

in Florida, Alabama, Mississippi, and Louisiana

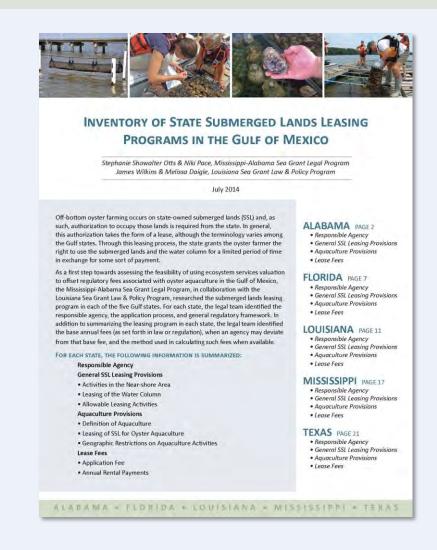


Gulf of Mexico: Leasing Process

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
 - o Activities in the Near-shore Area
 - o Leasing of the Water Column
 - Allowable Leasing Activities
- Aquaculture Provisions
 - o 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, <u>denise.walsh@FDACS.gov</u>

Website: 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





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?

- o 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?

- o 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
- o 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://alaquaculture.com/permit-application-guide/
- Contact: Rusty Grice, Auburn University Shellfish Lab, rtg0010@auburn.edu



Introduction

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Prospective Farmers

Current Farmers

State of the Industry

Permit Application Guide

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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- Permit Application Step-by-Step Guide
 - O 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 Heath (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/

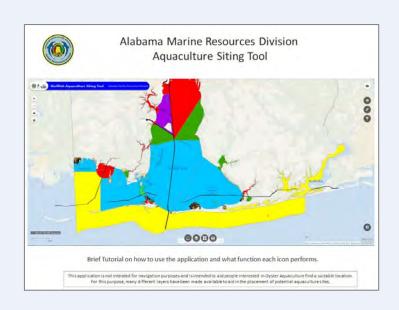


TEN STEPS:

- 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

Jason Rider, Biological Program Coordinator, 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
- o 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
- o 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
- o 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

Website: 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: 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
 - o 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?

- o 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
- o Annual permit fees \$2 per acre

Other requirements

 Commercial fishing license and/or oyster harvester license from LDWF

