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

FINAL FINDING AND DECISION
AQUATIC FARMSITE LEASE RENEWAL

APPLICANT: RODGER PAINTER AND DAVID ROGERS
ADL #106149
TENASS PASS SHELLFISH COMPANY

LOCATION: EI CAPITAN PASSAGE

This final finding and decision is intended to complement and update the preliminary finding and decision dated October 1, 2008. No comments were received.

The applicants are requesting **renewal of their existing aquatic farm site lease**. The applicants currently holds a lease consisting of several clam harvesting areas, oyster grow-out and hardening areas located in the southern portion of El Capitan Passage off the northwest side of Prince of Wales Island.

This total acreage for this farm site is less than the total acreage sited in the preliminary decision. At the request of the applicant 1.35 acres of tide and submerged lands was eliminated. In addition, the fee for the caretaker facility will be corrected in the renewed 10-year lease.

The total combined acreage of the aquatic farm site is 5.53 acres, more or less.

The applicant has been successfully harvesting littleneck clams and culturing Pacific oysters, rock scallops and geoduck clams and has met or exceeded the required commercial use threshold which is a requirement to renew an existing aquatic farm tideland lease.

The farm site locations are only accessible by boat or floatplane. A location map is attached to this decision.

AUTHORITY: AS 38.05.035; AS 38.05.070; AS 38.05.075; AS 38.05.083; AS 38.05.127; AS 38.05.128; 11 AAC 63.020

This decision addresses and is based on those issues under the authority of the Department of Natural Resources (DNR) under Title 38. While other issues may be addressed that are not within the scope of DNR's responsibilities, this decision's purpose is to determine whether or not to issue a DNR lease and does not make any determinations whatsoever on the issuance of other agency authorizations that are necessary for aquatic farming activities. Information included in the original preliminary decision document may not be included in this document if conditions have not been altered. Original preliminary decisions for this lease can be obtained by contacting the aquatic farm program manager for the DNR in Anchorage.

ADMINISTRATIVE RECORD: The administrative record for this renewal application is **ADL #106149**.

LOCATION:

USGS MAP COVERAGE: Craig D - 5

NAUTICAL CHART: 17403

LEGAL DESCRIPTION:

Township 67 South, Range 78 East, Copper River Meridian,
And more specifically described as:

Section 34: SE ¼, within Kosciusko Bay:

Area 1: an area for shellfish grow-out and processing measuring 275 ft. x 600 ft. or 165,000 sq. ft.

Total area equals: 3.78 acres

Area 2: an oyster hardening and clam harvesting area measuring 90 ft. x 100 ft. or 9,000 sq. ft.

Total area equals: 0.20 acres

Area 3: A clam harvesting area measuring 20 ft. x 300 ft. or 6,000 sq. ft.

Total area equals: 0.13 acres

Area 4: Caretaker Facility measuring 40 ft. x 20 ft. or 800 sq. ft.

Total area equals: .018 acres

Section 35: SE ¼, within an unnamed bight adjacent to Kosciusko Bay:

Area 5: An area for shellfish grow-out measuring 75 ft. x 690 ft. or 51,750 sq. ft.

Total area equals: 1.18 acres

Area 6: A clam harvesting area measuring 80 ft. x 90 ft. or 7,200 sq. ft.

Total area equals: 0.16 acres

Section 3: S ½, on Spanberg island:

Area 7: A clam harvesting area measuring 340 ft. x 10 ft. or 3,400 sq. ft.

Total area equals: 0.07 acres

according to the drawings attached to this document and labeled as Attachment B, containing approximately 5.52 acres, more or less of tide and submerged lands plus approximately 0.018 acres for the caretaker facility. .

The total area encompassed by this aquatic farm, including the caretaker facility is approximately 5.53 acres, more or less.

Lands are located in the Ketchikan and Petersburg Recording Districts.

GEOGRAPHIC: The proposed farm site is located on state-owned tide and submerged lands in the southern portion of El Capitan Passage, the northeast side of Spanberg Island, and the southwest side of North Island, off the northwest side of Prince Of Wales Island.

POLITICAL INFORMATION:

BOROUGH/MUNICIPALITY: This existing aquatic farm application is outside of an organized borough.

COASTAL DISTRICT: The application lies outside of an approved coastal district. The nearest coastal district is the City of Klawock.

REGIONAL CORPORATION: Sealaska Corporation

FISH AND GAME ADVISORY COMMITTEES: Edna Bay Fish and Game Advisory Committee.

PLANNING AND CLASSIFICATION:

LAND MANAGEMENT PLAN: Prince of Wales Area Plan, Unit 4, Subunit 4a and 4b.

SURFACE CLASSIFICATION: The Prince of Wales Area Plan designates state owned tidelands in Subunit 4a as public recreation and wildlife habitat; subunit 4b as public recreation.

SURFACE MINERAL ORDERS: The proposed site is closed to mineral entry.

ALASKA COASTAL MANAGEMENT PROGRAM: The proposed aquatic farm was found consistent with the Alaska Coastal Management Program (ACMP) on December 8, 1995, under State I.D. No. AK 9406-09JJ. The applicant's request to renew and amend his lease does not require another consistency review.

SURVEY AND APPRAISAL:

SURVEY: A survey is not required by law before issuing a 10-year negotiated lease. However, the department has the right to require one in the future, at the applicant's expense, if boundary conflicts or disputes over acreage arise.

APPRAISAL: The Division of Mining, Land and Water has approved an administrative lease fee schedule for aquatic farm sites 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. The applicant has the option to have a site-specific appraisal done, at the applicant's expense, before the lease is issued, if he or she does not wish to use the fee schedule. If an applicant opts for a site-specific appraisal, the division-approved appraisal will establish the rental for the lease and the fee schedule will no longer be an option.

PUBLIC/AGENCY NOTICE AND COMMENTS: Public notice of the proposal was sent to various newspapers, post offices, agencies, boroughs/cities, native corporations, , Fish and Game Advisory committees, etc. The public comment period began on October 13, 2008 and ended on November 14, 2008. **No public comments were received**.

ENVIRONMENTAL RISK ASSESSMENT: The applicant has submitted a signed environmental risk

questionnaire. The questionnaire asks for information on potentially hazardous materials, such as plans for onsite storage of fuel or chemicals. The applicant has indicated that no on-site use, storage, transport, disposal, or otherwise, of any petroleum products will be used during the course of the proposed activities.

BONDING AND INSURANCE:

BONDING: Bonding, or another form of security, is required under AS 38.05.083 and 11 AAC 63.080. The bond must cover the costs of site cleanup and restoration, any associated cleanup costs after termination of the lease, including any unpaid rentals or other obligations accruing until site restoration is complete. The regulations require the minimum security amount of $2,500 (or $1,250 with an association bond) for an aquatic farm lease. Factors such as location and amount of improvements at the site are taken into consideration when the bond amount is determined. Please refer to the Recommendation section at the end of this decision for the bond amount that was determined appropriate for this proposal.

INSURANCE: At this time the DNR does not require this type of activity to have general liability insurance. General liability insurance may be required in the future depending on the aquatic farming operations and the procedures of the department at the time changes are made to the lease or a renewal lease is issued. The lessee is responsible for acquiring other types of insurance, such as Workman's Compensation Insurance that may be required under other local/state/federal laws.

POTENTIAL CONFLICTS/PENDING INTERESTS: There are no known pending interests at the location of the proposal.

TRADITIONAL USE FINDING: The existing aquatic farm has caused no known disruption of traditional and/or existing uses of the area, such as commercial and sport fishing, subsistence activities, boat travel, and recreation. Through agency and public input, more traditional and existing use information may surface. If such information becomes available, any potential and/or existing conflicts will be addressed in the final best interest finding.

PRINCE OF WALES AREA PLAN INFORMATION SPECIFIC TO THIS PROPOSAL: This farm site lies within Management Unit 4, subunits 4a and 4b. State tidelands and submerged lands are managed for multiple use. Management for the subunit 4a emphasizes the important recreation and aesthetic values and the use of commercial forest resources of El Capitan Passage. Tidelands and submerged lands are also managed to protect the most important fish and wildlife habitat and harvest area. Management for the subunit 4b emphasizes the important recreation and fish and wildlife habitat and harvest values, and providing areas on the east side of El Capitan Island to support upland timber harvest activities. Consistent with U>S> Forest Service management proposals for adjacent uplands, the state tideland and submerged lands in the Tenass Pass and Brockman Pass area will be managed with primary emphasis on primitive recreation.

Upland Owner/Management Intent: The U.S. Forest Service (Tongass National Forest) is the upland owner of lands adjacent to the aquatic farm. Over the course of the 10-year lease there have been no known conflicts between upland owners and the lessee.

CONSIDERATIONS: The following criteria, set out in 11 AAC 63.050(b), has been considered and represents what is known at this time:

Land Management: There are no known land management policies or designations, other than those in the Alaska Coastal Management Program, the Prince of Wales Area Plan, and potentially the Tongass National Forest Land and Resource Management Plan that may impact this proposal.

Measures taken to mitigate impacts on the resources identified in the above-mentioned plans are listed below.

Pending/Existing Uses:

1. There are no known pending use conflicts or potential impacts to nearby communities or residential land due to the placement of this farm at the proposed location.
2. Information available suggests the aquatic farm has not disrupted traditional and existing uses of the site for use as an anchorage, commercial and sport fishing, recreation, and tourism.
3. There are no historic and cultural resources known to exist in the area.
4. There are no commercial or industrial facilities known to exist in the area.

Public Access: Public access has been and will be protected in accordance with 11 AAC 63.050(b)(6) and 11 AAC 53 and will be addressed in any resultant lease agreement.

Public Trust Doctrine: Any resultant lease agreement is subject to the principles of the Public Trust Doctrine in order to protect the public's right to use navigable waters and the land beneath them for navigation, commerce, fishing, and other purposes.

Mitigation Measures: In addition to the mitigation measures identified above under Pending/Existing Uses, paragraph 2, any resultant lease renewal may include additional stipulations necessary to mitigate conflicts identified during the public/agency comment period

Social, Economic, and Environmental Concerns: There are no known significant social, economic, and environmental effects from the existing lease.

Surface Area: The proposal does not encumber more than a third of the surface area of a bay, bight, or cove in accordance with 11 AAC 63.050(c).

FINAL FINDING AND DECISION:

The Southcentral Regional Land Office of the Division of Mining, Land and Water recommends the renewal of a 5.53 acre, 10-year aquatic farm site lease in accordance with 11 AAC 63.050(b), subject to the following condition and stipulations, which will be included in the lease agreement:

Lease compensation: An administrative lease fee schedule for aquatic farm sites has been approved by the Division of Mining, Land and Water effective August 1, 2007 through July 31, 2009 under Appraisal Report 2522-9. The lease fee schedule is subject to review every two years. The annual rent for the proposal based on a 5.53-acre farm site including the caretaker facility, is **$1950.00**. The annual fee is calculated as follows: For tide and/or submerged land for an aquatic farm site the fee is $450 for the first acre, plus $125 for each additional acre, or fraction thereof. For associated housing facilities for an aquatic farm site the fee is $875 for the first acre or portion thereof and, $125 per acre for each additional acre or portion thereof. The lease is subject to review of the annual rent every 5 years. In other words, should the fee be increased during the term of a lease, the lease will be amended at five-year intervals for fee adjustment. The lease is subject to review of the annual rent every 5 years. In other words, should the fee be increased during the term of a lease, the lease will be amended at five-year intervals for fee adjustment.

In addition to the stipulations listed within the lease document, the following stipulations will be incorporated in the lease as Attachment A. The Regional Manager reserves the right to modify the following stipulations or

include additional stipulations as necessary.

1. A lessee shall operate so as to cause no significant damage to land, public trust resources, and public uses of public trust resources.

2. A lessee shall obtain and remain in compliance with all other federal, state, and local authorizations necessary for lawful operations.

3. A proposed amendment to the lease development plan must be submitted to the department for approval before a change in development occurs, and must be accompanied by the amendment fee required by 11 AAC 05.010. However, under this paragraph:

   (A) the following changes do not require an amendment of the lease development plan nor do they constitute a significant modification requiring a new determination of consistency with the Alaska Coastal Management Program:

      (i) any change in the species or number of shellfish or aquatic plants being raised if the change is permitted by the Department of Fish and Game;

      (ii) a change in the number or type of rearing structures authorized within the lease boundaries, if the change does not increase obstructions to navigation or to other public use;

   (B) the department will not authorize a proposed amendment to the lease development plan for a "change of use"; for the purpose of this subparagraph and AS 38.05.083(d), "change of use" means a change from the raising of shellfish and aquatic plants to any other use; and

   (C) the approval of an amendment of an aquatic farm site lease does not relieve the lessee of the obligation to obtain other necessary authorizations.

4. A lessee may use an aquatic farm site only for the purposes authorized by the lease, and the state reserves all other interests in the site. The rights granted by the lease must be exercised in a manner that does not unreasonably interfere with the rights of the state or of its permittees, lessees, or grantees, consistent with the principle of reasonable concurrent uses as set out in article VIII, sec. 8, of the Alaska Constitution. A lessee shall pay for any damages that are payable by reason of the lessee's failure to comply with the requirements of this paragraph.

5. A lessee shall comply with the approved development plan. Failure to comply with the commercial-use requirement set out in 11 AAC 63.030(b) is a default and cause for termination, unless the lessee shows to the Regional Manager's satisfaction that the failure is due to circumstances beyond the lessee's reasonable ability to foresee or control.

   The lessee shall report annually to the department, no later than January 31, on sales during the previous year of shellfish and aquatic plants raised on the lease site, not including sales of commercially harvested wild stock that had been stored at the lease site. If the lessee provides this sales information to the Department of Fish and Game by an annual report, by copies of fish tickets, or by other means, the lessee may fulfill this paragraph's requirement for a sales report by asking the Department of Fish and Game to give a copy of the information to the department.

6. A lessee's failure to timely comply with all express or implied provisions of the lease constitutes

default. If a lessee fails to cure the default or to begin and diligently continue to remedy the default within 60 days after written notice of the default and an opportunity to be heard, the Regional Manager will order suspension of site development or operations until compliance is achieved, or will take other action that the Regional Manager finds appropriate, including termination of the lease or attachment of the site restoration security.

7. With the Regional Manager's written consent, a lease that is in good standing may be relinquished.

8. A lease that is in good standing may, with the prior written approval of the Regional Manager, be assigned. The assignee shall promptly and diligently seek to obtain all authorizations necessary for lawful operations. The assignee is subject to all provisions of the lease in the same manner as the original lessee.

9. The department reserves the right:

   (A) of reasonable access to the leasehold for purposes of inspection, including the lessee's improvements and rearing structures; when the department inspects the lessee's rearing structures, the department will not lift or handle underwater rearing structures without prior notice to the lessee; the notice to the lessee may include notice by the Department of Fish and Game in accordance with AS 16.40.150(b); and

   (B) upon 10 days' prior notice, to inspect records of the lessee necessary to verify the lessee's compliance with the lease provisions.

10. A bond, cash deposit, certificate of deposit, or other form of security acceptable to the Regional Manager at a minimum of **$2,500.00** must be posted and maintained during the life of this lease. The bond may be used to cover the cost of site cleanup and restoration and any associated cleanup costs after termination of the lease, including any unpaid rentals or other obligations accruing until site restoration is complete. The lessee is responsible for the full cost of site cleanup and restoration in the event the costs exceed the posted bond amount.

    If three or more lessees post an association bond to cover all of their leases, the minimum security amount is 50 percent of the amount individually calculated for each lease. The association must designate an agent for notification purposes. The association has the right to be notified of the termination of a lease covered by its association bond. If neither the former lessee nor the association completes the site restoration as required by AS 38.05.090, the department will use the association bond for this purpose, up to 100 percent of the amount individually calculated for that lease. The association may remove a lease in good standing from the coverage of its association bond after 60 days' notice to the department, during which time the affected lessee must make other arrangements to comply with this section. A lease that is in default or that has been terminated with site restoration still pending may not be removed from the coverage of the association bond.

11. If cultural or paleontological resources are discovered as a result of this activity, work that would disturb such resources must be stopped and the Alaska Office of History and Archaeology shall be contacted immediately at (907) 269-8721.

12. The United States Coast Guard (USCG) shall be contacted prior to placing any aquatic farm structures under this permit to determine lighting or marking requirements necessary for the protection of maritime navigation, in accordance with Title 33, Code of Federal Regulations, Part 64. Required markings of this nature are Private Aids to Navigation, and must be subject to an

approved permit. The USCG may be reached at the following address and phone number: Commander (oan), 17th Coast Guard District, P. O. Box 25517, Juneau, AK 99802-5517, telephone (907) 463-2254.

13. The lessee is required to visibly mark the corners of the site authorized under the lease (suspended and/or submerged on-bottom culture) with buoys and in accordance with U.S. Coast Guard marking requirements. If a submerged site is not in full operation, or rotational planting is utilized as for geoduck culture, additional marking is required of the corners of the area that contains improvements at any given time.

14. The lessee is required to visibly identify the leased site by writing on at least one corner buoy/marker the lessee's name, telephone number, the DNR file number (ADL number), information concerning the presence of any submerged improvements, and, for on-bottom culture only, identify the species being cultured.

15. All improvements shall be secured utilizing anchoring methods with sufficient weight and holding capability to keep them in their authorized location(s).

16. The use of adjacent uplands for activities related to the aquatic farm site, including shore ties, is not authorized under this lease without the prior written permission from the upland owner.

17. The lessee is not authorized to hold commercially harvested wild stock acquired under AS 16 (the Alaska Department of Fish and Game's commercial fisheries program) within the lease boundary.

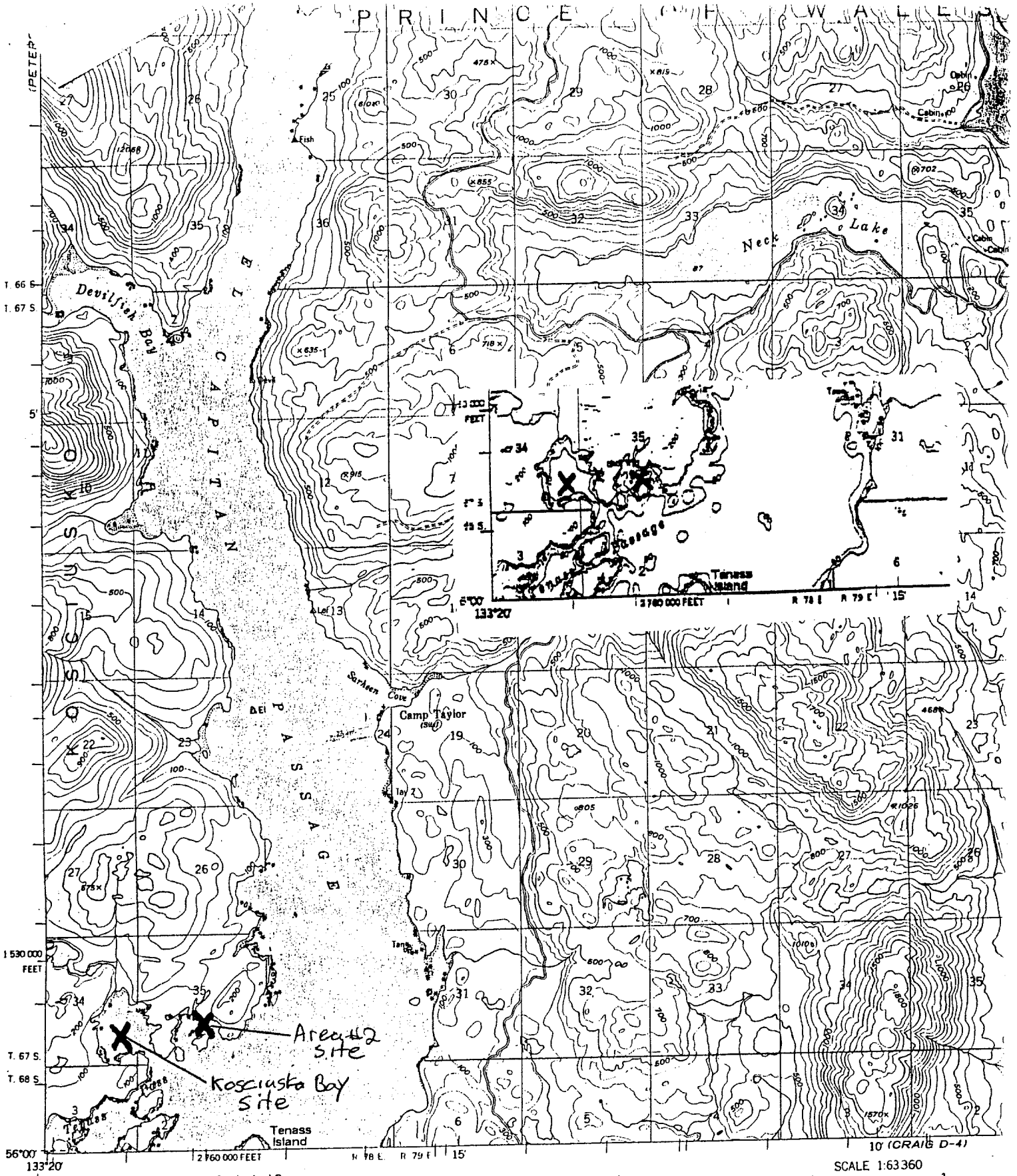
The finding presented above has been reviewed and considered. The case file has been found to be complete and the requirements of all applicable statutes and regulations have been satisfied. It is the finding of the Regional Manager that it is in the best interest of the state to proceed with this disposal under the authority of AS 38.05.083.

Richard B. Thompson, Regional Manager
Southcentral Regional Land Office

Date 12/22/08

APPEAL PROVISION:

A person who is affected by this decision and who provided timely written comment or public hearing testimony on this decision (preliminary component), may appeal it, in accordance with 11 AAC 02. Any appeal must be received by December 23, 2008 and may be mailed or delivered to Tom Irwin, Commissioner, Department of Natural Resources, 550 W. 7th Avenue, Suite 1400, Anchorage, Alaska 99501-3561; faxed to 1-907-269-8918; or sent by electronic mail to dnr_appeals@dnr.state.ak.us. If no appeal is filed by this date, this decision goes into effect as a final order and decision on December 23, 2008. An eligible person must first appeal this decision in accordance with 11 AAC 02 before appealing this decision to Superior Court. A copy of 11 AAC 02 is enclosed for your information.



Produced by the United States Geological Survey

Control by USGS and NOS/NOAA

Compiled from aerial photographs taken 1948. Information shown in purple compiled from aerial photographs taken 1984 and other sources and has been field checked. Map edited 1993. Conflicts may exist between some updated features and previously mapped contours

1927 North American Datum (NAD 27). Projection and 10 000-foot ticks: Alaska Coordinate System, zone 1 (Transverse Mercator) Blue 1000-meter Universal Transverse Mercator ticks, zone 8

North American Datum of 1983 (NAD 83) is shown by dashed corner ticks The values of the shift between NAD 27 and NAD 83 for 7.5-minute intersections are given in USGS Bulletin 1875

There may be private inholdings within the boundaries of the National or State reservations shown on this map

GN MN 1°31' 27 MILS 26° 462 MILS

UTM GRID AND 1993 MAGNETIC NORTH DECLINATION AT CENTER OF SHEET

SCALE 1:63360

SHORELINE SI

Attachment 1 of 17
ADL #106149

FOR SA

FAIRBANKS, ALASKA 99701, DENVER, COLORADO 80225, OR RE

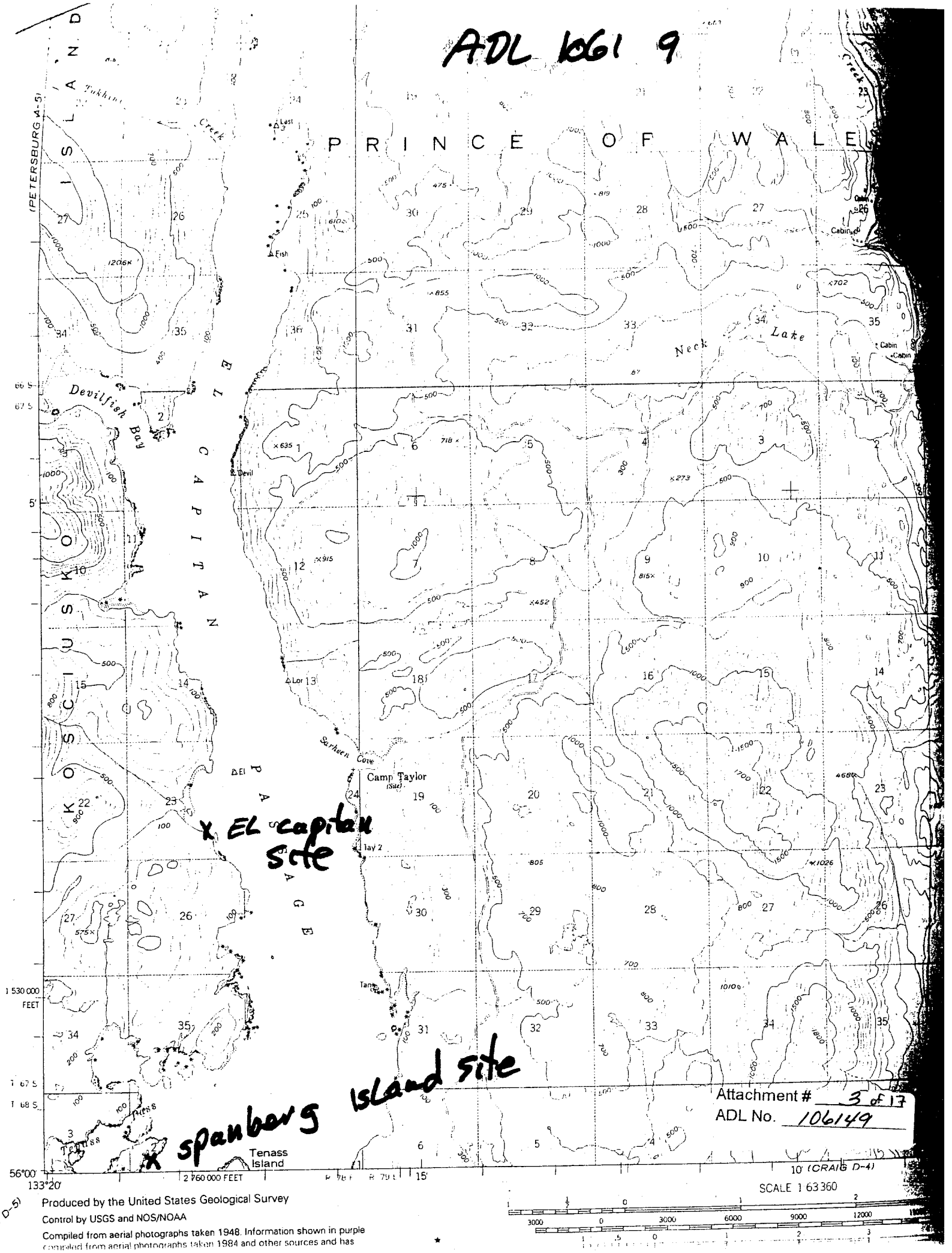
A FOLDER DESCRIBING TOPOGRAPHIC MAPS AND SYMBOLS IS AVAILA

ADL 106149

Attachment # 2 of 17

ADL No. 106149

ADL 106149



X EL capitan site

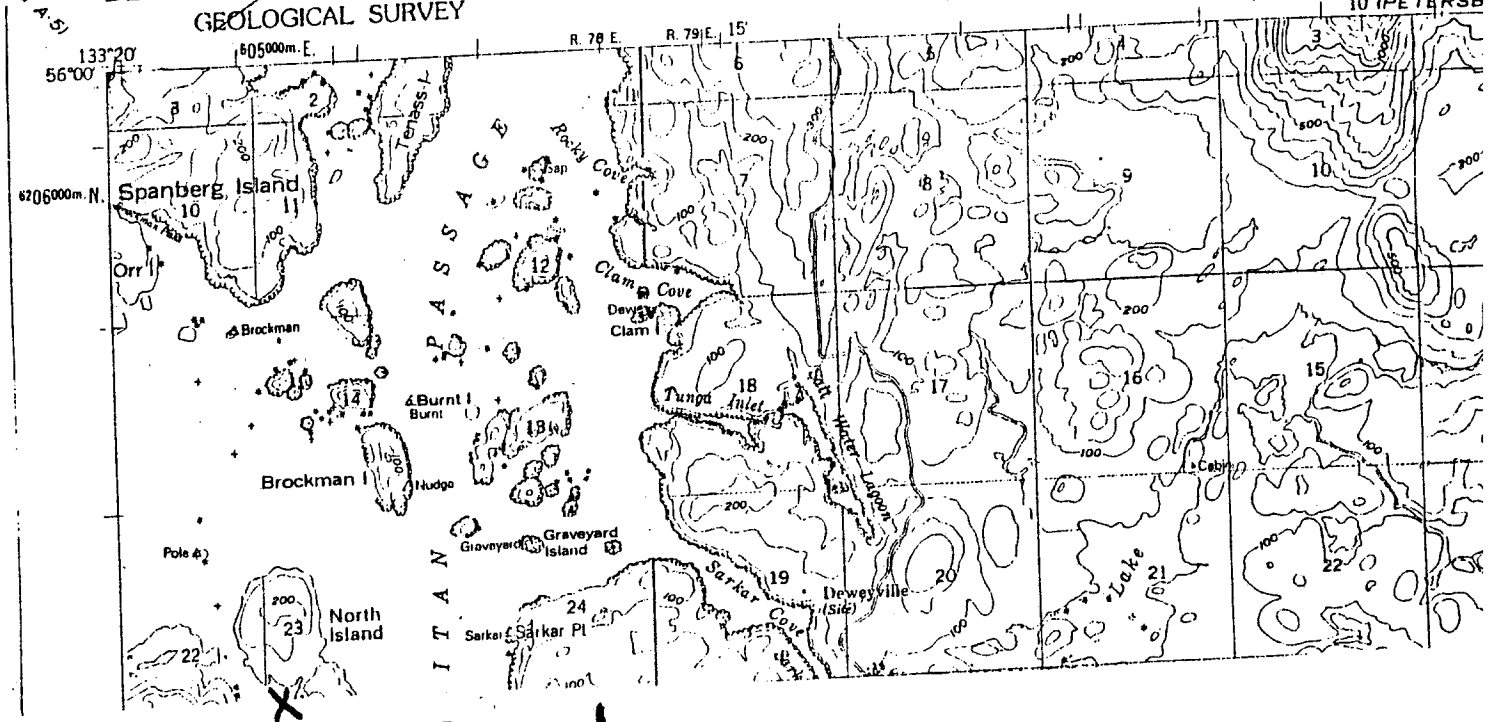
X spanberg Island site

Attachment # 3 of 17

ADL No. 106149

UNITED STATES
DEPARTMENT OF THE INTERIOR
GEOLOGICAL SURVEY

CRAIG (D-4) QUADRANGLE
ALASKA
1:63 360 SERIES (TOPOGRAPHIC)



X
north Island site

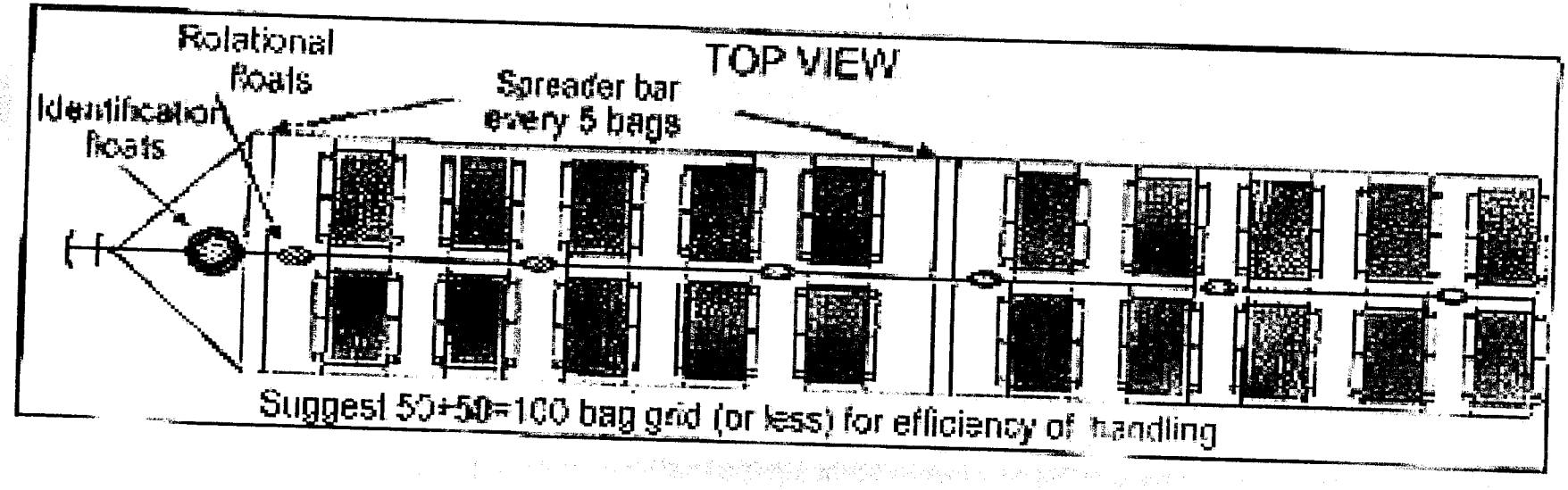
SCALE 1:63 360

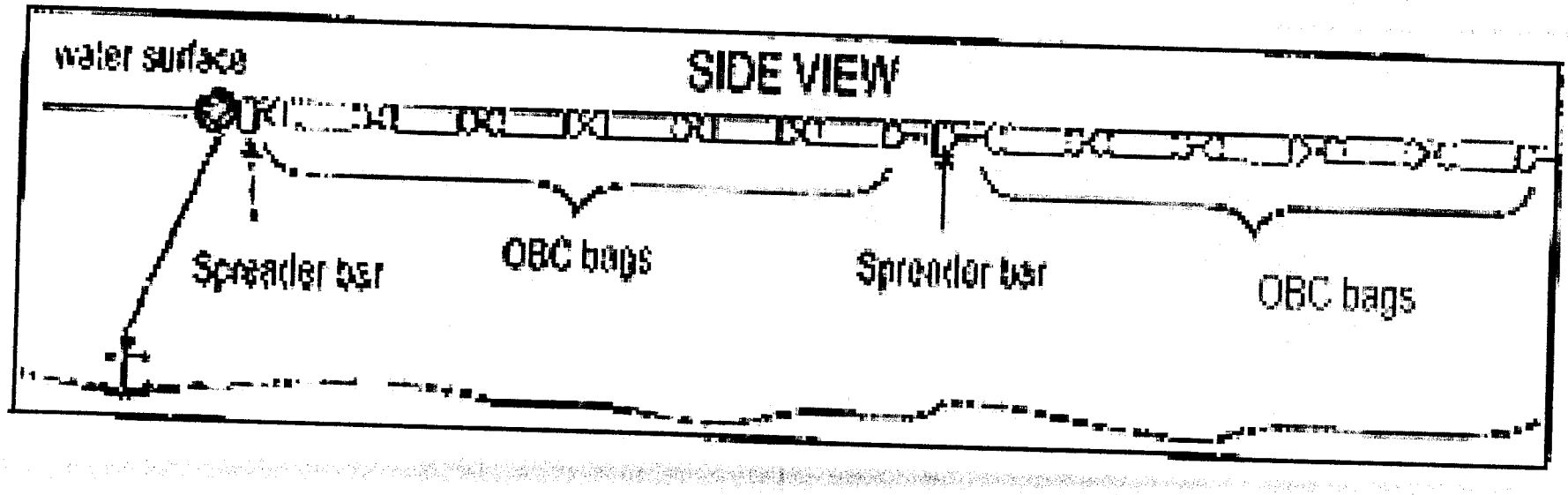
4 MILES
21000 FEET
5 KILOMETERS

ADL 106149

Attachment # 4 of 17
ADL No. 106149

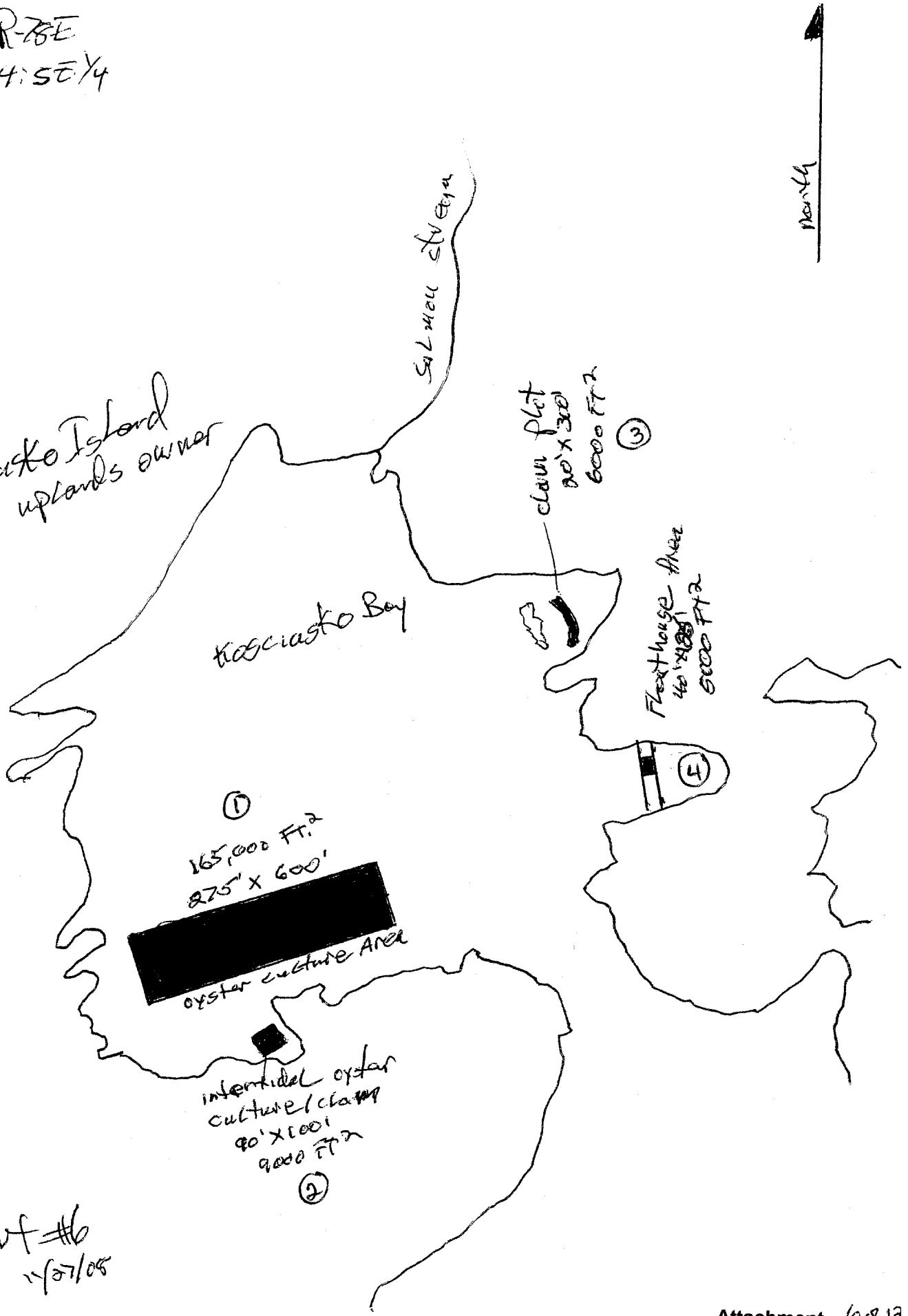
Setup of Bag Grid





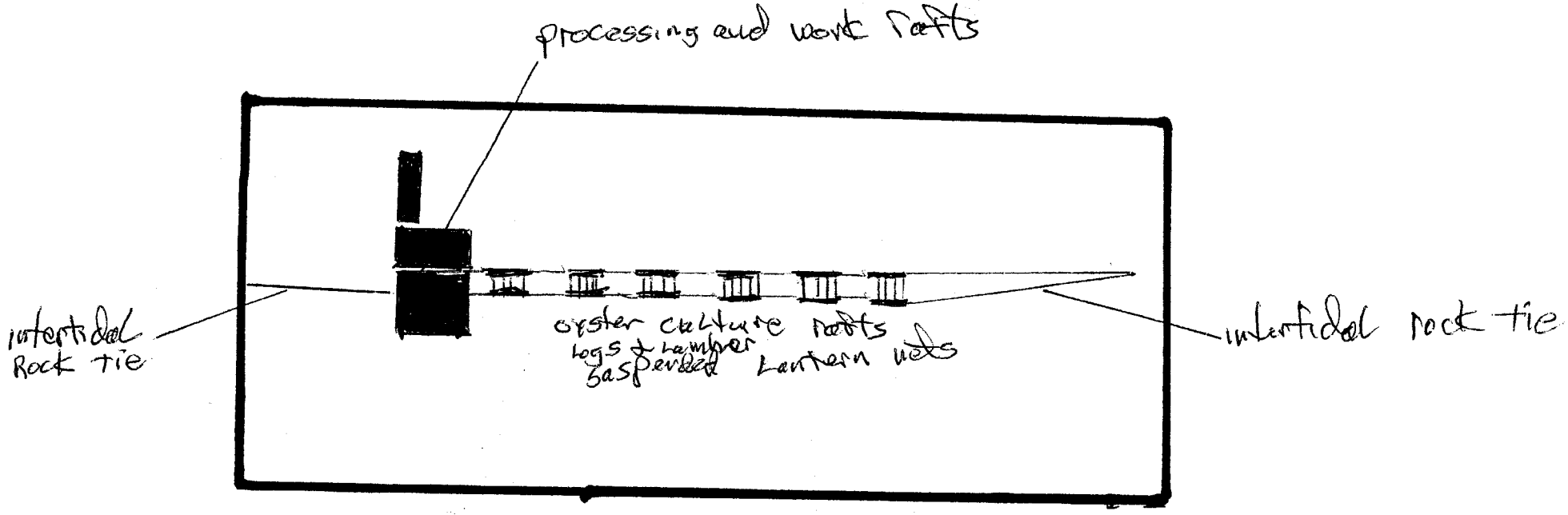
Pictures taken from fukuina.com

T-67S, R-78E
Sect. 34: SE 1/4



Attachment #6
Revised 11/27/05

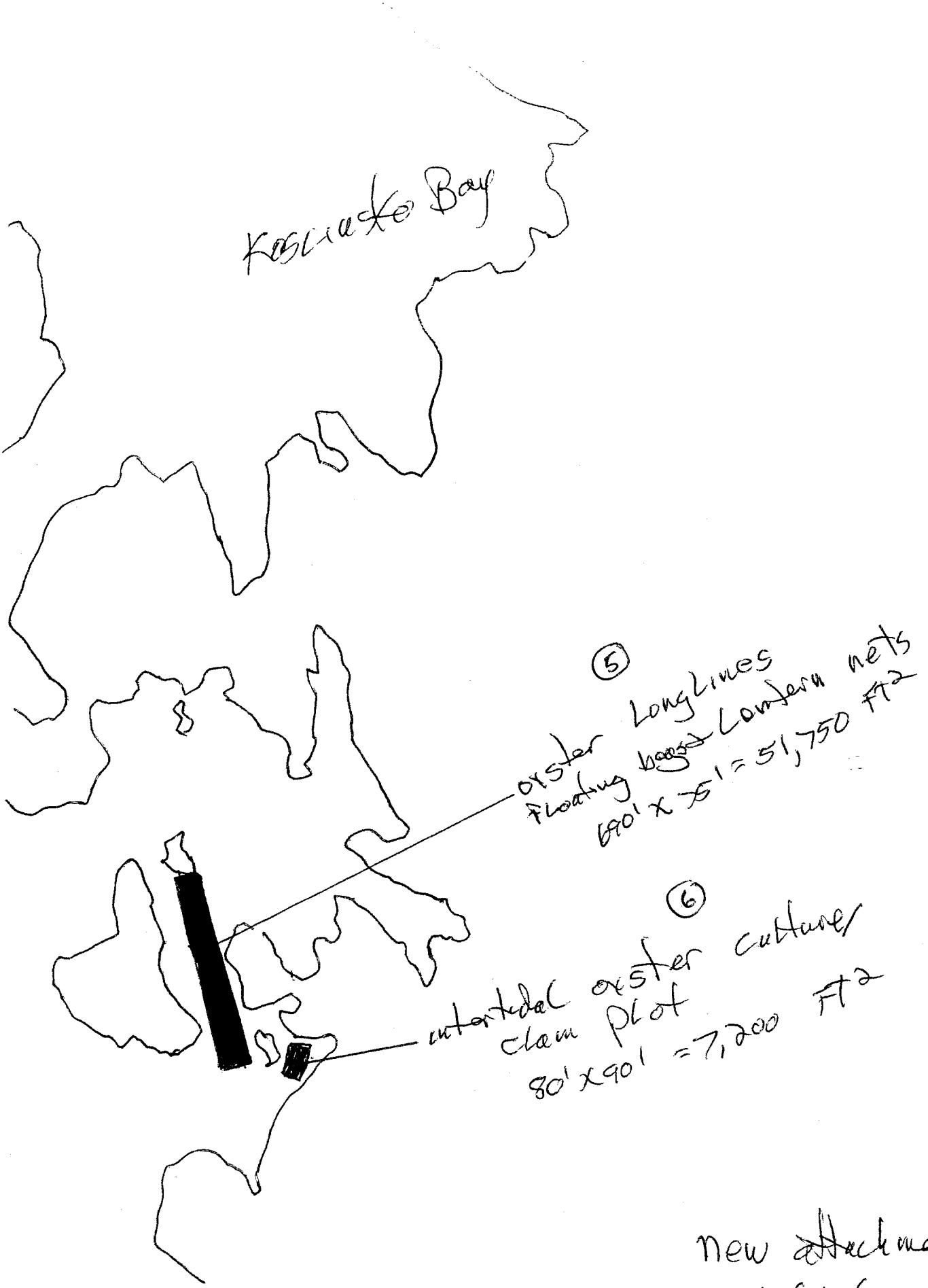
Attachment 6 of 17
ADL #106149



600' X 275'
165,000 FT.^{2}

new attachment #7
11/27/08

Attachment 7 of 8
ADL #105149



new attachment #8
11/2/08

Attachment 8 of 7
ADL #106149

AQUATIC FARM OPERATION AND DEVELOPMENT PLAN – PART A

This is the narrative portion of your operation and development plan. Your proposed farm or hatchery and staff plans must demonstrate technical and operational feasibility (AS 16.40.100(4)). Complete each question to the best of your knowledge.

Name Tenass Pass Shellfish Co. **DNR ADL No.** 106149 **ADF&G Permit No.** 90 05 -AF-SE

1. Please provide an estimate of the total days and number of people (including yourself) that will be needed to operate your farm site for each year:

Year 1: # of Days 200	# of People 2	Year 6: # of Days 200	# of People 2
Year 2: # of Days "	# of People "	Year 7: # of Days "	# of People "
Year 3: # of Days "	# of People "	Year 8: # of Days "	# of People "
Year 4: # of Days "	# of People "	Year 9: # of Days "	# of People "
Year 5: # of Days "	# of People "	Year10:# of Days "	# of People "

2. Describe your operating plan, including any facilities and equipment you propose to use and how you propose to -

a. access the site (transportation means, route and frequency of site monitoring); skiff, Naukati to Kosciusko Bay, weekly

b. house personnel while working at the site; floathouse

c. store gear and equipment when not in use; floats, intertidal leased areas

d. conduct winter operations and protect your farm from adverse weather or oceanographic conditions; sheltered Bay - operates year-round

e. harvest product (means, methods and frequency); pull nets & bags of dig clams; by hand or w/a davit; weekly to bi-weekly

f. hold your product prior to sale and where; processing Reef on Area #2 (Longline site)

g. transport your product to point of sale; plane

h. deploy seed collection devices, if applicable, and list type, quantity and dimensions; N/A

i. acquire seed stock – include the facility name and quantity of each species; Nautati shellfish Nursery

j. acquire wild stock, if applicable; N/A

k. differentiate between wild and cultivated stock at the site; N/A

l. measure the success of your culture methods; amount of harvest

m. supplement feeding, if necessary; N/A

n. manage incidental species over the course of operations - describe by individual species; throw over board

o. locate and operate your farm to avoid predators; Live w/ them

p. utilize predator exclusion devices, if applicable, and explain; N/A

(1) where they would be used N/A

Attachment 10 of 17
ADL #105149

(2) types N/A

(3) configurations intended for use N/A

(4) dimensions of the devices (mesh size, materials used in fabrication, size of the panel or bag) N/A

(5) seasonality of use N/A

(6) means of transport N/A

(7) installation N/A

(8) storage N/A

q. alter any other physical or biological characteristic of the site. N/A

Additional information you consider pertinent to your operating plan should be included. (Use additional sheets of paper as necessary.) **Please note: Detailed information enables agencies to comprehensively evaluate your proposal in a timely manner, negating the need to seek additional information from you.**

AQUATIC FARM OPERATION AND DEVELOPMENT PLAN – PART A

Signature: [signature] **Date:** 11/27/08

▼ Continue to Aquatic Farm Development Plan – Part B ▼

TEN-YEAR AQUATIC FARM OPERATION AND DEVELOPMENT PLAN – PART B

Fill out an operation and development plan for each species using an optimistic expectation of what is possible within the limits of your farm site and the anticipated seed supply. *Fill in your projected income by the end of Year 5 at the bottom of this page.

Name Tenass Pass **ADL Number** 106149 **ADF&G Permit No.** 90 05 -AF-SE **Species** Littleneck Clams
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 1) 20 09	none	~~N/A~~	N/A	N/A	N/A	N/A		~~2500~~ - 25,000	~~$7500~~ - $75,000
(Year 2) 20 10	"								
(Year 3) 20 11	"								
(Year 4) 20 12	"								
(Year 5) 20 13	"							2500 - 25000	$7500 - 75,000

You must reach the commercial use requirement by the end of your 5th year and continue to maintain or increase that level of productions throughout the remaining years of your lease. The commercial use requirement (AS 16.40.199) is defined as a production level of at least $3,000 per acres or fraction of an acre, or $15,000 per farm, whichever is less. The commercial use requirement applies to the combined total of all species and must be maintained in Years 6 - 10.

***Projected income for this species at the end of Year 5** = $ 7500 – 75,000 .

Projected income is based on Farm Gate Income defined as the unprocessed value excluding packaging or transport costs of product to its' first point of sale.

Attachment 12 of 17
ADL #106149

AQUATIC FARM OPERATION AND DEVELOPMENT PLAN - PART B
Continued – Page 2.

Name Tenass Pass **DNR ADL No** 106149 **ADF&G Permit No** 90 05 -AF-SE **Species** Littleneck Clams
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 6) 20 14	none	N/A	N/A	N/A	N/A	N/A		2500-25000	$ 7500-75000
(Year 7) 20 15	"								$
(Year 8) 20 16	"								$
(Year 9) 20 17	"								$
(Year 10) 20 18	"								$

The information contained herein is true and complete to the best of my knowledge.

Printed name: Rodger Painter

Signature: Rodger Painter Date: 11/27/08

Attachment 13 of 13
ADL #105149

TEN-YEAR AQUATIC FARM OPERATION AND DEVELOPMENT PLAN – PART B

Fill out an operation and development plan for each species using an optimistic expectation of what is possible within the limits of your farm site and the anticipated seed supply. *Fill in your projected income by the end of Year 5 at the bottom of this page.

Name Tenass Pass **ADL Number** 106149 **ADF&G Permit No.** 90 05 -AF- SE **Species** Oysters
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 1) 2009	N/A	intertidal oyster bags	N/A	N/A	N/A	0 - 500,000	150,000 - 600,000	N/A	$60,000 - $240,000
(Year 2) 2010		intertidal oyster bags							
(Year 3) 2011		intertidal oyster bags							
(Year 4) 2012									
(Year 5) 2013									$

You must reach the commercial use requirement by the end of your 5th year and continue to maintain or increase that level of productions throughout the remaining years of your lease. The commercial use requirement (AS 16.40.199) is defined as a production level of at least $3,000 per acres or fraction of an acre, or $15,000 per farm, whichever is less. The commercial use requirement applies to the combined total of all species and must be maintained in Years 6 - 10.

***Projected income for this species at the end of Year 5** = $ 60,000.

Projected income is based on Farm Gate Income defined as the unprocessed value excluding packaging or transport costs of product to its' first point of sale.

AQUATIC FARM OPERATION AND DEVELOPMENT PLAN - PART B
Continued – Page 2.

Name Tenass Pass DNR ADL No 106149 ADF&G Permit No 90 05 -AF-SE Species Oysters
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 6) 20 14	N/A	N/A	N/A	N/A	N/A	0-500,000	150000 600000	N/A	$ 62000 ~~240~~1000
(Year 7) 20 15									$
(Year 8) 20 16									$
(Year 9) 20 17									$
(Year 10) 20 18									$

The information contained herein is true and complete to the best of my knowledge.

Printed name: Rodger Painter

Signature: Rodger Painter Date: 11/27/08

Attachment 15 of 17
ADL # 106149

TEN-YEAR AQUATIC FARM OPERATION AND DEVELOPMENT PLAN – PART B

Fill out an operation and development plan for each species using an optimistic expectation of what is possible within the limits of your farm site and the anticipated seed supply. *Fill in your projected income by the end of Year 5 at the bottom of this page.

Name Tanner Pass **ADL Number** 106149 **ADF&G Permit No.** 90 05 -AF-SE **Species** cockle
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 1) 2009	N/A	Lantern nets	N/A	N/A	N/A	0 – 200,000		0 – 20,000	0 – 60,000
(Year 2) 2010									
(Year 3) 2011									
(Year 4) 2012									
(Year 5) 2013									$

You must reach the commercial use requirement by the end of your 5th year and continue to maintain or increase that level of productions throughout the remaining years of your lease. The commercial use requirement (AS 16.40.199) is defined as a production level of at least $3,000 per acres or fraction of an acre, or $15,000 per farm, whichever is less. The commercial use requirement applies to the combined total of all species and must be maintained in Years 6 - 10.

***Projected income for this species at the end of Year 5** = $ 0 – 60,000 .

Projected income is based on Farm Gate Income defined as the unprocessed value excluding packaging or transport costs of product to its' first point of sale.

AQUATIC FARM OPERATION AND DEVELOPMENT PLAN - PART B
Continued – Page 2.

Name _____ DNR ADL No_____ ADF&G Permit No ___ _____-AF-___ Species _____
(Individual plan required for each species)

Calendar Year	Installation Schedule			# of Seed Collected Offsite	# of Seed Collected Onsite	# of Hatchery Grown Seed	Projected Harvest and Income		
	Support Facilities	Gear Types	Anchor Systems				# of Animals	# of Pounds	Projected Income
(Year 6) 20 14	N/A	N/A	N/A	0	0	0 200,000	N/A	0 20,000	$ 0 60,000
(Year 7) 20 15									$
(Year 8) 20 16									$
(Year 9) 20 17									$
(Year 10) 20 18									$

The information contained herein is true and complete to the best of my knowledge.

Printed name: Rodger Painter

Signature: Rodger Painter Date: 11/27/08

Attachment 17 of 17
ADL #106149