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DIVISION OF GOVERNMENTAL COORDINATION

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July 10, 1990

Ms. Carole Taylor
P.O. Box 5235
Ketchikan, Alaska 99901

Dear Ms. Taylor:

SUBJECT: SUNNY COVE AQUATIC FARM - STATE I.D. NO. AK900110-31J
CORPS OF ENGINEERS - CHOLMONDELEY SOUND 22
CONCLUSIVE CONSISTENCY DETERMINATION

The Division of Governmental Coordination (DGC) has completed coordinating the State's review of your project for consistency with the Alaska Coastal Management Program (ACMP). The project is a commercial aquatic farm in Sunny Cove of Cholmondeley Sound 23 miles east of Hydaburg, Alaska off Prince of Wales Island, Section 25, T. 76S. R.86E., C.R.M. and Section 30, T.76S., R87E. C.R.M. The project involves anchored log floats at three locations as follows:

- a. Site 1 - anchor a 25' x 110' log raft with suspended lantern nets and stacking PVC trays; float a 12' x 22' mobile work raft with a 6' x 12' hut and a 12' x 22' mobile work raft with a boom and hydraulic winch; and use three hardening/defouling areas in adjacent tidelands.
- b. Sites 2 & 3 - anchor a 350' longline and buoy system at each site. The hardening/defouling areas for these sites are located at Site 1.

This consistency determination applies to the following State and federal authorizations as per 6 AAC 50:

U.S. Army Corps of Engineers (COE)
Section Permit No. 1-870201

Alaska Department of Natural Resources
Aquatic Farmsite Permit ADL # 105328

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Alaska Department of Fish and Game
Aquatic Farm Permit

Based on the review of your project by the Alaska Departments of Natural Resources (DNR), Environmental Conservation (DEC) and Fish and Game (DFG), the State concurs with your certification that the project is consistent with the ACMP provided the following conditions are met. These conditions will appear as stipulations on the State permits noted:

DFG Aquatic Farm Permit

1. Garbage and other wastes shall be disposed of in a manner that does not attract bears or other animals, and in a manner that is approved by DEC. If it becomes necessary to kill a bear in defense of life or property, the aquatic farm permit will be subject to revocation, contingent upon investigation by DFG.
2. Floating structures will be located and secured in a manner that grounding will not occur at any tidal stage
3. Harassment of animals with explosives or firearms in defense of aquatic farm properties will not be allowed unless permission to use these means has been granted by DFG.
4. If herring spawn on the culture gear or other facilities, herring eggs shall not be disturbed or removed, but the herring eggs shall be allowed to hatch, even though this may result in loss of the shellfish being cultured.

Stipulations 1-4 are necessary pursuant to 6 AAC 80.130 HABITATS, in order to maintain or enhance the biological, physical, and chemical characteristics of the habitat, which contribute to it's capacity to support living resources by preventing fatalities to fish and wildlife and compaction of the substrate.

DFG Aquatic Farm Permit and DNR Aquatic Farmsite Permit

1. Unimpeded public access shall be provided around the floating facility at all tidal stages, so that public access is not unnecessarily curtailed.

This stipulation is necessary pursuant to 6 AAC 80.120 SUBSISTENCE, which requires State agencies to recognize and assure opportunities for subsistence use of coastal areas and resources by providing access for subsistence uses of fish and wildlife.

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1. If a tender boat is utilized it shall carry a Coast Guard approved marine sanitation device.
2. Wastewater affiliated with upland facilities, excluding water at less than 10 gallons per day, shall not be discharged onto surface lands or into subsurface lands or waters of the State. Sewage shall be contained within a sealed vault privy or disposed of by an incinerator toilet or similar device. Graywater shall be treated by use of a grease trap and absorption trench or other approved system.
3. DEC may, at its discretion, request monitoring of sediment accumulation beneath the raft complex.
4. All shoretie cables, structures, and miscellaneous debris associated with the growing area and support facilities shall be either salvaged or disposed of at a permitted solid waste site upon project termination. Particular attention shall be paid to removal of netting, cables or other structures which may gill, entrap, or entangle fish, shellfish, birds or mammals.
5. Garbage and other solid wastes shall be transported to a permitted solid waste facility.

Stipulations 1-5 are necessary pursuant to 6 AAC 80.140 AIR, LAND AND WATER QUALITY in order to maintain the quality of the lands and waters of the State, by treating and controlling discharges, limiting disposal of material to a permitted facility and maintaining benthic habitat beneath the growing complex.

Please refer to the ACMP Standards previously sent to you.

Advisory Comments

DEC Title 18 authorities require the following:

1. All wastewater disposal plans shall be submitted for review to the nearest DEC district office.
2. If graywater discharges from upland facilities increase beyond the recommended 10 gallon per day limit for a simple grease trap/trench or similar system, plans for further treatment shall be submitted to the nearest DEC district office.

The following DEC, Division of Environmental Health guidelines are required in order to maintain the quality of water at the growing area by preventing contamination from wastewater, fuel, and other deleterious substances. These guidelines ensure conformance with the National Shellfish Sanitation Program. They

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are not required for project consistency with the Alaska Coastal Management Program, but are included here as advisories. Boundaries of the growing area are established by the Division during the sanitary survey from strictly an environmental health perspective. Boundaries may not correspond with the Department of Natural Resources site boundaries.

1. There shall be no storage of fuel or other toxic substances within 300' of the growing area.
2. Growing area boundaries shall be at least 300' from any anadromous stream or current human use of the area including boat anchorages and outfall pipes from the uplands.

This conclusive consistency determination represents a consensus reached between you as the project applicant and the reviewing agencies listed above, as provided for under 6 AAC 50.070(k), regarding the conditions necessary to insure the consistency of the proposed project with the ACMP. As also provided under 15 CFR 930.64(c), federal authorization of your project will be made with the full understanding that your original project proposal has been modified subject to the conditions described above.

If changes to the approved project are proposed prior to or during its siting, construction, or operation, you are required to contact this office immediately to determine if further review and approval of the revised project is necessary. If the project is changed in any significant way, or if the actual use differs from the approved use contained in the project description, the State may amend the State approvals listed in this conclusive consistency determination.

By a copy of this letter, we are informing the federal agency reviewing your project of our determination.

A consistency determination does not obligate DNR to issue an authorization pursuant to AS 38 or AS 46.15, nor does it supersede statutory obligations thereunder. The applicant may not proceed with any site specific land use or water use developments until so authorized by DNR. Statutory authorities other than 6 AAC 50 (ACMP) may result in additional permit conditions.

Ms. Carole Taylor

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If you have any questions regarding this determination, please contact me at 465-3502.

Sincerely,

Fran Roche
Project Review Coordinator

Enclosures

cc: John Thiede, DNR, Juneau
John Palmes, DFG, Juneau
Jim Cochran, DFG/FRED, Juneau
Bill Janes, DEC, Juneau
Mike Ostasz, DEC, Anchorage
Judith Bittner, DNR, Anchorage
Barbara Vibbert, COE, Anchorage
Nevin Holmberg, FWS, Juneau
Susan Cantor, EPA, Anchorage
Steven Zimmerman, NMFS, Juneau
Susan Viteri, DGC, Juneau

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