narrows and adjoining areas. The proposed school farm site was found to be quite productive in nutrients required for shellfish growth.

In the fall of 1989, the high school aquaculture program received approval from the school administration and the vocational advisory board to begin the permit application process.

The high school students were involved in the process from the beginning. They helped in the project planning, permit applications, and equipment ordering. In the fall of 1990, the high school received the appropriate permits.

The aquaculture class, in cooperation with the high school shop class, constructed rebar oyster racks and set them up on the school farm.

In May 1991, the class put 42,000 Pacific oysters, *Crassostrea gigas*, on their site. The school farm is an educational/experimental farm as well as a commercial farm. Half of the oysters were placed in lantern nets on a suspended line/buoy system. The remaining oysters were cultured in cages on beach racks. The students monitored the growth rates between the two methods, and they found initially the suspended culturing method provided slightly better growth opportunities.

The students put an additional 12,000 oysters on the site in the spring of 1992. They continue to try different culturing methods and monitor and record the results.

Marketable oysters are currently being harvested from the school farm site.

The shellfish farm project was initially funded by a state grant for vocational education. It is now in the process of becoming a self-sustaining business. Profits from the commercial venture are utilized to maintain the farm project and to hire students to work on the farm during the summer. Excess revenue will be used to establish a scholarship for students interested in aquaculture, biology or a related field. It is planned that the first scholarship will be given to a member of the 1993 graduating class.

Oyster Farm continued on page 9

Costs of Construction

Shellfish aquaculture can be expensive. Costs of construction and operation will vary for each farmer depending on the amount of resources the farmer has available. Each farm will require a boat, a place to live, transportation costs (which vary according to the remoteness of the site), and varying operation costs. There are, however, some costs that are relatively standard for each farm.

Permitting and tidelands use fees:

- Filing fee \$50-\$100
- Cleanup bond to be posted \$1000-\$1500 up to 5 acres
- Tidelands use fee \$250 for first acre and \$100 for each acre over 1 acre.
- Lease appraisal fee (only after 3rd year and required to meet production level \$800 for 1-7 acres 1000 for 7-15 acres and an additional \$85 for each acre over 5 acres).

Oyster spat (Oyster seed):

- Oyster spat \$15- \$20 for 1000 spat

Lantern net culture:

- Lantern nets \$30-\$40 (capacity of 500-700 marketable oysters).
- Buoys \$6.50 for 15", \$50 for anchor buoys
- Mexican trays for small spat (800 spat/tray) \$9
- Pressure washer for removing fouling \$350 to \$400
- Working raft \$3500 to \$5000
- Anchors \$200-\$300 each
- Dark-sea trays (substitute for lantern nets) \$75
- Rope for longline (3/4 - 1" diameter at \$.23-\$.40 per foot)

Rack and Bag Culture (capacity of 400-450 marketable oysters)

- Rack to hold 3 bags made of 3/4" reebar \$26-\$30
- Three bags at \$3-\$4 each

Sea Farming Alaska Style

by Don Nickolson

In many ways farming oysters is no different than any other type of farming, whether it be raising chickens or growing tomatoes. To achieve a marketable crop involves orchestrating a diverse set of variables. Doing this in Alaska's coastal environment adds to the challenge.

Basically, the year is divided into two segments-one, when the oysters are growing full bore (the growing season), second, when the oyster growth slows down. All of our activities are scheduled around this annual cycle.



Don Nickolson inspecting oyster surface trays in Southeast Alaska.

In early spring as the hours of daylight increase (but not necessarily the amount of sunshine) the major activities are preparing for the growing season. Flotation devices need repairing and culturing gear cleaned. This is also the time to plant the new crop-spat, as they are called-small oysters about 7-8mm in length, which will become increasingly demanding for attention and handling as the months go by. Also, repair of motors and boat maintenance are better taken care of now. I have duplicates of every motor and machine, including all three outboards, spare boats, and lots of replacement parts. There is no harsher environment on earth for machines than salt water. By May the fun really begins. Everything suddenly needs attention. Gear that has been beached needs to be refloated. This is midnight work as this is when the big tides occur in the Spring. Oysters in all stages of growth have literally exploded-doubling or tripling in size-squeezing into every available square inch of culturing gear. As I frantically run from one project to the next I don't really notice that I'm only getting 4 or 5 hours of sleep every night. Our work week involves about 2 days of harvesting market size oysters, 2 days of working on intermediate sizes, and 5 days of thinning babies-as the

babies double in size every 3 weeks or so. Swatting no-see-ums is full time.

This is our summer program, oyster, oyster, oysters. Also, at this time all the cute little critters of the sea make a point of propagating themselves and establishing homesites on all of your submerged gear. Boat bottoms are a favorite with the barnacles, nets and plastic trays are perfect for sub-tidal tunicates, and those tiny black specks plastered everywhere will soon become inch long mussels. You think you've got weeds in your garden - you ought to give this a try. Finally, its Fall and Sharon and I take a break. After ten minutes, we prepare to spend the next 4 months catching up. We give the babies (now a strapping 3 inches long) one last thinning and diaper change before settling in for the winter. Harvesting still continues, 2 days of every week, not only for cash flow, we need space for the next crop. You've heard the saying 'Jack of all trades master of none' - in all my long years of Alaska style oyster farming I've mastered one - Perseverance.

Oyster Farm continued from page 8

Educational goals for the program are to provide opportunities for students to participate in gathering and recording scientific data, practice aquaculturing techniques, maintaining business records, developing markets, and in general obtaining skills and knowledge applicable to the seafood industry, other businesses and the biology field.

The students work quite hard and feel an ownership in the project.

Brian Paust, the Marine Advisory Agent in Petersburg, has been a valuable source of information and assistance for the high school venture.



Is Aquatic Farming in Alaska for You?

Shellfish aquaculture is a rapidly expanding industry in Alaska. Before 1988 there were a few shellfish farms located in southeastern Alaska, but since passage of the 1988 mariculture legislation by the Alaska legislature, applications for aquatic farms have mushroomed to a point that by the end of 1992 there will be 72 permitted aquatic farms.

Aquatic farming is, however, a risky profession. Like other forms of farming, aquaculture involves considerable investment of capital, labor, patience, and good business practice to succeed. If you are considering shellfish aquaculture, this checklist can help you determine whether aquatic farming is feasible for your particular situation.

This checklist does not consider all possible questions that you need to ask yourself, nor is answering "yes" to many of the questions a guarantee of success. The real intent of this checklist is to provide you a format to address the main problems you will be facing when entering an aquatic farming business: organizing and preparing a business plan. Even though a business plan is not required by the state of Alaska to obtain an aquatic farming permit, it is well understood by persons successful in aquaculture that one is necessary for success. This is a good place to start planning your business. If you have any questions that need addressing feel free to contact the University of Alaska Marine Advisory Program.

Yes No Marketing

- 1. Have you assessed the existing market for the species you have selected for market size, seasonal demand, customers, competition, and wholesale/retail price?
- 2. What is the product form you wish to market (live, shucked, value added)?
- 3. Do you have the equipment to harvest, process, store, and transport your product to market?
- 4. Are you familiar with the legal requirements to market your product?
- 5. Do you have a marketing strategy?
- 6. If your marketing strategy does not work, do you have a fall back strategy?

Economics

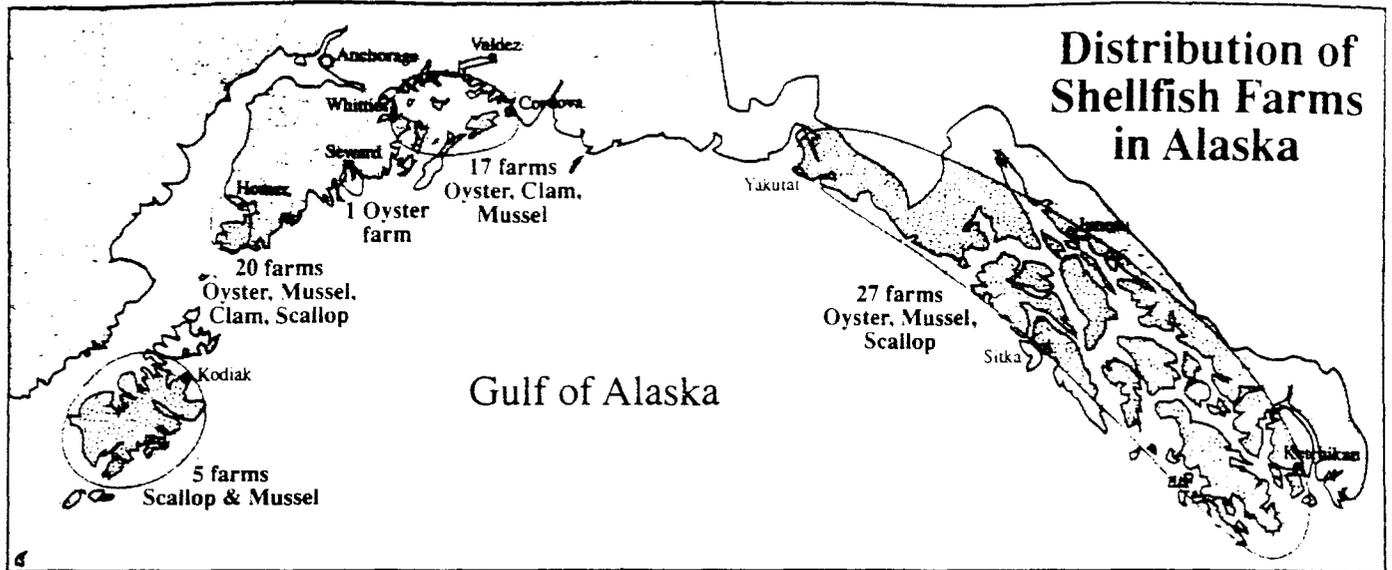
- 1. Have you developed a 3 to 5 year business plan?
- 2. Do you have monthly objectives, production schedule, and cash flow projections through the development stage and your first year in the market?
- 3. Have you determined the cost to construct your facility?
- 4. Have you estimated the yearly operational costs for your facility?
- 5. Do you have access to equipment or know suppliers for aquaculture equipment necessary to develop your site?
- 6. Do you have the necessary financial resources?

Yes No

- 7. Can you afford to wait 18-24 months for income until your first crop attains marketable size and can be sold?
- 8. Do you have adequate cash reserve for unanticipated costs (equipment failure, system modification, and crop loss)?
- 9. Have you inquired about insuring your facility?

Personal

- 1. Are you willing to work long, hard, and irregular hours (16 hours days, 7 days a week, at night)?
- 2. Are you comfortable with mathematical problem solving, economic accounting, and marketing?
- 3. Are you willing to seek help when you need it?
- 4. Are you the type of person that works better independently than for someone else?
- 5. Do you have technical experience?
- 6. Are you mechanically skilled?
- 7. Do you know others in the business who will provide help and advice?
- 8. Are you a member of an aquaculture association?
- 9. Do you subscribe to and read aquaculture periodicals?
- 10. Are you willing to participate and pay the expenses to participate in workshops and short courses?
- 11. Does your family support your work?



Yes No Site and design

- 1. Does your site comply with the coastal zone management plan for your region?
- 2. Is it feasible to culture the organism you selected at the site?
- 3. Does the site have any potential sources of pollution in the area?
- 4. What form of transportation is available to your site.
- 5. What is the transportation expense for freight to and from your site?
- 6. Are utilities available to your site.
- 7. If no utilities are available, how are you going to provide them as needed?

Legal constraints

- 1. Do you know the regulations for tidelands use in Alaska?
- 2. Do you know the state and federal regulations for use of land if these agencies are the upland owner?
- 3. Will the upland owners, neighbors, or the nearest community object to your operation?

Yes No

- 4. Have you discussed your planning operation with local, state, and, if required, federal agencies that may be reviewing your permit application?
- 5. Have you requested an aquatic farm permit application from the Department of Natural Resources or the Department of Fish and Game?
- 6. Do you have the necessary data to complete the permit application, or a plan to obtain the data?
- 7. Have you estimated the expenses you may need to apply toward obtaining information to complete data collection for the permit application?

Production

- 1. Have you determined what species you want to culture and are there established culture techniques?
- 2. Do you have an idea of what culture technique you intend to use?
- 3. Do you have a dependable source for obtaining seed stock for your farm?
- 4. Are back up seed stock sources available?
- 5. Is there a trained experienced work force available in your area to assist with farm operation?

This fact sheet was adapted from *Is aquaculture for you?* by Frank R. Lichtkoppler and James M. Ebeling, Ohio Sea Grant

For a list of technical resources, organizations, and publications on aquaculture request *Bibliography of Mariculture Information Resources* from the Aquaculture Specialist at the Marine Advisory Program in Anchorage, Alaska.

Office and Staff Directory

Contact any of the following offices for information on:

- Fisheries Business Management
- Gear Technology
- Workshops
- Marketing
- Publications
- Seafood Technology
- Processing
- Tax Preparation
- Packing and Shipping
- Research
- Quality Control
- Legislation
- Marine Safety
- Regulations
- Aquaculture



- **Anchorage**
Marine Advisory Program
Carlton Trust Building, #110
2221 E. Northern Lights Blvd.
Anchorage, Alaska 99508-4140
Voice 907-274-9691
Fax 907-277-5242
John Doyle
Donald Kramer
Deborah Mercy
Ray RaLonde
Craig Wiese
- **Bethel**
Marine Advisory Program
UAF Kuskokwim Campus
P.O. Box 368
Bethel, Alaska 99559
Voice 907-543-4515
Fax 907-543-4527
Geri Hoffman-Sumpter
- **Dillingham**
Marine Advisory Program
P.O. Box 1549
Dillingham, Alaska 99576
Voice 907-842-1265
Fax 907-842-5692
Terry Johnson
- **Homer**
Marine Advisory Program
4014 Lake Street, #201B
Homer, Alaska 99603
Voice 907-235-5643
Fax 907-235-6048
Douglas Coughenower
- **Kodiak**
Marine Advisory Program
900 Trident Way
Kodiak, Alaska 99615
Voice 907-486-1514
Fax 907-486-1540
Charles Crapo
Hank Pennington
- **Kotzebue**
Marine Advisory Program
P.O. Box 297
Kotzebue, Alaska 99752
Position vacant
- **Cordova**
Marine Advisory Program
P.O. Box 830
Cordova, Alaska 99574
Voice 907-424-3446
Fax 907-424-5246
Rick Steiner
- **Petersburg**
Marine Advisory Program
P.O. Box 1329
Petersburg, Alaska 99833
Voice 907-772-3381
Fax 907-772-4431
Brian Paust
- **Sitka**
Marine Advisory Program
1297 Seward Avenue
Sitka, Alaska 99835
Voice 907-747-3988
Fax 907-747-3552
Dolly Garza

Publication of Alaska Marine Resources is made possible through funding from the Alaska Sea Grant Program which is cooperatively supported by the U.S. Department of Commerce, NOAA Office of Sea Grant and Extramural Programs, under grant Number NAB2AA-D-00044F, project number A/71-01; and by the University of Alaska with funds appropriated by the state.

The University of Alaska Fairbanks provides equal education and employment for all, regardless of race, color, religion, national origin, sex, age, disability, status as a Vietnam era or disabled veteran, marital status, pregnancy, or parenthood pursuant to applicable state and federal laws.

The Alaska Marine Resources may only be reproduced with permission.

Publisher: University of Alaska
Marine Advisory Program
Donald Kramer, Chairman

Donald E. Kramer

Managing Editor: Deborah Mercy
Technical Editor: Raymond RaLonde
Photography: Don Nickolson,
Raymond RaLonde
Illustrations: Deborah Mercy

Subscription: To receive this publication
send your name and address
to the Anchorage office. There
is no charge.



**ALASKA'S
MARINE RESOURCES**

University of Alaska
Marine Advisory Program
2221 E. Northern Lights Blvd., Suite 110
Anchorage, Alaska 99508-4140

Nonprofit
Organization
U. S. Postage
PAID
Permit #107
Anchorage, Alaska

MARICULTURE COORDINATOR
ADF&G, FRED DIVISION
P.O. BOX 25526
JUNEAU AK 99802-5526



Printed with soy based ink
on recycled paper.
Please recycle where possible.

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE
3601 "C" STREET, SUITE 370
ANCHORAGE, ALASKA 99503-2798
PH: (907) 561-6131/FAX: (907) 561-6134

CENTRAL OFFICE
P.O. BOX 110030
JUNEAU, ALASKA 99811-0300
PH: (907) 465-3562/FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE
411 WEST 4TH AVENUE, SUITE 2C
ANCHORAGE, ALASKA 99501-2343
PH: (907) 278-8594/FAX: (907) 272-0690

March 1993

Dear Aquatic Farm Applicant:

The Aquatic Farm application packet is designed to help you obtain the authorizations routinely required by the State of Alaska Departments of Natural Resources (DNR) Division of Land (DOL), Fish and Game (DFG), Environmental Conservation (DEC), and Division of Governmental Coordination (DGC) to site and construct your aquatic farm project.

This packet can be used to apply for the:

DFG: - Aquatic Farm Operation Permit, and Special Area Permit

DNR: - Aquatic Farmsite Permit

DGC: - Coastal Zone Consistency Certification

This application does not apply to state park or marine park lands. This application addresses solid waste disposal for single family use; facilities larger than single-family require a separate solid waste disposal permit from DEC.

The applicant is encouraged to conduct an on-site evaluation for any site before submitting an application. Navigational channels are not an appropriate place to site a farm and should be avoided. Sensitive and Unacceptable Areas are described on pages 5-8. Applications will not be accepted in unacceptable areas. If an applicant chooses to submit an application for any sensitive areas the applicant will bear any burden of proof deemed necessary to prove the suitability of the site. Additional information may be required from the applicant in order for the state to evaluate the suitability of the site. This could be in the form of independent scientific evaluations conducted at the applicant's expense. The state will not do on-site evaluations in sensitive areas.

Applicants are cautioned that the issuance of permits by the state will not guarantee that aquatic farms can operate free of impact from the 1989 oil spill. The state makes no warranty, expressed or implied, nor assumes any liability, whatsoever, regarding the environmental quality of the parcel, to include without limitation, the presence of hydrocarbons now or in the future, or the capability of the shellfish growing site or

product to be free from the effects of the 1989 oil spill or to be certified under the standards of the National Shellfish Sanitation Program. If you have questions on siting or oiling in an area please contact the Pipeline Corridor Regional Office at 278-8594 for assistance.

A properly completed application is required for state agencies to process your request. **Incomplete packets will not be processed.** You are encouraged to submit the completed packets as early in the 60-day district opening as possible. Applications determined to be incomplete at any time during the review process will be returned to the applicant as rejected without prejudice.

To be considered complete 11 AAC 63.030 requires that the application:

- be submitted on the proper form dated 1993;
- include the non-refundable filing fee;
- include a USGS map, scale 1:63360, with a scaled site drawing(s)
- include a Coastal Project Questionnaire (CPQ);
- include a development plan(s) and schedule(s);
- comply with **all** filing guidelines as described in the application packet.

If approved, the development plan portion of the application will be used to determine your eligibility for permit renewals or state land leases.

A number of federal permits may also be required for the aquatic farm operations. Applicants need to confer with the following agencies to determine which federal applications are needed:

- United States Corps of Engineers (COE) for navigable waterway operations
- United States Forest Service (USFS) for National Forest upland use
- United States Fish and Wildlife Service (USFWS) for wildlife refuges

If your proposal requires a federal permit, you must submit copies of these applications with the state Aquatic Farm Application to the Department of Natural Resources. For your convenience, we have included application forms for the DFG, Special Area Permit, the COE and the USFS. When contacting the USFWS please call their statewide number at 271-2880. You will receive a notice and processing schedule from DGC for the state coastal zone consistency review when your application has been accepted for processing. Most state permits will be processed on this schedule. DNR is exempted from the schedule to issue a permit within 5 days of the consistency determination because the DNR Aquatic Farmsite Permit constitutes a property right and additional notice and processing may occur after the consistency determination.

The definition of aquatic farm in the enabling legislation states that aquatic farms must produce a product that is ..."sold or offered for sale." Each applicant is responsible to formulate a development schedule and adhere to the schedule once it is approved by state agencies. DNR has identified 50,000 oysters, or 10,000 pounds of mussels, or the

economic equivalent (approximately \$17,500 in 1989) of other species, as the **minimum** annual production level for aquatic farm development on state-owned tidelands. A permit will not be renewed nor a lease issued if the permittee, without good cause, does not reach the development level specified in the approved development plan by the end of the three-year permit.

Farm applications must include a completed Aquatic Farm Development Plan Worksheet for each species proposed. If your proposal includes culturing species **other than oysters or mussels**, the development plan worksheet required under D.2. of the application may not be appropriate. A development plan using an alternative format with goals by quarter and year is acceptable. A flow chart format with narrative is suggested for these species.

If you need technical assistance in completing this application, please refer to the list of agency representatives provided on the last page of this letter. If you have questions about the application process, or you are not able to determine which agency can best answer your technical questions, contact DGC at 561-6131.

Stocking your Farm or Selling your Products

This aquatic farm application pertains to permits and approvals needed to site your farm. You must apply separately for:

DFG: -Shellfish or Aquatic Plant Transport Permit (which allows you to possess, hold and transport seed or broodstock) and,
- Aquatic Stock Acquisition Permit (allows you to acquire seed or broodstock) and,

DEC: -Growing Area Certification and Shellstock Shippers Permit(in order to sell your product).

These permits are not covered by this application since they are required during later phases of your project.

A Shellfish/Aquatic Plant Transport Permit and/or an Aquatic Stock Acquisition Permit is required by DFG before you can obtain, hold, or farm shellfish or aquatic plants. Please contact the Fisheries Rehabilitation, Enhancement and Development (FRED) Mariculture Coordinator in Juneau at 465-4160 for more information. Do not submit a Transport/Acquisition permit application with your aquatic farm application. Approximately 30 days before your aquatic farm permits are scheduled to be issued, you will be notified of the permit requirements for your proposed activities.

Water quality in the growing area must meet both the standards of the National Shellfish Sanitation Program incorporated by reference in 18 AAC 34.170 and state water quality

standards. You should contact DEC regarding certification requirements so you can be reasonably sure your site will qualify. The growing area must be free from sewage discharge. All facilities used to retain, collect, treat or dispose of human wastes must be approved by the DEC.

We recommend that you apply for a Growing Area Certification and a Harvester's Permit at least six months before you intend to harvest shellfish. Individuals requesting growing area surveys must bear the cost of transporting a DEC representative to and from the growing area from the nearest commercial airport. Also, the individual must bear the cost of shipping daily water samples during the five-day survey to DEC's laboratory in Palmer, Alaska. To obtain more information on certification requirements, please contact DEC in Anchorage at 349-7343.

Statewide Aquatic Farm Agency Contacts

<u>Name</u>	<u>Organization</u>	<u>Phone</u>
Janetta Pritchard	DNR - Statewide	762-2270
Jim Cochran	DFG/FRED - Statewide	465-4160
Elena Witkin	DEC - Southeast	465-5351
Mike Ostasz	DEC/EH - Statewide	349-7343
Frankie Pillifant	DGC - Southcentral	561-6131
Carrie Skrzynski	DGC - Southeast	465-3562
Don McKay	DFG/Habitat - Southcentral	267-2284
Southeast Region	DFG/Habitat - Southeast	465-4290
David McGillivray	USFWS - Southcentral	271-2880

For information on farming techniques and for technical information the following groups may be contacted.

<u>Name</u>	<u>Organization</u>	<u>Phone</u>
Raymond RaLonde	Marine Advisory Program	274-9691
Robert Eason President	Kachemak Shellfish Growers Association	235-7483
Jeff Hetrick President	Alaska Shellfish Growers Association	228-3667
Rodger Painter	Alaska Shellfish Growers Association	463-3660

AQUATIC FARM PERMIT GUIDELINES

The following guidelines are offered by permitting agencies to assist in selecting an aquatic farm site that has the **best chance** for approval. DEC, Environmental Health Certification Guidelines are included at the end of this packet. These guidelines are not meant to be all inclusive and are in addition to any prohibitions or mitigating requirements that may be included in a district coastal management plan, a state land use plan, municipal or borough land use plans and/or local ordinances or zoning requirements. If your project is located within any of the above areas you should consult the appropriate document before you submit your application.

SENSITIVE AND UNACCEPTABLE AREAS

The following Sensitive and Unacceptable areas are provided by DFG, DEC, and DNR. They concern siting issues separate from the health certification guidelines at the end of this package. Please contact the representatives of these departments identified on page 4 if you have questions regarding the guidelines.

State tidelands and submerged land adjacent to federal conservation units such as National Parks, Forests, Wildlife Refuges and Bureau of Land Management land will be managed consistent with the management intent of the uplands. Activities that are incompatible with the management intent will not be authorized unless there is an overriding state interest and there is no feasible and prudent alternative. DNR will consult with the upland manager when determining compatibility of activities.

The siting of aquatic farm facilities may be more difficult on tidelands designated for log transfer or storage, mineral transfer or access, commercial activities or recreation and areas designated for settlement purposes.

DFG Habitat maps identifying the location of habitat types which fall in Sensitive and Unacceptable categories are available at DFG, Habitat Division offices statewide. The Catalog of Waters Important to the Spawning, Rearing or Migration of Anadromous Fishes (Anadromous Waters Catalog) and the map atlas to that catalog show documented anadromous fish streams and is available for viewing at all DFG offices.

UNACCEPTABLE AREAS

Applications for aquatic farm sites located in an Unacceptable Area will be rejected or denied. During application review, if an application is determined to be in an Unacceptable Area, it will be rejected or denied. Please consult the DFG Habitat Maps and contact state agency personnel if you have questions related to this category.

1. **Seabird Colonies:** No aquatic farms or facilities will be sited within 1 mile of seabird colonies.
2. **Bald Eagle Nests:** Aquatic farms or facilities must be sited at least 330 feet from bald eagle nest trees.
3. **Sea Lion Haulouts and Rookeries:** No Aquatic farms or facilities will be sited within 1 mile of sea lion haulouts or 3 miles of rookeries.
4. **Harbor Seal Haulouts and Pupping Areas:** No aquatic farms or facilities will be sited within 1 mile of harbor seal haulouts or pupping areas.
5. **Walrus Haulouts:** No aquatic farms or facilities will be sited within 1 mile of walrus haulouts.
6. **Anadromous Fish Streams:** No aquatic farms or facilities will be sited within 300 feet of anadromous fish streams.
7. **Hatchery Harvest Areas:** No aquatic farms or facilities will be sited within Special Harvest Areas (SHA) or Terminal Harvest Areas (THA).

In addition to areas designated Unacceptable due to habitat concerns, applications will not be accepted in:

Any tide and submerged lands within the critical habitat, Kachemak Bay,
Southcentral Region
Pt. Couverden, Southeast Region

SENSITIVE AREAS

Applications will be accepted in Sensitive Areas, however, these are areas where potential conflicts with fish and game habitats or uses thereof may occur. If an applicant chooses to apply in a Sensitive Area, the application will be processed, but **the burden of proof is on the applicant** to demonstrate that the proposed farm can be sited in the area in accordance with aquatic farm and other pertinent statutes and regulations.

1. **Herring Spawning:** Avoid siting aquatic farms or facilities within herring spawning areas.
2. **Shorebird Concentration Areas:** Avoid siting aquatic farms or facilities in shorebird concentration areas.
3. **Waterfowl Concentration Areas:** Avoid siting aquatic farms or facilities in waterfowl concentration areas.

4. **Clam Concentration Area:** Avoid siting aquatic farms or facilities within 300 feet of clam concentration areas.
5. **Sea Otter Concentration Areas:** Avoid siting aquatic farms or facilities in sea otter concentration areas.
6. **Undocumented Anadromous Fish Streams:** Avoid siting aquatic farms or facilities within 300 feet of undocumented anadromous fish streams.
7. **Kelp and Eelgrass Beds:** Avoid siting aquatic farms or facilities within 300 feet of kelp or eelgrass beds.
8. **Areas Subject to Significant Predation:** Avoid siting aquatic farms or facilities in areas subject to predation or in such a manner as to attract predators.
9. **Shallow areas, less than 40 feet (at MLLW):** Avoid siting aquatic farms or facilities in shallow areas that serve as nursery areas for fish, shellfish or aquatic plants .
10. **Poor Current Circulation Areas:** Avoid siting aquatic farms or facilities in areas where currents are too weak to disperse biological wastes.
11. **Black and Brown Bear Concentration Areas and Travel Corridors:** Avoid siting aquatic farms or facilities in black or brown bear concentration areas and travel corridors.
12. **Subsistence Harvest Areas:** Avoid siting aquatic farms or facilities within or adjacent to subsistence harvest areas.
13. **Recreational or Personal Use Harvest Areas:** Avoid siting aquatic farms or facilities within or adjacent to:
 - Intensively used non-commercial hunting and fishing areas
 - Intensively used non-commercial harvest areas for fish and shellfish
14. **Commercial Harvest Areas:** Avoid siting in or adjacent to:
 - Intensive Commercial Fish Harvest Areas
 - Purse seine hook offs
15. **Heavily used Anchorages:** Avoid siting aquatic farms or facilities in heavily used anchorages of local or regional importance.
16. **Float Plane Access Areas:** Avoid siting aquatic farms or facilities in intensively used float plane access areas.

17. **Oiled Areas:** Avoid siting facilities in areas depicted on maps as lightly, moderately or heavily oiled in Southcentral coastal waters.

Applications within the following locations were denied during prior application filing periods due to land use or user conflicts. Applications located in these areas will receive the same scrutiny and be subject to the same requirements as Sensitive Areas.

Dunbar Inlet, Sukkwan Island, Southeast Region
William Henry Bay, Southeast Region
Steadman Cove, Southeast Region
Idaho Inlet, Southeast Region
North Bight, Neka Bay, Southeast Region
El Capitain Island, Southeast Region

DEC. ENVIRONMENTAL HEALTH CERTIFICATION GUIDELINES

You must obtain a Growing-Area Certification from DEC, in order to sell an aquatic farm product. Water quality in the growing area must meet the standards of the National Shellfish Sanitation Program and State water quality standards before an aquatic farm product may be sold. This certification process is not covered by the attached Aquatic Farm Application form. You should contact DEC regarding certification requirements so that you can be reasonably sure your site will qualify. The following items will be used to determine whether your growing area can be certified. They should be considered before completing the Aquatic Farm Application packet.

1. Commercial fishing, or personal use fishing/hunting in the immediate area or close proximity to the growing area may cause conditions that will prevent certification of the growing area. Avoid siting facilities near hatcheries.
2. Areas used by boats for recreation, moorage and anchorage, or in close proximity to a proposed growing area may cause conditions that will prevent certification of the growing area.
3. No airplane or boat moorage should occur within the boundary of a growing area.
4. Petroleum and fuel storage and handling must be protected from accidental discharge into a growing area. Storage and handling of these materials is not to be conducted at the growing area site .
5. Facilities should not be sited in areas with waste discharge. Houseboats, floathomes and other boats must be a minimum of 300 feet from the boundary of a growing area if sewage is discharged. A sewage disposal system adequate to protect shellfish from contamination will be required for any caretaker facilities associated with a mariculture operation.

6. All pets and other animals must be excluded from the growing area structures. Waste from these animals must be prevented from discharging into the growing area.
7. Large wildlife populations in the area and/or the presence of anadromous streams may cause conditions that will affect certification of the growing area.
8. An upland area where cabins and homes exist. Note that previously existing facilities may have septic tanks that have been permitted by ADEC with in-water discharge of sewage.

For additional information and assistance regarding these health certification guidelines, please contact the Shellfish Program Coordinator, DEC, Division of Environmental Health at (907) 349-7343.

STATE OF ALASKA

APPLICATION FOR AQUATIC FARM PERMITS
GENERAL INSTRUCTIONS

1. Answer ALL questions using the blanks provided or additional pages.
2. If additional space is needed, mark the additional pages with the corresponding number in the application.
3. Type or print answers **clearly in ink**.
4. The applicant or an authorized representative must sign the application.
5. Submit the **original application including the Environmental Risk Questionnaire, Coastal Project Questionnaire, a copy of the Corps of Engineers GP 91-7 Applicability Certification or application and the filing fee of \$50.00** to the Department of Natural Resources.

DNR

Southcentral Region
3601 C Street

Mailing Address:
Public Information Center
PO BOX 107005
ANCHORAGE ALASKA 99510-7005

6. PLEASE NOTE: The aquatic farm review period is for one specific project. If you change any of the following you may need to submit a new application during a subsequent opening. Contact DNR for further information.
7. A separate application must be submitted for each site. Alternate sites cannot be submitted on the same application.
 - A. The species to be grown
 - B. The size or design of your operation
 - C. The location of your operation

Aquatic Farm District: _____

STATE OF ALASKA
1993 APPLICATION
AQUATIC FARM PERMITS
SHELLFISH & AQUATIC PLANTS

*** SUBMIT ONLY YOUR ORIGINAL SIGNED APPLICATION. A FAX OR XEROX WILL NOT BE ACCEPTED.**

A. APPLICANT INFORMATION

DBA
(Doing Business As)

1. Name _____
 Mailing Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax # _____
2. Contact (to accept mail/phone call in your absence) _____
 Business Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax # _____
3. Authorized Agent, if applicable (Include a notarized authority) _____
 Address _____
 City _____ State _____ Zip Code _____
 Phone _____ Fax # _____

B. GENERAL INFORMATION

Complete the following questions related to your proposal:

1. What species do you intend to farm? (e.g. Pacific Oysters, Weathervane scallops, Macrocyctis Kelp, etc.)

2. What gear type do you propose to use for each species? (e.g. Laminaria - long lines, Pacific Oysters - mexican trays, etc.)
*** This must correspond with your development plans and all drawings**
- Species: _____ Gear Type: _____ Length: _____ #: _____
 Species: _____ Gear Type: _____ Length: _____ #: _____
 Species: _____ Gear Type: _____ Length: _____ #: _____
 Species: _____ Gear Type: _____ Length: _____ #: _____
3. Are you proposing a:
 a. hardening area? Y N Size: _____ b. floating workraft? Y N Size: _____
4. Number of state land acres applied for: Uplands _____ Tide/submerged land (including hardening/defouling area) _____
 (* Number of acres must correspond with your farmsite diagram/map)

5. Housing on state owned uplands can only be approved if site development requires daily attention at the time housing begins, if personnel cannot reasonably commute by road or boat, and no suitable private lands are available for rent or sale (see 11 AAC 63 040(a)).

Does your proposal include caretaker housing or support facilities on:
 State uplands or water _____; Federal uplands _____; private uplands _____? If any of your proposed facilities will be on private uplands, please provide the upland owners name _____.

If you have answered yes to any caretaker housing or support facilities, please describe all facilities (e.g. size, purpose, etc)

If you are unable to acquire the land to build or install the facilities you need, is your farm's operation plan still feasible? Yes___ No___ If it is, please describe your alternate operation plan: _____

6. Do you currently own or lease upland property adjacent to, or near the proposed farm site? Yes___ No___
 Are you applying for a preference right under 11 AAC 63.040(f) (This refers to upland owners) Yes ___ No ___
 Do you agree to contain your aquatic farm support facilities (storage, dwellings, etc.) on these privately owned or leased lands? Yes ___ No ___

If yes, attach a copy of the ownership deed or lease agreement.

7. In order to process your application, we need to know who owns the adjacent lands. Please provide the names and addresses of the land owners whose property borders your proposed site. **Check Borough Property Tax Records or state or federal land records.**

UPLAND OWNER(S)	ADDRESS
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

C. PROJECT LOCATION

1. Will any project facilities (cabins, storage sheds, etc.) occupy any uplands? Yes___ No___ If YES, please describe the facility(ies): _____
- _____

Who owns the uplands? (Check Borough Tax Records or state/federal land records)
 *State Land ___ Federal Land ___ Private Land ___ Municipal Land ___

2. Attach a copy or original of that part of the **nautical chart and USGS map** that shows the proposed site location. Clearly indicate the site boundaries of your aquatic farm and **write the chart reference number or USGS quadrangle name** on the copy. Latitude and longitude coordinates must be visible on the copy.
3. What is the Township _____ Range _____ Meridian ___ Section(s) _____ Longitude _____ Latitude _____
 (This information can be obtained from the USGS Quadrangle map scale 1:63,360 and the Nautical Chart)

*The State of Alaska owns most submerged lands below Mean High Water.

D. FARM DEVELOPMENT AND OPERATING PLAN

1. List pertinent experience and expertise of persons that will be working on this project. Include a staffing plan if appropriate (Use additional pages as necessary.)

NAME	ANTICIPATED DUTIES	EXPERIENCE
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. Describe your operating plan for this project. Include how you propose to access the site (transportation means, route and frequency); housing for personnel while working at the site; storage of gear and equipment when not in use; how you will conduct winter operations; harvesting of product (means, methods, and frequency); where you will hold your product prior to sale; how you will transport your product to point of sale. Additional information you consider pertinent to your operating plan should be included. Use additional sheets of paper as necessary.

3. An Aquatic Farm Development Plan form is attached to this application. You must fill out one of these plans for each species being proposed. As an aid, a completed sample form is also included in this packet.

E. SITE PLAN & PHYSICAL DESCRIPTION

*** THE FOLLOWING INFORMATION MUST BE INCLUDED. YOUR APPLICATION WILL BE REJECTED IF ANY OF THE INFORMATION IS NOT INCLUDED.**

Four types of drawings are required to make your application complete. All drawings must be on 8½" x 11" paper. Drawings prepared for the Corps of Engineers for Items 1, 2, and 3 are acceptable as long as they include the following:

Vicinity Map

Please check off each number as you complete each map.

- 1. U.S.G.S. location map. **Map Name:** _____ (e.g. Seldovia B-4)
Please use a 1" = one mile (1:63,360) U.S.G.S. map and **indicate the location of your proposed farmsite.**
- 2. Nautical Chart # _____ **Indicate the location of your proposed farmsite.**

Site Plan

- 3. Provide a **Site Plan** drawn to scale which shows the layout, location, and dimensions of the following items within your proposed farm boundary. A Sample Site Plan is provided for reference.
 - a. **Indicate the boundaries** of the farm area for all proposed uses of tide/submerged lands and uplands. (all anchors **must be inside your boundary lines**). Indicate, in feet, the distances of each boundary line - multiply the distances out to make sure the amount is equal to the area or number of acres requested. (one acre=43,560 square feet). Hardening and defouling areas are part of the farm site but may be separated from the primary boundaries.
 - b. The rafts or other production facilities to be employed.

- ___ c. Anchoring systems and shoreties.
- ___ d. Docks, upland dwellings, floating structures, caretaker facilities.
- ___ e. Wastewater disposal systems, including both sewage and greywater discharge points (grey-water means domestic wastewater from laundry, kitchen, etc., which does not contain human waste).
- ___ f. The location of waters, including any drinking water wells or other drinking water system sources, fresh water(s), and salt water, within 200 feet of the proposed wastewater disposal system.
- ___ g. Solid waste storage and disposal sites (note: you are encouraged to use existing permitted sites for the disposal of solid wastes).
- ___ h. Roads or airstrips.
- ___ i. Other upland or tideland facilities at the site associated with the farming operation.
- ___ j. Fuel and chemical storage.
- ___ k. Properties referenced in Section B.7. (adjacent property owners)
- ___ l. On the site plan, draw lines and identify the tide level at the following stages:
 - ▶ Mean Lower Low Water (MLLW)
 - ▶ Mean Higher High Water (MHHW)
 - ▶ Mean High Water (MHW)
 - ▶ Representative water depths inside the farm boundaries
- ___ m. On the site plan, diagram the prevailing direction of the surface water flows at the ebb (outgoing) and flood (incoming) tides.

Cross-Sectional Diagram

- ___ 4. Provide a **Cross-sectional Diagram** (side view) of the culture facilities, and identify the construction materials. Be sure to give the dimensions of all facilities. The facilities you propose to use for each species to be cultured must be included. More than one diagram may be required. Sample cross-sectional diagrams are provided for your reference.

Detailed Drawing

- ___ 5. Provide a **Detailed Drawing** (to scale with dimensions) of all facilities on your site plan showing their placement, construction materials, anchoring systems, and shoreties. (More than one drawing may be required) The total area must correspond to the total number of acres you are applying for. The acreage of your farmsite must equal your acreage request in B.4.

Site Information

- ___ 6. What is the maximum surface tidal current speed at ebb tide? ___ At flood tide: ___ Did you estimate or measure the speed? ___ What is the maximum tidal range at the site? ___
- ___ 7. What is the least water depth at the culture gear site at MLLW? ___

F. SITE SUITABILITY

1. Physical and Biological Characteristics

- a. Provide any information you may have regarding water exchange, water temperatures, salinity, and turbidity/sedimentation at the site. Include the dates (and stage of tide, if available) the data were recorded.

- b. Describe the bottom composition at the site. (sand, mud, rock, gravel, eelgrass)

- c. Describe winter conditions at the site (water temperatures, icing, storms, etc.).

d. Do anadromous fish (e.g. salmon) use any streams in the area for spawning? Yes ___ No ___
If yes, indicate which streams are used and label them as such on the site plan.

e. Is the target species naturally present in the area? Yes ___ No ___ If yes, describe distribution and abundance.

f. Describe measures you would propose to control predation by marine mammals, seabirds, or other potential predators.

g. Indicate which of the above responses in Section F are based upon on-site investigations by circling the corresponding letter: a, b, c, d, e.

G. WATER QUALITY

Note to Applicant: Sewage or industrial discharge(s) may accumulate in or harm the growth or consumptive use of your shellfish product. Oysters, mussels and scallops are filter feeders and may accumulate fecal coliform bacteria and associated pathogens from sewage discharges. If a caretaker facility is needed for the site, and its discharge is located near the culturing operation, there may be a risk of contamination. To ensure that your growing area can be certified by DEC, the department has developed the following requirements for those aquatic farms where a sewage discharge is necessary. 1) Discharges must meet water quality standards (18 AAC 70), wastewater disposal regulations (18 AAC 72), and requirements of the National Shellfish Sanitation Program (incorporated by reference in 18 AAC 34.170). 2) No sewage discharge will be allowed within 300 feet from the boundary of an approved growing area (the boundary encompasses the entire growing area). 3) Outhouse and septic systems must maintain a minimum 100 foot horizontal separation distance from surface waters and a minimum 4 foot vertical separation distance from the high ground water table. The DEC will require a waste discharge permit and system plan review for all sewage discharges. Additional information may be required by the DEC depending on the type and complexity of wastewater system proposed. After review of application materials, the DEC may decide it is not necessary to issue a waste discharge permit for facilities generating very small daily volumes of sewage and greywater.

1. Wastewater Discharge and System Plan Review

a. Is there a floathome, dwelling or upland caretaker's facility proposed for the site? Yes ___ No ___

b. Will wastewater be discharged from any of these facilities? Yes ___ No ___

If yes, please provide the following information.

▶ What are the daily maximum and average discharge volumes? Maximum ___ Average ___

PLEASE SUBMIT THE FOLLOWING INFORMATION ON SEPARATE PAGES

(Contact the Department of Environmental Conservation to determine submittal requirements for your specific proposal.)

- ▶ Wastewater system design plans consisting of reports and/or drawings that clearly and legibly depict the design, type, and volume of discharge. (Design plans may require preparation by a registered engineer.)
- ▶ A description of proposed and existing wastewater treatment works, disposal systems, or sewers.
- ▶ Sufficient soils and topographic information to allow evaluation of the soil type, absorption area, depth to water table and impervious surfaces, and topography, if treatment or disposal (other than a conventional on-lot soil absorption system) is into or onto land or subsurface land.

2. If you plan to use a boat on your farm site, please indicate the type of marine sanitation device.

3. Were there any sources of past pollution at the site, such as shore based seafood processor, industrial facility, oil spill contamination, or a town or village? Yes ____ No ____
If you answered yes to the above, identify:

▶ The type of previous use (e.g. mine, village, seafood processor, oil spill) _____

▶ The last known date of use _____

▶ The distance from the site previously used to your project site _____

4. Are there any current potential sources of human or industrial pollution in the area? (For example, sewage outfalls, oil contamination, industrial transfer facilities or upland operations, boat harbors, etc.) Yes ____ No ____
If yes, please describe:

▶ The type of discharge(s) _____

▶ The location and distance from your site _____

▶ The name of the discharger(s), if known _____

5. Are you aware of any other planned development in the general area of your proposed farm? Yes ____ No ____ If yes, please describe the planned development.

H. CURRENT LAND USE

What are the other human uses at the project site and in the surrounding area such as commercial development, mining, timber harvest or transfer, sheltered anchorage, subsistence, recreation, hunting, commercial fishing, sport fishing, or residential use, etc? Describe how existing uses will affect your project.

Describe how your project may affect existing uses.

AQUATIC FARM APPLICATION CHECKLIST

Have you completed a(n)

- Aquatic Farm Application?
- Corps of Engineer Application?
- Site Plan Drawing?
- Detailed Drawing of all Facilities?
- Check or money order for the \$50 Filing Fee?
- Coastal Project Questionnaire?
- Vicinity Map of your site?
- Cross-Sectional Diagram?
- USGS Map and Nautical Chart?
- The appropriate application for any Upland Facility Use?

*** THE ORIGINAL MUST BE SIGNED AND PHYSICALLY PRESENT IN THE DNR OFFICE BY APRIL 30, 1992.**

CERTIFICATION STATEMENT

The information contained herein is true and complete to the best of my knowledge. I understand that I must separately apply for and hold a Transport Permit from the Department of Fish and Game in order to hold, transport, and raise shellfish or aquatic plants, and a Growing Area Certification and a Harvesters Permit from the Department of Environmental Conservation in order to sell my product.

Signature of Applicant or *Agent

Date

* An Agent signature requires a notarized authorization from the applicant. The following may be used.

SPECIAL NOTARIZED AUTHORIZATION FOR AN AQUATIC FARMSITE AGENT

I, _____ DBA _____, do hereby appoint
(Name of Aquatic Farmsite Applicant)

_____, as my true and lawful agent, and in my name and stead, and for my use and benefit, to
(Name of Agent)
submit a State of Alaska Aquatic Farm Application, any additional information requested by state agencies including DEC, DGC and F&G, and an aquatic farmsite permit and bond in my behalf therein.

This power shall remain in effect until actual notice of its revocation, in writing and with formal acknowledgement, is received by the Alaska Department of Natural Resources, PO Box 107005, Anchorage, Alaska 99510-7005.

(Signature of Applicant)

(Date)

STATE OF ALASKA)
)ss.

Judicial District

THIS IS TO CERTIFY that on this _____ day of _____, 19_____, before me, the undersigned, personally appeared _____ to me known to be the person described in and who executed the within and foregoing instrument, and acknowledged to me that the said instrument was signed and sealed as a free and voluntary act for the uses and purposes therein mentioned.

Notary Public

My Commission Expires: _____

AQUATIC FARM DEVELOPMENT PLAN

APPLICANT NAME Oscar O. Farmer

SPECIES Pacific oyster

ACTIVITY (see ** below)	YEAR ONE - 1992				YEAR TWO - 1993				YEAR THREE - 1994			
	QTR1 (**)	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4
ACQUIRE SEED STOCK			100000			200000					100000	100000
SOURCE												
TYPE/LIFE/AGE			spat, 20mm			spat, 10mm				spat, 10mm	spat, 20mm	
SOURCE (see **** below)			Kuiper Maric			Westcott Bay				Westcott Bay	Kuiper Maric	
INSTALL SUPPORT FACILITIES			Moorng system, floathouse, fuel storage	Workfloat, Upland storage building	Sorting and cleaning float				No new facilities anticipated	->		
Examples: dock, floathouse, storage facilities, upland cabin, etc. (must correspond to farm plan drawings)												
INSTALL PRODUCTION FACILITY EQUIPMENT			Longline	Longline		Longline	Hardening rack frames			Longline	Longline	
type (description) Examples:rafts, long lines, racks, and other major equipment (must correspond to farm plan drawings)												
size (dimensions)			100ft	100ft		100ft	3'x3'			100ft	100ft	
how many?			one (new)	one (new)		two (new)	25 (new)			one (new)	one (new)	
CULTURE GEAR			Lantern nets 2ft diam. 10-tier	Lantern nets 2ft diam. 10-tier		Lantern nets 2ft diam. 10-tier	Bank bags 3'x3'			Lantern nets 2ft diam. 10-tier	Lantern nets 2ft diam. 10-tier	
type/size Examples:lantern nets, trays, suspended lines, etc.												
number			25 (new)	25 (new)	25	25 (new)	100 (new)			25 (new)	25 (new)	
stocking density (see *** below)			4000/net 400/layer	2000/net 200/layer	300 mort. =>	700/net 70/layer	200/bag (market size)			4000/net 400/layer	4000/net 400/layer	
DEC PSP SURVEYS			X	X	X	X	X			X		
DEC GROWING AREA CERT.									(assume 400	mort. to	marketable	product)
PRODUCT AVAILABLE FOR SALE (number, lbs, etc.)								5000 each	5000 each	45000 each	5000 each	5000 each
ADF&G ANNUAL REPORT DUE				X				X				X

* Quarter 1 begins January 1, Quarter 2 begins April 1, Quarter 3 begins July 1, Quarter 4 begins October 1 -- THE YEAR PERMITS ARE ISSUED IN YEAR ONE --

** To provide more detail, attach separate sheets. Reference ACTIVITY, year and quarter numerically

*** Stocking density should be in number of animals/square foot, cubic foot, linear foot, etc. as applicable to gear type

**** If you plan to capture wild stock, you must identify the location of the proposed source

A SEPARATE DEVELOPMENT PLAN IS REQUIRED FOR EACH SPECIES YOU PROPOSE FOR YOUR FARM.

(Example: You plan to raise Pacific oysters, blue mussels, pink scallops and spiny scallops. Four development plans are required)

If you need assistance or have questions regarding your development plan, please call Jim Cochran, ADF&G, FRED DIVISION at 465-6160

AQUATIC FARM DEVELOPMENT PLAN

APPLICANT NAME _____

SPECIES _____

YEAR ONE -

YEAR TWO -

YEAR THREE -

ACTIVITY (see ** below)	QTR1 (*)	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4
ACQUIRE SEED STOCK												
WORKER												
STIR/LIFESTAGE												
SOURCE (see *** below)												
INSTALL SUPPORT FACILITIES												
Examples: dock, floathouse, storage facilities, upland cabin, etc. (must correspond to farm plan drawings)												
INSTALL PRODUCTION FACILITY EQUIPMENT												
type (description) Examples: rafts, long lines, racks, and other major equipment (must correspond to farm plan drawings)												
size (dimensions)												
how many?												
CULTURE GEAR												
type/size Examples: lantern nets, trays, suspended lines, etc.												
number												
stocking density (see *** below)												
DEC PSP SURVEYS												
DEC GROWING AREA CERT. PRODUCT AVAILABLE FOR SALE (number, lbs, etc.)												
ADF&G ANNUAL REPORT DUE				X				X				X

* Quarter 1 begins January 1, Quarter 2 begins April 1, Quarter 3 begins July 1, Quarter 4 begins October 1 -- THE YEAR PERMITS ARE ISSUED IS YEAR ONE --

** To provide more detail, attach separate sheets. Reference ACTIVITY, year and quarter numerically
 *** stocking density should be in number of animals/square foot, cubic foot, linear foot, etc. as applicable to gear type

**** If you plan to capture wild stock, you must identify the location of the proposed sources
A SEPARATE DEVELOPMENT PLAN IS REQUIRED FOR EACH SPECIES YOU PROPOSE FOR YOUR FARM.
 (Example: You plan to raise Pacific oysters, blue mussels, pink scallops and spiny scallops. Four development plans are required)

If you need assistance or have questions regarding your development plan, please call Jim Cochran, ADF&G, FRED DIVISION at 465-4160

AQUATIC FARM DEVELOPMENT PLAN

APPLICANT NAME _____

SPECIES _____

YEAR ONE -

YEAR TWO -

YEAR THREE -

ACTIVITY (see ** below)	QTR1 (*)	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4
ACQUIRE SEED STOCK												
NUMBER												
SIZE/LIFESPAN												
SOURCE (see **** below)												
INSTALL SUPPORT FACILITIES												
Examples: dock, floathouse, storage facilities, upland cabin, etc. (must correspond to farm plan drawings)												
INSTALL PRODUCTION FACILITY EQUIPMENT												
type (description) Examples: rafts, long lines, racks, and other major equipment (must correspond to farm plan drawings)												
size (dimensions)												
how many?												
CULTURE GEAR												
type/size Examples: lantern nets, trays, suspended lines, etc.												
number												
stocking density (see *** below)												
DEC PSP SURVEYS												
DEC GROWING AREA CERT.												
PRODUCT AVAILABLE FOR SALE (number, lbs, etc.)												
ADP&G ANNUAL REPORT DUE				X				X				X

* Quarter 1 begins January 1, Quarter 2 begins April 1, Quarter 3 begins July 1, Quarter 4 begins October 1 -- THE YEAR PERMITS ARE ISSUED IS YEAR ONE --

** To provide more detail, attach separate sheets. Reference ACTIVITY, year and quarter numerically

*** stocking density should be in number of animals/square foot, cubic foot, linear foot, etc. as applicable to gear type

**** If you plan to capture wild stock, you must identify the location of the proposed source

A SEPARATE DEVELOPMENT PLAN IS REQUIRED FOR EACH SPECIES YOU PROPOSE FOR YOUR FARM.

(Example: You plan to raise Pacific oysters, blue mussels, pink scallops and spiny scallops. Four development plans are required)

If you need assistance or have questions regarding your development plan, please call Jim Cochran, ADP&G, FRED DIVISION at 465-4160

AQUATIC FARM DEVELOPMENT PLAN

APPLICANT NAME _____

SPECIES _____

YEAR ONE -

YEAR TWO -

YEAR THREE -

ACTIVITY (see ** below)	QTR1 (**)	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4	QTR1	QTR2	QTR3	QTR4
ACQUIRE SEED STOCK												
NUMBER												
SIZE/LIFESPAN												
SOURCE (see **** below)												
INSTALL SUPPORT FACILITIES												
Examples: dock, floathouse, storage facilities, upland cabin, etc. (must correspond to farm plan drawings)												
INSTALL PRODUCTION FACILITY EQUIPMENT												
type (description) Examples: rafts, long lines, racks, and other major equipment (must correspond to farm plan drawings)												
size (dimensions)												
how many?												
CULTURE GEAR												
type/size Examples: lantern nets, trays, suspended lines, etc.												
number												
stocking density (see *** below)												
DEC PSP SURVEYS												
DEC GROWING AREA CERT.												
PRODUCT AVAILABLE FOR SALE (number, lbs, etc.)												
ADF&G ANNUAL REPORT DUE				X				X				X

J58791
v1.6

* Quarter 1 begins January 1, Quarter 2 begins April 1, Quarter 3 begins July 1, Quarter 4 begins October 1 -- THE YEAR PERMITS ARE ISSUED IS YEAR ONE --

** To provide more detail, attach separate sheets. Reference ACTIVITY, year and quarter numerically

*** Stocking density should be in number of animals/square foot, cubic foot, linear foot, etc. as applicable to gear type

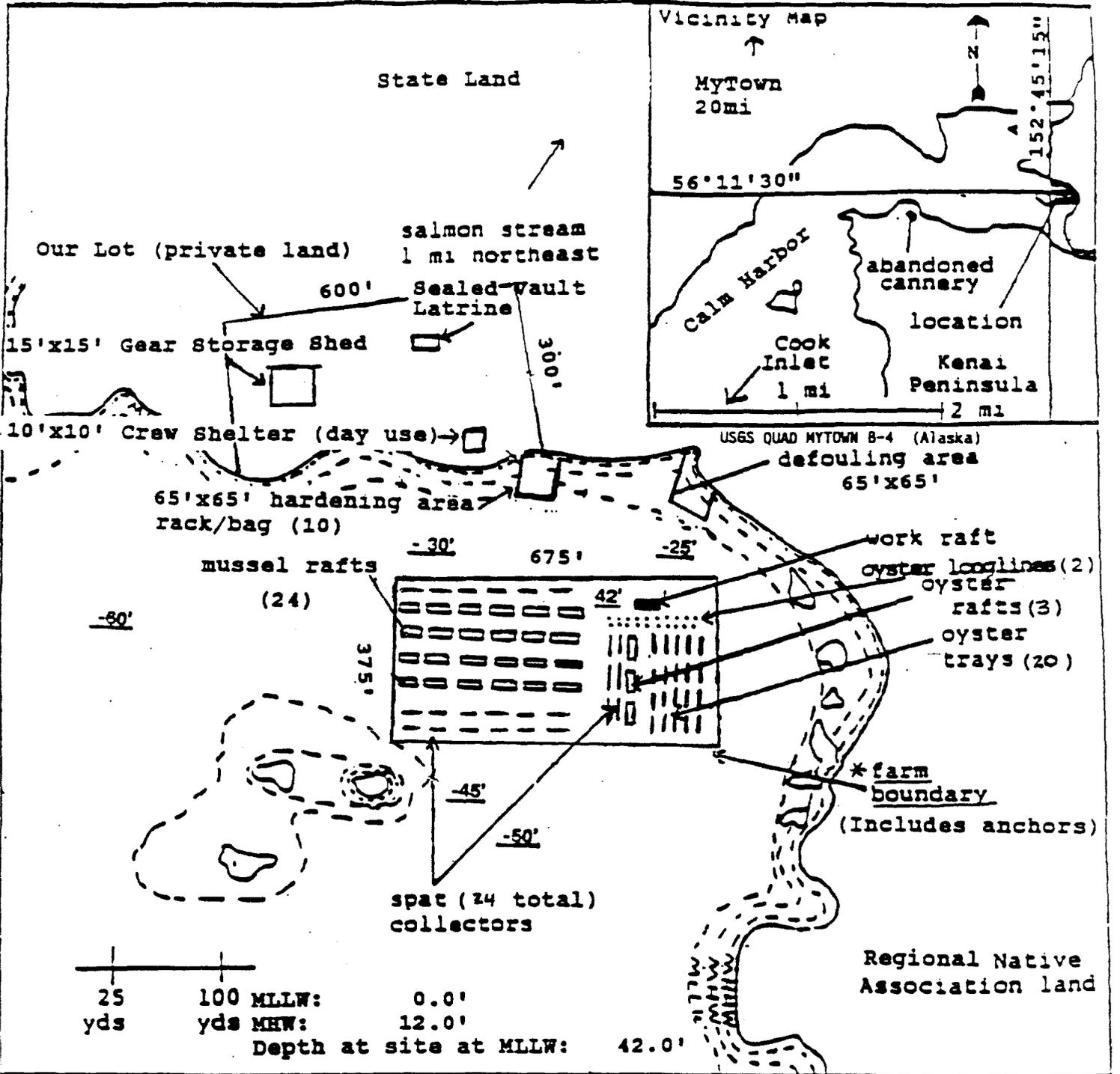
**** If you plan to capture wild stock, you must identify the location of the proposed source

A SEPARATE DEVELOPMENT PLAN IS REQUIRED FOR EACH SPECIES YOU PROPOSE FOR YOUR FARM.

(Example: You plan to raise Pacific oysters, blue mussels, pink scallops and spiny scallops. Four development plans are required)

If you need assistance or have questions regarding your development plan, please call Jim Cochran, ADF&G, FRED DIVISION at 465-4160

EXAMPLE: SITE PLAN AND VICINITY MAP



<p>PURPOSE: Commercial oyster and mussel farm</p> <p>DATUM: MLLW</p> <p>ADJACENT PROPERTY OWNERS:</p> <ol style="list-style-type: none"> 1. State of Alaska 2. Regional Native Association 	<p align="center">SITE PLAN AND Vicinity Map</p> <p>NAME _____</p> <p>ADDRESS _____</p> <p>To Scale</p>	<p align="center">PROPOSED AQUATIC FARM</p> <p>IN: GULF OF ALASKA</p> <p>AT: CALM HARBOR</p> <p>LOCATION: Section 31 T6S R12W Seward Meridian Kenai Peninsula Borough, Alaska</p> <p>APPLICATION BY: _____</p> <p>SHEET ____ OF ____</p> <p>DATE: _____</p>
--	--	--

Example take from: Bourne et al. 1989. A Manual for Scallop Culture in British Columbia. Canadian Technical Report of Fisheries and Aquatic Sciences No 1694. 216pp.

EXAMPLE: CROSS-SECTIONAL DRAWING

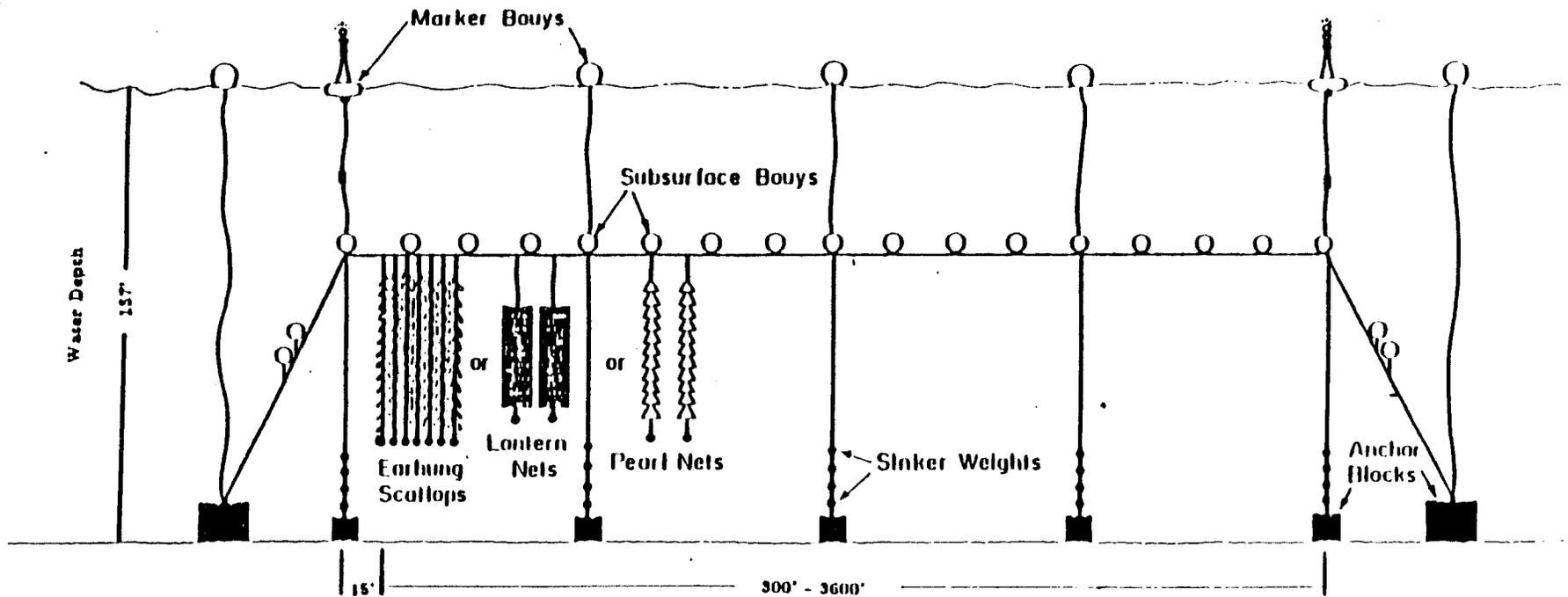
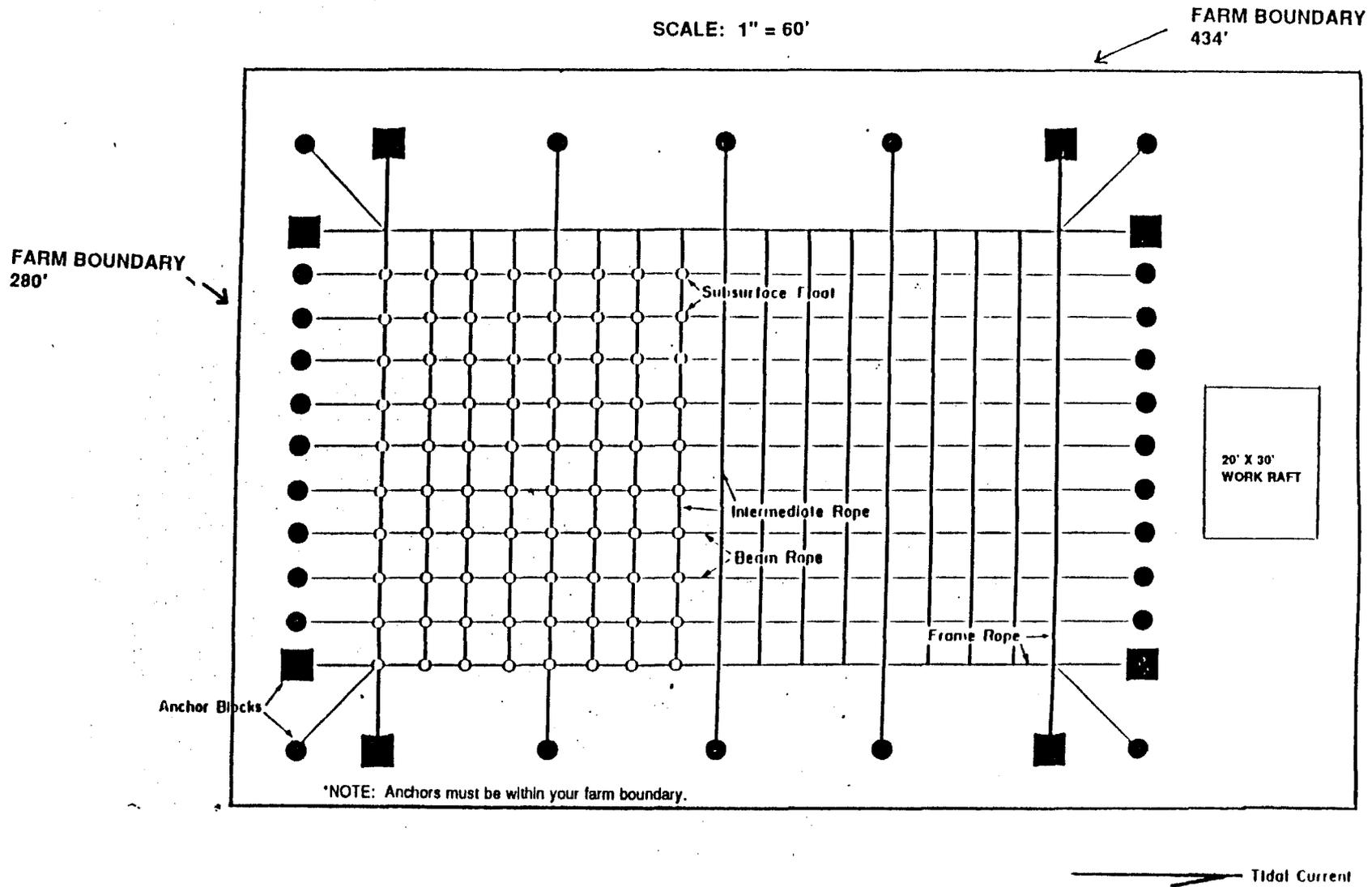


Figure 45. Diagram of a submerged longline system used for growout of juvenile scallops to commercial size.

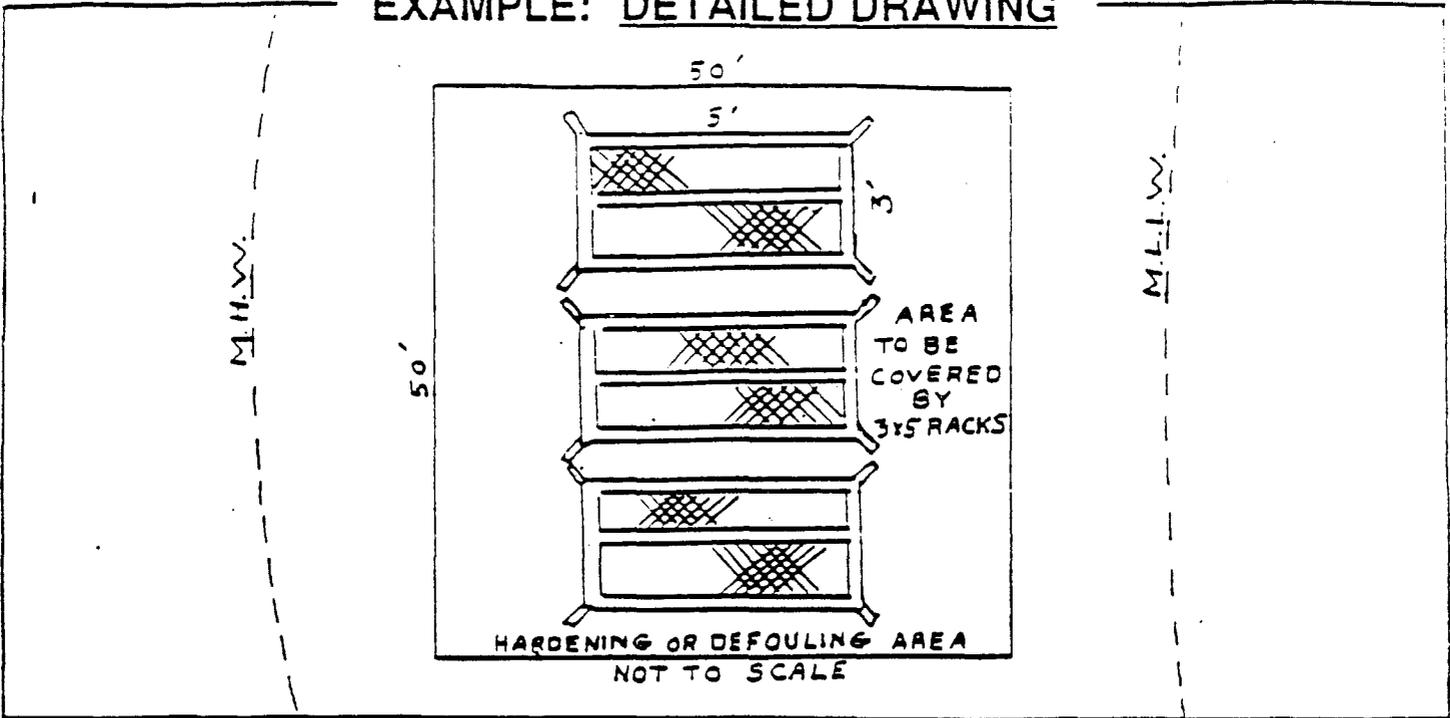
EXAMPLE: DETAILED DRAWING



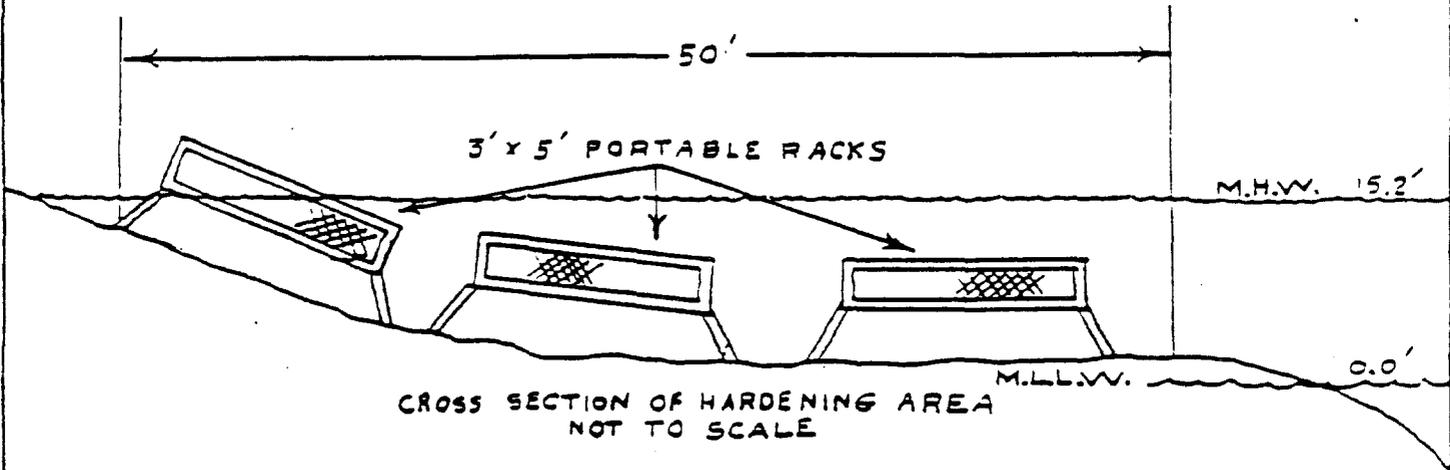
To calculate your total farm boundary area multiply the boundary length by the width. That will give you the total square footage of your farmsite. Then, divide the total square feet by 43,560 (the number of square feet in an acre) to get the total number of acres. Remember your Farm Boundary line must be on the outside of all anchor systems.

$$\begin{array}{r}
 434' \\
 \times 280' \\
 \hline
 121,520 \text{ sq. ft.} \quad 43,560' = \underline{2.78 \text{ acres}}
 \end{array}$$

EXAMPLE: DETAILED DRAWING



EXAMPLE: CROSS-SECTIONAL DRAWING

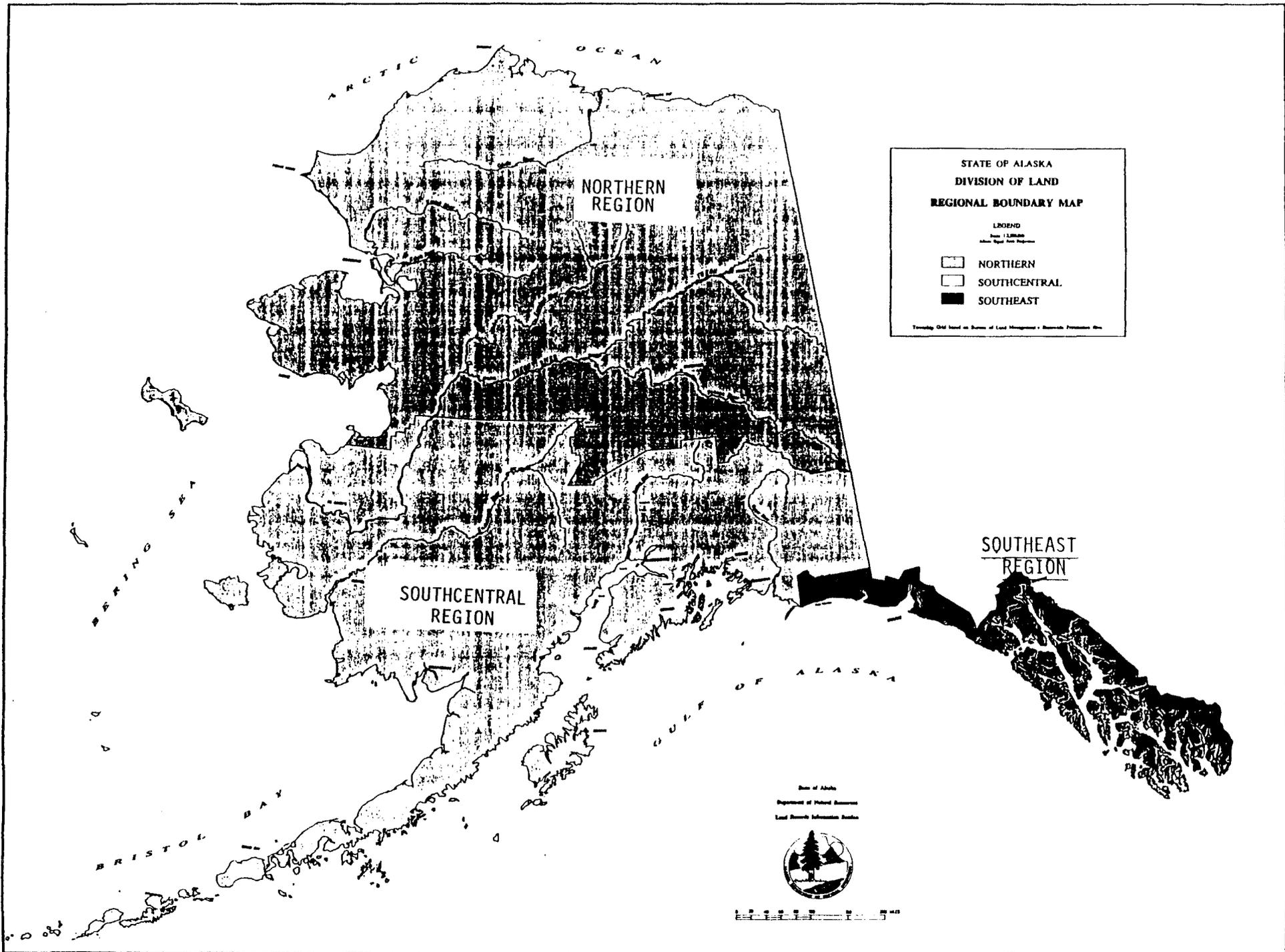


SITES 1+2: 50' X 50'; SITE 3: 35' X 75' RACK CONFIGURATION SAME AT ALL SITES.

PURPOSE: COMMERCIAL OYSTER FARM
OWNERS:

SECTION
VIEW
OF
HARDENING OR
DEFOULING
AREA
NOT TO SCALE
SITE: 1.2.+3.

TITLE BLOCK
NAME: COLD WATER
OYSTER FARM
WATERWAY: DUNCAN CANAL @
WOEWODSKI ISLAND
LOCATION: SECTIONS 22+27
T. 61 S., R 78 E., COPPER
RIVER MERIDIAN
SHEET 6 OF 6 DATE: 3-1-90
DRAWN BY: BILL NEUMANN



STATE OF ALASKA
DIVISION OF LAND
REGIONAL BOUNDARY MAP

LEGEND

Scale: 1:250,000
Adapted from Department of Natural Resources

▨	NORTHERN
▤	SOUTHCENTRAL
■	SOUTHEAST

Timberly, Old Growth and Bureau of Land Management Research Foundation, Inc.

State of Alaska
Department of Natural Resources
Land Boundary Information Section



PERMITS WHICH MAY BE NECESSARY FOR AQUATIC FARM PROJECTS

Permit/Certification	Application Materials	Issuing Agency	Application Fee	Long Term Costs
Siting and Design Phase				
Alaska Coastal Management Program Consistency Determination	Coastal Project Questionnaire Aquatic Farm Application	Division of Governmental Coordination	--	
Special Area Permit	Separate Agency Application	Dept. of Fish and Game	--	
Aquatic Farmsite Permit	Aquatic Farm Application	Dept. of Natural Resources	\$ 50.00	In 1991 \$250 for 1st Acre \$100 each add'l Acre Flothouses - \$650 1st Acre
State Park Use Permit	Separate Agency Application	Dept. of Natural Resources	\$ 25.00	
Aquatic Farm Operation Permit	Aquatic Farm Application	Dept. of Fish and Game	--	
Fish Habitat Permits	Aquatic Farm Application	Dept. of Fish and Game	--	
Navigation Permit	Corps of Engineers Permit	U.S. Army Corps of Engineers	\$100.00	
Special Use Permit for Upland Facilities	Separate Agency Application	U.S. Forest Service	--	Based on appraised value; 3-5% of appraised value Minimum \$1000.00 bond for cleanup
Beachlog Salvage Permit	Separate Agency Application	Dept. of Natural Resources	\$ 50.00	
Material Sales	Separate Agency Application	Dept. of Natural Resources	\$ 50.00	
Water Rights (If greater than 500 gal/day)	Separate Agency Application	Dept. of Natural Resources	\$ 50.00	
Wastewater Discharge Permit (If greater than 500 gal/day)	Separate Agency Application	Dept. of Environmental Conservation	--	
Solid Waste Disposal Permit	Separate Agency Application	Dept. of Environmental Conservation	--	
Stocking Phase				
Aquatic Stock Acquisition	Separate Agency Application	Dept. of Fish and Game	--	
Shellfish or Aquatic Plant Transport Permit		Dept. of Fish and Game	--	
Product Distribution Phase				
Growing Area Certification	Separate Agency Application	Dept. of Environmental Conservation	--	Cost for Transporting Water Sample to Palmer Lab
Harvestors Permit	Separate Agency Application	Dept. of Environmental Conservation	--	Cost for Transporting Stucked Sample to Palmer Lab

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES
DIVISION OF LAND

APPLICANT ENVIRONMENTAL RISK QUESTIONNAIRE

The purpose of this questionnaire is to help clarify the types of activities you propose to undertake. The questions are meant to help identify the level of environmental risk that may be associated with the proposed activity. The Division of Land's evaluation of environmental risk for the proposed activity does not imply that the parcel or the proposed activity is an environmental risk from the presence or use of hazardous substances.

Through this analysis, you may become aware of environmental risks that you did not know about. If so, you may want to consult with an environmental engineer or an attorney.

Applicant Name		Doing Business As		
Address		City	State	Zip
()	()			
Home Phone	Work Phone	Contact Person		

Describe the proposed activity:

In the course of your proposed activity will you generate, use, store, transport, dispose of, or otherwise come in contact with toxic and/or hazardous materials, and/or hydrocarbons? Yes [] No []

If yes, please list the substances and the associated quantities. Use a separate sheet of paper, if necessary.

If the proposed activities involve any storage tanks, either above or below ground, address the following questions for each tank. Please use a separate sheet of paper, if necessary, and, where appropriate, include maps or plats:

a. Where will the tank be located? _____

b. What will be stored in the tank? _____

c. What will be the tank's size in gallons? _____

d. What will the tank be used for? (Commercial or residential purposes?) _____

e. Will the tank be tested for leaks? _____

f. Will the tank be equipped with leak detection devices? Yes No . If no, describe: _____

Do you have any reason to suspect, or do you know if the site may have been previously contaminated? Yes No .

If yes, please explain: _____

I certify that due diligence has been exercised and proper inquiries made in completing this questionnaire, and that the foregoing is true and correct to the best of my knowledge.

Applicant

Date

STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

OFFICE OF THE GOVERNOR

OFFICE OF MANAGEMENT AND BUDGET
DIVISION OF GOVERNMENTAL COORDINATION

SOUTHCENTRAL REGIONAL OFFICE

3601 "C" STREET
SUITE 370
ANCHORAGE, ALASKA 99503-2798
PHONE: 561-6131
FAX: (907) 561-6134

CENTRAL OFFICE

431 NORTH FRANKLIN STREET
P.O. Box 110030
JUNEAU, ALASKA 99811-0030
PHONE: 465-3562
FAX: (907) 465-3075

PIPELINE COORDINATOR'S OFFICE

411 WEST 4TH AVENUE
SUITE 2-C
ANCHORAGE, AK 99501-2343
PHONE: 278-8594 EXT. 245
FAX: (907) 272-0690

ALASKA COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW INSTRUCTIONS COASTAL PROJECT QUESTIONNAIRE

Dear Applicant:

The State of Alaska uses a multiple agency coordinated system for reviewing and processing all resource-related permits, leases and other authorizations which are required for proposed projects in or affecting coastal areas of Alaska. This system, called "project consistency review," is based on the Alaska Coastal Management Program (ACMP) and is designed to improve management of Alaska's coastal land and water uses. Project proposals are reviewed to:

- Identify permits required by the State resource agencies (Alaska Departments of Environmental Conservation, Fish and Game, and Natural Resources).
- Determine the project's consistency with the standards of the ACMP and enforceable policies of approved district coastal management programs.

Participants in the State's review process include:

- You, the applicant;
- State resource agencies;
- The Division of Governmental Coordination (DGC);
- The affected local coastal community; and
- Other interested members of the public.

Your answers to this coastal project questionnaire will determine which State agency will be responsible for coordinating your consistency review. DGC will coordinate the review if:

- The project is a direct federal action,
- The project requires a federal government approval, or
- The project requires permits from more than one State agency.

If permits from only one State agency are required (and no federal agency permits are required), the State agency responsible for issuing those permits will coordinate the review.

Some projects that will have no significant impact on coastal resources, or that are routine activities, may be exempt from individual consistency review requirements. These projects are called "categorical permits" or "general concurrence determinations," respectively. The State maintains a list identifying permits and projects that qualify for these categories of expedited review. The list is referred to as the "Classification of State Agency Permits" (ABC List). Applicants must complete this coastal project questionnaire so the State can determine whether a proposed project qualifies for an expedited review. Contact DGC for more information.

The State considers all aspects of a proposed activity or project in a single consistency review. Your answers to the questions must reflect all elements of the activity, and all applications for the entire project must be submitted together. This approach eliminates repetitive ACMP reviews and decisions on the same project. However, you should be advised that individual permits may still need further review by issuing agencies for non-ACMP concerns upon completion of the ACMP consistency review.

Before you settle on your final project plans and submit your application, the State can arrange preapplication meetings among State agency representatives, coastal district representatives and yourselves to review your completed coastal project questionnaire and/or draft plans. Preapplication meetings can help identify concerns and information and promote a mutual understanding of your project. To arrange a preapplication meeting, call or write the coordinating agency contact. In lieu of a meeting, DGC can distribute materials to agencies for preliminary identification of concerns and information needs.

To start the formal review process you must complete the attached coastal project questionnaire to determine which permits will be needed. The consistency review begins upon receipt of your complete application packet by DGC or other coordinating agency. A complete application packet includes:

1. A completed, signed coastal project questionnaire. The coastal project questionnaire must contain a complete project location description;
2. Copies of any State and/or federal approval applications needed for the project (originals go to the State and/or federal agency issuing the approval), including topographic maps and plan drawings required by the approving agency(ies).
3. Any additional pertinent information, including public notices from agencies.

You must submit the completed packet to the regional office where the proposed project is located. Attached are a list of regional agency contacts and a map of the coastal area with the regions delineated. All packets must be submitted to DGC, with the following exceptions:

- If a fee is required, submit the original application, a copy of the coastal project questionnaire, and fee to the appropriate State resource agency(ies) (also send a copy of that approval application to DGC);
- If a State approval application contains confidential information, submit the entire packet to the applicable State resource agency;
- If the project involves placer mining, submit an Annual Placer Mining Application (instead of the coastal project questionnaire) to the Department of Natural Resources, Division of Mining;

- If you need permits from only one State resource agency and no federal agencies, submit the entire packet to only that State resource agency requiring the permits;
- If you are applying to grow shellfish or aquatic plants, you must submit an aquatic farm application, a coastal project questionnaire, a Corps of Engineers application, and filing fee to the Department of Natural Resources during the annual 60-day aquatic farm district opening.
- If one or more federal permits are required, submit the original application(s) and coastal project questionnaire to the federal agency and send a copy of those applications to DGC along with your complete application packet.

REVIEW OF YOUR PROJECT WILL BEGIN ONCE DGC HAS DETERMINED THAT THE APPLICATION PACKET, INCLUDING ALL REQUISITE PERMIT APPLICATIONS, IS COMPLETE.

STEPS IN THE ACMP CONSISTENCY REVIEW PROCESS*

The coordinating agency must complete the consistency review of your project within 30 or 50 days. A 30-day review schedule will be used if all associated State permits must, by statute or regulation, be issued in 30 days. A 50-day review schedule will be used for projects with permits requiring a 30-day public notice. The coordinating agency may grant extensions to these reviews as provided in 6 AAC 50.110(b). The deadlines may also be extended at the request of the applicant or to receive additional information requested by a State resource agency or an affected coastal district with an approved program. In addition, when a project involves a disposal of interest in State land or resources, the review schedule may be extended to coordinate the consistency review and DNR disposal process [6 AAC 50.110(b)(3)].

	30-Day Review	50-Day Review
Start-Up: Consistency review begins	Day 1	Day 1
Information Requests: Deadline for reviewers to request additional information	Day 15	Day 25
Comment Deadline: Public, district and agency reviewer comments due	Day 17	Day 34
Proposed Determination: Proposed consistency determination issued	Day 25	Day 44
Deadline for notification of elevation	Day 29	Day 49
Conclusive Determination: Conclusive determination issued (unless elevation requested)	Day 30	Day 50
Elevation Process: If elevated, directors' determination	Day 45	Day 65
Elevation Process: If elevated again, commissioners' determination	Day 60	Day 80

* Some permits may involve a different review process; in all cases, the appropriate State agency regulations should be reviewed for the correct procedure.

Start-Up: You will be notified when the review starts. You will receive your project's State review number, review schedule and other information.

Information Requests: Agencies or coastal districts may request additional information from you during the review. The coordinating agency may stop the review until that information is received.

Proposed Determination: After reviewing comments on your project, the coordinating agency will develop a proposed consistency determination that will be presented to you, State resource agencies, and affected coastal district(s) with an approved program for review and acceptance/concurrence.

Conclusive Determination: A conclusive consistency determination will be issued upon agreement of the proposed determination by you, State resource agencies, and affected coastal district(s) with an approved program.

Elevation (appeal) Process: If you (or any other ACMP review participant with elevation rights) do not concur with the proposed determination for your project, you (or the other participants) may request elevation (further review by division directors within the State resource agencies). The directors review the proposed determination and any additional information included during the elevation process and then issue a second proposed determination.

You (or the other participants) may then elevate that determination to the commissioners of the State resource agencies if the director-level review does not satisfy your interests. Each elevation review lasts a maximum of 15 days.

If your project requires a federal approval and you disagree with the State's final conclusive consistency determination, you may also appeal to the U.S. Secretary of Commerce in Washington, D.C., as provided in 15 CFR 930.125(h). DGC can provide you information on this appeal process upon request.

Permits: Agencies will issue State permits covered by the conclusive consistency determination within five days after the final determination is issued, unless an agency finds that additional review is necessary to fulfill its statutory requirements. DGC can provide you with more information on additional permit reviews that may be necessary for your project.

PLEASE KEEP THE INSTRUCTION SECTION AND CONTACT LIST OF THIS FORM FOR YOUR USE.

SOUTHEAST REGIONAL CONTACTS

DEPARTMENT OF NATURAL RESOURCES

Oil & Gas Activities

DNR/Oil and Gas
Frontier Building
Box 107034
Anchorage, AK 99510-7034
Phone: (907) 762-2547
Fax: (907) 562 3852
CONTACT: Jim Haynes

Mineral/Metal Mining Activities

DNR/Mining
Box 107016
Anchorage, AK 99510-7016
Phone: (907) 762-2109
or 1-800 478-2154
Fax: (907) 563-1853
CONTACT: Judd Peterson

Forestry Activities

DNR/Forestry
400 Willoughby Avenue
Juneau, AK 99801-1796
Phone: (907) 465-2491
Fax: (907) 586-2752
CONTACT: Daryl McRoberts

Agriculture Activities

DNR/Agriculture
P.O. Box 949
Palmer, AK 99645-0949
Phone: (907) 745-7200
Fax: (907) 745-7112
CONTACT: John Cramer

Activities on State Park Lands

DNR/Parks & Outdoor Recreation
400 Willoughby Avenue
Juneau, AK 99801-1796
Phone: (907) 465-4563
Fax: (907) 465-2492
CONTACT: Bill Garry

State Historic Preservation Office

DNR/SHPO
P.O. Box 107001
Anchorage, AK 99510-7001
Phone: (907) 762-2626
Fax: (907) 762-2535
CONTACT: Judith Bittner

Water Related Activities

DNR/Water
400 Willoughby Avenue
Juneau, AK 99801-1796
Phone: (907) 465-3400
Fax: (907) 586-2954
CONTACT: John Dunker

Aquatic Farming Activities

DNR/Land
Box 107005
Anchorage, AK 99510-7005
Phone: (907) 762-2270
Fax: (907) 561-0221
CONTACT: Janetta Pritchard

All Other Activities

Southeast Regional Office
DNR/Land
400 Willoughby Avenue
Juneau, AK 99801-1796
Phone: (907) 465-3400
Fax: (907) 586-2954
CONTACT: Elizaveta Shadura

DEPARTMENT OF FISH AND GAME

Area Offices

DFG/Habitat Division
P.O. Box 20
Douglas, AK 99824-0200
Phone: (907) 465-4290
or 465-4291
Fax: (907) 465-2034
CONTACT: Rick Reed

DFG/Habitat Division

P.O. Box 667
Petersburg, AK 99833
Phone: (907) 772-3801
Fax: (907) 772-9336
CONTACT: Don Cornelius

DFG/Habitat Division

2030 Sealevel Drive,
Room 205
Ketchikan, AK 99901
Phone: (907) 225-2027
Fax: (907) 225-3756
CONTACT: Jack Gustafson

DFG/Habitat Division

304 Lake Street, Room 103
Sitka, AK 99835
Phone: (907) 747-5838
Fax: (907) 747-6239
CONTACT: Dave Hardy

Hatchery Permits

DFG/FRED Division
1255 West Eighth Street
P.O. Box 3-2000
Juneau, AK 99802-2000
Phone: (907) 465-4160
Fax: (907) 465-4168
CONTACT: Steve McGee or
Kevin Duffy

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC/Southeast Office
410 Willoughby Ave. Suite 105
Juneau, AK 99801
Phone: (907) 465-5350
Fax: (907) 465-5362

CONTACT:

- Elena Witkin-COE/Wetlands Fill;
- Ed Emswiler-Solid Waste Disposal;
- Vacant-Wastewater Disposal;
- Dan Hopson-Oil Spill Contingency Plans/Fueling Facilities

OFFICE OF MANAGEMENT AND BUDGET

Division of Governmental
Coordination
P.O. Box 110030
431 N. Franklin
Juneau, AK 99811-0030
Phone: (907) 465-3562
Fax: (907) 465-3075
CONTACT: Lorraine Marshall
Carrie Sykes
Susan Viteri

SOUTHCENTRAL REGIONAL CONTACTS

DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Activities

DNR/Oil and Gas
Frontier Building
Box 107034
Anchorage, AK 99510-7034
Phone: (907) 762-2547
Fax: (907) 562-3852
CONTACT: Jim Haynes

Mineral/Metal Mining Activities

DNR/Mining
Frontier Building
Box 107016
Anchorage, AK 99510-7016
Phone: (907) 762-2109
Fax: (907) 562-3587
CONTACT: Mitch Henning

Forestry Activities

DNR/Forestry
Frontier Building
Box 107005
Anchorage, AK 99510-7005
Phone: (907) 762-2512
Fax: (907) 561-2507
CONTACT: Bill LaTocha

Agriculture Activities

DNR/Agriculture
P.O. Box 949
Palmer, AK 99645
Phone: (907) 745-7200
Fax: (907) 745-7112
CONTACT: John Cramer

Activities on State Park Lands

DNR/Parks & Outdoor Recreation
Frontier Building
Box 107001
Anchorage, AK 99510-7001
Phone: (907) 762-2616
Fax: (907) 762-2618
CONTACT: Al Meiners

State Historic Preservation Office

DNR/SHPO
P.O. Box 107001
Anchorage, AK 99510-7001
Phone: (907) 762-2626
Fax: (907) 762-2535
CONTACT: Judith Bittner

Water Related Activities

DNR/Water
3601 "C" Street, Suite 822
Anchorage, AK 99503
Phone: (907) 762-2568
Fax: (907) 563-1853
CONTACT: Kellie Litzen

Aquatic Farming Activities

DNR/Land
Box 107005
Anchorage, AK 99510-7005
Phone: (907) 762-2270
Fax: (907) 561-0221
CONTACT: Janetta Pritchard

All other Activities

Regional Office, DNR/Land
Frontier Building
Southcentral District Office
Box 107005
Anchorage, AK 99510-7005
Phone: (907) 762-2249
Fax: (907) 561-0221
CONTACT: Larry Bullis

DEPARTMENT OF FISH AND GAME

DFG/Habitat Division
333 Raspberry Road
Anchorage, AK 99518-1599
(Southcentral except as noted below)
Phone: (907) 267-2284
Fax: (907) 349-1723
CONTACT: Don McKay

Kuskokwim (above Sleetmute)
and Yukon (above Paimiut)
River drainages:

DFG/Habitat Division
1300 College Road
Fairbanks, AK 99709
Phone: (907) 451-6192
Fax: (907) 456-3091
CONTACT: Al Ott

Coastal Gulf of AK drainages
East of Cape Suckling:

DFG/Habitat Division
304 Lake Street, Room 103
Sitka, AK 99835-7563
Phone: (907) 747-5828
Fax: (907) 747-6239
CONTACT: Dave Hardy

Hatchery Permits

DFG/FRED Division
1255 West Eighth Street
P.O. Box 2-2000
Juneau, AK 99802-2000
Phone: (907) 465-4160
Fax: (907) 465-4168
CONTACT: Steve McGee
Kevin Duffy

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC/Southcentral Office
3601 "C" Street, Suite 1334
Anchorage, AK 99503
Phone: (907) 563-6529
Fax: (907) 562-4026
CONTACT:
• Joe Sautner-Oil Spill Contingency
Plans/Fueling Facilities;
• Ron Godden-Solid Waste Permits;
• Robert Dolan-NPDES Permits;
• Tim Rumpfelt-COE Permits/Wetland
fills.

OFFICE OF MANAGEMENT AND BUDGET

Division of Governmental Coordination
3601 "C" Street, Suite 370
Anchorage, AK 99503-5309
Phone: (907) 561-6131
Fax: (907) 561-6134
CONTACT: Faye Heitz
Frankie Pillifant
John Thiede
Arlene Murphy

State Pipeline Coordinator's Office
(for oil and gas, onshore/State waters only)
DGC Liaison
411 W. 4th Avenue, Suite 2-C
Anchorage, AK 99501-2343
Phone: (907) 278-8594 Ext. 245
Fax: (907) 272-0690
CONTACT: Molly Birnbaum

(for oil and gas, offshore OCS only)
DGC
P.O. Box 110030
Juneau, AK 99811-0030
Phone: (907) 465-3562
Fax: (907) 465-3075
CONTACT: Gabrielle LaRoche

NORTHERN REGIONAL CONTACTS

DEPARTMENT OF NATURAL RESOURCES

Oil and Gas Activities

DNR/Oil and Gas
Box 107034
Anchorage, AK 99510-7034
Phone: (907) 762-2592
Fax: (907) 562-3852
CONTACT: Jim Haynes

Mineral/Metal Mining Activities

DNR/Mining
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2793
Fax: (907) 451-2751
CONTACT: John Wood

Forestry Activities

DNR/Forestry
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2700
Fax: (907) 451-2751
CONTACT: Steve Clautice

Agriculture Activities

DNR/Agriculture
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2700
Fax: (907) 451-2751
CONTACT: Ed Arobio

Activities on State Park Lands

DNR/Parks & Outdoor Recreation
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2700
Fax: 451-2751
CONTACT: Michel Lee

All Other Activities

Northern Regional Office
DNR/Land
3700 Airport Way
Fairbanks, AK 99709
Phone: (907) 451-2700
Fax: (907) 451-2751
CONTACT: Roselynn Smith

Water Related Activities

DNR/Water
3700 Airport Way
Fairbanks, AK 99706-2703
Phone: (907) 451-2073
Fax: (907) 451-2772
CONTACT: Jack Kerin

State Historic Preservation Office

DNR/SHPO
P.O. Box 107001
Anchorage, AK 99510-7001
Phone: (907) 762-2626
Fax: (907) 762-2535
CONTACT: Judith Bittner

DEPARTMENT OF FISH AND GAME

DFG/Habitat Division
1300 College Road
Fairbanks, AK 99709
Phone: (907) 451-6192
Fax: (907) 456-3091
CONTACT: Al Ott

Hatchery Permits

DFG/FRED Division
1255 West Eighth Street
P.O. Box 3-2000
Juneau, AK 99802-2000
Phone: (907) 465-4160
Fax: (907) 465-4168
CONTACT: Steve McGee
Kevin Duffy

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Non Oil and Gas Projects

DEC/Northern Office
1001 Noble Street, Suite 350
Fairbanks, AK 99701
Phone: (907) 451-2141
Fax: (907) 451-2187
CONTACT: Joyce Beelman

North Slope Oil and Gas Projects

DEC/State Pipeline Coordinator's
Office
411 W. 4th Avenue, Suite 2C
Anchorage, AK 99501
Phone: (907) 278-8594
Fax: (907) 272-0690
CONTACT: Simon Mawson

OFFICE OF MANAGEMENT AND BUDGET

Division of Governmental Coordination
3601 "C" Street, Suite 370
Anchorage, AK 99503-5309
Phone: (907) 561-6131
Fax: (907) 561-6134
CONTACT: Faye Heitz
Frankie Pillifant
John Thiede
Arlene Murphy

State Pipeline Coordinator's Office
(for oil and gas, onshore/State waters only)
DGC Liaison
411 W. 4th Avenue, Suite 2-C
Anchorage, AK 99501-2343
Phone: (907) 278-8594 Ext. 245
Fax: (907) 272-0690
CONTACT: Molly Birnbaum

(for oil and gas, offshore OCS only)
DGC
P.O. Box 110030
Juneau, AK 99811-0030
Phone: (907) 465-3562
Fax: (907) 465-3075
CONTACT: Gabrielle LaRoche

Coastal Project Questionnaire and Certification Statement

Please answer all questions. To avoid a delay in processing, please call the department if you answer "yes" to any of the questions related to that department. Maps and plan drawings must be included with your packet.

An incomplete packet will be returned.

■ APPLICANT INFORMATION

<p>1. _____ Name of Applicant</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>City State Zip Code</p> <p>_____</p> <p>Daytime Phone</p> <p>_____</p>	<p>2. _____ Contact Person</p> <p>_____</p> <p>Address</p> <p>_____</p> <p>City State Zip Code</p> <p>_____</p> <p>Daytime Phone</p> <p>_____</p> <p>Telecopy Number</p> <p>_____</p>
---	---

■ PROJECT INFORMATION

1. Has this project ever been reviewed by the State of Alaska? **Yes** **No**
 Previous State I.D. Number: AK _____
 Previous Project Name: _____

2. Provide a brief description of your entire project and ALL associated facilities (access roads, caretaker facilities, waste disposal sites, etc.). Please use an extra sheet of paper if necessary.

Proposed starting date for project: _____ Proposed ending date for project: _____

3. Attach a detailed description of the project and all associated facilities. Include a project timeline for completion of all major activities in the proposal, a site plan depicting all proposed actions, and any other supporting documentation that would facilitate review of the project.

■ **PROJECT LOCATION**

1. Location of project (include nearest community or name of the land feature or body of water. Identify township, range and section): _____
 Township _____ Range _____ Section _____ Meridian _____ Latitude/Longitude _____ / _____
2. The project is on: State Land* Federal Land Private Land Municipal Land
**State land can be uplands, tidelands, or submerged lands to 3 miles offshore. See Question #1 in DNR section.*
3. The project is located in which region (see attached map): Northern Southcentral Southeast
4. Attach a copy of the topographical map with the project location marked on it.

■ **CURRENT APPROVALS**

1. Do you currently have any State or federal approvals for this project? Yes No
Note: Approval means permit or any other form of authorization. If "yes," please list below:

Approval Type	Approval #	Expiration Date	State Review ID# (previously assigned by DGC)
_____	_____	_____	_____

If yes, have you applied for or do you intend to apply for a U.S. Army Corps of Engineers (COE) permit? Yes No
 Date of submittal: _____

4. Have you applied for, or do you intend to apply for a U.S. Environmental Protection Agency National Pollution Discharge Elimination System permit? *(Note: For information regarding the need for an NPDES permit, contact EPA at (907) 271-5083.)*
 Date of submittal: _____

5. Have you applied for or do you intend to apply for permits from any other federal agency?

AGENCY	APPROVAL TYPE	DATE SUBMITTED
_____	_____	_____
_____	_____	_____

DEPARTMENT OF NATURAL RESOURCES (DNR) APPROVALS

Note: In addition to State-owned uplands, the State owns almost all land below the ordinary high water line of navigable streams, rivers and lakes, and the mean high tide line seaward for three miles.

1. Is the proposed project on State-owned land or will you need to cross State-owned land for access? Yes No

2. Is any portion of your project to be placed on State-owned land below the ordinary high water line of a stream, river, or lake, or the mean high water line of a salt-water body?

3. Do you plan to construct an aquatic farm on State-owned land?

4. Do you plan to dredge or otherwise excavate/remove materials on State-owned land?

Location of dredging site if other than the project site.
(describe): _____
 Township _____ Range _____ Section _____ Meridian _____

5. Do you plan to place fill or dredged material on State-owned land?

Location of fill disposal site if other than the project site.
(describe): _____
 Township _____ Range _____ Section _____ Meridian _____
 Source is on: State Land Federal Land Private Land Municipal Land

- | | | Yes | No |
|-----|--|--------------------------|--------------------------|
| 6. | Do you plan to use any of the following State-owned resources: | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> <i>Timber</i> . Will you be harvesting timber?
Amount: _____ | | |
| | <input type="checkbox"/> <i>Materials such as rock, sand or gravel, peat, soil, overburden, etc.:</i>
Which material? _____
Amount: _____ | | |
| | Location of source if other than the project site:
(describe): _____
Township _____ Range _____ Section _____ Meridian _____ | | |
| 7. | Are you planning to use any fresh water? | <input type="checkbox"/> | <input type="checkbox"/> |
| | Amount (gallons per day): _____
Source: _____
Intended Use: _____ | | |
| 8. | Will you be building or altering a dam? | <input type="checkbox"/> | <input type="checkbox"/> |
| 9. | Do you plan to drill a geothermal well? | <input type="checkbox"/> | <input type="checkbox"/> |
| 10. | At any one site (regardless of land ownership, do you plan to do any of the following? . . . | <input type="checkbox"/> | <input type="checkbox"/> |
| | <input type="checkbox"/> Mine five or more acres over a year's time? | | |
| | <input type="checkbox"/> Mine 50,000 cubic yards or more of materials (rock, sand or gravel, soil, peat, overburden, etc.) over a year's time? | | |
| | <input type="checkbox"/> Have a cumulative unreclaimed mined area of five or more acres? | | |
| | If you plan to mine less than the acreage/amount stated above and have a cumulative unreclaimed mined area of less than five acres, do you intend to file a voluntary reclamation plan for approval? | <input type="checkbox"/> | <input type="checkbox"/> |
| 11. | Will you be exploring for or extracting coal? | <input type="checkbox"/> | <input type="checkbox"/> |
| 12. | Will you be drilling for oil/gas? | <input type="checkbox"/> | <input type="checkbox"/> |
| 13. | Will you be investigating or removing historical or archaeological resources on State-owned land? | <input type="checkbox"/> | <input type="checkbox"/> |
| 14. | Is the proposed project located in a unit of the Alaska State Park System? | <input type="checkbox"/> | <input type="checkbox"/> |

If you answered "No" to ALL questions in this section, you do not need an approval from DNR. Continue to next section.

If you answered "Yes" to ANY questions in this section, contact DNR to identify and obtain necessary application forms.

Based on your discussion with DNR, please complete the following:

Approval Type _____ Date Submitted _____

15. Have you paid the filing fees required for the DNR permits? Yes No

16. If you answered yes to any questions and are not applying for DNR permits, indicate reason below:

a. _____ (DNR contact) told me on _____ that no DNR approvals or permits were required on this project. Reason given by DNR: _____

b. Other: _____

■ DEPARTMENT OF FISH & GAME (DFG) APPROVALS

1. Will you be working in, or placing anything in, a stream, river or lake? (This includes work in running water or on ice, within the active flood plain, on islands, the face of the banks or the tidelands down to mean low tide.) Yes No

Name of stream, river, or lake: _____

2. Will you do any of the following?

Please indicate below:

- | | |
|--|--|
| <input type="checkbox"/> Build a dam, river training structure or instream impoundment? | <input type="checkbox"/> Alter or stabilize the banks? |
| <input type="checkbox"/> Use the water? | <input type="checkbox"/> Mine or dig in the beds or banks? |
| <input type="checkbox"/> Pump water out of the stream or lake? | <input type="checkbox"/> Use explosives? |
| <input type="checkbox"/> Divert or alter the natural stream channel? | <input type="checkbox"/> Build a bridge (including an ice bridge)? |
| <input type="checkbox"/> Block or dam the stream (temporarily or permanently)? | <input type="checkbox"/> Use the stream as a road (even when frozen), or crossing the stream with tracked or wheeled vehicles, log-dragging or excavation equipment (back-hoes, bulldozers, etc.)? |
| <input type="checkbox"/> Change the water flow or the water channel? | <input type="checkbox"/> Install a culvert or other drainage structure? |
| <input type="checkbox"/> Introduce silt, gravel, rock, petroleum products, debris, chemicals, or other organic/inorganic waste of any type into the water? | <input type="checkbox"/> Construct a weir? |
| | <input type="checkbox"/> Use an in-stream structure not mentioned here? |

If yes, describe: _____

- 3. Is your project located in a designated State Game Refuge, Critical Habitat Area or State Sanctuary? Yes No
- 4. Does your project include the construction/operation of a salmon hatchery? Yes No
- 5. Does your project affect, or is it related to, a previously permitted salmon hatchery? Yes No
- 6. Does your project include the construction of an aquatic farm? Yes No

If you answered "No" to ALL questions in this section, you do not need approval from DFG. Continue to next section.

If you answered "Yes" to ANY questions under 1-3, contact the Regional DFG Habitat Division Office for information and application forms.

If you answered "Yes" to questions 4-6, contact the DFG at the FRED division headquarters for information and application forms.

Based on your discussion with DFG, please complete the following:

<u>Approval Type</u>	<u>Date Submitted</u>

- 7. If you answered yes to any questions and are not applying for DFG permits, indicate reason below:
 - a. _____ (DFG contact) told me on _____ that no DFG approvals or permits were required on this project. Reason given by DFG: _____
 - b. Other: _____

■ DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) APPROVALS

- 1. Will a discharge of wastewater or stormwater drainage from industrial or commercial operations occur including marine drainage? Yes No
 - If so, will you be connecting to an already approved sewer system? Yes No
- 2. Do you intend to construct, install or modify any part of a wastewater (sewage or greywater) disposal system? Yes No
 - a) If so, will the discharge be 500 gpd or greater? Yes No
 - b) If constructing a domestic wastewater treatment or disposal system, will the system be located within fill material? Yes No

If your previous answer is yes, answer the following:

Yes No

- 1) How deep is the bottom of the system to the top of the subsurface water table? _____
- 2) How far is any part of the wastewater disposal system from the nearest surface water? _____
- 3) Is the surrounding area inundated with water at any time of the year?
- 4) How big is the fill area to be used for the absorption system? _____

(Questions 1 & 2 will be used by DEC to determine whether separation distances are being met; Questions 3 & 4 relate to the required size of the fill if wetlands are involved.)

3. Do you expect to request a mixing zone for your proposed project? *(If your wastewater discharge will exceed Alaska water quality standards, you may apply for a mixing zone. If so, please contact DEC to discuss information required under 18 AAC 70.032.)*

4. Will the project result in either of the following:

- Dredging in a wetland or other water body?
- Placement of fill materials or a structure in a wetland or other waterbody?

(Note: Your application for this activity to the Corps of Engineers also serves as your application to DEC.)

5. Do you plan to store or dispose of any type of solid waste at the project site?

6. Will your project require the application of oil, pesticides, and/or any other broadcast chemicals to the surface of the land and/or the waters of the state?

7. a. Will you have a facility that will generate air emissions from processing greater than *five tons per hour* of material?

b. Will you have one or more units of fuel burning equipment, including flaring, with a heat input rating of *50 million Btu per hour* or more?

c. 1) Will you have a facility containing incinerators with a total charging capacity of *1,000 pounds per hour* or more?

2) Do you incinerate sludge?

d. Will you have any of the following processes:

- Asphalt plant
- Petroleum refinery
- Petroleum Contaminated Soils Cleanup
- Coal preparation facility
- Portland cement plant

e. Will your facility use the following equipment?

- diesel internal combustion engines? *(Total capacity equal to or greater than 1,750 kilowatts or total rated brake specific horsepower greater than 2350 bhp)*
- gas fired boilers *(Total heat input rating of 100 million Btu per hour)*
- oil fired boilers *(Total heat input rating of 65 million Btu per hour)*
- combustion turbines *(total rated power output of 8,000 Hp)*

- f. Will your facility burn more than the following per year in stationary equipment? Yes No

 1,000,000 gallons of fuel oil
 900 million cubic feet of natural gas
 35,000 tons of coal
- g. If you have answered "yes" to any of the above questions (7 a-f), have you installed, replaced or modified any fuel burning or processing equipment since 1977?

8. Will you be developing, constructing, installing, or altering a public water system?

9. a. Will your project involve the operation of waterborne tank vessels or oil barges that carry crude or non-crude oil as bulk cargo, or the transfer of oil or other petroleum products to or from such a vessel or a pipeline system?

- b. Will your project require or include onshore or offshore oil facilities with an effective aggregate storage capacity of greater than 5,000 barrels of crude oil or greater than 10,000 barrels of non-crude oil?

- c. Will you be operating facilities on the land or water for the exploration or production of hydrocarbons?

10. Will you be subdividing lands into two or more lots (parcels)?

If you answered NO to ALL questions in this section, you do not need a permit or approval from DEC. Please continue to certification statement.

If you answered YES to ANY of these questions (see #4 note), contact the DEC Regional office for information and application forms.

Based on your discussion with DEC, please complete the following:

Approval Type	Date Submitted

11. If you answered yes to any questions and are not applying for DEC permits, indicate reason below:
- a. _____ (DEC contact) told me on _____ that no DEC approvals or permits were required on this project. Reason given by DEC: _____

- b. Other: _____

Certification Statement

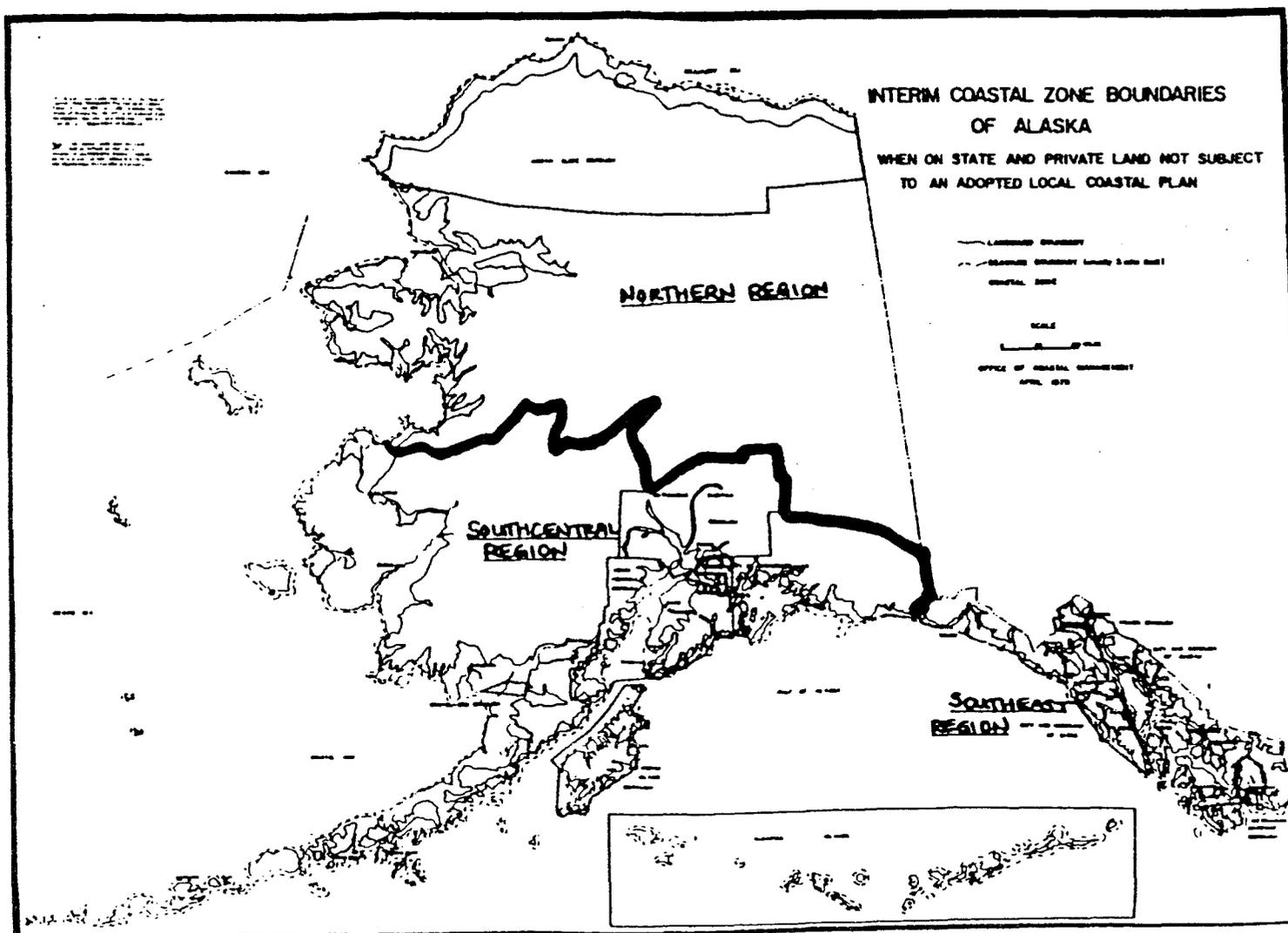
The information contained herein is true and complete to the best of my knowledge. I certify that the proposed activity complies with, and will be conducted in a manner consistent with, the Alaska Coastal Management Program.

Signature of Applicant or Agent

Date

Note: Federal agencies conducting an activity that will affect the coastal zone are required to submit a federal consistency determination, per 15 CFR 930, Subpart C, rather than this certification statement.

- To complete your packet, please attach your State permit applications and copies of your federal permit applications to this questionnaire.



APPLICATION FOR TRANSPORTATION AND UTILITY SYSTEMS
AND FACILITIES ON FEDERAL LANDS

GENERAL INFORMATION
ALASKA NATIONAL INTEREST LANDS

This application will be used when applying for a right-of-way, permit, license, lease, or certificate for the use of Federal lands which lie within conservation system units and National Recreation or Conservation Areas as defined in the Alaska National Interest Lands Conservation Act. Conservation system units include the National Park System, National Wildlife Refuge System, National Wild and Scenic Rivers System, National Trails System, National Wilderness Preservation System, and National Forest Monuments.

Transportation and utility systems and facility uses for which the application may be used are:

1. Canals, ditches, flumes, laterals, pipes, pipelines, tunnels, and other systems for the transportation of water.
2. Pipelines and other systems for the transportation of liquids other than water, including oil, natural gas, synthetic liquid and gaseous fuels, and any refined product produced therefrom.
3. Pipelines, slurry and emulsion systems, and conveyor belts for transportation of solid materials.
4. Systems for the transmission and distribution of electric energy.
5. Systems for transmission or reception of radio, television, telephone, telegraph, and other electronic signals, and other means of communications.
6. Improved rights-of-way for snow machines, air cushion vehicles, and all-terrain vehicles.
7. Roads, highways, railroads, tunnels, tramways, airports, landing strips, docks, and other systems of general transportation.

This application must be filed simultaneously with each Federal department or agency requiring authorization to establish and operate your proposal.

In Alaska, the following agencies will help the applicant file an application and identify the other agencies the applicant should contact and possibly file with:

Department of Agriculture
Regional Forester, Forest Service (USFS)
Federal Office Building, P.O. Box 1628
Juneau, Alaska 99802
Telephone: (907) 588-7247 (or a local Forest Service Office)

Department of Interior
Bureau of Indian Affairs (BIA)
Juneau Area Office, P.O. Box 3-8000
Juneau, Alaska 99802
Telephone: (907) 586-7209

Bureau of Land Management (BLM)
701 C Street, Box 13
Anchorage, Alaska 99513
Telephone: (907) 271-5055 (or a local BLM Office)

National Park Service (NPS)
Alaska Regional Office, 540 West 5th Avenue, Room 202
Anchorage, Alaska 99501
Telephone: (907) 271-4196

U.S. Fish & Wildlife Service (FWS)
Office of the Regional Director
1011 East Tudor Road
Anchorage, Alaska 99503
Telephone: (907) 276-3800

Note-Filings with any Interior agency may be filed with any office noted above or with the: Office of the Secretary of the Interior, Regional Environmental Officer, Box 120, 1675 C Street, Anchorage, Alaska 99513.

(For supplemental, see reverse)

Department of Transportation
Federal Aviation Administration
Alaska Region AAL-4, P.O. 14
Anchorage, Alaska 99513

NOTE - The Department of Transportation has established the above central filing point for agencies within that Department. Affected agencies are: Federal Aviation Administration (FAA), Coast Guard (USCG), Federal Highway Administration (FHWA), Federal Railroad Administration (FRA).

OTHER THAN ALASKA NATIONAL INTEREST LANDS

Use of this form is not limited to National Interest Conservation Lands of Alaska.

Individual departments/agencies may authorize the use of this form by applicants for transportation and utility systems and facilities on other Federal lands outside those areas described above.

For proposals located outside of Alaska, applications will be filed at the local agency office or at a location specified by the responsible Federal agency.

SPECIFIC INSTRUCTIONS
(Items not listed are self-explanatory)

Item

- 7 Attach preliminary site and facility construction plans. The responsible agency will provide instructions whenever specific plans are required.
- 8 Generally, the map must show the section(s), township(s), and range(s) within which the project is to be located. Show the proposed location of the project on the map as accurately as possible. Some agencies require detailed survey maps. The responsible agency will provide additional instructions.
- 9, 10, and 12 - The responsible agency will provide additional instructions.
- 13 Providing information on alternate routes and modes in as much detail as possible, discussing why certain routes or modes were rejected and why it is necessary to cross Federal lands will assist the agency(ies) in processing your application and reaching a final decision. Include only reasonable alternate routes and modes as related to current technology and economics.
- 14 The responsible agency will provide instructions.
- 15 Generally, a simple statement of the purpose of the proposal will be sufficient. However, major proposals located in critical or sensitive areas may require a full analysis with additional specific information. The responsible agency will provide additional instructions.
- 16 through 18 - Providing this information in as much detail as possible will assist the Federal agency(ies) in processing the application and reaching a decision. When completing these items, you should use sound judgment in furnishing relevant information. For example, if the project is not near a stream or other body of water, do not address this subject. The responsible agency will provide additional instructions.

Application must be signed by the applicant or applicant's authorized representative.

If additional space is needed to complete any item, please put the information on a separate sheet of paper and identify it as "Continuation of Item".

APPLICATION FOR TRANSPORTATION AND
UTILITY SYSTEMS AND FACILITIES
ON FEDERAL LANDS

FORM APPROVED
OMB NO. 1004-0060
Expires:

NOTE: Before completing and filing the application, the applicant should completely review this package and schedule a preapplication meeting with representatives of the agency responsible for processing the application. Each agency may have specific and unique requirements to be met in preparing and processing the application. Many times, with the help of the agency representative, the application can be completed at the preapplication meeting.

FOR AGENCY USE ONLY

Application Number

Date filed

1. Name and address of applicant (include zip code)

2. Name, title, and address of authorized agent if different from item 1 (include zip code)

3. TELEPHONE (area code)

Applicant

Authorized Agent

4. As applicant are you? (check one)

- a. Individual
b. Corporation *
c. Partnership/Association *
d. State Government/State Agency
e. Local Government
f. Federal Agency

* If checked, complete supplemental page

5. Specify what application is for. (check one)

- a. New authorization
b. Renew existing authorization No. _____
c. Amend existing authorization No. _____
d. Assign existing authorization No. _____
e. Existing use for which no authorization has been received *
f. Other *

* If checked, provide details under item 7

6. If an individual, or partnership are you a citizen(s) of the United States? Yes No

7. Project description (describe in detail): (a) Type of system or facility, (e.g., canal, pipeline, road); (b) related structures and facilities; (c) physical specifications (length, width, grading, etc.); (d) term of years needed; (e) time of year of use or operation; (f) Volume or amount of product to be transported; (g) duration and timing of construction; and (h) temporary work areas needed for construction. (Attach additional sheets, if additional space is needed.)

8. Attach map covering area and show location of project proposal

9. State or local government approval: Attached Applied for Not required

10. Nonreturnable application fee: Attached Not required

11. Does project cross international boundary or affect international waterways? Yes No (If "yes," indicate on map)

12. Give statement of your technical and financial capability to construct, operate, maintain, and terminate system for which authorization is being requested.

13a. Describe other reasonable alternative routes and modes considered.

b. Why were these alternatives not selected?

c. Give explanation as to why it is necessary to cross Federal lands.

14. List authorizations and pending applications filed for similar projects which may provide information to the authorizing agency. (Specify number, date, code, or name.)

15. Provide statement of need for project, including the economic feasibility and items such as: (a) cost of proposal (construction, operation, and maintenance); (b) estimated cost of next best alternative; and (c) expected public benefits.

16. Describe probable effects on the population in the area, including the social and economic aspects, and the rural lifestyles.

17. Describe likely environmental effects that the proposed project will have on: (a) air quality; (b) visual impact; (c) surface and ground water quality and quantity; (d) the control or structural change on any stream or other body of water; (e) existing noise levels; and (f) the surface of the land, including vegetation, permafrost, soil, and soil stability.

18. Describe the probable effects that the proposed project will have on: (a) populations of fish, plant, wildlife, and marine life, including threatened and endangered species; and (b) marine mammals, including hunting, capturing, collecting, or killing these animals.

19. Name all the Department(s)/Agency(ies) where this application is being filed.

HEREBY CERTIFY, That I am of legal age and authorized to do business in the State and that I have personally examined the information contained in the application and believe that the information submitted is correct to the best of my knowledge.

Signature of Applicant

Date

Title 18, U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representations as to any matter within its jurisdiction.

SUPPLEMENTAL

NOTE: The responsible agency(ies) will provide additional instructions.	CHECK APPROPRIATE BLOCK	
	ATTACHED	FILED *
I - PRIVATE CORPORATIONS		
1. Articles of Incorporation	<input type="checkbox"/>	<input type="checkbox"/>
2. Corporation Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
3. A certification from the State showing the corporation is in good standing and is entitled to operate within the State.	<input type="checkbox"/>	<input type="checkbox"/>
4. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
5. The name and address of each shareholder owning 3 percent or more of the shares, together with the number and percentage of any class of voting shares of the entity which such shareholder is authorized to vote and the name and address of each affiliate of the entity together with, in the case of an affiliate controlled by the entity, the number of shares and the percentage of any class of voting stock of that affiliate owned, directly or indirectly, by that entity, and in the case of an affiliate which controls that entity, the number of shares and the percentage of any class of voting stock of that entity owned, directly or indirectly, by the affiliate.	<input type="checkbox"/>	<input type="checkbox"/>
6. If application is for an oil or gas pipeline, describe any related right-of-way or temporary use permit applications, and identify previous applications.	<input type="checkbox"/>	<input type="checkbox"/>
7. If application is for an oil and gas pipeline, identify all Federal lands by agency impacted by proposal.	<input type="checkbox"/>	<input type="checkbox"/>
II - PUBLIC CORPORATIONS		
1. Copy of law forming corporation	<input type="checkbox"/>	<input type="checkbox"/>
2. Proof of organization	<input type="checkbox"/>	<input type="checkbox"/>
3. Copy of Bylaws	<input type="checkbox"/>	<input type="checkbox"/>
4. Copy of resolution authorizing filing	<input type="checkbox"/>	<input type="checkbox"/>
5. If application is for an oil or gas pipeline, provide information required by Item "1-f" and "1-g" above.	<input type="checkbox"/>	<input type="checkbox"/>
III - PARTNERSHIP OR OTHER UNINCORPORATED ENTITY		
1. Articles of association, if any	<input type="checkbox"/>	<input type="checkbox"/>
2. If one partner is authorized to sign, resolution authorizing action is	<input type="checkbox"/>	<input type="checkbox"/>
3. Name and address of each participant, partner, association, or other	<input type="checkbox"/>	<input type="checkbox"/>
4. If application is for an oil or gas pipeline, provide information required by Item "1-f" and "1-g" above.	<input type="checkbox"/>	<input type="checkbox"/>

If the required information is already filed with the agency processing this application and is current, check block entitled "Filed." Provide the file identification information (e.g., number, date, code, name). If not on file or current, attach the requested information.

NOTICE

The Privacy Act of 1974 provides that you be furnished the following information in connection with information required by this application for an authorization.

AUTHORITY: 16 U.S.C. 310; 5 U.S.C. 301.

PRINCIPLE PURPOSE: The information is to be used to process the application.

ROUTINE USES: (1) The processing of the applicant's request for an authorization. (2) Documentation for public information. (3) Transfer to appropriate Federal agencies when concurrence is required prior to granting a right in public lands or resources. (4)(5) Information from the record and/or the record will be transferred to appropriate Federal, State, local or foreign agencies, when relevant to civil, criminal or regulatory investigations or prosecutions.

EFFECT OF NOT PROVIDING INFORMATION: Disclosure of the information is voluntary. If all the information is not provided, the application may be rejected.

DATA COLLECTION STATEMENT

The Federal agencies collect this information from applicants requesting right-of-way, permit, license, lease, or certification for the use of Federal lands.

The Federal agencies use this information to evaluate the applicant's proposal.

The public is obligated to respond to this information request if they wish to obtain permission to use Federal lands.

ALASKA DEPARTMENT OF FISH AND GAME
SPECIAL AREAS PERMIT APPLICATION

(For approval of a project or activity within
a state game refuge, game sanctuary or critical habitat area)
Pursuant to 5 AAC 95

This application must be completely filled out in order for the department to consider approval of a proposed project or activity. Please type or print clearly in ink. If a question is not applicable to your project, or you do not know the answer, please so indicate on the appropriate line.

A. APPLICANT

Name: _____

Company: _____

Address: _____

_____ Phone (day): _____

Name of Responsible Party in the Field: _____

B. LOCATION OF PROJECT SITE

Name of Special Area _____

Specific project location _____

Township _____ Range _____ Meridian _____ Section _____

Quarter Section _____ USGS Map _____

Is the project on: private land _____ state land _____

federal land _____ municipal land _____ ownership unknown _____

Waterbodies crossed or otherwise affected: _____

Is the project in the coastal zone?* Yes _____ No _____

If yes, attach a completed Coastal Project Questionnaire to this application.

C. DESCRIPTION OF THE PROJECT OR ACTIVITY

On separate, attached sheets provide complete plans and specifications and all other details necessary to fully describe the scope of the proposed project or activity. Include, at a minimum, the following information:

The purpose of the project or activity.

*If you are uncertain as to whether your proposed project lies within the coastal zone please contact a Habitat Division office.

The timeframe for the project or activity, including the specific time periods for any inwater work or other activities which may disturb fish or wildlife.

A description of construction methods, types and quantities of equipment and number of people involved.

A description of water use including methods of withdrawal, rate of withdrawal, and the total quantity of water required.

A list of fill and excavation quantities including the types of material and the source.

A map and description showing how access will be gained to the project area (use USGS 1:63,360 scale maps where available).

A detailed map or plan view, drawn to scale, and any cross-sectional views necessary to show project features and local topography including the location of all facilities and project dimensions.

A current aerial photograph of the project location (if available).

D. OTHER PERMITS

Identify other state or federal permits or authorizations obtained or applied for: _____

MITIGATION: As a condition of project approval, applicants will be required to compensate fully for damage to fish and wildlife and their habitat by employing the most appropriate techniques. Where determined necessary by the department, a mitigation plan pursuant to 5 AAC 95 will be required.

I HEREBY CERTIFY THAT ALL INFORMATION PROVIDED ON OR IN CONNECTION WITH THIS APPLICATION IS TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Applicant

Date

Name of Applicant (please print)

SUBMIT APPLICATION BY MAIL OR IN PERSON TO THE APPROPRIATE DEPARTMENT OF FISH AND GAME HABITAT DIVISION OFFICE.

Habitat Division Addresses:

- JUNEAU (Southeast Alaska - Region I)
P.O. Box 20, Douglas, AK 99824-0020 (465-4290)
- ANCHORAGE (Southcentral, Southwest and Western Alaska - Regions II and IV)
333 Raspberry Rd., Anchorage, AK 99518-1599 (344-0541)
- FAIRBANKS (Interior and Arctic Alaska - Region III)
1565 University Avenue, Fairbanks, AK 99701 (479-3104)



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 F. Reeder
Larry U. 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
Birniak 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 lifestage 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 Provided	
	<u>Agree</u>	<u>Disagree</u>	<u>Date</u>	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.

The Alaska Department of Fish and Game administers all programs and activities free from discrimination based on race, color, national origin, age, sex, religion, marital status, pregnancy, parenthood, or disability. The department administers all programs and activities in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972.

If you believe you have been discriminated against in any program, activity, or facility, or if you desire further information please write to ADF&G, P.O. Box 25526, Juneau, AK 99802-5526; U.S. Fish and Wildlife Service, 4040 N. Fairfax Drive, Suite 300 Webb, Arlington, VA 22203 or O.E.O., U.S. Department of the Interior, Washington DC 20240.

For information on alternative formats for this and other department publications, please contact the department ADA Coordinator at (voice) 907-465-6077, (TDD) 907-465-3646, or (FAX) 907-465-6078.