

## Commercial Shellfish Aquaculture Lease Application Process

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MD Aquaculture Conference

November 15, 2011

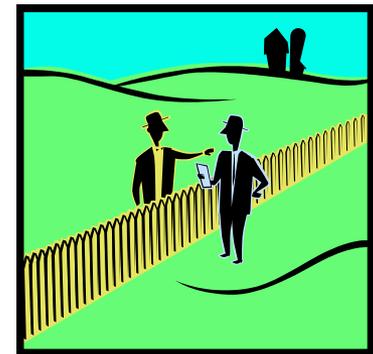
- New steps for leasing in MD
- Joint State/Federal Lease Application Process
  - Consultation/ Pre-planning
  - Aquaculture Review Board
  - Application materials
- Lease Application Review Process
  - DNR Review and ACOE Review
- Public Notice Process
- Lease Agreement / Permit Issuance



- Consolidation and reorganization of leasing process effective July 1, 2011
  - DNR now responsible for issuing shell-on-bottom and water column (cages, floats) leases in Chesapeake and MD Coastal Bays
- Creation of Aquaculture Division at DNR
  - Leasing & Permitting Program
  - Field Operations Program
  - 5 total staff

## Application Pre-Planning & Consultation

- Review the application materials and instructions
  - [www.dnr.state.md.us/fisheries/oysters/industry/aquaculture](http://www.dnr.state.md.us/fisheries/oysters/industry/aquaculture)
- Review all applicable statutes and regulations
  - For laws, see: [www.lexisnexis.com/hottopics/mdcode/](http://www.lexisnexis.com/hottopics/mdcode/)
  - For regs, see: [www.dsd.state.md.us/comar/](http://www.dsd.state.md.us/comar/)
- Inform yourself about potential lease sites
- Contact us to discuss potential conflicts
  - Get a map to fine tune your area of interest
- Mark the center of the area with a stake
- Educate neighbors



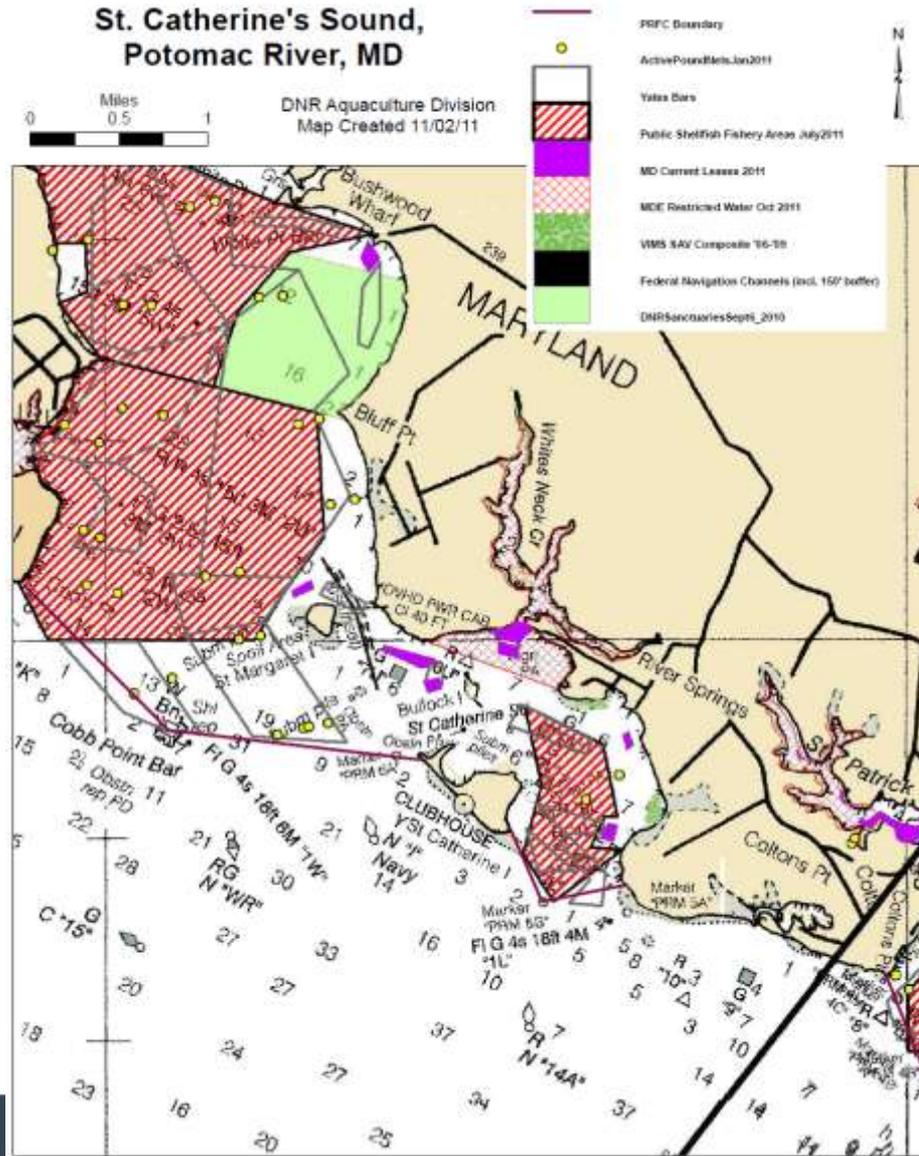
## Application Pre-Planning & Consultation

Things to avoid when choosing your site:

- Public Shellfish Fishery Areas (PSFAs)
- Yates Bars within Sanctuaries
- Harvest Reserve Areas
- Submerged aquatic vegetation (SAV)
- Registered pound net sites
- Restricted/prohibited water classification
- Other existing leases
- Federal navigation channels and buoys
- Commercial fishing conflicts
- AND other resource conflicts not shown here



# Application Pre-Planning & Consultation



One-on-one meetings are available to review proposed lease locations in advance of submitting an application.

## Application Pre-Planning & Consultation

### Aquaculture Review Board:

- Panel of reviewers from multiple State and Federal agencies
  - MD DNR (Chair, K. Roscher)
  - MD DHMH
  - MDE
  - MHT
  - NOAA NMFS
  - ACOE Baltimore District
  - USCG Hampton Roads





Martin O'Malley, Governor  
Anthony G. Brown, Lt. Governor  
John R. Griffin, Secretary  
Joseph R. Gail, Deputy Secretary

### JOINT APPLICATION FOR STATE COMMERCIAL SHELLFISH AQUACULTURE LEASE AND CORPS OF ENGINEERS FEDERAL PERMIT

APPLICATION MUST BE ACCOMPANIED BY A NON-REFUNDABLE APPLICATION FEE.

Checks should be made payable to State of Maryland  
Department of Natural Resources according to the following  
fee structure\*:

\$300 Submerged Land Lease  
\$150 Aquaculture Enterprise Zone (AEZ) Lease  
\$0 Water Column Lease (not within AEZ)

Received Date (stamp below)

Paid Date: \_\_\_\_\_

For office use only

#### PART I - All Applicants

##### Primary Applicant Information (name as it should appear on lease documents)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Telephone (h): \_\_\_\_\_ (c): \_\_\_\_\_

Email: \_\_\_\_\_

Is applicant over the age of 18? Yes  No

Tidal Fishing License holder? Yes  No  # \_\_\_\_\_

Other aquaculture leases or tidal wetlands licenses held or pending:  
\_\_\_\_\_  
\_\_\_\_\_

Is Primary Applicant a Corporation?

Yes  No

State of Incorporation: \_\_\_\_\_

Is the corporation organized under  
the laws of the state?

Yes  No

Is more than 50% of the stock in the  
corporation owned by residents of  
the State of Maryland?

Yes  No

SDAT ID#: \_\_\_\_\_  
(If you do not know what this is, see  
<http://www.dat.state.md.us/>.)

You are eligible for a lease in the  
State of Maryland only if you  
answered yes to all of the above.  
Please provide the corporation name  
AND resident agent's name, address,  
telephone number(s), and  
email on an additional page.

## Joint Application Form

- Revised to reflect the July 1<sup>st</sup> changes to the leasing process and in-sanctuary leasing allowance
- Fee structure
  - \$300 on-bottom
  - \$150 AEZ
  - **\$0 water column**
- Individual or Corp. may apply, if eligible

## Application Materials

Major components of the application:

- Applicant / Corporation information
- Description of lease location and site
  - waterway, min. & max depth, tide, bottom type, distance from shore, other uses
- Maps: lease location, offloading site, staging/equipment storage site and nursery facility (upweller, remote setting tank, etc.)
- Diagrams: Cross-section, in-water equipment
- Production Information
- Signatures

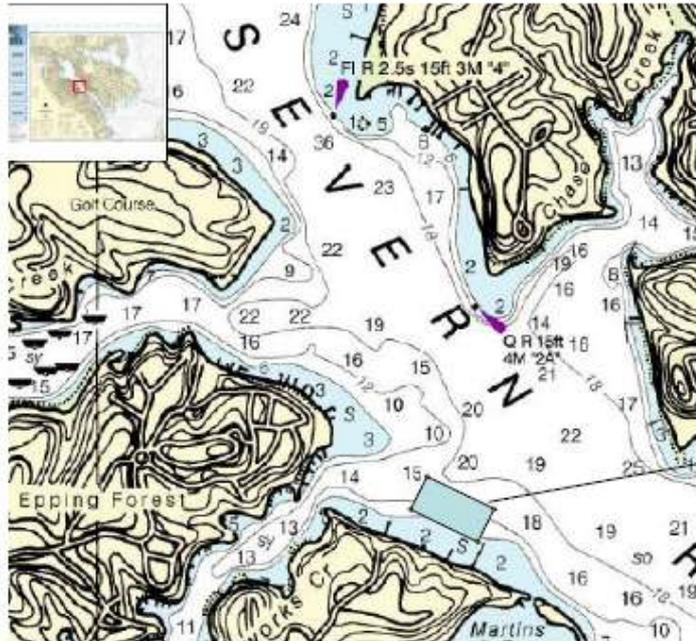


# Application Materials – Vicinity Map

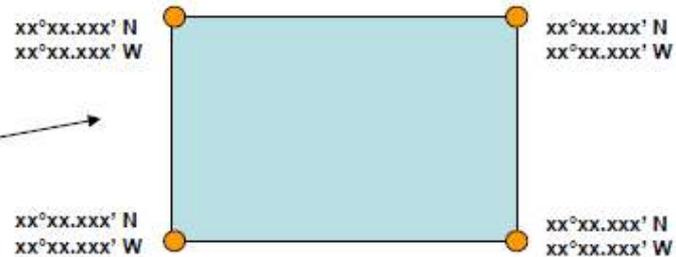
*Example of how to show the location of your proposed site using a map and aerial diagram:*

*\*Please include this info on all diagrams submitted with your lease application*

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: Your River  
Date: October 1, 2010



*\*At least two of these corner coordinates should match those given on your cross-section diagram.*



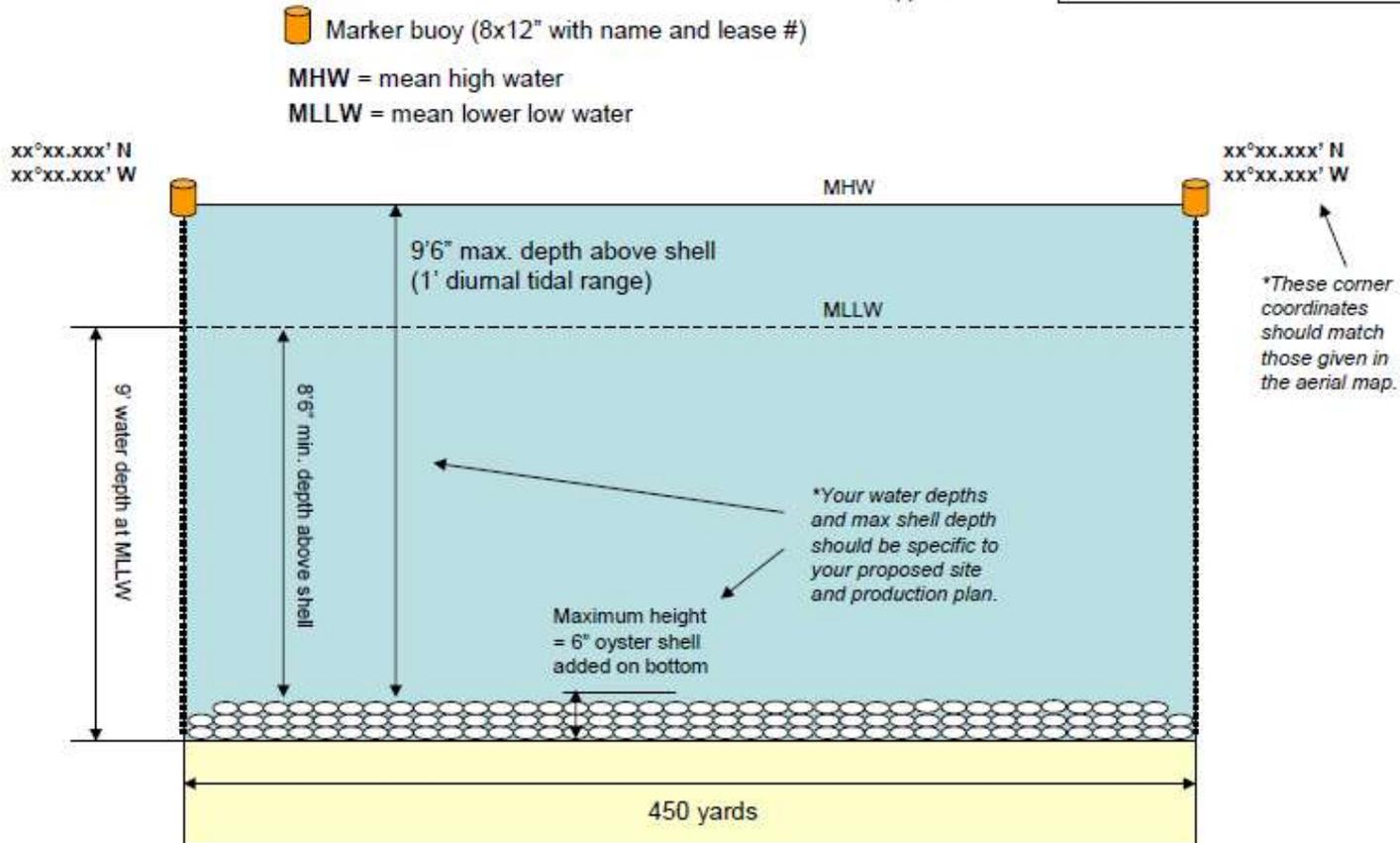
 Marker buoy (8x12" with name and lease #)

# Application Materials – Cross Section

## Cross-Section Example 1: Constant bottom depth

*\*Please include this info on all diagrams submitted with your lease application*

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: Your River  
Date: October 1, 2010

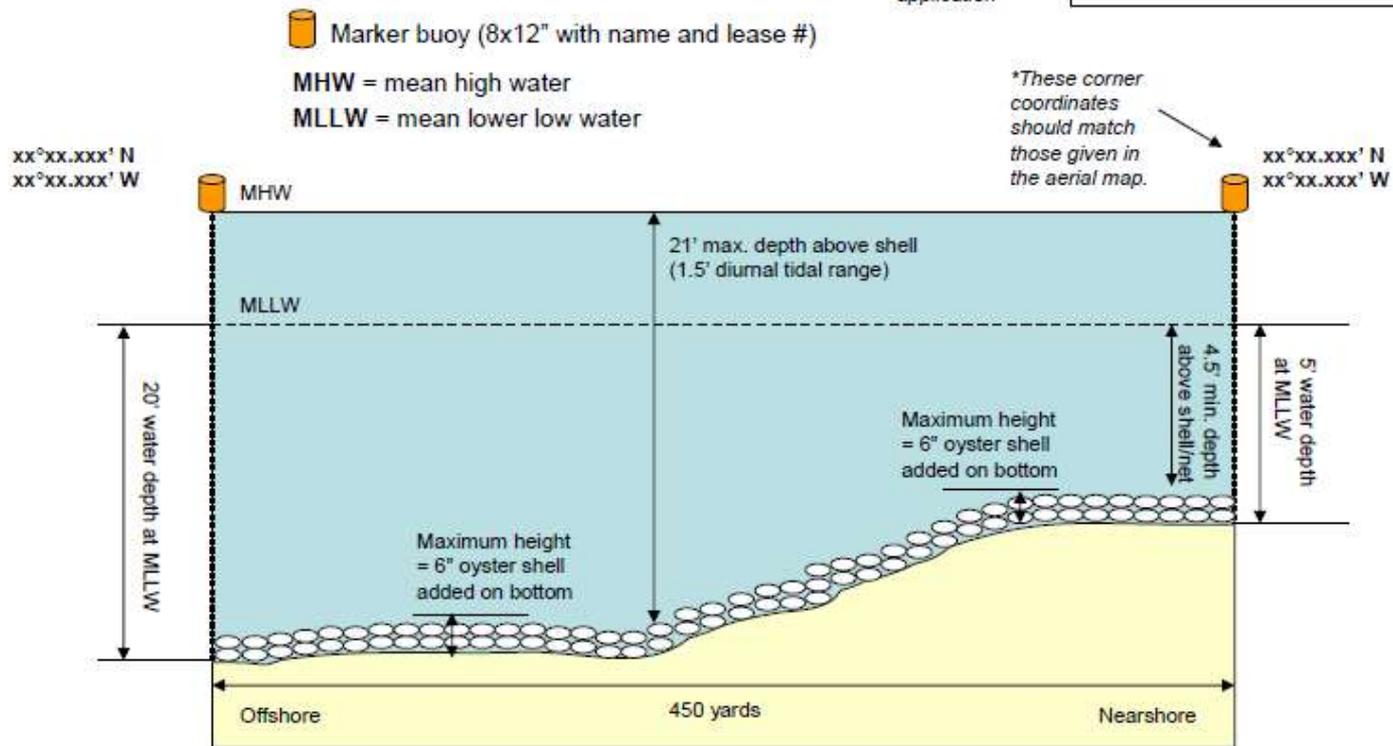


# Application Materials – Cross Section

## Cross-Section Example 2: Variable bottom depth

\*Please include this info on all diagrams submitted with your lease application

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: Your River  
Date: October 1, 2010

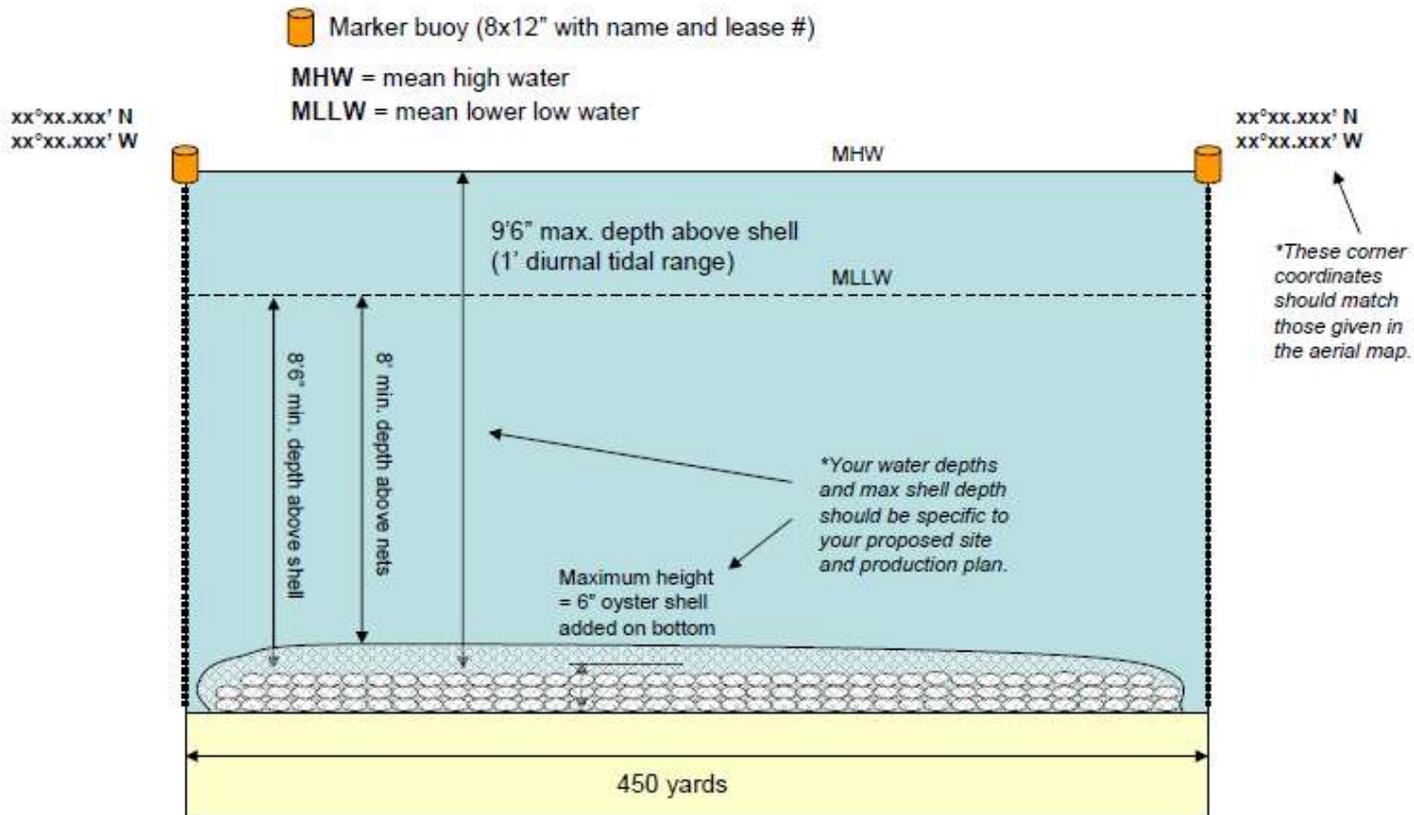


# Application Materials – Cross Section

## Cross-Section Example 3: Constant bottom depth with predator exclusion net

*\*Please include  
this info on all  
diagrams  
submitted with  
your lease  
application*

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: West River  
Date: October 1, 2010

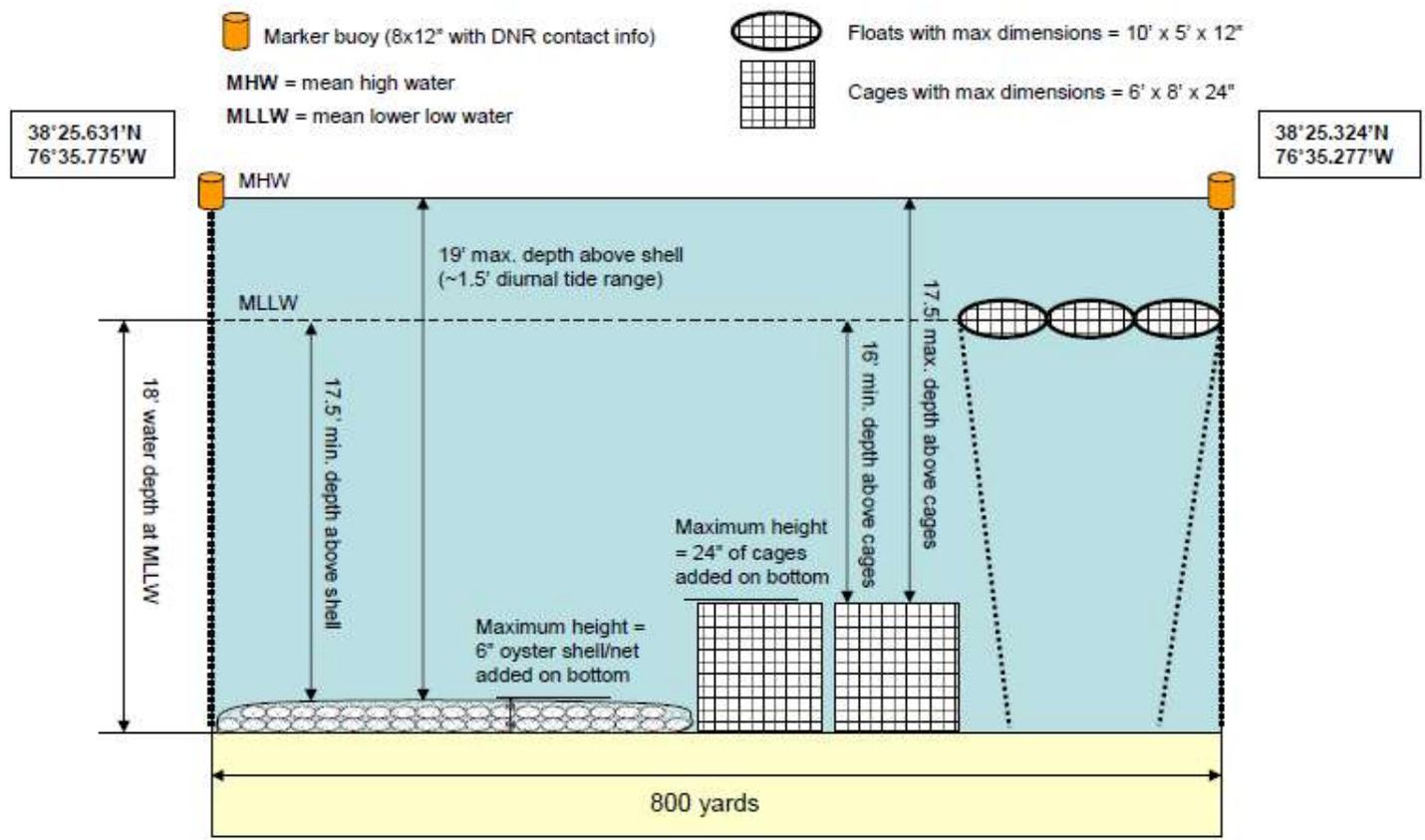


# Application Materials – Cross Section

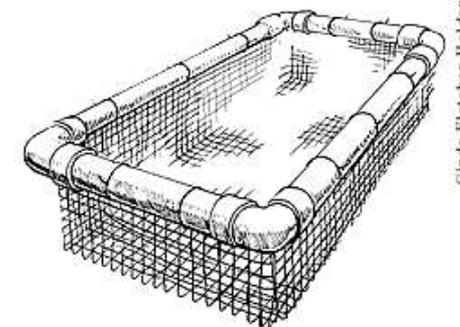
## Cross-Section Example 4: Constant bottom depth with cages, floats, and/or predator exclusion net

\*Please include this info on all diagrams submitted with your lease application

Name/Business: John I. Doe  
Town, State: Your Town, MD  
Waterbody: West River  
Date: October 1, 2010



- 3-D sketches and/or photos of all in-water equipment
- Dimensions (l x w x h)
- Quantity
- Configuration within lease area



Cindy Fletcher-Holden

Taylor Float

## DNR Application Review Process

- Submission of application to DNR
- State review of application for completeness
- State legal and resource review
- Hydrographic survey of proposed lease location
  - Determination and marking of legal corner coordinates
- Additional materials created by DNR to accompany the application to Corps
- Application forwarded to Corps



## Public Notice Process - DNR

### DNR Public Notice Process

- Four consecutive weeks notification in county newspaper followed by a 30 day comment period
- Other Notifications: Adjacent landowners, Chair of County Oyster Committee, DNR website
- Public Information Session and/or Legal Mediation and/or Administrative Law Hearing
- Content: Applicant(s) names, lease county and general location description, lease Type, survey coordinates, expected harvest method(s) and shell planting depth, instructions and deadline for requesting further action, map of lease and vicinity

## ACOE Application Review Process (Baltimore Dist.)

<http://www.nab.usace.army.mil/Wetlands Permits/aquaculture.htm>

- Application materials received from DNR
- Determination of permit review process
  - Individual Permit (IP)
  - Regional General Permit-1 (RGP-1)
- Corps review of application for completeness
- Partner agency consultations
- 30-day public notice (IP only)
- Permit issuance within ~120 days



U.S. Army Corps  
Of Engineers  
Baltimore District

## Regional General Permit-1 Eligibility and Process

[www.nab.usace.army.mil/Wetlands Permits/PublicNotice/SPN/spn11-66.pdf](http://www.nab.usace.army.mil/Wetlands%20Permits/PublicNotice/SPN/spn11-66.pdf)

- Single project lease acreage thresholds:
  - 50 acre bottom lease
  - 5 acre water column lease w/cages
  - 3 acre water column lease w/floats
- Partner agency consultations streamlined
- No Federal public notice required
- DNR to assist with Federal Agency notifications:
  - Notice to Mariners, PATON Application, Nav Charts, SAHP
- RGP-1 Verification Letter issued within 60 days of receiving complete application



U.S. Army Corps  
Of Engineers  
Baltimore District

## Lease Agreement - DNR

### DNR Lease Agreement

- Mailed to primary applicant once notice process has concluded and any significant public concerns are resolved
- Work in coordination with the Corps to ensure that both agencies plan to issue at approximately the same time
- Once signed agreement is received back, State executes and records lease
- Executed copy mailed back to primary applicant with other enclosures
- Valid for 20 years with one renewal





## Contact Information

**Aquaculture Division Director**

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