

The background image shows a vast expanse of water, likely a bay or estuary, filled with rows of oyster farming racks. The racks are made of wooden posts and horizontal beams, extending far into the distance. The sky is filled with large, white, fluffy clouds, and the water reflects the light. The overall scene is a typical view of an oyster farm in a coastal area.

# How to obtain an Off-bottom Oyster Culture Lease

in Florida, Alabama, Mississippi,  
and Louisiana

# Gulf of Mexico: Leasing Process

## Inventory of State Submerged Lands Leasing Programs in Gulf of Mexico (MASGP-14-036-06) - July 2014

For each state, the following information is summarized:

- **Responsible Agency**
- **General SSL Leasing Provisions**
  - Activities in the Near-shore Area
  - Leasing of the Water Column
  - Allowable Leasing Activities
- **Aquaculture Provisions**
  - Definition of Aquaculture
  - Leasing of SSL for Oyster Aquaculture
  - Geographic Restrictions on Activities
- **Lease Fees**
  - Application Fee
  - Annual Rental Payments



*CAUTION: Leasing procedures and permitting are specific to each state and subject to change. State agencies should be contacted about current requirements and guidelines before proceeding.*



# Florida: Leasing Process



Agency: **Florida Department of Agriculture and Consumer Services (FDACS) Division of Aquaculture**

Address: 600 S Calhoun Street, Suite 217, Tallahassee, FL 32399

Phone: (850) 617-7600

Contact: Denise Walsh, [denise.walsh@FDACS.gov](mailto:denise.walsh@FDACS.gov)

Website: [www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Submerged-Land-Leasing](http://www.fdacs.gov/Agriculture-Industry/Aquaculture/Aquaculture-Submerged-Land-Leasing)

## FDACS-P-01758 Technical Bulletin #06 - June 2020

### Overview:

- Statutory Authority
- Federal Permits
- Lease Application Process
- Lease Site Suitability Requirements
- Lease Administration
- Frequently Asked Questions

The image shows the cover of a technical bulletin titled "Shellfish Aquaculture LEASING PROCESS". The cover features a photograph of a large-scale shellfish aquaculture operation with rows of cages in the water. The text on the cover includes the title, the FDACS logo, and a list of contents: Overview, Statutory Authority and Federal Permits, Lease Application Process, Lease Site Suitability Requirements, Lease Administration, and Frequently Asked Questions. A sidebar on the left contains sections for "Safeguarding the public and supporting Florida's agricultural economy", "Important Resources" (listing Aquaculture Certificate of Registration, Aquaculture Best Management Practices Manual, Shellfish Aquaculture Lease Requirements, and Shellfish Harvesting Area and Aquaculture Lease Maps), and "Statutory Authority" (citing Florida Statutes 253.01 and 253.02). A map of Florida is also visible on the cover.

# Florida: Leasing Process



Agency: **Florida Department of Agriculture and Consumer Services (FDACS), Division of Aquaculture**

- **What options are available to obtain a lease?**
  - There are 26 Aquaculture Use Zones (AUZs), or high-density lease areas, in 10 coastal counties
  - Refer to the AUZ parcel availability maps at the FDACS website
  - Determine if unencumbered lease parcels are available
  - Existing leases may be transferred or subleased depending on the terms of the lease agreement
  - New submerged lands can be nominated as potential aquaculture leases
- **Lease application form available at**  
<https://forms.freshfromflorida.com/15102.pdf>



# Florida: Leasing Process



Agency: **Florida Department of Agriculture and Consumer Services (FDACS), Division of Aquaculture**

- **How long does it take to get a lease?**
  - Applications for existing parcels can be processed in a few weeks
  - Applications for new parcels triggering the agenda process can take more than six months to obtain approval
- **What are the fees for a water column lease?**
  - Application fee - \$200
  - Annual lease fees - \$43.46 per acre
- **Other requirements**
  - US Army Corps permit - statewide general programmatic or individual
  - Survey and marking of new leases, comply with US Coast Guard PATON
  - Effective cultivation – plant minimum 70,000 seed per acre per year
  - Annually - certificate of registration (\$100) and audit



# Alabama: Leasing Process

- **Alabama Oyster Aquaculture Guide**
- Website: <https://alacquaculture.com/permit-application-guide/>
- Contact: Rusty Grice, Auburn University Shellfish Lab, [rtg0010@auburn.edu](mailto:rtg0010@auburn.edu)



[Prospective Farmers](#)

[Current Farmers](#)

[State of the Industry](#)

## Permit Application Guide

• [Introduction](#)

1 [ADPH Approval](#)

2 [Interview](#)

3 [Own or Lease](#)

4 [Easement](#)

5 [Joint Permit](#)

6 [Navigation Permit](#)

7 [Operation Plan](#)

8 [Aquaculture License](#)

9 [Waiting Period](#)

10 [Final Approval](#)

Now that you're ready to obtain your permit for farming oysters in Alabama, let's walk through the steps one-by-one.

Because you'll be required to obtain a handful of permits and approvals, we recommend reading through the entire application process before getting started so that you'll know how much time and money you'll be investing in this endeavor. As you read through the steps, make sure your timeline and budget are accounted for in your [Business Plan](#) as well.

If you'd like to familiarize yourself with the steps in advance, take a glance at this printable [checklist](#).



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RUSTY GRICE

- **Permit Application Step-by-Step Guide**

- Provides agency contacts, templates, applications, suppliers list, check list



# Alabama: Leasing Process



- **Alabama Oyster Aquaculture Guide**
- Website: <https://alaquaculture.com/permit-application-guide/>

## TEN STEPS:

- 1) Approval that site is located within conditionally approved shellfish harvesting waters - AL Department of Public Health (ADOH)
- 2) Interview to assess proposed property for suitability - AL Dept Conservation and Natural Resources (ADCNR), Marine Resources Division
- 3) Determine whether property is riparian own/lease or non-riparian lease - ADCNR State Lands Division and Marine Resources Division
- 4) Submit Shellfish Aquaculture Easement application, \$100 fee - ADCNR State Lands Division
- 5) Submit Joint Permit application - US Army Corps of Engineers and AL Dept Environmental Management
- 6) Submit Private Aids to Navigation permit application - US Coast Guard

# Alabama: Leasing Process



- **Alabama Oyster Aquaculture Guide**
- Website: <https://alaquaculture.com/permit-application-guide/>

## TEN STEPS:

- 7) Submit operational plan: seed, gear, biofouling control, etc. - ADOH
- 8) Obtain Oyster Aquaculture License, renew annually, \$250 fee - ADCNR Marine Resources Division
- 9) Waiting Period – 10-12 months
- 10) Provide permit documents to obtain final easement and notice to proceed, annual rental fee of \$250 per acre - ADCNR State Lands Division

### **Aquaculture Siting Tool: GIS Maps**

Provides information on public reefs, water classification, SAV, land parcels, water quality, temperature, salinity, cultural resources, navigation, bottom substrate





# Mississippi: Leasing Process



Agency: **Mississippi Department of Marine Resources (MDMR),  
Shellfish Bureau**

Address: 1141 Bayview Avenue, Biloxi, Mississippi 39530

Phone: (228) 523-4032

Contact: Erik Broussard, Bureau Director, [erik.broussard@dmr.ms.gov](mailto:erik.broussard@dmr.ms.gov)

Jason Rider, Biological Program Coordinator, [jason.rider@dmr.ms.gov](mailto:jason.rider@dmr.ms.gov)

Website: <https://dmr.ms.gov/shellfish/>

- **What options are available to obtain a lease?**
  - Applicant attend and complete MDMR's Off-Bottom Oyster Aquaculture Training Program, <https://dmr.ms.gov/deer-island-commercial-aquaculture-park/>, classroom and field sections
  - Eligible to sublease from MDMR up to 2 acres in Deer Island Commercial Aquaculture Park
- **Lease packet paperwork submitted to DMR Office of Marine Fisheries**
  - Operational, business, and storm management plans
  - Business certificate – obtained from MS Secretary of State office
  - Aquaculture Cultivation Permit - obtained from MS Dept of Agriculture and Commerce
  - Public Trust Tidelines Sub-lease agreement - complete with MDMR

# Mississippi: Leasing Process



Agency: **Mississippi Department of Marine Resources (MDMR)  
Shellfish Bureau**

- **Other Requirements**
  - Proof of insurance – general liability for total acreage
  - Annual rental fee - \$82 per acre
  - Oyster Aquaculture License – annual fee of \$60
  - Harvester Permit and oyster harvest tags
  - Regular monthly reporting of harvested oysters to MDMR
- **Checklist on permitting and leasing procedures available in resource materials**



# Louisiana: Leasing Process



Agency: **Louisiana Department of Wildlife and Fisheries (LDWF)**

Address: Oyster Lease Section, 2045 Lakeshore Drive, 4th Floor  
New Orleans, LA 70122

Contact: Marc Maniscalco, LDWF leasing program manager

Phone: (504) 284-5277

Email: [mmaniscalco@wlf.la.gov](mailto:mmaniscalco@wlf.la.gov)

Website: [www.wlf.louisiana.gov/fishing/alternative-oyster-culture-permits](http://www.wlf.louisiana.gov/fishing/alternative-oyster-culture-permits)

## Alternate Oyster Culture (AOC): First Steps, LDWF and LSG publication, February 2019

### Overview:

- Site Selection
- Permitting
- Licenses
- Fees

**LOUISIANA Fisheries Forward fast facts**  
www.louisianafisheries.gov

### Alternative Oyster Culture: First Steps

**ALTERNATE OYSTER CULTURE (AOC) REFERS TO GROWING OYSTERS USING ANY ON-BOTTOM OR OFF-BOTTOM SYSTEM—REGARDLESS OF THE TYPE OF CULTIVATOR—ON EITHER SHORE, BARELY OR IN OTHER WATERS BODIES. (THOUGH OFTEN CALLED OYSTER FARMING) LOUISIANA DOES NOT DENY AOC UNDER FEDERAL REGULATIONS.**

To begin the permitting process, you must have a traditional State of Louisiana oyster lease on a public water bottom or an agreement with a private coastal landowner for a "lease water bottom," a Louisiana commercial fisherman license, and a current Louisiana oyster harvest license.

#### PERMITTING

From the LDWF Oyster Lease Section, you must apply for approval for an Alternate Oyster Culture Permit. Along with the permit application, you must provide:

1. A **valid hard copy and digital file** from the **oyster lease, proposed AOC permit area, and proposed AOC activities, location, and equipment.**
2. **Any other required state, state and federal permits, including:**
  - State coastal use permit (or modified as per)
  - Federal obstruction to navigation section 10 and/or section 404 permit from the U.S. Army Corps of Engineers.
  - Clean Water Act section 401 permit, also from the Corps.
  - State water quality certification from Louisiana Department of Environmental and Wildlife Management.
  - Any other permit or authorization that may be required by state or federal agency.
3. **A cost no less than a licensed contractor to ensure and proper disposal of equipment, facilities, and other items brought to the permit.**

**Application fee of \$100.**

Once an AOC Permit is issued, you must pay the first annual permit fee, which is \$2 per acre or fraction of an acre per year, as well as a money bond if you are located on a state lease, within 15 days of receiving the permit. If you are located on private property, a surety bond is not required.

#### SITE SELECTION

Before applying for an Alternate Oyster Culture Permit, you must first obtain a Coastal Use Permit from the Louisiana Department of Natural Resources. For more information, call (504) 382-4078 or visit LDNR's website at <http://www.dnr.louisiana.gov>.

Due to significant restrictions on new AOC permits, Louisiana Department of Wildlife and Fisheries (DWLF) highly recommends their interested persons go through the pre-application process to confirm whether the lease area is available and meets AOC regulations. Contact the LDWF's Oyster Lease Section with your permit and lease number.

In person at:  
Oyster Lease Section, Suite 412,  
2045 Lakeshore Drive, New Orleans, 70122.

By telephone at (504) 284-5277, or  
By email at [MManiscalco@wlf.la.gov](mailto:MManiscalco@wlf.la.gov).

**For more information regarding the Alternative Oyster Culture Permit, visit [www.louisianafisheries.gov](http://www.louisianafisheries.gov) or call the Oyster Lease Section.**

**Available primarily oyster lease in defined in Louisiana Revised Statutes 56:426.102 as in effect and properly recorded as of February 1, 2016.**

The publication is a cooperative effort of the Louisiana Department of Wildlife and Fisheries and Louisiana Sea Grant. Funding for LDWF by the Louisiana Fisheries Research Program, which grants oyster leases, is gratefully acknowledged. This cover story for beach, better, best of days. In our website [www.louisianafisheries.gov](http://www.louisianafisheries.gov).



# Louisiana: Leasing Process



Agency: **Louisiana Department of Wildlife and Fisheries (LDWF)**

- **What options are available for AOC lease?**
  - Traditional oyster lease on public water bottom
  - Private water bottom
  - Parcel within a designated AOC park, such as the Grand Isle park
- **AOC permit application available at**  
<https://www.wlf.louisiana.gov/page/alternative-oyster-culture>
  - Provide plat of oyster lease, proposed AOC permit area, activities, facilities and equipment
- **Other required state and federal permits**
  - Coastal Use Permit- LA Dept Natural Resources
  - State water quality certification - LA Dept Environmental Quality
  - Obstruction to navigation, section 9/10 permit – US Army Corps of Engineers
  - Clean Water Act section 404 fill permit – US Army Corps of Engineers



# Louisiana: Leasing Process



Agency: **Louisiana Department of Wildlife and Fisheries (LDWF)**

- **What are fees for AOC permit?**
  - Application fee - \$100
  - Surety bond (if located on state lease)
    - cost estimate from licensed contractor to remove and dispose of all equipment, facilities, and items
  - Annual permit fees - \$2 per acre
- **Other requirements**
  - Commercial fishing license and/or oyster harvester license from LDWF

