

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

**PRELIMINARY DECISION**

**ADL 107092 Tom Carruth  
dba Alaska Shellfish**  
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 **December 4, 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 Tom Carruth dba Alaska Shellfish (TCAS) to amend aquatic farmsite lease ADL 107092 by relocating and decreasing the size of the parcel that is used for the commercial growth and harvest of Pacific geoduck (*Panopea generosa*). The existing farmsite is 4.6 acres, more or less, located within an unnamed cove south of Point Sykes in Revillagigedo Channel, approximately 25 miles southeast from Ketchikan, Alaska. The proposed new parcel location is in the same unnamed cove, but approximately 500 feet southwest of the existing parcel, and decreased in size to 2.75 acres, more or less. The location of the project area is further described as being within NW1/4 of Section 22, Township 77 South, Range 95 East, Copper River Meridian.

SCRO is considering the issuance of an amendment to ADL 107092 for the remaining term of the lease. The proposed amended farmsite will consist of one parcel, encompassing an area measuring 2.75 acres, more or less, for the purpose of the commercial growth and harvest of Pacific geoduck.

**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 relocate the site approximately 500 feet southwest of the existing parcel and decrease the parcel in size from 4.6 acres to 2.75 acres, more or less.

**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.

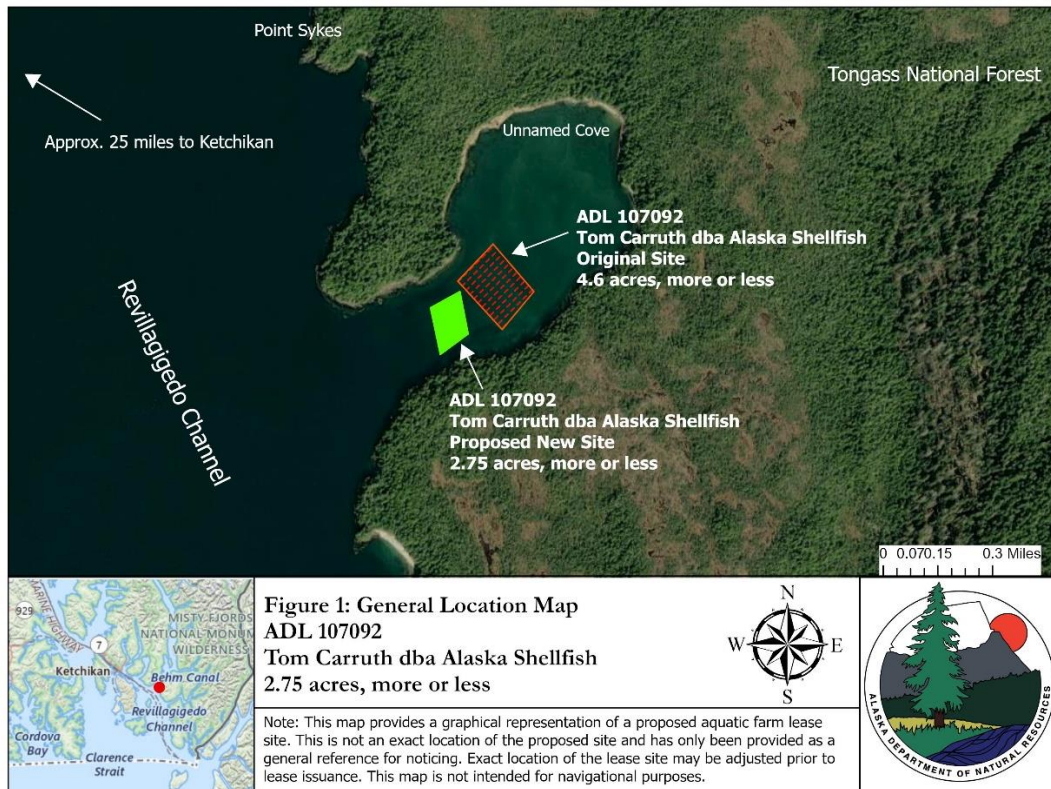
**Administrative Record:**

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 2000 Central/Southern Southeast Area Plan and other classification references described herein, and the casefile for the application serialized by DNR as ADL 107092.

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

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

- **Legal description:** NW1/4 of Section 22, Township 77 South, Range 95 East, Copper River Meridian
- **Geographical locations:** Located within an unnamed cove south of Point Sykes in Revillagigedo Channel, approximately 25 miles southeast from Ketchikan, Alaska.



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

Parcel 1: Intertidal growing area for shellfish, 400 feet by 300 feet

NE Corner:	55° 11.136'N	131° 5.279'W
SE Corner:	55° 11.080'N	131° 5.261'W
SW Corner:	55° 11.050'N	131° 5.326'W
NW Corner:	55° 11.113'N	131° 5.356'W

- **Existing surveys:** None
- **Municipality/Borough:** Ketchikan Gateway Borough
- **Native Corporations/Federally Recognized Tribes:** Sealaska Corporation, Metlakatla Indian Community, Ketchikan Indian Community, Ketchikan Indian Corporation, Organized Village of Saxman, Central Council of the Tlingit and Haida Indian Tribes of Alaska, Cape Fox Corporation
- **Size:** 2.75 acres, more or less (4.6 acres authorized prior to lease amendment)

**Title:**

A DNR Title Report (RPT-23753) was requested on October 1, 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 Central/Southern Southeast Area Plan (CSSAP), Region 5: Ketchikan, General Use Tidelands, Map 3-26: Ketchikan – South. The designation for this site is General Use which converts to the classification of Resource Management Land.

Within Chapter 2 of the CSSAP, Areawide Land Management Policies, Aquatic Farming section, goals are 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). The management guidelines in this section state, “Aquatic farming will be allowed on state tidelands or submerged lands where there is no significant conflict and the objectives of statute and this management plan are met. The siting of aquatic farming facilities may be more difficult on tidelands designated for log transfer or storage, mineral transfer or access, fish and wildlife habitat, intensive storage areas adjacent to proposed land sales or existing residential areas, anchorages or developed recreation. These areas will be available for aquatic farming if the Department determines in the "best interest" finding that: 1) it is practicable to operate an aquatic farming operation so that it is compatible with

the other uses of the immediate area; and 2) the proposed activity is consistent with the management intent of the statute and this management plan” (2-6), and “where practical, the Department will consolidate aquatic farming operations at specific sites with sufficient area rather than allowing their proliferation in many bays” (2-7).

According to Chapter 3 of the CSSAP, Designations Used in this Plan, GU – General Use section, “when pertaining to tidelands, this designation applies to tidelands, shorelands, and submerged lands not designated for specific habitat, harvest, economic, or recreation functions. This does not mean that the tideland or submerged land lacks value, but that the appropriateness of whether and how a tideland parcel is to be used will be decided through formal state and federal permitting procedures” (3-2). The management intent for tidelands, submerged lands, and shorelands states that, “DNR will provide reasonable access across state tidelands to upland owners. Upland access across state tidelands, including developed access facilities, may be allowed with all land use designations where DNR determines the proposed facilities are consistent with the management intent and applicable guidelines of the plan. However, state tideland use designations do not give the public access rights to adjacent private uplands” (3-7).

As stated within the CSSAP in Chapter 3, Management of State Lands, Tidelands section, “In this region, tideland tracts include areas of estuarine wetlands, regionally important salt chucks, concentrations of marine mammals, shorebirds and waterfowl, and eulachon and Pacific herring spawning sites. The remainder of the tideland area designated General Use (Gu). In these tidelands, it is intended that the standard state/federal permitting process will determine, on a site-by-site basis, whether tideland development is appropriate at a given tideland site” (3-238).

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 CSSAP, aquatic farming is an allowable use on state-owned tidelands 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 Ketchikan Gateway 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 boat from Ketchikan.

### **Access To and Along 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 Revillagigedo Channel and the unnamed cove

are tidally influenced and thus navigable. However, the lease is entirely within these waters and because of the lack of infrastructure needed for geoduck farming, free access to and along the waterbody will not be impeded, 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:**

The Lease Agreement was first established between SCRO and Kurt Morin for a 10-year term from July 1, 2004, through June 30, 2014, and then was amended on July 22, 2005, to revise the term dates to May 10, 2005, through May 9, 2015. The lease was renewed to Kurt Morin for another 10-year term from May 10, 2015, through May 9, 2025. The lease was assigned to TCAS on April 3, 2024. TCAS was issued a 2-year lease extension on June 25, 2024, and the lease will now expire on May 9, 2027. A lease amendment application was received by SCRO and Alaska Department of Fish & Game (ADF&G) on June 11, 2024, requesting the relocation and decreased size of the geoduck farm site. In response to a request for additional information from SCRO and ADF&G, TCAS submitted a complete application on August 9, 2024.

The 2015 lease is for the purpose of the commercial growth and harvest of Pacific geoduck (*Panopea generosa*) and the parcel occupies an area measuring 400 feet by 500 feet, or 4.6 acres, more or less. The geoduck seed planting is done by hand at low tide or by a diver at other tidal stages. Vexar mesh is placed before the planting and then the seed is broadcast onto the mesh. Once the seed digs itself into the substrate for 1 to 2 weeks, the Vexar is removed to prevent fouling. The 2024 Assignment Project Description states that the seed is planted at 12mm and can take 8 to 10 years to reach market size.

The proposed lease amendment will contain one parcel measuring 400 feet by 300 feet, or 2.75 acres, more or less. TCAS proposes to move the site lower down the beach to the minus 4 feet mean low low water and higher. The parcel will be used for the purpose of commercial growth and harvest of Pacific geoduck. The geoduck spat will be purchase from an in-state approved hatchery and planted by hand in the substrate on the parcel. Predator exclusion netting will be used after planting to protect juvenile geoduck from predators. The ½-inch mesh netting may be cut into sections or tubes of various sizes, with 4-inch to 6-inch tubes inserted vertically into the substrate about one foot apart in panels of 4 foot by 20 foot, weighed down about one foot apart with lead line inner woven mesh. In some cases, the edges may be buried for extra anchoring. The geoduck

will be harvested by hand using a water jet to extract the geoduck from the substrate. Harvested geoduck will be transported to Ketchikan by boat.

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 August 9, 2024, is accepted by SCRO as complete but may be subject to change based on agency and public review. Should the proposed lease 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, TCAS will be required to maintain a performance guaranty for the lease site. TCAS submitted a \$2,500.00 cash performance guaranty on January 11, 2024. SCRO released \$1,250.00 of the submitted bond to TCAS upon receipt of the Ketchikan Geoduck Bond Association form on June 27, 2024, confirming TCAS was added to the association.

- **\$1,250.00 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:**

TCAS will be required to submit proof of liability insurance to SCRO, with the State of Alaska listed as a “NAMED” insured party. TCAS 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. TCAS 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 2.75-acre aquatic farmsite lease is a base fee of \$450.00 for the first acre, and \$125.00 for each additional acre or portion thereof. In accordance with the Aquatic Farmsite Fee Schedule, Report No. 2522-16, a breakdown of the lease fee will be as follows:

2.75 acres (1 acres at \$450.00) + (1.75 acres x \$125) = **\$700.00 per year**

If the applicant does not agree with the fee schedule amount of \$700.00, 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 \$700.00 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 September 11, 2024, and ending on October 1, 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
- 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
- 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
- U.S. Navy
- National Oceanic and Atmospheric Administration
- U.S. Environmental Protection Agency
- U.S. Coast Guard



- Southeast Soil and Water Conservation District
- Ketchikan Gateway Borough

**Agency Review Comment(s):**

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

**Alaska Department of Fish & Game (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 October 1, 2024, commenting that ADF&G had no concerns pertaining to an aquatic farm operation permit amendment at the proposed locations. Within the October 1, 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 (AFOP) if the applicant’s project is approved. ADF&G also requests that the October 1, 2024, letter be included in the preliminary decision as an advisory to the applicant and for public reference.

The following concerns and recommendations are noted in the ADF&G letter and may be addressed in the AFOP:

- The applicant should be advised that a user fee for a survey of initial abundance of geoducks for a proposed on-bottom culture aquatic farm site is required for subtidal (no more than \$5,000 per day) or intertidal (no more than \$2,000 per day) per regulation 5 AAC 41.220 if the DNR lease is approved. A survey of the proposed aquatic farm site will be conducted, only if the commissioner determines that the site is subtidal and located in a larval drift zone described in 5 AAC 41.295(f)(1).
- Marine Mammal Research Program: This application complies with the guidelines set forth with the ADF&G marine mammal mariculture policy updated in April 2024. Advisory 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.

**SCRO Response:**

SCRO acknowledges ADF&G’s comment. 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. TCAS was provided a copy of ADF&G's October 1, 2024, letter. As requested in ADF&G's letter, the PD herein contains ADF&G's letter, with the full Department Advisory, which will be advertised for a 30-day public comment period.

DNR's statutes and regulations for aquatic farmsite leases do not specify the 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 encourage 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 Section (PAAD) Comment:**

PAAD submitted an email on September 11, 2024, stating, "The state holds these tide and submerged lands by the equal footing doctrine, the submerged lands act of 1953 and the Alaska Statehood Act. There are no known pre-statehood withdrawals to these submerged lands."

**SCRO Response:**

SCRO acknowledges PAAD's comments. A DNR Title Report (RPT-23753) was requested on October 1, 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.

**U.S. Army Corps of Engineers (USACE) Comment:**

The USACE provided an email dated September 11, 2024, stating, "The Corps of Engineers (Corps) has received the attached Alaska Shellfish Agency Review for Proposed Lease Amendment ADL 107092. Based on this information and information available to the Corps, the work that is being proposed would require authorization from the Corps. If an application for a DA permit has not yet been submitted, please be aware that a Department of the Army authorization is required if anyone proposes to place dredged and/or fill material into waters of the U.S., including wetlands and/or perform work in navigable waters of the U.S.

Section 404 of the Clean Water Act requires that a DA permit be obtained for the placement or discharge of dredged and/or fill material into waters of the U.S., including jurisdictional wetlands (33 U.S.C. 1344). The Corps defines wetlands as those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Section 10 of the Rivers and Harbors Act of 1899 requires that a DA permit be obtained for structures or work in or affecting navigable waters of the U.S. (33 U.S.C. 403). Section 10 waters are those waters subject to the ebb and flow of the tide shoreward to the mean highwater mark,

and/or other waters identified by the Alaska District. Aquaculture structures and work would require Section 10 Authorization.”

**SCRO Response:**

SCRO acknowledges the USACE’s comment. SCRO provided a copy of the email from the USACE to TCAS on September 13, 2024, and notified TCAS to contact the USACE for their specific permit information.

**U.S. Navy Comment:**

The U.S. Navy provided an email dated September 11, 2024, stating that they, “do not perceive any potential impact to the Navy’s activity in Western Behm Canal.”

**SCRO Response:**

SCRO acknowledges the U.S. Navy’s comment. SCRO relies on input from the U.S. Navy and other stakeholders to advise of any expected impacts and solutions that may fall outside of SCRO’s authority.

**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 Metlakatla, Ketchikan, and Ward Cove. Courtesy notices will also be mailed or emailed to neighboring property owners, permit/lease holders, and other interested parties on November 4, 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 December 4, 2024, to be considered.**

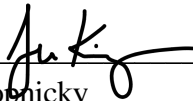
To submit comments, please choose one of the following methods:

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 TCAS.

  
\_\_\_\_\_  
Jen Koprnicky 10/28/2024  
Natural Resource Specialist 2 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 TCAS, as described above. Prior to issuance of this lease amendment, the applicant will be required to pay the annual lease fee of \$700.00, maintain a \$1,250.00 performance bond, and provide proof of liability insurance. This Preliminary Decision shall now proceed to public notice.

pp   
\_\_\_\_\_  
Joni Sweetman, Natural Resource Manager 2 10/28/2024  
Division of Mining, Land & Water Date  
Southcentral Regional Land Office

**Attachments**

- Attachment A – Amendment Development Plan
- Attachment B – ADF&G Letter

# Attachment A Amendment Development Plan

Add or significantly<sup>1</sup> modify support facility

N/A

Section E (If floating facility)

Sections E & F (If upland facility)

Section D-3 c (Site Plan Map with facility)

Section D-3 d (Cross Sectional Diagram of facility)

Section D-3 e (Detailed Drawing of facility)

Other<sup>2</sup> \_\_\_\_\_ 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.

## 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)

TOM CARRUTH  
ALASKA SHELLFISH

### Site Location Modifications

Move the site lower down the beach, to the minus 4 ft (MLLW) and higher. The site will include what I consider better substrate for inner tidal geoduck mariculture because it is in the- 4 ft (MLLW) and above. Site one is located in the upper tidal area and is exposed without water for longer periods of time reducing success rate for inter tidal geoduck mariculture. Site 2 (new site) is approximately 2.75 acres and is smaller than the original Site 1 (old site).

### 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)

Site 2(new site)  
400ftx300ft

Site1(old site)  
0ft

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

N/A

**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)

N/A

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

Geoduck (Panopea generosa)

**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 aquatic farm parcel will be used to culture Pacific Geoduck. Geoduck spat will be purchased from an in state approved hatchery and planted by hand in the substrate on the parcel. Predator exclusion netting may be used after planting to protect juvenile geoduck from predators. The half inch mesh netting may be cut into sections or tubes, of various sizes, depending on the location in the inter tidal zone. Tubes 4 inch to 6 inch will be inserted vertically into the substrate about one foot apart in panels 4 by 20 foot will be weighted down about one foot apart with lead line inner woven in the mesh. In some cases, the edges of the panels may be buried for extra anchoring. When the predator netting is removed it will be taken back to storage in Ketchikan where it will be power washed clean. The geoduck will be harvested by hand using a water jet to extract the geoduck from the substrate. Harvested geoduck will be transported back to Ketchikan by boat.



**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.)

Standards for each species of each parcel of the farm site are the same. The original longline must be used for each parcel and cannot be changed to the original longline must be used for each parcel. Identify each parcel of the farm site.

The gear used will be the original gear the gear will stay the same.

Predator exclusion netting may be used to protect the clam spat immediately after planting until they are better established. The half inch netting may be cut into panels or tubes at various sizes depending on the location within the inter tidal zone. Tubes 4 inch to 6 inch will be inserted vertically into the substrate about one foot apart and panels 4 by 20 foot will be weighted down about one foot apart with lead line interwoven in the mesh.

Parcel No.	Parcel Name	SE Corner No. 1: Latitude	Longitude	SW Corner No. 2: Latitude	Longitude	NW Corner No. 3: Latitude	Longitude	NE Corner No. 4: Latitude	Longitude
1	(e.g. Grow-out Array)	36 11.000 N	121 5.240 W	36 11.000 N	121 5.240 W	36 11.177 N	121 5.240 W		
2	(e.g. Hardening Area)								
3	(e.g. Transport Holding Area)								

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

Area within the parcel boundary will be used for... if you are applying for more than three parcels in your amendment request, you may include this information in the project description or on a separate sheet.

1. Calculate the length of the parcel by multiplying the width (ft) by the length (ft) of Parcel 1. The outside length used for this calculation is the length of your anchors and end-ropes. You also use this length.
2. Calculate the area of Parcel 1 by 83,500 sq feet. This is the area of Parcel 1.
3. Calculate the area of the parcel of your proposed amended farm site.
4. Add the area of Parcel 1 to the area of your proposed amended farm site.
5. Write the total area on the line where indicated.
6. The number of acres must correspond to your farm site page and drawings.

Parcel No.	Parcel Name	Width (ft)	Length (ft)	Area (sq ft)	Area (ac)
1	Parcel 1	300 FT	275 FT	82,500 FT <sup>2</sup>	1.89 ac
2	Parcel 2				
3	Parcel 3				
Total Area of Parcel 1 + Parcel 2 + Parcel 3					

08/09/24  
~~10/09/24~~

NORTH UP ↑



AMENDMENT - SYKES - NEW PARCEL , OLD PARCEL  
(SITE #2) (SITE #1)  
DFG - 2000-01-AF-SE  
DNR - ADL - 107092  
TOM CARRUTH / ALASKA SHELLFISH

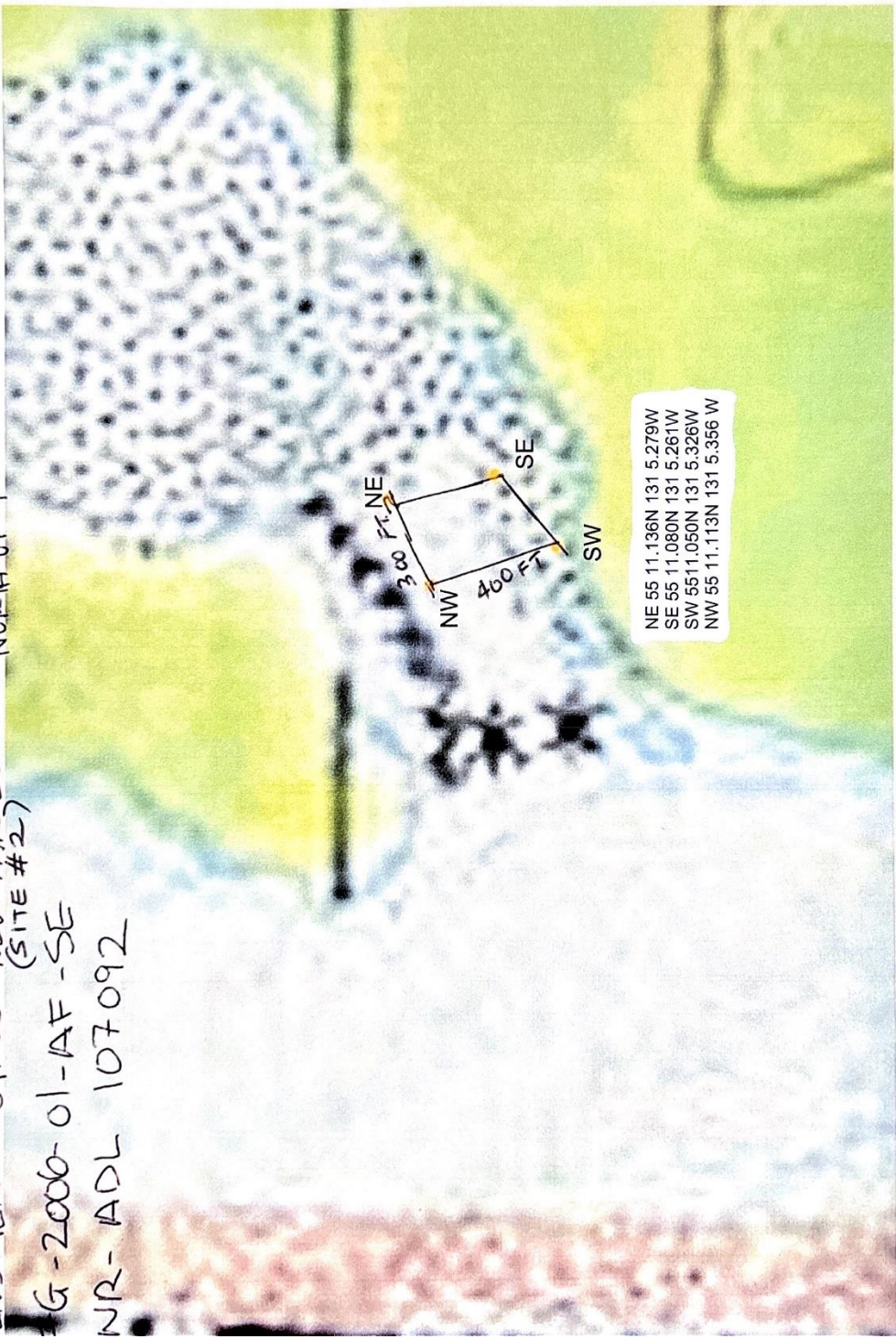
DIAGRAM #1



~~06/11/22~~ 08/09/1

NORTH UP ↑

ENDMENT - SIKES - NEW PARCEL  
(SITE #2)  
1G-2000-01-AF-SE  
NR-ADL 107092



AMENDMENT - LAT/LONGS 400 FT x 300 FT.  
M CARWATH / ALASKA SHELLFISH  
VILLA CHANNEL / Southern Southeast Alaska  
ARC GIS USA TOPO MAP  
DIAGRAM #2

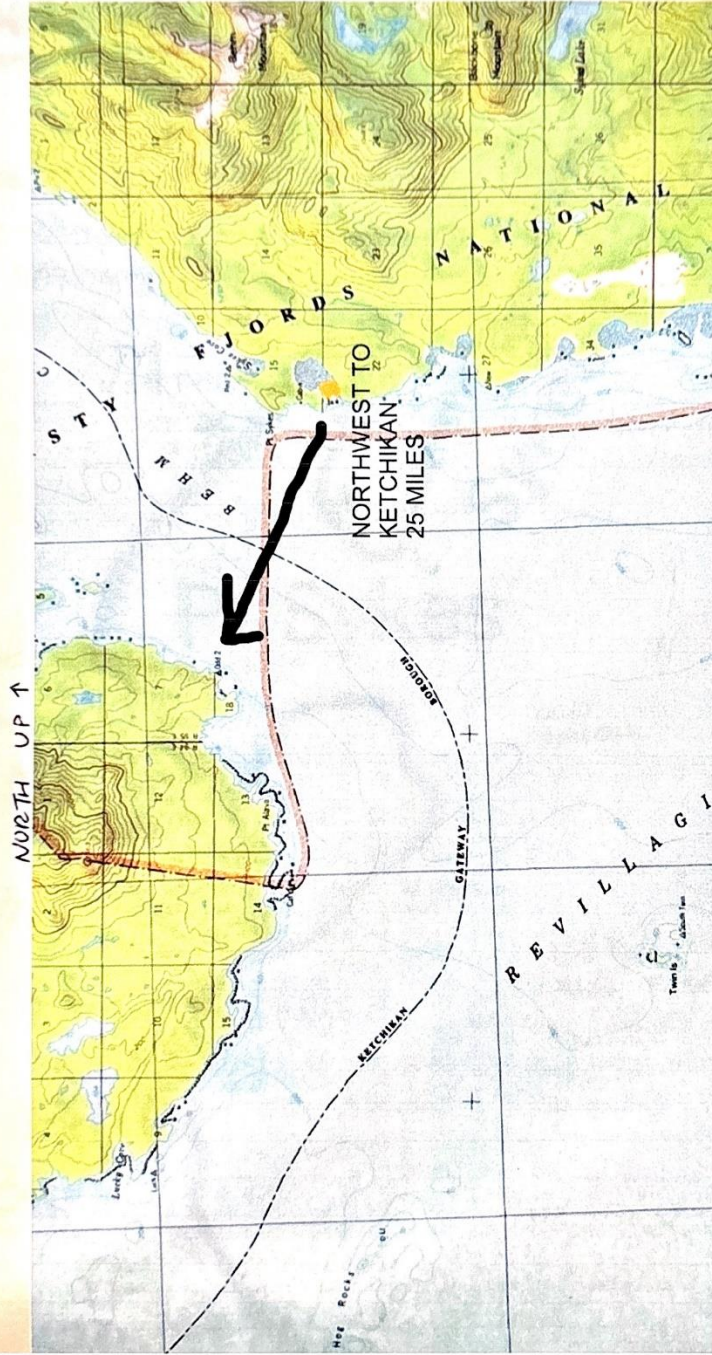


08/09/24 ~~06/09/24~~

AMENDMENT - SYKES - NEW PARCEL

DFG - 2006-01-AF-SE

DNR ADL 107092



USGS KETCHIKAN A4  
REVILLAGIGDO CHANNEL

AMENDMENT AREA  
REVILLA CHANNEL / SOUTHERN SOUTHEAST ALASKA  
TOM CARRUTH / ALASKA SHELLFISH

DIAGRAM #3

ARCGIS USA TOPO MAP

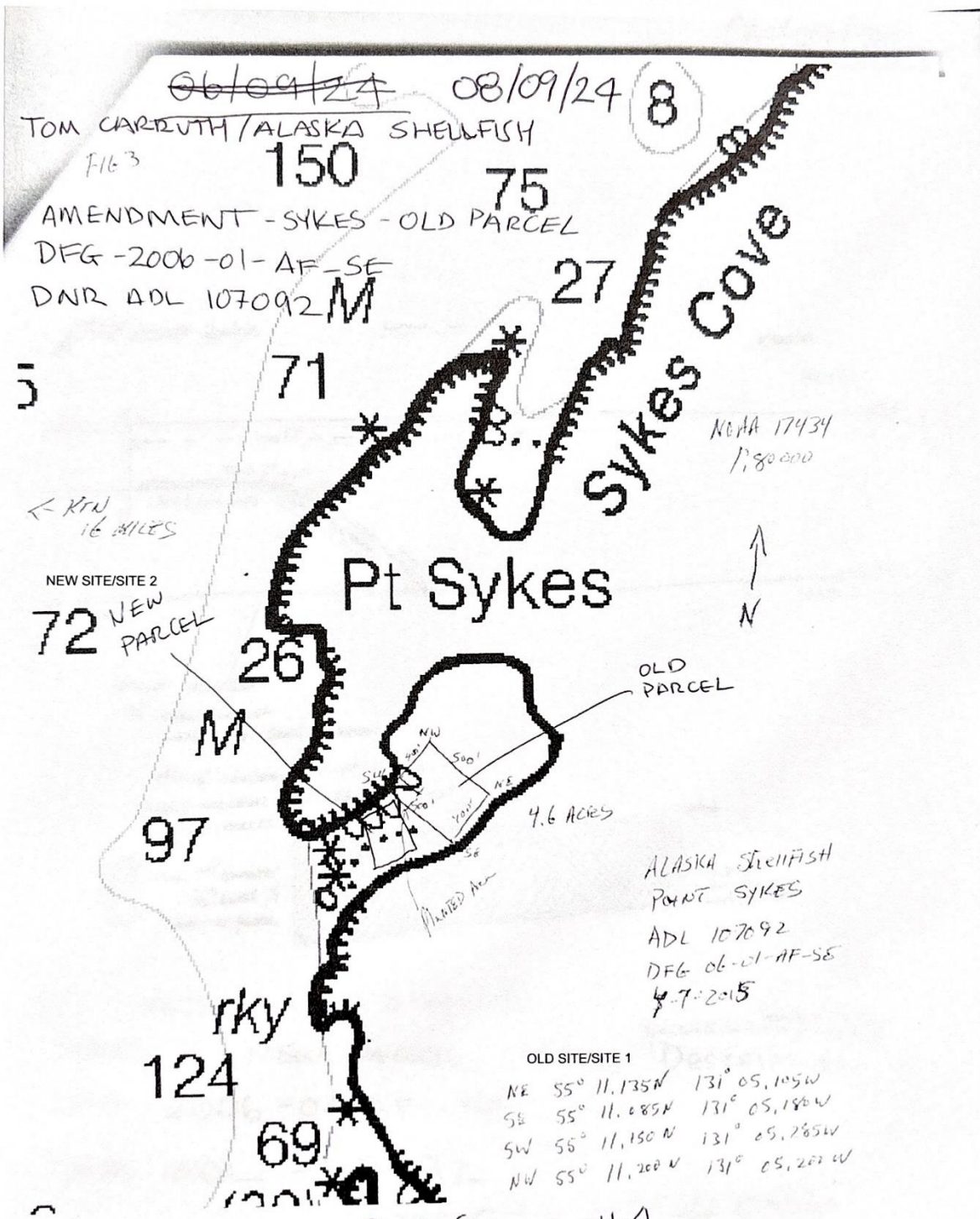
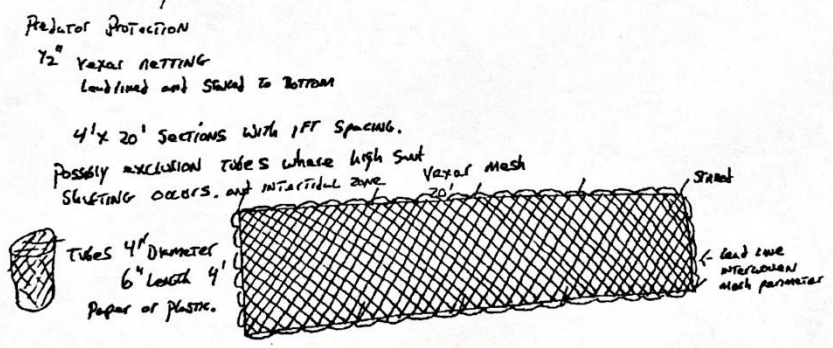
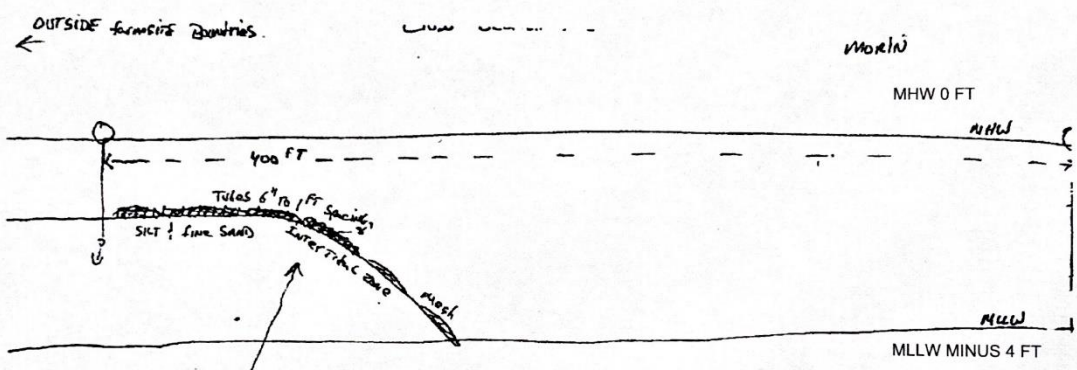
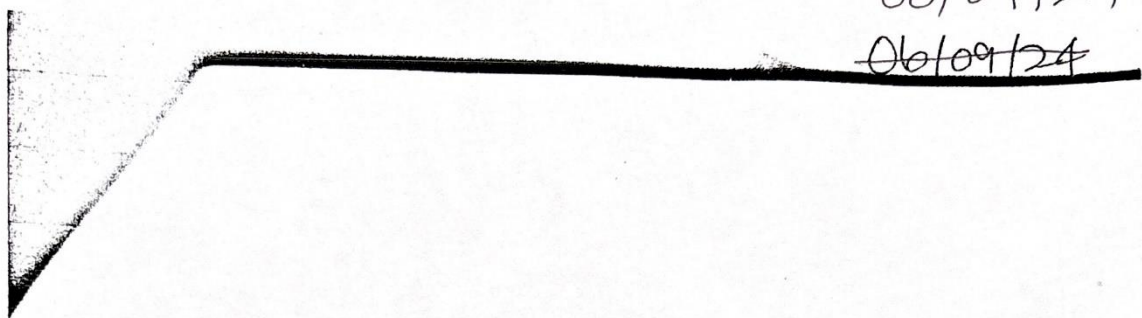


DIAGRAM #4



08/09/24  
 06/09/24



TOM CARWTH / ALASKA SHELLFISH  
 SYKES NEW PARCEL GEAR DESCRIPTION  
 DFG-2006-01-AF-SE

Alaska Dept. of Fish & Game  
 Aquatic Farm Operation Permit No. DFG-2006-01-AF-SE  
 ATTACHMENT NO. 5

DNR ADL - 107092  
 DIAGRAM #5





APPROXIMATELY MINUS 3.2 FT. TIDE 08/09/24  
ADL 107092 DFG-2006-01-AF-SE TOM CARROTU  
NW CORNER LOOKING TOWARD SW CORNER ALASKA SHELLFISH

**Project Description, Maps and Diagrams**



**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

October 1, 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  
Carruth / Alaska Shellfish Aquatic Farm Site Proposal – Point Sykes  
**DNR File No.: ADL 107092**

Dear Ms. Kopnicky:

The Alaska Department of Fish and Game (ADF&G) has completed a preliminary review of the project proposal, **ADL 107092** 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 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.

The applicant should be advised that a user fee for a survey of initial abundance of geoducks for a proposed on-bottom culture aquatic farm site is required for subtidal (no more than \$5,000 per day) or intertidal (no more than \$2,000 per day) per regulation [5 AAC 41.220](#) if the DNR lease is approved. A survey of the proposed aquatic farm site will be conducted, only if the commissioner determines that the site is subtidal and located in a larval drift zone described in [5 AAC 41.295\(f\)\(1\)](#).

## Attachment B ADF&G Letter

Brent Reynolds  
Department of Natural Resources  
Aquatic Farm Proposal ADL 107092 ADF&G Review Comments

- 2 -

October 1, 2024

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.

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*: Did not comment at this time.

Habitat Section did not comment at this time.

Subsistence Section did not comment at this time.

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  
Tom Carruth, Alaska Shellfish