



# ALASKA'S AQUATIC FARM PROGRAM

## PART I APPLICATION PROCESS, GUIDELINES, AUTHORIZATIONS, AND CONTACTS

The joint-agency application package is presented in two parts: Part I (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 for suspended and/or on-bottom 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 have to complete to obtain authorizations for an aquatic farm.

If you have questions or would like any assistance with the application (Part II), please contact John Thiede, ADNR at (907) 269-8543, Cynthia Pring-Ham, ADF&G at (907) 465-6150, Lorraine Vercessi, ADF&G (907) 465-6423, or David Petree, ADF&G at (907) 465-6122.

### **A. APPLICATION PROCESS – 10 STEPS**

An aquatic farm application opening is offered every other year. During this opening, Aquatic Farm Applications will be accepted by the ADNR from **January 1, 2011 to May 2, 2011**. The Aquatic Farm Program is administered through a batch processing method wherein all applications received during the opening period are processed on the same schedule. It is highly recommended that applicants request a pre-application meeting prior to submitting an application. Additionally, applicants should allow time to discuss their proposal with any federal agencies such as U.S. Army Corps of Engineers (USACE) to obtain information on their requirements and authorization. The time to complete the application review process for a lease and operation permit can vary, but typically it takes approximately nine months for a proposed aquatic farm project using suspended culture methods and approximately fifteen months for a proposed aquatic farm project using on-bottom culture methods. The following information outlines the application process. Refer to Page 5 for a flow chart of the application review process.

- 1. Pre-Application Meeting.** Applicants are encouraged to request a pre-application meeting through the Departments of Natural Resources and Fish and Game. State agency personnel will be happy to help all potential farmers with site selection, developing maps, and completing the application.
- 2. The Application and the Fees.** Complete applications need to be submitted to the Department of Natural Resources/Anchorage office along with required fees. ADNR will then make copies and distribute them to other state agencies for review. If the application is complete, the Division of Coastal & Ocean Management (DCOM) will begin the formal, time-sensitive review. A summary of all State of Alaska fees for aquatic farm authorizations, operations, and renewals can be found on Page 6 and 7.
- 3. ADNR Preliminary Decision, Public Review, and Comment.** Preliminary decisions are written by taking the information from the application, input from state agencies, and by following statutory and regulatory requirements. They include the proposed action and a recommended decision. Public comment is then taken on the preliminary decision. Public meetings or public hearings can be requested by contacting ADNR.

4. **ACMP Consistency Determination.** Concurrent with the review of this application, state agencies, affected coastal districts, and the public will be reviewing your proposal for consistency with Alaska Coastal Management Program (ACMP) statewide standards and applicable coastal district enforceable policies. ADNR-Division of Coastal and Ocean Management (DCOM) will issue a proposed consistency determination, based on comments received, which may include project modifications (alternative measures) necessary to make the project consistent with the ACMP. Applicants will have the opportunity to accept proposed modifications or otherwise modify the project to address the inconsistency. DCOM will issue a Final Consistency Determination 6 days after issuance of the proposed determination. State and Federal permits may not be issued for a project unless it has been found consistent with the ACMP. Consistency determinations are good for the life of the project and all alternative measures adopted are in effect for the life of the project. All subsequent modifications of the project are also subject to additional ACMP review.
5. **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.
6. **ADNR Final Finding and Decision.** The ADNR will prepare a final findings and decision document, which will include participating agency stipulations that the applicant will be required to adhere to throughout the 10-year lease. The final decision will be sent to the applicant and all interested parties.
7. **ADF&G Final Review and Determination Decision.** The ADF&G will prepare a finding of their review and determination including survey results, if required, and a decision regarding the operation permit. A final decision will be sent to DNR and to the applicant.
8. **ADNR Lease.** The ADNR will issue the lease for signature. The applicant then returns the signed and notarized lease along with the first annual lease fee and proof of bond security requirement. The ADNR will sign the final lease and send it to the new lease holder.
9. **ADF&G Operation Permit.** ADF&G will issue the operation permit to construct and operate an aquatic farm once a final lease has been executed. The operation permit will include permit conditions and ACMP alternative measures that the applicant will be required to adhere to throughout the 10-year operation permit.
10. **ADEC Pre-Harvest and Sale Requirements.** A farmer will need to obtain a growing area classification, a shellfish shipper permit, a harvest permit, and have a shellfish sampling plan prior to harvest. The ADEC fee is \$500 for the initial water classification, \$162 for a Shellfish Harvest permit, \$162 for the Shellfish Shipper permit, \$649 for a Shellfish Shucker Packer permit, and \$325 for a Shellfish Repacker permit. A farmer will be expected to collect water samples and pay for shipping to ADEC.

**Special Area Permit:** For proposed farm projects in the Kachemak Bay Critical Habitat Area, ADF&G also requires an additional review and approval of the project proposal. A Special Area Permit to proceed with the project will be issued and include permit conditions and measures that that the applicant will be required to adhere to throughout the 5-year permit. An operation permit has to be approved prior to obtaining this special area permit.

**Federal Authorizations:** A number of federal authorizations may also be required for aquatic farm operations. Federal authorizations may also be subject to ACMP consistency review. Applicants should confer with the following agencies to determine which federal applications are necessary:

- 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 such as mooring buoys 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.

## **B. SITING YOUR AQUATIC FARM**

In general, a suitable site for your shellfish farm 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 to at least 30 ft to allow clearance under suspended gear at low tides  
(depths = or > 60 ft are recommended to enable farmers to drop gear if water increases to > 60° F to help minimize *Vibrio* sp. bacterial growth)
- accessibility to site
- no history of disease organisms, harmful plankton blooms,
- no nearby seal/sea lion haul outs or pupping areas, seabird colonies, eagle nests or anadromous fish streams. The Catalog of Waters Important to the Spawning, Rearing or Migration of Anadromous Fishes (Anadromous Waters Catalog) can be viewed at the following website:  
<http://www.sf.ADF&G.state.ak.us/SARR/FishDistrib/anadcat.cfm>
- no nearby fish hatcheries

The Alaska Sea Grant Program has useful siting guidelines that can be accessed on their Program web page at:  
<http://nsgd.gso.uri.edu/aku/akuh97003.pdf>.

## **C. SENSITIVE AREAS AS SET FORTH BY THE ADNR, 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 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 (ADF&G, Sport Fisheries Division; ADNR, Mining, Land and Water Division – management plans, and/or the applicable U.S. Coast Pilot)
- Floatplane Access Areas (ADEC; ADNR)
- 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 are not compatible with aquatic farm development projects:

- State Game Refuges and Sanctuaries, State Parks and Marine Parks, State Critical Habitat areas and commercial geoduck harvest areas. The Fox River Flats and Kachemak Bay Critical Habitat Areas allow aquatic farms, but farms are limited to suspended culture only.
- Some Coastal Districts have designated areas for Subsistence, Natural Hazards, Recreation and Important Habitat. Development in these areas may be subject to stipulations under the ACMP.

- Applicants should consult with DNR-DCOM or the local Coastal District Coordinator regarding areas designated under the ACMP. Individual Coastal District Plans, including information and maps pertaining to designated areas, can be found at: <http://www.alaskacoast.state.ak.us/Explore/Tour.html>.

#### **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 could prevent 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 in close proximity to the growing area could cause conditions that could prevent 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 classification area by limiting harvest times.
- An upland area where cabins and homes exist may cause conditions that could cause food safety issues and thus prevent 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 prevent 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) 269-7638.

**Figure 1: Aquatic Farm Application Review Flow Chart**

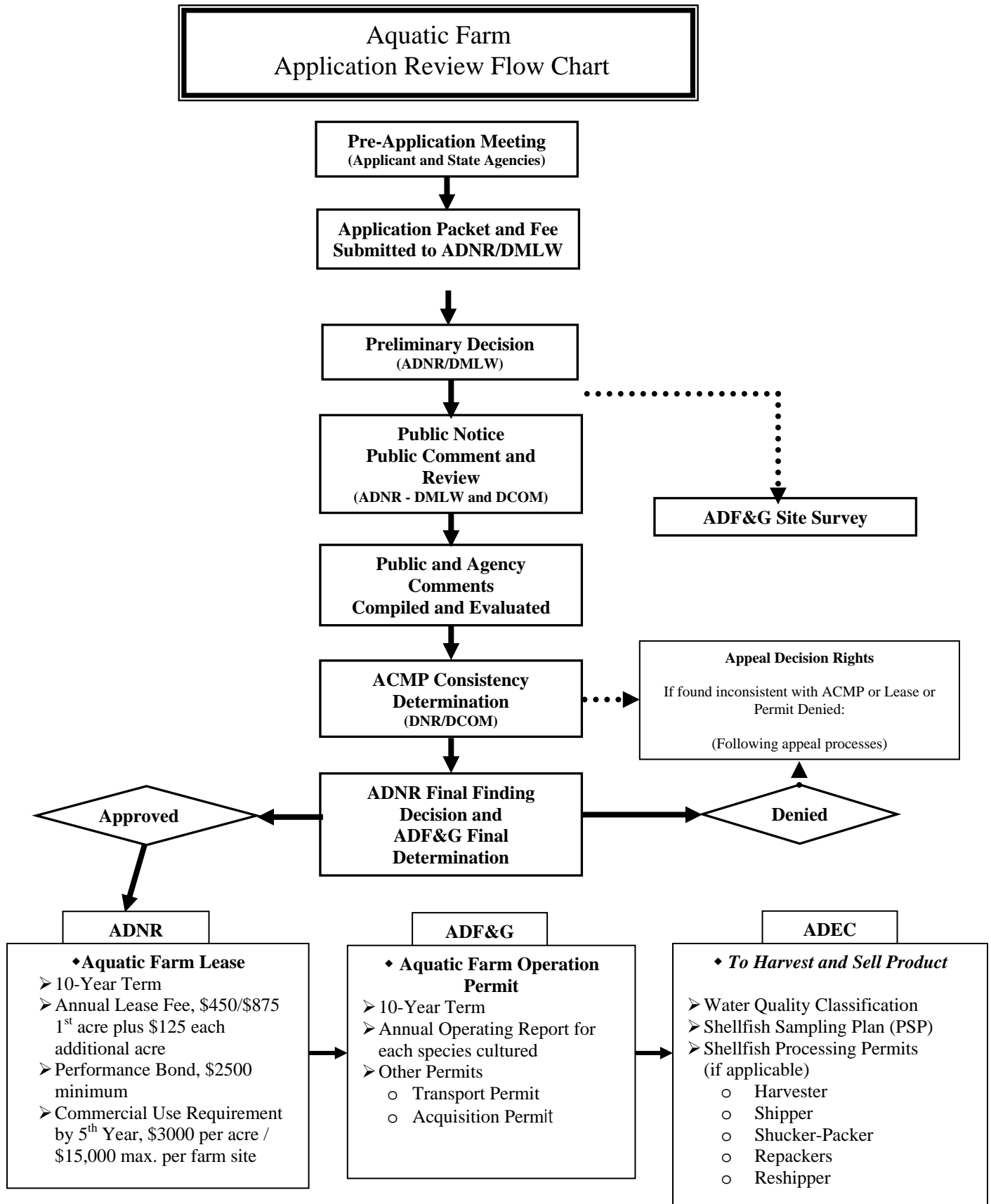


Figure 2: State of Alaska Fees for Shellfish Aquatic Farm Authorizations and Operations (Initial and Years 2-10)



### State of Alaska Fees for Shellfish Aquatic Farm Authorizations and Operations<sup>1</sup>

Type of Farm Culture Methods Used	Farm Acreage	Year 1								Years 2-10						Years 1-10	
		DNR Over-the-counter location packet Fee <sup>2</sup>	DNR Application Fee <sup>3,17</sup>	DNR Public Notice <sup>13</sup>	DNR Annual Lease Fee <sup>4</sup>	DNR Security Bond <sup>3,5,18</sup>	ADF&G Wild Stock Survey Fee <sup>6,7</sup>	DEC Sanitary Survey Initial Fee, Water Classification <sup>8,9,12</sup>	Total Fees Each Year <sup>11,15</sup> (Min/Max)	DNR Annual Lease Fee <sup>4,17</sup>	DEC Sanitary Survey, Water Reclassification Annual Reapproval Fee <sup>12</sup>	DEC Shellfish Harvester Permit Annual Fee <sup>12</sup>	DEC Shellfish Shipper (SS) Annual Permit Fee <sup>12</sup>	DEC Shellfish Reshipper (RS) Permit Annual Fee <sup>12,14</sup>	DEC Shellfish Shucker-Packer (SP) Permit Annual Fee <sup>12,14</sup>	Total Cost Each Year <sup>15,16</sup> (Min/Max)	Total Fees for All 10 Years <sup>15,16</sup> (Min/Max)
Suspended	1 acre	\$25	\$100	\$1,000	\$450/\$875	\$2,500	\$0	\$500	\$4,575/\$5,000	\$450	\$150	\$162	\$162	\$162	\$649	\$1,259/\$1,521	\$18,424/\$21,731
Suspended	3 acre	\$25	\$100	\$1,000	\$700/\$1,125	\$2,500	\$0	\$500	\$4,825/\$5,250	\$450	\$150	\$162	\$162	\$162	\$649	\$1,259/\$1,771	\$18,674/\$24,731
Suspended	5 or more	\$25	\$100	\$1,000	\$950/\$1,375	\$2,500	\$0	\$500	\$5,075/\$5,500	\$450	\$150	\$162	\$162	\$162	\$649	\$1,259/\$2,021	\$18,924/\$27,731
On Bottom, Intertidal	1 acre	\$25	\$100	\$1,000	\$450/\$875	\$2,500	\$2,000	\$500	\$6,575/\$7,000	\$450	\$150	\$162	\$162	\$162	\$649	\$1,259/\$1,521	\$20,424/\$23,731
On Bottom, Subtidal	1 acre	\$25	\$100	\$1,000	\$450/\$875	\$2,500	\$5,000	\$500	\$9,575/\$10,000	\$450	\$150	\$162	\$162	\$162	\$649	\$1,259/\$1,521	\$23,424/\$26,731
Fees Required		When over-the-counter location packet requested.	When application submitted.	Paid to statewide or local paper after public notice.	When signed lease submitted to DNR.	When signed lease submitted to DNR.	When application submitted.	When water classification requested.		In January of each year.	When follow-up completed and before you sell product.	When you act as a harvester shellfish.	When you act as a shipper shellfish dealer.	When you act as a reshipper shellfish dealer.	When you act as a shucker-packer, shellstock shipper (or shellfish shipper), reshipper or a repacker dealer		

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

<sup>1</sup> Based on fee structures in Regulations: DNR AS 38.05.083 (Report No. 2522-9), 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 is 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.

<sup>2</sup> Only required to obtain Over-the-Counter location packets and is onetime fee.

<sup>3</sup> Onetime fee.

<sup>4</sup> For an aquatic farm only, \$450 for the first acre plus an additional \$125 per acre. For an aquatic farm with housing facilities associated with the aquatic farm, \$875 for the first acre plus \$125 for each additional acre. Note: The fee schedule is adjusted every five years. If applicant does not want to use the lease fee schedule, applicant can pay for an appraisal to be done.

<sup>5</sup> Reduced fees if lessee can find three or more lessees to bond together for an Association bond (11 AAC63.080). The bond would be 50% of the amount individually calculated for each lease.

<sup>6</sup> 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.

<sup>7</sup> Survey fee is per day per site and dependent on size of the site.

<sup>8</sup> Reduced fees if more than one applicant is in an area.

<sup>9</sup> The fee is for water sample testing at \$17 a sample, and for the evaluation of results. One year's worth of dry and wet samples is required. Permittee pays for shipping costs for samples to DEC Lab in Anchorage (Approx. costs range -\$2,300 - \$7,000 dependent on sample plan numbers and location).

<sup>10</sup> Operators are required to pay for DEC staff travel and accommodations.

<sup>11</sup> Shoreline survey has not been included in the total.

<sup>12</sup> DEC permits are good for one calendar year.

<sup>13</sup> Applicant are required to pay up to \$1,000 for public notice (required as of January 1, 2010).

<sup>14</sup> One permit can be used for all three types of shellfish dealers.

<sup>15</sup> Does not include DNR's Shucker-Packer annual fee.

<sup>16</sup> Does not include Department of Revenues 3% Fisheries Business Export Tax, for any business that exports product out of Alaska.

<sup>17</sup> \$100 for individual and \$200 for corporations

<sup>18</sup> Minimum security fee for typical aquatic farm lease, but is dependent on structures used at the site and location of the site and possible cleanup costs.

Figure 3: State of Alaska Fees for Shellfish Aquatic Farm Authorization Renewals



**State of Alaska Fees for Aquatic Farm Authorization Renewals**

Type of Farm Culture Methods Used	Farm Acreage	Year 10 Renewal Fees (Paid Prior to Expiration)				Years 11-20						Years 11- 20		
		DNR		ADF&G	Total Cost	DNR	DEC	DEC	DEC	DEC	DEC	Total Cost Each Year <sup>15, 16</sup> (Min /Max)	Total Fees for All 10 Years <sup>15, 16</sup> (Min/Max)	
		Annual Lease Renewal Fee <sup>3</sup>	Public Notice <sup>13</sup>	Operation Permit Renewal Fee <sup>3</sup>		Annual Lease Fee <sup>4,17</sup>	Water Reclassification Annual Re-Approval Fee <sup>12</sup>	Shellfish Harvester Permit Annual Fee <sup>12</sup>	Shellfish Shipper (SS) Annual Permit Fee <sup>12</sup>	Shellfish Reshipper (RS) Permit Annual Fee <sup>12,14</sup>	Shellfish Shucker-Packer (SP) Permit Annual Fee <sup>12,14</sup>			
Suspended	1 acre	\$100	\$1,000	\$100	\$200	\$450/\$875	\$150	\$162	\$162	\$162	\$1625	\$649	\$1,259/ \$1,521	\$14,049/ \$16,931
Suspended	3 acre	\$100	\$1,000	\$100	\$200	\$450/\$1,125	\$150	\$162	\$162	\$162	\$162	\$649	\$1,259/ \$1,771	\$14,049/ \$19,681
Suspended	5 or more	\$100	\$1,000	\$100	\$200	\$450/\$1,375	\$150	\$162	\$162	\$162	\$162	\$649	\$1,259/ \$2,021	\$14,049/ \$22,431
On Bottom, Intertidal	1 acre	\$100	\$1,000	\$100	\$200	\$450/\$875	\$150	\$162	\$162	\$162	\$162	\$649	\$1,259/ \$1,521	\$14,049/ \$16,931
On Bottom, Subtidal	1 acre	\$100	\$1,000	\$100	\$200	\$450/\$875	\$150	\$162	\$162	\$162	\$162	\$649	\$1,259/ \$1,521	\$14,049/ \$16,931
When Fees Required		60 days before lease expires.	Paid to statewide or local paper after public notice.	30 days before operation permit expires.		In January of each year.	When follow-up completed and before you sell product.	When you act as a harvester shellfish.	When you act as a shipper shellfish dealer.	When you act as a reshipper shellfish dealer.		When you act as a shucker packer, shellstock shipper (or shellfish shipper), reshipper or a repacker dealer		

Updated: 10/5/2010

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

<sup>1</sup> Based on Fee Structures in Regulations: DNR AS 38.05.083 (Report No. 2522-9), 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.

<sup>3</sup> Onetime fee  
<sup>4</sup> For an aquatic farm only, \$450 for the first acre plus an additional \$125 per acre. For an aquatic farm with housing facilities associated with the aquatic farm, \$875 for the first acre plus \$125 for each additional acre. Note: The fee schedule is adjusted every five years. If an applicant does not want to use the lease fee schedule, applicant can pay for an appraisal to be done.

<sup>12</sup> DCE permits are good for one calendar year.  
<sup>13</sup> Applicant are required to pay up to \$1,000 for public notice (required as of January 1, 2010).

<sup>14</sup> One permit can be used for all three types of shellfish dealers.  
<sup>15</sup> Does not include DNR's Shucker-Packer annual fee.  
<sup>16</sup> Does not include Department of Revenues 3% Fisheries Business Export Tax, for aquatic farm operators that export their aquatic farm product out of Alaska.  
<sup>16</sup> \$100 for individual and \$200 for corporations.

## **AUTHORIZATIONS AND CONTACTS**

Multiple agency authorizations are required to site, construct and operate an aquatic farm site in the state of Alaska. First, the proposed project must receive a Coastal Zone Consistency Determination from the Alaska Department of Natural Resources (ADNR) Division of Coastal and Ocean Management (DCOM). In order to receive determination, the proposed project must be consistent with Alaska Coastal Management Program (ACMP) standards. 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. Once all State agency authorizations are received, a person can make a request to the U.S. Army Corps of Engineers (USACE) for authorization under the Regional General Permit (GP) POA-2006-1035 for Aquatic Farm Structures Within the State of Alaska or Individual permit if the GP evaluation requirements don't apply to the project.

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 1 and 2 provide a list of the state and federal contacts, respectively.

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### **ALASKA DEPARTMENT OF NATURAL RESOURCES, DIVISION OF COASTAL & OCEAN MANAGEMENT, ALASKA COASTAL MANAGEMENT PROGRAM SECTION**

#### **► Alaska Coastal Management Program Requirements**

**Activities Covered:** Project consistency review of proposed aquatic farm sites.

**Purpose:** Through the consistency review process, proposed aquatic farm sites and development activities are reviewed for consistency and compliance with the Alaska's Coastal Management Program (ACMP) standards.

**Process:** The Coastal Project Questionnaire (CPQ) is incorporated into the joint-agency aquatic farm application packet submitted to ADNR during the scheduled application filing period. A copy of the application is provided to DCOM to initiate a consistency review.

**Fees:** None

**More Information:** <http://dnr.alaska.gov/coastal/acmp/index.html>

Before state and federal agencies may issue aquatic farming authorizations, the project must be found consistent with the standards of the Alaska Coastal Management Program (ACMP; per 11 AAC 112). State agencies, affected coastal districts, and the public will be reviewing your proposed activity for consistency with these standards and with the enforceable policies of the affected coastal district. The Division of Coastal and Oceans Management (DCOM) is responsible for coordinating this review and determining whether your project is consistent with this program.

During the ACMP review process reviewers have opportunity to request from applicants any additional information that is relevant to the consistency review. Review participants who find the project inconsistent with one or more of the ACMP standards must provide alternative measures, which, if adopted by the applicant, will make the project consistent. The applicant then has the opportunity to adopt the proposed project modifications, or to otherwise modify the project to address the inconsistency. Consistency determinations are good for the life of the project and all alternative measures adopted are also in effect for the life of the project. All subsequent modifications of the project are also subject to additional ACMP review. **Please Note: If an applicant does not respond to a reviewer's request for additional information within 30 days, their file may be closed and the applicant may not receive their requested site.**

The Aquatic Farm joint-agency application serves as the Coastal Project Questionnaire. For more information on ACMP standards, the consistency review process, or to verify if your project lies within a coastal district, contact a DCOM office listed. The statewide ACMP consistency standards can be found on DNR's web site at [http://dnr.alaska.gov/coastal/acmp/technical\\_Training/11AAC112.pdf](http://dnr.alaska.gov/coastal/acmp/technical_Training/11AAC112.pdf)



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

### ► Aquatic Farm Ten-Year Lease Requirements

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

**Purpose:** To provide for development of the states lands into 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:**

- Application filing fee (all applications): \$100.00
- Survey fee for all on-bottom applications (required by ADF&G): \$5000 for a proposed subtidal farm, \$2000 for a proposed intertidal farm.
- Lease fees: Based on a fair market value appraisal or current fee schedule, the current fee schedule is \$450 for the first acre plus an additional \$125 per acre, or portion thereof. Also, if you have associated housing facilities for the aquatic farm site the fee schedule is \$850 for the first acre or portion thereof plus \$125 for each additional acre, or portion thereof. The fee schedule is adjusted every 5 years. As with any lease, if you do not want to use the fee schedule, you may pay to have an appraisal done
- Bond requirement: \$2500.00 (minimum) for individual or 50 percent of the amount calculated for an association.
- Lease amendment fee: \$100.00 for individual, \$200.00 for corporation
- Lease renewal fee: \$100.00, \$200.00 for a corporation
- Beginning on January 1, 2011 all costs associated with a required public notice will be paid by the applicant. The cost may be shared if two or more applications are being noticed simultaneously. Under 38.05.945 (a)(2)(A) publication of a legal notice in newspapers of statewide circulation and in newspapers of general circulation in the vicinity of the proposed action at least once a week for two consecutive weeks. Cost of public notice of proposed renewal: up to \$1,000, split by the number of applicants during the opening period.
- Over-the-counter Program packet fee: \$25.00 for existing pre-authorized or pre-approved aquatic farm sites.

**More Information:** <http://www.dnr.state.ak.us/mlw/aquatic/index.htm>

Shortly after approval of an application in a final best interest finding, (if any appeals were upheld by the commissioner) ADNR grants a ten-year property lease to operate an aquatic farm. Before the lease is issued items are required in advance including the first year's annual lease fee. The charge for the lease will be based on a fair market value appraisal or the division's current fee schedule. Currently, the fee schedule is \$450 for the first acre, or portion thereof, plus an additional \$125 per acre, or portion thereof. 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 leases are issued for a term of ten years, a boundary survey is not required. However, the department reserves the right to require one should boundary conflicts or disputes over acreage arise.

A 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 minimum bond amount is \$2,500. However, if three or more lessees post an association bond to cover all of their leases, the minimum-security amount is 50 percent of the amount individually calculated for each lease. 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". The ADNR regulations require that the aquatic farm 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. The commercial use requirement was implemented in an effort to prevent "hobbyists" from speculating and not using an area for the commercial purposes intended. If the commercial use requirement is not met by year five of the lease and continued each year for the remaining term, the lease will be terminated. The ADNR 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))**

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

### ► Aquatic Farm Ten-Year Lease Requirements Cont.

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.

Annual inspections are conducted by the ADF&G and the 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. Water Rights in Alaska Fact Sheet can be found at the DNR/Mining, Land and Water website at [http://dnr.alaska.gov/mlw/factsht/wtr\\_fs/wtr\\_rght.pdf](http://dnr.alaska.gov/mlw/factsht/wtr_fs/wtr_rght.pdf).

If you need additional information, please contact the Water Resources Section with the Division of Mining, Land and Water at the office listed.

An Alaska Business License is required for any business that operates in Alaska and has to 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.state.ak.us/CBP/BusinessLicensing/New.aspx>.

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## 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, nursery and hatchery operations.

**Purpose:** To protect, maintain, and improve the state's 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.

**Process:** Joint-agency aquatic farm site application packet and agency review for a ten-year aquatic farm operation permit, annual spat 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.cf.ADF&G.state.ak.us/geninfo/enhance/maricult/maricult.php>

The ADF&G Aquatic Farm Operation Permit is issued subsequent to the ADNR lease. 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, physical and biological suitability of an area, and 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. (AS 16.40.100-105)

Once you obtain an Aquatic Farm Operation Permit for your farm, statute requires the issuance of a Shellfish/Aquatic Plant Stock Transport Permit and/or 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 Mariculture Program Manager in Juneau at (907) 465-6150 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 Pacific oyster seed. All other species proposed for culture must be from a certified hatchery or nursery operating within the state of Alaska. 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 ensure seed for this species is available for this activity.

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 particular species while at the same time, would not support and attract a commercial 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 2011 aquatic farm opening 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.

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

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## 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.wildlife.alaska.gov/index.cfm?ADF&G=refuge.main>

**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.habitat.ADF&G.alaska.gov/sapermit.php>

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.

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ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL HEALTH

► **Growing Area Classification, Shellstock Shippers and Shellfish Harvester's 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
- 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:** <http://www.state.ak.us/dec/eh/fss/seafood/shellfish.htm>

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 **Shellstock Shippers Permit** authorizes individuals/businesses to grow, harvest, buy, or repack and sell shellstock. While this authorization does not allow the shucking of shellfish, it does allow shipping of shucked shellfish.

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 processor or shipper who is also permitted by ADEC.

Each of the ADEC authorizations listed above must be obtained **PRIOR** to placing your product into commerce. The applications for the Shellstock Shipper and Harvester permits can be found in the 2007 ADEC Seafood Processors Permit Application and the 2007 Shellfish Harvester Application packets available on the ADEC website at: <http://dec.alaska.gov/eh/fss/seafood/applicationspermits.htm> or from any ADEC or ADF&G office statewide. A fact Sheet on commercial shellfish permits can be found at the ADEC web site at: <http://dec.alaska.gov/eh/docs/fss/shellfishpermit%20app%202009.pdf>.

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](http://www.issc.org) (select "NSSP" from the left-hand column). Once the growing area has been found to meet the NSSP standards, ADEC issues a Growing Area Classification. 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 classified by the ADEC. Therefore, aquatic farm product may only be sold from sites that have an ADEC water quality classification. 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 per growing area classification, which can be pro-rated among two or more farms within the same 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 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. Unless adverse pollution events occur, such as periods of high rainfall or animal activity in the area, it generally takes a minimum of 30 days to collect all the water samples necessary for classification.

## ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION, DIVISION OF ENVIRONMENTAL HEALTH

### ► Growing Area Classification, Shellstock Shippers and Shellfish Harvester's Permit Requirements Cont.

Growing areas must be reclassified annually. Five days of sampling is required for approved areas unless it has a "remote" status, meaning the area has no human habitation and is not impacted by any actual or potential pollution sources. Remote areas require only two days of sampling. The fee for reclassification is \$150 per day and also can be pro-rated among two or more farms within the same classification area.

Presently, only the ADEC Environmental Health Lab located at 5251 Hinkle Road, Anchorage, Alaska is authorized to analyze the water samples. 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 daily water samples to the lab in Anchorage. If the samples arrive more than 30 hours after being collected, they cannot be tested and more samples must be submitted. This is another important aspect to consider when selecting an aquatic farm site. More details about water quality classification requirements can be found in a fact sheet on ADEC - Classification of Commercial Shellfish Growing & Harvest Areas can be found at <http://www.dec.state.ak.us/EH/docs/fss/shellfishclass.pdf>. It is recommended that applicants obtain this certification 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 PSP testing is the ADEC Lab in Anchorage. Levels cannot exceed the NSSP standard of 80 ug/100 g of tissue. A copy of a Uniform Shellfish Sampling Plan for Paralytic Shellfish Poison can be found at <http://www.dec.state.ak.us/eh/docs/fss/Shellfish-Sample-Plan.pdf>. The plan describes a four level sampling method used for monitoring PSP at your farm.

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) 274-9691. Additional HACCP training courses are available on the internet at: <http://seafood.ucdavis.edu/haccp/training/masterca.htm>. More information about HACCP plans is available either from the Marine Advisory Program or by contacting George Scanlan, ADEC in Anchorage, at (907) 269-7638.

If you plan to sell your product out of state, you will also need to be placed on the Interstate Certified Shellfish Shippers List. 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 of the information needed to obtain approval from the department as well as links to other important sites.

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## UNITED STATE 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:** Application process, Dept of Army (DA) Form 4345, and General Permit POA-2006-1035 for Aquatic Farm Structures Within the State of Alaska. Once all state regulatory agencies approve of the development of an aquatic farm site, authorization is given under either the Regional General Permit POA-2006-1035 or an Individual Permit. Site inspections may be conducted.

**Fees:** None

**More Information:** <http://www.poa.usace.army.mil/reg/gps.htm>

**Applications:** USACE Applicability Certification for GP POA-2006-1035 for Aquatic Farm Structures Within the State of Alaska navigable waters. Structures include associated float houses and mooring buoys. The General Permit and Review Request can be found at [http://www.poa.usace.army.mil/reg/gps\\_scanned/General+Permit+2006-1035.pdf](http://www.poa.usace.army.mil/reg/gps_scanned/General+Permit+2006-1035.pdf). The DA Form 4345 - Instructions and Application for Department of the Army Permit. The application for this can be found at <http://www.lrl.usace.army.mil/orf/article.asp?id=1702&MyCategory=4> (fill-able). Instructions can be found at <http://www.lrl.usace.army.mil/orf/article.asp?id=1915&MyCategory=44>.

**Table 1: AQUATIC FARM STATE AUTHORIZATION AGENCY CONTACTS**

State Agency	Permit Type	Contact Information	
<b>ADNR:</b> Division of Mining, Land & Water (DMLW)	Aquatic Farm Lease	John S. Thiede, Aquatic Farm Program Manager 550 West 7th Avenue, Suite 900C Anchorage AK 99501 Phone: (907) 269-8543 Fax : (907) 269-8913 Email: john.thiede@alaska.gov <a href="http://www.dnr.alaska.gov/mlw/aquatic/index.htm">www.dnr.alaska.gov/mlw/aquatic/index.htm</a>	
<b>ADNR:</b> Division of Coastal and Ocean Management	ACMP Coastal Consistency Determination	Southeast Region: 302 Gold Street, Suite 202 P.O. Box 111030 Juneau, AK 99811-1030 Phone: (907) 465-2142 Fax: (907) 465-3075 Email: dnr.dcomprajnu@alaska.gov <a href="http://www.alaskacoast.state.ak.us">www.alaskacoast.state.ak.us</a>	Southcentral Region: 550 W. 7th Ave. Ste 705 Anchorage, AK 99501-3559 Phone: (907) 269-7470 Fax: (907) 269-3981 Email: dnr.dcompraanc@alaska.gov <a href="http://www.alaskacoast.state.ak.us">www.alaskacoast.state.ak.us</a>
<b>ADF&amp;G:</b> Division of Commercial Fisheries	Aquatic Farm, Hatchery, Nursery Operation Permit; Shellfish or Aquatic Plant Transport Permit; Aquatic Stock Acquisition Permit; Surveys	Cynthia Pring-Ham, Statewide Mariculture Program Manager 1255 W. 8th Street P.O. Box 115526 Juneau, AK 99811-5526 Phone: (907) 465-6150 Fax: (907) 465-4168 Email: cynthia.pring-ham@alaska.gov <a href="http://www.cf.adfg.state.ak.us/geninfo/enhance/maricult/maricult.htm">www.cf.adfg.state.ak.us/geninfo/enhance/maricult/maricult.htm</a>	
<b>ADF&amp;G:</b> Division of Sport Fish	Special Area Permit: (specific to Kachemak Bay& Fox River Flats Critical Habitat Mgt Areas)	Ginny Litchfield, Area Manager 514 Funny River Rd Soldotna, AK 99669 Phone (907) 714-2478 Fax (907) 260-5992 Email:ginny.litchfield@alaska.gov <a href="http://www.sf.adfg.state.ak.us/SARR/SpecialAreas/sapermit.cfm">www.sf.adfg.state.ak.us/SARR/SpecialAreas/sapermit.cfm</a>	
<b>ADEC:</b> Division of Environmental Health	Water Quality Classification; Shellfish Harvest Permit; Shellfish Shipper Permit; Shellfish Shucker Packer Permit; Shellfish Repacker Permit; Export Certification.	Contact: George Scanlan, Shellfish Coordinator Environmental Health, Food Safety and Sanitation Program 555 Cordova Street Anchorage, AK. 55501. Phone (907) 269-7638 Fax (907) 269-7510 Email: george.scanlan@alaska.gov <a href="http://www.dec.state.ak.us/eh/">http://www.dec.state.ak.us/eh/</a>	

**Table 2: AQUATIC FARM FEDERAL AGENCY CONTACTS**

Federal Agency	Permit Type	Contact Information	
<b>U.S. Army Corps of Engineers (USACE)</b>	General Permit POA-2006-1035 for Aquatic Farm Structures Within the State of Alaska or Individual permit	Southeast Region: Juneau Regulatory Field Office U.S. Army Corps of Engineers 8800 Glacier Highway, Suite 106 Juneau, AK 99801-8079 Phone (907) 790-4490 <a href="mailto:regpagemaster@usace.army.mil">regpagemaster@usace.army.mil</a> <a href="http://www.poa.usace.army.mil/hm/default.htm">http://www.poa.usace.army.mil/hm/default.htm</a>	Southcentral Region (Prince William Sound, Southcentral, And Kachemak Bay): Anchorage Field Office U.S. Army Corps of Engineers P.O. Box 6898 Elmendorf AFB, AK 99506-0898 Phone (907) 753-2712
<b>U.S.D.A. Forest Service</b>	Upland Use Permit	Chugach National Forest: Tongass National Forest:	(907) 743-9500 <a href="http://www.fs.fed.us/r10/chugach">www.fs.fed.us/r10/chugach</a> (907) 225-3101 <a href="http://www.fs.fed.us/r10/tongass">www.fs.fed.us/r10/tongass</a>
<b>U.S. Fish &amp; Wildlife Service (USFWS)</b>	Review of Projects within Wildlife Refuges	Ecological Services: Southeast Southcentral Refuge Operations: Subsistence Management:	<a href="http://www.r7.fws.gov">www.r7.fws.gov</a> (907) 586-7240 (800) 272-4174 (907) 786-3354 <a href="http://refuges.fws.gov">http://refuges.fws.gov</a> (800) 478-1456 <a href="http://alaska.fws.gov/asm/index.htm">http://alaska.fws.gov/asm/index.htm</a>
<b>National Marine Fisheries Service (NMFS)</b>	Review of Projects within Essential Fish and Endangered Species Habitat, and Sensitive Sea Mammal Haulouts and Rookery Areas	<a href="http://www.nmfs.noaa.gov">www.nmfs.noaa.gov</a>	(907) 586-7221