

FAQs (Click on the number beside the question for the page to automatically move to the answer.)

1. How do I apply for a shellfish lease in the Inland Bays?
2. How much subaqueous land can I lease?
3. How much will a shellfish aquaculture lease cost?
4. How do I know what areas are available for leasing?
5. What if I only want to raise enough oysters for me, my family, and a few friends?
6. What do the red or yellow areas on shellfish maps of the Inland Bays mean?
7. What is the process for applying for a lease?
8. How long will a lease application take?
9. What is the process for importing seed?
10. Is it okay to have floating gear?

Answers to FAQs

1. In order to apply for a shellfish aquaculture lease in Delaware's Inland Bays, you will need to submit a full application and application fee. On the DNREC Shellfish Aquaculture webpage, there are 2 versions of the application.
 - a. The SADA application is for applicants proposing a lease within the Shellfish Aquaculture Development Areas (SADA). The SADA acres are shown on the Interactive Shellfish Aquaculture Development Area Map. These SADA areas are whole acres that have already undergone public notice processes through DNREC, Wetlands and Subaqueous Lands Section, and the Philadelphia Branch of the U.S. Army Corps of Engineers. Because the public notice process is complete, the permitting of the lease through these agencies is expedited, and DNREC, Division of Fish & Wildlife will act as the applicant's agent and submit necessary paperwork on their behalf.
 - b. The non-SADA application is similar; however, it is for applicants proposing a lease outside of the Shellfish Aquaculture Development Areas. Applicants for non-SADA acreage will also need to submit applications (on their own) to DNREC, Wetlands and Subaqueous Lands Section, and to the Philadelphia branch of the U.S. Army Corps of Engineers.
 - c. In addition to the application form, applicant will need to submit a Business Plan and Operations Plan (requirements for such are listed within the application forms).
 - d. Insurance and Performance Bond are required before a lease is issued.
 - e. The application fee is \$300, and can be submitted in check or money order made out to the Delaware Division of Fish & Wildlife. Credit card payments may also be accepted if prior arrangements are made with the Division of

Fish & Wildlife.

- f. Inland Bays Shellfish Aquaculture leases must be submitted to the Department via certified mail.

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2. Each person, partnership, or corporation is limited to a combination of up to 5 acres in Rehoboth and Indian River Bays combined, and/or up to 5 acres in the Little Assawoman Bay. Each person that is an owner or partner in a company, on the board, or has a legal controlling interest in a partnership, corporation or company, will be credited with all of the acres that the partnership, corporation or company leases.

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3. There are costs associated with applying for/setting up the lease, and then there are ongoing costs of maintaining and working the lease to consider.
 - a. The fees associated with leasing include:
 - i. \$300 application fee
 - ii. Annual lease fee of \$100/acre/year (resident) or \$1,000/acre/year (non-resident).
 - iii. Other required costs include the insurance and performance bond on the lease (these are not paid to the State). These costs vary, depending on market rates, gear used, size of lease, personal credit, etc.
 - b. There are many additional ongoing costs associated with shellfish aquaculture:
 - i. Procuring seed and testing seed for import (if purchased outside of Delaware)
 - ii. Cost of gear, equipment, and maintenance
 - iii. Cost of labor
 - iv. Cost of marketing/transportation to market, etc.

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4. In the Inland Bays, only areas that are not classified as “Prohibited” or “Seasonally Approved” are available for shellfish aquaculture leases. On the Interactive Shellfish Aquaculture Development Area [Map](#), these categories have been combined and colored red, as they are not suitable for shellfish leasing. If looking for a Shellfish Aquaculture Development Area (SADA) lease, the map shows currently available, pending, and leased acreage. Acreage proposed outside of the SADA should avoid marked channels, and areas of high recreational or commercial clamming/fishing.

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5. There is no recreational shellfish aquaculture in Delaware's Inland Bays. The Shellfish Aquaculture Program has minimum planting and harvest thresholds intended for commercial purposes.

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6. If you have seen [maps](#) of the Inland Bays with red corresponding to "Prohibited" or yellow indicating "Seasonally Approved," these indicate classifications determined by DNREC's Shellfish Sanitation Program from the Division of Watershed Stewardship. The Shellfish Sanitation Program relies on water testing and guidelines from the Interstate Shellfish Sanitation Conference and cooperation with the US Food and Drug Administration to make these determinations. Shellfish aquaculture leases in Delaware are only allowed in water not classified under a Shellfish Advisory of Prohibited or Seasonally Approved. If you have questions concerning the classification of water, or about shellfish safety recommendations, please contact the Shellfish Sanitation Program at 302-739-9921.

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7. When an application is received by the Division of Fish & Wildlife, it will be reviewed to determine if it is accepted or not.
 - a. The applicant will be notified soon after receipt if their application is accepted (application form completed, attached Business Plan, Operations Plan, and schematics, application fee). Acres requested in the application will be available for other applicants to select and apply for until an application is accepted.
 - b. After the application is accepted, the Division of Fish & Wildlife will review the application, and may correspond with the applicant to gather more information or request clarification or alteration of the application.
 - c. The Division of Fish & Wildlife will forward the Operations Plan to DNREC's Shellfish Sanitation for their review. Shellfish Sanitation will contact the applicant.
 - d. After verification that the application is complete and conforms to the Program's regulations and standards, a lease agreement will be drafted and sent to the applicant. The applicant must then secure insurance and performance bonding. The applicant then returns two signed and notarized copies of the lease agreement, evidence that insurance and performance bonding was secured, and

the lease and associated documents are sent to the Secretary of DNREC for his review and signature.

- e. After the Secretary approves and signs the lease:
 - i. On Shellfish Aquaculture Development Area (SADA) leases, the Division of Fish & Wildlife submits paperwork for permitting to DNREC, Wetlands & Subaqueous Lands Section and to the Philadelphia branch of the U.S. Army Corps of Engineers on behalf of the lessee.
 - ii. On non-SADA leases, the lessee will have to independently apply and secure permits through DNREC, Wetlands and Subaqueous Lands Section, and the Philadelphia branch of the U.S. Army Corps of Engineers.

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- 8. The length of time for the application process depends on how many applications were submitted within the same time frame, the time it takes for an applicant to respond to the Division of Fish & Wildlife, etc. The applicant has 1 year from the date of submitting an accepted application to have the lease executed; after that time, the application fee is forfeited, and the acres held as “pending” are made available for other applicant.

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- 9. The importation of seed is a time-sensitive process. Delaware’s Seed Import Policy has been established to protect aquaculturists and the State’s native shellfish resources. If seed is imported (brought in from another state or jurisdiction) for a shellfish lease or nursery, the importer must submit an [application](#) to import seed at least 30 days in advance of their intended importation date. Seed brought in state from outside of Delaware must be tested in advance of import in accordance with the [Import Policy](#).

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- 10. Floating gear is allowed on Delaware Inland Bays shellfish aquaculture leases; however, if the shellfish in the gear are exposed to the air periodically, then the oysters must be fully submerged for a minimum of 3 weeks prior to harvest to mitigate for Vibrio risk. The resubmergence should be noted in the Operations Plan.

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