



## Before Applying for a Shellfish Lease: Frequently Asked Questions and Application Tips

Please note, this information is pertinent to leases in Delaware's Inland Bays. If you have interest or questions about leasing oyster ground in Delaware Bay, please contact Devon Scott with DNREC Fisheries at [devon.scott@delaware.gov](mailto:devon.scott@delaware.gov) or at (302)735-2960.

### Before Applying

1. Visit potential sites.
  - a. In planning a shellfish aquaculture lease, you likely have a good idea about the kind of gear that you want to use and how you plan to work it. DNREC has made available a map with available Shellfish Aquaculture Development Area (SADA) acres, including their corner coordinates, so that potential lessees can coordinate site visits. If you visit the map [at this link](#) and zoom in on a subset of available acres, pink dots will appear in each acre's corner. Clicking on a pink dot will show that corner's coordinates in degrees minutes seconds (DMS). Fisheries recommends visits to potential sites at both high and low tides to check that the depth, sediment, current, distance to launch, and other factors will work with the aquaculture plan you are formulating. For example, some lessees choose to work almost entirely from a boat—deeper water sites work for those lessees. Some lessees choose to work in waders or wetsuit on foot; they require more shallow leases. Applicants should note the alpha-numeric code from the map for acres they're interested in leasing.
2. SADA or non-SADA?
  - a. All leases to date have been within the Shellfish Aquaculture Development Areas, or SADA. Applications for acres within the SADA have an expedited permitting process. 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.



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3. If you have any questions about the lease process or requirements, please contact Zina Hense in the DNREC Fisheries Office at (302)735-2960 or [zina.hense@delaware.gov](mailto:zina.hense@delaware.gov) If you have questions about lease bird deterrence, safe harvesting of shellfish, or shellfish dealer permitting, please contact Andrew Bell in the DNREC Shellfish and Recreational Water Programs Office at [Andrew.bell@delaware.gov](mailto:Andrew.bell@delaware.gov) or (302) 608-5511.

### How do I apply for a shellfish lease in the Inland Bays?/Application Tips

DNREC Division of Fish and Wildlife has been leasing Inland Bays subaqueous land for multiple years. There are some questions that are common among potential applicants that we've tried to answer in this space. The application, because it functions as a joint application fulfilling requirements for submitting information to DNREC, as well as to the Army Corps of Engineers, the NOAA National Ocean Service Office, and the National Shellfish Sanitation Program, does require specific information about the plan for the lease. This document is intended to be used as a guideline to help potential applicants pull together information required by the application so that when the applicant is ready to apply, they are prepared with the information that they'll need to enter.

1. Who will be the lessee(s) listed on the lease contract?
  - a. Decide who is leasing. Will the lease be issued in your personal name? Do you have or will you form a company? The name(s) entered on the lease application form, the Business Plan, the Operations Plan, and any submitted documents should all match each other. If you are planning to start a company or corporation to be the lessee, this should be done prior to submitting the application. Under primary and co-applicant on the lease application form, list only the name(s) that should appear on the lease contract. If you are applying in the name of a company or corporation and do not intend for your personal name to be on the lease contract, then do not list your personal name under primary or co-applicant. If applying under the name of a company or corporation, that company should already be in existence at the time of application.
2. The application requires a Business Plan and an Operations Plan. A potential applicant should have the information for both of these ready prior to filling out the



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application. Please examine these requirements and take some time to organize your information so that you have it when filling out the application form itself.

There will be space for each requirement of the Business Plan and Operations Plan on the application as well as prompts to upload files or attach documents (for demonstration of financial resources and for schematics).

- a. The Business Plan includes:
  - i. list all names of owners, partners, members, board
  - ii. include a timeline with the first few years' projection for the business. Include plans for planting (approximately when?) and harvest (approximately when?). Include estimates of labor (weekly? monthly?) and harvesting methods.
  - iii. Describe the projected yield of harvestable product/plans to meet the minimum planting and harvest requirements for the lease. Commercial-level cultivation is required on all commercial leases. Minimum planting required is 50,000 shellfish per acre per year beginning the calendar year that the lease reaches 36 months and minimum harvest requirements begins the next year. Provide a development plan with amount of shellfish you plan to plant and harvest throughout the first three years of the lease.
  - iv. Include the anticipated cost of shellfish stock, by species.
  - v. Provide a full description of equipment and off-lease facilities to be used. Do you have a boat? Tumbler? Refrigeration? Storage or sorting/cleaning location?
  - vi. Include a resume or other documentation detailing technical expertise and capability to accomplish the proposed aquaculture lease. Include relevant training, experience and education that you have obtained or are scheduled to obtain.
  - vii. Attach a demonstration of sufficient financial resources in the name of the applicant. The demonstration of financial resources may include: a letter from a financial institution or funding agency showing intent or willingness to commit funds to support aquaculture activities; or most recent financial report and supporting documents



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indicating sufficient funds for proposed aquaculture activities; or copies of bank statements or other evidence of available unencumbered funds for aquaculture activities; or proof the equipment or shellfish stock are available to the applicant to support the proposed aquaculture activities.

- b. The Operations Plan includes:
  - i. The species of shellfish to be cultivated.
  - ii. An address or description for locations of the site(s) where you plan to land or offload harvest.
  - iii. The Department requires that all equipment and gear placed on the lease must be permanently and individually marked with the lease number. There are also USACE gear marking requirements. Describe the methods and equipment used to mark the gear and the lease boundaries.
  - iv. Describe the type of gear to be used on the lease (e.g. floating bags and bottom cages). It is understandable that amount of gear may vary seasonally, please include the maximum amount to be used of each gear type proposed.
  - v. Please specify dimensions LxWxH for each type of gear.
  - vi. Describe the makeup of the physical structures to be used (material type, wire gauge, brand, etc.). If cages are stacked, indicate how many per stack and the total height of the stack unit that will be used.
  - vii. Describe any safety and security equipment used on the lease (securing equipment, etc.).
  - viii. Include the gear's approximate orientation and location on site. If the plan involves lines, please describe how many lines will be arranged and the maximum number of lines per acre. Please describe any structures and anchoring that will be used. If you plan to incorporate resubmergence prior to harvest, please include what gear/arrangement will facilitate that.
  - ix. Describe how the lease will be built out, accessed, and maintained. Describe the activity—seasonally/weekly/daily, as applicable. Please include methods of cultivation. (example: Lease will be surveyed and



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then boundary markers placed in April. Seed will be purchased at approximately 6 mm size, put in envelope bags held in bottom cages. Anticipating 3 seed purchase events in late spring, mid-summer, and early fall. Each seed 'batch' cleaned and sorted monthly (weekly visits to lease) until late fall. When oysters reach approximately 25 mm, they will be tumbled and moved to submerged suspended lines on the lease. Oysters reaching 70 mm will be harvested. Oysters and gear will be checked at least every two to four weeks through winter, including after storms. Starting in spring, oysters and gear will be cleaned and sorted and spring/summer schedule will resume.

- x. Describe the practices and procedures used during harvest, storage, transportation, and sale of the cultured shellfish.
- xi. Describe any predator control used, if applicable, and bird deterrence measures. Bird deterrence should be a consideration of every lease. Floating or suspended equipment will require bird deterrence.
- xii. The applicant will be asked to agree to statements concerning shellfish sanitation and safe shellfish growing/harvesting. These statements include:
  - 1. If bird deterrence measures are deemed ineffective by DNREC, Division of Watershed Stewardship, the bird deterrence measures will be replaced with more effective bird deterrence strategies and the Operations Plan will be updated accordingly.
  - 2. As the intended lessee, I am responsible for retrieving no longer used/unmoored/broken equipment from both on and off the lease; any shellfish in gear lost from the lease (e.g. unmoored during a storm) and then recovered will be held on the lease for at least 120 days prior to harvest, which will be documented on a record log.
  - 3. Resubmergence means that oysters will be held at greater than 18" below MLW for at least 14 days before harvest. As a lessee, I will complete this resubmergence if required.



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4. If any seed is sourced from water classified as Prohibited, the seed will be grown out on the lease for at least 120 days prior to harvest, and this will be documented on a record log.
      5. No poisonous or deleterious substances will be introduced to the water from the shellfish aquaculture activities.
    - xiii. Schematics are required. These should include a top view schematic and a cross-section schematic to depict structures as they appear in the water column. If the profile of the intended lease area differs greatly from one section to another, or multiple gears/species will be used or grown, then please attach more than one diagram to accurately depict the operation. Each schematic should be on its own 8.5"x11" page. On the schematics, mark MHW and MLW—use actual depth from the requested lease location. Include the distance of gear(s) from bottom and from surface. Any “semi-permanent” support structures (7 DE Admin. C. 3801-2.0) should be identified as such in the schematics. The schematics should include location, arrangement of proposed gear, any support/structural equipment, floats, and anchoring that will be used.
3. Application fee. The application fee is \$300, and this can be submitted in check or money order made out to the Delaware Division of Fish and Wildlife. Please send the application fee when the application is submitted to: Attn: Rebecca Hoover, Shellfish Aquaculture/DNREC, Division of Fish and Wildlife/89 Kings Hwy/Dover, DE 19901. Credit card payments of the application fee may also be arranged. Please email [ibshellfish@delaware.gov](mailto:ibshellfish@delaware.gov) or call Zina Hense at (302)735-2960 when submitting the application if you prefer to pay by card.
4. Leasing via company or corporation. Leases may be issued to people, partnerships, or companies. If the applicant is a company or corporation, please be ready to upload or supply a copy of the company’s bylaws or operating agreement when filling out the application.
5. Total amount of acreage leased. Delaware law limits each person, partnership, or corporation to a combination of up to five acres in Rehoboth and Indian River Bays combined, and/or up to five acres in the Little Assawoman Bay. Each person that is an owner or partner in a leasing company, on its board, or has a legal/controlling



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interest in a partnership, corporation or company will be credited with all of the acres that the partnership, corporation or company leases.

6. Costs for the lease. There are costs associated with applying for/setting up the lease and then there are ongoing costs of maintaining and working the lease. The costs associated with the lease application and yearly leasing include:
  - a. The application fee is \$300.
  - b. There is an annual lease fee of \$100/acre/year (resident) or \$1,000/acre/year (non-resident).
  - c. Maintaining required liability insurance and performance bond on the lease (these fees are not paid to the State, the lessee obtains them on their own). These costs vary, depending on market rate, gear used, size of lease, personal credit, etc.
7. How long does the application process take? 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 questions from the Division of Fish and Wildlife, etc. The applicant has one 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 to other applicants.
8. Is floating gear allowed? Floating gear is allowed on Delaware Inland Bays shellfish aquaculture leases; however, if the shellfish in the gear are held within 18” of the surface at MLW, then the grower should plan for resubmergence prior to harvest. The resubmergence should be noted in the Operations Plan.
9. How do I submit an application? The application may be filled out and submitted online. The link to the application is available on the [DNREC Shellfish Aquaculture webpage](#). Potential applicants may also request that pdf versions or hard copies of the application be provided to them through contact information found on the same webpage. Those applications may be submitted via email or USPS.