



City and Borough of Sitka

100 Lincoln Street • Sitka, Alaska 99835

Coast Guard City, USA

Karen Cougan, Natural Resource Specialist III
Alaska Department of Natural Resources

Re: ADL 232886 Silver Bay Seafoods, LLC

The application for a proposed 10-year aquatic farmsite lease of a 182 acre portion of state tidelands located in Krestof Sound just south of Olga Point requires careful consideration of matters of local concern pursuant to the portion of the Sitka Coastal Management Plan (SCMP) enforceable policies adopted by ordinance into the Sitka General Code. It is the goal of the SCMP “to support the development of mariculture and aquaculture activities while minimizing adverse impacts to existing fish and seafood resources”. The SCMP’s objective is “to provide for and regulate the orderly development of aquaculture and mariculture activities and industries in order to encourage new economic development while protecting and enhancing the public resource”.

The City and Borough of Sitka is in support of mariculture and aquaculture as long as the specific area is not in conflict with competing uses such as recreation, subsistence and commercial uses.

Below are the applicable policies (in **bold**) that include staff analysis (in *italics*) of those criteria as well as some potential bulleted concerns (also in **bold**). Please consider those applicable policies and concerns in deciding upon the application and any conditions of approval or amendments.

The Sitka Coastal Management Plan prioritizes floating facilities from highest to lowest priority in

Policy 1.1. *Upon review, it appears that this application falls within #1 of Policy 1.1, “the high priority shall be given to uses and activities that are water-dependent or water-related...specifically aquaculture or mariculture facilities.”*

In Policy 1.2, the following important physical and economic criteria shall be considered in determining whether or not to permit a floating facility at a specific site:

- 1. The size and configuration of the site and surrounding area.**
 - a. The proposed size is several times larger than any other existing permitted oyster farm. This size could further impact physical and economic uses in the area. At the same time, it is recognized that the size makes it more economically feasible, which also works towards mitigating impacts as well.*
- 2. The public benefits¹ or adverse impacts the facility will have on the area itself, as well as on other users of the area considering the number of persons impacted physically and**

¹ “For the purposes of this section, a “public benefit” is defined as: The broad-based socioeconomic gains accruing to the public from a use or activity which creates jobs, maintains the Sitka Districts renewable resources, stabilizes or enhances resource development and economic base, or on other ways serves the public good to a greater extent than the use or activity adversely impacts the general public and/or environment.

economically both positively and negatively by the facility (from a few individuals to the entire community) and the degree of those impacts on both upland owners and users.

- a. As defined by the SCMP the public benefit from this private venture will include socioeconomic gains such as new jobs, renewable resources and resource development. However, there could be impact to the public by changes to the aesthetic and physical nature of the area that may block or harm the ability to use it for eco-tourism, recreation, subsistence, commercial fishing, salmon runs, etc.*
- b. Being public lands, there are not direct upland property owners being impacted.*
- 3. The length of time the facility will be in place at the site, with seasonal or short-term uses given higher priority consideration than long-term use.**
 - a. The proposal is for a 10 year lease. This is not a short-term lease. Less priority consideration should be given to the proposed long-term lease.*
- 4. The complexity of the facility, with greater scrutiny being directed toward a facility taking up a large area and/or having broader or more impacts than a small facility would generate.**
 - a. The size is much larger than the average farmsite. The size will create the potential for greater impacts, both positive and negative. Greater scrutiny should be applied to reviewing the proposal and crafting any conditions or amendments to the proposal.*
- 5. The appropriateness of the site to accommodate a floating facility in terms of its physical characteristics, including anchorage, hazards to navigation, proximity to other floating facilities or upland users, site specificity (the need for the facility to be located at a specific site)."**
 - a. The proposed location and the size of the facility could impact navigation around areas used for tourism, recreation, commercial fishing, and subsistence.*

Policy 1.3 (floating facilities shall be prohibited in following areas, unless a significant public benefit results from the proposed use) *Upon review, it appears that this application does not fall within a designated Recreational Use Area, Special Management Area or Wilderness Area.*

Policy 1.4 *Within the Sitka Sound Area, as shown on Figure 3, private floathouses for residential use that are not an integral component of another use category may be permitted on public tidelands only with the following areas. Upon review, it appears that this policy does not apply as the applicant is not proposing a private floathouse for residential use.*

Policy 1.5: "The following requirements shall apply to all floating facilities permitted within the District:

- 1. Grounding:** Floating facilities shall be sited to avoid shallow areas where they could settle on or abrade the substrate during low tides. To the extent practicable, floating facilities shall be moored in a minimum of 12 feet of water present during mean lower low water or 0.0 tide stage.
 - a. Here the proposed location is not in shallow water and well above the requirements.*
- 2. Proper anchoring:** Floating facilities shall use anchoring methods similar to a marine vessel and shall not use shore ties or other means which restrict passage around their location unless specifically approved by the appropriate agency or agencies as meeting regulatory requirements. Anchors shall be of sufficient weight and holding capability to keep the facility in its permitted location without being washed up or damaged on the beach.
 - a. Here the proposed anchoring incorporates multiple concrete anchors at 2,500 pounds each. Plus retrieval buoys. The Mean Lower Low Water will be between 60-190 feet at its lowest point beneath the rafts and at 72-202 feet at the anchors. No shore ties are*

proposed. The length from anchor to anchor will be 1,250 linear feet. Staff request any anchoring be sufficient to anchor the proposed size.

3. Removal: An owner or operator shall be responsible for promptly removing and disposing of floats, docks, rafts, boats, and floathouses or other related materials when the lease or permits fees lapse. Abandonment, casting loose, or disposal on a beach are prohibited as disposal methods.”

- a. Staff would suggest that a performance bond and insurance be included in any lease to guarantee that any infrastructure would be removed after the lease expired or upon any circumstance where removal would be required.*

The SCMP further identified these general concerns regarding mariculture development:

- **Potential for contamination of wild stocks, disease, predator problems, and other biological problems**
- **Water quality issues related to sediments, algae growth, excess food and waste disposal, etc.**
- **Use of toxicants and pharmaceuticals**
- **Elimination of, or impacts on, alternate uses of the site and surrounding areas, including recreation, tourism, commercial uses, and subsistence**
- **Damage caused by inadequate skills and knowledge by the developer to adequately develop a mariculture operation**
- **Difficulties in siting a mariculture facility so that good tidal flushing, sufficient depth to minimize sedimentation, “Floating Facilities” requirements, no blockage of navigation or access, no major adverse impacts on significant wild stocks or anadromous streams, alternative locations, permission of the upland owner, sufficient space to assure no impact from adjacent users, and other factors are all met.**

In summary, the for-profit mariculture industry is growing in Alaska. Potentially, mariculture could prove to be a valuable addition to Sitka’s economy, but care must be exercised to insure that it will not cause major adverse impacts to existing resources, uses, and activities. The City and Borough of Sitka is in support of mariculture and aquaculture as long as the specific area is not in conflict with competing uses such as recreation, subsistence and commercial uses.

CBS recommends addressing trash and oil/gas spill procedures, environmental concerns, and invasive species awareness/control as other areas in Sitka Sound have been plagued with didemnum vexillum and botryllid tunicates.

The City and Borough of Sitka would have no basis for objection to the issuance of this permit as long as all floating facilities policies (as referenced above) are met. CBS has no direct enforcement mechanism to ensure compliance on State tidelands, even though the enforceable policies clearly state the City’s intent.

Please let me know if you need any further information. Thank you for the opportunity to comment.