



ALASKA DEPARTMENT OF FISH AND GAME

**DIVISION OF
FISHERIES, REHABILITATION, ENHANCEMENT AND DEVELOPMENT**



**FARMING SHELLFISH AND AQUATIC PLANTS
-PROGRAM SUMMARY-**

**JUNEAU, ALASKA
JULY, 1990**

Prepared by:

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**Don W. Collinsworth, Commissioner
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AQUATIC PLANT FARMING AND RESEARCH

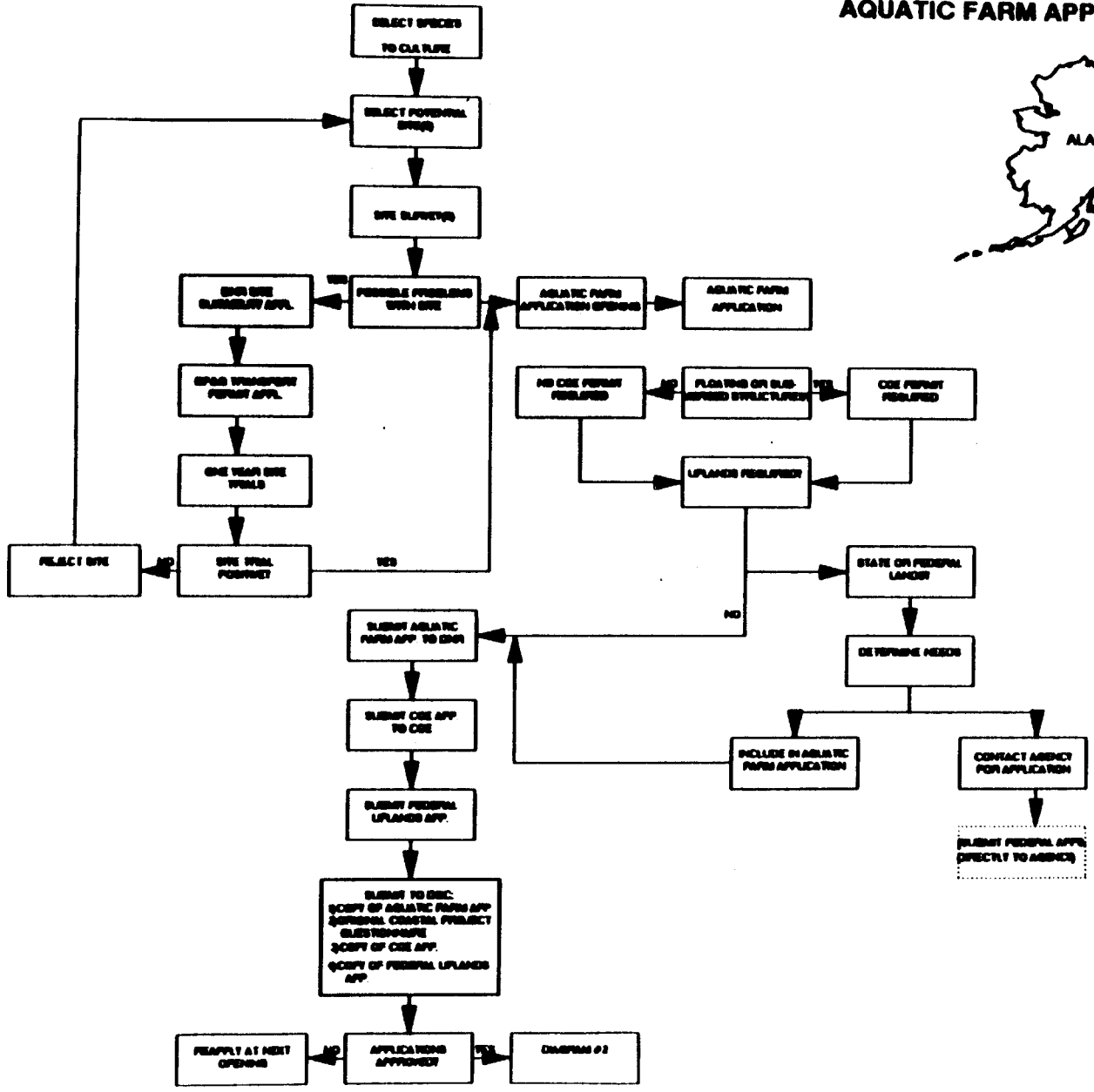
BACKGROUND:

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 SE DISTRICT OPENING (shellfish/ aq. plants)
 - FINFISH FARMING PROHIBITED

STATE OF ALASKA
AQUATIC FARM APPLICATION PROCESS



AQUATIC FARM PROGRAM

STATE OF ALASKA
AQUATIC FARM APPLICATION PROCESS

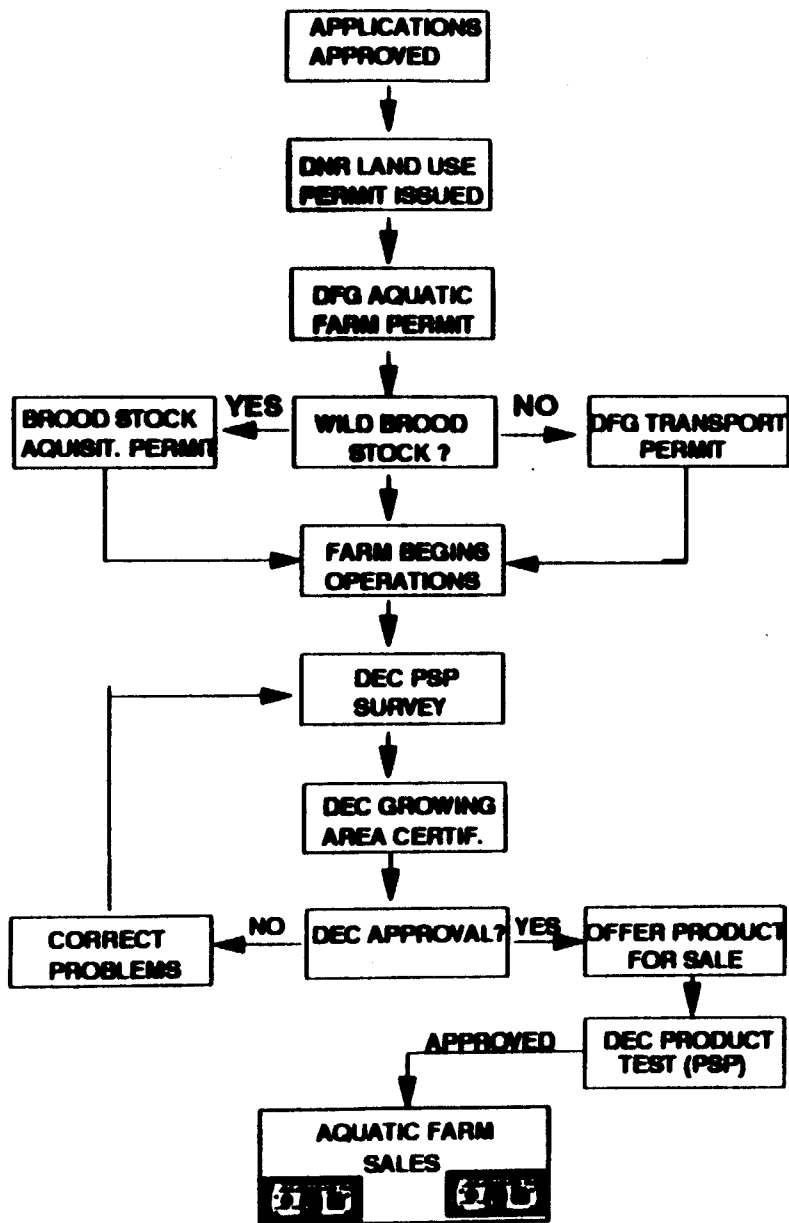
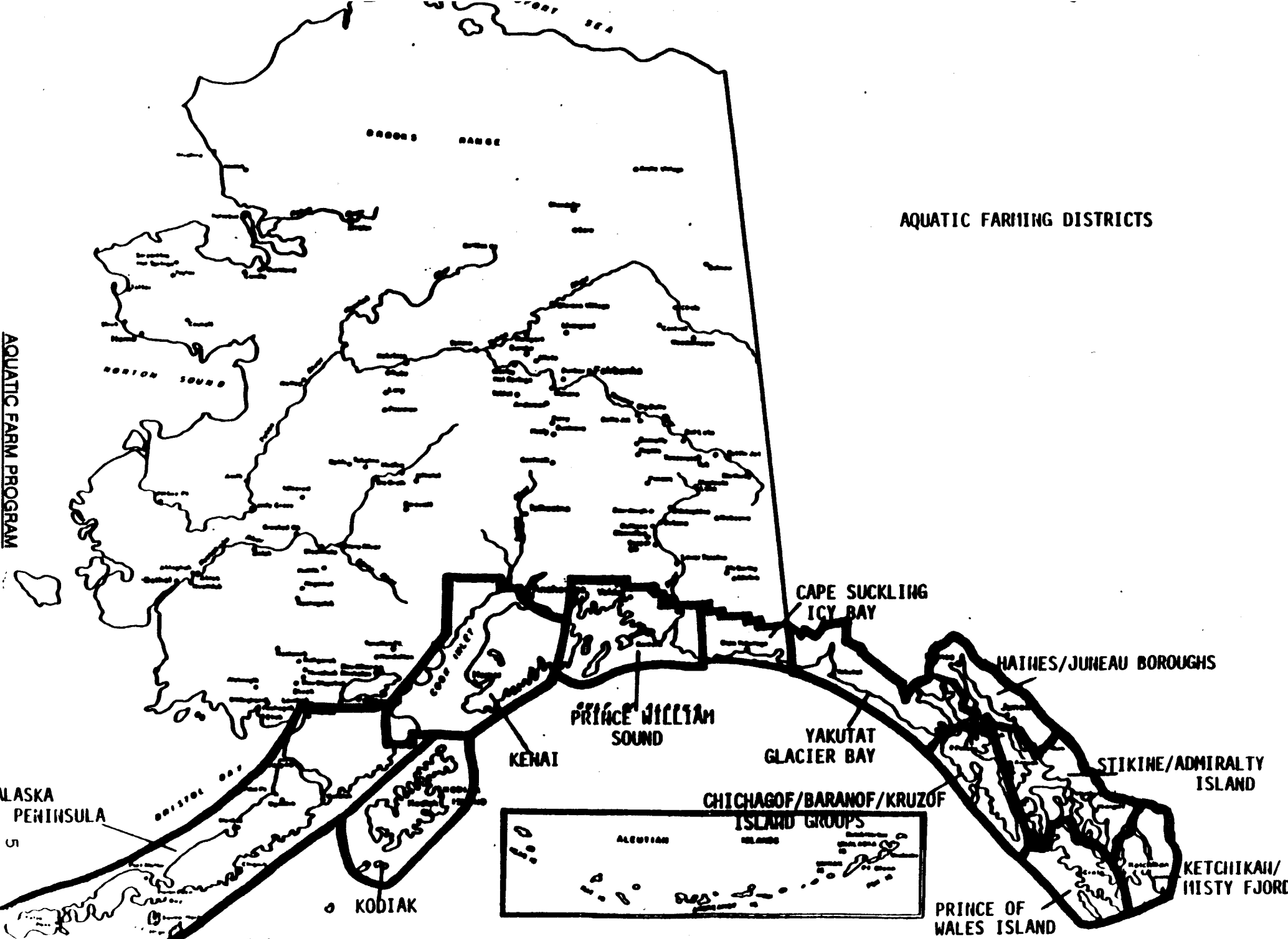


DIAGRAM #2

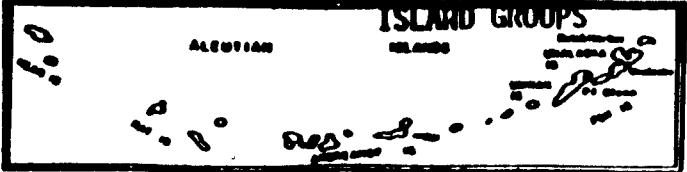
AQUATIC FARMING DISTRICTS

AQUATIC FARM PROGRAM



ALASKA PENINSULA
5

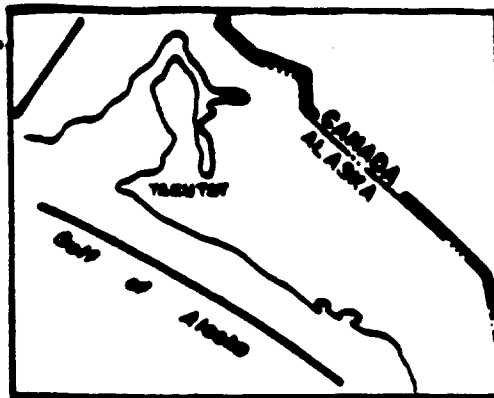
KODIAK



KETCHIKAN/HISTY FJORDS

PRINCE OF WALES ISLAND

DISTRICT A
Yakutat-Glacier Bay



DISTRICT B
Juneau-Haines Boroughs

DISTRICT C
Stikine-Admiralty
Island

DISTRICT D
Ketchikan-Misty
Fjords

DISTRICT E
Chichagof-Baranof-Kruzof
Island Group







DISTRICT F
Prince of Wales Island

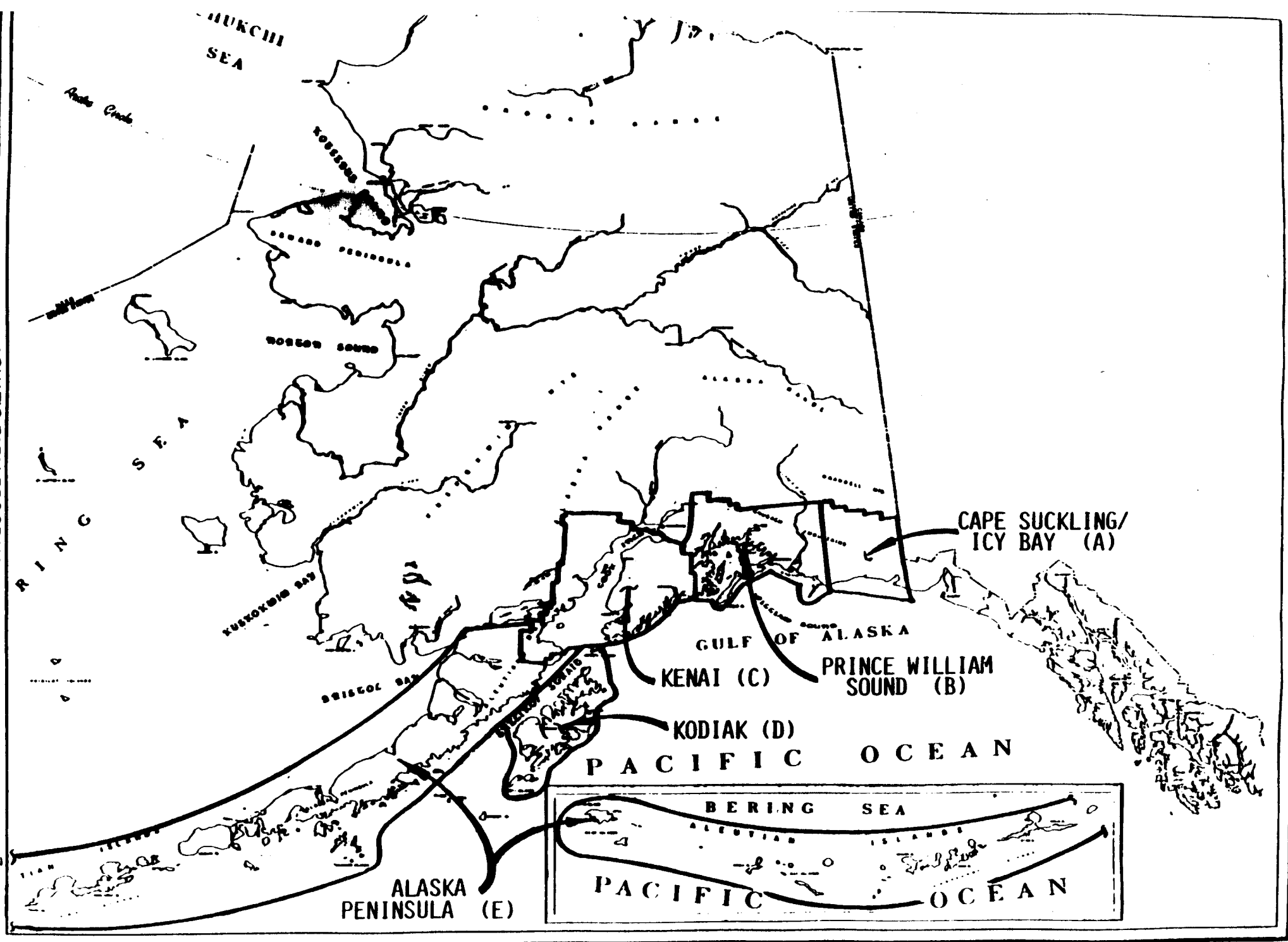


Alaska Department of
**NATURAL
RESOURCES**

**AQUATIC FARM
DISTRICTS
SOUTHEAST**

LEGEND

-  Wilderness / Monument Areas
-  District Boundaries
-  International Boundary
-  Borough Boundaries
-  Marine Ports
-  Areas Where Aquatic Farming Will Not Be Allowed As Per The R.O.W. Area Plan



MEMORANDUM

State of Alaska

TO: Brian Allee
Director
FRED Division

DATE: June 14, 1990
JUN 16 1990

Frank Rue
Director
Habitat Division

FILE NO.:

TELEPHONE NO.: 465-4290

FROM: Jim Cochran
Mariculture Coordinator
FRED Division

SUBJECT: Aquatic farming
Project Review
Flow Chart

Rick Reed
Regional Supervisor
Habitat Division

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

STATE OF ALASKA
Department of Fish and Game

TO: Jim Cochran
Mariculture Coordinator
FRED Division

DATE: July 5, 1990

Rick Reed
Regional Supervisor
Habitat Division

FILE NO.:

TELEPHONE NO.: 465-4105

FROM: Frank Rue
Director
Habitat Division

SUBJECT: Aquatic Farming
Project Review
Flowchart

Brian J. Allee
Director
FRED Division

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

AQUATIC FARMING PROJECT REVIEW FLOWCHART

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 aquatic 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

**ALASKA DEPARTMENT OF FISH AND GAME
AQUATIC FARM PROGRAM
STATUTE SUMMARY**

June 21, 1990

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

AS 16.40.120 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

**ALASKA DEPARTMENT OF FISH AND GAME
AQUATIC FARM PROGRAM
STATUTE AMENDMENT SUMMARY**

June 21, 1990

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. ~~16.10.260~~ 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

**ALASKA DEPARTMENT OF FISH AND GAME
AQUATIC FARM PROGRAM
REGULATION SUMMARY**

June 21, 1990

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