

## **Instructions--Applying for an Inland Bays' shellfish aquaculture lease (first-come, first-serve)**

- Beginning December 5, 2017 prospective applicants can submit an application and \$300 application fee (non-refundable) to the Division of Fish & Wildlife.
  - Applications must be submitted via Certified Mail, with the postmarked date and time used to determine the order of applications
  - Applications should be addressed to:
    - John Clark
    - DNREC, Delaware Division of Fish & Wildlife
    - Fisheries Section
    - 89 Kings Highway
    - Dover, DE 19901
  - Check for the application fee should be made out to: Delaware Division of Fish & Wildlife
    - Should an application be submitted and subsequently it is found that part or all of the acres requested have already been applied for by an earlier postmarked application, the later applicant will have the option of amending their application to fit either a different selection of available acres, or an acreage selection abbreviated to fit the available acres, or to withdraw their application completely. If this occurs, the applicant amending their application will not have to pay another application fee. If an applicant is contacted and informed that part or all of their selected acreage has been applied for by a prior applicant, they may choose at that time to completely withdraw their application instead of reselect. In this instance, their application fee will be returned, as their application will not be valid.
    - Applicants who choose to completely withdraw their application, either because there was no suitable available acreage left at the time of application, or because they elect not to amend their application to any of the available acreage remaining should be aware that there will be no “waiting list” maintained by the Department. They may choose at a later time to submit another application, but the Department will not automatically hold a place or alter an application for a lease applicant.
- Shellfish aquaculture in Little Assawoman Bay is restricted by law to the acres in the state approved Shellfish Aquaculture Development Areas (SADA), with all approved SADA already selected for lease and therefore currently unavailable to new lessees.

- Available acres within the state approved SADA are indicated on the [interactive shellfish aquaculture map](#).
  - Applicants for these acres should use the [SADA application](#).
  - see information related to IR-A on next page
- Applicants may apply for acreage **outside** of the state approved SADA in Rehoboth and Indian River Bays, provided those waters are not classified as either seasonally approved or prohibited and meet certain requirements as indicated on the [Non-SADA application](#).
  - Applicants for leases outside of the state approved SADA must independently obtain permits for the lease from the U.S. Army Corps of Engineers, Philadelphia Branch, and from DNREC Watershed Assessment Section.
- If interested, an applicant may choose one of the acres not yet sampled for hard clam density, but please be aware that when the acre is sampled, if it is subsequently found to have too high a clam density for leasing, the applicant will need to reselect from the acreage that may be left available at that time.
- Applicants should be aware that insurance and performance bond are required before a lease can be issued but do not need to be submitted until requested by the DFW, prior to the lease execution.

### **Prospective lessees should be aware:**

- Each applicant (including corporations, partnerships, etc.) may select up to five acres in the Indian River and Rehoboth Bays (combined) and *up to five acres in the Little Assawoman Bay*.
- If a partnership or corporation is leasing acreage, each individual involved in the partnership or corporation will be individually credited with the acreage leased by the corporation; this will count toward each individual's maximum acreage leased. If you have questions about how lease acreage assigned to entities is apportioned, please contact the Fisheries Section.
- The acres applied for by any applicant may not be transferred to another eligible applicant or entity prior to the issuance of a fully executed lease.
- If the applicant fails to submit the necessary information to the Department to execute a lease within one year from the receipt of the initial application by the Department, then those acres will be made available for leasing on a first come, first serve basis.
- Lease applicants should be aware that waters in and around Shellfish Aquaculture Development Area IR-A are likely to be designated as a "Prohibited Shellfish Growing Area" within the next year based on recent bacterial contamination trends. The result of

such a designation is that shellfish aquaculture will be PROHIBITED IN ALL IR-A acres at that time as described in 7 DE Admin Code 3801(21).

If you have any questions related to shellfish aquaculture in the Inland Bays, or the application process, please contact Zina Hense via the Fisheries Section at (302)735-2960.