



ALASKA'S AQUATIC FARM PROGRAM

January 1st through April 30th

INFORMATION ON THE APPLICATION PROCESS, GUIDELINES, AUTHORIZATIONS AND CONTACTS

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 Aquatic Farming Program Coordinator, ADNR at (907) 269-8543 and/or the Permit Coordinator, ADF&G at (907) 465-4724, dfg.dcf.aquaticfarming@alaska.gov.

A. APPLICATION PROCESS

An aquatic farm application opening is offered every year from **January 1st through April 30th**. 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 applying. 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 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 tidelands or submerged land, the issuance of a lease can range from ten months to two years to be issued a lease. An operation permit is issued no later than 30 days after the 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 ADNR Aquatic Farm Program Anchorage office along with required fees. ADNR will then make a copy and distribute it to ADF&G and Department of Environmental Conservation (ADEC). Department of Natural Resource will be the lead agency and responsible for the adjudication for the state tidelands and submerged land.
- 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 be the lead agency and will provide government agencies with an opportunity to review the proposed aquatic farm project. The length of time for the review is 20-day and can be extended if agencies require additional time for their review of the project.
- 5. ADNR Preliminary Decision.** ADNR Preliminary decisions for the project are written 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 on whether it is in the state's best interested to issue a lease for the project. The preliminary decision also includes a draft lease for the public to review.
- 6. ADNR Public Notice and Review Period.** A 30-day public notice and review period is provided to the public to comment on the preliminary decision. Notices are available on the ADNR public notice web pages at <http://dnr.alaska.gov/commis/pic/pubnotfrm.htm>. Public meetings or public hearings can be requested by contacting ADNR.
- 7. 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.
- 8. ADNR Final Administrative Order and Decision.** The ADNR will prepare a final administrative order and decision document, which will include lease stipulations that the applicant must adhere to throughout the 10-year lease period. Participating agency stipulations will also be included in this document. The final decision will be sent to the applicant and all interested parties. The final administrative order and decision goes into
- 9. ADF&G Review and Determination.** The ADF&G will review and make a determination regarding the operation permit. A preliminary determination and decision on issuance of an operation permit will be sent to DNR and to the applicant. If a survey is required, the applicant will be sent the result.
- 10. ADNR 20-day Appeal Period.** The ADNR is required to provide an appeal period of 20-days for the applicants to appeal the final decision and any individuals, agencies, or parties that commented during the agency review or public notice.

- 11. 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 liability insurance and performance guarantee bond. The ADNR will sign the final lease and send it 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. Special Area Permit (if proposed projects in 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:
 - 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.

Figure 1: Aquatic Farm State Application Review Flow Chart

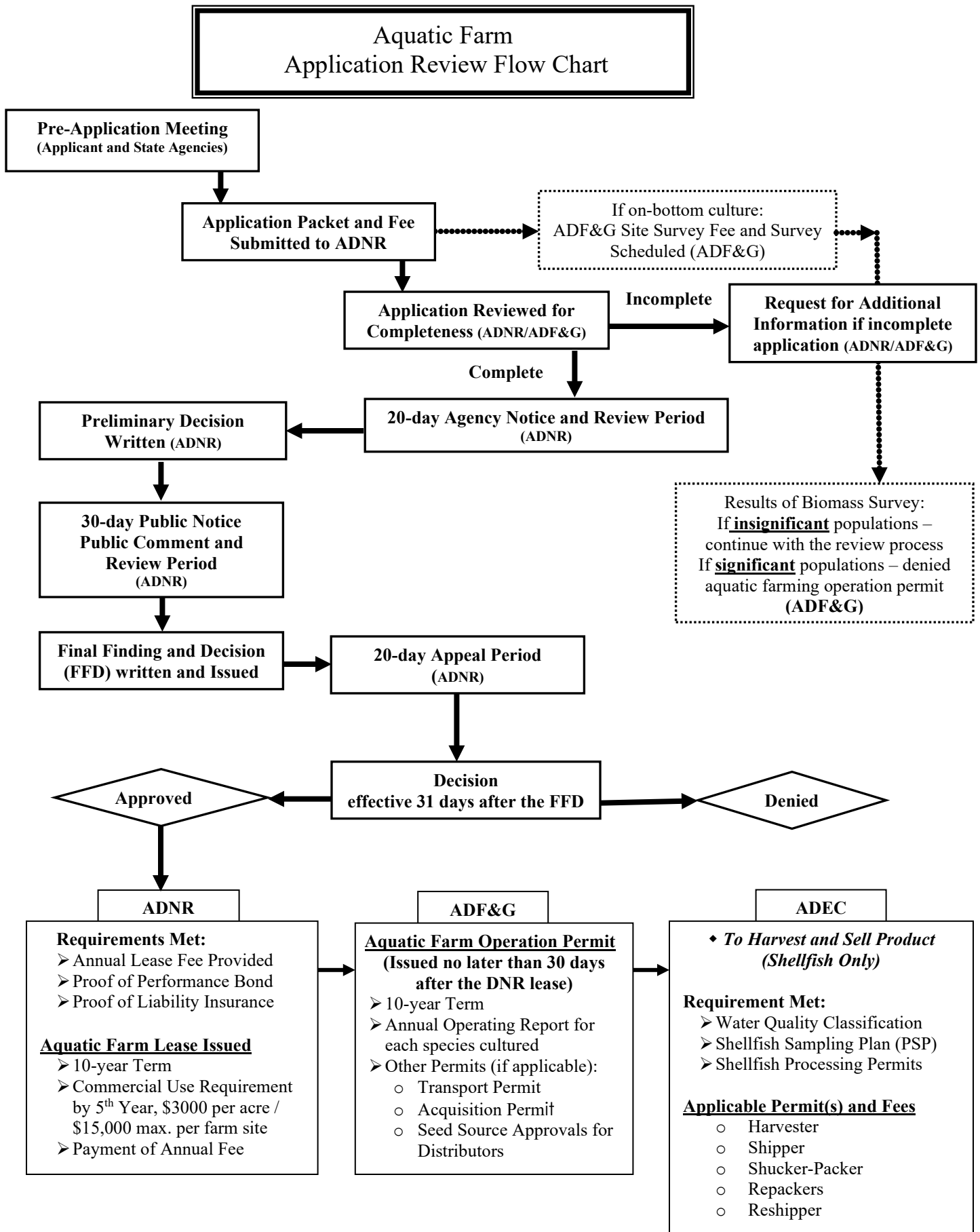


Table 1: State of Alaska Fees for Shellfish Aquatic Farm Authorization and Operations (Initial Year and Years 2-10)

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	\$6,575	\$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	\$500	\$500	\$500	\$0	When water classification requested
Initial Fees 1st Year (Minimum)	\$4,050	\$11,575	\$6,050	\$9,900	\$6,075	As indicated above
Years 2 - 10						
Fees for Each Year from Year 2 to year 10	\$1,735	\$7,860	\$1,735	\$1,985	\$1,725	As indicated above
All Years 1 - 10 Combined						
Total Fees for All 10 Years⁹	\$19,665	\$82,315	\$21,665	\$27,765	\$21,600	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 (Report No. 2522-12), 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 fee.

³ DNR - For an aquatic farm only: \$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 - For bonds: 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 Approved Status for shellfish harvest. The fee for the annual reapproval is \$150.00 per visit.

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 Does not include Department of Revenues 3% Fisheries Business Export Tax, for any business that exports indigenous species product out of Alaska.

Updated June 2019

Director Brent Goodrum, Department of Natural Resources, Division of Mining, Land and Water, issued a Director’s Order regarding fees, dated June 8, 2018. For aquatic farmsite lease authorizations, the following table summarizes updated fees that apply as of this date.

Table 2: Fees for Aquatic Farmsite Lease authorizations

Application, Petition, or Other Service	Authority	Fee
Application for an aquatic farmsite lease under AS 38.05.083 for	for a total of one acre or less, for up to 24 hours of staff time	11 AAC 05.230(d)(3)(A)(i) \$600
	for a total of greater than one acre but no more than three acres, for up to 60 hours of staff time	11 AAC 05.230(d)(3)(A)(ii) \$1,200
	for a total of greater than three acres, for up to 100 hours of staff time	11 AAC 05.230(d)(3)(A)(iii) \$2,000
Renewal of an aquatic farmsite lease	for a total of one acre or less in size, for up to 14 hours of staff time	11 AAC 05.230(d)(3)(B)(i) \$280
	for a total of greater than one acre but no more than three acres, for up to 30 hours of staff time	11 AAC 05.230(d)(3)(B)(ii) \$600
	for greater than three acres, for up to 60 hours of staff time	11 AAC 05.230(d)(3)(B)(iii) \$1,200
Assignment of aquatic farmsite lease	for up to 8 hours of staff time	11 AAC 05.230(d)(3)(C) \$160
Extension of an aquatic farmsite lease,	for up to 8 hours of staff time	11 AAC 05.230(d)(3)(D) \$160
Amendment of an aquatic farmsite lease or development plan	that requires a finding under AS 38.05.035(e), for up to 20 hours of staff time	11 AAC 05.230(d)(3)(E)(i) \$400
	other than (i) of this subparagraph	11 AAC 05.230(d)(3)(E)(ii) \$160

B. SITING YOUR AQUATIC FARM

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
- 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. 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://extra.sf.adfg.state.ak.us/FishResourceMonitor/?mode=awc>
- no nearby fish hatcheries

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/>.

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 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 (ADF&G, Division of Sport Fish; 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.

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 near 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.

AUTHORIZATIONS AND CONTACTS

Multiple agency authorizations are required to site, construct and operate an aquatic farm site 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. 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 3 and 4 provide a list of the state and federal contacts, respectively.

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 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 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. 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 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 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". 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 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 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.

Annual 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. Water Rights in Alaska Fact Sheet can be found at the DNR/Mining, Land and Water website at <http://dnr.alaska.gov/mlw/water/wrfact.cfm>.

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 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, 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.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, 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 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. 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 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.

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=uselicense.areas>

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=kachemakbay.permits>

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 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: <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 **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.

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). 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.

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 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. 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.

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) 269-7638.

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 proceeding 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 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 a Letter of Permission or Individual Permit. 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 (DMLW)	Aquatic Farm Lease	Karen Cougan, Aquatic Farm Program Manager 550 West 7th Avenue, Suite 900C Anchorage AK 99501 Phone: (907) 269-8543 Fax: (907) 269-8913 Email: Karen.cougan@alaska.gov www.dnr.alaska.gov/mlw/aquatic/index.htm
ADF&G: Division of Commercial Fisheries	Aquatic Farm/ Hatchery Operation Permit; Shellfish or Aquatic Plant 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 Rd Soldotna, AK 99669 Phone (907) 714-2478 Fax (907) 260-5992 Email: brian.blossom@alaska.gov http://www.adfg.alaska.gov/index.cfm?adfg=uslicense.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: 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.scanlon@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: Carol Brady, Environmental Health Officer Environmental Health, Food Safety and Sanitation Program 555 Cordova Street Anchorage, AK. 55501 Phone (907) 269-7636 Fax (907) 269-7510 Email: George.scanlon@alaska.gov http://dec.alaska.gov/eh/fss/shellfish/

Table 4: AQUATIC FARM FEDERAL AGENCY CONTACTS

Federal Agency	Permit Type	Contact Information	
U.S. Army Corps of Engineers (USACE)	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 CEPOA-RD Juneau Field Office Juneau, AK 99802-9998 Phone (907) 790-4493 poa.executiveoffice@usace.army.mil http://www.poa.usace.army.mil/	Southcentral Region (Prince William Sound, Southcentral, Kachemak Bay, and Kodiak): Anchorage Field Office U.S. Army Corps of Engineers P.O. Box 6898 JBER, AK 99506-0898 Phone (907) 753-2522
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	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	www.nmfs.noaa.gov (907) 586-7221	