



Shellfish Lease Program

October 15, 2016

Department of Environmental Quality



NC Shellfish Lease History



- The State of North Carolina has provided for the private use of public trust waters for the production of shellfish by the cultivation of unproductive bottom by allowing this bottom to be leased to residents of North Carolina since 1858.
- In 1989 legislation was enacted to allow the use of the water column above existing shellfish leases. The first water column lease was issued in 1991.

2015	Total Leases	Total Acreage
Franchise	51	519.66
Shellfish Bottom	184	1,183.79
Water Column	34	104.54
Totals	269	1,807.98

Types of Leases

- Shellfish Bottom Lease:
 - On or within 18 inches of leased bottom



- Water Column Amendment:
 - Devices or equipment not resting on the bottom or extending more than 18 inches above the bottom
 - Bottom lease required



Shellfish Lease Standards

- **Authority:** General Statute 113 – 202 the Secretary of DEQ may grant shellfish leases to NC residents for the production of shellfish
- **Standards:**
 - Suitable for culture and harvest of shellfish in commercial quantities
 - Area must not contain a natural shellfish bed (10 bushels/acre)
 - Compatible with other uses – navigation, fishing, recreation
 - Operation will not impinge upon riparian owners rights (<100 feet)
 - Area not designated for inclusion in DEQ Shellfish Management Program
 - May not be in an area closed for shellfish harvest due to pollution
 - Leased area 1/2 – 5 acres; mechanical harvest area ≤ 10 acres (*May 2017*)
 - Submerged aquatic vegetation (SAV):
 - 15% or less of samples contain submerged aquatic vegetation (SAV)
 - SAV density is very sparse (10% or less)
 - Sample during growing season (April – October)



Shellfish Lease Siting

- Bottom habitat, depth
- Adjacent land use
- Waterbody conditions
- Water quality and environmental parameter data
 - (salinity, DO, etc.)
- Long term suitability
- Restrictions, closures, moratoriums, submerged land claims
- Access
- Compact as possible, 6 corners or less
- Consultation with DMF
- The North Carolina Shellfish Siting Tool
 - <http://uncw.edu/benthic/sitingtool/>



Shellfish Lease Application Process

- Site Selection – Applicant
- Complete and submit Application Package (Mar 1 – Sept 30)
- Application fee – \$200 for bottom lease, \$100 for water column
- Site marked with Proposed Lease signs provided by DMF
- Formal site investigation
- Internal review: Fisheries Management, Shellfish Sanitation, Marine Patrol
- *Review by Division of Coastal Management*
- Recommendation to Fisheries Director on site suitability
- Director approves advancing application to Public Hearing
- Director approves/denies proposed lease based on compliance with standards, internal review, and public comment
- DMF will mark the lease with GPS and issue contract



Shellfish Lease Fees

	Bottom Lease	Water Column
Rent prorated until June 30	\$1 per acre	\$100 per acre
Annual rent	\$10 per acre per year	\$100 per acre per year
Renewal fee (10 year contract)	\$100	\$100



Marking Requirements

- Each corner shall be marked with stakes of wood or plastic a minimum of 3” in diameter and extending at least 4’ above high water
- Each corner shall have the lease # and leaseholder name in 3” letters
- Water column leases shall be marked by anchoring 2 yellow buoys
- It is unlawful to exclude the public from allowable public trust use of navigable waters on leases
- The Division has no duty to protect leases that are not in compliance with marking requirements



Production Requirements

	Bottom Lease	Water Column
Produce and Market:	10 bushels per acre	40 bushels per acre
	AND	OR
Plant:	25 bushels of seed per acre per year OR 50 bushels of cultch per acre per year	100 bushels of seed or cultch per acre per year

1 bushel of shellfish	1 bushel of cultch
300 oysters 400 clams 400 scallops	60 pounds of oyster shell 75 pounds of clam shell 40 pounds of scallop shell 90 pounds of fossil stone



Lease Transfer

- Transaction is between leaseholder and buyer
- Buyer must be a NC resident
- Contact NC DMF for transfer paperwork
- Lease needs to be in good standing prior to transfer
- Production utilization follows lease
- NC DMF can provide a lease review report to current leaseholder
 - Lease production report
 - Production and planting requirements
 - Renewal date and requirements
 - Existing boundary or marking issues



Licensing

- Standard Commercial Fishing License with Shellfish Endorsement
 - \$400 per year
 - Can be transferred or assigned
 - Eligibility pool
- Retired Standard Commercial Fishing License with Shellfish Endorsement
 - \$200 per year
 - Can be transferred, but not assigned
 - Eligibility pool
- Shellfish License
 - \$50 per year
 - NC resident
 - Cannot be transferred
- Commercial Fishing Vessel Registration
 - Fee based on boat length
 - Can be transferred



Associated No Cost Permits

- Polluted Area Relay Permit (~April 1-May15/subject to proclamation)
 - Provides the opportunity to relay of clams and oysters out of specific polluted areas to leases with Marine Patrol coordination
 - Leaseholders receive permit application in March
 - Maps, signs and permits sent to applicants
 - Lease will remain closed until reopened by proclamation (~6 weeks)
 - A transplant report required to DMF after relay period, no future relay permits will be issued if transplant report is not received
- Seed Oyster Management Area (SOMA) Permit
 - Provides the opportunity to relay oysters out of SOMAs to leases
 - Restricted to 100/bu per acre, not to exceed 1000 bu per lease
 - SOMA transplant report required to DMF by December 31



Associated No Cost Permits

- Mechanical Methods/Harvest Permit
 - Provides opportunity to use mechanical methods on shellfish leases not located within a primary nursery area
 - Annual **reviewable** permit (July 1-June 30)
 - Permit applications may take up to two weeks to review
 - Able to submit application for permit at any time during the year
- Closed Season Harvest Certification
 - Provides the opportunity for leaseholder to harvest shellfish off of lease during regular closed season (April – Sept)
 - DMF provides forms which are required for possession, sale or purchase
 - Temperature Controls: ≤ 12 hours (April – May), ≤ 5 hours (June – Sept)
 - Marine Patrol notified of growers who request Closed Season Certification



CERTIFICATION TO SHIP OR POSSESS OYSTERS FROM PRIVATE SHELLFISH LEASE OR FRANCHISE IN ACCORDANCE WITH 15A NCAC 3K .0205		
Name of Lease/Franchise holder:	O. U. Clamdigger	
Lease/Franchise Number:	1796566	5 Acres
Lease/Franchise Location:	Boque Sound	Carteret
2015 Closed Oyster Season		
Number of bushels of oysters:		
Dealer:		
Date:		Signature:



Associated No Cost Permits (cont'd)

- Aquaculture Operations Permit (AOP)
 - Produces artificially propagated stocks of marine or estuarine resources
 - Rears such stocks in a controlled environment
 - Food, predator protection, salinity, temperature controls, or water circulation utilizing technology not found in the natural environment
 - Annual renewal with report of activities
- Aquaculture Collection Permit
 - Allows for the limited collection of marine and estuarine resources for aquaculture purposes from coastal waters
 - Sale of collected resources is unlawful
 - Requires report of amount and disposition of resources collected under the permit



Associated No Cost Permits

- Importation Permit
 - Importation of native species from outside the State
 - Importation of non-native species
 - Hold or maintain imported organism in a quarantine or isolation system for broodstock or grow out
 - Requires disease assessment and applicant must show that activities will not pose a threat to native species or environments
- Aquaculture Seed Transplant Permit
 - New permit in development to allow the instate transplant of seed from nurseries/hatcheries in polluted waters to shellfish leases, permitted aquaculture operations, UDOCs.



Shellfish Lease Program Contacts

Shellfish Lease Program

1-800-682-2632

Shellfish.Lease.Permits@ncdenr.gov

Valerie Wunderly

Shellfish Lease Coordinator

252-808-8061

Valerie.Wunderly@ncdenr.gov

Tere Barrett

Aquaculture Permit Coordinator

252-808-8056

Teresa.Barrett@ncdenr.gov



<http://portal.ncdenr.org/web/mf/habitat/enhancement/shellfish-leases>

