



Alaska Aquatic Farm Program Joint Agency Application – Part I

INFORMATION ON THE APPLICATION PROCESS, GUIDELINES, AUTHORIZATIONS AND CONTACTS

January 1st through April 30th

The joint-agency application package is presented in two parts: Part 1 (this section) - Application Process, Guidelines, Authorizations, and Contacts and Part II - Instructions and Application. Part I of the packet provides you with information about the Alaska Aquatic Farm Program application process, requirements, and guidance aquatic farm site development. It will help you understand how to obtain the authorizations required by the Alaska Departments of Natural Resources (ADNR), Fish and Game (ADF&G), and Environmental Conservation (ADEC) to site, develop, and operate your aquatic farm. Part II of the package contains the joint-agency application and instructions for completing it. The joint-agency application consolidates all applications for each state agency into one to help minimize the paperwork applicants must complete to obtain authorizations for an aquatic farm.

If you have questions or would like any assistance with the application (Part II), please contact the ADNR Aquatic Farming Program Coordinator at (907) 269-8543 or dnr.aquaticfarming@alaska.gov and/or the ADF&G Permit Coordinator at (907) 465-4724 or dfg.dcf.aquaticfarming@alaska.gov.

A. APPLICATION PROCESS

An aquatic farm application opening is offered from **January 1st through April 30th**. It is highly recommended that applicants request a pre-application meeting prior to applying. Additionally, applicants should allow time to discuss their proposal with any federal agencies such as U.S. Army Corps of Engineers (USACE) and local agencies to obtain information on their requirements and authorization. The time to complete the application review process for a lease and operation permit can vary depending on the complexity of the project, responsiveness of the applicant, workload of the agencies, and any concerns from state agency and public review comments. For proposed aquatic farms in state tide or submerged lands, the timeframe for lease issuance can vary widely depending on numerous factors. An operation permit is issued no later than 30 days after lease issuance unless additional review time is necessary to determine compliance. For proposed aquatic farms on private lands, the process tends to be quicker as no DNR lease is required. The following information outlines the application process when applying for an aquatic farm on state lands. Refer to Figure 1 for a flow chart of the application review process. Applicable fees for aquatic farming authorizations can be found in Tables 2 and 3.

- 1. Pre-Application Meeting.** Applicants are encouraged to request a pre-application meeting through the Alaska Departments of Natural Resources (ADNR) and / or Fish and Game (ADF&G). State agency personnel will be happy to help all potential farmers with any questions regarding the application and reviewing any draft application and support materials prior to them being submitted to the state.
- 2. Joint-agency Application and Fees Received.** A completed application and any required supporting documentation need to be submitted to the ADNR Aquatic Farm Leasing Program in Anchorage along with the required fees. ADNR will then make a copy and distribute it to ADF&G and the Department of Environmental Conservation (ADEC).

3. **Application Reviewed for Completeness.** The application and any required supporting documentation will be reviewed for completeness by ADNR and ADF&G to ensure all application requirements have been met. Information in the application, project description, maps, and drawings must match and be consistent so that it is clear what is being proposed. A request for additional information may be sent to applicants where additional clarification is needed, inconsistencies are found, or items are missing. Each department must have enough information to initiate their agency review of the proposal.
4. **ADNR 20-day Agency Notice and Review Period.** The ADNR will provide government agencies with an opportunity to review the proposed aquatic farm project. The length of time for the agency review is 20 days and can be extended if agencies require additional time for their review of the project.
5. **ADF&G Review and Determination.** A preliminary review and recommendation on issuance of an operation permit will be sent to DNR and to the applicant. If mitigation measures are required to meet ADF&G requirements for issuing an Aquatic Farm Operations Permit, the review process may be delayed while additional is gathered. If an on-bottom survey is required, the applicant will be notified.
6. **ADF&G Site Survey and Review.** For on-bottom (clam culture) aquatic farm projects, a site biomass survey to determine the existing population of shellfish to be cultured is required by ADF&G. Applicants will be contacted by ADF&G to schedule the biomass survey. Survey fees must be provided with the application. The survey requires organizing and planning department staff resources and can add up to a year for the review time. Only insignificant populations of the species intended for culture are allowed on the proposed site for an AD&G aquatic farm operation permit to be considered for issuance.
7. **ADNR Preliminary Decision.** ADNR will write a preliminary decision (PD) for the project, taking the information from the application, input from state agencies, information from the applicable DNR Area Plan, and by following statutory and regulatory requirements. The PD will include the proposed action and a recommended decision on whether it is in the state's best interested to issue a lease for the project.
8. **ADNR Public Notice and Review Period.** A 30-day public notice and review period will be provided to the public for an opportunity to comment on the preliminary decision. Notices will be available on the ADNR public notice web page at <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>.
9. **ADNR Final Finding and Decision.** The ADNR will write a Final Finding and Decision (FFD), which will include lease stipulations that the applicant must adhere to throughout the lease term. Participating agency recommendations will also be included in this document. Responses to written agency and public comments submitted during the public notice and review period will be included in the FFD. The FFD will be sent to the applicant and all parties who provided written comments during the public notice and review period. If no appeal is received the FFD becomes a final administrative order 31 days after it is signed.
10. **ADNR 20-day Appeal Period.** Once the FFD is finalized and signed by ADNR a 20-day appeal period begins. During the appeal period the applicant and anyone who submitted written comments during the public notice and review period, may appeal the FFD. If an appeal is received the FFD is stayed until the appeal is resolved. If no appeal is received, the FFD becomes a final administrative order 31 days after it is signed.
11. **ADNR Lease.** ADNR will send the 10-year lease to the applicant for signature and notarization. The applicant then returns the signed and notarized lease along with the first annual lease fee, proof of liability insurance, and performance guarantee bond. Once the signed and notarized lease and all deliverables are received, ADNR will execute the lease and provide a copy to the new lease holder.
12. **ADF&G Operation Permit.** ADF&G will issue the operation permit to construct and operate an aquatic farm no later than 30 days after final lease has been executed by ADNR. The operation permit will include permit conditions that the applicant will be required to adhere to throughout the 10-year operation permit.
13. **ADF&G Appeal Process.** A request for reconsideration of an ADF&G decision for an aquatic farm operation must be submitted within 30 days after the date of the decision. The request must have new or additional information relevant to the decision. After 30 days, ADF&G will issue a written decision granting or denying the request for reconsideration.

14. **ADEC Pre-Harvest and Sale Requirements (for shellfish only).** An aquatic farming operator will need to obtain from ADEC a growing area classification which can take up to a year to complete depending on the results and operator cooperation. To harvest and ship, an operator must have an approved shellfish sampling plan, a harvest permit, and shellfish shipper permit. ADEC has fees for the initial water classification and permits for Shellfish Harvest, Shellfish Shipper, Shellfish Shucker Packer, and a Shellfish Repacker. An operator will be expected to collect water samples and pay for shipping to the ADEC laboratory in Anchorage.
15. **ADEC Sale Requirements (for aquatic plants harvest).** An aquatic farmer will need to obtain a food establishment permit from ADEC if the final aquatic farm product is processed beyond rinsing and trimming. This permit would be required for processes such as freezing, drying, and packaging the product.
16. **ADF&G Special Area Permit (Kachemak Bay).** For proposed farm projects in the Kachemak Bay Critical Habitat Area, ADF&G also requires an additional special area permit review and approval of the project proposal. The joint-agency application will be provided to the Division of Habitat for you. If approved, the Special Area Permit to proceed with the project will be issued and include permit conditions that the applicant will be required to adhere to throughout the 5-year permit. An aquatic farm operation permit must be approved prior to obtaining this special area permit.
17. **Federal Authorizations.** Other federal authorizations may also be required for aquatic farming operations. Applicants should confer with the following agencies to determine which federal authorizations are necessary. The list below is not all inclusive and there may be other federal agencies that require authorizations for your project.
 - United States Army Corps of Engineers (USACE) for uses within navigable waterways. USACE Permits are required for any structures to be used at the proposed farm site in navigable waters.
 - United States Forest Service (USFS) for associated upland use within national forests.
 - United States Fish and Wildlife Service (USFWS) for proposals within wildlife refuges.
 - National Marine Fisheries Service (NMFS)
18. **Local Authorizations.** Proposed farm projects that fall within the boundaries of a borough or municipality may require an authorization from that local authority. Applicants should contact any local government to determine if a local authorization is required.

Table 1: State of Alaska Fees for Shellfish Aquatic Farm Authorization and Operations (Initial Year and Years 2-10)

Year 1						
Type of Fee	Type of Operation and Size (Acres)					When Fees Required to be Paid to Agency
	Suspended Shellfish		On Bottom, Intertidal	On Bottom, Subtidal	Suspended - Aquatic Plant	
	(1 acre) Example	(50 acres) Example	(1 acre) Example	(3 acres) Example	(10 acres) Example	
Application Fee ²	\$600	\$2,000	\$600	\$1,200	\$2,000	Application submittal
Annual Lease Fee ³	\$450	\$6,109	\$450	\$700	\$1,575	According to lease agreement
Security Bond ⁴	\$2,500	\$2,500	\$2,500	\$2,500	\$2,500	With signed lease submittal
Annual Liability Insurance with third party ⁵	Based on quote from insurance company or broker	Based on quote from insurance company or broker	Based on quote from insurance company or broker	Based on quote from insurance company or broker	Based on quote from insurance company or broker	According to insurance agreement
Wild Stock Survey Fee ⁶	\$0	\$0	\$2,000	\$5,000	\$0	Application submitted
Sanitary Survey Initial Fee, Water Classification ⁷	\$500 (minimum \$300 per year thereafter) ⁸	\$500 (minimum \$300 per year thereafter) ⁸	\$500 (minimum \$300 per year thereafter) ⁸	\$500 (minimum \$300 per year thereafter) ⁸	Not required for aquatic plants	When water classification requested
Initial Fees 1st Year (Minimum)	\$4,050	\$11,109	\$6,050	\$9,900	\$6,075	As indicated above
Years 2 - 10						
Fees for Each Year from Year 2 to year 10⁹	\$750	\$6,409	\$750	\$1,000	\$1,575	As indicated above
All Years 1 - 10 Combined						
Total Fees for All 10 Years¹⁰	\$10,800	\$68,790	\$12,800	\$18,900	\$20,250	As indicated above

Note: DNR - Department of Natural Resources; ADF&G - Alaska Department of Fish and Game; DEC - Department of Environmental Conservation.

1 DNR - Based on fee structures in Regulations: DNR AS 38.05.083, ADF&G 5 AAC 41.280, and DEC 18 AAC 34.900(a) Seafood Permit Fee Schedule 2010 and 34.900(c)(1) and (2). If any discrepancies are found between this spreadsheet and the Alaska Administrative Code, The Code should be considered the final authority, unless the discrepancy is a result of a manifest error in the Code.

2 DNR - One-time application fee.

3 DNR - For an aquatic farm only (30 acres or less): \$450 for the first acre plus an additional \$125 per acre or portion thereof. Note: The fee schedule is reviewed every two years. If applicant does not want to use the lease fee schedule, applicant can pay for an appraisal to be done.

4 DNR - The amount listed in the table is the minimum-security fee for a typical aquatic farm lease but is dependent on the calculation using a bonding matrix that considers structures used at the site and location of the site and possible cleanup costs. Reduced fees may be considered if lessee can find three or more lessees to bond together for an Association bond (11 AAC 63.080). The bond would be 50% of the amount individually calculated for each lease.

5 DNR - For liability insurance: The lessee is required to obtain and maintain liability coverage and limits issued by an insurance broker adequate to protect the insurer's commercial operations on or in conjunction with the insured's use of State Land. This liability insurance protects the insurer and the State of Alaska from all liability exposures.

6 ADF&G - Survey Fees: Survey fee is per day per site and dependent on size of the site. Reduced fees if applicant can work with ADF&G to reduce travel costs and when there is more than one farmer so costs of survey can be split.

7 DEC - The fee is for the cost associated with the time and resource taken to research, evaluate and compile a comprehensive sanitary report for the initial classification of the shellfish growing area. It includes laboratory time for water sample testing at \$17 a sample, and the compilation and evaluation of the results. At a minimum, twelve months' worth of dry and wet samples are required. Permittee pays for the collection and shipping costs for samples sent to DEC Lab in Anchorage.

8 DEC - All classified shellfish growing areas must be re-approved annually to maintain an active classification for each growing area. Note that classifications are based on water quality data and may change from year to year. The fee for reclassification is \$300 – \$750 annually for each classified area (\$150 per sampling activity) and is pro-rated among two or more farms within the same classification area.

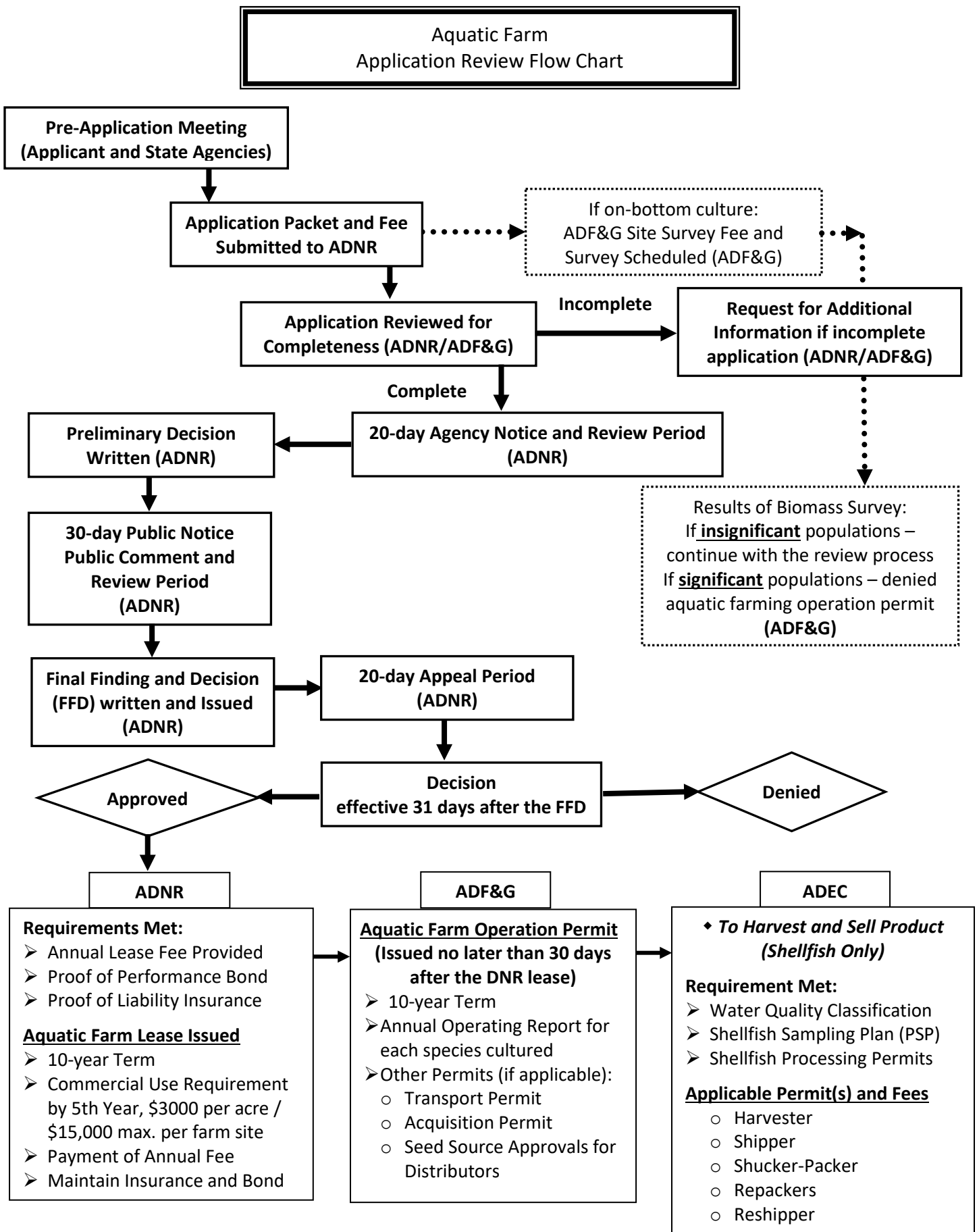
9 DEC - All shellfish permits are issued annually and expires at the end of the calendar year. Permit fees must be renewed annually to maintain compliance. You can only be permitted as any one of the dealers listed. A shellfish harvester can only sell shellstock to a licensed dealer.

10 This table is an approximate guide only. All fees are minimums and approximate and may vary based on the type of authorizations required.

Director Brent Goodrum, Department of Natural Resources, Division of Mining, Land and Water, issued a Director's Order regarding fees, dated June 8, 2018. Please see Director's Fee Order for current fees. All current fees are also listed in the table on the Aquatic Farming website:

<https://dnr.alaska.gov/mlw/aquatic/>

Figure 1: Aquatic Farm State Application Review Flow Chart



B. SITING YOUR AQUATIC FARM

Beyond the state authorizations there may be federal and local siting restrictions and regulations depending on the farmsite location. There is no substitute for visiting potential sites yourself. Many questions about suitability can be answered by visiting an area multiple times and talking to existing users about potential challenges and characteristics of an area. In general, a suitable site for your aquatic farming operation should have:

- Good oxygen exchange/flushing and water circulation
- Adequate salinity, temperature, and phytoplankton in the water
- Low probability of severe storms or winter icing
- Acceptable water quality and no history of pollution sources
- Sufficient water depth at MLW (mean low water) to allow clearance under suspended gear at low tides
- Depths equal to or greater than 60 ft. are recommended to enable farmers to drop gear if water temperatures go higher than 60° F to help minimize *Vibrio* sp. bacterial growth
- Accessibility to site, year round
- No history of disease organisms (shellfish and aquatic plants) or harmful plankton blooms (shellfish)
- No nearby seal/sea lion haul outs or pupping areas, seabird colonies, eagle nests or anadromous fish streams.
- Location that does not impede navigation

Site suitability fact sheets can be found on the Alaska Department of Fish and Game aquatic farming web page at <http://www.adfg.alaska.gov/index.cfm?adfg=fishingaquaticfarming.mariculturefaq>. The Alaska Sea Grant has additional useful information on their aquaculture web page at: <http://aquaculture.seagrant.uaf.edu/>.

Other Siting Tools

- [Alaska Ocean Observing System Mariculture Map](#) - this web-based mapping tool can be used to create the maps required by the state and federal applications (see section 4). Some layers also provide useful siting information and we have linked to them below under the relevant agency siting requirement or recommendation.
- [NOAA OceanReports](#) - this web-based, report-centric tool provides coastal and ocean planners with a high-level analysis for their custom-drawn area of interest. It provides summary statistics and infographics for six main topics: general information, energy and minerals, natural resources and conservation, oceanographic and biophysical, transportation and infrastructure, and economics and commerce.
- [Alaska Mapper](#) – Online mapping tool that can show the location of existing aquatic farms and other state authorizations. May be useful in determining areas where conflicts with other uses may exist.
- [DNR Area Plans](#) – Planning documents used by DNR to determine the compatibility of a project within a certain area. Will help applicants determine if mariculture is an allowable use within a given area.
- [ADF&G Anadromous Waters Catalog](#) – Catalog of waters important to the spawning, rearing or migration of anadromous fishes.

Public outreach to neighbors, and nearby property owners to inform them of you proposed project is strongly recommended. Public outreach often increases public buy in and reduces opposition to a project. This information may be obtained through borough or city property records, state, or federal land records.

C. SENSITIVE AREAS AS SET FORTH BY THE ADNOR, ADF&G and ADEC

The following areas are considered sensitive and should be avoided when choosing an aquatic farm site. Applicants who apply in or near a sensitive area should contact the responsible state agency to determine how a farm site might be situated to avoid significant impacts.

- Herring Spawning Areas or Kelp and Eelgrass Beds (ADF&G)
- Shorebird, Waterfowl or Sea Otter Concentration Areas (ADF&G)
- Black and Brown Bear Concentration Areas and Travel Corridors (ADF&G)
- Shallow Areas - Less than approx. 40 feet at MLW (mean low water) utilizing suspended culture - certain shallow areas serve as nursery areas for fish, shellfish or aquatic plants (ADF&G)
- Commercial, Subsistence or Personal Use Harvest Areas (ADF&G)
- Poor Current Circulation Areas - currents should be sufficient to disperse biological wastes (ADEC)
- Heavily Used Anchorages and traffic corridors (ADF&G, Division of Sport Fish; ADNOR, Mining, Land and Water Division - management plans, and/or the applicable U.S. Coast Pilot)
- Floatplane Access Areas (ADEC; ADNOR)
- Hatchery Harvest Areas: Aquatic farms or facilities sited within Special Harvest Areas (SHA) or Terminal Harvest Areas (THA) must have the approval of the hatchery operator/manager. (ADF&G)
- Oiled areas from the 1989 Exxon Valdez oil spill. For questions regarding specific areas contact the Pipeline Corridor Regional Office at (907) 271-4336. (ADEC)

There are some areas in the state that have been legislatively designated for purposes other than aquatic shellfish farms. The following areas may not be compatible with aquatic farm development projects:

- State Game Refuges and Sanctuaries, State Parks and Marine Parks, State Critical Habitat areas and established commercial fishery harvest areas.
- The Fox River Flats and Kachemak Bay Critical Habitat Areas allow aquatic farms, but farms are limited to suspended culture only.

D. GROWING AREA CLASSIFICATION CRITERIA (ADEC)

Prior to developing an aquatic farm site, the water surrounding a proposed growing area must be safe for the harvest and sale of shellfish. The Alaska Department of Environmental Conservation (ADEC) is charged with seafood safety and has a program for classifying waters for aquatic farms. Farmers should consider the following items when searching for a suitable aquatic farm site:

- Areas used by boats for recreation, moorage and anchorage, or in close proximity to a proposed growing area may cause conditions that may adversely affect the classification of the growing area.
- Farms should be sited in areas free of waste discharge. Caretaker housing facilities are allowed but must be a minimum of 300 feet from the boundary of a growing area if sewage is discharged. ADEC can approve a sewage disposal system adequate to protect shellfish from contamination for any caretaker facilities associated with an aquatic farm operation.
- Areas used by commercial fishing or personal use fishing/hunting within the immediate area or near the growing area could cause conditions that may adversely affect the classification of the growing area.
- Large wildlife populations in the area and/or the presence of anadromous streams may cause conditions that will affect water quality and thus food safety. This may be resolved in a classified area by limiting harvest times with a conditional management plan.
- An upland area where cabins and homes exist may cause conditions that could cause food safety issues and may adversely affect the classification of the growing area.
- Previously existing facilities may have septic tanks that have been permitted by ADEC with in-water discharge of sewage which may adversely affect the classification of the growing area.

Always contact ADEC-Environmental Health for consultation prior to completing your application. For additional information and assistance regarding these health classification guidelines, please contact the ADEC Shellfish Program Coordinator, Division of Environmental Health, at (907) 269-7636 or by email at dec.shellfish.processing@alaska.gov.

E. AUTHORIZATIONS AND CONTACTS

Multiple agency authorizations are required to site, construct and operate an aquatic farmsite in the state of Alaska. ADNR Division of Mining, Land, and Water (DMLW) will review the proposed site to determine if it is in the best interest of the state to grant a ten-year aquatic farm site lease. Once an aquatic farm site lease agreement is granted, Alaska Department of Fish & Game (ADF&G) will review the application, and other site-specific information, before issuing an Aquatic Farm Operation Permit and, if needed, a Special Area Permit to locate a farm in a critical habitat area. ADEC issues the necessary classifications to growing area waters where aquatic farm sites that grow and harvest shellfish are located, and issues the required permits for operators as shellfish harvesters or shellfish dealers depending on the activities the operation wants to engage in. Once an applicant has applied for all required state authorizations, they can make a request to the U.S. Army Corps of Engineers (USACE) for Aquatic Farm Structures within the State of Alaska.

The following sections provide a summary of the authorizations routinely required by the State of Alaska Departments of Natural Resources (ADNR), Fish and Game (ADF&G), and Environmental Conservation (ADEC), and US Army Corps of Engineers (USACE) to site and operate an aquatic farm in the state of Alaska. Table 3 and 4 provide a list of the state and federal contacts, respectively.

ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF MINING, LAND AND WATER

► Ten-Year Aquatic Farmsite Lease Requirements

Activities Covered: Leasing of the state's tide and submerged land in marine waters.

Purpose: To provide for development of the state's lands into commercial shellfish and sea plant farms.

Process: Joint-agency aquatic farm site application packet and agency review for a ten-year lease of state lands, annual reporting, and site inspections.

Fees: See Tables 1 and 2 on previous pages

More Information: <http://dnr.alaska.gov/mlw/aquatic/>

Shortly after approval of an application in a final best interest finding, if no appeal is received or any appeal has been resolved in favor of issuance, ADNR grants a ten-year lease to operate an aquatic farm. Before the lease is issued, deliverables are required including the first year's annual lease fee, bonding, and insurance. Fees are based on fair market value appraisal or the divisions current fee schedule. Additional fees are required for any associated caretaker facilities, floating or upland, as set out in regulations or fee schedules. As with any lease, an applicant is not required to use the fee schedule and may choose to obtain an independent appraisal. The appraisal must be done in accordance with appraisal instructions issued by ADNR.

Because aquatic farm leases are issued for a term of ten years, a survey is not required. However, the department reserves the right to require one should boundary conflicts or disputes over acreage arise or if an appraisal is required.

A performance guaranty bond is required before issuance of the lease and is determined by such factors as projected site cleanup and restoration should the lessee fail to do so at lease expiration, termination, or abandonment. The bond amount is variable. Bonds are subject to periodic review and adjustment, if necessary.

The definition of aquatic farm in the enabling legislation states that aquatic farms must produce a product that is "sold or offered for sale". ADNR regulations require that the aquatic farms meet commercial use of the site beginning no later than the fifth year of the lease. This requirement must be reflected in the required development plan, which is incorporated as a provision of the lease. If the commercial use requirement is not met by year five of the lease and continued each year for the remaining term, the lease may be terminated. The ADNR currently defines commercial use

as: **the minimum annual sales of aquatic farm product (total of all species combined) of at least \$3,000 per acre or fraction of an acre, or \$15,000 per farm, whichever is less. (11 AAC 63.030(b))**

Personnel housing associated with aquatic farm operations may be approved only if: (1) the level of site development will require personnel be present on a daily basis, 2) personnel cannot reasonably commute to the site by road, boat or aircraft, on a daily basis, and 3) nearby land suitable for housing is not available for sale or lease. This applies to upland facilities as well as floating facilities. **Any housing facility may not be used as a permanent place of abode, must be temporary in nature, and must be designed and constructed so it can be removed, and the site completely restored within 30 days if the lease terminates or housing ceases to be necessary. The housing facility may not be placed on a permanent foundation. (Refer to 11 AAC 63.040(b))**

Please note: The lessee is still responsible for payment of the ADNR's lease fees even though they may not be able to begin operations due to other agencies' authorization requirements.

A lease that is in good standing may be assigned. "Good standing" as described in 11 AAC 63.900(a)(8) means being in compliance with all provisions of all required authorizations.

Inspections are conducted by ADNR to the extent possible to monitor compliance with authorized aquatic farm activities.

If a potable water source is to be used near an aquatic farm, a Water Right must be obtained. More information regarding water rights can be found at the DNR, DMLW, Water Resources Section website at <http://dnr.alaska.gov/mlw/water/>

An Alaska Business License is required for any business that operates in Alaska and must be submitted as part of the application. An Online Alaska Business License Application can be found on the Alaska Dept. of Commerce, Community and Economic Development, Division of Occupational Licensing web site at <https://www.commerce.alaska.gov/web/DoingBusinessinAlaska.aspx>.

ALASKA DEPARTMENT OF FISH AND GAME, DIVISION OF COMMERCIAL FISHERIES

► Aquatic Farm Operation Ten-Year Permit and Transport/Acquisition Permit Requirements

Activities Covered: Aquatic farm, and aquatic farm hatchery operations.

ADF&G Mission Statement: To protect, maintain, and improve the fish, game, and aquatic plant resources of the state, and manage their use and development in the best interest of the economy and well-being of the people of the state, consistent with the sustained yield principle.

Process: Joint-agency aquatic farm site application packet and agency review for a ten-year aquatic farm operation permit, annual transport permits, annual stock acquisition permits, annual reporting, and site inspections.

Fees:

- Survey fee for all on-bottom applications: \$5000 for a proposed sub-tidal farm, \$2000 for a proposed inter-tidal farm
- Operation Permit renewal: \$100.00
- Operation Permit transfer: \$100.00

More Information: <http://www.adfg.alaska.gov/index.cfm?adfg=aquaticfarming.main>

The ADF&G Aquatic Farm Operation Permit is issued after the ADNR lease is granted and all signatures and fees are received by ADNR. The operation permit allows an applicant to construct and operate an aquatic farm or a hatchery that supplies aquatic plants or shellfish to an aquatic farm. ADF&G reviews plans to determine the technical and operational feasibility of the venture, including harvest rotation, physical and biological suitability of an area, if the proposed area can support the operation without making significant alterations in traditional fisheries or other existing uses of fish and wildlife resources or the habitats that support those resources, and that the proposed site contains insignificant wild stock. (AS 16.40.100-105)

Once you obtain an Aquatic Farm Operation Permit for your farm, statute requires the issuance of a Transport Permit and/or Stock Acquisition Permit before transferring or acquiring aquatic plants or shellfish seed or broodstock.

Applications for transport and/or acquisition permits must be submitted to ADF&G for approval approximately 30 days before your proposed seed transport and/or acquisition. Copies of the permits must accompany the seed or broodstock during transport. Please contact the Permit Coordinator in Juneau at (907) 465-4724 for more information. A transport and/or acquisition permit application should NOT be submitted with the aquatic farm application in Part II of this packet.

Please note that currently, ADF&G only allows for the importation of certified oyster seed. A list of certified seed sources is available on the ADF&G website. It is the applicant's responsibility to research the intended species for culture to determine availability and/or requirements for obtaining seed stock.

The ADF&G regulation 5 AAC 41.240(a) prohibits the permitting of farm sites where significant wild stock populations of the species intended for culture occur. On-bottom aquatic farm proposals for commercial fishery species should be sited where there are minimal numbers of the species intended for culture, which demonstrates the potential of the habitat to support that species while at the same time, would not support and attract a common property fishery. ADF&G has determined that an insignificant population of geoducks is no more than 12,000 pounds of geoducks on a six-acre farm site or an average of no more than 2,000 pounds per acre of an aquatic farm site. Insignificant populations of other shellfish will be determined by ADF&G on a case-by-case basis.

For aquatic farm projects proposing to use on-bottom culture, ADF&G requires that a user fee for a survey of the initial abundance of the species intended for culture be submitted with the aquatic farm application. The user fee for a subtidal on-bottom culture aquatic farm site survey is \$5,000 per day per site and for an intertidal on-bottom culture aquatic farm site survey is \$2,000 per day per site. The department will work with the applicant to reduce the cost of the user fee for the survey where possible.

ALASKA DEPARTMENT OF FISH AND GAME, DIVISION OF HABITAT, CRITICAL HABITAT

► Special Area Permit Requirements

Activities Covered: Approval of a project or activity within a State game refuge, game sanctuary, or critical habitat area.

Purpose: Regulate water use activities in classified areas, to protect the essential fish and wildlife habitat.

Process: Joint-agency application, agency review, special area permit issued for 5 yrs and site inspections.

Fees: None

More Information: <http://www.adfg.alaska.gov/index.cfm?adfg=uselicensespecialareas>

Application: An ADF&G - Special Area Permit Application for Kachemak Bay & Fox River Flats Critical Habitat Management Areas can be found on ADF&G's web site at <http://www.adfg.alaska.gov/index.cfm?adfg=kachemakbaypermits>

An ADF&G Special Area Permit (5 AAC 95.300 – 990) is required to establish and operate an aquatic farm within a special area. A "special area" is defined as a state game refuge, a state game sanctuary, or a state fish and game critical habitat area, established under AS 16.20. Currently, the only aquatic farming activities allowed within the Kachemak Bay and Fox River Flats Critical Habitat Areas are for suspended culture. Applications will be reviewed for consistency with the goals and policies of the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan.

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL HEALTH

► Growing Area Classification, Shellstock Shippers and Shellfish Harvesters Permit Requirements

Activities Covered: Water quality classification; shellfish harvester permit, processing, and shipper permits; paralytic shellfish poisoning (PSP) testing; export certifications, and authorizations for dive boats to be used for shellfish harvesting.

Purpose: Sanitary control of regulated food, seafood, and public facilities to protect public health. Regulation is in accordance with the National Shellfish Sanitation Program requirements.

Process: Various applications and forms, monitoring programs, testing, and inspections.

Fees:

- Water quality classification: Variable, to cover costs of sanitation survey, water sampling, testing, etc.
- Shellfish harvester permit: \$162.00
- Shellfish dealer permit: \$162.00-\$649.00
- Paralytic shellfish poisoning (PSP) testing: Variable, to cover shipment and testing
- Export certifications: \$25.00 for each certificate issued
- Authorizations for dive boats to be used for shellfish harvesting: \$162.00

More Information: <https://dec.alaska.gov/eh/fss/shellfish/>

Each of the ADEC authorizations listed above must be obtained **PRIOR** to placing your product into commerce.

A **Growing Area Classification** determines that your growing or harvesting water meets the water quality standards set out in the National Shellfish Sanitation Program.

A **Shellfish Dealer Permit** authorizes individuals/businesses to grow, harvest, buy, or repack and sell shellstock. There are different types of shellfish dealer permits that allow for different types of activities that an operation wants to engage in, including a Shellstock Shipper (SS), Shellstock Reshipper (RS), Shucker-Packer (SP), and Repacker (RP).

A **Shellfish Harvester's Permit** allows a person to take shellstock from a growing area that has been classified by the ADEC. Please be aware that persons holding a Shellfish Harvester's Permit may only sell product to a shellfish dealer permitted by ADEC.

Water quality in the growing area must meet the standards of the National Shellfish Sanitation Program (NSSP), incorporated by reference in 18 AAC 34.200. The full text of the NSSP is available on the internet at www.issc.org (select "NSSP" from the left-hand column). ADEC issues a Growing Area Classification based on the water quality data from the collected and analyzed samples from a growing area. The Growing Area Classification ensures that the growing or harvesting area(s) is within the acceptable limits for fecal coliform. A shellfish growing area is closed to shellfish harvesting for commercial sales unless the area is actively classified by the ADEC. Therefore, aquatic farm product may only be sold from sites that have an ADEC water quality classification that allows for direct harvest. In general, the growing area must be free of sewage discharges. Please refer to the joint-agency application in Part II, under the ADEC, Environmental Health Classification Guidelines, for a listing of items that should be considered when selecting a site for aquatic farming operations.

The ADEC charges \$500 for the initial classification of a proposed shellfish growing area and this fee may be pro-rated among two or more farms within the same proposed classified area. Through a Memorandum of Understanding (MOU) between the individual and the ADEC, most of the water quality sampling can be done by the individual under the procedures described in the MOU. Depending on the location of your farm, 15 or 30 water samples will be required from each selected sampling sites to initially classify the area. Samples must be collected in both wet and dry weather, during low and high tides, and during the period you intend to harvest.

Growing areas must be reclassified annually. Depending on the classification and status of a growing area, between two to five samples must be collected and analyzed annually for reclassification purposes to ensure that the correct classification is being applied to the area. Please note that the classification and status of classified area may change based on water quality data from year to year. The fee for reclassification is \$300 – \$750 annually for each classified area (\$150 per sampling activity) and is pro-rated among two or more farms within the same classification area.

Presently, only the ADEC Environmental Health Lab (EHL) located at 5251 Dr. Martin Luther King Jr. Avenue, Anchorage, Alaska is authorized to analyze the water samples for shellfish growing area classification purposes. Water samples must arrive in Anchorage within 30 hours of being collected, therefore Gold Streak or some other air package service will be required to get the samples to the lab on time. The individual(s) submitting the samples for analyses bears the cost of shipping water samples to the lab in Anchorage. Water samples that arrive more than 30 hours after being collected cannot be tested and more samples must be submitted. This is another important aspect to consider when selecting an aquatic farm site. It is recommended that applicants determine a transportation mode that can meet the time and

temperature requirements for water sample delivery before the lease and operation permit is issued. There is no guarantee how long it will take for an area to become ADEC certified.

In addition to water quality classification, testing for Paralytic Shellfish Poison (PSP) is required before any commercial sales are authorized. Currently, the only laboratory approved in the state for regulatory PSP testing is the ADEC EHL in Anchorage. To harvest commercial shellfish, PSP toxin levels must be below the NSSP standard of 80 ug/100 g of tissue.

Eventually you will be placing the shellfish into commerce as required by the ADNR lease. Therefore, you are also required to have a Hazard Analysis Critical Control Point (HACCP) plan. A HACCP plan describes the types of hazards that are reasonably likely to occur that could affect the safety of your product and the strategies for controlling those hazards. You must monitor those control strategies and keep written records. The University of Alaska, Marine Advisory Program, periodically offers HACCP training and can be contacted at (907) 617-8990. Additional HACCP training courses are available on the internet at: <https://alaskaseagrant.org/our-work/seafood-processing/>. More information about HACCP plans is available either from the Marine Advisory Program or by contacting ADEC in Anchorage at (907) 269-7636.

If you plan to sell your product out of state, you will also need to be placed on the Interstate Certified Shellfish Shippers List (ICSSL). The ADEC must perform an inspection of your facility within the 30 days preceding the date you are listed. Therefore, if you plan to ship out of state, you will need to contact the department in a timely manner to make those arrangements.

Depending on your aquatic farm operation, there may be other authorizations necessary from the ADEC, Division of Environmental Health. The following is a list of possible authorizations that may be required:

- Shellfish Shucker Packer (allows a person to shuck and pack shellfish or may act as a Shellstock Shipper or a reshipper or may repack shellfish originating from other certified dealers).
- Export Certification (provided as a service by the ADEC, Division of Environmental Health, to assist shellfish shippers). The issuance of export certifications is dependent upon the harvester's and shipper's compliance with 18 AAC 34 and the NSSP requirements.

The ADEC website has all the information needed to obtain approval from the department as well as links to other important sites.

UNITED STATES ARMY CORPS OF ENGINEERS, ALASKA DISTRICT

► Authorization for Placement of Aquatic Farm Structures Within the State of Alaska's Navigable Waters

Activities Covered: Authorizes the placement of aquatic farm structures in navigable waters within the State of Alaska.

Purpose: To prevent unauthorized obstruction or alteration of any navigable water of the United States.

Process: Submit Dept of Army (DA) Form 4345, for Aquatic Farm Structures Within the State of Alaska. The application will be reviewed using one of three pathways: Nationwide Permit, Individual Permit, or Letter of Permission. Be aware that the requirements and timelines of each of these pathways differ. Once all state regulatory agencies approve of the development of an aquatic farm site, authorization is given under either a Nationwide Permit, Individual Permit, or Letter of Permission. Site inspections may be conducted.

Fees: None

More Information: <http://www.poa.usace.army.mil/Missions/Regulatory/Permitting-Section-Homepage/>

Applications: The DA Form 4345 - Instructions and Application for Department of the Army Permit. The application for this can be found at <http://www.poa.usace.army.mil/Missions/Regulatory/Permits/#62119>.

Table 3: AQUATIC FARM STATE AUTHORIZATION AGENCY CONTACTS

State Agency	Permit Type	Contact Information
ADNR: Division of Mining, Land & Water	Aquatic Farm Lease	Aquatic Farm Program Coordinator 550 West 7th Avenue, Suite 900C Anchorage AK 99501 Phone: (907) 269-8543 Fax: (907) 269-8913 Email: dnr.aquaticfarming@alaska.gov https://dnr.alaska.gov/mlw/aquatic/
ADF&G: Division of Commercial Fisheries	Aquatic Farm/ Hatchery Operation Permit; Transport Permit; Aquatic Stock Acquisition Permit; Surveys	Permit Coordinator 1255 W. 8th Street P.O. Box 115526 Juneau, AK 99811-5526 Phone: (907) 465-4724 Fax: (907) 465-4168 Email: dfg.dcf.aquaticfarming@alaska.gov http://www.adfg.alaska.gov/index.cfm?adfg=fishingaquaticfarming.main
ADF&G: Division of Sport Fish	Special Area Permit: (specific to Kachemak Bay & Fox River Flats Critical Habitat Mgt Areas)	Brian Blossom, Area Manager 514 Funny River Road Soldotna, AK 99669 Phone: (907) 714-2478 Fax: (907) 260-5992 Email: brian.blossom@alaska.gov http://www.adfg.alaska.gov/index.cfm?adfg=uselicense.areas
ADEC: Division of Environmental Health	Water Quality Classification; Shellfish Harvest Permit; Shellfish Shipper Permit; Shellfish Shucker Packer Permit; Shellfish Repacker Permit; Export Certification.	Contact: Carol Brady, Shellfish Coordinator Environmental Health, Food Safety and Sanitation Program 555 Cordova Street Anchorage, AK. 55501 Phone: (907) 269-7636 Fax: (907) 269-7510 Email: carol.brady@alaska.gov http://dec.alaska.gov/eh/fss/shellfish/
	Food Establishment Permit (Marketable product is processed beyond rinsing and trimming with processes such as freezing, drying, and packaging)	Contact: Food Safety and Sanitation Program Environmental Health, Food Safety and Sanitation Program 555 Cordova Street Anchorage, AK. 55501 Phone: (907) 269-7501 Fax: (907) 269-7510 Contact: Local DEC Environmental Health Officers http://dec.alaska.gov/eh/fss/food/

Table 4: AQUATIC FARM FEDERAL AGENCY CONTACTS

Federal Agency	Permit Type	Contact Information	
U.S. Army Corps of Engineers (USACE)	Nationwide Permit, Individual Permit, or Letter of Permission	Southeast Region Juneau Field Office U.S. Army Corps of Engineers CEPOA-RD, Juneau Field Office P.O. Box 22270 Juneau, AK 99802-9998 Phone: (907) 790-4493 poa.executiveoffice@usace.army.mil http://www.poa.usace.army.mil/	Southcentral Region Anchorage Field Office U.S. Army Corps of Engineers P.O. Box 6898 JBER, AK 99506-0898 Phone: (907) 753-2520 poa.executiveoffice@usace.army.mil http://www.poa.usace.army.mil/
U.S.D.A. Forest Service	Upland Use Permit	https://www.fs.fed.us/specialuses/special_app_process.shtml	
U.S. Fish & Wildlife Service (USFWS)	Review of Projects within Wildlife Refuges, Marine Mammal Concerns	https://www.fws.gov/alaska/ Ecological Services: https://www.fws.gov/ecological-services/ Refuge Operations: https://www.fws.gov/refuges/visitors/permits.html	
National Marine Fisheries Service (NMFS)	Review of Projects within Essential Fish and Endangered Species Habitat, and Sensitive Sea Mammal Haulouts and Rookery Areas	Alicia Bishop, Aquaculture Coordinator Aquaculture Program Phone: (907) 586-7224 Email: alicia.bishop@noaa.gov www.nmfs.noaa.gov	