

STATE OF ALASKA DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF MINING, LAND AND WATER  
SOUTHCENTRAL REGIONAL LAND OFFICE

**PRELIMINARY DECISION**

**ADL 233403 Alaskan Sea Greens**  
Application for Lease Amendment  
AS 38.05.083

This Preliminary Decision (PD) is the initial determination on a proposed disposal of interest in state land and is subject to comments received during the Public Notice period. The public is invited to comment on this Preliminary Decision. The deadline for commenting is **October 10, 2024**. Please see the Comments Section of this decision for details on how and where to send comments for consideration. Only the applicant and those who comment have the right to appeal the Final Finding and Decision.

**Proposed Action:**

The Department of Natural Resources (DNR), Division of Mining, Land and Water (DMLW), Southcentral Regional Land Office (SCRO) has received a request from Alaskan Sea Greens (ASG) to amend aquatic farmsite lease ADL 233403 by adding an additional 18.29 acres, more or less, of state-owned tide and submerged lands to the existing 10-acre parcel located near Kodiak, Alaska, for the purpose of commercial growth and harvest of kelp. The amendment request also proposes adding gear to the new acreage of the farmsite and altering the growth schedule to allow for year-round kelp growth. The eight approved species of kelp at this farmsite are sugar kelp (*Saccharina latissima*), ribbon kelp (*Alaria marginata*), bull kelp (*Nereocystis luetkeana*), five ribbed kelp (*Costaria costana*), dragon kelp (*Eularia fistulosa*), giant kelp (*Macrocystis pyrifera*), split kelp (*Hedophyllum nigripes*), and three ribbed kelp (*Cymathaere triplicate*). The location of the project area is further described as being within E1/2 of Section 1, Township 28 South, Range 26 West and the SW1/4 of Section 6, Township 28 South, Range 25 West, Seward Meridian, Alaska.

SCRO is considering the issuance of an amendment to ADL 233403 for the remaining term of the lease. The proposed amended farmsite will consist of one parcel, encompassing an area measuring 28.29 acres, more or less, for the purpose of submerged longlines using seeded line produced by a permitted hatchery for the year-round commercial growth and harvest of eight species of kelp: sugar kelp, ribbon kelp, bull kelp, five ribbed kelp, dragon kelp, giant kelp, split kelp, and three ribbed kelp.

**Scope of Review:**

The scope of this decision is to determine if it is in the State's best interest to issue this aquatic farmsite lease amendment to add an additional 18.29 acres for the proposed combined lease acreage of 28.29 acres.

**Authority:**

This lease application is being adjudicated pursuant to Article VIII of the Alaska Constitution generally, Alaska Statute (AS) 38.05.035 (Powers and duties of the director); AS 38.05.070(b) (Leases generally); AS 38.05.083 (Aquatic farming and hatchery site leases); and AS 38.05.945 (Notice). The authority to execute the Preliminary Decision, Final Finding and Decision, and the lease has been delegated to the Regional Manager of SCRO.

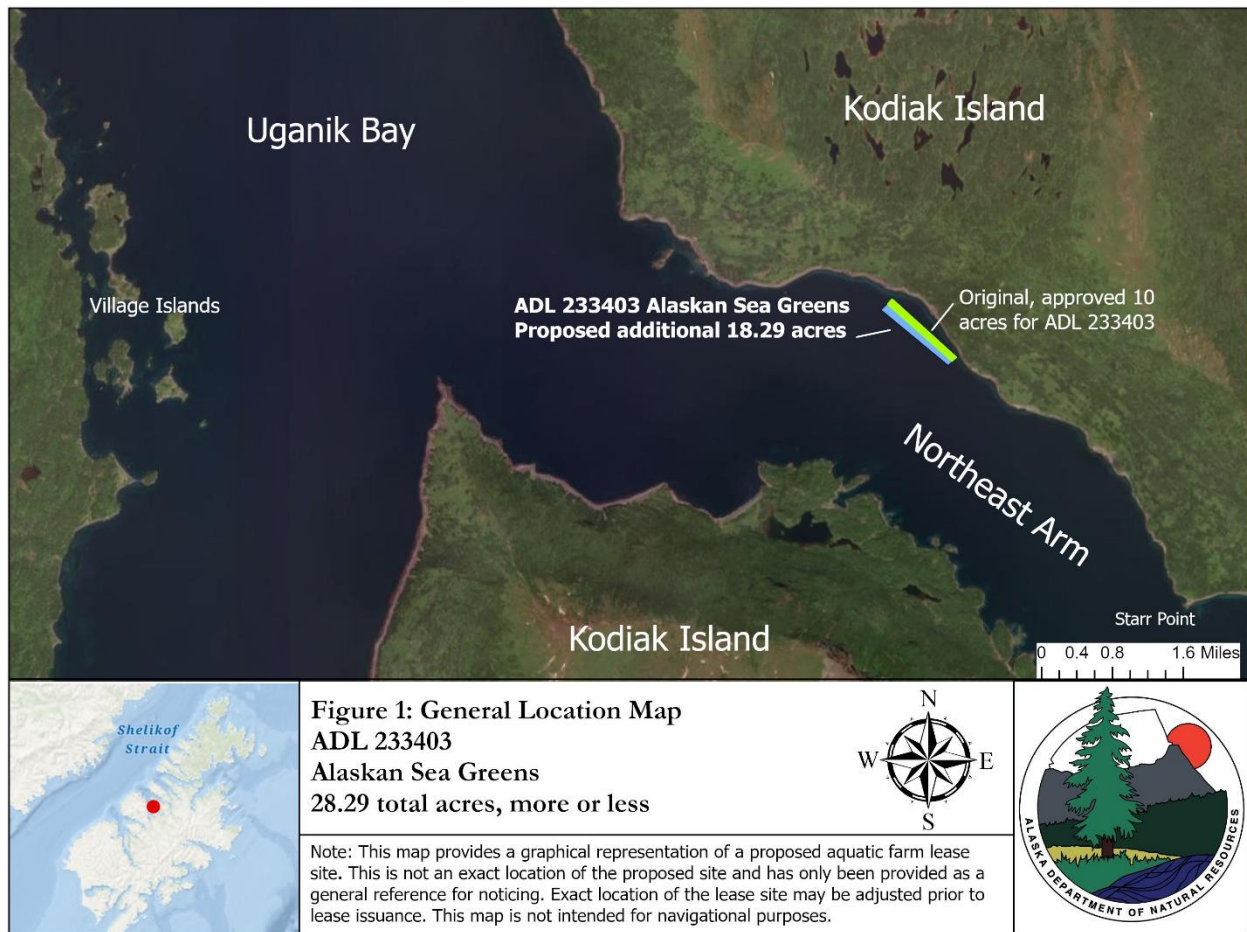
**Administrative Record:**

The administrative record for the proposed action consists of the Constitution of the State of Alaska, the Alaska Land Act as amended, applicable statutes and regulations referenced herein, the 2004 Kodiak Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as 233403.

**Legal Description, Location, and Geographical Features:**

The state land where this proposed lease site is located is described as follows:

- **Site reference name:** Northeast Arm, Uganik Bay, Kodiak Island
- **Legal description:** E1/2 of Section 1, Township 28 South, Range 26 West and the SW1/4 of Section 6, Township 28 South, Range 25 West, Seward Meridian, Alaska
- **Geographical locations:** Northeast Arm of Uganik Bay, approximately 33 miles west of the city of Kodiak, Alaska.



- **Approximate Lat/Longs (NAD 83):**

Parcel 1:      Submerged Kelp Grow-Out Area, 475-ft by 2,745-ft by 423-ft by 2,745-ft

NE Corner:	57° 46.961'N	153° 24.966'W
SE Corner:	57° 46.660'N	153° 24.327'W
SW Corner:	57° 46.615'N	153° 24.418'W
NW Corner:	57° 46.904'N	153° 25.074'W

- **Existing surveys:** None
- **Municipality/Borough:** Kodiak Island Borough
- **Native Corporations/Federally Recognized Tribes:** Koniag Incorporated, Kodiak Area Native Association, Afognak Native Corporation, Natives of Kodiak, Inc., Native Village of Port Lions, Sun'aq Tribe of Kodiak, Uyak Natives, Incorporated, and Uganik Natives, Incorporated
- **Size:** 28.29 acres, more or less (10 acres authorized prior to lease amendment)

**Title:**

Two DNR Title Reports (RPT-23637/23638) were requested on June 6, 2024, from DMLW's Realty Services Section. A Title Report issued from DMLW's Realty Services Section will state whether the State of Alaska holds title to the subject tidelands under the Equal Footing Doctrine and the Submerged Lands Act of 1953. SCRO reserves the right to modify the Final Finding and Decision based upon information contained within the Title Report.

**Third Party Interests:**

No third-party interests are known at this time.

**Classification and Planning:**

The project area is subject to the Kodiak Area Plan (KAP), Kodiak Region, Map 3-8, and located adjacent to the Kodiak National Wildlife Refuge (KNWR) and within the Kodiak National Wildlife Refuge Tideland Resource Management Zone for Marine Waters and Tidelands outlined with the KAP.

According to Chapter 3 of the KAP, Tideland Resource Management Zones (TRMZ) have been used if there is a "concentration of significant marine resources or public uses within a specific area, or in individual tideland units cannot capture the diversity and intensity of these resources within a contiguous area". TRMZ are also used when there is a "common upland property ownership, usually of a large area that is under protected status" (3-22). Chapter 3 of the KAP details the management intent of TRMZ as twofold: "1) to protect sensitive fisheries habitat, marine mammal concentration areas, shorebird and waterfowl concentration areas, anadromous streams and areas of estuarine wetlands, kelp or eel grass areas, as well as intertidal areas important for brown bears, and 2) limit those uses and structures on tide and submerged lands to those that would be generally consistent with upland uses" (3-22). Management objectives of zones located within the tidelands of the KNWR and included as TRMZ are to "protect the habitat and wildlife that characterize this area and allow for certain consumptive uses, which would include foraging, and the taking of fish and wildlife for personal, recreational, commercial, and subsistence purposes" (3-22).

Waters within the KNWR TRMZ are co-designated as Public Recreation - Dispersed (Rd) and Habitat (Ha). Chapter 3 of the KAP continues by stating the "areas of state tide and submerged lands adjacent to the Refuge will be managed for uses and structures that support subsistence, personal, recreational, and commercial activities that are consistent with these management objectives or that are authorized under the Alaska National Interest Lands Conservation Act (ANILCA). ANILCA provides for temporary structures and facilities directly and necessarily related to the taking of fish and wildlife and for the construction of new permanent cabins and maintenance or replacement of existing cabins. Temporary structures and facilities include temporary subsistence, commercial and personal campsites, tent platforms, shelters and other

temporary facilities” (3:22-23). Chapter 3 of the KAP continues by stating that “certain types of mariculture facilities may be authorized if consistent with the management objectives of this Zone and the management guidelines for these facilities in Chapter 2” (3-23).

Within Chapter 2 of the KAP, aquatic farming is specifically mentioned with a stated goal to “provide opportunities to increase income and diversify the state's economy through the use of state tidelands and submerged lands for aquatic farming” (2-5). Aquatic farming will be allowed on state tidelands unless there is a significant conflict with other uses of the immediate area, or it is inconsistent with conditions found within the KAP (2-6). General conditions considered within the KAP are: 1) 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 2) 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 (2-5).

Management guidelines set forth within Chapter 2 of the KAP state that “aquatic farming will be allowed on state tidelands or submerged lands unless there is significant conflict with other uses of the immediate area or is inconsistent with the requirements of 11 AAC 63.050 or this management plan” (2-6). Siting of aquatic farms, according to Chapter 2 of the KAP, “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” (2:6-7).

Chapter 3 within the KAP states that DNR “shall consult with staff of the Kodiak National Wildlife Refuge before authorizing uses on state tidelands and submerged lands adjacent to the refuge” (3-23). During the agency review period, DNR sent the project description and maps to the U.S. Fish and Wildlife Service. During the public notice period, DNR will send Preliminary Decision to staff of the U.S. Fish and Wildlife Service.

The proposed operation must be in the 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).

In accordance with the KAP, aquatic farming is an allowable use and is therefore consistent with the plan.

### **Traditional Use Findings**

Traditional use findings will not be discussed in this Preliminary Decision because the proposed lease site is located within the Kodiak Island Borough, an organized borough. Pursuant to AS 38.05.830 a traditional use finding is not required.

**Access:**

Access to the aquatic farm is by skiff, traveling 4.8 miles away from the lease holder's private uplands in Village Islands, Uganik Bay.

**Access To Navigable and Public Waters:**

AS 38.05.127 and 11 AAC 51.045 require that before leasing land, we determine if a body of water is navigable and if it is, that we provide for easements or reservations as necessary to ensure free access to and along the waterbody. The waters of the Northeast Arm of Uganik Bay are tidally influenced and thus navigable. However, the lease is entirely within these waters and located further than 50 feet from Mean High Water, thus a .127 easement is not necessary.

**Public Trust Doctrine:**

Pursuant to AS 38.05.126 all authorizations for this site will be subject to the principles of the Public Trust Doctrine; specifically, the right of the public to use navigable waterways and the land beneath them for: navigation, commerce, fishing, hunting, protection of areas for ecological studies, and other purposes. These rights must be protected to the maximum extent practicable while allowing for the development of this project. As such, SCRO is reserving the right to grant other authorizations to the subject area consistent with the Public Trust Doctrine.

**Lease Discussion:**

ASG was issued a 10-year aquatic farmsite lease on September 28, 2020, with an expiration date of September 27, 2030. An amendment application was received by SCRO and Alaska Department of Fish & Game (ADF&G) on March 23, 2024. On May 8, 2024, ASG submitted an updated application in response to a request for additional information from SCRO and ADF&G.

The 2020 lease authorizes one parcel covering an area of approximately 10 acres, more or less. The parcel measures 150-feet by 2094-feet, with 13 grow-out longlines. The anchoring system consists of a combination of eight 150-pound Danforth anchors and four 2,000-pound mooring anchors. Outplanting seeded lines happens in the fall with harvest in late April or early May.

ADF&G received a Single Agency Amendment Request Form, dated June 14, 2024, for the addition of the cultivation of bull kelp (*Nereocystis luetkeana*), five ribbed kelp (*Costaria costata*), dragon kelp (*Eularia fistulosa*), giant kelp (*Marcocystis pyrifera*), split kelp (*Hedophyllum nigripes*), and three ribbed kelp (*Cymathaere triplicate*). These species were approved through Amendment #1 of ASG's ADF&G Permit DFG-2019-107-AF-WE, dated July 2, 2024. SCRO reviewed the updated species development plan and sent an approval letter on July 17, 2024.

The proposed lease amendment will contain one parcel of 28.29 acres, more or less. The parcel measures 2,745-feet by 423-feet by 2,745-feet by 475-feet. ASG proposes to use two catenary arrays and one 4-line spreader bar array. The two catenary arrays will be identical in structure and each array will include sixteen 300-pound Danforth anchors, attached to 2 feet of chain and then a

¾-inch crab line from the chain up to the floating gear. The length of the crab line will be 25 fathoms on the inshore corners of the farm and 50 fathoms on the seaward corners of the farm. All the anchors in the middle of the farm will be attached by 25 fathoms of line. There will be twenty-five grow-out lines, each 600 feet in length, for a total of 15,000 feet of grow line per catenary, kept 3 to 7 feet below the surface. There will be 22 A3 buoys and 35 A2 buoys, with additional corks if needed. The 4-line spreader bar array will include six 150-pound Danforth anchors, attached to the array with 25 fathoms of ¾-inch crab line, five 16-foot aluminum pipes to act as spreader bars, eight A3 buoys and 10 A2 buoys, and four grow lines of 400 feet each, for a total of 1,600 feet of grow lines, kept 3 to 7 feet below the surface.

Outplanting seeded lines will occur in the fall or early winter and harvest will occur in May. Kelp growth would continue year-round, without removing the gear seasonally.

At this time the Commercial Use Requirement (CUR) states a farm must make annual sales of aquatic farm products of at least \$3,000.00 per acre or \$15,000.00 per farm by the fifth year of operation and continue for the rest of the lease term. Failure to meet CUR constitutes a default and may be cause for termination. Annual reports of sales are due January 31 of each year. The annual reporting requirement has been met every year the lease was valid.

The proposed lease will be subject to the terms of DMLW's standard lease document, and any Additional Stipulations based, in part, upon the following considerations.

#### **Development Plan:**

The Development Plan dated May 8, 2024, is accepted by SCRO as complete but may be subject to change based on agency and public review. Should the proposed lease amendment be granted, it is anticipated that the Development Plan will need to be updated throughout the life of the lease as activities and/or infrastructure are added or subtracted. All updates must be approved, in writing, by SCRO before any construction, deconstruction, replacement of infrastructure, or change in activity will be permitted. SCRO reserves the right to require additional agency review and/or public notice for changes that are deemed by SCRO to be beyond the scope of this decision.

#### **Hazardous Materials and Potential Contaminants:**

No hazardous materials or fuel will be stored on the proposed lease. The use and storage of all hazardous substances must be done in accordance with existing federal, state and local laws. Debris (such as soil) contaminated with used motor oil, solvents, or other chemicals may be classified as a hazardous substance and must be removed from the sites and managed and disposed of in accordance with state and federal law.

#### **Lease Performance Guaranty (bonding):**

In accordance with AS 38.05.083(e) and 11 AAC 63.080, ASG will be required to submit an additional \$400.00 to the existing performance guaranty of \$2,500.00. ASG submitted their

original \$2,500.00 performance guaranty as a Certificate of Deposit (CD) through First National Bank of Alaska on September 25, 2020. In December of 2023, ASG requested that DNR release the 2020 CD to transfer to a new CD account due to changes in ASG's business. ASG submitted a new CD for the \$2,5000.00 performance guarantee on February 23, 2024.

- **\$2,900.00 Performance Bond:** This bond will remain in place for the life the proposed lease. The bond amount is based upon the level of development, amounts of hazardous material/substances on site, and the perceived liability to the State. This bond will be used to ensure the applicant's compliance with the terms and conditions of the lease issued for their project. This bond amount will be subject to periodic adjustments and may be adjusted upon approval of any amendments, assignments, re-appraisals, changes in the development plan, changes in the activities conducted, changes in the performance of operations conducted on the authorized premises, or as a result of any violations to one or more of the authorizations associated with this project.
- **Reclamation Bond:** SCRO is reserving the right to require a reclamation bond due to non-compliance issues during the term of the lease or near the end of the life of the project.

#### **Insurance:**

ASG will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a "NAMED" insured party. ASG will be responsible for maintaining such insurance throughout the term of the lease.

#### **Survey:**

In accordance with AS 38.04.045, this short-term lease does not require a survey. However, the State of Alaska reserves the right to require one in the future, should the need arise due to changes in statutes or increased use of the area. ASG has submitted GPS coordinate point(s) for the four corners of the proposed leasehold.

#### **Compensation and Appraisal:**

DMLW has approved an administrative lease fee schedule for aquatic farmsites that meet the conditions listed within the schedule. The most current lease fee schedule will be used to establish the fair market rental each lessee must pay. Fees are subject to adjustment per AS 38.05.083(c). The current annual rate for a 28.29-acre aquatic farmsite lease is a base fee of \$450.00 for the first acre and \$125.00 for each additional acre or partial acre. In accordance with the Aquatic Farmsite Fee Schedule, Report No. 2522-16, a breakdown of the lease fee will be as follows:

28.29 acres (1 acre at \$450) + (28 acres x \$125) = **\$3,950.00 per year**



If the applicant does not agree with the fee schedule amount of \$3,950.00, a fair market value determination can be obtained by the applicant. Fair market value is determined by obtaining a DNR-approved appraisal of the lease site. If an appraisal is conducted to determine fair market value of the lease site, the applicant will be required to pay the appraised amount and the \$3,950.00 annual fee will no longer be an option. The appraisal cost will be borne by the applicant. The parcel may need to have an approved Alaska State Tideland Survey to accomplish the appraisal. If a survey is required, the cost will be incurred by the applicant.

**Assignment of Lease:**

The proposed lease, if issued, may be transferred or assigned to another individual or corporation **only** with prior written approval from the DMLW. A lease will not be assigned to an entity if that entity does not meet the statutory requirements of the lease or the lease is not in good standing. DMLW reserves the right to amend the terms of the lease prior to assignment.

**Reclamation:**

In accordance with AS 38.05.090(b), all lessees must restore their lease sites to a “good and marketable condition” within 120 days after termination of the lease. What level of reclamation constitutes as being “good and marketable” is at the discretion of SCRO. SCRO is reserving the right to require a reclamation bond due to non-compliance issues during the term of the lease or near the end of the life of the project.

**Agency Notice:**

An Agency Review was conducted starting on May 22, 2024, and ending on June 11, 2024. The following agencies were included in the review:

- DNR DMLW – Land Conveyance Section
- DNR DMLW – Mining Section
- DNR DMLW – Public Access Assertion and Defense Section (PAAD)
- DNR DMLW – Water Resources Section
- DNR DMLW – Resource Assessment and Development Section
- DNR DMLW – Realty Services
- DNR DMLW – Survey Section
- DNR Southeast Regional Land Office
- DNR Division of Parks and Outdoor Recreation
- DNR DPOR Office of History and Archaeology, State Historic Preservation Office
- DNR Natural Resource Conservation and Development Board
- DNR Division of Oil and Gas
- Alaska Department of Fish and Game (ADF&G)
- Alaska Department of Environmental Conservation
- Alaska Department of Transportation and Public Facilities

- Alaska Department of Commerce, Community, and Economic Development
- Alaska Mental Health Trust Land Office
- Alaska Association of Conservation Districts
- U.S. Forest Service
- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- U.S. National Park Service
- National Oceanic and Atmospheric Administration
- U.S. Environmental Protection Agency
- U.S. Coast Guard
- Kodiak Soil and Water Conservation District
- Kodiak Island Borough
- City of Kodiak

**Agency Review Comment(s):**

During the Agency Review, SCRO received comments from two agencies, one “no objection” from one agency, and one “no comment” from one agency.

**ADF&G Comment:**

ADF&G’s Permit Coordinator submitted a letter on behalf of ADF&G Division of Commercial Fisheries (Management, Gene Conservation Lab and Fish Pathology), Division of Sport Fish, Division of Wildlife Conservation, Subsistence Section and Habitat Section dated June 11, 2024, commenting that ADF&G had no concerns pertaining to an aquatic farm operation permit amendment at the proposed location.

Within the June 11, 2024, letter from ADF&G is a Department Advisory, advising the applicant of general conditions pertaining to ADF&G’s statutory and regulatory provisions for issuance of an Aquatic Farm Operation Permit if the applicant’s project is approved. ADF&G also requests that the June 11, 2024, letter be included in the preliminary decision as an advisory to the applicant and for public reference.

**SCRO Response:**

SCRO acknowledges ADF&G’s comments. As one of the resource managers in the area, ADF&G’s input is an important source of information. SCRO relies on input from ADF&G and other stakeholders to advise of any expected impacts and solutions that may fall outside of SCRO’s authority. SCRO has provided a copy of ADF&G’s June 11, 2024, letter to ASG. As requested by ADF&G, the PD herein contains ADF&G’s letter, with the full Department Advisory, which will be advertised for a 30-day public comment period. The ADF&G June 11, 2024, letter is attached to this PD.

DNR's statutes and regulations for aquatic farmsite leases do not specify management of aquatic farms relating to fish and game, but instead authorize DNR to issue a lease for state-owned tideland, shoreland or submerged land to develop an aquatic farm. Management of fish and game is within the authority of ADF&G, and as such, SCRO must defer to them and encourages the applicant to work directly with them. ADF&G may add the conditions it deems appropriate regarding fish and game to its operation permit authorization.

**DNR DMLW – Public Access Assertion and Defense (PAAD) Section Comment:**

PAAD believes the tide and submerged lands are held by the state in this location per the submerged lands act of 1953 and the Equal Footing Doctrine. There are no known RS 2477's in the area.

**SCRO Response:**

SCRO acknowledges PAAD's comments. The pending Title Reports from DMLW's Realty Services Section will confirm whether the State of Alaska holds title to the subject tidelands under the Equal Footing Doctrine and the Submerged Lands Act of 1953.

**Public Notice of the Preliminary Decision:**

Pursuant to AS 38.05.945, this PD will be advertised for 30-day public comment period. Notice will be posted on the Alaska Online Public Notice System and at the post offices located in Larsen Bay, Port Lions, and Kodiak, Alaska. Courtesy notices will also be mailed or emailed to neighboring property owners, permit/lease holders, and other interested parties on September 10, 2024, for a 30-day public comment period.

**Comment(s):**

This decision is subject to both public and agency comments and all comments received by the comment deadline will be considered in the Final Finding and Decision. Only those who comment and the applicant have the right to appeal the Final Finding and Decision.

**Written comments about this project must be received in this office no later than  
October 10, 2024, to be considered.**

To submit comments, please choose one of the following methods:

Postal: Department of Natural Resources  
Southcentral Regional Land Office  
ATTN: Jen Kopnicky  
550 West 7<sup>th</sup> Avenue Suite 900C  
Anchorage, AK 99501-3577  
E-mail: jen.kopnicky@alaska.gov  
Fax: (907) 269-8913

If public comments result in significant changes to the Preliminary Decision, additional public notice may be given. To be eligible to appeal the Final Finding and Decision, a person must provide written comments during the Preliminary Decision comment period per AS 38.05.035(i)-(m).

**Recommendation:**

DMLW has completed a review of the information provided by the applicant, examined the relevant land management documents, and has found that this project is consistent with all applicable statutes and regulations. SCRO considered three criteria to determine if this project serves the best interest to the State and the development and enjoyment of its natural resources. The criteria include direct economic benefit to the State, indirect economic benefit to the State, and encouragement of the development of the State's resources. This authorization provides a direct economic benefit to the State with the collection of one-time filing fees and any yearly rent/fees. The authorization of this lease is in the State's best interest as it furthers economic development of the State's aquatic farm industry. It is recommended that SCRO issue an aquatic farmsite lease amendment to Alaskan Sea Greens.


  
\_\_\_\_\_  
Jen Kopnicky  
Natural Resource Specialist 2

9/6/2024

\_\_\_\_\_  
Date

**Preliminary Decision:**

It is the determination of the Division of Mining, Land, and Water that it may be in the State's best interest to issue an aquatic farmsite lease amendment to Alaskan Sea Greens, as described above. Prior to issuance of this lease amendment, the applicant will be required to pay the annual lease fee of \$3,950.00, submit a \$2,900.00 performance bond, and provide proof of liability insurance. This Preliminary Decision shall now proceed to public notice.

pp   
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Joni Sweetman, Natural Resource Manager 2  
Division of Mining, Land & Water  
Southcentral Regional Land Office

9/5/2024

\_\_\_\_\_  
Date

**Attachments**

Attachment A – Amendment Development Plan

Attachment B – ADF&G Letter

## Attachment A Amendment Development Plan

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- |  |  |
|--|--|
| <input type="checkbox"/> Add or significantly <sup>1</sup> modify support facility | <input type="checkbox"/> Section E (If floating facility)                    |
|  | <input type="checkbox"/> Sections E & F (If upland facility)                 |
|  | <input type="checkbox"/> Section D-3 c (Site Plan Map with facility)         |
|  | <input type="checkbox"/> Section D-3 d (Cross Sectional Diagram of facility) |
|  | <input type="checkbox"/> Section D-3 e (Detailed Drawing of facility)        |
- 

☒ Other<sup>2</sup> Add macroalgae species      Dependent on amendment request

<sup>1</sup>Significant modifications include changes that increase obstructions to navigation or to other public uses.

<sup>2</sup>Other includes production changes or species added if associated with changes to farm site boundary/location.

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### C. Amendment Description

**In the space provided below**, please provide a general description of your proposed changes to your aquatic farm site and operations. This should be a narrative of your amendment request that includes changes to your project location or size, new overall size including any hardening areas, all species you intend to culture, type of farm gear, equipment, support facilities, and associated housing to be used including size, number, and construction materials. Your narrative should match the rest of the application information you provide. If a section does not apply to your proposed amendment, please state so. If additional space is necessary, **please attach a separate document labeled "AMENDMENT DESCRIPTION". Example information for project narrative can be found in Attachment I.**

**Company Name (if being changed)**

No change

### **Site Location Modifications**

The proposed amendment is an expansion of our submerged kelp growout farm, located in Uganik Bay, on the west side of Kodiak Island. It will be in the same general location as the current lease, but will go from 10 acres to 28.29 acres, to become a wider farm. The length along the shoreline will be slightly less than the current lease, but the farm will not be so narrow. This will allow us to grow more kelp, add species, more safely anchor the kelp farm, and will not obstruct access to the beach.

**New Site Dimensions, Acres for Each Parcel** (New Dimensions and calculated area in acres for each parcel being amended and total area in acres of farm after amendment)

The parcel is not an exact rectangle - due to our anchoring requirements it is a slight polygon.

Parcel 1: Submerged kelp grow out is 28.29 acres total with the following coordinates:

NE Corner: 57°46.961'N, 153°24.966'W

SE Corner: 57° 46.660'N, 153° 24.327'W

SW Corner: 57° 46.615'N, 153° 24.418'W

NW Corner: 57° 46.904'N, 153°25.074'W

## Attachment A Amendment Development Plan

**New Support Facilities** *(List any new support facilities, i.e. caretaker, storage, processing facilities, work rafts, etc.)*

There are no new facilities.

**Construction Materials of New Support Facilities and Equipment** *(Note: All floating raft structures should use non-treated wood supported by closed cell expanded polystyrene or equivalent material)*

No new facilities.

**Species You Intend to Farm (for New Parcels or Changes to Species)** *(Include scientific and common species name)*

Species this amendment requests to add to our permit are:  
Dulse (*palmaria palmata*), Bull Kelp (*nereocystis luetkeana*)  
and Giant Kelp (*macrocystis pyrifera*).

These are in addition to the species we currently farm, which are ribbon kelp  
(*alaria marginata*)  
and sugar kelp (*saccharina latissima*).

**For New Parcels or Changes to Culture Methods** *(Describe operation activities to be done onsite such as outplanting of seedstock, husbandry techniques to be used (culling, sorting, washing, etc.), maintenance and monitoring activities, management of fouling organisms and incidental species, predator control measures, and schedule of activities such as timing of outplanting seeded lines or adding seedstock into trays, etc. Describe what methods you plan to use based on the definition in [5 AAC 41.400\(6\)](#). "Culture" means to use or the use of methods to manipulate the biology and the physical habitat of a desired species to optimize survival, density, growth rates, uniformity of size, and use of the available habitat, and to efficiently produce a product suitable for a commercial market.)*

The only changes in the cultivation methods are the timeframe. We will continue to grow kelp on submerged grow out lines, kept 3 to 7 feet below the surface. Outplanting seeded lines will most often occur in the fall or early winter and harvest will occur in May, but as markets develop there may be more extended growing seasons, and therefore we would like this amended application to allow our farm the ability to grow kelp in any month of the year.

## Attachment A

### Amendment Development Plan

**For New Parcels or Changes to Culture Gear and Equipment (Type, Size, Number, Configuration, Material, and Anchoring System)** *[If more than one parcel, indicate what parcel specific gear will be located on. If more than one species, indicate gear to be used for each. Gear includes any structure that holds or protects the organism like trays, tiers of lantern nets, Vexar bags, OysterGro system, grow-out submerged longlines, predator netting, longlines, buoys, depth control systems, etc. Include approximate installation schedule, or if and what gear will remain installed year-round etc.]*

We will use two cantenary arrays and one 4-line spreader bar array. Due to the possibility of an extended growing season, we will leave the anchors and the bouys in place as other Kodiak-area kelp farms do, year round.

#### **Cantenary Arrays:**

Both will be identical. They will include:

- 16 Danforth style anchors, 300 pounds each. All anchors will go to 2 feet of chain, and then ¾ inch crab line that will attach to the farm. The length of the crab line will be 25 fathoms on the inshore corners of the farm and 50 fathoms on the seaward corners of the farm. All the anchors in the middle of the farm will be attached by 25 fathoms of line. Figure 6 details the placement of anchors and length of each line.
- 25 grow-out lines of 600 feet in length each for a total of 15,000 feet of grow line per cantenary.
- 22 A3 bouys and 35 A2 bouys, with additional corks if needed only toward the end of each growing season.

#### **Spreader Bar Array:**

- 6 150-lb danforth anchors, attached to the farm with 25 fathoms ¾" crab line.
- 5 aluminum pipes of 16 feet in length, to act as spreader bars
- 8 A3 bouys and 10 A2 bouys
- 4 grow lines of 400 feet each for a total of 1,600 feet.

**Other** *(Anything else that may change from the original project due to the amendment request proposal)*

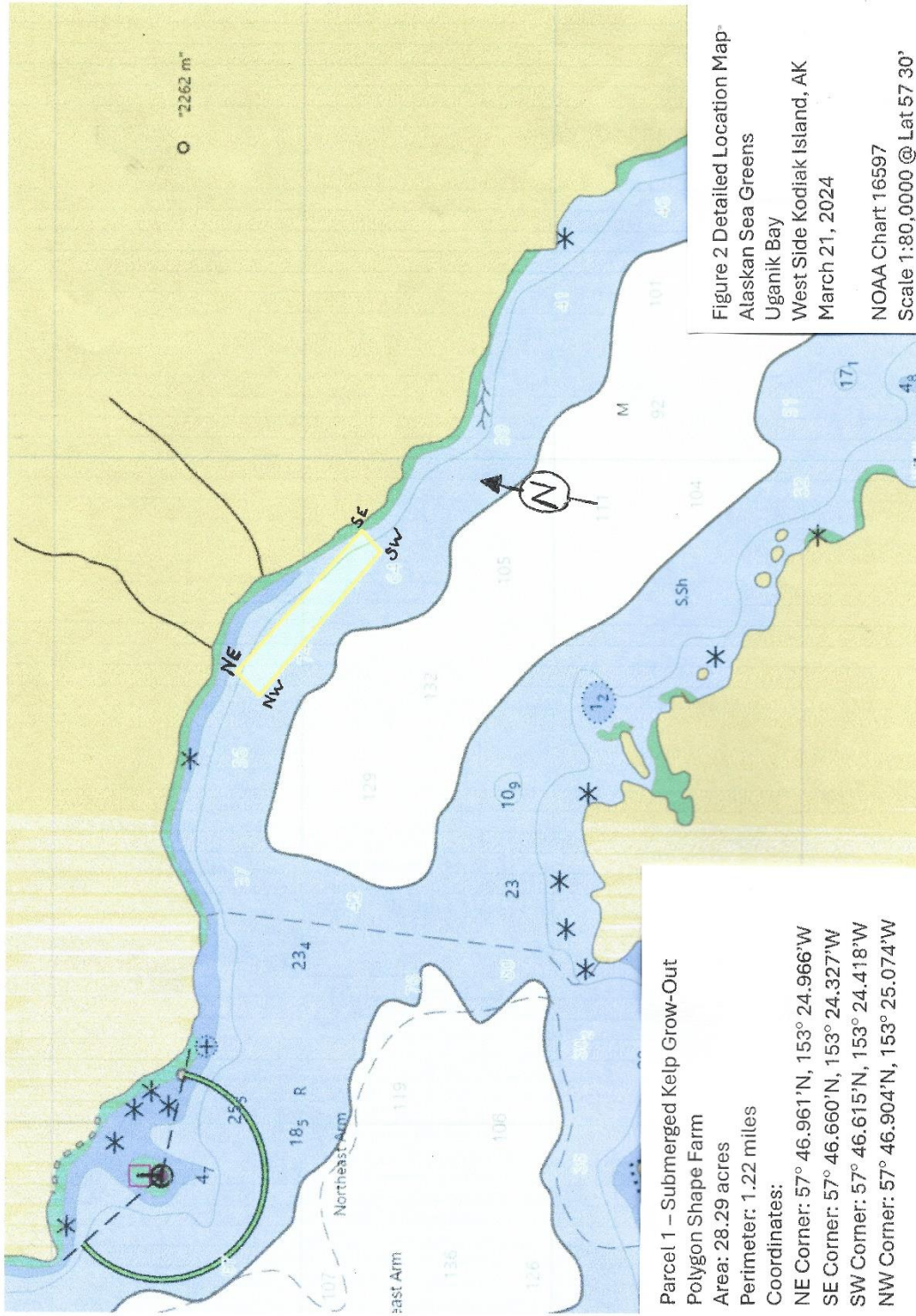
No other changes are proposed







# Attachment A Amendment Development Plan





## **Attachment A**

### **Amendment Development Plan**

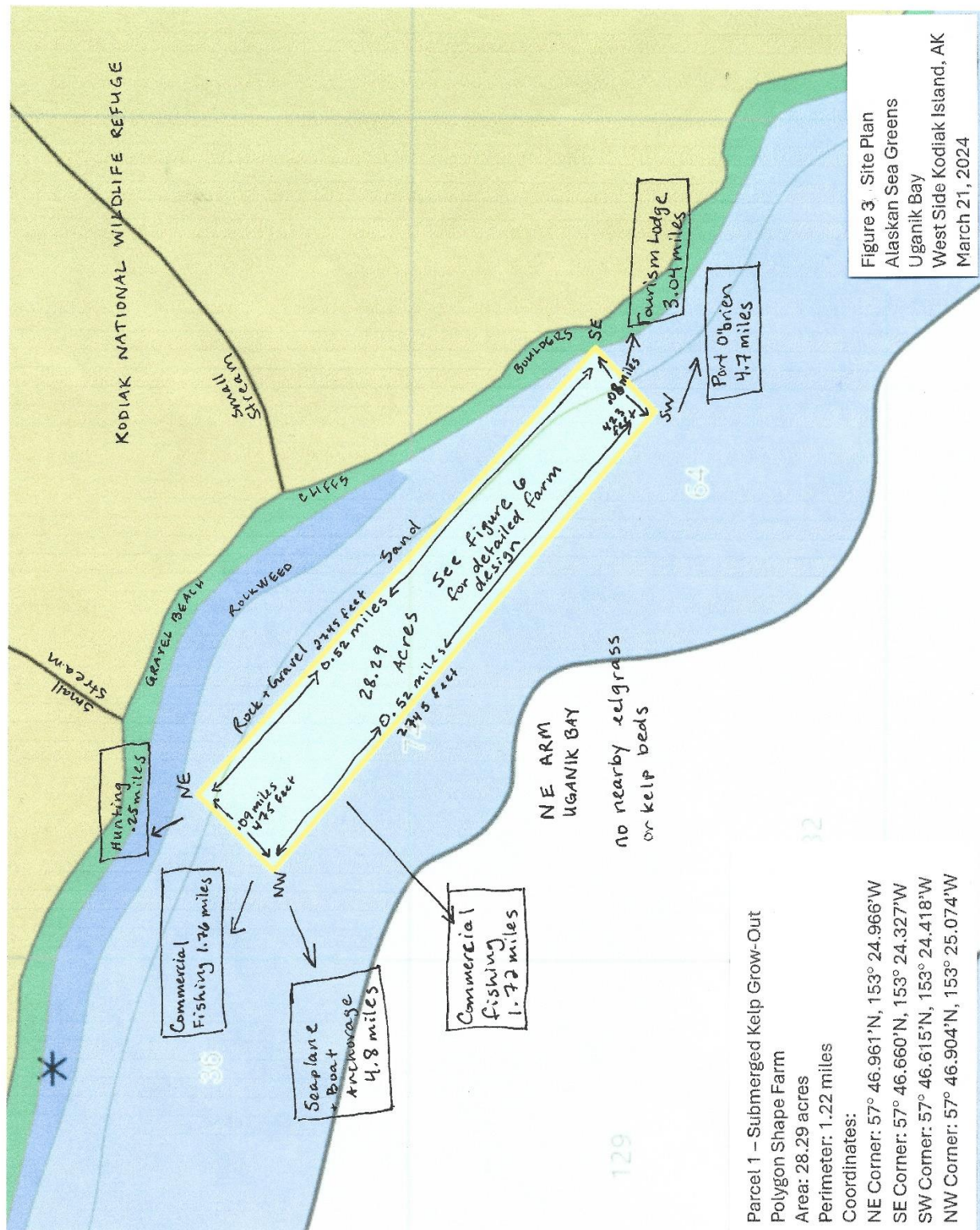


Fig 4. Cross sectional diagram of Cantenary system  
(Not to scale, one of two cantenary sets)

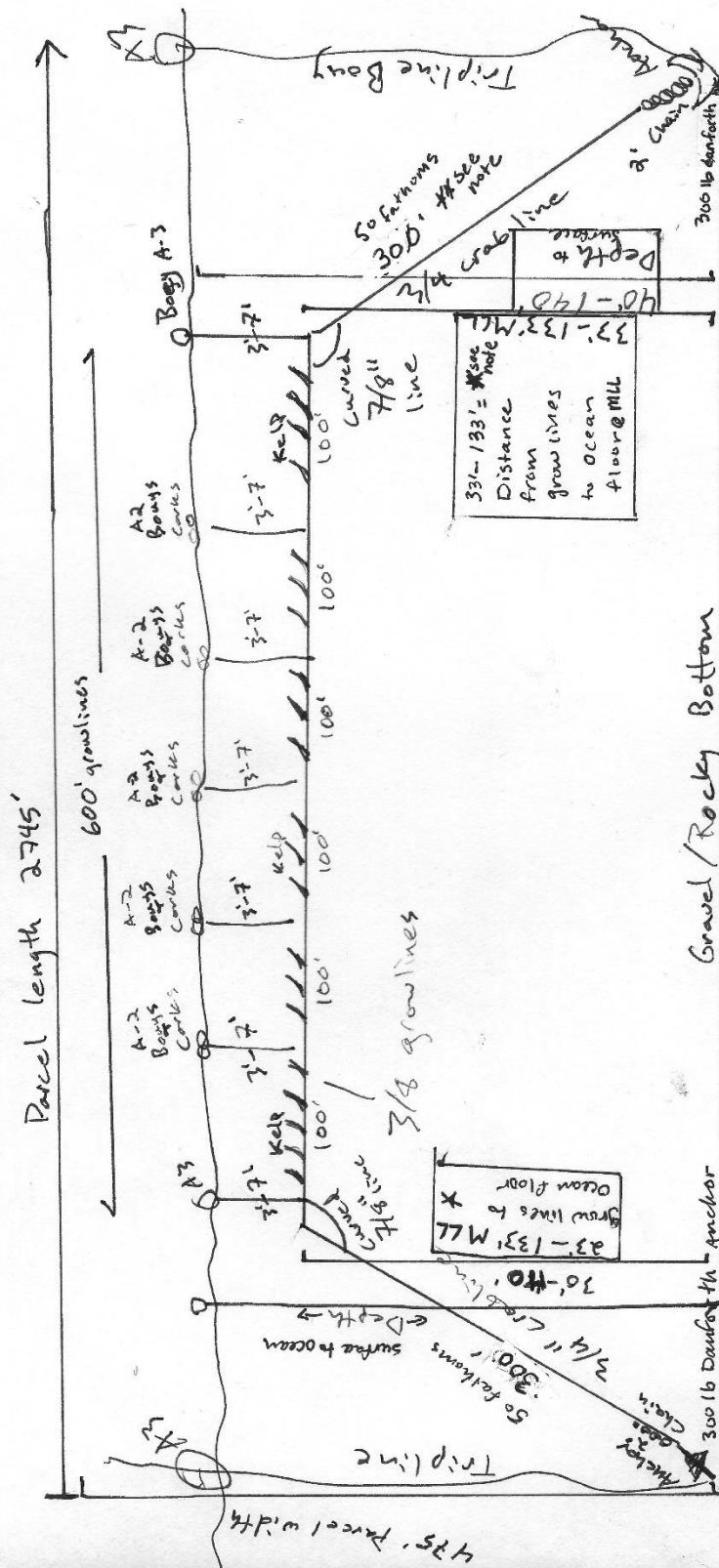


Fig 4 Cross Section Diagram  
Alaskan Sea Greens  
Ugarik Bay  
west side Kodiak  
South Central Ave 99697  
3-21-24

\* \* anchor line length shown here is for two seaward corners. For the shoreward corner, length is 150' due to the sloped site. Fig. 6 details this.

Due to the sloped  
\* Site, distance  
from grow lines to  
ocean floor is 33 feet  
on the shoreward  
side and 133 feet on  
the seaward side

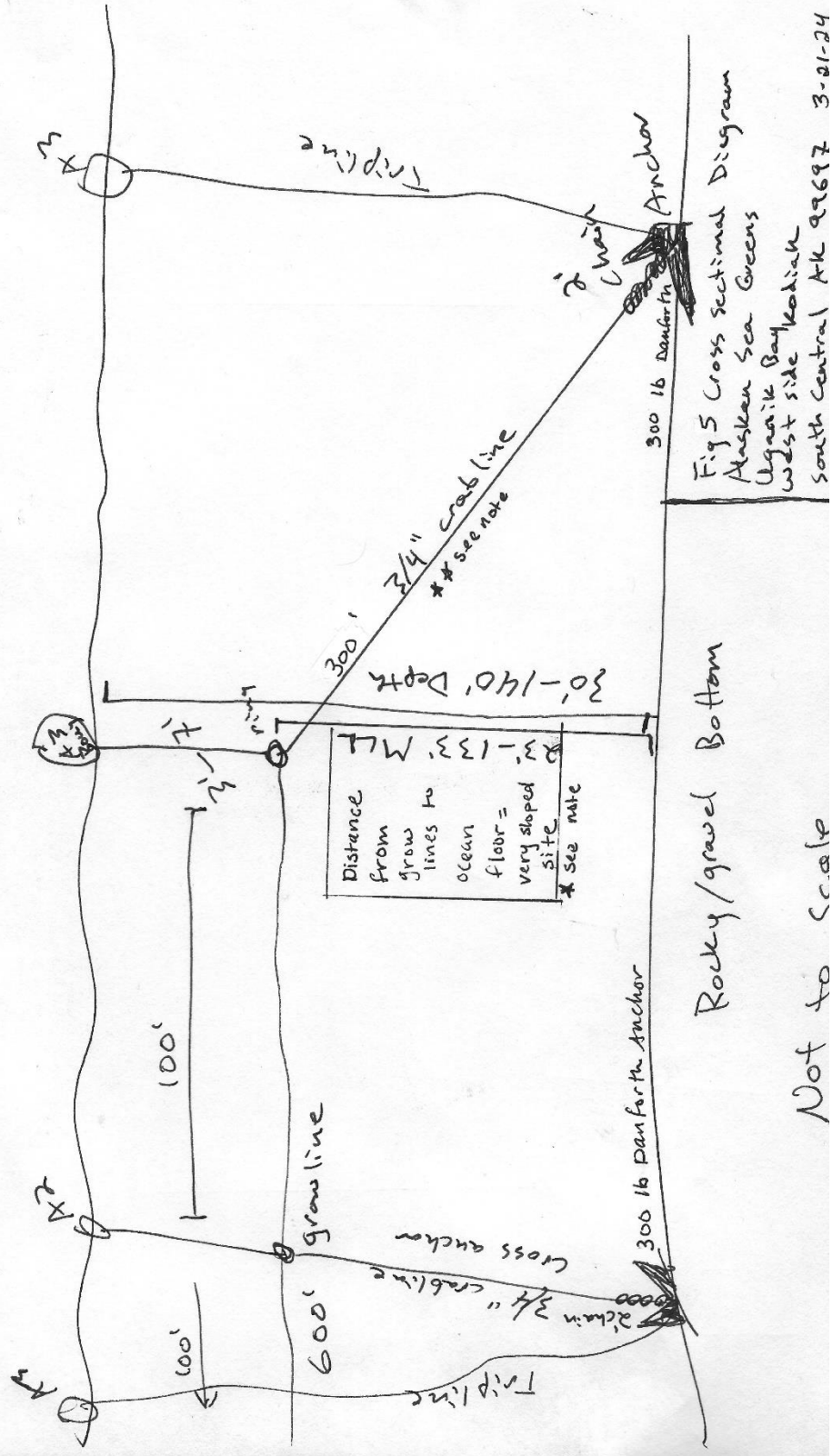
Not to scale

Attachment A  
Amendment Development Plan

Fig 5 Cross Sectional Diagram  
of  
Anchoring & Mooring System

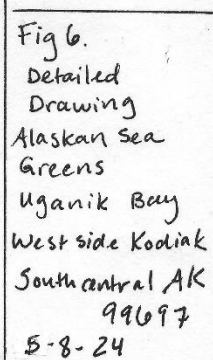
\* Anchor line length shown here is for the seaward corners. For the shoreward corners, length is 150' due to the sloped site. Fig. 6 details this.

\* Due to the sloped site, distance from grow lines to ocean floor is 33 feet on the shoreward side and 133 feet on the seaward side.





NOT TO SCALE



**Attachment B**  
**ADF&G Letter**



THE STATE  
of **ALASKA**  
GOVERNOR MICHAEL J. DUNLEAVY

**Department of Fish and Game**

Division of Commercial Fisheries  
Headquarters Office

1255 West 8<sup>th</sup> Street  
P.O. Box 115526  
Juneau, Alaska 99811-5526  
Main: 907.465.4210  
Fax: 907.465.4168  
Permit Coordinator: 907.465.4724

June 11, 2024

Jen Kopnicky  
Department of Natural Resources  
Southcentral Regional Land Office  
Aquatic Farm Leasing Program  
550 West 7th Avenue, Suite 900C  
Anchorage AK 99501

Re: Alaska Department of Fish and Game Agency Review Comments  
Myrick / Alaskan Sea Greens Aquatic Farm Site Amendment Proposal – Uganik Bay  
**DNR File No.: ADL 233403**

Dear Ms. Kopnicky:

The Alaska Department of Fish and Game (ADF&G) has completed a preliminary review of the project proposal, **ADL 233403** relevant to criteria specified in authorizations for Aquatic Farming AS16.40.105 and 5 AAC 41 200-400. ADF&G Division of Commercial Fisheries (Management, Gene Conservation Lab and Fish Pathology Section), Division of Sport Fish, Division of Wildlife Conservation, Subsistence Section and Habitat Section, were part of the initial review. *There are no concerns pertaining to an aquatic farm operation permit amendment at the proposed location.* Any comments from other government agencies or from the public that may impact applicable department provisions will be considered as part of the final department review for an aquatic farm operation permit amendment which will be issued within 30 days of the lease being issued. Recommendations from this preliminary review are summarized below.

**Department Advisory**

Please advise the applicant that if the project is approved, general conditions pertaining to Alaska Department of Fish and Game statutory and regulatory provisions for issuance of an Aquatic Farm Operation Permit (AFOP) will be included in the operation permit amendment. In addition, site-specific conditions that have been recommended by staff may be included in the AFOP.

Division of Commercial Fisheries has reviewed this request and have no concerns.

*Gene Conservation Lab* has reviewed this request and have no concerns.  
*Fish Pathology Section* has reviewed this request and have no concerns.

## Attachment B ADF&G Letter

Jen Kopnicky  
Department of Natural Resources  
Aquatic Farm Proposal ADL 233403 Amd 1 ADF&G Review Comments

- 2 -

June 11, 2024

Division of Sport Fish has reviewed this request and have no concerns.

*Invasive Species Program Coordinator* did not comment at this time.

### Division of Wildlife Conservation

*Marine Mammal Research Program:* This application complies with the guidelines set forth with the ADF&G marine mammal mariculture policy updated in April 2024. Any advisories or mitigation steps recommunicated by NOAA Fisheries National Marine Fisheries Service (NMFS) or the US Fish and Wildlife Service (FWS) to reduce marine mammal disturbances should be followed. Large whales, especially humpbacks, are highly susceptible to entanglement in lines in the water; Removing all gear from the water during the non-growing season may minimize gear loss, user conflicts, and marine mammal entanglement and habitat exclusion potential. Any marine mammal entanglements should be immediately reported to the NMFS 24 hr. Stranding Hotline, phone – (877) 925-7773 and the ADF&G Permit Coordinator (907-465-4724).

*Access Defense Program:* Has reviewed this request and have no concerns.

*Seabird Program:* Has reviewed this request and has no concerns.

Habitat Section did not comment at this time.

Subsistence Section has reviewed this request and have no concerns.

Our department requests that the Department of Natural Resources consider providing this in their Preliminary Decision as an advisory to the applicant and for public reference.

Thank you for the opportunity to provide comments on this aquatic farm proposal. If you have any questions, please contact me at (907) 465-4724.

Sincerely,



Michelle Morris  
Permit Coordinator

ecc: Garold V. Pryor, Aquaculture Section Chief, ADF&G  
Adelia Myrick, Alaskan Sea Greens