

AGRICULTURE see the *Settlement* section

AQUATIC FARMING

Goals

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.

Management Guidelines

Background. Alaska Statute (AS 38.05.083) provides for the leasing of state tide and submerged lands for aquatic farming or related hatchery operations. In addition to the statutes that govern this program, the regulations give specific guidelines for the approval or denial of leases; limiting the number of sites in an area; and addressing public access issues, Public Trust Doctrine¹ and other social, economic and environmental effects the farm may have on an area.

Farm proposals undergo a review by all the state, federal and local entities involved. The initial review is conducted under the Alaska Coastal Management Program. In addition to this review, the Department of Natural Resources is required to conduct public notice under AS 38.05.945. When possible, the Alaska Coastal Management and DNR's public notices are combined into one notice.

Authorizations are required from the Department of Natural Resources, Department of Fish and Game, Department of Environmental Conservation, and the Army Corps of Engineers if the proposal is located on state-owned tide and submerged lands. If a farm is proposed on privately owned tidelands or submerged lands, a Department of Natural Resources authorization is not required.

A. Tidelands and submerged lands adjacent to National Parks and Refuges. Tidelands and submerged lands adjacent to National Parks and Refuges are designated as Special Use Lands. See *Appendix D* for Special Use Lands information and maps.

B. Floating caretaker facilities for aquatic farming. See the *Floating Facilities* section in this chapter.

The siting of aquatic farming facilities may be more difficult on tidelands where there is or proposed to be waterfront development, high public use for tourism and recreation, anchorages,

¹ See the *Management Intent for Navigable Waterbodies* section at the end of Chapter 3 for an explanation of the "Public Trust Doctrine".

important habitat or nearby residential development. These areas will be available for aquatic farming if the department determines in the best interest finding that (a) it is practicable to operate an aquatic farming operation so that it is compatible with the other uses of the immediate area and b) the proposed activity is consistent with guidelines and management intents in this plan.

C. Aquatic Farming in Kachemak Bay.² ADFG, on a case-by-case basis, will evaluate all aquatic farming proposals, including proposals for intertidal or subtidal culture of clams and other bivalve shellfish, consistent with AS 16.40.105. The following criteria contained in AS 16.40.105 will be used on determinations for permit issuance or denial:

1. The physical and biological characteristics of the proposed farm or hatchery location must be suitable for the farming of the shellfish or aquatic plant proposed;
2. The proposed farm or hatchery may not require significant alterations in traditional fisheries or other existing uses of fish and wildlife resources;
3. The proposed farm or hatchery may not significantly affect fisheries, wildlife, or their habitats in an adverse manner; and
4. The proposed farm or hatchery plans and staffing plans must demonstrate technical and operational feasibility.

Aquatic farming is addressed in *the Kachemak Bay and Fox River Flats Critical Habitat Areas Management Plan* (1993). DNR will manage for aquaculture consistent with this plan and any future adopted changes to the Critical Habitat Area plan:

“... aquatic farming activities, including float structures essential to the farm operation, may be permitted in Kachemak Bay on a case by case basis under terms and conditions consistent with the protection of fish and wildlife populations and their habitats, continued use of fish and wildlife, and public use and enjoyment of the critical habitat areas if compatible with other existing uses. Jakolof Bay is recognized as a physically suitable area for aquatic farming activity because of good site conditions and an absence of use conflicts with other fisheries. Aquatic farming will not be authorized in China Poot Bay due to its shallow character and conflict with existing navigational channels and fisheries. Additional aquatic farms of any configuration in Peterson Bay or additional floating aquatic farms in Kasitsna Bay will not be authorized due to an absence of suitable sites free from conflict with existing fisheries and public use. To avoid conflict with existing setnet fisheries, aquatic farms will not be sited within 1000’ radius offshore (from mean low water) of commercial set gillnet sites in Seldovia Bay, Kasitsna Bay and McDonald Spit, and Halibut Cove. Aquatic farming will be managed consistent with any future adopted changes to the Critical Habitat Area plan.”

² On 4/12/01 (after the plan was adopted), a new regulation went into affect (5 AAC 95.300) that prohibited on-bottom aquatic farming in the Kachemak Bay and Fox River Flats CHAs.