

## Aquatic Farming

### Background

Within the planning area, there are a few aquatic farms currently but as market conditions, technology, and the economics of this type of operation change, more aquatic farms can be expected in the planning area during the next 20 years. Management guidelines for their siting and operation follow.

### Goal

**Economic Opportunities and Community Development.** Provide opportunities to increase income and diversify the state's economy through the use of state tidelands and submerged lands for aquatic farming.

### General Conditions

Alaska Statute (AS 38.05.083) provides that state tidelands and submerged lands may be used, under lease, for aquatic farming or related hatchery operations. It also mandates regulations that: 1) require the Department to establish application siting guidelines; 2) specify the criteria for the approval or denial of lease applications; 3) consider limiting the number of sites to be leased within an area in order to reduce cumulative impacts on the environment and natural resources; and 4) protect the public's right of access and use of navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes, as required under the Public Trust Doctrine.

**State and Federal Review Processes.** State regulations (Aquatic Farmsite Leases, 11 AAC 63) require the Department to make a best interest finding before issuing a lease. The proposed operation must be in the overall best interest of the state before an authorization may be issued. Factors that are to be considered in this decision are identified in 11 AAC 63.050 (b) and include whether the proposed aquatic farm will conflict with other uses; whether it is compatible with land management policies in adopted federal, state, and local plans at the proposed location and nearby uplands; how public access, including the adjacent upland owner's right of reasonable access, and the public's rights under the Public Trust Doctrine will be protected; and whether there are significant social, economic, and environmental effects of the proposed aquatic farm. The Preliminary Best Interest Finding is subject to a public and agency review under AS 38.05.945. This review includes localities/boroughs/communities, native organizations, Fish and Game Advisory committees, adjacent upland owners, and affected valid third party interests.

Concurrent with this review is the review under the Alaska Coastal Zone Management Program (ACMP). All aquatic farm proposals must be consistent with ACMP statewide standards and the enforceable policies of local coastal district plans, if applicable, in order to be authorized. Federal authorizations that have previously undergone a coastal consistency

review also may be required in aquatic farming operations and include the U.S. Army Corps of Engineers' General Permit 91-7N, for aquatic farm structures within navigable waters and Nationwide Permit (NWP 4), which pertains to fish and wildlife harvesting, enhancement, and attraction devices and activities. Aquatic farm proposals that do not meet the requirements of these permits must undergo a separate individual review and authorization process. All aquatic farms must also meet the requirements of 11 AAC 63.050 and the current application filing guidelines issued by DNR for aquatic farms. In addition, aquatic farms must undergo an individual permit evaluation by the U.S. Corps of Engineers.

**State Authorizations for Aquatic Farms.** Should the aquatic farm proposal be found to be in the state's best interest, an Aquatic Farm Lease will be issued by the Department. The lease specifies operation, siting, environmental and habitat criteria that must be satisfied during the lease term. An Aquatic Farm Operation Permit must also be acquired from the Alaska Department of Fish and Game (ADF&G) in order to ensure that the proposal is technically and operationally feasible; the physical and biological suitability of the area can support the operation; and habitat and public uses of fish and wildlife are protected. ADF&G also requires a seed transport and acquisition permit in order to obtain and transport seed/broodstock between a hatchery and the farmsite. In addition, the Alaska Department of Environmental Conservation requires that the water quality in the growing area meet both the state water quality standards and the requirements of the National Shellfish Sanitation Program, incorporated by reference in 18 AAC 34.200, to ensure the product is safe for human consumption.

## **Management Guidelines**

The combination of state and federal review and authorization requirements provides a comprehensive basis for the approval of proposed aquatic farm operations. Additional operational, siting, habitat, or environmental requirements in this plan are therefore generally unnecessary in order to effectively manage aquatic farming operations within the planning area. The subsequent management guidelines delineate standards for the approval of aquatic farm operations and the factors that are to be considered in the siting of these operations next to sensitive uses and resources, and adjacent to federal or state land managed for their wilderness, park, or primitive values.

**A. General Management Approach.** Aquatic farming will be allowed on state tidelands or submerged lands unless there is significant conflict with other uses of the immediate area or it is inconsistent with the requirements of 11 AAC 63.050 or this management plan. The siting of aquatic farming facilities may be more difficult on tidelands designated for: log transfer or storage; mineral transfer or access; critical or crucial fish and wildlife habitat or harvest; anchorages; and developed recreation. In addition, siting of aquatic farm facilities may be more difficult on tidelands adjacent to proposed land sales or existing residential areas, legislatively designated areas, such as state critical habitat areas or parks, and federal

conservation units, such as National Parks and National Wildlife Refuges where the upland management objective is to retain a natural environment. Specific stipulations related to siting, operations, and maintenance may be imposed by the Department in addition to those otherwise required in order to achieve site and use compatibility.

**B. Tidelands Adjacent to Exxon Valdez Oil Spill (EVOS) Acquisition Units, State Legislatively Designated Areas, and Federal Conservation Units.** In its decision-making on the granting of authorizations on tidelands and submerged lands adjacent to management units subject to the EVOS acquisition restrictions, legislatively designated areas or federal conservation units, the Department will consider adjacent upland resource management requirements.

Upon receipt of an aquatic farm request, the Department will review the applicable approved management plan for the adjacent uplands and the conservation easement and deed for proposals adjacent to EVOS acquisition units. Federal management plans exist for the Kodiak, Alaska Peninsula, Becharof, and the Alaska Maritime National Wildlife Refuges and for the Katmai National Park and Preserve. The management plans for the Tugidak Island Critical Habitat Area and Shuyak Island State Park are to be reviewed for the management intent of uplands in these areas. This plan is to be consulted for state lands that are managed by DPOR to be compatible with Afognak Island State Park. Aquatic farming operations that are incompatible with the management intent for the uplands and cannot be made compatible by utilizing mitigation measures will generally not be authorized unless all conditions of the other local, state, and federal permits or authorities are met; there is an overriding state interest; and there is no feasible and prudent alternative site. Generally, aquatic farming operations involving the presence of caretaker facilities, structures for storage and operational needs, or presence of personnel on a frequent basis are incompatible adjacent to uplands where the management intent is to retain land in a undeveloped state. The Department will consult with the appropriate upland agency when determining compatibility of aquatic farm activities in these areas.

**C. Other Guidelines Affecting Aquatic Farming.** Other guidelines will affect aquatic farming management practices. See in particular the following sections of this chapter:

- Coordination and Public Notice
- Fish and Wildlife Habitat and Harvest Areas
- Recreation, Tourism, and Scenic Resources
- Shorelines, Stream Corridors and Coastal Areas