

Aquatic Farm Leasing 2025 Notice of Public Scoping



Presented by Kate Dufault, Natural Resource Manager
Division of Mining Land and Water
Alaska Department of Natural Resources
March 11, 2025



Purpose of Scoping



- DNR is considering updating the regulations implementing AS 38.05.083. Regulations can be found in the Alaska Administrative Code at 11 AAC 63.
- DNR is conducting this scoping process to ask the public for their ideas and suggestions before we undertake the task of drafting any specific proposed regulations for public review.





Background Information

- On October 9, 2024, House Bill 329 was signed into law by the governor and became effective on November 20, 2024.
- The bill related to state tideland leases, geoduck seed transfers, and aquatic farming or related hatchery operation site leases.
- DNR is now considering updating regulations to implement the statutory changes made in House Bill 329.
- DNR is also considering updating the provisions of the commercial use requirement.



Submitting Comments



By mail:

Alaska Department of Natural Resources
Division of Mining, Land & Water
Program Support Section
550 W. 7th Avenue, Suite 1070
Anchorage, AK 99501-3579

By email:

dnr.aquaticfarm.regulations@alaska.gov



Submit written comments by 5:00 pm on March 20, 2025.

Next Steps



- DNR will carefully review all input received during this scoping period. If DNR undertakes revisions to these regulations, there will be an additional timeframe during which the public may provide comments on the proposed regulations.



Commercial Use Requirement – Related Regulations



11 AAC 63.030(b):

The development plan must result in commercial use of the site beginning no later than the fifth year of the lease operations and continuing for the rest of the lease term. Commercial use of the site means annual sales of aquatic farm products, as that term is defined in AS 16.40.199, of at least \$3,000 per acre or fraction of an acre, or \$15,000 per farm, whichever is less.

11 AAC 63.110(7):

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 revocation, unless the lessee shows to the commissioner's satisfaction that the failure is due to circumstances beyond the lessee's reasonable ability to foresee or control.

Questions to Consider for CUR



- Should the provisions of the commercial use requirement be modified from the current requirement stating that a lease must make annual sales equal to \$3,000 per acre or \$15,000 per farm, whichever is less, by the 5th year of the lease term?
- Should the 5-year deadline be changed?
- Should commercial use be defined in monetary terms, based on culture activities, or both?

Thank you



Aquatic Farm Leasing Program Contacts

Submit written comments to dnr.aquaticfarm.regulations@alaska.gov

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