FARMING SHELLFISH AND AQUATIC PLANTS
—PROGRAM SUMMARY—

JUNEAU, ALASKA
JULY, 1990

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AQUATIC PLANT FARMING AND RESEARCH

BACKGROUND:

In 1988 an act, popularly referred to as SB 514, relating to the farming of aquatic plants and shellfish was signed into law (Chapter 145, SLA 1988). The law establishes a permit system under which aquatic farms, or hatcheries operating for the purposes of supplying aquatic plants or shellfish to aquatic farms, may be constructed and operated. A permittee under this act, subject to statutory limitations of AS 03.05 and AS 16.40.100-16.40.199, may 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. This act defines aquatic farm products to mean aquatic plants 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.
MARICULTURE HISTORY IN ALASKA

☐ EARLY 1900'S: JAPANESE SEED OYSTERS PLANTED

☐ 1910-1961: OYSTER SEED PLANTED WITH LITTLE SUCCESS

☐ 1978: OYSTER RAFT CULTURE IMPLEMENTED NEAR KETCHIKAN

☐ 1982: MUSSEL CULTURE STUDY IN HALIBUT COVE LAGOON

☐ 1987: COMPROMISE SHELLFISH FARMING BILL PASSED
  • MORATORIUM ON FINFISH MARICULTURE
  • LEGALIZED SHELLFISH MARICULTURE

☐ 1988: SB 514 PASSED
  • EXTENDED MORATORIUM ON FINFISH MARICULTURE
  • LEGALIZED AQUATIC PLANT FARMING
  • ADDITIONAL SHELLFISH REGULATION
  • ESTABLISHED FINFISH FARMING TASKFORCE

☐ 1989: FIRST AQUATIC FARM DISTRICT OPENING (shellfish/aq.plants)

☐ 1990: FINFISH FARMING LEGISLATION
  • SOUTHCENTRAL DISTRICT OPENING (shellfish/aq. plants)
  • SECOND 8E DISTRICT OPENING (shellfish/ aq. plants)
  • FINFISH FARMING PROHIBITED
MEMORANDUM

TO: Brian Allee
   Director
   FRED Division

   Frank Rue
   Director
   Habitat Division

FROM: Jim Cochran
      Aquaculture Coordinator
      FRED Division

      Rick Reed
      Regional Supervisor
      Habitat Division

DATE: June 14, 1990

FILE NO.: 465-4290

TELEPHONE NO.: 465-4290

SUBJECT: Aquatic farming
         Project Review
         Flow Chart

Attached is the flow chart which outlines how our divisions will conduct reviews of aquatic farming projects.

This process was developed in coordination with Region II Habitat staff.

We recommend the process be implemented.

Attachment

cc: Lance Trasky, Habitat, Anch
    Deborah Greenberg

MEMORANDUM

TO: Jim Cochran
   Aquaculture Coordinator
   FRED Division

   Rick Reed
   Regional Supervisor
   Habitat Division

FROM: Frank Rue
      Director
      Habitat Division

      Brian J. Allee
      Director
      FRED Division

DATE: July 5, 1990

FILE NO.: 465-4105

TELEPHONE NO.: 465-4105

SUBJECT: Aquatic Farming
         Project Review
         Flowchart

We agree that the attached flowchart outlining how our divisions will conduct reviews of aquatic farming projects should be implemented.

Attachment

cc: Lance Trasky, Habitat, Anchorage
    Deborah Greenberg
1. DGC sends application packets to Regional Habitat Office and FRED Division headquarters (Mariculture Coordinator).

2. (A) Habitat conducts inter-divisional ACMP and statutory review (including FRED Division regional and area offices). This review is to determine the effects of the proposed aquatic farming activity on resources, habitat and user-groups, both for ACMP consistency under 6 AAC 50 and statutory requirements under 16.40.105 (2) and (3).

   (B) FRED H.Q. conducts feasibility and site suitability evaluation of application under 16.40.105 (1) and (4). (Note this "site suitability" is effects other activities may have on the proposed aquaculture farm.)

3. Habitat develops resource information for use by DNR in their site plan.

4. Habitat develops ACMP, AS 16.40.105 (2) and (3), and DNR review responses which includes FRED H.Q. technical analysis (most of which are not ACMP related). Any interdivisional disagreements or conflicting recommended steps are worked out or elevated as necessary.

5. Habitat transmits departmental comments to DGC, DNR and DEC, with copies to appropriate divisions within this department.

6. Habitat and FRED H.Q. participate in public meetings and negotiations with other agencies as needed. Habitat has lead with technical support from FRED H.Q.

7. Within five days of receiving final consistency determination, FRED H.Q. may issue Aquatic Farm Operation Permit (AFOP) and Habitat may issue any Title 16 permits necessary. The AFOP is a departmental permit that will have stipulations (as appropriate) addressing resource and habitat concerns as well as FRED division operating stipulations. This permit will also have a subsection for ACMP stipulations. Habitat and FRED H.Q. will copy each other on their permits.
8. FRED H.Q. administers AFOP by:
   a. Issuing Aquatic Organism (Fish and Aquatic Plant) Transport Permit.
   b. Receiving annual operating reports from the farmers.
   c. Preparing annual reports to the Legislature, Board of Fisheries, and Regional Planning Teams as needed.
   d. Coordinating with Habitat Division during permit period as necessary.
   e. Initiating operation permit renewal process (every three years).

9. Habitat handles any appeals of permits issued under AS 16.20, 16.05.840 or 16.05.870.

10. FRED will handle appeals for AFOP, with deference to Habitat on items covered under AS 16.04.105 (2) and (3).

11. Amendments to permits will be handled as outlined in 1-10 above.

flowchart/RICK4
AS 16.40.100 **Aquatic farm and hatchery permits**

permit required from the Commissioner for

-an aquatic farm
-a hatchery for the purpose of supplying aquatic plants or shellfish to an aquatic farm

AS 16.40.105 **Criteria for issuance of permits**

permits issued on the basis of the following criteria

-physical and biological characteristics of the proposed location must be suitable for the farming of the shellfish or aquatic plants proposed (FRED Division review)

-proposed farm or hatchery may not require significant alterations in traditional fisheries or other existing uses of fish and wildlife resources (review coordinated by Habitat Division)

-proposed farm or hatchery may not significantly effect fisheries, wildlife or their habitats in an adverse manner (review coordinated by Habitat Division)

-proposed farm or hatchery plans and staffing plans must demonstrate technical and operational feasibility (FRED Division review)

AS 16.40.110 **Permit application, renewal and transfer**

must include development and operational plans which must be approved by Commissioner

renewal/transfer applications must include

-disease history report

-evidence that applicant has complied with development plan

person to whom permit is transferred to may use the permit only for the purposes for which the permit was authorized, subject to same conditions and limitations
Aquatic stock acquisition permits

may not acquire aquatic plants or shellfish from wild stock for purposes of supplying stock to an aquatic farm or hatchery without an acquisition permit.

acquisition permit authorizes permittee to acquire species and quantities of wild stock specified for purposes of supplying stock to

-an aquatic farm or hatchery permitted under these statutes

-the department

permit may be conditioned, including time, place, and manner of harvest

limitations applicable to sport, commercial, or subsistence harvest of aquatic plants or shellfish do not apply

must issue/deny within 30 days of receipt of application

may deny/restrict if

-proposed harvest will impair sustained yield of species

-proposed harvest will unreasonably disrupt established uses of resource

report to Board of Fisheries of any actions taken on applications for species that support limited entry fisheries or permits denied because of an unreasonable disruption of an established use

Board of Fisheries may adopt regulations for the conservation, maintenance, and management of species for which a permit is required

a permit must be issued if (these are "or" clauses, not "and")

-wild stock is necessary to meet initial needs of farm or hatchery

-there are technological limitations on the propagation of cultured stock for the species sought

-wild stock sought is not fully utilized by other users

-wild stock is needed to maintain the gene pool of a hatchery or aquatic farm
aquatic plants or shellfish acquired under this permit become the property of the permit holder

AS 16.40.130 Importation of aquatic plants or shellfish for stock
importation must be authorized by regulation of Board of Fisheries

AS 16.40.140 Limitation on sale, transfer of stock and products
hatchery permitted under these statutes may sell/transfer stock only to an aquatic farm/hatchery that is also permitted except that shellfish stock may be sold to an aquatic farm/hatchery outside of the state
transfers require prior notice (transport permit process)
department may restrict or disapprove transfer if the transfer presents a risk of spreading disease
may not sell, transfer or offer to sell or transfer, or purchase or receive an aquatic farm product grown/propagated in the state unless the product was propagated on a farm with a permit issued under these statutes
permit must be in effect at the time of the offer or transaction

AS 16.40.150 Disease control and inspection
quarantine/disposal
reporting of disease outbreaks
inspection of farm/hatchery
department shall develop a disease management and control program

AS 16.40.160 Regulations
commissioner may adopt regulations necessary to implement statutes

AS 16.40.170 Penalty
class B misdemeanor

AS 16.40.199 Definitions
aquatic farm
aquatic farm product
aquatic plant
commissioner
hatchery
positive control
shellfish
stock
Sec. 6. AS 16.05.050  Powers and duties of the commissioner

new paragraph

-regulate aquatic farming to protect fish and game resources and improve the economy, health and well being of the citizens of the state

Sec. 7. AS 16.05.251  Regulations of the Board of Fisheries

new subsection

-Board of Fisheries may not adopt regulations or take action on permits issued under AS 16.40.100 or AS 16.40.120 or a harvest with a permit issued under AS 16.40.120 except as provided in AS 16.40.120(d)

Sec. 8. AS 16.05.930  Exempted activities

new subsection

-AS 16.05.330 - 16.05.720( licenses, tags and subsistence permits) do not apply to an activity authorized by a permit issued under AS 16.40.100 or AS 16.40.120

Sec. 9. AS 16.05.940(14)  Fish or game farming

amendment

-In this paragraph, "fish" does not included shellfish, as defined in AS 16.40.199

Sec. 16.10.269  Limitations

new

AS 16.10.265 - 16.10.267 (purchase of fish from permit holders, possession of permit, etc.) do not apply to the purchase or sale of aquatic farm products or stock from a holder of an aquatic stock acquisition permit

Sec. 11. AS 16.43.140  Entry permit system - permit required
amendment

chapter does not apply to aquatic farm activities

Sec. 12. AS 16.51.180(5) ASMI - definitions

amendment

"seafood" does not include aquatic farm products
5AAC 41.210  Aquatic farm operation permit, issued by commissioner

5AAC 41.250  Permit conditions

include conditions to protect natural fish and wildlife resources and their habitat

will be revoked if adverse effects cannot be mitigated

issued for a period of three years

5AAC 41.260  Inspection of farm

permit holder will allow inspection of farm

5AAC 41.270  Annual report

annual report, on form distributed by department, by December 15 each year

5AAC 41.280  Permit application, renewal and transfer

renewals must comply with AS 16.40.110

transfers with DNR lease (not permit) only

decision on transfers will be based on the criteria for issuance of permits in AS 16.40.105

5AAC 41.290  Aquatic stock acquisition permit

required before aquatic farmer or aquatic farm supplier can obtain shellfish or aquatic plants from wild stock

form shall be shellfish or aquatic plant transport permit

disease testing may be required

permit issued/denied in accordance with AS 16.40.120

5AAC 41.300  Limitations on sale, transfer of stock and products
no transfers without prior notification

health inspection

5AAC 41.310  **Disease control and inspection**

department will continue to develop and implement a state fish health program

disease incident reporting and tracking

diseased stock management

5AAC41.400  **Definitions**

commissioner

department